

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
October 17, 2022**

MEMBERS PRESENT: Dave Mail
Jona Burton
Steven Protzman
Michelle Sahr

STAFF PRESENT: Bridget Susel, Community Development Director
Kailyn Cyrus, Development Planner
Eric Fink, Assistant Law Director

I. CALL TO ORDER

Mr. Mail called the meeting to order at 7:05 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. ROLL CALL

Jona Burton, Dave Mail, Steven Protzman and Michelle Sahr were present.

IV. 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.

V. 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. No witnesses were sworn in.

VI. NEW BUSINESS

Mr. Mail read the applicant's request

**A. BZ22-013 MARIANNE KARLSON
670 RIVER BEND BLVD.**

Request: The applicant is requesting the following:

- 1) A variance from section 1106.10(A) to allow a 13-foot variance where 15 feet is the minimum to allow an accessory building to be constructed 2 feet from the principal building.

The property owner was not in attendance to speak to the matter.

PUBLIC COMMENTS

None.

Mr. Burton asked if there were any letters of correspondence from neighbors.

City Staff reported no correspondence was received.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr asked for clarification of the easement and if it prohibited the placement of a structure.

Ms. Susel clarified that utility easements do not prohibit a structure, such as the proposed accessory building, to be built or placed in the easement area.

Mr. Mail stated he believed the shed would probably be a temporary and moveable structure since the picture depicts flat stones on which the shed presumably will be placed.

Mr. Burton asked if the applicant specified that it would be a moveable structure.

Staff reported they did not have that information.

Mr. Mail said he didn't think a foundation would be poured and that the Board could make a condition for no permanent foundation.

Ms. Sahr stated she did not see the utility line easement as a hardship.

Mr. Mail stated that even a permanent structure could be torn down by the utility company. A temporary structure could be moved easily.

Ms. Sahr asked for clarification on why the setback is 15 feet from the principal building.

Mr. Mail stated 3 feet was enough to get in between the structures with a fire hose. He stated that the City had just rewritten large portions of the Zoning Code.

Ms. Susel stated it was established primarily for fire safety.

Mr. Mail asked why the applicant was not present.

Ms. Susel stated that she did not know why the applicant was not present, but the Board could vote or continue the case.

Mr. Burton stated he did not feel comfortable deciding without the applicant present to answer questions about the case.

All Board members agreed

Mr. Mail suggested that the Board continue the case to next month when the applicant can be present.

MOTION: In Case BZ22-014, Marianne Karlson, 670 River Bend Blvd., Mr. Protzman moved that the Board of Zoning Appeals continue the case to next month's Board of Zoning Appeals Meeting.

Ms. Sahr seconded the motion.

VOTE: The motion was carried 4-0

Mr. Fink stated that it is important for the applicant to be at the next meeting as time starts to toll.

VIII. MEETING MINUTES

MOTION: Mr. Protzman moved that the Board of Zoning Appeals approve the September 19, 2022 Minutes as presented. Mr. Burton seconded the motion. The motion carried 4-0.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

MOTION: Mr. Mail adjourned the meeting at 7:18 pm.