

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

MEMBERS PRESENT:

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

MOTION: *Ms. Scarnecchia moved to excuse O’livia Kennedy from the December 16, 2024 meeting. Mr. Smith seconded the motion.*

VOTE: *The motion passed 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. NEW BUSINESS

**A. BZ24-017 SCOTT FLYNN / RICHARD & KIMBERLY RICHARDS
1312 N. MANTUA STREET**

The applicants are requesting a variance from Section 1103.11(E) to allow a 15-foot variance where 30 feet is the minimum requirement to allow a principal building to be located 15 feet from the rear property line.

Ms. Cyrus presented the staff report. She stated that the property is located in the R-3: High Density Residential Zoning District and is accessed from North Mantua St. and Needham Ave. She stated that the property is surrounded by residential uses on all sides. She stated that the applicants own 1312 N. Mantua St. as well as two parcels behind it at 429 Needham Ave., in which they reside. She stated that the applicants are planning on consolidating a portion of the land from 1312 N. Mantua St. with their residential property at 429 Needham, which will allow them to construct a subordinate structure for their residence without the need for variances. She stated that the proposed lot split/consolidation would put the current commercial structure on Mantua St. 15 feet from the property line, however, and the City of Kent Zoning Code requires all principal structures in the R-3 District be located 30 feet from the rear property line.

Scott Flynn, attorney, 214 S. Water St., stated that the applicants own both properties and would like to alter the property lines so that they can construct a pole building at their residence at 429 Needham Ave. He explained that only a small portion of the commercial building will be 15 feet from the property line as the back of the building juts out in one area. He stated that it isn't a huge variance and feels that 15 feet is reasonable given the character of the neighborhood and the open areas in between. He stated that there potentially may be some other development at the commercial property, but this will not limit what they can do there for the most part. He stated that this variance request is to give Mr. Richards more space on his residential property.

Ms. Sahr questioned if their hardship is that their building and the property is oddly shaped.

Mr. Flynn stated that the property is fairly regular but the building is somewhat oddly shaped and the way that the backyard abuts the front yards of Needham. He stated that there is a large space there so they are not trying to put too much behind the commercial building on Mantua St. He stated that the way the house is situated behind the commercial building there is more than enough room, but he feels that putting a 30 foot setback there really limits Mr. Richards ability to construct a reasonably sized building on that lot.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr stated that she doesn't have any concerns and feels that the building is very oddly shaped as it is not rectangular. She stated that if the building didn't have that one area that jutted out, there would be plenty of space and no need for the variance request.

Mr. Szygenda stated that the main portion of the building may already breach the 30 foot setback.

Mr. Smith stated that he doesn't see any problem.

Ms. Scarnecchia stated that she doesn't see any issues either.

MOTION: *In Case BZ24-017, applicants Scott Flynn/Richard & Kimberly Richards, 1312 N. Mantua St., Mr. Smith moved that the Board of Zoning Appeals grant the applicants' request for a variance from Section 1103.11(E) to allow a 15-foot variance where 30 feet is the minimum requirement to allow a principal building to be located 15 feet from the rear property line.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 4-0.*

**B. BZ24-018 CORDAVE PROPERTIES
 1335 W. MAIN STREET**

The applicant is requesting a variance from Section 1106.10(A) to allow a 9-foot variance where 15 feet is the minimum requirement to allow a subordinate structure to be located 6 feet from the principal building.

Ms. Cyrus presented the staff report. She explained that the property is located within the ICR: Intensive Commercial Residential Zoning District and is surrounded by residential uses to the north and west, and commercial uses to the east and south. She stated that the property is accessed from W. Main St. She stated that the applicants are proposing to construct a 22-foot by 28-foot subordinate structure to allow for extra storage. She stated that the applicant reports that due to the size and nature of the property, there isn't enough space to construct the structure within the regulations of the City of Kent Zoning Code. She stated that the proposed subordinate structure will be 6 feet from the principal structure, where the code requires it to be 15 feet.

Corey Verichio, 1335 W. Main St., owner, stated that the variance will allow them to construct a two-car garage to allow them to receive and sort their UPS deliveries. He stated that an adjacent commercial residential property is currently for sale, but he is unable to purchase a portion of the land and therefore needs a variance to construct in this location.

Mr. Szygenda questioned if it was going to be fully operational with heat and employees.

Mr. Verichio stated that currently it will not and that it is for the inside storage of the approximately 40 box per day that arrive via UPS deliveries.

Mr. Smith stated that if they moved the building 15 feet from the main structure, then they would need a variance for the rear yard setback.

Mr. Verichio agreed.

Mr. Szygenda questioned why they don't want to attach it to the main structure.

Mr. Verichio stated that if they attach the subordinate structure to the main structure, they will need a structural engineer and they need to get started on something quickly. He stated that they now have an architect and have submitted a request for a second rear yard setback variance to attach the structures that will be coming before the BZA next month (January). He explained that the variance being presented tonight will allow them to get started.

PUBLIC COMMENT

Ms. Sahr read a letter from David Hansford, who owns the property at 1339 W. Main St. and he stated in the letter he has no objections to the proposed variance.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Scarnecchia stated that she feels that on a lot that is irregular and has a very discernable hardship, this is the best location for the subordinate structures in terms of the lot and the use of the building.

Mr. Szygenda agreed.

Ms. Sahr stated that this is a nicer option than having boxes sit outside the building.

Mr. Szygenda stated that not having the boxes outside will attract less animals and have less trash.

Ms. Sahr stated that she feels that the hardship is the shape of the lot and the depth of the rear yard.

MOTION: *In Case BZ24-018, applicant, Cordave Properties, 1335 W. Main St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(A) to allow a 9-foot variance where 15 feet is the minimum requirement to allow a subordinate structure to be located 6 feet from the principal building.*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion passed 4-0.*

MEETING MINUTES

MOTION: *Mr. Smith moved to approve the October 21, 2024 meeting minutes as presented. Mr. Szygenda seconded the motion. The motion carried 3-0-1. Ms. Scarnecchia abstained.*

VI. OTHER BUSINESS

None.

VII. ADJOURNMENT

MOTION: *Ms. Sahr adjourned the meeting. The meeting adjourned at 7:21 pm.*