

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE  
REGULAR MEETING – THURSDAY, JUNE 27, 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, Neil Thibodeaux, 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 Planning Commission Liaison James Smolik.

**MINUTES:**

Chairman Kimble asked if there were any corrections to the special meeting minutes dated Monday, May 13, 2019. Hearing none, the minutes stand approved as presented.

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated Thursday, May 23, 2019. Hearing none, the minutes stand approved as presented.

**PLANNING COMMISSION REPORT(S):**

None

**OTHER REPORTS OR CORRESPONDENCE:**

None

**PUBLIC HEARINGS:**

**APPLICANT:** Patrick Rivera  
36272 Atlantic Ave, North Ridgeville, OH 44039

**OWNER:** Patrick and Mary Rivera  
36272 Atlantic Ave, North Ridgeville, OH 44039

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

**LOCATION:** Hampton Place Subdivision at the northeast corner of Atlantic Avenue and Covey Drive, zoned within an R-1 Residence District.  
Permanent Parcel No. 07-00-029-000-270

**CASE NO.: BA2019-0399**

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.

Patrick Phillip Rivera, 36272 Atlantic Avenue, North Ridgeville, OH 44039, was sworn in. He discussed plans to build a swimming pool in his backyard. He stated that his backyard is quite wide and that he does not want to solely fence in the swimming pool. He spoke about the discrepancies between N.R.C.O. §1294.01(h)(1)(A) and §1294.01(e)(3). He stated that §1294.01(h)(1)(A) prohibits the fence height to exceed three and one-half feet; §1294.01(e)(3) requires a minimum height of four feet.

Chairman Kimble remarked that the two ordinances seem to be competing against one another. He stated his opinion is that the additional six inches is minimal and, given that the fence will border a swimming pool, it would only enhance safety. He asked if the fencing material shown in the picture he provided within his application is what he intends to use.

Mr. Rivera responded that it was. He stated that the fence is a black, aluminum fence with two self-closing safety gates.

Assistant Law Director Morgan discussed the conflicting ordinances and stated that the specific typically supersedes the general. She explained that the ordinance specific to swimming pools would supersede the ordinance pertaining to general fence requirements. She additionally stated that the ordinance passed most recently would supersede the older rule. She commented that there would be no reason to not approve the applicant's request.

Chairman Kimble believed it to be a practical request. He noted that the applicant resides on a corner lot, which essentially has two front yards. He stated the intent of the ordinance is to prevent visual obstructions that could arise from taller fences. He felt there to be no visual obstruction that would create a safety hazard. He asked for questions or comments from Board members.

Member Thibodeaux spoke about his observations when visiting the property. He agreed that there would be no visual obstruction created by granting the applicant's request.

Chairman Kimble 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 Thibodeaux to approve the variance as requested.

A voice vote was taken and the motion carried.

Yes – 4          No – 0

**APPLICANT:** Dennis M. Shay  
5435 Wallace Blvd, North Ridgeville, OH 44039

**OWNER:** Marlene A. Shay  
5450 Cornell Ave, North Ridgeville, OH 44039

**REQUEST:** Requesting to construct a detached garage 1½ feet from rear yard and side yard lot lines:

- 3½-foot rear yard variance to N.R.C.O. §1294.03(a); and
- 3½-foot side yard variance to N.R.C.O. §1294.03(a)

**LOCATION:** West side of Cornell Avenue, north of Elm Street and South of Lewis Street; zoned within RS-1 Special Residence District #1.  
Permanent Parcel No. 07-00-018-105-140 **CASE NO.: PPZ2019-0001**

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, sign in and explain their request.

Applicants were sworn in.

Marlene A. Shay, 5450 Cornell Avenue, North Ridgeville, OH 44039, stated her request is to construct a 1½-car detached garage in her back yard. She spoke about typical back yards on Cornell Avenue, which measure 33-by-60 feet in width. She stated that she has a 10-foot deck in her back yard and would need to cut off a corner of it in order to fit the proposed garage. She continued that, by constructing the garage five feet from the lot line, her driveway into the garage would need to curve behind her house into her back yard; and it would be difficult to maneuver. She stated that granting the variance would allow for a driveway directly into the garage.

Dennis M. Shay, 5435 Wallace Boulevard, North Ridgeville, OH 44039, discussed a neighboring property to the south, 5468 Cornell Avenue, which has a 2½-car garage but only half can be accessed.

Ms. Shay spoke about a conversation she had with her neighbor. She stated that he had referred to the inaccessible portion as wasted space.

Vice-Chairwoman Masterson asked if she would be getting rid of the shed.

Ms. Shay answered yes.

Chairman Kimble discussed the impracticality of building a garage of any size in the rear yard. He believed that, without the variance, a vehicle would likely be unable to make the turn into the garage.

Member Thibodeaux spoke about similar properties on Cornell Avenue. He stated that he

observed at least ten garages situated less than five feet from the lot line.

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

Member Cipriano stated that it does seem like a practical difficulty.

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

It was moved by Cipriano and seconded by Thibodeaux to approve the application as requested.

A voice vote was taken and the motion carried.

Yes – 4      No – 0

**OTHER BUSINESS:**

None

**ADJOURNMENT:**

The meeting adjourned at 7:19 PM.



**Shawn Kimble**  
*Chairman*



**Michelle A. Owens**  
*Deputy Clerk of Council, Secretary*

Thursday, July 25, 2019  
**Date Approved**