



City of Hudson, Ohio

Meeting Minutes - Final-revised 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, September 15, 2016

7:30 PM

Town Hall

I. Call to Order

Due to the absence of Chairman Lehman, Vice Chairman Dohner 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. Wagner

Absent: 1 - Mr. Lehman

III. Identification, by Chairman, of Kris McMaster, Associate Planner.

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.

Vice Chairman Dohner swore in staff and all the persons wishing to speak under oath.

V. Approval of Minutes**A. [BZBA 7-21-16](#) MINUTES OF PREVIOUS BOARD OF ZONING AND BUILDING APPEALS MEETING JULY 21, 2016.**

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

Mr. Drew made a motion to approve the minutes of the July 21, 2016 meeting as submitted.

Mr. Wagner seconded the motion.

The motion carried with the following vote:

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

VI. Public Hearings - New Business

- A. [BZBA 2016-17](#) The following variances are being requested: 1] A variance of eight (8) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a master bedroom and bath addition seven (7) feet from the side yard property line pursuant to Section 1205.06(d)(5)(D)(i), "Setbacks-Minimum Side Yard Setbacks: Principal Residential Structure"; and 2] A variance of five (5) feet from the required rear yard setback of fifteen (15) feet to allow an accessory structure detached garage resulting in a ten (10) foot rear yard setback pursuant to Section 1205.06(d)(5)(E)(ii), "Setbacks: Minimum Rear Yard Setbacks-Accessory Garage" of the City of Hudson Land Development Code.

The applicant is Joe Matava, Peninsula Architects, 1775 Main Street, Peninsula, OH 44264 and the owner is Stephen A. and Julia M. Landry, 197 Hudson Street, Hudson, OH 44236 for the property located at 197 Hudson Street, Hudson, OH 44236, in District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA 2016-17 Staff Report for 9-15-16](#)

A public hearing held regarding BZBA Case No. 2016-17.

Mrs. McMaster introduced BZBA Case No. 2016-17, noting that two variances are being requested. Approval of the first variance would result in a master bedroom and bath addition seven (7) feet from the side yard property line. Approval of the second variance would allow an accessory structure detached garage resulting in a ten (10) foot rear yard setback. Mrs. McMaster said that the new addition is approximately the same size as the existing addition and would not affect the adjacent neighbor. Regarding the second variance, Mrs. McMaster said that the variance to the rear yard setback would allow for enough space for a two car garage to function adequately.

Mr. Matava, Peninsula Architects, 1775 Main Street, Peninsula, Ohio 44264, applicant, and Stephen Landry, 197 Hudson Street, Hudson, Ohio 44236, property owner, spoke regarding the variance requests, and were available for questions from the Board. Mr. Matava said that the existing addition was beyond repair and that the plan is to demolish the structure and to maintain the existing side property setback. Mr. Matava said the redesign of the addition will make it less impactful to the neighbor and will look better with the existing home.

Mr. Landry introduced a detailed inspection report created by George Jellison as well as supportive letters from adjacent property owners.

The Board, applicant and property owner discussed the request for both variances.

Mr. Dohner opened the meeting to public comment.

There being no public comment, Mr. Dohner closed the public hearing.

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

Mr. Jahn made a motion seconded by Mr. Wagner regarding a variance of eight (8) feet to the minimum side yard setback requirement of fifteen (15) feet for a master bedroom and bath addition 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.

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 particular variance of eight (8) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a variance of seven (7) feet from the side yard property line, speaks to the deteriorating condition of the property or that portion of the structure and enhancements to the property needed to improve the livability of the structure itself.**
- 2. The variance is substantial as it is a side yard setback variance of 53%. However, it is nearly identical to what exists today, so that lessens the substantiality of this variance.**
- 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 the new side addition has nearly the same footprint as what exists now.**
- 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 passed with the following vote:

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

Mr. Drew made a motion seconded by Mr. Wagner regarding a variance of five (5) feet from the required rear yard setback of fifteen (15) feet to allow an accessory structure detached garage 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.

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 existing garage is not functional for two cars and a detached garage suits this property the best.**
- 2. The variance is insubstantial as it is 33%, but five of fifteen feet, especially in light of the large open space to the rear, is insubstantial.**
- 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 of the open space to the rear, and this garage will align with the neighbor's property to the east.**
- 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 as this is a small lot with the existing rear yard layout, this is a viable plan for achieving a second garage.**

The motion passed with the following vote:

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

- B.** [BZBA 2016-18](#) A variance to permit the construction of an accessory structure in ground Jacuzzi pool in the side yard when code permits accessory structures to be located only in the rear yard pursuant to the City of Hudson Land Development Code, Section 1206.03(d)(3), "Accessory Use Development and Operational Standards-Side Setbacks" of the City of Hudson Land Development Code.

The applicant and owner is John R. and Pamela J. Vanags, 236 W. Streetsboro Street, Hudson, OH 44236 for the property located at 236 W. Streetsboro Street, Hudson, OH 44236, in District 4 [Historic Residential Neighborhood].

Attachments: [BZBA 2016-18 Staff Report for 9-15-16](#)

A public hearing held regarding BZBA Case No. 2016-18.

Mrs. McMaster introduced BZBA Case No. 2016-18, a request for a variance which would result in the location of an accessory structure Jacuzzi in-ground pool in the side yard. Mrs. McMaster said that the Land Development Code specifies that accessory structures may be located only in the rear yard. The Staff Report included the definition of the rear yard.

Mr. Vanags, 236 W. Streetsboro Street, Hudson, Ohio 44236, applicant, submitted additional pictures for the Board's review and stated that privacy was an issue of concern.

The project was discussed by Board members and the applicant.

Mr. Dohner opened the meeting to public comment.

There being no comment, Mr. Dohner closed the public portion of the hearing.

Mr. Wagner 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 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, at least part of this issue is caused by the definition of what is the rear yard of the property which at times is counter intuitive to logic.

2. The variance is insubstantial because the proposed location of the in-ground Jacuzzi is actually probably the most secluded, least obtrusive location that the applicant could have chosen.

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.

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 by the following vote:

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

VII. Other Business

Mrs. McMaster noted that the deadline for submission of cases for the October 20, 2016 BZBA meeting is Wednesday, September 21, 2016. Mrs. McMaster said there was the possibility that several cases would be received.

VIII. Adjournment

Mr. Dohner adjourned the meeting at 8:35 p.m.

John M. Dohner, Vice Chair

Robert Drew, Board Member

Kris McMaster, Associate Planner

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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