



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

REPORT

DATE January 13, 2017

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

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

SUBJECT: **Appeals Docket 2017-01**

Application

Two variances to construct a garage addition.

Site

Address: 6463 Hammontree Drive
District: 3-Outer Village Residential Neighborhood
Applicant: Cynthia A. Tobin
Owner: Zissis Vesoulis & Nance Vesoulis Trustees

Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	3	Single Family Residential
South	2	Vacant Agricultural
East	3	Single Family Residential
West	3	Single Family Residential

Comments

The subject of this hearing is the request for variances to permit the construction of an attached garage with the garage doors facing the street. The requests are: 1] a variance from the requirement that doors for attached garages are not permitted to face the street pursuant to Section 1205.06(d)(9)(D)(i), "Building Siting and Orientation-Private Garages", and 2] Appendix D, III-1(a)(4), "Architectural and Design Standards-General Standards for all buildings" of the Land Development Code.

The subject property is located in the Canterbury on the Lakes Subdivision on subplot 75 in District 3. The property is surrounded by single-family homes to the west, north and east. To the south is land used for farming for Hasbrouck Farms. The house was built and purchased in 1991. The applicant is requesting variances to construct an addition for a garage including additions for a workshop, pool exercise room, office and a sunroom. The garage doors will face Dunbarton Drive. To meet code would require the homeowner to construct an accessory structure detached garage or a garage with rear entry garage doors that do not face the street. The applicant has indicated that to locate the garage doors to the rear of the house would require approval from Atwood Energy to locate the driveway in the 50' easement and they would like to avoid seeking approval to construct the driveway within the easement. The proposed garage addition location faces Dunbarton Street, a stub stree, that ends just south of the property's existing driveway. The applicant has indicated that the adjacent neighbors are located a distance away that are unable to see the proposed addition. (See attached aerial of the site.)

As indicated in past BZBA cases, BZBA has both approved and denied variances for front facing attached garage doors for a third car addition. Requests for 5905 Nicholson Drive in 2003 and at 5840 Nicholson Drive in 2011 were denied. However, the Board approved requests at 6009 Nicholson Drive in 2005 which was constructed on an angle on a corner lot and 1644 Sapphire Drive in 2015 which was located on a corner lot. Staff notes that the approved variance requests were for lots located on a corner lot having two street fronts where the previous cases were not. In addition, at 5674 Humelsine Drive in 2015 approval was granted due to the garage addition location being in a gas and oil pipeline easement and a side entry garage would require a greater impact on the easement. Most recently, in December 2016 the Board approved a front facing garage door at 6014 Willow Lake with the condition the new garage doors on the additional garage bay be the same height as the existing garage doors.

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

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

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

Docket No. 2017-01

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cc: BZBA 2017-01
Aimee W. Lane, Assistant City Solicitor
Cynthia A. Tobin
Zissis Vesoulis & Nance Vesoulis Trustees
Beth Bigham, 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: 6463 HAMMONTREE Zoning District: 3

Explanation of Requests and Justification:

ADDING WOOD-WORKING WORKSHOP & POOL-EXERCISE ROOM. NEED OVERHEAD GARAGE DOORS FOR SUPPLIES & FURNITURE. DOORS WILL BE FACING ONTO DUNBARTON - VIOLATING CODE

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

Year Property Purchased: 1991

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

1205.06 - 9.C 9D

FRONT FACES HAMMONTREE

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: CYNTHIA A. TOBIN Property Owner: Z. Vesoulis Vesoulis Trustee

Address: 11275 CHARDON RD. CHARDON Address: 6463 HAMMONTREE DR.

Telephone: 440-221-7821 44024 Telephone: 309-229-9119

E-Mail: Cynthiaatobin@gmail.com E-Mail: Vesoulis@gmail.com

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

Applicant Signature: Cynthia A. Tobin Date: 12/17/16

Property Owner Signature: Z. Vesoulis Date: 12-19-16

(Staff use only)

Application No./Docket No. 2017-01 Hearing Date: 1-19-16

Date Received: 12-19-16 Fee Paid: 250⁰⁰ FEMA Floodplain Y (N) (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 6403 HANIMONTREE DR

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: _____

- 2) The variance is (substantial/insubstantial) because: _____

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: _____

a) Would adjoining properties be negatively impacted: NEAREST NEIGHBORS WOULD BE UNAFFECTED

b) Describe how the adjacent properties will not be affected: LIMITED VIEW FROM NEIGHBORS WEST (THEIR REAR IS APPROX 450' AWAY). NEIGHBORS NORTH HAS LIMITED VIEW & DOORS WOULD NOT BE IN THEIR SITE

4) Will this request adversely affect public services (mail, water, sewer, safety services, etc.)? NO - AVOIDS AFFECTING EASEMENT

5) Did the owner of the property purchase the property with the knowledge of the zoning restrictions? PURCHASED BEFORE

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

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: THE GARAGE, IF LOCATED TO THE REAR, WOULD REQUIRE THE DRIVEWAY TO RUN THROUGH 30' ATWOOD ENERGY EASEMENT

Signature: E. V. [unclear]

Date: 12-19-16

City of Hudson, OH

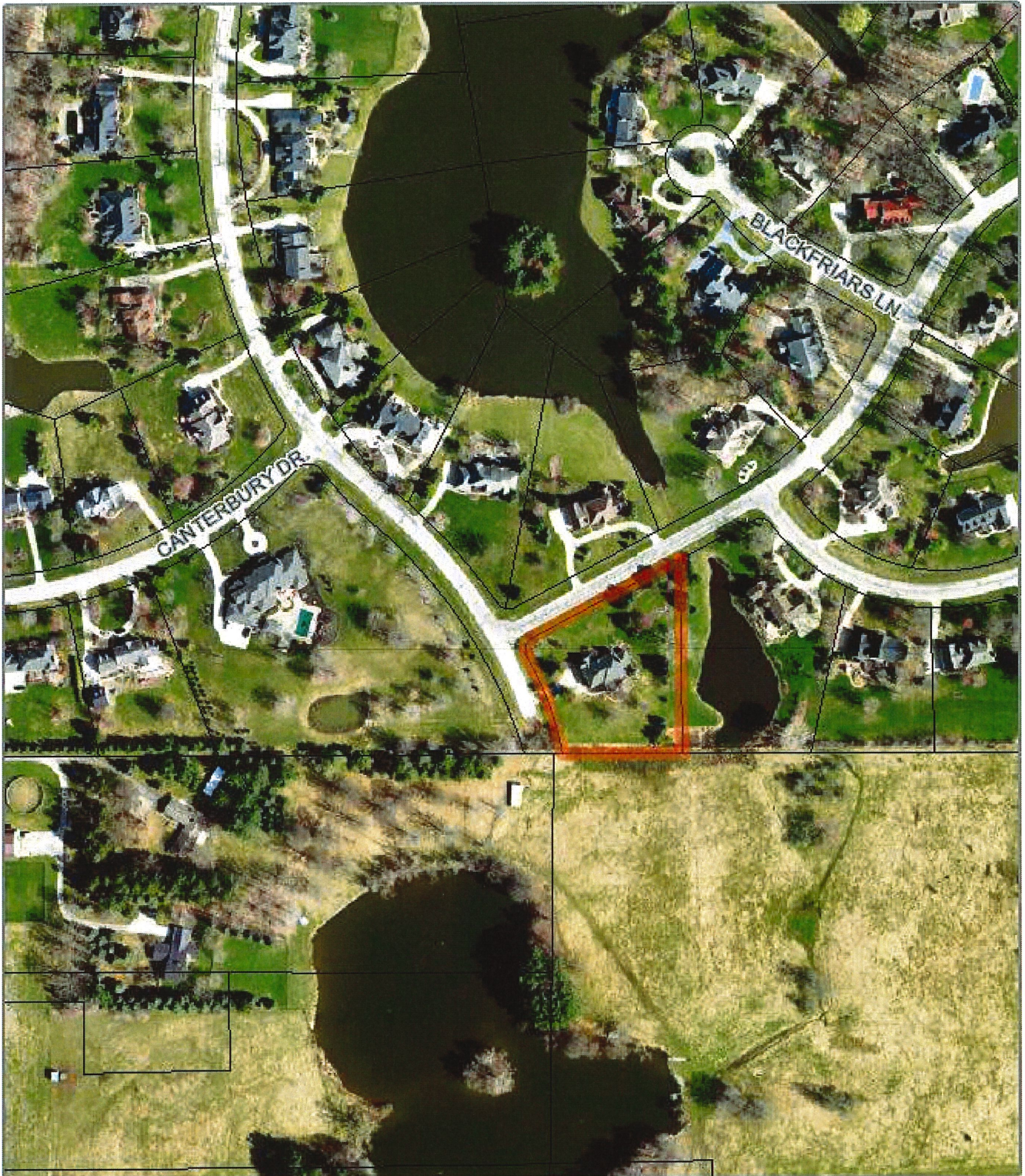


Owner Name	Vesoulis Zissis Trustee	Legal Description	CANTERBURY ON THE LAKES NO 2B LOT 75 ALL 1.22AC	
Site Address	6463 HAMMONTREE DR	Area	1.36	
Parcel ID	3006466	Council Ward	Ward 3	
Owner Address	6463 HAMMONTREE DR	Water Provider	Akron Water	
Owner City	HUDSON	Sewer Provider	DOSSS	
Owner State	OH	Electric 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 = 61 feet
 12/20/2016

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 = 242 feet
12/20/2016



CENTER OF
MON. BOX.
FD. & USED
FOR LINE

N62°40'51"E 429.77 REC. 429.40 OBS. to CENTER OF BOX
331.36

5/8" I. P.
MON. FD.
& USED

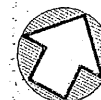
HAMMONTREE DRIVE 60'

DUNBARTON DRIVE 60'

S/L 75
1.2228 Ac.

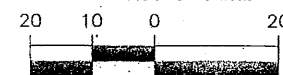
S/L 76

P.N. 3006467
MICHAEL T. SCHILLING
and SOBEYDA SCHILLING
R.N. 56020010
6440 PADERBORNE DR.



NORTH

GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.

APRIL 29, 2016

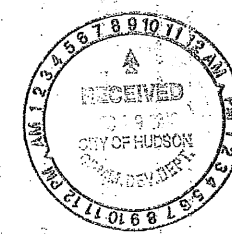
① R = 794.82 A = 13°34'32" A = 188.32 T = 94.60 C = 187.88 N20°31'53"W	② R = 824.82 A = 10°23'11" A = 149.52 T = 74.96 C = 149.31 N18°24'55"W	③ R = 25.00 A = 86°17'22" A = 37.65 T = 23.43 C = 34.19 N19°32'10"E
---------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------	------------------------------------------------------------------------------------

LOCATION SURVEY

KNOWN AS BEING SUBLOT NO. 75 IN THE CANTERBURY-
ON-THE-LAKES NO. 2B AS SHOWN BY THE RECORDED
PLAT IN CABINET E, SLIDES 641 THROUGH 645 OF SUMMIT
COUNTY PLAT RECORDS AND KNOWN AS BEING PART OF
ORIGINAL HUDSON TOWNSHIP LOT 40. NOW SITUATED IN
THE CITY OF HUDSON, COUNTY OF SUMMIT AND STATE OF
OHIO.

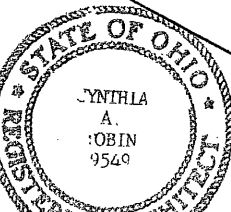
FOR: THE VESOULIS RESIDENCE

SITE INFO: SUBLOT NO. 75
P.N. 3006466
R.N. 55121386
6463 HAMMONTREE DR.



