



## Project Background

The property is located in District 1 – Suburban Residential Neighborhood and is situated on Hudson Aurora Road, just east of Stow Road. The lot is approximately 3.46 acres and the house on the property was built in 2019. The owners purchased the property in May of 2018.

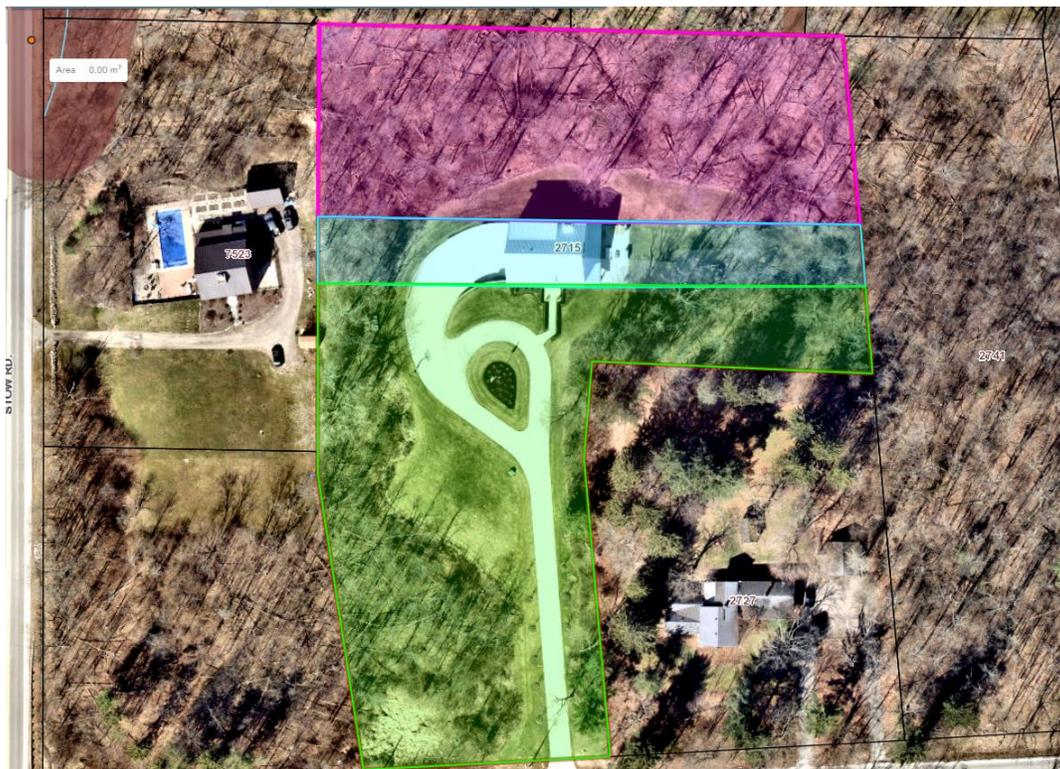
The applicant is requesting to construct an 8 ft x 24 ft accessory structure open air pergola with a height of 8ft 4in. The City of Hudson's Land Development Code has the following regulation relative to the placement of accessory structures on a property –

- *1206.03(d)(3) - Side setbacks. No accessory structure shall be located within a side yard, except for permitted fences or walls and on corner lots the majority of the floor area of any accessory structure shall not be located within a side yard.*

The applicant is proposing to construct an accessory structure fully in the side yard area of the property.

Additionally, the applicant is requesting to construct a 16 ft x 20 ft (320 square foot) inground pool. The City of Hudson's Land Development Code has the following regulation relative to the placement of swimming pools on a property –

- *1206.03(f)(1) - Placement. Swimming pools, spas, and hot tubs shall be placed only to the rear of the main mass of the principal structure. On residential lots, the pool shall be placed no closer than fifteen feet to the side or rear lot line. On corner residential lots, the pool shall be no closer than fifty feet to the side lot line.*



The applicant is proposing to construct an inground pool to be located to the side of the main mass of the principal structure.

In addition to the pergola and pool, the applicant intends to construct a pool house, with the overall intent to establish a courtyard setting. Staff notes the proposed pool house would be reviewed under a separate application and subject to AHRB review; however, would be compliant with the building, siting, and location requirements by being located entirely within the rear yard.

The applicant states that the existing grades on the property would make it difficult to build the accessory structure and inground pool in the rear yard. Additionally, the applicant states that placing the structures in the side yard would be the most functional and cost-efficient 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 there is buildable area to the rear of the home to construct additional accessory structures on the property.

**2. Whether the variance is substantial:**

Variance request for side yard setback:

Staff notes that the accessory structure would be located fully in the side yard area. The variance request would represent a 100% deviation from the code requirement.

Variance request for inground pool:

Staff notes that variance request would represent a 100% 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:**

Variance request for side yard setback:

Staff notes that this is a unique flag shaped lot, causing the driveway to be elongated and the house to sit back on the property approximately three hundred and eighty (380) feet from Hudson Aurora Road. The lot is approximately 3.46 acres. Additionally, the proposed accessory structure would have a setback of three hundred and fifty (350) feet from Hudson Aurora Rd. Staff notes the proposed structure would be sufficiently screened from the road. Staff questions the extent of the proposed limits of disturbance and the resulting buffering/screening to the neighboring property.

Variance request for inground pool:

Staff notes that the proposed structure would be approximately three hundred and sixty-three (363) feet from Hudson Aurora Rd and approximately 230 feet away from the neighboring property to the south. Staff notes the proposed structure would be sufficiently screened from the road. Staff questions the extent of the proposed limits of disturbance and the resulting buffering/screening to the neighboring property.

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

The variance would not adversely affect 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 2018.

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

The applicant's predicament can be obviated feasibly through some method other than a variance. Staff questions why the structures could not be placed to the rear of the main mass of the structure in order to meet all Land Development Code regulations.

**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 require an administrative approval. The proposed pool house would be reviewed through a separate application and subject to AHBR approval.



### 24-264

Board of Zoning and Building Appeals (BZBA)

Status: Active

Submitted On: 3/21/2024

### Primary Location

2715 HUDSON AURORA RD  
Hudson, OH 44236

### Owner

Phil Lopez  
1775 Main St 1775 Main St  
Peninsula, Ohio 44264

### Applicant

Kody Kocias  
 330-657-2800  
 kkocias@pa-architects.com  
 1775 Main St  
Peninsula, Ohio 44264

## Applicant and Property Owner Information

**Applicant Relationship to Property Owner:\***

Architect

**Company Name:**

Peninsula Architects

**Property Owner Name\***

Phil Lopez

**Property Owner's E-Mail:\***

kkocias@PA-architects.com

**Property Owner Phone Number\***

3306572800

## Type of Hearing Request

**Type of Request:\***

Variance

**Year Property Purchased\***

2016

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

394 ft

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

44 ft

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

350 ft

Explanation of Request and Justification:\*

*Accessory structures to the residence, i.e. a pool and pergola need to be located in the side yard as opposed to the rear yard, as dictated by the topography of the site and orientation of the residence.*

---

## 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 resulting layout will fit the topography of the site and allow the accessory structure(s) to act as an extension of the house, receive ample sunlight, and minimize the impact on the property and surrounding properties and viewsheds.*

The variance is

insubstantial

Describe why the variance is substantial or insubstantial\*

*Existing buffering, planned additional plantings and buffering, and the site's bowl shaped topography contribute to a location entirely masked from view and negligible site disturbance. The resulting set back would remain 350 ft from the street, and the proposed elements are landscape elements not substantial structures.*

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 site's topography and orientation of the residence necessitate the side yard be treated as a rear yard in consideration of accessory structures – this minimizes site disturbance and concentrates the affected area into the smallest footprint most immediately accessible to the residence while minimizing the visual and environmental impact of the accessory structures.*

Would adjoining properties be negatively impacted?\*

no

Describe how the adjacent properties will not be affected.\*

*The site's topography as well as the shape of the property and the cumulation of existing plantings and planned additional plantings and buffering lead to a hidden bowl shape in which to site the accessory structures masked from view. Additionally, as landscape elements the proposed accessories are unobstructive and will blend in as extensions of the residence and site.*

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:\*

*Without a variance there are no options for a placement of accessory structures allotted to the rear yard which are accessible to the residence without extensive change to the property, topography, and residence.*

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

*The zoning requirements spirit in locating accessory structures in the rear yard and limiting the development of the side yard aims to minimize the effect on neighboring properties and views from the street while enabling home owners to utilize their yards and property. The unique shape of this property means that these aspects of siting apply more readily to the side yard than the rear yard. Use of the side yard would likewise allow the home owners to utilize their yard without impacting adjacent properties and while remaining hidden from the street. In that spirit the affected area would remain well within the area off the side yard even in consideration of 50 foot setback required in a rear yard.*

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

*The shape of the property, site topography, and the orientation of the residence.*

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

*This property is shaped such that the side yard is larger than the rear yard, and is positioned within a jog in the L shaped property. The property also has an extensive front yard meaning there is a significant distance between the side yard and the street. Additionally, the yard is positioned such that a neighboring property site is between it and the street.*

