

OHIO  
**HUDSON**

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

## REPORT

DATE: July 15, 2016

TO: Board of Zoning and Building Appeals for  
Meeting Date July 21, 2016

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

SUBJECT: **Appeals Docket 2016-15**

## Application

Variance to the front yard setback to construct a building.

## Site

Address: Parcel # 30-09750 located on West Streetsboro Street  
District: 6-Western Hudson Gateway  
Applicant: Premier Development Partners, LLC  
Owner: Industrial Land Partners Holding, LLC

## Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	2	Residential-Wetlands
South	1	Hudson Community Chapel and Single Family Residential
East	2	Rural Residential -Vacant Land
West	6	Business-Vacant Land

## Comments

The subject of this hearing is a variance of seventy-five (75) feet to the front yard setback of one hundred (100) feet required resulting in a twenty-five (25) foot setback pursuant to Section 1205.09(e)(4)(C), "Route 303 Western Gateway: Landscaped Front Yard Setbacks" of the City of Hudson Land Development Code.

The subject property is 38.6 acres located within the Hudson Crossing Parkway Industrial Subdivision platted in September of 2006 in District 6. The city currently has an application submitted to subdivide the property into three (3) parcels. One of the newly created parcels will be located on the southeast part of the parcel east of Hudson Crossing Parkway and north of West Streetsboro Street, the location of the proposed building on the property. To the north is wetlands, south a church and single family residential, west vacant land zoned for business and east vacant land zoned for rural residential. The development will be a 21,600 square foot building with 100 parking spaces within the front and side yard and an outdoor play area located to the west of the proposed building. The Hudson Crossing Parkway Industrial Subdivision was platted with a front yard setback of 100 feet fronting West Streetsboro Street in accordance with Land Development Code requirements. The Land Development Code for District 6 requires minimum front yard setbacks of 50 feet for the principle and accessory buildings and 25 feet for parking areas/lots except for an area 600 feet east of Hudson Crossing Parkway east to the eastern District 6 boundary having a front yard setback with a minimum width of 100 feet shall be required on the side only of Route 303. Staff notes the right of way width of West Streetsboro Street in front of the subject parcel is approximately 175 feet. The property owner has indicated that due to the wetlands to the north, east, and west there is limited area to construct a building. The developer's intent was to develop this area of the parcel when the development was platted. Without a variance the area available for development is very limited with the required setback and wetlands. The applicant would like to have the proposed development be similar to the front yard setback as required in District 6 having a 50 foot building setback and a 25 foot parking setback. In addition to perimeter parking lot landscaping, landscaping in the front yard will be at least 10% of the front yard setback with a mix of trees, shrubs, and planting beds.

Staff notes the variance request to the front yard setback is for only the newly created parcel for the proposed 21,600 square foot building fronting West Streetsboro Street. If the Board approves the subject variance the plat shall be required to reference the BZBA Decision and approval date.

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

1. **June 27, 22016**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**

Docket No. 2016-15  
July 15, 2016  
Page 3

cc: BZBA 2016-15  
Todd Hunt, City Solicitor  
Aimee W. Lane, Assistant City Solicitor  
Premier Development Partners, LLC  
Industrial Land Partners Holding, LLC  
Beth Bigham, Council Liaison

Attachments



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## 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: W. Streetsboro Street Zoning District: 6

Explanation of Requests and Justification:

Request variance of required 100 foot parking setback due to narrow useable depth of the property. Parking proposed with 25-foot setback from Right-of-Way.

For a variance: Code requires 100' setback/sq. ft./height. Request is for 25' setback/sq. ft. height, therefore requesting a          setback/sq. ft./height.

