

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARING & BUSINESS MEETING
MAY 18, 2015
7:00 PM
FIRE DEPARTMENT TRAINING ROOM
320 SOUTH DEPEYSTER STREET**

- I. **CALL TO ORDER**
- II. **PLEDGE**
- III. **ROLL CALL**
- IV. **PREAMBLE**
- V. **ADMINISTRATION OF THE OATH**
- VI. **NEW BUSINESS**

**A. BZ15-004 DOUGLAS & MICHELLE OLIVER
315 EAST SUMMIT STREET**

Sections: 1122.05, 1122.06, and 1135.03(b)(3)

Request: The applicant is requesting the following:

- 1) A 2800 square foot variance from the 10,000 square foot minimum lot size to allow the conversion of a single family house to a rooming house with a 7200 square foot lot (Section 1122.05),
- 2) A 4-foot side yard parking setback variance from the 5-foot minimum side yard setback to allow the parking area to be 1-foot from the side property line (Section 1122.06),
- 3) A 60-foot variance from the 100-foot minimum lot width at the building line to allow a rooming house on a lot that is 40 feet wide (Section 1135.03(b)(3)).

- 1. Public Comment**
- 2. Board of Zoning Appeals Discussion / Action**

**B. BZ15-005 PERRY LOWE
372 MICHAELS DRIVE**

Section: 1161.21(a)

Request: The applicant is requesting a variance from Section 1161.21(a) to allow a 6 foot tall fence within the front yard setback along Verona Drive.

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

C. BZ15-006 MARTIAL ARTS OHIO DAYCARE
1480 SOUTH WATER STREET

Sections: 1171.01(1) and 1171.01(54)

Requests: The applicant is requesting the following:

- 1) A 75-foot variance from the 100-foot activity setback to allow a daycare facility to be located 25 feet from the property lines (Section 1171.01(1)), and
- 2) A variance from Section 1171.01(54) to allow an off-site play area (Plum Creek Park) to be utilized as an outdoor recreation and play area.

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

D. BZ15-007 MRF MACHINE
912 LOCK STREET

Sections: 1155.04(C) and 1155.04(B)

Requests: The applicant is requesting the following:

- 1) A 5-foot variance from the 25-foot minimum side yard setback to allow a new structure to be 20 feet from the south property line (Section 1155.04(C)), and
- 2) A 15-foot variance from the 25-foot minimum rear yard setback to allow a new structure to be 10 feet from the west property line (Section 1155.04(B)).

1. Public Comment
2. Board of Zoning Appeals Discussion / Action

VII. MEETING MINUTES

- A. **NOVEMBER 17, 2014 MEETING**
- B. **DECEMBER 15, 2014 MEETING**

VIII. OTHER BUSINESS

IX. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: MAY 8, 2015
TO: KENT CITY BOARD OF ZONING APPEALS
FROM: HEATHER PHILE, DEVELOPMENT PLANNER
RE: STAFF REPORT FOR THE MAY 18, 2015 BOARD OF ZONING APPEALS MEETING

The following cases appear on the agenda for the May 18, 2015 Board of Zoning Appeals meeting:

NEW BUSINESS

CASE NO.: BZ15-004

APPLICANT: DOUGLAS & MICHELLE OLIVER

SITE LOCATION: 315 East Summit Street

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 2800 square foot variance from the 10,000 square foot minimum lot size to allow the conversion of a single family house to a rooming house with a 7200 square foot lot (Section 1122.05),
- 2) A 60-foot variance from the 100-foot minimum lot width at the building line to allow a rooming house on a lot that is 40 feet wide (Section 1135.03(b)(3)), and
- 3) A 4-foot side yard parking setback variance from the 5-foot minimum side yard setback to allow the parking area to be 1-foot from the side property line (Section 1122.06).

ZONING: This property is currently located in the R-4: Multi-family Residential Zoning District.

TRAFFIC: The property is accessible from East Summit Street.

SURROUNDING LAND USES: The property is surrounded by mixed residential uses on all sides.

