City of Hudson, Ohio

Meeting Minutes - Final

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, March 17, 2016 **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: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

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. Election of Officers

Mr. Drew made a motion to nominate Mr. Dohner as Vice-Chair. Mr. Wagner seconded the motion.

The motion carried as below:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

Mr. Drew made a motion seconded by Mr. Dohner to nominate Mr. Lehman as Chair.

The motion carried as follows:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

VI. Approval of Minutes

A. BZBA 12-17-15 **MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING 12-17-15.**

Attachments: December 17, 2015

Mr. Wagner made a motion seconded by Mr. Drew to approve the minutes of the December 17, 2015 meeting as submitted.

The motion carried by the following vote:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

VII. PUBLIC HEARING

VIII. NEW BUSINESS

A. BZBA 2016-02 A variance of three (3) feet from the required fifteen (15) foot rear yard setback to allow an existing accessory structure-pergola to be located at a twelve (12) foot rear yard setback pursuant to Section 1205.04(d)(5)(D)(iii), "Rear Yard Setbacks-Other Accessory structures" of the City of Hudson Land Development Code.

The applicant and owner is Brian and Lisa Britton, 5229 Towbridge Drive, Hudson, Ohio 44236 for the property located at 5229 Towbridge Drive in District 1 [Suburban Residential Neighborhood].

Attachments: BZBA 2016-02 Staff Report

A public hearing was held regarding BZBA Case No. 2016-02.

Mrs. McMaster noted that after Code Enforcement identified that the existing accessory structure had been constructed without a permit, and an application for the structure was received, staff found that the structure was in non-conformance with the required rear yard setback and that the structure was located in a floodplain.

Brian Britton, 5229 Towbridge Drive, applicant and property owner, clarified that there is no electrical connection at the structure. He noted that neighbors have indicated their support of this project, and that the placement of the structure had been thoughtful and purposeful.

The Board members and the applicant discussed the variance request.

Mr. Lehman opened the meeting to public comment. There being no public comments, Mr. Lehman closed the public hearing.

Mr. Jahn made a motion 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 grants the variance with the following condition:

1. Any electrical connections to the structure shall comply with City and County Electrical Codes.

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 because this is a separate structure away from the home itself.

2. The variance is insubstantial because it is not a living space and there is support from the City and surrounding neighbors for the variance.

3. 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 variance because it is a minor construction.

4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).

5. The applicant purchased the property with knowledge of the zoning restriction.

6. The applicant's predicament feasibly cannot be resolved through some method other than a variance.

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

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

B. BZBA 2016-03 A variance of nine (9) feet from the required front yard setback of one hundred (100) feet to allow an addition with a porch resulting in the house at a ninety-one (91) foot front yard setback pursuant to Section 1205.06 (d)(5)(C)(iii), "Minimum Front Yard Setback-Lots Fronting Arterial Roads" of the City of Hudson Land Development Code.

The applicant and owner is Christopher and Suzanne Schenkenberger, 162 S. Main Street, Hudson, Ohio 44236 for the property located at 162 S. Main Street in District 3 [Outer Village Residential Neighborhood].

Attachments: BZBA 2016-03 Staff Report

A public hearing was held regarding BZBA Case No. 2016-03.

Mrs. McMaster stated that a lot split/consolidation with the property located at 142 S. Main Street has been approved. Mrs. McMaster said that the property owner states that the reason for the variance request is to improve the function of the entrance of the house and aesthetics of the home as well as to allow their children protection from the elements as they wait for the school bus.

Mr. Christopher Schenkenberger, 162 S. Main Street, applicant and owner, noted that neighbors have expressed their support relative to this variance request. Mr. Schenkenberger also spoke to the form and function of the interior of the house in regards to the request.

Mr. Ryan Grass, Architect, 143 Kenilworth Street, Akron, Ohio 44313, was available for comment.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment. There being no public comments, Mr. Lehman closed the public hearing.

Mr. Drew made a motion seconded by Mr. Jahn 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 grants the variance.

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; however the house is already non-compliant with the one hundred (100) foot setback, which is larger than many other setback requirements in town, and the change to the front of the house would encroach into the setback because of the previous non-conformity.

2. The variance is insubstantial because since it is only nine (9) feet of a one hundred (100) foot setback and the actual loss is less than that because the house is already in the setback area.

3. 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 variance; actually, the drawing reflects a significant improvement to the house in particular and the neighborhood overall.

4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).

5. The applicant purchased the property with knowledge of the zoning restriction.

6. The applicant's predicament feasibly cannot be resolved through some method other than a variance.

7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because this variance improves the property and adds to the value of the overall neighborhood.

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

C. BZBA 2016-04 **Continued from BZBA meeting 3-17-16** - A variance of eight (8) feet from the required front yard setback of fifty (50) feet to allow a house resulting in a forty-two (42) foot front yard setback pursuant to Section 1205.07(d)(6)(D), "Setbacks-Arterial Setbacks" and Section 1207.04(k)(1)(A), "Landscaping Requirements for "Front Yard/Front Setbacks", of the City of Hudson Land Development Code.

The applicant is Justin Kapela for J. Kapela Designs, 44 Clinton Street, Hudson, OH 44236 and the owner is Samer T. Yousef and Doaa Abou Sharbin, 38 Elmcreek Way, Aurora, OH 44202 for the property located at 434 N. Main Street in District 4 [Historic Residential Neighborhood-Historic District].

Attachments: BZBA 2016-04 Staff Report

BZBA 2016-04 Variance of 8' front yard setback revised design 3.23.16

Mrs. McMaster reported that the applicant indicates that meeting the required setback would not leave enough room to fit the proposed historical footprint of a Federal Style home that is being proposed to be built on the lot. Mrs. McMaster noted that the applicant, Mr. Kapela, appeared before the Architectural and Historic Board of Review seeking comments regarding the proposed structure. Those comments were reiterated by Mrs. McMaster.

Justin Kapela, J. Kapela Designs, 44 Clinton Street, Hudson, Ohio 44236, applicant, said that the greatest hardship with the lot is its' depth. Mr. Kapela said that the footprint of the house could change, but that the variance would be necessary. Mr. Kapela discussed three other types of house designs he was considering and indicated all three designs would still require a variance.

The Board members and applicant discussed the variance request.

Mr. Lehman opened the meeting to public comment.

There being no comments, Mr. Lehman closed the public hearing.

The discussion between the Board members and applicant continued, and it was decided it would be best to continue the hearing for Mr. Kapela to determine which design he wanted.

Mr. Dohner made a motion seconded by Mr. Jahn to continue this variance request to the April 21, 2016 meeting of the Board of Zoning and Building Appeals.

The motion carried with the following vote:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

D. BZBA 2016-06 A variance of fourteen (14) feet from the required rear yard setback of fifty (50) feet to allow an addition resulting in a thirty-six (36) foot rear yard setback pursuant to Section 1205.06(d)(5)(E)(i), "Setbacks: Minimum Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

The applicant and owner is Irudhayaraj and Althea Premraj, 26 Keswick Drive, Hudson, Ohio 44236 for the property located at 26 Keswick Drive in District 3 [Outer Village Residential Neighborhood].

Attachments: BZBA 2016-06 Staff Report

A public hearing was held regarding BZBA Case No. 2016-06.

Mrs. McMaster said that the applicant indicated that the proposed variance would enable an irregularly shaped lot, located on a cul-de-sac and framed by mature trees and bushes to allow family room and porch additions.

Rob Cogdeill, Roberts Construction Co., Inc., 211 Prospect Avenue, Cuyahoga Falls, Ohio 44221, applicant, said that neighbors support the variance request. Mr. Cogdeill stated that the porch addition would be built over the existing deck.

The Board members and applicant discussed the variance request.

Mr. Lehman opened the public portion of the meeting.

There being no comments, Mr. Lehman closed the public hearing.

Mr. Dohner made a motion 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 grants the variance.

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 as it is already an existing residence and is being used.

2. Although the variance in feet is substantial, overall it is insubstantial due to the size and shape of this irregular lot. A portion of the proposed addition would not require the variance, but in totality because of the way the house is cited on the lot and the shape of the lot, the variance is necessary.

3. By granting the variance 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 variance.

4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).

5. The applicant purchased the property with knowledge of the zoning restriction.

6. The applicant's predicament feasibly cannot be resolved through some method other than the requested variance.

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

The motion carried by the following vote:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

E. BZBA 2016-07 To allow a corner parcel of land to be subdivided into two parcels to construct a single family residential home on each parcel. The variances requested are:

House "A" fronting West Streetsboro Street: 1] A variance of ten (10) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty-five (25) foot front yard setback pursuant to Section 1207(d) (6)(A)(i). "Front yard Setbacks"; Section 1205.07(d)(6)(D), "Setbacks-Arterial Setbacks" and Section 1207.04(k)(1)(A), "Landscaping requirements for "Front Yard/Front Setbacks"; **2]** A variance of ten (10) feet from the minimum side yard setback of thirty-five (35) feet resulting in a house twenty-five (25) feet from the street side not designated as "front" pursuant to Section 1205.07(d)(6)(B)(vi), "Minimum Side Yard Setback-Corner Lots"; and **3]** A variance of twenty-six (26) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a fourteen (14) foot rear depth setback pursuant to Section 1205.07(d)(6)(C)(i), "Minimum Rear Yard Depth" of the City of Hudson Land Development Code.

House "B" fronting Lennox Road: 4] A variance of fifteen (15) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty (20) foot front yard setback pursuant to Section1205.07(d)(6)(A)(i), " Minimum Front Yard Setback"; **5]** A variance of twenty (20) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a twenty (20) foot rear depth setback pursuant to Section1205.07(d)(6)(C)(i), "Minimum Rear Yard Setback; and **6]** A variance of four (4) feet to the required twenty-five (25) feet for a side-facing attached garage resulting in a side facing garage at a twenty-one (21) foot setback pursuant to the 1205.07(d)(6)(B)(iv), "Side-Facing Attached Garage" of the City of Hudson Land Development Code.

The applicant is Joseph Matava, Architect for Peninsula Architects, 1775 Main Street, Peninsula, Ohio 44264 for the property owner, Melissa M. Ickes, 5267 Case Ave., Lyndhurst, Ohio 44124 for the property at 185 W. Streetsboro Street, Hudson, Ohio 44236 in District 4 [Historic Residential Neighborhood].

Attachments: BZBA 2016-07 Staff Report

A public hearing was held regarding BZBA Case No. 2016-07.

BZBA 2016-07 To allow a corner parcel of land to be subdivided into two parcels to construct a single family residential home on each parcel. The variances requested are:

House "A" fronting West Streetsboro Street: 1] A variance of ten (10) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty-five (25) foot front yard setback pursuant to Section 1207(d) (6)(A)(i). "Front yard Setbacks"; Section 1205.07(d)(6)(D), "Setbacks-Arterial Setbacks" and Section 1207.04(k)(1)(A), "Landscaping requirements for "Front Yard/Front Setbacks"; **2]** A variance of ten (10) feet from the minimum side yard setback of thirty-five (35) feet resulting in a house twenty-five (25) feet from the street side not designated as "front" pursuant to Section 1205.07(d)(6)(B)(vi), "Minimum Side Yard Setback-Corner Lots"; and **3]** A variance of twenty-six (26) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a fourteen (14) foot rear depth setback pursuant to Section 1205.07(d)(6)(C)(i), "Minimum Rear Yard Depth" of the City of Hudson Land Development Code.

House "B" fronting Lennox Road: 4] A variance of fifteen (15) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty (20) foot front yard setback pursuant to Section1205.07(d)(6)(A)(i), " Minimum Front Yard Setback"; **5]** A variance of twenty (20) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a twenty (20) foot rear depth setback pursuant to Section1205.07(d)(6)(C)(i), "Minimum Rear Yard Setback; and **6]** A variance of four (4) feet to the required twenty-five (25) feet for a side-facing attached garage resulting in a side facing garage at a twenty-one (21) foot setback pursuant to the 1205.07(d)(6)(B)(iv), "Side-Facing Attached Garage" of the City of Hudson Land Development Code.

The applicant is Joseph Matava, Architect for Peninsula Architects, 1775 Main Street, Peninsula, Ohio 44264 for the property owner, Melissa M. Ickes, 5267 Case Ave., Lyndhurst, Ohio 44124 for the property at 185 W. Streetsboro Street, Hudson, Ohio 44236 in District 4 [Historic Residential Neighborhood].

Attachments: BZBA 2016-07 Staff Report

Mrs. McMaster reviewed the variance requests that would allow the parcel of land to be subdivided into two parcels to construct a single family residential home on each parcel with a shared driveway between the two parcels. Mrs. McMaster said that the applicant states that the two smaller residences are compatible with the neighborhood, economically feasible at this location, and would fit in with the needs of an aging population.

Mr. Joseph Matava, Architect, Peninsula Architects, 1775 Main Street., P.O. Box 235, Peninsula, Ohio 44264 stated that he has a purchase option on the property subject to the approval of a lot split if the variances are granted. In creating the site plan for the property, Mr. Matava said that he took into consideration the nearby properties.

The Commission members and applicant discussed the variance request.

Mr. Lehman opened the public portion of the meeting

Steven McClennan, 187 W. Streetsboro Street, voiced his support for the project.

Mr. Lehman closed the public hearing.

The Board continued the discussion with the applicant.

Mr. Jahn made a motion seconded by Mr. Wagner 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 grants the variances with the following conditions:

1.This proposal shall be contingent upon the approval of the lot split and the Planning Commission approval of the shard driveway.

2. Both homes on the newly created properties shall be limited to no more than a story and a half.

The Board finds and concludes:

1. The property in question will not yield a reasonable return, and there cannot be a beneficial use of the property without the variance because the property is in utter disrepair, and this proposal will eliminate that issue.

2. The variance is substantial because of the cumulative nature of the variances. In percentage terms, the variance is 40%, but in real terms it is a variance that is required.

3. 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 variance. In fact, the adjoining properties will benefit greatly from this variance through the elimination of a substantial eyesore of the City.

4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).

5. The applicant purchased the property with knowledge of the zoning restriction.

6. The applicant's predicament feasibly cannot be resolved through some method other than the requested variance.

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

The motion carried with the following vote:

Aye: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

IX. OTHER BUSINESS

Mrs. McMaster noted that in addition to the continuation of BZBA Case No. 2016-04, there are possibly two other cases that could be on the agenda for the meeting to be held on April 21, 2016.

X. ADJOURNMENT

Mr. Lehman adjourned the meeting at 10:17 p.m.

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David W. Lehman, Chair

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John M. Dohner, Vice Chair

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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.

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