



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, May 19, 2016

7:30 PM

Town Hall

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

Absent: 1 - 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 4-21-16](#) **MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS
MEETING 4-21-16.**

Attachments: [BZBA Minutes April 21, 2016](#)

Mr. Drew made a motion seconded by Mr. Jahn to approve the minutes of the April 21, 2016 meeting as submitted.

The motion carried by the following vote:

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

VI. PUBLIC HEARINGS - NEW BUSINESS

- A. [BZBA 2016-08](#) A variance of sixteen (16) feet from the required fifty (50) foot rear yard setback to construct a deck to be located at a thirty-four (34) foot rear yard setback pursuant to Section 1205.05(d)(5)(E)(i), "Minimum Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

The applicant is Southerland Custom Builders, 1000 Old Mill Road, Aurora, OH 44202 and owner is Robert and Diane Winston Co Trustee, 2910 Barlow Road, Hudson, OH 44236 for the property located at 2910 Barlow Road in District 2 [Rural Residential Conservation].

Attachments: [BZBA 2016-08 Staff report](#)

A public hearing was held regarding BZBA Case No. 2016-08.

Mrs. McMaster introduced BZBA Case No. 2016-08, noting that the new deck will extend into the yard less than two feet more than the existing deck.

Diane Winston, 2910 Barlow Road, Hudson, Ohio 44236, property owner, said that the new deck is not drastically different from the existing deck, and that by altering the slope of the ground, its construction will eliminate existing water issues.

Chuck Southerland, Southerland Custom Builders, 1000 Old Mill Road, Aurora, Ohio 44202, applicant, explained that altering the slope of the swale allows for better drainage and the deck will be closer to the ground, making it hardly visible to the neighbors.

Board members, applicant and property owner discussed the variance request.

Mr. Lehman opened the meeting to public comment. There being no public comments, Mr. Lehman closed the public hearing.

Mr. Jahn made a motion 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 grants the variance with the condition that:

- 1. The property owner is to provide a topographical grading plan as part of the submission for a zoning permit for the newly constructed deck.**

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 because the variance will provide a larger deck area and will solve a water runoff issue.**
- 2. The variance is insubstantial because there is only a two (2) foot extension to the existing deck which is encroaching fourteen (14) feet and results in a sixteen (16) foot or 32 % variance from the required rear yard setback of fifty (50) feet to allow an addition resulting in a thirty-four (34) foot rear yard setback.**
- 3. By granting the variance 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 of the minimal impact on adjacent properties.**
- 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 carried with the following vote:

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

- B. [BZBA 2016-12](#) A variance of five (5) feet from the required rear yard setback of fifty (50) feet to allow an addition resulting in a forty-five (45) foot rear yard setback pursuant to Section 1205.06(d)(5)(E)(i), "Setbacks: Minimum Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

The applicant and owner is Frederick and Joy Cowie, 125 Evamere Lane, Hudson, Ohio 44236 for the property located at 125 Evamere Lane in District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA 2016-12 Staff report](#)

A public hearing was held regarding BZBA Case No. 2016-12.

Mrs. McMaster reviewed BZBA Case No. 2016-12, stating that the purpose of the proposed variance is to add a two story addition for a first floor master bedroom and to improve a closet and bathroom layout on the second floor.

Frederick Cowie, 125 Evamere Lane, Hudson, Ohio 44236, applicant and property owner, said that other alternatives were considered. Neighbors have seen the proposed plans and support the variance request.

The Board and applicant/property owner discussed the request for the variance of five (5) feet from the required rear yard setback of fifty (50) feet.

Mr. Lehman opened the meeting to public comment. There being no comment, Mr. Lehman closed the public portion of the hearing.

Mr. Drew made a motion seconded by Mr. Jahn 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 grants the variance with the condition that:

- 1. The existing treehouse located on the northeast corner of the property will be removed.**

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; however to accomplish their goal of a first floor master bedroom, this seems to be the most logical conclusion.**

- 2. The variance is insubstantial because it is only a variance of five (5) feet from the fifty (50) foot setback, which is less than 10 percent.**

- 3. By granting the variance the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as the backyard is well screened both from the neighbors to the east and also to the property to the north which faces onto Aurora Street.**

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 as an expansion to the rear requires only a ten percent variance and is less intrusive than a structure constructed into the side yard which would be permitted without the variance; however, that would not be the best for the property or the neighborhood.

The motion was approved with the following vote:

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

VII. OTHER BUSINESS

Mrs. McMaster announced that for the month of July, there is one case which is a request for a pool to be rebuilt in the side yard.

VIII. EXECUTIVE SESSION

- A. [BZBA 2016-10](#) Discussion regarding the Conclusions of Fact for BZBA Case #2016-10, an appeal of the Community Development Director's determination that cremation services were voluntarily discontinued pursuant to Section 1206-05(e)(3) of the Land Development Code and, therefore, a request to resume cremation services at the property requires BZBA approval for an enlargement of a nonconforming use.

Attachments: [BZBA 2016-10 Staff report](#)

[BZBA 2016-10 Transcript](#)

A motion was made by Mr. Dohner, seconded by Mr. Jahn, to enter into executive session for the purpose of conferring with legal counsel regarding pending litigation. Mr. Dohner recessed the meeting at 8:12 p.m. after the motion carried by the following vote:

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

Mr. Dohner reconvened the regular meeting at 8:29 p.m.

A motion was made by Mr. Dohner, seconded by Mr. Jahn, to accept the Conclusions of Fact. The motion carried by the following vote:

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

IX. ADJOURNMENT

Mr. Lehman adjourned the meeting at 8:55 p.m.

David W. Lehman, Chair

John M. Dohner, Vice Chair

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.