

Franklin Township, Portage County
Board of Zoning Appeals
October 8, 2018

Present: Chair David Hansford, Marilyn Sessions, Glenn Russell, Shawn Martin and Justin Money Penny, Board Members; Sam Abell, Zoning Inspector; Jenny August, Administrative Assistant.

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 George Sewald, 7456 Hudson Rd., for the property located at 7456 Hudson Rd. (parcel number 12-066-0-00-009-001) was heard for variances to Section 310.04.A which requires a minimum front yard depth of forty-five (45) feet and Section 405.06.A.8 which requires an accessory building to be located no closer than fifteen (15) feet from the principle building. The applicant requested authorization to erect an accessory building with a front yard setback of 41' and be 11' from the principle building. This was a continuation from the September 10 Board of Zoning Appeals meeting.

Mr. Hansford asked who is here to speak to this tonight. Mr. George Sewald of 7456 Hudson Rd. Kent was sworn in. He apologized to the Board for missing the last meeting, having it on his calendar as Tuesday like the Trustee meetings. Mr. Sewald is looking to build a two car garage. Unfortunately, he is limited to only certain areas of his yard. His entire back yard is the septic system. Additionally, he has a six gage electric service running to the house, and he would like to avoid having to move it. His intention is to build the garage to look just like the house using the same siding and shingles.

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

Mr. Hansford asked if anyone in the audience would like to comment. Nobody spoke.

Regarding the variance for the minimum front yard depth of 45 feet, Mrs. Sessions moved to allow a 4 foot setback variance reducing the minimum front yard depth to 41 feet with a second from Mr. Russell. All Board members voted yes. The variance was approved.

Regarding the variance for an accessory building to be no closer than 15 feet to a principle building, Mr. Hansford moved to allow a variance of 4 feet reducing the minimum required 15 feet down to 11 feet from the existing structure, with a second from Mr. Martin. All Board members voted yes. This variance was also approved.

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 as presented from the September 10, 2018 meeting. Mrs. Sessions seconded the motion. All Board members voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for November 12, 2018 at 7:00 p.m.

7:15 Hearing:

At 7:15 p.m. an application by Paul H. Swigart, Jr., 2031 Merrill Rd. for the property located at 1641 Brady Lake Rd. (parcel number 12-040-00-00-007-000) was heard. The applicant wishes to operate two nonconforming uses (auto repair shop and vehicle storage) in an R-2 (Medium Density Residential) district. The application is required by Section 520.06 of the Franklin Township Zoning Resolution.

Mr. Hansford asked who is here to speak to this tonight. Mr. Paul Swigart, Jr. of 2031 Merrill Rd. Kent was sworn in. Mr. Swigart thought that the business was grandfathered in. He would like to keep the auto repair business going. There has been an auto repair business there since 1948. He would also like to have a vehicle storage business. Since he has acquired this property, he has been cleaning and organizing it. At this time, he is not using the storefront. When he decides what to do with it, he will come back to the Board.

Mr. Russell asked him to explain what he means by vehicle storage. Mr. Swigart said that currently there is an impound storage area that Baker Towing is using. He would like to thin this out, and have mostly nicer vehicles such as campers stored there. He is in the process of getting out as much junk as he can.

Mr. Moneypenny asked Mr. Swigart if "impound storage" means towed vehicles, and no new vehicles. He also asked if all of the stored vehicles will be in the back, rather than on the east side. Mr. Swigart said they are all towed vehicles, not new, and he will have them all in the back where they won't be seen. There are just a few left on the east side, and he is working on either moving them to the back, or getting rid of them.

Mrs. Sessions asked Mr. Abell how this has become non-conforming if it has been going on for so many years. Mr. Abell said it should be a change of use from auto wrecking to auto storage. Mr. Russell said the auto repairs should be allowed to continue in business on the first floor around back. The store front that you see from the road is actually on the second floor.

The Board considered the possibility of putting a limit on the number of vehicles being stored. Mr. Swigart said that Mr. Baker has about 50-60 cars stored in the back, and Mr. Swigart has about 20 that are now his that came with the property. Mr. Moneypenny asked if these vehicles are titled or have salvage titles. Mr. Swigart was unsure.

Mr. Hansford asked if anyone in the audience would like to comment.

Mr. Keith Misner of 1705 Brady Lake Road was sworn in. He has lived near this property for about 30 years, and just recently bought the property next door. This property has always ruined their property values, but now Mr. Swigart is cleaning it up and it looks much better. He is taking it in the right direction. He doesn't see anything better happening to these properties. He agrees with putting a limit on the number of vehicles being stored there. You can't see in to the back storage area from the road.

Mr. Russell said he has concerns about the number of vehicles. Mr. Swigart said he could probably work with 40 or 50. His intent is to eventually just have mostly seasonal campers stored there.

Mr. Todd Noe of 1847 Brady Lake Road Kent was sworn in. Would the number of vehicles include the seasonal stuff as well as the impound storage? If so, he does not think that is fair to Mr. Swigart. Mr. Hansford said it would include everything.

Mrs. Sessions moved to allow an auto repair in the existing location on the lower ground floor, with a second from Glen Russell. All Board members voted yes. The motion passes.

Mr. Moneypenny moved to allow vehicle storage with a maximum of 45 vehicles at any one time at the rear of the main building, with a second from Shawn Martin. All Board members voted yes. This motion is also approved.

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.

Adjournment: The meeting was adjourned at 8:02

Respectfully submitted,

Jenny August
Administrative Assistant
Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford