



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

REPORT

DATE June 9, 2017

TO: Board of Zoning and Building Appeals for
Meeting Date June 15, 2017

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

SUBJECT: **Appeals Docket 2017-12**

Application

Variance to rear yard setback to allow a deck addition.

Site

Address: 5884 Sunset Drive
District: 3-Outer Village Residential Neighborhood
Applicant: Robert and Michelle Adair
Owner: Robert and Michelle Adair

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 forty-one (41) feet from the required rear yard setback of fifty (50) feet to allow an addition resulting in a thirty-nine (39) 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.

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The subject property is located on a corner lot in the Hudson Homes Subdivision on lot 25 in District 3. The property is surrounded by single family residential homes on all sides. The house was built in 1969 and the owners purchased the property in July of 2012. The house is positioned on the lot at an angle creating an irregular rear yard property line setback from the house. The property owners are proposing to add a deck addition approximately 240 square feet in size off the existing family room. The owner has indicated the proposed deck will be a replacement of a prior structure; however, staff notes that the zoning office shows no record of a zoning certificate for a previous deck on the property. The owner has indicated due to the placement of house on the lot and the location of the family room the proposed deck location is the most reasonable due to the design of the house. The owner also has indicated it would not impede on adjacent properties and would have similar design features as other decks within the neighborhood.

Staff notes the property received approval from the BZBA for variances to the rear and side yard setbacks for an attached garage on July 17, 2008, Docket # 2008-57770.

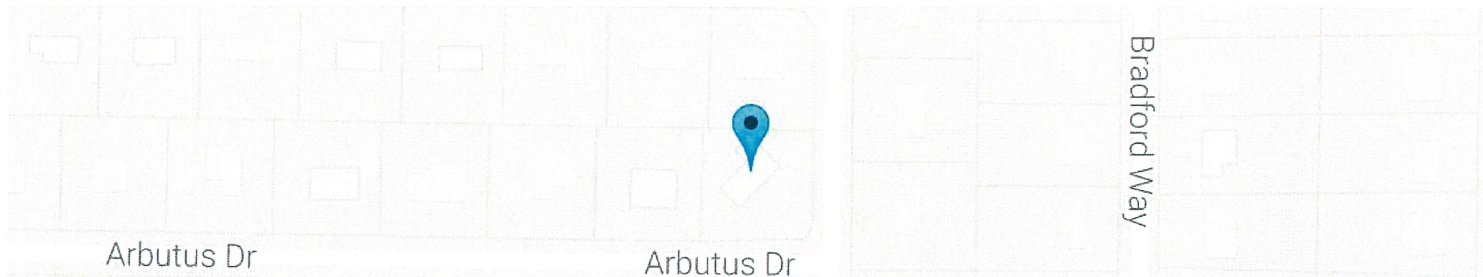
The following documents regarding the property are attached for your review:

1. **May 15, 2017**-Application for BZBA and supplemental information of applicant's request.
2. **Aerial of site.**
3. **Site plan.**
4. **Photographs.**
5. **BZBA Decision Docket #2008-57770.**

cc: BZBA 2017-12
Matthew Vazzana, Assistant City Attorney
Robert and Michelle Adair
Beth Bigham, Council Liaison

Attachments

Board of Zoning and Building Appeals (BZBA) #533 Board of Zoning and Building Appeals



Applicant

Robert Adair

☎ 440-636-3321

@ robertadair1@hotmail...

Location

5884 SUNSET DR , Hudson, OH

HUDSON HOMES SUB Ward 3

Owner ✎

ADAIR MICHELLE B & ADAIR ROBERT

Applicant and Property Owner Information

Applicant Relationship to Property Owner: *

Property Owner

Property Owner's E-Mail: *

robertadair1@hotmail.com

Company Name: *

Hen-House Decks

Type of Hearing Request

Type of Request: *

Variance

Code Required Set-Back (please indicate feet, s.f. or height) * ⓘ

50ft off of rear property line

Requested Variance (please indicate the amount of the variance in feet, s.f. or height) * ⓘ

40.35

Resulting Set-Back (please indicate feet, s.f. or height) * ⓘ

9.65

Explanation of Request and Justification: *

House structure is located at rear of property. Only suitable location for proposed structure is on rear of house.

Supplemental Information for Determining Practical Difficulty

The property in question will yield a reasonable return and there can be a beneficial use of the property with the variance because: *

Wooden exterior structure (single floor deck) will add to property appeal and value.

