

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JULY 23, 2020**

TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Neil Thibodeaux, Planning Commission Liaison Jim Smolik, Council Liaison Clifford Winkel, and Chairman Shawn Kimble.

Vice-Chairwoman Linda Masterson was excused.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Councilwoman Holly Swenk, Assistant Clerk of Council Tara Peet, and Deputy Clerk of Council Lisa Ciofani.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, June 25, 2020. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Angela DeCaro, Joyce Factory Direct, 1125 Berea Industrial Pkwy, Berea, OH 44017

OWNER: Pat & John Ginley, 3 Cadet Dr., North Ridgeville, OH 44039

REQUEST: Requesting a 23-foot rear yard variance, requiring a 27-foot variance to N.R.C.O. §1250.04(b)(2)

LOCATION: 3 Cadet Drive, in an R-1 Residence District
Permanent Parcel No. 07-00-015-102-002

CASE NO.: PPZ2020-0020

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

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Joe, Joyce Factory Direct, Berea Industrial Parkway, Berea, OH, was sworn in.

Chairman Kimble asked Joe to explain the application.

Joe stated the homeowners are looking to build a sunroom addition on the back of the house with 14' x 10' ground level addition. It is a ranch home. Joe advised it is his understanding the house itself isn't in compliance with zoning code currently because zoning law came into effect after the house was built.

Chairman Kimble stated, to be clear, the owners will have a 23 foot rear yard instead of a 50 foot rear yard with a 27 foot variance.

Joe stated that is correct.

Chairman Kimble stated looking at the overhead of the property, there is angle between the house they are proposing to create the addition on and the home directly behind it, so there would not be any visual impedance or anything that would disturb any of the adjoining neighbors.

Chairman Kimble asked for any questions or comments from the Board members.

Member Thibodeaux wanted to reiterate he believes they only started with 33 feet of backyard and it's a straightforward plan and looks nice.

Chairman Kimble advised he believes it will blend in nice with the area.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Assistant Clerk of Council Peet advised no discussion was offered.

It was moved by Thibodeaux and seconded by Cain to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble advised Joe that a signed copy will be ready in the next few days and will be mailed.

Joe asked if they are all set with the building permit.

Chairman Kimble advised Joe that he will have to pull the building permit but he is all set from the Board's standpoint.

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APPLICANT: Nancy Bondeson, 38834 Alden Ave., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting approval for a 6-foot-tall and 100%-closed fence:

- 2½-foot height variance to N.R.C.O. §1294.01(h)(1)(B)
- 100%-closed construction, a variance to §1294.01(h)(3)

LOCATION: 38834 Alden Ave., in an RS-1 Special Residence District

Permanent Parcel No. 07-00-045-103-016 and -017

CASE NO.: PPZ2020-0022

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Nancy Bondeson, 38834 Alden Ave., North Ridgeville, OH 44039 was sworn in.

Chairman Kimble asked Ms. Bondeson if she could explain the application.

Ms. Bondeson advised she lives on a corner lot with her street being a dead end street as well as the street to her left being a dead end street. Both her and her neighbor want to put up fences and her fence would be mainly for security and privacy. Ms. Bondeson said because she is on a corner lot and where the fence will be placed and how her house faces, if you pull out of any driveways on her street, across the street, or at the stop sign you won't even see the proposed fence. There will be no obstruction or impairment of anyone driving.

Chairman Kimble agreed that looking at layout, she has it set 22 feet off right-of-way and considering that there would be zero impairment, he doesn't see this being any safety concern.

Chairman Kimble asked for any questions or comments from the Board members. No discussion offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Assistant Clerk of Council Peet advised no discussion was offered.

It was moved by Smolik and seconded by Thibodeaux to approve the variance for height and opacity.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble advised Ms. Bondeson that a signed copy will be ready in the next few days and will be mailed.

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APPLICANT: Keith Martin, MBD Homes, LLC, 39186 Center Ridge Road, North Ridgeville, OH 44039
OWNER: Keith Martin, 39186 Center Ridge Road, North Ridgeville, OH 44039
REQUEST: An appeal of the Chief Building Official's decision to require said applicant to install a sidewalk citing N.R.C.O. §1024.05(a) & (b)
LOCATION: 37740 Sugar Ridge Rd., in an R-1 Residence District
Permanent Parcel No. 07-00-035-101-077 **CASE NO.: PPZ2020-0023**

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Assistant Clerk of Council Peet advised Mr. Martin is live chatting on YouTube.

Chairman Kimble asked if Mr. Martin can join the Zoom meeting.

Assistant Clerk of Council Peet advised she is asking Mr. Martin if he can join the Zoom meeting.

Chairman Kimble said they can make a motion to table to the end of the meeting to give Mr. Martin a chance to join on Zoom since there are several applications left. If he is unable to join the Zoom meeting, they will have to push back to next meeting.

It was moved by Smolik and seconded by Cain to table Mr. Martin's request to the end of the meeting.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Ruth & Joseph Scina, 36556 Annie Ln., North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting approval of 3-foot side yard for garage addition, requiring a 2-foot variance to N.R.C.O. §1282.11(C)(4)(A)
LOCATION: 36556 Annie Ln., in an R-1 Residence District
Permanent Parcel No. 07-00-028-103-201 **CASE NO.: PPZ2020-0024**

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Ruth & Joseph Scina, 36556 Annie Ln., North Ridgeville, OH 44039, were sworn in.

Chairman Kimble asked if they could explain the application.

Mrs. Scina advised the application is to add a third garage next to the existing two-car garage to

allow ADA access to the back patio area. Mrs. Scina advised Mr. Scina is a 100% disabled veteran and the application is the best solution. Mrs. Scina also advised they have a relatively large disability van that takes up a lot of the space in the existing garage.

Chairman Kimble advised it appears from looking at the blueprint there will be a pass-through between the existing garage and the proposed garage. The Chairman asked Mr. and Mrs. Scina to confirm that is correct.

Mrs. Scina confirmed it would have two garage doors on the front and back.

Chairman Kimble asked Mr. and Mrs. Scina to confirm the addition would put them approximately 3 feet from the property line.

Mrs. Scina stated that is correct.

Chairman Kimble asked Mr. and Mrs. Scina if they were aware of regulations when they built the home.

Mr. and Mrs. Scina advised they were not.

Chairman Kimble advised he knows this is a newer area and he has not had a chance to get by and look at the property but he appreciates the detailed plans in the packet.

Chairman Kimble asked for any questions or comments from the Board members.

Planning Commission Liaison Smolik asked Mr. and Mrs. Scina if the addition is for access to the rear or access to park the van with handicap accessibility.

Mrs. Scina advised it is to have the room for Mr. Scina to manipulate in the two-car garage to get into the handicapped side ramp vehicle and then the other garage is for Mr. Scina to have access to the back patio area.

Planning Commission Liaison Smolik asked for clarification purposes, when the van is parked in the garage it is not big enough to access it from the side.

Mrs. Scina advised there is close to a 3.5 foot ramp that comes off from the side of the vehicle so when she pulls all the way over to one side, she can extend the ramp for access to the vehicle.

Planning Commission Liaison Smolik stated the ramp will extend into third garage bay.

Mrs. Scina advised a two-car garage allows her to do that but there is no additional room in there for anything else.

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Planning Commission Liaison Smolik asked would a normal sidewalk work for access to the backyard.

Mrs. Scina advised she wants Mr. Scina to have an area he can go in if it rains for him to quickly get out of whatever weather as opposed to come all the way around and in through the front or in from the existing garage.

Planning Commission Liaison Smolik thanked Mrs. Scina and said that is what he was looking for.

Chairman Kimble asked for any other questions or comments from the Board members.

Member Cain asked Chairman Kimble how often a side variance comes up and how does it affect the ADA with disabilities differently from any other properties.

Chairman Kimble advised side yard variances are fairly common and the Board does see a few of them several times a year and the ADA aspect applies under every application is its own individual entity. There is really never a precedent set from one application to the next. Taking in any ADA laws or regulations, it really doesn't have much to do with this application as he would read it. The Chairman advised he understands that is their hardship and why the applicants are here but from a standpoint of ordinances, there is nothing in there about what to do with an ADA accessible scenario.

Member Thibodeaux stated just for the record he wants to make sure the correct address is in there as 36556 Annie Ln. He advised the applicants had some of the numbers backwards when they said them.

Chairman Kimble stated they would have a 3 foot side yard in order to make it code compliant without having to get a variance they would have to take another 2 feet off of garage which makes it almost impossible to have a normal, single garage door.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Assistant Clerk of Council Peet advised a letter was received at the end of the day from Harry Salverson of 36544 Annie Ln. and she would read verbatim.

Dear Ms. Ciofani:

Sharon Sabatka and Harry Salverson S/L 6, Parcel # 0700028103202, are questioning the request for a variance regarding the addition to Mr. and Mrs. Scina's home.

Our concern is, the elevation of the structure will be approximately 2.5 feet higher than our existing subgrade and slope 3 feet to the property line. We feel this is going to be a water issue for us in the future. We would like further clarification on how this is going to affect

our property and what provisions are being put into place to ensure we will not have a long-term problem.

Thank you for your consideration in this matter.

With our very best regards,

Harry D. Salverson

Mrs. Scina responded she had discussed this with Mr. Salverson today and also asked Mr. Martin from MDB to contact Mr. Salverson to discuss his issues and they would make whatever changes they need to make to satisfy his concerns.

Chairman Kimble asked if there were any other questions, comments, or correspondence concerning this application from YouTube live.

Assistant Clerk of Council Peet advised no discussion was offered however, there is someone in the audience who wanted to speak.

Holly Swenk, City Council Ward 1, advised she knows the area and there is a vinyl fence on the side of that house. Councilwoman Swenk asked who the fence belongs to and is that fence coming down or staying up.

Mrs. Scina advised there is no fence next to the house.

Councilwoman Swenk asked if the fence was coming down or staying up during construction.

Mrs. Scina advised there is no fence next to the house on either side.

Councilwoman Swenk asked Mrs. Scina to confirm there is no white vinyl fence on the left side if facing the home.

Mrs. Scina confirmed there is not. Mrs. Scina also advised if you are facing the home the garage is going to be on the right-hand side but there is no fence anywhere on the property.

Councilwoman Swenk asked if the neighbor has a fence.

Mrs. Scina stated no. They have an invisible fence for the dog but that is on the opposite side.

Chairman Kimble asked Councilwoman Swenk if she has been by the property.

Councilwoman Swenk stated yes, she delivers down there once a week and she was curious if that would interfere with it. The Councilwoman stated she is pretty sure when you are facing the

home there is a white vinyl fence to the left hand side and she wasn't sure if it was theirs or the neighbors.

Chairman Kimble asked if there were any other questions or comments from the administration.

Chief Building Official Fursdon advised for the record, ADA regulations do not apply to single family homes and if he is not mistaken on this plan, they gave a dimension on this proposed addition to the house on adjacent property which was more than 15 feet.

Chairman Kimble stated he is looking through his copy and part of his blueprint appears to have not printed out fully. He is not seeing the residence next door so he must be missing a page.

Planning Commission Liaison Smolik advised based on documents in package, it is showing three feet off the property line.

Chairman Kimble stated he sees the three foot property line but does not see the 15 feet to neighboring structure portion.

Planning Commission Liaison Smolik stated that is a good question.

Chairman Kimble stated he does not see it on any of his documents but the blue print printed out in several different pages and he is not seeing it on his end.

Chairman Kimble advised if there are no other questions or comments from any of the administration, YouTube Live, or any of the Board members he will entertain a motion.

