



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

REPORT

DATE: November 12, 2015

TO: Board of Zoning and Building Appeals for
Meeting Date November 19, 2015

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

SUBJECT: **Appeals Docket 2015-13**

Application

Variance to construct a front porch.

Site

Address: 5880 Eastham Way
District: 3
Applicant: Jeffrey and Jennifer Eiswerth
Owner: Jeffrey and Jennifer Eiswerth

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	Single Family Residential

Comments

The request is a variance of four (4) feet to the minimum front yard setback of fifty (50) feet for a porch addition resulting in a structure being forty-six (46) feet from the front property line pursuant to Sections 1205.06(d)(5)(C)(i), "Setbacks: Minimum Front Yard Setbacks-Residential Uses: 50 feet" of the City of Hudson Land Development Code.

The subject property is located in the Plymouth Village Subdivision on subplot 283 in District 3. Single-family homes surround the property on all sides. The house was built in 1978 and the owners purchased the house in 2005. The proposed porch structure will result in a front yard setback of forty-six feet and eight inches. The porch will be 10 feet in height and will extend outward from the front of the house building line 8 feet with steps extending somewhat further. The new porch addition is 40 feet in length of the 64 foot wide house. The porch will replace an existing 4' by 8' portico and step that extends outward from the front of the house. Code allows steps to the principle entrance and necessary landings along with associated roofs within the setback up to six (6) feet. The proposed porch addition is greater than a "necessary" landing and steps permitted by code. The applicant has said that the proposed new porch is 8 feet wide to accommodate the use of a wheel chair for a family member to enter the house when needed by using removable ramps on the south side of the porch near the driveway and the front door. See attached drawings of the two ramp sizes proposed. The family member currently watches the owner's children two days a week and would like to use the porch to watch the children playing in the front yard. The owners have indicated that the existing tree, shrubs and sidewalk in front of house will be removed to build the proposed covered porch. The owners have stated the character of the neighborhood and property values would be improved with the new look and value of the house.

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

1. **October 13, 2015** - Application for BZBA and supplemental information of applicant's request.
2. **Aerial/photographs of site.**
3. **Site Plan.**
4. **Elevation Plans.**
5. **Drawings of the proposed temporary ramp.**

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

cc: BZBA 2015-13
Aimee W. Lane, Assistant City Solicitor
Jeffrey and Jennifer Eiswerth
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: 5880 Eastham Way

Zoning District: District 3, Plymouth Village Section 5, lot 283

Explanation of Request and Justification:

The intention is build a front porch with a roof the width of the house, extending 8' out front. This requires a 3'4" Variance from the front. An 8' porch is the minimum depth we can build to enable a wheel chair to maneuver up a temporary ramp to get into the front door.

For a variance: Code requires 50' setback/sq. ft./height. Request is for 46'8" setback/sq. ft./height.

Year Property Purchased: 2005-

21' Variance

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

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: Jeffrey L. Eiswerth

Property Owner: SAME

Address: 5880 Eastham Way

Address: _____

Telephone: (216) 308-0049

Telephone: _____

Fax: (216) 263-3546

Fax: _____

E-Mail: JEiswert@Kent.EDU

E-Mail: _____

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

Applicant Signature Jeffrey L. Eiswerth

Date: 10-13-15

Property Owner Signature Jeffrey L. Eiswerth

Date: 10-13-15

(Staff use only)

Application No./Docket No. 2015-13

Hearing Date 11-19-15

Date Received 10-13-15

Fee Paid \$250.00

FEMA Floodplain Y (N) (Initials)

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

Application for property located at: 5880 Eastham Way, Hudson, OH

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:

Removal of old growth shrubbery and an old cement walkway, replaced with a new full-length porch, will greatly improve the look and value of the house. Additionally, my soon to be wheelchair-bound mother-in-law -- who watches our children one to two days a week -- will be able to sit on the porch to watch the kids when they play in the front yard.

Please Note: This request has already been preliminarily reviewed and approved by some members of the AHBR.

2) The variance is (substantial/insubstantial) because:

The variance is quite insubstantial because the new porch will not even be out as far as the current cement walkway, relative to the front door. In other words, the porch will be set back nine inches from where the current walkway is.

a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)?

An 8-foot porch is the minimum depth we can build to enable a wheel chair to maneuver up a temporary ramp to get into the front door.

3) Would the essential character of the neighborhood be substantially altered? Explain:

The character of the neighborhood would be improved, as there are already several porches with roofs in the immediate neighborhood.

a) Would adjoining properties be negatively impacted? This would not negatively impact the adjoining properties, as both already have covered porches. Therefore, this would blend our house in with theirs better, potentially improving their property values.

b) Describe how the adjacent properties will not be affected: We are only building a covered porch going out in front of our house. We are not extending on either side of the house.

4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)?

There will not be any adverse effect for safety or services. In fact, this will improve safety, as there will no longer be any ice on the cement just outside the front door.

5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions?

When we purchased, we were not planning to add a front porch. We did not have children at the time. Now we are blessed with two, and they like to play in the front yard with neighborhood kids.

6) This situation cannot be feasibly solved by means other than a variance, Explain:

Since we cannot move the house back, we need just an extra 3'4" out front to make it a functional porch.

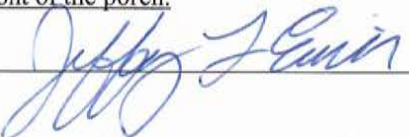
7) The spirit and intent behind the zoning requirement (would/would not) be observed and substantial justice (done/not done) by granting the variance because:

We will be observing the spirit of zoning since the porch will improve the look of the house, adding value to all the neighboring properties.

a) The circumstance leading to this request was not caused by current owner. It was caused by: N/A

b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: There is still more than 58 feet between the outside edge of the porch and the street. Since the edge of the porch will not even be out as far as the current cement walkway, there will be more front yard in front of the porch.

