

COMMUNITY DEVELOPMENT • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1790

REPORT

DATE

July 10, 2015

TO:

Board of Zoning and Building Appeals for

Meeting Date July 16, 2015

FROM:

Kris A. McMaster, Associate Planner

Mark Richardson, Community Development Director

SUBJECT:

Appeals Docket 2015-05

Application

Variances to construct a garage with the garage door entrance facing the street.

Site

Address:

5674 Humelsine Drive

District:

1

Applicant:

Ron Mirman, Precision Siding

Owner:

Eric and Paige Mintz

Adjacent

Location	District	Use		
North	1	Single Family Residential		
South	1	Single Family Residential		
East	1	Single Family Residential		
West	1	Single Family Residential		

Comments

The subject of this hearing is the request for the following variances to permit the construction of a third car attached garage: 1] a variance to permit a front entry garage when the doors of attached garages are not permitted to face the street; and 2] a variance from the "Architectural and Design Standards", requiring attached garages to be entered from the side yard or from the rear.

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These variances are requested pursuant to the City of Hudson Land Development Code Section 1205.04(d)(7)(C)(i), "Building Siting and Orientation-Private Garages", which states that doors of attached garages shall not face the street; and Appendix D, IV-4(b)(3), "Architectural and Design Standards - Two Story Wing Type Structure" which states "In new construction, an attached garage may be located in a wing or in the main body, but must be entered from the side yard or from the rear".

The subject property is located in the Aaron Norton Estates Subdivision on sublot 47 in District 1. The property is surrounded by single-family homes on all sides. The house was built in 1986 and purchased by the owners in 2003. The applicant is requesting variances to add a third car front facing garage to match the existing two car front facing garage. The new garage addition is proposed to be 21' deep by 13' wide setback 18 inches from main mass of the existing two car garage. The garage addition will have 25 square feet of the 262 square feet located within an oil and gas easement, owned by the Sunoco Pipeline L.P. They have an Encroachment Agreement with Sunoco Pipeline L.P. to locate the structure within the easement that is currently being recorded in Summit County. The agreement allows the structure to be built in the easement and if it becomes necessary for Sunoco Pipeline L.P. to gain access to the pipeline for repair, maintenance, or for any other propose they may at the current owners and future owners cost and expense. Attached is the contract for your review.

The garage addition will allow the owner to have lawn equipment stored and space for personal storage. When the house was constructed zoning was under the former Township Resolution which allowed front entry garages. Thus most of the homes in the neighborhood have front facing garages. The Land Development Code was adopted in December of 1999 which requires that doors of attached garages shall not face the street. Staff believes the intent of the adopted code requiring a side entry garage is to achieve the goal of maintaining a high level of architectural quality. As stated in the Architectural and Design Standards, "Architectural quality does not refer to specific style or details, but to the general level of composition, materials, and design integrity". Typically today a garage addition would require the homeowner to construct a side or rear entry garage or a detached garage. The owner had an informal review with the Architectural and Historic Board of Review on April 8, 2015 for the garage front entry design from which the owner received a positive reaction to the submitted plan provided the Board of Zoning and Building Appeals approves the variances. Enclosed for your review are letters adjacent neighbors have signed in favor of the project.

The following documents regarding the property are attached for your review:

1. May 20, 2015 - Application for BZBA and supplemental information of applicant's request.

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- 2. Aerial of site.
- 3. Photographs.
- 4. Site plan and elevation plans for the proposed structure.
- 5. June 30, 2015 Encroachment Agreement with Sunoco Pipeline L.P.
- 6. **June 17, 2015** Letter from Sue Erickson, Right-of-Way Specialist for Sunoco Pipeline L.P. confirming Encroachment Agreement with the Mintz's indicating it will be recorded with Summit County.
- 7. April 8, 2015 AHBR Minutes on informal design discussion.
- 8. Letters from adjacent property owners in favor of the addition.

