

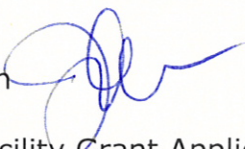


## Kent Parks & Recreation Department

497 Middlebury Road Kent, Ohio 44240 (330) 673-8897 FAX: (330) 673-8898

Date: March 9, 2009

To: David Ruller  
City Manager

From: John Idone, Director  
Kent Parks & Recreation 

Re: Cooperative Boating Facility Grant Application

As you know, City Staff, Parks & Recreation Staff and the Main Street Kent organization and volunteers participated in a Master Plan for the river and a potential whitewater park for downtown Kent. After being unsuccessful in obtaining funds last year we have scaled the project back and are focusing on improvements that will rate high in their funding criteria.

At this point the project will focus on creating better access around the Kent Dam to enable boaters to portage around this area and the development of River Bend Park. The Parks & Recreation Board has recommended applying for a Cooperative Boating Facility Grant from the Ohio Department of Natural Resources, Division of Watercraft. This grant application is due on April 1, 2008.

Due to the impending deadline, we respectfully request Council approval of a resolution to apply for the grant. This is a 100% reimbursable grant. The estimated total project cost is \$250,000. A signed, certified copy of the ordinance or resolution must be included with the application. A sample resolution has been attached.

Please let me know if you need any additional information.

Enc.  
PC: Kent Parks & Recreation Board  
Linda Copley, Clerk of Council



**Ohio Department of Natural Resources  
Division of Watercraft  
COOPERATIVE BOATING FACILITY GRANT  
APPLICATION PACKET  
APPENDIX**



**APPENDIX A - Sample Resolution of Authorization**

Applying entities may use an ordinance or resolution to authorize the filing of their application and to assure availability of funds for the project. A signed, certified copy of the ordinance or resolution must be included with your application.

Below is a suggested format for a Resolution of Authorization.

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**RESOLUTION OF AUTHORIZATION**

WHEREAS the State of Ohio through the Department of Natural Resources Waterways Safety Fund administers financial assistance for public boating access, and

WHEREAS the City of Kent desires financial reimbursement under the Cooperative Boating Facility Grant Program,

NOW THEREFORE be it resolved by the City of Kent as follows:

1. The City of Kent approves of filing an application for Cooperative Boating Facility Grant financial assistance.
2. John J. Idone (Project Manager) is hereby authorized and directed to file and execute an application with the Ohio Department of Natural Resources and provide all information and documentation required to be eligible for possible financial assistance.
3. The City of Kent agrees that it has and will obligate the funds required to satisfactorily complete the project under the terms and conditions of the Cooperative Agreement if the project is accepted for financial assistance.

**CERTIFICATE OF RECORDING OFFICER**

I the undersigned, hereby certify that the foregoing is a true and correct copy of the resolution adopted by the \_\_\_\_\_ (entity) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, and that I am duly authorized to execute this certificate.

\_\_\_\_\_  
(original signature)

\_\_\_\_\_  
(title)





Dear NOPEC Community representative:

Attached please see the press notice that NOPEC has released regarding the stipulation that we agreed to late last week with First Energy Corporation, along with the majority of the consumer groups, that could result in the reinstatement of NOPEC's electric supply program as early as June 1.

We have worked very hard, with your assistance, to continue governmental aggregation in Ohio, and we believe that Senate Bill 221 and this agreement, if approved by the PUCO, will allow NOPEC to continue its program of providing electricity discounts to our member communities.

We are in the process of negotiating to bring you the supply we need to cover all 126 NOPEC communities and hope to have a two year agreement in place as soon as possible. If you have any questions or concerns please contact me at 440.248.1992. Thank you for all of your help in making this possible. Leigh Herington, Executive Director

## **NORTHEAST OHIO COULD REALIZE SAVINGS IN JUNE**

*NOPEC improves ability to offer lower priced electricity*

**Solon – Feb. 27, 2009** -- The potential for lower electric rates this year for about 600,000 customers in greater Cleveland Ohio has been increased due to the insistence of the Northeast Ohio Public Energy Council (NOPEC).

NOPEC has reached an agreement with FirstEnergy Corp. that allows for NOPEC to more competitively offer lower-cost electricity for residents and businesses.

NOPEC is the nation's largest public utility aggregation – representing 126 communities throughout nine northeast Ohio counties. Non-profit NOPEC arranges for bulk purchases of power on behalf of its member communities and then passes resulting savings along to residents.

"These were tough, complicated negotiations with FirstEnergy," said Joseph Migliorini, chairman of NOPEC's governing board. "The bottom line is we chipped away some remaining, non-competitive elements that should allow

us this year to arrange for lower cost electricity supplies to pass along to our consumers in our communities."

NOPEC successfully negotiated, for example, that it be similarly allowed to "phase-in" electric rates – which means some of the price would not be charged now, but paid for at a later time. FirstEnergy was previously proposing to use such phased-in rates only for its own customers, which could have conceivably put NOPEC at a disadvantage had they not negotiated for parity on that point.

Leigh Herington, NOPEC's executive director, said lower cost electricity could be in place as early as June – when new electric generation rates are scheduled to be established in northeast Ohio.

"We are pleased that we have essentially removed anti-competitive roadblocks that will allow NOPEC to function better," Herington said. "What this all-means is that we will be better positioned now to try to bring competitive electric rates at the lowest possible rate to northeast Ohio."



**KENT CITY PLANNING COMMISSION  
REGULAR BUSINESS MEETING  
MARCH 17, 2009**

**COUNCIL CHAMBERS  
KENT CITY HALL  
325 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 BY ASSISTANT LAW DIRECTOR**
- V. **CORRESPONDENCE**
- VI. **OLD BUSINESS**
- VII. **NEW BUSINESS**
  - A. **PC09-003 LINCOLN COMMONS SENIOR VILLAGE**  
**West side of South Lincoln Street**  
**Conditional Zoning Certificate & Site Plan Review**

The applicant is seeking Conditional Zoning Certificate and Site Plan Review and Approval to permit the construction of a 36 unit senior village. The subject property is zoned R-3: High Density Residential.

    1. **Public Hearing**
    2. **Planning Commission Discussion /Action**
- VIII. **OTHER BUSINESS**
- IX. **ADJOURNMENT**

**JOINT MEETING OF KENT CITY PLANNING COMMISSION  
BOARD OF ZONING APPEALS, ENVIRONMENTAL COMMISSION  
AND KENT CITY COUNCIL**

**MARCH 17, 2009**

**COUNCIL CHAMBERS  
KENT CITY HALL  
325 S. DEPEYSTER STREET  
7:30 P.M.**

**AGENDA**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. READING OF PREAMBLE**
- IV. ADMINISTRATION OF OATH BY ASSISTANT LAW DIRECTOR**
- V. CORRESPONDENCE**
- VII. OLD BUSINESS**
- VIII. NEW BUSINESS**
  - A. Comprehensive Zoning Code Review  
Session IV, Part 2 – Rooming and Boarding Houses / Rental  
Properties – Staff Recommendations**
    - 1. Public Comment**
    - 2. Discussion/Action**
- IX. OTHER BUSINESS**
- X. ADJOURNMENT**

**SESSION #4**  
**Rooming and Boarding Houses**

Purpose

The purpose of this review is to evaluate the current zoning regulations as they apply to rooming and boarding house uses and to determine whether any modifications are appropriate to definitions, where they are allowed, and regulations related to these uses.

Overview

As a land use, rooming and boarding houses are some of the most noticeable and influential operations within the community. These uses have evolved over a number of decades and in some situations have significantly changed the living environment within a number of neighborhoods in the City. Their influences have been for the most part negative and have played a significant role in the deterioration of some of the City's neighborhoods. This by no means suggests that they are the only cause of some of these problems.

From a zoning and land use perspective, regulating these types of uses is critical in preserving the quality of the City's neighborhoods. Economic factors related to a university town make these types of uses lucrative in a financial sense and drive the market so as to entice their proliferation almost anywhere in the City. Unchecked, these uses will continue to destabilize neighborhoods as the housing stock ages.

Historically, many of these uses were owned and controlled by landlords who held a significant share of rental housing in the city. From time to time staff would find illegal conversions attributable to these landlords. However, more recent trends have shown that the vast majority of recent illegal conversions have come from out-of-town parents of Kent State students who see both investment opportunities and a way to utilize their money more effectively than merely just paying rent for their son or daughter's housing. Many of these units are not well managed and are left to the devices of their inhabitants.

In the first session held on February 17, 2009 related to this topic, we attempted to identify various concerns and problems related to these uses. We attempted to break these issues down by those that were zoning related and those that were non-zoning related. The items discussed at that meeting are noted in the table below:

<u>Zoning</u>	<u>Non Zoning</u>
Restrict Location More Parking Open Space Out of Scale Pertinent Definitions Modified	Litter Noise / Parties Safety (Fire, Building, Etc) Property Maintenance Local Responsible Person Community Pride Criminal Activity Law Enforcement Approaches Funding to Encourage Re-Gentrification Rental Licensing Enforcement / Housing Court



## Session #4 – Rooming and Boarding Houses

As can be seen from the list, issues related to rooming and boarding houses can generally be categorized into one of two categories: those having a land use basis and those which are more “behavioral” in nature. Ironically, the behavioral issues often lead to complaints which we attempt to address through land use controls with some of these efforts being effective and others not as effective. It should be remembered that the zoning regulations related to rooming and boarding houses are most effective in dealing with new uses and when existing uses attempt to expand. Zoning regulations are relatively ineffective in dealing with existing uses which do not attempt to expand. The ineffectiveness of the zoning code to deal with such existing uses is frustrated even further by the fact that many of the existing rooming and boarding houses in the City are “legal, nonconforming uses” and are offered certain protections under the zoning code. As such, the ability of the zoning code to effectively deal with all of the problems associated with these type uses should not be over-estimated. The zoning code is, however, the primary protection that the City’s residential areas have against the proliferation of these uses into areas not zoned for them, especially given economic and market considerations.

In summary, the zoning code should effectively set regulations which control where rooming and boarding house uses are allowed within the community, set limits to the expansion of such existing uses, and establish reasonable criteria for their definition and site design criteria. When considering all of the issues that relate to these properties, it should also be recognized that not all of the problems can be addressed by zoning and that non-zoning controls should be considered separately but in conjunction with potential zoning modifications.

### Bicentennial Plan Discussion:

The Bicentennial Plan emphasized the need to protect the City’s neighborhoods and to make rental housing less invasive. One or both of these goals were stated in addressing the various planning “areas” of the City. As such, it is safe to describe these as City-wide goals and significant priorities. In fact, any document promoting the sustainability of the City, including the Bicentennial Plan, would have to promote neighborhood preservation. As a result, the manner in which rooming houses and other residential properties are regulated and preserved either within or outside of the zoning code is a matter of prime importance to the aspirations of the Bicentennial Plan.

### UDC Draft Discussion

The draft Unified Development Code that was put together several years ago (but never presented for formal adoption) proposed several modifications related to rooming and boarding house regulations and definitions. In that draft document, both the definitions of rooming and boarding houses as well as the definition of family were modified. These changes could be described as being more liberal as compared to more restrictive but they did not propose changing the zoning districts in which the uses were permitted. Similarly, the parking requirements were not changed from what the current zoning code requires. Staff today would not necessarily support the modifications proposed in the draft UDC given recent additional public input and research.

**Potential Changes / Commentary**

There are five primary areas to focus on in the zoning code when dealing with regulations related to rooming and boarding houses. These areas are:

1. Definition of Family
2. Definition of Rooming House
3. Zoning Districts Where Permitted
4. Lot, Building and Dimensional Requirements
5. Parking Requirements

Each of the above will be discussed separately below with staff's recommendations included.

1. **Definition of Family**

This definition is central to the enforcement of regulations related to rooming houses even though it does not directly define them. It does however relate to what constitutes a single family and how to distinguish between a single family use and one which is more common to the typical rooming and boarding house. The primary distinction that needs to be made here is what constitutes a family type of relationship. The current definition of family sets parameters based on a group of people who have a more or less permanent living arrangement based on blood, adoption or marriage. The current definition does not address foster children situations and should at least be clarified to specifically recognize such situations. It also does not identify or define what constitutes a housekeeping unit (or household).

In contrast, rooming and boarding houses accommodate people who generally have more of a transient relationship and/or do not operate as a single housekeeping unit whereby financial, legal, childcare or other common responsibilities are shared. Thus some of the legal discussion we have seen on this topic and in fact some of the other definitions of family that we have found being used seem to be directed at making a clear distinction of what constitutes a family situation or relationship as compared to what is virtually nothing more than a group of unrelated persons living together who have no legal, financial or other relationship than the fact that they may live together and share the same roof one year and not the next.

To this end, we have found a definition for household that staff believes will be more efficient for enforcement purposes and which appears to better address some of the above issues. This definition has been adopted by the cities of Toledo and Marietta and is provided as a separate attachment to this report. We offer this for discussion purposes and would appreciate any input that can be provided.

2. Definition of Rooming House

The primary issue related to this definition is the number of unrelated persons not living together as a single housekeeping unit. Staff is of the opinion that the current definition of a rooming/boarding/lodging house is adequate in regard to the numbers but that wording should be added to the definition that indicates that these people are not living together as a single housekeeping unit.

3. Zoning Districts Where Permitted

Rooming and Boarding Houses are currently Conditionally Permitted Uses in the R-4, R-C, C-R, IC-R and C-D zoning districts. Staff is of the opinion that this list should be modified to remove C-R and IC-R districts from inclusion since the C-R and IC-R are more intensive commercial areas. This would leave rooming and boarding house uses as conditionally permitted uses only in the R-4 and R-C Districts.

4. Lot, Building and Dimensional Requirements

Rooming and boarding houses are currently treated as multifamily dwellings for the purpose of computing lot size requirements and dealing with other "dimensional" requirements in the zoning code. These include minimum lot size, minimum lot width at building line, minimum usable open space and maximum lot coverage. Virtually every rooming house that has attempted to get approval in the last 25 years (in the appropriate zoning districts) has had to get variances to one or more of these requirements. Such variances have been both granted and denied. Staff is not convinced that some of these requirements are either reasonable or necessary in their current form and potential changes deserve some discussion.

Staff is also of the opinion that there is a correlated relationship between the size of a building, the size of a parcel and the number of unrelated people living in the structure but who are not living together as a single housekeeping unit. The relationship between building size and number of people, especially where unrelated and not living together as a housekeeping unit is a function of basic health and sanitation. The Environmental Housing Code addresses this relationship in several respects. The relationship between lot size and the number of people is more a matter of adequate space for recreation and parking. Larger lot sizes can also create some separation between uses however most of the residential areas where we allow rooming and boarding houses do not have large lot sizes. Existing legal nonconforming rooming houses also primarily tend to sit on smaller lots. Requiring 30% of the lot to be usable open space based on the City's current code requirement is nearly useless as a regulation because none of these types of parcels can meet it. Thus what is the proper ratio and relationship between number of people, building size and lot size?



To answer this question, we need to consider the objective of the regulation. In staff's mind the objectives based on the City's authority to regulate relating back to health, safety and welfare are to: 1) create adequate living space so as to provide a healthy, safe and sanitary living environment, 2) to provide some area outdoors that allows for some type of active or passive recreation, and 3) to provide adequate parking on or near the property that is reasonably accessible to the residents and which does not infringe upon the property or rights of others. In regard to the first objective of adequate living space, we would yield to the requirements of the housing and building codes to determine what is adequate. In regard to the second objective, new rooming houses or those wishing to expand should be required to address how they are providing some type of recreational space for their inhabitants and this should be considered by the Planning Commission during its review as to adequacy. The requirement should be practical and not overly demanding and allow the Commission to consider nearby offsite availability. With regard to the third criteria related to parking, the zoning code should set a standard for what constitutes adequate parking (see #5 below) and the Planning Commission should be able to consider what is adequate either on-site or off-site as it can do with other types of projects.