Signature



Date

10-13-15

City of Hudson, OH

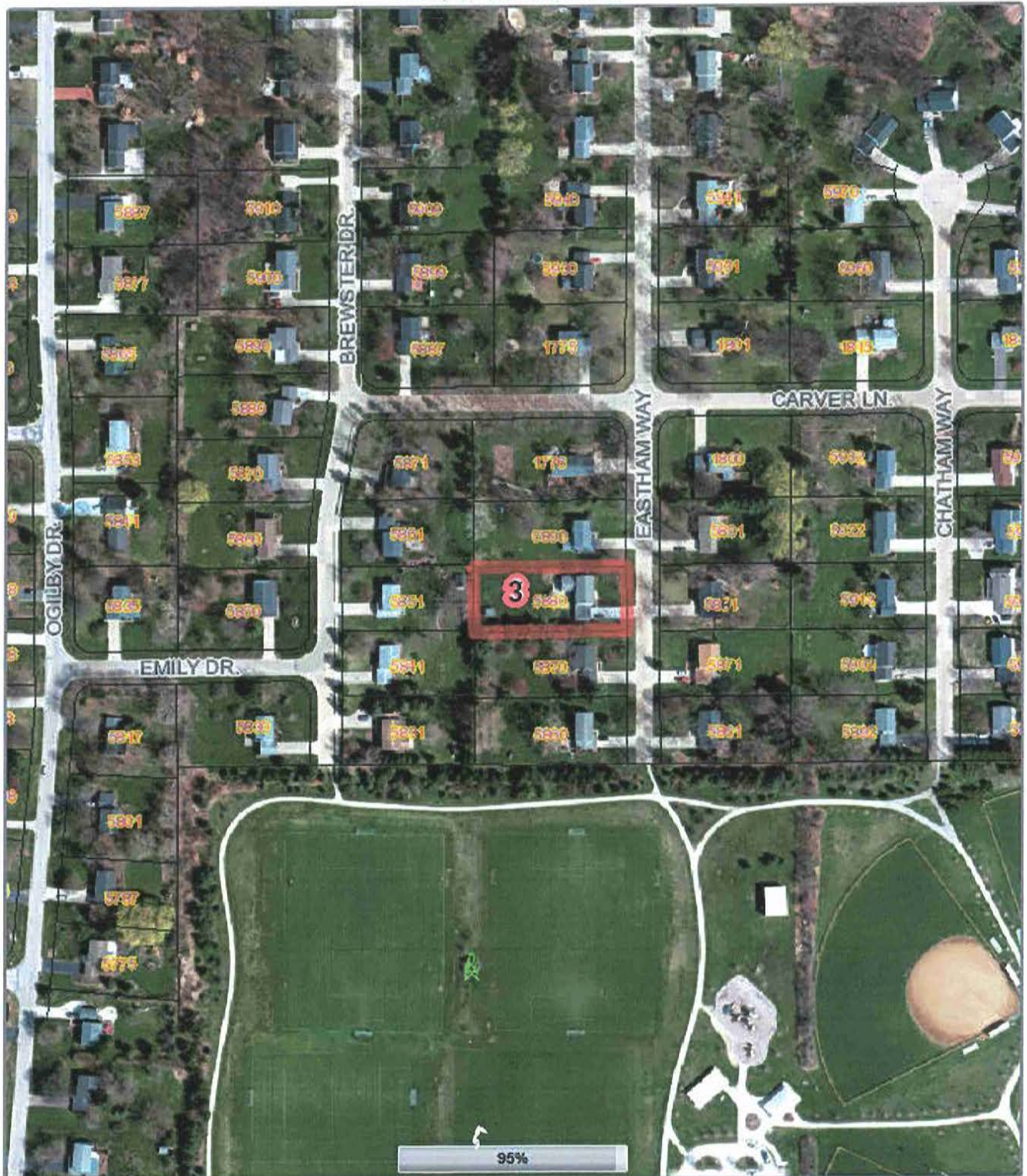


Owner Name	Eiswerth Jeffrey L	Legal Description	PLYMOUTH VILLAGE SEC S LOT 283 ALL	
Site Address	5880 EASTHAM WAY	Area	0.52	
Parcel ID	3003526	Council Ward	Ward 3	
Owner Address	5880 EASTHAM WAY	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	DOES	
Owner State	OH	Electric Provider	First Energy	
Owner ZIP	44236	Water Rate	NA	
Phone	Unlisted	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 = 56 feet

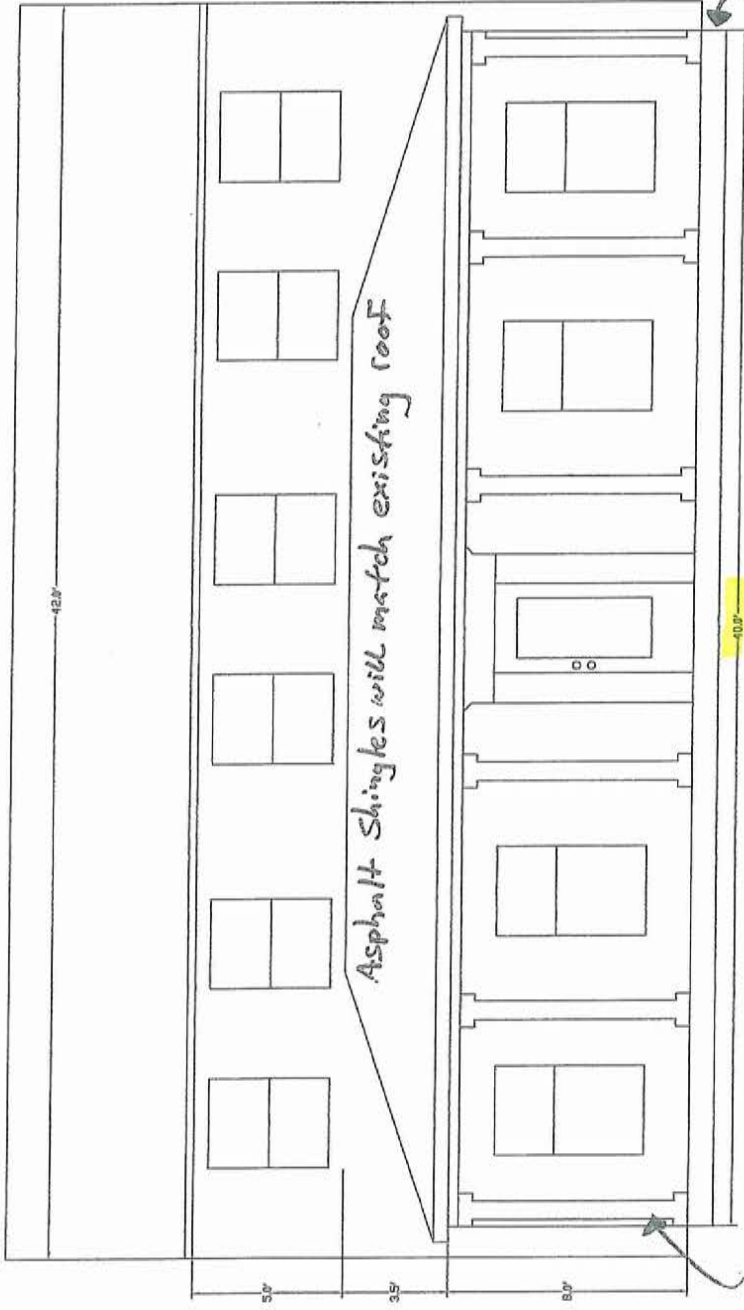
City of Hudson, OH



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 = 223 feet

Windows Pictured are for reference only.



