

Meeting Date:  
July 17, 2025

Location:  
439 N. Main Street

Parcel Number  
3202805

Request  
Variance requests  
to enlarge an  
existing accessory  
structure

Applicant:  
Greg Chaplin

Property Owner:  
Michael Flynn

Zoning:  
D3 – Outer Village  
Residential  
Neighborhood

Case Manager:  
Lauren Coffman,  
Associate Planner

#### **Contents**

- Application, 6-3-2025
- Site Plan, 6-3-2025
- Elevations, 6-3-2023
- Site Photos 7-10-2025



Location Map, City of Hudson GIS

#### **Request:**

The subject of this hearing includes the following requests to construct a second-floor addition to an existing garage:

1. An expansion of a nonconforming structure request to allow an existing garage to be enlarged to accommodate a second-floor accessory dwelling unit pursuant to section 1206.05(f)(1)(B), “Nonconforming Structures – Enlargement” of the City of Hudson Land Development Code.
2. A variance of three (3) feet from the maximum accessory structure height of eighteen (18) feet resulting in an accessory structure height of twenty-one (21) feet in order to accommodate a second-floor accessory dwelling unit pursuant to Section 1206.03(d)(7), “Accessory Use Development and Operational Standards – Height” of the City of Hudson Land Development Code.

#### **Adjacent Development:**

The site is adjacent to residential development to the south, east and west. The site is adjacent to residential development and Western Reserve Academy to the north.

Hudson Board of Zoning and Building Appeals	
July 17, 2025	DOCKET 2025-638

## Project Background

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on N Main Street. The lot is approximately 2.6 acres and the house on the property was built in 1955. The owners purchased the property in 2019.

The applicant is requesting to enlarge the existing detached garage on the property in order to accommodate a second-floor accessory dwelling unit. The existing garage is currently a non-confirming structure, with a setback of approximately 9 feet from the western property line. Additionally, this structure is also located within the front yard area of the property in question. The City of Hudson’s Land Development Code has the following regulations relative to the enlargement of non-confirming structures on a property –

- *1206.05(f)(1)(A) Nonconforming Structures. A nonconforming structure as more fully defined in Chapter 1213 includes a structure lawful prior to the Land Development Code, but which fails to meet setback, height, or other site development requirements of this Code. Nonconforming structures other than those which nonconformity is created by size of use limitations listed by uses by right and conditional uses of each zoning district of Chapter 1205 shall be subject to the following standards:*
  - *(1) Enlargement.*
    - *A. A nonconforming structure may be expanded without approval from the BZBA provided the proposed expansion does not exceed fifty percent of the existing footprint and:*
      - *1. The expansion does not increase the degree of nonconformity; or*
      - *2. The extension of a structure which is nonconforming due to side yard setback shall be allowed so long as the extension is not closer to the side property line and the extension does not exceed twenty-five percent of the existing structure length, including porches and architectural features but excluding decks.*
    - *Existing footprint and structure length shall mean the dimensions as they existed December 31, 1999.*
- *1206.05(f)(1)(B) – A nonconforming structure may otherwise be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Code, December 31, 1999, provided the Board of Zoning and Building Appeals, pursuant to the procedure set forth in Section 1203.06, finds all of the following:*
  - *1. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets; and*
  - *2. The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.*

Staff has determined the request would increase the degree of nonconformity of the structure by adding a second story ADU to the existing garage. Therefore, BZBA approval is required.

Hudson Board of Zoning and Building Appeals	
July 17, 2025	DOCKET 2025-638

Additionally, the applicant is requesting to increase the overall height of the existing detached garage on the property. The City of Hudson's Land Development Code has the following regulations relative to maximum accessory structure height -

- *1206.03(d)(7) - Height. Except for television antennas and as otherwise expressly limited or allowed, no accessory structure shall exceed eighteen feet in height.*

The applicant is requesting a variance of three (3) feet from the maximum accessory structure height of eighteen (18) feet resulting in an accessory structure height of twenty-one (21) feet in order to construct the second-floor accessory dwelling unit. Per the LDC, height is measured at the average distance between the eaves and the apex of the gable. Staff notes the existing structure complies with the maximum height allowance.

The applicant states that the requested variance and structure expansion would allow the garage and proposed additional living space to be used in a way that positively impacts the property for the current property owners.

#### **Non-Conforming Structures**

Section 1206.05(f)(1)(B) describes the standards for review for enlargement of non-conforming structure requests. These standards are listed below. All findings are subject to additional testimony presented to the Board during the public hearing:

- 1. The enlargement will not interfere with the operation of conforming uses in the District or with circulation on adjacent public streets.**

Staff notes that the existing non-confirming structure is located approximately 500 feet from Darrow Rd, adjacent to the rear yard of 429 N Main St.

- 2. The enlarged structure will cause no greater adverse impacts on surrounding properties than did the original conforming structure.**

The existing one story 3 car garage would be a more passive use than the proposed two story ADU and first floor garage. The addition of the second floor living space would have the potential for greater light, noise, and visual impacts than the existing use. While ADUs are permitted in all residential zoning districts, they are required follow the accessory requirements of being located in the rear yard, emphasizing their subordinate design to the main house.

#### **Considerations related to the request to exceed maximum height**

Section 1204.03 of the Land Development Code describes the standards for review of variance requests. These standards are listed below, along with staff findings to assist in your determination. All findings are subject to additional testimony presented to the Board during the public hearing:

- 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variances:**

The property in question will yield a reasonable return and there can be beneficial use of the property without the variance, as the existing garage currently functions without the addition of the proposed ADU.

- 2. Whether the variance is substantial:**

The variance request would represent a 19% increase over the maximum Land Development Code height requirement.

Hudson Board of Zoning and Building Appeals	
July 17, 2025	DOCKET 2025-638

**3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variances:**

Staff notes the following:

- In general, detached accessory structures located in the front yard are atypical within the City of Hudson.
- The proposed increase in structure height from 11 feet to approximately 21 feet at the mid-point of the gable may have a negative impact on the adjacent property owner due to the structure's close proximity to the western property line.
- The existing structure is currently non-conforming and has an approximate setback of 9 feet from the front property line.
- The proposed height increase would be in conflict with the Architectural Design Standard stating *no accessory building may be larger in ground floor footprint or taller than the main body of the building*. Staff notes the existing house is approximately 18ft to the top of the ridge.

**4. Whether the variance would adversely affect the delivery of governmental services such as water and sewer:**

Staff notes the structure would need to maintain a three (3) foot minimum clearance above the roofline or the existing service would need to be relocated per Hudson Public Power. Question if the ADU would be served by public water and public sewer.

**5. Whether the applicant purchased the property with knowledge of the requirements.**

The existing regulations were in effect when the owners purchased the property in 2019.

**6. Whether the applicant's predicament can be obviated feasibly through some method other than a variance:**

Question if dormers could be utilized to reduce the overall height of the proposed structure to meet the height requirements. Additionally, the applicant could separate the proposed ADU from the existing garage and construct a new building, as there is ample space on the property to construct an additional accessory structure. Staff notes the Land Development Code permits multiple accessory buildings on a property.

**7. Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.**

The Board of Zoning and Building Appeals shall weigh the above factors, along with given testimony in order to make this determination.

### Additional Approvals

The proposal would require the following:

- Design review with the Architectural and Historic Board of Review.
- Administrative review and approval.



## 25-638

Board of Zoning and  
Building Appeals (BZBA)

Status: Active

Submitted On: 6/3/2025


## Primary Location

439 MAIN  
Hudson, Ohio 44236

## Owner

FLYNN MICHAEL J  
439 N MAIN ST HUDSON, OH  
44236

## Applicant

 Greg Chaplin  
 330-760-5609  
 gchaplin1028@gmail.com  
 596 S. Elm Ave  
Tallmadge, Ohio 44278

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## Applicant and Property Owner Information

Applicant Relationship to Property Owner:\*

Architect

Company Name:

Gregory Chaplin & Associates,  
Architects LLC

Property Owner Name\*

Michael Flynn

Property Owner's E-Mail:\*

mike@flynnenvironmental.com

Property Owner Phone Number\*

330-575-5056

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## Type of Hearing Request

Type of Request:\*

Non-Conforming Use

Year Property Purchased\*

2010

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## BZBA Meeting Information

The following persons are authorized to represent this application with respect to all matters associated with the project\*

Michael Flynn - Katie Coulton

By checking this box, I do hereby certify that I am authorized to represent the property owner and to accept any conditions that the Board may impose.\*



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. \*



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## Board Meeting Date

 AHBR

☐

 BZBA

☐

 Planning Commission

☐

# Internal

 Company Name

 Variances

 Meeting Date

 District

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

The variance will allow the garage and created second floor space to be used in such a way that will positively impact the current property for the current owner and potential future owners.

The variance is (substantial or insubstantial and explain your reasoning to the Board for why):

Insubstantial. The basic architectural feel of the structure is not significantly changed and the overall style matches the existing residence

Describe the impact of the request on surrounding properties:

There is no impact on the surrounding properties. The proposed structure is located in such a way that it is barely visible from surrounding properties.

Would the essential character of the neighborhood be substantially altered?

The essential character of the neighborhood would not be substantially altered.

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

The request does not include expansion of the existing building footprint and is also a minimum for height extension.

Would adjoining properties be negatively impacted?\*

Adjoining properties would not be negatively impacted.

Describe how the adjacent properties will not be affected.\*

Adjoining properties and structures are positioned such that there is not a clear view of the proposed structure. Also, the proposed addition is consistent with the design and style of the existing residence.

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

The request will have no effect on public services.

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

The project seeks to provide second floor space above the existing garage. To create this space by other means would require a completely new and separate structure.

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

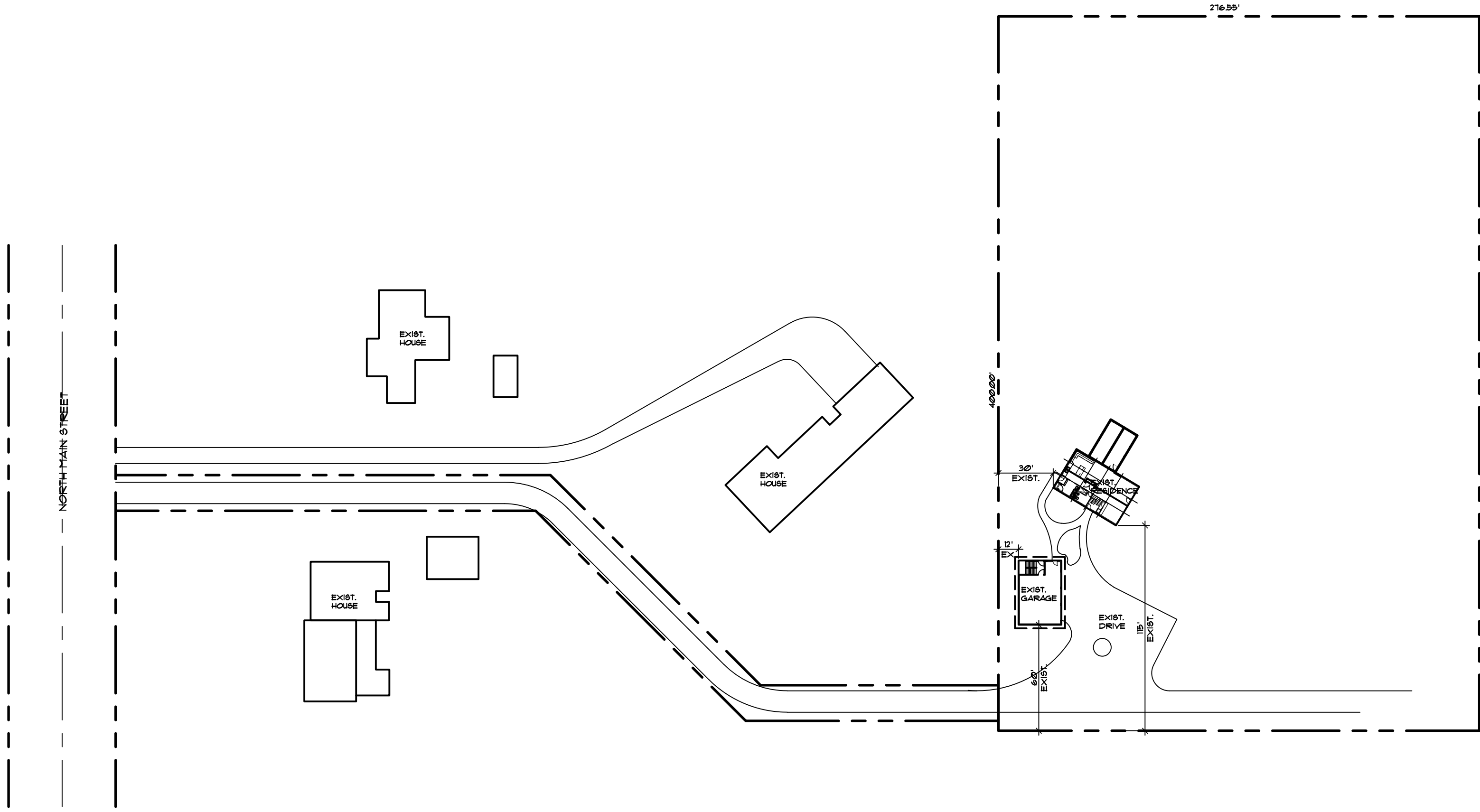
Latitude generally exists within any zoning requirement. This request and the resulting architecture falls in line with other such structures within the city.

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

The current owner would like to make the changes that have lead to this request.

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

There really are no special circumstances leading to this request.



# MORTGAGE IDENTIFICATION PLAT

## WOODSCROFT SURVEYING, INC.



P.O. BOX 4101  
COPLEY, OH 44321  
(330) 825-9922 • FAX (330) 825-5558  
woodscroft@aol.com

439 NORTH MAIN STREET  
STATE OF OHIO  
COUNTY OF SUMMIT  
CITY OF HUDSON  
PART OF ORIGINAL LOT 66  
P.P.N. 32-02805

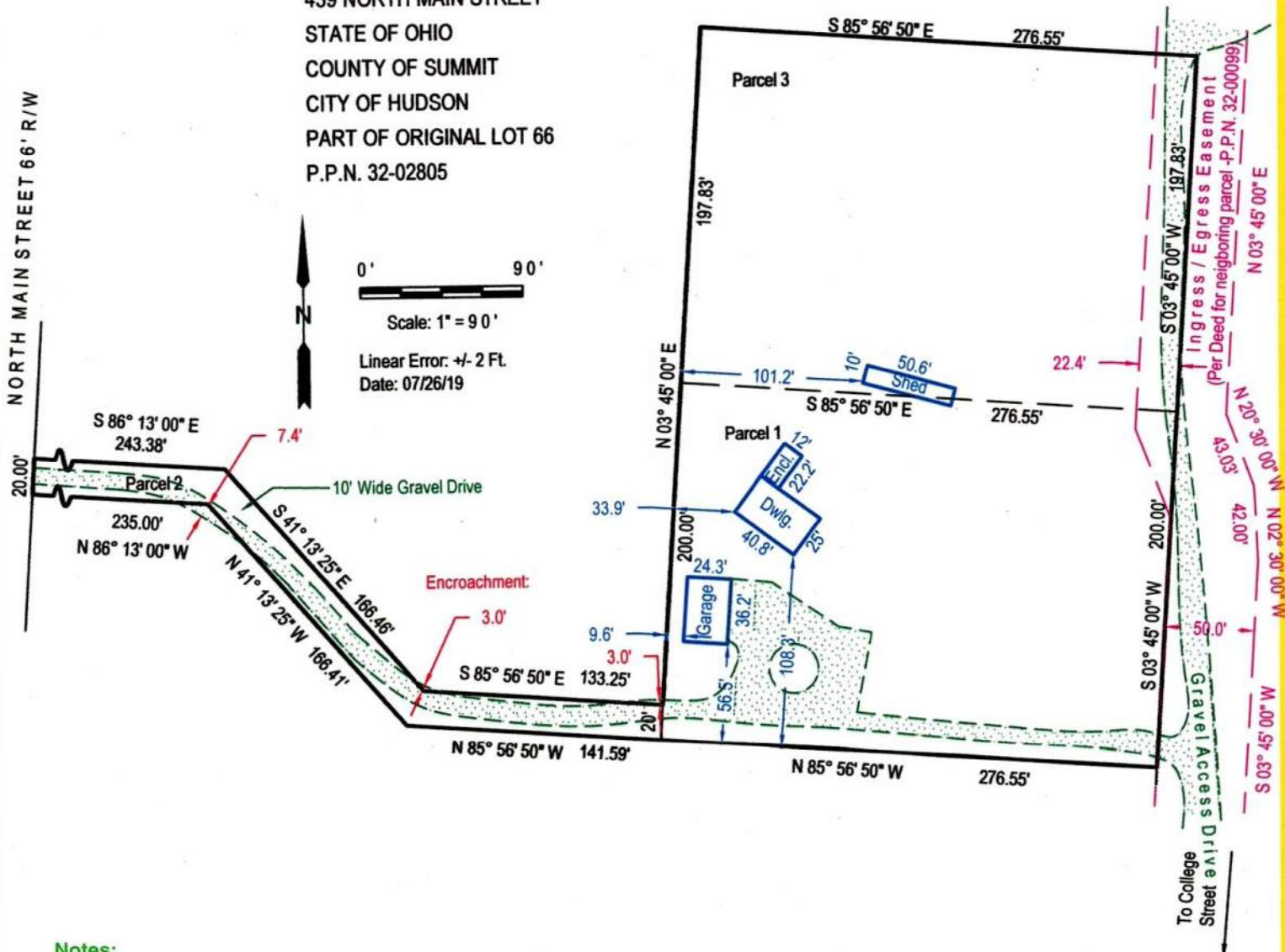
NORTH MAIN STREET 66' R/W



0' 90'

