



**Board of Zoning and Building Appeals**  
**REGULAR MEETING September 27, 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, Mr. Wise  
Absent: None

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.

The board reviewed the minutes of the May 17, 2012 meeting and unanimously approved them as submitted.

**PUBLIC HEARING**

**APPEALS DOCKET 2012-12**

Mr. Lehman stated that this case was called to consider the continuation of Appeals Docket No. 2012-12. The applicant and property owner is LDA Builders, Inc., 6683 Olde Eight Road, Peninsula, Ohio for the property located at 1817 Norton Road. The request is for variances to the requirement that cul-de-sacs should not exceed a maximum length of 600 feet

and to the requirement that dead-end streets may not exceed 600 feet in length without a second point of access with an approved connection to another public street.

Mr. Dohner made a motion to continue this case indefinitely and requested that staff keep the board updated as to the status and the need for further action. Mr. Lewis seconded the motion.

Roll Call: Aye: Mr. Lewis, Mr. Dohner, Mr. Jahn, Mr. Wise, Mr. Lehman  
Nay: None

Motion unanimously carried.

### APPEALS DOCKET 2012-15

Mr. Lehman said that this hearing was called to consider Appeals Docket No. 2012-15, 38 Division Street. The applicant is Paul Palumbo, 6556 Stone Road, Hudson, Ohio 44236 and the property owners are Brian McMahan and Megan Filips, 38 Division Street, Hudson Ohio 44236. The request is a variance of two (2) feet to the minimum side yard setback of four (4) feet to construct a detached garage resulting in a two (2) foot side yard setback pursuant to Section 1205.07(d)(6)(B)(v), "Minimum Side Yard Setback-Accessory Structure", a variance of three (3) feet to the requirement that the edge of a driveway shall be three (3) feet from an adjacent property line, and a variance of thirteen (13) percent more than the maximum impervious surface coverage of an individual single family home in District 4 of sixty (60) percent of the total gross area of the underlying lot.

Mrs. McMaster gave an overview of the variance requests and described the proposed accessory structure and concrete driveway. She stated that the code requirement for impervious surface in this zoning district was recently changed from forty (40) to sixty (60) percent due to the smaller lot sizes in this district.

Mr. Palumbo explained the existing conditions on the property and the need for the variances to replace the existing detached garage which was in poor condition. He said that a fire resistant material could be used on the wall adjacent to the structure on the neighbor's property as suggested by the fire department.

Mr. Jahn asked why the garage could not be built and still comply with the required setback. Mr. Palumbo stated that due to the size of the lot, it would not be possible to pull a car into the garage. Mr. Jahn asked staff to explain the purpose of the 60% impervious surface requirement. Mrs. McMaster said that the purpose was to preserve green space and storm water management. Mr. Jahn asked if a concrete driveway could be installed so that storm water runoff could be directed. Mr. Palumbo replied, yes, the water could be directed to the storm water system.

Mr. Wise asked staff how the building materials would be verified if installation of the fire resistant material was part of the variance. Mrs. McMaster stated that this would be up to the

property owner since this was only a suggestion by the fire department. Mrs. Lane said that the applicant has already indicated that this material was being considered.

Mr. Lewis asked how the width of the proposed driveway compared to the width of a car, and if the possibility of a shared driveway with the neighbor had been considered to reduce the amount of impervious surface. Mr. Palumbo stated that the full width of the proposed driveway was necessary for a typical car. He said that they had not considered a shared driveway; however, it was probably not an option. Mr. Lewis asked staff the reason for the three foot driveway setback. Mrs. McMaster stated that there have been issues with matters such as snow removal and basketball hoops on areas without the three foot setback. Mr. Palumbo stated that there was no room to incorporate the three foot setback on this property.

There was discussion on the impact of a gravel driveway on the total impervious surface, the issue of snow removal and the possibility of a front entry garage. Mr. Palumbo commented that due to the proximity the house a second car would not be able to pull in a front entry garage.

Mr. Lehman opened the meeting to public comment.

Carl Kotheimer, 45 Division Street, said that he could not imagine anyone moving into the core historic district without understanding the limitations. He stated that he has seen incremental changes made over time resulting in the paving over of the historic district and creating drainage issues. He pointed out an example of a house where additions and a detached garage were approved over time and now they have vast quantities of runoff water during a rain. He said that this caused him to install a drain on his own property to address the issues created by his neighbor. He added that he was certain there was a better solution than a concrete driveway and alternatives should be considered.

Nora Jacobs Snider, 34 Division Street, said that the existing conditions have been accurately described by the applicant and she thought the project was acceptable as presented.

Mr. Lehman closed the public portion of the meeting.

Mr. Dohner said that he thought the garage size and placement were understandable; however, he was not convinced that a paved driveway was necessary. He said that he understood that there were more conveniences with a paved surface over gravel. Mr. Lehman commented that maintaining grass up the middle of the driveway would lower the impervious surface. There was further discussion on the rates of absorption of gravel compared to concrete surface.

Mr. Palumbo stated that there was a possibility of using a more pervious material.

Mr. Lehman reopened the meeting to public comment for additional information on alternate driveway materials.

Mrs. Hallie Bowie, architect for New Leaf Home Design, commented on different paved surface materials and said that LEED (Leadership and Energy in Environmental Design) standards of perviousness could be used for evaluating materials.

Mr. Lehman closed the public comment.

Mr. Palumbo stated that the property owners were withdrawing the request for variances for a side yard setback to install a concrete driveway and impervious surface coverage at this time.

Mr. Jahn made a motion to grant a variance of two (2) feet to the minimum side yard setback of four (4) feet to construct a detached garage resulting in a two (2) foot side yard setback pursuant to Section 1205.07(d)(6)(B)(v), "Minimum Side Yard Setback-Accessory Structure" with the following condition:

- No living quarters for human habitation are permitted in the subject accessory structure detached garage, now or in the future.
- 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 condition of the current garage is poor and improvements are necessary, and granting the variance will enhance the usefulness of the property;
  - b) the variance is insubstantial because of the nature of the small lots in the Historic District; even a small variance seems large due to the percentage;
  - 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 garage will not vary significantly from the existing garage;
  - 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;
  - g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance due to the overall insubstantial nature of the improvements to the property.

Mr. Lewis seconded the motion.

Roll Call:     Aye:   Mr. Dohner, Mr. Lewis, Mr. Wise, Mr. Jahn, Mr. Lehman  
                  Nay:   None

Motion unanimously carried.

APPEALS DOCKET NO. 2012-16

Mr. Lehman stated that this case was called to consider Appeals Docket No. 2012-16, 54 Cohasset Drive. The applicant is Hallie Bowie, Architect for New Leaf Home Design, 1792 Brookshire Road, Akron, Ohio 44313, and the property owners are Michael A. and Tamara K. Chandler. The requests are for 1] A variance of two (2) feet to the minimum side yard setback of fifty (50) feet resulting in a garage addition forty-eight (48) feet from the street not designated as the front pursuant to Section 1205.06(d)(5)(D)(v), Property Development/Design Standards – Minimum Side Yard Setback-Residential Corner Lots”, 2] a variance from the requirement that doors of attached garages are not permitted to face the street to permit a three car attached garage pursuant to Section 1205.06(d)(9)(D)(i), “Building Siting and Orientation-Private Garages”, and 3] Appendix D, III-1(a)(4), “Architectural and Design Standards-General Standards for all buildings” Attached garages shall not face the street. Mr. Lehman stated that there were letters from neighbors in support of the variance included in the board member’s packets and one provided to the board at the meeting.

Mrs. McMaster provided an overview of the case and clarification that the requirement that doors of attached garages shall not face the street was both a Land Development Code requirement and a design standard, so two variances were being considered. Mrs. Lane confirmed that they could be reviewed and voted on jointly.

Mrs. Hallie Bowie of New Leaf Home Design described the project and the need for the proposed variances. She pointed out that the front door of this house was not used since it was not visible and located a considerable distance from the driveway. She added that relocating the front door to be more approachable was not practical due to the interior layout of the house. She said that the proposed location of the driveway to the side would provide beneficial use of the front door and there was existing landscaping to screen the view of the garage from Warrensburg Circle.

Mr. Lehman opened the meeting to public comment.

Mr. Chris Clegg, 48 Cohasset Drive, presented a written statement in support of the variance and requested that it entered into the formal record to form the basis for appeal if the variance were to be denied. He stated that as a former member of the Architectural and Historic Board of Review, he thought this was a misinterpretation of the code and no variance was needed. The statement of support is attached to the record copy of the minutes.

Mr. Stan Debro, 32 Warrensburg Circle, said that this house stood vacant and in disrepair for many years before the current owners purchased the property. He said that the new owners have put in a tremendous amount of work to improve the house and landscape and that he was in support of the variance.

Mr. Lehman closed the public portion of the meeting.

Mr. Lewis asked if the primary reason for the request was the use of the front door. Mrs. Bowie stated that use of the back yard would also be improved due to the increased green space created by relocating the driveway.

Mr. Dohner stated that the concern is with the garage doors facing the street and questioned why the current plan was chosen over adding a third garage bay. Mrs. Bowie said that the design was chosen so that people would choose to use the front door of the house from the driveway. She added that this option creates additional rear yard space and improves the view from the sunroom.

Mr. Lewis stated that Mr. Clegg presented an alternate interpretation of the code and asked Mrs. Lane to consider those points. Mrs. Lane stated that Mr. Clegg made valid points and an argument could be made either way. She referred to the section of the Architectural and Design Standards and the Land Development Code where this requirement appears. She stated that there should be added language if these requirements should not apply to corner lots.

There was further discussion on whether a variance was needed and it was determined that the variances were valid.

Mr. Lewis made a motion to grant 1]A variance of two (2) feet to the minimum side yard setback of fifty (50) feet resulting in a garage addition forty-eight (48) feet from the street not designated as the front pursuant to Section 1205.06(d)(5)(D)(v), Property Development/Design Standards – Minimum Side Yard Setback-Residential Corner Lots”, 2] a variance from the requirement that doors of attached garages are not permitted to face the street to permit a three car attached garage pursuant to Section 1205.06(d)(9)(D)(i), “Building Siting and Orientation-Private Garages”, and 3] Appendix D, III-1(a)(4), “Architectural and Design Standards-General Standards for all buildings” Attached garages shall not face the street.

- 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 appearance and functionality of the property will improve by reducing the amount of impervious surface and enhancing the access to the front door;
- b) the variance is substantial because of the placement of the garage doors facing the street and insubstantial because of the setback to the street not designated as the front property line;
- 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 increased green space in the rear yard as a result of relocating the driveway would enhance the character of the neighborhood;
- 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;

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because of the improved functionality of the residence and the more pleasing visual presence created for the neighborhood.

Mr. Dohner seconded the motion.

Roll Call:     Aye:  Mr. Jahn, Mr. Wise, Mr. Dohner, Mr. Lewis, Mr. Lehman  
              Nay:  None

Motion unanimously carried.

### **OTHER BUSINESS**

Mrs. McMaster commented on the three cases for the October 18, 2012 meeting.

### **ADJOURNMENT**

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

Hearing no further business, Chairman Lehman adjourned the meeting at 10:03 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