



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 2017-04**

## Application

Variance to allow construction of a house.

## Site

Address: 2222 E. Streetsboro Street  
District: 3-Outer Village Residential Neighborhood  
Applicant: Alexandra Fine Homes, Inc.  
Owner: William and Cassandra Markwell

## 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 from the requirement to utilize public water in order to have a water well on the property to construct a new house pursuant the City of Hudson Land Development Code, Section 1207.11(b)(1), "Adequate Public Facilities-General Standards-Water/Wastewater".

The subject property is approximately 14.5 acres and is located in District 3. The property is surrounded by single family homes on all sides. The property owners Mr. and Mrs. Markwell purchased the property April 1, 2016. The Markwell's plan to demolish the existing home and construct a new home on the property. They currently have a contract with Alexandra Fine Homes, Inc. to construct their home. Code requires all new development to use public utilities at the time of occupancy. Public water is currently not directly available to the property. The owners feel to extend the water main to obtain water is cost prohibitive and not feasible. The existing home currently has a well. The owners have received an estimate of the cost for the design and construction to provide water to the property from the City of Hudson's Assistant Engineer, Brad Kosco at a cost of \$291,300.00. (See attached Memorandum from Mr. Kosco)

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

1. **January 18, 2017**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **January 18, 2017** -Memorandum from Bradley Kosco, P.E., P.S. Assistant City Engineer.
4. **Aerial of site showing the closest location of the water lines.**

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

cc: BZBA 2017-04  
Aimee W. Lane, Assistant City Solicitor  
Matthew Vazzana, Assistant City Solicitor  
Alexandra Fine Homes, Inc.  
William and Cassandra Markwell  
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: 2222 STREETS BORO ST Zoning District: \_\_\_\_\_

Explanation of Requests and Justification:

WE REQUEST A VARIANCE TO USE AN ON-SITE WATER WELL, AS THERE IS NO AVAILABILITY ON CANTERBURY AND COST PROHIBITIVE ON STREETS BORO.

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: ALEXANDRA FINE HOMES, INC.  
NESTOR PAPAGEORGIS Property Owner: ZACK & CASIE MARKWELL

Address: 1184 BELL RD., CHAGRIN FALLS Address: 125 DOW COURT, ROSWELL GA 30015  
44022

Telephone: 440-557-5166 Telephone: 404-227-11053

E-Mail: NESTOR@ALEXFINEHOMES.COM E-Mail: zack-markwell@stancementfinancial.com

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

Applicant Signature: [Signature] Date: 1/18/17

Property Owner Signature: [Signature] Date: 1-18-17

(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)

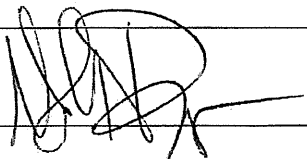
## Application Supplemental Information

Application for property located at: 2222 STREETS BORO

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:

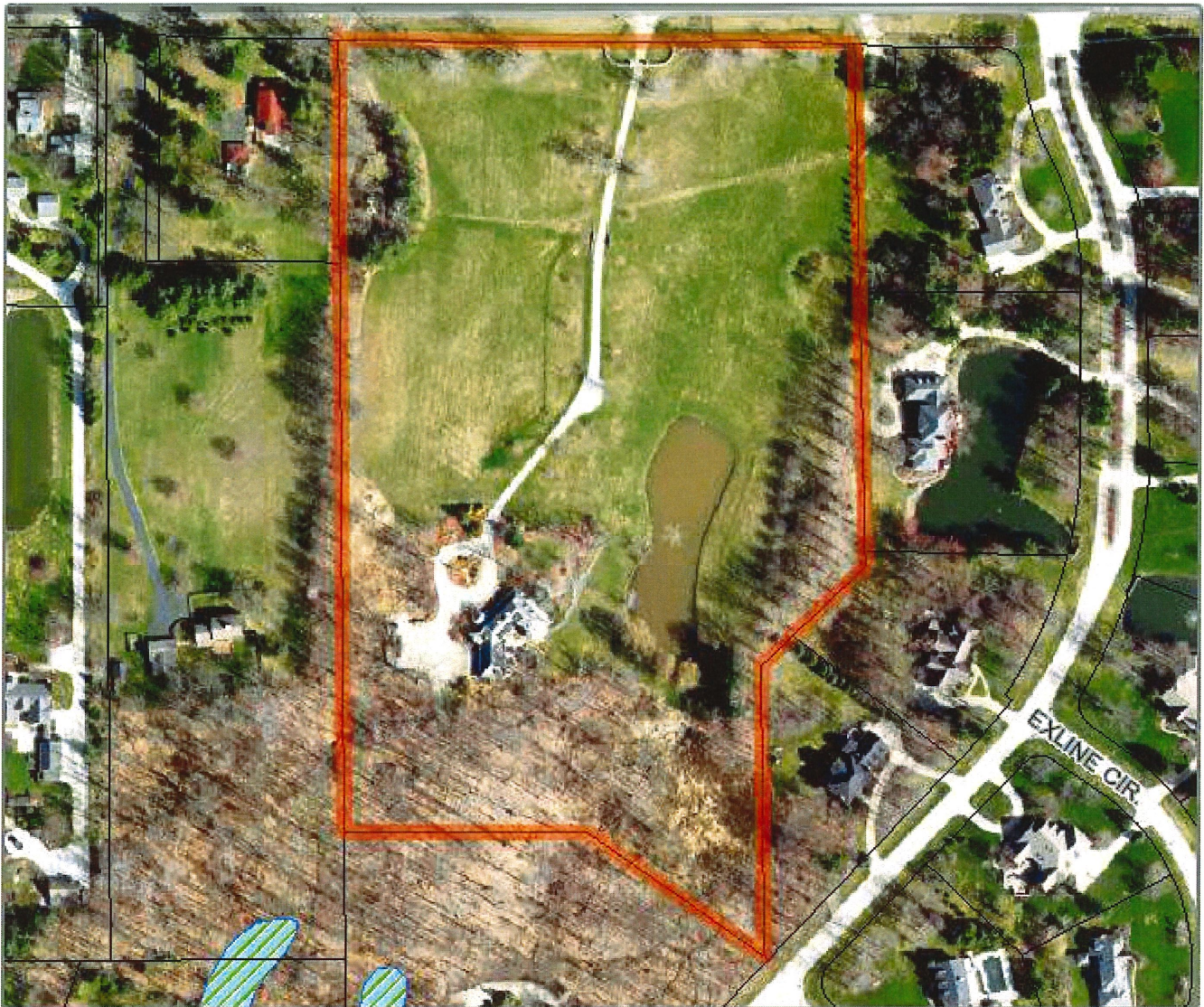
- 1) The property in question (will/will not) yield a reasonable return and there (can/cannot) be a beneficial use of the property without the variance because: THE COST TO EXTEND WATER MAIN IS PROHIBITIVE. ALSO, THERE IS ALREADY A WATER WELL ON THE PROPERTY. COST DISCUSSED WITH BRAD KOSCO.
- 2) The variance is (substantial/insubstantial) because: THERE IS NO WATER ON STREET. THIS LOT AND NEIGHBORS HAVE WELL. ALSO, THE PROPERTY IS 15 ACRES
  - 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
  - a) Would adjoining properties be negatively impacted: NO
  - b) Describe how the adjacent properties will not be affected: THEY ALSO HAVE WELL.
- 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: THERE IS NO CITY WATER AVAILABLE AT STREET WITHOUT MAJOR MAIN EXTENSION AND COST.
- 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: THE EXISTING HOME AND NEIGHBORS HAVE WELL. COST TO EXTEND MAIN IS ASTRONOMICAL. CANNOT ACCESS WATER AT CANTERBURY PER CITY SUMMIT.
  - a) The circumstance leading to this request was not caused by current owner. It was caused by: NO WATER AT STREET. THE PROPERTIES ON STREET ARE SERVICED BY PRIVATE WELL
  - b) List any special circumstances peculiar to the property/lot (i.e. exceptional irregularity, narrowness, shallowness or steepness) these circumstances are: EXTREMELY WIDE FRONTAGE

Signature: 

Date: 1/18/17



City of Hudson, OH



Owner Name	Markwell William I Iii	Legal Description	LOT 48 S OF STREETSBORO ST	
Site Address	2222 E STREETSBORO ST	Area	13.5	
Parcel ID	3006319	Council Ward	Ward 3	
Owner Address	2222 E STREETSBORO ST	Water Provider	Well Water	
Owner City	HUDSON	Sewer Provider	Septic System	
Owner State	OH	Electric Provider	City of Hudson	
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 = 210 feet**  
 1/18/2017



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 = 420 feet**  
1/18/2017





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

### MEMORANDUM

Date: 1/18/17

**RE: New Residential Construction Application for 2222 E. Streetsboro Road**

Kris,

Please find the Engineering Departments review comments regarding the new residential construction at 2222 E. Streetsboro Road and the requirement for connection to City water.

#### Summary

The City of Hudson Community Development (CD) department has received an application for a zoning certificate for new residential construction at 2222 E. Streetsboro Road. The Engineering Department was asked to provide an opinion of cost for the design and construction the existing Akron water main on E. Streetboro Road and new residential water service.

#### Conclusion

Attached below is my cost estimate to extend Akron's 12" water main from its existing location at 6600 Canterbury Drive to the westerly property line of the lot for 2222 E. Streetsboro Road. The cost also includes the service connection to the home and approximate engineering consulting fees and permits.

Ref. No.	Description	Quantity	Unit	Unit Cost	Total Cost
1	12" Ductile Iron Water Main	810	LF	\$275	\$222,750
2	Tap In Fees and Constrution of Service to House	1	EA	\$20,000	\$20,000
3	Consulting Fees and Permits (20% of Construction Costs)	1	LS	\$48,550	\$48,550
<b>Total</b>					<b>\$291,300</b>

Total Cost for new construction is approximately **\$291,300** and assumes the water main can be constructed outside the pavement.

Should you have any further questions or comments, do not hesitate to call me at extension 197.

Respectfully,

A handwritten signature in black ink, appearing to read "BK" or similar, written over a horizontal line.

**Bradley Kosco, P.E., P.S.**  
Assistant City Engineer





1 inch = 300 feet

# 2222 E. Streetsboro Road - Extension of Water Main

January, 2017



Water Main Extension = 810 Feet

2222 E. Streetsboro Rd

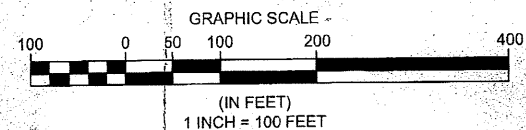
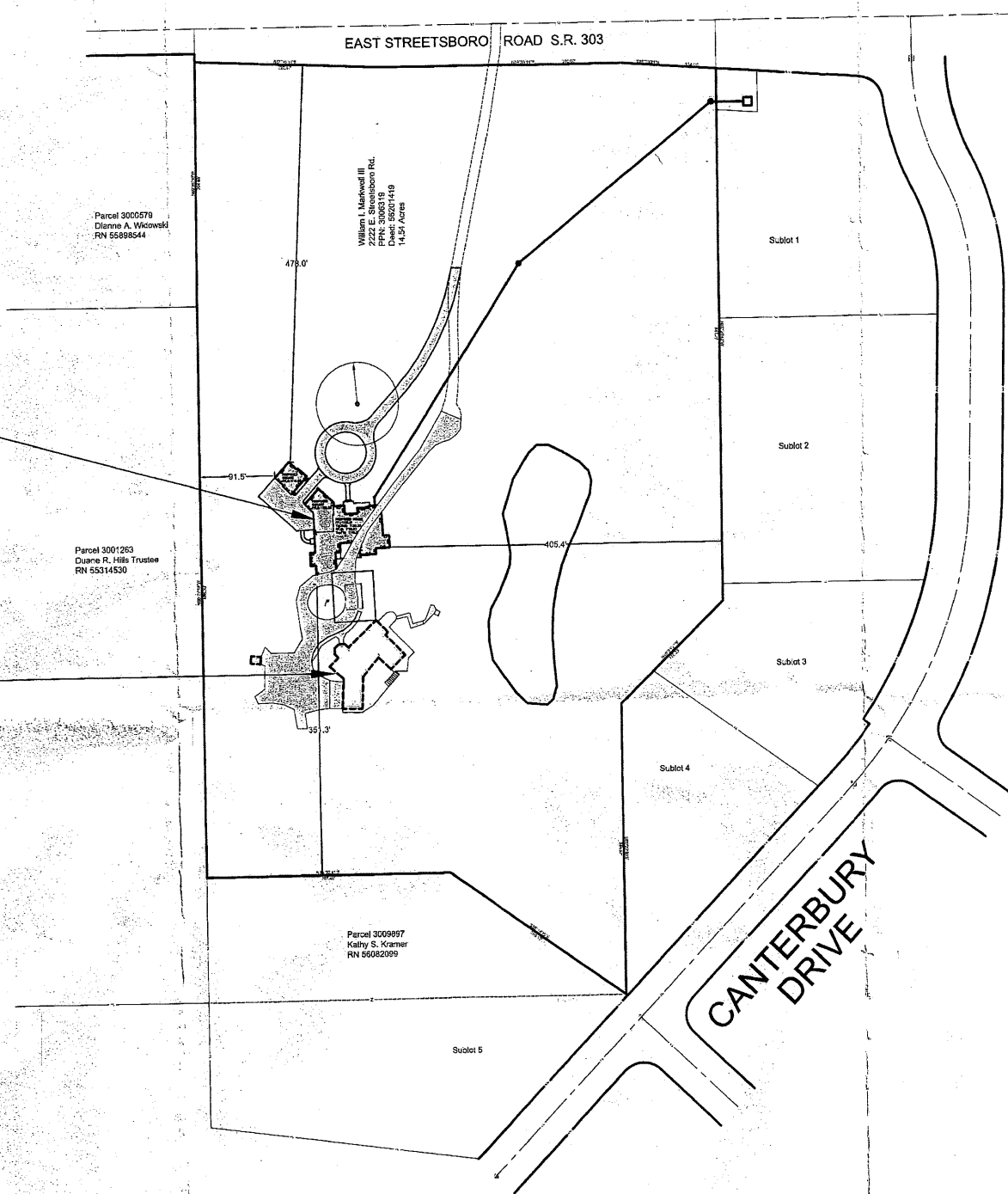
## Legend

- Ex Hudson Water Lines
- Ex Akron Water Lines



PROPOSED HOUSE  
LOCATION

EXISTING HOUSE  
-TO BE REMOVED



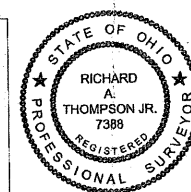
**811** O.U.P.S. REFERENCE #  
2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1  
OHIO UTILITIES PROTECTION SERVICE NON-MEMBERS  
MUST BE CALLED DIRECT

**EXISTING UNDERGROUND UTILITIES NOTE:**  
THE SIZE AND LOCATION, BOTH HORIZONTAL AND VERTICAL OF THE  
UNDERGROUND UTILITIES SHOWN HEREON, HAVE BEEN OBTAINED BY  
A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF  
UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY,  
AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD  
OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL.  
HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT  
GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.