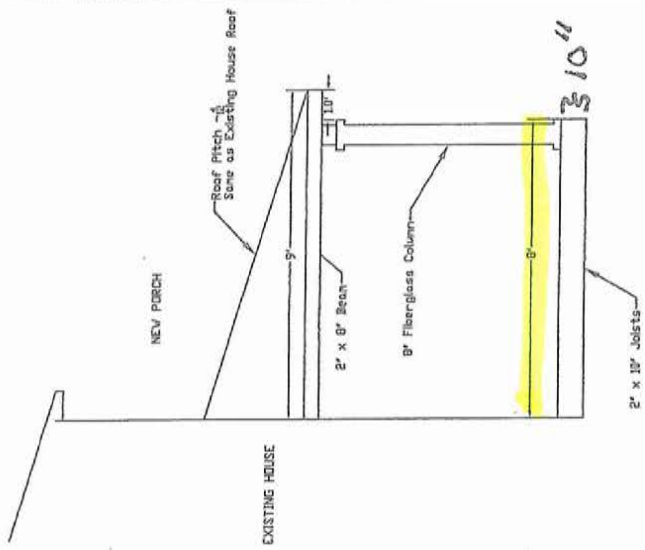
The Six Column's will be Solid white Fiberglass

5880 Eastham Way
Hudson, OH 44236

The height of the
Porch will be
10" and be white

Composite board all the way across the front & sides
Composite board all the way across the front & sides

The Floor of the porch will be tongue and groove Flooring that will be painted
The ceiling of the porch will be Bead Board



