

Franklin Township, Portage County
Board of Zoning Appeals
October 10, 2022

Present: Chair David Hansford, Sam Abell, Shawn Martin, and alternate Ron Goodspeed 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 from Peter Paino at 1258 Winward Lane Kent, OH 44240 representing the property located at 1519 Overlook Rd. Kent, OH 44240 (parcel number 12-068-10-00-031-001) was heard for a variance to section 520.04 B which allows for a one time modification to the building square footage and section 520.04 B2 that states that altered work cannot exceed 50% of the fair market value. The applicant wishes to demolish and reconstruct the existing legally non-conforming structure which could well exceed 50% of the current fair market value.

Mr. Hansford asked who is here to speak to this tonight. Mr. Peter Paino of 1258 Winward lane in Kent was sworn in representing the Beck family concerning the Overlook property located at 1519 Overlook Rd. in Kent. Mr. Paino stated to the board that the Becks have spent a great deal of time and money reviving the old golf course, and now they would like to renovate The Outlook. He needs to request variances for two issues in order to proceed to the next phase.

First, Section 520.04.B only allows for a one-time alteration of a building. He feels certain that this building has been altered already. Second, section 520.04.B.2 states that the alteration may not exceed 50% of the fair market value. He is asking for a "no limit" on cost of renovation or rebuilding. The building is in poor condition and would not meet many current codes. The ADA accessibility is almost nonexistent. He has no intention of increasing the 17,000 square foot footprint. Next, Mr. Paino reviewed the Standards for a Variance and responded to each standard. If tonight's variances are approved, he and the owners can proceed to step two, which is the design of the building, grounds, and site plan drawings.

Mr. Martin asked if the 17,000 square feet includes the attic. Mr. Paino said yes, some of it is included in the attic. It is not clear if it is finished square footage, but gross square footage is 17,000 square feet. Figuring square footage can be very subjective.

Mr. Abell asked Mr. Paino to review some of the planned use functions. Mr. Paino said in addition to a restaurant, there will be weddings, events, family gatherings, meetings, and a host of other things. Mr. Abell said a new facility will attract more people.

Mr. Hansford noted that previous restrictions and conditions from 11 years ago would remain in place. Mr. Paino said phase 2 will include studying what they can do when they prepare the site plan.

Mr. Martin asked if this is considered separate from the golf course. Mr. Abell said it would be.

Mr. Hansford opened the meeting to public comment.

Mr. Anthony Catalano of 425 Club Drive Aurora was sworn in representing his property located at 1543 Overlook Road Kent. He thinks the board should delay approval until the site plan is available. Mr. Hansford said they can put a condition that limits the building to 17,000 square feet. Mr. Paino said the building will not be bigger, but adding that as a condition would be fine. Mr. Goodspeed said the variance request is for exceeding the 50% fair market value. The square footage doesn't really matter for this meeting. Mr. Paino said the additional variance request is to renovate more than one time.

Mr. Martin asked if the design will include a first-floor walkout basement to the lake. Mr. Paino said yes. Mr. Martin asked if he has a construction budget in mind, or a price per square foot. Mr. Paino said not at this time.

Mr. Mark Vlacovsky of 1202 Spangler Rd. NE, Canton representing his property located at 7420 S.R. 43 was sworn in. He said there have been many occasions where the events spill outside into the property well past 11 pm with music and drinking outside. The neighbors are concerned as well. His family cannot enjoy their deck. They have moved out because of this and rent their house out now. He has complained many times but there is no noise ordinance. The past indicates that plans are not followed. Things are done without approval. He agrees with Mr. Catalano that the board should wait. Time limits and noise conditions are not observed at all.

Mr. Abell said he recommends tabling this until square footage is verified. He isn't really comfortable voting on this tonight without a site plan. Mr. Martin agreed.

Mr. Paino said those are enforcement issues that the township and the owners need to address. Past established conditions stay with the property even after improvements. Those issues do not have anything to do with the two variance requests that are before the board tonight. He is here to represent the owners for the zoning code. As for tonight, the board has everything they need to make a decision on the two variance requests. Mr. Abell said reviewing the site plan for non-conforming use does come to the Board of

Zoning Appeals. Conditions can be reviewed and altered. Square footage can be determined and verified at that point.

Mr. Goodspeed moved to allow the applicant to demolish and reconstruct the existing legally non-conforming structure which could well exceed 50% of the current fair market value. Mr. Hansford seconded the motion. All board members voted yes.

Mr. Hansford noted that there was a 30-day appeal period that would begin after the minutes of this meeting were journalized. The journalizing will occur at the next meeting of the Board of Zoning Appeals.

Approval of Minutes: Mr. Hansford moved to approve the minutes from the July 11, 2022 meeting. Mr. Martin seconded the motion. All board members voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for November 14, 2022 at 7:00 p.m. if an application should be submitted.

Adjournment:

The hearing was adjourned at 8:10 pm.

Respectfully submitted,

Jenny August
Secretary, Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford