



# 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, December 15, 2016

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. Jahn, Mr. Dohner, Mr. Drew, Mr. 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 Joe Campbell, Executive Assistant. 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 9-15-16](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: SEPTEMBER 15, 2016.

Attachments: [BZBA Minutes September 15, 2016](#)

**Motion** to approve the minutes of the BZBA meeting of September 15, 2016, as amended.

Approved by voice vote.

### VI. PUBLIC HEARING - NEW BUSINESS

#### A. [BZBA 2016-21](#) A variance of thirteen feet (13) feet from the required fifty (50) foot rear yard setback to construct a deck to be located at a thirty-seven (37) 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 is Roberts Construction, 211 Prospect Ave., Cuyahoga Falls, Ohio 44221 and owner is Mary LaPorte, 5974 Anna Lee Drive, Hudson, OH 44236 for the property located at 5974 Anna Lee Drive in District 3 [Outer Residential Neighborhood].

Attachments:      [2016-21, Staff Report](#)

A public hearing was held regarding BZBZ 2016-21.

Mrs. McMaster introduced BZBA Case No. 2016-21, a request for a variance of thirteen feet (13) from the required fifty (50) foot rear yard setback in order to construct a deck.

Mr. Rob Cogdeill was available to explain the project and answer questions on behalf of the owner Ms. LaPorta.

The Board and the applicant discussed the request for the variance to construct the deck.

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

The Board considered the staff report, applicant testimony and public comments.

Mr. Dohner 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 grant 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 proposed deck as issued will enhance the viability and functionality of the residence.
2. The variance is substantial although twenty-six percent mathematical amount, the circumstances of location and buffering with trees and heavily wooded rear yard and other vegetation results in an insubstantial variance.
3. The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer a substantial detriment as a result of the variance because views from adjoining properties are minimal.
4. The variance would not adversely affect the delivery of governmental services.
5. The applicant purchased the property without knowledge of the zoning restriction.
6. The applicant's predicament feasibly cannot be resolved through some method other than a variance. This proposal is the most practical and feasible solution.

7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because the variance is insubstantial, has minimal effect on adjoining properties and is the most practical solution to the needs of the applicant and the homeowner.

The motion was approved with the following vote:

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

- B.** [BZBA 2016-22](#) Variances to permit the construction of an addition for a wood craft room and third car garage with the garage door entrance facing the street. The requests are: 1] a variance of three (3) feet to the minimum side yard setback of fifteen (15) feet for a side yard setback resulting in a garage addition twelve (12) feet from the side property line pursuant to Section 1205.06(d)(5)(D)(i), "Setbacks-Minimum Side Yard Setback-Principal Residential Structure"; 2] a variance from the requirement that doors for attached garages are not permitted to face the street pursuant to Section 1205.06(d)(9)(D)(i), "Building Siting and Orientation-Private Garages"; and 3] Appendix D, III-1(a)(4), "Architectural and Design Standards-General Standards for all buildings" of the Land Development Code.

The applicant and owner is Robert and Molly Click, 6014 Willow Lake Drive, Hudson, Ohio 44236 for the property located at 6014 Willow Lake Drive, Hudson, OH 44236 in District 3 [Outer Residential Neighborhood].

Attachments: [2016-22, Staff Report](#)

A public hearing was held regarding BZBZ 2016-22.

Approved with condition

Mrs. McMaster introduced BZBA Case No. 2016-22, a request for three (3) variances to allow an addition to be built.

Mrs. Molly Click was available to explain and answer questions regarding the project. The Board and the property owner discussed the request for three (3) variances.

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

The Board considered the staff report and applicant testimony.

Mr. Drew made a motion seconded by Mr. Dohner 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 variance number two (2), a variance from the requirement that doors for attached garages are not permitted to face the street pursuant to Section 1205.06(d)(9)(D)(i), "Building Siting and Orientation-Private Garages"; and variance number three (3), Appendix D, III-1(a)(4), "Architectural and Design Standards-General Standards for all buildings" of the Land Development Code, with the condition that:

1. The new garage door on the additional garage bay shall be the same height as the existing garage doors.

The Board finds and concludes:

1. The property in question can yield a reasonable return and there can be a beneficial use of the property without the variance however the need for a third bay garage has been justified for both the vehicle storage as well as additional storage space for the homeowner.
2. The variance is substantial (a front facing garage is not permitted in the code) however this is offset by the fact that houses near this location have front facing garage doors and houses in Plymouth Village have front facing garages. That is the way it was done in 1975.
3. The essential character of the neighborhood would not be substantially altered or adjoining properties would not suffer a substantial detriment from the front facing garage.
4. The variance would not adversely affect the delivery of governmental services.
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 as the Board discussed alternative solutions such as a side entry garage or a rear yard garage and those do not seem to be viable alternatives.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance to permit this structure to have a front facing, as is the standard in the neighborhood, structurally makes the most sense in this situation.

The motion was approved with the following vote:

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

Mr. Jahn made the motion that variance number one (1), (3) feet to the minimum side yard setback of fifteen (15) feet for a side yard setback resulting in a garage addition twelve (12) feet from the side property line pursuant to Section 1205.06(d)(5)(D)(i), "Setbacks-Minimum Side Yard Setback-Principal Residential Structure", be granted, seconded by Mr. Wagner.

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 variance along with the other connected variances will provide an enhanced and beneficial use of the property for the homeowners.
2. The variance is insubstantial because in a pure mathematical sense this is in the neighborhood of fifteen to twenty percent, in real terms it is three feet, which is insubstantial.

3. The essential character of the neighborhood or adjoining properties would not be substantially altered, would not suffer substantial detriment as a result of the variance because the total number of properties on the street and in the area have front facing garages and this variance to build that structure within twelve feet of the property line with the three-foot variance is in character with the rest of the area.
4. The variance would not adversely affect the delivery of governmental services.
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 done by granting the variance because the variance is insubstantial and the variance will provide an enhancement of livability and functionality to the property and enhance the use of the property.

The motion was approved with the following vote:

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

## **VII. OTHER BUSINESS**

### **A. [BZBA 1-1-2017](#) 2017 Meeting Schedule**

Attachments:      [BZBA 2017 Meeting Schedule](#)

The 2017 meeting schedule was presented and discussed. Decision to change the December 21 meeting to December 14. Passed by consent.

## **VIII. Adjournment**

Mr. Lehman adjourned the meeting at 9:01 p.m.

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David W. Lehman, Chair

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John M. Dohner, Vice Chair

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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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