



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, City Planner
Nicholas Sugar, Associate Planner
Matthew Vazzana, Assistant City Attorney

Thursday, May 17, 2018

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 Greg Hannan, Community Development Director; Nick Sugar, 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.

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. Public Hearings - New Business

The Board asked for updates on the decision of 109 Aurora Street appeal from the April 2018 BZBA meeting. Mr. Hannan said there has been no communication to the Community Development Department regarding this case.

[BZBA 2018-13](#) A request for a variance to allow an accessory structure detached garage to be located in the side yard when code permits accessory structures to be located only in the rear yard pursuant to Section 1205.06(d)(9)(D)(ii), "Building Siting and Orientation - Private Garages" of the City of Hudson Land Development Code.

The applicant is Paul Palumbo for Palumbo Renovations, 6556 Stone Road, Hudson, OH 44236 and the property owners are Kevin M. and Lori Nelson, 72 Clairhaven Road, Hudson, OH 44236 for the property at 72 Clairhaven Road in

District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA 2018-13 Staff Report](#)

Mr. Sugar introduced the application for a detached garage that is part of a larger project. The code issue in the case is that a detached garage must be located in the rear yard. Mr. Sugar read the definition of a rear yard. To meet code the garage would be required to move 19 feet to the south.

Mr. Paul Palumbo, of Palumbo Renovations and representing the owners explained the project to the Board with an emphasis on a stamped concrete courtyard for privacy between the existing house and the proposed detached one car garage that will have a front facing door that requires no additional driveway and will not have living quarters upstairs.

Various options were discussed that would not require a variance, Mr. Palumbo explained why the proposed design is the most desired by the owners.

Chair Lehman opened the discussion for public comment. There were no public comments.

Chair Lehman closed the public hearing.

A motion was made by Mr. Dohner, 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 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 because the property is being used as a single family residential home and will continue to be used for that purpose.
2. The variance appears to be substantial but the variance would not be needed if the rear addition was not also proposed. When taken as a whole, the proposal is unique and less substantial.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment.
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 variance because of the needs of the applicant and characteristics of the property.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

The motion carried by the following vote:

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

[BZBA 2018-14](#) A request for 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 Karen McBee for Alexandra Fine Homes, Inc., 1184 Bell Road, Chagrin Falls, OH 44022 and the property owners are William I., III and Cassandra L. Markwell, 62 Fox Trace Lane, Hudson, OH 44236 for the property at 2222 E. Streetsboro Street in District 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA 2018-14 Staff Report](#)

Mr. Sugar introduced this application for a water well for new home on this 13 acre parcel. A similar application was approved in 2017 but has expired. The estimate given by City of Hudson Engineering for the 810 feet of water line to run across the front of the property is \$291,300.

Ms. Karen McGee representing Alexander Fine Homes stated the reason for the variance request is the cost for public water is prohibitive and that nothing has substantially changed from the previous granting of the variance.

Chair Lehman opened the public hearing for comments, there were none.

Chair Lehman closed the public hearing.

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 the variance with the following conditions:

1. When City water and/or sewer becomes available to the property, the property owner is required to connect to these services.
2. This variance does not alleviate the current or future property owners from assessments for future water lines that may in the future be available to the property.

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 to use public water.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment since a well is currently being used at the existing house
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 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 carried by the following vote:

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

[BZBA 2018-15](#) A request to allow a parcel of land to be subdivided into three parcels. The parcels will be separated by a zoning district boundary. Two of the parcels will be located in District 7: Outer Village Commercial Corridor. The third parcel will be located in District 3: Outer Village Residential Neighborhood. The two commercial parcels will each require the following variances from the Land Development Code: 1] a variance of 1.2 acres of lot area from the required minimum lot size of 2.5 acres resulting in a lot area of 1.3 acres; 2] a variance of one hundred fifteen (115) feet from the required minimum lot depth of four hundred (400) feet resulting in a lot depth of two hundred eighty-five (285) feet; 3] a variance of forty-three (43) feet from the required lot width requirement of two hundred fifty (250) feet resulting in a lot width of two hundred seven (207) feet; 4] a variance of fifty (50) feet from the required minimum rear yard parking setback of fifty (50) feet resulting in a zero setback; 5] a variance of sixty (60) percent from the maximum impervious surface coverage requirement of sixty (60) percent resulting in a one hundred (100) percent impervious surface coverage pursuant to Sections 1205.10(e)(2) "Property Development/Design Standards - Minimum Lot Size", Section 1205.10(e)(4) "Property Development/Design Standards - Minimum Lot Depth", 1205.10(e)(3) "Property Development/Design Standards - Minimum Lot Width", 1205.10(e)(6)C) "Property Development/Design Standards - Minimum Rear Yard Setback, 1207.01(a)(3) "Maximum Impervious Surface Coverage - All Other Non-Residential Uses" of the City of Hudson Land Development Code.

