

Meeting Date:
May 16, 2024

Location:
56 Lake Forest Drive

Parcel Number
3200999

Request
A variance request for a side yard setback

Applicant:
Patrick Macoska

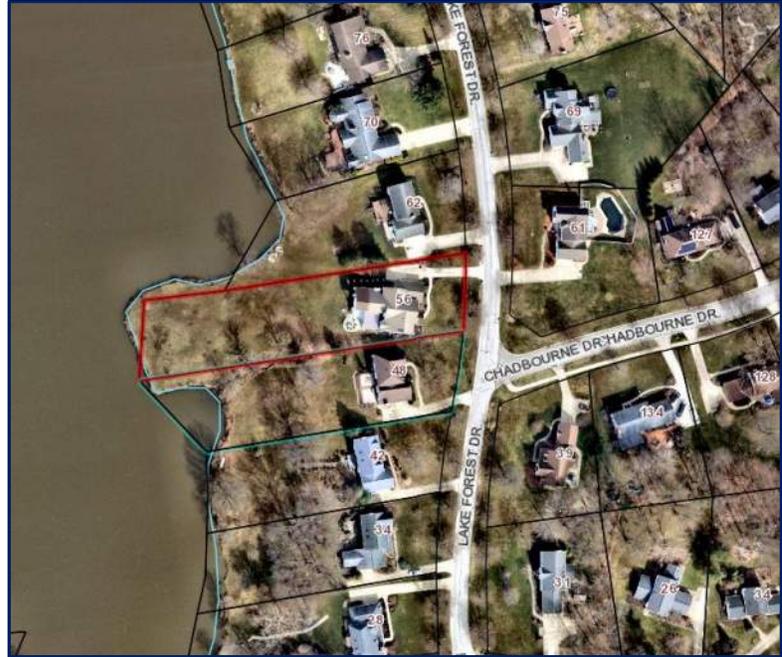
Property Owner:
Brian Swain

Zoning:
D3 – Outer Village Residential
Neighborhood

Case Manager:
Lauren Coffman,
Associate Planner

Contents

- Application, 4-25-2024
- Site Plan, 4-25-2024
- Elevations, 4-25-2024
- Site Photos 5-10-2024



Location Map, City of Hudson GIS

Request:

A variance request of five (5) feet from the required side yard accessory structure setback of fifteen (15) feet, resulting in a side yard setback of ten (10) feet pursuant to section 1205.06(d)(5)(D)(4), “Property Development/Design Standards – Setbacks” of the City of Hudson Land Development Code in order to build a detached garage.

Adjacent Development:

The site is adjacent to residential development to the north, south, and east. The site is adjacent to Lake Forest to the West.

Project Background

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on Lake Forest Dr. The lot is approximately 0.89 acres and the house on the property was built in 1984. The owners purchased the property in 2023.

The applicant is requesting to construct a 36ft x 26ft accessory structure that would include two covered porches, totaling approximately 1125 square feet, to be used as a detached garage. The City of Hudson’s Land Development Code has the following regulation relative to the placement of accessory structures on a property –

- *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 from the southern property line in order to build a detached garage.

The applicant states that the existing flood plain and limited buildable area on the property makes it difficult to meet all Land Development Code regulations. The applicant states that placing the structure along the southern property line would be the most functional, aesthetically pleasing, and manageable placement.

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 as the property in question already has an existing 2 car attached garage and sufficient area existing in the rear yard to comply with the required setback. The proposed 10 ft setback would also impact existing trees along the shared property line

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 lot is approximately 0.89 acres.
- The structure would be located entirely behind the main mass of the house in the rear yard.
- There is an existing floodplain present on the property, which renders a portion of the rear yard unbuildable.

- Staff notes that the Land Development Code has specific floodplain stipulations, Section 1205.14 - Floodplain/Floodway Overlay District. These stipulations would be reviewed and verified through a site plan review and approval with the Engineering Department.
- The existing house currently has a setback of eight (8) feet, when the Land Development Code regulations require a side yard setback of fifteen (15) feet. Staff notes that the proposed accessory structure would be creating an additional encroachment along the same property line.
- The two-story structure would be impactful from a height and size standpoint at the proposed setback to the surrounding property owners.

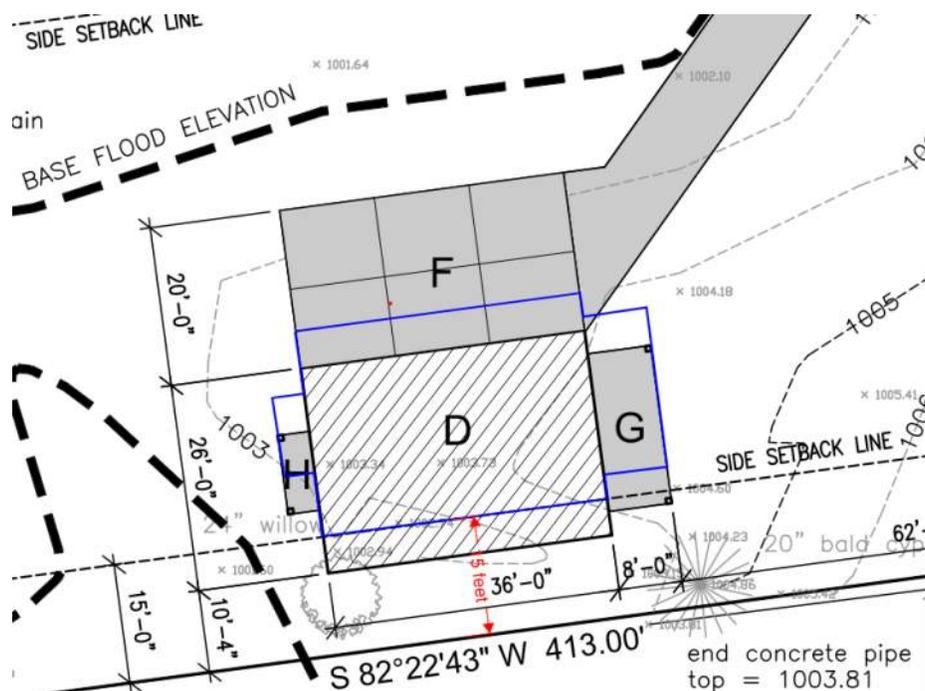
4. Whether the variance would adversely affect the delivery of governmental services such as water and sewer:

The variance would not impact the delivery of governmental services.

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

The existing regulations were in effect when the owners purchased the property in 2023.

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



Staff questions if the garage could be sited further to the north to allow for additional room and increase the side yard setback in order to meet all Land Development Code requirements.

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:

- A design review with the Architectural and Historic Board of Review.
- Site plan approval by the Engineering and Community Development.