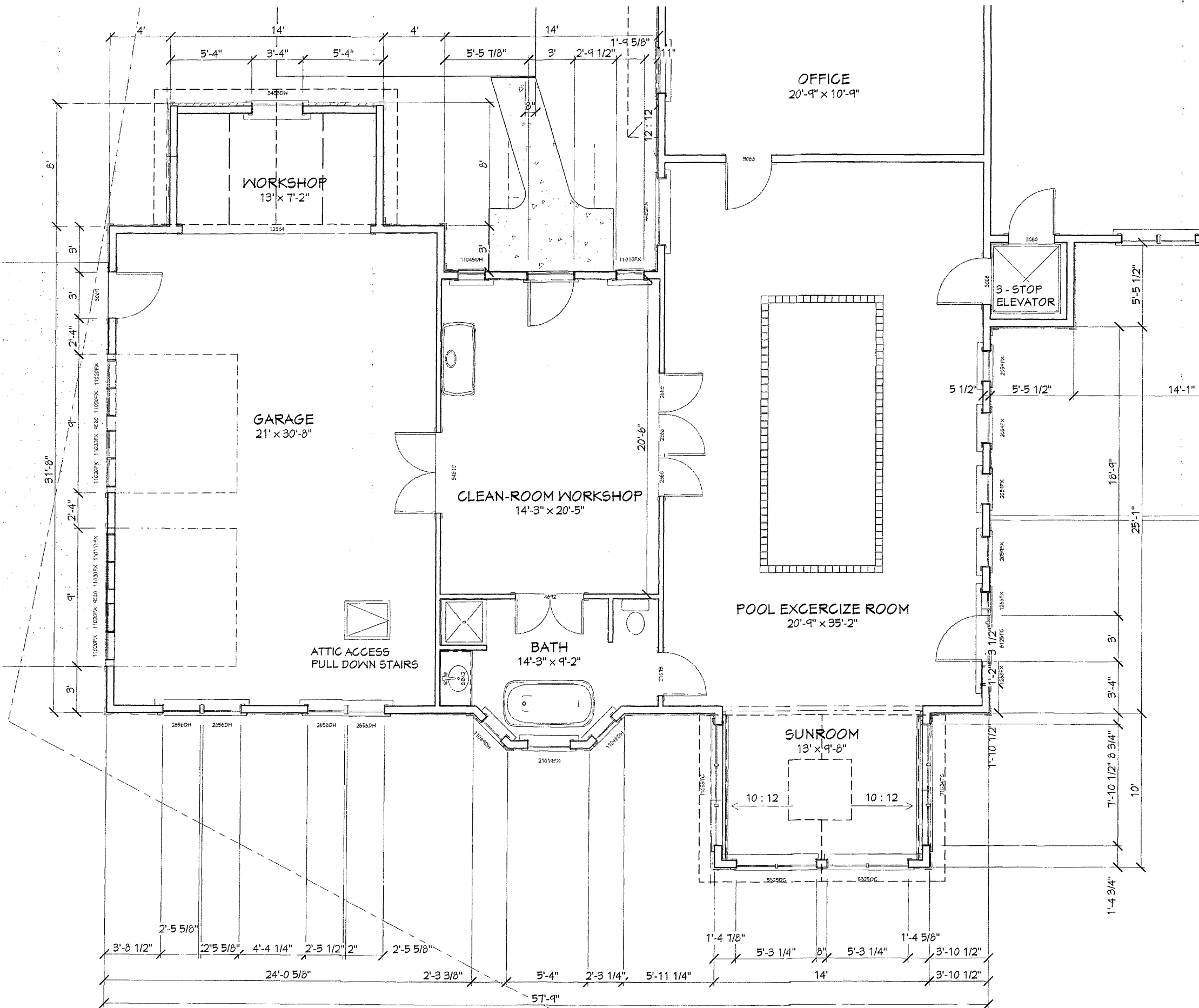
DIMENSIONS SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMAL
PARTS THEREOF. MONUMENTS WERE FOUND OR SET AS INDICATED
HEREON. BEARINGS SHOWN ARE TO AN ASSUMED MERIDIAN AND ARE
FOR THE SOLE PURPOSE OF DESCRIBING THE RELATIVE ANGULAR VALUE
BETWEEN LINES, ALL OF WHICH I CERTIFY TO BE CORRECT TO THE BEST
OF MY KNOWLEDGE AND BELIEF.

