



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, 2017

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

SUBJECT: **Appeals Docket 2017-02**

Application

Variances to stream corridor setback for a screened porch addition.

Site

Address: 44 Blackberry Drive
District: 3 Outer Village Residential Neighborhood
Applicant: Palumbo Renovations, Paul Palumbo
Owner: Fritz and Leslie Kass

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	Subdivision Open Space

Comments

The subject of this hearing are requests for the following variances: 1] a variance of seventy-five (75) feet from the required stream corridor setback of seventy-five (75) feet resulting in a zero setback for a screened porch addition pursuant to Section 1207.03(e)(1)(ii), "Wetland/Stream Corridor Protection-Stream Corridor Setbacks" for disturbances related to controlling erosion along the stream bank; and 2] a variance from the prohibited activity of disturbance, including clearance of vegetation, within a stream corridor setback pursuant to Section 1207.03(c), "Prohibited Activities" of the City of Hudson Land Development Code.

The subject property is located in Hudson Hills Subdivision on subplot 24 in District 3. The property is surrounded to the north, east and west by single family homes. To the south is vacant residential land. The house was built in 1995 and the owners purchased the property in July of 2016. Staff notes the stream corridor is south of the house on the property. The Land Development Code adopted in 1999 defines a stream as "a system including permanent or seasonally flowing water, a defined channel, flood plain, and riparian ecosystem". The setbacks of 30 feet, 50 feet or 75 feet are determined by the respective size of the drainage area of the particular stream. This stream is draining an area greater than 0.05 square miles (320 acres) and up to 20 square miles requiring a setback of seventy-five (75) feet on each side of the stream. In addition Code prohibits any activity or disturbance within the stream corridor setback. Enclosed for your review is an aerial map showing the stream and the riparian setbacks for the subject parcel within the rear yard of the property. These setbacks were not applicable at the time the previous deck was constructed which has been removed. The owner would like to reconstruct the deck and screen the deck in at the same location which is now within the riparian setback area.

Staff requested the City Engineer, Thomas J. Sheridan, P.E., P.S., CFM to review the applicant's request. He has indicated the proposed deck does not appear to be located in the floodplain from the FEMA maps and has spoken to the applicant's surveyor to request the floodplain limit on the revised site plan. If review of the revised site plan the deck will be located in the flood plain the City Engineer will need to re-review the request. Attached is a letter from Mr. Sheridan regarding his comments on the proposed project. Staff recommends a condition to the following affect if the Board approves the variances. The applicant must submit a revised site plan showing the FEMA floodplain elevation. If it is found that the proposed deck is in the floodplain, the applicant must meet the requirements of the City Engineer.

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.**
3. **Photographs of property.**
4. **Site plan.**
5. **January 11, 2017**-Letter from Thomas J. Sheridan, PE, PS, CFM.

cc: BZBA 2017-02
Aimee W. Lane, Assistant City Solicitor
Palumbo Renovations, Paul Palumbo
Fritz and Leslie Kass
Beth Bigham

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: 44 Blackberry Drive, Hudson, Ohio 44236 Zoning District: Residential

Explanation of Requests and Justification:

We Removed AN EXISTING Deck 13X16 want to Replace with
the same size 13X16 Covered with screens
The old Deck post were not Deep enough And was standing
since the house was built.

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

Year Property Purchased: 2016

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: Paul Palumbo Palumbo Renovations Property Owner: Fritz & Leslie Kass

Address: 6556 Stone Rd Hudson, OH 44236 Address: 44 Blackberry Dr, Hudson, OH 44236

Telephone: 216-409-8914 Telephone: 240-475-7406

E-Mail: palumborenovations@gmail.com E-Mail: fkass@rocketmail.com

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

Applicant Signature: [Signature] Date: 12-19-16

Property Owner Signature: _____ Date: _____

(Staff use only)

Application No./Docket No. _____ Hearing Date: _____

Date Received: _____ Fee Paid: _____ FEMA Floodplain Y N (Initials)

BOARD OF ZONING AND BUILDING APPEALS (BZBA)

Application Supplemental Information

Application for property located at: 44 Blackberry Dr. Hudson

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: there was an existing deck
there is a second floor door that now has no deck

2) The variance is (substantial/substantial) because: there must be an exit from the existing door, there was a deck originally

a) Is the request the minimum amount necessary to make reasonable use of the property or structure(s)?
yes we want to construct the same size deck original to the home

3) Would the essential character of the neighborhood be substantially altered? Explain: no - it was there before, neighbor's have decks as well

a) Would adjoining properties be negatively impacted: no

b) Describe how the adjacent properties will not be affected: they want

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
they had a existing deck

6) This situation cannot be feasibly solved by means other than a variance. Explain: they have a second story door

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: we will put the house back to its original condition and improve the property

a) The circumstance leading to this request was not caused by current owner. It was caused by: nature - the deck was in disarray and needs replaced

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

Signature: [Signature]

Date: 1/9th

COUNTY OF SUMMIT GIS
PARCEL VIEWER



REMOVED EXISTING 13X16 DECK
INSTALL 13X16 SCREENED PORCH



South Side



City of Hudson, OH



Owner Name	Kass Frederick C	Legal Description	SV-HUDSON HILLS LOT 24	
Site Address	44 BLACKBERRY DR	Area	0.46	
Parcel ID	3203311	Council Ward	Ward 1	
Owner Address	12520 S 71 HWY	Water Provider	City of Hudson	
Owner City	GRANDVIEW	Sewer Provider	DOSSS	
Owner State	MO	Electric Provider	City of Hudson	
Owner ZIP	64030	Water Rate	Original 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 = 45 feet



ENGINEERING • 115 Executive Parkway, Suite 400 • Hudson, Ohio 44236 • (330) 342-1770

MEMORANDUM

Date: January 11, 2017
To: Kris McMaster, Community Development
From: Thomas J. Sheridan P.E., P.S., City Engineer
Re: **44 Blackberry Drive – Deck and screened porch**

The City of Hudson Engineering Department has reviewed the plan submitted for a proposed deck/screened porch located at the above reference address. The 1% Flood elevation is 1030.8 from the current FEMA information on file at the City for this area.

The proposed deck does not appear to be located in the floodplain from the FEMA maps and from the information provided, but this floodplain limit shall be included on the map and this request was relayed to the surveyor on 1-11-17 via a phone conversation. This information will be provided next week by the surveyor per that conversation.

If the proposed structure is found to be not located within the floodplain with the above info., the City has no comment on this proposed deck. If it is determined by the surveyor to be located within the floodplain from the additional survey data, the City Engineer will need to re-review the plan and this request.

If you have any questions, please contact me.

Respectfully,

Thomas J. Sheridan, PE, PS, CFM
Hudson City Engineer

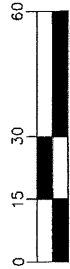
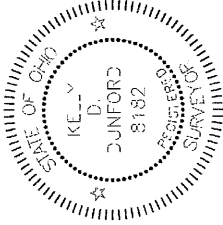
C: File

CERTIFICATION:

This survey meets the minimum standards for boundary surveys in the State of Ohio as set forth in Ohio Administrative Code Chapter 4733-37.

Kelly D. Dunford
Kelly D. Dunford
Ohio Professional Surveyor S-8182

12/01/16



Scale: 1 inch = 30 feet

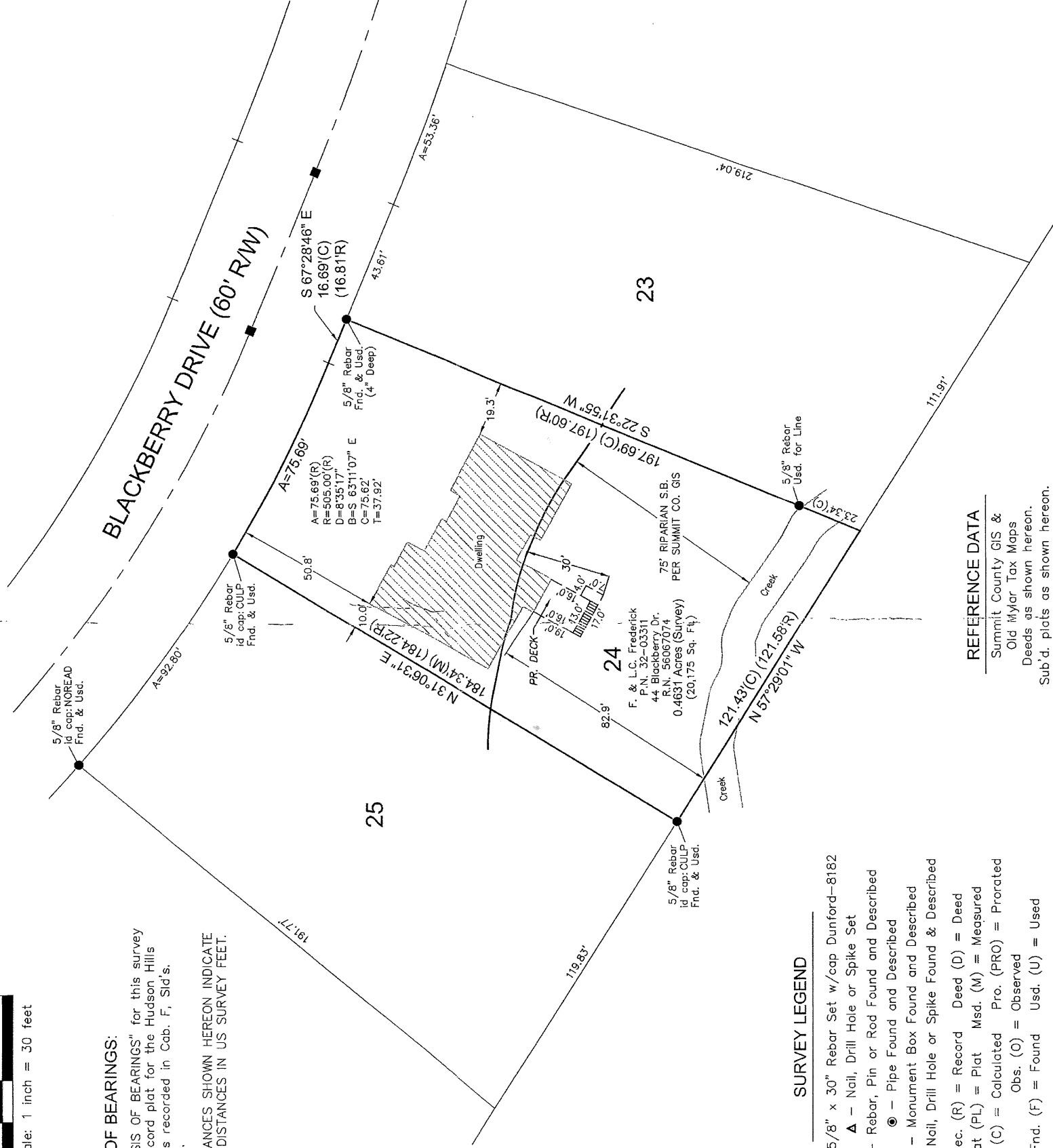
BASIS OF BEARINGS:

The "BASIS OF BEARINGS" for this survey is the record plat for the Hudson Hills Sub'd., as recorded in Cab. F, Sld's. 394-399.

ALL DISTANCES SHOWN HEREON INDICATE GROUND DISTANCES IN US SURVEY FEET.

MAP OF SURVEY
for
Palumbo Renovations, LLC
44 Blackberry Dr., Hudson, OH 44236

Situated in the City of Hudson, County of Summit and State of Ohio: And known as being Sublot 24 in the Hudson Hill Subdivision, as recorded in Cab. F, Sld's. 394-399.



SURVEY LEGEND

- - 5/8" x 30" Rebar Set w/cap Dunford-8182
- ▲ - Nail, Drill Hole or Spike Set
- - Rebar, Pin or Rod Found and Described
- ⊙ - Pipe Found and Described
- - Monument Box Found and Described
- ▲ - Nail, Drill Hole or Spike Found & Described
- Rec. (R) = Record Deed (D) = Deed
- Plat (PL) = Plat Msd. (M) = Measured
- Calc. (C) = Calculated Pro. (PRO) = Prorated
- Obs. (O) = Observed
- Fnd. (F) = Found Usd. (U) = Used
- B.O.B. - Basis of Bearings
- P.O.C. - Point of Commencement
- P.O.B. - Point of Beginning

REFERENCE DATA

Summit County GIS &
Old Mylar Tax Maps
Deeds as shown hereon.
Sub'd. plats as shown hereon.

SURVEYED BY:



KELLY D. DUNFORD, P.S. 8182
2858 FULMER DRIVE, SILVER LAKE, OHIO 44224
PHONE/FAX: (330) 928-7750
PS8182@SBCGLOBAL.NET
WWW.APEXLANDSURVEYING.COM

TITLE: BOUNDARY SURVEY

DATE: NOV. 2016

CLIENT: P. PALUMBO

PROJ.: 2016103

SCALE: 1" = 30'

FILE: 2016103.dwg

DRAWN BY: KDD

CHECKED BY: KDD

CREW: KDD

SHEET SIZE: 17" X 22"

SHEET: 1 OF 4

NOTE:

There was no search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that a title search may disclose.