

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
SPECIAL MEETING – MONDAY, MAY 13, 2019**

TO ORDER:

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

ROLL CALL:

Present were members Mario Cipriano, Planning Commission Liaison James Smolik, Neil Thibodeaux, Vice-Chairwoman Linda Masterson and Chairman Shawn Kimble.

Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Council Liaison Michelle Hung and Deputy Clerk of Council Michelle Owens.

MINUTES:

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated March 28, 2019. Hearing none, the minutes stand approved as presented.

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated April 25, 2019. Hearing none, the minutes stand approved as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Bradley Barnes
5225 Stoney Ridge Rd, North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting approval of 5-foot side yard for garage extension, requiring 5-foot variance to N.R.C.O. §1250.04(b)(3)(A).
LOCATION: 5225 Stoney Ridge Rd, in an R-1 zoning district.
Permanent Parcel No. 07-00-031-000-020 **CASE NO.: BA2019-390**

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

Chairman Kimble asked if a representative was present. He directed them to the podium to state their name and address for the record, sign in and explain their request.

Bradley Barnes, 5225 Stoney Ridge Rd, North Ridgeville, OH 44039, was sworn in. He stated that his property is one acre and that, when appropriated, the dwelling was on the left side of the property. He stated that they originally wanted an outbuilding on the opposite side of the parcel – where the well and septic lines are located – but, for obvious reasons, did not want to build a garage on top of septic lines. He indicated that they had a one-car garage and, with two children, they are completely out of room.

Chairman Kimble mentioned he had visited the property. He stated that the large lot gave the impression they had plenty of room on which to build, but the house, well and septic systems are located in a way that left them with very little space. He discussed an option to build at the back of the property, but recognized that garage access would be challenging.

Chairman Kimble asked for questions or comments from Board members.

Chairwoman Masterson stated she had been to the house, which looked like it had been parceled off when it was an original family farm. She suggested that it looked as though the house was built as close to the property line so that they could farm the land. She stated that the hardship is the location of the septic system. She discussed the intent of the city side yard requirements.

Chairman Kimble asked for any other questions or comments from Board members. No discussion was offered. He asked if there were any audience members who would like to speak on the matter. No discussion was offered.

It was moved by Cipriano and seconded by Smolik to approve to variance as requested.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

APPLICANT:	Donald A. DePasquale 6210 Stoney Ridge Rd, North Ridgeville, OH 44039
OWNER:	Donald A. DePasquale; Angela DePasquale 6210 Stoney Ridge Rd, North Ridgeville, OH 44039
REQUEST:	Requesting 10.5% lot coverage, requiring a variance of 247 square feet to N.R.C.O. §1294.03(e)(4).
LOCATION:	6210 Stoney Ridge Rd, in an R-1 zoning district. Permanent Parcel No. 07-00-029-000-099

CASE NO.: BA2019-391

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

Chairman Kimble asked if a representative was present. He directed them to the podium to state their name and address for the record, sign in and explain their request.

Donald DePasquale, 6210 Stoney Ridge Rd, North Ridgeville, OH 44039, was sworn in. He stated that he owns a 1.5-acre lot and is seeking to put in a pole barn at the back of the property, and a porch addition on the back of the house.

Chairman Kimble stated that he had seen the property and that there are large barns throughout the neighborhood. He believed that 0.5% additional lot coverage would blend in with the characteristics of the neighborhood. He stated the other structures already on the property likely serve a purpose.

Mr. DePasquale spoke about the swimming pool. He stated that he did not want it, but was already there.

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

Planning Commission Liaison Smolik asked if the two existing structures would be demolished to build the new barn.

Mr. DePasquale responded that the one structure is a shed; that the barn would go all the way to the back of the property. He believed the second structure was built by the previous homeowner as a playhouse.

Planning Commission Liaison Smolik asked Chief Building Official Fursdon about the permitted number of outbuildings and whether affected by lot size.

Chief Building Official Fursdon replied that there can be any number of buildings provided they do not exceed 10% lot coverage; that the applicant is seeking a variance because he will be 0.5% over the allowable 10%.

Planning Commission Liaison Smolik asked if the 0.5% included the square footage of the other two structures.

Chairman Kimble spoke about the ordinance stipulating the number of permitted outbuildings, and stated that it concerns smaller lots in the city. He stated that it would not be applicable given the size of Mr. DePasquale's property.

Member Cipriano cited the statement of intent and asked for clarification concerning the number of additions being requested.

Chief Building Official Fursdon responded that it would add to the overall square footage, but would not require a variance. He stated that, as long as the setback requirements were met, the house could be as big as he wanted; that outbuildings are regulated, not house size. adds to the square footage which pushes him 0.5% over the permitted lot coverage of 10%.