The variance is

insubstantial

Describe why the variance is substantial or insubstantial *

Proposed structure will be approximately 200 square ft. Structure will not be enclosed and is replacing prior structure of similar dimensions.

Explain why the request is the minimum amount necessary to make reasonable use of the property or structure(s): *

Structure has been reduced from original design to more favorably accommodate a zoning variance.

Would the essential character of the neighborhood be substantially altered? *

no

Would adjoining properties be negatively impacted? *

no

Describe how the adjacent properties will not be affected. *

Structure will not impede on adjacent properties from pursuing normal activities. Structure will have similar design features of other wood decks in neighborhood.

Will this request adversely affect public services (mail, water, sewer, safety services, etc.)

no

The situation cannot be feasibly solved by means other than a variance. Explain: *

The location of this structure is in the only reasonable place as it will be attached to house in vicinity of exterior sliding doors. Other reasonable portions of the house for this structure are impeded by utility lines.

The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Explain below:

This structure will allow for outdoor living section of this house.

The circumstance leading to this request was not caused by current owner. It was caused by: *

The circumstance leading to this request is directly due to the location of the house in relation to the property borders of the property lot.

5/25/2017

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

Distance from rear of property very shallow due to house location.

Public Meeting Information

Meeting Date *

06/15/2017

Person representing Property Owner at Public Meeting *

Andrew Henley

The property owner has acknowledged and agreed that the above representative can speak on their behalf at the public hearing. *

✓

By checking this box, I do hereby certify that the information to the City of Hudson in and with this application is true and accurate and consents 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 this application is approved, to verify conformance to requirements and conditions of such approval. I acknowledge that City reviews or approvals do not absolve the subject property from deed restrictions, easements, or homeowner association covenants, restrictions, or regulations regarding structures and uses on the property. *

