

Franklin Township, Portage County
Board of Zoning Appeals
December 11, 2023

Present: Chair Justin Moneyppenny, David Hansford, Shawn Martin, Marilyn Sessions, and Sam Abell, Board Members; Joe Ciccozzi, Zoning Inspector; Jenny August, Secretary.

Mr. Moneyppenny called the Board of Zoning Appeals meeting to order at 7:00 p.m. He introduced the Board members and explained the procedures for the meeting.

7:00 Hearing:

At 7:00 p.m. an application by Greg Miller at 2015 Merrill Rd. Kent, OH 44240 representing the property at the same location (parcel number 12-034-00-00-031-001) was heard for a variance to sections 405.06 A 5 of the Franklin Township Zoning code. The code requires that an accessory structure cannot be located in the front yard. The applicant was requesting a variance to allow the construction of an accessory structure to be located in the front yard 35 feet from the right of way.

Mr. Moneyppenny asked who is here to speak to this tonight. Mr. Gregory Miller of 2015 Merrill Rd Kent was sworn in. Mr. Miller said he needs a building to store his equipment and tools in that he uses for his livelihood. He has more property but it is wooded bad terrain, and he doesn't have access to it. He can't build on the side yard because of his well on one side and the other side would be too close to the property line. He would like to build it 53 feet from the road. He has been renting a storage unit but can't really afford it.

Mrs. Sessions asked if he runs his business out of this property. Mr. Miller said no. He has an office on Bridge St. in Ravenna. Mr. Hansford asked what the dimensions are of the proposed building. Mr. Miller said he thinks it is about 36' x 42'. It is 16' to the ceiling, no taller than 22 feet. It will be a wooden pole barn.

Mr. Abell said this property is zoned R2 and that zoning district allows it to be 16 feet high, and the accessory building must relate to the principal building. Mr. Miller said he will be storing personal items there as well such as tractors for mowing and antique vehicles, plus lots of things his wife needs to store.

Mrs. Sessions asked Mr. Miller why he doesn't build this building where his office is. Mr. Miller said that was his intention and he demolished a house in preparation to build. Then blue dirt was discovered and he was not permitted to build there.

Mr. Moneyppenny opened the meeting to public comment. Mr. Paul Swigart of 2031 Merrill Rd. Kent was sworn in. Mr. Swigart owns the property next door and he doesn't think the building will look good out front. He thinks he should find a way to build it out back.

Mrs. Jacqueline Flannery of 1861 Merrill Rd. Kent was sworn in. She lives on the other side of Mr. Miller. She thinks he has a beautiful home but agrees with Mr. Swigart that the building will not look good in the front. It will be next to her house.

Mr. Miller said he has rough terrain and no access to the back. Mr. Martin asked if the back yard is considered unbuildable, or is it that the cost would be much higher. Mr. Miller said the cost would be higher. Mr. Martin asked if he is unable to store his work-related equipment, could he build a smaller building. Mr. Miller said he prefers to keep it that size because he has a large family and they have a lot of stuff.

Mr. Abell suggested granting a continuance to see if Mr. Miller can come back with the actual building size and a location closer to the house and stipulate that the building cannot be used for commercial business. Mr. Miller said he is limited to moving it a lot closer because his septic system is in the front yard. He can move it another 100 feet closer but no more than that. Mr. Martin does not think extending the hearing another month will solve the problem.

Mr. Money Penny moved to approve the applicants request for an accessory structure to be constructed limiting the building size to 36' X 42' with a maximum height of 16 ft. overall in the front yard of a primary residence. Mrs. Sessions seconded the motion. All Board members voted no. The variance request was denied.

Approval of Minutes:

All were in favor of approval of the minutes from the November 13, 2023 meeting except Shawn Martin who abstained. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for January 8, 2024 at 7:00 pm to consider any applications that may come in.

Adjournment:

The hearing was adjourned at 7:42 pm.

Respectfully submitted,

Jenny August
Secretary, Board of Zoning Appeals

Approved as submitted:

Chairperson, Justin Money Penny

Approved as amended:

Chairperson, Justin Money Penny