

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
September 15, 2025**

MEMBERS PRESENT: Michelle Sahr
Randall Smith
Robert Szygenda
O'livia Kennedy

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

I. CALL TO ORDER

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

II. ROLL CALL

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

MOTION: Mr. Smith moved to excuse Laura Scarnecchia. 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. OLD BUSINESS

**A. 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 principal 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 owner is proposing to divide the current lot into three separate parcels. 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. The division of the lot creates the need for four variances for structures that currently exist on the property. She states that the creation of "Parcel B" will result in required variances for the existing garage and pole barn on the property from the minimum side yard setback where 10 feet is the minimum requirement. She stated that the creation of "Parcel B" also will result in a required variance for the existing house on "Parcel C" to be located 22 feet from the proposed rear property line, where 30 feet is the minimum requirement.

Sean Mercer, 509 Valleyview Drive, stated that he wants to divide the parcel into three separate parcels so that he can build a small house for himself on the proposed Parcel B. The division of the lot creates the need for the variances that he is asking for.

Ms. Sahr asked if the Board had any questions for the applicant, but there were none.

PUBLIC COMMENT

None

Ms. Sahr asked if the emails from the public that were given to the Board needed to be read allowed.

Ms. Susel stated that they did not need to be read aloud, but asked if the Board understood the emails.

The Board members stated that they understood.

Ms. Sahr clarified that the emails had questions about the zoning use of the lot, but they are not voting on the zoning use of the lot.

Ms. Susel stated that was correct and that the uses for the proposed lots will be limited to the permitted and conditionally permitted uses permissible in the R-3 Zoning District.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Szygenda questioned if the proposed lot lines could be rearranged so that variances were not needed.

Ms. Sahr stated that the Board does not have authority to adjust the proposed property lines and that the BZA can only vote on the variances before them.

Mr. Smith questioned if the applicant was going to build on parcel B once the division of the lot was completed.

Ms. Susel stated that is correct.

Mr. Smith stated that he had no problem with the variances.

MOTION: *In case BZ25-007 applicant Sean Mercer, 500 E. School St., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for 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 principal structure. (Parcel B)*

Ms. Kennedy seconded the motion.

VOTE: *The motion passed 4-0.*

MOTION: *In case BZ25-007 applicant Sean Mercer, 500 E. School 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 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)*

Mr. Smith seconded the motion.

VOTE: *The motion passed 4-0.*

MOTION: *In case BZ25-007 applicant Sean Mercer, 500 E. School St., Ms. Kennedy moved that the Board of Zoning Appeals grant the applicant's request for 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)*

Mr. Smith seconded the motion

VOTE: *The motion passed 4-0.*

MOTION: *In case BZ25-007 applicant Sean Mercer, 500 E. School St., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for 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. Kennedy seconded the motion.

VOTE: *The motion passed 3-0.*

VI. NEW BUSINESS

**B. BZ25-010 JOHN MURPHY
487 MARIGOLD LANE**

The applicant is requesting:

1. A variance from Section 1103.11(E) to allow a 1.34-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.66 feet from the east property line. (Front east corner)
2. A variance from Section 1103.11(E) to allow a 1.31-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.69 feet from the east property line. (Rear east corner)
3. A variance from Section 1103.11(E) to allow a 1.5-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.5 feet from the west property line.

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 build a single-family dwelling on the vacant parcel at 487 Marigold Lane. She stated that the property is currently owned the Chabad of Kent State. She stated that the variances are requested due to site constraints and that the lot size is a little over the minimum lot size of 8,000 square feet. She states that the frontage of 60 feet limits the buildable area of the lot. The City of Kent Zoning Code requires that the minimum side yard setback in the R-3 be atleast10 feet.

John Murphy, 774 Perry Ave., Ravenna, stated that he and his wife had previously lived in Kent and then moved away to North Carolina. He stated that they have recently moved back to the area to take care of his wife's aging parents. He stated that his wife recently found out that she is going to be a grandmother and so they want to move closer to her son. He stated that the lot is narrow and that when he went to Schumacher Homes to see what they could build on the lot they stated that this was the narrowest house that they had the ability to build.

Mr. Smith asked if the Chabad House is nearby since the property is currently owned by the Chabad of Kent State University.

Mr. Murphy stated that it was a deal with the University.

Mr. Smith asked if the house had a three-bedroom floorplan.

Mr. Muphy stated that it was a three-bedroom floorplan, but one bedroom will be used as an office or a den.

PUBLIC COMMENT

Amanda Edwards, 998 Wrens Hollow Cir., stated that she is Mr. Muprhy's Real Estate Agent. She stated that the property has been on the market for over a year which is rare in the current market. She stated that it has been on the market for so long due to the narrow lot size and the difficulty it creates to construct on the lot while also meeting the Zoning Code regulations.

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith stated that he has no issue with the variances.

Ms. Sahr stated that this was a narrow lot that is typical within the City of Kent.

Mr. Smith stated that the lot was so narrow he does not see how they could build anything else on the property.

The other Board members agreed.

MOTION: *In case BZ25-010, applicant John Murphy, 487 Marigold Ln., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.11(E) to allow a 1.34-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.66 feet from the east property line. (Front east corner)*

Mr. Szygenda seconded the motion.

VOTE: ***The motion passed 4-0.***

MOTION: *In case BZ25-010, applicant John Murphy, 487 Marigold Ln., Ms. Kennedy moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.11(E) to allow a 1.31-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.69 feet from the east property line. (Rear east corner)*

Mr. Szygenda seconded the motion.

VOTE: *The motion passed 4-0.*

MOTION: *In case BZ25-010, applicant John Murphy, 487 Marigold Ln., Mr. Szygenda moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1103.11(E) to allow a 1.5-foot variance where 10 feet is the minimum requirement to allow a new single-family dwelling to be located 8.5 feet from the west property line.*

Mr. Smith seconded the motion.

VOTE: *The motion passed 4-0.*

VII. MEETING MINUTES

MOTION: *Mr. Smith moved to approve the April 21, 2025 meeting minutes*

Mr. Szygenda seconded the motion.

VOTE: *The motion passes 3-0-1. Ms. Kennedy abstained.*

MOTION: *Mr. Szygenda moved to approve the June 16, 2025 meeting minutes*

Mr. Smith seconded the motion.

VOTE: *The motion passes 3-0-1. Ms. Sahr abstained.*

VIII. OTHER BUSINESS

None.

IX. ADJOURNMENT

MOTION: *Ms. Sahr moved to end the meeting.*

Ms. Sahr adjourned the meeting at 7:26pm