

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, SEPTEMBER 22, 2022**

CALL TO ORDER:

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

ROLL CALL:

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

James Cain and Planning Commission Liaison Steve Ali were absent.

Also present were Chief Building Official Guy Fursdon, Planning and Economic Development Director Kimberly Lieber 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, June 23, 2022. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

Proposed Charter Amendments

Chairman Kimble explained that the Board had received and reviewed the proposed Charter amendments.

PUBLIC HEARINGS:

PPZ2022-0130: Wink Ridge Inc., 34441 Center Ridge Rd, PPN 07-00-016-104-216

Applicant: Kathy Winkel, 5640 Broad Blvd, North Ridgeville, OH 44039.

The applicant is proposing a new multi-tenant sign for their commercial property.

Property is zoned B-3 District. Requests:

1. A 5 foot variance for setback of a pole sign. Applicant shows 7 feet, code requires 12 feet, Section 1286.07(c). See also 1286.06(e).

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

Chairman Kimble asked if there was a representative present.

Kathy Winkel, 5640 Broad Blvd, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Ms. Winkel to explain the application.

Ms. Winkel stated that they had purchased the building at the corner of Pitts Road and Center Ridge Road. She explained that the building originally had a ground sign that was removed when Center Ridge Road was widened. She discussed that their intention was to reintroduce the sign to the location to bring visible awareness of the tenants that were currently in that building. She stated that they understood that the sign would have to be twelve feet away from the current walking path but if it was twelve feet away it would push the sign base into the middle of the parking lot. She explained that they were asking for the five foot variance to try to move the sign closer to Center Ridge Road and mostly out of the parking lot. She indicated that it would still be in the parking lot but that they thought they could make it work for the parking at the building. She stated that the sign would be no closer than seven feet from the walking path and that their practical difficulty was trying to fit a sign at the property since the widening of Center Ridge Road.

Chairman Kimble stated that he had been by the property, pulled into the parking lot and looked around and drove down Center Ridge Road and he didn't believe that what they had proposed would be anything that would create any sort of visual obstruction and that it would blend in just fine and wouldn't be on top of the walking path. He discussed that he did see the need for some consideration for the businesses on Center Ridge Road that were affected by the widening of what was allowed and what wasn't. He then asked if there were any questions or comments from the Board.

Vice-Chairwoman Masterson stated that where they proposed to locate the sign showed a lot of thought.

Alternate Planning Commission Liaison Smolik asked if there was a landscaping proposal around the monument sign or if it would just be the sign by itself.

Ms. Winkel explained that what they were going to try to do was something aesthetically pleasing with a boulder around it so that the sign wouldn't get damaged being partially in the parking lot. She stated that she really hadn't thought about the landscaping since it would be on concrete.

Alternate Planning Commission Liaison Smolik indicated that nothing would be high but it would remain low for the line of sight.

Ms. Winkel stated that was correct.

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

None were given.

Chairman Kimble asked if there were any other questions or comments from the Public.

None were given.

Chairman Kimble asked if there were any questions or comments from the Administration.

None were given.

Moved by Masterson and seconded by Smolik to approve the five foot variance for setback of a pole sign.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PPZ2022-0132: John Gentile, 33173 Tanager Ct, PPN 07-00-012-102-167

The applicant is proposing a home addition. Property is zoned R-1 District.
Requests:

1. A 6 foot variance for setback of a cluster dwelling unit from a common open space area. Applicant shows 9 feet, code requires 15 feet, Section 1282.11(b)(2).

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

Chairman Kimble asked if there was a representative present.

John Gentile, 33173 Tanager Ct, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Gentile to explain the application.

Mr. Gentile stated that he wanted to build a nine by ten room off of the back for storage and that he lived in Ridgefield which didn't allow sheds at all. He explained that he had a fence that was already there and all he was going to do was extend that fence. He mentioned that it would look just like that same part of the fence except it would have a roof on it and the door would be on the inside of the main court way.

Chairman Kimble asked if the fence was on the property line.

Mr. Gentile stated that it was not and that it was probably eight or ten feet off. He discussed that he was just extending his six foot fence and turning it.

Chairman Kimble remarked that the open space behind him looked to be a pretty substantial amount of land.

Mr. Gentile stated that it was a common area between the two streets.

Chairman Kimble asked if there was a particular reason he chose that location versus the other side of the house.

Mr. Gentile explained that there wasn't any room on the other side of the house and the way that his house was shaped he would be into his living room and there wouldn't be any place to put it because there were two windows in the living room. He stated that it was the only practical place he had to put it because of the way the house was designed. He mentioned that the house was shaped like a "Y" and that it was odd shaped.

Chairman Kimble asked if from a structural design standpoint that it didn't make sense to put it anywhere else.

Mr. Gentile stated that was correct that he couldn't put it anywhere else. He remarked that if it didn't go there it wouldn't go on the house.

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

Vice-Chairwoman Masterson stated that she had walked the property and one of the things about Bob Schmidt Homes, especially in the cluster areas, was that they were very close to each other on their side yard lines. She discussed that he was correct that that was the only place he could put it. She explained that the standard rule with Bob Schmidt Homes was that behind every house there was 15 feet of common area and that on the other street it also had 15 feet of common area so that there was a total of 30 feet from his property to the next person's property. She stated that when a property was on a corner that there was even more area because of how the lots were laid out. She mentioned that the HOA's were quite militant that there wasn't anything that wasn't attached to the house.

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

Alternate Planning Commission Liaison Smolik asked if he had submitted the plan to the HOA and if he had gotten their approval.

Mr. Gentile stated that he had and it had been approved.

Alternate Planning Commission Liaison Smolik asked if there was an entry into the house or just to the exterior.

Mr. Gentile explained that it was just to the fenced in courtyard.

Alternate Planning Commission Liaison Smolik asked if it was a slab on grade or a full foundation, he asked what the type of construction was.

Mr. Gentile stated that it would be a slab with two pole foundations. He explained that he had gone over that information with the Chief Building Official regarding

how it was to be built.

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

None were given.

Chairman Kimble asked if there were any questions or comments from the public.

None were given.

Chairman Kimble asked if there were any questions or comments from the Administration.

None were given.

Moved by Masterson and seconded by Thibodeaux to approve a 6 foot variance for setback of a cluster dwelling unit from a common open space area.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Board of Zoning and Building Appeals Bylaws - proposed updates

Chairman Kimble stated that under "Other Business" they had proposed updates to their Zoning and Building Appeals Bylaws. He asked if everyone had a chance to review them and if they had any questions.

None were given.

Chairman Kimble explained that he had reviewed them and that the changes were well thought out and that some were definitely overdue.

Moved by Kimble and seconded by Masterson to approve the proposed updated Board of Zoning and Building Appeals Bylaws.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0 Abstained – 1 (Smolik)

Chairman Kimble stated that he noticed a change to the Building and Zoning Appeals application and that he hadn't seen it until he sat down.

Director Lieber explained that it was a late addition.

Chairman Kimble remarked that he liked it and that one page was clearly better than a whole packet. He asked if there would still be a place for the Building Official's comments.

Chief Building Official Fursdon explained that he had already created his own form. He asked if they still wanted the signatures as the Board required in their application from the applicant and the property owner notarized. He stated that it wasn't in their new form. He went on to say that the Board had required that many years ago when a property owner was unaware that someone was making a request for a variance on their property.

Chairman Kimble mentioned that he believed that they had to currently be present or show a letter.

Director Lieber stated that was correct.

Chief Building Official Fursdon indicated that all they had to do was sign the form and get the signature notarized. He explained that the owner did not have to be present before the Board.

Chairman Kimble asked if they had to let them know ahead of time by letter that they wouldn't be there. He stated that he was a little confused on that issue.

Chief Building Official Fursdon stated that the policy had always been that as long as the owner signed and their signature was notarized acknowledging that they were aware that a variance or a request was being made of the Board on their property, that's all that was required. He remarked that anyone could make an application on a piece of property. He added that when the Board found out that the owner had no knowledge of that, that's when the Board years ago said that they wanted that signature page in there. He indicated that it was the Board's decision if they still wanted to keep that. He stated that he didn't believe it was in the ordinance but that it was a decision that the Board made and voted on many years ago. He mentioned that it was even before Mayor Gillock was on City Council but

he was on the Zoning Board when that was originally made.

Director Lieber stated that regarding the Bylaws that they had approved, the application required signatures of both the applicant and the property owner but that it also stated that whenever the applicant was not the property owner, the property owner's prior consent to the development proposal and merits must be confirmed in writing and filed with the application. She explained that the notary was just one additional step that was kind of redundant and not necessary and put more burden on the applicant when they would still collect signatures, provide notice and if they were defrauding or filing erroneous information that would be grounds for the Board to vacate its' decision. She stated that she felt there were already a lot of controls in place that would prevent that one extra step for the applicants or residents to seek out a notary or make another stop. She explained that it was kind of like how they had gotten rid of them having to provide notification to the surrounding property owners and it made a little more streamlined of a process.

Vice-Chairwoman Masterson stated that they were a quasi-judicial Board and they were doing things that legal documents required. She remarked that most documents required a notarized signature. She explained that she understood that the Director was trying to streamline the process but generally there were notaries in most government facilities and that wouldn't be a burden to get a notary to notarize a document.

Director Lieber indicated that it wasn't something that she encountered as much with other communities. She stated that it was up to Board if they felt it protected the best interest of North Ridgeville but that it wasn't a common practice amongst Appeals Boards to have that notarized requirement other than the required signature being the required notice.

Chairman Kimble asked if the Board had to make a decision on the application that night or if they could review it.

Director Lieber stated that they could review it.

Chairman Kimble stated that they should all take a look at it and discuss it at next month's meeting.

Chief Building Official Fursdon stated that the only cumbersome part with the old

application was to get the notary. He remarked that that usually just worked for the applicant but if the owner wasn't the applicant then they would have to get the owner to get that signature notarized. He stated that he didn't think it was a bad idea but that it was the Board's decision.

Vice-Chairwoman stated that her concern was that they were a quasi-judicial board and asked if the application went before the Law Department and had they approved it.

Director Lieber responded that there really wasn't an approval process but that it was updated and circulated based upon the new ordinance that was approved and thinking about the Bylaw changes and trying to coordinate all of the layers.

Vice-Chairwoman asked if the Law Department had seen the application.

Director Lieber stated that they had seen it but they hadn't passed any particular judgment of approval or disapproval or made any type of a recommendation.

Building Official Fursdon remarked that it might be something they want to ask the Law Department. He stated that the Law Department came to them to talk about their Building Board Application and stated that they wanted the owner's signature because sometimes the contractor was the one making application and that way they were assured at the City that the property owner was aware that permits were being applied for on their property. He added that sometimes a contractor may be hired by a renter and the property owner would have no idea that something's being done to their property and that was why they made that requirement. He stated that they may want to ask the Law Department their opinion.

Chairman Kimble indicated that he would.

ADJOURNMENT:

The meeting was adjourned at 7:23 PM.

Shawn Kimble
Chairman

Thursday, October 27, 2022

Date Approved

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*