

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, OCTOBER 24, 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 Paul Graupmann, Planning Commission Liaison Frank Toth, Vice-Chairman Shawn Kimble and Chairwoman Linda Masterson.

James Cain was excused.

Also present were Council Liaison Cliff Winkle, 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, August 22, 2024.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

Planning Commission Liaison Frank Toth stated that the North Ridgeville Planning Commission took action on two items at its regular meeting of Tuesday, October 8th, 2024. He mentioned that the first item was an application from Wink Royalton, proposing to vacate a portion of Root Road, an abandoned right of way created during the realignment of certain side streets during the Center Ridge Road widening project. He stated that the application was approved with the requirement of a water main easement and possible sewer easement per the City Engineer. He discussed the second application that was from Saint Peter Catholic Church proposing a parish hall addition and site improvements and stated that the application was approved with the recommendations of shared parking allowance, BZBA variance for building setback allowance, future submission of an administration approval of a landscape plan, and then a required lot consolidation. He indicated that Director Lieber also gave the Commission planning updates on three items, which were the zoning code review that had produced a draft diagnosis which was currently under review, and second, the active transportation plan, which was developed in conjunction with the Northeast Ohio Area Wide Coordinating Agency, NOACA, was in its final draft status and had been shared with the steering committee and staff for review and comment. He said that traffic studies had recently been completed in two regions of the city in the central area and that the study included intersections at Route 83 and Bainbridge, Route 83 and Center Ridge, and the intersections at Bainbridge and Center Ridge and Root, Root and Ranger Way in the southeast area. The study included the Lorain, Lear, Cook traffic study the broader area that expanded from Chestnut to the future Cypress, Lorain intersection and west to Victory Park. He stated that both studies were under administrative review for future actions.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2024-0298 St. Peter Catholic Church, 35777 Center Ridge Rd, PPN 07-00-021-117-078, -076

Applicant: Patrick Hyland, Perspectus, 1300 East 9th St, #910, Cleveland, OH 44114. Proposal consists of the addition of a new parish hall and site improvements. Property is zoned R-1 Residence District.

Requests:

1. A variance for depth of front yard, applicant shows 24 feet 6 inches, code requires 50 feet, but existing building front setback is 30 feet 7 inches, 1250.04(b)(1).
2. A variance for an addition to a nonconforming structure that increases the degree of existing nonconformity. Addition further encroaches into nonconforming front setback by 6 feet 1 inch, code does not permit. Section 1292.03(a).

Application was read.

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

Patrick Hyland, Perspectus, 1300 E. 9th St, Cleveland, OH 44114, was sworn in.

Chairwoman Masterson asked the applicant to present their application.

Mr. Hyland stated that the 8,000 square foot addition to the existing church was to the west of the church. He discussed that the rectory would be torn down, and the parish hall would be put in its place. He said that the majority of the space shown in blue would be an event space to seat about 200 people for various church and parish related events and would not be rented out to outside parties. He mentioned that the parish was growing, and they needed space to have meetings and things of that nature but the driving factor behind the project was an elevator because the handicap access of the church was all the way in front off of Center Ridge Road and all of the parking was in the back. He stated that the project would move the entrance to the south and that there would be an elevator so people could get up easily to the sanctuary level. He added that it was also sized for a coffin for funerals and things like that and that it would be solving multiple problems with the building. He stated that for the variances, they were encroaching north beyond the existing church façade due to a number of issues and were just trying to fit all the buildings that they needed to in. He discussed that there was a flood elevation, a floodplain that also they wanted to keep above and that kind of kept them moving the addition to the north. He stated that the front elevation of the addition was 3 feet 10 inches proud of the main church façade. He commented that the addition facade and the church facade would be parallel. He noted that the right-of-way and Center Ridge diverged 1.8 degrees, so that was how they saw the varying dimensions on drawing as they went across from west to east, the varying dimensions there of the setback or the distance from the right-of-way to the front of the church, to the facade of the church or the addition.

Chairwoman Masterson asked Director Lieber for her review.

Director Lieber explained that there were two variances required. She stated that one was for the front yard setback of the building and the second was actually from the nonconforming chapter. She discussed that the zoning code allowed for the continued use and expansion of nonconforming buildings and that it was an addition, not a new building. She commented that it was an expansion of an existing nonconforming building because the church also had a setback less than 50 feet, but that the code did

allow for the expansion of nonconforming buildings. She went on to state that however, any expansion had to be fully conforming and could not increase the amount of nonconformity. She added that in that case, the addition came even closer to the right of way than the existing church, but in her opinion, it was a hardship that was based upon the road widening project and was a condition that a lot of buildings within that stretch of Center Ridge Road were facing and was due to a situation beyond the control of the applicant, when the city determined the road widening was necessary, She mentioned that she didn't think it would create a negative detriment to surrounding property or a detriment to the character of the area and that she did support both of those requests.

Chairwoman Masterson asked if the Administration had any other comments or questions.

None were given.

Chairwoman Masterson asked if the Commission had any other comments or questions.

None were given.

Chairwoman Masterson asked if anyone from the public wanted to speak on behalf of the application.

No one came forward.

Chairwoman Masterson reviewed the Duncan Factors regarding the application and read, "Can this property yield a reasonable return without the variance?" and stated that it was a church and was not really a point that should be addressed. She read, "Is the variance substantial?" and stated that no, it is a very small variance. She added that also as Director Lieber stated, it was very small and was created due to the road widening project. She read, "Will the essential character of the neighborhood be altered?" and stated that she didn't think anybody would actually know anything about it driving by it. She read, "Will it adversely affect delivery of services?" and said that no, it wouldn't. She read, "Did you purchase the property with the knowledge of the zoning restrictions?" and stated yes, but when they purchased the property, the street wasn't widened. She read, "Can it be corrected through a different method?" and stated no, she didn't think so. She read, "Would the spirit and intent behind the zoning requirements be observed and substantial justice be done by granting the variance?" and stated that she thought it would and everybody's comments and concerns would be addressed in the most pleasant way if they did grant it.

Moved by Masterson and seconded by Kimble to approve variance request.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2024-0303 Paul & Colleen Nelson, 5449 Trevi Ct, PPN 07-00-030-000-220

Applicant: Complete Design & Construction, LLC, 3402 Church Dr, Lorain, OH 44053. Proposal consists of constructing an 18-foot deck. Property is zoned R-1 Residence District. Requests:

1. A 3.64 foot variance for setback to open space of a deck attached to a cluster dwelling; applicant shows setback of 1.36 feet, code requires 5 feet, Section 1294.01(g)(5). Note: See also 1282.11(b)(2).

Application was read.

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

Director Lieber stated that the proposal was to construct a 540 square foot composite deck in the rear yard in the general location of an existing patio. She said that the applicant had indicated that that patio would protrude about 18 feet from the face of the dwelling and based upon the approved topo that they had on file, which showed that the dwelling was just over 19 feet from the rear property line, that meant that the deck would be set back from the property line 1.36 feet. She mentioned that she wasn't sure it was exactly that precise. She went on to say that while cluster dwellings must be set back a minimum of 15 feet from open space, and in that case, open space did about the rear of the property, the code also did allow for certain types of projections into required yards, so porches and stoops and such things might extend 10 feet into a required rear yard. She explained that therefore, with that projection taken into account, the deck could come within 5 feet of the rear property line by code and that was how they came up with the math to get the variance request on the agenda, which was the 3.64-foot variance for setback to open space. She added that in doing a little bit of research about this lot in its original development, that sub lot was part of phase two of North Ridge Point and the approved construction plans for that phase show a conservation easement because of the wetlands in that location, especially on the south side of the lot and that encompassed that wooded area. She stated that it looked like unfortunately some of the protected area was removed during the original construction, not related to the applicant, but just the original construction, when that house was constructed. She mentioned that some of that cleared area to the rear and that open space was intended to be left in a natural condition, but apparently had been kind of maintained and cleared a bit and it looked like there were some additional encroachments from other property owners in the area as well. She indicated that it was more just an observation, but that area was to be left natural.

Chairwoman Masterson asked if there were representatives for the application.

James Jeffries, Compete Design & Construction, 3402 Church St, Lorain, OH 44053, was sworn in

Mr. Jeffries stated that the concrete patio was going to get completely covered and the range, the area that it was going to be up against, not even up against, was a few feet off the property line and was going to be that kind of southeast corner. He commented that it was just going to be that little corner there. He discussed that the rest of the deck for the most part was going to be 5 feet plus from that property line. He stated that why they were trying to do was to cover that stone patio there and not have part of that sticking out so it looked good for the customer. He mentioned that it was almost in a pre-existing area that was already encroaching upon that corner property line because if they cut that back, as a builder, there would be a much greater cost to cut back some of that concrete to get the concrete out, resod, rebuild that area and to have to haul that away, would be quite an extensive amount of additional work for the customer for that. He stated it was just going to be on that corner. He discussed that the property behind that one was something that the HOA of his development owned that they allowed him to use and access on a regular basis, even allow him to store stuff and set stuff on that property as needed. He commented that they were just simply asking for that bottom right corner of the drawing, and it would come within a few feet of the property line just at that that corner and would not be the whole back of the deck there. He added that he noticed on some of the documentation it was talked about if it needed to be maintenance and that kind of stuff that it would be over that property line, but there would be no maintenance required on that and even when they built it, they were never going to go over that property line. He stated that it was going to be composite built and would have a lifetime warranty and

said that even if it did need maintenance, if they took it apart, it was not going to extend over onto that other property line.

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

Vice-Chairman Kimble stated that he mentioned a couple times that he would be a couple feet off the property line, but the paperwork was saying 1.36 feet, and that was roughly 16 to 18 inches, so a foot and a half or so. He said that one question he had about that particular subdivision, was if they were able to put fences up on that property.

Chief Building Official Fursdon stated that they were from City standards but couldn't speak for the HOA.

Mr. Jeffries stated that he believed it was aluminum fencing.

Vice-Chairman Kimble stated that his point was that from a hypothetical standpoint, if the homeowner or if someone else was to put up a fence at that point, the fence would be 1.3ish feet from the deck, and that was fairly close. He added that they were talking under a foot and a half.

Mr. Jeffries stated that that was kind of like a hypothetical, and he believed it was almost two feet and that it was a little more than that 16 inches or so and he understood that that was not a whole lot more space, but he believed in Ridgeville that the fence could go, as mentioned, directly on that property line, so it would give two feet clearance, and it was literally just the corner that was going to have that. He commented that if they could imagine that point right to the fence was two feet of clearance and then everywhere else was full clearance. He indicated that it was not a running two feet but was literally just at that point, just a portion of it.

Vice-Chairman Kimble stated that still as the ordinance was written, he needed to be five foot off of the property line, so it may be just that one corner that was the 1.36 feet, but he would be a fair amount into the deck at least a third or so before they would accomplish the whole five feet.

Mr. Jeffries stated that it wasn't much, it was just a few feet that didn't meet that five foot but it was greater than that two foot number.

Vice-Chairman Kimble stated that the property that was directly behind that was part of the HOA, it did appear what was unique about that was that there was really no access to that portion of land other than from his client's yard.

Mr. Jeffries stated that was correct.

Vice-Chairman Kimble commented that it wasn't like it was a green space area where other neighbors would be using it from a communal standpoint.

Mr. Jeffries stated that there was a wooded area to the right of that.

Vice-Chairman Kimble stated that that was the wetland area.

Mr. Jeffries added that it eliminated access from others coming in there.

Vice-Chairman Kimble stated that one point he wanted to make was that it was difficult from the Board's perspective, at least from his standpoint, with lots of that size that were the cluster lots, there was really not a whole lot of actual real estate to do too much with. He said that he understood it was something that the homeowners should research and know before they buy it but honestly most didn't. He discussed that when they squeezed in houses to that extent, it gave conditions like that that became difficult and that it was a unique property.

Mr. Jeffries stated that it was very tight in that backyard.

Chairwoman Masterson stated that she had one question for Director Lieber regarding the point she brought up of that property being cleared and asked if there was any way that the City could go after the homeowner's association in that regard.

Director Lieber stated that she believed that clearing happened a long, long time ago. She mentioned that she just wanted to point that out from the standpoint of also just proximity to the property line, that to maintain that yard. She discussed that once the deck was in place, it would likely require the property owner to be able to pass on to the common open space property, whether for lawn mowing or lawn care and those types of things. She stated that if the Board granted the variance as written, that it wasn't just for that one point and would become a variance for any setback any point. She explained that the variance, if it was 1.36 feet from the property line, that meant that any structure that the deck could be built on to and that would become the new setback. She added that it wasn't just at that point unless they tied it to the specific site plan. She indicated that the variance would become a new required setback and would be 1.3 feet for any structure.

Chairwoman Masterson asked only on that property.

Director Lieber stated that was correct.

Chairwoman Masterson commented that they could literally build it 1.36 feet, unless of course they tied it directly to that.

Assistant Law Director Morgan stated that if they were inclined to grant that, that they did make that point and that it be just to that particular lot and that particular drawing that they were looking at. She added that in order to make it all the way across, they would have to make their deck diagonal, which was unlikely, but it was worth mentioning if they were inclined to vote in favor of it.

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

None were given.

Chairwoman Masterson read the Duncan Factors regarding the variance request, "Can the property yield a reasonable return without the variance?" and stated that yes, it could. She read, "Is the variance substantial?" and stated that the variance was not substantial if in her opinion it be tied to Exhibit A and only grant it for the one corner where the deck came within 5 feet of the property. She indicated that she would specifically tie it to that one corner because that is a very minuscule variance for that one corner

and that one corner only. She read, "Will it change the character of the neighborhood?" and stated no, but that Vice-Chairman Kimble made a very good point that in that subdivision, the homes were pretty much built lot line to lot line, and it didn't give them very many options. She read, "Will the variance adversely affect the delivery of governmental services?" and stated that Director Lieber made a good point that with the deck going where it is, it would make it very difficult for the homeowner to mow the lawn. She read, "Did the property owner purchase the property with knowledge of the zoning restrictions?" She commented that most people don't pay any attention to zoning restrictions, but they were there. She read, "Could the property owner's predicament be precluded through another method?" She stated that it could be, but it would be clipped, and it would look strange. She read, "Would the spirit and intent behind the zoning requirement be observed and substantial justice be done by granting the variance?" and stated that it was subjective, but it was very minimal. She asked if there was anyone in the audience who had any questions or comments on the matter.

None were given.

Moved by Masterson and seconded by Graupmann to grant the variance as submitted in Exhibit A.

A roll call vote was taken and the motion carried.

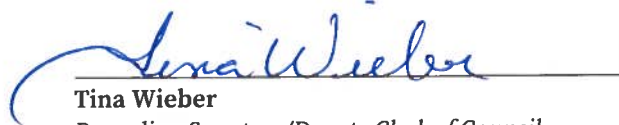
Yes - 3 No - 1(Toth)

ADJOURNMENT:

The meeting was adjourned at 7:55 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, November 21, 2024

Date Approved