



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

REPORT

DATE December 9, 2016

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

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

SUBJECT: **Appeals Docket 2016-21**

Application

Variance to rear yard setback to allow a deck addition.

Site

Address: 5974 Anna Lee Lane
District: 3-Outer Village Residential Neighborhood
Applicant: Roberts Construction
Owner: Mary LaPorte

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 thirteen (13) feet from the required rear yard setback of fifty (50) feet to allow a deck addition resulting in a thirty-seven (37) 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.

The subject property is located on a corner lot in the Plymouth Village Subdivision on lot 1 in District 3. The property is surrounded by single family residential homes on all sides. The house was built in 1975 and the owner purchased the property in July of 1999. The property owner is proposing to add a deck addition 14' by 22'. The applicant has indicated that this deck would replace a previous deck no longer there. Staff notes that the zoning office shows no record of a zoning certificate for any previous deck and that zoning codes requiring a fifty (50) rear yard setback have not changed as indicated by the applicant. The existing patio does not require a permit. The house is setback 51 feet from the rear property line so any addition to the rear of the house would require a variance.

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

1. **November 16, 2016**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**

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

cc: BZBA 2016-21
Aimee W. Lane, Assistant City Solicitor
Roberts Construction
Mary LaPorte
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: 5974 ANNA LEE LANE Zoning District: _____

Explanation of Requests and Justification:

VARIANCE FOR DECK ON BACK OF EXISTING HOUSE

For a variance: Code requires 50' setback/sq. ft./height. Request is for 37' setback/sq. ft. height, therefore requesting a 37' setback/sq. ft./height.

Year Property Purchased: 1999

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: ROBERTS CONST. ^{Doug Flemming} Property Owner: Mary LaPorte

Address: 211 PROSPECT AVE CO Address: 5974 ANNA LEE LN

Telephone: 330-923-1940 Telephone: 234-380-2405

E-Mail: ROBERTS REMODEL.COM E-Mail: laporte@gmail.com

Applicant: ^{Doug} state relationship (agent, attorney, contractor, other): CONTRACTOR ^{John Laporte}

Applicant Signature: [Signature] Date: Nov. 15, 2016 234-380-2405

Property Owner Signature: Mary M. LaPorte Date: November 10, 2016

(Staff use only)

Application No./Docket No. 2016-21 Hearing Date: 12-15-16

Date Received: 11/16/16 Fee Paid: 250.00 FEMA Floodplain Y (N) (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 5974 ANNA LEE 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: THE REAR YARD CANNOT BE ENJOYED IN THE MANNER IN WHICH THE HOME WAS ORIGINALLY PURCHASED
- 2) The variance is (substantial/insubstantial) because: THE NEW DECK WILL BE CONSTRUCTED IN SAME GENERAL AREA WHERE ORIGINAL DECK WAS WHEN HOME WAS PURCHASED
 - 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: NO THE HOUSE ONCE HAD A DECK IN SAME LOCATION
 - a) Would adjoining properties be negatively impacted: NO
 - b) Describe how the adjacent properties will not be affected: HEAVILY WOODED LOT SEPARATES ADJOINING PROPERTY
- 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: NO - DUE TO EXISTING HOUSE LOCATION NOT CONFORMING TO UPDATED ZONING CODES
- 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: HOME WAS PURCHASED WITH A SIMILAR STRUCTURE IN PROPOSED NEW DECK LOCATION
 - a) The circumstance leading to this request was not caused by current owner. It was caused by: CHANGE IN ZONING CODE AFTER HOME WAS PURCHASED
 - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: CORNER LOT

Signature: Robt. Cogswell

Date: NOV. 15, 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 = 82 feet
11/16/2016

City of Hudson, OH



Owner Name	Laporte Mary M	Legal Description	SECT M PLYMOUTH VILLLOT 1 ALL	
Site Address	5974 ANNA LEE DR	Area	0.61	
Parcel ID	3001783	Council Ward	Ward 1	
Owner Address	5974 ANNA LEE LANE	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	DOSSS	
Owner State	OH	Electric Provider	First Energy	
Owner ZIP	44236	Water Rate	NA	
Phone		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 = 41 feet
 11/16/2016



5974 Anna Lee Drive
Hudson, OH 44236



5974 Anna Lee Drive
Hudson, OH 44236

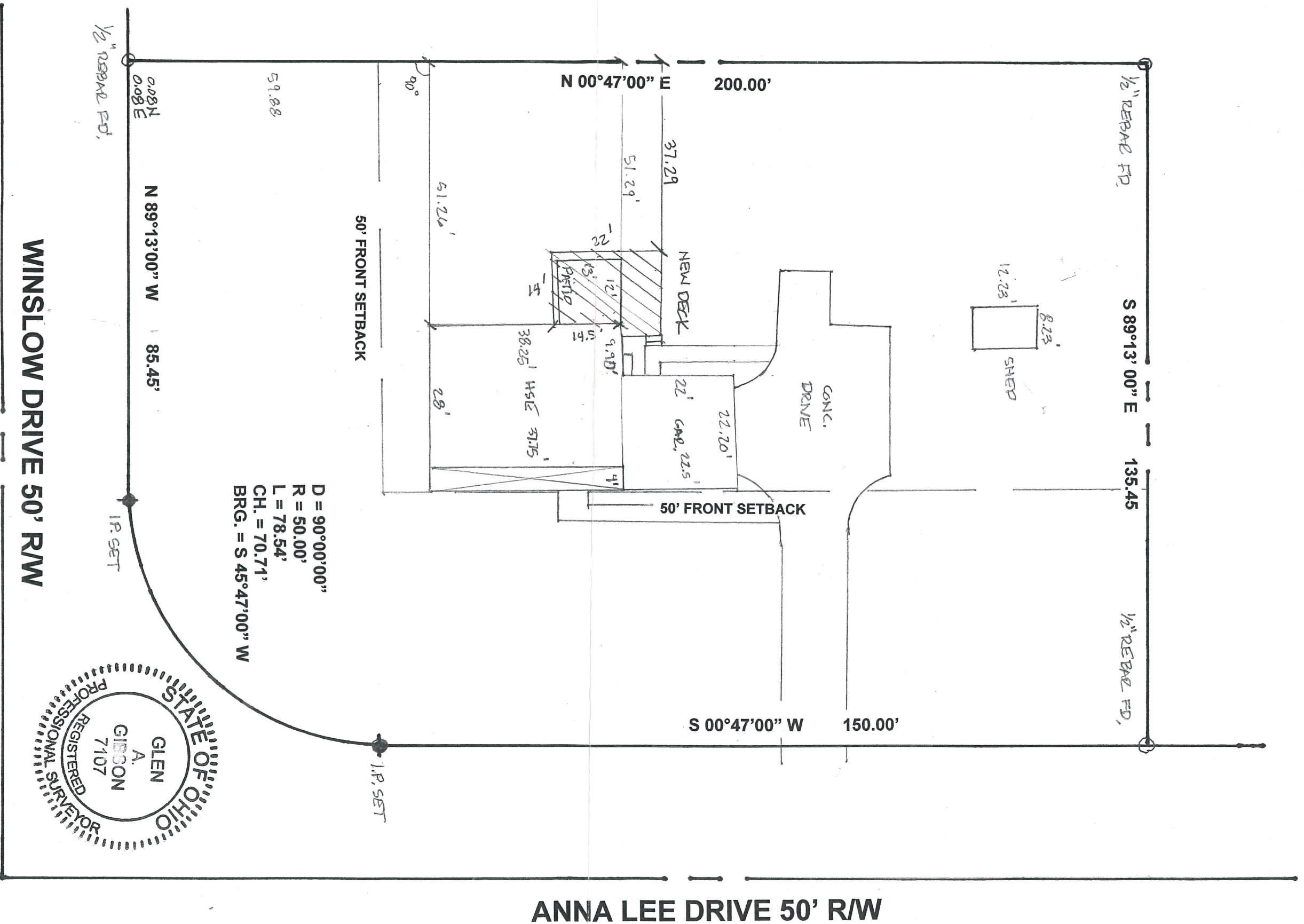


5974 Anna Lee Drive
Hudson, OH 44236



OWNER: MARY M. LA PORTE
5974 ANNA LEE DRIVE
HUDSON, OHIO 44236

BUILDER: ROBERTS CONSTRUCTION
211 PROSPECT AVENUE
CUYAHOGA FALLS, OHIO 44221



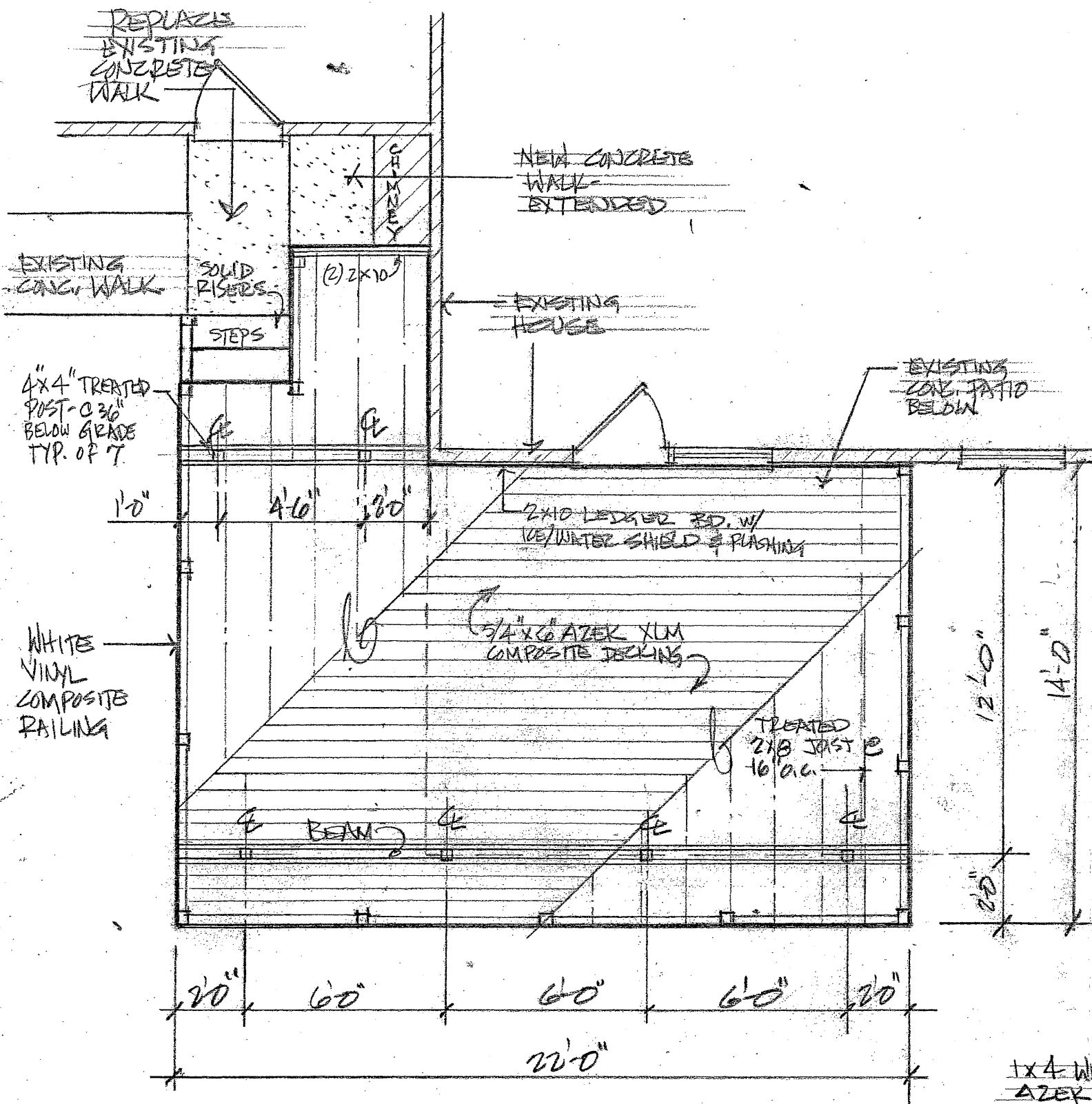
**BOUNDARY SURVEY
& HOUSE LOCATION**
LOT 1 PLYMOUTH VILLAGE
ALLOTMENT, SECTION "M"
RECORDED IN P.B. 92 PG. 53.
CITY OF HUDSON
STATE OF OHIO
SCALE 1" = 20'

GLEN A. GIBSON
1037 LINDSAY AVE.
AKRON, OHIO 44306

GLEN A. GIBSON
DATE 11-14-16

IRON PIN SET 5/8" X 30" CAPPED
GLEN A. GIBSON 7107

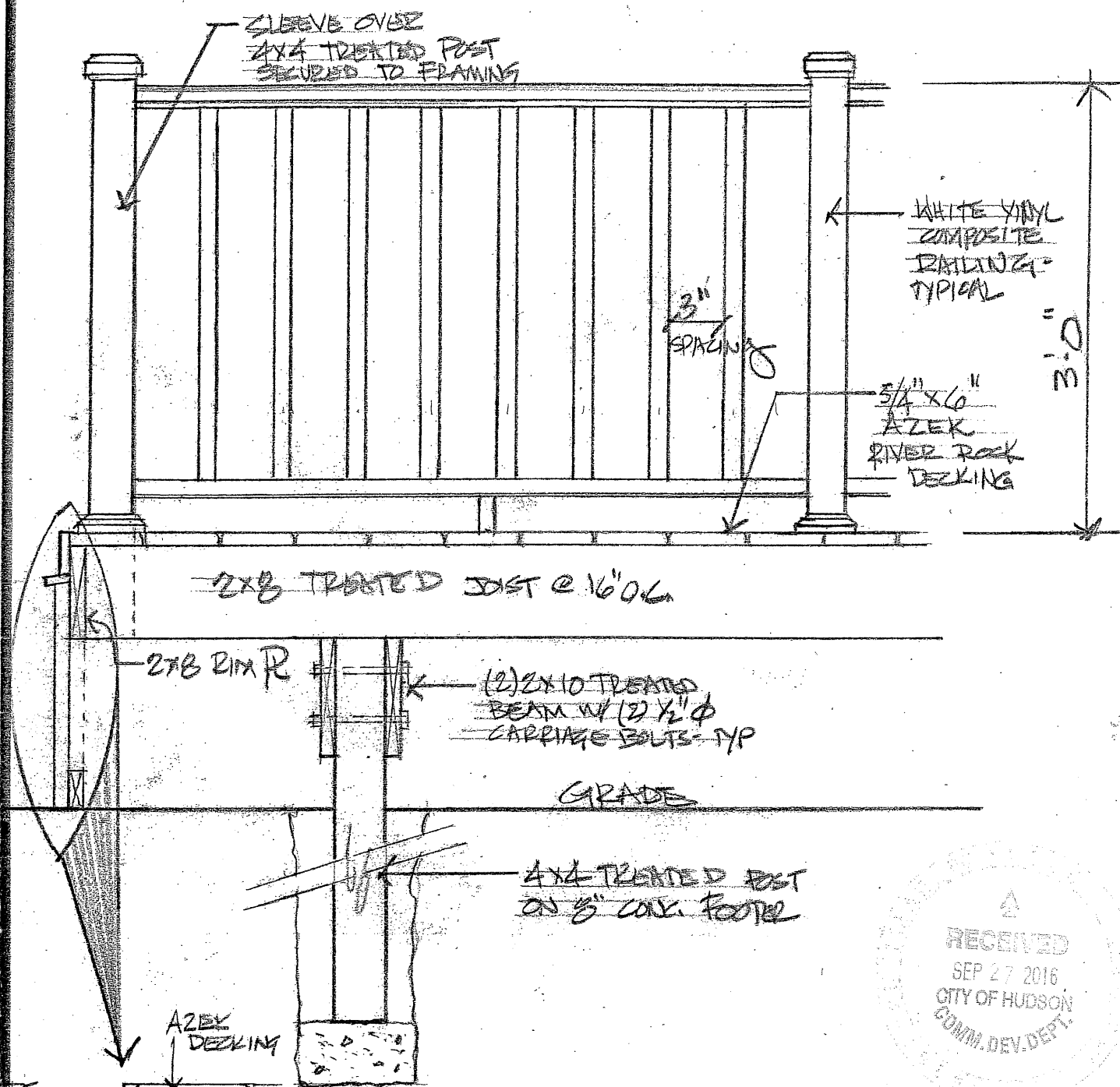




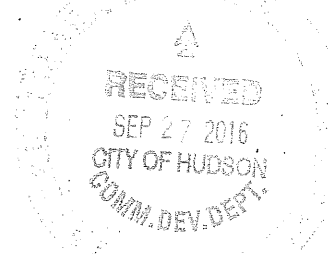
FLOOR PLAN & FRAMING LAYOUT

1/4" = 1' - 0"

