



City of Hudson, Ohio

Meeting Minutes - Draft Board of Zoning & Building Appeals

Louis Wagner, Chair
Lydia Bronstein, Vice Chair
Keenan Jones
Robert Kahrl
Cory Scott

Nick Sugar, City Planner
Mary Rodack, Associate Planner

Thursday, November 20, 2025

7:30 PM

Town Hall
27 East Main Street

I. Call to Order

Chair 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: 5 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein, Mr. Scott and Mr. Jones

III. Identification, by Chairman, of City Staff.

Chair Wagner recognized: Ms. Mary Rodack, Associate Planner; Mr. Nick Sugar, City Planner; City Solicitor Mr. Marshall Pitchford, and City Counsel representative, Dr. Goetz

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 10.16.25](#) **Minutes of Previous Board of Zoning & Building Appeals Meeting: October 16, 2025**

Attachments: [October 16, 2025 BZBA Meeting Minutes - Draft](#)

A motion was made by Mr. Kahrl, seconded by Mr. Jones, that the October 16, 2025, Minutes be approved as submitted. The motion carried by the following vote:

Aye: 5 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein, Mr. Scott and Mr. Jones

VI. Public Hearings - New Business

[BZBA 25-1322](#) **The subject of this hearing is a request for an appeal, pursuant to Section 1212.01(b), from the final decision made by the Planning Commission at**

the September 8, 2025, meeting for a major site plan request to construct 7 villa buildings for the Laurel Lake Retirement Community per PC case No. 2025-229. The Planning Commission denied three of the proposed buildings which would be located around the front looped drive and approved the remaining four buildings.

The appellant is Hamilton DeSaussure of 3475 Ridgewood Road, Akron, Ohio 44333, and the owner is Laurel Lake Retirement Community, Inc. of 200 Laurel Lake Drive, Hudson, Ohio 44236

Attachments: [25-1322 200 Laurel Lake Dr - Staff Report](#)
[Notice of Appeal Pre-hearing Memorandum](#)
[Applicant Submittal 1 of 3](#)
[Applicant Submittal 2 of 3](#)
[Applicant Submittal 3 of 3](#)

Ms. Rodack opened the meeting by introducing the application and providing an overview of the process and timeline. She described the project in its entirety, explaining the Continuing Care Facility use type and identifying the primary focus of the evening: a Major Site Plan review. She noted that the applicable review standards are outlined in LDC 1204.04, which Mr. Sugar reviewed, along with additional standards found in LDC 1204.05. Ms. Rodack also summarized the various decisions made by the Planning Commission, the appeals brought before the BZBA, and the standards for appeals in Hudson. She emphasized that this meeting is a Public Hearing, during which public comments are to be heard.

Chair Wagner confirmed with the applicant that the matter at hand is an appeal of the Planning Commission's final decision. Mr. Hal DeSaussure, counsel for Laurel Lake, affirmed this. Mr. Sugar stated as a new case before the BZBA, the updated appeals rules are applicable.

Mr. DeSaussure stated that the appeal would be based solely on the record presented to the Planning Commission. Mr. Terry Seeberger, co-counsel for Laurel Lake, noted that he could not recall the five changes made to the plan from memory.

Mr. Pitchford explained that while the Comprehensive Plan may be referenced during site plan reviews, the weight given to it is at the discretion of the reviewing body. Mr. Sugar added that all plans must comply with the policies, goals, and objectives of the City's Comprehensive Plan. However, Mr. Kahrl expressed his belief that the portion of the plan considered by the Planning Commission is irrelevant to this case and lacks sufficient guidance for applicants or the Commission.

Mr. Seeberger cited the legal standard from *Saunders v. Clark*, which holds that land use restrictions must be strictly construed and cannot be extended beyond what is clearly prescribed. He reviewed relevant court rulings on the interaction between land development codes and municipal comprehensive plans, arguing that any interpretation of the term "consistent" in the Comprehensive Plan must favor the landowner.

He then reviewed the Planning Commission's Findings and Decisions, asserting that these findings must be interpreted in favor of Laurel Lake. He pointed out that the findings were based on emergency services delivery, a topic not addressed in the Comprehensive Plan. He referenced a ruling from the Fifth District Court of Appeals, which stated that reliance on the Comprehensive Plan for additional regulations is not permitted.

Based on these arguments, Mr. Seeberger concluded that the Planning Commission's decision should not have been based on the Comprehensive Plan. He identified several errors in the Commission's findings, including the fact that the Fire Marshal did not object to the new units, that no testimony indicated Hudson's emergency services are overburdened, and that the addition of six units would only increase EMS calls by 0.14%, a negligible impact.

The Board, Mr. Seeberger, and staff discussed the City's emergency services capacity, the inclusion of five additional units in the appeal, and the assertion that neither the current nor former Comprehensive Plan supports denial of the units. They also discussed the meaning of "strictly construed," and the lack of a definition for "large scale living facility" in the Comprehensive Plan, and the fact that each proposed building contains only one or two units.

Mr. DeSaussure argued that the Planning Commission improperly evaluated the use as both a Conditional Use and a Site Plan at different times. The Board and staff discussed whether emergency service concerns could be addressed through the LDC or as conditions of approval, noting that the Comprehensive Plan does not mention Continuing Care Retirement Communities, despite the Planning Commission basing its decision on that term.

