

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, APRIL 22, 2021**

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 (via Zoom), Jim Smolik (via Zoom), James Cain (via Zoom), Clifford Winkel (via Zoom), and Vice-Chairwoman Linda Masterson.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan (via Zoom), and Deputy Clerk of Council Lisa Ciofani.

Chairman Shawn Kimble was excused.

MINUTES:

Vice-Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, March 25, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Robert J. Cole, 38616 Terrell Dr., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1279.23(a) for a 4.43 foot side yard requiring a 3.07 foot variance

LOCATION: 38616 Terrell Dr., in a PCD R-1 District
Permanent Parcel No. 07-00-037-000-090

CASE NO.: PPZ2021-0052

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

Vice-Chairwoman Masterson asked if there was a representative present.

Robert J. Cole, 38616 Terrell Dr., North Ridgeville, OH 44039, was sworn in.

Vice-Chairwoman Masterson asked Mr. Cole to explain the application.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, APRIL 22, 2021**

PAGE 2

Mr. Cole advised the application is for an additional garage to be added on to the existing garage on the west side of the house.

Vice-Chairwoman Masterson asked Mr. Cole about his statement in the application that says he wouldn't be able to build a garage unless it was being built where it is at.

Mr. Cole confirmed that is correct.

Vice-Chairwoman Masterson asked Mr. Cole if he is the original owner of the property.

Mr. Cole advised no; they bought the house in 2016.

Vice-Chairwoman Masterson advised Mr. Cole he needs to provide a practical difficulty as to why the Board should consider his application.

Mr. Cole stated he has seven children, three of which are teenage drivers, and the HOA requires a certain amount of cars in the driveway and there are 6 vehicles they are trying to house at their residence. Mr. Cole advised he is not able to put a shed up in his development but an extra garage space would be ideal for the size of their family. He advised he is in an HOA and has not presented the idea to them yet, as the HOA advised him to attend this BZBA meeting first before he moves forward with presenting it to them.

Vice-Chairwoman Masterson asked Mr. Cole if he has considered any other alternatives.

Mr. Cole stated there is a possibility of not having to ask for the variance if he can get the garage pushed back a little bit further beyond the setback, but it would be out of place and not look as uniform.

Vice-Chairwoman Masterson asked Mr. Cole if he has researched that option at all.

Mr. Cole advised he has not.

Vice-Chairwoman Masterson advised her concern is she needs more of a practical difficulty and she needs to know that he has researched other options. She advised she was at the property and there also seems to be a grading issue and she is concerned he came to the BZBA first and the variance is very excessive.

Mr. Cole asked if he should look at other options before asking for a variance to see if he can put the garage in a different location.

Vice-Chairwoman Masterson advised Mr. Cole he has the option of moving the garage farther back.

Vice-Chairwoman Masterson asked if there were any questions or comments from Board members.

Member Smolik asked Mr. Cole instead of the garage if he looked at a side parking pad.

Mr. Cole advised he has not yet but that would be his alternative to a garage.

Member Smolik stated this is quite an extensive addition being put on and it's right against the neighboring property line. He advised usually when they have situations like this grading is an issue and it will be difficult to install drainage swales and he believes it is too close to the other property. He stated as it is drawn now, he is not in favor of it because it is too close to the adjacent parcel.

Mr. Cole asked if the depth of his garage was half the size and back 15 feet from where the drawing is, is that something that could possibly be acceptable. He advised he wouldn't need as much of a variance. He stated he doesn't need a 30 foot garage and can definitely make it shorter.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if there is any requirement in the building code and how much garage space is the applicant allowed to have.

Chief Building Official Fursdon advised it is not regulated. He advised Mr. Cole if he builds that structure, including the overhang, closer than or at five feet, he will have to fire rate the exterior wall or at least the portion that encroaches into that less than five feet dimension. He stated from the building code, Mr. Cole might want to push it back a little farther so he is at least five feet from the front corner and then he would only have to fire rate the soffit if he had one on that side of the garage.

Vice-Chairwoman Masterson asked to clarify if the applicant is required a 7.5 foot side yard.

Chief Building Official Fursdon confirmed yes, that is the zoning.

Vice-Chairwoman Masterson asked if there were any other questions or comments from Board members.

Member Cain asked if Mr. Cole shortens it and pushes it back, is there a variance required to put concrete off that side to get to that space.

Chief Building Official Fursdon advised Mr. Cole can run the concrete driveway right up to the property line however, he can't turn the storm water on to that adjacent property. He stated Mr. Cole would have to structure the driveway to contain the storm water to run down his property to the street.

Vice-Chairwoman Masterson advised Mr. Cole he has the option to ask the BZBA to reconsider the application next month and come back with additional plans and suggestions but that is entirely his call. She stated Mr. Cole would be able to amend the application.

Assistant Law Director Morgan stated everything is being covered and if this is not viewed favorably Mr. Cole could postpone the application and set it for another hearing and come back with something more favorably viewed by the Commission and she believes it's a good idea.

Mr. Cole asked Vice-Chairwoman Masterson when she was at the property if she measured from the back area. He asked if he would even need a variance.

Vice-Chairwoman Masterson stated it is not the BZBA's, Building Department's, or Engineering Department's job to determine where the property pins are located. She advised Mr. Cole they can give him suggestions but it is not their job to design his product for him.

Chief Building Official Fursdon advised Mr. Cole the problem is the property line doesn't run parallel to the house and it is narrow in the front and wider in the back and unless a surveyor actually tells us at the location what the width is, it's hard to determine.

Mr. Cole asked if there is anything stating he can't have the garage start at the back of the house going into the backyard.

Chief Building Official advised no, as long as the rear yard setback is met.

Member Cain advised Mr. Cole he will have more of an issue getting the garage approved off the back with the HOA than the BZBA.

Vice-Chairwoman Masterson stated she has multiple concerns that include how close the structure is to the property line in the front and being 35 feet long. She advised the building code allows it but the only thing the BZBA can address is the side yard variance. She stated she is giving Mr. Cole the option to talk to the HOA and see what they will allow as well.

Mr. Cole stated he is going to talk to the contractor to see if they can shorten the width as well because he has the existing wall right now for the other garage. He advised if he can do nine feet and push it back to a 20 foot garage then he doesn't believe he will need more than a foot variance.

Vice-Chairwoman Masterson asked Mr. Cole if he would like to postpone his application for 30 days.

Mr. Cole advised he will amend and resubmit his application.

Vice-Chairwoman Masterson asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised there are no questions or comments from YouTube Live or Zoom however, she did receive an email from a neighbor. She asked Vice-Chairwoman Masterson if she would like the email to be read now or kept until the applicant returns.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, APRIL 22, 2021**

PAGE 5

Vice-Chairwoman Masterson advised to hold on to the email for when the applicant returns.

It was moved by Masterson and seconded by Thibodeaux to accept postponing the application for 30 days until the next meeting.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Jeffrey and Morgan Murray, 35941 Mildred St., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting variances to N.R.C.O. §1294.01(h)(1)(A) and §1294.01(h)(3) for a 6 foot high fence 100% closed requiring a 2 ½ foot height variance and 100% closed variance

LOCATION: 35941 Mildred St., in an R-1 District
Permanent Parcel No. 07-00-020-140-018

CASE NO.: PPZ2021-0054

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

Vice-Chairwoman Masterson asked if there was a representative present.

Morgan Murray and Jeffrey Murray, 35941 Mildred St., North Ridgeville, OH 44039, were sworn in.

Vice-Chairwoman Masterson asked them to explain the application.

Ms. Murray advised they are looking to put up a privacy fence from the back side of the garage around to about the middle half of their house. She stated they want the fence for privacy because they have a split-level house and you can see right into their basement where the living room currently is and also for safety because people speed down the street, they have two Corgis that are energetic, and they are planning to start a family soon. She stated they have a large side yard since the house sits more to the right side when you are looking at it and it doesn't sit in the middle and they want to utilize as much of the yard as possible.

Vice-Chairwoman Masterson asked the applicants if they have considered any other alternatives.

Ms. Murray stated they have talked about potentially bringing it to the back side of the house and running it but would like to still run it about nine feet off the sidewalk to utilize that chunk of yard.

Vice-Chairwoman Masterson advised she was at the property and it is a corner lot but it is not a brand new street. She stated she has concerns as to the height of the fence as well as having it nine feet off the property line. She advised she walked down Ridge Plaza Dr. and there are several homes that if you bring the fence nine feet off it will basically wall these houses in. She asked the applicants why it needs to be nine feet off the sidewalk and why it needs to be six feet

tall with complete privacy.

Ms. Murray stated they went with nine feet because they thought that is what the double setback was but they are willing to move it in closer to the house as well.

Vice-Chairwoman Masterson advised what they are allowed by ordinance is to come off the rear of the house and they are asking for 30 feet.

Ms. Murray advised they would be willing to come in from the sidewalk but that's what they thought the double setback was and they were trying to take it out as far as they could.

Mr. Murray advised the six feet was for the privacy with the basement window.

Vice-Chairwoman Masterson asked if there were any questions or comments from Board members.

Member Smolik advised he does not have a problem with the application and based on how big their lot is with the exceptionally wide side yard the 30 feet seems to be about right. He advised generally when they look at corner lots that is where the utility easement is and the nine, ten, twelve feet puts them in the same ballpark. He stated the BZBA do these every month and it's typical what they see. He advised what makes the applicants' unique is the wide lot they have and due to the fact that this is an older neighborhood, a lot of the utilities are in the right-of-way so when the fence goes in, they wouldn't have to worry about utilities being hit.

Ms. Murray advised they had everything marked and flagged this week so they knew where they were.

Vice-Chairwoman Masterson advised they are asking for twice as high a fence and 100% vs 50% closed. She stated this fence is going to pretty much be in the front yard and asked if anyone else has been out to see it. She advised the reason the building code states a corner lot is to have two side yards is due to safety issues. She is concerned that by putting this fence up it will effectively wall off several homes on the rear of the property. She advised there is a house directly across the street that received a variance however, it is not nine feet off the sidewalk and it's more like twenty feet off the sidewalk.

Ms. Murray stated they are willing to move it back if they need to but they were just trying to utilize as much as they could and wait until they attended this meeting to see if they needed to move it farther back.

Member Cain advised he was at the property and he understands why they want it nine feet off the sidewalk and there is no obstruction to Mildred St. for cars turning. He stated he saw the driveway at the back of the property or side yard of the corner and there are trees right there and he asked if the fence is going to be any more of an obstruction than the trees currently are for them to get in and out of the area. He advised he sees issues with the fence and agrees it's double the height and closed but in this particular area he doesn't think it's causing any harm to

anyone.

Vice-Chairwoman Masterson clarified that her car was parked on Ridge Plaza Dr. and almost got hit twice in daylight with people coming around the corner and there isn't a fence there now.

Vice-Chairwoman Masterson asked if there were any questions or comments from Board members.

Member Thibodeaux stated he was at the property and the back house also has a large fence with the nine foot setback off the sidewalk and he didn't see an issue with it due to it being a unique property.

Vice-Chairwoman Masterson asked the applicants what they would like to do.

Mr. Murray advised they would like to go for the motion.

Vice-Chairwoman Masterson asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Smolik and seconded by Cain to approve the variances.

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Masterson)

APPLICANT: Elizabeth Cvitkovich, 37242 Sandy Ridge Dr., North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting variances to N.R.C.O. §1294.01(h)(1)(A) and §1294.01(h)(3) for a 6 foot high fence 100% closed requiring a 2 ½ foot height variance and 100% closed variance
LOCATION: 37242 Sandy Ridge Dr., in a PCD R-1 District
Permanent Parcel No. 07-00-033-112-107

CASE NO.: PPZ2021-0055

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

Vice-Chairwoman Masterson asked if there was a representative present.

Elizabeth Cvitkovich, Sandy Ridge Dr., North Ridgeville, OH 44039, was sworn in.

Vice-Chairwoman Masterson asked Ms. Cvitkovich to explain the application.

Ms. Cvitkovich advised she is on a corner lot and she has a large side yard and her house is at an angle so she doesn't have much of a back privacy line so she is trying to utilize as much of the yard as she can and she is asking for the exception of the six foot vinyl fence for privacy and also for safety reasons. She stated she had originally asked Wenz Fence Ohio for an estimate and

they helped draft the paperwork. The paperwork stated she had three dogs but she does not personally; her family has dogs that she would like to have over. She also stated the house behind her that is not currently fenced-in has a German Shepherd. In addition to the purpose of privacy, she is asking for a privacy fence because of safety concerns with coyotes in the area. She advised in regards to the setback she is trying to utilize as much of the space as she can and have a gate that faces forward to the front of the house to Sandy Ridge Dr.

Vice-Chairwoman Masterson asked Ms. Cvitkovich if she had the house built.

Ms. Cvitkovich confirmed she did.

Vice-Chairwoman Masterson asked Ms. Cvitkovich if she knew her house would be on two roads.

Ms. Cvitkovich confirmed she did.

Vice-Chairwoman Masterson asked Ms. Cvitkovich if she has asked permission from her HOA.

Ms. Cvitkovich advised Wenz Fence Ohio contacted the HOA and got verbal approval. She stated they had asked for three different scenarios; one was to go farther out from the house, the second was to go right off the back of the house, and the third was the plan as she submitted it to the BZBA.

Vice-Chairwoman Masterson asked if there were any questions or comments from Board members.

Member Smolik advised when he looks at Ms. Cvitkovich's lot, it is unique since High Perch Dr. actually comes towards her house it's not a true perpendicular lot. He stated he likes the fact that Ms. Cvitkovich kept the fence out of the utility easement and along the front of the fence she kept the square corner to allow for more visibility at the intersection. He advised overall he has no issues and he likes the plan.

Vice-Chairwoman Masterson asked if there were any other questions or comments from Board members.

Member Thibodeaux advised not normally would they approve a fence from the front of the property on the corner of the house but the unique yard makes the plan look very well done.

Vice-Chairwoman Masterson asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Cain and seconded by Smolik to approve the variances.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, APRIL 22, 2021**

PAGE 9

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Michael and Patricia Bacha, 36146 Waterscape Ct., North Ridgeville, OH 44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)(A) for a 4 foot high fence requiring a 1/2 foot height variance

LOCATION: 36146 Waterscape Ct., in an R-1 District
Permanent Parcel No. 07-00-029-000-225

CASE NO.: PPZ2021-0056

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

Vice-Chairwoman Masterson asked if there was a representative present.

Patricia Bacha, 36146 Waterscape Ct., North Ridgeville, OH 44039, was sworn in.

Vice-Chairwoman Masterson asked Ms. Bacha to explain the application.

Ms. Bacha advised they have an in-ground pool they just put in and she would feel safer having an extra six inches. She stated the fence will be all see-thru and all of the neighbors have the same black iron fence.

Vice-Chairwoman Masterson was at the property and saw Ms. Bacha's neighbors also have the same four foot high variance. She stated she understands with the half foot variance Ms. Bacha's practical difficulty is probably because that is the only way that fence is made and she would have to have a specialty fence made to meet zoning requirements.

Chief Building Official Fursdon advised the ordinance would require a four foot high fence to enclose the pool and they could move it into the house line but it didn't seem like half a foot in height was that much of a request.

Vice-Chairwoman Masterson asked if there were any questions or comments from Board members.

Member Smolik asked Chief Building Official Fursdon if 48 inches is mandatory for a pool.

Chief Building Official Fursdon confirmed yes, it is.

Member Smolik stated since Ms. Bacha has the pool installed she has to go to that elevation.

Chief Building Official Fursdon confirmed yes, but Ms. Bacha can move the fence back closer to the pool and still be compliant by not going past the front line of the building. He advised six inches higher shouldn't impede anyone's sight or clearances.

Member Smolik advised Ms. Bacha there are a lot of easements in this yard and asked her how

did the pool go in with all of the easements.

Vice-Chairwoman Masterson asked Member Smolik if he was concerned that the pool installation doesn't meet zoning code requirements.

Chief Building Official Fursdon advised the permit should have gotten the approval of the City Engineer's office.

Vice-Chairwoman Masterson asked Member Smolik if he would like for them to check if that was done correctly.

Member Smolik advised he always thought when the pool goes in part of the site package was the fence location as well so he assumes all of this was turned in at one time.

Chief Building Official Fursdon advised not necessarily. He stated when something is submitted for an in-ground pool, they inform the applicant they at least have to put a fence around the pool and if they want to do more of the yard that's up to them.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if there are any reasons they should be concerned about the pool's location.

Chief Building Official Fursdon advised they are not asking for a variance for the pool, they are asking for a variance for a fence.

Vice-Chairwoman Masterson asked just to be clear was Member Smolik's question over-reaching.

Chief Building Official Fursdon advised Member Smolik can ask the question but he doesn't have an answer for him and it has no bearing on the application and the variance that Ms. Bacha is requesting.

Vice-Chairwoman Masterson asked if there were any other questions or comments from Board members.

Council Liaison Winkel advised if you look at the drawing that was provided there is some sort of City Engineer stamp on it and he knows it is outside of this specific request but he just wanted to add that.

Vice-Chairwoman Masterson advised she understands there clearly is a City Engineer stamp on it but that is for the building itself and it has nothing to do with the pool and where it's located.

Assistant Law Director Morgan reiterated what Chief Building Official Fursdon indicated, that for our purposes this evening they are looking at a fence issue and the pool is a separate issue.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, APRIL 22, 2021**

PAGE 11

Vice-Chairwoman Masterson asked if there were any questions or comments from YouTube Live or in the Zoom forum.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Thibodeaux and seconded by Masterson to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 7:46 PM.

Shawn Kimble
Chairman

Lisa Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, May 27, 2021
Date Approved