

**APPROVED**

**CITY OF KENT  
BOARD OF ZONING APPEALS  
PUBLIC HEARING & BUSINESS MEETING  
July 15, 2024**

**MEMBERS PRESENT:** Michelle Sahr  
Randall Smith  
Robert Szygenda  
O'livia Kennedy

**STAFF PRESENT:** Bridget Susel, Community Development Director  
Kailyn Cyrus, Development Planner

**I. CALL TO ORDER**

Ms. Sahr called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

Michelle Sahr, Robert Szygenda, O'livia Kennedy, and Randall Smith were present.

**MOTION:** *Mr. Smith moved excuse Laura Scarnecchia from the 7/15/24 meeting. Ms. Kennedy seconded the motion. The motion carried 4-0.*

**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**

**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 there are only three members present tonight for this case, because the applicant is a member of the Board of Zoning Appeals. The applicant will need affirmation from all three members for any variance to be granted.

Ms. Cyrus presented the staff report. She stated that the property is located within the R-2: Medium Density Residential Zoning District and is surrounded by residential uses on all sides. She stated that the property is accessed from Elmwood Dr. She stated that the applicant is requesting two variances from Section 1107.15(b) to allow a current driveway bump out to remain and for the existing bump out to be extended to the right-of-way. She explained that the applicant is in the process of replacing his current asphalt driveway with a new concrete driveway. The driveway had an existing bump out when the current owners purchased the property, but no variance or permit had been obtained. The applicant wishes to formalize the approval of the existing bump out and extend the bump out so that the entire driveway is the same width from the right-of-way to the driveway terminus. The applicant states that the extension is to allow for adequate parking.

Randall Smith, 310 Elmwood Drive, stated that he was in the process of finding a contractor to expand his driveway when he realized he would need a variance. There is a current asphalt driveway and existing bump out and he explained they want to expand the bump out down to the sidewalk. Mr. Smith stated that there was a tree previously in the way. Mr. Smith also stated that multiple other properties around him have two car driveways.

Mr. Syzgenda asked if the tree had been removed.

Mr. Smith stated that it had.

**PUBLIC COMMENT**

None

**BOARD OF ZONING OF APPEALS DISCUSSION**

Ms. Sahr stated that the goal is to be equal width from the road to the terminus so the proposed bump out would be more compliant with the code than what is currently there.

Mr. Syzgenda agreed.

Ms. Sahr asked Ms. Susel to clarify that double driveways are legal if they are equal length and not more than 24 feet in width.

Ms. Susel stated that driveways must be of equal width from the right-of-way to the terminus, but not more than 24 feet. A variance is required for any bump out that is wider than 24 feet or any that extend beyond the length of the terminus.

Ms. Sahr stated that Mr. Smith bought the house with the bump out and is trying to make it closer to the Code than it previously was.

**MOTION:**     *In Case BZ24-004, applicant Randall Smith, 310 Elmwood Drive, Ms. Kennedy moved that the Board of Zoning Appeals grant the applicant's request for 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.*

*Mr. Szygenda seconded the motion.*

**VOTE:**             *The motion passed 3-0-1. Mr. Smith abstained*

**MOTION:**     *In Case BZ24-004, applicant Randall Smith, 310 Elmwood Drive, Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for 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. Kennedy seconded the motion.*

**VOTE:**             *The motion passed 3-0-1. Mr. Smith abstained*

## **VI.     NEW BUSINESS**

**A.           BZ24-007       ALAN BALDWIN  
                                 721 BERKELEY STREET**

**The applicants are requesting:**

- 1.       The applicant is requesting a variance from Section 1106.10(B)(2) to allow a 1-foot variance where 5 feet is the minimum requirement to allow an accessory structure to be located 4 feet from the rear property line on a substandard lot.**
- 2.       The applicant is requesting a variance from Section 1106.10(B)(2) to allow a 3-foot variance where 5 feet is the minimum requirement to allow an accessory structure to be located 2 feet from the east side property line on a substandard lot.**

Ms. Cyrus presented the staff report. She stated that the property is located within the R-2: Medium Density Residential Zoning District and is surrounded by residential uses

on all sides. She stated that the property is accessed from Berkeley St. She explained that the applicant is requesting two variances from Section 1106.10(B)(2) to allow an accessory structure to be located 4 feet from the rear property line and 2 feet from the east side property line. She stated that the applicant is proposing to replace his current 10'x24' garage with a new 18'x24' garage. The lot is a substandard lot. Lots in the R-2 must be a minimum of 11,000 sq. ft. The property at 721 Berkeley Street is 8,276 sq. ft. She added that the east side setback for the garage will be the same as the current garage east side setback. She stated that the City of Kent Zoning Code requires that accessory structures constructed on substandard lots not be less than 5 feet from the side and rear property lines.

