



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 16, 2016

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, Mr. Lehman and Mr. Wagner

Absent: 1 - Mr. Dohner

III. Identification, by Chairman, of Kris McMaster, Associate Planner, and Aimee W. Lane, Assistant City Solicitor.

Meetings 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 5-19-16](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING 5-19-16.**

Attachments: [BZBA Minutes May 19, 2016](#)

Mr. Drew made a motion to approve the minutes of the May 19, 2016 meeting as submitted.

Mr. Jahn seconded the motion.

The motion carried with the following vote:

Aye: 3 - Mr. Drew, Mr. Jahn and Mr. Lehman

Abstain: 1 - Mr. Wagner

VI. Public Hearings - New Business

A. [BZBA 2016-13](#) A variance to permit the reconstruction of an accessory structure pool 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 Use Development and Operational Standards-Side Setbacks" of the City of Hudson Land Development Code.

The applicant and owner is Aaron J. Chokan & Michelle L. Crouse, Hudson, Ohio 44236 for the property located at 250 Oldham Way, Hudson, Ohio 44236 in District 1 [Suburban Residential Neighborhood].

Attachments: [BZBA 2016-13 Staff report](#)

A public hearing held regarding BZBA Case No. 2016-13.

Mrs. McMaster introduced BZBA Case No. 2016-13, a request for a variance to permit the reconstruction of an accessory structure pool in the side yard. Mrs. McMaster said that the property owners have indicated that the pool has deteriorated and needs to be rebuilt. Mrs. McMaster said that the pool is now a nonconforming structure due to changes that have been made to the property since the construction of the pool.

Aaron Chokan and Michelle Crouse, property owners, and Jeff Suhan, Jeff Premier Pools, Inc. were available to answer questions. Ms. Crouse gave a brief history of the determination that the walls of the pool need to be replaced. Mr. Chokan said that moving the pool would be a significant financial burden. Mr. Suhan supported the property owners' position that the best solution would be to reconstruct the pool in the same location.

The Board, the applicant and the property owner discussed the request for the variance to reconstruct the pool in the side yard.

Mr. Lehman opened the meeting to public comment.

Cathy Ward, 235 Bridgewater Circle, Hudson, Ohio 44236, asked questions regarding drainage, size of the replacement decking and the location of the required fencing.

Patty Onesta, 245 Bridgewater Circle, Hudson, Ohio 44236, stated concerns regarding drainage, privacy and landscaping.

Donna Nemer, 251 Bridgewater Circle, Hudson, Ohio, also spoke about the noise level and privacy concerns.

James Vitale, 251 Oldham Way, Hudson, Ohio, said that the placement of the pool currently has the least affect on neighboring properties and stated his support of the variance request.

Mrs. Mc Master noted that a pool requires screening of sufficient density to obscure its view from adjacent dwellings and/or public streets; that there is a noise ordinance that limits acceptable noise time frames; and Mrs. Master said that any deviation from an approved plan would require approval from the appropriate City of Hudson board or an administrative review.

Mr. Chokan explained that landscaping to the rear of the property does not survive because it is too wet. He said that was also the cause of the pool's deterioration. The plan is to direct the ground water to the front yard and into the storm sewer. Ms. Crouse said that the decking and fencing will increase to accommodate the increased size of the pool.

Mr. Lehman closed the public hearing.

The Board considered the staff report, applicant testimony and public comments.

Mr. Jahn made a motion seconded by Mr. Drew, 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 grants the 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 the property is a residence and has value as such; however, this variance would enhance the residential use.

2.The variance is insubstantial because this is a reconstruction of an existing structure.

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 there is no substantial change to the existing property which would result in changes to the neighborhood or adjoining properties.

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 the requested 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 passed with the following vote:

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

VII. Other Business

Mrs. McMaster said one case has been submitted for the next meeting on July 21, 2016, but that additional cases could be received by the deadline for that meeting.

VIII. Adjournment

Mr. Lehman adjourned the meeting at 8:45 p.m.

David W. Lehman, Chair

Frederick Jahn, Board Member

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.