---

## BZBA Meeting Information

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

Kody Kocias, Joe Matava

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

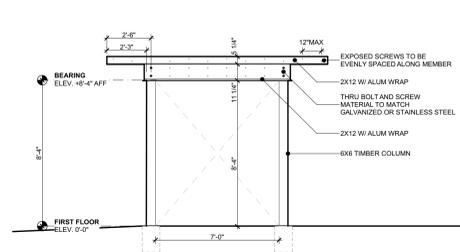
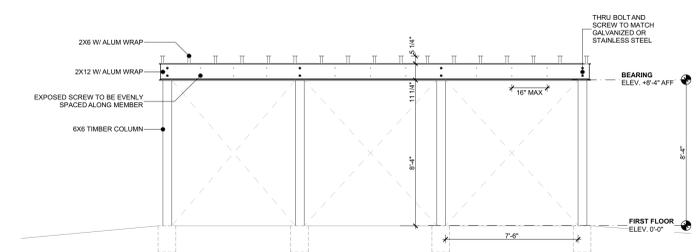
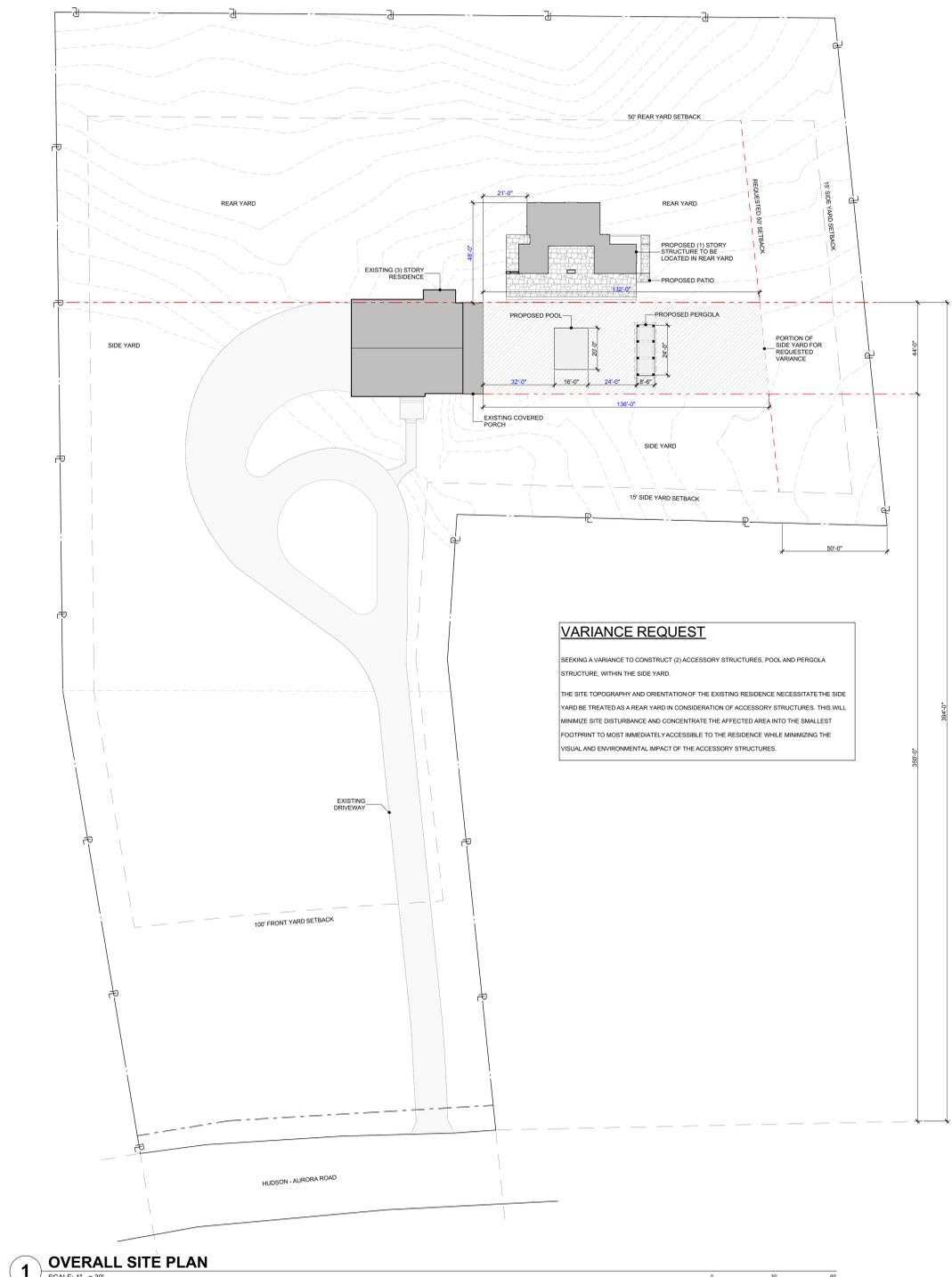
🔒 Company Name

🔒 Variances

🔒 Meeting Date

🔒 District

PROGRESS  
NOT FOR  
CONSTRUCTION  
3/25/2024



LOPEZ RESIDENCE - ACCESSORY STRUCTURE  
2715 HUDSON AURORA ROAD, HUDSON, OHIO 44236

PROJECT #: 2343  
ISSUE: \_\_\_\_\_  
MEETING #1: 11-21-2023  
MEETING #2: 01-15-2024  
MEETING #3: 02-15-2024  
MEETING #4: 03-15-2024  
CITY OF HUDSON BZBA 03-21-2024.

OVERALL SITE PLAN

AS1.00

PROGRESS  
NOT FOR  
CONSTRUCTION  
3/21/2024

STATE OF OHIO, COUNTY OF SUMMIT, CITY OF HUDSON,  
KNOWN AS BEING PART OF ORIGINAL HUDSON  
TOWNSHIP LOT NO'S. 79 AND 89



0' 30' 60' 90'  
SCALE: 1"=30'  
CONTOUR INTERVAL= 1'

BASIS OF BEARINGS

THE BASIS FOR BEARINGS FOR THIS SURVEY IS GRID NORTH OF THE OHIO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83 (2011).

BENCH MARK - BM

CENTER OF LID  
EXISTING SANITARY MANHOLE LOCATED AT SOUTHEAST  
CORNER OF PROPERTY.  
ELEVATION = 1029.21

LEGEND

- REC. - RECORD DISTANCE OR ANGLE
- OBS. - OBSERVED DISTANCE OR ANGLE
- (XX'XX.XX") XX.XX" - RECORD BEARING & DISTANCE
- - MONUMENT BOX
- - MONUMENT FOUND, SIZE & TYPE AS INDICATED.
- - 5/8" REBAR, 30 INCHES IN LENGTH, WITH I.D. CAP C&A SET
- ⊕ - TELEPHONE/POWER POLE
- - CATCH BASIN
- ⊙ - SANITARY MANHOLE
- ⊙ - STORM MANHOLE
- ⊕ - UTILITY VAULT
- - - - - SIGN
- ⊕ - GAS LINE MARKER
- - MAILBOX
- ⊕ - CENTERLINE
- R/W - RIGHT-OF-WAY
- G — GAS LINE
- S1m — STORM SEWER
- S2m — SANITARY SEWER
- W — WATERLINE
- ⋯ - OVERHEAD UTILITIES
- - - - - EXIST. CONTOUR (2016)
- - - - - PROPOSED CONTOUR
- - - - - 1028 - AS-BUILT CONTOUR

O.L. 89  
O.L. 79  
O.L. 80



$\Delta=05^{\circ}30'19''$ $R=572.96'$ (Rec.) $L=55.05'$ (Rec.) $T=27.55'$ $Ch=55.03'$ $C.B.=S 83^{\circ}08'19'' W$	$\Delta=29^{\circ}43'06''$ $R=572.96'$ (Rec.) $L=297.18'$ (Rec.) $T=152.02'$ $Ch=293.86'$ $C.B.=S 65^{\circ}31'37'' W$	$\Delta=35^{\circ}13'25''$ $R=572.96'$ (Rec.) $L=352.24'$ (Rec.) $T=181.88'$ $Ch=346.72'$ $C.B.=S 73^{\circ}16'01'' W$
--	---	---

I HEREBY DECLARE THAT A BOUNDARY SURVEY HAS BEEN MADE IN ACCORDANCE TO "MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO," (O.R.C. 4733-37) AND THE EXISTING TOPOGRAPHIC CONDITIONS AND FEATURES ARE GRAPHICALLY SHOWN BASED UPON A DILIGENT SEARCH AND USE OF AVAILABLE PUBLIC RECORDS IN CONJUNCTION WITH FIELD SURVEY MEASUREMENTS OF SAME.

*James P. Yurkschatt*  
JAMES P. YURKSCHATT  
CAMPBELL & ASSOCIATES, INC.  
REG. NO. 7809  
DATE 04/27/2022



HUDSON-AURORA RD. (66')



**AS-BUILT/TOPOGRAPHIC SURVEY**  
2715 HUDSON-AURORA ROAD  
HUDSON, OHIO 44236

CAMPBELL & ASSOCIATES, INC.  
Land Surveying  
(330) 945-4117  
www.campbellsurvey.com  
3485 Futura Drive Suite 100 Akron, Ohio 44312

Date: APRIL 2022  
By: RJH/BAD  
Scale: 1"=30'  
Job: 20160236  
Sheet 1 of 1

LOPEZ RESIDENCE - ACCESSORY STRUCTURE  
2715 HUDSON AURORA ROAD, HUDSON, OHIO 44236

PROJECT #: 2343

ISSUE:	
MEETING #1	11-21-2023
MEETING #2	01-15-2024
MEETING #3	02-15-2024

EXISTING SURVEY

C1.01





















