

Meeting Date:  
November 21, 2024

Location:  
233 Aurora St

Parcel Number  
3200045

Request  
A variance request  
for a 6-foot privacy  
fence

Applicant:  
Amanda Keller

Property Owner:  
Amanda Keller

Zoning:  
D4 – Historic  
Residential  
Neighborhood

Case Manager:  
Lauren Coffman,  
Associate Planner

**Contents**

- Application, 10-4-2024
- Site Plan, 10-4-2024
- Elevations, 10-4-2024
- Site Photos 11-14-2024



**Location Map, City of Hudson GIS**

**Request:**

The subject of this hearing is a variance request of two (2) feet from the maximum allowable fence height within the side yard of four (4) feet above the elevation of the surface of the ground, resulting in a height of six (6) feet in order to construction a privacy fence pursuant to section 1206.03(a)(4) “Accessory Uses/Structures – Fences and Walls, Residential” of the City of Hudson Land Development Code.

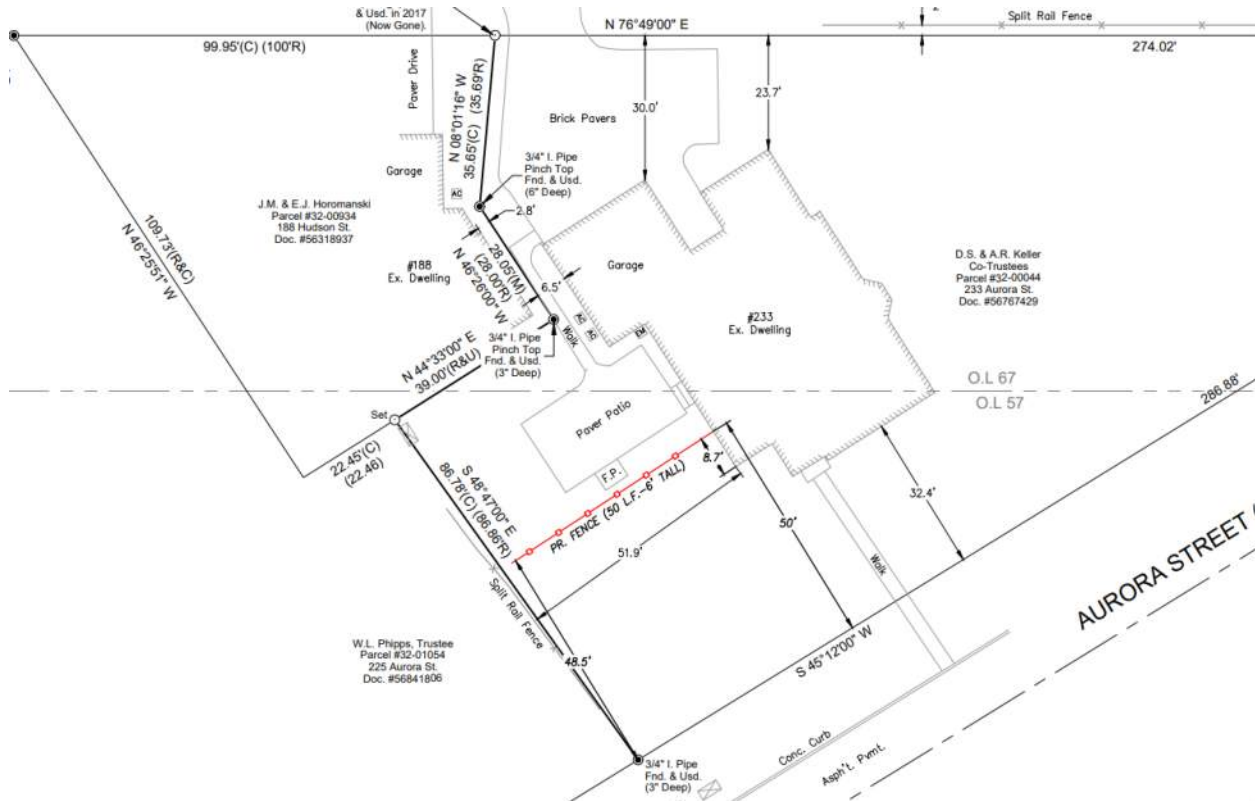
**Adjacent Development:**

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

## Project Background

The property is located in District 4 – Historic Residential Neighborhood and is situated on the corner of Aurora St and Hudson St. The lot is approximately 0.42 acres, and the house on the property was built in the 1830s. The owners purchased the property in 2022.

