

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, SEPTEMBER 24, 2020**

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, Jim Smolik, Neil Thibodeaux, Council Liaison Clifford Winkel, Vice-Chairwoman Linda Masterson, and Chairman Shawn Kimble.

Also present were Chief Building Official Guy Fursdon, Law Director Brian Moriarty, Assistant Clerk of Council Tara Peet, and Deputy Clerk of Council Lisa Ciofani.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, August 27, 2020. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Danyelle Sahlica, Columbia Fence

33549 E Royalton Rd, Unit #1, Columbia Station, OH 44028

OWNER: Gary & Angela McClure, 32018 Lilac Lane, North Ridgeville, OH 44039

REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A and §1294.01(h)(3) for 6 foot high and 100% closed fence requiring a 2 ½ foot height variance and 100% closed variance

LOCATION: 32018 Lilac Lane, in a R-1 Residence District
Permanent Parcel No. 07-00-002-102-231

CASE NO.: PPZ2020-0032

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

Chairman Kimble asked if there was a representative present.

Danielle Sahlica, Columbia Fence, 33549 E Royalton Rd, Unit 1, Columbia Station, OH 44028,
was sworn in.

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Chairman Kimble asked Ms. Sahlica to explain the application.

Ms. Sahlica advised she is here on behalf of the homeowners because they had a new crew installing a fence for the homeowners and the crew did not know the rule was they were not allowed to go past the front of the house towards the street. Ms. Sahlica advised there is still 23 feet from the sidewalk to the fence so it does not obstruct any view and gives the homeowners more privacy and security and the only issue is the crew did not have any idea they were not allowed to do it and they did it.

Member Thibodeaux asked if the new crew measured for material and stock the job or does somebody in the supervisory role do that for the new crew.

Ms. Sahlica advised the crew gets their work and takes enough materials to do it. She personally doesn't know if it's Brian, the owner of the company, or the crew that decides how much material is taken. Ms. Sahlica stated they always require that extra materials are taken regardless in case the footage is incorrect and they would rather have more than not enough. She advised she believes it was an additional 3 sections of fence total between the front and back line so they should have had that on the truck regardless.

Vice-Chairwoman Masterson stated this is not the first time that the applicant has been here and she believes it's the sixth time and she finds this extremely troubling. She stated to Ms. Sahlica at the last meeting she seemed to have an excuse as to this being the owner's or crew's fault. Vice-Chairwoman Masterson stated she is offended Ms. Sahlica keeps coming to the meetings unprepared and she asked if the company pulled a permit with the City.

Ms. Sahlica confirmed the company pulled a permit.

Vice-Chairwoman Masterson advised Ms. Sahlica that they estimated the job and this falls solely upon her. She stated there is no guarantee they won't continue to keep doing this and she advised the fencing company is usually on their Board once a month and it's getting to be ridiculous.

Ms. Sahlica stated this is the second time she has been to a meeting.

Vice-Chairwoman Masterson asked how many cases were at the last meeting.

Ms. Sahlica advised there was one case last meeting and two cases this meeting.

Vice-Chairwoman Masterson asked Chairman Kimble if she can ask Chief Building Official Fursdon how many times they have had an issue with this contractor.

Chief Building Official Fursdon advised they have had a number of issues with this contractor and they have been cited before at Mayor's Court for failing to call for inspections. He advised it took him several attempts to get them to the Zoning Board to get the variances they are here for tonight, and they are close to getting their contractor registration revoked.

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Member Smolik stated he is confused what the variance is for. The written paperwork they have is for height and they are talking about geometric location. Member Smolik asked for clarification on what they are asking for.

Chairman Kimble advised Ms. Sahlica the way their Board is structured, when an applicant comes in front of the Board and presents their case; they need to look at what is the practical difficulty or hardship.

Member Smolik stated there is no mention on the paperwork of the actual distance from the street as far as setback and it only talks about height variance. He advised there is nothing for the committee to review as far as location in the paperwork.

Chairman Kimble advised there is writing that shows 16 feet from the sidewalk that is handwritten and not from surveyor and it shows the location of the gate.

Member Smolik stated he is looking at the application and the paperwork and asked if the Law Department could chime in because what they are discussing does not match the paperwork submitted to this Board.

Member Cain advised he agrees and it shows a height difference and an enclosure difference on the paperwork but nothing about distance from the sidewalk or the front of the house.

Chief Building Official Fursdon stated that is how the ordinance is structured. He advised the ordinance has a specific height and a specific openness and it doesn't say anything about how far out it can go past a building line beyond that height and openness. He advised they are saying they are about 16 feet from the sidewalk so they are going beyond the front line of the building that is a corner lot and they need a 2 ½ foot height variance and a 100% closure. He stated if the Board thinks they are too close to the sidewalk, that's up to the Board to approve their variance.

Member Smolik thanked Chief Building Official Fursdon for his clarification.

Vice-Chairwoman Masterson stated she doesn't understand why this continues to happen and it has been glossed over that they have been cited to Mayor's Court and she doesn't know what will make this contractor understand to call for inspections to do the right thing and to stop blaming everybody else. She asked at what point in time they will accept responsibility and advised she personally does not want to penalize this homeowner because they chose a contractor that is not following the rules and regulations of our City Building Department. Vice-Chairwoman Masterson asked if there is a way to pass the variance and fine the contractor for repeatedly coming in front of us.

Law Director Moriarty advised no, they have a separate case that is pending on a different matter.

Vice-Chairwoman Masterson asked what case it is.

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Chief Building Official Fursdon advised it is another height and openness variance.

Vice-Chairwoman Masterson advised these are only the ones we have found out about and asked how many are out there we have not found out about.

Chief Building Official Fursdon advised he does not know but if they continue to violate the ordinances without seeking proper procedure to get the variance ahead of time, then they will be forced to revoke their contractor registration.

Vice-Chairwoman Masterson asked Ms. Sahlica if she understands that they are in front of the courts again with the City.

Ms. Sahlica apologized and stated she is here on behalf of the owner, Brian, and she was informed of the situations and went through the paperwork with the homeowners and has spoken to Guy several times but she wasn't there.

Vice-Chairwoman Masterson asked Ms. Sahlica why the owner isn't there and is sending her instead.

Ms. Sahlica advised the owner is out doing installs.

Chairman Kimble advised the application was filled out by Danyelle and she is allowed to make the case for him. He stated he agrees with Vice-Chairwoman Masterson that the owner should be there and it would have made for a better appearance if he was present to face the Board himself but that was his decision.

Vice-Chairwoman Masterson advised she is not trying to be disrespectful to Ms. Sahlica and asked her if she explained to the owner how the meeting went last time.

Ms. Sahlica advised yes.

Chairman Kimble asked if there were any other questions or comments from Board members. No discussion was offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

Chief Building Official Fursdon advised this fence that this homeowner had installed matches up with the neighbor's fence and the neighbor did receive a variance and they went through the right process and got the variance before the fence went up.

Chairman Kimble asked if the fence on the neighbor's property was 50% open.

Member Thibodeaux advised he went by the property today and the fence that backs up to it is 50% open and it's a white wood fence.

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Chairman Kimble asked if there were any other questions or comments from Board members, administration, or YouTube live. No discussion was offered.

It was moved by Masterson and seconded by Smolik to deny the variance.

A voice vote was taken and the motion to deny the variance carried.

Yes – 5 No – 0

APPLICANT: Danyelle Sahlica, Columbia Fence
33549 E Royalton Rd, Unit #31, Columbia Station, OH 44028
OWNER: Erica Dennis, 31972 Rustic Ridge, North Ridgeville, OH 44039
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A and §1294.01(h)(3) for a 6 foot high and 100% closed fence requiring a 2 ½ foot height variance and 100% closed variance
LOCATION: 31972 Rustic Ridge, in a R-1 Residence District
Permanent Parcel No. 07-00-002-106-002 CASE NO.: PPZ2020-0033

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

Chairman Kimble asked if there was a representative present.

Danyelle Sahlica, Columbia Fence, 33549 E Royalton Rd, Unit #1, Columbia Station, OH 44028
was sworn in.

Chairman Kimble advised this application is very similar to the last one and asked Ms. Sahlica if she could tell us if there is anything different in this particular case.

Ms. Sahlica advised she asked the owner, Brian, what happened and he stated he was on the job and the homeowner had landscaping and poured patio that went 3 feet off of her house towards the street so he agreed to put the fence around it. Ms. Sahlica advised they were already on site and had already started digging and it is her understanding they did not stop installing the fence to get a variance.

Vice-Chairwoman Masterson asked Ms. Sahlica if the owner checked with the Building Department to verify if that would be ok.

Ms. Sahlica responded not to her knowledge.

Vice-Chairwoman Masterson asked Ms. Sahlica if the owner purposefully did this himself.

Ms. Sahlica advised she believes the owner was onsite for this job and he was there and saw the patio.

Vice-Chairwoman Masterson asked Ms. Sahlica if the owner did this with full knowledge that he

was not following the rules and regulations.

Ms. Sahlica advised that it is her understanding the owner told the homeowner they would have to get a variance.

Vice-Chairwoman Masterson stated he did not stop installing the fence.

Chairman Kimble stated just to be clear this is in the same neighborhood, right around the corner, from the last one.

Ms. Sahlica confirmed.

Member Cain asked Ms. Sahlica if they are pulling the permits before they start the work or are they starting the work and then pulling the permits and variances when they are done. He asked how you can pass that on to a homeowner as a company for not doing your job.

Ms. Sahlica advised she is given the paperwork after the job sells and she starts the permit and draws it up and gives it to the City and they give the permit back to her and after that Brian schedules the jobs.

Vice-Chairwoman Masterson advised Ms. Sahlica she understands the predicament she is putting their company in and the homeowners and she hates to decline these applications. She advised Ms. Sahlica if it does fail she has the option of coming back again but she doesn't see any reason why they should continue to grant variances when Ms. Sahlica blatantly said if she followed the procedures, her boss purposefully put the fence where he wasn't allowed to put it. She asked if she was wrong.

Ms. Sahlica advised it is her understanding when the owner arrived there and the cement was where it was, they went around the patio.

Vice-Chairwoman Masterson asked if the patio was there when the owner estimated the job.

Ms. Sahlica advised she doesn't know if it was the owner that estimated it and it could have been one of the salesmen.

Member Smolik asked if the owner is allowed to come back to the BZBA themselves on the same issue and how that works.

Chairman Kimble advised when an application has been denied, an applicant can return to the Board if they wish. He advised typically when this happens it is in the planning phase and not post-construction and at that point they have revised their application. Chairman Kimble advised in his almost 16 years of being on this Board, he has never seen someone return and ask for the exact same thing after it was denied.

Member Smolik stated on some of these applications he wouldn't mind hearing from the

homeowner's point of view and maybe they didn't realize the predicament they are in and he is not sure if the contractor actually advised them of the situation and what the BZBA is all about. Member Smolik asked Ms. Sahlica if they explained to the homeowners that they had the option to come themselves and present their case.

Ms. Sahlica advised the owner, Brian, was who went to court for this and was told that they had to get variances and she did not get brought back in until she heard from Guy that no variances had been filed and Brian asked her to do it for the homeowners. She advised she talked to both homeowners and explained they needed a variance to keep their fences solid and at 6' tall and come off their house towards the street and that would be considered their front yard because they are both corner lots. Ms. Sahlica stated the owners want as much room in their backyard as possible so she advised them since they did the fence, she will go to the Board, do all of the applications, go to the Board meeting, and apply for the variance for them. Ms. Sahlica advised she can see where it would be irritating to some people to not want to approve the variances because they are annoyed with her company, as contractors, and perhaps she should talk to both homeowners and have them come back and say they didn't understand that this was against the rules and beg for the Board's forgiveness to pass the variances so they don't have to take their fences down.

Vice-Chairwoman Masterson asked to clarify her point and stated to Ms. Sahlica that she is not irritated with her but that this is a repeated offense by her company. She advised as a registered contractor, they are bound by the rules and regulations of the City and required to do what is required and are supposed to have everything in place prior to doing work. Vice-Chairwoman Masterson advised it makes the City look bad if the Board continues to grant variances after the work has been done and it is not fair for all of the companies who do things the right way. She stated she does not believe Ms. Sahlica's company adequately explained what they were doing and feels horrible for the homeowners. Vice-Chairwoman Masterson stated she is irritated Ms. Sahlica's company is misrepresenting the City and misrepresenting the product that they are selling and in her 16 years she has never seen a fence company come in front of this Board as often as they have.

Chairman Kimble stated to Ms. Sahlica for clarification when Vice-Chairwoman Masterson stated this is the sixth time she has come in front of the Board, he understands she personally has not but her company has and if her company has not, it was the actual homeowner. He advised he knows there was one a few months back and believes there was one earlier in the year from Columbia Fence and last month there was one represented by Ms. Sahlica and two now this month. Chairman Kimble pointed out it is important for a zoning board to look at every application as its own individual entity and he knows there has been talk of multiple offenders and it is true that Columbia Fence has not represented themselves well in front of this Board. Chairman Kimble advised the issue he has is there has not yet been a hardship or practical difficulty proven to the Board, in his opinion. He advised there have been times in his years of being on the Board he has seen variances similar to what is being brought in front of them, some of them being approved and some of them have been denied. Chairman Kimble advised every

application is its own individual entity and that is an important point for all the Board members to think about as they move forward.

Chairman Kimble asked for any other questions or comments from the Board members. No discussion offered.

Member Smolik asked Chairman Kimble if he could let the applicant know what her options were.

Chairman Kimble advised Ms. Sahlica the options are to move forward with the vote or she can ask to have this application tabled and she can come back in front of the Board potentially with the owner of the company or with the homeowners of the property. He advised it is clear on the applications that the homeowners have to sign so they have been notified about this but if it could be explained to them it might be beneficial on their behalf to come. He stated that is only if Ms. Sahlica chooses to table this application and it would only be for this application and not the one that was just voted on, as that one is closed and done unless she wanted to reapply and come back to the Board. Chairman Kimble also advised same goes for the application from last month as well.

Vice-Chairwoman Masterson asked Ms. Sahlica what is the practical difficulty and why is she asking for this variance.

Ms. Sahlica advised the homeowners do not have a huge yard and want it as much yard as possible and they want to keep it 6' tall and solid for security and privacy.

Vice-Chairwoman Masterson asked if the homeowners were aware of the ordinances upon the product being sold to them.

Ms. Sahlica advised she would hope so. She stated when she received the drawings she believed they were taken straight off the back of the house. Ms. Sahlica asked if she should speak up now and ask if she can table this.

Chairman Kimble advised the proper sequence of events is she needs to ask if she can table the application and at that point, the Board would take a vote to table it and put it on next month's meeting. He stated as a reminder, this is just for the Rustic Ridge application that they are currently talking about right now.

Law Director Moriarty stated he believes if the intent of the Board is to revisit the second application and they are still in session, they can reconsider the vote of the first application. Law Director Moriarty asked Assistant Clerk of Council Peet if there is anything that prohibits reconsideration and table that as well to package them together.

Assistant Clerk of Council Peet advised after looking at the rules, if you want to change a decision that was made in the same meeting, the proper motion would be a motion to reconsider.

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Chairman Kimble asked Ms. Sahlica if she understands they can make a motion to reconsider the first application and at that time they would bring it back on the docket and vote to table that application and the second application and that would provide the opportunity for the owner of Columbia Fence to come here and give his thoughts on what has happened as well as have the homeowners on the Zoom call as well, which he noted is his personal recommendation.

Ms. Sahlica agreed.

Member Smolik moved to reconsider the first application, 32018 Lilac Lane.

Chairman Kimble asked if they need to table the current application first before they go to the new business.

Assistant Clerk of Council Peet confirmed they need to finish the motion to table on the second case.

Ms. Sahlica asked Chairman Kimble if she can table this application.

It was moved by Cain and seconded by Masterson to table the application for 31972 Rustic Ridge until the next meeting.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

It was moved by Masterson and seconded by Smolik to reconsider the application for 32018 Lilac Ln.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

It was moved by Masterson and seconded by Cain to table the application for 32018 Lilac Ln.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

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APPLICANT: Julie Byrne, G&B Properties
33649 St Francis Drive, Avon, OH 44011
OWNER: J&J Enterprises LLC, PO Box 451222, Westlake, OH 44145
REQUEST: Requesting a variance to N.R.C.O. §1262.04(1) for 16.67 foot front yard on
Frances Street requiring a 13.33 foot variance
LOCATION: Corner of Main St & Frances St, in a RS-2 Residence District
Permanent Parcel Nos. 07-00-007-120-046 and -047 **CASE NO.: PPZ2020-0034**

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

Chairman Kimble asked if there was a representative present.

Kevin Hoffman, Polaris Engineering and Surveying, 34600 Chardon Rd, Willoughby Hills, OH 44094, was sworn in.

Chairman Kimble asked Mr. Hoffman to explain the application.

Mr. Hoffman advised this is in Ridgeville Heights subdivision so it is an old subdivision with non-conforming lots and they are piecing together two lots to make it 50 feet wide so it is still a narrow lot, plus it's a corner lot. Mr. Hoffman stated in order to meet code, there would be a very narrow house that they would have to be able to build so they are asking for a variance from the side street, which is Frances St. He stated for the same builder they just did one to the north on Main St about a year ago but there was an existing home there and it was almost the same exact situation but it was grandfathered in.

Chairman Kimble advised he is familiar with the area and he has been by the location and in that particular section of town in that subdivision there are a few homes that have received variances throughout the years for this same exact reason. He stated he believes those sublots are 20 or 25 feet wide and asked Mr. Hoffman if that is correct.

Mr. Hoffman confirmed and stated all the lots were originally 25 feet wide.

Chairman Kimble advised driving through the area a few blocks down there are at least two homes that are already built that have similar requests to what Mr. Hoffman is looking for so from a visual coherent standpoint driving through, he doesn't believe anything will stand out or look out of place and it seems to be a well thought-out plan.

Chairman Kimble asked if there were any questions or comments from Board members.

Vice-Chairwoman Masterson advised she has been to the location and it does match up to what the neighborhood is and she stated the property now looks extremely wild and abandoned and this can only be an improvement in the neighborhood.

Chairman Kimble asked if there were any other questions or comments from Board members.

Member Thibodeaux advised he spoke to some residents there and asked Chief Building Official Fursdon if putting a new house there would affect any of the sewer system or drainage in the area and stated some residents were concerned about a house being there due to the sewer.

Chief Building Official Fursdon advised the sewer system in that area should have been designed for all of those lots to be sewerred and it shouldn't impact the drainage. He stated they will have a little more of a hard surface but the older subdivisions didn't put any detention basins in and sanitary sewers were designed for the whole street and these lots were plated back in the 1920's and the City had to accept them when we became a City in 1960. Chief Building Official Fursdon advised for years applicants had corner lots, 50 foot wide lots, and following the ordinance they would have a 15 foot wide house which didn't seem practical and wasn't a great tax revenue generator so a number of these people have come to the Board for a variance for the side street front yard setback and it was determined years ago by a BZBA member, who was a surveyor, when he talked to an ODOT engineer, for site purposes they figured that if the front yard side street setback was at least 12 ½ feet, it was adequate. This was a number the Board always used as an absolute minimum for the front yard on the side street.

Chairman Kimble added to Chief Building Official Fursdon's comments regarding the 12 ½ feet, this one is setback at 16.67 so it exceeds the recommendation from the Board member from years ago.

Chairman Kimble asked if there were any other questions or comments from Board members.

Council Liaison Winkel advised he agrees with Chairman Kimble and Vice-Chairwoman Masterson's comments and he stated he is familiar with the area and there are several lots in the area that would otherwise be not usable and he believes this would fit in and help with the small lots that they wouldn't be able to use otherwise.

Chairman Kimble asked if there were any questions or comments from YouTube Live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Masterson and seconded by Thibodeaux to approve the variance.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

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APPLICANT: Jacob Schober, 37257 Sandy Ridge Drive, North Ridgeville, OH 44039
OWNER: Same
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A for 4 ½ foot high fence requiring a 1 foot variance
LOCATION: 37257 Sandy Ridge Drive, in a PCD/R-1 Residence District
Permanent Parcel No. 07-00-033-115-051 **CASE NO.: PPZ2020-0035**

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

Chairman Kimble asked if there was a representative present.

Jacob Schober, 37257 Sandy Ridge Drive, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Schober to explain the application.

Mr. Schober stated he apologizes if the application was confusing because he thought he was applying for an easement variance as well as a height variance but that was a utility easement that has nothing to do with BZBA. He advised they have a large lot and a pond on the one side with exposure to the road and they have pets and small children so with the exposure to the road he wants to get as much height as possible. Mr. Schober advised with the easement they have to be far enough back from the sidewalk and because of the shape of that particular road there are not any visual obstructions or anything else that would cause the slight height increase to be problematic.

Chairman Kimble asked for the approximate distance from the sidewalk to where the fence would be located.

Mr. Schober advised there is a 12 foot easement but they received ok from electrical company that they can shorten that to about 9 ½ feet from the sidewalk.

Vice-Chairwoman Masterson asked Mr. Schober if the fence would be 50% open.

Mr. Schober confirmed it would be a 50% open picket fence.

Chairman Kimble asked Mr. Schober if he is planning on bringing the fence to the rear corner of the house or the front corner.

Mr. Schober advised the rear corner.

Chairman Kimble asked if there were any questions or comments from Board members. No discussion was offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

Member Smolik stated the applicant contacted First Energy in regards to the electric but there are other utilities in that easement. He asked Mr. Schober if the other utility companies were also contacted.

Mr. Schober confirmed they are trying to contact them and they have it all flagged out but the one that is the most away from the sidewalk is the electrical line so he figured that would be the one that is the most urgent to get the ok from.

Member Smolik asked Mr. Schober to confirm that he did contact OUPS and they did do a locate out there.

Mr. Schober confirmed OUPS was contacted. The end of the lines was about 8 feet and First Energy said 18 inches from that. He advised he was hoping he could get it all the way out next to the sidewalk but that doesn't seem like something they will be able to do.

Vice-Chairwoman Masterson thanked Mr. Schober for coming to the Board first and getting everything done in the proper fashion.

Mr. Schober advised they are going through Wenz Fence Ohio and they have directed him and steered him in the right direction.

It was moved by Masterson and seconded by Cain to approve the variance.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

APPLICANT: Timothy Golay, 331 Gayle Drive, Sheffield Lake, OH 44054

OWNER: Golay, Lawrence/Timothy/Riannon, 331 Gayle Drive,
Sheffield Lake, OH 44054

REQUEST: Requesting a variance to N.R.C.O. §1294.03(e)(4) for 4,536 square foot lot coverage requiring a 1,937 square foot variance to build 40' x 48' outbuilding (17% lot coverage)

LOCATION: 36845 Mills Road, in a R-1 Residence District
Permanent Parcel No. 07-00-031-000-178

CASE NO.: PPZ2020-0036

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

Chairman Kimble asked if there was a representative present.

Tim Golay, 331 Gayle Drive, Sheffield Lake, OH 44054, was sworn in.

Chairman Kimble asked Mr. Golay to explain the application.

Mr. Golay advised there is a house on the property under construction right now and when they

bought the lot, he did not look at the 10% coverage on the exceptions for the building and they want to put the barn up because his son has a boat they want to get on the property and he has a hobby machine shop where he makes miniature engines and they would like the outbuilding just as a convenience and an addition to the property.

Chairman Kimble advised he is familiar with the location and the house looks very nice as it's being constructed. He advised concerning the barn, being in a more rural section with larger lots and a number of large barns in the area, he doesn't believe this barn will stand out or look like it was built improperly. Chairman Kimble advised Mr. Golay has it designed where it is in the furthest corner in the back of the property and there is a significant amount of space between the home and the barn. He stated that Mr. Golay answered that code allows detached garage 676 square feet shed, the same totaling 1,454 square feet and the barn is 1,900 square feet so it is only a 548 square foot addition from what the code is. Chairman Kimble advised that is not what they are discussing on granting a variance for but he doesn't believe that Mr. Golay would be able to accomplish what he is looking for having two barns on the property and also from a visual standpoint wouldn't look as appealing as having one large barn in the rear corner.

Vice-Chairwoman Masterson stated there is a roundabout coming into the area and it could provide a buffer to the house from the traffic increase due to the roundabout and that is another practical difficulty Mr. Golay will be experiencing.

Chairman Kimble asked if there were any questions or comments from Board members.

Member Thibodeaux stated the property next door has a large barn and it would not be out of place at all if Mr. Golay built the barn on his property.

Member Smolik asked Mr. Golay to confirm he is not going to be running a business out of the barn.

Mr. Golay advised there is no business going in there and it is strictly his retirement home.

Chairman Kimble asked if there were any questions or comments from Board members. No discussion was offered.

Chairman Kimble asked if there were any questions or comments from YouTube Live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Masterson and seconded by Thibodeaux to approve the variance.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

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APPLICANT: James Martynowski, Osborne Capital Group, 7670 Tyler Boulevard, Mentor, OH 44060
OWNER: Cook Road Properties, 7670 Tyler Boulevard, Mentor, OH 44060
REQUEST: Requesting a variance to N.R.C.O. §1268.04(a) for:
1. Parcel A - 0.643 acre lot with a 119 foot width requiring a 0.357 acre lot variance and a 31 foot width variance
2. Parcel B - 0.719 acre lot with a 104 foot width requiring a 0.281 acre lot variance and a 46 foot width variance
LOCATION: 32435 Cook Road, in a B-3 District
Permanent Parcel Nos.07-00-003-102-048 and -049 **CASE NO.: PPZ2020-0037**

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

Chairman Kimble asked if there was a representative present.

James Martynowski, 7670 Tyler Boulevard, Mentor, OH 44060, was sworn in.

Chairman Kimble asked Mr. Martynowski to explain the application.

Mr. Martynowski advised this is at the area of Cook Rd and Lorain Rd and they are looking to develop a Starbucks and they are requesting to split those into two separate parcels. He advised there will be cross easements and with how leases are written up and construction loans and documents are, they prefer free-standing parcels when a building is on it so it is tracked and the taxes are separate, and that is why they are requesting it to be split into two parcels.

Chairman Kimble advised he is familiar with the area and that corner of town is rapidly building up and some of the recent development from a visual standpoint will look very similar to what is on the drawing. He advised Chipotle and Dunkin have more of the narrow type of buildings with parking surrounding and Dunkin has a drive-thru lane similar to what is being proposed. Chairman Kimble asked Mr. Martynowski to confirm they do not have access to Lorain Rd.

Mr. Martynowski confirmed for this parcel that is correct.

Chairman Kimble advised having access from Cook Rd would alleviate some of the traffic stacking issues pulling in and out of some of the Lorain Rd businesses we currently have and Mr. Martynowski's design, even though it is a smaller parcel then what is allowed, does seem to fit well with the area and would allow for better management of the traffic flow that would come with the business that would be going there.

Chairman Kimble asked if there were any questions or comments from Board members.

Vice-Chairwoman Masterson advised she knows going forward they are going to have to look at properties differently and due to the pandemic, we are facing unprecedented situations and she can understand why a company would want to be able to own the property and that is a very good practical difficulty. She asked Member Smolik when this application does come in front of

the Planning Commission if they could address some of the issues. Vice-Chairwoman Masterson stated she drives down Lorain and traffic is backed up but she believes part of that problem is because none of the buildings on that side of the road have interconnected parking lots and she is thinking from a planning standpoint Member Smolik can bring that up on behalf of the BZBA. She advised she understands this is not anything the BZBA can take into consideration.

Member Smolik advised they have had other parcels that went to Planning Commission on Cook Rd and traffic is always a major thing and one of their submissions to Planning Commission is a traffic study from a licensed engineer and they plan on having that done. Member Smolik stated he believes they are jamming too much into this parcel and he is concerned with Parcel A that already has an ingress/egress easement. He advised not only is the Parcel small to begin with but it makes it even smaller with that easement and then if you look at Parcel B's existing building, it is basically right on that property line. Member Smolik stated they will have to move whatever they are developing on Parcel B over and based on what he is looking at, he believes there is too much going on there.

Chairman Kimble advised if you look at what is being built in that region of the City, we have a major highway and the turnpike that many residents use every day. He advised in his opinion, most development that will be going in there are going to be smaller types of establishments from a brick and mortar standpoint that allow customers to come and go as they are leaving to go to work or coming home. Chairman Kimble stated we could stand firm and deny the request but he can see a business being built and then wasted space around it when we could have potential to have another business that would benefit the community.

Chairman Kimble asked if there were any other questions or comments from Board members.

Chief Building Official Fursdon advised the application to Planning Commission documentation was submitted where they will need the traffic study Member Smolik indicated and the City Engineer will receive that and make consideration of what they require under the traffic study in regards to traffic in the area. He stated Starbucks is going to have a tremendous amount of stacking ability because the only entrance to this lot is going to be totally to the east. Chief Building Official Fursdon advised stacking should not be a problem with this site and the problem with Dunkin Donuts is nobody anticipated how good of business they would do and neither one of the adjacent property owners would give them a cross access easement so they could get out on Cook Rd and revise their set up, as they only have Lorain Rd to go in and out.

Vice-Chairwoman Masterson advised there is a Starbucks in North Olmsted at Lorain Rd and Dover Center Rd on a very narrow piece of property and it is on a similar lot and for the volume of that store it seems to be able to move the traffic well and they don't seem to have the stacking issues onto Lorain Rd or Dover Center Rd.

Chairman Kimble asked if there were any other questions or comments from Board members.

Council Liaison Winkel stated he believes the Starbucks in North Olmsted is on a .75 acre lot and it's narrow and long and it reminds him of this lot location. He advised what they are

considering tonight is just the splitting of the lots and theoretically if the lots were not split, the same buildings could be built as it was anyways.

Chairman Kimble confirmed that is correct. He advised the traffic study on Cook Rd has no bearing on this Board's decision and the study would be for Planning Commission and City Council.

Member Cain advised in regards to the Starbucks at Dover Center Rd and Lorain Rd, it appears we have more parking in this proposed site than they do.

Chairman Kimble asked if there were any questions or comments from YouTube Live.

Deputy Clerk of Council Ciofani advised no discussion was offered on YouTube Live however, read an email that was received from a resident in advance of the meeting.

Hi Lisa,

Hope you are doing well. We have some concerns we would like addressed at the Board of Zoning and Building Appeals this evening with Cook Road Properties and the variance for Parcel A and Parcel B for the new proposed Starbuck's location.

There is no way the intersection and our street can handle the amount of traffic we already have and the Primrose School has not been built. Traffic is backed up into the street every morning from Dunkin Donuts already and some mornings all the way to Cook Road. There are traffic issues daily. The attached picture is just a mild back up. You can't even pull out of the gas station on the corner in the mornings due to the existing back-up and now you are looking to add more. We have enough road issues and traffic already, adding more is going to create more problems. People are now cutting through the Lorain Community College parking lot on a regular basis, and there is considerably more traffic on Cook Road due to this. We have to wait 3 to 5 signals most mornings due to the traffic being backed up from Dunkin Donuts. It does not seem we are equipped to handle a Starbuck's at this time.

The construction alone will create additional back ups and mess. No one monitored the other building projects on our city portion of Cook Road. The debris, dirt over the roads was terrible and the contractors did not sweep the streets and clean up. It makes opening windows impossible due to the dirt and debris. We are still currently having problems with the property being maintained that Prim Rose Schools owns.

How is the city going to handle the drainage and the construction?

Please feel free to call to discuss. Thank you.

Wayne and Jill Zuk

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING – THURSDAY, SEPTEMBER 24, 2020**

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32055 Cook Road
216-533-9469
216-479-8555 (8:00 a.m.-5:00 p.m.)

Chairman Kimble addressed the email, stating those are all valid points from the homeowners. He advised unfortunately this is the not the Board to address those points and he would recommend that the homeowner talk to members of the Planning Commission and advise the homeowners to attend the Planning Commission meeting and City Council if it gets that far. Chairman Kimble stated as far as the maintenance end of it, he is confident the engineering department will do a thorough job to make sure that any future development that happens will be handled in a proper way and if there is dirt and such on the road they can always call the Building or Engineering Department to help get that addressed or probably the street department would be the best place to go to for that.

(Due to a delay in the YouTube Live broadcast, a comment was missed from Mr. Frank Toth at 35300 Nikki Avenue. Mr. Toth's comment read: "Parcel A has no means of ingress or egress. It is dependent upon Parcel B.")

Chairman Kimble asked if there were any other questions or comments from Board members. No discussion was offered.

It was moved by Masterson and seconded by Thibodeaux to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 1 (Smolik)

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting was adjourned at 8:20 PM.

Shawn Kimble
Chairman

Lisa M. Ciofani
*Recording Secretary/Deputy Clerk of
Council*

Thursday, October 22, 2020
Date Approved