

REPORT

DATE April 14, 2016

TO: Board of Zoning and Building Appeals for
Meeting Date April 21, 2016

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

SUBJECT: **Appeals Docket 2016-10**

Application

Appeal of a staff determination and enlargement of a nonconforming use.

Site

Address: Walters Road, Parcel No. 3003773
District: 2 - Rural Residential Conservation
Applicant: Christopher J. Meager, Esq.
Owner: Friends of Pet Cemetery Association ("FOPCA"),
Dan Kalk, President

Adjacent

| <u>Location</u> | <u>District</u> | <u>Use</u> |
|-----------------|-----------------|---|
| North | 2 | Single Family Residential |
| South | 2 | Single Family Residential |
| East | 2 | County of Summit-Conservation Easement |
| West | N/A | Village of Boston Heights- Residential |

Comments

The subject of this hearing is: (1) an appeal of the Community Development Director's determination that cremation services were voluntarily discontinued pursuant to Section 1206.05(e)(3) of the Land Development Code and, therefore, a request to resume cremation services at the property requires BZBA approval for an enlargement of a nonconforming use; and (2) in the alternative, an application for an enlargement of a nonconforming use to resume cremation services at the

property pursuant to the standards set forth in Section 1206.05(e)(1) of the Land Development Code.

The subject property is in District 2 - Rural Residential Conservation on approximately 13 acres of land. Single family residential homes are to the north and south. To the east is a County of Summit Conservation Easement and to the west are single family homes in the Village of Boston Heights. The subject property was known as the Boston Hills Pet Memorial Park dedicated as a pet cemetery in June 1945 and since July of 2012 has been owned and operated by the Friends of Pet Cemetery Association ("FOPCA"). The pet cemetery is a legal nonconforming use. The owners have indicated that until 2012 the Park offered pet cremation services on site. They have indicated in their application the structures and other necessary cremation equipment have been maintained within the crematorium for future use. The owners have indicated the Park relies on donations and volunteers to maintain and operate the cemetery. To make improvements to the cemetery the owners would like to offer onsite cremation services. Mr. Kalk, president of the "FOPCA", contacted Mr. Frank Comeriato, Assistant City Manager, regarding the reinstatement of pet cremation services at the Park and Mr. Mark Richardson, Community Development Director responded to the request in a letter dated March 9, 2016. (See attached letter). The "FOPCA" is appealing the Community Development Director's determination that cremation services were voluntarily discontinued and if the appeal is not successful, is seeking an enlargement of the nonconforming use to resume cremation services at the property. Such an enlargement requires the approval of the Board of Zoning and Building Appeals (BZBA) finding all of the following:

- The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
- The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
- Increases and enlargements do not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of (December 1999); and
- Increases and enlargements do not exceed one hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of (December 1999).

Staff recommends that BZBA find that the standards listed above for an enlargement of this nonconforming use has been met. Staff also notes the Land Development Code's policy concerning nonconforming uses as follows:

"It is the general policy of the City of Hudson to allow nonconforming uses, structures, or lots to continue to exist and to be put to productive use. However, it

Docket No. 2016-10

April 14, 2016

Page 3

is also the general policy of the City to bring as many aspects of such nonconformities into conformance with this Code as is reasonably practicable, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of property owners in continuing to use their property but to reasonably control expansions, reestablishment of discontinued uses, and the reestablishment of nonconforming buildings and structures that have been substantially destroyed.”

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

1. **March 29, 2016**-Application for BZBA and supplemental information of applicant's request, including letter dated March 9, 2016, from Mark Richardson, Community Development Director
2. **Aerial of site.**
3. **Photographs.**

cc: BZBA 2016-10
Aimee W. Lane, Assistant City Solicitor
Christopher J. Meager, Esq.,
Friends of Pet Cemetery Association, Dan Kalk, President
Council Liaison

Attachments

City of Hudson, OH



| | | | |
|---------------|------------------------------------|-------------------|----------------------------------|
| Owner Name | Friend Of Pet Cemetery Association | Legal Description | LOT 81 ON W LOT LINE 13.00 ACRES |
| Site Address | WALTERS RD | Area | 12.74 |
| Parcel ID | 3003773 | Council Ward | Ward 2 |
| Owner Address | 34690 CANNON RD | Water Provider | NA |
| Owner City | OLON | Sewer Provider | NA |
| Owner State | OH | Electric Provider | NA |
| Owner ZIP | 44139 | Water Rate | NA |
| Phone | | Water Tap | NA |

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 = 233 feet
 3/31/2016

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 = 467 feet
3/31/2016

BRENNAN, MANNA & DIAMOND

ATTORNEYS & COUNSELORS AT LAW

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3301 Bonita Beach Road, Suite 100
Bonita Springs, Florida 34134
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Facsimile 239-992-9328

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Telephone 330-253-5060
Facsimile 330-253-1977

JACKSONVILLE OFFICE

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Jacksonville, Florida 32202
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Facsimile 904-366-1501

CHINA OFFICE

1376 West Nanjing Road
West Tower, 5th Floor, Suite 504-27
Shanghai, China 200040
Telephone 011(86) 152-01829982

Mach 29, 2016

VIA HAND DELIVERY

Board of Zoning and Building Appeals
115 Executive Parkway, Suite 400
Hudson, Ohio 44236
Attn: Community Development

RE: Friends of Pet Cemetery Association
Boston Hills Pet Memorial Park
Walters Road, Hudson, Ohio 44236
Parcel No.: 3003773
Vesting Deed Reference No: 55877209

To whomever it may concern:

The undersigned and the law firm of Brennan, Manna & Diamond, LLC help represent the Friends of Pet Cemetery Association ("FOPCA"), the owner of the real property known as the Boston Hills Pet Memorial Park, located on Walters Road in Hudson, Ohio (Parcel No.: 3003773; the "Park").

I. BACKGROUND

The Park was dedicated as a pet cemetery on June 6, 1945; predating the Summit County Environmental Code and the City of Hudson Zoning Code. As such, although the Park is located in the Rural Residential Conservation Zoning District for the City of Hudson, the use of the Park as a pet cemetery has been, and continues to be, a legal nonconforming use of the property.

