

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
May 21, 2018**

MEMBERS PRESENT: **Benjamin Tipton
Dave Mail
Tim Sahr
Jona Burton**

BOARD ABSENT: **Paul Sellman**

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

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

Dave Mail, Tim Sahr, Jona Burton, and Benjamin Tipton 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 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

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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. BZ18-005

Ken & Stanley Christensen
733 Avondale

Section:

1131.04(a)

Request:

The applicants are requesting an 18.1-foot variance from the 45-foot minimum front yard setback to allow a front porch addition to be constructed 26.9 feet from the front property line.

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

Ken Christensen, 3464 Sandy Lake Road, Ravenna, Ohio, stated he is the son of Mr. Christensen, who is 83 years old and lives in the house at this location. He said they want to construct a roof over the existing porch. They want a roof over the front porch to allow a safe, dry access to the front door and to help to keep water away from the foundation. He said there has been some termite problems and this will help with that also. They want to make it safer for his father to remain in his home. He showed a picture of his neighbor's house and most houses in the area have a covered porch.

PUBLIC COMMENTS

None

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Mr. Mail stated that adding porch will not add anything or take anything away from the neighborhood. It makes sense. It will make the front door drier and will make a huge difference in the winter.

Mr. Burton stated the house already encroaches on the setback and the other houses on the block have covered porches. It will impact only one house. He was in favor of the project.

Mr. Sahr stated there was no traffic or safety issue, it is a dead-end street. There is no detriment. He was in favor of the project.

Mr. Tipton agreed it would not be a detriment to the neighbors or neighborhood. He said the project met the criteria the Board of Zoning Appeals have to consider when approving a variance. The variance will be reasonable. He said it is an older house in an established neighborhood.

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

Motion: Mr. Burton moved in Case BZ18-005, Ken & Stanley Christensen, property located at 733 Avondale, that the Board of Zoning Appeals approves an 18.1-foot variance from the 45-foot minimum front yard setback to allow a front porch addition to be constructed 26.9 feet from the front property line, as defined in Section 1131.04(a) in the City of Kent Zoning Code.

Mr. Mail seconded the motion.

Vote: The motion passed 4 – 0.

VII. MEETING MINUTES

A. March 19, 2018 meeting minutes

Motion: Mr. Mail moved to approve the minutes of March 19, 2018, as submitted.

Mr. Tipton seconded the motion.

Vote: The motion passed 4 – 0.

VIII. OTHER BUSINESS

Motion: Mr. Burton moved to excuse the absence of Paul Sellman at the May 21, 2018 Board of Zoning Appeals meeting.

Mr. Mail seconded the motion.

Vote: The motion passed 4 – 0.

Mr. Tipton asked if an applicant had to pay the whole fee if they reapply for a variance.

Ms. Phile replied an applicant does not pay the fee if the variance request is continued or tabled. If the Board of Zoning Appeals denies the request and they reapply for the variance, they would pay the fee again because it is a brand new application.

IX. ADJOURNMENT

Motion: Mr. Mail moved to adjourn.

Mr. Sahr seconded the motion.

Vote: The motion passed 4– 0.

Meeting adjourned at 7:23 p.m.