

REPORT

DATE October 9, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date October 15, 2015

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

SUBJECT: **Appeals Docket 2015-12**

Application

Variance to permit construction of a screen porch.

Site

Address: 7 Tanager Drive
District: 3
Applicant: Diane Rubin-Schuld
Owner: David and Marilyn Lewis

Adjacent

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

Comments

The request is a variance of twenty (20) feet to the minimum rear yard setback of fifty (50) feet for a screened porch addition resulting in a structure being thirty (30) feet from the rear property line pursuant to Sections 1205.06(d)(5)(E)(i), "Setbacks: Minimum Rear Yard Setbacks-Principal Structure: 50 feet" of the City of Hudson Land Development Code.

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October 15, 2015
Page 2

The subject property is located on a corner lot in the Winston Manor Subdivision on subplot 88 in District 3. The property is surrounded on all sides by single family homes. The house was built in 1992 and the owners purchased the property in June of 2001. The required setback for the front yard, rear yard and second street front is 50 feet. The required side yard setback is 15 feet. The front setback at the northwest corner of the house is a legal non-conforming setback. The property owners received a zoning permit for a kitchen expansion and deck addition on August 27, 2015. The proposed screen porch addition will be a 24' x 12'- 10" with a fireplace and a doorway to the patio. The owners have indicated the angled placement of the house on the property has created an awkward rear yard setback for the proposed addition and due to the design of the interior layout of the house the proposed location of the screened porch is the best choice for the addition location.

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

1. **September 15, 2015** - Application for BZBA and supplemental information of applicant's request including building floor plans and elevations.
2. **Aerial/photographs of site.**
3. **Site Plan.**
4. **Elevation Plans.**
5. **Zoning Certificate-** Issued on 8/28/15 for kitchen and deck.

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

cc: BZBA 2015-12
Aimee W. Lane, Assistant City Solicitor
Diane Rubin-Schuld
David and Marilyn Lewis
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: 7 Tanager Zoning District: 3

Explanation of Request and Justification:

13 X 24 SCREENED IN PORCH

For a variance: Code requires 50 setback/sq. ft./height. Request is for 20 ft. setback/sq. ft./height.

Year Property Purchased: _____

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

Applicant: DIANE RUBIN-SCHULD Property Owner: DAVE LEWIS

Address: 6050 UNION AVE ALLIANCE, OH 44001 Address: 7 Tanager Dr. Hudson, OH

Telephone: 708-890-1132 Telephone: 330-310-4880

Fax: _____ Fax: _____

E-Mail: KESTERKE.SCHULD@gmail.com E-Mail: djlleis@gmail.com

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

Applicant Signature: Diane Rubin Schuld Date: 8/30/15

Property Owner Signature: _____ Date: _____

(Staff use only)	Application No./Docket No. <u>2015-12</u>	Hearing Date <u>10-15-15</u>
Date Received <u>9-15-15</u>	Fee Paid <u>250⁰⁰</u>	FEMA Floodplain Y <input checked="" type="radio"/> N <input type="radio"/> (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 7 Tanager Dr. Hudson, OH

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: three sides of the lot would be subject to a 50 foot setback that severely restricts the usable portion of the lot.
2) The variance is (substantial/insubstantial) because: it uses the lot in a natural way that does not interfere with others and is not visible from south or north on Steepleview Drive.
a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? Yes, and even with the request it still leaves more than 30 feet from the setback, which is 2 times the distance that others have for their sideyards.
3) Would the essential character of the neighborhood be substantially altered? Explain: No. The variance permits beneficial use of applicant's lot, which is nearly .72 acres in size. The variance would permit an expected use of the lot.
a) Would adjoining properties be negatively impacted? No.
b) Describe how the adjacent properties will not be affected: The distance between the closest point of the proposed structure would be more than 30 feet from the lot line and when coupled with 15 feet set back observed by closest neighbor a total of 45 feet separates.
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? Yes, as deemed by law but an existing deck that will be removed covers part of the same space.
6) This situation cannot be feasibly solved by means other than a variance. Explain: There is no other better choice for the variance given interior layout of the house and the need for space between the proposed additions and existing study.
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: it permits beneficial use of the property by accommodating an improvement that contributes value to the residence without negative impact.
a) The circumstance leading to this request was not caused by current owner. It was caused by: original plotting of a corner lot by developer and interior configuration of the residence
b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: This is a corner lot with angular placement coupled with 50 foot setbacks on three sides.

Signature _____ Date September 9, 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 = 59 feet
8/31/2015

City of Hudson, OH



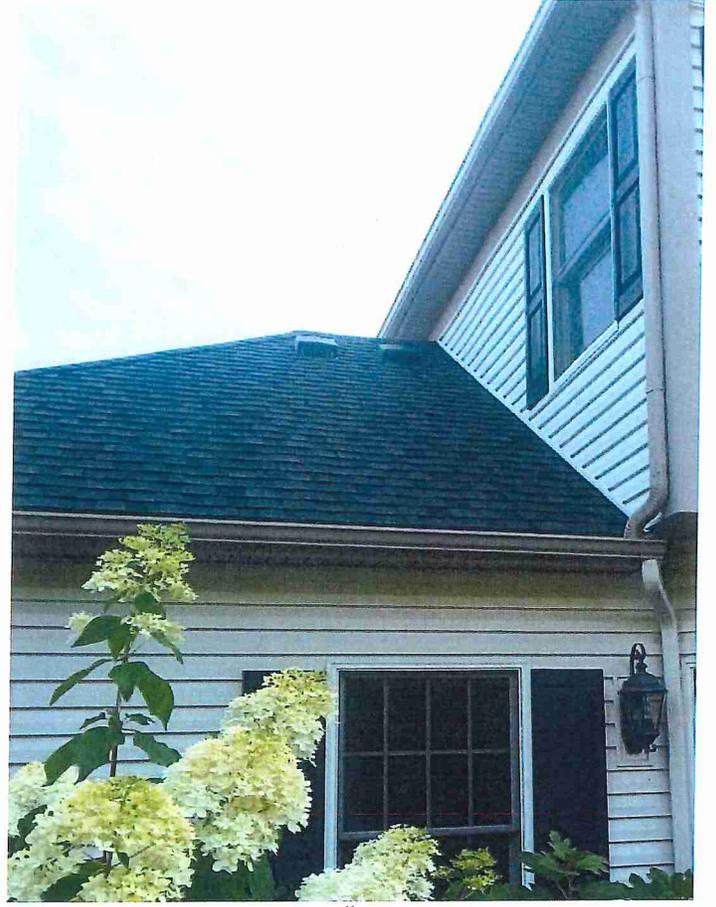
Owner Name	Lewis David J	Legal Description	WINSTON MANOR PH IV LOT 88 ALL .72AC
Site Address	7 TANAGER DR	Area	0.77
Parcel ID	3203394	Council Ward	Ward 1
Owner Address	7 TANAGER DR	Water Provider	City of Hudson
Owner City	HUDSON	Sewer Provider	City of Hudson
Owner State	OH	Electric Provider	City of Hudson
Owner ZIP	44236	Water Rate	Original Service Area Rate
Phone	(330) 650-9681	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 = 117 feet
 8/31/2015



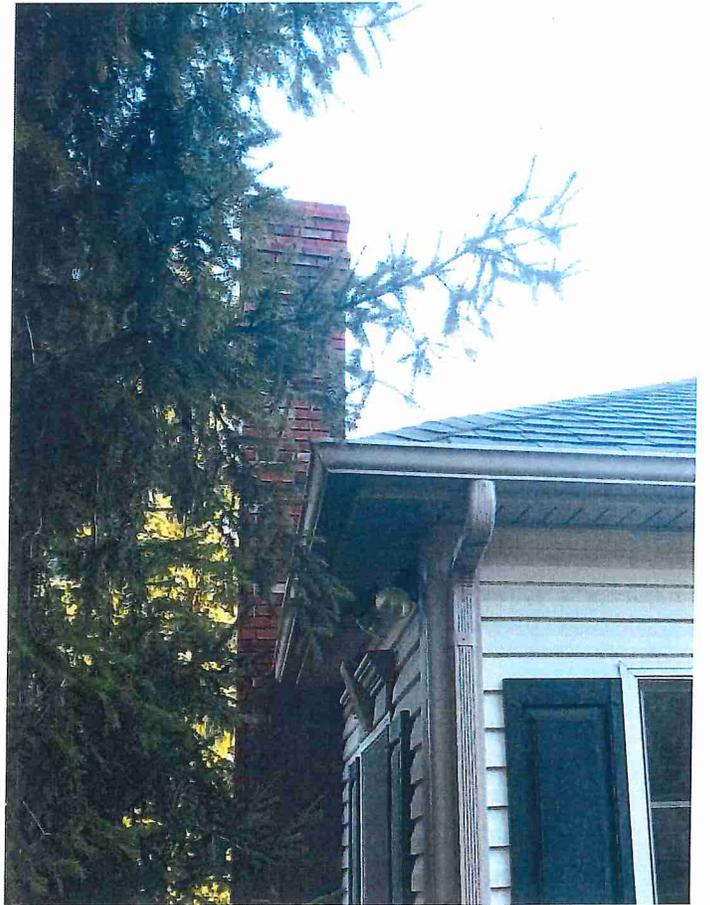
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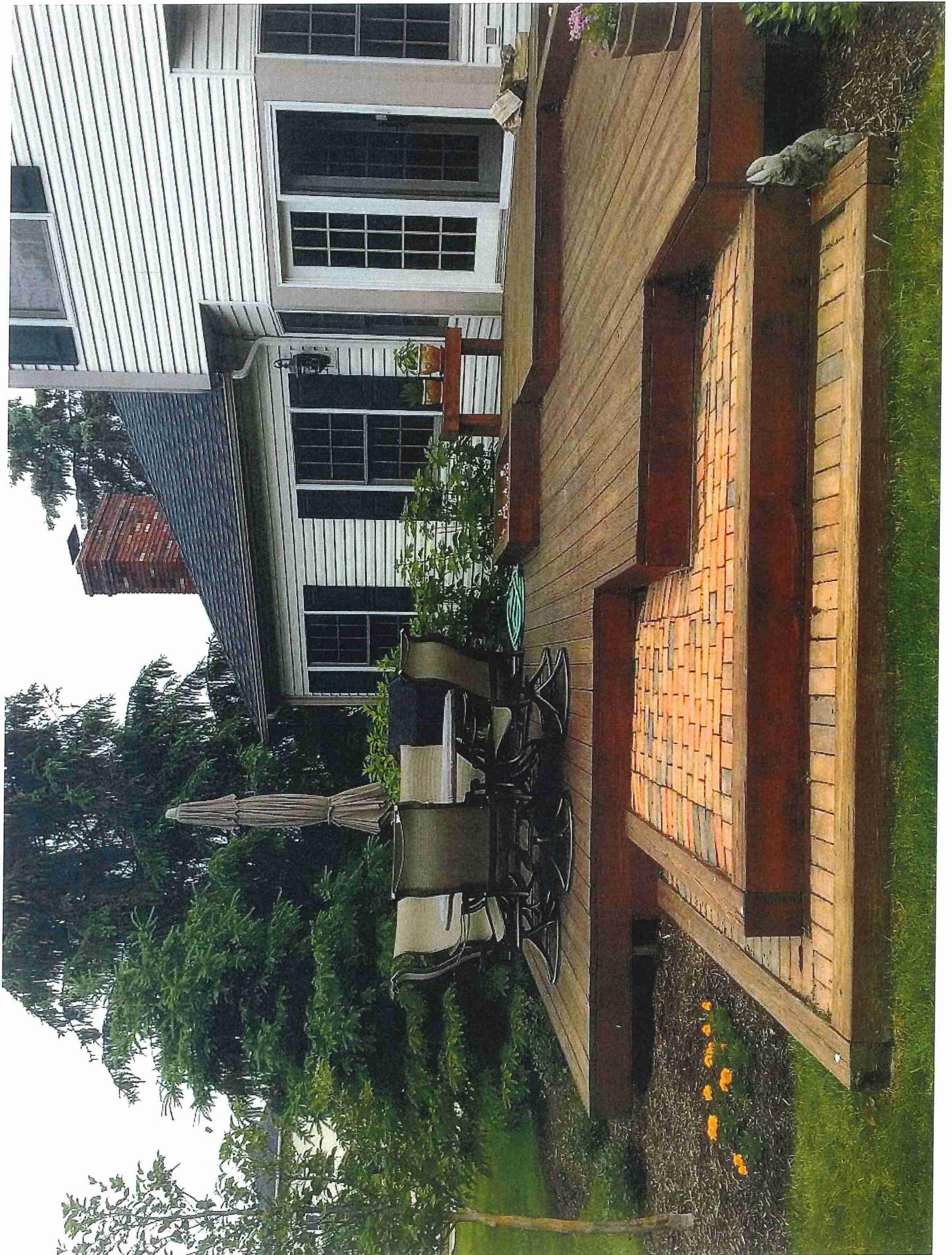
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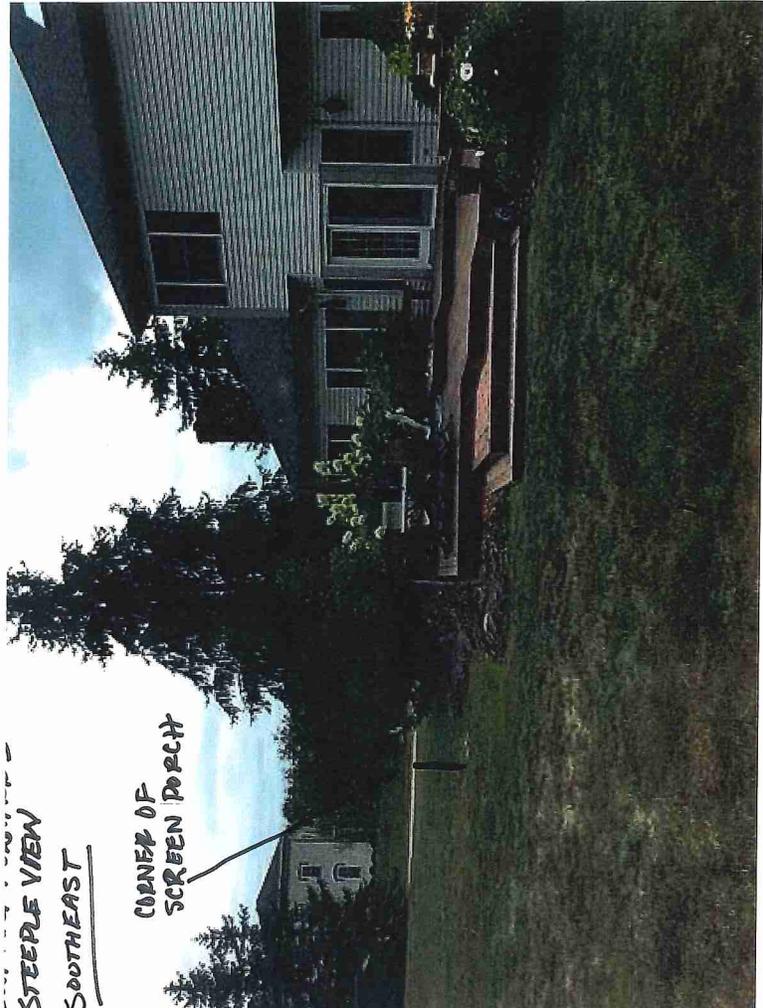


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13

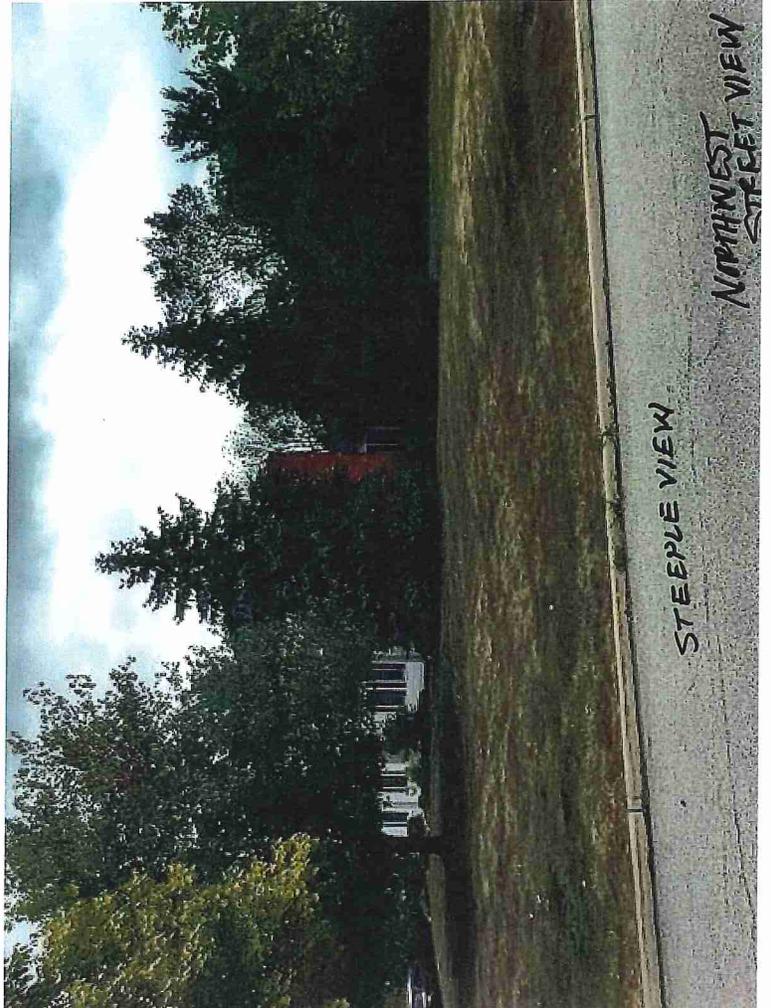
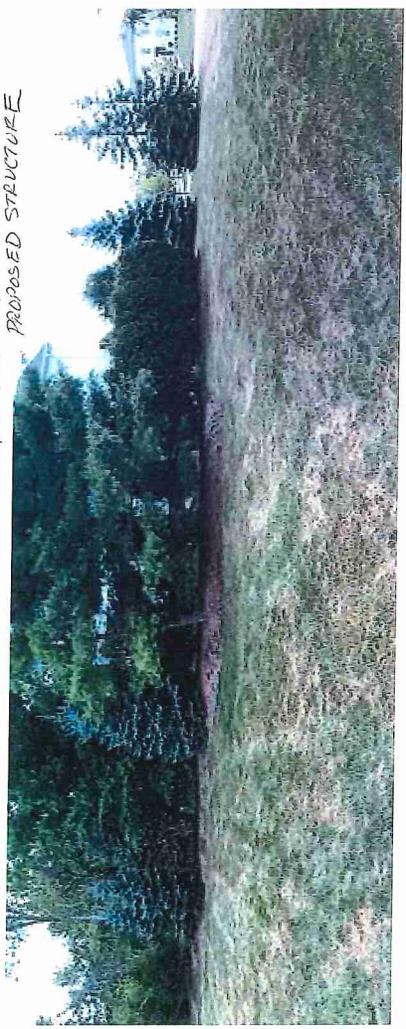




