

NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, APRIL 25, 2024

CALL TO ORDER:

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

ROLL CALL:

Present were members Shawn Kimble, Vice-Chairman Neil Thibodeaux, Planning Commission Liaison Paul Graupmann and Chairwoman Linda Masterson.

James Cain was excused.

Also present were Council Liaison Cliff Winkel, Chief Building Official Guy Fursdon, Planning and Development Director Kimberly Lieber, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, February 22, 2024.

None were given.

Moved by Masterson and seconded by Kimble to accept the minutes as submitted.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT

Planning Commission Liaison Graupmann stated that during the March meeting the only thing on the agenda was the Master Plan for the City. He mentioned that during the April meeting there were three applicants before Planning Commission with the first being RUF Briquetting Systems, 38778 Taylor Parkway, for a plant that would construct machinery to convert waste material into something useful and that there wouldn't be any waste disposal at the plant. He added that the application passed unanimously. The second application was for 8949 Root Road Park from the City of North Ridgeville for constructing of park and pavement site improvements and the application passed unanimously. He stated that the last application was for the Shady Drive Complex from the City of North Ridgeville for construction of a new playground near the baseball diamonds and that application passed unanimously as well.

Chairwoman Masterson asked if there were any updates regarding the Master Plan.

Director Lieber stated that City Council adopted the 2024 Master Plan at their meeting of April 15th. She mentioned that it would become effective in May, but they were finalizing the plan and would be sending out a link and posting it on the website and would also make sure that all Board and Commission members received a copy of the approved plan.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2024-0253: John & Jane Bowden, 36222 Jannie Lane, PPN 07-00-029-000-455

Applicant: Nicholas Dubecky, Integrated Outdoor Living, LLC, 47581 US Highway 20, Oberlin, OH 44074.

Proposal consists of a private swimming pool in front yard. Property is zoned R-1 Residence District.

Requests:

1. A variance for an accessory structure (swimming pool) in the front yard, code does not permit, Section 1294.01(g)(10).

Application was read.

Chairwoman Masterson asked if the Administration had any comments regarding the application.

Director Lieber explained that the applicant was proposing to install a swimming pool on their corner lot and that for corner lots both street frontages were considered front yards. She stated that the zoning code required that all accessory uses be located within a side or rear yard. She added that the pool encroached into that front yard along Havencrest Court. She discussed that swimming pools must be enclosed by a fence of four feet in height and she didn't see on the plan what the height of the proposed fence would be. She stated that if the fence were higher than four feet, that would enclose that area, then an additional variance may be required. She asked that the applicant clarify their intent regarding the fence.

Chairwoman Masterson asked if there was a representative present.

Nicholas Dubecky, Integrated Outdoor Living, LLC, 47581 US Highway 20, Oberlin, OH 44074, was sworn in.

Chairwoman Masterson asked Mr. Dubecky to explain the application.

Mr. Dubecky stated that he was the owner of Outdoor Living and that he was working on the project for the homeowners. He stated that to answer the previous question, they were including a four-foot black aluminum fence that was standard in a lot of the subdivisions. He said that in the drawing it showed that it would go along side the entire backyard except for the back corner where there was an easement. He explained that they were going to kind of pull around it to avoid encroaching, but that it would enclose the entire pool area as required and would include safety latches as required by the City per code. He stated that they were asking to allow the pool to stay where it was and shift it into what the City considered was the front yard. He indicated that the reason the project was designed that way was to try to stay away from the easement that was on the northwest side of the property. He stated that on the northwest corner of the property there was a storm easement there, which was why he placed the pull further towards the road to avoid any issues with that easement and to allow the watershed to shed properly to all sides of the property.

Chairwoman Masterson stated that a corner lot had two front yards and one of the things that they looked at and addressed was if they would be obstructing views and different reasons as to why it would need to be placed there and it did seem like the only location for a pool and didn't seem like it would be impeding any views or any line of sight.

Mr. Dubecky stated that they were going to add some evergreens for a little bit of a break with some foliage but it was sporadic, so it wouldn't be all the way across and they would still have some view. He mentioned that it wouldn't impede the line of sight for traffic on the corner.

