



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

REPORT

DATE March 16, 2018

TO: Board of Zoning and Building Appeals for
Meeting Date March 22, 2018

FROM: Nick Sugar, Associate Planner
Kris McMaster, City Planner

SUBJECT: **Appeals Docket 2018-08**

Application

Variance to stream corridor setback to install a driveway.

Site

Address: 2084 Ravenna Street
District: 3 - Outer Village Residential Neighborhood
Applicant: Tony Lunardi, LDA Builders Inc.
Owner: Jeffrey and Shannon Woolley

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Single Family Residential
South	3	Norfolk Southern Railroad
East	2 & 3	Single Family Residential
West	3	Single Family Residential

Comments

The subject of this hearing are requests for a variance of fifty (50) feet from the required stream corridor setback of fifty (50) feet resulting in a zero setback pursuant to Section 1207.03(e)(1)(iii), "Wetland/Stream Corridor Protection – Setbacks"; and a variance from the prohibited activity of disturbance, including clearing of vegetation, within a stream corridor setback pursuant to Section 1207.03(c), "Prohibited Activities" of the City of Hudson Land Development Code to allow construction of a driveway.

The subject property is a vacant parcel located in District 3. The property is surrounded by single family homes to the north, east and west. The property is adjacent to the Norfolk Southern Railroad to the south. The owners purchased the property in November of 2017. An active oil and gas well is located at the rear of the property, which is operated by Ohio Valley Energy System. There is an existing access drive and associated easement to access the well. The access drive meanders on and off the subject property and the adjacent property to the east at 2096 Ravenna Street. The applicant intends to build a single family home on the site. A 12-foot-wide stone drive has been proposed to access the home. The proposed drive will cross a stream and associated setbacks. The applicant has proposed twin 24" culverts to be installed in the existing ditch grade. All site work will require approval by the City Engineering Department.

The Land Development Code defines a stream as "a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem". The setbacks of 30 feet, 50 feet, 75 feet or 100 feet are determined by the respective size of the stream. This stream is draining an area up to .5 square miles (320 acres) requiring a setback of fifty (50) feet. In addition, Code prohibits any activity of disturbance within the stream corridor setback. Enclosed for your review is an aerial showing the stream and the riparian setback for the subject parcel.

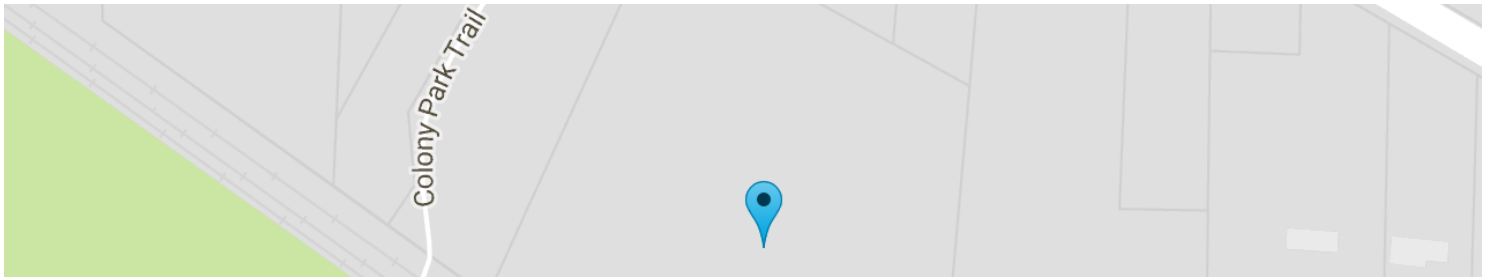
The following documents regarding the property are attached for your review:

1. **February 14, 2018- Application for BZBA and supplemental information of applicant's request.**
2. **Site plan.**
3. **Aerial map, City of Hudson GIS.**
4. **Stream corridor setback map, City of Hudson GIS.**
5. **Easement agreement for driveway to gas well and tank battery.**
6. **April 20, 2017 BZBA decision and minutes.**

Staff notes approval for variances were granted on 4-20-17 to utilize private well and septic (see attached decision and minutes). Approval for the design of the house from the Architecture and Historic Board of Review will be required prior to the issuance of a zoning certificate.

cc: BZBA 2018-08
Matthew Vazzana, Assistant City Attorney
Tony Lunardi, LDA Builders Inc.
Jeffrey and Shannon Woolley
Hal Desaussure, Council Liaison

Attachments



Applicant

LDA Builders (Angela Difrancio)

☎ 330-528-3800 ext. 202
@ angela@ldabuilders.com

Location

2084 RAVENNA ST , Hudson, OH

Ward 3

Owner 

WOOLLEY JEFFERY & WOOLLEY SHANNON
(View Owner Information)

Applicant and Property Owner Information

Applicant Relationship to Property Owner: *

Contractor

Property Owner's E-Mail: *

ramit30@yahoo.com


Company Name:

LDA Builders, Inc.

Type of Hearing Request

Type of Request: *

Variance

Code Required Set-Back (please indicate feet, s.f. or height) * 

not applicable

Requested Variance (please indicate the amount of the variance in feet, s.f. or height) * 

Driveway variance for driveway to cross through riparian easement area.

Resulting Set-Back (please indicate feet, s.f. or height) * 

not applicable

Explanation of Request and Justification: *

Owner was unaware of the need of a variance to install a driveway for the newly proposed home, at the time of purchasing the vacant property.

Supplemental Information for Determining Practical Difficulty

The property in question will yield a reasonable return and there can be a beneficial use of the property with the variance because: *

Allowing the driveway to get installed will in turn allow for the house to be built

The variance is

substantial

Describe why the variance is substantial or insubstantial *

Without this variance the property owner will not be able to install the driveway which is needed for the newly proposed house. Therefore the property will be useless to the owner and they will suffer a major loss.

Explain why the request is the minimum amount necessary to make reasonable use of the property or structure(s): *

No other way to access the rear portion of the property where the house needs to be built as it will not fit between the road and the riparian setback area.

Would the essential character of the neighborhood be substantially altered? *

no

Would adjoining properties be negatively impacted? *

no

Describe how the adjacent properties will not be affected. *

Installation of the driveway will allow the house to be in the far back portion of the property away from the adjoining neighbors homes.

Will this request adversely affect public services (mail, water, sewer, safety services, etc.)

no

The situation cannot be feasibly solved by means other than a variance. Explain: *

There is no other way to access the rear portion of the property where the house needs to be built as it will not fit between the road and the riparian setback area.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Explain below:

Granting of this variance is only allow the driveway to cross through the riparian area and will not impact the neighbors. Additionally, granting of the variance will in turn add value to the neighborhood by having a nice home built upon the property.

The circumstance leading to this request was not caused by current owner. It was caused by: *

Owners were unaware of the need for a driveway variance due to the riparian. Owners made sure septic and well variances were obtained prior to purchasing but were never told a driveway variance was needed.

List any special circumstances particular to the property/lot (i.e.: exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: *

The front portion of the property (between the road and the riparian setback area) is too narrow to fit a house with proper setbacks etc.

Public Meeting Information

Meeting Date *

03/15/2018

Person representing Property Owner at Public Meeting *

Tony Lunardi

The property owner has acknowledged and agreed that the above representative can speak on their behalf at the public hearing. *