5. Parking Requirements – The current zoning requirements with regard to parking require a minimum of one parking space per bedroom however the Planning Commission has the ability to require additional parking. The ratio that staff recommends to potential applicants is one space per occupant. The question of visitor parking will often come up and with some of the larger rooming houses, requiring some additional visitor space is not unreasonable. We have seen evidence in some other zoning codes where a visitor space requirement is added. A ratio of one visitor space for every four tenant spaces seems common. It should be noted that a number of legal nonconforming rooming houses do not have parking that meets the current zoning standards, nor can the zoning code effectively address those situations, unless the house expands.

In addition to the number of spaces required, the design and placement of the spaces is also an issue. The issue with placement and design is one of the more relevant issues related to neighborhood deterioration and blight. In some cases, backyards have been turned from grass to dirt, gravel or possibly concrete / asphalt thus changing the appearance and nature of the neighborhood itself. Such areas may also lack landscaping or may not be well maintained. A second issue related to design and placement are those situations where parking spaces have been carved out of front yard areas or where driveways are used for parking and cars pull around each other, sometimes onto neighboring properties, to get in and out. This may cause mud and "rutting" in these areas and detract from the aesthetics of the property.

**Session #4 – Rooming and Boarding Houses**

Given the above issues, staff believes that the following changes to the zoning code in regard to parking requirements for these uses should be considered:

- a) The parking requirement for a rooming and boarding house use should be set at one space per resident, not one space per bedroom.
- b) For every rooming house there should be at least one space dedicated for visitor use with one additional space for every four persons (over 4) living in the house.
- c) There should be no parking permitted in the front yard or a required side yard.
- d) Gravel or other forms of adequate surfacing should be permitted for parking areas in rear yards as long as such gravel is contained and maintained. Such parking areas should be adequately designed to allow proper traffic flow and should not recognize "stacked" parking spaces. Such design should also incorporate proper storm water drainage as well as landscaping and buffering requirements for the parking areas.
- e) Driveways should not be counted as parking spaces unless the width and dimension of the driveway is determined by the City to be adequate to allow parking and the proper flow of traffic.
- f) Off-site, private parking provisions should be permitted as long as the applicant can show that such spaces are specifically reserved for their use, that such spaces are well maintained and recognized as legal by the City and that there is a written agreement between the applicant and the other property owner that specifies the number of spaces provided and the length of time the agreement is written for. Should those spaces become unavailable in the future, the applicant would be required to find alternative parking adequate for their occupancy or reduce the number of residents at the house.

**Recommendations /Closing Remarks**

Staff would recommend that the recommended changes noted in this report with regard to definitions, zoning districts, dimensional and parking requirements be considered and recommended for inclusion within the City's zoning code. At the same time, while a separate issue, we believe the City should discuss and consider a more comprehensive and aggressive rental licensing system that includes the current or possible additional standards of the Environmental Housing Code and also becomes the control point for insuring that rental properties also meet zoning, building, property maintenance and nuisance standards on an on-going basis. We believe that such systems coupled with a well designed neighborhood enhancement program that deals with issues other than code related issues could help to begin to turn around deteriorating trends that we now see in a number of our neighborhoods.

## Attachment

This is the Toledo, Ohio definition of a household. A similar definition for household has been adopted in Marietta, Ohio as well.

### Household:

*One or more persons occupying a dwelling unit as a functional unit. A functional unit is either a family, one or more persons related to each other by blood, adoption, or marriage; or two or more persons whose relationship is functionally equivalent to a family but who are not related by blood, adoption, or marriage. Persons occupying a boarding house, hotel, lodging house, group rental dwelling, or fraternity or sorority house, as herein defined do not constitute a household. In determining whether a group of unrelated persons is a household under the definition set forth above, the Commissioner of Building Inspection and Code Enforcement shall apply the factors set forth in Section 1115.0900 or such of those factors as may reasonably be known to the Commissioner on the date of determination.*

### **1115.0900 DETERMINATION OF STATUS AS HOUSEHOLD.**

#### **1115.0901 Determination.**

*Upon investigation, complaint or application of a person aggrieved, the Commissioner of Building Inspection and Code Enforcement shall make a written determination of whether a specified group of persons constitutes a household by virtue of being the functional equivalent of a family.*

#### **1115.0902 Transferability.**

*The determination of the Commissioner of Building Inspection and Code Enforcement, subject to any modification on appeal, shall be transferable with the entire group of persons constituting the household or with a majority of the persons constituting such household. It shall not run with the premises when occupied by a different household or other group of persons.*

#### **1115.0903 Appeal.**

*The Commissioner of Building Inspection and Code Enforcement's determination of functional equivalency may be appealed to the Board of Zoning Appeals in accordance with Section 1111.2000. In acting on appeals, the Board of Zoning Appeals shall apply the factors set forth in Section 1115.0904 and shall be authorized to overrule the Commissioner's determination only where there is evidence in the record that the Commissioner erred. The following individuals have the right to appeal the Commissioner's determination:*

- A. Any member of the group proposed as a household;*
- B. The owner of the premises occupied by such group; or*
- C. Any other person aggrieved by the Commissioner's determination.*

#### **1115.0904 Factors.**

*The determination of whether a group of unrelated persons living together are the functional equivalent of a family shall be based on such of the following factors as may be known to the Commissioner of Building Inspection and Code Enforcement. The presence or absence of any single factor is not necessarily determinative of whether the unit constitutes a family:*

#### **A. The following factors shall be prima facie evidence that the group of persons living together constitutes a household:**

- 1. The same group of persons, or a majority of them, has resided together at a different location for a period of at least 6 months or at the present location for at least 12 months; and*



2. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold-harmless or other written arrangements to pro-rate the rent or recover the rent from other members of the group.

B. The following factors shall be prima facie evidence that the group of persons does not constitute a household:

1. Individual members of the group have entered into separate leases for the same premises, or parts thereof, with the obligation under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises; and

2. The premises are furnished with key-operated locks on individual rooms or with other means through which one member of the group may prevent other members of the group from entering her or his room or portion of the premises when she or he is not physically present (deadbolts, chains or other locking devices operated only from inside the room shall not be considered as evidence of the status of the group).

C. The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a household:

1. Voter registration by a majority of the eligible members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Voter registration listing other addresses by a majority of the adult members of the group, or by a majority of those actually registered to vote shall be considered evidence negating the proposition that the group is a household.

2. Drivers' licenses held by a majority of the adult members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. Drivers' licenses listing other addresses by a majority of the adult members of the group, or by a majority of those actually holding such licenses shall be considered evidence negating the proposition that the group is a household.

3. The registration of motor vehicles regularly found at the dwelling listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. The regular presence at the dwelling of one or more motor vehicles belonging to members of the group and registered at one or more other addresses shall be considered evidence negating the proposition that the group is a household.

4. The filing of tax returns by a majority of the members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a household. The filing of tax returns listing other addresses by members of the group shall be considered evidence negating the proposition that the group is a household. Evidence that one or more individuals are claimed as dependents on the income tax return of individuals not resident in the household shall be considered evidence that the group is not a household.

5. The presence of minor dependent children regularly residing in the dwelling unit and enrolled in local schools with one or more members of the group acting in the role of parents (and primary care-givers) shall be considered a factor tending to support the proposition that the group is a household.

6. Evidence that different residents of the dwelling unit are away during the summer and that they have several as opposed to a single summer address shall be considered evidence negating the proposition that the group is a household.

7. Evidence of common acquisition and ownership of furniture and appliances shall be considered evidence in support of the proposition that the group is a household.

8. Full-time employment of some members of the group in the general community shall be considered evidence in support of the proposition that the group is a household.

9. Evidence that groceries are purchased and meals regularly prepared for the group as a whole shall be considered evidence in support of the proposition that the group is a household. For purposes of this factor,

*weekly joint purchases of groceries and the preparation and sharing of at least seven meals per week shall be considered "regularly prepared."*

1115.0905

*The Commissioner of Building Inspection and Code Enforcement shall make the determination of whether the group constitutes a household based on a preponderance of the evidence. Where there is prima facie evidence supporting only one side of the proposition, the Commissioner shall make a determination that is supported by that prima facie evidence unless the Commissioner finds compelling evidence for the other side of the proposition, a finding which should normally be supported by at least four of the factors listed above.*

1115.0906

*Living arrangements for persons with a "handicap" and/or a "disability" as those terms are defined by the Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) will be presumed to be a household.*

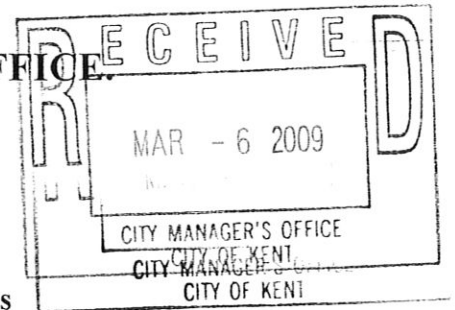


# CIVIL SERVICE COMMISSION

CITY OF KENT  
221 EAST SUMMIT STREET  
KENT, OHIO 44240

TELEPHONE: (330) 678-8101  
OR (330) 676-7556  
FAX: (330) 676-7580

**THE KENT CIVIL SERVICE COMMISSION  
WILL HOLD ITS REGULAR MEETING  
ON TUESDAY, MARCH 10, 2009  
AT 4:30 P.M. IN THE COMMISSION OFFICE.**



## Agenda

- (1) Civil Service Commission  
February 10, 2009 Civil Service Commission Meeting Minutes  
Commissioner John Thomas' Resignation – effective March 31, 2009
- (2) Safety Administration  
Fire Services Specialist Assessment Center  
to be administered to 10 Candidates on March 21, 2009  
Detention Officer Written Examination  
to be administered to 40 Candidates on March 7, 2009  
Police Officer Written Examination  
to be administered to approximately 150 Candidates on March 14, 2009  
Police Promotional Examination Announcements  
Lieutenant Written Examination – posted on February 27, 2009  
Written Examination to be administered on April 23, 2009  
Sergeant Written Examination – posted on February 26, 2009  
Written Examination to be administered on April 15, 2009
- (3) Parks and Recreation Department  
Adam Ray promoted to Full-time Park Maintenance Laborer  
via the AFSCME bidding process effective March 2, 2009
- (4) Service Administration  
Water Reclamation Facility  
Thomas Koster, Water Reclamation Plant Operator  
Resignation effective February 6, 2009  
Mark Boettler, Water Reclamation Plant Operator  
Appointment effective March 2, 2009
- (5) Executive Session

posted: March 6, 2009 – 8:20 a.m.

CITY OF KENT  
HEALTH BOARD MEETING  
MARCH 10, 2009, 5:30PM  
KENT CITY HEALTH DEPARTMENT OFFICES  
325 S. DEPEYSTER STREET  
KENT, OH 44240  
Phone (330) 678-8109 Fax (330) 678-2082



AGENDA

- I. MINUTES February 17, 2009 Meeting
  
- II. REPORTS
  - A. Statistical Report for February 2009
  - B. Expenditures & Encumbrances for February 2009
  - C. Commissioner's Report for February 2009
  - D. Quarterly Report Town Hall II Oct- Dec. 2008
  
- III. OLD BUSINESS
  - A. City Wide Trash Pick-up
  
- IV. NEW BUSINESS
  - A. Public Health Standards
  - B. Health Board By-Laws
  
- V. EXECUTIVE SESSION
  
- VI. ADJOURN MEETING

If you require assistance to attend this meeting, please contact the Health Department at (330) 678-8109.

JBF/trr

cc: Health Board  
City Manager  
Clerk of Council  
Health Staff  
Chairman of Health & Public Safety  
Mayor  
News Media  
Post  
File

Kent City Health Department  
 325 S. Depeyster Street  
 Kent, Ohio 44240  
 HEALTH BOARD MINUTES  
 February 17, 2009



Members Present

John Gwinn  
 Chris Woolverton  
 Susan Roxburgh  
 Jack Amrhein

Absent

Pam Freeman

Others Present

John Ferlito  
 John Bradshaw  
 Anthony Bartholomew

John Gwinn called to order the Health Board meeting of February 17, 2009.

The minutes from the January 2009, meeting were distributed and reviewed by the Health Board members prior to the meeting.

**Motion:** A motion was made by Chris Woolverton and seconded by Susan Roxburgh to approve the minutes of the January 2009 meeting. The motion passed.

Statistical Report for January 2009

Expenditures and Encumbrances for January 2009:

<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>AMOUNT</u>
Quill	Paper for Health Dept. & Health Lab.	\$197.40
Stow Kent Animal Hospital	Necessary services provided on a stray cat for rabies check.	\$147.10
Analytical Instruments Co.	Lab balance calibration	\$200.00
Bissler & Sons F. H.	Indigent Cremation	\$1000.00
West Payment Center	Ohio Administrative Code Supplements	\$67.50
Treasurer, State of Ohio	Food Service Transmittal fees for January 09	\$56.00
Treasurer, State of Ohio	Retail Food Transmittal fees for January 09	\$28.00
	TOTAL	\$1696.00

<u>Travel &amp; Reimbursements</u>		
		0

**Motion:** A motion was made by President John Gwinn to approve the Expenditures and Encumbrances for the month of January 2009. No members opposed. The motion passed.



## **Commissioner's Report**

Council reviewed City wide residential trash collection bid rates. The fees were reviewed on February 4, 2009, and Council will hold public hearings on the proposal on February 25, 2009. There is a concern with cost of buying a trash bag that will go from \$1.85 a bag to \$2.40 a bag. The one, two, & three can service and unlimited service would be lower for Kent citizens. R & R Sanitation provided the lowest bid. Residential rates submitted have been provided for Board review.

The Ohio Department of Health has proposed to raise the fees that local health departments remit to the state. This will affect birth and death certificates certified copies as well as Swimming pool fees.

The National Public Health Performance Standards Program is holding a Training Workshop in Columbus, Ohio April 14 –17, 2009. A flyer has been provided for Board member review.

Provided to the board members is a message from the President of the Association of Ohio Health Commissioners, regarding her discussions with the State Health Department staff on ways of reducing the burden from the state onto Local Health Districts.

## **Old Business**

Proposed Local Standards and Measures for Public Health Accreditation. There will be beta testing of a select group of local health departments next fall, before the standards and measures are finalized. Looking more closely at the proposed standards there are several different areas that will require documentation of practices to be able to get accreditation. John Gwinn stated that going over the documentation requirements, it looks like they are only expecting about a paragraph or two. It will not have to be elaborate. Tied in with these measures are the performance standards that the board completed about three years ago. Those standards are now on the table again to be revised. The performance standards are relevant to our department while the accreditation proposal looks to be more at the jurisdiction level. John Gwinn stated that he would like the Board to start the documentation process now, possibly creating a manual or bylaws for the Board and/or Department, so we may apply for accreditation when appropriate.

John Ferlito stated that while discussing the National Standards with the other Health Departments, it is not something they want or plan to do, and they don't want to go through all the paperwork unless they absolutely have to. They plan to opt out of the National Standards and continue with the State Standards. So far grant money and other funding is not dependent upon National Accreditation, and so far nothing extra is being offered as an incentive to participate at the National Level. There are no extras, no additional grants nor additional funding for being Nationally Accredited.

John Gwinn stated there are several possibilities the Kent Board of Health could move forward with. Providing documentation for what we do or at least identifying sources of information for the documentation, maybe drafting some items.

Susan Roxburgh stated that it is not clear to her yet what the benefits of the standards, measures and accreditation might be. It is not a requirement to apply, so it may be premature to move forward at this point.

Chris Woolverton stated that until we know for sure what the final status is and what the requirements for implementation are, collecting data for our own use is a good step but to move forward now is premature.

Susan Roxburgh requested John Ferlito to identify the areas for accreditation that are applicable to Kent.

John Gwinn stated that he would like focus on Part A, involving putting together a policy and procedure manual.

### **New Business**

There was some discussion by Board Members regarding the two vacant member seats and what type of advertising could be done in line with the Charter to fill those vacancies. Jack Amrhein and John Ferlito will look into it.

**Motion:** A motion was made by Chris Woolverton to adjourn the Health Board Meeting of February 17, 2009. With no opposition, the meeting adjourned.

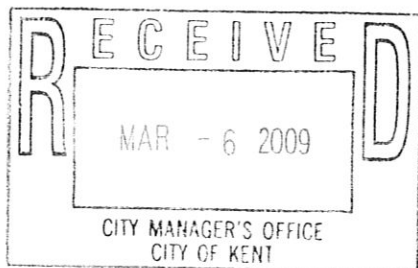
Approved:

\_\_\_\_\_  
John Gwinn, President

\_\_\_\_\_  
John Ferlito, Secretary

# KENT HEALTH DEPARTMENT STATISTICAL REPORT 2009

	February 09	YTD 2009	February 08	YTD 2008
<b>HEALTH DEPT. \$ COLLECTED</b>				
FamAbuse fund	\$ 427.50	\$ 790.50	\$ 378.00	\$ 810.00
Vital Stats	\$ 5,437.50	\$ 7,252.50	\$ 1,890.00	\$ 4,050.00
Child Abuse	\$ 855.00	\$ 1,581.00	\$ 756.00	\$ 1,620.00
State VS	\$ 1,425.00	\$ 2,635.00	\$ 1,260.00	\$ 2,700.00
B Perm Rev	\$ 15.50	\$ 28.00	\$ 13.50	\$ 30.50
B Perm State	\$ 77.50	\$ 140.00	\$ 67.50	\$ 152.50
Food Estab.	\$ 7,146.00	\$ 7,518.40	\$ 7,402.40	\$ 7,402.40
Food Service	\$ 29,472.00	\$ 30,216.80	\$ 30,587.00	\$ 30,587.00
FSO Vending	\$ 672.00	\$ 672.00	\$ 756.00	\$ 784.00
Home Sewage	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Housing	\$ 2,555.00	\$ 12,755.00	\$ 2,290.00	\$ 9,755.00
Swim Pools	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
SolWst(Trks)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Tattoo Parlors	\$ 0.00	\$ 100.00	\$ 0.00	\$ 300.00
*Misc(Xerox, etc.)	\$ 0.00	\$ 0.00	\$ 0.00	\$ 1.00
Septic Service	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
**ST Subsidy	\$ 0.00	\$ 0.00	\$ 0.00	\$ 20.00
<b>TOTAL COLLECTED</b>	<b>\$ 48,083.00</b>	<b>\$ 63,689.20</b>	<b>\$ 45,400.40</b>	<b>\$ 58,212.40</b>
<b>TO STATE</b>				
FamAbuse fund	\$ 414.67	\$ 766.78	\$ 366.66	\$ 785.70
Food Estabs	\$ 756.00	\$ 784.00	\$ 0.00	\$ 0.00
Bur.Permits	\$ 77.50	\$ 140.00	\$ 67.50	\$ 152.50
Child Abuse	\$ 829.35	\$ 1,533.57	\$ 733.32	\$ 1,571.40
State VS QTRLY	\$ 0.00	\$ 0.00	\$ 1,260.00	\$ 2,700.00
Food Service	\$ 2,716.00	\$ 2,772.00	\$ 3,640.00	\$ 3,640.00
Food Vendors	\$ 144.00	\$ 144.00	\$ 150.00	\$ 156.00
Swim Pools	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Wells	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>TOTAL</b>	<b>\$ 4,937.52</b>	<b>\$ 6,140.35</b>	<b>\$ 6,217.48</b>	<b>\$ 9,005.60</b>
<b>TOTAL ASSETS</b>	<b>\$ 43,145.48</b>	<b>\$ 57,548.85</b>	<b>\$ 39,182.92</b>	<b>\$ 49,206.80</b>
+Admin fee to Vital Stats	\$ 38.48	\$ 71.15	\$ 34.02	\$ 72.90
-3% FamAbuse	\$ 12.83	\$ 23.72	\$ 11.34	\$ 24.30
-3% ChildAbuse	\$ 25.65	\$ 47.43	\$ 22.68	\$ 48.60



**INSPECTIONS**

Animal Bites	3	5	3	5
Complaints	41	85	45	67
Food Estabs	15	31	10	27
Food Service	57	111	50	113
FSO Vending	15	15	3	5
Home Sewage	0	0	0	0
Housing	122	219	108	207
Schools	2	3	1	1
Solid Waste	4	4	0	0
Swimming PIs	0	8	5	11
Septic Haul.	0	0	0	0
Tattoo Parlors	2	3	0	4
*Other	0	0	0	0
<b>TOTAL</b>	<b>261</b>	<b>484</b>	<b>225</b>	<b>440</b>

**PERMIT/lic.**

Food Estabs	27	28	29	29
Food Service	97	98	101	101
FS Vending	24	24	27	28
Home Sewage	0	0	0	0
Housing	26	90	21	63
Solid Waste	0	0	0	0
Swim Pools	0	0	0	0
Septic Haul.	0	0	0	0
Tattoo Parlors	0	3	0	4
*Other	0	0	0	0
<b>TOTAL</b>	<b>174</b>	<b>243</b>	<b>178</b>	<b>225</b>

**MOSQ.CONT.**

Sites Treat.	0	0	0	0
Adulticide	0	0	0	0
Tot Man Hrs	0	0	0	0

**COMPLAINTS**

Received	21	33	14	29
Abated	18	28	11	21

**LEGAL COMPL.**

Filed	0	0	0	0
Pre-trials	0	0	0	0
Trials	0	0	0	0

<b>COMM.DISEASE</b>	<b>166</b>	<b>213</b>	<b>139</b>	<b>308</b>
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<b>VNA CLINICS IMMUNIZATIONS</b>	<b>15</b>	<b>21</b>	<b>1</b>	<b>8</b>
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<b>BIRTH/DEATH CERTS. ISSUED</b>	<b>285</b>	<b>527</b>	<b>252</b>	<b>540</b>
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October 2008

Gender	Age	Diagnosis	Ward
F	22	Depression-1st Visit	5
M	33	Asthma	5
M	33	Asthma-IPP	5
F	38	Obesity-1st Visit	2
F	40	Allergic Rhinitis	4
F	40	Depression & Hypertension	2
M	41	Diabetes Mellitus & Hypertension	3
M	41	Diabetes Mellitus & Hypertension-IPP	3
F	43	Arthritis-1st Visit	5
M	47	Hypertension	2
F	48	Anenorrhea	3
F	48	Diabetes Mellitus & Hypertension	1
F	49	Asthma	4
F	49	Diabetes Mellitus 2 & Hypertension	2
F	49	Environmental Allergies	4
F	49	Environmental Allergies-IPP	4
F	49	Psoriasis Vulgaris	2
M	49	Hypertension	3
F	50	Hypothyroidism	4
F	50	Hypothyroidism-IPP	4
F	51	Hypertension	6
F	51	Hypertension-IPP	6
F	52	Eczema	3
F	52	Hypertension	3
F	52	Hypertension-IPP	3
M	52	Diabetes Mellitus	3
F	57	Chronic Obstructive Pulmonary Disease	6
F	57	Chronic Obstructive Pulmonary Disease-IPP	6
F	60	Hypertension & Hypertension-IPP	6
F	60	Hypertension & Hypertension-IPP	6
F	60	Sinus Infection & Bronchitis	1

Ward Totals for April 2008

Ward 1	2
Ward 2	5
Ward 3	8
Ward 4	6
Ward 5	4
Ward 6	6
<b>Grand Total</b>	<b>31</b>

November 2008

Gender	Age	Diagnosis	Ward
F	21	Tobacco Addiction-1st Visit	1
F	35	Asthma	6
F	35	Asthma-IPP	6
M	35	Amblyopia	1
F	40	Upper Respiratory Infection	2
F	49	Annual Gynecology Exam	4
F	51	Depression-1st Visit	2
F	51	Dyslipidemia	2
F	52	Annual Gynecology Exam	3
M	52	Diabetes Mellitus-IPP	3
F	53	Asthma	5
M	53	Diabetes Mellitus	3
F	59	Urinary Tract Infection	2
F	62	Annual Gynecology Exam	1
F	62	Annual Gynecology Exam	5
F	62	Hypertension & Obesity	4
M	65	Bronchitis	1

Ward Totals for May 2008

Ward 1	4
Ward 2	4
Ward 3	3
Ward 4	2
Ward 5	2
Ward 6	2
<b>Grand Total</b>	<b>17</b>

December 2008

Gender	Age	Diagnosis	Ward
F	26	Annual Gynecology Exam	2
M	33	Asthma	5
M	33	Asthma-IPP	5
M	34	Allergic Rhinitis	6
F	35	Asthma	6
F	40	Alopecia Areata	4
F	40	Hypertension	2
F	40	Hypertension-IPP	2
M	40	Depression-1st Visit	1
F	44	Dyslipidemia-IPP	3
F	46	Hypertension	2
F	47	Diabetes Mellitus & Hypertension-1st Visit	2
F	47	Hypertension & Hyperthyroidism	3
F	49	Onychomycosis	2
F	52	Depression	3
F	52	Hypertension & Dyslipidemia	6
F	52	Hypertension & Dyslipidemia-IPP	6
M	52	Hypertension	2
M	52	Hypertension-IPP	2
F	53	Hypothyroidism & Hypertension	2
F	53	Hypothyroidism & Hypertension-IPP	2
F	53	Hypothyroidism-IPP	3
F	62	Hypertension-IPP	2
F	63	Diabetes Mellitus	1
F	87	Fibromyalgia	4

Ward Totals for June 2008

Ward 1	2
Ward 2	11
Ward 3	4
Ward 4	2
Ward 5	2
Ward 6	4
<b>Grand Total</b>	<b>25</b>



# A G E N D A

CITY OF KENT  
BOARD OF ZONING APPEALS  
PUBLIC HEARINGS & BUSINESS MEETING  
MARCH 16, 2009  
7:00PM  
COUNCIL CHAMBERS – KENT CITY HALL  
325 SOUTH DEPEYSTER STREET



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

A. BZ09-002 KEN & STAN SCHUTZ  
207 LINDEN STREET

Sections: 1133.03(a)(2), 1133.02(b)(2), and 1167.10(a)

Requests: The applicant is requesting the following:

- 1) A 6613 square foot variance from the 12,000 square foot two-family dwelling minimum lot size requirement to allow a lot size of 5387 square feet (Section 1133.03(a)(2)),
- 2) A 25-foot variance from the 75-foot minimum lot width at the building line to allow a lot width of 50 feet at the building line (Section 1133.02(b)(2)),
- 3) A variance from Section 1167.10(a) to allow parking within a front yard setback, and
- 4) A variance from Section 1167.10(a) to allow parking within the side yard setback along the north property line.

1. Public Comment

2. Board of Zoning Appeals Discussion / Action


B. BZ09-003 MILLER VALENTINE / LINCOLN COMMONS SENIOR  
VILLAGE  
SOUTH LINCOLN STREET, JUST NORTH OF  
MARIGOLD LANE

Sections: 1165.03, 1109.01(g)(132)(A-J), 1133.03(b)(e), and  
1171.01(22)(f)



# CITY OF KENT, OHIO

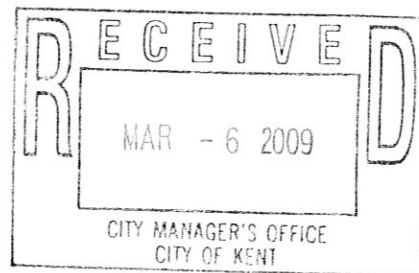
## DEPARTMENT OF COMMUNITY DEVELOPMENT

**DATE:** MARCH 6, 2009  
**TO:** KENT CITY BOARD OF ZONING APPEALS  
**FROM:** HEATHER PHILE, DEVELOPMENT PLANNER   
**RE:** STAFF REPORT FOR THE MARCH 16, 2009 BOARD OF ZONING APPEALS MEETING

The following cases appear on the agenda for the March 16, 2009 Board of Zoning Appeals meeting:

### NEW BUSINESS

CASE NO.: BZ09-002  
APPLICANT: Ken & Stan Schutz  
SITE LOCATION: 207 Linden Street  
STATUS OF APPLICANT: The applicant is the owner of the property.  
REQUESTED ACTION: The applicant is requesting the following:



- 1) A 6613 square foot variance from the 12,000 square foot two-family dwelling minimum lot size requirement to allow a lot size of 5387 square feet (Section 1133.03(a)(2)),
- 2) A 25-foot variance from the 75-foot minimum lot width at the building line to allow a lot width of 50 feet at the building line (Section 1133.02(b)(2)),
- 3) A variance from Section 1167.10(a) to allow parking within a front yard setback, and
- 4) A variance from Section 1167.10(a) to allow parking within the side yard setback along the north property line.

ZONING: This property is currently located in an R-3: High Density Residential Zone District.

TRAFFIC: The property is accessible from Linden Street

SURROUNDING LAND USES: The property is surrounded by residential uses on all sides. There are some legal, non-conforming rooming/boardng houses on this street.

APPLICABLE CODE SECTIONS: 1133.03(a)(2), 1133.02(b)(2), and 1167.10(a)

ANALYSIS:

The property at 207 Linden Street is currently zoned R-3: High Density Residential. This zone district permits single family and two-family homes. The present use of this property is a single family dwelling. This lot is considered a substandard lot for a single family home. This application is the result of a complaint and an investigation from our Code Enforcement Officer, who found four unrelated persons living in a single family dwelling.

The applicants would like to change the single family house into a duplex to allow two unrelated people to live in each unit. The first unit would consist of the front of the house and the entire upstairs. This unit will utilize the front door as the main means of entry/exit. The second unit will be on the back of the house with one bedroom, a living room, kitchen, and a bathroom. This unit will utilize the back door as their main entry/exit access.

The applicants are requesting four variances. The first variance is relief from the two-family minimum lot size requirement. The property is approximately 5387 square feet in size. A single family minimum lot size in the R-3 zone district is 8000 square feet. As stated before, this lot would be considered a substandard lot. The size of this lot is comparable to the rest of the neighborhood.

The second variance request pertains to the width of the lot at the building line. The zoning code states the minimum lot width at the building line is 75 feet. This lot is 50 feet wide.

The third and fourth variances pertain to the parking for each unit. Two spaces are required for each unit, for a total of four spaces. The applicant is proposing to place three parking spaces in the rear of the property and to utilize one space that was created in the front yard. There is nothing in our address file that states this space was created legally. The City of Kent Zoning states that parking is not allowed in the required side or front yards in any Residential district. The applicant is proposing to have one space in the front yard and one whole space and part of another space in the side yard along the north property line. If the Board chooses to approve the front yard parking variance, there must be a condition that the owners of the property must widen the apron at the street, so that the person using the front yard space does not drive over the curb and devil strip. The improvements must meet engineering standards and be approved by the engineering department. A permit will be necessary to do the improvements.

Staff is of the opinion that the parking area in the front yard would not be appropriate and the rear yard parking area will not be of adequate size. Making this property a two-unit may not solve any violations and the two units would not truly be separate. If the Board chooses to approve the project, another condition should be added so that the applicants obtain any and all permits and necessary inspections by the City of Kent Building Department within a certain timeframe to insure that all of the work is completed and done to building standards.

Should the Board wish to approve this project, the following language may be used for the motions:

Move that in Case BZ09-002, the Board of Zoning Appeals approve the variance from Section 1133.03(a)(2) for a 6613 square foot variance from the 12,000 square foot two-family dwelling minimum lot size requirement to allow a lot size of 5387 square feet.

Move that in Case BZ09-002, the Board of Zoning Appeals approve the variance from Section 1133.02(b)(2) for a 25-foot variance from the 75-foot minimum lot width at the building line to allow a lot width of 50 feet at the building line.

Move that in Case BZ09-002, the Board of Zoning Appeals approve the variance from Section 1167.10(a) to allow parking within a front yard setback, with the condition that the applicants improve the apron and curb to meet the City of Kent Engineering requirements and ordinances and must obtain a permit for the improvements.

Move that in Case BZ09-22, the Board of Zoning Appeals approve the variance from Section 1167.10(a) to allow parking within the side yard setback along the north property line.

CASE NO.: **BZ09-003**

APPLICANT: **Miller Valentine / Lincoln Commons Senior Village**

SITE LOCATION: South Lincoln Street, just north of Marigold Lane.

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

REQUESTED ACTION: The applicant is requesting the following:

- 1) A variance to allow a 4-foot by 10-foot free-standing sign within the R-3 zone district (Section 1165.03),
- 2) An 8 percent variance from the 30 percent open space requirement, as outlined in Section 1109.01(g)(132)(A-J), to allow 22 percent open space (Section 1133.03(b)(e)), and
- 3) A variance from Section 1171.01(22)(f) to allow buildings one and two to not face a courtyard.

ZONING: This property is currently located in an R-3: High Density Residential Zone District.

TRAFFIC: The property is accessible from South Lincoln Street.

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

APPLICABLE CODE SECTIONS: 1165.03, 1109.01(g)(132)(A-J), 1133.03(b)(e), and 1171.01(22)(f)

ANALYSIS:

This project was before the Board of Zoning Appeals last April and May and was approved for the same variances that are being requested. The applicants were trying to get state funding for their project, which they did not receive, and will be reapplying for the grants this year. Since their approvals will expire in May, they have resubmitted their plans for re-approval with some minor changes to the layout of the buildings. The Planning Commission will review the project on March 17, 2009.

**Staff Report to the Board of Zoning Appeals  
March 16, 2009 meeting**

The applicants are still proposing to construct a senior village and will still have a total of 5 buildings with a total of 36 single-family ranch-style condos. Each unit is approximately 950 square feet of living space that will have two bedrooms, one and a half bathrooms, and a one car attached garage. In addition to the ranch-style units, the applicant proposes to have a clubhouse/recreation center plus outdoor recreation and garden areas. Residents will have to be 55 years old or older to live in the development.

The applicant is requesting to be re-approved for the three variances that were approved from last year: Free-standing signage, open space, and the two buildings that do not face the courtyard. The first variance request is to allow a free-standing sign that displays the development name. The applicant would like to place the sign at the entrance off of South Lincoln Street to identify the project and believes that the visibility for the complex will allow for better marketability for the development.

The second variance pertains to the amount of usable open space for the project. With the reconfigured layout of the buildings, the applicant now shows approximately 22 percent of the site meeting the definition of usable open space according to the City of Kent Zoning Ordinances.

The third variance is for relief from the ordinance that requires all building to either face a public street or a courtyard, Section 1171.01(22)(f). This project will have all private drives and has a courtyard that most of the buildings do face. With the reconfigured layout of the buildings, there are still two buildings that do not face the courtyard.

Should the Board wish to approve this project, the following language may be used for the motions:

Move that in Case BZ09-003, the Board of Zoning Appeals approve the variance from Section 1165.03, to allow a 4-foot by 10-foot free-standing sign to be located within the R-3 zone district at the entrance to the senior village.

Move that in Case BZ09-003, the Board of Zoning Appeals approve the variance for an 8 percent variance from the 30 percent open space requirement from Section 1133.03(b)(e) and as defined in Section 1109.01(g)(132)(A-J), to allow 22 percent open space.

Move that in Case BZ09-003, the Board of Zoning Appeals approve the variance from Section 1171.01(22)(f) to allow buildings one and two to not face a courtyard.

<u>CASE NO.:</u>	<b>BZ09-004</b>
<u>APPLICANT:</u>	<b>Whitehall East Townhomes</b>
<u>SITE LOCATION:</u>	1521 Whitehall Boulevard
<u>STATUS OF APPLICANT:</u>	The applicant is the part of the association that owns the property. The applicants will purchase the property from the association.
<u>REQUESTED ACTION:</u>	The applicant is requesting the following:  1) A 6358 square foot variance from the 10,000 square foot minimum lot size requirement to allow a new parcel to be 3642 square feet (Section 1135.03(a)(3)),



- 2) A 16-foot variance from the 100-foot minimum lot width at the building line to allow a new parcel to be 84 feet in width at the building line (Section 1135.03(b)(3)),
- 3) A 40-foot variance from the 40-foot minimum lot frontage to allow a new parcel to have no lot frontage (Section 1135.03(c)),
- 4) A 30 percent open space variance from Section 1135.03(e) to allow 0 percent open space for the newly created lot, as defined in Section 1109.01(g)(132)(A-J),
- 5) A 13.7 percent variance from the 25 percent maximum lot coverage to allow a new parcel to have 38.7 percent lot coverage (Section 1135.03(f)),
- 6) A 20.5-foot variance from the 30-foot minimum rear yard setback to allow the building at 1521 Whitehall Blvd. to have a 9.5-foot rear yard setback (Section 1135.04(b)), and
- 7) A 30 percent open space variance from Section 1135.03(e) to allow 0 percent open space for the remainder of the lot owned by the Association, as defined in Section 1109.01(g)(132)(A-J).

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

TRAFFIC: The property is accessible from Whitehall Boulevard, off of Summit Street.

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

APPLICABLE CODE SECTIONS: 1135.03(a)(3), 1135.03(b)(3), 1135.03(c), 1135.03(e), 1109.01(g)(132)(A-J), 1135.03(f), and 1135.04(b).

ANALYSIS:

The property at 1521 Whitehall Boulevard is currently zoned R-4: Multi-family Residential. This building is currently a "Party Room" building, which was owned by the Whitehall East Townhomes Homeowners Association. The applicant is proposing to split off the party room building and make a separate parcel. This parcel would then be owned by the applicants, who wish to convert the structure into a 4-bedroom, 2-bathroom unit. The building would still have an office for the management of the complex and some storage space. The applicants have received approval by the Planning Commission for site plan approval and a Conditional Zoning Certificate to allow the new unit to be a rooming/boarding house for up to four unrelated persons. This was approved on February 3, 2009. The other units in this complex also have the rooming/boarding house designation.

The applicants are asking for seven variances to create a new lot and to make this building into another unit. The first variance request is for relief from the minimum lot size requirement. The City of Kent Codified Ordinances states that a minimum of 10,000 square feet is required for an R-4 zoned lot. The newly created lot will be approximately 3642 square feet in size. This lot will be similar in size to the existing lots in the complex.

The next two variances deal with the width of the parcel and the lot frontage. The applicants propose this lot to be 84 feet wide at the building line. The minimum lot width at the building line

is 100 feet for a multi-family lot. This lot would not have frontage on a public road, and therefore a variance from the minimum lot frontage will be necessary.

The next variance pertains to the amount of usable open space on this lot. The open space available for this lot does not meet the definition for the usable open space, so total relief from this requirement is being requested. The residents of this new unit will have the same amenities that the other units have; there are proposed grill and picnic areas, the badminton and volleyball areas and some green areas to the sides of this building. These green areas are owned and maintained by the Townhome Homeowners Association.

The existing building on the new parcel will need relief from the lot coverage requirement. The Codified Ordinances state that a maximum of 25 percent lot coverage is allowed. This parcel will have 38.7 percent lot coverage. This building is different from the other units in that this building is on one story, and the other units have two levels, making the lot coverage more for this building than the others in the complex.

The next variance is a request for relief from the 30-foot minimum rear yard setback. This building is 9.5 feet from the rear property line that abuts the Hickory Mill Apartments. The new lot configuration meets all other building setback requirements.

The final variance request deals with the usable open space for the rest of the larger parcel that is owned by the Association. While the parcel may have green space, it does not meet our definition of usable open space. A variance will be required for relief from this ordinance. The applicants are proposing to turn some of the existing green space into picnic and recreational sport areas. It should be noted that when this project was first approved, the open space requirement was less than what is required today. The project met all of the open space requirements at that time.

Should the Board wish to approve this project, the following language may be used for the motions:

Move that in Case BZ09-004, the Board of Zoning Appeals approve a 6358 square foot variance from the 10,000 square foot minimum lot size requirement to allow a new parcel to be 3642 square feet. This variance is from Section 1135.03(a)(3).

