



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

REPORT

DATE September 11, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date September 17, 2015

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

SUBJECT: **Appeals Docket 2015-11**

Application

Variance to allow an accessory structure in the side yard.

Site

Address: 42 Aurora Street
District: 4-Historic Residential Neighborhood-Historic District
Applicant: Ted Georger, GCM
Owners: Michael and Bambi Knights

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	4	First Congregational Church of Hudson-Historic District
South	4	Single Family Residential-Historic District
East	4	Single Family Residential-Historic District
West	4	Single Family Residential-Historic District

Comments

The subject of this hearing is a request for a variance to allow an accessory structure detached garage to be located in the side yard when code permits accessory structures to be located only in the rear yard pursuant to the City of Hudson Land Development Code, Section 1206.03(d)(3), "Accessory Uses/Structures-Accessory Use Development and Operational Standards-Side Setbacks". The rear yard is defined by the Land Development Code as "the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line".

The subject property is located in District 4 in the City's Historic District. The property is surrounded by single family residential homes to the east, south and west. To the north is the First Congregational Church of Hudson. The house was built in 1878 and the owners Mr. and Mrs. Knights purchased the home in December of 2014. On May 27, 2015 approval was granted by the Historic District Subcommittee and Architectural and Historic Board of Review for additions, windows and roof replacement and a zoning certificate was issued on May 28, 2015. After work began on the additions, Mr. Knights indicated personal circumstances had changed for their family requiring the need for his father and mother to reside with them to help with his father's medical care. Due to this change they would like to convert the existing attached two car garage into living space to provide for more space for Mr. Knights' parents.

Although the rear setback is less than the required minimum staff has no record regarding the setback of the house structure to the rear property line. To permit the construction of the proposed one car garage with storage within the side yard requires approval from the Board of Zoning and Building Appeals as code permits accessory structures to be located only in the rear yard. The owners have indicated they currently have 4 cars, 2 being classic cars that they have in heated storage during the winter time. The applicant has indicated a new 4" storm water drain line will be installed to the street from the garage and all building materials will match the existing home. This will require a right-of-way permit and the approval of the City Engineer. A document attached has been provided by the applicant showing the breakdown of the impervious surface coverage totaling 44.6% as a result of this project. Staff notes that in this district code allows for a total of 60% imperious surface. The applicant has indicated that the existing driveway behind the house will be modified into a courtyard with a small patio. Attached are two letters from adjacent neighbors that have reviewed the plans that have no issue with the proposed garage. The owners have not determined the final design of the structure at this time. Attached are two designs under consideration at this time.

The following documents regarding the property are attached for your review:

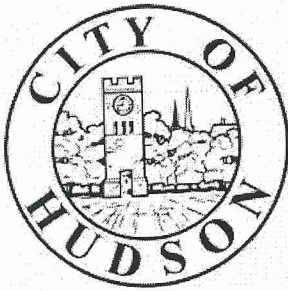
1. **August July 20, 2015**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan, elevations and photographs.**
4. **September 2, 2015**-Supplemental letter from Michael Knights.
5. **September 8, 2015**-Imperious surface detail.
6. **Letters from adjacent neighbors at 38 Aurora Street and 70 College Street.**
7. **May 28, 2015- Zoning Certificate for additions, windows, and roof.**

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

Docket No. 2015-11
September 11, 2015
Page 3

cc: BZBA 2015-11
Aimee W. Lane, Assistant City Solicitor
Ted Georger, GCM
Michael and Bambi Knights
Keith Smith, Council Liaison

Attachments



Board of Zoning and Building Appeals Application

115 Executive Parkway, Suite 400 · Hudson, Ohio 44236-3004
(330) 342-1790 · (330) 656-1753 · Fax (330) 342-1722
www.hudson.oh.us

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 purpose(s):

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

Property Address: 42 AURORA ST. Zoning District: D-4 Historic Dist.
Explanation of Request and Justification:

THE CLIENT WOULD LIKE TO BUILD A NEW DETACHED GARAGE PARTIALLY IN THE SIDEYARD AND TO CONVERT ATTACHED TWO CAR GARAGE TO LEVEL SPACE TO ACCOMMODATE MR. KNIGHT'S ELDERLY PARENTS AND TO CREATE A SMALL BACKYARD. IT IS THE ONLY CHOICE ON THE PROPERTY
For a variance: Code requires _____ setback/sq. ft./height. Request is for _____ setback/sq. ft./height.

Year Property Purchased: 2014

Section(s) of the Land Development Code applicable to this application: ACCESSORY STRUCTURE IN SIDEYARD

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 this application is approved, to verify conformance to requirements and conditions of such approval.

Applicant: TEO GEORGER

Property Owner: MICHAEL & BARBARA KNIGHTS

Address: 1308 GREENWOOD AVE, KENT, OH 44240

Address: 42 AURORA ST.

Telephone: 330-221-0403

Telephone: 234-284-9664

Fax: 330-434-1744

Fax: N/A

E-Mail: tgeorgere@neo.rr.com

E-Mail: mudatex@hotmail.com

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

Applicant Signature: [Signature] Date: 8/18/15

Property Owner Signature: [Signature] Date: 8/18/15

(Staff use only)

Application No./Docket No. 2015-11

Hearing Date 9-17-15

Date Received AUG 19, 2015 Fee Paid 250.00

FEMA Floodplain Y N (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)
Application Supplemental Information

Application for property located at: 42 AURORA ST.

Variances from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following: "Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards."

In determining "practical difficulty," the BZBA will consider the following factors:

- 1) The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: THEIR IS NO OTHER WAY TO CREATE A BACKYARD AND STILL MAINTAIN ONE GARAGE ON THE PROPERTY, OR TO GAIN FIRST FLOOR LIVING SPACE FOR MR. KNIGHT'S PARENTS
- 2) The variance is (substantial/insubstantial) because: IT IS ONLY ENCLANCHING ON THE SEDEYARD BY 10'
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? YES, IF THE GARAGE WAS SHORTER IN LENGTH IT WOULD NOT PROVIDE ANY ADDITIONAL "GARAGE" STORAGE.
- 3) Would the essential character of the neighborhood be substantially altered? Explain: NO. THEIR ARE CURRENTLY SEVERAL STRUCTURES MUCH FARTHER FORWARD BOTH ATTACHED AND UNATTACHED.
 - a) Would adjoining properties be negatively impacted? NO. THE LOCAL PROPERTY VALUES WOULD INCREASE FROM THE KNIGHTS GAIN IN SQ. SQUARE FOOTAGE
 - b) Describe how the adjacent properties will not be affected: INSTEAD OF SEEING DEAD SPACE & DRIVING AREA, NEIGHBOURS WILL SEE AN ARCHITECTURALLY CORRECT STRUCTURE THAT IS APPEALING TO HISTORIC DISTRICT RESIDENTS
- 4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? NO
- 5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? NO UNDERSTANDING OF THE RESTRICTIONS WHATSOEVER.
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: UNLESS ADDITIONAL PROPERTY COULD BE ACQUIRED - NO.
- 7) The spirit and intent behind the zoning requirement (would/would not) be observed and substantial justice (done/not done) by granting the variance because: BECAUSE IT STILL KEEPS THE GARAGE IN WHAT CAN BE VESTIBLY SEEN FROM THE STREET AS "THE BACKYARD"
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: A CHANGE IN CIRCUMSTANCES WITH MR. KNIGHT'S PARENTS, AND POOR INFORMATION FROM A LOCAL ARCHITECT AND ANOTHER CONTRACTOR.
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: THE PROPERTY HAD ADDITIONAL SPACE BEHIND THE HOUSE THAT WAS SOLD PREVIOUSLY AND THE HOME'S REAR SETBACK IS MUCH SMALLER THAN CURRENT SETBACK REQUIREMENTS

Signature

Date

8/18/15

City of Hudson, OH

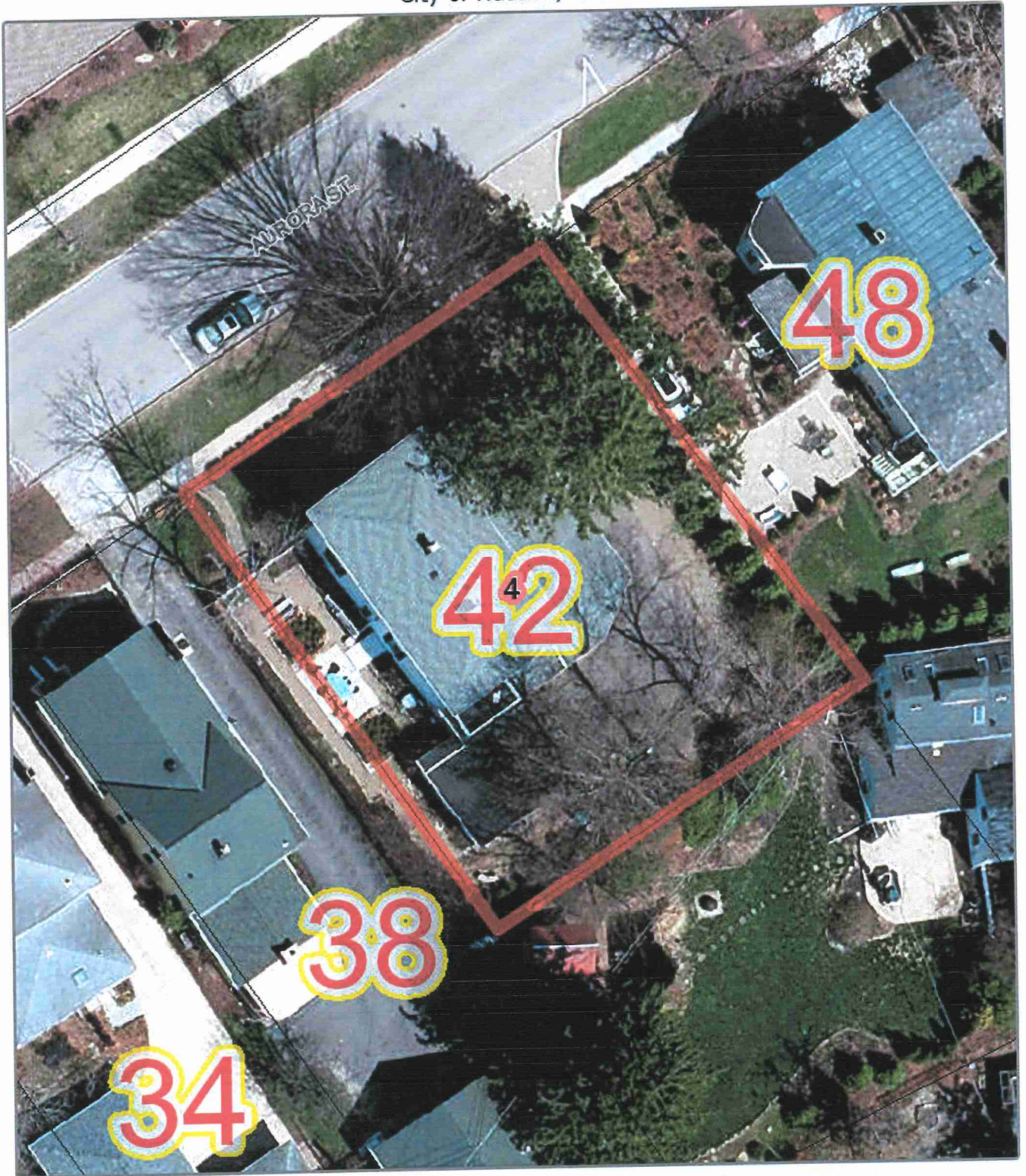


Owner Name	Knights Michael J	Legal Description	ADDN 56 BLK 4 LOT 5 PT 83.50FT ON AURORA .130A	
Site Address	42 AURORA ST	Area	0.19	
Parcel ID	3200005	Council Ward	Ward 1	
Owner Address	7676 REYNOLDS RD	Water Provider	City of Hudson	
Owner City	MENTOR	Sewer Provider	City of Hudson	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44060	Water Rate	Original Service Area Rate	
Phone	(330) 342-0384	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 = 61 feet
8/20/2015

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 = 27 feet
8/20/2015

Michael Knights

42 Aurora Street, Hudson, OH 44236
mudatex@hotmail.com

September 1st, 2015

City of Hudson Board of Zoning and Appeals
115 Executive Parkway, Suite 400
Hudson, OH 44236

To whom it may concern:

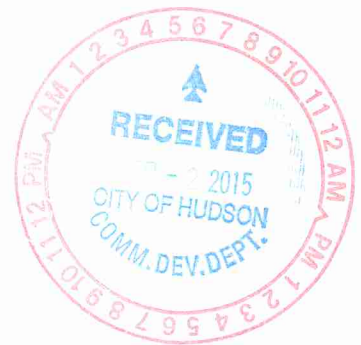
I am writing concerning our recent application to the Planning and Zoning Board in reference to the above cited address.

As was kindly explained to me by Mrs. Kris McMaster, I should, if I deemed necessary, submit additional information regarding the application for your review and consideration.

I am asking that you consider the following items with the application:

1. Hardship

When we purchased the home in December 2014 we did so as an "empty nester" property for our retirement in Hudson. The home was in an extremely poor state of repair and needed major structural renovation to bring it to code and too make it a safe environment in which to live. Rotted out main support beams, support walls with no support, collapsing basement walls and dislodged foundation stones are but a few examples. We began the restoration and renovation and went through numerous Architectural and Historical board reviews and finally began the process in April of 2015.



Unfortunately, since that time our own personal circumstances as a family have changed. My 81 year old father has been diagnosed with, and treated for, Cancer. The surgery and treatment he has undergone means he can no longer sleep lying down, as he has no way of keeping down liquids or solids so he needs to be permanently inclined. In addition with his stomach removal he needs to eat on average 10 to 12 times daily. This means now both my mother and father need separate sleeping accommodation. We have discussed as a family and the need for them to be living here with us is the only suitable option going forward. My brother resides in Moscow Russia and has been there for 24 years, sending them there is not an option.

The needs for our new home have now changed dramatically. The downstairs will now need to accommodate them, so two beds will be required in the redesigned front bedroom (original plan was to have this as our family room), we will need to convert the front living room to a day room for them and they will need to have their own dedicated bathroom and kitchen area all on the same level, stairs up or down is not an option. This will mean we will need to basically move ourselves to the rear of the property, and we will need to use the back stairwell to access the kitchen and also the proposed conversion of the existing garage to a family room for us and any family, friends or visitors that we may have.

This will mean instead of having a two car garage integral to the home, we will need to convert this to living space inside the original floor plan as approved. We have 4 cars (2 classic) and will likely need to add a 5th for them at some point. Like everybody in the immediate area we are focused on lot size and fully understand the requirements of impervious surface so we are asking to accommodate a single forward facing garage, as exists in so many of the homes in the neighborhood. To do this what exists as a turnaround driveway today will be converted to grass yard area with landscaping to address any unlikely concerns around this and run necessary code drainage etc.

