



Board of Zoning and Building Appeals
CITY HALL COUNCIL CHAMBERS **REVISED**
AGENDA OF JULY 25, 2024
7:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

Regular meeting minutes of June 27, 2024

PLANNING COMMISSION REPORT

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS

PPZ2024-0286: David & Christina Fagan, 9302 Winfield Lane, PPN 07-00-036-000-452
Proposal consists of an outbuilding in front yard. Property is zoned R-1 Residence District. Requests:

1. A variance for an accessory structure (outbuilding) in the front yard, code does not permit, Section 1294.01(g)(10). Note: Outbuilding is encroaching into the required front yard by 8 feet.

PPZ2024-0287 George Delury, 32907 Chestnut Ridge Rd, PPN 07-00-004-109-005
Applicant: Daniel Margulies Comanpy, Inc, 1210 Chase Ave, Lakewood, OH 44107.
Proposal consists of building addition. Property is zoned R-1 Residence District.
Requests:

1. An 8-foot variance for depth of required front yard. Applicant shows 42 feet, code requires 50 feet, Section 1250.04(b)(1).

PPZ2024-0288 Feliciano Towing, Javier Feliciano, 5884 Rosebelle Ave, PPN 07-00-020-108-019

Proposal consists of an outbuilding for home occupation. Property is zoned RS-2 General Residence District. Requests:

1. An appeal to allow a second vehicle used primarily for the home occupation on the premises, Section 830.02(b)(15). Note: BZBA denied variance request for second vehicle in 2017.
2. A 1-foot variance for setback of a detached private garage. Applicant shows side setback (north) of 4 feet, code requires 5 feet, Section 1294.03.
3. A 356 square foot variance for area of detached private garage. Applicant shows 1,032 square feet, code allows 676 square feet, Section 1294.03(d)(1). Note: Garage also exceeds 26 feet in width.

ADJOURNMENT

NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JUNE 27, 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.

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, May 23, 2024.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

Planning Commission Liaison Graupmann stated that at the Planning Commission meeting held on June 11, there was one application before them which was Elite K911 Grooming facility on 31740 Cook Road and was a continuation from the May meeting due to issues with the plans when presented in May, but the issues had been resolved and the proposal was approved unanimously.

OTHER REPORTS OR CORRESPONDENCE

Chairwoman Masterson asked the Administration if they had anything to report.

Director Lieber stated that she had two updates on planning projects with one being the Active Transportation Plan. She explained that there would be a committee meeting on Thursday, July 11th at the Senior Center and it was a plan for pedestrian and trail improvements throughout North Ridgeville and invited the members of the Board to join. She mentioned that there would be fun food giveaways and some of their partners such as the library, schools and Heart and Soul would be there, and that they were hoping for some good feedback from the community. She stated that regarding the zoning code diagnosis and update project, that they had a great response to the community survey with over 960 responses. She added that it was moving along and they would have a report to share with the Planning Commission in a couple months.

Chairwoman Masterson stated that she had a question for Director Lieber. She stated that Neil was no longer with the Board.

Director Lieber stated that Mr. Thibodeaux advised the Mayor that he had to step back from his position on the Board and the Mayor was in the process of trying to identify some candidates that would be a good fit for the Board. She explained that once they had that person identified, they would have to be appointed by the Mayor and then confirmed through Council before they could begin their service on the Board, but they were aware of the vacancy and were actively working to identify the right fit.

Chairwoman Masterson stated that they would need to elect a Vice-Chair at some point and asked when she recommended doing that.

Director Lieber stated that they could do that at any point to replace him. She discussed that they could even amend the agenda if they wished to add the appointment of a Vice-Chair or if they preferred, they could make it the first item of their July meeting.

Chairwoman Masterson stated that she would like a letter sent to Mr. Thibodeaux and thank him for his service on the Board.

Moved by Masterson and seconded by Kimble to amend the agenda to appoint a Vice-Chair at the end of the public hearings.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PUBLIC HEARINGS:

PPZ2024-0276 Kevin & Jaclyn Rozman, 33987 Gloria Ave, PPN 07-00-009-114-008, -007, -047

Proposal consists of constructing a shed. Property is zoned RS-2 General Residence District. Requests:

1. A 2-foot variance for setback of an outbuilding to rear property line. Applicant shows 3 feet, code requires 5 feet, Section 1294.03(a). See also 1294.03(e)(1).

Application was read.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the applicant was proposing to construct a shed in the rear yard that was to be located 7 feet off of the east property line. She explained that code required outbuildings to be set back at least 5 feet from side and rear property lines and at least 10 feet from other buildings on the site, therefore, it was 2-foot request for setback. She stated that the one question she would have for the applicant was the size of the shed. She stated that she wasn't sure that she saw dimensions proposed for it and wanted to make sure that the size of the shed was in compliance with the code but given the size of the lot in the drawing she thought it would be just fine. She explained that she did include her review of the Duncan Factors and her only concern on behalf of staff was to ensure that the shed was not located in such a manner as to impede the flow of stormwater. She stated that if the variance were granted, the engineering department would review that in the course of any permit issuance, and they just wanted to make sure that they were keeping the water flowing through any designated drainage channels.

Kevin Rozman, 33987 Gloria Ave, North Ridgeville, OH 44074, was sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Mr. Rozman stated that the shed would be 10 x 14. He stated that the variance request was because it would just work better in the flow and away from a low spot in the yard, which would impede drainage. He discussed that by putting it on the east side of the yard closer to the back property line and the side property line, it was better placement in the yard and allowed for green space for the kids.

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

None were given.

Chairwoman Masterson read through the Duncan Factors and stated that they could use the property without the variance, but he had a family that was growing and had a very small yard and some large things in the yard such as the gazebo. She stated that she could understand the need for the variance. She stated that the variance was minimal and there were very shallow backyards in the neighborhood and there were a lot of other sheds so she didn't feel that the character would be changed. She mentioned that it would not adversely affect the delivery of governmental services. She asked if he was aware of the zoning rules and regulations where when he bought the property.

Mr. Rozman said, no, at the time of purchase they were not planning to have a shed for all of the extra things they had.

Chairwoman Masterson commented that no one actually plans for how much stuff came with kids. She stated that they could locate the shed in different areas, however, as he stated, he wanted his children to be able to play in the backyard. She stated that regarding the spirit of intent, she didn't see a problem with that. She mentioned that anytime a structure was built, it couldn't impede anything and that would be something the Building Department and Engineering Department would ensure. She asked if there was anyone in the audience that wanted to speak on behalf of that matter.

No comments given.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2024-0277 Hampton Place, Phase 7, PPN: 07-00-029-000-556, -557

Owner: Valore Properties, Inc., 23550 Center Ridge Rd, Avon, OH 44011. Requests:

1. A 7.5-foot variance for setback of dwelling from a common space area. Applicant shows 7.5 feet for sublots 340 and 341, code requires 15 feet, Section 1282.11(b)(2).

Application was read.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the applicant was requesting a 7.5-foot setback to open space from a dwelling that was a cluster lot for sublots 340 and 341, which were the southern most at the end of Darrow Drive. She discussed that Hampton 7 received preliminary and final approval and the plat was recorded but at some point after that and houses were being built, it was determined that the last two lots had a smaller buildable frontage than the other lots along that street. She stated that the exhibit that they had before them was the plat that actually showed that 15-foot side setback to open space. She mentioned that they could see that it provided a shallower building envelope than the other lots and she thought that at some point the home builder recognized that it would be a challenge for the product and therefore, filed application to the BZBA to allow a 7.5-foot side yard setback. She stated that there was one variance request, but it affected two separate lots.

Chairwoman Masterson asked if there was a representative for the application.

Cody Bruce, 6770 West Snowville Rd, Brecksville, OH 44074, was sworn in.

Chairwoman Masterson asked the applicant to explain the application.

Mr. Bruce stated that he was with Ryan Homes and was acting on behalf of the developer. He stated that they requested that the developer seek the variance due to the availability of space to build those lots. He discussed that they were building a 40-foot product as a standard within the cluster portion of the community. He stated that they did have a few lots prior to that but the company discontinued the product that would fit on that lot. He mentioned that to maintain the aesthetic of the community, they wanted to continue with the 40-foot product on the two lower most lots and to keep that and fill those two lots in with the continued product.

Chairwoman Masterson discussed the Duncan Factors and stated that his variance request was minimal. She stated that the character of the neighborhood would not change and would not affect governmental services. She stated that he had purchased the property, but she did understand that his product got discontinued.

Mr. Bruce stated that Ryan Homes had not purchased the property yet and that the developer still owned it. He explained that in order for them to purchase it, that was why they were seeking the variance, so that in the future they would be able to purchase the product.

Chairwoman Masterson asked Prosecutor Kelleher if that was alright since they were not the owner of the property.

Mr. Bruce stated that the variance was still being sought through the developer, but he was just speaking on behalf of the developer, who was there before them as well.

Prosecutor Kelleher stated that it should be okay.

Chairwoman Masterson commented that it could be done a different way by putting a smaller dwelling on the lot but that the good thing was that there was open space behind it.

Member Kimble stated that they were abutting up to a common space and it wouldn't be wedged into another house. He mentioned that from a visual standpoint at the end of the road, he didn't see how it would stand out in any shape or form and that it made perfect sense. He said that it was a good example of why the Board was there because it was kind of common sense in his opinion.

Chairwoman Masterson asked if there were any other questions or concerns.
None were given.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2024-0278 Hampton Place, Phase 8, PPN: 07-00-029-000-515

Owner: Valore Properties, Inc., 23550 Center Ridge Rd, Avon, OH 44011. Requests:

1. A 319.83 square foot variance for minimum lot area of a single-family lot. Applicant shows 12,480.17 square feet for subplot 388, code requires 12,800 square feet, Section 1282.11(c)(1).
2. A 1,671.53 square foot variance for minimum lot area of a single-family lot. Applicant shows 11,128.47 square feet for subplot 389, code requires 12,800 square feet, Section 1282.11(c)(1).
3. A 8.4-foot variance for rear yard setback of a single-family dwelling. Applicant shows 21.6 feet for subplot 388, code requires 30 feet, Section 1282.11(c)(5).

Chairwoman Masterson stated that for the third application they would be postponing it until next month.

Director Lieber explained that due to some of the confusion between the application, the write-up that was submitted by the applicant, the exhibits that didn't agree and the proximity to the meeting date, they were unable to get those issues resolved and it was her recommendation that the Board, with the agreement of the applicant, table the third item to their July meeting.

Moved by Masterson and seconded by Cain to table the application to the July meeting.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Election of Vice-Chairperson

Chairwoman Masterson asked if there were any nominations for the position of Vice-Chairperson.

ADJOURNMENT:

The meeting was adjourned at 7:19 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, July 25, 2024
Date Approved

Board of Zoning & Building Appeals Application



SUBMITTAL INSTRUCTIONS

Board of Zoning and Building Appeals meetings are held on the fourth Thursday of each month at 7:00 p.m. in Council Chambers at City Hall. Applications must be filed with the Building Division at least 20 days prior to the date of the Board hearing at which the request will be considered. To be processed, applications must include:

1. Completed and signed application with application fee;
2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

9302 Winfield Lane, North Ridgeville, OH, 44039

Location address

07-00-036-000-452

Parcel number

Residential

Current zoning

Variance for Shed Placement

Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION

David & Christina Fagan

Name/Company

9302 Winfield Lane, North Ridgeville, OH, 44039

Applicant address

860-830-8355

Applicant phone

dfagan2@gmail.com

Applicant email

PROPERTY OWNER INFORMATION

David & Christina Fagan

Name/Company

9302 Winfield Lane, North Ridgeville, OH, 44039

Property owner address

860-830-8355

Property owner phone

dfagan2@gmail.com

Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

Applicant signature

Property owner signature

I hereby authorize the City of North Ridgeville, including Board of Zoning and Building Appeals members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application. The materials I have submitted depict the property lines accurately and in accordance with the plat map to the best of my knowledge. I understand that any approval granted is based upon the presumption of accuracy of these plans and that the City has no obligation to independently survey or otherwise determine the accuracy of plans, drawings or other documents. In the event a discrepancy is found to exist, I will take such action as may be needed to provide the correct information. I acknowledge and accept that the representations made in this application and at the public hearing constitute the basis for the decision by the Board. Any misrepresentations, whether knowingly made or not, may result in revocation of the Board's decision. Statements made by an applicant/agent are deemed to be statements of the owner for the purpose of the Board's decision.

OFFICE	PPZ No. PPZ2024-0286	Date Received RECEIVED	ACTION
	Fee Paid \$75.00 ✓ #1313	JUN 21 2024	

Board of Zoning & Building Appeals Staff Report

Case	PPZ2024-0286
Property Owner	David and Christina Fagan
PPN	07-00-036-000-452
Property Address	9302 Winfield Lane
Zoning	R-1 Residence District/Chapter 1282
Applicant Name	Same
Applicant Address	Same
Project	Outbuilding/Shed
Meeting Date	July 25, 2024
Report Date	July 5, 2024

REQUESTED VARIANCES	CODIFIED REFERENCES
1. A variance for an accessory structure (outbuilding) in the front yard, code does not permit, Section 1294.01(g)(10). Note: Outbuilding is encroaching into the required front yard by 8 feet.	1294.01 INTERPRETATIONS AND EXCEPTIONS IN GENERAL (g) <u>Area and Yard Requirements; Projections.</u> (10) Accessory uses shall be permitted only in a side yard or in a rear yard in residential districts. The provisions of this section shall not apply to detached garages.

Summary of Request:

The applicant proposes to install a new 120 square foot shed on their corner lot. For corner lots, both street frontages are considered front yards. The Zoning Code requires that all accessory uses be located within a side or rear yard. The shed encroaches in the front yard along Elizabeth Lane. This property was developed under Chapter 1282 of the Zoning Code; therefore, the required front yard is 30 feet.

Review of Duncan Factors:

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

The property can continue to be used for its intended purpose under the current zoning regulations.

Is the variance substantial?

The outbuilding would be setback 22 feet rather than the required 30 feet. It is not an insignificant difference.

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

Setbacks exist to create consistency of appearance and to protect neighboring properties from uses that may interfere with the safety or enjoyment of their property. The location is unlikely to pose a safety issue. From a visual perspective, the proposed outbuilding would become the closest structure to the road and sidewalk along Elizabeth Lane.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The zoning requirements pre-date the ownership of this residence; so yes, the property owner did purchase the property with knowledge of the restriction.

Can the property owner's predicament be precluded through some method other than a variance?

It is possible to place the outbuilding in a location that is contained within the rear yard.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

The Zoning Code specifically indicates that lots having frontage on two intersecting streets must contain the required front yards on both streets. There is no exemption for accessory uses and structures. There are many corner lots within the City of North Ridgeville, so this is not an unusual lot configuration. Evidence was not presented to show that there is a practical difficulty in complying with code; rather it seems to be a homeowner preference to preserve their views.

Board of Building and Zoning Appeals



PROJECT INFORMATION

Variance for shed placement

Proposed project

9302 Winfield Lane

Location

July 25, 2024

Meeting date

07-00-036-000-452

Parcel number

July 15, 2024

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1294.01 (g)(10) Accessory uses shall be permitted only in side yard or rear yard. 1294.01 (g)(8) Corner lots have front yards on both streets. Applicant requesting to install storage shed in front yard, 22 foot setback from R.O.W. (This dwelling was approved under Chapter 1282 and the minimum front yard is 30 foot). BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title

Fagan Family Shed Placement Variance Request

@ 9302 Winfield Lane

RECEIVED

JUN 21 2024

Seeking a variance approval for a shed placement on behalf of ourselves, our neighbors, and our neighborhood.

Considerations

We're looking to tuck our shed into the corner behind our garage extension for a few important reasons:

1. It's an awkward and unused space, which if leveraged, leaves the main backyard area wide open for use by our children and dog
 - a. Placing it in the back corners instead would severely hinder the usability of this key property asset, especially since the setbacks place it more in the middle of the fenced in yard
2. Tucking it into this corner prevents it obstructing the sight lines to the water way that runs behinds our lots. We have a great view of the retention canal that runs in between Nash Lane and Winfield Lane (that attracts wildlife like ducks & heron), and we aim to preserve that for both ourselves and our neighbors. Our HOA was fond of this kindness.
 - a. Placing it in along the back property line would block this view
3. At the northwest corner of our property is our neighborhood's mailboxes, which is an unlit area that provides a sketchy trip for anyone that gets their mail after sundown.
 - a. Placing a shed along the back property line we believe will only add to the unease of this trip. Anyone walking west on Elizabeth to get their mail would not be able to see someone that is standing outside our fence line, but behind the shed. This would create an easy place where someone could lurk behind and/or run out at you from.
 - b. By tucking it into the corner behind our garage, anyone wanting to harass in this way would have first had to jump our fence to position themselves, but then also have to jump the fence a second time to charge ... a logistical deterrent for this situation occurring the first place.

Proposed Options

We weren't sure which would be more appealing to this board, so we depicted 2 different options for tucking it behind our garage, which each have their different class of exemption needed. We are also open to any other options, or additional scope to the project, that we might not have thought of provided we can still meet the above goals.

Additional Info

- Contractor: Alpine Structures, which has a strong reputation in the city and done a majority of the sheds in our neighborhood. Project specs, estimate, and building/materials cut sheet has been included with the request
- Aesthetics: shed will have the same siding and roofing as the house, with the goal to look like an add-on of the main building
- Fence: we've mocked up the shed placement options on top of the city plot depiction that was used in getting approval on our to-be-installed fence, to show its relation to the perimeter it creates.



April 26, 2024

SENT VIA EMAIL

David & Christina Fagan
9302 Winfield Lane
North Ridgeville, OH 44039

Re: **Exterior Modification: Shed Installation**

Dear David and Christina:

Thank you for submitting your request and accompanying design plans for the above referenced project. I am pleased to inform you that your Board of Directors reviewed the request and plans and have approved your request as submitted subject to the Association's standard terms and conditions. These are listed below:

1. The installation must be in conformance with the drawings/specs as submitted.
2. The installations must comply with all applicable City of North Ridgeville Building and Fire codes. The City of North Ridgeville requires a permit for shed installations. All permits and inspections are the responsibility of the owner or his/her contractor.
3. The exterior of the job site must be kept in a neat and hazard free condition on a daily basis.
4. We strongly urge you to require your installation contractor to provide you with proof of liability insurance and Ohio Worker's Compensation coverage. This is to protect you in the unlikely event of an accident or injury on your property during installation.
5. ***The Association, the Board of Directors, nor any Architectural Review Committee shall bear any responsibility for ensuring the marketability, structural integrity, or soundness of approved construction or modifications.***

These requirements are to protect both you and the Reserve at Winfield Farms HOA. Please contact me if you have any questions.

Sincerely,

Paul Haney
phaney@lawrencemanagement.com
Community Association Manager
Lawrence Community Management Group
Managing Agent for the Reserve at Winfield Farms HOA

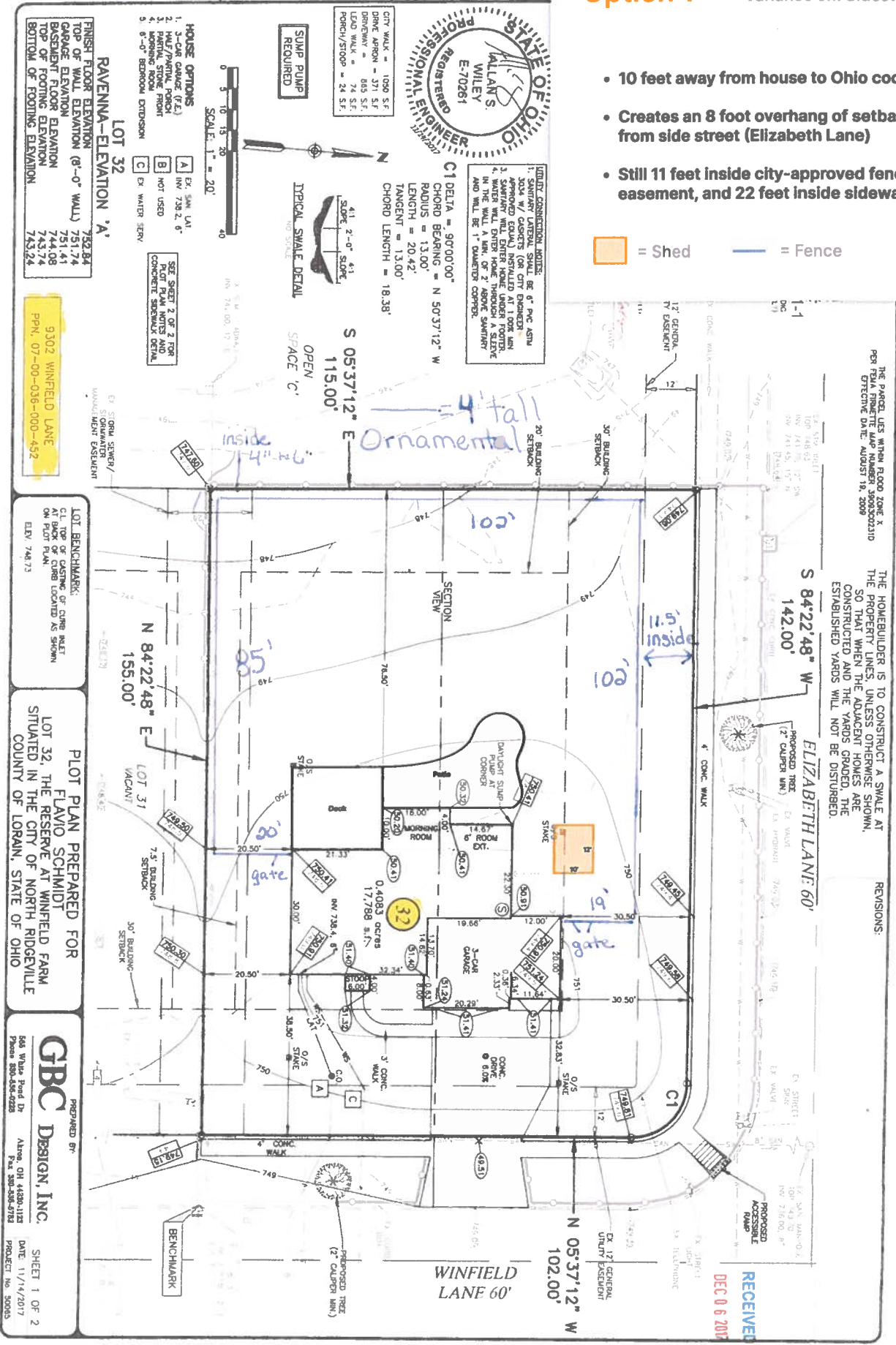
9302 Winfield Ln

Option 1

Variance on: Sidestreet Setback

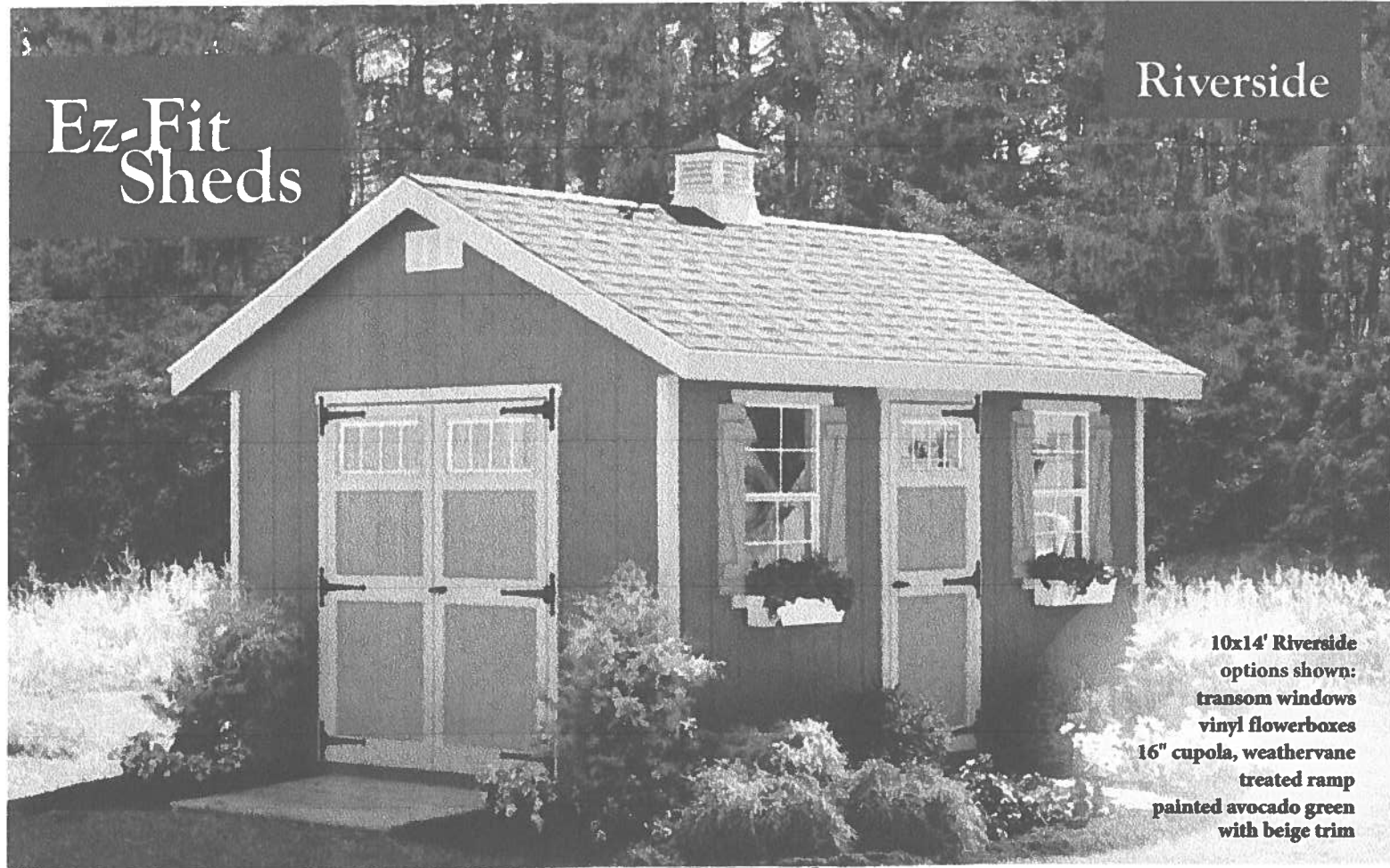
- 10 feet away from house to Ohio code
- Creates an 8 foot overhang of setback line from side street (Elizabeth Lane)
- Still 11 feet inside city-approved fence and easement, and 22 feet inside sidewalk

