



# BATH TOWNSHIP

Summit County, Ohio

# ZONING

3864 West Bath Road P.O. Box 1188 Bath, Ohio 44210-1188 330.666.4007 Fax:330.666.0305 www.bathtownship.org

## - Zoning Variance Application -

For office use only:	ARC File No.:	BZA File No.:	11-08
Associated permits:			

### Applicant Data

Name: Carl L. and Opal M. Duncan, Box 124, Bath 44210

Company Name: Al Warnus, P.O. Box 807 Bath 44210

Address: 2346 N. Cleveland-Massillon Road

Telephone No.: 330/659-6573

### Property Data

Zoning District: (circle one) R-1 **R-2** R-3 R-4 B-1 B-2 B-3 B-4

Corner Lot:  Yes  No Note: Corner lots are required to meet the front setback on both streets.

Property Address: 2346 & 2350 N. Cleveland-Massillon Road Parcel No.: 04-00745 04-0001

Allotment Name: \_\_\_\_\_ Lot No.: \_\_\_\_\_

Owner(s): Carl L. and Opal M. Duncan & TeleCommunity Credit Union

Owner Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

### Variance(s) Requested

Below list the specific section from the Zoning Resolution from which the variance is being sought, a description of each variance being sought, and explain the practical difficulty justifying the application for each variance being sought.

1. Section: 402-4C Description: Minimum lot width at street right-of-way.

Practical Difficulty: Existing parcel is currently land-locked. Land will continue to be land-locked post split. Purpose is to have an existing oil well on TeleCommunity Credit Union property (seller) moved to Duncan property (buyer and well owner)

2. Section: \_\_\_\_\_ Description: \_\_\_\_\_

Practical Difficulty: \_\_\_\_\_

## Martha Ferch

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**From:** William Funk  
**Sent:** Monday, April 25, 2011 1:26 PM  
**To:** Martha Ferch

Rec	Alt ID	Parid	Address	Owner 1	Owner 2
1	<a href="#">BA0000301019000</a>	0402758	CLEVELAND MASSILLON RD	GHENT INVESTORS LLC	
2	<a href="#">BA0000301020000</a>	0402759	CLEVELAND MASSILLON RD	GHENT INVESTORS LLC	
3	<a href="#">BA0000301019W01</a>	0404802	1533 MINERAL RIGHTS	DAVID A WALDRON & ASSOC INC	
4	<a href="#">BA0000303022000</a>	0402360	CLEVELAND MASSILLON RD	DOYLE SEAN A	DOYLE KERRI F
5	<a href="#">BA0000303023000</a>	0400001	2350 CLEVELAND MASSILLON RD	AC CREDIT UNION INC	
6	<a href="#">BA0000303024000</a>	0400745	2346 CLEVELAND MASSILLON RD	DUNCAN CARL L	DUNCAN OPAL M
7	<a href="#">BA0000303025000</a>	0400746	CLEVELAND MASSILLON RD	DUNCAN CARL L	DUNCAN OPAL M
8	<a href="#">BA0007401001000</a>	0401672	2368 CLEVELAND MASSILLON RD	GIRVES CARNEN S	GIRVES CARNEN S
9	<a href="#">BA0000303026000</a>	0403848	2370 CLEVELAND MASSILLON RD	GABLE GERALDINE A TRUSTEE	

[Zoom to these](#)

William Funk  
Bath Township Zoning Inspector/Administrator  
3864 W. Bath Rd.  
Akron, OH 44333  
Ph. 330.666.4007

3. Section: \_\_\_\_\_ Description: \_\_\_\_\_

Practical Difficulty: \_\_\_\_\_

4. Section: \_\_\_\_\_ Description: \_\_\_\_\_

Practical Difficulty: \_\_\_\_\_

Regarding Practical Difficulty

The factors to be considered and weighed to determine whether a property owner has encountered practical difficulties to justify an area variance are (but are not limited to) the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
2. Whether the variance is substantial;
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Contiguous Property Owners List (name & tax mailing address)

1. Geraldine A. Gable, Trustee 1163 Sellman Dr., Akron, OH 44333
2. Sean A. and Kerri F. Doyle 1148 N. Cleveland-Massillon Rd., Akron OH 44333
3. AC Credit Union, 2350 N. C-M Rd. (2500 N. Turkeyfoot Rd, Akron 44319
4. Carmen Girves 2368 N. C-M Rd. Akron 44333
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Required Site Plan Data and Architectural/Construction Drawings

1. **(Need 8 copies of site plan and plans along with a digital copy of site plan and plans) The site plan must show the following:**

- A North arrow and scale
- Existing structures and dimensions
- Driveway and road access locations (existing and/or proposed)
- Proposed structure(s) and dimensions
- All setbacks
- Roads
- Lot dimensions
- Easements and details
- Septic system and well location (if applicable)
- Indicate the location of lakes, ponds, wetlands, ravines, or other unusual topography
- Riparian Corridor(s) must be clearly indicated on all lots containing applicable watercourses
- All slopes greater than 12% must be indicated on a two (2) foot contour interval map with the contours extending at least 100 feet beyond the lot lines

2. If applicable, eight (8) copies of the building/construction plans showing major details including height data must be submitted with the application.

Applicant Certification

Applicant Signature: x Carl Runcan Date: 4/20/11

Fee – due at time of application (make check payable to Bath Township Trustees)

- for residential applications – two hundred dollars (\$200.00)
- for commercial/business applications – three hundred dollars (\$300.00)
- for major subdivisions or use variances – five hundred dollars (\$500.00)

For Office Use Only

Appearance Review Commission File No.: ARC - -

Board of Zoning Appeals File No.: BZA - -

Hearing Date: \_\_\_\_\_ Public Notice Date: \_\_\_\_\_

Published In: \_\_\_\_\_ Abutting Property Owners Notification Date: \_\_\_\_\_

- Approved       Approved with Conditions       Denied

Comments: \_\_\_\_\_

Zoning Inspector Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# BATH TOWNSHIP

*Summit County, Ohio*

May 10, 2011

## **Bath Township Board of Zoning Appeals Case No. BZA-11-08**

Notice is hereby given that the Bath Township Board of Zoning Appeals will hold a public hearing at the Bath Township Administrative Offices, 3864 W. Bath Road, Bath, Ohio on May 17, 2011 at 7:00 PM for the appeal of **Case No. BZA-11-08**, Carl & Opal Duncan, 2346 N. Cleveland-Massillon Road, Akron, OH requesting variance approval from Article IV, Section 402-4-C for reduction in minimum lot width at street right-of-way. Property is located at 2346 N. Cleveland-Massillon Road and in the R-2 Residential District.

This message is for the purpose of giving abutting property owners and other interested parties a notice of such hearing. However, this hearing is not limited to those persons receiving a copy of this notice. If you know of any property owners or affected neighbors who are interested and have not received a copy of this notice, please have them contact the undersigned.

Applicant or agent for said application must be present for this meeting.

Sincerely,

Martha M. Ferch

Deputy Zoning Inspector

cc: Board of Trustees

Board of Zoning Appeals (6)

Sharon Troike, Fiscal Officer

File

Applicant

AC Credit Union, 2500 N. Turkeyfoot Rd., Akron, OH 44319

Carl Duncan, P. O. Box 124, Bath, OH 44210

Al Warmus, P. O. Box 807, Bath, OH 44210

Carmen Girves, 2368 N. Cleveland-Massillon Rd., Akron, OH 44333

Sean Doyle, 1148 N. Cleveland-Massillon Rd., Akron 44333

Geraldine Gable, 1163 Sellman Drive, Akron, OH 44333 (2370 N. C-M Rd)



# BATH TOWNSHIP

*Summit County, Ohio*

Bath Township  
Board of Zoning Appeals  
**May 17, 2011 7:00 p.m.**  
Bath Township Administrative Offices  
3864 West Bath Road

**I. Call To Order**

**II. New Business**

**BZA-11-07**

Bath Business Association  
BBA-Consumer Supported  
Agriculture Farmer's Market  
800 Wye Road

Requesting variance approval from Article IV, Section 406-5-A for an outdoor Farmer's Market from May-October and variance from Section 501-2-B-2-a to display three temporary signs displayed on Tuesdays and Wednesdays from May-October. – B-1.

