



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

## REPORT

DATE May 12, 2016

TO: Board of Zoning and Building Appeals for  
Meeting Date May 19, 2016

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

SUBJECT: **Appeals Docket 2016-12**

## Application

Variance to rear yard setback to allow an addition.

Address: 125 Evamere Lane  
District: 3-Outer Village Residential Neighborhood  
Applicant: Frederick and Joy Cowie  
Owner: Frederick and Joy Cowie

## 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 subject of this hearing is a request for a variance of five (5) feet from the required rear yard setback of fifty (50) feet to allow an addition resulting in a forty-five (45) foot rear yard setback pursuant to Section 1205.06(d)(5)(E)(i), "Setbacks: Minimum Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

Docket No. 2016-12  
May 12, 2016  
Page 2

The subject property is located in District 3. The property is surrounded by single family residential homes on all sides. The house was built in 1970 and the owners purchased the property in June of 2000. The property owners are proposing to add a two story addition 12' by 18' for a first floor master bedroom and on the second floor to improve a closet and bathroom layout. The owner has indicated the purpose for the addition is to allow for a more suitable long term living plan as they age. After considering other optional floor plans for expansion none of the options were practical given the design of the existing home. With the proposed addition location the owners have stated the adjacent properties would not be affected and in their opinion would benefit from an aesthetically improved rear view of their home.

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

1. **April 19, 2016**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**

cc: BZBA 2016-12  
Aimee W. Lane, Assistant City Solicitor  
Frederick and Joy Cowie  
Council Liaison

Attachments

OHIO  
**HUDSON**

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

**BOARD OF ZONING AND BUILDING APPEALS APPLICATION**

*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 purposes(s):

(Please Circle Request)

"VARIANCE"

"NONCONFORMING USE" "APPEAL"

Property Address: 125 EVAMERE LANE Zoning District: 3

Explanation of Requests and Justification:

We are requesting a rear setback variance of ~~12'~~<sup>5'</sup> to allow for a two floor addition (12' x 18') to provide a first floor master bedroom allowing us to live in the home longer and providing second floor space to improve a closet and bathroom layout.

For a variance: Code requires 50' setback/sq. ft./height. Request is for ~~12'~~<sup>5'</sup> setback/sq. ft. height, therefore requesting a 45' setback/sq. ft./height.

Year Property Purchased: 2000

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

1201, 1204, 1207, 1213, Appendix D

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 the application is approved, to verify conformance to requirements and conditions of such approval.

Applicant: FREDERICK H & JOY C. COWIE Property Owner: SAME

Address: 125 EVAMERE LANE Address: \_\_\_\_\_

Telephone 330-414-1293 Telephone: \_\_\_\_\_

E-Mail: tcowie26@gmail.com E-Mail: \_\_\_\_\_

Applicant: state relationship (agent, attorney, contractor, other): self.

Applicant Signature: [Signature] Date: 4/20/16

Property Owner Signature: [Signature] Date: 4/20/16

(Staff use only)

Application No./Docket No. 2016-12 Hearing Date: 5-19-16

Date Received: 4-19-16 Fee Paid: 250.00 FEMA Floodplain Y (N) (Initials)

# BOARD OF ZONING AND BUILDING APPEALS (BZBA)

## Application Supplemental Information

Application for property located at: 125 Evans Lane

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: See Attached

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

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: See Attached

a) Would adjoining properties be negatively impacted:

b) Describe how the adjacent properties will not be affected:

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? Yes

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

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: See Attached

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

b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: None

Signature: [Signature] Date: 4/20/16

# **Board of Zoning and Building Appeals**

## **Application Supplemental Information**

**Application for property located at: 125 Evamere Lane**

1. The home becomes more suitable for a long term living plan with a first floor master bedroom and this plan is much more feasible than a further side extension of what is already a very wide home footprint.
2. It is insubstantial in that we are only depleting the rear set-back requirement by ~~45~~<sup>5'</sup> from 50' to 45' and architecturally it improves the rear view of the home.
  - a. Yes, it is the minimum to provide reasonable space for a first floor master bedroom.
3. The essential character would not be altered as the design is consistent with our current structure and does not substantially alter the home appearance. A left side expansion would substantially alter the character of the neighborhood by creating an unnecessarily wide home structure and footprint within the lot space.
  - a. Adjoining properties would not be affected, the immediate adjoining property to the rear has a detached garage and driveway facing the proposed addition.
  - b. Adjacent properties would not be affected either, both adjoining and adjacent properties would benefit from an aesthetically improved rear view of the current home.
4. No public services will be adversely affected
5. Yes we understood the property zoning restrictions when it was purchased in 2000
6. The only other option to provide a first floor master allowing for easier living as we age would be to extend the home on its left side. Taking this approach has two impractical considerations:
  - a. We would have to add a third and separate full bath on the first floor
  - b. We would be further extending the width of the home which is already substantial creating a less desirable floor plan and neighborhood view
7. The spirit and intent of the zoning requirement would be observed and substantial justice done in a granting of the variance as the home would continue to be able to provide comfortable and safe living as we age and in doing so improve the value of our home and adjoining/adjacent properties while only varying minimally from the 50' setback requirement.
  - a. N/A
  - b. No special lot circumstances



City of Hudson, OH



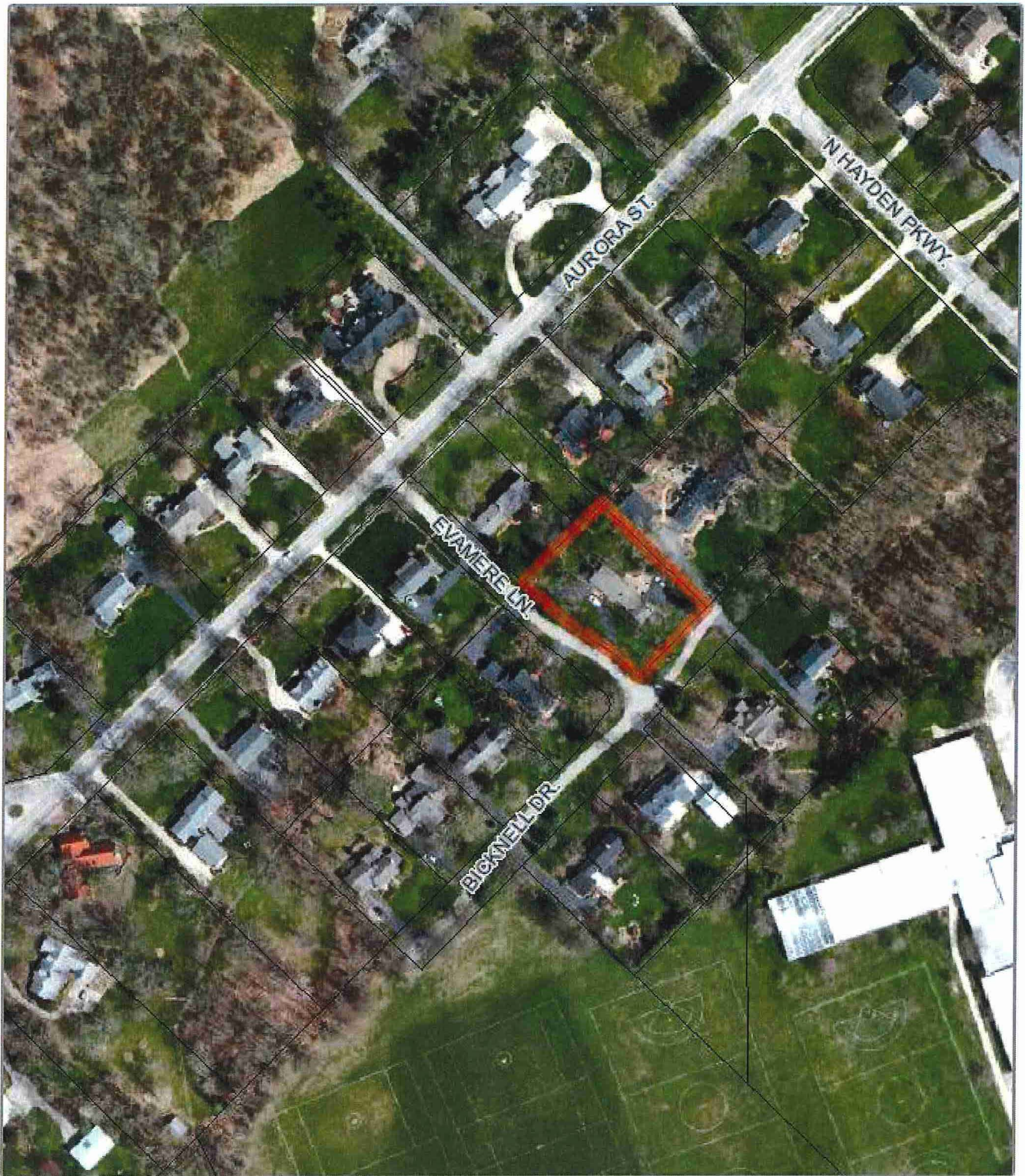
Owner Name	Cowie Frederick H	Legal Description	LOT 67 S OF S OF AURORA RD & BICKNELLAN E & EVANMIERE RD .580A	
Site Address	125 EVAMERE LN	Area	0.58	
Parcel ID	3200134	Council Ward	Ward 1	
Owner Address	125 EVAMERE LANE	Water Provider	City of Hudson	
Owner City	HUDSON	Sewer Provider	DOES	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44236	Water Rate	Original Service Area Rate	
Phone	(330) 650-5245	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 = 47 feet



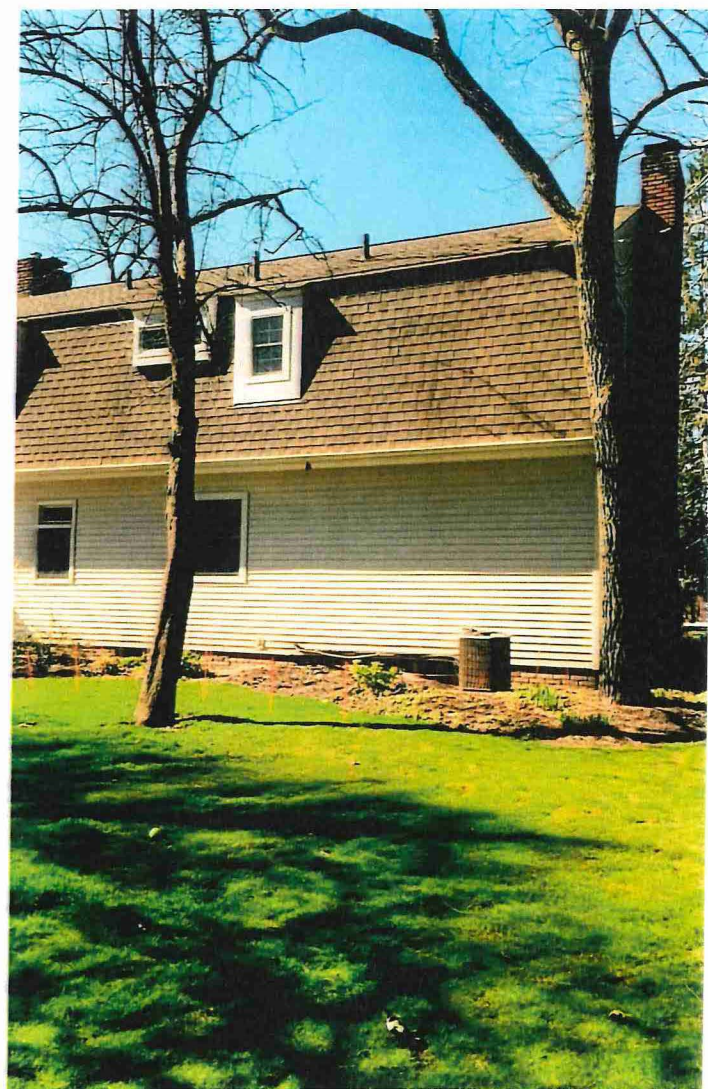
City of Hudson, OH



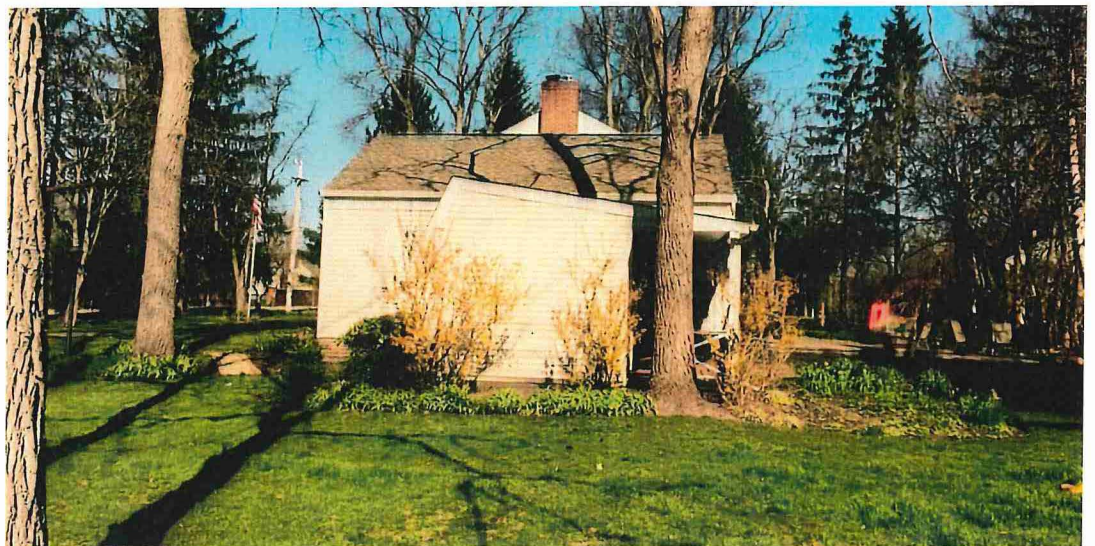
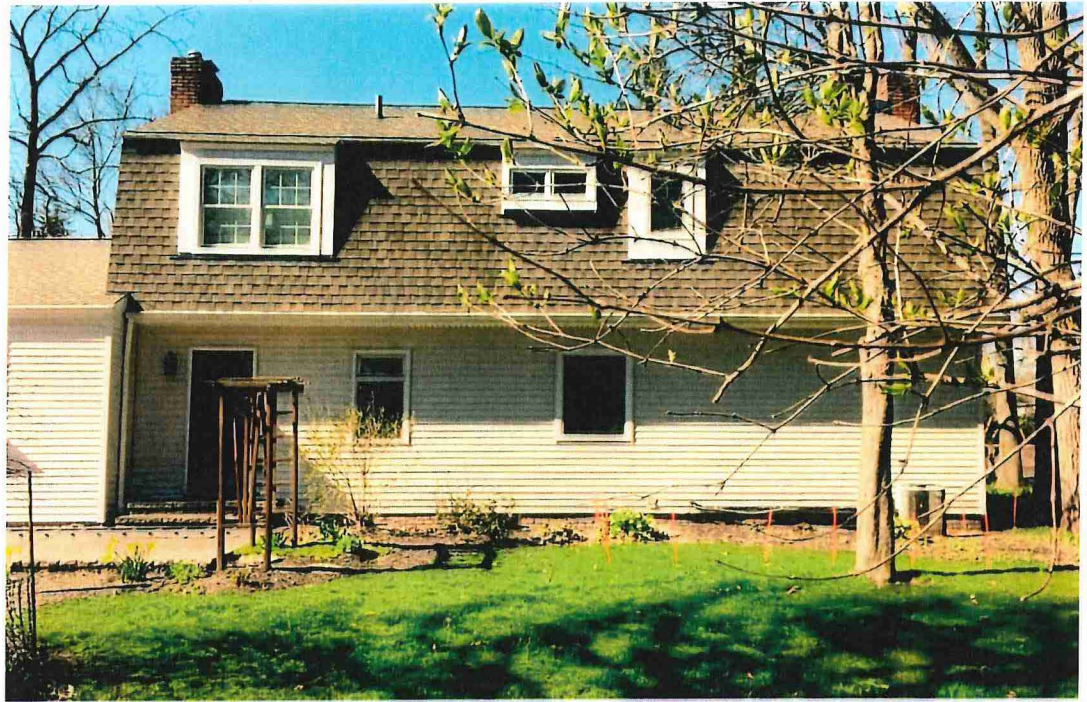
*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*

Map Scale  
**1 inch = 187 feet**  
4/21/2016











GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

VARIANCE PLAN

125 Evamere Lane

Situated in the City of Hudson Village,  
County of Summit and State of Ohio

PPN 32-00134

EVAMERE LANE  
(PRIVATE) WIDTH VARIES

ZONING INFORMATION

DISTRICT 3  
FRONT: 50'  
SIDE: 15'  
REAR: 50'

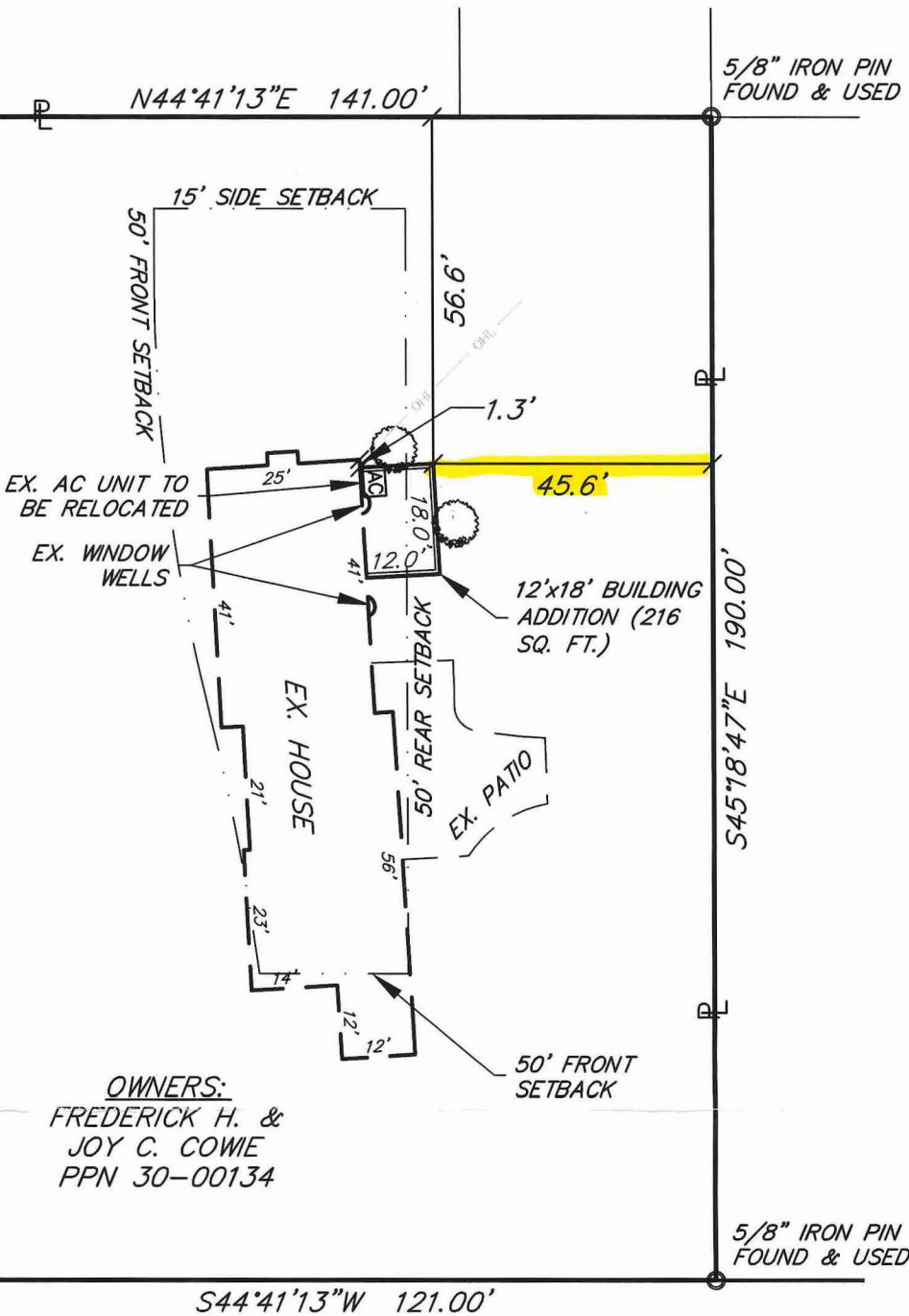
LEGEND



EX. TREE

OHL

OVERHEAD LINE



OWNERS:  
FREDERICK H. &  
JOY C. COWIE  
PPN 30-00134

BICKNELL DRIVE  
(PRIVATE) WIDTH VARIES

BUILDING DIMENSION NOTE:  
EXISTING BUILDING DIMENSIONS  
SHOWN PER FIELD LOCATION  
AND SUMMIT COUNTY GIS  
PROPERTY RECORD INFORMATION.

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	82.26'	336.82'	13°59'37"	N52°18'47"W	82.06'
C2	82.26'	336.82'	13°59'37"	S52°18'47"E	82.06'

- GRADES SHALL COMPLY WITH THE APPROVED GRADING PLAN ON FILE WITH CORRESPONDING GOVERNMENT OFFICE, ALL UTILITIES ARE PER DESIGN PLAN.
- MAINTAIN POSITIVE YARD DRAINAGE (TO SWALE, YARD DRAIN, NATURAL WATER COURSES OR STREET) ACROSS ENTIRE LOT.
- ALL SWALES MUST MAINTAIN A MINIMUM SLOPE OF 1%.
- CONTRACTOR TO DETERMINE DEPTHS OF EXISTING LATERALS AND VERIFY IF PROPER CONNECTIONS CAN BE MADE TO HOUSE. CONTACT CORRESPONDING GOVERNMENT OFFICE IF DISCREPANCIES EXIST.
- CONTRACTOR TO NOTIFY UTILITIES PROTECTION SERVICES PRIOR TO CONSTRUCTION.
- NO LAWN AREAS TO BE MOWED SHALL HAVE A SLOPE STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL.
- SUMP PUMP REQUIRED, DESIGN & LOCATION TO BE DETERMINED BY BUILDER.
- NO DETERMINATION OF THE PRESENCE OF WETLAND AREAS WAS PERFORMED BY LEWIS LAND PROFESSIONALS.
- THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY.

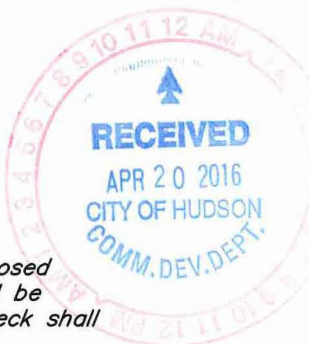
Foundation dimensions shown are for rough field layout only, see Architectural House Plans for all dimensions.

The Contractor/Owner must verify all foundation dimensions & proposed grades shown on this topographic survey. Cuts between hubs shall be compared for discrepancies. Any error resulting from failure to check shall not be the responsibility of lewis land professionals, inc.



TWO WORKING DAYS  
BEFORE YOU DIG  
Call 1-800-362-2764  
TOLL FREE  
Outside Ohio 216-744-5191  
OHIO UTILITIES PROTECTION SERVICE

CONTRACTOR NOTE:  
EXCAVATING CONTRACTOR SHALL REFER  
TO ARCHITECTURAL BUILDING PLANS  
FOR ACTUAL DIMENSIONS BETWEEN  
FLOORS & BOTTOM OF FOOTER, WALL  
SECTIONS, UNEXCAVATED AREAS, &  
FOUNDATION WINDOW OPENINGS.



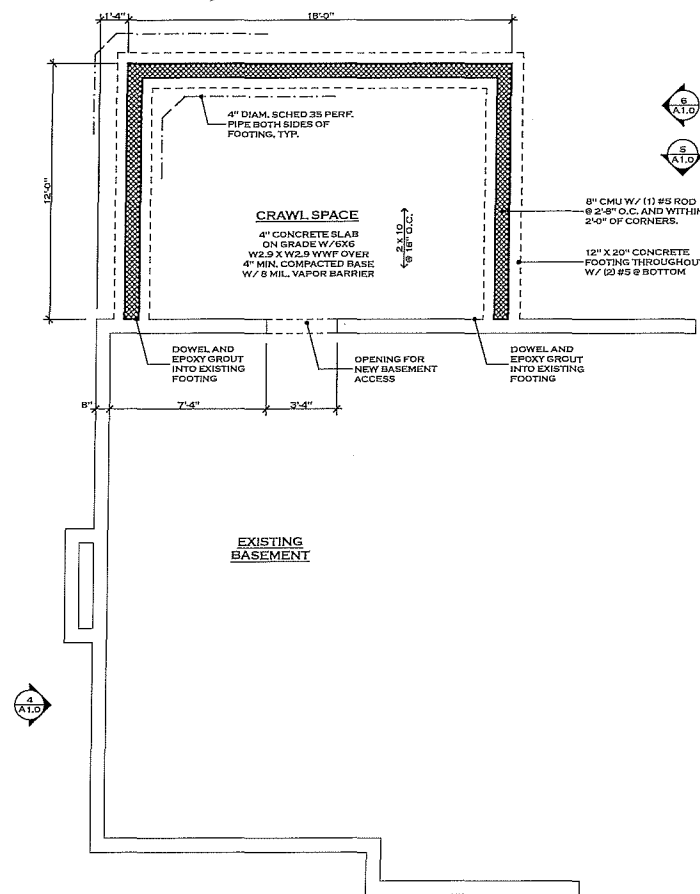
Lewis Land Professionals, Inc.

Civil Engineering & Surveying  
8691 Wadsworth Rd. Suite 100 Wadsworth, Ohio 44281  
Phone: (330) 335-8232 Fax: (330) 335-0242  
www.landprosinc.com

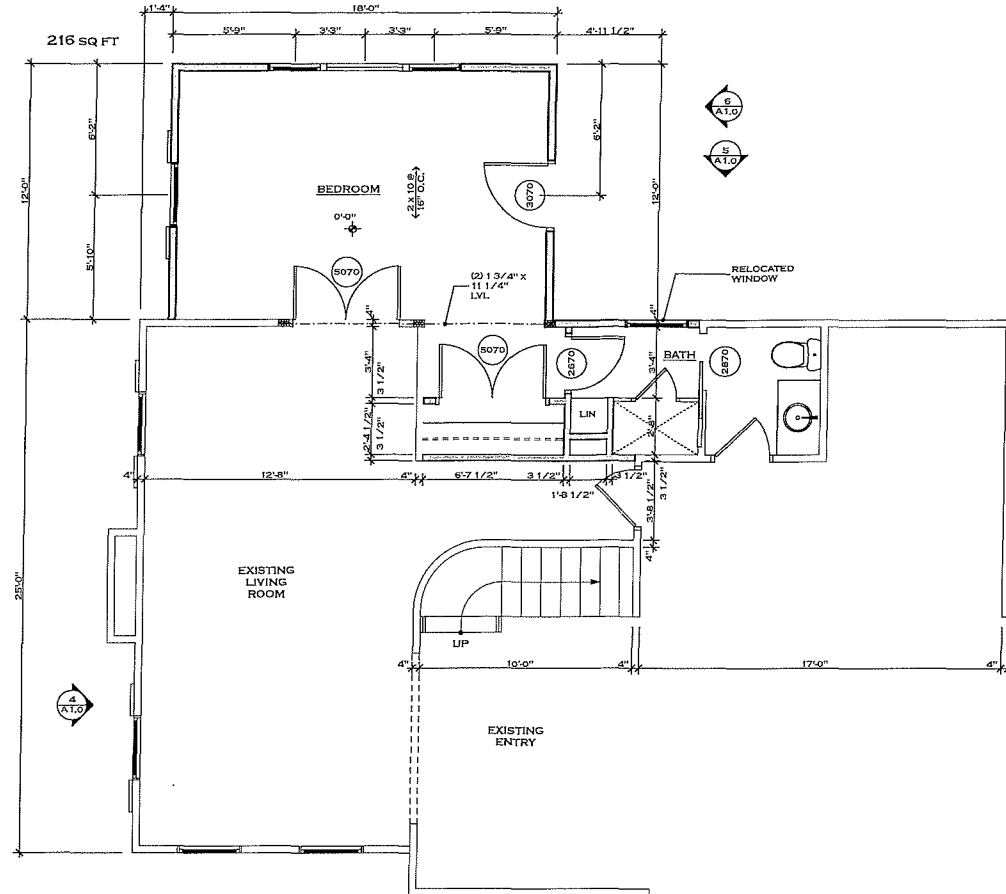
Date of Survey: April 2016

PROJ. No. 16-124 DRAWING NAME 16-124.dwg

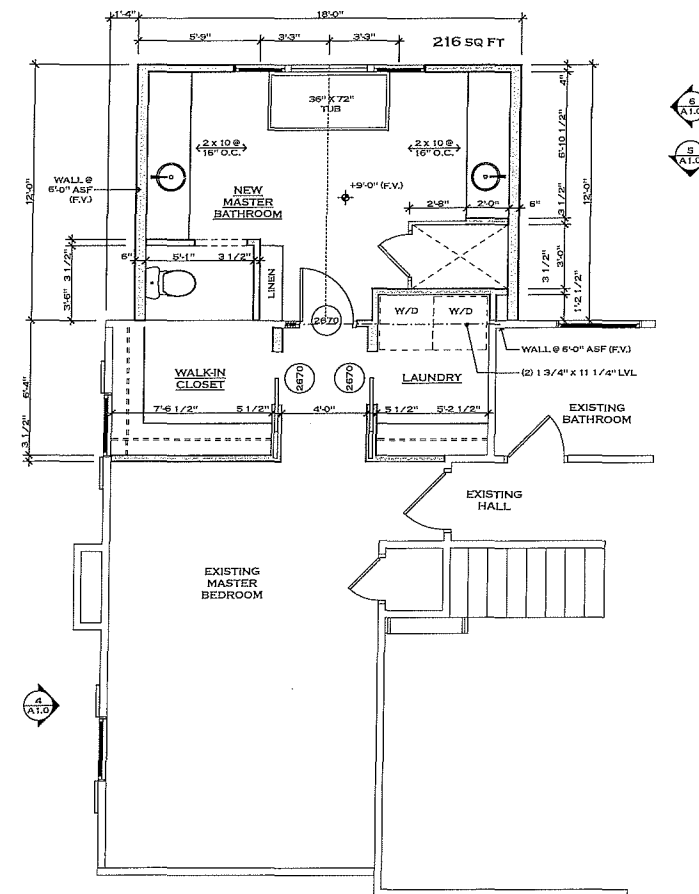




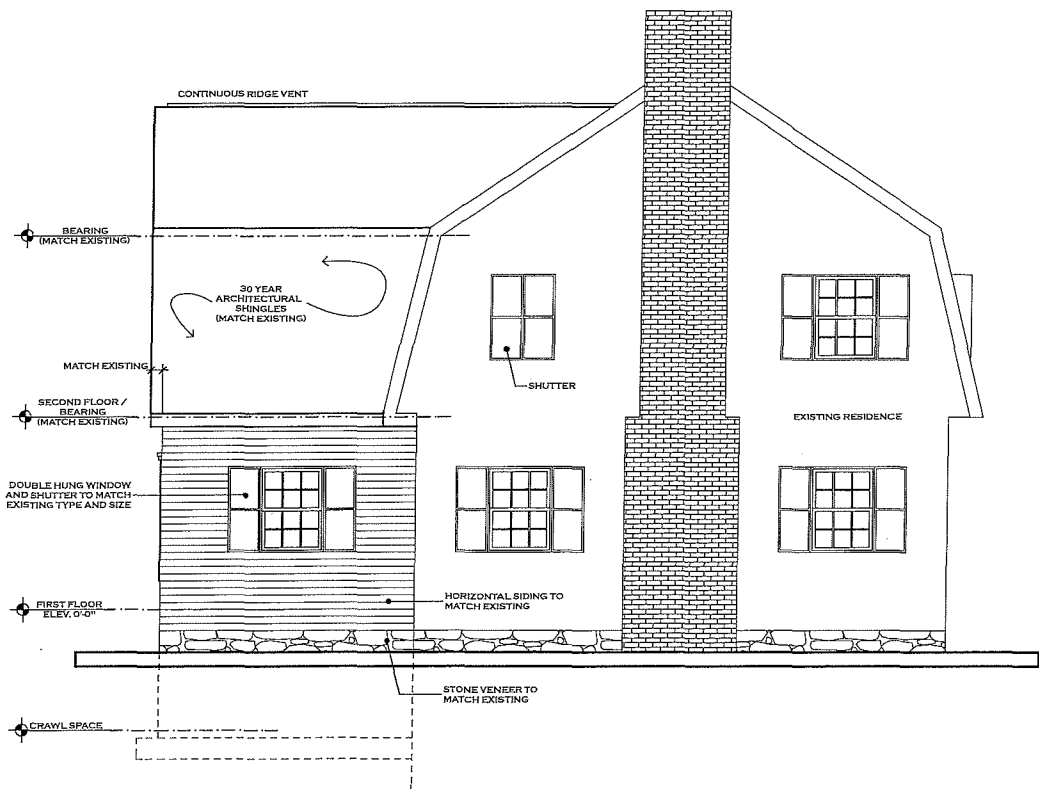
1 PARTIAL FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"



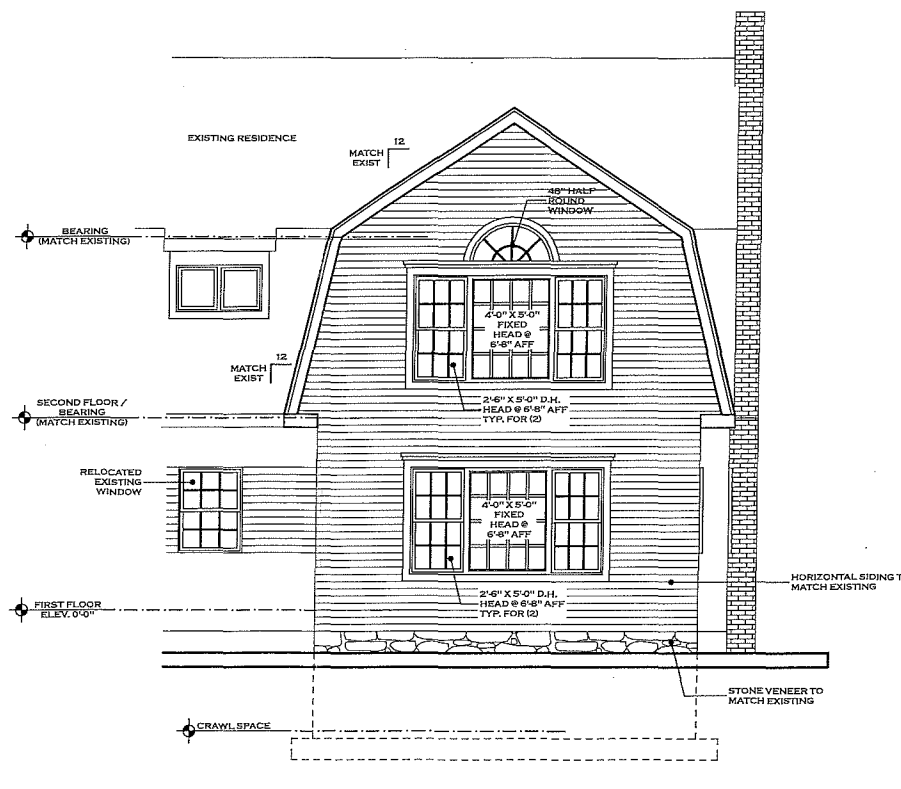
2 PARTIAL FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



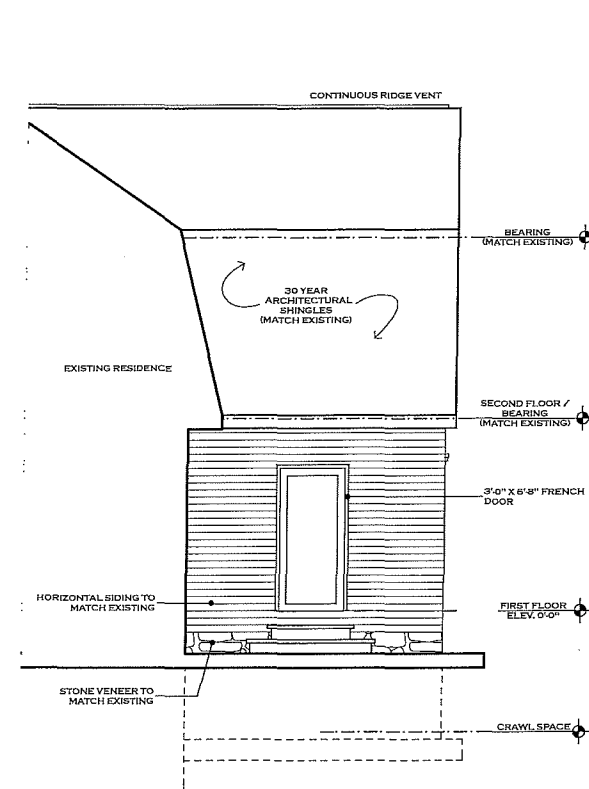
3 PARTIAL SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



4 SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



5 REAR ELEVATION  
SCALE: 1/4" = 1'-0"



6 SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

**PENINSULA ARCHITECTS**

P.O. BOX 235 | 1775 MAIN STREET  
PENINSULA, OHIO 44264  
V 330.657.2800 F 330.657.2419

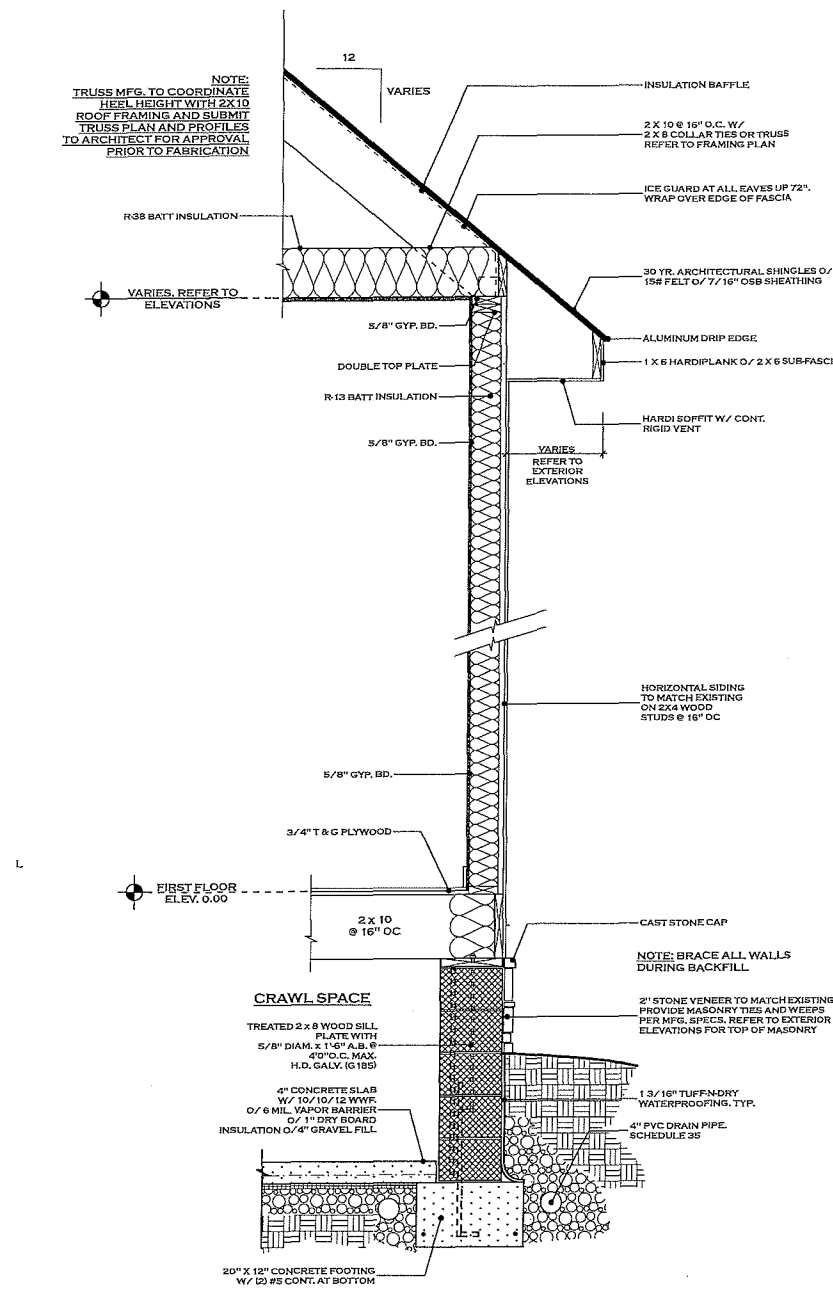
THE COWIE RESIDENCE  
EVAMERE LANE  
HUDSON, OHIO 44236

DATE	FOR REVIEW
01-15-16	FOR REVIEW
02-10-16	FOR REVIEW
04-08-16	REVISION

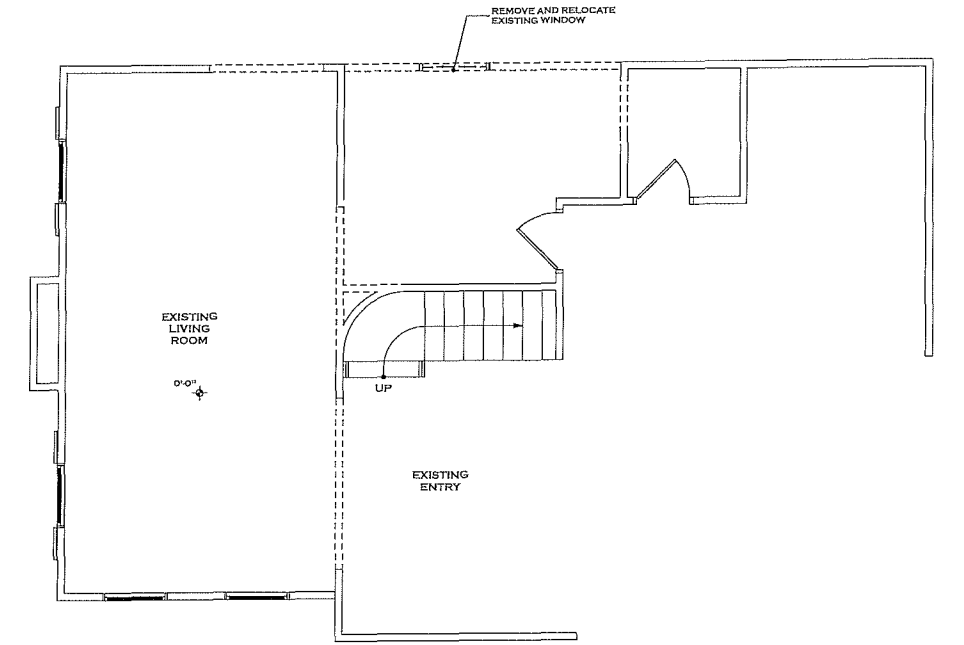
DRAWN BY  
SCALE AS NOTED

**A1.0**

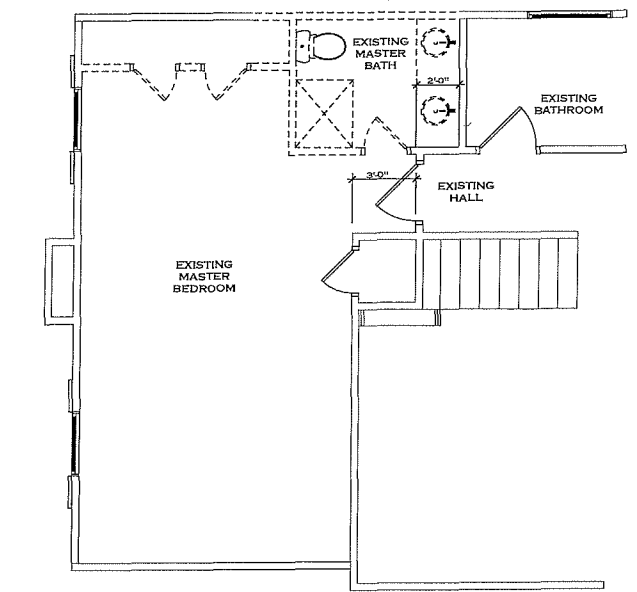
33016 PENINSULA ARCHITECTS



**A** TYPICAL WALL SECTION  
SCALE: 3/4" = 1'-0"



**1** PARTIAL FIRST FLOOR DEMOLITION PLAN  
SCALE: 1/4" = 1'-0"



**2** PARTIAL SECOND FLOOR DEMOLITION PLAN  
SCALE: 1/4" = 1'-0"

**PENINSULA ARCHITECTS**  
P.O. BOX 235 | 1775 MAIN STREET  
PENNSULA, OHIO 44264  
V 330.657.2800 F 330.657.2419

THE COWIE RESIDENCE  
EVAMERE LANE  
HUDSON, OHIO 44236

DATE	
01-15-16	FOR REVIEW
02-10-16	FOR REVIEW
04-08-16	REVISION
DRAWN BY	
SCALE	AS NOTED

**A0.1**



**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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_