24-288

Board of Zoning and
Building Appeals (BZBA)

Status: Active

Submitted On: 3/29/2024

Primary Location

56 LAKE FOREST DR
Hudson, OH 44236

Owner

Brian Swain
56 LAKE FOREST DR
HUDSON, OH 44236

Applicant

Patrick Macoska
 +1 734-669-6075
 pmacoska@att.net
 1731 West 32nd Street
Cleveland, OH 44113

Applicant and Property Owner Information

Applicant Relationship to Property Owner:*

Architect

Company Name:

macoska architect

Property Owner Name*

Brian Swain

Property Owner's E-Mail:*

brianswain32@gmail.com

Property Owner Phone Number*

3307153902

Type of Hearing Request

Type of Request:*

Variance

Year Property Purchased*

2023

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

15' side setback

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

4'-8"

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

10'-4"

Explanation of Request and Justification:*

Improve sight line from residence to lake by placing accessory structure closer to side lot line. Setback requested is consistent with other properties on the street.

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:*

Placing the accessory structure slightly closer to the side lot line will improve view of lake from residence.

The variance is

insubstantial

Describe why the variance is substantial or insubstantial*

The accessory structure will 10'-4" from side lot line with variance. Residence itself is 8'-3" from side lot line based on recent survey, and residence of adjacent neighbor to the south is 9'-9" from the side lot line. Requested variance is less than these two existing conditions.

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):*

Owner contacted Nick Sugar regarding this variance request; Mr. Sugar suggested not requesting more than a 5' variance, and that such a request would be reasonable and in keeping with existing structures at this lot line and other examples on the street.

Would adjoining properties be negatively impacted?*

no

Describe how the adjacent properties will not be affected.*

The resulting setback would be more than 10', and there are no structures on the neighboring property that align with the proposed location of the accessory structure

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

—

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

The options for placement of the accessory structure are limited due to limited buildable area outside of flood plain line (refer to survey drawing).

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

The side setback requested is similar to other existing examples along Lake Forest Drive. The home on the adjacent parcel does not align with the proposed location of the accessory structure and will not be affected by close proximity of the proposed accessory structure. The adjacent property will continue to enjoy views of the lake along the property's shoring as well as views over the corner of Mr. Swain's property.

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

The buildable area for the accessory structure is limited due to flood plain boundary.

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

Most of the lots along the lake side of Lake Forest Drive are relatively narrow, although most appear to meet minimum zoning requirement of 100'. The challenge is the slope to the site and the presence of the lake, which limits buildable area due to flood plain conditions.

BZBA Meeting Information

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

Patrick Macoska, architect; Brian Swain, homeowner

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

Swain Residence - Accessory Garage

65 Lake Forest Drive
Hudson, Ohio 44236

Project Data

Location
56 LAKE FOREST DRIVE
HUDSON, OH 44236

Parcel No.
3200999

Zoning Classification
3 - OUTER VILLAGE RESIDENTIAL NEIGHBORHOOD

Required Setbacks
FRONT 50'
SIDE 15'
REAR PRINCIPAL STRUCTURE: 50' - ACCESSORY STRUCTURE: 15'

Drawing Legend

- A.1 TITLE SHEET - SITE PLAN
- A.2 PLANS & ELEVATIONS
- A.3 CROSS SECTION
- A.4 CROSS SECTION & WALL SECTIONS
- A.5 RENDERINGS

Site Area
.95 AC. (41,306 S.F.)

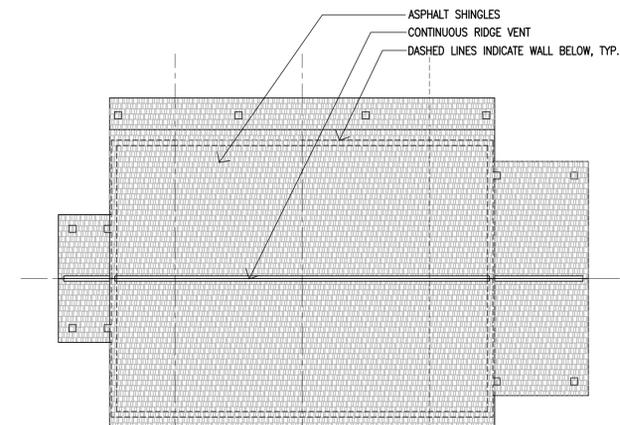
Proposed Accessory Garage
936 S.F. - 1 STORY

Open Space
REQUIRED: 25% GROSS LAND AREA = 10,326 S.F.
PROVIDED: 41,306 - (3,738 + 2,138 + 936 + 1,292 + 720) = 32,482 S.F. = 79%

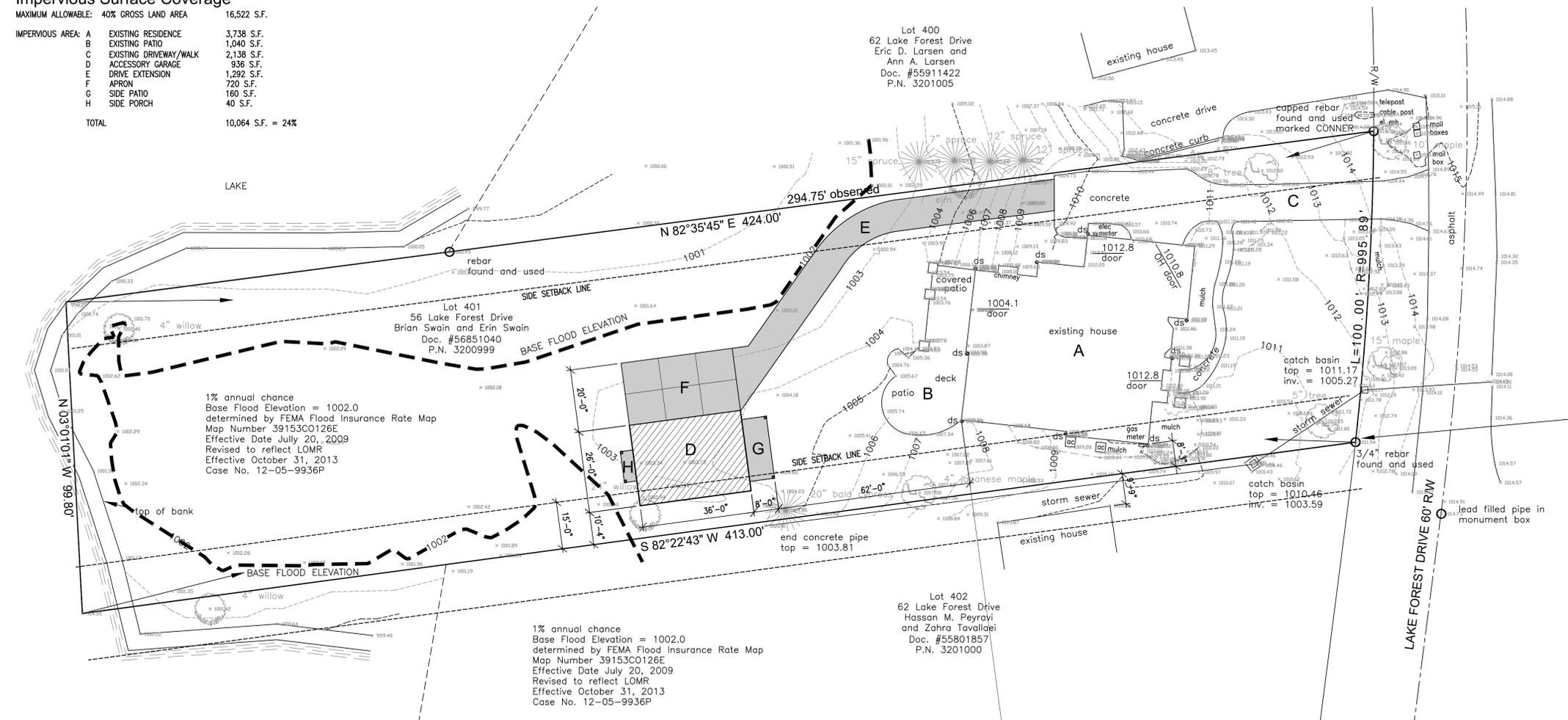
Impervious Surface Coverage
MAXIMUM ALLOWABLE: 40% GROSS LAND AREA 16,522 S.F.

