

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD MAY 28, 2015**

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, Planning Commission Liaison Tim Anderson, Vice Chairman Linda Masterson, and Chairman Shawn Kimble.
Also present was Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Council Liaison Bernadine Butkowski and Secretary, Donna Tjotjos, Deputy Clerk.

MINUTES:

Chairman Kimble asked if there were any corrections or additions to the minutes dated March 26, 2015. Hearing none, he asked for a motion to approve.

Moved by DeVries and seconded by Cipriano to approve the minutes dated March 26, 2015.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five yes and zero no.

REPORTS:

Chairman Kimble asked if there were any reports from Planning Commission or the Board of Flood and Drainage Control.

No reports.

OTHER REPORTS AND CORRESPONDENCE:

Chairman Kimble stated that there are no other reports or correspondence and moved the meeting on to the public hearings. He asked the Clerk to read the first application under public hearings.

PUBLIC HEARINGS:

APPLICANT: Harold Bogner, 33008 Woodhaven Circle

OWNER: Same

REQUEST: The following to construct a two-family dwelling in an R-1 District
1). Conditional use
2). A five foot side yard variance

LOCATION: East side of Greenlawn Drive in an R-1 District
Permanent Parcel No. 07-00-028-103-125

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

Chairman Kimble asked if there was a representative and if they could state their name and address so he could swear them in for the record.

Harold Bogner of 33008 Woodhaven Circle was sworn in. He explained that he would like to build a duplex on this piece of property. It is located just south of the new office building on Center Ridge Road. They attempted to have another commercial building built on that property; however, with the research that they did resulted in the property not being conducive for another commercial building and so, they found that this would be the best use of the property. He stated that they have their home for sale and it is not definite yet how they are going to do it. Thoughts were to move in to the one side and rent out the other side. It would be just one duplex on this particular lot. It would be 84 feet wide and 46 feet deep. He showed a picture of what the duplex would look like. He stated that they are requesting the side yard variance of five feet. On the other side of the property, they are giving a 40 foot easement to the city for tile.

Chairman Kimble stated that he has been by the property and is familiar of where it is at and duplexes have been around. They are all over the place and are scattered from spot to spot and this Board has approved a number of these throughout the years. One thing that he pointed out with this case is that it is R-1, but it is tucked in right behind commercial. There is a subdivision that is going to be built at some point that is located directly to the side of this property. It seems as though this use would fit in as it is tucked in behind a commercial building and is directly north of a new subdivision. He stated that he is certain the city is appreciative of what has been given in terms of the drainage.

Harold Bogner stated that they try to do well and will certainly try to live up to their promise on that. He explained this building is similar to the style of the office building and will blend in. He can't speak to the subdivision.

Chairman Kimble asked if there were any other comments from the Board members.

Member Masterson stated that the Chairman addressed most of her concerns. Everything that has been stated is correct. This property is in an R-1. However, this is in a unique area and she can understand where the applicant has decided to size this house. One of the reasons the Board is here is to honor reasonable requests. She doesn't see how this use could be a bad situation. She believes that the applicant has met all the conditions.

Chairman Kimble asked if there were any other questions from the Board members.

Council Liaison Bernadine Butkowski addressed the Board and stated that as she was going over this, she noticed the new development is all going to be single family and there is commercial there. She stated as Chairman stated that there are duplexes all over the city and some of them look good and some of them don't. She is concerned about a duplex being near the commercial

area and what might happen to it over the years. Houses live for hundreds of years and it's not just about what is happening right now, it's what the full history of the house is and with the area being commercial and the other property being single family and this will be a rental unit. They get really crummy sometimes and she just would hate to see that whole area have a bad apple in that commercial area. She stated they could build a single family there and it would look fine. It would have a better chance of keeping its quality.

Chairman Kimble stated that is a great point made. Throughout the city there are places where the duplexes look like they fit in and others where they look like they stand out. From the standpoint of it being a rental or it going to waste, this Board had no control over that and for that matter, a single family home can go to waste just as fast as a duplex can as it can be a rental the entire time. One important thing that he pointed out is that this building will have similar designs to what is there to the north, the commercial building and so, it will blend in more than what a single family home would as a single family home could stick out like a sore thumb.

Council Liaison Butkowski stated that it could, but just the history of duplexes has a worse history than single family homes. She knows that some single family homes get really ratty to, but a good example would be where Our Place restaurant is located. There a few that look fine and there are those that don't look good and there are some nice homes in that area surrounding that. She feels sorry for the people that live there. She just didn't want a commercial area being degraded because of a duplex.

Member Masterson stated that while she understands Councilperson Butkowski's concern, the Board can't address what may happen to a property.

Council Liaison Butkowski stated she just meant that this should just be a single family and for the Board not to give him permission to build a duplex. The chances of it staying better....

Member Masterson interrupted and stated that there is a duplex right across the street from this location. On Center Ridge there are duplexes right there across the street.

Council Liaison Butkowski stated that is Center Ridge and it is whole different....

Member Masterson stated that there are duplexes on Route 83 as well.

Council Liaison Butkowski stated she is talking about this particular neighborhood.

Member Masterson stated that he is not asking for the variance in regard to the duplex, he is asking for a variance in regard to the side yard.

Council Liaison Butkowski stated that he is asking for conditional use for the duplex.

Member Masterson stated he also owns the funeral home and the office building on Center Ridge within that neighborhood.

