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Board of Zoning Appeals

Documenter name: Emily Anderson
Agency: Akron Board of Zoning Appeals
Date: Nov. 29, 2023
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Summary

- The Kirat Community Organization of Ohio got approval to start construction on a new temple in the Chapel Hill neighborhood.
- Notification of this meeting was given to residents surrounding the property where the new temple will be built. Two residents attended the meeting–one in favor of the construction and one against it.
- Both residents brought up concerns over water run-off in the area. Standing water and run-off is a big problem in this neighborhood, they said.

Follow-Up Questions

- The term “combination sewer” came up several times. What is this? What is Akron doing to improve the run-off situation in this neighborhood and others?
- Who is funding this new temple? What are some positive impacts it will have on the Bhutanese community in North Hill and Greater Akron?
- How long will construction take and when will it start?
- Who are the members of BZA? (The rooster online did not seem to match those in attendance.)

Notes

The Scene

This meeting was held in City Council Chambers at 9 a.m. Upon arrival, the agenda and memos were still not available online, but they did have hard copies printed out for

everyone in attendance. There are nine people total (including me) in the audience.

The room is well-lit and speakers were easily heard and seen, but the board members did not identify themselves.

Goals

On the agenda today is one appeal - APPEAL #11-2023-Z - The Kirat Community Organization of America wants to establish a temple at 1333 Betana Ave.

Presentation of the appeal issue

The appeal is presented by a representative of The Kirat Community Organization of America and the architect leading the project, David Smith.

Smith presented paper drawings of plans for the property. The microphone malfunctioned, so he just spoke loudly. The plans were impossible to see from the audience, and they were not the same as what we had in our printouts. They did bring each sheet back to the audience after it was presented so that we could look closer.

Areas of concern

Residents in attendance are very concerned about the water runoff/retention pond/combination sewer situation in the neighborhood.

The BZA website isn't great. Couldn't find any information on the members of the board of how they got appointed.

Board members did not identify themselves at any point.

Outcomes

The board unanimously approved the appeal. Minutes from the last BZA meeting are also approved.

Meeting Notes

BEFORE
The Board of Zoning Appeals was formed in 1922, and, by charter, consists of five citizens appointed by the mayor with the consent of City Council. Each member serves a five-year term.

The board generally considers variances or exceptions to the strict interpretation of the

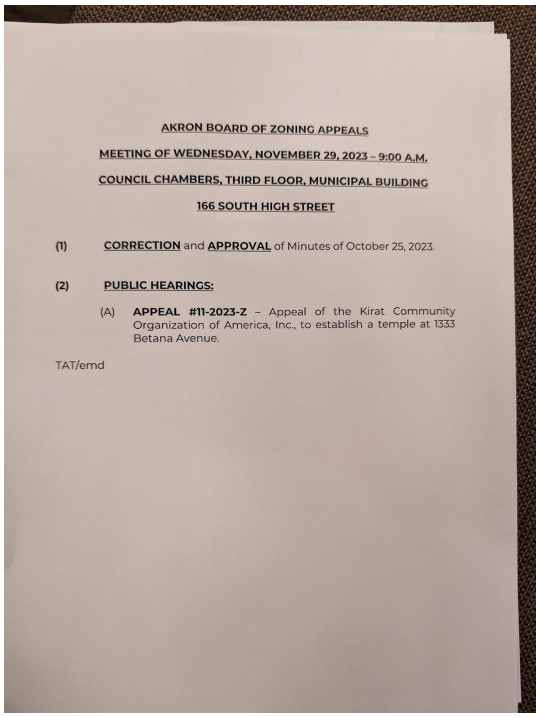
zoning code. Examples include varying the height of a garage, building over the setback line, and varying a side yard or rear yard. Board of Zoning Appeals meetings are held on Wednesdays as scheduled on the calendar beginning at 9 a.m, in City Council Chambers on the 3rd floor of 166 S. High Street in downtown Akron.

- The board can only grant a variance or exception that is within the limited authority granted by the City Council. There is a non-refundable filing fee of $250 for an appeal.
- The BZA is part of the Department of Planning and Urban Development.
- Members listed on the Akron website - Sara Avalos, Bruce Bolden, Perry Clark, Candice Eberhardt and Sara Johansen.
- The agenda for this meeting was not available online before the meeting took place.

DURING

Agenda:

(1) CORRECTION and APPROVAL of minutes of Oct. 25
(2) PUBLIC HEARINGS:
    (a) APPEAL #11-2023-Z- Appeal of the Kirat Community Organization of America to establish a temple at 1333 Betana Ave.



