



Board of Zoning and Building Appeals
REGULAR MEETING March 20, 2014
7:30 P.M. • Town Hall • 2nd Floor
27 East Main Street • Hudson, Ohio

MINUTES

Chairman Lehman called to order the Regular Meeting of the Board of Zoning and Building Appeals of the City of Hudson, at 7:30 pm. in the 2nd Floor meeting Room of Town Hall, 27 East Main Street, Hudson, Ohio.

Present: Mr. Dohner, Mr. Lehman and Mr. Wagner
Absent: Mr. Drew and Mr. Jahn

Officials Present: Kris McMaster, Associate Planner and Aimee W. Lane, Assistant City Solicitor

Meeting minutes were taken by Denise Soloman, Board Clerk.

Except where otherwise noted, the following applied to the cases heard at this meeting, the applications were routinely referred to the City of Hudson Board of Zoning and Building Appeals, assigned their respective docket numbers and placed in a newspaper of general circulation in the area.

Mr. Lehman introduced Kris McMaster, Associate Planner and Aimee W. Lane, Assistant City Solicitor

Mr. Lehman placed staff and all those persons in the audience wishing to speak under oath.

APPROVAL OF MINUTES

Mr. Lehman yielded the gavel to Mr. Wagner for the approval of the July 18, 2013 meeting minutes.

Mr. Lehman made a motion to approve the minutes of the July 18, 2013 meeting as written. Mr. Dohner seconded the motion. Mr. Wagner abstained. All other members were in favor. The gavel was yielded back to Mr. Lehman.

Mr. Dohner made a motion to approve the January 16, 2014 meeting minutes as amended. Mr. Wagner seconded the motion. All members present were in favor.

PUBLIC HEARING

APPEALS DOCKET NO. 2014-05

Mr. Lehman said this hearing was called to consider Appeals Docket No. 2014-05. The applicant is Matthew L. Weber for Stumpy Basin Partners, 2555 Hartville Road, Suite B, Rootstown, Ohio 44272 and property owner Stumpy Basin Partners, 1055 Hillcrest Road, Suite F-1 (P.O. Box 91206) Mobile, Alabama 36695 for the property located at 50 Executive Parkway. The property is in District 6 [Western Hudson Gateway].

The requests are 1] a variance to allow a permeable grass paver system for overflow parking areas from the requirement that off street parking shall be surfaced with a pavement having an asphalt or concrete binder pursuant to Section 1207.12(o), "Off Street Parking and Loading Requirements-Paving" and 2] a variance to the requirement that continuous curbs shall be provided to protect required landscaping from damage or encroachment of vehicles and to provide necessary traffic control in the parking area pursuant to Section 1207.12(r), "Off Street Parking and Loading Requirements-Wheel Stops and Continuous Curbs".

Mrs. McMaster referred to the staff report and provided details of the variance request.

Mr. Lehman explained to the applicant that only three of the five BZBA members were present meaning there was a quorum; however, a unanimous vote would be required for approval.

Mr. Matthew Weber of Weber Engineering Services was present on behalf of the property owners, Stumpy Basin Partners. Mr. Weber presented material samples for the grass paver system and explained why this type of material was proposed. He said that the property owners were concerned with the amount of asphalt required for this overflow parking lot that would only be used periodically. He said that this material would maintain a natural appearance for the property and by not installing curbs, the natural flow of storm water would not be disturbed. He added that the Land Development Code specifically requires concrete or like material for parking areas, so a variance was needed to use this paver system. He described the installation of the product and the landscaping that would be installed to identify the parking limits.

Mr. Wagner asked if the proposed landscaping would be at ground level. Mr. Weber replied yes, so that the natural flow of water could be maintained. He stated that this was the desired practice of the Summit Soil and Water Conservation District. Mr. Wagner asked the applicant to identify the material of the pavers and questioned if there would be a level of top soil above this material. Mr. Weber stated that the material was high density polyethylene and a layer of top soil above the honeycomb was not needed. Mr. Wagner asked if oil leaking from cars or salt from cars, as well as, possible damage from snow plows were concerns. Mr. Weber stated that leaks from cars would be common; however, grass was relatively resilient and there will be a long term maintenance agreement in place to address those concerns. He added that

they were currently considering options for snow plows. He said that the alternative to this system was a sea of asphalt and pointed out that this product was a more expensive option.

Mr. Dohner asked how parking spaces and directions would be identified without curbs. Mr. Weber stated that the hopes are the majority of use would be in the spring and summer months, so striping could be done when needed. He said that in the winter, orange posts could be used to show the parking lanes.

Mr. Lehman asked if the pavers would move or shift over time. Mr. Weber described the interconnecting mechanisms that would keep the pavers in place and said that some shifting would happen. He added that this concern would be addressed in the long term maintenance agreement.

There were no comments from the public.

The Board discussed the installation of the paver system, the possible issues with maintenance and the requirement for a long term maintenance agreement. Mr. Weber stated that Summit Soil and Water Conservation District has required a copy of the signed agreement and a copy would also be provided to the City Engineer.

Mr. Dohner made a motion to grant 1] a variance to allow a permeable grass paver system for overflow parking areas from the requirement that off street parking shall be surfaced with a pavement having an asphalt or concrete binder pursuant to Section 1207.12(o), "Off Street Parking and Loading Requirements-Paving" and 2] a variance to the requirement that continuous curbs shall be provided to protect required landscaping from damage or encroachment of vehicles and to provide necessary traffic control in the parking area pursuant to Section 1207.12(r), "Off Street Parking and Loading Requirements-Wheel Stops and Continuous Curbs" with the following condition:

- The applicant must follow through with the requirements of the Summit Soil and Water Conservation District and the City Engineer for a long term maintenance plan.
 - a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance; however, this is a unique circumstance because the applicant has presented an alternative that would provide permeable pavement for a parking lot that would only be used periodically for a few times a year;
 - b) the variance is substantial because of the amount of area requested, but acceptable for the reasons stated above;
 - c) the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variance, and to the contrary, the character of the neighborhood would be enhanced by granting the variance;

d) the variances would not adversely affect the delivery of governmental services if granted, and the level of fire and emergency access would be improved because access is being provided around the entire building;

e) the owner purchased the property with knowledge of the zoning restrictions;

f) the applicant's predicament feasibly cannot be resolved through some method other than the variances;

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Mr. Wagner seconded the motion.

Roll Call: Aye: Mr. Wagner, Mr. Dohner and Mr. Lehman

Nay: None

Motion unanimously carried.

OTHER BUSINESS

Mrs. McMaster commented on the four cases currently on the agenda for the April meeting.

ADJOURNMENT

Mr. Wagner made a motion to adjourn the meeting. Mr. Dohner seconded the motion and all members present were in favor.

Chairman Lehman adjourned the meeting at 8:40 p.m.

David W. Lehman, Chairman

John M. Dohner, Vice Chairman

Denise M. Soloman, Board Clerk