

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
REGULAR MEETING – THURSDAY, SEPTEMBER 26, 2019**

TO ORDER:

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

ROLL CALL:

Present were members Neil Thibodeaux, Planning Commission Liaison James Smolik, Vice-Chairwoman Linda Masterson and Chairman Shawn Kimble.

Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Council Liaison Michelle Hung and Deputy Clerk of Council Michelle Owens.

Excused was member Mario Cipriano.

MINUTES:

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated Thursday, August 22, 2019. Hearing none, the minutes stand approved as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Raymond Phelps, 6426 Lee Avenue, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Construction of a pole barn with an area of 1,680 square feet; height of 15 feet, 8 inches:

- A variance to N.R.C.O. §1294.03(d)(1) of 1,004 square feet; and one foot, eight inches in height;
- Accessory structure without an established primary use.
[N.R.C.O. §1240.10(1)]

LOCATION: Vacant lots on the east side of Lee Avenue; zoned RS-2 Special Residence District #2.

Permanent Parcel Nos. 07-00-021-107-014 and 07-00-021-107-015

CASE NO.: PPZ2019-0016

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

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Chairman Kimble asked if a representative was present. He asked that he step up to the podium to state his name and address for the record, and to explain his application.

Raymond Phelps, 6426 Lee Avenue, North Ridgeville, Ohio 44039, was sworn in. He stated that he owns vacant lots across the street from his residence. His intent was to use the pole barn for storage of his car trailer, camper and three historical vehicles.

Chairman Kimble asked if he owns the house directly across the street.

Mr. Phelps responded correct.

Chairman Kimble asked if the proposed building would be sixty feet long.

Mr. Phelps answered yes.

Planning Commission Liaison Smolik asked that Mr. Phelps identify the multiple parcels he owns.

It was noted that Mr. Phelps owns five parcels on Lee Avenue: three parcels on the west side of the street and two parcels on the east side. The proposed structure would be built on the two easternmost lots.

Chairman Kimble asked why Mr. Phelps would not build on the two lots directly south of his home.

Mr. Phelps replied that he would love to if not for drainage problems on the street. He indicated that water accumulates to the point that it makes it into his garage. He believed this would cause drainage issues not only for him but also for neighbors behind him. There would be nowhere for a gutter system to divert water.

He explained the advantages of building on the east side of Lee Avenue. He spoke about a large drain he could use. A neighbor who owns a large garage had used the drain previously. He stated that there had never been flooding on this side of the street.

Regarding flooding on the west side of Lee Avenue, he commented that he had called the city asking for help with the issue. He had ditches covered about three years ago and the problem seemed to get worse. He believed this to be due to a ditch at the end of the street that has not been cleaned out. It floods on the south side of Helen Street, but is completely dry on the north side. To build on this side of the street, as suggested, would not be feasible.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon whether it was known if the neighborhood is prone to flooding; or if there are storm sewers there.

Chief Building Official Fursdon was uncertain, but stated that Lee Avenue is underdeveloped in that area. He did not believe there were storm sewers out at the street, but they probably have

open ditches. He did not know the condition of the ditches. He explained that there was a ditch that ran behind the houses of Ridgeview Boulevard, all the way up to Drake Street. He was not sure of the drainage on Lee Avenue and felt it to be a question for the Engineering Department.

Vice-Chairwoman Masterson asked about water runoff and whether it would be allowable to take water and put it onto someone else's property; or to connect to a ditch. Her understanding was that drainage would need to be managed on the property.

Chief Building Official Fursdon responded correct. He clarified that Mr. Phelps could run it through a ditch, but could not turn it onto someone else's property.

Vice-Chairwoman Masterson asked if it would have to be a dedicated ditch.

Chief Building Official Fursdon answered yes.

Vice-Chairwoman Masterson spoke about her concerns with allowing a standalone accessory structure on a property. She did not feel that the drainage issue was much of a hardship. She asked if there were any other hardships as to why he was proposing to build across the street. She stated that she would be more comfortable with it being attached to a structure. She felt his proposal would not fit in a residential neighborhood.

Mr. Phelps stated that it would not stick out. He felt, if anything, it would increase property values for everyone on the street. He explained that it would match his house and have vinyl siding with a stone front; and it would not look like a barn.

Vice-Chairwoman Masterson asked if he had contacted an engineer.

Mr. Phelps responded no. He has called about trying to get the water out of his yard and garage. The water comes all the way up and into his garage; and it would come into his house if built on a slab.

Vice-Chairwoman Masterson asked how long he has lived in the home.

Mr. Phelps answered 30 years.

Vice-Chairwoman Masterson asked if he had experienced flooding all 30 years.

Mr. Phelps indicated that flooding has occurred intermittently but, in the last two years, he has had water in his garage. The two lots south of his home have always flooded since living there.

It was stated that Mr. Phelps's property was not located in a floodplain.

Chairman Kimble commented that it would be difficult to grant an accessory use given there is no other structure to be accessory to. To put a barn, garage or shed on vacant property was somewhat unheard of, especially since it could be a buildable lot at some point in the future.

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Mr. Phelps responded no, it could not. He stated there was nothing down that street: no water; no sewer.

Chairman Kimble stated that this may not be the case someday in the future.

Mr. Phelps commented that there were no plans for it. He then spoke about an empty garage located on a parcel north of his vacant property.

There was discussion concerning ownership of the properties north of the neighboring garage.

Vice-Chairman Masterson explained that the garage was not on a vacant lot; the neighbor owns three separate parcels adjacent to one another. She pointed out that Mr. Phelps similarly owns multiple adjoining lots on the west side of Lee Avenue.

Chief Building Official Fursdon commented that, years ago, the county had to combine them; today, for whatever reason, the county will not combine lots in a subdivision. He stated that, in this zoning district, if there are two 25-foot lots, it is considered a buildable lot on which to build a house.

Vice-Chairman Masterson stated that Mr. Phelps has to prove a practical difficulty as to why he needs a variance. She believed there were alternatives to building the property across the street: He could correct the drainage issues. She stated that the property is in a residential area and it is a requirement that a house be there; and a garage goes with the house.

Mr. Phelps stated that there is no house on the neighboring lot with the garage.

Chief Build Official Fursdon indicated that a house was located on an adjacent parcel north of the garage; and it is owned by the same person. It is considered attached in that manner because of the way the zoning district and the county operate.

Planning Commission Liaison Smolik commented that those parcels are not up for discussion, as their history is unknown to the Board.

Chairman Kimble explained to Mr. Phelps that, if someone did something that was not permitted or something was done 40 or 50 years ago, this was nothing that the Board could go over. The Board can only discuss what is happening with his property.

Planning Commission Liaison Smolik spoke about the drainage issues. He stated that, if the finished floor elevation was higher than the street – regardless of what happens with the street – the garage would still be protected. He felt there was likely a ditch problem and referred Mr. Phelps to the service department.

Mr. Phelps suggested that he was open to building on the parcels south of his house.

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Chairman Kimble replied that it was not up to the Board to approve building it to the south of his home; it was just an option.

Vice-Chairwoman Masterson understood there was flooding, but this was not an issue the Board could address; all they could do is grant a variance. Regardless of where a structure is built, it cannot put water onto another person's property. She stated that he must provide a good reason why he would like to build the structure on a parcel of land in a residential neighborhood. She presented Mr. Phelps with options to either table his request or to reconsider his application and return next month. She made Mr. Phelps aware that there was another applicant in the audience waiting to be heard.

Mr. Phelps asked if he would need to reapply to build the structure on the parcels south of his house.

Chairman Kimble responded that, as long as he meets the setback and square-footage criteria as stated in the Ordinances, he would not.

Mr. Phelps asked if what he was currently requesting to build would be okay.

Chief Building Official Fursdon replied that he was unable to say without running the numbers. He stated he would have to look at the property, see what is currently there and determine lot coverage and lot size. He indicated that, if it was under an acre, he would still be limited to 676 square feet; and he would exceed that with the building he was proposing. He would possibly need a variance on the other lot as well and may have to go through the whole process again.

Vice-Chairwoman Masterson asked whether Mr. Phelps would need to reapply if he were to table and reword his application.

Chief Building Official Fursdon answered that, because it would be constructed on a different parcel, different people would need to be notified.

Chairman Kimble opened the floor for public comment.

Larry Mercure, 6408 Ridgeview Boulevard, North Ridgeville, Ohio 44039, was sworn in. He stated he would prefer the structure not go on the east side of Lee Avenue. Mr. Phelps's parcels back up to his property on Ridgeview Boulevard. He spoke about his three parcels on Lee Avenue, north of the vacant property owned by Mr. Phelps. He confirmed for the Board that there is a house and garage situated on these lots.

Chairman Kimble asked for questions or comments from Board members or Administration.

Assistant Law Director Morgan asked how Mr. Phelps would like to proceed.

Chairman Kimble asked Mr. Phelps if he would like to withdraw his application in order to revise his request and reapply for the next meeting; or if he would like the Board to vote.

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Mr. Phelps responded that he would reapply with revised plans to build on the parcels across the street. He withdrew his application.

APPLICANT: Thomas P. Feser; 5800 McKinley Avenue, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: A 280-square-foot addition to detached garage 3 feet from side yard lot line, requiring a 2-foot variance to N.R.C.O. §1294.03(a).
LOCATION: West side of McKinley Avenue; zoned RS-2 Special Residence District #2. Permanent Parcel Nos. 07-00-008-110-010 and 07-00-008-110-011; 07-00-008-110-027 and 07-00-008-110-028; 07-00-008-110-032 and 07-00-008-110-033; and 07-00-008-110-044

CASE NO.: PPZ2019-0018

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

Chairman Kimble asked if there was a representative present. He directed the applicant to the podium to state his name and address for the record, then asked that he explain his application.