Year Property Purchased:                     

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

1205.09.e.4.C

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: Premier Development Partners, LLC Property Owner: Industrial Land Partners Holdings, LLC

Address: 5301 Grant Avenue, Suite 100, Cleveland, OH 44125 Address: 5301 Grant Avenue, Suite 100, Cleveland, OH 44125

Telephone 216-341-1200 Telephone: 216-341-1200

E-Mail: linda@premierdevelop.com E-Mail: spencer@premierdevelop.com

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

Applicant Signature: [Signature] Date: 6-23-16

Property Owner Signature: [Signature] Date: 6-23-16

(Staff use only)

Application No./Docket No. 2016-15 Hearing Date: 7-21-16

Date Received: 6-20-16 Fee Paid: 250.00 FEMA Floodplain Y N          (Initials)

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

Application for property located at: West Streetsboro St., 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:

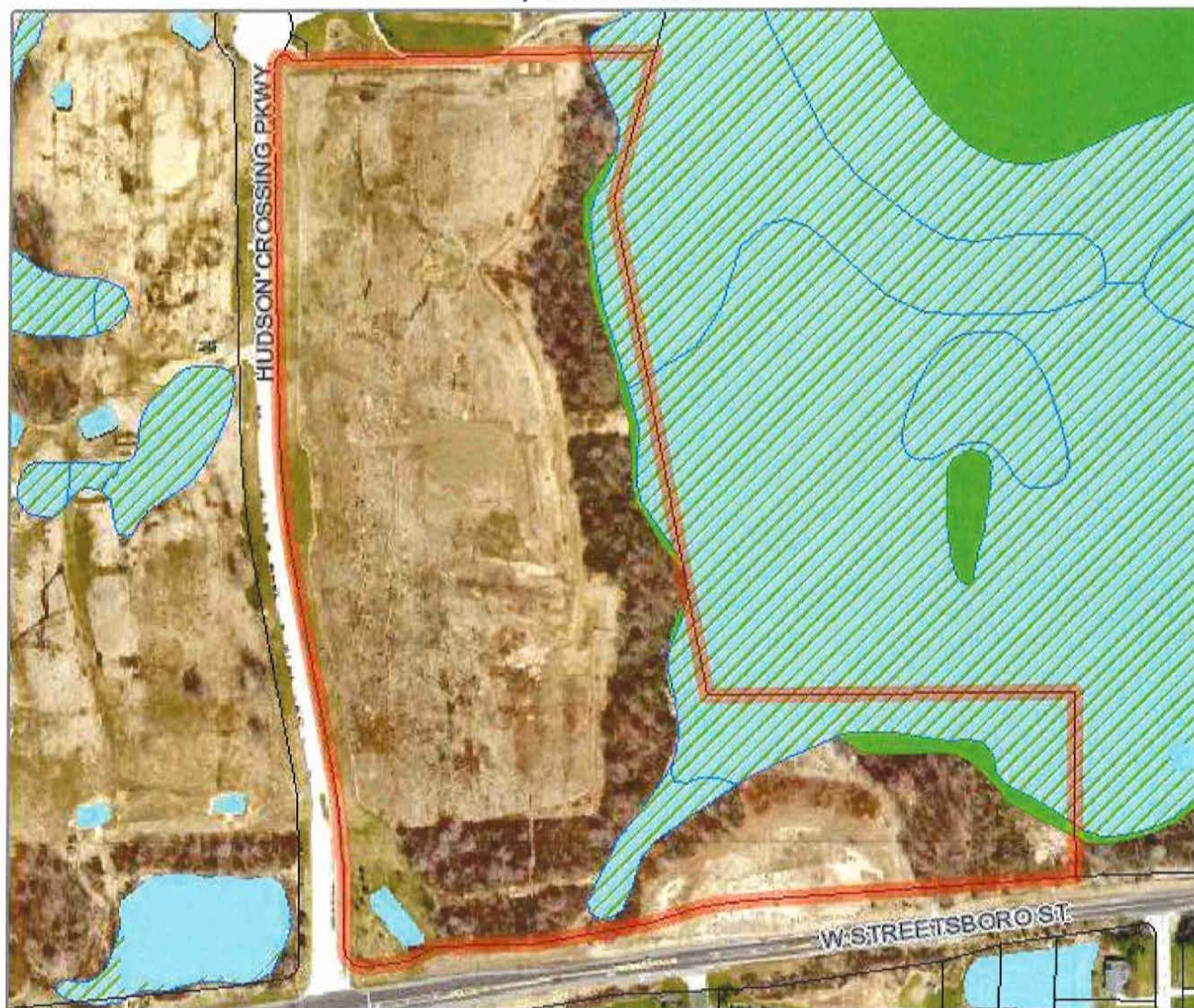
- 1) The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: 77-80% of the depth of the lot land is in the setback and wetlands.
- 2) The variance is (substantial/insubstantial) because: The land will not be able to be developed without the variance.
  - 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: Yes, it will be improved significantly.
  - a) Would adjoining properties be negatively impacted: No. Plenty of green space to the north, east, and west.
  - b) Describe how the adjacent properties will not be affected: Property will be improved. There is a significant depth to the right of way and the parking of the church across the street is closer than the 100'.
- 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? At the time of purchase, the setbacks were not established. A development agreement was established about 2 years later.
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: See No. 2 above.
- 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: It would permit a setback similar to the setback in District 6 being 25' for parking and 50' for the building.
  - a) The circumstance leading to this request was not caused by current owner. It was caused by: A prior administration we believe made an unintentional error regarding the setback. The goal of the city was to develop the parcel.
  - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: We have wetlands on three sides of the property along with a 20' drop off on the north side.

Signature: \_\_\_\_\_

Date: 6-23-16



# City of Hudson, OH



Owner Name	Industrial Land Partners Holdings Llc	Legal Description	HUDSON CROSSING PARKWAY INDUSTRIAL SUBDIVISION PT LOT 2 38.6 092 AC	
Site Address	HUDSON CROSSING PKWY	Area	38.6	
Parcel ID	3009750	Council Ward	Ward 2	
Owner Address	5301 GRANT AVE STE 100	Water Provider	City of Hudson	
Owner City	CLEVELAND	Sewer Provider	DOES	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44125	Water Rate	Expanded Service Area Rate	
Phone		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 = 354 feet



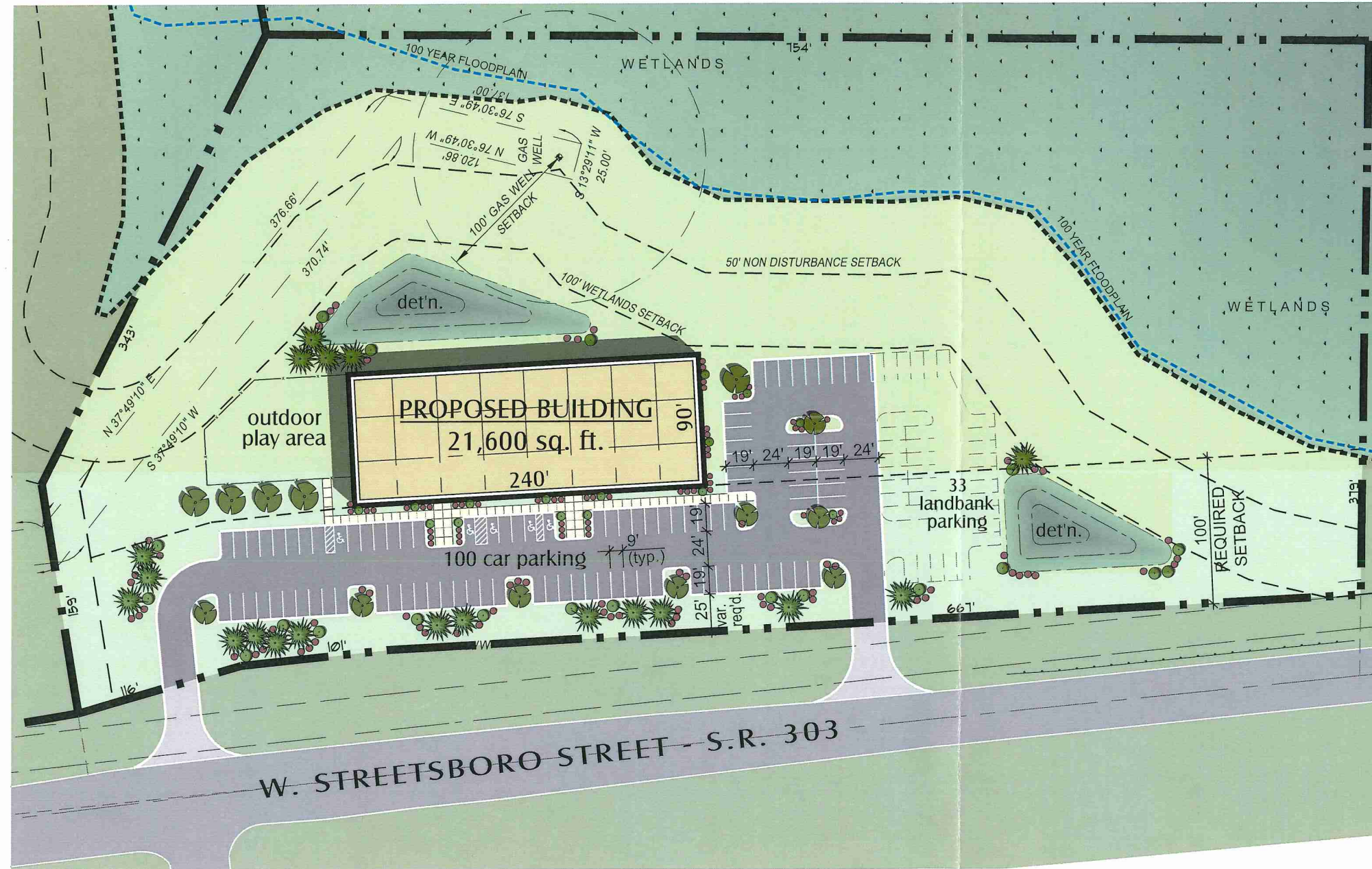
City of Hudson, OH



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 = 582 feet  
6/23/2016



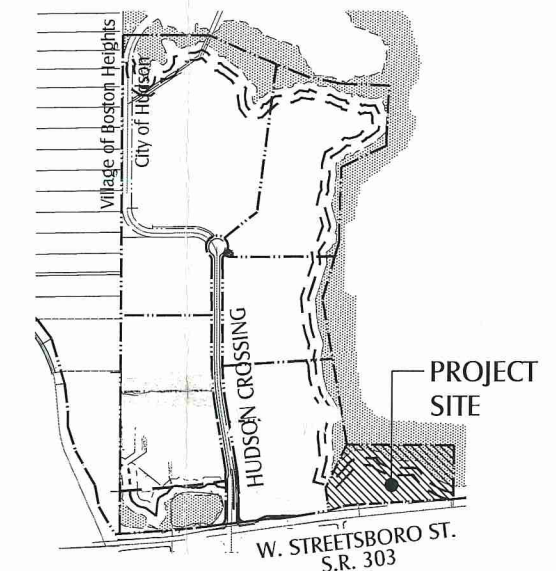


**SITE PLAN**  
0 40'



## PROJECT DATA

ZONING:	Western Gateway Corridor
LOT AREA:	7.95 acres
BUILDING AREA:	21,600 sf
IMPERVIOUS COVERAGE:	18%
PARKING REQUIRED:	1 sp/400 sf = 54 spaces
PARKING PROVIDED:	100 spaces
LANDBANK PARKING:	33 spaces
TOTAL PARKING AVAILABLE:	133 spaces



**DEVELOPMENT PLAN**

NO SCALE





# PLAT OF LOT SPLIT

SUBLOT 2C HUDSON CROSSING PARKWAY  
INDUSTRIAL SUBDIVISION  
PART OF ORIGINAL HUDSON TOWNSHIP  
LOT NO. 41 AND 51  
NOW IN THE CITY OF HUDSON, COUNTY OF SUMMIT AND STATE OF OHIO  
JUNE, 2016  
SCALE 1 INCH = 100 FEET

## OWNERS ACCEPTANCE:

Be it known that the undersigned, owners of the land shown hereon, hereby accepts this plat of lot split of the same, and acknowledges that the same was made at our insistence.

Owner

State of Ohio }  
County of Cuyahoga }

Before me, a notary in and for said county and state, personally appeared the above who acknowledged that they did sign the foregoing instrument and that the same is their voluntary act and deed. In witness whereof, I have set my hand and official seal at \_\_\_\_\_, Ohio, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

## CITY OF HUDSON APPROVALS

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

By the Engineer of the City of Hudson, Ohio

City Engineer

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

By the City Manager of the City of Hudson, Ohio

City Manager

FACE OFF LLC.  
PPN: 3009929  
DOC. 55743312  
LOT 2B MINOR SUBDIVISION  
OF SUBLOT 2 OF HUDSON  
CROSSING PARKWAY  
INDUSTRIAL SUBDIVISION  
RN: 55741079

INDUSTRIAL LAND PARTNERS  
HOLDINGS LLC  
PPN: 3009928  
DOC. 55858752  
LOT 2A MINOR SUBDIVISION  
OF SUBLOT 2 OF HUDSON  
CROSSING PARKWAY  
INDUSTRIAL SUBDIVISION  
RN: 55741079

PRESTIGE & PREMIER  
COMPANIES  
PPN: 3010133

LOT SPLIT PARCEL 1  
545,426 sq.ft.  
12.5213 acres

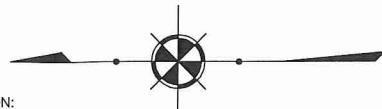
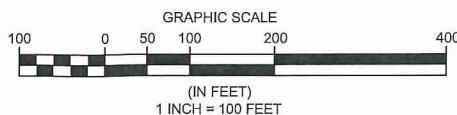
LOT SPLIT PARCEL 2  
346,512 sq.ft.  
7.9548 acres

## BOUNDARY CERTIFICATION:

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PREMISES AND PREPARED THE ATTACHED PLAT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE AND THE DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF, ALL OF WHICH ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. IRON MONUMENTS OR PINS AS INDICATED WERE FOUND OR SET AS SHOWN HEREON. THE TERM CERTIFY AS USED IN THIS STATEMENT IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THE SURVEYOR WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS REVEALED BY A EXAMINATION OF THE SAME. ALL IRON PINS SET ARE 5/8" X 30" LONG REBAR WITH A PLASTIC CAP STAMPED "POLARIS". BEARINGS REFER TO THE OHIO COORDINATE SYSTEM OF 1983 - NORTH ZONE 1986 ADJUSTMENT.

MICHAEL P. SPELLACY P.S. 8169

6/29/2016  
DATE



Existing 50' Wetland Setback Line  
(NO DISTURBANCE)  
Existing 100' Wetland Setback Line

LAND REMAINING IN THE  
NAME OF:  
INDUSTRIAL LAND PARTNERS  
HOLDINGS LLC.  
PPN: 3009750  
RN 55858752  
LOT 2C MINOR SUBDIVISION  
OF SUBLOT 2 OF HUDSON  
CROSSING PARKWAY  
INDUSTRIAL SUBDIVISION  
RN: 55741079  
789,847 sq.ft.  
18.1324 acres

50' Ohio Edison  
Easement

10' Utility Easement

NOTE: ALL PARCELS PART OF:  
HUDSON CROSSING PARKWAY INDUSTRIAL SUBDIVISION  
RN: 55370315  
Sublot 2

HUDSON CROSSING PARKWAY - 80'

## Boundary Survey Legend

- 5/8" X 30" IRON PIN  
(ID: POLARIS) SET
- IRON PIN FOUND
- IRON PIPE FOUND
- MONUMENT BOX FOUND

## LINE TABLE

LINE	LENGTH	BEARING
L-1	18.49	N88°52'24"E
L-2	13.25	S46°07'36"E
L-3	16.96	S83°30'00"W
L-4	40.03	N85°22'28"E
L-5	55.32	N00°20'14"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C-1	68.26	40.00	45.83	60.27	S48°50'44"E	97°46'08"
C-2	151.35	1040.00	75.81	151.22	N06°43'12"W	8°20'18"
C-3	293.21	1960.00	146.88	292.94	S06°36'12"E	8°34'17"
C-4	40.74	1960.00	20.37	40.74	S01°43'20"E	1°11'28"
C-5	190.72	1000.00	95.65	190.43	N05°25'31"W	10°55'39"
C-6	340.77	2000.00	170.80	340.36	S06°00'28"E	9°45'45"
C-7	297.58	2000.00	149.07	297.31	S06°37'35"E	8°31'31"
C-8	43.19	2000.00	21.59	43.19	S01°44'43"E	1°14'14"
C-9	610.35	12213.26	305.24	610.29	S82°04'06"W	2°51'48"

PREMIER  
HUDSON

CITY OF HUDSON - SUMMIT COUNTY - OHIO

POLARIS ENGINEERING & SURVEYING, INC.  
34800 CHARDON ROAD - SUITE D  
WILLOUGHBY HILLS, OHIO 44094  
(440) 944-5722 (FAX)  
www.polaris-es.com



PLAT OF LOT  
SPLIT

CONTRACT No.

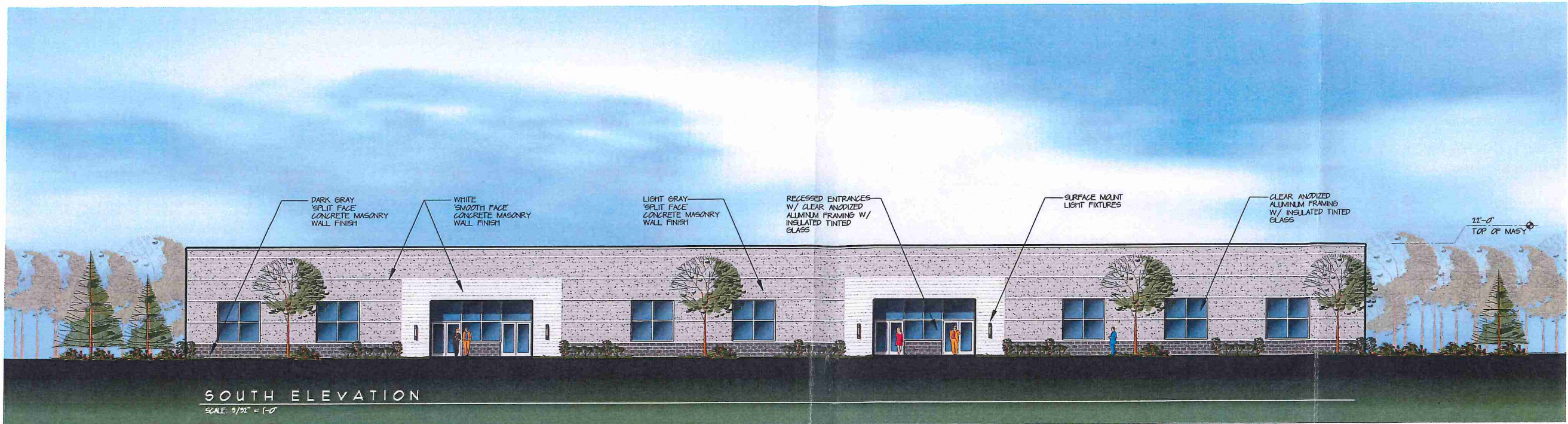
16115

SHEET  
01

OF  
01

Proposed Lot split





Date:  
PRELIMINARY 06/15/16

HUDSON PARCEL - 1  
PROPOSED NEW FACILITY  
WEST STREETSBORO STREET  
HUDSON, OHIO  
EXTERIOR ELEVATIONS

PRELIMINARY  
NOT FOR CONSTRUCTION

Developer Job Number:  
Consultant Job Number:  
16001  
Drawing Number:  
A2.1  
Of Sheets







**CUSHMAN & WAKEFIELD** **COMMERCIAL**  
**AVAILABLE LAND ON NEW OFFICE BUILDING**  
216.520.1200  
PAST 100 YEARS  
DEVELOPED BY PRIMER



**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):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_