



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, October 15, 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: 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. PUBLIC HEARING

OLD BUSINESS - CONTINUED

[BZBA 2015-11](#) A variance to allow an accessory structure detached garage to be located in the side yard 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 applicant is Ted Georger; 1308 Greenwood Ave., Kent, Ohio 44240 and property owner is Mr. and Mrs. Michael Knights; 42 Aurora Street; Hudson, Ohio 44236 for the property located at 42 Aurora Street in District 4 [Historic Residential Neighborhood].

Attachments: [2015-11 42 Aurora Staff report](#)

Mrs. McMaster reviewed the new documents that were submitted to the Board members since the previous meeting on September 17, 2015.

Mr. Lehman said that the focus of comments tonight should be on the new information submitted.

Mr. Georger, applicant and representing the owners, Michael and Bambi Knights, 42 Aurora Street, indicated that two new options have been informally reviewed by the Architectural and Historic Board of Review since the last BZBA meeting.

The Board members and applicant discussed the new options presented by Mr. Knight.

Mr. Lehman opened the meeting to public comment.

Julie Ann Hancsak, 60 Division Street, discussed scale and incompatibility of the property with its surroundings and the economic impact of the proposed changes.

Bill Carroll, 69 College Street, stated his opposition to the variance, noting that plans submitted to the Community Development Department in October, 2015 include a first floor master suite, which would meet the need for first floor accommodations for family members and would relieve the need for the variance.

Carl Kothheimer, 45 Division Street, commented on overbuilding and drainage issues at the property.

Sid Nelson, 52 Aurora Street, supported the variance request. He commented on drainage issues and that the character of the neighborhood would not be substantially altered if the structure were to be built.

Robert Douglass, 48 Aurora Street, spoke in opposition to the variance, citing the height of the structure.

Angela Gotthardt, 30 Division Street, commented that the property was overbuilt and already has a garage.

Erin Nelson, 52 Aurora Street, commented that the property at 42 Aurora Street should add to the value of the properties in the neighborhood.

Karen Hannum, 70 College Street, asked that the comments be limited to the variance request and questioned the need for the variance due to the existing garage.

David Adams, 172 Aurora Street spoke in opposition to the variance, citing water runoff and that zoning changes affect the architectural landscape.

Mary Ellen Carroll, 69 College Street, stated that granting the variance would set a precedent and would be detrimental to the neighborhood.

Michael Knights, 42 Aurora Street, noted that everything that has been done to the property at 42 Aurora has been done with approval by the Architectural and Historic Board of Review.

Bambi Knights, 42 Aurora Street, commented that it is disheartening to hear people say that they do not care about this community.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the comments raised in the public testimony.

A public hearing was held on Case No. 2015-11.

A motion was made by Mr. Drew, seconded by Mr. Dohner, 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 denies 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 because there was an existing garage located behind the main mass of the house, but the owners chose to convert it to living space.**
- 2. The variance is substantial because the location of the garage is visible from the street and is separated from the existing two-story house.**
- 3. The essential character of the neighborhood would be substantially altered and adjoining properties would suffer a substantial detriment as a result of the variance because the side entry garage and height will impact the neighborhood and the community.**
- 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 can be resolved through some method than a variance because the owners elected to change the existing garage into living space.**
- 7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by denying this variance as the owner created the need for this variance by electing to convert the existing garage into living space.**

The motion carried by the following vote:

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

Nay: 2 - Mr. Jahn and Mr. Lehman

NEW BUSINESS

[BZBA 2015-12](#) A variance of twenty (20) feet to the minimum rear yard setback of fifty (50) feet for a screened porch addition resulting in a structure being thirty (30) feet from the rear property line pursuant to Sections 1205.06(d)(5)(E)(i), “Setbacks: Minimum Rear Yard Setbacks-Principal Structure: 50 feet” of the City of Hudson Land Development Code.

The applicant is Diane Rubin-Schuld, 6050 Union Ave., Alliance, OH 44601 and the owners are David and Marilyn Lewis, 7 Tanager Drive, Hudson, Ohio 44236 in District 3 [Outer Village Residential Neighborhood].

Attachments: [Staff report for 10-15-15](#)

Mrs. McMaster reviewed the variance request which would result in a structure being thirty (30) feet from the rear property line.

Mr. David Lewis, property owner, 7 Tanager Drive, said that the screened porch would be located in the only logical location off of the family room due to the angled placement of the house on the property and the design of the interior layout of the house.

The Board members and applicant discussed the case.

Mr. Lehman opened the public portion of the meeting.

Paul Britton, 77 Great Oak, voiced his support for the variance.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the staff report and the testimony presented.

A public hearing was held on Case No. 2015-12.

A motion was made by Mr. Dohner, seconded by Mr. Jahn, 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 grants 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 because it is being used without the variance now.

2. The variance is insubstantial because with the irregular shape of the lot, the house is not set straight facing the street and creates an odd angle.as to where to place the addition.
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 if this were a detached screened porch, it would actually be much closer to the nearest neighbor. The amount of buffering that currently exists also minimizes any detriment to the neighbors.
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.

The motion carried by the following vote:

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

VI. OTHER BUSINESS

Mrs. Lane reported that decisions of the Board of Zoning and Building Appeals can be appealed to the Court of Common Pleas and suggested that the Board consider a motion directing that a written Conclusions of Fact be prepared by the Law Department for BZBA Case No. 2015-11.

Mr. Dohner made a motion seconded by Mr. Drew, authorizing the Law Department to prepare a written Conclusions of Fact regarding the first case heard tonight, 42 Aurora Street, a variance request for a side yard variance.

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

Mrs. McMaster indicated that the deadline for submission of cases for the November 19, 2015 meeting is 10-22-15. She said that currently there is one case for a front yard setback on the docket.

This matter was discussed.

VII. ADJOURNMENT

Mr. Lehman adjourned the meeting at 10 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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