

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

MEMBERS PRESENT: Jona Burton
Steven Protzman
Michelle Sahr
Laura Scarnecchia

STAFF PRESENT: Bridget Susel, Community Development Director
Kailyn Cyrus, Development Planner

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, Michelle Sahr, and Laura Scarnecchia 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

Ms. Susel instructed members of the audience wishing to be heard on any of the cases presented at this meeting to raise their right hand. She administered the oath. The participants responded affirmatively.

VI. NEW BUSINESS

**A. BZ23-002 JOHN, RITA, AND BRANDY KUHAR
518 North Mantua Street**

The applicant is requesting an appeal to the Community Development Departments decision to deny a Certificate of Nonconforming Use to allow the property to be recognized as a two-family dwelling.

The applicant requested to have the case continued until the April meeting.

**B. BZ23-006 AMIRA OMRAN LLC
706 South Water Street**

- 1. The applicant is requesting a variance from Section 1103.14(E) to allow an 11-foot 5-inch variance where 30 feet is the minimum requirement to allow a new building to be erected 18 feet 7 inches from the front property line.**
- 2. A variance from Section 1103.14(E) to allow a 25-foot variance where 30 feet is the minimum requirement to allow a new building to be erected 5 feet from the rear property line.**
- 3. A variance from Section 1103.14(E) to allow a 7-foot 10 inch variance where 10 feet is the minimum requirement to allow a new building to be erected 2 feet 2 inches from the side property line.**

Amira Omran, 5395 Bayhill, Canfield, stated that he is the property owner of 706 S. Water St. He stated that this project was previously approved in May 2019, but because of issues with purchasing some property from the adjacent car wash and pandemic related issues with securing contractors and needed materials, the variances have expired. He stated that he has now hired a different contractor and is requesting the variances again.

Ms. Susel explained that the previously approved variances did expire two years after their granting, but while it is the same concept, there is now a new Zoning Code, which is reflected in the new case. She added that the variance requests are the same as previously requested.

Mr. Protzman questioned if this is the Gulf Station on S. Water St.

Mr. Omran stated that it is. He added that the site is very tight and is not safe for the volume of traffic.

Ms. Susel stated that redeveloping the site would also alleviate other issues in terms of the Building and Planning Department regulations.

Ms. Sahr questioned if the plans that are presented now are the same plans that were previously approved.

Mr. Omran and Ms. Susel confirmed that they are.

PUBLIC COMMENT

No members of the public were present.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Burton stated that the change in the egress/ingress is of interest from a public safety perspective.

Ms. Sahr asked for clarification with regards to increasing the safety.

Ms. Susel stated that currently several small structures with extension cords that were not made for outside use are located next to the existing building. She stated that the new structure would allow for a small designated parking area and it will more clearly define the egress/ingress due to the location of the new structure. She stated that the variances are needed because it is a very tight site. She stated that the Chief Building Official has some significant concerns with the number of outside electrical cords and the new structure would alleviate that situation. She added that having a secure building that is built to current code standards would address many concerns.

Ms. Scarnecchia stated that she feels that the development of this parcel would be in the best interest of safety and she is in favor. She added that the corner would benefit from an aesthetic renewal.

Mr. Protzman and Ms. Sahr agreed with Ms. Scarnecchia.

Mr. Burton stated that the size of the corner lot is the unnecessary hardship as it works against everything. He stated that the current building is already located very close to the rear property line.

Mr. Protzman stated that he feels that any concerns for the closeness to the apartment building will be covered by the plan for fire suppression.

Ms. Sahr stated that it is favorable to move the building back as it allows for better traffic flow.

Ms. Scarnecchia stated that the new building would be longer but the sides do not abut houses and infringe upon anyone's enjoyment of their property. She added that the current location is already nestled up to the apartment building.

MOTION: *In Case BZ23-006, applicant Amira Omran LLC, located at 706 South Water Street, Mr. Protzman moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.14(E) to allow an 11-foot 5-inch variance where 30 feet is the minimum requirement to allow a new building to be erected 18 feet 7 inches from the front property line.*

Ms. Sahr seconded the motion.

VOTE: **The motion carried 4-0.**

MOTION: *In Case BZ23-006, applicant Amira Omran LLC, located at 706 South Water Street, Ms. Sahr moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.14(E) to allow a 25-foot variance where 30 feet is the minimum requirement to allow a new building to be erected 5 feet from the rear property line.*

Mr. Protzman seconded the motion.

VOTE: The motion carried 4-0.

MOTION: *In Case BZ23-006, applicant Amira Omran LLC, located at 706 South Water Street, Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.14(E) to allow a 7-foot 10-inch variance where 10 feet is the minimum requirement to allow a new building to be erected 2 feet 2 inches from the side property line.*

Mr. Protzman seconded the motion.

VOTE: The motion carried 4-0.

VII. MEETING MINUTES

MOTION: Ms. Sahr moved to approve the February 20, 2023 meeting minutes as presented. Mr. Burton seconded the motion. The motion carried 3-0-1. Ms. Scarnecchia abstained.

VIII. OTHER BUSINESS

Ms. Susel administered the Oath of Office to Laura Scarnecchia. Ms. Scarnecchia responded affirmatively.

Mr. Burton reported his last meeting will be in May.

IX. ADJOURNMENT

MOTION: Mr. Protzman moved to adjourn the meeting. Ms. Sahr seconded the motion. The motion carried 4-0. The meeting adjourned at 7:20 pm.