

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
May 20, 2024**

MEMBERS PRESENT: Michelle Sahr
Laura Scarnecchia
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 7:02 p.m.

II. ROLL CALL

Michelle Sahr, Laura Scarnecchia, and Randall Smith were present.

MOTION: *Ms. Scarnecchia moved excuse Mr. Szygenda and Ms. Kennedy from the 5/20/24 meeting. Mr. Smith seconded the motion. The motion carried 3-0.*

III. 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.

IV. 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.

V. OLD BUSINESS

None

VI. NEW BUSINESS

**A. BZ24-004 RANDALL SMITH
310 ELMWOOD DRIVE**

- 1. The applicant is requesting a variance from Section 1107.15(b) to allow an existing 25.5' x 9.5' driveway bump out to remain where the driveway must be of 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 39.5' x 9.5' 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.**

Ms. Susel stated that case BZ24-004 needs to be continued as there are only three members present at this meeting and one of the members is also the applicant so the minimum number of members needed for a voting quorum is not present.

Ms. Susel explained to the other case applicants that because there are only three members present tonight, the applicants will need a unanimous affirmative vote to be granted the requested variances. She stated that at any point during the case presentation or discussion, any of the applicants may request to continue their case to the June meeting. She asked if the applicants understood this statement.

The applicants responded affirmatively.

**B. BZ24-005 RIVERWOOD CHAPEL/ SIGNS 330
1407 FAIRCHILD AVENUE**

In accordance with Section 1110.06(E) the applicants are requesting a substitution of nonconforming use for the alteration and enlargement of two (2) existing monument signs.

Ms. Cyrus presented the staff report. She explained that the property is located within the O-R: Open Space Recreational Zoning District, R-1: Low Density Residential Zoning District, and R-2: Medium Density Residential Zoning District and is surrounded by residential uses to the north and east, industrial uses to the south, and a school to the west. She stated that the property is accessed from Fairchild Ave. and Newcomer Rd. She stated that the applicant is requesting a substitution of nonconforming use for the alteration and enlargement of two existing monument signs. She stated that the applicant is proposing to add a 120" x 20" addition to allow for interchangeable advertising for various events that are held at Riverwood Chapel. She stated that this will create two signs, with each sign measuring 91.66 square feet. The current signs are 75 square feet and the maximum allowed under the Zoning Code regulations is 60 square feet.

Justin Dodson, Signs 330, stated that the church has for many years used yard signs and banners to promote the events. He stated that they would like to add a permanent interchangeable panel to the church's two signs to avoid not being in compliance with the temporary sign ordinance. He stated that each addition will be made of a lightly framed aluminum cabinet.

Mr. Smith questioned what an ACM panel is.

Mr. Dodson stated that it is an aluminum composite material, which is a very common sign material.

Mr. Smith questioned why the addition is only 20" high.

Mr. Dodson stated that the structure limits the size. He stated that they based their decision on what visually works and is a reasonable request. He stated that the temporary signs that they have been using were banners attached to a PVC frame, yard signs, or other methods.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Scarnecchia questioned if the inability to advertise constitutes a technical hardship.

Ms. Sahr stated that according to Chapter 1110.06, they are considering two items: similar characteristics to the previous nonconforming use and that if the new proposed change is not more intrusive than the existing use.

Ms. Susel agreed and explained that this is not a variance request, but rather, a substitution of a nonconforming use.

Mr. Smith stated that he feels that it meets the criteria.

Ms. Sahr agreed and stated that they are similar in characteristic. She added that she feels that the addition would be less intrusive than the methods that the church is currently using.

Ms. Scarnecchia agreed.

Mr. Smith questioned if they will be able to limit the number of times per year that the panels are changed.

