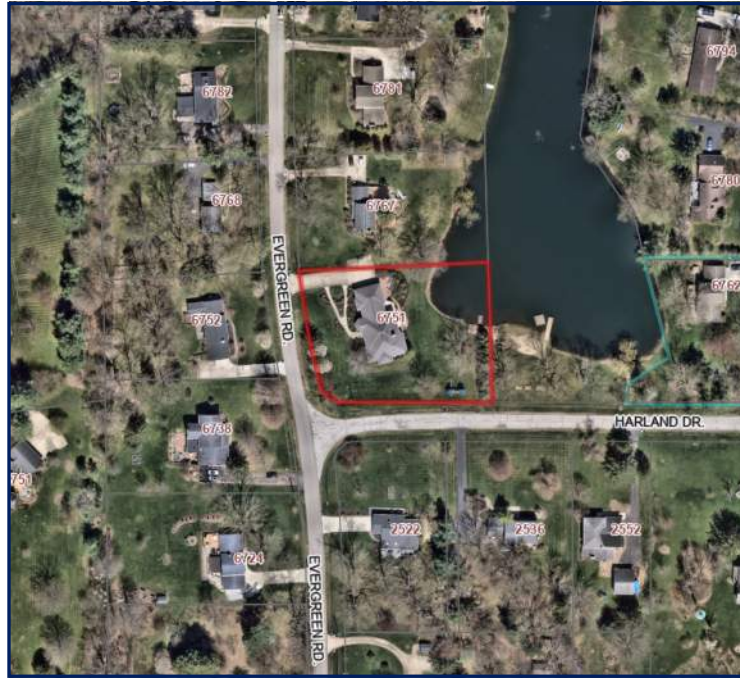


Location Map, City of Hudson GIS



Meeting Date:  
April 16, 2026

Location:  
6751 Evergreen Rd

Parcel Number:  
3001716

Request:  
Variance request for a  
side yard setback for  
corner lots

Applicant:  
Bryan Carr

Property Owner:  
Bryan and Julia  
Carr

Zoning:  
D3 – Outer Village  
Residential  
Neighborhood

Case Manager:  
Mary Rodack,  
Associate Planner

- Contents**
- Application, 7-7-2025
  - Site Plan, 3-10-2026
  - Elevations, 7-7-2025
  - Site Photos 3-17-2026

**Request:**

The subject of this hearing is variance request of 43 (forty-three) feet from the required minimum side yard setback for corner lots of 50 (fifty) feet resulting in a 7 (seven) foot setback pursuant to section 1205.06(d)(5)(D)(5), “Minimum side yard setbacks – Residential corner lots” in order to construct childrens play equipment.

**Adjacent Development:**

The site is adjacent to residential development to the north, south, and east and a pond to the west.

## Project Background

The property is located in District 3 – Outer Village Residential Neighborhood and is situated on Evergreen Rd and Harland Rd. The lot is located within the East Hudson Hills subdivision and is approximately 0.97 acres. The owners purchased the property in 2024.

The applicant is requesting to construct childrens play equipment along Harland Rd. The City of Hudson’s Land Development Code has the following regulation relative to rear yard principal structure setbacks in District 3 –

- *1205.06(d)(5)(D)(5) – Minimum side yard setbacks: Residential corner lots: fifty feet for street side not designated as “front”*

The applicant is requesting a side yard setback variance of approximately forty-three (43) feet from the required fifty (50) foot setback resulting in a rear yard setback of approximately seven (7) feet in order to construct childrens play equipment.

The childrens play equipment was constructed on the property without a zoning certificate in late 2024 when the property owner purchased 6751 Evergreen Rd. A code enforcement case was created in 2025 due to the construction without a permit and the proximity to the side property line. After communication with the City, the property owner began the BZBA application process in July 2025 and received their survey to complete the application in March 2026.

City Council adopted code section 1206.03(a)(9) in 2022 to regulate childrens play equipment as accessory structures and require a zoning certificate prior to construction. The property owners previously resided at 2672 Harland Dr where the same playset had been in the rear yard of property since at least 2021.

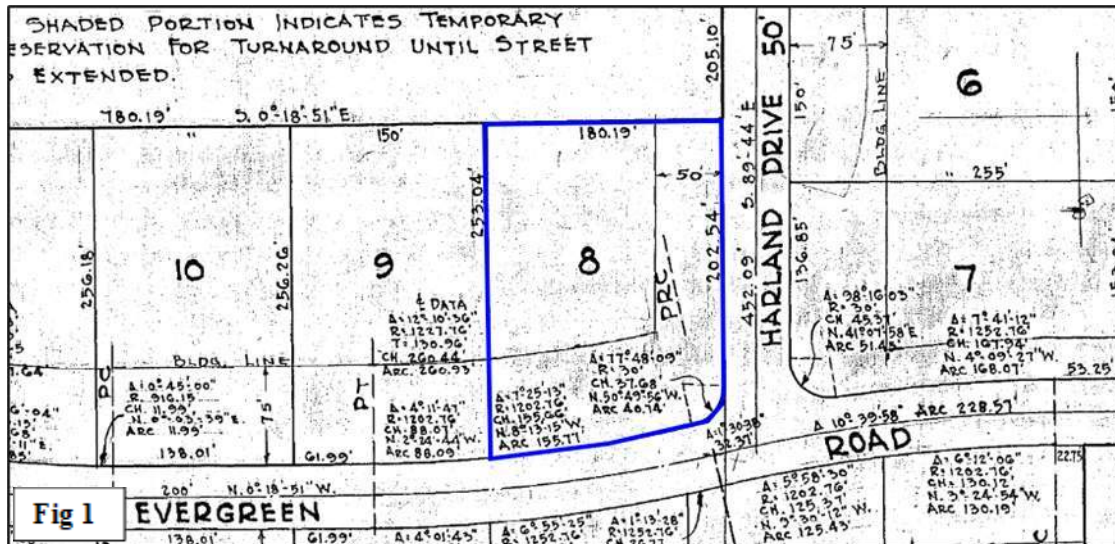
### **1206.03(a)(9) – Childrens Play Equipment Overview**

*1206.03(a) Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:*

*(9) Childrens play equipment, provided that:*

- A. For purposes of this section, "childrens play equipment" shall include playhouses, treehouses, tree platforms, swing sets, trampolines, and/or zip lines;*
- B. Childrens play equipment shall not exceed 200 square feet in gross floor area;*
- C. Childrens play equipment shall be setback at least ten feet from any adjacent property line; and*
- D. Childrens play equipment shall not be located in any front yard of a lot and is only permitted within the side or rear yards of a lot.*

The proposed childrens play equipment would meet the requirements of Section 1206.03(a)(9); however, would not meet the 50 ft setback requirement for corner lots located in zoning district 3 as stipulated in 1205.06(d)(5)(D)(5). Staff notes the 50 ft setback is also depicted on the 1954 East Hudson Hills Subdivision plat (see Figure 1), further establishing intent for a 50 ft setback for this corner lot.



**Considerations**

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.

**2. Whether the variance is substantial:**  
 The variance would represent an 86% deviation from the code requirement.

**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:

- The property is approximately 0.97 acres and has frontage on Evergreen Rd and Harland Dr.
- Staff notes the location of the childrens play equipment is directly adjacent to a public street and highly visible.
- Staff notes the childrens play equipment is approximately 25 feet long.
- Staff has not identified other examples in the neighborhood of structures placed adjacent to a public street on a corner lot.

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

The variance would not adversely affect the delivery of governmental services.

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

The current setback requirements were in place when the property owners purchased the property in 2024.

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

Staff questions if the childrens play equipment can be relocated to the side yard or further north to lessen the variance request. However, this placement would still require a variance as it would be within the 50 foot setback. Staff conducted a site visit and noted the elevation drop to the pond would make it difficult to relocate the structure more than a few feet further north or in the rear yard.



Additionally, the structure would have to avoid being constructed above the storm line that runs through the side and rear yards.

**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 also require the following:

- Administrative site plan approval.

# 25-813

Submitted On: Jul 7, 2025

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## Applicant and Property Owner Information

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### Type of Hearing Request

**Type of Request:**

Variance

**Year Property Purchased**

2024

**Code Required Regulation (please indicate feet, s.f. or height)**

50 feet

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

25 feet

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

25 feet

**Explanation of Request and Justification:**

Due to the mature trees and the steep grade of the yard (which drops fifteen feet of elevation from the street to the lake), the playground's design warrants its current location in order to provide a safe circumference of play.

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### 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:**

Kids can swing, slide, and play.

**The variance is**

insubstantial

**Describe why the variance is substantial or insubstantial**

I do not know what percentage you consider substantial.

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

no

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

The installers said it could be safely installed in the following locations: between the house and Evergreen Rd (in front of the house) or between the house and Harland Road. We chose its current location, which is behind the house and between it and Harland Rd. The installers said it could not safely be installed further from the road because of the slope of the yard from Harland Rd to the lake.

**Would adjoining properties be negatively impacted?**

no

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

How does a playground affect another property? We've had this playground for many years when we lived down the road in the same neighborhood (2672 Harland Rd), and everybody was fine with it. When we moved to our current house and transported the playground (6751 Evergreen, just a few houses down the road), we received a courtesy letter from the city.

**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:**

We have a corner lot, so per the general guidance, the playground must be fifty feet from the road AND behind the house; however, the mature trees and the slope of the yard from the road to the lake, which drops approximately fifteen feet, limit the placement options for the playground.

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

**Explain below:**

It would allow 6751 Evergreen to have playground, something a resident should be able to provide for their children.

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

a courtesy letter

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

The lot is shaped like a slice of pizza, and the lake has taken the first several bites. There is significantly less area to place a playground behind the house, and the mature trees and steep grade from the road to the lake limits where a playground can be safely placed. The installers gave us two options: between the house and Evergreen Rd. or between the house and Harland Rd.

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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**

Bryan Carr, Julia Carr, Serena Lofthus

**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.**

true

**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.**

true

**LIMITED BOUNDARY SURVEY**  
**SOUTH LINE OF LOT 08, EAST HUDSON HILLS PART I**  
**CITY OF HUDSON, SUMMIT COUNTY, OHIO**  
 For: Julia Carr

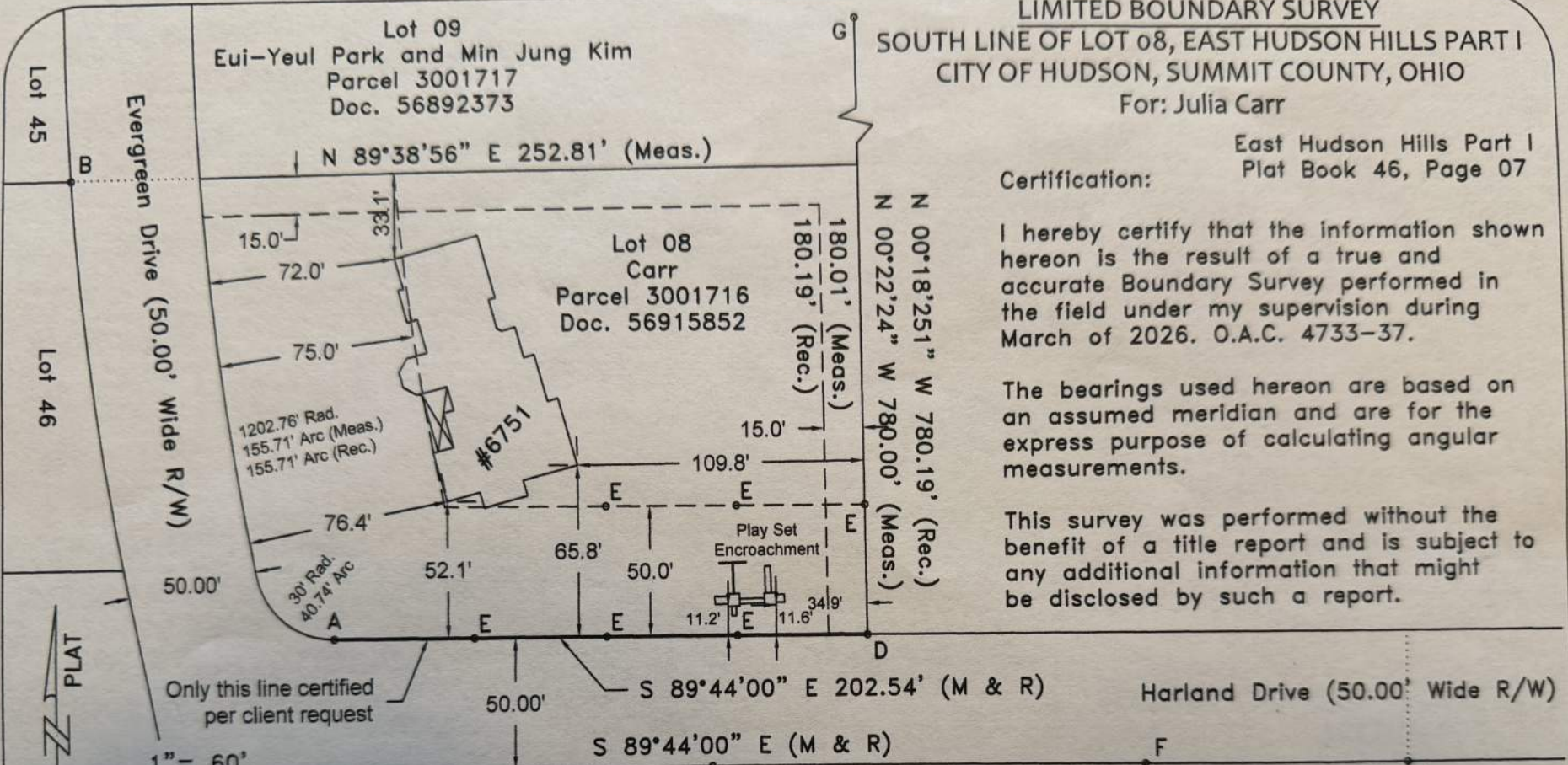
East Hudson Hills Part I  
 Plat Book 46, Page 07

**Certification:**

I hereby certify that the information shown hereon is the result of a true and accurate Boundary Survey performed in the field under my supervision during March of 2026. O.A.C. 4733-37.

The bearings used hereon are based on an assumed meridian and are for the express purpose of calculating angular measurements.

This survey was performed without the benefit of a title report and is subject to any additional information that might be disclosed by such a report.



**MONUMENT LEGEND**

- A Set #5 x 30" Rebar w/ Orange Plastic Cap bearing "Fenicle 8210"
- B Found Disturbed 1" o.d. Iron Pipe
- C Found #5 Rebar w/ Yellow Plastic Cap bearing "Campbell Associates"
- D Found Dimple in Large Lead filled Iron Pipe. Set Brass Tag bearing "Fenicle 8210" in Dimple.
- E Set lath on right of way line and setback line.
- F Found Disturbed #6 Rebar
- G Found Large Lead filled Iron Pipe under 27" Pine Stump.



*Joseph D. Fenicle*  
 Joseph D. Fenicle, PS  
 Ohio Professional Surveyor #8210  
 Angular By Nature, LLC  
 dba Hudson Land Surveying  
 Ohio C.O.A 04885  
 2567 Ravenna Street,  
 Hudson, OH 44236  
 Date of Survey: March 06, 2026  
 Revision:

No transfer is taking place with the recording of this survey. This survey is being recorded as a graphic representation of a legal description in a deed.