✓

By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property. *

✓

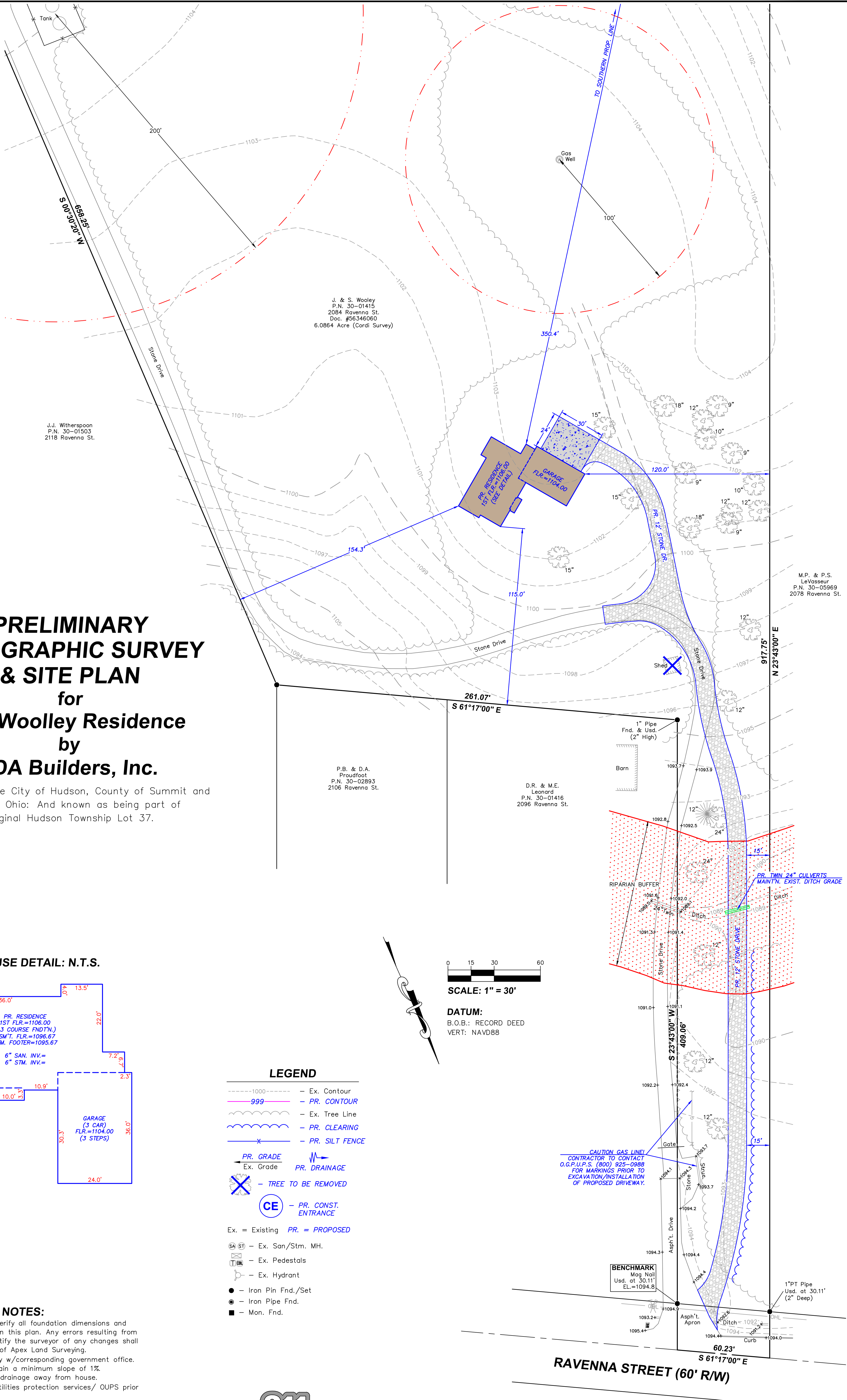
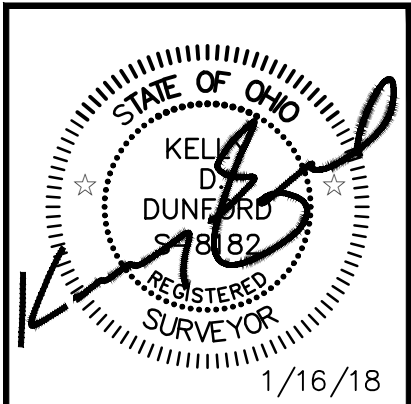
Internal