APPLICABLE CODE SECTIONS: 1122.05, 1122.06, and 1135.03(b)(3)

ANALYSIS:

This property is located at 315 East Summit Street. This property is within the R-4 zoning district and is currently a single family dwelling.

The applicant is requesting to convert the existing single family dwelling to a rooming house for up to 4 unrelated people. The applicant will go before the Planning Commission for a Conditional Zoning Certificate and site plan review on May 19, 2015.

The applicant is requesting variances from three sections of the zoning code in order to convert the house to a rooming house. The first variance is relief from the minimum lot size. The minimum lot size for a rooming house is 10,000 square feet. This property is 7200 square feet in size. The applicant explains that this property is comparable to the other rooming houses on the street in that some of the properties are the same size or smaller.

The second variance pertains to the lot width at the building line. The Zoning Code states that for multi-family dwellings, the minimum lot width at the building line is 100 feet. This property is 40 feet wide. As with the lot size variance, the applicant explains that this property is similar to most of the other properties on the street and cannot be changed.

The third variance request is for relief from the parking ordinances to be able to park within the side yard setback. The Zoning Code states that parking is permitted within 5 feet of the property line, provided it does not negatively impact the neighboring property. The proposed parking area is approximately 1 foot from the side property line. The parking area is currently in place and being used by the residents. The applicant intends to expand the parking area to the south to create a total of 5 spaces, which is what is required for this proposal.

CASE NO.: **BZ15-005**

APPLICANT: **PERRY LOWE**

SITE LOCATION: 372 Michaels Drive

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting a variance from Section 1161.21(a) to allow a 6 foot tall fence within the front yard setback along Verona Avenue.

ZONING: This property is currently located in the R-2: Medium Density Residential Zoning District.

TRAFFIC: The property is accessible from Michaels Drive.

SURROUNDING LAND USES: The property is surrounded by residential uses on the north, east, and west sides, and by soccer fields on the south side.

APPLICABLE CODE SECTIONS: 1161.21(a)

ANALYSIS:

The property is located at 372 Michaels Drive and is a single family dwelling. This property is zoned R-2: Medium Density Residential and is a corner lot with two fronts.

Page 3
Board of Zoning Appeals Staff Report
May 18, 2015 meeting

The applicant would like to construct a 6-foot tall fence along the side of the house and the backyard. This property is located on the corner of Michaels Drive and Verona Avenue. Since this property is on a corner, it has two front yards. One of the lengths of the fence is along Verona Avenue, which would create a maximum height for the fence to be 4 feet. The applicant states that having a 4 foot fence would not deter people throwing trash into his yard and would like to construct the 6 foot fence for more privacy and security. The property abuts the soccer fields that front on Fairchild Avenue and since they are being used more often, there is an increase in trespassing and trash in his yard. The fence would be offset three feet from the sidewalk along Verona and would run the length of his rear yard.

The City of Kent Zoning Code states that the maximum height for a fence in the front yard is 4 feet. This property is on a corner and therefore has two front yards.

CASE NO.: **BZ15-006**

APPLICANT: **MARTIAL ARTS OHIO DAYCARE**

SITE LOCATION: 1480 South Water Street

STATUS OF APPLICANT: The applicant is a tenant at the University Plaza.

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 75-foot variance from the 100-foot activity setback to allow a daycare facility to be located 25 feet from the property lines (Section 1171.01(1)), and
- 2) A variance from Section 1171.01(54) to allow an off-site play area (Plum Creek Park) to be utilized as an outdoor recreation and play area.

ZONING: This property is currently located in the C: Commercial Zoning District.

TRAFFIC: The property is accessible from South Water and Cherry Streets and Franklin Avenue.

SURROUNDING LAND USES: The property is surrounded by commercial on the east side, mostly commercial with some residential on the north and south sides, and residential on the west side.

APPLICABLE CODE SECTIONS: 1171.01(1) and 1171.01(54)

ANALYSIS:
This property is located at 1480 South Water Street in the University Plaza. The daycare will occupy a space within the courtyard building. The martial arts facility occupies a separate space within the plaza. The daycare was approved by the Planning Commission on February 17, 2015, conditioned upon the variance approvals. Child Day Care facilities are conditionally permitted in the Commercial zoning district.

