

Summary of Record – Quorum for approval is not possible

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
January 22, 2024**

MEMBERS PRESENT: Steven Protzman
Michelle Sahr
Laura Scarnecchia

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

I. CALL TO ORDER

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

II. ROLL CALL

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

III. ELECTION OF OFFICERS

Ms. Susel stated that the Board needs to make nominations for both a Chairperson and Vice Chairperson. She stated that normally there is also a Secretary position, but because there are only 3 members, they can forgo that position unless the Board would like to fill it.

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

MOTION: *Ms. Sahr moved to continue with the current slate:*

*Chairperson – Steve Protzman
Vice Chairperson – Michelle Sahr*

Mr. Protzman seconded the nomination.

The vote carried 3-0.

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. OLD BUSINESS

None

VII. NEW BUSINESS

**A. BZ24-001 IAN SLAYMAKER
 439 HARRIS ST.**

The applicant is requesting a variance from Section 1106.10(A) to allow a 10-foot variance, where 10 feet is the minimum requirement, to allow an accessory structure to be located 0 feet from the rear property line.

Ms. Cyrus presented the staff report. She explained that the property is a single family dwelling and is located in a R-3: High Density Residential Zoning District. She stated that the applicant is requesting a 10-foot variance to locate a shed 0 feet from the rear property line. She stated that the applicant has poured a concrete pad and started construction of a 144 square foot shed at the proposed location. She added that the shed is located 50 feet from an existing accessory structure and 25 feet from each side property line. She stated that staff would like to note that the onset of construction does not create a hardship. She stated that the City of Kent Zoning Code requires that an accessory structure must not be located closer than 10 feet from the side and rear property lines.

Ian Slaymaker, 439 Harris St., stated that he had a previous metal shed on the property that was removed and it didn't occur to him to ask for a variance due to the shed locations of neighboring properties in relation to the alley. He stated that his rear fence is located about 8-9 feet away from the drivable portion of the alley and the new shed is approximately 1 foot from the inside of the fence. He presented the Board with photos of the shed, fence, and neighboring shed locations.

Mr. Protzman questioned the location of the old shed.

Mr. Slaymaker stated that it is similar to the new shed's location but not exactly.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr questioned the process for replacing an existing shed.

Ms. Susel stated that a permit is still required to replace a shed so that any pre-existing non-conforming uses can be confirmed, and a substitution of non-conforming use could be issued where appropriate. She explained that in this case, the shed was removed before staff could confirm its location.

Ms. Scarnecchia stated that she didn't have any major concerns and she understands the comment regarding the new shed being flush with the neighboring sheds. She stated that

the alley takes away the issue of the shed being too close to a neighbor and the fence makes it almost undetectable. She stated that she doesn't see any safety concerns.

Mr. Protzman stated that he understands that there is a neighborhood precedence for buildings being against property lines. He stated that his major concern is that no practical difficulty has been presented.

Ms. Sahr stated that she is happy to be generous when there is a practical difficulty, but she doesn't see anything in this case.

Mr. Slaymaker stated that by moving the shed further into the middle of the property, it becomes awkward. He stated that there are also two mature trees in the middle of the yard and the other area is a play area for the dogs. He marked the trees on the site plan provided for the Board members.

Ms. Susel notified the applicant that because the Board of Zoning Appeals currently only has 3 members, a unanimous vote is required to move forward with any variance request, or the variance will be denied. She stated that because there are 2 vacancies on the Board, there isn't a time in the near future that she is aware of when there will be more members present.

Ms. Sahr stated that she can see some hardship with the trees.

Ms. Scarnecchia stated that is it a large shed and would take up a substantial portion of the center of his yard and break the line of sight from his house to the backyard.

The Board and staff discussed the issues and other location possibilities.

Ms. Susel questioned the applicant if he would like to continue his case given the quorum information she presented.

Mr. Slaymaker responded yes.

MOTION: *In Case BZ24-001, applicant Ian Slaymaker, located at 439 Harris St., 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 10-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 0 feet from the rear property line.*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion failed 2-1.*

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

MOTION: Ms. Sahr moved to adjourn the meeting. The meeting adjourned at 7:22 pm.