

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
January 24, 2022**

MEMBERS PRESENT: Paul Sellman
Jona Burton
Dave Mail
Steve Protzman

STAFF PRESENT: Bridget Susel, Community Development Director
Heather Heckman, Development Planner
Eric Fink, Assistant Law Director

I. CALL TO ORDER

Mr. Sellman called the meeting to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. ROLL CALL

Jona Burton, Dave Mail, Steve Protzman, and Paul Sellman were present.

IV. ELECTION OF OFFICERS

After the Board's discussion, the Election of Officers is as follows:

MOTION: Mr. Mail nominated Paul Sellman for Chairperson.

Mr. Sellman accepted the nomination. Mr. Protzman seconded the nomination. No other nominations were offered.

The vote carried 4-0.

MOTION: Mr. Sellman nominated Dave Mail for Vice Chairperson.

Mr. Mail accepted the nomination. Mr. Protzman seconded the nomination. No other nominations were offered.

The vote carried 4-0.

MOTION: Mr. Mail nominated Jona Burton for Secretary.

Mr. Burton accepted the nomination. Mr. Sellman seconded the nomination. No other nominations were offered.

The vote 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. BZ22-001 WULFJAM, LLC
141 E SUMMIT & 132 E. DAY STREETS**

Request: The applicant is requesting the following:

1. A 6-foot variance from the 20-foot landscaping strip requirement to allow a 14-foot landscaping strip from the new parking area to the East Day Street right-of-way line (Section 1107.12(B)(2)), and
2. A 17-foot variance from the 20-foot landscaping strip requirement to allow a 3-foot landscaping strip from the new parking area to the East Summit Street right-of-way line (Section 1107.12(B)(2)).

Rick Hawksley, 120 Portage St., Architect, reviewed the project as submitted and presented a picture of the proposed commercial structure. He stated that the intent is to turn the commercial structure into a game café and the house into a 3 unit multi-family structure. He stated that while they don't believe that they will need a lot of on-site parking because of other parking available in the area, they would like to create some on-site parking. He explained that they will need 2 variances to the landscape buffer to achieve this. He stated that with the Summit St. variance, there would be a 3 foot strip of landscaping between the sidewalk and the parking lot. He stated that even though it is small, it is still a tree lawn with trees and they feel that given that this parcel is part of the Commercial-Downtown District, they are within the spirit of the idea of having activities up on the street. He stated that the Day St. variance is more minor. He explained that ideally they would add like to construct phase 2 of the commercial parking area sometime in the future if needed. He explained that the first objective is to keep the site as green as possible for exterior areas for the café and residential use.

Mr. Mail questioned if there would be changes to the exterior of the café.

Mr. Hawksley stated that there would be no substantial changes.

Mr. Sellman questioned if the Day St. variance could wait until the future.

Ms. Susel stated that the Day St. variance is needed for the residential use as well so it cannot wait until a future date.

Hayley Bennett, applicant, explained the business concept. She stated that they would like to provide a family-friendly, non-drinker-friendly place in Kent with a traditional soda fountain that is a board game pub such as the Malted Meeple in Hudson.

Mr. Sellman stated that they are providing a nice addition to the community and repurposing a nice old structure.

PUBLIC COMMENTS

None.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Burton stated that he feels that the variance request for Summit make sense because of the current condition there, but he is having a bit more trouble sorting out the second variance. He stated that from the perspective of the Board, which tries to approve the minimum variance needed, he doesn't feel it is imminent to the success of the project.

Mr. Sellman agreed that the Summit Street variance fits in with what is already there. Mr. Sellman read the criteria for granting a variance. He stated that he feels that due to the existing conditions on the property, the variances meet all three criteria: the strict application of the Zoning Code would result in practical difficulties or unnecessary hardship not consistent with the general purpose of the Zoning Ordinance, there are exceptional circumstances that do not generally apply to other properties within the same district, and the granting of the variances would not be of substantial detriment to the surrounding area. He added that there isn't any public objection to this project and he feels that it is a marvelous improvement fitting within the context of what is already there.

Mr. Protzman noted that the site plan shows a 19 foot variance rather than what it noted in the other documents.

Mr. Hawksley confirmed that it is a 17 foot variance not 19; he originally measured from the property line rather than the right-of-way. He stated that the second variance is critical to allow additional parking for the multi-family residence.

MOTION: In Case BZ22-001, WULFJAM, LLC, 141 E. Summit St., Mr. Protzman moved that the Board of Zoning Appeals grant a 17' variance, where a 20 foot landscaping strip is required, from Section 1107.12(B)(2) to allow a 3' landscaping strip from the new parking area to the E. Summit St. right-of-way line.

Mr. Mail seconded the motion.

VOTE: The motion carried 4-0.

Ms. Susel clarified that the multi-family residence is in the C-D District, which requires a parking plan. She stated that the variance is needed for the entire project not just the residence. She added that the Planning Commission saw this case preliminarily but will see it again depending on the variances granted.

Mr. Sellman stated that he feels that his comments regarding the 17 foot variance apply to this variance as well.

Mr. Protzman noted that the site plan shows a 15 foot variance instead of a 14 foot variance.

Mr. Hawksley confirmed that this is correct; a 14 foot variance is requested.

MOTION: In Case BZ22-001, WULFJAM, LLC, 132 E. Day St., Mr. Protzman moved that the Board of Zoning Appeals grant a 6' variance, where a 20 foot landscaping strip is required, from Section 1107.12(B)(2) to allow a 14' landscaping strip from the new parking area to the E. Day St. right-of-way line.

Mr. Burton seconded the motion.

VOTE: The motion carried 4-0.

VIII. MEETING MINUTES

Ms. Susel reviewed some minor corrections for both Minutes presented for approval.

MOTION: Mr. Burton moved that the Board of Zoning Appeals approve the November 15, 2021 Minutes as amended by staff. Mr. Mail seconded the motion. The motion carried 3-0-1; Mr. Protzman was not present for this meeting.

MOTION: Mr. Mail moved that the Board of Zoning Appeals approve the December 20, 2021 Minutes as amended by staff. Mr. Protzman seconded the motion. The motion carried 4-0.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

MOTION: Mr. Protzman moved to adjourn the meeting. The motion was seconded by Mr. Burton. The motion carried 4-0. The meeting adjourned at 7:34 pm.