

OHIO
HUDSON

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 2016-17**

Application

Variance to side yard setback to allow an addition and to the rear yard setback to allow an accessory structure garage.

Site

Address: 197 Hudson Street
District: 3-Outer Village Residential Neighborhood
Applicant: Joe Matava, Peninsula Architects, LLC
Owner: Stephen A. and Julia M. Landry

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Western Reserve Academy Playing Fields
South	4	Single Family Residential-Historic District
East	3	Single Family Residential
West	3	Single Family Residential

Comments

The subject of this hearing is for the following variances: 1] A variance of eight (8) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a master bedroom and bath addition seven (7) feet from the side yard property line pursuant to Section 1205.06(d)(5)(D)(i), "Setbacks-Minimum Side Yard Setbacks: Principal Residential Structure"; and 2] A variance of five (5) feet from the required rear yard setback of fifteen (15) feet to allow an accessory structure detached garage resulting in a ten (10) foot rear yard

setback pursuant to Section 1205.06(d)(5)(E)(ii), "Setbacks: Minimum Rear Yard Setbacks-Accessory Garage" of the City of Hudson Land Development Code.

The subject property is located in District 3. The property is surrounded by single family residential homes to the east, south and west. To the north is Western Reserve Academy playing fields. The house was built in 1952 and the owners purchased the home July 25, 2016. The existing addition on the east side of the home is proposed to be demolished and reconstructed as a new addition for a master suite requiring a variance to the side yard. The new addition is nineteen (19) feet by thirty-seven (37) feet - nine (9) inches which will be slightly larger than the existing addition of eighteen (18) feet - eight (8) inches by thirty-one (31) feet seven (7) inches. The applicant has indicated that the existing addition has no access to the crawl space under it and has structural water damage that is beyond repair. The applicant has stated that since the new addition is approximately the same size as the existing addition; the new addition would not affect the adjacent neighbor.

An existing attached garage is in the front of the house and is accessed by Academy Road, an access road to school grounds owned Western Reserve Academy. A new second point of access would be added at the rear of the property to serve the motor court and new single stall garage. The variance request to the rear yard setback is for the detached garage to allow for enough space or a two car garage to function adequately. The detached garage is approximately twenty-two (22) feet by sixteen (16) feet with a motor court between the proposed new garage and the existing storage area. The applicant has indicated the location, design and size of garage will allow the site to function better for the family.

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.**
3. **Boundary Survey.**
4. **Site plan and elevations.**
5. **Photographs.**

cc: BZBA 2016-17
Aimee W. Lane, Assistant City Solicitor
Joe Matava, Peninsula Architects, LLC
Stephen A. and Julia M. Landry
Beth Bieham, Council Liaison

Attachments

OHIO
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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: 197 Hudson Street Hudson, OHIO Zoning District: _____

Explanation of Requests and Justification:

① DUE TO THE SUB PAR CONDITION OF THE EAST END OF THE RESIDENCE, THE OWNER IS ASKING TO DEMOLISH & REPLACE THE STRUCTURE AS A MASTER SUITE. THE CURRENT STRUCTURE HAS NO ACCESS TO THE CRAWL SPACE, IS SUFFERING FROM WATER DAMAGE, AND IS IRREPARABLE. ② IN ADDITION, THE OWNER WOULD LIKE TO ENCLOSE THE REAR 15' SETBACK IN ORDER TO BUILD AN ADEQUATE STRUCTURE FOR TWO CARS. For a variance: Code requires _____ setback/sq. ft./height. Request is for _____ setback/sq. ft. height, therefore requesting a _____ setback/sq. ft./height. Addition asking for an 8' Variance from the required 15'

Year Property Purchased: 2016 from the required 15'

Sections(s) of the Land Development Code applicable to this application: ② Accessory Structure - Variance of 8' from rear setback of 15'

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: JOE MATANA (PENINSULA ARCHITECTS) Property Owner: LANDEY (STEPHEN + JULIA)

Address: 1775 MAIN STREET PENINSULA OH 44244 Address: 197 HUDSON STREET HUDSON OH

Telephone 330-657-2800 Telephone: _____

E-Mail: JMATANA@PA-ARCHITECTS.COM E-Mail: _____

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

Applicant Signature: [Signature] Date: 8.17.16

Property Owner Signature: _____ Date: _____

(Staff use only)

Application No./Docket No. 2016-17 Hearing Date: 9-15-16

Date Received: 8-17-16 Fee Paid: 250.00 FEMA Floodplain Y (N) (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 197 Hudson Street, Hudson, Ohio

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/cannot) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: THE CURRENT STRUCTURE ATTACHED TO THE HOME IS FAILING AND NEEDS TO BE REPLACED TO BE LIVABLE.
② CURRENT CONDITIONS, POOL AND HOME, HAVE PROVIDED INADEQUATE SPACE FOR A TWO CAR GARAGE.
- 2) The variance is (~~substantial~~/insubstantial) because: ① THE MASTER SUITE ADDITION IS WITHIN THE FOOTPRINT OF THE EXISTING HOUSE AND WILL NOT ENCRUCH ON ANY SETBACKS
② WE ARE ASKING FOR A 4'6" VARIANCE IN THE REAR OF THE PROPERTY TO MAKE THE GARAGE FUNCTIONAL
 - a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)? YES. VARIANCE ① REPLACES AN INSUFFICIENT STRUCTURE
VARIANCE ② ALLOWS THE GARAGE TO BE FUNCTIONAL
- 3) Would the essential character of the neighborhood be substantially altered? Explain: NO. ANY/all ALTERATIONS WILL KEEP IN LINE W/ THE INTEGRITY OF THE HOME
 - a) Would adjoining properties be negatively impacted: NO, THE ONLY AFFECT ON THE CURRENT PROPERTY WOULD BE IN THE BACK BEHIND THE GARAGE AND WILL NOT AFFECT OTHER PROPERTIES
 - b) Describe how the adjacent properties will not be affected: VARIANCE ① REPLACES A FAILING STRUCTURE W/ ONE THAT IS COMPATIBLE W/ THE HOME. VARIANCE ② ALLOWS FOR A NICER GARAGE, BETTER SUITED FOR THE SITE AND MODERN DAY DESIGN.
- 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
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: ① NO, STRUCTURE MUST BE TORN DOWN AS WATER CONTINUES TO CAUSE DAMAGE. ② GARAGE MUST INCREASE IN SIZE TO BE FUNCTIONAL TO A FAMILY.
- 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: _____

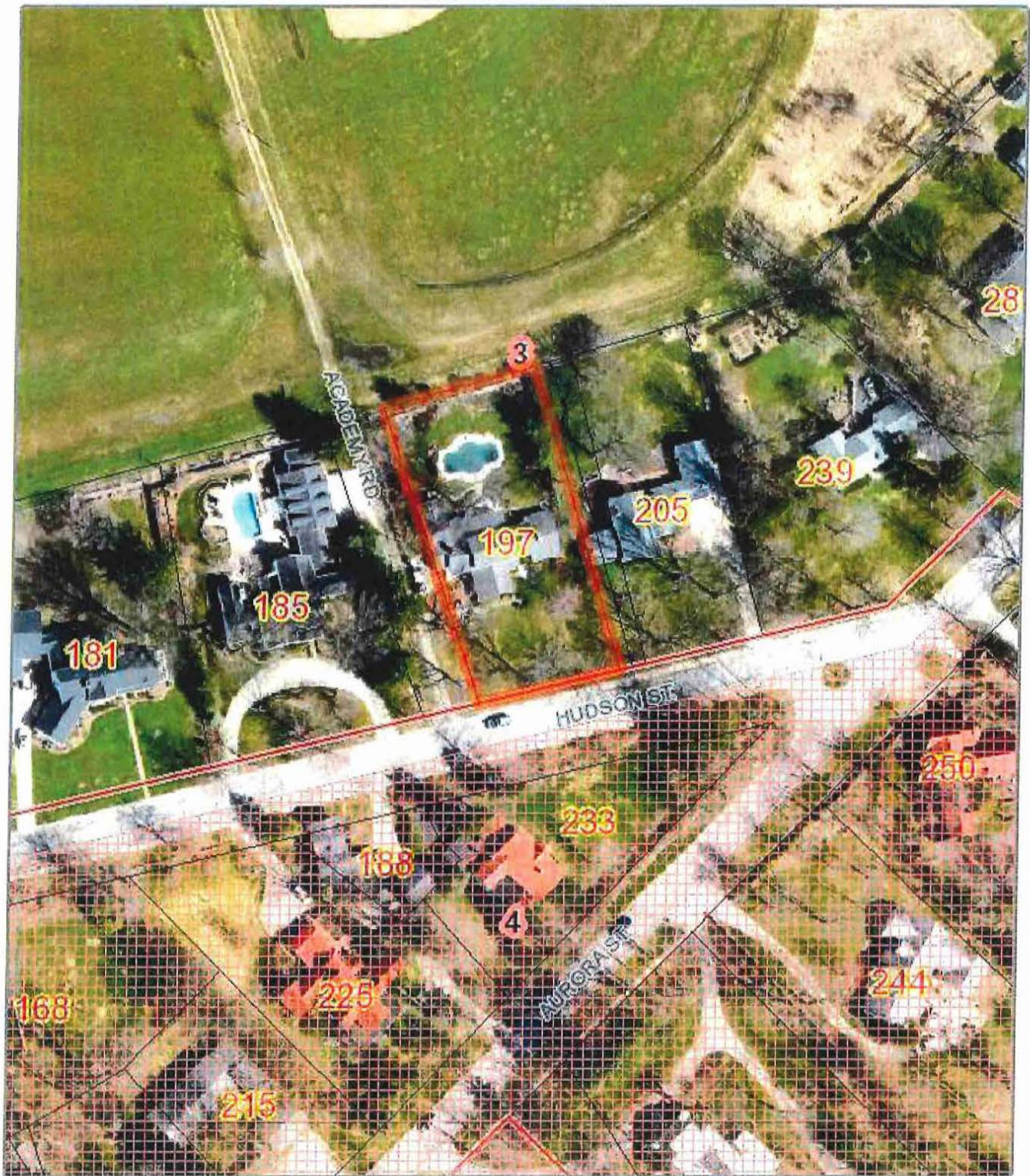
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: _____

 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: _____

Signature: _____

Date: 8.17.2016

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 = 101 feet
9/6/2016

City of Hudson, OH



Owner Name	Landry Stephen A	Legal Description	ADDN 67 N OF HUDSON ST .470A
Site Address	197 HUDSON ST	Area	0.52
Parcel ID	3201164	Council Ward	Ward 1
Owner Address	197 HUDSON ST	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) 650-0137	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 = 46 feet
 8/18/2016



STREET (60' R/W)

N19° 20'01"W

200.74' (200.86')

100.00'

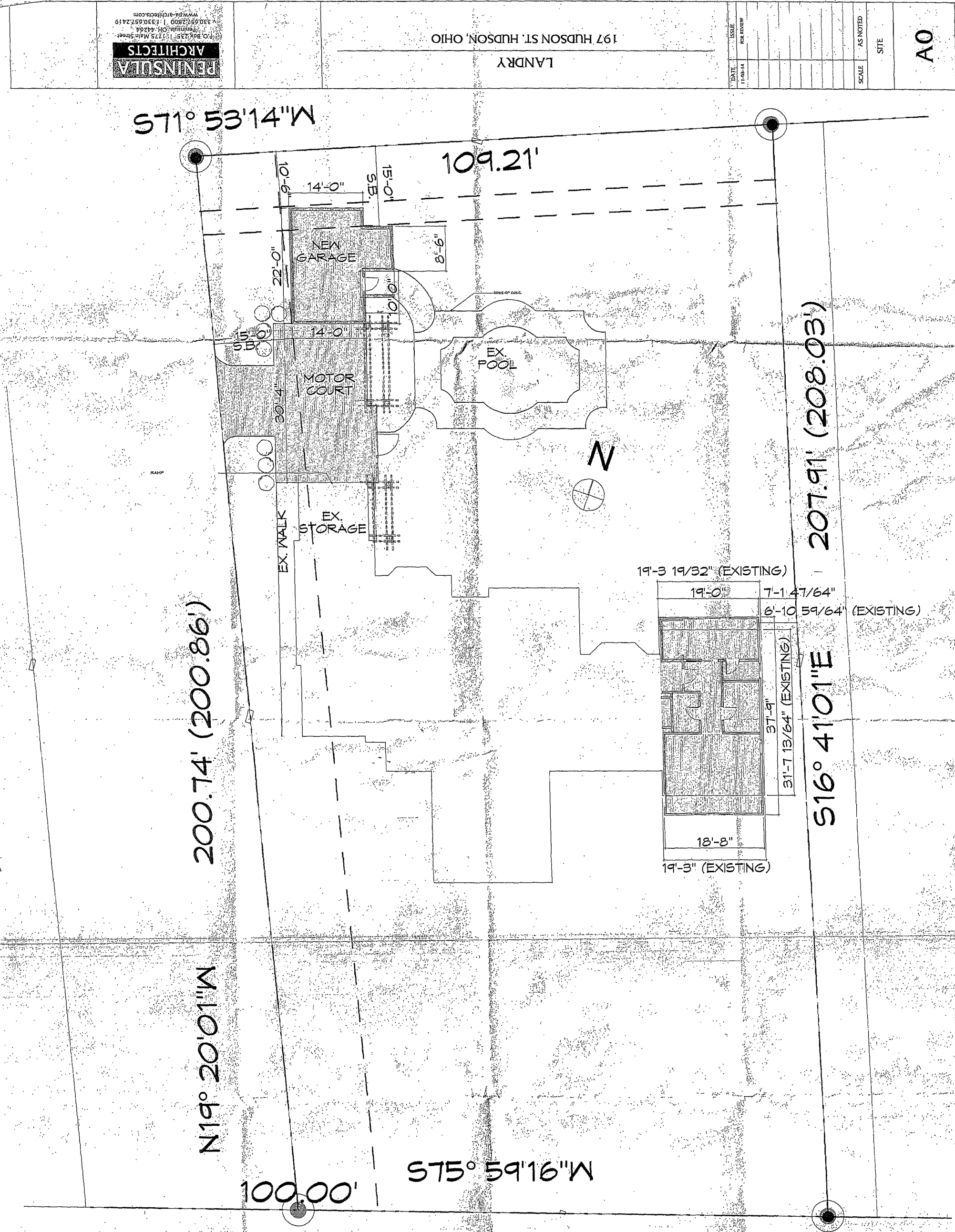
S75° 59'16"W

S71° 53'14"W

109.21'

207.91' (208.03')

S16° 41'01"E



PENNSULA
ARCHITECTS
P.O. BOX 235, 11775 Main Street
Peninsula, OH 44264
330.697.2800 1.330.657.2419
www.pa-architects.com

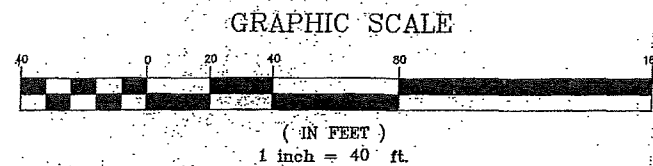
197 HUDSON ST. HUDSON, OHIO

LANDRY

DATE: 11-03-14
SUB: FOR REVIEW

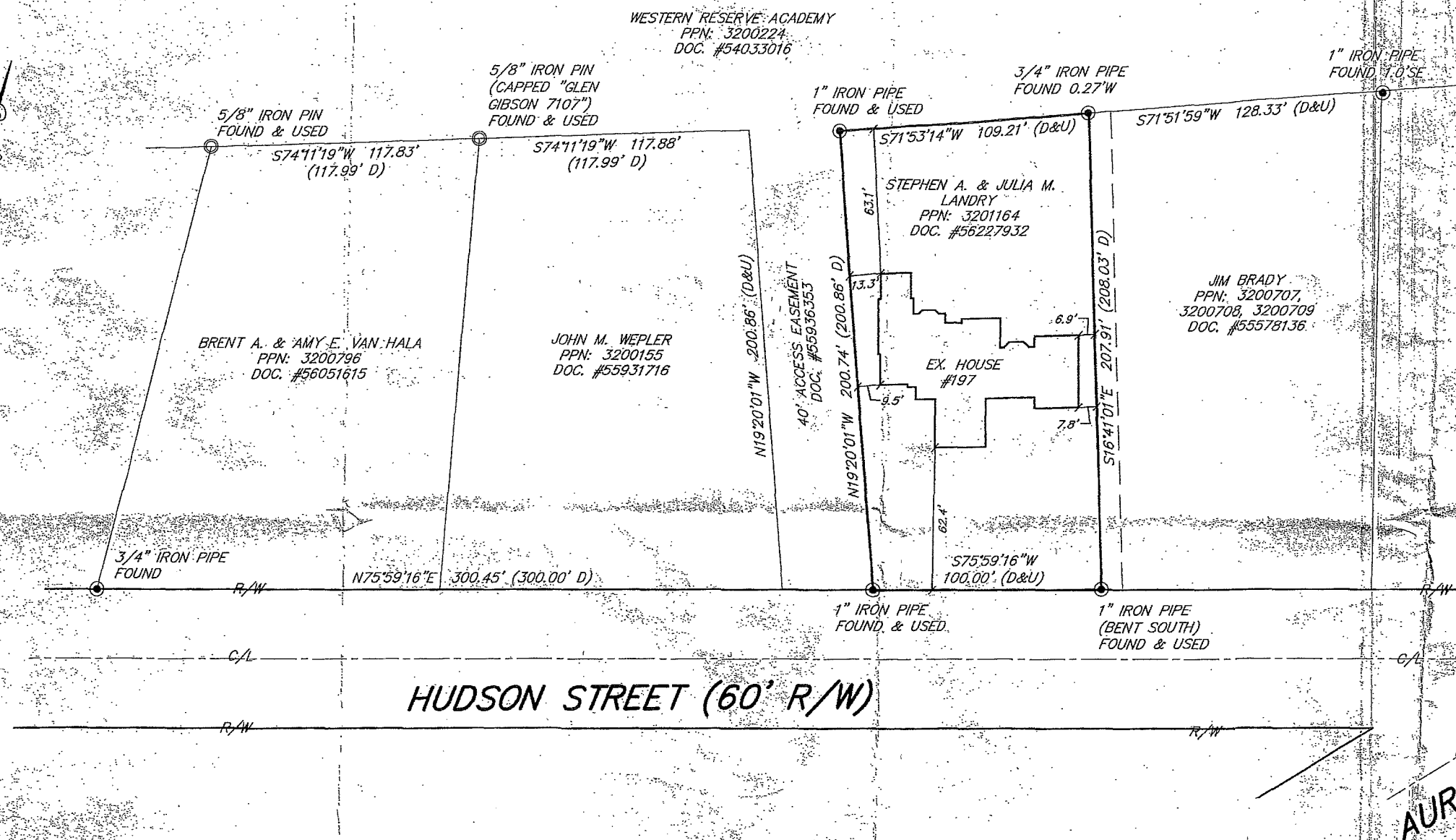
SCALE: AS NOTED
SITE

A0



BASIS OF BEARINGS

The "Basis of Bearings" for this survey is Grid North of the Ohio State Plane Coordinate System, NAD83(2011), North Zone as established by ODOT VRS GPS Observation.



BOUNDARY SURVEY

197 Hudson Street
Situated in the City of Hudson Village, County of
Summit, State of Ohio and being part of
Original Hudson Township Lot 67
PPN: 32-01164

REFERENCES

SUMMIT COUNTY RECORDER'S RECORDS
DEEDS & PLATS AS SHOWN & LISTED.

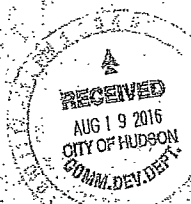
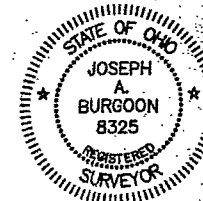
SURVEY LEGEND

- - Iron Pin Found & Described
- - Iron Pipe Found & Described
- - Monument-Box Found & Described
- Find. (F) - Found
- Msd. (M) - Measured
- Usd. (U) - Used
- Obs. (O) - Observed
- Rec. (R) - Deed
- Calc. (C) - Calculated

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY SURVEY WAS PREPARED FROM ACTUAL FIELD MEASUREMENTS, IN ACCORDANCE WITH CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE, AND ALL MONUMENTS WERE EITHER FOUND OR SET AS SHOWN HEREON.

Joseph A. Burgoon, Professional Surveyor No. S-8325 Date 8/18/2016

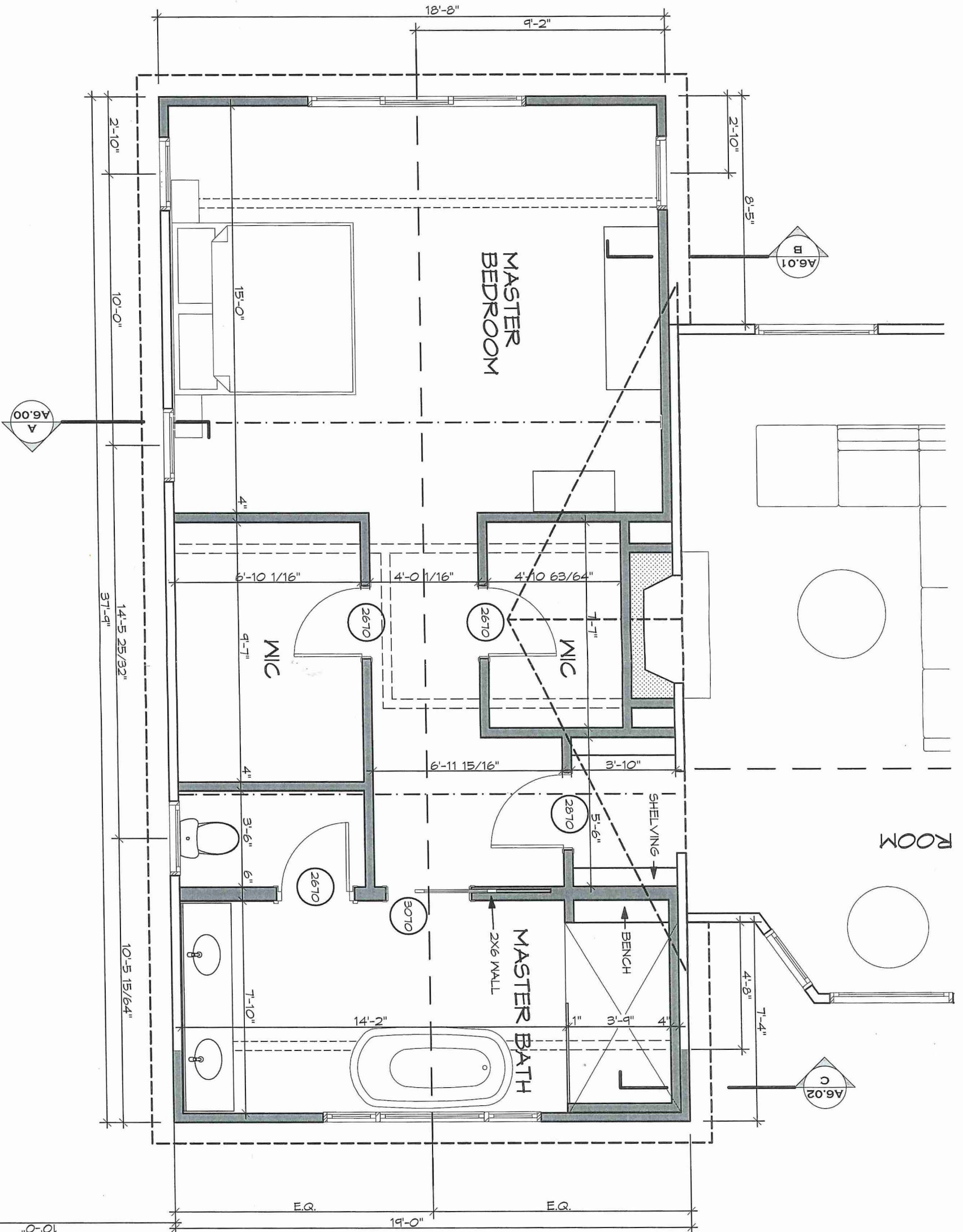


Lewis Land Professionals, Inc.

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

--- BEAMS BELOW
 --- EXISTING WALLS TO BE REMOVED
 --- ROOF LINE

PROPERTY LINE



N



A 1.00

FIRST FLOOR ADDITION PLAN

DATE 7/30/16
 SCALE 1/4" = 1'-0"

PENINSULA ARCHITECTS

P.O. Box 235 | 1775 Main Street
 Peninsula, OH 44264
 v 330.657.2800 | f 330.657.2419
 www.pa-architects.com

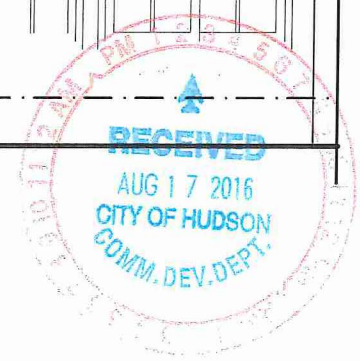
LANDRY

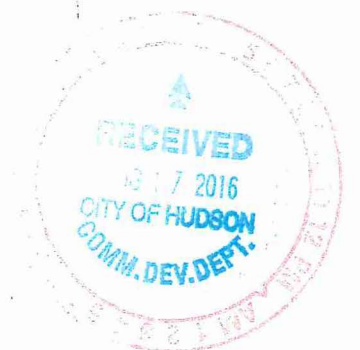
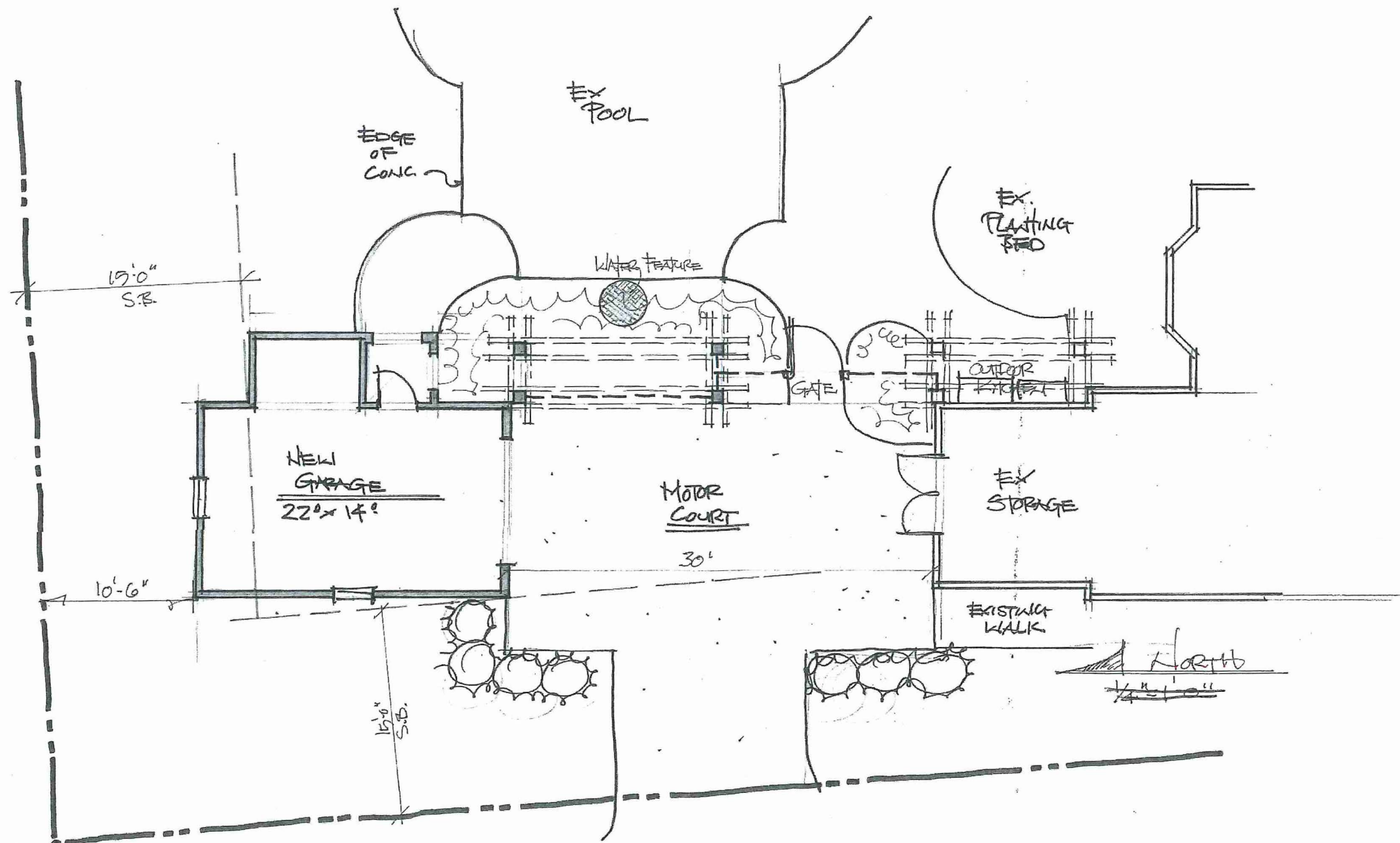
197 HUDSON STREET HUDSON, OHIO

