



COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

REPORT

DATE May 15, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date May 21, 2015

FROM: Kris A. McMaster, Associate Planner
Mark Richardson, Community Development Director

SUBJECT: **Appeals Docket 2015-04**

Application

Variance to allow a projecting sign for a second story occupant.

Site

Address: 138 N. Main Street
District: 5 Village Core District- Historic District
Applicant: Estrela Consulting, LLC
Owner: Perry L. Noe, Trustee and Robert Melba & Bryer, Trustees

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	5	Retail Business/Historic District
South	5	Retail Business/Historic District
East	5	Village Green/Historic District
West	5	Retail Business/Historic District

Comments

The subject of this hearing are variances for the following; 1] A request for a six (6) foot variance to the minimum requirement of 12 feet of ground floor frontage of a building for an upper story occupant to have a projecting sign. The result would be a ground floor frontage of six (6) feet. 2] A variance to the requirement "Upper Story Occupants" above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space not to exceed 6 square feet or 25% of the area of the window the sign is located or whichever is smaller pursuant to Sections 1207.17(d)(1)(C), "Signs in Nonresidential Districts- Permitted Signs Attached to Buildings"; and Section 1207.17(d)(2)(A)(2), Building Signs-Upper Story Occupants", of the Land Development Code.

The subject property is located District 5 in the City's Historic District. The property is surrounded to the north, south and west by retail business. To the east is the City of Hudson's Village Green. The original building was built in 1892. The applicant has indicated the owners purchased the building in 1985. The building has an address of 134 N. Main Street for the two ground floor occupants "Country Blues" and "Fair Trade on Main". Estrela Consulting, LLC., an Educational Advisor, is a new tenant located in the upper story with an address of 138 N. Main Street along with a separate office for the building owner that share an entrance foyer of 5' 2" wide on the ground floor to the upper level. The submitted photograph of the building indicated the distance and between the existing project signs and the building width of 36'. The building currently has the following signage: "Country Blues" has a wall sign and a projecting sign and "Fair Trade on Main" has a projecting sign and a window sign. The Board of Zoning and Building Appeals approved on April 25, 2005 a variance request for the "Country Blues" existing projecting sign to be 12 square feet when code requires a maximum of 6 square feet. Upper story occupants are permitted by code to have one permanent sign to be placed in a window of the occupant's space, not to exceed six (6) square feet or 25 percent of the area of the window in which the sign is placed, whichever is smaller. The applicant is requesting 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. The tenant has indicated the sign would be in similar style and character as the adjacent businesses and believes the projecting signage will help generate additional business for them. Estrela Consulting has applied for a sign plate sign of 2 square feet to be located above the entrance door that will also clearly mark the entrance location to the business. Such signs are permitted by code.

The following documents regarding the property are attached for your review:

1. **April 21, 2015**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Photographs**- Front of building and proposed signage.
4. **March 5, 2015**-Zoning Use Certificate for Estrela Consulting.
5. **April 20, 2015** – Letter from Bob Bryer owner of the building.
6. **April 21, 2005**-BZBA Decision for a variance approval for size of a projecting sign for the business Country Blues.

Approval of the design of the sign from the Architectural and Historic Board of Review would be required prior to the issuance of a zoning certificate.

Docket No. 2015-04

May 21, 2015

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cc: BZBA 2015-04
Aimee Lane, Assistant City Solicitor
Estrela Consulting, LLC
Perry L. Noe, Trustee and Robert & Melba Bryer, Trustees
Keith Smith, Council Liaison
Attachments



Board of Zoning and Building Appeals Application

115 Executive Parkway, Suite 400 · Hudson, Ohio 44236-3004
(330) 342-1790 · (330) 656-1753 · Fax (330) 342-1722
www.hudson.oh.us

Please make check amount payable to "City of Hudson" for the amount of \$250.00

Pursuant to the City of Hudson Land Development Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning and Building Appeals for the following purpose(s):

(Please Circle Request)

"VARIANCE"

"NONCONFORMING USE"

"APPEAL"

Property Address: 138 N. Main Street Zoning District: 5

Explanation of Request and Justification:

Estrela Consulting LLC requests that a variance be granted to permit a projecting sign above its entrance at 138 N. Main St. A projecting sign would clearly mark the entrance to its office, generally add about 100 sq. ft. to Main Street, generally add about 100 sq. ft. of business for Estrela Consulting, and avoid any unsightly traffic in nearby stores and offices.
For a variance: Code requires 12 ft setback/sq. ft./height. Request is for 11.5 ft setback/sq. ft./height.

