



# 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, January 18, 2024

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

### III. Election of Officers

**A motion was made by Mr. Wagner, seconded by Ms. Bronstein, that Ms. Keller be elected as BZBA Chair. The motion carried by the following vote:**

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

#### Election of Officers

**A motion was made by Ms. Keller, seconded by Ms. Davis, that Mr. Wagner be elected as Vice Chair of BZBA. The motion carried by the following vote:**

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

### IV. Identification, by Chairman, of Lauren Coffman, Associate Planner.

Chair Keller identified staff members Ms. Lauren Coffman and Ms. Amanda Krickovich.

### V. Swearing in of Staff and Audience Addressing the Board.

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

### VI. Approval of Minutes

[BZBA](#)  
[10.19.2023](#)

Minutes of Previous Board of Zoning & Building Appeals Meeting: October 19, 2023.

*Attachments:* [October 19, 2023 BZBA Minutes - Draft](#)

**A motion was made by Mr. Kahrl, seconded by Ms. Bronstein, that the October 19, 2023 Minutes be approved as amended. The motion carried by the following vote:**

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

[BZBA  
10.26.2023](#)

**Minutes of Previous Board of Zoning & Building Appeals Meeting: October 26, 2023.**

*Attachments:* [October 26, 2023 BZBA Minutes - Draft](#)

**A motion was made by Ms. Davis, seconded by Ms. Bronstein, that the October 26, 2023, Minutes be approved as amended. The motion carried by the following vote:**

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

[BZBA  
11.18.2023](#)

**Minutes of Previous Board of Zoning & Building Appeals Meeting: November 16, 2023.**

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

**This matter was postponed to the February BZBA meeting.**

## **VII. Public Hearings - New Business**

[BZBA 23-1096](#) **The subject of this hearing is 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.**

The applicant is Patrick Macoska, 1731 West 32nd Street, Cleveland, Ohio 44113. The property owner is Matt Edwards, 6776 Pheasants Ridge, Hudson, Ohio 44236 for the property at 6776 Pheasants Ridge in District 3 [Outer Village Residential Neighborhood] within the City of Hudson.

*Attachments:* [6776 Pheasants Rdg BZBA Staff Report](#)

Ms. Coffman introduced the application by displaying and describing the site plan and project which is partially in the side yard and noting the considerations and staff comments.

Mr. Matt Edwards, homeowner, noted the reasons for the proposed location of the pool house as being: 1) Safety for the family. 2) Better sunlight. 3) That utilities are already in the proposed location. 4) The functionality and aesthetics of the proposed location.

The Board, applicant and staff discussed: The cost of utilities at the proposed location or alternate locations is unknown and concerns that digging into the hill will disrupt the natural drainage of the property. Also discussed was that less than fifty percent of the proposed pool house will be in the side yard, the location of the septic system, topography problems caused by a different location for the pool house, and how the pool house will be used.

The Board and staff discussed how the rear yard and main mass of the house is determined according to the Design Standards, that this is an instance of the LDC not fitting well with the best solution to a desired land use, and that the pool house is approximately 400-feet from the closest neighbor's house.

Ms. Keller noted for Public Comment that four letters in support of the project were received from neighbors.

The Board discussed that the proposed location is better than other locations for the neighbors and the aesthetics on this four-acre lot, that the intent of the code regarding the structure being behind the main mass is met by this proposal, that the safety of children, while important, may not be a reason to grant this variance and might be precedent setting, that fencing will be installed as required by the LDC, and that what seems to be a backyard is, according to the LDC, a side yard.

Ms. Keller requested Mr. Wagner become acting Chair of the meeting.

**Ms. Keller made a motion, seconded by Mr. Kahrl, based on the evidence presented to the Board on Thursday, January 18, 2024, that the Board of Zoning and Building Appeals grant the following:**

**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.**

**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 is insubstantial given the overall size of the property in question. The board acknowledges that the rear wing addition that was built onto the home in 2022 extended the existing side yard of the property.**
- 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 3.92 acres and the neighboring property owners are in support of the project.**
- 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 2023.**
- 6. The applicant's predicament can be resolved through some other method other than granting the variance. The owners could build the accessory structure in the rear yard to meet the Land Development Code requirements.**
- 7. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.**

**The motion was approved by the following vote:**

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

**VIII. Other Business**

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

Attachments: [Memo to BZBA](#)

Ms. Coffman and the Board discussed possible topics for a meeting with City Council including: 1) If and how the Comprehensive Code and BZBA are to work together. 2) A written procedure for how appeals are conducted. 3) The importance of having all five Board seats filled. 4) If time limits should be set for presentations during appeals. 5) How to inform City Council about trends in variance requests. 6) An archiving method for precedent setting cases by code sections. 7) That this topic will return to the BZBA agenda in February 2024 for further consideration.

**This matter will return to the BZBA agenda in February.**

**IX. Adjournment**

**A motion was made by Mr. Kahrl, seconded by Mr. Wagner, 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

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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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