



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

REPORT

DATE September 9, 2016

TO: Board of Zoning and Building Appeals for
Meeting Date September 15, 2016

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

SUBJECT: **Appeals Docket 2016-18**

Application

Variance to allow an in ground Jacuzzi pool in the side yard.

Site

Address: 236 W. Streetsboro Street
District: 4-Historic Residential Neighborhood
Applicant: John R. Vanags
Owner: John R. and Pamela J. Vanags

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Single Family Residential
South	4	Single Family Residential
East	4	Single Family Residential
West	4	Single Family Residential

Comments

The subject of this hearing is a request for a variance to permit the construction of an accessory structure Jacuzzi in ground pool 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 Use Development and Operational Standards-Side Setbacks" of the City of Hudson Land Development Code.

The subject property is located in the Westhaven Colony Phase 2 on lot 14 in District 4. The property is surrounded on all sides by single family homes. The house was built in 1956 and the property owners purchased the property December 6, 2013. The property owner received a zoning permit on September 24, 2015 to construct a front porch, screen porch and shed. The property owner would like to construct an accessory structure in ground Jacuzzi pool in the east side yard next to the newly constructed screen porch. Code adopted in 1999 requires accessory structures which includes pools to be located only in the rear yard. Staff notes 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". The rear line in this case would be the south building line of the newly built screen porch. The owners have indicated that due to the topography of the back yard on an upward slope to the rear property line they have the following reasons for the location of the in ground Jacuzzi pool: 1] the Jacuzzi pool would be surrounded by stone walls and the newly constructed screened porch creating a more private area; and 2] their elderly parents in their 80's will be using the Jacuzzi pool regularly and the proposed location will make it safer for them instead of having to use the stairs to use the Jacuzzi pool in the rear yard. See attached photographs.

Staff notes per Section 1206.03(f)(3), "Swimming Pools-Screening", the pool shall be screened by material of sufficient density to obscure its view from adjacent dwellings and/or public streets. The property owner has submitted signed letters from three adjacent neighbors indicating they approve of the proposed location since the in ground Jacuzzi pool would not be visible to them.

Approval of the pool design from the Architectural and Historic Board of Review and screening from Code Enforcement will be required prior to the issuance of a zoning certificate.

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

1. **August 17, 2016**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site and neighborhood.**
3. **Site plan.**
4. **Photographs.**
5. **Letters from adjacent neighbors.**
6. **Zoning Certificate for additions for front port, rear screened porch and shed.**

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cc: BZBA 2016-18
Aimee W. Lane, Assistant City Solicitor
John R. and Pamela J. Vanags
Beth Bigham, Council Liaison

Attachments

OHIO

HUDSON

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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: 236 W. Streetsboro St. Zoning District: _____

Explanation of Requests and Justification:

Attached

Asking For an Accessway

For a variance: Code requires 5' setback/sq. ft./height. Request is for _____ setback/sq. ft. height, therefore requesting a _____ setback/sq. ft./height.

Year Property Purchased: 2013

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

Applicant: John + Pam Vanags Property Owner: John + Pam Vanags

Address: 236 W. Streetsboro St. Address: "

Telephone 230-807-7242 Telephone: _____

E-Mail: jr vanags@gmail.com E-Mail: _____

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

Applicant Signature: [Signature] Date: 8-17-16

Property Owner Signature: [Signature] Date: 8-17-16

(Staff use only)

Application No./Docket No. 2016-18 Hearing Date: 9-15-16

Date Received: 8-17-16 Fee Paid: 250⁰⁰ FEMA Floodplain Y (N) (Initials)

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

Application for property located at: 236 N. Streetsboro St.

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: it does not affect neighborhood or the City of Hudson. It will enhance property value.
 - 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 Will be private and won't be seen.
 - a) Would adjoining properties be negatively impacted: NO
 - b) Describe how the adjacent properties will not be affected: Area totally enclosed and will not be able to be seen by adjoining properties
- 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? NO
We understood that the back of the house was the main structure (brick)
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: No / 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
Does not affect surrounding neighbors. It will affect them less than it would by putting it in the yard.
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: the yard.
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: NA / Normal

Signature: _____

Date: 8-12-16

We would like to put in an in-ground Jacuzzi 5 feet from back of original house for therapeutic use and relaxation.

We wanted to put the spa close to the house for several reasons. We feel the Jacuzzi would be safer surround by stonewalls and the screened in porch and these factors also lend to a more private area. But most important we both have elderly parents that would use the spa regularly. They are all in their late 80s. If we put the spa up on the hill, they would have difficulty maneuvering the stairs up and down. We have the fear of them falling often because of their instability. We want them to be able to use it regularly for their health since one or more of them will probably be living with us in the near future.

Vanags Residence



Owner Name	Vanags John R	NumOcc	No
Legal Description	WESTHAVEN COLONY #2 LOT 14 ALL	No. Utility Accounts	1
Parcel ID	3200022	Sewer Provider	DOES
Site Address	236 W STREETSBORO ST	Water Owner	City of Hudson
Owner Address	236 W STREETSBORO RD	Electric Provider	City of Hudson
Owner City	HUDSON	Account Number	1071450001
Owner State	OH	Water_Rate	Original Service Area Rate
Owner ZIP	44236	WaterTap	No Special Tapping Fee
Phone	(330) 650-2356	Council Ward	Ward 1
Area	0.51		



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.

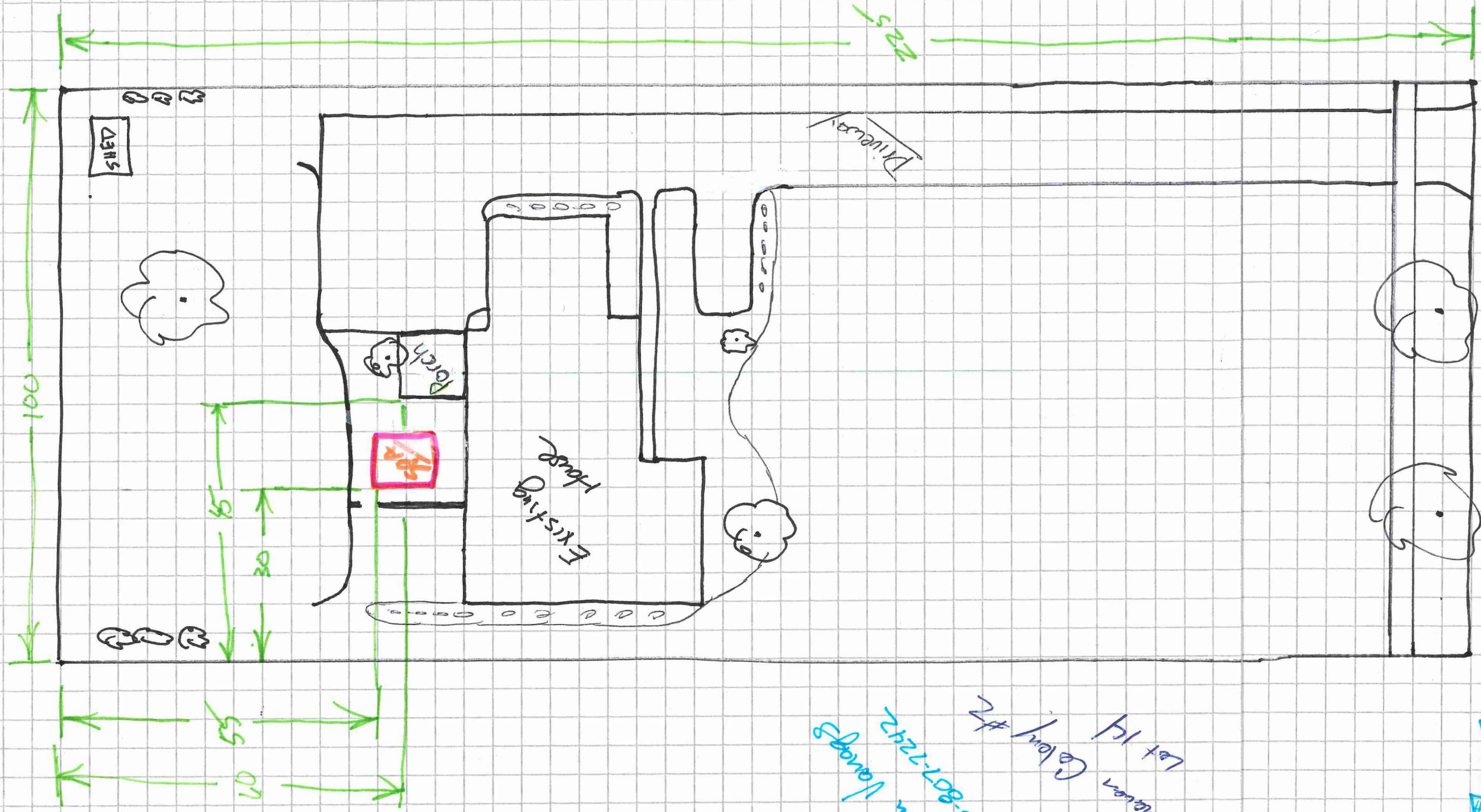
Map Scale
1 inch = 167 feet
9/6/2016

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 = 49 feet
8/18/2016



236 W. STREETSBORE ST

West Haven Colony #2
 Lot 14
 330-807-7242
 John Dan Varrault

1" = 10 Ft.









We agree that John and Pam Vanags should be able to obtain a variance for adding an in ground spa to their side yard.

The spa will be in a better location than the backyard because it will not be visible to us. The side yard is lower than the back yard and a screened in porch and rock walls will surround it.

This will not cause changes to my property values or cause a nuisance.

Sincerely,

Rebecca Rice

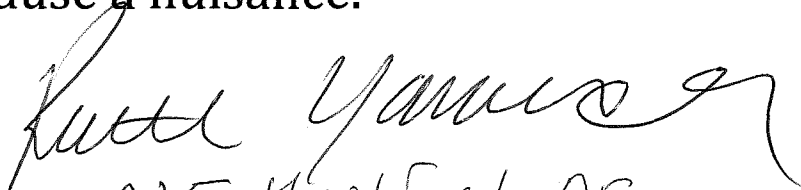


230 W. Streetboro St.
Hudson OH 44236

