

Franklin Township, Portage County
Board of Zoning Appeals
May 13, 2019

Present: Chair David Hansford, Marilyn Sessions, Justin Money Penny, Shawn Martin, 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 Wohlwend Engineer Group Ltd, 4216 Karg Industrial Parkway, Kent representing Crystal Kent, LLC, 2335 Second St. Cuyahoga Falls, OH 44221, L E LTD Partnership, 2001 St. Rt. 59 Kent and VC Land LLC, 2013 St. Rt. 59 Kent for the properties located at 1993, 2001 and 2007 St. Rt. 59 Kent (parcel numbers 12-021-00-00-030-001, 12-021-00-00-030-002, 12-021-00-00-030-003 and 12-021-00-031-000) was heard for variances to section 320.04.C which requires a minimum rear yard depth of twenty-five (25) feet, section 800.04.B.2.a.4 which prohibits any part of a parking area being closer than 20 feet to any established road right-of-way and section 900.11.A.3.b.1 which requires that no less than ten percent (10%) of the interior of parking areas shall be landscaped. The applicant wishes to construct a building that will be 19.8 feet from the rear yard lot line, have parking that is 15.9 feet from St. Rt. 59 and includes parking that includes 967 sq. ft. of landscaping instead of the required 2,500 sq. ft. In addition the Board of Zoning Appeals was asked to determine if the applicant's cross parking agreement meets the requirements of Section 800.07 Shared Parking Facilities.

Mr. Hansford asked who is here to speak to this tonight.

Mike Wohlwend of Wohlwend Engineer Group, 4216 Karg Industrial Parkway, Kent OH 44240 representing Crystal Kent, LLC made his presentation for the need for several variances relating to the design of their expansion to the Crystal Clinic. Mr. Wohlwend explained the site plan including each building and parking area. The Crystal Clinic would like to construct a building that would connect the current Crystal Clinic building and the empty building to the west. Then Crystal Clinic would take over the entire spot. This will also require more parking. A new parking lot will be built along the side. There is only one ingress/egress area, so parking will be shared with the eye clinic in the back as well as the former Access Point building that is currently empty.

Mr. Wohlwend addressed the variances. The first variance request is for 5.2 feet of the rear yard depth. The new building needs to be as designed to accommodate ADA requirements. The building size will shorten the rear yard by 5.2 feet. The three parcels involved will be consolidated into one parcel. The second variance request is for more parking in the front. This is where the majority of their clients enter. If they adhere to the zoning code, they will be losing 5 parking spots. The third variance request is for the interior landscaping requirement. This only seems to work in parking lots that have

islands. This can work in a large parking lot such as Walmart, but is very difficult in the style of parking lot we are presenting with just a double bank of parking.

Mrs. Session asked if there will be any new handicapped spots. Mr. Wohlwend said they comply with the required ADA ratio of doctors to patients. This creates six new handicapped spots, to be located at the front door. Mr. Hansford asked how many parking spaces they will have in total. Mr. Wohlwend said there will 117 not including the parking in the back or on the west side. Franklin Township code requires 112 parking stalls. Mrs. Session asked if employee parking will be somewhere else. Mr. Wohlwend said not specifically, but employees will be asked to park in the back. Mr. Martin asked about the employee to parking ratio. Mr. Wohlwend said there are a total of 28 employees, so they need four spots per employee which is 112. Mr. Moneypenny asked how many spaces they would lose in the front if the second variance is not granted. Mr. Wohlwend said they would lose 5 spaces. It would also impede emergency vehicles.

Mr. Hansford asked if the back building is involved with any of this. Mr. Wohlwend said only in regards to the shared parking agreement. They will all be plowed, paved, and striped together so it looks like one nice facility.

Zoning Inspector Abell asked if the storm water basin will be a retention (wet) or detention (dry) basin. Mr. Wohlwend said it is an extended detention basin that holds water for three or four days. Having it hold the water longer allows the sediment to settle, which helps with the EPA requirements. It will be mowed.

Mr. Martin asked about the interior landscaping in the parking areas. The front of the rear parking is reduced to less than 40% of what is required. Is there any way to increase that? Mr. Wohlwend replied that if they follow the requirements, they will lose the entire middle row, or 10-15 spots. Mr. Martin asked about the landscaping across the front. Mr. Wohlwend said it will be all new landscaping across the front.

Mr. Martin asked Mr. Wohlwend to explain the shared parking. It is considered common shared parking. The agreement was prepared mostly for maintenance issues. The owners of both facilities are all a friendly group of investors doing this together.

Mr. Hansford asked if there are any plans for another ingress and egress. ODOT was not interested in approving anything right now. Possibly down the road they may be able to come up with something with the currently empty building in the back.

Mr. Hansford reviewed the Standards for an Area Variance to apply to all of the variance requests with the following results:

A- yes, B- yes, but not for the parking variance, C- no, D-no, E-yes, F-yes, G-yes.

A motion was made by Mr. Henry and seconded by Mr. Hansford to grant a 5'2" variance to the rear yard depth requirement of 25 feet allowing the applicant to construct a building 19.8 feet from the rear yard lot line. All board members voted yes. The variance was approved.

A motion was made by Mr. Moneypenny and seconded by Mrs. Sessions to grant a variance that would allow the applicant to have parking that is 15.9 feet from S.R. 59 instead of the required 20 feet. All board members voted yes. The variance was approved.

A motion was made by Mr. Martin and seconded by Mr. Henry to grant a variance of 1,533 square feet of landscaping in the parking areas, which reduces the landscaped areas from the required 2500 sq. feet to 967 sq. feet. All board members voted yes. The variance was approved.

A motion was made by Mr. Hansford and seconded by Mr. Martin that the Board of Zoning Appeals determines that the applicant's cross parking agreement does meet the requirements of Section 800.07 Shared Parking Facilities. 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 as presented from the April 8, 2019 meeting. Mr. Moneypenny seconded the motion. All Board members voted yes except Mr. Henry, who abstained. The meeting minutes were approved.

Next Meeting: The next meeting is scheduled for June 10, 2019 at 7:00 p.m.

Adjournment: The meeting was adjourned at 7:36 pm

Respectfully submitted,

Jenny August
Administrative Assistant
Board of Zoning Appeals

Approved as submitted:

Chairperson, David Hansford

Approved as amended:

Chairperson, David Hansford