NOTE: THIS SURVEY SUBJECT TO CHANGE UPON RECEIPT OF ANY  
ADDITIONAL AVAILABLE UNDERGROUND UTILITY INFORMATION.

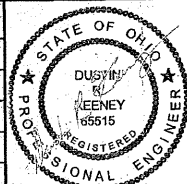
**TOPOGRAPHIC CERTIFICATION:**  
I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY,  
INDICATED BY 1' CONTOURS, AND ELEVATIONS SHOWN HEREON,  
REPRESENT AN ACTUAL FIELD SURVEY MADE UNDER MY  
SUPERVISION ON THE 15TH DAY OF JULY, 2016, AND THAT THE  
ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS  
OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL  
DATUM IS BASED ON NAVD88.

*Richard A. Thompson Jr.*  
RICHARD A. THOMPSON, JR., P.S. #7388



	Ex. Clean Out		Ex. Sanitary Manhole		Ex. Water Valve		Ex. Electrical Box		Ex. Tree		Ex. Monument Box
	Ex. Catch Basin		Prop. Sanitary Manhole		Ex. Water Meter		Ex. Guy Wire		Ex. Pine Tree		Power Transformer
	Prop. Catch Basin		Prop. Curb Inlet		Ex. Fire Hydrant		Ex. Power Pole		Ex. Bush		Sprinkler Control Box
	Ex. Yard Drain		Ex. Curb Inlet		Prop. Hydrant		Ex. Light Power Pole		Ex. Mailbox		Sprinkler Head
	Ex. Manhole		Ex. Gas Marker		Prop. WL Valve		Ex. Sign		Ex. Telephone Box		Traffic Signal Pole
	Ex. Storm Manhole		Ex. Gas Meter		Well		Ex. Light Pole		Guard Post		Traffic Signal Box
	Prop. Storm Manhole		Ex. Gas Valve		Test Bore		Prop. Light Pole				

REV. No.	DATE	BY



DATE: 12/28/16  
SCALE: HOR. 1"=100'  
VERT. N/A  
FOLDER: DWG/Proj. Eng.  
FILENAME: Site Plan  
TAB: 03-Overall  
DRAWN: RMK