Approval of the design of the front entry garage from the Architectural and Historic Board of Review would be required prior to the issuance of a zoning certificate.

cc: BZBA 2015-05
Aimee Lane, Assistant City Solicitor
Ron Mirman, Precision Siding
Eric and Paige Mintz
Keith Smith, Council Liaison
Attachments



Board of Zoning and Building Appeals Application

115 Executive Parkway, Suite 400 · Hudson, Ohio 44236-3004 (330) 342-1790 · (330) 656-1753 · Fax (330) 342-1722 www.hudson.oh.us

Please make check amount payable to "City of Hudson" for the amount of \$250.00

Pursuant to the City of Hudson Land Development Code, the undersigned hereby submits attached information and requests a hearing before the Board of Zoning and Building Appeals for the following purpose(s):

(Please Circle Request)	"VARIANCE"	"NONCONFORMING USE"	"APPEAL"
Explanation of Request and We are asking for garage addition gas easement, splittering garge. W	Justification: a variance to but onto the excellence opens of it is une pare Set in a open setback/sq. ft./hei	Dr. Zoning District: 30 Id a one can attacked From front Gooding garage, we asimable to make a sed for meeting with the roning board ght. Request is for setback/sq. ft./	nt backing with the beingor Rea
Section(s) of the Land Deve	lopment Code applicable to th	is application:	
accurate and consent to em for purposes of inspection approved, to verify conform	ployees and/or agents of the O	, (7:0)	this application s application is
	ene Ave 443ID		
Telephone: 330-6	33-7232	Telephone: 330-559-9269)
Fax: 330-63	3-9583	Fax:N/A	
E-Mail Precisions	olding @ SBCOlabela	ut E-Mail Pege 17 a roadown	ner, com
	ship (agent, attorney, contra		
Applicant Signature	fr.	Date: 5-19-15	
Property Owner Signatu	Tre Page Mint	Date: 05/19/15 05/19/15	
Staff use only) Application No./Docket No. Date Received 350	615-05 Fee Paid 5/20/15	Hearing Date 6-18-15 FEMA Floodplain Y N (Initials)	

BOARD OF ZONING AND BUILDING APPEALS (BZBA) Application Supplemental Information

Application for property located at: 5674 Itumelsine Dr.

de: sin	ariances from the terms of this Code shall not be granted by the BZBA unless the application for variance monstrates the following: "Exceptional or unusual conditions exist that are not common to other areas milarly situated and practical difficulty may result from strict compliance with any of the zoning standards, ovided that such relief will not have the effect of nullifying or impairing the intent and purpose of these andards."
In	determining "practical difficulty," the BZBA will consider the following factors:
1)	The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: a side or sear loading garge as not feasable with the easement and constructing a divinity, A/so the chemney on the pouse amils access for a rear loading garge.
2)	addition. It Also Architectually is the last deargn for cult apent. a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? This is the first use of the purposity as if will provide storage for Lawn equipment & personal storage and omit the seed for a rear stage pain
3)	Would the essential character of the neighborhood be substantially altered? Explain: We do not feel this would effect the neighborhood be substantially altered? Explain: We do not a culdessee and their presents as neighbor with a three care organgle. a) Would adjoining properties be negatively impacted? We do not feel that are proposed would be negative as reighborry homes are hundred feel away. b) Describe how the adjacent properties will not be affected: as stated there is a left of feetance between the properties, and no reighbors to the reach.
4)	Will this request adversely affect public services (mail, water, sewer, safety services, etc.)?
5)	Did the owner of the property purchase the property with the knowledge of the zoning restrictions?
	This situation cannot be feasibly solved by means other than a variance. Explain: No, the easement and existing fuerlace hender older options that are not practiced.
	The spirit and intent behind the zoning requirement (would/would not) be observed and substantial justice (done/not done) by granting the variance because: Delive that the code change to not paintly

