

Zoning Compliance Report

FINAL REPORT

PROJECT NUMBER:

16-0589-001

REPORT DATE:

01-26-2016



**Akron Office Building
123 Market Street
Akron, OH 44308**

This report was prepared for:

Certified Parties specified by the client

*In addition to:
CREsurveys, Ltd.*

Submitted by: *Jack Stanton, Zoning Manager*

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Disclaimer: The conclusions of this report are based upon information available in the public records, statements of public officials, and an examination of the survey, appraisal or other documentation provided to CREzoning. CREzoning disclaims liability for any inaccuracy of the public records, facially reasonable statements of public officials or any documentation provided to CREzoning. This report is not a legal opinion and should not be construed as one. CREzoning is not a legal consultant and does not provide legal advice.

1) Summary of Findings

This Summary of Findings provides the reader a synopsis of the property conformance and available documents.

a) Conformance Status

	Conforming	Non-Conforming
Use:	X	
Setback:		X
Parking:	X	
Height:	X	
Area:	X	
Density:	X	

b) Back-Up Documentation

	Status
Zoning Verification Letter:	Received
Certificates of Occupancy:	Received
Code Violations:	Received
Special Permitting & Zoning Conditions:	Received
Building Permits:	Received

c) Executive Summary

Background

The subject property is an office building located at 123 Market Street in the City of Akron, Ohio. The subject property is located within the GC, General Commercial Zoning District.

The subject building was originally constructed in 1970. The City of Akron zoning ordinance was last amended in 2009.

The Conformance Status table provides an in-depth look at each property characteristic. Also an overall "Status" of the property's conformance is provided.

Conformance Status

Status: LEGAL NONCONFORMING.

The subject property's current use and structure were legally approved and constructed prior (1970) to the adoption of the current zoning ordinance requirements (2009) and any current nonconforming issues would be considered legal nonconforming.

Use:

The subject property's current use is a permitted use in the GC District and the current use is considered legal conforming.

Setback:

The subject property is NOT in compliance with the setback requirement set forth in the zoning ordinance.

Height:

The subject property is in compliance with the height requirement set forth in the zoning ordinance.

Area:

The subject property is in compliance with the area requirement set forth in the zoning ordinance.

Density:

The subject property is in compliance with the density requirement set forth in the zoning ordinance.

Parking:

The subject property is in compliance with the parking requirement set forth in the zoning ordinance.

The "Right to Rebuild" section is provided to show the interested parties the ability to rebuild a nonconforming use or structure in the event that the subject were to be destroyed.

Right to Rebuild

(Enclosure 04. Nonconforming Uses)

Any nonconforming structure or building, or portion thereof, that is substantially improved (reconstructed, rehabilitated, altered or demolished) to the extent that the cost of such improvement equals or exceeds a cumulative total of 50 percent of the current assessed value of the structure before the start of construction of the improvement may only be reconstructed at, but not to exceed, the lawful density or intensity existing at the time of destruction; provided, however, that the reconstruction of the structure is consistent with federal, state and local regulations and all the other provisions of this chapter. Any such alteration, demolition, reconstruction or rebuilding must be recorded with the Division of Development Services for the purpose of establishing the value upon which subsequent alterations, demolition, reconstructions or rehabilitations will be based.

Structures damaged by fire or other natural forces to the extent that the cost of their reconstruction or repair exceeds 50 percent of the replacement cost of the structure may be reconstructed at, but not to exceed, the legally documented actual use, density and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style and type of their original construction, including their original square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, local building and life safety regulations, and other local regulations that do not preclude reconstruction otherwise intended by the Lee Plan and Lee County Ordinance No. 95-14, as amended from time to time.

2) Site and Ordinance Summary

a) Site Summary

Size of Property:	92,325 SF / 2.12 Acres
Building Size (GFA):	75,000 SF
Building Footprint:	15,000 SF
Number of Building(s):	One (1)
Number of Existing Units:	Five (5)

b) *Zoning Summary*

Jurisdiction:	City of Akron
Zoning District(s):	GC, General Commercial District
Existing Land Use:	Office Building
Authorized Land Use:	General & Medical Office

When the municipality provides Special Permitting, the information is listed below. Variances, Special/Conditional Use Permits, Rezoning Approvals, etc.

3) **Special Permitting**

The subject property was rezoned from R-1S, Residential Single Family to GC, General Commercial District by way of Resolution Z-69-077 in October of 1969.

In April of 2003, the subject property had extensive renovations and Site Plan Review was approved by the City of Akron. A copy of the Site Plan is located in the Enclosure section of this report.

4) **Code Violations**

Building:	Per Nicholas Smith, Senior Code Enforcement Officer, there are no open building code violations.
Zoning:	Per Jonathon Williams, Senior Planner, there are no open zoning code violations.

5) **Certificates of Occupancy**

The subject property has been issued multiple Certificates of Occupancy, most recently in January of 2014, copies of which are located in the Enclosure section of this report.

6) Adjacent Property Zoning

North:	GC, General Commercial
South:	BC, Business Commercial
East:	GC, General Commercial
West:	GC, General Commercial

7) Property Specifications

a) Setback

	Required	Existing
Front:	10 Feet	22.4 Feet
Side:	5 Feet	10.4 Feet
Street Side:	10 Feet	15.3 Feet
Rear:	15 Feet	12.5 Feet
Are the existing Building Setbacks conforming?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Required: Enclosure 02. Zoning District Requirements

Existing: Enclosure 08. ALTA Survey

All Property Specification Tables Reference the "Required Enclosure" as well as the "Existing Enclosure".

b) Height

	Allowed	Existing
Minimum:	None Required	N/A
Maximum:	120 Feet or 10 Stories	64.3 Feet / 5 Stories
Is the existing Height Requirement conforming?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Required: Enclosure 02. Zoning District Requirements

Existing: Enclosure 08. ALTA Survey

c) Area

	Allowed	Existing
Maximum Lot Area:	None Required	92,325 SF / 2.12 Acres
Minimum Lot Area:	2 Acres	92,325 SF / 2.12 Acres
Minimum Lot Depth:	150 Feet	Approx. 350 Feet
Minimum Lot Width:	90 Feet	Approx. 260 Feet
Minimum Road Frontage:	100 Feet	195.00 Feet (Market)
Are the existing Area Requirements conforming?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Required: Enclosure 02. Zoning District Requirements

Existing: Enclosure 08. ALTA Survey

d) Density

	Allowed	Existing
Maximum Floor Area Ratio:	1.0 FAR	0.81 FAR
Maximum Lot Coverage:	25% (Building)	16.25%
Maximum Units per Acre:	None Required	N/A
Minimum SF per Unit:	None Required	N/A
Are the existing Density Requirements conforming?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Required: Enclosure 02. Zoning District Requirements

Existing: Enclosure 08. ALTA Survey

e) **Parking**

Formula:

General Office: 1 space per 1,000 SF

The Parking Section includes the existing property use formula, calculation and parking requirement.

	Required	Existing
Number of Spaces:	75 Spaces	89 Spaces
Are the existing Parking Requirements conforming?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

*Required: Enclosure 03. Parking Requirements
 Formula: (75,000 SF Office / 1,000 SF) = 75 Spaces
 Existing: Enclosure 08. ALTA Survey*

8) **Zoning Officials Contacted**

NAME: Jonathan Williams
TITLE: Senior Planner
ADDRESS: 54 Main Street, Akron, OH
PHONE: (330) 476-2987

NAME: Nicholas Smith
TITLE: Senior Code Enforcement Officer
ADDRESS: 54 Main Street, Akron, OH
PHONE: (330) 476-2990

We provide a list of all municipal contacts who have provided pertinent information that was included within the Zoning Report.

9) **Additional Comments**

Additional Setback Requirement:
 Waterbody Setback: 20 Feet

Additional Comments that don't normally fall within our Property Specification Tables will be stated within the Additional Comments Section.

10) Comments

a) *General Comments:*

All information contained within this report was derived from: The City of Akron Zoning Ordinance and Map, a Zoning Verification Letter from the City of Akron, Certificates of Occupancy, Approved Site Plans, Zoning Resolution 69-077, and an ALTA Survey.

The determination of front, rear and side setbacks set forth in this report are open for interpretation by the local municipality. CREzoning, LTD can NOT certify to the reliability of the same.

b) *Unless otherwise stated the following items are beyond the scope of this zoning report:*

Landscaping, Signage Restrictions, Lighting Restrictions, FAA Height Restrictions, Minimum Open Space Requirements, Maximum Parking Lot Coverage Restrictions, Deed Restrictions, Covenants Conditions & Restrictions, Title Report Review, Accessory Structures, HOA Restrictions, ADA Requirements, Loading Spaces, Design Guidelines, State & Health Code Requirements

c) *Surveyor:*

COMPANY: CREsurveys

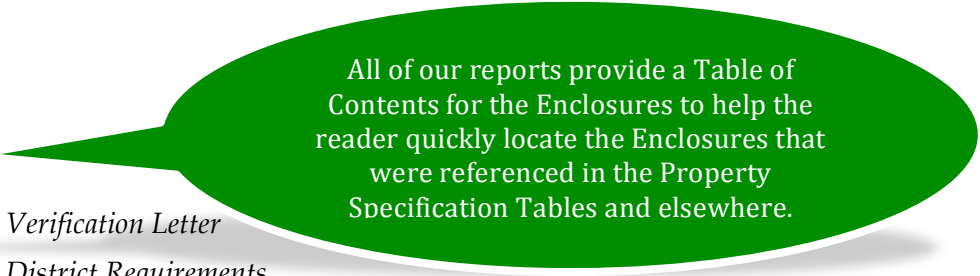
NAME: Joe Smith

ADDRESS: 24 N High Street, Akron, OH

PHONE: (330) 777-0502

11) Enclosures

01. *Zoning Verification Letter*
02. *Zoning District Requirements*
03. *Parking Requirements*
04. *Nonconforming Uses*
05. *Resolution No. Z-69-077*
06. *Approved Site Plans (2003)*
07. *Certificates of Occupancy*
08. *ALTA Survey*



All of our reports provide a Table of Contents for the Enclosures to help the reader quickly locate the Enclosures that were referenced in the Property Specification Tables and elsewhere.