



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, September 17, 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. Drew, Mr. Jahn, David Lehman and Mr. Wagner

Absent: 1 - Mr. Dohner

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**A. [BZBA 8-20-15](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETINGS.**

Attachments: [August 20, 2015](#)
[Staff report for 10-15-15](#)

Mr. Drew made a motion to approve the minutes of the August 20, 2015 meeting as revised. Mr. Wagner seconded the motion.

The motion was approved. by the following vote:

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

VI. PUBLIC HEARING**NEW BUSINESS****A. [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 introduced this request for a variance to allow an accessory structure detached garage to be located in the side yard.

Mr. Ted Georger, 1308 Greenwood Avenue, Kent, OH 44240, applicant, and representing Mr. Michael Knights, 42 Aurora Street, Hudson, OH 44236, owner, said that there is only 13 1/2 "between the rear of the house to the property line, leaving no space for a rear yard garage. He also noted that there will not be a car lift in the structure.

The Board members, applicant and owner discussed possible options.

Mr. Lehman opened the public portion of the meeting.

Robert Douglass, 48 Aurora Street, mentioned several concerns including that many homes in the area do not have garages; the owners eliminated an existing garage; a negative visual impact; building height and size would be precedent-setting; the character of the neighborhood and the value of neighborhood homes would be adversely affected and ecological integrity will be reduced.

Julie Ann Hancsak, 60 Division Street, Hudson Heritage Association, said that the overbuilt house is incongruent with the neighborhood; that the character of the neighborhood would be substantially altered and that there were stormwater concerns.

Ted Olsen, 5154 Darrow Road, spoke regarding the importance of scale of structures on a small lot and that the streetscape would be affected.

Francoise Kenney, 63 College Street, noted the new large addition, concern regarding impervious surface, disregard of the spirit and intent of the LDC and visual impact.

Sid Nelson, 52 Aurora Street, urged that the decision be made on the side lot line variance and not other matters.

Curt VanBlarcum, 422 N. Main Street, spoke regarding bufferyards, tree clearing and encroachment into green space.

Ellen Minch, 37 Division Street, expressed concern about the water runoff and other water issues.

Karen Douglass, 48 Aurora Street, said she does not think that the owner has provided proof of difficulty.

Virginia Rogers, 175 Aurora Street, noted that the project has not been approved by the Architectural and Historic Board of Review, but a proposal was reviewed informally.

Mr. Lehman closed the public portion of the hearing.

The Board discussed the comments raised in the public testimony and further discussed the application with the applicant and property owner.

A public hearing was held on Case #2015-11.

A motion was made by Mr. Drew, 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 here by moves to deny 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 was denied. Due to the tie vote, this case will be continued until the October 15, 2015 BZBA Meeting.

Aye: 2 - Mr. Drew and Mr. Wagner

Nay: 2 - Mr. Jahn and Mr. Lehman

VII. OTHER BUSINESS

Mrs. McMaster reported that there will be at least one additional case at the next meeting. An application has been received for 7 Tanager Drive regarding a rear yard setback.

VIII. ADJOURNMENT

The Chair, Mr. Lehman, adjourned the meeting at 10:05 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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