The applicant is requesting to construct a 6-foot-high wooden privacy fence within the side yard on the property.



The City of Hudson's Land Development Code has the following regulation relative to the placement of fences on a property –

*1206.03(a)(4) – Fences and Walls, Residential: Fences and walls, residential, subject to Section [1207.04](#). The maximum height (excluding incidental decorative items) at any point shall not exceed four feet above the elevation of the surface of the ground at such point, except as may be allowed by division (a)(4)B., C. and D. of this section.*

- A. To the rear of the main mass of the principal structure, the maximum height shall not exceed at any point six feet above the elevation of the surface of the ground; except that on a corner lot, abutting in the rear the side lot line of another lot, fences, walls and hedges greater than four feet in height may not be located forward of the adjacent lot's front building line or required setback if undeveloped. No fences, walls or hedges shall be permitted which constitute a visual obstruction hazardous to persons using the street or sidewalks.*
- B. Arbors, attached to a fence, shall not exceed ten feet in height.*

The applicant is requesting a variance to allow the construction of a 6-foot privacy fence in the side yard when the Land Development Code prohibits fences over 4 feet in height within the side yard area.

Lot lines and yard areas are determined by the following definitions:

*"Lot line, front" - shall mean the lot line describing the edge of the lot abutting the street to which the structure is oriented. Orientation shall be determined by factors such as the formal entrance and the placement of the main mass. For existing development on a corner lot, the front lot line shall be determined by the location of the front entrance of the structure.*

*"Lot line, rear" shall mean the line opposite the front lot line.*

*"Lot line, side" shall mean any lot lines other than front lot line or rear lot line.*

The applicant states that the addition of the proposed fence would aid in creating additional privacy for the existing patio and result in decreased traffic noise coming from Aurora Street.

### 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:**

Staff notes that this is a unique pie shaped lot with no clearly defined rear yard. The western side yard is essentially utilized as the rear yard, as it is the least visible from the abutting streets.





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

The variance would represent a 33% deviation over 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:**

The proposed 6-foot fence would abut the front yard area of the adjacent property owner and would be impactful to the surrounding property owners at the proposed height and location. The proposed fence would be highly visible and atypical of the surrounding neighborhood and historic district.

**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 owners purchased the property with knowledge of the requirements in 2022.

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

Staff suggests the applicant construct a 4-foot high fence within the side yard to meet all Land Development Code requirements. The applicant could install additional landscape screening, such as Arborvitae, between the fence and Aurora Street to soften the appearance and provide the desired privacy. The city does not regulate tree planting height on residential properties unless it is a sight distance hazard.

**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.
- Administrative site plan approval

### 24-1119

Board of Zoning and  
Building Appeals  
(BZBA)

Status: Active  
Submitted On: 10/4/2024

### Primary Location

233 AURORA ST  
Hudson, OH 44236

### Owner

KELLER DAMON S CO  
TRUSTEE  
233 AURORA ST HUDSON, OH  
44236

### Applicant

 Amanda Keller  
 413-218-1426  
 amanda\_booke@hotmail.com  
 233 Aurora Street  
Hudson, OH 44236

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## Applicant and Property Owner Information

Applicant Relationship to Property Owner:\*

Property Owner

Property Owner Name\*

Damon Keller Trust Damon and Amanda  
Keller Co Trustees

Property Owner's E-Mail:\*

amanda\_booke@hotmail.com

Property Owner Phone Number\*

4132181426

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## Type of Hearing Request

Type of Request:\*


Variance

Year Property Purchased\*


2022

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

4 feet height

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

2 feet

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

NA

**Explanation of Request and Justification:\***

Permit granted for 4 foot white cedar stained fence with gate for noise abatement, privacy, and security to side patio. Requesting permission to have a 6 foot solid wood fence installed. The property has three street facing sides leaving the property exposed without a useable backyard or privacy. The property is on Aurora Street a busily trafficked street that causes higher levels of road noise than most Hudson city streets. Contractors consulted indicate based on how sound travels a 6 foot high fence in front of the patio would effectively abate street noise significantly better than a 4 foot fence. As shown in the pictures provided, three Norway spruce have already been planted along Aurora Street in the side lot that will hide the proposed fence and additional pines have been planted along the property line. Additional landscaping will be planted to hide the fence further following installation.

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## 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:\***

Street noise will be abated and will provide privacy to the side patio. Aesthetically the 6 foot fence would be better if seen from the street when the patio is in use. There is not a sidewalk on this side of the street.

**The variance is**

insubstantial

**Describe why the variance is substantial or insubstantial\***

The fence will be blocked from view by the Norway spruce and other landscape features. Several other properties in the neighborhood both in and out of the historic district have fences installed along the side property with fences greater than 4 feet. If we were able to place the fence 15 feet back per regulation it would be permitted to be 6 feet but then it would cut through the center of the patio. The difference will not be visible.

**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 request is not being made to install a fence over 6 feet in height which is allowed in a backyard per Hudson regulations.

**Would adjoining properties be negatively impacted?\***

no

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

The property on Hudson Street adjoining our property line would benefit from the fence as they would have noise abated from their backyard. Evergreen landscaping covers the windows on their first floor so the fence will not be seen from their first floor. From the second floor they would be looking over the fence. Two feet would not present a significant variation. Due to the position of their property they already have a 6 foot trellis fence running along the property line. The neighbors sharing the property line next door will not see the fence because of landscaping. The fence would not be visible to other neighbors.

**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:\***

As indicated in proposal the 6 foot fence would significantly reduce street noise over the four foot fence.

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

It would help cut down on street noise so as a family we can enjoy the yard.

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

Increased street noise along Aurora Street and the configuration of the property lines.

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

Three sides of the property are street facing. Due to how property lines were drawn we are unable to install a six foot fence without the variance because of where the main house mass exists within the property lines. Additionally, property is on a heavily traffic street where street noise is an issue.

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## BZBA Meeting Information

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

Damon and Amanda Keller

**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. \*

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## Board Meeting Date

 AHBR

 BZBA

 Planning Commission

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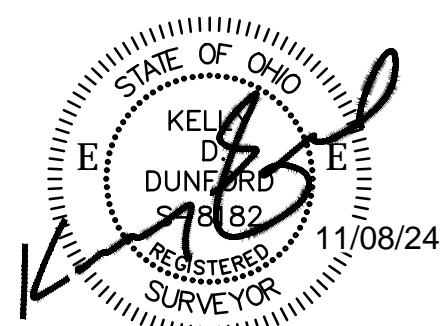
## Internal

