



**Board of Zoning and Building Appeals**  
**REGULAR MEETING May 17, 2012**  
**7:30 P.M. • Town Hall • 2<sup>nd</sup> Floor**  
**27 East 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 pm. in the 2<sup>nd</sup> Floor meeting Room of Town Hall, 27 East Main Street, Hudson, Ohio.

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

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

Meeting minutes were taken by Denise Soloman, 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 Aimee W. Lane, Assistant City Solicitor.

Mr. Lehman placed staff and all those persons in the audience wishing to speak under oath.

Mr. Lewis made a motion to approve the April 19, 2012 minutes as amended. Mr. Dohner seconded the motion and all members present were in favor.

Mr. Lewis made a motion to give a Proclamation of Thanks to Carol Muesel who has served this board as Board Clerk for fifteen years. He recognized her diligent service and the tremendous support given to the Board over the years. He extended the Board's congratulations on retirement and many years of good wishes. Mr. Dohner seconded the motion and all members were in favor.

PUBLIC HEARING

UNFINISHED BUSINESS

APPEALS DOCKET NO. 2012-07

Mr. Lehman stated that this case was called to consider Appeals Docket No. 2012-07, 2222 East Streetsboro Street which was continued from the April 19, 2012 meeting. The applicant is Zach Goebelt of Complete Outdoor Solutions. The request is for a variance of (4) feet to the maximum height of a driveway entrance wall and pillars.

Mrs. McMaster gave an overview of the case and stated that additional information and photographs were provided by the applicant, as well as the minutes from the previous meeting were included in the packet.

Mr. Jahn asked the applicant to describe the project and summarize the reason for the variance request. Mr. Goebelt stated that every property in Hudson was unique and he felt that due to the size and location of this lot and the nature of this property, the proposed wall was appropriate. He said that the total height would be eight feet; however, the top three feet would be four open arches with an integrated light fixture. He pointed out that across the street at 2229 East Streetsboro Street the existing entry wall measured 9'1" from ground level. Mr. Jahn asked for the thickness of the proposed wall. Mr. Goebelt stated that the wall was 26" at the base and would taper to 14" at the top.

Mr. Dohner said that he could appreciate wanting a wall greater than four feet, but asked why the request was for eight feet not six or seven feet. Mr. Goebelt said that if the pier were to be lower the actual light fixture would be visible. He said that the light fixture as proposed was incorporated within the pier with arches to mimic the main house.

Mr. Dohner stated that pillars could be aesthetically pleasing at a lower height and asked if there was a structural need for an eight foot pillar. Mr. Goebelt replied no, the requested height is due to the function of the arches with the light fixture, not building restrictions. He said that it was a unique design that he created and he had not built anything like this project before.

Mr. Dohner said that a new house on Hines Hill Road incorporated a six or seven foot entry wall that seemed to function well. He questioned if it made a difference that the house at 2222 East Streetsboro Street was setback much further. Mr. Goebelt said that there was a difference since this house was not visible from the street. He said that the proposed design would give an architectural feel to the entry.

Mr. Dohner asked in terms of grade changes, would the wall follow the grade or would the height of the wall remain the same. Mr. Goebelt said that the fence height would remain the same and follow the existing contours of the land.

Mr. Lewis asked if any information was available on security issues with emergency services response and access. Mr. Goebelt confirmed that emergency vehicle access would be investigated.

Mr. Lewis asked if the balance of the fence other than the step up to the pillar would be four feet in height. Mr. Goebelt said that he would prefer to gradually increase the fence height to the pillar. Mrs. McMaster reminded that board that the design had not been approved by the Architectural and Historic Board of Review and the request focused on the proposed height.

Mr. Lehman asked if the lamps in the pillars being visible on all sides would be distracting to drivers. Mr. Goebelt stated that at this height the fixture would create ambient light and it would not be a distraction.

Mr. Lehman opened the meeting to public comment. There were no comments and the public portion of the meeting was closed.

Mr. Lewis stated that having the clay model was helpful since it represented the amount of air created by the arches above five feet tall and was a good example of how an eight foot pillar could be justified with the proposed light fixture.

Mr. Jahn said that the size of the property and the significant amount of frontage were also considerations.

Mr. Lewis asked the applicant to clarify the height of the fence in terms of the pillar and the extent of the variance. Mr. Lehman asked if five foot columns would be proposed at the ends of the fence when proposed. Mrs. McMaster stated that the request was for the entry along the driveway and they had not advertised for a variance to the fence height at the corners. Mr. Goebelt said that the height of the pillars would be eight feet with walls tapering to a five foot pillar with an inside radius of (15) feet. He clarified that the length of the wall from the inside edge of the (8) foot pillar to the inside edge of the (5) foot pillar would be (15) feet.

Mr. Lewis made a motion to grant a variance of (4) feet to allow a pillar height of up to (8) feet for the pillars on either side of the driveway, then a distance of (15) foot radius and up to (5) feet for subsidiary pillars pursuant to Section 1206.03 (5), Accessory Uses/Structures-Residential Fences and Walls". The Board finds and concludes that the variance is granted with the condition that the height of the wall and pillars will be further described in a diagram submitted to the Community Development Department by the applicant:

- 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 used as a residence;
- b) the variance is insubstantial because of the lot size and amount of frontage of the property and the location of similar pillars across the street on the north 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 of the larger lot size and the presence of another higher pillar across the street;

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 might be resolved through some method other than the variance, but consideration was given to the size of the property and the amount of open air proposed with the light source located within the pillar, and

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

Mr. Dohner seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

#### APPEALS DOCKET NO. 2012-08

Mr. Lehman said that this hearing was called to consider Appeals Docket No. 2012-08. The applicant and owner is Americo Cornacchione Trustee, 4420 High Ridge Trail, Akron OH 44333.

The request is a variance to the requirement that sidewalks be provided on both sides of the street on District 1 resulting in the deletion of sidewalks.

Mrs. McMaster gave an overview of the case stating that the owner purchased the property in 1990 and received final plat approval for Fossalto Acres, a four lot subdivision, from Planning Commission on April 13, 2009. She explained that the applicant was requesting to match the adjacent subdivision Weston Place which did not incorporate sidewalks. She stated that the applicant was trying to complete the improvement plans, and sidewalks were the only improvement not installed.

Mr. Lewis said that typically an applicant would have one year to act on the variance; however, in this case the variance would relieve the requirement forever. Mrs. Lane said that in this situation, the applicant would fulfill the variance by not acting.

Mr. Lewis asked why the variance would not apply to each new house. Mrs. McMaster commented that the street needed to be dedicated prior to review of a new house. Mrs. Lane said that the developer has an obligation to install public improvements and the City would not accept them for dedication until all

improvements were complete. Mrs. McMaster said that the timeframe for completion of these improvements was October 2012.

Mr. Cornacchione provided additional photographs and aerial views of the area showing Fossalto Acres in relation to the adjacent subdivisions. He stated that there were seven other similar cul-de-sacs in this area that all looked essentially the same. He pointed out the location of the pedestrian/bike path for access to the park and said that people would not likely walk around the circle to get to the path even if the sidewalks were to be installed. He said that he has owned this land since 1990 and intended to develop the land for his personal use.

Mr. Dohner agreed that people were more likely to walk through the cul-de-sac to get to the path than to walk around a sidewalk. He asked staff who would be responsible for maintaining the path. Mrs. McMaster said that Park Board would maintain the path and it was a top priority for them at this time.

Mr. Lewis questioned the status of the installation of sidewalks for the balance of the neighborhood and asked what residents could do if they wanted to add sidewalks. Mrs. McMaster said that she did not have knowledge of the status of sidewalk installations in Hudson and that it was handled by the Engineering Department. She stated that if 50% of residents wanted sidewalks, the Engineering Department would determine the cost and the owners would be assessed. Mr. Cornacchione stated that he was not aware of a petition to add sidewalks in the area and pointed out that the existing culverts would need to be covered and curbs incorporated, so the work would be extensive.

Mr. Jahn asked staff to confirm that there were no sidewalks in the neighborhood. Mrs. McMaster said that this area was in the former township and sidewalks and curbs were not required. This would be the first sidewalk installation in the neighborhood.

Mr. Jahn said that this Code became effective in 1999 and asked when the property was purchased. Mr. Cornacchione said that he bought the property in 1990.

Mr. Jahn asked for the distance from the cul-de-sac to the park. Mrs. McMaster stated that the distance was 147.92 feet. Mr. Jahn stated that sidewalks may be beneficial if people will be using the cul-de-sac for parking to get to the park.

Mr. Jahn asked if any of the lots had sold. Mr. Cornacchione stated no lots were sold and he planned to keep them for his use.

Mr. Lehman opened the meeting to any public comment. There were no comments and Mr. Lehman closed the public portion of the meeting.

There was discussion on what would happen to these four lots if the variance was granted and then 50% of the neighborhood petitioned for sidewalks. It was determined that a condition could allow the variance to be abated in this situation.

Mr. Dohner made a motion to grant a variance to the requirement that sidewalks be provided on both sides of the street resulting in no sidewalks in the subdivision. The Board finds and concludes that the variance is granted with the condition that this variance shall not in any way limit the authority of the City to install sidewalks by an assessment process.

a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance;

b) the variance is insubstantial because the adjacent neighborhood does not have sidewalks and the cost to the developer to install sidewalks would be at least \$12,000;

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 to the contrary, the neighborhood would be altered by requiring sidewalks since the other streets in the adjacent neighborhood presently do not have sidewalks;

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

e) the owner purchased the property in 1990 without knowledge of the zoning restrictions since the code change occurred in 1999 after the property was purchased;

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 not only would no sidewalks blend into the area, the likelihood that sidewalks would be used at these four lots is small and so requiring the developer to install them here would not forward the code requirement.

Mr. Jahn seconded the motion.

Roll Call:

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

Nay: None

Motion unanimously carried.

OTHER BUSINESS

Mrs. McMaster said that there were no cases for the June docket at this time; however, the deadline to apply was May 23, 2012. She added that attendance issues were possible for some board members and the meeting may be postponed or rescheduled.

ADJOURNMENT

Mr. Lewis made a motion to adjourn the meeting. Mr. Dohner seconded the motion and all members present were in favor.

Hearing no further business, Chairman Lehman adjourned the meeting at 9:15 p.m.

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David W. Lehman, Chairman

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David J. Lewis, Vice Chairman

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Denise M. Soloman, Board Clerk