

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
REGULAR MEETING – THURSDAY, APRIL 23, 2020**

TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:02 PM.

He asked all participants – unless they were a Board member or an applicant – to mute their microphones to reduce background noise.

ROLL CALL:

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

Also present was Chief Building Official Guy Fursdon, Council Liaison Clifford Winkel and Deputy Clerk of Council Michelle A. Owens.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, February 27, 2020. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Kevin & Megan Stack, 8398 Chesapeake Drive, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Appealing decision of CBO citing violations to N.R.C.O. §1294.01(h)(1) and §1294.01(h)(3). Requesting approval for a 4-foot-tall fence with a gate 28 feet from the residence:

- ½-foot height variance to N.R.C.O. §1294.01(h)(1)(A)
- 18-foot variance to §1294.01(h)(3)

LOCATION: 8398 Chesapeake Drive, in an R-1 Residence District
Permanent Parcel No. 07-00-011-102-063

CASE NO.: PPZ2020-0009

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

Chairman Kimble asked if a representative was present. He directed the applicant to state his name and address for the record so he could be sworn in. He then asked that he explain his

application.

Kevin Stack, 8398 Chesapeake Drive, North Ridgeville, Ohio 44039, was sworn in. He stated the fence was installed four years ago, for which the contractor had pulled a permit. He believed the contractor did not request an inspection; and there was no follow-up by the city on the open permit. He had only been notified that his fence was in violation of city ordinances when a neighbor sought to install their fence.

Chairman Kimble has seen and was familiar with Mr. Stack's property. He explained that corner lots have two front yards and, even though the fence is located on the side of the house, it could potentially cause a visual obstruction. He stated this could create a hazard for someone walking down the sidewalk or driving down the street. However, Mr. Stack's fence was aluminum with a wide-open construction, which he did not feel would create a visual obstruction.

He then asked for any other questions or comments from any Board members.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon why it had not been caught four years ago.

Chief Building Official Fursdon stated the applicant – Columbia Fence – had applied for a permit. They were told in the application that the fence needed to be three-and-a-half feet in height and 50%-open construction; the gate was to be installed within ten feet of the dwelling. The contractor did not follow the approved plans and, once the fence was installed, they never contacted the Building Department for an inspection.

Vice-Chairwoman Masterson asked Mr. Stack how the contractor responded when informed of the issue.

Mr. Stack stated he had not yet informed the contractor.

Vice-Chairwoman Masterson asked if he was aware of the required variances.

Mr. Stack indicated he was only aware of the variance required to install the fence on the easement at the back of the property, which had been approved by the Engineering Department.

Chief Building Official Fursdon stated he would have been notified because the property owner has to sign the agreement with the City Engineer. He stated the contractor knew the city ordinances and did not follow them; he did not even follow his approved plan. He indicated there were discussions with Columbia Fence previously; and they had been cited to court once.

Vice-Chairwoman Masterson asked Mr. Stack if there was a reason he had not contacted Columbia Fence.

Mr. Stack stated it had been so long and he did not know if they would be very helpful. He was

waiting for the outcome of his variance request.

Chief Building Official Fursdon indicated the Building Department was made aware of Mr. Stack's fence when a neighbor on Depot Street applied to install a fence. The neighbor's contractor proposed a fence identical to Mr. Stack's, which was denied. This prompted the neighbor to ask why Mr. Stack's fence was allowed. It was at this time that the Building Department notified the applicant he would be required to obtain a variance.

Vice-Chairwoman Masterson felt the contractor may have misrepresented to the homeowner the work that had been done. She stated the fence was more than 50% open and the location for the gate was likely due to the significant slope in the ground. She considered there to be a practical difficulty and did not feel the fence would cause a visual obstruction.

Chairman Kimble asked for any other questions or comments from Board members.

Planning Commission Liaison Smolik spoke about a wood fence that was previously on the property. He asked if he knew the history of the wood fence and if it had been installed by the developer or previous homeowner.

Mr. Stack stated it had been put in by the development and was there before his house was built. The wood fence was still on the property when his was installed. It had only been ripped down a couple years ago because it was rotted out.

Planning Commission Liaison Smolik asked where the wood fence was located in relation to his fence.

Mr. Stack responded that it was about six inches to the street.

Chairman Kimble asked for any other discussion.

Council Liaison Winkel asked Chief Building Official Fursdon if it would be possible to inspect the post holes even though the fence had been in place for four years.

