

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, DECEMBER 19, 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, Paul Graupmann, Planning Commission Liaison Frank Toth, Vice-Chairman Shawn Kimble and Chairwoman Linda Masterson.

Also present were Council Liaison Cliff Winkle, Chief Building Official Guy Fursdon, Planning and Development Director Kimberly Lieber, Law Director Brian Moriarty 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, November 21, 2024.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

Planning Commission Liaison Toth stated that the Planning Commission took action on six items at its regular meeting Tuesday, December 10th, 2024. He explained that the first item was an application from City Limits owner Stephen A Joseph, proposing to rezone a property located at 39462 Center Ridge Road from I-3 Heavy Industrial District to B-3 Highway Commercial District and that the application was recommended for approval by a 5-0 vote. He mentioned that the second item was an application from Drees Homes seeking approval of the final plat for Phase 1 of the Crossings at French Creek Subdivision, 5725 Avon Belden Road and that the application was recommended for approval conditionally by a 5-0 vote based on the applicant satisfying four identified contingencies. He stated that the third item was an application from ThenDesign Architecture proposing a new transportation and maintenance center to replace existing facilities for the North Ridgeville City Schools with the 18,500 square foot building being constructed in the northwestern area of the school's Bainbridge Road campus and was anticipated to be dedicated for use in early 2026. He added that the application was recommended for approval conditionally by a 5-0 vote based upon the applicant satisfying three identified contingencies. He stated that the 4th item was an application from ThenDesign Architecture proposing a new 340,000 square foot high school for the North Ridgeville City Schools, complete with parking lots, athletic fields, and other accessory site improvements. He stated that the project would seek approval in three phases with Phase 1 being early site work, Phase 2 would be building construction and Phase 3 would be demolition of the existing high school and final site work. He said that phase one was recommended for approval conditionally by a 5-0 vote based upon the applicant satisfying three identified contingencies. He discussed that the fifth item was a review and recommendation of the Zoning Code Diagnosis recently completed by the Administration's consultant. He explained that the document would be employed as the road map for future action in modifying the City of North Ridgeville zoning codes and that the Planning Commission voted 5-0 to recommend approval. He stated that the sixth item was the review

and recommendation of the Active Transportation and Safe Routes to School plans and mentioned that the plans were formulated throughout the past year under a grant and supervision from NOACO. He stated that the input came from a committee comprised of community stakeholders and primary parties, which convened a focus on providing better connectivity and opportunities for non-motorized means of travel. He said that the public at large was engaged through multiple surveys and open houses seeking feedback on draft recommendations and the finished documents had been formally accepted by NOACA and would be used by the Administration in seeking grant opportunities. He mentioned that Director Lieber also informed the Commission of three Administrative Approvals and zoning certificates with the first being to Ridge Barber Shop, 7717 Victory Lane, as they received approval of a certificate of zoning compliance for a Barber shop and that the second was Paws and Spa Pet Salon, 3319 Center Ridge Road and they received approval of the certificate of zoning compliance for a dog salon and last was Price Point Construction, 7864 Root Road and they received approval of certificate of zoning compliance for construction services and storage.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2024-0324 Javier Feliciano, 5884 Rosebelle Ave, PPN 07-00-020-108-019

Proposal consists of a detached garage. Property is zoned RS-2 General Residence District. Request:

1. A 308 square foot variance for area of detached private garage. Applicant shows 984 square feet, code allows 676 square feet, Section 1294.03(d)(1). Note: Garage also exceeds 26 feet in width.

Application was read.

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

Javier Feliciano, 5884 Rosebelle Ave, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber stated that the lot was a 50 by 160, 116-foot-deep lot, 1.3 acre that was located in the RS-2 district and was a legal non-conforming lot. She gave some background regarding the property and stated that in April of this year, building staff had determined that the owner had constructed a garage addition on the property without the issuance of a permit and a notice of violation was issued at that time in April and on May 3rd, the applicant had then submitted the permit application as requested in order to obtain approval for that garage. She stated that during plan review, it was found that the garage addition did not comply with the requirements of the zoning code, so then on June 5th, the City had issued its plan review findings that the garage was both located too close to the side property line and also exceeded the maximum area for a private detached garage. She stated that given the size of the lot, the applicant was advised to either bring the structure into compliance or to seek variance from the BZBA and that was the set of facts that led to the applicant's appearance before them on July 25th, 2024. She discussed that at the time, there were two variance requests, one for side setback from the north property line and the second was the size of the garage and both variances were denied. She stated that since then, the applicant had made changes to the previous proposal and the setback was shown on the drawing to be conforming at six feet from that side, which was the north side property line. Additionally, she mentioned that there was some further research back into the history of the property and it was found historically that back in 1978 there was a variance that was granted for the south side, which

explained trying to figure out how the math worked with the current garage, the addition of the garage and the and the described setback and that helped to make sense of some of those numbers for that 50 foot wide lot. She mentioned that the area of the outbuilding continued to exceed code requirements as 984 square feet was proposed, and 676 square feet was permitted. She added that 2015 a home occupation permit was issued for that property to allow a towing business, and the applicant had previously appeared before the BZBA in March 2017 requesting approval to allow a second work vehicle on the property, which was denied.

Mr. Feliciano stated that there was a lift in there and he had already taken that down to proceed with bringing it in as was required.

Chairwoman Masterson asked if he was going to move the wall in.

Mr. Feliciano stated that he was going to move it about 2 1/2 feet.

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

Vice-Chairman Kimble discussed that the lot directly to the south, regarding the variance that was granted in the 70's talked about a possible future expansion of the road but that was never going to happen and asked why hadn't the thought of vacating that to allow him to have an extra additional 20 feet, because it was a 40 foot wide lot and if it was vacated to the north and south, each property would gain 20 feet. He asked if that wouldn't help the situation immensely.

Director Lieber stated that typically street vacations would be initiated by adjacent property owners via petition and those adjacent property owners would then bear the cost of the required surveying and work that went into that, otherwise the city would bear a lot of cost.

Vice-Chairman Kimble stated that he agreed that Mr. Feliciano should pay for it if that was something that he would want to do, but if in theory, if that was to happen, he would have a conforming lot and then he would have a considerably larger parcel than what he had currently, to the point where it wouldn't be unrealistic if they were talking about a detached garage and a shed on the same property.

Director Lieber stated that the lot might be conforming, but the size of the outbuilding would still require a variance.

Chief Building Official Fursdon stated that he didn't believe by vacating and getting half of that right of way would take him greater than a 1/2-acre lot and it would still be the same scenario.

Vice-Chairman Kimble stated that he would still need a variance, but it would be a lesser of a variance in theory than what it was on a 50 foot sub lot.

Chief Building Official Fursdon stated that the variance was based on the square footage, not on the lot size.

Vice-Chairman Kimble stated that he understood but if the Board were to look at a 70-foot-wide lot instead of a 50-foot-wide lot, that might change the thought of the Zoning Board versus a 40-foot outbuilding on a 50 foot wide lot. He added that that was what his point was and didn't know if that was

something that Mr. Feliciano ever considered.

Mr. Feliciano asked if he was talking about between his house and the house to the left.

Vice-Chairman Kimble remarked the south, if he were standing at the street looking at his house it was to the left.

Mr. Feliciano stated that he filed for that a while back like when he first moved in. He mentioned that if he understood it, half of it would go to the neighbor and half would go to him and they both would have to file.

Vice-Chairman Kimble stated that it would be a cost that he and his neighbor would have to incur but he was not saying that that solved the problem. He added that it was definitely not the solution, and he would still need to get a variance, but from the standpoint of the Zoning Board looking at it, he had a very large structure on a very narrow lot.

Mr. Feliciano commented that he was told that after seven years he could file for it and he would only have to file for the motion and didn't have to actually pay for the lot after seven years of living there.

Vice-Chairman Kimble stated that he didn't know anything about seven years. He stated that it may be something that he may need to talk to an attorney or an engineer about. He mentioned that he just wanted to point out that it was there and would change things from the math that was done by the Board because it was a large ask. He stated that it was a big request for a building that size on a lot that size and was just something that he saw and wanted to bring up and discuss.

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

Member Toth asked if the overall height of the structure was 16 feet.

Mr. Feliciano stated it was 15 feet.

Director Lieber asked if the question was, "Did the height exceed code requirement".

Member Toth commented that ultimately that was correct.

Director Lieber stated that height was measured not to the peak of a pitched roof, but to the midpoint of that angled Gable roof. She explained that they didn't measure from the highest point, but the midpoint between the wall and the highest point of that and that it did comply at that height.

Member Toth asked if at that height it met the code.

Chief Building Official Fursdon stated that they actually physically measured it, and it was less than 15 feet in height to the midpoint.

Member Toth commented that the width of the garage was 41 feet overall.

Mr. Feliciano stated that it was 41 feet.

Mr. Toth asked Chief Building Official Fursdon if 41 feet met the code.

Chief Building Official Fursdon stated that that was what he was asking for the variance was the size. He stated that the code said 26 by 26 or 676 square feet, so he could have something like 28 feet by 20 some feet as long as it was under the 676 square feet. He explained that he was over 676 and that was the variance he was asking for. He stated that he was at 984 feet.

Member Toth stated that the 41 feet in width was nonconforming.

Chief Building Official Fursdon stated that it was an either or and that it could be 26 by 26 or 676.

Member Toth stated that the square footage that Mr. Feliciano had was 984 feet.

Mr. Feliciano stated that was correct.

Member Toth stated that the code was 676 feet.

Chief Building Official Fursdon stated that was correct.

Chairwoman Masterson asked if there was a subdivision going in behind Mr. Feliciano's property on the vacant lot.

Director Lieber stated that the property behind was not part of that Drees subdivision. She mentioned that there was a field area, but that was not part of that subdivision.

Chairwoman Masterson asked if there were any plans to extend that street.

Director Lieber commented not to her knowledge.

Chairwoman Masterson asked about Rosebelle and stated that Rosebelle was dead ending into Drees.

Director Lieber stated that it would ultimately connect to a road in that development.

Chairwoman Masterson asked if they were going to connect Rosebelle into the Drees subdivision.

Director Lieber stated that was correct.

Chief Building Official Fursdon stated that they may want to look at the county's website, but he didn't believe that Drake could be extended into that area because the property behind there took half of that right of way. He mentioned that it was not wide enough to extend the right of way up in there, so it would be best, in his opinion, to vacate it, but it was Mr. Feliciano's request to make.

Vice-Chairman Kimble stated that the reason he brought up the vacating was because the lot that butted up to them on one of the neighboring streets covered up that section of the road, so that section of Drake

could never be extended.

Mr. Feliciano stated that he would have liked to buy the property behind him.

Vice-Chairman Kimble stated that as someone who sat on the board for a long time, if he was looking at that and it was a 70-foot-wide lot versus a 50-foot-wide lot, he definitely would look at things a little bit differently. He commented that he wasn't saying how anyone else would think or vote as they were all independent, but it would be more of a realistic ask because there had been plenty of times people came in with slightly larger lots and asked for one larger barn versus two. He explained that per the City's code, they were allowed to have a detached garage and a shed and both of them be 26 by 26. He said that people had come in and said that they just wanted to put them together and have one, but those were on lots that were bigger than 50 by 116. He added that he personally lived on a smaller lot too, right around the corner from him and he was aware of the size that he had there and that he had maxed out what he had, and it was for sure to the point where it was somewhat detrimental to the area and was a big concern for the Board. He stated that if it was a little bit bigger lot and that street was vacated, that it may change things for people's view down the road.

Chairwoman Masterson stated that he agreed to move in the wall but asked if he considered reducing the size of the garage at all.

Mr. Feliciano stated that it would be reduced by taking it in 2 1/2 feet and that he had already taken out the lift that was in there but he would need a little bit of time to be able to do that since it was winter time.

Chairwoman Masterson stated that the issue before the Board was that he was asking for a really large variance on a very small piece of property. She explained that he wouldn't be before them had he submitted plans and gotten the building permit. She stated that he built a structure without permits and that he took a risk when he did that. She mentioned that he was a business owner and should know how to run a business and should have known that building permits were required for any structure whenever building it.

Mr. Feliciano stated that he didn't know if it was just for being attached to a building but that he had always gotten permits for any little other stuff that he was building.

Chairwoman Masterson stated that he was running electric and it was reasonable to know that he needed a building permit for a garage, let alone a house. She commented that for a building of that size, he would be making a huge investment in something, and he was going to want to make sure that it was built correctly, and he would want to make sure that it was inspected correctly. She then reviewed the Duncan Factors and read "Can the property yield a reasonable return, or can there be any beneficial use of the property without the variance" and stated that she agreed that it could be used without the variance and that he already had another garage on the property. She read, "Is the variance substantial" and stated that yes, the size of the garage significantly exceeded what was allowed and that he was at the maximum. She stated that the garage he built was large, and it was larger than the home and most structures in the neighborhood. She read "Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer substantial detriment as a result of the variance" and stated that it was a subdivision made of very small lots and that it stuck out. She read, "Will the variance adversely affect the delivery of governmental services, water, sewer or garbage and remarked

no. She read, “Did the property owner purchase the property with knowledge of the zoning restrictions” and stated that the zoning requirements predated ownership, so yes, he did purchase the property with knowledge of the restriction. She read, “Can the property owner's predicament be precluded through some method other than a variance” and stated that he could always make it smaller. She read, “Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance” and said that the variance request was asking for an awful lot. She said that she didn’t understand what his practical difficulty was because he built the structure without a permit. She asked if there was any way that he could think of making the building any smaller.

Mr. Feliciano stated that that was what he was there for, to get the variance to bring it in two feet.

Chairwoman Masterson stated that when he originally came before the Board he needed two variances and now he only needed one. She commented that it was still quite large and was bigger than he was allowed to build. She asked Chief Building Official Fursdon how large of a building could he build without asking for a variance.

Mr. Fursdon stated approximately 24 by 28 to get to that 676 number and he was at 24 by 41.

Chairwoman Masterson asked if Director Lieber had anything to add.

Director Lieber stated that she did not see anything included in the applicant’s submittal that really talked about the practical difficulties of the lot or provided input as to any of the Duncan Factors to support the request and there had been no statement of why the need.

Law Director Moriarty stated that when they were reviewing the second submission, the fact that one of the variance requests was gone as well as a reduction in the square footage, they thought that was at least a substantial change from the initial one to again go before the BZBA. He mentioned that Mr. Feliciano had shared information like when they had a conversation and he explained some things to him, but it didn’t seem like he was explaining those to the Board. He added that he wasn’t going to make his argument for him but when talking about getting permits beforehand, he needed to explain why he didn't. He stated that this was the time to do it and if he had other documents or any other people there on his behalf, this was the time that he was supposed to present that to the Board.

Mr. Feliciano repeated why he didn’t get the permit.

Chairwoman Masterson stated that she kept asking him why he didn’t get one.

Mr. Feliciano stated that he didn’t know that for a detached garage that he had to do that. He mentioned that since he had been in business there, he always got everything through there but he didn’t know. He stated that if he knew he would have done it.

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

Jeff Greenberg, 5932 Sandalwood Avenue, North Ridgeville, OH 44039, was sworn in.

Mr. Greenberg stated that he was the owner of the property behind his home. He stated that he bought

that land because he knew that Drees was moving in and didn't want that in his backyard. He said that he bought all that land back there to where Mr. Feliciano built his garage and it didn't matter to him. He indicated that he was down the street from him on Sandalwood in the cul-de-sac and was the one that touched all the properties back there and that was why he attended the meeting because he was the property owner that touched that property.

Chairwoman Masterson stated that to be clear there were three houses in the cul-de-sac and his property was to the left.

Mr. Greenberg stated that was correct.

Chairwoman Masterson stated that his property didn't look onto Mr. Feliciano's property.

Mr. Greenberg stated that he could see it through the backyard in the winter. He stated that he wasn't overtop of him and wasn't encroaching on his property. He explained that when he bought that property, he knew that it wasn't wide enough for a street and sidewalk and Drake couldn't go through that property, so that was why he invested in buying that property. He stated that also because he was aware that the farmland was all being sold, so a couple years ago he bought that property just for the deer, so they could stay there.

Chairwoman Masterson asked if she could table the matter for six months to see if Mr. Feliciano and his neighbor could vacate the property.

Law Director Moriarty stated that the Board could table anything it wanted but he wasn't quite sure exactly what she was asking about the properties being shared or vacated.

Chairwoman Masterson asked if both properties had to go forward with the vacation or if one property could absorb the entire street.

Chief Building Official Fursdon stated that one property owner could request the vacation and if City Council chose to vacate it, then each adjoining property owner would get half of the right-of-way, which was 40 feet, so he would get an additional 20 feet on his property and as Vice-Chairman Kimble had indicated, he would then have a 70-foot-wide property.

Chairwoman Masterson asked if he would he still need the same variance?

Chief Building Official Fursdon stated that yes, he would.

Chairwoman Masterson commented that it would get a piece of property out of the City's name and into private hands.

Director Lieber stated that the applicant had not presented to the Board that night his interest in pursuing a street vacation, and while it might make a difference if the lot were larger in some of the decisions of individual Board members, it didn't change the variance that was being requested. She discussed that she didn't believe that it was a good practice to table something pending and then the applicant having to engage in additional applications, interactions, legislative processes that may or may not occur when they had a case pending before them where they had not proposed that action as part of

their approach to improve their case before the Board.

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

None were given.

Chairwoman Masterson asked Mr. Feliciano if there was anything that he wanted to add.

Mr. Feliciano commented that just so he understood he was getting the variance to bring it 2 ½ feet in, when the variance was a foot, but he was still bringing it in 2 ½ feet and he was asking for the 308-foot variance.

Chief Building Official Fursdon stated that one point the applicant was failing to make was that when they asked him why he didn't get the permit, he told them that he didn't realize that he needed one. He mentioned that his expertise was in automotive, and towing and they asked him why didn't his contractor tell him that he needed a permit and he didn't have an answer. He stated that when he tried to contact his contractor, he vanished, and he didn't tell the Board that aspect, but he did tell him that.

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

A roll call vote was taken and the motion carried.

Yes – 4 No – 1

PPZ2024-0325 The Crossing at French Creek, 5725 Avon Belden Rd, PPN 07-00-019-000-010

Proposal consists of an entrance sign. Property is zoned R-1 Residence District. Request:

1. A 4-foot variance for height of an entrance sign. Applicant shows 10 feet, code allows 6 feet, Section 1286.11(f)(3).

Application was read.

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

Mario Halasa, 155 North Highland Ave, Akron, OH 44303, was sworn in.

Chairwoman Masterson asked the applicant to present the application.

Mr. Halasa stated that he was there on behalf of Matt Schmahl. He explained that they were building the sign out front and according to the City's code it could not exceed 6 feet and their variance was for 10 total feet with a two foot base, which made the sign 8 feet tall.

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

Director Lieber stated that the applicant pointed out that the tall element of the sign, because it was attached to the sign, contributed to the overall height of the sign. She stated that code allowed 6 feet, and they were showing 10 feet. She pointed out that the sign copy itself, so the area that would count towards

sign area, was just that area of text and that was about 8.85 square feet, and they were still well under the allocation of square footage for the copy area of the sign, which was really what she considered a decorative element. She explained that the height limit was established to ensure that entrance signs were designed well into the entry landscaping and features of a development. She added that in that case, the signed copy was relatively modest, and she didn't believe that that open element detracted from the aesthetics, and it didn't impair visibility but actually added a nice overall artistic element to the neighborhood.

Chairwoman Masterson asked Mr. Fursdon if he had any comments.

Chief Building Official Fursdon stated that with the open structure, you could see through most of it and that it had very little impact on the surrounding area.

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

Vice-Chairman Kimble stated that there would not be any sort of visual obstruction by the way the sign was positioned and angled in conjunction to the road and that it was meant to be seen as you're pulling in the development and from the main road driving. He commented that he didn't see how it would be any sort of a safety issue or that any negative could come about it. He mentioned that he thought it was a well thought out design that was appealing.

Member Cain stated that the trees and landscaping would fit right in with the sign and you could see through it and he didn't see any issues with it.

Member Toth stated that he echoed both Member Kimble and Member Cain's comments regarding the sign.

Chairwoman Masterson then reviewed the Duncan Factors reading "Can this property yield a reasonable return or can there be any beneficial use without this variance" and commented that the property could continue to be used without the variance. She read, "Is the variance substantial" and commented that the additional height was more than what was allowed by code, however, everyone continued to make the point that it was open, and it was like the outline was what exceeded code. She read "Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance" and stated that no, she agreed with the comments that it was a really attractive sign. She read "Did the property owner purchase the property with the knowledge" and stated that yes, the zoning was already in place. She read, "Can the property owner come to a different conclusion other than the variance" and stated that yes, they could, but she did think it was a classy, artful sign. She read, "Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance" and commented that regarding the height limit, they didn't want to block views, and it was not blocking the view. She remarked that there was no one in the audience to comment on that matter.

Moved by Masterson and seconded by Kimble to grant the variance.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

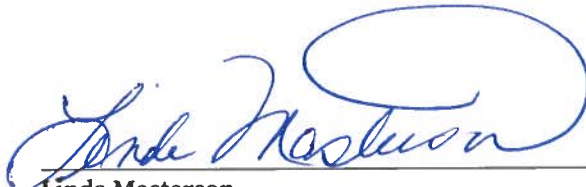
Chairwoman Masterson stated that she wanted to thank Vice-Chairman Kimble for all of his years of service to the City.

Vice-Chairman Kimble stated that it was his last meeting after 20 years.

Council Liaison Winkle thanked him for all of the work that he put into the City just to make the world a better place was acknowledged and appreciated.

ADJOURNMENT:

The meeting was adjourned at 7:48 PM.



Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, February 27, 2025
Date Approved