

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE REGULAR MEETING HELD NOVEMBER 20, 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, and Vice Chairman Linda Masterson.  
Absent and excused was Chairman Shawn Kimble.  
Also present was Chief Building Official Guy Fursdon, Assistant Law Director Nathan Manning sitting in for Assistant Law Director Toni Morgan and Secretary, Donna Tjotjos, Deputy Clerk.

**MINUTES:**

Vice Chairman Masterson asked if there were any corrections or additions to the minutes dated October 23, 2014. Hearing none she stated that with no objection the minutes are approved and will be placed on file.

**REPORTS:**

Vice Chairman Masterson asked if there were any reports to come before the Board this evening from Planning Commission.

Member Anderson responded no.

Vice Chairman Masterson asked if there were any reports to come before the Board this evening from Board of Flood and Drainage Control.

Member Cipriano responded no.

**OTHER REPORTS AND CORRESPONDENCE:**

Vice Chairman Masterson asked if there were any other reports or correspondence. Hearing none, she moved the meeting on to the public hearings and asked the Clerk to read the application.

**PUBLIC HEARINGS:**

**APPLICANT:** Mark Hart, 5535 Roosevelt Avenue

**OWNER:** Same

**REQUEST:** The following variances:

- 1) A 224 square foot variance to construct a 900 square foot detached garage
- 2) A variance to allow detached garage to be constructed in the front-side yard.

**LOCATION:** 5535 Roosevelt Avenue in an RS-2 District  
Permanent Parcel No. 07-00-007-126-003

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

Vice Chairman Masterson asked if there was a representative and if they could approach the lectern and stated their name and address.

Mark Hart of 5535 Roosevelt Avenue was sworn in.

Vice Chairman Masterson asked if the representative could provide a brief explanation of his request.

Mark Hart explained he wanted to install a 30 by 30 foot garage. Roosevelt Avenue has always been considered a paper street and it has been their driveway since 1931; long before he was born. That is the reason why he wants to put the garage where it is at. If the property is already vacated, it is his belief that he would be okay with the variance. It is his belief that the location of where he wants to put the garage is self explanatory, which is at the end of the driveway.

Vice Chairman Masterson stated that the applicant has an extremely unique piece of property; which include a number of small parcels that add up to this. He asked if the applicant understood the comment made by the Chief Building Official whereas he has the right to proceed to get ownership of half of the vacated right of way and she asked if he has proceeded with that required step.

Mark Hart stated that he received something from the County showing that it was vacated, but he was blind to the procedure. He stated whatever he has to do; he will do in a timely manner.

Vice Chairman Masterson suggested that he contact Judy Nedwik of the Lorain County Auditor's Office and she would be able to walk him through the procedure. It is in the best interest of this applicant that they retain ownership of that property.

Mark Hart asked for that information before he leaves.

Chief Building Official Fursdon explained that the applicant is friends with a surveyor who could provide him direction. He stated that he wasn't 100 percent sure of what County will require, but he will have to comply with what is necessary to obtain the half of that right of way.

Vice Chairman Masterson stated that she understands what it is the applicant is trying to build and she also understands the variance requests. She stated he isn't asking for an excessive variance and asked the applicant if they were only planning on building one garage.

Mark Hart responded and stated yes that is it.

Vice Chairman Masterson stated that a resident is allowed to build two structures at 676 square feet each.

Mark Hart stated that there already is a structure on the property now. It is a 14 by 16 building that used to be a house on Main Street back in the 1940s. He stated that it is just being used a little shed, storage shed.

Vice Chairman Masterson asked if the building would be built on his property.

Mark Hart stated yes. It goes two feet over the twenty foot that he is allotted and it does go into two feet of the vacated property.

Chief Building Official stated that it does go two feet within the vacated right of way and so, technically, he would need to get possession of that for the Building Department to issue the permit based on that.

Vice Chairman Masterson asked the applicant if he understood he could not build on something that is not his property.

