

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, NOVEMBER 17, 2022**

CALL 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, Vice-Chairwoman Linda Masterson and Chairman Shawn Kimble.

Planning Commission Liaison Steve Ali was excused.

Also present were Chief Building Official Guy Fursdon, Prosecutor Sean Kelleher, Planning and Economic Development Director Kimberly Lieber, Council Liaison Cliff Winkel and Assistant Clerk of Council Fijabi Gallam.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, October 27, 2022. Hearing none, the minutes stand as presented. He then asked if there were any corrections to the minutes of the special meeting on Tuesday, November 01, 2022. Hearing none, the minutes stand as presented.

CORRESPONDENCE:

Chairman Kimble noted that there were a couple pieces of correspondence that the Board received.

PUBLIC HEARINGS:

PPZ2022-0147: David Bogner, Greenlawn Professional Building, LLC, 7295 Greenlawn Drive, North Ridgeville, OH 44039, PPN 07-00-028-103-193

Applicant: Randall Smith, DSC Architects, Inc., 401 Front St, Berea, OH 44017

The applicant is proposing to build a Life Celebration Center. Property is zoned B-5 District.

Requests:

1. A variance for parking in the front yard. Applicant shows parking spaces in the front yard, code does not allow off-street parking to extend beyond the front line of any building, Section 1272.03(h).
2. A 9.5 foot variance for depth of the front yard. Applicant shows 65.5 feet, code requires 75 feet, Section 1272.06(b)(1).
3. A 30 foot variance for depth of the rear yard. Applicant shows 20 feet, code requires 50 feet, Section 1272.06(b)(2).
4. A 7.5 foot variance for sum of side yards. Applicant shows 27.5 feet, code requires 35 feet, Section 1272.06(b)(3).

5. A 7.5 foot variance for depth of the north side yard. Applicant shows 7.5 feet, code requires 15 feet, Section 1272.06(b)(3).
6. A variance for 34 parking spaces. Applicant shows 11 parking spaces, code requires 45 parking spaces, Section 1284.02(g)(14). Note: Reception space is 2,245 square feet. $2,245 \text{ sq. ft.} / 50 \text{ sq. ft.} = 44.9 \text{ spaces}$.

Application was read along with the recommendations from Planning and Economic Development Director Lieber.

Director Lieber explained that the application was going before BZBA prior to going before Planning Commission due to the variances being fundamental to the feasibility of the project. She stated that Planning Commission had not considered the application and they had not reviewed in detail any of the other aspects of the proposal.

Chairwoman Kimble asked if there was a representative present.

David Bogner, 34944 Shawn Drive, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Bogner to explain the application.

Mr. Bogner stated that they had built two other buildings in the same district previously. He discussed that B-5 zoning, when it was established, really didn't look at it from a side street. He mentioned that it was really about all businesses facing Center Ridge Road. He added that those setbacks were with the idea that something would be facing Center Ridge Road and they had 500 feet of depth of the commercial where his project was on a side street. He stated that the project was still within the 500 feet of commercial. He added that the requirements were really beyond reason which was why they needed to come before the Board of Zoning and Building Appeals. He mentioned that if they looked at the plan, in his opinion it all made sense. He stated that the reason they wanted to construct the building was because the funeral business had changed over time. He stated that people were really looking for life celebrations where they could have food. He discussed that the funeral home didn't accommodate for that. He added that they wanted to build a facility specifically for after funeral luncheons and celebrations of life. He stated that they realized the parking situation on a standalone building such as that, that they weren't even near meeting the requirements. He explained that it would be an accessory to the funeral home. He discussed that they would not be having simultaneous large services at both facilities because the staff would need to be at both places and they didn't have enough staff to do that. He stated that they would make sure that they would schedule things accordingly so that they wouldn't be overlapping with two large services at the same time at two different buildings. He added that they would need to share the parking and make sure they could accommodate for that. He discussed that looking at the application it stated Greenlawn Professional Building which was the current owner of that particular parcel and that he and his wife also owned the Greenlawn Professional Building. He remarked that the new facility wouldn't have anything to do with that. He stated that once they got an approval they would be coming back and changing the ownership of that parcel to be the same owners as the funeral home so that it would be all congruent as one.

He mentioned that in looking at the plans they would notice that the buildings didn't protrude any closer to the road than the ones around it. He stated that it was still farther back than the duplex to the south which was owned by his parents. He discussed that it was about the same if not a little farther back than the Greenlawn Professional Building. He explained that it wasn't sticking out or protruding in front of those buildings.

Randy Smith, DSC Architects, 401 Front Street, Berea, OH 44017, was sworn in.

Mr. Smith stated that the first variance was for front parking. He said that the Greenlawn Building had front parking facing Greenlawn Avenue and that it was a continuation of that look to establish some continuity. He mentioned that the front setback of seventy five feet, they were just cutting an angle across the building and the nine and a half feet was just on one corner. He stated that the thirty foot setback in the rear was fairly large but it was a vacant lot in the back and they had already established a buffer strip across the back of that property. He discussed that the problem with the lot was that if they complied with all of the setback requirements, the buildable area left on the parcel was about 1,500 square feet. He added that it wasn't economically feasible as it stood right then. He mentioned that it was an empty lot and having a building that was complimentary to the other two buildings that were there would complete the B-5 zoning and provide a nice little enclave or compound where everything was complimentary and tied together. He stated that regarding the side yard setbacks, they were okay on the south side but on the north side they were asking for a seven foot variance. He remarked that there was a fifteen foot drainage easement along that side of the property. He stated that nothing could be built within that seven and half feet on the adjacent property. He discussed that they were looking at that to provide the fifteen feet clear area if not all on their property. He mentioned that they were looking at doing a one story brick face building that would be complimentary to the funeral home. He stated it would be an all brick building with white trim and would try to tie it together with some of the detailing to the funeral home. He explained that the funeral home and the office building were treated slightly differently. He added that they were going to try to tie that back to the funeral home to try to establish that and make it a little stronger. He stated that they added the buffer strip along the south side to separate it from the residential properties.

Chairman Kimble stated that it was a very unique parcel of property. He added that B-5 zoning was really intended for businesses facing Center Ridge Road and the reason the Board existed was for those rare occasions when it didn't quite meet to the ordinances that the City had in place. He stated that there probably weren't a whole lot of lots that were B-5 that didn't face Center Ridge Road. He added that he thought it was a well thought out design plan and that they tried to maximize the space for buffers and they were proposing to build the building as far north as possible so that to the south would give even more land for the buffer strip, landscaping and to keep them even further away from the residential. He stated that the sign they had included that showed a buildable window, going by that it would make it impossible to develop anything on the property without a variance. He mentioned that there would be no way to still build without any variances for the building and still have room for adequate parking in the rear. He stated that it would go hand in hand with the funeral side of the business and wouldn't be a reception hall for weddings or business dinners during the day. He stated that even though there were some

substantial requests, especially regarding parking, they had it covered by the fact that they had all the parking across the street and directly next door with service accesses to that parking. He added that he thought it should also be pointed out that most funerals were in the evenings and weekends. He discussed that a lot of the businesses that were in the Greenlawn Building were daytime businesses and weren't evening businesses where there would be competition for parking. He stated that it did appear there would be adequate amounts of parking even though the request did sound pretty substantial. He remarked that the sizing, to have it in their window, that it was roughly about 1,500 square feet, that would be a very narrow building with a lot of space next to it that he felt would look out of place if they tried to build it in the approvable window. He stated that from a visual coherent standpoint driving down Greenlawn, the buildings were almost stepped down on the same pattern as the road has a turn. He stated that visually it would blend in just fine. He added that even though there were six variances they all went hand in hand and they needed them all. He stated that normally in a situation like that when there were multiple variances they would typically break them down and vote individually but that was an all or nothing type of request. He thought it was something they could just vote on as one. He asked if any of the Board members had any questions or comments.

Vice-Chairwoman Masterson stated that she had some serious concerns. She mentioned that she understood that there were three separate parcels and one corporation owned them. She stated that at some point in time things change and properties sell. She discussed that in the past they had made what seemed to be the right decision at the right time but later on it turned out not to be. She stated that the reception hall couldn't be built without the variances and so few parking spots and asked if that was correct.

Chief Building Official Fursdon stated not at that size, no.

Mr. Bogner stated that Director Lieber mentioned that the Law Department had suggested and they were formalizing some type of legal agreement, be it an easement, that would formalize that if for whatever reason the lot was no longer used by the funeral home, that the funeral home would still provide adequate parking for that facility if there wasn't parking available or somehow established elsewhere. He mentioned that they were going to put that in writing. He said he had been communicating through emails that day with the Law Department but didn't have that formalized yet. He stated that when they went to Planning Commission they would have that available. He discussed that there would be a formal agreement providing for the additional parking for that lot. He discussed that even if they sold off the Life Celebration Center, the parking rights would transfer.

Mr. Bogner stated that if the use was changed and it was no longer being used by the funeral home for a life celebration center and they sold it or leased it out to someone else to do something else with it, they would not be able to occupy it until they came back and got a certificate of zoning.

Chairman Kimble stated that because the use would change at that point and they would have to come back.

Director Lieber stated that was correct. She discussed that it was only permitted to be a celebration center accessory to an existing funeral home. She added that the district would not allow for exhibition halls or assembly areas. She stated that they couldn't just build a facility for wedding receptions. She mentioned that it could only be used in conjunction with that business. She commented that if it should be sold and it ceased to be a celebration center it could not be converted to another gathering type facility because that wouldn't be permitted under the B-5 district. She stated that they would have to come back through and seek a certificate of zoning compliance or come back to Planning Commission depending on what they were requesting. She mentioned that there would be another opportunity at that point to look at the sufficiency of what it was they were doing versus parking or the other considerations they might look at.

Chairman Kimble stated that the City would have some say so in the future if it ceased to be a celebration of life structure.

Director Lieber stated that was correct.

Vice-Chairwoman Masterson stated that the building at this point in time wouldn't be able to hold a wedding reception or a baby shower and could only be related to a funeral.

Mr. Bogner stated that was correct that it had to be related to a funeral.

Vice-Chairwoman Masterson stated that since they were the BZBA Board, they weren't able to consider safety issues of people crossing the street in winter time.

Mr. Smith stated that was one of the reasons they wanted to have parking in front of the facility, in case they had elderly attending the funerals without the ability to walk over. He added that they thought what limited parking they did have at that facility they would be able to get some of the more elderly attendees across the street safely.

Mr. Bogner stated that they were eliminating two parking spaces for a turnaround so that if all the parking spaces were full, someone would be able to drop off the occupants in their car and be able to drive across the street to park in the larger parking lot.

Chairman Kimble remarked that it was also in conjunction with people to be able to park at Greenlawn.

Vice-Chairwoman Masterson asked if there was a sidewalk there.

Mr. Bogner stated that it was in the plans.

Chairman Kimble asked if there was anyone from the public that wanted to speak on the matter.

Roger Noblit, 7369 Greenlawn Drive, North Ridgeville, OH 44039, was sworn in.

Mr. Noblit stated that he had lived in that area for a number of years and his main concern was parking. He discussed that there had been a number of times when parking from the funeral home had been clear into their street and clear down on Annie and Greenlawn Drive. He remarked that they were proposing a new facility which did not have ample parking as the Building Inspector noted. He mentioned that they were adding more congestion there to an already bad situation. He stated that the parking was inadequate and there had been a number of times where they would park clear up and down their street and it concerned him as well as the safety issues with people trying to cross the street.

Angela Finney, 7620 Greenlawn Drive, North Ridgeville, OH 44039, was sworn in.

Ms. Finney stated that her biggest concern was the parking issue. She mentioned that there had been times when they had come home late and people had parked in front of the funeral home which blocked the vision and view of people coming in and out of their driveway. She discussed that she had almost been hit twice coming home due to people thinking she was going into the funeral home when she lived in Greenlawn in the Cross Creek Development. She stated that she was concerned that the facility they were proposing to build would create even more parking issues because if they had a big celebration of life ceremony it would have parking into their development again and there were safety issues with people walking. She added that it was very dark there. She stated that where the funeral home was it was very dark and they couldn't see into Greenlawn Drive at night currently. She stated that the visibility was very low. She commented that it was very dangerous for people walking back and forth if they had big funerals if they were parking over in the business development. She stated that she was concerned with construction. She stated that there was one way into the development. She added that if emergency vehicles needed to get in and their construction equipment was blocking that one way they would be in trouble. She mentioned that there were a lot of elderly people in the development and she had a heart issue. She stated that if she needed to call the ambulance and their construction company was blocking the only way that the ambulance could get to her, she would be dead.

James Roskovics, 7368 Greenlawn Drive, North Ridgeville, OH 44039, was sworn in.

Mr. Roskovics stated that his biggest concern was parking and congestion. He mentioned that with the one way in and one way out it did make it difficult at times. He stated that he understood at times that funerals would have a large congregation and a large group of people that wanted to pay their respects but it did make it difficult when there was a lot of traffic and parking up there.

Mischelle Allanson, 7585 Greenlawn Drive, North Ridgeville, OH 44039, was sworn in.

Ms. Allanson stated that she seconded what the previous neighbors had said. She discussed that they were a single street with no outlet and one way in and one way out. She stated that they had Annie Lane which was a little cul-de-sac right beyond the entrance to Cross Creek Development. She commented that when there was a big funeral they knew it because the cars would be parked

half way down the street. She added that people would go down their street all the time trying to get onto Route 80 and they end up going in a circle and then they'd leave. She remarked that she walked all the time and while they appreciate the celebration center and might have to use it in the future, the size for the parking was not right. She agreed that crossing the street right there was going to be difficult. She stated that she was worried about if there were ever an emergency on their street with fire trucks, no one would be able to leave the neighborhood until they were done. She mentioned that the street wasn't really wide enough.

Tim Allanson, 7585 Greenlawn Drive, North Ridgeville, OH 44039, was sworn in.

Mr. Allanson stated that in looking at the map just south of where the celebration of life center would be, there was a small island there that was the northern line of their development. He discussed that at that little island the road was choked off and went one side to get in and you go right and to go out you would go left and there was a choke point where the island was. He added that you almost had to ride on the inner curb or outer curb to get out. He mentioned that twice since living there, the size of the funeral had caused a parking situation where the attendees of the funeral home had parked almost down to the middle island on Greenlawn Drive and parked into that choke point so he couldn't get in coming into the neighborhood. He stated he couldn't go in to the right but had to go around and to the left. He added that he was driving on the wrong side of the road to get into his own neighborhood. He agreed with what the previous neighbors had said regarding ambulances and stated that there were a lot of old people on his street and quite a few of them had called the ambulance a few times. He commented that he was afraid that if a large funeral was there and they couldn't get in that people were going to have trouble.

Dennis Boose 6405 Denise Drive, North Ridgeville, OH 44039, was sworn in.

Mr. Boose agreed with the assessment of the plans being very detailed. He stated that when things came before the Zoning Board it was typically due to some sort of hardship that the property owner had and how they wanted to develop it. He mentioned that in that case the hardship was really the lot itself. He said that it was stated earlier that there wasn't much more you could do. He thought they did a good job of trying to do what they wanted within the space that they had in addition to keeping the flavor of the neighborhood the same. He stated that they liked to see new development look like the North Ridgeville that they'd like to see and that project certainly did. He added that he didn't live in the neighborhood but he did personally know Mr. & Mrs. Bogner and thought that they would work with the City as to the crossing the street issue. He stated that it was encouraging that someone who already had an established business in North Ridgeville was willing to expand their business and work within all the limitations that they need to work with to put it on that space. He mentioned that they could put it somewhere else maybe not in North Ridgeville. He said they checked all the boxes in how they addressed all the variances and recommended approval of their application.

Mr. Smith stated that the problem everyone was having with the parking was the funeral services which generated excessive traffic. He discussed that the proposed facility wouldn't generate

traffic by itself. He stated it was tied to the funeral home and the only time it would be used was when there would be funeral services. He added that they would not be increasing traffic with the building. He remarked that if they had fifty people at the funeral they would have fifty people come over to the life celebration center. He stated that they wouldn't have another thirty or forty people coming to the celebrations center that didn't attend the funeral. He mentioned that they increased the available parking by eleven spaces. He stated that the facility itself would not be adding to the problem.

Mr. Bogner stated that he wanted to be a good neighbor. He stated that they always tried to accommodate the best way they could and that he didn't know there were people blocking their island area there. He asked that if it happened again to please make them aware of it and they would go out and try to get those cars moved. He stated that it was a safety issue and they didn't want that to be happening. He asked Ms. Finney if she saw it to call him or call the funeral home and they would do everything they could to get that cleared out as quickly as they possibly could. He stated that they also wanted to make sure that there would be adequate lighting and that it was a safe place for people to come visit. He mentioned that they would make sure there was plenty of lighting there to make sure it was safe. He stated that he knew it was dark there most nights because they left their parking lights off when they didn't have visitations going on in the evening. He discussed that they didn't want to have bright lights all the time every night. He stated that they only left a few lights on in the building and the street lights on any given night that they didn't have business going on. He explained that they were adding parking to the current situation. He stated that they were adding another eleven spaces that they didn't have before. He stated that when they had visitation going on at the funeral home and that lot filled up, they had an agreement with the Greenlawn Building, it was in their leases that they could use their overflow parking. He commented that they were now adding an additional eleven spaces so that would hopefully keep people off of the street. He discussed that he knew there had been a few occasions where a North Ridgeville Police Officer had passed away and they had police cars coming in from all over the state. He added that the thought they were parked down almost to the turnpike. He mentioned that those were unusual situations. He stated that there was nothing that they could do to accommodate for those types of situations. He added that it was a public street and they could park there but it wasn't the norm. He discussed that they were really trying to make sure that they were providing enough parking for everybody. He stated that the average funeral luncheon was about forty five people and that would be about twenty cars. He mentioned that it wasn't something that would be filling up both parking lots. He explained that it was complimentary to the funeral home and they weren't adding additional services because of it. He stated that rather than going to another facility for a luncheon, they would be coming back to the funeral home. He remarked that many times they used Tom's Country Place in Avon and now they wouldn't be going there as often because they would be coming back to a more convenient location right there. He explained that it wasn't as if they were doubling up their services because of the facility, they were just complimenting what they were already doing.

Chairman Kimble explained that the Board was purely looking at a hardship for the particular property like setbacks, parking and things like that. He stated that as far as parking on the street and safety, which were all very valid concerns, that really had nothing to do with the Boards'

determination. He added that that was more Planning Commission and City Council. He commented that there were other avenues if it were to proceed after the Zoning Board meeting but those weren't determining factors that the Board was allowed to really put weight into. He explained that the hardship that the Board looked at was the dimensions of the property and there was a legitimate hardship that they were faced with.

Vice-Chairwoman Masterson asked Director Lieber if she was aware if any variances were granted to the funeral home for the parking.

Director Lieber stated that she did not know. She stated that she didn't have that record.

Vice-Chairwoman Masterson asked if the Board granted it, did they have the right to place conditions on it like deed restrictions.

Chairman Kimble asked if they were allowed to add a condition since it wasn't a conditional use.

Director Lieber stated that from a Planning standpoint yes, they could place conditions on variances.

Attorney Kelleher stated that he agreed.

Vice-Chairwoman Masterson read an email from Assistant Law Director Morgan that suggested a deed restriction to limit that parcel to only uses associated with the life celebration activities of the funeral home if that was the intent of Planning Commission. On the other hand, an easement on the funeral home parcel can allow for parking for the life celebration activities only or it can be for any future allowed use of parcel ending in 193 depending on the language of the easement. Both or either can and should be recorded with the county and a copy supplied to Planning Commission. If Planning Commission approves this submission, it may choose to either of the above restrictions, using both would not make sense. It should clearly specify in its' intentions.

Chairman Kimble remarked that it sounded like the applicant was already working with the City's Law Department on formulating that agreement and asked if that was correct.

Mr. Bogner stated that was correct.

Chairman Kimble stated that he would assume they would have that in place before getting approval from Planning Commission and or Council.

Vice-Chairwoman Masterson discussed that she understood but she wanted to make sure that any variance that they approved was conditional upon either a deed restriction or had an easement in place. She explained that she didn't want to have to defend the decision in twenty years. She added that she felt that something on a recorded deed or an easement would make her feel more comfortable.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, NOVEMBER 17, 2022**

PAGE 10

Director Lieber stated that if they were considering a condition of that nature they could leave it such that it be a recorded deed, easement or other format as approved by the Law Department so that if there was a different methodology that they found acceptable that it would get the same result that there would be that opportunity.

Vice-Chairwoman Masterson asked Prosecutor Kelleher if he had a suggestion on how he wanted them to word that.

Prosecutor Kelleher asked if the intention was to make sure that the new building was only used by the funeral home for those types of services.

Vice-Chairwoman Masterson stated for parking and what the structure was.

Moved by Masterson seconded by Cain to approve the variances with the condition that a deed restriction be in place or an easement or a suitable agreement with the Law Department.

A roll call vote was taken and the motion carried.

Yes – 4

No – 0

ADJOURNMENT:

The meeting was adjourned at 7:57 PM.

Shawn Kimble

Chairman

Thursday, December 22, 2022

Date Approved

Tina Wieber

*Recording Secretary/Deputy Clerk of
Council*