

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 2016-04**

Application

Variance to front yard to construct a house.

Site

Address: 434 N. Main Street
District: 4-Historic Residential Neighborhood-Historic District
Applicant: Justin Kapela for J. Kapela Designs
Owner: Samer T. Yousef and Doaa Abou Sharbin

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	4	Single Family Residential-Historic District
South	4	Single Family Residential-Historic District
East	3	Single Family Residential
West	4	Single Family Residential-Historic District

Comments

The subject of this hearing is a request for a variance of eight (8) feet from the required front yard setback of fifty (50) feet to allow construction of a house resulting in a forty-two (42) foot front yard setback pursuant to Section 1205.07(d)(6)(D), "Setbacks-Arterial Setbacks" and Section 1207.04(k)(1)(A), "Landscaping Requirements for "Front Yard/Front Setbacks", of the City of Hudson Land Development Code.

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The subject property is located in District 4 in the Historic District. The property is surrounded by single family residential homes on all sides. The owners purchased the property in September of 2014. The applicant has an option to purchase the property provided an approval is granted for the subject variance. The property is fronting an arterial road requiring a landscaping setback requirement for the front yard/front setback of 50'. The applicant is proposing to build an 1820's replica of a brick Federal Style home and would like the proposed house setback to match the 42' front setback of the adjacent historical home at 422 N. Main Street located to the south of the property. Meeting the required setback of 50' will only leave a depth of 38 feet accounting for the required 40 foot rear yard setback and will not be enough room to fit the proposed historical footprint of a Federal Style home. Due to the style of the home the applicant states the proposed location is the only position the house will fit on the property to compliment the historical nature of Hudson's Main Street. The applicant has requested the subject variance request is only for the proposed design of the house and not be allowed to be granted to the "lot" for any other potential future lot owner.

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

1. **February 17, 2016**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**

cc: BZBA 2016-04
Aimee W. Lane, Assistant City Solicitor
Samer T. Yousef and Doaa Abou Sharbin
Keith Smith, Council Liaison

Attachments

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) 434 N **"VARIANCE"** "NONCONFORMING USE" "APPEAL"

Property Address: S/L 4 Lighton - N. Main St Zoning District: 4

Explanation of Requests and Justification:

Applicant is proposing to build an 1820's replica of a brick Federal Style home and wishes to pull the home forward to match the front line of the existing historical home to the north (left).

The current 50' front building line only leaves a 38' deep building window and does not allow enough room to fit this authentic / historical footprint on the lot.

For a variance: Code requires 50' setback/sq. ft./height. Request is for a 40' setback/sq. ft. height, therefore requesting a 10' setback/sq. ft./height. variance to the front building line

Year Property Purchased: JE 8 Purchase dependent upon variance approval

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: Justin Kapela Property Owner: Samer Yousef -

Address: 44 Clinton St. Hudson, 44236 Address: S/L 4 Lighton - N. Main St. - Hudson

Telephone 330-554-1803 Telephone: 740-364-8595

E-Mail: justin.kapela@gmail.com E-Mail: yousefs@owenscorning.com

38 ELM CREEK Way, Aurora, OH 44202

Applicant: state relationship (agent, attorney, contractor, other): Potential Lot Owner

Applicant Signature: [Signature] Date: 2-15-16

Property Owner Signature: [Signature] Date: 2-16-16

(Staff use only)
Application No./Docket No. 2016-04 Hearing Date: 3-17-16

Date Received: 2-17-16 Fee Paid: 250.00 FEMA Floodplain Y (N) (Initials)

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

Application for property located at: S/L 4 Lighton - N. Main St. - Hudson

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: _____

The current 38' deep buildable window does not allow enough room to fit the adequate proportions required to build an authentic Federal Style home with back service wing and breezeway.

2) The variance is (substantial ~~insubstantial~~) because: _____

Many homes along 91 are closer than this to the street, including the historical Lighton house to the left.

a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)?

Yes, this is the minimum amount necessary to match the front of the Lighton house to the left.

3) Would the essential character of the neighborhood be substantially altered? Explain: _____

No, because the architectural design is the exact style that fits Hudson and homes like this are closer to 91

a) Would adjoining properties be negatively impacted: No, not all.

b) Describe how the adjacent properties will not be affected: _____

This new front building line does not bring the house closer to the side neighbors and therefore does not effect them.

4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? No, not all.

5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? _____

Applicant will only purchase this property if the variance is granted.

6) This situation cannot be feasibly solved by means other than a variance. Explain: _____

No, there is no other way to fit this style of home on this property

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: _____

This authentic Federal Style home is the best possible home that could be built on this lot to compliment the historical nature of Hudson's Main St.

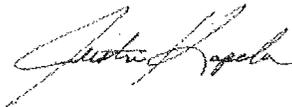
a) The circumstance leading to this request was not caused by current owner. It was caused by: _____

The applicant wanting to have a home built on this lot that will become an example that authentic traditional homes can still be built.

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

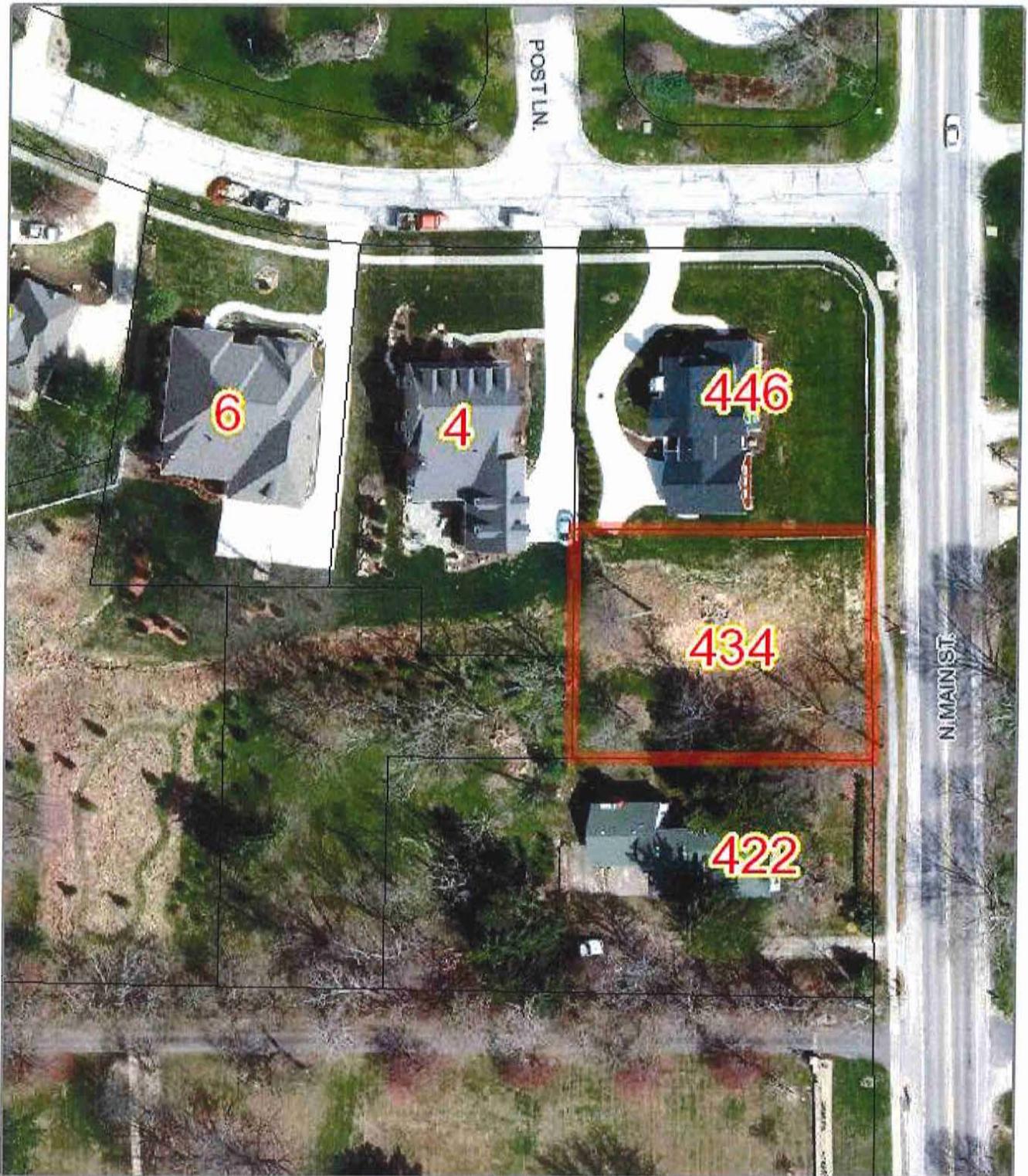
Note: Applicant requires that any approved variance per this application is only for his design presented to be built and the variance not to be granted to the "lot" for any other potential lot owners or current owner.

Signature: _____



Date: 2-15-16

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.

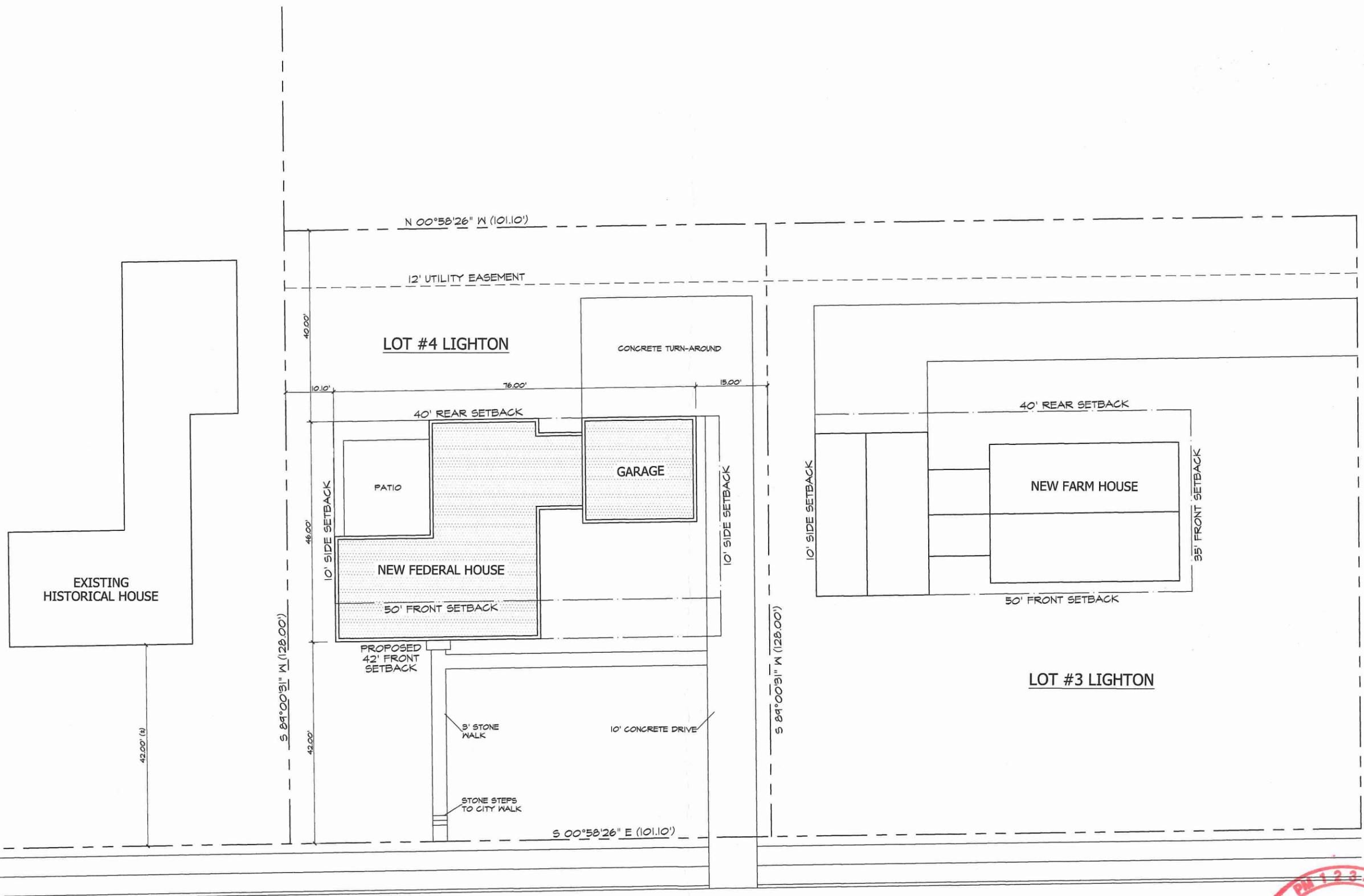
Map Scale
1 inch = 65 feet
3/1/2016

City of Hudson, OH



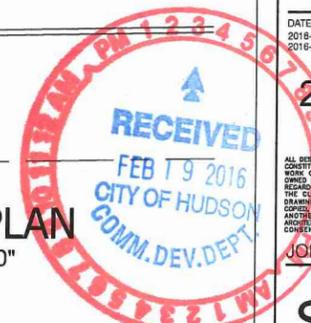
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Map Scale
1 inch = 130 feet
3/1/2016



LIGHTON FEDERAL HOUSE
S/L 4 LIGHTON - N. MAIN STREET
HUDSON, OH - 44236

SITE PLAN



DATE
2018-02-11 LAYOUT PLANS
2018-02-17 VARIANCE SUBMITTAL

2-19-16

SITE PLAN
S: 1" = 10'-0"

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JOB # 1614

S101

NORTH MAIN ST. (66' R/W)

ELEVATION NOTES

Reference sections 1061.3 and chapter 44 of the Residential Code of Ohio

GENERAL:

-GRADE SHALL HAVE A MINIMUM OF 6" FALL AWAY FROM THE STRUCTURE WITHIN THE FIRST 10' PER RCO SECTION 401.3.

-ALL CHIMNEYS SHALL EXTEND PAST ANY ROOF THAT IS WITHIN 10'-0" OF THE CHIMNEY BY A MINIMUM OF 2'-0".

-IT IS THE RESPONSIBILITY OF THE BUILDER AND/OR OWNER TO CHOOSE ALL SIDING COLORS, TRIM SIZES AND ANY FALSE VENTS.

SHINGLES:

ROOF SHINGLES SHALL BE APPLIED OVER A MINIMUM OF ONE PLY OF #15 FELT. FELT SHALL BE LAID PARALLEL TO THE EAVES, WITH A 2" TOP LAP AND 4" END LAP. MINIMUM ROOF SLOPE NO LESS THAN 1/4" / FT. ICE GUARD AND WATERSHIELD AT ALL EAVES AND VALLEYS. ICE GUARD SHALL BE INSTALLED A MINIMUM OF 24" MEASURED FROM THE INSIDE OF THE EXTERIOR WALL PER RCO SECTION 905.2.7.2.

ATTICS:

ALL ENCLOSED ATTICS AND RAFTER SPACES SHALL HAVE CROSS VENTILATION WITH THE NET FREE VENTILATING AREA NOT LESS THAN 1/300 OF THE AREA TO BE VENTILATED. ALL OPENINGS SHALL BE PROTECTED AGAINST THE ENTRANCE OF SNOW AND RAIN.

REFER TO ROOF PLAN SHEET FOR VENTING CALCULATIONS.

TRUSSES:

ALL TRUSSES ARE TO BE DESIGNED BY THE TRUSS MANUFACTURER WITH DETAILED DRAWINGS DESCRIBING TRUSS LAYOUTS AND LOAD CALCULATIONS USED TO DESIGN THE TRUSSES. IT IS THE BUILDER AND/OR OWNERS RESPONSIBILITY TO SUPPLY ANY/OR ALL OF THIS INFORMATION IF REQUESTED BY THE BUILDING DEPARTMENT TO ISSUE BUILDING PERMITS. IT IS ALSO THE RESPONSIBILITY OF THE TRUSS MANUFACTURER TO VERIFY, AND IF NECESSARY, ADJUST THE SIZE OF OR ADD ANY BEAM OR HEADER THAT IS DIRECTLY EFFECTED OR REQUIRED TO CARRY THE ROOF LOADS. IN THIS EVENT, THE TRUSS MANUFACTURER SHALL CONTACT J. KAPELA DESIGNS, INC. IN ORDER TO UPDATE THE DRAWINGS.

WINDOWS:

ALL WINDOWS AND SIZES ARE DRAWN NOMINAL INCHES.

WINDOWS WITHIN 36" HORIZONTALLY & 60" VERTICALLY OF A TUB OR SHOWER MUST BE TEMPERED.

WINDOWS WITH SILLS LOWER THAN 18" MUST BE TEMPERED.

EGRESS REQUIREMENTS:

MAXIMUM SILL HEIGHT ABOVE FLOOR.....44"
 MINIMUM NET CLEAR OPENING HEIGHT.....24"
 MINIMUM NET CLEAR OPENING WIDTH.....20"
 MINIMUM NET CLEAR OPENING SQUARE FEET.....5.7
 MINIMUM NET CLEAR OPENING SQ. FT. GRADE LEVEL.....5.0
 REMOVAL OF SASH MAY NOT BE USED TO OBTAIN CLEAR OPNG.

SEE SHEET C101 FOR GEN. CODE REQUIREMENTS, DISCLAIMERS AND GENERAL CONSTRUCTION NOTES



LEFT SIDE ELEVATION
S: 1/4" = 1'-0"



FRONT ELEVATION
S: 1/4" = 1'-0"



CONTACT:
 J. KAPELA DESIGNS, Inc.
 44 Clinton St. Hudson, Oh. 44236
 330.650.1849
 www.jkapela.com

LIGHTON FEDERAL HOUSE
 511.4 LIGHTON - N. MAIN STREET
 HUDSON, OH. 44236

EXTERIOR ELEVATIONS

DATE
 2018-02-11 LAYOUT PLANS
 2018-02-17 VARIANCE SUBMITTAL

2-19-16



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JOB # 1814

A201

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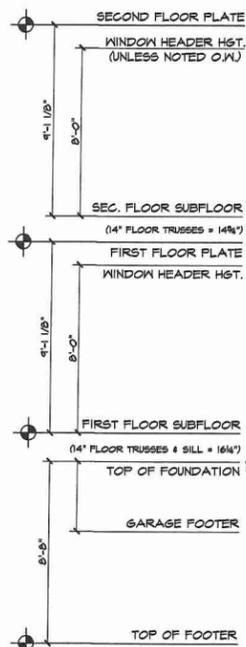
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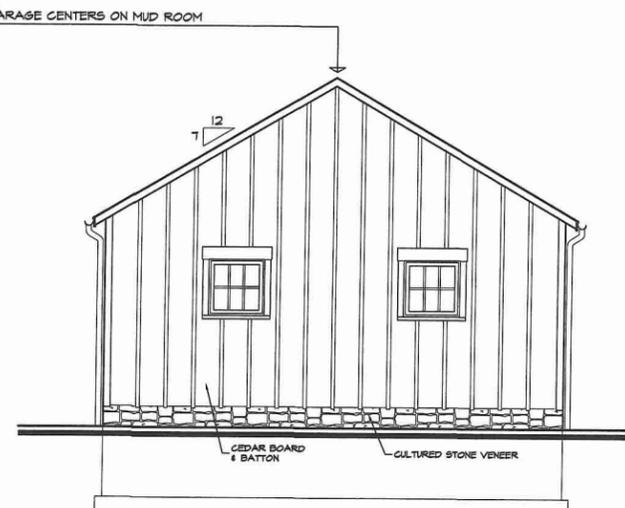
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RIGHT SIDE ELEVATION
S: 1/4" = 1'-0"



GARAGE SIDE ELEVATION
S: 1/4" = 1'-0"



REAR ELEVATION
S: 1/4" = 1'-0"



FIRST FLOOR NOTES

Reference sections 1061.3 and chapter 44 of the Residential Code of Ohio

GENERAL:

- ALL WALLS ARE DIMENSIONED STUD-TO-STUD.
- ALL INTERIOR WALLS ARE 3 1/2", EXTERIOR WALLS ARE 6" UNLESS OTHERWISE NOTED.
- ALL ANGLED WALLS ARE 45° UNLESS OTHERWISE NOTED.
- SEE PLANS FOR HEADERS IN ALL OPENINGS FOR EXTERIOR AND LOAD BEARING WALLS.
- ALL FLOOR JOISTS SHALL BE CROWNED BEFORE PLACEMENT.
- ALL POSTS (■) SHALL BE A MINIMUM OF (3)2x4's OR (2)2x6's UNLESS NOTED OTHERWISE & DEPENDENT ON WALL THICKNESS
- POINT LOADS ARE REPRESENTED BY (●)

SMOKE & CARBON DETECTORS:

ALL SMOKE & CARBON DETECTORS SHALL BE HARDWIRED & INTERCONNECTED WITH A BATTERY BACK-UP. THEY SHALL BE INSTALLED IN EACH SLEEPING ROOM, OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS AND ON EACH ADDITIONAL STORY OF THE BUILDING PER RCO SECTIONS 314.3 AND 315.1.

FIREPLACES:

ALL CHIMNEYS AND FIREPLACES SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF 2013 RCO AND INSTALLED PER THE ORDINANCES SET FORTH BY THE LOCAL GOVERNING BUILDING AND ZONING DEPARTMENTS. IT IS THE RESPONSIBILITY OF THE BUILDER AND/OR OWNER TO VERIFY THE ROUGH-OPENING DIMENSIONS FOR ALL PRE-FAB FIREPLACES WITH THE ACTUAL UNIT TO BE INSTALLED, PRIOR TO FRAMING.

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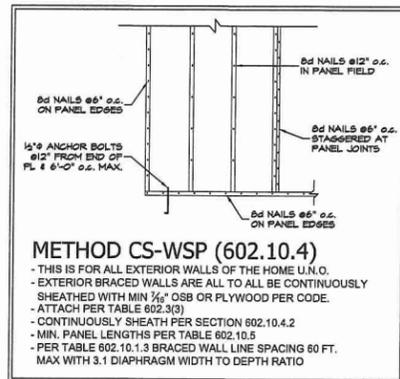
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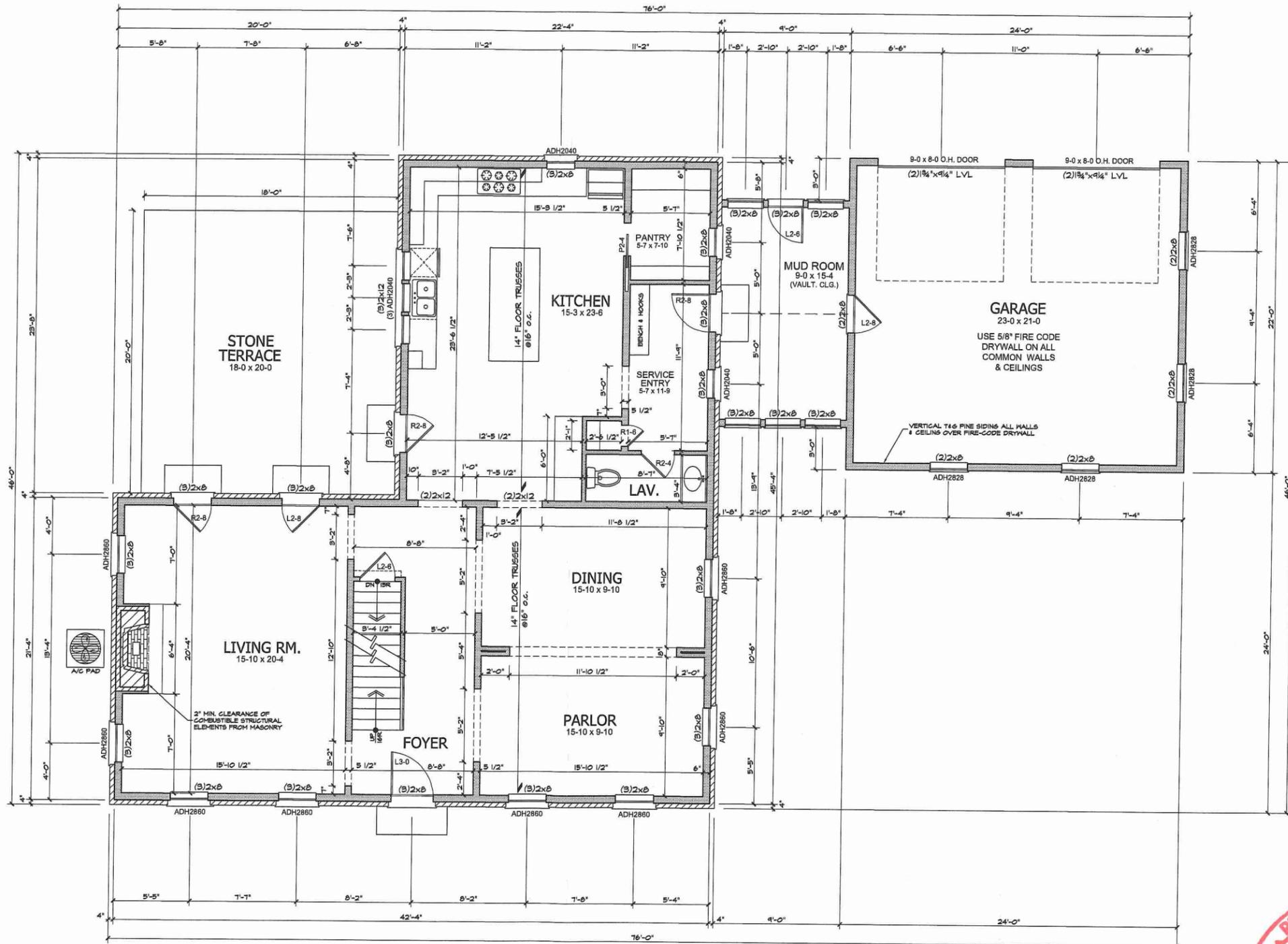
STAIR REQUIREMENTS:

- MINI. STAIR WIDTH EXCLUDING WALL HANDRAIL.....3'-0"
- MINIMUM TREAD DEPTH.....9"
- MAXIMUM RISER HEIGHT.....8 1/4"
- MAXIMUM VARIANCE IN RISER HEIGHT.....3/8"
- MINIMUM NOSING PROJECTION.....1"
- MINIMUM HEADROOM HEIGHT AT STAIR ANGLE.....6'-8"
- MINIMUM / MAXIMUM HANDRAIL HEIGHT.....34" / 38"
- MAXIMUM BALUSTER SPACING (CLEAR OPENING).....4"
- MINIMUM GUARDRAIL HEIGHT AT STAIRS.....34"
- MINIMUM GUARDRAIL HEIGHT AT DECKS & BALCONIES.....36"
- MAXIMUM HAND GRIP WIDTH.....2 1/4"
- MINIMUM DISTANCE BETWEEN WALL AND HANDRAIL.....1 1/2"

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BRACED WALL PANELS (NOT TO SCALE)



FIRST FLOOR PLAN
 S: 1/4" = 1'-0"



CONTACT:
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 44 Clinton St, Hudson, Oh. 44236
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LIGHTON FEDERAL HOUSE
 514 LIGHTON, N. MAIN STREET
 HUDSON, OH. 44236
 FIRST FLOOR PLAN

DATE:
 2016-02-11 LAYOUT PLANS
 2016-02-17 VARIANCE SUBMITTAL
 2-19-16

JOB # 1614

A103

SECOND FLOOR NOTES

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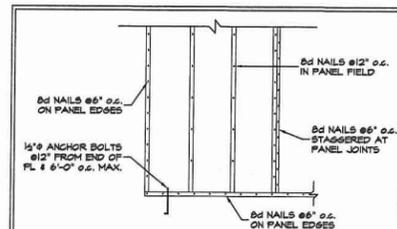
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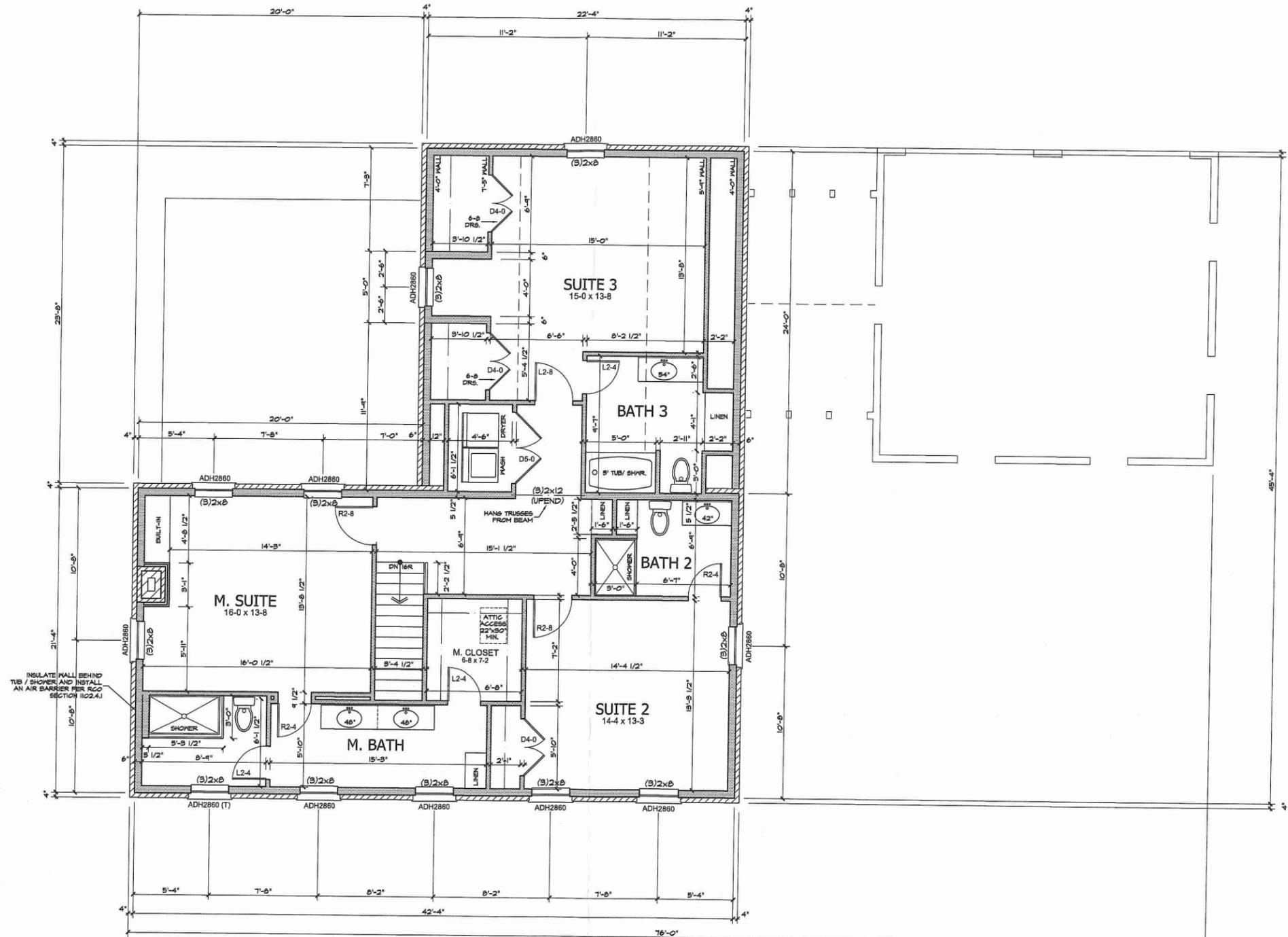
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METHOD CS-WSP (602.10.4)

- THIS IS FOR ALL EXTERIOR WALLS OF THE HOME U.N.O.
- EXTERIOR BRACED WALLS ARE ALL TO ALL BE CONTINUOUSLY SHEATHED WITH MIN 3/4" OSB OR PLYWOOD PER CODE.
- ATTACH PER TABLE 602.3(3)
- CONTINUOUSLY SHEATH PER SECTION 602.10.4.2
- MIN. PANEL LENGTHS PER TABLE 602.10.5
- PER TABLE 602.10.1.3 BRACED WALL LINE SPACING 60 FT. MAX WITH 3.1 DIAPHRAGM WIDTH TO DEPTH RATIO

BRACED WALL PANELS (NOT TO SCALE)



SECOND FLOOR PLAN
 S: 1/4" = 1'-0"



CONTACT:
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LIGHTON FEDERAL HOUSE
 514 LIGHTTON - N. MAIN STREET
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 SECOND FLOOR PLAN

DATE
 2016-02-11 LAYOUT PLANS
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