

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
September 16, 2019**

MEMBERS PRESENT: Tim Sahr
Dave Mail
Jona Burton
Paul Sellman
Benjamin Tipton

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

I. CALL TO ORDER

Mr. Burton called the meeting to order at 7:01 p.m.

II. PLEDGE

The pledge was recited.

III. ROLL CALL

Jona Burton, Dave Mail, Tim Sahr, Benjamin Tipton, and Paul Sellman 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 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. Burton 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."

V. 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".

VI. NEW BUSINESS

**A. BZ19-017 COREY & SARA SANZONE
 977 BRUCE DRIVE**

Section: 1131.04(a)

Request: The applicant is requesting a 1.2-foot variance from the 45 foot front yard setback requirement to allow a new residence to be constructed 43.8 feet from the front property line (Section 1131.04(a)).

Ms. Heckman clarified that the agenda shows an incorrect case number; it should be BZ19-017.

Sara Sanzone, 1811 Canfield Ave, Akron, stated that they would like to construct a new home at 977 Bruce Dr. She stated that after they looked at many different potential floor plans with several home builders to find one that would fit within the current building envelope, they now have a custom design that is very close to fitting. She explained that the 1.2 foot variance isn't for the entire length or width of the house but rather a total of 1 square foot located at the corner of the front porch. Ms. Sanzone added that the curvature of the lot line due to the cul-de-sac is the only reason that they need the variance. She stated that she does not feel that this variance will be a detriment to anyone.

PUBLIC COMMENTS

Don Oakes, 967 Bruce, stated that he is in favor of the variance and sees no issue with this being a deterrent to the neighborhood.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Sahr stated that he is in favor of granting the motion and feels that they have explored every option to make the hardship of the property work.

Mr. Sellman agreed with Mr. Sahr and stated that it is an oddly shaped lot.

Mr. Tipton stated that the variance is for a tiny corner and feels that the applicants have done a very good job of trying to stay within the strict application of the code but this is their solution. He stated that he is in favor of granting the variance.

Mr. Mail commended the applicant for their efforts and their presentation of the variance. He stated that this comes as close to a non-issue as anything he has seen presented in the past.

Mr. Jona stated that the applicant gets an A+.

MOTION: In Case BZ19-017, Corey & Sara Sanzone, 977 Bruce Dr., Mr. Mail moved that the Board of Zoning Appeals grant the 1.2 foot variance request from Section 1131.04(a) to allow a new residence to be constructed 43.8 feet from the front property line where a minimum of 45 feet is required.

Mr. Sellman seconded the motion.

VOTE: The motion carried 5-0.

VII. MEETING MINUTES

A. August 19, 2019 meeting minutes

MOTION: Mr. Sellman moved to approve the minutes of August 19, 2019, as submitted.

The motion was seconded by Mr. Tipton.

VOTE: The motion carried 5-0.

VIII. OTHER BUSINESS

None

IX. ADJOURNMENT

MOTION: Mr. Mail moved to adjourn.

The motion was seconded by Mr. Sahr.

VOTE: The motion carried 5-0.

The meeting adjourned at 7:14.