

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
REGULAR MEETING – THURSDAY, AUGUST 22, 2019**

TO ORDER:

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

ROLL CALL:

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

Also present was Assistant Law Director Toni Morgan, Council Liaison Michelle Hung and Deputy Clerk of Council Michelle Owens.

Excused was member Neil Thibodeaux.

MINUTES:

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated Thursday, July 25, 2019. Hearing none, the minutes stand approved as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Glenn Flanagan; 37517 Tail Feather Drive, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Requesting a 4-foot fence height, requiring a ½-foot variance to N.R.C.O. §1294.01(h)(1)(A).

§1294.01(h)(1)(A) Along the street line and to the front line of the building located nearest to such street, no fence shall exceed three and one-half feet in height.

LOCATION: Meadow Lakes PCD; southeast corner of Hunter Lake Drive and Tail Feather Drive.

Permanent Parcel No. 07-00-033-115-003

CASE NO.: PPZ2019-0007

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

Chairman Kimble asked if a representative was present. He directed them to the podium to state their name and address for the record, and asked that they explain their application.

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Chairman Kimble explained the intent of the ordinances pertaining to corner lots. He stated that it comes down to safety, as a fence could create a visual obstruction to vehicles and pedestrians in the area. He asked about the proposed location and material for the fence.

Chairman Kimble spoke about the fence location, which is planned from the back corner of the home; not the front corner closest to the intersection. He indicated that the fence would not create a visual obstruction. He asked for any questions or comments from Board members. No discussion was offered. He asked if there were any audience members who would like to speak on the matter. No discussion was offered.

It was moved by Masterson and seconded by Smolik to accept [the variance as requested].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Thomas Tekesky; American Fence Company
3841 Ridge Road, Cleveland, Ohio 44144

OWNER: George & Erica Neider; 36184 Shaw Drive, North Ridgeville, Ohio 44039

REQUEST: Requesting a 5-foot chain-link fence in side yard, requiring a 1½-foot variance to N.R.C.O. §1294.01(h)(1)(A).
§1294.01(h)(1)(A) Along the street line and to the front line of the building located nearest to such street, no fence shall exceed three and one-half feet in height.

LOCATION: 36184 Shaw Drive; northwest corner of Shaw Drive and Shaker Drive; zoned RS-2 Special Residence District #2.
Permanent Parcel Nos. 07-00-026-107-033 to 07-00-026-107-035;
07-00-026-107-055 to 07-00-026-107-057

CASE NO.: PPZ2019-0009

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

Chairman Kimble asked if a representative was present. He asked that they go to the podium, state their name and address for the record and explain their application.

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Representative, American Fence Company, 3841 Ridge Road, Cleveland, Ohio 44144, was sworn in. He spoke about the site plan provided in the application. He explained that Shaker Drive is considered a side street but is not paved past the homeowner's driveway. He stated that, when the home was purchased, the applicant believed his side yard was not on a street since the pavement stops at the house.

Chairman Kimble stated that the property is located on a paper street. He explained that a paper street is essentially a dead-end road; and that the street is illustrated on maps but is not technically installed. He stated that it is basically like a road to nowhere but may someday change. He felt there were similarities to the previous application, and noted that the fence is planned for the rear corner of the house that is farthest from the intersection. He stated that, should the road be installed in the future, he does not believe a chain-link fence would create a visual obstruction. He asked for any questions or comments from Board members.

Vice-Chairwoman Masterson spoke about Shaker Drive being a paper street. She mentioned that the applicant lives by a lot of farmland that will likely be developed. She stated that a street will likely be installed there at some point in time. She felt the applicant should be made aware since it is platted as a street.

George Neider 36184 Shaw Drive, North Ridgeville, Ohio 44039, was sworn in. He responded that he was unaware of it at the time the property was purchased. He indicated that he may combine the multiple parcels into one if possible.

Chairman Kimble asked for any other questions or comments from Board members. No discussion was offered. He asked if there were any audience members who would like to speak on the matter.

Joe Stambaugh, 36166 Shaw Drive, North Ridgeville, Ohio 44039, was sworn in. He stated that his property is east of Mr. Neider's home and that the fence would be next to his property. He indicated that approving the variance would not affect him in any way and that he had no problem with it.

Chairman Kimble asked if there were any other audience members who would like to speak on the matter. No discussion was offered.

It was moved by Masterson and seconded by Smolik to accept [the variance as requested].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

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APPLICANT: Nelson Schorr, Swish 365, LLC; 1669 W 130th Street, Hinckley, Ohio 44233
OWNER: RIDGECO, LLC; 5000 Gateway Drive, Medina, Ohio 44256
REQUEST: Like-use determination for the operation of a recreation business within an industrial building.
§1278.02(c) Any other use of the same character which is determined and approved by the Board of Zoning and Building Appeals.
LOCATION: 38777 Taylor Parkway; zoned I-3 Heavy Industrial District.
Permanent Parcel No. 07-00-047-000-098 **CASE NO.: PPZ2019-0011**

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

Chairman Kimble asked if there was a representative present. He asked that he step to the podium and state their name and address for the record; and to discuss his application.

Nelson Schorr, 1669 W 130th Street, Hinckley, Ohio 44233, was sworn in. He stated that he would like to change the zoning from I-3 to recreational use and would like to put in five shooting zones. He explained that the shooting zones are similar to batting cages, but for basketball; and are equipped with specialized shooting machines that keep track of shooting statistics. He continued that he would like to have a full court area in the facility as well. He spoke about other Swish 365 locations: one in Hinckley, one in Solon and one opening in Middleburg Heights within a few weeks.

Mr. Schorr responded no. He then clarified that it was relatively new, as they only opened 13 months ago.

Chairman Kimble stated that it is very unique given that the location is zoned I-3 and they are seeking a recreational-use variance. He commented that an industrial building is wide open with plenty of room from a design standpoint: it would be perfect for basketball courts. He asked if they planned to use the whole building or just a portion.

Mr. Schorr replied that they would have approximately one-third of the building; Wolff Brothers would still be in the other two-thirds. He believed the building was only being used by Wolff Brothers as a supply station. He commented that a gymnastics facility is located directly across the street.

Chairman Kimble asked where customers would park.

Mr. Schorr responded that parking would be in front of the entrance door. He believed there would be room for approximately 20 parking spaces. He stated that their hours of operation would be 5:00-9:00 PM; 11:00 AM-6:00 PM on weekends – opposite from the hours of operation for most industrial spaces. He indicated that there would be one person per shooting zone; there would be no need for a lot of parking.

Vice-Chairwoman Masterson clarified to Mr. Schorr that he is asking for a variance. She stated

that the Board is not changing the zoning; it would stay the same.

Mr. Schorr responded correct, provided that a variance would allow for the facility.

Vice-Chairwoman Masterson replied that Mr. Schorr is asking for “less than”. She reiterated that, as discussed by Chairman Kimble, it would be a perfect place for a sports facility because their hours are completely opposite of a business [in an industrial parkway].

Chairman Kimble stated that the ordinances provide a list of like uses; and that it would be difficult to find a match for a recreational business. He noted the dance studio located across the street from the proposed facility, then mentioned a variance granted a couple years ago for a dog business in an industrial park. He indicated that a zoning of I-3 does not mean that it has to be; that there are other uses that can go there. He spoke about a T3 Performance in Avon that is in an industrial park, which was previously an old truck terminal; adjacent to a large factory. He stated that it worked well and there had never been any safety issues. He felt Mr. Schorr’s request to be very similar; and that it would be a good use of the space. He remarked that he would rather see a place for kids and families than an empty warehouse. He asked for any questions or comments from Board members.

Member Cipriano stated that, regarding like use, there was nothing similar to what was being proposed. He stated that none of the items listed were places where people come and go in a retail environment. He asked whether it would be inside the building.

Mr. Schorr answered that everything would be inside the building.

Member Cipriano asked if the portion of the building would be walled off.

Mr. Schorr responded that there would be a dividing wall separating the two spaces.

Member Cipriano commented that his concern was with safety.

Mr. Schorr stated that all of the other facilities are in industrial space for which they had been granted variances; and that he had no issues.

Member Cipriano noted that the applicant was not seeking a variance for parking. He asked whether all requirements for parking have been met.

Planning Commission Liaison Smolik explained that the applicant is only seeking permission by means of like-use determination. He stated that any site improvements would require plan submittal to Planning Commission. He asked Mr. Schorr whether they would be using the existing parking lot as is.

Mr. Schorr responded correct. He stated that sport court flooring would be installed inside.

Planning Commission Liaison Smolik stated that, because nothing would be changing from the

outside, it was unlikely anything would be submitted to Planning Commission.

Member Cipriano asked about loading docks and if there would be trucks coming and going.

Mr. Schorr responded that Wolff Brothers has deliveries throughout the day but their hours of operation are almost opposite the proposed facility. He felt it would be unlikely there would be a lot of trucks during their operating hours: 5:00-9:00 on weekdays; 11:00-6:00 on Saturdays and Sundays.

Vice-Chairwoman Masterson stated it is always good to use existing structures rather than new construction. She felt it would be a reasonable variance; and that, while not listed as a permitted use, it would not be possible to come up with every human creation. She stated that other areas do allow with “less than” zoning.

Planning Commission Liaison Smolik asked Assistant Law Director Morgan if an approval for like-use would disappear should the applicant decide to sell.

Assistant Law Director Morgan responded that it would have to be essentially the exact same business.

Chairman Kimble asked Assistant Law Director Morgan about permitted uses in an I-3 zoning district and whether they also include uses permitted in I-2 and I-1 zoning districts.

Assistant Law Director Morgan answered that she was not sure, but believed so.

Chairman Kimble commented that he thought they did, from what he had read; but that he wanted to check with the expert. He identified bowling alleys – a sports-related activity – as a permitted use in I-1 zoning districts. He spoke about the similarities between bowling and basketball. He reasoned that both activities take place inside and involve groups of people congregating for sport.

He asked for any other questions or comments from Board members. No discussion was offered. He asked if there were any audience members who would like to speak on the matter. No discussion was offered.

It was moved by Masterson and seconded by Smolik to accept [the variance as requested].

A voice vote was taken and the motion carried.

Yes – 4 No – 0

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APPLICANT: Thomas P. Feser; 5800 McKinley Avenue, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: Requesting addition to detached garage; located 2 feet from rear and side yard lot lines, and totaling 1,118 square feet:

- 3-foot variance to N.R.C.O. §1294.03(a) for the rear yard and side yard;
- 442-square-foot variance to N.R.C.O. §1294.03(d)(1).

§1294.03(a) ...Detached private garages shall be located not less than five feet from the side and rear yard lot lines and not less than ten feet from other buildings located upon the same lot with a detached private garage.

§1294.03(d)(1) ...No detached private garage shall exceed twenty-six feet in length or width or be over 676 square feet in area in any residential district zone with one-half acre or less.

LOCATION: West side of McKinley Avenue; zoned RS-2 Special Residence District #2. Permanent Parcel Nos. 07-00-008-110-010 and 07-00-008-110-011; 07-00-008-110-027 and 07-00-008-110-028; 07-00-008-110-032 and 07-00-008-110-033; and 07-00-008-110-044

CASE NO.: PPZ2019-0010

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

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

Tom Feser, 5800 McKinley Avenue, North Ridgeville, Ohio 44039, was sworn in. He stated that a barn had been built a few years ago. He discussed his plan for a barn at the back, right [northwest] corner of the lot. He explained that he has a lot of projects and wanted the additional garage space. He described the barn as situated approximately 11-12 feet before the property line. He stated that, in order to maintain a five-foot distance from the property line, he could only install a six-foot-wide garage door: not wide enough for a car. His request was to allow the garage to extend closer to the property line, which could accommodate a wider garage door.

Chairman Kimble asked if he wanted to be able to pull behind the existing building into a garage.

Mr. Feser responded no; that the addition would start on the corner of the building. He explained that he would pull around the side of the existing barn and, a few feet before the end, there would be a garage door. He explained that he would need one foot on each side of an eight-foot garage door. He felt this could not be accomplished without approval of a variance.

Chairman Kimble asked if the addition was to the north side of the current structure, where the driveway is located.

Mr. Feser responded correct.

Chairman Kimble asked why he could not build on the south side of the garage; between the house and the garage.

Mr. Feser replied that he could but that the neighbor to the north does a lot of mechanical work and has five dogs. He felt this design would provide them both with privacy; that it would create a relatively-fenced-in area preventing the neighbor's dogs from coming onto his property. He explained that, while he could install a fence, he does not like them.

He spoke of a conversation with his neighbor, in which the neighbor expressed concern with rainwater draining onto his property. He explained that, with the current design, the rainwater would be retained on his own property; not drain onto his neighbor's. He stated that there is approximately 12 feet behind the neighbor's garage before the property line, which the neighbor does not use.

Chairman Kimble explained that one of the functions of the Board is to look for the hardship. He asked Mr. Feser his reasoning for needing the structure two feet from the property line.

Mr. Feser indicated that much of the design was to accommodate the garage door. He felt it would look unusual to install a garage door and leave only a couple inches on each side. He stated that it would not be worth doing if it would look funny. He explained that his design would also benefit his neighbors living to the north.

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

Planning Commission Liaison Smolik stated that three driveways appear to be located on the parcel. He asked Mr. Feser to explain the other garage spaces on the lot.

Mr. Feser used the aerial images to identify the original house and original driveway. He stated that he had since built an addition on the home and installed a second driveway. The third driveway goes around the barn on the north side.

Planning Commission Liaison Smolik asked whether there are existing garages for the other two driveways.

Mr. Feser responded that the original home has a two-car garage.

Planning Commission Liaison Smolik asked if the middle driveway leads to a garage.

Mr. Feser indicated that it had no garage; that it was solely for outdoor parking.

Planning Commission Liaison Smolik asked if the barn could be used to store a car.

Mr. Feser answered that he could, but that it was already full of other things.

Planning Commission Liaison Smolik was concerned he would be shoehorning something into such a small space. He stated there is plenty of other space on the parcel. He asked if he had thought of just expanding the existing two-car garage to the south.

Mr. Feser remarked that it would look strange when viewed from the front of the house.

Planning Commission Liaison Smolik commented that he does not see a hardship. He stated that there is plenty of parking and available land for the structure.

Mr. Feser asked if he was suggesting that he build another structure and take up another piece of land.

Planning Commission Liaison Smolik responded that the reason for the five-foot setback was to keep it off the property line and to have drainage. He stated that he is basically up to the property line, within two feet.

Mr. Feser commented that, if a downspout comes down and is directed toward your neighbor's yard – whether it is five feet or three feet from the property line – it would still go on the property.

Planning Commission Liaison Smolik understood but stated that Mr. Feser would need to put a swail there.

Mr. Feser stated that a swail is already there. He explained that the neighbor's property is at a lower elevation. He indicated that an agreement had been made to divert water to the other side of the structure; nothing would come off his roof and go onto the neighbor's property. He spoke about the neighbor's land and the problems they already have with drainage. He felt that the gutter system could potentially help his neighbors. He then stated that there is plenty of property on which to build but felt it would look unappealing. He suggested that his goal was to improve the street. He then spoke of other changes near his home, mentioning an expansion to CARSTAR Collision, and felt his request for an addition to his barn would not be an issue. He understood the point conveyed by the Board and why they would not break code unless they had to. He believed he identified several benefits for both him and his neighbor; but remarked that it would not be worth building anything if the garage door would not be wide enough for a car.

Chairman Kimble commented that there was plenty of space to expand the barn to the rear of the property. He asked Mr. Feser if he thought about this option.

Mr. Feser responded that he does not like to create spaces where there is no backyard. He stated this was the reason the structure would only be 13 feet wide. He felt it would no longer seem residential; it would feel more commercial. He wanted a place to finish his projects and did not want to detract from the aesthetics from the property. He commented that he could put the addition at the other side of the barn but that it would not provide the same level of privacy.

Chairman Kimble stated that he could still accomplish the wall effect by adding to the rear of the existing garage; on the west.

Mr. Feser asked how he would get a car into it. He stated that was the whole idea; that he would not want a backyard that is just a building. He believed this would ruin the aesthetics of the backyard. He indicated that he had done something similar about 20 years ago and that it did not help his property value.

Council Liaison Hung asked Mr. Feser to clarify his drawings.

Mr. Feser explained the location in the northwest corner. He stated it would be out of the way in the back corner; and it would look almost like a duplicate of the existing front garage.

Council Liaison Hung spoke about the suggested locations. She asked if Mr. Feser's intention was to keep them grouped as his project area.

Mr. Feser responded yes. He believed this option would provide privacy and maximize enjoyment of his backyard.

Council Liaison Hung explained that the Board must find a hardship or reason. She clarified his hardship was the noise and commotion from neighbors and dogs; and this would allow him to consolidate things on the property.

Mr. Feser stated that his hardship was not consolidating, but rather the installation of a garage door to allow him to use the side and enjoy the whole backyard. Regarding the exterior, he stated it would look just like the existing garage, but a thinner version.

Chairman Kimble asked if the design would be a two-story barn like he currently has or a one-story.

Mr. Feser replied that it would be the same design, but between seven and ten feet shorter.

Council Liaison Hung observed that the property is across from Bulk-N-Bushel. She indicated that Mr. Feser's property, located on a gravel road, appeared to be out of the way; and that there is not a lot of traffic.

Chairman Kimble stated that, to help the applicant, he always tries to find the hardship to make it possible to approve the variance. He spoke about the lot lines as illustrated on the *Lorain County Auditor* website. He described the parcels in the area of Lear Nagle Road as 25-foot lots. He stated that Mr. Feser's neighbor owns two parcels directly north of him and, if he wanted, his neighbor could tear down his garage and sell it as one 50-foot, buildable lot. He estimated that the neighbor's home would then be situated one foot from the property line. He explained that – in order for his neighbor to sell the lot – his neighbor would need to request a variance for his home to be located one foot from the property line. He indicated that he would find it difficult to

vote for approval of a home to be located one foot from the property line, let alone a shed.

He spoke about Mr. Feser's neighbor and the existing shed and barn already established on his property. He explained that a two-foot variance would still leave 14-18 feet between the proposed structure and what already exists on the neighbor's property; and that it would not be a visual obstruction or out of character for the area. His concern was that the neighbor could add to the back of his barn, leaving only four feet between the two structures. He reiterated that other options are available to Mr. Feser.

He asked for any other questions or comments from Board members.

Mr. Feser referred to a conversation with Chief Building Official Fursdon. He explained that it was his understanding that he could have a lot coverage of 10% if his property exceeded one half acre.

Chairman Kimble stated that was for one acre or larger.

It was noted that Mr. Feser's property was approximately 0.76 acres.

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

It was moved by Smolik and seconded by Cipriano to deny the 3-foot side yard setback variance.

A voice vote was taken and the motion carried.

Yes – 3 No – 0 Abstention – 1 (Masterson)

It was moved by Smolik and seconded by Cipriano to deny the square-footage variance.

A voice vote was taken and the motion carried.

Yes – 2 No – 1 (Kimble) Abstention – 1 (Masterson)

OTHER BUSINESS:

None

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ADJOURNMENT:

The meeting adjourned at 8:12 PM.

Shawn Kimble
Chairman

Michelle A. Owens
Deputy Clerk of Council, Secretary

Thursday, September 26, 2019
Date Approved