



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 2015-07**

Application

Variances to stream corridor setback for an addition.

Site

Address: 5890 Nicholson Drive
District: 3
Applicant: Brandon Hayes
Owner: Jeffery and Lindsay Sirak

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Single Family Residential
South	3	Single Family Residential
East	3	Single Family Residential
West	3	Subdivision Open Space

Comments

The subject of this hearing is a request for a variance of fifty (50) feet from the required stream corridor setback of fifty (50) feet resulting in a zero setback for an enclosed porch and deck addition pursuant to Section 1207.03(e)(i), "Wetland/Stream Corridor Protection-Stream Corridor Setbacks" for disturbances related to controlling erosion along the stream bank; and a variance from the prohibited activity of disturbance, including clearance of vegetation, within a stream corridor setback pursuant to Section 1207.03(c), "Prohibited Activities" of the City of Hudson Land Development Code.

The subject property is located in The Woods of Williamsburg Subdivision on subplot 22 in District 3. The property is surrounded to the north, east and south by single family homes. To the west is the subdivision open space. The house was built in 2005 and the owners purchased the property in June of 2011.

Staff notes the stream corridor is on the north property line. The Land Development Code adopted in 1999 defines a stream as "a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem". The setbacks of 30 feet, 50 feet or 75 feet are determined by the respective size of the drainage area of the particular stream. This stream is draining an area greater than 0.05 square miles (32 acres) and up to 0.5 square miles (320 acres) requiring a setback of fifty (50) feet. In addition Code prohibits any activity or disturbance within the stream corridor setback. Enclosed for your review is an aerial map showing the stream and the riparian setbacks for the subject parcel covering most of the property including the house. These setbacks were not applicable at the time the house was constructed. The owner would like to construct a screen porch and deck on posts within the riparian setback area. The owner has indicated there is currently a 12" storm drain within the stream corridor that collects the water from the rear of the property along the north side property line to the street. Staff requested the City Engineer, Thomas J. Sheridan, P.E., P.S. to review the applicant's request. Attached is a letter from Mr. Sheridan regarding his comments on the proposed project. Mr. Sheridan is recommending openings at least 3" within the skirting of the composite decking under the enclosed porch and deck to allow any flood waters to recede if there were to be flooding in this area. Staff recommends including Mr. Sheridan's recommendation as a condition if the Board approves the variances. The owner has provided photographs to show the landscaping currently in place to screen the new addition from the neighbor to the north that will be most affected by the project.

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

1. **June 17, 2015** - Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Photographs of property.**
4. **Site plan** - Proposed addition.
5. **June 17, 2015**-Memorandum letter from the City Engineer.

cc: BZBA 2015-07
Aimee W. Lane, Assistant City Solicitor
Brandon Hayes
Jeffery and Lindsay Sirak
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"

Property Address: 5890 Nicholson Dr, Hudson OH Zoning District: 30

Explanation of Request and Justification:

Requesting a Variance to build an addition (Enclosed porch & deck). There is a riparian setback on GIS and would like to build on proposed area with variance.

For a variance: Code requires 100 setback/sq. ft./height. Request is for 30 setback/sq. ft./height.

Year Property Purchased: June 2011

Section(s) of the Land Development Code applicable to this application:

Section 1207.03 Wetland/Stream Corridor Protection

The undersigned certify that the information provided to the Board in and with this application is true and accurate and consent 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.

Applicant: Brandon W. Hayes

Property Owner: Jeff & Lindsay Sirak

Address: 2862 State Rt 303 Mentor

Address: 5890 Nicholson Dr

OH, 44255

Hudson, OH 44236

Telephone: 330-357-1366

Telephone: 917-304-7241

Fax: N/A

Fax: _____

E-Mail bwhayes@kent.edu

E-Mail lindsay.sirak@gmail.com

Applicant: state relationship (agent, attorney, contractor, other): Contractor

Applicant Signature Brandon W. Hayes

Date: 4-13-15

Property Owner Signature JB Sirak

Date: 6-17-15

(Staff use only)

Application No./Docket No. 2015-07

Hearing Date

7-16-15

Date Received 6/17/15

Fee Paid 250.00

FEMA Floodplain Y/N

(Initials)

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

Application for property located at: 5890 Nicholson Dr. Hudson, OH 44236

Variances from the terms of this Code shall not be granted by the BZBA unless the application for variance demonstrates the following: "Exceptional or unusual conditions exist that are not common to other areas similarly situated and practical difficulty may result from strict compliance with any of the zoning standards, provided that such relief will not have the effect of nullifying or impairing the intent and purpose of these standards."

