



## 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*

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**Thursday, September 18, 2014**

**7:30 p.m.**

**Town Hall**

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**1. Call to Order**

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

**2. Roll Call**

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

**3. Identification of Staff**

Acting Chairman Dohner 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. Wagner made a motion to approve the minutes of the August 21, 2014 meeting as submitted. Mr. Jahn seconded the motion. All members present were in favor and the motion was unanimously carried.

**6. Public Hearing**

A. 2014-17

**Variations from the Land Development Code for Parcel #30-05986 located on West Prospect Street as follows: variations from the requirement to utilize public water and sewer in order to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1)(B).**

Mrs. McMaster provided a summary of the case. The applicant and owners are Lucas and Jessica Didion, 940 Trimble Place, Sagamore Hills, OH 44067. Mrs. Didion spoke about the project.

Mr. Dohner 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.

A motion was made by Mr. Jahn, seconded by Mr. Wagner, that based on the evidence presented to the Board by Mrs. Didion, the Board hereby approves:

[1 and 2] variations from the requirement to utilize public water and sewer in order to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1)(B), "Adequate Public Facilities-Water/Wastewater" of the City of Hudson Land Development Code with the following conditions:

- When City water and sewer become available to the property, the then property owner is required to connect to these services.
  - This variance is granted with the condition that it does not alleviate the current or future property owners from assessments for public water lines and sanitary sewer that may in the future be available to the property.
- a) the property in question will not yield a reasonable return and there cannot be a beneficial use of the property without the variations

because to fulfill the requirement to utilize public water and sewer would require the installation of infrastructure estimated at more than \$350,000 which was prohibitive for the property owners at this time;

- b) the variances are insubstantial because in certain remote sections of the city, public water and sewer lines do not exist within a reasonable distance to a residential or commercial development and a variance to the requirement to tap in to public water and sewer was a reasonable and justifiable remedy;
- 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 two neighboring properties also use a water well and septic system;
- d) the variances 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 variances; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances because of the prohibitive cost of complying with the public water and sewer requirements and no other reasonable alternative exists.

The motion was approved with the following vote:

Aye 3 - Mr. Jahn, Mr. Wagner, Mr. Dohner

B. 2014-19

**Variations from the Land Development Code for the properties located at 5204 Darrow Road and 5230 Darrow Road as follows: five (5) variations to allow reconfiguring property lines.**

**At 5204 Darrow Road: 1, 2, 3] Variations to the minimum side yard setback for buildings resulting in side yard setbacks of zero (0) feet, six (6) feet, and six (6) feet six (6) inches pursuant to Section 1205.12(d)(6)(B), and 4] A variance from the minimum lot width**

**requirement resulting in a lot frontage width of one hundred and thirty-six (136) feet pursuant to Section 1205.12(d)(4).**

**At 5230 Darrow Road: 5] A variance from the minimum lot width requirement resulting in a lot frontage width of one hundred and forty-five (145) feet pursuant to Section 1205.12(d)(4).**

Mrs. McMaster provided a summary of the case. The applicant is Stanley Caniglia, 5200 Darrow Road, Hudson, Ohio 44236 and the property owner is Alice Caniglia and Jane Caniglia Revocable Trust, 5200 Darrow Road, Hudson, Ohio 44236. Mr. Stanley Caniglia and Mr. Bruce Robinson, B. L. Robinson Engineering, P.O. Box 1105, Cuyahoga Falls, Ohio spoke about the project.

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

For 5204 Darrow Road, a motion was made to approve subject variances #1, 2, 3, and 4 by Mr. Jahn and seconded by Mr. Wagner. After further discussion, the motion was amended by Mr. Jahn and seconded by Mr. Wagner to correct the lot frontage dimension, based on the evidence presented to the Board by Bruce Robinson and Stanley Caniglia, the Board hereby approves:

1, 2, 3] Variances of ten (10) feet, four (4) feet and three (3) feet six (6) inches to the minimum side yard setback of ten (10) feet for buildings resulting in side yard setbacks of zero (0) feet, six (6) feet, and six (6) feet six (6) inches pursuant to Section 1205.12(d)(6)(B), Minimum Side Yard Setback"; 4] A variance of fifty-five (55) feet from the minimum lot width requirement of two hundred (200) feet for lot frontage width resulting in one hundred and forty-five (145) feet pursuant to Section 1205.12(d)(4), "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 variances because of the nature of the commercial business and the long existing lot configuration; however, the variances to allow the reconfiguration of these lots would permit the evolution of the property that may allow for marketability in the future;
- b) the variances are insubstantial because there would be no change to the improvements on the land or the nature of the business;

- 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 this is simply a reconfiguration of the lot lines that would result in closer compliance with zoning requirements;
- d) the variances 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 variances; and
- g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances.

The motion was approved with the following vote:

Aye 3 - Mr. Jahn, Mr. Wagner, Mr. Dohner

For 5230 Darrow Road, a motion was made by Mr. Jahn, seconded by Mr. Wagner, to approve subject variance #5 based on the evidence presented to the Board by Bruce Robinson and Stanley Caniglia, the Board hereby approves:

A variance of sixty-four (64) feet from the minimum lot width requirement of two hundred (200) feet for a lot frontage width resulting in one hundred and thirty-six (136) feet pursuant to Section 1205.12(d)(4), "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 property with a viable residence currently being used; however, the variance would permit the reconfiguration of the existing non-conformance;
- b) the variance is insubstantial because there is a long history of non-conforming lot lines and the variance will bring the property into closer compliance;
- 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;

- 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. Jahn, Mr. Wagner, Mr. Dohner

## **7. Other Business**

(1) October 16, 2014 Docket

Mrs. McMaster said there were currently no cases for the October 16, 2014 meeting, therefore the meeting is canceled.

## **8. Adjournment**

Hearing no further business, Acting Chairman Dohner adjourned the meeting at 8:25 p.m.

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John M. Dohner, Acting Chairman

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Frederick J. Jahn, Board Member

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Denise M. Soloman, Board Clerk