



# 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*

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Thursday, December 17, 2015

7:30 PM

Town Hall

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### 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, David 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. Approval of Minutes

#### A. [BZBA 11-19-15](#) BZBA Meeting 11-19-15

Attachments: [November 19, 2015](#)

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

The motion carried by the following vote:

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

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

- A. [BZBA 2015-14](#) A variance of fifteen (15) feet to the minimum rear yard setback of fifty (50) feet for an enclosed porch addition resulting in a structure being thirty-five (35) feet from the rear property line pursuant to Sections 1205.05(d)(5)(E)(i), “Setbacks: Minimum Rear Yard Setbacks-Principal Structure: 50 feet” of the City of Hudson Land Development Code.

The applicant and owner is Douglas A. and Jennifer Pinkerton, 5533 Weeping Willow Drive, Hudson, OH 44236 in District 2 [Rural Residential Conservation].

Attachments: [BZBA 2015-14 Staff report 12-17-15](#)

Mrs. McMaster reviewed the variance request which would provide additional living space. Mrs. McMaster said it is the applicant's position that the variance would not directly impact the adjacent neighbors and would not be visible from the street.

Mr. Douglas Pinkerton, 5533 Weeping Willow Drive, Hudson, Ohio, applicant and property owner, submitted a letter from a neighbor supporting the variance request.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

There being no comments, the public hearing was closed.

**A public hearing was held regarding Case No. 2015-14.**

The Commission continued the discussion with the applicant.

**A motion was made by Mr. Jahn, 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 hereby approves this 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, certain family circumstances require this variance to accommodate the needs of a changing family unit.**
- 2. The variance is insubstantial because it leaves a 35 ft. setback or 70% of the requirement.**
- 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 the room addition will virtually be unseen from adjoining properties.**
- 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 of the insubstantial degree, lack of effect on adjoining properties and the nature of the family need provoking the variance request.

The motion carried by the following vote:

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

- B.** [BZBA 2015-15](#) A variance of three (3) feet from the required side yard setback of eight (8) feet to allow realignment of a property line resulting in a five (5) foot setback pursuant to Section 1205.07(d)(6)(B)(i), "Minimum Side Yard Setback" of the City of Hudson Land Development Code.

The applicant and owner is Frank C. and Cassandra J. Perrotta, Trustee, 156 Elm Street, Hudson, Ohio 44236 for the property located at 156 Elm Street in District 4 [Historic Residential Neighborhood].

Attachments: [BZBA 2015-15 Staff report 12-17-15](#)

Mrs. McMaster reviewed the variance request which the owners hope will improve the non-conformance of the existing side yard setback and enhance the resale value of the home in the future.

Frank Perrotta, 156 Elm Street, Hudson, Ohio, applicant and property owner, was available to answer questions presented by Board members.

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.

**A public hearing was held regarding BZBA Case No. 2015-15.**

**A motion was made by Mr. Jahn, 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 this 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 variance will remedy the issue of the structure encroaching 2" over the property line and permitting a 5 ft. setback on the property where no setback previously existed.
2. The variance is insubstantial because it improves an existing setback issue by creating a 5 ft. setback where no setback at all exists.
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 the front lot width would be maintained at the required 60 ft. level.

- 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 and the variance solves a more serious encroachment issue for lot #26, 156 Elm Street.
- 7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because it remedies a 122 year old building lot line issue.

The motion carried by the following vote:

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

**VIII. OTHER BUSINESS**

Mrs. McMaster announced that there would be no meeting on January 21 because no cases were received for consideration. She also announced a meeting to be held on Monday, January 11, 2016 at the Municipal Services Center to review the use of an ipad to access the Granicus software.

**IX. ADJOURNMENT**

Mr. Lehman adjourned the meeting at 8:15 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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