Chief Building Official Fursdon responded they could determine if the fence was stable, but there was no actual Code-set depth for the posts. He stated they mainly look to ensure that they stay on their property. He explained that it was the property owner's responsibility to maintain the fence should it start to lean over.

Chairman Kimble asked for any other comments. No discussion was offered.

It was moved by Masterson and seconded by Smolik to accept [the request as presented].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

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Chairman Kimble asked Deputy Clerk of Council Owens how he would sign the applications.

Deputy Clerk of Council Owens stated she would email items requiring his signature, which he could then return by fax or email.

Chairman Kimble informed Mr. Stack that he would receive an emailed copy of the approved application within the next few days or early next week.

Chief Building Official Fursdon remarked that nothing further was required of the applicant. The fence was already up and he was satisfied at this point.

APPLICANT: William J. Laubenthal, 5371 Avon Belden Road, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Requesting approval for a 6-foot-tall and 100%-closed fence:

- 2½-foot height variance to N.R.C.O. §1294.01(h)(1)(A)
- 100%-closed construction, a variance to §1294.01(h)(3)

LOCATION: 5371 Avon Belden Road, in an R-1 Residence District

Permanent Parcel No. 07-00-019-000-028

CASE NO.: PPZ2020-0010

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

Chairman Kimble asked if a representative was present. He asked that he state his name and address for the record and to discuss his application.

William J. Laubenthal, 5371 Avon Belden Road, North Ridgeville, Ohio 44039, was sworn in. He stated his request was to install a fence for privacy. He explained that his house sits back 100 feet from State Route 83. He would like the fence to go out 24 feet, leaving 76 feet between the fence and the road. He stated his house sits back from the road quite a bit and did not feel the fence would cause a visual obstruction.

Chairman Kimble asked if he intended to bring the fence straight out or if he was trying to put it in the side of his yard.

Mr. Laubenthal explained that he would hook it on the corner of his house, then bring it straight out towards State Route 83.

Chairman Kimble asked for his reason, or hardship, as to why he wanted approval of his request.

Mr. Laubenthal invited Board members to visit his property. He indicated that it would be very evident that he and property owner south of him hold different views concerning property maintenance. He felt the fence would not only provide privacy for him, but for his neighbor as well.

Chairman Kimble complimented Mr. Laubenthal on the immaculate appearance of his property.

Mr. Laubenthal stated he has been a North Ridgeville resident for 77 years and has lived at his home for about 57 years. He had invested quite a bit of money into his property and was very proud of it.

Chairman Kimble asked for any other questions or comments from any Board members.

Vice-Chairwoman Masterson discussed practical difficulty as a standard for granting a variance. She then stated the Board does not like getting involved with neighbor disputes because there is never a winner.

Concerning Mr. Laubenthal's property, she stated – as a resident of North Ridgeville for several years – she has always noticed how beautifully maintained it is. His home is located 100 feet from the road and the property immediately next to him is farm field. She believed the practical difficulty was road noise as well as the possibility for a future subdivision.

Chairman Kimble asked for any other questions or comments from any Board members.

Planning Commission Smolik indicated the adjacent parcel was a field owned by Mr. Laubenthal. He asked if his plan was to install the fence across this field.

Mr. Laubenthal stated it was not.

There was discussion concerning the measurements appearing on Mr. Laubenthal's application. It was explained that 130 feet is the distance between the homes of Mr. Laubenthal and his neighbor to the south; and his neighbor to the north is approximately 380 feet from his home.

Planning Commission Smolik asked why he was not proposing to project the fence off the corner of his garage, and if he felt the additional 24 feet would give much more privacy.

Mr. Laubenthal believed that it would. He also felt it would help protect from wind and snow coming into his garage. He stated it would look good and add to the property.

Chairman Kimble asked for any other questions or comments from any Board members.

Member Thibodeaux asked if the fence would be enclosed.

Mr. Laubenthal stated it would.

Chairman Kimble asked for any other questions or comments. No discussion was offered.

Additional time was allotted for discussion from YouTube viewers.

Deputy Clerk of Council Owens indicated there were no questions or comments from viewers.

It was moved by Masterson and seconded by Thibodeaux to accept [the request as

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presented].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble informed Mr. Laubenthal that he would receive a copy of the approved application by mail.

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 7:23 PM.

Shawn Kimble
Chairman

Michelle A. Owens
Deputy Clerk of Council, Secretary

Thursday, June 11, 2020
Date Approved