Company Name

Variances

Meeting Date

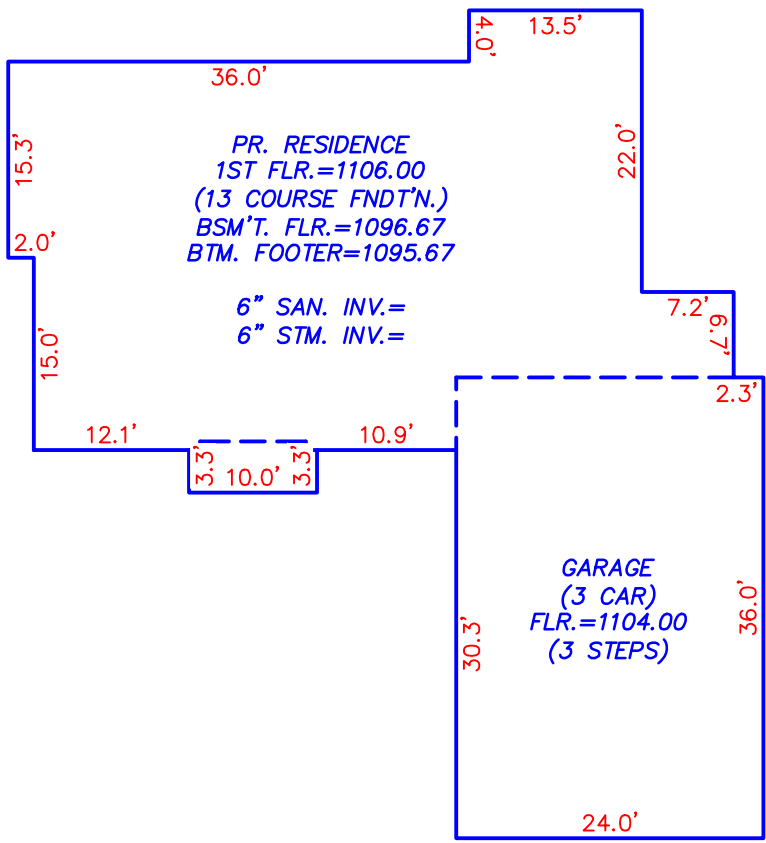
District



**PRELIMINARY
TOPOGRAPHIC SURVEY
& SITE PLAN**
for
The Woolley Residence
by
LDA Builders, Inc.

Situated in the City of Hudson, County of Summit and
State of Ohio: And known as being part of
Original Hudson Township Lot 37.

HOUSE DETAIL: N.T.S.



LEGEND

- 1000--- Ex. Contour
- 999--- PR. CONTOUR
- Ex. Tree Line
- PR. CLEARING
- PR. SILT FENCE
- PR. GRADE Ex. Grade PR. DRAINAGE
- TREE TO BE REMOVED
- CE --- PR. CONST. ENTRANCE
- Ex. = Existing PR. = PROPOSED
- SA ST --- Ex. San/Stm. MH.
- Ex. Pedestals
- Ex. Hydrant
- --- Iron Pin Fnd./Set
- --- Iron Pipe Fnd.
- --- Mon. Fnd.

CONSTRUCTION NOTES:

1. The contractor must verify all foundation dimensions and proposed grades shown on this plan. Any errors resulting from failure to check or to notify the surveyor of any changes shall not be the responsibility of Apex Land Surveying.
2. All grades shall comply w/corresponding government office.
3. All swales must maintain a minimum slope of 1%.
4. Maintain positive yard drainage away from house.
5. Contractor to notify utilities protection services/ OUPS prior to construction.
6. Contractor shall verify location and depths of existing laterals & verify if proper connections can be made to house. Contact corresponding government office if discrepancies occur.
7. All sewer connections must maintain a minimum slope of 1%.
8. A foundation sump pump is/is not required.
9. Silt fence must surround any excavation areas so that no silt escapes site.
10. There was no search for easements of record, right-of-ways, restrictive covenants, encumbrances, ownership title evidence, or any other facts that a title search may disclose.