Year Property Purchased: 1985

Section(s) of the Land Development Code applicable to this application: 1207.17(d)(3)(A),
"Signs in Non-Residential Districts" - "Projecting Signs"

The undersigned certify that the information provided to the Board in and with this application is true and accurate and consent to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval.

Applicant: Estrela Consulting, LLC Property Owner: PLNOE/R. Byer/M. Byer

Address: 138 N. Main Street - Suite 1 Address: 138 N. Main Street - Suite 3

Telephone: 330-475-7054 Telephone: 330-283-1526

Fax: 330-475-7054 Fax: _____

E-Mail: greg@estrelaconsulting.com E-Mail: WKBEE@AOL.com

Applicant: state relationship (agent, attorney, contractor, other): Managing Member

Applicant Signature: [Signature] Date: 4/19/2015

Property Owner Signature: [Signature] Date: 4/20/2015

(Staff use only)

Application No./Docket No. 2015-04 Hearing Date 5-21-15
Date Received 4-21-15 Fee Paid 250.00 FEMA Floodplain Y N _____ (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 138 N. Main Street

Variances from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following: "Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards."

In determining "practical difficulty," the BZBA will consider the following factors:

- 1) The property in question (~~will~~/will not) yield a reasonable return and there (~~can~~/cannot) be a beneficial use of the property without the variance because: the building is currently fully occupied without the variance; however, Estrela Consulting believes granting the variance will help to clearly mark its entrance and generate additional foot traffic and business.
- 2) The variance is (~~substantial~~/insubstantial) because: it would result in a third projecting sign on the building, but the placement of the third sign would be directly above the entrance to 138 N. Main, therefore making it more clear which entrance belongs to Estrela Consulting.
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? Yes. Estrela Consulting's business is a client facing business and expects to generate additional business by having a projecting sign which clearly marks its entrance.
- 3) Would the essential character of the neighborhood be substantially altered? Explain: No, the essential character of the neighborhood would not be substantially altered as there are other buildings nearby that have similar signage.
 - a) Would adjoining properties be negatively impacted? No, adjoining properties would not be negatively impacted as nearby properties have similar signage. In fact, a projecting sign would more clearly mark the entrance to Estrela's office, avoiding unsolicited traffic into nearby stores and offices.
 - b) Describe how the adjacent properties will not be affected: nearby stores and offices. Adjacent properties have similar signage. A projecting sign above Estrela's entrance would actually help to avoid unsolicited traffic into nearby stores and offices, as the sign would clearly mark the entrance to 138 N. Main (Estrela Consulting's office).
- 4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? No.
- 5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? The owner of the property is aware of the zoning restrictions although the owner purchased the building about four decades ago.
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: Estrela Consulting believes a projecting sign above its entrance will help to clearly mark the entrance and result in additional business. The projecting sign requires a variance.
- 7) The spirit and intent behind the zoning requirement (~~would~~/would not) be observed and substantial justice (~~done~~/not done) by granting the variance because: the sign is within the similar style and character of the neighborhood; furthermore, granting the variance will bring additional foot traffic and business to Main Street.
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: a request by a new tenant, Estrela Consulting, which requires a projecting sign to clearly mark the entrance to its office.
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: The building has one entrance for ground floor tenants (134 N. Main) and a separate entrance for upper level tenants (138 N. Main) which is not clearly marked without a projecting sign.

Signature [Signature]

Date 4/19/2015

City of Hudson, OH



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 146 feet
4/21/2015

Entrance to 138 N. Main St

138

82"

38"

63"

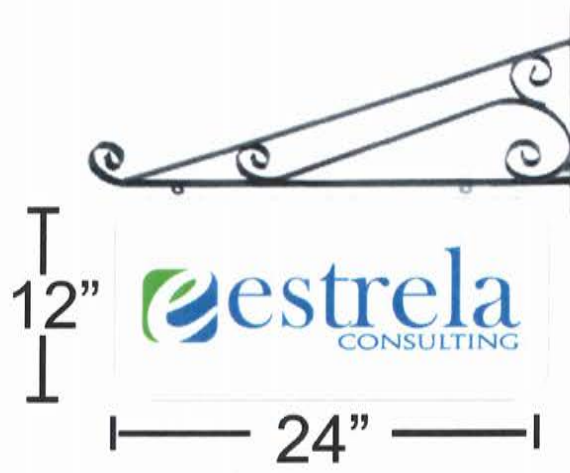


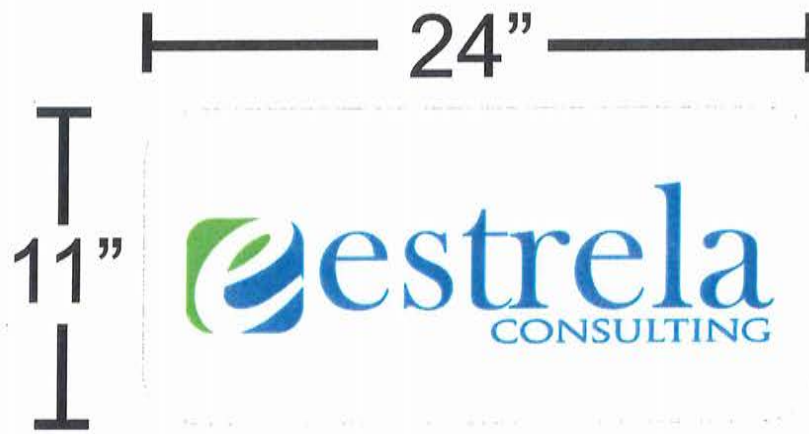
BZBA Application Supplement

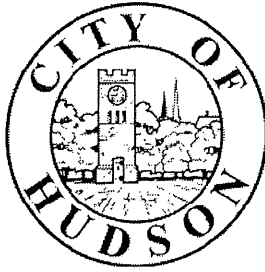
Estrela Consulting, LLC

Picture of building front (134--138 N. Main St.) with dimensions









City of Hudson Ohio
Department of Community Development
115 Executive Parkway, Suite 400, Hudson, OH 44236
Phone: (330) 342-1790 www.hudson.oh.us

Zoning Certificate

PROJECT ADDRESS: 138 N MAIN ST

Parcel Number: **3201450**

Zoning District: **5**

Subdivision: **N/A**

Lot #: **N/A**

Applicant: Robert Bryer & Perry Noe

Owner: Perry Noe

190 Aurora Street

190 Aurora Street

HUDSON, OH 44236

HUDSON, OH 44236

Permit Number: **2015-030**

Issue Date: **3/5/15**

Project: **Use-home/chg within category/occupancy**

Picked up Date: **3/9/15**

Permit Description: **Use Certificate: Estrela Consulting**

Square footage: **1100**

FEMA Floodplain: **N**

CONDITIONS

- AHBR approval not required

Building Permit must be obtained from the Summit County Department of Building Standards prior to commencing work.
Certificate shall expire unless construction is commenced within six months and completed within two years of the date of issuance.
Not valid without Staff signature.

Authorized City Staff

3/5/15

Date

CITY OF HUDSON

USE DESCRIPTION

(ATTACHMENT TO THE APPLICATION FOR A ZONING CERTIFICATE FOR A CHANGE OF USE)

1. What is the name of the business? ESTRELA CONSULTING
2. Briefly describe the activities that will occur in the space to be occupied by the business; for example, is the business retail, office, service or another kind of activity. Also please describe the specific product or service to be rendered; for example, women's clothing, insurance office, or shoe repair.
OFFICE - Educational Advisor.
3. What is the square footage that the business will occupy? 1100
4. Describe the days of the week the business be open and the hours of operation
M-FRI - Normal with some Evening Hours
5. What is the number of full-time employees at this location? 2
6. What is the total annual payroll related to these full-time employees? Unknown - Startup
7. What is the number of full-time employees to be hired over the next 36 months? Unknown - Startup
8. What is the total annual payroll related to these full-time employees? Unknown - Startup
9. What is the total investment in building improvements for the business? \$20000
10. What best describes the status of the business?
☒ This is the first location for this business
☐ The business is being relocated from inside of Hudson
☐ The business is being relocated from outside of Hudson
☐ There are other locations for this business outside of Hudson

Please provide contact information for the business if it is different from the zoning certificate application form

Name OREG DOOLEY
Address _____
City, State, Zip _____
Phone 330-310-9231
Email OREG@ESTRELA CONSULTING.COM

CITY OF HUDSON

ZCH 15-030 APPROVED MAR-5 '15

Mark Richardson

ASSOCIATE CLERK

April 20, 2015

City of Hudson, Ohio
Board of Zoning and Building Appeals
115 Executive Parkway, Suite 400
Hudson, Ohio 44236-1722

To Whom It May Concern,

I'm writing in regards to a Board of Zoning and Building Appeals Application which was submitted by my new tenant, Estrela Consulting, LLC. I respectfully request that you consider the application and circumstances and promptly grant the requested variance for a projecting sign to be placed above the entrance to 138 N. Main Street.

Estrela Consulting, LLC recently became my tenant effective April 1, 2015. Their office is located at 138 N. Main Street, which is an upper story office space which has its own separate entrance on the ground floor of my building.

A projecting sign would clearly mark the entrance to Estrela Consulting, LLC's office, which is important for my tenant given the client-facing nature of its business. The projecting sign would help to generate additional foot traffic to Main Street, generate additional business for my tenant, and avoid unsolicited foot traffic in nearby stores and offices.

Importantly, granting the variance would not substantially alter the essential character of the neighborhood and adjoining properties would not be negatively impacted as there are other buildings nearby with similar signage.

Please consider my request and promptly grant the variance for a projecting sign for my tenant, Estrela Consulting, LLC at 138 N. Main Street. A representative from Estrela Consulting, LLC will attend the Board of Zoning and Building Appeals meeting on May 21, 2015 on my behalf.

Thank you,



Bob Bryer
Noe & Bryer
138 N. Main Street - Suite 3
Hudson, Ohio 44236
Phone: 330-283-1526
Email: WKBEE@aol.com



City of Hudson

Board of Zoning and Building Appeals

BZBA APPEALS DOCKET NO. 2005-05

134 N. MAIN STREET

DISTRICT 5

VARIANCE

DECISION IS PERMANENT
REMOVE BACKUP PAPERWORK
TO RETENTION FILE ON THE
*DECISION DATE OF 2010
AWAITING DISPOSAL APPRVL

Via Certified Mail
DECISION

Based on the evidence presented to the Board by the applicant, Mark Penner, 461 Berwick Circle; Aurora, Ohio, owner of the "Country Blues" store; interested parties; and City Staff at a public hearing held in the 2nd Floor Meeting Room at Town Hall, 27 E. Main Street, Hudson, Ohio at 7:30 p.m., on Thursday, April 21, 2005, the Board hereby approves:

A request for a variance of six (6) sq. ft. resulting in a twelve (12) sq. ft. projecting sign when a maximum of six (6) sq. ft. is permitted per ground floor business occupant frontage pursuant to Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts - Permanent Signs Attached to Buildings". The Board finds and concludes:

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance;
- b) the variance is substantial because it is 100% over the permitted size;
- c) 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;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the applicant purchased the property with knowledge of the zoning restriction;
- f) the applicant's situation feasibly cannot be resolved through some method other than the variance; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance based upon the unique circumstances in this case including 29 years of store ownership at this location; the unique character of Main Street; five or more signs on Main Street 12 sq. ft. or larger; and the replacement of a sign of identical size; no personal knowledge that replacing the sign would lead to this predicament;

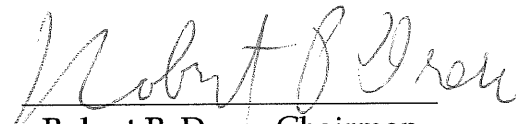
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BZBA APPEALS DOCKET 2005-05
134 N. MAIN STREET
PAGE -2-

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This variance has been granted with the condition, which condition has been agreed to by the applicant store owner, that the sign variance would be in effect as long as there was no change in the character or nature of the business and no change in ownership of the business or occupant of the storefront.


C
Dated: April 21, 2005

CITY OF HUDSON

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BOARD OF ZONING AND BUILDING APPEALS


Robert P. Drew, Chairman

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I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the April 21, 2005 meeting.


Carol G. Muesel, Clerk

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