Move that in Case BZ09-004, the Board of Zoning Appeals approve a variance from Section 1135.03(b)(3) for a 16-foot variance from the 100-foot minimum lot width at the building line to allow a new parcel to be 84 feet in width at the building line.

Move that in Case BZ09-004, the Board of Zoning Appeals approve a 40-foot variance from the 40-foot minimum lot frontage to allow a new parcel to have no lot frontage. This variance pertains to Section 1135.03(c) of the City of Kent Codified Ordinances.

Move that in Case BZ09-004, the Board of Zoning Appeals approve a 30 percent open space variance from Section 1135.03(e) to allow 0 percent open space for the newly created lot, as defined in Section 1109.01(g)(132)(A-J).

Move that in Case BZ09-004, the Board of Zoning Appeals approve a variance from Section 1135.03(f), for a 13.7 percent variance from the 25 percent maximum lot coverage to allow a new parcel to have 38.7 percent lot coverage.

Move that in Case BZ09-004, the Board of Zoning Appeals approve a 20.5-foot variance from the 30-foot minimum rear yard setback to allow the building at 1521 Whitehall Blvd. to

have a 9.5-foot rear yard setback. This variance is from Section 1135.04(b).

Move that in Case BZ09-004, the Board of Zoning Appeals approve a 30 percent open space variance from Section 1135.03(e) to allow 0 percent open space for the remainder of the lot owned by the Association, as defined in Section 1109.01(g)(132)(A-J).

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



# CITY OF KENT, OHIO

## DEPARTMENT OF PUBLIC SERVICE

930 OVERHOLT RD., 2<sup>ND</sup> FLOOR, KENT, OHIO 44240 (330) 678-8105 FAX (330) 673-1893  
www.kentohio.org

March 5, 2009

Michael A. Marozzi  
Portage County Engineer  
5000 Newton Falls Road  
Ravenna, Ohio 44266



Re: Crain Avenue Bridge – MOU for Project Contribution

Dear Mr. Marozzi:

We have revised the Memorandum of Understanding from the most recent changes in the project. Attached, please find the revised Memorandum of Understanding between the City of Kent and Portage County for the Crain Avenue Bridge Relocation.

A County – City split of 35% - 65% for Design and Construction with the City paying 100% of the local share for right-of-way acquisition is included in the Memorandum of Understanding. A copy of the total project funding splits is also included in the agreement. Currently, this document provides the total funding anticipated from the City (\$4.35 million) and County (\$1.79 million). These amounts include monies previously paid for by the City and County and based on the following assumptions:

- ODOT provided the estimated local share for construction without stimulus monies at \$5.5 million.
- The City and County receive \$3 million in Stimulus funds as recommended by the TAC TIP Sub-committee.
- The A.B.C. Railroad force account is estimated at \$250,000

After execution of the agreements, if any of the following assumptions change significantly a modification will be put together for approval by all parties.

Please review the revised Memorandum of Understanding and if in concurrence, please have both originals executed and returned to the City. We will then finalize the document and return the County's original. Should you have any questions, please do not hesitate to call me.

Sincerely,

James Bowling, P.E.  
City Engineer

CC: Dave Ruller, City Manger  
Jim Silver, Law Director  
John Mockler, Acting Budget & Finance Director  
Gene Roberts, P.E., Service Director

File CENTRAL MAINTENANCE DIVISION 930 OVERHOLT RD., KENT, OHIO 44240 (330) 678-8105 FAX (330) 673-1893  
ENGINEERING DIVISION 930 OVERHOLT RD., 2<sup>ND</sup> FLOOR, KENT, OHIO 44240 (330) 678-8106 FAX (330) 673-1893  
WATER RECLAMATION DIVISION 930 OVERHOLT RD., KENT, OHIO 44240 (330) 676-7241 FAX (330) 673-2198  
P:\Crain (Fairchild) Ave Bridge\City-Council-Letter-Marozzi-3-99 MOU.doc KENT, OHIO 44240 (330) 676-6333 FAX (330) 678-6979





# CITY OF KENT, OHIO

## DEPARTMENT OF PUBLIC SERVICE

930 OVERHOLT RD., 2<sup>ND</sup> FLOOR, KENT, OHIO 44240 (330) 678-8105 FAX (330) 673-1893  
www.kentohio.org

March 3, 2009

Mr. Tom Thoburn  
Division Engineer  
Western Division  
CSX Transportation  
14955 Sprague Road  
Strongsville, Ohio 44136



Dear Mr. Thoburn,

Please accept this letter of invoice for the service provided to CSX Transportation after the train derailment of November 20, 2008. The period covered by this invoice is for November 20, 2008 through December 14, 2008 and as of the date of this letter appears to be the total amount due by CSX Transportation to the City of Kent. The charges of \$68,504.76 for services provided are as follows with seven pages of supporting documentation attached:

Central Maintenance Labor	\$ 45,914.06	
Central Maintenance Equipment	\$ 14,480.15	
Total City of Kent Central Maintenance:		\$ 60,394.21
Brimfield Fire Department Labor	\$ 525.00	
Brimfield Fire Department Equipment	\$ 224.95	
Kent Fire Department Labor	\$ 1,420.00	
Kent Fire Department Equipment	\$ 1,114.65	
Total Brimfield and Kent Fire Departments:		\$ 3,284.60
Kent Police Department Officers	\$ 4,790.51	
Kent Police Department Dispatcher	\$ 35.43	
Total City of Kent Police Department:		\$ 4,825.94
<b>Total Invoice</b>		
<b>Amount:</b>		<b>\$ 68,504.76</b>

If I can be of any further assistance regarding this or any other matter, please feel free to contact me at your earliest convenience.

Sincerely,

Eugene K. Roberts, P.E.  
Service Director

Cc: **Dave Ruller, City Manager**  
Bill Lillich, Safety Director  
Jim Williams, Fire Chief  
Jim Peach, Police Chief  
Jack Hogue, Central Maintenance Manager  
file





# City of Akron, Ohio

DONALD L. PLUSQUELLIC, MAYOR

March 10, 2009

AMATS Policy Committee  
Suite 806 Citicenter  
146 South High Street  
Akron, OH 44308

**Re: AMATS Economic Stimulus Funding**

Dear Policy Committee Members:

The recently signed American Recovery and Reinvestment Act (ARRA) provides \$48.1 billion to fund transportation projects throughout the states. The AMATS area will receive approximately \$14.1 million in federal stimulus funds toward transportation projects.

In a letter dated February 27, 2009 from Jason Segedy, AMATS Study Director, a recommendation from the Transportation Improvement Program (TIP) subcommittee proposed a distribution of these funds. The recommendation is to use the stimulus funding for projects which are currently receiving AMATS funding for construction and are ready to bid within the next few months. The subcommittee proposal is to use stimulus funding to replace the local funding required to implement the project, and to limit each community to one project.

The spirit of the ARRA was to utilize the stimulus funding in a way to implement NEW projects and create NEW jobs. The subcommittee recommendation is inconsistent with the directives identified in the ARRA. In addition, the subcommittee is providing recommendations which should be developed at the Policy Committee level. Limiting communities to submit a single application prior to any Policy Committee action and implying almost 50% of the AMATS stimulus funding allocation has been committed may not be viewed as being in the best interest of the AMATS area.

This letter is a recommendation to encourage open discussion among the Policy Committee members regarding the ARRA at the March 18, 2009 meeting. Keep in mind that the stimulus funding must also provide a distribution and benefit among the serving communities that is fair and provides transparency not only to the Federal Government but to the citizens.

AMATS Policy Committee  
March 10, 2009  
Page 2

Success in the allocation of this funding could provide additional opportunities for future funding as it becomes available and would prevent our Congressional delegation from the embarrassment of having the ARRA money used in a way that is contrary to the goals of providing NEW jobs in the near future.

Sincerely,



DONALD L. PLUSQUELLIC  
Mayor

DLP/BAB/mm

c: Congressman Tim Ryan  
Congresswoman Betty Sutton  
Congressman George Voinovich  
Congressman Sherrod Brown  
Governor Strickland  
Lt. Governor Lee Fisher  
Ronald Richard, Infrastructure Czar  
Administrative Services File