

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, DECEMBER 16, 2021**

TO ORDER:

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

ROLL CALL:

Present were members James Cain, Neil Thibodeaux, Jim Smolik, Linda Masterson and Chairman Shawn Kimble.

Absent was Clifford Winkle.

Also present were Chief Building Official Guy Fursdon and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, November 18, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

OTHER REPORTS OR CORRESPONDENCE:

PUBLIC HEARINGS:

APPLICANT: Matthew Thomas, 9162 Longbrook Drive, North Ridgeville, Ohio 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 fence 100% closed requiring 2 ½ foot height variance and 100% closed variance.

LOCATION: 9162 Longbrook Dr. in an R-1 District.
Permanent Parcel No. 07-00-001-000-403

CASE NO.: PPZ2021-0098

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

Chairman Kimble asked if there was a representative present.

Matthew Thomas, 9162 Longbrook Drive, North Ridgeville, Ohio 44039, was sworn in.

Chairman Kimble asked Mr. Thomas to explain the application.

Mr. Thomas explained that he had talked to the builder and got a design for the fence. He stated he didn't realize he couldn't have a 6-foot tall fence when he ordered the fence. He stated that they helped him with the design to have the gate on the side of the driveway so it would look nicer. He advised that the lot was very wide and curves where the street that they are allegedly going to build would be going. He explained that he had already ordered the fence and his fence contractor came to get the building permit but told him there was a problem. He stated that he never said anything about the height of the fence, so he didn't realize until coming to the meeting that the height was an issue. He stated he thought he was at the meeting to get the gate on the south side of the house instead of having to have the whole fence, a line of fence there.

Chairman Kimble stated that looking at the TOPO on the last page of the application; the red line showed where the proposed fence was going to go. He explained that the entire reason for having this fence ordinance was to go around corner lots, which as the application stated, he had two front yards even though it was really a side yard. He stated that per the City's ordinance it was considered a side yard. He advised that regarding a 6-foot fence 100% closed, if it was toward the actual intersection of the corner, it would at that point be a visual obstruction and possibly a safety hazard. He explained that considering where Mr. Thomas had it designed at the rear corner of the house, he didn't see any way that there would be any sort of safety concern or visual obstruction and it appeared to be a well thought out plan.

Chief Building Official Fursdon asked if the drawing on the screen was six foot off the back corner of the house.

Mr. Thomas stated that it was and it was just the gate. He explained that it was a six foot gate and was as far as it could go.

Chief Building Official Fursdon stated that he spoke to the HOA and the drawing that they have, they thought it was an eight foot gate going in there.

Mr. Thomas stated that it was a six foot gate. He stated that maybe they were talking about the posts and that was where they got the eight feet.

Chief Building Official Fursdon explained that the HOA was under the impression that it was eight foot.

Member Masterson asked who was installing the fence.

Mr. Thomas advised it was Keifer Construction.

Member Masterson explained that Mr. Thomas had said the street allegedly was going to be completed and asked what he meant by that.

Mr. Thomas stated that Bob Schmidt was telling him that the street would be completed after they complete around the side and then said they would be going straight back so he didn't know how long it would be.

Member Masterson stated that she used to work for Bob Schmidt Homes years ago and she knew that the street was always going in but that it takes time.

Mr. Thomas stated that the reason he said that was because they had all their construction equipment there and they said they were going to leave it there until they started building the street. He explained that he asked them when they would move the construction material because it didn't look great from his side window and was told that they weren't sure and didn't have plans. He stated that Scott, the architect, told him that they hadn't allegedly purchased enough land back there to build it. He stated that he was getting conflicting stories. He advised that Mike Schmidt was going to come to his house on Tuesday to talk about some of the issues. He asked if Member Masterson had seen his yard.

Member Masterson stated that she avoided his street.

Mr. Thomas stated that they hadn't cleaned up any of the construction materials. He explained that there were nails and materials in the backyard. He stated that he

was telling Shawn when he met with him last year that they were going to have the yard and the landscape up before he moved in and that didn't occur. He explained that he wouldn't be able to put in the fence until next year after they leveled the yard.

Member Masterson asked if he had his HOA approval

Mr. Thomas stated that he did but would need to verify with his wife.

Member Masterson stated that it didn't matter if it had been approved or not because the Board didn't answer to the HOA.

Mr. Thomas advised that he had gone back and forth with the HOA with fences because they wanted to get an off-color fence that had a design in it and they said, no. He explained that the fence across the street from him had a fence that was a color that was the complete opposite of the house and was out of compliance with the Ridgefield folks. He stated that he did get his fence approved, at least the color. He stated that maybe the HOA was not aware that he couldn't have a six foot fence or that he couldn't go out to the corner.

Member Masterson stated that what the Chairman was trying to say was that if he had put the fence flat right up against where the edge of his house was, there wouldn't be an issue. She explained that he had two front yards. She further explained that the gate was bumping it out past the building line. She advised that it wouldn't be an obstruction and would be a nice addition to the neighborhood. She stated she was just concerned about his contractor because the Board wanted to make sure that the contractor follows the rules and regulations. She explained that the Board has had some issues with some of the contractors in the past.

Mr. Thomas stated that he had moved from the City of Barton to North Ridgeville and the contractor did a lot of work on his house in Barton so that he could get it ready. He advised that they did a pretty good job.

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

Member Smolik stated that there was a discrepancy. He explained that if the offset

was six feet and they were talking about a six foot gate, in reality it would probably be an eight foot offset.

Chief Building Official stated that posts aren't usually more than six by six or four by four so it would be seven foot.

Chairman Kimble stated that it would depend on how the gate was built.

Member Smolik explained that he wanted to make sure that if a motion was made that it was modified. He asked Chief Building Official Fursdon if he thought seven feet would be enough.

Chief Building Official Fursdon stated that technically the rule of thumb is that you could go within 12 feet of that right-of-way and still be excellent for sight lines.

Member Smolik agreed that was correct.

Member Masterson stated that she understood that to modify it and give them an eight foot variance gives them wiggle room. She explained that they wouldn't run into the issue of another contractor saying, well, the Board let them go for a foot.

Chairman Kimble stated, "Or having to come back".

Mr. Thomas stated that it was the same fence that he had put up at his Barton home and it would be a post, the gate and a post and demonstrated how big the posts were.

Chief Building Official Fursdon stated no more than seven foot was needed.

Chairman Kimble stated that Mr. Smolik had made a great point. He asked if there were any other questions or comments from the Board.

None were given.

Chairman Kimble asked if there was anyone that wanted to speak on behalf of the matter.

Peter Bovenzi, 9154 Longbrook Drive, North Ridgeville, Ohio 44039, was sworn in.

Mr. Bovenzi explained that he was Mr. Thomas' neighbor and that what he was about to state would help him. He stated that he was good with the fence but it was about the timing and the install. He advised that his back yard and the side of the yard did not pass grading from the City. He explained that it failed. He stated that it had to be regraded. He advised that with the fence there it would be difficult to regrade. He stated he was glad to hear that Mr. Thomas' yard has some leveling issues as well.

Mr. Thomas stated that his yard hadn't even been graded yet. He advised that it was supposed to be but they didn't get around to it and now they wouldn't be able to do it until the spring.

Mr. Bovenzi stated that when he talked to Lucy Rodriguez of the Engineering Department, she passed him on to someone else who suggested that he talk to Mike Schmidt directly and he did. He advised that Mr. Schmidt came over to the yard and agreed that the water wasn't flowing properly. He explained that he had two drainage systems in his yard and he came the day after it rained heavily. He further explained that the water was flowing in the areas where the drainage systems were not and he saw how it wasn't graded properly. He stated that Mr. Schmidt said he would do it in the spring. He advised that the only reason he was there was to give Mr. Thomas a heads up that there's a problem back there and it was probably affecting his yard as well. He stated that before the fence goes in, both of their yards needed to be leveled and graded properly.

Chairman Kimble stated that since the Board was making an amendment to the application, they should vote on both of the requests separately.

Moved by Member Smolik and seconded by Masterson to approve the variance to the 6 foot high fence.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

Moved by Member Smolik and seconded by Cain to approve the variance to the

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100% closed fence, eight foot off of the structure.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

Chief Building Official Fursdon requested a second vote on the 100% closed fence variance.

Moved by Member Cain and seconded by Masterson to approve variance to the 100% closed fence.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

OTHER BUSINESS:

No other business.

ADJOURNMENT:

The meeting was adjourned at 7:19 PM.

Shawn Kimble
Chairman

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*

Thursday, January 27, 2022
Date Approved