

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MARCH 25, 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), James Cain (via Zoom), Jim Smolik, (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.

Council Liaison Clifford Winkel was excused.

MINUTES:

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

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Joseph and Megan Leonard, 5132 Otten Rd, 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 a 100% closed variance

LOCATION: 5132 Otten Rd, in an R-1 District
Permanent Parcel No. 07-00-042-115-105

CASE NO.: PPZ2021-0050

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

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

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Joseph Leonard and Megan Leonard, 5132 Otten Rd, North Ridgeville, OH 44039, were sworn in.

Vice-Chairwoman Masterson asked the applicants to explain the application.

Mr. Leonard advised they are looking for a full enclosure 6' fence for the back and side yard of their house for the main purposes of safety and privacy. He advised they have a young child and small dog and they want to have a safe area for them to play and not worry about the busy street and the privacy of anyone walking down the side road of Rocky Run Ct.

Ms. Leonard stated their backyard area is shared with about 5 other houses and if they have their curtains open, anyone can see directly into their house. She advised their side yard sidewalk is on Rocky Run Ct which is a popular area for runners and dog walking. She stated a 3 ½ foot fence on that side would not prevent anyone from seeing inside their residence.

Vice-Chairwoman Masterson advised the applicants gave the Board two options; a primary option and a secondary option.

Mr. Leonard confirmed that is correct.

Vice-Chairwoman Masterson advised she was at the site and walked the street and neighborhood. She asked the applicants to confirm they want the fence to go all the way to the sidewalk.

Mr. Leonard confirmed that is correct; within 2 feet of the sidewalk.

Vice-Chairwoman Masterson asked the applicants to confirm with either option they will be within 2 feet of the sidewalk.

Mr. Leonard confirmed that is correct.

Vice-Chairwoman Masterson advised she looked in the applicants' subdivision and other subdivisions and she was not able to find any other fences that went to the front of the house. She stated her area of concern is that having the fence go all the way to the front of the house will block the view being 6' and completely closed and she does not understand what the practical difficulty is. She asked the applicants when they moved into the house if Rocky Run Ct was there.

Mr. Leonard confirmed it was.

Vice-Chairwoman Masterson advised they are looking for practical difficulty and asked what is the hardship. She advised she understands when people walk by they can see in the house but asked the applicants if when they purchased the house those things were in place.

Ms. Leonard advised they were but they were not aware their side yard was considered a front yard. She advised they had asked their realtor and they were advised they could have the fence however, they didn't know the limitations that were there being considered a front yard.

Vice-Chairwoman Masterson advised she needs to know a practical difficulty to run it up all the way to the sidewalk and impede sight lines.

Member Thibodeaux advised he was at the residence and he agrees with Vice-Chairwoman Masterson that he did not find any houses in the neighborhood where the fence goes all the way to the front of the house; they all stop at the back of the house.

Member Cain advised he didn't see any others in the neighborhood that went to the front of the house nor went within 2 feet of the sidewalk, which is his concern.

Member Smolik advised his big concern is whenever a fence goes near the sidewalk they have the utility easement there so the natural fit would be to stop it at the 13 foot mark and they have approved several applications at that utility easement line. He advised he doesn't remember any of those applications going to the face of walk.

Ms. Leonard advised they are trying to maximize their yard space because if they keep it at the width of their house that is a small enclosed yard and they are just trying to make it the best space for their family.

Vice-Chairwoman Masterson asked the applicants if they are aware of the utility easement and if they have contacted the utilities to see if they could put the fence over it.

Mr. Leonard advised they have a contractor (Northeast Ohio Fence) that was in charge of quoting and getting all the proper documentation to put in the fence so they relied on them to be in contact with the proper authorities.

Vice-Chairwoman Masterson asked the applicants if the contractor has everything in writing for them.

Mr. Leonard advised they did not provide them with the writing.

Vice-Chairwoman Masterson advised the applicants when they issue a variance that does not exempt them from a utility easement. She asked the applicants if they are willing to go with the second option.

Assistant Law Director Morgan asked Vice-Chairwoman Masterson if she has the same concerns with the second option with the utility easement.

Vice-Chairwoman Masterson advised she would approve the secondary option with a condition regarding the utility easement and stated she would need help from the Building Department on how to word that.

Assistant Law Director Morgan asked if the residence was located in an HOA and if so, the HOA might be able to provide more information regarding building in the utility easement.

Mr. Leonard advised their HOA has approved the primary option.

Vice-Chairwoman Masterson advised her primary area of concern is sight lines and her secondary area of concern is the easement. She stated she is concerned regarding sight lines of the roadway, people and children on the sidewalk, and setting a precedence that they have never approved anywhere else in this City.

Mr. Leonard advised he measured and the fence line would be approximately 20 feet behind the stop sign on the corner of Rocky Run Ct going to Otten Rd so it would not impede any driving sight lines for anyone exiting Rocky Run Ct.

Chief Building Official Fursdon stated when backing out of driveways and regarding traffic coming up to the corner you want good visibility of motor vehicle and pedestrian traffic.

Vice-Chairwoman Masterson asked if that is the reason for two front yards on corner lots.

Chief Building Official Fursdon confirmed primarily, yes. He advised his opinion is to run the fence from the back corner of the house and keep it out of the utility easement and they should have plenty of sight line and get additional rear yard for personal use for their family.

Member Cain advised anything they have approved on a corner lot has been at the 13 foot point and has only been to the back of the home. He stated nothing says they can't drop the size of the fence down and go to the front so it's still enclosed and it gives them less than what they want but it gives them more area that way and still stays within the zoning regulations.

Mr. Leonard advised their main concern with the shorter size fence is as their son grows older it will be easier to potentially go over top of the fence.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if it went off the back corner of the house and it went within 2 feet of the road and a 3 ½ foot fence was built 50% open would the applicants need to be here.

Chief Building Official Fursdon stated no. He stated the applicants can go across the front corner of the house and go right up to the sidewalk with a 3 ½ foot high fence 50% open.

Vice-Chairwoman Masterson asked the applicants if they knew that was an option.

Mr. Leonard advised yes, the fencing company did advise them however, that was not an option they particularly liked.

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

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Chief Building Official Fursdon asked the applicants how close is the driveway of the property behind their backyard on Rocky Run Ct to their rear property line.

Mr. Leonard advised the property line is approximately 10-12 feet from the side of their house so to their driveway would probably be between 25-30 feet.

Chief Building Official Fursdon stated they would have plenty of sight line if the fence were out to the sidewalk to see anyone coming past the fence towards their driveway as they are trying to pull out.

Vice-Chairwoman Masterson asked Mr. Leonard if he would like to amend his application to have it as the secondary option.

Mr. Leonard advised they would prefer to go with the primary but the secondary option was presented because they were willing to accept it.

It was moved by Masterson and seconded by Cain to approve the secondary option with the condition that the applicants provide proof they have permission to build over an easement by the utility company.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Deputy Clerk of Council Ciofani advised no discussion was offered from YouTube Live or in the Zoom forum.

APPLICANT: Neil Sullinger, 7927 Race Rd, North Ridgeville, OH 44039

OWNER: Neil and Cami Sullinger, 38103 Sugar Ridge Rd, North Ridgeville, OH 44039

REQUEST: Requesting a variance to N.R.C.O §1024.05 for no installation of a sidewalk

LOCATION: 38103 Sugar Ridge Rd, in an R-1 District
Permanent Parcel No. 07-00-038-000-093

CASE NO.: PPZ2021-0051

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

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

Neil Sullinger, 7927 Race Rd, North Ridgeville, OH 44039, was sworn in.

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

Mr. Sullinger advised he bought this property in October 2019 and when he purchased the land and started the building process, the property 1,200 feet away at the corner of Race Rd and Sugar Ridge Rd had not installed sidewalks at that time and his house is on the south side of the road. He stated on that side of the road, the closest sidewalk to him would be 2,800 feet away and the

nearest park is over 2,500 feet away and there is no school on that road. He advised his main concern is safety as he has two young children and he is aware of the traffic issues. He stated he and his wife have been saving and planning on this build for 10-11 years and they were not planning or thinking about sidewalks. He advised there will be no concrete on the property and they do not want a sidewalk on the property as a draw for the kids to sneak out and try to ride a bike or play on because Sugar Ridge Rd is a very busy road. He also stated there are no adjoining sidewalks on either side of his property on the south side of the road. He advised there is a possibility if someone were to be walking down his sidewalk there would be an uneven drop off when transitioning to regular ground. He stated it presents a large safety issue for his family due to their young children and they did not have sidewalks budgeted into their house.

Vice-Chairwoman Masterson asked if there was any additional information from Mr. Sullinger other than the information he included in his letter to the Board.

Mr. Sullinger advised in researching the Board of Zoning Appeals it was to ensure the basic purpose and spirit of the ordinance was being met and the enforcement of it. He advised in speaking with Councilman Boose it seems the ordinance was passed more in reference to established neighborhoods that have established systems of sidewalks.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon to explain to the applicant why he was required upon applying for his permit to pay for a sidewalk deposit.

Chief Building Official Fursdon advised when the applicant applied for the building permit, the sidewalk at the corner of Race Rd was installed, making it within 2,000 feet of his property. He advised the ordinance kicked in, there was a sidewalk within 2,000 feet of his property, and the ordinance required a sidewalk so they followed the ordinance and requested the sidewalk deposit.

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

Member Smolik advised he thought City Council was pushing the sidewalk agenda and whenever there is a good location for a sidewalk and it met the ordinance it should be installed unless there was truly some type of hardship.

Assistant Law Director Morgan advised not that long ago Council had meetings regarding sidewalks and before there were about 6 different exemptions and they took half of them away, the reason being to push in a positive way for more sidewalks in the City.

Vice-Chairwoman Masterson asked Mr. Sullinger if he is aware of the sidewalk on Race Rd.

Mr. Sullinger confirmed he is aware and he is three doors down from it. He advised Sugar Ridge Rd is a very old road that has all established houses on it and unless the City is to allocate money to charge an assessment for frontage for each home and put sidewalks down Sugar Ridge there is

little future sidewalk that could be built with new builds and it would be a patchwork of random pieces of sidewalk that don't connect to each other.

Vice-Chairwoman Masterson asked Mr. Sullinger if he paid the sidewalk deposit.

Mr. Sullinger confirmed he did.

Vice-Chairwoman Masterson asked Mr. Sullinger if he was aware that is was a requirement upon applying for the building permit.

Mr. Sullinger advised his builder made him aware of it when they started to try and pull permits and they sent a change order over telling him they would have to put the sidewalk in and that's when he became aware of it.

Vice-Chairwoman Masterson asked Mr. Sullinger how long ago was it that he was made aware that he paid for a sidewalk deposit.

Mr. Sullinger advised it was September.

Vice-Chairwoman Masterson asked Mr. Sullinger if he was aware that financial hardship is not something they can take into consideration when making a decision in this matter.

Mr. Sullinger stated he understands that and safety is his number one concern.

Vice-Chairwoman Masterson asked if there were any further questions or comments from Board members. No discussion was offered.

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 on YouTube Live or in the Zoom forum however, a resident did send an email prior to the meeting to be read into the record.

To who it may concern

I live at 38068 Sugar Ridge and I believe it would be so inappropriate for a sidewalk to be installed at the new residence of 38103 Sugar Ridge to have a sidewalk installed when there isn't anyone else that has one on the whole street. It does not make any sense at all.

Thank You

Alan Silac

Assistant Law Director Morgan advised as far as a remedy for the City, assessments are not something that they have chosen to do and she believes this avenue is the way Council wanted to

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further develop sidewalks. She stated the future of the City extends beyond any of us so it has to start somewhere. She advised to look at the longer view as well.

It was moved by Masterson and seconded by Smolik to uphold the Chief Building Official's requirement of sidewalks being installed.

Vice-Chairwoman Masterson advised to clarify, a vote of yes means that the sidewalks are required.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 7:41 PM.

Shawn Kimble
Chairman

Lisa Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, April 22, 2021
Date Approved