

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
JUNE 20, 2022**

MEMBERS PRESENT:

Paul Sellman
Dave Mail
Jona Burton
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. ADMINISTRATION OF OFFICE FOR NEW MEMBER

The Oath of Office was administered to Michelle Sahr as the newest member. Ms. Sahr responded affirmatively.

IV. ROLL CALL

Paul Sellman, Jona Burton, Dave Mail, and Michelle Sahr were present.

A motion was made by Mr. Burton to excuse Mr. Protzman. Mr. Mail seconded the motion. It was approved 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. BZ22-004 JEFFREY McDANIEL
732 LONGCOY AVENUE**

Request: The applicant is requesting a variance to allow a driveway to be widened and not be of equal width from the traveled portion of the public road right-of-way to the terminus (Section 1107.15).

Mr. McDaniel presented his case.

PUBLIC COMMENTS

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Burton stated that the wider drive takes up a lot of the front yard and it doesn't seem necessary. Mr. Burton asked if the City was able to determine if the already installed area exceeds the 40% maximum allowed for front yard on the lot.

Ms. Susel said that the site drawing provided by the applicant had minimum details, but it did appear to be close to the 40% maximum allowed.

Ms. Sahr stated that it isn't a hardship and it's more for convenience.

Mr. Mail stated this case was before the BZA before and it was denied because the applicant did not attend the meeting.

Ms. Susel stated that Mr. Mail is correct and that the applicant needed to wait a year before returning to the BZA since there were no substantive changes to the variance request.

Mr. Mail stated that he doesn't object to the variance and agreed that it is more for convenience and that lifestyles have changed over the years since this house was built.

Ms. Susel stated that lifestyle changes are not a matter for consideration of hardship under the Zoning Code.

Mr. Sellman stated that the application was done after the work was complete and that ignorance of the law is not an excuse. He stated that he sees both sides but he is going to side with the code.

MOTION: In Case BZ22-004, Jeffrey McDaniel, 732 Longcoy Ave., Mr. Burton moved that the Board of Zoning Appeals deny a variance request to allow a driveway to be widened and not be of equal width from the traveled portion of the public road right-of-way to the terminus from Section 1107.15.

Ms. Sahr seconded the motion.

VOTE: The motion carried 3-1. The application is denied.

**B. BZ22-005 MATTHEW LEWIS L
924 STONEWATER DRIVE**

Request: The applicant is requesting a variance to allow a driveway to be widened and not be of equal width from the traveled portion of the public road right-of-way to the terminus (Section 1107.15).

Mr. Lewis was not in attendance to present his case. Ms. Susel read the staff report into the record.

PUBLIC COMMENTS

Mr. Benedik, 994 Edgewater Cir. stated that the applicant does not follow HOA or City of Kent rules. He stated that Mr. Lewis is operating a business at his residential property and that the enlarged driveway facilitates business for company vehicles and visiting employees. He reported that vehicles park in-between the islands on Stonewater even though parking is prohibited on the street.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr questioned if the applicant did the work prior to the BZA application.

Ms. Susel responded yes. She explained that as listed in the staff report, the applicant was made aware by the Development Engineer that a variance was needed and if it was granted, a permit was needed prior to pouring the concrete.

Mr. Burton stated that he sees no reason to grant the variance.

Mr. Mail stated that other residents have bump-outs, but they were approved first. He stated that the applicant was told no and he didn't listen.

Mr. Sellman stated that he likes to side with the code.

MOTION: In Case BZ22-005, Matthew Lewis, 924 Stonewater Dr., Mr. Mail moved that the Board of Zoning Appeals deny a variance request to allow a driveway to be widened and not be of equal width from the traveled portion of the public road right-of-way to the terminus from Section 1107.15.

Mr. Burton seconded the motion.

VOTE: The motion carried 4-0. The application is denied.

**C. BZ22-006 STEVE MORRISON
311 EAST GRANT STREET**

Request: The applicant is requesting a variance to allow a two-family dwelling on a 9,448 square foot lot (Section 1103.11(E)).

Mr. Morrison stated that the unit was built as a mother-in-law suite, but because their mother didn't move in, they started renting it out. He explained that through the rental licensing program he learned that he needed approval and made application. He recently became aware that he needed to seek the variance when the property was identified for registration through the City's rental licensing program.

Ms. Susel reported that the property folder had a building permit for a second electrical panel installed in 2011, but no other permits were issued that would have indicated an additional residential unit had been added.

PUBLIC COMMENTS

Ted Gallardo, 312 E. Grant spoke in favor of the variance. He stated that he is a good landlord with good tenants.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Mail stated that it is important that there are no complaints for 8 years and the neighbors are happy.

Ms. Sahr stated that she does not have any issues with the request.

Mr. Burton stated that he is good with the request as well.

Mr. Sellman concurred stating that the hardship is the size of the lot.

MOTION: In Case BZ22-006, Steve Morrison, 311 E. Grant St., Mr. Burton moved that the Board of Zoning Appeals grant a variance from Section 1103.11(E) to allow a two-family dwelling on a 9,448 square foot lot.

Mr. Mail seconded the motion.

VOTE: The motion carried 4-0.

VIII. MEETING MINUTES

MOTION: Mr. Burton moved that the Board of Zoning Appeals approve the March 21, 2022 Minutes as presented. Mr. Sellman seconded the motion. The motion carried 3-0-1. Ms. Sahr abstained.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

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

The meeting adjourned at 7:45 pm.