



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, August 17, 2017

7:30 PM

Town Hall

I. Call to Order

Acting Chairman Dohner 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: 4 - Mr. Dohner, Mr. Drew, Mr. Jahn and Mr. Wagner

Absent: 1 - Mr. Lehman

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 taken by Joe Campbell, Executive Assistant.

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

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

V. Approval of Minutes

Mr. Drew made a motion to approve the July 20, 2017 minutes as presented, Mr. Wagner seconded the motion.

The motion was approved by the following vote:

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

A. [BZBA 7-20-2017](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: JULY 20, 2017

Attachments: [BZBA Minutes July 20, 2017](#)

VI. Public Hearings - New Business

- A. [BZBA 2017-14](#) A variance of six (6) feet from the required east side yard setback of fifteen (15) feet to allow for an addition resulting in a nine (9) foot east side yard setback; 2] a variance of fifteen (15) feet from the required west side yard setback of fifteen (15) feet to allow for the existing detached garage to be attached to the new two story addition resulting in the existing garage to have a zero west side setback, the above variances pursuant to Section 1205.06(d)(5)(D)(i), “Minimum Side Yard Setback”; 3] and 4] variances from the requirement that doors for attached garages are not permitted to face the street to allow a two-door garage door entrance to face the street pursuant to Section 1205.06(d)(9)(D)(i), “Building Siting and Orientation-Private Garages”, and Appendix D, III-1(a)(4), “Architectural and Design Standards-General Standards for all buildings”; and 5] a variance of two feet, eight inches (2’ 8”) from the maximum fence height in the side yard of four (4) feet resulting in a six (6) foot brick fence and a six foot, 8 inch (6’ 8”) brick pier post and gate pursuant to Section 1206.03(a)(5)(A), “Accessory Uses/Structures-Fences and Walls, Residential” of the City of Hudson Land Development Code.

The applicant is Rick Hawksley, Architect, P.O. Box 664, Kent, OH 44240 and the owner is RLR Investment Partners, LLC., 7941 Ravenna Street, Hudson, Ohio 44236 for the property at 147 Hudson Street in District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA Staff Report 2017-14](#)

Mrs. McMaster introduced this case of a non conforming garage due to the property setback on the side of the property. The house is surrounded by single family homes and the playing fields of Western Reserve Academy. The proposed garage will be considered an addition to the structure.

Mr. Rick Hawksley, the Architect and Mr. Randy Nye the property owner were present for the meeting and discussion. Mr. Hawksley explained this request is to replace the existing garage with a courtyard and new one and one half story garage behind the location of the present garage. No water will be run to the proposed structure.

The request for a six foot high fence was presented by Mr. Hawksley as a desire by the homeowner to improve privacy that is not critical to the variance request and could be uncoupled from the east side variance request.

The Board asked if locating the proposed garage in the back yard was considered? Mr. Hawksley said that it was considered but would have to be placed in the middle of the yard to be in compliance.

The Board commented that there are many homes in this neighborhood with front facing garages and that while the existing structure is architecturally interesting it is not adequate for the families needs.

The Board closed the public portion of the case.

The Board made the decision to separate the request into three votes:

Regarding Variances One and Two:

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 variances one and two be granted:

1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variances because the house is being lived in at present, however the homeowners desire to have the house and property upgraded to 2017 standards requires these variances.
2. The variances are substantial because they are requests to have a zero setback on the west side yard for the existing garage and six foot east side yard setback for the new addition. However, these variances are necessary because of the narrow width of the property and the proportions of the house.
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 variances because the addition and upgrades to the existing structure will enhance the value of the structure and the neighborhood.
4. The variances 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 variances.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variances.

The motion was approved by the following vote:

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

Regarding Variances Three and Four:

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 variances three and four be granted:

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 variances because the existing garage is in use today. However, because the existing garage is a tandem, that is one car width and three cars deep, the owners are requesting these variances to enhance the property and the value of the property by having a two-car garage. Also, the existing garage is already facing the street.
2. The variances are substantial because the requirement in the Land Development Code is not being met.
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 variances because many of the other homes in the neighborhood also have front facing garage doors.
4. The variances 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 variances.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variances because there is no other feasible way to have a two-car garage because of the narrowness of the lot and the desire to maintain the backyard for family use.

This matter was approved by the following vote:

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

Regarding Variance Five:

Following the Board discussion Mr. Hawksley requested a continuance to the next BZBA meeting for variance number five to be able to have an informal meeting with the Architectural and Historic Board of Review to discuss the wall and gate heights and materials.

Mr. Drew made a motion, seconded by Mr. Wagner to approve the request for a continuance.

The motion was approved by the following vote:

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

- B.** [BZBA 2017-15](#) A variance from the requirement to utilize public water in order to have a water well on the property to construct a new house pursuant to Section 1207.11(b)(1), "Adequate Public Facilities-Water/Wastewater" of the City of Hudson Land

Development Code.

The applicant is William Gotts, 56 Lake Forest Drive, Hudson, OH 44236 and the owner is Hudson Lake Forest, LLC., 8950 Cypress Waters Blvd., Coppell, TX 75019 for the for the property at 7321 Darrow Road, Hudson, OH 44236 in District 1 [Suburban Residential Neighborhood].

Attachments: [BZBA Staff Report 8-11-2017](#)

Mrs. McMaster introduced the request to use a well instead of public water for construction of a new house once the current house has been demolished. According to information from the Assistant City Engineer, Mr. Bradley Kasco the estimated cost to run public water to the proposed house would be approximately \$350,000 to \$400,000 for an eight inch line. The property is surrounded by single family homes and Darrow Road Park.

Mr. Bill Gotts, the owner of the property was present for the meeting and discussion.

The Board questioned the possibility of rebuilding or restoring the existing home. Mr. Gotts stated that he is uncertain if the current home will be demolished, although his desire is to restore the house if possible. He also stated that the current well was tested and meets Summit County Soil and Water standards.

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:

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 because there is an existing house using a well today, however if a new house is built it is cost prohibitive to run public water to the structure.
2. The variances are insubstantial because the existing house is using a well.
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 there is an existing well on the property.
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 the current water source is a well.

The motion carried by the following vote:

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

VII. Other Business

Mrs. McMaster stated that because of the continuance on BZBA 2017-14, variance number five, there will be a meeting in September.

VIII. Adjournment

Mr. Dohner adjourned the meeting at 8:38 p.m.

John Dohner, Acting Chairman

Fred Jahn, Vice Chairman

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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