

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MAY 22, 2025**

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, Brad Weaver, Planning Commission Liaison Frank Toth and Chairwoman Linda Masterson.

Also present were Planning and Development Director Kimberly Lieber, Council Liaison Cliff Winkel and Clerk of Council Nick Ciofani.

Excused was Vice-Chairman Paul Graupmann.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, April 24, 2025.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

Chairwoman Masterson asked if there was a Planning Commission Report.

Planning Commission Liaison Toth stated that the North Ridgeville Planning Commission took action on several items at the regular meeting of May 13th, 2025, with the first being PPZ 2025-0337 Victory Park, 7777 Victory Lane, PPN 07-00-003-102-106, Owner: PMJ Park Holdings 7777 Victory Lane. North Ridgeville, OH 44039. Proposal consists of lighting plan for the Sports Park. Property is zoned I-2 Light Industrial District and that it was approved by a vote of 5-0 with the condition that they submit a new photometric taking into account both proposed lighting and existing light sources. He discussed the next application PPZ2024-0299 Hampton Place Subdivision Phase 8, PPN 07-00-029-000-203, -515, Owner: Valori Properties, 23550 Center Ridge Rd. #101 Westlake, OH 44145. Proposal consists of final development of plat approval for Hampton Place Subdivision Phase 8. Property is owned R1 Residence District and was approved by a vote of 5-0 with the following conditions: 1) Further investigation of the unclassified pipe on SR83 and a resolution that is acceptable to engineering. 2) Finish the construction of the concrete roadway. 3) A financial guarantee will be provided equal to the cost of all remaining items not constructed to the satisfaction of engineering. Note: All conditions must be fulfilled before the plat is signed and executed. He stated that the last application was PPZ 2024-0308 Circle K 34273 Lorain Rd. PPN 0700014106012 Applicant Brent Lamb, Circle K Stores, 935 E Tallmadge Ave. Akron, OH 44310 Owner A GLR Investments LLC 36097 W Minister Ave. North Ridgeville, OH 44039. Proposal consists of a new Circle K gas station and a retail store. Property zoned B-3 Highway Commercial District and was approved by a vote of 5-0.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2025-0342 Kevin Callahan, 6149 Dorow Dr, PPN: 07-00-029-000-563

Proposal consists of constructing an outbuilding. Property is zoned R-1 Residence District. Request:

1. A 3 ft. 9 in. variance for side setback of an outbuilding. Code requires 5 ft., applicant shows 1 ft. 3 in., Section 1294.03(a).
2. A 3 ft. 6 in. variance for rear setback of an outbuilding. Code requires 5 ft., applicant shows 1 ft. 6 in., Section 1294.03(a).

Application was read.

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

Kevin Callahan, 6149 Dorow Dr, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber stated that the applicant was proposing to install a new 80 square foot shed in the rear yard and as the Board was aware buildings must be set back a minimum of five feet from both side and rear lot lines and in this case, the shed was shown 1 foot 3 inches from the side lot line and 1 foot 6 inches from the rear lot line, so that there were two separate variance requests.

Chairwoman Masterson asked the applicant what his hardship was.

Mr. Callahan explained that he was going to be putting a deck on the back of the house and wanted to put the shed in the back far corner of his lot and described that it would be placed on 4 x 4's with a little bit of stone around the edge of it. He mentioned that he had a slotted fence that was not wood already there where he couldn't even get back there anyways if he wanted to pull weeds or spray Roundup or whatever the case might be. He stated that his backyard wasn't particularly big to begin with and that if he went 5 feet off it would look like it was in the middle of his backyard, and he was trying to make the most of the backyard that he did have. He indicated that his neighbor on that side of his house had no problem with it and that there wouldn't be electrical or plumbing to the shed but was strictly to get his lawn mower and snow blower and things out of his garage so he could actually use the garage. He stated that the shed was temporary so that if they sold the house and someone wanted to take it out they could.

Chairwoman Masterson stated that he was before the Board because they would be granting something that was permanent and not temporary. She explained that a variance would be permanent if it was granted. She stated that regarding the standpoint of practical difficulties, while the shed itself was modest in size, the request relative to the standard was significant. She stated that he was asking that instead of it being 5 foot off the property line, he wanted to put it one foot off the property line. She said that she understood that he couldn't put the 8 by 10 shed on the back of the house but asked why he couldn't put it on the side of the house.

Mr. Callahan stated that there wasn't enough room on the side of the house.

Chairwoman Masterson asked how long he owned the house.

Mr. Callahan said a year and a half.

Chairwoman Masterson reviewed that Duncan Factors and read, “Will the essential character of the neighborhood substantially be altered or will adjoining properties suffer a substantial detriment as a result of the variance” and stated that setbacks existed to provide spacing and separation of structures from property lines and that property setback ensures that an owner could maintain the accessory structure from within their own property. She read, “Did the property owner purchase the property with knowledge of the zoning restriction” and stated that the setback requirements had been in place prior to the construction of the subdivision. She read, “Can the property owner's predicament be precluded through some other method other than a variance” and stated that it was possible to place the shed in a location that met the requirement, but as the applicant had stated, it would put it in the middle of the backyard. She read “Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance” and stated that the answer was that the applicant had provided no information in support of the request addressing the standards of approval or rationale for the request.

Director Lieber stated that she wanted to point out in that report she just read, it was without the benefit of having the owner's letter that it accompanied because she didn't receive that page. She stated that they did provide some context in the letter, but she did agree with the Chairwoman that variances would run with the land, so any variance granted for that structure would carry into the future and would not be temporary. She mentioned that even if the structure was movable, then a structure could be built in that location, a more permanent structure with a foundation and with electric and plumbing and all those things.