Chairwoman Masterson asked if any of the Board members had any questions.

Member Kimble asked how far into setback did his proposed project sit. He stated that he didn't see it on his plot plan and that some parts were illegible and didn't see it in his packet.

Mr. Dubecky stated that it was his understanding that the setback would be from the rear facing wall of the house, which would be the back of the garage, the farthest corner out, which was where he had the equipment pad sitting. He added that it was encroaching approximately 30 feet into that side yard, front yard area. He mentioned that they did still have a 26-foot 9 inches setback from the pool to the property line on that side as well.

Member Chairman asked him how much he had to the property line.

Mr. Dubecky stated that between the pool, the water's edge and the property line, they had 26 feet and 9 inches. He discussed that on the northeast corner of the pool, because of the angle of the property line, they had 31 feet 5 inches there.

Member Kimble asked if the 31 feet 5 inches from the northeast corner was the shortest distance or the longest distance.

Mr. Dubecky stated that it would be the longest distance. He mentioned that the shortest distance was 26 feet 9 inches.

Vice-Chairman Thibodeaux asked if he said from the pool.

Mr. Dubecky said stated that it was from the pool and that they had four feet of concrete on that side.

Chairwoman Masterson asked if the Administration had any comments or concerns.

Chief Building Official Fursdon asked if the fence was 50% open.

Mr. Dubecky stated that it was.

Director Lieber stated that, as was included in her report, that she didn't see the pool necessarily causing a visual obstruction, however, accessory structures were intended for rear yards. She discussed that the code was clear as to having two frontages and didn't make exceptions for pools at grade. She stated that they did have a lot of corner lots in the City, so she didn't consider that an unusual feature of that property.

Chairwoman Masterson stated that regarding Director Lieber's report summary, one of the items was "Can the property have beneficial use without the variance". She remarked that it could. She mentioned that it looked like it was going to be an asset to the community and improve the area. She stated that the next item was "Is the variance substantial". She explained that while it was at ground level, it wasn't going to have the appearance of being that much of an encroachment and that it wasn't going to adversely affect governmental services. She asked how long the homeowner owned the property.

Mr. Dubecky stated that he thought it was less than a year.

Chairwoman Masterson read the next item, "Could they put the pool in a different location". She said that he was telling them that it couldn't be done because of the watershed and because of the mechanicals.

Mr. Dubecky said, yes, that easement on the corner was pretty significant. He explained that there was a huge mound in the back of the property previously for the easement and they regraded everything appropriately, but all of the water from that property went to that corner. He stated that the idea behind the placement of the pool was to try to minimize any changes to that watershed.

Chairwoman Masterson stated that in regard to the zoning requirements, while she understood that while the City didn't want too many things on corner lots, she did understand that one of the reasons for the Board was

to grant for special circumstances. She asked if there was anyone in the audience that had any questions or comments regarding the matter.

None were given.

Moved by Masterson and seconded by Thibodeaux to approve the variance request.

A roll call vote was taken and the motion carried.

Yes – 3 No – 1 (Kimble)

PPZ2024-0256: Matthew Milavec, 33900 Bainbridge Rd, PPN 07-00-009-119-013

Proposal consists of constructing an outbuilding. Property is zoned R-1 Residence District. Requests: 1.

A 2.95% variance request for lot coverage of a residential lot; applicant shows 12.95%, code permits 10% on lots greater than ½ acre, Section 1294.03(e)(4).

Application was read.

Chairwoman Masterson asked the Administration to read their reports.

Director Lieber explained that the applicant was proposing to construct a 1,200 square foot outbuilding, which was 24 feet by 60 feet, in the rear yard of the residential property on Bainbridge Road. She stated that the lot was a total of 5.66 acres, which was over the half acre lot size. She discussed that for lot sizes that were over a half-acre lot size, there wasn't a limit of outbuildings, but the total lot coverage could not exceed 10% of lot area. She discussed that the lot area included all primary and accessory structures. She stated that she did want to confirm with the applicant that it appeared as though there might be a small structure in the backyard along the west property line, and she wasn't sure if it was just the tree that made it look that way, but she wanted to ask if that was a shed or storage building that was there and if it was, would it remain with the project. She stated that if it was, she would have to revise her calculations, but that at that time the calculations in the write-up were based upon that structure not being part of the count.