Page 4
Board of Zoning Appeals Staff Report
May 18, 2015 meeting

The applicant proposes to use the day care facility as before and after school care plus summer programs serving school age children. Two sections of Chapter 1171 need variances in order for the project to be approved.

The variances needed are relief from the 100-foot activity setback under Section 1171.01(1) and that a fenced-in, outdoor recreation or play area be provided in order to accommodate the number of children being cared for at the facility (Section 1171.01(54)). The existing building is approximately 25 feet from the southern property line with little room for any outdoor activity. The applicant proposes to have activities at the martial arts facility a few doors down and in the warmer months to bus the children to Plum Creek Park.

CASE NO.: **BZ15-007**

APPLICANT: **MRF MACHINE**

SITE LOCATION: 912 Lock Street

STATUS OF APPLICANT: The applicant is the owner of the property.

REQUESTED ACTION: The applicant is requesting the following:

- 1) A 5-foot variance from the 25-foot minimum side yard setback to allow a new structure to be 20 feet from the south property line (Section 1155.04(c)), and
- 2) A 15-foot variance from the 25-foot minimum rear yard setback to allow a new structure to be 10 feet from the west property line (Section 1155.04(b)), and
- 3) A 6-foot variance from the 50-foot minimum front yard setback to allow a new structure to be 44 feet from the front (east) property line (Section 1155.04(a)).

ZONING: This property is currently located in the I: Industrial Zoning District.

TRAFFIC: The property is accessible from Lock Street.

SURROUNDING LAND USES: The property is surrounded by the railroad and Cuyahoga River on the north and west sides, by other Industrial on the south side and by residences on the east side.

APPLICABLE CODE SECTIONS: 1155.04(c), 1155.04(b), and 1155.04(a)

ANALYSIS:
This property is located at 912 Lock Street and is currently zoned I: Industrial. This property has been home to MRF Machine since 1988. This property is an irregular, triangular shaped parcel at the end of a dead end street.

The applicant would like to construct a new building on the site, as they are outgrowing their current facility. The odd shape of the lot limits the area that a new building can be constructed.

Page 5
Board of Zoning Appeals Staff Report
May 18, 2015 meeting

In order to build a large enough building to expand into and to retain the parking area for the employees and customers, the applicant is proposing to construct the building closer to the lot lines than what is currently allowed by the Zoning Code.

The City of Kent Zoning Code states that the minimum setback for the side and rear yards is 25 feet. The minimum front yard setback is 50 feet. The applicant is proposing to construct the building 20 feet from the south property line, 10 feet from the west property line, and 44 feet from the east property line.

cc: Applicants
Case files
Jennifer Barone, Development Engineer
Bridget Susel, Community Development Director
Eric Fink, Asst. Law Director

**KENT CITY PLANNING COMMISSION
BUSINESS MEETING
MAY 19, 2015**

**COUNCIL CHAMBERS
FIRE DEPARTMENT
320 S. DEPEYSTER STREET
7:00 P.M.**

A G E N D A

I. CALL TO ORDER

II. ROLL CALL

III. READING OF PREAMBLE

IV. ADMINISTRATION OF OATH

V. CORRESPONDENCE

VI. OLD BUSINESS

VII. NEW BUSINESS

A. PC15-009 DOUGLAS & MICHELLE OLIVER
315 E. Summit Street
Conditional Zoning Certificate & Site Plan Review

The applicant is requesting a Conditional Zoning Certificate and Site Plan Review and Approval in order to convert a single family dwelling into a rooming house for four tenants. The subject property is zoned R-4: Multifamily Residential District.

- 1) Public Hearing
- 2) Planning Commission Discussion/Action

VIII. MEETING MINUTES

IX. OTHER BUSINESS

Disposition of the public sidewalk to the proposed 345 FLATS Project at 345 S. Depeyster Street.

X. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: May 11, 2015
TO: Kent City Planning Commission
FROM: Jennifer Barone, PE, Development Engineer
RE: Staff Report for the May 19, 2015 Planning Commission Meeting

The following items appear on the agenda for the May 19, 2015 Planning Commission meeting:

NEW BUSINESS

CASE NO: PC15-009 Oliver Rooming House

APPLICANT: Douglas & Michelle Oliver

SITE LOCATION: 315 East Summit Street

STATUS OF APPLICANT: The applicants are the owner.

REQUESTED ACTION: Conditional Zoning Certificate and Site Plan Review & Approval to convert the residential structure to a rooming house.

ZONING: R-4: Multifamily Residential District

TRAFFIC: The parcel is accessed from East Summit Street.

SURROUNDING LAND USES: The property is surrounded by residential on all sides.

APPLICABLE CODE SECTIONS: Chapters 1107, 1113, 1122, 1135 and 1171 of the Kent Codified Ordinances (KCO).

ANALYSIS:

PROJECT DESCRIPTION:

The applicant is requesting to convert a single family dwelling into a rooming house where four tenants may reside.

Rooming houses are conditionally permitted uses subject to KCO 1171.01(11), (17), (21) and (56) listed below. Please note that Number 56 is superseded by KCO 1122: Rooming and Boarding Houses. Staff believes all the conditions have been met.

- (11) Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- (17) All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, any individual, or to the community in general; a bond may be required to insure that this provision will be met.
- (21) Lodging and boarding house uses shall be so designed, maintained and operated as to comply with inspection and rules of the City Board of Health and the regulations of all other applicable City codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties.
- (56) There shall be one parking space for every person that lives in said structure of building. (Ord. 2002-90. Passed Sept. 18, 2002)

TRAFFIC/PARKING:

The parking is proposed in the rear yard. The parking layout does not meet the standards per KCO 1167. The lot width is 40 feet and the minimum width for one row of parking and one aisle is 42 feet.

UTILITIES:

Utilities are existing.

STORMWATER:

The applicant is required to demonstrate that no additional runoff will be produced from this site.

SIGNAGE:

No signage is proposed.

LIGHTING/LANDSCAPING/DUMPSTER:

No changes to the lighting or landscaping are proposed. Garbage cans are used for refuse.

ARCHITECTURAL ADVISORY BOARD:

The project was not reviewed by the Architectural Review Board.

VARIANCES:

The following zoning code variances will need to be obtained from the Board of Zoning Appeals (BZA). The variance request is scheduled to be presented to BZA on May 18, 2015.

- A 2800 square foot variance from the 10,000 square foot minimum lot size to allow the conversion of a single family house to a rooming house with a 7200

- square foot lot (Section 1122.05),
- A 60-foot variance from the 100-foot minimum lot width at the building line to allow a rooming house on a lot that is 40 feet wide (Section 1135.03(b)(3)), and
- A 4-foot side yard parking setback variance from the 5-foot minimum side yard setback to allow the parking area to be 1-foot from the side property line (Section 1122.06).

RECOMMENDATION:

Staff is recommending that the Planning Commission approve the conditional zoning certificate and site plan with the conditions listed below.

Planning Commission may approve, approve with conditions, or disapprove the application. Should Planning Commission wish to approve this project, the following language may be used:

I move that in Case PC15-009, the Planning Commission approve the Conditional Zoning Certificate and Site Plan to operate a rooming house at 315 East Summit Street subject to the following conditions:

1. Limit of four unrelated persons.
2. Reconfigure the parking area to meet the KCO 1167.
3. Schedule an inspection by the Fire Department and Chief Building Official for code compliance.
4. Obtain licensure from the Health Department
5. Submit for Technical Plan Review.
6. Obtain variance(s) from the Board of Zoning Appeals (BZA)

List of Enclosures for This Project:

1. Cover letter and Exhibits 1 - 5 dated April 1, 2015
2. Aerial Topo, Rooming House Map and Zoning Map
3. Photographs

cc: Bridget Susel, Community Development Director
Jim Bowling, City Engineer
Eric Fink, Assistant Law Director
Heather Phile, Development Planner
Applicants
PC Case File