It was moved by Smolik and seconded by Cain to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble advised Mr. and Mrs. Scina that a signed copy will be ready in the next few days and will be mailed.

Assistant Clerk of Council Peet advised Mr. Martin has now joined us via Zoom meeting.

OWNER: Keith Martin, 39186 Center Ridge Road, North Ridgeville, OH 44039
REQUEST: An appeal of the Chief Building Official's decision to require said applicant to install a sidewalk citing N.R.C.O. §1024.05(a) & (b)
LOCATION: 37740 Sugar Ridge Rd., in an R-1 Residence District
Permanent Parcel No. 07-00-035-101-077

CASE NO.: PPZ2020-0023

Application was read along with comments from Chief Building Official Fursdon.

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Chairman Kimble asked if Mr. Martin was present.

Chairman Kimble advised it appears Mr. Martin is getting some help to try and fix his microphone. The Chairman advised since there is already a tabled motion in order to place Mr. Martin at the end of the meeting they can proceed with the next applicant.

APPLICANT: Justin Flickinger, 6265 Jaycox Rd., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting approval for a 8-foot-tall fence, requiring a 2-foot variance to N.R.C.O. §1294.01(h)(1)(B)

LOCATION: 6265 Jaycox Rd., in an R-1 Residence District
Permanent Parcel No. 07-00-017-111-015

CASE NO.: PPZ2020-0025

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Christy Schifler & Justin Flickinger, 6265 Jaycox Rd., North Ridgeville, OH 44039 were sworn in.

Chairman Kimble asked Ms. Schifler and Mr. Flickinger to explain the application.

Ms. Schifler advised she would be speaking for both of them. They are requesting the eight foot fence because they have a large breed Cane Corso dog that is 150 lbs. and when he stands on his hind legs he is over six feet tall. Ms. Schifler advised they are trying to keep the dog contained to the fence and they are afraid with only a six foot fence that the dog could climb over it and the extra two feet would be safety for everyone involved to keep the dog in their backyard. Ms. Schifler noted they will make sure it's a 100% privacy solid closed fence. Mr. Schifler advised they also have four other large breed dogs. Ms. Schifler stated their main concern is the Cane Corso that is three years old and has potential to grow more and they feel to make sure the neighbors are safe and to keep the dog in the yard, the fence would be the best way to handle the situation.

Chairman Kimble asked if they have a six foot fence now.

Ms. Schifler advised they have a chain link fence on one side but they are planning on replacing that and making the entire backyard fenced-in with the larger fence.

Chairman Kimble stated he is a large dog owner himself and understands everything that is involved. He advised he has been doing this a long time, probably over fifteen years, and only once or twice that this type of request has been approved and it was very unusual circumstances. The Chairman asked Ms. Schifler and Mr. Flickinger if they have done any training with the dog to not jump over a six foot fence.

Ms. Schifler advised their dogs have been through training at Friendship APL with Don Hitchens but unfortunately due to size, the dog still jumps up even with training. Ms. Schifler stated they don't believe they would let the dog out there without them being out there as well but the dog does have potential to harm somebody so they want to keep him in their yard. Ms. Schifler spoke with the neighbors who seemed ok with the fence and understood the reasoning and she advised they are trying to do everything they can to keep everyone safe and let the dog run and enjoy the yard.

Chairman Kimble asked for any questions or comments from the Board members.

Member Thibodeaux advised he did visit the property and it is a very unique property. Thibodeaux stated to the south are two-story apartment complexes that are extremely close, their rear yard is actually a pool so he is assuming a family lives there, and the property to the north is extremely close so they are almost surrounded. He stated he does not believe the application is far off due to the uniqueness of the property and it would be safer for everyone in the area.

Chairman Kimble advised they are all for safety and having a 150 lb. dog potentially go after someone could be pretty rough.

Ms. Schifler stated the neighbor behind their home with the pool has several children and the neighbor told them she understands why they would want that fence. Ms. Schifler advised that the reason they want the fence is so their dogs are safe and the neighborhood is safe and they don't want any problems.

Mr. Flickinger noted the fence also makes it harder for a child to jump up and grab the fence to look over top of it.

Ms. Schifler noted the red on the drawing is not correct and the yellow highlight is correct regarding where they want the fence.

Planning Commission Liaison Smolik advised it looks like there is a ten foot utility easement going through and he assumes the proposed fence will be outside of that easement.

Mr. Flickinger confirmed yes. The fence will be on their property and he will leave enough room for whatever needs to be done on the easement.

Planning Commission Liaison Smolik advised he thinks the sketch shows encroaching on the easement but confirming in reality it would be outside.

Mr. Flickinger stated that is correct.

Ms. Schifler advised it is actually replacing the existing chain link fence that is already there on that side. The chain link fence would be taken out and the new fence would be put in the exact same spot.

Planning Commission Liaison Smolik asking what type of fence is being proposed.

Ms. Schifler advised a privacy fence 100% closed.

Mr. Flickinger noted it would be wooden.

Member Cain asked how many gates are going in if someone had to have access in case of an emergency.

Ms. Schifler advised they will be putting an eight foot wide gate that swings out where it says “fence” on the diagram as well as a gate on the other side of the house on the easement side that will be two feet wide or whatever the fencepost is there so they will have two gates that go into their backyard.

Chairman Kimble asked if there were any other questions or comments from the Board members.

Planning Commission Liaison Smolik stated he is having a hard time finding the hardship and asked if they have to look at the safety aspect as a hardship.

Chairman Kimble advised safety can definitely come into play as a hardship but he agrees there are other potential options that may exist that fulfill and possibly accomplish the same safety measures.

Planning Commission Liaison Smolik advised the option is they didn’t have to have the dogs.

Chairman Kimble stated that is an option but he was thinking on a personal level, he had a dog that was able to jump his six foot fence and would put its paws on the top of the fence, pull its hind legs up, and it would jump his fence all the time. He advised he completely understands what the applicants are talking about and going through and what he had to do was work on training with the dog to not jump the fence and even hire personal trainers to work with the dog. There are other options but safety of children is a big concern and needs to be taken into the equation.

Ms. Schifler advised when the dog stands on his hind legs he stands 6.5 feet tall with his paws and he is a very tall dog. She wants to make sure the Board understands that.

Planning Commission Liaison Smolik stated at some point this is a residential area and the owners should take that into account. He advised an eight foot fence will be huge and ordinances are established to set up certain guidelines or codes. He acknowledged this is a unique situation but believes it may open up some problems down the road.

Chairman Kimble confirmed it potentially could but that it is important to remember every application is its own each and independent unique situation.

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Chairman Kimble asked if there are any other questions or comments from any Board members. No discussion was offered.

Chairman Kimble asked if there are any comments from the administration.

Assistant Law Director Morgan advised there is no right or wrong answer here and the discussion they are having is good and they are looking at all the factors they should be.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Assistant Clerk of Council Peet advised no discussion was offered.

It was moved by Thibodeaux and seconded by Cain to approve the variance.

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Smolik)

Chairman Kimble advised Ms. Schifler and Mr. Flickinger that a signed copy will be ready in the next few days and will be mailed and they will need to square away the permit with the Building department.

Assistant Clerk of Council Peet advised Mr. Martin is ready.

Chairman Kimble advised Assistant Clerk of Council Peet to read applicant's application for the third time.

APPLICANT: Keith Martin, MBD Homes, LLC, 39186 Center Ridge Road, North Ridgeville, OH 44039

OWNER: Keith Martin, 39186 Center Ridge Road, North Ridgeville, OH 44039

REQUEST: An appeal of the Chief Building Official's decision to require said applicant to install a sidewalk citing N.R.C.O. §1024.05(a) & (b)

LOCATION: 37740 Sugar Ridge Rd., in an R-1 Residence District
Permanent Parcel No. 07-00-035-101-077

CASE NO.: PPZ2020-0023

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if Mr. Martin could hear ok.