STEEPLE VIEW
SOUTHEAST

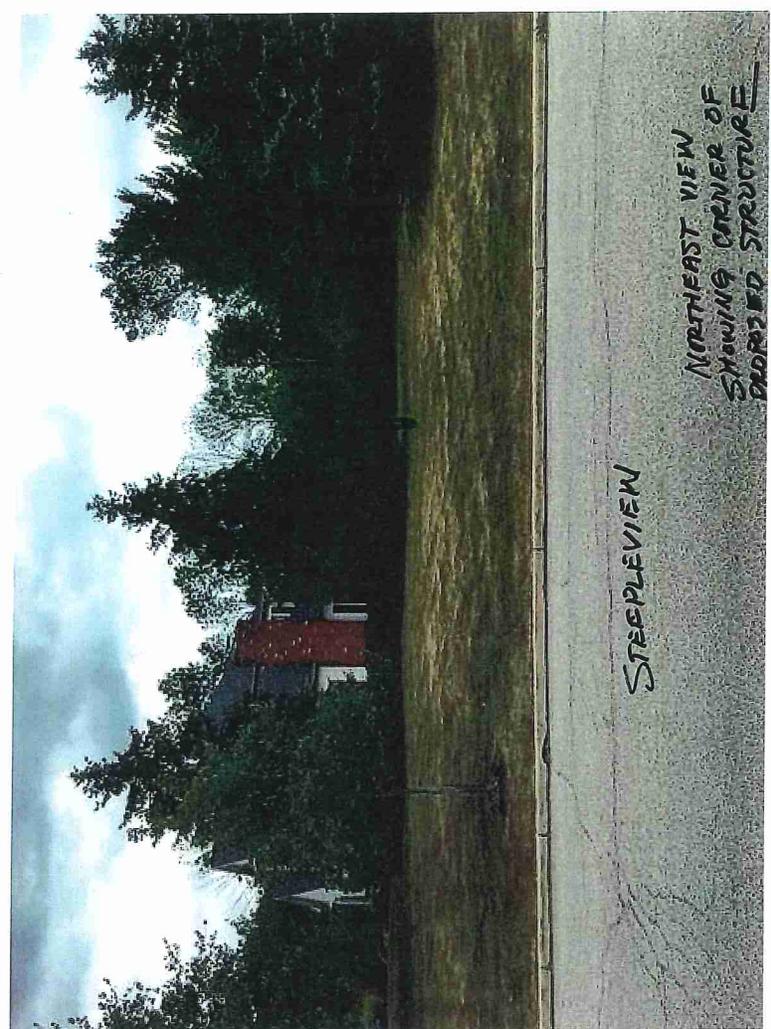
CORNER OF
SCREEN PORCH

- VIEW OF EXISTING LANDSCAPING BARRIER BETWEEN SIDE NEIGHBOR & PROPOSED STRUCTURE
- PIC. TAKEN FROM CORNER OF PROPOSED STRUCTURE



STEEPLE VIEW

NORTHWEST
STREET VIEW



STEEPLE VIEW

NORTHEAST VIEW
SHOWING CORNER OF
PROPOSED STRUCTURE



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: 7 TANAGER DR

Parcel Number: 3203394 Zoning District: 3
Subdivision: Winston Manor Phase IV Lot #: 88

Applicant:	Diane Rubin-Schuld	Owner:	LEWIS DAVID J LEWIS MARILYN S
	6050 Union Avenue		7 TANAGER DR
	ALLIANCE, OH 44601		HUDSON, OH 44236

Permit Number: 2015-356 Issue Date: 8/27/15

Project: Addition Residential

Picked up Date: 8-28-15

Permit Description: Kitchen expansion, deck

Square footage: 314

FEMA Floodplain: N

CONDITIONS

- AHBR Approval on August 26, 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.

Authorized City Staff

8/27/15

Date

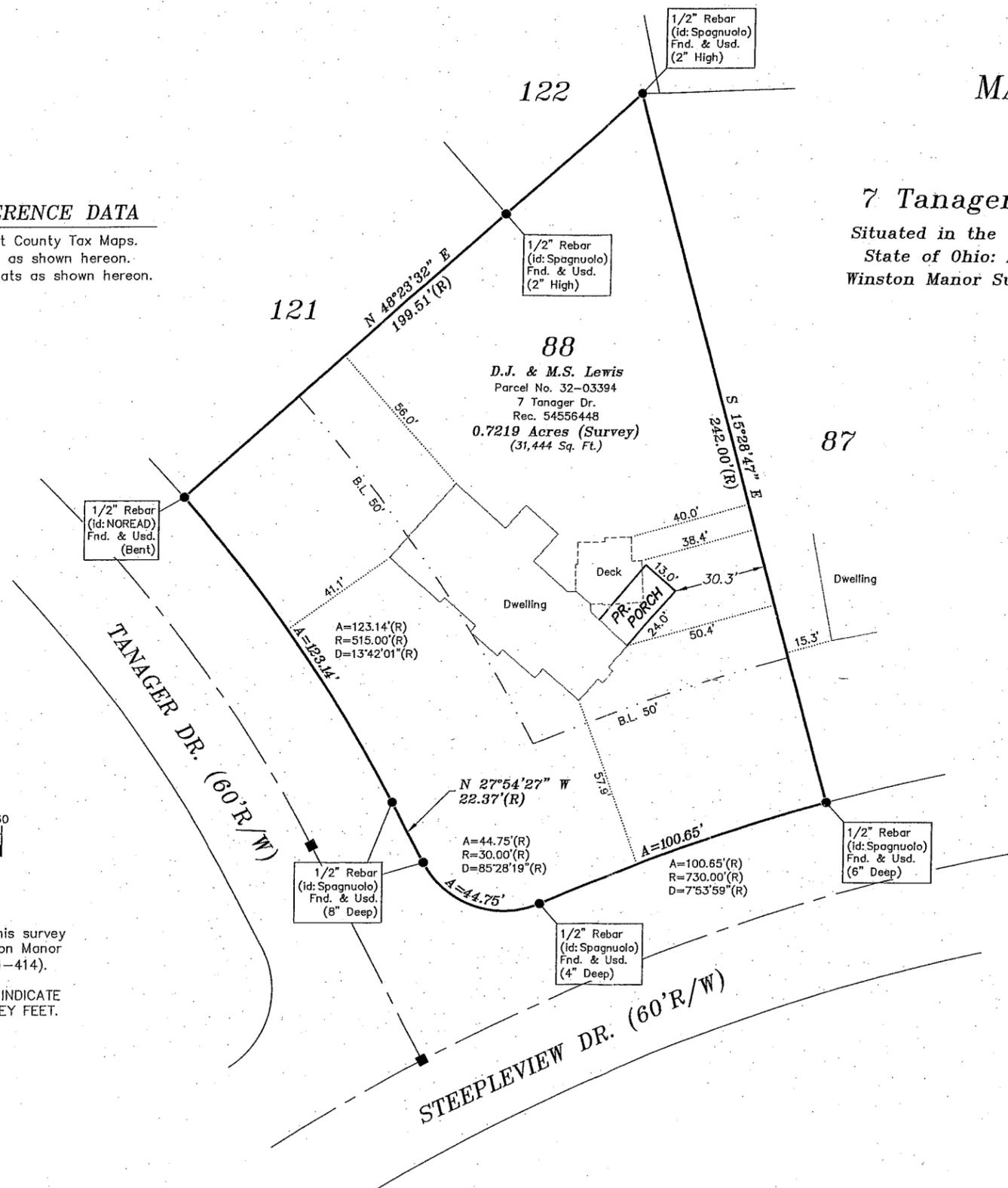


MAP OF SURVEY for David Lewis

7 Tanager Dr., Hudson, OH 44236
Sited in the City of Hudson, County of Summit and
State of Ohio; And known as being Sublot 88 in the
Winston Manor Sub'd. Phase IV (Cab. G., Sld's. 411-414).

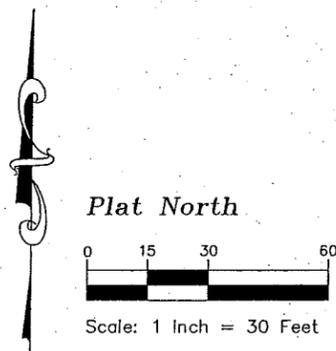
REFERENCE DATA

Summit County Tax Maps.
Deeds as shown hereon.
Sub'd. plats as shown hereon.



SURVEY LEGEND

- - 5/8" x 30" Rebar Set w/cap Dunford-8182
- ▲ - Nail, Drill Hole or Spike Set
- - Rebar, Pin or Rod Found and Described
- ⊙ - Pipe Found and Described
- - Monument Box Found and Described
- ▲ - Nail, Drill Hole or Spike Found & Described
- Rec. (R) = Record Deed (D) = Deed
- Plat (PL) = Plat Msd. (M) = Measured
- Calc. (C) = Calculated Pro. (PRO) = Prorated
- Obs. (O) = Observed
- Fnd. (F) = Found Usd. (U) = Used
- B.O.B. - Basis of Bearings
- P.O.C. - Point of Commencement
- P.O.B. - Point of Beginning

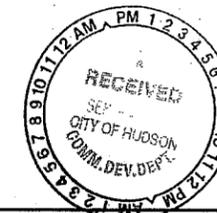


The "BASIS OF BEARINGS" for this survey is the record plat for the Winston Manor Sub'd. PH IV (Cab. G., Sld's. 411-414).

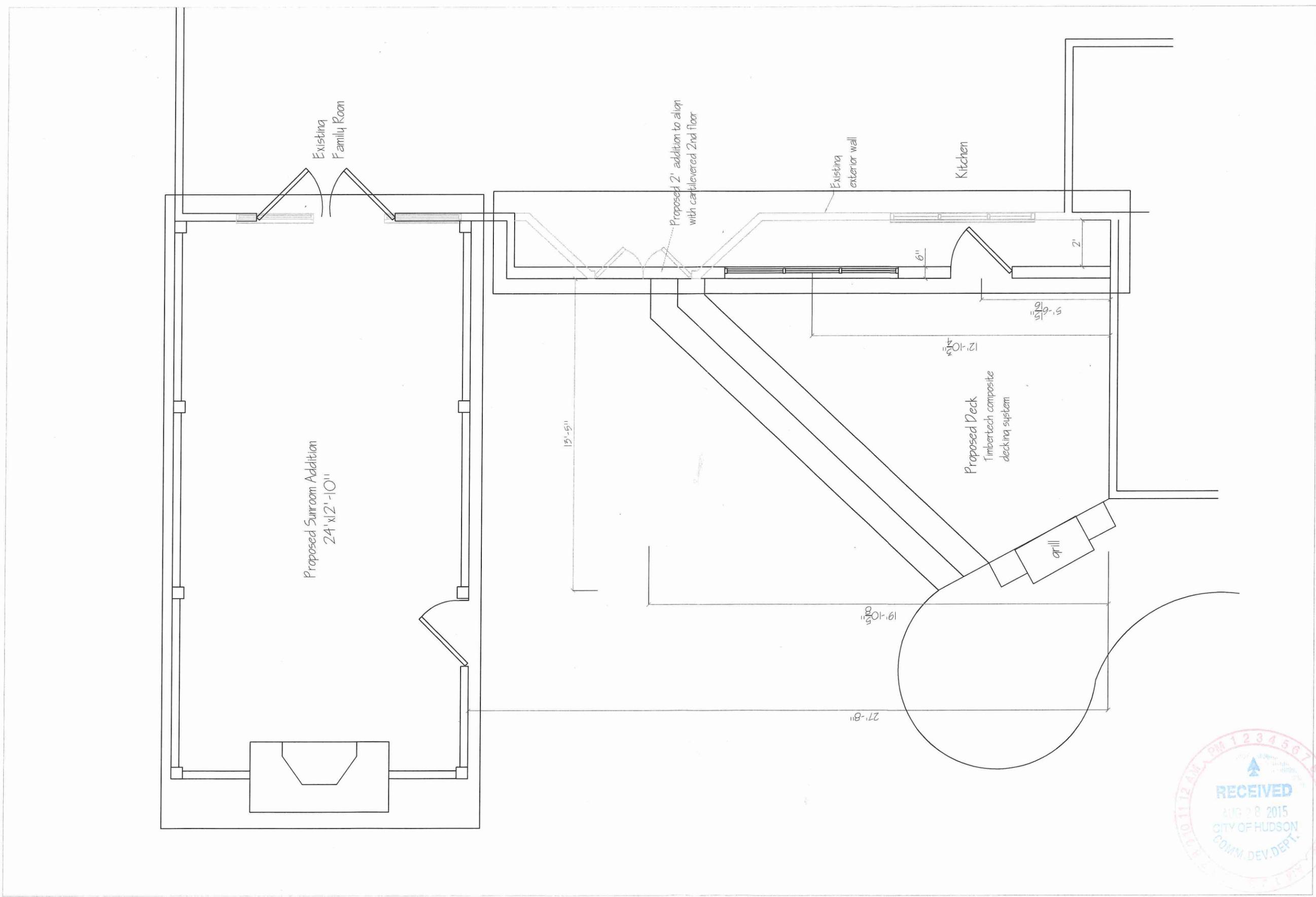
ALL DISTANCES SHOWN HEREON INDICATE GROUND DISTANCES IN US SURVEY FEET.

NOTE:

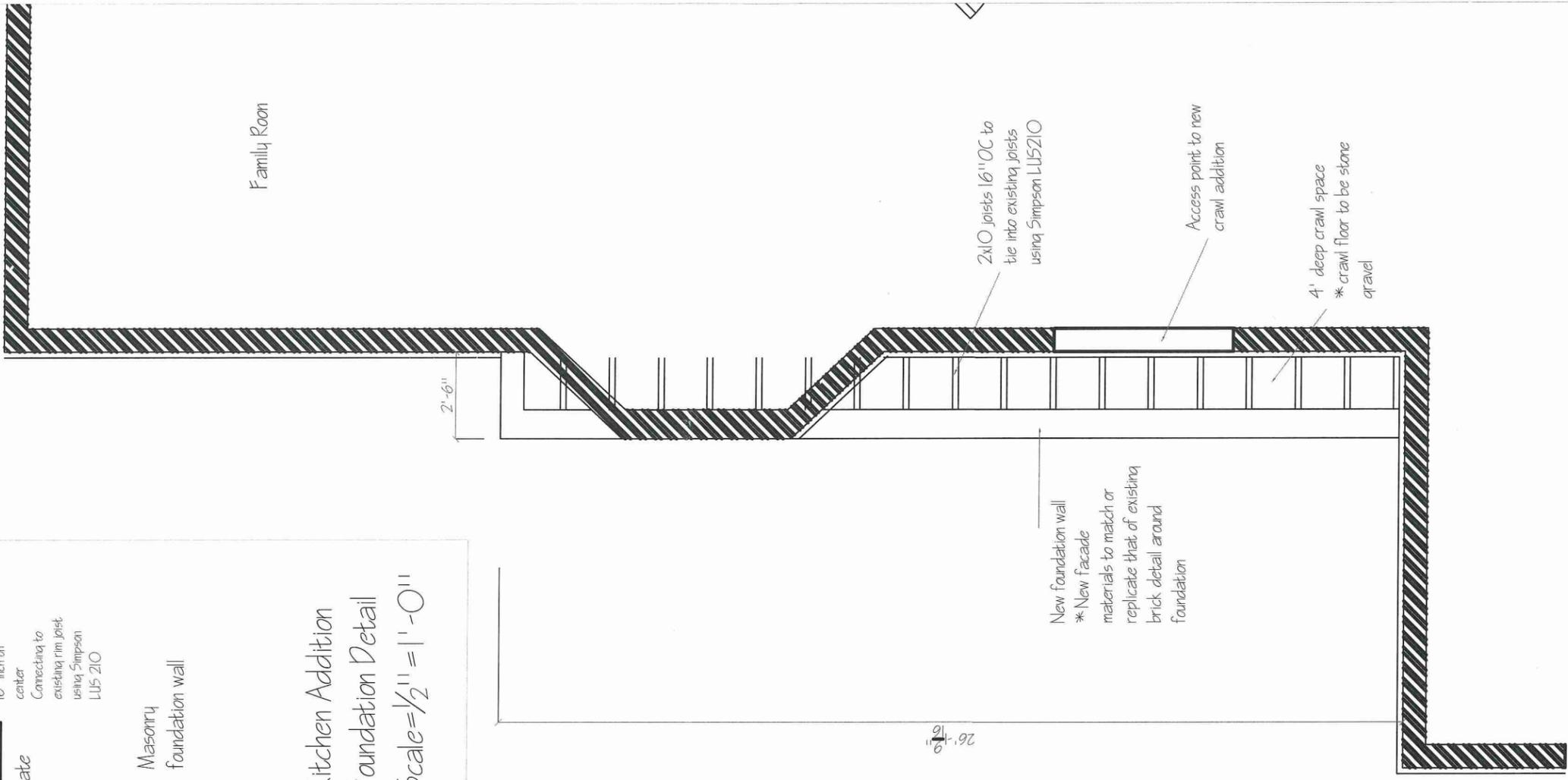
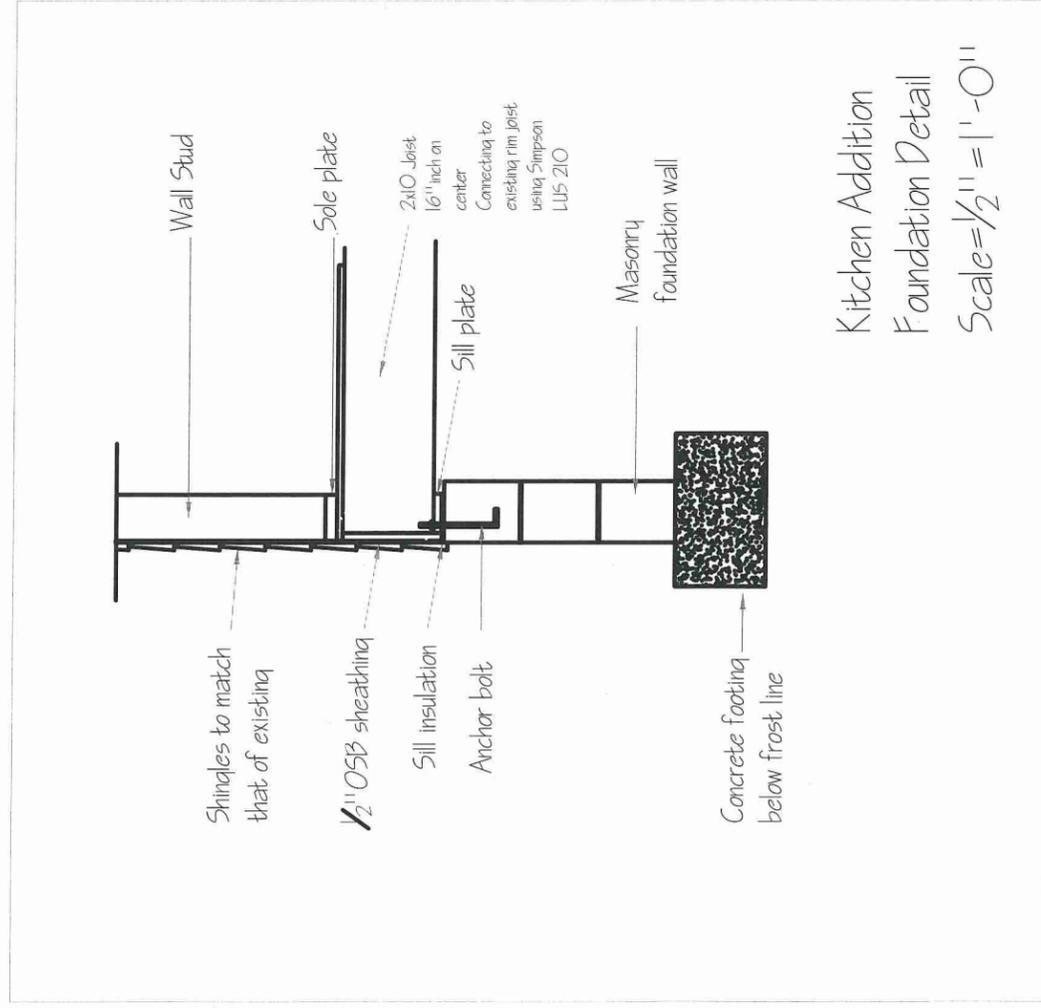
- 1.) This survey meets the minimum standards for boundary surveys in the State of Ohio as set forth in Ohio Administrative Code Chapter 4733-37.
- 2.) There was no search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that a title search may disclose.



SURVEYED BY: APEX PROFESSIONAL LAND SURVEYING KELLY D. DUNFORD, P.S. 8182 2858 FULMER DRIVE, SILVER LAKE, OHIO 44224 PHONE/FAX: (330) 928-7750 PSB1B2@SBGLOBAL.NET WWW.APEXLANDSURVEYING.COM		TITLE: BOUNDARY SURVEY	DATE: AUG. 2015
		CLIENT: D. LEWIS	PROJ: 2015073
		SCALE: 1" = 30'	FILE: 2015073.dwg
		DRAWN BY: KDD	CHECKED BY: KDD
		CREW: KDD	SHEET: 1 OF 1
		SHEET SIZE: 17" X 22"	

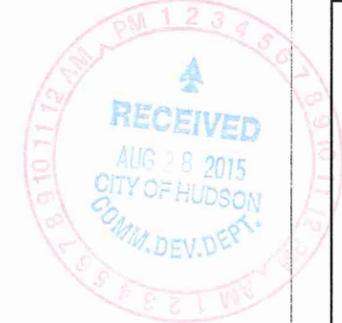


Kesterke Schuld	Client: Lewis Residence	Date: August 27, 2015	Proposed Additions
	Address: 7 Tanager Dr. Hudson, Oh	Scale: 1/4" = 1'-0"	



Kesterke Schuld	Client: Lewis Residence	Date: August 27, 2015	Foundation
	Address: 7 Tanager Dr. Hudson, Oh	Scale: 1/4" = 1'-0"	Kitchen Addition

2



5

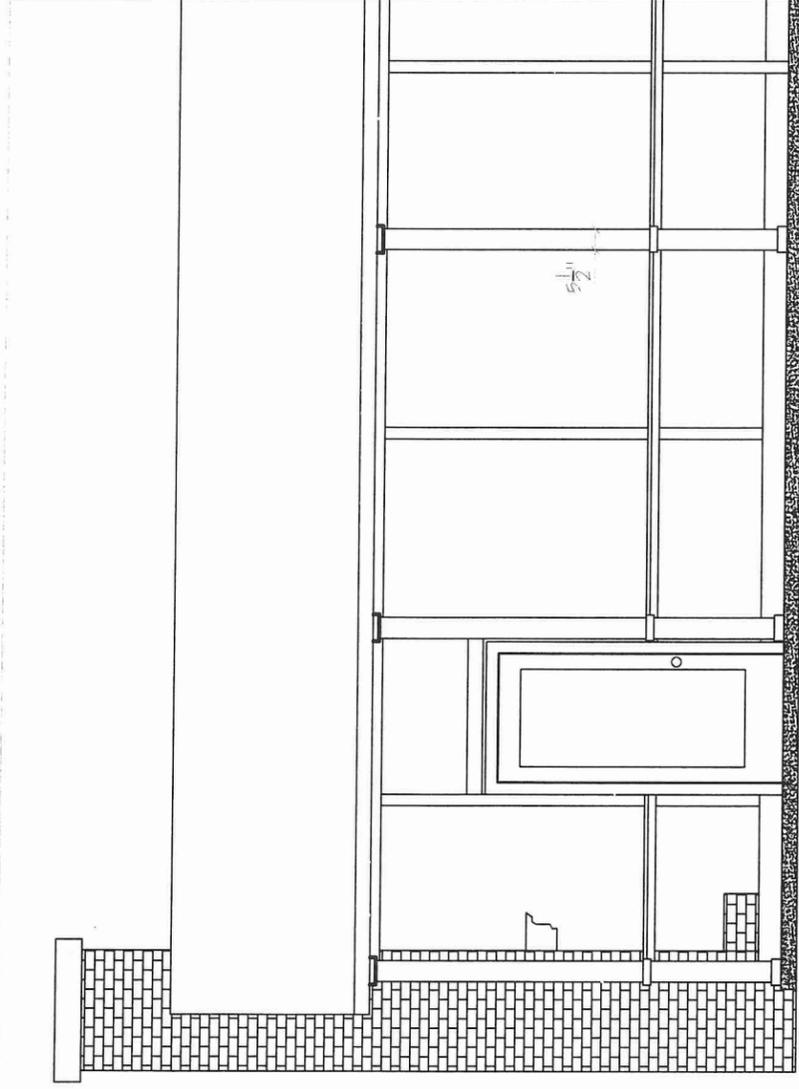
Southwest Elevation

Date: August 27, 2015

Client: Lewis Residence
Address: 7 Tanager Dr. Hudson, Oh

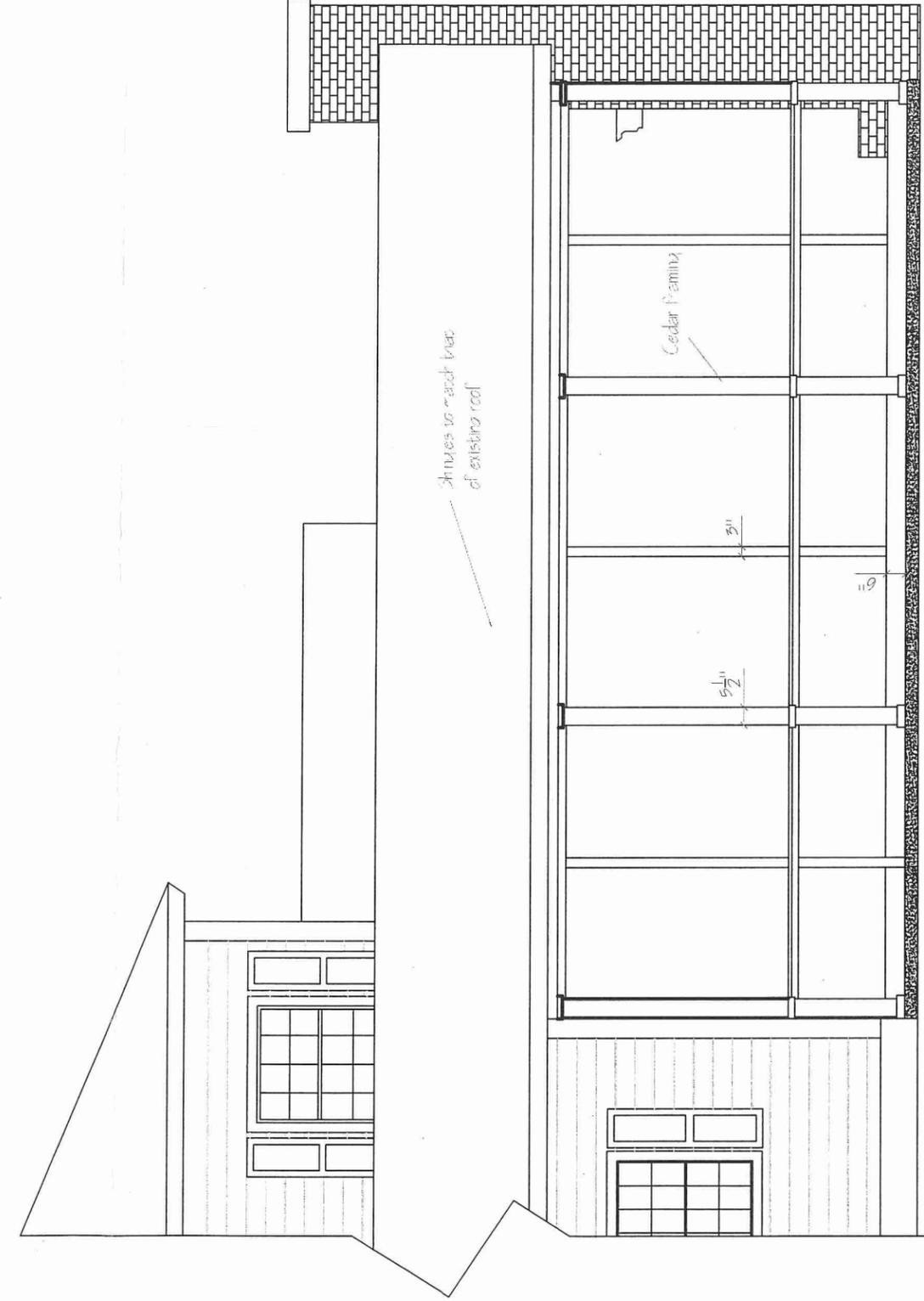
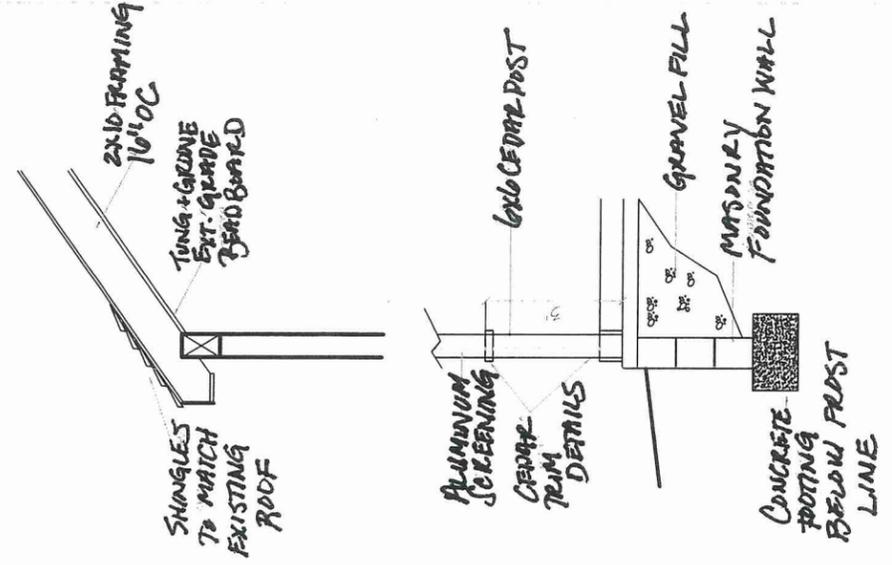
Kesterke Schuld

Scale: 1/4" = 1'-0"



Screen Porch Northeast Elevation

Screen Porch Framing & Found.



Screen Porch Northwest Elevation



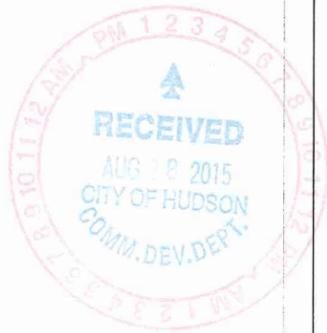
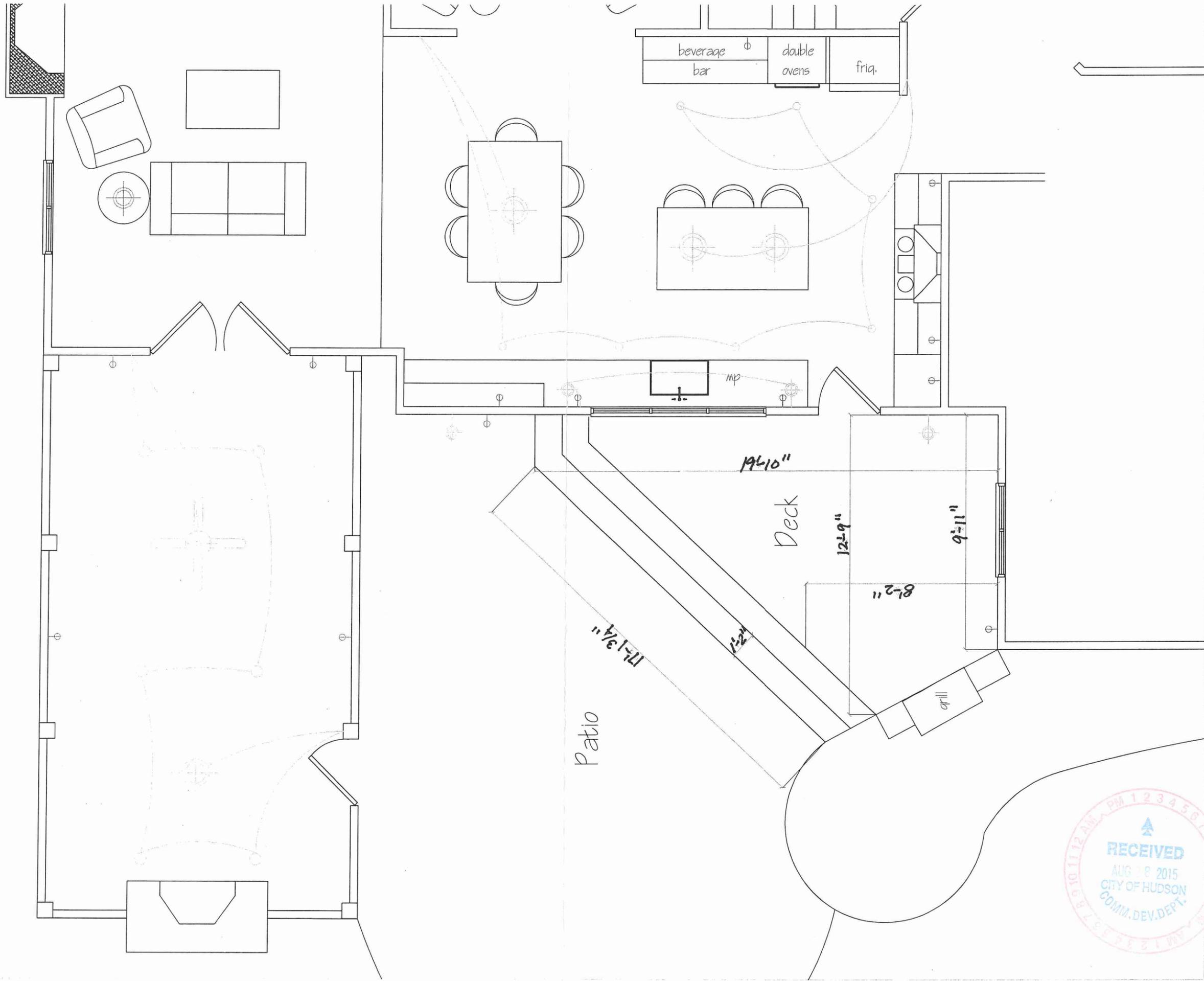
Kesterke Schuld

Client: Lewis Residence
Address: 7 Tanager Dr. Hudson, Oh

Date: August 27, 2015
Scale: 1/4" = 1'-0"

Elevations & Detail

4



Kesterke Schuld

Client: Lewis Residence
Address: 7 Tanager Dr. Hudson, Oh

Date: August 27, 2015
Scale: 1/4" = 1'-0"

Electrical Plan
15