



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

REPORT

DATE May 11, 2018

TO: Board of Zoning and Building Appeals for
Meeting Date May 17, 2018

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

SUBJECT: **Appeals Docket 2018-14**

Application

Variances to allow construction of a house for an approved variance that has expired.

Site

Address: 2222 E. Streetsboro
District: 3- Outer Village Residential Neighborhood
Applicant: Karen Mcbee, Alexandra Fine Homes Inc.
Owner: William and Cassandra Markwell

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Single Family Residential
South	3	Single Family Residential
East	3	Single Family Residential
West	3	Single Family Residential

Comments

The subject of this hearing is a request for 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.

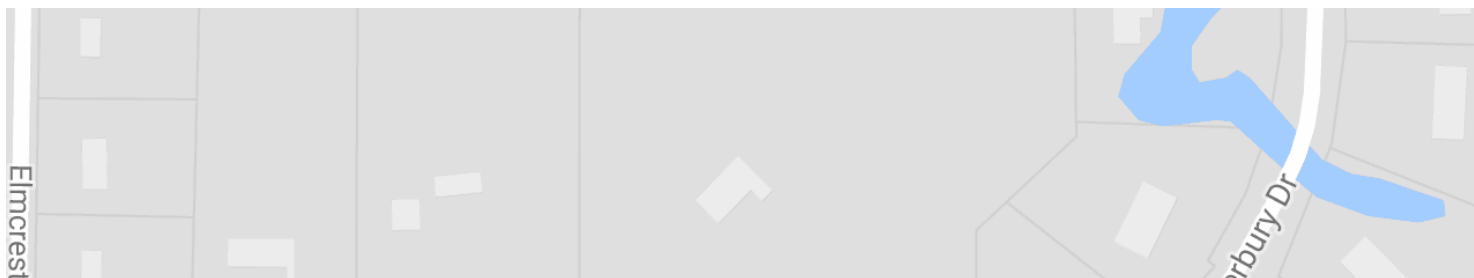
The subject property is approximately 13.5 acres and is located in District 3. The property is surrounded by single family residential homes on all sides. The property owners purchased the property on April 1, 2016. This request was initially approved by the Board on February 16, 2017. The approval has expired per Section 1203.07(e) Variances - Lapse, which states *"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 or action within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void."* The owners plan to demolish the existing home and construct a new home on the property. The request is to permit a water well at the time of occupancy. Code requires all new development to use public utilities at the time of occupancy. Public water is currently not directly available to the property. The owners feel to extend the water main to obtain water is cost prohibitive and not feasible. The existing home currently has a well. The owners have received an estimate of the cost for the design and construction to provide water to the property from the City of Hudson's City Engineer, Brad Kosco at a cost of \$291,300.00 (see attached memorandum from Brad Kosco). Mr. Kosco has confirmed the estimate is accurate as of the date of this report.

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

1. **April 18, 2018- Application for BZBA and supplemental information of applicant's request.**
2. **Aerial Map, City of Hudson GIS/Google Maps.**
3. **Site Plan**
4. **Water Distribution Map, City of Hudson GIS.**
5. **Memorandum from Bradley Kosco, P.E., P.S. City Engineer.**
6. **Meeting Minutes from February 16, 2017**
7. **Appeals Docket 2017-04 Signed Decision.**

cc: BZBA 2018-14
Matthew Vazzana, Assistant City Attorney
Karen McBee, Alexandra Fine Homes
William and Cassandra Markwell, Owner
Hal Desaussure, Council Liaison

Attachments



Applicant

Karen McBee

☎ 440-557-5166

@ karen@alexfinehomes.com

Location

2222 E STREETSBORO ST , Hudson, OH

Ward 3

Owner MARKWELL WILLIAM I III & MARKWELL
CASSANDRA L (View Owner Information)

Applicant and Property Owner Information

Applicant Relationship to Property Owner: *

Contractor

Property Owner's E-Mail: *

zack-markwell@stonemontfinancial.com

Company Name:

Type of Hearing Request

Type of Request: *

Variance

Year Property Purchased *

2015

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

0

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

0

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

0

Explanation of Request and Justification: *

We request a variance to use an on-site water well as there is no availability on Canterbury and cost prohibitive on Streetsboro.

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: *

The cost to extend water main is prohibitive. Also, there is already a water well on the property. Cost discussed with Brad Kosco

The variance is

insubstantial

Describe why the variance is substantial or insubstantial *

There is no water on street. This lot and neighbors have well. Also, the property is 15 acres

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

There is no water on street. This lot and neighbors have well.

