

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE REGULAR MEETING HELD OCTOBER 23, 2014**

**TO ORDER:** The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

**ROLL CALL:** Present were members Mario Cipriano, Martin DeVries, Tim Anderson, Linda Masterson and Chairman Shawn Kimble.  
Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan and Secretary, Donna Tjotjos, Deputy Clerk.

**MINUTES:**

Chairman Kimble asked if there were any corrections or additions to the minutes dated September 25, 2014. Hearing none he asked for a motion on the minutes.

It was moved by DeVries and seconded by Cipriano to approve the minutes dated September 25, 2014.

Yes, 5                      No, 0

Motion was approved by a vote of five to zero.

**REPORTS:**

Chairman Kimble asked if there were any reports to come before the Board this evening. No reports were offered.

**OTHER REPORTS AND CORRESPONDENCE:**

**PUBLIC HEARINGS:**

**APPLICANT:** Debbie Cartwright, 33785 Chestnut Ridge Road.

**OWNER:** Same.

**REQUEST:** A two-foot side yard variance to construct a detached garage.

**LOCATION:** 33785 Chestnut Ridge Road in an R-1 District; Permanent Parcel No. 07-00-010-107-047.

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

Chairman Kimble asked if there was a representative and asked her to state her name and address.

Debbie Cartwright of 33785 Chestnut Ridge Road was sworn in. She brought photographs for the Board members to review. She described the shape of her lot along with noting that her adjacent neighbors happen to be the State of Ohio. She asked the members to review the last page of the photographs and explained that there are two windows on the side of her kitchen. She explained that for 36 years she has wanted to build a garage and she wanted it to be behind those windows. After figuring out the measurements she would need, her construction company measured and stated it was too close to the property line. She stated that is why she is here for the variance. She explained that if they don't get the variance, the building would be too small to

use. She further explained that the turnpike is right behind her and it wouldn't affect the turnpike nor would it affect any residents because they wouldn't be able to see it. She said if they moved it forward it would take some of the view from the kitchen windows. She stated that even though this may be a personal benefit, it will also bring the home up to a standard home in North Ridgeville with garages.

Chairman Kimble stated that he has been by the property and one of the facts that stood out to him was that the adjacent neighbor is the turnpike. He stated he was fairly certain that the State isn't going to build a structure there. Visually driving down the road, he tries to look at what makes sense and he is not going to be able to tell whether the garage is three feet off the property line or five feet off. No one would be able to see that difference as it is just not possible. If this parcel was regular shaped rectangle lot, it may be noticeable, but this is a unique shaped lot with a unique situation. He sees no issues with this variance as it makes complete sense. He asked if there were any questions or comments from the Board members.

Member Masterson stated that this property and request is every reason why this Board is here. As the Chairman said, common sense needs to be used in this situation. Two neighbors are government agencies that are never going to change.

Ms. Cartwright stated one other point she wanted to make was that she owned the one parcel that is next to her and the very next neighbor is two parcels away.

Chairman Kimble stated that even with that said, this is not going to look visually wrong. If this was in a residential neighborhood where all the lots were the same size and there were two barns three feet off the property line, it will visually look incorrect. This parcel, again, is unique in its shape and location. The hardship in this case is the shape of the property and where it is located. It seems to make perfect sense.

Member DeVries asked if there were any plans to put a door at the rear of the garage.

Ms. Cartwright explained where the doors would go and showed the location on the drawing.

Chairman Kimble asked if there was anyone in the audience that would like to speak on behalf of this matter. Hearing none, he entertained a motion.

It was moved by Masterson and seconded by Cipriano to approve the request for a two-foot side yard variance to construct a detached garage.

Yes, 5                      No, 0

Motion was approved by a vote of five to zero.

**APPLICANT:** Charles Harvey, 37299 Sugar Ridge Road.  
**OWNER:** Same.  
**REQUEST:** Lot coverage requiring a 1,336 square-foot variance for the construction of an outbuilding.  
**LOCATION:** 37299 Sugar Ridge Road in an R-1 District; Permanent Parcel No. 07-00-035-102-023.

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

Chairman Kimble asked the representative to come forward and state his name and address for the record.

Charles Harvey of 37299 Sugar Ridge Road was sworn in.

Chairman Kimble asked him to tell the Board a little bit about his application.

Mr. Harvey spoke but unfortunately not all of his testimony was audible as he did not speak into the microphone. The audio did pick up explanation that he wanted to build a pole barn on his property to store tools and a couple of trucks. He stated that the Building Department suggested that he put it up front. He agreed but he would have to shorten the building to 20 by 20. He put the poles in and the gravel and came home to find a red sticker on his back door that stated he couldn't put the barn there. He called into the Building Department and was told that there wasn't enough space between his property line and the neighbor's property line. He asked what he should do and he was told to move it to the back. He tore everything down and moved it to the back only to find another red sticker that said he had to come 22 feet from the pin. He took everything down and now he is asking for a four foot variance to move the barn ahead, which will accommodate the 100 feet from the pin and the Building Department had required.

Chairman Kimble asked the representative if he was going to move the barn up.

Mr. Harvey stated that he took most of it down and now he is going to move it ahead another 22 feet.

Chairman Kimble asked if because he is able to do that he was asking to make the garage bigger now.

Mr. Harvey stated yes. He is making it 24 by 30 now.

Chairman Kimble asked how big it was before all this.

Mr. Harvey stated it was 20 by 20. When he moved it to the back he was trying to build it 24 by 30. He stated all he was asking for was a four foot variance.

Chairman Kimble corrected the representative and stated what is being asked for tonight is a variance on the lot coverage. The information being brought forward now is new to him. He addressed Chief Building Official and asked for his clarification.

Chief Building Official Fursdon stated Mr. Harvey applied for his permit and he wanted to place the pole barn on his side yard. They received a plot plan that they had on file and determined that it would fit between the house and his property line. Unfortunately, when he constructed it, it encroached onto Khovanian's property of the Waterbury Subdivision. Both the Building Department and Khovanian Homes informed him that he had to move the building from Khovanian's property. He did not tell the Building Department where he was going to locate it in the back yard but proceeded to move it to his back yard. Unfortunately, he has a flood plane back there. He has an identified floodway that is 100 feet out of the center line of that ditch and he can't construct in that flood way. You can construct in a flood zone, but not in a flood way. That is why he needs to get the additional footage closer to the house to get out of that identified flood way. At this point, he determined that he wanted to increase the size of the building and because he is more than a half acre lot, they evaluated under lot coverage and he exceeds the house and the other out building that he has and this proposed one exceeds the lot coverage. If it was viewed as a less than a half acre lot, he would be allowed a 26 by 26 or a 676 square foot building and that is why he gave the Board a heads up as if they viewed it as if it was less than a half acre lot, then they are only looking at 64 square feet; so it is not that big of a variance that would be requested.

Chairman Kimble stated he was going to ask about that because if it was under a half acre, he could have a garage of that size and an outbuilding of that size.

Chief Building Official Fursdon stated yes.

Chairman Kimble stated that he is a little bit over a half an acre. That clarifies quite a bit because he was confused on how there was a 1,336 variance and how that didn't apply with having the two buildings.

Chief Building Official Fursdon stated that as the representative stated, he has to be 100 feet off the back lot line that was the confusing statement. That is where the identified flood way ends.

Chairman Kimble stated that it is much less of a variance than what appears here. He explained that the 1,336 variance may seem like a lot, but taking into account the lot being just over a half acre and the flood way, there is a hardship here.

Member Masterson stated as with the last case, the representative doesn't have the highway as a hardship, but he has a 100 foot flood way, which are not happy things. A flood way means that he cannot build anything there. In this case, this parcel is also uniquely shaped which also

causes hardship. As the Board has stated in previous cases, the Board would prefer to see one building versus two outbuildings which is what could be placed here.

Chairman Kimble stated that being that the representative has over a tenth of an acre over the half acre, it is pretty much right there. There has to be some flexibility on how the Board approaches this and he would rather see one building then the two. He asked if there were any questions or comments from the Board members. Hearing none, he asked if anyone in the audience would like to speak on this matter. Hearing none, he asked for a motion.

It was moved by Cipriano and seconded by DeVries to approve the request for lot coverage requiring a 1,336 square-foot variance for the construction of an outbuilding.

Yes, 5                      No, 0

Motion was approved by a vote of five to zero.

**OTHER BUSINESS:**

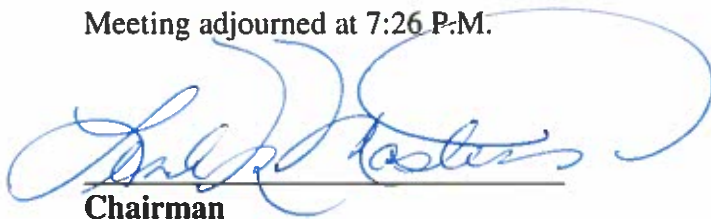
Chairman Kimble stated that the Board did receive a piece of correspondence this evening from the Law Director, Andy Crites concerning the application that was in front of the Board, which was postponed from the last meeting until this evening. The City has reached an agreement with Mr. Darby and has withdrawn the violation. There is no action for us to take as the Board this evening. The City has worked everything out and if there is anyone in the audience that are here for that case, you may direct your questions to Law Department tomorrow in order that you find out details of what the settlement was. As far as this Board is concerned, there is no action to take on it.

**ADJOURNMENT:**

It was moved by Chairman Kimble to adjourn the meeting.

**MOTION CARRIED**

Meeting adjourned at 7:26 P.M.

  
**Chairman**  
**Secretary**

November 20, 2014  
**Date**