Tom Feser, 5800 McKinley Avenue, North Ridgeville, Ohio 44039, was sworn in. He explained his request was to build a garage in the back right corner of the property. The garage would be attached to the back, right corner of the barn. He stated his request was for a variance to build closer to the property line so that he could fit a garage door. This would allow him to drive around the right side of the barn to pull a vehicle into the garage. He clarified that, to situate the garage five feet from the property line, a garage door would not fit. He

Chairman Kimble spoke of Mr. Feser's previous request to build two feet from the property line. He stated that his request had been revised and was now seeking a variance to build the structure three feet from the property line.

Mr. Feser answered yes. He felt this would make the difference to the Board.

Vice-Chairman Masterson asked Chief Building Official Fursdon about lot coverage. She asked if Mr. Feser had built as much as he could on his property.

Chief Building Official Fursdon responded that the proposed garage was now smaller. He noted that the previous application was to build two feet from both the rear yard and side yard lot lines. He explained that the current structure would be approximately 20 feet from the rear yard lot line; so the building would be smaller. His calculations indicated that Mr. Feser would not be over his lot coverage allowance.

Chairman Kimble asked if he was still trying to install a seven-foot-wide garage door.

Mr. Feser answered any size garage door. He stated that any door would be squeezed in.

Chairman Kimble asked whether the only drive to the proposed structure would be located on the

north side of the current structure. Regarding the south side of the addition, he asked if he would have overhead doors where cars would pull out.

Mr. Feser responded no. He planned to leave that area as a backyard and wanted grass there.

Chairman Kimble asked for questions or comments from the Board members.

Planning Commission Liaison Smolik asked Mr. Feser to discuss drainage, specifically citing downspout discharge. He also asked that he elaborate on his plans for the driveway, such as whether or not it would have a curb.

Mr. Feser responded that the driveway was all gravel. He described that the gutters would deliver water from the north over to the south side of the building. Water would then pass through the downspout; so his neighbors would not get any water.

Planning Commission Liaison Smolik asked if there would be a soft swail along the garage side.

Mr. Feser stated that a swail was already there.

Planning Commission Liaison Smolik then asked if he would just maintain it.

Mr. Feser indicated that he would. He suggested that his neighbor felt that his yard brings water onto their yard. He stated that he thought to potentially install a fence that digs down with some kind of foundation, which would hopefully make his neighbors happy. He discussed his neighbors' land, which is lower than his. He stated that the city has been out to his neighbors' property a few times and told them they basically live in a fishbowl at the lowest point; and water just collects there.

Vice-Chairwoman Masterson commented that, similar to the previous applicant, Mr. Feser was here for a variance; and drainage issues are to be taken care of by the Engineering Department and Building Department. She stated that she has a difficult time allowing a structure three feet off a property line. She asked what his hardship was and why he had to have the structure there.

Mr. Feser felt that by building on the south side of the garage, it would take away from his backyard.

Vice-Chairwoman Masterson asked about the long parcel on the south side of his home.

There was discussion concerning allowable lot coverage. Chief Building Official Fursdon indicated that Mr. Feser's land was over a half acre, so he could build multiple structures as long as he did not exceed ten percent lot coverage.

Mr. Feser responded that it could be built there but felt it would be nice to attach to the existing structure. He did not want to have to carry tools back and forth between the two separate structures.

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Vice-Chairwoman Masterson asked him to explain his hardship.

Mr. Feser stated that he thinks outbuildings were ugly to begin with. He felt he was proposing to build far enough from the neighbors' property but still give him enough for a garage door.

Member Thibodeaux asked if the gravel drive would require another variance.

Chief Building Official Fursdon responded that, in residential district, gravel driveways are allowed as long as it has a paved apron out at the street. After the right-of-way, it could be gravel the rest of the way. He clarified that only commercial property would require pavement.

Mr. Feser stated that McKinley Avenue is a gravel road that is between seven and eight feet higher than it was ten years ago. When his driveway was originally poured, it was above the rest of the road. He stated that the road is now above the driveway causing water to drains onto it. He cited privacy from his neighbors as the biggest reason for proposing an addition to the existing structure.

Chairman Kimble stated that he like this plan more than his previous plan. His opinion was that the one additional foot from the property line does go a long way. He stated that drainage was generally not a concern for the Board but, in this situation, it sort of is. He felt that a two-foot setback would be hard to get a lawnmower down, but three feet would allow him maintain the swail.

Chairman Kimble asked if there were any questions or comments from the audience. No discussion was offered. He asked if there were any questions or comments from Board members. No discussion was offered. He asked for comment from the Administration. No discussion was offered.

It was moved by Smolik and seconded by Thibodeaux to approve [the variance as requested].

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Masterson)

OTHER BUSINESS:

None

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ADJOURNMENT:

The meeting adjourned at 7:39 PM.

Shawn Kimble
Chairman

Michelle A. Owens
Deputy Clerk of Council, Secretary

Thursday, October 24, 2019
Date Approved