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. *

They also have well.

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 city water available at street without major main extension and cost.

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

The existing home and neighbors have well. Cost to extend main is astronomical. Cannot access water at Canterbury per Summit.

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

Water at street. The properties on street are serviced by private well.

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

Extremely wide frontage.

Public Meeting Information

Meeting Date *

05/17/2018

Person representing Property Owner at Public Meeting *

Nestor Papageorge

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

City of Hudson, OH

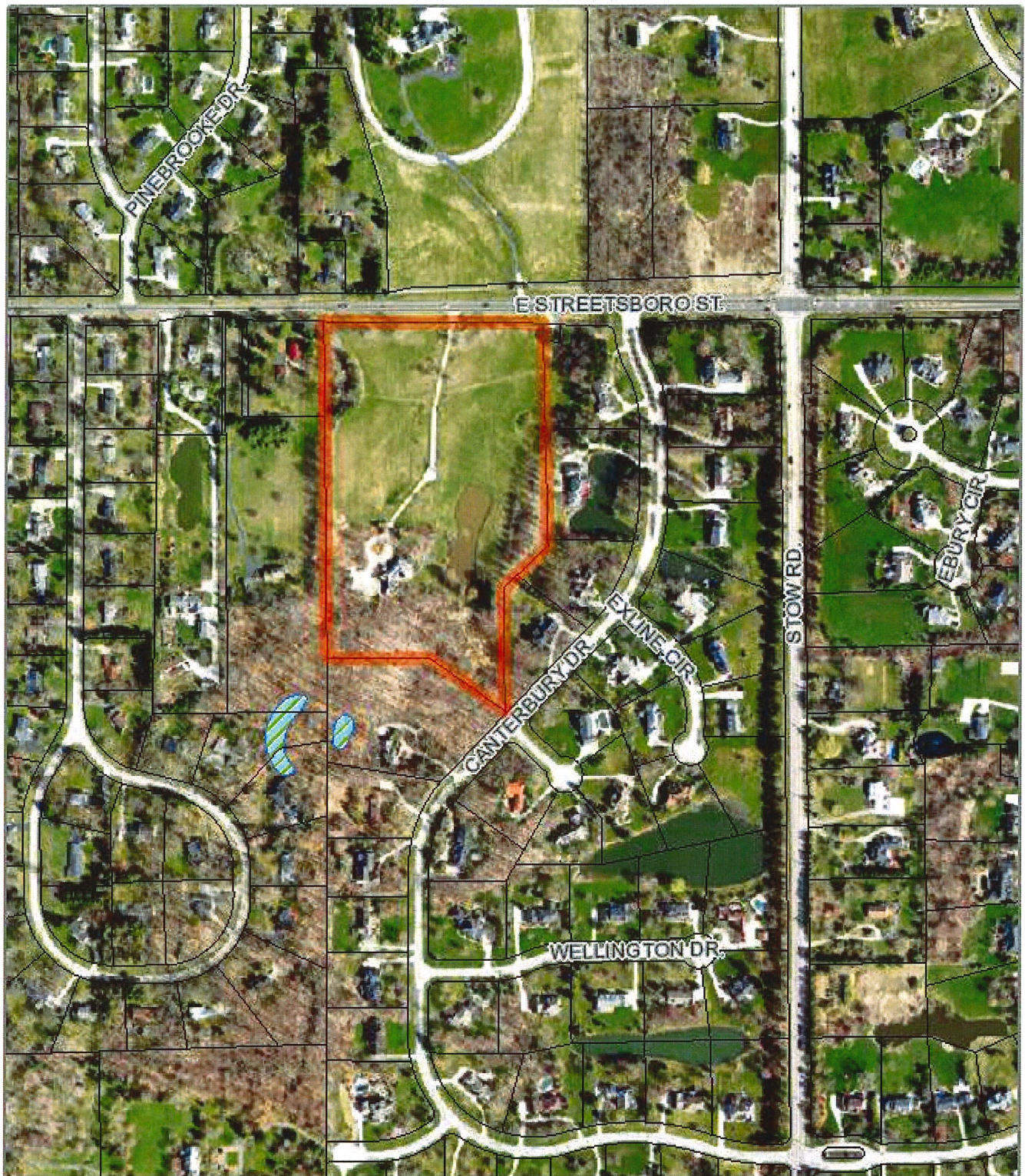


Owner Name	Markwell William I Iii	Legal Description	LOT 48 S OF STREETSBORO ST	
Site Address	2222 E STREETSBORO ST	Area	13.5	
Parcel ID	3006319	Council Ward	Ward 3	
Owner Address	2222 E STREETSBORO ST	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	Septic System	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44236	Water Rate	NA	
Phone		Water Tap	NA	

