



# City of Hudson, Ohio

## Meeting Minutes - Draft Board of Zoning & Building Appeals

*David Lehman, Chair*  
*John Dohner, Vice Chair*  
*Robert Drew*  
*Frederick Jahn*  
*Louis Wagner*

*Kris McMaster, City Planner*  
*Nicholas Sugar, Associate Planner*  
*Matthew Vazzana, Assistant City Attorney*

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Thursday, February 15, 2018

7:30 PM

Town Hall

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

**Absent:** 1 - Mr. Dohner

### **III. Identification, by Chairman, of Kris McMaster, City Planner; Nick Sugar, Associate Planner; and Matthew Vazzana, Assistant City Attorney.**

Minutes taken by Mr. Joe Campbell.

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

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

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

#### **A. [BZBA 1-18-2018](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS**

**MEETING: January 18, 2018**

**Attachments:** [BZBA Minutes 1-18-2018](#)

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

The motion carried by an unanimous vote.

## VI. Public Hearings - New Business

Chair Lehman noted that with four members of the BZBA present, a majority is needed to approve. In the event of a tie vote the applicant may return the following meeting. Also, that it is the obligation of the applicant to persuade the Board of the reason for granting the variance.

Mr. Sugar affirmed that due notice was given to the public.

- A. [BZBA 2018-06](#) A variance from the requirement that single-family lots are permitted no more than one driveway curb cut to allow two driveway curb cuts for a circular driveway pursuant to Section 1205.07(d)(13) (A), "Property Development/Design Standards - Driveway Curb Cuts" of the City of Hudson Land Development Code.

The applicant is Barbara McDonald, Architect, 2487 Middleton Road, Hudson, OH 44236. The property owner is William L. Phipps Trustee and Jill G. Phipps Trustee, 225 Aurora Street, Hudson, OH 44236 for the property at 225 Aurora Street in District 4 [Historic Residential Neighborhood].

Attachments: [BZBA 2018-06 Staff Report](#)

Mr. Sugar introduced this application for the 1871 built house with a driveway and garage on Hudson Street and a driveway on Aurora Street, which is the front of the house. The application is for a second curb cut on Aurora Street that is seventy-feet from the existing curb cut and fifteen-feet from the property line.

Ms. Barbara McDonald, the architect for the project and representing the owners was present for the meeting and discussion concerning making it easier for a vehicle to enter Aurora Street from the property. Ms. McDonald stated that the proposed gravel driveway with a concrete apron will compliment the historic nature of the home without the removal of any trees.

Mr. Sugar noted that there are four circular driveways within 1000 feet but no record of this property ever having a circular driveway.

Chair Lehman closed the public comments.

The Board noted there would be little impact visually if a second curb cut is granted and that the historic nature of the house, built in the horse and buggy era, would lead toward a circular driveway. The Board also noted that a vehicle will not be able to pass another on the proposed driveway.

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 conditions:

1. A right-of-away permit must be secured.
2. Approval for the second curb cut on Aurora Street must be given from the City of Hudson Engineering Office.

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 since the property already has one driveway.

2. The variance is insubstantial because the design of the gravel driveway as part of the second curb cut on Aurora Street will minimize the impact in this historic neighborhood.
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 there are other circular driveways within one-thousand feet of this property.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage) and will benefit emergency vehicle access.
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 granting the variance as presented because of the uniqueness of the property, the existing garage and driveway located on Hudson Street and the fact that granting a variance for a second curb cut on the Aurora Street side of the property will permit the installation of a circular drive that will result in a safer entry/exit from the property onto Aurora Street.

**A motion was made by Mr. Drew, seconded by Mr. Wagner, that this Variance be approved with conditions.**

**The motion carried by the following vote:**

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

- B.**     [BZBA 2018-07](#) A variance from the requirement to utilize public water in order to have a water well 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 applicant is John J. Carse for Carse Real Estate Corp., 7339 Darrow Road, Hudson, OH 44236. The property owner is John D. Ritter, 2741 Hudson Aurora Road, Hudson, OH 44236 for the property at 2741 Hudson Aurora Rd in District 1 [Suburban Residential Neighborhood].

**Attachments:**     [BZBA 2018-07 Staff Report](#)

Mr. Sugar introduced the case for the request of a single family home with a 250 foot setback on a vacant lot of 1.7 acres which was purchased in 1993. The nearest public water is on Stow Road which is approximately 830 feet away with an estimated cost of \$130,000 for a waterline extension.

Mr. John Carse, and the owner Mr. John D. Ritter were present for the discussion regarding this property that is under contract. Mr. Carse explained that the position of the proposed house is still in the design process and that public sanitary sewers lines will be run from the street. Mr. Carse presented the Water Well Log Report and a report of the surrounding residential water wells to the Board.

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. When City water becomes available to the property, the property owner is required to connect to the service. This variance does not alleviate the current or future property owners from assessments for public water lines that may, in the future be available to the property.

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 unavailability of public water for a new house.
2. The variance is insubstantial because other houses in the area have the same issue and same solution.
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 other houses in the area have the same issue and same solution.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property in 1993 without 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 granting the variance as presented because of the nature of the property and the unavailability of public water.

**A motion was made by Mr. Jahn, seconded by Mr. Drew, that this Variance be approved with conditions.**

**The motion carried by the following vote:**

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

## **VII. Other Business**

### **A. [BZBA 2018-05](#) APPLICATION WITHDRAWN AT THE REQUEST OF THE APPLICANT**

The request is an appeal from the final action or decision and interpretation of the Land Development Code by the Community Development Director and the City Manager pursuant to Section 1212.01, "Appeals" of the City of Hudson Land Development Code.

The appellant is Ms. Victoria S. Shepherd, 90 N. Oviatt Street, Hudson, OH 44236, represented by David Worhatch, Attorney at Law, 4920 Darrow Road, Stow, OH 44224.

Mr. Vazzana noted that the permit for case 2018-05 expired and the applicant will be required to comply with the current zoning code with new plans submitted when requesting a new certificate.

For the March BZBA meeting an application for a new house and driveway at 2084 Ravenna Street is on the agenda.

The Board discussed clarifying the meaning of "when water becomes available" as a condition of variances for the revised LDC.

Mr. Vazzana encourage Board members to contact him with concerns or suggestions regarding the LDC and noted that the proposed revisions to the LDC will have an explanation and summary along with highlighted changes.

The Board briefly discussed the Georgetown Road decision regarding the sidewalk variance and the condition requiring that money be placed in the City of Hudson Sidewalk Fund.

## **VIII. Adjournment**

**A motion was made by Mr. Drew seconded by Mr. Wagner that the meeting be adjourned.**

**The motion carried. by an unanimous vote.**

**Mr. Lehman adjourned the meeting at 8:38 p.m.**

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**David W. Lehman, Chair**

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**Fred Jahn, Board Member**

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**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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