

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
June 16, 2025**

MEMBERS PRESENT: Randall Smith
 Robert Szygenda
 Laura Scarnecchia
 O'livia Kennedy

STAFF PRESENT: Bridget Susel, Director
 Kailyn Cyrus, Zoning and Grants Coordinator

I. CALL TO ORDER

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

II. ROLL CALL

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

MOTION: **Ms. Scarnecchia moved to excuse Michelle Sahr. Ms. Kennedy seconded the motion. The motion passed unanimously.**

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. BZ25-005 HASENSTAB ARCHITECTS / ENTERPRISE PLASTICS
1500 ENTERPRISE WAY**

The applicant is requesting:

- 1. A variance from Section 1106.12(A) to allow a 6-foot-tall fence in the front yard where 4 feet is the maximum allowable height.**
- 2. A variance from Section 1103.22(E) to allow a 20-foot variance where 50 feet is the minimum requirement to allow an addition to be located 30 feet from the front property line.**

Ms. Cyrus presented the staff report. She explained that the property is located within the I: Industrial Zoning District and is surrounded by industrial uses on all sides. She stated that the applicant is proposing to construct an addition on the front of the building to house a needed generator. She explained that the applicant states that the generator needs to be in this configuration in order to meet the Ohio Building Code requirements as locating the generator in the side or rear yards will impede emergency access to the building and the generator needs to be connected to the electrical service that is located in the front of the building. She stated that the applicant also is proposing to construct a 6-foot tall fence in the front yard to be used as an enclosure for a diesel tank that will store the fuel for the generator. She noted that the applicant states that the tank must be located next to the generator and that a 4-foot tall fence would not provide a secure enclosure.

Eric Beach, Hasenstab Architects, 190 N. Union, Suite 400, Akron, Ohio stated that Ms. Cyrus summary of the need for the two variances correctly. He added that this is a small addition but it is in a location where they can fit it. He stated that the building will be constructed with a pre-finished architectural concrete masonry to be similar to the existing building. He described the elevations provided. He questioned if barbed wire would be allowed on top of the requested 6-foot fence for security.

Ms. Susel stated that it is allowed in the Industrial District but he will need to request it through the Community Development Department. She noted that the barbed wire is not factored into the height.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith stated that he doesn't see any other way this could be located on the property and feels that this indicates the hardship the company is facing. He stated that he doesn't have any problems with the project including the building, generator, storage tank, and the fence.

Mr. Szygenda stated that he is good with the project.

MOTION: *In Case BZ25-005, applicant Hasenstab Architects/Enterprise Plastics, Mr. Smith 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 in the front yard where 4 feet is the maximum allowable height.*

Ms. Kennedy seconded the motion.

VOTE: *The motion passed 4-0.*

MOTION: *In Case BZ25-005, applicant Hasenstab Architects/Enterprise Plastics, Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.22(E) to allow a 20-foot variance where 50 feet is the minimum requirement to allow an addition to be located 30 feet from the front property line.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 4-0.*

**B. BZ25-006 COREY WINGEN
 1480 RIVER EDGE DRIVE**

The applicant is requesting:

1. A variance from Section 1106.10(A)(2) to allow a subordinate structure to be located in front of the principal structure where subordinate structures must not be located in front of the principal structure.

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 applicant is proposing to construct a shed on the northwest portion of the property and that the parcels are configured in a way that River Edge Dr. wraps around creating three front yards and no rear yard. She stated that due to the property having three front yards, the proposed placement of the shed will be in front of the principal structure.

Corey Wingen, 1480 River Edge, owner, stated that given the unique layout of the property, he is unable to meet the setbacks for a shed in the rear yard due to the shallowness of the rear yard. He stated that it is his understanding that any location for the proposed shed would require a variance because he owns a corner lot. He stated that with the proposed location, the shed will still be 50 feet from the house, 10 feet from the property line, and at least 80 feet from any of the sidewalks around the property. He stated that they would like to locate the shed next to the garden.

PUBLIC COMMENT

Dave Basista, 1500 River Edge Dr., stated that he is directly across the street from the proposed location of the shed. He stated that he has no issues with the shed or the location. He requested that if the variance is approved there is a stipulation for some visual screening that would provide visual breakup of the structure.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Kennedy stated that the request looks like a very straight forward corner lot variance to her and questioned what authority they have regarding requesting screening.

Ms. Susel explained that unlike the Planning Commission, who can add conditions, the Board of Zoning Appeals can only approve or deny variances. She stated that the Board could ask the applicant to consider but it cannot be a requirement because screening isn't a Zoning Code requirement for subordinate structures.

Mr. Smith stated that he agrees that having three front yards is a hardship and he needs to put it somewhere so he would agree to giving him the variance.

Mr. Wingen stated that planting some sort of 4 or 5-foot tall bush or something isn't an issue but he doesn't want to plant a large tree because of the garden.

MOTION: *In Case BZ25-006, applicant Corey Wingen. 1480 River Edge Dr., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(A)(2) to allow a subordinate structure to be located in front of the principal structure, where subordinate structures must not be located in front of the principal structure.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 4-0.*

C. **BZ25-007 SEAN MERCER
500 E. SCHOOL STREET**

The applicant is requesting:

1. A variance from Section 1106.10 to allow an existing subordinate structure to be located on a parcel without a principal building where subordinate structures cannot be located on a parcel without a primary structure. (Parcel B)
2. A variance from Section 1106.10(A) to allow a 6-foot 8-inch variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 3 feet 4 inches from the west property line. (Parcel B)
3. A variance from Section 1106.10(A) to allow a 7-foot 4-inch variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 2 feet 8 inches from the east property line. (Parcel C)
4. A variance from Section 1103.11(E) to allow an 8-foot variance where 30 feet is the minimum requirement to allow a principal structure to be located 22 feet from the rear property line. (Parcel C)

Ms. Cyrus presented the staff report. She explained that the property is located within the R-3: High Density Residential Zoning District and is surrounded by residential uses on all sides. She stated that the applicant is proposing to divide the current lot into three separate parcels. She explained that each parcel will meet the minimum lot requirement

of 8,000 square feet for a single-family dwelling. She stated that the creation of the three lots will require four variances. She stated that the creation of parcel B will result in a lot that has an existing subordinate structure on it without a principal structure on the same lot. She stated that parcel C will also require a variance for the existing garage as it will now be located 2 feet 8 inches from the east property line. She stated that the existing pole building that will remain on Parcel B will now be located 3 feet 4 inches from its west property line. She stated that the lot division also creates a need for a variance to allow the existing house to be located 22 feet from the rear property line where 35 feet is required.

Ms. Susel alerted the Board to the new correspondence that was given to them at the meeting. Ms. Susel explained that the applicant would like a lot split in order to construct a new primary residence but due to the nuances of the case, she would prefer to have the applicant present to answer any questions that may arise. She requested that the Board consider continuing the case until such time that the applicant can be present to speak on the case in-person.

MOTION: *Ms. Kennedy moved to continue Case BZ25-007, applicant Sean Mercer, 500 E. School St.*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 4-0.*

**D. BZ25-008 KLABEN PROPERTY MANAGEMENT
1180 W. MAIN STREET**

The applicant is requesting:

1. A variance from Section 1107.12(B)(2) to allow a 15.5-foot to 12-foot variance where 20 feet is the minimum requirement to allow a landscape strip to be between 4.5 feet and 8 feet in width. (S. Francis St.).

Ms. Cyrus presented the staff report. She explained that the property is located within the IC-R: Intensive Commercial Residential Zoning District and is surrounded by commercial uses to the north, east, and west and residential uses to the south. She stated that the applicant recently completed a lot consolidation that will combine 1180 W. Main St. with a recently purchased parcel on S. Francis St. She stated that the applicant is proposing to expand the parking lot at 1180 W. Main St. with the new entrance off S. Francis St. She explained that the property is a corner lot, which means that it has two front yards. She stated that the applicant is proposing to install 4.5 foot to 8 foot landscape strip between S. Francis St. and the proposed parking area, where a minimum 20-foot landscape strip is required.

Ms. Susel stated that the variance request is based on practical difficulty that this property has two front yards. She stated that the existing building on the newly consolidated parcel on S. Francis St. will be demolished and they would like to create one row of additional parking, which is shown to the southwest in green on the site plan. She stated that the additional row will require a 20-foot landscape buffer in the front yard in a residential district. She explained that even though the lots have been consolidated, the zoning doesn't change. She stated that the north section is located in the IC-R District and the

south section portion remains a residential zoning district, which is why the 20-foot landscape buffer between a parking lot and residential applies. She stated that the applicant are also required to have a 5-foot landscape buffer on the residential portion on both the side and rear yards, which will be installed once the demolition is complete. She stated that the majority of the proposed front yard landscape buffer will be 8 feet in width and that the smaller width is due to the location of the first proposed new parking space. She clarified that because this is a corner lot and this portion is also considered a second front yard, a 20-foot buffer is required as opposed to a 5-foot buffer like the other areas.

Mr. Smith questioned what the remaining portion of that property will be used for.

Ms. Susel stated that the existing structures will be razed and the only addition will be the one row of parking. She stated that the remainder of the property isn't large enough to construct anything else.

PUBLIC COMMENT

John Bard, 435 S. Francis St., stated that he is offended because the previous case was continued due to the owner not being present, but Klaben does not have anyone here, but the City staff has represented the case at the meeting.

Ms. Susel stated that she is not a representative of Klaben and that it is the City's job is to work through the variance requests for all applicants and she had worked on this application with Klaben so was aware of the variance requests.

Mr. Bard stated that he hasn't known of Klaben ever taking care of its properties or snow and sidewalks. He said that what bothers him the most is that someone who is just trying to buy some lots doesn't have a voice and someone who doesn't give a damn to be here because he thinks he owns the City goes ahead and pushes it through.

Ms. Susel added that they continued the previous case so that the applicant would have the ability to speak to his case. She added that she had met with Mr. Klaben on four different occasions to review his proposed project during his submittal process. She stated that the applicant on School Street submitted applications via email and documentation and did not meet directly with staff so all information is not known.

Mr. Bard stated that he doesn't have an issue with the house being demolished as it is in bad shape.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Szygenda said the two front yards is the hardship.

Ms. Kennedy agreed.

MOTION: *In Case BZ25-008, applicant Klaben Property Management, 1180 W. Main St., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1107.12(B)(2) to allow a 15.5-foot to 12-foot variance where 20 feet is the minimum requirement to allow a landscape strip to be between 4.5 feet and 8 feet in width. (S. Francis St.)*

Ms. Scarnecchia seconded the motion.

VOTE: *The motion passed 4-0.*

VI. MEETING MINUTES

MOTION: *Mr. Smith moved to approve the May 19, 2025 meeting minutes as presented.
Ms. Scarnecchia seconded the motion. The motion carried 3-0-1 with Mr.
Szygenda abstaining.*

VII. OTHER BUSINESS

None.

VIII. ADJOURNMENT

MOTION: *Mr. Smith moved to adjourn the meeting.*