Until 2012, the owners of the Park offered pet cremation services as an ancillary service to their patrons through an onsite pet crematorium; the existence of which also predates the Summit County Environmental Code and the City of Hudson Zoning Code. The provision of pet cremations was an accessory use of the Park's principal nonconforming use as a pet cemetery. Although the last onsite pet cremation occurred in 2012, mainly due to a reduction in market demand, the owners of the Park have maintained the structures and other necessary cremation equipment within the crematorium for future use.

Since July 25, 2012, the Park has been owned and operated by FOPCA. As a 501(c)(3) charity, FOPCA relies heavily upon donations and volunteers to maintain and operate the Park. To continue to maintain and operate the Park at its current level, and to make necessary improvements, FOPCA desires to again offer its pet cremation services to patrons through the use of its onsite crematorium.

In an effort to keep the City of Hudson apprised of recent developments with the Park, the current president of FOPCA, Dan Kalk, contacted the Assistant City Manager, Frank Comeriato, regarding the reinstatement of pet cremation services at the Park. On March 9, 2016, Mr. Kalk received a letter from the Director of Community Development Department, Mark Richardson, stating, *inter alia*, that pet cremation services can only be resumed with the approval of the Board of Zoning and Building Appeals.

For the reasons stated in this letter, FOPCA respectfully requests the Board of Zoning and Building Appeals to reconsider Mr. Richardson's conclusion, or, in the alternative, approve the expansion of the current nonconforming use to include the provision of pet cremation services through the onsite crematorium.

II. SUMMARY OF ARGUMENT

For nearly seventy one (71) years the Park has been used as a pet cemetery. Throughout this time, the owners of the Park have offered various accessory services to its patrons, including pet cremation services. Although an onsite pet cremation has not occurred since 2012, the structures and other equipment necessary for pet cremations remain on the property. The reinstatement of pet cremation services will not enlarge, increase, or extend the pet cemetery beyond the area it occupied as of the effective date of the Land Development Code (the "Code"). In fact, the reinstatement of onsite pet cremation services will utilize the same space it utilized when it last provided a pet cremation in 2012.

Assuming, *arguendo*, that the Board of Zoning and Building Appeals determines that the reinstatement of pet cremation services at the Park is an enlargement, increase, or extension of the nonconforming use beyond the area it occupied as of the effective date of the Code, FOPCA respectfully requests such enlargement, increase, and/or expansion of its current nonconforming use because the reinstatement of a pet crematorium:

- (1) will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
- (2) will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
- (3) (a) will not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of the effective date of the Code; or (b) will not exceed one hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of the Code.

III. LAW AND ARGUMENT

“All provisions, terms, phrases, and expressions contained in [the Code] shall be construed according to [the] Code’s stated purpose and intent.” Section 1201.06(a). It is the Codes stated purpose for nonconforming uses/structures/lots to “... allow nonconforming uses, structures, or lots to continue to exist and to be put to productive use.” Section 1206.05(b). In recognizing the City’s general policy to bring as many aspects of nonconformities into conformance with the Code as reasonably practicable, Section 1206.05(c) of the Code provides that “[n]onconformities *shall* be allowed to continue in accordance with the requirements of this section.”

Section 1206.05(e) of the Code sets forth the following standards for nonconforming uses:

1. Enlargement

A nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided that the Board of Zoning and Building Appeals, pursuant to the procedures set forth in section 1203.06 of this Code, finds all of the following:

- A. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
- B. The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
- C. Increases and enlargements do not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of the effective date of this Code, or except as (D) below.
- D. Increases and enlargements do not exceed on hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of this Code.

2. Relocation

No nonconforming use shall be moved in whole or in part from its original location as of the effective date of this Code to any other part of such parcel, building, structure, or to another lot except in compliance with this Code.

3. Discontinuance and Abandonment

- A. If a non-conforming use is voluntarily discontinued for a period of twenty-four (24) consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Code for the district in which such property is located.
- B. Discontinuance of a nonconforming use may be indicated by non-use and the removal of either stock-in-trade or substantially all equipment, fittings, or furniture needed to operate the use.

4. [Intentionally Omitted]

5. Change in Use/Substitution

- A. The Board of Zoning Appeals may permit a nonconforming use to be changed to a second non-conforming use provided that the new use shall be of the same general character or of a character less intensive than the original nonconforming surrounding community and district.
- B. A nonconforming use that changes to a conforming use or to a second nonconforming use as set forth in paragraph (A) above may not thereafter revert to the original nonconforming use.

6. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after such principal nonconforming uses ceases or terminates.

7. [Intentionally Omitted]

To date, the Park has operated as a pet cemetery and has provided its patrons with ancillary services related thereto, including pet cremations through the onsite crematorium. As such, the provision of pet cremations through the onsite crematorium is an accessory use to the principal nonconforming use, which is a pet cemetery.

As stated above, if a nonconforming use (principal or accessory) is voluntarily discontinued for a period of twenty-four (24) consecutive months or more, any use of the property thereafter shall be in conformance with the regulations and provisions set by the Code in the district in which the property is located. Discontinuance of a nonconforming use may be indicated by non-use *and* the removal of either stock-in-trade or ***substantially all equipment, fittings, or furniture needed to operate the use.***

Therefore, simply not using the crematorium since 2012 does not indicate discontinuance; there needs to be the additional affirmative step of removing either stock-in-trade or substantially all equipment needed to operate the crematorium. As such, FOPCA's failure to perform a pet cremation in the Park's onsite crematorium since 2012, alone, does not equate to voluntarily discontinuance as defined in Section 1206.05(e)(3).

Although, some cremation equipment was removed from the pet crematorium since 2012, neither FOPCA nor any of its predecessors removed stock-in-trade or substantially all equipment, fittings, or furniture needed to operate the crematorium. In fact, FOPCA still maintains and operates the pet crematorium with the hopes of providing pet cremation services to clients in the future.

