



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

REPORT

DATE August 14, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date August 20, 2015

FROM: Kris A. McMaster, Associate Planner
Mark Richardson, Community Development Director

SUBJECT: **Appeals Docket 2015-10**

Application

Variance to allow an existing accessory structure in the side yard from realignment of property lines.

Site

Address: 1 Bradley Drive
District: 3
Applicant: Drs. Azam M. and Betty J. Qadri
Owner: Drs. Azam M. and Betty J. Qadri

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	1	Single Family Residential
South	1	Single Family Residential
East	1	Single Family Residential
West	4	Single Family Residential-Historic District

Comments

The subject of this hearing is a request for a variance to allow an existing accessory structure detached garage to be located in the side yard to allow a realignment of property lines when code permits accessory structures to be located only in the rear yard pursuant to the City of Hudson Land Development Code, Section 1206.03(d)(3), Accessory Uses/Structures"- "Accessory Use Development and Operational Standards-Side Setbacks. The rear yard is defined by the Land Development Code as "the yard extending the full width of the lot between the rear lot line and rear building line and measured perpendicular to the building at its closest point to the rear lot line".

The subject property is located in District 3. The property is surrounded by single family residential homes to the north, east and south. To the west is single family residential in the City's Historic District. The house was built in 1985 and the owners purchased the property in December of 2005. The owners purchased the property that included a 99 year lease on the 845 square foot accessory structure located adjacent to their property abutting their side yard. The property owner states there is confusion as to who owns the accessory structure. The owners have indicated the only way to resolve the confusion of structures for the property is to realign the property lines. The proposed realignment of the property lines will allow an accessory structure garage located in District 4- Historic District to be within the subject property. The realignment shifts the accessory structure from the rear yard of one property to the side yard of another. Approval from the Board of Zoning and Building Appeals is required for the structure to be located in the side yard. The only other option the owner's state would be to demolish the structure. There are no future plans for any new constructions on the property. Staff has researched the Bradley Subdivision files and property files and have found no information as to why this 99 year lease was recorded.

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

1. **July 20, 2015**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**

cc: BZBA 2015-10
Aimee W. Lane, Assistant City Solicitor
Drs. Azam M. and Betty J. Qadri
John Carse, Carse Real Estate Corporation
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: 1 Bradley Drive Zoning District: R-3 & R-4
Explanation of Request and Justification:

Owner has 99 year lease on Barn/
Garage since 1990 in Sideyard left of Existence
residence. Owner wants to Change to Fee Ownership.
Need Variance because The building is in sideyard.

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

Year Property Purchased: 2005

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

845
26 x 32 = 845 sq ft

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: X [Signature]

Property Owner: Same

Address: 1 Bradley Drive

Address: Drs. AZAM M. and Betty J. Qadri

Telephone: 330-

Telephone: _____

Fax: _____

Fax: _____

E-Mail _____

E-Mail _____

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

Applicant Signature X [Signature] Date: _____

Property Owner Signature X [Signature] Date: _____

(Staff use only)

Application No./Docket No. 2015-10

Hearing Date 8/20/15

Date Received 7/20/15

Fee Paid 250.00

FEMA Floodplain Y N _____ (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 1 Bradley Drive

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: 99 year lease is confusing to both owners and The City of Hudson, Variance Removes Confusion.
- 2) The variance is (substantial/substantial) because: as the buildings exist, this is not an application for new construction.
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? YES
- 3) Would the essential character of the neighborhood be substantially altered? Explain: No. Building exist and there will be no new construction
 - a) Would adjoining properties be negatively impacted? NO.
 - b) Describe how the adjacent properties will not be affected: These building exist and the property lines will be adjusted and comply with other zoning regulations
- 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? Property was purchased with all existing buildings & 99 year lease.
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: Buildings would have to be torn down to change situation.
- 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: The buildings exist where they are since 1990
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: The owners of both properties in 1990.
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: Exceptional irregularity and narrowness.

Signature [Signature]

Date 7-20-15

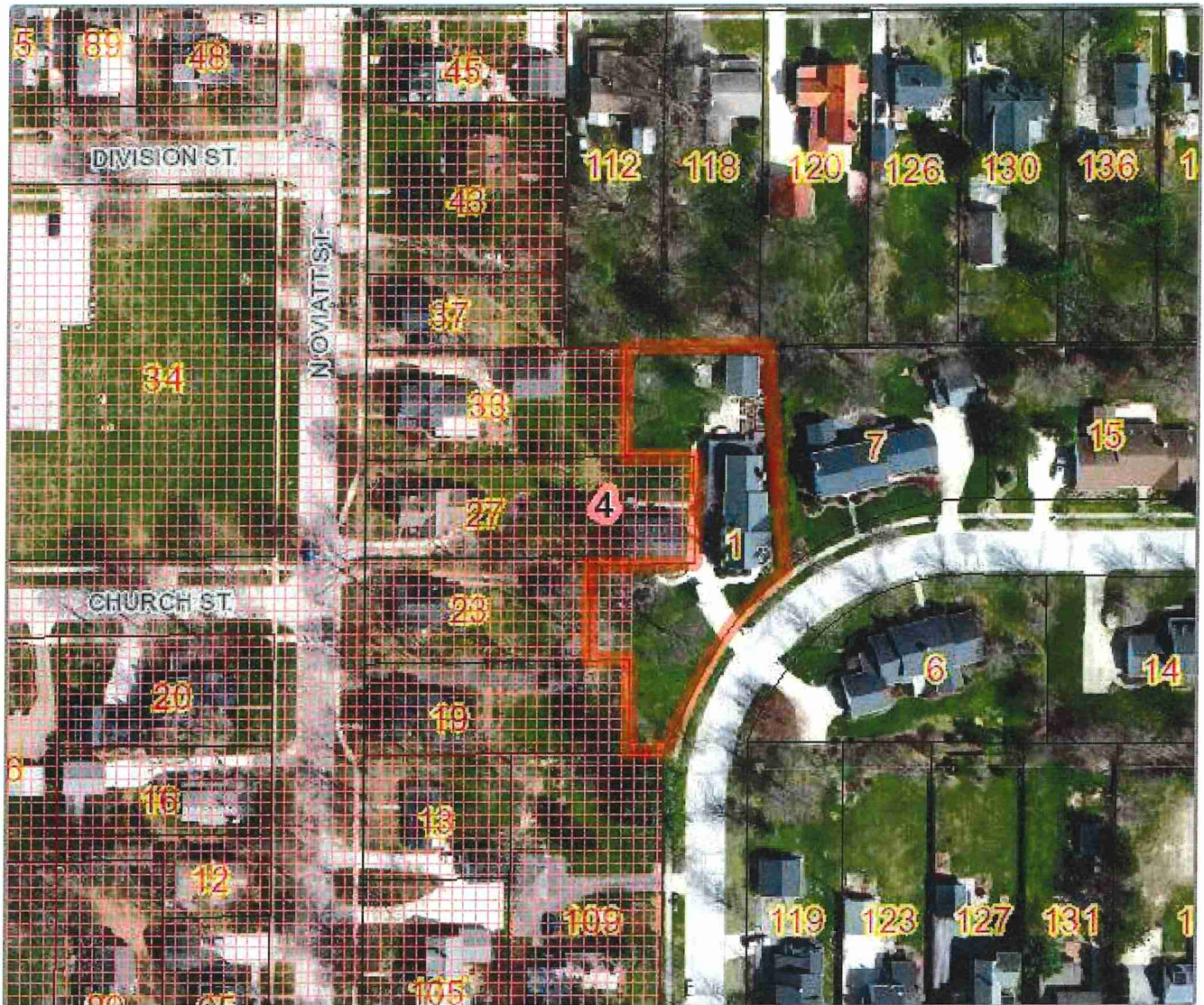
City of Hudson, OH



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 = 57 feet
7/30/2015

City of Hudson, OH



Owner Name	Qadri Azam M	Legal Description	BRADLEY ESTATES LOT 10 ALL & ADDN 56 BLK 18 PT	
Site Address	1 BRADLEY DR	Area	0.45	
Parcel ID	3203992	Council Ward	Ward 1	
Owner Address	1 BRADLEY AVE	Water Provider	City of Hudson	
Owner City	HUDSON	Sewer Provider	City of Hudson	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44236	Water Rate	Original Service Area Rate	
Phone	(330) 655-2912	Water Tap	No Special Tapping Fee	

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
7/30/2015

JULY, 2015

Board of Zoning and Building Appeals
Area/Size Variance Worksheet

Application for property located at: _____

Applicant: _____

After reviewing the application, the hearing of evidence under oath, reviewing all documentary submissions of interested parties, and by taking into consideration the personal knowledge of the property in question, the Board of Zoning and Building Appeals finds and concludes:

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

2. The variance is (substantial/insubstantial) because _____

3. The essential character of the neighborhood (would / would not) be substantially altered or adjoining properties (would / would not) suffer a substantial detriment as a result of the variance because _____

4. The variance (would / would not) adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property (with / without) knowledge of the zoning restriction.
6. The applicant's predicament feasibly (can / cannot) be resolved through some method other than 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 _____

For all of the above reasons, I move that the variance be (granted / denied) (granted with the following conditions):