IMPERVIOUS AREA:	DESCRIPTION	AREA (S.F.)
A	EXISTING RESIDENCE	3,738
B	EXISTING PATIO	1,040
C	EXISTING DRIVEWAY/WALK	2,138
D	ACCESSORY GARAGE	936
E	DRIVE EXTENSION	1,292
F	APRON	720
G	SIDE PATIO	160
H	SIDE PORCH	40
TOTAL		10,064

10,064 S.F. = 24%

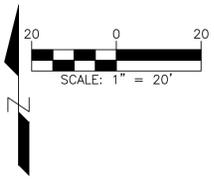


Roof Plan
Scale: 1/8" = 1'-0"



Aerial Map
Summit County Geographic Information Systems

Site Plan
Scale: 1" = 20'-0"



- LEGEND:
- IRON PIN FOUND OR SET
 - DECIDUOUS TREE OR BUSH
 - CONIFEROUS TREE
 - STRUCTURE AS NOTED
 - CONTOUR
 - EXISTING BUILDING
 - PROPERTY LINE
 - CENTERLINE
 - OTHER PROPERTY LINE
 - ds DOWNSPOUT
 - SHORELINE
 - FEMA BASE FLOOD ELEVATION

Lot 400
62 Lake Forest Drive
Eric D. Larsen and
Ann A. Larsen
Doc. #55911422
P.N. 3201005

Lot 401
56 Lake Forest Drive
Brian Swain and Erin Swain
Doc. #56851040
P.N. 3200999

Lot 402
62 Lake Forest Drive
Hassan M. Peyravi
and Zahra Tavallaei
Doc. #55801857
P.N. 3201000

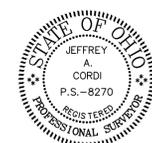
1% annual chance
Base Flood Elevation = 1002.0
determined by FEMA Flood Insurance Rate Map
Map Number 39153C0126E
Effective Date July 20, 2009
Revised to reflect LOMR
Effective October 31, 2013
Case No. 12-05-9936P

1% annual chance
Base Flood Elevation = 1002.0
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Map Number 39153C0126E
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Lake Forest Country Club
Volume 6702, Page 443
P.N. 3204095



BENCHMARK
top of rebar
elevation = 1011.94
Measured by static GPS observation
performed January 18, 2024
and processed by OPUS



TOPOGRAPHIC SURVEY PREPARED BY:
JEFFREY A. CORDI, P.S. #8270
170 HAZEL DRIVE
NORTHFIELD, OHIO 44067
330-388-8146
CordiSurvey@gmail.com
FIELDWORK PERFORMED OCTOBER 5, 2022
AND JANUARY 18, 2024

TOPOGRAPHIC SURVEY
for
56 LAKE FOREST DRIVE
SITUATED IN THE CITY OF HUDSON, SUMMIT COUNTY, OHIO
KNOWN AS BEING ALL OF LOT 401
OF THE LAKE FOREST SUBDIVISION RECORDED IN
PLAT BOOK 38, PAGE 49 OF THE SUMMIT COUNTY RECORDS
SCALE: 1" = 20' DATE: OCTOBER 2022
REV: JANUARY 20, 2024



