

# GENERAL BACKGROUND INFORMATION

*(As available on 3/12/09 - subject to change without notice)*

## **S & H Development, LLC In Receivership**

6872 State Route 43

14.137 +/- Acres

Real Property Located in Franklin Township, Ohio

Portage County

Zone R-4 Multi-Family Residential



Materials Presented by:

## **Ag Real Estate Group, Inc.**

Eric M. Silver, President

Receiver for:

S & H Development, LLC

Court of Common Pleas - Portage County, Ohio

Case: 2009CV0016

FIRSTMERIT BANK, NA vs. S & H Development, LLC, et al.

Ag Real Estate Group, Inc.  
3659 South Green Road, Suite 100  
Beachwood, OH 44122  
216-504-5000 - T  
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# **GENERAL BACKGROUND INFORMATION**

*(Included as of (3/12/2009)*

- Introduction
- Location Map
- Tax Map
- Aerial Photos
- Zoning Information
- Demographics Information
- Real Estate Tax Information
- Preliminary Judicial Report

# Introduction

S & H Development is in Receivership via an order signed by Judge Pittman. The order is available for review upon request. The order directs the Receiver to, among other tasks, market the properties for sale.

The sole purpose of The General Background Information included herein is to provide general and not specific information regarding the real property described. The Receiver has operated the property since early February, 2009 and therefore has very limited information about the property and its historical operations, including expenses.

The information contained herein shall not constitute an offer to sell nor a request or solicitation of an offer to buy. No person or entity shall have any rights whatsoever to rely on this information or any other information received unless there is a mutually executed document specifically and intentionally creating such right of reliance.

The information included herein has been secured from sources that are usually reliable, however the accuracy of the information has not been verified by any of the following: The Receiver, the Broker, its agents, employees or consultants. All parties are encouraged and directed to initiate and complete (at their own expense) any and all due diligence studies that may be required in order to evaluate the quality, condition, suitability, and potential value of the property.

THE RECEIVER, BROKER, MANAGER (and any parties related in any way to them) MAKE NO WARRANTY (expressed or implied) WHATSOEVER REGARDING THE PROPERTY, THE STATUS OF ANY LITIGATION RELATED TO THE PROPERTY OR THE OWNER, OR ANY ACTION(S) OR FAILURE OF OTHERS TO TAKE ANY ACTION(S).

TOURS OR INSPECTIONS OF THE PROPERTY ARE BY PRIOR ARRANGEMENT WITH THE RECEIVER. NO PARTY HAS AUTHORIZATION TO ENTER UPON THE PROPERTY WITHOUT SPECIFIC WRITTEN PERMISSION OF THE RECEIVER. ANY AND ALL CONTEMPLATED TRANSACTIONS WILL BE COMPLETED ONLY BY APPROVAL OF THE COURT.

## REGISTRATION

### S & H Development

Eric M. Silver is a Real Estate Broker licensed in the State of Ohio, doing business as Ag Real Estate Group, Inc. Eric Zimmerman is a Real Estate Agent for Ag Real Estate Group, Inc., licensed in the State of Ohio. Eric M. Silver is appointed Receiver for this property via order of the Portage County Court of Common Pleas. Details of the Receivership, including case number, can be found in the information package. Consummation or completion of a sale of the property may or may not occur. Any effort or resources expended by a principal or broker is at his/her own risk and may or may not lead to completion of a transaction. The Receiver, broker, agent, lender, and debtor make no representation whatsoever regarding the condition or value of the property or whether a transaction will be completed. Completion of a transaction will require, among other things, approval of the Court and all secured creditors.

We welcome co-brokerage participation in support of our effort to market and sell this property. Upon completion and closing of a transaction with a buyer who has been duly registered by a Buyer's agent, Seller shall pay a co-brokerage fee equal to 1.5% of the purchase price (via escrow) to a buyer's broker. To be registered and recognized as a buyer's broker, you must complete this registration form and have received an executed copy in return prior to your client having contact with the Ag Real Estate Group, Inc. Brokers contacting the Ag Real Estate Group, Inc. after their client makes an initial contact directly to the Ag Real Estate Group, Inc. will not be recognized or compensated by the Seller. Registration will remain valid for a period of 150 days after the later date below, after which time the registration becomes null and void.

You are advised that this property is being marketed at the same time that the secured creditor(s) is pursuing foreclosure proceedings. It is our intent to secure a purchase agreement from a qualified purchaser that will satisfy all parties and allow the secured creditors to dismiss the foreclosure action. We make no representation regarding the likelihood that this will occur.

CIRCLE ONE CHOICE: *I am* / *am not* represented by a broker or agent.

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Buyer (*print and sign*)      Phone #      Date

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Buyer's Agent - Name and Phone #      Date

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Ag Real Estate Group, Inc.      Date  
By: Eric M. Silver, President and Broker  
Receiver for S & H Development, LLC

# CONSUMER GUIDE TO AGENCY RELATIONSHIPS

*Ag Real Estate Group, Inc.*



We are pleased you have selected Ag Real Estate Group, Inc. to help you with your real estate needs. Whether you are selling, buying or leasing real estate, Ag Real Estate Group, Inc. can provide you with expertise and assistance. Because this may be the largest financial transaction you will enter into, it is important to understand the role of the agents and brokers with whom you are working. Below is some information that explains the various services that agents can offer and their options for working with you:

## **Representing the Sellers**

Most sellers of real estate choose to list their home for sale with a real estate brokerage. When they do so, they sign a listing agreement that authorizes the brokerage and the listing agent to represent their interests. As the seller's agent, the brokerage and listing agent must: follow the seller's lawful instructions, be loyal to the seller, promote the seller's best interests, disclose material facts to the seller, maintain confidential information, act with reasonable skill and care, and account for any money they handle in the transaction. In rare circumstances, a listing broker may offer "subagency" to other brokerages, which would also represent the seller's interests and owe the seller these same duties.

## **Representing Buyers**

When purchasing real estate, buyers usually choose to work with a real estate agent as well. Often the buyers want to be represented in the transaction. This is referred to as buyer's agency. A brokerage and agent that agree to represent a buyer's interest in a transaction must: follow the buyer's lawful instructions, be loyal to the buyer, promote the buyer's best interests, disclose material facts to the buyer, maintain confidential information, and account for any money they handle in the transaction.

## **Dual Agency**

Occasionally, the same agent and brokerage that represent the seller also represent the buyer. This is referred to as dual agency. When a brokerage and its agents become "dual agents," they must maintain a neutral position in the transaction. They may not advocate the position of one client over the best interests of the other client, or disclose any confidential information to the other party without written consent.

## **Representing Both the Buyer & Seller**

On occasion, the buyer and seller will each be represented by two different agents from the same brokerage. In this case, the agents may each represent the best interest of their respective clients. Or, depending on company policy, the agents may both act as dual agents and remain neutral in the transaction. When either of the above occurs, the brokerage will be considered a dual agent. As a dual agent, the brokerage and its managers will maintain a neutral position and cannot advocate for the position of one client over another. The brokerage will also protect the confidentiality of all parties.

For more information on agency law in Ohio, contact the Ohio Division of Real Estate & Professional Licensing at (614) 466-4100, or online at [www.com.ohio.gov/real](http://www.com.ohio.gov/real).

### **Working With Ag Real Estate Group, Inc.**

Ag Real Estate Group, Inc. does represent both buyers and sellers. When Ag Real Estate Group, Inc. lists property for sale, all agents in the brokerage represent the seller. Likewise, when a buyer is represented by a Ag Real Estate Group, Inc. agent, all of the agents represent that buyer. Therefore, when a buyer represented by a Ag Real Estate Group, Inc. agent wishes to purchase property listed by our company, the agent(s) involved act as dual agents. This is true whether one agent is representing both parties or two separate agents are involved.

In the event that both the buyer and seller are represented by Ag Real Estate Group, Inc. agents, these agents and Ag Real Estate Group, Inc. will act as a dual agent but only if both parties agree. As a dual agent, they will treat both parties honestly, prepare and present offers at the direction of the parties, and help the parties fulfill the terms of any contract. They will not, however, disclose any confidential information that will place one party at an advantage over the other or advocate or negotiate to the detriment of either party.

If dual agency occurs, you will be asked to consent to that in writing. If you do not agree to your agent acting as a dual agent, you can seek representation from another brokerage.

As a buyer, you may also choose to represent yourself on properties Ag Real Estate Group, Inc. has listed. In that instance, Ag Real Estate Group, Inc. will represent the seller and you would represent your own best interests. Because the listing agent has a duty of full disclosure to the seller, you should not share any information with the listing agent that you would not want the seller to know.

### **Working With Other Brokerages**

Ag Real Estate Group, Inc. does offer representation to both buyers and sellers. When Ag Real Estate Group, Inc. lists property for sale, it also cooperates with, and offers compensation to, other brokerages that represent buyers. Ag Real Estate Group, Inc. does reserve the right, in some instances, to vary the compensation it offers to other brokerages. As a seller, you should understand that just because Ag Real Estate Group, Inc. shares a fee with a brokerage representing the buyer, it does not mean that you will be represented by that buyer's brokerage. Instead, that company will be looking out for the buyer and Ag Real Estate Group, Inc. will be representing your interests.

When acting as a buyer's agent, Ag Real Estate Group, Inc. also accepts compensation offered by the listing broker. If the property is not listed with any broker, or the listing broker does not offer compensation, we will attempt to negotiate for a seller-paid fee.

### **Fair Housing Statement**

It is illegal, pursuant to the Ohio Fair Housing Law, division (H) of Section 4112.02 of the Revised Code and the Federal Fair Housing Law, 42 U.S.C.A. 3601, to refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, familial status as defined in Section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services. It is also illegal, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons belonging to one of the protected classes. (Effective: 3/25/08)

We hope you find this information to be helpful to you as you begin your real estate transaction. When you are ready to enter into a transaction, you will be given an Agency Disclosure Statement that specifically identifies the role of the agents and brokerages. Please ask questions if there is anything you do not understand.

Because it is important that you have this information, Ohio law requires that we ask you to sign below to acknowledge receipt of this pamphlet. Your signature will not obligate you to work with our company if you do not choose to do so.

