



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

- Conditional Use Application -

For office use only:	ARC File No.: 11-111	BZA File No.: 11-09
Associated permits:		

Applicant Data

Name: RANDALL MATEJKA

Company Name: DESIGNWISE, INC.

Address: 4300 BROOKPARK RD. SUITE 5 CLEV, OH 44134

Telephone No.: 216-956-5761

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: 3863 MEDINA ROAD Parcel No.: 05-00160

Allotment Name: FIVE GUYS BURGERS & FRIES Lot No.: _____

Owner(s): WEST MARKET PLAZA LIMITED PARTNERSHIP

Owner Address: 1350 W. 3RD ST, CLEV., OH 44113

Telephone No.: 216-464-2860

Conditional Use(s) Requested

Below list the specific section of the Zoning Resolution referencing the conditional use being sought as well as a description of each use.

1. Section: 407-3-J Description: INSTALLATION OF AN EXTERIOR DINING PATIO w/ BLACK ALUM. PICKET FENCE/LANDSCAPING

2. Section: _____ Description: _____

3. Section: _____ Description: _____

4. Section: _____ Description: _____

Contiguous Property Owners List (name & tax mailing address)

- 1. ~~PRIVATE RESTAURANT PROPERTIES LLC, (TACO BELL)~~ ^{POB 35370}
~~5000 W. MARKET ST. AKRON OH 44333~~ ^{Louisville, KY 40232-5370}
- 2. * MC DONALD'S CORP. 5681 RiverStyx Rd, Medina, OH 44256
- 3. * (3875 MEDINA RD. AKRON OH 10 44333)
- 4. WestMarket Plaza Ltd, 1350 W. 3rd St, Cleveland, OH 44113
- 5. _____
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____

Data Required With Conditional Use Application (8 copies of each along with a digital copy of site plan and plans)

- 1. Site plan as specified in **Article III, Section 301-5.**
- 2. Complete plans and specifications for all proposed development and construction, and where appropriate, reclamation.
- 3. A statement supported by substantiating evidence regarding the requirements enumerated in **Article VIII, Section 801-2.**
- 4. Applicant shall state a reasonable time to complete development plans or proposed structure.
- 5. The recommendations of the Appearance Review Commission as specified in **Article XI.**

Applicant Certification

Applicant Signature:  Date: 4/21/11

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

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.: 11-11	BZA File No.: 11-09
Associated permits:		

Applicant Data

Name: RANDALL MATEJKA

Company Name: DESIGNWISE, INC

Address: 4300 BROOKDALE RD SUITE 5 CLEV, OH 44134

Telephone No.: (216) 956-5761

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: 3863 MEDINA RD Parcel No.: 05-00160

Allotment Name: FIVE GUYS BURGERS & FRIES Lot No.: _____

Owner(s): WEST MARKET PLAZA LIMITED PARTNERSHIP

Owner Address: 1350 W. 3RD ST. CLEV, OH 44113

Telephone No.: 216-464-2860

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: 407-4-B Description: FRONT YARD VARIANCE FOR PATIO.
EXIST. SETBACK TO BLDG IS 74.16'. NEW SETBACK 57.39'

Practical Difficulty: _____

2. Section: 407-4-C Description: SIDE YARD VARIANCE FOR PATIO.
EXIST. SIDE YARD IS 11.70'. NEW SETBACK 0.0'.

Practical Difficulty: _____

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. PRIVATE RESTAURANT PROPERTIES, LLC (TACO BELL)
X 4000 W. MARKET ST. AKRON, OHIO 44333
X
4. MCDONALD'S CORP.
5. 3875 MEDINA RD., AKRON, OH 44333
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:  Date: 4/12/11

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

Bath Township Board of Zoning Appeals Case No. BZA-11-09

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-11-09**, Randall Matejka, Designwise, Inc., for Five Guys Burgers and Fries, 4300 Brookpark Road, Cleveland, Ohio 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.

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

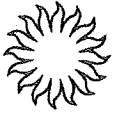
File

Applicant

Taco Bell, P. O. Box 35370, Louisville, KY 40232-5370

McDonald's Corporation, 5681 River Styx Road, Medina, OH 44256

West Market Plaza Ltd., 1350 3rd Street, Cleveland, OH 44113



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.

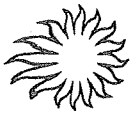
III. Old Business

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

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.

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

Martha Ferch

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 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

website: www.akron.com

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

Subject: BZA Legal Ads for May, 2011

From: "Martha Ferch" <mferch@BathTownship.org>

Date: Tue, April 26, 2011 10:36 am

To: <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

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. **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.

William J. Funk Jr.
Zoning Inspector/Administrator

POSTED
4/25/11

\$ 300.00 Date 4/25 20 11 23509

OFFICE OF THE TOWNSHIP FISCAL OFFICER

Bath Township, Summit County, Ohio

Received of Wholesome Burger
Three hundred dollars & 00/100 Dollars

For BZA 11-09
213-03-113-4-5-2510

W. A. Jacobs Fiscal Officer

Signature of party making payment _____

Dayton Legal Blank, Inc., Form No. 10066

NOTES

RECEIPT

DATE 4-22-11 NO. 220815

RECEIVED FROM Wholesome Burger

ADDRESS 15022 Detroit Ave

Three hundred dollars \$ 300.00

FOR Case BZA-11-09

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	<u>8011</u>
BALANCE DUE		MONEY ORDER	

BY Matthew Ferch

©2001 REDIFORM © 81808

BATH TOWNSHIP ZONING DEPARTMENT

Date 4/22/11 Receipt # 220815

Name Wholesome Burger

Amount 300.00 Check No. 8011 Cash

Please credit the Zoning and other funds with the following:

- Zoning Permit Fee (213.03.113.4.5.2500) \$ _____ ZC Permit No. 7
- Zoning Appeals Fee (213.03.113.4.5.2510) BZA Case No. 11-09
- 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.

Bath Township Zoning Department

Appearance Review Commission

Bath Township, 3864 West Bath Road, Bath, Ohio, 44210, Phone: 330.666.4007

Case #

Meeting Date

Site Name

Site Address

Applicant

Type of Review

Site Plan Elevations Photographs Landscaping Illumination

Presentation Comments

Commission Comments

Decision

Motion by

Seconded by

Number of aye

Number of nay

Motion carried

Martha Ferch, Deputy Zoning Inspector 