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 210 feet
 1/18/2017

City of Hudson, OH

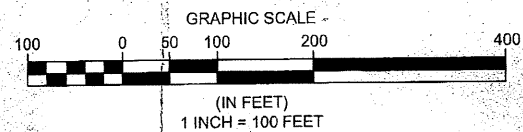
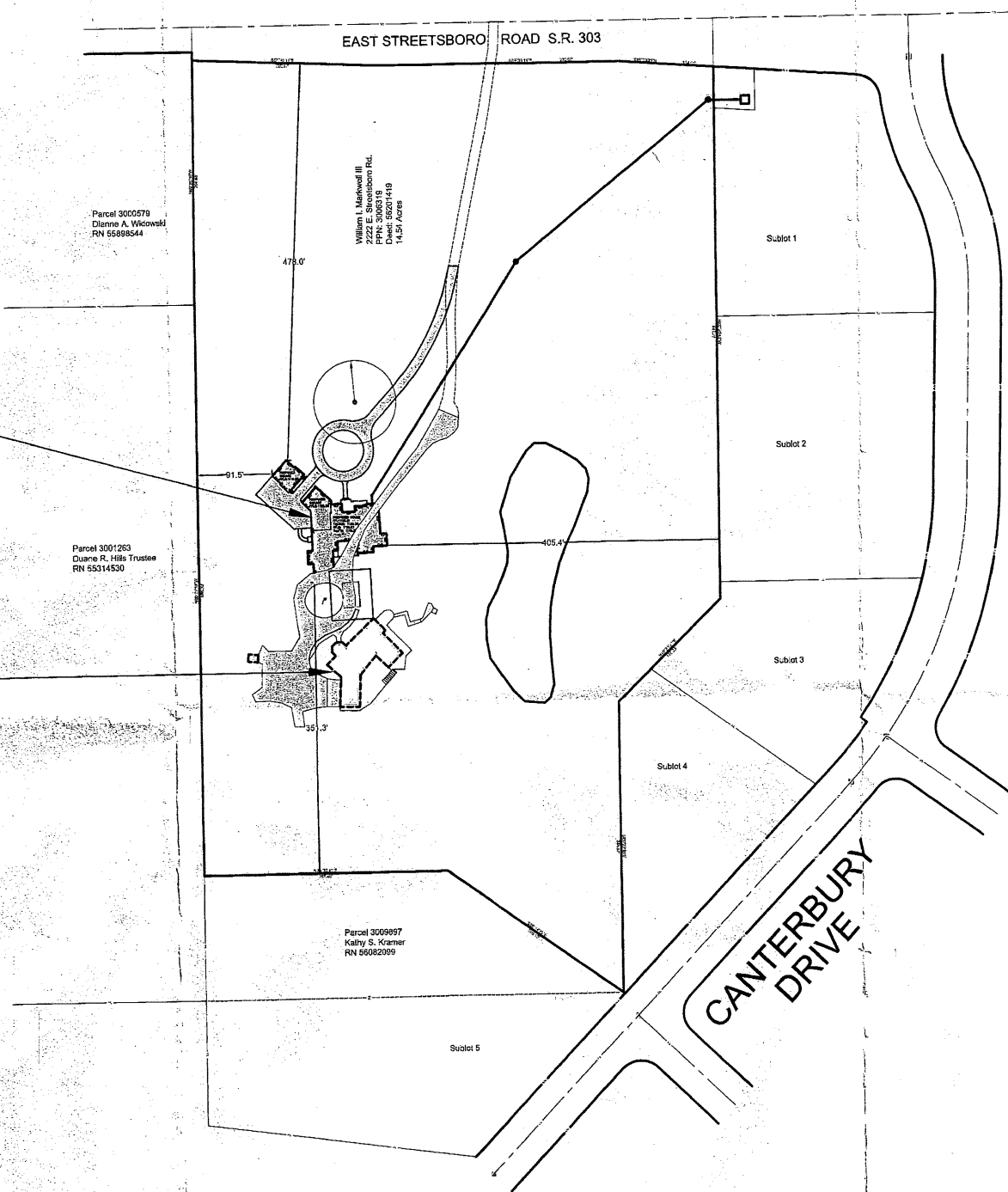



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 420 feet
1/18/2017

PROPOSED HOUSE
LOCATION

EXISTING HOUSE
-TO BE REMOVED





O.U.P.S. REFERENCE

2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1
OHIO UTILITIES PROTECTION SERVICE NON-MEMBERS
MUST BE CALLED DIRECT

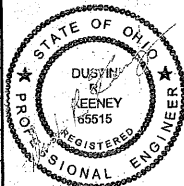
EXISTING UNDERGROUND UTILITIES NOTE:
THE SIZE AND LOCATION, BOTH HORIZONTAL AND VERTICAL OF THE UNDERGROUND UTILITIES SHOWN HEREON, HAVE BEEN OBTAINED BY A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL. HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.

NOTE: THIS SURVEY SUBJECT TO CHANGE UPON RECEIPT OF ANY ADDITIONAL AVAILABLE UNDERGROUND UTILITY INFORMATION.

TOPOGRAPHIC CERTIFICATION:
I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY, INDICATED BY 1' CONTOURS, AND ELEVATIONS SHOWN HEREON, REPRESENT AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION ON THE 15TH DAY OF JULY, 2016, AND THAT THE ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL DATUM IS BASED ON NAVD88.

Richard A. Thompson Jr.
RICHARD A. THOMPSON, JR., P.S. #7388

REV. No.	DATE	BY



DATE: 12/28/16
SCALE: HOR. 1"=100'
VERT. N/A
FOLDER: DWG/Proj. Eng.
FILENAME: Site Plan
TAB: 03-Overall
DRAWN: RMK

Ex. Clean Out	Ex. Sanitary Manhole	Ex. Water Valve	Ex. Electrical Box	Ex. Tree	Ex. Monument Box
Ex. Catch Basin	Prop. Sanitary Manhole	Ex. Water Meter	Ex. Guy Wire	Ex. Pine Tree	Power Transformer
Prop. Catch Basin	Prop. Curb Inlet	Ex. Fire Hydrant	Ex. Power Pole	Ex. Bush	Sprinkler Control Box
Ex. Yard Drain	Ex. Curb Inlet	Prop. Hydrant	Ex. Light Power Pole	Ex. Mailbox	Sprinkler Head
Ex. Manhole	Ex. Gas Marker	Prop. WL Valve	Ex. Sign	Ex. Telephone Box	Traffic Signal Pole
Ex. Storm Manhole	Ex. Gas Meter	Well	Ex. Light Pole	Guard Post	Traffic Signal Box
Prop. Storm Manhole	Ex. Gas Valve	Test Bore	Prop. Light Pole		