Such ongoing maintenance and service undertakings by FOPCA are inconsistent with the notion that FOPCA has voluntarily discontinued its accessory use of pet cremations on the property. A similar rational could be applied to the cessation of pet burials at the Park; would the FOPCA lose its principal nonconforming use if a new pet burial did not occur for a twenty-four (24) consecutive month period despite the provision of continual Park maintenance during the same period?

FOPCA cannot be faulted for a reduction in market demand that would otherwise make the provision of its services economical. Provided FOPCA continues to maintain the land, buildings, structures, and/or equipment necessary for its nonconforming uses to permit the same once market conditions improve, it should be permitted to continue such nonconforming use until it voluntarily discontinues said use.

Assuming, arguendo, that the Board of Zoning and Building Appeals determines that the reinstatement of pet cremation services at the Park is an enlargement, increase, or extension of the nonconforming use beyond the area it occupied as of the effective date of the Code, FOPCA respectfully requests such enlargement, increase, and/or expansion because the reinstatement of a pet crematorium:

- (1) will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
- (2) will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
- (3) (a) will not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of the effective date of the Code; or (b) will not exceed one hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of the Code.

For the foregoing reasons, FOPCA respectfully requests the Board of Zoning Appeals to reverse the decision of the Community Development Department, or, in the alternative, grant FOPCA the right to enlarge, increase or extend its current nonconforming use to permit pet cremations on the property. FOPCA reserves the right to supplement this appeal with such additional information as the Board of Zoning Appeals and/or FOPCA requires to substantiate the claims set forth herein.

Sincerely,

A handwritten signature in blue ink, appearing to read 'CJ Meager', with a horizontal line extending to the right.

Christopher J. Meager, Esq.

Enclosures:

- Exhibit A – Board of Zoning and Building Appeals Application
- Exhibit B – Vesting Deed
- Exhibit C – Name and Address of Adjoining Property Owners
- Exhibit D – Property Information
- Exhibit E – Initial Determination of Community Development Department
- Exhibit F – Applicable Land Development Code Ordinances
- Exhibit G – Affidavit of Applicant

Cc: Todd Hunt
Mark Richardson
Dan Kalk

Description approved by Tax Maps
Approval good for 30 days from

MC 7-25-12 HU/21

QUIT-CLAIM DEED

TRANSFERRED

12 JUL 25 AM 11:11

KNOW ALL MEN BY THESE PRESENTS:

THAT, **Boston Hills Pet Memorial Park, an Ohio General Partnership, and Duane Glass, Jr. and Michele Rasi Glass** (husband and wife), individually, for valuable consideration paid, grant and forever quit-claim to **Friends of Pet Cemetery Association, L.L.C.**, whose tax-mailing address is P.O. Box 722, Ravenna, Ohio 44266, the real property described in Exhibit A attached hereto and incorporated herein by reference.

To have and to hold the premises aforesaid, with the appurtenances thereunto belonging, to the said Grantee, its heirs and assigns, so that neither the said Grantors, nor its or their heirs, nor any other persons claiming title through or under Boston Hills Pet Memorial Park or Duane Glass, Jr. and Michele Rasi Glass, shall or will hereafter claim or demand any right or title to the premises, or any part thereof; but they and every one of them shall by these presents be excluded and forever barred.

PRIOR INSTRUMENT REFERENCE: Vol. 6449, Page 205
TAX or PERMANENT PARCEL # 3003773

WITNESS the hand and seal of the Grantor, an Ohio partnership, by Duane Glass, Jr. and Michele Rasi Glass, individually and as its partners, this 4th day of June, 2012.

BOSTON HILLS PET MEMORIAL PARK
an Ohio Partnership

By:

Duane Glass, Jr.
Duane Glass, Jr. individually and as a Partner.

And:

Michele Rasi Glass
Michele Rasi Glass, individually and as a Partner

Darlene Groves
DARLENE GROVES, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 9/18/2012

504120596

10408
TRANSFERRED IN COMPLIANCE WITH

SEC. 319.202 REV. CODE

149,000.00 596.00 FEE

Consideration

JOHN M. SCALISE CPA, CFE
Deputy Fiscal Officer

By: Scalise
Deputy Fiscal Officer



Kristen Scalise, Summit Co Fiscal Off

55877209

EXHIBIT

B

STATE OF OHIO, COUNTY OF Crawford, ss:

BE IT REMEMBERED that on the 4th day of June, 2012, before me, a Notary Public, in and for said county and state, personally came and appeared the above-named Grantors, Boston Hills Pet Memorial Park, an Ohio General Partnership, by Duane Glass, Jr. and Michele Rasi Glass, individually and as partners, who under penalty of perjury in violation of Ohio Revised Code §2921.11 represented to me to be said persons, and who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said partnership and the free act and deed of each of them personally as partners of such partnership.

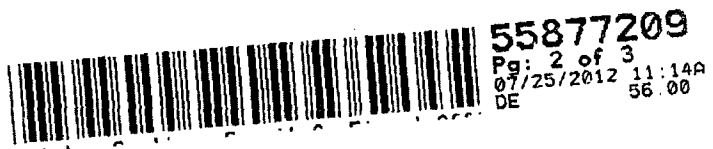
IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notary seal on the day and year last aforesaid.

Darlene Groves
Notary Public

This Instrument Prepared By:
Richard A. Baumgart (0002664)
Dettelbach, Sicherman & Baumgart
1801 East 9th Street, Suite 1100
Cleveland, OH 44114-3169
Phone: (216) 696-6000
Fax: (216) 696-3338

DARLENE GROVES, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 9/18/2012

R:\Glass, Duane and Michelle\QUITCLAIM DEED..wpd



Information for Parcel 3003773

Parcel No. 2:

Known as being a part of Lot No. 81 of said City of Hudson, bounded and described as follows: beginning in the westerly line of lot No. 81, which is also the westerly line of City of Hudson, 1799 ~~feet~~ south from the North west Corner of said lot no. 81; thence South 88 deg. east parallel to the north line of said Lot, 1441 feet to the westerly line of a tract of land known as the Cleveland Boys Farm; thence southerly along with westerly line of said Cleveland Boys Farm, 303 feet; thence north 88° west 1437 feet to the westerly line of said lot and city,

Thence northerly along the westerly line of said lot and city 303 feet to the place of beginning and containing 10 acres of land, be the same more or less, but subject to all legal highways.

Parcel No. 3:

Known as being a part of Original City of Hudson Lot 81 and further bound and described as follows:

Beginning at a point on the West line of City of Hudson Lot 81, South 01°-35'-00" East 2102.00 feet from the Northwest corner of said Lot 81, said point of beginning is also South 01°-35'-00" East 2272.75 feet from the Northeast corner of Lot 2, East of the Cuyahoga River in the Village of Boston Heights as measured along the Easterly line of said Lot 2. (Note the lot line of City of Hudson Lot 81 is parallel to and 10.00 feet Easterly of the centerline of Walters Road (C.H. 160, 60' R/W);

Thence North 88°-57'-42" East 583.54 feet along with Northerly line of property now or formerly owned by R.J. Rengle (Vol. 5206, Pg. 186) to an iron pin set; said place is the true place of beginning for the following described parcel of land;

Thence continuing North 88°-57'-42" East 868.02 feet to an iron pin set on the Westerly line of property now or formerly owned by the Cuyahoga County Department of Welfare;

Thence South 01°-28'-23" East 150.60 feet along said Westerly line to an iron pin found;

Thence South 88°-57'-42" West 867.73 feet to an iron pin set along the Southerly line of said Rengle property;

Thence North 01°-35'-00" West 150.60 feet to the true place of beginning, containing 3 acres of land, more or less, but subject to all legal highways and easements of record.

30 03773
HU-00021-01-025



Kristen Scalise, Summit Co Fiscal Office

55877209

Pg: 3 of 3
07/25/2012 11:14A
DE 56.00

Parcels

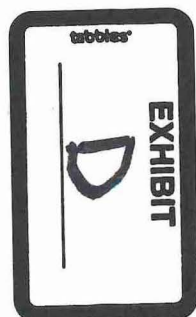
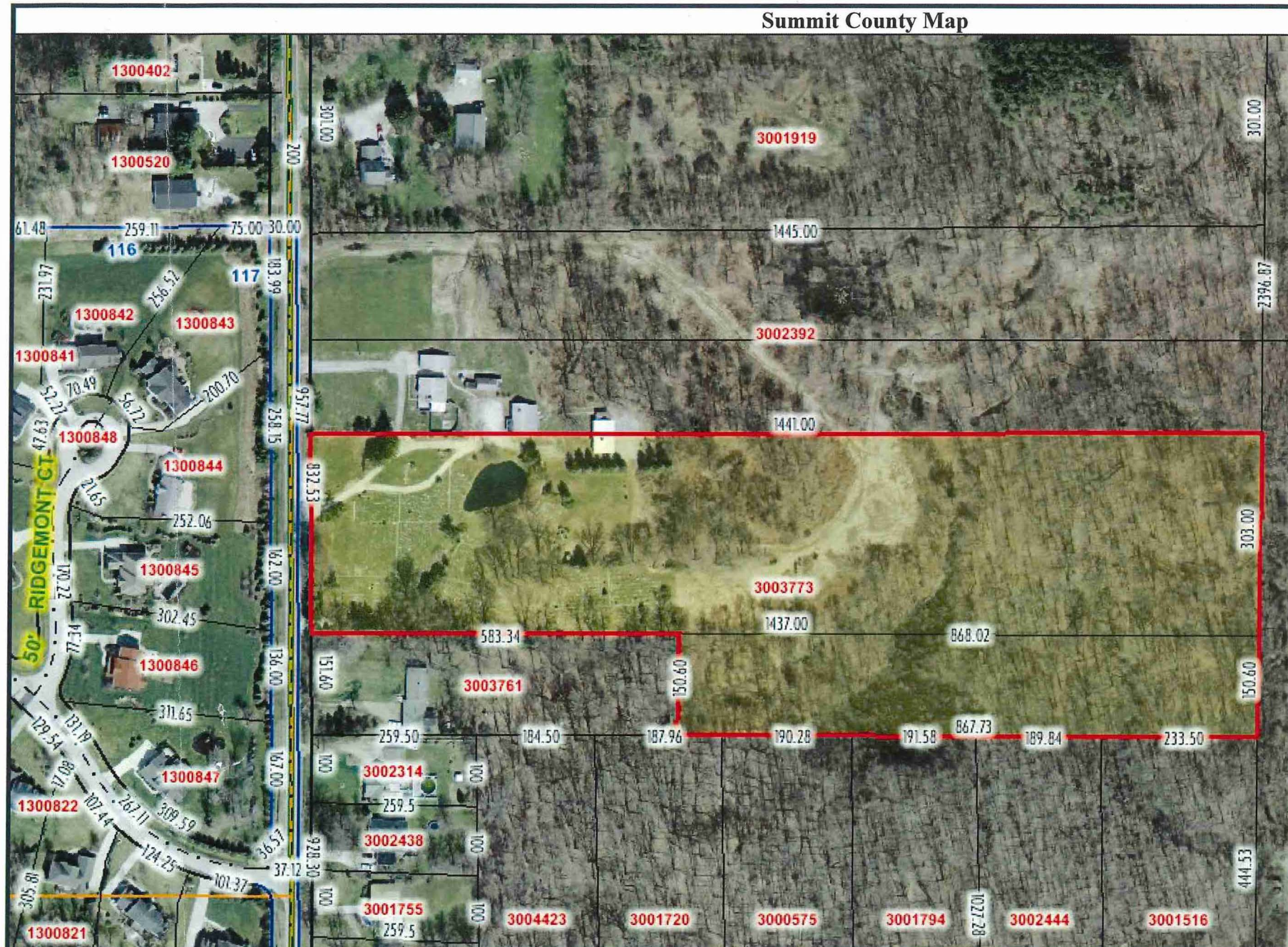
| Rec | Alt ID | Parid | Address | Owner 1 | Owner 2 |
|-----|---------------------------------|---------|---------------------|--------------------------|-------------------------|
| 1 | HU00016B4001000 | 3009991 | HINES HILL RD | COUNTY OF SUMMIT TRUSTEE | |
| 2 | BO0001202001000 | 1300520 | 7040 WALTERS RD | BOSTON REALTY LLC | |
| 3 | BO0001296018000 | 1300835 | 506 MEADOWRIDGE WAY | BARDEN CHRISTOPHER J | BARDEN JENNIFER E |
| 4 | BO0001296027000 | 1300844 | 6975 RIDGEMONT CT | TRUSLER STEVEN L | SABOL CHERYL A |
| 5 | BO0001296022000 | 1300839 | 595 MEADOWRIDGE WAY | KOTA JOHN A | KOTA MARSHA L |
| 6 | BO0001296023000 | 1300840 | 605 MEADOWRIDGE WAY | BAKER STEVEN P | MOHR BAKER SUSAN M |
| 7 | BO0001296028000 | 1300845 | 6967 RIDGEMONT CT | PALMMAN KENNETH I | PALMMAN DENISE L |
| 8 | BO0001296029000 | 1300846 | 6959 RIDGEMONT CT | HAY SUSAN M | HAY JEREMY W |
| 9 | BO0001296007000 | 1300824 | 594 MEADOWRIDGE WAY | MILLER CHERYLL B | MILLER CHRISTOPHER O |
| 10 | BO0001296006000 | 1300823 | 602 MEADOWRIDGE WAY | POLIFRONE KELLY A | POLIFRONE CRAIG B |
| 11 | BO0001296005000 | 1300822 | 610 MEADOWRIDGE WAY | KLAMAR LOIS S TRUSTEE | KLAMAR JOSEPH G TRUSTEE |
| 12 | BO0001296030000 | 1300847 | 635 MEADOWRIDGE WAY | THRAMS RUSS G | THRAMS LAURA A |
| 13 | BO0001296004000 | 1300821 | 618 MEADOWRIDGE WAY | VOSS GEORGE J | WOJTOWICZ ASHLEY A |
| 14 | BO0001296003000 | 1300820 | 626 MEADOWRIDGE WAY | PRZYBOCKI BERNARD | PRZYBOCKI NANCY |
| 15 | BO0001296002000 | 1300819 | 634 MEADOWRIDGE WAY | MAILLIS MICHAEL A | MAILLIS ANGELA D |
| 16 | BO0001296019000 | 1300836 | 511 MEADOWRIDGE WAY | DONNAN CRAIG | DONNAN LYNN |
| 17 | BO0001296024000 | 1300841 | 6970 RIDGEMONT CT | CLIFFORD BRADLEY T | CLIFFORD VALERIE L |
| 18 | BO0001296025000 | 1300842 | 6978 RIDGEMONT CT | FERRIS EDWARD M | |
| 19 | BO0001296026000 | 1300843 | 6983 RIDGEMONT CT | CURRALL GEORGE | CURRALL HEATHER |
| 20 | HU0002101026000 | 3003761 | 6955 WALTERS RD | MAY LAUREN | |
| 21 | HU0002101027000 | 3002314 | 6947 WALTERS RD | BARKER KRISTINE M | |
| 22 | HU0001604004000 | 3001720 | 716 HINES HILL RD | MOCAS ROBERT E | MOCAS HEIDI H |
| 23 | HU0001604005000 | 3000575 | 736 HINES HILL RD | DAMATO NICHOLAS P | |
| 24 | HU0002101028000 | 3002438 | 6943 WALTERS RD | ROENIGK LELAND B JR | ROENIGK JOANNE R |
| 25 | HU0002101029000 | 3001755 | 6937 WALTERS RD | BOHNA WILLIAM J | BOHNA PATRICIA C |

[More Records](#)[Zoom to these records](#)

Parcels

| Rec | Alt ID | Parid | Address | Owner 1 | Owner 2 |
|-----|---------------------------------|---------|---------------------|--|---------------------|
| 26 | HU0002101030000 | 3001754 | WALTERS RD | BOHNA WILLIAM J | BOHNA PATRICIA C |
| 27 | HU0001604001000 | 3000581 | 6881 WALTERS RD | DACKO MICHAEL R | DACKO PAMELA J |
| 28 | HU0001604003000 | 3004423 | 700 HINES HILL RD | RUPPE JOHN M TRUSTEE | RUPPE MARLENE S Tf |
| 29 | HU0001604007000 | 3002444 | 752 HINES HILL RD | FINCH PATRICIA L | DUNN JOSEPH |
| 30 | HU0001604006000 | 3001794 | 758 HINES HILL RD | PLANK MICHAEL | PLANK MICHAEL R |
| 31 | BO0001803007000 | 1300365 | 581 E HINES HILL RD | VIZMEG TOBY | |
| 32 | BO0001297001000 | 1300885 | 6902 WALTERS RD | DAHER JOSEPH G | NEMER TANIA T |
| 33 | HU0002101025000 | 3003773 | WALTERS RD | FRIEND OF PET CEMETERY ASSOCIATION | |
| 34 | HU0001604008000 | 3001516 | 782 HINES HILL RD | KOTARSKI MICHAEL K | KOTARSKI KRISTINA T |
| 35 | HU0002101024000 | 3002392 | 7005 WALTERS RD | ROMAN JOHN | ROMAN PATRICIA |
| 36 | HU0002101023000 | 3001919 | 7043 WALTERS RD | MAY CHRISTOPHER R | MAY JENNIFER S |
| 37 | HU00016A7001000 | 3009800 | HINES HILL RD | COUNTY OF SUMMIT TRUSTEE | |
| 38 | HU00016A7001W01 | 3004805 | 1643 MINERAL RIGHTS | MOORE WELL PRODUCTION LLC | |
| 39 | HU00016A7001W02 | 3009365 | 1644 MINERAL RIGHTS | MOORE WELL ENERGY | |
| 40 | HU00016A7001W03 | 3005076 | 1645 MINERAL RIGHTS | MOORE WELL PRODUCTION LLC | |
| 41 | HU00016A7001W04 | 3004807 | 1646 MINERAL RIGHTS | MOORE WELL PRODUCTION LLC | |
| 42 | HU00016A7001W05 | 3009366 | 1647 MINERAL RIGHTS | MOORE WELL ENERGY | |
| 43 | HU00016A7001W06 | 3005074 | 1648 MINERAL RIGHTS | MOORE WELL PRODUCTION LLC | |
| 44 | BO0001296031000 | 1300848 | RIDGEMONT CT | ASHBROOKE WEST III HOMEOWNERSASSOCIATION INC | |

[Previous 25 Records](#)[Zoom to these records](#)



[Print](#)[Pay by Phone](#)[Pay On-Line](#)**Kristen M. Scalise CPA, CFE**

Fiscal Officer, County of Summit

Note: This is a live file and is subject to constant change.

[Print](#)**IAS4 - INTEGRATED ASSESSMENT SYSTEM REVIEW DOCUMENT**

Summit County Auditor Division, OH - Tax Year 2015

BASIC INFORMATION FOR PARCEL 3003773

| | | |
|--------------|------------------------------------|----------------------------|
| PARCEL | 3003773 | NO CARDS: |
| ALT_ID | HU0002101025000 | ---LISTER--- |
| OWNER | FRIEND OF PET CEMETERY ASSOCIATION | 970 01- |
| OWNER | | VAC/ABAND: |
| ADDR. | WALTERS RD , HUDSON 44236- | RENTAL REG: |
| DESC. | LOT 81 ON W LOT LINE 13.00 ACRES | SPEC FLAG: |
| DESC. | | LUC: 400 |
| DESC. | | C - COMMERCIAL VACANT LAND |
| DISTRICT | 30 HUDSON CITY-HUDSON CSD | HOMESTEAD: |
| INTER-COUNTY | 77-0270 | Owner Occupancy Credit |

LAND FOR PARCEL 3003773

| CODE | ACRES | CLASS | EXMP | UNIT | INCR/DECR | INFLUENCE | IN |
|------|-------|-------|------|-------|-------------|-----------|----|
| 02 | 1 | | 2250 | 45000 | 45000/45000 | 72 | |
| 09 | 12 | | 0 | 11250 | 11250/11250 | 10 | |

ACRE CODE: 02 = BUILDING SITE 09 = BALANCE OF LAND

SUMMARY ALL CARDS FOR PARCEL 3003773

| | | | | |
|----------------|------|----------------|---|---------------|
| LAND: | 7650 | BUILDING: | 0 | TOT. |
| ASSESSED LAND: | 2680 | ASSESSED BLDG: | 0 | ASSESSED TOT. |

SALES INFORMATION FOR PARCEL 3003773

| DATE | DOC# | GRANTOR | AMT SALE | DESC |
|-----------|-------|--------------------------------|----------|-------|
| 15-JAN-14 | 594 | FRIENDS OF PET CEMETERY ASSOCI | | |
| 21-NOV-12 | 17041 | FRIENDS OF PET CEMETERY ASSOCI | | |
| 25-JUL-12 | 10408 | BOSTON HILLS PET MEMORIAL PARK | 149000 1 | VALID |

NOTES[AA14](#)[CA12](#)

13FC0012 CHK VALUE
 BOR 12-0584
 13FC0012 NVC BASED ON SALE
 10/29/08 WELL ABDN 2005 WELL/TANKS
 STILL THERE RASI #1 PER 1477 6975 WALTERS RD
 RE14167 REFUND \$ 4278.12 BOR CK SENT 8-28-13

[Print](#)[Pay by Phone](#)[Pay On-Line](#)**2015 SUMMARY INFORMATION FOR PARCEL 3003773**

| | | |
|-------------------------------------|------------------------|-----|
| MAILING ADDRESS | LUC | 400 |
| FRIENDS OF PET CEMETERY ASSOCIATION | CLASS | C |
| C/O ATTORNEY DANIEL L KALK | Owner Occupancy Credit | N |
| 34690 CANNON RD | HMSTD | N |
| APPROXIMATE VALUE | CAUV | N |
| 7,650 | FOREST | N |
| TAXABLE VALUE | | |
| 2,680 | | |

| | | |
|-----------------|---------------|----------|
| BANK CODE | STUB | 30024256 |
| TREAS CODE | CERT YEAR | N |
| CUR YR REFUND | DELQ CONTRACT | N |
| PRI YR REFUND | BANKRUPTCY | N |
| MONEY IN ESCROW | FORECLOSURE | N |
| MONEY IN PRETAX | | |

Beginning Tax Duplicate

| | <u>Where Do My Tax Dollars Go?</u> | <u>Voter Approved Levy Tax</u> |
|--------------------|------------------------------------|--------------------------------|
| | <u>First Half Charges</u> | <u>Second Half Charges</u> |
| Realestate | 117.10 | 117.10 |
| Special Assessment | 0.00 | 0.00 |
| Total | 117.10 | 117.10 |
| Due Date | FEB 19, 2016 | |

Total Tax Amount Due Reflects Payment & Adjustment To Date

| | DELQ | 1st HALF | 2nd HALF |
|---------------------------------------|------|----------|---------------|
| TOTAL REAL ESTATE AND SPECIAL CHARGES | 0.00 | 117.10 | 117.10 |
| P & I & ADJ | 0.00 | 0.00 | 0.00 |
| PAYMENTS | 0.00 | -117.10 | 0.00 |
| AMOUNT DUE | 0.00 | 0.00 | 117.10 |
| YEARLY AMOUNT DUE: | | | 117.10 |

2015 TAX BILL DETAILS FOR PARCEL 3003773

| DATE | SETTLE | PROJ. # | ACTION /CODE | 1st HALF | 2nd HALF |
|-----------|--------|---------|--------------|----------|----------|
| 31-DEC-15 | 1 | | DUP/ORG | 147.83 | 147.83 |
| 31-DEC-15 | 1 | | DUP/RED | -30.73 | -30.73 |
| 31-DEC-15 | 1 | | DUP/ADJ | 117.10 | 117.10 |
| 09-FEB-16 | 1 | | PAY/CHG | -117.10 | 0.00 |

| | | |
|------------------------------------|-------------|--|
| DELQ REAL ESTATE & ASSESSMENT TAX: | 0.00 | |
| ADJUSTMENT: | 0.00 | |
| DECEMBER INTEREST: | 0.00 | |
| AUGUST INTEREST: | 0.00 | |
| TOTAL | 0.00 | |

| | | |
|-----------------------------|---------------|---------------|
| REAL ESTATE CHARGES: | 117.10 | 117.10 |
| SPECIAL ASSESSMENT CHARGES: | 0.00 | 0.00 |
| ADJUSTMENT: | 0.00 | 0.00 |
| TOTAL CHARGES: | 117.10 | 117.10 |

| | | | |
|------------------------|-------------|-------------|----------------|
| PAYMENTS: | <u>DATE</u> | <u>TYPE</u> | |
| | 09-FEB-16 | NML | -117.10 |
| TOTAL PAYMENTS: | | | -117.10 |

| | | |
|--------------------------|-------------|---------------|
| FH/SH AMOUNT DUE: | 0.00 | 117.10 |
|--------------------------|-------------|---------------|

SPECIAL ASSESSMENT:

| PROJECT | NAME | END | 1st HALF | 2nd HALF |
|---------|------|-----|----------|----------|
|---------|------|-----|----------|----------|

GENERAL INFORMATION

Kristen M. Scalise CPA, CFE
FISCAL OFFICER, COUNTY OF SUMMIT
175 SOUTH MAIN ST.
AKRON, OHIO 44308

PLEASE DIRECT INQUIRIES CONCERNING PROPERTY VALUES TO

(330)-643-2636
(330)-643-2645
(330)-643-2710
(330)-643-2661

GENERAL REAL ESTATE
SPECIAL ASSESSMENTS
APPRAISAL INFORMATION
HOMESTEAD

PLEASE DIRECT INQUIRIES ABOUT YOUR TAX BILL INFORMATION

(330)-643-2867
(330)-643-2600
(330)-643-2587
(330)-643-2598

TREASURER DIVISION PRE-PAYMENT P
MONTHLY DELINQUENT CONTRACT PR
TAX BILL MAILING INFORMATION
PAYMENT INFORMATION

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OHIO
HUDSON

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

March 9, 2016

VIA EMAIL: dankalk617@gmail.com

Mr. Dan Kalk
34690 Cannon Road
Solon, Ohio 44139

Dear Mr. Kalk:

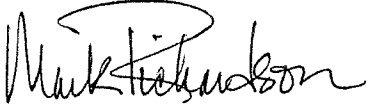
It has come to my attention that you have been discussing with Assistant City Manager Frank Comeriato the possibility of resuming the cremation of pets at the pet cemetery on Walters Road in Hudson. From what I have learned and after due consideration I have determined that this activity can only be resumed with the approval of the Board of Zoning and Building Appeals.

As you may know the pet cemetery is a legal but nonconforming use in the zoning district in which it is located; i.e. it is a use that was assumed to be allowed at one time but is no longer allowed, and has continued uninterrupted. Nonconforming uses may continue in perpetuity and may be expanded under certain circumstances. I understand that the cemetery offered cremations on the property at one time, but that the equipment for the cremations was voluntarily removed from the property more than two years ago. Under such circumstances a request to resume cremations now is as if the activity had never occurred on the property and we must process this as a new request to expand the use. Nonconforming uses may be expanded provided that the Board of Zoning and Building Appeals approves the request by finding:

1. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
2. The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
3. Increases and enlargements do not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of (December 1999); and
4. Increases and enlargements do not exceed one hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of (December 1999).

This determination may be appealed to the Board of Zoning and Building Appeals within twenty (20) days of the date of this letter pursuant to Section 1202.03(b)(4) of the Land Development Code. I have attached the application packet for your use if you wish to proceed. Please contact Associate Planner Kris McMaster, staff for the Board of Zoning and Building Appeals, with any questions you have about this process.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Richardson". The signature is fluid and cursive, with a large loop at the end.

Mark Richardson
Director
Community Development Department
330-342-1790
mrichardson@hudson.oh.us

cc: Frank Comeriato, Assistant City Manager
Aimee Lane, Assistant City Solicitor
Jody Roberts, Communications Manager
Kris McMaster, Associate Planner

Land Development Code :: [Back to Table of Contents](#)

Search:

Section 1206.05 Nonconforming Uses/Structures/Lots



a. *Applicability*

The provisions of this section shall apply to uses, structures, and lots that were legally existing as of the effective date of this Code, December 31, 1999, but that become non-conforming as the result of the application of this Code to them or from reclassification of the property under any subsequent amendments to this Code.

b. *Purpose*

It is the general policy of the City of Hudson to allow nonconforming uses, structures, or lots to continue to exist and to be put to productive use. However, it is also the general policy of the City to bring as many aspects of such nonconformities into conformance with this Code as is reasonably practicable, all subject to the limitations of this section. The limitations of this section are intended to recognize the interests of property owners in continuing to use their property but to reasonably control expansions, reestablishment of discontinued uses, and the re-establishment of nonconforming buildings and structures that have been substantially destroyed.

c. *Authority to Continue*

Nonconformities shall be allowed to continue in accordance with the requirements of this section.

d. *Repairs and Maintenance*

Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this section or required by law or ordinance.

e. *Nonconforming Uses*

Nonconforming uses shall be subject to the following standards:

1. Enlargement

A nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided that the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06 of this Code, finds all of the following:

- A. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
- B. The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconforming use; and
- C. Increases and enlargements do not exceed twenty-five (25) percent of the area that the nonconforming use occupied as of the effective date of this Code, or except as (D) below.
- D. Increases and enlargements do not exceed one hundred fifty (150) percent of the area within the existing exterior walls of the building that the nonconforming use occupied and said use and building existed as of the effective date of this Code.

