



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, City Planner
Nick Sugar, Associate Planner
Matthew Vazzana, Assistant City Attorney

Thursday, December 14, 2017

7:30 PM

Town Hall

I. Call to Order

Chairman Lehman called to order the regularly scheduled meeting of the Board of Zoning & Building Appeals 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. Dohner, Mr. Jahn, Mr. Lehman and Mr. Wagner

Absent: 1 - Mr. Drew

III. Oath of Office for Mr. Robert Drew and Mr. Louis Wagner

Will be done in the January 2018 meeting.

IV. Identification, by Chairman, of Kris McMaster, City Planner and Matthew Vazzana, Assistant City Attorney.

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.
Minutes taken by Joe Campbell.

V. Swearing in of Staff and Audience Addressing the Board.

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

VI. Approval of Minutes

[BZBA 10-19-17](#) **MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS
MEETING October 19, 2017**

Attachments: [BZBA Minutes October 19, 2017](#)

A motion was made by Mr. Wagner, seconded by Mr. Dohner, that this Minutes be approved as submitted.

The motion carried by the following vote:

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

VII. Public Hearings - New Business

Mr. Lehman explained that three positive votes will be required for a motion to be approved. A tie will carry the motion over to the next meeting. Mr. Lehman stated that at any point in the hearing the applicant may ask for a continuance and that the burden is on the applicant to persuade the board why variance should be granted.

Mrs. McMaster confirmed that proper notice was given for the hearings.

- A. [BZBA 2017-18](#) A variance of thirteen (13) feet from the required fifty (50) foot rear yard setback to allow an addition to be located at a thirty-seven (37) foot rear yard setback pursuant to Section 1205.04(d)(5)(D)(i), "Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

The applicant is Bill Young, for Legacy Remodeling Team, 5751 Darrow Road Hudson, Ohio 44236 and the owner is Clifford R. and Eston L. Brown, 2371 Cambridge Drive, Ohio 44236 for the property located at 2371 Cambridge Drive in District 1 [Suburban Residential Neighborhood].

Attachments: [2017-18 Staff Report](#)

Mr. Bill Young representing the Legacy Remodeling Team and Mr. Clifford R. and Ms. Eston L. Brown, the property owners were present for the meeting and discussion.

Mrs. McMaster gave the staff report regarding this property on a corner lot that is bound on three sides by fifty-foot setbacks. The applicant is proposing a master bedroom that is thirty-seven feet from rear property line. Mrs. McMaster also stated that the AHBR has reviewed and approved the proposed addition.

Mr. Young stated that this is a large lot with the nearest neighbor a good distance away and that the neighbor does not object to the proposed addition. After considering other placements of the addition Mr. Young and the owners feel attaching the addition to the existing dining room and family room gives the best balance to the home. The addition will have a basement and will require that the electric service and air conditioning be moved. The two windows on the second story will remain in place as the roofline will not affect the location of the windows.

The public discussion was closed.

The Board determined that because the house is set back so far and is located at an angle on the property any addition will requires a variance.

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 because the property currently exists as a residence, however the requested variance will enhance the livability and the property.
2. The variance is insubstantial because the variance request is for only twenty-six percent of the required rear yard setback.
3. The essential character of the neighborhood would not be substantially altered and adjacent properties would not suffer a substantial detriment as a result of the variance because of the large lot size, the positioning of the house which is away from the street view and will have no impact on the view of the other residences or passersby.
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 other alternatives without the requested variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by

denying the variance because the variance is insubstantial and will enhance the livability of the residence.

A motion was made by Mr. Jahn, seconded by Mr. Wagner, that this Variance be approved.

The motion carried by the following vote:

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

- B.** [BZBA 2017-19](#) The request is a variance to allow an accessory structure detached garage to be located in the side yard when regulation require 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 and property owner is Thomas and Brittny Strubbe, 2452 Cambridge Drive; Hudson, Ohio 44236 for the property located at 2452 Cambridge

Attachments: [2017-19 Staff Report](#)

Mrs. McMaster introduced this application for a twenty-two by twenty-two-foot garage built next to the house that will be eighteen feet from side property line. The location was chosen due to the existing location of the well head which would cost seven to ten thousand dollars to relocate.

Mr. Duane Schreiber representing Shannon Wood Company and Mr. Scott Strubbe, the property owner were present for the meeting and discussion. Mr. Schreiber and Mr. Strubbe explained the request is because of a lack of storage in the existing home and garage and the owners current vehicle will not fit in the garage. Mr. Strubbe also does not want to use the backyard space for a detached garage and does not want to have to move the wellhead, which would be required with a backyard garage.

The Board and staff discussed if the LDC would allow a roof and walls from the house to the proposed garage. Mrs. McMaster stated that a roof would be allowed but not walls and the project would require approval from the AHBR. The Board noted that the neighborhood does not have front facing garages, the closest being on Salem Drive. Also discussed was the intent of the LDC to eliminate front facing garage doors, unless it is a detached garage. The Board noted that the existing door is fifteen feet wide which makes parking two cars difficult.

Mr. Strubbe stated that there is no intent to renovate the existing garage to living space and the new garage will have doors to match the existing garage doors.

The public hearing was closed.

In discussion, the Board noted the homeowner has stated that the critical issue is storage of vehicles and household belongings in the home with a basement that is essentially only a crawl space on the left side. The Board expressed concern that this is an atypical solution for this particular homeowner with a large vehicle but is sympathetic to the general lack of storage area in the house and that the cost of relocating the wellhead is significant. Also, while the front facing garage is not common in this neighborhood it does not go against the essential character of the neighborhood.

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 because the property currently exists as a residence, however, the requested variance will mitigate the lack of a basement in the residence and the small storage area in the current garage which is small by any measure and will provide a larger, new detached garage.
2. The variance is substantial because the entirety of the structure will be in the side yard.
3. The essential character of the neighborhood would not be substantially altered and adjacent properties would not suffer a substantial detriment as a result of the variance because the original house, without the various additions, would not require a variance to build the requested accessory structure since it would have been in the rear yard.
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 other alternatives without the requested variance because of the substantial cost to relocate the water well.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by approving the variance because the uniqueness of the lot, the location of the well, the small storage area available in the house, the lack of a basement in the house, and the small existing garage.

A motion was made by Mr. Dohner, seconded by Mr. Wagner, that this Variance be approved.

The motion carried by the following vote:

Aye: 3 - Mr. Dohner, Mr. Lehman and Mr. Wagner

Nay: 1 - Mr. Jahn

VIII. Other Business

A Community Development update was given: Mr. Mark Richardson has retired, Mr. Greg Hannan has been promoted to Community Development Director and Mrs. Kris McMaster has been promoted to City Planner.

IX. Adjournment

A motion was made by Mr. Wagner, seconded by Mr. Dohner, that the meeting be adjourned at 8:42.

The motion carried unanimously.

David W. Lehman, Chair

John M. Dohner, Vice Chair

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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