

NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS  
MINUTES OF  
REGULAR MEETING – THURSDAY, JANUARY 25, 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 Shawn Kimble, Neil Thibodeaux, Linda Masterson and Planning Commission Liaison Paul Graupmann.

James Cain was excused.

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

MINUTES:

Member Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, November 16, 2023.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

ELECTION OF OFFICERS

Chairperson

Member Masterson opened the floor for nominations for Chairperson.

Moved by Kimble and seconded by Thibodeaux to nominate Linda Masterson for Chairperson.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Vice-Chairperson

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

Moved by Masterson and seconded by Kimble to nominate Neil Thibodeaux for Chairperson.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Secretary

Member Masterson opened the floor for nominations for Secretary.

Moved by Masterson and seconded by Kimble to nominate Tina Wieber for Secretary.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Board of Flood and Drainage Control Liaison

Member Masterson opened the floor for nominations for Board of Flood and Drainage Control Liaison.

Moved by Kimble and seconded by Masterson to nominate James Cain for the Board of Flood and Drainage Control Liaison.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Alternate Board of Flood and Drainage Control Liaison

Member Masterson opened the floor for nominations for Alternate Board of Flood and Drainage Control Liaison.

Moved by Masterson and seconded by Kimble to nominate Linda Masterson for Alternate Board of Flood and Drainage Control Liaison.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

#### PLANNING COMMISSION REPORT

Planning Commission Liaison Graupmann stated that the Planning Commission had had two meetings since the last time BZBA met. He discussed that there was one on December 12<sup>th</sup> and two new orders of business, which were the Animal Clinic on Center Ridge Road that proposed constructing a 1,325 square foot single story addition to the clinic. He stated that that measure was passed. He mentioned that the second application was for Pleasant Avenue, which proposed a street vacation for a portion of Pleasant Avenue to allow for expanded parking and that measure was also passed. He stated that regarding the January 9<sup>th</sup> meeting, the only thing of importance was the election of officers and nothing had really changed.

#### OTHER REPORTS OR CORRESPONDENCE

##### Master Plan Update

Vice-Chairman Thibodeaux stated there was a final steering committee meeting, which would be Wednesday, February 21<sup>st</sup> from 6 to 8 PM in the current police station training room to review the input from the last round of engagement and a first look at the final master plan.

Director Lieber stated that regarding the master plan, they did have a last round of engagement and over 100 people participated, so there were many hundreds of comments. She mentioned that they were sifting through that currently.

##### Board of Zoning and Building Appeals Training Follow-up

Assistant Law Director Morgan stated that there were a couple of things that came up that she thought she would address after the training and the first thing had to do with when they wanted to postpone something and the correct language. She discussed that there was appropriate language but the bottom line seemed to be as long as they used a word like postpone, delay, table and that it wouldn't make a lot of difference as long as they indicated when they wanted them to come back. She added that that could be at a date certain or it could be after an event and gave the example of asking them to come back after they made a change to review their plans or make new plans or new drawings and that sort of thing. She mentioned that it was pretty liberal, as long as their intention was clear from the context around it, then it was not going to make much difference. She discussed that another item that came up was reading correspondence into the record. She stated that she put a couple of examples in the memo that she had given them. She explained that one of them resulted in litigation because something was read into the record that probably wasn't appropriate and wasn't something that was on their agenda. She stated that in another instance, it did lead to the Board being overturned but it had to do with something that was on the agenda regarding a disability. She added that when the Board's decision was appealed and it went up to the court, the court relied on that piece of correspondence to say that that was a reasonable accommodation under the ADA and reversed the Board's decision. She explained that she had put together some guidelines regarding correspondence. She stated that they needed to make sure that if they read correspondence into the record, that it related to something that was on the agenda. She discussed that they needed to make sure that all of the Board members had access to it and that it wasn't a surprise to anybody, so they knew it was coming and had a chance to look at it as well. She explained that those things became a public record. She discussed that they wouldn't want to read something into the record if they didn't know who wrote it. She stated that they needed contact information and some assurance that it was someone real and that they had their name and their contact information. She mentioned that they needed to make sure that the information that they received and was going to be read into the record, was appropriate in the same sense that they would make sure that someone who was present, what they were saying was appropriate. She stated that if they said things that were derogatory or mean-spirited or inappropriate, it was perfectly reasonable for the Board to say, "We're not going to listen to that. You're going to have to have a certain amount of decorum when addressing the Board." She discussed that it was the same thing regarding written correspondence and that sometimes people were braver when they were writing something down and were not actually present. She added that it should have contact information and they should contact them and say, "We would love to address that, but you're going to have to write something that's appropriate for the Board". She said that those were her suggestions and if they wanted to develop a rule for the Board to use for when correspondence was appropriate, they could. She gave the example that if someone gave something to the Board five minutes before the meeting started, that would probably not be appropriate to get it on the record. She stated that if they had a rule, then it would be easy to make those decisions.

PUBLIC HEARINGS:

PPZ2024-0241, David James, 37326 Sugar Ridge Rd, PPN: 07-00-035-101-037

Proposal consists of an outbuilding. Property is zoned R-1 Residence District. Requests:

1. A 3.4% variance for excessive lot coverage; applicant proposes a new outbuilding resulting in total lot coverage of 13.4%, code allows a maximum of 10% lot coverage for lots greater than one-half acre, Section 1294.03(e)(4).

Application was read.

Chairwoman Masterson asked if there was a representative present.

David James, 37326 Sugar Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Mr. James to explain his application.

Mr. James stated that he wanted to construct a building that was 20 by 40 in the back right corner of his property. He discussed that he had a couple pieces of equipment and trucks that he wanted to keep out of the weather and wanted to keep them out of the yard. He said that he wanted to keep the property looking nice and neat and that was the reason he was there.

Chairwoman Masterson asked if he would be keeping the existing shed as well.

Mr. James stated that he was. He explained that that one was used for more of the patio and porch furniture and had a workout set in there and yard equipment, like the lawn mower and things of that nature.

Chairwoman Masterson asked if he had tried any other way to correct that situation.

Mr. James stated that luckily for him, the property next to him was an open field and when the weather was nice, they would allow him to park his things over in the field. He mentioned that as it got colder and wetter outside, he didn't want to trash that field getting in and out of there or get stuck and just make a giant mud hole over that and on the street. He stated that his business got a little slow that time of year anyway and that he would like to keep it out of the elements.

Chairwoman Masterson asked if the equipment that he had was for his business.

Mr. James stated that it was.

Chairwoman Masterson asked if he had looked into other places to store the equipment.

Mr. James stated that he hadn't recently. He commented that he used to keep them out at an outdoor rental property when he lived in Parma. He stated that he had just moved to North Ridgeville a couple of years ago and said that he wanted to keep everything on his property and under cover.

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

Member Kimble stated that in looking at his layout and proposed barn, when he drove by it looked like he had already poured the pad.

Mr. James stated that he did.

Member Kimble stated that it was pretty easy to tell where he planned on putting it and that it seemed to make logical sense to him where he had it placed on the lot and that he would go straight down the driveway and guessed that he would probably extend that driveway to the new barn.

Mr. James stated that was correct and that he just ran out of time because of the weather.

Member Kimble said that he could see that it was pretty much lined up and that it did seem to make sense to him and the fact that he would be able to put his truck, trailer and skid loader inside, visually looked better and was definitely better for the equipment. He stated that it was the last of the more rural areas of the community and thought that it would fit in just fine. He commented that no one would even know that there was anything different about it.

Chairwoman Masterson asked if there were any other comments or concerns from the Board.

None were given.

Chairwoman Masterson asked if there was anyone from the Administration that had any comments or concerns.

Director Lieber asked if Mr. James ran his business out of the house.

Mr. James stated that he did and that it was a side business. He explained that he had a full-time job as well.

Director Lieber stated that the City did have requirements for home occupation and a requirement to obtain a permit from the Building Official for any home occupation. She added that there were also requirements that went along with running a business out of the home and there were certain requirements that had to be met. She stated that one of the requirements was maintaining the character of the residential area. She mentioned that that was something for the Board to keep in mind and wanted to draw the Board's attention to the Duncan Factors that they reviewed and asked that they look through those. She discussed that she did update the report template as they had discussed and that the focus as always was what was unique about the property and not about the applicant and not about the other conditions, but what was unique about the property.

Chairwoman Masterson asked Chief Building Official Fursdon if the applicant had a home occupation permit for that business.

Chief Building Official Fursdon stated not that he was aware of.

Mr. James stated that he didn't know that. He explained that he didn't know he had to have that but would definitely look into it now.

Chairwoman Masterson asked what type of equipment he had.

Mr. James stated that for the building he had a five-ton dump truck that he wanted to keep in there and a skid loader that he wanted to keep in there. He mentioned that if he could fit one of his pick-up trucks in there, he would like to do that, too. He added that the machine and dump truck were his number one and two priorities.

Chairwoman Masterson asked if the machine was a skid loader.

Mr. James stated that was correct.

Chairwoman Masterson asked Chief Building Official Fursdon if Sugar Ridge Road was a residential road and not a state route.

Chief Building Official Fursdon stated that it wasn't a truck route that he was aware of but that was a question for the police. He explained that he didn't regulate truck routes, the police did.

Chairwoman Masterson asked if there were any rules regarding having a dump truck in a residential area.

Chief Building Official Fursdon stated that having the skid loader and the dump truck in a residential district would require it to be put in an enclosure, which was what the applicant was trying to do.

Director Lieber stated that she would go back to what was unique about the property. She commented that as they thought about the application, to run a business out of a home in a residential district, then to necessitate the construction of a structure that didn't meet code was a bit of a self-created hardship. She added that although they might find that there were unique features of Sugar Ridge that might not exist in other areas of town, she just imagined other similarly situated lots and if someone were running a business out of their

home, would that be the rationale for obtaining a variance for a lot coverage for those types of requests. She encouraged the Board to discuss that.

Chairwoman Masterson asked if there was anything Mr. James wanted to add.

Mr. James stated that he would go along with the permit for running a business and said that he didn't know that. He commented that he considered it a side business of his and he got busy, which was a good thing. He stated that he understood having to get a permit and would follow through with that.

Chairwoman Masterson asked Council Liaison Winkel if he had any comments or questions.

Council Liaison Winkel stated that regarding his own experience, he also had a permit for his residence to run a business out of his home was one of the reasons he first came to the Board many, many years ago and stated that it was unknown to him that he needed to do that and but made sure that it was taken care of. He remarked that if he remembered correctly, he explained that he thought it was a parking spot restriction on the parking spot, to be able to use it. He stated that he would have to look at that application and see what it was. He stated that he did have a question regarding the Duncan Factor summary, it said there was a 34% difference increase, but on the summary, under recommendations, it said 3.4%. He said on the Duncan Factors it referred to a 34% increase and asked if that could be clarified.

Chairwoman Masterson stated that that was a question she had as well.

Director Lieber explained that that was the percentage over the allowable, 34%, one third more.

Member Kimble stated that he was concerned about that himself and he kind of questioned it but just from the mathematical standpoint, the 30% was over the 10%.

Director Lieber stated that was correct.

Member Kimble stated that if he went to 20% that would be 100% asked. He commented that it was only 3.4% over what was allowed, but in playing with numbers, that did get them to a 34% increase. He discussed that one thing to consider as they all knew, was that the variances went with the property and not with the owner. He explained that if Mr. James was there requesting the same application for a place to store his classic cars, a lot of the discussion and what they were basing it on, as Director Lieber mentioned a couple times, wouldn't even be a part of it. He stated that he thought it was more of a matter of if the building fit on the property and if it was unique to that situation.

Chairwoman Masterson stated that she thought member Kimble had a very good point and that was where she was going with her thoughts. She commented that behind that was commercial. She asked if there was a trucking company further down the road to the west.

Chief Building Official Fursdon stated that there was a brand-new trucking company at Taylor Parkway right there on Bender Road.

Chairwoman Masterson asked if there was one off of Sugar Ridge Road. She asked if the old building secretary, Sharon, if her brother-in-law had a trucking company down that way.

Chief Building Official Fursdon stated yes, but that he didn't think that was there anymore. He stated that he had it down there for years but he had it back in the I Zone. He explained that his driveway was out on Sugar Ridge Road but he was back in an I Zone.

Chairwoman Masterson commented that it was a very unique section of town. She thanked Director Lieber for the Duncan Factors as well as what Council Liaison Winkel had to say. She stated that regarding the

Duncan Factors, in her opinion, what member Kimble said regarding the Board needing to be looking at the property as a property owner and as residential, in regards to running a business, that was something that needed to be addressed by the Building Department. She stated that the variance did seem to be substantial at 34% increase in available lot coverage. She asked if they would be allowed to build two garages on that spot.

Member Kimble commented no, because that was regarding under half acre lots and that lot was just over.

Chairwoman Masterson read "Will the essential character of the neighborhood be substantially altered". She stated that it was a unique piece of property and the view out of the back of those properties was unusual for the City. She read "Will the variance affect delivery of services" and stated that it wouldn't. She asked how long he had owned the property.

Mr. James stated that his wife owned it but they moved there in October of 2021.

Chairwoman Masterson read "Would the spirit and intent of the zoning requirement be observed and a substantial justice done by the granting the variance". She commented that they did always like it when the properties were cleaned up.

Mr. James remarked that he didn't want to say anything about that but he was sure they had driven down Sugar Ridge plenty of times.

Chairwoman Masterson asked Assistant Law Director Morgan if she wanted to add anything.

Assistant Law Director Morgan stated that reviewing the Duncan Factors was always a good exercise to do and wanted to remind them that there was not one thing that they looked for, but that it was sort of a balancing of those factors and whether they weighed in granting or against it was the determination of the Board.

Chairwoman Masterson asked if there were any other questions or comments from the Board.

None were given.

Moved by Kimble and seconded by Graupmann to approve the 3.4% variance for excessive lot coverage.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:27 PM.

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Linda Masterson  
*Chairwoman*

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Tina Wieber  
*Recording Secretary/Deputy Clerk of Council*

Thursday, February 22, 2024

Date Approved

DRAFT