Ms. Cyrus stated that it will still fall under the temporary sign regulations that state no more than 45 days in a 6-month period,

MOTION: *In Case BZ24-005, applicant Riverwood Chapel/Signs 330, located at 1407 Fairchild Ave., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1110.06(E) to allow a substitution of nonconforming use for the alteration and enlargement of two (2) existing monument signs Ms. Scarnecchia seconded the motion.*

VOTE: *The motion passed 3-0.*

**C. BZ24-006 RASCAL HOUSE / MPG ARCHITECTS
1630 E. MAIN STREET**

- 1. A variance from Section 1109.09(D)(6) to allow a 10-foot variance where 10 feet is the minimum requirement to allow a monument sign to be constructed 0 feet from the public right-of-way line.**
- 2. A variance from Section 1108.05(D)(a) to allow a 10-foot variance where 10 feet is the minimum requirement to eliminate the required 10-foot landscape buffer to the east side of the property.**
- 3. A variance from Section 1108.05(D)(a) to allow a 10-foot variance where 10 feet is the minimum requirement to eliminate the required 10-foot landscape buffer to the south side of the property.**

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 commercial uses to the north, east, and west and residential uses to the south. She stated that the property is accessed from East Main Street. She stated that the applicant is requesting the variances to allow a monument sign to be located zero feet from the right-of-way line. She explained that the right-of-way extends farther into this property than it does for other properties along East Main Street corridor, which doesn't allow for adequate space to accommodate a monument sign to be located 10 feet from the right-of-way and still be visible from the road. She stated that the proposed sign will be located farther back than the previous sign, which was also extended into the right-of-way. She stated that the applicant is seeking to eliminate the landscaping buffer to the east and south sides of the property as it will interfere with the requirements of an access and reservation easement agreement that is in place with the property abutting to the south.

Denon Hubbard, MPG Architect, stated that the subject property is the old Arby's site that is adjacent to Rockne's on East Main Street. He stated that they are planning on completely removing the existing structure to construct a new building in its place. He explained that they will keep the site similar to what the current layout is with regards to parking. He stated that to the south of the lot, there is a reservation agreement for an area that is for shared parking for the business and the apartments behind them. He stated that there is also a reservation agreement for ingress/egress on the east portion of the lot. He stated that their hardship is regarding the access and reservation easement agreement that interfere with the required 10-foot landscape buffer to the south and the east. He stated that with regards to the sign variance request, there is currently a 50 foot right of way into the parcel which would require the sign to be too far from the road for passersby to see.

Ms. Sahr asked for clarification on the eastern reservation easement.

Mr. Smith stated that it is a driveway for Ryan Placement Apartments.

Ms. Susel clarified that the access and reservation easement agreement is a recorded legal document that stays with the parcel and not the business. She reported it was put in place decades ago.

Mr. Smith stated that their only option is to construct a smaller building.

Ms. Sahr added that it could also be an unusable property.

Niko Frangos, Rascal House, stated that a smaller building wouldn't work for them.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith stated that he feels that the sign would be located in a better place than the previous sign, so he doesn't have an issue with the sign placement.

Ms. Susel added that the Ohio Department of Transportation owns the front easement and will likely never relinquish it in case there is ever a reason or purpose for recapturing the land. She clarified that the sign would have a 0 setback at the property line.

Ms. Sahr stated that the sign will still be on their property. She stated that she feels that they have a very difficult parcel to develop, and she would like to see it developed so she is personally in favor of granting the variances.

Ms. Scarnecchia agreed and stated that the hardships are legitimate, and the development is exciting. She stated that she is in favor.

MOTION: *In Case BZ24-006, applicant Rascal House/MPG Architects, located at 1630 E. Main St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1109.09(D)(6) to allow a 10-foot variance where 10 feet is the minimum requirement to allow a monument sign to be constructed 0 feet from the public right-of-way line.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 3-0.*

MOTION: *In Case BZ24-004, applicant Rascal House/MPG Architects, located at 1630 E. Main St., Mr. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1108.05(D)(a) to allow a 10-foot variance where 10 feet is the minimum requirement to eliminate the required 10-foot landscape buffer to the east side of the property.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 3-0.*

MOTION: *In Case BZ24-004, applicant Rascal House/MPG Architects, located at 1630 E. Main St., Mr. Scarnecchia moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1108.05(D)(a) to allow a 10-foot variance where 10 feet is the minimum requirement to eliminate the required 10-foot landscape buffer to the south side of the property.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 3-0.*

VII. MEETING MINUTES

MOTION: *Mr. Smith moved to approve the April 1, 2024 meeting minutes as presented.
Ms. Scarnecchia seconded the motion. The motion carried 3-0.*

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

MOTION: *Ms. Sahr moved to adjourn the meeting. Ms. Scarnecchia seconded the
motion. The meeting adjourned at 7:27 pm.*