AKRON BOARD OF ZONING APPEALS

MEETING OF WEDNESDAY, NOVEMBER 29, 2023 – 9:00 A.M.

COUNCIL CHAMBERS, THIRD FLOOR, MUNICIPAL BUILDING

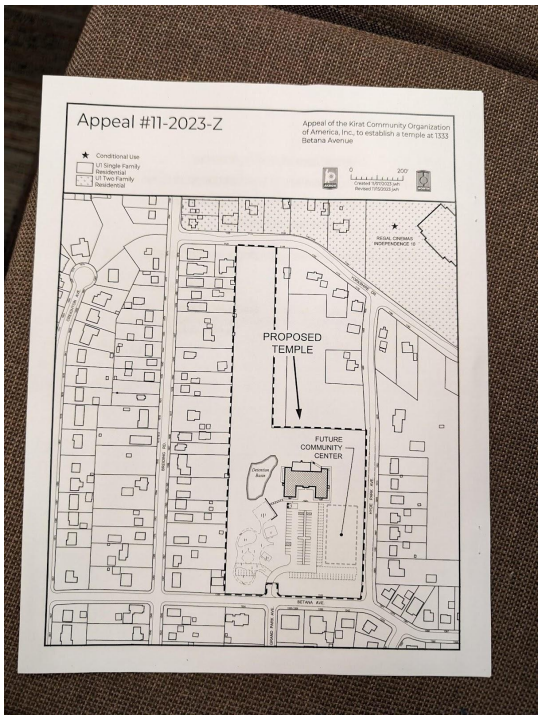
166 SOUTH HIGH STREET

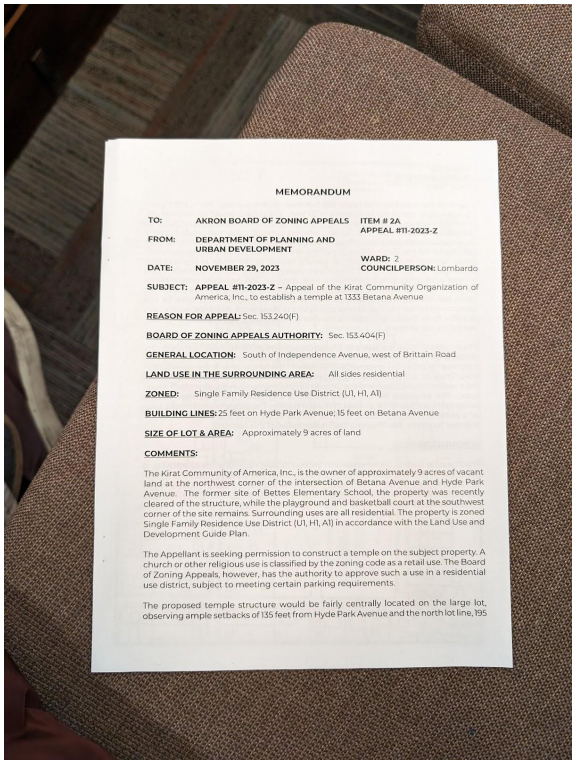
(1) **CORRECTION** and **APPROVAL** of Minutes of October 25, 2023.

(2) **PUBLIC HEARINGS:**

(A) **APPEAL #11-2023-Z** – Appeal of the Kirat Community Organization of America, Inc., to establish a temple at 1333 Betana Avenue.

TAT/emd





MEMORANDUM

TO: AKRON BOARD OF ZONING APPEALS — ITEM # 2A APPEAL #11-2023-Z

FROM: DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT

DATE: NOVEMBER 29, 2023 — WARD: 2 COUNCILPERSON: Lombardo

SUBJECT: APPEAL #11-2023-Z – Appeal of the Kirat Community Organization of America, Inc., to establish a temple at 1333 Betana Avenue

REASON FOR APPEAL: Sec. 153.240(F)

BOARD OF ZONING APPEALS AUTHORITY: Sec. 153.404(F)

GENERAL LOCATION: South of Independence Avenue, west of Brittain Road

LAND USE IN THE SURROUNDING AREA: All sides residential

ZONED: Single Family Residence Use District (U1, H1, A1)

