



# City of Hudson, Ohio

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

*Kerri Keller, Chair*  
*Lou Wagner, Vice Chair*  
*Lydia Bronstein*  
*Jane Davis*  
*Robert Kahrl*

*Nick Sugar, City Planner*  
*Lauren Coffman, Associate Planner*

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Thursday, May 16, 2024

7:30 PM

Town Hall  
27 East Main Street

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### I. Call to Order

Chair Keller 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 - Ms. Keller, Mr. Wagner, Mr. Kahrl and Ms. Bronstein

**Absent:** 1 - Ms. Davis

### III. Identification, by Chairman, of Lauren Coffman, Associate Planner.

Chair Keller recognized Mr. Nick Sugar, City Planner; Ms. Lauren Coffman, Associate Planner, and Mr. Marshal Pitchford, City Solicitor.

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

Ms. Keller swore-in staff and all the persons wishing to speak under oath.

### V. Approval of Minutes

[BZBA 4.18.2024](#) Minutes of Previous Board of Zoning & Building Appeals Meeting: April 18, 2024

**Attachments:** [April 18, 2024 BZBA Minutes - Draft](#)

A motion was made by Mr. Kahrl, seconded by Mr. Wagner, that the April 18, 2024 minutes be approved. The motion carried by the following vote:

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

**Recused:** 1 - Ms. Keller

### VI. Public Hearings - New Business

**BZBA 24-288 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 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 build a detached garage.**

The applicant is Patrick Macoska, 1731 West 32nd Street, Cleveland, Ohio 44113. The property owner is Brian Swain, 56 Lake Forest Dr, Hudson, Ohio 44236 for the property at 56 Lake Forest Dr. in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

**Attachments:**     [56 Lake Forest Dr - BZBA Staff Report](#)

Ms. Coffman introduced the application by describing and displaying the property and house, reviewing the variance request, staff comments, considerations, and applicable Land Development Codes .

Mr. Patrick Macoska, architect, and Mr. Brian Swain, homeowner, described how the current plan developed, the desire to maintain the current view of the lake, and detailed seven other properties on the street which were granted variances for side setbacks - which Mr. Macoska believes creates precedence for this requested variance. Mr. Sugar stated he was unaware if the seven other properties were granted variances, however, if before 1999 , they would not have needed variances.

Mr. Swain described the various alternative plans that could not be done because of setbacks, grade changes, issues with the neighbor’s property, water issues on the property, and the need for the additional garage space .

The Board, applicant and staff discussed: If five additional garage spaces are actually needed, the applicants desire to have all vehicles in the garage, that a neighbors view will be partially blocked if the variance is given, that a smaller two car garage may or may not require a variance, that children may use the garages as a play area, that the peak of the garage will be twenty-feet high, the possibility of decreasing the height, that the character of the neighborhood may be significantly altered if the variance is granted, that other solutions to the applicants problem may not require a variance, that many of the trees are already dead and at least one large willow will be impacted if the variance is granted, and that the homeowner believes the character of the neighborhood will be enriched if the variance is granted for the structure,

Chair Keller opened the meeting for Public Comment.

Mr. Hassan Peyravi, 48 Lake Forest Drive, described the expansion of the subject house over time, that he believes the standards should be applied to this request, and that his view of the lake -which will be diminished if the variance is granted and the view of the lake is one of the reasons he purchased this property .

Mr. Eric Larson, 62 Lake Forest Drive, noted he will not be impacted by the proposed project.

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

The Board discussed: That the variance request is in keeping with the neighborhood, that even with precedent for the requested setback - other solutions for the garage should be explored, that the Duncan Factors have not been met, that the variance request itself is creating the difficulty of granting this variance, and that the character of this neighborhood is the lake front view which will be diminished if the variance is granted .

The applicants noted they can build the garage without the granting of the variance by repositioning the garage .

The Board and City Solicitor discussed the members who will be at the next Board meeting, that the vote at the next meeting may change, and that the applicant may contact Mr. Sugar to withdraw the variance request after the Board meeting.

The Board and applicant discussed that new work on a structure must follow the current requirements and how the rules in the township and city differed prior to the merger.