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

Member Weaver stated that his concern was being able to take care of the land that was between the fence line and the shed because it didn't allow much room for taking care of any overgrowth or weeds or anything. He stated that it was really quite close to the fence and getting back there with a lawn mower or round up to take care of the overgrowth was his concern.

Planning Commission Liaison Toth stated that he seconded member Weaver's concerns.

Mr. Callahan stated that he dug out and could actually get back there at the one-foot mark. He stated that he would be placing stones and mulch around there and that there was an easement behind his fence and getting back there wouldn't be on his neighbor's property whatsoever.

Chairwoman Masterson stated that she understood that he had a smaller lot and a smaller garage and a small driveway, however, he just recently purchased it. She stated that he knew what he was buying when he bought the property.

Mr. Callahan stated that he really had no thought about the garage being too small when you get into it. He stated that even with the stuff out of the garage opening a car door, you're hitting the other car door. He stated that the garage was exceptionally small, and he truly had no idea it was going to be that small.

Chairwoman Masterson stated that it wasn't as if they were not allowing him to put a shed in the backyard, they were just not allowing him to put the shed where he wanted to put it. She stated that she

was asking for practical difficulties.

Mr. Callahan asked how it was impractical and as was addressed in his letter, it would not be impeding with any kind of delivery services or anything whatsoever like that at all.

Chairwoman Masterson commented that that the house she currently owned was not the first house that she had owned, and that she knew when she purchased it that she had a house with a yard and was going to need a lawn mower and was going to have two cars. She stated that when she bought the house, she had an adult son who lived at home, so he knew that there were going to be three cars and she knew there were going to be things in the garage and that those were things that as an adult that were planned for. She asked if this was the first house he had ever owned.

Mr. Callahan stated that it was the first house he had ever owned with a garage like that.

Chairwoman Masterson commented that it was not as if they were not allowing him to put in a shed just not where he wanted to.

Mr. Callahan stated that regarding the concerns of the Board with the maintenance behind and on the side of the shed, he addressed that and putting it in another place, he addressed that. He asked what the harm was.

Chairwoman Masterson explained that the rules required a 5-foot setback and he was asking for one foot setback and was a substantial variance.

Mr. Callahan asked what the harm would be putting it there unless the Board was thinking about long-term with other residents because he wasn't following her.

Chairwoman Masterson mentioned a conversation she was having with the Clerk of Council and that she had been on the Board for close to 25 years. She said that as stated by Director Lieber as well, when he no longer owned that home and someone else purchased it, there was permission granted to have that shed there if the variance was granted and now, they could put electric in there and plumbing in there and there would be nothing to stop them from doing that.

Mr. Callahan stated that there were, because they would have to get permits for the plumbing and electric.

Chairwoman Masterson stated that he had to prove practical difficulty and why he couldn't put that structure somewhere else. She asked what his hardship was.

Mr. Callahan stated that his hardship was that he didn't want it in the center of his backyard.

Chairwoman Masterson asked if he just didn't want it there.

Mr. Callahan remarked, yes, he had a smaller backyard to begin with and he was trying to put it off to the side so that he could have a patio and didn't want to have the shed near the patio part of it when he could have it over in the corner out of the way where he would need full access.

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

Planning Commission Liaison Toth explained that if the Board granted the variance the next owner of that property could erect a permanent structure there with plumbing and wiring without approaching this Board. He stated that they would need permits, but the variance would have been granted. He discussed that while the applicant's structure was temporary in nature, someone else would be permitted to be able to put a permanent structure at that location. He commented that his neighbor currently didn't have an issue with it and he stated it was temporary, but the Board needed to look at the fact that it would run with the property. He stated that permits for electrical or plumbing would not affect anything if the variance was in place, so with that in mind, being just a foot and a couple of inches off the property line, and a small lawn mower being 20 inches, so that would be one foot eight and he wasn't sure how he could even mow the lawn behind that without going over his property line.

Director Lieber stated that she heard some of the concerns of the Board about variances that run with the land and looking at the factors that were unique to that lot so as not to make a decision that set precedent for all other such properties. She discussed that that scenario might not be of concern, but it did create a situation where all owners of similarly sized lots would make that same request and she thought it was precedent setting that the Board wished to avoid typically.

Chairwoman Masterson reviewed the Duncan Factors.

Moved by Cain and seconded by Toth to deny the rear setback variance request.

A roll call vote was taken and the motion carried.

Yes - 4 No - 0

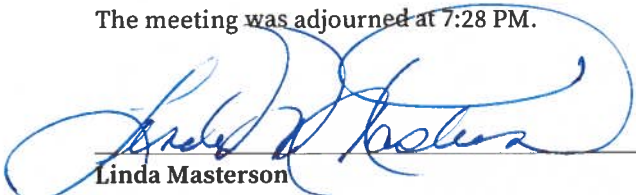
Moved by Cain and seconded by Toth to deny the side setback variance request.

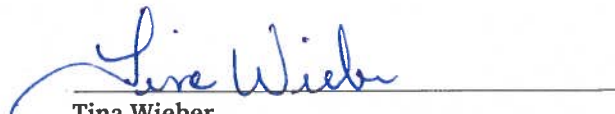
A roll call vote was taken and the motion carried.

Yes - 4 No - 0

ADJOURNMENT:

The meeting was adjourned at 7:28 PM.


Linda Masterson
Chairwoman


Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, June 26, 2025
Date Approved