

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, FEBRUARY 24, 2022**

TO ORDER:

Member Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Neil Thibodeaux and Linda Masterson.

Absent was member James Smolik and Chairman Shawn Kimble.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Planning and Economic Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

ELECTION OF OFFICERS:

Chairperson:

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

Member Masterson nominated and seconded by Thibodeaux to have member Shawn Kimble to serve as Chairperson.

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

A roll call vote was taken and Shawn Kimble was elected to continue as Chairperson.

Yes – 3 No – 0

Vice-Chairperson:

Member Masterson opened the floor for nominations for the position of Vice-Chairperson.

Member Thibodeaux nominated and seconded by Cain to elect Linda Masterson to serve as Vice-Chairperson.

Member Masterson asked for any further nominations. No further nominations were received for this position.

A roll call vote was taken and Linda Masterson was elected to continue as Vice-Chairperson.

Yes – 3 No – 0

Secretary:

Vice-Chairwoman Masterson opened the floor for nominations for Secretary.

Vice-Chairwoman Masterson nominated and seconded by Cain to elect Tina Wieber to serve as Secretary.

No further nominations were received for this position.

A roll call vote was taken and Tina Wieber was elected to continue as Secretary.

Yes – 3 No – 0

Board of Flood and Drainage Control Liaison

Vice-Chairwoman Masterson opened the floor for nominations for Board of Flood and Drainage Control Liaison.

Vice-Chairwoman Masterson nominated and seconded by Thibodeaux to elect James Cain for the position of Board of Flood and Drainage Control Liaison.

No further nominations were received for this position.

A roll Call vote was taken and James Cain was elected as Board of Flood and Drainage Control Liaison.

Yes – 3 No – 0

Alternate Board of Flood and Drainage Control Liaison

Vice-Chairwoman Masterson opened the floor for nominations for Board of Flood and Drainage Control Liaison.

Vice-Chairwoman Masterson nominated herself for the position of Alternate

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Board of Flood and Drainage Control Liaison. No further nominations were received for this position.

A roll call vote was taken and Vice-Chairwoman Masterson was elected as Alternate Board of Flood and Drainage Control Liaison.

Yes – 3 No – 0

MINUTES:

Vice-Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, December 16, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Phillip Alvarado, 6823 Glendale Road, North Ridgeville, Ohio 44039

OWNER: Phillip & Dalia Alvarado, 6823 Glendale Road, North Ridgeville, Ohio

REQUEST: Requesting to build a home with 15-foot variance for setback to north property line. Applicant shows 35 feet, N.R.C.O. §1250.04(b)(1)A requires the depth of front yards shall not be less than 50 feet and §1294.01(g)(8) requires lots having two intersecting streets shall contain the 50-foot depth of front yards on both streets.

LOCATION: 6823 Glendale Road in an R-1 District
Permanent Parcel No. 07-00-009-118-001

CASE NO.: PPZ2021-0099

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

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

Phillip Alvarado, 6823 Glendale Road, North Ridgeville, Ohio 44039, was sworn in.

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

Mr. Alvarado stated that he owned a corner lot on Glendale Road and when he went out to the property and saw it staked out, he thought it looked too close to the neighbor's side and he wanted it to look a little more centered on the property like the house across the street. He advised that that house across the street was a newer build and he thought it was built in 2018 but it was more centered on their property. He stated that his property was very similar to that property. He explained that he just wanted to move the house over a little bit more so that it would be centered on the property with more room on the neighbor's side. He further explained that there were no neighbor's to the left and that it was actually like a dead end street.

Vice-Chairwoman Masterson explained that where the house would be, it wouldn't be impeding the view from the sidewalk. She stated that from the standpoint of lining it up with the house across the street, that it made sense. She stated that she thought Mr. Alvarado met the requirements of practical difficulties.

Vice-Chairwoman Masterson asked for questions or comments from the Board.

Member Cain stated that he didn't see a problem with it. He advised that he had seen a few other corner lots where they had granted them in the past even prior to him being on the Board.

Vice-Chairwoman Masterson asked for questions or comments from the public.

None were given.

Moved by Cain and seconded by Masterson to approve the 15-foot variance for setback to the north property line.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

APPLICANT: William Foster, American Construction Group, Ltd, 6337 Chittenden Road, Hudson, Ohio 44236
OWNER: Jordan & Samantha Stanley, 37400 White Feather Avenue, North Ridgeville, Ohio 44039
REQUEST: Requesting a variance to N.R.C.O. §1294.01(e)(2) for a concrete pool deck 4 feet from both side property lines requiring a 1-foot variance on both side setbacks.
LOCATION: 37400 White Feather Avenue in a PCD R-1 District
Permanent Parcel No. 07-00-033-118-041

CASE NO.: PPZ2021-0100

Jordan Stanley, 37400 White Feather Avenue, North Ridgeville, Ohio 44039, was sworn in.

Mr. Stanley stated that he had a design for a five-foot pool deck all the way around but when it was turned in to get the permit approved he was told that he had to be at least five feet away from the property lines on each side to keep water from impending on his neighbors' property. He explained that the way the yards were designed, on the property the water would swell right to the middle run back without gutters. He stated that it was designed to run in between the properties and then go back to the ditch. He advised that there was a four-foot drop from the back to the ditch and that the way it was designed, it would be impossible because all of the water ran right into the middle of their properties. He stated it would be one-foot on each side and if it wasn't approved he would have to take his pool deck back to four feet to get the five feet in between.

Vice-Chairwoman Masterson explained that she had been to the property and that no matter what Mr. Stanley put up, wherever it was, he couldn't put his water into his neighbor's yard. She stated the yards in that area didn't have a lot of space and the terrain was unique. She stated that it appeared to her that the practical difficulty would be that he needed some space around the pool deck.

Vice-Chairwoman Masterson asked for questions or comments from the Board.

Member Thibodeaux stated that he thought it appeared to be a well thought out plan. He advised that he was familiar with White Feather Avenue and that the drainage did go to the middle of the property.

Vice-Chairwoman Masterson stated that Mr. Stanley had a large ditch behind his property as well.

Mr. Stanley stated that he would still be four-feet away from where that water came up. He advised that he didn't see any way that he would be putting water over the property line.

Vice-Chairwoman Masterson asked for questions or comments from the public.

None were given.

Chief Building Official Fursdon stated that he had a question. He explained that he noticed that Mr. Stanley's property significantly sloped to the rear property line and asked how the pool would fit in with that. He asked if Mr. Stanley was going to dig out and step down to the pool or if he was going to try and build it up.

Mr. Stanley stated that the pool would go to the grade that was at the front of the house and then they would grade it out and then grade it down after the concrete is placed.

Chief Building Official Fursdon asked if he was going to try and raise the backyard up and make a more significant slope into the neighbor's yard.

Mr. Stanley stated that they weren't.

Moved by Thibodeaux and seconded by Cain to approve the variance.

A roll call vote was taken and the motion carried to approve the 1-foot variance on both side setbacks. .

Yes – 3 No – 0

APPLICANT: Nicholas Barnes, 36214 Lands End, North Ridgeville, Ohio
44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A for a 4 foot fence on a corner lot requiring a ½ foot variance.

LOCATION: 36214 Lands End in an R-1 District

Permanent Parcel No. 07-00-029-000-375

CASE NO.: PPZ2022-0101

Nicholas Barnes, 36214 Lands End, North Ridgeville, Ohio 44039, was sworn in.

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

Mr. Barnes stated that he was trying to get a little higher fence on the street side because he had a hot tub and a future pool that would be back there as well as kids. He advised that he was just asking for a higher fence to keep the kids in, keep the animals in and also to keep any curious people out of the yard as well. He explained that it was a corner lot not on a main street but a main street within the development.

Vice-Chairwoman Masterson asked Mr. Barnes if he would be running the fence off of the rear of the house.

Mr. Barnes stated that was correct.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if the height requirement of three and a half feet was something that the Board was looking at in regards to changing their ordinances.

Chief Building Official Fursdon stated it was. He explained that there is more availability for four-foot fences and one of the Council members is proposing to introduce to raise that to four-foot high, fifty percent open.

Vice-Chairwoman Masterson asked for questions or comments from the public.

None were given.

Moved by Cain and seconded by Thibodeaux to approve the ½ foot fence height variance.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

APPLICANT: Aron A Rus, Pro Care We Care, 34303 Mills Rd, North Ridgeville, Ohio 44039
OWNER: David & Vickie Stumph, 36525 Center Ridge Rd, North Ridgeville, Ohio 44039
REQUEST: Requesting a similar use determination. N.R.C.O. §1274.04(a) does not list landscaping businesses as permitted uses in the B-5 District, N.R.C.O. §1272.04(e).
LOCATION: 36525 Center Ridge Road in a B-5 District
Permanent Parcel No. 07-00-028-103-140

CASE NO.: PPZ2022-0102

Aron A Rus, 34303 Mills Rd, North Ridgeville, Ohio 44039, was sworn in.

David Stumph, 36525 Center Ridge Rd, North Ridgeville, Ohio 44039, was sworn in.

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

Mr. Rus stated that he was leasing a building on Mills Road and back in 2019 they had a major robbery, which was never solved. He explained that since then, he had been looking around the City to find a property where he could move the base of the company to. He stated that it had been a landscaping company since 2006 and most of their work was done on commercial and residential properties. He further explained that he wasn't looking to open up a landscaping supply store. He stated that what he wanted to do was to build two commercial size pole barns for all of the equipment that they own so that everything would be stored in a secure place.

Vice-Chairwoman Masterson asked if there was a house on the property.

Mr. Rus stated that there was.

Vice-Chairwoman Masterson asked if anyone from the Administration had any questions or comments.

Assistant Law Director Morgan asked if the applicant was asking for the like use determination.

Chief Building Official Fursdon stated he was asking whether that use was permitted in that zoned district. He explained that he was asking if the use of the landscaping business is a permitted or similar use to what's allowed in the zoning district. He further explained that nothing in B-5 says someone can have a landscaping business there.

Planning and Economic Development Director Lieber asked if the applicant's intent would be to have any storage or use of the property outside of the buildings. She asked if he could describe how the property would be used a little bit further.

Mr. Rus stated that he was already looking into a couple of companies who could build a pole barn. He explained that he was looking to have at least two pole barns with at least four commercial garage doors because they run four crews during the season. He stated that currently they were closed until March. He advised that during the season from March to December he does have employees. He explained that there are four crews out on the job from 7:30 in the morning until 5:30 in the afternoon. He stated that when they would be back at the shop it would be very nice to just back up the truck and trailer, close the garage door and just call it a day.

Planning and Economic Development Director Lieber asked if there would be any outdoor storage uses or outdoor uses of any kind outside of the buildings.

Mr. Rus stated there wouldn't. He explained that there wouldn't be any mulch or plants or anything like that.

Planning and Economic Development Director Lieber stated that she had one follow-up comment that in looking at the intent of the district, B-5 is the one district that has an architectural character requirement to it which is unique and distinct in the City that requires certain features consistent with the western reserve architecture that is really that Georgian look. She stated that she would have some concerns that the type of construction or the type of business and that the buildings that lend itself to that business might not lend itself to that architectural style. She stated that she had some concerns regarding the feasibility of that and that it could potentially have costs when someone is looking to put up an inexpensive pole barn for storage but now the structure needs to be of that character and that it might

result in future costs for deviation from the code. She explained that the Administration had some concerns about that similar use determination and how it would actually be realized for the project.

Vice-Chairwoman Masterson asked if there were any other questions, comments or concerns.

Councilman Winkle stated that when he looked at the ordinance he tried to look at it in black and white and determine if what the applicant was asking for was the same character as the others listed there. He explained that the only thing he saw in the ordinance that could be similar would be the plumbing and HVAC shop and supplies which would be more of a contracting thing. He explained that that was the only one he saw that would be somewhat similar in character.

Vice-Chairwoman Masterson stated that she could understand why the applicant was asking for the like use but that she didn't find anything in the ordinance that was similar. She advised that she didn't believe it was a like use. She asked the applicant if there was anything else that they could tell her.

Mr. Rus stated that similar use listed a garden and lawn supply store. He advised that down the street on Center Ridge Road there was Bulk and Bushel.

Vice-Chairwoman Masterson stated they were not in the historic district.

Mr. Rus stated that he lost over \$200,000 in value in the summer of 2019 off of Mills Road. He advised \$189,000, \$200,000 total value of equipment and that he only got a shovel back. He stated that the trucks were parked outside of the shop he rents on Mills Road because the building was only 5000 square feet. He explained that he had only one truck that would fit in it and the other three were parked outside.

Vice-Chairwoman Masterson asked if anyone from the Administration had any other questions or comments.

None were given.

She asked if anyone from the public had any questions or comments.

None were given.

Moved by Masterson and seconded by Cain to decline the similar use request.

A roll call vote was taken and the motion failed.

Yes – 3 No – 0

OTHER BUSINESS:

No other business.

ADJOURNMENT:

The meeting was adjourned at 7:41 PM.

Shawn Kimble
Chairman

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*

Thursday, February 24, 2022
Date Approved