SURVEYED BY: PEX LAND SURVEYING KELLY D. DUNFORD, P.S. 8182 2858 FULMER DR., SILVER LAKE, OH (330) 928-7750 ps8182@sbcglobal.net www.apexlandsurveying.com		TITLE: TOPO & SITE PLAN CLIENT: LDA BUILDERS SCALE: 1" = 30' DRAWN BY: KDD CREW: KDD SHEET SIZE: 22" X 34"		DATE: DEC. 2017 PROJ.: 2017121 FILE: 2017121.dwg CHECKED BY: KDD SHEET: 1 OF 1	
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EA 48.00

EASEMENT

032307-2

This agreement made and entered into this 23rd day of March, 2007, by and between JAMES A. JOHNSON AND PAMELA L. JOHNSON, whose address is 4636 Route 307 East, Geneva, Ohio 44041, (hereinafter called "GRANTOR"), and Ohio Valley Energy Systems, Corp., whose address is 200 Victoria Road, Bldg. 4, Austintown, Ohio 44515, (hereinafter called "GRANTEE").

WHEREAS, GRANTOR is the owner of property located in Part of Lot 37 of City of Hudson, Summit County, State of Ohio, and described as being Parcel ID# 3001415 and further described as being Recorded in Vol. 5933 Page 552 of Summit County Records, containing 6.090 acres more or less, and described in Exhibit A attached hereto and made a part hereof, and

WHEREAS, GRANTEE is the owner of oil and gas operational rights located in Lot 37 of Hudson Township, Summit County, State of Ohio, and said operational rights cover Parcel ID# 3001503 and the Location Agreement recorded in Instrument No. 55354629 of Summit County Records and

GRANTOR, for and in consideration of One Dollar (\$1.00), and other good and valuable consideration in hand paid by GRANTEE, the receipt and legal sufficiency of which is hereby acknowledged by GRANTOR, and the covenants and agreements contained herein, does hereby grant to GRANTEE, its successors and assigns, an easement (hereinafter called the "Easement") to construct, install, inspect, maintain, repair, remove, use, and operate, as the case may be, a roadway, pipeline and meter site (including without limitation any and all necessary equipment and facilities and route identification markers as GRANTEE may from time-to-time deem necessary or desirable) (collectively, hereinafter called "GRANTEE'S facilities"), together with the full right of ingress and egress to and from and access to all of GRANTEE'S facilities, upon, over, in, under, across and /or through, as the case may be, the real property owned by GRANTOR in the County of Summit, State of Ohio, described as being all the property owned by GRANTOR or to which the GRANTOR may have any rights, containing, 6.090 acres, more or less.

NOW THEREFORE, for the consideration set forth herein, the receipt and sufficiency of which is acknowledged by each party, it is mutually agreed as follows:

1. This Easement is effective for a period of two (2) years from this date. The Agreement shall remain in full force and effect as long as GRANTEE maintains oil and gas operational rights on Parcel ID# 3001503. the subject oil and gas well will be known as the Witherspoon No. 1D Unit Well (Permit No. 34-153-2-300-00-00).
2. GRANTEE agrees to pay the GRANTOR the sum of \$7,500.00 prior to entering GRANTOR'S property to access Parcel ID# 3001503 or the Witherspoon No. 1D Unit Well.
3. GRANTOR agrees to grant GRANTEE the rights of ingress and egress over the property. In carrying forth this provision, GRANTEE agrees to furnish a plot plan indicating the proposed access road for GRANTOR'S approval. It is agreed that the damages paid for herein shall compensate GRANTOR for the damages occasioned by the ingress and egress road.
4. GRANTEE agrees to confine all operations to the area set forth on the plot plan, attached hereto and made a part hereof.
5. GRANTEE and GRANTOR acknowledge the access road, pipeline and meter site are currently servicing the Johnson No. 1 Unit Well (Permit No. 2979). It is the intent of GRANTOR and GRANTEE to make this Easement in conjunction with all operational rights of the existing well. In the event the Johnson No. 1 Unit Well is plugged and abandoned then all operational rights occasioned by this Easement shall remain in full force and effect with a rental payment of One Thousand Dollars and no cents (\$1,000.00) due payable yearly until such time as the Witherspoon No. 1D Unit Well is plugged and abandoned.
6. GRANTEE agrees that upon abandonment of the ingress and egress road, to restore the land to its original contour and condition. However, GRANTOR may elect to leave said access road upon the property.
7. GRANTOR will take no action which will permanently alter the natural drainage, except as expressly required to establish the access road as agreed between GRANTOR and GRANTEE.