Date: 2015.09.10

Design: RJA

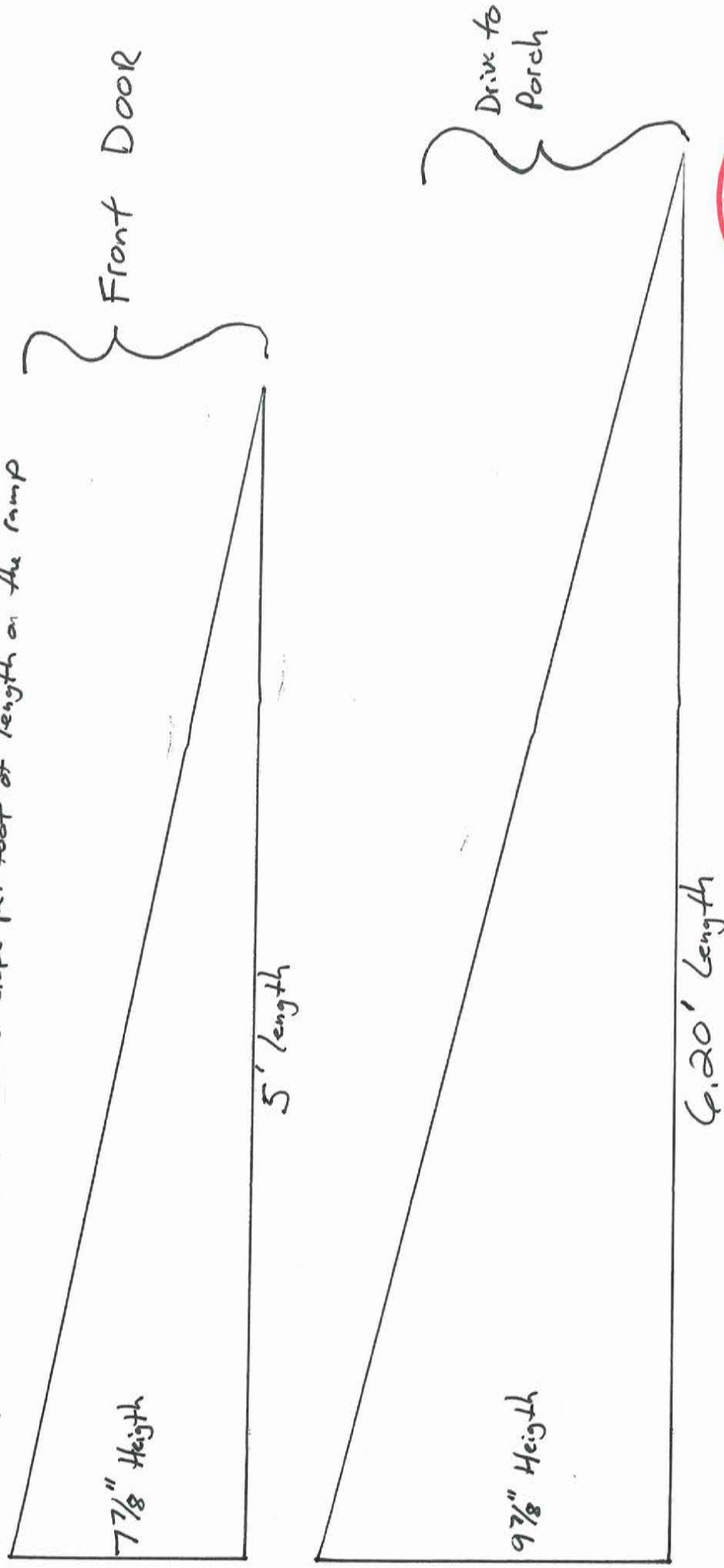
NEW PORCH ADDITION - 5880 Eastham Way

Jeff Eiswerth 5880 Eastham Way

Proposed temporary ramps for my proposed porch

These are not drawn to scale

Each ramp will have handels so they can be picked up and moved
Each ramp will have about 1.60" of slope per foot of length on the ramp



This is my property: 5880 Eastham Way; Hudson, OH 44236



South
Side

NORTH
Side

I will be removing the existing Front Flower bed & Front Stoop^{And Side Wall} and replace with a porch. My Porch will NOT extend into the existing lawn

The outside edge of my existing ~~can~~ sidewalk or walkway is 9'2" From the front of the house. The Floor of the porch will be 8' From the front of the house & the roof will be 9'

Front door surround (All black AS shown in photo) will be replaced with white composite material. The triangle at the top of the photo will be changed to a rectangle header.



View From North Side
This tree & shrubs will all be removed



View From the South Side
The right edge of this sidewalk is 9'2"
From the front of the house, all shrubs and
sidewalk will be removed.

I am hiring the contractor who did this porch in Hudson.
My House is the exact same as this house except I have
Six (6) windows across the top of the house vs. the five (5)
windows in this photo.

My porch will look exactly like this photo



Similar Front Porch Designs





SCALE IN FEET
0 10 20
SCALE: 1" = 20'

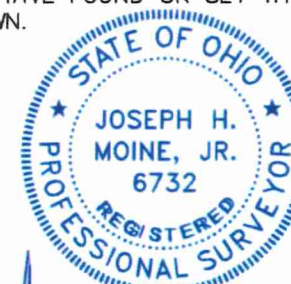
THE BASIS OF BEARING FOR THIS SURVEY IS THE SOUTH LINE OF EASTHAM WAY AND THE BEARING OF NORTH 00°17'10" EAST AS TAKEN FROM PLAT BOOK 107, PAGES 64-65 WAS USED FOR THIS LINE.

THIS SURVEY IS SUBJECT TO ALL LEGAL HIGHWAYS AND ANY EASEMENTS OR RESTRICTIONS OF RECORD.

LEGEND

● IRON PIN FOUND (R.) RECORD (U.) USED (O.) OBSERVED

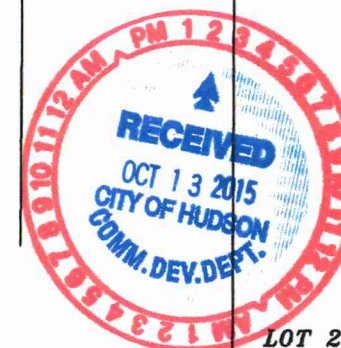
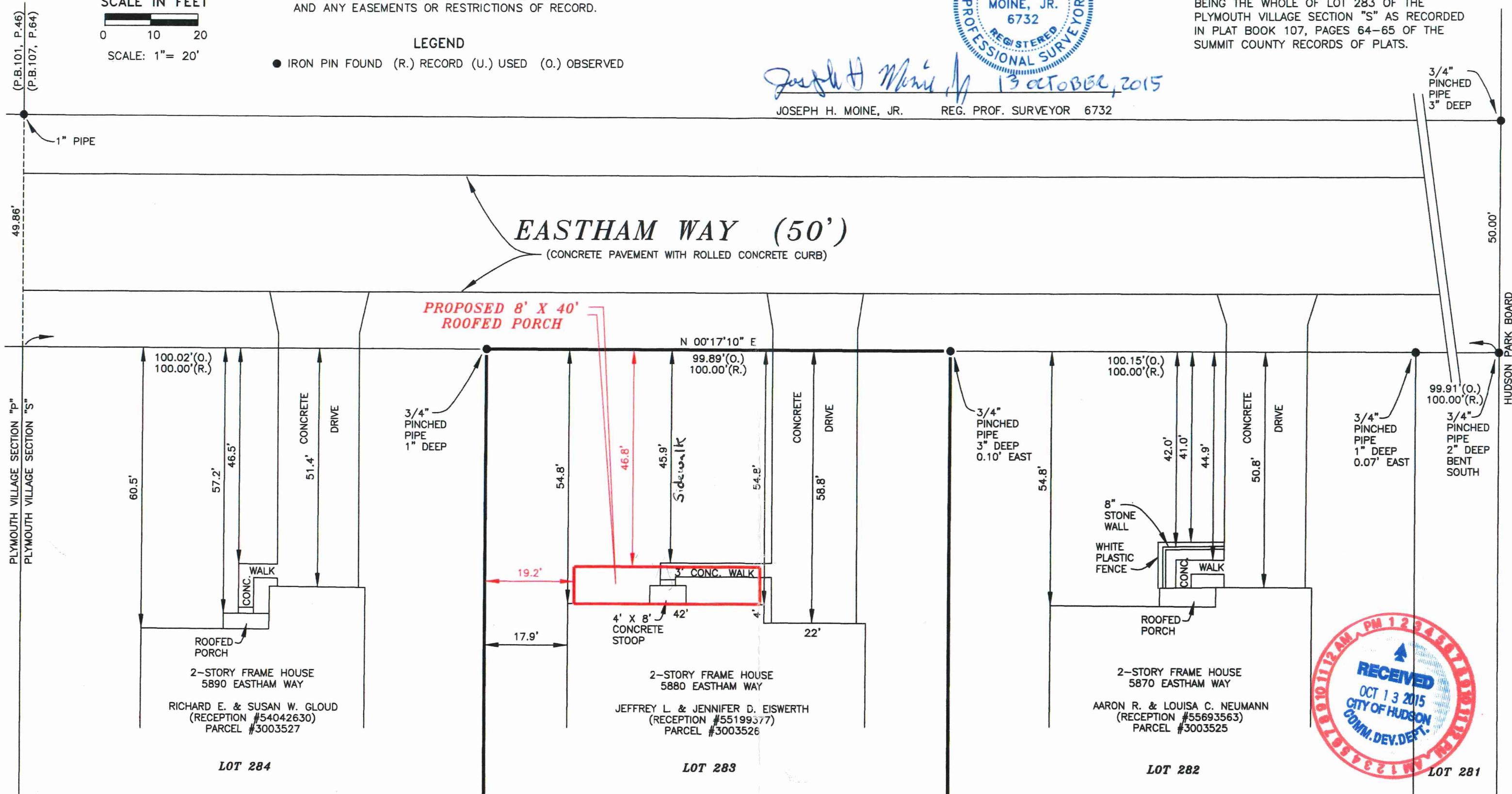
I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND SHOWN ON THIS PLAT AND HAVE FOUND OR SET THE PINS AND MONUMENTS SHOWN.



Joseph H. Moine, Jr. 13 OCTOBER, 2015
JOSEPH H. MOINE, JR. REG. PROF. SURVEYOR 6732

EISWERTH PLOT PLAN FOR PROPOSED 8' X 40' PORCH

5880 EASTHAM WAY, HUDSON, OHIO 44236
BEING THE WHOLE OF LOT 283 OF THE PLYMOUTH VILLAGE SECTION "S" AS RECORDED IN PLAT BOOK 107, PAGES 64-65 OF THE SUMMIT COUNTY RECORDS OF PLATS.



REVISED: 13 OCTOBER, 2015

JOSEPH H. MOINE, JR.