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: No alterations/additions can be done to the property
- 2) The variance is (substantial/insubstantial) because: It allows for construction of new addition
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? Yes, the variance will allow for reconstruction with minimal affect on the setback
- 3) Would the essential character of the neighborhood be substantially altered? Explain: No, the neighborhood would only be affected in a positive way
 - a) Would adjoining properties be negatively impacted? The property on the north side would be impacted visually. But there is already a landscape barrier in place.
 - b) Describe how the adjacent properties will not be affected: The addition is in the corner of the garage and home. The setback only affects this property no adjacent properties
- 4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? No
- 5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? Not aware of a riparian setback. Aware of a FEMA Floodplain
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: The setback actually runs through the home itself. Nothing can be done without a variance
- 7) The spirit and intent behind the zoning requirement (would/would not) be observed and substantial justice (done/not done) by granting the variance because: It would allow for the construction of screen room and deck which will add value to both the home and neighborhood
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: Updated Setbacks made by City of Hudson
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: There has been a 12" storm drain put in place of the stream where the riparian setback was derived from therefore the setback is not reflecting the current situation of property

Signature

JGG 82

Date

6-16-15

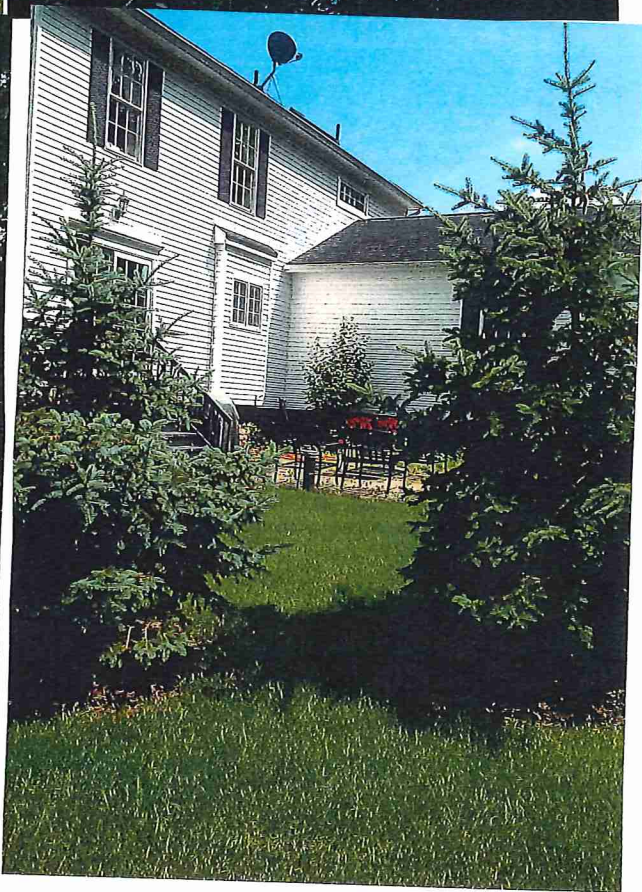
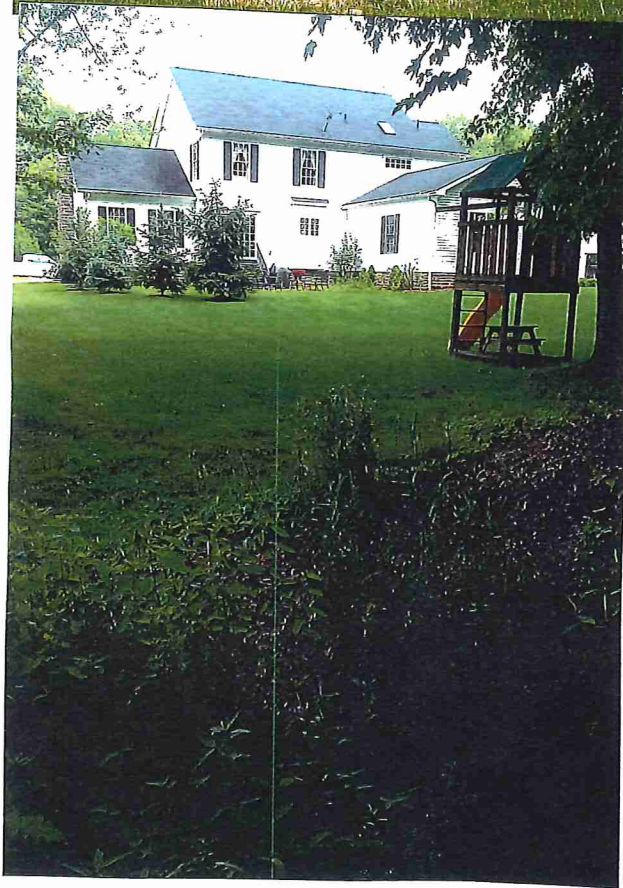
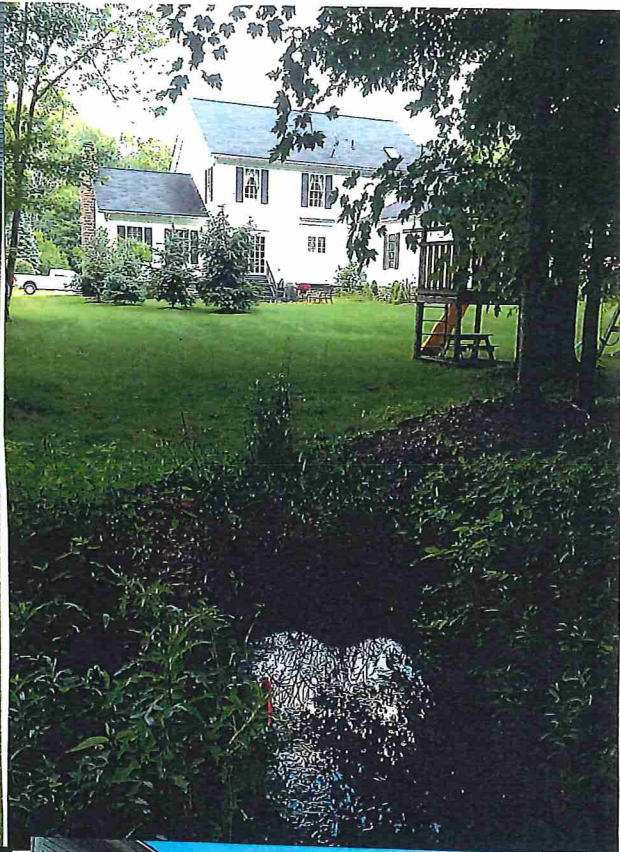
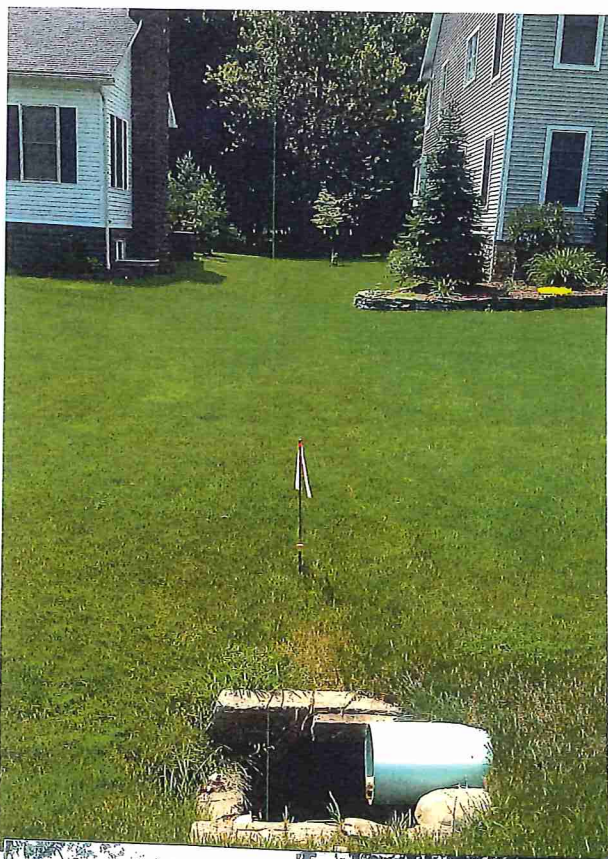
City of Hudson, OH



