

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD APRIL 26, 2018**

TO ORDER: The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL: Present were members Mario Cipriano, Neil Thibodeaux, Planning Commission Liaison Jim Smolik, Vice Chairperson Linda Masterson, and Chairman Shawn Kimble.

Also present was Building Inspector Paul Blanchette, City Prosecutor Cynthia Adams, Council Liaison Michelle Hung and Deputy Clerk of Council Donna Tjotjos.

PLANNING COMMISSION REPORT(S):

Chairman Kimble addressed Planning Commission Liaison Jim Smolik and asked if there were any reports from Planning Commission.

Member Smolik replied there is not.

OTHER REPORTS OR CORRESPONDENCE:

Chairman Kimble asked if there were any other reports or correspondence. He then called a point of order and indicated that he skipped the minutes.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes dated March 22, 2018. Hearing none, those minutes will stand approved as presented.

Chairman Kimble moved the meeting on to the public hearings. He asked the Clerk to read the first application.

PUBLIC HEARINGS:

APPLICANT: Robert P. Mangan, 34907 Cambridge Drive
OWNER: Lettie M. and Robert P. Mangan, 34907 Cambridge Drive
REQUEST: A 162.55 square foot variance to construct a 1,024 square foot outbuilding
LOCATION: 34907 Cambridge Drive in an R-1 District
Permanent Parcel No. 07-00-014-103-169
Application postponed during March 22, 2018 meeting
Applicant withdrew his application for variance on April 6, 2018

Chairman Kimble noted that the application has been withdrawn and so the Board will move onto the next item on the agenda. He asked the Clerk to read the next application.

APPLICANT: Joshua Baughman, Vans Auto Service and Tire Pros, 37775 Center Ridge Road
OWNER: 37775 Properties, Inc. 2167 S. Cleveland Massillon Road, Akron, OH 44321
REQUEST: The following variances to construct a 1,600 square foot addition on the west side of the existing building and a 64 square foot addition on the east side of the existing building:
1) A 35 foot front yard setback variance
2) A 23 foot rear yard depth variance
3) A 1,954 square foot lot coverage variance
LOCATION: 37775 Center Ridge Road in a B-3 District
Permanent Parcel No. 07-00-034-000-133

Application was read along with the comments from the Zoning Inspector.

Chairman Kimble asked if there was a representative present and if they could state their name and address for the record.

Joshua Baughman of Vans Auto Service and Tire Pros, 37775 Center Ridge Road was sworn in.

Chairman Kimble asked if he could provide a brief explanation of his appeal.

Joshua Baughman stated he bought the property about a year ago and in his opinion, the building has been a little bit of an eyesore for Center Ridge Road. He is in the process of cleaning it up. They finally received a couple of approvals and a builder to do the project they are looking for. They are putting a new roof on it right now, which they have already received approvals. In addition, James Johnson, the previous owner has some property in the back that is kind of landlocked and South of the Square Collision Center owner, Rick, would like to purchase that from him and get his zoning. With that happening, there are two buildings back there that are currently used for storage. He would like to give those to South of the Square for things he needs to accomplish and in turn be able to construct this additional storage connected to the building that they are currently working out of. The only place to put the addition was to the west of the building.

Chairman Kimble stated he was by the property early today and he was pleasantly surprised when he drove by and saw the changes that are currently under construction and the new roof looks great. He asked for clarification in regard to his drawing and pointed out the location of Race Road.

Joshua Baughman stated he was correct in the location.

Chairman Kimble asked how much the forty by forty addition impedes on the parking if any.

Joshua Baughman stated that is all grass right now. They actually have ample parking all around the rest of it. One of the things that they would like to do as they have a problem with motorists cutting through that turnaround at thirty miles an hour because it is so open off the road. People turn in there and whip around and then go back out onto Center Ridge. A future project is to install some sort of lip or guard on Race Road because it is hazardous at this point.