City of Hudson, OH



Owner Name	Mintz Eric M	Legal Description	SV-AARON NORTON EST NO 3 LOT 47 ALL	
Site Address	5674 HUMELSINE DR	Area	0.75	
Parcel ID	3004255	Council Ward	Ward 3	
Owner Address	5674 HUMELSINE DR	Water Provider	Stow Water	
Owner City	HUDSON	Sewer Provider	DOES	
Owner State	ОН	Electric Provider	First Energy	
Owner ZIP	44236	Water Rate	NA	
Phone		Water Tap	NA	

Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale

1 inch = 82 feet
6/19/2015



5674 HUMELSINE DRIVE, HUDSON SUMMIT COUNTY, OH 13131 – 6" CLEVELAND SPUR ROW FILE: OD-054

PARCEL ID: 3004255

This instrument prepared by: Susan S. Erickson and when recorded return to: Sunoco Pipeline L.P.
Attn: Right-Of-Way Department 525 Fritztown Road Sinking Spring, PA 19608

ENCROACHMENT AGREEMENT

THIS AGREEMENT made and entered into this the 12 day of June, 2015, by and between SUNOCO PIPELINE L.P., a Texas limited partnership, hereinafter referred to as "SPLP", and Eric M. and Paige L. Mintz, with a mailing address of 5674 Humelsine Drive, Hudson, OH 44236, hereinafter referred to as "MINTZ".

WITNESSETH:

WHEREAS, pursuant to the terms of a certain Right-of-Way Agreement dated May 16, 1930, executed and delivered by John G. and Bertha E. Young to Sun Oil Line Company, and recorded in the Office for the Recording of Deeds in Summit County, Volume No. 1401, Page 445-446 ("Right-of-Way Agreement"), laid an six-inch (6") pipeline over, upon, under and across the lands of John G. and Bertha E. Young located in the City of Hudson, County of Summit, State of Ohio; and,

WHEREAS, pursuant to the terms of a certain Amendment to Right-of-Way Agreement dated December 5, 1975, by and between Edward and Evelyn J. Weinberger and Sun Pipe Line Company, and recorded in the Office for the Recording of Deeds in Summit County, Ohio, Volume 5723, Page 319, defined the easement as sixty-feet (60') in width, more specifically 9 defined as 30' to each side of the centerline of the 6" pipeline; and,

WHEREAS, all right, title, interest, and estate originally granted to Sun Oil Line Company by the Right-of-Way Agreement are now owned by SPLP, and,

WHEREAS, MINTZ represents and warrants that they are the present owner of that certain tract of land described in a Survivorship Deed dated May 6, 2003 and recorded in Instrument 54869835, of the Recorder of Deeds for Summit County. Said tract of land is subject to the above described Rights-of-Way Agreement, and

WHEREAS, MINTZ desires to construct an addition, hereinafter referred to as "Improvements", which will (or portions of which will) encroach over, across or within SPLP's right-of-way and easement area as described below and shown on the attached "Exhibit A";

NOW THEREFORE, in consideration of the premises and the mutuality hereof it is agreed by and between the parties hereto as follows:

