

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE
REGULAR MEETING – THURSDAY, OCTOBER 24, 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 Building Inspector Joe Voros, Assistant Law Director Toni Morgan, Council Liaison Michelle Hung, Ward 4 Councilman Bob Chapek and Deputy Clerk of Council Michelle Owens.

Excused was member Neil Thibodeaux.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, September 26, 2019. Hearing none, the minutes stand approved as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

Chairman Kimble noted receipt of a memo from Assistant Law Director Morgan, dated February 8, 2001.

PUBLIC HEARINGS:

APPLICANT: Brent M. Dennis & Christina M. Cellura
9315 Root Road, North Ridgeville, Ohio 44039

OWNER: Same

REQUEST: Construction of a detached garage with an area of 960 square feet, requiring a variance to N.R.C.O. §1294.03(d)(1) of 284 square feet.

LOCATION: 9315 Root Road; zoned R-1 Residence District.
Permanent Parcel No. 07-00-012-102-036

CASE NO.: PPZ2019-0020

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

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

Applicants were sworn in.

Brent Dennis, 9315 Root Road, North Ridgeville, Ohio 44039, explained that they live on a main street and would like to store their vehicles in a garage at the back of the house.

Chairman Kimble observed from an aerial image of the property that there was no detached garage or similar structures on the property. He spoke about N.R.C.O. 1294.03, which allows both a detached garage and an outbuilding; and each would be permitted to measure a maximum of 26-feet-by-26-feet. He stated that the two measurements added together are more than what they are requesting. He felt that it would be more visually appealing to have one larger building than two detached structures. He did not feel it would be a visual deterrent or put any unnecessary hardship on neighbors. He asked for any questions or comments from any Board members.

Planning Commission Liaison Smolik asked why they were seeking to exceed the allowable size.

Mr. Dennis indicated that the garage would need to accommodate two cars and a camper.

Vice-Chairwoman Masterson agreed with Chairman Kimble that it would be more aesthetically pleasing to have one building than two large structures on the property.

Chairman Kimble asked that the Board members keep in mind that the applicants would not need to seek a variance to build two side-by-side, 26-feet-by-26-feet buildings.

Christina Cellura, 9315 Root Road, North Ridgeville, Ohio 44039, stated that a neighbor across the street has a garage measuring about 72-feet-by-35-feet. She then commented that the neighbor's lot is a little bit larger.

Vice-Chairwoman Masterson was familiar with the neighbor and stated that she lives right around the corner from the applicants.

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

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

A voice vote was taken and the motion carried.

Yes – 4 No – 0

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APPLICANT: Raymond Phelps, 6426 Lee Avenue, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: Construction of a pole barn with an area of 1,680 square feet and height of 17 feet, requiring a variance to N.R.C.O. §1294.03(d)(1) of:

- 1,004 square feet in area; and
- 2 feet in height

LOCATION: Vacant lots on the west side of Lee Avenue, south of 6426 Lee Avenue; zoned RS-2 General Residence District.
Permanent Parcel Nos. 07-00-021-106-040 / -041 **CASE NO.:** PPZ2019-0021

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 to explain his application.

Raymond Phelps, 6426 Lee Avenue, North Ridgeville, Ohio 44039, was sworn in. He spoke about his previous variance request and indicated that he had since gotten a hold of city officials. He stated that they are going to help with flooding issues and will be coming to jet the pipes out.

He provided to Board members a rendering of the proposed structure. He explained the reason for his request was to be able to store multiple historical cars, a car trailer and a camper. He believed that it would be aesthetically pleasing and even beneficial to the neighborhood.

Chairman Kimble asked if this structure was the same size as the previously proposed structure.

Mr. Phelps responded that it was not because, with his home there, he could not construct the building as wide. He stated that the sewer and gas lines come out of the house there, requiring that he shorten the building. He indicated that the square footage was the same.

Chairman Kimble cited N.R.C.O. 1294.03 and informed Mr. Phelps that he would be permitted two structures of 676 square feet, or 26-feet-by-26-feet. He stated that his request was slightly different than that of the preceding applicant because the proposed structure was larger than the combined square footage. He indicated that it appeared to meet the setback requirements. He then asked why he needs the additional two feet in height.