It was moved by Masterson and seconded by Cipriano to approve the application as requested.

Yes – 5 No – 0

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

Matthew Rotheram, 36599 Stockport Mill Dr, North Ridgeville, OH 44039, was sworn in. He stated he is seeking a variance in order to create space for a wheelchair ramp to be built off his deck in his back yard. He him and wife are not wheelchair bound but father and sister-in-law are. New house built, hoped to put a wheelchair ramp off back deck, allow access for family members. Not having in the front yard which would be an eye sore given that the owners do not need a wheelchair ramp. Issue that the yard is not very deep – has 24 feet off the back of house to end of property. He stated he had looked into a variety of configurations – he moved around the deck, ramp layout changed. Would like to have a paved service walk that could be plowed or shoveled (cleared) for use in the winter. Extension off three-car garage would allow for the path to be paved back to meet perfectly the ramp off his deck.

Mr. Rotheram continued to speak about the issues faced when installing a wheelchair ramp. He stated he had never had a wheelchair ramp and, in order to meet city code, its length would be necessitated by the height of the ramp off the back of the house. He stated that his 22-foot setback from his three-car garage would not allow for a gate; that he would require an additional three to six feet of his setback in order to construct the fence with a gate. He believed this to be the most cost effective and appealing option, which would accommodate the paved pathway through his backyard directly to the ramp. He stated that he is requesting between five and eight

feet off his garage – requiring an additional three feet or six feet into his rear setback, respectively.

Chairman Kimble asked for clarification, given that his application states five feet; not five to eight feet.

Mr. Rotheram stated that, when he initially filed with the Building Department, it had been suggested that he request a 6-foot variance; he believed he had corrected his application. He then stated that approval of a 3-foot variance would require that he utilize a different type of gate; that the ideal outcome – installing a double gate – would be achieved if granted approval of a 6-foot variance, allowing for the fence to extend eight feet off his garage.

Mr. Rotheram continued to discuss his reasons for installing a wheelchair ramp. He stated that he currently picks up his father – who is a big man – from his wheelchair to carry him into the house. He mentioned that his sister-in-law is a North Ridgeville resident who also frequently visits his wife. He would like the best possible solution so that wheelchair-bound family members can access his home with their wheelchairs.

Chairman Kimble referenced N.R.C.O. §1294.01(g)(8) – which defines corner lots as having frontage on two intersecting streets that shall contain the required front yards on both streets – regardless of the direction the house is facing. He stated that as it becomes a visibility obstruction and safety hazard. If a fence sticks out too far on the side of his home – the second front yard – for pedestrian traffic and vehicles, the drawing illustrates. He stated he had visited the property and he does not see how a vehicle or pedestrian would be at risk by the additional fence. It makes sense from that standpoint. He continued that he understands the need for the ramp as his daughter uses a wheelchair. He then asked why a wheelchair ramp necessitates a taller fence with 100%-closed construction, as opposed to what is currently allowed by N.R.C.O.

Mr. Rotheram answered that he felt it would look a lot better. He stated, being that his home is on a corner lot, he does want some privacy. My understanding is that if not fully 100% closed 6-foot fence, he would have a shorter fence at the front. He stated that he had hoped his request for an additional five feet of fence width at 100%-closed and six feet in height would not be an issue; that he would like to construct the portion his fence to run parallel to Kenyon Mill Drive for privacy. He mentioned that curb appeal was his reason to request a 6-foot tall, 100%-closed fence. He thought that it would not be a visibility obstruction.

Chairman Kimble discussed his observations when visiting the property. He believed that the proposed fence construction would not impede visibility; that he did not feel safety would be an issue. He asked for questions or comments from Board members.

Vice-Chairwoman Masterson addressed her concerns. She stated that Mr. Rotheram's hardship was self-created, as he just purchased the home. She asked whether he did not realize he was purchasing a corner lot.

Mr. Rotheram responded he had recently moved to North Ridgeville from North Olmsted, and

was unaware of the restrictions.

Vice-Chairwoman Masterson asked if he knew he was buying a corner lot.

Mr. Rotheram answered that he did, but was unaware of the city's setback requirements. He stated that he moved from a city where he had seen fences much closer to the street and assumed there would be no issue. He stated that his first quote was from Northeast Ohio Fence & Deck who also assumed it would be allowed. He indicated that, when he received a second quote, he was informed that the city would not permit for the fence to be built as close to the street. He stated he was unaware of the setback requirements; and that it was his error.

Vice-Chairwoman Masterson commented she had issue with 100% variance, which is excessive. She stated she understood the ADA requirement, but that her concern with installing the ramp at the rear of the house. She believed his hardship to be self-imposed. She then spoke about the applicant's request for between five and eight feet. He stated that his application requests five feet.

