

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
REGULAR MEETING – THURSDAY, DECEMBER 26, 2019**

TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members Neil Thibodeaux, Alternate Planning Commission Liaison James Maleski, Vice-Chairwoman Linda Masterson and Chairman Shawn Kimble.

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

Unexcused was member Mario Cipriano.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, October 24, 2019. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

Chairman Kimble noted receipt of a memo from Assistant Law Director Morgan regarding lost motions and tie votes. He asked for any questions or comments. No discussion was offered.

PUBLIC HEARINGS:

APPLICANT: Michael Tully, Guardian of the Estate of Timothy Tesmer; Michael D. Tully, Co.
6061 South Broadway Avenue, Lorain, Ohio 44052

OWNER: Timothy Tesmer, 36068 Lorain Road, North Ridgeville, Ohio 44039

REQUEST: Like-use determination for unmanned storage. [N.R.C.O. §1268.02(c)]

LOCATION: 36068 Lorain Road, in a B-3 Highway Commercial District

Permanent Parcel No. 07-00-025-106-060

CASE NO.: PPZ2019-0033

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

Chairman Kimble asked if there was a representative present. He directed the applicant to the podium to state his name and address for the record, then to explain his application.

Josh Lamb, Attorney, 521 William Street, LaGrange, Ohio 44050, was sworn in. He was present on behalf of Michael D. Tully, who is guardian of the Estate of Timothy Tesmer, the property owner. His request was for like-use determination for unmanned storage. He stated that it was

zoned B-3 in 2016, but was previously a residential property.

He explained that Mr. Tesmer is owner of the property who had, several years ago, suffered a brain injury. Following this injury, Mr. Tully was appointed guardian by the probate court. Mr. Tesmer is currently receiving disability payments and the only other income he receives is from the storage units.

He described the property as having a 900-square-foot residence with a 1200- square-foot building that has between three and four garage doors. He stated that there is an additional 5,000 square feet at the front of the building for personal use. He was seeking like-use determination mainly due to hardship and understood that the ordinances specifically prohibit self-storage facilities. He reasoned that it was not really a self-storage facility: It is not a place where there are 80 units with people coming in to rent units. He explained that it was mainly used by businesses and that the businesses renting the units are similar to what is already permitted in a B-3 district. He indicated that there was currently a painting company there and similar businesses. He stated that like-use determination was needed in order to continue working with the Building Department, which they have been doing for the past several years. He explained that they recently had the whole septic system replaced on the property. Plans for the storage units was only requested recently, but the building has been there for 10-15 years. He indicated there would be no increase to traffic, as there were only three or four units.

Chairman Kimble has been by the property and familiar with the area. He stated that it shows in the plans that there are more than three or four units. He asked if he was looking to rehab the whole building to turn it into more storage; or if they planned to keep what is there now.

Mr. Lamb stated that the front part of the building was built in 2000 and, in 2005 or 2006, the back half was added. The individual units are located in the back half; the front half is only for Mr. Tesmer's personal use. It was proposed that a firewall would be put between the two halves, and they would be treated separately on the property.

Chairman Kimble noted that the property had been rezoned to B-3 in 2016; and the building was already there. He asked if, at that time, they thought to look into the permitted uses for the property.

Mr. Lamb stated that part of the issue was changing the scope of what the use would be for. In speaking with the Building Department, concerns were expressed at bringing the building in compliance with Building Code. With this being a guardianship, there were limits to Mr. Tesmer's finance: Other than rental income, the only source of income for Mr. Tesmer is Social Security Disability. He indicated that he spoke with Mark Lesner – the architect retained for the project – to get an idea on cost to bring it up to code as it relates to B-3 usage versus unmanned storage. He stated there were different code requirements for unmanned storage and that the cost of meeting those standards was affordable to Mr. Tesmer. It would also allow Mr. Tesmer to continue living at the property.

Chairman Kimble asked if there were plans for more expansion.

Mr. Lamb responded that there are not. He explained that there was no room to expand due to a septic system that was installed about a year ago. The three-to-four units on the property have been there for at least ten years.

Chairman Kimble asked Mr. Lamb if he could elaborate as to how this differs from self-storage facilities, which is expressly prohibited by N.R.C.O. 1268.02(C)(1).

Mr. Lamb stated that he has looked at the ordinances but was unable to find how it defined self-storage. He did not feel it was addressed in the ordinances. He viewed self-storage facilities as a place with a significant number of units for rent that are utilized for short-term storage. He stated this was different from what was being requested, which he felt was more of an extension for businesses: A place where they would store things for their business. He did not feel the three-to-four units would create any issues for the city or the area.

Chairman Kimble commented that it was primarily businesses that are currently using the building.

Mr. Lamb indicated that the units were typically for long-term use with little turnover. He stated that the businesses do not operate out of the units and the building was not staffed. Business owners occasionally visit the units but it was unusual to have someone there every day.

Chairman Kimble asked if there were any questions or comments from Board members.

Member Thibodeaux had visited the property and counted six units, with the first being one large unit.

Mr. Lamb believed there were possibly two garage doors on the side of the building that were to the front unit. He stated his request was only concerning four units.

Member Thibodeaux asked if the one larger unit could possibly be turned into more units.

Mr. Lamb replied that it would not be divided into more units. There would be no more than four and nothing would be added. He stated that the guardianship could not afford to do so even if they wanted to. He reiterated that this request was simply to comply with the requirements of the Building Department while allowing Mr. Tesmer to continue receiving some income while living on the property.

Vice-Chairwoman Masterson asked if the front, 5,000-square-foot portion of the building was not subdivided and was solely for Mr. Tesmer's use.

Mr. Lamb indicated that this was correct. It was his understanding that, if approved, they would put a firewall between his unit and the four rental units.

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Vice-Chairwoman Masterson commented that it was a residential structure and the back would have to meet the requirements for commercial structures. She stated that she has driven past the property numerous times and has never seen anyone there. She described it as a “glorified garage.”

Mr. Lamb discussed the permitted uses for B-3 districts. He felt the materials stored in the units would be similar to what was permitted for the district. He understood the concern with it being considered a self-storage unit, but there were no plans to expand and it has been there for at least ten years.

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

Member Thibodeaux commented that the property was very isolated and neat in appearance.

Chairman Kimble opened the floor for public comment. No discussion was offered. He asked for any questions or comments from the Administration. No discussion was offered. He asked if there were any questions or comments from the applicant. No discussion was offered.

It was moved by Masterson and seconded by Thibodeaux to approve [the request as presented].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Adam Wujnovich; Ryan Homes

6770 West Snowville Road, Brecksville, Ohio 44141

OWNER: Valore Properties, Inc.; 23550 Center Ridge Road, Westlake, Ohio 44145

REQUEST: Two future cluster lots with rear yard setback of 26.70 feet and 27.79 feet from single-family rear property line, requiring variances to N.R.C.O. §1282.11(b)(2) of 8.3 feet and 7.21 feet, respectively.

LOCATION: Hampton Place Subdivision, Phase No. 5, sub-lots 236 and 237; east of Stoney Ridge Road and south of Atlantic Avenue, in an R-1 Residence District

Permanent Parcel No. 07-00-029-000-325

CASE NO.: PPZ2019-0034

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

Chairman Kimble asked for the representative to step forward, state his name and address for the record, and explain his application.

Adam Wujnovich, 6770 West Snowville Road, Brecksville, Ohio 44141, was sworn in. He stated his request was for a variance on the southernmost street within Phase 5 of the Hampton Place Subdivision. He explained that the phase consists of two east-west streets and a north-south connector street. He stated there would be larger, single-family dwellings on the northerly street; to the south is Lands End Drive, which would be cluster lots.

He stated that they have built with two different lot sizes throughout the development. On the larger lots, they have built either larger two-story homes or larger ranches; on the cluster lots, they build either smaller ranches or two-story homes. He stated that the reason for the variance request was, as they come up with and build new products, they would like to bring to this section and possibly future sections, is a ranch product. They would like to make this single street all ranch homes. He stated there are four different size ranch homes within this product grouping. Lots 236 and 237 were the two sites that did not fit to any of the four home styles. He explained that the rear, left corner of the Bahama goes over the 35-foot rear yard setback on subplot 236. On subplot 237, it goes over the rear yard setback at the right, rear corner. As to why this was not addressed during the planning stages, he stated that the product line did not exist and they only recently started building more ranch products.

