



Board of Zoning and Building Appeals
REGULAR MEETING MARCH 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. Jahn, Mr. Lehman, Mr. Wise (oath of office administered)
Absent: Mr. Hojnacki, Mr. Lewis

Officials Present: Kris McMaster, Associate Planner. R. Todd Hunt, Assistant City Solicitor (arrived at 7:35 p.m.)

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 placed her and all those persons in the audience wishing to speak under oath.

Mr. Lehman stated the January, February, and March minutes would be approved at the April meeting.

Mr. Lehman, being a notary public in Ohio, administered the oath of office to David E. Wise to his first full year term.

PUBLIC HEARING

NEW BUSINESS

APPEALS DOCKET NO. 2009-58720

This hearing was called to consider a variance of two-hundred and fifty (250) 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 1,250 square feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards" - "Maximum Building or Structure Size".

The applicants and owners are James and Janice Zockoll, 1833 E. Hines Hill Road, Hudson, Ohio, for the property located in District 1 (Suburban Residential Neighborhood).

Ms. McMaster gave an overview of the case stating the house was built in 1951 and the owners purchased the property of 9+ acres in June, 2008. The owners are requesting to demolish an existing accessory structure barn built in the 1950's and replace it with a larger accessory structure in the same location. The owners have indicated they would like to restore the property back to housing horses and need the additional 250 square feet of space for equipment. The building would be located with a minimum setback of 275 feet from the neighboring buildings.

Mr. Zockoll said the existing building is 750 square feet and is in disrepair. The additional space for the proposed new barn is to be able to store a tractor with a front end loader and blade, a 24' boat, equipment and vehicles.

Mr. Jahn asked if the barn would be any higher than the original and Mr. Zokoll responded 2' or 3' higher. Mr. Jahn confirmed that the barn would have a foundation and a concrete floor. He also confirmed that they will have three or four horses.

Mr. Wise asked if Mr. Zockoll had received any letters and if he had discussed this with the neighbors and his answer was no. Mr. Wise asked if a third building had been considered, but Mr. Zockoll stated that because the building was in disrepair they had not considered building a third building.

Mr. Lehman confirmed with the applicant that there would be electric in the accessory structure, but no water or gas. Mr. Lehman confirmed with the applicant that the horses would be able to roam as there are pastures. Mr. Lehman confirmed with the applicant that there would not be any living quarters in the barn.

Mr. Jahn asked the condition of the larger barn and Mr. Zockoll said, "it's not bad". He said some improvements have been made with the stalls and the tack room. Mr. Jahn confirmed with the applicant that there would be very little difference in the appearance to the neighbors.

Mr. Jahn made a motion to grant a variance of two-hundred and fifty (250) 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 1,250 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 variance is insubstantial because although it is 25%, the property is over 9 acres;
- b) 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;

c) the variance would not adversely affect the delivery of governmental services;

d) the applicant purchased the property with knowledge of the zoning restrictions;

e) the applicant's predicament feasibly cannot be resolved through some method other than the variance; and

f) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance as it will have a minor impact on the neighborhood.

For all of the above reasons, I move that the variance be granted with the following condition:

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

Amendments were made to the motion changing, "the property was purchased with knowledge"; "the property will yield a reasonable return" was eliminated as Mr. Hunt clarified that it is not always necessary to state this condition; and "adding the condition that there would be no living quarters for human habitation". Mr. Jahn changed his motion to reflect the amendments.

Mr. Wise seconded the motion and amendments.

Roll Call:

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

Nay: None

Motion was carried.

ADJOURNMENT

There being no further business, Mr. Lehman adjourned the meeting at 8:12 p.m.



David W. Lehman, Chairman



Carol G. Muesel, Clerk