

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, AUGUST 26, 2021**

TO ORDER:

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

ROLL CALL:

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

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, and Deputy Clerk of Council Tina Wieber.

Chairman Shawn Kimble made a motion to nominate Tina Wieber as the recording secretary and was seconded by Member Masterson.

A voice vote was taken and the motion carried.

Yes – 5 No – 0

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, July 22, 2021. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

Member Smolik stated that the first applicant, Christopher Young, went to Planning Commission on July 13th and a recommendation from Planning Commission was approval based on the condition that the application go to the Board of Zoning Appeals for the setback.

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Christopher Young, 6054 Stoney Ridge Road, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Requesting a variance to N.R.C.O. §1268.04(3)B: lot abutting any residential district requires a minimum 25 foot side yard. Applicant is requesting a 15 foot side yard (west side) requiring a 10 foot variance.

LOCATION: S.W. Corner of Center Ridge Road & Race Road, in a B-3 District
Permanent Parcel No. 07-00-039-000-078

CASE NO.: PPZ2021-0078

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

Chairman Kimble asked if there was a representative present.

Gary Fisher RA, 554 West 9th Street, Lorain, OH 44052 &
Christopher Young, 6054 Stoney Ridge Road, North Ridgeville, OH 44039, were sworn in.

Mr. Fisher explained the property abuts Kim's Diner on Center Ridge Road and then goes back into an "L" shape behind Kim's Diner and south on Ridge Rd to abut a B-3 zone non-conforming residential house. He stated the property is actually zoned B-3 but because it's occupied, it's residential. He stated the property is abutting the residential district to the south and even though the property isn't abutting the house to the west, the variance is required because of the way the code is written. He further explained that the property complies with the residence to the south, but the code says if any property abuts residential, the twenty five foot side yard has to be maintained even though the property is not against the house on the west side. Mr. Fisher stated that if the zone were just B-3 there would be no need to attend the meeting.

Chairman Kimble advised that the variance is essentially just a formality and explained that eventually that home will become a business and fulfill the zoning variance.

Mr. Fisher stated that was correct and explained that if the codes were written differently it wouldn't be required on that west property line because the west doesn't abut the house to the south.

Chairman Kimble asked for questions and comments from the board members. Chairman Kimble asked for questions and comments from the audience. No discussion was offered.

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

A voice vote was taken and the motion carried.

Yes – 5 No – 0

APPLICANT: Ryan Kozak, SLK Capital Holdings, LLC, 28400 Hilliard Boulevard, Westlake, Ohio 44145
OWNER: Ronald L. Ware and Karen E. Ware, Trustees of, 7691 Avon Belden Road, North Ridgeville, Ohio 44039
REQUEST: Requesting a variance to N.R.C.O. §1250.02(b)(7), §1250.02(b)(7)A.3.h, & §1250.02(b)(7)A.3.i.i.: request for a conditional use for a Senior Citizen Planned Residential Development and request for a variance for one-bedroom unit size (1,000-sf minimum requested) and reduction.
LOCATION: 7691 Avon Belden Road, in an R-1 District
Permanent Parcel No. 07-00-022-101-086, 07-00-022-101-065, 07-00-022-

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101-015, 07-00-022-109-013

CASE NO.: PPZ2021-0081

Ryan Kozak, 28400 Hilliard Boulevard, Westlake, Ohio 44145,
Kevin Baker, RDL Architects, 16102 Chagrin Boulevard, Shaker Heights, Ohio 44120,
Aaron Appell, Bramhall Civil Engineering, 801 Moore Road, Avon, Ohio 44011, were sworn in.

Chairman Kimble asked Mr. Kozak to explain the application.

Mr. Kozak explained they were there to discuss the potential for the development that they call Ridgeville Farms, which would be a residential senior housing community for those 55 and older. The name Ridgeville Farms speaks to a couple different things. Specifically, to the original agricultural use that was done on site, the Thibo Greenhouse and the greenhouses that were there for many years, as well as, the agricultural history of Ridgeville Township. He stated the project is trying to incorporate both of those things into this. The Residential complex will have somewhere between 20 and 30 duplexes, depending on how the final site plan turns out. The duplexes will all be single story with one and two bedrooms. Many of them will have accessibility options along with them. There are a lot of unique details about this project. Mr. Kozak stated they believe it will be the first of its kind in Ohio because of the major emphasis for the residents on fresh food and agriculture. There will be a great deal of non-profit activity and programming that takes place for residents on site. There will likely be partnerships taking place with the senior community director and the city itself, to offer programming in fresh food and wellness for senior residents that don't even live there but live within the city. The project has a lot of good things with a local non-profit partnership called Food Conscious that does food based activities at schools and in cities and across the Cleveland area. He advised that a good portion of the property, which is roughly 20 acres, a third of the property to the east end just south of the park, will be left for green space. He further explained that per the zoning code, the plan could have up to four units per acre. The project plans are for 40 and 50 units. That applicant wants there to be plenty of space for residents to enjoy just walking trails and other items. To the east of the property would be for walking trails that could potentially extend up into the park and would allow access then for people that are in the park to enjoy the walking trails that are on this site. The applicants' intent would be to get some additional green space, not only for the residents of the site but also just for the citizens of North Ridgeville that might be using the park. He explained the main point is the conditional use for the property to be switched over to the planned senior community but there were also some other items that needed to be addressed.

Mr. Baker stated that the site plan BZBA was given may have some adjustments on the final number but the plan represents 29 residential buildings for 58 duplex units. He advised the plan will also have one community building, which would be the clubhouse building and would be used as a community room for the programming that Mr. Kozak described. He stated the use of this room as a senior citizen's community room is a conditional use. He further explained that the other variances requested are the one bedroom units that are 750 square feet, which is less than the 1000 square feet minimum. Mr. Baker stated he does a tremendous amount of housing

of all kinds and 750 square feet is a generous size for a one bedroom unit. He explained that most commonly as a market rate unit those would be in the 600, 650, 700 square foot range. He stated the plan is on the larger end of what they typically would do and that the proposed plan units are paired as a duplex having a unified larger area as a 1500 square foot building unless they are two bedrooms, in which case they would be larger than that. He explained the third variance request is the reduction to the number of covered parking spaces. Each unit would have one garage space and also a driveway to have an additional off street or visitor space. He stated his past experience with developments targeted at seniors is that one space is generous. Mr. Baker explained that there are a lot of folks that don't use a car on a regular basis, so between that and the off street visitor space, the senior will be more than amply parked.

Mr. Appell stated he wanted to make a point that the agenda does say 1000 square foot minimum requested but is actually 750 square foot requested. It should state 1000 square foot minimum required for clarification. He advised the project meets all the other zoning code requirements.

Member Cane asked for clarification that the group were requesting a 250 square foot variance from the 1000.

Mr. Baker stated for the one bedroom that would be correct.

Chairman Kimble explained the application reads 1000 square foot minimum and the bottom of the "q" got cut off. He stated that the application does say requested but that it was just a misinterpretation and that BZBA understands it to mean required. He asked Mr. Kozak to elaborate on the square footage requirement of the requested 750 square feet and why he was targeting for the 750 square feet versus the 1000 square feet.

Mr. Kozak explained the average size for standard units across the country is 650 square feet. He stated seniors aren't necessarily looking for more space, especially single seniors that might be living there. The plan was trying to stay within what we see are the norms.

Chairman Kimble stated that in comparing the zoning code with a traditional R-1 housing, 1400 square foot is the minimum for a single family house, there are three bedroom homes that are only 1040 square feet and the two bedrooms are subtracted, the footage gets close to where the plan is at right now. He explained that for a one bedroom unit, initially it does sound small but it does make sense when considering that it is just a one bedroom residence. If there were two bedrooms in there, it would be a different situation. He further asked what the reason was for a one car garage.

Mr. Kozak explained that they are all attached garages. If they were to build two car garages it would create a considerably less amount of green space that's a part of the project and for agriculture, which is a big part of the programming that they would like to do there. The focus would be to create as much green space as possible for the seniors. There could potentially be covered parking, parking stalls or corrals but the plan is to free up more space. He advised that the vast majority of these households are not going to have a lot of cars.

Chairman Smolik asked if the target would potentially be one car families.

Mr. Kozak stated that was correct. He explained if there was going to be another car and it's raining, the senior would not go down that street to covered parking. They would want to park two feet from the garage. He stated that was the thought process.

Chairman Kimble asked for questions and comments from the board members.

Member Masterson asked where they have built in other locations.

Mr. Baker explained the firm does housing in the broad array of the eastern portion of the country including working in Ohio from Cleveland, Cincinnati, rural locations in Ohio, Kentucky, Pennsylvania, Maryland, Indiana, North Dakota and Kansas.

Member Masterson asked if project would be deed restricted to be senior housing.

Mr. Kozak answered that that was correct, 55 and over.

Mr. Smolik explained that as was previously stated Mr. Kozak has 20 acres and could potentially build 83 units but are projecting 58 to 60 and the board is not approving a plan but a variance. Mr. Smolik asked the Law Director that the variance be based on the proposed density that they are presenting.

Assistant Law Director Morgan replied the reason it is a conditional use is the board would approve it as a conditional use. The duplexes are being approved as a conditional use.

Mr. Smolik stated concern that the current drawing could change. Once the variance is approved, the plan could be changed to the 83 unit mark. He recommended the board place a condition on the approval of the variance for the density that they are currently proposing.

Chairman Kimble asked for questions and comments from the board members. He asked if there was anyone in the audience who would like to speak on behalf of this matter.

Issac Galvez, 7667 Avon Belden Road, North Ridgeville, Ohio 44039, was sworn in.

Mr. Galvez explained that his family will likely be the most affected by this project. He also stated he had less than a week to prepare for the meeting. Mr. Galvez stated he was concerned for the safety of elderly and children. There are 58 units proposed to be built. He explained the result would create 58 to 120 people moving down a one road private driveway with one way in and one way out. He stated the road is already difficult to get out of due to the Route 83 bridge creating a blind spot and high speeds. The road has a 35 mph speed limit but most folks are going 55 mph down that road. He further explained that during rush hour traffic stops beyond the shared driveway, potentially limiting access to emergency vehicles and causing accidents and

additional work for North Ridgeville police. He stated his second concern is the detriment to property rights. The plan assumes that the road is owned by the city and there is an easement to each of residents' location, which will allow the developer to expand the road onto the resident's land. He stated his property would be cut in half when the road is expanded from one lane to two. This road is private property and is a right-of-way east of the neighbor's property. Shared right-of-way dictates that if any changes are made to the road all of the neighbors must agree before that change can take place. As for 7667 Avon Belden Road we do not approve of the road extension. The senior citizen planned residential development would be detrimental to the city because of the subpar location, loud road noise from the turnpike, route 83, train tracks, overcrowding and limited access with excess traffic. He advised that the plan gives the perception that we are allowing the developer to put in as many units as possible, instead of the best interest of the City of North Ridgeville's citizens and seniors. Senior citizens deserve a better location and a better plan than the one provided. Senior citizens will walk outside and see traffic all day long with a lot of noise. Mr. Galvez stated he formally opposed the conditional use of the senior citizen planned residential development in an R-1 district. He also formally opposed any variances that are proposing change, including the 1000 square feet reduction to 750 square feet and the parking garage. He explained use of this land will be better put to use for residential homes that are compatible with the current neighborhood.

Zane Hoffman, 7625 Avon Belden Road, North Ridgeville, Ohio 44039, was sworn in.

Mr. Hoffman stated that being from South Africa, he was specifically attracted to the City of North Ridgeville due to the wide open spaces and the rich ecological footprint of the city was the deciding factor in his investment in land and settling in at 7625 Avon Belden Road. He explained that he was a newcomer and had no previous knowledge of preceding factors leading to the proposed establishment of Ridgeville Farms, nor was this disclosed during the process of the purchase of his current residence that started July 7, 2021. He stated the city should dutifully conduct ecological, environmental and social impact studies. He advised he was unable to find public record or evidence of these studies being done despite confirmation that the developer has been in discussion with the City regarding plans and the City should make these records available to the two occupants that will be most affected by this development, he and his neighbor, Mr. Galvez, of 7667 Avon Belden Road. He referred to an email from Margaret Kavourias dated August 6, 2:29 p.m. where it was conceded that the developer was fully aware prior to purchase that the City of North Ridgeville required 1000 square feet of living space minimum. He stated the developer claimed after the fact that the property would not be able to be used if this were the case. He asked why he proceeded with the purchase. He then stated the developer stated the use is not intended to be detrimental to the neighbors. Mr. Hoffman stated the neighbors' opinions were not sought. He stated the development will be detrimental to his and Mr. Galvez' lifestyles since they will be immediately affected. He explained his home was chosen because the street being so far away from the front door with a private driveway serving only a handful of residents and that a two lane street would cut into Mr. Hoffman's property and bring traffic to his door. He stated he rejected of reduction of living space and further wished to place on record his refusal to have his property encroached upon for the widening of the driveway as it would create unacceptable disturbance through traffic, where there are currently

two members using this driveway but it will be expected to accommodate 58 residents, staff and visitors. He further explained that principal purpose of the R-1 single family residential zoning district is to conserve and protect single family residential developments. He stated the proposal does not match the purpose and therefore is opposed to it. The infrastructure as it stands cannot condone rezoning at this time as it is wedged between I-80 to the south, South Central Park to the north, forestry to the east and Avon Belden to the west.

Chairman Kimble asked if there was anyone in the audience who would like to speak on behalf of this matter.

Holly Swenk, 36259 Center Ridge Road, North Ridgeville, Ohio 44039, was sworn in

Ms. Swenk explained she had two concerns, the exiting of the driveway and the walking path that encroaches into Dominic Nacarato's property. The encroachment has been the reason the owner of the property has had a hard time selling to the city because they can't combine. Ms. Swenk asked if the owner was notified regarding potentially building a walking path onto the property.

Mr. Kozak explained that the walking path is purely conceptual at this time and that there would be additional conversations if the project moves forward.

Mr. Smolik asked Chief Building Official Fursdon to give an explanation regarding how subdivisions go through Planning Commission and the current drawing does not exist.

Chief Building Official Fursdon explained that the project is treated like any other subdivision but that it is technically unique in that there is no subdividing of properties. The duplexes are not going to be created as condos but rental units on that property. The applicant and project representatives have been advised of preliminary and final plan approval expectations.

Mr. Smolik stated that the majority of questions and comments from the audience pertain to Planning Commission and not BZBA. He explained that there is another forum prior to this going to City Council.

Chairman Kimble explained that concerns regarding widening of the road are handled by the Planning Commission. He further stated that the majority of concerns were not handled by BZBA.

Mr. Galvez stated that he still opposed the conditional use.

Chairman Kimble responded that the statement was valid.

Mr. Galvez inquired as to whether BZBA would rule on the plan.

Chairman Kimble advised that the board would be voting on the variances of the conceptual

idea.

Member Masterson explained that BZBA looks at the zoning codes and that was the reason she and Member Smolik added conditions to this concept. BZBA can't address the road or traffic.

Mr. Appell stated that they were proposing a two-step process with the Planning Commission. He explained that after the BZBA meeting, the project would go for preliminary approval and then final engineering and final approval. He explained that a traffic impact study has been completed and there has been environmental due diligence on the property. He also advised that contact has been made with the City Engineer.

Mr. Kozak invited members of the audience to contact or call him to discuss concerns. He explained the project's intent is to be an asset to the community and that there were a lot of good things regarding it. He stated it could be 83 units under the code but they are planning for half that amount.

Chairman Kimble asked if there was anyone in the audience who would like to speak on behalf of this matter.

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

Councilman Boose explained that as City Council person he would be remiss if he didn't bring up density and a variance of making units smaller. He further stated if the applicant is keeping to the conceptual idea of farm land and green space, they would not build more units or they would look somewhere else. He stated that when bringing a variance to BZBA there must be a hardship, for example, it can't be done another way but that the hardship this applicant states is that the project won't be feasible unless they can make their units smaller or it will only be feasible if there is a one car garage versus two. Mr. Boose advised that being a Council member aside from hearing about flooding and potholes, that he gets asked, why doesn't North Ridgeville look at things long term. He asked that just because other communities have 600 square foot single units, why can't North Ridgeville do something better and maybe that's why the 1000 square foot requirement was in place. He asked BZBA to think about that before making a decision.

Chairman Kimble asked if there was anyone in the audience who would like to speak on behalf of this matter.

Chief Building Official Fursdon advised the BZBA to keep in mind that if they chose to, they have the right to set any reasonable conditions on an approval. He stated not only because it is a residential senior development but because of the duplex dwellings there.

Member Masterson asked Chief Building Official when the building code was created regarding the size of living space. She explained that the building code doesn't address how big or small a living space needs to be but that is an arbitrary number that the City came up with when creating the zoning codes.

Mr. Fursdon stated the development code has been used twice since it was created. He explained that one subdivision would be Northridge Cove and the other was Cross Creek, which was never followed through and was developed as a codified ordinance 1282 residential subdivision.

Member Masterson asked if the subdivision Mr. Fursdon was speaking about were behind Bistro 83.

Chief Building Official Fursdon explained that they were.

Member Masterson asked if they were single family homes.

Chief Building Official Fursdon stated yes. That they are single family homes on individual lots.

Member Cain asked if they had one or two car garages.

Chief Building Official Fursdon stated the homes have two car garages.

Chairman Kimble inquired whether the subdivision was a 55 and over age restriction.

Chief Building Official Fursdon explained they are and developed under the same ordinance.

Chairman Kimble asked if the homes were individually owned.

Chief Building Official Fursdon answered that they are.

Member Masterson inquired about the subdivision on Center Ridge Road and the size of the units.

Chief Building Official Fursdon explained they are condos and they don't have to follow the same requirements as this applicant because this ordinance is part of the senior development, which says 1000 square per one bedroom unit, 1000 square feet for two bedroom units and 1200 square feet three bedroom units.

Chairman Kimble asked for questions and comments from the board.

Member Winkle stated he agreed with the requirements and restrictions.

Chief Building Official Fursdon inquired as to whether the board was satisfied with the number of units the applicant intends to build that would be 1000 square feet and that the board may want to place that condition on the approval. The applicant's plan contains three different style size units.

Assistant Law Director Morgan explained that there were 29 duplexes shown and it appears that

17 may be 750 square feet or less which would be nearly 60 percent. She advised that the board may request a percent of the units are to keep the variances in the size portion of the condition.

Chairman Kimble asked Mr. Kozak whether they had an objection to locking in a number of the 750 square foot units are allowed.

Mr. Kozak advised the plan has several different unit types. He explained there are one bedroom and there are two bedrooms and then there are both one and two bedrooms for handicapped seniors in all different sizes.

Mr. Baker explained there are 17 out of the 29 buildings that are proposed as one bedroom.

Mr. Kozak stated they were fine with that. He stated that one objection would be if they get additional handicapped seniors that are involved in preleasing when finishing the planning and they would want the flexibility to accommodate and change the unit size.

Member Masterson asked Mr. Smolik if he had proposed the condition to approve the plan as to what they currently are viewing.

Mr. Smolik advised that the condition was for density, the number of units not size. He stated he assumed they are all were 750 square feet. His concern was the 750 square feet with only one car garage is a small footprint and they could have maxed out at 83 units, which the code would allow. He explained the condition would be based on the density to match what the conceptual plan is. The 750 square foot units would be another issue.

Mr. Cain explained that the board could stipulate in one of the conditions as an example that no more than 50 percent could exceed that 750 square feet. He stated the condition would lock the applicant in and gives them up to half of their units at 750 square feet and wouldn't allow them to build all of their units at 750 square feet.

Mr. Kozak stated that it was not their intent to encroach upon people's living space. He further explained in talking to seniors who live in these communities, a lot of them want smaller units, which would be less to clean. He explained seniors don't want a 1000 square foot apartment duplex but ask for numbers that are smaller than 750 square feet. The square footage does not count the front porches or garages just living space.

Chairman Kimble explained that regardless of the board's decision, North Ridgeville is one of the most rapidly growing cities in the state. Areas of vacant land will be developed at some point. He stated there is a need for the proposed plan that can be filled.

Mr. Cain stated that the plan is a very well thought out concept. He explained that if someone decided to build stand-alone homes on the property they would be able to build even more, which would make for more traffic as well.

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Chairman Kimble asked for additional questions or comments from the audience. Chairman Kimble asked for additional questions or comments from the administration.

Member Masterson moved to add the deed restriction of 55 and older.

Member Smolik advised he wanted to add additional conditions to the motion. He added the condition that up to 60 percent of the units may be 750 square feet and a second condition that the density of the project shall be a maximum of 58 units.

Moved by Member Masterson and seconded by Thibodeaux to approve the variance with the above three mentioned conditions.

A voice vote was taken and the motion carried.

Yes – 4 No – 1 (Cain)

APPLICANT: Drexel and Rebecca Worcester, 35754 Dorchester Avenue, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A & 1294.04(h)(B): 6 foot high fence and 100% closed in front yard variance. Requiring 2 ½ foot height variance and an additional 50% closed variance.
LOCATION: 35754 Dorchester Avenue, in an R-1 District
Permanent Parcel No. 07-00-019-000-112
CASE NO.: PPZ2021-0083

Application was read along with comments.

Chairman Kimble asked if there was a representative present.

Drexel and Rebecca Worcester, 35754 Dorchester Avenue, North Ridgeville, Ohio 44039, were sworn in.

Ms. Worcester stated the residence is on a corner lot and does not have space for a pool in the back yard. She advised they would like to build a fence 10 feet in front of the pool, which would go from the edge of the driveway to the edge of the garage and the fence would be gated. She stated they are looking for privacy from neighbors. She also advised that a neighbor has been photographing their teenager while in the pool, which makes her uncomfortable. The neighbor brings the photos to their residence as well. She further explained that because the residence is on a corner lot and does not have a back yard, they need privacy for the pool.

Chairman Kimble explained that the lot is in a very unique location. He stated the lot is on a

corner and immediately after the property line it becomes a cul-de-sac. He advised that even though traffic has no choice but to go by the residence, the fence would be nearest the cul-de-sac and therefore, visibility would not be obstructed. There would be no safety hazards.

Member Masterson agreed that there would be no obstruction to visibility.

Chairman Kimble asked for additional questions or comments from the board members. No discussion was offered. Chairman Kimble asked for additional questions or comments from the audience.

Councilman Boose stated he was in favor of this variance for all the reasons previously stated. He explained the residence is unique on a corner lot and has two front yards. He further stated that zoning wasn't written for that type of property and it wouldn't cause any safety issues for drivers.

Chairman Kimble asked for additional questions or comments from the audience.

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

A voice vote was taken and the motion carried.

Yes – 5 No – 0

APPLICANT: Chris Kash, 36539 Capri Lane, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(1)A: 5 foot high fence in front yard, requiring 1 ½ foot height variance.
LOCATION: 36539 Capri Lane, in an R-1 District
Permanent Parcel No. 07-00-030-000-283
CASE NO.: PPZ2021-0084

Rochelle & Chris Kash, 36539 Capri Lane, North Ridgeville, Ohio 44039, were sworn in.

Ms. Cash stated the variance is requested due to the residence being on a corner lot across the street from a park and playground. She further explained that there are small children at the residence and a 5 foot fence would keep them safe. She advised that the home behind the residence was robbed during the daytime and the children have been afraid since the police visited the residence later that evening. She further stated the home being built next to their residence had squatters. She explained that a child could be picked up over a 3 ½ foot fence and that is the reason for the 5 foot request.

Mr. Cash advised he didn't know any better when he started putting up the fence. He assumed talking to the HOA would be all that is required. He explained someone came to him and stated

that the fence couldn't be that tall and he had just bought the fence. He stated the fence is being built together with the neighbors and is partially on the north and east side of the street.

Chairman Kimble asked for additional questions or comments from the board members.

Member Smolik asked Mr. Cash to show where the fence is located.

Mr. Cash explained the fence is at the end of the garage and three feet off the sidewalk. He advised that the fence comes down the back of the property and joins his neighbors over to the AC unit.

Chairman Kimble asked if the fence was a wrought iron slotted fence.

Ms. Cash replied that it was.

Mr. Kimble asked if they were given an actual picture of the fence.

Mr. Cash explained that it was just a general picture of the type of fence he has. He advised that there are no lights on the entire street and that he intended to put on the corners of the fence cinder blocks and light posts to add light because it is a very heavily traveled area of the community and citizens are walking over from other streets to access the playground, the pool and mailboxes.

Mr. Kimble asked if they were community mailboxes.

Mr. Cash stated they were.

Member Masterson explained that Mr. Cash's neighbor doesn't need a variance for their fence. She further explained that Mr. Cash needs a variance from 3 ½ to 5 feet because it is a corner lot. She then asked Ms. Cash if the neighbor already has the fence up.

Ms. Cash advised that they did.

Chairman Kimble asked for additional questions or comments from the audience.

Councilwoman Swenk explained that she is Mr. Cash's council member and asked that the board give them the variance.

Chief Building Official Fursdon advised Mr. Cash that if they intended to install lighting, to try and do down lighting so the neighbors don't complain.

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

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A voice vote was taken and the motion carried.

Yes – 5 No – 0

OTHER BUSINESS:

ADJOURNMENT:

The meeting was adjourned at 8:30 PM.

Shawn Kimble
Chairman

Tina Wieber
*Recording Secretary/Deputy Clerk of
Council*

Thursday, October 28, 2021
Date Approved