The applicant is Brian Uhlenbrock for Neff and Associates, 6405 York Road, Parma Heights, OH 44130 and the owner is M7 Realty LLC, 28450 Lorain Rd, North Olmsted, OH 44070 for the property at 5715/5735 Darrow Road in Districts 7 [Outer Village Commercial Corridor and Office Overlay Zone] and 3 [Outer Village Residential Neighborhood].

Attachments: [BZBA 2018-15 Staff Report](#)

Mr. Sugar introduced the request for ten variances for this former auto dealership on Darrow Road that occupied 5.2 acres with two commercial buildings located in two different zoning districts. The proposal is to separate the single parcel into 3 parcels: a residential parcel in a residential district that requires no variances and two parcels in the commercial district that will require the ten variances. Mr. Sugar also noted that the building in the proposed south commercial district will be demolished. Mr. Sugar compared the potential subdivided parcels lot sizes with other parcels in the immediate area. Mr. Sugar's report also noted that the two commercial parcels have 100% impervious surface.

Mr. Brian Uhlenbrock the applicant representing Neff and Associates was sworn in by Mr. Vazzana.

Mr. Uhlenbrock stated the property has been marketed for a number of years with no interest, however interest has been shown if the property is divided.

The Board and Mr. Uhlenbrock discussed the current lot size and the lot sizes if subdivided. Also discussed were the lot depths, rear setbacks, parking requirements for this district, curb cuts and considerable time discussing the current 100% impervious surface and the significance of giving a variance for 100% impervious surface if the division of the lot is granted.

Mr. Rob Kistler, representing the property was sworn in. Mr Kistler stated the owner is willing to tear down part of the parking lot in the southern lot. Owner would like to move this property.

PUBLIC COMMENTS

Robert Schwieterman of 5732 Argyle Drive, which is across the street from the proposed residential parcel likes the idea of making these properties nicer and the income and jobs that come with developing the properties and supports keeping the third parcel as residential. Mr. Schwieterman encouraged water flow and traffic studies be conducted before new business are developed.

Chair Lehman closed the public hearing.

The Board discussed the parking and impervious surface differences between the parcels. The Board agreed that only a maximum impervious surface coverage of 80% would be entertained.

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 the variance.

The Board finds and concludes the following for Parcel 1:

1. The property in question will not yield a reasonable return and there cannot be a beneficial use of the property without the variance because the property has been marketed and vacant for quite some time. There is not a beneficial use of the property without these variances.
2. Although the variances are numerous and substantial in the end they are caused by some oddities in the City's original zoning requirements, particularly the 400-foot depth requirement. In this portion of Darrow Road there is a sizable right of way, which is not eligible to assist in satisfying code requirements.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment. They will in fact be improved as the properties are redeveloped and no longer left vacant.
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, but the original automotive dealer was located here in the late 60's and the property has always been an oddity since this use was established.
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 for the reasons of the property having multiple zoning designations, the large right-of-way and the use of the property as an automotive dealership is no longer feasible.

The motion carried by the following vote:

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

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 the variance.

The Board Finds and Concludes the following for Parcel 2:

1. The property in question will not yield a reasonable return and there cannot be a beneficial use of the property

without the variance because the property has been marketed and vacant for quite some time. There is not a beneficial use of the property without these variances.

2. Although the variances are numerous and substantial in the end they are caused by some oddities in the City's original zoning requirements, particularly the 400-foot depth requirement. In this portion of Darrow Road there is a sizable right of way, which is not eligible to assist in satisfying Code requirement.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment. They will in fact be improved as the properties are redeveloped and no longer left vacant.
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, but the original automotive dealer was located here in the late 60's and the property has always been an oddity since this use was established.
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 for the reasons of the property having multiple zoning designations, the large right-of-way and the use of the property as an automotive dealership is no longer feasible.

The motion was approved by the following vote:

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

VI. Other Business

Mr. Sugar noted a large number of applications for the June BZBA meeting.

VII. Adjournment

A motion was made by Mr. Drew, seconded by Mr. Dohner, that the meeting be adjourned.

The motion carried by an unanimous vote.

Chair Lehman adjourned the meeting at 9:49 pm.

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.

* * *