



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
Matthew Vazzana, Assistant City Attorney

Thursday, July 20, 2017

7:30 PM

Town Hall

I. Call to Order

Chairman Lehman called to order the regularly scheduled meeting of the Board of Zoning & Building Appeals at 7:30 p.m., in accordance with the Sunshine Laws of the State of Ohio, O.R.C. Section 121.22.

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 Matthew Vazzana, Assistant City Attorney.

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.

Minutes taken by Joe Campbell, Executive Assistant.

Identification, by Chairman, of Kris McMaster, Associate Planner, and Matthew Vazzana, Assistant City Attorney.

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

Mr. Vazzana swore-in staff and all the persons wishing to speak under oath.

V. Approval of Minutes

A. [BZBA 6-15-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: June 15, 2017

Attachments: [BZBA Minutes June 15, 2017](#)

Mr. Wagner made a motion to approve the June 15, 2017 minutes as presented, Mr. Drew seconded the motion.

The motion was approved by the following vote:

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

VI. Public Hearings - New Business

Mr. Lehman confirmed with Mrs. McMaster that all required notices were posted and explained that it is the applicants obligation to persuade the board why variance should be granted.

- A.** [BZBA 2017-13](#) A variance of ten (10) feet to the minimum side yard setback requirements of twenty-five (25) feet resulting in a side yard setback of fifteen (15) feet for a side-facing attached garage pursuant to Section 1205.7(d)(6)(B)(iv) [Property Development/Design Standards - Minimum Side Yard Setback].

The applicant and owner is Justin L. Owens and Stacey L. Clark, 26 Baldwin Street, Hudson, Ohio 44236 for the property at 26 Baldwin Street in District 4 [Historic Residential Neighborhood].

Attachments: [BZBA Staff Report 7-20-2017](#)

Mrs. McMaster introduced the application for a variance of 10 feet to the 25 foot side yard setback to build an attached garage at this house in the historic district. The house was built in 1919 on a 70 foot by 149 foot lot.

Ms. Stacy Clark, the co-owner of the house spoke to the board regarding the difficulties of parking with the shared driveway especially in the winter. Ms. Clark also explained the need for a bathroom on the lower floor of the house.

Following questioning Ms. Clark explained that other options were explored but either did not meet the needs of the family or changed the character of the house.

Barbara McDonald the architect for the project explained that the brick facade is part of the foundation of the house and will remain in place with only a small part being covered.

Ms. Bibet Kalinyak Isabelle co-owner of the property next door, 30 Baldwin Street and the home directly across the street, 29 Baldwin Street, said she is pleased that Ms. Clark is investing the property and encouraged the Board to approve the request.

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 finds and concludes that the variance be granted with the following condition:

The Board finds and concludes:

1. 1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance however because of the shared driveway and the steep slope of the driveway the addition of the garage is needed.
2. The variance is substantial because it is a significant portion of the required setback, however, because of the shared driveway, the lay of the house and property line and the narrowness of the lot, the need for a variance is unavoidable if a garage is to be built.
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 the variance because the garage is located in the rear of the house behind the existing garage and not visible, also the most affected neighbor has testified in support 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 because of the narrowness of the lot, the slope of the shared driveway, the existing garage only supports one car and the shortage of bathroom facilities on the first floor of the house.

B. [BZBA 2017-14](#) At the request of the applicant, this application has been withdrawn from this meeting to be heard at the next BZBA Meeting of August 17, 2017.

VII. Other Business

Following case 2017-14 Mr. Lehman excused himself from the meeting.

Mr. Vazana reported that the first stage of the zoning code update, the internal interviews is complete. Work is now centered on phase 2 which is meeting with community stakeholders including: Home owner associations, merchant groups, etc. Over 100 points of contact are planned. The second part of phase 2 will be meeting with commercial contacts: Builders and others who have come before city boards related to land.

Following Phase 2 the LDC will be divided and staff members will work on the various parts. It is anticipated that a draft will go before City Council in February of 2018.

Mrs. McMaster reported there are two cases for August.

VIII. Adjournment

Mr. Dohner adjourned the meeting at 8:09 p.m.

John M. Dohner, Vice Chair

Fred Jahn, Board Member

Joe Campbell, Executive Assistant

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.

* * *