Shed = Fence



Ez-Fit Sheds

Riverside



10x14' Riverside
options shown:
transom windows
vinyl flowerboxes
16" cupola, weathervane
treated ramp
painted avocado green
with beige trim

STANDARD FEATURES

Floor Models see page 8
Available in Deluxe or Supreme

Sidewall Height
6'6" sidewalls
7' and 8' sidewalls optional

Roof
6 pitch roof
25 year shingles
Aluminum dripedge
30 year dimensional shingles

Construction
Strongback Nailer
Primed Smartside Siding
2x4" double top-plate

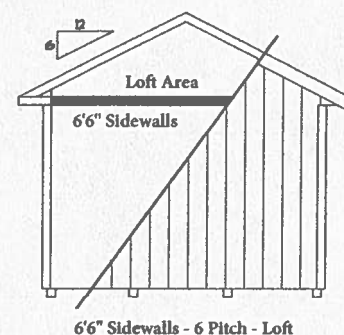
Construction Cont'd
6" fascia trim
Air vents

Lofts
4' loft in buildings up to 10' long
2-4' lofts in buildings over 10' long

Doors
60" double doors;
USA made lockset
12" Decorative hinges

Windows
"Z" Shutters

EZ-FIT SHED SIZES



WIDTH	DEPTH							HEIGHT
	8'	10'	12'	14'	16'	20'	24'	
8'	•	•	•					9' 9"
10'		•	•	•	•	•		10' 3"
12'					•	•	•	10' 9"

THREE STYLES



RIVERSIDE
60" double doors
30" single door
2-24x36" windows

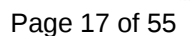


HERITAGE
60" double doors
1-24x36" window
1-30x36" window



HOMESTEAD
60" double doors
1-double
30x36" window

-  = Shed  = Fence



Please Call When Site is Prepared
 (330) 359-5708

INVOICE

Invoice Number	Date	Page
84825	May 07, 2024	1 of 2

Entry Date: 4/25/2024

Bill To:

David Fagan
 9302 Winfield Lane
 North Ridgeville, OH 44039
 Mobile Phone: (860) 830-8355
 E-Mail: dfagan2@gmail.com

Ship To:

David Fagan
 9302 Winfield Lane
 North Ridgeville, OH 44039
 Mobile Phone: (860) 830-8355
 E-Mail: dfagan2@gmail.com

Entered By	Sales Person	P.O. Number	Ship Date	Ship Via	Terms
	All Pro Sales			Will Call	Collect on delivery
Ordered	UOM	Description	Unit Price	Extended	
1.00		CUSPCADEL 12x10 Alpine Cabana Del. (Prebuilt) -	5,629.00	5,629.00	
1.00		3/4LPP 3/4" LP Pro Struct Floor			
1.00		VS812G Vinyl Siding - OSB Subsiding (special order) Variform 4.5" Dutchlap Wedgewood Blue color	2,811.00	2,811.00	
1.00		VTRAWHI Alpine White Aluminum Trim (includes 4 White corners)			
1.00		66WALL 6' 6" Walls			
1.00		OSB O.S.B. Sheathing			
1.00		3PITROO 3 Pitch Roof			
1.00		2X6RAF 2x6" Rafters			
-1.00		16OVHA Remove overhang on high side and both 12' sides (building will be pushed in corner of house see pic in docs)	225.00	-225.00	
1.00		M 12" Overhang over Double Doors			
1.00		SED72 72x72 Fiberglass Slab Door w/Transoms	50.00	50.00	
1.00		2RA Ramp- (includes 2-24" wide ramp sections & threshold) n/c			
1.00		IRA Additional Ramp- (additional 24" wide ramp section) 3 Total	59.00	59.00	
-1.00		30D Remove single fiberglass door	132.00	-132.00	
2.00		W2436W 24"x36" window			
2.00		M Roof vents / see attached picture	35.00	70.00	
1.00		BLOCKS Supply and Install Blocks up to 6" Slope	120.00	120.00	
1.00		4LOFT 4'x10' Loft Section	125.00	125.00	
-1.00		CASTRO Revise Metal roof to 30 Year Dimensional Shingles - Weathered Wood	125.00	-125.00	
1.00		SPRSAL Spring Sale -15% off Prebuilt & Built-Onsite Structures April 25-27 Lead Time: 2-4 Weeks	-1,257.30	-1,257.30	
		see pics in docs of site, measurement from ground to under overhang is 10' 6" - 10' 8"			
		4/29/24 ct J			
Current Payments Applied to Invoice					
<u>Date</u>	<u>Reference</u>	<u>Amt</u>			
4/26/2024	Ck #1312	\$712.00			
Drip Edge & Vent Color: White Window Color: White Load Doors:					

Continued on next page...

Please Call When Site Is Prepared
 (330) 359-5708

INVOICE

Invoice Number	Date	Page
84825	May 07, 2024	2 of 2

Entry Date: 4/25/2024

Bill To:

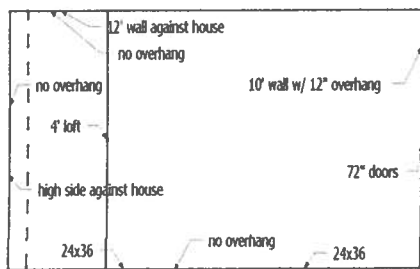
David Fagan
 9302 Winfield Lane
 North Ridgeville, OH 44039
 Mobile Phone: (860) 830-8355
 E-Mail: dfagan2@gmail.com

Ship To:

David Fagan
 9302 Winfield Lane
 North Ridgeville, OH 44039
 Mobile Phone: (860) 830-8355
 E-Mail: dfagan2@gmail.com

Entered By	Sales Person	P.O. Number	Ship Date	Ship Via	Terms
	All Pro Sales			Will Call	Collect on delivery
Ordered	UOM	Description	Unit Price	Extended	

- *All orders C.O.D.; 2% per month on all unpaid orders.
- *Security Deposit is non-refundable.
- *Price subject to change after 4 months from order date.
- *Prebuilt Buildings: Access required for truck and trailer delivery.
- *Built Onsite: Carrying charges of \$1.50 per foot accrue after 100'.
- *Waste removal available - ask salesman for price.
- *Alpine Structures, LLC is not responsible for caulking, site preparation, building permits, zoning, or waste removal.
- *Contractor Numbers: PA03933 ~ WV022070



Subtotal 7,124.70

Sales Tax 498.73

TOTAL 7,623.43

Down Payment: \$712.00

Balance: \$6,911.43

Customer Signature _____

Alpine Cabana

10x14' Alpine Cabana

options shown:

transom windows, ramp
painted white with light grey trim,
dark grey doors

STANDARD FEATURES

Floor Models *see page 8*

Available in Deluxe or Supreme

Sidewall Height

6'6" sidewalls
on 10' and 12' wide buildings
7' sidewalls on 8' wide buildings

Roof

3 pitch roof
2x6" rafters
Enclosed soffits
Frieze board
Metal roof
16" front overhang
with rough sawn rafters

Construction

Strongback Nailer
Primed Smartside Siding
2x4" wall framing
2x4" single top-plate
6" Fascia trim
Air vents

Doors

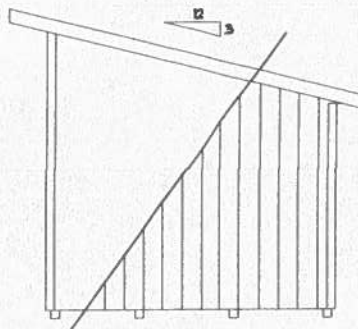
52" double doors; USA made lockset
30" single door; USA made lockset

Windows

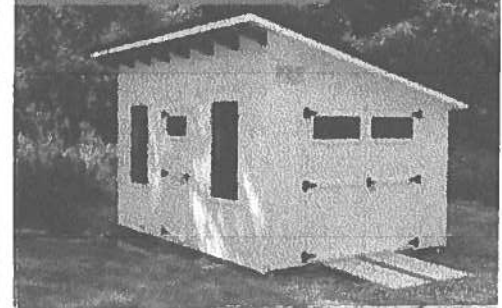
2 - 24"x47" windows with trim

BUILDING SIZES

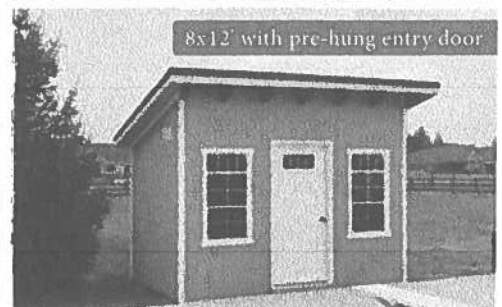
WIDTH	DEPTH					STD. HEIGHT
	12'	14'	16'	20'	24'	
8'	•					10' 4"
10'	•	•	•	•		10' 1"
12'			•	•	•	10' 7"



10x14' with transom windows

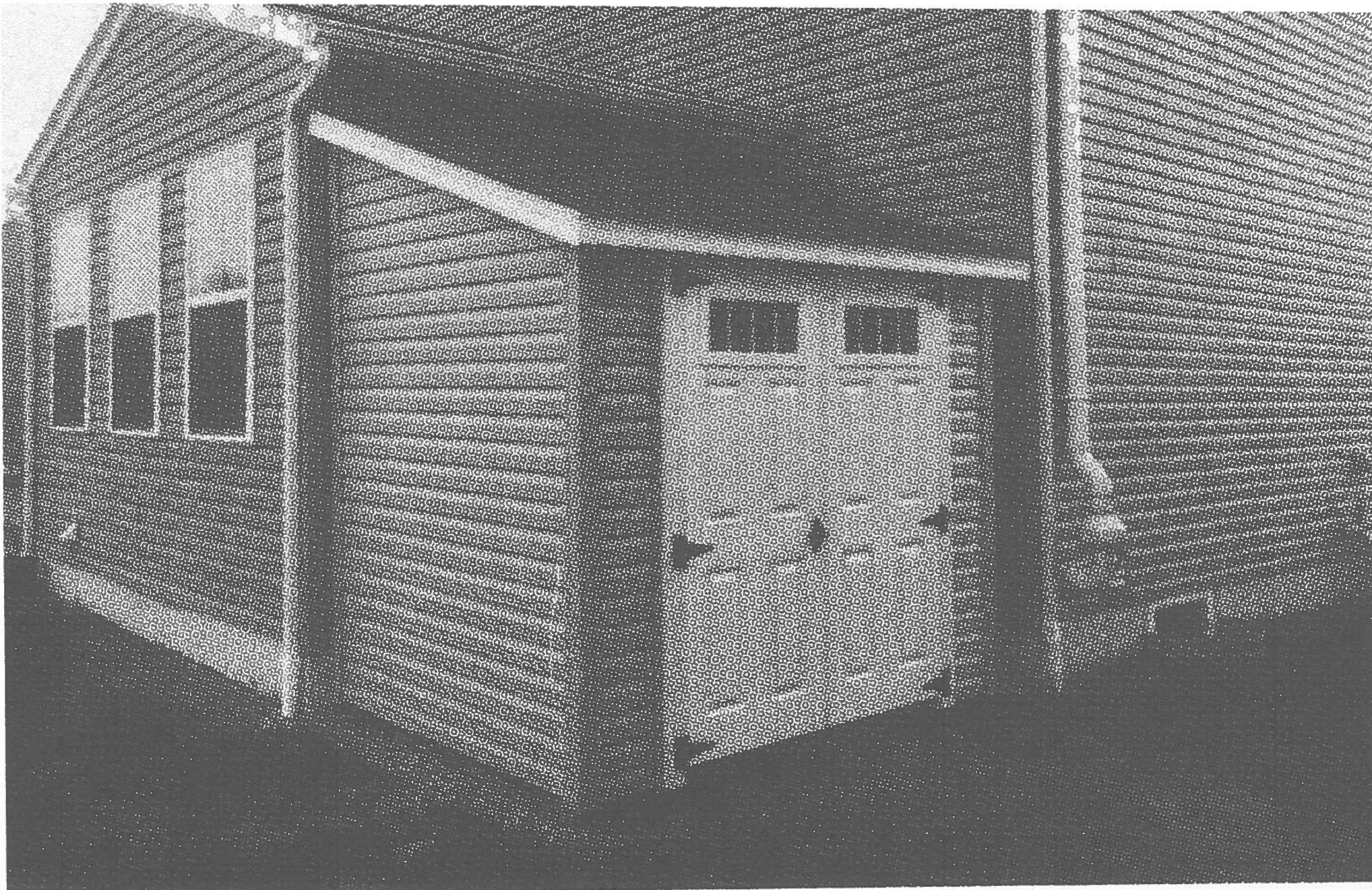


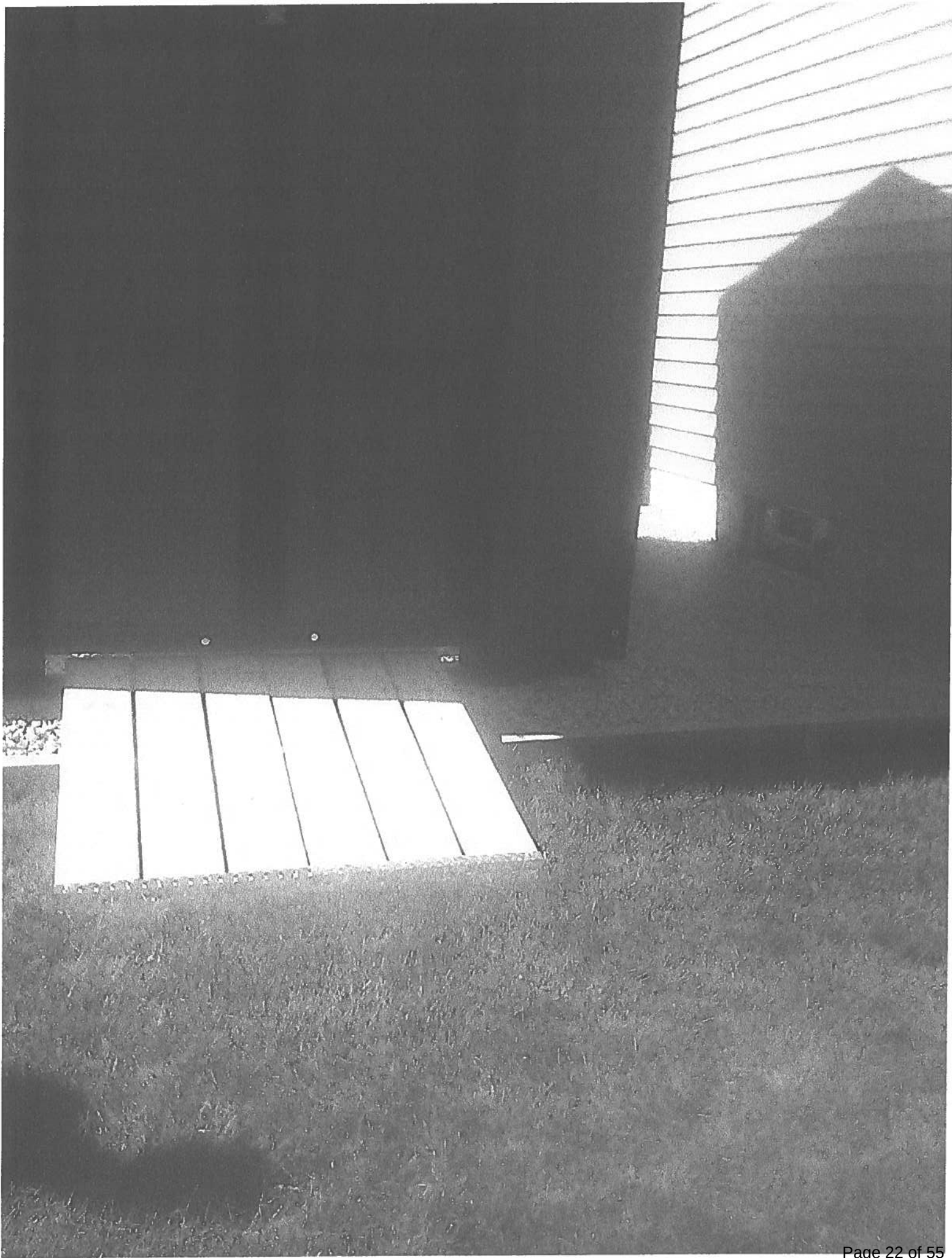
8x12' with pre-hung entry door



8x12' with transom windows; pre-hung door







Please Call When Site is Prepared
(330) 359-6708

INVOICE

Invoice Number	Date	Page
84825	June 05, 2024	1 of 2

Entry Date: 4/25/2024

Bill To:
David Fagan
9302 Winfield Lane
North Ridgeville, OH 44039
Mobile Phone: (860) 830-8355
E-Mail: dfagan2@gmail.com

Ship To:
David Fagan
9302 Winfield Lane
North Ridgeville, OH 44039
Mobile Phone: (860) 830-8355
E-Mail: dfagan2@gmail.com

Entered By	Sales Person	P.O. Number	Ship Date	Ship Via	Terms							
All Pro Sales			Will Call	Collect on delivery								
Ordered	UOM	Description			Unit Price	Extended						
1.00	pc	10X12EZHODEL	10x12 EZ-Fit Shed Homestead Del. (Onsite)		5,664.00	5,664.00						
1.00		3/4LPP	3/4" LP Pro Struct Floor									
1.00		VS1012G	Vinyl Siding - OSB Subsiding (special order) Variform 4.5" Dutchlap Wedgewood Blue color		2,373.75	2,373.75						
1.00		VTRAWHI	Alpine White Aluminum Trim (includes 4 White corners)									
1.00		66WALL	6' 6" Walls									
1.00		OSB	O.S.B. Sheathing									
1.00		SED72	72x72 Fiberglass Slab Door w/Transom & Threshold		50.00	50.00						
1.00		2RA	Ramp- (includes 2-24" wide ramp sections & threshold) n/c									
1.00		1RA	Additional Ramp- (additional 24" wide ramp section) 3 - total		59.00	59.00						
2.00		DM	Door Magnet		20.00	40.00						
2.00		W3036W	30"x36" window									
1.00		ZSH36	Z- Shutters - 36"									
2.00		4LOFT	4' Loft Section									
1.00		BLOCKS	Supply and Install Blocks		120.00	120.00						
1.00		4RV	4' Ridge Vent									
1.00		DWWOO	Weathered Wood -30yr. Cert. Dimensional Shingles									
1.00		SPRSAL	Spring Sale -15% off Prebuilt & Built-Onsite Structures April 25-27 Lead Time: 2-4 Weeks		-1,246.01	-1,246.01						
		see pics in docs of site, measurement from ground to under overhang is 10' 6" - 10' 8" 4/29/24 ct Jm										
		Current Payments Applied to Invoice <table><tr><th>Date</th><th>Reference</th><th>Amt</th></tr><tr><td>4/26/2024</td><td>Ck #1312</td><td>\$712.00</td></tr></table>				Date	Reference	Amt	4/26/2024	Ck #1312	\$712.00	
Date		Reference	Amt									
4/26/2024	Ck #1312	\$712.00										
Drip Edge & Vent Color: White		Window Color: White		Load Doors:								

Continued on next page...



Please Call When Site is Prepared
(330) 359-5708

INVOICE

Invoice Number	Date	Page
84825	June 05, 2024	2 of 2

Entry Date: 4/25/2024

Bill To:

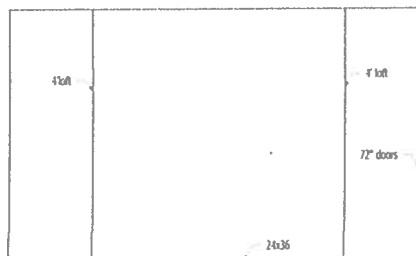
David Fagan
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Entered By	Sales Person	P.O. Number	Ship Date	Ship Via	Terms	
All Pro Sales			Will Call	Collect on delivery		
Ordered	UOM	Description			Unit Price	Extended

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- *Waste removal available - ask salesman for price.
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- *Contractor Numbers: PA03933 ~ WV022070



Subtotal 7,060.74

Sales Tax 494.25

TOTAL 7,554.99

Down Payment: \$712.00

Balance: \$6,842.99

Customer Signature _____

Board of Zoning & Building Appeals Application



JUN 28 2024

SUBMITTAL INSTRUCTIONS

Board of Zoning and Building Appeals meetings are held on the fourth Thursday of each month at 7:00 p.m. in Council Chambers at City Hall. Applications must be filed with the Building Division at least 20 days prior to the date of the Board hearing at which the request will be considered. To be processed, applications must include:

1. Completed and signed application with application fee;
2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

32907 CHESTNUT RIDGE ROAD

Location address

0700004109005

Parcel number

R1-RESIDENTIAL DISTRICT

Current zoning

A VARIANCE OF 8' FROM THE 50' FRONT SETBACK PER 1250.04 FOR A
Appeal or variance (attach supporting documentation) COVERED ENTRY PORCH

APPLICANT/AGENT INFORMATION

DANIEL MARGULIES: DANIEL MARGULIES COMPANY, INC.

Name/Company

1210 CHASE AVE., LAKEWOOD, OH 44107

Applicant address

216.978.9237

Applicant phone

daniel@dmc.chiocoymail.com

Applicant email

PROPERTY OWNER INFORMATION

GEORGE DELURY

Name/Company

32907 CHESTNUT RIDGE ROAD, NORTH RIDGEVILLE, OH 44138

Property owner address

440.225.4200

Property owner phone

sales@northridgetool.com

Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

[Signature]

Applicant signature

[Signature]

Property owner signature

I hereby authorize the City of North Ridgeville, including Board of Zoning and Building Appeals members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application. The materials I have submitted depict the property lines accurately and in accordance with the plat map to the best of my knowledge. I understand that any approval granted is based upon the presumption of accuracy of these plans and that the City has no obligation to independently survey or otherwise determine the accuracy of plans, drawings or other documents. In the event a discrepancy is found to exist, I will take such action as may be needed to provide the correct information. I acknowledge and accept that the representations made in this application and at the public hearing constitute the basis for the decision by the Board. Any misrepresentations, whether knowingly made or not, may result in revocation of the Board's decision. Statements made by an applicant/agent are deemed to be statements of the owner for the purpose of the Board's decision.

OFFICE	PPZ No.	Date Received	ACTION
	PP2 2024-0287		
	Fee Paid		
	75.00 6/28/24		

Board of Zoning & Building Appeals Staff Report

Case	PPZ2024-0287
Property Owner	George DeLury
PPN	07-00-004-109-005
Property Address	32907 Chestnut Ridge Road
Zoning	R-1 Residence District
Applicant Name	Daniel Margulies, Daniel Margulies Company, Inc.
Applicant Address	1210 Chase Ave., Lakewood, OH 44107
Project	Building Addition
Meeting Date	July 25, 2024
Report Date	July 5, 2024

REQUESTED VARIANCES	CODIFIED REFERENCES
1. An 8-foot variance for depth of required front yard. Applicant shows 42 feet, code requires 50 feet, Section 1250.04(b)(1).	1250.04 LOT AND YARD REQUIREMENTS (b) <u>Required Yards</u> . Yards of the following minimum depths or widths shall be provided for all lots in an R-1 District, unless otherwise permitted by this Zoning Code: (1) <u>Front Yards</u> . The depth of the front yard shall be not less than fifty feet.

Summary of Request:

The property owner is proposing additions to their existing home. The current front stoop is to be replaced with a larger covered porch, which will also extend closer to the front property line. Code requires dwellings to be set back 50 feet from the property line. The new porch addition will be set back 42 feet.

Review of Duncan Factors:

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

The property can continue to be used for its intended purpose under the current zoning regulations.

Is the variance substantial?

The current stoop of the dwelling encroaches into the front setback. The additional proposed encroachment is minor.

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

There will be no substantial change to the neighborhood or detriment to neighbors. It appears most dwellings in this area of Chestnut Ridge are either just at the minimum required setback or have some small amount of front yard encroachment.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The zoning requirements pre-date the ownership of this residence; so yes, the property owner did purchase the property with knowledge of the restriction.

Can the property owner's predicament be precluded through some method other than a variance?

No covered porch could be constructed on this lot serving the existing front door that meets the required front setback.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

The house has an existing legal non-conforming setback to the covered stoop. This addition will improve the dwelling and provide a usable front porch. There will be no negative impacts to surrounding properties as a result.

Board of Building and Zoning Appeals



PROJECT INFORMATION

Covered Porch

Proposed project

32907 Chestnut Ridge Rd

Location

07-00-004-109-005

Parcel number

July 25, 2024

Meeting date

July 15, 2023

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1250.04 (b)(1) R-1 zoning requires fifty foot front yard. Applicant requesting forty-two foot front yard, requiring eight foot variance. BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title

June 27, 2024

North Ridgeville Board of Zoning & Building Appeals
7307 Avon-Belden Road
North Ridgeville, Ohio 44039

Re: Variance request for 32907 Chestnut Ridge Road

Dear members of the board,

As much as I would like to present this variance request as a practical difficulty, in good conscience, I cannot. Instead, I will respond to the individual standards for area variances.

1. The property can yield a reasonable return without the variance requested.
2. We do not consider the variance request to be substantial, as it is an unheated open-air structure.
3. The essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer at all.
4. The variance, if granted, will not affect governmental services whatsoever.
5. The property owner had no knowledge this zoning restriction during the purchase process.
6. There is no other method, other than the variance to solve this predicament.
7. We do not consider this to be a big request, and considering that the minimal structure to be erected with this variance will improve the aesthetics of the home, we believe that the spirit and intent of the zoning requirement will be observed.

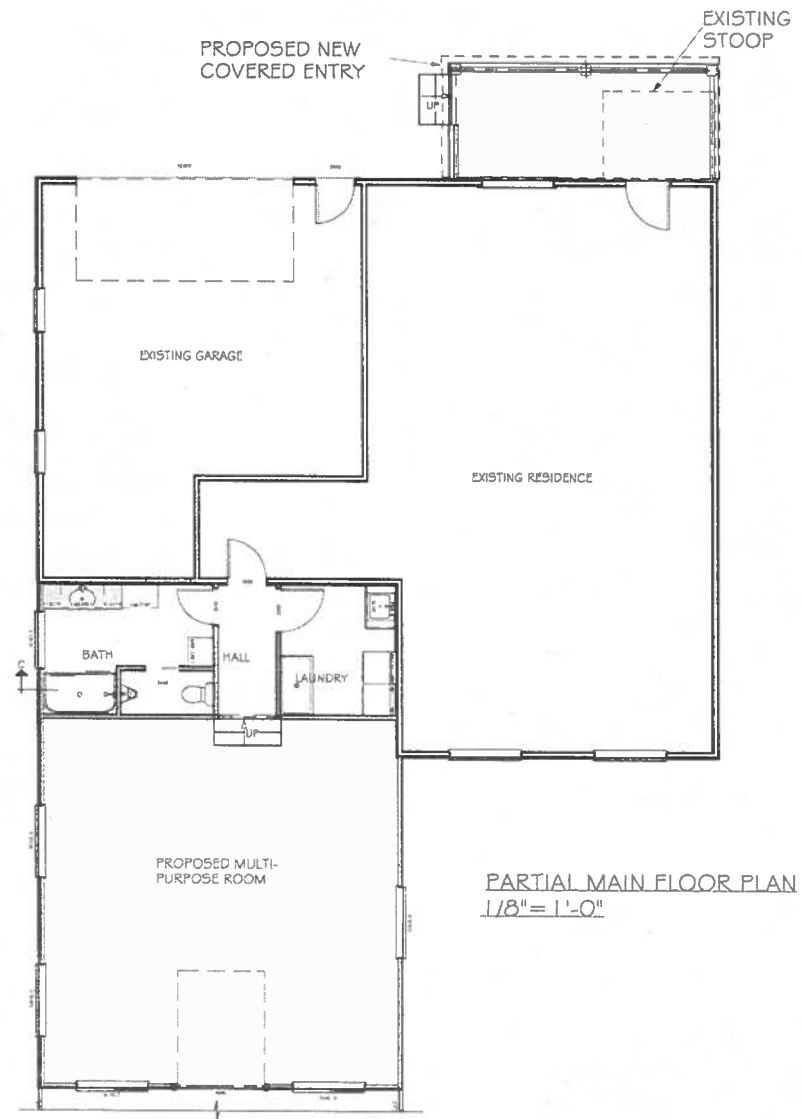
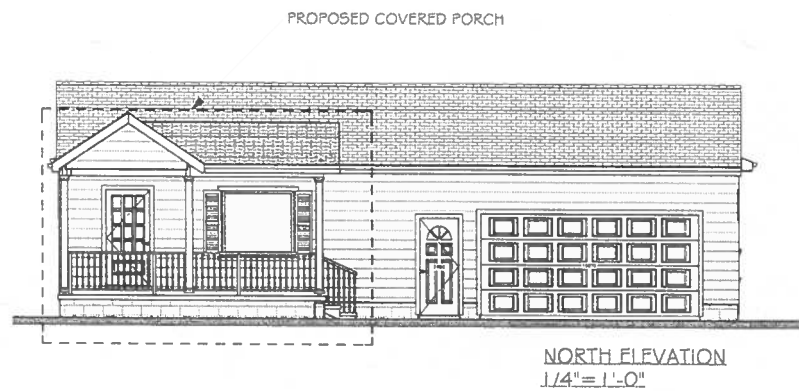
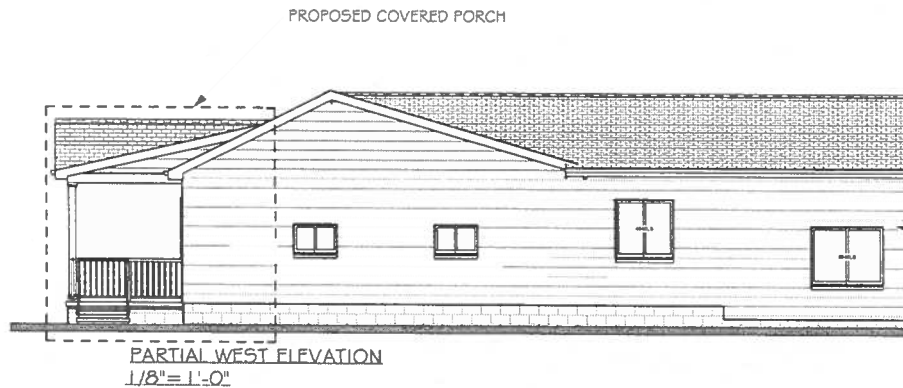
In summation, all my client George DeLury wants to do is be able to sit on his front porch, like the good old days, and watch the traffic go by.

Thank you in advance for your time on this matter.

Sincerely,

Daniel E. Margulies

Daniel Margulies Company, Inc.



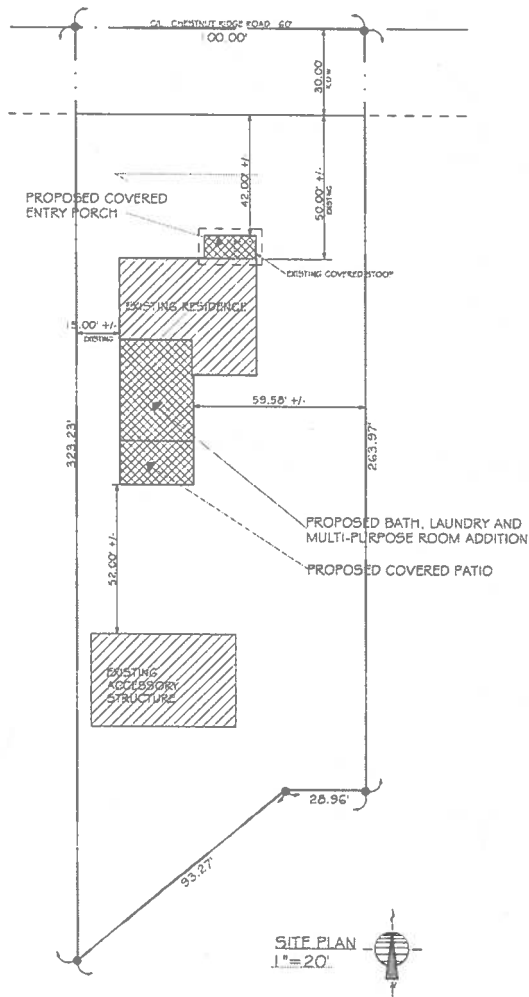
REV.

DESIGN: DANIEL MARGULIES COMPANY, INC.
1210 CHASE AVENUE
LAKEWOOD, OHIO 44107
TEL: 440.356.0808
EMAIL: daniel@dmc.ohioconrail.com

ADDITION and RENOVATION for:
THE DELUXURY RESIDENCE
32907 CHESTNUT RIDGE ROAD
NORTH RIDGEVILLE, OHIO 44139

ISSUE DATE
06.27.24: FOR
NORTH
RIDGEVILLE STA

SHEET NO.
2



PROPOSE COVERED ENTRY PORCH



DRAWING INDEX	
#	DESCRIPTION
1	COVER SHEET • DRAWING INDEX • PERSPECTIVE VIEWING SOUTHWEST • SITE PLAN
2	PARTIAL MAIN FLOOR PLAN • NORTH ELEVATION • PARTIAL WEST ELEVATION
3	PERSPECTIVE VIEWING SOUTHEAST • EXISTING CONDITION PHOTOGRAPHS

REV.

DESIGN: DANIEL MARGULIES COMPANY INC.
1210 CHASE AVENUE
LAKEWOOD, OHIO 44107
TEL: 440.356.0808
EMAIL: daniel@dmco.com

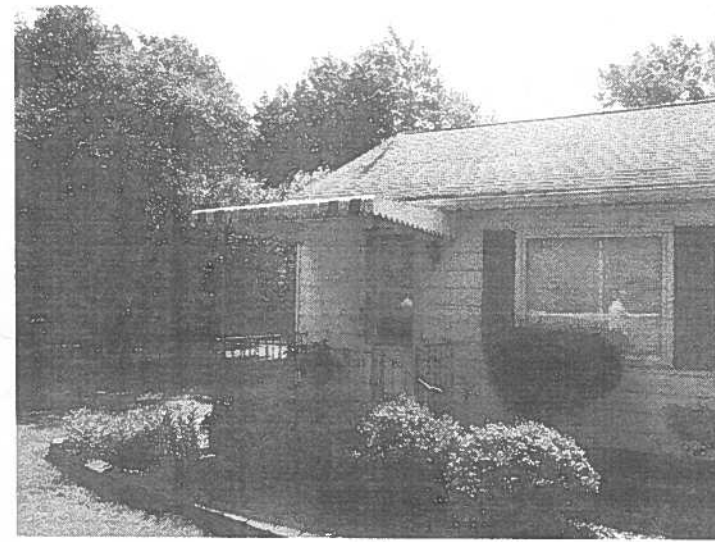
ADDITION and RENOVATION for:
THE DeLURY RESIDENCE
32907 CHESTNUT RIDGE ROAD
NORTH RIDGEVILLE, OHIO 44138

ISSUE DATE
06.27.24: FOR
NORTH
RIDGEVILLE S/A

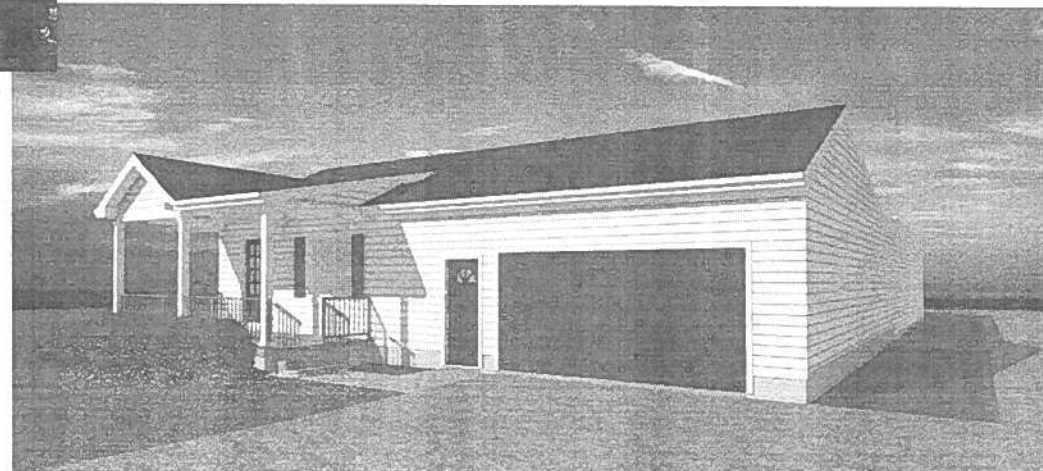
SHEET NO.
1



EXISTING CONDITIONS PHOTO VIEWING SOUTHWEST
N.T.S.



