

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
May 18, 2026**

MEMBERS PRESENT: Randall Smith
Michelle Sahr
O'livia Kennedy

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

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

II. ROLL CALL

Randall Smith, Michelle Sahr, and O'livia Kennedy were present. Robert Szygenda was absent and may arrive late.

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 participant(s) responded affirmatively.

Ms. Susel reported that one of the board members has stated that he will be late for the meeting so there are currently only three board members present. She stated that because there are only three board members, the cases will need an affirmative vote from all three members in order for the variance to be granted. She explained that at any time before the votes are cast, the applicant may delay the case to the following meeting when all four members will be present.

V. NEW BUSINESS

**A. BZ26-002 RICK HAWKSLEY & JOAN INDERHEES
120 PORTAGE STREET**

The applicant is requesting the following variances:

- 1. A variance from Section 1103.11(E) to allow a 27-foot 6-inch variance where 35 feet is the minimum requirement to allow a dwelling unit to be constructed 7 feet 6 inches from the front property line.**
- 2. A variance from Section 1106.10(A) to allow a 9-foot variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 1-foot from the east 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 to the south, east and west and a school to the north. She stated that the applicant is requesting two variances to allow for a second dwelling unit to be constructed on the property separate from the current primary structure. She reported that the applicant states that the variance is needed to allow the proposed dwelling unit to have the same front yard setback as the current dwelling unit, which also aligns with the front yard setbacks of the other properties on Portage Street and allows for more room in the side and rear yards. She stated that the request does not meet the requirement for an administrative variance. She stated that the City of Kent Zoning Code requires that the minimum front yard setback in the R-3 is 35-feet. She stated that the second requested variance is to allow a carport to be located 1-foot from the east property line where it would be constructed over an existing hard surface parking pad located in the rear yard abutting the alley.

Joan Inderhees, 120 Portage St., stated that they are interested in constructing an accessory dwelling unit on the property. She stated that the variances will help match the positioning of both structures with all of the other properties on the street and match the existing streetscape. She stated that they have a very deep tree lawn causing the houses to sit close to the sidewalk and none of the houses on the street meet the setback requirement. She stated that their property was once three separate parcels but has since been consolidated into one. She stated that there was once a house at the location of the proposed second dwelling unit but it burned down in the 1950-60's. She stated that many of the existing structures on the alley are located 0 to 2 feet away from the alley.

Mr. Smith noted that the variance for the carport is a 1-foot setback from the side property line.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith stated that he did drive by the property and feels that this will be consistent with the rest of the houses on the street. He stated that as long as the neighbors don't object to the carport, he doesn't see a problem.

Ms. Sahr stated that the hardship is because the lots were developed long before the code was established and they are small.

MOTION: *In case BZ26-022 applicant Rick Hawksley & Joan Inderhees 120 Portage 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 a 27-foot 6-inch variance where 35 feet is the minimum requirement to allow a dwelling unit to be constructed 7 feet 6 inches from the front property line.*

Ms. Kennedy seconded the motion.

VOTE: *The motion was approved 3-0.*

MOTION: *In case BZ26-022 applicant Rick Hawksley & Joan Inderhees 120 Portage 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 9-foot variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 1-foot from the east property line.*

Mr. Smith seconded the motion.

VOTE: *The motion was approved 3-0.*

**B. BZ26-003 MICHAEL DIALESANDRO
 1477 MOGADORE**

A variance from Section 1106.10(A) to allow a 3-foot 4-inch variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 6 feet 8 inches from the south property line.

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 to the north and south, industrial uses to the west, and Plum Creek Park to the east. She stated that the applicant is proposing to construct a pole barn 6 feet, 8 inches from the south property line. She reported that the applicant states that the variance is needed so that the pole barn can be square to the concrete pad currently on the property for aesthetic reasons, to accommodate a wider turning radius for ease of parking and allows the doors to be oriented to the west of the property to keep debris from blowing into the structure. She stated that the Kent Zoning Code requires that all subordinate structures be located a minimum of 10-feet from the side and rear property lines.

Michael Dialesandro, 1477 Mogadore Rd., stated that the doors would not face west but rather to the north due to the vacant lot that is located across the street to the west. He stated that reasons stated for the variance requests are correct, which are to allow for a better turning radius and the location of an existing concrete pad.

Mr. Smith questioned if there was a prior structure on the concrete pad.

Mr. Dialesandro stated that it is a parking turn around.

Ms. Sahr invited Mr. Dialesandro to approach to review the site plan with the Board.

Mr. Smith questioned how far from the house the proposed structure needs to be.

Ms. Susel responded that it needs to be a minimum of 15 feet and the plan shows that it will be 44 feet.

Mr. Smith noted that it could be moved closer to the house.

Mr. Dialesandro stated that the driveway location would be the only inhibiting factor.

Ms. Sahr suggested that they could move the structure closer to Mogadore Rd. and avoid any variances.

Mr. Dialesandro stated that that wouldn't work with the existing concrete pad.

Ms. Sahr stated that she doesn't feel that the concrete pad would qualify as a hardship and questioned if it was listed in the zoning code as a hardship.

Ms. Susel stated that it isn't delineated in the code but could be discussed amongst the board members.

PUBLIC COMMENT

Mathew and Laura Copley, 1493 Mogadore Rd., stated that they respectfully object to the request as the property owner has over an acre and a half of land which is ample space to construct this structure in full compliance of the Zoning Code. He stated that the reduced distance from the side property line if the variance is granted for the proposed structure raises safety concerns including increased fire risks for the fence. He stated that there have been noise violations in the past and feels that the structure could amplify the excessive noise towards their property. He stated that they are also concerned about the environmental impact to their property. He cited ORC 971.08 that states that the owner or contractor hired by the owner may enter the adjoining property for no more than 10 feet for the length of the fence to build, maintain or repair of a fence.

Mr. Dialesandro added that the court found him innocent of the noise violations.

Wendy Dialesandro stated that they would not be encroaching on the Copley's property as the building would be on their property. Stated that there is paperwork stating that he is not allowed on their property. She stated that they are seeking a variance for one corner of the garage so that they can have a turning radius to enter the side of the garage. She stated that they don't want the garage to be too far from the house.

BOARD OF ZONING OF APPEALS DISCUSSION

Ms. Sahr questioned the Board's authority to consider environmental concerns.

Ms. Susel stated that stormwater management legislation is not under the purview of the BZA; only the Zoning Code. She stated stormwater issues would be addressed by City staff during technical plan review/permitting.

Mr. Smith stated that the zoning laws were put into existence for a reason. He stated that when anyone has issues with a variance request, it causes him to notice. He stated that he

agrees that the applicant has a lot of property where they can put the building and he doesn't feel that the existing concrete pad is an issue to consider for the 3-foot 4 inch variance request. He stated that there is enough space on the site that the distance between the proposed garage and the house can be taken to 42 feet and the applicants will still have adequate turning radius on the property.

Mr. Dialesandro stated that Mr. Smith doesn't understand the turning radius when he says 40 feet. He stated that the driveway is the hardship.

Ms. Dialesandro explained that the driveway can't be moved to make an easier turning radius into the proposed garage.

The Board still had questions so they asked Ms. Dialesandro to draw where the existing driveway and pad are located. The Board and the applicant reviewed the drawing and discussed.

Ms. Susel asked the applicant if he wished to proceed with the vote since there were only three members present or did he want to continue the case to a future meeting when all four Board members would be in attendance. Mr. DiaLesandro stated he wished to proceed with a vote on the variance request.

MOTION: *In case BZ26-003 applicant Michael Dialesandro, 1477 Mogadore Rd., Mr. Smith moved that the Board of Zoning Appeals grant the applicant's request for a variance from Section 1106.10(A) to allow a 3-foot 4-inch variance where 10 feet is the minimum requirement to allow a subordinate structure to be located 6 feet 8 inches from the south property line.*

Ms. Kennedy seconded the motion.

VOTE: *The motion was denied 3-0. All 3 members voted "no" on the motion.*

**C. BZ26-004 AARON CARLTON
 1313 WINDWARD LANE**

A variance from Section 1106.12(A) to allow a 4-foot 6-inch-tall fence to be constructed where 4 feet is the allowed maximum height.

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 applicant is proposing to construct a 4-foot 6-inch fence on a vacant parcel. She explained that the applicant owns two parcels: one at 1407 Sunset Way Blvd. and 1313 Windward Ln. She stated that the applicant has received a permit for a pool to be located on the vacant parcel that requires a fence to limit access to the pool and mitigate safety concerns. She reported that the applicant states that the pool needs to be located on the vacant parcel due to a lack of a rear yard at 1407 Sunset Way Blvd., which is where the primary residential structure is located. She stated that because the vacant parcel does not have a primary structure, the entire parcel is considered a front yard. She stated that the Zoning Code limits fences in the front yard to no more than 4 feet in height.

Aaron Carlton, 1407 Sunset Way Blvd., stated that they have two abutting lots and they consider the vacant lot their backyard as the primary lot has a very small backyard. He stated that he made an error on the application and the proposed fence is actually 5-feet 6-inches. He stated that the priority is safety concerns with having a pool in their backyard. He stated that scaling a 4-foot fence is a little easier than a 5 ½ -foot fence. He stated that the neighbor's adjoining fences are 6-feet and 4-feet. He stated that the hardship is that they do not have a big enough backyard and needed to put the pool and surrounding fence on the vacant lot.

PUBLIC COMMENT

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Smith stated that he feels that the real hardship is that they have two lots without a house on one of the lots so the entire vacant lot is considered a front yard.

Ms. Sahr agreed and stated that even if it was one lot, it would have two front yards which still requires a maximum of four feet.

Mr. Smith stated that he assumes the code was established that way for both safety and aesthetics. He stated that he doesn't see a problem with it since this is a side yard and adjoining a six foot fence.

Ms. Susel clarified the corrected variance request is to allow a 5-foot 6-inch fence with practical difficulty being it is a vacant lot without a primary structure.

MOTION: *In case BZ26-004 applicant Aaron Carlton, 1313 Windward Lane, 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 5-foot 6-inch-tall fence to be constructed where 4 feet is the allowed maximum height.*

Ms. Kennedy seconded the motion.

VOTE: *The motion was approved 3-0.*

D. BZ26-005 MELISSA CLEMENS
 1300 WINDWARD LANE

The applicant is requesting the following variances:

1. A variance from Section 1106.11(B) to allow a 10-foot variance where 15 feet is the minimum requirement to allow an outdoor swimming pool to be located 5 feet from the east property line.
2. A variance from Section 1106.11(B) to allow a 10-foot variance where 15 feet is the minimum requirement to allow an outdoor swimming pool to be located 5 feet from the rear 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 reported that the applicant states that the variances are needed due to the size and shape of the lot with the existing placement of the house and deck. She explained that the lot narrows as it extends towards the rear yard property line, which makes it challenging to comply with the 15-foot setback requirement from both the side and rear property lines. She stated that the applicant is reporting that the pool cannot be located closer to the primary residential structure due to French drains that are in the rear yard.

Melissa Clemens, 1300 Windward Lane stated that if they ever needed to drain the pool, they would make sure that the chlorination levels would be minimized in order to alleviate any environmental concerns. She stated that they have owned several pools in Kent and have never had any issues with them bursting. She stated that the previous owner installed French drains due to some runoff.

Ms. Sahr asked Ms. Clemens to approach and show on the map where the French drains are located.

Mr. Smith questioned what the concern was regarding the French drain.

James Clemens, 1300 Windward Lane, stated that if they move the pool closer, they will need to reroute the French drain grates.

PUBLIC COMMENT

Ms. Susel asked if the Board members received the new documentation from Mark and Wendy Graziani that was distributed to the members at the start of the meeting.

The Board confirmed.

Wendy Grazioni, 1294 Windward Lane stated that she is the neighbor to the east. She stated that the French drains discharge into their property due to the grade of the property. She stated that they respectfully oppose the variance request for the pool to be located 5 feet from the east property line as she feels that they have not demonstrated a practical difficulty. She stated that she feels that the property can still be used reasonably without placing the pool in the setback. She stated that granting the variance will affect three neighboring properties. She stated that an above ground pool along with the deck, pumps, and activity creates noise, visual intrusion and mechanical disturbance. She stated that their biggest concern is that if the pool should break or be damaged, it will drain into their property damaging landscaping and go into the lake. She stated that the property on the west side of their property also has a side yard setback variance. She suggested that they can move the pool closer to the other neighbor's property to the west as they have more backyard.

Mr. Clemens stated that this is the first that he has heard of the French drains going into the neighboring property. He stated that the Graziani's property sits higher than theirs. He stated that there is homeowners insurance for unexpected accidents.

Mark Graziani, 1294 Windward Lane, stated that he feels that they will still get water from the pool given that it is so close to their property line. He stated that suggesting that they move the pool further to the west side yard property line would only require one variance and be easier and they could still get their pool. He stated that while he feels that they are

doing a great job with their yard, the pool is a want and not a need. He is concerned about their property value.

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Mr. Smith stated that the Zoning code is there for a reason but if it is a reasonable request without objections then he is good. He stated that if there are objections then he feels that it needs to be looked at to see if it can be located in different space and still comply so that is what needs to happen.

Ms. Susel reminded the applicants that because there are only three board members present, they can continue with the deliberation of their case or postpone the case to see what the vote is with four members.

Mr. Clemens asked that the case be postponed and continued to the next meeting.

VI. MEETING MINUTES

The November 17, 2025 and February 16, 2026 meeting minutes have been moved to the next meeting.

VII. OTHER BUSINESS

MOTION: Mr. Smith moved to excuse Robert Szygenda from the May 18, 2026 meeting. Ms. Kennedy seconded the motion. The motion passed 3-0.

VIII. ADJOURNMENT

MOTION: Mr. Smith moved to end the meeting. Ms. Kennedy seconded the motion. The motion passed 3-0.

The meeting adjourned at 8:05.