Mr. Phelps replied that it was for the camper and car trailer.

Chairman Kimble asked if he planned to have a taller garage door.

Mr. Phelps answered yes.

Chairman Kimble felt the request to build directly next to his house was more practical than the previous proposal to build across the street.

Mr. Phelps agreed then stated that he was only going across the road due to the flooding issue.

He indicated that he had since spoken with Ray Ford at the Service Garage, who will address the issue.

Chairman Kimble asked if there were any questions or comments from any Board members.

Member Cipriano asked whether the parcel was separate from that on which the home is located and if it was considered a buildable lot.

It was stated that the proposed structure was to be constructed on two parcels with a total width of 50 feet – a buildable lot in an RS-2 General Residence District.

Mr. Phelps commented that the two parcels are connected to the rest of his lots.

Member Cipriano asked if Mr. Phelps could sell the parcels as a buildable lot.

Chairman Kimble explained that, since there is no structure currently on the property, it could be sold as a buildable lot. He indicated that it would be difficult to fit a home on the property once the proposed structure is built.

Vice-Chairwoman Masterson spoke about the previous request to build the pole barn on the property across the street from his home. She noted that the application was declined and that the Board had asked Mr. Phelps to consider building the structure on the lots adjacent to his home.

Planning Commission Liaison Smolik asked about roof slope and what the pitch would be.

Mr. Phelps responded 4/12.

Planning Commission Liaison Smolik commented that this was as low as he could go.

Mr. Phelps stated that he had spoken with all his neighbors along the back of his property. He claimed that they were all fine with it and no one has a problem. He explained that it would not be as tall as some of the houses, as some are colonials and doubles.

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

Larry Mercure, 6408 Ridgeview Boulevard, North Ridgeville, Ohio 44039, was sworn in. He stated that he owns several properties in the same area and the lots are not combined. He stated that the city would not allow him to build a pole barn; that he had to go with a foundation attached to the house. He did not understand how the Board could grant approval for the pole barn when he had not been allowed. He stated that the city would not permit the structure unless it was attached to his home. He identified his home on Ridgeview Boulevard and the three adjacent parcels owned on Lee Avenue.

Chairman Kimble asked how long ago the city told him the structure had to be attached.

Mr. Mercure replied 2014: He built the first part in 2010 and the second part in 2014.

Mr. Phelps stated that Mr. Mercure had built a garage then added a second garage on the back. He described it as much taller and having significantly more square footage. He did not understand Mr. Mercure's claim that the city would not allow his, as he had only sought a variance after the structure was already built.

Vice-Chairwoman Masterson explained to Mr. Mercure that each case is individual and she had no knowledge of what the circumstances were.

Mr. Mercure remarked that his understanding was that a pole barn could not be built in a residential area.

Building Inspector Voros indicated that pole barns are permitted in residential areas.

Chairman Kimble stated to Mr. Phelps that the revised plan to build next-door to his home seems more practical and more visually appealing than having the structure built across the road.

Vice-Chairwoman Masterson explained that his request seems like a large variance but, when taking into consideration the combined square footage of two permitted structures – or 1,352 square feet – the variance was more like 328 square feet.

Chairman Kimble stated that, the way it is written, it is one building; and so it is one variance for 1,004 square feet.

Vice-Chairwoman Masterson asked whether he would be allowed to build another building.

Building Inspector Voros responded that he would have to come back for another variance.

Chairman Kimble asked if there were any questions or comments from Board members. No discussion was offered. He asked for any other discussion from the audience. No discussion was offered.

It was moved by Smolik and seconded by Cipriano to approve a variance of 1,004 square feet.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

It was moved by Smolik and seconded by Cipriano to approve the height variance of two feet.

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A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: McQueen Advertising
2010 Vermilion Road, Vermilion, Ohio 44089
OWNER: DC North Ridgeville, LLC
32700 Center Ridge Road, North Ridgeville, Ohio 44039
REQUEST: A 31.5-square-foot changeable copy sign, requiring a 16.5-square-foot variance to N.R.C.O. §1286.05(c)(1)A.
LOCATION: 32700 Center Ridge Road; zoned in a B-3 Highway Commercial District.
Permanent Parcel No. 07-00-005-102-001 **CASE NO.: PPZ2019-0022**

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.

Eric A. McQueen, 134 Wheeler Drive, Huron, Ohio 44839, was sworn in. He explained that there are three cabinets on the sign and the top two had already been changed to BP. He stated that the owners would like to remove the lower sign and replace it with an electronic message center. The purpose of the sign was to advertise the products they are selling. He indicated this was part of a continued effort to update the property and make it a nicer place. He identified the improvements made to the canopy and building. He stated that the current sign faces are approximately an inch too short at the top, which results in a light leak at the top. He then remarked that the sign is not updated and does not look good.

Chairman Kimble clarified that the request was for a 16.5-foot variance for the changeable copy portion of the sign.

Mr. McQueen responded that this was correct. He then explained their request was for a four-foot-eight-inch height; and what is currently there is five feet, four inches tall.

Vice-Chairwoman Masterson clarified that the variance requested on the application was more than he would need.

Mr. McQueen replied correct.

Chairman Kimble asked why he needs the additional square footage.

Mr. McQueen responded that the total square footage of the sign is less than the other one. He stated that the old sign only had four lines of changeable copy. He explained that it works better to advertise on a taller sign; and that, without the added height, the ads would be skewed and not look right.

Chairman Kimble asked if it would be an LED-type sign.

Mr. McQueen responded that it was and stated that it was electronic marquee sign.

Chairman Kimble asked if the black portion of the sign – underneath the fuel price – was the changeable copy section.

Mr. McQueen stated that the entire sign is an electronic message center.

Chairman Kimble asked if this included the BP part.

Mr. McQueen indicated that it did not. He explained that the BP part is a plastic sign face with a green LED price on it.

Chairman Kimble asked if the portion under discussion was the black section underneath the green fuel price. He then asked about the dimensions of this portion of the sign.

Mr. McQueen indicated that it was and that the sign was four feet eight inches in height and six feet nine inches in width. He stated that the space between the two sign poles is seven feet; and it would be filled in with filler then painted black.

There was discussion regarding the portion of sign to be replaced by the proposed changeable copy sign. Mr. McQueen explained that the existing sign is made up of three sign cabinets: the company logo is in the top cabinet; the fuel price is in the middle cabinet; general product information and four lines of changeable copy is in the bottom, largest cabinet. He identified the bottom cabinet as the section to be replaced.

Member Cipriano asked if there is backlighting to the black portion of the existing sign.

Mr. McQueen indicated that there is LED backlighting but it was not illuminated.

Chairman Kimble asked if the new section would fit into the old cabinet and if the size would be essentially the same.

Mr. McQueen responded that the new sign would be a little bit shorter by approximately eight inches. He stated that the new sign would be less square footage. The new sign will measure four feet eight inches in height and six feet nine inches in width. The existing sign that will be replaced measures five feet four inches in height and seven feet one-and-three-eighths inches in width.

Vice-Chairwoman Masterson clarified that the new sign would be smaller but with more changeable copy.

Mr. McQueen mentioned a similar sign located at Dairy Queen.

Member Cipriano explained that the proposed sign would fill a similar space but not come down

quite as far. He stated that it would be a little bit narrower and a little bit shorter.

Mr. McQueen responded that this was correct.

Chairman Kimble asked if there were any other questions or comments from the Board members. No discussion was offered. He asked for any other discussion from the audience. No discussion was offered.

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

A voice vote was taken and the motion carried.

Yes – 4 No – 0

APPLICANT: Stelian & Livia Hritcu; 32253 Cook Road, North Ridgeville, Ohio 44039
OWNER: Same
REQUEST: Conditional use approval for a truck terminal and maintenance garage.
LOCATION: South side of Cook Road; zoned B-3 Highway Commercial District.
Permanent Parcel Nos.07-00-003-102-010 / -027 / -028 **CASE NO.:** PPZ2019-0024

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.

Stelian Hritcu, 28370 Nindina Drive, North Olmsted, Ohio, 44070, was sworn in. He stated that he purchased the parcel two years ago. He explained that he did not know he was to submit pictures with his application, which he then distributed to Board members. He stated that he would like to move his business to North Ridgeville. He indicated that American Earth Supply in North Ridgeville would install the parking lot and, if approved, they would be able to start Tuesday. He stated that he planned to use the existing building for the maintenance of his commercial truck fleet.

Chairman Kimble asked the nature of his business.

Mr. Hritcu responded that he has commercial semi-trucks on the road and would like to park them on the property. He stated that he would like to clean up the parking lot by installing an asphalt grinding, dust-free parking lot. He explained that the building would be used to make small repairs on the trucks so that they run safely on the road.

Chairman Kimble asked whether he intends to service or allow for overnight storage of trucks that belong to other companies.

Mr. Hritcu indicated that they would not be permitted to park overnight. He stated that it would not operate like a Pilot Travel Station. He spoke about area businesses that allow overnight parking over the weekends. He stated that there would probably be a total of 30 trucks, 15 of which he owns.

There was discussion concerning the servicing of trucks. Mr. Hritcu indicated that he would be servicing only those within his own fleet.

Vice-Chairwoman Masterson spoke about procedural differences between the Board of Zoning and Building Appeals and Planning Commission. She indicated that Mr. Hritcu would be required to go before Planning Commission for approval of the parking lot surface. She explained that the Board members are only considering the use of the property. She stated that she would like to know more about the business and if he planned to service trucks or dispense fuel.

She discussed Board authority to grant conditional uses and the minimum standards for approval. She stated that the Board needed to determine if his business fits in. She then addressed her concerns and cited 2(A) and 2(B) from the memo from Assistant Law Director Morgan. She stated that she wants hard surfaces in the parking lot and wants to make sure no fluids from the trucks leaks onto anything else.

Chairman Kimble expressed concerns with potential for soil contamination due to water in the vicinity and a neighboring sports complex. He stated that these issues would be addressed at a later time. He discussed 2(A) from the Law Department memo and asked Mr. Hritcu what he brings to the neighborhood and community.

Mr. Hritcu responded that it would be a cleaner area. He stated that it would be paved; and a contractor would complete the work. He would also bring taxpayers and a business to the city.

Chairman Kimble asked if his trucks were mostly over-the-road trucks that are gone five-to-seven days at a time.

Mr. Hritcu responded that they are gone at least five days at a time. He stated – at a space he rented in Columbia Station – trucks enter the terminal on Friday or Saturday morning; they then leave after 34 hours, according to DOT regulations. He indicated that most truck repairs would be to the lights, especially in the winter due to salt on the roads. He stated that he would need a place inside in which to pull a trailer and make small repairs to his fleet.

Chairman Kimble spoke about N.R.C.O. 1266.02(a)(6), which permits automobile, truck and trailer display, hire, sale and repair. He explained that anything that is permitted in a B-2 zoning district is also permitted in a B-3 district. He stated that this was not exactly what Mr. Hritcu was here for, but the section regarding truck display and repair is somewhat applicable to his request. He asked if there were any questions or comments from Board members.

Planning Commission Liaison Smolik asked if the trucks would only be parked while the drivers

take their time off and not like a transfer station where product is being transferred from one truck to another.

Mr. Hritcu responded that 99 percent of the trucks are coming home to the terminal empty; or with the load that would go on the road Sunday for delivery Monday.

Planning Commission Liaison Smolik stated that Mr. Hritcu was only here for approval of conditional use of the property; the overall scope of what he plans to do. He explained that he would need to develop a site improvement plan showing building location and parking. This would be submitted for consideration by Planning Commission.

Council Liaison Hung asked if his trucks would be sitting in the parking lot running for hours at a time.

Mr. Hritcu indicated that they would not. He stated that it was not a truck stop but was to park trucks over the weekend in order for drivers to go home. During the week, the drivers' cars are left then picked up at the end of the week; or sometimes after two weeks.

Vice-Chairwoman Masterson asked what the company hauls.

