



City of Hudson, Ohio

Meeting Minutes Board of Zoning and Building Appeals

*David W. Lehman, Chair,
John M. Dohner, Vice Chair
Robert Drew, Board Member
Frederick Jahn, Board Member
Louis Wagner, Board Member*

*Kris McMaster, Associate Planner
Aimee W. Lane, Assistant City Solicitor*

Thursday, July 17, 2014

7:30 p.m.

Town Hall

1. Call to Order

Chairman Lehman called to order the regular meeting of the Board of Zoning and Building Appeals at 7:30 p.m.

2. Roll Call

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

Absent: None

3. Identification of Staff

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

Meeting minutes were taken by Denise Soloman, Board Clerk. A video recording of this meeting is available on the City of Hudson website.

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.

4. Swearing in of Staff and Audience Addressing the Board

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

5. Approval of Minutes

Mr. Drew made a motion to approve the minutes of the May 15, 2014 meeting as submitted. Mr. Wagner seconded the motion. All members present were in favor and the motion was unanimously carried.

6. Public Hearing

A. 2014-11

Variations from the Land Development Code for property located at 7738 Darrow Road as follows: a variance of sixty feet from Section 1205.04(d)(4)(A) concerning the minimum lot width, a variance of forty-nine feet from Section 1207.13(c)(2)(B) concerning the maximum length of a cul-de-sac, and a variance of one hundred fourteen feet from Section 1207.13(c)(5)(B) concerning the minimum distance between intersections.

Mrs. McMaster provided a summary of the case. L.D.A. Land Group, LLC, 6683 Olde Eight Road, Peninsula, Ohio 44264 is the applicant. Christine A. Driver, 7738 Darrow Road, Hudson, Ohio 44236 is the property owner. John Carse, 7339 Darrow Road, Hudson OH 44236, spoke about the project.

Mr. Lehman opened the meeting to public comment.

Nick Yanoff, 7621 Berks Way, expressed concerns with flooding on his property when it rained and increased storm water run-off from the proposed development. He presented a photograph of his property after a rain.

Ron Brubaker, 7593 Partridge Meadows Drive, raised concerns with existing traffic issues in this area and the number of accidents. He was opposed to a variance to the distance between intersections.

Tom Swidarski, 7574 Elderkin Court, questioned if there was any guarantee for the neighbors that the situation would not be made worse if the variances were granted. He commented on the potential impact on the adjacent properties and agreed with the comments on the traffic issues.

John Murphy, 2010 Partridge Meadows Court, expressed concerns with traffic issues and the density of the homes proposed for this size property.

Mr. Lehman closed public comment.

The Board discussed the testimony presented and the staff reports.

- (1) A motion was made by Mr. Jahn, seconded by Mr. Dohner, that based on the evidence presented to the Board by John Carse, 7339 Darrow Road, Hudson, Ohio 44236, for the applicant, L.D.A. Land Group, LLC, 6683 Olde Eight Road, Peninsula, Ohio 44264, and the property owner, Christine A. Driver, 7738 Darrow Road, Hudson, Ohio 44236, the Board hereby approves:

A variance of sixty (60) feet from the minimum lot width requirement of two hundred (200) feet for the residual parcel resulting in a lot width of one hundred and forty (140) feet pursuant to Section 1205.04(d)(4)(A), "Minimum Lot Width":

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because this is an existing residence that will not be changed by the variance;
- b) the variance is insubstantial due the fact that the majority of the lots on State Route 91 have similar or less street frontage than the proposed remainder parcel;
- 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 the neighboring properties along State Route 91 have similar parcel widths;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property without knowledge of the zoning restrictions;
- f) the applicant's predicament feasibly cannot be resolved through some method other than the variance; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because the Board takes note that the forty (40) foot buffer immediately south of the remainder parcel lends itself to make the parcel appear wider.

The motion was approved with the following vote:

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

- (2) A motion was made by Mr. Jahn, seconded by Mr. Drew, that based on the evidence presented to the Board by John Carse, 7339 Darrow Road, Hudson, Ohio 44236, for the applicant, L.D.A. Land Group, LLC, 6683 Olde Eight Road, Peninsula, Ohio 44264, and the property owner, Christine A. Driver, 7738 Darrow Road, Hudson, Ohio 44236, the Board hereby approves:

A variance of forty-nine (49) feet to the requirement that cul-de-sacs shall not exceed a maximum length of six hundred (600) feet resulting in a cul-de-sac length of six hundred and forty-nine (649) feet pursuant to Section 1207.13(c)(2)(B), "Cul-de-sacs":

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because without the variance a forty-nine (49) foot shorter cul-de-sac could still produce viable, buildable lots that could be developed in an economical way;
- b) the variance is insubstantial because the percentage of greater distance is only eight (8) percent;
- 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 the distance and magnitude of the variance was small and would not have an impact on the adjoining properties to the north, south or west;
- d) the variance would not adversely affect the delivery of governmental services because the plans have been reviewed by Fire Safety personnel for the ability to maintain emergency services and found acceptable per the email from Shawn Kasson, Fire Inspector, dated July 7, 2014 ;
- e) the owner purchased the property without knowledge of the zoning restrictions;
- f) the applicant's predicament feasibly cannot be resolved through some method other than the variance; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The motion was approved with the following vote:

Aye 5 – Mr. Wagner, Mr. Dohner, Mr. Jahn, Mr. Drew, Mr. Lehman

- (3) A motion was made by Mr. Jahn, seconded by Mr. Dohner, that based on the evidence presented to the Board by John Carse, 7339 Darrow Road, Hudson, Ohio 44236, for the applicant, L.D.A. Land Group, LLC, 6683 Olde Eight Road, Peninsula, Ohio 44264, and the property owner, Christine A. Driver, 7738 Darrow Road, Hudson, Ohio 44236, the Board hereby approves:

A variance of one hundred and fourteen (114) lineal feet from the requirement that intersections for development along arterial and collector streets should be at least 400 lineal feet from any intersection to allow the Lake Christine Subdivision entrance drive to be located two hundred and eighty six (286) lineal feet south from the intersection of Partridge Meadows Drive and Darrow Road pursuant to Section 1207.13(c)(5)(B), "Curb Cuts and Intersections":

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because the entrance to the subdivision could feasibly be moved, but the proposed layout of the subdivision would benefit by granting the variance;
- b) the variance is insubstantial because while the impact in terms of traffic issues that the variance would create is not currently know, the evidence shows that the area is unique, there is a forty foot buffer on either side of the entrance to the subdivision, and there are two means of ingress and egress for the residential development across the street. Furthermore, any development of the property will require a street off of Darrow Road and traffic accessing that street;
- 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 the impact of the one hundred fourteen (114) foot variance is not known at this time, but a traffic study will be completed and the applicant has indicated that they would comply with all requirements;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property without knowledge of the zoning restrictions;
- f) the applicant's predicament feasibly cannot be resolved through some method other than the variance; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The motion was approved with the following vote:

Aye 3 – Mr. Dohner, Mr. John, Mr. Lehman

Nay 2 – Mr. Wagner, Mr. Drew

B. 2014-14

Variations from the Land Development Code for property located at 7935 Valley View Road as follows: variations from Section 1206.03(d)(3) and Section 1206.03(f)(1) to permit the construction of an accessory structure pool and pavilion in the side yard and a variance of two (2) feet from Section 1206.03(a)(5)(A) to permit a wall, pillars and driveway gate six (6) feet in height.

Mrs. McMaster provided a summary of the case. James Arch of Vizmeg Landscape, Inc., 778 McCauley Road #100, Stow, Ohio 44224 is the applicant. Wededitland 2012 LLC, Rick and Michelle Schultz, 2073 East Highgate Court, Hudson, Ohio 44236 are the property owners. Mr. Vizmeg and Mr. Schultz spoke about the project.

Mr. Lehman opened the meeting to public comment. There were no comments and he closed public comment.

The Board discussed the testimony and the staff reports.

- (1 and 2) A motion was made by Mr. Drew, seconded by Mr. Jahn, that based on the evidence presented to the Board by James Arch of Vizmeg Landscape, Inc., 778 McCauley Road #100, Stow, Ohio 44224, for the property owner, Wededitland 2012 LLC, Rick and Michelle Schultz, 2073 East Highgate Court, Hudson, Ohio 44236, the Board hereby approves:

Variations to permit the construction of an accessory structure pool and pavilion 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" and Section 1206.03(f)(1), "Accessory Use Development and Operational Standards-Swimming Pools";

a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variations;

b) the variations are insubstantial because this is an unusually large seven and a half (7 ½) acre lot in a remote setting away from any neighbors;

- 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 due to the lot size and distances involved;
- d) the variances would not adversely affect the delivery of governmental services because the driveway was designed to comply with the requirements of safety services;
- 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 according to testimony that this was the only viable location for the pool and pavilion; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances because of the siting of the house on the property and this was clearly the perceived rear yard as viewed from the street.

