



Board of Zoning and Building Appeals
CITY HALL COUNCIL CHAMBERS
AGENDA OF APRIL 25, 2024
7:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Regular meeting of February 22, 2024.

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

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).

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).

ADJOURNMENT

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, FEBRUARY 22, 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 James Cain, Shawn Kimble, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

Planning Commission Liaison Paul Graupmann 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, January 25, 2024.

None were given.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT

Deputy Clerk of Council Wieber discussed that at the Planning Commission meeting of February 14th, four applications were approved. She stated that the first application was for 5700 Jaycox Road for modular classrooms at Liberty Elementary School. She said that the second application was for 35970 Center Ridge Road for a proposal that consisted of repurposing a vacant auto repair shop for retail use. She explained that the third application was for 36885 Center Ridge Road and the proposal consisted of an addition to existing building, parking expansion and lot consolidation and lastly, Ordinance 2024-4, an ordinance amending the zoning map of the City of North Ridgeville such that parcel 07-00-023-101-074 located at 8371 Avon Belden Road be rezoned from R-1 Residence District to I-2 Light Industrial.

OTHER REPORTS OR CORRESPONDENCE

Master Plan Update

Vice-Chairman Thibodeaux stated that after a year-long process, North Ridgeville's steering committee meeting would be presenting the finalized document to Planning Commission on March 12th, at 7:00 PM at Council Chambers.

PUBLIC HEARINGS:

PPZ2024-0248, Christine Shaw, 5366 Barton Rd, PPN: 07-00-005-108-001

Proposal consists of a lot split. Property is zoned R-1 Residence District. Request:

1. A 1,085-square foot variance for lot area of a lot proposed to be served by public utilities; applicant shows lot area of 15,115 square feet, code requires 16,200 square feet, Section 1250.04(a)(2). Notes: The proposed 0.347-acre lot is currently not served by public utilities. The proposed 0.032-acre lot will need to be consolidated with the purchaser's property or another variance would be required.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Christine Shaw, 1251 Giel Ave, Lakewood, OH 44107, was sworn in.

Chairwoman Masterson asked Ms. Shaw to explain the application.

Ms. Shaw stated that they were looking for a variance for Parcel 2, which was slightly below the square footage that was required. She said that the list of conditions that were read, they had no opposition to them and that it made sense to have it tied into water and sewer. She explained that they had checked the sewer and it came to just before that parcel and the back neighbor's lot was where the sewer stopped. She explained that she didn't think it would be an inconvenience to extend that. She stated that the reason they were requesting the variance was because they were concerned about the leach bed from the septic system that supported the main house, which was on the front parcel.

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

Member Cain asked if she was splitting the lot into three pieces to make one buildable lot.

Ms. Shaw stated that was correct.

Member Cain asked if the one buildable lot would be under the allowed square footage.

Ms. Shaw stated that that was correct.

Member Cain stated that his only concern was that it needed to be written that if BZBA allowed it, it would need to be deeded as such that it had to tie into City sewer or City water. He discussed that if she were to not do that and were to go after a septic system, she would be back before the Board potentially, because they were going to tell her where the house would go after they told her where the septic would go.

Ms. Shaw stated that she understood.

Member Cain stated that it was kind of a unique area there and that there was potentially room to put a home. He added that some of the other lots were smaller with decent houses on them but that if the Board approved it, he recommended that they had the verbiage in there that the new deed stated that it had to tie into City sewer and City water.

Chairwoman Masterson asked if Director Lieber wanted to add anything.

Director Lieber stated that she agreed that additional variances might be required unless some of the conditions or restrictions would be put in place. She explained that as shown on the lot split plat they could require a deed restriction or place a condition that Parcel 2 be served by public utilities as a condition of approval if they were so inclined. She discussed that Parcel 1, the skinny piece next to the neighbor's property, that the applicant did share the purchase agreement with her in a meeting, so she had seen it, but they could also require that a consolidation occur for that neighbor piece as a condition of approval if they were inclined to grant the variance.

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

None were given.

Chairwoman Masterson stated that she agreed that those were both concerning issues. She asked Ms. Shaw if she would have a problem if they did add a couple conditions.

Ms. Shaw stated no, that they wouldn't be opposed to that at all and that she understood.

Assistant Law Director Morgan said that previously she has stated that she wasn't a fan of conditional variances and the reason was the enforcement of them. She discussed that if they approved the one that required a deed restriction, if they could additionally add that it be done within a certain timeframe so that they could put it on the calendar and would know to check and make sure that it was done. She commented that it could be something that was generous for them, like maybe six months or something like that. She asked for the same thing on the second one, that if they approved it on a condition of a lot consolidation, again, that that would be done and they would show proof that it was done in maybe six months.

Ms. Shaw stated that she could definitely do the six months on the third parcel, the small strip, because he was ready to go. She stated that the second parcel would go up for sale and wasn't sure if six months would be enough time.

Assistant Law Director Morgan explained that they were talking about not actually doing the work, but just the deed restriction, for when it did sell.

Ms. Shaw said, okay.

Chairwoman Masterson asked Council Liaison Winkel if he had anything that he wanted to add.

Council Liaison Winkel stated that he did not. He commented that he just wanted to make sure that the bill of sale was satisfied and he felt they covered that.

Chairwoman Masterson asked Director Lieber if she had anything further to add.

Director Lieber stated she didn't other than to point out that she did put some findings of fact in her report for the Board to consider.

Member Cain asked if she currently owned the property outright and if there were any liens on the property.

Ms. Shaw stated that there was a mortgage on it.

Member Cain asked that when they split the property, it would no longer be part of that mortgage. Ms. Shaw stated that she had to work with Wells Fargo on that and she needed the Board's approval before she could go forward with them. She said that there was a small mortgage that was \$58,000.

Member Cain explained that once she was through with the Board and Wells Fargo, she could have the new deed created before the sale of the home, so it would already be in place before she sold it and that deed would pass on to the next seller.

Ms. Shaw stated that that was her intention and she had already been in touch with the title company and that they were set to move on it as soon as she got the okay.

Assistant Law Director Morgan asked if member Cain was satisfied with that.

Member Cain stated that he was. He said that he just wanted to note that it be in place on the deed before it sold, because if it wasn't in place on her deed, it could disappear.

Ms. Shaw stated that she understood that and she didn't disagree.

Chairwoman Masterson stated that the applicant had been there before and the Board did ask her to come back with a survey and they greatly appreciated that. She said that in regards to Parcel 1, she did think that a time frame of six months adding that signed purchase agreement, would be a reasonable consideration. She discussed that in regards to Parcel 2, she did think that a deed restriction needed to be put in place to ensure that utilities would be provided and that on the new lot, requiring any new construction to be served by municipal water and sewer as a condition of the approval. She stated that they expected that to be done in six months.

Director Lieber stated that she would just clarify that Parcel 1 would be consolidated with the purchaser's parcel within six months and that a deed restriction be placed upon Parcel 2 within six months, or as the new deed is created with the split before sale.

Ms. Shaw stated that she had a question that when they did the deed with the restriction, if they wanted her to come back and show proof.

Assistant Law Director Morgan stated that it was helpful for enforcement purposes, if they had a time frame, because if it passed at that meeting, they then could put it on a calendar six months from then to check and see that it had been taken care of. She commented that without that, things sometimes fell through the cracks.

Ms. Shaw stated that she understood.

Moved by Masterson and seconded by Cain to approve the variance request with the condition that Parcel 1 was to be consolidated with the property that it was being sold to and be done within six months and a deed restriction completed in six months for Parcel 2, requiring any new construction to be served by municipal water and sewer as a condition of approval.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:14 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, April 25, 2024
Date Approved

Board of Zoning & Building Appeals Application



SUBMITTAL INSTRUCTIONS

Board of Zoning and Building Appeals meetings are held on the fourth Thursday of each month at 7:00 p.m. in Council Chambers at City Hall. Applications must be filed with the Building Division at least 20 days prior to the date of the Board hearing at which the request will be considered. To be processed, applications must include:

1. Completed and signed application with application fee;
2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

36222 Jannie Lane

Location address

0700029000455

Parcel number

OL - 29

Current zoning

Variance - Swimming Pool

Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION

Integrated Outdoor Living LLC / Nicholas Dubecky

Name/Company

47581 US Highway 20, Oberlin OH 44074

Applicant address

440-876-3450

Applicant phone

sales@integratedoutdoorliving.com

Applicant email

PROPERTY OWNER INFORMATION

John Bowden / Jane Bowden

Name/Company

36222 Jannie Lane, North Ridgeville OH 44039

Property owner address

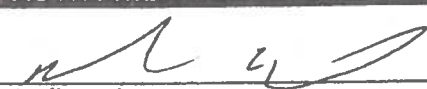
216-446-4044

Property owner phone

bowdenjohn11@gmail.com

Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

 3/20/24

Applicant signature



Property owner signature

I hereby authorize the City of North Ridgeville, including Board of Zoning and Building Appeals members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application. The materials I have submitted depict the property lines accurately and in accordance with the plat map to the best of my knowledge. I understand that any approval granted is based upon the presumption of accuracy of these plans and that the City has no obligation to independently survey or otherwise determine the accuracy of plans, drawings or other documents. In the event a discrepancy is found to exist, I will take such action as may be needed to provide the correct information. I acknowledge and accept that the representations made in this application and at the public hearing constitute the basis for the decision by the Board. Any misrepresentations, whether knowingly made or not, may result in revocation of the Board's decision. Statements made by an applicant/agent are deemed to be statements of the owner for the purpose of the Board's decision.

OFFICE	PPZ No. PPZ2024-0253	Date Received RECEIVED MAR 27 2024	ACTION
	Fee Paid \$ 75.00 V# 200		



Board of Zoning & Building Appeals Staff Report

Case	PPZ2024-0253
Property Owner	John David & Lillian Bowden
PPN	07-00-029-000-455
Property Address	36222 Jannie Lane
Zoning	R-1 Residence District
Applicant Name	Integrated Outdoor Living LLC/Nicholas Dubecky
Applicant Address	47581 US 20, Oberlin OH 44074
Project	Swimming Pool
Meeting Date	April 25, 2024
Report Date	April 1, 2024

REQUESTED VARIANCES	CODIFIED REFERENCES
1. A variance for an accessory structure (swimming pool) in the front yard, code does not permit, Section 1294.01(g)(10).	1294.01 INTERPRETATIONS AND EXCEPTIONS IN GENERAL (g) <u>Area and Yard Requirements; Projections.</u> (10) Accessory uses shall be permitted only in a side yard or in a rear yard in residential districts. The provisions of this section shall not apply to detached garages.

Summary of Request:

The applicant proposes to install a new swimming pool on their corner lot. For corner lots, both street frontages are considered front yards. The Zoning Code requires that all accessory uses be located within a side or rear yard. The pool encroaches in the front yard along Havencrest Court.

Swimming pools must be enclosed by a fence at least four feet in height. Fence height is not indicated in the submittal. If a fence higher than four feet is proposed, an additional variance would be required for height of fence in the front yard.

Review of Duncan Factors:

The applicant did not provide information in their submittal addressing the Duncan factors.

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

The property can continue to be used for its intended purpose under the current zoning regulations.

Is the variance substantial?

The required front yard along the side street is 50 feet. The setback of the pool is not noted in the plans; however, the pool and the paved areas adjacent thereto appear to encroach substantially.

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

Setbacks exist to create consistency of appearance and to protect neighboring properties from uses that may interfere with the safety or enjoyment of their property. It is not clear that the effects of granting a variance in this case would create a substantial detriment as the pool is inground, therefore would not create a visual obstacle.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The zoning requirements pre-date the development of this neighborhood.

Can the property owner's predicament be precluded through some method other than a variance?

It is possible to orient the swimming pool in a manner that it is contained within the rear yard.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

The Zoning Code specifically indicates that lots having frontage on two intersecting streets must contain the required front yards on both streets. There is no exemption for accessory uses and structures. There are many corner lots within the City of North Ridgeville, so this is not an "unusual" lot configuration.

Board of Building and Zoning Appeals



PROJECT INFORMATION

Swimming Pool

Proposed project

36222 Jannie Lane

Location

07-00-029-000-455

Parcel number

April 25, 2024

Meeting date

April 15, 2024

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1294.01 (g)(8) Corner lots have two front yards. 1294.01 (g)(10) Accessory uses (swimming pool) not allowed in front yard. Applicant requesting to install swimming pool in front yard. BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title

Plan Scale: 1"=10' (ARCH D 24356)



HAMPTON PLACE SUBDIVISION NO. 6
VOL. 111, PGS. 71-77
SUBLOT 270 0.4111 OF AN ACRE
#07-00-029-000-455
36222 JANNIE LANE, NORTH RIDGEVILLE, OHIO 44039

TOP OF FOOTER	707.17
BOTTOM OF FOOTER	708.67
GARAGE FLOOR	715.00
TOP OF GAR. FOOTER	711.17
BOTTOM OF GAR. FOOTER	710.67
*PER BUILDER, VARIES BASED ON GROUND CONDITIONS	

HAMPTON PLACE
SUBDIVISION NO. 5
VOL. 107 PGS. 98-100

NOTE: SEE STRUCTURE
INFORMATION ON SHEET 2

S/L 249

Existing Storm Drain

EX-MH-5

EX-MH-7

EX-MH-1

EX-MH-2

EX-MH-3

EX-MH-4

EX-MH-6

EX-MH-8

EX-MH-9

EX-MH-10

EX-MH-11

EX-MH-12

EX-MH-13

EX-MH-14

EX-MH-15

EX-MH-16

EX-MH-17

EX-MH-18

EX-MH-19

EX-MH-20

EX-MH-21

EX-MH-22

EX-MH-23

EX-MH-24

EX-MH-25

EX-MH-26

EX-MH-27

EX-MH-28

EX-MH-29

EX-MH-30

EX-MH-31

EX-MH-32

EX-MH-33

EX-MH-34

EX-MH-35

EX-MH-36

EX-MH-37

EX-MH-38

EX-MH-39

30' REAR
SETBACK

7.5' SIDE SETBACK

35' FRONT SETBACK

12' UTILITY
EASEMENT

PROP. 4' WALK

EX. 36" STM

EX. 36" STM

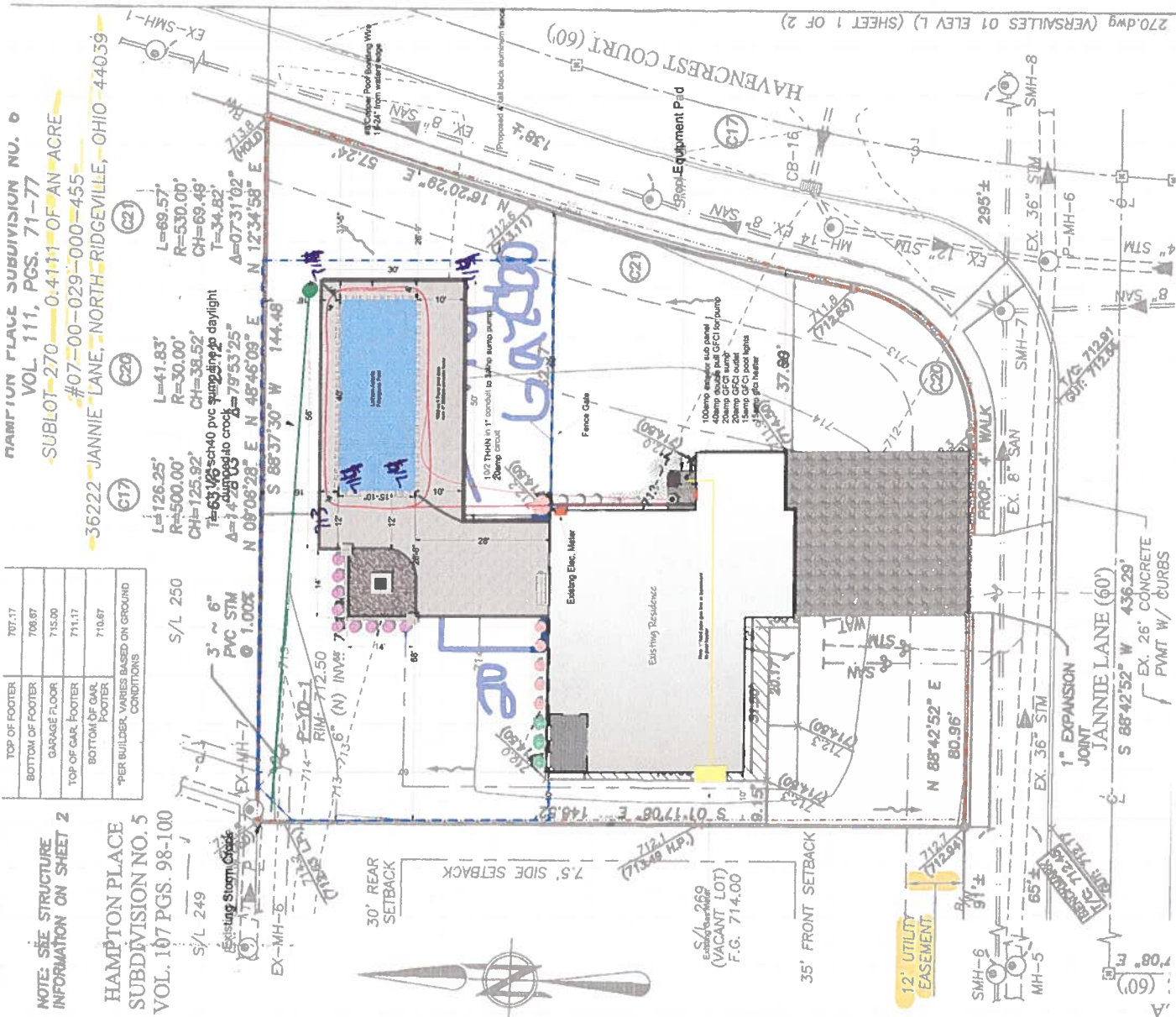
EX. 36" STM



Bowden Residence
36222 Jannie Lane
North Ridgeville, OH

Design by:
INTEGRATED
Outdoor Living

PO Box 427
Orem, UT 84074
Phone Number: (440) 616-3450
www.integratedoutdoorliving.com



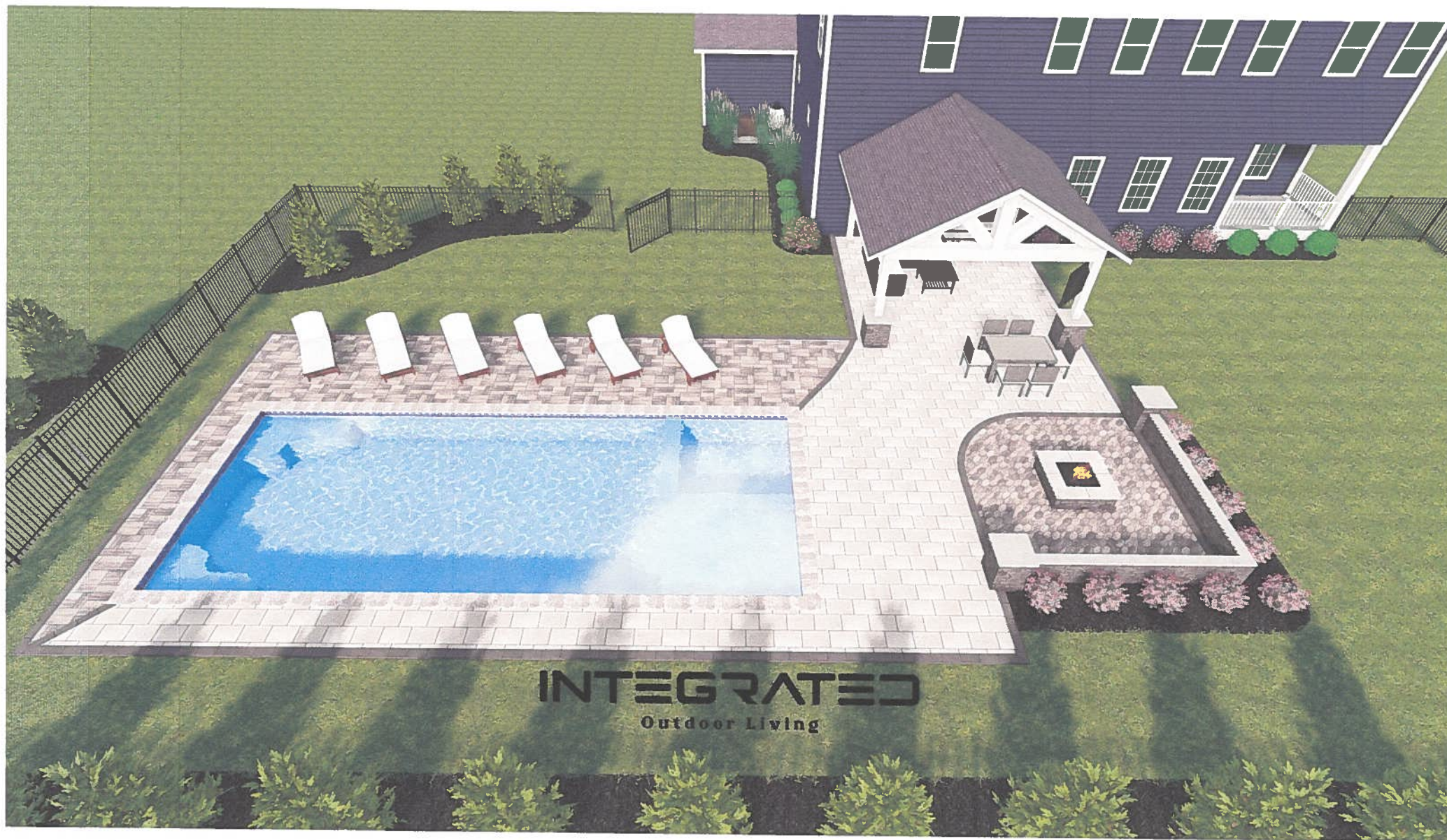
270.dwg (VERSAILLES 01 ELEV L) (SHEET 1 OF 2)



INTEGRATED
Outdoor Living



INTEGRATED
Outdoor Living



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Outdoor Living









Board of Zoning & Building Appeals Application



SUBMITTAL INSTRUCTIONS

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2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

33900 Bainbridge Rd

Location address

0700009119013

Parcel number

Current zoning

Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION

Matthew Milavec

Name/Company

33900 Bainbridge Rd.

Applicant address

440-420-9856

Applicant phone

milavec886@gmail.com

Applicant email

PROPERTY OWNER INFORMATION

Matthew Milavec

Name/Company

33900 Bainbridge Rd

Property owner address

440-420-9856

Property owner phone

milavec886@gmail.com

Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

Applicant signature

Property owner signature

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OFFICE	PPZ No.	Date Received	ACTION
	PPZ 2024-0256	MAR 28 2024	
	Fec Paid		
	75.00 AMEX		

Board of Building and Zoning Appeals



PROJECT INFORMATION

Constructing a barn

Proposed project

33900 Bainbridge Rd

Location

07-00-009-119-013

Parcel number

April 25, 2024

Meeting date

April 15, 2024

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1294.03 (e)(30) Outbuildings on lots greater than ½ acre are allowed 10% lot coverage. Applicant requesting 12.95% lot coverage (approximately 727 square foot over the allowable lot coverage), requiring a 2.95% variance. BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title



Lorain County Auditor
Craig Snodgrass, CPA, CGFM

Report generated: Sun Mar 24 2024

Parcel Number: 0700009119013

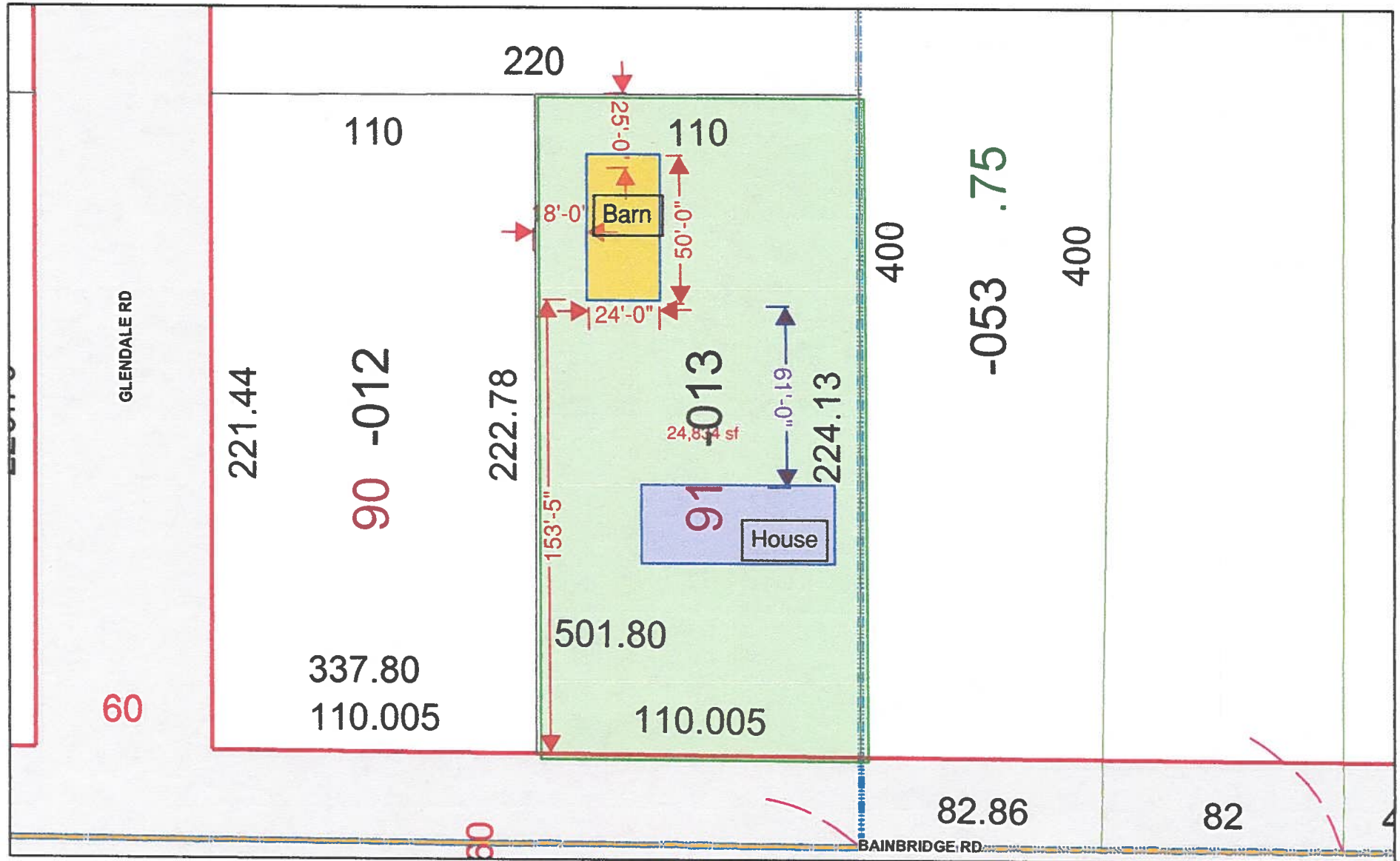


Parcels

Parcel Number	0700009119013	Land Use	510
Owner	MILAVEC MATTHEW L	Neighborhood	81905 - WIL LOU ACRES 1-4/WILLOW PARK 1-5
Location Address	33900 BAINBRIDGE RD NORTH RIDGEVILLE, OH 44039	Acres	0
Tax Bill Mailed To	33900 BAINBRIDGE RD N RIDGEVILLE, OH 44039	School District	NORTH RIDGEVILLE CSD
Property Description	FAIRACRES 110 X 224.13	Instrument Number	
Tax District	50 - NO RIDGEVILLE CITY/NO RIDGEVILLE CSD	Delinquent Real Estate	No



J. Craig Snodgrass, CPA, CGFM
Lorain County Auditor



March 24, 2024 4:36:56 PM

Legend

Boundaries

Dashed Parcel Line

Sublot Line
Parcel Line

Right-of-way Line

PLSS Boundaries

Original Lot Lines

Road Centerlines
Subdivisions/...

