

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 accessary 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

Location	District	Use
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".

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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 accessary 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 accessary 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"	19		
	Zoning District: $R-3 = R-4$			
Garage Since 1990 in	- has 99 year lease on Barni n Side yard left of Existance			
LESHIEN CONET WANTE	s to Change to Fee "Owner The building is in side yard.	ash		
For a variance: Code requiressetback/sq. ft.//	height. Request is forsetback/sq. ft./height.			
Year Property Purchased: 2005				
Section(s) of the Land Development Code applicable to	o this application:	n.income		
26	x30 = 2 5 8 FT	-		
accurate and consent to employees and/or agents of the for purposes of inspection and verification of information approved, to verify conformance to requirements and of Applicant: Address: 1 Bradley Drive	provided to the Board in and with this application is true and the City of Hudson entering upon the premises of this application nation pertaining to the application, and if this application conditions of such approval. Property Owner: Address: Address: Telephone:	on is		
Fax:				
E-Mail				
Applicant: state relationship (agent, attorney, cor	ntractor, other):			
Applicant Signature Date:				
Property Owner Signature X	Date:			
(Staff use only) Application No./Docket No. 2015-10	Hearing Date 8/20/15	1		
Date Received	FEMA Floodplain Y N(Initials)			

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

A	pplication for property located at: 1 Bradley Orice
de sii pr ste	ariances from the terms of this Code shall not be granted by the BZBA unless the application for variance amonstrates 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."
Ш	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: 19 466
2)	The variance is (substantial/insubstantial) 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)?
3)	Would the essential character of the neighborhood be substantially altered? Explain: No. 13 uilding Prist and There will be no new Construction
	a) Would adjoining properties be negatively impacted?
	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.)?
5)	Did the owner of the property purchase the property with the knowledge of the zoning restrictions? Property with the knowledge of the zoning restrictions? Property with the knowledge of the zoning restrictions?
5)	This situation cannot be feasibly solved by means other than a variance. Explain: Buildings would have to be torndown 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 60th Properties in 1990.
	b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: \[\(\sum_{\text{CCP} \text{Tiono}} \) \(\sum_{\text{CP} \text{Tiono}} \) \(\sum_{\text{Tiono}} \text{Tiono} \) \(\
	Signature X Date 7-70

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.

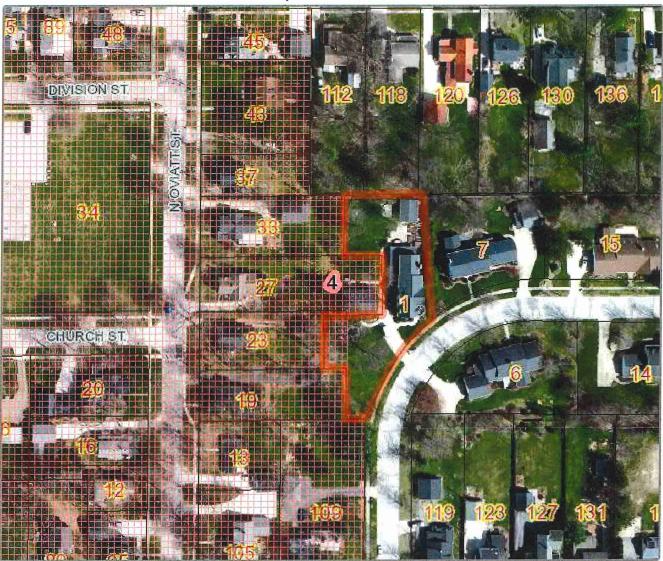
Map Scale

1 inch = 57 feet

7/30/2015

n.1

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	ОН	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

1 inch = 1
verification.

Map Scale 1 inch = 114 feet 7/30/2015

CHAMBERLIN ALLQTMENT P.B. 3 PG. 12 10 6 S89'14'35"E APPED I.P. "CAMPBELL" D. & USED FOR E-W LINE 5/8" P.T. PIPE FD. & USED FOR E-W LINE (0.50" W. CALC., 0.48" W. PER DEED) 93.30' PLAT & SET 171,89' REC. & SET' GARAGE R. Cody Skinner & Randi J. Chepke Rec. No. 55181293 10 60, PARCEL No. 3203992 TREE 3/4" I.P. FD. & USED FOR E-W LINE (0.37" W. CALC., 0.28" W. PER DEED) S89'37'49"E 171.81' DEED & SET . . 13.69 158.12 S89'37'49"E 59.30" S BLOCK A DEBO REMAINDER 4,182 S.F. 0.0960 Ac. OMA SHED N89'35'30"W 58.50' N89 28'59"W 147.90' CALC. 148.00' DEED QADRI PARCEL 23,939 S.F. 0,5496 Ac. (INCLUDES BLOCK A) Kenneth H. Harrison Rec. No. 55566800 Δ=25"/0'14" R=196.66' T=43.91' £=85.70' L=86.39' CB=S40'18'29"W 26.44' CALC 26.50' REC. BRADLEY DRIVE VARIABLE RIVE N88'22'22"W 60. SE7 Kristie & Michael Berish Rec. No. 56067731 ţu 48 22.19' CALC. P.O.B. 22.16' PLAT N88°05'06"W DENNIS W. STOFFER Pamela L. Brady, Trustee O.R. 2140 Pg. 92 S-7604

We, the undersigned Owner and holder of liens and other interests in and to the lands shown do hereby declare this lot split to be my free act and deed.

