



Board of Zoning and Building Appeals
REGULAR MEETING APRIL 15, 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, Mr. Wise
Absent: None

Officials Present: Thomas E. King, Community Development Director; Kris McMaster, Associate Planner; 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 Tom King, Community Development Director, and Kris McMaster, Associate Planner, and R. Todd Hunt, Asst. City Solicitor. Mr. Hunt placed staff and all those persons in the audience wishing to speak under oath.

The January 21, February 18, and March 18, 2010 Minutes were approved as amended and all members were in favor.

Mr. Lehman requested that Appeals Docket 2010-58742, 2095 Ravenna Road, be heard first instead of 2010-58741 for 391 Barlow Road, as written on the Agenda, as Mr. Lewis had a conflict of interest and would recuse himself from the case.

APPEALS DOCKET NO. 2010-58742

This hearing has been called to consider Appeals Docket No. 2010-58742, at 2095 Ravenna Street.

The request is a variance of two-hundred and ninety-four (294) 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 with a total

gross floor area of 1,294 square feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards" - "Maximum Building or Structure Size".

The applicant is Richard Andrews and the owners are Richard and Ruth Andrews, 2095 Ravenna Street, Hudson, Ohio.

Ms. McMaster gave an overview of the case and stated the home was built in 1829 and the owners purchased the home on 1.2 acres in 1978. The owners are requesting to demolish the existing garage and build a 1,294 sq. ft. building in the same location. The owners stated they will use the garage for a woodworking hobby, car restoration, and a model train display on the first floor. The second floor would be used for storage, family tree history storage, and a game room. Ms. McMaster said the owners stated there would not be an impact to the neighbors due to a line of mature trees.

Mr. Andrews gave signed letters to the Board from immediate neighbors stating they had no objection with the project and the letters were entered into the record as Exhibit A.

Mr. Hojnacki asked why the additional square footage was needed and Mr. Andrews said the first floor existing garage was in terrible shape and he wanted a place for woodworking, car restoration, model train display and his wife's hobby of researching family tree history. Mr. Andrews stated that the building will not be very visible as the west side of the property has 30 or 40 tall trees. He also said the building setbacks from the rear and west side property lines are very comfortable and the structure will blend in well.

Mr. Jahn confirmed with the owner that a black walnut tree on the west side near the garage would have to be removed, but Mr. Andrews said he would be adding 4-5 new trees to the property. Mr. Jahn confirmed with Mr. Andrews that the building would have two floors and a 9' ceiling; and there would be electric, cable, telephone, and water.

Mr. Wise confirmed with Mr. Andrews that there would be gutters on the building that would slope to the west to a French drain which would then run to the storm sewer. Mr. Andrews said they had some water issues in the past.

Mr. Lewis asked Mr. Andrews to elaborate on his statement that large garages/barns were typical of the 1840's construction. Mr. Andrews said there probably was a barn and the original garage was under the house. Mr. Lewis stated the new accessory structure is quite large in comparison to the house. Mr. Andrews said there is quite a drop off in the property from the house to the garage and that helps to visually reduce the size of the garage. Mr. Lewis asked the height of the garage versus the height of the residence and also inquired about the cupola on top of the structure. Mr. Andrews said there was not a height issue and the only reason the cupola was added was because this detail complemented the dormers on the house. Staff said that a cupola is not figured into the height measurement of a structure. Mr. Lewis asked if thought had been given to a deeper garage instead of two garage doors facing the street. Mr. Andrews said the key

reason for the location is due to a water problem as there is a flat area behind the garage and a swale. Mr. Lewis again asked about alternate designs and Mr. Andrews said if the building was moved to the east a birch tree would have to be removed, and entering in from the west side is not feasible. He said they had considered several variations. Mr. King said he had measured the building height on the plan and it is 5' less than the maximum permitted height.

Mr. Lewis asked if a condition to tie-in downspouts was warranted and Mr. King said it was not an aspect of the Board's review and there is also over an acre of property. Mr. Wise stated that if there is a water problem it should not be made more of a problem. Mr. King said a condition could be added that the applicant would agree to take responsibility and make corrective measures. Mr. Lewis said that would be appropriate if there were to be an impact on a neighboring lot.

Mr. Andrews asked if he could address the comment that the water issue may be made worse. He said the old building did not have any gutters and the new building will have gutters to a drain that will run underground to the street.

Mr. Lewis made a motion to grant a request for a variance of two-hundred and ninety-four (294) 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 with a total gross floor area of 1,294 square feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards" - "Maximum Building or Structure Size". 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 currently being used but the variance will reasonably enhance the beneficial use of the property;
- b) the variance is insubstantial because of the large size of the house and the lot; the applicant is seeking balance between the size of the house and the size of the proposed accessory building and being mindful of the 1840's construction of the house with the proposed design and size of the accessory building;
- 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 as shown in photographs submitted to the Board, there is buffering along the property lines;
- d) the variance would not adversely affect the delivery of governmental services;

e) the applicant's predicament feasibly can be resolved through some method other than the variance;

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The variance was granted with the following conditions:

- The owner is to be responsible for any worsening of the current drainage issues caused by storm water;
- There shall be no living quarters for human habitation in the subject structure, now or in the future.

Mr. Hojnacki seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

APPEALS DOCKET NO. 2010-58741

This hearing was called to consider Appeals Docket No. 2010-58741, at 391 Barlow Road. The request is a variance of twelve (12) feet to the minimum rear yard setback of fifty (50) feet resulting in an attached garage addition thirty-eight (38) feet from the rear property line pursuant to Section 1205.04(d)(5)(D)(i), "Property Development/Design Standards - Setbacks Rear Yard".

The applicant and owner is Kristen A. (Northrup) O'Neil, 391 Barlow Road, Hudson, Ohio.

Mr. Lewis recused himself and left the room because of a personal interest with a neighboring property owner.

Ms. McMaster gave an overview of the case stating the owner wants to add a 30' x 22' addition to an existing garage. She said the owner indicated that two options were considered to determine the location of the additional garage space. The first was to construct a detached garage on the property where a variance would not be needed. This option would be entirely visible from the street and have a larger impact to the adjoining properties. The second option and proposed request is to add a garage addition to the existing garage requiring a 12' variance to the rear yard setback. The owner indicated to Ms. McMaster that although a variance would be required, the garage addition would be

consistent with the character of the neighborhood, and would not be significantly visible from the street since the new addition will be behind the existing garage.

Mr. Jahn confirmed with the owner that they currently have a two-car garage and the proposed addition will only have a one-car garage door. Mr. Jahn also confirmed with the owner that the addition will be one foot lower than the existing garage and will have the same roof line, with the gutters extending to the addition. The owner said storm water runoff goes to the center of the back yard and into a catch basin plus there is a drainage easement across the back of the property. The owner confirmed that the garage would be used for car storage.

Mr. Wise asked the location of the property at 356 Cheshire. Staff presented the Board with copies of a map showing the location of 391 Barlow, 356 Cheshire, and 340 Cheshire and it was entered into the record as Exhibit A. The property owner at 356 Cheshire wrote a letter April 7, 2010 in opposition to this variance based on drainage and flooding problems on his property. Mrs. O'Neil said the drainage problem is not caused by the O'Neil's property.

Mr. King said that he and Ms. McMaster met with Jeff Shiray, Public Works Department, and verified the applicants' statement. Mr. King said the blockage is to the west and is on a private storm sewer line.

Mr. Hojnacki asked the size of their home and of the garage. Ms. McMaster said the house is 2,416 square feet as shown on Summit County records, and the garage with the proposed addition will be 1,488 square feet. Mr. Hojnacki asked if any consideration had been given to stacking the cars. The owner said it will not work as they own too many cars and motorcycles.

Mr. Lehman said he did not see water problems being an issue and did not think they should be considered.

Mr. Wise asked if they had talked with their neighbors and the owner stated the neighbors on each side had no issues, but the neighbors behind their property had not been approached.

Mr. Jahn said he was in agreement with the variance as the owners can accommodate more necessary storage for the vehicles.

Mr. Wise stated that it seemed this variance would not impact the water situation.

Mr. King stated the water flows from left to right when looking to the rear of the subject property and drains away from the two properties as they are both uphill from the subject property. Mr. King said there would be no impact.

Mr. Jahn made a motion to grant a request for a variance of twelve (12) feet to the

minimum rear yard setback of fifty (50) feet resulting in an attached garage addition thirty-eight (38) feet from the rear property line pursuant to Section 1205.04(d)(5)(D)(i), "Property Development/Design Standards – Setbacks Rear 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. However, the use of the property will be reasonably enhanced by the granting of the variance. Alternate, permitted detached garage locations are restricted and limited due to a drainage easement in the rear of the property;
- b) the variance is insubstantial because it is only 12 feet and will result in the garage addition 38 feet from the rear yard setback;
- 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 new structure will not be visible from the adjoining properties;
- d) the variance would not adversely affect the delivery of governmental services;
- e) the applicant's predicament feasibly can be resolved through some method other than the variance i.e. a detached garage but to grant the variance is a better remedy;
- f) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The variance was granted with the following condition:

- Any future detached accessory structure built on the property shall not exceed 150 square feet of gross floor area.

Mr. Wise seconded the motion.

Roll Call:

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

Nay: None

Motion carried.


ADJOURNMENT

There being no further business, Mr. Lehman adjourned the meeting at 9:15 p.m.



David W. Lehman, Chairman

David J. Lewis, Vice Chairman


Frederick J. Jahn

Carol G. Muesel, Clerk