



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
Amanda Krickovich, Associate Planner

Thursday, May 18, 2023

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 Nick Sugar, City Planner & Amanda Davey, Associate Planner

Ms. Keller noted Mr. Nick Sugar, City Planner and Ms. Amanda Davey, Associate Planner, were present for the meeting.

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 4-20-2023](#) Minutes of Previous Board of Zoning & Building Appeals Meeting: April 20, 2023

Attachments: [4-20-2023 Meeting Minutes - Draft](#)

A motion was made by Ms. Davis, seconded by Mr. Wagner, that the April 20, 2023, Minutes be approved as submitted. The motion carried by the following vote:

Aye: 3 - Ms. Keller, Mr. Wagner and Ms. Davis

Abstain: 2 - Mr. Kahrl and Ms. Bronstein

VI. Public Hearings - New Business

[BZBA 23-275](#) The subject of this hearing is a variance request to allow an accessory

structure to be located in the front yard when the Land Development Code prohibits accessory structures from being located in the front yard pursuant to section 1206.03(d)(1), “Accessory Uses/Structure - Accessory Use Development and Operation Standards” of the City of Hudson Land Development Code.

The applicant is Philip Lopez, 2715 Hudson Aurora Road, Hudson, Ohio 44236. The property owners are, Philip and Jennifer Lopez, 2715 Hudson Aurora Road, Hudson, Ohio 44236 for the property at 2715 Hudson Aurora Road in District 1 [Suburban Residential Neighborhood] within the City of Hudson.

Attachments: [Applicant Request to Continue Case](#)
[2715 Hudson Aurora Road BZBA Staff Report](#)

Ms. Davey introduced the application by displaying and describing the property and project, reviewing the LDC issues, mitigating factors caused by the property shape and the staff comments.

Mr. Philip Lopez, homeowner, described building the house, the topography of the property and noted the only area flat enough to build the accessory structure is the proposed location and the accessory structure will have the same look as the main structure.

The Board, applicant and staff noted there have been limited variances of this nature given in the past ten years and this could be a precedent setting case if the variance is granted. Also discussed was the topography of the property and whether it is possible to build only at the proposed location and the possibility of building on the side of the house instead of the proposed location.

Staff, the applicant and the Board discussed that the accessory structure is to be used as office space - not as a dwelling, the possibility of placing the structure immediately behind the house, that a turn-around for fire trucks was installed for the house and if the accessory structure is placed further back - a longer access drive will be required.

The Board noted its responsibility is to ensure the reason for granting the variance is because no other location on the property is suitable, even if it is difficult. This information could come to the Board from an architect or engineer.

The Board and applicant discussed the history of the house which is built on a historic barn frame, the family's growing need for more space and the homeowners desire not to change the integrity of the house by building an addition. The Board also noted that this is a substantial variance request and inquired if any costs are known if the structure is built in another location on the property.

The Board and applicant discussed continuing the application to allow further examination of the options and statements from a professional regarding possible locations for the accessory structure.

The Board discussed that this large lot is a unique property which requires further study and professional support to convince the Board to grant the variance.

Mr. Lopez requested that the application be continued to the next BZBA meeting.

Mr. Kahrl made a motion, seconded by Ms. Bronstein, that the application be continued to the following meeting to allow the applicant to provide additional documentation and testimony

from a professional regarding the placement locations of the proposed accessory structure. The motion was approved by the following vote:

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

[BZBA 2023-320](#)The subject of this hearing is a request for a variance of three (3) feet from the maximum accessory structure height of eighteen (18) feet resulting in an accessory structure height of twenty-one (21) feet in order to construct a barn pursuant to Section 1206.03(d)(7), “Accessory Use Development and Operational Standards - Height” of the City of Hudson Land Development Code.

The applicant is Chris Brown, 778 McCauley Road Suite 140, Stow, Ohio 44224. The property owners are, Petre & Zorn Paspalovski, 669 Barlow Road, Hudson, Ohio 44236 for the property at 669 Barlow Road in District 2 [Rural Residential Conservation] within the City of Hudson.

Attachments: [669 Barlow Road BZBA Staff Report](#)

Ms. Davey introduced the application by describing the property, displaying the elevations, noting a new home is under construction and reviewing the staff comments and variance request. Staff noted the barn roof line matching the roof line of the house is a design standard that will be considered by AHBR.

Mr. Chris Brown, Prestige Building Group, noted the intent is for the barn to match the house in style, including the roof pitch and material type. Mr. Brown also stated additional space for storage in the upper level of the barn is best accomplished by the proposed roof pitch.

The Board, applicant and staff discussed what will be stored in the upper level of the barn, the view of the barn from Barlow Road, that the house roof is higher than the proposed barn roof, that the front of the barn will be approximately even with the back of the house and that the building footprint cannot be enlarged because of the 1200 square foot limit.

Ms. Keller opened the meeting for Public Comment.

Mr. George Mangen, 609 Barlow Road, asked if this will be an agricultural property. Mr. Mangen did not oppose the variance request.

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

Mr. Brown noted his customer is not interested in acquiring an agricultural designation.

The Board discussed the large size of the lot, the lack of objection by the neighbors, that this is only a 19 percent variance request from the LDC, that the request makes sense by allowing additional space in the loft, that granting the variance eliminates the need for additional buildings on the property and the view of the barn from the road does not overshadow the house.

A motion was made by Ms. Bronstein, seconded by Mr. Wagner, based on the evidence presented to the BZBA at 7:30p.m., on Thursday May 18, 2023, the Board of Zoning and Building Appeals hereby grants the following:

A request for a variance of three (3) feet from the maximum accessory structure height of

eighteen (18) feet resulting in an accessory structure height of twenty-one (21) feet in order to construct a barn pursuant to Section 1206.03(d)(7), "Accessory Use Development and Operational Standards – Height" of the City of Hudson Land Development Code.

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 as requested.

The Board finds and concludes;

1. The property in question will yield a reasonable return and there can be a beneficial use of the property without the variance; however, granting the variance would allow the property owners to use the barn in a more functional way for the specific use they desire.
2. The requested variance is insubstantial as it would represent a 19% increase over the 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. The property is over 11 acres and the proposal would have little impact on neighboring properties.
4. The variance would not adversely affect the delivery of governmental services.
5. The existing regulations were in effect when the owners purchased the property in 2022.
6. The applicant's predicament feasibly cannot be resolved through some other method other than granting the variance. By redesigning the structure to meet the height standards, it would functionally remove what the structure was designed to do.
7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance. The accessory structure is proposed to still be lower in height than the main house and would align with the design features of the main house. Additionally, there will be fewer accessory structures on the property by granting the variance.

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

VII. Other Business

Mr. Sugar noted the Comprehensive Plan Steering Committee is engaging the public and thanked Mr. Wetzel for his work on the Committee.

Mr. Davey noted the case(s) for the June BZBA meeting.

This matter was discussed

VIII. Adjournment

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the meeting be adjourned. The motion carried by an unanimous vote.

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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