\_\_\_\_\_  
Name (Please Print)

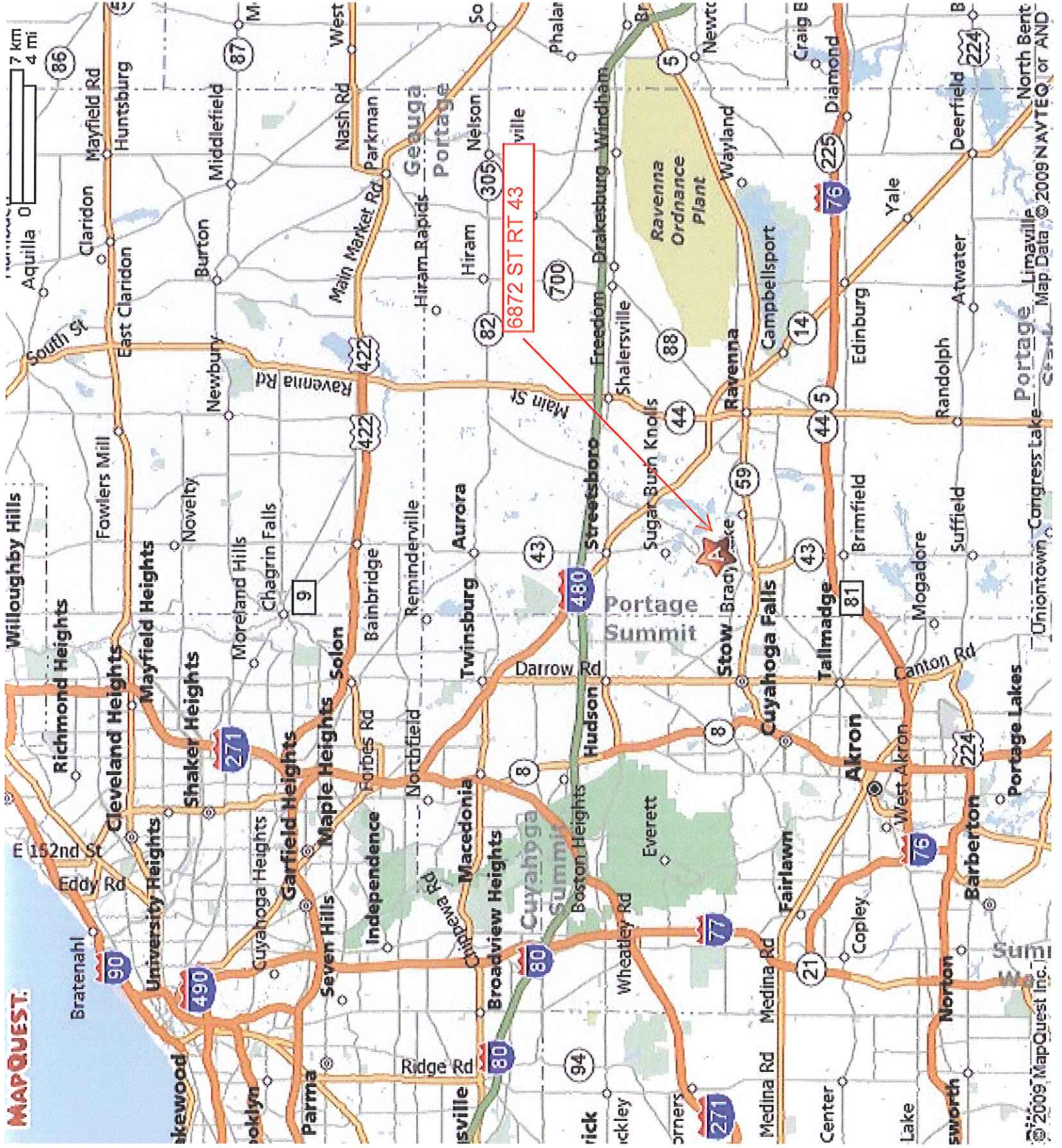
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Name (Please Print)

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Signature Date

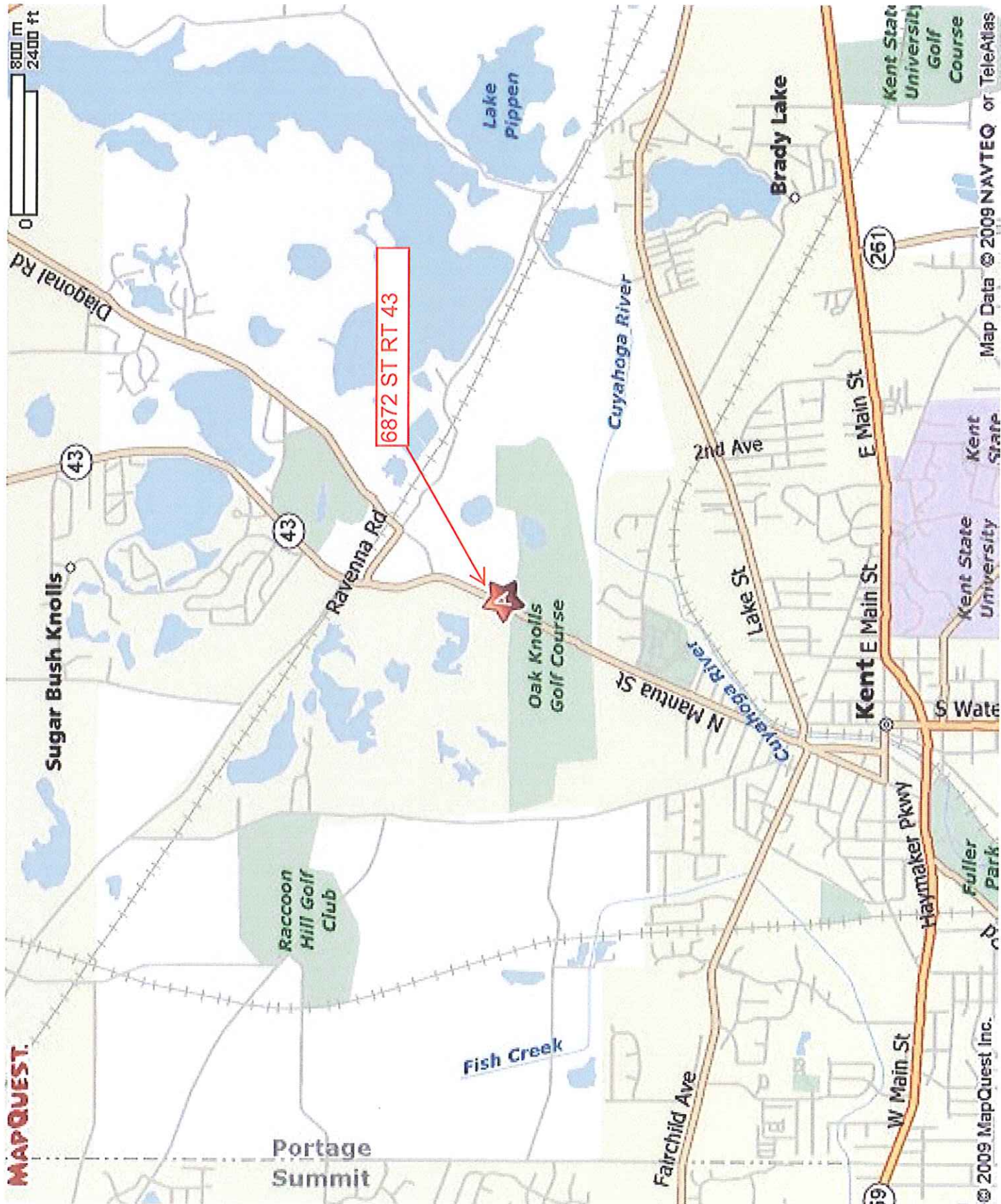
\_\_\_\_\_  
Signature Date

# Location Map









# Tax Map



# Aerial Photos









Google

© 2009 Tele Atlas

6872 ST RT 43

Cleveland-Cantor

43

809 ft

# Zoning Information



## Eric Zimmerman

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**From:** Franklin Township [frklntwp@neo.rr.com]  
**Sent:** Friday, February 27, 2009 1:36 PM  
**To:** info@agrealestategroup.com  
**Subject:** Franklin Township Property - S & H Development  
**Attachments:** BZA 10 09 06.doc; BZA 11 06 06.doc; BZA 12 04 06.doc; BZA 02 12 07.doc; BZA 03 12 07.doc

Mr. Zimmerman:

Please be advised that parcel number 12-050-00-00-004-000 is located in Franklin Township, Portage County, Ohio and is zoned R-4 Multifamily Residential.

Attached you will find the minutes of the Franklin Township Board of Zoning Appeals that dealt with this property.

- Minutes 10-09-06 7:30 pm application
- Minutes 11-06-06 7:00 pm application
- Minutes 12-04-06 7:00 pm application
- Minutes 02-12-07 7:15 pm application
- Minutes 03-12-07 7:00 pm application

Sincerely,

Ken Penix  
Franklin Township Administrator  
218 Gougler Ave. Kent OH 44240  
330-673-2194  
330-673-6765 Fax

Franklin Township, Portage County  
Board of Zoning Appeals  
October 9, 2006

Present: Margaret Chandler, David Hansford, James Henry, David Sommers, Michael Weiss, Board Members; Sam Abell, Zoning Inspector; Kenneth Penix, Assistant Zoning Inspector.

Mr. Sommers 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 p.m. application

An application by Joseph R. Aloï, 1571 North Blvd., for the property located at 1571 North Blvd. (parcel number 12-076-20-00-242-000) was heard for variances to section 301.4.o which requires accessory buildings to be located no closer than fifteen (15) feet from the main building and occupy no more than thirty percent (30%) of the rear yard. It also limits the size to a maximum of 750 square feet.

There was no one present to speak to this application.

Mr. Weiss moved to grant a continuance for extenuating circumstances for this application. Mr. Hansford seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford-Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

7:15 p.m. application

An application by Todd & Kally Christy, 1906 Brady Lake Rd. for the property located at 1906 Brady Lake Rd. (parcel number 12-039-00-00-031-000) was heard for variances to section 301.4.v which limits front yard fences to four (4) feet in height and requires at least twenty-five (25%) of the vertical surface of a fence to be open to light and air.

Mr. Todd Christy, 1906 Brady Lake Rd., was sworn in by Mr. Sommers. Mrs. Kally Christy, 1906 Brady Lake Rd., was sworn in by Mr. Sommers. Mr. Christy explained that the home was purchased in June 2006 and he did not know there would be a problem with a six feet high solid fence. He noted there were six similar fences in the neighborhood. He said that the privacy fence would keep his dog separated from neighborhood children. Mrs. Christy said that the fence also protected children visiting her home from traffic and potential sex offenders. She further noted that her house was on a corner lot and the portion of the fence along Reeves Ave. does not obstruct views.

The Board noted that because the house was on a corner lot, the zoning resolution considered the property facing both Brady Lake Road and Reeves Avenue as front yards. Practically speaking, the fence enclosed the back yard of the residence.

Ms. Rebecca Proske, 1880 Brady Lake Rd., was sworn in by Mr. Sommers. She has 4 properties within 300 feet of the Christy property (1916, 1922 Brady Lake road). She has no objections to the fence.

Mr. Mike Sepi, 630 Roosevelt St., was sworn in by Mr. Sommers. Mr. Sepi supports granting the variances.

Mr. John Jones, 1756 Walnut Road, was sworn in by Mr. Sommers. Mr. Jones, chairman of the Franklin Township Zoning Commission, noted that the zoning code was intended to deal with side yard fencing because of property line issues and to provide sufficient light for flower beds and the like. He recommended that the Board consider leniency in this situation.

