

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
July 18, 2022**

MEMBERS PRESENT:

Paul Sellman
Dave Mail
Steven Protzman
Michelle Sahr

STAFF PRESENT:

Bridget Susel, Community Development Director
Eric Fink, Assistant Law Director

I. CALL TO ORDER

Mr. Sellman called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. ROLL CALL

Paul Sellman, Steven Protzman, Dave Mail, and Michelle Sahr were present.

MOTION: Mr. Protzman moved to excuse Jona Burton from the July 18, 2022 meeting. Ms. Sahr seconded the motion. The motion carried 4-0.

V. PREAMBLE

The Board of Zoning Appeals, Kent citizens serving without pay, hear evidence at public meetings both in support of and in opposition to an applicant's request before rendering a decision. Generally, the Board will decide to approve or deny each requested application at the meeting that it hears the testimony. Some decisions may be continued for further review. Once a decision has been made, the case is closed for the Board, as there is no provision in the code for the Board to reopen a case. If the petitioner disagrees with the findings of the Board, there are only two proper procedures. One is to resubmit a revision of the request that is more compatible with the code and the second is to file an appeal in the Common Pleas Court. Anyone interested in appealing a decision of the Board is advised to seek private legal counsel.

VI. ADMINISTRATION OF OATH

Mr. Fink instructed members of the audience wishing to be heard on any of the cases presented at this meeting to raise their right hand. Mr. Fink administered the oath, "Do you swear or affirm that the testimony that you are about to give this evening is the truth, the whole truth, and nothing but the truth, so help you God? Please say "I do". The participants responded affirmatively.

VII. NEW BUSINESS

**A. BZ22-007 GLENN & CAROLYN KASPER
425 Fairchild Avenue**

Request: The applicant is requesting a variance from Section 1106.12(A)(1) to allow a 6-foot tall fence in front of the primary structure along Alley #28 where 4 feet is the maximum height permitted.

Ms. Susel stated that she has provided the Board with a letter from Jay Plymale, who is in support of the variance request.

Glenn Kasper, owner, stated that they are proposing a fence along the right side of the property from the back of the garage along the side that abuts Alley #28 for both privacy and safety. He stated that currently they have 4 young grandchildren living with them.

Mr. Mail questioned if the wire fence would remain if the variance is granted.

Mr. Kasper stated that the wire fence is a temporary safety measure and would be replaced by a matching wood fence. He stated that the fence for the other sides of the property have been approved; he only needs a variance for this small section.

PUBLIC COMMENTS

Mr. Sellman read Mr. Plymale's letter of support into the record.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Mail stated that he has viewed the property and understands his hardship with two front yards and his need for privacy and security. He stated that the variance will not create a visual obstruction. He stated that he feels that it is logical.

Mr. Protzman agreed. He stated that given the traffic and some of the goings on in the area, he feels that it is appropriate.

Mr. Sellman stated that the fence will not obstruct traffic and feels that it is a reasonable request. He stated that the hardship is the two front yards.

Mr. Mail added that it abuts a busy business.

MOTION: In Case BZ22-007, Glenn and Carolyn Kasper, 425 Fairchild Ave., Mr. Mail moved that the Board of Zoning Appeals approve a variance from Section 1106.12(A)(1) and allow a 6 foot tall fence along Alley #28 where 4 feet is the maximum height permitted.

Mr. Protzman seconded the motion.

VOTE: The motion carried 4-0.

VIII. MEETING MINUTES

MOTION: Mr. Mail moved that the Board of Zoning Appeals approve the June 20, 2022 Minutes as presented. Ms. Sahr seconded the motion. The motion carried 3-0-1. Mr. Protzman abstained.

IX. OTHER BUSINESS

Ms. Susel updated the Board on the status of the new Development Planner Intern, who will be working and possibly become a permanent employee.

Ms. Susel gave a brief synopsis of the Special Meeting on August 1, 2022, which is for pending cases from 2020.

X. ADJOURNMENT

MOTION: Mr. Protzman moved to adjourn the meeting. Mr. Mail seconded the motion. The motion carried 4-0.

The meeting adjourned at 7:16 pm.