

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
September 16, 2024**

MEMBERS PRESENT:

Michelle Sahr
Robert Szygenda
Laura Scarnecchia
O'livia Kennedy
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 7:00 p.m.

II. ROLL CALL

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

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. BZ24-010 JULIE MELUCH
1509 S. WATER STREET**

The applicant is requesting a variance from Section 1107.15(B) to allow a 17' and 2.23" by 20' 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. Cyrus presented the staff report. She stated that the property is located within the R-C: High Density Multifamily-Commercial Zoning District and is surrounded by business, non-retail to the north, residential uses to the south and east, and retail uses to the west. She stated that the property is accessed from S. Water St. She stated that the applicant is proposing to construct a 16-foot-wide driveway that would include a 20 foot by 17-foot 2.23-inch bumpout. She stated that the applicant explained that the bumpout would be used as a turnaround due to the dangerous nature of backing out onto S. Water St. She stated that the property is currently under construction and the driveway has not existed on the property since the late 1990s, with only a drive apron present on the site.

Ms. Sahr noted that the applicant is not present.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith asked for clarification regarding the maximum width of a driveway.

Ms. Susel stated that the maximum width is 24 feet.

Mr. Smith questioned if the driveway can be wider than a one car garage.

Ms. Susel explained that the driveway must be the same width as the terminus and if an applicant wanted a driveway wider than a one car garage, they would need to seek a variance.

The administration asked that the case be continued due to the applicant not being present and the need for another variance.

Ms. Sahr questioned the reason for the large width of the bumpout and stated that she will ask the applicant at the next meeting.

MOTION: Ms. Sahr moved to continue the case to the next meeting.

Ms. Scarnecchia seconded the motion.

VOTE: The motion passed 5-0.

**B. BZ24-013 CAROL HAAS / JAY Z CONSTRUCTION, LLC
130 N. PEARL STREET**

Ms. Cyrus noted that there is a change to the first variance as the updated drawings show the accessory structure 5 feet from the north property line instead of 5.5 feet.

The applicants are requesting:

- 1. The applicants are requesting a variance from Section 1106.10(A) to allow a 5-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 5 feet from the north property line.**
- 2. The applicants are requesting a variance from Section 1106.10(A) to allow a 14-foot variance where 15 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the principal building.**
- 3. The applicants are requesting a variance from Section 1103.10(E) to allow a 30-foot variance where 45 feet is the minimum requirement to allow an addition to be located 15 feet from the front property line.**

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 North Pearl St. She stated that the applicant has constructed a 16 foot by 12-foot carport that is currently located 5 feet from the north property line and 1 foot from the principal structure. She explained that the applicant states that the carport is needed as the garage is set too far back on the property to allow for use in bad weather conditions and because the lot is a narrow lot of only 60 feet in width, there is not enough room for the carport to be located 10 feet from the side property line and 15 feet from the house. She stated that the applicant is also requesting a variance from Section 1103.10(E) to allow for an addition to be located 15 feet from the front property line. She explained that the applicant states that the new addition was built to cover the current porch steps into the house and the current house is located 18 feet back from the front property line.

Jason Zuccherro, JayZ Construction, stated that he was employed after the construction of the structures was completed and that he is there to help the applicant navigate the variance and permit process. He stated that many of the neighboring houses are close to the street. He stated that the garage is approximately 100 feet from the house and the second single carport was constructed for ease of access in bad weather. He added that the carport is not attached to the main house. He stated that the driveway does not exceed the property line to the north. He stated that his information came from the Portage County Auditor's website, and they did not locate any property pins nor have any surveys done. He stated that there was already existing stairs and porch and the new roof over the porch steps does not exceed the existing steps. He stated that the roof for the steps is needed to protect the steps from the weather. He stated that both structures were installed for safety purposes.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Szygenda stated that he doesn't have an issue with the extended porch roof.

Ms. Susel clarified that the reason that accessory structures are supposed to be 15 feet from the main structure is for fire safety reasons. She questioned what materials the carport was constructed of.

Mr. Zuccherro stated that it is a wood structure with a metal roof that is open on all sides.

Ms. Susel added that this construction type is not the same as an enclosed garage or large shed although is it still classified as an accessory structure and is required to be 15 feet from the main structure.

Ms. Sahr questioned Mr. Zuccherro if they planned to attach the carport to the house, as that would be a different variance request.

Mr. Zuccherro stated that he suggested attaching the carport only as an option if that is what is needed to grant the variance.

Mr. Szygenda stated that the existing garage at the back of the property sits closer to the same side property line than the carport.

Ms. Sahr stated that the hardship would be that this is a very narrow lot and whether it was a carport or a garage addition, they would be having the same variance discussion regarding the side yard setback.

Mr. Szygenda noted that the carport is 1 foot from the house.

Ms. Sahr stated that it seems like an open structure such as a carport would be less of a fire hazard, although she is not a fireman.

Mr. Szygenda and Mr. Smith agreed.

MOTION: *In Case BZ24-013, applicants Carol Haas & JayZ Construction, 130 N. Pearl St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1106.10(A) to allow a 5-foot variance where 10 feet is the minimum requirement to allow an accessory structure to be located 5 feet from the north property line.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 5-0.*

MOTION: *In Case BZ24-013, applicants Carol Haas & JayZ Construction, 130 N. Pearl St., Ms. Scarnecchia moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1106.10(A) to allow a 14-foot variance where 15 feet is the minimum requirement to allow an accessory structure to be located 1 foot from the principal building.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 5-0.*

MOTION: *In Case BZ24-013, applicants Carol Haas & JayZ Construction, 130 N. Pearl St., Ms. Kennedy moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1103.10(E) to allow a 30 -foot variance where 45 feet is the minimum requirement to allow an addition to be located 15 feet from the front property line.*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion passed 5-0.*

**C. BZ24-014 MAYER ARCHITECTURAL GROUP / GRAVES WEST VIRGINA
PROPERTIES
715 E. MAIN STREET**

The applicants are requesting:

- 1. The applicants are requesting a variance from Section 1108.05(a) to allow a 9-foot variance where 20 feet is the minimum requirement to allow an 11-foot landscape buffer in the northeast corner of the property.**
- 2. The applicants are requesting a variance from Section 1108.05(d) to allow a 4-foot 8-inch variance where 10 feet is the minimum requirement to allow a 5-foot 4-inch landscape buffer on the north side of the property.**
- 3. The applicants are requesting a variance from Section 1108.05(d) to allow a 6-foot to 9-foot variance where 10 feet is the minimum requirement to allow a 1-foot to 4-foot landscape buffer on the west side of the property.**

Ms. Cyrus presented the staff report. She stated that the property is located in the C-R: Commercial High Density Multi-Family Residential Zoning District and has access from both E. Main St. and Linden Dr. She stated that the property is surrounded by multifamily dwellings to the west, Kent State University to the south, a restaurant to the east, and residential uses to the north. She explained that the applicants are requesting three variances for the proposed change in use from an autobody shop to a restaurant for Domino's Pizza. She stated that the property is a corner lot for which the applicants are required to provide two 20' landscape buffers on each street. She stated that the first requested variance of 9 feet is to allow an 11-foot landscape buffer at the northeast corner of the property to allow for an increase of one proposed parking space. She stated that the second variance request is for a 4-foot 8-inch variance to allow a 5-foot 4-inch

landscape buffer on the north side. She explained that the dumpster enclosure will be located in this area for ease of access. She stated that the final third variance request is for a 6-foot to 9-foot variance to allow for a 1-foot to 4-foot landscape buffer on the west side of the property. She added that the current building is located 4 feet off the property line and the portion of the variance requesting 9 feet is to allow for 2 parking spaces to be installed on the west side of the property. She explained that the minimum number of parking spaces required for the project is seven spaces. She stated that a privacy fence is proposed along the west property line where the parking spaces are located.

