

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD AUGUST 23, 2018**

TO ORDER: The meeting was called to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL: Present were members Neil Thibodeaux, Planning Commission Liaison Jim Smolik, Vice Chairperson Linda Masterson, and Chairman Shawn Kimble. Member Mario Cipriano joined the meeting at 7:04 p.m.

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

MINUTES:

Chairman Kimble asked if there were any comments or corrections regarding the regular meeting minutes dated July 26, 2018. Hearing none, he stated the minutes will stand approved as presented.

PLANNING COMMISSION REPORT(S):

Chairman Kimble addressed Planning Commission Liaison Jim Smolik and asked if there were any reports from Planning Commission.

Member Smolik responded that there was no report.

OTHER REPORTS OR CORRESPONDENCE: None

Chairman Kimble asked the Clerk to read the first application.

PUBLIC HEARINGS:

APPLICANT: Anthony Valore and Gayle Fischbach, Valore Properties, 23550 Center Ridge Road, Westlake, OH 44145

OWNER: Valore Properties, 23550 Center Ridge Road, Westlake, OH 44145

REQUEST: Determination of the same character use as the permitted uses to operate 0-Zone Hookah Lounge – tobacco use in a B-3 District.

LOCATION: 34161 Center Ridge Road in a B-3 District.

Permanent Parcel No. 07-00-016-112-045

Postponed application until the August meeting

APPLICANT WITHDREW APPLICATION ON 8/21/18.

Application was read and for the record, it was announced that the applicant withdrew their application on August 21, 2018.

Chairman Kimble addressed the audience and added for members of the audience that are here

for this application that was withdrawn, there is nothing that will be discussed regarding that application as the applicant completely withdrew their application from the docket. There is no action to take on that application. He moved the meeting on and asked the Clerk to read the next application.

APPLICANT: Steven T. Lindo, 9032 Morgan Circle
OWNER: Richard and Georgia Sullinger Trustees, 32135 Cook Road
REQUEST: A ten foot front yard variance to construct a 60 foot by 80 foot building
LOCATION: Vacant parcel on the corner of Bender and Terrell Court in an R-1 District.
Permanent Parcel No. 07-00-038-000-101

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

Chairman Kimble asked if there was a representative and if so, could they please step to the mic and state their name and address.

Steve Lindo of 9032 Morgan Circle was sworn in. He asked if he could make a correction as he believes the request should be a side yard variation.

Chairman Kimble explained that the confusion on that and partly why the applicant is here is that he is located on a corner lot and corner lots technically have two front yards. We refer to it as a front yard even though it would be the applicant's side yard.

Chairman Kimble asked the representative to give a brief explanation of his request.

Steve Lindo explained that basically the lot is 110 feet wide and 235 long and so the building that he would like to put on it is 60 feet wide and 80 feet long. It is a building on grade. The majority of the building will be an open building with a house in the back left corner of it. The reason for the variance of the 40 feet is because of the 60 foot width. Morton Builders is the company that will build it. They are actually in the process of making the plans.

Chairman Kimble asked if this is going to be the applicant's residence.

Steve Lindo stated yes, that was correct.

Chairman Kimble stated the application states it is stated a 60 by 80 building proposal.

Steve Lindo stated that he didn't know if the Board was familiar with Morton Builders but they build buildings on grade. He asked if he could pass around their brochure. His plans are to put his fifth wheel camper on the inside of it and the house is going to be located in the back left corner. His other trailers and mowers will also be in that building.

Chairman Kimble stated that it will be a home and essentially a pole barn.

Steve Lindo stated correct, all together. It is a garage building and everything in it.

Chairman Kimble stated just like a house would have an attached garage.

Steve Lindo stated correct. It will have two garage doors on the front and one, of course, with a 16 by 16 garage door for the camper and the other one will be a 16 foot wide garage that is eight feet high with a garage door and an entrance door at the beginning and then another 8 by 16 foot door in the back so that he could pull the lawn mower out to go to the back part of the property.

Chairman Kimble stated that he has been by the property and from this Board's standpoint, particular himself, anytime there is a corner type variance for side yard it becomes a safety issue with visual obstructions in terms of a child riding their bike or if someone is walking their dog down the sidewalk. He looks to see if there are any visual barriers that would be involved that may be a hazard and visually how it would look. The way the applicant has it proposed is basically as far back to the corner as he could go. He didn't see any of those safety concerns being an issue for a potential car coming down the road and not being able to see traffic on Bender. He believes the plan seems to make sense to him.

Steve Lindo stated that the house will sit back 100 feet back from Bender Road and if he gets the variance, it will sit 40 feet off of Terrell.

Member Masterson asked where the driveway would come out.

Steve Lindo stated that it will probably come off Bender or both off the side of Terrell, depending upon what is allowed and what the plans look like. He stated he would like a u-shape off of Terrell and come out on Bender. If not, he will put it wherever he is allowed to put it.

Chairman Kimble stated he would have to work that out with the Building Department. This Board really has no say so on that.

Member Masterson stated she was curious.

Chairman Kimble restated that the Board doesn't have any say in terms of how the structure is built or the plan. He asked if there were any other questions or comments from the Board.

Member Smolik stated that the 4800 square feet will include the storage and the house and will be one building and not two.

Steve Lindo stated correct.

Member Smolik addressed the Chief Building Official and asked if that square footage was allowed on that size lot.

Chief Building Official Fursdon stated that they only regulate the minimum which would be 1,040 and that is well over that.

Member Smolik stated that there is no max then.

Chief Building Official Fursdon stated correct.

Member Cipriano stated he also thought this was just a building and not a residence. The applicant described that he will have two fairly large storage areas where he will store an RV and another vehicle. He asked if it was one storage unit on each side of the residential area. He is trying to figure out if this is a garage that he is sleeping in or a house with a garage on either side.

Steve Lindo showed the drawing and where the house will be located. It will be a big house with storage attached. He explained that he will not have a basement with this house and with the stuff he owns currently, he has to have a place to store it.

Member Cipriano addressed the Chief Building Official and stated that it seems like an unusual house and asked him to guide him on whether this will be a garage he is going to live in or is it really a house. He asked if there were regulations on storing vehicles, etc. that the wall on the other side of the vehicle has protection against a vehicle running in that space. It is going to be an attached garage on each side essentially. What he is trying to figure out is, is this permissible as a dwelling and does it have the things it needs to be a house.

Chief Building Official Fursdon stated that living space is in it and so, it is a house with an attached garage. The applicant is not here for that determination. He wants to know if he can have a ten foot variance for a front yard. Other parts of the subdivision behind him have 30 foot front yards and so, he didn't see what he was asking for is all that difficult.

Chairman Kimble stated that there is a minimum square footage as the Chief Building Official had stated being 1,040. The applicant could build 1,000 square foot home and have an eight car garage attached to it and be permissible.

Member Masterson understood that the structure doesn't pertain at all to this case. However, she addressed Member Cipriano and stated that in her subdivision there is one home that has two entrances, two front doors. There is a home that has a two car garage and another house has a six car garage.

Chief Building Official Fursdon addressed the applicant and stated that the plan submitted to the Board indicates that he will have over 1200 square feet of living space.

Steve Lindo stated that was correct.

Chief Building Official Fursdon stated that he is meeting the minimum square footage. He asked if it was going to be a ranch or two-story.

Steve Lindo stated that it was a ranch.

Chief Building Official Fursdon stated that we don't regulate how many garages he has and we don't regulate how much lot coverage. He just has to meet the front, rear and side and in this case the double front setbacks and that is what he is asking for is that one variance on the one front setback.

Member Cipriano understood and stated that when it is all one structure it makes a difference.

Chairman Kimble asked if there were any other comments or questions from the Board members. He asked if there was anyone in the audience that would like to speak on this matter. He asked the audience member if she could step up to the podium and state their name and address.

Linda Wallace of 8807 Terrell Drive was sworn in. She stated that they live on the other corner. They just had a couple of concerns. They were concerned on where the house will sit because when you have houses all in a row, there is normally grass they see along the whole back row. If there is a big building there they didn't think it would look real nice. She asked since that is on a flood zone were there ways they have to make sure that when doing the grading on the building, it isn't going to let the water flow into the street and then over to their house.

Chairman Kimble stated that part of the building permit process is that this gentleman will have to submit a topo that has the complete engineered grading layout to include calculations and where it will run to. That all has to be approved by the City Engineering Department before he could be allowed to start construction and so, nothing will be able to run on other parcels of property or have a flow of water out to the middle of the road. That has nothing to do with the Board's determination, but he did want her to know the process the applicant has to go through. He stated that there is no concern or worry from her standpoint about a greater problem being created by him building this home. He asked if there was anyone else in the audience that would like to speak on behalf of this matter. Hearing none, he asked if there were any other comments from the Board members. Hearing none, he asked if the Administration had anything to say. Hearing none, he entertained a motion.

It was moved by Masterson and seconded by Smolik to approve the variance as requested.

Yes, 5 No, 0

Deputy Clerk Tjotjos announced the motion passed by a vote of five to zero.

APPLICANT: Dorian Clobota, 27243 Westown Blvd. #312, Westlake, OH 44145
OWNER: Andrea and Joe Zepernick, 34025 Woodlawn Drive
REQUEST: A 39 foot front yard variance to construct a new home.
LOCATION: 34025 Woodlawn Drive in an R-1 District
Permanent Parcel No. 07-00-016-107-010

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

Chairman Kimble asked if there was a representative and if so, could they please step to the mic and state their name and address.

Maria and Dorian Clobota of 27243 Westown Boulevard, #312, Westlake, Ohio 44145 were sworn in.

Maria Clobota stated that they want to build a one story house. The frontage will be on Glendale.

Chairman Kimble addressed the applicant and stated in looking at the plan, it looks like the portion of the garage in the front is why they will be needing the variance, which will be closer to Woodlawn and asked if that was correct.

Maria Clobota stated yes.

Chairman Kimble stated that he has been by the property and he drove in both directions to try and visually imagine as it is a very densely wooded lot and it was real difficult. He did get a good feel of the surrounding neighborhood, the setback to the house to the west and tried to get a good feel of how it would fit in this neighborhood and how it would visually look and how and if there would be safety issues. As he mentioned earlier, the applicant has two front yards on this corner lot. He found that from a vehicle traveling down the road from either direction, the intersection for the most part was wide open. He didn't see a pedestrian, vehicle or child on a bike having any sort of issue with this house blocking anything from that standpoint. For a safety issue, he believes is fine. The concern he has is that it may stand out in that neighborhood. It doesn't quite match with what everyone else meets up to and that is why this Board exists. He didn't get out with a tape measure and measure the neighbor's house to the road and definitely didn't do that on this property. It does seem that their neighbor's home, being an older home, is closer to Woodlawn that is what may have been permissible under the current ordinances at the time. From that aspect there is some way of fitting in with that adjoining neighbor. He believes that this request will stick out more than that of their neighbors. He asked if they had any further comments on their application. Hearing none, he asked if the Board members had any questions or comments.

Member Smolik asked if there was any other iteration from their architect in terms of turning that garage away from the side property line.

Maria Clobota stated yes.

Member Smolik asked if they could do that.

Maria Clobota stated yes.

Member Smolik stated if they can do that, what is so special about this layout that the applicant has to seek a variance; if that garage can be rotated.

Maria Clobota stated that the front is 100 and she was told that they need 100 feet.

Member Smolik stated his point is if the garage can be rotated and the applicant is okay with it, he is not really sure why they would need a variance.

Chairman Kimble addressed the applicant and asked if they were okay with rotating the garage more.

Maria Clobota stated yes, to make it straight, yes. She stated that it looks much better the way they proposed it.

Chairman Kimble believed that no matter how much the garage is rotated, they are still going to require a variance.

Member Masterson stated that this application confused her as she was having a really hard time understanding because it is such a heavily wooded lot and just getting dimensions was difficult. She believes that it is nice that they are willing to change it, but she also understands that they may still need a variance even if they rotate it. She stated she didn't think that the Board should withdraw the application.

Chief Building Official Fursdon stated that even if they rotate the garage and lines it up with the rest of that house, they will still only have a 29 foot setback on that side, which is still 21 feet short of the required 50 feet.

Chairman Kimble stated to even be able to build a house per our ordinance on this property being 100 feet wide, it would have to be a 40 foot wide house or less and their home is 68 feet, 8 inches not including the bump out for the garage. So, it isn't possible to build this house on this parcel without requiring a variance. Even if they squared the garage up to the corner of that house, they would still be here requesting a variance. From an accessibility standpoint, if they make that garage completely flush with the north wall, it would be considerably more difficult to

back in and out of that garage. This is a unique piece of property.

Member Masterson stated that it is a unique subdivision. That is where practical difficulties come in to play. This is not a subdivision that has a lot of traffic at all. The first part does because of the park.

Chairman Kimble stated that with that park there, there is still a considerable amount of traffic going around there. It still comes down to whether it is a safety issue and he didn't believe that there was a safety issue and does it fit into that neighborhood. There are some fairly large homes built back there and the house to the west; he knows is within 50 feet. There is some bit of a trade-off here. He asked if there were any other comments from the Board members. Hearing none, he asked if there was anyone in the audience that would like to speak on behalf of this matter. Hearing none, he asked if there was anything from the Administration.

Chief Building Official Fursdon stated for the Board's information; years ago in other sections of the city, where there were smaller lots, people on corner lots were constantly coming for that variance on the second front yard. Those lots were only 50 feet wide and the front setback was 30. A former BZA member had a friend that was a traffic engineer with ODOT and they came up with a number of 12 feet that was as small as they wanted to go for that setback on that second side yard, but those houses were also set 30 foot off the main street right of way. This house is set well over 50 feet back from Glendale and 11 feet off of Woodlawn and so, from a safety standpoint like you suggested, he didn't think it should be a problem. There should be plenty of site line for anyone driving on those streets or going out of that driveway to see pedestrians, and what have you.

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

Yes, 4 No, 1 (Smolik)

Deputy Clerk Tjotjos announced the motion passed by a vote of four to one.

APPLICANT: James and Ann Reichle, 8585 Gatestone
OWNER: Same
REQUEST: A variance in lot coverage of 1.7 percent to build a detached garage
LOCATION: 8585 Gatestone Road in an R-1 District
Permanent Parcel No. 07-00-002-102-048

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

Chairman Kimble asked if there was a representative and if so, could they please step to the mic and state their name and address.

James Reichle of 8585 Gatestone Road was sworn in.

Chairman Kimble asked the representative to give a brief explanation of his request.

James Reichle stated he built the house in 1994 and like most people as you get older, you acquire more, your business does better and you acquire construction vehicles and have to move materials in and around and being at the very front of Ridgefield Development there, he likes to keep a nice tidy lot. He stated he doesn't like things strewn about. He needs places to put his construction vehicles. This will be adding onto the existing garage. They aren't encroaching on any neighbors. They are building into his backyard. It is primarily to keep order and organization in his business and in his yard. He needs the space for keeping things in order.

Chairman Kimble asked if the applicant already had the detached garage.

James Reichle stated a two car garage yes.

Chairman Kimble stated the applicant is just looking to put an addition on it to make it a little bit bigger.

James Reichle stated that way he doesn't have to leave the construction van out in the driveway for everyone to gawk at when they drive down the road.

Chairman Kimble stated he did not go by this property but is very familiar with where it is located. He has driven down the entrance numerous times and to be perfectly honest, he doesn't remember seeing the garage back there and so, it's not like it's this huge thing that jumps out when you come through. To add an addition on the way it has been drawn seems to be a very logical plan that he has. There are other ways the applicant could have went about it, but he believes this is the most well thought out design that he could have come up with and he was impressed with what the applicant had. He asked if there were any questions or comments from the Board.

Member Masterson stated that she lives on the same road Mr. Reichle does. She goes by his house all the time. She stated you can hardly see his house from the road truthfully, because he has a huge mound. He has a unique piece of property and had the misfortune of building his house right before Bob Schmitt built that subdivision. He was very accommodating to the residents and to Mr. Schmitt. She stated she used to work for Bob Schmitt and Mr. Reichle was very accommodating. She didn't think this was an excessive variance. He has a very strange piece of property. No one can really build anything near him.

Chairman Kimble stated that the applicant is requesting 11.7 percent lot coverage and he is allowed 10 percent.

Chief Building Official Fursdon addressed the applicant and asked with the new proposed addition, what would be the total square footage of that garage when built out.

James Reichle stated it is currently 26 by 26 and he is adding the addition. He asked if anyone had a calculator.

Member Cipriano stated it would be about 1,150.

James Reichle stated it would be 1,150 when completed.

Chief Building Official Fursdon stated that if the applicant were on less than a half-acre lot, he could be an outbuilding and a storage building in excess of 1300 square feet without a variance. The Board has always been lenient when they only wanted do one building to that equivalency.

Chairman Kimble stated Mr. Fursdon has a great point. He asked if there were any other questions from the Board. Hearing none, he asked if there was anyone in the audience that would like to speak on this matter.

Dennis Boose, 6405 Denise Drive was sworn in. He believed this was a reasonable request and a well-designed plan. It is a very unique property as it has been said here this evening and he thinks it is great that a resident would want to continue to maintain their property and the appearance of others in order to fit in. The city can hardly see it as you drive by it now. He agrees with Mr. Fursdon that if there were two separate buildings, the total square footage would be more than what he is asking for and so, he respectfully recommends that this variance request be accepted.

Bruce Abens, Ward III Councilman of 9373 Kenmore Way was sworn in. He stated he has actually had the privilege of sitting in Mr. Reichle's family room and has seen his property in the backyard. He does maintain his yard very well. It is a very nice piece of property. What the applicant is asking for will keep his property moving forward and looking nice. He doesn't think the variance is that big of a deal at this point. He would recommend allowing this variation.

Chairman Kimble stated at the end of it there is a lot of positives and no negatives as this came about. This variance is only 1.7 percent additional amount and no one in their right mind would be able to drive by and say that is clearly almost 2 percent too big.

James Reichle stated the law is the law.

Chairman Kimble stated if there are no other comments or questions, he would entertain a motion.

It was moved by Masterson and seconded by Smolik to approve the variance as

requested.

Yes, 5 No, 0

Deputy Clerk announced the motion was approved by a vote of five to zero.

APPLICANT: Heather Thornton, 5861 Rosebelle Avenue
OWNER: Same
REQUEST: The following variances to move an existing six-foot board on board privacy fence on a corner lot:
1). A 2 ½ foot height variance
2). A 50% closed variance
LOCATION: 5861 Rosebelle Avenue in an R-1 District
Permanent Parcel No. 07-00-070-111-001, 07-00-070-111-002, and 07-00-070-111-003

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

Chairman Kimble asked if there was a representative and if so, could they please step to the mic and state their name and address.

Heather Thornton of 5861 Rosebelle Avenue was sworn in.

Chairman Kimble asked the representative to give a brief explanation of her request.

Heather Thornton explained that she is on a corner lot and her back side yard is really small. She stated she wanted to extend the fence toward Rosebelle 12 feet. She has two dogs and having a small area is not big enough for them. She stated that getting a privacy fence would be nice because they are both herding dogs and they jump pretty high. She didn't think a three and a half foot fence would do well with that.

Member Thibodeaux addressed the Chairman and stated he drove by this property and it is a unique property. His first concern when he first saw the plans was the house directly south of it and if putting a six foot fence there would hamper their ability to see pulling out of their driveway whatsoever. He found that it definitely would not. He believes the fence would actually be a good thing for them. He asked the applicant if the yard behind her was pretty well kept.

Heather Thornton stated no, not at all.

Chairman Kimble stated he is glad member Thibodeaux brought up that same concern he had in the safety factor of a car backing out of the driveway and if there would be any visual obstruction from someone coming down the sidewalk. He asked member Thibodeaux if it was his

interpretation that this variance isn't a safety factor.

Member Thibodeaux stated that they almost have two driveways south of them. They have an actual cement driveway and just north of that they have a grass/gravel driveway for kind of a catch all. So, there is actually ten feet from where the fence would go and the actual cement driveway that is mainly used.

Council Liaison Hung addressed the Chair and stated that she sat in front of the applicant's house today for a while. She agrees with what Neil said. Her neighbor certainly likes to put his stuff against the applicant's fence line and she can't see where this will impede him being able to pull out of his driveway since he has so much stuff back there anyway. She visualized where the applicant wanted to go with it. She agrees with member Thibodeaux.

Member Masterson addressed the Chair and stated it seems as though we have corner lot issues.

Chairman Kimble stated it is the night for corner lots.

Member Masterson stated that she couldn't see any other way for this house to actually have any enclosed space other than the option that she is presenting. She was there last night and it is a very unique piece of property and it might actually help her neighbor.

Member Cipriano stated that the application reads to move a fence. He asked if there was a fence there now and if they were going to pick it up and move it to make more area inside the fence.

Heather stated that there is a plastic fence there and it isn't really sturdy. They want to remove that and make it an all wooden versus adding on to it.

Chairman Kimble addressed Assistant Law Director Morgan and asked if this variance is approved as stated, would that allow someone in the future, because a variance stays with the property, to build a fence all through the front all the way around the house 100 percent closed, six feet in height.

Assistant Law Director Morgan stated that this will be limited to whatever she is specifically asking for and if she is not asking for that....

Chairman Kimble asked if it would be limited to that.

Assistant Law Director Morgan stated that the Board is only granting a variance for her specific request.

Chairman Kimble stated that both his concerns have been completely covered. He liked the

applicant's plan and he agrees that having two herding dogs the more space the better. He has a large German Shepard that he knows could clear a three and a half foot fence with no problem. A six foot fence is definitely needed for that aspect. He asked if there was anyone in the audience that would like to speak on behalf of this matter. Hearing none, he asked if there was anything else from the Administration. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by Smolik to accept the variance as requested.

Yes, 5 No, 0

Deputy Clerk Tjotjos announced the motion passed by a vote of five to zero.

ADJOURNMENT:

Chairman Kimble asked if there was any other business to bring before the Board this evening. Hearing none he made a motion to adjourn.

MOTION CARRIED

The meeting adjourned at 7:49 p.m.

Chairman

Secretary Donna Tjotjos

September 27, 2018