🔒 Company Name

🔒 Variances

🔒 Meeting Date

🔒 District

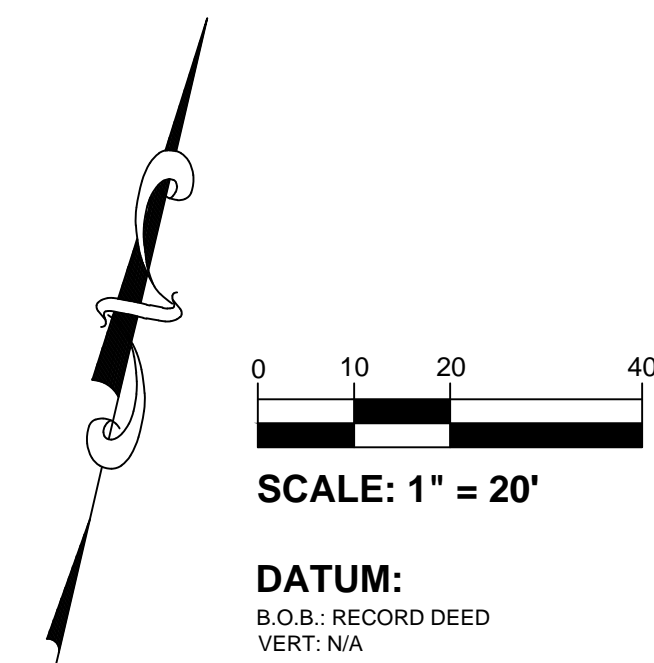
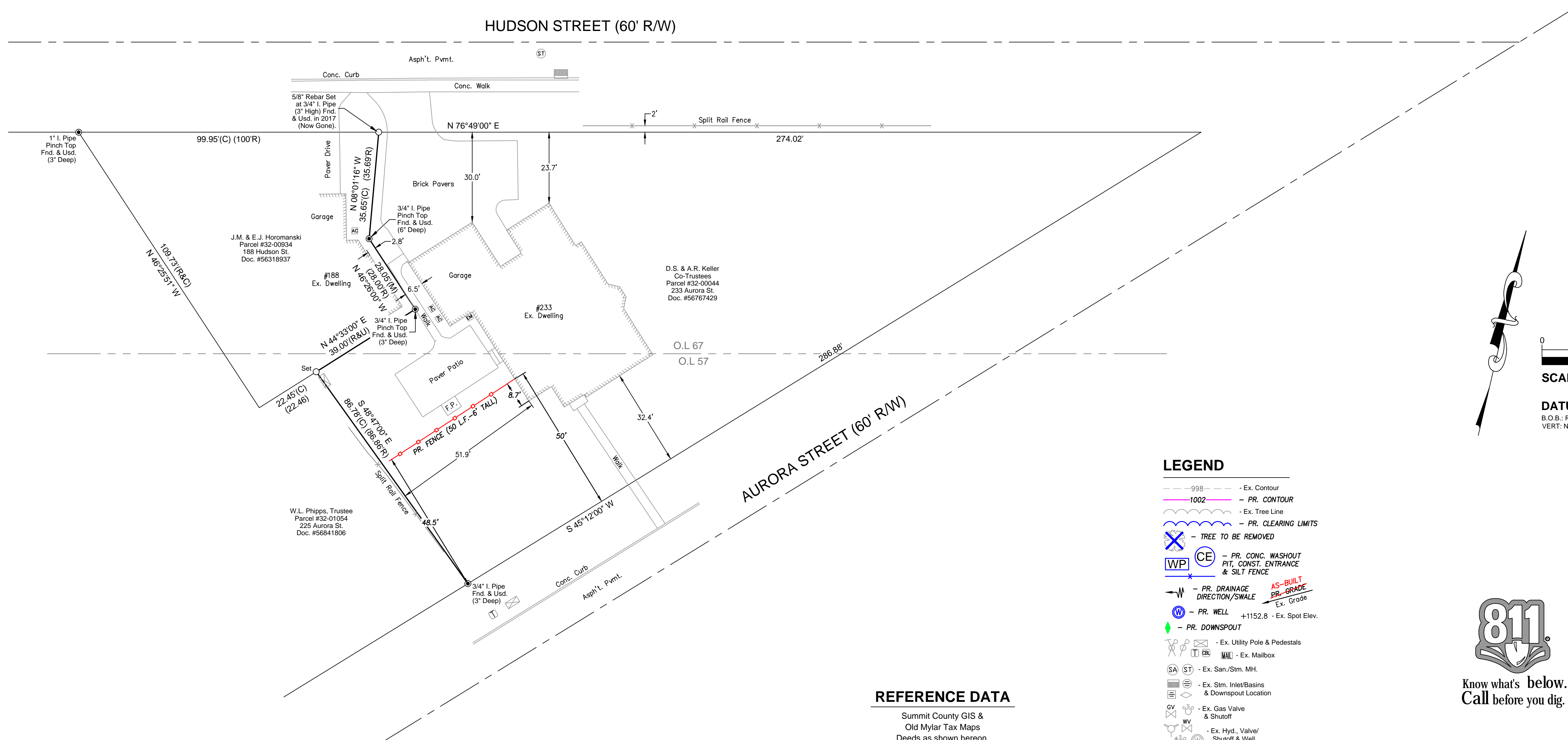


**REVISIONS:**  
 Date of Survey - April 2024  
 1.) Added Exist. Patio, House Footprint,  
 New Drive & Proposed Fence - 10/24/24  
 2.) Moved Fence Back - 11/08/24

# MAP OF SURVEY & PLOT PLAN

for  
 ~The Keller Residence~  
 233 Aurora Street  
 Hudson, OH 44236

Situated in the City of Hudson, County of Summit and  
 State of Ohio: And known as being part of Original  
 Hudson Township Lot No's. 57 & 67.



### LEGEND

- - - 998 - Ex. Contour
- - - 1002 - PR. CONTOUR
- - - - - Ex. Tree Line
- - - - - PR. CLEARING LIMITS
- X - TREE TO BE REMOVED
- WP - PR. CONC. WASHOUT PIT, CONST. ENTRANCE & SILT FENCE
- CE - PR. CONC. WASHOUT PIT, CONST. ENTRANCE & SILT FENCE
- AS-BUILT PR-GRADE - Ex. Grade
- PR. DRAINAGE DIRECTION/SWALE
- PR. WELL +1152.8 - Ex. Spot Elev.
- PR. DOWNSPOUT
- Ex. Utility Pole & Pedestals
- Ex. Mailbox
- Ex. San./Strm. MH.
- Ex. Strm. Inlet/Basins & Downspout Location
- Ex. Gas Valve & Shutoff
- Ex. Hyd. Valve/ Shutoff & Well
- - Iron Pin Set
- - Rebar or Iron Rod/Pin Fnd.
- - Iron Pipe Fnd.
- - Mon. Fnd.

### REFERENCE DATA

Summit County GIS &  
 Old Mylar Tax Maps  
 Deeds as shown hereon.  
 Sub'd. plats as shown hereon.  
 Retracement Survey Provided  
 by Client of Subject Property  
 (Surveyor Unknown)

### CONSTRUCTION NOTES:

- Contractor must verify all proposed dimensions shown on this plan. Any errors resulting from failure to check or to notify the surveyor of any changes shall not be the responsibility of Apex Land Surveying.
- Contractor to notify utilities protection services/ O.U.P.S. prior to construction.
- The location of utilities shown hereon are based on observed evidence of above ground appurtenances only. The location of these utilities may vary and are subject to field verification prior to construction. No other search for utilities was performed and additional utilities may be encountered.
- This survey meets the minimum standards for boundary surveys in the State of Ohio as set forth in Ohio Administrative Code Chapter 4733-37.
- There was no search for easements of record, right-of-ways, restrictive covenants, encumbrances, ownership title evidence, or any other facts that a title search may disclose.

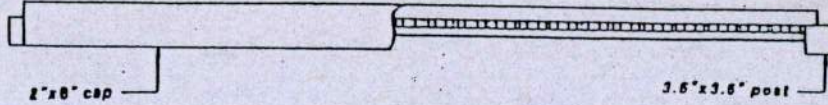


Know what's below.  
 Call before you dig.