Howard R. Selee May 2, 2016
HOWARD R. SELEE, REG. SURVEYOR #5471 DATE



Cynthia A. Robin 12/17/16

HOWARD R. SELEE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
9701 BROOKPARK ROAD • SUITE 231 • CLEVELAND, OH 44129
(216) 398-0280 File No. 11065-75



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

NO.	DESCRIPTION	BY	DATE

FIRST FLOOR PLAN
ADDITION

PROPOSED ADDITION TO:
VESOLIS RESIDENCE
6463 HAMMONTREE DRIVE
HUDSON, OHIO 44236

CYNTHIA A. TOBIN - ARCHITECT
OHIO REG. #9549
11275 CHARDON ROAD,
CHARDON OH 44024
440-221-1821 cynthiatobin@gmail.com

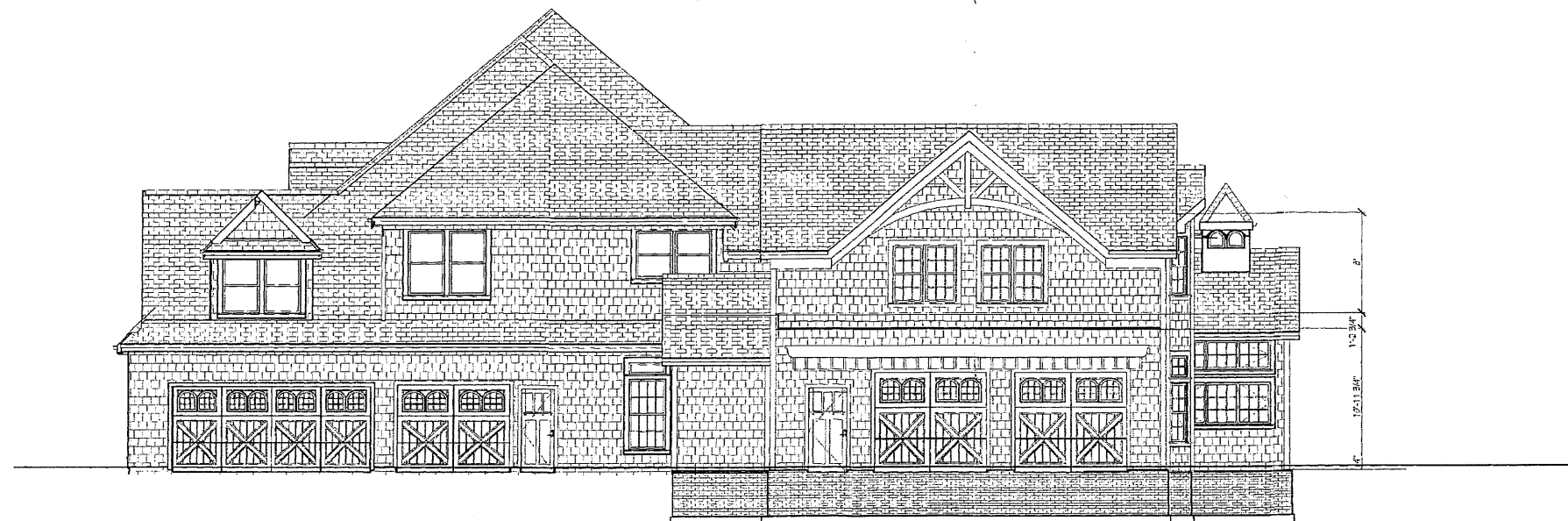
DATE:
11/1/2016

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

SHEET:
A-1A



NORTH ELEVATION SCALE: 1/8" = 1'-0"



WEST ELEVATION SCALE: 1/8" = 1'-0"

NO.	DESCRIPTION	BY	DATE

NORTH ELEVATION
WEST ELEVATION
OVERALL

PROPOSED ADDITION TO:
VESOULIS RESIDENCE
6463 HAMMONTREE DRIVE
HUDSON, OHIO 44236

CYNTHIA A. TOBIN - ARCHITECT
OHIO REG. #4549
11275 CHARDON ROAD,
CHARDON OH 44024
440.271.7821 cynthia@ctobin.com

DATE:
11/1/2016

SCALE:
1/8" = 1'-0"

SHEET:
A - 3



SOUTH ELEVATION SCALE: 1/8" = 1'-0"



EAST ELEVATION SCALE: 1/8" = 1'-0"

SOUTH ELEVATION
EAST ELEVATION

PROPOSED ADDITION TO:
VESOULIS RESIDENCE
6463 HAMMONTREE DRIVE

CYNTHIA A. TOBIN - ARCHITECT
OHIO REG. #9549
11275 CHARDON ROAD,

DATE:

11/1/20

SCALE:

1/8" =

SHEET: