

Franklin Township, Portage County  
Board of Zoning Appeals  
March 11, 2024

Present: Chair Justin Moneyppenny, David Hansford, Ron Goodspeed, Marilyn Sessions, and Sam Abell, Board Members; Joe Ciccozzi, Zoning Inspector; Jenny August, Secretary.

Mr. Moneyppenny 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 Dan Mateja, 8916 Seasons Rd. Streetsboro, OH 44241 representing the property at 524 Judson Rd. (parcel number 12-065-00-00-013-000) was heard for a variance to section 302.03 A of the Franklin Township Zoning code. The code requires that a residential structure must have a lot size of a minimum of 2 acres in a R-R (Rural Residential) district. The applicant requested a variance to allow the construction of a residential dwelling on a lot size of 1.79 acres representing a variance of .21 of an acre.

Mr. Moneyppenny asked who is here to speak to this tonight. Mr. Dan Mateja of 8916 Seasons Road Streetsboro was sworn in for the property located at 524 Judson Road Kent. He inherited this property that had a home on it which was very old and in bad condition, so he tore it down. He would like to build a new one, but not in the same footprint. The former home was built long before zoning required a 2-acre limit. He is buying the property next door which will give him a little more property but still not quite the 2 acres needed. Buying the neighboring property is contingent on this variance getting approved. Mr. Goodspeed asked him if he contacted Portage County for septic requirements. Mr. Mateja said yes, and it is also contingent on this variance being approved. There were no public comments.

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

Mrs. Sessions moved to grant the applicant a .21-acre variance which would allow him to construct a residence on a rural residential lot that is 1.79 acres where 2 acres are required to construct a residential dwelling. All board members voted yes. The variance was approved.

Mr. Moneyppenny 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 from the February 12, 2024 meeting with a second from Mr. Moneyppenny. All voted yes. The meeting minutes were approved.

**7:15 Hearing:**

At 7:15 p.m. an application by Paul Swigart Jr. 2031 Merrill Rd, Kent, OH 44240 representing the property at 6297 Westshore Drive Kent, OH 44240 (parcel number 12-034-00-16-034-007) was heard for a variance to sections 405.06.A.2.a of the Franklin Township Zoning code. The code limits accessory buildings to 768 square feet on lots less than 1.5 acres. The applicant requested a 528 square foot variance to allow the construction of an accessory structure to have 1296 square feet.

Zoning Inspector Ciccozzi said the applicant has reduced the dimensions to a total of 1080 square feet which reduces the variance request to 312 square feet.

Mr. Money Penny asked who is here to speak to this tonight. Mr. Paul Swigart Jr. of 2031 Merrill Rd. Kent and Mr. Timothy O'Neil of 391 Barlow Rd. Hudson were sworn in. Mr. Swigart said his step daughter and son-in-law are buying the home and they would like to construct an accessory building to store all of their stuff in while they move. Mr. O'Neil said he has classic cars, motorcycles, go carts, and lots of family stuff that he will be storing in this building.

Mr. Goodspeed asked if there will be heating and plumbing in the building. Mr. O'Neil said no, this is simply for storage. Mr. Money Penny asked if the design of the building will match the house. Mr. O'Neil said yes, they are using the same materials. Mr. Money Penny asked if anyone lives behind this property. Mr. Swigart said no, and that he owns 9 acres behind.

Mr. Money Penny reviewed the Standards for an area variance with the board: A- yes, B- no, C-no, D- no, E-yes, F- yes, G- yes.

Mr. Money Penny moved to grant the applicant a 312 sq. foot variance to construct an accessory building that is 1080 square feet when the code limits an accessory building to 768 square feet in lots that are less than 1.5 acres. Mr. Goodspeed seconded the motion. All voted yes except Mrs. Sessions who abstained. The variance is approved.

Mr. Money Penny 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.

**7:30 Hearing:**

At 7:30 p.m. an application by Lisbeth Justice at 211 Brady St. Kent, OH 44240 representing the property at the 1949 and 1951 State Route 59 Kent, OH 44240 (parcel number 12-021-00-00-027-002) was heard for a conditional use as stated in section 320.02.B.3.b of the Franklin Township Zoning code. The conditional use of "Day Care" is subject to section 601.01 B, subsection 44 of the Franklin Township Zoning code. The Zoning Code requires that the Board of Zoning Appeals review the conditional use applications.

Mr. Money Penny asked who is here to speak to this tonight. Ms. Lisbeth Justice of 211 Brady St. Kent was sworn in. She said she would like to have a child development center

in one building, and then eventually expand into other buildings. She intends for it to be multigenerational and include seniors and Kent State students. The current focus is 0–5 year-olds, but can go up to age 14. This building was previously a lighting center.

Mr. Moneypenny asked what the occupancy is. Ms. Justice said it is 82. It will be licensed and state certified. She can't purchase it without conditional zoning. 35 square feet per child is required. There will be several classrooms for different age groups. Mrs. Sessions asked how many employees she will have. Ms. Justice said there will be 17 including office staff. Mr. Moneypenny asked if there will be any busing provided. Ms. Justice said it will be just pickup and drop off.

Mrs. Sessions moved to grant a conditional use to allow the operation of a day care center at 1949 and 1951 State Route 59 in Kent. Mr. Moneypenny seconded the motion. All board members voted yes. The conditional use is approved.

Mr. Moneypenny 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.

**Next Meeting:** The next meeting is scheduled for April 8, 2024 at 7:00 pm to consider any applications that may come in.

**Adjournment:**

The hearing was adjourned at 7:50 pm.

Respectfully submitted,

Jenny August  
Secretary, Board of Zoning Appeals

Approved as submitted:

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Chairperson, Justin Moneypenny

Approved as amended:

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