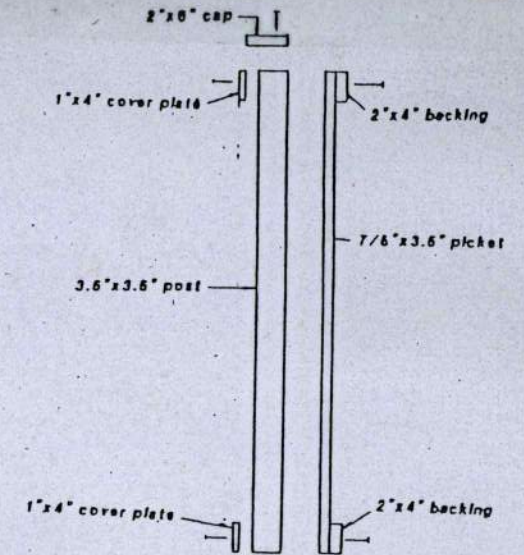
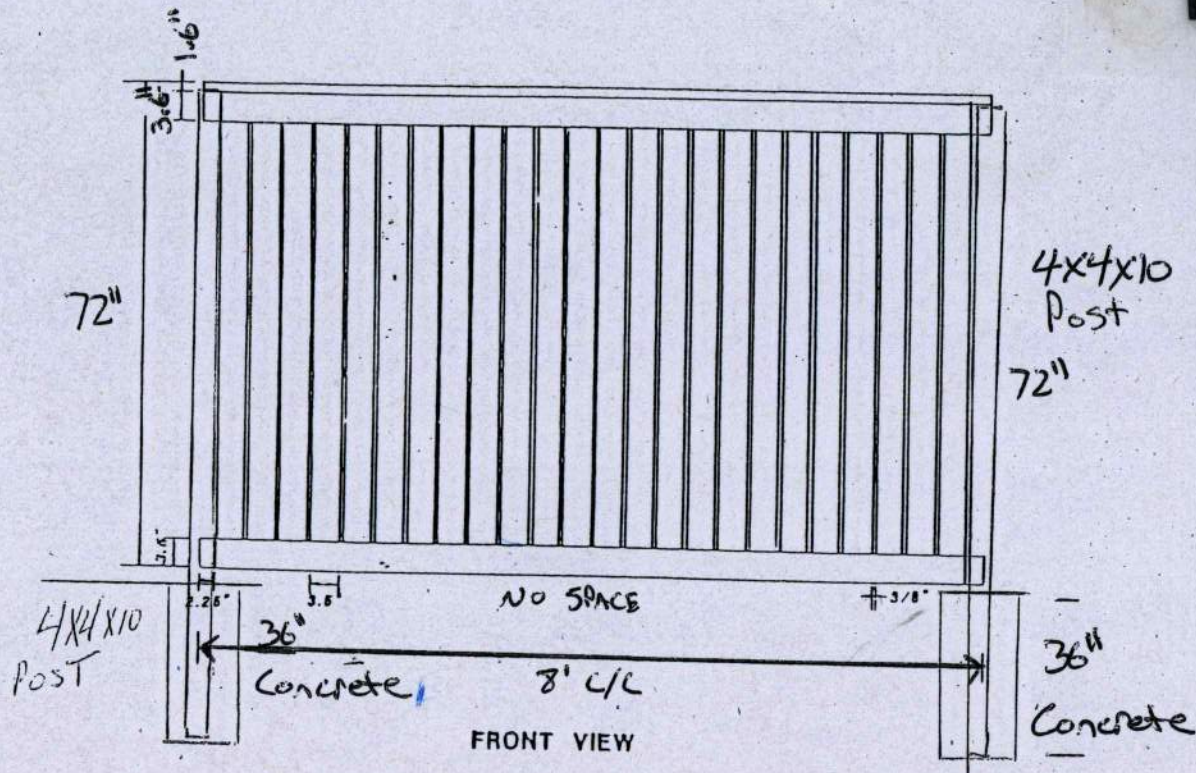
SURVEYED BY:  
**APEX LAND SURVEYING**  
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 ps8182@sbcglobal.net  
 www.apexlandsurveying.com

PROJ: 2024027





TOP VIEW



SIDE VIEW  
SECTION TO POST ASSEMBLY

ACME FENCE AND LUMBER	1988
COUNTRY CLUB	1'-1'
	CC















