Alan Baldwin, 721 Berkeley Street, stated that his current garage that is in the same area is falling apart and needs replaced. Mr. Baldwin stated that he created the drawing back in May and it is approximately where he will place the new accessory structure. The current garage is only 4 feet from the house. He moved the proposed accessory structure back so that it met the City of Kent Zoning Code regulation to be at least 10 feet from the house. The current structure is 1 and a half feet from the east property line, and he would like it to remain 1 and a half feet from the east property line.

Mr. Syzgenda asked if the current garage was only 4 feet from the house, 1 and a half feet from the east property line and 4 feet from the rear.

Mr. Baldwin confirmed that it is currently only 4 feet from the house and 1 and a half feet from the east property line, however, it is more than 4 feet off the rear property line currently.

Variance request number 1 was altered to allow a 3-foot variance where 5 feet is the minimum requirement to allow the accessory structure to be 2 feet from the rear property line. Variance request number 2 was altered to allow a 3-and-a-half-foot variance where 5 feet is the minimum requirement to allow an accessory structure to be located 18 inches from the east property line.

Ms. Susel stated that it differs than what was presented on the site plan.

Mr. Syzgenda asked if it was a complete replacement.

Mr. Baldwin stated that it was.

#### **PUBLIC COMMENT**

None

#### **BOARD OF ZONING OF APPEALS DISCUSSION**

Mr. Syzgenda asked what the Zoning requirements were when the current garage was built.

Ms. Susel stated that the garage was built before the Zoning Code was established in 1971 so the lot is a substandard lot.

Ms. Sahr stated that the request was not impractical because if the garage was 5 feet off the east property line, then the garage would not align with the driveway.

Mr. Smith stated that he did not have a problem with it.

**MOTION:**     *In Case BZ24-007, applicant Alan Baldwin, 721 Berkeley St., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(B)(2) to allow a 3-foot variance where 5 feet is the minimum requirement to allow an accessory structure to be located 2 feet from the rear property line on a substandard lot.*

*Mr. Szygenda seconded the motion.*

**VOTE:**         *The motion passed 4-0.*

**MOTION:**     *In Case BZ24-007, applicant Alan Baldwin, 721 Berkeley St., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(B)(2) to allow a 3.5-foot variance where 5 feet is the minimum requirement to allow an accessory structure to be located 1.5 feet from the east side property line on a substandard lot.*

*Ms. Kennedy seconded the motion.*

**VOTE:**         *The motion passed 4-0.*

**B.       BZ24-008     JOAN KNAPP  
                          1602 S. LINCOLN STREET**

**The applicant is requesting a variance from Section 1106.12(A) to allow a 6-foot-tall fence to be constructed where 4 feet is the maximum height allowed.**

Ms. Cyrus presented the staff report. She explained that the property is located within the R-1: Low Density Residential Zoning District and is surrounded by residential uses on all sides. She stated that the property is accessed from Ivan Dr. She stated that the applicant is requesting a variance from Section 1106.12(A) to allow a 6-foot-tall fence to be constructed in the front yard, where 4 feet is the maximum height allowed. She explained that the proposed 6-foot fence is replacing a fence that is 4 feet tall. She stated that the property is a corner lot, and this means that the property has two front yards. She stated that the proposed 6-foot-tall fence will extend into the portion of front yard abutting Ivan Drive and that the fence is needed for the safety of the owner's dogs and other dogs that people may be walking down the street.

Anna Ford, 1602 S. Lincoln Street. Anna stated that this is her mother's house, and she was there to speak on behalf of her mother. Ms. Ford stated that the property is a corner lot meaning the property has two front yards that fit the ruling for the front yard. The fence facing S. Lincoln Street is 4-foot-tall and the portion facing Ivan Drive is 6-foot-tall. Ms. Ford stated that the 6-foot-tall fence off Ivan Drive is necessary due to dogs that walk by and her dogs that tend to scare walkers. With the proposed fence, her dogs would not be able to see dogs and people walking buy and vice versa.

Mr. Smith questioned if the fence was already built.

Ms. Ford stated that yes construction on the fence had started, it is now paused until a variance is received.

**PUBLIC COMMENT**

Vicki Sampson, 1592 S. Lincoln St., stated that she lives across the street, and she also lives on a corner lot. She stated that the dogs bark a lot it causes her dogs to bark. Ms. Sampson stated that she believes it is necessary for the property located at 1602 S. Lincoln Street to have a 6-foot-tall fence in the front yard.

**BOARD OF ZONING OF APPEALS DISCUSSION**

Mr. Smith stated that there is also a portion of fence facing S. Lincoln Street that is also 6-foot-tall.

Ms. Sahr questioned if it was okay because it was behind the front of the house.

Ms. Susel stated that was correct.

Mr. Smith asked if it was considered the rear yard.

Ms. Cyrus stated that any area behind the front corner of the house is considered rear yard or side yard. The only portion of fence that goes past the front corner of the house is the portion on Ivan Drive.

Ms. Sahr stated that having two front yards is a legitimate hardship.

Mr. Syzgenda questions why the City of Kent Zoning Code requires fences to be 4 feet tall in the front yard.

Ms. Susel stated that it was typically for line of site because fences can be built on the property line. She stated that a corner lot always has two front yards, based on the Zoning Code definitions, so it is a practical difficulty that is frequently recognized in variance reviews.

**MOTION:**      *In Case BZ24-008, applicant Joan Knapp, 1602 S. Lincoln St., Mr. Syzgenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.12(A) to allow a 6-foot-tall fence to be constructed where 4 feet is the maximum height allowed.*

*Mr. Smith seconded the motion.*

**VOTE:**            *The motion passed 4-0.*

**B.      BZ24-009      PAUL DITCHEY  
                                 466 HARVEY STREET**

**The applicant is requesting:**

- 1. The applicant is requesting a variance from Section 1107.15(b) to allow a new addition to an existing bump out to be extended 1-foot to the south side of the property where the driveway must be equal width from the traveled portion of the public or private right-of-way to the terminus.**

- 2. The applicant is requesting a variance from Section 1107.15(b) to allow a new addition to an existing bump out to be extended 2 feet to the east side of the property where the driveway must be equal width from the traveled portion of the public or private right-of-way to the terminus.**

Ms. Cyrus presented the staff report. She explained that the property is located within the R-2: Medium Density Residential Zoning District and is surrounded by residential uses on all sides. She stated that the property is accessed from Harvey St. She stated that the applicant is requesting two variances from Section 1107.15(b) to allow a current driveway bump out to remain and be enlarged. She explained that the current driveway bump out was approved by the Board of Zoning Appeals in 2017 and that the bump out was approved due to a storm water drainage system that blocks the driveway from being extended to the right-of-way. She stated that the applicant is proposing to enlarge the bump out as the current bump out is too small to fit a recently purchased new car. She stated that the City of Kent Zoning Code requires that driveways be of equal width from the traveled portion of the public or private road right-of-way to the driveway terminus.

Paul Ditchey, 466 Harvey Street, stated that at the time the current bump out was approved he had a smaller vehicle, he has since changed cars to a larger vehicle, and it barely fits on the current bump out. This makes it difficult to get his other car out of the garage. Mr. Ditchey stated that if he were able to extend the current bump out 2 feet in the front and 1 foot to the south side of the property, it would be a little bit bigger and will accommodate the new car.

Ms. Sahr questioned how wide the driveway would be including the bump out.

Mr. Szygenda stated that the site plan does not include how wide the driveway currently is.

Ms. Cyrus stated the proposed bump out would be 7 feet wide.

Ms. Sahr was wondering if it will be within the 24-foot width limit for a driveway.

Ms. Susel stated the maximum 24-foot width for a driveway is from the right-of-way to terminus, because the bump out does not extend to the right of way it can exceed 24 feet in width. Ms. Susel stated that the applicant was increasing the bump out by 3 square feet.

Mr. Smith clarified that the 24-foot rule was for a driveway from terminus to the right-of-way.

Ms. Susel stated that was correct.

Mr. Ditchey stated the City has planted a tree and there are drains that impede him from being able to extend the bump out to the right-of-way.

Ms. Sahr asked if the current bump out was approved by the BZA.

Ms. Susel stated that it was. Ms. Susel stated that the applicant is adding 1 foot to the width and 2 feet to the length of the current bump out.

**PUBLIC COMMENT**

None

**BOARD OF ZONING OF APPEALS DISCUSSION**

Mr. Szygenda stated that it was essentially an additional 3 feet, and he did not have a problem with it.

**MOTION:**     *In Case BZ24-009, applicant Paul Ditchey, 466 Harvey Street, Ms. Kennedy moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1107.15(b) to allow a new addition to an existing bump out to be extended 1 foot to the south side of the property where the driveway must be equal width from the traveled portion of the public or private right-of-way to the terminus.*

*Mr. Szygenda seconded the motion.*

**VOTE:**         *The motion passed 4-0.*

**MOTION:**     *In Case BZ24-009, applicant Paul Ditchey, 466 Harvey Street, Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1107.15(b) to allow a new addition to an existing bump out to be extended 2 feet to the east side of the property where the driveway must be equal width from the traveled portion of the public or private right-of-way to the terminus.*

*Mr. Smith seconded the motion.*

**VOTE:**         *The motion passed 4-0.*

**VII.    MEETING MINUTES**

The meeting minutes for May 20, 2024 were moved to the next meeting.

**VIII.   OTHER BUSINESS**

None.

**IX.     ADJOURNMENT**

**MOTION:**     *Ms. Sahr adjourned the meeting at 7:44 pm.*