



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, October 19, 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.

Meeting minutes were taken by Joe Campbell, Executive Assistant.

Except when otherwise noted, public notice as required in the Land Development code was provided for all matters that came before this meeting of the City of Hudson Board of Zoning and Building Appeals.

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 3128](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: September 21, 2017

Attachments: [BZBA Minutes September 21, 2017](#)

Mr. Wagner made a motion, seconded by Mr. Dohner to approve the September 21, 2017 minutes as submitted.

The motion carried by the following vote:

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

VI. Public Hearings - New Business

Mr. Lehman confirmed with Mrs. McMaster that the public was given due notice for BZBA 2017-17.

- A. [BZBA 2017-17](#) A variances to allow two parcels of land to be re-aligned into two parcels: 1] and 2] variances of 100.46 feet from the minimum lot width requirement of two hundred (200) feet for 6364 Stow Road and parcel number 30-06324 to be located on Stow Road resulting in a both lot widths being 99.54 feet; 3] a variance from the requirement to utilize public water and sewer in order to have a water well and septic system on the property at 6364 Stow Road; and 4] a variance to permit an existing accessory structure barn to be in the front yard at 6364 Stow Road when code permits accessory structures to be located only in the rear yard pursuant to Section 1205.05(d)(4)(A), "Property Development/Design Standards-Minimum Lot Width", Section 1207.11(b)(1), "Adequate Public Facilities-Water/Wastewater" and Section 1206.03(d)(1), "Accessory Use Development and Operational Standards-Front Setback" of the City of Hudson Land Development Code.

The applicant and owner is George P. Hruby and Mary L. Hruby, 181 Marvin Ave., Akron, OH 44302 for the properties located at 6364 Stow Road and parcel number 30-06324 located west of 6364 Stow Road in District 2 [Rural Residential Neighborhood].

Attachments: [2017-17 6364 Stow Road Staff Report](#)

Mrs. McMaster introduced the application that contains three variance requests: 1) To divide this lot into two lots, each with less than 100 feet of frontage on Stow Road. This division will allow a house to be constructed on the back part of the new lot. 2) That public water and sanitary sewer, which would cost approximately \$140,000, not be required for a proposed home. 3) To allow an existing barn to remain in front of a proposed house.

Mr. George and Mrs. Mary L. Hruby the owners of this approximately seven-acre property were present for the meeting and discussion. Mr. Hruby described the sixty-year family history on the farm at this location and the transformation of his property into an arboretum and nature preserve. He also spoke of his desire that when sold, the property continue as an arboretum.

The Board questioned Mr. Hruby and Mrs. McMaster regarding the property lines, unusual shape of the property, required setbacks, what makes the property an arboretum and features of the property including cement pads in the rear of the property and dirt mounds that Mr. Hruby build in the front of the property.

Chair Lehman requested that anyone wishing to make public comments come forward and identify him or herself:

Mr. Tom Armbruster of 6398 Stow Road spoke of his opposition to the granting of the variances as they will change the nature of his property and possibly create more water runoff problems. Mr. Armbruster requested that the Board adhere to the 1995 zoning plan for this property. He was also questioned by the Board regarding

the frontage width on his property.

Mr. Anthony Havlicek of 6328 Stow Road spoke to the Board of his opposition to the granting of the variance because of water runoff problems he is experiencing on his property and the concern of potential problems with water and new owners in the future. Mr. Havlicek also stated that water problems increased after Mr. Hruby built the dirt mounds in the front yard of his property.

Ms. Nova Buchnana of 6312 Stow Road spoke to the Board of her opposition to the granting of the variance because of water runoff problems she is experiencing on her property and the concern of more problems in the future.

Mr. Doug Hasbrook of 6403 Stow Road spoke the Board of his respect for Mr. Hruby and the neighbors and stated that he does not oppose the barn remaining in the front of the proposed house.

Following questions regarding an easement for a driveway and then building the proposed house, Mrs. McMaster replied that would create a non-conforming lot, to allow two houses on one lot, which the Land Development Code does not allow.

Chair Lehman determined that the public comments were closed.

The Board expressed concern that two houses will create additional water runoff issues. Mrs. McMaster stated that any proposed structure will require Engineering Department review with the code stating that water may not run off onto adjoining properties.

The Board asked the applicant and potential buyer of the property 'what their reaction would be if the Board granted the variance for a well and septic system and not grant the variance to split the single lot into two lots?

The applicant requested a recess to discuss this question.

Mr. Dohner made a motion, seconded by Mr. Drew and approved by the Board for a recess beginning at 9:26 pm. Chair Lehman called the meeting back to order at 9:36 pm.

Mr. Lehman informed Mr. Hruby that he has the right to have all the elements of the application heard and judged by the board or he can request only a part of the variance requests be heard. Mr. Hruby requested that all elements of the application be voted on. Mr. Hruby further thanked Mr. Richardson and Mrs. McMaster from the Community Development Department for their help and advice with this application.

The Board made a determination to split the application requests into three separate votes.

Mr. Drew made a motion, seconded by Mr. Dohner to deny a variance to allow two parcels of land to be re-aligned into two parcels: 1] and 2], variances of 100.46 feet from the minimum lot width requirement of two hundred (200) feet for 6364 Stow Road and parcel number 30-06324 to be located on Stow Road, resulting in both lot widths being 99.54 feet pursuant to Section 1205.05(d)(4)(A), "Property Development/Design Standards-Minimum Lot Width", of the City of Hudson Land Development Code.

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 because, as the applicant testified to during the hearing, there are other options for the use of this property that do not require this variance.
2. The variance is substantial because the lot as it currently exists is nearly two-hundred feet wide and code compliant - if the variances were granted it would result in two, non-compliant, less than one-hundred-foot-wide parcels.
3. The essential character of the neighborhood would be substantially altered and adjacent properties would suffer a substantial detriment as a result of the variance because all the other properties have a frontage on Stow Road greater than one-hundred feet.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property in 2007 with knowledge of the zoning restriction.
6. The applicant's predicament feasibly can be resolved through other alternatives without the requested variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by denying the variance because the property can be used for other uses and developed in several other ways without the granting of these variances.

The motion carried by the following vote:

Aye: 3 - Mr. Dohner, Mr. Drew and Mr. Wagner

Nay: 2 - Mr. Jahn and Mr. Lehman

Mr. Hruby requested to withdraw variances number three and four.

Mr. Dohner made a motion to accept the request my Mr. Hruby to withdraw variance number three and number four. Mr. Drew seconded the motion.

The motion carried by the following vote:

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

Nay: 1 - Mr. Jahn

VII. Other Business**A. [BZBA 2018](#) 2018 Meeting Schedule**

Attachments: [BZBA 2018 Meeting Schedule](#)

Mr. Dohner made a motion, seconded by Mr. Drew that the Board of Zoning and Building Appeals 2018 meeting calendar be accepted as submitted.

The motion carried by the following vote:

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

VIII. Adjournment

Mr. Lehman adjourned the meeting at 10:02 p.m.

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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