**BZA-11-08**

Carl and Opal Duncan  
2346 N. Cleveland-Massillon Road

Requesting variance approval from Article IV, Section 402-4-C for minimum lot width at street right-of-way. – R-2.

**BZA-11-09**

Randall Matejka for  
Five Guys Burgers and Fries  
3863 Medina Road

Requesting Conditional Use approval per Article IV, Section 407-3-J for an outdoor eating area and variance requests from Article IV, Section 407-4-B & C for front and side yard setback reductions for an outdoor eating area. – B-2.

**BZA-11-10**

Paul McGhee for  
Akron General Medical Center  
4125 Medina Road

Requesting variance approval from Article IV, Section 409-5-B for an outdoor Farmer's Market from June-August. – B-4.

**BZA-11-11**

Ken Stewart for Ken Stewart's Lodge  
1911 N. Cleveland-Massillon Road

Requesting variance from Article V, Section 501-4-B-1 for temporary advertising sign for use during daylight hours only. – B-1.

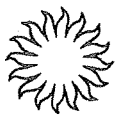
**III. Old Business**

**BZA-11-01- Tabled January 18, 2011 to May 17, 2011**

Susan Moore-Arkinetics, Inc. for  
Circle K Gas Station  
791 N. Cleveland-Massillon Road

Requesting variance(s) from Article IV, Section 406-4-B, C and D for reduction of the minimum front, side and rear yard setback and from Article IV, Section 411 for construction within the riparian setback for an addition. – B-1.

**IV. Adjourn**



# BATH TOWNSHIP

Summit County, Ohio

May 3, 2011

Leader Publication  
Classified Department  
[www.classads@akron.com](mailto:www.classads@akron.com)  
3075 Smith Road, Suite 204  
Akron, OH 44333

Dear Jessica:

Please run the following legal advertisements for one day only on Thursday, May 5, 2011.

## “Notice of Public Hearing”

Notice is hereby given that the Bath Township Board of Zoning Appeals will hold a public hearing at the Bath Township Administrative Offices, 3864 W. Bath Road, Bath, Ohio on Tuesday, May 17, 2011 at 7:00 p.m. for the appeals of: **(1) Case No. BZA-11-07**, Bath Business Association, BBA Consumer Supported Agriculture Farmer’s Market, 800 Wye Road, requesting variance approval from Article IV, Section 406-5-A for an outdoor Farmer’s Market from May to October and variance from Article V, 501-2-B-2-a for three temporary signs displayed on Tuesdays and Wednesdays. Property is located at 800 Wye Road in the B-1 Business District. **(2) Case No. BZA-11-08**, Carl and Opal Duncan, 2349 N. Cleveland-Massillon Road, requesting variance approval from Article IV, Section 402-4-C for reduction in minimum lot width at street right-of-way. Property is located at 2346 N. Cleveland-Massillon Road and in the R-2 Residential District. **(3) Case No. BZA-11-09**, Five Guys Burger and Fries, 3863 Medina Road requesting Conditional Use Approval per Article IV, Section 407-3-J for an outdoor eating area and variance requests from Article IV, Section 407-4-B & C for a front and side yard setback reduction for an outdoor eating area. Property is located at 3863 Medina Road in the B-2 Business District. **(4) Case No. BZA-11-10**, Paul McGhee for Akron General Medical Center, 400 Wabash Avenue, Akron, Ohio requesting a variance from Article IV, Section 409-5-B for an outdoor Farmer’s Market from June to August. Property is located at 4125 Medina Road in the B-4 Business District. **Case No. BZA-11-11**, Ken Stewart for Ken Stewart’s Lodge, 1911 N. Cleveland-Massillon Road requesting variance from Article V, Section 501-4-B-1 for temporary advertising sign for use during daylight hours only. Property is located at 1911 N. Cleveland-Massillon Road in the B-1 Business District.

Applications are on file at the Township Administrative Offices and available for viewing. All meetings are open to the public.