Further discussion covered the application process, the decision under appeal, and the complexity and contested nature of both the Site Plan and Conditional Use approvals. Mr. Sugar clarified that this appeal is based on a new application submitted after the 2024 application.

In closing, Mr. Seeberger summarized his arguments, stating that the appeal is based on two key points: The lack of ascertainable standards and the presence of errors in the Planning Commission's Findings of Fact.

Chair Wagner then opened the floor to public comments from individuals with standing.

Ms. Mimi Larsen Becker, a resident of Laurel Lake, stated she is speaking on behalf of many other Laurel Lake residents, expressed concern that residents were not consulted during the planning of the new units. She also cited environmental reasons for opposing the proposed development.

The Board noted that new issues raised during public comments cannot be considered in an appeal, and therefore Ms. Larsen's comments would not be part of the official record for this case.

Ms. Jessie Obert of 76 Parmelee stated that she was not a member of the Planning Commission until its third review of the Laurel Lake application. She referenced survey results from the Comprehensive Plan indicating public opposition to additional large-scale living facilities. Ms. Obert noted a perceived conflict between the Comprehensive Plan and the LDC and stated that the Planning Commission found the proposed buildings intrusive. She added that the Comprehensive Plan provides broad guidance and does not address all details, and that concerns about watershed impact and wetlands encroachment were not addressed in the Commission's final decision. She believes the Commission applied LDC 1204.04 in its decision.

Mr. DeSaussure reiterated that the appeal is based solely on the Planning Commission's decision and that Commissioners or public comments made during this hearing are not relevant to that decision. He emphasized that no evidence was presented showing how the three proposed units would impact emergency services. He also argued that the Commission's decision was based on post-testimony discussion, without giving Laurel Lake an opportunity to respond, and that decisions should not rely on statements from the Comprehensive Plan.

Mr. Seeberger, City staff, and the Board engaged in further discussion regarding several key procedural and substantive issues. They addressed the concern that the Planning Commission (PC) raised the issue of emergency services during deliberations without providing Laurel Lake an opportunity to respond. This led to a broader conversation about whether the matter should be remanded back to the PC for reconsideration, or whether the BZBA should proceed with making a final decision. Mr. Seeberger also expressed that the applicant views Finding Number 7 as merely an observation, and failed to acknowledge that the previous decision had been reversed.

Chair Wagner then formally closed the public portion of the appeal and reminded attendees that the Board has 30 days to render a decision.

During deliberations, the Board expressed the view that the Planning Commission's decision was unreasonable. They noted that if the Comprehensive Plan (CP) truly opposed additional residential units, the PC would have denied all proposed units rather than approving eight and rejecting five. The Board also emphasized that appeals must be filed with specificity, which was not done by any party in this case. They reiterated that PC findings must be documented in writing and that testimony alone is insufficient for review.

The Board further stated that the PC's findings were unlawful due to the ambiguous interpretation of CP Section 2.1.2., and noted under the *Saunders* standard, such provisions must be strictly construed. The Board questioned whether the PC had adequately considered the various reasonable interpretations of limiting large-scale facilities based on emergency service capacity. They pointed out that the proposed buildings-comprising 13 residences-do not individually or collectively constitute a large-scale facility, making the PC's reasoning appear inconsistent.

Additionally, the Board noted that the PC's decision to approve some units while denying others lacked a clear rationale. While the CP does reference limiting growth based on emergency services, the Board emphasized that when a limiting factor is specified, it should exclude consideration of other unrelated factors. They also observed that Paragraph 7 of the PC's findings was not explicitly incorporated into the other findings, which had previously been reversed by the BZBA.

The Board criticized the PC's selective reliance on certain provisions of the Comprehensive Plan while ignoring others, including resident survey results that were generally supportive of residential development to meet the needs of various groups of citizens - including senior citizens. They referenced page 79 of the CP, which lists potential project partners for implementation actions-none of which include the Planning Commission. Furthermore, those listed partners did not express opposition to the proposed buildings.

Mr. Scott then made a motion, seconded by Ms. Bronstein, to accept Exhibit A into evidence. The motion passed unanimously with affirmative votes from Scott, Kahrl, Jones, Bronstein, and Wagner.

Chair Wagner concluded the meeting by announcing that the BZBA would issue a written decision to the appellant within 30 days.

VII. Other Business

[BZBA 7679](#) **BZBA 2026 Meeting Calendar**

Attachments: [BZBA 2026 Meeting Calendar](#)

A motion was made by Ms. Bronstein, seconded by Mr. Jones, that the 2026 proposed calendar be approved as submitted. The motion carried by the following vote:

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

Abstain: 1 - Mr. Wagner

Staff Update

Ms. Rodack noted City Council has requested that the 2026 BZBA goals be submitted. She then described goals the BZBA might include and requested Board members email any such goals to her for the January 2026 meeting. She also noted that the artificial intelligence portion of the BZBA database, as previously discussed, cannot be implemented because of the cost of the software.

The Board commended Mr. Sugar for the well done work on the Bristol Court application.

Mr. Kahrl offered to write an draft of the appeal case which will be circulated among the BZBA members.

The Board members and staff thanked Mr. Wagner for his 12 years of service on BZBA. Mr. Wagner thanked staff and all Board members he has served with over his 12 years.

VIII. Adjournment

Chair Wagner adjourned the meeting.

Lou Wagner, 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.

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