

Franklin Township, Portage County
Board of Zoning Appeals
October 14, 2019

Present: Chair David Hansford, Glenn Russell, Marilyn Sessions, Justin Money Penny, and Alternate James Henry, Board Members; Sam Abell, Zoning Inspector, Joe Ciccozzi, Assistant Zoning Inspector, and 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 Timothy Reder, 296 Spell Rd. Kent for the property located immediately west of 296 Spell Rd. Kent (parcel number 13-064-00-00-013-003) was heard for a modification of 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. The applicant wishes to extend the original time deadline established by the Board of Zoning Appeals at its meeting on August 17, 2017.

Mr. Hansford asked who is here to speak to this tonight. Mr. Timothy Reder of 296 Spell Road Kent was sworn in. His goal is to fill and grade to match the neighbors property. Mr. Russell asked him if he is going to move the wood chips out and replace with dirt. Mr. Reder said no. Mrs. Sessions asked if anything other than rain water goes in the creek. Mr. Reder said no. Zoning Inspector Sam Abell said he and his neighbors live in a bowl area. He is raising ground 4 feet and wants to also raise the neighbors up 4 feet. This way the creek will hold more rain and it will be easier to keep the culvert clean. Mrs. Session asked if any neighbors will be impacted. Mr. Reder said possibly one, and they may want to add dirt as well. Mr. Reder said there is a big waterline project going on by the Kent State Airport, and they are trucking all of the dirt to him. They are even willing to level it.

Mr. Hansford opened the meeting to Public Comment.

Mr. Kevin Wingard of 338 Spell Road Kent was sworn in. He has lived three doors down from the Reders for 23 years. He is concerned about all of the debris on the road. There is more than dirt going in there. The creek over flows and he is afraid the water is being pushed to other areas. Are there wetlands there, and are they being mitigated? In summary, he is worried about three things; Condition of the road from all of the big trucks, there is no silt fence, and lastly, where is the water going? There are lots of wood chips. The neighbors can't sell their house because of the constant trucks, dozers, and it is a sore sight. Has his storm water retention been approved?

Mr. Reder said he makes sure the road is clean. Not all of the big trucks are his. There are school buses, Mr. Perfect up the street has dump trucks, trucks go to the golf course and there are other trucks. The road has not changed in 42 years. He is trying to prevent the water from getting under the road. Also, Mr. Reder said it is the township that is dumping those wood chips there to make good topsoil. The water comes through a 5 ft.

culvert. He put in a 6 foot culvert, so he is not holding up water. The creek is polluted and he needs it to be 75 feet from his lake. He dug the creek deeper to help alleviate the flooding and help everyone upstream. He wants to help his neighbors. He has all of his permits. He can't help it if topsoil from upstream is washing down the creek.

Mr. Russell asked him if he wants to raise it even more. Mr. Reder said yes, to the amount he requested back in 2017. He has not been able to get it done due to health issues. Mr. Russell asked how much more he is actually going to be raising his property since he was authorized in 2017. Mr. Reder said about another foot will bring him up to what he was originally set out to do before he lost his contractor. He has a new one now.

Assistant Zoning Inspector Joe Ciccozzi of 200 Spell Road spoke. He moved into his home in 2000. He said the difference in grade between the Renker property and what he has done is about 15 feet. Mr. Reder said that is because he has been piling dirt waiting for his permit. He said there are 20-30 big trucks per day. The tail gates slam and actually shake his house. He thought you needed to work with the Army Corp of Engineers before moving water. Also, the wood chips are stacked up to the road and against the guard rail. The right of way should be clear. Mr. Reder said the EPA has been out and does not have a problem with what he is doing. He is grandfathered out of FEMA.

Mr. Wingard said this has been an ongoing mess for at least 15 years. This is absolutely backing water up and creating a disaster. The guardrail has a build up behind it. Mr. Russell asked if he has ever had an engineering firm look at this. Mr. Reder said he has been doing this for 57 years and doesn't really need it. As far as the neighbor that can't sell their house it is because they have a bad septic system that is too expensive to fix. Mr. Reder said his brother is an architect and a lawyer for construction sites.

Mr. Henry said we are straying from our main task. We have nothing to go on but Mr. Reder's word. It would be helpful if he had some documentation from the EPA or FEMA.

Mr. John Zeit of 149 Spell Road was sworn in. He served on this Board back in 2017 when Mr. Reder had the first hearing. Mr. Reder was told he had until Nov. 2018 to finish. Now he wants an extension. He has had ample time. Almost one year after the deadline there are lots of trucks and lots of mess. He does not think he should get an extension.

Mr. Doug Marken of 339 Spell Road was sworn in. He thinks the whole creek needs to be dredged and cleaned. Mr. Hansford said the township cannot legally do it.

Mrs. Carol Reeder of 296 Spell Road was sworn in. She said people sneak in and dump trash on their property. It is not from them, it is people throwing trash out.

Mr. Moneypenny moved to "Cease and Desist" all activity and continue this hearing at a future date when the applicant has appropriate and specific documentation from a certified engineer. Mr. Russell seconded the motion. All Board members voted yes. This hearing is continued until further notice.

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.

Mr. Hansford asked who is here to speak to this tonight. Mr. Tim Reder of 296 Spell Rd. Kent was already sworn in at the previous hearing. Mr. Russell asked him if anything has been started on this property. Mr. Reder said no.

Mr. Hansford moved to continue this hearing until Mr. Reder has appropriate documentation and specific direction from a certified engineer. Mr. Henry seconded the motion. All Board members voted yes. The hearing is continued.

7:30 Hearing:

At 7:30 p.m. an application by Alan Bourgeois, 625 Judson Rd. Kent for the property located at 625 Judson Rd. (parcel number 120965-00-00-008-000) was heard for a variance to Section 405.06.A.6 which limits accessory buildings to sixteen (16) feet in height. The applicant wishes to construct an accessory building that is 17.5 feet in height.

Mr. Hansford asked who is here to speak to this tonight. Mr. Alan Bourgeois of 625 Judson Road Kent was sworn in. He has the need for the additional 1.5 feet in height to his accessory building because his calculations were off and he did not want to change the pitch. He needs the height for the camper and to accommodate the overhead door opener.

Mr. Hansford opened the meeting to public comment. There was none.

Mr. Hansford reviewed the Standards for an area variance.
A- yes, B-no , C-no , D-no , E-yes , F-yes , G-yes .

Mr. Russell moved to grant a variance of 1.5 feet in height for an accessory building which would allow the applicant to construct an accessory building that is 17.5 feet in height. Mr. Moneypenny seconded the motion. All Board members voted yes. The motion passes.

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 9, 2019 meeting. Mr. Moneypenny seconded the motion. All Board members voted yes. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for November 11, 2019 at 7:00 p.m.

Adjournment: The meeting was adjourned at 8:23 pm

Respectfully submitted,

Jenny August
Administrative Assistant
Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford