

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
May 17, 2021**

MEMBERS PRESENT: Paul Sellman
Jona Burton
Dave Mail
Deborah Douglas

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

I. CALL TO ORDER

Mr. Sellman called the meeting to order at 7:06 p.m.

II. ROLL CALL

Jona Burton, Dave Mail, Paul Sellman, and Deborah Douglas were present.

III. 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. Sellman 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.”

IV. ADMINISTRATION OF OATH

Mr. Fink there were no participants; the Oath was not given.

V. NEW BUSINESS

**A. BZ21-010 JEFFREY McDANIEL
732 LONGCOY AVE.**

Request: In accordance with Sections 1161.27(c) and 1161.27€ , the applicant is requesting a variance from Section 1161.27(a), to install a bump-out in the driveway.

Mr. Sellman noted that the applicant is not present but based on legal advice the Board may proceed with the hearing based on the submitted information and any research done by the Board Members.

PUBLIC COMMENTS

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Mail stated that the work has been completed prior to the hearing. He stated that the gravel bump-out is not an unsightly addition for the single car garage; it is a useful addition. Mr. Mail stated that the extenuating circumstance is that it is a small lot with nowhere to park two cars; it is a reasonable solution.

Ms. Douglas stated that he could not have installed the bump-out on the other side of the driveway due to the property line but the applicant could have potentially put a gravel area in the backyard.

Ms. Susel stated that there isn’t any written correspondence from the neighbors.

Mr. Burton stated that while he understands that it is a small lot with not many options, the front yard is now a third full of gravel and he doesn’t feel that this is a good solution. He questioned whether or not the location is actually useful. He noted that the driveway is almost 100’ long and there is plenty of room to linearly park 4-5 cars without using the garage.

Mr. Sellman noted that many other homes in the area park linearly in the drive as well. He stated that this is another case of the work being done prior to approvals. He noted that whether or not it was intentional, the sign notifying the neighbors of the BZA hearing had been moved to the side of the house where it isn’t visible.

Mr. Burton agreed.

Mr. Sellman stated that there were other options that were far less intrusive to the neighborhood.

Ms. Heckman stated that the original application contained two options: the current drawing and a drawing with just a turnaround in the front. She informed him that the Board needed a concrete decision on what it is that he wanted with more information, which is the drawing before them.

Mr. Burton stated that this case doesn't meet the required criteria.

Mr. Sellman noted that front yard parking is a concern in the City of Kent.

Ms. Susel reminded the Board that they should be judicious in their consideration and application of when and how they grant variances as a Board.

Mr. Mail stated that he may have been more sympathetic if the work hadn't already been completed. He stated that he understands wanting to park closer to the front door.

Ms. Douglas stated that based on the drawing he has a side door, which the current driveway connects with.

Mr. Sellman stated that the driveway will hold multiple cars.

MOTION: In Case BZ21-010, Jeffrey McDaniel, 732 Longcoy Ave., Mr. Burton moved that the Board of Zoning Appeals deny the variance request from Section 1161.27(a) to allow a bump-out in the driveway.

Ms. Douglas seconded the motion.

VOTE: The motion carried 4-0.

VI. **MEETING MINUTES**

April 19, 2021 meeting minutes. Ms. Susel stated that there were some edits to the minutes that added more specificity and clarification. She offered to read the changes and noted that the Board should have received them electronically.

MOTION: Mr. Burton moved to approve the April 19, 2021 meeting minutes as written. Mr. Mail seconded. The motion carried 4-0.

VII. **OTHER BUSINESS**

None

VIII. **ADJOURNMENT**

MOTION: Mr. Mail moved to adjourn the meeting. The motion was seconded by Mr. Burton. The motion carried 4-0.

The meeting adjourned at 7:25 pm.