



City of Hudson, Ohio

Meeting Minutes - Draft 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, February 15, 2024

7:30 PM

Town Hall
27 East Main Street

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: 5 - Ms. Keller, Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Ms. Davis

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

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 11.16.2023](#) **Minutes of Previous Board of Zoning & Building Appeals Meeting: November 16, 2023.**

Attachments: [November 16, 2023 BZBA Minutes - Draft](#)

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the November 16, 2023 Minutes be approved as submitted. The motion carried by the following vote:

Aye: 5 - Ms. Keller, Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Ms. Davis

[BZBA 1.18.2024](#) **Minutes of Previous Board of Zoning & Building Appeals Meeting: January 18, 2024.**

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

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the January 18, 2024, Minutes be approved as submitted. The motion carried by the following vote:

Aye: 5 - Ms. Keller, Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Ms. Davis

VI. Public Hearings - New Business

[BZBA 24-42](#) The subject of this hearing is variances to construct an accessory structure 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 eight hundred (800) square feet from the maximum structure size of one thousand two hundred (1,200) square feet of building footprint area resulting in an accessory structure size of two thousand (2,000) square feet of building footprint area pursuant to Section 1206.03(d)(5), “Accessory Use Development and Operational Standards - Maximum building or structure size” of the City of Hudson Land Development Code.

The applicant is Arthur Karas, 7778 Valley View Rd, Hudson, Ohio 44236. The property owner is Arthur Karas, 7778 Valley View Rd, Hudson, Ohio 44236 for the property at 7778 Valley View Rd in District 2 [Rural Residential Conservation] within the City of Hudson.

Attachments: [7778 Valley View Rd BZBA Staff Report](#)

Ms. Coffman introduced the application by describing and displaying the property and structure which was built without a permit and describing the violations. Ms. Coffman also reviewed the staff comments and considerations.

Mr. Arthur Karas, homeowner, noted: He did not understand the permitting requirements or that the overhangs would count as square footage, and described the location of his home as completely in the woods and not visible from Valley View Road. Mr. Karas also noted he spoke to the three other neighbors on his road, who own a combined 43 acres, and did not receive any negative feedback from them.

The Board, applicant and staff discussed: The location of the structure in relation to Valley View Road, the history of the property, how the structure will be used, that the amount of land on this property makes the consideration of this application unique, however, the Board’s concern is the precedent being set. Also discussed were: Possible ways to mitigate the part of the structure in the setback, that no other accessory structures are planned for the property, that Board members feel the area in violation may be a patio or deck which is allowed under the code, that the pool and patio cement areas were all poured at the same time, that the concrete area alone does not violate any code, and that a pergola alone next to the structure would be considered a second structure, not in violation.

The Board discussed: The difficulty of approving after the fact and questioned if the application was submitted prior to construction what decision the Board would have made. The reasons for the placement of structure were: The function of the structure, the topography and the location of the utilities. The Board also discussed the large size of the applicant’s property and the surrounding properties, the applicants willingness to have a condition restricting additional accessory structures in the future, that the structure in total looks like a permitted size, that no compelling reason has been presented which prohibits the placement of the building sixteen-feet further back,

and the height of the structure. Chair Keller noted this is an 18-acre lot which the code allows 4, 1200 square-foot structures.

Mr. Kahrl made a motion, seconded by Ms. Davis, based on the evidence presented to the Board on Thursday, February 15, 2024, the Board of Zoning and Building Appeals to grant the following:

Variances to construct an accessory structure 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 eight hundred (800) square feet from the maximum structure size of one thousand two hundred (1,200) square feet of building footprint area resulting in an accessory structure size of two thousand (2,000) square feet of building footprint area pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational Standards – Maximum building or structure size" of the City of Hudson Land Development Code.

The Board of Zoning and Building Appeals grants the variance with the following condition:

1. The City of Hudson Land Development Code allows four accessory structures on lots larger than 2.5 acres. This proposed structure would count as two of the four accessory structures allowed on the property.

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 variances are insubstantial based on the overall size of the property being approximately eighteen (18) acres and the structure having substantial setbacks from the adjacent property line.**
- 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 property is located at the end of a private drive. The proposed structure would be out of view from adjacent properties.**
- 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 2010.**
- 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 - Ms. Keller, Mr. Kahrl, Ms. Bronstein and Ms. Davis

Nay: 1 - Mr. Wagner

VII. Other Business

[BZBA 7066](#) City Council Annual Check-in.

Attachments: [Memo to BZBA](#)

Mr. Sugar suggested the Board report to Council on February 27, 2024, Mr. Wagner agreed be the Board spokesperson. The Board also discussed amendments to the current rules and practices of the Board.

VIII. Adjournment

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

Aye: 5 - Ms. Keller, Mr. Wagner, Mr. Kahrl, Ms. Bronstein and Ms. Davis

Kerri Keller, Chair

Louis Wagner, Vice 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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