- 1x4 WHITE AZEK TRIM BD.
- 1x3 WHITE AZEK DRIP CAP
- 5/4" x 6" VERT SOLID SKIRTING
- TREATED BLOCKING AS NECESSARY
- 2x8 RIM JOIST
- AZEK DECKING



PROPOSED DECK FOR
 LA PORTE RESIDENCE
 5974 ANNA LEE DR.
 HUDSON, OH. 44226



ROOM ADDITION SPECIALISTS

Residential & Commercial

ROBERT'S CONSTRUCTION

Local, Regional & National Award Winning Company

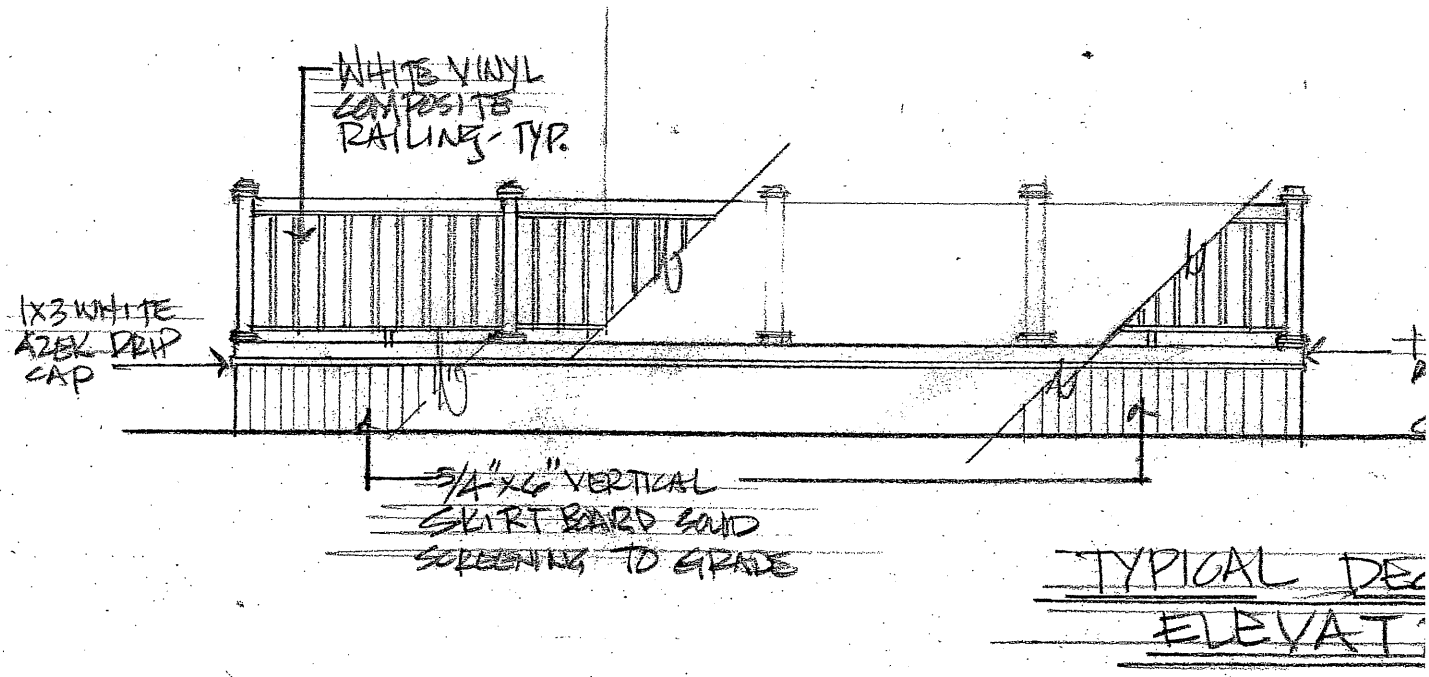
Remodeling and New Construction

Design/Build
 330-923-1940

Kitchens, Bathrooms, Basements and More!

www.robertsremodel.com

WINSLOW DR. 50' R/W



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):