We agree that John and Pam Vanags should be able to obtain a variance for adding an in ground spa to their side yard.

The spa will be in a better location than the backyard because it will not be visible to us. The side yard is lower than the back yard and a screened in porch and rock walls will surround it.

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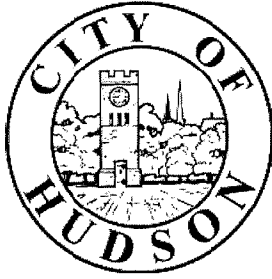

235 Hartford Dr
Hudson, OH 44126

We agree that John and Pam Vanags should be able to obtain a variance for adding an in ground spa to their side yard.

The spa will be in a better location than the backyard because it will not be visible to us. The side yard is lower than the back yard and a screened in porch and rock walls will surround it.

This will not cause changes to my property values or cause a nuisance.

Jenny Baker - *Jenny Baker* 242 W. Streetsboro St.



City of Hudson Ohio
Department of Community Development
115 Executive Parkway, Suite 400, Hudson, OH 44236
Phone: (330) 342-1790 www.hudson.oh.us

Zoning Certificate

PROJECT ADDRESS: 236 W STREETSBORO ST

Parcel Number: **3200022** Zoning District: **4**
Subdivision: **Westhaven Colony #2** Lot #: **14**

Applicant:	VANAGS JOHN R VANAGS PAMELA J	Owner:	VANAGS JOHN R VANAGS PAMELA J
	236 W STREETSBORO RD		236 W STREETSBORO RD
	HUDSON, OH 44236		HUDSON, OH 44236

Permit Number: **2015-378** Issue Date: **9/24/15**

Project: **Addition Residential** Picked up Date:

Permit Description: **Front porch, rear screened porch, shed**

Square footage: **120**

FEMA Floodplain: **N**

CONDITIONS

- AHBR Approval on September 23, 2015

Building Permit must be obtained from the Summit County Department of Building Standards prior to commencing work.
Certificate shall expire unless construction is commenced within six months and completed within two years of the date of issuance.
Not valid without Staff signature.

A handwritten signature in black ink, appearing to read "Mark Richardson".

Authorized City Staff

9/24/15

Date