



# 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, October 19, 2023

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 and Ms. 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

#### A. [BZBA 10.5.23](#) Minutes of Previous Board of Zoning & Building Appeals Meeting: October 5, 2023.

Attachments: [October 5 2023 - BZBA Minutes - Draft](#)

Was deferred until the next meeting of BZBA.

### VI. Public Hearings - New Business

#### A. [BZBA 23-924](#) The subject of this hearing is a variance request of five hundred and forty two (542) square feet from the maximum structure size of one thousand two hundred (1,200) square feet resulting in an accessory structure size of one thousand seven hundred and forty two (1,742) square feet pursuant to Section 1206.03(d)(5), "Accessory Use Development and Operational

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**Standards - Maximum building or structure size” of the City of Hudson Land Development Code in order to build an accessory structure.**

The applicant is Rebecca Pantuso, 30 S. Franklin St., Chagrin Falls, Ohio 44022. The property owners are Joshua and Jessica Manley, 2078 Ravenna St., Hudson, Ohio 44236 for the property at 2078 Ravenna St. in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

**Attachments:**     [23-924 2078 Ravenna St - BZBA Staff Report and Documents](#)

Ms. Coffman introduced the application by describing and displaying the property and project, noting an existing barn will be replaced and reviewing the applicable Land Development Codes and staff comments .

Ms. Rebecca Pantuso, Pantuso Architecture, noted other options for the building were explored including multiple smaller structures, that there is one acre in the riparian setback in front of the proposed structure with a setback of 50-feet, that the gravel driveway will be paved, that a variance will be required for additional roads on the property and that the applicant will accept a condition that this building counts as one of the additional permitted structures.

Chair Keller read into the record a letter in support of the variance from Mr. Dan Jacobs, 177 South Hayden Parkway.

Chair Keller opened the meeting for Public Comment.

Mr. Jeffrey Woolley, 2084 Ravenna Street, noted BZBA previously approved a similar variance for his property and expressed his support for this variance.

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

The Board discussed one building being better than two smaller buildings.

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

**A variance request of five hundred and forty-two (542) square feet from the maximum structure size of one thousand two hundred (1,200) square feet resulting in an accessory structure size of one thousand seven hundred and forty-two (1,742) square feet 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 in order to build an accessory structure.**

**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. However, this is an atypical lot so this type of variance**

would make sense for a lot of this size with a riparian corridor.

2. The requested variance is insubstantial as it represents a 45% increase from the Land Development Code requirement.
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 as this lot is approximately 3.85 acres and a previous size variance was granted by the board to the neighboring property owner in 2022.
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 2019.
6. The applicant's predicament can be resolved through some other method other than granting the variance. The owners could build 2 accessory structures to meet the Land Development Code requirements; however, an additional building would likely require an additional variance in relation to the riparian corridor located on the property.
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. Wagner, Mr. Kahrl and Ms. Bronstein

- B. [BZBA 23-952](#) The subject of this hearing is a request for an appeal, pursuant to Section 1212.01(c), from the final decision made by the Planning Commission to approve a Conditional Use request on August 28, 2023 for a proposed golf cart storage barn requested by Hudson County Club, per case No. 2023-556.**

The appellants are Tim and Marlene Emery of 2199 Middleton Road, Hudson, Ohio 44236, represented by Mark J. Stockman, Frantz Ward LLP, Attorney at Law, 200 Public Square, Suite 3000, Cleveland, Ohio 44114 and Christopher and Colleen Beegle, 2217 Middleton Road.

*Attachments:* [Appeal Request - Tim and Marlene Emery](#)  
[Appeal Request - Christopher and Colleen Beegle](#)  
[23-952 - Staff Report - CCH Appeals](#)  
[Determination of John Kolesar, City Solicitor, 8.31.21](#)  
[Signed PC Decision from August 28, 2023 meeting](#)  
[Exhibits From August 28, 2023 PC Meeting](#)

Mr. Kahrl recused himself from the application review because he is a member of the Hudson Country Club (HCC).

Chair Keller informed the applicant that since there are only three Board members present the applicant has the right to postpone the hearing until the next meeting with the hope of having a fourth Board member present. The applicant decided to have the application heard at this meeting.

Mr. Sugar introduced the appeal of the August 28, 2023, Planning Commission decision and highlighted the affected property on the golf course. Mr. Sugar also provided details of the building, setbacks and reviewed the two general appeal motions, which are included in the staff report, described how staff reviewed the applicable codes and definitions, as well as the procedure recommended and determinations made by the City Solicitor for reviewing the appeal.

Mr. Mark J. Stockman, Frantz Ward LLP, agreed to a De Novo Review of the application and distributed copies of the applicable Land Development Codes to the Board. Mr. Stockman also discussed the table of permitted uses.