2. Relocation

No nonconforming use shall be moved in whole or in part from its original location as of the effective date of this Code to any other part of such parcel, building, structure, or to another lot except in compliance with this Code.

3. Discontinuance and Abandonment:

- A. If a non-conforming use is voluntarily discontinued for a period of twenty-four (24) consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Code for the district in which such property is located.
- B. Discontinuance of a nonconforming use may be indicated by non-use and the removal of either stock-in-trade or substantially all equipment, fittings, or furniture needed to operate the use.

4. Damage or Destruction

- A. Except as otherwise expressly permitted in subpart (B) below, if any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its fair market value prior to the destruction, such use shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeals, which may, if necessary, consult with a city-appointed appraiser.
- B. A structure devoted solely to a nonconforming single family dwelling or two-family residential use that is damaged or destroyed by fire, earthquake or other act of God, may be reconstructed so as not to exceed 110% of the gross floor area of the previous structure as used before such event of damage or destruction. All reconstruction of the structure must be completed within two years following the event of damage or destruction, shall not increase the degree of nonconformance or noncompliance existing prior to such damage or destruction, and shall otherwise be in conformance with this code.

5. Change in Use/Substitution:

- A. The Board of Zoning and Building Appeals may permit a nonconforming use to be changed to a second non-conforming use provided that the new use shall be of the same general character or of a character less intensive than the original nonconforming use and provided the new use will result in equal or less impact on the surrounding community and district.
- B. A nonconforming use that changes to a conforming use or to a second nonconforming use as set forth in paragraph (A) above may not thereafter revert to the original nonconforming use.

6. Accessory Uses

No use that is accessory to a principal nonconforming use shall continue after such principal nonconforming use ceases or terminates.

7. Nonconforming as to Parking

- A. Nonconformity as to off-street parking or loading shall not render a use subject to the conditions of this section.
- B. A use that is nonconforming as to off-street parking or loading shall not be changed to another use requiring more off-street parking or loading unless the additional required parking or loading is provided.
- C. The Board of Zoning and Building Appeals may permit a nonconforming use to provide off-street parking or loading on a lot other than the lot on which the use is located.

f. *Nonconforming Structures*

A nonconforming structure as more fully defined in Section 1213 includes a structure lawful prior to the Land Development Code, but which fails to meet setback, height, or other site development requirements of this Code. Nonconforming structures other than those which nonconformity is created by size of use limitations listed by Uses by Right and Conditional Uses of each Zoning District of Section 1205 shall be subject to the following standards:

1. Enlargement

- A. A nonconforming structure may be expanded without approval from the BZBA provided the proposed expansion does not exceed 50% of the existing footprint and:
 - i. The expansion does not increase the degree of non-conformity; or,
 - ii. The extension of a structure which is nonconforming due to side yard setback shall be allowed so long as the extension is not closer to the side property line and the extension does not exceed 25% of the existing structure length, including porches and architectural features but excluding decks. Existing footprint and structure length shall mean the dimensions as they existed December 31, 1999.
- B. A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06 of this Code, finds all of the following:
 - i. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and
 - ii. The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.
- C. The nonconforming structure is not a structure that is the subject of listed "Uses By-Right" or "Conditional Uses" in Chapter 1205 that have a gross floor area limitation or that have a gross floor area limitation on Main Street in District 5.

2. Damage or Destruction:

- A. If any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its fair market value prior to the damage or destruction, such structure shall not be restored except in conformance with this Code. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a city-appointed appraiser.
- B. If a nonconforming structure is damaged or destroyed, by any means, to the extent of fifty (50) percent or less of its fair market value prior to the damage or destruction, no repairs or restoration shall be made unless commenced within six (6) months and completed within twenty-four (24) months of the date of the calamity. The determination of such reduced value shall be made by the Board of Zoning and Building Appeal, which may, if necessary, consult with a city-appointed appraiser.

3. Relocation

Nonconforming structures shall not be moved for any reason or for any distance except to be brought into compliance with this Code.

g. *Non-Conforming Lots of Record*

1. Development Permitted.

Regardless of the area or width of a lot of record that legally existed as of the effective date of this Ordinance, December 31, 1999, and subject to paragraph (2) below, such lot may be developed for any use permitted in the district in which the lot is located, provided, however, that where required setback, open space, density, or other requirements make development impractical, the Board of Zoning and Building Appeals may permit development to occur after granting specific variances.

2. Consolidation Required.

If two or more lots or parcels are contiguous, in single and common ownership, and are of record as of the effective date of this Code, December 31, 1999, or amendments thereto, and if all or part of the lots or parcels with no principal structures thereon do not meet the minimum lot area requirements set forth in the applicable district regulations of this Code, then the lands involved shall be considered to be a single, undivided parcel for the purposes of this Code. No portion of such parcel shall be used or sold in a manner that renders compliance with the lot area requirements set forth in this Code less feasible, nor shall any division of any parcel be made that creates a lot with a width or area less than the requirements set forth in this Code.

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AFFIDAVIT OF APPLICANT

The undersigned, counsel for Friends of Pet Cemetery Association, the owner of the real property known as the Boston Hills Pet Memorial Park, located on Walters Road in Hudson, Ohio (Parcel No.: 3003773; the "Park"), does hereby state the following:

1. Friends of Pet Cemetery Association is the current owner of the Park.
2. The information being provided to the Board of Zoning and Building Appeals is correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NAUGHT.



Christopher J. Meager, Esq.

STATE OF OHIO

)

) ss:

COUNTY OF SUMMIT

)

The foregoing instrument was acknowledged before me this 29th day of March, 2016 by, Christopher J. Meager, known to me to be the person who executed the foregoing instrument and who acknowledged the same.



Tiffany Jordan
Resident Stark County
Notary Public, State of Ohio
My Commission Expires: 12/03/2020



Notary Public

EXHIBIT

G



04.11.2016 12:40



04.11.2016 12:40



04.11.2016 12:39



04.11.2016 12:39



04.11.2016 12:41