There were no other questions or comments from the audience.

Mr. Henry moved to grant a fence height variance of 2 feet for the fence located on parcel number 12-039-00-00-031-000. Mr. Weiss seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Mr. Sommers moved to grant a variance of 25% to 0% of a fence to be open to light and air for a solid fence located on parcel number 12-039-00-00-031-000. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Mr. Sommers 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 p.m. application

An application by Dale Haggarty representing S & H Development, 88 S. Portage Path, Ste. 300, Akron OH 44303 was heard for the property located immediately north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-008-000 and 12-050-00-00-006-000) for a conditional use permit for a recreational facility and access road within the OC zoning district. In addition, the Board reviewed the site plan of a planned condominium development in the R4 zoning district north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-006-000, 12-049-00-00-007-000, 12-050-00-00-004-000 and 12-050-00-00-005-000).

Mr. Dale Haggarty, 88 S. Portage Path, Ste. 300, Akron OH 44303 was sworn in by Mr. Sommers. Mr. Ronald Smith, 3872 Egret Drive, Akron OH was sworn in by Mr. Sommers. Mr. Haggarty distributed a revised site plan with 65 proposed condominiums. The condominiums are to be located within the R4 district with a planned clubhouse and access road to be located on the property in the OC zoning district. Placing the access road on the OC property allows for more green space between the units and provided for units on the east side of the R4 property. He noted that he had an option to buy the OC property.

Mr. Sommers read a letter dated December 28, 2005 written by Richard L. Gardner, Heritage Botanist from the Ohio Department of Natural Resources to the Franklin Township Trustees. The letter describes a bog on the property and his recommendations for protecting it. The letter is attached as a part of the official minutes of these proceedings.

Mr. Haggarty noted that Davey Tree performed a wetland delineation of the bog and the intent of the developers was to protect the bog. However, units are closer than the 120 feet buffer area recommended by Mr. Gardner. He said that the Army Corps of Engineers would not be involved because the developers would not impact the bog. He said that storm water would be drained to another pond on the property. The drives and cul-de-sacs have center drains leading to the pond. Mr. Haggarty said he would look into protecting the bog from lawn fertilization runoff.

Mr. Sommers suggested dealing with the conditional use application first, as that decision would impact the site plan review. He read the purpose and uses of the OC zoning district as defined by the Franklin Township Zoning Resolution. He noted that part of the bog was in the OC district. These sections are attached and made a part of the minutes of these proceedings.

Mr. Sommers has a problem with the road and recreational facility being on the OC property for the benefit of the R4 property.

Mr. Haggarty noted that the proposed development was less dense than is permitted in an R4 district. Placement of the road and clubhouse outside the R4 property provides for more green area with the R4 portion. He also noted that 3 houses could be constructed on the OC property and a roadway would be permitted by code for those structures.

Mr. Sommers noted that the Zoning Resolution did specifically address condominiums. However, R4 does permit as a conditionally permitted use planned unit residential development, which is the closest entity to the proposed condominium development.

Mr. Hansford stated that as an adjacent property owner, he would abstain from voting on the issues.

Mr. Haggarty noted that houses might be placed on the OC property in the future.

Mr. Sommers expressed concern regarding having the access road in the OC district and particularly skirting the wetlands, potential drainage into the bog and having herbicides or fertilizer reach the bog.

Mr. Haggarty suggested that having all natural open areas could eliminate herbicides and fertilizers from the property.

In response to a question from the Board, Mr. Smith said there were no current plans to replat the properties into a single plat. Mr. Sommers noted that there were little or no setbacks on the south side of the property, along State Route 43 and on both sides of the wetlands. He would prefer fewer buildings in order to achieve more reasonable setbacks.

Mr. Weiss noted that snow plowing and salting in the winter would likely drain salt into the bog.

Mr. Henry was pleased with the density lower than that which is allowed. He noted that the setbacks between units were not consistent with the Zoning Resolution. Mr. Haggarty said that the layout of the units was similar to the layout of other condominium projects he had undertaken.

Mrs. Chandler expressed concern with zero setbacks on the south side of the development, potential encroachment of the Akron water line easement, the closeness of the units to the bog and possibly exacerbating the drainage problem along State Route 43.

Mr. Haggarty stated that the Portage County Soil and Water will review the plan and has to approve the final drainage and grading plans. The access road would also be reviewed and approved by Portage County. In response to questions from the Board, Mr. Haggarty indicated that fire hydrants and streetlights would be installed.

Mr. Sommers indicated his concerns were to protect the bog from runoff, the units and the road being too close to the bog, too many units in too narrow of a space, too many units close to State Route 43. He also wanted the Kent Fire Department and the county engineer to approve the plans. The Board should also have the wetland delineation of the bog.

Mr. Weiss suggested a professional review of the development plan was needed.

Mr. Smith noted that the development plan was less dense than that permitted in an R4 district and was more attractive than taller buildings. He questioned whether or not the Board of Zoning Appeals had the authority to address concerns regarding the bog.

Mr. Haggarty said that the Franklin Township trustees had been favorable to the preliminary plans of this development. Mr. Abell noted that the preliminary plans did not involve the OC property, nor were there units east of the bog.

Mr. Haggarty noted that they could eliminate salt from snow clearing and make the entire area all natural. Eliminating units from around the bog would impact the viability of the project and possibly require buildings up to 65 feet high.

Mr. Haggarty stated that his intent was to have an attractive development in the community. He reviewed the prototype units planned for the development.

The Board indicated that the units planned were preferred to high rise apartment buildings that are permitted in an R4 district.

There was a discussion regarding the involvement of the Army Corps of Engineers in reviewing the project.

Mr. John Jones, previously sworn in, asked if the Board would accept a list of questions from the Franklin Township Zoning Commission. His concerns included the potential need for a traffic light and the potential widening of State Route 43. The Board indicated its agreement to review the list of questions.

Mr. John Sharp, 6949 State Route 43, was sworn in by Mr. Sommers. Mr. Sharp believed the project would worsen the drainage problem along State Route 43.

Ms. Elsie Chase, 1806 Oak Hill Dr, was sworn in by Mr. Sommers. She indicated a desire to preserve the neighborhood. She also wondered if the proposed recreational building would be available to people not living in the planned development. She also expressed concern regarding the attractiveness and noisiness associated with the diesel generator planned for the southwest corner of the development. Mr. Haggarty noted the clubhouse would be used solely by the residents of the development. The backup diesel generator would be inground and not be noisy. He indicated he would determine the size of the generator and whether or not it would periodically cycle on.

Ms. Deborah Butler-Sharp, 6949 State Route 43, was sworn in by Mr. Sommers. She believes that the development would negatively impact the neighborhood community. She expressed concern about the ratio of green area to buildings, the impact of additional lighting, the impact of the closeness of units to adjacent properties, the impact of fertilizer and salt, and protecting the bog from children living in the development.

Mrs. Swanhild Voneida, 7487 West Lake Blvd., was sworn in by Mr. Sommers. She believes the bog is special and needs to be protected from residents of the development and additional drainage. A real buffer zone needs to be established.

Mr. Richard Gardner, 307 North Union St, Delaware OH 43015 was sworn in by Mr. Sommers. He is the author of the letter previously read into the record by Mr. Sommers. Mr. Gardner explained the background and history of his review of the bog on the property. He believes that development runoff will impact the bog. In response to a question from the Board, Mr. Gardner indicated the Ohio Department of Natural Resources has no official capacity regarding the bog. The Ohio EPA has regulatory responsibility if the bog is impacted.

Mr. Henry wants a responsible authority to analyze the potential impacts to the bog and render an opinion.

Mr. Haggarty indicated that the plans were developed with the intent of not impacting the bog.

Mrs. Kay Hansford, 6918 State Route 43, was sworn in by Mr. Sommers. She noted that the property was originally zoned R4 because an extension of State Route 261 had been planned for the property.

Mr. Tom Morsefield, 6896 State Route 43, was sworn in by Mr. Sommers. Mr. Morsefield suggested that a formal assessment be made by the appropriate authority to determine the impact of the proposed development on the bog. He further expressed concern regarding traffic issues on State Route 43 and drainage on adjacent properties.

Mrs. Edith Chase, 5731 Caranor Drive, was sworn in by Mr. Sommers. She suggested a review of the water and sewer arrangements with the City of Kent and a review of the flood plain map. She stated that the drainage plan had to be approved by the Portage County Soil and Water and that the road required approval by the county engineer.

The Board directed Mr. Abell to confer with the prosecutor's office to determine the extent of the authority of the Board of Zoning Appeals regarding the site plan review and conditional use application. Mr. Abell is also to determine if Portage County Regional Planning review is required for the development or the access road.

Mr. Henry moved to grant a continuance to next month for the site plan review and possible approvals for conditions placed upon the project, the Villa at Oak Knolls. The applicants are to provide a preliminary review from Portage County Soil and Water for the total project, the wetlands delineation, accurate description of the easement restrictions for the Akron Water Works right-of-way, response from ODOT regarding future development of State Route 43 access, a preliminary review of drainage and roads by the county engineer and a review for emergency access by the Kent Fire Department. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Abstain, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

#### Next Meeting

The next meeting of the Board of Zoning Appeals was scheduled for November 6, 2006.

Minutes

Mrs. Chandler moved to approve the August 7, 2006 Board of Zoning Appeals minutes as presented. Mr. Sommers seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. Minutes were approved.

The meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Kenneth Penix  
Assistant Zoning Inspector

Approved as submitted:

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Chairperson, David L. Sommers

Approved as amended:

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Chairperson, David L. Sommers



Franklin Township, Portage County  
Board of Zoning Appeals  
November 6, 2006

Present: Margaret Chandler, David Hansford, James Henry, David Sommers, Michael Weiss, Board Members; Sam Abell, Zoning Inspector; Kenneth Penix, Assistant Zoning Inspector.

Mr. Sommers 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 p.m. application**

An application by Dale Haggarty representing S & H Development, 88 S. Portage Path, Ste. 300, Akron OH 44303 was heard for the property located immediately north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-008-000 and 12-050-00-00-006-000) for a conditional use permit for a recreational facility and access road within the OC zoning district. In addition, the Board reviewed the site plan of a planned condominium development in the R4 zoning district north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-006-000, 12-049-00-00-007-000, 12-050-00-00-004-000 and 12-050-00-00-005-000). This is a continuation of an application from the October 9, 2006 meeting.

Mr. Dale Haggarty, 88 S. Portage Path, Ste. 300, Akron OH 44303 was sworn in by Mr. Sommers. Mr. Ron Smith, 3872 Egret Drive, Akron OH was sworn in by Mr. Sommers.

