

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE REGULAR MEETING HELD JANUARY 26, 2017**

**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, and Vice Chairperson Linda Masterson.  
Absent was Chairman Shawn Kimble.  
Also present were Chief Building Official Guy Fursdon and Deputy Clerk Donna Tjotjos.

**ELECTION OF OFFICERS:**

Member Masterson opened the floor for nominations. She asked if there were any opposition to retaining the same officers as in 2016.

It was moved by DeVries and seconded by Cipriano to retain the same officers as in 2016.

Yes, 4            No, 0

The motion was approved by a vote of four to zero.

**MINUTES:**

Vice Chairman Masterson asked if there were any corrections to the minutes dated December 22, 2016. If there are no objections, those minutes will stand as approved and will be placed on file.

**REPORTS:**

Vice Chairman Masterson asked if there were any reports from Planning Commission.

Member Anderson stated no report.

Vice Chairman Masterson asked if there were any reports from Board of Flood and Drainage.

Member Cipriano responded no report.

**OTHER REPORTS AND CORRESPONDENCE:**

Vice Chairman Masterson addressed the Clerk and asked if there were any other reports or correspondence.

Deputy Clerk Tjotjos stated that at everyone's desk tonight is a copy of the 2016 final Board of Zoning and Building Appeals dockets.

Vice Chairman Masterson moved the meeting on to the public hearings and asked the Clerk to read the first application.

**PUBLIC HEARING:**

**APPLICANT:** Michael Homan, Northcoast Dog Training, LLC, 21139 Lorain Road, Fairview Park, OH 44126

**OWNER:** Justin Fischbach, 26986 Glenside Lane, Olmsted Township, OH 44138

**REQUEST:** The following approvals in order to run a kennel and dog training facility in a B-3 District:

- 1) Conditional use to operate a kennel
- 2) Determine like use to those that are permitted uses in a B-3 to operate a dog training business
- 3) A 100 foot front yard variance for kennel operation

**LOCATION:** 9425 Avon Belden Road in a B-3 District.  
Permanent Parcel No. 07-00-024-101-054

Application was read along with the Chief Building Officials comments.

Vice Chairman Masterson asked if there was a representative and if they could go to the podium, state their name and address for the record.

Michael Homan, of 19105 Whitehead Road, Lagrange, Ohio was sworn in.

Vice Chairman Masterson asked if the applicant could explain his application.

Michael Homan explained that they are seeking the front building of 9425 Avon Belden as an office and training facility for the dogs that they train. They do private training and group classes as well as training where the dogs are kept overnight for varying amounts of time while they do the training. It's not a breeding kennel. It's a boarding kennel.

Vice Chairman Masterson addressed Chief Building Official Fursdon and asked if there was a very large right of way in front of this building for the highway. She noted the blue line on the drawing.

Chief Building Official Fursdon stated that there is a significant amount of right of way because the State of Ohio owns a portion of that property for the overpass on Route 10.

Vice Chairman Masterson stated that the variance he is requesting is for 100 foot front yard. She asked if that 50 feet was from the front of the building to the property line.

Chief Building Official Fursdon explained that they believe there is 50 feet there.

Vice Chairman Masterson stated while it appears that there isn't 150 feet, there really is 150 feet.

Michael Homan stated it was pretty close.

Vice Chairman Masterson stated that is the practical difficulty because generally, most right of ways are 60 feet.

Chief Building Official Fursdon stated it is a little more than 60 feet. He addressed the Vice Chairman and stated in speaking with the Assistant Law Director today, who is not here tonight because she is not feeling well, she felt that because this was an existing building it is questionable whether this variance would be needed. He urged the Board to approve that portion of the request based on his conversation with the Assistant Law Director.

Vice Chairman Masterson clarified that the Assistant Law Director is basically saying that the...

Chief Building Official Fursdon explained that they took the conservative path when he sent this to the Board and because he had to come here anyway, he tried to cover all the basis, but the Assistant Law Director would urge you to vote favorably regarding that part of the request.

Vice Chairman Masterson stated that the Board will now review the conditional use as a kennel and the like use permitted as a dog training facility.

Chief Building Official Fursdon stated that the code doesn't specifically address dog training as a permitted use. There is very little around this facility. You have freeway on one side and there is a horse boarding and training on the other side.

Vice Chairman Masterson noted there is a highway on two sides.

Chief Building Official Fursdon stated that there is one house across the street to the west.

Vice Chairman Masterson stated that there is Route 83 to the front and State Route 10 on the side and a house that has stables on the other side of this. She asked if any of the members had any questions.

Member Cipriano stated that he took a look there and it is pretty much a rural area. It is set back pretty low and you have to go off the road to get onto their road to go into the back. The zoning code does permit an animal hospital or clinic and these animals will stay there a night or two for training purposes. It is a similar use to what is stated in the permitted uses.

Chief Building Official clarified that the kennel boarding is a conditional use. The dog training portion needs to be a like use from those permitted. The BZA has to make that determination.

Member DeVries stated that the only hardship here is the way the ordinance is written as it doesn't include it. This isn't going to encroach on anyone. It will not increase any traffic patterns. It is actually a good location for this type of operation.

Member Cipriano stated that in the permitted uses it lists a pet store, animal hospital and clinic.

Vice Chairman Masterson stated that the clinic would have some sort of rehabilitation, which could be interpreted as training or retraining.

Member Cipriano stated that it seems to be a reasonable request in the space that is available and the other permitted uses. He stated he is in favor of both the conditional use variance and the like use variance.

Vice Chairman Masterson agreed with Member DeVries and stated that the while the ordinances try to be all inclusive, this was clearly missed. The hardship is clearly defined as the ordinance being incorrectly worded. She opened the floor to the audience for comments or questions. Hearing none, she brought the discussion back to the Board and asked for a motion.

It was moved by DeVries and seconded by Cipriano to approve the requests stated in the application.

Yes, 4            No, 0

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


**OTHER BUSINESS:**

**ADJOURNMENT:**

Vice Chairman Masterson announced since there is no other business to be brought before the Board, he adjourned the meeting.

Meeting was adjourned at 7:23 P.M.

  
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Chairman, Shawn Kimble

  
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Secretary Donna Tjotjios

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February 23, 2017