

Meeting Date:  
April 18, 2024

Location:  
43 Church Street

Parcel Number  
3201492

Request  
Variance requests to construct an addition

Applicant:  
Anthony Slabaugh Remodeling  
& Design

Property Owner:  
Gino and Katie Potesta

Zoning:  
D4 – Historic Residential  
Neighborhood

Case Manager:  
Lauren Coffman,  
Associate Planner

### Contents

- Application, 3-20-2024
- Site Plan, 3-20-2024
- Elevations, 3-20-2024
- Floor Plan, 3-20-2024
- Architectural Consultant Report 4-4-2024
- Site Photos, 3-20-2024



Location Map, City of Hudson GIS

### Request:

Variances to construct an addition and includes the following requests: 1] A variance request to allow an accessory structure to be located in the side yard when the Land Development Code prohibits accessory structures from being located in the side yard pursuant to section 1206.03(d)(3), “Accessory Uses/Structure – Accessory Use Development and Operation Standards” of the City of Hudson Land Development Code. 2] A variance request of twenty-one (21) feet from the required rear yard principal structure setback of forty (40) feet, resulting in a principal structure setback of nineteen (19) 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.

Hudson Board of Zoning and Building Appeals	
April 18, 2024	DOCKET 2024-257

## Project Background

The property is located in District 4 – Historic Residential Neighborhood and is situated on Church Street, just west of College St. The lot is approximately .18 acres and is located within the Historic District. The home on the property was built in 1892. The owners purchased the property in November of 2017.

The applicant is proposing to construct a 23ft 3in x 20ft 6in addition with an inset wing. The City of Hudson’s Land Development Code has the following regulation relative to rear yard setbacks –

- *1205.07(d)(6)(C)(1) – Rear yard depth. Principal structure: forty feet.*

The applicant is requesting a rear yard principal structure setback variance of twenty-one (21) feet from the required forty (40) foot rear yard principal structure setback resulting in a rear yard principal structure setback of nineteen (19) feet.

Additionally, the applicant is requesting to locate an accessory structure partially in the side yard. The City of Hudson’s Land Development Code has the following regulation relative to the placement of accessory structures on a property –

- *1206.03(d) – Side setbacks. No accessory structure shall be located within a side yard, except for permitted fences or walls and on corner lots the majority of the floor area of any accessory structure shall not be located within a side yard.*

Staff notes that the construction of the proposed addition would cause the existing garage to become partially located in the side yard, approximately 150 square feet. The detached garage is currently located fully in the rear yard.

The applicant states the purpose of the proposed addition is to provide additional living/ entertaining space for when family/guests visit from out of town. Additionally, the applicant states that the narrow size of the lot, and current location of the existing detached garage 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 1900 square feet (per Summit County property card).

Hudson Board of Zoning and Building Appeals	
April 18, 2024	DOCKET 2024-257

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

Variance request for rear yard depth

The variance would represent a 52% deviation from the Land Development Code requirement.

Variance request for side yard setback

Staff notes that approximately one fourth (150 square feet) of the detached accessory structure would be located in the side yard.

**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 0.18 acres, (7840 square feet) and located within a dense 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 addition would be two stories. The eighteen (18) foot roofline of the addition would be just slightly subordinate to the main mass of the structure which sits at approximately twenty-three (23) feet. The two-story mass would be impactful from a massing and height standpoint this close to the property line.
- The addition would increase the property's impervious surface coverage to 57.9%. 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 such as:

- Staff notes the presence of both communication and overhead utility lines on the property. These lines, per a site visit with 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.
- Additionally, staff notes that the neighboring property owner to the east, 47 Church St, has an existing overhead communication line that would need to be relocated before construction could begin on the proposed project. This item would be coordinated through the administrative site plan review.

**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 2017.

**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 increase the rear yard setback and reduce the building height to one story to lessen the overall 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.

### City Departments

**Public Power**

Assistant Public Works Superintendent Dave Griffith has submitted comments dated 4/11/2024. Mr. Griffith has the following general findings:

- The neighbor's electric line is clear from the proposed design; however, the existing communication line would need to be relocated. The responsible utility would need to be contacted for possible solutions.
- The electric service to the existing house must maintain a 3' minimum height above the roofline or the existing service would need to be relocated. Placing the service underground is one possible solution. A licensed electrician would be required for any construction at the existing residence. We would need to work closely with the contractor to determine if we would need to assist with moving our feed point overhead triplex location.

### Additional Approvals

The proposal would require the following:

- A design review with the Architectural and Historic Board of Review. Staff notes the proposal was submitted to the AHBR. The AHBR requested the City's Historic Architectural consultant, Perspectus, to provide an opinion on the appropriateness of the design.
  - Perspectus conducted a site visit and has prepared the attached memo for consideration by the AHBR. The memo provides comments on the proposed massing, doors, windows, and detailing. Staff notes the consultant only provided comment on the relative AHBR standards and has not commented on any BZBA variance standards.
- Storm water management plan review with the Engineering Department
- Administrative site plan approval





24-257

Board of Zoning and  
Building Appeals (BZBA)

Status: Active

Submitted On: 3/20/2024

Primary Location

43 CHURCH ST  
Hudson, OH 44236

Owner

POTESTA GINO CO TRUSTEE  
43 CHURCH ST HUDSON, OH  
44236

Applicant

Anthony Slabaugh  
Remodeling & Design

330-940-3237

nick@anthonyslabaughremodeling.com

4724 Darrow Rd.  
Stow, Ohio 44224

## Applicant and Property Owner Information

Applicant Relationship to Property Owner:\*

Contractor

Company Name:

Anthony Slabaugh Remodeling & Design

Property Owner Name\*

Gino & Katie Potesta

Property Owner's E-Mail:\*

potgfp@aol.com, hojuma@aol.com

Property Owner Phone Number\*

630-806-9451, 630-699-4145

## Type of Hearing Request

Type of Request:\*

Variance

Year Property Purchased\*


2017

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

40' rear yard setback ordinance, accessory structures located entirely behind the principal structure

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

Allow for a 19' rear yard setback for proposed addition, allow for 6' of the existing garage to be to the side of the proposed addition

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

19' rear yard set back to the proposed addition, 6' of existing accessory structure to be beside the proposed addition

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

Owner wants to add more living/entertaining space to their home for having family in from out of town, and allowing for home office/study areas. The lot of this property is exceptionally small and the only way that we can add living space is to go further back in the property as the lot is narrow, and we can not add forward. Size of the addition will allow for an appropriate set of stairs to the second floor of the addition, and the detached garage is an existing structure that can not be reduced in size or moved further back on the property

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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:\***

Adding the proposed addition will allow for a second floor convertible bedroom/office space for family and Owner, and a first floor living/entertaining space that is convertible as another bedroom for visiting grandchildren and friends.

**The variance is**

insubstantial

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

The requested variance for the proposed addition will not impede on the neighbor's properties, the majority (73%) of the existing garage will remain behind the proposed addition, and the composition of the addition will help to reduce the apparency of that 6' of teh garage being to the side of the addition

**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):\***

An appropriate staircase needs positioned according to the proposed design to make an accessible second story living/office space due to the restrictions of staying subordinate to the main mass of the home, existing utility room, and maintaining a suitable rear entrance on the home.

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

no

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

Appropriate side setbacks will be maintained, all construction work is anticipated to remain solely on Owner's property, a storm water management plan will be implemented as part of this project so that no additional strain will be placed on neighboring properties

**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 lot of this property is exceptionally small and the only way that we can add living space is to go further back in the property. The lot is narrow so we can not go towards the side for the space that Owner requires, and we can not add forward of the main mass.

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

The spirit and intent behind the zoning requirement would be observed as the proposed addition will not infringe upon neighbor's properties, and design cues have been made to minimize the apparency of the 6' front of teh garage being next to the addition

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

Exceptionally small lot size and the limitations thereby created that only allow for an addition to be positioned on the rear of this property.

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

Exceptionally small/narrow lot size, unique main mass/configuraion of the historic principal of the home

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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\***

Nick Boka, Ryan Schwartz, Lee Brooks,  
Anthony Slabaugh

**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

☐

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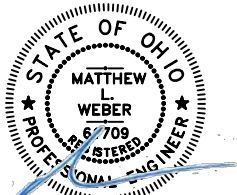
## Internal

 Company Name

 Variances

 Meeting Date

 District



Reg. No.: 61709

## SITE DATA (PROPOSED)

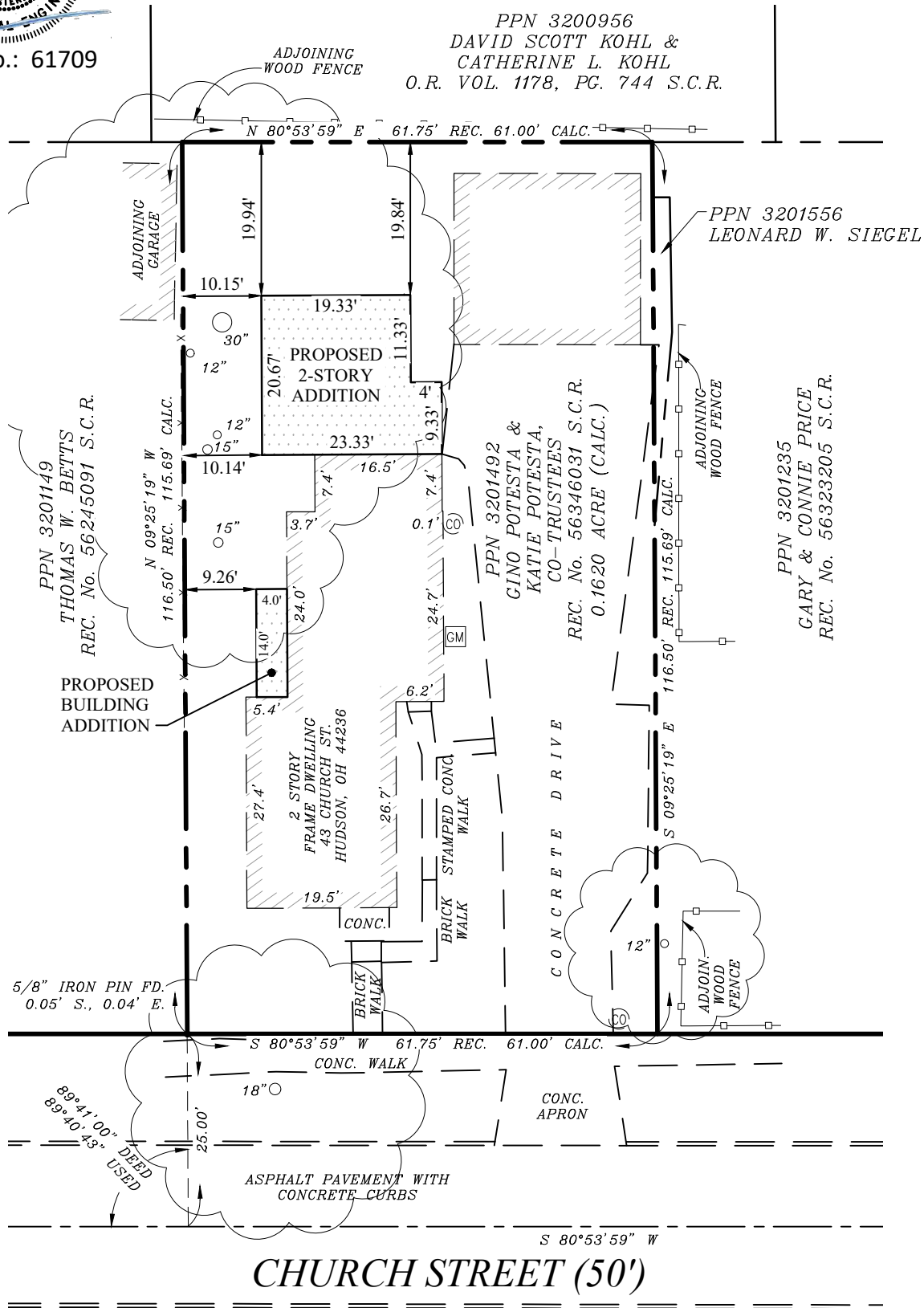
SITE AREA 0.1620 ACRE  
IMPERVIOUS AREA 0.0938 ACRE  
PERCENT IMPERVIOUS 57.9%

PPN 3200956  
DAVID SCOTT KOHL &  
CATHERINE L. KOHL  
O.R. VOL. 1178, PG. 744 S.C.R.

PPN 3201556  
LEONARD W. SIEGEL

PPN 3201235  
GARY & CONNIE PRICE  
REC. No. 56323205 S.C.R.

PPN 3201492  
GINO POTESTA &  
KATIE POTESTA,  
CO-TRUSTEES  
REC. No. 56346031 S.C.R.  
0.1620 ACRE (CALC.)



WEBER ENGINEERING SERVICES  
2555 Hartville Rd., Suite B  
Rootstown, OH 44272  
www.WeberEngineeringServices.com  
330-329-2037  
matt@webercivil.com

OWNER:

Gino & Katie Potesta,  
Co-Trustees  
43 Church St.  
Hudson, OH 44236

PROJECT NAME:

43 CHURCH STREET  
IMPROVEMENTS

SHEET:

PROPOSED  
IMPERVIOUS  
CONDITIONS

PROJECT LOCATION:

43 CHURCH STREET  
HUDSON, OHIO

REVISIONS:

11-15-2023  
03-04-2024

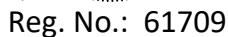
PROJECT #

2023-299

2 OF 2



Scale: 1" = 20'



SITE AREA	0.1620 ACRE
IMPERVIOUS AREA	0.0891 ACRE
PERCENT IMPERVIOUS	55.0%

PPN 3200956  
DAVID SCOTT KOHL &  
CATHERINE L. KOHL  
O.R. VOL. 1178, PG. 744 S.C.R.



**WEBER ENGINEERING SERVICES**  
2555 Hartville Rd., Suite B  
Rootstown, OH 44272  
[www.WeberEngineeringServices.com](http://www.WeberEngineeringServices.com)  
330-329-2037  
[matt@webercivil.com](mailto:matt@webercivil.com)

OWNER:	PROJECT NAME:	SHEET:	PROJECT LOCATION:	REVISIONS:	PROJECT #
Gino & Katie Potesta, Co-Trustees 43 Church St. Hudson, OH 44236	43 CHURCH STREET IMPROVEMENTS	EXISTING IMPERVIOUS CONDITIONS	43 CHURCH STREET HUDSON, OHIO	11-15-2023 03-04-2024	2023-299
					1 OF 2



Scale: 1" = 20'





DRAWINGS PROVIDED BY:

**Anthony Slabaugh**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

SCALE:

DATE:

3/6/2024

**K-2**





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43 CHURCH ST.  
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SCALE:

DATE:

3/6/2024

**K-3**





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SHEET TITLE:

SCALE:

DATE:

3/6/2024

**K-4**





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SHEET TITLE:

SCALE:

DATE:

3/6/2024

**K-5**





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PROJECT DESCRIPTION:

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43 CHURCH ST.  
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SHEET TITLE:

**Before/After**

SCALE:

DATE:

3/6/2024

**K-6**





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PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
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SHEET TITLE:

**3D Design Concepts**

SCALE:

DATE:

3/6/2024

**K-7**



DRAWINGS PROVIDED BY:

**Anthony Slabaugh**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

SCALE:

DATE:

3/6/2024

**K-8**



Reg. No.: 61709

## SITE DATA (EXISTING)

SITE AREA 0.1620 ACRE  
IMPERVIOUS AREA 0.0891 ACRE  
PERCENT IMPERVIOUS 55.0%

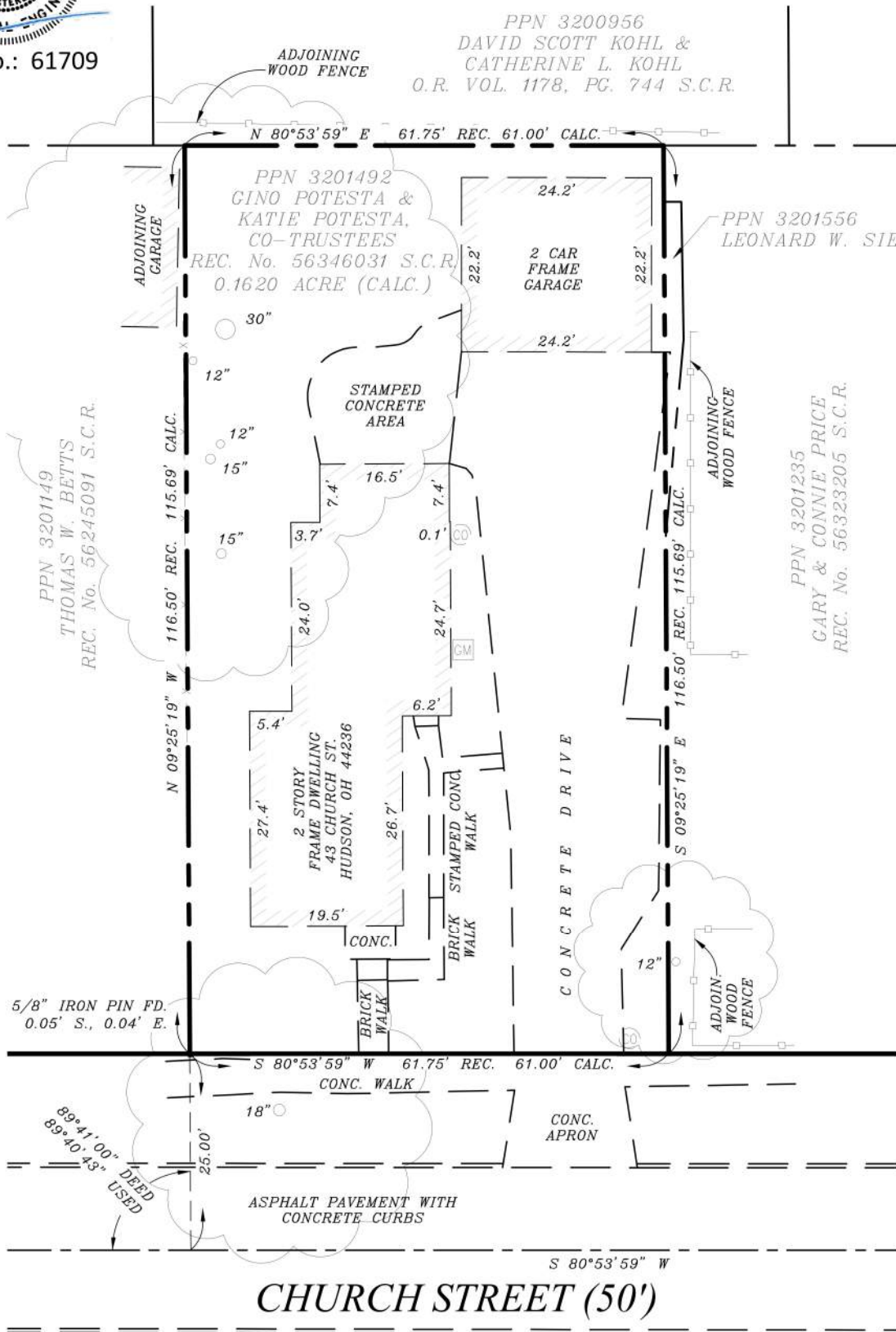
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DAVID SCOTT KOHL &  
CATHERINE L. KOHL  
O.R. VOL. 1178, PG. 744 S.C.R.

PPN 3201492  
GINO POTESTA &  
KATIE POTESTA,  
CO-TRUSTEES  
REC. No. 56346031 S.C.R.  
0.1620 ACRE (CALC.)

PPN 3201556  
LEONARD W. SIEGEL

PPN 3201235  
GARY & CONNIE PRICE  
REC. No. 56323205 S.C.R.

PPN 3201149  
THOMAS W. BETTS  
REC. No. 56245091 S.C.R.



DRAWINGS PROVIDED BY:

Anthony Slabaugh  
REMODELING & DESIGN  
Craftsmen with Integrity

PROJECT DESCRIPTION:

POTESTA ADDITIONS  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

Existing Site Survey

SCALE:

DATE:

3/6/2024

R-9

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2555 Hartville Rd., Suite B  
Rootstown, OH 44272  
www.WeberEngineeringServices.com  
330-329-2037  
matt@webercivil.com

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PROJECT NAME:  
43 CHURCH STREET  
IMPROVEMENTS

SHEET:  
EXISTING  
IMPERVIOUS  
CONDITIONS

PROJECT LOCATION:  
43 CHURCH STREET  
HUDSON, OHIO

REVISIONS:  
11-15-2023  
03-04-2024

PROJECT #  
2023-299  
1 OF 2



Scale: 1" = 20'





Reg. No.: 61709

## SITE DATA (PROPOSED)

SITE AREA 0.1620 ACRE  
IMPERVIOUS AREA 0.0938 ACRE  
PERCENT IMPERVIOUS 57.9%

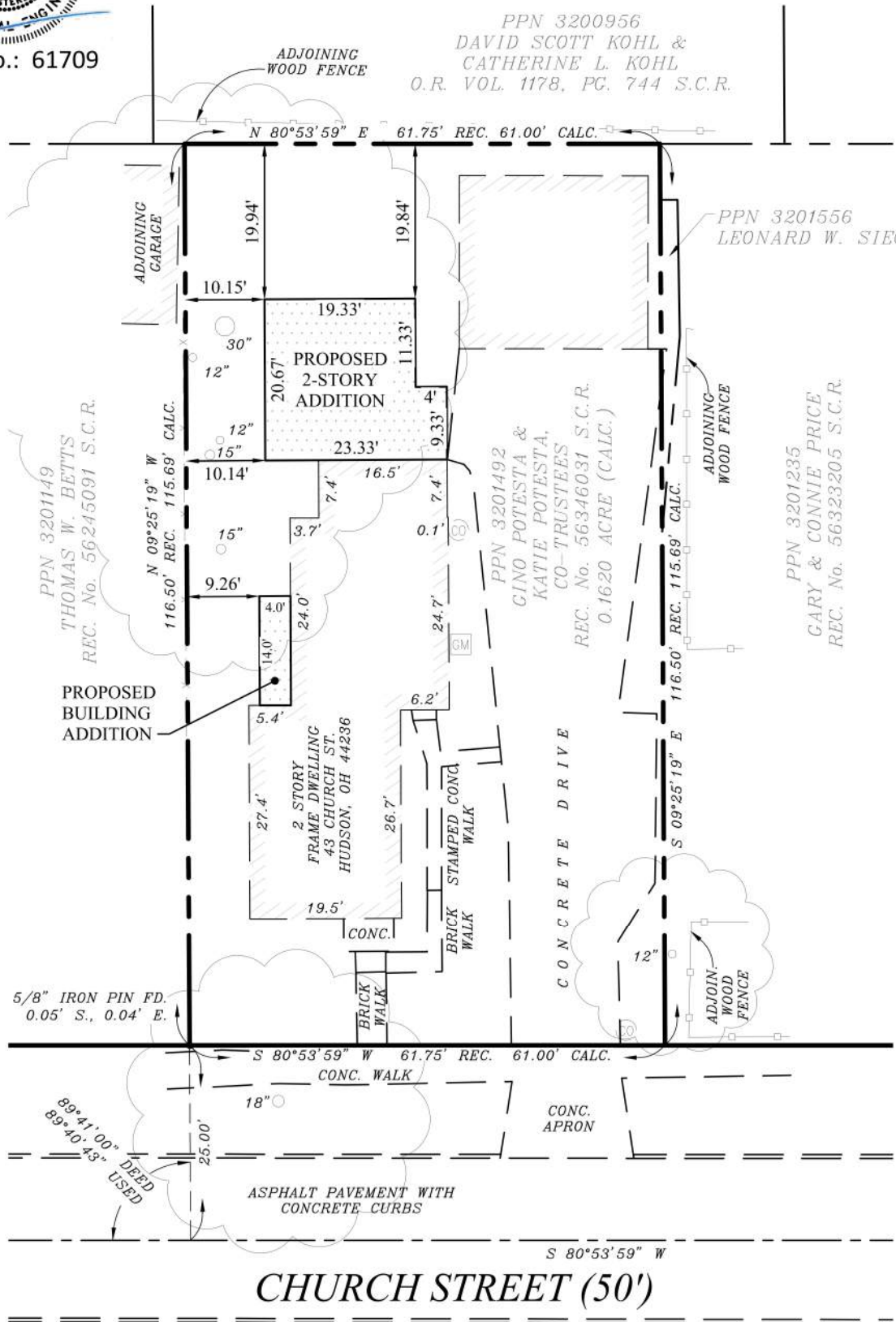
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KATIE POTESTA,  
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0.1620 ACRE (CALC.)

PPN 3201149  
THOMAS W. BETTS  
REC. No. 56245091 S.C.R.



DRAWINGS PROVIDED BY:  
**Anthony Slabough**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:  
**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:  
**Site Survey with Proposed Additions**

SCALE:

DATE:

3/6/2024

**K-10**

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2555 Hartville Rd., Suite B  
Rootstown, OH 44272  
www.WeberEngineeringServices.com  
330-329-2037  
matt@webercivil.com

OWNER:  
Gino & Katie Potesta,  
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PROJECT NAME:  
43 CHURCH STREET  
IMPROVEMENTS

SHEET:  
PROPOSED  
IMPERVIOUS  
CONDITIONS

PROJECT LOCATION:  
43 CHURCH STREET  
HUDSON, OHIO

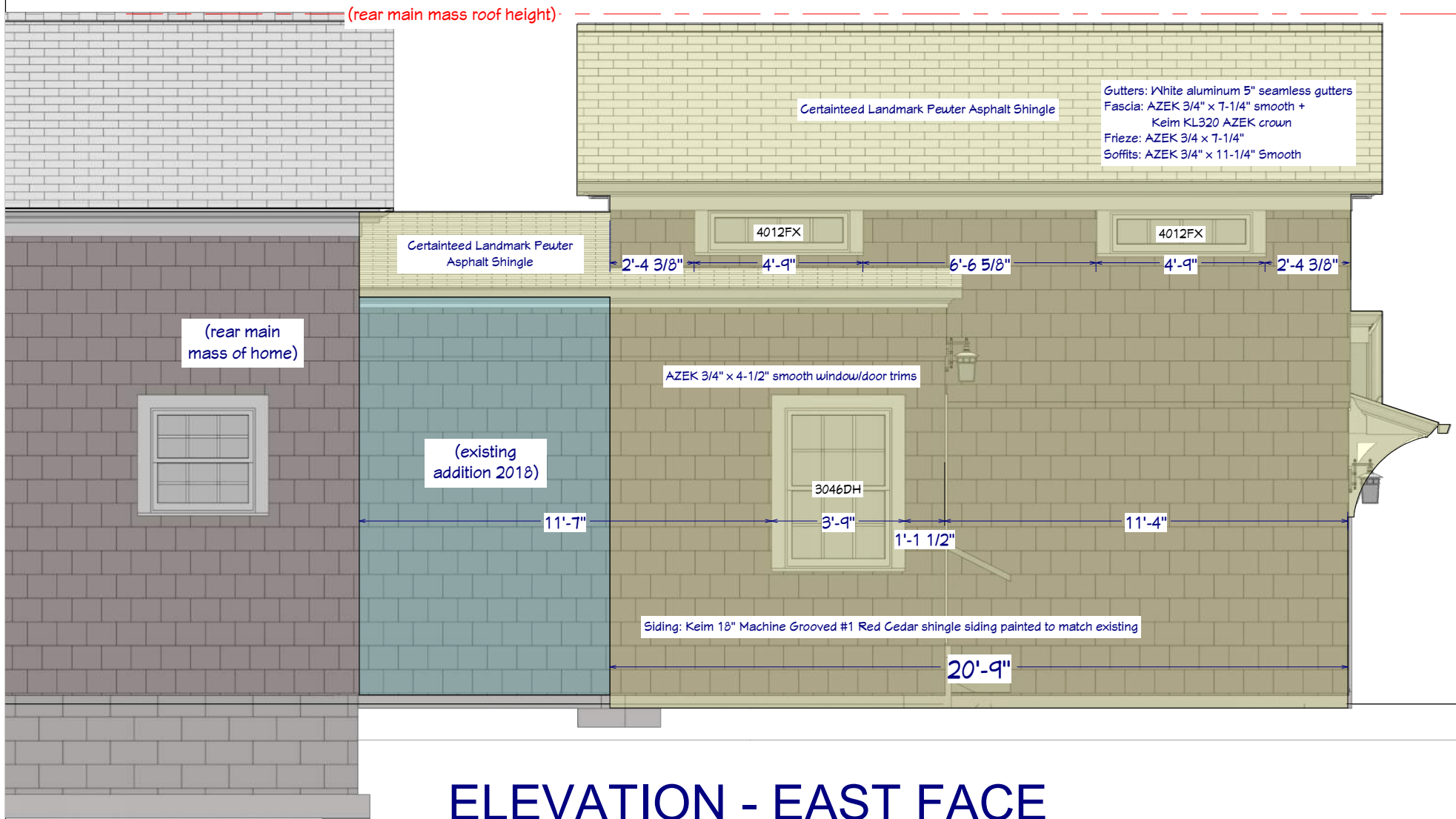
REVISIONS:  
11-15-2023  
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PROJECT #  
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2 OF 2



Scale: 1" = 20'





DRAWINGS PROVIDED BY:

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SHEET TITLE:

**Exterior Elevations**  
**Dimensions**

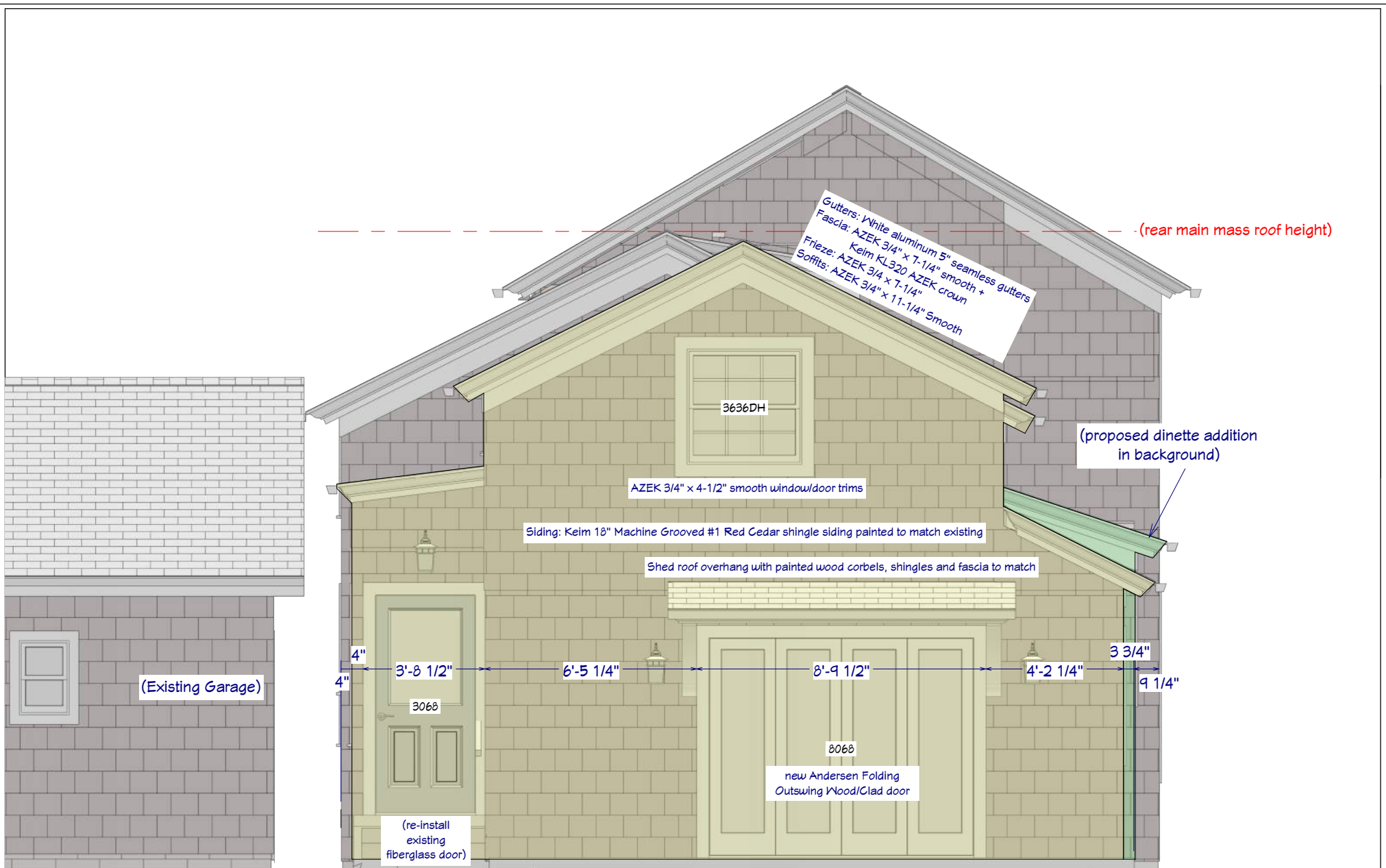
SCALE:

**1/4" = 1'**

DATE:

3/6/2024

**K-11**



# ELEVATION - NORTH FACE

DRAWINGS PROVIDED BY:

**Anthony Slabaugh**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

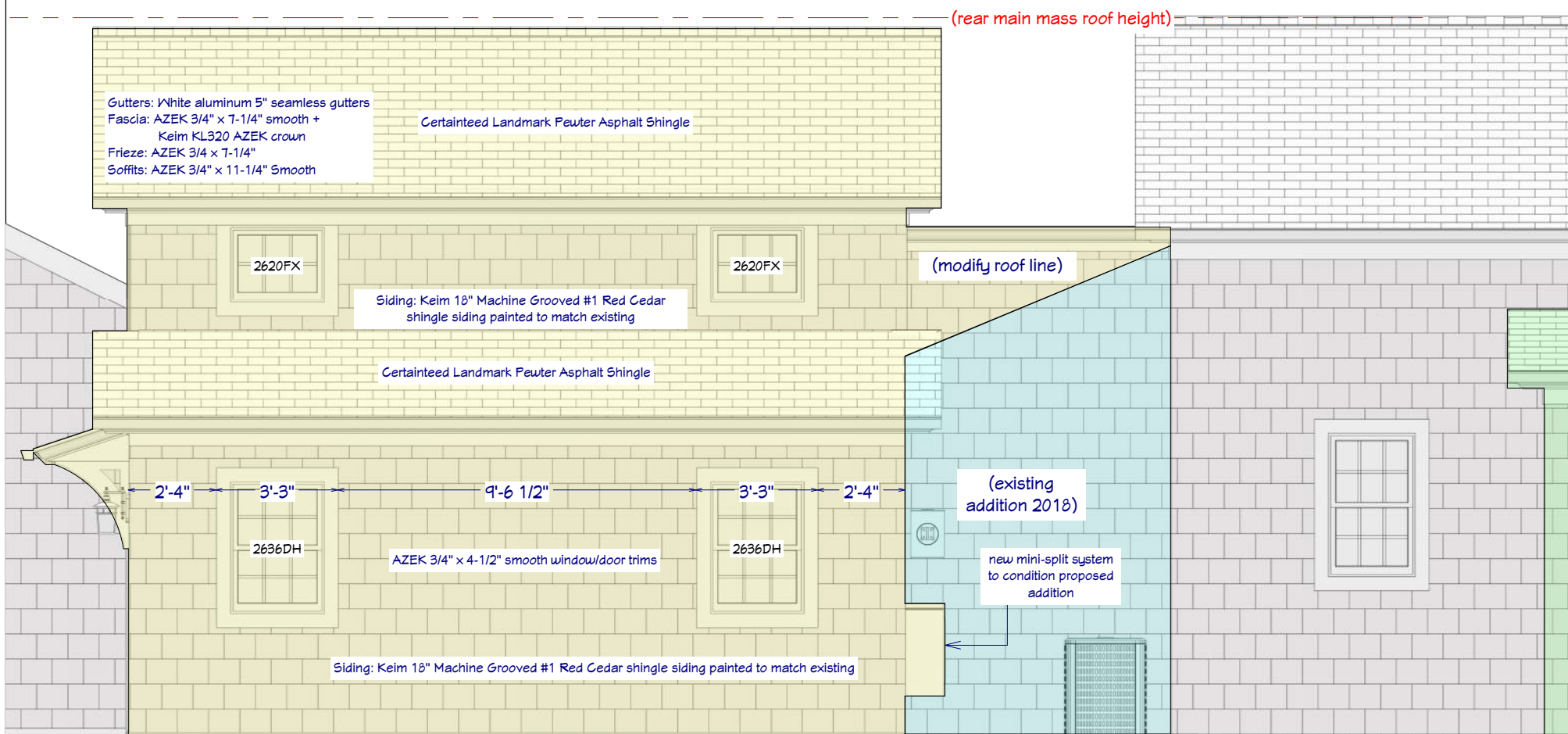
SCALE:

1/4" - 1'

DATE:

3/6/2024

**K-12**



## ELEVATION - WEST FACE

DRAWINGS PROVIDED BY:

**Anthony Slabaugh**  
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43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

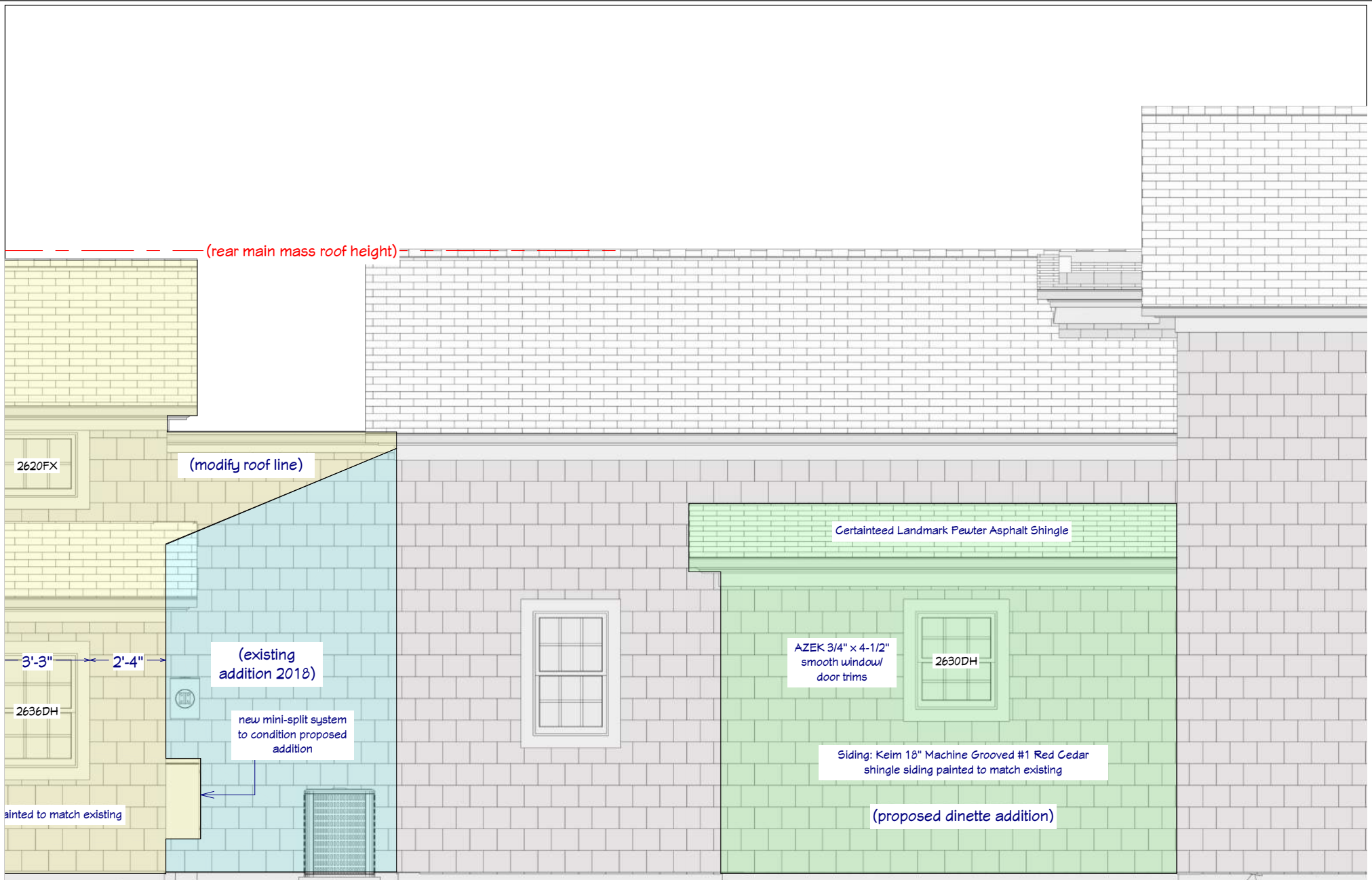
SCALE:

1/4" - 1'
-----------

DATE:

3/6/2024

**K-13**



# ELEVATION - WEST FACE

DRAWINGS PROVIDED BY:

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SHEET TITLE:

SCALE:

1/4" - 1'

DATE:

3/6/2024

**K-14**





## ELEVATION - SOUTH FACE

DRAWINGS PROVIDED BY:

**Anthony Slabaugh**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

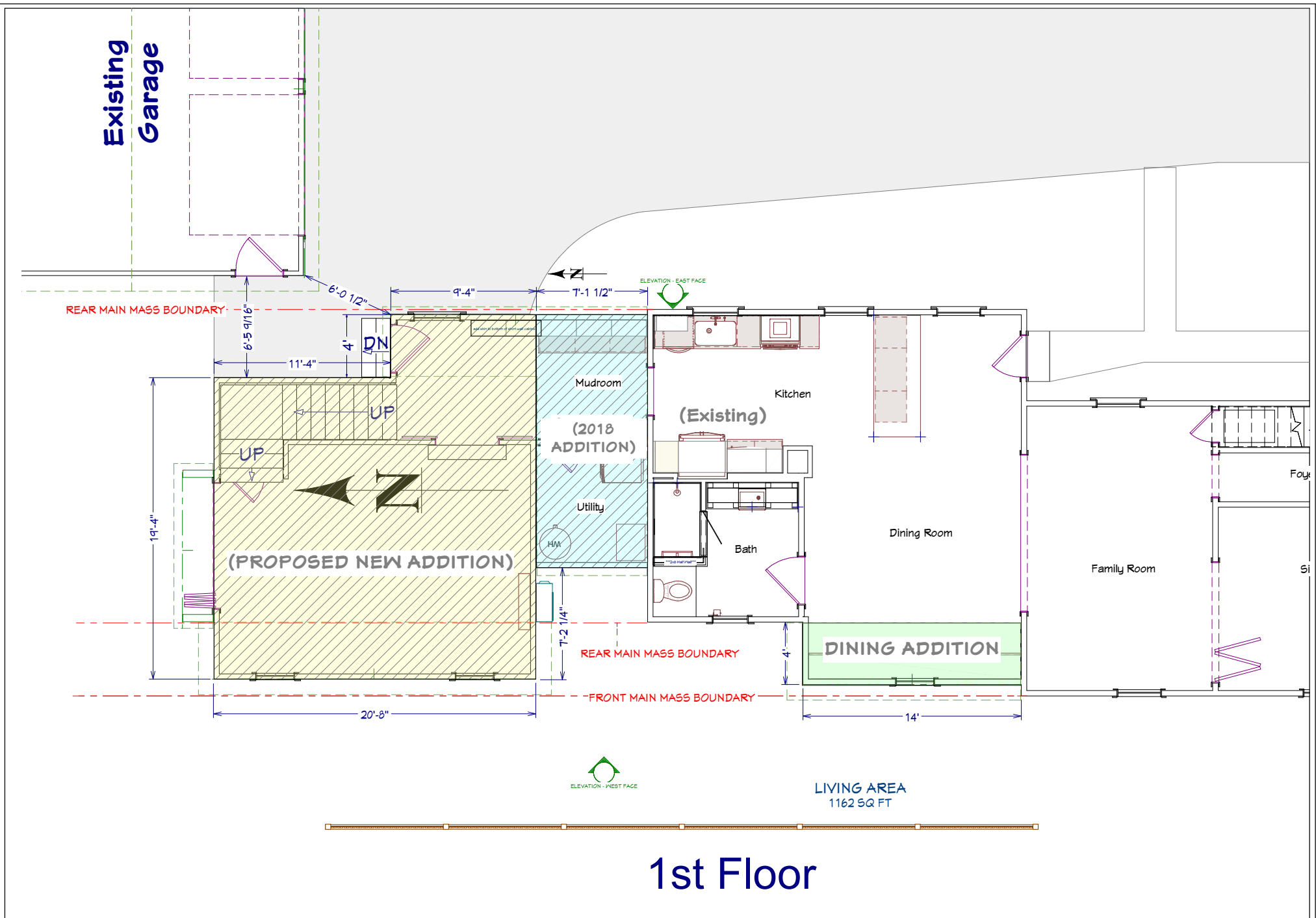
SCALE:

1/4" - 1'

DATE:

3/6/2024

**K-15**



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**Anthony Slabaugh**  
REMODELING & DESIGN  
*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

**Overhead Room Dimensions**  
**First Floor**

SCALE:

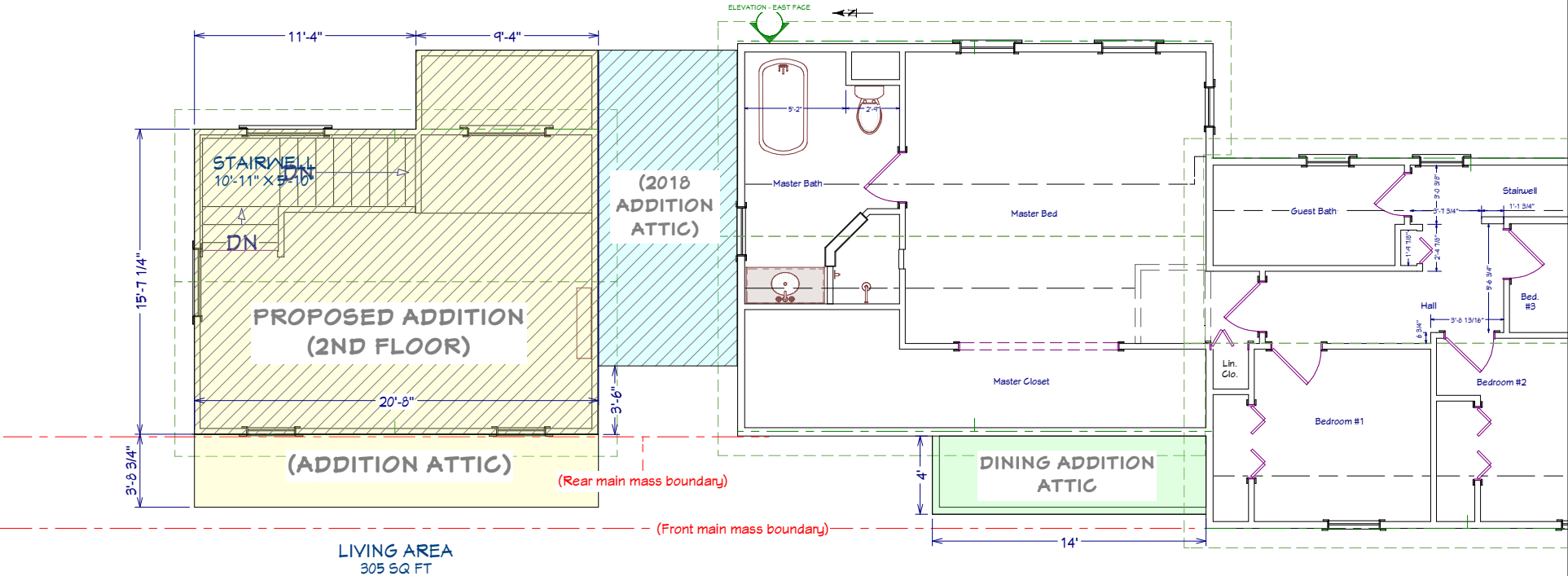
**1/8" - 1'**

DATE:

**3/6/2024**

**K-16**

EXISTING GARAGE



2nd Floor

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PROJECT DESCRIPTION:

POTESTA ADDITIONS  
43 CHURCH ST.  
HUDSON, OHIO 44236

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proper authorization.