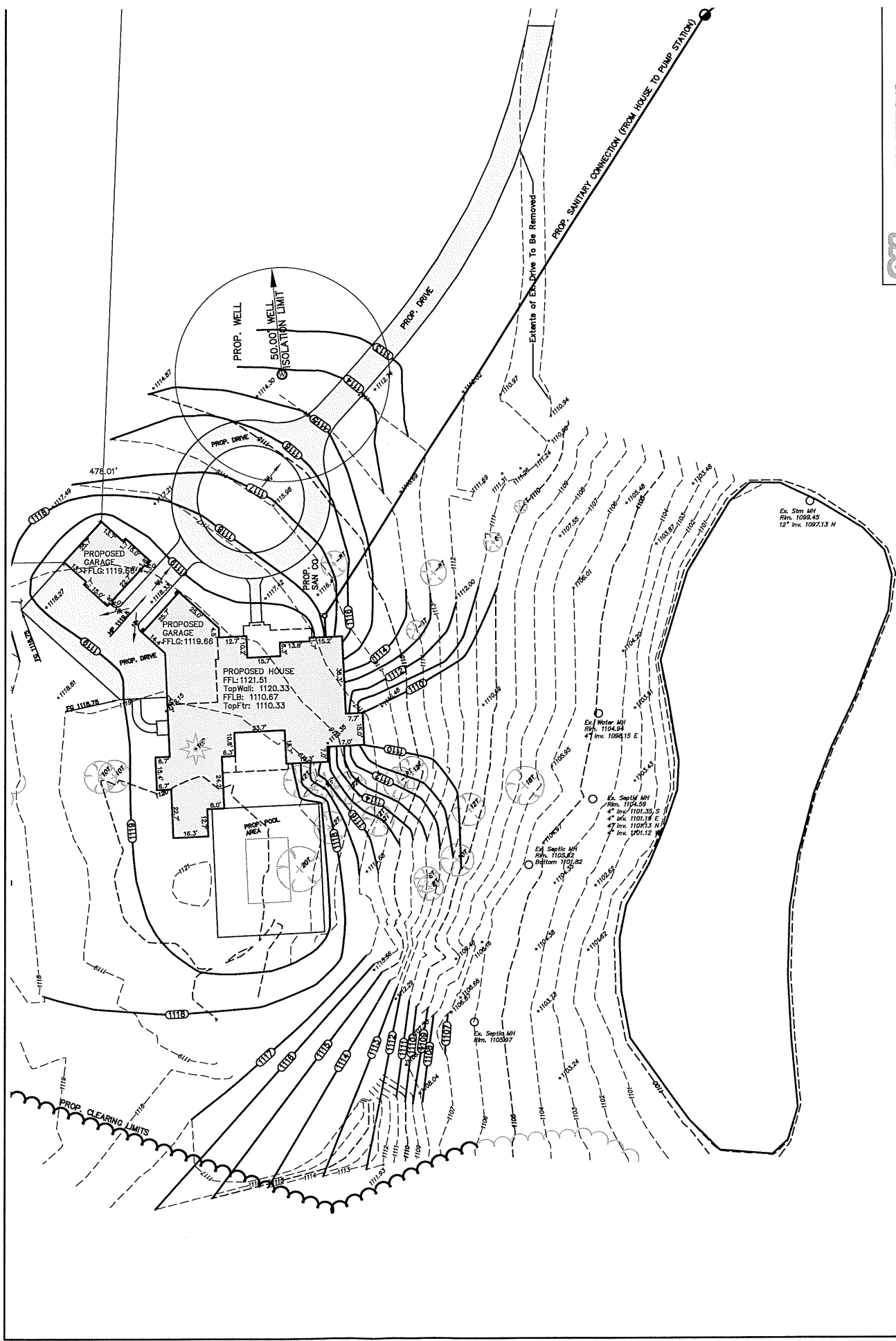


POLARIS ENGINEERING & SURVEYING, INC.
34600 CHARDON ROAD - SUITE D
MILCROFF HILLS, OHIO 44094
(440) 944-4433 (440) 944-3722 (Fax)
www.polaris-es.com



OVERALL

CONTRACT No.	
16186	
SHEET	OF
01	03



O.U.P.S. REFERENCE #

2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1
OHIO UTILITIES PROTECTION SERVICE NON-MEMBER
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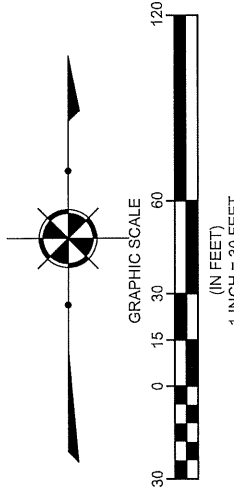
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FROM A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF
UNDERGROUND FEATURES CANNOT BE ACCURATELY COMPILED
AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD
OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL.
HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT
GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.
NOTE: THIS SURVEY SUBJECT TO CHANGE UPON RECEIPT OF
ADDITIONAL AVAILABLE UNDERGROUND UTILITY INFORMATION

TOPOGRAPHIC CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY, AS
INDICATED BY THE CONTOURS AND ELEVATIONS SHOWN HEREON,
REPRESENTS AN ACTUAL FIELD SURVEY MADE UNDER MY
SUPERVISION ON THE 15TH DAY OF JULY, 2016, AND THAT THE
ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS
OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL
DATUM IS BASED ON NAVD88.



Richard A. Thompson, Jr.
RICHARD A. THOMPSON, JR., P.E. #7386



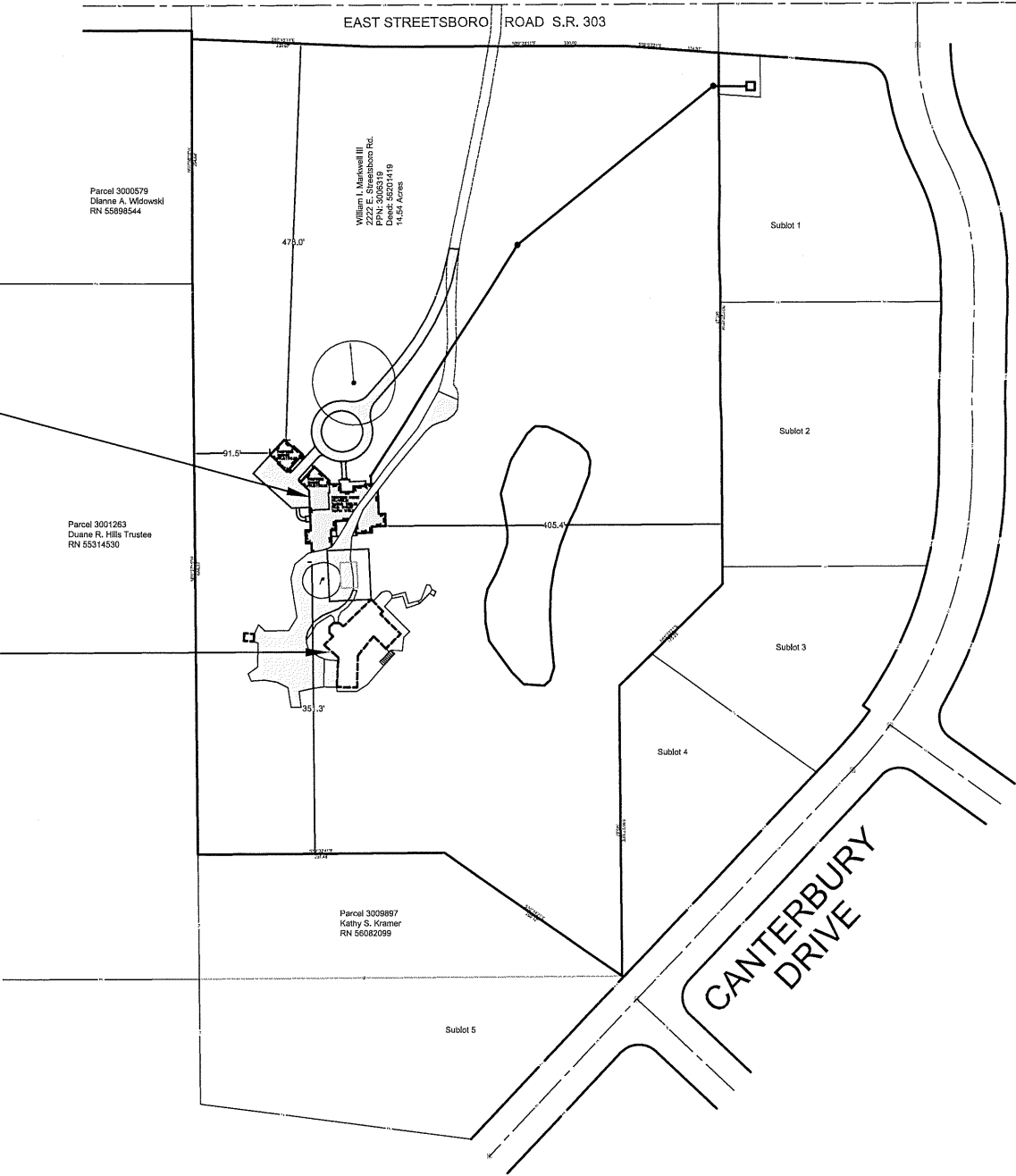
641.27' N00°20'49"W

REV. No.	DATE	BY

DATE: 12/28/16	SCALE: HOR. 1"=30'	VERT. N/A
FOLDER: DWG/pool.Emh.	FILENAME: Site Plan	TAB: 02 - Site Plan
DRAWN: BMK		



































PROPOSED HOUSE
LOCATION

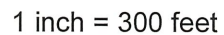
EXISTING HOUSE
-TO BE REMOVED



REV. No.		DATE	BY		DATE: 12/28/16
					SCALE: HOR. 1"=100'
					VERT. N/A
					FOLDER: DWG/Proj. Eng.
					FILENAME: Site Plan
					TAB: 03-Overall
					DRAWN: RMK



