

Meeting Date:
January 15, 2026

Location:
229 N Hayden Parkway

Parcel Number:
3200870

Request:
1. Request for expansion of
nonconforming structure

Applicant:
Anthony Slabaugh
Remodeling &
Design

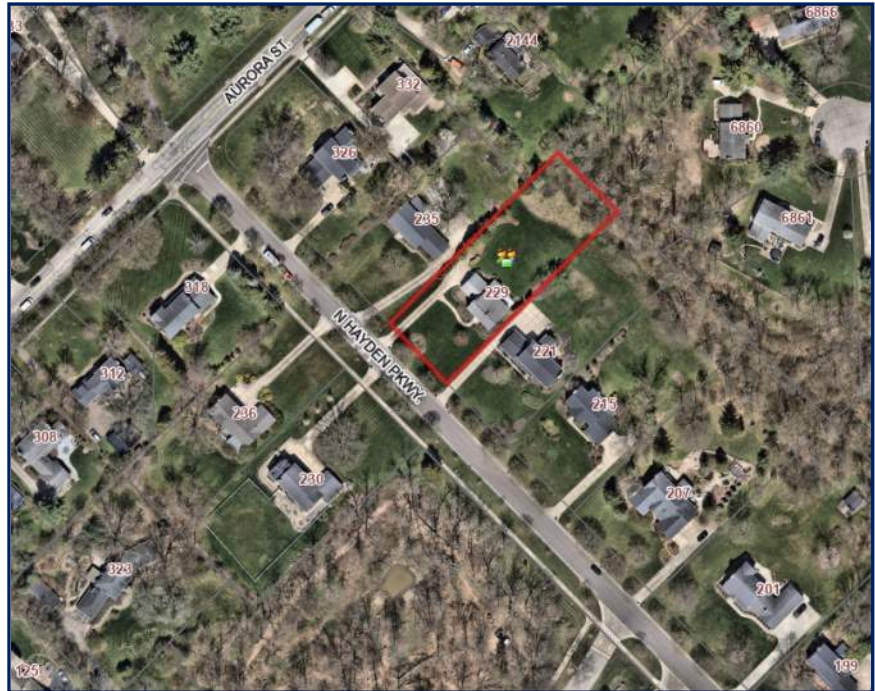
Property Owner:
Martin & Janice
Burgwinkle

Zoning:
D3 – Outer Village
Residential Neighborhood

Case Manager:
Mary Rodack,
Associate Planner

Contents

- Application, 12-18-2025
- Site Plan, 12-22-2025
- Elevations, 12-22-2025
- Site Photos 01-2-2026
- Public Comment 01-09-26



Location Map, City of Hudson GIS

Request:

The subject of this hearing is the following request relevant to the construction of an addition:

1. A request for the expansion of a nonconforming structure developed as a single-family residential property, pursuant to Section 1206.05(f)(1), "Nonconforming Structures – Enlargement".

Adjacent Development:

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

Project Background

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on N Hayden Parkway. The lot is approximately 0.67 acres, and the owners purchased the property in 2011.

The applicant is requesting to construct an approximately 21ft x 12ft (252 square foot) addition with an approximate 10ft x 14ft (140 square foot) deck. The City of Hudson's Land Development Code has the following regulations relative to the expansion of nonconforming structures:

- *1206.05(f)(1) – Enlargement*
 - A. A nonconforming structure may be expanded without approval from the BZBA provided the proposed expansion does not exceed fifty percent of the existing footprint and:*
 - 1. The expansion does not increase the degree of nonconformity; or*
 - 2. The extension of a structure which is nonconforming due to side yard setback shall be allowed so long as the extension is not closer to the side property line and the extension does not exceed twenty-five percent of the existing structure length, including porches and architectural features but excluding decks.*

Existing footprint and structure length shall mean the dimensions as they existed December 31, 1999.
 - B. A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section [1203.06](#), finds all of the following:*
 - 1. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and*
 - 2. The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.*
 - C. The nonconforming structure is not a structure that is the subject of listed "Uses By-Right" or "Conditional Uses" in Chapter [1205](#) that have a gross floor area limitation or that have a gross floor area limitation on Main Street in District 5.*

A nonconforming structure, as more fully defined in Chapter 1213, includes a structure lawful prior to the Land Development Code, but which fails to meet setback, height, or other site development requirements of this Code. Nonconforming structures other than those which nonconformity is created by size of use limitations listed by right and conditional uses of each zoning district of Chapter 1205 shall be subject to the above standards.

Staff notes the existing side yard setback for the residential structure is 11.5ft, which classifies it as a nonconforming structure as it does not meet the 15ft required minimum side yard setback. The extension of the structure with the proposed project would exceed twenty-five percent of the existing structure's length, therefore, the Board would review the criteria in Section B for the proposed project.

As part of the initial review, staff advertised for both an expansion of a nonconforming structure and for a variance request for the side yard setback. Further review and preparation of the staff report has focused on the applicable standards for the expansion of a nonconforming structure.

Hudson Board of Zoning and Building Appeals	
January 15, 2026	DOCKET 2025-1509

Considerations

Section 1206.05(f)(1)(B) of the Land Development Code describes the standards of review for the expansion of nonconforming structures. A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section [1203.06](#), finds all of the following:

1. **The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets:**
The proposed project will not interfere with conforming uses in District 3 or with circulation on adjacent public streets as the addition is in the rear yard.
2. **The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure:**
The proposed project would not cause greater adverse impacts on surrounding properties as the addition would be inset from the existing structure and would have an increased side yard setback compared to the existing house.

Additional Approvals

The proposal would also require the following:

- A design review with the Architectural and Historic Board of Review.
- Administrative site plan approval.

Board of Zoning and Building Appeals (BZBA) **Applicant**

Primary Location
229 N HAYDEN PKWY
Hudson, Ohio 44236

25-1509

Submitted On: Dec 18, 2025

Applicant and Property Owner Information

Applicant Relationship to Property Owner:

Contractor

Company Name:

Anthony Slabaugh Remodeling & Design

Type of Hearing Request

Type of Request:

Variance

Year Property Purchased

2011

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

15' side yard setback

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

2' 6-1/2" right side of proposed addition, extending 20' 8" into rear yard

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

12' 5-1/2" side yard set back

Explanation of Request and Justification:

The existing home is in non-conformance with the current 15' side yard set back. A survey conducted shows that the rear right corner of the home is at 11' 6" from the property line. A variance is being requested to build an addition onto the rear elevation of this home that sets in 11.5" in from the right perimeter of this home making it a 12' 5-1/2" dimension to the side property line. It will extend out 20' 8" from the rear elevation of the home, so the total area of non-conformance of the new addition will be 52.5 sqft. Reducing the dimension of this addition to be within conformance would make the new room unusable for the client as it would be come too narrow for furniture and walkway. Other locations to build the addition on the rear of the home would not be acceptable by the Owner due to impedence on the existing footprint and views of the home and rear yard and substantial additional costs.

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:

Owner will be able to enjoy the outdoors near year round with beautiful views of their property within the walls of the new three-seasons room addition, and enjoy the outdoors on the rear of the deck.

The variance is

insubstantial

Describe why the variance is substantial or insubstantial

We are minimizing the amount of nonconformance to impede into the 15' setback by only 30-1/2" along the one length of the proposed addition. All storm water from the new roof and existing roofs will be directed by gutter and new downspouts to tie into the existing footer drains of the home, and there is no plans for changing the grading in the sideryard or rear yard. Owner intends to keep the existing landscaped beds with existing plants as-is between the properties, so the neighbor should not experience any adversity due to this project.

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):

The existing home had an addition put on years ago that enlarged the kitchen and created a protruding mass on the rear elevation of the home. There is also the electrical meter on this protruding mass from the kitchen addition. These two details limit how wide we can feasibly propose the new addition space in that direction, and we've reduced the width of the addition to keep it in from the existing boundary of the home as little as we can without drastically limiting the furniture arrangement/feasibility of this room while maintaining a safe walking path to the new attached deck

Would adjoining properties be negatively impacted?

no

Describe how the adjacent properties will not be affected.

All storm water from the new roof and existing roofs will be directed by gutter and new downspouts to tie into the existing footer drains of the home, and there is no plans for changing the grading in the sideryard or rear yard. Owner intends to keep the existing landscaped beds with existing plants as-is between the properties, so the neighbor should not experience any adversity due to this project.

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 only other area we could feasibly consider for the addition would be attached to the garage and dinette area of the rear protruding mass kitchen/dinette addition, but no feasible roof solution could be determined that would not look out of place or risk poor performance of roof water management without substantial roof restructuring and/or reconstructing the existing dinette/kitchen walls to accommodate. The addition in the current proposed location would allow minimal effect on the existing home and would provide easy access to the garage and driveway from the rear yard, three-seasons room addition and attached deck. Putting the addition on the garage side of the rear elevation of the home would also make travel from the garage/driveway challenging or at least inconvenient to say the least for our clients. There is no room to put an addition on any other face of the existing home and not feasible/desireable to add onto the second floor in any manner.

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

Allowing for this addition as proposed should not negatively affect the neighbors property, or sitelines, and should not create difficult access for the access of utilities for either the neighbor or the Owner.

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

The age the home was built and the difference of/lack of ordinances at that time.

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

The property is narrow for the existing home as-built, but substantially long to be able to extend an addition towards the rear.

BZBA Meeting Information

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

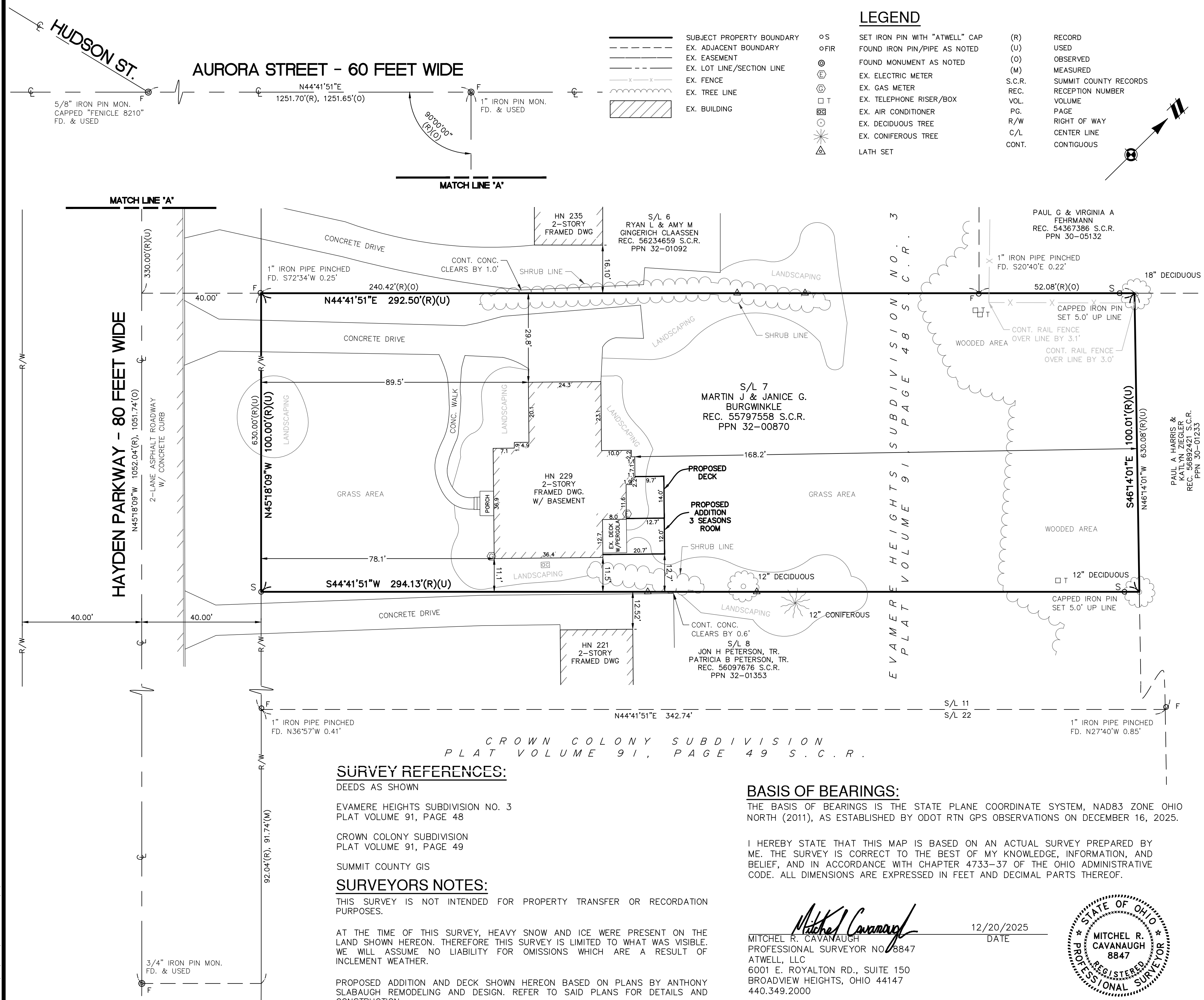
Nick Boka (Designer), Ryan Schwartz (Project Developer), Anthony Slabaugh (President), Lee Brooks (Production Manager)

