



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

BOARD OF ZONING AND BUILDING APPEALS

APPEALS DOCKET NO. 2015-11 42 AURORA STREET VARIANCE

VIA CERTIFIED MAIL DECISION

Based on the evidence presented to the Board by Ted Georger, 1308 Greenwood Drive, Kent, Ohio 44240, applicant, and the property owners, Michael and Bambi Knights, 42 Aurora Street, Hudson, Ohio 44236, in District 4 [Historic Residential Neighborhood] at a public hearing held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio 44236 at 7:30 p.m., on Thursday, September 17, 2015 and October 15, 2015, the Board hereby denies:

A variance to allow an accessory structure detached garage to be located in the side yard 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".

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 denies the variance.

The Board finds and concludes:

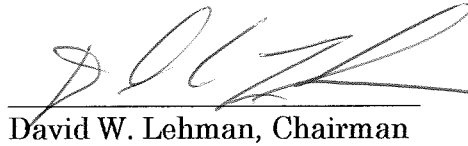
1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because there is an existing attached garage located behind the main mass of the house, but the owners chose to convert it to living space.
2. The variance is substantial because the location of the garage is visible from the street and is separated from the existing two-story house.
3. The essential character of the neighborhood would be substantially altered and adjoining properties would suffer a substantial detriment as a result of the variance because the size and height of the garage will impact the neighborhood and the community.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property with knowledge of the zoning restriction.

6. The applicant's predicament feasibly can be resolved through some method than a variance because the owners elected to change the existing attached garage into living space.

7. The spirit and intent behind the zoning requirement would be observed and substantial justice done by denying this variance as the owner created the need for this variance by electing to convert the existing attached garage into living space.

Dated: October 15, 2015

CITY OF HUDSON
BOARD OF ZONING AND BUILDING APPEALS


David W. Lehman, Chairman

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the October 15, 2015 meeting.


Judy Westfall, Clerk