Various Board members read the following correspondence regarding the application into the record: letter dated October 23, 2006 from Gordon Vars, Facilitator Friends of the Kent Bog; letter dated October 25, 2006 from Elsie M. Chase; letter dated October 28, 2006 from James C. and Carolyn P. Ellsworth; letter dated October 28, 2006 from Robin (Ellsworth) Leichter; letter dated Oct. 28, 2006 from Debrah Butler Sharp and John T. Sharp; letter dated October 28, 2006 from Tom, Becky, Madison and Katherine Morsefield; letter dated October 28, 2006 from Rebecca A. Ellsworth; letter dated November 2, 2006 from Swanild Voneida and Theodore Voneida; letter dated October 31, 2006 from Ann Hendricksen Ward, Chairperson Kent Environmental Council and undated letter from Charles and Germaine Williams. All the letters expressed concern and/or opposition to the planned development. The correspondence is attached and made part of the official records of the meeting.

Mr. Sommers clarified that there were no variances requested in this application. There is a conditional use permit requested for the OC district parcels and a site plan review of the development planned for the R4 parcels. He noted that Mr. Pete Williams, owner of the OC property told Mr. Sommers that Mr. Williams had not given any permissions or options on the OC property. This was also noted in two of the letters read into the record. Mr. Williams said that in his discussion with the applicants, there were 50 some units, not 60 in the proposed development and no units on the east side of the bog. Mr. Williams indicated that he would not provide an option to the applicants if the development was as presented at the last Board of Zoning Appeals meeting. Mr. Sommers concluded that the request for a conditional use permit and review of the site plan were therefore moot.

Mr. Haggarty indicated that his expenditure of \$10,000 for various studies had been conducted with the permission of Mr. Williams. Mr. Haggarty believes that he has a verbal option for the property from Mr. Williams. Mr. Haggarty suggested that Mr. Williams had



been influenced by others and possibly the media. Mr. Haggarty indicated he had intended to brainstorm ideas with the Board regarding the planned development.

The Board stated that a written option for the OC property would be necessary for them to consider the application.

Mr. Smith verified that if the planned development excluded the OC property and met the zoning requirements that only a site plan review by the Board was required. The Board noted that the site plan review would also consider the impact to the bog. The Board asked the applicants to consider a 120 feet buffer around the bog.

Mr. Henry moved to grant a continuance so that S & H Development could obtain a proposal to purchase the OC property related to the Villas at Oak Knolls. The proposal should include any conditions of sale that may impact this project. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Abstain, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

The Board confirmed there were no Franklin Township zoning regulations regarding bog protection. The Board noted that it did have the authority to review the conditional use request and site plan. The Board's consideration of regulations regarding the bog is derived from the protection of the health, safety and welfare of Franklin Township residents. The issues the applicants were to have addressed from the last meeting would also need to be addressed, if appropriate, when the Board considers a revised site plan.

4:15 p.m. and 7:30 p.m. applications

The Board combined both applications as the applicant was the same and dealt with the same variance request. An application by American Outdoor Advertising C/O Chris Neary, 25 North St. Ste. A, Dublin OH 43017 representing Samm Properties II Ltd., 3659 Green Rd. Ste. 105, Beachwood OH 44122 was heard for the property located at 7243 State Route 43 (parcel number 12-068-00-00-012-000) was heard for a variance to section 501.3.C which prohibits billboards. An application by American Outdoor Advertising C/O Chris Neary, 25 North St. Ste. A, Dublin OH 43017 representing Samm Properties Ltd., 3659 Green Rd. #217, Beachwood OH 44122 was heard for the property located at 2445 State Route 59 (parcel number 12-036-00-00-010-000) was heard for a variance to section 501.3.C which prohibits billboards.

Mr. Chris Neary, 25 North St. Ste. A, Dublin OH was sworn in by Mr. Sommers. Mr. Neary reviewed a document that argued that billboard outdoor advertising should be allowed because to not do so is contrary to ORC section 519.20 and other reasons as stated on the attached Board of Zoning Appeals November 6, 2006.

Mr. Sommers asked if the applicant were willing to discuss the request in terms of a ground sign, as opposed to a billboard, since the Franklin Township Zoning Resolution prohibits billboards. Mr. Neary noted the signs would contain 'off-premise' messages (i.e. the signs would not necessarily advertise the business located on the parcel). Mr. Sommers indicated that this issue could also be reviewed as part of the deliberations.

Mr. Neary reviewed the request for a billboard at the northwest corner of State Route 43 and Ravenna Road. The billboard is a pole sign with the sign face being 48' by 14'. The proposed height is 60'. The proposed location of the sign edge is 10 feet from both the State Route 43 and the Ravenna Road right-of-ways.

The billboard on State Route 59 would have the same physical dimensions as the billboard for State Route 43 with a requested location also 10 feet from the State Route 59 right-of-way.

The Board expressed concern regarding the size of the signs. Mr. Neary noted that an existing billboard on State Route 59 near the railroad tracks is also 48' by 14' as you are traveling west. He said the height of the proposed signs would increase the visibility for traffic.

Mr. Sommers indicated he had more concerns with the billboard on State Route 43 because of the increased traffic at that intersection and the difficulty of left turns from Ravenna Road.

Mr. Neary indicated he had leases to erect signs on both properties. He said the signs could contain commercial or non-commercial messages. There would not be restrictions on the messages, but Outdoor Advertising has the option to refuse unreasonable messages. The signs would stay lit until midnight, but this timing is negotiable. The signs have the ability to change messages every 8 seconds. The Board expressed concern that the changes would tend to distract motorists at State Route 43 and create a further safety issue.

Mr. Al Pomplas, 1565 South Blvd. was sworn in by Mr. Sommers. Mr. Pomplas noted that there were many accidents at State Route 43 and Ravenna Road. He believes that a distracting sign would increase the number of accidents.

Ms. Romi Fox, 1559 North Blvd. was sworn in by Mr. Sommers. She indicated she was also representing the Board of Trustees of the Twin Lakes Association. She opposes the sign at State Route 43 and Ravenna Road because of safety reasons and considered the sign blight.

Mr. Dennis Cooke, 1366 Mocking Bird Drive was sworn in by Mr. Sommers. Mr. Cooke opposes the billboard at State Route 43 and Ravenna Road because it is a significant traffic hazard, causing an additional distraction to motorists turning left onto State Route 43. The facts of the billboard being lit and having moving messages will further distract motorists. He believes that allowing billboards at this intersection is the beginning of urban blight. He indicated that the Twin Lakes Association also opposed the billboard.

Mr. Abell noted that the Board had the authority to vary the Franklin Township Zoning Resolution to address issues raised by the application. He also noted that case law has supported the unconstitutionality of prohibiting billboards.

The Board noted that the Zoning Resolution should be modified to comply with the ORC. The size of the proposed billboards would greatly exceed the allowable dimensions for ground signs.

Mrs. Edith Chase, 5731 Caranor Dr. was sworn in by Mr. Sommers. She indicated that the size variance requested would be 652 square feet and flashing or animated signs are prohibited by section 501.3.A. The matter of changing the Zoning Resolution could be referred to the Franklin Township Zoning Commission. The existing billboard on State Route 59 was erected before the current Zoning Resolution was adopted.

Mr. Keith Benjamin, 6206 Sixth Ave was sworn in by Mr. Sommers. Mr. Benjamin noted that the Zoning Resolution reflected the rural residential nature of the township and did allow

signs with certain dimensions and messages. He believes the regulations do not prohibit free speech.

Ms. Fox stated that the purpose of the zoning code was to regulate certain things. She urged the Board to follow the code and prohibit the billboards. She also noted the surrounding area was residential for the billboard proposed on State Route 43 and the placement was at an existing dangerous intersection.

Mr. Neary noted that ORC states that townships cannot prohibit billboards. He indicated a willingness to look at the moving messages on the sign at State Route 43.

Mr. Sommers continued to express a concern with the sign at State Route 43 due to the traffic congestion at State Route 43 and Ravenna Road. Having an additional distraction at the intersection was a safety concern.

Mrs. Chase noted that there was also a lot of traffic at the State Route 59 site, with additional traffic anticipated due to the nearby construction of an additional 280 residential units and the expansion of the WalMart store.

Mr. Neary noted that additional traffic did not necessarily impact safety.

Mr. Sommers reiterated that the concern regarding the signs was a safety concern, particularly on State Route 43.

Ms. Barbara Andreas, 1366 Mockingbird Drive was sworn in by Mr. Sommers. She asked why Hudson could prevent large signs. The answer is that cities can adopt more stringent regulations.

Mr. Ron Nichols, 1515 South Blvd. was sworn in by Mr. Sommers. Mr. Nichols opposed the billboards within the township.

Mr. Neary indicated a willingness to address the safety concerns expressed.

There were no other questions or comments from the audience.

Mr. Hansford moved to grant a variance to grant a billboard on parcel number 12-068-00-00-012-000. Mr. Weiss seconded the motion. Call for the vote: Mrs. Chandler-No, Mr. Hansford- No, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss- No. The motion failed.

Mrs. Chandler moved to grant a variance to grant a billboard on parcel number 12-036-00-00-010-000. Mr. Henry seconded the motion. Call for the vote: Mrs. Chandler-No, Mr. Hansford- No, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss - No. The motion failed.

Mr. Sommers 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 p.m. application

An application by Joseph R. Aloj, 1571 North Blvd., for the property located at 1571 North Blvd. (parcel number 12-076-20-00-242-000) was heard for variances to section 301.4.o which requires accessory buildings to be located no closer than fifteen (15) feet from the main building and occupy no more than thirty percent (30%) of the rear yard. It also limits

the size to a maximum of 750 square feet. This is a continuation of an application from the October 9, 2006 meeting.

Mr. Joseph R. Aloï, 7807 State Route 303, Windham OH 44288 was sworn in by Mr. Sommers.

Mr. Sommers read the following correspondence regarding the application into the record: letter dated October 2, 2006 from Shawn and Jennifer Bruzda and letter dated October 6, 2006 from Eric and Monica Sandstrom. The Bruzda's letter supported the variances; the Sandstrom's letter opposed the variances. The correspondence is attached and made part of the official records of the meeting.

Mr. Aloï's application is to construct an accessory building ten (10) feet from the main building, occupying eighty (80) percent of the rear yard with a size of 1200 square feet. He said the building would be used to store 3 cars and a boat, not construction equipment. This garage would be hidden from neighborhood views. He noted that regarding the Sandstrom's complaint that nothing was done in violation of regulations. He has upgraded the property and believes the garage would also be an improvement. The garage is planned to be 10 feet from the rear property line, 10 feet from the side property line and 10 feet from the house. The garage would also be used to store hand tools.

The Board noted the garage would occupy a considerable amount of the rear yard.

Ms. Fox noted that the house has an existing single car garage. She believes it makes no sense to not have a yard in a residential neighborhood. She also expressed concern about drainage problems. She indicated that the neighbors to the east also object to the variances.

