

CITY OF KENT
DEPARTMENT OF PUBLIC SERVICE
DIVISION OF ENGINEERING

MEMO

TO: Dave Ruller
Linda Jordan

FROM: Jim Bowling

DATE: September 9, 2013

RE: SR 59 Landscaping Agreement

The Division of Engineering is requesting council time to review and approve the attached Memorandum of Understanding (MOU). The MOU is with College Town Kent (CTK) and sets terms for the installation and maintenance of landscaping along the north side of SR 59 from Water Street to Depeyster Street. The adjacent land is owned by the City, but a portion (+/- 15%) of the adjacent land has been leased to CTK. Both entities desire to have a high quality area to enhance the City and the office space used by their tenants (such as Davey Resource Group). The MOU has the following significant terms:

- The cost of installation is split with Kent's portion being \$20,000 and CTK being \$10,000
- The City will manage the landscaping installation and invoice CTK their portion
- The City will maintain the landscaping and lawn as part of its annual contract to maintain SR 59
- CTK will provide and pay for all water used by the irrigation system
- The maintenance term of the MOU is 15 years

c: Jim Silver, Law Director
Gene Roberts, Service Director
file

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (this "MOU") is made and entered into this _____ day of _____, 2013 (the "Effective Date") by and between the City of Kent, Ohio (the "City") and College Town Kent, LLC, an Ohio limited liability company ("CTK"), or any of their assigns.

W I T N E S S E T H

WHEREAS, the property that fronts the north side of S.R. 59, between Water Street and Depeyster Street between the roadway and the building and the parking lot, is in need of landscaping; and

WHEREAS, the City owns the land; and

WHEREAS, CTK leases a portion of said land; and

WHEREAS, the community gateway sign jointly funded by the City and Kent State University also sits upon said land; and

WHEREAS, the lawn care and landscaping along the entire block should be continuous and consistent; and

WHEREAS, the parties desire to have a high quality area to enhance the City and the office space used by CTK's tenants (such as the Davey Resource Group) and the general public; and

WHEREAS, the City and CTK wish to define the roles of the parties for the installation and maintenance of landscaping and lawn care in the area; and

WHEREAS, the City and CTK wish to outline the terms to continue the successful public/private partnership so that the installation and maintenance of landscaping and lawn care is viable and sustainable to the benefit of all.

NOW THEREFORE, for mutual consideration, the receipt of which is hereby acknowledged, the City and CTK express their mutual understanding as follows:

1) The area in need of landscaping and lawn care is shown on the map, attached hereto as Exhibit "A" and made a part hereof, consisting of the dirt and grassy areas between the north side of S.R. 59 (between Water Street and Depeyster Street) and the buildout areas and the parking lot and Locke Alley to the north.

2) The City will be responsible for:

- a) managing the installation of the final landscaping and lawn, and the irrigation system within the project location; and
- b) payment of the \$30,000.00 installation costs pursuant to the proposal from the Davey Tree Company, attached hereto as Exhibit "B" and made a part hereof; and
- c) invoicing CTK its share of the installation costs; one-third (1/3) or \$10,000.00 after installation and after the City has been billed for the installation; and
- d) maintaining the landscaping and the lawn (including the leased area and the irrigation system) for a period of fifteen (15) years from the Effective Date; and
- e) payment of fifty percent (50%) of any capital repair costs – defined as any costs for lawn care and landscaping, not associated with the regular maintenance of the lawn or landscaping. Regular maintenance includes mowing and weeding.

3) CTK will be responsible for:

- a) payment of \$10,000.00 towards the installation of the landscaping and lawn in the described area. The payment will be due thirty (30) days after CTK receives an invoice from the City; and
- b) permitting the connection of the irrigation system to the water supply lines for Building "A" and the northeast corner of Water Street and S.R. 59. CTK will also be responsible for monitoring said connection; and
- c) providing and paying for the water used by the irrigation system for a period of fifteen (15) years from the Effective Date; and
- d) payment of fifty percent (50%) of any capital repair costs as defined in Section 2(e) of this MOU.

4) The term of this MOU shall expire fifteen (15) years from the Effective Date. Thereafter, this MOU will automatically renew on an annual basis for a one (1) year period, unless either party notifies the other, in writing, of its intent not to renew, by June 30th of such calendar year.

5) This MOU may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

6) This MOU, together with the attached exhibit(s), contains all of the terms and conditions of the agreement between the parties, and any and all prior and contemporaneous oral and written agreements are merged herein.

7) This MOU cannot be changed nor can any provision of this MOU, or any right or remedy of any party, be waived orally. Changes and waivers can only be made in writing, and the change or waiver must be signed by the party against whom the change or waiver is sought to be enforced. Any waiver of any provision of this MOU, or any right or remedy, given on any one or more occasions shall not be deemed a waiver with respect to any other occasion.

8) This MOU shall be binding upon and inure to the benefit of the heirs, executors, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this MOU on the date first above written.

CITY OF KENT, OHIO

COLLEGE TOWN KENT, LLC
an Ohio limited liability company

By: _____

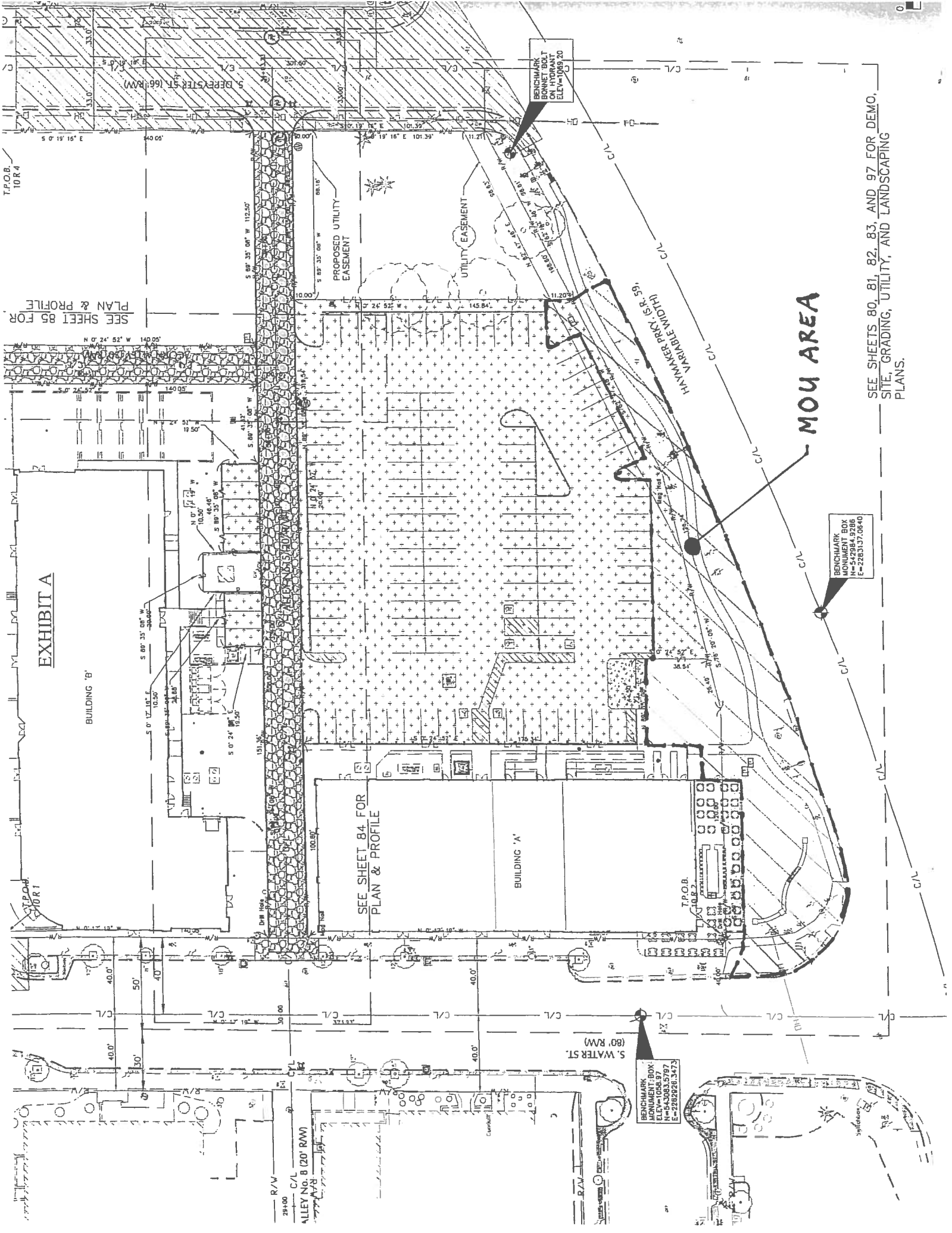
By: _____

Name: _____

Name: _____

Title: _____

Title: _____



T.P.O.B.
10 R 4

SEE SHEET 85 FOR
PLAN & PROFILE

EXHIBIT A

BUILDING 'B'

SEE SHEET 84 FOR
PLAN & PROFILE

BUILDING 'A'

T.P.O.B.
10 R 2

S. WATER ST.
(80' RM)

BENCHMARK
MONUMENT BOX
ELEVATION 355.797
E-2282826, 3473

MOU AREA

BENCHMARK
MONUMENT BOX
N=542884.9286
E=2283137.0640

BENCHMARK
CONCRETE BOLT
ELEVATION 1089.20

SEE SHEETS 80, 81, 82, 83, AND 97 FOR DEMO,
SITE, GRADING, UTILITY, AND LANDSCAPING
PLANS.



COMMERCIAL GROUNDS MANAGEMENT,
a division of THE DAVEY TREE EXPERT COMPANY

EXHIBIT B

9956 Akins Road
North Royalton, Ohio 44133
Tel : 440-237-5394
Fax : 440-237-5426

Proposal

Date: 6/26/2013

Submitted To
City Of Kent
Attn Jim Bowling

We propose to furnish labor and material for the specifications listed herein for the sum of **\$30,000.00**

Description	Total Price
--------------------	--------------------

Installation of Landscaping @ Haymaker and Water Street as designed.

Cost to include: Installation of Irrigation System, tie into water supplied by owner.

Installation of all plant materials as designed, trees installed prior to this contract.

Overseeding and finish to lawn installed by others.

Placement of large barnstone supplied by city.

All brickwork and sodding has been eliminated at this time

Original cost to complete all was \$58,000.00, cost was reduced by eliminating some services to \$35,000.00 with Davey contributing to the adopt-a-spot \$5,000.00 bringing the new total to the current cost.

Proposed By: _____ Frank Monteleone Date: _____ 6/26/2013

Prices subject to change if not accepted (signed) within 45 days of above date. Prices subject to change if work not started within 45 days of acceptance. The prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Any alteration or deviation from specifications involving extra costs will be a extra charge over and above the estimate.

Accepted By: _____ Date: _____

We guarantee all nursery stock to be of highest quality, and state inspected when it leaves the nursery. THE DAVEY TREE EXPERT CO. agrees to replace any woody plant material which fails to survive the first year after planting date, providing all plants have received reasonable care (watering, spraying, cultivation, and pruning). We will not be responsible for damaged plants due to vandalism, wind, rain, drought, extreme cold, acts of God, insects, or disease. **WE RESERVE THE RIGHT TO VOID GUARANTEE IF ACCOUNT IS NOT PAID WITHIN 30 DAYS AFTER BILLED DATE.** We reserve the right to substitute materials if necessary due to availability while fulfilling the intentions of the design and specifications. Bulbs, Annuals, Perennials, and transplanted material are sold at a no return, no refund, or guarantee basis. Fine cracks and warping of construction materials not subject to guarantee. All manufacturers warranties supersede The Davey Tree Expert Company warranty. **Deposit must be received, or credit terms must be established to schedule work.**

DRAFT

JOINT RESOLUTION OF APPRECIATION AND COMMITMENT CITY OF KENT AND KENT STATE UNIVERSITY

WHEREAS, over the past 100 years, the City of Kent and Kent State University can point with pride to countless examples where town-gown collaboration provided a means to work through community challenges and opportunities; and

WHEREAS, the power of this partnership has been unprecedented in recent years, as the leadership teams of the City of Kent and Kent State University have elevated town-gown to a matter of strategic priority, redefining town-gown to become the community's greatest asset and a source of competitive advantage in preserving and growing the community's prosperity and vitality; and

WHEREAS, the remarkable level of collaboration among the city, the university and a growing list of public-private partners has produced unparalleled results, including a transformation of downtown Kent, more than \$300 million in reinvestment in our joint communities, and recognition as the nation's best town-gown collaboration in June 2013 from the International Town-Gown Association (ITGA) and as the state's best project in 2012 from the Ohio Economic Development Association; and

WHEREAS, our extraordinary successes, our joint gathering this day at the long-anticipated Kent State Hotel and Conference Center, and our collaboration in searching for a successor to President Lester A. Lefton provides an excellent time for celebration, reflection and commitment; now, therefore,

BE IT RESOLVED, that the Kent City Council and the Kent State University Board of Trustees express deep gratitude and appreciation to the City of Kent, President Lester A. Lefton and the Kent State community, and our public-private partners for enhancing and showcasing the abundant assets of our university-city community as a great place to live, work, play and learn; and

BE IT FURTHER RESOLVED, that on behalf of our respective organizations, we affirm our continued commitment to this strategic partnership and encourage efforts to continue in the same positive atmosphere and overseen by the respective leadership teams.

TO: Dave Ruller, City Manager
Linda Jordan, Clerk of Council

FROM: David Coffee, Director of Budget and Finance

DATE: September 3, 2013

SUBJECT: Certification of Tax Levies Resolution

The City is required as a taxing authority to pass a resolution each year accepting the property tax amounts and rates as determined by the Portage County Budget Commission and certifying them to the County Auditor. The Ohio Revised Code Section 5705.34 stipulates that the approved resolution must be filed with the County Auditor before the first day of October in each year. This resolution has been passed annually by Kent City Council without Committee discussion as there are no changes to the City's Property Tax Levy purposes or rates to be levied.

Accordingly, I have prepared and attached a copy of the resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. I am respectfully requesting that this item be placed on the September 18, 2013 Kent City Council agenda for approval.

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

(CITY COUNCIL)

Revised Code, Secs. 5705.34 & 5705.35

The Council of the City of Kent , Portage County, Ohio, met in
Regular session on the _____ day of _____, _____ at the
office of Kent City Council with the following members present:

Mr. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has
previously adopted a Tax Budget for the next succeeding fiscal year commencing January
1st, _____ ; and

WHEREAS, The Budget Commission of Portage County, Ohio has certified its
action thereon to this Council together with an estimate by the County Auditor of the rate
of each tax necessary to be levied by this Council, and what part thereof is without, and
what part within, the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of _____, Portage
County, Ohio, that the amounts and rates, as determined by the Budget Commission in its
certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as
follows:

OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES
 Rev. Code Sec. 5705.34 & 5705.35
 Office of the Budget Commission, Portage County, Ravenna, Ohio

To the Taxing Authority of: **KENT CITY**

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED
 BY BUDGET COMMISSION AND COUNTY AUDITOR'S ESTIMATED TAX RATES**

FUND	AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 M. LIMITATION	AMOUNT APPROVED BY BUDGET COMMISSION OUTSIDE 10 M. LIMITATION	COUNTY ESTIMATE RATE TO INSIDE 10 M. LIMIT	AUDITOR'S OF TAX BE LEVIED OUTSIDE 10 M. LIMIT
	Column I	Column II	III	IV
General	\$1,178,149	\$304,109	3.6 & 0.9	1.16
Police Pension	\$101,325		0.30	
Fire Pension	\$101,325		0.30	
West Side Fire Station		\$239,900		0.73
Recreation		\$1,103,060		3.45
TOTAL	\$1,380,799	\$1,647,069	4.2 & 1.5	5.34

\$3,027,868

COUNTY AUDITOR'S ESTIMATE

337,749,380

COUNTY AUDITOR'S ESTIMATE	OF RATE IN MILLS	
Kent City	Field LSD	Kent CSD
LEVIES INSIDE OF 10 MILL	LIMITATION	
County	2.00	2.00
City	1.50	4.20
School	6.50	3.80
JVS		
TOTAL:	10.00	10.00
LEVIES OUTSIDE OF 10 MILL	LIMITATION	
County	11.62	11.62
City	5.34	5.34
School	48.44	107.83
JVS	4.00	0.00
Library	0.00	1.80
TOTAL:	69.40	126.59
TOTAL LEVIES:	79.40	136.59

Tax estimates as they will appear on the 2014 Official Certificate of Estimated Resources.

General Fund	1, 482, 259
Police Pension	101, 325
Fire Pension	101, 325
Westside Fire Station	239, 900
Recreation	<u>1, 103, 060</u>
Tax Revenue Estimate	<u>3, 027, 868</u>

SCHEDULE B

LEVIES OUTSIDE 10 mill limitation

Levy Purpose	Date of Vote & Duration of Levy	Maximum Rate Authorized to be Levied	County Auditor's Estimate of Yield of Levy
General	11/03/09 5 years	1.16	\$304,109
West Side Fire Station	05/03/11 5 years	0.73	\$239,900
Recreation	11/08/05 10 years	1.00	\$321,160
Recreation	11/08/05 10 years	0.43	\$148,780
Recreation	11/03/09 Cont	0.50	\$165,152
Recreation	11/07/06 Cont	1.52	\$467,968

and be it further RESOLVED,

That the Clerk of this Council be, and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mr. _____ seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____
- Mr. _____ , _____

Adopted the _____ day of _____, _____

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Portage County.

I, _____, Clerk of the Council of the City of
_____, in said County, and in whose custody the Files and Records of
said Council are required by the laws of the State of Ohio to be kept, do hereby certify
that the foregoing is taken and copied from the original _____

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____, _____

Clerk of Council

Portage County, Ohio City

RESOLUTION ACCEPTING THE
AMOUNTS AND RATES AS DETERMINED
BY THE BUDGET COMMISSION AND
AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.

(City Council)

Filed _____, _____

County Auditor



OHIO DEPARTMENT OF TRANSPORTATION

DISTRICT 4 • 2088 SOUTH ARLINGTON ROAD • AKRON, OHIO 44306 • (800) 603-1054
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR • ANTHONY M. URANKAR, DISTRICT DEPUTY DIRECTOR

July 25, 2013

City of Kent
930 Overholt Road
Kent, OH 44240

Attention: James Bowling, City Engineer

Subject: D04-GR-FY2014A; PID 95448

Dear Mr. Bowling:

Attached are two (2) forms of Consent Legislation for the subject project that will begin construction in fiscal year, 2014. Per Section 5521.01 of the Ohio Revised Code, the Director of Transportation is required to request and receive legislation from municipalities, prior to making any necessary repairs to State Highways within the corporate limits. Please have both originals of the Legislation signed then return both to this office for further processing. Once they are signed in the District, one copy will be returned to you for your records.

This legislation may be retyped to suit local preferred format, however, no information may be deleted from the legislation, and the **Certificate of Copy, State of Ohio** must be returned signed and containing a line for the Director of Transportation's signature. Also, please put the county, route and section, along with the PID Number of the project on the cover letter, so the correct project information can be put with the related legislation. We would appreciate receiving this legislation as soon as it can be executed.

Your cooperation is greatly appreciated in this matter. Should you have any questions, please feel free to contact me at (330) 786-4921.

Respectfully,

James G. Kinnick, P.E.
Planning & Engineering Administrator

A handwritten signature in cursive script that reads "Steve Rebillot".

Steven J. Rebillot
Planning Administrator

JGK/SJR:vb

Enclosures

cc: file

RECEIVED

JUL 29 2013

Dept. of Public Service

PRELIMINARY LEGISLATION

RC 5521.01

Ordinance/Resolution# _____
PID No. 95448
County/Route/Section D04-GR FY2014A

The following is _____ enacted by the City of Kent of Portage
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Guardrail upgrades on SR43, SR59 and SR261 within the City limits

NOW THEREFORE, be it ordained by the City of Kent of Portage County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The State shall assume and bear 100% of all of the costs of the improvement.

The LPA further agrees to pay One Hundred Percent (100%) of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of way costs include eligible utility costs.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

The _____ of said _____ is hereby empowered on behalf of
(Contractual Agent) (LPA)
the _____ to enter into contracts with the Director of Transportation which is
(LPA)

necessary to complete the above described project.

Passed: _____, 20____
(Date)

Attested: _____ (Clerk) _____ (Officer of LPA - title)

Attested: _____ (Title) _____ (President of Council)

This _____ is hereby declared to be an emergency measure to
(Ordinance/Resolution)
expedite the highway project(s) and to promote highway safety. Following appropriate legislative
action, it shall take effect and be in force immediately upon its passage and approval, otherwise it
shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of Kent _____ of Portage _____ County, Ohio
(LPA)

I, _____, as Clerk of the City of Kent _____
(LPA)

of Portage County _____, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)

City _____ on the _____ day of _____, 20____
(LPA)

that the publication of such _____ has been made and certified of
(Ordinance/Resolution)

record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such

(Ordinance/Resolution) _____
and certificate of publication thereof are of record in _____
Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20____

CITY SEAL _____
Clerk

_____ of _____, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No
Seal is required to accompany the executed legislation.)

The foregoing is accepted as a basis for proceeding with the project herein described.
For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

A G E N D A

**CITY OF KENT
BOARD OF ZONING APPEALS
PUBLIC HEARINGS & BUSINESS MEETING
SEPTEMBER 16, 2013**

**(TO BEGIN IMMEDIATELY FOLLOWING RECONVENED MEETING OF AUGUST 16, 2013)
COUNCIL CHAMBERS – KENT CITY HALL
325 SOUTH DEPEYSTER STREET**

I. CALL TO ORDER

II. PLEDGE

III. ROLL CALL

IV. PREAMBLE

V. ADMINISTRATION OF THE OATH

VI. NEW BUSINESS

**A. BZ13-017 JOAN ONEACRE
708 WEST MAIN STREET**

Section: 1161.14(a)

Request: The applicant is requesting an 8.5-foot variance from
the 10-foot minimum side yard setback for a detached
accessory structure to allow a new detached garage
to be 1.5 feet from the side property line (Section
1161.14(a)).

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

VII. MEETING MINUTES

- A. MINUTES FROM THE APRIL 15, 2013 MEETING**
- B. MINUTES FROM THE MAY 20, 2013 MEETING**
- C. MINUTES FROM THE JULY 15, 2013 MEETING**

VIII. OTHER BUSINESS

IX. ADJOURNMENT



CITY OF KENT, OHIO

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 6, 2013

TO: KENT CITY BOARD OF ZONING APPEALS

FROM: HEATHER PHILE, DEVELOPMENT PLANNER

RE: STAFF REPORT FOR THE SEPTEMBER 16, 2013 BOARD OF ZONING APPEALS MEETING

The following cases appear on the agenda for the September 16, 2013 Board of Zoning Appeals meeting:

OLD BUSINESS

CASE NO.: BZ13-015

APPLICANT: ROGER & CHRISTINA GILPIN

SITE LOCATION: 492 Laurel Drive

STATUS OF APPLICANT: The applicants are the owners of the property.

REQUESTED ACTION: The applicants are requesting an appeal of the City of Kent Building Official's decision to condemn the property and schedule the building for demolition, as per Ohio Revised Code 1.08(B)(2g-h).

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

TRAFFIC: The property is accessible from Laurel Drive.

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

APPLICABLE CODE SECTION: ORC 1.08(B)(2g-h)

ANALYSIS:

This property is located at 492 Laurel Drive and is currently zoned R-2: Medium Density Residential. This property is currently a vacant, single family home.

The property owner is requesting an appeal to the Building Official's order to demolish the house due to blighted conditions. The applicant objects to this order stating this order is in violation of their constitutional rights. The applicant states that the order is not consistent with

Page 2
Board of Zoning Appeals Staff Report
September 16, 2013 meeting

the Ohio Revised Code, that this property is not in violation with the ORC or the City of Kent Municipal Code, and that this property can be repaired. The applicant explains that they intend to repair the structure and remedy any violations on the property.

A fire occurred at this property on November 24, 2009. The only permit issued after the fire has been for a plumbing permit for a hose bib connection in September of 2011. No other permits have been issued for any repairs of the structure. A letter by the Building Official was sent to the owner of the property on May 31, 2013 that explained two violations, based on the Ohio Revised Code: The property contains a vacant or abandoned structure and the water service has been disconnected since at least May of 2008. There are letters in the file for high grass and weed violations and a letter dated August of 2010 from a neighbor complaining about the condition of the house and property. The following is a timeline of events for the property, based on information in the Building Department address files:

5/22/08	Water Service disconnected
6/12/09	High grass and weeds violation letter sent to property owners
11/24/09	Fire occurred at property
4/9/10	Unsafe structure placard posted on property
8/5/10	Letter to the Health Department from a neighbor complaining about the condition of the property - fire damage, graffiti on house, and animal infestations.
9/14/11	Plumbing permit issued for hose bib connection
5/29/13	High grass and weeds violation letter sent to property owners
6/11/13	Civil Infraction fine letter sent to property owners regarding the high grass and weeds
6/31/13	Letter sent to home owner stating the adjudication order #13-12 for demolition

UPDATE SINCE THE AUGUST 19, 2013 MEETING

A structural inspection of the dwelling was performed and a copy of the report is included in the Board's packets.

NEW BUSINESS

CASE NO.: **BZ13-017**

APPLICANT: **JOAN ONEACRE**

SITE LOCATION: **708 West Main Street**

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

REQUESTED ACTION: The applicant is requesting an 8.5-foot variance from the 10-foot minimum side yard setback for a detached accessory structure to allow a new detached garage to be 1.5 feet from the side property line (Section 1161.14(a)).

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

TRAFFIC: The property is accessible from West Main Street.

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

APPLICABLE CODE SECTION: 1161.14(a)

ANALYSIS:

This property is located at 708 West Main Street and is currently a single family dwelling. This property is currently zoned R-4: Multi-family Residential. The lot is 40 feet wide and 180 feet long.

The applicant is proposing to remove the existing attached garage and would like to construct a new two-car detached garage in the rear of the property. The applicant proposes to construct the garage 20 feet from the rear property line and 1.5 feet from the east side property line. The existing house sits approximately 3 feet from the side yard property line.

The City of Kent Zoning regulations for detached accessory structures states that the minimum side and rear setbacks are 10 feet, and must be a minimum of 15 feet from the main structure. The proposed garage will meet the code for the rear property line setback and the minimum main structure setback. The new garage will not meet the side property line setback minimum, therefore the applicant is requesting a variance.

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