BUILDING LINES: 25 feet on Hyde Park Avenue; 15 feet on Betana Avenue

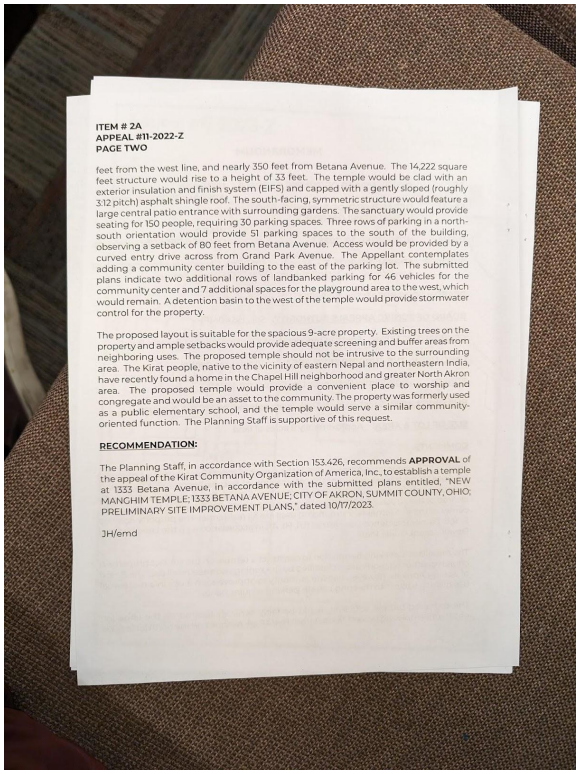
SIZE OF LOT & AREA: Approximately 9 acres of land

COMMENTS:

The Kirat Community of America, Inc., is the owner of approximately 9 acres of vacant land at the northwest corner of the intersection of Betana Avenue and Hyde Park Avenue. The former site of Bettes Elementary School, the property was recently cleared of the structure, while the playground and basketball court at the southwest corner of the site remains. Surrounding uses are all residential. The property is zoned Single Family Residence Use District (U1, H1, A1) in accordance with the Land Use and Development Guide Plan.

The Appellant is seeking permission to construct a temple on the subject property. A church or other religious use is classified by the zoning code as a retail use. The Board of Zoning Appeals, however, has the authority to approve such a use in a residential use district, subject to meeting certain parking requirements.

The proposed temple structure would be fairly centrally located on the large lot, observing ample setbacks of 135 feet from Hyde Park Avenue and the north lot line, 195



ITEM # 2A
APPEAL #11-2022-Z
PAGE TWO

feet from the west line, and nearly 350 feet from Betana Avenue. The 14,222 square feet structure would rise to a height of 33 feet. The temple would be clad with an exterior insulation and finish system (EIFS) and capped with a gently sloped (roughly 3:12 pitch) asphalt shingle roof. The south-facing, symmetric structure would feature a large central patio entrance with surrounding gardens. The sanctuary would provide seating for 150 people, requiring 30 parking spaces. Three rows of parking in a north-south orientation would provide 51 parking spaces to the south of the building, observing a setback of 80 feet from Betana Avenue. Access would be provided by a curved entry drive across from Grand Park Avenue. The Appellant contemplates adding a community center building to the east of the parking lot. The submitted plans indicate two additional rows of landbanked parking for 46 vehicles for the community center and 7 additional spaces for the playground area to the west, which would remain. A detention basin to the west of the temple would provide stormwater control for the property.

The proposed layout is suitable for the spacious 9-acre property. Existing trees on the property and ample setbacks would provide adequate screening and buffer areas from neighboring uses. The proposed temple should not be intrusive to the surrounding area. The Kirat people, native to the vicinity of eastern Nepal and northeastern India, have recently found a home in the Chapel Hill neighborhood and greater North Akron area. The proposed temple would provide a convenient place to worship and congregate and would be an asset to the community. The property was formerly used as a public elementary school, and the temple would serve a similar community-oriented function. The Planning Staff is supportive of this request.

RECOMMENDATION:

The Planning Staff, in accordance with Section 153.426, recommends **APPROVAL** of the appeal of the Kirat Community Organization of America, Inc., to establish a temple at 1333 Betana Avenue, in accordance with the submitted plans entitled, "NEW MANGHIM TEMPLE; 1333 BETANA AVENUE; CITY OF AKRON, SUMMIT COUNTY, OHIO; PRELIMINARY SITE IMPROVEMENT PLANS," dated 10/17/2023.