Owner Name	Sirak Lindsay Morgan Trustee	Legal Description	THE WOODS OF WILLIAMSBURG PH I LOT 22 ALL	
Site Address	5890 NICHOLSON DR	Area	0.45	
Parcel ID	3006377	Council Ward	Ward 2	
Owner Address	5890 NICHOLSON DR	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	DOES	
Owner State	OH	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 = 114 feet
6/12/2015



NOTE: PARCEL LIES IN ZONE X (NOT A SPECIAL FLOOD HAZARD AREA) IN F.I.R.M. PANEL NO. 39153C0127E EFFECTIVE DATE JULY 20, 2009

L & V EQUIPMENT CO. INC.
PARCEL # 3007382

SURVEYED IN

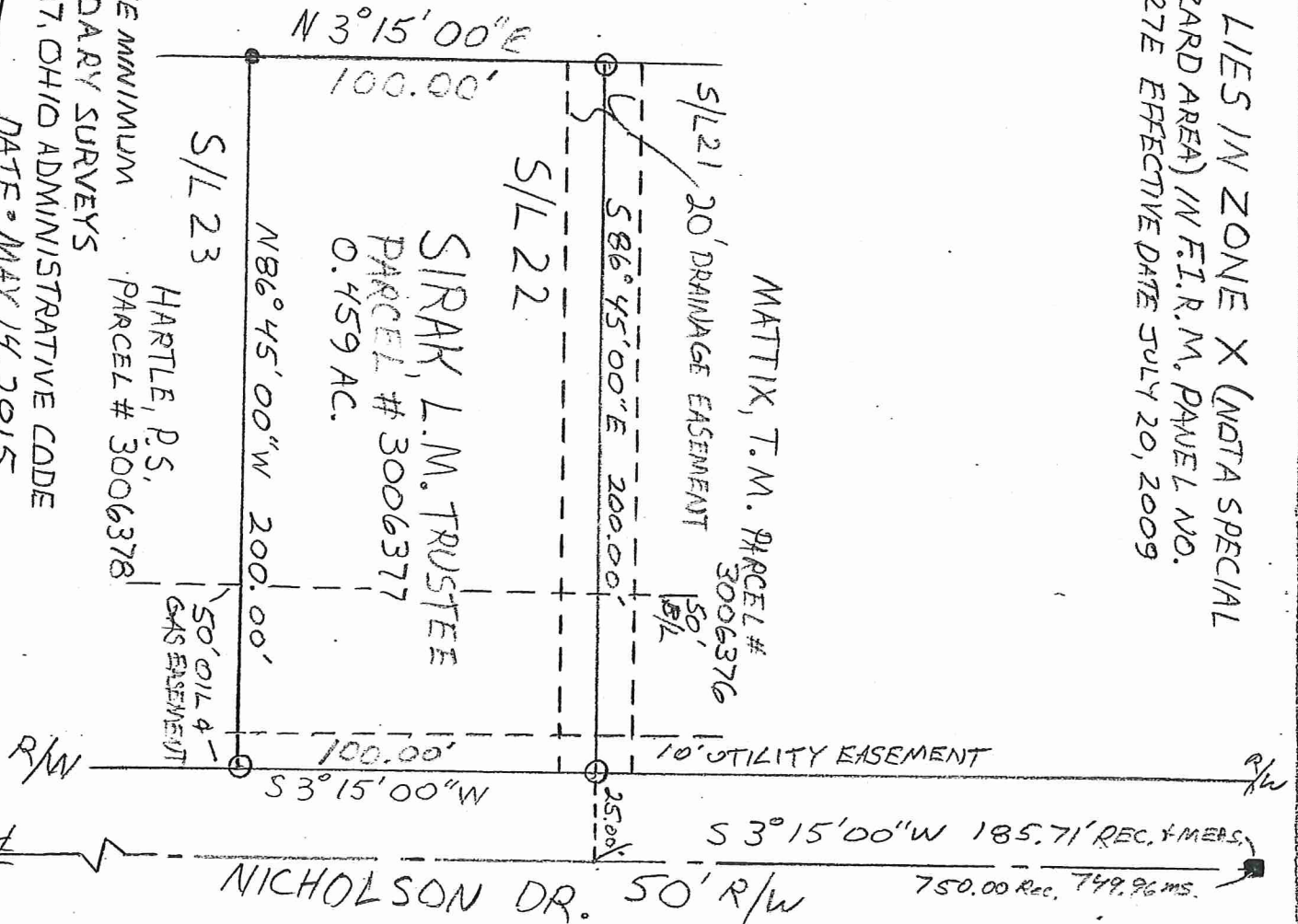
ACCORDANCE WITH THE MINIMUM

STANDARDS FOR BOUNDARY SURVEYS

PER CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE

DATE: MAY 14, 2015

PETER L. DUNN OH. REG. SURVEYOR NO. 8340

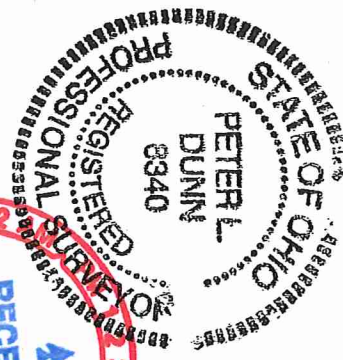


SCALE: 1" = 50'

0 25 50 100

LEGEND:

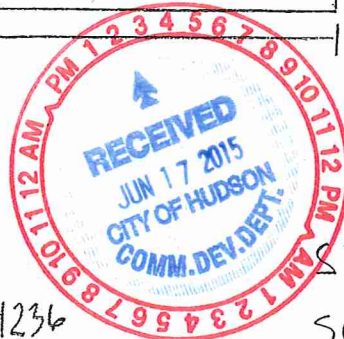
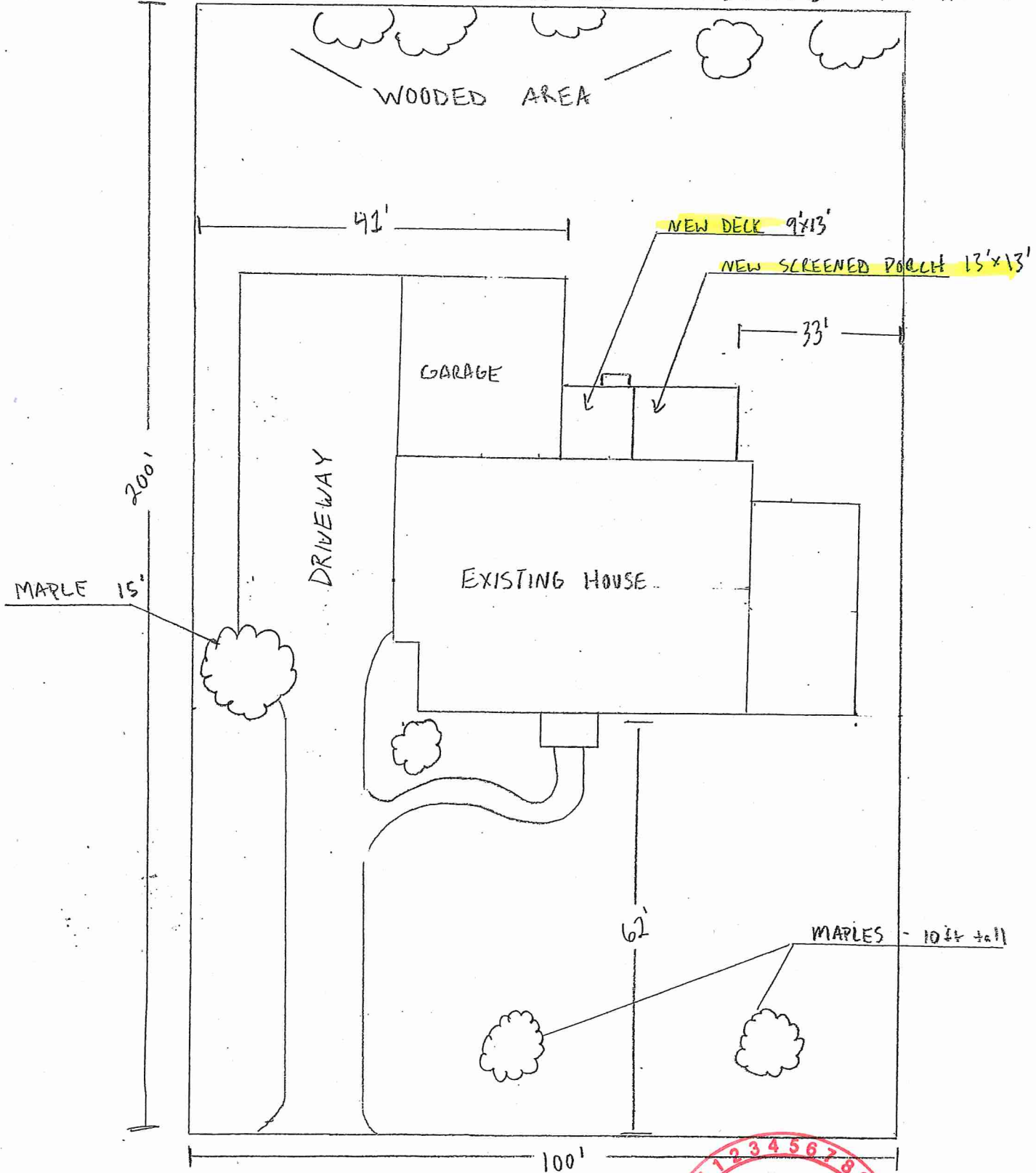
- 1" IRON PIN IN MON. BOX
- 5/8" IRON PIN SET W/ CAP # 8340
- 5/8" IRON PIN FOUND W/ CAP # 6572