Mr. Hritcu responded that they are flatbed trucks that haul general freight, such as construction materials.

Chairman Kimble stated that the bulk of his 15 trucks would be gone most of the week. He asked if, when his trucks were gone, he would bring in other trucks.

Mr. Hritcu responded that he would not.

Chairman Kimble then asked what trucks would be parking there for the weekend.

Mr. Hritcu explained that he has operators working for him that are just waiting to park over the weekend. He stated that, at the beginning or end of the week, there would be one or two trucks there for maintenance.

Chairman Kimble asked if there were any questions or comments from the audience.

Residents were sworn in.

Divya Singh, 3636 Split Rail Lane, Avon, Ohio 44011, stated that she and her husband are the owners of the Primrose School of Avon and Westlake, which are childcare centers serving children between the ages of six weeks and five years and before- and after-school care. She stated that they recently purchased the adjacent lot at 32125 Cook Road to build the future Primrose School of North Ridgeville. She discussed her concerns with the hours of operation, as their facility would be open on weekdays between 6:30 AM and 6:30 PM. Additional concerns were expressed with the number of trucks, noise and air pollution, traffic and hauling of

hazardous materials that would require them to take extra safety precautions. She stated that her concerns were the health of the children and she wanted to know the steps that were in place should Mr. Hritcu's request be approved.

Jay Singh, 3636 Split Rail Lane, Avon, Ohio 44011, reiterated some of the same concerns expressed by Mrs. Singh. He stated that noise pollution was a concern since children could be taking naps. He explained that it was not his idea to just object but to mitigate the risk for the community from a hazardous standpoint.

Chairman Kimble commented that those were all valid concerns. He believed that these questions would be more adequately addressed by Planning Commission. He stated that the Board was only looking at whether it fits the conditions for approval.

Mr. Singh discussed the three conditions required for approval. He felt that a trucking business in a residential neighborhood could be viewed as a detriment to the neighboring properties and possibly hazardous.

Assistant Law Director Morgan addressed comments suggesting that the property was in a residential zoning district. She stated that it is zoned as a B-3 Highway Commercial District and that a truck terminal is a conditional use in the area. She explained that the reason it was a conditional use was that the Board could place conditions.

Chairman Kimble stated that, even though there are several residences on the street, it is a business district that is quickly becoming all business.

Planning Commission Liaison Smolik stated that there is no site improvement plan and it would be impossible for this Board to place conditions. He explained that the Board was here today to determine if what is planned for the parcel is acceptable. Mounding, buffering and the type of parking lot would all be addressed by Planning Commission.

Member Cipriano felt it would be easier to decide if Planning Commission saw the request first. He understood that the applicant could choose whether to first go before Planning Commission or the Board of Zoning and Building Appeals. Concerning 2(B) from the Law Department memo, he indicated that it would help him to know the type of improvements going into the lot in order to determine whether or not it would be detrimental to the area. He then stated that he was confident that these issues would be addressed by Planning Commission; but it would be problematic if they were unable to be reconciled with the applicant. He stated that he would be in favor of asking the applicant to either withdrawal his application in order to first appear before Planning Commission or, if appropriate, tabling to a later date. He felt he needed more information in order to establish the three conditions required for approval.

Chairman Kimble explained his understanding was that these conditions must be met from a more general standpoint. He asked if a truck terminal itself detrimental or injurious to the property or improvements in the area. He indicated that the concerns expressed with dripping fuel and chemicals are valid and extremely important, but was confident these items could be

addressed by Planning Commission and City Council. He did not feel a full set of plans was necessary to come to a conclusion.

Member Cipriano asked Assistant Law Director Morgan whether conditional use meant that the Board could add conditions. He gave the example of restricting truck traffic between the hours of 9:00 AM and 4:00 PM and asked if this was a condition they could apply to the use of the property.

Assistant Law Director Morgan explained that the usual parameter on conditions is that they are reasonable. She stated that she did not know if that would be a reasonable restriction on a truck terminal; that it might not be.