**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, Mr. Kahrl made a motion, seconded by Ms. Keller, based on the evidence presented to the Board on Thursday, May 16, 2024, that the Board of Zoning and Building Appeals grant the following:**

**A variance of five feet from the required side yard accessory structure setback of fifteen feet, resulting in a side yard setback of ten feet pursuant to section "Property Development/Design Standards - Setbacks of the City of Hudson Land Development Code in order to build a detached garage.**

**The voting as shown below resulted in a two-to-two tie, meaning no decision was reached and the application will return to BZBA at the following meeting.**

**Aye:** 2 - Ms. Keller and Mr. Kahrl

**Nay:** 2 - Mr. Wagner and Ms. Bronstein

## **VII. Other Business**

Ms. Keller announced her resignation from BZBA at a date determined by City Council's naming a replacement to BZBA.

Ms. Coffman updated the Board on the database requested by BZBA and the applications for the June meeting.

**[BZBA 24-270](#) The subject of this hearing is a variance request from the requirement to provide a public sidewalk on one (1) side of an abutting street pertaining to new development, pursuant to section 1205.11(e)(9)(B)(1), "Pedestrian amenities/linkages - Sidewalks" of the City of Hudson Land Development Code.**

The applicant is Aaron Stainbrook with UHC Construction Services, 154 E. Aurora Rd. #155, Northfield, OH 44067. The property owner is 1931 Georgetown Holdings LLC, 6208 Wessington Dr, Hudson, Ohio 44236 for the property at 1931 Georgetown Rd in District 8 [Industrial/Business Park] within the City of Hudson.

**Attachments:** [1931 Georgetown Road - BZBA Staff Report](#)  
[BZBA memo - 1931 Georgetown Rd](#)  
[Updated Site Plan - 1931 Georgetown Rd](#)

Ms. Coffman introduced the application by displaying and describing the variance request, reviewing the previous meeting, and the City Solicitor's comments regarding a payment-in-lieu for the sidewalks.

Mr. Aaron Stainbrook, UHC Construction Services, presented options for the installation of the sidewalk while

noting that stormwater issues are the responsibility of the property owner which creates a significant additional cost to install the sidewalk and a culvert.

The Board, applicant and staff discussed: The that the Board does not determine where a sidewalk goes, that an easement will be needed to construct the sidewalk on private property, a cost estimate of approximately \$19,000, that the cul-de-sac will be made smaller if the sidewalk is approved, that staff is unsure of the legalities of how the cul-de-sac may be changed, the possibility of a condition so that when the street gets sidewalks the property owner must build this sidewalk, the City Solicitor's view that the law allows for using funds for payment-in-leu even if not directly benefiting the property owner, that there are no plans for a sidewalk on Georgetown Road, how the Comprehensive Plan and City Council prioritizes sidewalks, and that approximately 80-feet of sidewalk is at issue.

Mr. Sugar noted that Georgetown Road was originally intended to be a through road, however, now that is not anticipated. Mr. Sugar also noted that constructing a sidewalk would require an easement on private property which the city does not recommend and that the recommendation from staff is either a payment-in-lieu or waiving the requirement for a sidewalk. The Board noted two other properties were required to make a payment-in-lieu which was most likely used to build sidewalks on Rt. 91, that a patchwork of sidewalks is a possibility on Georgetown Road, that the City cannot guarantee where a payment-in-lieu will be used which may be of no value to the applicant, and a review of planned sidewalks in District 8.

**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, Ms. Bronstein made a motion, seconded by Mr. Wagner, based on the evidence presented to the Board on Thursday, May 16, 2024, the Board of Zoning and Building Appeals hereby grants the following:**

**A variance request from the requirement to provide a public sidewalk on one (1) side of an abutting street pertaining to new development, pursuant to section 1205.11(e)(9)(B)(1), "Pedestrian amenities/linkages - Sidewalks" of the City of Hudson Land Development Code.**

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

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

## **VIII. Adjournment**

**A motion was made by Ms. Keller, seconded by Mr. Wagner, that the meeting be adjourned. The motion carried by the following vote:**

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

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**Kerri Keller, Chair**

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**Louis Wagner, Vice Chair**

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**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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