

Franklin Township, Portage County
Board of Zoning Appeals
July 12, 2021

Present: Chair David Hansford, Glenn Russell, Shawn Martin, Marilyn Sessions, and Justin Money Penny, 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 Ryan Saks P.O. Box 642 Chagrin Falls, OH 44240 for the property located 6195 Washington (parcel number 12-035-20-16-093-001) was heard for a dwelling variance to section 316.03 A.5. The code allows for 8 Residential dwellings per acre in this zoning district and this parcel is a half-acre currently with 4 residential dwelling units. The applicant is requesting an additional residential dwelling on that parcel.

Mr. Hansford asked who was here to speak to this tonight. Mr. Ryan Saks of P.O. Box 642 Chagrin Falls was sworn in. He owns the quadplex at the corner of Washington Street and Garfield St. There is an existing three car garage behind it that he would like to renovate into a two-bedroom apartment for his sister who lost her employment. The previous owners had it mostly set up already for living quarters.

Mr. Russell asked about the plans. This will be two bedrooms and one bathroom, one story apartment that is approximately 800-1000 square feet. Mr. Russell asked if there is enough parking. Mr. Saks said there are six spaces in the front and six spaces in the back. There are two 2-bedroom apartments in the front and one 2-bedroom and one 1-bedroom apartment in the back. There is more than enough parking.

There were no comments from the public.

Mr. Hansford reviewed the Standards for an Area Variance:

A- Yes, B- Yes, C- No, D- No, E- Yes, F- Yes, G- Yes.

Mr. Russell moved to allow the applicant to add an additional residential dwelling on a parcel that is less than one acre. Mrs. Sessions seconded. Upon roll call, Mr. Russell and Mr. Money Penny voted no, Mr. Martin, Mr. Hansford, and Mrs. Sessions voted yes. The variance request was granted.

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.

7:15 Hearing:

At 7:15 p.m. an application by Timothy Reder, 296 Spell Rd. Kent representing the Reinker Family Irrevocable Trust, 244 Spell Rd. Kent for the property located at 244 Spell Rd. Kent (parcel number 13-064-00-00-014-000) was heard for a conditional use permitted by Section 302.02.B.4.a which is a non-commercial land filling to change grade and/or elevation of property subject to the provisions of Section 601.01.B Subsection 54. This is a continuance from the Board of Zoning Appeals Hearing that was held October 14, 2019.

Mr. Hansford asked who was here to speak to this tonight. Mr. Timothy Reder of 296 Spell Road Kent was sworn in. He has been unable to speak to Mrs. Reinker yet but would like to get the permit ready because he wants to bring in dirt when it becomes available. He said he provided the paperwork to the Zoning Inspector that the Board of Zoning Appeals requested.

Mr. Russell said the Board asked for an engineer's input. What was provided was only addressing silt fencing. Mr. Russell said he does not think we can hold this hearing without consent of Mrs. Reinker since the legal notice states that Mr. Reder is representing the Reinker Trust, yet he has not spoken to her about this matter. Mr. Reder said if he can't move the dirt on the Reinker property next door, he will just level it off on his own property.

Mr. Money Penny asked what the alternative would be. Zoning Inspector Ciccozzi said the alternative would be to restore the property to its original state. Mr. Reder said the water will go into his property and soak in, and the water on the Reinker property will go into the creek. Mr. Russell asked Mr. Reder if he dug out the creek to accommodate the water runoff. Mr. Reder said he moved the creek years ago so the polluted water would not go into his lake. Mr. Russell said Mr. Reder previously stated that a neighbor may need to add dirt. Mr. Reder said that is the Reinker's, but he can level the dirt onto his own property.

Mr. Russell asked what he has done about all of the wood chips. Mr. Reder said he put lime on them to break them down. Mr. Reder said he thinks this is harassment. Mr. Money Penny said the paper work provided is only showing a topography map, not the finished grade. He would like Mr. Reder to provide a document showing the finished grade and he would also like to see some documentation from the EPA. Mr. Russell agreed stating that he would like documentation from the EPA that this will not be a problem. Mr. Reder said the man at Portage County Soil and Water told him as long as he doesn't change the inlet and outlet he can make a dam on his property. Mr. Money Penny said the waterway drains into the creek which drains into the Cuyahoga River. Mr. Reder said he can put in silt fencing to control that.

Mr. Hansford asked if there were any comments from the public.

Mr. Doug Marken of 339 Spell Road was sworn in. He said there are two huge ponds next to Mr. Reder's property. With a lot of rain the creek could go in the opposite direction. Mr. Reder said the township put in a five foot pipe under Spell Road that is not big enough to carry the water. It creates a dam because the water can't flow through fast enough.

Kevin Wingard of 338 Spell Road was sworn in. He told the Board that a retention pond is meant to divert water, and the area he filled acts as retention, so it is going to go 6 feet higher which sends more water to the pipe and down to his house. He said Mr. Reder is representing the Reinker Trust yet he can't even get ahold of them. Nothing has changed from the last meeting.

Mr. Reder said he fixed it years ago. His lake in the back is also a retention pond. Water would have to come up eight feet to flood his property. The creek has not been cleaned in years. Mr. Reder said he has done nothing to hurt his neighbors.

John Zeit of 149 Spell Road Kent was sworn in. He asked if we are addressing the same soil movement as we did in 2019. Chair David Hansford said yes. Mr. Zeit said the drawing that was submitted needs to be on a big screen to read it correctly.

Mr. Reder said he brought in what he thought he needed, and he needs to move dirt to the opposite side of the driveway. The dirt on Reinker's property needs to be leveled along the driveway.

Mr. Hansford would like the property owners at Reinker's to sign new documentation. Mr. Ciccozzi said he will just start a new application and apply it to only Mr. Reder's property.

Mr. Hansford said three conditions must be met before he comes back to this Board;

- 1) Provide site drawing(s), prepared by a professional engineer that fully indicate the proposed property topographic grades making long-term changes that alter the hydrology and sediment loading of the local stream; and
- 2) Site drawing(s) to include the Engineer's license seal, and clearly indicate site work and final changes shall not negatively impact the adjacent properties with storm water; and;
- 3) Provide Engineer's documentation the property site (i.e. construction activity) shall comply with applicable Ohio Environmental Protection Agency requirements for storm water management as may be mandated in the Clean Water Act and part of the NPDES program.

Mr. Martin said his concern is whether an engineer will confirm that the designs are installed as addressed. He would like a summary statement of impact. The 2019 application is now closed.

Mr. Martin said we all have the same end goal which is to get this resolved, but it must be done appropriately. The EPA will help to get it done correctly. He would also recommend that Mr. Reder has an engineer come to the next hearing and represent him.

No action was taken.

Approval of Minutes: Mrs. Sessions moved to approve the minutes from the June 14th, 2021 meeting. Mr. Money Penny seconded the motion. Mr. Russell abstained. All others voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for August 9, 2021 at 7:00 p.m.

Adjournment:

Mr. Russell moved to adjourn the hearing. Mr. Money Penny seconded the motion. The meeting was adjourned at 8:08 pm

Respectfully submitted,

Jenny August
Secretary, Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford