

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, NOVEMBER 18, 2021**

TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Neil Thibodeaux, Jim Smolik, Linda Masterson, Clifford Winkel and Chairman Shawn Kimble.

Also present were Chief Building Official Guy Fursdon, and Deputy Clerk of Council Tina Wieber.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, October 28, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

OTHER REPORTS OR CORRESPONDENCE:

Member Masterson stated that the Board of Drainage and Flood Control rescheduled their meeting until January 2022.

PUBLIC HEARINGS:

APPLICANT: Marcin Rapacz, 9213 Winfield Lane, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. 1294.03(e) (1) a 2' variance from the rear property line for an outbuilding.

LOCATION: 9213 Winfield Lane in an R-1 District.
Permanent Parcel No. 07-00-036-000-487

CASE NO.: PPZ2021-0096

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

Chairman Kimble asked if there was a representative present.

Marcin Rapacz, 9213 Winfield Lane, North Ridgeville, Ohio 44039, was sworn in.

Chairman Kimble asked Mr. Rapacz to explain the application.

Mr. Rapacz explained that he had some concrete work done at his house including a driveway extension, patio in the back and he decided it would be a good idea to have a slab of concrete to go underneath the shed. He stated that when the slab was poured he didn't realize the slab had to be five feet from the rear of the property and it ended up being three feet. He advised that he had brought additional photos and asked if he could distribute them to the Commission. He explained that he poured the concrete slab and then built a retaining wall around it and filled it with rocks and then applied for the permits. He further explained that when he received the permit back from the building department they had written a comment where it said he had to be five feet from the rear of the property and he didn't realize that was the case. He stated that in order to make the slab five feet away from the property now he would have to destroy the construction as it is because when the cement was created there was two feet in front of it then it goes up an inch, as shown in the picture. He stated there's two feet and then it goes up an inch and then there's ten by twelve where the shed was going to sit. He explained that once he received the permit and realized that he was not within the proper distance, he called the building department and the ladies helped him out and told him he would have to apply for a variance. He further explained that he was at the meeting pledging for the variance because it would be a lot of money and hassle. He stated he did not have anyone behind his property. He advised that there is a retaining pond behind his property, trees and then Waterbury. He stated that when it came to the back of his home he didn't feel like the placement of the shed would impact anyone. He advised that he was still within the proper distance from the neighbors and in his opinion the neighbors don't care about that space.

Chairman Kimble thanked Mr. Rapacz and stated that he appreciated him bringing additional photos. He explained that the purpose of the five foot variance was to be able to work on whatever structure was there and to be able to maintain it. He further explained that if someone was to build something directly behind him the ordinance would make it so that there would be at least ten feet in between the structures. He stated that with three feet the applicant could still adequately maintain his shed and considering that there is a retention pond directly behind his property there would be no possibility of a structure being built. He advised that he thought it would work out fine the way it was planned.

Member Masterson said she agreed.

Member Cain stated that he agreed as well.

Member Masterson stated that this is the reason the Board exists to use common sense regarding applications that may be a unique situation.

Mr. Rapacz stated that he felt the plan needed some common sense. He explained that he agreed that if he needed to fix something on the shed there is space to get there and on the other side of the fence either way. He stated that even if he was within the code, the shed would still be inside of his property and there is enough room for him to tend to the grass. He advised that he would not have built it if he wouldn't be able to maintain the grass but if he had known the requirement

was five feet he would have went with that. He stated he could definitely use some help.

Member Smolik stated that regarding the five foot ordinance, drainage also plays a part into that as well and making sure the applicant has a swale. He explained that for this particular lot he believed everything was probably sheet flowing toward the retention basin so the five feet wasn't really that important. He asked Mr. Rapacz if he poured the concrete himself or hired a company.

Mr. Rapacz stated he had a friend that did concrete that helped him do it.

Member Smolik asked Mr. Rapacz if he said he did the driveway as well.

Mr. Rapacz stated that he had.

Member Smolik asked if he had a pre-pour inspection done on the driveway.

Mr. Rapacz stated that he had.

Member Smolik asked if he had advised the inspector that there was a pad in the back of the yard as well.

Mr. Rapacz stated that as far as he was concerned he didn't need to have the pad inspected, so no. He stated that the only thing inspected was the driveway. He explained that they also cemented the sidewalk leading to the back and then he has the deck and then the patio and the only thing he needed to have a permit for was the driveway, so that was the only place that was inspected per the building department.

Member Smolik asked if when the inspector was out looking at the driveway was there any way he could have seen the pad from where he was.

Mr. Rapacz stated that the inspector would not have seen the pad because it's in the back of the property and not unless he would have told him. He explained that there would be no reason for the inspector to go there or even know. He advised that he would not have even considered showing it to the inspector because he didn't know it had to be five feet away.

Member Smolik asked if the applicant originally poured it because at the time he was pouring his driveway so that way he wouldn't have a separate pour for the slab.

Mr. Rapacz stated that was correct and then he found out he needed a permit for the shed. He explained that he knew he needed the permit for the shed but he didn't get it ahead of time because he didn't think he needed it right then and he wanted to make sure the concrete slab was in first and then he was going to take care of the shed permit plus the finances.

Member Smolik asked if there was an HOA in his neighborhood.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, NOVEMBER 18, 2021**

PAGE 4

Mr. Rapacz stated there was.

Member Smolik asked if the applicant had advised the HOA that there was not enough clearance.

Mr. Rapacz stated that no, the HOA told him for the shed to just follow the City's ordinances. He explained that the HOA was only worried about the look of the shed, so he submitted the pictures, the color of the siding and everything but they told him everything else is done by the City.

Chairman Kimble asked for questions or comments from the Commission.

None were given.

Chairman Kimble asked for questions or comments from the Administration.

None were given.

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

A voice vote was taken and the motion carried.

Yes – 5 No – 0

Member Masterson asked Chief Building Official Fursdon for clarification that if someone pours a concrete slab or if they are pouring a patio they don't need an inspection.

Chief Building Official Fursdon stated that was correct. He explained that the only thing the City asks for is permits or if they do steps because that is a code item. He advised that the patio is not covered under the code nor is it covered under the zoning code. He stated that anyone could have a patio right up to their property line.

Member Smolik asked for further clarification asking if a driveway is the only thing that requires a pour inspection.

Chief Building Official stated that driveways, decks, sheds, the steps on the patio would because they're regulated under the residential code of Ohio. He stated that when an applicant states that they are doing a concrete patio, the City asks if they are doing steps and if the answer is no, then they don't need the inspection. He explained that the zoning code doesn't regulate it nor does the building code. He further explained that once in a while a person will put a pad on their property with the intent of doing something in the future and they will put a footer under it and then the City would go out and do an inspection and if they request it, the City will issue it and permit that, so that way the City will have a record of the inspection of the footer if they want to build a structure on it in the future.

Member Smolik stated that in-ground pools with concrete decks, a bond inspection would have

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, NOVEMBER 18, 2021**

PAGE 5

to be done.

Chief Building Official Fursdon stated that was correct but that was part of the pool.

OTHER BUSINESS:

No other business.

ADJOURNMENT:

The meeting was adjourned at 7:16 PM.

Shawn Kimble
Chairman

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*

Thursday, December 16, 2021
Date Approved