

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MAY 26, 2022**

CALL TO ORDER:

Vice-Chairwoman Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Neil Thibodeaux, Vice-Chairwoman Linda Masterson, Chairman Kimble and Council Liaison Clifford Winkle.

Absent were members James Cain and Steve Ali.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, April 28, 2022. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

PPZ2022-0114: Joseph Iacona, 6401 Fawn Lane, PPN 07-00-028-101-127

Applicant: Same

The applicant proposes building a 6-foot high fence on a corner lot. Property is zoned PCD R-1 District. Requests:

1. A 2.5 foot variance for height of a fence located in the front yard. Applicant shows 6 feet, code allows 3.5 feet, Section 1294.01(h)(1)(A).
2. A variance for a 100% solid fence. Applicant shows solid fence, code requires fence to be at least 50% open when located between the building and street line, Section 1294.01(h)(3).

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

Chairwoman Kimble asked if there was a representative present.

Joseph Iacona, 6401 Fawn Lane, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Kessler to explain the application.

Mr. Iacona explained that his back yard was on a corner lot and he wanted to have a 6-foot high fence to have privacy in the back yard. He stated that the reason they were requesting the variance was because they couldn't go over the building line that was shown on the plat. He commented that the building line cut off the majority of the back yard and he felt as if they wouldn't be getting the most out of having a fence because it was such a small area. He mentioned that they also have a dog at home that they wanted to be able to let out and run in the back yard. He added that the request was so that they could have privacy and for the dog so they wouldn't have to watch him at all times while he would be out there.

Chairman Kimble remarked that the purpose of the ordinance that the City had in place was due to it being a corner lot, that he technically had two front yards even though it was the side of the house and that it came down to the safety issue for visibility obstruction or lack of visibility. He stated that the way it was drawn coming off the rear corner of the garage and in consideration of where the driveway was located, he didn't foresee any visibility issues with the design.

Mr. Iacona explained that per his HOA they weren't allowed to go towards the back end of the house and that was why they put it in the back corner of the garage. He stated that he was also planning on keeping it within the twelve foot utility easement and it wouldn't be crossing over that line either.

Moved by Thibodeaux and seconded by Masterson to approve the 2.5 foot variance for height of a fence and 100% closed located in the front yard.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2022-0115: Helen & Armando Serrano, 35347 Elder Street, PPN

07-00-020-105-001, 07-00-020-105-002, 07-00-020-105-003, 07-00-020-105-004

Applicant: Same

The applicant proposes building a 4-foot high fence on a corner lot. Property is zoned RS-2 District. Requests:

1. A 0.5 foot variance for height of a fence located in the front yard. Applicant shows 4 feet, code allows 3.5 feet, Section 1294.01(h)(1)(A).

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

Chairman Kimble asked if there was a representative present.

Helen Armando, 35347 Elder Street, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Ms. Armando to explain the application.

Ms. Armando explained that she had two young children and they lived on a corner lot. She stated that for their safety they wanted to build a fence for their yard. She discussed that the majority of their property was on the western side of the property, the grass area. She remarked that they did have a concrete patio on the south end but most of their usable grass space was on the west side. She stated that for the safety of her children they decided to fence it in and they decided to go with a 4-foot fence because that material was easier to obtain and it gave them the most privacy while still allowing for 75% open visibility. She described that it was a little extra height with a combination of six-foot on the non-street sides.

Chairman Kimble remarked that he saw on the layout it showed 6 feet in one part.

Ms. Armando indicated that it was just the four-foot on the north and the west side and part of the south where it was their neighbor's house line. She stated that the house line from the south side would transition from 6-foot to 4-foot.

Chairman Kimble stated that there was current legislation being put into place to change the ordinance from 3.5 foot to 4-foot, due to the fact that most material bought is four foot. He explained that she probably had the distinction to be the last person to ask for this variance. He further explained that if she were to ask for the fence 60 days from the meeting, she wouldn't have had to go in front of the Board.

Councilman Winkel stated that T58-2022, the legislation that was referenced, would have a third reading in about a week and then would be in effect within 30 to 45 days after that.

Moved by Masterson and seconded by Thibodeaux to approve the 0.5 foot variance for height of a fence.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Chairman Kimble moved to take a 5 minute recess to give the next applicant time to attend the hearing.

A voice vote was taken and the motion carried.

Yes – 3 No – 0

Recess: 7:13 P.M.

Reconvened: 7:14 P.M.

Chairman Kimble reconvened the hearing.

PPZ2022-0117: Ioana Budurean, 36728 Capri Lane, PPN 07-00-031-000-283

Applicant: Ryan Delia, Moscarino Landscape + Design, 25329 Sprague Road, Columbia Station, OH 44028.

The applicant is proposing to install a 5-foot high vinyl semi-private fence in the rear yard of their corner lot. Property is zoned R-1 District. Requests:

1. A 1.5 foot variance for height of a fence located in the front yard. Applicant shows 5 feet, code allows 3.5 feet, Section 1294.01(h)(1)(A).
2. A variance for a 75% closed 25% open fence. Code requires fence to be at least 50% open when located between the building and street line, Section 1294.01(h)(3).

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

Chairman Kimble asked if there was a representative present.

Ryan Delia, 25329 Sprague Rd, Columbia Station, OH 44028, was sworn in.

Chairman Kimble asked Mr. Delia to explain the application.

Mr. Delia explained that the homeowner had a corner lot and was looking to create a sense of enclosure and privacy. He stated that they realized that the traditional 6-foot fence was out of the question but were hoping to go with something as close to that as possible while still getting as close to the guidelines as possible. He discussed that their backyard was pretty open and exposed along the road. He pointed to the drawing and discussed the location of the house, the driveway and where the backyard living space was and remarked that it felt very exposed. He stated that the homeowners came to him with the hope that he would come up with some solutions. He explained that his idea was that instead of a solid fence all the way around, what if they did a blend of privacy trees and privacy fencing but semi-private. He further explained that the 5-foot tall fence was, according to what the Chairman had just mentioned, 75% closed and 25% open to at least give a little more sense of privacy. He discussed that the way it was designed the fence wasn't going all the way around but just in panels and sections.

Chairman Kimble asked what he meant when he said that it was in panels and sections.

Mr. Delia went to the drawing and pointed out where each section was located and where they would be screening with trees. He stated that he wasn't quite clear on the rule but that he thought it was between building and street and asked if that was correct.

Chairman Kimble stated from the right-of-way. He then showed him where the building line was and that the variance request was to the front yard and since it was a corner lot it had two yards. He showed him where he was protruding into the front yard with certain portions even though it was broken up. He explained that that's when the ordinance kicked in or had to be so high or a percent over.

Mr. Delia commented that that was the challenge, if it was a front yard or a side yard.

Chairman Kimble explained that it was a front yard.

Vice-Chairwoman Masterson asked if the homeowner built the house because it was a brand new subdivision.

Mr. Delia said they did.

Vice-Chairwoman Masterson remarked that they bought the house knowing it was on a corner lot.

Mr. Delia stated that was correct.

Vice-Chairwoman Masterson commented that they would have known that it was exposed.

Mr. Delia stated that they bought the house knowing it was a corner lot but that neither of them were actually Americans and that it was the first house they had owned in America. He advised that the wife was Romanian and the husband was Canadian and had just gotten married, had their first child and this was their first house. He stated that in discussions that he had with them early on in the design meetings was letting them know that there were rules with the HOA and that they might have to request a variance and that seemed very new to them. They had asked why they couldn't have a fence all the way around and he told them that they could but that they wouldn't get the results that they wanted. He stated that he told them the best route would be to find a middle ground that was as close to the rules as possible but would also create a little more sense of enclosure and privacy. He mentioned that he believed they bought the lot thinking that they had more lawn and he didn't think they quite grasped the whole privacy thing.

