

**Board of Zoning and Building Appeals**  
**REGULAR MEETING OCTOBER 20, 2011**  
**7:30 P.M. TOWN HALL 2<sup>ND</sup> FLOOR**  
**27 E. MAIN STREET HUDSON, OHIO**  
**MINUTES**

Vice-Chairman Lewis 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 2<sup>nd</sup> Floor Meeting Room of Town Hall, 27 E. Main Street, Hudson, Ohio.

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

Officials Present: Kris McMaster, Associate Planner and Aimee W. Lane, 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. Lewis, Vice Chairman, presided over the meeting in Mr. **Lehman's** absence. He introduced Kris McMaster, Associate Planner, and Aimee W. Lane, Assistant City Solicitor. Ms. Lane placed staff and all those persons in the audience wishing to speak under oath.

Mr. Dohner made a motion to approve the July 21, 2011 Minutes as written. Mr. Wise seconded the motion and all members present were in favor. After some discussion regarding the lengthy transcript for 131 Keswick Drive, Mr. Wise made a motion to reconsider the July Minutes and withdraw the approval referring them to the November meeting. Mr. Dohner seconded the motion and all members present were in favor.

**APPEALS DOCKET NO. 2011-14**

This hearing has been called to consider Appeals Docket No. 2011-14 for 112 Parmelee Drive, Hudson, Ohio. The request is for a variance of six (6) ft from the fifteen (15) ft side yard setback requirement to permit the construction of a deck and porch addition resulting in the structure being (9) ft from the side property line pursuant to Section 1205.06(d)(5)(D)(i)Property Development/ Design Standards - Minimum Side Yard **Setbacks**".

property owners, Guy A. and Ruth E. Wylie, 112 Parmelee Drive; Hudson, Ohio.

Ms. McMaster gave an overview of the case stating that the house was built in 1972 and the owner purchased the property in January 1990. She said the owners propose to replace an existing deck increasing the dimension of the structure to the rear and adding a porch roof. The new deck and porch is proposed to be 18' x 16' (288 sq. ft.). Ms. McMaster said that The Village Planning and Zoning Code required a minimum side yard setback of (8) feet, then the Land Development Code adopted in 1999 changed that setback to (15) feet. Although the proposed deck is to be larger than the existing deck, it will extend no closer than the present setback of (9) feet. The owner has indicated that the deck will only be visible to one neighbor, Ms. Heidi Blakeway-Phillips, 118 Parmelee Drive, who has submitted a letter indicating no objections.

Mark Babarick, contractor, briefly stated that the owners want to do a portion of the deck with a roof and the deck and porch will be no closer than the existing deck to the side property line.

Mr. Jahn confirmed that the current deck will be replaced plus the addition of an extension which will be under roof. Mr. Jahn also confirmed with Mr. Wylie that the landscaping at the back of the deck will be removed and new landscaping will be installed. Mr. Wylie said it was not likely that the existing deck would be enclosed.

Mr. Dohner confirmed with Mr. Wylie that turning the porch sideways was not an option. Mr. Wylie said they have an overall back yard plan, but it would not be done in the near future. Mr. Dohner confirmed with Ms. McMaster that the overhang going beyond the footprint was not an issue.

Mr. Wise confirmed with the owner that the gutters will be tied into the existing gutters on the house. Mr. Wylie said the gable of the roof will be centered over the existing patio door.

Mr. Lewis closed the public portion of the meeting. Mr. Jahn said it was an interesting and unique approach to a deck porch and it will enhance the property.

Mr. Dohner agreed and said that his earlier suggestion of turning the porch sideways was impractical.

Mr. Wise stated it was a good point about the symmetry of the roof and patio door.

Mr. Jahn made a motion to approve a variance of six (6) ft from the fifteen (15) ft side yard setback requirement to permit the construction of a deck and porch addition resulting in the structure being (9) ft from the side property line.. 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 nature of the property is residential and that use is substantial, but the variance will enhance the property and the neighborhood;

b) the variance is insubstantial because the existing (9) foot side yard setback of the original deck will remain with the construction of the new deck and porch. An (8) foot minimum side yard setback was required by the Village Planning and Zoning Code which was in effect until 1999 when a new Code was established;

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 there will be no change to the existing setback of the original deck with the construction of the new deck and porch;

d) the variance 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 variance; and

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because there will be no change to the existing setback and the new construction will enhance the design of the home and the neighborhood.

Mr. Dohner seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

## **APPEALS DOCKET 2011-15**

This hearing has been called to consider Appeals Docket No. 2011-15 for 44 Owen Brown Street. The request is a variance of ten (10) feet, six (6) inches to the minimum front yard setback of thirty-five (35) feet to permit a porch addition resulting in the structure being twenty-four (24) feet, six (6) inches from the front property line pursuant to Section 1205.07(d)(6)(A)(i)Property Development/ Design Standards - "Minimum Front Yard Setbacks".

The applicants and owners are Stephen J. and Lauren Donatelli, 44 Owen Brown Street; Hudson, Ohio.

Ms. McMaster gave an overview of the case stating that the property was located in District 4-Historic Residential Neighborhood. Single family homes surround the property with Heinen's Grocery Store parking lot to the south. Ms. McMaster stated the

house was built in 1883 and the owners purchased the house in May 2006. She said the existing front yard setback is non-conforming at a (32) foot setback when the code requires (35) feet. Ms. McMaster said the porch addition will result in a front yard setback of nearly twenty-four (24) ft six (6) inches) and the porch will extend across the entire front of the house and will wrap ten (10) feet around the east side of the house. **The owners have stated that the porch will not extend further than the neighbors' porch** and will improve the value of their home and be within the architectural landscape and character of the neighborhood.

Mr. Donatelli said their home was turned around when it was moved from across the street in 1919. He gave the Board a list of signatures from the nine neighbors who are in agreement with their request and was made part of the record as Exhibit A.

Mr. Wise had no questions.

Mr. Dohner confirmed with the owner that they had not been aware the house was turned when it was moved from across the street. Mr. Dohner asked if they had considered another location for the porch and the owner stated that a porch on the rear of the house would encroach on the rear yard setback.

Mr. Jahn confirmed with the owner that he wanted a front door entrance to provide more curb appeal and improve the value of their house. Mr. Jahn asked what renovations were being done and Mr. Donatelli said the foyer and breakfast area are being renovated, and moving the master bedroom is being moved upstairs. Also a new side door is being added for direct access from the garage into the house.

Mr. Wise had no questions.

Mr. Jahn said there are numerous renovations being done in the house. He said the request is not substantial and it will match the porch distance of the neighbors.

**Mr. Dohner agreed with Mr. Jahn's comments. He said this addition will add cohesiveness and there is not another place to build a porch.**

Mr. Lewis said he also agrees with the comments.

Mr. Dohner made a motion to grant a variance of ten (10) feet, six (6) inches to the minimum front yard setback of thirty-five (35) feet to permit a porch addition resulting in the structure being twenty-four (24) feet, six (6) inches from the front property line pursuant to Section 1205.07(d)(6)(A)(i), "Property Development/ Design Standards" - "**Minimum Front Yard Setbacks**", of the City of Hudson Land Development Code. 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 but there are some limitations on the outdoor use of the property, and the proposed renovations which require the variance will make the appearance of the house consistent with other homes on the street;

b) the variance is insubstantial because the renovations are fully in character with other homes on the street;

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 again, the renovations are in character with other homes on the street and furthermore, the applicant has submitted a petition signed by many of his neighbors in support of the variance;

d) the variance 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 variance; and

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

Mr. Wise seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

## **OTHER BUSINESS**

Ms. McMaster discussed the November Docket.

## **ADJOURNMENT**

As there was no further business, Mr. Lewis adjourned the meeting at 8:45 p.m.

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David J. Lewis, Vice Chairman

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Carol G. Muesel, Clerk