Right of Ways

Parcels_Black



1 inch = 47 feet



Mr. Matthew Milavec purchased the property at 33900 Bainbridge Road in November 2017. At the time of purchase, he was not made aware of the zoning restriction currently under appeal nor was he made aware of the restriction during the past 6 years and 4 months of ownership. The current structure at 33900 Bainbridge Road is 1,992sq ft (1,288 sq ft livable space, 560 sq ft garage and 144 sq ft enclosed porch) which occupies 8.08% of the entire property. The building plans at 33900 Bainbridge Road include construction of a 24ft x 50ft (1,200sq ft) structure set 153.5ft off Bainbridge Road, 18ft off the west parameter of the property and 25 ft off the north parameter of the property in the rear yard. The positioning of the proposed structure does not, and will not in the future, adversely affect the delivery of governmental services. Additionally, the proposed structure is less than 15ft in height and will be positioned 61ft feet behind the current structure. The total square footage of the property equates to 24,655.42 sq ft therefore the proposed structure will only occupy an additional 4.87% of the available property. Both the current structure and proposed structure have a total lot coverage of 12.95% which is 2.95% above the 10% allowance. The percentage outside of the specifications (2.95%) is a small percentage thus the variance is not substantial. Although the variance is statistically insignificant, the proposed structure provides profound benefits to current and future owners. The current structure does not have a basement, nor does it have a second story and as a result there is a severe lack of storage space. Granting a variance for the proposed structure is the only solution to the owner's predicament given that the current structure is built upon a concrete slab and constructing additional stories is not financially feasible. With the community at the forefront of the decision-making process, the essential character of the neighborhood will be preserved and adjoining neighbors will not suffer a substantial detriment as a result of the variance. The three adjoining neighbors of 33900 Bainbridge Road were made aware of the proposed construction plans and provided their signature to confirm that they approve of the plans and have zero reservations against the plans.

3192 PROPOSED LOT COVERAGE
- 2465 ALLOWABLE LOT COVERAGE

727 SQ FT VARIANCE

Don & Loraine Klingensmith, adjoining property owner to 33900 Bainbridge Road approve of the proposed building plans. These building plans do not negatively affect my property in any capacity. I do not have any reservations against the proposed building plans.

Loraine Klingensmith

(Printed Name)

3/24/24

(Date)

Loraine Klingensmith

(Signature)

Matthew Milaver

(Printed Name)

3-24-2024

(Date)

[Signature]

(Signature)

I, PATRICK M. HAAS, adjoining property owner to 33900 Bainbridge Road approve of the proposed building plans. These building plans do not negatively affect my property in any capacity. I do not have any reservations against the proposed building plans.

PATRICK M. HAAS

(Printed Name)

3/23/24

(Date)

Patrick M. Haas

(Signature)

Matthew Milavel

(Printed Name)

3/23/24

(Date)

[Signature]

(Signature)

I, Jill Kapferer, adjoining property owner to 33900 Bainbridge Road approve of the proposed building plans. These building plans do not negatively affect my property in any capacity. I do not have any reservations against the proposed building plans.

Jill Kapferer
(Printed Name)

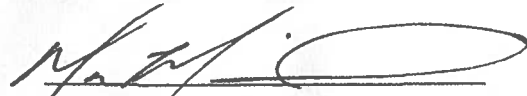
7195 Glendale
N. Ridgeville OH 44039

3/23/24
(Date)


(Signature)

MATTHEW MILAVEL
(Printed Name)

3-23-2024
(Date)


(Signature)

I, Brian Johnson, adjoining property owner to 33900 Bainbridge Road approve of the proposed building plans. These building plans do not negatively affect my property in any capacity. I do not have any reservations against the proposed building plans.

Brian Johnson

(Printed Name)

3/23/24

(Date)

xTB John

(Signature)

MATTHEW MILAVEL

(Printed Name)

3-23-2024

(Date)

[Signature]

(Signature)