Ms. Monica Sandstrom, 1573 South Blvd., was sworn in by Mr. Sommers. She expressed a concern regarding the size of the accessory building and believed it would negatively impact the character of the neighborhood.

Mrs. Chase noted that a height variance might also be required. She asked if the current garage would be destroyed - the answer was no.

Mr. Pomplas asked for clarification regarding what was allowed by the zoning code.

The Board noted that the size of the garage variance and per cent of rear yard variance requested were inconsistent.

Ms. Fox asked if the driveway required a variance. The Board responded that a driveway could go to the lot line, so no variance was required.

There were no other questions or comments from the audience.

Mr. Sommers moved to grant a variance of 5 feet distance between the main building and an accessory building on parcel number 12-076-20-00-242-000. The building is not to be used as a residence or place of business. Mrs. Chandler seconded the motion. The Board considered the practical difficulties guidelines. The results were: 1. Yes; 2. Yes; 3. Yes; 4. Yes; 5. Yes; 6. No and 7.No. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss - No. The motion failed.

Mr. Weiss moved to grant a variance of 450 square feet of area for an accessory building to be located on parcel number 12-076-20-00-242-000. The building is not to be used as a residence or business. Mr. Hansford seconded the motion. The Board agreed to accept the previously determined practical difficulties. Call for the vote: Mrs. Chandler-No, Mr. Hansford-No, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss - No. The motion failed.

Mr. Hansford moved to grant a variance to cover 80% of the rear yard coverage for an accessory building to be located on parcel number 12-076-20-00-242-000. The building is not to be used as a residence or place of business. Mrs. Chandler seconded the motion. The Board agreed to accept the previously determined practical difficulties. Call for the vote: Mrs. Chandler-No, Mr. Hansford-No, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss - No. The motion failed.

Mr. Sommers 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 of the Board of Zoning Appeals was scheduled for December 4, 2006.

Minutes

Mr. Hansford moved to approve the October 9, 2006 Board of Zoning Appeals minutes as presented. Mr. Henry seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. Minutes were approved.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Kenneth Penix  
Assistant Zoning Inspector

Approved as submitted:

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Chairperson, David L. Sommers

Approved as amended:

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Chairperson, David L. Sommers

Franklin Township, Portage County  
Board of Zoning Appeals  
December 4, 2006

Present: Margaret Chandler, David Hansford, James Henry, David Sommers, Michael Weiss, Board Members; Sam Abell, Zoning Inspector; Kenneth Penix, Assistant Zoning Inspector.

Mr. Sommers 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 p.m. application

An application by Dale Haggarty representing S & H Development, 88 S. Portage Path, Ste. 300, Akron OH 44303 was heard for the property located immediately north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-008-000 and 12-050-00-00-006-000) for a conditional use permit for a recreational facility and access road within the OC zoning district. In addition, the Board reviewed the site plan of a planned condominium development in the R4 zoning district north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-006-000, 12-049-00-00-007-000, 12-050-00-00-004-000 and 12-050-00-00-005-000). This is a continuation of an application from the November 6, 2006 meeting.

The applicant had previously requested a continuation. Mr. Hansford moved to grant a continuance for S & H Development until such time as they are ready. Mr. Weiss seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Next Meeting

The next meeting of the Board of Zoning Appeals was scheduled for January 15, 2007.

7:15 p.m. application

An application by Campus Pointe Associates, LLC 7055 Engle Road #302, Middleburg Hts. OH 44130 for the property located at 1841 State Route 59 (former Gabriel Brothers plaza) (current parcel number 12-021-00-00-023-000) was heard for variances to section 406.1 which limits density in an R4 district to 12 dwelling units per net acre, section 406.4.A.12 which requires parking spaces to contain two hundred (200) square feet and section 406.6 which requires a dwelling unit to be a minimum of 1,000 square feet. The site plan for a 198 unit apartment complex was also reviewed.

Mr. Martin Mehall, 7055 Engle Road #302, Middleburg Hts. OH 44130 was sworn in by Mr. Sommers. Mr. Mehall distributed packets to the Board that included a site plan and floor plans of the second and third story 2 bedroom, 3 bedroom and 4 bedroom units. Mr. Mehall explained that he planned to construct student housing that has 3 story buildings with slightly over 3 parking spaces/unit. The 2 bedroom units are planned to be 861 square feet, which is less than the code requirement of 1,000 square feet. The average square footage for all units is 1,085 square feet - the 3 bedroom units are 1158 square feet and the 4 bedroom units are 1374 square feet. The applicant was requesting variances to reduce the minimum square footage to 861 square feet, the width of the parking spaces by 1 foot (for an area of 180 square feet) and to increase the density to 14.3 units/acre. The parking space size is the same as the development near WalMart which reduces the amount of hard surface. If the 2 bedroom units were 1,000 square feet, these units may not be affordable.



The density for student housing is generally higher because of the amenities required - clubhouse and technology. The plan is to build 78 two-bedroom units that will rent for \$595/bed/month, 78 three bedroom units that will rent for \$555/bed/month and 42 four bedroom units that will rent for \$495/bed/month. Mr. Mehall noted that there is bad soil around the perimeter caused by bad fill and peat. He indicated that if there were soil or water problems, the foundations would be adapted. The units will be rented to full time students by the bed. These furnished units will include washer, dryer, furnace, air conditioning, wireless and wired internet. No charge electricity will be provided up to a maximum amount. Clubhouse privileges are also included. The northwest corner of the parcel, where the parcel abuts residential homes will be fenced with six feet high black clad chain length fencing. The fence will follow the west property line south and then follow the property line to the east for 308 feet. There will be a courtesy officer on site from 10 p.m. to 3:00 a.m. The Board expressed a concern with students cutting across residential yards. Mr. Mehall indicated that financially, the break even occupancy rate was approximately 85%. Student housing in the Kent area has an approximate 95-98% occupancy rate. If the occupancy rate in the planned complex dropped below break even, increased marketing and/or lower rents would be utilized by the management company. Mr. Mehall said that market studies confirmed a demand for additional housing. Kent State University supported additional housing. He indicated that some KSU students rented housing in Stow and Streetsboro.

Mr. Henry expressed a concern that the student complex would result in other student housing becoming empty. He also was concerned that this development would be located in an area that already had a high density of student housing. Mr. Mehall said that this convergence of student housing was typical for a college environment. He indicated that he might hire a professional management firm to manage the complex initially. Mr. Henry was concerned about the impact of concentrated student housing on nearby residents. Mr. Mehall noted that a density of 14.3 units/acre was a low student housing density. He said that densities approach 30 units/acre. He indicated that he planned to hire one student per building to help manage the complex.

Portage County will provide sewer. The City of Kent will provide water. The complex will require 12 month leases with parental guarantees. There will be no assigning of units, sublets nor pets allowed. The first floor units are the same as the other floors, except they are handicapped accessible.

Mr. Sommers expressed a concern with the density in that the western most building was too close to the property line. Mr. Henry also was concerned with density. Mr. Mehall indicated that the western buildings could be moved, but economics dictated the number of units. Mr. Abell noted that the western most building was adjacent to a commercial district. The residential district that abuts this parcel is limited to the northwest corner. This lessened Mr. Sommer's concern regarding closeness to the west property line.

Ms. Jeanna Pisegna, 6158 Sixth Ave., was sworn in by Mr. Sommers. She owns the residential property that abuts the subject parcel to the west. She expressed a concern that incidents of trespassing and damage to her property would increase with additional student housing. She currently has these types of problems with those who live in the Kent Village apartments to the north of the proposed development even though she has erected a fence and planted trees to deter foot traffic. Current Kent Village residents use her property as a short cut. The proposed fencing for the new development would protect only a portion of her property. She asked the Board to not approve the variance requests for increased density and reduced unit square footage.

Mr. Earl Kilchenman, 6174 Sixth Ave., was sworn in by Mr. Sommers. Mr. Kilchenman also had a concern regarding foot traffic. The residents of the Kent Village Apartments use his property, as well as both adjacent neighbors as short cuts. He was also concerned with the lack of green space in the development.

Ms. Pisegna noted that the sewer line serving the Kent Village Apartments and the trailer park to the east has a manhole cover on her property. This has overflowed in the past. The Board suggested that Ms. Pisegna contact Portage County regarding possibly relocating the manhole. Mr. Mehall said the proposed development would also tie into this sewer system. Mr. Mehall indicated new sewer lines would be installed, if necessary. He also believes that the owners of Kent Village would probably extend the fencing to include all of Ms. Pisegna's property line.

Mr. Mehall said that the development has to contain all water runoff on the property.

Mr. Henry indicated that the density was still a concern. Mr. Mehall noted that reducing the development by 32 units would not significantly impact density in this area. The additional density will allow more amenities that in turn will keep more students on the site.

In response to the Board's concern regarding a lack of sidewalks, Mr. Mehall indicated that a sidewalk would be added parallel to the existing west access road.

Ms. Edith Chase, 5731 Caranor, was sworn in by Mr. Sommers. She indicated she had no objections to the project.

There were no other questions or comments from the audience.

Mrs. Chandler moved to grant a variance of 139 square feet per dwelling unit for the 78 two bedroom units for the project to be located on parcel number 12-021-00-00-023-000. Mr. Sommers seconded the motion. The Board considered the practical difficulties guidelines. The results were: 1. Yes; 2. No; 3. No; 4. No; 5. Yes; 6. Maybe and 7. Yes. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-No, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Mr. Hansford moved to grant a variance of 20 square feet for parking spaces to be located on parcel number 12-021-00-00-023-000. Mr. Weiss seconded the motion. The Board agreed that the previous determined practical difficulties results also applied to this variance. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Mr. Henry moved to grant a variance of 2.3 dwelling units/acre for the R4 property to be located on parcel number 12-021-00-00-023-000. Mrs. Chandler seconded the motion. The Board considered the practical difficulties guidelines. The results were: 1. Yes; 2. Maybe; 3. Maybe; 4. No; 5. Yes; 6. Yes and 7. Yes. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford-Yes, Mr. Henry-No, Mr. Sommers-No and Mr. Weiss - No. The motion failed.

The Board noted that the site plan should be modified to include the fencing on the west side and a sidewalk along the access road. They also noted that the configuration would change, given that the density variance was not approved.



Mr. Sommers moved to grant a continuance for the site plan review for parcel number 12-021-00-00-023-000 to take place at the convenience of the developer. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Minutes

Mr. Weiss moved to approve the Board of Zoning Appeals minutes of November 6, 2006 as presented. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. Minutes were approved.

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Kenneth Penix  
Assistant Zoning Inspector

Approved as submitted:

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Chairperson, David L. Sommers

Approved as amended:

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Chairperson, David L. Sommers

Franklin Township, Portage County  
Board of Zoning Appeals  
February 12, 2007

Present: Margaret Chandler, David Hansford, James Henry, David Sommers  
Michael Weiss, Board Members; Sam Abell, Zoning Inspector; Kenneth Penix,  
Assistant Zoning Inspector.

