



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, July 20, 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: 4 - Ms. Keller, Mr. Kahrl, Ms. Bronstein and Ms. Davis

Absent: 1 - Mr. Wagner

III. Identification, by Chair, of Amanda Krickovich, Associate Planner and Nick Sugar, City Planner

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

Chair Keller swore-in staff and all the persons wishing to speak under oath.

V. Approval of Minutes

[BZBA 6-15-23](#) Minutes of Previous Board of Zoning & Building Appeals Meeting: June 15, 2023.

Attachments: [June 15, 2023 BZBA Minutes - Draft](#)

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the June 15, 2023, Minutes be approved as submitted. The motion carried by the following vote:

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

VI. Public Hearings - New Business

[BZBA 23-579](#) The subject of this hearing is a variance request of eleven (11) feet from the required rear yard accessory structure setback of fifteen (15) feet, resulting in a rear yard setback of four (4) feet pursuant to section

1205.06(d)(5)(E)(3), “Property Development/Design Standards - Setbacks” of the City of Hudson Land Development Code in order to build an accessory structure (shed).

The applicant is Jonathan Lindsey, 34 Clairhaven Road, Hudson, Ohio 44236. The property owners are, Jonathan Lindsey & Kara Dolansky, 34 Clairhaven Road, Hudson, Ohio 44236 for the property at 34 Clairhaven Road in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

Attachments: [BZBA Staff Report - 34 Clairhaven Road](#)

Ms. Krickovich introduced the application by describing the property and existing structure, displaying and describing the proposed accessory structure and reviewing the applicable LDC sections, staff comments and considerations.

Mr. Jonathan Lindsey and Ms. Kara Dolansky, 34 Clairhaven Road, homeowners, noted the limited area in the back of their house available to build a small shed to store lawn equipment. Ms. Dolansky stated this is the only feasible location for the shed without having to remove trees and landscaping.

The Board, applicant and staff discussed: The letters submitted by neighbors in support of allowing the shed, the locations where the shed will be or could be located, with or without a variance, the possibility of raising the tree canopy which would change the view from the patio, the possibility of expanding the garage instead of building a shed, the significance or insignificance of the variance request, how former corner lots have been treated, that this shed is fully in the backyard, and the potential root damage to trees if the shed is placed near them.

The Board discussed the neighbors' comments, the potential damage to trees if the shed is moved close to the trees, the high cost of enlarging the garage, that other lot locations do not seem practical for the homeowner or neighbors, the functional desire for the shed.

Mr. Kahrl made a motion, seconded by Ms. Bronstein, based on the evidence presented to the Board on Thursday, July 20, 2023, to grant the following:

A variance request of eleven (11) feet from the required rear yard accessory structure setback of fifteen (15) feet, resulting in a rear yard setback of four (4) feet pursuant to section 1205.06(d)(5)(E)(3), “Property Development/Design Standards – Setbacks” of the City of Hudson Land Development Code in order to build an accessory structure (shed).

Aye: 3 - Ms. Keller, Mr. Kahrl and Ms. Bronstein

Nay: 1 - Ms. Davis

[BZBA 23-605](#) The subject of this hearing is a request for three (3) variances in order to construct self-storage buildings. The variances are;

- 1. A variance request from the requirement that the use or building housing such use shall be located a minimum of five hundred (500) feet away from the lot line of any residential use pursuant to Section 1206.02(c)(16), “Conditional Uses: Special Conditions and Standards - Special Conditions Addressing Compatibility.” And;**
- 2. A variance request of fifty (50) feet from the required fifty (50) foot stream corridor setback, resulting in a zero (0) foot**

setback pursuant to section 1207.18(b)(6)(E)(1), “Wetland/Stream Corridor Protection - Stream Corridor Setbacks” and;

- 3. A variance from the prohibited activity of disturbance, including clearing of vegetation within stream corridors, wetlands and their setbacks pursuant to section 1207.18(b)(6)(C), “Prohibited Activities” of the City of Hudson Land Development Code.**

The applicant is Reed Richins, 5189 Park Drive, Medina, Ohio 44256. The property owners is, Van Reen Corporation, 5300 Darrow Road, Hudson, Ohio 44236 for the property at 5300 Darrow Road in District 8 [Industrial/Business Park] within the City of Hudson.

Attachments: [5300 Darrow Road BZBA Staff Report](#)
[Planning Commission Staff Report for Conditional Use](#)

Ms. Krickovich introduced the application which is in District 8, displayed a site plan of the proposed location, described the project and variance requests and reviewed the staff comments and considerations. Mr. Sugar explained how Condition Use applies to this application and the impact of the culvert on the property.

Mr. Reed Richins, Van Reed Corporation, noted without the first variance the project cannot be done and without the second and third variances no project is possible on this property. Mr. Richins also noted the Comprehensive Plan long-term intent for this property is for industrial development, which the proposed use fits. Also noted by Mr. Richins: The 500-foot setback is an extreme setback - more than required for other industrial uses, the proposed front building will be all interior units with the two rear buildings also interior storage for recreational vehicles. Mr. Reed stated he feels the restrictions were not intended for these uses.

Mr. Richins also noted: The building will have limited outdoor use with low light glare and noise, loading and unloading will be done by hand instead of mechanical equipment, and the number of trips to the buildings will be minimal.

Regarding the wetlands and steam corridors, Mr. Richins stated there are no wetlands on the site; discussion followed this comment.

The Board decided to review the variances seriatim.

The Board noted: The residences located in this Industrial District which may be impacted, that other uses of this property would only have a 50-foot requirement, that many RV users access their RV more than twice per year and that the spirit and intent of the 500-foot requirement may be to keep storage facilities away from residences. Mr. Richins stated the residential properties will be protected by landscaping and buffering and the 500-foot rule is a hardship for developing this property since no point on the property is more than 500 feet from a residential property

Commissioners noted the view of the facility from Darrow Road or Georgetown Road would be limited, that there is no plan to change the Conditional Use criteria, the Board’s duty is to apply the current law not what future law may be and that the applicant is requesting a substantial variance.

Mr. Richins noted the variance is for a Conditional Use, however, he believes most of the requirements for a variance are met in this unique exceptional property and the residences will be protected. The Board and staff discussed the potential permitted uses of the property and the totality of the variance request.

Mr. Dwight Yoder, potential owner, noted a precedence in 2019 for a storage facility variance similar to this request, however, the Board noted the closest residence was across Terex Road.

Chair Keller opened the meeting for Public Discussion.

Mr. Dez Szeles, neighboring property, noted the proposed driveway is within 25-feet of his property, his concern with the loss of privacy and that many zoning changes have taken place while he has owned the property.

Staff noted Bufferyard E is the most stringent buffer in the LDC.

Chair Keller closed Public Comments.

The Board discussed how many of the residential properties are currently in use as residences as well as other residences, outside the 500-foot setback.

The Board discussed the difficulty of ignoring the clear language of the code, other uses of the property which would be permitted, the request for a ninety-percent reduction of the setback requirement, the potential intent of the LDC protecting grandfathered residential use, that any use of the property will require a variance for the entrance, if the property can be used for any type of business, that the Board should not discount the clear language of the LDC with their opinions, that the spirit and intent of the LDC is that storage facilities need to be 500-feet from a residence.

Mr. Yoder stated that other uses for the property were considered but would not work because semi-trucks cannot get in and out.

Mr. Kahrl made a motion, seconded by Ms. Bronstein, based on the evidence presented to the Board on Thursday, July 20, 2023, to deny the following:

A variance request from the requirement that the use or building housing such use shall be located a minimum of five hundred (500) feet away from the lot line of any residential use pursuant to Section 1206.02(c)(16), "Conditional Uses: Special Conditions and Standards - Special Conditions Addressing Compatibility." Of the City of Hudson Land Development Code.

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

VII. Other Business

Staff noted potential applications for the August meeting.

VIII. Adjournment

A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that this be adjourned at 9:32 pm. The motion carried by an unanimous vote.

Kerri Keller, Chair

Lydia Bronstein, Commissioner

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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