

Franklin Township, Portage County
Board of Zoning Appeals
October 11, 2021

Present: Chair David Hansford, Glenn Russell, Marilyn Sessions, Justin Money Penny, and Shawn Martin, Board Members; Joe Ciccozzi, Zoning Inspector; Jenny August, Secretary.

Mr. Hansford 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 Brittany Reed, 1521 North Blvd. Kent, OH representing the property located at the same address (parcel number 12-076-20-00-157-001) was heard for a variance to section 310.02 A.1. The code only allows for a single-family dwelling in the R-1 zoning district and the applicant wanted to rebuild their garage to add an in-law suite which would constitute a second residential dwelling. The property is on a double wide lot.

Mr. Hansford asked who is here to speak to this tonight. Mr. Michael Reed of 1521 North Blvd. Kent was sworn in. He said that his wife's sister is getting older and having some issues. They would like her to be closer to them. Their hope is to tear down their garage, and build a small suite for her on the current garage foundation, and then add a two car garage on the front of her suite. Mr. Hansford asked if he is moving the garage forward about 25 feet. Mr. Reed said yes, we are shortening the driveway. Mr. Russell said if it were attached to the house, it would be considered an addition, and if not, it is two residences, which is not permitted in our code. Mr. Martin asked why they are building a two bedroom if it is just for her. Mr. Reed said she has one room with all of her deceased sons' belongings.

Mr. Hansford asked if there will be separate utilities. Mr. Reed said he would prefer that, but the water is tied to the house. Mr. Russell said Ohio Edison will require separate meters for separate residences.

Mrs. Session asked if she will be paying rent. Mr. Reed said no, she is contributing to the cost of construction. Mr. Money Penny asked if it will become a rental if she were to leave. Mr. Reed said no. Mrs. Sessions said the variance stays with the property.

Mr. Hansford asked if anyone from the audience would like to speak. Mrs. Ann Winnen of 7466 State Route 43 Kent was sworn in. She currently lives on SR 43 but she grew up on Merrill Ave. She has a mother-in-law suite. Theirs is a 2-unit rental. For a mother-in-law suite she had to have separate utilities.

Mr. Charles Wills of 1545 North Blvd was sworn in. He said he is opposed to this variance request. They have had problems due to this on their road. He wants to keep his road single family. Most homes here are two bedrooms. He also thinks it will cause flooding in his yard.

Ms. Jennifer Reed of 1521 North Blvd. was sworn in. She said she thinks they could attach this to the house if that is how it needs to happen. Mr. Reed said his addition wouldn't be any larger than some of his neighbors' homes. Mrs. Sessions said that would keep it as a single-family residence.

Mr. Hansford reviewed the Standards for a Variance: A- yes, B- yes, C- no, D- okay, E- yes, F- yes, G- no.

Mrs. Sessions moved to allow the applicant to build a second residential dwelling in a district that only allows for one single family dwelling. Mr. Russell seconded. The vote was called. All Board members voted no. The motion failed.

7:15 Hearing:

At 7:15 p.m. and application by Frank & Lori McMillen, 6341 Stoneridge Dr. Streetsboro, OH representing the property located at 2108 State Route 59 (parcel number 12-020-00-00-041-000) was heard for a conditional use variance to section 323.02.A.1. The applicant wishes to open a Medical Marijuana dispensary which is not a permitted use in a C-1 / I-1 zoning district.

Mr. Hansford asked who was here to speak to this tonight. Mr. James Frank McMillen using the business address of 2108 S.R. 59 Kent was sworn in. He said he has a business partner who successfully operates a medical marijuana dispensary elsewhere and it is very regulated and has extensive rules and regulations. If it were recreational, he would not have any interest in this business.

Mrs. Sessions suggested that it could be considered a drug store and fall into section 323.02.A.e. She said prescriptions are required, so she looks at it like a pharmacy.

Mr. McMillen said they would join the Kent-Franklin JEDD. They will be sharing the building with Go-Puff. He said this is not a "fly by night" operation. He wants the townships endorsement. Mr. Hansford asked if all of the property is being used. Mr. McMillen said no, only about 1/3 of the property is used. He is looking at other ventures for the back of the property.

Mrs. Lori McMillen of 6341 Stoneridge Dr. in Streetsboro was sworn in. She said this is really a legitimate use for treatment. She works in ministry and does funerals for many over doses. Mr. Russell asked if this is for medical use only. Mr. McMillen said yes.

Mrs. sessions asked about security. Mr. McMillen said there are a lot of extensive security requirements such as cameras, security personnel, a vault, and limited number of people allowed in the facility at a time.

There were no members of the public to comment.

Mr. Hansford reviewed the Standards for a Variance: A- yes, B- yes, B- no, D- yes, E- no, F- yes, G- no.

Mr. McMillen said the state refers to these facilities as drug dispensaries. They will only allow one in a geographic boundary. There are many people in the area that are going to apply but the state will just pick one name out of a hat, so to speak, no matter how much money and time you have invested.

Shawn Martin said we are here to determine the use of this property only. He would prefer to wait until the Zoning Commission has defined this. Mr. McMillen asked Mr. Martin why he is so concerned. Mr. Martin said he is not comfortable grandfathering something in that the Zoning Commission has not defined.

Mr. McMillen said medical marijuana has many benefits to Portage County health wise. This is forward thinking. He said that if this were recreational, he and his wife absolutely would not be here.

Mr. Moneypenny moved to grant a conditional use variance which would allow the applicant to open a medical marijuana dispensary at PPN 12-020-00-00-041-000. Mrs. Sessions seconded the motion. Mr. Martin voted no, all other Board members voted yes. The variance request is approved.

Approval of Minutes: Mr. Hansford moved to approve the minutes from the August 9th, 2021 meeting. Mr. Russell seconded the motion. All Board members voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for November 8, 2021 at 7:00 p.m.

Adjournment:
The hearing was adjourned at 7:50 pm.

Respectfully submitted,

Jenny August
Secretary, Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford