

REPORT

DATE: March 10, 2016

TO: Board of Zoning and Building Appeals for
Meeting Date March 16, 2016

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

SUBJECT: **Appeals Docket 2017-05**

Application

Variance to rear yard setback to allow a deck addition.

Site

Address: 2134 Edgeview Drive
District: 1-Surburban Residential Neighborhood
Applicant: Chris Meltzer, MLA for Brothers Grimm Landscape & Design
Company
Owner: Robert Stephen & Katherine G. Barger

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	1	Single Family Residential
South	1	Darrow Road Park
East	1	Single Family Residential
West	1	Single Family Residential

Comments

The subject of this hearing is a request for a variance of four (4) feet from the required rear yard setback of fifty (50) feet to allow a deck addition resulting in a forty-six (46) foot rear yard setback pursuant to Section 1205.04(d)(5)(D)(i), "Setbacks: Minimum Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

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The subject property is located in the Scenic View Estates Subdivision on lot 17 in District 1. The property is surrounded by single family residential homes to the west, north and east and to the south is Darrow Road Park. The house was built in 1983 and the owners purchased the property in July of 2011. The house has a walkout basement with an existing deck above the basement door. The property owners are proposing to replace the existing deck with a larger deck to include stairs to the backyard. The applicant has indicated that the deck depth will be increased by four feet to better fit the architecture and achieve a balanced outdoor living space. The rear property line is adjacent to the park and the applicant has indicated the replacement of the deck will not affect any adjacent neighbors.

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

1. **February 14, 2017**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**

cc: BZBA 2017-05
Aimee W. Lane, Assistant City Solicitor
Matthew Vazzana, Assistant City Solicitor
Chris Meltzer, MLA for Brothers Grimm Landscape & Design Company
Robert Stephen & Katherine G. Barger
Beth Bigham, 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) "VARIANCE" "NONCONFORMING USE" "APPEAL"

Property Address: 2134 EDGEVIEW DRIVE Zoning District: D-1

Explanation of Requests and Justification:

REPLACING OLD DECK WITH NEW DECK

For a variance: Code requires 50' setback/sq. ft./height. Request is for 46' setback/sq. ft. height, therefore requesting a 4' setback/sq. ft./height.

Year Property Purchased: _____

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: BROTHERS GRIMM LANDSCAPE Property Owner: STEVE & KATIE BARGER
DESIGN CO. *Chris Meltzer, MHA*

Address: 2413 S. ARLINGTON RD Address: 2134 EDGEVIEW DR., HUDSON, OH
AKRON, OH

Telephone 330.882.4639 44319 Telephone: _____

E-Mail: Chris@brothersgrimmlandscape.com E-Mail: K8barger@gmail.com

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

Applicant Signature: Chris Meltzer Date: 11/28/16

Property Owner Signature: Katherine Barger Date: 12/15/16

(Staff use only)
Application No./Docket No. 2017-05 Hearing Date: 3-16-2017

Date Received: 2-14-17 Fee Paid: 250⁰⁰ FEMA Floodplain Y N *(Initials)*

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

Application for property located at: 2134 EDGEVIEW DRIVE

Variations 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: THEY ALREADY HAVE EXISTING DECK. NEW DECK IS 4' BIGGER TOWARD BACK PROPERTY. IN ORDER TO ACHIEVE A BALANCED OUTDOOR LIVING SPACE THE ADDITIONAL 4' WILL BE NEEDED.

- 2) The variance is (substantial/~~insubstantial~~) because: SETBACK FROM BACK PROPERTY IS NOT AS CRUCIAL DUE TO THE REAR ADJOINING PROPERTY IS A PARK THEREFORE A VARIANCE WILL NOT CAUSE INCUMBERANCE TO NEIGHBORS
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)?
YES

- 3) Would the essential character of the neighborhood be substantially altered? Explain: NO, WE ARE REPLACING AN OLD DECK WITH NEW DECK THAT IS 4' BIGGER
 - a) Would adjoining properties be negatively impacted: NO

 - b) Describe how the adjacent properties will not be affected: BACK PROPERTY IS DARROW ROAD PARK, ITS ALL WOODS, NO ONE LIVE BEHIND THEM.

- 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
HOME WILL BE BETTER MATCHED, ARCHITECTUALLY, BY A LARGER DECK

- 6) This situation cannot be feasibly solved by means other than a variance. Explain: THE SCALE OF THE HOME WILL BE BETTER MATCHED, ARCHITECTUALLY, BY A LARGER DECK TO PROVIDE BALANCE. THUS ACHIEVING AN OVERALL NEIGHBORHOOD IMPROVEMENT

- 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: THE VARIANCE WOULD ALLOW AN ASHETIC INCREASE TO NOT ONLY THE HOME BUT THE SURROUNDING NEIGHBORHOOD
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: CITY OF HUDSON BUILDING DEPT

 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: NONE

Signature: 

Date: 12/15/16

City of Hudson, OH



Owner Name	Barger Robert Stephen	Legal Description	SV-SCENIC VIEW EST NO 2 LOT 17 ALL
Site Address	2134 EDGEVIEW DR	Area	0.68
Parcel ID	3004492	Council Ward	Ward 4
Owner Address	2134 EDGEVIEW DR	Water Provider	Well Water
Owner City	HUDSON	Sewer Provider	DOSSS
Owner State	OH	Electric Provider	City of Hudson
Owner ZIP	44236	Water Rate	Akron Water District
Phone		Water Tap	Akron Water District

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 = 34 feet
 12/20/2016

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 = 275 feet
12/20/2016

2134 Edge view Dr.
 * Hudson, NJ

* $\frac{1}{4}$ " per ft.

* Trex composite deck

* 108" elevation

* 2x10 joists 16" on center

* 2x12 Dble beams Dbl
 bolted to 6x6 Posts w/ $\frac{1}{2}$ "x10" bolts

* Steps to have 8" rise 11" tread

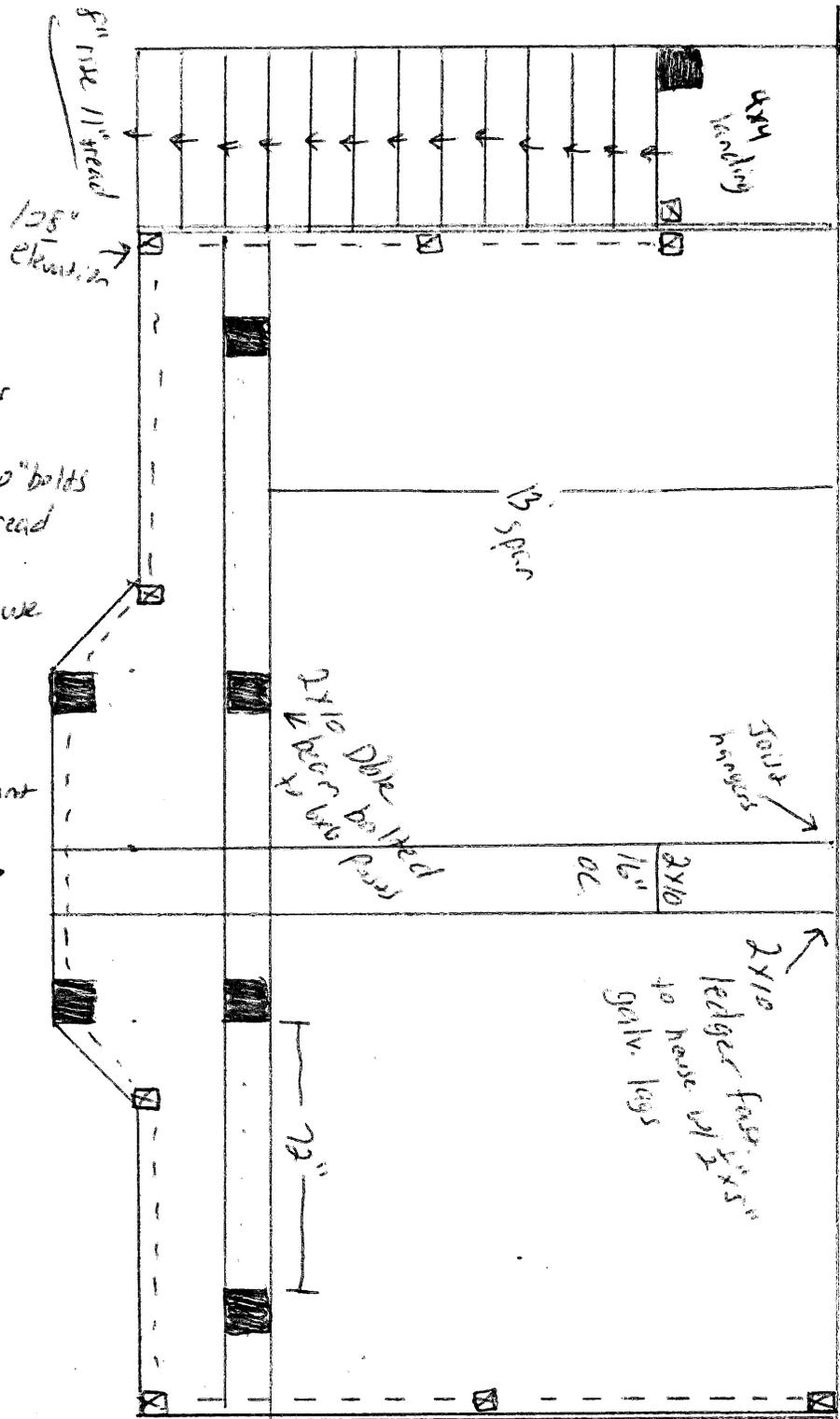
* Steps to have closed riser

* 2x10 ledger lagged to house
 w/ $\frac{1}{2}$ "x5" galv. lags

* Joist hangers at ledger

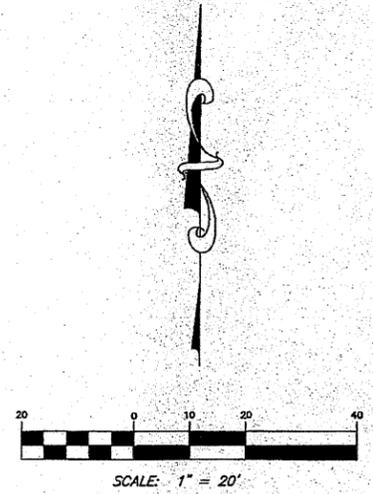
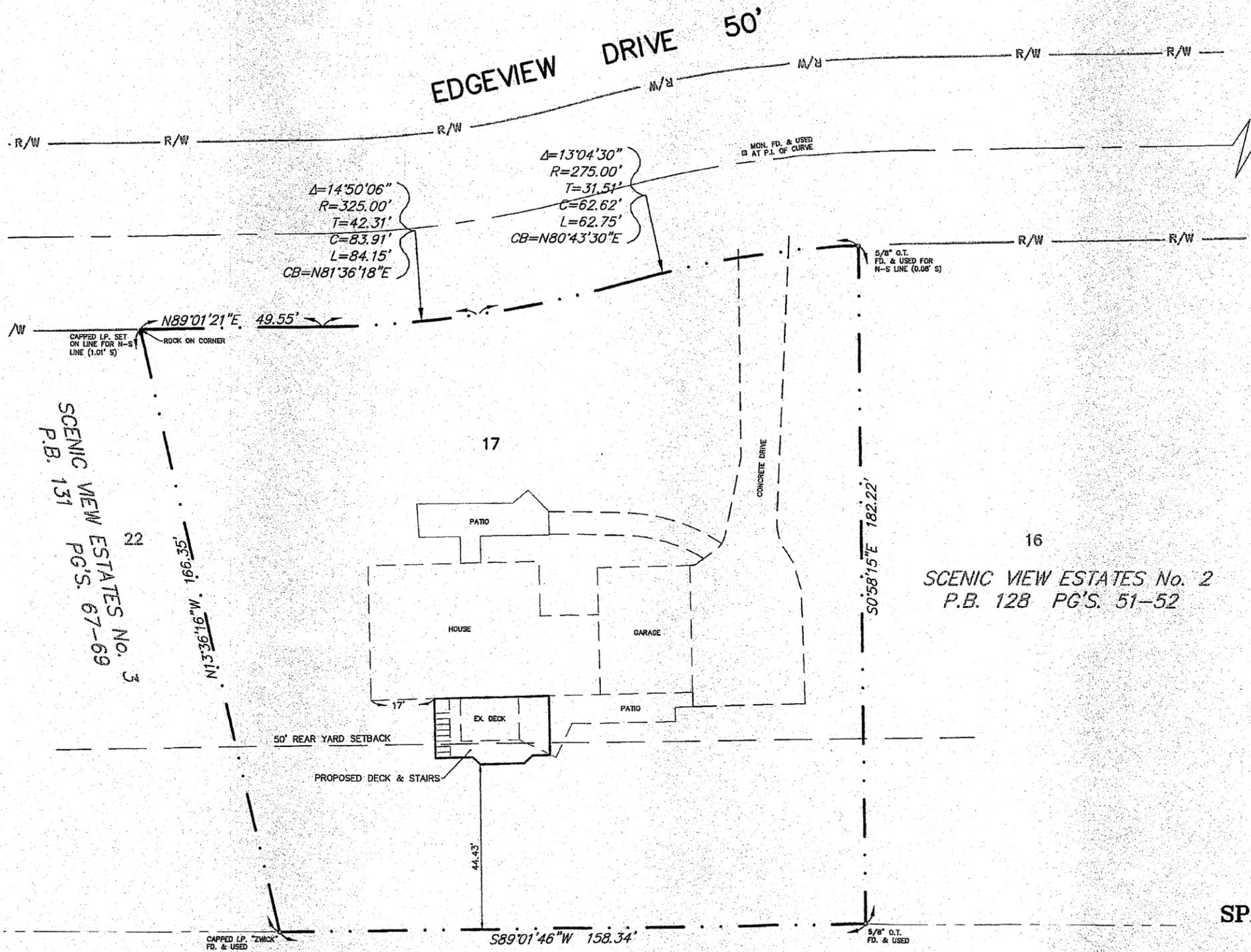
* All hardware AC&C compliant

* HANDRAILS @ BOTH SIDES
 OF STEPS





F. BARGER, 3d DWG'S BASE - BARGER 3-01-2017

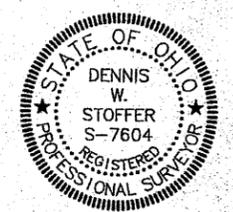


BASIS OF BEARINGS:
 N89°01'21"E ON THE CENTERLINE OF EDGEVIEW DRIVE AS SHOWN ON THE SCENIC VIEW ESTATES No. 2 PLAT AS RECORDED IN P.B. 128, PAGES 51-52 OF THE SUMMIT COUNTY RECORDS.

**ZONING DISTRICT 1 -
 SUBURBAN RESIDENTIAL NEIGHBORHOOD**
 REAR YARD SETBACK = 50 FEET

Prepared By
SPAGNUOLO & ASSOCIATES, LLC
 ENGINEERS - SURVEYORS
 3057 WEST MARKET STREET, SUITE 201
 FAIRLAWN, OHIO 44333
 (330) 836-6661

Survey Plan For
BARGER RESIDENCE
2134 EDGEVIEW DRIVE
 CITY OF HUDSON
 COUNTY OF SUMMIT
 STATE OF OHIO



I hereby certify that I have surveyed the lands shown on this plat, and have found or set the pins and monuments shown on this plat.

Dennis W. Stoffer
 Dennis W. Stoffer Registered Surveyor No. 7604

SCALE: 1" = 20'

FEBRUARY, 2017