SURVEY for

SIRAK, L.M. TRUSTEE, of SUBLOT 21 in THE WOODS of WILLIAMSBURG PHASE I, RECORDED in PLAT C&B, E SLIDE 172 of SUMMIT CO. RECORDS CITY of HUDSON, STATE of OHIO BY PETE DUNN s. 5/14/15 OH. Lic. # 8340

SITE PLAN FOR PROPOSED SCREENED PORCH & DECK



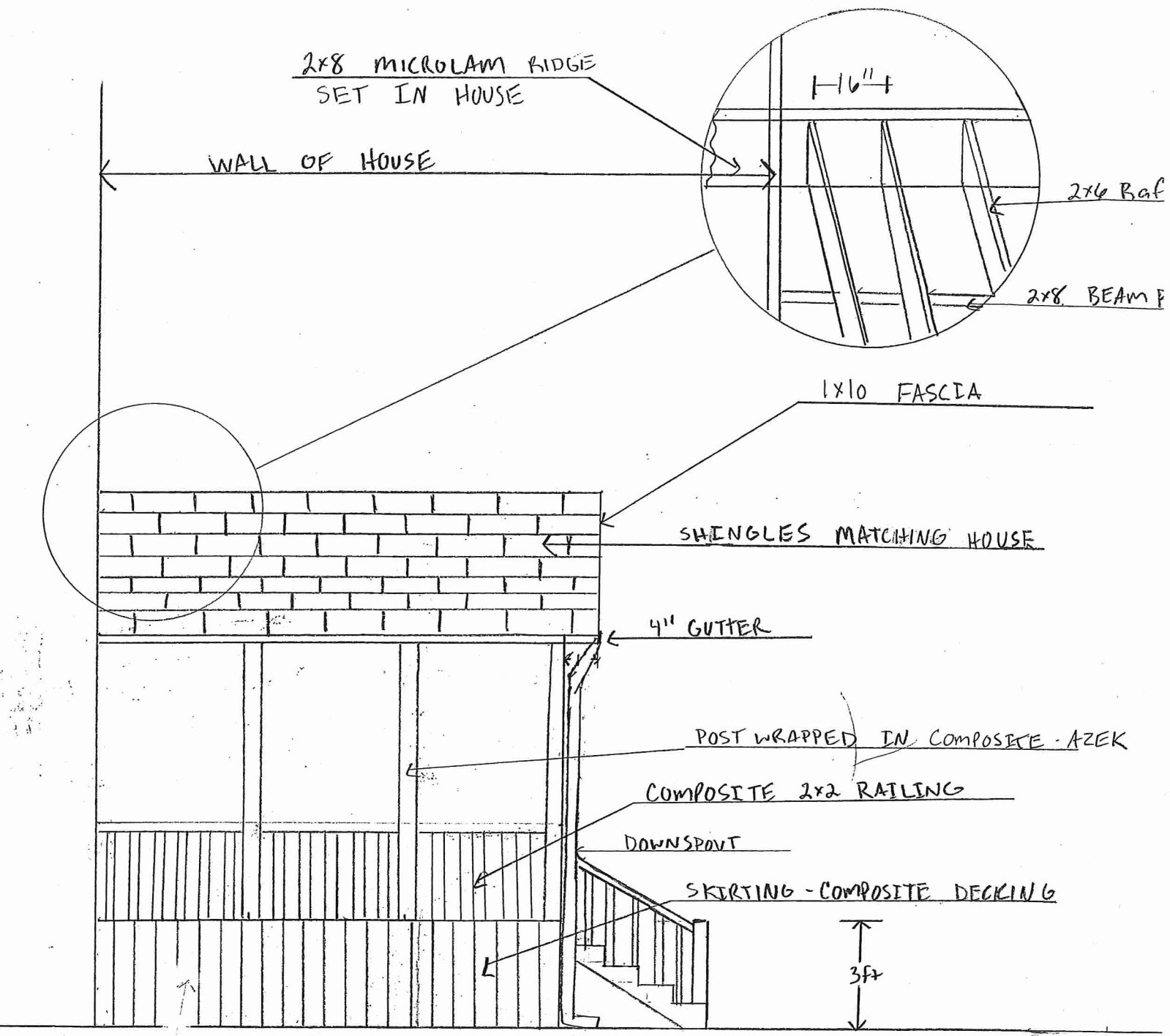
OWNER: SIRAK, JEFF & LINDSAY

5890 NICHOLSON DR. HUDSON, OH 44236

FEBRUARY 26th 2015

SITE PLAN

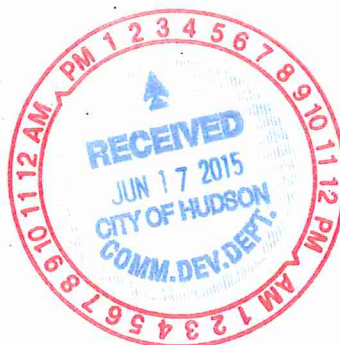
SCALE 1"=20'



LEFT SIDE ELEVATION

SCALE 1/4" = 1'

COVERED SCREENED PORCH + DECK



SIRAK, JEFF & LINDSAY
 5890 NICHOLSON DR
 HUDSON, OH 44236

2x8 - 16" ON CENTER

1/2" x 5" LAG SCREWS
EVERY 16"

WALL OF HOUSE

1/2" x 8"
CARRIAGE BOLTS

3'-0" 6'8" SCREEN DOOR

4x6 POST

2x8 TREATED JOISTS

SOLID MATERIAL
2x8 STRINGERS

2x8 BEAM

RIGHT SIDE ELEVATION

SCALE 1/4" = 1'