- 1. Except as hereinafter provided, MINTZ shall not construct nor permit others to construct any buildings, engineering works or other improvements, nor change the grade, within SPLP's right-of-way and easement, an area measuring 60 feet on each side of the centerline of SPLP'S existing six-inch pipeline.
- 2. SPLP hereby consents and agrees, insofar as it has the lawful right to do so, to the construction of said Improvements as limited and described above. Such Improvements shall not exceed a distance of five feet (5') onto the eastern boundary line of SPLP's 60-foot wide right-of-way and easement.
- 3. If in SPLP's opinion, it deems it necessary to remove any portion of said Improvements to gain access to its pipeline for repair, maintenance, or for any other purpose whatsoever, or in the exercising any rights granted to it by the above-described Right-of-Way Agreement, SPLP may, at its sole cost and expense and without notice first being given to MINTZ, remove all or any portion of said Improvements; and after SPLP has completed the work for which said Improvements were removed, MINTZ, agrees to replace same at its sole cost and expense. SPLP shall not be responsible or liable to MINTZ for any damage caused to said Improvements in the performance of the work above-described or from the placing of barricades and sealing off of MINTZ's land from the public use.
- 4. MINTZ, its successors and assigns covenant and agree to and shall at all times indemnify, protect, defend and save harmless SPLP from and against all cost or expense, including attorney's fees, resulting from any and all losses, damages, detriments, suits, claims, demands or charges which SPLP may directly or indirectly suffer, sustain or be subjected to by reason of or on account of the construction, use, maintenance, repair, alteration, renewal or removal of the aforesaid Improvements in, on or about the right-of-way and easement of SPLP whether such losses and damages be suffered or sustained by SPLP directly or by its employees, agents, servants, contractors or licensees, or be suffered or sustained by other persons or corporations representing MINTZ, their employees, servants, contractors, agents or others who seek to hold SPLP liable.

- 5. MINTZ, its agents, contractors, successor and assigns shall give SPLP not less than seventy-two (72) hours' notice prior to any proposed excavation, grading or construction over or near SPLP'S pipeline and/or its right-of-way and easement by contacting the Ohio Utilities Protective Service at 1-800-362-2764 or by dialing "811" and SPLP's Akron District Office at 234-231-7450.
- 6. It is understood and agreed that any rights acquired under the above-described Right-of-Way Agreement shall remain in full force and effect.
- 7. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto their successors and assigns.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

REMAINDER OF PAGE LEFT INTENTIONALLY BLANK

SUNOCO PIPELINE L.P.

By: Sunoco Logistics Partners Operations GP LLC

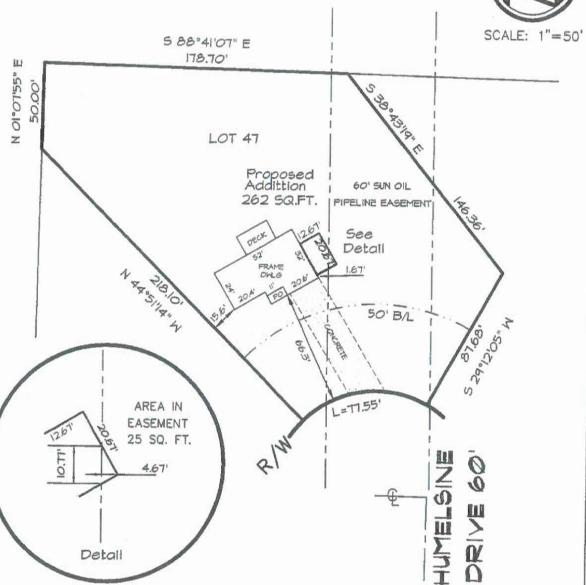
its General Partner

Title: Director - Right-of-Way (Attorney-in-Fact)

STATE C	OF (Ohio			:	_		
COUNTY	OF	Sumi	nit		:	§		
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G) 2015.	IVEN	UNDER	MY HAND	AND SEA	L OF OF	FICE this	gth day of _	June_
	Aldina My Co 07/25	York mmission Expi	res	Notary Pub	dic in and	for the Sta	te of Texas	

EXHIBIT A







EXISTING CONDITIONS

5674 HUMELSINE DRIVE-MINTZ LOT 47-AARON NORTON EST.3 PB:122 PG.42 CITY OF HUDSON-SUMMIT COUNTY-OHIO



CAMPBELL & ASSOCIATES, INC.

Land Surveying 3485 Fortune Drive Ste 100 Akron, Ohio 44321 (330) 945-4117 JOB NO.

CF136000

SHEET 1 OF 1

McMaster, Kris

From:

ERICKSON, SUSAN S <SSERICKSON@sunocologistics.com>

Sent:

Wednesday, June 17, 2015 1:53 PM

To:

McMaster, Kris

Cc:

Ron Mirman; Paige Mintz

Subject:

5674 Humlsine Drive, Hudson, OH

Good afternoon, Kris-

Please accept this email as verification that Eric and Paige Mintz of 5674 Humelsine Drive, Hudson, OH, have entered into an Encroachment Agreement with Sunoco Pipeline L.P. for the purpose of building an addition on their existing house.

As soon as I receive the executed agreement, I will have it recorded with Summit County and provide you a copy for your records.

Please let me know if there's anything else you need -

Thanks in advance.

Sue Erickson

Right-of-Way Specialist Sunoco Pipeline L.P. 525 Fritztown Road Sinking Spring, PA 19608

office: 610-670-3290 cell: 610-223-9975 fax: 610-670-3488

sserickson@sunocologistics.com



B. TMP-1193

5674 Humelsine Drive

Informal Discussion (addition of third front facing garage bay)

Ron Mirman, the contractor, was present for the meeting. Two options for a proposed garage addition were presented. Mr. Mirman stated that the homeowners were requesting Plan A with a front facing garage door. The gas line easement was discussed as was the setback of the addition, the size of the lot, and the location of the chimney. The consensus of the Board was that Plan B, with a rear loading door, was acceptable as presented and Plan A would be acceptable if a variance were to be granted.

C. TMP-1198

MINUTES OF PREVIOUS ARCHITECTURAL AND HISTORIC BOARD OF REVIEW MEETINGS.

Attachments:

March 11, 2015 AHBR Minutes DRAFT

May 23, 2012 AHBR Minutes DRAFT

A motion was made by Mr. Drummond, seconded by Mr. Grant, that the March 11, 2015 minutes be approved.

The motion carried by the following vote:

Aye: 5 - Ms. Czyzak, Mr. Drummond, Mr. Grant, Ms. Marzulla, and Mr. Seiple

A motion was made by Ms. Marzulla, seconded by Mr. Drummond, that the May 23, 2012 minutes be approved.

The motion carried by the following vote:

Aye: 5 - Ms. Czyzak, Mr. Drummond, Mr. Grant, Ms. Marzulla, and Mr. Seiple

To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely,

Jeff and Julie Alexander 5596 Humelsine Drive Hudson, OH 44236



To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely,

Felicia Urbanek 5608 Humelsine Drive Hudson, OH 44236



To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Joseph & Constine Sikous

Thank you for your attention.

Sincerely,

Joseph and Christine Sikorski 5645 Humelsine Drive Hudson, OH 44236



June 9, 2015

To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors, Paige and Eric Mintz at 5674 Humelsine Drive, have applied to add a single car, front-facing garage to their existing home structure. We are in favor of this single car, front-facing garage addition, provided it will not negatively impact our neighborhood aesthetics and/or property value.

Please contact me with any questions. Thank you for your attention.

Sincerely,

Gregory Garwood

5618 Humelsine Drive

Hudson, OH 44236

330.671.4514



To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely,

Sylvia Himes 5628 Humelsine Drive Hudson, OH 44236



To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

many Esavarino

Thank you for your attention.

Sincerely,

Gino and Mary Savarino 2456 Cottager Drive Hudson, OH 44236



To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely,

David Pack

5659 Humelsine Drive Hudson, OH 44236

To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely

Laura and Todd Beicey 5652 Humelsine Drive Hudson, OH 44236

To the City of Hudson Variance Committee

To whom it may concern,

We are aware that our neighbors at 5674 Humelsine Drive have applied to add a single car, front facing garage to their home. We are in favor of this addition and do not see how it would detract from our neighborhood.

Thank you for your attention.

Sincerely,

Cathy and Adam Stopka 5666 Humelsine Drive Hudson, OH 44236

