



Board of Zoning and Building Appeals
REGULAR MEETING MARCH 17, 2011
7:30 P.M. • TOWN HALL • 2ND FLOOR
27 E. 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 p.m. in the 2nd Floor Meeting Room of Town Hall, 27 E. Main Street, Hudson, Ohio.

Present: Mr. Dohner, Mr. Jahn, Mr. Lewis, Mr. Lehman
Absent: Mr. Wise

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

Meeting minutes were taken by Carol Muesel, Board Clerk, and hearing testimony was recorded by Sue Petro, of Merritt & Loew Court Reporting Service.

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 read a Proclamation of Thanks for Mr. Hunt's 17 years of service to the Board of Zoning and Building Appeals, and welcomed Aimee W. Lane as our new Assistant City Solicitor.

Mr. Lehman introduced Kris McMaster, Associate Planner, R. Todd Hunt, City Solicitor, and Aimee W. Lane, Assistant City Solicitor. Mr. Hunt placed staff and all those persons in the audience wishing to speak under oath.

Mr. Dohner made a motion to approve as amended the February 17, 2010 Minutes and Mr. Lewis seconded the motion. All members present were in favor.

PUBLIC HEARING

APPEALS DOCKET NO. 2011-02

This hearing has been called to consider Appeals Docket No. 2011-02 for 52 Aurora Street. The request is a variance of thirty-three (33) feet, six (6) inches from the minimum side yard setback of thirty-five (35) feet for the street side of a corner lot not designated as front for house additions resulting in a one (1) foot six (6) inch side yard setback pursuant

to Section 1205.07(d)(6)(B)(vi), "Property Development/Design Standards" - "Minimum Side Yard Setback - Corner Lots".

The applicant is Hallie M. Bowie, of New Leaf Home Design, 1792 Brookshire Road; Akron, Ohio 44313 representing the owners, Sid Nelson Jr. and Erin Marie Poskocil; 52 Aurora Street; Hudson, Ohio.

Ms. McMaster gave an overview of the case stating the home was built in 1919 and the owners purchased the home in 1997. She said the owners are requesting to add square footage to the existing sunroom, add a new second story master bath addition above the sunroom and to add a garage extension to the house. The owners indicated that the existing sunroom is too narrow for effective use and the garage is too shallow for any cars except small vehicles. Ms. McMaster said the east side property lot line is on an angle from the front property line creating an unusual shaped lot. Ms. McMaster stated that the applicant had indicated that the character of the neighborhood would be maintained by adding the proposed additions. Mrs. McMaster told the Board that their packet contained additional information from adjacent property owners and a copy of a December 20, 2001 decision in which the Board approved a variance of 1.5 foot side yard setback for an addition on the west side of the house.

Mr. Lehman put the following correspondence received into the record as follows:

- Exhibit 1 - March 7, 2011 letter and picture from William J. and Mary Ellen Carroll
- Exhibit 2 - March 17, 2011 email from Judy Brookhart
- Exhibit 3 - March 17 email from Bill and Mary Ellen Carroll
- Exhibit 4 - March 15, 2011 supplemental packet from Sid Nelson.
- Exhibit 5 - March 17, 2011 map from staff showing proximity of adjacent neighbors who submitted comments.

Ms. Bowie stated that the garage addition was not needed to fit larger cars in the garage, but the Nelsons cannot back vehicles out of the garage if another vehicle is next to it. She said the intention was to have two vehicles fit into the garage.

Mr. Nelson said they had purchased the house from a couple in their 80's and the house had fallen into disrepair. Mr. Nelson said they have made major investments in their home over the years, but the master bath is small and inadequate. He said his wife has had to bathe in their daughter's bathroom for the last 13 years. He stated they want to extend the width of the bathroom a few feet by building it over the sunroom. Doing this would mean tearing the sunroom down (previously it was a screen porch) and replacing it with sturdier construction. Mr. Nelson stated he will now be working from home and his car will either be in the driveway or parked on College Street to allow his wife's car to leave the garage. He said their daughter is home schooled and it is necessary for his wife to drive her to lessons and classes throughout the day. Mr. Nelson continued that the garage is very narrow and too short to park two cars. He said they need a variance to extend the garage and have a storage area for outdoor furniture, lawn equipment, etc

which are currently stored in the garage. This enlargement would also house their garbage cans which have been displayed for the last ten years on their driveway. Mr. Nelson said if the variance is granted, they will dig a basement storage room under the replaced sunroom. They feel these are the least disruptive solutions although not the least expensive. Mr. Nelson also stated that the large tree between the sunroom and front yard fence has died and will be taken down during the construction. Mr. Nelson said the variance distances are absolute minimums required to do the work.

Mr. Lehman confirmed with staff that proper notice was given for the case.

Mr. Dohner asked why the footprint for the sunroom was being enlarged and Ms. Bowie said it relates to other goals for the project namely having the room for a bathtub, sinks, and closet in the master bathroom. The sunroom will add 150 square feet. Mr. Dohner said if the variance was reduced for the garage there would be room for a 3 foot door instead of a 3 ½ foot door. Mr. Nelson said the need for the additional width for the door is critical to curb appeal to allow garbage cans to be taken out through this door so the door width needs to be larger than 3'.

Mr. Jahn said that Mr. Nelson's supplemental packet answered most of the questions he had prepared. Mr. Jahn confirmed with the owners that their home is 38.4 feet across the front east to west. Mrs. Nelson confirmed that dormers would be added to the front of the house and said homes built in that time period had dormers. Mr. Jahn stated that the drawing shows a bay window above the sunroom. Mr. Nelson stated that their attic was not finished and part of this project is to finish the attic space for an office. He said the attic has a sloped roof and very little headroom and the dormers will also solve that problem. Mrs. Nelson stated that the design was not finalized and the Architectural and Historic Board of Review said the projection should be in the range of two feet. Mr. Jahn asked about the landscaping and Mrs. Nelson said the plants would be dug up and kept in a greenhouse during construction and then replanted.

Mr. Lewis asked if the bay window was included within the dimensions or if there would be an additional projection. Ms. Bowie said due to the angle of the property line it will project out. Mr. Lewis confirmed with the architect that there were no easements along College Street. In response to some written concerns by an adjacent neighbor, Mr. Lewis confirmed with the owners that no shrubs or bushes will be removed. Mr. Nelson said this addition will clear the driveway of garbage cans so the neighbors will not have them in their view. Ms. Bowie said modifications to the retaining walls will improve the sight lines. The public hearing portion of the meeting was closed and the Board gave their comments.

Mr. Dohner made a motion to approve a variance of thirty-three (33) feet, six (6) inches from the minimum side yard setback of thirty-five (35) feet for the street side of a corner lot not designated as front for house additions resulting in a one (1) foot six (6) inch side yard setback pursuant to Section 1205.07(d)(6)(B)(vi), "Property Development/Design Standards"-"Minimum Side Yard Setback - Corner Lots". The Board finds and concludes:

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 property is presently being utilized as a residence;

b) the variance is substantial but it is unique. The lot is highly irregular varying from 100 feet in the front to 40+ feet in the rear. The angle of Aurora Street and College Street and the angle at which the home was built make it very unusual. The existing garage and sunroom make this a unique situation because they are the areas to be renovated and are located on the College Street side;

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 granting the variance would not only enhance the existing structure, but the homeowners will re-landscape the portion of the property disturbed by the renovation. A large dead tree will be removed when construction begins;

d) the variance would not adversely affect the delivery of governmental services, there is no evidence of safety issues, and, the issue of ingress and egress to the property by way of the driveway has been addressed;

e) the owner purchased the property without knowledge of the zoning restrictions as the property was purchased in 1997 and the Land Development Code was adopted December, 1999;

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 as per the schematic drawing by New Leaf Home Design, entitled Nelson Residence Addition, dated 2/24/2011, attached hereto and incorporated herein by reference.

Mr. Lewis seconded the motion and the amendment to incorporate the 2/24/2011 drawing.

Roll Call:

Aye: Mr. Jahn, Mr. Dohner, Mr. Lewis, Mr. Lehman

Nay: None

Motion carried.

Mr. Lehman called a five minute recess at 8:50 p.m.

APPEALS DOCKET NO. 2011-03

This hearing has been called to consider Appeals Docket No. 2011-03 for 5840 Nicholson Drive. The request is a variance of ten (10) feet to the minimum side yard setback of twenty-five (25) feet to permit a side facing attached garage to be fifteen (15) feet from the side yard property line pursuant to Section 1205.06(d)(5)(D)(iii), "Property Development / Design Standards" - "Minimum Side Yard Setbacks"- "Side-Facing Attached Garage".

The applicants and owners are Michael P. and Lisa L. Teutsch; 5840 Nicholson Drive; Hudson, Ohio.

Ms. McMaster stated in February the owners requested variances for a side yard setback and to add a third car front facing garage to the existing two car front facing garage. The Board denied the variance. Ms. McMaster said the owner has returned with a new application for a redesign of the existing garage and to add an additional two car garage. The new and existing garages are to have side facing doors resulting in a ten foot setback to the side property line. Ms. McMaster said the owner has indicated that they do not have ample garage space or storage space. Ms. McMaster stated that no comments have been received by the adjacent neighbors.

Mr. Dohner confirmed with Mr. Hunt that res judicata does not apply. The applicant came back before the Board within 30 days with a very different proposal for a 3-car garage than the first application brought before the Board in February.

Mr. Lewis confirmed that notices were sent to all property owners within 300 feet of the subject property and were also placed in the newspaper.

Mr. Teutsch said Mr. Dohner's alternative to the plan submitted at the February meeting was much better than his original application. Mr. Teutsch said one of his original concerns was if there would be enough space to pull cars in and out of the garage, but he said it has worked out better than anticipated. Mr. Teutsch has talked with his neighbor and their only request was a pine tree be planted, but the location will be determined after the addition is built.

Mr. Jahn confirmed with the owner that there would be no impact to the trees and clarified with staff the 25 foot requirement for a side entry garage.

Mr. Lewis confirmed with the owner that the front of the garage will not be expanded. Mr. Teutsch said the garage door openings will be bricked in and the garage doors will be on the side resulting in a total of 56 feet of side entry garages. Mr. Lewis confirmed that the dimension of the front of the house without the garage is 54 feet and with the garage it is 76 feet. Mr. Lewis questioned why Mr. Teutsch wanted a four car garage instead of the three car garage and Mr. Teutsch said so there is room for storage and a work shop. Mr. Lewis confirmed with staff that with the added concrete there would be no impervious surface issues as the requirement is less than 40% of the lot.

Mr. Dohner had no questions.

Mr. Lehman said the front elevation of the plan looks very good, and stated that side facing garages are what Council desires.

Mr. Dohner stated that he applauds the applicant for coming in with these changes. The plan meets the City's requirements and also gives more storage space for the applicant.

Mr. Jahn made a motion to approve a variance of ten (10) feet to the minimum side yard setback of twenty-five (25) feet to permit a side facing attached garage to be fifteen (15) feet from the side yard property line pursuant to Section 1205.06(d)(5)(D)(iii), "Property Development / Design Standards" - "Minimum Side Yard Setbacks"- "Side-Facing Attached Garage". The Board finds and concludes:

- 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 owners have lived there for twenty years, however, the proposed variance will enhance both the property and the neighborhood;
- b) the variance is substantial because the request is to have a side yard setback of 15 feet instead of the required 25 feet which is a 40% variance, but it is minimized by the renovation to make a side entry garage as required by Code and to eliminate the existing front entry garage;
- c) the essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance because it will modify the garage entrance to be a side entry which is a standard in Hudson, rather than the existing front entry garage;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property without knowledge of the zoning restrictions as the property was purchased in 1990 before the adoption of the Land Development Code in December 1999;
- 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 renovation would meet the Code's side entry garage requirements and the homeowners' need for additional space as per the construction drawings of

March 3, 2011, entitled "Teutsch; 5840 Nicholson Dr.; Hudson, OH 44236", attached hereto and incorporated herein by reference.

Mr. Dohner seconded the motion.

Roll Call:

Aye: Mr. Lewis, Mr. Dohner, Mr. Jahn, Mr. Lehman

Nay: None

Motion carried.

OTHER BUSINESS

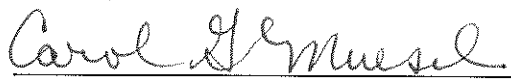
Ms. McMaster stated that the deadline for the April meeting was not until March 23 and to date we have not received any applications.

ADJOURNMENT

As there was no further business, Mr. Lehman adjourned the meeting at 9:45 p.m.



David W. Lehman, Chairman

David J. Lewis, Vice Chairman

Carol G. Muesel, Clerk