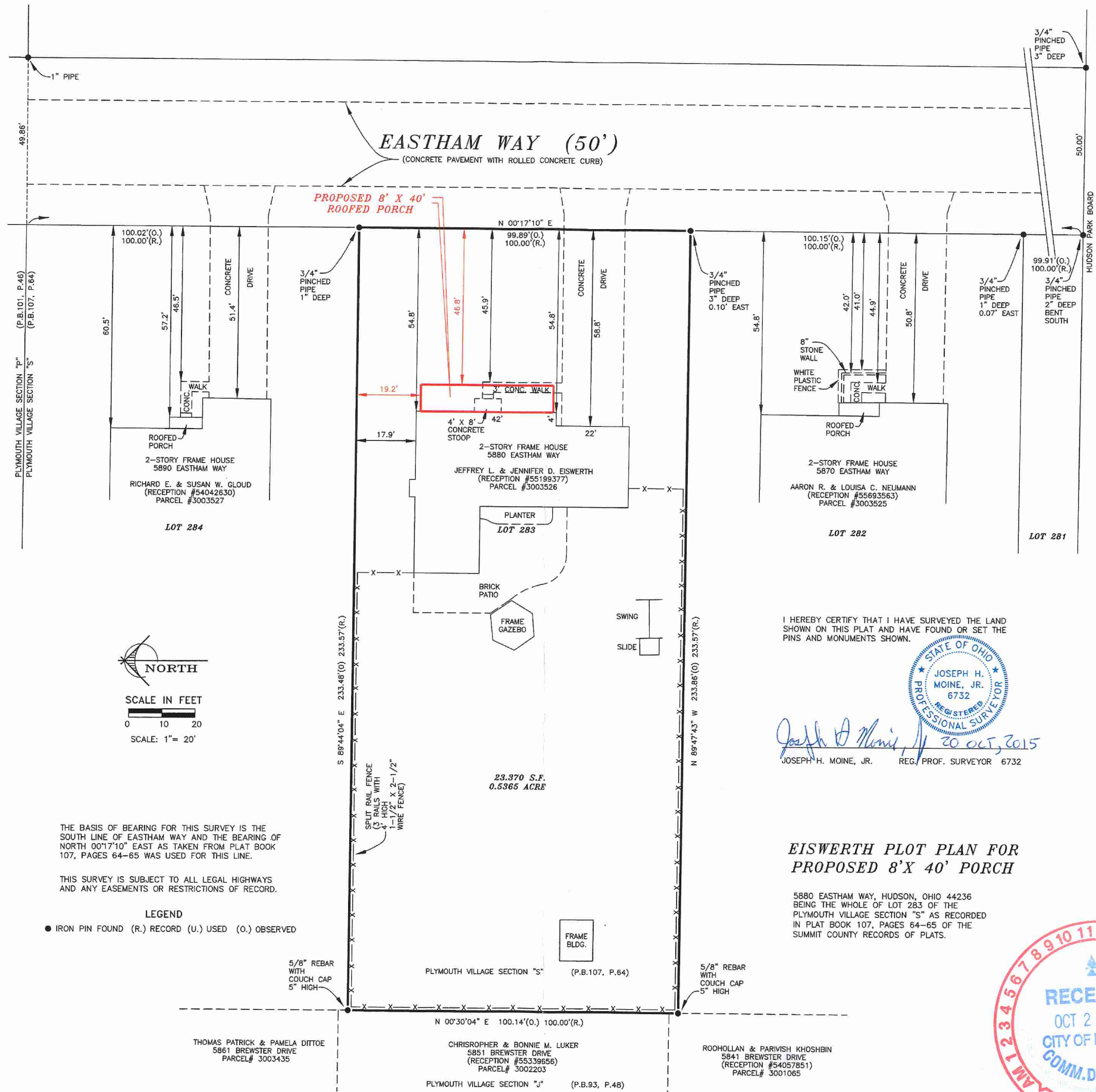
REGISTERED PROFESSIONAL SURVEYOR

17175 GALEHOUSE RD, P.O. BOX 104, DOYLESTOWN, OHIO 44230

330-658-2849

DATE: OCT. 12, 2015
SCALE: 1" = 20'
PROJ: 2015-EISWERTH

SHEET NO.
1-1



REVISED: 20 OCTOBER, 2015
REVISED: 13 OCTOBER, 2015
SALE OCT. 13, 2015
PROJ2015-EISWERTH

17175 GALEHOUSE RD, P.O. BOX 104, DOYLESTOWN, OHIO 44230 330-658-2849

REGISTERED PROFESSIONAL SURVEYOR

JOSEPH H. MOINE, JR.

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):