Mr. Rotheram responded that the minimum needed would be five feet. He stated he had hoped to ask for 8 feet as he presented before the Board. He discussed the new construction of the home and stated that, when he built with Ryan Homes, he looked into a wheelchair ramp. He stated it was something he would need to complete after the home was built; and that it could not be incorporated into the design of the home. He stated he was told he would need to hire a subcontractor. He mentioned he would have investigated further if he had options at the time the home was built.

Mr. Rotheram discussed his reasons for installing the wheelchair ramp in the rear yard. He stated he would like to avoid installation of the ramp at the front of the home, given that neither homeowner would need it. He believed that installation in the front yard would make no sense and not look very good. He stated that a 5-foot variance would accommodate a ramp and gate, but that three extra feet would allow for a double gate and be more appealing. He remarked that a 5-foot fence width, as it had been explained to him, did not sound like a great solution; but it could be done if an 8-foot variance would be problematic.

Chairman Kimble asked Assistant Law Director Morgan if possible to amend the application.

Assistant Law Director Morgan indicated that could be amended if requested by the applicant.

Chairman Kimble clarified to Mr. Rotheram that he would need to state his request to amend the application to reflect a variance of eight feet instead of five feet.

Mr. Rotheram responded he would like to amend the application.

Chairman Kimble spoke about the applicant's request for a range of five to eight feet. He stated that requests presented to the Board of Zoning and Building Appeals must be black-and-white – that Mr. Rotheram must amend his request to an 8-foot fence width.

Mr. Rotheram stated his request was for eight feet.

Assistant Law Director Morgan asked for clarification on the applicant's request for 100%-closed construction.

Chairman Kimble responded that the application states 100%-closed. He explained that the applicant's request is for a fence; not a wheelchair ramp. He stated that, while it may be the reason why the fence is needed, members are not voting on the wheelchair ramp. He believed there to be better solutions to accommodate a wheelchair ramp, but cannot take it into consideration for a vote because the application does not request for a ramp; it is for a fence. He did not believe impact to the neighborhood and visibility obstruction to be legitimate issues; that safety was not the issue.

Planning Commission Liaison Smolik asked if possible to divide the applicant's request into parts so that members could separately consider each part.

Chairman Kimble responded that it could be done.

Chairman Kimble explained that the fence, with a maximum height of 3½ feet and 50%-open construction, could extend into the setback. He stated that there are two variances being requested: the first being the 6-foot fence height past the building line; the second being 100%-closed construction.

Member Cipriano spoke about the application. He cited the Statement of Intent, which states the need for wheelchair accessibility as the reason for Mr. Rotheram's request. He commented on whether the wheelchair ramp was a factor to be considered by Board members.

Chief Building Official Fursdon stated that it had no bearing on the ordinance.

Vice-Chairwoman Masterson stated that ADA-compliance is not a requirement in residential construction.

Member Cipriano stated that his question was with respect to practical difficulty or hardship. He asked Chief Building Official Fursdon whether possible for Mr. Rotheram to install the wheelchair ramp in the desired location without granting the variance. He asked if there was an ordinance requiring a specific incline for a wheelchair ramp.

Chief Building Official Fursdon stated he believed Residential Code requires a 1-in-10 slope for a ramp. He mentioned that ADA does not apply to single family homes. He stated that his recommendation of a 1-in-12 slope would make it more navigable for a wheelchair, especially when unassisted.

Member Cipriano asked if there is a required slope for a wheelchair ramp within Building Code.

Chief Building Official Fursdon responded 1-in-10.

Member Cipriano asked, given the space available to the applicant, if the ramp could be installed to comply with the required slope.

Chief Building Official Fursdon stated that he could install the wheelchair ramp; that a fence is not needed for the ramp.

Member Cipriano stated that is the answer to his question. He stated that his question is whether the ramp is in the way of the fence, and is the reason the fence would have to move.

Mr. Rotheram stated he had looked into several different layouts for the deck and ramp. He said that each, with the ramp off the back of the house, had a small amount of fence before the privacy fence – about six feet. He felt it would look ridiculous. He mentioned that, to build with more turns, it would be hard to navigate. If granted the variance, it would allow for him to build straight down to a paved sidewalk, which would be easy to maintain and most cost effective.

Vice-Chairwoman Masterson agreed with a comment made by Chairman Kimble regarding the fence height. She asked how far Mr. Rotheram would be permitted to construct a 3½-foot tall fence from his house.

Chief Building Official Fursdon answered he could go all the way up to his property line, to the right-of-way.

Vice-Chairwoman Masterson asked Mr. Rotheram why he did not choose to construct a 3½-foot fence.

Mr. Rotheram responded that he would rather not build the fence to the edge of the sidewalk. He discussed privacy as a concern given that his home is on a corner lot. He stated he is requesting a privacy fence for his yard because it is near an intersection; and the street is getting busier.

Vice-Chairwoman Masterson responded that the Board members are looking for practical difficulty. She explained her understanding was that he is requesting a 6-foot, 100%-closed fence because he does not want people looking in his backyard.

Mr. Rotheram responded that he thought it would look better. He stated that the practical difficulty is curb appeal and privacy, for which he would like a 6-foot height for the entire fence. He commented that, if building a fence in the side yard – because it would present no safety concerns or visual obstructions – he would like it to continue as the privacy fence. If having the fence extended, he believed a privacy fence would look the best; and, because it is a corner lot, it is what he wants.

Chairman Kimble stated that the Board must base their decisions bearing in mind practical difficulties or hardships as to why the variance is needed. He commented that safety was not the

issue. He indicated that granting a variance rests on whether there exist other means to accomplish something.

Mr. Rotheram responded that the reason for needing the additional width is because the gate could be installed off the side of the house, which would allow for a straight, paved path. Without the variance, he indicated that the path and ramp would become much more complex. He described it as resembling a jigsaw puzzle, zig-zagging back and forth. He stated that his grievance is the impracticality of having to determine other ways of installing the gate and ramp without the extra width. If not for requiring a wheelchair ramp, he would not ask to have the fence extended.

Vice-Chairwoman Masterson stated that it is not a concern of the Board. She asked whether Mr. Rotheram understood that he belongs to a homeowners' association; if he spoke to them.

Mr. Rotheram responded that he was under the impression he needed approval from the city prior to contacting the homeowners' association.

Vice-Chairwoman Masterson commented that she knew how she was going to vote. She suggested that Mr. Rotheram request postponement of his application and return to the next meeting. She stated her opinion was that he had not proven any hardship; that aesthetically pleasing is not a hardship. She continued that, to put the ramp in the back yard, it is a choice. She stated that there other options available, such as a shorter fence. Even if granted by the Board, the homeowners' association may not.

Mr. Rotheram asked if she would be comfortable granting his request if approved by the homeowners' association.

Vice-Chairwoman Masterson answered that she did not like 100% variance.

Mr. Rotheram stated he could construct the front portion of the fence shorter.

Vice-Chairwoman Masterson stated that was why she was giving him the option of postponing.

Mr. Rotheram stated that he did not understand why the city would be concerned with the additional three feet of height to a fence located five to eight feet from the building line.

Vice-Chairwoman Masterson explained that he has to prove a practical difficulty. She stated that he just purchased the home; he built it on a corner lot. She stated he is talking about curb appeal and aesthetics.

Mr. Rotheram responded that he understood. He asked if homeowners' association approval was the first step.

Vice-Chairwoman Masterson responded that she was giving him suggestions on possibly modifying the fence or getting more information. She stated that the Board does not care about

the decision of the homeowners' association; city rules and regulations are what they are.

Mr. Rotheram stated he was confused as to why he is being told to speak with them.

Vice-Chairwoman Masterson responded that, even if the Board approves his request, the homeowners' association may not. She spoke about her personal knowledge of homeowners' associations and stated that they could go after him and issue a citation. She mentioned that the Board is not concerned with the HOA.

Mr. Rotheram stated that he would deal with the HOA later, but needed approval from the Board now.

Chairman Kimble stated that, because cloture for the May meeting had passed, Mr. Rotheram could request to postpone his application and return for the June meeting. He then stated that the Board could vote on his request now; and if not approved, it would be possible for Mr. Rotheram amend his application and return

Mr. Rotheram responded that, if he were to amend his application, he would still request the 6-foot height in the side yard. He chose to proceed with his current request.

Chairman Kimble asked for questions or comments from Board members. No discussion was offered. He asked if there were any audience members who would like to speak on the matter. No discussion was offered. He asked if there were any questions or comments from the Administration.

Assistant Law Director Morgan commented that, even with Board approval, Mr. Rotheram would still be required to seek approval from his homeowners' association.

He asked for any other questions or comments from the Administration. No discussion was offered.

It was moved by Cipriano and seconded by Thibodeaux to approve a fence height of six feet to extend eight feet past the building line.

A voice vote was taken and the motion carried.

Yes – 3 No – 2

It was moved by Cipriano and seconded by Masterson to deny the request for a fence with 100%-closed construction.

A voice vote was taken and the motion carried.

Yes – 3 No – 2

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OTHER BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 7:47 PM.

**Shawn Kimble
Chairman**

**Michelle A. Owens
Deputy Clerk of Council, Secretary**

Date Approved Thursday, June 27, 2019