



Board of Zoning and Building Appeals
REGULAR MEETING NOVEMBER 18, 2010
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. Hojnacki, Mr. Jahn, Mr. Lewis, Mr. Lehman
Absent: Mr. Wise

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

Meeting minutes were taken by Carol Muesel, 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, Assistant City Solicitor. Mr. Hunt placed staff and all those persons in the audience wishing to speak under oath.

The October 21, 2010 Minutes were approved as amended and all members were in favor.

APPEALS DOCKET NO. 2010-16

This hearing has been called to consider Appeals Docket No. 2010-16, for 1230 Hunting Hollow Lane.

The subject of this hearing is a request for a variance of five (5) feet to the minimum side yard setback of seventy-five (75) feet, resulting in a master bedroom closet addition seventy (70) feet from the corner lot street side not designated as "front" pursuant to Section 1205.05(d)(5)(B), "Property Development / Design Standards" - "Setbacks": "All Other Developments - Case by Case Determination", established by Planning Commission".

The applicant is Mike Mitov, of Mitov Builders, Inc.; 451 River Bend Blvd.; Kent, Ohio representing the owners Dennis L. and Wendy R. Kleibscheidel; 1230 Hunting Hollow Drive; Hudson, Ohio.

Ms. McMaster gave an overview of the case stating the property is surrounded by single-family homes to the east and north, to the west is a dog kennel and the Ohio Turnpike to the south. She said the house was built in 1999 and the owners purchased the home in September 2010. Ms. McMaster said the addition of 7.2 feet by 12 feet will add to the master bedroom closet. Hunting Hollow Subdivision has a plat requirement of 75 feet for the side yard whereas District 2 normally has a 50 ft side yard setback for a corner lot unless otherwise established by the Planning Commission at time of approval.

Mr. Mitov said the home across the street would be the only neighbor that would see the addition. He said presently the homeowner has two 4 x 5 his and her closets.

Mr. Jahn confirmed that alternatives had been considered as Mr. Mitov said there was not room to increase the size of the closet within the bedroom and the homeowners also did not want to increase the size of the master bedroom. Mr. Mitov said there would be crawl space under the closet that could be accessed from the existing basement. Mr. Jahn confirmed with Mr. Mitov that the lot size was 2.5 acres. Mr. Mitov said the door accessing outside would be removed as no deck or patio would be built in the future.

Mr. Hojnacki had no questions.

Mr. Lehman inquired about the heating/air conditioning and the applicant said the existing heat/air would be moved into the closet.

Mr. Lewis said he had a few observations: A very large lot, a buffer zone between the side yard and Prospect Street, only the neighbors across the street would be impacted by the addition, and concluded that this request is a fairly easy issue for the Board.

Mr. Lehman commented that by removing the existing door on the elevation where the new addition would be located would be aesthetically more pleasing than steps or a deck on the side of the house.

Mr. Hojnacki made a motion to grant a request for a variance of five (5) feet to the minimum side yard setback of seventy-five (75) feet, resulting in a master bedroom closet addition seventy (70) feet from the corner lot street side not designated as "front". 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 primary use of the property can be maintained;

b) the variance is insubstantial because the overall amount of the variance is minor and the lot size is substantial;

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 lot size and distance from the neighbors;

- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property with knowledge of the zoning restriction;
- 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.

Mr. Lewis seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

APPEALS DOCKET NO. 2010-17

This hearing has been called to consider Appeals Docket No. 2010-17, for 7360 Valerie Lane.

The request is a variance from the requirement that an accessory structure shall not be located within a side yard pursuant to Section 1206.03(d)(3), "Accessory Use/ Structures - Development and Operational Standards" - "Side Setbacks".

The applicants and owners are Russ and Ellen Ackerman; 7360 Valerie Lane; Hudson, Ohio.

Ms. McMaster gave an overview of the case stating the house was built in 1971 and the owners purchased the home in April 2000. The existing porch enclosure received approval from BZBA for a rear yard variance on June 14, 1973. Ms. McMaster said the owner has indicated the existing porch is 31 feet from the rear property line. She stated the 665 square foot accessory structure would be used for office space and storage of kayaks and camping equipment. If the owner is using the office space for a home occupation, he would need to seek approval from the City. The accessory structure location will be 30 feet from the rear property line instead of the minimum required setback of 15 feet to prevent removal of mature trees.

Mr. Ackerman stated he is a manufacturer's representative for sporting equipment. He said the reasons for the proposed location of the detached garage is because there are large, mature beech trees that would have to be removed and he does not want to encroach on the wildlife area in his yard. Mr. Ackerman said the neighbors have written letters stating they have no objections with the variance request.

Mr. Hojnacki confirmed with the applicant that he had no intentions of building any additional accessory structures.

Mr. Lewis confirmed with the applicant that the detached garage would be at the end of the driveway and would have a garage door. The applicant stated that he had considered a breezeway, but Ms. McMaster had explained it would then be considered an addition which would encroach the required rear yard setback of 50'. Mr. Lewis confirmed with the applicant that there would be 180 square feet of office space and 485 square feet for a storage area and no plumbing or living quarters.

Mr. Lehman confirmed with the applicant that the storage area would not be open to the office and would be accessed by a door. Mr. Lehman said there is a second accessory structure on the property. Mr. Ackerman said it was a doll house built by the previous owner which is not visible in the summer due to the foliage. Mr. Ackerman said it could be removed if necessary, but Mr. Lehman said it did not need to be taken down.

Mr. Jahn made a motion to grant a variance from the requirement that an accessory structure shall not be located within a side yard. 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 existing improvements do provide reasonable living conditions;
- b) the variance is substantial because the accessory buildings are required to be placed in rear yards, not side yards;
- 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 proposed site will allow a substantial number of trees to remain on the property;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the owner purchased the property with knowledge of the zoning restriction;
- 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 result of building the accessory structure in the side yard is less intrusive to adjacent properties than if the project conformed to the Code requirement and was built 15 feet from the rear property line instead of the proposed 30 feet.

The variance is granted with the following condition:

- There shall be no living quarters for human habitation in the subject structure, now or in the future.

Mr. Lewis seconded the motion and amendments.

Roll Call:

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

Nay: None

Motion unanimously carried.

OTHER BUSINESS

The 2011 meeting calendar was approved by all members present.

Ms. McMaster stated that no applications were received for the December 16, 2010 meeting.

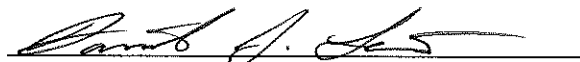
Mr. Lehman stated that Mr. Hojnacki would not be applying for a new term on the Board and the November meeting would be his last.

ADJOURNMENT

As there was no further business, Mr. Lehman gave the gavel to Mr. Hojnacki and Mr. Hojnacki adjourned the meeting at 8:25 p.m.



David W. Lehman, Chairman



David J. Lewis, Vice Chairman



Carol G. Muesel, Clerk