CALA 112 8301

PLANNER DATE 7-22-01  
INSPECTOR



CITY OF HUDSON

ZC# 24223 APPROVED AUG 07 2001  
*Gregory P. ...*  
ZONING INSPECTOR

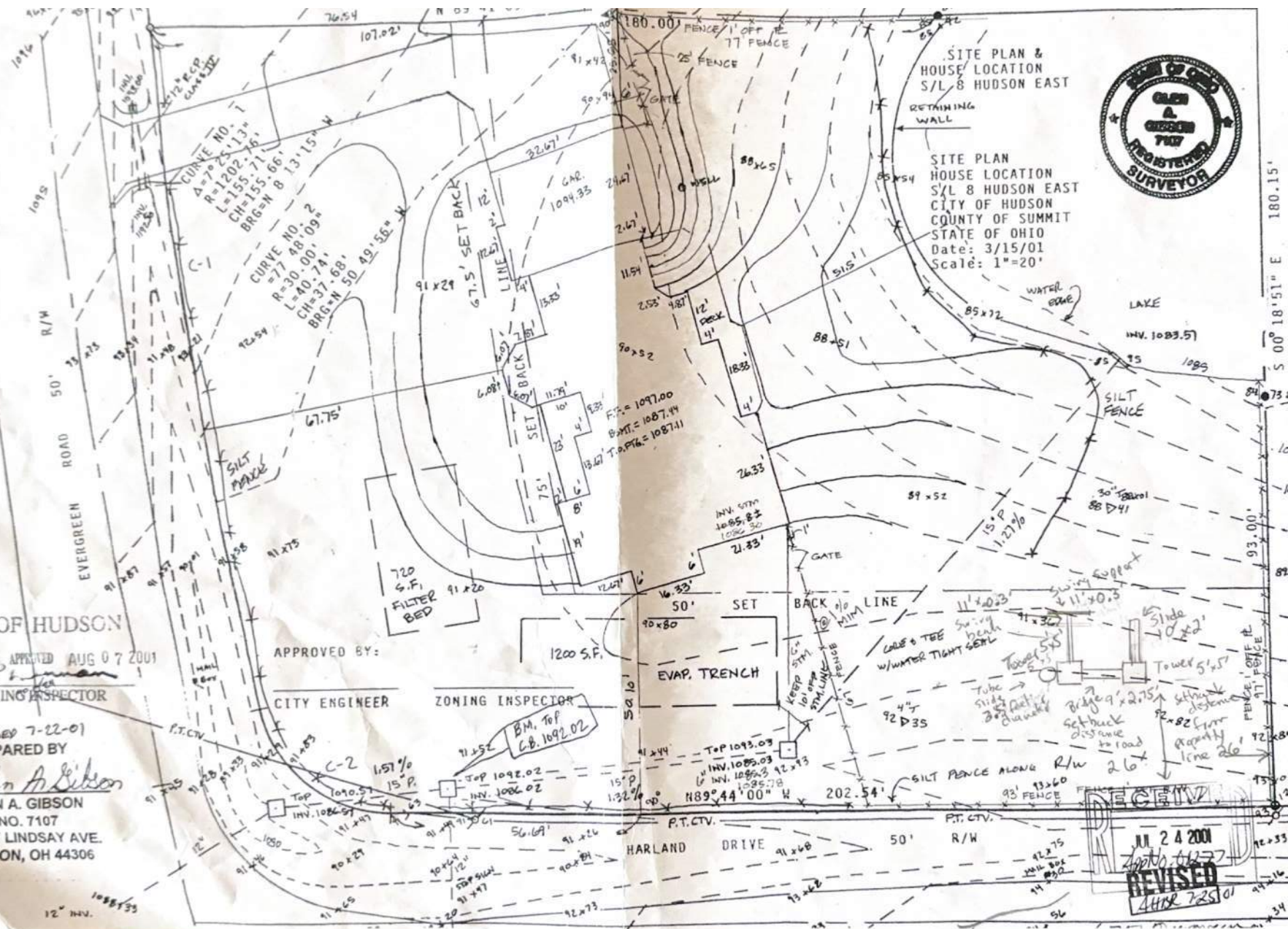
REVISED 7-22-01  
PREPARED BY  
*Glen A. Gibson*  
GLEN A. GIBSON  
R.S. NO. 7107  
1037 LINDSAY AVE.  
AKRON, OH 44306

APPROVED BY:  
CITY ENGINEER  
ZONING INSPECTOR



SITE PLAN &  
HOUSE LOCATION  
S/L 8 HUDSON EAST  
RETAINING WALL

SITE PLAN  
HOUSE LOCATION  
S/L 8 HUDSON EAST  
CITY OF HUDSON  
COUNTY OF SUMMIT  
STATE OF OHIO  
Date: 3/15/01  
Scale: 1"=20'



JUN 24 2001  
REVISED  
4 HR 7251 01

S 00° 18' 51" E 180.15'

93.00'

92.88'

92.33'

## Mary Rodack

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**From:** Gene Fitch <fitch182@gmail.com>  
**Sent:** Friday, April 3, 2026 4:43 PM  
**To:** BZBA  
**Subject:** 25-813

**CAUTION:** This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gene and Nancy Fitch  
6752 Evergreen Rd  
Hudson, 44236  
330-814-7868  
[Fitch182@gmail.com](mailto:Fitch182@gmail.com)

25-813

We support the approval of the applicant's 43' setback variance.

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

**Elevation Drawings:**

$\frac{1}{4}'' = 1'$

**From East:**



**From South:**



**From North:**



**From West:**



















50 Setback







