

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MAY 27, 2021**

TO ORDER:

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

ROLL CALL:

Present were members Neil Thibodeaux (via Zoom), Jim Smolik, (via Zoom), James Cain (via Zoom), Clifford Winkel (via Zoom), and Chairman Shawn Kimble (via Zoom).

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan (via Zoom), and Deputy Clerk of Council Lisa Ciofani.

Vice-Chairwoman Linda Masterson was excused.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, April 22, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

PUBLIC HEARINGS:

APPLICANT: Joseph Danculovic, 34026 Luanne Dr., North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting a variance to N.R.C.O. §1294.03(a) for a 4 foot 4 inch side yard
requiring an 8 inch variance
LOCATION: 34026 Luanne Dr., in an R-1 District
Permanent Parcel No. 07-00-008-101-077

CASE NO.: PPZ2021-0059

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

Chairman Kimble asked if there was a representative present.

Joseph Danculovic, 34026 Luanne Dr., North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Danculovic to explain the application.

Mr. Danculovic advised in November there was a wind storm. He said there was a shed in the same location as the current shed is now that was 2 feet closer to the property line that had been

there for 50 years. He advised they moved into the house in 1985 and it had already been there since the first owner. He stated after they had the storm damage he replaced the old shed and made a same size shed but improved it and moved it 2 feet closer to the house. He advised he was not aware he had to have a permit, as he was replacing something that was damaged in the storm and had already been there. He advised it was his understanding that it would have been grandfathered, as they have owned the house for 35 years and there was never an issue with him having a shed there.

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

Chairman Kimble asked Mr. Danculovic to confirm that when he rebuilt the shed he moved it further away from the property line from where it originally was positioned.

Mr. Danculovic confirmed that is correct. He advised he moved it 2 feet closer to the house. He stated one of the reasons he didn't go closer is due to the 10 foot needed to have a shed off of what would be a building and on his end he moved it over to where he felt it was comfortable from where the house was versus the property line. He stated if he would have known he had to do anything different than that, he could have moved it another 8 inches but he put it on a concrete pad and now he would have to pour another 6 inch extension on the pad that is there to move it over 8 inches.

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

Member Smolik asked Chief Building Official Fursdon if the 10 foot setback off of a structure for an outbuilding is correct.

Chief Building Official Fursdon confirmed it is.

Member Thibodeaux asked if the neighbor's fence is directly on the property line.

Mr. Danculovic advised yes, the neighbor's fence is right up to his property line. He stated he has 24 feet 4 inches from his house to the property line and his neighbor's fence is at the very end of 10 feet 6 inches that is off of his foundation.

Chairman Kimble advised the Board received correspondence from a neighbor concerning this application and it was just sent this afternoon.

Member Smolik advised he did not have a chance to review the correspondence and asked if it could be read into the record.

Chairman Kimble asked Deputy Clerk of Council Ciofani to read the correspondence.

Deputy Clerk of Council Ciofani read the following correspondence (Some information redacted per Law Department. No photos were received as indicated in the correspondence.):

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"Date of Public Hearing: May 27, 2021

To: The City of North Ridgeville, Board of Zoning and Building Appeals

From: Mark Konesky

34018 Luanne Drive, North Ridgeville, Ohio 44039

Regarding: Case No., PPZ2021-0059

Variance at 34026 Luanne Drive, North Ridgeville, Ohio 44039

Dear Zoning Board of North Ridgeville,

My name is Mark Konesky, I live at 34018 Luanne Drive, North Ridgeville since 2005 and bought the property in 2006 and became disabled in 2009 from work related injuries. (I have lived in North Ridgeville since I was born in 1970.)

***Sorry for the length of this statement but I would like to let you know the shed and Variance in question is to close to my wood fence that I need to maintain for my K-9 and my privacy.

The notice I received for this Hearing it, states that Joe would like an 8 inch Variance and that he is 4 foot 4 inches from the property line. I do not know who measured that but it is severely incorrect.

-between their fence and my fence is 18" inches that is where the property line dispute lies.

-their shed is 2 feet 2 inches from the East side of their fence

-I say that's the property line

-Even if the 18 inches in dispute were all his, he is still only 3 feet 8 inches

-Per the City Building permit application I picked up the out building needs to be 5 feet from the property line.

-Due to my Disabilities I need the space to maintain my fence.

See attached copy of Hearing Notice, N.R. city Building Permit, several pictures.

-First picture of the shed in Question. For size reference the TOP of the garbage seen in picture is approximately 25 and 1/4 inches across the way it sits.

-several other pictures of the above listed observations

Thank You for your time,

Sincerely Mark C . Konesky"

Deputy Clerk of Council Ciofani advised there were no pictures received, only the correspondence that was read.

Assistant Law Director Morgan advised for point of reference, if the complaints that were received and just read were in a courtroom, there would have been objections, as most of them don't relate to this variance request specifically. She advised the Board's goal is to consider this particular application and variance and only the information that would relate to and impact it directly.

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

Chairman Kimble asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

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

A voice vote was taken and the motion carried.

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Yes – 4 No – 0

APPLICANT: Elizabeth Lukachinsky, 5925 W Breezeway Dr., North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)(A) for a 4 foot high fence requiring a .5 foot variance
LOCATION: 5925 W Breezeway Dr., in a PCD R-1 District
Permanent Parcel No. 07-00-032-000-267

CASE NO.: PPZ2021-0060

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

Chairman Kimble asked if there was a representative present.

Elizabeth Lukachinsky, 5925 W Breezeway Dr., North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Ms. Lukachinsky to explain the application.

