

Franklin Township, Portage County
Board of Zoning Appeals
July 14, 2025

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

Mrs. Sessions called the Board of Zoning Appeals meeting to order at 7:01 pm. She introduced the Board members and explained the procedures for the meeting.

7:00 Hearing:

At 7:00 p.m. an application by Sean Sanford, SAI Spring, 8234 Pittsburgh Ave NW, North Canton, OH 44720 representing Carolyn S. Beck 1065 Sam Krabill Ave. Canton, OH 44730 for the properties located at Brady Lake Rd. and State Route 59 Kent, OH 44240 (parcel numbers 12-036-00-00-008-000, 12-036-00-00-007-000 & 12-037-00-00-002-000) and other existing residential lots (detailed list available on request) were heard for a Conditional Use Planned Residential Development which includes a preliminary site plan review. In addition, the applicant requested variances to the PRD permitted density calculation in section 601.01.B.56.F.1 a. which allows for 75 dwellings in an R-1 PRD and the applicant would like to build 92. This would require a variance to allow for an additional 17 dwellings over the 75 that is permitted for an R-1 PRD.

Mrs. Sessions asked who is here to speak to this tonight. Mr. John Walsh of GBC Design at 565 White Pond Drive, Akron, Ohio representing the Beck Trust was sworn in. Tim and David Beck were in attendance, as well as Mr. Walsh's partner, Mike Kendell and Larry Colin, Project Engineer.

Mr. Walsh provided a large map of the development to show the board and the public the design. He described the location and surroundings of the 67-acre proposed development. He is proposing 92 lots. He based this on the Portage County Subdivision standards which require 40% open space. This development has 43% open space even with 92 homes. The wetlands are preliminary at this point. No delineation has been done yet. With 43% open space, there is room to move streets if needed. Storm basins are included for water runoff. The project will be done in two phases, with one-half of the lots in each phase. He is not proposing an access drive to Brady Lake Road. There will be a cul-de-sac in the back portion. The main access road will be Margaret St. with Leonard St. access for emergency use only. All roads are already dedicated roads. We are requesting the conditional use for a PRD as well as a variance for 17 additional homes.

Mr. Walsh reviewed each of the eight objectives in Section 601.01.B.56.b of the Franklin Township Zoning Resolution regarding Planned Unit Developments.

1. To allow flexible residential, commercial, office and industrial development, equally on sites that have natural features such as wetlands, natural ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas,

which will contribute to the environmental health of the township. This project allows for everything mentioned in objective #1.

2. To preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of conventional residential subdivision developments. This layout will have smaller lots allowing for a 50' buffer around the entire PUD per code. An HOA will be responsible for maintenance.
3. To allow a more flexible and economical development layout and street design. Efficient and smaller lots will allow for shorter roads, which is less maintenance for the township
4. To ensure the permanent preservation of open space, scenic views and vistas, rural lands and natural resources. They meet all goals here.
5. To promote economical and efficient use of land and reduce infrastructure cost through unified development in order to maximize conservation of open space. This proposal meets criteria with open space and shorter roads.
6. To provide for accessible open space and recreation areas; and the creation of functional and interesting residential neighborhoods. 90% of the lots here back up to open space.
7. To encourage the preservation of historic and culturally important structures and sites, such as old buildings, barns and foundations. There are no current structures on site.
8. To ensure that PUD 's are compatible with the surrounding land uses and comply with these objectives. The proposed development is buffered from the front commercial property. This proposal is similar to the one across the street.

Mr. Hansford asked what the average width and depth of each lot will be. Mr. Walsh said they will average 60 feet wide and a depth of 130 feet, and the average setback is 10 feet. Mr. Hansford added that this would permit a 40-foot wide home on a 7800 square foot lot.

Mrs. Sessions opened public comment. Mrs. Barb Kovala of 2418 Brady Lake Road was sworn in. She asked where the water main is, and where the water supply will come from. Mr. Walsh said the water main is located at the corner of SR 59 and Cox Ave. He wasn't sure who would supply the water at this point.

Mr. Paul Kovala of 2418 Brady Lake Road was sworn in. He said Mr. Walsh didn't seem sure of the plan. He asked if these will be single family homes, and what are the lot dimensions. Mr. Walsh confirmed that they are single family homes and the lot sizes average 60 feet by 130 feet.

Mrs. Sessions asked if this proposed development will impact Brady Lake. Mr. Walsh said no. Mrs. Kovala asked again where this water will come from. Can a local public water line handle another 92 homes in addition to the development going in across the street at the old golf course. Mr. Walsh said he is not sure at this point who will supply the water. Mrs. Kovala added that in August when the Kent State students come back, the water level in Brady Lake drops. Brady Lake is man made and is fed by Breakneck Creek. Brady Lake will turn into a swamp if drained. She needs to know if the City of Kent is supplying water.

Mrs. Sharon Batsch of 6270 Edmund Drive, Ravenna was sworn in. She has well water and wondered the same questions. She is also concerned about her road. She asked why they aren't using Leonard for anything but emergency access. Margaret is basically a one lane road, so Leonard would be better. She would agree to 75 homes, but not 92. Mr. Walsh said Margaret St. is the first spot to enter. They had concerns about site distance and thought it would minimize the impact on people. Mrs. Batsch asked if the HOA will make decisions regarding a pool and recreation. Mr. Walsh said there are no provisions in the design for a pool or community center. Mrs. Batsch also has concerns about flooding from the development. Mr. Walsh said the detention ponds will handle any water runoff or flooding.

Mr. Frank Wright of 6245 Cox Road, Ravenna was sworn in. He lives right across the street and is concerned that the detention ponds will not be enough, and wondered if water will be rerouted anywhere else. He also asked where the electric will come in. Mr. Walsh said it will probably come in off SR 59. Their next step will be to present the plans to the Portage County Regional Planning Commission and the Portage County Engineer to look over. Mr. Wright asked if Cox Ave. will be widened and will the speed limit change. Mr. Walsh said no. Mr. Wright asked what the width of the new roads will be. Mr. Walsh said they will be 26 feet wide. The homes will have drains that go into the storm sewers, and then routed into the detention ponds.

Mrs. Sessions asked what the price range will be for the new homes. Mr. Walsh said they will be in the mid \$400,000's.

Mrs. Batsch asked why they need 92 homes instead of 75. Mr. Abell said that the site plan is predicated on granting the variance. He thought county standards call for 60 foot right of ways and that would affect the site plan. Mr. Walsh said subdivision standards show 50 foot right of ways. Mr. Walsh said the reason for the additional homes is to offset the costs of running water and sewer. A gravity service is needed to service the back cul-de-sac.

Next, Mr. Walsh reviewed the Duncan Factor Standards for an Area Variance:

- A. Whether the property will yield a reasonable return or can there be a beneficial use of the property without the variance. Mr. Abell argued against an economic justification. It should be about the land, not profit.
- B. Whether the variance is substantial. Mr. Walsh doesn't think so.
- C. Whether the essential character of the neighborhood would be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance. Mr. Walsh said there would be no impact. The street pattern matches the topography. Mrs. Batsch disagrees and said with 92 homes and only one road going in and out. Mr. Walsh said the grade from the back of the development to Brady Lake Road is 30 feet, which is too steep. Cox Ave. is a signalized intersection. It is possible that ODOT may not grant access directly onto S.R. 59. Mr. Moneypenny said 30 feet is the depth of the average Brady Lake home. Mr. Abell said on the layout, open space E is part of the 30-foot drop.
- D. Whether the variance will adversely affect the delivery of governmental services. Mr. Walsh said no.

- E. Whether the property owner purchased the property with the knowledge of the zoning restriction. Mr. Walsh said the Becks bought the property in 1992 and had no plans for the property and no knowledge of the zoning.
- F. Whether the problem can be solved by some manner other than the granting of the variance. Mr. Walsh said no.
- G. Whether the variance preserves the spirit and intent of the Zoning Resolution and would substantial justice be done by the granting of the variance. Mr. Walsh said they believe so. The spirit of a PUD is smaller lots while meeting the need for housing.

Mr. Wright asked about the well that was capped off. Mr. Walsh said that is in the commercial area, not this area.

Ms. Mikala Pritts of 6171 Cox Ave., Ravenna was sworn in. She asked if the commercial property in the front has been sold. Mr. Walsh said no.

Mrs. Kovala asked if the developer can change the plans to put access to Brady Lake Road after these plans get approved. Mr. Abell said they would need to go back to the Board of Zoning Appeals for any changes to the site plan. Mr. Kovala added that they live right next door to Portage Developmental Disability Services and there is not enough room for an access road anyway. Mr. Walsh said there are no plans to do this. Mrs. Kovala said we need better leadership in this township because how can you allow for 92 homes and only one access road. Mr. Ciccozzi said the Germaine Reserve has 107 homes with only one access road.

Ms. Yvonne Taylor of 6232 Cox Ave. Ravenna was sworn in. She asked why there can't be an access road off SR 59, and she also has concerns for her well. Mr. Moneypenny said the traffic light is on Cox Avenue. Mr. Ciccozzi added that the developers did not want to cut through commercial property. Mr. Walsh said the beauty of the subdivision is the location. It's not in the center of the township. This will reduce the need for additional lots elsewhere. There will be more developments coming. The development across the street was granted an additional 12 homes and they have 2 acres less land than this proposal, and we also are adding extra open space.

Mrs. Sessions asked when we will have a new site plan after wetland delineation. Mr. Walsh said there is a proposed wetland buffer of 25 feet. There could be changes and the category of wetlands can affect this. They will hire a consultant to determine the boundaries, and then refer to the Army Corp of Engineer. Mr. Abell said there are wetlands under the road. Mr. Walsh said they plan to get a permit to fill it in.

Mr. Ciccozzi asked if there will be a traffic study on Cox Avenue. Mr. Walsh said not yet. They will get one if the Portage County Engineer requests one.

Mrs. Sessions and the board reviewed the Standards for an area variance:

- A. Whether the property will yield a reasonable return or can there be a beneficial use of the property without the variance. The Board said yes.
- B. Whether the variance is substantial. The Board said yes.
- C. Whether the essential character of the neighborhood would be substantially altered or would adjoining properties suffer a substantial detriment as a result of

- the variance. The Board was split on this answer.
- D. Whether the variance will adversely affect the delivery of governmental services. The Board said no.
 - E. Whether the property owner purchased the property with the knowledge of the zoning restriction. The Board said yes. They purchased the property in 1982 and the zoning has not changed. It is their responsibility to know the zoning restrictions.
 - F. Whether the problem can be solved by some manner other than the granting of the variance. The Board said yes.
 - G. Whether the variance preserves the spirit and intent of the Zoning Resolution and would substantial justice be done by the granting of the variance. Mr. Moneypenny said the intent of the Zoning Resolution is to maintain township density and openness. Mr. Martin said it is substantial. Adding the additional dwellings is a 22% increase in density and creates very small lots and small homes with a 50-foot road. What about overnight parking? Mr. Abell added that the primary reason for the additional dwellings is economic rather than something for the land itself, which is not a compelling reason for granting a variance, and with 72 units they would have more open space, and less traffic. Mrs. Sessions said they are giving more open space than the required 40%. Mr. Moneypenny said part of the open space is the hill which is unusable. Mr. Hansford said the wetlands are also unusable. The Board said the answer to the question is no.

Mr. Moneypenny moved to grant a variance to allow the applicant to build 92 units, which is 17 units more than the PRD formula for density allows. Mr. Abell seconded the motion. On roll call all board members voted no. The variance was denied. There was no need to approve the conditional use request because it was based on 92 homes.

Mrs. Sessions 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. Moneypenny moved to approve the minutes from the May 12, 2025 meeting with a second from Mr. Abell. Mr. Hansford and Mr. Martin abstained. All board members voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for August 11, 2025 at 7:00 pm. should any applications be submitted.

Adjournment:

The hearing was adjourned at 8:25 pm.

Respectfully submitted,

Jenny August, Secretary, Board of Zoning Appeals

Approved: _____ Chairperson, Marilyn Sessions