

Meeting Date:
June 26, 2024

Location:
85 Division Street

Parcel Number
3201296

Request
Variance request to construct an addition

Applicant:
Jonathan Fleming

Property Owner:
Perry and Christie Demming

Zoning:
D4 – Historic Residential Neighborhood

Case Manager:
Lauren Coffman,
Associate Planner

Contents

- Application, 5-29-2025
- Site Plan, 5-29-2025
- Elevations, 5-29-2025
- Floor Plan, 5-29-2025
- Site Photos, 6-9-2025



Location Map, City of Hudson GIS

Request:

The subject of this hearing is a variance request of seven (7) feet from the required rear yard principal structure setback of forty (40) feet, resulting in a principal structure setback of thirty-three (33) feet pursuant to section 1205.07(d)(6)(C)(1) "Property Development/Design Standards – Rear yard depth" 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, south and east and west.

Project Background

The property is located in District 4 – Historic Residential Neighborhood and is situated on Division Street, just west of North Oviatt St. The lot is approximately .17 acres and is located within the Historic District. The home on the property was built in 1889. The owners purchased the property in February of 2025.

The applicant is proposing to construct a 24ft 3in x 25ft 8in (approximately 420 sq ft) addition with an inset wing. The City of Hudson's Land Development Code has the following regulation relative to rear yard setbacks within the Historic District –

- *1205.07(d)(6)(C)(I) – Rear yard depth. Principal structure: forty feet.*

The applicant is requesting a rear yard principal structure setback variance of seven (7) feet from the required forty (40) foot rear yard principal structure setback resulting in a rear yard principal structure setback of thirty-three (33) feet.

Staff notes that the Architectural and Historic Board of Review granted approval at its April 9, 2025 meeting for the renovation of the existing garage on the property. The approved work included the addition of an attic and a replacement roof structure featuring a shed dormer and new windows, as depicted in the submitted renderings.

The applicant states the purpose of the proposed addition is to provide first floor living space for the property owners. Additionally, the applicant states that the narrow size of the lot, and current location of the existing home limit where they can expand the footprint of the home.



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 as the existing home is approximately 1840 square feet (per Summit County property card).

2. Whether the variance is substantial:

Variance request for rear yard depth

The variance would represent a 17.5% deviation from the Land Development 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 lot is approximately 0.17 acres, (7897 square feet) and located within a compact portion of a historic neighborhood. Based on such, any variance request would be impactful and magnified further based on the size of the variance.
- Staff notes that the proposed thirty-three (33) foot rear yard setback would be more impactful when compared to the rear yard conditions of adjacent properties. An exhibit illustrating the approximate setbacks of neighboring properties has been prepared for reference and included in the staff report.
- The removal of mature trees should be minimized wherever possible. Staff recommends exploring design alternatives that preserve existing tree coverage.
- The addition would increase the property's impervious surface coverage to 52.6%. Section 1207.01(a)(1) of the Land Development Code requires any residential impervious surface coverage exceeding 40% to provide additional storm water management improvements to be accepted by the City Engineer. No impervious surface coverage shall exceed 60%.

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

The variance could impact the delivery of governmental services unless the following can be addressed:

- Staff notes the presence of overhead utility lines on the property. These lines, per Hudson Public Power, would need to maintain a three (3) foot minimum clearance above the roofline or the existing service would need to be relocated.

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 2025.

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

Staff recommends the applicant further study the design to comply with the required 40 ft rear yard setback and reduce the building footprint to lessen the impervious surface coverage and potential impact on the surrounding area and neighboring properties.

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:

- A design review with the Architectural and Historic Board of Review.
- Storm water management plan review with the Engineering Department.
- Administrative site plan approval.



25-626	Primary Location	Applicant
Board of Zoning and Building Appeals (BZBA)	85 DIVISION ST Hudson, OH 44236	 jonathan fleming  330-802-8614  jonathan@jonathanpaulflemingarchitect.com
Status: Active	Owner	 1570 Meadowspring Circle NW Uniontown, Ohio 44685
Submitted On: 5/29/2025	Perry and Christie Deming 85 Division St HUDSON, OH 44236	

Applicant and Property Owner Information

Applicant Relationship to Property Owner:*

Architect

Company Name:

Jonathan Paul Fleming Architect

Property Owner Name*

Perry Deming

Property Owner's E-Mail:*

jonathan@jonathanpaulflemingarchitect.cc

Property Owner Phone Number*

3308028614

Type of Hearing Request

Type of Request:*

Variance

Year Property Purchased*

2025

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

rear yard setback

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

6'9"

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

33'3"

Explanation of Request and Justification:*

First floor owner's suite. The present rear yard

THE DUNCAN FACTORS (Used by BZA as determining factors for a Variance)

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.

The property value is improved by the inclusion of a first floor owner's suite bedroom. The house is in an expensive neighborhood relative to the region and people interested to live in this neighborhood and support the quality of the neighborhood must be in an income bracket that is appropriate to the maintenance of these homes. The maintenance standard may make the affordability of these houses out of reach of most younger people. That standard, as time and economy wears on, requires the income of older residents who wish to age in place especially those capable of paying the maintenance costs necessary in Hudson's Historic District.

AARP and HUD both support first floor bedrooms in support of our argument, AARP notes the following:

Accessibility:

A first-floor master bedroom eliminates the need to climb stairs, making it easier for individuals with mobility issues to get around.

Universal Design:

A first-floor master bedroom is a key element of universal design principles, ensuring that homes are adaptable and accessible for all ages and abilities.

Aging in Place:

A first-floor master bedroom allows individuals to age in place, remaining in their homes comfortably and safely as their needs evolve.

Future-Proofing:

By incorporating a first-floor master bedroom, homes become more adaptable for the future, accommodating the needs of residents who may experience mobility challenges later in life.

Although the property can be used without the variance, its usability is significantly reduced for aging residents or individuals with mobility needs. Homes without accessible ground-floor bedrooms limit long-term use and appeal in a competitive housing market, particularly in a city with an aging population.

Design Mitigation: Note that the footprint has been carefully minimized to the least necessary encroachment. The proposed addition complements the scale, materiality, and rhythm of surrounding structures. Rear yards in this area are visually segmented and contain existing structures close to property lines. This addition will not stand out or create new shadows on occupied spaces, sightline issues, or privacy concerns. Multiple design iterations were tested. Any compliant scheme would result in an unusable bedroom size, other schematics involve other zoning conflicts such as violating the required 10' separation from the detached garage in addition to the 40' setback.

2. Whether the variance is substantial.

The variance is of minor impact and is not a substantial deviation from the standard on this property. 17 percent variance from the dimension determined by ordinance.

3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."

The variance is of minor impact to the neighborhood. On this parcel, a detached garage is 5 feet from the rear property line. Adjacent properties also include structures that are within feet to the rear yard property line. Yards are not continuous and the visual characteristics of the neighborhood feature discontinuity of rear yards as a result of the detached garages on most parcels and rear additions developed over time.

4. Whether the variance would adversely affect the delivery of governmental services.

No impact on services.

5. Whether the property owner purchased the property with knowledge of the zoning restrictions.

The setback was a known limitation to the owner upon purchase.

6. Whether the problem can be solved by some manner other than the granting of a variance.

No other alternatives to the floor planning approach in this design was found to meet the full requirements of the zoning ordinance and simultaneously the necessary area for a bedroom space. This design makes all efforts to simultaneously meet the 10' distance from the existing garage footprint.

7. Whether the variance preserves the “spirit and intent” of the zoning requirement and whether “substantial justice” would be done by granting the variance.

The spirit and intent of the zoning ordinance are preserved by granting the owner the opportunity to add a first-floor function to the home, facilitating lifelong occupancy. Substantial justice is upheld by expanding the pool of potential owners through enhanced accessibility for the current owner and future residents. This addition increases the likelihood that future homeowners will meet the quality standards set forth in the ordinance as a whole.

This request aligns with the ordinance’s objectives: preserving neighborhood quality, promoting safe and orderly development, and supporting long-term residential stability. The proposed addition enhances future ownership potential by improving the home’s usability and marketability. Substantial justice is further served by enabling equitable access and long-term residency for homeowners as they age.

The variance request is minimal in physical scope but significant in its functional impact. It reflects thoughtful design, sensitivity to the community, and long-term planning. The addition preserves the neighborhood’s character, supports the goals of Hudson’s zoning code, and ensures the property remains viable for the current owner and future generations.

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:*

see prior response

The variance is
insubstantial

Describe why the variance is substantial or insubstantial*

see prior response

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):*

see prior response; and normative master bedroom size for an accessible bedroom is 16'

Would adjoining properties be negatively impacted?*

no

Describe how the adjacent properties will not be affected.*

this area is away from the property to the east which is a shallow lot; to the west, this addition is nearest to the detached garage on that property across the driveway;

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:*

please see prior response

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

please see prior response

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

Aging in place as an objective is a cause. Aging is out of the owners' hands. Directly, the rear of the existing residence is only 12' from the rear property setback line, 12' provides insufficient dimension to place an owner suite bedroom.

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

No property irregularities exist, this is a common lot in the District

BZBA Meeting Information

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

Jonathan Paul Fleming, Perry Deming

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. *

Board Meeting Date

AHBR

BZBA

Planning Commission

Internal

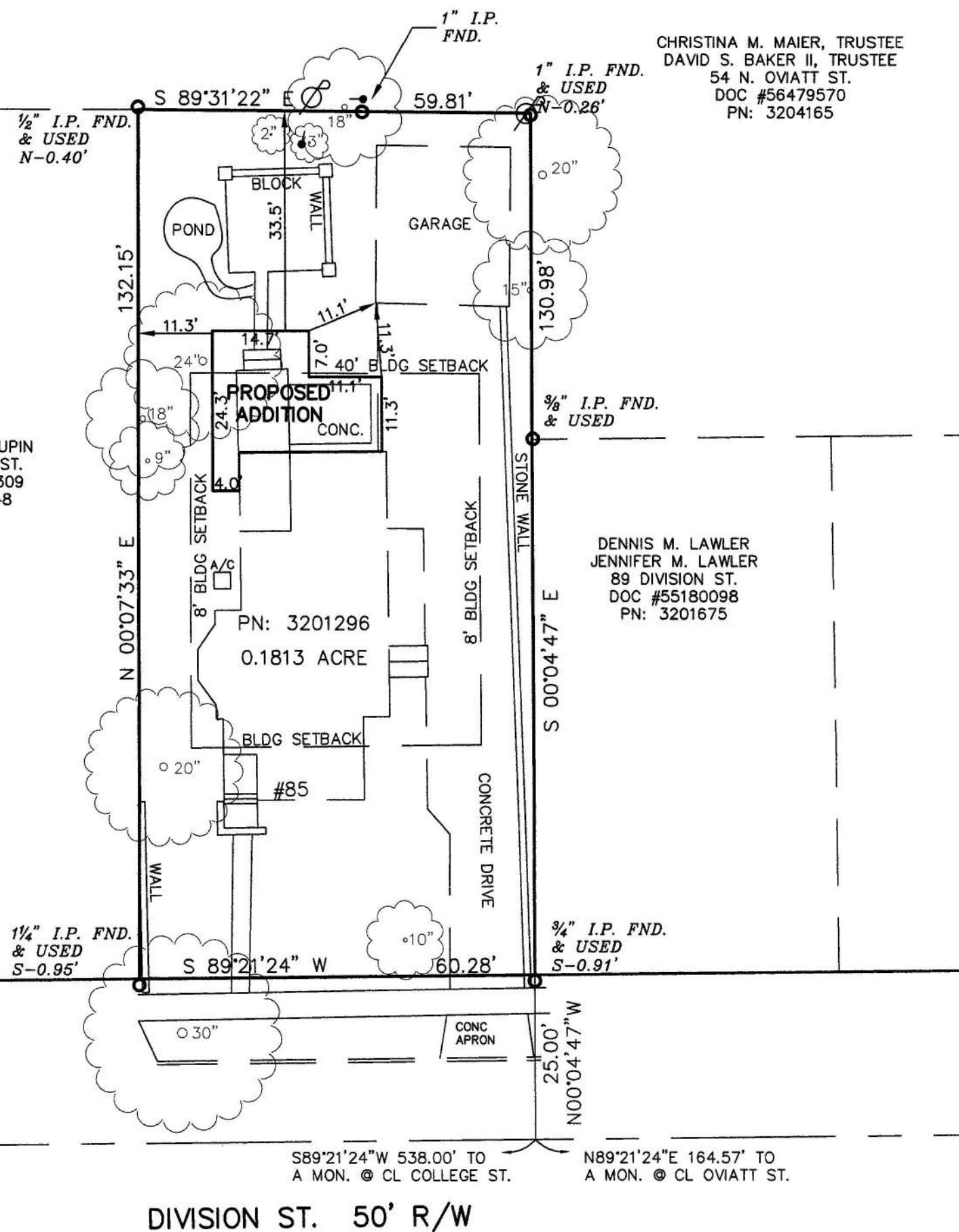
Company Name

Variances

Meeting Date

District

JUDITH A. MAUPIN
83 DIVISION ST.
DOC #55199309
PN: 3201148



CHRISTINA M. MAIER, TRUSTEE
DAVID S. BAKER II, TRUSTEE
54 N. OVIATT ST.
DOC #56479570
PN: 3204165

GRID NORTH
OHIO COORDINATE SYSTEM
NORTH ZONE, NAD 83 (2011 NSRS)

0' 20' 40' 60'

SCALE: 1" = 20'

REFERENCES USED:
RECORDED SURVEY: DOC #56458212
RECORDED SURVEY: DOC #56471689

HUDSON ZONING - DISTRICT 4: HISTORIC RESIDENTIAL NEIGHBORHOOD

OWNER:
PERRY and CHRISTIE DEMMING LIVING TRUST
DOC #56928910
PN: 3201296

LEGEND

- IRON PIN FND. (I.P.)
- PINCHED TOP IRON PIN FND. (I.P.P.)
- MON. BOX FND.
- #5 REBAR FND.
- #5 REBAR SET
(CAPPED - "KALSTROM, P.S. 6302")
- DRILL HOLE

REVISED:
6/10/2025 PROPOSED ADDITION ADDED.

THIS SURVEY MEETS THE MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO AS SET FORTH IN OHIO ADMINISTRATIVE CODE CHAPTER 4733-37. THIS PLAT WAS PREPARED IN FEBRUARY (REVISED JUNE), 2025 BY KALSTROM SURVEYING & MAPPING, LLC.

D. Kalstrom PS. 6/10/2025
DANIEL C. KALSTROM, PROFESSIONAL SURVEYOR (REG. NO. 6302)



DATE 2/04/25
DRAWN ACK
CHECKED DCK
SCALE: 1"=20' HOR.
DWG. NO. 9457-B

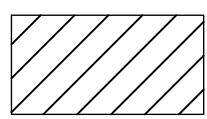
PART OF LOT 10, BLOCK 14, CITY OF
HUDSON IN ORIGINAL TWP. LOT 56,
SUMMIT COUNTY, OHIO