Mr. Sommers 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 p.m. application

An application by Aaron Haggenjos, 169 Amherst Drive, Hebron OH 43025 representing J J H Enterprises Inc., PO Box 419, Junction City OH 43748 for the property located at 1935 State Route 59 (parcel number 12-021-00-00-027-000) was heard for a conditional use where the intended business occupancy (Arcade/Gameroom containing skill-based amusement machines) is not listed as a permitted or conditionally permitted use in the C-1 district. This is a continuation from the January 15, 2007 meeting.

Mr. Tim Grendell of Grendell & Simon Co., L.P.A., 6640 Harris Road, Broadview Heights OH 44147 was sworn in by Mr. Sommers. Mr. Aaron Haggenjos, 169 Amherst Drive, Hebron OH 43025 was sworn in by Mr. Sommers. Mr. Grendell handed out a packet of information that is attached as part of the official record. Mr. Grendell reviewed the packet, basically stating that the Franklin Township Zoning Resolution would permit the conditional use being requested and that the use was legal in the state of Ohio. He also noted that a similar business was .4 miles to the west of the planned location of Mr. Haggenjos's business and had been conditionally permitted by the Board of Zoning Appeals. Mr. Haggenjos requested that the conditional use be approved because the state of Ohio has approved the incorporation of his business, Portage County has issued a vendors license, the State has certified the business for Workers Compensation, the business will provide employment for local residents, local labor will be used to refurbish the building, the building will no longer be vacant, local residents are enthusiastic about Skill Games of Kent, local businesses support the opening of the business, a minority partner is a part of the business and an existing business similar to Skill Games of Kent has been previously approved.

Mr. Henry noted that the previously approved business had restrictions regarding hours of operation and age of customers. Mr. Sommers noted that the Board of Zoning Appeals had no authority to determine the legality of the business use being proposed.

In response to questions from the Board, Mr. Haggenjos said the planned hours of operation would be noon to 10 p.m. Monday through Saturday and noon to 8 p.m. Sunday. Customers would be 18 years or older.

There were no questions or comments from the audience.

Mr. Weiss moved to grant a conditional use for an arcade/gameroom facility containing skill based amusement machines to operate on parcel number 12-021-00-00-027-000. This may exist as long as the State deems such activity legal. Hours of operation to be noon to 10 p.m. Monday through Saturday and noon to 8 p.m. Sunday. Age of participants to be 18 years or older. Mr. Hansford seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

7:15 p.m. application

An application by Dale Haggarty representing S & H Development, 88 S. Portage Path, Ste. 300, Akron OH 44303 was heard for the property in the R4 zoning district north of the Oak Knolls golf course on State Route 43 (parcel numbers 12-049-00-00-006-000, 12-049-00-00-007-000, 12-050-00-00-004-000 and 12-050-00-00-005-000) for a conditional use as a planned unit residential development. The site plan was also reviewed. This is a continuation from the December 4, 2006 meeting.

Mr. Robert L. Cash, PE, 212 Bridgehampton Drive, Medina OH 44256 was sworn in by Mr. Sommers. Mr. Dale Haggarty, 88 S. Portage Path, Ste. 300, Akron OH 44303 was sworn in by Mr. Sommers. Mr. Cash reviewed a revised site plan for the planned private development condominium project. He described the private roadway access from State Route 43. Each condominium would have a garage a minimum of 25 feet from the roadway. The plan includes 69 single-family units with dimensions of 18' to 22' wide by 42' deep. Public utilities will be provided to the site and approved by the City of Kent and Ohio EPA. Sanitary sewer will be gravity fed to a private pump station and attached to a force main on State Route 43. The utilities will cross over an existing City of Akron water line that is 6' to 8' deep. Fire hydrants will be included and approved by the City of Kent. Approximately  $\frac{3}{4}$  of the property will drain to the east into a detention basin before going into the bog. Portage County Soil & Water Conservation District has regulations that require water quality and water control to be part of the water detention plan. Solids will drop out in the detention basin before going to the bog. To completely stop water from reaching the bog would degrade the bog. The bog has been delineated, but plans have not yet reviewed with the Army Corps of Engineers. There will also be a detention basin in the front of the property. The buildings have a minimum 130' setback from the State Route 43 right-of-way and 100' from the delineated bog. Guest parking will have 22 spaces, 10' by 20'.

Mr. Haggarty noted that the revised plan addressed concerns from prior meetings with a 100' setback from the bog, 35' to 40' setback from the north property line and 130' setback from State Route 43.

Mr. Cash noted that after the creation of all the construction documents, approvals would be required by State and local agencies for utilities, access ways and storm water drainage.

Mr. Haggarty noted that the condominiums would be 3 story units. The first floor would include the garage; the second floor would be the main living area and the

third floor would contain bedrooms. Most of the condos would have 2 bedrooms, with some having 3. The units will be 1200-2000 square feet. Elevators are optionally provided.

Mr. Cash said the density is 4.65 units/acre. The recreational area will be open green space with no permanent structures. The City of Akron has not yet given permission to cross its water line, but they have no problem with crossing over the line as long as there is 18 " between the sanitary and water lines. The grade will be basically the same as that which currently exists. The private road will be a little north of the current road. The developers expect a stopping condition for the private access road, but not a stoplight. The bog delineation and any impacts will need to be approved by the Army Corps of Engineers. The east detention basin will be an extended detention that will improve the water quality. Mr. Cash explained the approach for providing the improved water quality.

Mr. Haggarty indicated there would be pines, trees and shrubs along State Route 43 and additional plants along the north property line. The property will be owned by the condominium association.

Mr. Cash then reviewed the site plan with the audience members. He noted that the western most building would be slightly behind the front face of the house that is to the north of the property.

Mr. Karl Liske, 452 Sunrise Blvd., was sworn in by Mr. Sommers. He advocated a green development with cluster housing, landscaping with no irrigation, landscaping with natural shade, natural windbreaks and permeable hard surfaces.

Mr. Tom Morsefield, 6896 State Route 43 was sworn in by Mrs. Sommers. He owns the property to the north of the subject parcel. In response to Mr. Morsefield's questions it was confirmed that the Portage County Soil & Water Conservation District and Army Corps of Engineers still needed to approve the plans; the distance from the delineated bog to the nearest building is 100 feet; the distance from the delineated bog to the detention basin is 45 feet; and there will be no structures built within 35 feet of the north property line. Mr. Morsefield believes that the plans do not provide sufficient visual and auditory buffering for his property.

Ms. Deb Sharp, 6949 State Route 43, was sworn in by Mr. Sommers. Ms. Sharp noted that there is excessive flooding at times on the west side of the property. She was also concerned about excess water flowing to the bog.

Mr. Dennis Cooke, 1366 Mockingbird Drive, was sworn in by Mr. Sommers. Mr. Cooke said his profession has been protecting aquatic habitats for 40 some years. He believes the plan would not adequately protect the bog. The extended detention basin is designed to handle a 1" rainfall storm. There are many 1" storms that occur here. Currently, the bog's water comes from the ground and rainfall. Bogs do not exist from surface runoff. The water runoff from this development will change the hydrology of the bog. Nutrients from lawn fertilizer, dog feces, soil erosion and tree leaves would now be entering the bog. The detention basin should be larger to

lessen the impact of runoff nutrients. He expressed concern that the detention basin would not be adequately maintained by the condominium association. He predicted that the basin would fail within a year without proper maintenance. In response to a question from Mr. Cooke, Mr. Cash said that the nearest building was 100' from the delineated edge of the bog. Mr. Cooke expressed concern that the bog would be permanently damaged.

Mr. Cash noted that the terms of the condominium documents would include inspection and maintenance requirements for the detention basin. These terms require the approval of the Portage County Soil & Water Conservation District. Exact details would be determined after zoning approval was received. The detention basin will be constructed before the buildings are constructed. Protection from nutrient runoff will be determined as the plans are further developed. Mr. Cash indicated that the size of the detention basin was designed for a 100-year storm.

Mr. Morsefield expressed concern about the maintenance of the sanitary sewer facilities and what would happen in case of system failure. Mr. Haggarty said that contractually the City of Kent would be responsible for monitoring, maintaining and repairing the pumping station. Mr. Cash further explained the redundancies and alarm systems for the sewage facilities.

Mr. Liske asked if there was any history of using a bog as a place for storm water discharge. Mr. Cash was not aware of any cases.

Mrs. Kay Hansford, 6918 State Route 43, was sworn in by Mr. Sommers. In response to her questions, Mr. Haggarty indicated that as units were sold, additional units would be built. He indicated that the developers would be a part of the project until all 69 units had been sold. Mr. Haggarty thought the condominium association would be established at 75% occupancy. Building would start at the northwest corner of the property.

Mr. Haggarty noted that his prior development projects followed all the wetland recommendations from Portage County, the Army Corps of Engineers, the Environmental Protection Agency and local governments. This project will also follow those recommendations. The bog will not be destroyed.

Mr. Dustin Laflin, 1109 Ravenna Rd., was sworn in by Mr. Sommers. Mr. Laflin expressed concern about adding traffic to an already congested area. Mr. Haggarty indicated the developers would work with ODOT and support a turning lane, if necessary.

Becky Morsefield, 6896 State Route 43, was sworn in by Mr. Sommers. She was concerned that the number of accidents would increase with the development. She believes the Board needs to obtain additional information from the other governmental organizations before the Board approves the site plan.

Mr. Sommers stated that the proposed development would be a planned unit development that was a conditionally permitted use in an R4 district. The Board

could approve the site plan, with conditions, or request additional information before making a decision. Mr. Sommers would like to see a landscape plan with heavy landscaping on the north edge of the property. He is also concerned about adding nutrients to the bog.

Mr. Cash indicated the detention basin could not drain to the west, away from the bog.

Mr. Henry noted the revised site plan had made significant progress toward addressing issues raised at prior meetings. He would like additional information before proceeding. Mr. Weiss wants more information about protecting the bog and expressed concern that the use of the recreational area would further impact the bog. Mrs. Chandler prefers getting more information. Mr. Haggarty noted that the project could not be completed until the other agencies also approved the plans.

Mr. Cooke stated that the Portage County Soil & Water Conservation District, Army Corps of Engineers and the Environmental Protection Agency would look at protecting the bog from suspended solids, but probably not from nutrient runoff.

Mr. Sommers said he would be willing to approve the site plan with conditions regarding approval from other agencies after seeing a landscape plan and more information regarding protecting the bog from nutrient runoff.

Mr. Cash said that a nutrient analysis could be done. He believes that the other government agencies would also address nutrient runoff concerns.

Mr. Sommers moved to grant a continuance upon S & H Development's request and bring back a landscape design and information addressing the flow of nutrients into the bog. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Abstain, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

#### Next Meeting

The next meeting of the Board of Zoning Appeals was scheduled for March 12, 2007.

