



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

Thursday, February 16, 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: 3 - Mr. Dohner, Mr. Drew and Mr. Lehman

Absent: 2 - Mr. Jahn and Mr. Wagner

III. Identification, by Chairman, of Kris McMaster, Associate Planner, Aimee W. Lane, Assistant City Solicitor and Assistant City Solicitor, Matt Vazzana.

Meeting minutes were taken by Joe Campbell, Executive Assistant.

A video recording of this meeting is available on the City of Hudson website.

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.

Mrs. Lane swore-in staff and all the persons wishing to speak under oath.

V. Approval of Minutes

A. [BZBA 1-19-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: 1-19-2017

The approval of the January 19, 2017 minutes was tabled until the next meeting.

VI. Public Hearings - New Business

- A. [BZBA 2017-03](#) The following variances to permit the construction of an accessory structure detached garage: 1] a variance of four (4) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a detached garage eleven (11) feet from the side yard pursuant to Section 1205.04(d)(5)(C)(iv), “Setbacks-Minimum Side Yard-Accessory Structures”; and 2] a variance of eight (8) square feet to the requirement that the maximum size of a residential accessory structure shall not be larger than 1,000 square feet of gross floor area resulting in an accessory structure detached garage with a total gross floor area of 1,008 feet pursuant to Section 1206.03(d)(5), “Accessory Use Development and Operational Standards-Maximum Building or Structure Size” of the City of Hudson Land Development Code.

The applicant and owner is Michael J. Sirna, 2234 Middleton Road, Hudson, OH, 44236 for the property at 2234 Middleton Road in District 1 [Suburban Residential Neighborhood].

A public hearing was held regarding BZBA Case 2017-03

Mrs. McMaster introduced the case.

Mr. Michael Sirna, homeowner and Mr. Leo W. Keller, contractor were present to discuss the issues at the hearing which centered on a four foot variance to the side yard setback and allowing a total addition of 1008 square feet, which is 8 square feet larger than the code allows. This additional 8 square feet allows the use of 'off the shelf' lumber, trusses and other building materials.

Mr. Lehman opened the meeting to public comment.

There being no public comment Mr. Lehman closed the public hearing.

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

Mr. Drew made a motion seconded by Mr. Dohner for variance number one (1) regarding a variance of four (4) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a detached garage eleven (11) feet from the side yard. 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:

1. No living quarters for human habitation in the subject structure, now or in the future.

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 topography, grade and narrowing of the property make it not feasible to build on other property locations.

2. The variance is insubstantial as it will have minimal impact.
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 the location, depth and narrowness of the lot.
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 was approved with the following vote:

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

Mr. Dohner motioned and Mr. Drew seconded the motion for variance number two (2), 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 that a variance of eight (8) square feet to the requirement that the maximum size of a residential accessory structure shall not be larger than 1,000 square feet of gross floor area resulting in an accessory structure detached garage with a total gross floor area of 1,008 feet be granted with the following condition:

1. No living quarters for human habitation in the subject structure, now or in the future.

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 additional eight square feet permitted with this variance will result in substantial cost savings for the applicant.
2. The variance is insubstantial as it is eight square feet.
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 the variance is insubstantial.
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 requested eight square feet is insubstantial and the resulting cost saving is significant.

The motion was approved with the following vote:

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

- B.** [BZBA 2017-04](#) 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 Alexandra Fine Homes, Inc., 1184 Bell Road, Chagrin Falls, OH, 44022 for the property owner, William and Cassandra Markwell, 125 Dove Court, Roswell, GA, 30075 for the property at 2222 E. Streetsboro Street in District 3 [Outer Village Residential Neighborhood].

Mrs. McMaster introduced the case.

Mr. Nester Papageorge, Architect from Alexander Fine Homes, representing the homeowners was present to discuss the Application which centered on a variance of the requirement to use public water and instead use a new well. The variance request was sought because of the extreme cost of running a water pipe across the property's entire frontage.

Mr. Lehman opened the meeting for public comment.

Mr. Al Vankirk of Canterbury Dr. asked if the granting of a variance for a well would potentially allow for the property to be subdivided and additional houses built on the property. The Board replied that building multiple homes on the property would require a variance to which this request has no bearing.

There being no other persons to make public comment Mr. Lehman closed the public hearing.

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

Mr. Dohner motioned and Mr. Drew seconded the motion 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 that a variance from the requirement to utilize public water in order to have a water well on the property to construct a new house be granted with the following condition:

1. When city water becomes available to the property, the property owner is required to connect to these services.

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 and well on the property.

2. The variance is substantial since the City of Hudson Land Development Code requires new homes use public water.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment since a well is currently being used at the existing house.
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 because of the projected \$290,000 expense of running public water.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

The motion was approved with the following vote:

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

VII. Other Business

Mrs. McMaster spoke to the following issues:

- The City of Hudson Green/Lean, streamlining of processes.
- New software for residents submitting online applications.
- RightSignature for digitally signing Decisions and Minutes.
- An update on the cases for the next meeting.
- Matt Vazzana, new Assistant City Solicitor was introduced.

A. [BZBA 2017](#) Amendments to the Board of Zoning and Building Appeals Administrative Rules

Mrs. McMaster reviewed the electronic signature process as well as the streamling of processes for online applications. The Board also reviewed the proposed Amendment to the BZBA Administrative rules, this constituted a first reading, as the rules require amendments to be considered at two separate public meetings.

VIII. Adjournment

Mr. Lehman adjourned the meeting at 8:43 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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