Scale: 1" = 90'

Linear Error: +/- 2 Ft.  
Date: 07/26/19



### Notes:

Subject's gravel drive encroaches approx. as shown.



*Stephanie Sires*

STEPHANIE ANN SIRES - REGISTERED SURVEYOR NO. 7467

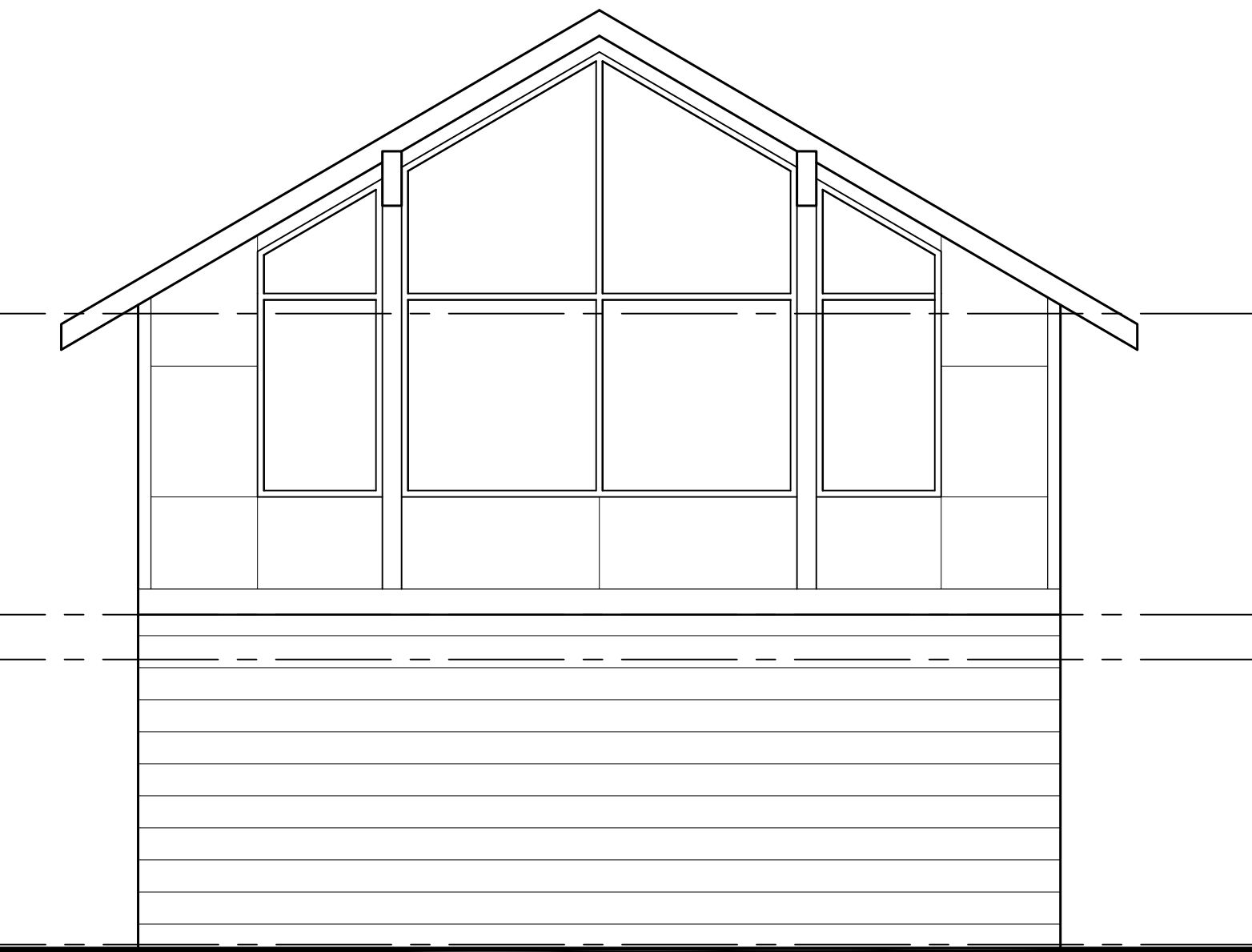
THIS MORTGAGE IDENTIFICATION SURVEY WAS PREPARED IN ACCORDANCE WITH CHAPTER 4733-38 OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF SAID CODE. THIS MORTGAGE IDENTIFICATION IS CERTIFIED EXCLUSIVELY TO THE STATED TITLE COMPANY AND/OR LENDER. IT IS NOT FOR THE USE OF THE PROPERTY OWNER AND SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, THE PRESENCE OF ENCROACHMENTS OR THE PRECISE LOCATION OF DWELLINGS, STRUCTURES, FENCES AND OTHER IMPROVEMENTS.



