

— O H I O —
HUDSON

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

REPORT

DATE: March 11, 2016

TO: Board of Zoning and Building Appeals for
Meeting Date March 17, 2016

FROM: Kris A. McMaster, Associate Planner
Mark Richardson, Community Development Director

SUBJECT: **Appeals Docket 2016-07**

Application

Variances to allow a lot split to construct two houses.

Site

Address: 185 W. Streetsboro Street
District: 4-Historic Residential Neighborhood
Applicant: Joseph Matava, Architect for Peninsula Architects
Owner: Melissa M. Ickes

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	4	Single Family Residential
South	4	Redeemer Church
East	4	Multi-Family Residential
West	4	Single Family Residential

Comments

The request is to allow a corner parcel of land to be subdivided into two parcels to construct a single family residential home on each parcel. The variances requested are:

House "A" fronting West Streetsboro Street: 1] A variance of ten (10) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty-five (25) foot front yard setback pursuant to Section 1207(d) (6)(A)(i). "Front yard Setbacks"; Section 1205.07(d)(6)(D), "Setbacks-Arterial Setbacks" and Section 1207.04(k)(1)(A), "Landscaping requirements for "Front Yard/Front Setbacks"; **2]** A variance of ten (10) feet from the minimum side

yard setback of thirty-five (35) feet resulting in a house twenty-five (25) feet from the street side not designated as “front” pursuant to Section 1205.07(d)(6)(B)(vi), “Minimum Side Yard Setback-Corner Lots”; and **3]** A variance of twenty-six (26) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a fourteen (14) foot rear depth setback pursuant to Section 1205.07(d)(6)(C)(i), “Minimum Rear Yard Depth” of the City of Hudson Land Development Code.

House “B” fronting Lennox Road: 4] A variance of fifteen (15) feet from the minimum front yard setback of thirty-five (35) feet resulting in a house at a twenty (20) foot front yard setback pursuant to Section 1205.07(d)(6)(A)(i), “Minimum Front Yard Setback”; **5]** A variance of twenty (20) feet to the minimum rear yard depth of forty (40) feet resulting in a house at a twenty (20) foot rear depth setback pursuant to Section 1205.07(d)(6)(C)(i), “Minimum Rear Yard Setback; and **6]** A variance of four (4) feet to the required twenty-five (25) feet for a side-facing attached garage resulting in a side facing garage at a twenty-one (21) foot setback pursuant to the 1205.07(d)(6)(B)(iv), “Side-Facing Attached Garage” of the City of Hudson Land Development Code.

The subject property is located in District 4. The house was built in 1948 and is located on a corner lot. The property is surrounded by single-family homes to the north and west. To the east are multi-family homes and to the south is Redeemer Church. The property owner purchased the house June 27, 2014 and received approval on October 22, 2014 from the Architectural and Historic Board of Review to demolish the existing 1,100 square foot home, the zoning certificate for which has expired. The property owner received from the BZBA approval on November 20, 2014 for a 15’ variance from the street side not designated as front to construct a single family dwelling that has expired. The owner has decided not to move forward with the formerly proposed single family residential construction. The applicant is seeking to purchase the property with the subject proposal to split the parcel into two lots if approved for the subject variances. The applicant states that the proposed two smaller residences are compatible with the neighborhood, economically feasible at this location, and would fit in with the needs of an aging population. Three (3) trees will be required in the front yard on W. Streetsboro Street to meet the city code requirement for landscaping on an arterial street.

The following documents are attached for your review:

1. **February 17, 2016 - BZBA Application, supplemental information and site plan.**
2. **Aerial of property and neighborhood.**
3. **Proposed 2 house elevations and photographs of existing house.**

Approval of the design for the house from the Architectural and Historic Board of Review will be required prior to the issuance of a zoning certificate.

Docket No. 2016-07
March 11, 2016
Page 3

cc: BZBA 2016-07
Joseph Matava, Architect for Peninsula Architects
Melissa M. Ickes
Aimee Lane, Assistant City Solicitor
Keith Smith, Council Liaison

OHIO

HUDSON

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

BOARD OF ZONING AND BUILDING APPEALS APPLICATION

Please make check amount payable to "City of Hudson" for the amount of \$250.00.

Pursuant to the City of Hudson Land Development Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning and Building Appeals for the following purposes(s):

(Please Circle Request) "VARIANCE" "NONCONFORMING USE" "APPEAL"

Property Address: 185 W. Stratsboro Zoning District: 4

Explanation of Requests and Justification:

See attached sheet

For a variance: Code requires _____ setback/sq. ft./height. Request is for _____ setback/sq. ft. height, therefore requesting a _____ setback/sq. ft./height.

Year Property Purchased: under option

Sections(s) of the Land Development Code applicable to this application:

The undersigned certify that the information provided to the Board in and with this application is true and accurate and consent 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 the application is approved, to verify conformance to requirements and conditions of such approval.

Applicant: Joseph Matava - Peninsula Architects Property Owner: Melissa Ickes

Address: 1775 Main St. Po Box 235 Address: 5267 Case Ave.

Telephone: 330-657-2200 Telephone: Lynchhurst, Ohio 44124

E-Mail: jmatava@pa-architects.com E-Mail: missy.ickes@yahoo.com

Applicant: state relationship (agent, attorney, contractor, other): _____

Applicant Signature: [Signature]

Date: 2-17-16

Property Owner Signature: [Signature]

Date: 2-17-16

(Staff use only)

Application No./Docket No. 2016-07 Hearing Date: 3-17-16

Date Received: 2-17-16 Fee Paid: 250⁰⁰ FEMA Floodplain Y N (Initials)



February 25, 2016

Attention – City of Hudson Board of Zoning Appeals

185 West Streetsboro Road Variance Request

Explanation of Requests and Justification

The house on the property of 185 W. Streetsboro has been abandoned for 3 years and has fallen into extreme disrepair. It is a hazard and nuisance to the neighbors and community as a whole. Peninsula Architects designed a single family home for the property which was before the BZBA board for front yard variance request 15 months ago. This variance was approved but the owner decided to not move forward with construction citing concerns for her investment among other things.

Peninsula Architects sees this as a very important property due to its location and proximity to community assets. A single residence on this property, while feasible, is problematic from a fiscal standpoint, therefore Peninsula Architects is seeking to split the property into two compliant properties and build two smaller scale residences that are resonant with the existing neighborhood fabric and fit the needs of an aging population.

We believe that the variance requests outlined below all fit within the context of neighboring structures and will not appear out of place in any way.

House A – Fronting West Streetsboro Road

Requesting a 10' variance to a 25' setback from a required 35' setback at both the fronts of this corner lot
Requesting a 26' variance to a 14' rear setback from a required 40' setback

House B – Fronting Lennox Rd

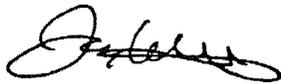
Requesting a 15' variance to a 25' setback from a required 35' setback at the front of the property
Requesting a 20' variance to a 20' setback from a required 40' setback at the rear of the property
Requesting a 4' variance to a 21' setback from a required 25' setback at the side of the property

1. The property at 185 W. Streetsboro will not yield a reasonable return and a beneficial use of the property will be very difficult without the variances requested above – due to the land cost and location of the property a split into two parcels which are compliant with zoning requirements and resonant with the existing neighborhood fabric appears to be the only way to utilize this parcel. The fact that the property has remained in its current state for so long seems to support this statement.
2. The variances may appear to be substantial, but when seen within the context of neighboring structures they will not be out of character in any way. In fact, the setbacks requested will be larger than or equal to setbacks of surrounding structures in most cases.
3. The essential character of the neighborhood will not be substantially altered but rather enhanced by two high quality smaller scale structures that fit within the historic character of the community. Neighboring structures will not be negatively impacted by the requested variance – distances between the existing house on 185 W. Streetsboro and the neighbor to the West will be unchanged, landscape

buffers will be in place along the western and northern property lines and a bufferyard built according to City Of Hudson Land Development Code standards will be built between the new construction and the historic property to the west.

