

Board of Zoning and Building Appeals Staff Report

April 18, 2024 Docket No. 2024-270

Meeting Date: April 18, 2024

Location: 1931 Georgetown Rd

Parcel Number 3009205

<u>Request</u> Variance request for sidewalk installation

<u>Applicant:</u> Aaron Stainbrook, UHC Construction Services

<u>Property Owner</u>: 1931 Georgetown Holdings LLC

Zoning: D8 – Industrial/Business Park

<u>Case Manager</u>: Nick Sugar, City Planner

Contents

- Application, 3-25-2024
- Site Plan, 3-25-2024
- Sidewalk Opinion Cost 3-3-24
- PC Decision, 3-19-2024
- Previous BZBA Case 2018-04
- Site Photos 4-11-2024



Location Map, City of Hudson GIS

Request:

A variance request from the requirement to provide a public sidewalk on one (1) side of an abutting street pertaining to new development, pursuant to section 1205.11(e)(9)(B)(1), "Pedestrian amenities/linkages - Sidewalks" of the City of Hudson Land Development Code.

Adjacent Development:

The site is adjacent to industrial/business development to the north, south, east and west.

Project Background

The property is located in District 8 – Industrial/Business Park and is situated on Georgetown Road. The lot is approximately 3.25 acres and the business on the property was built in 1992. The owners purchased the property in 2022.

The applicant received Site Plan and Conditional Use approval from the Planning Commission on January 8, 2024 for the construction of a new detached building. The building would serve a business for storage and repair of high-end vehicles.

The applicant is requesting to waive the requirement to provide a public sidewalk along one (1) side of the street. The City of Hudson's Land Development Code has the following regulation relative to sidewalks for all developments:

• 1205.11(e)(9)(B)(1) - <u>Sidewalks</u>. Sidewalks or paved paths at least five feet wide shall be provided on one side of an abutting public street, except on Darrow Road where they shall be provided on both sides of the street.

Staff notes zoning Districts 1, 2, 3, 7,9, 10 have the option of paying funds-in-lieu (with Planning Commission Approval) instead of constructing sidewalks; however, District 8 is not included. This is specified in the following Section.

• Section 1207.13(d)(e)(1) - <u>Payment of Funds-in-Lieu of Providing Public Sidewalks and</u> <u>Other Pedestrian and Non-Vehicular Circulation Systems.</u> When adjacent or abutting properties do not have public sidewalks and other pedestrian non-vehicular circulation systems with which to directly connect or link, the owner or developer may, with the approval of the Planning Commission, at the owner's or developer's option, in Districts 1, 2, 3, 7, 9 and 10, provide monetary funds in-lieu of providing public sidewalks and other pedestrian or non-vehicular circulation systems.

The applicant states that there are currently no other sidewalks along Georgetown Rd and installing a sidewalk would not benefit the property owner or surrounding Hudson South Commercial Park Development. The applicant has submitted a cost estimate of \$5,988.68 for the 841 square foot sidewalk extension.

Considerations

Section 1204.03 of the Land Development Code describes the standards for review of variance requests. These standards are listed below, along with staff findings to assist in your determination. All findings are subject to additional testimony presented to the Board during the public hearing:

- 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variances: Staff notes the sidewalk regulation is intended to extend a public benefit/infrastructure. Extending the sidewalk network along Georgetown Road benefits not only the property in question but the entirety of the development.
- 2. Whether the variance is substantial:

The variance would represent a 100% deviation from the code requirement.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variances:

Staff acknowledges there are no sidewalks currently located along Georgetown Road; however, the regulation is intended to incrementally extend public sidewalks as development occurs. Staff notes the city has emphasized the importance of sidewalk connections through these regulations and through an aggressive, ongoing sidewalk master plan (the Walk & Bike Plan)

The following examples have been provided to show how the regulation has been implemented:

<u>Hope Community Church, 7825 Stow Road</u>: The church was constructed in 2010. At that time, the developer installed a sidewalk along Stow Road with no sidewalk connection. Recently in 2023, the remaining sidewalk was installed as part of the ongoing Walk and Bike Plan.



2010

2023

<u>Gloria Dei Lutheran Church, 2113 Ravenna Street</u>: The Church constructed an addition in 2021. As part of the approval, sidewalks were installed along the property frontage. The city now anticipates completing this section of Ravenna Street in 2025 as part of the ongoing Walk and Bike Plan.



64 Ravenna St.- (From South Hayden to Stow Road)



Ravenna St.- (From South Hayden to Stow Road) Project Contact: Jonathon Szalay, E.J. Engineering Project Designer Project Contact Phone: 330-342-1889 Summary: Ravena St. Is currently ranked No. 13 on the 2020 Connectivity Plan Rankings Estimated Construction Cost: \$900,000 Schedule: Design in 2024. Construction in 2025

2021

4. Whether the variance would adversely affect the delivery of governmental services such as water and sewer:

The variance would not adversely affect the delivery of governmental services.

- 5. Whether the applicant purchased the property with knowledge of the requirements. The existing regulations were in effect when the owners purchased the property in 2022.
- 6. Whether the applicant's predicament can be obviated feasibly through some method other than a variance:

Staff notes the BZBA approved a sidewalk variance in 2018 for 1800 Georgetown Road; however, the applicant was required to pay cash-in-lieu. The funds were placed in the city's sidewalk program. The estimate/cost was based on current state of Ohio prevailing wage rates and reviewed and accepted by the City Engineer.

The city subsequently constructed sidewalks along SR 91 in 2022. The Board of Zoning Appeals could follow a similar determination as the 2018 case and require funds in lieu. The city could use the funds to construct a more logical connection along the corner of Georgetown Road and SR 91 as depicted in the figure below.



7. Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.

The Board of Zoning and Building Appeals shall weigh the above factors, along with given testimony in order to make this determination.

Additional Approvals

The proposal has received design and site plan review through the Planning Commission. An administrative zoning certificate would be submitted and reviewed by city staff



24-270 Board of Zoning and Building Appeals (BZBA) Status: Active Submitted On: 3/25/2024 Primary Location 1931 GEORGETOWN RD Hudson, OH 44236 Owner 1931 Georgetown Holdings LLC Georgetown Rd 1931 Hudson, OH 44236

24-270

Applicant

- 💄 Aaron Stainbrook
- 216-544-1474
- @ aaron@uhccorp.com
- 154 E. Aurora Rd. #155 Northfield, OH 44067

Applicant and Property Owner Information

| Applicant Relationship to Property Owner:* | Company Name: | | |
|--|---------------------------|--|--|
| Contractor | UHC Construction Services | | |
| | | | |
| Property Owner Name* | Property Owner's E-Mail:* | | |
| 1931 Georgetown Holdings LLC | jvalko@johnvalko.com | | |
| | | | |
| | | | |

Property Owner Phone Number*

(330)840-9580

Type of Hearing Request

| Type of Request:* | Year Property Purchased* | | | | |
|---|---|--|--|--|--|
| Variance | 2022 | | | | |
| | | | | | |
| Code Required Regulation (please indicate feet, | Requested Variance (please indicate the amount of the variance in feet, s.f. or height)* | | | | |
| Sections 1205.11 and 1207.13(e) | Sidewalk | | | | |

Resulting Set-Back (please indicate feet, s.f. or height)*

Not Applicable

Explanation of Request and Justification:*

We are requesting that the requirement to put in a sidewalk at 1931 Georgetown Road be waived since there are no sidewalks currently on the road or any plans to put sidewalks in, and that the location of the property is at the end of the road near the cul-de-sac.

Supplemental Information for Determining Practical Difficulty

The property in question will yield a reasonable return and there can be a beneficial use of the property with the variance because:*

The property in question will yield a reasonable return with the variance because the property owner will have saved funds to instead invest in the new storage building and the existing office building.

The variance is

substantial

Describe why the variance is substantial or insubstantial*

The variance is substantial because Georgetown Road has no sidewalks therefore the property owner had no reason to include the installation of a sidewalk into their budget for the proposed storage building that has been approved by the Planning Commission.

Would the essential character of the neighborhood be substantially altered?*

no

Explain why the request is the minimum amount necessary to make reasonable use of the property or structure(s):*

Our request is reasonable because Georgetown Road has no sidewalks therefore installing a sidewalk at 1931 Georgetown Road would not benefit the property owner or any adjacent properties, and would have a negative financial impact to the property owner.

Would adjourning properties be negatively impacted?*

no

Describe how the adjacent properties will not be affected.*

The adjacent properties would not be affected because Georgetown Road has no sidewalks.

Will this request adversely affect public services (mail, water, sewer, safety services, etc.)

no

The situation cannot be feasibly solved by means other than a variance. Explain:*

The only option aside from a variance would be to install a sidewalk at 1931 Georgetown Road. This would be irrational because this property is within Zoning District 8 and Georgetown Road doesn't have any sidewalks.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Explain below:

By granting this variance, a substancial justice would be done to all property owners off Georgetown Road because the city would be supporting owners to invest their funds into improving existing structures or building new ones rather than the installation of sidewalks in an area that doesn't have any.

24-270

The circumstance leading to this request was not caused by current owner. It was caused by:*

The request was caused by the City of Hudson Planning Commision and sidewalk requirements set forth in Sections 1205.11 and 1207.13(e). Please note that it appears these codes would not be applicable to properties within Zoning District 8.

List any special circumstances particular to the property/lot (i.e.: exceptional irregularity, narrowness, shallowness or steepness) these circumstances are:*

None of the properties off Georgetown Road have any sidewalks.

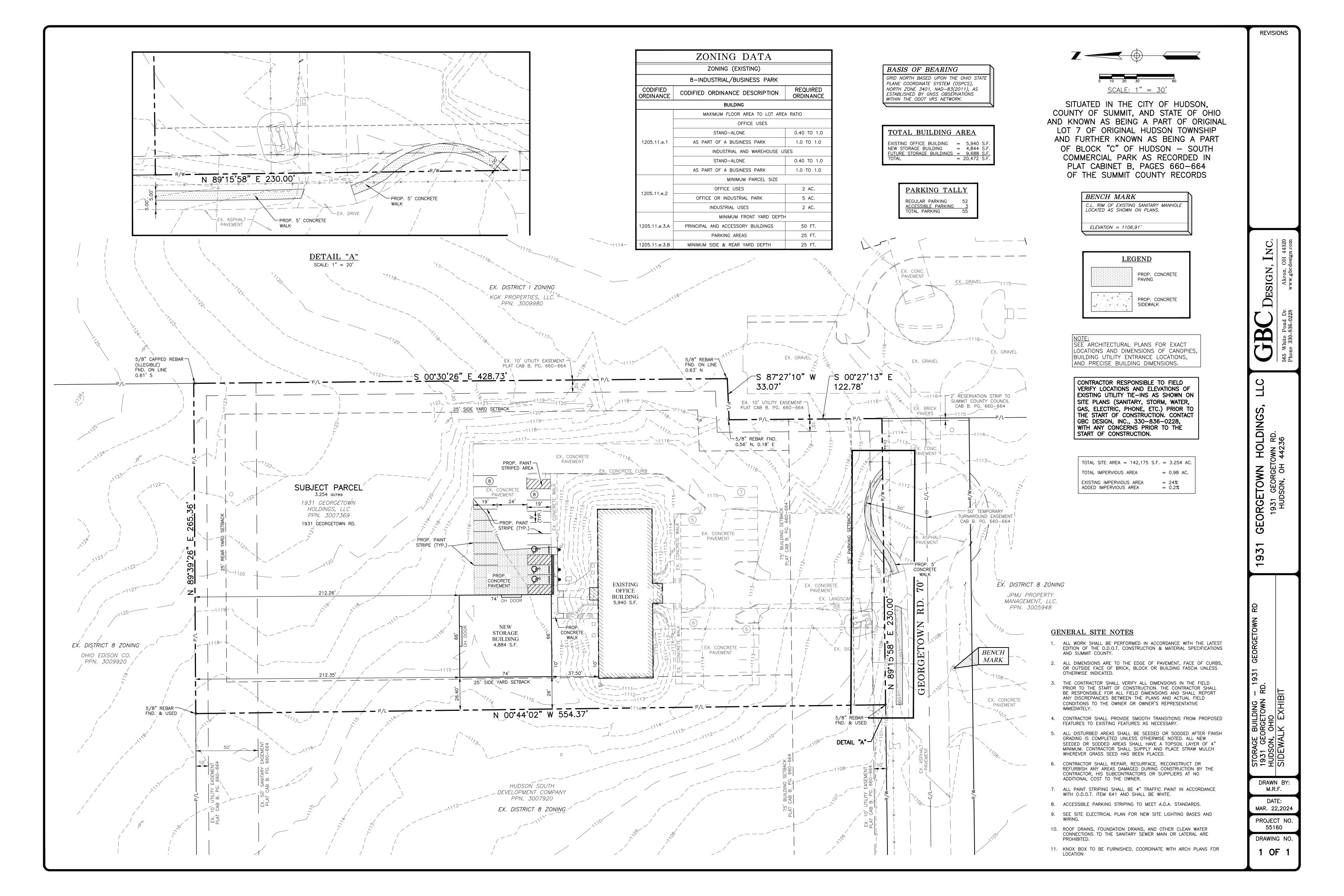
BZBA Meeting Information

The following persons are authorized to represent this application with respect to all matters associated with the project*

Aaron Stainbrook, John Elsey, John Valko

By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property. *

By checking this box, I do hereby certify that I am authorized to represent the property owner and to accept any conditions that the Board may impose.*



1931 Georgetown Holdings- Sidewalk Opinion of Cost ENGINEERS OPINION OF PROBABLE COST

GBC Project No. 55160 Date: March 3,2024 By: M.R.F. Based on Plans: Site Plan Sidewalk Exhibit

| DESCRIPTION OF ITEM | APPROXIMATE QUANTITY | UNIT | UNIT | PRICE | AMOUNT |
|------------------------------|-------------------------|------|------|-------|------------|
| | _ | | UNII | | |
| Misc fine grading, earthwork | 40 | C.Y. | | 12.00 | 480.00 |
| 4" Thick Sidewalk | 841 | S.F. | | 4.25 | 3,574.25 |
| Reditching | 139 | L.F. | | 10.00 | 1,390.00 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Sub-Total | | | | | \$5,444.25 |
| | | | | | |
| 10% Contingency | | | | | \$544.43 |
| Total | | | | | \$5,988.68 |



PLANNING COMMISSION

CASE NO. 23-557 CONDITIONAL USE AND SITE PLAN VEHICLE SELF-STORAGE AND REPAIR 1931 GEORGETOWN ROAD, PARCEL #3007369

FINAL DECISION

Based on the evidence and representations to the Commission by John Elsey, GBC Design, Aaron Stainbrook, UHC Construction Services, and City staff at a public meeting of the Planning Commission held at the regular meeting on November 13, 2023, then continued to the regular meeting on January 8, 2024 when the site plan and conditional use were approved, then changes to the building design were requested and approved on March 11, 2024, the Planning Commission approves the Conditional Use and Site Plan Request for a vehicle self-storage and vehicle repair building, in Case 23-557 for 1931 Georgetown Road (Parcel #3007369) according to plans received December 11, 2023 as the Planning Commission finds the application is in compliance with the general conditional use standards of Section 1206.02(b) and the Special Conditions and Standards 1206.02(c)(6),(7),(8),(10),(15),(16),(17), (19),(23) applicable to self-storage facilities and automotive repair and services.

The Planning Commission makes the following Findings of Fact:

- 1. The proposal is in compliance with other applicable sections of the Land Development Code, including the District Standards of Section 1205 and the Site Plan Standards of Section 1207.
- 2. The building is permitted as a conditional use in Zoning District 8 and is compliant with Section 1206.02(b) general conditional use criteria and the special conditions pertaining to self-storage facilities and automotive repair and services.
 - a. The proposed use is consistent with the policy and intent of the Comprehensive Plan.
 - b. The proposed use is physically and operationally compatible with the surrounding neighborhood.
 - c. The proposed use can be generally accommodated on the site consistent with architectural and design standards. The proposal was reviewed by the Design Subcommittee for District 6 & 8, and their recommendations are included in the conditions of approval.
 - d. Existing access points would not be altered.
 - e. Traffic circulation patterns would not adversely impact adjacent uses. The applicant has acknowledged there is a shared parking agreement between this property and the adjacent event center at 1940 Georgetown Road.
 - f. The proposed use would be served by public facilities and services.
 - g. The use provides adequate off-street parking on the same property as the use.
 - h. Additional landscaping will be installed and minimal site impact would occur.
 - i. The activities will occur inside an enclosed area, limiting potential impacts.

- j. The building will not be located near any adjacent residential uses or residentially zoned parcels.
- k. Any potential hazardous materials related to vehicle repair will not be stored longer than 30 days and will be properly disposed of.

The Planning Commission decision shall be subject to the following conditions:

- 1. A sidewalk along the Georgetown Rd frontage shall be incorporated or a variance shall be obtained from the Board of Zoning and Building Appeals. Based on the review, the Planning Commission's preference is for the applicant to obtain a variance.
- 2. The utility plan, Sheet SD3.00, shall be revised to depict all proposed utility connections.
- 3. The site plans shall be revised to inset the clearing limits a minimum 10 ft from the western property line.
- 4. A landscaping bond shall be submitted prior to the issuance of a zoning certificate in an amount equal to 110 percent of the City-approved estimated cost of such installation.
- 5. The Planning Commission accepts the following recommendations of the Industrial Design Subcommittee. Revisions to the elevations were reviewed at the March 11, 2024 meeting. The elevations shall be revised per the following:
 - a. A widow's walk shall be incorporated, centered on the roof. A white picket design shall be utilized.
 - b. Any additional windows added to the design shall be in compliance with Section 1207.18(h)(2)(b) stating "the size and proportion of window and wall openings in a structure should be related to one another and the spaces between them within the overall development of the facade."
- 6. The comments of Assistant City Engineer David Rapp review shall be addressed per the December 13, 2023 correspondence.
- 7. A fire detection alarm system, approved by the Hudson Fire Marshal, shall be installed within the building.
- 8. The applicant shall install silt fencing and/or polypropylene fencing to mark and protect the approved clearing limits, which shall be maintained by the applicant.
- 9. Satisfaction of the above conditions prior to scheduling of a preconstruction meeting with City Officials and no clearing or construction of any kind shall commence prior to the issuance of a Zoning Certificate.

Dated: March 19, 2024

CITY OF HUDSON PLANNING COMMISSION

David Nystrom, Chair



BOARD OF ZONING AND BUILDING APPEALS

APPEALS DOCKET NO 2018 -04 1800 GEORGETOWN ROAD VARIANCE 2

VIA CERTIFIED MAIL DECISION

Based on the evidence presented to the Board by the applicant Mr. Jason Kekic, 32145 Old South Miles Road, Solon OH, 44139 and the owner Mr. George Zampelli of Hudson South Development Company, PO Box 2262, Hudson OH 44236 for the property at 1800 Georgetown Road in District 8 [Industrial/Business Park]. A public hearing was held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio, 44236 at 7:30 p.m., on Thursday, January 18, 2018, the Board of Zoning and Building Appeals hereby grants:

A variance from the requirement to provide a public sidewalk on one (1) side of an abutting public street pursuant to Section 1205.11(e)(9)(B)(i) "Pedestrian Amenities/Linkages - Sidewalks" of the City of Hudson Land Development Code.

After reviewing the application, the hearing of evidence under oath, reviewing all documentary submissions of interested parties and by taking into consideration the personal knowledge of the property in question, the Board of Zoning and Building Appeals grants the variance with the following condition:

1. The conditions outlined in the January 11, 2018 letter from Assistant City Manager Thom Sheridan be followed, specifically the conditions imposed through the section referencing the proposed sidewalk plans.

The Board Finds and Concludes:

- 1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance.
- 2. The variance is insubstantial because this and the adjoining properties would be the only sidewalks on Georgetown Road.
- 3. The essential character of the neighborhood would not be substantially altered and adjacent properties would not suffer a substantial detriment as a result of this variance.
- 4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).

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- 4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
- 5. The applicant purchased the property without knowledge of the zoning restriction.
- 6. The applicant's predicament feasibly cannot be resolved through other alternatives than the subject variance with certain conditions attached.
- 7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Dated: January 18, 2018

CITY OF HUDSON BOARD OF ZONING AND BUILDING APPEALS

David W Lehman

David Lehman, Chairman

Joe Campbell - Executive Assistant

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the January 18, 2018 meeting.

Failure of an applicant to commence substantial construction or action with regard to the variance approval within one (1) year of receiving approval of the variance and to complete such construction within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void, pursuant to Section 1203.08 (3), "Variances – Lapse".

- 1. An exterior lighting plan including photometrics must be submitted in compliance with applicable standards of Section 1207.18(g).
- 2. The comments of Assistant City Manager-City Engineer, Thom Sheridan, must be addressed per the February 5, 2018 correspondence.
- 3. The comments of Fire Marshall Shawn Kasson must be addressed per the February 5, 2018 correspondence.
- 4. Planning Commission accepts the recommendation of the Design Subcommittee for Development in District 6 and 8 and approved the project.
- 5. The applicant shall install silt fencing and/or polypropylene fencing to mark and protect the approved clearing limits, which shall be maintained by the applicant.
- 6. Satisfaction of the above conditions prior to scheduling of a preconstruction meeting with City Officials and no clear or construction of any kind shall commence prior to the issuance of a Zoning Certificate.



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Date: January 11, 2018

To: Mr. Nicholas Sugar – AICP, Associate Planner

From: Mr. Thomas J. Sheridan, PE, PS - Asst. City Manager - City Engineer

RE: Zampelli Parcel H & I – Proposed Site Plans

Dear Mr. Sugar:

The City Engineering Staff has reviewed the preliminary plan submitted for the Zampelli Company Buildings located at Parcel H and I on the south side of Georgetown Road and below we have the following comments pertaining to the storm pond setback and proposed sidewalk.

Drainage Pond Setbacks:

The City Engineering Department has reviewed the possible option to encroach the existing detention pond setback area with the building and parking lots. The pond will be expanded and the drainage pond routinely floods with storm runoff during various rain events up to and including the 100-year storm event from the commercial development. The City Engineering Department does not recommend that the setback area be built upon with any buildings or parking areas due to the potential flooding of this area.

Proposed sidewalk:

The City Engineering Department has reviewed the requirement for a sidewalk along the south side of Georgetown Road adjacent to the two developed parcels H & I. We have inspected the roadway and have found no other sidewalk is located on Georgetown Road. The Engineering Department recommends that the developer not construct a sidewalk along this portion of Georgetown Road and instead recommends the developer be required to provide cash in lieu of the construction of the sidewalk prior to the issuance of the zoning certificate. The cost of the sidewalk shall be reviewed and approved by the City Engineer based on current State of Ohio prevailing wage rates and also the City of Hudson estimate of the cost to install the sidewalk along the south side of Georgetown Road, adjacent to the right-of-way line of Parcel H & I. The funds shall be approved by the City and used for new sidewalk in the City of Hudson as part of the next available annual sidewalk program.

If you have any questions, please contact me.

Respectfully,

C:

Andrew McAvinew – Engineering Dept. File

Site Photos