The motion was approved with the following vote:

Aye 5 – Mr. Jahn, Mr. Drew, Mr. Dohner, Mr. Wagner, Mr. Lehman

- (3) A motion was made by Mr. Drew, seconded by Mr. Jahn, that based on the evidence presented to the Board by James Arch of Vizmeg Landscape, Inc., 778 McCauley Road #100, Stow, Ohio 44224, for the property owner, Wediditland 2012 LLC, Rick and Michelle Schultz, 2073 East Highgate Court, Hudson, Ohio 44236, the Board hereby approves:

A variance of two (2) feet to permit a wall, pillars and driveway gate six (6) feet in height when the code states that walls shall not exceed a maximum height of four (4) feet at any point pursuant to the City of Hudson Land Development Code, Section 1206.03(a)(5)(A), "Accessory Uses/Fences and walls, residential".

The Board finds and concludes that the variance is granted:

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance;
- b) the variance is insubstantial because of the location of the fence and pillars at the end of long private drive;

- 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 of the distance between the proposed wall and the adjoining properties;
- d) the variance would not adversely affect the delivery of governmental services because the gate is designed to allow access for safety forces;
- 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 and this was a replacement of a previous higher fence and gate permitted under former township regulations; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because of the overall size of the house and lot and the relatively small length of the entire fence that exceeds the maximum height.

The motion was approved with the following vote:

Aye 5 – Mr. Wagner, Mr. Dohner, Mr. Jahn, Mr. Drew, Mr. Lehman

C. 2014-15

A variance from the Land Development Code for property located at 40 Owen Brown Street as follows: a variance of thirty-five (35) feet from Section 1205.07(d)(6))(B)(vi), resulting in a zero setback from the street not designated as the “front” for an accessory structure detached garage.

Mrs. McMaster provided a summary of the case. Amy and Joshua Baran, 40 Owen Brown Street, Hudson, Ohio 44236 are the applicants and property owners. Mrs. Baran spoke about the project.

Mr. Lehman opened the hearing for public comment.

Mrs. Lane swore in Lizbeth Wright.

Lizbeth Wright, 65 Owen Brown Street, spoke in support of the variance request.

Mr. Lehman closed public comment.

The Board discussed the testimony and the staff reports.

- (1) A motion was made by Mr. Jahn, seconded by Mr. Drew, that based on the evidence presented to the Board by the applicant and property owner, Amy Baran, 40 Owen Brown Street, Hudson, Ohio, the Board hereby approves:

A variance of thirty-five (35) feet from the minimum side yard setback of thirty-five (35) feet to construct a detached two car garage resulting in a zero setback from the street not designated as the “front” pursuant to Section 1205.07(d)(6)(B)(vi), Property Development/Design Standards”-“Minimum Side Yard Setback-Residential Corner Lots”:

a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because this is an accessory structure and the property is a residence, on a corner lot, with reasonable value and use;

b) the variance is substantial because it is a total one hundred (100) percent variance from the requirement;

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 the design will try to maintain the nature and construction of the existing garage and house;

d) the variance would not adversely affect the delivery of governmental services;

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; and

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because the nature of the residence and usefulness of the property would be enhanced.

The motion was approved with the following vote:

Aye 5 – Mr. Dohner, Mr. Wagner, Mr. Drew, Mr. Jahn, Mr. Lehman

7. Other Business

(1) Appointment of Comprehensive Plan Committee Member

Mr. Drew made a motion to nominate Mr. Lehman to the Comprehensive Plan Committee. Mr. Jahn seconded the motion and all members present were in favor.

(2) August 21, 2014 Docket

Mrs. McMaster said there were no cases for the August meeting at this time; however, the application deadline was next week.

8. Adjournment

Mr. Drew 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 10:20 p.m.

David W. Lehman, Chairman

Frederick Jahn, Board Member

Denise M. Soloman, Board Clerk