✓

Internal

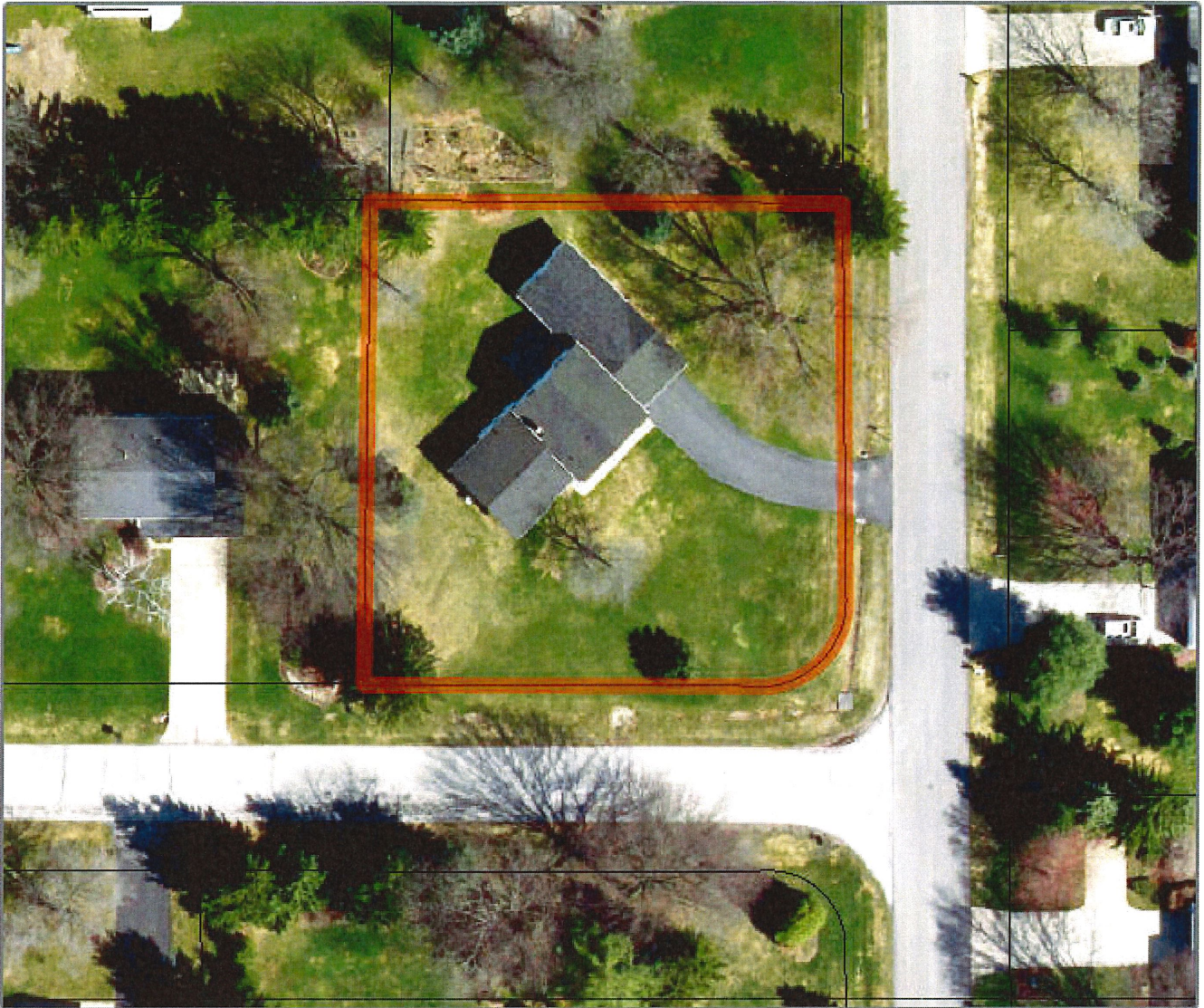
Company Name

Variances

Meeting Date

District

City of Hudson, OH



Owner Name	Adair Michelle B	Legal Description	HUDSON HOMES SUBDN #3 LOT 25 ALL ARBUTUS DR	
Site Address	5884 SUNSET DR	Area	0.47	
Parcel ID	3001294	Council Ward	Ward 3	
Owner Address	5884 SUNSET DR	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.

