



# 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*

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Thursday, November 19, 2015

7:30 PM

Town Hall

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### **I. Call to Order**

Chairman Lehman called to order the regular meeting of the Board of Zoning and Building Appeals at 7:30 p.m.

### **II. Roll Call**

**Present:** 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, David Lehman and Mr. Wagner

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

Meeting minutes were taken by Judy Westfall, Clerk. 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 come 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 9-17-15](#) BZBA MEETING 9-17-15**

Attachments: [September 17, 2015](#)

Mr. Wagner made a motion to approve the minutes of the September 17, 2015 meeting as submitted. Mr. Drew seconded the motion.

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

**Abstain:** 1 - Mr. Dohner

**B. [BZBA 10-15-15](#) BZBA MEETING 10-15-15**

Attachments: [October 15, 2015](#)

Mr. Wagner made a motion to approve the minutes of the October 15, 2015 meeting as submitted. Mr. Drew seconded the motion.

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

**VI. PUBLIC HEARING****VII. NEW BUSINESS**

- A. [BZBA 2015-13](#)** A variance of four (4) feet to the minimum front yard setback of fifty (50) feet for a porch addition resulting in a structure being forty-six (46) feet from the front property line pursuant to Sections 1205.06(d)(5)(C)(i), "Setbacks: Minimum Front Yard Setbacks-Residential Uses: 50 feet" of the City of Hudson Land Development Code.

The applicant and owner is Jeffrey and Jennifer Eiswerth, 5880 Eastham Way, Hudson, Ohio 44236 in District 3 [Outer Village Residential Neighborhood.]

Attachments: [2015-13 Staff report](#)

Mrs. McMaster reviewed the variance request which would result in a front yard setback of forty-six feet and eight inches.

Mr. Eiswerth, applicant and property owner, 5880 Eastham Way, noted that the proposed porch would improve the look of the house, adding value to all the neighboring properties.

The Board members and applicant discussed the case.

Mr. Lehman opened the meeting to public comment.

There was no public comment.

Mr. Lehman closed the public portion of the meeting.

The Board discussed the staff report and the testimony presented.

**A public hearing was held on Case No. 2015-13.**

**A motion was made by Mr. Jahn, 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 hereby grants this Variance. 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 variance is needed for personal matters and will be an improvement to the property.**

**2. The variance is insubstantial because it is only 4 feet, providing a 46 foot front yard setback, and is a variance of less than 10%.**

3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance because there are other similar front porch designs in the City of Hudson.

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 a 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 carried by the following vote:

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

## VIII. OTHER BUSINESS

- A. [15-0141](#) **Discussion regarding the Conclusions of Fact for BZBA Case #2015-11, 42 Aurora Street, A variance request to allow an accessory structure detached garage to be located in the side yard. The variance was denied at the last regular meeting on October 15, 2015.**

Attachments: [2015-11 Conclusions of Fact](#)  
[2015-11 42 Aurora Staff report](#)  
[2015-11 42 Aurora Decision](#)

Mrs. Lane presented the Conclusions of Fact related to BZBA Case #2015-11, 42 Aurora Street, and that she prepared as requested by the Board.

Mr. Wagner made a motion, seconded by Mr. Drew, to accept as modified the Conclusions of Fact regarding Case #2015-11, 42 Aurora Street, a variance request to allow an accessory structure detached garage to be located in the side yard. The variance was denied at the October 15, 2015 meeting.

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

- B. [15-0142](#) **Approval of 2016 Board of Zoning and Building Appeals Schedule of Meetings.**

Attachments: [BZBA 2016 Schedule of meetings](#)

The Board considered and approved the schedule of meetings for the 2016 calendar year.

Mrs. McMaster explained that new technology is available that will give the Board access to information regarding BZBA cases through the use of an I-pad. Eventually paper packets containing the same information will be phased out, but right now the Board will have access to both paper packets and electronic information. I-pads will be supplied to Board members who request them after the first of the new year.

Mrs. McMaster noted that as of this date, there are three cases that will be heard at the December 17, 2015 meeting.

## **IX. ADJOURNMENT**

Mr. Drew made a motion seconded by Mr. Wagner to adjourn the meeting at 8:05 p.m.

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David W. Lehman, Chair

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John M. Dohner, Vice Chair

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Judy Westfall, Account Clerk II

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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