



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
Matthew Vazzana, Assistant City Attorney

Thursday, June 15, 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: 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

III. Identification, by Chairman, of Kris McMaster, Associate Planner, and Matthew Vazzana, Assistant City Attorney.

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.

Minutes were taken by Mr. Joe Campbell, Executive Assistant

IV. Swearing in of Staff and Audience Addressing the Board.

Mr. Vazzana swore-in staff and all the persons wishing to speak under oath.

V. Approval of Minutes

A. [BZBA 5-18-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: MAY 18, 2017.

Attachments: [BZBA Minutes May 18, 2017](#)

Ms. McMaster informed the Board that staff corrected an error in the minutes that were distributed to the Board.

A discussion took place regarding voting when only three board members are present for a meeting, Mr. Vazzana will clarify this after researching the issue.

Mr. Wagner made a motion to approve the minutes as corrected by staff. Mr. Jahn seconded the motion.

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

VI. Public Hearings - New Business

Mrs. McMaster stated that all due notices and posting have been made.

Chair Lehman stated that the burden is on the applicant to persuade the Board that a variance should be granted.

- A. [BZBA 2017-12](#) Request for a variance of forty-one (41) feet from the required rear yard setback of fifty (50) to allow a deck addition resulting in a nine (9) 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 Robert and Michelle Adair, 5884 Sunset Drive, Hudson, Ohio 44236 for the property located at 5884 Sunset Drive in District 3 [Outer Village Residential Neighborhood.]

Attachments: [BZBA 2017-12 Staff Report 6-9 -2017](#)

Ms. Michelle Adair the homeowner and Mr. Andy Henley, representing DreamDecks and Hen-House Decks were present for the meeting and discussion.

Mrs. McMaster introduced the request for a replacement deck and noted that there are no records of a previous deck permit for the property.

Ms. Adair and Mr. Henley said the request for this average size deck is to meet the families needs and in their opinion complete the home. The requested placement of the proposed deck is away from the water well for future repair and does not endanger the large tree that is near the deck. Ms. Genevieve Kaufman of 1785 Arbutus Drive, Hudson Ohio, an adjoining property owner, supported the request and expressed appreciation for the landscaping the homeowners have done on their property.

The Board recognized that the setbacks are to be 50 feet from the back and sides. However because the house was placed on the lot at an angle, these setbacks are not compatible with the addition of a rear deck. Ms. Adair was asked if a ground level patio was considered, and stated that the family does not want to exit the house and use the stairs to get down to a patio. In response to the Board's question, Ms. Adair agreed to use live plants to screen the deck year round from neighboring properties.

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:

Live plantings shall be placed on the property to act as screening between the approved deck and neighboring properties. Furthermore, the above referenced live planting screening is subject to both recommendation and approval by the City of Hudson's Arborist.

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 but the usefulness and livability of the property will be enhanced with the granting of this variance.

2. The variance is substantial because this variance allows the use of over 80 percent of the required rear yard setback of 50 feet. However, the Board recognizes this is caused by an unusual lot shape and because the house is built diagonally on a corner property leaving a small setback.
3. The essential character of the neighborhood would not be substantially altered and adjacent properties would not suffer a substantial detriment, as a result of the variance because the deck is not a major structure.
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 variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because while the variance is substantial the impact on adjoining properties is minimal. Furthermore, the granting of this variance provides substantial enhanced livability.

The motion carried by the following vote:

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

VII. Other Business

Mrs. McMaster reported that one case is expected for the next meeting, however the next meeting deadline is not until June 21st.

Mr. Vazzana reported that an open house for the public will take place on June 29th for comments on the Land Development Code rewrite.

VIII. Adjournment

Mr. Wagner moved to adjourn the meeting at 8:22 p.m., Mr. Jahn seconded the motion.

The motion was approved by the following vote:

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

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.

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