SHEET TITLE:

Overhead Room Dimensions  
Second Floor

SCALE:

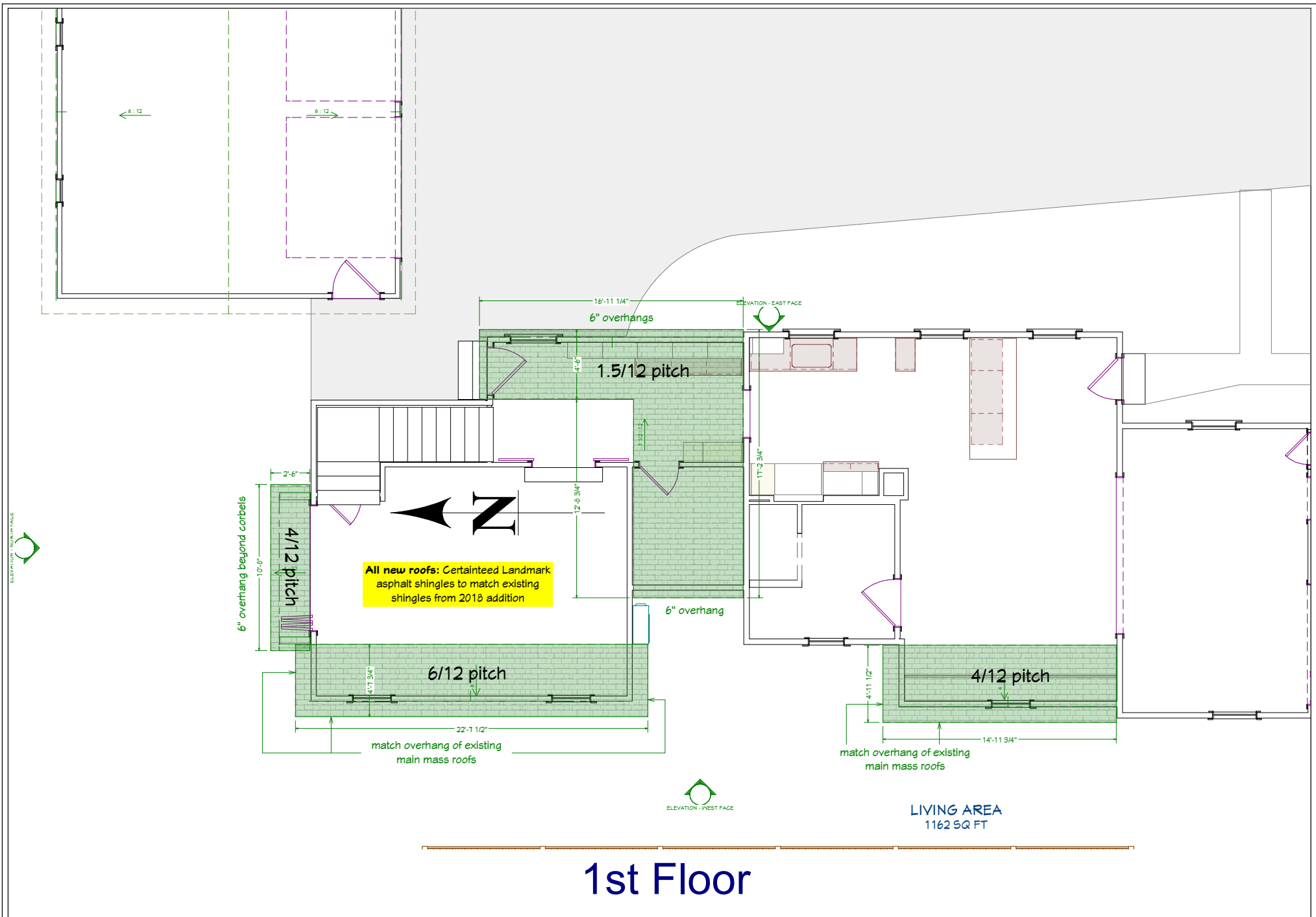
1/8" - 1'

DATE:

3/6/2024

**K-17**





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*Craftsmen with Integrity*

PROJECT DESCRIPTION:

**POTESTA ADDITIONS**  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

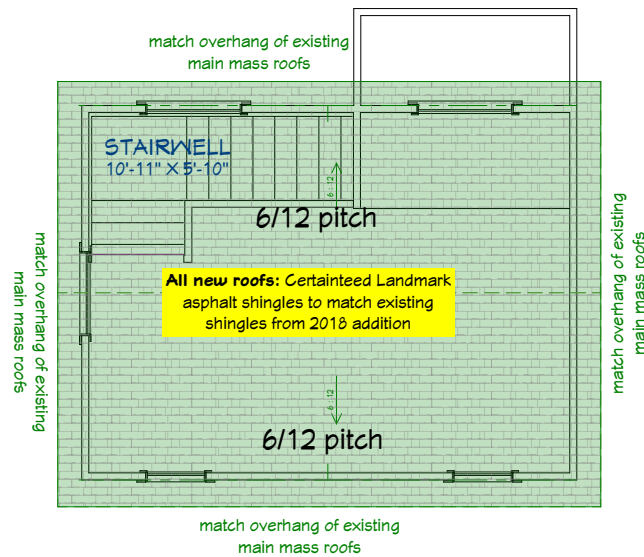
**Roof Plan**

SCALE:

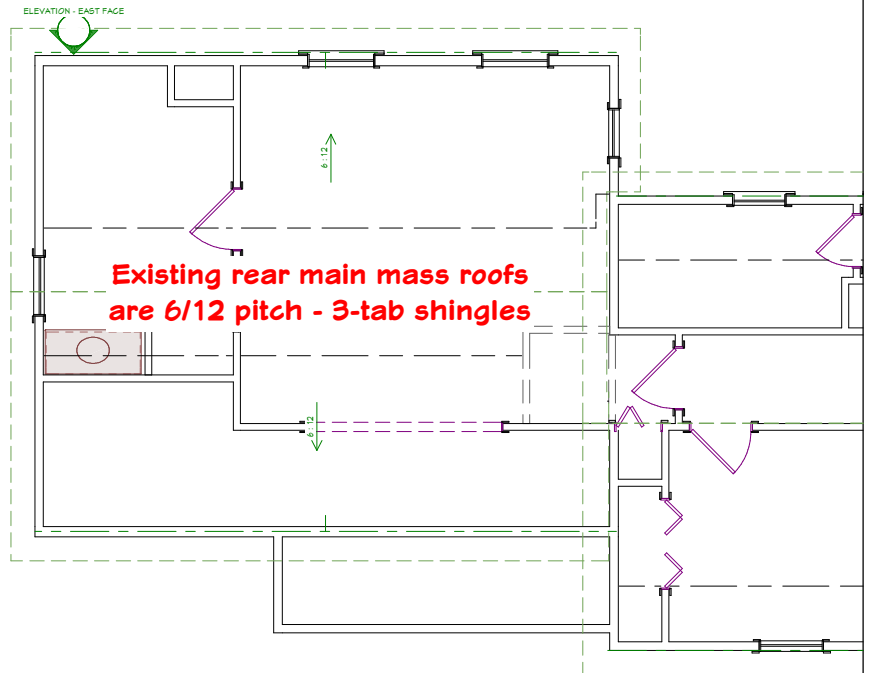
DATE:

3/6/2024

**K-18**



LIVING AREA  
305 SQ FT



LIVING AREA  
1046 SQ FT



## 2nd Floor

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PROJECT DESCRIPTION:

POTESTA ADDITIONS  
43 CHURCH ST.  
HUDSON, OHIO 44236

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SHEET TITLE:

SCALE:

DATE:

3/6/2024

**K-19**





















Anthony Slabaugh  
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