



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

## REPORT

DATE February 10, 2017

TO: Board of Zoning and Building Appeals for  
Meeting Date February 16, 2017

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

SUBJECT: **Appeals Docket 2017-03**

## Application

Variance to construct a detached garage.

## Site

Address: 2234 Middleton Road  
District: 1-Suburban Residential Neighborhood  
Applicant: Michael J. Sirna  
Owner: Michael J. Sirna

## Adjacent

<u>Location</u>	<u>District</u>	<u>Use</u>
North	1	Single Family Residential
South	1	Single Family Residential
East	1	Single Family Residential
West	1	Single Family Residential

## Comments

The subject of this hearing is requests for the following variances to permit the construction of an accessory structure detached garage: 1] a variance of four (4) feet to the minimum side yard setback requirement of fifteen (15) feet resulting in a detached garage eleven (11) feet from the side yard pursuant to Section 1205.04(d)(5)(C)(iv), "Setbacks-Minimum Side Yard-Accessory Structures"; and 2] a variance of eight (8) square feet to the requirement that the maximum size of a residential accessory structure shall not be larger than 1,000 square feet of gross

floor area resulting in an accessory structure detached garage with a total gross floor area of 1,008 feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards-Maximum Building or Structure Size" of the City of Hudson Land Development Code.

The subject property is located in District 1. The property is surrounded by single family residential homes on all sides. The house was built in 1950 and the owner purchased the property in December of 2008. The proposed detached garage is to be 36 feet by 28 feet (1008 square feet). The garage will be located at the end of the existing driveway. The proposed detached two car garage will match the materials and design of the existing house. The owner has indicated that the location of the structure is due to the narrowness of the yard and the grade variations of the property. The size of the proposed structure is so that they would not have to use specialty sizes of trusses requiring more labor.

Code allows a maximum of three (3) accessory structures per residential parcel on any lot 2.5 acres or less. Accessory structures may not be larger than one thousand (1000) square feet of floor area except a barn of up to 10,000 square feet on parcels approved for agricultural use.

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

1. **January 16, 2017**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plans and elevation plans.**
4. **January 16, 2017**-Letter from adjacent neighbor at 2250 Middleton Road.

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

cc: BZBA 2017-03  
Aimee Lane, Assistant City Solicitor  
Matthew Vazzana, Assistant City Solicitor  
Michael J. Sirna  
Beth Bigham, Council Liaison

Attachments



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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: 2234 Middleton      Zoning District: 1

Explanation of Requests and Justification:

Also I would like 3 1/2 inches on my length/depth of Garage  
Code Requires 1000 sqft MAX I need 1008 sqft 8 sqft difference  
This way I could standard size in Block + Trustee not driving? cost up

For a variance: Code requires 15' setback/sq. ft./height. Request is for 11' setback/sq. ft. height, therefore requesting a 4' setback/sq. ft./height.

Year Property Purchased: 2008

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: Michael J Sirna      Property Owner: SAME

Address: 2234 Middleton Rd      Address: \_\_\_\_\_

Telephone: 440-223-1828      Telephone: \_\_\_\_\_

E-Mail: SIRNACONST(A)AOL.COM      E-Mail: \_\_\_\_\_

Applicant: state relationship (agent, attorney, contractor, other): \_\_\_\_\_

Applicant Signature: Michael J Sirna      Date: 1/18/2017

Property Owner Signature: Michael J Sirna      Date: 1/18/2017

*(Staff use only)*

Application No./Docket No. \_\_\_\_\_      Hearing Date: \_\_\_\_\_

Date Received: 1-18-17      Fee Paid: 250<sup>00</sup>      FEMA Floodplain      Y      N      (Initials)

# BOARD OF ZONING AND BUILDING APPEALS (BZBA)

## Application Supplemental Information

Application for property located at: 2234 Middleton Rd

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: I will ADD value to the home I will gain more Living space in home, our house is too small 1311 sq ft my wife is a painter, we are putting a art studio in garage. my current so call garage is way to small, can't fit my pickup in so called garage
- 2) The variance is (substantial/substantial) because: #5 The small lot size (width) Also for Building standards of size of Building material & sizes
  - 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 garage will match siding & roofing of house this house was vacant & overgrown I've work hard at change the house & yard at what it once was
  - a) Would adjoining properties be negatively impacted: NO
  - b) Describe how the adjacent properties will not be affected: we have a tree line on each side of 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? yes/no I know some but not all of them
- 6) This situation cannot be feasibly solved by means other than a variance. Explain: I have a very narrow yard, this is the best place to put it. I have a grade issue in that area 3 to 4' drop Also Building material sizes
- 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: I would not have to order specialty sizes of trusses & labor intense of cutting Block which would drive cost up
  - a) The circumstance leading to this request was not caused by current owner. It was caused by: Yes Builder in 1950
  - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: NARROWNESS & GRADE VARIATIONS

Signature: Michael Suen

Date: 1-16-17

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 = 268 feet**  
1/18/2017

City of Hudson, OH



Owner Name	Sirna Michael J	Legal Description	LOT 86 S OF RD MIDDLETON FORBUSH RD 2.000A	
Site Address	2234 MIDDLETON RD	Area	1.83	
Parcel ID	3001523	Council Ward	Ward 4	
Owner Address	2234 MIDDLETON RD	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	DOSSS	
Owner State	OH	Electric Provider	City of Hudson	
Owner ZIP	44236	Water Rate	Akron Water District	
Phone		Water Tap	Akron Water District	

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 = 134 feet  
1/18/2017

City of Hudson, OH



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Map Scale

**1 inch = 30 feet**

2/5/2016



Thaddeus Evans

January 16, 2017

2250 Middleton Rd.

Hudson, Ohio 44236

City of Hudson:

My neighbor Mike Sirna at 2237 Middleton Rd. wishes to build a garage 11 feet off my western property line as opposed to the 15 feet required by zoning regulations. I hear by agree to him building a garage 11 feet off my western property line.

Thadddeus Evans



2234 MIDDLETON

144.85

SAMPLE SITE PLAN FOR AHB SUBMITTAL

CITY OF HUDSON

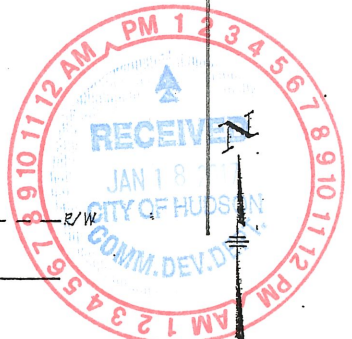
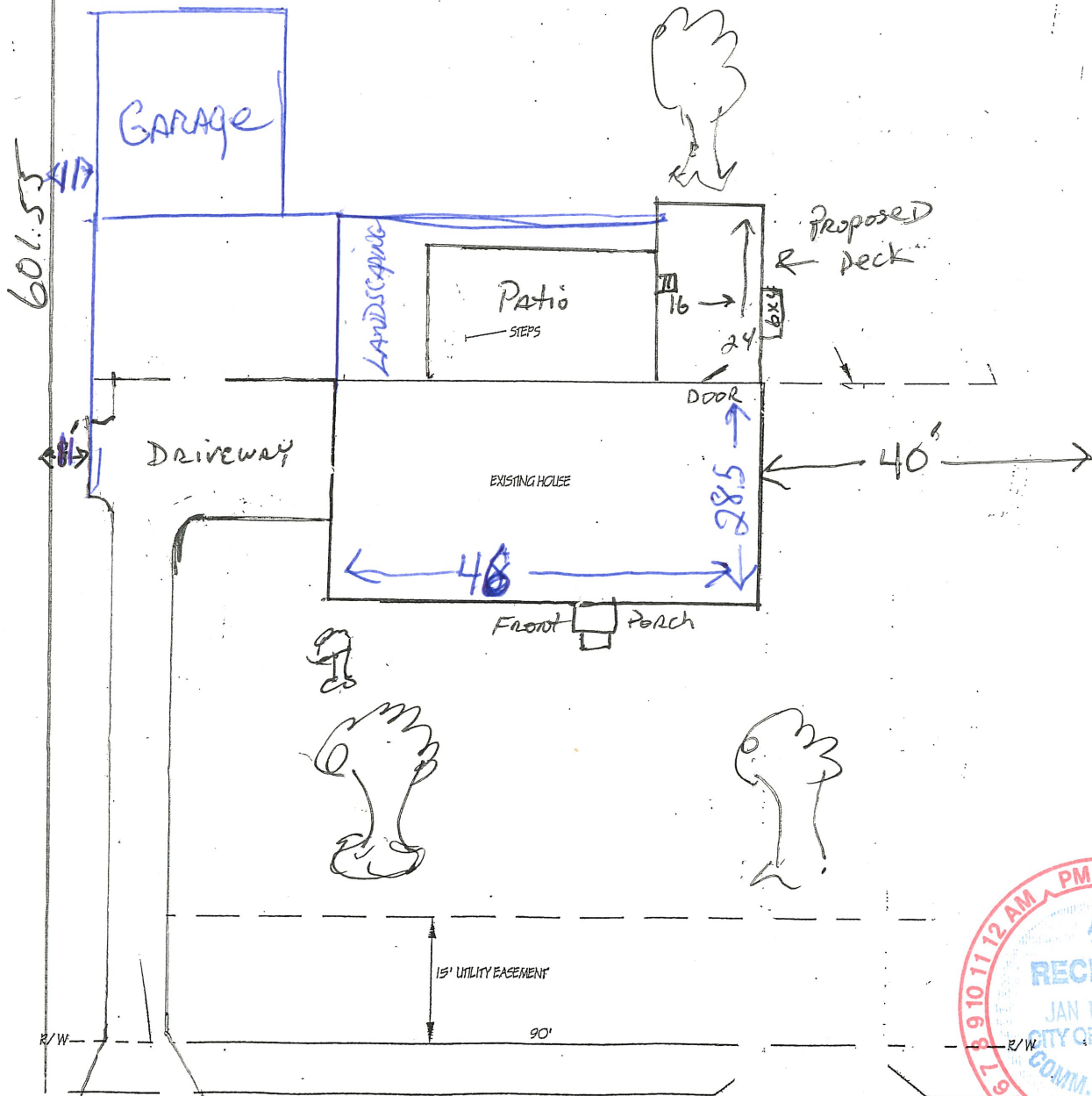
ZC# 10-67

APPROVED

SEP 16 '10

*Mark Richardson*

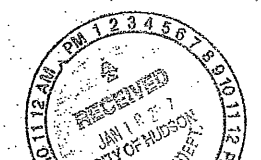
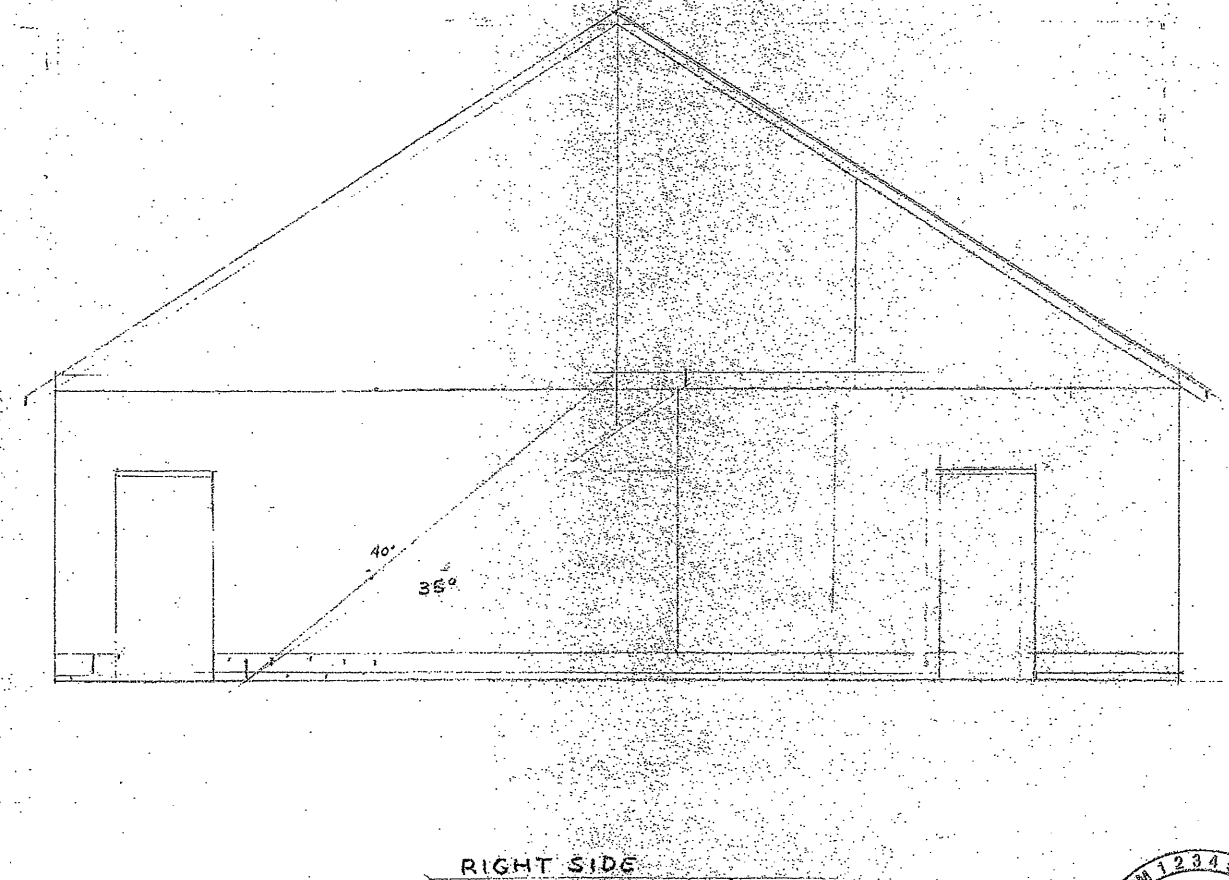
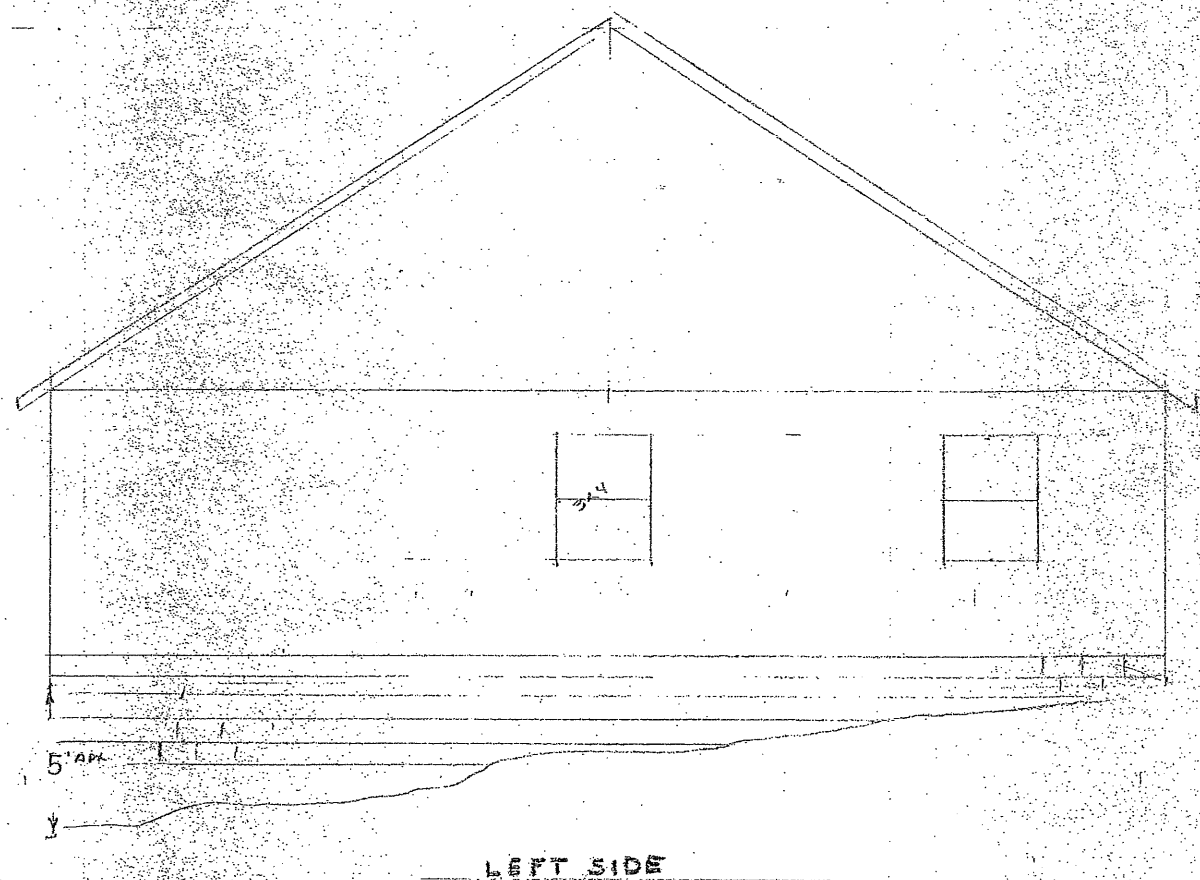
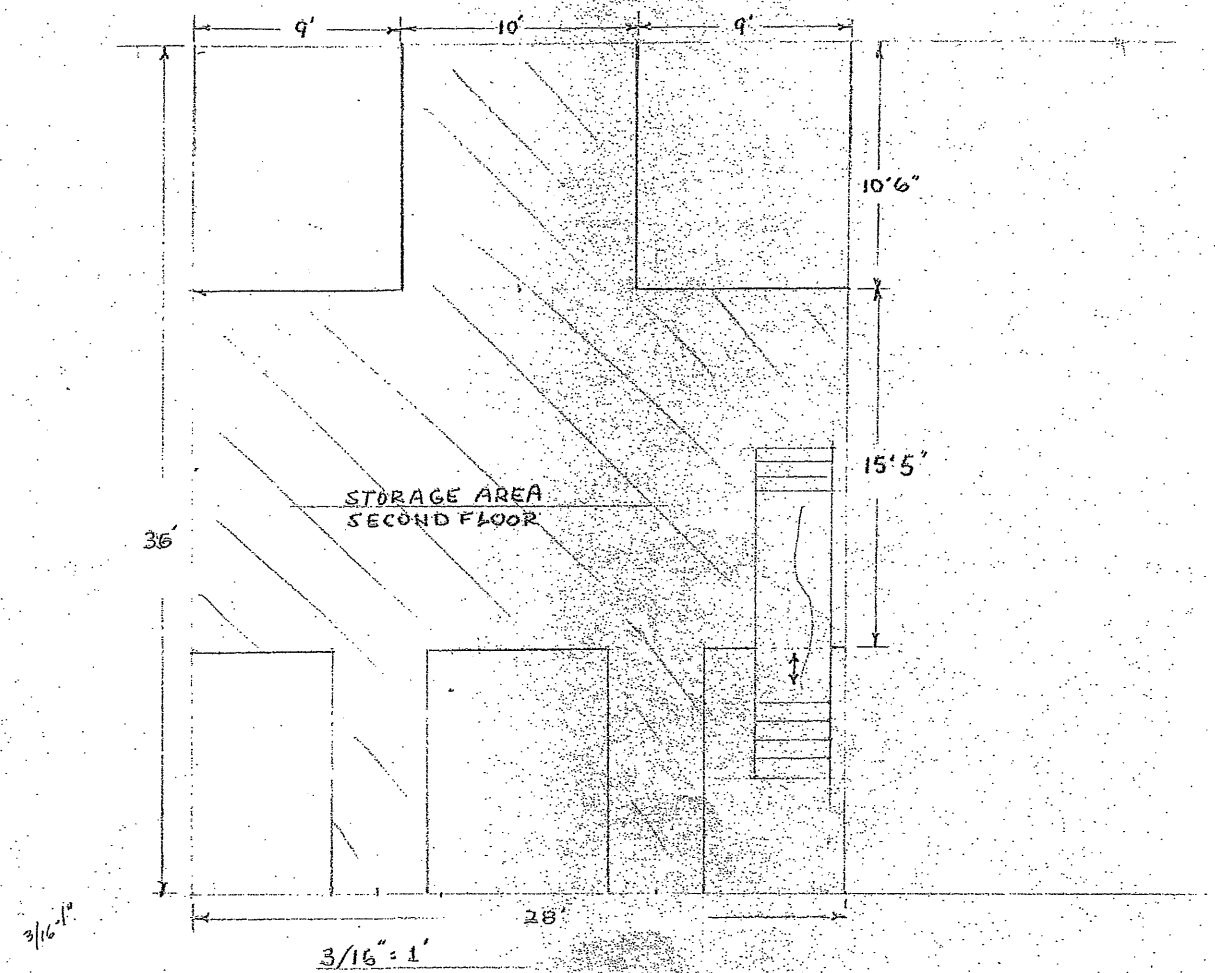
ASSOCIATE PLANNER