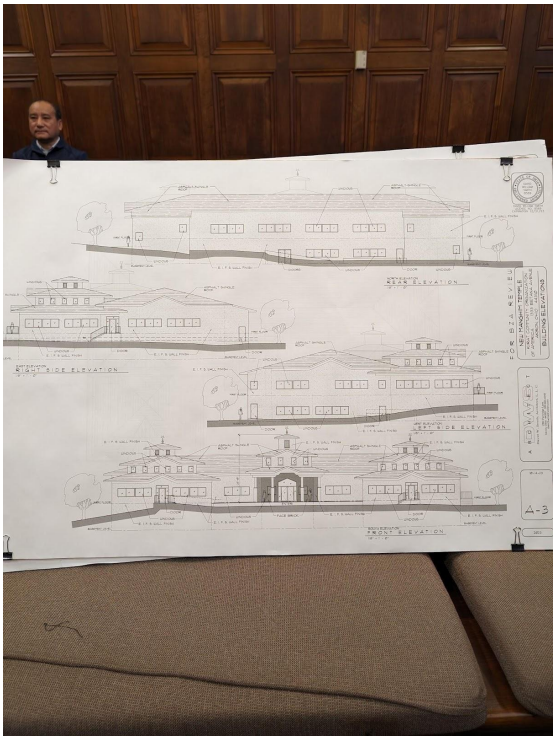
JH/emd

- One item was on the agenda - APPEAL # 11-2023-Z - Appeal of the Kirat Community Organization "The Kirat Community Organization of Ohio, Inc., (KCOO) is a non-profit organization. It is organized exclusively for religious, cultural, educational, and charitable purposes under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. Some of the main objectives of the organization are as follows: to practice, preserve, and promote Kirat religion and culture, to communicate and advocate for necessary support and assistance to the Kirat community members,.
- "A Kirat Community Center that would comprise a National Manghim (i.e. House of God) and a community hall in Akron, Ohio."

- 9 a.m. board members entered and took their seats. No name cards or identification.
- Board member one started the meeting off with an explanation of the proceedings.
- John York, assistant law director, swore in everyone set to testify.
- Another board member read the memo.
- Anyone speaking in favor of the appeal was invited to come up to the front of the room. Two people – the architect, David Smith, and an advisor to the Kirat

community approached with large plans on paper to explain the design to the board. Smith explained their proposed layout and design of the property.

- John Capsky, who would speak against the appeal later, complained that he could not see the plans from where the audience sat. The board told him they needed to see them too, so as Smith presented, each drawing was sent back for Capsky to see up close.
- 1333 Betana Ave. was previously home to Bettes Elementary School, and the community center will keep the current playground intact.
- The temple will include a sanctuary for up to 150 people, a dining hall, a full kitchen, and community space, in 14,000 square feet total.
- The design and architecture of the building will incorporate elements of the Kirat religion, such as the three-tiered roof.
- The parking lot will be in front of the temple, with space for the future construction of a community center adjacent.
- They'll have a stormwater retention pond on the property so as not to overwhelm the sewers.
- Outdoor space will include the existing playground, gardens, and space for outdoor ceremonies



- The advisor for the Bhutanese community explained a bit about the Kirat faith and said they hope the neighborhood will be as welcoming as it has been so far.

- Resident Sally Olivera from Brighton Road spoke in favor of the appeal but said she has major concerns about the runoff water situation. Olivera said that the whole area has natural springs and that they've always had problems with water. She said neighbors also want to know what the plan is for the strip of land between where the temple will sit and her property (It's a steep, rocky strip going along the entire property.)
    - Smith told Olivera that, in collaboration with engineers and the city, they will not be allowing any runoff from the Kirat property onto any neighboring streets. He said there is no plan currently for the slope, but that it could be planted as a garden in the future.
    - A member of the board reminded the room that any future developments on this site that aren't included today will have to get approved by the board.
    - Olivera said this neighborhood is full of good neighbors and they are in support of the new temple.

- Appeal opponents were invited to come up.
- Capsky approached with several concerns. He's worried the combination sewers won't be able to handle the runoff. He said that when he tried to build new homes in 1995, the neighborhood voted against him installing a stormwater retention pond for safety reasons. He also is concerned about the increase of traffic on surrounding roads. He said kids from the playground already come onto his property and he felt that outdoor ceremonies will be too close to his land, causing people to come onto his property. Capsky also pointed out that nearby the Regal Cinemas property has a retention pond that is "a stinky swamp" infested with raccoons and mosquitos. He complained about increased property taxes and homeless people camping in the neighborhood.
- Olivera came back up to the podium and agreed with what Capsky said about the retention pond, asking about what new technology could be utilized instead of a pond.
    - A board member addressed Olivera's question, telling her that the retention pond is what is going to keep the sewers from being overwhelmed, which will prevent runoff.
- A board member reminded the room that because this is a church, it doesn't have to be approved by the City Council, just the BZA. This same rule applies to schools in Akron.
- Another board member verified that all the surrounding residents of 1333 Betana Ave. were notified of these plans and this meeting.
- Motion to approve APPEAL #11-2023-Z unanimously passes.

- Minutes from Oct. 25 meeting are approved.
- Motion to adjourn at 9:41 a.m.