Chairwoman Masterson asked if there was a representative present.

Carly Schaaf & Matthew Milavec, 33900 Bainbridge Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson the applicant to explain their application.

Ms. Schaaf stated that they were putting an outbuilding in the backyard and that it would be back by the shaded area that was shown in the aerial photo. She explained that it was far enough off of their left property side and off of the back, so it wouldn't be up against any of the fencing and wouldn't interfere with any sort of drainage, as far as their property was concerned into the surrounding neighbors. She stated that it was 61 feet off of the back of their house and that it would be 24 feet wide and 50 feet back and would be using it for cold storage. She discussed that they had a baby with another one on the way and they were accumulating a lot of baby stuff and didn't have anywhere else to put it. She discusses that they didn't have a basement, as their house was built on a slab and was a one-story ranch. She added that they didn't have the capacity to go up financially and their attic space was very narrow and above the garage and that the garage wasn't big enough to park the truck that they currently had in.

Mr. Milavec stated that they had an attached garage, but they had never been able to use it. He discussed that he had a truck and a work van, and it was difficult to move things around. He mentioned that the garage was built in 1969 and wasn't very deep, so the outbuilding would be used for an additional garage, basically so that they didn't become an eyesore to neighbors by pretty much parking in the front yard. He added that their

backyard had an 8-foot privacy fence around it, roughly about 18 feet off of the left side and five feet off the back. He stated that it would basically be storage for the baby's things, as well as his things. He commented that they liked North Ridgeville and wanted to keep growing in North Ridgeville. He stated that he bought the house roughly 7 years ago and remodeled it. He mentioned that they were looking at buying a new house, but it was too expensive currently, so they decided to make do with what they currently had. He stated that the little shed that he had was filled with lawn and snow equipment, but his brother-in-law was buying it from him and removing it and the new outbuilding would be replacing that. He mentioned that it would be nice to be able to park inside of that building.

Chairwoman Masterson stated that they were asking for a 2.9% variance.

Ms. Schaaf stated that the house was a little over 8% and the outbuilding was almost 5% and that was why they needed the variance.

Chairwoman Masterson asked if they were going to remove the current shed.

Ms. Schaaf stated that was correct.

Chairwoman Masterson asked if any members of the Board had any questions or concerns.

Member Kimble stated that it seemed to be a very well thought out plan with the narrow side facing the street and didn't see anything that would jump out that there was a massive barn on the property. He added that if his lot was 7 feet deeper, he wouldn't need to ask for a variance. He discussed that he didn't see anyone being able to drive down the road and say, "That the yard was 7 feet too short". He said that he believed they had checked all of the boxes and had letters from all of the neighbors in support and made sense to him.

Vice-Chairman Thibodeaux stated that he looked at it from Glendale from every possible angle and thought it was a perfect location to put it because it was very secluded there. He mentioned that he really couldn't see anyone driving by and even seeing it unless they were actually looking for it.

Mr. Milavec stated that he wanted to keep it low and not go higher than the house and look nice.

Council Liaison Winkle stated that he was familiar with that area of houses and had worked in a lot of them over the years and that they were designed for small families. He discussed that he had a soft spot for someone buying something and fixing it and taking it and making better than it was. He added that he wasn't a voting member, but he understood it.

Director Lieber indicated that if the Board was inclined to grant the variance, that they include a condition that the existing shed be removed, otherwise the percentage would be different. She stated that since they had indicated that it was going to be sold to the brother-in-law, if maybe they could just include that in their motion.

Assistant Law Director Morgan stated that it looked like a good plan to her.

Chairwoman Masterson commented that one of the reasons that she had no problem with it was that it was such a small variance. She stated that regarding the Duncan Factors, she thought the family did a really good job and the reason that the Board existed was to use common sense and they wanted them to stay. She mentioned that she did drive by the home, and thought it was a beautiful home and maintained.

Moved by Masterson and seconded by Graupmann to approve the variance request with the condition that the shed be removed.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:26 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, May 23, 2024
Date Approved