

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JANUARY 28, 2021**

TO ORDER:

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

ROLL CALL:

Present were members Jim Smolik (via Zoom), Neil Thibodeaux (via Zoom), Clifford Winkel (via Zoom), Vice-Chairwoman Linda Masterson, and Chairman Shawn Kimble (via Zoom).

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

Member James Cain was absent.

ELECTION OF OFFICERS:

Chairperson:

Member Kimble opened the floor for nominations for the position of Chairperson.

Member Masterson nominated member Shawn Kimble to serve as Chairperson.

Member Kimble asked for further nominations. No further nominations were received for this position.

Member Shawn Kimble was elected by acclamation to continue as Chairperson.

Vice-Chairperson:

Chairman Kimble opened the floor for nominations for the position of Vice-Chairperson. He nominated member Linda Masterson to serve as Vice-Chairperson. He asked for any further nominations. No further nominations were received for this position.

Member Linda Masterson was elected by acclamation to continue as Vice-Chairperson.

Secretary:

Chairman Kimble opened the floor for nominations for Secretary. Vice-Chairwoman Masterson nominated Deputy Clerk of Council Lisa Ciofani for the position of Secretary. No further nominations were received for this position.

Deputy Clerk Lisa Ciofani was elected by acclamation to continue as Secretary.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, JANUARY 28, 2021**

PAGE 2

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, November 19, 2020. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

PUBLIC HEARINGS:

APPLICANT: Brian & Renee Giese, 8656 Hazelwood Run, North Ridgeville, OH 44039

OWNER: Same

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

LOCATION: 8656 Hazelwood Run, in a R-1 Residence District
Permanent Parcel No. 07-00-002-102-260

CASE NO.: PPZ2021-0044

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

Chairman Kimble asked if there was a representative present.

Brian Giese, 8656 Hazelwood Run, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Giese to explain the application.

Mr. Giese advised they are at the corner lot of a cul-de-sac and they are putting a pool in this summer and for privacy and security they want to replace the existing fence with a 6 foot solid privacy fence. He advised in case it's not clear how the application was written, they want to come in 10 feet from the side to have more fenced-in yard in the back and it doesn't present any line of sight issues to traffic on the street and they still have a very large side yard.

Chairman Kimble advised the way Mr. Giese's house is situated in relation to the corner of the intersection it seems the fence is quite a ways off from any visual obstruction. He commented that he likes how they came out only 10 feet and ran it back at an angle because he was considering the neighbor behind Mr. Giese. He advised the plans seem to be very well thought-out.

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

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, JANUARY 28, 2021**

PAGE 3

Vice-Chairwoman Masterson advised she was out at the site and it is a very well thought-out plan. She agreed by squaring the plans up, it is not going to impede the line of sight from the house and it is a very good accommodation of what Mr. Giese needs.

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

Chairman Kimble 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 Masterson and seconded by Smolik to approve the variances.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: K. Hovnanian Meadow Lakes, LLC, 3296 Columbia Rd, Richfield, OH 44286

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1279.23(a) for an average front setback of 30 feet for single-family dwellings

LOCATION: Meadow Lakes Subdivision in a PCD
Permanent Parcel No. N/A

CASE NO.: PPZ2021-0045

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

Chairman Kimble asked if there was a representative present.

Jeff Shafer, K. Hovnanian and Dale Haywood, Atwell Engineering were sworn in.

Chairman Kimble asked the representatives to explain the application.

Mr. Haywood advised this was brought to their attention by Chief Building Official Fursdon when they presented the Phase 18 plat for final plat approval. Chief Building Official Fursdon noted the PCD requirements had not been met for phases early on in the project. He advised these are the portions north of Barres Road and noted the variance requested is not for new or future construction; it is for lots that are already in existence and phases that pre-date his client's involvement with the project. Mr. Haywood clarified what Chief Building Official Fursdon noticed was that the homes were built with a 30 foot setback; not a 35 foot setback. He stated they are here to clean this up before the last phase, Phase 19, which will soon be presented to the City for approval.

Chairman Kimble asked Mr. Haywood to confirm that part of the approval they are looking for is for homes that are already built and existing.

Mr. Haywood confirmed yes.

Chairman Kimble asked Mr. Haywood if they are looking to match what is already there for future Phase 19.

Mr. Haywood advised Phase 19 will basically close the book on the approved PCD called Meadow Lakes and before that can happen, Chief Building Official Fursdon thought they should get the variance because the PCD requirement of having a 35 foot setback had not been met. Mr. Haywood noted these homes were not built by K. Hovnanian and they were built very early on in the project.

7:12 PM Member Cain is in attendance (via Zoom).

Mr. Shafer advised he believes the 35 foot setback applied to the single-family portion of the code whereas the variance they are requesting applies to the cluster.

Mr. Haywood stated the PCD requirement is 35 feet for single-family lots and they weren't built at 35 feet, they were built at 30 feet, hence the request for the variance. He noted it is an after-the-fact variance.

Chief Building Official Fursdon advised the PCD allows for single family lots and cluster lots and it doesn't require any percentage of either. He stated the single family lots required an average front setback of 35 feet in the ordinance but in Meadow Lakes there wasn't a single family lot created south of Barres Road so all of the single family lots occurred North of Barres Road in Phase 1 and Phase 2. He advised when K. Hovnanian bought this project they were south of Barres Road in Phase 11 or Phase 12 and it was recognized they would need this variance because they weren't going to build any single family lots in their plans. He stated in fairness to the subdivision and previous owner, the single family lots were built with a 30 foot front setback but they also built all the cluster family lots at a 30 foot setback and only 20 foot was required. He advised they felt one would wash the other.

Chairman Kimble advised that is where the average comes into play.

Chief Building Official Fursdon stated the number of lots in the whole subdivision is a very small percentage; less than 10%.

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

Member Smolik asked if this is record keeping for the old stuff and not for anything new.

Chief Building Official Fursdon confirmed that is correct.

Member Smolik stated he brought up in Planning Commission a few times that the whole point of this district was to have varying size lots and the single family lots were only on the north side and the south side never had any varying lots. He wants to make sure this variance is for older

stuff and not new, so that way maybe the developer will have a change of heart and put in some larger lots instead of all the same. He advised everything south of Barres Road is the same except for a couple lifestyle packages and he doesn't believe that was the intent of this district.

Chief Building Official Fursdon advised if there was a different intent in mind then they would have limited the number of clusters and that was never considered. He advised when he proposed they try to change the ordinance when people complained about that years ago, Council didn't look at the changes and withdrew the PCD from our ordinances. He stated Meadow Lakes is grandfathered in until it is completed.

Vice-Chairwoman Masterson stated she wanted to make sure this is just a housekeeping measure and she is grateful for the clarification.

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

Chairman Kimble asked if there is anyone else in the audience who would like to speak on behalf of this matter.

Councilman James Maleski stated this issue is concerning with these builders and he understands K. Hovnanian came into what they were given and if it is a housekeeping measure he can accept that but he's struggling with the closing phases. He asked Chief Building Official Fursdon regarding the land density issue and lot sizes if he can say what is being presented to the Board is quality and more of a housekeeping measure and correcting past problems and nothing in future phases and if so, he hopes the Board will go through with granting the variance but he hopes the future phases coming up have different land sizes. He stated if this is something for the future, as a Councilman representing some of the people, he would hope the Board votes against it because this is an issue with the builders coming in with lot sizes.

Chairman Kimble 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 to approve the variance with the condition this is for past phases only.

Chairman Kimble asked for clarification from the law department if they can add a condition, as this is not a conditional use request.

Assistant Law Director Morgan advised it's not something they customarily do but it's not unheard of. She advised in this instance it's not going to make a difference because the only reason this particular variance is needed is for past phases anyhow. She advised she doesn't see any harm in it because it is already for, by definition, phases that have already been done for a long time.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, JANUARY 28, 2021**

PAGE 6

Chief Building Official Fursdon advised that condition should not be a problem for the remainder of the subdivision.

Chairman Kimble asked for a second motion.

It was seconded by Masteron to approve the variance with the condition this is for past phases only.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 7:22 PM.

Shawn Kimble
Chairman

Lisa Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, February 25, 2021
Date Approved