



# 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*

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Thursday, July 21, 2016

7:30 PM

Town Hall

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### **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, Mr. Lehman and Mr. Wagner

### **III. Identification, by Chairman, of Kris McMaster, Associate Planner, and R. Todd Hunt, 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.**

Mr. Hunt swore in staff and all the persons wishing to speak under oath.

### **V. Approval of Minutes**

#### **A. [BZBA 06-16-16](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING JUNE 16, 2016.**

**Attachments:** [BZBA Minutes June 16, 2016](#)

Mr. Drew made a motion seconded by Mr. Wagner to approve the minutes of the June 16, 2016 meeting as submitted.

**VI. Public Hearings - New Business**

- A. [BZBA 2016-14](#) A variance to the emergency access requirement that adequate access be provided for emergency vehicles and for those persons rendering fire protection and emergency services to permit development of the school bus maintenance building pursuant to Sections 1207.13(c)(9)(J)(ix), “Transportation/Circulation-Streets, Easements, and Alleyways - Emergency Access-Dead-End Length” of the City of Hudson Land Development Code.

The applicant and owner is the City of Hudson, 115 Executive Parkway, Suite 400, Hudson, Ohio 44236 for the property located at 5778 Hudson Drive in District 8 [Industrial/Business Park].

Attachments:      [Staff report](#)

**A public hearing was held regarding BZBA Case No. 2016-14.**

Mrs. McMaster introduced the project at 5778 Hudson Drive which would facilitate the construction of a salt storage facility and a garage for school buses per the City of Hudson Comprehensive Plan adopted in January of 2016.

Mr. Frank Comeriato, Assistant City Manager, was available to answer questions asked by the Board.

The project was discussed by Board members and the applicant.

Mr. Lehman opened the meeting to public comment.

Shannon Casey, 1330 Barlow Road, expressed her concerns regarding the effect of the proposed variance on the character of the neighborhood, on the value of surrounding properties, as well as air quality, noise and wetlands runoff.

Mr. Lehman closed the public comment portion of the meeting.

**Mr. Jahn made a motion 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 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, however, for this particular use, the variance is a necessary step in the use of this property.**
- 2. The variance is substantial because this type of variance can result in serious consequences if not carefully considered and vetted and confirmed.**
- 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 of the carefully planned and considered building of the access road.**

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 carried by the following vote:**

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

- B.**     [BZBA 2016-15](#) A variance of seventy-five (75) feet to the front yard setback of one hundred (100) feet required resulting in a twenty-five (25) foot setback pursuant to Section 1205.09(e)(4)(C), "Route 303 Western Gateway: Landscaped Front Yard Setbacks" of the City of Hudson Land Development Code.

The applicant is Premier Development Partners, 5301 Grant Avenue, Cleveland, OH 44125 for the property owner, Industrial Land Partners Holdings LLC, 5301 Grant Avenue, Cleveland, OH 44125 for proposed construction of a building, to be located on Permanent Parcel #30-09750 on West Streetsboro Street (adjacent to Hudson Crossings Parkway), in District 6 [Western Hudson Gateway].

**Attachments:**     [Staff report](#)

**A public hearing was held regarding BZBA Case No. 2016-15.**

Mrs. McMaster noted that the purpose of the variance is the approval of a twenty-five foot front yard setback to allow the construction of a 21,600 sq. ft. building on the property which per the Land Development Code requires a front yard setback with a minimum width of 100 feet.

Jerry Gruszewski, Premier Development Partners, LLC, 5301 Grant Avenue, Ste. 100, Cleveland, Ohio 44125, applicant and on behalf of Industrial Land Partners Holdings, LLC, 301 Grant Avenue, Ste. 100, Cleveland, Ohio 44 125, property owner, said that the required setbacks make it virtually impossible to develop the property

The Board and applicant discussed the need for the variance.

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

Mr. Drew made a motion 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 grants the variance with the following condition:

1. Request that the Planning Commission consider the appropriateness of the screening and buffering that will be a part of this overall plan.

The Board finds and concludes:

1. The property in question will not yield a reasonable return and there cannot be a beneficial use of the property without the variance because of the wetland issues and the lot configurations.

2. The variance is substantial percentage wise, but due to the wetlands and the size of the building that is appropriate for the space, it is not unreasonable.

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.

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, which was a part of the plat.

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 done by granting the variance because the challenge of developing this area of Hudson Crossings with wetland and setback issues, and the opportunity to maximize land use and the tax base, makes this variance warranted.

The motion is approved with the following vote:

**Aye:** 4 - Mr. Dohner, Mr. Drew, Mr. Jahn and Mr. Lehman

**Nay:** 1 - Mr. Wagner

## **VII. Other Business**

Mrs. McMaster said that there is a possibility that there will be four cases on the agenda for next month's meeting, although no cases have been received to date.

## VIII. Adjournment

Mr. Lehman adjourned the meeting at 8:55 p.m.

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**David W. Lehman, Chair**

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**John M. Dohner, Vice Chair**

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**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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