Mr. Martin confirmed yes.

Keith Martin, 33339 Chestnut Ridge Rd., North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Martin to talk about his request to overturn the Chief Building Official's decision.

Mr. Martin stated in that area he doesn't recall a sidewalk and there are other homes being built that are on some side streets that have not had sidewalks. He advised the problem is there are telephone poles on that property, there is a septic system on that property, and there are no storm sewers so the water from the asphalt roads comes down into that area and aesthetically it won't work. Mr. Martin advised it will be an eyesore and probably will cause issues for the City's sidewalk responsibilities and the aesthetics just won't fit in that area. He stated the development across the street doesn't have sidewalks as well they are kind of on a corner lot and as far as aesthetics it will look bad, in his opinion.

Chairman Kimble asked Mr. Martin to elaborate more regarding Mr. Martin's opinion that it will look bad from an aesthetic standpoint. The Chairman advised he has been by the property many times and the grade seems consistent with the area and he is not sure how a sidewalk would be standing out.

Mr. Martin advised the telephone polls that are on the property will weave in and out and they aren't going to be in the right-of-way with all the utilities that are right there so the walks will not be straight and they will have to move them around a lot, especially with the septic mound as well, it's not going to fit. He stated they will probably have to put it behind the property lines if they had to do that and with the drainage over there, with the sidewalk there and the fire hydrants it's going to be maintenance from the City as well as MBD Homes as well. Mr. Martin added it's going to go to nowhere because no neighbor has them on each side of us and no one walks on the main drag anyways and that's what they are looking at.

Chairman Kimble asked Mr. Martin to confirm that he came in front of the Board not too long ago for the variance of this property.

Mr. Martin confirmed he did.

Chairman Kimble asked Mr. Martin if he was aware at that time of the sidewalk ordinance.

Mr. Martin advised he was aware of it but he is pretty far away and they say 500 feet from the next sidewalk and he doesn't see that. He advised he drove up and down the road and if there is one, it's closer to Line Drive. Mr. Martin stated there was a house built by another builder that did not put a sidewalk in that is even closer to that sidewalk and he assumed he was far enough away and he had nothing in that area because the ordinance states within 1500 feet, which he assumed he was far enough away and did not require one.

Chairman Kimble asked Chief Building Official Fursdon to confirm from his notes that there is a sidewalk less than 500 feet away and asked what sidewalk he was talking about.

Chief Building Official Fursdon stated on the South side of Sugar Ridge Road approximately 500 feet to the east he believes when they looked at the aerial photos at County there was a sidewalk there.

Chairman Kimble asked for any questions or comments from any Board members.

Planning Commission Liaison Smolik stated the applicant referred to the issue with the proposed septic mound but the proposed septic mound has to be installed outside of the right-of-way so he is not sure how that would interfere with the proposed sidewalk.

Chairman Kimble agreed.

Planning Commission Liaison Smolik asked Mr. Martin to shed some more light on that.

Mr. Martin confirmed they are in their property on that aspect but with the sidewalk and the busy traffic on that road and the telephone poles being in the way, they will have to deviate from the sidewalks and come in on his property closer to the septic mounds to get away from that. He advised they will have tons of turns and there are at least four to five high powered telephone poles on that property and they are hindering the sidewalk is what he is getting at and doing that they will have to move the sidewalks more into their property which would put them closer to the septic mound.

Planning Commission Liaison Smolik asked Mr. Martin if he is referring to Sugar Ridge Road.

Mr. Martin confirmed Sugar Ridge Road and Race Road. There are poles on Race Road and on Sugar Ridge Road, especially on the corner.

Planning Commission Liaison Smolik advised he is looking at the proposed drawing for the house, and the utility poles sit approximately one foot within the right-of-way and basically they would be perfect for the walk to go in because a sidewalk usually sits one foot off the right-of-way so actually the poles couldn't be in any better location than where they are. He stated he has always wanted to install sidewalks throughout town and he will continue that stand until City Council gives better direction on that issue and there are quite a few homes on Sugar Ridge Road where they had sidewalks installed or roads similar to Sugar Ridge Road for new home construction.

Assistant Law Director Morgan advised last year Council modified this particular ordinance to take out some of the exemptions regarding sidewalks and they were making a strong statement in support of sidewalks everywhere and that is their goal as well.

Planning Commission Liaison Smolik thanked Assistant Law Director Morgan for clarification.

Council Liaison Winkel reiterated Council did make action regarding that matter. He also stated he thinks the sidewalk in question on east part of the road is 37373 Sugar Ridge Road.

Chairman Kimble asked for any questions or comments from the administration. No discussion offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Assistant Clerk of Council Peet advised no discussion was offered.

It was moved by Smolik and seconded by Cain to uphold the Chief Building Official's ruling on the issue.

Chairman Kimble advised just to clarify a vote in the affirmation is to uphold the Chief Building Official's determination.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Laurence Garcher, 38833 Edwin Ave., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting approval for a 6-foot-tall and 100%-closed fence:

- 2½-foot height variance to N.R.C.O. §1294.01(h)(1)(B)
- 100%-closed construction, a variance to §1294.01(h)(3)

LOCATION: 38833 Edwin Ave., in an RS-1 Special Residence District

Permanent Parcel No. 07-00-045-103-009 & -010

CASE NO.: PPZ2020-0026

Application was read along with comments from Chief Building Official Fursdon.

Chairman Kimble asked if there was a representative present.

Assistant Clerk of Council Peet advised the applicant was onsite at City Hall.

Laurence Garcher, 38833 Edwin Ave., North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Garcher to explain the application.

Mr. Garcher advised his application is basically a mirror image of Mrs. Bondeson's proposal. They are doing this together and his fence will be the exact same height, color, location, and style and he is doing it for the exact same reasons.

Chairman Kimble advised it did seem very similar to one earlier this evening. He stated just like the first applicant, there seems to be no issue with any sort of visibility obstruction or safety hazard and he believes it will blend in perfectly well with his neighbor.

Chairman Kimble asked for any questions or comments from any Board members.

Mr. Garcher stated he spoke with Mrs. Bondeson earlier and she plans on getting a permit and having the fence built within the next two weeks. Mr. Garcher advised a family member passed away due to Covid and this was put on the back burner. He asked if approval is obtained, what is the deadline for him to get the fence installed.

Chief Building Official Fursdon advised two years.

Chairman Kimble asked for any other questions or comments from any Board members.

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Chief Building Official Fursdon advised Mr. Garcher if he doesn't take action within two years then it's null and void and he will have to come back.

Mr. Garcher advised he plans on installing the fence in the spring.

Chairman Kimble asked for any questions or comments from the administration or YouTube live.

Holly Swenk, City Council Ward 1, advised she is there on behalf of Steven Pataky, 38836 Watson Avenue. Mr. Pataky owns the lot next to Mr. Garcher's property on Edwin Avenue and he is disabled and asked Councilwoman Swenk if she could be there on his behalf. The Councilwoman advised Mr. Pataky is ok with the fence but wants Mr. Garcher to keep it enough off of his property in case he has to maintain it so he isn't coming on to his property. Mr. Pataky asked for no more grass planting, no tree cutting, no dumping of grass, leaves, etc., and he wanted to also make note that he put "no trespassing" signs up on his property.

Chairman Kimble advised all of that is noted and stated if there were no more questions or comments he would entertain a motion.

It was moved by Thibodeaux and seconded by Smolik to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble advised Mr. Garcher that a signed copy will be ready in the next few days and will be mailed.

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 8:09 PM.

Shawn Kimble
Chairman

Lisa M. Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, August 27, 2020
Date Approved