EAST GARAGE ELEVATION  
SCALE: 1/4" = 1'-0"



WEST GARAGE ELEVATION  
SCALE: 1/4" = 1'-0"



NORTH SIMILAR  
SOUTH GARAGE ELEVATION  
SCALE: 1/4" = 1'-0"



EXISTING EAST ELEVATION



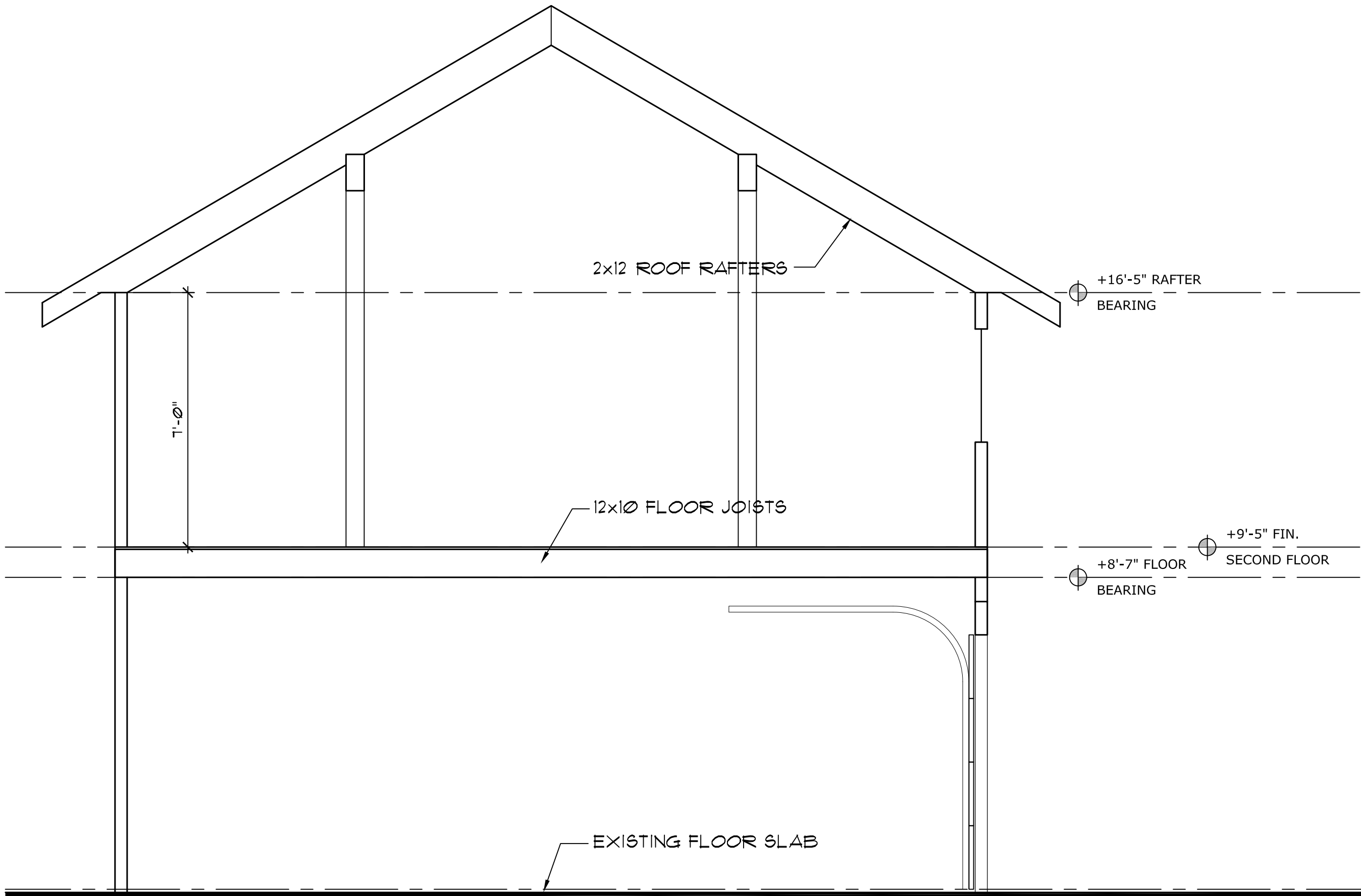
EXISTING WEST ELEVATION



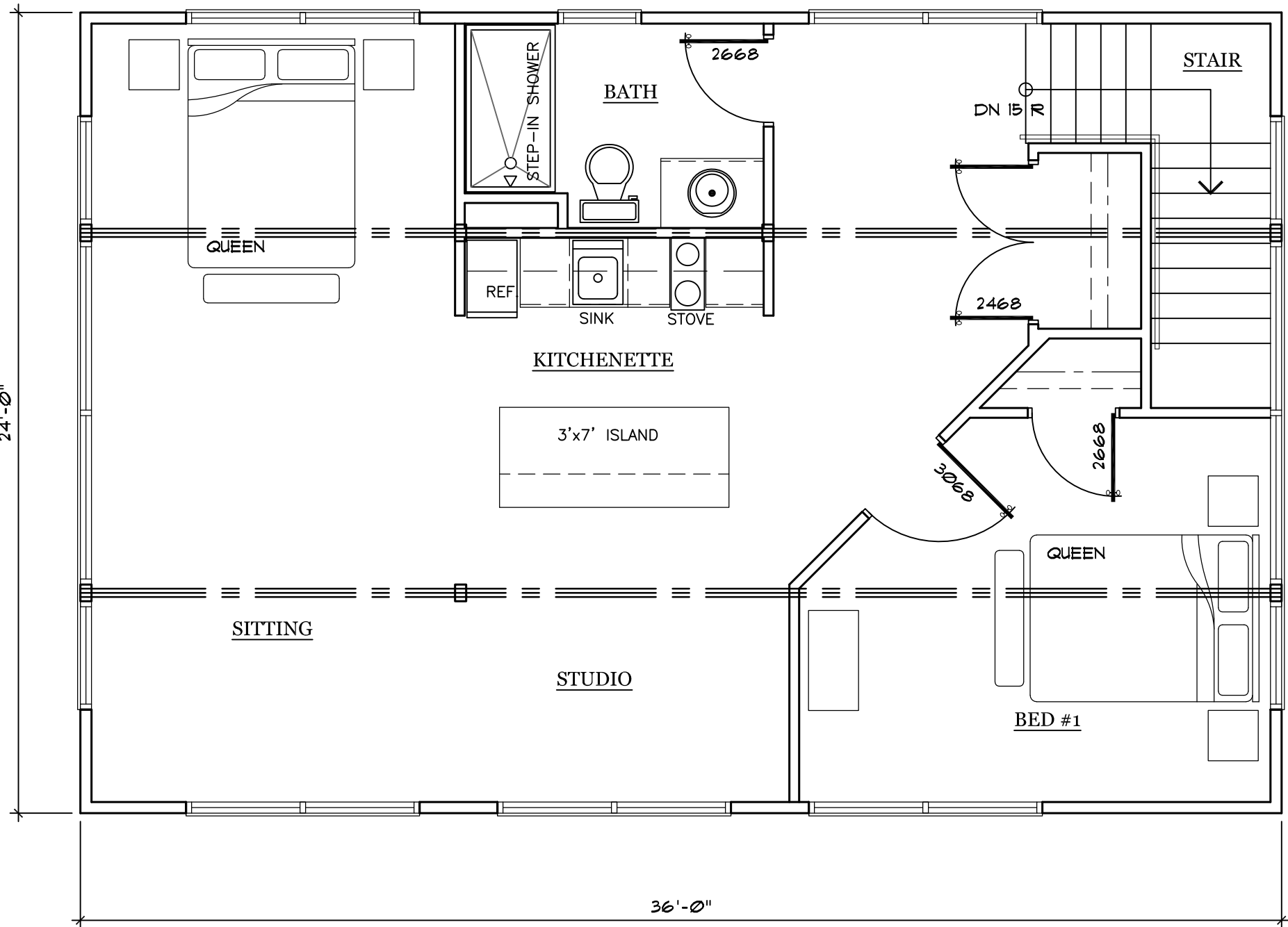
EXISTING NORTH ELEVATION



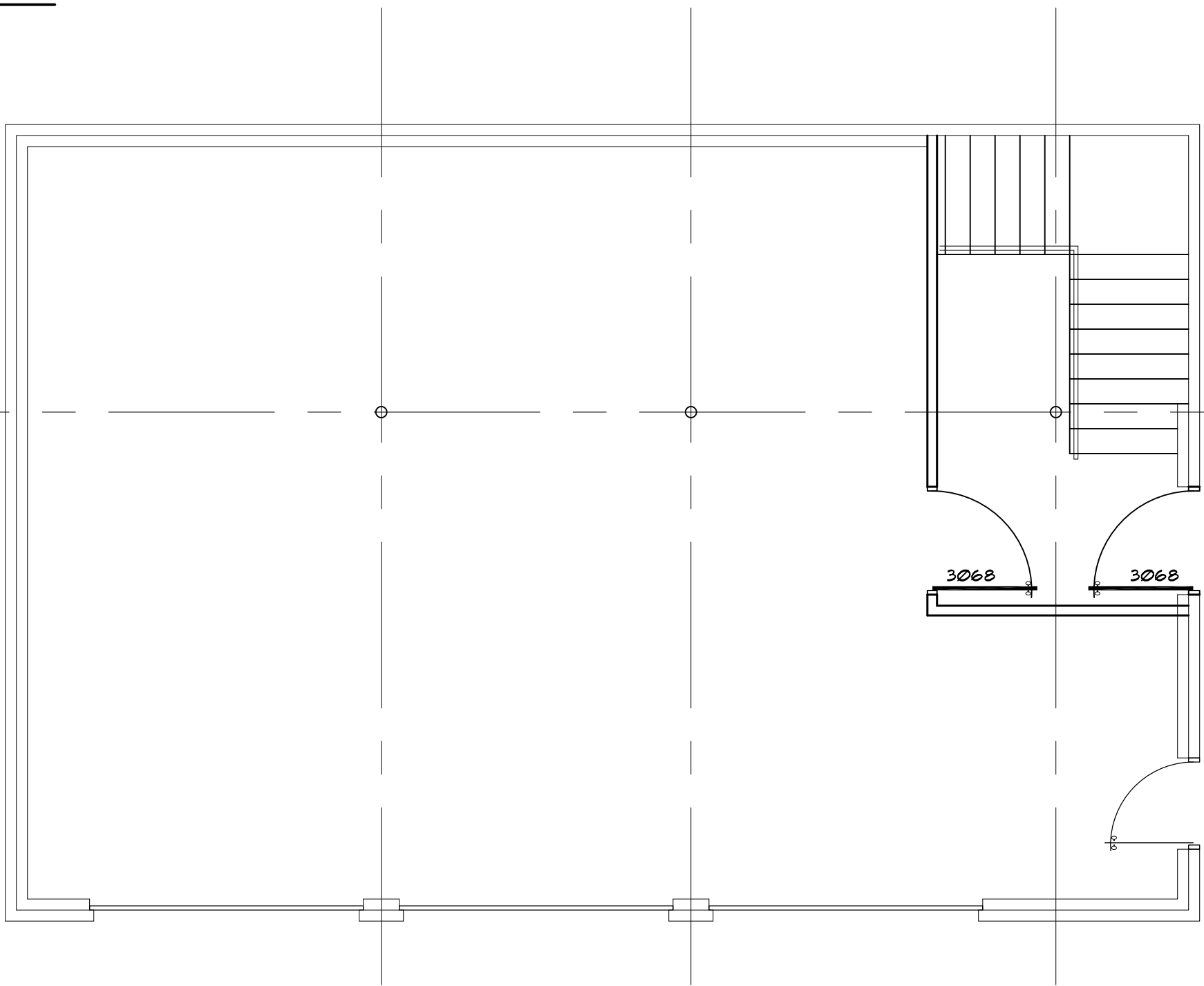
EXISTING SOUTH ELEVATION



GARAGE SECTION  
SCALE: 3/8" = 1'-0"



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



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





























