

APPROVED

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
August 19, 2024**

MEMBERS PRESENT: Michelle Sahr
Robert Szygenda
Laura Scarnecchia

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, and Laura Scarnecchia were present.

MOTION: *Ms. Scarnecchia moved to excuse Randall Smith and O’livia Kennedy from the 8/19/24 meeting. Mr. Szygenda 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. BZ24-011 CLERAC, LLC / ENTERPRISE HOLDINGS, INC/
ARCHITECTURAL DESIGN STUDIOS
1225 W. MAIN STREET**

The applicants are requesting:

- 1. The applicants are requesting a variance from Section 1107.12(B)(1) to allow an 18-foot to 7-foot landscape buffer to be installed where 20 feet is the minimum requirement. (W. Main St.)**
- 2. The applicants are requesting a variance from Section 1107.12(B)(1) to allow a 10-foot landscape buffer to be installed where 20 feet is the minimum requirement. (Spaulding Dr.)**

Ms. Susel explained to the applicant's that because there are only three members present, an affirmative unanimous decision must be made in order for the approval of their variance requests. She stated that at any point during the case proceedings but before a vote, the applicant can decide to delay or continue the case until more members are present.

Ms. Cyrus presented the staff report. She stated that the property is located within the IC-R: Intensive Commercial Residential Zoning District and is surrounded by commercial uses to the east, south, and west and an apartment complex to the north. She stated that the property is accessed from Main St. and Spaulding Dr. She explained that the applicant is requesting two variances from Section 1107.12(B)(1) to allow for an 18-foot to 7-foot landscape buffer along W. Main St. and a 10-foot landscape buffer along Spaulding Dr. She stated that the Enterprise Rent-A-Car business currently operates across the street at 1218 W. Main St. and will be relocating the business to the subject property at 1225 W. Main St. She stated that the change in land use requires the site plan to comply with all applicable current Zoning Code regulations. She stated that the code requires the property to provide two 20-foot landscape buffers because it is a corner lot with two front yards. She stated that the applicants are proposing a 10-foot landscape strip along Spaulding Dr., where the existing building is located 20 feet off the right of way. She explained that the owners have stated that the addition of the full 20-foot buffer would impede the owner's use of the property. She added that the landscape buffer for a side yard is 10 feet. She stated that the portion of the property that with regards to the portion of the property that abuts W. Main St., the existing right-of-way extends into the property 10 feet more than the right-of-way does for the abutting properties so there is not adequate room for the required 20-foot landscape buffer. She stated that the applicants explained that the required buffer will eliminate 8 parking spaces leaving only 3 parking spaces in the front of the building for customer parking. She stated that the other proposed landscape buffer will vary from 18 feet to 7 feet with an average of 12.5 of landscaping in the front yard along W. Main St.

Tony Cerny, Architectural Design Studios, 620 E. Smith Rd., Medina Ohio, stated that they are asking for a variance for the W. Main St. side in order to maintain the existing conditions in the parking lot. He explained that the front parking lot and the road are skewed to each other and the right of way is 10 foot deeper and extending into the property further than the abutting properties. He stated that currently there is 4,296 square feet of green space along the W. Main St. side, which is more than what is

required by code with the 20-foot setback. He stated that the existing condition and the lot with an unusual right-of-way size is creating the issue. He stated that from the standpoint of the community view, they have the greenspace along that frontage.

Ms. Sahr stated that her understanding is that they are not really changing anything in the front area except to add landscaping.

Mr. Cerny stated that they are not adding more parking or asphalt but, they are going to expand the drive apron to match the drive itself as shown in the photo.

Ms. Susel noted that this case is similar to the Rascal House in that the property line of the parcel sits closer to the building due to a deeper right-of-way than the abutting properties.

Mr. Cerny stated that the other issue is the corner lot that requires a 20-foot landscape buffer on both front yards. He stated that currently the parking on the Spaulding Dr. side goes right up to the sidewalk. He stated that they are proposing a 10-foot landscaping buffer, which is consistent with a normal side yard landscape buffer. He stated that they are also adding landscaping all around the property.

Ms. Susel added that the applicant was able to meet the landscape buffer requirements on the north and east sides of the property and that it is the issue of having two front yards and the extended right-of-way that they are requesting the variances for the west and south property lines.

Mr. Szygenda questioned what the advantage is to not install a 20-foot buffer along Spaulding Dr.

Mr. Cerny stated that they don't want the existing parking lot to be penalized with a reduction in space and are therefore asking for it to be treated like a normal side yard.

Ms. Susel stated that while a 20-foot front yard landscape buffer is desirable in 95% of situations, having two front yards is a practical difficulty. She stated that the 10 feet that they are proposing is the equivalent of what is required for a commercial side yard landscape buffer.

PUBLIC COMMENT

Nicole Gaffy, owner of 200, 230, 251, 290 Spaulding Dr., asked to see the proposed plans. [Ms. Sahr shared her documents] and Ms. Gaffy stated that the property has gone derelict and has affected her property.

Ms. Susel reminded everyone that they can only speak to the case before them. She also stated that landscaping is required due to the abutting residential use and the 20-foot buffer along that border to the north and east will be met. She stated that there is only 20 feet from the building to Spaulding Dr. on the west side. She stated that plants are also specified in the plans.

Mr. Cerny stated that the landscaping buffer will include larger trees and smaller shrubs that will make a hedge. He stated that the 10-foot buffer will be nicely landscaped and maintained. He stated that the parking lot will not be open for people to hang out in.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Scarnecchia stated that she feels that they have presented a legitimate hardship and a solution that will improve the area and the property.

Mr. Syzgenda stated that given the current conditions along Spaulding, he feels that what they are showing in their plans will be a dramatic improvement.

Ms. Sahr stated that she agrees that there is hardship due to the two front yards and feels that the detailed plans show that the improvements will make the area look much nicer than it currently does. She stated that she feels that the applicant makes a good point with regard to the Main St. side and that they are providing more square footage of greenspace as presented than with the 20-foot required buffer. She stated that she feels that it will be an improvement.

MOTION: *In Case BZ24-011, applicant Clerac, LLC/Enterprise Holdings, Inc./Architectural Design Studios, 1225 W. Main St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1107.12(B)(1) to allow an 18-foot to 7-foot landscape buffer with an average of 12.5 feet of landscaping to be installed where 20 feet is the minimum requirement on West Main St.*

Mr. Syzgenda seconded the motion.

VOTE: *The motion passed 3-0.*

MOTION: *In Case BZ24-011, applicant Clerac, LLC/Enterprise Holdings, Inc./Architectural Design Studios, 1225 W. Main St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1107.12(B)(1) to allow a 10-foot landscape buffer to be installed where 20 feet is the minimum requirement on Spaulding Dr.*

Mr. Syzgenda seconded the motion.

VOTE: *The motion passed 3-0.*

**B. BZ24-012 TREEHOUSE INN LLC / JEFFERY & MEGAN FORSTNER
711 S WATER STREET**

The applicant is requesting:

- 1. The applicants are requesting a variance from Section 1108.05(A) to allow a 14-foot variance where 20-feet is the minimum requirement to allow for a 6-foot front yard landscape buffer.**
- 2. The applicants are requesting a variance from Section 1108.05(D)(a) to allow a 10-foot variance where 10 feet is the minimum requirement to eliminate the landscape buffer on the north side of the property.**
- 3. The applicants are requesting a variance from Section 1108.05(D)(b) to allow a 20-foot variance where 20 feet is the minimum requirement to eliminate the landscape buffer on the east side (rear) of the property.**
- 4. The applicants are requesting a variance from Section 1108.05(D)(a) to allow for a 10-foot variance where 10 feet is the minimum requirement to eliminate the landscape buffer on the south side of the property.**

Ms. Cyrus presented the staff report. She explained that the property is located within the R-C: High Density Multi-Family Commercial Zoning District and is surrounded by business, non-retail, to the north, a gas station to the west, and residential uses to the north, east and south. She stated that the property is accessed from South Water St. She stated that the applicant is proposing to convert their single-family dwelling into a bed and breakfast. She stated that a change in land use requires that the property comply with the current City of Kent Zoning Code. She stated that the purpose of the landscape buffer is to add green space and to screen the property. She stated that the applicants are requesting that a 6-foot front yard landscape buffer be allowed as there is an existing driveway and turnaround in the front yard that would eliminate parking spaces needed for the bed and breakfast if the full buffer was installed. She stated that the applicants are requesting to eliminate the required 10-foot landscape buffer on the north side of the property as there is a current driveway and turnaround space that exists right up to the property line. She stated that the elimination of this driveway will eliminate access to the garage located on the property and will eliminate parking for the bed and breakfast. She stated that there is a 6-foot-tall privacy fence that screens the rear 60 feet of the property on the north side. She stated that the applicants are requesting to eliminate the required 20-foot landscape buffer in the rear yard as the existing garage is 11 feet from the property line and there is not room for the full 20-foot landscape buffer. She stated that there is also a 4-foot-tall fence that screens the garage and rear yard, and the applicants are proposing a 6-foot-tall 28-foot-long cedar fence to screen car headlights. She stated that the applicants are requesting to eliminate the required 10-foot landscape buffer for the south side yard as there is currently an existing row of mature trees along the property line that would impede any new planting's ability to grow. She stated that the house currently sits 7.8 feet from the south property line, where a 4-foot-tall fence currently lines the south property line. She reminded the Board that any variances granted should be the minimum variance needed to get as close to compliance with the Zoning Code regulations while allowing for the reasonable use of the land, building or structure.

Roger Muzia, Architect, 210 Columbus St., provided photos to help clarify his proposal. He stated that the biggest issue is that they have a rather large house on a very small lot.

He stated that for parking, they have 2 parking spaces in the front, 2 spaces in the rear, and 2 spaces in the garage for the owners. He stated that currently the asphalt goes all the way to the property line and to the sidewalk and it is their goal to remove as much asphalt as possible and still have adequate parking that allows for to turn around and so guests do not have to back out onto Water St. Mr. Muzia stated that they wish to duplicate the existing raised planter to a location along the sidewalk to mimic the berm [landscape buffer] in the ordinance and provide seasonal plantings and some evergreens. He stated that they will probably exceed the landscape requirements. He stated that the plan shows that they are removing as much of the asphalt as they can while still providing what is necessary. He stated that there is a garage in the rear lot, and he is proposing a 6-foot privacy fence between the property line and the driveway to screen headlights. He stated that there is already a 6-foot vinyl fence on the north side of the property. He stated that they are effectively screened. He stated that they need to eliminate the 10-foot buffer in order to access to the back property spaces. He stated that the street view will be improved by the changes.

Ms. Sahr questioned the dimensions of the front yard buffer.

Mr. Muzia stated that it will be 6 feet.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Szygenda stated that he doesn't disagree with the proposal. He stated that the 20' front yard buffer would eliminate the parking.

Ms. Scarnecchia stated that the hardship is clearly a large old house on a narrow city lot that was built prior to any of these zoning regulations. She stated that she doesn't see any other options. She stated that there was consideration for the neighbors as well.

Ms. Sahr stated that while she doesn't know if parking is a hardship the full buffers would eliminate all parking. She stated that clearly the hardship is the large house on a small lot. She stated that they wouldn't even have a driveway if the buffer was constructed on the one side.

Mr. Szygenda agreed.

MOTION: *In Case BZ24-012, applicant Treehouse Inn LLC/Jeffery & Megan Forstner, 711 S. Water St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1108.05(A) to allow a 14-foot variance where 20-feet is the minimum requirement to allow for a 6-foot front yard landscape buffer.*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion passed 3-0.*

MOTION: *In Case BZ24-012, applicant Treehouse Inn LLC/Jeffery & Megan Forstner, 711 S. Water St., Mr. Szygenda moved that the Board of*

Zoning Appeals grant the applicants' 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 landscape buffer on the north side of the property.

Ms. Scarnecchia seconded the motion.

VOTE: The motion passed 3-0.

MOTION: In Case BZ24-012, applicant Treehouse Inn LLC/Jeffery & Megan Forstner, 711 S. Water St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1108.05(D)(b) to allow a 20-foot variance where 20 feet is the minimum requirement to eliminate the landscape buffer on the east side of the property.

Ms. Scarnecchia seconded the motion.

VOTE: The motion passed 3-0.

MOTION: In Case BZ24-012, applicant Treehouse Inn LLC/Jeffery & Megan Forstner, 711 S. Water St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicants' 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 landscape buffer on the south side of the property.

Ms. Scarnecchia seconded the motion.

VOTE: The motion passed 3-0.

VII. MEETING MINUTES

The meeting minutes review will be held at a future meeting as a voting quorum was not present.

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

MOTION: Ms. Sahr moved to adjourn the meeting. Ms. Scarnecchia seconded the motion. The motion passed 3-0. The meeting adjourned at 7:42 pm.