SYMBOL LEGEND									
	Ex. Clean Out		Ex. Sanitary Manhole		Ex. Water Valve		Ex. Electrical Box		Ex. Tree
	Ex. Catch Basin		Prop. Sanitary Manhole		Ex. Water Meter				Ex. Pine Tree
	Prop. Catch Basin		Prop. Curb Inlet		Ex. Fire Hydrant		Ex. Guy Wire		Ex. Bush
	Ex. Yard Drain		Ex. Curb Inlet		Prop. Hydrant		Ex. Power Pole		Ex. Mailbox
	Ex. Manhole		Ex. Gas Marker		Prop. WL Valve		Ex. Light Power Pole		Ex. Sign
	Ex. Storm Manhole		Ex. Gas Meter		Well		Ex. Light Pole		Ex. Telephone B
	Prop. Storm Manhole		Ex. Gas Valve		Test Bore		Prop. Light Pole		Guard Post



Water Main Extention = 810 Feet

2222 E. Streetsboro Rd

Legend

- Ex Hudson Water Lines
- Ex Akron Water Lines



ENGINEERING • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1770

MEMORANDUM

Date: 1/18/17

RE: New Residential Construction Application for 2222 E. Streetsboro Road

Kris,

Please find the Engineering Departments review comments regarding the new residential construction at 2222 E. Streetsboro Road and the requirement for connection to City water.

Summary

The City of Hudson Community Development (CD) department has received an application for a zoning certificate for new residential construction at 2222 E. Streetsboro Road. The Engineering Department was asked to provide an opinion of cost for the design and construction the existing Akron water main on E. Streetboro Road and new residential water service.

Conclusion

Attached below is my cost estimate to extend Akron's 12" water main from its existing location at 6600 Canterbury Drive to the westerly property line of the lot for 2222 E. Streetsboro Road. The cost also includes the service connection to the home and approximate engineering consulting fees and permits.

Ref. No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	12" Ductile Iron Water Main	810	LF	\$275	\$222,750
2	Tap In Fees and Constrution of Service to House	1	EA	\$20,000	\$20,000
3	Consulting Fees and Permits (20% of Construction Costs)	1	LS	\$48,550	\$48,550
Total					\$291,300

Total Cost for new construction is approximately **\$291,300** and assumes the water main can be constructed outside the pavement.

Should you have any further questions or comments, do not hesitate to call me at extension 197.

Respectfully,

A handwritten signature in black ink, appearing to read "BK" or similar, written over a horizontal line.

Bradley Kosco, P.E., P.S.
Assistant City Engineer



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, February 16, 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: 3 - Mr. Dohner, Mr. Drew and Mr. Lehman

Absent: 2 - Mr. Jahn and Mr. Wagner

III. Identification, by Chairman, of Kris McMaster, Associate Planner, Aimee W. Lane, Assistant City Solicitor and Assistant City Solicitor, Matt Vazzana.

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.

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. Approval of Minutes

A. [BZBA 1-19-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: 1-19-2017

The approval of the January 19, 2017 minutes was tabled until the next meeting.

VI. Public Hearings - New Business

- A. [BZBA 2017-03](#) The following variances to permit the construction of an accessory structure detached garage: 1] a variance of four (4) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a detached garage eleven (11) feet from the side yard pursuant to Section 1205.04(d)(5)(C)(iv), “Setbacks-Minimum Side Yard-Accessory Structures”; and 2] a variance of eight (8) square feet to the requirement that the maximum size of a residential accessory structure shall not be larger than 1,000 square feet of gross floor area resulting in an accessory structure detached garage with a total gross floor area of 1,008 feet pursuant to Section 1206.03(d)(5), “Accessory Use Development and Operational Standards-Maximum Building or Structure Size” of the City of Hudson Land Development Code.

The applicant and owner is Michael J. Sirna, 2234 Middleton Road, Hudson, OH, 44236 for the property at 2234 Middleton Road in District 1 [Suburban Residential Neighborhood].

A public hearing was held regarding BZBA Case 2017-03

Mrs. McMaster introduced the case.

Mr. Michael Sirna, homeowner and Mr. Leo W. Keller, contractor were present to discuss the issues at the hearing which centered on a four foot variance to the side yard setback and allowing a total addition of 1008 square feet, which is 8 square feet larger than the code allows. This additional 8 square feet allows the use of 'off the shelf' lumber, trusses and other building materials.

Mr. Lehman opened the meeting to public comment.

There being no public comment Mr. Lehman closed the public hearing.

The Board considered the staff report and testimony from the applicant and property owner.