North Elevation



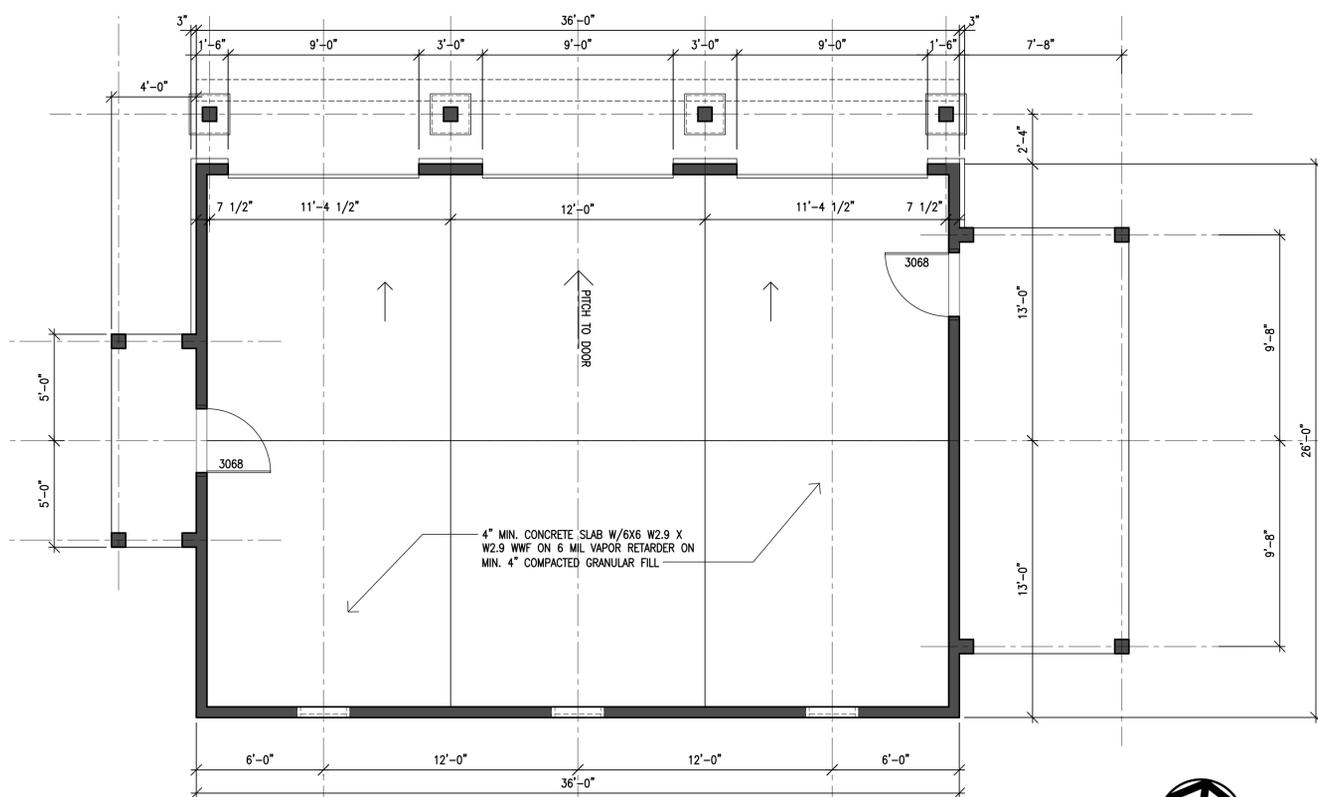
South Elevation



East Elevation

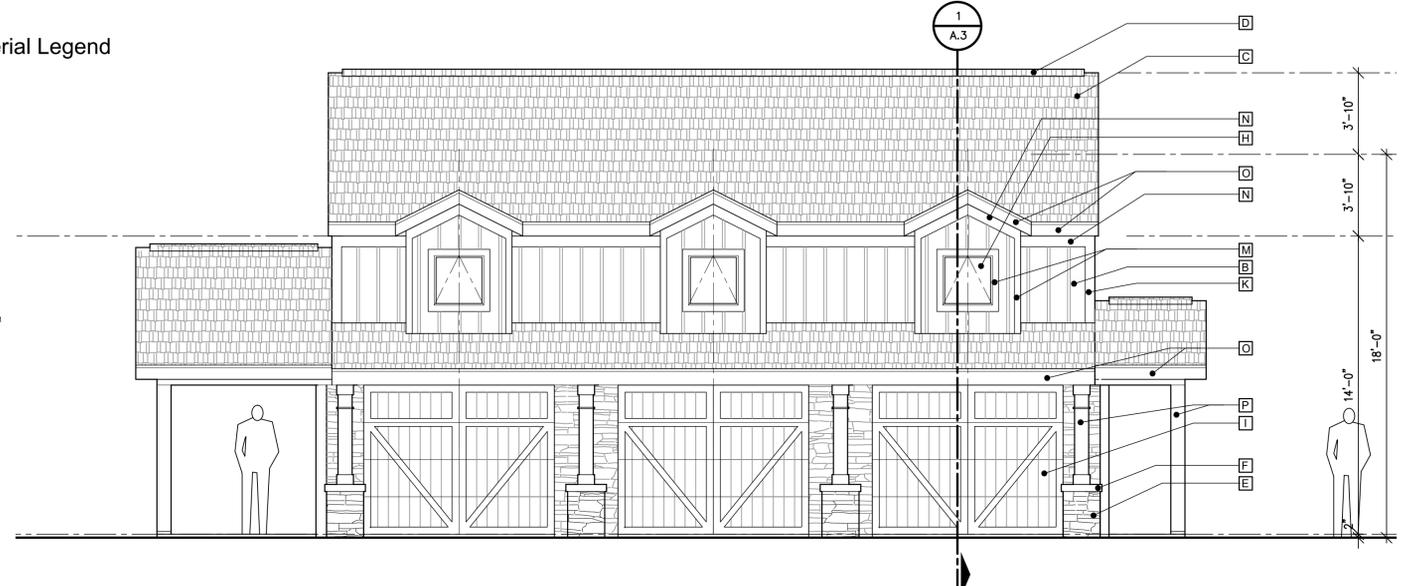


Perspective View

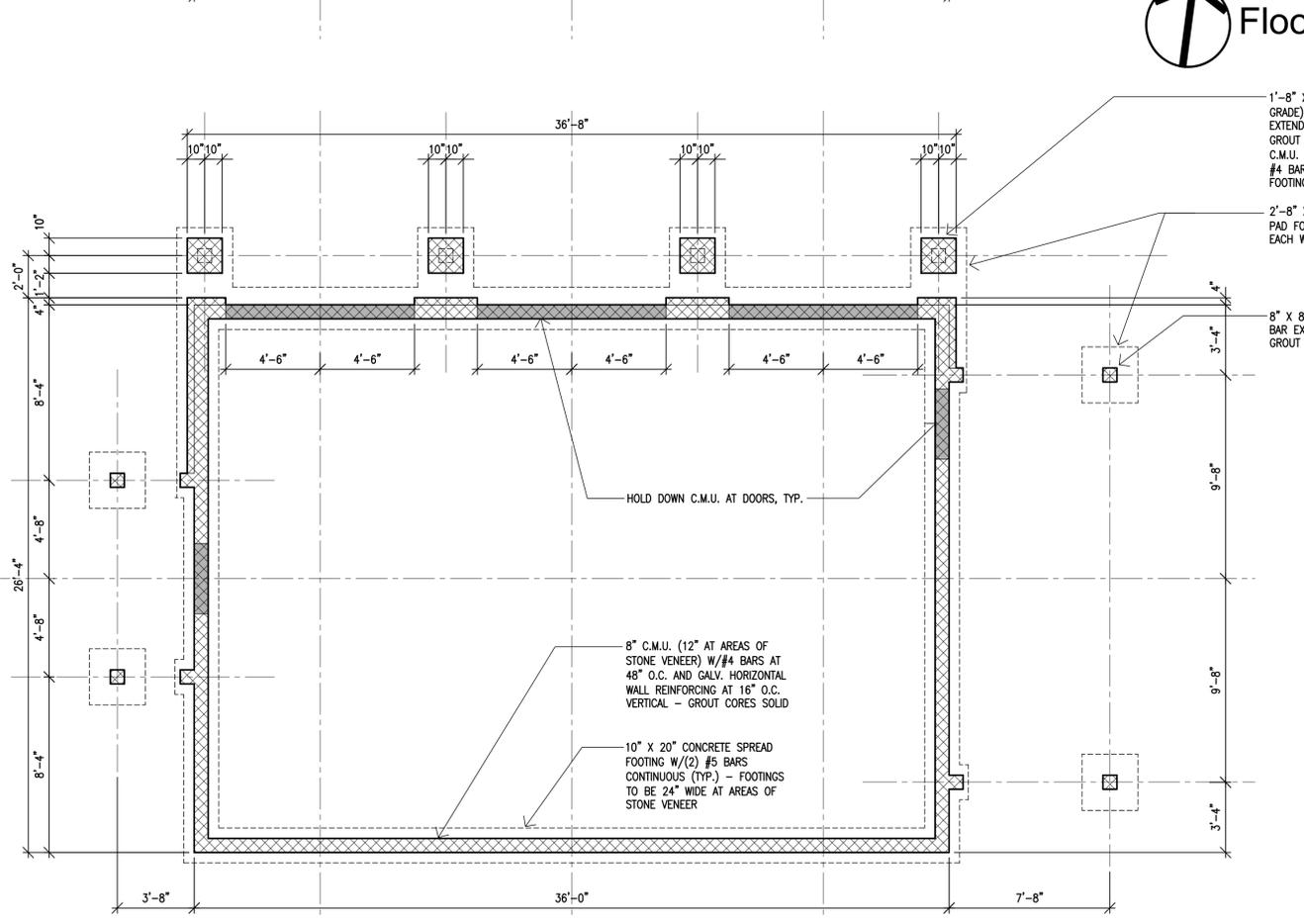


Exterior Material Legend

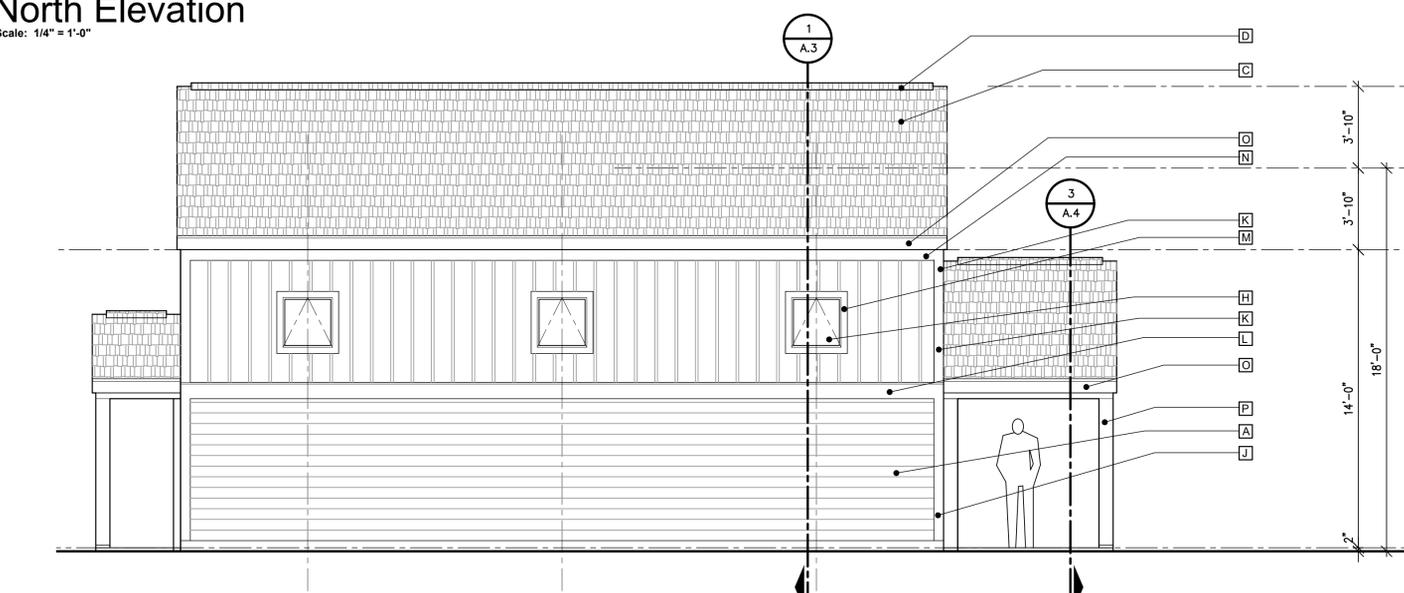
- A cement fiber horizontal lap siding
- B cement fiber panel and trim board board and bottom siding
- C asphalt shingles
- D continuous ridge vent
- E stone veneer