COVERED SCREENED PORCH & DECK



SIRAK, JEFF & LINDSAY
5890 NICHOLSON DR.
HUDSON, OH 44236

HOUSE BEYOND

GABLE GLASS

FASCIA

6
12

COMPOSITE WRAPPED

SCREEN

2x2" SPINDLES 3 1/2" APART

EXISTING GARAGE

COMPOSITE DECK

13x13 PORCH
9x13 DECK

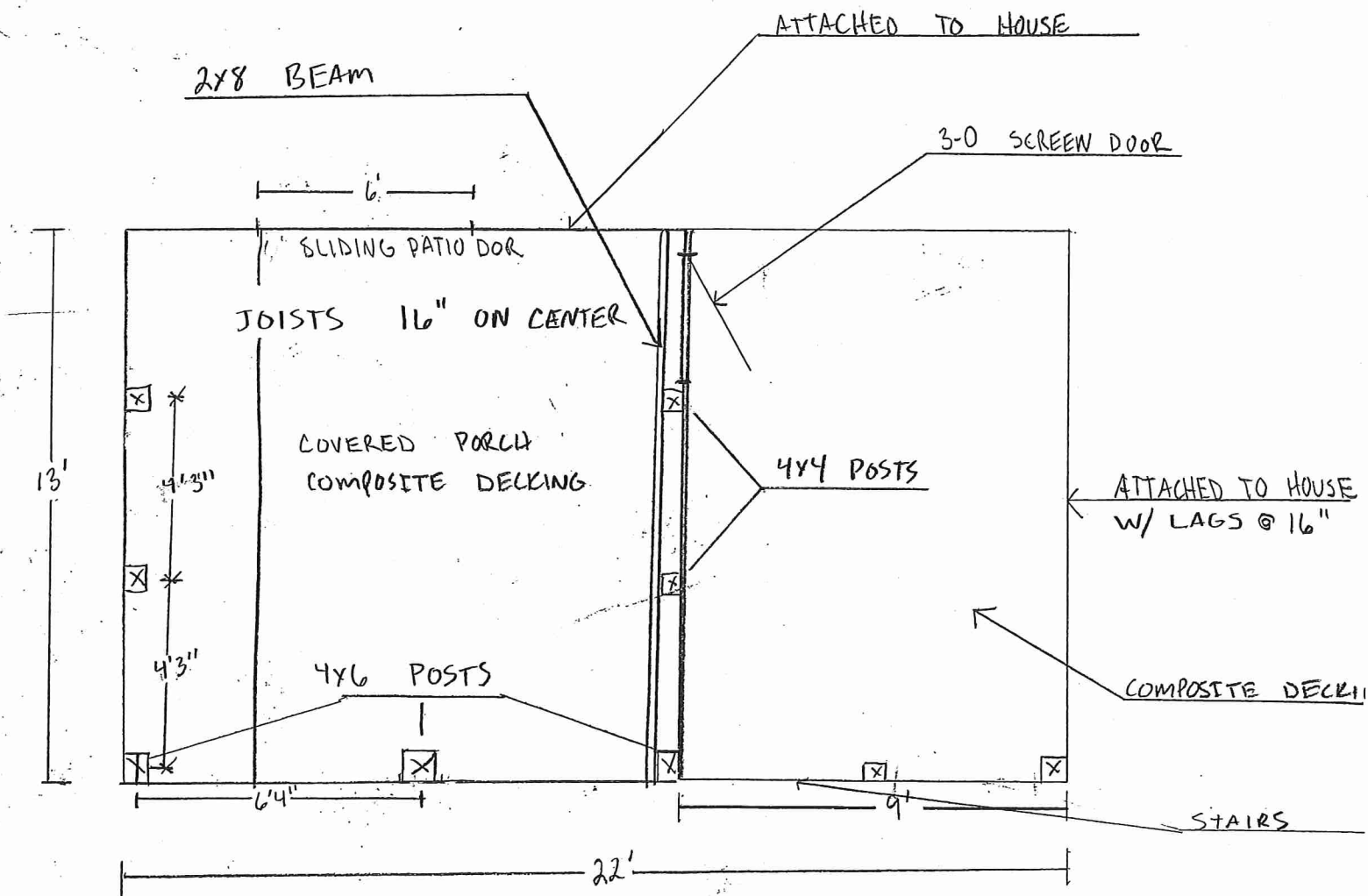
FRONT ELEVATION

SCALE 1/4" = 1'

COVERED SCREEN PORCH + DECK



SIRAK, JEFF & LINDSAY
5890 NICHOLSON DR.
HUDSON, OH 44236



13x13 PORCH
9x13 DECK

FLOOR PLAN

SCALE $\frac{1}{4}'' = 1'$

COVERED SCREENED PORCH + DECK



SIRAK, JEFF & LINDSAY
5890 NICHOLSON DR
HUDSON, OH 44236



ENGINEERING • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1770

MEMORANDUM

Date: June 17, 2015
To: Kris McMaster – Community Development
From: Thomas J. Sheridan P.E., P.S.
Re: 5890 Nicholson Drive – Deck and screened porch

The City of Hudson Engineering Department has reviewed the plans and specifications submitted for a proposed deck/screened porch located at 5890 Nicholson Drive and within a riparian setback.

It is our opinion, the construction of this deck/screened porch will have no significant impact on the existing flood path of the FEMA floodplain in this area as shown on the site plan provided by the applicant dated March 26, 2015. The construction of the proposed deck will be a post-type construction that is a preferred type of construction for areas near designated floodplains vs. enclosed foundation style construction. The location of the deck is not within the 100-year flood path from Nicholson Drive to the existing floodplain on the west side of the property. The 100-year flood path is along the existing 12" storm sewer pipe which is located along the northerly property line of this parcel, which runs from Nicholson Drive to the floodplain to the west.

The only concern is the skirting of the deck, which should have openings between the boards of at least 3" width to allow any flood waters that may become trapped to recede if flooded to this elevation. The elevation of the finished floor and finished grade adjacent to the deck/screened porch shall also be shown on the elevation drawings and referenced to the site plan bench mark elevation.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. Sheridan".

Thomas J. Sheridan, P.E., P.S.
Hudson City Engineer

C: File.