

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
February 20, 2017**

MEMBERS PRESENT: Paul Sellman
 Jona Burton
 Benjamin Tipton
 Dave Mail

MEMBER ABSENT: Elizabeth Howard

STAFF PRESENT: Heather Phile, Development Planner
 Bridget Susel, Community Development Director
 Eric Fink, Assistant Law Director
 Sheila Uzl, Transcriptionist

I. CALL TO ORDER

Mr. Mail called the meeting to order at 7:15 p.m.

II. PLEDGE

The pledge was recited.

III. ROLL CALL

Paul Sellman, Jona Burton, Benjamin Tipton, and Dave Mail were present.

IV. ELECTION OF OFFICERS

Mr. Sellman nominated Elizabeth Howard as Chair of the City of Kent Board of Zoning Appeals.

Mr. Mail seconded the nomination.

Vote: 4 – 0

Mr. Burton nominated Benjamin Tipton as Vice Chair of the City of Kent Board of Zoning Appeals.

Paul Sellman seconded the nomination.

Vote: 4 – 0

Mr. Mail nominated Paul Sellman as Secretary of the City of Kent Board of Zoning Appeals.

Mr. Burton seconded the nomination.

Board of Zoning Appeals

Vote: 4 – 0

V. ADMINISTRATION OF OATH

None Given

VI. NEW BUSINESS

A. Review of new application forms.

Ms. Susel reviewed the revised Board of Zoning Appeals Application. She said a revision of the application form was discussed at the Joint Meeting last year. She said staff has been working on this and explained what has been added and/or changed. Staff tried to put on the application the responsibilities of the applicant. She said they were open to any comments from the Board members.

Mr. Mail recommended adding more area on the application on page 2 in the statement box so that the applicant has more room to address the criteria individually that the Board members have to consider when approving a variance. He suggested that the applicant should list them in separate paragraphs as part of the statement section. He said if the applicant addresses each of the criteria well, it will make the Board's job easier. He said that the rest of the application is good.

Ms. Susel replied that this is a good suggestion. She stated that the staff tried to include as many qualifiers they could on the application. She said the calendar is now included that gives the applicant information on when the meeting will be held, application submission deadline, date that the application is deemed complete, as well as the date notices and agendas are sent out, and when signs are posted. It will be an administrative decision to determine if the application is complete, so that when the Board members get the application, it should be as complete as possible. Incomplete applications will not be processed. She said the website will be updated soon so that current information will be available.

Mr. Sellman liked the revised application and the comments made by Mr. Mail.

Ms. Susel stated that a \$50.00 fee is required at the time of the application.

There were no other comments or questions.

B. Procedures for non-conforming use applications.

Ms. Susel stated there were not many non-conforming use applications. She said there has not been a clear understanding of what a non-conforming use is. This revised application will clarify what a non-conforming use is.

Mr. Fink stated that he will review non-conforming uses as stated in the zoning code so that all Board members will have a clear understanding of what a non-conforming use is.

Ms. Susel said the City of Kent has to have a chance to explain why there should be a decision that the application is not a non-conforming use. The lawful continuation of a non-conforming use requires the issuance of a Certificate of Non-conforming Use by the City of Kent.

Mr. Fink stated ultimately the decision is the Board of Zoning Appeals. He said the applicant always has the opportunity to withdraw an application for a non-conforming use. He said specific language should be used in a motion to protect the City of Kent.

There were no other questions or comments.

VII. OTHER BUSINESS

A. Correspondence

Mr. Tipton addressed a letter he had submitted to the members of the Board of Zoning Appeals. He said in his letter that he had disagreed with comments made by fellow board members about the neighborhood under consideration. He said the terms used in a discussion of the area that were referred to as student ghettos or rentals were inappropriate and offensive. He continued and said the Board of Zoning Appeals is entrusted by Kent City Council to ensure that the zoning code be applied in an equal manner and that all have equivalent standards for health and safety. He said the Board of Zoning Appeals' responsibility is to all citizens of Kent.

Ms. Susel interjected to say the Kent City Council has said that the Board of Zoning Appeals should watch their comments.

There were no other comments or questions.

Motion: Mr. Sellman moved to excuse the absence of Elizabeth Howard at the February 20, 2017 meeting of the Board of Zoning Appeals.

Mr. Mail seconded the motion.

Vote: The motion passed 4– 0.

Mr. Burton - Aye
Mr. Tipton - Aye

Mr. Sellman - Aye
Mr. Mail - Aye

No other business.

VIII. MEETING MINUTES

A. November 21, 2016 meeting minutes.

Motion: Mr. Sellman moved to approve the minutes of November 21, 2016, as amended.

Mr. Tipton seconded the motion.

Vote: The motion passed 3 – 0. 1 Abstention

Mr. Burton - Abstain
Mr. Tipton - Aye

Mr. Sellman - Aye
Mr. Mail - Aye

IX. ADJOURNMENT

Motion: Mr. Burton moved to adjourn.

Mr. Sellman seconded the motion.

Vote: The motion passed 4 – 0.

Meeting adjourned at 8:01 p.m.