



Board of Zoning and Building Appeals
REGULAR MEETING June 19, 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. Jahn, Mr. Wagner and Mr. Lehman
Absent: Mr. Drew

Officials Present: Kris McMaster, Associate Planner and R. Todd Hunt, 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 R. Todd Hunt, City Solicitor

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

APPROVAL OF MINUTES

Mr. Wagner made a motion to approve the minutes of the April 17, 2014 meeting as submitted. Mr. Dohner seconded the motion. Mr. Jahn abstained since he was not present at the April meeting. All other members present were in favor and the motion was carried.

PUBLIC HEARING

APPEALS DOCKET NO. 2014-10

Mr. Lehman said this hearing was called to consider Appeals Docket No. 2014-10. The applicant and owner is L.D.A. Land Group, LLC, 6683 Olde Eight Road, Peninsula, Ohio 44264 for the property located at 1731 Norton Road in District 1 [Suburban Residential Neighborhood].

The requests to alter City standards for a possible future road are 1] A variance to the requirement to install street curbs resulting in no street curbs pursuant to Section 1207.13(b)(1)(C), "Standard Roadway Cross Section Design and Pavement Specifications"; 2] A variance to the requirement to have closed ditch enclosures resulting in open ditches pursuant to Section 1207.07(c), "General Criteria" relative to provisions in the City of Hudson Engineering Standards and Section 1207.07(d)(3), "Channels, Swales, and Ditches"; and 3] A variance to the requirement that sidewalks shall be provided on both sides of the street in District 1 resulting in the deletion of sidewalks for the proposed two lots on the extended East Sapphire Drive/Sapphire Drive pursuant to Section 1205.04(d)(11)(C), "Pedestrian/Bicycle Pathways and Linkages".

Mrs. McMaster referred to the staff report and gave an overview of the variance request. She said the applicant has indicated they would still proceed with the development even without approval of these variances. She explained the status of the application with Planning Commission.

Mr. John Carse said he was representing the property owner L.D.A Land Group. He said the variances were requested so that the future street would mirror the existing street on both sides. He explained that complying with the code would result in a situation with sidewalks that go nowhere. He said by granting the variances the character of the neighborhoods would be maintained.

Mr. Jahn asked staff why the existing streets did not have sidewalks, curbs and closed ditches. Mrs. McMaster said they were not required by code when the existing streets were installed; however, all new development must comply with current standards. Mr. Jahn asked who would pay for the installation of sidewalks in this area if proposed in the future. Mr. Hunt explained the installation of sidewalks could be city initiated or property owner initiated through a petition, and the cost could either be a city expense or assessed to the residents.

Mr. Wagner asked if the road would be connected regardless of the cost. Mr. Carse said they intended to proceed with the connection of Sapphire Drive and East Sapphire Drive . He said the City of Hudson Engineering Department was in favor of the connection as long as it is built according to code. Mr. Wagner referred to the plan and asked if the interior lot would be purchased by an adjacent property owner. Mr. Carse said that a specific owner has come forward and wants to purchase the land behind his property, and we have a contract contingent upon this variance approval.

Mr. Lehman asked how the existing cul-de-sacs would be changed when the two roads are connected. Mr. Carse said the cul-de-sacs would be removed and grass would be planted in the cul-de-sac area not used for the new road.

Mr. Jahn asked why the existing roads were twenty-four (24) feet wide and the proposed new road would be twenty-six (26) feet. Mr. Hunt said the City Engineer wanted to hold to as many of the current road standards as possible. Mr. Carse said code requirements were different when Sapphire Drive and East Sapphire Drive were installed.

Mr. Lehman opened the meeting to public comment.

Tim Ujvari, 1661 Sapphire Drive, said he wanted to call attention to the fact that this will become a through street in a neighborhood with many children. He said that increased traffic will

impact the neighborhood. He asked the Board to keep in mind that right now people walk on the street and a sidewalk may be a considered a safe haven. He said there were already many closed ditches in the neighborhood. He added that it was also possible that residents may request an assessment to the property to install sidewalks in the future. Mr. Jahn asked what percentage of houses had closed ditches. Mr. Ujvari said he would guess twenty (20) to twenty-five (25) percent.

Olga Rasner, 1708 East Sapphire Drive, said she was concerned L.D.A. Land Group would not proceed with the development and that each variance granted would push the current residents to buy this vacant land. She said there were issues with the wetland and creek that were not being addressed. Mrs. McMaster encouraged Ms. Rasner to attend the Planning Commission meeting in which those issues would be discussed.