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.

true

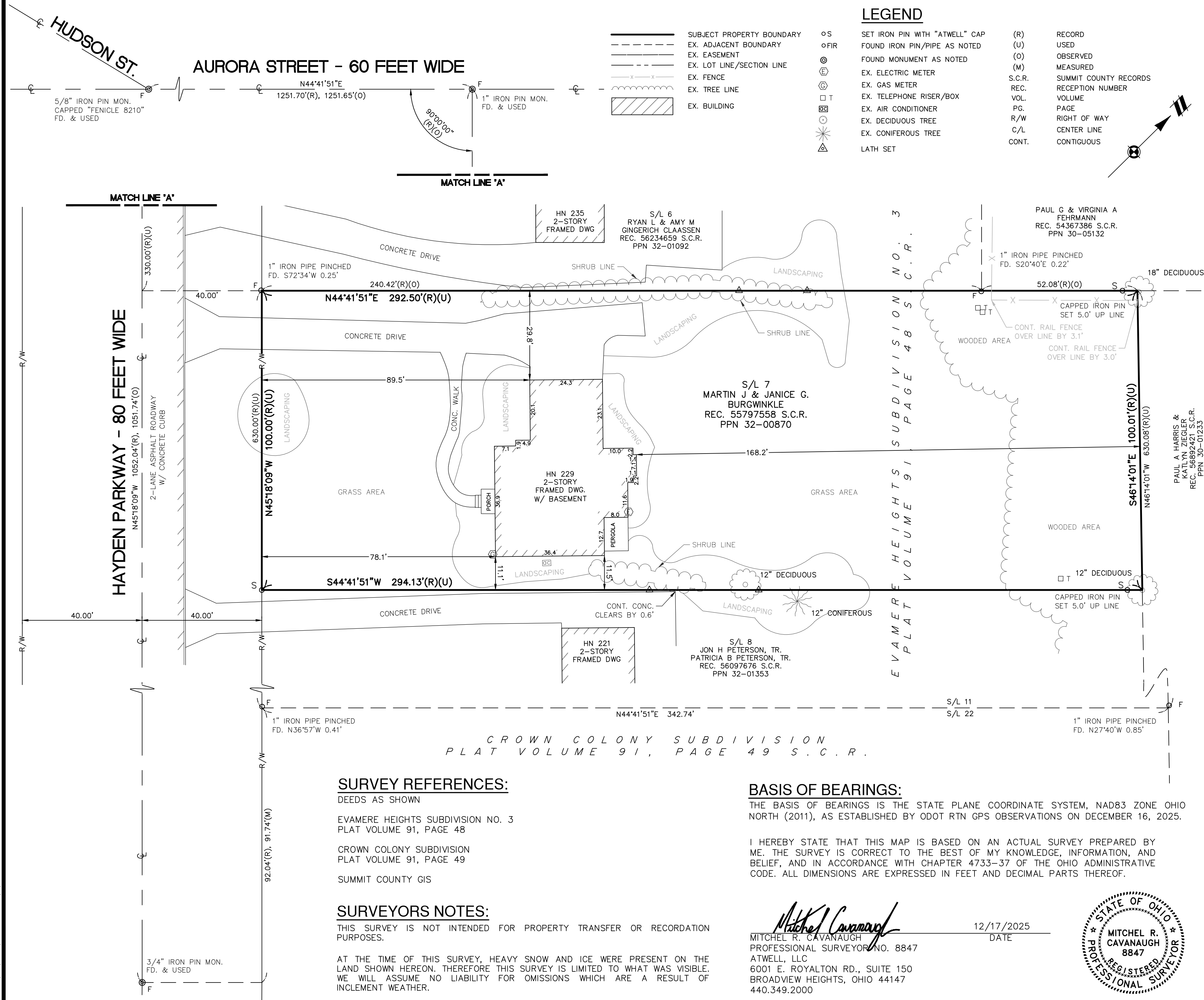
By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents to employees and/or agents of the City of Hudson entering upon the premises of this application for purposes of inspection and verification of information 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.

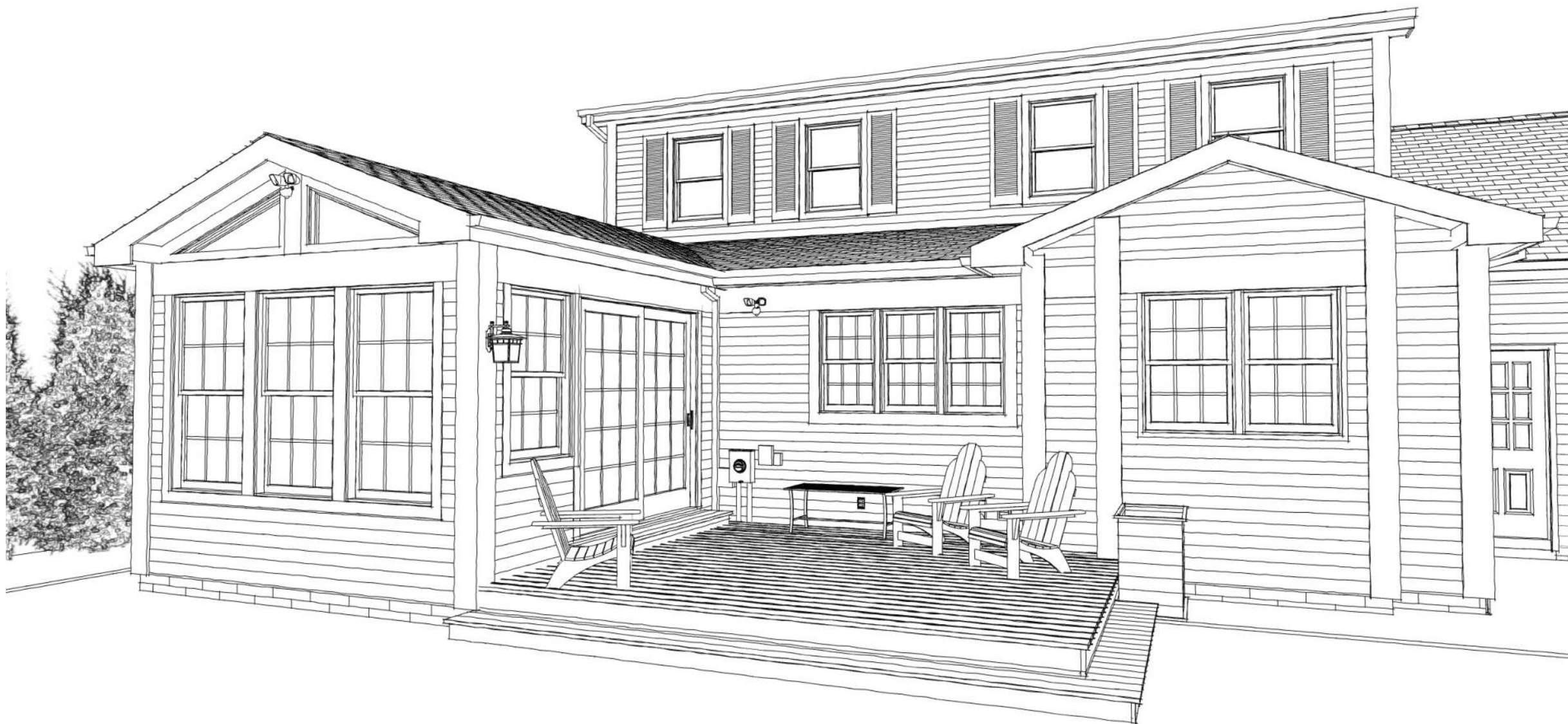
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DRAWINGS PROVIDED BY:

Anthony Slabaugh
REMODELING & DESIGN
Craftsmen with Integrity

PROJECT DESCRIPTION:
Burginkle Addition
229 N. Hayden Pkwy.
Hudson, Ohio 44236

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SHEET TITLE:

TITLE PAGE

SCALE:

DATE:

12/18/25

K-1



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Existing Photos

SCALE:

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K-2



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SHEET TITLE:

3D Design Concepts

SCALE:

DATE:

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K-3



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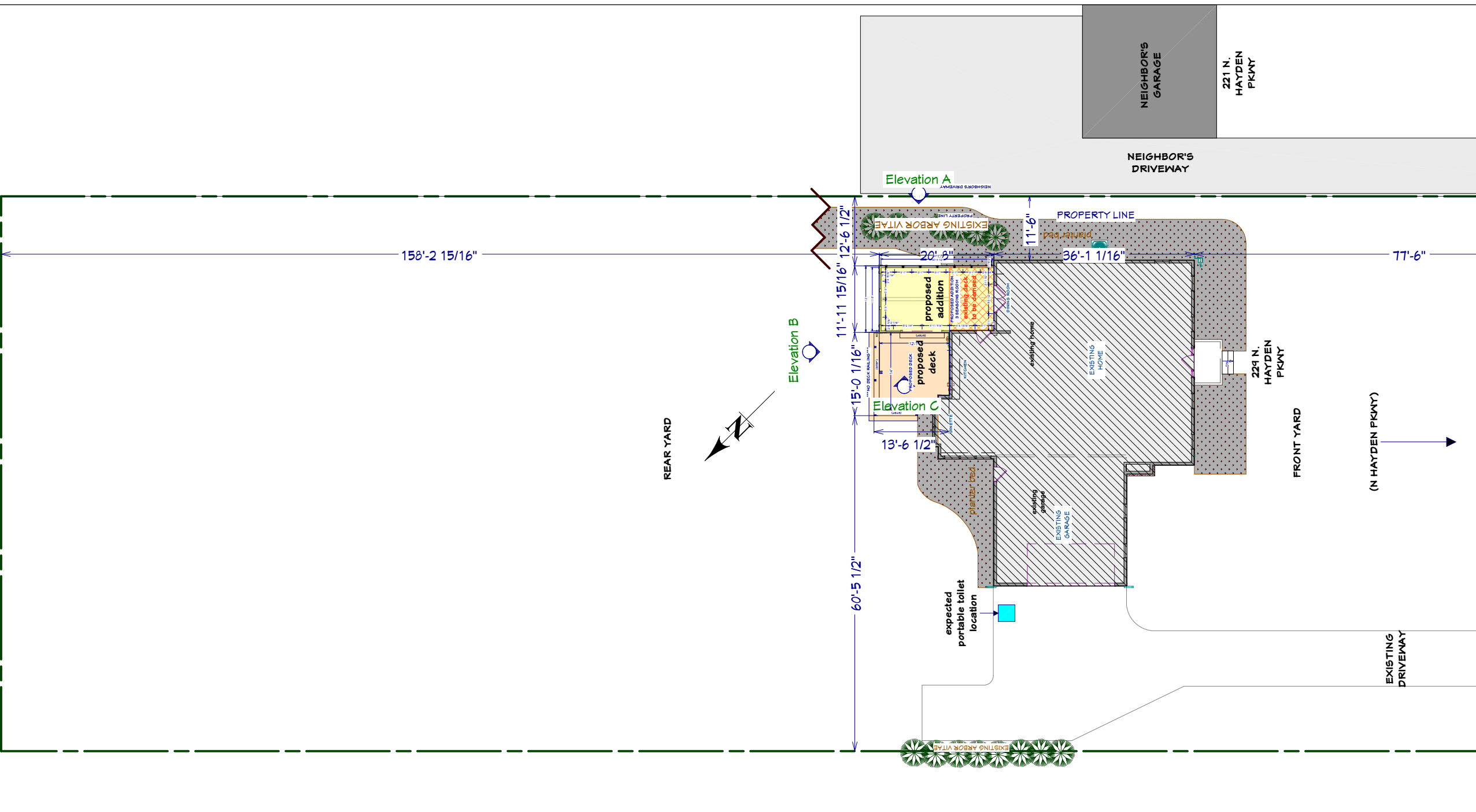
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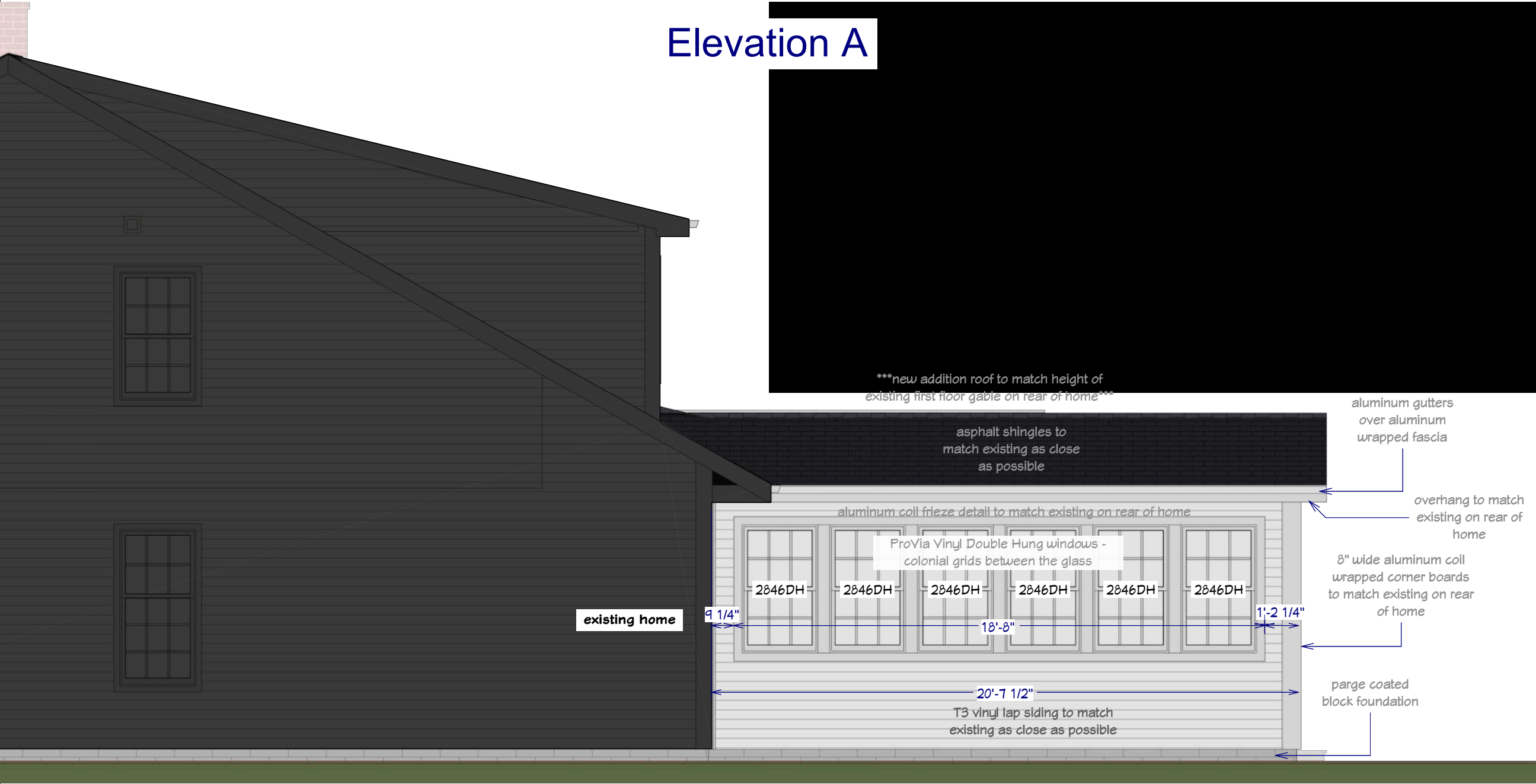
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K-4



Elevation A



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SHEET TITLE:

Addition Elevations

SCALE:

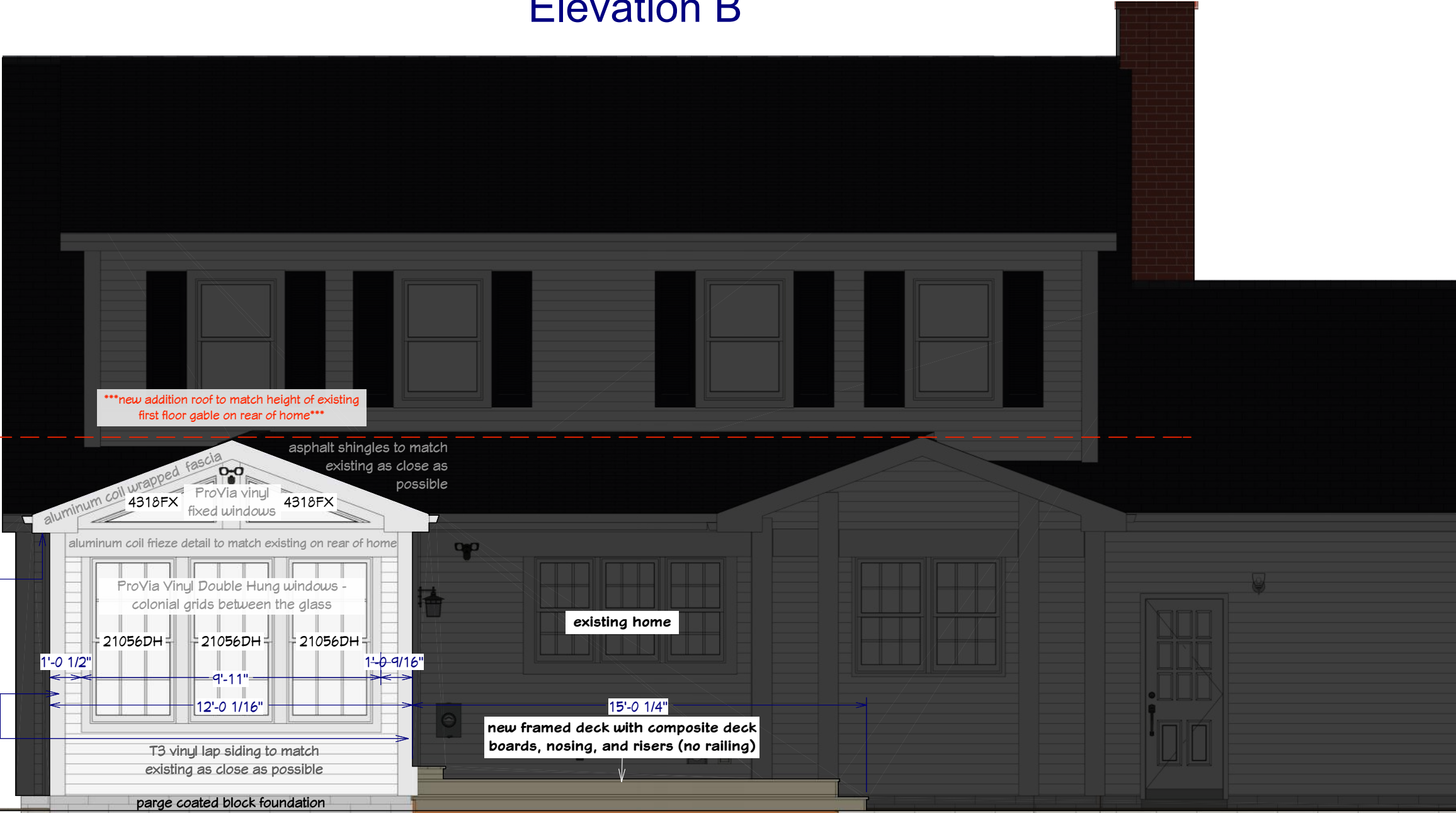
1/4" - 1'

DATE:

12/18/25

K-6

Elevation B



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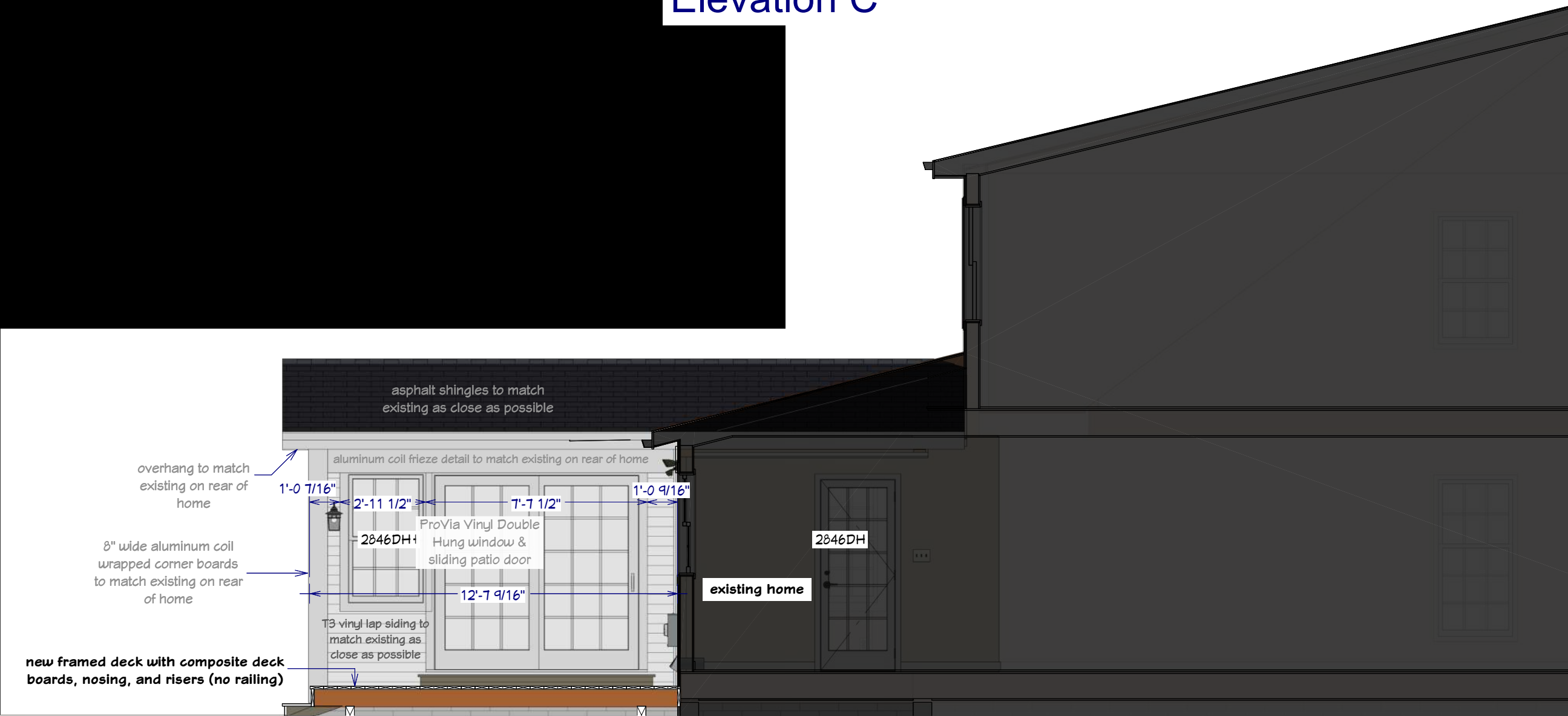
1/4" - 1"

DATE:

12/18/25

K-7

Elevation C



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SHEET TITLE:

SCALE:

1/4" - 1'

DATE:

12/18/25

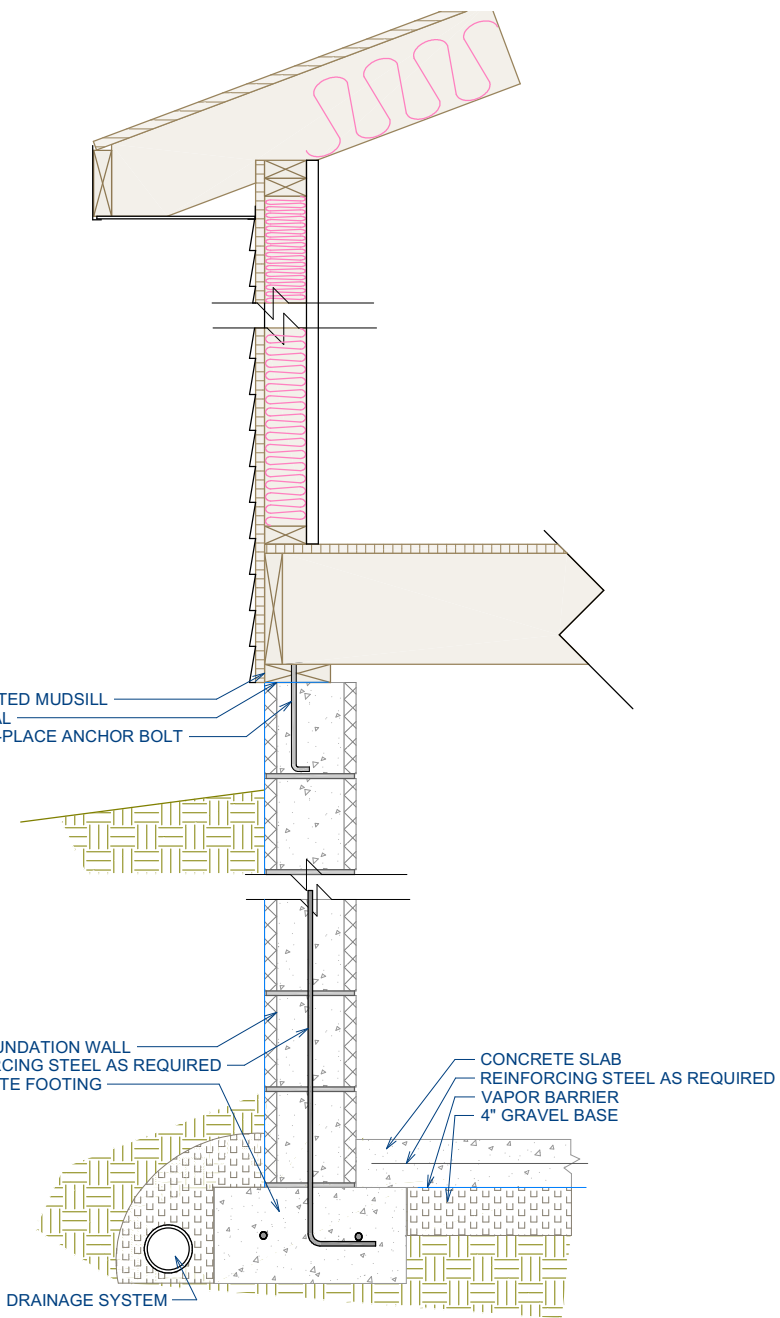
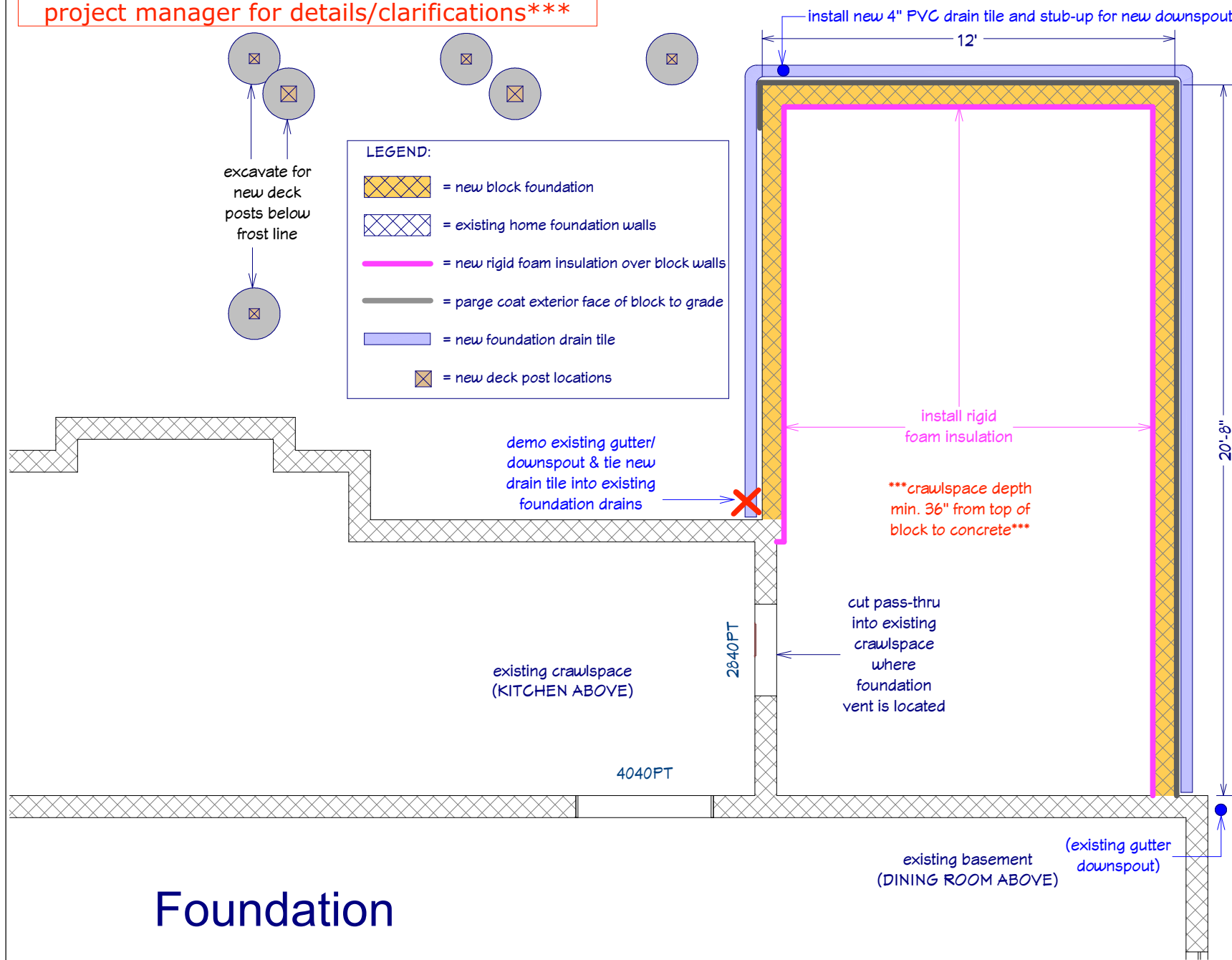
K-8

All dimensions measured from/to block - see project manager for details/clarifications



LEGEND:

- = new block foundation
- = existing home foundation walls
- = new rigid foam insulation over block walls
- = parge coat exterior face of block to grade
- = new foundation drain tile
- = new deck post locations

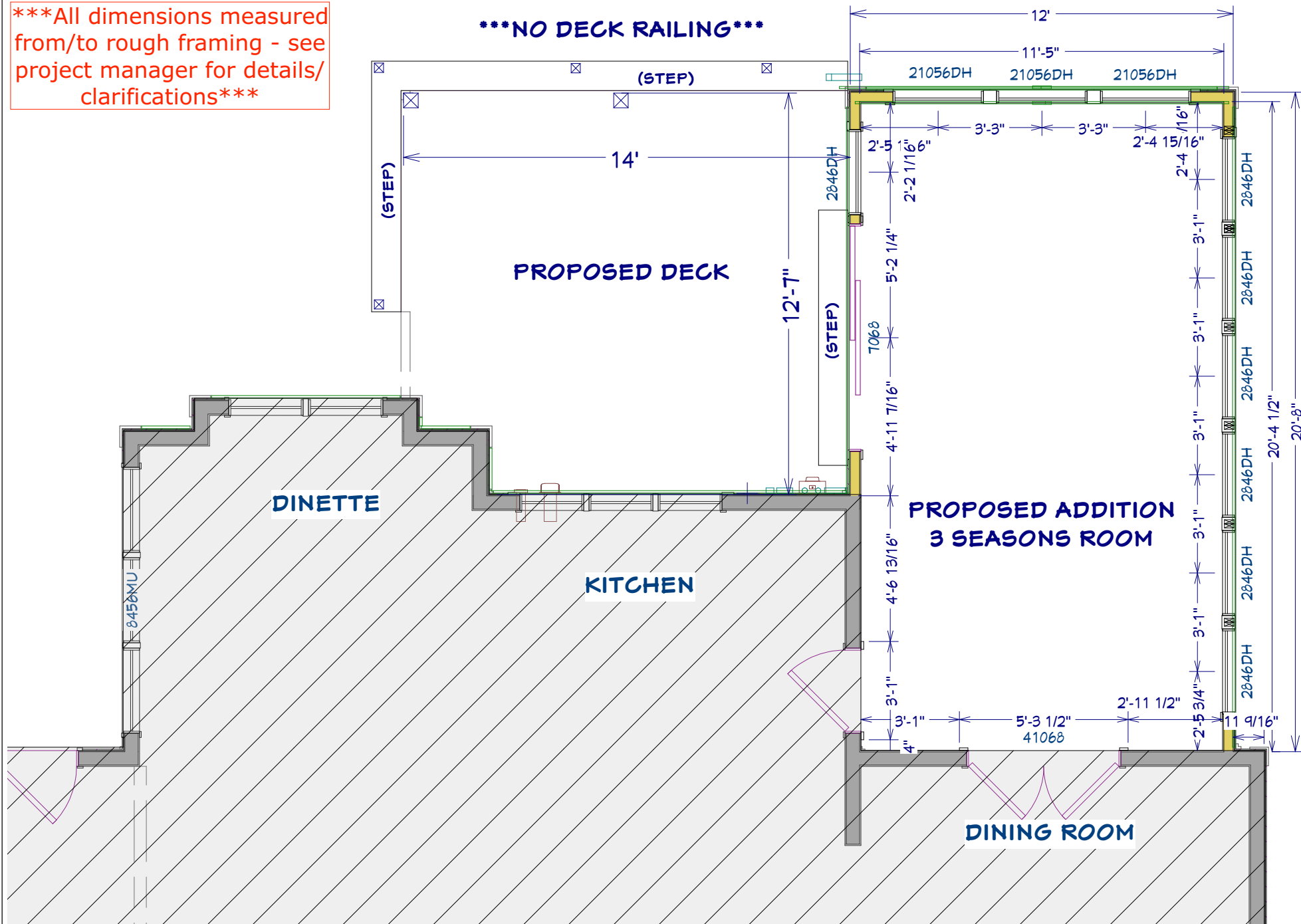


CMU Basement Foundation: Unfinished

Foundation

<p>DRAWINGS PROVIDED BY:</p> <p>Anthony Slabaugh REMODELING & DESIGN <i>Craftsmen with Integrity</i></p>	<p>PROJECT DESCRIPTION:</p> <p>Burgwinkle Addition 229 N. Hayden Pkwy. Hudson, Ohio 44236</p>	<p>This drawing is the property of Anthony Slabaugh Remodeling & Design. Information hereon is confidential and must not be reproduced or revealed to unauthorized persons without proper authorization.</p>	<p>SHEET TITLE:</p> <p>Foundation Plan</p>	<p>SCALE:</p> <p>1/4" - 1'</p>	<p>DATE:</p> <p>12/18/25</p>	<p>K-9</p>
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All dimensions measured from/to rough framing - see project manager for details/clarifications



PROPERTY LINE

NEIGHBOR'S DRIVEWAY

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MODELING & DESIGN
Craftsmen with Integrity

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SHEET TITLE:

Main Floor Dimensions

SCALE:

1/4" - 1'

DATE:

12/18/25

K-10

Jon and Pat Peterson
221 North Hayden Parkway
Hudson, OH 44236

Ms. Mary Rodack
City of Hudson, Ohio
Board of Zoning and Building Appeals
1140 Terex Road
Hudson, OH 44236

Re: Legal Notice of Public Hearing, 1/15/26, Appeals Docket No. 2025-1509


Ms. Rodack,

We received the referenced Notice of Public Hearing from your office regarding our neighbors Martin and Janice Burgwinkle's request for approval of their proposed room addition and side yard setback variance.

Marty and Jan shared their preliminary site and building plans with us and we have no objections and support the approval of their addition and setback variance.

We appreciate that you, the Board and the City of Hudson work to ensure that home expansions in our neighborhood add value and maintain the quality of our original home designs, and we believe the Burgwinkles' project does that.

Sincerely,



Jon Peterson

cc: Marty and Jan Burgwinkle





