KALSTROM SURVEYING
& MAPPING, LLC
(330)865-8459

PROJ. NO.
1501

KE

GENERAL NOTES



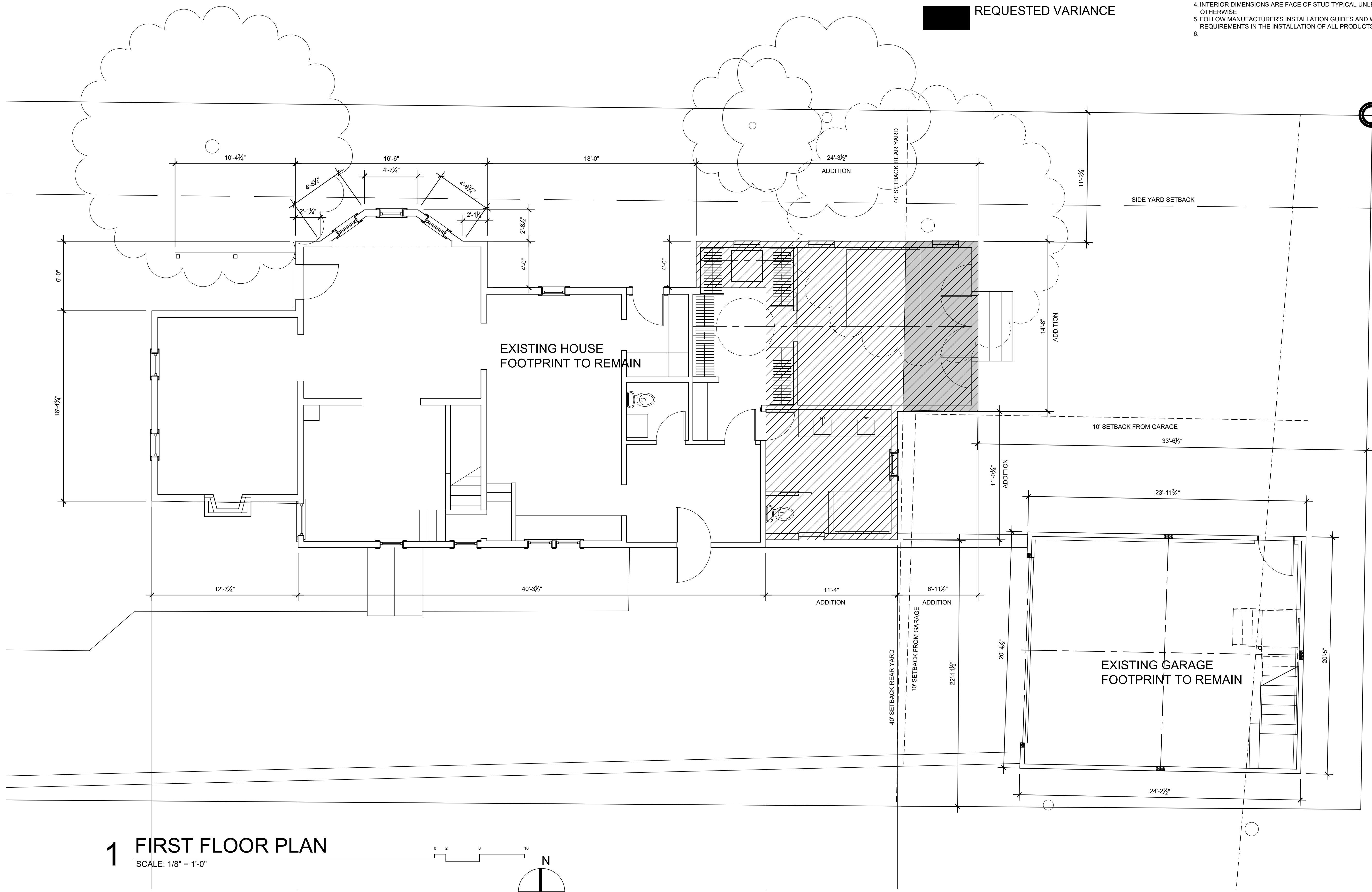


ADDITION FOOTPRINT



REQUESTED VARIANCE

1. COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS, SAFETY ORDERS, AND DIRECTIVES OF THE STATE, COUNTY AND CITY.
2. CONTRACTORS SHALL FIELD VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS.
3. EXTERIOR DIMENSIONS ARE OUTSIDE OF SHEATHING TO EXTERIOR OF SHEATHING TYPICAL UNLESS NOTED OTHERWISE
4. INTERIOR DIMENSIONS ARE FACE OF STUD TYPICAL UNLESS NOTED OTHERWISE
5. FOLLOW MANUFACTURER'S INSTALLATION GUIDES AND WARRANTY REQUIREMENTS IN THE INSTALLATION OF ALL PRODUCTS
- 6.

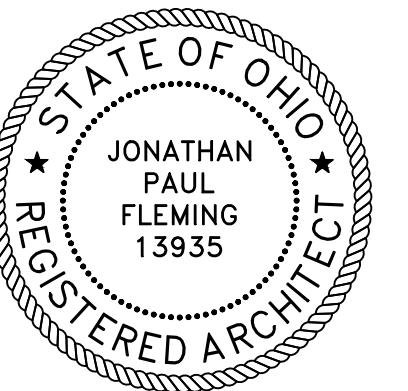


1 FIRST FLOOR PLAN

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

A compass rose with a vertical North arrow pointing upwards. The letters 'N' are written in a bold, black, sans-serif font at the top of the arrow.

A1.0



EXPIRES: 12/31/25

85 DIVISION ST. HUDSON, OHIO 44236

**DEMING RESIDENCE
ADDITION AND ALTERATIONS**

DESIGN AND CONSTRUCTION DOCUMENTS
AS PREPARED BY JONATHAN PAUL FLEMING ARCHITECT
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ISSUE #1 03.31.25

ELEVATION



1 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



2 EXISTING NORTH ELEVATION

SCALE: 1/4" = 1'-0"



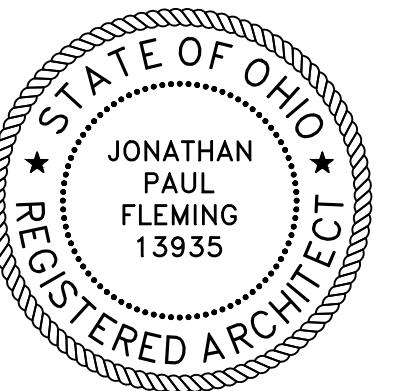
3 PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"

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A2.0



EXPIRES: 12/31/25

85 DIVISION ST. HUDSON, OHIO 44236

**DEMING RESIDENCE
ADDITION AND ALTERATIONS**

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1 EXISTING EAST ELEVATION

SCALE: 1/4" = 1'-0"



2 PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"

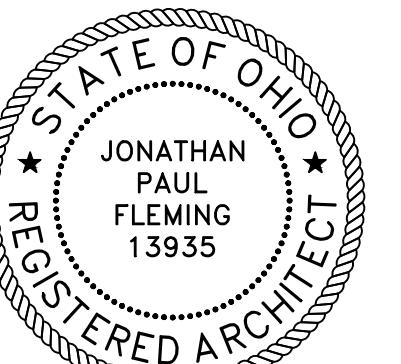
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ELEVATION

A2.1



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1 EXISTING WEST ELEVATION

SCALE: 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION

SCALE: 1/4" = 1'-0"

A2.2



