

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
November 21, 2016**

MEMBERS PRESENT: **Dave Mail
Benjamin Tipton
Paul Sellman
Elizabeth Howard**

MEMBER ABSENT: **Jona Burton**

STAFF PRESENT: **Heather Phile, Development Planner
Eric Fink, Assistant Law Director
Sheila Uzl, Transcriptionist**

I. CALL TO ORDER

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

II. PLEDGE

The pledge was recited.

III. ROLL CALL

Dave Mail, Benjamin Tipton, Paul Sellman, and Elizabeth Howard were present.

IV. PREAMBLE

Variance requests will be considered in the order that they appear on the agenda. Each variance applicant or their representative will first explain the request to the Board and will respond to Board questions. The Board will then hear statements from persons supporting the variance, followed by statements from those persons opposing the variance. All persons making statements will do so under oath, and shall state their names and addresses for the record. Their testimony shall be directed to the Board and not to the audience. If a member of the audience wishes to ask a question of one of the speakers, he or she shall first be recognized by the Chair of the Board and direct the question to the Chair. The Chair will then direct the question to the appropriate witness. This will allow the meeting to be conducted in an orderly manner. If written statements have been provided to the Board, they will be included in the record of this meeting. At the Chair's discretion, they may be read into the record during the meeting. After all testimony has been taken, the Board will discuss and review the request. Generally, the Board of Zoning Appeals will decide to approve or deny each requested variance at the

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meeting that it hears the testimony. Some decisions may be continued for further review. Mr. Fink read the General standards from Section 1109.09 that the Board of Zoning Appeals follows in the granting of any variance. "In every instance where the Board grants or recommends a variance, there must be a finding by the Board that: (1) The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Ordinance. (2) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses within the same zoning district. (3) The granting of such variances will not be of substantial detriment to the public interest or to adjacent property owners or improvements in such districts in which the variance is sought and will not materially impair the purpose of the Zoning Ordinance." Ms. Howard read the following statement that summarizes the Board's authority: "The Board of Zoning Appeals operates according to the provisions of the Kent City Zoning Code which provides for the establishment of the Board. Members of the Board, Kent citizens serving without pay, visit sites and hear evidence both pro and con at public meetings before carefully and conscientiously rendering a decision. After 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 institute legal procedures in the Common Pleas Court."

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 rise and 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, "I do".

VII. NEW BUSINESS

A. BZ16-027

**William Arthur
621 Crain Avenue**

Section: 1161.27(a), 1161.27(c), and 1161.27(e)

Request: In accordance with Sections 1161.27(c) and 1161.27(e), the applicant is requesting a variance from, Section 1161.27(a) to allow the driveway to be widened without widening the drive apron.

Ms. Howard asked the applicants to present his request.

Bill Arthur, 621 Crain Avenue, Kent, Ohio stated he was asking for a variance to widen the driveway without widening the apron by installing a bump-out. He said the property is located in an R-3 zoning district. The current tenants own four vehicles and have difficulty parking in the existing driveway.

Ms. Howard reviewed the criteria that the Board of Zoning Appeals has to consider when approving a variance. She asked the applicant to address these.

Mr. Arthur replied that the hardship is that the apron cannot be widened because there is a tree in the tree lawn and there is an existing catch basin. He said the driveway is narrow and the tenants cannot maneuver the cars. He said there is a two car garage. He showed pictures to the Board depicting the current situation. He said it would not be a detriment to the surrounding properties or the neighborhood. He said the driveway will remain gravel and will not be paved.

Mr. Tipton stated that there might be a hardship for the current tenants but it may not be forever.

Mr. Arthur said it is a single family house with a garage that is used for a gym, so only one car can fit in the garage.

Ms. Howard stated that the tenants are temporary situation.

Mr. Arthur stated that a brother and sister and one other person rent the house. He said their existing schedules still present a challenge for car shuffling.

Ms. Howard did not see the hardship for long term. She said it was a self-imposed hardship. She said two or three cars could work in the current space.

Mr. Arthur stated he did not see that the wider driveway would be a detriment to the property.

Mr. Tipton said the neighborhood had to be considered also.

Mr. Mail asked about parking along side of the garage.

Mr. Tipton felt that four cars was still doable and that the property was a single family house.

Mr. Mail stated that there is plenty of room to get cars in and out. He felt there was parking on the side at one time.

Mr. Howard stated that if the garage was for one car only, then the situation would be different because only three cars could be held. She said the property could sustain four cars and felt the hardship was self-imposed.

Mr. Sellman said three cars could fit in the driveway. He said the aesthetics would be disturbing.

Ms. Howard asked how wide the apron and the driveway could be.

Ms. Phile replied they have to be the same width.

Mr. Arthur stated the driveway was not very long.

PUBLIC COMMENT

Gordon Schafer, 631 Crain Avenue, Kent, Ohio, stated he was the next door neighbor.

Karen Schafer, 631 Crain Avenue, Kent, Ohio, stated they were concerned about the next tenants, if this was a variance forever. She was worried about gravel in their yard. The current tenants are good ones, but she was worried about the future of the property.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Mail stated that this was a self-imposed hardship. He said they could get the cars in the drive.

There was a discussion between the Board and Mr. Arthur, which concluded with a reasonable and agreeable compromise.

Mr. Tipton reviewed the compromise. He would like to see a line of demarcation between the driveway and the grass.

There were no other comments so Ms. Howard asked for a motion.

Motion: **Mr. Mail moved in Case BZ16-027, William Arthur, property located at 621 Crain Avenue, that in accordance with Section 1161.27(a), to allow the driveway to be widened to 18 feet from the west side of the existing garage entrance following the contour of the existing west**

side of the driveway. This variance will not require the widening of the existing drive apron.

Mr. Tipton seconded the motion.

Vote: The motion carried 4 – 0.

Mr. Mail	Aye
Mr. Tipton	Aye
Mr. Sellman	Aye
Ms. Howard	Aye

VII. MEETING MINUTES

A. September 19 2016 Meeting Minutes

Motion: Mr. Sellman moved to approve the minutes of September 19, 2016, as presented.

The motion was seconded by Mr. Tipton.

Vote: The motion carried 3 – 0.

Mr. Tipton	Aye
Mr. Sellman	Aye
Ms. Howard	Aye

Mr. Mail	Abstained
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Motion: Mr. Mail moved to approve the minutes of October 17, 2016, as amended.

The motion was seconded by Mr. Sellman

Vote: The motion carried 4 – 0.

Mr. Mail	Aye
Mr. Tipton	Aye
Mr. Sellman	Aye
Ms. Howard	Aye

VIII. OTHER BUSINESS

Excuse Jona Burton from the November 21, 2016 Board of Zoning Appeals meeting.

Motion: **Mr. Mail moved to approve the absence of Jona Burton at the November 21, 2016 Board of Zoning Appeals meeting.**

The motion was seconded by Mr. Sellman.

Vote: **The motion carried 4 – 0.**

Mr. Mail	Aye
Mr. Tipton	Aye
Mr. Sellman	Aye
Ms. Howard	Aye

VIII. ADJOURNMENT

Motion: **Mr. Mail moved to adjourn.**

Mr. Tipton seconded the motion.

Vote: **The motion carried 4 – 0.**

Mr. Mail	Aye
Mr. Tipton	Aye
Mr. Sellman	Aye
Ms. Howard	Aye

Meeting adjourned at 7:55 p.m.