#### 7:30 p.m. application

An application by Matthew Pisko representing JGD Associates, Inc., 92 Moore Rd., Avon Lake OH 44012 for the property located at 1836 E. Main Street (parcel number 12-021-00-00-015-001) was heard for an expanded conditional use (combination gasoline filling station and food sales). The property is owned by Sunoco, Inc., 1735 Market Street Suite LL, Philadelphia PA 19103. A revised site plan was reviewed.

Mr. Matthew Pisko, 37225 Saint Martins Livonia, MI was sworn in by Mr. Sommers. Mr. Pisko explained that a 20' by 30' addition was planned for the west end of the current building. He reviewed the revised floor plan with the Board. The plan is ADA compliant. There are 8 parking spaces at the fueling islands with an additional



20 spaces on the hard surface. The exterior of the addition will be the same as the existing building.

There were no questions or comments from the audience.

Mrs. Chandler moved to permit an expansion of the conditional use gas station/food sales facility located on parcel number 12-021-00-00-015-001. Mr. Weiss seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

7:45 p.m. application

An application by James P. Briola representing North Coast Sign & Lighting, 310 N. Broadway St., Medina OH 44256 for the property located at 2500 State Route 59 (parcel number 12-019-00-00-001-002) was heard for a variance to section 501.6.C which limits wall signs to twenty-four (24) inches of vertical wall space. The property is owned by Meadowview Property LLC, 6190 Cochran Rd. #A, Solon OH 44139. This is a continuation from the January 15, 2007 meeting.

Mr. James P. Briola, 310 N. Broadway Street, Medina OH was sworn in by Mr. Sommers. He reviewed the sign being proposed for a Radio Shack store. He noted that the sign letters were within code at 24", but the logo circle was 30" high.

There were no questions or comments from the audience.

Mr. Henry moved to grant a variance of 6 inches vertical wall space for a wall sign to be placed on the Radio Shack facility that will be located on parcel number 12-019-00-00-001-002. Mrs. Chandler seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The motion was approved.

Minutes

Mrs. Chandler moved to approve the January 15, 2007 Franklin Township board of Zoning Appeals minutes as presented. Mr. Hansford seconded the motion. Call for the vote: Mrs. Chandler-Yes, Mr. Hansford- Yes, Mr. Henry-Yes, Mr. Sommers-Yes and Mr. Weiss - Yes. The minutes were approved.

The meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Kenneth Penix  
Assistant Zoning Inspector

Approved as submitted:

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Chairperson, David L. Sommers

Approved as amended:

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\* Chairperson, David L. Sommers



Franklin Township  
Board of Zoning Appeals  
Minutes of March 12, 2007 hearing

Members Present: Chairman David Sommers, Margaret Chandler, Mike Weiss, David Hansford, Dustin Laflin (Alternate)

Members absent: Jim Henry

At 7:00 the meeting was opened by Mr. Sommers and the scope of the first and only application was introduced. The hearing would focus on the continuance of an application by S & H development for the Villas at Oak Knolls. The applicant is seeking conditional approval for the project and a review of the site plan.

At 7:07 p.m. Mr. Sommers read a series of letters or parts of letters into the record. The letters were from the following individuals: Debrah Sharp, Germain & Charles Williams, Dennis Cook, Tom & Becky Morsefield, and Robert Cash. The letters are attached to these minutes.

At 7:15 p.m. applicants Dale Haggerty and Robert Cash were sworn in.

Mr. Cash proceeded to review the general permitting process citing the agencies the developer will have to go through to obtain final approval. The entrance on SR 43 will have to be approved by ODOT. The developer will have to prove to the Army Corp that they will not adversely affect the bog. The developer will need a formal approval from the City of Kent in regard to the sanitary lift station. Portage County Soil and Water representatives will need to approve the storm water run off plan including maintenance contracts for the detention basin.

Mr. Cash then addressed the two specific directives that the BZA placed on the developer at the last hearing, namely information about nutrient flow into the bog and a landscape plan.

1. The developer will have to show that there will be no significant impact on the bog from the Army Corp. Portage County Soil and Water folk will work with the developer to employ BMP (best management practices) for minimizing nutrient run off into the bog.
2. Mr. Cash regretted that the landscape plan presented was not accurate because the density shown on the plan was greater than what will actually be there.

Mr. Sommers gave Mr. Cash a directive to come back to the board with an accurate landscape plan. This plan must have a one to one correspondence between what is on the plan and what will actually exist in the development.

Mr. Cash reviewed the sanitary lift station information stating that the developer will contract with the City of Kent for its maintenance. He noted that there are two pumps each capable of handling the capacity and that their functionality will be connected by telemetry to the city. There is also a generator back up system in case of power failure.

Mr. Laflin asked what has been approved so far in regard to the sanitary lift station. Mr. Cash stated that the off site plans have been approved by Kent City Planning.

Mr. Hansford asked about the location of the water and sewer lines along SR43. Mr. Cash stated the water line would be on the west side while the sewer would be on the east. He also stated that the water line has been approved by the Ohio EPA and the City of Kent.

Tom Morsefield and Dennis Cook were sworn in. Both of these men raised questions about the bog. Some of there questions were:

1. What do the regulations say about storm water runoff into a category 3 wetland?
2. How will the detention basin be maintained and who is responsible for enforcement?

Mr. Cash responded that the maintenance would be by contract with the home owners association through their dues. The basin would have to be periodically inspected to make sure it is doing the task it was designed to do.

Mr. Haggerty explained the state requirements for condominium contracts stressing that these contracts are a mater of public record.

Ms. Chandler wanted to know who would be doing the inspections. Mr. Cash stated it would be a licensed inspector.

Mr. Cook asked the BZA to explain their function. Mr. Sommers responded by stating that their function was to review the conditions under which the project would be permitted and to review the site plan.

Mr. Haggerty and Mr. Sommers entered into a discussion about this same topic. The discussion ended with Mr. Sommers reading from Article VIII Section 801.2 of the Zoning Resolution which is titled Basis of Determination. And Section 801.2 A 4 of the General Standards.

Mr. Weiss made a motion that the board grant conditional approval of the conditionally permitted use based on letters from the Army Corp of Engineers, Portage County Soil & Water, County Engineers Office, Akron City, Kent Fire, ODNR, Ohio EPA, ODOT, and a maintenance agreement for the sanitary lift station. The applicant must also return with a final landscape plan and for approval of the site plan. The motion was seconded by Sommers. The motion passed with four affirmative votes from Chandler, Weiss, Laflin, and Sommers. Mr. Hansford abstained.

There was a motion by Hansford, seconded by Sommers, to approve the February 12, 2007 minutes. The motion passed with four affirmative votes from Chandler, Hansford, Sommers, and Weiss.

The next BZA hearing will be held on April 9, 2007.

Minutes submitted by Sam Abell

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Minutes approved as presented by David Sommers Chairman

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Minutes approved as amended by David Sommers Chairman

# Demographics Information

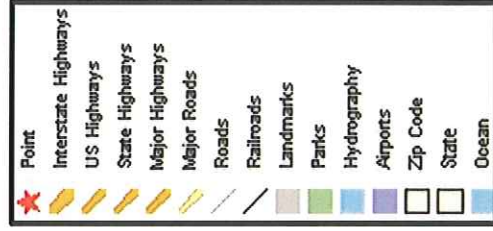
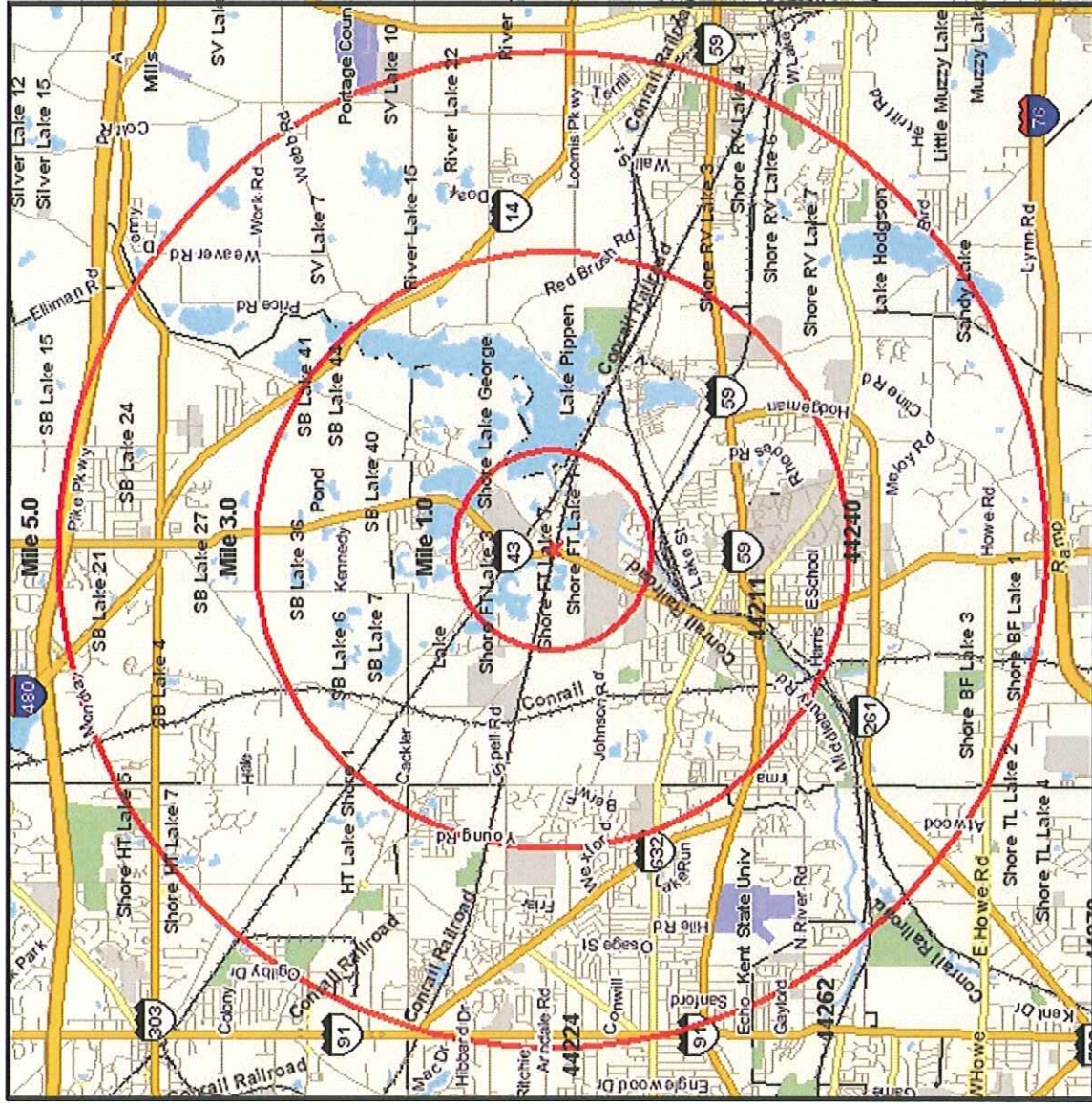


## Area Map

Prepared For:

Order #: 967619463  
Site: 01

6872 STATE ROUTE 43  
KENT, OH 44240-6133  
Coord: 41.181609, -81.346663  
Radius - See Appendix for Details



## Area Map

Prepared For:

Order #: 967619463  
Site: 01

### Appendix: Area Listing

#### Area Name:

Type: Radius 1

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Center Point: 41.181609 -81.346663  
Circle/Band: 0.00 - 1.00

#### Area Name:

Type: Radius 2

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Center Point: 41.181609 -81.346663  
Circle/Band: 0.00 - 3.00

#### Area Name:

Type: Radius 3

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Center Point: 41.181609 -81.346663  
Circle/Band: 0.00 - 5.00



Prepared on: April 20, 2009  
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Page 2 of 2

Claritas Tech Support: 1 800 866 6511



## Pop-Facts: Census Demographic Quick Facts Report

Radius 1: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Radius 2: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Radius 3: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Description	0.00 - 1.00 miles		0.00 - 3.00 miles		0.00 - 5.00 miles	
	Radius 1	%	Radius 2	%	Radius 3	%
Population						
2000 Census	1,203		33,701		78,095	
1990 Census	1,239		33,903		73,864	
Growth 1990-2000	-2.91%		-0.60%		5.73%	
Households						
2000 Census	475		11,811		29,307	
1990 Census	466		10,817		25,582	
Growth 1990-2000	1.93%		9.19%		14.56%	
2000 Population by Single Race Classification						
White Alone	1,138	94.60	29,870	88.63	71,699	91.81
Black or African American Alone	25	2.08	2,350	6.97	3,547	4.54
American Indian and Alaska Native Alone	1	0.08	66	0.20	116	0.15
Asian Alone	12	1.00	701	2.08	1,388	1.78
Native Hawaiian and Other Pacific Islander Alone	0	0.00	9	0.03	15	0.02
Some Other Race Alone	4	0.33	135	0.40	241	0.31
Two or More Races	23	1.91	570	1.69	1,089	1.39
2000 Population Hispanic or Latino						
Hispanic or Latino	8	0.67	382	1.13	739	0.95
Not Hispanic or Latino	1,195	99.33	33,319	98.87	77,356	99.05
2000 Tenure of Occupied Housing Units						
Owner Occupied	391	82.32	5,895	49.91	18,009	61.45
Renter Occupied	84	17.68	5,916	50.09	11,298	38.55
2000 Households by Household Income						
Income Less than \$15,000	41	8.47	2,707	23.09	4,621	15.81
Income \$15,000 - \$24,999	34	7.02	1,537	13.11	3,493	11.95
Income \$25,000 - \$34,999	42	8.68	1,446	12.33	3,498	11.97
Income \$35,000 - \$49,999	61	12.60	1,634	13.94	4,809	16.45
Income \$50,000 - \$74,999	102	21.07	2,010	17.15	6,200	21.21
Income \$75,000 - \$99,999	77	15.91	1,078	9.20	3,309	11.32
Income \$100,000 - \$149,999	71	14.67	974	8.31	2,366	8.10
Income \$150,000 - \$249,999	40	8.26	258	2.20	693	2.37
Income \$250,000 - \$499,999	14	2.89	64	0.55	175	0.60
Income \$500,000 or more	3	0.62	16	0.14	62	0.21





## Pop-Facts: Census Demographic Quick Facts Report

Radius 1: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Radius 2: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Radius 3: 6872 STATE ROUTE 43, KENT, OH 44240-6133, aggregate

Description	0.00 - 1.00 miles		0.00 - 3.00 miles		0.00 - 5.00 miles	
	Radius 1	%	Radius 2	%	Radius 3	%
2000 Average Household Size	2.53		2.36		2.45	
2000 Average Household Income	\$88,564		\$49,553		\$54,670	
2000 Median Household Income	\$65,777		\$36,583		\$44,360	
2000 Per Capita Income	\$35,753		\$18,212		\$20,973	





## Pop-Facts: Census Demographic Quick Facts Report

### Appendix: Area Listing

#### Area Name:

Type: Radius 1

Reporting Detail: Aggregate

Reporting Level: Block Group

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Latitude/Longitude 41.181609 -81.346663  
Radius 0.00 - 1.00

#### Area Name:

Type: Radius 2

Reporting Detail: Aggregate

Reporting Level: Block Group

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Latitude/Longitude 41.181609 -81.346663  
Radius 0.00 - 3.00

#### Area Name:

Type: Radius 3

Reporting Detail: Aggregate

Reporting Level: Block Group

#### Radius Definition:

6872 STATE ROUTE 43  
KENT, OH 44240-6133

Latitude/Longitude 41.181609 -81.346663  
Radius 0.00 - 5.00

#### Project Information:

Site: 1

Order Number: 967619463



# Real Estate Tax Information

## Portage County, Ohio

generated on 2/12/2009 4:08:43 PM EST

## Summary

Parcel ID	Address	Index Order	Card
12-050-00-00-004-000	6872 ST RT 43	Parcel ID	1 of 1

## Summary

<b>Property Location</b>	6872 ST RT 43	<b>Story Height</b>	1.00
<b>Tax District</b>	12 FRANKLIN TWP - KENT CSD	<b>Finished Square Footage</b>	2398
<b>Land Use</b>	511 Single family Dwlg Unplat 0-09.99 acres	<b>Year Built</b>	1955
<b>Neighborhood</b>	23006	<b>Total Rooms</b>	7
<b>Acres</b>	14.384	<b>Full Bathrooms</b>	2
<b>Tax Year</b>	2008	<b>Half Bathrooms</b>	0
		<b>Bedrooms</b>	2

## Legal Description

## Property Information

LOT 49 &amp; 50

## Owner Information

## Owner Information

S & H DEVELOPMENT LLC  
88 S PORTAGE PATH  
AKRON, OH 44303 USA

## Mail Information

S & H DEVELOPMENT LLC  
SUITE 300  
88 S PORTAGE PATH  
AKRON, OH 44303 USA

## Assessment Info

<b>Board of Revision</b>	No
<b>Homestead/Disability</b>	No
<b>2.5% Reduction</b>	No
<b>Divided Property</b>	No
<b>New Construction</b>	No
<b>Foreclosure</b>	No
<b>Other Assessments</b>	Yes
<b>Front Ft.</b>	0

<b>Mkt. Land</b>	\$147,100
<b>Cauv Value</b>	\$0
<b>Mkt. Improvement</b>	\$136,300
<b>Total</b>	\$283,400

<b>Annual Taxes</b>	\$5,306.28
<b>Taxes Paid</b>	\$0.00

## Recent Sale

<b>Arms Length Sale</b>	No
<b>No. of Parcels</b>	4
<b>Deed Type</b>	7
<b>Sale Amount</b>	\$390,000

<b>Sale Date</b>	1/11/2006
<b>Conveyance No.</b>	57
<b>Deed Number</b>	

## Portage County, Ohio

generated on 2/12/2009 4:09:57 PM EST

## Payments

<b>Parcel ID</b>	<b>Address</b>	<b>Index Order</b>	<b>Card(s)</b>
12-050-00-00-004-000	6872 ST RT 43	Parcel ID	1

**STEPHAN P. SHANAFELT, TREASURER**  
**REAL ESTATE TAX AND PAYMENT INFORMATION**

<b>Current Owner(s)</b>	<b>Full Rate</b> 126.470000
<b>Billing Address</b> S & H DEVELOPMENT LLC SUITE	<b>Effective Rate</b> 59.434014
300	<b>Tax District</b> 12
88 S PORTAGE PATH	<b>Certified Delinquent Year</b> 2007
AKRON, OH 44303 USA	<b>Delinquent Payment Plan</b> No
<b>Last Updated</b> 09/08/2008	<b>Treasurer's Monthly Pre-Payments</b> \$0.00
	(Treasurer's Optional Payment)
	(NOTE: May represent multiple parcels.)

## TAXABLE VALUE

Land	\$51,490
Improvements	\$47,710
<b>Total</b>	<b>\$99,200</b>

## 2008 Tax Year Detail

	Prior Delq	Adj-Del	December	Adj-Dec	June	Adj-Jun
ReCharge	\$9,598.42	\$0.00	\$6,272.91	\$0.00	\$6,272.91	\$0.00
Credit			\$3,324.98		\$3,324.98	
Sub Total	\$9,598.42		\$2,947.93		\$2,947.93	
Rollback			\$294.79	\$0.00	\$294.79	\$0.00
Reduct			\$0.00		\$0.00	
Homestead			\$0.00		\$0.00	
Sales CR			\$0.00		\$0.00	
Sub Total	\$9,598.42		\$2,653.14		\$2,653.14	
Int / Pen	\$255.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Re Paid	\$0.00		\$0.00		\$0.00	
Re Owed	\$9,854.38		\$2,653.14		\$2,653.14	
Sa Paid	\$0.00		\$0.00		\$0.00	
Sa Owed	\$26.23		\$0.00		\$0.00	
Total Owed	\$9,880.61		\$2,653.14		\$2,653.14	
Total Paid	\$0.00		\$0.00		\$0.00	\$0.00
Total Owed	\$9,880.61<-delq		\$12,533.75<-First		\$15,186.89<-fullyr.	

## Detail of Special Assesment

	Prior Delq	Adj-Del	December	Adj-Dec	June	Adj-Jun
	10-226		RECYCLING FRANKLIN REGION			
charge	\$25.55	\$0.00	\$0.00		\$0.00	
Int / Pen	\$0.68	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
paid	\$0.00		\$0.00		\$0.00	
owed	\$26.23		\$0.00		\$0.00	

## Payment Information for Current and Prior Year

Date	Half	Mach	Seq	TR	Proj	Prior	A-Charge	B-Charge	Surplus
02/20/07	0-06					\$0.00	\$1,899.13	\$0.00	\$0.00
02/20/07	0-06					\$0.00	\$21.48	\$0.00	\$0.00
02/17/06	0-05					\$0.00	\$0.00	\$1,595.86	\$0.00
02/17/06	0-05					\$0.00	\$0.00	\$18.00	\$0.00
01/11/06	0-05					\$0.00	\$1,595.86	\$0.00	\$0.00
01/11/06	0-05					\$0.00	\$18.00	\$0.00	\$0.00

**Information believed accurate but not guaranteed. Treasurer disclaims liability for any errors or omissions**

*User ID : Guestportage*

*Data updated on 02/11/2009*

# Preliminary Judicial Reports

As of: January 8, 2009

(available for download at  
[www.agrealestategroup.com/brokerage.htm](http://www.agrealestategroup.com/brokerage.htm))