Council Liaison Butkowski stated that she believes that a house has a history of a lot longer than a duplex.

Member Masterson stated that Mr. Bogner also has a history of being a good neighbor.

Council Liaison Butkowski stated that isn't what she means. She believes that the duplex sitting there could be there for 100 years and a house lives longer than any person lives and because it's a commercial area she just thinks that...

Chairman Kimble stated one point that will put this to rest right now is that what could happen in the future positive, negative, who the owner may be, doesn't matter today with this application. The question is, is does the Board feel that the conditional use for the duplex is reasonable. He feels as though it is. He stated that side yard is a hardship.

Member Masterson stated that is what she was trying to explain. The conditional use for the duplex, she didn't feel was an unreasonable request. It is outlined as an option for this Board. The Board can not address what may or may not happen in the future.

Council Liaison Butkowski stated that was just her reason for not having a duplex to just keep it as a single family lot. This is a request for conditional use as it is zoned for single family use.

Member Masterson stated that she agrees but Council has given the Board the latitude to address conditional use as it is stated in the ordinance.

Chairman Kimble asked if there were any other comments or questions 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 entertained a motion.

Moved by Masterson and seconded by DeVries to approve the conditional use and the five foot side yard variance

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five yes and zero no.

APPLICANT: Sheila Kovach, EPIQ Construction Services, Inc., 55 Erieview Plaza, Suite 370, Cleveland, Ohio

OWNER: Esber Properties, LLC, 6210 Stoney Ridge

REQUEST: The following to construct a residential dwelling in an RS-2 District
1). A six foot rear yard variance
2). A one foot lot depth variance

LOCATION: Aspen Street in an RS-2 District
Permanent Parcel Nos. 07-00-020-105-037, 07-00-020-105-038, 07-00-020-105-039

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

Chairman Kimble asked if there was a representative and if they could state their name and address so he could swear them in for the record.

Richard Esber of 6210 Stoney Ridge Road was sworn in. He explained that he has owned the land for some time now and has decided to build a house on it. He meets every house in the neighborhood. He is looking for a six foot variance on the back yard. The lots are all 99 feet over in that area and so, he is looking for a variance of one foot so he can fit this house on the property and do something with it and help the neighborhood. There are only a few lots left in that area.

Chairman Kimble stated he has been by the property and is well aware of where it is. It is a well thought out plan. Even with the rear yard setback, all the homes in that area are limited to the 99 feet. The applicant doesn't have much room to begin with. The one main point the applicant has shown is that he did maintain the front yard setback. So instead of moving the house forward, which would be a little bit different circumstance in front of the Board, but keeping the smaller back yard, he didn't think it would be noticeable to anyone driving down the road for them to state the house stands out and it's a problem. It will be visually coherent and will blend in with the neighborhood. He believes the neighbors would rather see another house built there versus a vacant lot. He asked if there were any questions from the Board.

Member Cipriano stated that the lots there are all 99 feet. He wondered whether, when these homes were built, they all had to receive variances. In any case, he was also able to measure using online tools and the adjacent homes all have the same situation. They are not at the appropriate distance from the back of the property to the property line. He didn't see any problem with this whatsoever as it seems to fit right in with the neighborhood and is similar to adjacent houses.

Chairman Kimble asked if there were any other comments.

Member DeVries agreed and believes that it will be an upgrade to the neighborhood. Right now it is kind of overgrown with some grass and he wasn't sure what is in the middle.

Richard Esber stated that the previous owner had that there when he acquired the land and he just left it there and cut around it.

Chairman Kimble stated that it only improves the neighborhood having another house built there. Right now it stands out because it is a vacant lot and once that is all it will be visually coherent

and it seems to make perfect sense to him. He asked if there were any questions or comments from the Administration. Hearing none, he opened the floor to the audience. Hearing no one, he entertained a motion.

Moved by Cipriano and seconded by DeVries to approve the following to construct a residential dwelling in an RS-2 District: A six foot rear yard variance and a one foot lot depth variance.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

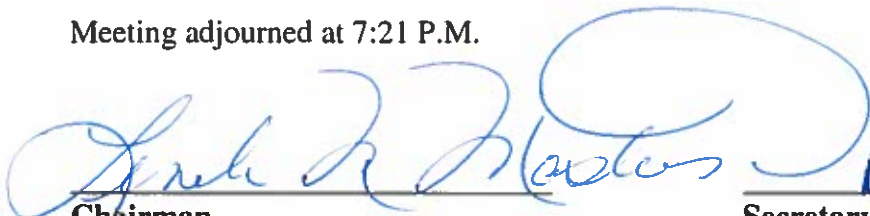
Motion was approved by a vote of five yes and zero no.

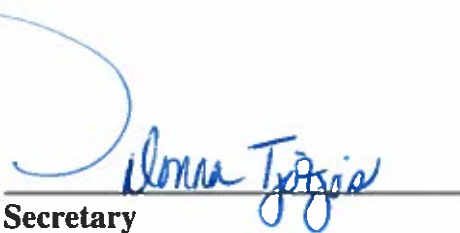
OTHER BUSINESS:

ADJOURNMENT:

It was moved by Chairman Kimble to adjourn the meeting.
MOTION CARRIED

Meeting adjourned at 7:21 P.M.


Chairman


Secretary

June 25, 2015
Date