



**Board of Zoning and Building Appeals**  
**REGULAR MEETING May 16, 2013**  
**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 and Mr. Wise (entered the meeting at 7:35)

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, Mark Richardson, Community Development Director and Aimee W. Lane, Assistant City Solicitor.

Mrs. Lane placed staff and all those persons in the audience wishing to speak under oath.

Mr. Lehman stated that Appeals Docket No. 2012-03 at 7941 Valley View Road for variance requests to the maximum height and square footage of an accessory structure was withdrawn by the applicant prior to the meeting.

APPROVAL OF MINUTES

Mr. Dohner made a motion to approve the February 21, 2013 minutes as submitted. Mr. Jahn seconded the motion and all members present were in favor.

Mr. Wise entered the room at 7:35 p.m.

## PUBLIC HEARING

### APPEALS DOCKET NO. 2013-04

Mr. Lehman said that this hearing was called to consider Appeals Docket No. 2013-04. The applicants are Toby and Kelly Shurden, 353 West Streetsboro Street, Hudson, Ohio 44236 for the property owner Theodore H. Knight Trustee, 670 Terex Road, Hudson, Ohio 44236.

The requests are variances to allow an accessory structure, barn. 1] A variance of three (3) feet six (6) inches to the maximum height requirement of sixteen (16) feet resulting in a mean building height of nineteen (19) feet two and one quarter (2.25) inches; and 2] a variance of four hundred thirty-five (435) 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 1,435 square feet.

Mrs. McMaster referred to the staff report and gave an overview of the application. She described the property and the existing and proposed structures.

Mr. Toby Shurden stated that the property at 670 Terex Road currently had five fenced acres for five horses. He said that the size of the proposed barn is dependent on incorporating 12' x 12' stalls and adequate height for the storage of hay. Research on the appropriate barn and stall dimensions was provided to the Board. Mr. Shurden said that one large structure was preferable to two smaller structures due to energy efficiency, the convenience of having the hay in the same structure as the horses, and the narrow property lot width.

Mr. Jahn asked what utilities were proposed for the barn. Mr. Shurden stated that the barn would have water, natural gas and electricity. He added that because of Ohio weather, the horse barn would need to be heated. Mr. Jahn asked if the applicant considered any alternate designs. Mr. Shurden stated that two, one thousand square foot barns were considered; however, due to the narrow lot size and a creek located on the property the placement of two structures was not feasible. He commented that the proposed location had the highest elevation on the property. Mr. Jahn asked if there were any plans to add a gravel or paved road back to the barn. Mr. Shurden stated that a u-shaped drive would be added around the house and back to the street for horse trailers. Mr. Jahn questioned why six stall were proposed when only five horses would be on the property. Mr. Shurden indicated that one stall could be used for birthing. Mr. Jahn asked what the applicant did with the horses and if any neighbors also kept horses. Mr. Shurden stated that he trained and sold horses. He added that his neighbor boarded five horses on his property.

Mr. Lewis asked the applicant to confirm that there would be five horse stalls and a birthing stall. Mr. Shurden stated that was correct and explained that the panel configuration could be changed. He added that if the Board was concerned with the number of horses to be kept on the property, the land could not support more than five horses.

There was discussion on the height of the proposed barn compared to the existing house and the visibility of the barn from the street. Mr. Shurden commented that even though the barn would be located on the highest part of the property behind the house, the land tapered down from the street and the barn would be 100 yards directly behind the house.

Mr. Lewis asked if there were any trees on the property that would screen the view of the barn from the street. Mr. Shurden stated that the existing trees would not screen the view from the street; however, they would provide screening for the neighbors. Mr. Lewis asked if the hay could be stored on the floor level. Mr. Shurden stated that the entire floor level was taken up by stalls and this barn design allowed the hay to be dropped into the stalls from the second floor. Mr. Lewis asked how many accessory structures would be on the property if the variance were granted. Mr. Shudern said that there would be two structures.

Mr. Dohner asked staff how many accessory structures would be allowed on a 5.2 acres parcel. Mrs. McMaster stated that the code did not allow more than three accessory structures on any size lot. Mr. Dohner asked the applicant if it was feasible to lower the roof height if two smaller barns were located in close proximity to each other. Mr. Shurden stated that the roof could be lowered, but the options for the location of a second structure were closer to the house or across the creek. He added that usability of the barn was the concern.

Mr. Wise asked how much hay in terms of days could be stored in the proposed barn. Mr. Shurden stated that currently they store one hundred (100) bales of hay or about a ninety (90) day supply in the garage. He said that the proposed barn would allow for storage of two hundred fifty (250) bales. He added that the ability to purchase more hay at one time allows them to get better quality hay. Mr. Wise asked if it was necessary to heat the barn for the hay. Mr. Shurden replied no, the heat was needed for the water pipes. Mr. Wise questioned whether a second structure for hay would need utilities. Mr. Shurden stated that a second structure would not require utilities, but he would not want to build a \$20,000 barn for the storage of hay.

Mr. Lehman asked where the applicant stored the horse trailers. Mr. Shurden stated that the trailers were stored at the back of this property or at his other property in Garrettsville, Ohio.

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

Mr. Lehman stated that he thought documentation supporting the variance had been presented. He asked the applicant to confirm that the barn would not be used for human habitation. Mr. Shurden confirmed that the barn would be used for horses not as a residence.

Mr. Jahn made a motion to grant 1] A variance of three (3) feet six (6) inches to the maximum height requirement of sixteen (16) feet resulting in a mean building height of nineteen (19) feet two and one quarter (2.25) inches; and 2] a variance of four hundred thirty-five (435) 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 1,435 square feet with the following condition:

- The barn will not be used in any way for human habitation, 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 since the existing property supports a single family residential use. This variance will enhance the property and allow a recreational use in addition to the normal residential use;

b) the variances are for 22% over the maximum height and 43.5% over the maximum square footage. Neither is insubstantial in relative terms; however, taking into consideration the five acre parcel and the topographic conditions, the degree of the variance is mitigated;

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 neighboring property has a similar horse barn and the adjoining properties are of a similar acreage and can support a variance of this size;

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

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 the nature of the variances are suitable to the proximate area and not of a magnitude to disrupt the adjoining properties or the character of the area.

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 NO. 2013-06

Mr. Lehman said that this hearing was called to consider Appeals Docket No. 2013-06. The applicant is Robert's Construction, 211 Prospect Avenue, Cuyahoga Falls, Ohio, for the property owners, William and Connie Mamas, 7355 Lacosta Drive, Hudson, Ohio.

The request is a variance to allow the construction of an accessory structure to be located in the side yard, 89'-6" from the front property line and 27'-6" from the side property line when the Code permits accessory structures to be located only in the rear yard.

Mrs. McMaster referred to the staff report and explained the details of the variance request.

Robert Cogdeill of Robert's Construction said that he has worked in Hudson for many years, and he tried to avoid needing variances for his projects. He stated that he worked with city staff to find ways to locate a garage on this property and decided to proceed with other projects for this property first. He said that he was now requesting a variance to allow an accessory garage to be located in the side yard. He said that the slope of the land and an existing well prevent a side facing attached garage, and the proposed plan would not obstruct the view in the rear yard and also avoid a long walkway to the house.

Mr. Lehman asked staff if the proposed garage location would be considered the rear yard if the family room was not there. Mrs. McMaster said that was correct and read the definition of a rear yard from the code.

There was discussion about the front facing garage doors. Mrs. McMaster explained that garage doors on an accessory structure could face the street when the structure was located in the rear yard.

Mr. Cogdeill pointed out other houses in this neighborhood with similar garage designs and stated that a precedent had been set. Mrs. McMaster commented that those houses may have been built prior to the code change in 1999. Mr. Cogdeill said that the proposed garage would not stand out in this neighborhood.

Mr. Wise asked for clarification on the slope of the land. Mr. Cogdeill stated that there was a 2 ½ to 3 foot slope from the garage doors to the end of the turnaround and to the left of the driveway there was a catch basin. He described the flow of water on the property.

Mr. Dohner asked why the homeowner needed that additional garage. Mr. Cogdeill stated that they needed to store a sports car, and due to the narrow size of the existing attached garage, the family currently keeps two cars in the driveway. He stated that the new garage was needed for storage of two cars.

Mr. Jahn asked if any alternatives were considered and what was the best solution other than the proposed plan. Mr. Cogdeill stated that the only other option would be to move the structure back behind the house; however, that option would obstruct the view of their rear yard.

Mr. Jahn commented that the best alternative would be to comply with the code, and that even with the variance the placement of the structure would not be ideal.

Mr. Lehman said that in some cases the option of no variance can cause more loss of view than if the variance were granted. He added that he was concerned with the front facing garage doors with the proposed garage in the side yard. Mrs. McMaster commented that if the variance were to be approved, the Architectural and Historic Board of Review could not comment on the front facing garage doors.

Mr. Lehman stated that there was no public present to comment on the case.

The Board discussed the other houses in the neighborhood with similar designs. They referred to the photographs presented by the applicant and aerial photos from the City of Hudson website on an iPad.

Mr. Dohner said that he could appreciate the need for additional garage space; however, there were options available other than a variance. Mr. Lehman said that he would prefer granting the variance over putting the garage so far back on the property. He added that a better option would be to figure out the issues with the existing swale and revise the plan to a side entry attached garage. Mrs. McMaster stated that the swale was there for a reason and engineering review would be required to make any changes.

Mr. Wise said that there was validity to Mr. Dohner's comments; however, there has been a precedent set in this area, and granting a variance would not alter the character of the neighborhood. Mr. Dohner stated that he had not been persuaded that there was no solution other than a variance.

There was discussion on continuing the case to the next meeting to allow the applicant to obtain further details on the swale and letters from the adjacent property owners. The Board members indicated that only three members would be present at the June meeting. Mr. Cogdeill requested that the case be continued until the next meeting.

Mr. Lewis made a motion to continue the case to the June 20, 2013 meeting at the request of the applicant. Mr. Jahn seconded the motion.

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

Motion unanimously carried.

OTHER BUSINESS

Mrs. McMaster said that there was currently one case for the June meeting; however, additional cases may be submitted by the deadline.

ADJOURNMENT

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

Hearing no further business, Chairman Lehman adjourned the meeting at 9:35 p.m.

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David W. Lehman, Chairman

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John Dohner, Board Member

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Denise M. Soloman, Board Clerk