

Meeting Date:  
August 21, 2025

Location:  
2148 Edgeview Dr

Parcel Number  
3004491

Request  
A variance request for a  
rear yard setback

Applicant:  
Dan Van Voorhis,  
Sunset Gardens

Property Owner:  
Charles & Ana  
Conover

Zoning:  
D1 – Suburban  
Residential  
Neighborhood

Case Manager:  
Mary Rodack,  
Associate Planner

**Contents**

- Application, 7-23-2025
- Site Plan, 7-23-2025
- Elevations, 7-23-2025
- Site Photos 7-23-2025
- BZBA Meeting  
Minutes 3-16-2017



**Location Map, City of Hudson GIS**

**Request:**

The subject of this hearing is a variance request of approximately eight (8) feet from the required rear yard principal structure setback of fifty (50) feet, resulting in a rear yard principal structure setback of approximately forty-two (42) feet pursuant to section 1205.04(d)(5)(D)(1), “Property Development/Design Standards – Setbacks” of the City of Hudson Land Development Code in order to build an addition.

**Adjacent Development:**

The site is adjacent to residential development to the north, east and west. The site is adjacent to Darrow Road Park to the south.

## Project Background

The property is located in District 1 – Suburban Residential Neighborhood and is situated on Edgeview Drive. The lot is approximately 0.68 acres, and the owners purchased the property in 2016.

The applicant is requesting to construct a 15ft 8in x 29ft 8in (approximately 470 square foot) deck with a two-tiered 6-8 ft height, retaining wall and open patio below. The City of Hudson's Land Development Code has the following regulation relative to rear yard principal structure setbacks in District 1 –

- *1205.04(d)(5)D(1) – Minimum rear yard setbacks: Principal structure: fifty feet*

The applicant is requesting a rear yard setback variance of eight (8) feet from the required fifty (50) foot setback resulting in a rear yard setback of forty-two (42) feet in order to build a deck.

The applicant states the construction of the proposed deck would allow for easier accessibility to the proposed deck from the patio and basement and would increase mobility and comfort on their property. The applicant states the existing deck does not currently meet the family's needs, and the proposed deck would increase the family's enjoyment of their property.

## 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 due to the functioning and existing deck.

**2. Whether the variance is substantial:**

The variance would represent a 16% 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 0.68 acres and has frontage on Edgeview Drive.
- Staff notes the existence of homes along the south side of Edgeview Drive with similar rear yard setbacks of less than the 50 ft requirement.
- Staff notes there is an existing encroachment onto park property. The applicant has committed to a date of September 30, 2025, to have the garden bed and playset moved onto their property.
- Staff notes that a rear yard setback variance of four (4) feet was requested from the Board of Zoning and Building Appeals in 2017 in order to build a deck addition on a neighboring property, 2134 Edgeview Drive. BZBA case #2017-05 was approved. The decision is attached for reference.

**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; however, significant encroachment could impact the functioning of the adjacent park property.

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

The owners purchased the property with knowledge of the requirements in 2016.

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

Staff notes the applicant could construct a new deck to the same footprint as the existing deck, which is in compliance with the 50 ft setback. Additionally, staff notes the applicant could explore other configurations of the proposed deck to increase the square footage along the side of the house, and a revised stair design without encroaching on the rear yard setback.

**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 including Engineering Department review of the proposed retaining wall and grading design.

### 25-922

Board of Zoning and  
Building Appeals  
(BZBA)

Status: Active  
Submitted On:  
7/23/2025

### Primary Location

2148 EDGEVIEW  
Hudson, Ohio 44236

### Owner

CONOVER CHARLES E  
2148 EDGEVIEW DR  
HUDSON, OH 44236

### Applicant

 Dan Van Voorhis  
 330-203-3681  
 dvanvoorhis@suncrestgardens.com  
 Suncrest Gardens, Inc  
5157 Akron- Cleveland Road  
Peninsula, Ohio 44264

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## Applicant and Property Owner Information

Applicant Relationship to Property Owner:\*

Contractor

Company Name:

Suncrest Gardens

Property Owner Name\*

Charlie Conover

Property Owner's E-Mail:\*

charlieconover@icloud.com

Property Owner Phone Number\*

440-665-1694

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## Type of Hearing Request

Type of Request:\*

Variance

Year Property Purchased\*

2016

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

Rear Property Building Setback

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

8 feet.

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

42 feet.

**Explanation of Request and Justification:\***

The Conover's existing deck does not encroach on the 50 foot rear setback. This deck is 12' maximum depth & is too small for their large family & to comfortably walk around furniture.

Thus the Conover's would like a larger deck to better enjoy the outdoors & host their family. The larger/proposed deck will be 16' depth & then the stairs will go 4'-8" beyond that, meaning a total depth at the widest point of 20'-8". Which gets the proposed deck to about 42' from the rear property line, resulting in the need for this variance.

From what the Conover's mentioned to me & I may be misunderstanding. But I am pretty sure the immediate neighbor to the West recently went through the variance process for their deck & it went very well. Thus the Conover's think getting a variance is worth it & do not want to change/reduce the deck footprint to accomodate current setbacks.

One reason that we are pursuing the variance is because the east retaining wall portion of the project is integral to the deck design, both aesthetically & also structural for the success of the new wall. The existing timber retaining wall is failing & also too close to the driveway. The proposed segmental concrete retaining wall needs to be installed farther away from driveway to help reduce the vehicular loads on the wall and for the proper installation of geogrid reinforcements. The height of the proposed retaining wall by the deck also means installing a terraced portion would be preferred. These factors means the retaining wall needs to be installed where I have it shown, and the 16' width of the deck lines up perfectly with the wall design.

Regarding the proposed deck stair location & details. These stairs go farthest into the setback, 42' from the rear line. Whereas the larger/proposed deck is about 46' from the rear property line. These stairs are critical to the design, because it allows the Conover's quicker/easier access to their lower patio. Their current basement walkout access is on the far West side of the house, there is not basement access from beneath the deck & the existing steps to get down to the yard are way over by the driveway. The new stair location provides the easiest access from the deck/first floor to the lower patio. More importantly, the stairs will have a 6" vertical rise on each step, to accommodate elderly parents & make the steps the easiest to traverse. This

limited rise results in the lower step landing going farther into the rear setback.

Last, we think a variance will not cause any negative aspects/consequences. The property to the South is parkland. The neighbor's are decently far away too, as these are pretty wide lots in general. Also the Conover's backyard is sloping grass & their 4 kids are older, so turning this space into flatter entertaining space is more appropriate & also makes their backyard way more usable.

Overall the Conover's love their new backyard design & are so excited to be able to use it at the time of their oldest son's wedding in late November. A lot needs to happen in between now & then to get it built. But the variance is crucial to this date being met. Thank you for the time & consideration.

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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:\***

With the variance, the property becomes even more usable to the Conover's and future homeowners. More deck space above extends the first floor living space outside. More deck space results in more lower patio space, which means more usability on the basement walkout level. We are also taking sloping lawn space which the client's do not use as much with their 4 older kids & turning that space into flat usable space that they can enjoy with the 4 kids & future grandkids.

**The variance is**  
insubstantial

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

I think insubstantial because the proposed deck is about 46' from the rear property line & the proposed stairs closer to ground level are 42' from the rear property line. These are still very decent setbacks from the back property line. It is also hard to tell where the rear property line is on this lot, because of the existing parkland and thus large area of trees. The new deck being 8' closer to the rear line than the existing deck will hardly be noticed by anyone else, as the neighbor's are pretty far away & it is a private backyard lot. But this 8' will be greatly noticed by the Conover's & greatly appreciated for their many more years at this home. There are also no sightlines from the neighbor's that this will be disrupting.

**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):\***

This is the minimum amount necessary because the Conover's need this amount of space to fit the furniture that they want outside their first floor. The 3D renderings have helped them visualize the space & they do not need any more space than what is being included here. This approximate 16' width is also a good width from a design perspective, in order to be able to move around furniture & not feel cramped. A prior version had it at 14' width, but that felt too tight & we moved it to 16' out. For an extra couple of feet, they gain more flexibility and a nicer deck space.

**Would adjoining properties be negatively impacted?\***

no

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

The property to the South is parkland & currently covered in trees – thus no neighbor's to worry about on this side. These trees also make it to where there are no long-distance views to see, which means the Conover's neighbor's views are not being obstructed in any way. Last the deck is in the middle of the backyard & completely enclosed within the house footprint. An extra 8' of space will not be very noticeable by the neighbor's, but will be greatly noticeable by the Conover's, in a good way.

**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:\***

A variance is needed because we need to go out farther into the backyard to give them more first floor outdoor entertaining space.

A past addition made to the house resulted in a space of only 12' wide to build a deck, that would comply with the 50' rear setback. This 12' width is too narrow to walk around & fit furniture. Thus going farther out will achieve that goal.

We also cannot preferably go left/right with the deck design, instead of out. This is because there are large windows on the left/west side that the Conover's do not want to block, since they can view the South property woods from these windows. Then on the right/east side just gets them closer to the driveway and that neighbor.

Thus going farther out makes the most sense to accomplish the goals & provide a great space for the Conover's & also future homeowners.

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

The spirit & intent will still be observed, because we are still a healthy distance of 42' away from the property line. I think this 42' is still great because that is a lot of buffer room & I know many other neighborhoods that structures are built much closer to the rear property line – and even the side property lines. Those other neighborhood's do not matter to this property, but I think the large setback and also large lot size of this property means the additional 8 feet that we are requesting will not be noticed by the neighbor's. And also not negatively effect the neighborhood, which is one reason behind the setback requirements.

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

The current owner's did have a reason leading to this request, because they want to better utilize their outdoor space and expand the deck. But they were put in this situation by a past homeowner who put a large addition onto the back of the house then, leaving only 12' width to build a deck to comply with the rear setback. Now the Conoer's have enjoyed having that house expansion, but it has resulted in an outdoor space that is cramped & not large enough for their 4 grown kids and future grandkids.

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

- 1) Prior house addition that results in 12' of space to build a deck that comply with current setbacks.
- 2) A steep dropoff outside the first story, that results in a deck or other built structure being the only solution to build here, versus a patio or something else that would not fall into the rear setback requirements.

## BZBA Meeting Information

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

Dan Van Voorhis. Charlie Conover. Ana Conover.

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

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## Attachments

- 
-  **Conover Site Plan - 7.16.25.pdf**  
Conover Site Plan - 7.16.25.pdf  
Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:48 AM
  -  **Conover L-1 Backyard Plan.pdf**  
Conover L-1 Backyard Plan.pdf  
Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:49 AM
  -  **Conover L-2 Deck Plan.pdf**  
Conover L-2 Deck Plan.pdf  
Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:50 AM
  -  **2148 Edgeview Site Survey - With Deck.pdf**  
2148 Edgeview Site Survey - With Deck.pdf  
Uploaded by Dan Van Voorhis on Jul 24, 2025 at 11:34 AM
  -  **Survey of the Property/Site** REQUIRED  
2148 Edgeview Site Survey.pdf  
Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:47 AM
  -  **Elevations, if applicable**  
Conover 3D Images.pdf  
Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:48 AM



## Photograph(s)

Conover Existing Pictures.pdf

Uploaded by Dan Van Voorhis on Jul 23, 2025 at 11:49 AM

REQUIRED

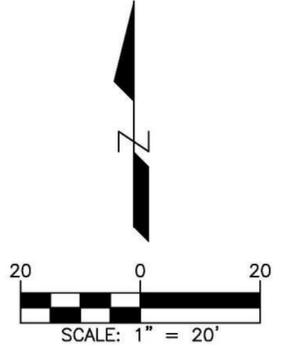
## Record Activity

Dan Van Voorhis started a draft Record	07/23/2025 at 10:48 am
Dan Van Voorhis added file 2148 Edgeview Site Survey.pdf	07/23/2025 at 11:47 am
Dan Van Voorhis added file Conover Site Plan - 7.16.25.pdf	07/23/2025 at 11:48 am
Dan Van Voorhis added file Conover 3D Images.pdf	07/23/2025 at 11:48 am
Dan Van Voorhis added file Conover Existing Pictures.pdf	07/23/2025 at 11:49 am
Dan Van Voorhis added file Conover L-1 Backyard Plan.pdf	07/23/2025 at 11:49 am
Dan Van Voorhis added file Conover L-2 Deck Plan.pdf	07/23/2025 at 11:50 am
Dan Van Voorhis submitted Record 25-922	07/23/2025 at 11:51 am
OpenGov system altered payment step Fee, changed status from Inactive to Active on Record 25-922	07/23/2025 at 11:51 am
OpenGov system changed the deadline to Jul 30, 2025 on payment step Fee on Record 25-922	07/23/2025 at 11:51 am
OpenGov system completed payment step Fee on Record 25-922	07/23/2025 at 11:52 am
OpenGov system altered approval step Application Review, changed status from Inactive to Active on Record 25-922	07/23/2025 at 11:52 am
OpenGov system assigned approval step Application Review to Lauren Coffman on Record 25-922	07/23/2025 at 11:52 am
OpenGov system changed the deadline to Jul 25, 2025 on approval step Application Review on Record 25-922	07/23/2025 at 11:52 am
Dan Van Voorhis added file 2148 Edgeview Site Survey - With Deck.pdf to Record 25-922	07/24/2025 at 11:34 am

Lauren Coffman approved approval step Application Review on Record 25-922	07/24/2025 at 12:11 pm
OpenGov system altered approval step Staff Review, changed status from Inactive to Active on Record 25-922	07/24/2025 at 12:11 pm
OpenGov system assigned approval step Staff Review to Lauren Coffman on Record 25-922	07/24/2025 at 12:11 pm

## Timeline

Label	Activated	Completed	Assignee	Due Date	Status
 Fee	7/23/2025, 11:51:34 AM	7/23/2025, 11:52:47 AM	Dan Van Voorhis	7/30/2025	Completed
 Application Review	7/23/2025, 11:52:48 AM	7/24/2025, 12:11:22 PM	Lauren Coffman	7/25/2025	Completed
 Staff Review	7/24/2025, 12:11:23 PM	-	Lauren Coffman	-	Active
 Agenda, Staff Report Published	-	-	-	-	Inactive
 Board Action	-	-	-	-	Inactive
 Decision Issued	-	-	-	-	Inactive



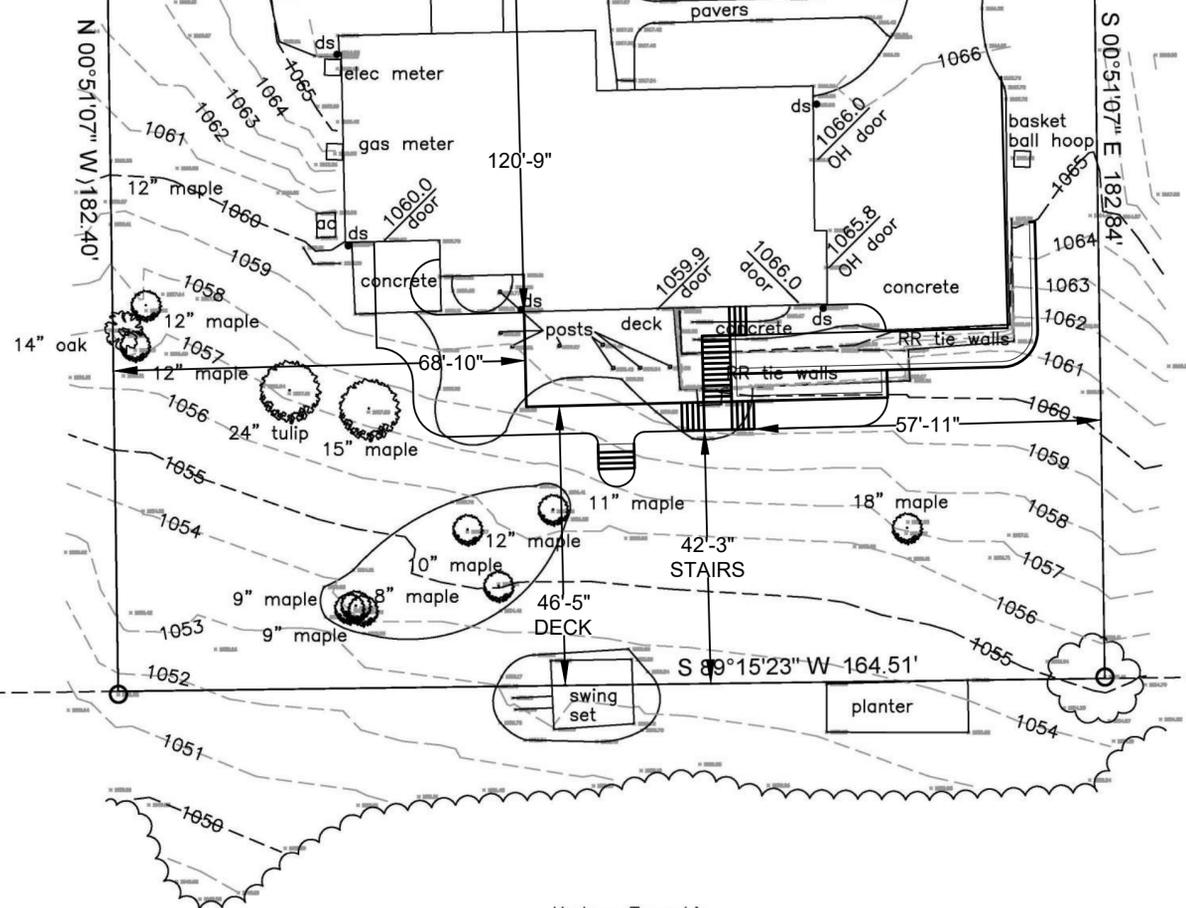
EDGEVIEW DRIVE 50' R/W

R=275.00'  
L=8.43'  
89°08'53" E 156.08'

Lot 16  
2148 Edgeview Drive  
Chries E. Conover and  
Ana L. Conover  
Doc. #56266803  
P.N. 3004491

Lot 17

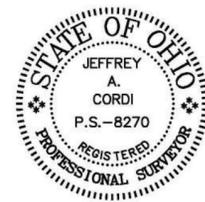
Lot 15



Hudson Township  
Board of Park Commissioners

LEGEND:

- IRON PIN FOUND OR SET
- DECIDUOUS TREE OR BUSH
- CONIFEROUS TREE
- STRUCTURE AS NOTED
- 1103 CONTOUR
- EXISTING BUILDING
- PROPERTY LINE
- CENTERLINE
- OTHER PROPERTY LINE
- ds DOWNSPOUT
- TREE LINE

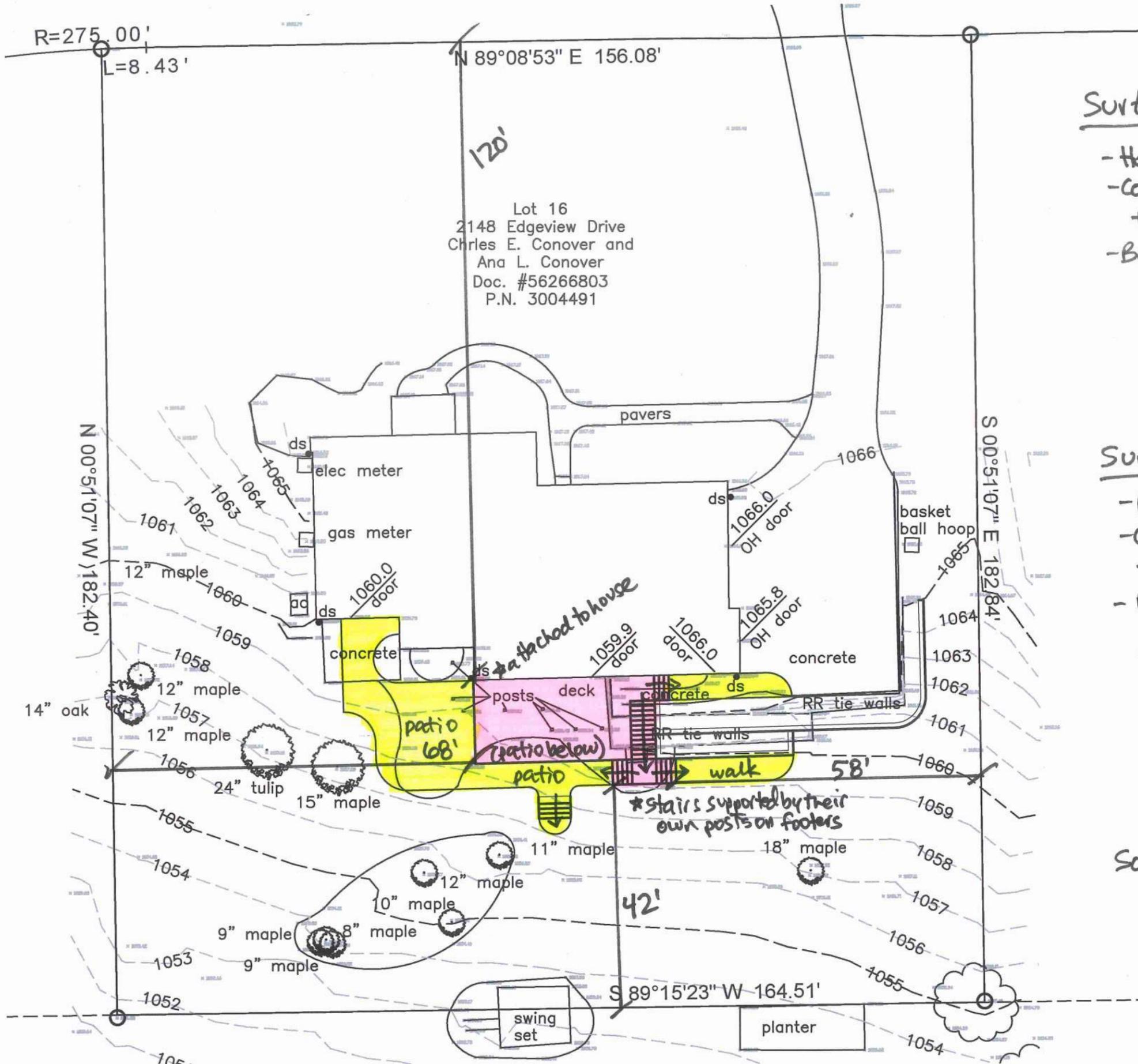


TOPOGRAPHIC SURVEY PREPARED BY:  
JEFFREY A. CORDI, P.S. #8270  
170 HAZEL DRIVE  
NORTHFIELD, OHIO 44067  
330-388-8146  
CordiSurvey@gmail.com  
FIELDWORK PERFORMED JULY 15, 2025



TOPOGRAPHIC SURVEY  
for  
2148 EDGEVIEW DRIVE

SITUATED IN THE CITY OF HUDSON, SUMMIT COUNTY, OHIO  
ALL OF LOT 2 OF THE SCENIC VIEW ESTATES #2  
RECORDED IN PLAT BOOK 128, PAGES 51 AND 52  
OF THE SUMMIT COUNTY RECORDS  
SCALE: 1" = 20' DATE: JULY 2025



Surface Area Prior

- House 3,300sf
- Concrete Drive 3,150sf
- + Paver Walk
- Back Concrete 175sf
- Patio

$6,625sf / 30,006sf \text{ lot}$   
 $= 22\%$

Surface Area After

- House 3,300sf
- Concrete Drive 3,150sf
- + Paver Walk
- New Back Stamped Concrete patio 1,310sf

$7,760sf / 30,006sf \text{ lot}$   
 $= 25.8\%$

Source: Jeff Cordi, P.S.  
see original site plan attachment.

- New deck
- New patio/walkways



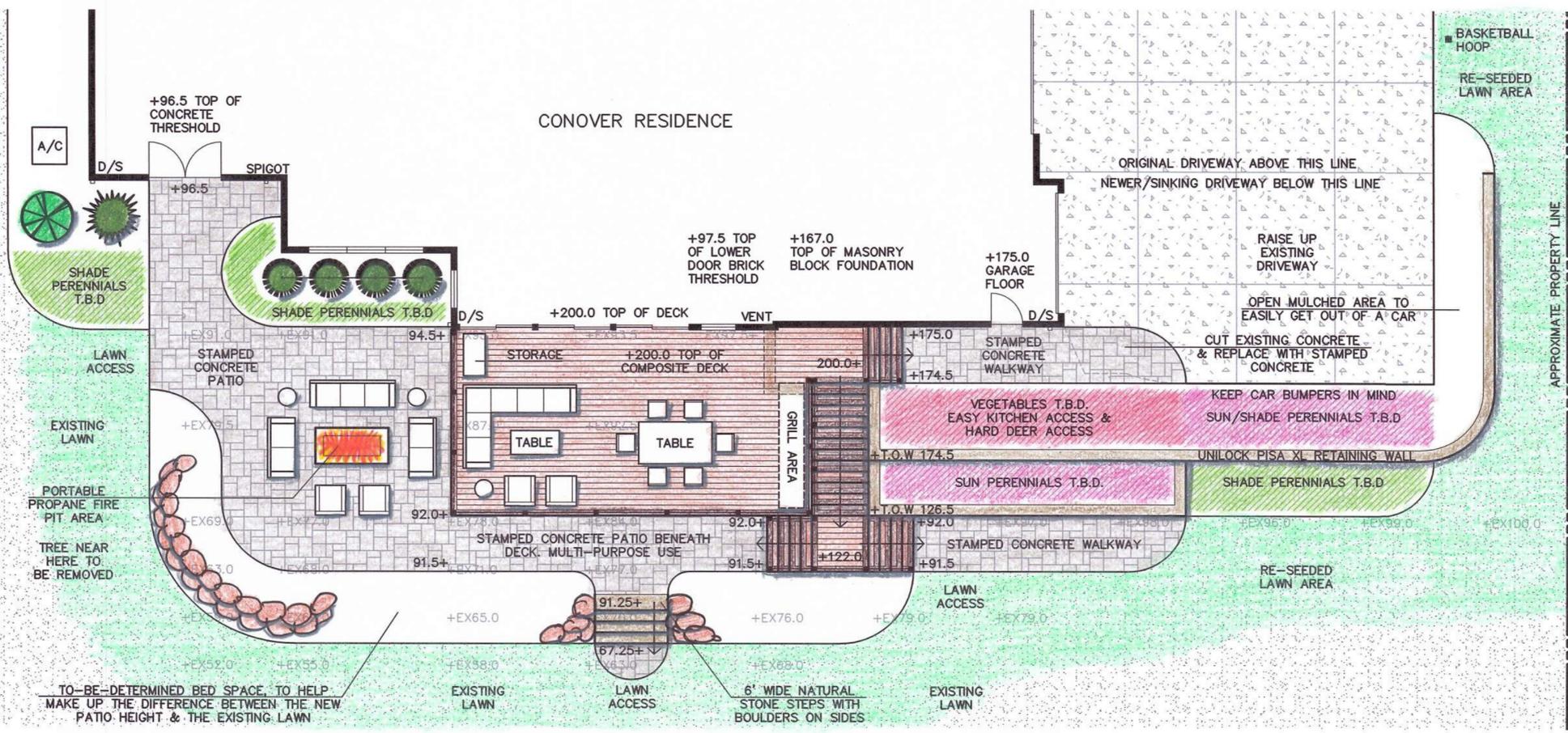
DATE	NOTES
6/30/25	HUDSON
7/16/25	REVISED

**BACKYARD SITE PLAN**  
**CONOVER RESIDENCE**  
 2148 EDGEVIEW DRIVE  
 HUDSON, OH 44236

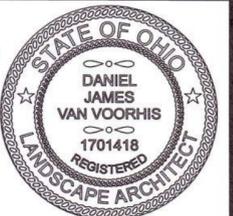
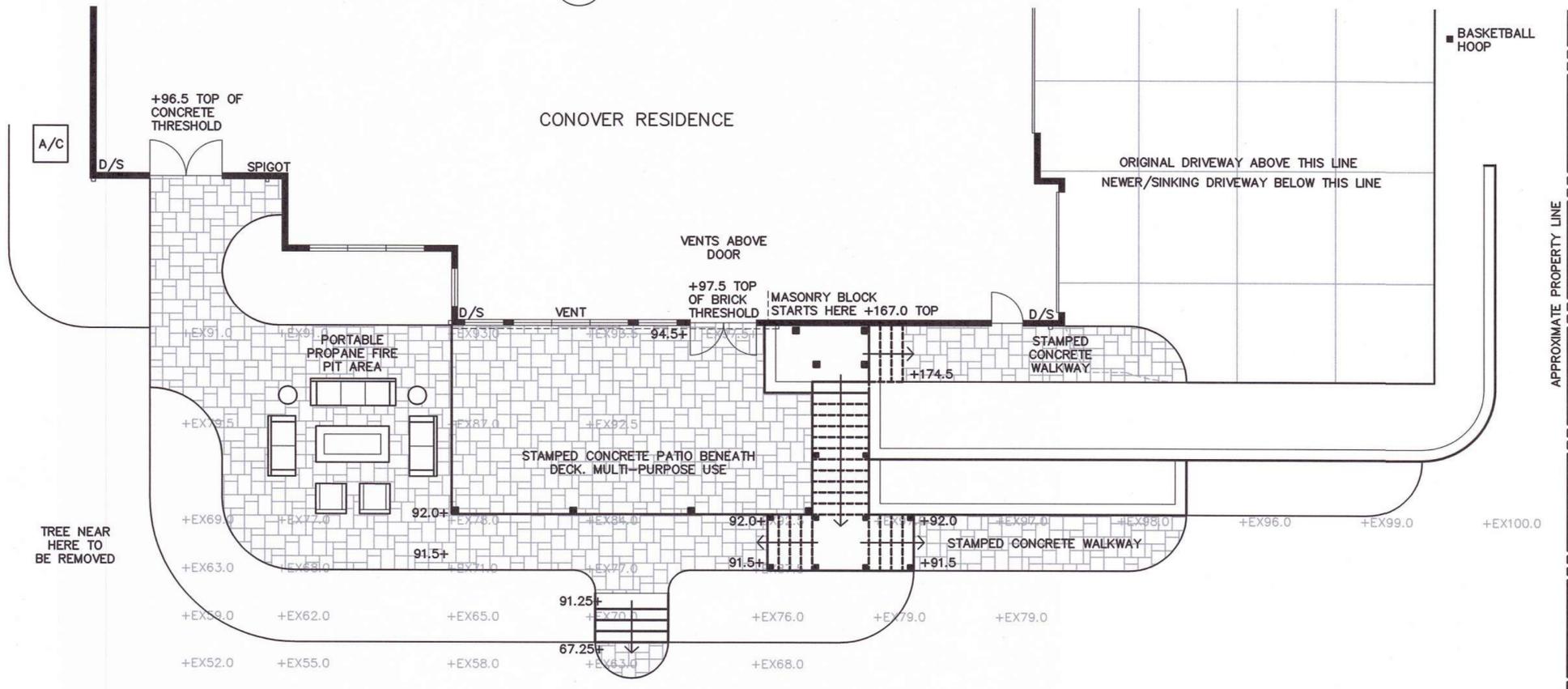
**Suncrest Gardens**  
 Landscape Development • Management • Garden Center  
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 www.SuncrestGardens.com • 330.650.4969

NORTH ARROW

SCALE: 1" = 20'  
 DESIGNER: VANVOORHIS



- 1 ABOVE: UPPER LEVEL DECK PLAN  
1/8"=1'-0"
- 2 BELOW: BENEATH DECK PLAN  
1/8"=1'-0"



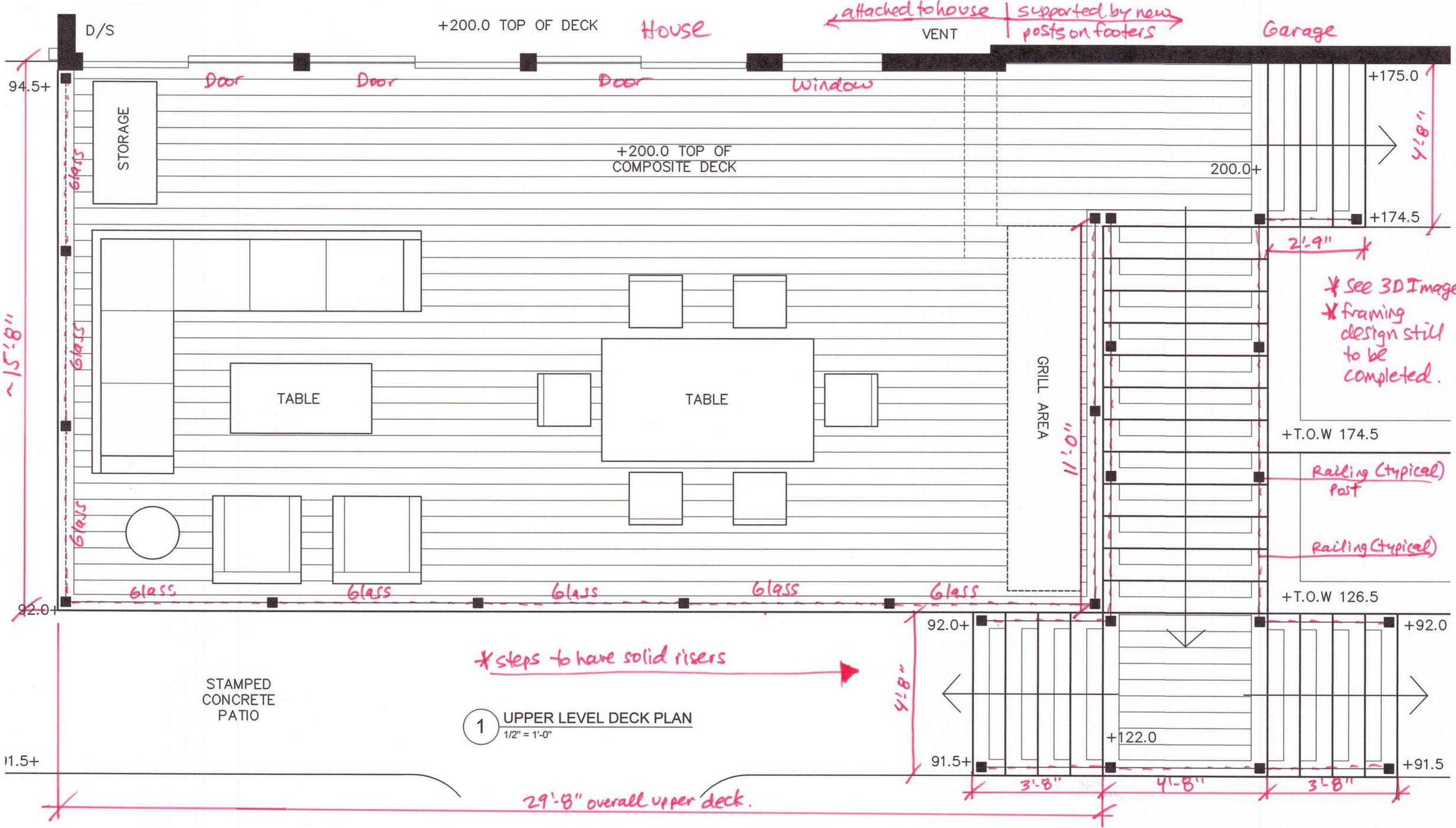
DATE	NOTES
5/29/25	CONCEPT PRESENTATION

**BACKYARD PLAN**  
**CONOVER RESIDENCE**  
 2148 EDGEVIEW DRIVE  
 HUDSON, OH 44236



SCALE: 1/8" = 1'-0"  
 DESIGNER: VANVOORHIS

L-1



1 UPPER LEVEL DECK PLAN  
1/2" = 1'-0"

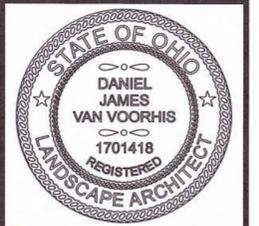
2 BELOW: 36" HEIGHT TREX SIGNATURE GLASS RAILING  
NOT TO SCALE -specified glass above



3 BELOW: 36" HEIGHT TREX SIGNATURE METAL RAILING (Aluminum)  
NOT TO SCALE -all other railings not marked "Glass"



-less than 4" space between balusters



DATE	NOTES
6/30/25	CITY OF HUDSON

DECK PLAN  
CONOVER RESIDENCE  
2148 EDGEVIEW DRIVE  
HUDSON, OH 44236

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NORTH ARROW  
SCALE: 1/2" = 1'-0"  
DESIGNER: VANVOORHIS





Caveat: Both sides of the stairs will have a railing, which is not shown on all of these 3D images.



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Press F1 for help







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# City of Hudson, Ohio

## Meeting Minutes - Final Board of Zoning & Building Appeals

*David Lehman, Chair*  
*John Dohner, Vice Chair*  
*Robert Drew*  
*Frederick Jahn*  
*Louis Wagner*

*Kris McMaster, Associate Planner*  
*Aimee Lane, Assistant City Solicitor*

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Thursday, March 16, 2017

7:30 PM

Town Hall

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### **I. Call to Order**

Chairman Lehman called to order the regularly scheduled meeting of the Board of Zoning & Building Appeals at 7:30 p.m., in accordance with the Sunshine Laws of the State of Ohio, O.R.C. Section 121.22.

### **II. Roll Call**

**Present:** 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

### **III. Identification, by Chairman Lehman, of Kris McMaster, Associate Planner, Aimee W. Lane, Assistant City Solicitor and Matt Vazzana, Assistant City Solicitor.**

Ms. Aimee Lane was recognized by Chairman Lehman with a bouquet of flowers for her eight and one-half years as Assistant City Solicitor and her service to the Board of Zoning and Building Appeals. Mr. Lehman indicated that the City of Hudson's legal needs have grown and an assistant full-time solicitor has been hired who will be legal council to the BZBA Board. The members of the Board wish Aimee the best as she continues her career.

Meeting minutes were taken by Joe Campbell, Executive Assistant.

A video recording of this meeting is available on the City of Hudson website.

Except when otherwise noted, public notice as required in the Land Development Code was provided for all matters that came before this meeting of the City of Hudson Board of Zoning and Building Appeals.

### **IV. Swearing in of Staff and Audience Addressing the Board.**

Mrs. Lane swore-in staff and all the persons wishing to speak under oath.

### **V. Approval of Minutes**

#### **A. [BZBA 1-19-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: 1-19-2017**

Attachments: [BZBA Minutes January 19, 2017](#)

Mr. Drew made a motion seconded by Mr. Wagner to approve the January 19, 2017 minutes as submitted.

The motion was approved by the following vote:

**Aye:** 4 - Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

**Abstain:** 1 - Mr. Dohner

**B. [BZBA 2-16-17](#) MINUTES OF PREVIOUS BOARD OF ZONING & BUILDING APPEALS MEETING: FEBRUARY 16, 2017**

**Attachments:** [BZBA Minutes February 16, 2017](#)

A discussion took place regarding whether more of the Board discussion should be included in the written minutes in order to help people quickly understand what was discussed or if the official video is sufficient.

Mr. Drew made a motion seconded by Mr. Wagner to approve the February 16, 2017 minutes with the correction of 'narrowing' to 'narrowness' in conclusion number three.

The motion was approved by the following vote:

**Aye:** 3 - Mr. Drew, Mr. Lehman and Mr. Wagner

**Abstain:** 2 - Mr. Dohner and Mr. Jahn

**VI. Public Hearings - New Business**

All hearings have received due public notice.

- A. [BZBA 2017-05](#)** A request for a variance of four (4) feet from the required fifty (50) foot rear yard setback to allow a deck addition resulting in a forty-six (46) foot rear yard setback pursuant to Section 1205.04(d)(5)(D)(i), "Rear Yard Setbacks-Principal Structure" of the City of Hudson Land Development Code.

The applicant is Chris Meltzer, MLA for Brothers Grimm Landscape & Design Company, 2413 S. Arlington Road, Akron, Ohio 44319 and the owner is Robert Stephen & Katherine G. Barger 2134 Edgeview Drive, Ohio 44236 for the property located at 2134 Edgeview Drive in District 1 [Suburban Residential Neighborhood].

**Attachments:** [BZBA 2017-05 Staff Report](#)

Mrs. McMaster reviewed the variance request.

Mr. Jacob Grimm, owner of Brothers Grimm Landscaping & Design Company, representing the homeowner was present to explain the variance request and discuss the project with the Board. Mr. Grimm explained that the existing deck will be removed and replaced with the proposed new deck. The purpose of the new deck is for the comfort and use of the family and their friends. He also believes that the proposed design is more balanced with the size and shape of the house than the existing deck. The (4) four foot variance being requested to to extend the deck is to accommodate a

table, chairs and the gathered family. Mr. Grimm stated that the rules of scale and functional use of the family does not allow a narrower deck to work. The addition of the stairs is to allow access from the deck to the back yard. Deer resistant plants will be used for landscaping. He stated he is unaware of any plans for a sound or video system to be installed.

The Board's principle concern was encroaching on public park property which belongs to all the citizens of Hudson. This concern was tempered in that the deck will not be visible from the existing walking path through the park.

Mr. Lehman opened the meeting to public comment.

There being no public comment Mr. Lehman closed the public hearing.

The Board considered the staff report and testimony from the applicant.

Mr. Drew made a motion seconded by Mr. Dohner for a variance of four (4) feet from the required fifty (50) foot rear yard setback to allow a deck addition resulting in a forty-six (46) foot rear yard setback. 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 that the variance be granted.

The Board finds and concludes:

1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance because there is an existing deck but more space is needed to create a useable deck area.
2. The variance is insubstantial because it is only two (2) feet for the deck and four (4) feet for the bay area to allow for enough room for a table which is overall a small percentage of the variance, about eight (8) percent.
3. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer a detriment because while being mindful of the protection of public parkland, there is an existing deck, there will only be a four (4) foot encroachment into the setback, and the trees in the park will make the new deck not visible from the park path.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property with knowledge of the zoning restriction.
6. The applicant's predicament feasibly cannot be resolved through some method other than the requested variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because of the needs of the homeowner, the proposed deck design being suitable for this structure and the variance will have minimal impact on the adjacent property.

**The motion was approved by the following vote:**

**Aye:** 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

- B.** [BZBA 2017-06](#) A variance from the requirement to utilize public water and sewer in order to have a water well and septic system on the property to construct a new house pursuant to Section 1207.11(b)(1), “Adequate Public Facilities-Water/Wastewater” of the City of Hudson Land Development Code.

The applicant is Joseph Burgoon for Lewis Land Professionals, 8691 Wadsworth Road, Suite 100, Wadsworth, OH 44281 for the property owner, Ann Michele Tharp, 6879 Windsor Road, Hudson, OH 44236 for the property at 6867 Windsor Road in District 3 [Outer Village Residential Neighborhood].

**Attachments:** [BZBA 2017-06 Staff Report](#)

Mrs. McMaster reviewed the variance request.

Mr. Joseph Burgoon for Lewis Land Professionals Utilities representing the owner reported the cost of public water and sewer at approximately \$400,000 and there would also be a cost of a pump station. The lot has been tested and a permit has been issued from Summit County Public Health that the soil will adequately support a mound septic system, leaching trenches (tile system) or spray system. The surrounding neighborhood does not have public water or sewer.

Mr. Don Tharp, husband of the property owner was sworn in by Ms. Lane and explained the project to the Board and answered questions regarding the project and adjacent neighbors.

Mr. Lehman opened the meeting to public comment.

There being no public comment Mr. Lehman closed the public hearing.

The Board considered the staff report and testimony from the applicant and property owner.

Mr. Jahn made a motion seconded by Mr. Drew to grant the variance from the requirement to utilize public water and sewer in order to have a water well and septic system on the property to construct a new house. 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 that the variance be granted with the following condition.

1. If City water and/or sewer become available to Windsor Road, the property owner is required to connect to these services.

The Board finds and concludes:

1. The property in question will not yield a reasonable return and there cannot be a beneficial use of the property without the variance because of the high cost to extend public water and sewer to the property to make the lot buildable.
2. The variance is substantial because of the strict nature of the requirement for new residential construction to use public water and sewer.

3. The essential character of the neighborhood would not be substantially altered and adjacent properties would not suffer a substantial detriment as a result of the variance because adjacent properties also are not using public water and sewer.
4. The variance would not adversely affect the delivery of governmental services, (e.g. water, sewer, garbage).
5. The applicant purchased the property with knowledge of the zoning restriction.
6. The applicant's predicament feasibly cannot be resolved through some method other than the requested variance.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because without the variance the property is not buildable and with the variance the property can be used for residential use.

**The motion was approved by the following vote:**

**Aye:** 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

## **VII. Other Business**

Mrs. McMaster reported that:

1. The Community Development plan for electronic submittals continues to move forward.
  - a. Applicants will apply online with the Duncan Factors and attachments included.
  - b. Applicants will create an account with login.
  - c. Applications when complete will be viewable on the city website through the agenda.
  - d. Mid April is the target date for Community Development Departmental applications to begin electronic submittal.

### **A. [BZBA Rules](#) Amendments to the Board of Zoning and Building Appeals Administrative Rules**

**Attachments:** [BZBA Administrative Rules](#)

A second reading and discussion of the amendments to the Board of Zoning and Building Appeals Administrative Rules took place.

Regarding Page 5, item 12c - 'Hearings and Procedures', the Board discussed the meaning of 'Interested Persons' being allowed to speak during a meeting. At present this is 'Public Comment' with any person permitted to speak. Board members, Ms. Lane and Mrs. McMaster spoke to the issue of limiting comments from the public to interested persons.

**Mr. Drew made a motion, seconded by Mr. Jahn that the Board of Zoning and Building Appeals administrative rules as presented be approved.**

**The motion was approved by the following vote:**

**Aye:** 5 - Mr. Dohner, Mr. Drew, Mr. Jahn, Mr. Lehman and Mr. Wagner

**VIII. Adjournment**

At 9:29 Mr. Lehman adjourned the meeting.

\_\_\_\_\_  
David W. Lehman, Chair

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John M. Dohner, Vice Chair

\_\_\_\_\_  
Joe Campbell, Executive Assistant

Upon approval by the Board of Zoning & Building Appeals, this official written summary of the meeting minutes shall become a permanent record, and the official minutes shall also consist of a permanent audio and video recording, excluding executive sessions, in accordance with Codified Ordinances, Section 252.04, Minutes of Architectural and Historic Board of Review, Board of Zoning and Building Appeals, and Planning Commission.

\* \* \*



Above: Back of House

Below: Close-Up of Existing Deck / The Project Area





Above: Close-Up of Existing Deck / The Project Area

Below: Existing Retaining Wall to be Replaced





Above: Front of House

Below: East Side of House





Above: West Side of House