Cross ref: Inst No. 55354629

In Witness Whereof, the Agreement is signed on the date and year afore mentioned.

James A. Johnson
STATE OF OHIO
COUNTY OF Ashtabula)SS:

Pamela L. Johnson
Pamela L. Johnson

The foregoing instrument was acknowledged before me this 23rd day of March, 2007
by James A. Johnson and Pamela L. Johnson

My Commission Expires:



Kelly J. Clarke

This Instrument prepared by:
Version 060506

Return to:
Ohio Valley Energy Systems, Corp.
200 Victoria Rd, Bldg 4
Austintown, OH 44515

#22557
TRANSFER NOT NECESSARY
SEC. 319.202 REV. CODE COMPLIED WITH
75,000.00 30.00
Consideration
JOHN A. DONOFRIO By [Signature]
Fiscal Officer Deputy Fiscal Officer
No. of pages 4

12.12.07
TRANSFER NOT NECESSARY
John A. Donofrio, Fiscal Officer



John A Donofrio, Summit Fiscal Officer

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EXHIBIT A

City
situated in the Township of Hudson, County of Summit and State of Ohio:
AND KNOWN AS BEING a part of Lot 37 of Hudson Township, and further bounded and described
as follows:
Beginning at the intersection of the centerlines of Ravenna Road (T.H. 102 60' r/w) and
South Hayden Parkway as recorded in the Heritage Heights Subdivision, Vol. 65, Pages 43-45,
said point is also South 61° 17' 00" East 294.82 from a Village of Hudson centerline
monument found in the Ravenna Road centerline;
thence South 61° 17' 00" East 190.59 ft. along the centerline of Ravenna Road to the true
place of beginning for the following described parcel of land;
thence continue South 61° 17' 00" East 60.23 ft. along the centerline of Ravenna Road to a
point;
thence South 23° 43' 00" West 409.06 ft. to an iron pin set;
thence South 61° 17' 00" East 261.07 ft. to a point;
thence South 00° 30' 20" West 658.25 ft. to an iron pin set at the northerly line of the
C. & P. Railroad right-of-way;
thence North 54° 10' 40" West 592.69 ft. along said railroad right-of-way to an iron pin set;
thence North 23° 43' 00" East 917.75 ft. to the true place of beginning at the centerline
of Ravenna Road, and passing over an iron pin set at the southerly line of Ravenna Road,
containing 6.0864 acres of land more or less but subject to all legal highways or easements
of record.
As surveyed by James N. Conner Registered Surveyor #4570 April, 1977.

3001415

HW 000090 302 000

Description approved by Tax Maps
Appraised for 60 days from

12-11-07 CDR HLL/g
TAN



John A Donofrio, Summit Fiscal Officer

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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
Matthew Vazzana, Assistant City Attorney

Thursday, April 20, 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: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

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

Mr. Matthew Vazzana was introduced by Mr. Lehman as Assistant City Attorney. Mr. Vazzana then swore-in staff and all persons wishing to speak under oath.

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

Meeting minutes were taken by Joe Campbell, Executive Assistant.

A video recording of this meeting is available on the City of Hudson website.

Except when 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.

V. Approval of Minutes

- A. [BZBA 3-16-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING, MARCH 16, 2017.