Member Cipriano discussed Mr. Hritcu's plan to service only his trucks on the property. He suggested that there was no way of knowing the property would not eventually become a repair facility. He spoke about the 15 trucks not belonging to Mr. Hritcu that will park on the property. He asked how one would really know whether repairs were being done exclusively to his vehicles but not to others. He asked if restricting maintenance to only Mr. Hritcu's vehicles could be a condition for approval.

Assistant Law Director Morgan responded that, if Mr. Hritcu's request was for a truck terminal that does a small amount of maintenance, a reasonable condition would be that it not change.

Chairman Kimble spoke about truck repairs permitted in B-2 zoning districts. He asked if B-2 permitted uses are also permitted in a B-3 district.

Assistant Law Director Morgan stated that she was just going by what Mr. Hritcu was asking for. She explained that he was asking for conditional use of the property; and a condition is that it not expand beyond what is being requested.

Chairman Kimble remarked that it may not be the greatest for the area to have a truck repair shop, but it would be permitted and Mr. Hritcu would not even have to come before the Board. He asked if a condition that he not be allowed to expand would be a liability for the city.

Assistant Law Director Morgan replied that he would not be allowed to expand under this approval but, should he want [to expand], he would just come back. It would not necessarily be forever.

Mr. Hritcu responded to comments that the area is residential. He stated it is not; that it is commercial. He indicated that he does not have permits for hazardous materials and would not be holding barrels with oil or other such material. He had no interest in hauling hazardous material, which he had done in the past and felt was too dangerous. He stated that they would be hauling things such as bricks, lumber and insulation; mostly dry goods.

With regard to concerns over noise pollution, he stated that there would be none when the truck is on the road. He stated that, once home, a driver would not stay in his truck more than 15

minutes; he would just want to go home. He indicated that trucks would run slightly longer during the winter months. He estimated a truck would run 25 to 30 minutes before going on the road.

Vice-Chairwoman Masterson asked when he would do repairs on vehicles.

Mr. Hritcu indicated that repairs were only done as needed. He explained that, at his current location in Columbia Station, there was nothing to do for four or five days. Repairs are primarily done Monday through Friday and Saturday. He stated that some trucks come back with problems and they want to fix them before they leave for the following week.

Bob Chapek, Ward 4 Councilman, 5564 Main Avenue, North Ridgeville, Ohio, 44039, was sworn in. He cited N.R.C.O. 1244.05(d)(2)A. and did not feel a truck firm could contribute to the well-being of the community. He understood the need for more tax dollars but stated that real estate taxes have no bearing on this; income taxes do. He stated that one or two employees would not do much good. He discussed an office building in the area that will be hiring and contributing to the city's tax base.

He addressed his concerns with truck traffic. He stated that Cook Road was not made for trucks driving in and out. He asked how much would be spent on road repair resulting from the heavy truck traffic carrying heavy loads.

Chairman Kimble asked for any other comments from the audience.

Dave Weber, 34381 Fortune Court, North Ridgeville, Ohio 44039, was sworn in. He stated that Mr. Hritcu's property is adjacent to the east and south. He discussed his relationship with Mr. Hritcu and commented that their encounters have not been very conducive to being good neighbors. He had previously asked Mr. Hritcu about his intentions for the property, at which time he mentioned cutting down some of the trees, picking up the barriers that kept his property fenced off from the general public and planting grass. He explained that he had maintained some of Mr. Hritcu's property in the preceding ten years and had never received any assistance or reimbursement from the owners at the time; and so, after his discussion with Mr. Hritcu, he was satisfied with what he was told and had even offered to help. He then stated that Mr. Hritcu never followed through with what he said he would do. He indicated that Mr. Hritcu had gotten upset when he told him he should be cutting his own grass and when he called the city on him. He asked who would enforce any violations to the terms of conditional use, should it be approved. He stated that the City of North Ridgeville does not enforce their codes. He provided pictures to the Board members.

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

Ray Sullinger, 37969 Sugar Ridge Road, North Ridgeville, Ohio 44039, was sworn in. He stated he was born and raised on the property that will become the Primrose School. He asked that the memo from Assistant Law Director Morgan be read. He was provided with a copy of the memo. He cited N.R.C.O. 1244.05(d)(2)A. and felt this condition could not be met. He asked where Mr.

