



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

Thursday, April 18, 2024

7:30 PM

Town Hall
27 East Main Street

I. Call to Order

II. Roll Call

Present: 4 - Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Ms. Davis

Absent: 1 - Ms. Keller

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

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

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

V. Approval of Minutes

[BZBA 2.15.2024](#) Minutes of Previous Board of Zoning & Building Appeals Meeting: February 15, 2024.

Attachments: [February 15, 2024 BZBA Minutes - Draft](#)

A motion was made by Ms. Bronstein, seconded by Mr. Kahrl, that the February 15, 2024, Minutes be approved. The motion carried by an unanimous vote.

VI. Public Hearings - New Business

[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](#)

Mr. Sugar introduced the application by: Displaying and describing the site, noting approval for a new structure has been given by Planning Commission, that the LDC Standards include a provision for a sidewalk on one side of the street, providing examples of how the Standard has been applied in the past including on Georgetown Road where the applicant made payment-in-lieu, and reviewing the staff recommendation.

Mr. Aaron Stainbrook, UHC Construction Services, noted that when the area of the building is considered there is little benefit to a sidewalk and requested the requirement be waived.

The Board, applicant and staff discussed: The length of Georgetown Road, that no properties on Georgetown Road have a sidewalk and there are no current plans for sidewalks, that sidewalk priorities have been in residential areas, that the LDC does not allow for payment-in-lieu of sidewalks, that developers should expect to pay for infrastructure in connection with their projects, that the current project is behind an existing building and has no connection to building a sidewalk, that appealing to City Council for a change in the LDC is the more appropriate way to become exempt from the sidewalk requirement, that facilities on Georgetown Road rented by the City of Hudson do not have sidewalks, that a sidewalk on Georgetown Road would benefit employees, that City Council's intent for not exempting District 8 should be understood, that the owner of the property may consider making a donation to the sidewalk fund and is hopeful of getting the project moving forward, that the adjacent property was not required to build a sidewalk, that unique situations may exist where a variance might be granted, and that a text change might be a six to eight month process.

The applicant requested the application be tabled to the following BZBA meeting.

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

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

BZBA 24-257 The subject of this hearing is 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.

The applicant is Anthony Slabaugh Remodeling & Design, 4724 Darrow Rd, Stow, Ohio 44224. The property owner is Gino and Kate Potesta, 43 Church

St, Hudson, Ohio 44236 for the property at 43 Church St. in District 4 [Historic Residential Neighborhood] within the City of Hudson.

Attachments: [43 Church St - BZBA Staff Report](#)
[43 Church Street - Perspectus Report](#)

Ms. Coffman introduced the application by displaying and describing the site, describing the project and reviewing the applicable codes, factors, and staff comments.

Mr. Nick Boka, Anthony Slabaugh Remodeling & Design, explained the purpose and process of the current design.

The Board, applicant and staff discussed: Other possible designs which may reduce the size of the variance request, that the back of the house is at the setback limit, that many designs will take the project over the impervious surface limits, that the neighbors were notified and no comments were received by staff, that the proposed project may change the nature of this historic area, that many properties in the area have garages on the side of the house, that moving the detached garage will not eliminate the need for a variance(s), the years the various additions were added, that the AHBR historic consultant stated the proposed addition is appropriate for the structure and made suggestions, however, AHBR has not reached any decision, that the proposed addition is large for this small parcel, and the process between AHBR and BZBA.

The Board discussed: What basis should be used to make the decision, and that the lot size may not accommodate the proposed addition,

Chair Wagner opened the meeting for Public Comment, there were no Public Comments.

The Board and applicant discussed whose responsibility it is to bring comments from the neighbors to the Board, that the Board cannot supply an acceptable encroachment to the applicant without seeing the design, that Board members will take the neighbors comments into consideration, and that the character of the entire Historic District must be protected - not just adjoining neighbors,

The applicant requested the application be withdrawn.

A motion was made by Ms. Davis, seconded by Ms. Bronstein, that this application be withdrawn. The motion carried by the following vote:

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

BZBA 24-239 The subject of this hearing is a variance request of thirteen (13) feet from the required side yard accessory structure setback of fifteen (15) feet, resulting in a side yard setback of two (2) 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 Daniel Marinchick, 166 Ravenna St, Hudson, Ohio 44236. The property owner is Daniel Marinchick, 166 Ravenna St, Hudson, Ohio 44236 for the property at 166 Ravenna St in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

Attachments: [166 Ravenna St - BZBA Staff Report](#)

Ms. Coffman introduced the application by displaying and describing the site, reviewing the project, noting the considerations, and reviewing the staff comments and recommendations.

Mr. Daniel Marinchick, applicant, distributed and explained the revised plans to the Board, and noted the difficulty of using the plans which are more compliant with the LDC.

The Board, applicant and staff discussed: The possibility of a smaller addition, that the neighboring houses all have additions similar to the proposed, the possibility of an additional automobile backup area being constructed, relocating or eliminating the existing patio in order to reduce the size of the requested variance, the possibility of the electrical lines being relocated underground, and that the revised drawings show a three foot setback.

