



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, January 19, 2017

7:30 PM

Town Hall

I. Call to Order

Chair Lehman called to order the regularly scheduled meeting of the Board of Zoning and Building Appeals of the City of Hudson at 7:30 p.m., in accordance with the Sunshine Laws of the State of Ohio, O.R.C. Section 121.22.

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.

Meeting minutes were taken by Joe Campbell, Executive Assistant.

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 came before this meeting of the City of Hudson Board of Zoning and Building Appeals.

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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. Election of Officers

Vice Chair Election

Mr. Dohner was nominated by Mr. Drew to serve as Vice Chairperson. Mr. Lehman reported that Mr. Dohner previously agreed to serve as Vice Chairperson if nominated.

The motion carried by the following vote:

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

Chair Election

Mr. Drew nominated Mr. Lehman for the position of chairperson. Mr. Wagner seconded the motion.

The motion carried by the following vote:

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

Mr. Jahn was reappointed to BZBA for a four (4) year term beginning January 1, 2017.

Ms. Lane said he did not need to be sworn in again.

VI. Approval of Minutes

A. [BZBA 12-15-16](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: DECEMBER 15, 2016.

Attachments: [BZBA Minutes 12-15-2016](#)

Mr. Drew moved to approve the minutes of December 15, 2016, Mr. Wagner seconded the motion.

The motion carried by the following vote:

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

VII. Public Hearings - New Business

- A. [BZBA 2017-01](#) The requests are for the following variances to permit the construction of a garage with the garage doors facing the street. The requests are: 1] a variance from the requirement that doors for attached garages are not permitted to face the street pursuant to Section 1205.06(d)(9)(D)(i), "Building Siting and Orientation-Private Garages", and 2] Appendix D, III-1(a)(4), "Architectural and Design Standards-General Standards for all buildings" of the Land Development Code.

The applicant is Cynthia A. Tobin, 11275 Chardon Road, Chardon, OH 44024 and the property owner is Zissis & Nancy Vesoulis Trustees, 6463 Hammontree Drive, Hudson, Ohio 44236 for the property located at 6463 Hammontree Drive, Hudson, OH 44236 in District 3 [Outer Residential Neighborhood].

Attachments: [BZBA - 2017-01 Staff Report](#)

A public hearing was held regarding BZBA 2017-01

Mrs. McMaster introduced BZBA Case No. 2017-01, variances from the requirement that doors for attached garages are not permitted to face the street.

Ms. Cynthia A. Tobin was available to explain the project and answer questions on behalf of the owners Zissis &

Nancy Vesoulis. The Board and Ms. Tobin discussed the request for variances.

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

Mr. Drew motioned and Mr. Wagner seconded the motion 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, the owner's desire for additional garage space which has access for either vehicles or other large components is best achieved through this variance.
2. The variance is substantial because it is a 100% variance to the requirement that there not be a front facing garage.
3. The essential character of the neighborhood would not be substantially altered because the new garage would face the stub street and the adjacent property which is across the street to the west is unbuildable because of an existing water retention pond. Should the stub street be extended to the south and a house(s) built, they would not be impacted, other than people who would be driving by.
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 due to the layout of the land, the stub street, the Atwood Energy easement which is immediately to the south that would have to be altered or permission granted to permit a driveway to access a rear garage entry.

The motion carried by the following vote:

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

- B.** [BZBA 2017-02](#) The request are for the following variances: 1] a variance of seventy-five (75) feet from the required stream corridor setback of seventy-five (75) feet resulting in a zero setback for a screened porch addition pursuant to Section 1207.03(e)(1)(ii), "Wetland/Stream Corridor Protection-Stream Corridor Setbacks" for disturbances related to controlling erosion along the stream bank; and 2] a variance from the prohibited activity of disturbance, including clearance of vegetation, within a stream corridor setback pursuant to Section 1207.03(c), "Prohibited Activities" of the City of Hudson Land Development Code.

The applicant is Palumbo Renovations, 6556 Stone Road, Hudson, OH 44236, the owners are Fritz and Leslie Kass, 44 Blackberry Drive, Hudson, OH 44236 for the property at 44 Blackberry Drive, Hudson, OH 44236 District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA - 2017-02 Staff Report](#)

A public hearing was held regarding BZBA Case No. 2017-02

Mrs. McMaster introduced Case No. 2107-02, a request for variances to build an elevated deck.

Mr. Robert Palumbo of Palumbo Renovations, representing the owners Fritz and Leslie Kass was available to explain and answer questions regarding the project. The Board and Mr. Palumbo discussed the request for variances.

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

The Board considered the staff report and applicant testimony.

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 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, the owner's desire to enhance the structure's living space is best achieved through this variance.
2. The variance is insubstantial because it is a replacement for a previously existing deck structure and because this is an elevated structure the stream corridor is not effected.
3. The essential character of the neighborhood would not be substantially altered or the adjoining properties would not suffer a substantial detriment as a result of the variance because of the insubstantial nature of the structure and the variance in general.
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 because the variance is not a substantial alteration of vegetation or the house and will not have any real effect on the stream corridor.

The motion carried by the following vote:

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

VIII. Other Business

Mr. Lehman requested advice from Ms. Lane regarding signatures on Decisions. Ms. Lane recommended that Decisions be signed by either the Chair and Vice Chair or, in the absence of one of those, the entire Board.

Ms. McMaster gave an update on the cases for the next meeting.

City of Hudson 'lean' initiative, using electronic documents instead of paper was discussed.

IX. Adjournment

Mr. Lehman adjourned the meeting at 9:06 p.m.

David W. Lehman, Chair

Frederick Jahn, Board Member

Joe Campbell, Executive Assistant

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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