He spoke about Crosscreek, a development of all ranch homes in which were very well-received. They believed this was an opportunity to provide single-story living. They would additionally create a sub-association for the street, which would be low-maintenance: HOA fees would go toward cutting grass and plowing driveways. They would need to be able to offer a ranch-style home on all lots to do this effectively while keeping the streetscape appealing.

He discuss the adjacent property on which there are two larger structures near the property line. For subplot 236, there are two sheds, with the larger shed approximately five feet from the property line. He stated that subplot 237 also backs up to the corner of the shed. He did not believe there was a residence on the property.

Chairman Kimble asked about the square footage of the Bahama.

Mr. Wujnovich stated that it was 1,348 square feet.

Chairman Kimble asked if that was the standard, approximate size.

Mr. Wujnovich responded that this was in the middle of their range of 1,300 square feet to just over 1,600 square feet. The depth of the largest is 62 feet. The variance requested would be the smallest possible variance of the four home types offered.

Chairman Kimble stated that it was just the triangular portion of the rear of the house that was in question. He appreciated their proposal to build the ranch model that would require the smallest variance. He stated it was the least impactful of all their options.

Mr. Wujnovich responded that this was correct.

Chairman Kimble asked if there were any questions or comments from Board members.

Alternate Planning Commission Liaison Maleski appreciated the variety of homes but was concerned due to complaints in response to similar requests.

Vice-Chairwoman Masterson asked if they had considered reconfiguring the lots in the cul-de-

sac.

Mr. Wujnovich responded that they did but there was no open space along the back portion, which abuts the adjacent properties. He stated that the houses are proposed as close to the street as possible and they would not have enough depth.

Vice-Chairwoman Masterson stated that it was their choice to make the lots that size.

Mr. Wujnovich responded that the product they are proposing to build was not offered a year and a half ago. He stated they began selling it in one location last spring and planning for the developments takes place well ahead of time.

Vice-Chairwoman Masterson asked they originally planned to build on the street.

Mr. Wujnovich replied that they were two-story, single-family houses.

Vice-Chairwoman Masterson asked if they were planning on building two-story homes on the street.

Mr. Wujnovich indicated that there would only be ranches on the street if granted approval for the variance. He stated that – without the variance – it would be a mixture of two-story and single-story homes. He explained that the street was paved only weeks ago and there are no utilities.

Vice-Chairwoman Masterson was concerned due to previous complaints against Ryan Homes.

Council Liaison Hung asked if a floor plan for the Bahama was available.

Mr. Wujnovich stated that there was not; that he did not include one. He indicated that he provided only the footprint.

Council Liaison Hung expressed her concerns and did not understand the choice to be in compliance by simply building a two-story home.

Mr. Wujnovich explained that it was an opportunity to build a ranch product on the property and would not be able to do so without the variance. He believed it was a part of the market that was important to address.

Chairman Kimble asked if there were any questions or comments from Board members. No discussion was offered. He asked for any other discussion from the audience.

John Schuster, 6185 Stoney Ridge Road, North Ridgeville, Ohio 44039, was sworn in. He stated he had been told by Velore Properties that there would be a buffer zone and privacy mound. He asked if there were any plans for a buffer zone between the existing homeowners and the homes in Hampton Place Subdivision.

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Mr. Wujnovich indicated that he would need to look into plans for mounding.

Chairman Kimble asked if there were any questions or comments from Board members.

Vice-Chairwoman Masterson stated that North Ridgeville is “dirt poor” and any dirt would be used in a different location. She asked if they were planning to put in any mounding.

Mr. Wujnovich responded that he could find out but was unaware.

Mr. Schuster stated there is a mound along Stoney Ridge Road.

Vice-Chairwoman Masterson spoke about her home which is located in a subdivision with mounds. She explained that dirt that is not used in the subdivision is oftentimes sold: the mound does not stay. She instructed Mr. Schuster to call the Building Department and Engineering Department.

Chairman Kimble asked for any other discussion from the Board. No discussion was offered.

It was moved by Masterson and seconded by Maleski to deny [the variance as requested].

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Kimble)

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 7:44 PM.

Shawn Kimble
Chairman

Michelle A. Owens
Deputy Clerk of Council, Secretary

Thursday, February 27, 2020
Date Approved