Chairman Kimble discussed that it was confusing for customers when they purchase their home, especially in a new development because they think that they have all that extra space not realizing the ordinances that are in place by the City and probably the HOA. He mentioned that the Board wasn't concerned about the HOA's and didn't take them into consideration. He explained that he had been by the property and the design was outstanding. He stated that he had a concern about the 75% closed fence with only 25% open. He mentioned that the whole point of the ordinance came down to a safety issue because of visibility or any sort of visible barrier that could block a kid riding a bike or a pedestrian going down a

sidewalk and he had a concern about where it was located in conjunction to where the traffic was at, not so much from a traffic perspective on the road. He stated that he drove down and went through both ways and there were stop signs at both intersections and didn't see any traffic problems. He commented that from the TOPO that it was 34.29 feet from the house to the sidewalk and he was roughly estimating they were 22 to 24 feet from the house out. He asked if they were taking the fence from the house out.

Mr. Delia stated that sounded correct.

Chairman Kimble remarked that if they only had 34 feet to work with and a car was backing out of the driveway and the fence was out 24 feet, with the extra height and more closed he was afraid that no one would be able to see a kid riding a bike down a sidewalk to the last ten feet. He asked if there was any way possible to push the fence back to the corner of the house. He remarked that it wasn't a huge amount of distance from the rear corner.

Mr. Delia advised that he thought they would be agreeable to that.

Chairman Kimble commented that he thought it would open up a lot of visibility. He explained that when the Board made their decisions they were there for life. He further explained that during his time on the Board that he had taken great pride in not doing anything that would potentially be a hazard. He stated that it wouldn't be moving the fence back more than 15 to 18 feet.

Mr. Delia remarked that he wanted to make sure they were on the same page and referred to the drawing and asked if he was correct on the new location.

Chairman Kimble advised that he was correct. He stated that he didn't believe it would make a difference for what the homeowners were looking for in their backyard. He commented that it would still accomplish what they wanted and accomplish the fact that there wouldn't be any safety obstructions.

Mr. Delia commented that he thought they would be amenable to that.

Chairman Kimble stated that they couldn't eliminate every scenario but they could give the best possible scenario to have. He explained that with a 75% closed fence,

they had a right angle of fence section and even with the 25% open slots, when backing a car out, there would be no way someone would be able to see through one slot to the next at an angle. He mentioned that when backing up at some points it would look 100% closed and there wouldn't be any visibility with a car backing out.

Mr. Delia remarked that it made sense to him. He stated that if that was the proposed solution, that he, as the applicant speaking for the homeowners, would be very comfortable with that.

Chairman Kimble mentioned that he would just have to request that it be modified and they would move on from there if that was what he wanted to do.

Mr. Delia stated that he wanted to request that it be modified.

Chairman Kimble asked Assistant Law Director Morgan if that was enough from a legal perspective.

Assistant Law Director Morgan stated that the Chairman could be more specific when he made the motion for approval and that would be fine.

Chairman Kimble explained that he thought it would solve a lot of the issues and still accomplish the same goal that they were looking for.

Chief Building Official Fursdon stated that he liked the Chairman's thought because there was actually 12 feet from where the fence stopped to the right-of-way because there was a 12-foot utility easement there. He explained that if they were talking about a ground sign that would be an ample setback but when talking about ground signs and driveways, cars are pulling out and not backing out. He stated that it would cut down on the visibility obstruction by moving the fence to the back corner of the house and give them more visibility and greater safety.

Moved by Masterson and seconded by Thibodeaux to approve a 1.5 foot variance for height of a fence in a front yard and a variance for a 75% closed 25% open fence with the amendment that the fence is moved to the rear northwest corner of the house.

A roll call vote was taken and the motion carried.

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Yes – 3 No – 0

OTHER BUSINESS:

No other business.

ADJOURNMENT:

The meeting was adjourned at 7:32 PM.

Shawn Kimble
Chairman

Thursday, June 23, 2022

Date Approved

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*