

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
February 20, 2023**

MEMBERS PRESENT:

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

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

III. ROLL CALL

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

MOTION: Mr. Burton moved to excuse Laura Scarnecchia from the 2/20/23 meeting. Ms. Sahr seconded the motion. The motion carried 3-0.

VI. 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.

VI. NEW BUSINESS

A. BZ23-004 HARRY AND SANDRA PYLES

1057 Davey Avenue

The applicant is requesting a variance from Section 1106.10(B)(1) to allow a 2-foot variance where 10 feet is the minimum requirement to allow an accessory building to be located 8 feet from the principal building, and a variance from Section 1106.10(B)(2) to allow a 2-foot variance where 5 feet is the minimum requirement to allow an accessory building to be located 3 feet from the rear property line.

Sandra Pyles, 1057 Davey Ave., stated that there wasn't anywhere to place the shed on their property that did not violate the Zoning Code. She stated that it is a small lot measuring 44 feet by 122 feet. She stated that she believed that the property located behind the house was owned by the City of Kent. She stated that she thought that because the shed was prefabricated, it did not need a building permit and she was not aware that a zoning permit was required until they received a letter from the City. She stated that she had not heard any complaints from her neighbors with regards to the current location of the shed.

Mr. Protzman questioned what was stored in the shed.

Ms. Pyles stated that a lawnmower and other equipment is stored in the shed because those items cannot fit in their garage due to their two cars.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Protzman stated that it is a small lot.

Mr. Burton agreed and stated that since it is a substandard lot, with regards to its size, that is the hardship.

Ms. Sahr agreed.

MOTION: *In Case BZ23-004, Harry and Sandra Pyles, 1057 Davey Ave., Mr. Protzman moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1106.10(B)(1) to allow a 2-foot variance where 10 feet is the minimum requirement to allow an accessory building to be constructed 8 feet from the principal building.*

Ms. Sahr seconded the motion.

VOTE: The motion was carried 3-0

MOTION: *In Case BZ23-004, Harry and Sandra Pyles, 1057 Davey Ave., Ms. Sahr moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1106.10(B)(2) to allow a 2-foot variance where 5 feet is the minimum requirement to allow an accessory building to be constructed 3 feet from the rear property line.*

Mr. Protzman seconded the motion.

VOTE: The motion was carried 3-0

**B. BZ23-005 SMITHERS OASIS
 919 Marvin Street**

The applicant is requesting a variance from Section 1106.10(A) to allow a 14-foot, 4 inch variance where 15 feet is the minimum requirement to allow an addition to be constructed 8 inches away from an already existing accessory building.

Shawn Thompson, T. Manfrass & Associates Architects, presented the case. He stated that they were proposing to build an addition on an accessory building to separately store a PSA tank, which is currently located inside the storage building and not separated from the rest of the items stored in the interior space. The tank does present a potential fire and safety hazard in its current location so constructing the addition will allow for the tank to be separated and surrounded by a fire rated wall on all sides. He stated that because the chemicals in the PSA tank are used every day in production, they need to keep the tank close. The applicant did evaluate an alternative location 15 feet away from the primary structure, but it created a risk for trucks accessing the area. Underground piping was also evaluated and rejected because it created risks and higher costs. The proposed location is the only viable option on the site for separating and relocating the tank.

Mr. Bruton questioned what is currently being stored in the accessory building.

Mr. Thompson stated that they store other chemicals that are not used as often in the accessory building.

Mr. Burton questioned if it was safe for the PSA tank to be stored in the addition since it is close to the chemicals in the accessory building.

Mr. Thompson stated that there is a two-hour fire wall on the accessory building and the addition will have a 2-3 hour fire wall per the Ohio Building Code; a total of 5 hours of fire wall separation.

Mr. Protzman questioned the City's position on the variance.

Ms. Susel stated that from a Ohio Building Code perspective, separating the tank from the main storage area and surrounding it with fire rated walls is needed for safety.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr stated that she didn't see any issues.

The Board members agreed.

MOTION: *In Case BZ23-005, applicant Smithers Oasis Company, located at 919 Marvin Street, Ms. Sahr moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(A) to allow a 14-foot, 4 inch variance, where 15 feet is the minimum requirement, to allow an addition to be constructed 8 inches from an existing accessory building.*

Mr. Protzman seconded the motion.

VOTE: The motion was carried 3-0

VI. MEETING MINUTES

MOTION: Mr. Protzman moved to approve the November 21, 2022 meeting minutes as presented. Ms. Sahr seconded the motion. The motion carried 3-0.

MOTION: Ms. Sahr moved to approve the January 23, 2023 meeting minutes as presented. Mr. Protzman seconded the motion. The motion carried 3-0.

VII. OTHER BUSINESS

None.

X. ADJOURNMENT

MOTION: Mr. Protzman moved to adjourn the meeting. Ms. Sahr seconded the motion. The meeting was adjourned at 7:30 pm.