



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, June 18, 2015

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: 4 - Mr. Dohner, Mr. Jahn, Mr. David Lehman, and Mr. Wagner

Absent: 1 - Mr. Drew

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 - May 21, 2015**A. [05-21-15](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING May 21, 2015.**

Mr. Wagner made a motion to approve the minutes of the May 21, 2015 meeting as submitted. Mr. Dohner seconded the motion. Mr. Jahn abstained because he was not present at the meeting held on May 21, 2015.

Aye: 3 - Mr. Dohner, Mr. Lehman, and Mr. Wagner

Abstain: 1 - Mr. Jahn

VI. PUBLIC HEARING

Prior to the consideration of the two cases on the agenda, in response to an inquiry received from a Board member as to whether the board has the authority to consider the subject requests for variances, Mrs. Lane stated that it is her conclusion that the Board of Zoning and Building Appeals does have the authority to consider these requests for variances and to make decisions accordingly.

VII. OLD BUSINESS

- A. [BZBA 2015-04](#)** 1] A seven (7) foot variance to the minimum requirement of 12 feet of ground floor frontage for an occupant to have a projecting sign. The result would be a ground floor frontage of five (5) feet. 2] A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for a second floor occupant. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(3)(A), "Signs in Nonresidential Districts-Projecting Signs".

The applicant is Estrela Consulting, LLC, 138 N. Main Street and the property owner is Perry L. Noe, Trustee, and Robert and Melba Bryer, Trustees, 138 N. Main Street, Hudson, OH 44236 for the building located at 134 N. Main Street in District 5 [Village Core District-Historic District].

Mrs. McMaster noted that no new information had been received since the case was considered on May 21, 2015.

The applicant, Greg Dooley, 138 N. Main Street, Hudson, Ohio 44236, co-owner of Estrela Consulting, reviewed the importance of an external sign: 1) a sign clearly marks the entrance to their location; and 2) a sign provides name visibility which is very important as a new business in the area.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

There being no comment, Mr. Lehman closed the public portion of the meeting.

The discussion continued among the Board members. The applicant's testimony and the staff report were considered.

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, Mr. Jahn made a motion seconded by Mr. Dohner for the Board of Zoning and Building Appeals to deny the subject request:

1] A seven (7) foot variance to the minimum requirement of 12 feet of ground floor frontage for an occupant to have a projecting sign. The result would be a ground floor frontage of five (5) feet. 2] A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for a second floor occupant. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(3)(A), "Signs in Nonresidential Districts-Projecting Signs".

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variances because a name sign is permitted by right, and window signs are permitted for second story space with size limitations;
- b) the variance is substantial because second story signs are clearly not permitted by the Land Development Code and the definition of second story entrance door does not meet the required width of the Code;
- c) the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variances because it would set a precedent of numerous signs for second story tenants that are located on Main Street, the largest being the Hudson Square building which has a third floor and has the potential of several signs;
- d) the variance would not adversely affect the delivery of government services, (e.g. water, sewer, garbage);
- e) the owner purchased the property without knowledge of the zoning restriction because it was purchased in 1985 prior to the current Land Development Code;
- f) the applicant's predicament feasibly can be resolved through some method other than the variances such as a name plate or window sign which are allowed for second story tenant use;
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by denying the variances to restrain sign proliferation along Main Street.

The motion passed unanimously.

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

VIII. NEW BUSINESS

- A. [BZBA 2015-06](#) 1] A five (5) foot variance to the minimum requirement of 12 feet of ground floor frontage for upper story occupants to have a projecting sign listing the business tenants. The result would be a ground floor frontage of seven (7) feet. 2] A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for second floor occupants. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), “Signs in Nonresidential Districts-Permitted Signs Attached to Buildings”; and Section 1207.17(d)(3)(A), “Signs in Nonresidential Districts-Projecting Signs”.

The applicant is Kenneth M. Haneline, 42 Fox Trace Lane, Hudson, OH 44236 and the property owner is Hanna and Hanna, P.O. Box 457, Hudson, OH 44236 for the Saywell Building located at 156 N. Main Street in District 5 [Village Core District-Historic District].

Mrs. McMaster introduced BZBA Case No. 2015-06, which requests a variance to allow a projecting sign for second story occupants.

Mr. Kenneth M. Haneline, 42 Fox Trace Lane, Hudson, Ohio 44236, representing the property owner Hanna and Hanna, noted that there is only one entrance way for the six suites located on the second floor of the building, and that a tree is located in the right-of-way in front of the door, making locating the business entry difficult.

The Board members, applicant, and property owner, Mr. John Hanna, discussed the case. The discussion included alternatives to the variance request.

Mr. Lehman open the meeting to public comment.

Mrs. Mary Haneline, 42 Fox Trace Lane, Hudson, Ohio 44236, a second floor tenant, stated that despite numerous attempts to highlight the location of her business, customers still have difficulty finding it.

Mrs. Stacie Pinover, 255 W. Streetsboro Street, Hudson, Ohio 44236, also a second floor tenant, asked whether projecting signs for second floor tenants were allowed on First Street. Mr. Lehman clarified what type of signage is permitted for the businesses located on the upper level of the building and the lower level businesses on Main Street.

Mr. Lee Pinover, 255 W. Streetsboro Street, Hudson, Ohio 44236, stated that the businesses that are located in the rear of the building need some sort of signage exposure to let the public know where they are located.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the testimony and the staff report.

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, Mr. Dohner made a motion seconded by Mr. Jahn for the Board of Building and Zoning Appeals to deny the subject requests:

1] A five (5) foot variance to the minimum requirement of 12 feet of ground floor frontage for upper story occupants to have a projecting sign listing the business tenants. The result would be a ground floor frontage of seven (7) feet. 2] A variance to the requirement that projecting signs may only be installed for ground floor occupants. The result would be a projecting sign for second floor occupants. The variances are requested pursuant to the City of Hudson Land Development Code Section 1207.17(d)(1)(C), "Signs in Nonresidential Districts-Permitted Signs Attached to Buildings"; and Section 1207.17(d)(3)(A), "Signs in Nonresidential Districts-Projecting Signs".

a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variances because a name sign or building identification sign is permitted above the door which would indicate the presence of second story tenants and where they can be accessed;

b) the variances are substantial because the second story entrance door does not meet the width requirement of the Code and second story tenants are not permitted a projecting sign;

c) the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variances because a precedent would be set for numerous signs for second story tenants that are located along Main Street;

d) the variances would not adversely affect the delivery of government services, (e.g. water, sewer, garbage);

e) the owner purchased the property without knowledge of the zoning restriction because the current Land Development Code was adopted after the purchase;

f) the applicant's predicament feasibly can be resolved through some method other than the variances, i.e., an identifying sign either for a tenant or the name of the building above the doorway;

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by denying the variances to restrain the requested variances.

The motion to deny the variances was upheld.

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

IX. OTHER BUSINESS

Mrs. McMaster reviewed the five cases which will be on the agenda for the next meeting to be held on July 16, 2015.

X. ADJOURNMENT

The Chair, Mr. Lehman, adjourned the meeting at 9:30 p.m.

David W. Lehman, Chair

John M. Dohner, Vice Chair

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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