**2222 E. STREETSBORO  
STREET**  
CITY OF HUDSON - SUMMIT COUNTY - OHIO

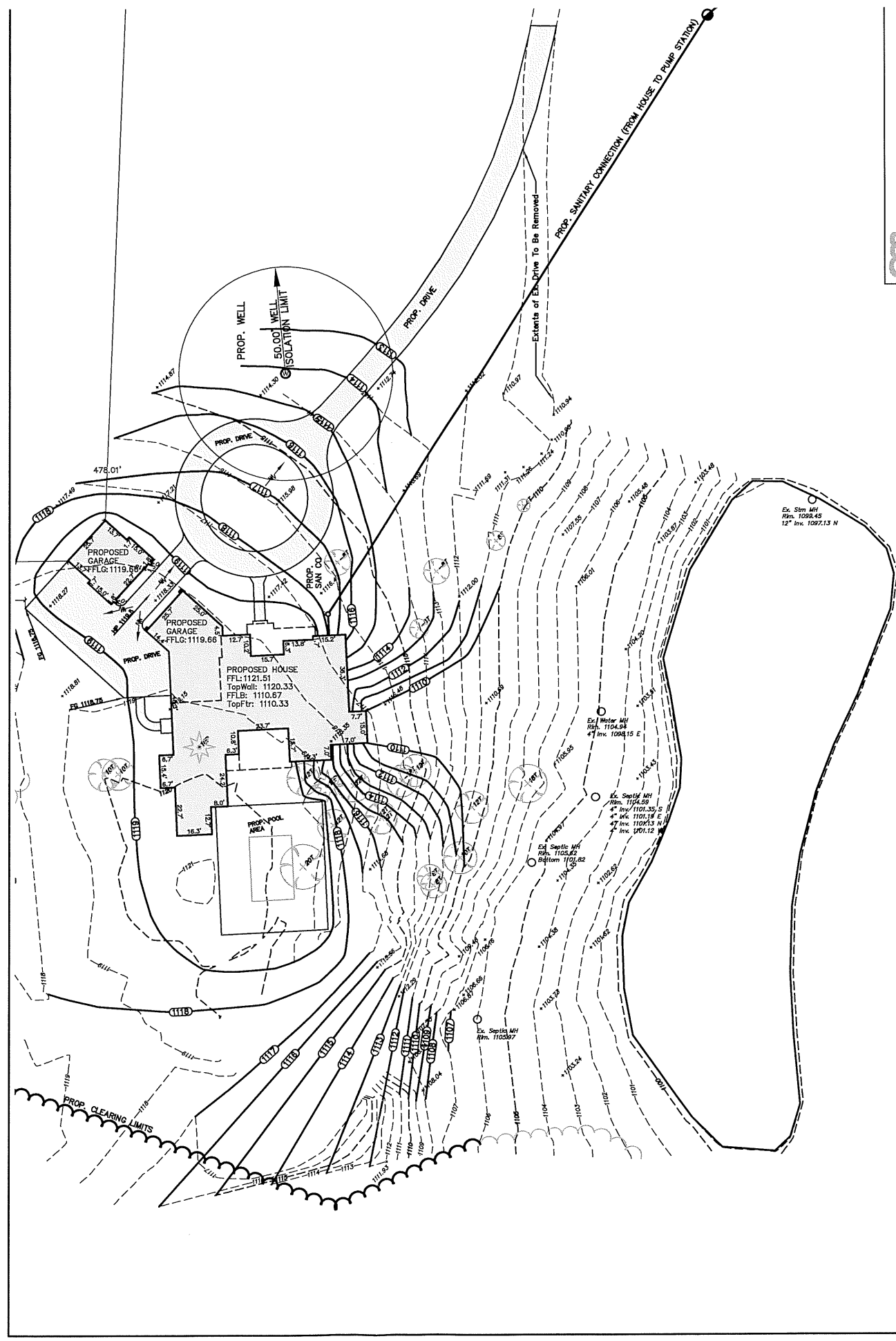
POLARIS ENGINEERING & SURVEYING, INC.  
34600 CHARDON ROAD - SUITE D  
MILCROFF HILLS, OHIO 44094  
(440) 944-4433 (440) 944-3722 (Fax)  
www.polaris-es.com



**OVERALL**

CONTRACT No.	
16186	
SHEET	OF
01	03





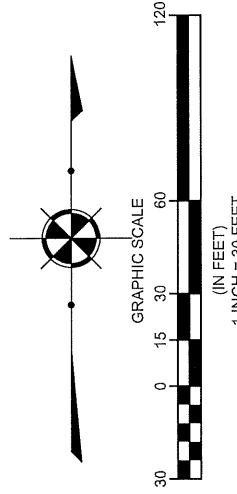
### O.U.P.S. REFERENCE

**2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1  
OHIO UTILITIES PROTECTION SERVICE NON-MEMBER  
MUST BE CALLED DIRECT**

EXISTING UNDERGROUND UTILITIES NOTE:  
THE SIZE AND LOCATION, BOTH HORIZONTAL AND VERTICAL (UNDERGROUND UTILITIES SHOWN HEREON, HAVE BEEN OBTAINED FROM A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL. HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY, INDICATED BY 1' CONTOURS, AND ELEVATIONS SHOWN HEREON, REPRESENT AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION ON THE 15TH DAY OF JULY, 2016, AND THAT THE ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL DATUM IS BASED ON NAVD83.

*Richard A. Thompson Jr.*  
RICHARD A. THOMPSON JR., P.S. #7388



N00°20'49"W  
641.27'

[illegible]

**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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