- F stone cap
- G wood timber truss
- H 2'-4" x 2'-4" vinyl awning window
- I 2'-0" x 8'-0" wood vertical lift overhead sectional door
- J 3/4 x 6 corner trim
- K 1 x 6 corner trim
- L 2 1/2 x 10 trim with prefinished metal flaring at top edge
- M 1 x 4 trim
- N 1 x 6 fascia trim
- O 1 x 8 fascia trim
- P 1 x trim around treated 6 x 6 post



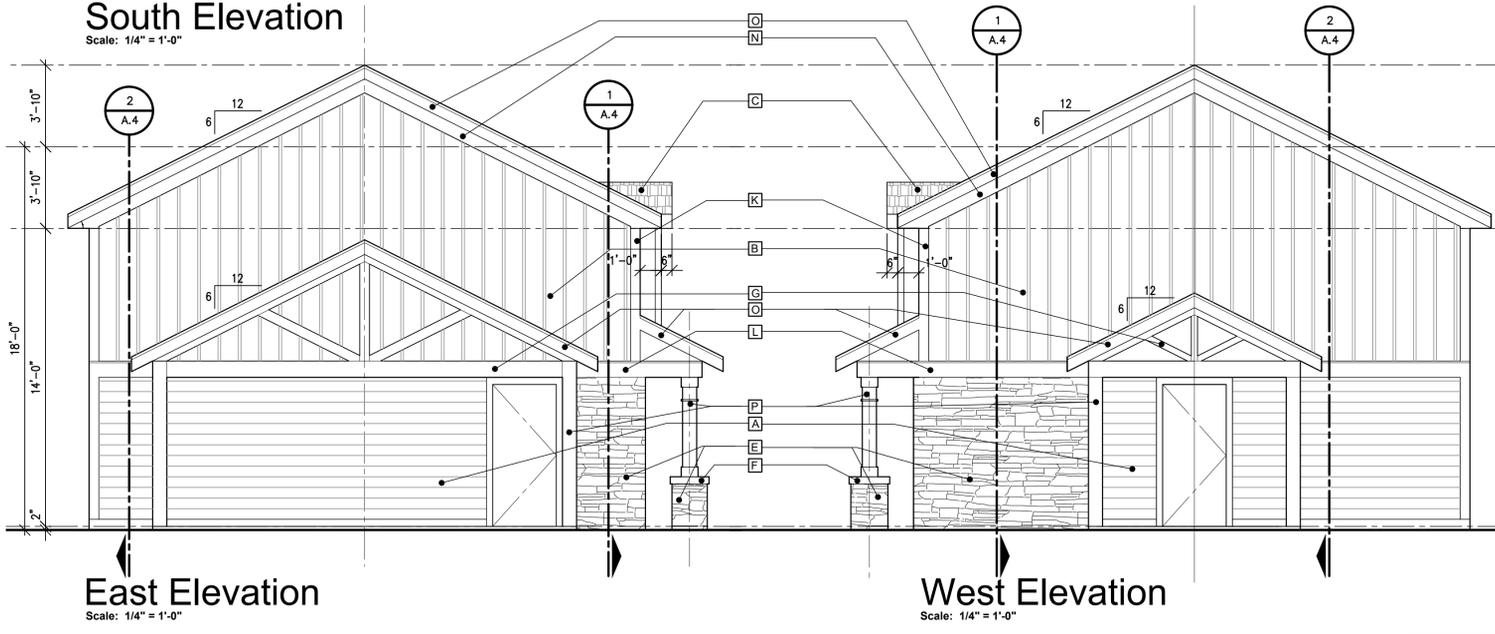
North Elevation
Scale: 1/4" = 1'-0"



