

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
January 22, 2018**

MEMBERS PRESENT: Benjamin Tipton
 Dave Mail
 Paul Sellman
 Tim Sahr

MEMBER ASBSENT: Jona Burton

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

I. CALL TO ORDER

Mr. Tipton called the meeting to order at 7:01 p.m.

II. PLEDGE

The pledge was recited.

III. ROLL CALL

Paul Sellman, Dave Mail, Tim Sahr and, Benjamin Tipton were present.

IV. ELECTION OF OFFICERS

Mr. Fink explained the responsibilities of each office.

Mr. Mail nominated Benjamin Tipton as Chair of the City of Kent Board of Zoning Appeals.

Mr. Sellman seconded the nomination.

Vote: 4 – 0.

Mr. Mail nominated himself as Vice Chair of the City of Kent Board of Zoning Appeals.

Mr. Tipton seconded the nomination.

Vote: 4 – 0.

Board of Zoning Appeals

Mr. Mail nominated Paul Sellman as Secretary of the City of Kent Board of Zoning Appeals.

Mr. Tipton seconded the nomination.

Vote 4 – 0.

V. 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 name and address 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 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."

Mr. Tipton 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.”

VI. 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. BZ18-001

**Rudy Sega
523 Cuyahoga Street**

Sections: 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 install a bump-out in the driveway.

Mr. Tipton asked the applicant to present the variance request.

Rudy Sega, 1270 Carol Drive, Kent, Ohio, stated he bought the house about ten years ago and has made repairs. It is a rental house and the driveway is shared with the neighboring property. He said he would like to keep the bump-out because there is a telephone pole in the tree lawn that prevents him from widening the whole drive. He said he put in a timbers to contain with gravel. He said the gravel was there before his ownership and he would like to keep it. There is a single car garage in the rear of the property.

Mr. Sahr asked if it has to be a straight shot from the house to the street.

Ms. Susel replied it has to be equal width from the street to the terminus. She said the compliance officers flagged the property.

The Board helped define the parking area.

PUBLIC COMMENTS

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Sellman stated that the hardship is that it is a narrow lot. The way the house sits and the telephone pole in the tree lawn make it difficult.

Mr. Tipton stated there was no public interest from adjacent properties. He said there were no written statements from the neighbors regarding this property and there was no one in the audience. He said there is parking in the front yard and not in the rear near the garage.

Mr. Sellman stated there is gravel two doors down from this property and the street is not in good shape.

Mr. Tipton stated it is a single-family home on a small lot.

Mr. Sellman did not know if the garage was being used.

Mr. Mail did not think it was a detriment. He said the bump-out allows for two cars.

Mr. Sellman stated the gravel matches the driveway and it is aesthetically pleasant.

Mr. Tipton said the telephone pole was in line with the bump-out.

Mr. Sellman stated the hardship is the narrow lot. It was not a detriment.

Mr. Mail stated the surrounding neighborhoods are similar.

Mr. Tipton said there is practical difficulty.

Mr. Sellman stated the telephone pole in the tree lawn creates the practical difficulty.

Mr. Sahr stated there was no detriment and was in favor of granting the variance. He said the house is in the way.

Mr. Fink stated that there were only four members present and three positive votes were needed to approve the variance request. The applicant has the right to postpone his variance request until there was a full Board.

The applicant wanted to go forward.

There were no other questions or comments, so Mr. Tipton asked for a motion.

Motion: Mr. Sellman moved in Case BZ18-001, Rudy Segal, property located at 523 Cuyahoga Street, that the Board of Zoning Appeals approves a variance to install a bump-out, as defined in Section 1161.27(a) in the City of Kent Zoning Code.
Mr. Sahr seconded the motion.

Vote: The motion passed 4 – 0.

Ms. Susel stated that when the compliance officer calls to see if a permit was issued and if not, it will be flagged. She said the property has to go through the process to get it approved. She said certain criteria has to be met to put in a bump-out.

VII. MEETING MINUTES

A. Meeting minutes from the November 20, 2017 meeting

Motion: Mr. Sellman moved to approve the minutes of November 20, 2017, as submitted.
The motion was seconded by Mr. Mail.

Vote: The motion carried 4 – 0.

B. Meeting minutes from the December 18, 2017 meeting

Motion: Mr. Mail moved to approve the minutes of December 18, 2017, as submitted.
The motion was seconded by Mr. Sellman.

Vote: The motion carried 4 – 0.

VIII. OTHER BUSINESS

Motion: Mr. Sellman moved to excuse Jona Burton from the January 22, 2018 Board of Zoning Appeals meeting.
Mr. Tipton seconded the motion.

The motion carried 4 – 0.

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IX. ADJOURNMENT

Motion: **Mr. Mail moved to adjourn.**
 Mr. Sahr seconded the motion.

Vote: **The motion passed 4– 0.**

Meeting adjourned at 7:40 p.m.