

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
April 1, 2024**

MEMBERS PRESENT:

Michelle Sahr
Laura Scarnecchia
Robert Szygenda
O'livia Kennedy
Randall Smith

STAFF PRESENT:

Bridget Susel, Community Development Director
Kailyn Cyrus, Development Planner

I. CALL TO ORDER

Ms. Sahr called the meeting to order at 6:59 p.m.

II. ADMINISTRATION OF OATH FOR NEW MEMBERS

Ms. Susel administered the New Member Oath to Robert Szygenda, O'livia Kennedy, and Randall Smith. All candidates responded affirmatively.

III. ROLL CALL

Michelle Sahr, Laura Scarnecchia, Robert Szygenda, O'livia Kennedy, and Randall Smith 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. OLD BUSINESS

None

VII. NEW BUSINESS

**A. BZ24-002 BERTIS EVE BAIRD / MJR LANDSCAPE AND DESIGN
133 N. MANTUA ST.**

- 1. The applicant is requesting a variance from Section 1107.15(B) to allow a driveway bump out to be installed where the driveway must be equal width from the traveled portion of the public or private road right-of-way to the driveway terminus.**
- 2. The applicant is requesting a variance from Section 1107.15(B) to allow a driveway width to exceed the width of the terminus where the driveway must be equal width from the traveled portion of the public or private road right-of-way to the driveway terminus.**

Ms. Cyrus presented the staff report. She explained that the applicant is seeking two variances: one to allow a driveway bump out to be installed and another to allow a driveway to exceed the width of the terminus. She stated that the property is located in the R-4: Multi-Family Residential Zoning District and is a two family dwelling. She stated that the property is surrounded by residential uses to the north, east, and west and a religious institution to the south. She reported that the applicant stated that the current driveway does not provide adequate parking for the two-family dwelling and tenants have been using the parking lot of the church to the south of the property. She stated that the applicant has also reported that there is not adequate space for passengers to exit the vehicles in the current driveway without hitting the wall with the car doors. She stated that the Kent Codified Ordinances state that driveways must be equal width from the traveled portion of the public or private road right-of-way to the driveway terminus.

Michael Robinson, owner of MJR Landscape in Tallmadge Ohio, stated that he is presenting a plan to widen the left side of the driveway so that two cars can adequately use the driveway. He stated that the house is at least 100 years old. He stated that his plans show both a 5-foot proposed bump out and a 6-foot proposed drive extension. He stated that the extension extends past the front of the existing garage to accommodate the addition of a side door into the garage. He stated that the proposed changes will allow cars to be parked side by side and not block each other from exiting with the existing drive apron, which will not be modified due to the proximity of the storm sewer catch basin. He added that the existing sidewalk will also remain.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Susel explained the reasons that variances are needed for the proposed plan as well as the criteria of hardship and practical difficulty for the new members.

Ms. Sahr questioned the allowable width of a driveway.

Ms. Susel stated that it is a maximum of 24 feet.

Mr. Szygenda stated that the plan is within the allowable maximum width according to code.

Ms. Sahr agreed and stated that she feels that this is important.

Ms. Scarnecchia stated that she feels that the applicant has presented a couple of legitimate hardships, and she understands the reasoning. She stated that she is okay with the proposal. She stated that she feels that they did a good job accommodating the hillside. She added that parking is a necessity for the tenants who live there. She stated that the terminus is only 9 feet and that alone is a hardship.

Ms. Sahr stated that she is somewhat concerned with how close they are coming to the property line.

Mr. Szygenda questioned if they could only approve the driveway extension and not the bump out so as not to be so close to the property line.

Ms. Scarnecchia questioned if granting only one variance would give them enough space for reasonable parking.

Ms. Susel stated that the City considers parking width in a driveway at 10 feet. She added that the existing driveway plus the extension without the bump out would be a width of 15 feet 3 inches.

Mr. Szygenda stated that that is not enough.

Ms. Sahr agreed that that is not enough for two vehicles side by side.

Ms. Scarnecchia stated that she feels that it's both or nothing at all.

Ms. Susel stated that the bump out area is for maneuvering. She added that the addition of the new paved area will increase storm water runoff as there is less pervious area for stormwater to be absorbed.

Ms. Scarnecchia stated that the stormwater runoff is a concern.

Ms. Sahr questioned the applicant if they are able to extend the bump out farther back.

Mr. Robinson stated that they are not close to the hillside. He further explained that it doesn't make any difference if the water runs over the grass or the pavement in that small of an area; it just runs faster. He stated that it isn't for consideration for this case, but the applicant owns the property at the bottom of the hill. He stated that the water will go down the hillside and the grass will take the water. He further explained that once the water sits on the ground after 10-12 minutes, it is absorb. He stated that with a heavy rain, the water is going to run down the hill no matter if it is grass or pavement, but it will flow faster with pavement. He stated that they can pour the concrete to slope towards the sidewalk.

Ms. Sahr questioned if they typically slope driveways towards the storm drains.

Mr. Robinson stated that they do if the elevation allows.

Mr. Szygenda questioned the drain in front of the garage.

Mr. Robinson stated that they can install a drain across the back of the new pavement that ties into the existing drain in front of the garage rather than the water flowing over the hill.

Ms. Susel stated that if this is approved, a technical plan review by the Development Engineer for the storm water would be required before permits could be issued.

Mr. Szygenda questioned if they could consider safety as one of their factors in their decision. He further explained that where this driveway lines up with the hill, it is a significant drop, and his concern would be that someone would drive off the end.

Mr. Robinson stated that they have considered installing a fence at the end of the proposed driveway.

Mr. Szygenda stated that he is okay with the extension as it is within the maximum of 24 feet width.

Mr. Smith stated that he agrees and feels that the safety issue is a bigger concern to him than the stormwater.

Ms. Sahr stated that she would like to see a condition requiring a barrier at the end of the pavement.

MOTION: *In Case BZ24-002, applicant Bertis Eve Baird / MJR Landscape and Design, located at 133 N. Mantua St., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1107.15(B) to allow a driveway bump out to be installed where the driveway must be equal width from the travel portion of the public or private road right of way to the driveway terminus and that a safety barrier be installed at the terminus of the additional pavement.*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion passed 5-0.*

MOTION: *In Case BZ24-002, applicant Bertis Eve Baird / MJR Landscape and Design, located at 133 N. Mantua St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1107.15(B) to allow a driveway width to exceed the terminus where the driveway must be equal width from the travel portion of the public or private road right of way to the driveway terminus.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 5-0.*

**B. BZ24-003 THE RIVER MERCHANT / CAMERON THOMAS
911 N. MANTUA ST.**

The applicant is requesting a variance from Section 1103.15(E) to allow a 12-foot 7-inch variance where 30 feet is the minimum requirement to allow an addition to be constructed 17 feet 5-inches from the rear property line.

Ms. Cyrus presented the staff report. She explained that the property is located within the C-R: Commercial High Density Multi-family Residential Zoning District and is surrounded by a parking lot to the north, the river to the east, and commercial uses to the west and south. She stated that the applicant is constructing an addition to the rear of the restaurant to allow for ingress/egress from the bar to the kitchen. She stated that the proposed addition will sit on an already constructed deck with a roof that was granted a variance to allow the roof to be constructed 2 feet from the rear property line in 2021. She stated that the City of Kent Zoning Code requires that the rear yard setback for a principal building in the C-R District be a minimum of 30 feet.

Cameron Thomas, The River Merchant, owner, stated that he would like to construct an addition on an existing concrete slab with a footer that will fill in a hallway between the back kitchen door and the bar door for a service personnel hallway. He stated that they will also remove the existing garage door in that area to open it up to guest ingress/egress. He stated that the improvements would help on many fronts including allowing the service staff and the guests to have separate ingress/egress as well as making it so that the staff can traverse this area during inclement weather. Mr. Thomas further explained the layout of the proposed addition and how it relates to the existing building with the Board members.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr stated that this property has been issued variances in the past due to the proximity of the building to the river.

Mr. Szygenda noted that the addition will be constructed on an existing footer.

Ms. Susel stated that the Cuyahoga River does create a practical difficulty with the ability to achieve a rear setback and it is a tight site. She stated that the variances that have been granted have been the minimum needed for the projects.

MOTION: *In Case BZ24-003, applicant The River Merchant/Cameron Thomas, located at 911 N. Mantua St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.15(E) to allow a 12-foot 7-inch variance where 30 feet is the minimum requirement to allow an addition to be constructed 17 feet 5 inches from the rear property line.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 5-0.*

VIII. MEETING MINUTES

The meeting minutes for 11/20/23 and 1/22/24 will be maintained as a Summary of Record as a voting quorum for these minutes is not possible. No corrections were made by the two members present.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

MOTION: Ms. Sahr moved to adjourn the meeting. The meeting adjourned at 7:36 pm.