



City of Hudson, Ohio

Meeting Minutes - Draft Board of Zoning & Building Appeals

Jane Davis, Chair
Lou Wagner, Vice Chair
Lydia Bronstein
Robert Kahrl
Cory Scott

Nick Sugar, City Planner
Lauren Coffman, Associate Planner

Thursday, May 15, 2025

7:30 PM

Town Hall
27 East Main Street

I. Call to Order

Acting Chair Mr. Wagner 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: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Mr. Scott

III. Identification, by Chairman, of City Staff

Chair Wagner introduced Associate Planner Lauren Coffman and City Solicitor Marshall Pitchford joined the meeting immediately after the introduction.

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

Chair Wagner swore-in staff and all the persons wishing to speak under oath.

V. Approval of Minutes

[BZBA 4.17.2025](#) **Minutes of Previous Board of Zoning & Building Appeals Meeting: April 17, 2025**

Attachments: [April 17, 2025 BZBA Minutes - Draft](#)

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the April 17, 2025, Minutes be approved as submitted. The motion carried by the following vote:

Aye: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Mr. Scott

VI. Public Hearings - New Business

[BZBA 24-1342](#) The subject of this hearing is a variance request of five (5) feet from the required side yard accessory structure setback of fifteen (15) feet,

resulting in a side yard accessory structure setback of ten (10) feet pursuant to section 1205.06(d)(5)(D)(4), “Property Development/Design Standards - Setbacks” of the City of Hudson Land Development Code in order to construct a 500 gallon LP propane tank.

The applicant is Doug Denny, 5892 Heritage Ct, Hudson, Ohio 44236. The property owners are Doug and Kathleen Denny, 5892 Heritage Ct, Hudson, Ohio 44236 for the property at 5892 Heritage Ct in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

Attachments: [5892 Heritage Ct BZBA Staff Report](#)

This application was not considered at the meeting.

[BZBA 25-285](#) The subject of this hearing is 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.

The applicant is Marcus Peters, 1405 Gillie Dr, Streetsboro, Ohio 44241. The property owner is Christopher Steinker, 2380 Tyre Dr, Hudson, Ohio 44236 for the property at 2380 Tyre Dr in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

Attachments: [BZBA Staff Report - 2380 Tyre Dr](#)

Ms. Coffman introduced the application by describing the .77 parcel, the project, the applicable LDC sections, and the staff comments and considerations.

Mr. Marcus Peters, of Last Impressions Landscaping Design, stated that if the pavilion is constructed in the LDC allowable part of the yard, it will lose its function as a practical area for the family, as it will be too far from the residence. He also stated that the proposed location will make it unviewable from the street. Mr. Peters also stated the addition was built before the current homeowners purchased the house.

Chair Wagner and staff discussed if this is an accessory structure or a pergola and if it is a pergola where it might be located. Ms. Coffman stated it is desired as a detached accessory structure and Mr. Peters clarified the desire is to build a pavilion, not a pergola.

Ms. Steinker, the homeowner, noted the purpose of the structure is to provide more shade in the rear yard. Mr. Steinker distributed a rendering of the proposed pavilion to the Board. The Steinkers also stated that if the pavilion is placed near the house, it will block the view of the yard and the ability to see their children playing and that it will be more visible to the neighbors and provide less privacy for themselves. Text messages from the neighbors were shown to the board which stated agreement to build the structure.

The Board, applicant, and staff discussed: That the slope of the backyard pitches down approximately 6 feet, which will require leveling, and add approximately \$20,000 to the cost of the project. Also discussed was that the pavilion placement staff suggested would require a move of 14 feet into the yard, that the addition was built sometime before the year 2000, that if the structure is moved closer to the existing deck it will block the view of

the backyard and cause rainwater problems, and that the structure is either 16 or 18 feet high which is lower than the garage roof.

Chair Wagner opened the meeting for Public Comments. Seeing no one coming forward, Chair Wagner closed Public Comment.

The Board discussed: The purpose of the side yard rule which is: The desire to not allow structures in the side yard. However, common sense says this pavilion is in the backyard, and following the LDC rule gives, in this case, no benefit to the public. The Board also noted that a fence helps block the view of the structure from the public realm, that an exceptional condition in this instance is, that the addition was added to the house before the year 2000, and that the proposed location is functionally in the back yard if the addition had not been built.

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that this Variance be approved. The motion carried by the following vote:

Aye: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Mr. Scott

[BZBA 25-388](#) The subject of this hearing is variances to construct a commercial business addition and includes the following requests: 1] A variance request of five (5) feet from the required side yard principal structure setback when adjacent to a residential use of fifteen (15) feet, resulting in a side yard setback of ten (10) feet pursuant to section 1205.08(d)(7)(C)(6), “Property Development/Design Standards - Setbacks” of the City of Hudson Land Development Code. 2] A variance request of five (5) feet from the required minimum bufferyard width of fifteen (15) feet resulting in a bufferyard of ten (10) feet pursuant to Section 1205.08(d)(13), “Bufferyard Requirements - Bufferyard Type” of the City of Hudson Land Development Code.

The applicant is Elizabeth Swearingen, 1775 Main Street, Peninsula, OH 44264. The property owner is 41 EAST MAIN LLC, 41 E. Main Street, Hudson, Ohio 44236 for the property at 41 E. Main Street in District 5 [Village Core District] within the City of Hudson.

Attachments: [41 E Main St BZBA Staff Report](#)

Ms. Coffman introduced the application by displaying and describing the site, noting the building was constructed in 1841, describing the project, the applicable LDC requirements, the applicants stated reasons for the variance requests, the AHBR desire not to move the building from the proposed location, and the staff comments and considerations.

The Board and staff discussed the possibility of having a 10-foot buffer yard LDC requirement, and that this may be a non-conforming structure issue as opposed to a variance case. Staff noted that District 5 structures may have a zero-foot setback, however, because this case is for an addition the side yard setbacks apply.

Mr. Joe Matava, Peninsula Architects, explained that there is a use-by-right that would allow a zero-foot setback, however, he desires a 5-foot setback for the sake of the community (the applicant could but does not desire the addition to have a zero-foot setback), that two different properties make up this parcel, that Mr. Matava spoke to the neighboring properties who are in favor of the variance being granted, that a comprehensive plan is in place for this historic structure, that a common garden space that both property owners will be able to view, that review

by the Planning Commission and AHBR will take place after BZBA approval, that a detailed landscaping plan will be presented to Planning Commission, that a significant setback exists between the rear neighbor and the proposed addition.

Chair Wagner opened the meeting for Public Comment.

Ms. Robin and Mr. Brian Meeker, 33 E. Main Street, noted architectural concerns over the proposal, the amount of permeable land, the type of driveway, if residential use is permitted, if the tree is remaining, if the proposed windows will match the existing, that a proposed addition to their property at 33 E. Main was not permitted, their concern over a lack of consistency among the Boards,

The Board noted the only issue before BZBA is the variance request for the setback .

Ms. Nora Jacobs, 34 Division Street, encouraged the Board to allow the variance to move the building off the zero- setback.

Eric Hansack, 60 Division Street, stated the clarifications from the meeting were helpful, encouraged that the large trees are not cut down, is encouraged by the proposed plan, and encouraged granting the variance .

Seeing no one else coming forward to speak, Chair Wagner closed Public Comment .

The Board discussed, liking the 5-foot setback, is concerned about the 10-foot vs 15-foot buffer yard, the possibility of conditioning the variance approval on meeting with the adjoining property owner regarding the courtyard and landscaping plan, if the 15-foot setback variance approval will encourage other developers to request variances to the degradation of the Historic District, that the adjoining neighbors are not at the meeting to object to the proposed variance, the possibility of reducing the size of the addition .

A motion was made by Ms. Bronstein, seconded by Mr. Kahrl, that this Variance be approved with conditions. The motion carried by the following vote:

Aye: 3 - Mr. Wagner, Mr. Kahrl and Ms. Bronstein

Nay: 1 - Mr. Scott

VII. Other Business

[BZBA - Submittal Requirements](#) **Discussion of Planning Commission Subcommittee - Review of Appendix A - Submittal Requirements**

Attachments: [Staff Memo to BZBA](#)
[Submittal Requirements](#)

Mr. Pitchford commented on PC's request:

1) The PC has a desire to rewrite the LDC but does not have approval from City Council. At this time PC is addressing Appendix A, which in PC's opinion is outdated. The work on Appendix A may be done with or without City Council's permission. This is a request for feedback on this process.

The Board, the solicitor, and staff discussed PC's desire to consult with BZBA over any submittal requirements that would assist BZBA in its work.

The Board discussed: Not knowing what is contained in Appendix A, and this is the beginning of a long review process.

Solicitor Pitchford discussed how appeals are conducted within Hudson Boards, Commissions, and Councils, and stated this is a plan to direct all appeals first to BZBA, then to City Council, and then to the courts.

The Board inquired about what is the standard of review. Mr. Pitchford stated the proposed language is the standard the Court of Appeals would use, The Board and Mr. Pitchford discussed various implications of the proposed amendment including: The time limits placed on Boards and Commissions to render a decision, that a report should be submitted to PC within 60 days, that any member may call Solicitor Pitchford for conversation.

The Board discussed various points in Appendix 1, including: The submission of additional information at an appeal, the increased work for BZBA Board members from a site review appeal, the Solicitor's desire to have all information submitted to the Boards and not entered at an appeals court trial, that it is unusual for some appeals issues to be referred to City Council, which is a legislative board, from BZBA which is a quasi-judicial Board.

Chair Wagner noted the Board may offer individual feedback to City staff or Mr. Pitchford.

Mr. Pitchford noted a timeline of at least a month to submit information to him.

Mr. Pitchford encouraged the BZBA members to review the Variance Checklist for potential changes and the Ordinance for potential changes.

The Board discussed requiring the Finding of Facts for cases that are appealed.

VIII. Staff Update

Ms. Coffman noted the June BZBA meeting is scheduled on a city holiday and suggested moving the meeting to the next Thursday.

Mr. Wagner recognized and thanked former Chair Davis, who led the Board in an effective way and recommended the election of the next chair.

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that Mr. Wagner be elected as BZBA chair. The motion carried by the following vote:

Aye: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Mr. Scott

Ms. Bronstein nominated Mr. Kahrl as Vice-Chair of the BZBA. The motion died for lack of a second.

A motion was made by Mr. Kahrl, seconded by Mr. Scott, that Ms. Bronstein be elected Vice Chair of the BZBA. The motion carried by the following vote:

Aye: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Mr. Scott

IX. Adjournment

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that this be adjourned. The motion carried by an unanimous vote.

Lou Wagner, Acting Chair

Lydia Bronstein, Board Member

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.

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