Mr. Drew made a motion seconded by Mr. Dohner for variance number one (1) regarding a variance of four (4) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a detached garage eleven (11) feet from the side yard. 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. No living quarters for human habitation in the subject structure, now or in the future.

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, the topography, grade and narrowing of the property make it not feasible to build on other property locations.

2. The variance is insubstantial as it will have minimal impact.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment as a result of the variance because the location, depth and narrowness of the lot.
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 with the following vote:

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

Mr. Dohner motioned and Mr. Drew seconded the motion for variance number two (2), 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 that a variance of eight (8) square feet to the requirement that the maximum size of a residential accessory structure shall not be larger than 1,000 square feet of gross floor area resulting in an accessory structure detached garage with a total gross floor area of 1,008 feet be granted with the following condition:

1. No living quarters for human habitation in the subject structure, now or in the future.

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, the additional eight square feet permitted with this variance will result in substantial cost savings for the applicant.
2. The variance is insubstantial as it is eight square feet.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment as a result of the variance because the variance is insubstantial.
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 requested eight square feet is insubstantial and the resulting cost saving is significant.

The motion was approved with the following vote:

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

- B.** [BZBA 2017-04](#) 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 Alexandra Fine Homes, Inc., 1184 Bell Road, Chagrin Falls, OH, 44022 for the property owner, William and Cassandra Markwell, 125 Dove Court, Roswell, GA, 30075 for the property at 2222 E. Streetsboro Street in District 3 [Outer Village Residential Neighborhood].

Mrs. McMaster introduced the case.

Mr. Nester Papageorge, Architect from Alexander Fine Homes, representing the homeowners was present to discuss the Application which centered on a variance of the requirement to use public water and instead use a new well. The variance request was sought because of the extreme cost of running a water pipe across the property's entire frontage.

Mr. Lehman opened the meeting for public comment.

Mr. Al Vankirk of Canterbury Dr. asked if the granting of a variance for a well would potentially allow for the property to be subdivided and additional houses built on the property. The Board replied that building multiple homes on the property would require a variance to which this request has no bearing.

There being no other persons to make public comment Mr. Lehman closed the public hearing.

The Board considered the staff report and testimony from the applicant and property owner.

Mr. Dohner motioned and Mr. Drew 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 that a variance from the requirement to utilize public water in order to have a water well on the property to construct a new house be granted with the following condition:

1. When city water becomes available to the property, the property owner is required to connect to these services.

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 because there is an existing house and well on the property.

2. The variance is substantial since the City of Hudson Land Development Code requires new homes use public water.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment since a well is currently being used at the existing house.
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 because of the projected \$290,000 expense of running public water.
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 with the following vote:

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

VII. Other Business

Mrs. McMaster spoke to the following issues:

- The City of Hudson Green/Lean, streamlining of processes.
- New software for residents submitting online applications.
- RightSignature for digitally signing Decisions and Minutes.
- An update on the cases for the next meeting.
- Matt Vazzana, new Assistant City Solicitor was introduced.

A. [BZBA 2017](#) Amendments to the Board of Zoning and Building Appeals Administrative Rules

Mrs. McMaster reviewed the electronic signature process as well as the streamling of processes for online applications. The Board also reviewed the proposed Amendment to the BZBA Administrative rules, this constituted a first reading, as the rules require amendments to be considered at two separate public meetings.

VIII. Adjournment

Mr. Lehman adjourned the meeting at 8:43 p.m.

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.

* * *



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

BOARD OF ZONING AND BUILDING APPEALS

APPEALS DOCKET NO 2017-04 2222 E. STREETSBORO STREET VARIANCE

VIA CERTIFIED MAIL DECISION

Based on the evidence presented to the Board by the applicant, Mr. Nestor Papageorge, owner of Alexandra Fine Homes, Inc., 1184 Bell Road, Chagrin Falls, OH, 44022 for the property owner, William and Cassandra Markwell, 125 Dove Court, Roswell, GA, 30075 for the property at 2222 E. Streetsboro Street in District 3 [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, February 16, 2017, the Board of Zoning and Building Appeals hereby grants:

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.

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

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 because there is an existing house and well on the property.
2. The variance is substantial since the City of Hudson Land Development Code requires new homes use public water.

3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment since a well is currently being used at the existing house.
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 because of the projected \$290,000 expense of running public water.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Dated: February 16, 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 February 16, 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".