



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, August 21, 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. Dohner, Mr. Drew, 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 July 17, 2014 meeting as amended. Mr. Dohner seconded the motion. All members present were in favor and the motion was unanimously carried.

Mr. Wagner made a motion to approve the minutes of the June 19, 2014 meeting as amended. Mr. John seconded the motion. Mr. Drew abstained. All other members present were in favor and the motion was carried.

6. Public Hearing

A. 2014-16

Variance from the Land Development Code for property located at 351 Aurora Street as follows: a variance of two hundred eight (208) square feet from Section 1206.03(d)(5) resulting in an accessory structure detached garage with a total gross floor area of one thousand two hundred eight (1208) square feet.

Mrs. McMaster provided a summary of the case. The applicant and property owners are Thomas and Gail Tobin, 351 Aurora Street, Hudson, Ohio 44236. Mr. and Mrs. Tobin, and Paul Palumbo of Palumbo Renovations, 6556 Stone Road, Hudson, Ohio 44236 spoke about the project.

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

The Board discussed the testimony presented and the staff report.

(1)A motion was made by Mr. Drew, seconded by Mr. Jahn, that based on the evidence presented to the Board by Thomas and Gail Tobin and Paul Palumbo, the Board hereby approves:

A variance of 208 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 1,208 feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards"- "Maximum Building or Structure Size" with the following conditions:

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

- a) 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 detached garage; however, it has been explained that additional storage space is needed with no other viable alternative;
- b) the variance is between substantial and insubstantial because it is a twenty (20) 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 subject property is located over eight hundred (800) feet back from Aurora Street and is surrounded by property unlikely to be developed in the foreseeable future;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property without knowledge of the zoning restrictions because it was purchased prior to the current code requirements;
- 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 this structure replaces an existing detached garage with a marginal increase in size and is located a significant distance from the road and surrounded by property unlikely to be developed for some time.

The motion was approved with the following vote:

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

7. Other Business

(1) August 21, 2014 Docket

Mrs. McMaster commented on the cases for the September 18, 2014 meeting.

8. Adjournment

Hearing no further business, Chairman Lehman adjourned the meeting at 8:09 p.m.

John M. Dohner, Acting Chairman

Frederick J. Jahn, Board Member

Denise M. Soloman, Board Clerk