By: John P. Debo, Jr. Trustee of the John P. Debo, Jr. Living Trust 27 N. Oviatt Street Hudson, Ohio 44236 (330) 650-5613

State of Ohio Scounty of Summit SS

Before me, a Notary Public in and for sold county and state, personally appeared the above John P. Debo, Jr., who acknowledged the foregoing instrument to be a true statement.

In testimony whereof, I have hereunto set my hand and official seal at Akron, Ohlo this____day of__

Notary Public

We, the undersigned Owner and holder of liens and other interests in and to the lands shown do hereby declare this lot split to be my free act and deed.

By: Cynthia Lee Debo, Trustee of the Cynthia Lee Debo Living Trust 27 N. Oviatt Street Hudson, Ohlo 44236 (330) 650-5613

State of Ohio County of Summit SS

Before me, a Notary Public in and for said county and state, personally appeared the above Cynthia Lee Debo, who acknowledged the foregoing instrument to be a true statement.

In testimony whereof, I have hereunto set my hand and official seal at Akron, Ohio this ____day of ___

Notary Public

My commission expires_

We, the undersigned Owner and holder of liens and other interests in and to the lands shown do hereby declare this lot split to be my free act and deed.

Owners:

Azom M. Qadri 1 Bradley Drive Hudson, Ohio 44236 (330) 655–2912

Betty J. Qadri State of Ohio
County of Summit SS

Before me, a Notary Public in and for sold county and state, personally appeared the above Azam M Qadrl and Betty J. Qadrl, who acknowledged the foregoing instrument to be a true statement.

In testimony whereof, I have hereunto set my hand and official seal at Akron, Ohio this____day of_

Notary Public

My commission expires___

I have reviewed the submittal requirements for a Minor Subdivision and Section 1204.05 in the Land Development Code of the City of Hudson. Those items which pertain to this property have been shown on this drawing.



Registered Surveyor No. 7604

I hereby certify that I have surveyed the lands shown on this plat, and have found or set the pins and monuments shown on this plat.

Doni W Stoff Dennis W. Stoffer

Registered Surveyor No. 7604





BASIS OF BEARINGS: N 1'03'00" E ON THE WEST PROPERTY LINE OF LOT 10 PER A SURVEY PREPARED BY PAUL R. COUCH AND RECORDED IN REC. No. 55265799 OF THE SUMMIT COUNTY RECORDS.

- PERTINENT DOCUMENTS USED ARE AS SHOWN ON THIS PLAT.
- 3. THERE IS NOT A 100 YEAR FLOOD PLAIN ON THE PROPERTY PER FLOOD INSURANCE RATE MAP #39153C0135E DATED JULY 20, 2009.
- BLOCK A TO BE ATTACHED TO PARCEL No.
 3203992 AND CANNOT BE SUBDIVIDED
 WITHOUT APPROVAL OF THE CITY OF HUDSON
 PLANNING COMMISSION.

LEGEND

- 5/8" IRON PINS TO BE SET AT ALL LOT CORNERS (WITH IDENTIFICATION CAPS 7604)
- MONUMENT BOX WITH IRON PIN FOUND AS NOTED

Approved	by the Engineer	for the	City of	Hudson,	Ohio,	for
	only this		_ day of			

Thomas J. Sheridan, P.E., P.S.

Approve record purpose	bd by the City Manager for the City of Hudson, Ohlo, for sonly this day of
20	

Jane Howington

Prepared By

SPAGNUOLO & ASSOCIATES, LLC
ENGINEERS - SURVEYORS
3057 WEST MARKET STREET, SUITE 201
FAIRLAWN, OHIO 44333 PHONE (330) 836-6661 FAX (330) 836-6115

Property Split and Consolidation Map For

1 BRADLEY DRIVE

PART OF LOT No. 56 - FORMERLY HUDSON TOWN

CITY OF HUDSON COUNTY OF SUMMIT STATE OF OHIO

SCALE: 1" = 20'

JULY, 2015

Board of Zoning and Building Appeals Area/Size Variance Worksheet

App	lication for property located at:
App	licant:
docupers	r reviewing the application, the hearing of evidence under oath, reviewing all umentary submissions of interested parties, and by taking into consideration the sonal knowledge of the property in question, the Board of Zoning and Building Appeals as 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
	Il of the above reasons, I move that the variance be (granted / denied) (granted with bllowing conditions):
· .	