Eric Stedtterr, Domino's Pizza, Willmar MN, stated that this is a challenging property and although they have tried to meet all the requirements, some variances are required in order to make this a functioning property for anyone. He stated that the additional parking space and dumpster enclosure requirements, as well as the current building location, make it necessary to reduce the landscape buffers.

Mr. Smith stated that he appreciates the drawings that clearly show the proposed project. He questioned that the number of required parking spaces is seven.

Ms. Susel stated that that is correct.

Mr. Stedtterr stated that the plan provides 9 parking spaces for traffic control. He added that they try to provide more than the minimum on parking spaces due to the nature of a restaurant and the varying rush times.

Ms. Susel added that staff recommended that they consider the parking spaces near the dumpster be used for the managers as cars will need to be moved for access for solid waste collection.

Mr. Stedtterr stated that they can also request for dumpster service at a certain time.

Ms. Sahr asked for clarification on the privacy fence.

Mr. Stedtterr stated that the solid privacy fence will be used to block the headlights from the neighboring property. He stated that the height of the fence is up to the Board and that they are willing to do what they feel is necessary.

Ms. Susel stated that 4 feet is required.

Mr. Smith questioned if the fence will be to the west as well as the north.

Mr. Stedtterr stated that the fence is currently proposed only to the west as they are required to do a landscape buffer to the north.

Ms. Susel clarified that the fence is there to block the car headlights of those two parking spaces from the property to the west. She added that in this area, trees would not be effective for screening due to the space between the buildings and their inability to grow. She stated that the privacy screen for these two spaces is probably the least intrusive and most appropriate.

Ms. Sahr questioned if there is an alternate parking plan if the west side variances were not approved.

Mr. Stedtler stated that they tried several different site designs and the plan that is presented is the best way to make the parking and traffic controls work.

Ms. Susel stated that this property has two front yards, which has limited their options.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Szygenda stated that he is happy that something is going into this building. He stated that currently there isn't any landscaping, and the proposed plan will be an improvement. He stated that he is a little concerned about the dumpster and the parking, but he understands the reason for it.

Mr. Stedtler stated that Domino's can control the trash pick-up schedule and deliveries will be made by a smaller truck and not a semi.

Mr. Smith stated that he agrees that it will be a major improvement from the current condition and feels that the parking makes sense.

MOTION: *In Case BZ24-014, applicant Mayer Architectural Group / Graves West Virginia Properties, 715 E. Main St., Mr. Smith moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1108.05(a) to allow a 9-foot variance where 20 feet is the minimum requirement to allow an 11-foot landscape buffer in the northeast corner of the property.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 5-0.*

MOTION: *In Case BZ24-014, applicant Mayer Architectural Group / Graves West Virginia Properties, 715 E. Main St., Mr. Smith moved that the Board of Zoning Appeals grant the applicants' for a variance from Section 1108.05(d) to allow a 4-foot 8-inch variance where 10 feet is the minimum requirement to allow a 5-foot 4-inch landscape buffer on the north side of the property.*

Ms. Kennedy seconded the motion.

VOTE: *The motion passed 5-0.*

MOTION: *In Case BZ24-014, applicant Mayer Architectural Group / Graves West Virginia Properties, 715 E. Main St., Mr. Smith moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1108.05(d) to allow a 6-foot to 9-foot variance where 10 feet is the minimum requirement to allow a 1-foot to 4-foot landscape buffer on the west side of the property.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 5-0.*

VII. MEETING MINUTES

MOTION: *Mr. Smith moved to approve the May 20, 2024 meeting minutes as presented. Ms. Sahr seconded the motion. The motion carried 3-0-2. Ms. Kennedy and Mr. Szygenda abstained.*

MOTION: *Ms. Sahr moved to approve the July 15, 2024 meeting minutes as presented. Ms. Szygenda seconded the motion. The motion carried 4-0-1. Ms. Scarnecchia abstained*

MOTION: *Ms. Sahr moved to approve the August 19, 2024 meeting minutes as presented. Ms. Scarnecchia seconded the motion. The motion carried 3-0-2. Ms. Smith and Ms. Kennedy abstained.*

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 7:48 pm.*