

**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