

**ORDINANCE NO. 2025- 027**

**AN ORDINANCE AUTHORIZING AN ADMINISTRATIVE VARIANCE FOR SECTION 915.05(e) "USE OF PUBLIC SANITARY SEWER REQUIRED" OF THE KENT CODIFIED ORDINANCES IN ORDER FOR A NEW SANITARY SEWER LATERAL TO BE INSTALLED FOR THE NEW KLABEN LINCOLN DEALERSHIP AT 1238 WEST MAIN STREET, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kent wishes to authorize an Administrative Variance for Section 915.05(e) "Use of Public Sanitary Sewer Required" of the Kent Codified Ordinances in order for a new sanitary sewer lateral to be installed for the new Klaben Lincoln Dealership located at 1238 West Main Street; and

**WHEREAS**, an Administrative Variance is needed to allow for the connection of the new sanitary sewer lateral to the existing sanitary sewer line in the rear of the new Klaben Lincoln dealership because there is an underground utility conflict that exists.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio:

**SECTION 1.** That Kent City Council does hereby authorize an Administrative Variance for Section 915.05(e) "Use of Public Sanitary Sewer Required" of the Kent Codified Ordinances in order for a new sanitary sewer lateral to be installed for the new Klaben Lincoln Dealership located at 1238 West Main Street and as shown on "Exhibit A," attached hereto and made part thereof.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: 4/16/25  
Date

Jerry T. Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: 4/16/25  
Date

ATTEST: Kathleen Coleman  
Kathleen Coleman  
Clerk of Council

I, KATHLEEN COLEMAN, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND  
IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS  
OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF *ORDINANCE* No.  
2025-027, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON April 16, 2025.

(SEAL)

  
KATHLEEN COLEMAN  
CLERK OF COUNCIL




# CITY OF KENT, OHIO

## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: March 24, 2025

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director 

RE: 1238 W. Main St. KCO Administrative Variance

Klaben Property Management has submitted plans for its new Lincoln Dealership that will be constructed at 1238 West Main Street. The technical plan review process includes verifying compliance with “PART NINE” of the Kent Codified Ordinances (KCO), which regulates streets, utilities and public services, and the connection of private development projects to the City’s utility systems, including sanitary sewer.

Section 915.05(e) “Use of Public Sanitary Sewer Required” specifies that all “[b]uildings shall be connected to the public Sanitary Sewer only through a Sanitary Sewer lateral from the dedicated utility right-of-way on which the lot has frontage...” The frontage for the new dealership is on West Main Street and the City’s main sanitary sewer is located on the north side of West Main Street at a depth of approximately eight (8) feet. Connection to the sanitary sewer in this location will require the excavation of all four lanes of West Main Street and result in significant traffic disruptions and detours for an extended period of time.

An alternate sanitary sewer main is located at the northeast corner of the Klaben property’s frontage at a depth of approximately seven (7) feet, but an underground utility conflict exists because there is a storm sewer line located in this same area at approximately the same depth.

There is an existing easement for a dedicated sanitary sewer located in the rear of the Klaben property. Granting an administrative variance to allow for the connection of the new sanitary sewer lateral to this existing sanitary sewer line in the rear of the property will mitigate the concerns associated with the two locations along the property’s frontage. Both the City’s Service Director and City Engineer’s Senior Engineer consulted on this project support the granting of the administrative variance to allow for the sanitary sewer lateral connection in the rear of the property.

I am respectfully requesting time at the April 2, 2025 Council Committee meeting to discuss this item in more detail and to request Council’s authorization, with emergency, to grant the variance from KCO Section 915.05(e) to allow the new sanitary sewer lateral to be installed at 1238 West Main Street to connect at the rear of the property to the existing dedicated sanitary sewer.

If you need any additional information in order to add this item to the agenda, please let me know.

Thank you.

Attachments

Cc: Hope Jones, Law Director  
Kathy Coleman, Interim Clerk of Council  
Tim Sahr, Development Engineer  
Melanie Baker, Service Director  
Jim Bowling, City Engineer  
Cori Wimer, Senior Engineer