Floor Plan



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



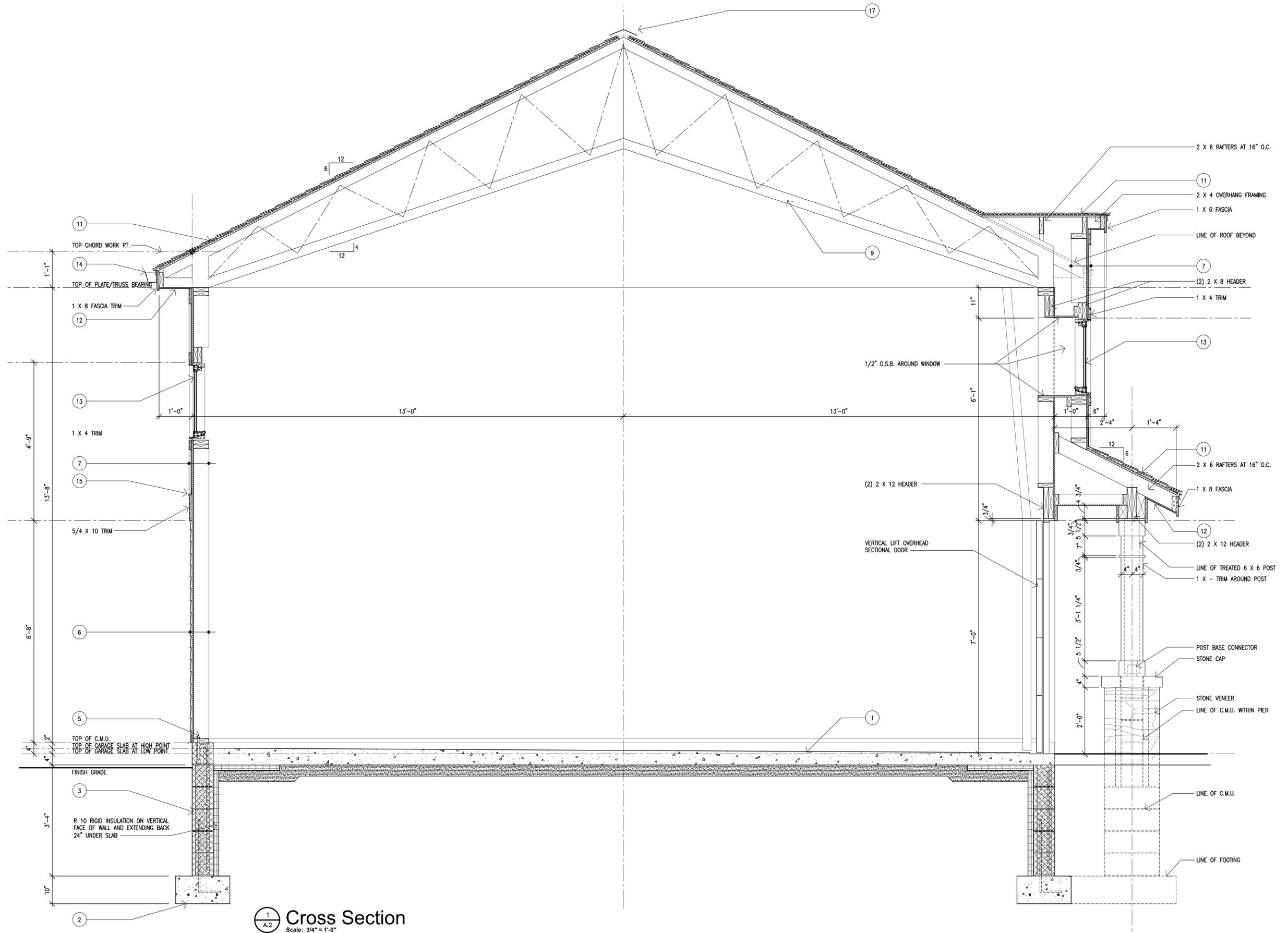
East Elevation
Scale: 1/4" = 1'-0"

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

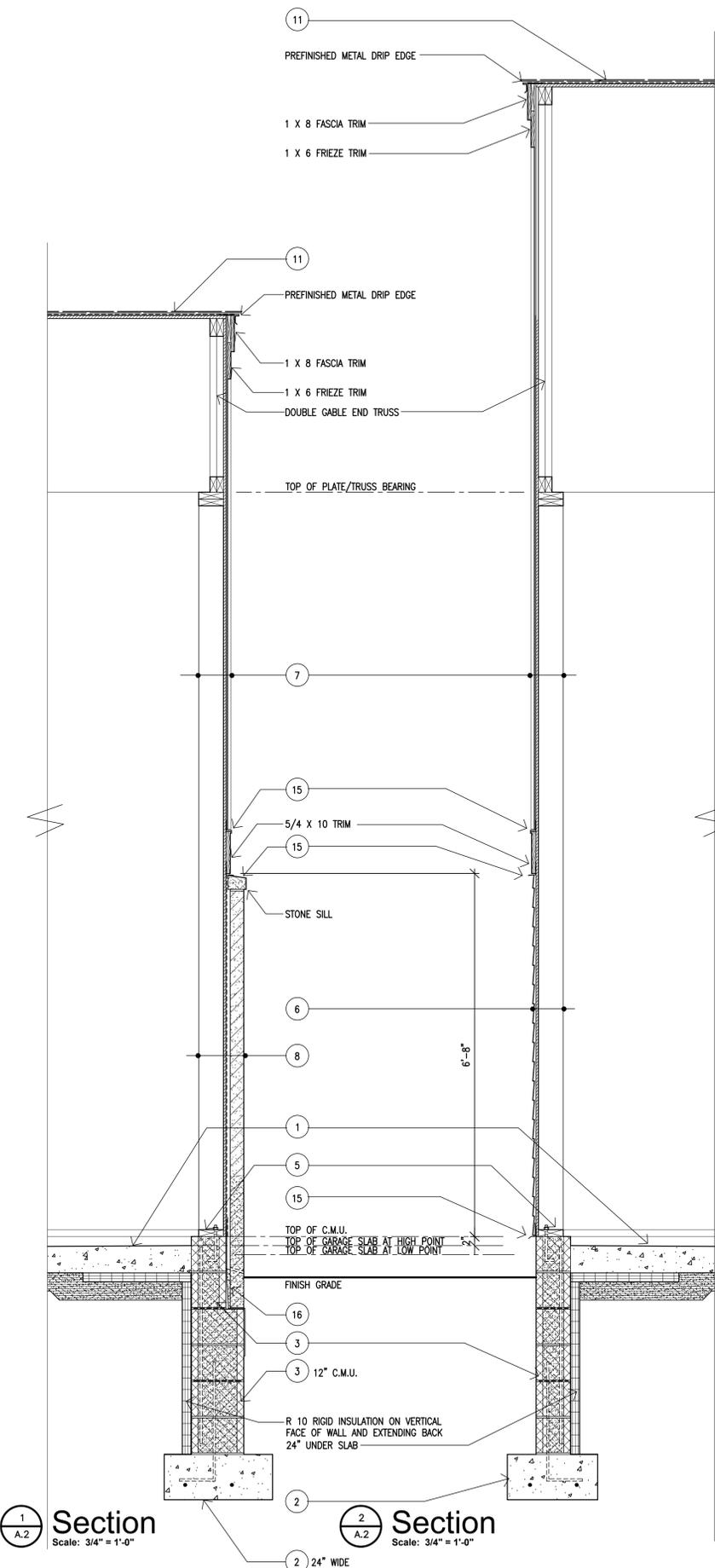
Foundation Plan
Scale: 1/4" = 1'-0"

Keynotes

- 1 4" reinforced concrete slab w/6x6 w2.9 x w2.9 wwf on 6 mil vapor retarder on min. 4" compacted granular fill
- 2 10" x 20" concrete spread footing w/(2) #5 bars continuous (10" x 24" at areas of stone veneer)
- 3 8" c.m.u. w/ #5 bars at 48" o.c. and horizontal wall reinforcing at 16" o.c. - grout cores solid
- 4 stone veneer + 8" c.m.u. w/ #5 bars at 48" o.c. and horizontal wall reinforcing at 16" o.c. - grout cores solid
- 5 treated 2 x 6 sill; set in sill sealer and secure with 1/2" hooked anchor bolts at 6'-0" o.c., max. 1'-0" from corner.
- 6 fiber cement horizontal lap siding + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 16" o.c.
- 7 fiber cement panels and fiber cement trim battens + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 16" o.c.
- 8 stone veneer w/ galv. ties at max. 16" x 16" spacing + air space + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 18" o.c.
- 9 pre-engineered wood scissors trusses at 24" o.c. + 5/8" o.s.b. roof sheathing
- 10 2 x 8 rafters at 16" o.c. + 5/8" o.s.b. roof sheathing
- 11 asphalt shingles + 15 lb. building paper
- 12 cement fiber soffit panel w/ ventilation perforations
- 13 vinyl awning window with insulating glass
- 14 prefinished metal gutter and downspout
- 15 prefinished metal flashing
- 16 base flashing + weeps at 32" o.c. and cavity wall drainage mesh - grout collar joint solid below flashing
- 17 continuous ridge vent

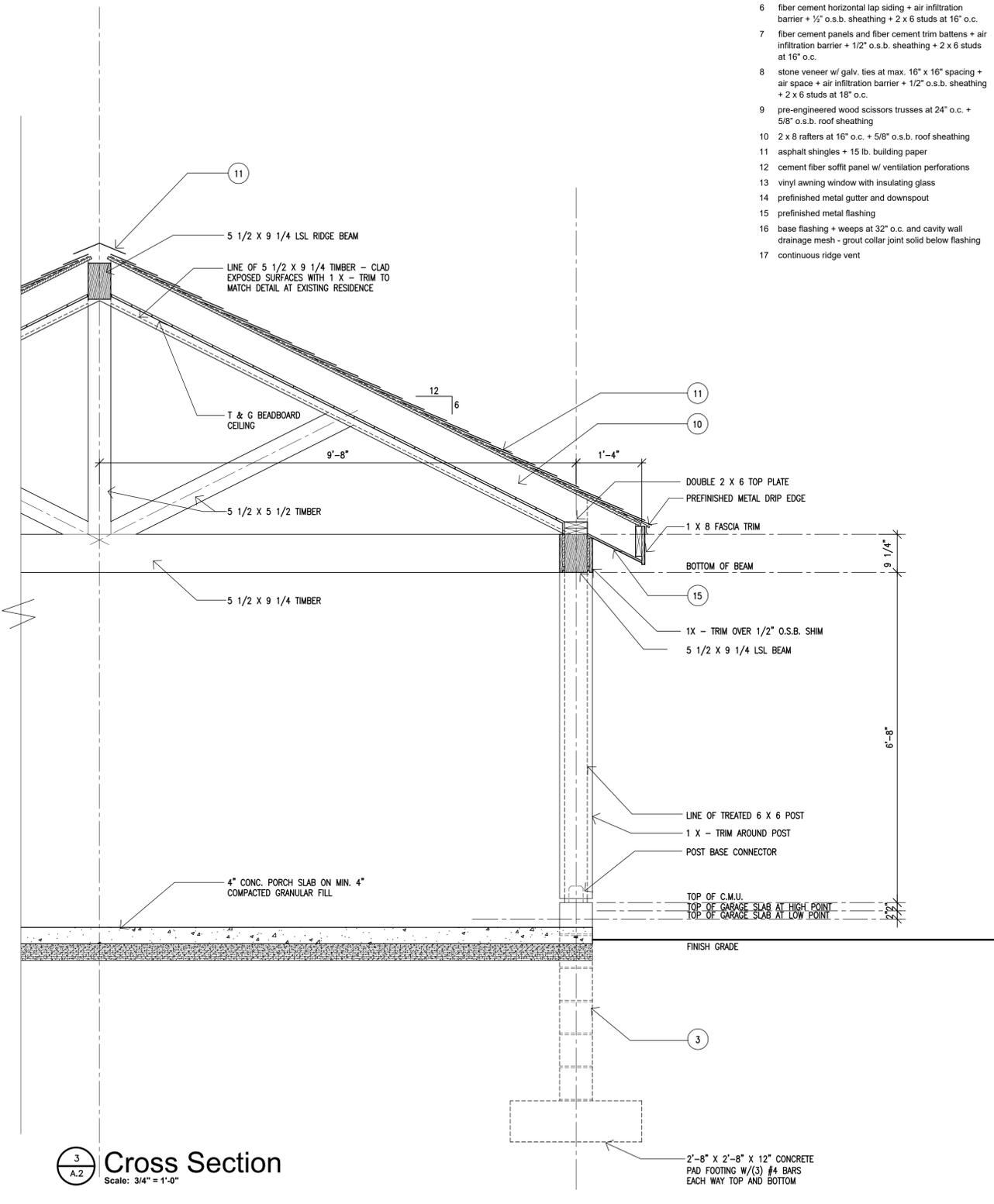


1
A.2
Cross Section
Scale: 3/4" = 1'-0"



1 Section
Scale: 3/4" = 1'-0"

2 Section
Scale: 3/4" = 1'-0"



3 Cross Section
Scale: 3/4" = 1'-0"

Keynotes

- 1 4" reinforced concrete slab w/6x6 w2.9 x w2.9 wwf on 6 mil vapor retarder on min. 4" compacted granular fill
- 2 10" x 20" concrete spread footing w/(2) #5 bars continuous (10" x 24" at areas of stone veneer)
- 3 8" c.m.u. w/ #5 bars at 48" o.c. and horizontal wall reinforcing at 16" o.c. - grout cores solid
- 4 stone veneer + 8" c.m.u. w/ #5 bars at 48" o.c. and horizontal wall reinforcing at 16" o.c. - grout cores solid
- 5 treated 2 x 6 sill; set in sill sealer and secure with 1/2" hooked anchor bolts at 6'-0" o.c., max. 1'-0" from corner.
- 6 fiber cement horizontal lap siding + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 16" o.c.
- 7 fiber cement panels and fiber cement trim battens + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 16" o.c.
- 8 stone veneer w/ galv. ties at max. 16" x 16" spacing + air space + air infiltration barrier + 1/2" o.s.b. sheathing + 2 x 6 studs at 18" o.c.
- 9 pre-engineered wood scissors trusses at 24" o.c. + 5/8" o.s.b. roof sheathing
- 10 2 x 8 rafters at 16" o.c. + 5/8" o.s.b. roof sheathing
- 11 asphalt shingles + 15 lb. building paper
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- 13 vinyl awning window with insulating glass
- 14 prefinished metal gutter and downspout
- 15 prefinished metal flashing
- 16 base flashing + weeps at 32" o.c. and cavity wall drainage mesh - grout collar joint solid below flashing
- 17 continuous ridge vent

Construction and Specification Notes

- site**
provide soil erosion control during construction as required by local ordinance.
- gutters and downspouts:** materials: prefinished aluminum in standard profiles, color(s) to be selected by owner. provide splashblocks for discharge of downspouts at grade (confirm that this complies with local codes and ordinances)
- concrete**
footings: 3,500 psi concrete, sizes and reinforcing as indicated on the drawings.
install min. 6 mil vapor retarder under floor slab
- wood framing material**
sill plates: pressure preservative treated 2 x 6 set on sill sealer and secured with 1/2" diam. hooked anchor bolts at max. 6'-0" o.c. and max. 12" from corners.
wall framing: 2 x 6 at 16" o.c.
roof framing: pre-engineered scissors trusses in configuration shown on drawings; trusses shall be designed by a structural engineer registered in the state of ohio, and sealed shop drawings shall be provided to the architect and contractor for review prior to construction, and submitted to the local building code authority if required.
2 x 6 or 2 x 8 rafter framing at 16" o.c. where indicated on drawings.
porch construction: all framing shall be pressure preservative treated or naturally decay resistant wood species, excluding protected framing supporting roof structure.
sizes of joists, posts and other framing are identified on the drawings.
wall sheathing: 7/16" o.s.b. panels (called out as nom. 1/2" thickness on drawings)
roof sheathing: 5/8" o.s.b. panels
framing connectors: where called out on drawings, number/letter codes refer to products as manufactured by simpson strong-tie co.
roof truss to top plate connection: use simpson strong-tie sdwc15600b-kt 6" screws
roof rafter to top plate connection: use simpson strong-tie h2.5a hurricane ties
post base anchor: use simpson strong-tie abu66z galv. steel standoff post anchor
- siding and trim material**
horizontal lap siding: cement fiber planks, 'hardie plank' or equivalent, spacing (exposure) to match existing residence.
vertical board and batten siding: cement fiber panels with batten trim, 'hardie panel' + hardie trim or equivalent, 8" or 12" o.c. spacing to align with 4" panel width.
trim boards: cement fiber boards 3/4" inch actual thickness (1x) or 1" actual thickness (5/4x) as indicated on drawings, 'hardie trim' or equivalent.
soffits: cement fiber panel, smooth finish with vent perforations: 'hardiesoffit' by james hardie co. or equivalent.
all material to be pre-primed for field painting of finished color; colors to harmonize with colors chosen by owner to repaint siding of existing residence.
- roofing**
asphalt shingles to match roofing of existing residence. provide continuous shingle-over ridge vent.
- insulation**
under slab: r 10 foam insulation on back side of foundation wall extending down to top of footing, and horizontally under slab min. 24", in preparation for possible future installation of hvac system in space.
- doors and windows**
exterior service doors: wood or metal pre-hung in frame and fitted with head and jamb weatherstripping and threshold; style as selected by owner.
overhead sectional garage doors: 9'-0" wide x 7'-0" high sectional doors, wood construction throughout or wood veneer on exterior surfaces, stile-and rail carriage house style design, provided with vertical lift tracks and motorized openers.
windows: prefinished vinyl awning type with tempered insulating glass with low-e coating on 3rd surface.
- painting**
trim color to match existing residence; siding colors to be selected by owner and shall harmonize with color(s) chosen by owner to repaint siding of existing residence.
- electrical**
lighting and power plan for the accessory building shall be developed by the owner in consultation with the electrical contractor. electrical contractor shall prepare drawing or other documentation necessary to convey scope of work and to apply for electrical permit.
- dimensioning note**



Swain Accessory Garage - Front (North) Elevation



Swain Accessory Garage- Perspective View



Swain Accessory Garage - Rear (South) Elevation



Swain Residence - Front (East) Elevation



Swain Residence - Rear (West) Elevation



Swain Residence - Side (North) Elevation



Swain Residence
Side (South) Elevation