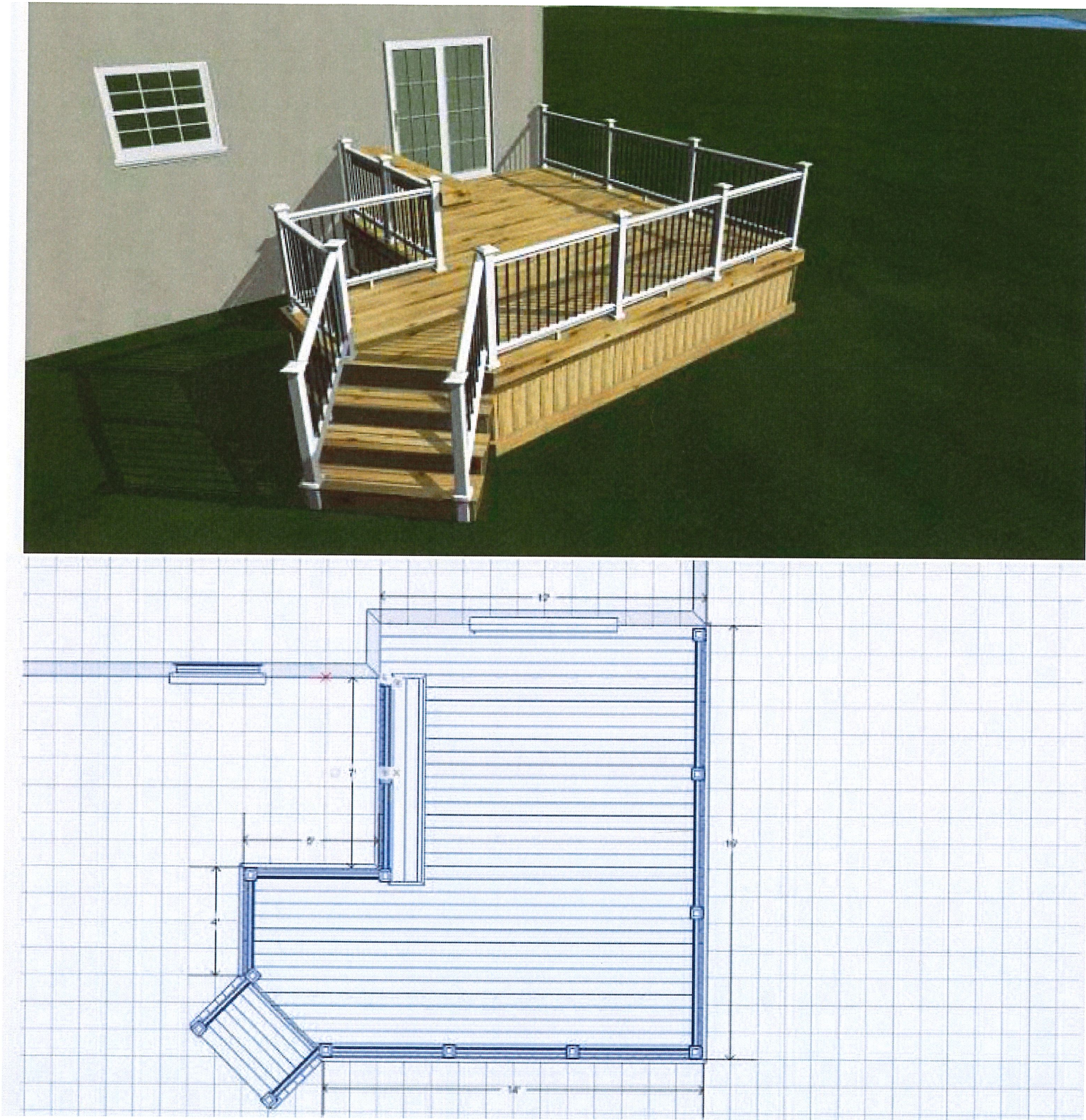
Map Scale
1 inch = 52 feet
 5/17/2017

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 = 87 feet
5/17/2017



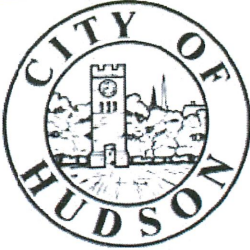




5/25/2017

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City of Hudson, Ohio

Board of Zoning and Building Appeals

BZBA APPEALS DOCKET NO. 2008-57770
5884 SUNSET DRIVE
DISTRICT 3
VARIANCES

7006 2760 0003 9022 5184

VIA CERTIFIED MAIL

DECISION

Based on the evidence presented to the Board by the applicant and owner Ronald B. Hoover, Trustee, 5884 Sunset Drive, Hudson, Ohio 44236, and City staff at a public hearing held in the 2nd Floor Meeting Room at Town Hall, 27 East Main Street, Hudson, Ohio at 7:30 p.m., on Thursday, July 17, 2008, the Board hereby approves:

The requests are: 1] A variance of five (5) ft to the required side yard setback of fifteen (15) ft resulting in an addition with a ten (10) ft side yard setback pursuant to Section 1205.06(d)(5)(D)(i), "Property and Development Design Standards - Minimum Side Yard Setbacks", and 2] A variance of eleven (11) ft to the required rear yard setback of fifty (50) ft resulting in an addition with a thirty-nine (39) ft rear yard setback pursuant to Section 1205.06(d)(5)(E)(i), "Property and Development Design Standards - Minimum Rear Yard Setbacks". The Board finds and concludes:

- a) the property in question will yield a reasonable return and there can be a beneficial use of the property without the variance;
- b) the variances are substantial because they are 33% and 22% respectively;
- c) the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a substantial detriment as a result of the variances because the neighborhood would not change at all;
- d) the variances would not adversely affect the delivery of governmental services ;
- e) the applicant purchased the property with knowledge of the zoning restrictions;

neighborhood as the house is placed on an angle making the back yard area significantly reduced and building an accessory structure instead would be more obtrusive; and,

g) the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variances.

For all the above reasons, the variances are granted with the conditions:

- A driveway will not be added to the new addition.
- Owner to follow suggestion of Hudson's landscape architect to landscape the sides of addition closest to the property line setback.

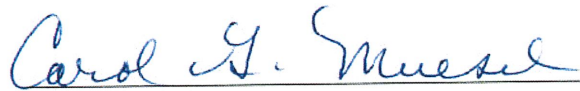
Dated: July 17, 2008

CITY OF HUDSON
BOARD OF ZONING AND BUILDING APPEALS



Robert P. Drew, Chairman

I certify that this is a true and accurate copy of the Decision reached by the Board of Zoning and Building Appeals at the July 17, 2008 meeting.



Carol G. Muesel, Clerk

Failure of an applicant to commence substantial construction or action with regard to the variance approval within one (1) year of receiving approval of the variance and to complete such construction within two (2) years of receiving approval of the variance shall automatically render the decision of the BZBA null and void, pursuant to Section 1203.07 (e), "Variances - Lapse".

