

Meeting Date:

September 18, 2025

Location:

412 W Streetsboro St

Parcel Number:

3007268

Request:

A variance request for a side yard setback

Applicant:

Joe Fisher, Laus Deo Construction

Property Owner:

Karen & Ronald Kaminski

Zoning:

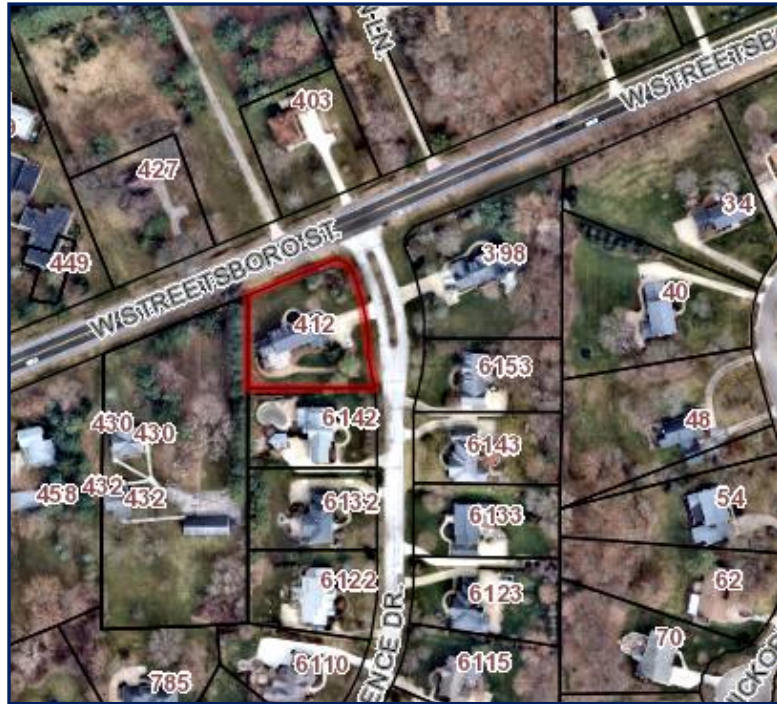
D3 – Outer Village Residential Neighborhood

Case Manager:

Mary Rodack, Associate Planner

Contents

- Application, 8-18-2025
- Site Plan, 9-3-2025
- Elevations, 9-2-2025
- Site Photos 9-9-2025



Location Map, City of Hudson GIS

Request:

The subject of this hearing is a variance request of approximately five (5) feet from the required side yard accessory structure setback of fifteen (15) feet, resulting in a side yard accessory structure setback of approximately ten (10) feet pursuant to section 1205.06(d)(5)(D)(4), “Minimum side yard setbacks – accessory structure” of the City of Hudson Land Development Code in order to build a pavilion with a fireplace.

Adjacent Development:

The site is adjacent to residential development to the north, south, east and west.

Hudson Board of Zoning and Building Appeals	
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Project Background

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on W Streetsboro Street and Independence Drive. The lot is approximately 0.57 acres, and the owners purchased the property in 2017.

The applicant is requesting to construct a 15ft x 15ft (225 square foot) pavilion with a gas fireplace and television. The City of Hudson’s Land Development Code has the following regulation relative to side yard accessory structure setbacks in District 3 –

- *1205.06(d)(5)D(4) – Minimum side yard setbacks: All other accessory structures: fifteen feet*

The applicant is requesting a side yard setback variance of five (5) feet from the required fifteen (15) foot setback resulting in a side yard setback of ten (10) feet in order to build a pavilion.

The applicant states the construction of the proposed pavilion would allow for the property owners to fully enjoy their property while minimizing impact on their neighbors. Additionally, the applicant states that the angle of their house on the corner of W Streetsboro St. and Independence Dr. makes it necessary to create a customized approach to the placement of the pavilion in order to integrate the proposed pavilion with the property.

Considerations

Section 1204.03 of the Land Development Code describes the standards for review of variance requests. These standards are listed below, along with staff findings to assist in your determination. All findings are subject to additional testimony presented to the Board during the public hearing:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variances:

The property in question will yield a reasonable return, and there can be beneficial use of the property without the variance. Staff notes the property can be enjoyed in its current layout due to a rear lawn, patio, and hot tub.

2. Whether the variance is substantial:

The variance would represent a 33% deviation from the code requirement.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variances:

Staff notes the following:

- The property is approximately 0.57 acres and has frontage on W Streetsboro Street and Independence Drive.
- Staff notes the existence of trees along the west property line and a six (6) foot fence along the south property line.
- Staff notes the pavilion would abut the rear yard of the property to the south and the front yard of the property to the west. The property to the west is unique as it is a large 1.8 acre lot with multiple residences.
- Staff notes the proposed pavilion would have an approximate height of ten (10) feet to the peak of the roof.

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4. Whether the variance would adversely affect the delivery of governmental services such as water and sewer:

- Staff notes the pavilion is proposed adjacent to a water well. Wells are regulated by the Summit County Health Department (SCHD). The applicant should contact SCHD to determine if the placement of the pavilion would be permitted.
- Staff notes Hudson Fire has reviewed the proposal and noted the inclusion of a fireplace would be reviewed by the Summit County Division of Building Standards (SCDBS).

5. Whether the applicant purchased the property with knowledge of the requirements.

The owners purchased the property in 2017.

6. Whether the applicant's predicament can be obviated feasibly through some method other than a variance:

Staff notes the applicant could construct a pavilion on the eastern side of their property in order to meet the required side and rear yard setbacks. Question if the pavilion could be placed directly adjacent to the patio.



7. Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.

The Board of Zoning and Building Appeals shall weigh the above factors, along with given testimony in order to make this determination.

Additional Approvals

The proposal would also require the following:

- Administrative site plan and design approval.
- Approval from the Summit County Division of Building Standards for a proposed structure with a fireplace.

**25-1008**

Board of Zoning and
Building Appeals
(BZBA)

Status: Active
Submitted On:
8/7/2025





Primary Location

412 STREETSBORO
Hudson, Ohio 44236

Owner

KAMINSKI RONALD
CHESTER JR CO
TRUSTEE
CO TTEES ET AL 412 W
STREETSBORO ST
HUDSON, OH 44236

Applicant

 Joe Fisher
 330-932-9027
 lausdeoconstruction@yodermail.net
 3931 County line turnpike rd
Southington, OH 44470

Applicant and Property Owner Information

Applicant Relationship to Property Owner:*

Contractor

Company Name:

Laus Deo Construction

Property Owner Name*

Ron Kaminski

Property Owner's E-Mail:*

lausdeoconstruction@yodermail.net

Property Owner Phone Number*

3309329027

Type of Hearing Request

Type of Request:*

Variance

Year Property Purchased*

2017

Code Required Regulation (please indicate feet, s.f. or height)* ?

1205.06(d)(5)(D)(4)

Requested Variance (please indicate the amount of the variance in feet, s.f. or height)* ?

4 ft from the required 15 ft setback
resulting in an 11ft setback off the side
property line

Resulting Set-Back (please indicate feet, s.f. or height)* ?

11 ft

Explanation of Request and Justification:*

the property owners have limited space in their backyard due to the placement of the home and determined this proposed placement of the structure is the most functional for the lot.

The homeowner desires a professionally designed and built pavilion structure for their backyard to enhance outdoor living and entertainment options. The primary objective is to extend the comfortable usability of the space throughout the year.

Key design elements and considerations include:

- **Wind Blocking:** Integrating two walls into the pavilion's design will provide shielding from prevailing winds, allowing for greater comfort and extending the pavilion's use during less favorable weather conditions.
- **Integrated Entertainment:** The pavilion will incorporate a television within the enclosed area. This placement will minimize potential noise impact on neighbors, contributing to a harmonious relationship with surrounding properties.
- **Optimal Views and Placement:** The pavilion's siting is crucial, focusing on maximizing the homeowner's ability to appreciate the greatest portion of the yard while enjoying the structure and being oriented in line with the home and keeping the structure close enough to the fence to avoid an expansive dead zone within the yard.
- **Property-Specific Considerations:** The unique orientation of the home is on an angle to Independence Dr due to the property facing Route 303 rather than aligning with other neighborhood residences, requires a customized approach to the pavilion's placement and design. This ensures the structure effectively integrates with the existing property layout.

The successful implementation of this pavilion project will result in a versatile, comfortable, and visually appealing outdoor space that addresses specific homeowner needs and complements the unique characteristics of the property.

Supplemental Information for Determining Practical Difficulty

The property in question will yield a reasonable return and there can be a beneficial use of the property with the variance because:*

The proposed structure offers a valuable addition to the outdoor living experience, providing shade and mitigating the effects of sun exposure during warmer months and offering a controlled environment for enjoyment across a wider range of the year.

The strict application of the current setback requirements renders a significant portion of the rear yard unusable. This results in a substantial dead space between the existing fence, which was pre-existing when the current owners acquired the property, and the proposed structure. Granting this variance will allow for the full and beneficial utilization of the property.

Furthermore, the proposed structure aligns harmoniously with the existing neighborhood character and will not create a visual incongruity. For example, a similar pool building exists on the adjacent property to the south, sited near the property line.

The requested variance represents the minimum modification necessary to enable the reasonable and beneficial use of the property.

The variance is

insubstantial

Describe why the variance is substantial or insubstantial*

The proposed variance is considered insubstantial, based on the unique characteristics of the property and its relationship to the surrounding neighborhood.

The property's location on a corner with a 90-degree turn from other homes within the Woods of Williamsburg neighborhood creates distinct sight lines that differ from standard interior lots. This unique situation forms the basis for demonstrating a practical difficulty in adhering to the standard setback requirements.

The proposed placement of the structure is specifically chosen to minimize its visual impact on the closest neighboring properties. The property to the west where the variance is requested, for instance, benefits from a natural buffer provided by an existing row of trees along the property line and the existing fence line. The houses on that property are situated at a considerable distance, further reducing any potential visual intrusion.

By minimizing the visibility of the structure to neighbors, the proposed variance aims to mitigate potential concerns regarding visual impacts and neighborhood character, aligning with the intent of zoning regulations to promote harmonious development.

Would the essential character of the neighborhood be substantially altered?*

no

Explain why the request is the minimum amount necessary to make reasonable use of the property or structure(s):*

Due to the current yard design, the proposed area is the best location to minimize the impacted sight line. The proposed structure size and location have been minimized to allow the build to give clearance to the well and the current hardscaping.

Would adjoining properties be negatively impacted?*

no

Describe how the adjacent properties will not be affected.*

The pavilion will be consistent with the structures on the adjacent properties and located in a manner to minimize the viewing perspective of either bordering property. The location is also in a space that will provide the best combined cover for view from the two streets to which the house is situated adjacent.

The proposed structure is planned to be finished with materials to match our home and that of the other homes within our neighborhood and will look similar to several structures currently existing in the neighborhood.

Will this request adversely affect public services (mail, water, sewer, safety services, etc.)

no

The situation cannot be feasibly solved by means other than a variance. Explain:*

The issue if unresolved will result in a significant portion of the yard becoming unusable dead space with unappealing aesthetics.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Explain below:

The existing fence and tree line will be unaltered, maintaining current sight lines. The structure will match the existing home with hardscaping that maintains current aesthetics. The expansion of the outdoor living space will complement the neighboring outdoor pool space and create value for the neighborhood.

The circumstance leading to this request was not caused by current owner. It was caused by:*

The placement of the fence by a previous owner created the current yard design and lead to the limitations on where the structure would be most effectively located

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

The location of the lot is facing one of the two main streets in Hudson while the home is turned on an angle to the neighborhood. This causes the house to effectively have a front yard and a side yard that must be maintained as a front yard. This variance is requested to allow the structure to be most pleasing relative to these two street facing sides of the home.

BZBA Meeting Information

The following persons are authorized to represent this application with respect to all matters associated with the project*

Joe Fisher, Ron and Karen Kiminski

By checking this box, I do hereby certify that I am authorized to represent the property owner and to accept any conditions that the Board may impose.*



By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents 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. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property. *



Board Meeting Date

 AHBR

☐

 BZBA

☐

 Planning Commission

☐

Internal

 Company Name

 Variances

 Meeting Date

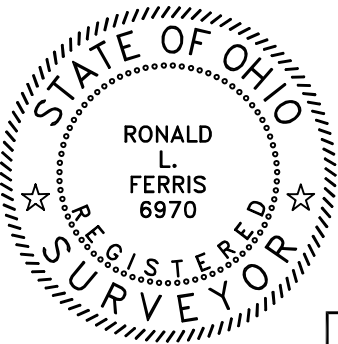
 District

LEGEND

- IRON PIN FOUND
- 5/8" REBAR SET
- UNLESS NOTED
- M MEASURED DIST.
- P PLAT DIST.

①
RADIUS 25.00'
DELTA 89-00-05
ARC 38.83'
TANGENT 24.57'
CHORD 35.05'
CHD. BRG. S65-43-38E

①
LOT 137
RONALD & IRENE KAMINSKI
412 W. STREETSBORO ST.
FILE # 56658107
AREA 0.5914 ACRES



I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAT AND HAVE FOUND OR SET THE PINS AND MONUMENTS SHOWN HEREON, WITH DISTANCES GIVEN IN FEET AND DECIMAL PARTS THEREOF, ALL OF WHICH I CERTIFY TO BE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Ronald L. Ferris 07-28-25

Ronald L. Ferris OHIO REGISTERED SURVEYOR # 6970 DATE

NO ENCROACHMENTS WERE OBSERVED AT THE TIME OF THIS SURVEY

THIS PLAT REPRESENTS A RETRACEMENT IN THE FIELD OF THE LAND RECORDED WITH FILE # 56658107 OF THE SUMMIT COUNTY RECORD OF DEEDS.

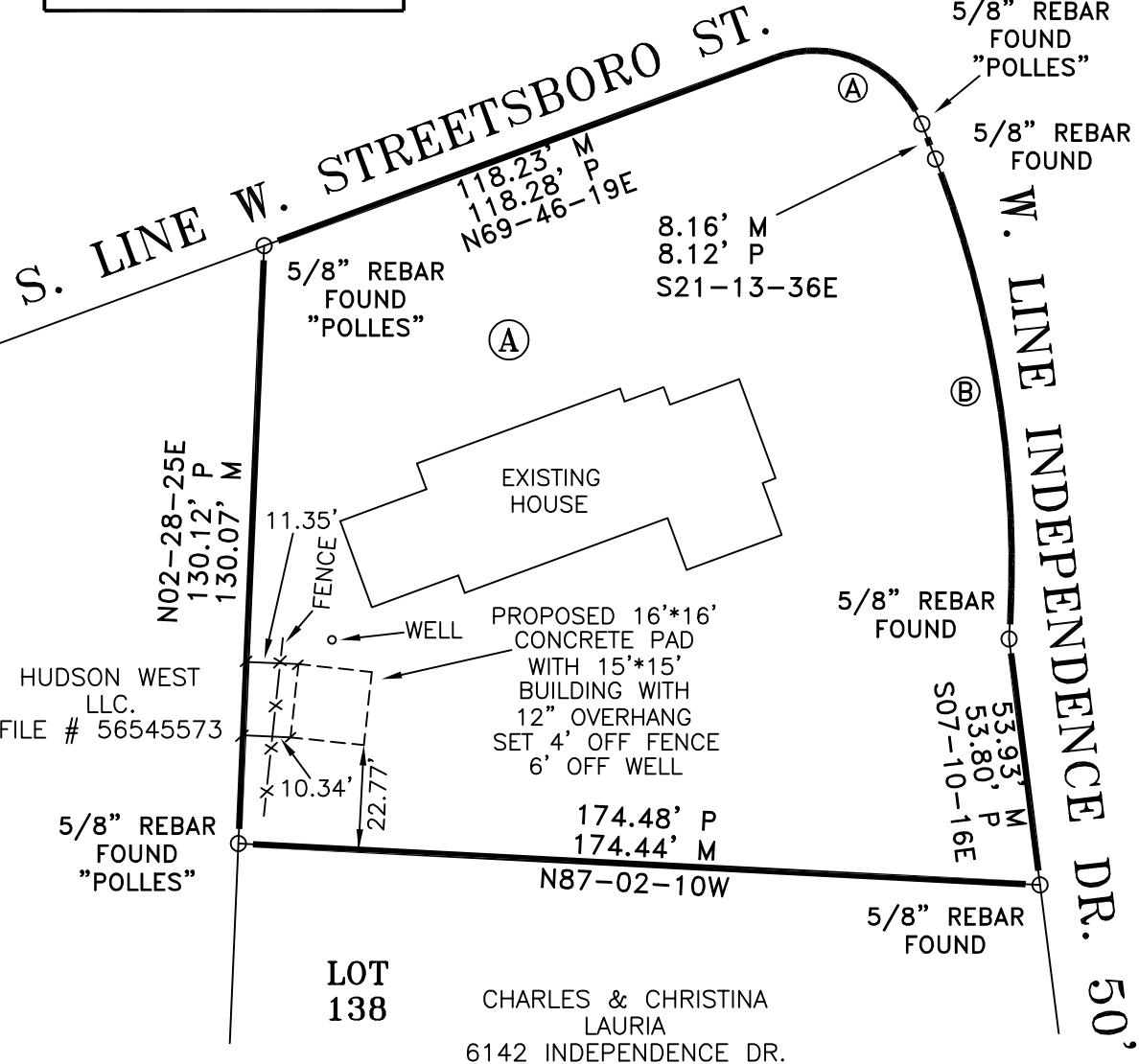
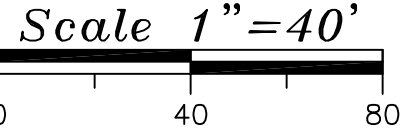
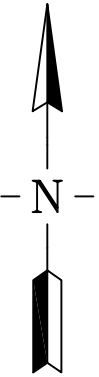
②
RADIUS 243.80'
DELTA 25-00-05
ARC 106.38'
TANGENT 54.05'
CHORD 105.54'
CHD. BRG. S08-43-33E

THE BASIS OF THE BEARINGS SHOWN ON THIS PLAT IS N02-28-25E, A BEARING CLOSE TO THE BEARING GIVEN FOR THE WEST LINE OF LOT 137 IN PLAT CAB. G SLIDES 219-221.

RETRACEMENT
SURVEY PLAT
FOR
RONALD & IRENE
KAMINSKI

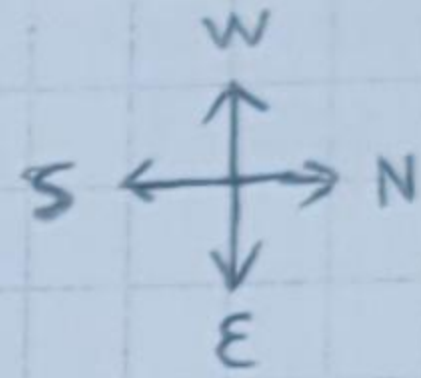
SITUATED IN THE
CITY OF HUDSON
COUNTY OF SUMMIT
STATE OF OHIO
AND KNOWN AS BEING
ALL OF LOT 137
WOODS OF WILLIAMSBURG
PHASE 4
PLAT CAB. G, SLIDES 219-221

RECORDS USED
DEED FILE # 56658107
PLAT CAB. G, SLIDES 219-221





RESIDENCE
412 W. STREETSBORO ST.
HUDSON OH 44236



PROPERTY LINE/FENCE

7.5'

7.5'

16X14
CONCRETE
PATIO W/
15X15
BUILDING

GAS FIREPLACE
4 FT X 2 FT.

WELL

GAS
OK

EXISTING
HOT TUB

POWER
BOX SUPPLY

EXISTING
HOUSE

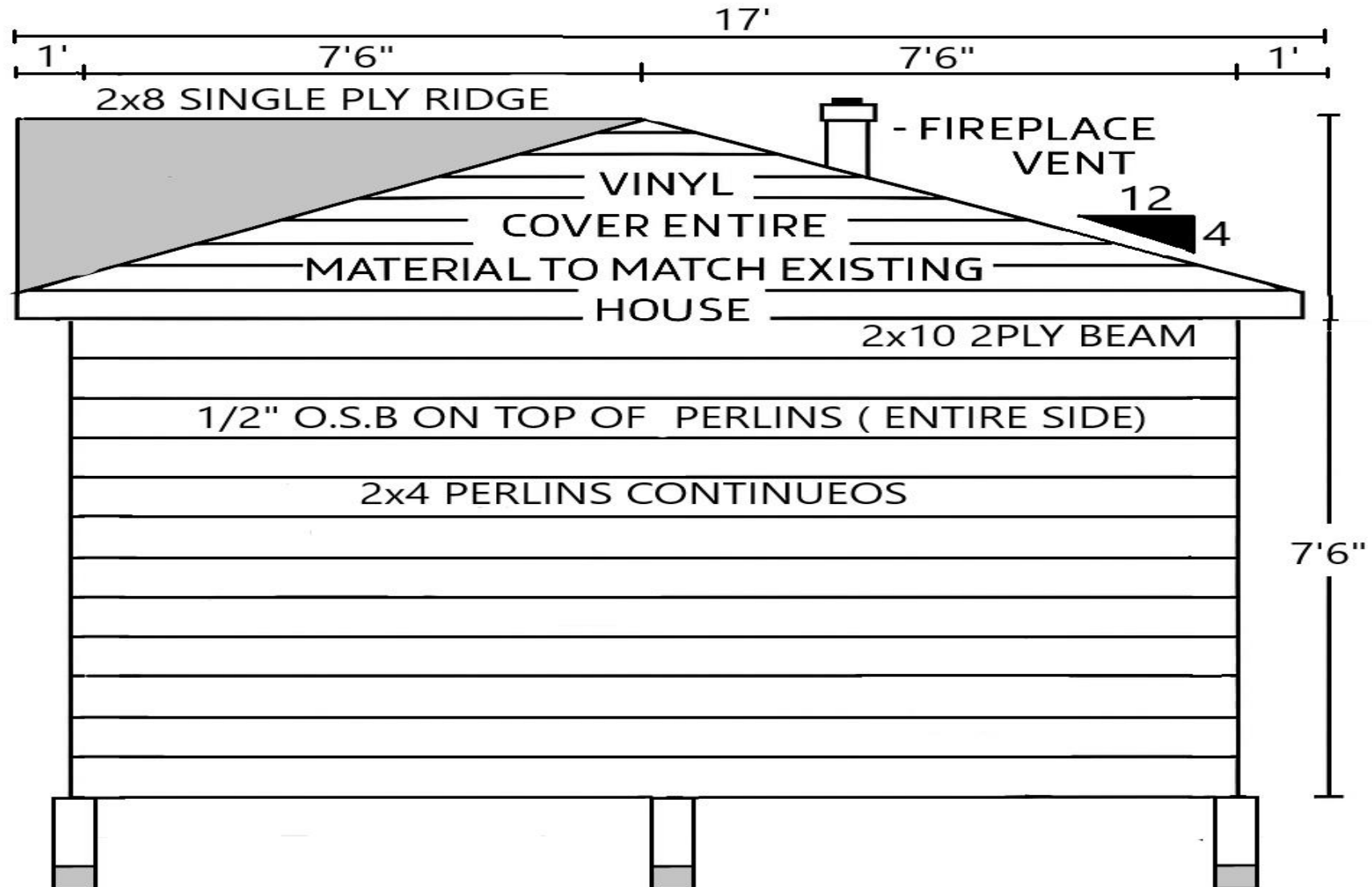
EXISTING
PATIO

DRIVE

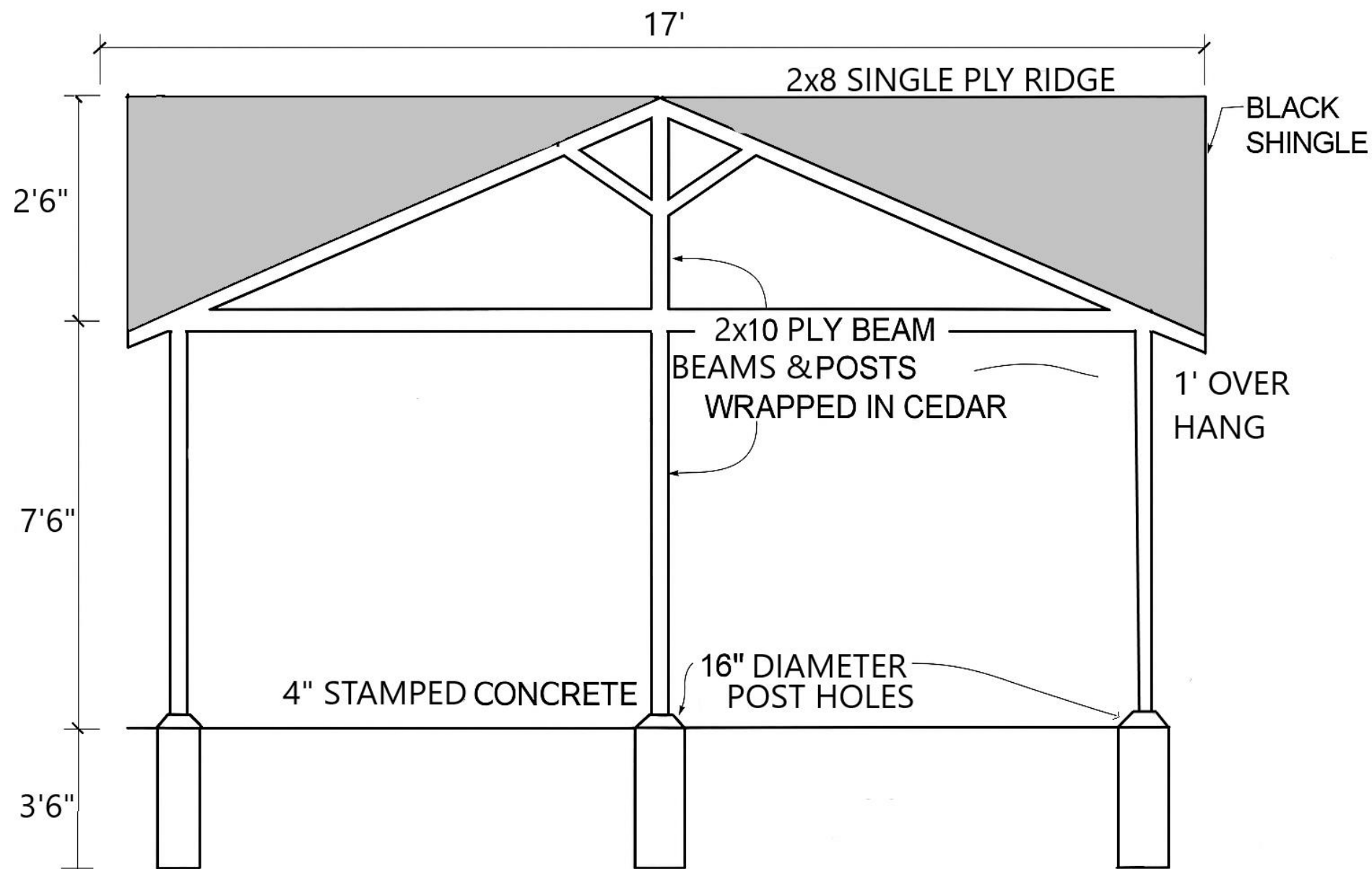
INDEPENDENCE DR.

STREETSBORO RD

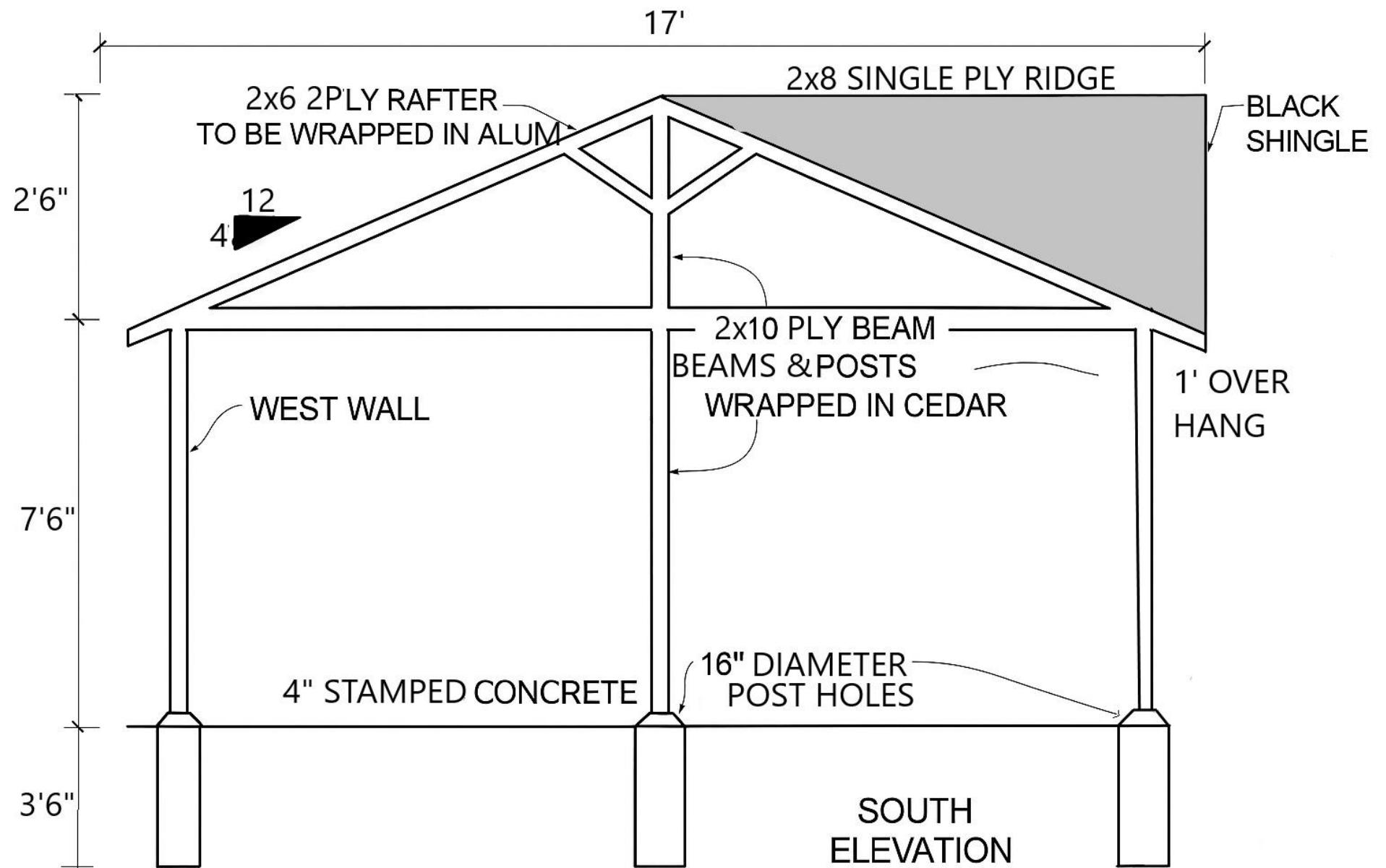
2x6 ROOF RAFTERS, 16" O.C.



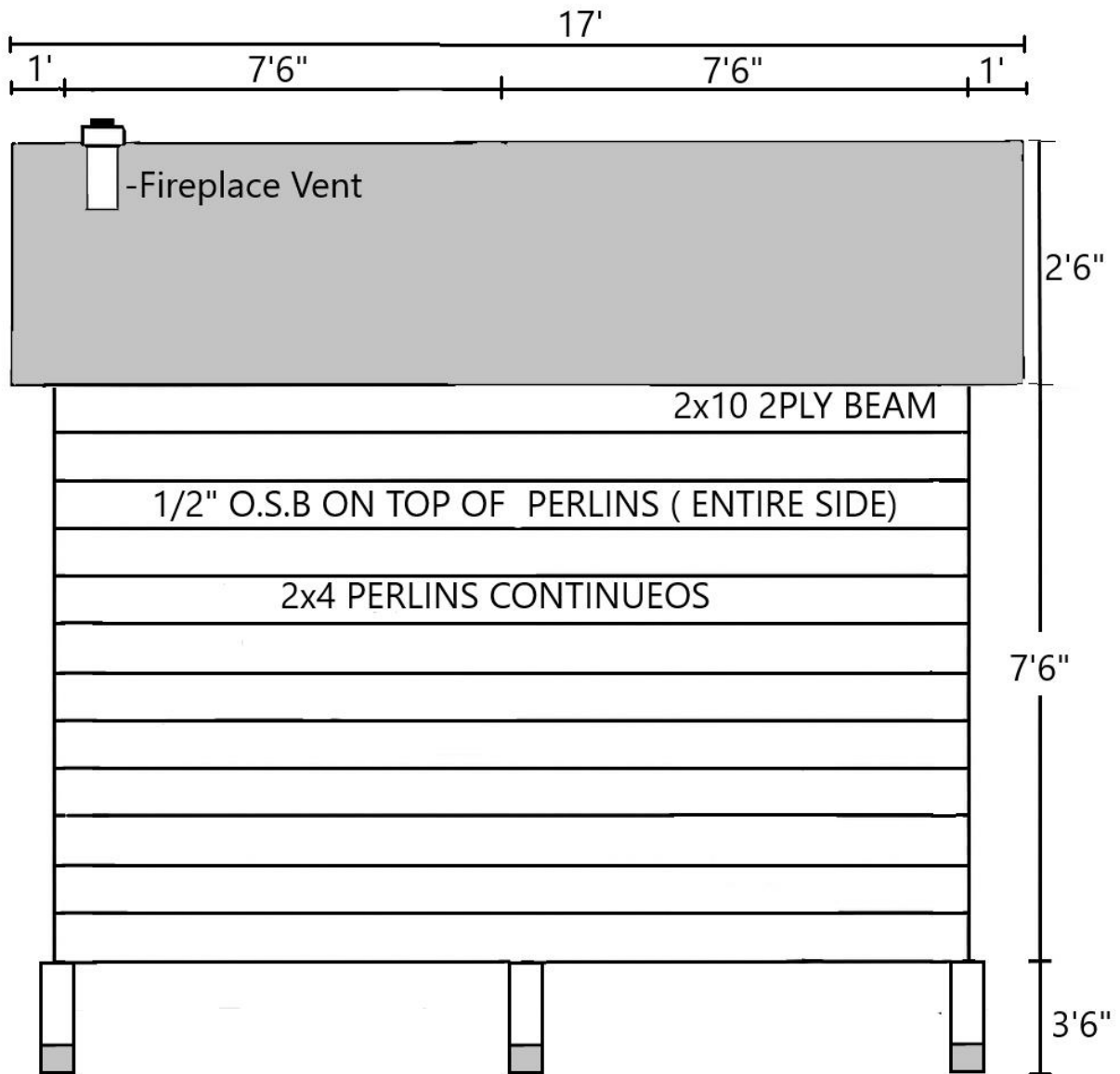
NORTH
ELEVATION



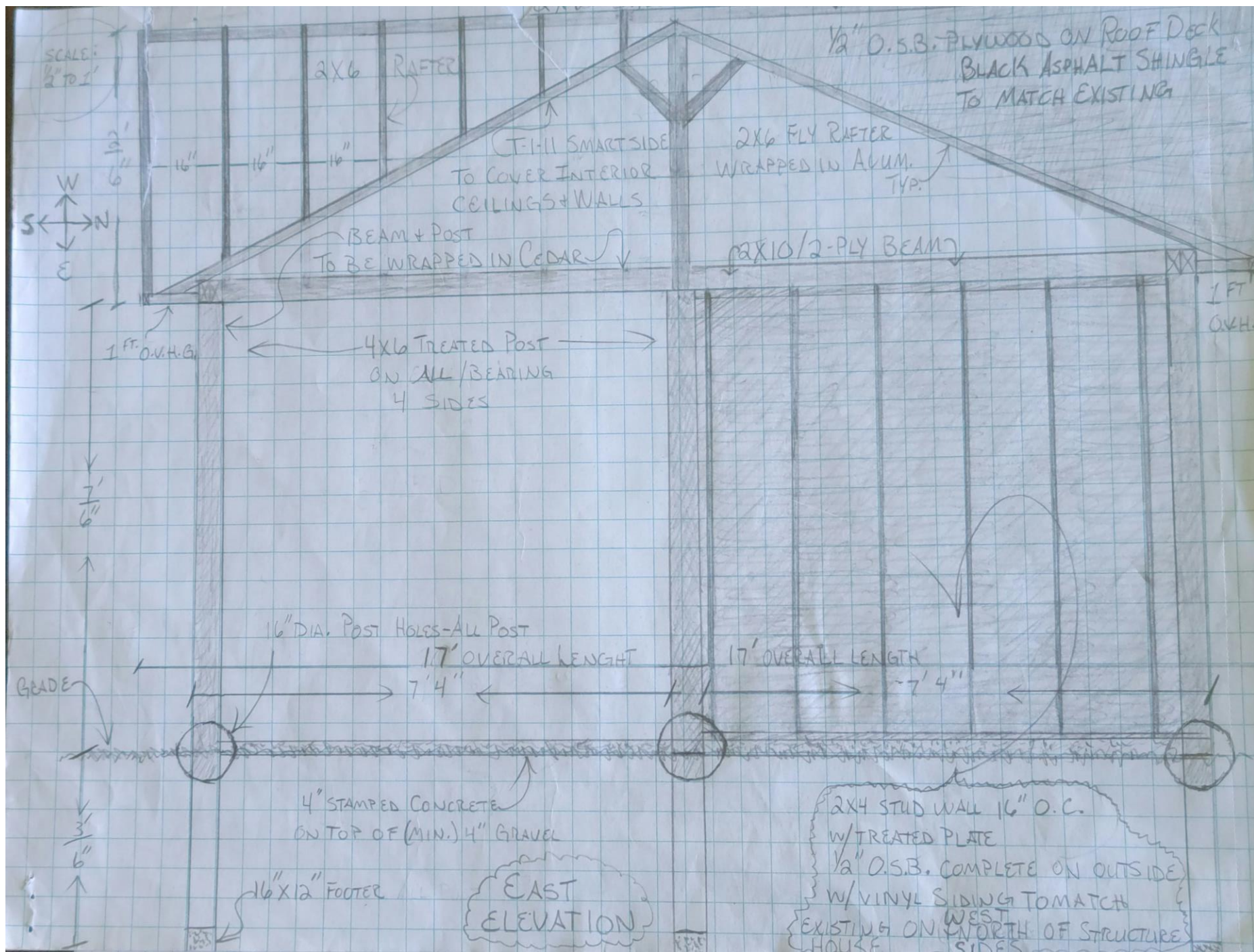
EAST ELEVATION



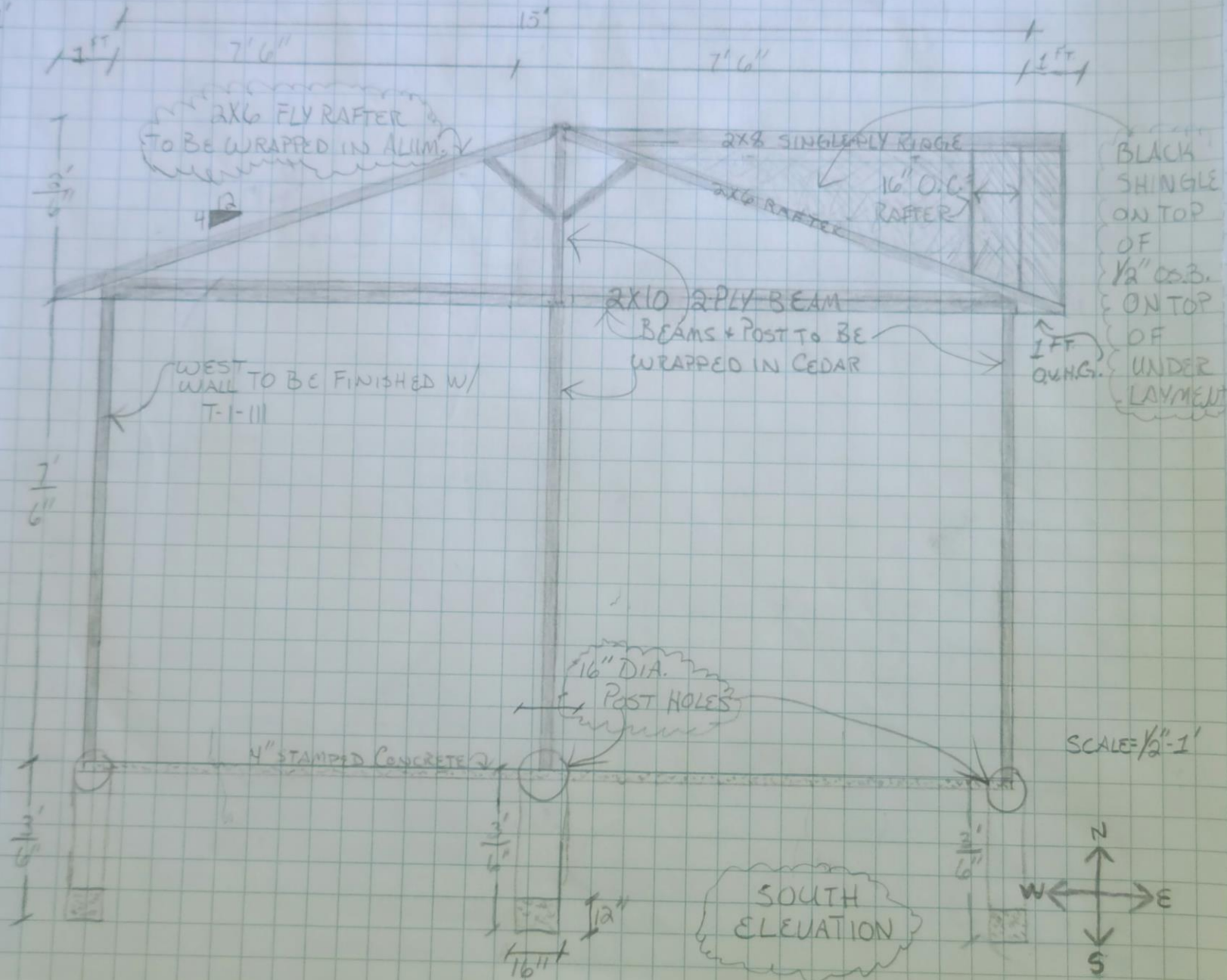
2x6 ROOF RAFTERS, 16" O.C.



WEST ELEVATION



SCALE
 $\frac{1}{2}"=1'$



WEST ELEVATION

SCALE = $\frac{1}{2}'' - 1'$

