

Franklin Township, Portage County  
Board of Zoning Appeals  
November 11, 2019

Present: Chair David Hansford, Glenn Russell, Marilyn Sessions, Justin Money Penny, Board Members; 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. This is a continuation from the October 14, 2019 BZA meeting.

Mr. Hansford asked who is here to speak to this tonight. Mr. Timothy Reder of 296 Spell Road Kent was sworn in. He distributed a paper to the Board listing everything he is doing on his property. He still needs to put a barrier for the creek. He has a right to use the road like everyone else. What he does on his own property is his right. He has never had a problem until last month.

Mrs. Sessions asked Mr. Reder how long he has been working on his property. He replied that it has been 42 years. Mr. Russell asked if he has contacted an Engineer. Mr. Reder said he has one now but he was unable to come, and it is not up to him to prove he is doing it right. Mrs. Sessions asked why the silt fence is not up yet along the creek. Mr. Mark Campbell of 700 McCauley Rd. in Stow said they are not close enough yet. Mr. Reder said the EPA asked him to move back 1 foot. He cut it back three feet. Mr. Russell said his deadline was November 2018. Mr. Hansford asked when his projected completion date is now. Mr. Reder said it will be done by the end of 2020. Mrs. Sessions asked him what is being dumped at his site. Mr. Reder said it is brick, concrete, block and dirt. Mr. Money Penny asked if he has documentation of any correspondence he has had with the EPA. Mr. Reder did not.

Mr. Hansford opened the meeting to public comment.

Mrs. Jennifer Reinker-Zimmerman of 244 Spell Rd Kent was sworn in. She is the Trustee of the Reinker Family Trust. Mr. Reder approached her and said he could fill in her low areas to improve her property. She showed pictures to the Board and explained the dirt leveling to be done out in her pastures. She would like him to go forward.

Mr. Barry Morris of 188 Spell Road Kent was sworn in. He asked specifically what the project is. Mr. Hansford said it is to raise elevation. Mr. Reder said he wants to move the fill by his driveway to her property to slope the water to go to the creek. Mr. Morris said

that is raising it 25-30 feet. Mr. Morris is also concerned about all of the truck traffic. He said there were trucks dumping today. It is just a dump over there. Mr. Russell asked how many feet he has raised his property so far. Mr. Reder said 7 feet. Mr. Joe Ciccozzi said this is never ending.

Mr. Kevin Wingard of 338 Spell Road Kent was sworn in. He is not trying to upset Mr. Reder, but there is just no end in sight. The trucks have slowed since last month when the Board issued a "Cease & Desist" order, but they are still coming. Mr. Reder thinks he can do whatever he wants, but these days you can't. His yard is flooding. He called Portage County and it shows he is violating about 30 different things. If his property is elevated, he is causing flooding elsewhere. The water is backing up. He showed pictures to the Board. The trucks were dumping today.

Mr. Morris added that the concerns of the Newcomer Road possible development might add disturbances to the water way. This will not help. This is creating more water on Newcomer. Also, his landfill might not be buildable because of all of the block creating pockets.

Mr. Reder said he is lowering the creek to hold more water. He is helping the flooding situation. The clogged culverts upstream are causing the damage.

John Zeit of 149 Spell Road Kent said last month this Board ordered a "Cease & Desist" and told him to consult an Engineer. He has taught civil engineering for 35 years. You can't change the contour of the land without drawings. There is no way for the Board to verify that what he is doing is correct. Mr. Wingard said everyone on Spell Road is tired of this dump and ongoing mess. Mr. Russell said he should start with the Portage County Engineer. They should be approving this anyway. Mr. Zeit said that a survey should be done with drawings that show the current and proposed contours that show where the water is going to go.

Mrs. Sessions moved to extend the deadline established by the Board of Zoning Appeals on August 17, 2017 to complete the project including land filling and grade elevation of the property subject to the provisions of Section 601.01.B Subsection 54. Mr. Russell seconded the motion. All Board members voted no. The motion failed.

**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 continuation from the October 14, 2019 BZA meeting.

Mr. Hansford asked who is here to speak to this tonight. Mrs. Jennifer Reinker-Zimmerman of 244 Spell Rd. Kent was already sworn in at the previous hearing. She explained that at one time her property was a beautiful pasture. Now all she see's is walls of dirt. She wants to allow Mr. Reder to spread the dirt into her pasture and level it out.

Mr. Moneypenny moved to grant a conditional use of non commercial land filling to change the grade and/or elevation of property subject to the provisions of Section 601.01.B Subsection 54. Mr. Hansford seconded the motion. All Board members voted no. The motion failed. The Board suggested that she contact the Portage County Engineers office for direction.

**7:30 Hearing:**

At 7:30 p.m. an application by Candace Curtis, 3732 Fishcreek Rd #254, Stow OH 44224 representing BCB Properties, 1656 Kent St. Kent for the property located at 2121 Brady Lake Rd. Kent (parcel number 12-038-00-00-001-000) was heard for a conditional use where the intended use, a non-profit food program which stores and distributes food and supplies is not listed as a permitted or conditional permitted use in an R-2 district.

Mr. Hansford asked who is here to speak to this tonight. Mrs. Candice Curtis of 3732 Fishcreek Road Stow was sworn in. She explained that her company, BCB Properties leases 2121 Brady Lake Road. At this location they create "Birdy Bags" of food to send home for children that may not get enough to eat over the weekend. She is asking the Board for permission to continue operating out of this location. They have about 40-50 volunteers that come in and pack Birdy Bags each month. There is really no other activity other than storage. They also purchase and wrap Christmas gifts for about 170 families.

Mr. Hansford opened the meeting to public comment. There was none so Mr. Hansford reviewed the Standards for a use variance.

A- yes, B-no, C-no, D-yes, E-no, F-no, G-no.

Mrs. Sessions moved to grant a conditional use of non-profit food program which includes storage and distribution of food and supplies. Mr. Russell seconded the motion. 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

**7:45 Hearing:**

At 7:45 p.m. an application by Drew Gatliff, 1062 Ridge St., Columbus OH 43215 representing Kent Real Estate Holdings LLC, 1062 Ridge St., Columbus OH 43215 for the property located at 1821 E. Main St. Kent (parcel number 12-021-00-00-023-003) was heard for variances to Section 320.04.B which requires a minimum side yard width of fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only and Section 900.11.A.3.b.1 which requires that no less than ten percent (10%) of the interior of parking areas be landscaped. The applicant wishes to construct a restaurant with a side yard width of 34' on the east side which is adjacent to a residential district and that has 8.9% landscaping in the parking area.

Mr. Hansford asked who is here to speak to this tonight. Mr. Drew Gatliff of 1062 Ridge St. Columbus was sworn in. He passed out a drawing of his proposed building. Previous variances were already granted. They are looking to lease to Arby's with a drive in.

There would be some shared parking. The reason for the setback request is because parking flipped to the other side of what was initially proposed. The existing Alpha Drive is a private roadway, not a right of way. The second request is the % of landscaping in the parking area. There will be landscaping around the perimeter. There will be a retaining wall similar to Raising Cane's. This is the same developer, so they want the stone to match. There will be similar consistent materials and landscaping.

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.

Mrs. Sessions moved to grant a 16' side yard width variance on the east side. Mr. Hansford seconded the motion. All Board members voted yes. The variance is approved.

Mr. Russell moved to grant a variance of 1% for landscaping in the parking area; providing landscaping total of 8.9% in the parking area. Mr. Moneypenny seconded the motion. All Board members voted yes. This variance 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.

### **8:00 Hearing**

At 8:00 p.m. an application by Thomas Yankovich of Ellet Neon Sales & Services, Inc., 3041 East Waterloo Road, Akron OH 44312 representing DP 100 LLC/Diamond Properties/William Diamond, 33 N. Bedford Rd., Mount Kisco, NY 10549 for the property located at 2245 St Rt 59, Kent (parcel number 12-035-20-16-027-001) was heard for variances to Section 700.04.A.2 which limits wall signs to 24" of vertical wall space. The applicant wishes to erect four wall signs that are 5' high and one wall sign that is 3' 11 ¾" high.

Mr. Hansford asked who is here to speak to this tonight. Mr. Thomas Yankovich of 3041 E. Waterloo Road in Akron was sworn in. He is representing Ellet Neon Sales & Service. They are replacing the old Bill White sign. The new sign will have three circles about 60" high, bowling pins will be 60" high and the copy will be 37" high. Spins Bowl has a logo with circles and this copy. Inside each of the three circles they add a description of what that establishment has to offer at each location. The copy inside each circle is 10". The square footage of the new sign is the same as the existing sign. They are trying to keep things consistent. They have been operating at this location since 2017. When they bought the bowling alley it was Brady Lake Village and there were no zoning restrictions on the design for this sign.

Mr. Russell asked how tall the sign currently is. Mr. Yankovich said the Bill White sign is 30" high. The new sign will have three circles and bowling pins that are 60" high, but the copy will be 37.75" tall. They are also illuminated but tastefully done.

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

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

Mr. Money Penny moved to grant a height variance of 3' for four wall signs and a height variance of 1' 11 <sup>3</sup>/<sub>4</sub>" for one wall sign. Mrs. Sessions seconded the motion. All Board members voted yes. The variances were 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:** Mrs. Sessions moved to approve the minutes as presented from the October 14, 2019 meeting. Mr. Hansford seconded the motion. All Board members voted yes. The meeting minutes were approved.

**Next Meeting:** The next meeting is scheduled for December 9, 2019 at 7:00 p.m.

**Adjournment:** The meeting was adjourned at 8:45 pm

Respectfully submitted,

Jenny August  
Administrative Assistant  
Board of Zoning Appeals

Approved as submitted:

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Chairperson, David Hansford

Approved as amended:

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