



City of Hudson, Ohio

Meeting Minutes - Draft Board of Zoning & Building Appeals

David Lehman, Chair

John Dohner, Vice Chair

Robert Drew

Frederick Jahn

Louis Wagner

Kris McMaster, Associate Planner

Aimee Lane, Assistant City Solicitor

Thursday, May 21, 2015

7:30 PM

Town Hall

I. Call to Order

Chairman Lehman called to order the regular meeting of the Board of Zoning and Building Appeals at 7:30 p.m.

II. Roll Call

Present: 4 - Mr. Dohner, Mr. Drew, Mr. David Lehman, and Mr. Wagner

Absent: 1 - Mr. Jahn

III. Identification, by Chairman, of Kris McMaster, Associate Planner, and Aimee W. Lane, Assistant City Solicitor.

Meeting minutes were taken by Judy Westfall, Clerk. A video recording of this meeting is available on the City of Hudson website.

Except where otherwise noted, public notice as required in the Land Development Code was provided for all matters that come before this meeting of the City of Hudson Board of Zoning and Building Appeals.

IV. Swearing in of Staff and Audience Addressing the Board.

Mrs. Lane swore in staff and all the persons wishing to speak under oath.

V. Approval of Minutes - March 19, 2015

A. BZBA 03-19-15 MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING.

Mr. Drew made a motion to approve the minutes of the March 19, 2015 meeting as submitted. Mr. Dohner seconded the motion.

The motion carried by the following vote:

Aye: 4 - Mr. Dohner, Mr. Drew, Mr. Lehman, and Mr. Wagner

VI. PUBLIC HEARING**VII. NEW BUSINESS**

- A. [BZBA 2015-02](#) 1) A variance to permit a front entry garage when the doors of attached garages are not permitted to face the street; and 2) A variance from the "Architectural and Design Standards", requiring attached garages to be entered from the side or rear pursuant to the City of Hudson Land Development Code Section 1205.04(d)(7)(C)(i), "Building Siting and Orientation-Private Garages", and Appendix D. IV-4(b)(3), "Architectural and Design Standards for the property at 1664 Sapphire Drive in District 1 [Suburban Residential Neighborhood].

The applicant and owner is Michael Furlong, 1644 Sapphire Drive, Hudson, OH 44236.

Mrs. McMaster provided a review of the case. She stated that the applicant is requesting variances to add a third car front-facing garage to match the existing two car front-facing garage. Mrs. McMaster also stated that due to the location of a covered deck and mature trees along the east property line, the owner has indicated the proposed location is the only area feasible for the garage structure.

Mr. Furlong said that the new truck he purchased does not fit inside his existing garage. After exploring other options and two informal reviews by the Architectural and Historic Board of Review, the variances he is requesting represent the most feasible option to resolve the situation.

The Board members and applicant discussed options and problems with possible solutions.

Mr. Lehman opened the meeting to public comment.

There being no public comment, Mr. Lehman closed the public portion of the meeting.

The Board discussed the testimony presented and the staff report.

A motion was made by Mr. Dohner, seconded by Mr. Drew, that 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 hereby approves:

- 1) A variance to permit a front entry garage when the doors of attached garages are not permitted to face the street; and 2) A variance from the "Architectural and Design Standards", requiring attached garages to be entered from the side or rear pursuant to the City of Hudson Land Development Code Section 1205.04(d)(7)(C)(i), "Building Siting and Orientation-Private Garages", and Appendix D. IV-4(b)(3), "Architectural and Design Standards for the property at 1644 Sapphire Drive in District 1 [Suburban Residential Neighborhood].

The variance is granted with the condition that the extra bay be located on the property as the site plan indicates.

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variances because currently it is a viable residential property;
- b) the variances are insubstantial because of the uniqueness of the neighborhood and the location on the corner lot. A side entry garage is not feasible due to removing mature trees nor is adding an additional curb cut;
- c) the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variances because it is the least intrusive way to fulfill the applicant's need for an extra garage bay;
- d) the variances would not adversely affect the delivery of governmental services;
- e) the owner purchased the property with knowledge of the zoning restrictions;
- f) the applicant's predicament feasibly cannot be resolved through some method other than the variances; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances.

The motion was approved with conditions by the following vote:

Aye: 4 - Mr. Dohner, Mr. Drew, Mr. Lehman, and Mr. Wagner

- B. BZBA 2015-03 A variance of two (2) feet from the maximum fence height in the side yard of (4) feet above the elevation of the surface of the ground resulting in a six (6) foot fence in the side yard pursuant to the City of Hudson Land Development Code, Section 1206.03(a)(5)(A), "Accessory uses/Structures-Fences and Walls, Residential" for 2 High Street, Hudson, OH 44236.**

The applicant and owner are Richard and Kimberly Nickerson, 2 High Street, Hudson, OH 44236 in District 4 [Historic Residential Neighborhood-Historic District].

Mrs. McMaster reviewed the case. She noted that the property is located on a corner lot on High Street and North Main Street. The proposed fence would match the existing 6' wood stockade fence on the adjacent south property owned by the Western Reserve Academy.

Mr. Nickerson and Mrs. Nickerson spoke regarding their desire for the 6' fence in the side yard. They stated that the proposed wood fence would age to match the existing fence located south of their property owned by the Western Reserve Academy and would be blocked by existing greenery. Pine trees would be installed closer to the house to assist the blockage of sound from N. Main Street.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

There being no comment, Mr. Lehman closed the public portion of the meeting.

Board members examined the issues associated with this request. Those issues include whether the 2' additional height would make a real difference in the sound volume and whether approving the variance would be precedent setting for other homeowners facing similar challenges.

Mr. Dohner made a motion, seconded by Mr. Wagner, to continue the consideration of BZBA Case No. 2015-03 until the July 13, 2015 meeting of the Board of Building and Zoning Appeals.

The motion carried with the following vote:

Aye: 4 - Mr. Dohner, Mr. Drew, Mr. Lehman, and Mr. Wagner

- C. [BZBA 2015-04](#) 1] A seven (7) foot variance to the minimum requirement of 12 feet of ground floor frontage for an occupant to have a projecting sign. The result would be a ground floor frontage of five (5) feet. 2] A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for a second floor occupant. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(3)(A), "Signs in Nonresidential Districts-Projecting Signs".

The applicant is Estrela Consulting, LLC, 138 N. Main Street and the property owner is Perry L. Noe Trustee and Robert and Melba Bryer Trustees, 138 N. Main Street, Hudson, OH 44236 for the building located at 134 N. Main Street in District 5 [Village Core District-Historic District].

Mrs. McMaster introduced BZBA Case No. 2015-04 which includes a request for a 1' by 2' projecting sign to be located to the right of the entrance door to clearly show where the entry is to the business.

Mr. and Mrs. Dooley, Estrela Consulting, LLC, explained that Estrela Consulting, LLC is an education consulting firm which helps with the education and school planning process, offering ACT tutoring services and test preparation. They explained the rationale behind the variance request.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

Mike Pavlantos, 80 N. Main Street, Hudson, Ohio 44236, expressed his concern that approving this variance would encourage additional requests for variances resulting in many similar signs and indicated he was not in favor of the request.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the testimony and the staff report.

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, Mr. Drew made a motion seconded by Mr. Dohner for the Board of Building and Zoning Appeals to deny:

- 1) A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for a second floor occupant. 2) A request for a seven (7) foot variance to the minimum requirement of 12 feet of ground floor frontage for an occupant to have a projecting sign. The result would be a ground floor frontage of five (5) feet. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(3)(A), "Signs in Nonresidential Districts-Projecting Signs".
1. The property in question will yield a reasonable return and there can be beneficial use of the property without the variance because a name sign is permitted by right and window signs are permitted for second story space with size limitations.
2. The variance is substantial because second story signs are clearly not permitted by the Land Development Code and the definition of second story stairway does not meet by the width requirement.
3. The essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance because it would set a precedent of numerous signs for all second story tenants that are located along Main Street, the largest being the Hudson Square Building which has a third floor and has the potential of several signs.
4. The variance would adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property without knowledge of the zoning restriction because it was purchased in 1985 prior to the current Land Development Code.
6. The applicant's predicament feasibly can be resolved through some method other than a variance. A nameplate and a window sign is allowed for second story tenant use.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by denying the variance to restrain sign proliferation along Main Street.

The motion failed due to a tie vote.

Aye: 2 - Mr. Dohner, and Mr. Drew

Nay: 2 - Mr. Lehman, and Mr. Wagner

The case will be continued until the June 18, 2015 meeting of the Board of Zoning and Building Appeals.

VIII. OTHER BUSINESS

Mrs. McMaster stated that there are three cases scheduled for the June 18, 2015 meeting. One case is a request for a front entry garage, and the second case is a request for a projecting sign for a second story tenant. The third case would be the continuation of BZBA Case No. 2015-03 considered earlier tonight.

Mrs. Lane reported that no movement is expected in the City of Akron water case until a new mayor of the City of Akron has been named.

Mr. Drew announced that the Comprehensive Plan Committee has received a draft report which will be reviewed by a joint committee meeting with the Downtown Committee and Comprehensive Plan Committee in June.

Mr. Lehman noted the upcoming Memorial Day Parade and a performance of the Hudson Jazz Band on Memorial Day.

IX. ADJOURNMENT

Mr. Drew made a motion seconded by Mr. Dohner to adjourn the meeting at 9:31 p.m.

Aye: 4 - Mr. Dohner, Mr. Drew, Mr. Lehman, and Mr. Wagner

David W. Lehman, Chair

John M. Dohner, Vice Chair

Judy Westfall, Account Clerk II

Upon approval by the Board of Zoning & Building Appeals, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall also consist of a permanent audio and video recording, excluding executive sessions, in accordance with Codified Ordinances, Section 252.04, Minutes of Architectural and Historic Board of Review, Board of Zoning and Building Appeals, and Planning Commission.