Member Masterson stated what the Board is hearing tonight is a variance for the property that is owned at this time. She asked if there was a lot split.

Joshua Baughman stated there cannot be a lot split until...

Member Masterson Asked if the applicant owns the whole property.

Joshua Baughman stated yes.

Member Masterson asked if he owned the whole parcel.

Joshua Baughman stated he owns the whole parcel which has a couple of acres in the back.

Member Masterson stated it was a very interesting piece of property.

Joshua Baughman stated the surveyor, Barbosa, wrote up a description to split it.

Member Masterson restated that it hasn't been split and so currently the applicant owns a lot of property.

Joshua Baughman stated it cannot be split. It is landlocked and the only way it could be split is when South of the Square agrees to buy it. It will be a dual transition when it is split and it will get transferred to him.

Member Masterson again asked as of today's date, if the applicant owns the entire parcel.

Joshua Baughman stated yes.

Member Masterson assumed that item number three on the variance request doesn't pertain if the applicant owns the entire parcel.

Zoning Inspector Blanchette stated no. The only reason for that was Chief Building Official Guy Fursdon, before he went on sick leave, gave a little description of everything and he has his notes

on it. The notes stated he had to go buy .38 acres by the 43,560 acre parcel because Jim Johnson was supposed to go to the county and submit all that to transfer and he hasn't done that. He wanted it done so that it is on the books and is okay. That is the reason that third item is on there.

Member Masterson stated that the Board is actually only looking at number one and two because three hasn't occurred.

Zoning Inspector Blanchette stated correct. He currently has a lot of room.

Member Masterson asked if number three pertained.

Zoning Inspector Blanchette stated no.

Joshua Baughman stated if he can't get the approval to put the addition to the west, then he would need to keep those buildings and storage in the back.

Member Masterson stated number three does not pertain due to the applicant owning all that property as of today's date.

Zoning Inspector Blanchette stated that is correct.

Member Masterson explained the way the Board always looks at things is he has the perfect piece of property, which is the reason why they come to this Board. He has two front yard setbacks on Center Ridge and Race Road because he owns a corner parcel. The reason the Board would decline them is due to sight line issues and there doesn't look like there is a sight line issue with the way he is proposing to put this. This would not impede on any sight lines.

Chairman Kimble stated in his opinion whoever the original builder of this property was almost designed it in mind for the addition that is being discussed tonight. If it were any other angle that building could be on this would be a much different conversation. It seems to make perfect sense and as Member Masterson mentioned the impedance of a variance on a corner lot like that becomes a safety issue, but this applicant is pretty far away from the corner. He tries to look at of course, the hardship, but what he also looks at is whether this would be visually cohesive to what is already located in that area. He doesn't see this not making sense or actually standing out to anyone. He stated there is no room to build directly behind the building.

Joshua Baughman stated in dealing with the contractor, ideally, this is what they would like to see just because they are trying to take the least amount of variance on both of them. He stated if the Board comes back and says it is more important that the Race Road variance becomes less, then they would impede on South of the Square on the next property over. He showed another direction they could take if the Board isn't in agreement, but it would impede more on the other

variance. What they tried to do is look at what made the most sense.

Chairman Kimble stated if they went more toward the side of South of the Square, it would then stand out and it will look like it was done on accident. To him he believed it was well thought out and well designed. He asked what the purpose was for the additional four feet on the back.

Joshua Baughman stated they had to comply with ADA requirements. They are doing a little remodeling in the showroom and by doing so, they will need to remove the existing bathrooms and build that addition.

Chairman Kimble thanked the applicant for investing business in North Ridgeville especially toward a building that has been forgotten about for a number of years. He asked if there were any other comments from the Board members.

Member Cipriano asked if this was going to be only fifteen feet off the roadway or property line. He asked if that was the actual edge of the road.

Zoning Inspector Blanchette stated that is their property line and then you would have the public right-of-way.

Member Cipriano asked if that is where the road begins.

Zoning Inspector Blanchette stated about eleven feet into it.

Chairman Kimble stated they will be a little on the positive side of twenty-six feet off the road.

Member Cipriano provided the percentages of the variances being asked and the variance for the percentage of lot coverage has been ruled out.

Chairman Kimble asked if when this property was to be split, would the applicant have to come back for the variance.

Zoning Inspector Blanchette stated this particular property already had a variance approved years ago for the size of the lot to be able to do the lot split, which hasn't occurred.

Chairman Kimble stated it will blend in with the businesses on Center Ridge Road once the new road is widened.

Member Cipriano asked what the structure will look like and will it blend in with the rest of the building.

Joshua Baughman showed the drawings of the building addition. They are going to keep the

same basic frontage.

Chairman Kimble stated with the work that is being done and what South of the Square has done with their building, that corner has changed dramatically for the better.

Member Smolik asked if there was any anticipated widening of Race Road in the future. Because it is a T intersection and there could be a left turn lane added. With having fifteen feet of distance from the right-of-way that could be a little tight at that intersection.

Zoning Inspector Blanchette stated there is nothing on the books for that right now.

Member Smolik addressed the applicant and said he indicated he could give a little bit more room along the Race Road side.

Joshua Baughman stated they need about that same square footage. He explained again that if they need to go back five feet, he would like to take it back further on the building and at that point they would be encroaching on the seventeen.

Member Cipriano stated part of their strategy was to push it to fifteen. They pushed the block forward to what they thought would be tolerable to get away from the property line.

Joshua Baughman stated he believes they are seventy feet off the front of the building.

Chairman Kimble stated he didn't believe the Board should be bringing anything into the equation with their vote as to whether or not something hypothetically may happen that isn't even planned yet. He stated it is a great point and it is something to think about.

Member Masterson clarified what the Chairman had just stated. She added that it would be a nice asset to that side of town.

Chairman Kimble stated there is a field across the street and so, if the widening were to occur, the road developer would take from that side first. However, he said, it is something to consider and thanked Member Smolik for bringing it up because it really wasn't something he thought of.

Member Smolik stated the Chairman is right, that if there is a widening project, they could definitely grab it from that field across the street. He stated he just wanted to make sure that they weren't shooting themselves in the foot.

Chairman Kimble asked if there were any other questions or comments from the Board. Hearing none, he entertained a motion.

It was moved by Masterson and seconded by Cipriano to approve the thirty-five foot front yard setback variance and a twenty-three foot rear yard depth variance with the 1,954 square foot lot coverage variance not being required.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Deputy Clerk Tjotjos announced the motion was approved by a vote of five to zero.

Chairman Kimble asked if there was anything else to come before the Board this evening.

Member Masterson stated she would like to bring up something. She stated she has an issue. She has been approached several times in the years that she has been on the Board to represent people that feel they haven't had the opportunity to speak. Currently, she is dealing with Paul Blanchette in regard to a zoning complaint near her home. She has a problem that she wanted to speak on the Avalon issue in regards to the property owned by Joe Lucas and she was told repeatedly she was not allowed to speak because of her position. She has a problem with Mr. Smolik when he spoke in front of City Council and that he identified himself as a Planning Commission member as well as a Board of Zoning and Building Appeals member. She felt that was completely inappropriate from a person that as a City Engineer should know better. That is all she has to say about that.

Council Liaison Member Hung thanked Member Masterson for her comments.

Chairman Kimble stated that he didn't want to get too involved or in the middle.

Deputy Clerk Tjotjos addressed the Chairman and stated that the subject matter is not a Board of Zoning and Building Appeals matter.

Chairman Kimble stated that this discussion can be continued after the meeting.

ADJOURNMENT:

Chairman Kimble stated that since there is no other business, he adjourned the meeting.

The meeting was adjourned at 7:24 p.m.

Chairman

Secretary Donna Tjotjos

May 24, 2018