

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
August 16, 2021**

MEMBERS PRESENT: Paul Sellman
Jona Burton
Dave Mail

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

I. CALL TO ORDER

Mr. Sellman called the meeting to order at 7:12 p.m.

II. ROLL CALL

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

MOTION: Mr. Burton moved to excuse Deborah Douglas from the August 3, 2021 meeting.
Mr. Mail seconded the motion. The motion carried 3-0.

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 instructed members of the audience wishing to be heard on any of the cases presented at this meeting to raise their right hand. Mr. Fink administered the oath, “Do you swear or affirm that the testimony that you are about to give this evening is the truth, the whole truth, and nothing but the truth, so help you God? Please say “I do”. The participants responded affirmatively.

V. NEW BUSINESS

**A. BZ21-021 JOHN RUSANOWSKY
876 Highridge Lane**

Request: The applicant is requesting a variance from Section 1107.15 to allow a driveway to be widened and not be of equal length from street to terminus.

Mr. Sellman explained to the applicant that because there are only three Board Members present and he would need all three positive votes to obtain his variance, he has the option to postpone his case at any time before a vote is made.

Mr. Rusanowsky, contractor, 5875 Powdermill Rd., Kent, is representing the homeowners, Bob and Ann Carlson. He stated that the driveway is currently 16 feet wide, which doesn't leave room between and around the cars to exit. He explained that the homeowner has Parkinson's and needs room and a good surface to use; safety reasons. He stated that he will also be changing the sidewalk up to the house and constructing an ADA ramp. He stated that they would like to widen the driveway on both sides up to 3 feet. He stated the property is on a cul-de-sac so there isn't much room to widen the driveway opening so they are asking to widen the driveway up to the city sidewalk. He stated that they are willing to flare or taper them. The additional driveway space will allow the owners to get up and down the driveway and easily have access to the house.

PUBLIC COMMENTS

None

BOARD OF ZONING OF APPEALS DISCUSSION

Mr. Burton stated that he understands the need for additional space on the side that the ramp will be constructed, but there is a hedge row on the other side. He questioned access from inside the existing garage.

Mr. Rusanowsky stated that the garage doors are 16 feet wide but there isn't enough room to construct a ramp. He stated that the reason for the extension on the left side is so the disabled owner can exit a car regardless of where it is parked and have room between the 2 rows.

Mr. Sellman stated that the only concern is that it is an awful lot of cement in a small front yard. He added that it is also for a really good cause; from a medical standpoint it would be considered a hardship.

Mr. Mail stated that typically the Board tries to approve the minimum variance as necessary but in this case he feels that the applicant is correct; room is needed to maneuver a walker around and in and out of the cars.

Mr. Sellman commented that he may need more room when a wheelchair is required.

Mr. Mail stated that it wouldn't be a glaring change to the neighborhood.

Mr. Burton reminded the Board that this is a permanent change and not just for the current resident. He stated that he would be more amenable to doing more width on just the one side, which would effectively serve the same purpose.

Mr. Rusanowsky stated that originally the owners wanted to use pavers but the HOA stated that it needed to be in concrete.

Mr. Sellman questioned the HOA's requirement regarding the width.

Mr. Rusanowsky stated that the HOA will accept whatever the City of Kent approves.

Mr. Sellman asked the applicant if widening the drive on one side would be acceptable to the owners.

Mr. Rusanowsky stated that they might be and that the homeowners were looking at it from a symmetry standpoint.

Mr. Burton noted that it would be easy to back into the drive given that they are located on a cul-de-sac.

Mr. Rusanowsky stated that their location on the cul-de-sac was also a concern for widening the drive all the way to the road because of the street cut and also the length of time it would take to complete the project.

Mr. Burton stated that he would be in favor of making a 4 foot addition to the right side of the driveway and none on the left.

Mr. Sellman stated that Mr. Burton's proposal would widen the driveway to 20 feet.

MOTION: In Case BZ21-021, John Rusanowsky, 876 Highridge Ln., Mr. Burton moved that the Board of Zoning Appeals grant the variance from Section 1107.15 to allow the driveway to be widened up to 4 feet on the right side of the existing driveway and to not be of equal length from street to terminus.

Mr. Mail seconded the motion.

VOTE: The motion carried 3-0.

VI. MEETING MINUTES

Review of the July 19, 2021 minutes has been moved to the next meeting.

VII. OTHER BUSINESS

None.

VIII. ADJOURNMENT

MOTION: Mr. Mail moved to adjourn the meeting. The motion was seconded by Mr. Burton. The motion carried 3-0.

The meeting adjourned at 7:36 pm.