Mr. Lehman closed the public comment portion of the meeting.

Mr. Jahn made a motion to grant 1] A variance to the requirement to install street curbs resulting in no street curbs pursuant to Section 1207.13(b)(1)(C), "Standard Roadway Cross Section Design and Pavement Specifications"; 2] A variance to the requirement to have closed ditch enclosures resulting in open ditches pursuant to Section 1207.07(c), "General Criteria" relative to provisions in the City of Hudson Engineering Standards and Section 1207.07(d)(3), "Channels, Swales, and Ditches"; and 3] A variance to the requirement that sidewalks shall be provided on both sides of the street in District 1 resulting in the deletion of sidewalks for the proposed two lots on the extended East Sapphire Drive/Sapphire Drive pursuant to Section 1205.04(d)(11)(C), "Pedestrian/Bicycle Pathways and Linkages" with the following condition:

- Approval pending review of the project by the City Engineer:
 - a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variances because if the variances were denied, the applicant has stated they will proceed with the development;
 - b) the variances are substantial because they do not require the curbs, sidewalks and closed ditches required by the code;
 - 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 variances because granting the variances would result in no changes to the nature of the neighborhood where there are no curbs, and there are open ditches and no sidewalks in the area;
 - d) the variances would not adversely affect the delivery of governmental services if granted and the result of these variances would in a way help the delivery of these services by facilitating the installation of the connecting public roadway;
 - 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; and

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. Jahn, Mr. Dohner, Mr. Wagner and Mr. Lehman
Nay: None

The motion was unanimously carried.

APPEALS DOCKET NO. 2014-12

Mr. Lehman said this hearing was called to consider Appeals Docket No. 2014-12. The applicant and owner are Brent and Amy Van Hala, 181 Hudson Street, Hudson, Ohio 44236 in District 3 [Outer Village Residential Neighborhood].

The request is a variance to allow the construction of 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 the City of Hudson Land Development Code, Section 1206.03(d)(3), "Accessory Use Development and Operational Standards"- "Side Setbacks".

Mrs. McMaster referred to the staff report and gave an overview of the variance request. She described the site location and the proposed improvements to the property.

Mr. Van Hala said he had nothing further to add to the staff report.

Mr. Wagner asked if the applicant intended to mimic the location of the detached garage on the neighbor's property. Mr. Van Hala said that was correct; however, the main reason for the proposed location was the storm water issues in the rear yard.

Mr. Dohner asked the applicant to describe the footprint of the structure and questioned if there was an architectural reason for the narrow section. Mr. Van Hala said the garage was designed for three cars and an area for storage. He added that the garage was designed to be architecturally interesting. Mr. Dohner asked if there were any other structures proposed for the property. Mr. Van Hala replied no, the pool drawn on the site plan was not planned.

Mr. Jahn asked if there were any solutions to the flooding problem in the rear yard. Mr. Van Hala said that he had been working with City of Hudson Engineering Department on this issue. He said the proposed garage would be located on the highest part of the property. Mr. Jahn asked if flooding occurred in the proposed garage location. Mr. Van Hala said flooding had occurred in this area, so the grade would need to be raised to the level of the house.

There were no comments from the public.

Mr. Jahn made a motion to approve a variance to allow the construction of 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 the City of Hudson Land Development Code, Section 1206.03(d)(3), "Accessory Use Development and Operational Standards"- "Side Setbacks".

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance; however, the variance would allow for a series of home improvements that would enhance the livability and usefulness of the property;
- b) the variance is substantial because it directly opposes the requirement for a rear yard location for an accessory structure and replaces it with a side yard location;
- 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 because a similar side yard accessory structure exists on the neighboring property;
- d) the variance would not adversely affect the delivery of governmental services if granted;
- 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 variance;
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because of the practical difficulty of building an accessory structure on land prone to flooding.

Mr. Dohner seconded the motion.

Roll call: Aye: Mr. Wagner, Mr. Dohner, Mr. Jahn and Mr. Lehman
 Nay: None

The motion was unanimously carried.

OTHER BUSINESS

Mrs. McMaster commented on the cases for the July meeting.

ADJOURNMENT

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

Chairman Lehman adjourned the meeting at 8:30 p.m.

David W. Lehman, Chairman

Frederick Jahn, Board Member

Denise M. Soloman, Board Clerk