Attachments: [BZBA Minutes March 16, 2017](#)

Mr. Drew made a motion to make the following edit: On page 4 under Findings, Number 1, following 'there is an existing deck', change 'and' to 'but'. The motion was seconded by Mr. Wagner.

The motion was approved by the following vote:

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

Approval of Amended Minutes

Mr. Drew made a motion to approve the minutes as amended. Mr. Dohner seconded the motion.

The motion was approved by the following vote:

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

VI. Public Hearings - New Business

Mrs. McMaster confirmed that all required public notifications have been given.

Mr. Lehman stated that it is the responsibility of the applicants to persuade the BZBA Board why a variance should be granted.

- A. [BZBA 2017-07](#) Two variances to permit a second wall sign: 1] a variance to the requirement permitting only one (1) building sign per ground floor occupant frontage to allow two (2) building signs per ground floor occupant frontage; and 2] a variance of two hundred and seventy-seven (277) square feet for a second business wall sign when the maximum permitted sign area is two hundred (200) square feet resulting in a sign of four hundred and seventy-seven (477) square feet. The variances are sought pursuant to Land Development Code Sections 1207.17(d)(1), "Signs in Nonresidential Districts-Maximum Number and Area of Permanent Signs Attached to Buildings", and Section 1207.17(d)(2)(D), "Signs in Nonresidential Districts-Large Building Setbacks".

The applicant is GPD Group, Mike Rubin, 520 South Main Street #2531, Akron, OH 44311 and the owner is JoAnn Store LLC, 5381 Darrow Road, Hudson. OH 44236 for the property at 5555 Darrow Road in District 8 Industrial/Business Park.

Attachments: [BZBA 2017-07 Staff Report 4-14-2017](#)

Mrs. McMaster introduced the case.

Mr. Richard Leveno and Ms. Tammy Ward of the CPD Group and Mr. Richard Volner of JoAnn Store, LLC, were present for the meeting and discussion.

The applicants explained that JoAnn Store is in the process of rebranding their stores nationwide with a more contemporary look that reflects the store brand. It is

important that both employees and customers see and understand this rebranding.

The Board discussion centered on the size of the building and the setback from Darrow Road in relation to the size of the signage requested in the variance. The Board felt that proportionately, the variance request is reasonable and this request, because of the size of the building, is a somewhat unique situation in Hudson.

Mr. Lehman opened the meeting for public comment.

There being no public comment Mr. Lehman closed the public comment portion of the meeting.

The Board considered the information from the staff report and the applicants.

Mr. Drew made a motion that Mr. Dohner seconded to approve the two variances to permit a second wall sign: 1] a variance to the requirement permitting only one (1) building sign per ground floor occupant frontage to allow two (2) building signs per ground floor occupant frontage; and 2] a variance of two hundred and seventy-seven (277) square feet for a second business wall sign when the maximum permitted sign area is two hundred (200) square feet resulting in a sign of four hundred and seventy-seven (477) square feet. The variances are sought pursuant to Land Development Code Sections 1207.17(d)(1), "Signs in Nonresidential Districts-Maximum Number and Area of Permanent Signs Attached to Buildings", and Section 1207.17(d)(2)(D), "Signs in Nonresidential Districts-Large Building Setbacks".

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 however this variance is needed to fulfill the needs of the owner of the property and in proportion to the size of the building it is not unreasonable.
2. The variance is substantial although by percentage it is insubstantial in terms of the number of square feet. However, when compared to the square footage of the building, the façade size and setback from the street the variance is insubstantial.
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 size of the building and the setback from the 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 because the square footage being requested is small compared to the size of the building, the size of the acreage and the setback from the road.

The motion was approved by the following vote:

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

Nay: 1 - Mr. Wagner

- B.** [BZBA 2017-08](#) Variance request from the requirement to utilize public water and sewer to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1), "Adequate Public Facilities-Water/Wastewater" of the City of Hudson Land Development Code.

