

Meeting Date:  
May 15, 2025

Location:  
5892 Heritage Ct

Parcel Number  
3006827

Request  
A variance request  
for a side yard  
setback

Applicant:  
Doug Denny

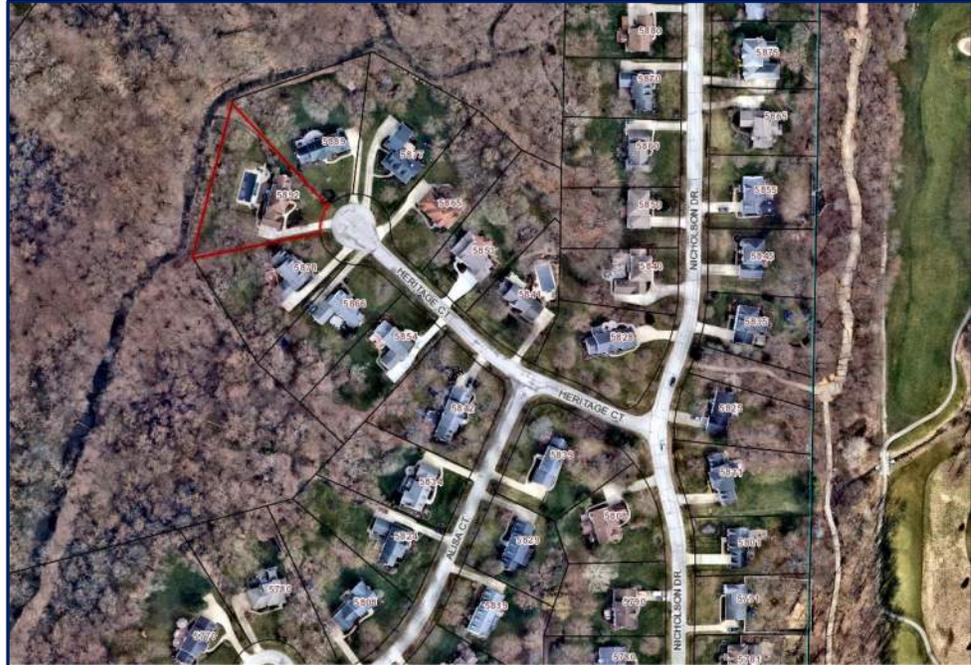
Property Owner:  
Doug and Kathleen  
Denny

Zoning:  
D3 – Outer Village  
Residential  
Neighborhood

Case Manager:  
Lauren Coffman,  
Associate Planner

**Contents**

- Application, 12-18-2024
- Site Plan, 12-18-2024
- Elevations, 12-18-2024
- Site Photos 5-5-2025



**Location Map, City of Hudson GIS**

**Request:**

A variance request of five (5) feet from the required side yard accessory structure setback of fifteen (15) feet, resulting in a side yard accessory structure setback of ten (10) feet pursuant to section 1205.06(d)(5)(D)(4), “Property Development/Design Standards – Setbacks” of the City of Hudson Land Development Code in order to construct a 500 gallon LP propane tank.

**Adjacent Development:**

The site is adjacent to residential development to the north, south, east and west.

**Project Background**

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on Heritage Ct. The lot is approximately 0.71 acres and the house on the property was built in 1996. The owners purchased the property in 1996.

The applicant is requesting to install a 10ft x 5ft (50 sq. ft) 500 gallon LP propane tank to be used for a backup generator in case of electrical failure on the property. The City of Hudson’s Land Development Code has the following regulation relative to the placement of accessory structures on a property –

- *1205.06(d)(5)(D)(4) – Minimum side yard setbacks. All other accessory structures: fifteen feet.*

The applicant is requesting a side yard setback variance of five (5) feet from the required fifteen (15) foot setback resulting in a side yard setback of ten (10) feet from the northern property line in order to install a 500 gallon LP propane tank.

The applicant states that the proposed placement of the propane tank on the lot would be the most efficient and practical placement. Additionally, the applicant states that the shape of the lot in question makes it difficult to meet all Land Development Code requirements.

**Considerations**

Section 1204.03 of the Land Development Code describes the standards for review of variance requests. These standards are listed below, along with staff findings to assist in your determination. All findings are subject to additional testimony presented to the Board during the public hearing:

**1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variances:**

The property in question will yield a reasonable return and there can be beneficial use of the property without the variance as the property can maintain its primary residential use without the requested variance. Additionally, staff notes that the property in question currently functions without the use of a propane tank.

**2. Whether the variance is substantial:**

Staff notes that the requested variance represents a 33% deviation from the code requirement.

**3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variances:**

Staff notes the following:

- The lot is approximately 0.71 acres.
- The proposed LP tank would be impactful at the lessened setback to the surrounding property owners.
- Staff notes that a review of the proposal was completed by the Fire Department. Shawn Kasson, Fire Marshal, submitted the following comments:

- The proposed location of the LPG tank is 10 feet from the lot line of the adjoining property, which is compliant with the separation requirements of the Ohio Fire Code. Accordingly, Hudson Fire Department has no objection to the variance request.
4. **Whether the variance would adversely affect the delivery of governmental services such as water and sewer:**  
The variance would not impact the delivery of governmental services.
  5. **Whether the applicant purchased the property with knowledge of the requirements.**  
The existing regulations were not in effect when the owners purchased the property in 1996.
  6. **Whether the applicant's predicament can be obviated feasibly through some method other than a variance:**  
Staff questions if the applicant could reduce the overall size of the proposed propane tank to lessen the potential impact on the surrounding property owners. Additionally, staff questions if the tank could be sited further to the south to increase the side yard setback in order to meet all Land Development Code requirements.
  7. **Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.**  
The Board of Zoning and Building Appeals shall weigh the above factors, along with given testimony in order to make this determination.

### Additional Approvals

The proposal would also require the following:

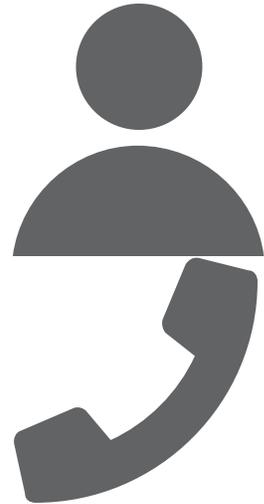
- Administrative review and approval.



Board of Zoning and  
Building Appeals (BZBA)  
Status: Active  
Submitted On: 12/16/2024

5892 HERITAGE CT  
Hudson, OH 44236

DENNY KATHLEEN M  
TRUSTEE  
5892 HERITAGE COURT  
HUDSON, OH 44236



Doug  
Denny

330-608-  
8191

dougdenyhome@gmail.com

5892  
Heritage  
Court

Hudson, OH 44236

## Applicant and Property Owner Information

**Applicant Relationship to Property Owner:\***

Property Owner

**Property Owner Name\***

Doug Denny

**Property Owner's E-Mail:\***

dougdenyhome@gmail.com

**Property Owner Phone Number\***

1-330-608-8191

## Type of Hearing Request

**Type of Request:\***

Variance

**Year Property Purchased\***

1996

Code Required Regulation (please indicate feet, s.f. or height)\* ?

15' from right property line

Requested Variance (please indicate the amount of the variance in feet, s.f. or height)\* ?

10' from right property line

Resulting Set-Back (please indicate feet, s.f. or height)\* ?

10' from right property line

Explanation of Request and Justification:\*

For 5892 Heritage Court, Hudson, OH

A 10' setback from the property line on the right of the house will enable the LP tank to be:

1. Further from the firepit for safety
2. In the bed to enable my mower tractor continued access to mow the side yard
3. Not awkwardly positioned and less stable ½ in the yard and ½ in the bed
4. Blended into the bed landscaping to be hidden for better appearance
5. Filled by the maximum 150' hose I could find from one company due to the V shape of the property making the LP tank sit so far back to the rear of the lot from the front of the lot

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## Supplemental Information for Determining Practical Difficulty

The property in question will yield a reasonable return and there can be a beneficial use of the property with the variance because:\*

I can run a backup generator in case electric failiure

The variance is

insubstantial

Describe why the variance is substantial or insubstantial\*

It's only 5' more but important for function, safety and appearance.

Would the essential character of the neighborhood be substantially altered?\*

no

Explain why the request is the minimum amount necessary to make reasonable use of the property or structure(s):\*

Because

1. Further from the firepit for safety
2. In the bed to enable my mower tractor continued access to mow the side yard
3. Not awkwardly positioned and less stable ½ in the yard and ½ in the bed
4. Blended into the bed landscaping to be hidden and better appearance
5. Filled by the maximum 150' hose I could find from one company due to the V shape of the property making the LP tank sit so far back to the rear of the lot from the front of the lot

Would adjoining properties be negatively impacted?\*

no

Describe how the adjacent properties will not be affected.\*

Will be hidden, nice looking and safe,

Will this request adversely affect public services (mail, water, sewer, safety services, etc.)

no

The situation cannot be feasibly solved by means other than a variance. Explain:\*

Because

1. Further from the firepit for safety
2. In the bed to enable my mower tractor continued access to mow the side yard
3. Not awkwardly positioned and less stable ½ in the yard and ½ in the bed
4. Blended into the bed landscaping to be hidden and better appearance
5. Filled by the maximum 150' hose I could find from one company due to the V shape of the property making the LP tank sit so far back to the rear of the lot from the front of the lot

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Explain below:

Becasue

1. Further from the firepit for safety
2. In the bed to enable my mower tractor continued access to mow the side yard
3. Not awkwardly positioned and less stable ½ in the yard and ½ in the bed
4. Blended into the bed landscaping to be hidden and better appearance
5. Filled by the maximum 150' hose I could find from one company due to the V shape of the property making the LP tank sit so far back to the rear of the lot from the front of the lot

The circumstance leading to this request was not caused by current owner. It was caused by:\*

N/app

List any special circumstances particular to the property/lot (i.e.: exceptional irregularity, narrowness, shallowness or steepness) these circumstances are:\*

Extreme v shaped lot with point of V in the front

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## BZBA Meeting Information

The following persons are authorized to represent this application with respect to all matters associated with the project\*

Doug Denny

By checking this box, I do hereby certify that I am authorized to represent the property owner and to accept any conditions that the Board may impose.\*

By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information pertaining to the application, and if this application is approved, to verify conformance to requirements and conditions of such approval. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property.\*

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## Board Meeting Date

AHBR

BZBA

Planning Commission

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# Internal

🔒 Company Name

🔒 Variances

🔒 Meeting Date

🔒 District



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SHAWN KASSON  
Fire Marshal

[skasson@hudson.oh.us](mailto:skasson@hudson.oh.us)  
(330) 342-1869

M E M O R A N D U M

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**DATE:** January 9, 2025

**TO:** Lauren Coffman, Associate Planner

**FROM:** Shawn Kasson, Fire Marshal SK

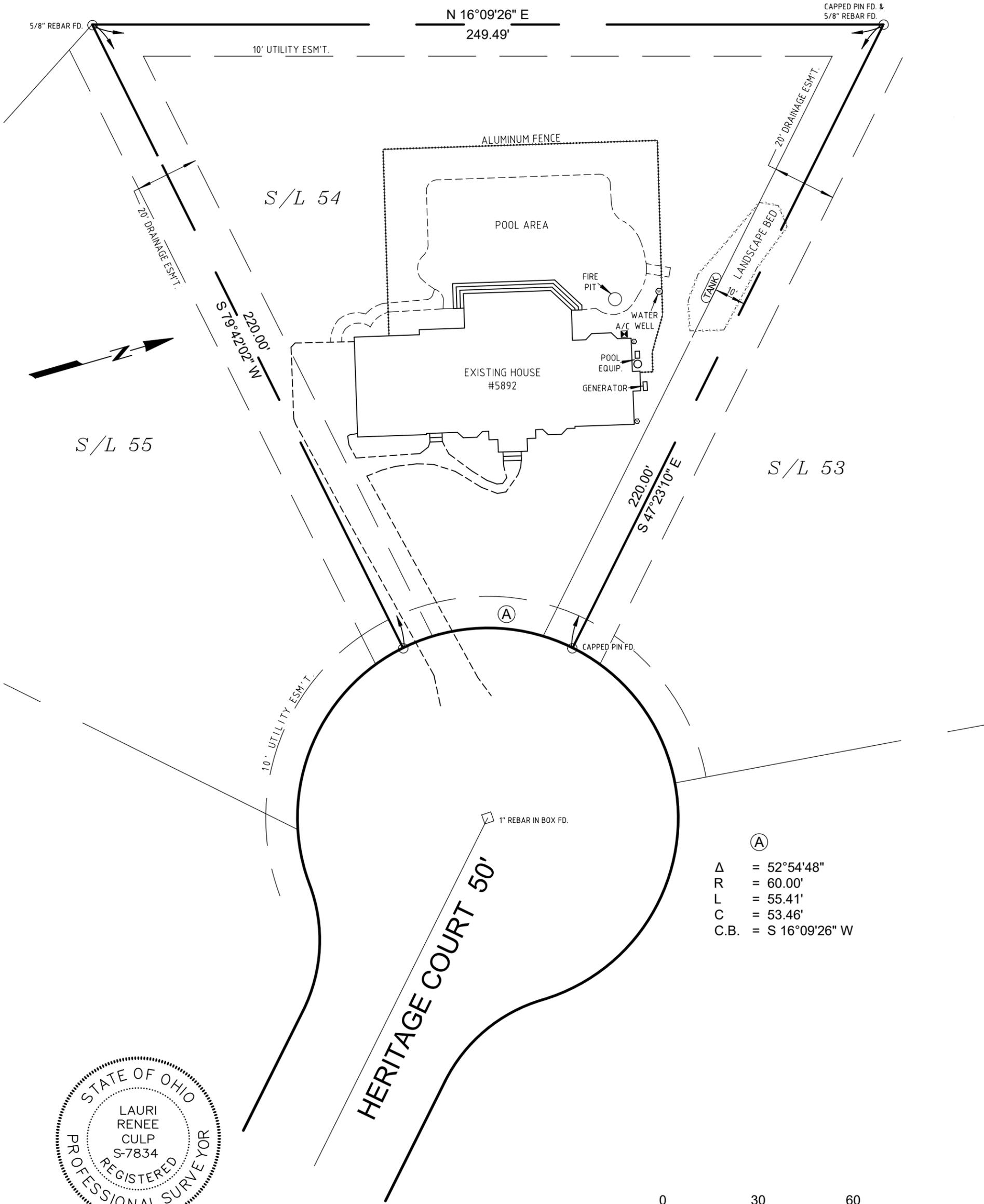
**SUBJECT:** 5892 Heritage Court – Case #24-1342

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I am writing regarding the Board of Zoning and Building Appeals (BZBA) variance request for 5892 Heritage Court. I have reviewed the site plan for this project dated November 2024 that was uploaded on 12/16/24. I understand that the resident has submitted a variance request to the BZBA requesting relief from the Land Development Code setback requirements for the proposed 500-gallon (water capacity) liquified petroleum gas (LPG) tank. The proposed location of the LPG tank is 10 feet from the lot line of the adjoining property, which is compliant with the separation requirements of the Ohio Fire Code. Accordingly, Hudson Fire Department has no objection to the variance request.

Please contact me with any questions.

BASIS OF BEARING:  
 BEARINGS ARE REFERENCED TO GRID NORTH OF THE  
 OHIO STATE PLANE COORDINATE SYSTEM NORTH ZONE  
 NAD83 (2011) DATUM AND ARE USED TO DENOTE ANGLES ONLY.



(A)

Δ	= 52°54'48"
R	= 60.00'
L	= 55.41'
C	= 53.46'
C.B.	= S 16°09'26" W



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAT AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND SHOWN HEREON.

*[Signature]* 12/1/2024  
 LAURI R. CULP, P.S. 7834  
 CULP SURVEYING, LLC  
 3853 RIDGEVIEW DRIVE  
 RICHFIELD, OHIO 44286  
 330-815-3765



VARIANCE PLAN  
**5892 HERITAGE CT.**  
 S/L 54 - THE WOODS OF WILLIAMSBURG PH. II-A  
 CAB. "F", SLIDES 94-95  
**CITY OF HUDSON**  
**SUMMIT COUNTY, OHIO**  
 NOVEMBER, 2024 SCALE: 1" = 30'



**PUBLIC NOTICE**  
Mtg. Date 5/15/25





