Ms. Lukachinsky advised she has a dog and lives on a corner lot at Overlook and West Breezeway. She stated her patio is on the side of her house instead of the back and she wants to have a fence put up around the deck so she can let the dog out into the yard.

Chairman Kimble asked Ms. Lukachinsky to confirm the fence will be 4 foot tall but still have 50% open for visibility.

Ms. Lukachinsky confirmed that is correct.

Chairman Kimble noted looking at the plan, the proposed fence is behind the garage and away from the corner and he doubts the additional 6 inches would be any sort of visual obstruction or safety hazard.

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

Chairman Kimble asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

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

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APPLICANT: Erica Verheyen, 6919 Hatching Way, North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)(A) for a 4 foot high fence requiring a .5 foot variance

LOCATION: 6919 Hatching Way, in a PCD R-1 District
Permanent Parcel No. 07-00-033-122-002

CASE NO.: PPZ2021-0062

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

Chairman Kimble asked if there was a representative present.

Erica Verheyen, 6919 Hatching Way, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Ms. Verheyen to explain the application.

Ms. Verheyen advised they have a corner lot and 3 children and they believe the children are a climb risk so they want to get as tall of a fence as they can. She advised Wenz fence gave them an option that they believe will not be climbable but still has 50% visibility. She advised they had 811 come out to do the survey and the fence would still be about 7 or 8 feet off of the sidewalk.

Chairman Kimble stated the plans show the proposed fence is as far back from the corner as it could be and he sees no visual obstruction or safety hazard and it seems to be a well thought-out plan.

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

Chairman Kimble asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

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

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Cara McCarthy, 36541 Rummel Mill Dr., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting variances to N.R.C.O. §1294.01(h)(1)(A) and §1294.01(h)(3) for a 6 foot high fence 100% closed requiring a 2.5 foot height variance and a 100% closed variance

LOCATION: 36541 Rummel Mill Dr., in an R-1 District

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Permanent Parcel No. 07-00-031-000-222

CASE NO.: PPZ2021-0063

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

Chairman Kimble asked if there was a representative present.

Cara McCarthy, 36541 Rummel Mill Dr., North Ridgeville, OH 44039 was sworn in.

Chairman Kimble asked Ms. McCarthy to explain the application.

Ms. McCarthy advised they have two young children under 2 years of age and they bought and built a house in the Mill Ridge development. She advised they purchased the lot based on it being one of the larger lots in the development and they shared that with the builders and at no point did the builders tell them they weren't allowed to extend their fence past the house line. She stated if the variance is not approved they will lose about 1/3 of their yard. She advised the fence is mostly for her children's protection, as they are on a corner lot.

Chairman Kimble stated the plans show the proposed fence coming off of the rear corner of the house.

Ms. McCarthy confirmed that is correct.

Chairman Kimble asked Ms. McCarthy if she knows approximately how far the fence would be from the sidewalk.

Ms. McCarthy advised 15 feet.

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

Chairman Kimble asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

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

A voice vote was taken and the motion carried.

Yes – 4 No – 0

OTHER BUSINESS:

Chairman Kimble asked if there was anything else to come in front of the Board.

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Member Smolik advised there should be further discussion regarding correspondence and a time limit of when they should be submitted.

Chairman Kimble asked Assistant Law Director Morgan if there is an ordinance in place or some guideline or something from Robert's Rules of Order that would dictate when the cutoff would be for correspondence.

Assistant Law Director Morgan advised it is probably something to do via Bylaws and the public would need to be aware of it.

Chief Building Official Fursdon advised BZA has 2 options: the Board does not have read the letter if they choose not to or the application can be postponed until the next meeting if they want to read it and make a decision based on that letter.

Assistant Law Director Morgan asked if an applicant is requesting a certain variance does anyone actually check that and if not, maybe someone should so the Board is confident that what is being looked at is accurate.

Chief Building Official Fursdon advised in this case, Mr. Blanchette verified that for him.

Member Smolik asked if the members can think about a deadline that would be appropriate for correspondence and it can be discussed at the next meeting.

Chairman Kimble advised he agrees there should be some guideline in place. He stated it's important because it could be correspondence that is full of facts of why an application should or should not be approved.

Council Liaison Winkel advised if he can lend any assistance from a Council-standpoint to let him know.

Assistant Law Director Morgan advised once a decision is made regarding an appropriate cut off time, they can draft a rule and it will need to be accepted and the public will need to be made aware.

Member Smolik asked Council Liaison Winkel how he feels about the matter.

Council Liaison Winkel stated he agrees and was also unaware of the emailed correspondence that was sent prior to the meeting. He advised sometimes certain letters can be passed until they receive more information or if it's mostly hearsay it might not get read at all because it's in the best interest of everybody, as in this instance, most of the correspondence did not have to do with the application.

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Chief Building Official Fursdon advised if a decision is made for a cut off time for correspondence, when the notification is sent out to adjacent property owners, the information can be included in the notification so they can't say no one ever told them.

Deputy Clerk of Council Ciofani advised she believes the Mayor and Assistant Clerk of Council were recently discussing the cut off time so whatever is decided would be universal across all the boards and commissions and Council. She stated this topic just came up recently and she will be in touch with all the members regarding whatever is decided.

Council Liaison Winkel advised in addition to BZBA it makes sense to have it universal across the board.

Chairman Kimble advised he will reach out to Assistant Law Director Morgan to see about getting the process started and maybe the other boards and Council can fall along with it and have a universal plan.

ADJOURNMENT:

The meeting was adjourned at 7:36 PM.

Shawn Kimble
Chairman

Lisa Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, June 24, 2021
Date Approved