4. The requested variance will not adversely impact public services
5. The owner of the property purchased it with the intent of building a single family residence on the property – this did not happen due to a variety of unforeseeable circumstances. The variances requested are *mostly* borne from the requirement of the lot split.
6. A beneficial use of the property cannot be obtained without the requested variances. While it is possible to put a single family house on the property with limited variances, the two lot/two house scenario is the most feasible scenario.
7. The spirit and intent behind the zoning requirement will most certainly be observed and substantial justice will be done by allowing the requested variances. The community will certainly benefit from two well designed and well-built smaller structures in this location. They will fit in more than a single larger home and will build on the existing character of the neighborhood and community.

Thank you for your time and Consideration



Joseph G. Matava AIA, LEED AP, NCARB
Principal – Director of Design

City of Hudson, OH



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 31 feet

City of Hudson, OH



Owner Name	Ickes Melissa M	Legal Description	LK FOREST LOT 21 ALL
Site Address	185 W STRETSBORO ST	Area	0.31
Parcel ID	3200940	Council Ward	Ward 2
Owner Address	185 W STRETSBORO RD	Water Provider	City of Hudson
Owner City	HUDSON	Sewer Provider	City of Hudson
Owner State	OH	Electric Provider	City of Hudson
Owner ZIP	44236	Water Rate	Original Service Area Rate
Phone		Water Tap	No Special Tapping Fee

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 145 feet



View of property from W. Streetsboro looking West towards Historic Property



View of property from W. Streetsboro looking North

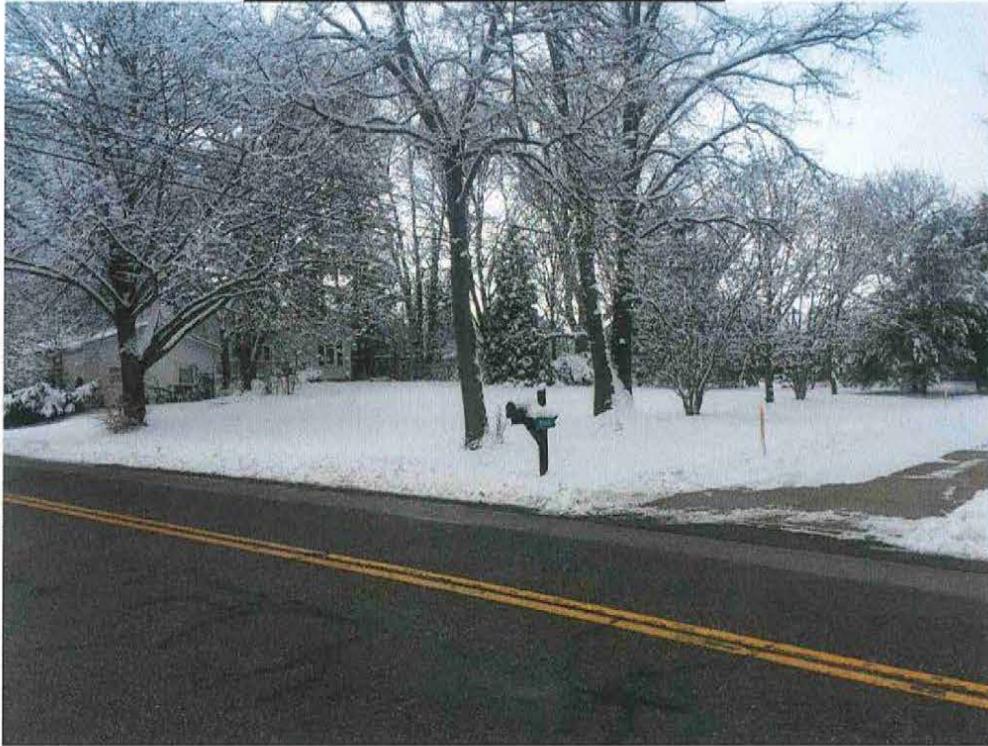


View of property from W. Streetsboro looking North



View of property from W. Streetsboro looking Northeast

PENINSULA ARCHITECTS



View of property from Lennox Rd looking southwest



View of property from the corner of W. Streetsboro and Lennox Rd.



City of Hudson, Ohio
Board of Zoning and Building Appeals

BZBA APPEALS DOCKET NO. 2014-20
185 WEST STREETSBORO STREET
DISTRICT 4
VARIANCE

DECISION IS PERMANENT
REMOVE BACKUP PAPERWORK
TO RETENTION FILE ON THE
DECISION DATE OF 2019

VIA CERTIFIED MAIL
DECISION

Based on the evidence presented to the Board by the applicant Joseph Matava, Architect for Peninsula Architects, 1775 Main Street, Peninsula, Ohio 44264, for the property owner Melissa M. Ickes, 5267 Case Avenue, Lyndhurst, Ohio 44124 at a public hearing held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio at 7:30 p.m., on Thursday, November 20, 2014, the Board hereby approves:

A variance of fifteen (15) feet from the minimum side yard setback of thirty-five (35) feet to construct a single family residence resulting in the home twenty (20) feet from the street side not designated as "front" pursuant to the City of Hudson Land Development Code, Section 1205.07(d)(6)(B)(vi), "Property Development/Design Standards"- "Minimum Side Yard Setback-Corner Lots".

The Board finds and concludes that the variance is granted:

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance as it is possible to renovate the existing home; however, that plan is not practical due to its current condition;
- b) the variance is insubstantial because the proposed home structure has the same street side not designated as "front" setback as the current home and the surrounding homes have similar setbacks;
- 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 proposed home will be located in essentially the same footprint as the existing home and the surrounding homes have a similar setback distance;
- 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 the outcome will be a better option by granting the variance; and

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance because the proposed new home will be built in essentially the same place as the existing home.

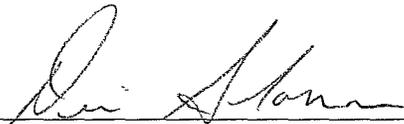
Dated: November 20, 2014

CITY OF HUDSON
BOARD OF ZONING AND BUILDING APPEALS



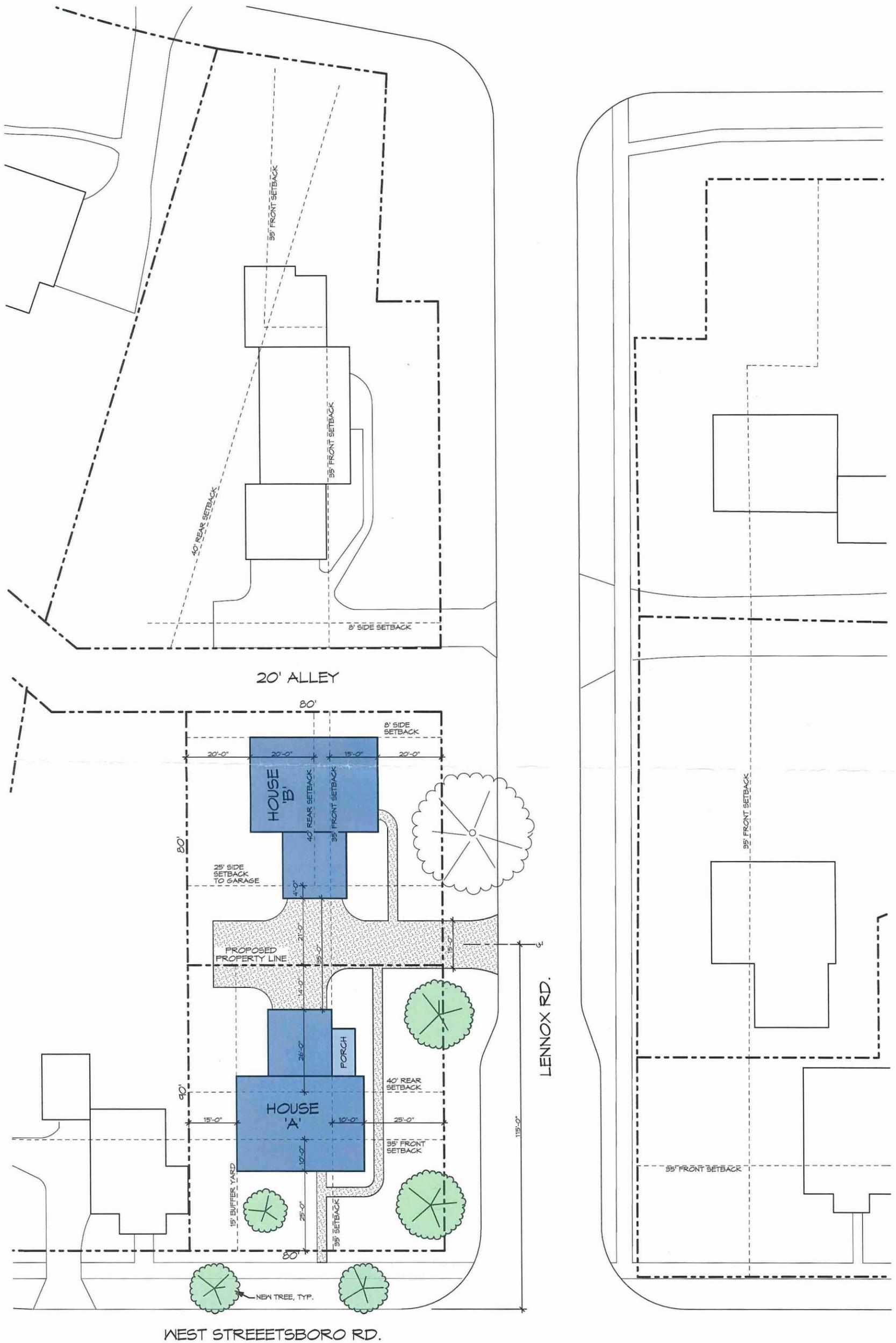
David W. Lehman, Chairman

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the November 20, 2014 meeting.

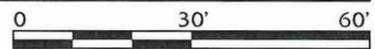


Denise Soloman, Board Clerk

Failure of an applicant to commence substantial construction or action with regard to the variance approval within one (1) year of receiving approval of the variance and to complete such construction within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void, pursuant to Section 1203.07 (e), "Variances - Lapse".



1 PROPOSED SITE PLAN
SCALE: 1" = 30'



C1.0-c	PROPOSED SITE PLAN STREETSBORO & LENNOX	DATE	02/25/16	PENINSULA ARCHITECTS P.O. Box 235 1775 Main Street Peninsula, Ohio 44264 v 330.657.2800 f 330.657.2419 www.pa-architects.com
		SCALE	1" = 30'-0"	

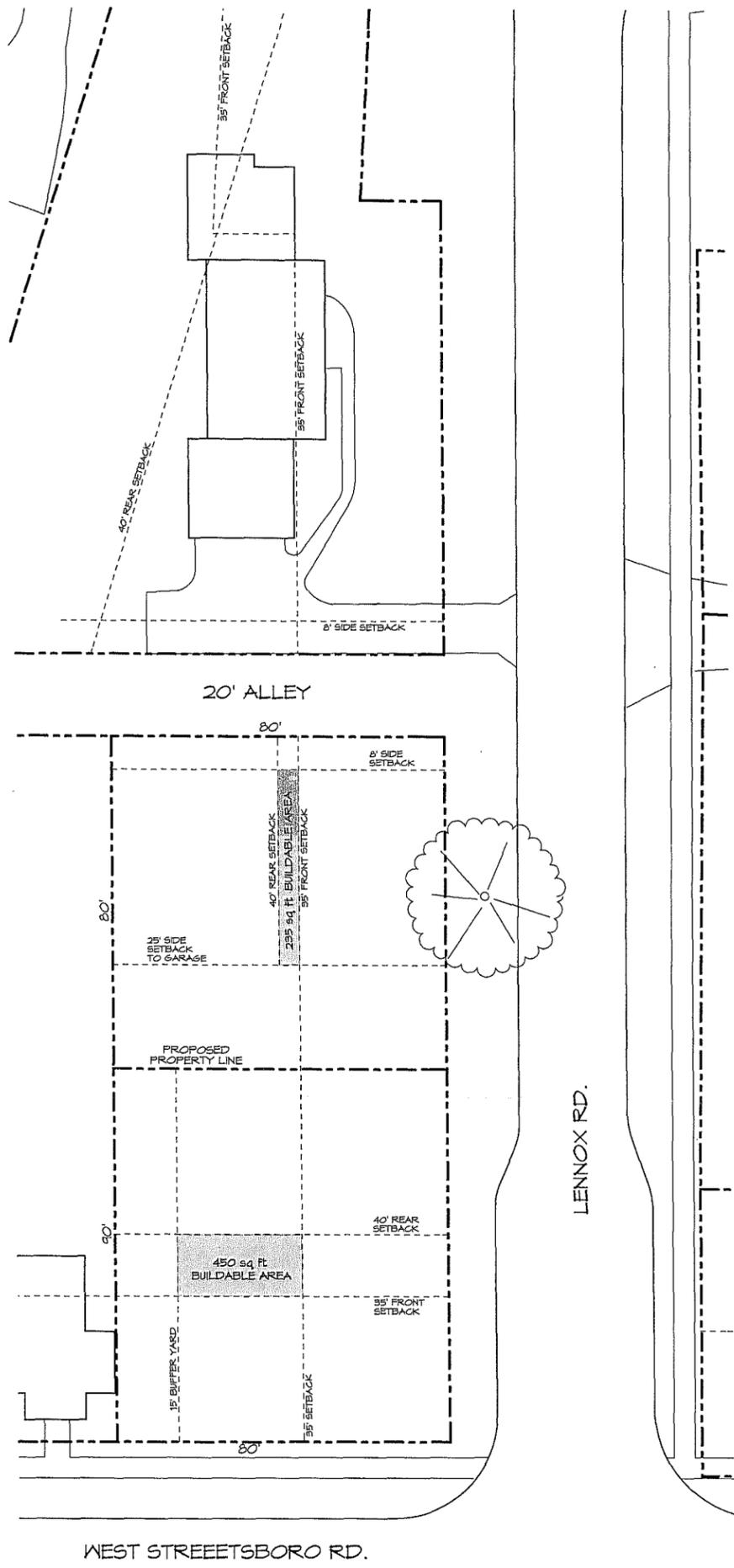


LENNOX RD ELEVATION



WEST STREETSBORO ST. ELEVATION

C1.1-a	STREETSBORO ELEVATION	DATE	02/17/16
		SCALE	Not to Scale
STREETSBORO & LENNOX		PENINSULA ARCHITECTS P.O. Box 235 1775 Main Street Peninsula, Ohio 44264 v 330.657.2800 f 330.657.2419 www.pa-architects.com	



2 EXST. SITE SETBACKS
 SCALE: 1" = 30'
 0 30' 60'

C1.0-b	EXISTING SITE SETBACKS	DATE	02/25/16
		SCALE	1" = 30'-0"
STREETSBORO & LENNOX		PENINSULA ARCHITECTS <small>P.O. Box 235 1775 Main Street Peninsula, Ohio 44264 v 330.657.2800 f 330.657.2419 www.pa-architects.com</small>	

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