Having to find heated storage for 2 classic cars now and only having the ability to garage one other is not ideal for us at all given the circumstances, the garage no longer being integral, and given the wintertime here in OH. We have as suggested already socialized and informally discussed this with the Architectural Review Board at least Wednesday's meeting and sought their valued input on design and scope, etc. which as always has helped us immensely with our final design.

In addition, we could certainly do without adding more expense to what has already become a costly and slow full “frame off restoration” to preserve a historical property for the next generation of people who care about history and its importance. We are not owners, merely caretakers of this home for future generations. We need help to do this. The cost for the garage and conversion will be significant and not what we expected to have to do, but family needs must come first.

We have done everything we can to do what is right and in line with all codes, committee’s boards etc. and incurred an inordinate amount of expense to do so, and we now need support for us as a family new to the area.

2. Consent of adjoining neighbors

I have also attached signed consent letters (Appendix 1) from Mr. and Mrs. Hackney at 38 Aurora Street, Mr. and Mrs. Hannum at 70 College Street (the property that creates the rear border with our property line and the one most likely to be affected by any addition. We have discussed with them all in detail, we have accommodated requests from them all when and where possible. We have agreed to move the proposed garage structure as far from the property line as possible by code with the neighbors at 70 College Street and have not asked them to move their fence back behind the identified property line from our recent survey.

As you can see appreciate and understand, we have undergone many changes in circumstances since our acquisition and transition to the neighborhood. We continue to reside in rented accommodation in Trails of Hudson while we complete the renovation and restoration, again at substantial cost to ourselves, we continue to do all we can in the community of Hudson to make it a better place to live, we have now helped relocate 5 other couples from Houston TX, to the Hudson area all of whom also enjoy the family values and lifestyle that is ours to enjoy.

Our family is very important to us, more so than any house that we have purchased. We have invested a significant amount of time, effort , resource and capital too date into creating our little piece of Hudson family history, and it has certainly been a significant challenge.

We will as always be bound by the rules, codes, regulations and decisions of the people within public office. However it is our responsibility to make you aware of all circumstances that affect a decision and we would respectfully ask that you afford this request the full and due consideration that it ultimately deserves.

As always, we are open to any and all suggestions and recommendations. We have proven to be transparent, honest, flexible and very approachable in all dealings with all approvals too date and will continue to be so. We would prefer the issue to be resolved, amicably and quickly as we have family issues to address.

Thank you in advance.

Sincerely yours,

Michael J Knights

42 Aurora Street Impervious Surface Detail

Lot Size 8,375 sq. ft

Main Structure

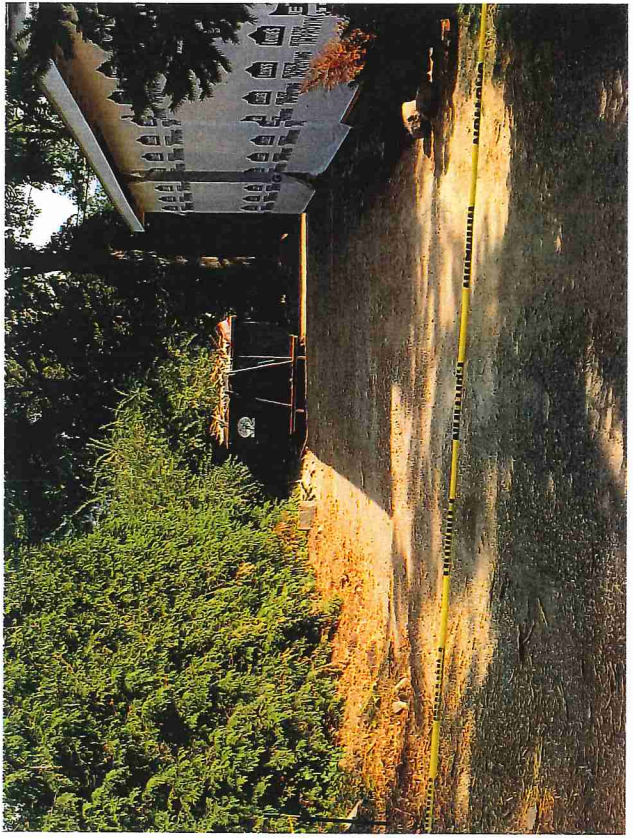
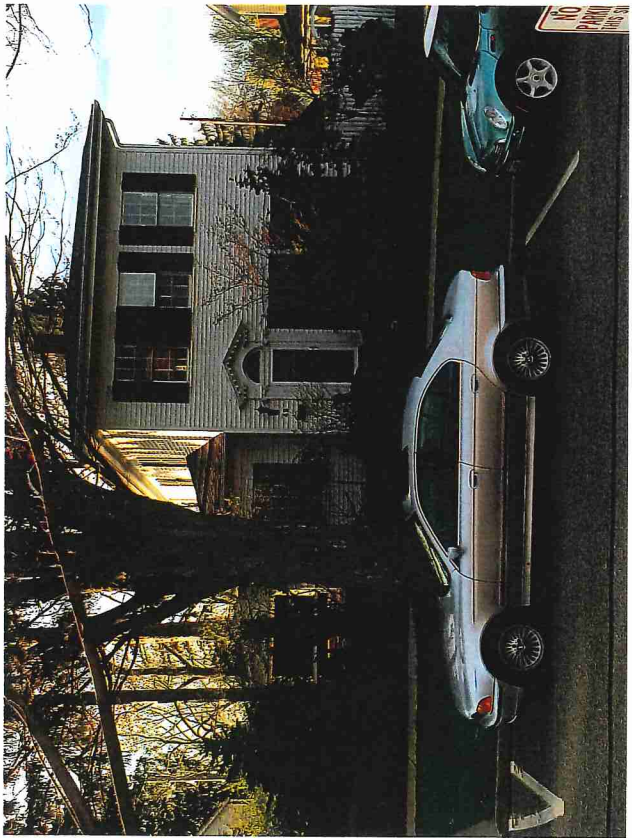
Original main body	968 sq. ft
Previous addition (East side)	420 sq. ft
Existing 2 car garage (South Side)	360 sq. ft
Newly converted screen porch (East Side)	380 sq. ft
Newly built covered porch (West side)	256 sq. ft
New Proposed Single Detached Garage	280 sq. ft
New Driveway to accompany above	675 sq. ft
Modify main driveway turn to courtyard w/ small patio	316 sq. ft

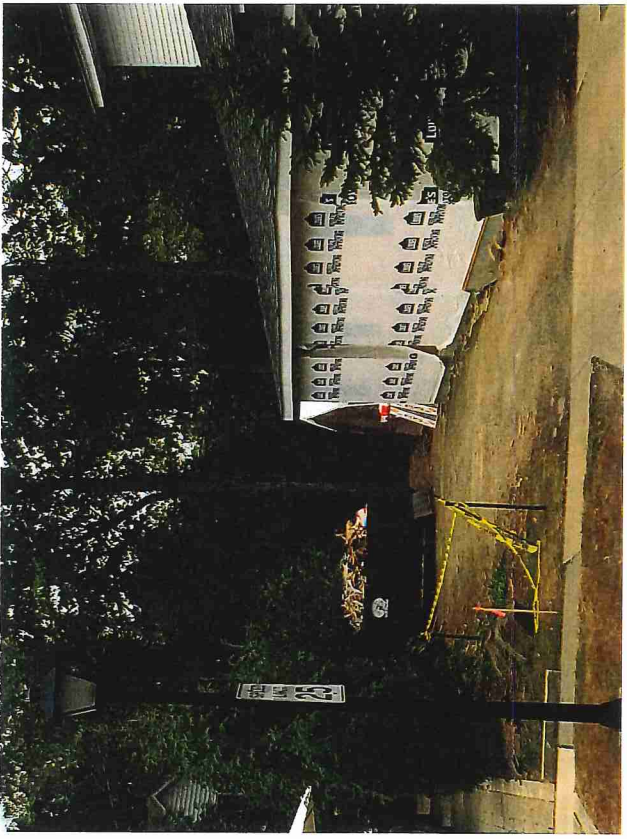
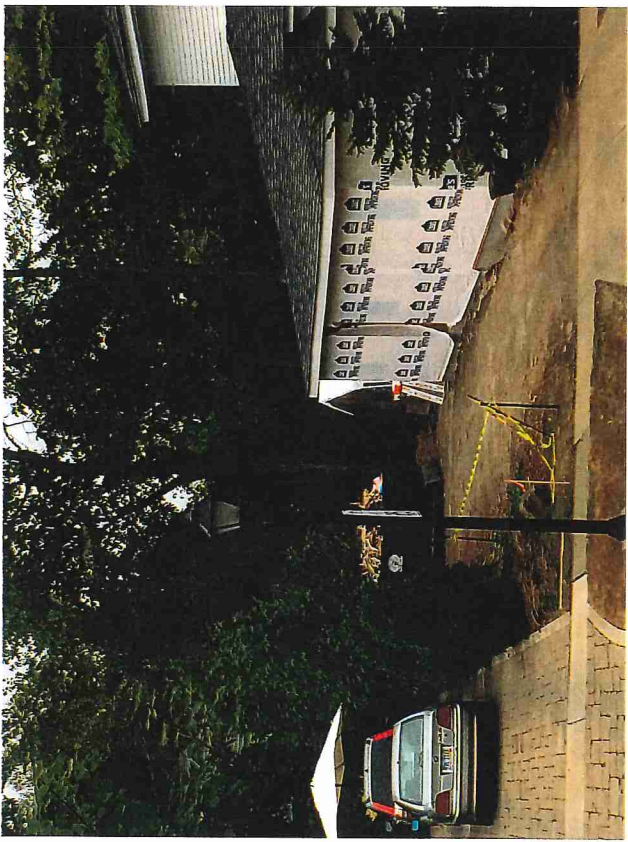
Two small existing brick walks at front of house 84 sq. ft

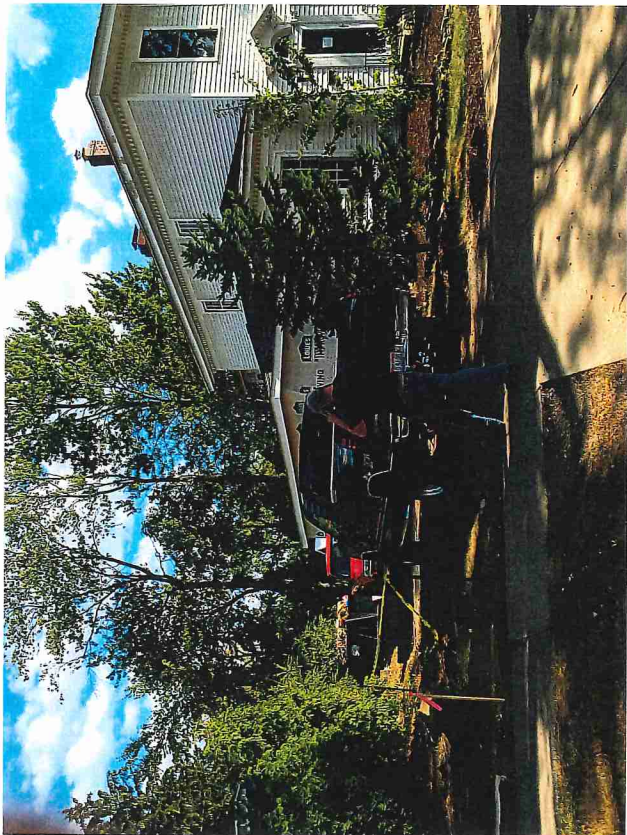
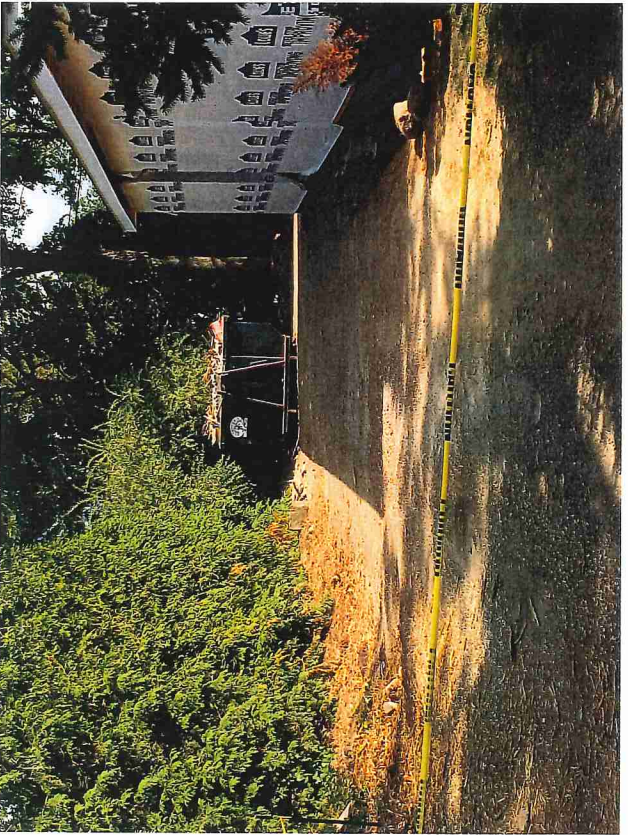
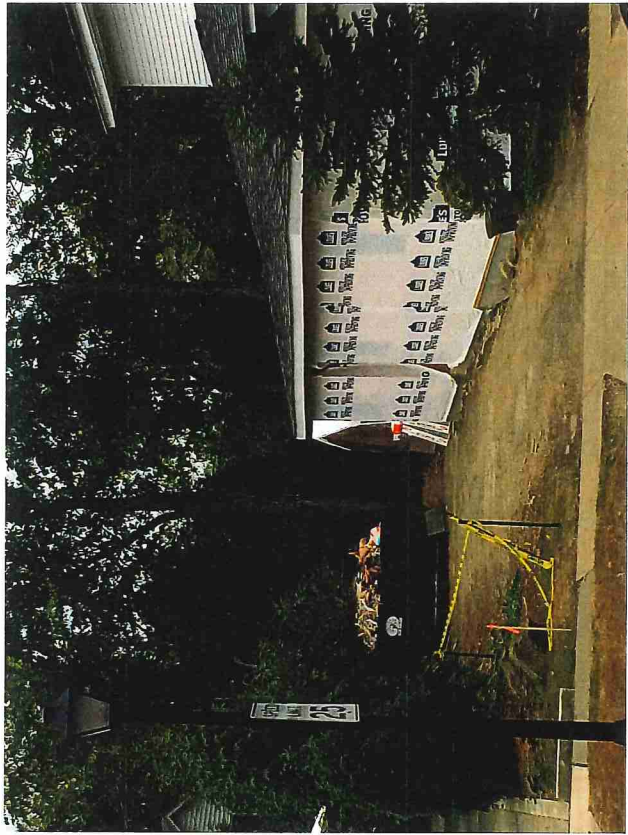
Total Impervious for new proposed plan 3,739 sq. ft

Percentage 44.6%











City of Hudson Ohio
Department of Community Development
115 Executive Parkway, Suite 400, Hudson, OH 44236
Phone: (330) 342-1790 www.hudson.oh.us

Zoning Certificate

PROJECT ADDRESS: 42 AURORA ST

Parcel Number: **3200005**

Zoning District: **4**

Subdivision: **N/A**

Lot #: **N/A**

Applicant: **Ted Georger**

Owner: **KNIGHTS MICHAEL J KNIGHTS BAMBI L**

1308 Greenwood Avenue

7676 REYNOLDS RD

KENT, OH 44240

MENTOR, OH 44060

Permit Number: **2015-151**

Issue Date: **5/28/15**

Project: **Addition Residential**

Picked up Date: **5-29-15**

Permit Description: **additions, window/roof replacement**

Square footage: **564**

FEMA Floodplain: **N**

CONDITIONS

- AHBR Approval on May 27, 2015
- Historic District Subcommittee Approval on May 27, 2015

Building Permit must be obtained from the Summit County Department of Building Standards prior to commencing work.
Certificate shall expire unless construction is commenced within six months and completed within two years of the date of issuance.
Not valid without Staff signature.

A handwritten signature in black ink, appearing to read "Mark Richardson".

Authorized City Staff

5/28/15

Date

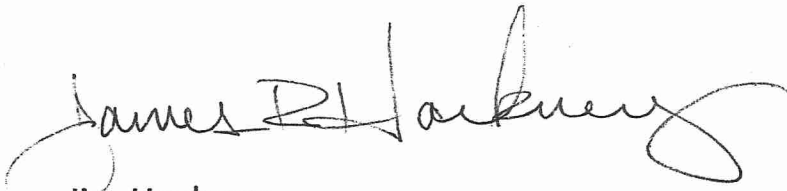
To Whom it May Concern:

We own and reside at 38 Aurora Street, Hudson, OH and have been contacted and approached by Mr. and Mrs. Knights current owners of 42 Aurora street, Hudson, OH 44236, concerning their proposed plans to erect a freestanding garage structure on the grounds of the aforementioned property address.

We appreciate the willingness of the Knights family to involve us in the process and their willingness to invest in the restoration of the property in an attempt to ensure maintenance of property values within the neighborhood.

We are prepared to support the decision for the application as long as they are fully compliant with all necessary requirements as depicted by the City of Hudson Board of Zoning Appeals and the requirements for compliance as depicted by the City of Hudson Architectural and Historical Board of review.

Regards,


Jim Hackney



To Whom it May Concern:

We own and reside at 70 College Street, Hudson, OH and have been contacted and approached by Mr. and Mrs. Knights current owners of 42 Aurora street, Hudson, OH 44236, concerning their proposed plans to erect a freestanding garage structure on the grounds of the aforementioned property address.

We appreciate the willingness of the Knights family to involve us in the process and their willingness to invest in the restoration of the property in an attempt to ensure maintenance of property values within the neighborhood.

We are prepared to support the decision for the application as long as they are fully compliant with all necessary requirements as depicted by the City of Hudson Board of Zoning Appeals and the requirements for compliance as depicted by the City of Hudson Architectural and Historical Board of review.

Regards,

A handwritten signature in dark ink, appearing to read 'Mark Hannum', with a long horizontal line extending to the right.

Mark Hannum



The Knights Detached Garage Project

42 Aurora St., Hudson, Oh 44236

Owners: Michael & Bambi Knights

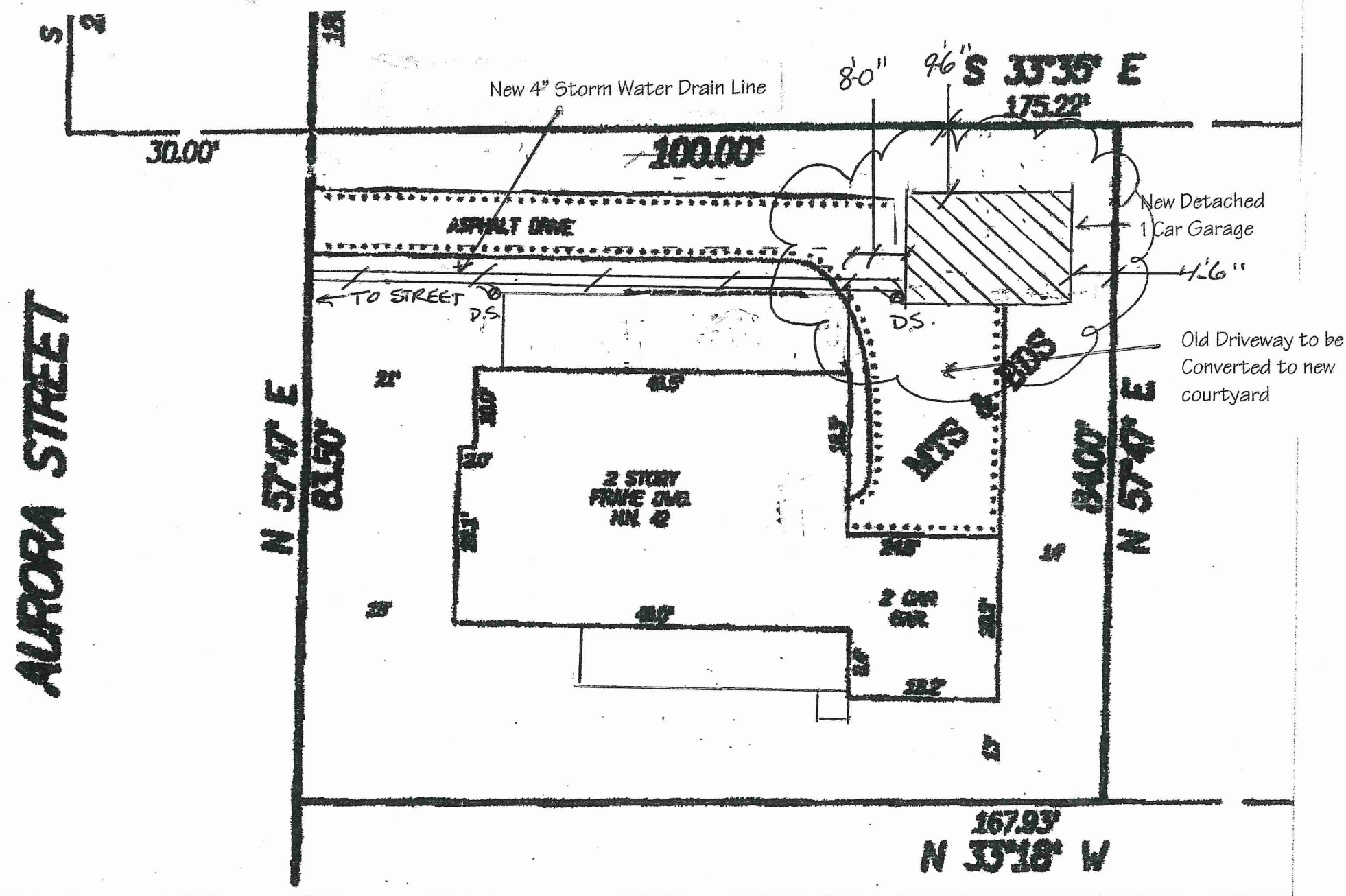
Work to be Performed by:

Capomastro Builders

Division of GCM Services, LLC

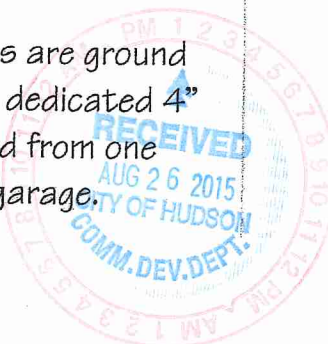
1308 Greenwood Ave., Kent, Oh 44240

330-221-0403



Project Notes:

1. Convert existing attached two-car garage to living space to allow for family room as to accommodate Mr. Knight's parents occupancy of the first floor master/family room option that is now needed.
2. Build new detached two-story single car garage with front access with matching siding, shutters, wood windows, shingles, and all trim details and design style to match existing house as previously approved by the AHBR.
3. Impervious surface usage on the property will go to 51% +/- 1%. The future planned courtyard will eliminate 480 sq. ft. of driveway, and will cause a net loss of the impervious surface of 2%. Bringing total future impervious surface to 49% +/- 1%.
4. New detached garage will be placed 9'-6" from sideyard neighbor, and 4'-6" from backyard neighbor-all well within setback requirements per new provided survey from Campbell & Associates.
5. Garage Door will be Clo-Pay brand carriage house style with lites & strap hinges as previously approved by AHBR for the existing house structure.
6. Current house and all neighbors' downspouts are ground wash style; the new garage will have its own dedicated 4" storm water drain line to the street serviced from one downspout on the northwest corner of the garage.

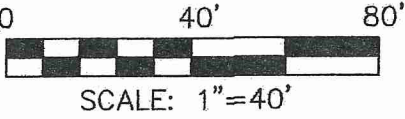


STATE OF OHIO, COUNTY OF SUMMIT
BEING PART OF BLOCK 4 IN THE
CITY OF HUDSON

LEGEND

- REC. - RECORD DISTANCE
CAL. - CALCULATED DISTANCE
OBS. - OBSERVED DISTANCE
- - MONUMENT BOX
● - MONUMENT FOUND, SIZE
& TYPE AS INDICATED.
- (XX.XX') - RECORD INFORMATION

5/8" REBAR W/ CAP
MARKED "CONNOR"
IN MONUMENT BOX
FD. & HELD



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR
THIS SURVEY IS GRID NORTH
OF THE OHIO STATE PLANE
COORDINATE SYSTEM, NORTH
ZONE, NAD83 (2011).

AURORA STREET 60'
N 56°56'36" E 676.08' obs.

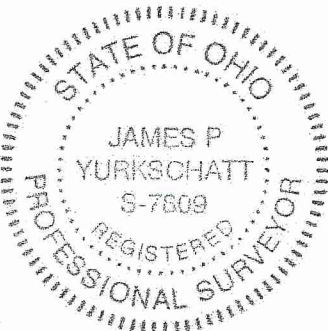
COLLEGE ST. 60'

1/2" PIPE
FD. & HELD

5/8" REBAR
HELD FOR LINE
0.36' S.E.

ROBERT I. &
KAREN S. DOUGLASS
REC. No. 55512860
PCL. No. 32-00405

Ⓐ - MICHAEL J. & BAMBI L. KNIGHTS
REC. No. 56096021
PCL. No. 32-00005
**TOTAL AREA
0.194 ACRES**



PARCEL 2

MARK C. & KAREN A. HANNUM
REC. No. 56116269

PARCEL 1

JAMES R. & CATHERINE E. HACKNEY
REC. No. 54861333
PCL. No. 32-00199

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED IN
ACCORDANCE WITH THE MINIMUM STANDARDS FOR BOUNDARY
SURVEYS IN THE STATE OF OHIO AS DESCRIBED IN O.A.C.
CHAPTER 4733-37.

JAMES P. YURKSCHATT REG. NO. 7809
CAMPBELL & ASSOCIATES, INC.

8/17/2015
DATE

DATE: AUG. 2015
BY: DLG
SCALE: 1"=40'

BOUNDARY SURVEY
42 AURORA STREET
HUDSON, OHIO 44236
SUMMIT COUNTY

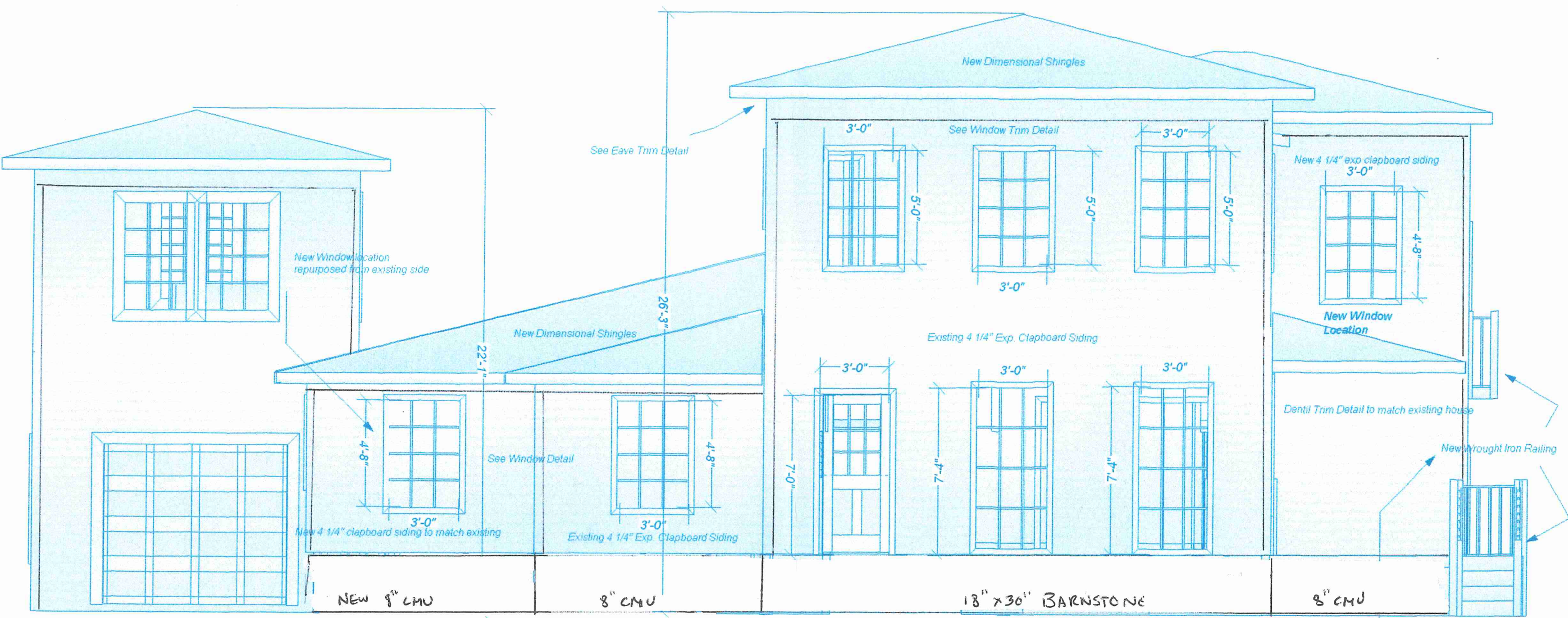


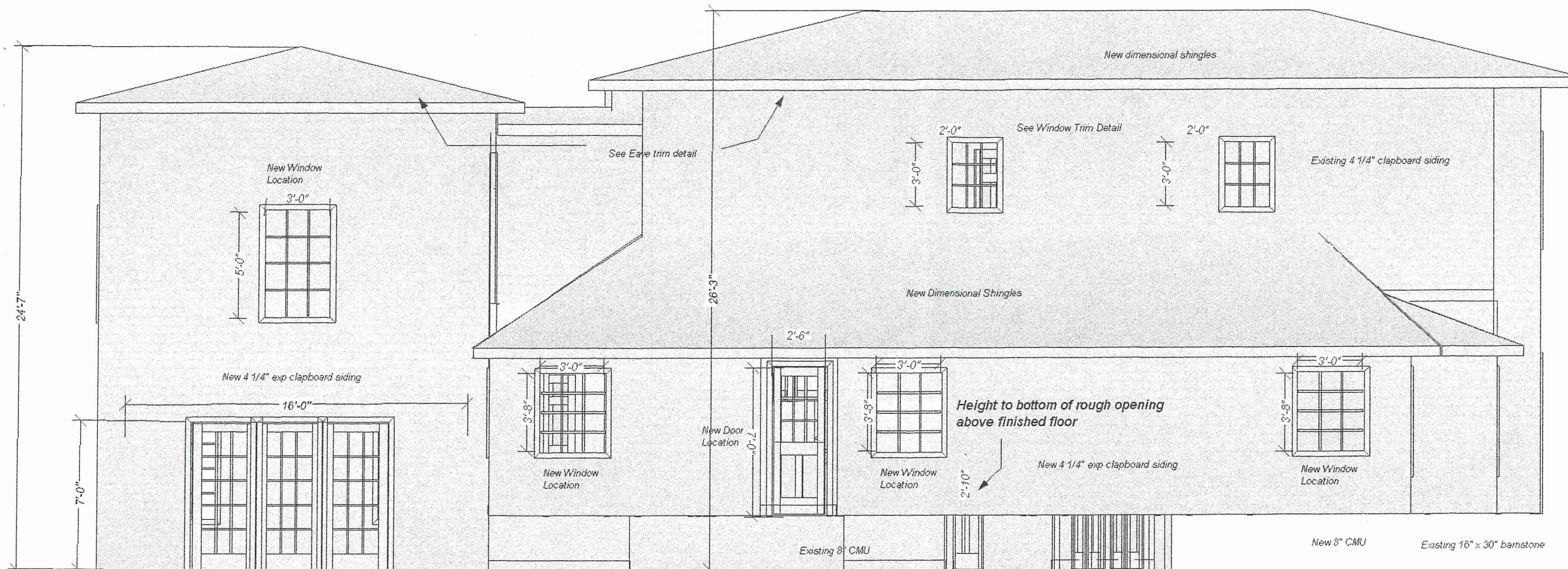
CAMPBELL &
ASSOCIATES, INC.
Land Surveying

3485 Fortuna Drive Suite 100
Akron, Ohio 44312
(330) 945-4117
www.campbellsurvey.com

JOB NO.
20150131

SHEET 1 OF 1

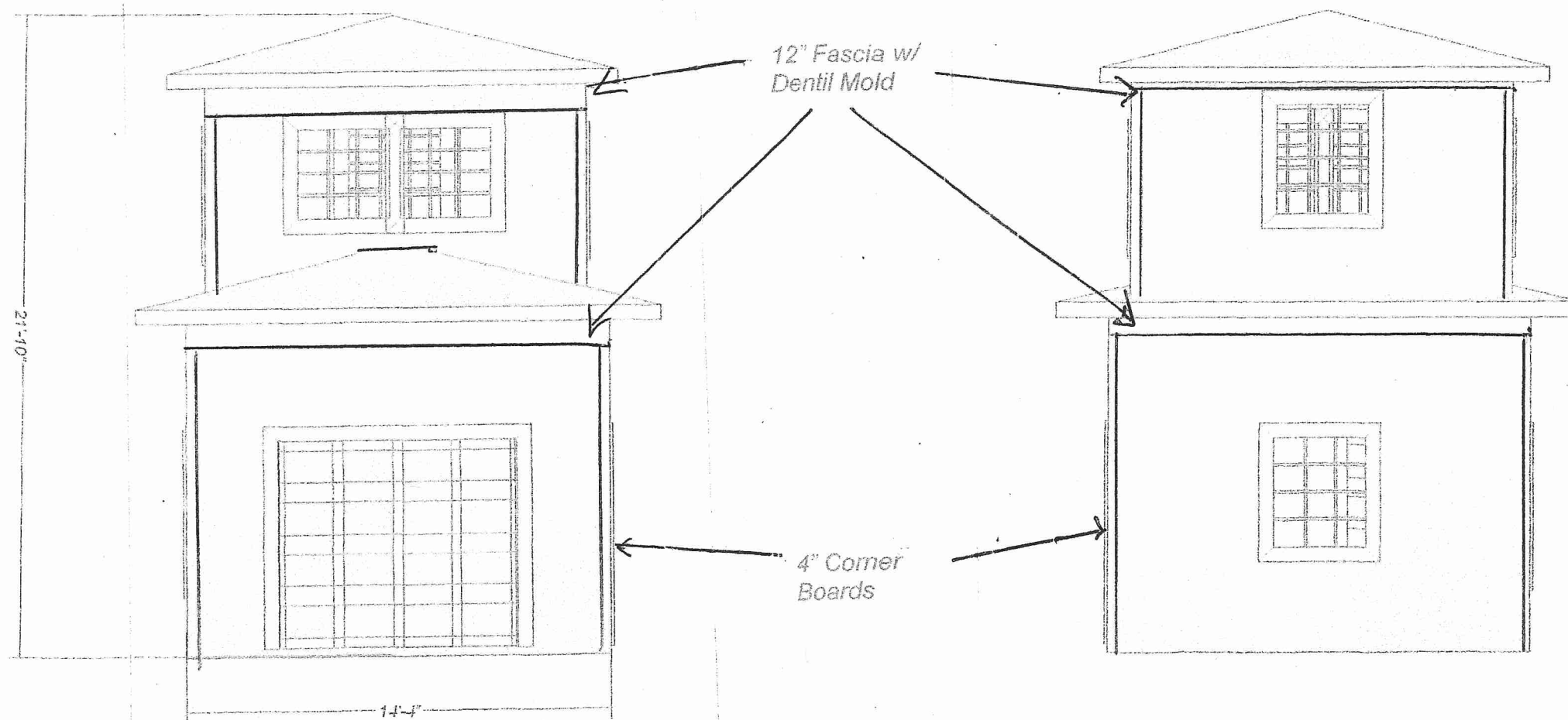




Michael & Bambi Knights
 42 Aurora St.
 Garage Conversion Elevation EXISTING

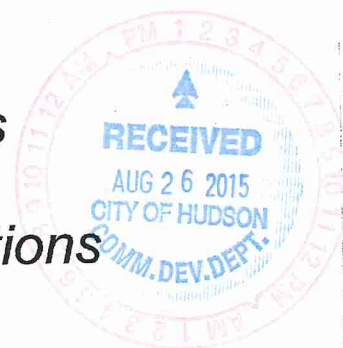


All windows to have Shutters
To match existing house

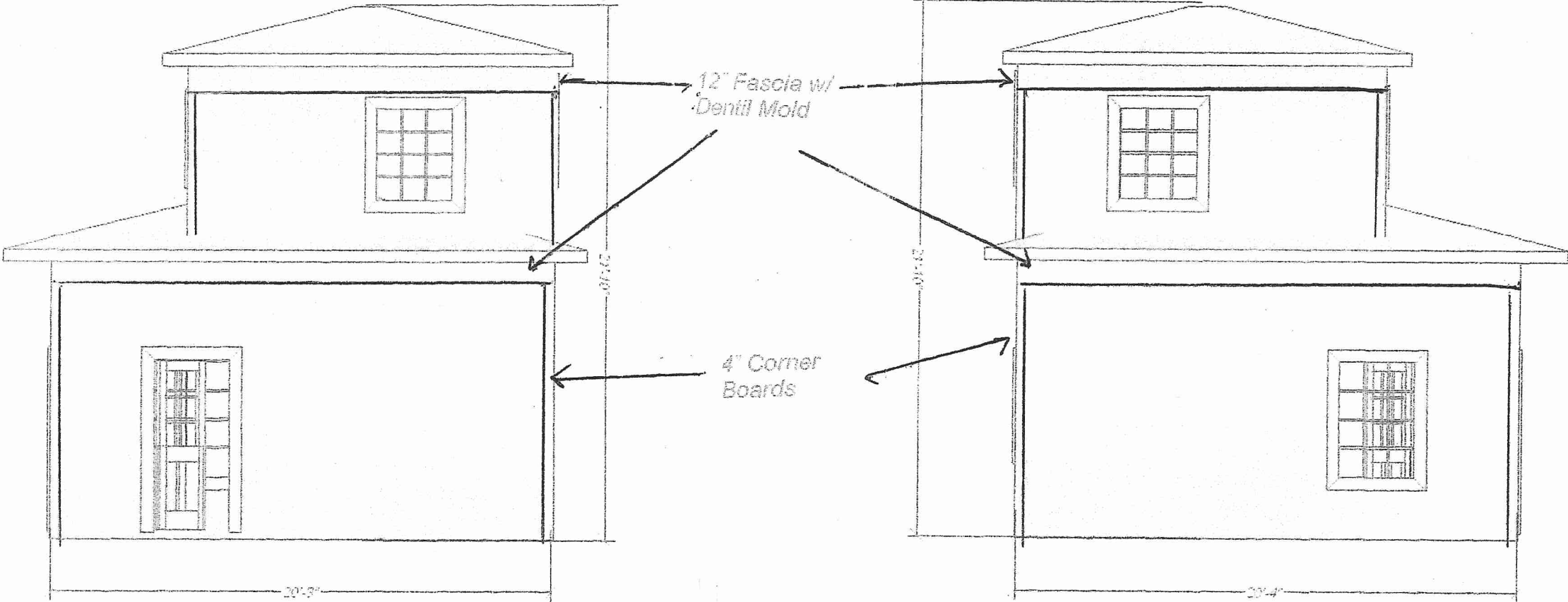


See Window Trim Detail

Michael & Bambi Knights
42 Aurora St.
Detached Garage Elevations
Option 2



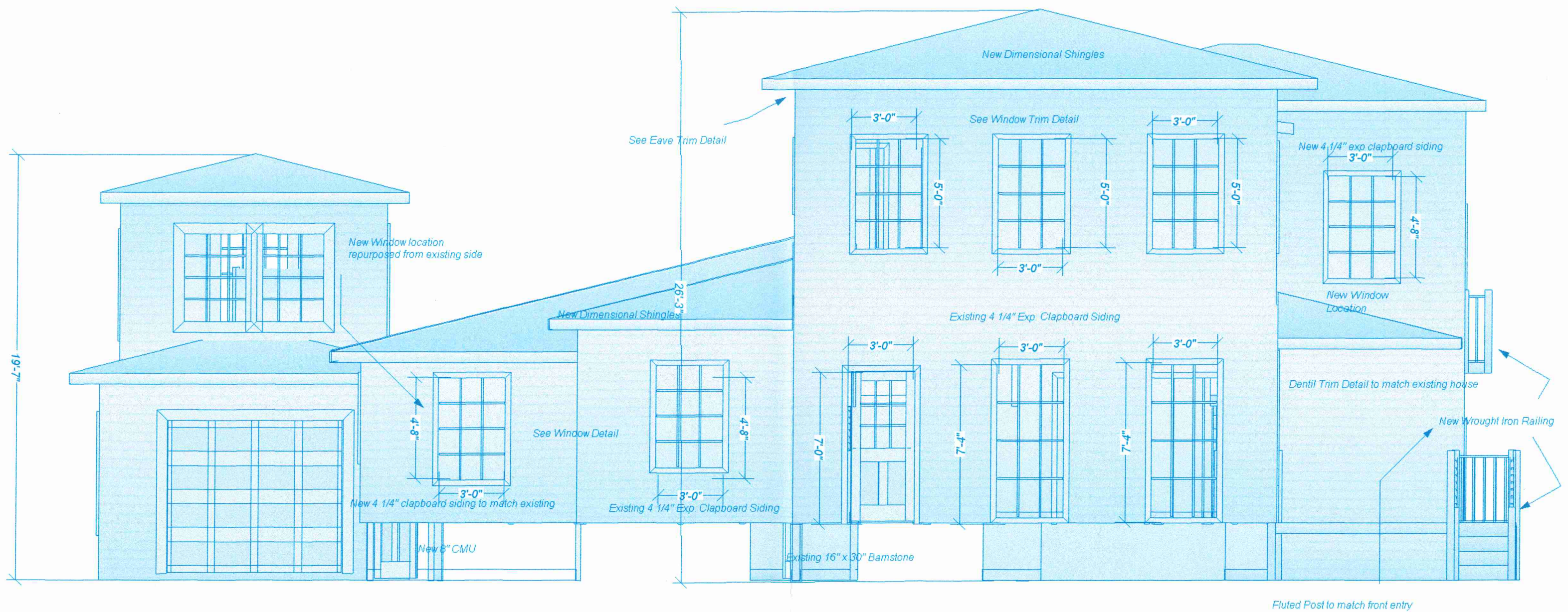
All windows to have Shutters
To match existing house



See Window Trim Detail

Michael & Bambi Knights
42 Aurora St.
Detached Garage Elevations
Option 2





42 Aurora St.
Michael & Bambi Knights
Option 3 as directed by AHBR



Board of Zoning and Building Appeals
Area/Size Variance Worksheet

Application for property located at: _____

Applicant: _____

After reviewing the application, the hearing of evidence under oath, reviewing all documentary submissions of interested parties, and by taking into consideration the personal knowledge of the property in question, the Board of Zoning and Building Appeals finds and concludes:

1. The property in question (will / will not) yield a reasonable return and there (can / cannot) be a beneficial use of the property without the variance because

2. The variance is (substantial/insubstantial) because _____

3. The essential character of the neighborhood (would / would not) be substantially altered or adjoining properties (would / would not) suffer a substantial detriment as a result of the variance because _____

4. The variance (would / would not) adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property (with / without) knowledge of the zoning restriction.
6. The applicant's predicament feasibly (can / cannot) be resolved through some method other than a variance.
7. The spirit and intent behind the zoning requirement (would / would not) be observed and substantial justice (done / not done) by granting the variance because _____

For all of the above reasons, I move that the variance be (granted / denied) (granted with the following conditions):