Chair Wagner opened the meeting for Public Comments.

Mr. Scott Patterson, 170 Ravenna Street, noted that in 2019 the opposite side neighbor was required to have a three-foot setback which Mr. Patterson feels is appropriate for this application.

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

Mr. Kahrl made a motion, seconded by Ms. Davis, based on the evidence presented to the Board at Town Hall, 27 East Main Street, Hudson, Ohio, 44236 at 7:30 p.m., on Thursday, April 18, 2024, to grant the following:

A variance request of twelve (12) feet from the required side yard accessory structure setback of fifteen (15) feet, resulting in a side yard setback of three (3) 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.

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, the Board of Zoning and Building Appeals grants the variance.

The Board finds and concludes;

- 1. The property in question will yield a reasonable return and there could be a beneficial use of the property without the variance.**
- 2. The requested variance represents an 80% deviation from the code requirement but is deemed insubstantial based on the small, atypical size of the property in question.**
- 3. The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the variance.**
- 4. The variances would not adversely affect the delivery of governmental services.**
- 5. The existing regulations were not in effect when the applicant purchased the property in 1991.**
- 6. The applicant's predicament cannot be resolved feasibly through some other method other than granting the variance.**
- 7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by denying the variance.**

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

BZBA 24-264 The subject of this hearing is variances to construct two (2) accessory structures 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 to allow a swimming pool to be located to the side of the main mass of the principle structure when the Land Development Code prohibits swimming pools from being located to the side of the main mass of the principle structure pursuant to section 1206.03(f)(1) "Accessory Uses/Structure - Accessory Use Development and Operation Standards" of the City of Hudson Land Development Code in order to build a pergola and inground pool.

The applicant is Kody Kocias with Peninsula Architects, 1775 Main St, Peninsula, Ohio 44264. The property owner is Philip Lopez, 2715 Hudson Aurora Rd, Hudson, Ohio 44236 for the property at 2715 Hudson Aurora Rd in District 1 [Suburban Residential Neighborhood] within the City of Hudson.

Attachments: [2715 Hudson Aurora Rd - BZBA Staff Report](#)

Ms. Coffman introduced the application by displaying the site plan, describing the property and project, and reviewing the staff comments, and considerations.

Mr. Joseph Matava, Peninsula Architects, described the context of the project noting the house is a reclaimed barn which was moved to this site with the primary exterior exits on the side of the property. Mr. Matava noted: The grade of the property is the reason for the design as proposed, the distance from any road is approximately 300-feet, that the pool house will be in the rear yard and the applicant is willing to submit to landscaping and screening conditions.

The Board, applicant and staff discussed: The size of the pool house, excavating the hill which will require moving the pergola to the back yard, that the pool will be more visible to the neighbor if moved back on the property, that the proximity of the pool to the house is important, and the mounding around the pool will hide the view of the pool if built as proposed.

Chair Wager opened the floor for Public Comments. There were no Public Comments.

Ms. Bronstein made a motion, seconded by Mr. Kahrl, based on the evidence presented to the Board at Town Hall, 27 East Main Street, Hudson, Ohio, 44236 at 7:30 p.m., on Thursday, April 18, 2024, the Board of Zoning and Building Appeals hereby to grant the following:

Variances to construct two (2) accessory structures 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 in order to build a

pergola. 2] A variance request to allow a swimming pool to be located to the side of the main mass of the principle structure when the Land Development Code prohibits swimming pools from being located to the side of the main mass of the principle structure pursuant to section 1206.03(f)(1) "Accessory Uses/Structure – Accessory Use Development and Operation Standards" of the City of Hudson Land Development Code in order to build an inground pool.

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, the Board of Zoning and Building Appeals grants the variances.

The Board finds and concludes;

1. The property in question will yield a reasonable return and there could be a beneficial use of the property without the variance; however, the proposed improvements would add to the value of the property.
2. The requested variances are substantial; however, based on the atypical topography and lot shape, the proposed placement of the accessory structures is the most logical.
3. The essential character of the neighborhood would not be substantially altered, and adjoining properties would not suffer a substantial detriment as a result of the variance. The proposed location of the accessory structures would have the least amount of potential impact to the surrounding property owners.
4. The variances would not adversely affect the delivery of governmental services.
5. The existing regulations were in affect when the applicant purchased the property in 2018.
6. The applicant's predicament cannot be resolved feasibly through some other method other than granting the variance. The Board notes that based on the atypical topography and unique flag shape of the lot, the proposed location is the most practical placement of the proposed lot improvements.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by denying the variance.

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

VII. Other Business

BZBA - 7067 BZBA Goals Discussion - Database

Attachments: [Memo to BZBA - Database](#)

Chair Wagner noted City Council agreed to the BZBA request that a data base of applications with certain data be created to aid in the consistency of decisions, the Board also discussed additional data to be collected .

VIII. Adjournment

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

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

Louis Wagner, 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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