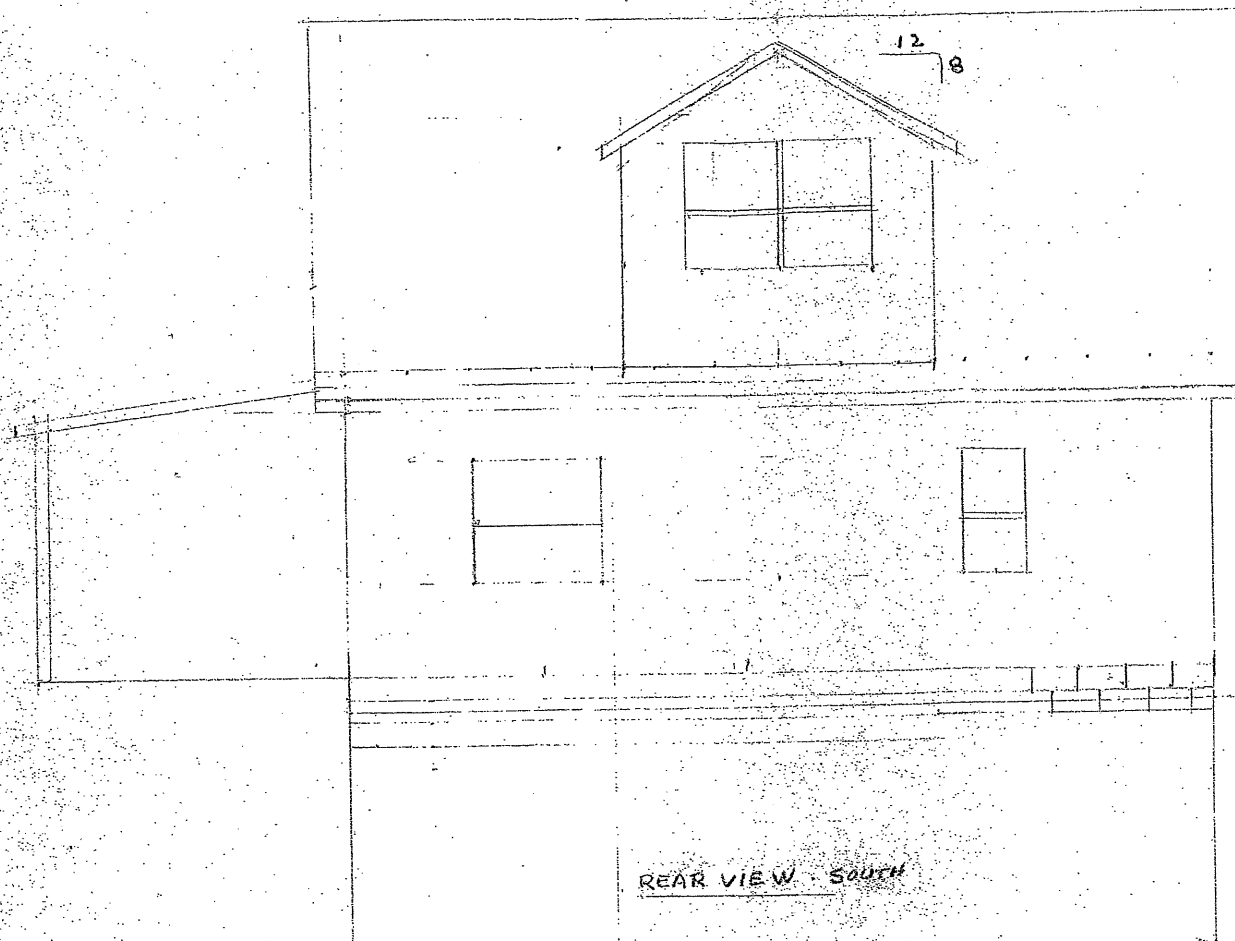


OWNER:  
ADDRESS:  
DATE:

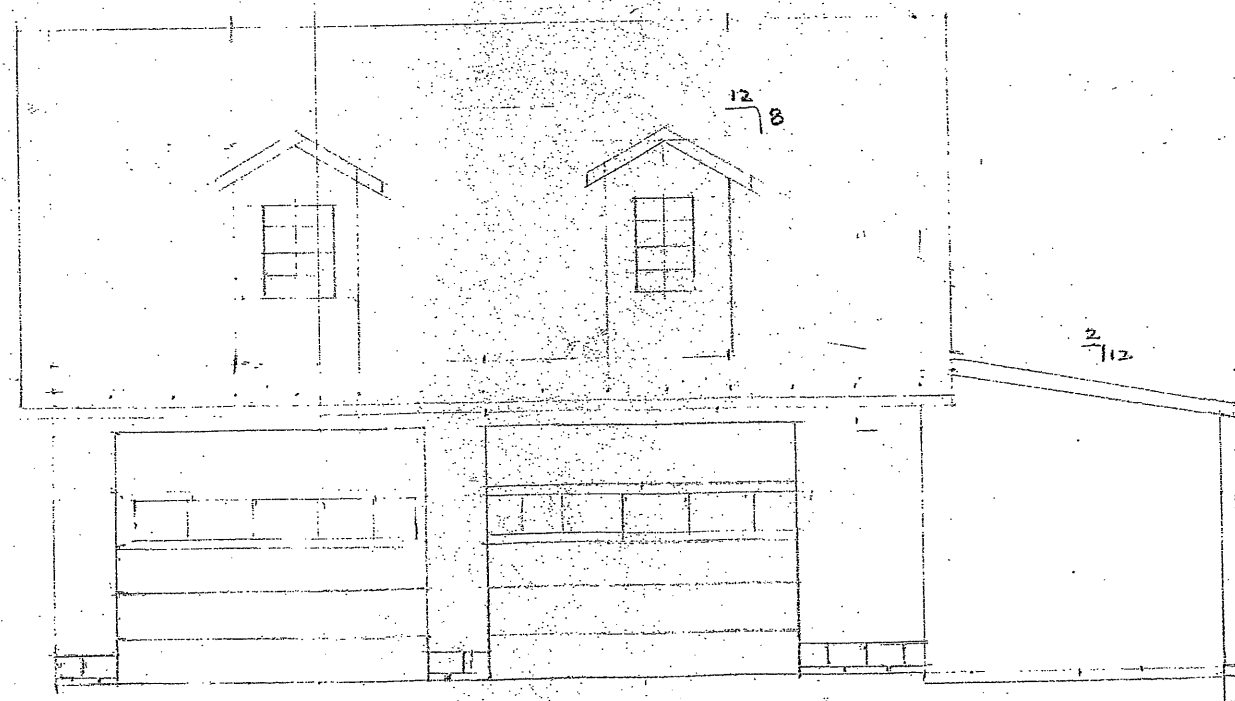
--STREET ADDRESS--

SCALE 1" = 20'



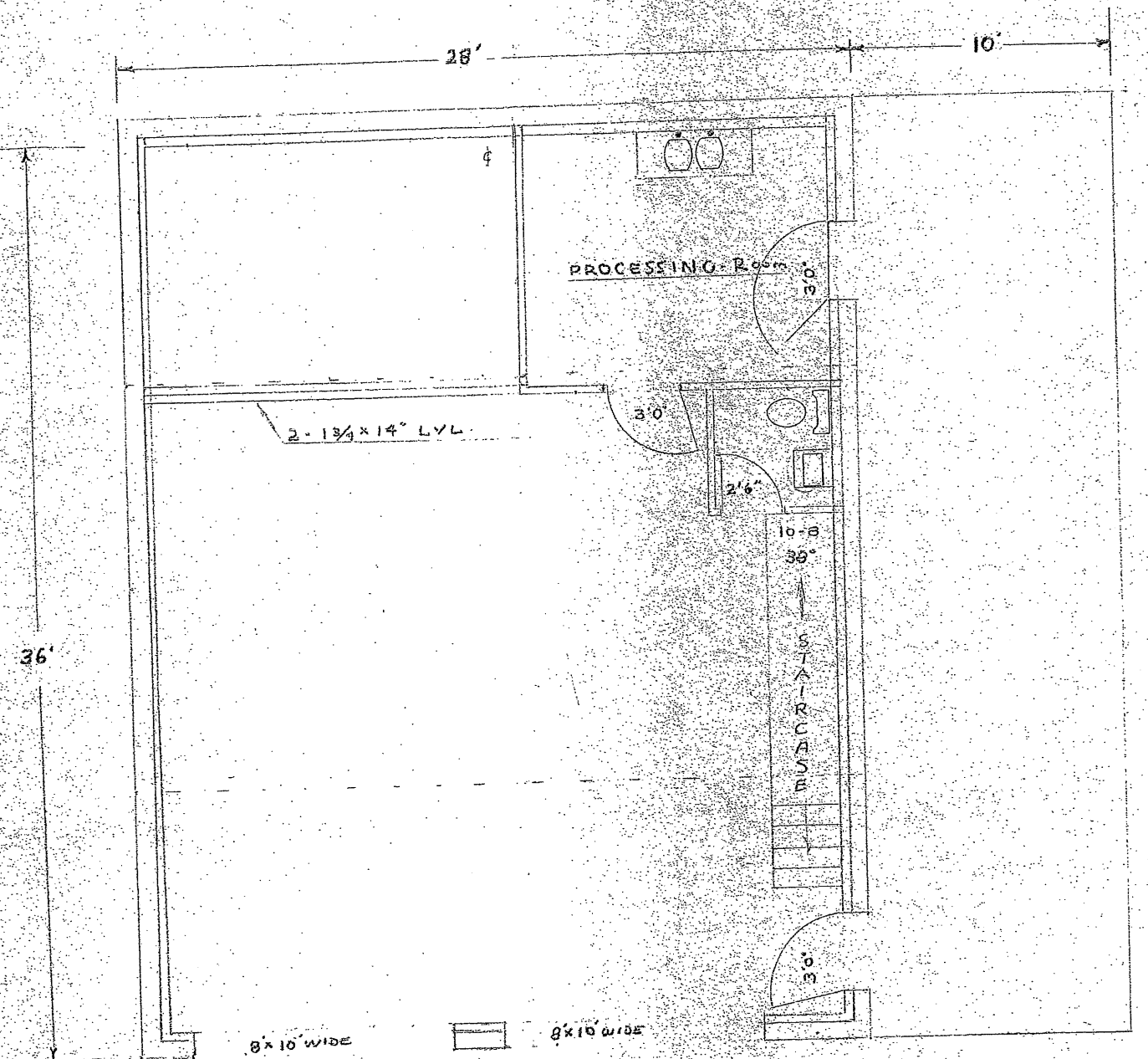
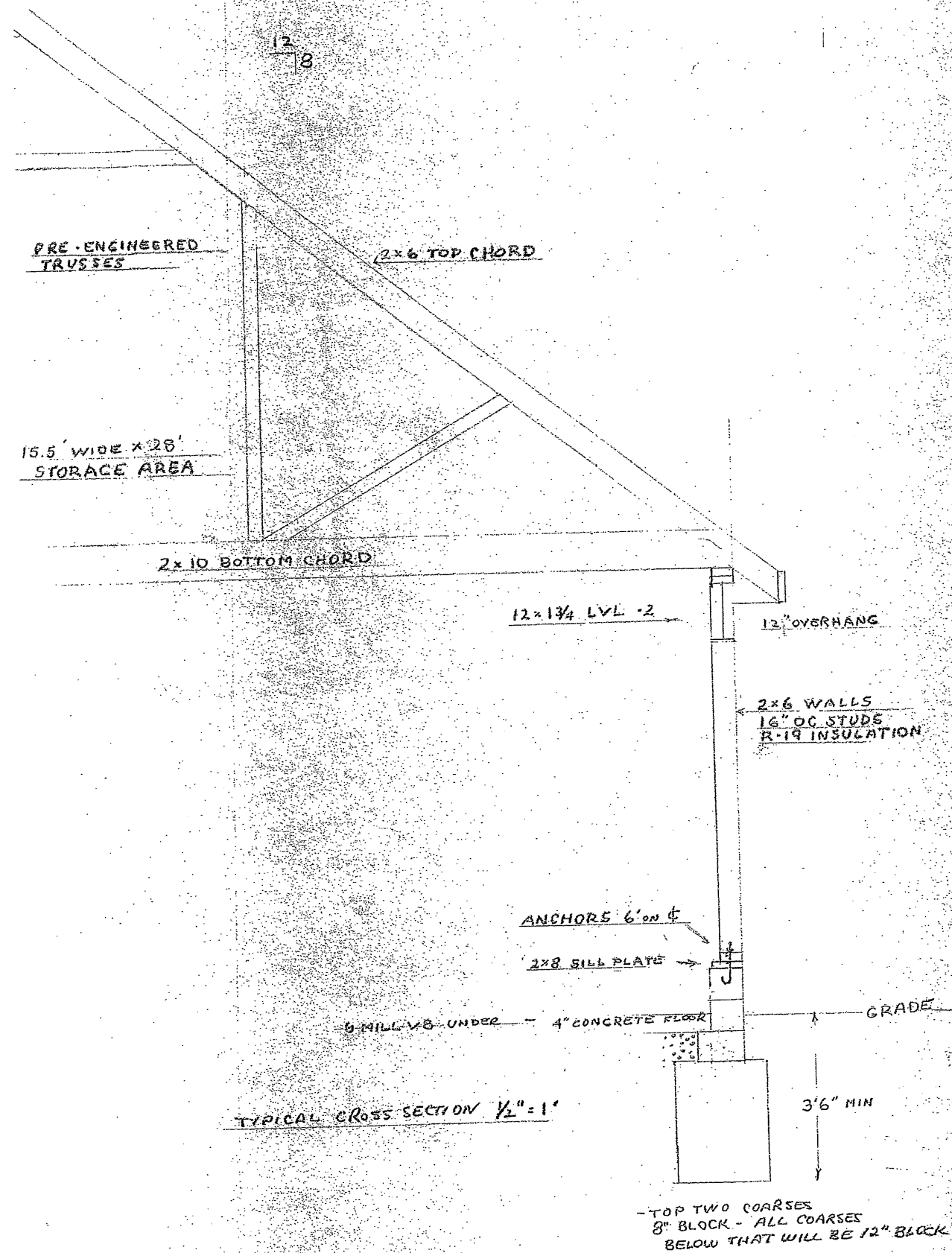


3'6" BELOW  
GRADE  
MIN.



FRONT VIEW





FLOOR PLAN 1/4" = 1'