Mr. Stockman described his opinion of the use of the proposed golf cart barn, that the golf cart barn is only permitted as an accessory structure, the 500-foot setback being required as part of the table of uses, that LDC 1206.02 requires meeting all the specific standards as well as any imposed standards, that when criterion conflict - the more restrictive criterion is to be used, and that maintenance of the electric golf carts will need to be done and he feels it will be done in the golf cart barn.

In response to a question from the Board regarding the decision desired by his client, Mr. Stockman stated his clients desire is that the Board rule this is the wrong location for a cart barn - it must be set 500-feet from a residential property line, whether it is an accessory or primary structure, and that it be recognized there are 14 accessory structures already on the property when only 4 are permitted.

The Board and applicant discussed whether this is an accessory structure or a primary use structure, with Mr. Stockman stating that the more restrictive rules must apply because it is an incompatible use near a residential property line. The Board noted there is no clarity in the code regarding these issues.

Ms. Marlene Emery, 2199 Middleton Road, described the two grounds of her appeal, and detailed: The difference between the HCC and Lake Forest CC's golf cart barn, that previously Hudson Community Development described Lake Forest CC's golf cart storage facility as an accessory structure, the many ways the application could be denied, that the Planning Commission used the language provided by Lake Forest Country Club of an accessory building for their golf cart storage facility and that maintenance will be done in the cart barn, that the architectural drawings may be changed by Summit County to the detriment of the residents, that ventilation for the hydrogen produced by the battery charging will be disruptive to the neighborhood, and the large amount of electricity and electrical equipment which will be placed behind Ms. Emery's house. Ms. Emery also displayed a flow chart regarding the number of accessory structures on HCCs property, and concluded by describing five different reasons the cart barn should not be permitted.

The Board and staff discussed the review of the Lake Forest Country Club cart barn, the use of accessory or primary to describe the building, and the lack of authority for the Board to prevent future bad acts by the applicant.

Mr. Chris Beegle, 2201 Middleton Road, noted the structure will sit about 150-feet from his property and he opposes the proposed location of the cart barn.

Ms. Lori Pittman Haas, Ulmer & Berne LLP, attorney for HCC, noted the use proposed is a cart barn not an auto garage, that many concessions were granted at the Planning Commission for the sake of the residents, that Lake Forest did not apply for their cart facility to be principle use, nor was there any discussion or comment regarding principle or accessory use, that under the LDC the principle use of the property is a golf course along with other principle uses, and the proposed golf cart storage is also a principle use. Ms. Hass also noted that the golf club should be able to use their property as they see fit so long as it is not in conflict with the LDC.

Mr. Craig Kachline, Hudson Country Club superintendent, noted that other locations were explored for the cart barn and that he knows of no other location that meets the needs of the course. Mr. Kachline also stated that

electric carts require more storage space than gas carts.

The Board requested a list of the other structures on the property and noted that the use of golf carts allows more people to play in a given day.

Mr. Mark Rose, Hudson Country Club, noted no additional golf carts will be added and listed the accessory structures at the golf course. In response to the Board, Mr. Rose noted that if permitted the existing golf cart parking area could be used as the golf cart barn, however, other areas would interfere with golf play.

Mr. Sugar reviewed the conditions imposed by the Planning Commission, the possibility of setting the building back 100-feet instead of the PC imposed 60-feet, and that over the past ten years there have been 4 other structures built on Hudson golf courses.

The Board and staff examined other possible locations for the golf cart barn and discussed the unintended consequences of imposed locations.

Mr. Matt Schwarz, Peninsula Architects, noted a fan, installed in the attic of the building (inside) will be used regardless of the location of the barn.

Ms. Emery noted she is not opposed to the barn but wants it built according to the code and not close to her property, that the 50-foot setback is a starting place and then use must be considered, that the move to 60-feet was for the benefit of the golf club not a concession to the neighbors, that a golfers need for a golf cart does not mean there is a need for a golf barn, and that a letter regarding one of HCCs buildings is not in the file.

The Board noted how neighbors work together towards the reconciliation of this issue is not under the authority of the Board.

Mr. Beegle noted that the carts will be in constant use throughout the day going in and out of the barn.

Mr. Tim Emery noted his bedroom windows are about 50-feet from the proposed location of the cart barn and fans.

Ms. Haas noted the PC report states the ball washing will be moved into the building, and that the staff report does not have any 500-foot requirement for a structure on a golf course.

Mr. Stockman, noted the use descriptions in the table must be interpreted by the requested use.

The Board determined to go into executive session, the City Solicitor stated an executive session is in the purview of the Board.

The Board reconvened and determined because of the lateness of the evening to continue the application until a special BZBA meeting on October 26, 2023.

**A motion was made by Ms. Bronstein, seconded by Mr. Wagner, that this Decision be continued. The motion carried by the following vote:**

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

**Recused:** 1 - Mr. Kahrl

## **VII. Other Business**

Mr. Kahrl rejoined the meeting.

There was no Other Business.

**VIII. Adjournment**

**A motion was made by Ms. Bronstein, 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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