Mark Hart responded yes.

Vice Chairman Masterson asked if there were any other questions or comments from the Board.

Member Cipriano stated if the property does not belong to the applicant, it is kind of a moot point because the Board can't give him a variance to build on someone else's property.

Chief Building Official Fursdon stated that the Board would be approving a variance for the size of the building. They would be giving the variance that it is located in the front yard. He stated that the Board isn't giving him a variance to build on property that is still technically owned by the City right now. He has to address that and straighten that issue out and then once it becomes his property, he has his variance for the size and the fact that he is partially into the front yard, because he is going past his front building line, he is not in the rear yard. He would be compliant because with that twenty foot acquisition of property from the vacated right of way, he would actually be eighteen feet off of his sideline, which is more than adequate for our zoning code, which is minimum five feet.

Vice Chairman Masterson clarified that the applicant is asking for a variance because the property has two front yards being that it is a corner lot.

Chief Building Official Fursdon responded no because the street is vacated and it is no longer a corner lot. It is actually going past the front line of the building. Garages are supposed to be in the back yard and he thought he changed that when the ordinances were changed, but he can't seem to locate that in the ordinances and so, to put it where he wants it on the lot, he needs a variance for that and the size of the building.

Member DeVries asked if this approval could be conditional based only when he obtains ownership of that property.

Chief Building Official Fursdon stated if that made the Board more comfortable, then they could add that condition.

Vice Chairman Masterson stated that Member Cipriano makes a very good point and that point being that in regards to the Board granting the variance and by the Board granting this variance, this is giving him the reason to go forward with the legal action of obtaining the property. He will have to incur legal expenses to acquire this property.

Chief Building Official Fursdon added in order to comply with the County requirements.

Vice Chairman Masterson stated that is the reason he is here before hand in order to see whether or not it would be worth expending monies to acquire the property.

Chief Building Official Fursdon stated that the Board could place that condition on there that he acquire the additional right of way, he stated it would be reasonable in his opinion. He explained even if the applicant got the variance tonight, the way it is drawn up, the Building Department still could not issue the permit because he doesn't own that property and he can't give him permission to build it on someone else's property and the City isn't going to give permission to build it on there at this point in time. He needs to acquire his portion of the right of way.

Vice Chairman Masterson asked if there were any other questions.

Member DeVries stated that if the Board didn't give conditional approval tonight, he would have to go through the motion of acquiring the property, and then he would have to appear here again.

Chief Building Official Fursdon reiterated that the applicant could make the acquisition of the property and the Board could still deny the variance.\

Member DeVries stated that it could be approved conditionally this evening and it would save everyone a little bit of time.

Vice Chairman Masterson asked how long would the approval from this Board be good for.

Chief Building Official Fursdon stated that it is two years.

Vice Chairman Masterson stated after two years, the approval goes away.

Chief Building Official Fursdon stated that if the applicant does not take any action within two years, the variance goes away.

Vice Chairman Masterson asks if the applicant for some reason decides to sell the house, does the variance go with the property or home owner.

Chief Building Official Fursdon stated it goes with the property. They couldn't obtain the permit until they obtain the twenty feet of the right of way.

Vice Chairman Masterson asked if there were anyone in the audience that would like to speak on this matter. Hearing none, she asked if there were any comments or questions from the Administration. Hearing none, she entertained a motion.

It was moved by Cipriano and seconded by DeVries to approve the variance contingent upon acquisition of the remaining vacated portion of the property as well as the approval of the variance to construct the garage on the side/front yard as well.

Vice Chairman Masterson asked the Clerk to call the roll.

Yes, 4          No, 0

Motion was approved by a vote of four to zero.


**OTHER BUSINESS:**

**ADJOURNMENT:**

It was moved by Vice Chairman Masterson to adjourn the meeting.  
**MOTION CARRIED**

Meeting adjourned at 7:24 P.M.

  
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**Chairman**

  
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**Secretary**

January 22, 2015  
**Date**