EXISTING CONDITIONS PHOTO VIEWING SOUTHEAST
N.T.S.



PERSPECTIVE VIEWING SOUTHEAST
N.T.S.

REV.

DESIGN: DANIEL MARGULIES COMPANY INC.
 1210 CHASE AVENUE
 LAKESIDE, OHIO 44107
 TEL: 440.356.0888
 EMAIL: daniel@dmco.com

ADDITION and RENOVATION for:
THE DeLUKE RESIDENCE
 32907 CHESTNUT RIDGE ROAD
 NORTH RIDGEVILLE, OHIO 44138

ISSUE DATE
 06.27.24 FOR
 NORTH
 RIDGEVILLE ZOA

SHEET NO.
3

Board of Zoning & Building Appeals Application



SUBMITTAL INSTRUCTIONS

Board of Zoning and Building Appeals meetings are held on the fourth Thursday of each month at 7:00 p.m. in Council Chambers at City Hall. Applications must be filed with the Building Division at least 20 days prior to the date of the Board hearing at which the request will be considered. To be processed, applications must include:

1. Completed and signed application with application fee;
2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

5884 Rosebelle Ave N. Ridgeville Oh 44039
Location address

Parcel number

Current zoning

Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION

Feliciano Towing
Name/Company

5884 Rosebelle Ave N. Ridgeville Oh 44039
Applicant address

440-453-5904
Applicant phone

Applicant email

PROPERTY OWNER INFORMATION

Javier Feliciano
Name/Company

5884 Rosebelle Ave N. Ridgeville Oh 44038
Property owner address

440-453-5904
Property owner phone

Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

Javier Feliciano
Applicant signature

Javier Feliciano
Property owner signature

I hereby authorize the City of North Ridgeville, including Board of Zoning and Building Appeals members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application. The materials I have submitted depict the property lines accurately and in accordance with the plat map to the best of my knowledge. I understand that any approval granted is based upon the presumption of accuracy of these plans and that the City has no obligation to independently survey or otherwise determine the accuracy of plans, drawings or other documents. In the event a discrepancy is found to exist, I will take such action as may be needed to provide the correct information. I acknowledge and accept that the representations made in this application and at the public hearing constitute the basis for the decision by the Board. Any misrepresentations, whether knowingly made or not, may result in revocation of the Board's decision. Statements made by an applicant/agent are deemed to be statements of the owner for the purpose of the Board's decision.

OFFICE	PPZ No. PP22024-0288	Date Received JUL 05 2024	ACTION
	Fee Paid 75.00mc		

Board of Zoning & Building Appeals Staff Report

Case	PPZ2024-0288
Property Owner	Javier Feliciano
PPN	07-00-020-108-019
Property Address	5884 Rosebelle Avenue
Zoning	RS-2 General Residence District
Applicant Name	Feliciano Towing
Applicant Address	Same
Project	Outbuilding
Meeting Date	July 25, 2024
Report Date	July 10, 2024

REQUESTED VARIANCES	CODIFIED REFERENCES
1. An appeal to allow a second vehicle used primarily for the home occupation on the premises, Section 830.02(b)(15). Note: BZBA denied variance request for second vehicle in 2017.	CHAPTER 830 HOME OCCUPATIONS 830.02 Use Regulations (b) A home occupation may be permitted and carried on only if it complies with all of the following: (15) Only one automobile, truck or van used primarily for the customary home occupation shall be permitted on the premises, and then only if the gross vehicle weight of such vehicle (including cargo) is 11,000 pounds or less.
2. A 1-foot variance for setback of a detached private garage. Applicant shows side setback (north) of 4 feet, code requires 5 feet, Section 1294.03.	1294.03 DETACHED PRIVATE GARAGES (a) As used in this section, "detached private garages" means garages which are not attached to single-family or two-family dwellings and are of frame construction or of construction similar to single-family or two-family dwellings. Detached private garages shall be located not less than five feet from the side and rear yard lot lines and not less than ten feet from other buildings located upon the same lot with a detached private garage.
3. A 356 square foot variance for area of detached private garage. Applicant shows 1,032 square feet, code allows 676 square feet, Section 1294.03(d)(1). Note: Garage also exceeds 26 feet in width.	(d)(1) In all residential districts, no detached private garage shall exceed one story or fifteen feet in height for a single-family or two-family residential structure. No detached private garage shall exceed twenty-six feet in length or width or be over 676 square feet in area in any residential district zone with one-half acre or less.

Summary of Request:

In April of this year, Building staff determined that the owner of 5884 Rosebelle Avenue had constructed a garage addition on his property without the issuance of a permit. A citation was issued by the city in April and on May 3, the applicant submitted a permit application to obtain approval for the garage. During plan review, it was found that the garage addition did not comply with the requirements of the Zoning Code. On June 5, the city issued its plan review findings that the proposed garage is located too close to the side property line, and it significantly exceeds the maximum area for a private detached garage on a lot less than one-half acre in size. The applicant was advised to bring the structure into compliance or seek variances from the BZBA.

To add complexity to the situation, the owner has indicated that the garage addition was made specifically to accommodate their home occupation, a towing business. In 2015 a home occupation permit was issued for this property, allowing the towing business. The applicant appeared before the BZBA in March 2017 requesting approval to allow a second work vehicle on the property, which was denied. Minutes are attached. The applicant's narrative indicates the garage addition was constructed to house a second vehicle.

Note that 830.02(b)(11) allows two vehicles for patrons or customers, but only one vehicle is permitted for the home occupation on the premises. The word "premises" does not distinguish between enclosed or unenclosed storage of said home occupation vehicle. Therefore, one vehicle total is permitted for the home occupation, whether or not it is stored in a garage or parked outside.

Review of Duncan Factors:

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

The property can continue to be used for its intended purpose under the current zoning regulations.

Is the variance substantial?

Yes. The size of the garage far exceeds that which is allowed under the Zoning Code. Additionally, it is unclear if the garage is used for personal vehicles or if the entire garage is used for the home occupation. If the garage is used solely for the home occupation, other concerns in Section 830.02 are raised. The garage is large - its area is 67.5 percent of the floor area of the living area of the dwelling. In Section 830.02(b)(5), home occupations are to be incidental and subordinate to the use of the premises shall not use space in excess of the equivalent of 25 percent of the living area of the dwelling.

Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

The lots in the neighborhood are generally fairly small, under a quarter acre. The proposed lot coverage is significantly greater than other lots in the vicinity. The applicant has already been once denied the ability to store a second work vehicle on the premises based on concerns about the impact to the neighborhood.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The zoning requirements pre-date the ownership of this residence; so yes, the property owner did purchase the property with knowledge of the restriction. The requirements for home occupation have also been in existence prior to the owner purchasing the property.

Can the property owner's predicament be precluded through some method other than a variance?

The property owner can store work vehicles in an alternate location.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

The rationale provided by the applicant is that the garage addition is needed to support the home occupation. While home occupations are permitted, they are restricted so as to not have the same types of detrimental impacts that commercial uses would otherwise have on surrounding properties. The regulations governing home occupations indicate that a home occupation may only occur in the dwelling house. The construction of the garage addition for a tow truck effectively takes the home occupation outside of the dwelling itself and into an accessory structure specifically built for that purpose. The hardship for the garage area and setback variances is self-created and results in a condition that also violates the city's home occupation requirements.

Board of Building and Zoning Appeals



PROJECT INFORMATION

Pole barn

Proposed project

5884 Rosebelle Ave

Location

July 25, 2024

Meeting date

07-00-020-108-019

Parcel number

July 15, 2023

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1. 1294.03 (a) Detached garages shall be minimum 5 feet from side property line. Applicant requesting 4 feet from side property line requiring a 1 foot variance. BZA approval required.
2. 1294.03 (d)(1) In residential districts detached garages shall not be greater than 676 square feet. Applicant requesting 1032 square feet detached garage requiring a 356 square feet variance. BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title

Board of Zoning & Building Appeals

APPLICANT GUIDE

BOARD AUTHORITY

The Board of Zoning and Building Appeals is a five member board with the authority to make decisions associated with variance requests and appeals from the Zoning Code and Building Code. The BZBA is an administrative board that is quasi-judicial in nature. It operates more like a court than a legislative body and uses many standards and procedures similar to those associated with the courts. The Board administers oaths and hears testimony associated with cases. The Board hears both applications for variances from local ordinances and appeals from decisions of administrative officers.

APPLICATIONS, NOTICE AND APPEARANCE

Board meetings are held in Council Chambers at City Hall on the fourth Thursday of each month starting at 7:00 p.m. Complete applications must be received at least 20 days prior to a regular meeting to appear on the agenda. All materials submitted become the property of the Board. The Board is required to give public notice ten days in advance of a meeting, as well as notice to all parties in interest, including owners of adjoining properties. Applicants and owners are required to attend the hearing where their application is considered.

FEES

See the Planning and Zoning Fee Schedule for a complete list of applicable fees.

APPLICANT PRESENTATION

Applicants are expected to submit any documents or information relevant to their request with their application. Board members conduct site visits prior to the meeting. At the meeting, the applicant, owner or authorized agent (design professional, contractor, attorney, etc.) should be prepared to present the rationale for the appeal or variance and answer questions of the Board. Adjoining property owners may also give testimony. All parties presenting evidence are sworn in by the Board chair at the start of the case.

VARIANCE STANDARDS OF APPROVAL

In assembling an application and preparing for a presentation, it is helpful to know what standards the Board members apply in making their determinations. The factors below are considered by the BZBA in determining whether the applicant has met their burden to be granted a variance. It is strongly recommended applicants submit supporting documentation with their application that addresses these standards.

Standards for Area Variances

Granting of an area variance (area, size, setback, etc.) requires the existence of a *practical difficulty*. The factors (*Duncan v. Middlefield* (1986), 23 Ohio St.3d 83) to be considered and weighed include:

- Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?
- Is the variance is substantial?
- Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?
- Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?
- Did the property owner purchase the property with knowledge of the zoning restriction?
- Can the property owner's predicament be precluded through some method other than a variance?
- Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

Not every factor will apply to each application and no one factor is determinative of whether or not a variance will be granted.

Standards for Use Variances

A use variance allows a use of land that is not permitted in the district in which the property is located. Because this type of relief is so significant, granting of a use variance requires the existence of an *unnecessary hardship*. The applicant must demonstrate that based upon the current zoning, the property owner is deprived of all reasonable uses of the property.

Planning and Zoning Fee Schedule



Fees are due to the Building Division at the time of application. Payment methods accepted include cash, check or credit card. Checks should be made payable to *City of North Ridgeville*.

PLANNING COMMISSION FEES

General Application	\$150	Base fee for development plans, conditional uses, lot splits, consolidations and major subdivisions
Preliminary Subdivision Plat	+\$150	Additional fee for major subdivisions
Final Subdivision Plat	+\$250	Additional fee for major subdivisions
Special Meeting	+\$250	Additional fee for special meeting requests

BOARD OF ZONING & BUILDING APPEALS FEES

Residential (Single Dwelling) Application	\$75	All variances and appeals
Residential (All Others) or Commercial Application	\$125	All variances and appeals
Special Meeting	+\$250	Additional fee for special meeting requests

OTHER FEES

New Business Application	\$50	Change in business or new business where no Planning Commission review is required
Amendment Application	\$50	Minor changes to approved plans
Rezoning Request	\$400	All rezonings and text amendments
Cancellation/Re-Notification Fee	\$100	Charged if applicant tables/delays appearance after notices have been sent
Credit Card Convenience Fee	Actual cost	Additional fee to cover cost of credit card fees charged by vendor

Ord. 5984-2022. Passed 8-1-22.

SPECIAL DEVELOPMENT DISTRICT DEPOSIT

In addition to required Planning Commission application fees, applicant shall submit a separate \$5,000 deposit to the Clerk of Council's office upon application for any project within a Special Development District.

BUILDING PERMITS AND FEES

The above fee schedules only list those fees and deposits related to planning and zoning applications. See Residential and Commercial Permit Fee Schedules for a list of applicable building and engineering fees and deposits associated with plan review, permits and inspections.

Javier Feliciano

Good morning, I built a polebarn
at my house so I can put my small
tow truck inside, back years ago when I
wanted 2 trucks At my house city didn't
allow it cause one truck had to be
either hiding or inside of a garage.
It took me 9 years to save money to make
my polebarn. I made up to code other than 1 Foot
taller on the roof cause of my tow truck being too tall
This is why I need the Variances, Thank you
So much For the understanding, This is Feliciano
Towing

Javier Feliciano

RECEIVED

JUN 13 2024



Zoning Plan Review Notice

06/05/2024

JAVIER FELICIANO
5884 ROSEBELLE N AVE
RIDGEVILLE, OH 44039

*Came to see you!
Please call
440 453 5904*

Re: Application for a garage addition
Location: 5884 ROSEBELLE AVE
Parcel: 0700020108019
Violation Number: EV2024-00047

Dear Property Owner(s),

Upon receipt of your permit application for a detached garage addition the following items of non-compliance with the City of North Ridgeville Codified Ordinances were identified:

Code Section 1294.03(a) As used in this section, "detached private garages" means garages which are not attached to single-family or two-family dwellings and are of frame construction or of construction similar to single-family or two-family dwellings. Detached private garages shall be located not less than five feet from the side and rear yard lot lines and not less than ten feet from other buildings located upon the same lot with a detached private garage.

Non-compliance: The detached garage is located less than five feet from the side property line. (It is the responsibility of the property owner to locate the property corners to accurately identify the location of the structure on the property)

Code Section 1294.03(d)(1) In all residential districts, no detached private garage shall exceed one story or fifteen feet in height for a single-family or two-family residential structure. No detached private garage shall exceed twenty-six feet in length or width or be over 676 square feet in area in any residential district zone with one-half acre or less.

Non-compliance: The detached garage is larger than the maximum size of 676 square feet. (Please be aware that there appears to be a discrepancy in the measurements on the plans, the plans indicate a 43x24 detached garage which is 1,032 square feet, but the plans state that the detached garage is 1,152 square feet. Please ensure that if you submit plans for a variance the information is accurate on the plans)

The zoning plans will not be approved until the plans are altered so that they are in compliance with the zoning code, or a variance has been obtained. A variance application has been attached to this notice. If you are unable to make alterations to meet the zoning code, or a variance is not approved, the garage addition would be required to be removed. You are hereby ordered to obtain the required zoning approvals by July 5, 2024 or remove the addition.

BUILDING DIVISION

7307 Avon Belden Road
North Ridgeville, OH 44039

(440) 490-2081
nridgeville.org



Zoning Plan Review Notice

06/05/2024

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Failure to comply with this notice will result in the City pursuing legal remedies as provided for by law. Codified ordinances are available online at www.nridgeville.org.

Any person directly affected by a decision of the Chief Building Official or a Notice or Order issued under the Zoning, Building and Housing Code shall have the right to appeal to the Board of Zoning and Building Appeals provided that a written application for appeal is filed within the lesser of either 10 days after the date the notice or order was served or the date of the expiration of the abatement period set forth in the notice.

Thank you for your cooperation and attention to this matter.

Sincerely,



Justin Reed

Q10+

5

Few

250597

Hand-drawn diagram of a rectangular foundation layout on grid paper. The layout is divided into four quadrants by a horizontal line labeled "Garage" and a vertical line labeled "10' offset". Dimensions are given for each quadrant: Top-Left (20' x 10'), Top-Right (20' x 10'), Bottom-Left (20' x 10'), and Bottom-Right (20' x 10'). Arrows indicate dimensions and offsets. A note "Anchor Bolts Every 2' from Corners" is written along the top edge. A circled note "200sqF" is in the top right corner.

Caracal

19-6-11

10/25/23

Horse

565
+351

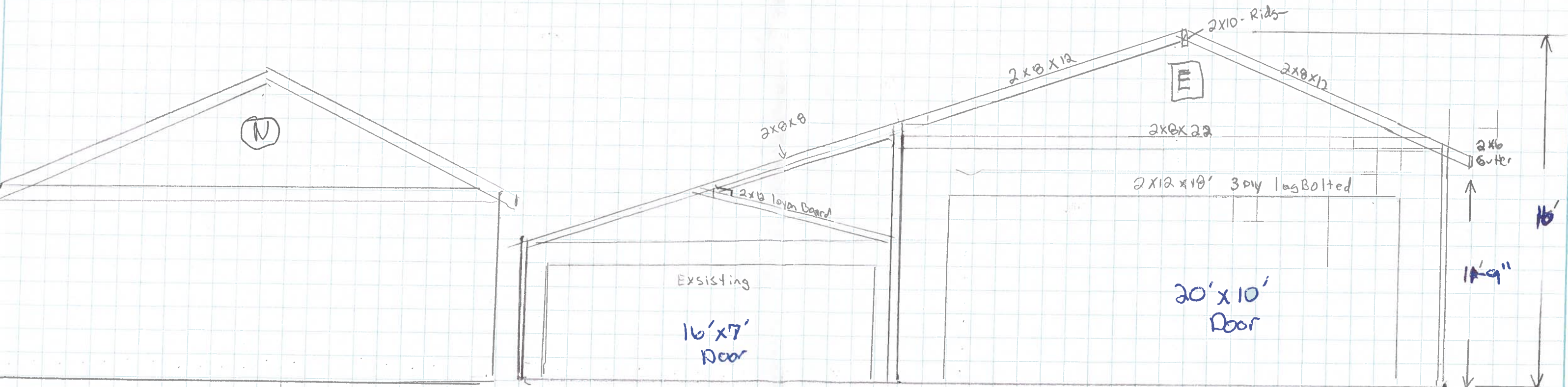
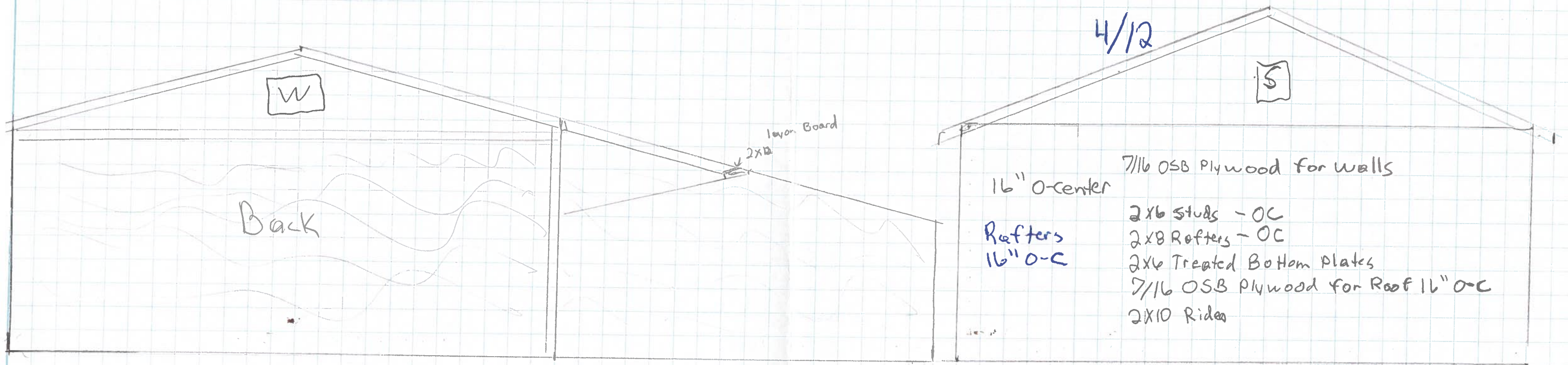
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5884 Rosebelle Ave

RECEIVED

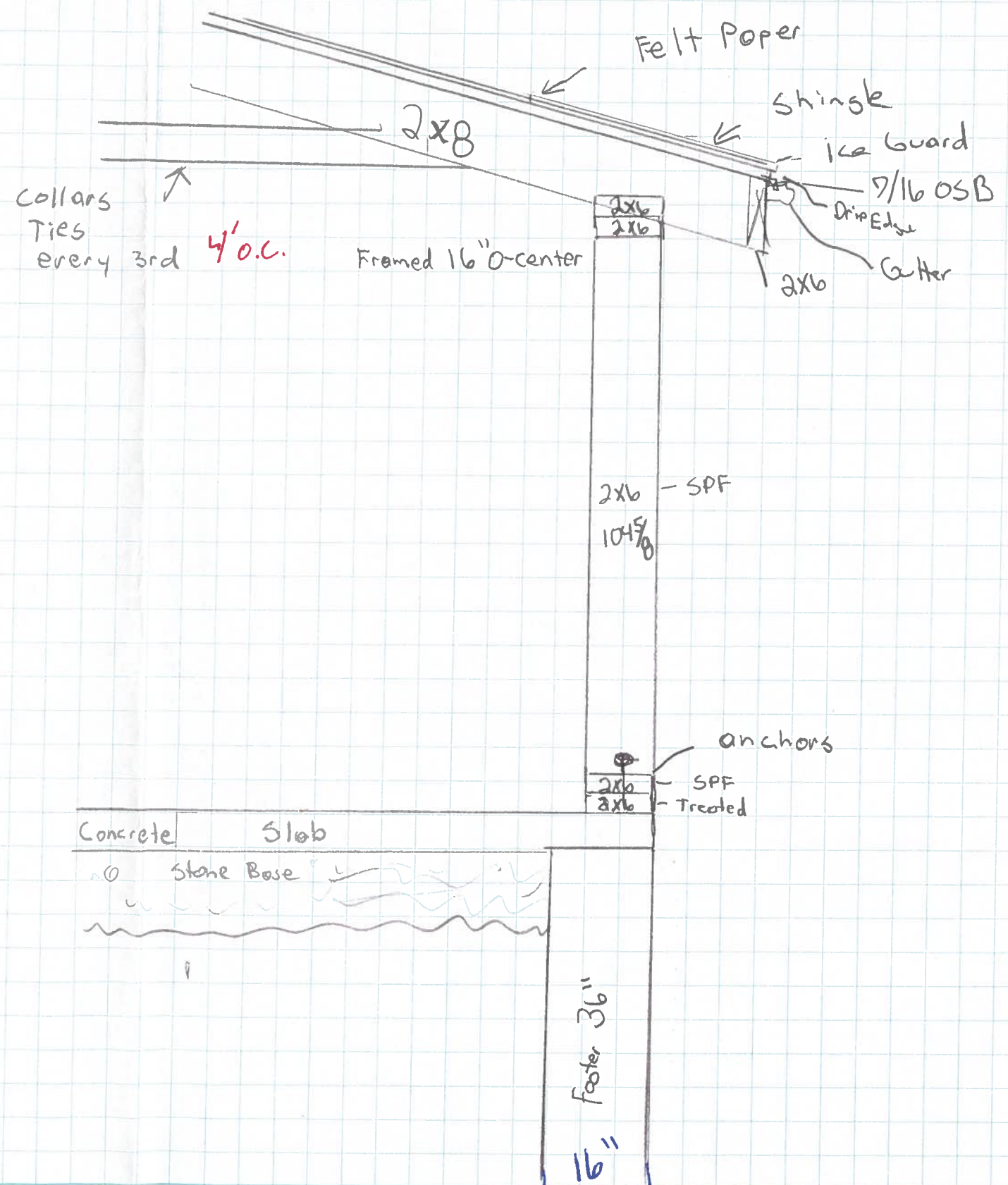
JUL 05 2024



RECEIVED

JUL 05 2024

5884 Rosebelle Ave





BUILDING PERMIT

CITY OF NORTH RIDGEVILLE

Building Department

7307 Avon Belden Road, North Ridgeville, Ohio 44039

440-353-0822



Plan Approval Number: B2015-4987

ADDRESS: 5884 ROSEBELLE AVENUE

LOT: 1&2K

PARCEL NO.: 0700020108019

ZONING:

SUBDIVISION:

ISSUED TO: **JAVIER FELICIANO**
5884 ROSEBELLE AVENUE
NORTH RIDGEVILLE, OHIO 44039

OWNER: **JAVIER FELICIANO**
5884 ROSEBELLE AVENUE
NORTH RIDGEVILLE, OHIO 44039

PERMIT DATE: **08/04/2015**

EXPIRE DATE: / /

PLAN APPROVAL DATE: / /

EST. COST: **\$0**

PLAN APPROVAL TYPE: **HOME OCCUPATION**

FEE: **\$50.00**

PROJECT: **INITIAL PERMIT 2015**

HOW PAID: **Cash**

STRUCTURE:

CONTRACTOR:

This Certificate of Plan Approval is issued provided that the information submitted by the applicant is true and accurate. This approval is void if work is not started in 12 months, or if work is suspended for 6 months.

Extension may be granted if requested ten (10) days prior to expiration.

Construction may proceed up to the point of non-compliance and may not proceed beyond until all non-compliant issues are resolved.

The owner and contractor shall, so far as practical, reserve and keep this certificate, or copy thereof, on site until the completion of the work.

All appropriate approvals shall be obtained by owner or applicant before construction may commence. Call for all required inspections.

APPROVED BY:

Guy M. Fursdon
Guy M. Fursdon, Chief Building Official

DATE:

08/04/2015



THE CITY OF NORTH RIDGEVILLE
7307 Avon Belden Road, North Ridgeville, Ohio 44039
Telephone: (440) 353-0822 Fax: (440) 353-0823

Building Department

RECEIVED
JUL 17 2015



HOME OCCUPATION PERMIT

PERMIT FEE: \$50.00

Chapter 830 of the Codified Ordinances of the City of North Ridgeville, Ohio requires the following conditions for Home Occupation Permits.

Approval of the Board of Zoning and Building Appeals may be required.

Please complete the following and return to the Building Department along with the fee.

NAME: Javier Feliciano DBA: Feliciano Towing LLC
ADDRESS: 5884 Rosebelle Ave PHONE: 440-453-5904

Copy of Ordinance received by Applicant ☐

APPLICANT SIGNATURE:

Javier Feliciano

- Type of Home Occupation: Towing business
- Home Occupation Sign size: N/A (must be less than 144 sq. inches)
- Will the Home Occupation occur on any portion of the property other than the living area of the dwelling? If yes, check accordingly: ☐ Basement ☒ Garage ☐ Out Building ☒ YES ☐ NO
- Is dwelling to be extended or modified for Home Occupation? ☐ YES ☒ NO
- Does Home Occupation take up more than 25% of the square footage of the living area of the dwelling? ☐ YES ☒ NO
- Will the activities of the Home Occupation result in or create noise, vibration, pollution, electronic interference or other nuisance or safety hazard to any person or to adjacent or nearby property? ☐ YES ☒ NO
- Will the Home Occupation involve the storage of any materials, other than normal household items, which are hazardous to persons or to adjacent or nearby property? ☐ YES ☒ NO
- Will there be more than two (2) vehicles of patrons or customers at any one time? ☐ YES ☒ NO
- Will there be more than one outside employee (not family members) employed for the Home Occupation? ☐ YES ☒ NO
- Will there be more than one vehicle used for the Home Occupation? ☒ YES ☒ NO

Gross vehicle weight Flatbed/8500 (less than or equal to 8650 lb.)

Approved ☒

Disapproved ☐

Date: 7-24-15

Josey W. [Signature]
BUILDING OFFICIAL

Disapproval may be appealed to the Board of Zoning and Building Appeals if Notice of Appeal is filed with the Clerk of Council within 15 days from date of denial.

3/4/15
Approved for
Vehicle Only 2nd
Vehicle requires BZA
approval

7/27/15 - called to advise
Mr. Feliciano H.O. was disapproved.
we will call him next week

Vice Chairman Masterson stated that again, with this case, there are two technical front yards and the reason for the 50 percent open is so that people can see when they are turning the corner.

Tom Stein stated that Bainbridge is about four feet above the property line. You'll still be able to see right over the fence.

Vice Chairman Masterson stated that there are numerous practical difficulties. She asked if the Board members had any questions.

Member Cipriano stated he was at the property and noticed that there is shrubbery there. His concern is if there may be an obstruction based on being on a corner and trying to get out of the drive. It appears that the fence will be closer to the drive than the shrubbery that is there.

Tom Stein stated it is replacing the shrubbery. He stated that he has treated that shrubbery for three years and it keeps dying so he is replacing it.

Member Cipriano stated that there is no obstruction from either direction. Nothing obstructs the view from traffic or pedestrians.

Vice Chairman Masterson asked if the audience had anything to say in regards to this matter. Hearing none, the Chair will entertain a motion.

It was moved by Cipriano and seconded by DeVries to approve the two and a half foot height variance and a 50% open variance to construct a six foot, 100% closed privacy fence on a corner lot.

Yes, 4 No, 0

Madam Chair, the motion was approved by a vote of four yes and zero no.

APPLICANT: Javier Feliciano, Feliciano Towing, 5884 Rosebelle Avenue

OWNER: Rubin Albino, 5914 Paula Blvd.

REQUEST: A variance to allow for a second vehicle for home occupation

LOCATION: 5885 Rosebelle Avenue in an RS-2 District.

Permanent Parcel No. 07-00-020-108-019

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

Vice Chairman Masterson asked if there was a representative. She swore in the applicant.

Javier Feliciano of 5884 Rosebelle Avenue introduced himself.

Vice Chairman Masterson asked if he has a location for his trucking company.

Javier Feliciano stated that is his application.

Vice Chairman Masterson asked if he didn't have any other place that he works.

Javier Feliciano stated that he has a used car lot that just opened up about five months ago right outside of North Ridgeville in Elyria. He stated he is keeping one of the vehicles there at the moment and it is very difficult.

Vice Chairman Masterson stated that the city understands that people want to run a business out of their home. However, it is still a residential area. She stated that the applicant has a beautiful home and he takes very good care of the yard. She asked what the practical difficulty is and explained that with a home occupation, it gives the opportunity to have a vehicle. They don't really like having two there because then it gives the impression of a commercial property.

Javier Feliciano explained that he has a flat bed and with a towing company, which is what he is running, you need two trucks to actually do the job. The second truck he has is to pull people out of ditches. You need to have two trucks to have the business.

Member Cipriano asked if he had another driver beside himself.

Javier Feliciano stated no, he is a one man operator.

Member Cipriano stated that currently, he would drive the first truck to the second truck at another location.

Javier Feliciano stated that it depends on the call. He may drive the flat bed several times and all of a sudden he gets a call for a ditch, so he uses his smaller truck for those calls.

Member Cipriano asked if he owned the property next to him.

Chief Building Official Fursdon stated that it is a vacated right of way to the south of that property.

Javier Feliciano stated that he and his neighbor are trying to get that vacated.

Member Cipriano stated that he just described how he has to go and get the truck currently and asked if that was correct.

Javier Feliciano stated that he has a 35 minute window. When people break down, they don't want to sit there for an hour for them to go and get them. He is a five star business and has been

in North Ridgeville for three years.

Member Cipriano asked how long does it take for him to get from his house to his other vehicles.

Javier Feliciano stated that you have to let the truck warm up and from that time it is about another 20 minutes. It is very inconvenient.

Vice Chairman Masterson asked if anyone in the audience had any questions.

Council Liaison Butkowski asked if the applicant owned the house he is living in.

Javier Feliciano stated his dad does.

Council Liaison Butkowski stated that she has gone through the paperwork received on this application and there have been eight police reports on that house.

Javier Feliciano stated not at his house. That might be the house in front of his house. There are young kids that live there and the police have been called to that house. He is never home.

Council Liaison Butkowski read the zoning violations that were provided in the packet.

Vice Chairman Masterson stated for clarification for the record, those aren't police reports they are zoning violations.

Council Liaison Butkowski continued to read the violations. She stated that it sounds to her that the applicant does not care about his neighbors. She can't understand why the board should allow another vehicle there.

Javier Feliciano stated he does have a car lot. By law, you are allowed to sell five cars a year and he has only sold five cars out of that property. He never works out of his house unless it is on his own cars. All the complaints come from one person and one person only.

Vice Chairman Masterson clarified the complaints. She stated that there were numerous violations but they have all been complied. The last two were recent January 2017 and February 2017.

Council Liaison Butkowski stated that even if they are corrected, there have been a lot of them.

Javier Feliciano stated he has lived there for about four and a half to five years.

Council Liaison Butkowski stated then some of these complaints were under your dad when he lived there. The applicant is just renting the house. If you are a renter and you are aggravating

the neighborhood, she didn't think that this variance should be given for a house that is being rented. She stated she wouldn't want it in her neighborhood. These are very small lots on Rosebelle and if all of that is going on along with selling five cars a year, the front yard is hardly big enough to hold a car from front to back.

Chief Building Official Fursdon stated that he can't sell five vehicles. He believes what the applicant is referring to is his dealer's license. But he can't sell five vehicles from that property. City ordinance only allows him two per year.

Javier Feliciano stated that is why he owns a car lot. Before, when he moved in there he was selling five cars a year. Every time he received a violation, he corrected it right away which is why he has the car lot now. He gets up at 6:00 and leaves his house and he doesn't get home until 7:00 at night.

Chief Building Official Fursdon stated that the applicant has complied when his inspector went down there and notified him that something was contrary to our ordinances. He asked if both vehicles were less than 11,000 pounds.

Javier Feliciano stated yes.

Chief Building Official Fursdon asked if there was an outbuilding where one could be parked in.

Javier Feliciano stated that he graveled on the side of the house. That is where he puts the small tow truck. The flatbed is up next to the garage and you can barely see it.

Chief Building Official Fursdon stated that they asked you to put the gravel so that you aren't parking on the grass and pulling mud out onto the road way. He asked if there was a garage that the vehicle could be parked in.

Javier Feliciano stated there is a garage but neither vehicle can be parked there.

Vice Chairman Masterson asked if the Chief Building Official would look differently on the home occupation if the person doesn't own the house.

Chief Building Official Fursdon responded no, he is leasing that and has legal right to use that like any other home owner would.

Vice Chairman Masterson stated that it wouldn't be advisable not to take into consideration just because someone is renting.

Chief Building Official Fursdon stated he has a home occupation permit. It stays with him. If he leaves that property, the home occupation permit goes away. It doesn't stay with that property.

Javier Feliciano stated he has serving North Ridgeville as a towing company for the last three years.

Vice Chairman Masterson asked if Councilman Boose would like to speak on behalf of this matter.

Dennis Boose 6405 Denise Drive was sworn in. He stated he would welcome someone who is trying to expand their business. That is good. However, in a residential area we have an ordinance that says one vehicle. If it was a car, who cares. He stated if it was two cars, who cares, but I don't know if I would want to live next door to a house with one tow truck, let alone one tow truck and perhaps the type of business that the applicant is operating makes it difficult to be located in a home occupational area-residential district. He stated he is not following the hardship as he does have a place to store it. The questions BZA asks in their application were answered was 'does he have some other place to put it' and the answer the applicant gave was 'yes'. So he isn't quite sure why this variance needs to get approved.

Vice Chairman Masterson addressed the Board and asked for clarification from the Chief Building Official if there wasn't a home in that area where the home owner also does emergency and the Board granted him the second vehicle. The electrician with the bucket truck.

Chief Building Official Fursdon stated he believes it was farther east from this location, but a similar type neighborhood and he was electrical contractor.

Vice Chairman Masterson stated that this applicant also handles emergencies.

Member Cipriano clarified and stated that each case coming before the Board is considered de novo and so precedence is not relevant. He understands the comment but wanted to make that point.

Javier Feliciano added that when both trucks are there you can't see them as he graveled the side of the house. It doesn't bother anyone around the area. This concern and complaint is coming from one person and one person only.

Vice Chairman Masterson addressed the applicant and stated not to worry about that.

Assistant Law Director Morgan stated some of the points that Councilman Boose made, she would concur with and when you speak of home occupation, she believes in the ordinance the term customary home occupation is used. It is very sensitive to the fact that this is a residential neighborhood where we allow these and some of the limitations in the ordinance are to preserve the residential character and two work trucks and she appreciates the applicant sounds like his business is doing well and he is definitely a hard working person, she was not convinced that this

would be appropriate for a residential area.

Vice Chairman Masterson asked Chief Building Official Fursdon if this was in violation of any of the home occupation rules and regulations.

Chief Building Official Fursdon stated not that he is aware of except for the second vehicle. That is why he is before the board. Once the Building Department was informed of the second vehicle, they told him he couldn't keep the vehicle there and he isn't aware that he brought it back and he applied to the Zoning Board to see if he could get approved for that second vehicle onsite.

Member DeVries announced he will be abstaining from these proceedings due to conflict of interest.

Vice Chairman Masterson entertained a motion hearing no other discussion.

It was moved by Cipriano and seconded by Anderson to deny the variance to allow a second vehicle for home occupation

Vice Chairman Masterson asked the Clerk to call the roll.

Yes, 2 No, 1 Abstain, 1 (DeVries)

Madam Chair, the vote was two yes, one no and one abstention. She addressed the Law Director regarding the abstention.

Assistant Toni Morgan asked to review the by-laws.

Deputy Clerk Tjotjos stated that the ruling would be in Roberts Rules of Order.

Vice Chairman Masterson called a recess for the review of Roberts Rules of Order.

Recess began a 7:32P.M.

Meeting resumed at 7:35 P.M.

Deputy Clerk Tjotjos restated the motion and the vote.

Assistant Law Director Morgan explained in this case, there was one abstention and so that vote doesn't count. There are three voting board members present, which makes a quorum. There were two yes to deny and one no vote to deny and so, the motion carries.

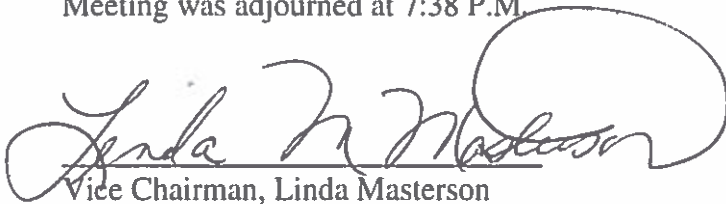
Vice Chairman Masterson announced the request has been denied for the second vehicle.

OTHER BUSINESS:

ADJOURNMENT:

Vice Chairman Masterson: There is no other business to be brought before the meeting this evening and therefore, I adjourn the meeting.

Meeting was adjourned at 7:38 P.M.


Vice Chairman, Linda Masterson


Secretary Donna Tjotjos

April 27, 2017