



# 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, August 20, 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: June 18, 2015 and July 16, 2015**

#### **A. [BZBA 06-18-15](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETINGS**

**Mr. Dohner made a motion to approve the minutes of the June 18, 2015 meeting as submitted. Mr. Wagner seconded the motion.**

**Aye:** 4 - Mr. Dohner, Mr. Jahn, Mr. Lehman and Mr. Wagner

**Abstain:** 1 - Mr. Drew

**B. [BZBA 07-16-15](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETINGS**

Mr. Drew made a motion to approve the minutes of the July 16, 2015 meeting as submitted. Mr. Jahn seconded the motion.

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

**VI. PUBLIC HEARING**

**NEW BUSINESS**

- A. [BZBA 2015-10](#)** A variance to allow an existing accessory structure detached garage to be located in the side yard to allow a realignment of property lines when code permits accessory structures to be located only in the rear yard pursuant to the City of Hudson Land Development Code, Section 1206.03(d)(3), Accessory Uses/Structures-Accessory Use Development and Operational Standards-Side Setbacks.

The applicants and property owners are Drs. Azam M. and Betty J. Qadri, 1 Bradley Drive; Hudson, Ohio 44236 for the property located at 1 Bradley Drive in District 3 [Outer Village Residential Neighborhood].

Mrs. McMaster reviewed the variance request which would realign property lines and shift the location of an accessory structure from the rear yard of one property to the side yard of another.

Mr. John Carse, 7339 Darrow Road, Hudson, Ohio, representing property owners, Drs. Azam M. and Betty J. Qadri, 1 Bradley Drive, Hudson, Ohio, stated that the current lot configuration causes confusion between the property owners as well as government officials. Dr. Azam Qadri stated that there will be no living quarters in the structure, and there will be no water connection.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

Mr. Todd Zedak, 28 Bradley Drive, Hudson, Ohio, stated that he saw no reason not to grant the variance.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the staff report and the testimony presented.

Mrs. Lane confirmed that under the Land Development Code, the applicants, as tenant, can file this application for a variance regarding a structure currently located on an adjacent lot but used by the applicants pursuant to a lease.

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 variance with the **conditions** that:

1. Living quarters will not be located in the accessory structure, and no other accessory structures will be built on the property.
2. The existing 99-year lease on the portion of the neighboring property that will be realigned will be cancelled.
3. Deeds will be perfected to make the conveyance and the lot split effective in Summit County.

The Board finds and concludes:

1. The property in question will yield a reasonable return and there can be beneficial use of the property without the variance but granting the variance will clarify the ownership of the property at issue and property lines that have been in question for a number of years.
2. The variance is insubstantial because the lot split will clarify the ownership of the property at issue.
3. The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer a substantial detriment as a result of the variance because the variance will have no effect on other properties.
4. The variance would not adversely affect the delivery of governmental services.
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 done by granting the variance.

**This matter was approved with conditions.**

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

## **VII. OTHER BUSINESS**

Mr. Dohner, Vice-Chair, presided over the remainder of the meeting after Mr. Lehman left the meeting at 8:10 p.m.

Mrs. McMaster stated that there is one case on the docket for the next meeting to be held on September 17, 2015. She also stated that City Council passed the moratorium on the Land Development Code regarding Akron water for an additional six months.

**VIII. ADJOURNMENT**

Mr. Drew made a motion seconded by Mr. Wagner to adjourn 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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