The applicants are Nicholas & Hashhoni Hisczak, 10135 Meadow Ridge Drive, Streetsboro, OH 44241 and John Carse, 7339 Darrow Road, Hudson, OH 44236. The property owner is James and Pamela Johnson, 4636 Route 307 East, Geneva, OH 44041 for the property at 2084 Ravenna Street in District 3 Outer Village Residential Neighborhood.

Attachments: [BZBA 2017-08 Statt Report 4-14-2017](#)

Mrs. McMaster introduced the application to the Board. The applicant is no longer the applicant however the owner of the property would like the variance request to continue.

Mr. John Carse, the applicant was present for the meeting and discussion. Mr. Carse informed the Board that this is a six acre parcel with a gas well and meandering driveway that owner does not have the right to use. The property is approved for a septic system and will probably have a good well. Mr. Carse indicated that without the requested variance potential buyers of the property will be faced with \$120,000 cost for public water and sewer which might price the property out of the market.

Mrs. McMaster stated that the closest public water and sanitary line to this property is approximately 230 feet away.

Mr. Lehman opened the meeting for public comment.

There being no public comment Mr. Lehman closed the public comment portion of the meeting.

The Board discussed the application noting that the distances involved in this property having public utility services is much smaller than recent applications brought before the board. Discussion also included that the value of this property and potential home is less than the previous cases discussed.

The Board considered the information from the staff report and the applicants.

Mr. Dohner made a motion that was seconded by Mr. Jahn to grant a variance request from the requirement to utilize public water and sewer to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1), "Adequate Public Facilities-Water/Wastewater" of the City of Hudson Land Development Code.

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 that the variance be granted with the following condition:

1. If City water and/or sewer become available to Ravenna Street, the property owner is required to connect to these services.

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 the approximate size of the intended house to be built and proportionately the cost of tying into the closest water and sewer lines would make the development of this property cost prohibitive.
2. The variance is substantial because the Land Development Code requires tying into public water and sewer. But under the circumstances for this property at this time it is not economically feasible.
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.
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 was approved by the following vote:

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

Nay: 1 - Mr. Drew

VII. Other Business

Mrs. McMaster reported there are three cases scheduled for the May meeting.

Mr. Vazzana said that he will be discussing the Land Development Code revisions with the Board at the next meeting, asking the members for ideas for improvement. He will also send a link for them to fill out to a survey that is intended to assist the code writers.

VIII. Adjournment

Chair Lehman adjourned the meeting at 9:09 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.

* * *



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

BOARD OF ZONING AND BUILDING APPEALS

APPEALS DOCKET NO 2017-08 2084 RAVENNA STREET VARIANCE

VIA CERTIFIED MAIL DECISION

Based on the evidence presented to the Board by John Carse, 7339 Darrow Road, Hudson, OH 44236 representing the property owners, James and Pamela Johnson, 4636 Route 307 East, Geneva, OH 44041, for the property at 2084 Ravenna Street in District 8 Outer Village Residential Neighborhood, at a public hearing held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio 44236 at 7:30 p.m., on Thursday, April 20, 2017 the Board of Zoning and Building Appeals hereby grants:

A variance request from the requirement to utilize public water and sewer to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1), "Adequate Public Facilities-Water/Wastewater" of the City of Hudson Land Development Code.

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 that the variance be granted with the following condition:

1. If City water and/or sewer become available to Ravenna Street, the property owner is required to connect to these services.

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 the approximate size of the intended house to be built and proportionately the cost of tying into the closest water and sewer lines would make the developing of this property cost prohibitive.
2. The variance is substantial because the Land Development Code requires tying into public water and sewer. But under the circumstances for this property at this time it is not economically feasible.
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.

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.

Dated: April 20, 2017

CITY OF HUDSON
BOARD OF ZONING AND BUILDING APPEALS

David W. Lehman, Chairman

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the April 20, 2017 meeting.



Joe Campbell – Executive Assistant

Failure of an applicant to commence substantial construction or action with regard to the variance approval within one (1) year of receiving approval of the variance and to complete such construction within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void, pursuant to Section 1203.08 (3), "Variances – Lapse".