

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
October 16, 2023**

MEMBERS PRESENT: Steven Protzman
Michelle Sahr
Laura Scarnecchia

STAFF PRESENT: Bridget Susel, Community Development Director
Tim Sahr, Development Engineer

I. CALL TO ORDER

Mr. Protzman called the meeting to order at 7:02 p.m.

II. ROLL CALL

Steven Protzman, Michelle Sahr, and Laura Scarnecchia were present.

Ms. Susel noted that because the Board of Zoning Appeals currently only has 3 members, a unanimous vote is required to move forward with any variance request.

III. 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.

IV. 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.

V. NEW BUSINESS

**A. BZ23-013 THE ZEPHYR, MICHAEL TRIBUZZO & THOMAS RENNER
106 WEST MAIN STREET**

The applicant is requesting:

- 1. A variance from 1106,10(A) to allow a 14-foot variance where 15 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the principal building.**

2. **A variance from Section 1106.10(A) to allow a 9-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the south property line.**
3. **A variance from Section 1106.10(A) to allow a 9-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the north property line.**
4. **A variance from Section 1106.10(A) to allow a 5-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 5 feet from the east property line.**

Mr. Sahr presented the staff report. He explained that the applicant is requesting the variances in order to construct a permanent canopy in the back outdoor seating in area in order to allow for seating outside longer into the colder season.

Thomas Renner, representative for the owner, stated the outside canopy will be situated in the eastern portion of the outside seating area and will allow for seating outside longer into the season.

Michael Tribuzzo, owner of the Zephyr, explained that most of the business for the Zephyr is generated from the outside seating area during the warmer weather months. The permanent canopy will provide a covered area that can be heating and will allow for extended seating outside in colder weather which will help the business.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr stated that there isn't anywhere else that they could locate the permanent canopy because of the layout of the patio area and the configuration of the parcel. She also pointed out that the location is such that it is surrounded by other businesses in a dense area and the outdoor seating area slopes so there is no other space where the canopy can be installed other than the proposed location so the site does have a practical difficulty.

Ms. Scarnecchia agreed and added that it looks nice.

MOTION: In Case BZ23-013, applicant The Zephyr, located at 106 W. Main St., Ms. Sahr moved that the Board of Zoning Appeals grant the applicant's request for a 14-foot variance from Section 1106.10(A) where 15 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the principal building.

Ms. Scarnecchia seconded the motion.

VOTE: The motion carried 3-0.

MOTION: In Case BZ23-013, applicant The Zephyr, located at 106 W. Main St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a 9-foot variance from Section 1106.10(A)

where 10 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the south property line.

Ms. Sahr seconded the motion.

VOTE: The motion carried 3-0.

MOTION: In Case BZ23-013, applicant The Zephyr, located at 106 W. Main St., Ms. Sahr moved that the Board of Zoning Appeals grant the applicant's request for a 9-foot variance from Section 1106.10(A) where 10 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the north property line.

Ms. Scarnecchia seconded the motion.

VOTE: The motion carried 3-0.

MOTION: In Case BZ23-013, applicant The Zephyr, located at 106 W. Main St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a 5-foot variance from Section 1106.10(A) where 10 feet is the minimum requirement to allow an accessory structure to be located 5 feet from the east property line.

Ms. Sahr seconded the motion.

VOTE: The motion carried 3-0.

Ms. Susel reminded the applicants that the Building Department still needs to receive updated drawings that reflect the last review and address comments regarding the combustible portions of the structure.

VI. OTHER BUSINESS

None.

VII. MEETING MINUTES

The August 21, 2023 meeting minutes will be held until the next meeting.

VIII. ADJOURNMENT

MOTION: Ms. Sahr moved to adjourn the meeting. The meeting adjourned at 7:12 pm.