Hritcu's trucks would enter and exit the property. He felt there would be very little room between the traffic light and driveway. He stated that a truck terminal exiting onto Lorain Road would be far more desirable than one exiting onto a two-lane road.

Planning Commission Liaison Smolik explained that a traffic study would be completed as part of the development plan submitted to Planning Commission.

Mr. Sullinger remarked that it is not mandatory to grant conditional uses.

Assistant Law Director Morgan stated that many of the issues would be better addressed by Planning Commission. She stated that the conditional use that is allowed in this area. She explained that it is a commercial area, though there are residences in the vicinity. She stated that the Board must decide whether it wants to add condition. When deciding whether or not it is necessary and provides a service, the Board must keep in mind if it is a service that is appropriate for the B-3 area that it is in.

Vice-Chairwoman Masterson spoke about Patton Towing, which was heard by the Board prior to Planning Commission. She felt the Board had what was needed to vote but wanted to discuss her concerns. She did not feel the truck terminal was desirable for the proposed location. She suggested there was a better location by Leppo Rents, as they had recently made improvements to the road. She felt it did not meet the conditions needed for approval. She stated that it would not be a proper use since it would be abutting Victory Lane.

Chairman Kimble spoke about function of the Board. He stated that this was clearly not a like use; it is a conditional use. He identified some of the permitted uses, such as heavy equipment sales, parking lots and lumberyards, where there are trucks coming and going. He explained that, if Mr. Hritcu were to change his mind, he could do any of these permitted uses today without having to come before this Board. He commented that he does agree with several of the comments.

Vice-Chairwoman Masterson stated that she was most concerned with the area.

Chairman Kimble asked for any other questions or comments from members of the audience.

Member Cipriano asked Assistant Law Director Morgan if all the items in the memo were required.

Assistant Law Director Morgan responded that this is how it is written in the Ordinances. She stated that it was good to base their decision on whether the conditions are met or not met. She indicated that these were the minimum standards to help them make their decision.

Vice-Chairwoman Masterson stated that each application is different and unique; and felt this application was no exception. She believed they need to look at the area as a whole and was concerned that it would abut Victory Lane.

Mr. Sullinger asked about required frontage in a B-3 zoning district.

Chairman Kimble responded that this was a question better answered by Planning Commission. He stated that the Board was here to consider a request for conditional use. He asked for any other questions or comments from the audience. No discussion was offered. He asked for any other questions or comments from the Administration.

Assistant Law Director Morgan commented that they do not have to be convinced 100 percent of everything: They just have to feel that it is or is not something that contributes to this type of zoning area. She stated that the standards that are in the Ordinances are there to help guide their thinking.

Chairman Kimble asked for any questions or comments from Board members. No discussion was offered.

It was moved by Masterson and seconded by Cipriano to decline [the request for conditional use].

A voice vote was taken and the motion carried.

Yes – 2 No – 2 (Kimble, Smolik)

It was moved by Smolik and seconded by Kimble to recess for five minutes.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble reconvened the meeting at 8:54 PM.

Assistant Law Director Morgan spoke about the By-Laws for both Planning Commission and Board of Zoning and Building Appeals. She explained that, for a motion to pass, it would require a quorum and a majority vote of that quorum. She then discussed Robert's Rules of Order regarding tie votes, specifically ties on a negative vote. She stated that this is called a lost motion but, for practical purposes – because this was not a majority vote – a tie vote must be considered a denial. She stated that the applicant can come back at a later time since the motion is considered lost but, for this meeting, it would function as a denial because of the Board's rules requiring a majority vote. She indicated that this was one of the problems with having a negative vote.

Chairman Kimble explained to Mr. Hritcu that he had the option to now go to Planning Commission; he would then end up in front of the Board of Zoning and Building Appeals again. He felt it would be best for him to come back to the Board when all members were present.

OTHER BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 8:59 PM.



Shawn Kimble
Chairman



Michelle A. Owens
Deputy Clerk of Council, Secretary

Thursday, December 26, 2019
Date Approved