

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MAY 23, 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, Planning Commission Liaison Paul Graupmann and Chairwoman Linda Masterson.

Vice-Chairman Neil Thibodeaux 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, April 25, 2024.

None were given.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT

Planning Commission Liaison Graupmann stated that at the Planning Commission meeting held on May 14th there were three applications before them. He explained that the first application was for owner Chuck Stella, to construct an addition to an existing building for a grooming facility, and that after review and discussion by the Commission, it was decided to table it to the next meeting due to issues with the plans. He stated that the second applicant, Kevin Urig, KMU Trucking and Excavating requested rezoning a portion of the property that was zoned R-1 Residence District to B-3 Highway Commercial District. He stated that after discussion with the Administration about the location of the property and the fact that the property could not be utilized because of French Creek and other considerations, it was approved. He indicated that in addition to that proposal, the same applicant proposed constructing a 9,000 square foot building and parking for landscape material storage. He stated that after discussion by the Commission, the Administration and hearing from residents and the concerns expressed, the proposal failed by a vote of 4 to 1.

OTHER REPORTS OR CORRESPONDENCE

Zoning Code and Subdivision Regulation Update

Director Lieber stated that as the Board was aware, the City of was undertaking a zoning code audit and subdivision regulation update. She mentioned that they were all invited to participate in the stakeholder meetings and explained that they had now expanded their pool of community feedback to the whole North Ridgeville Community with an online survey that had been open and that if they hadn't received a personal invitation yet from Tina, they would shortly. She asked that they please take the survey and share it with their friends and neighbors and if they were involved in community organizations or groups or HOA's or church, if they wouldn't mind forwarding it to members. She commented that a personal goal was to hit 500 responses as a minimum and that it would be great if they could do even better than that. She mentioned that they really wanted everyone to participate and give feedback so that they knew that they were heading in the right direction with the updates.

PUBLIC HEARINGS:

PPZ2024-0265: Matthew Thran & Kristina Levitt, 8188 Ashford Circle, PPN 07-00-035-102-191

Proposal consists of installing a fence on a corner lot. Property is zoned R-1 Residence District. Requests:

1. A 1-foot height variance for height of a fence located in the front yard; applicant shows 5 feet, code permits 4 feet, Section 1294.01(h)(2)(A).
2. A variance for opacity of a fence located in the front yard; applicant shows 0% open, code requires 50% open, Section 1294.01(h)(2)(A).

Application was read.

Matthew Thran & Kristina Levitt, 8188 Ashford Circle, North Ridgeville, OH 44074, were sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Ms. Levitt stated that she submitted a letter explaining that they lived on a corner lot but because the HOA owned a portion of the land behind their house, they weren't right up against the road. She indicated that there was a city-maintained walking and bicycle path right there as well as the pickup for the public schools being on that corner. She said that they had privacy concerns with being on the corner lot with a half open 4-foot fence with families and children coming up and down that walkway all the time and that they had a dog. She stated that when children saw a dog that was cute, they would want to reach over and pet it and that would be a concern if they let their dog outside unsupervised. She mentioned that they preferred to have a privacy fence with a 1-foot increase in height in order to mitigate any of that.

Mr. Thran added that their primary concern was that they had a large amount of foot traffic that came across their area because of the path on the back of their home, a path on the side of their home and another one that went around the front of the house and that in addition to that, they had both families and children that were dropped off at the corner right behind their home three to four times a day. He discussed their concern that if individuals could see through to their yard, they could see their dog and come onto the property or if they tried to climb the fence, they could get hurt in some way or if they tried to reach through. He stated that they planned to use that area primarily for gardening like raspberries and peppers and those types of things and that they didn't necessarily want children getting into anything and like if they had food allergies or touching something with thorns on it or if the peppers were spicy that that could cause issues as well and they didn't want them reaching through to get into any of that stuff. He explained that their primary issue was privacy for themselves due to all of the people coming through and the safety of other individuals attempting to reach in and not knowing better

because they were children.

Chairwoman Masterson stated that the Board of Zoning and Building Appeals was there to find out any type of hardship. She discussed that they were the first owners of the house and they knew they were buying a corner house and that there was a sidewalk in front of the house and along the side, which was unusual, but they were aware that they bought a corner house, which meant that they had sidewalk on both sides of their house and that the City considered corner lots to have two front yards. She commented that according to the drawing, it looked like they were going off the back of the house and then both sides of the house and then would go to the property line with the fence.

Mr. Thran commented not quite to the property line. He discussed that it would run along West Fenwick and would be setback about 13 feet back from the sidewalk, so that it didn't encroach any easement along there.

Chairwoman Masterson asked if it would be adjacent to their neighbor's fence.

Mr. Thran stated that they wouldn't be installing a fence along the far side where there was already a fence there.

Chairwoman Masterson stated that their neighbor's fence was a completely solid fence and that they didn't need any variances to get their fence.

Mr. Thran stated that was correct.

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

Member Kimble stated that in looking at the property, they did have a unique lot because it was a corner lot and that it was also a cul-de-sac that changed the shape of their front yard. He discussed that one of the main concerns when someone asked for a corner lot fence such as that, which was actually a front yard, was the visual obstruction of traffic and the safety concerns but he didn't think that was an issue with their proposal. He stated that the way the road jogged out and then went right into the cul-de-sac, it extended that portion of their front yard even further from the fence. He added that to him it was well thought out and that it was from almost the rear corner of the house and not the front corner and he didn't see that there would be any safety issues and the plan seemed to make sense.

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

None were given.

Chairwoman Masterson asked if there was anyone in the audience who wished to speak on the matter.

No one did.

Chairwoman Masterson stated that she wanted to discuss the Duncan Factors and read, "If the property could yield a reasonable return or a beneficial use of the property without the variance?" and stated that quite clearly it could but that the Board was there to use common sense and the rules were a little bit hazy. She then read "Will the property be able to be used?" and commented that of course it could. She discussed the fence being taller than the code allowed and commented that Mr. Kimble made a very good point

regarding looking for visual obstructions, but they weren't anywhere near where they would have to worry about line of sight for a car or a child. She read, "Would the essential character of the neighborhood be altered?" and stated that they would be matching the next-door neighbor. She read, "Is it unlikely that it would cause safety concerns?" and stated that they had addressed that the way that it was situated, it was not going to obstruct views. She then read, "Will it interrupt government services?", and commented that they didn't want to put it in the easement and thanked them. She read, "Did you purchase the property without knowledge of the zoning restriction?" and remarked that she assumed they understood that they were responsible for knowing the rules and regulations. She stated that when people bought their first home they sometimes didn't think about that stuff, and they didn't think about it when they bought a corner lot. She added that they saw a lot of people with corner lots in the city. She read, "Could their predicament be precluded through other variances?" and stated that it could be, but she was going back to, if they wanted to make it look like the neighborhood, they would be matching the next-door neighbor. She indicated that as far as the reason for the 50% open, that would be more of a safety concern and being at the back of the house it wouldn't be. She asked if anyone from the Administration had any comments, concerns, or questions.

Director Lieber wanted to mention that the corner lot situation was not an unusual thing in North Ridgeville and that there were a lot of corner lots in North Ridgeville. She mentioned that the code did contemplate the two setbacks on side streets. She stated that she appreciated the effort the applicant put into their cover letter and that they didn't always see someone that put the effort into addressing the issues and that it was useful in reviewing the application.

Assistant Law Director Morgan stated that she thought it was a well thought out plan.

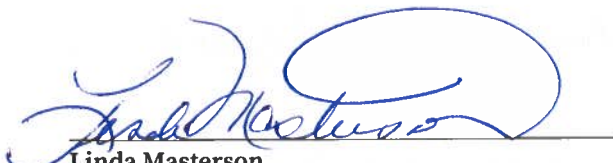
Moved by Masterson and seconded by Cain to approve the variance requests.

A roll call vote was taken and the motion carried.

Yes - 4 No - 0

ADJOURNMENT:

The meeting was adjourned at 7:15 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, June 27, 2024
Date Approved