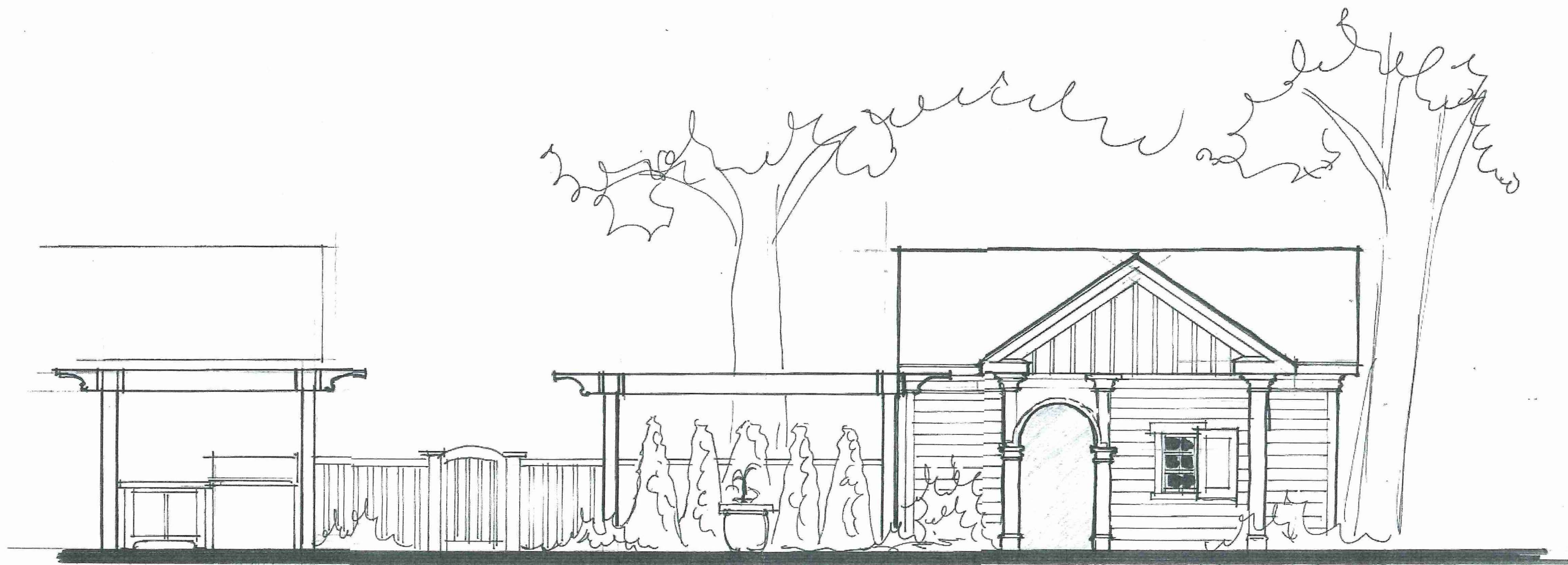


DATE		7/30/16
SCALE		1/4" = 1'-0"
REAR ELEVATION		
LANDRY		
197 HUDSON STREET HUDSON, OHIO		

A3.00







POOLSIDE ELEVATION