*Wm J. Funk Jr.*

William J. Funk Jr.  
Zoning Inspector/Administrator

**Send invoice and affidavit of publication to:** Bath Township Trustees, c/o Sharon A. Troike, Fiscal Officer, P.O. Box 1188, Bath, OH 44210-1188

cc: **Anne Motz - Accounts Payable, Case No. BZA-11-07, 08, 09, 10 and 11.**

## Martha Ferch

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**From:** classads@akron.com  
**Sent:** Tuesday, April 26, 2011 2:22 PM  
**To:** Martha Ferch  
**Subject:** RE: BZA Legal Ads for May, 2011  
**Attachments:** top.letterhead

Thank you, I have you scheduled for May 5th.

Jessica

***The West Side Leader covers Bath, Boston, Copley, Cuy. Falls, Fairlawn, Norton, Peninsula, Richfield, Sharon & West Akron. Reaches 43,000 households***

***The South Side Leader covers, Green, Coventry, Springfield, Lakemore, New Franklin. Reaches 22,000 households.***

**Classified Ads are also posted on-line at our [www.akron.com](http://www.akron.com) website at no additional charge.**

Jessica

**DEADLINE FOR CLASSIFIEDS** (submissions, changes, cancellations, and payments by: Tuesday by 12:00 Noon for that week's issue)

Classified Department  
Leader Publications  
3075 Smith Road  
Suite 204  
Akron, OH 44333  
Ph: 330-665-9595  
Fax: 330-665-9590  
e-mail: [classads@akron.com](mailto:classads@akron.com)  
website: [www.akron.com](http://www.akron.com)

----- Original Message -----

Subject: BZA Legal Ads for May, 2011  
From: "Martha Ferch" <[mferch@BathTownship.org](mailto:mferch@BathTownship.org)>  
Date: Tue, April 26, 2011 10:36 am  
To: <[classads@akron.com](mailto:classads@akron.com)>

Please put this legal ad in for Thursday, May 5, 2011 in the West Side Leader.  
Thanks. Marty

**LEGAL NOTICES**

**Notice of Public Hearing**

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William J. Funk Jr.  
Zoning Inspector/Administrator

\$ 200.00 **POSTED** Date 4/25 20 11 23508

**OFFICE OF THE TOWNSHIP FISCAL OFFICER**

Bath Township, Summit County, Ohio

Received of Carl & Opal Duncan  
two hundred dollars: 00/00 Dollars

For BZA 11-08  
213-03-113-4-5-2510

J A Dreib Fiscal Officer

Signature of party making payment

Dayton Legal Blank, Inc., Form No. 10066

**RECEIPT** DATE 4-22-11 NO. 220813

RECEIVED FROM Carl & Opal Duncan

ADDRESS 2346 413th Ave - Mansfield  
Two hundred dollars \$ 200.00

FOR BZA-11-08

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<u>3145</u>
BALANCE DUE		MONEY ORDER	

BY Martha Feibel

©2001 REDIFORM © 81808

**BATH TOWNSHIP ZONING DEPARTMENT**

Date 4/22/11 Receipt # 220813

Name Carl & Opal Duncan

Amount 200.00  Check No. 3145  Cash

Please credit the Zoning and other funds with the following:

- Zoning Permit Fee (213.03.113.4.5.2500) \$ \_\_\_\_\_ ZC Permit No. \_\_\_\_\_
- Zoning Appeals Fee (213.03.113.4.5.2510) BZA Case No. 11-08
- Zoning Commission Case Fee (213.03.113.4.5.2520) ZC Case No. \_\_\_\_\_
- Miscellaneous Zoning Fees (213.03.113.4.5.2530) Circle: Copies; Resolution; Comp Plan; Map S-L
- Subdivision Fee (213.03.113.4.5.2540) SP No. \_\_\_\_\_
- Bath Directories (101.09.111.4.5.6690) No. of Directories \_\_\_\_\_
- Non-resident Park Fee (212.04.510.4.6.6210) Date of Rental \_\_\_\_\_
- Parking Fee-Nature Preserve (212.04.510.4.6.6220) Resident \_\_\_\_\_ Non-Resident \_\_\_\_\_
- Other

Use ONE form for each account credit issued.  
Attach appropriate documentation with each credits.

