

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD FEBRUARY 23, 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, Vice Chairperson Linda Masterson and Chairman Shawn Kimble.
Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan and Deputy Clerk Donna Tjotjos.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes dated January 26, 2017. Hearing none and with no objections, the minutes dated January 26, 2017 will stand as approved and will be placed on file.

REPORTS:

Chairman Kimble asked if there were any reports from Planning Commission.

Member Anderson responded no report.

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

Member Cipriano responded no report.

OTHER REPORTS AND CORRESPONDENCE:

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

PUBLIC HEARING:

APPLICANT: Michael Berish, 6217 Pebble Court

OWNER: Michael and Terri Berish, 6217 Pebble Court

REQUEST: A three foot rear yard variance to construct an outbuilding two feet from the rear yard property line.

LOCATION: 6217 Pebble Court in an R-1 District
Permanent Parcel No. 07-00-032-000-148

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

Chairman Kimble asked for a representative. He asked that they state their name and address for the record so that they could be sworn in.

Michael Berish of 6217 Pebble Court was sworn in.

Chairman Kimble asked if they would provide a brief explanation to their request.

Michael Berish explained that the application is stated wrong because they aren't building a new shed. The shed in question has been there for 13 years. There is 20 acres behind them and so it isn't interfering with anyone. He believes that it is ridiculous for him to be going through all this.

Chairman Kimble stated that he has been by the property and was actually out there today. He stated that he saw the barn. This Board has had some interesting cases that come in front of them and at times, things like this are in front of this Board, but that is why this Board exists. Visually from the road, nothing visually stands out. Measuring from the property lines, which is regulated through city ordinances is what this Board looks at.

Michael Berish stated at the time he built that he didn't realize that and that is why it is where it is.

Chairman Kimble asked if a permit was pulled to build this shed.

Michael Berish stated he did not. He stated he has one now.

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

Member Cipriano saw the adjacent properties and they also have barns, sheds back there that seem to be similarly placed. Some might be slightly off.

Member Masterson stated that the applicant did admit his mistake in not getting a building permit. There haven't been any complaints. The city doesn't go looking for stuff, but if they find it, they have to address it. This is a perfect example of why this Board is here and why they issue variances.

Chairman Kimble explained that one of the things this Board has to consider when deciding on a case is to what kind of hardship or practical difficulty exists and why this shouldn't be approved.

Michael Berish stated if it isn't approved, he will have to tear it down and rebuild it and that will be a lot of work and a big expense.

Chairman Kimble understood. He continued to explain that what he would determine as a practical difficulty is when you look down the property lines in the rear, everything for the most part looks lined up. If it was another couple feet forward he didn't feel as though, visually, it would make any difference. He would hate to see the applicant go through any work and

expense and if anything, it would make it look like this shed is more forward and place everything off. It won't match up anything that is back there and right now it sort of does. He asked if there were any other comments from the Board.

Member DeVries asked if they had any plans of putting a second outbuilding out there or attachments onto this.

Michael Berish responded not at all.

Member DeVries stated that behind that parcel is a field of some sort.

Michael Berish stated 20 acres of land.

Chairman Kimble stated if it gets developed in the future, this shed would already be there.

Member DeVries stated that it does look consistent with everything down the street. He has been through the neighborhood.

Chairman Kimble stated that everything there is well maintained and they do take pride in their property and nothing stands out visually.

Michael Berish stated that there have been no complaints from the owner behind them.

Chairman Kimble addressed the audience and asked if anyone would like to speak regarding this application. He asked that if they chose to speak, for them to approach the podium and give their name and address to be sworn in.

Dan Narowitz of 6201 Pebble Court was sworn in. He explained that he is two houses down. He continued to state that this is a new development. He understands that you can't claim ignorance, but they all put sheds up in order to store lawn equipment etc. He explained that they all pretty much assumed that they were within code. None of them received permits, but he also has one now. His was fine where it is located but that is only because of the curvature of the land there. This variance doesn't bother him at all as a neighbor. The next guy is in the same situation.

Chairman Kimble stated if there were any other comments from the audience. Hearing none, he asked if there were any other comments or questions from the Board members. Hearing none, he entertained a motion.

It was moved by Masterson and seconded by DeVries to approve the three foot rear yard variance for an outbuilding two feet from the rear yard property line.

Chairman Kimble asked if there were any comments regarding the motion. Hearing none, he asked the Clerk to call the roll.

Yes, 5 No, 0

Deputy Clerk Tjotjos addressed the Chairman and announced the motion passed by a vote of five yes and zero no.

APPLICANT: Dave Jutte, 6209 Pebble Court

OWNER: Same

REQUEST: A one and a half foot rear yard variance to construct an outbuilding three and a half feet from the rear yard property line.

LOCATION: 6209 Pebble Court in an R-1 District
Permanent Parcel No. 07-00-032-000-147

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

Chairman Kimble asked for a representative. He asked that they state their name and address for the record so that they could be sworn in.

Dave Jutte of 6209 Pebble Court was sworn in.

Chairman Kimble asked if they would provide a brief explanation to their request.

Dave Jutte explained that he is in the same position as the last applicant. The shed is already built and it is a little too close to the property line.

Chairman Kimble stated that the shed is three and a half feet off the line and that is why the one and half foot variance is being requested. This is identical to the last case and neighboring properties. He asked if there was anyone in the audience that would like to speak on behalf of this matter. Hearing none, he asked if there were any questions or comments from any of the Board members. At this time, he entertained motion.

It was moved by DeVries and seconded by Cipriano to approve the one and a half foot rear yard variance for an outbuilding three and a half feet from the rear yard property line.

Chairman Kimble asked if there were any comments regarding the motion. Hearing none, he asked the Clerk to call the roll.

Yes, 5 No, 0

Deputy Clerk Tjotjos addressed the Chairman and announced the motion passed by a vote of five

yes and zero no.

APPLICANT: Charles Stella, The Bark Club, 33549 Liberty Parkway
OWNER: Mould Development Co., LLC, 9449 Island Road
REQUEST: Determination of like use to operate a dog training business in an I-2 District.
LOCATION: 33549 Liberty Parkway, Suite A, in an I-2 District
Permanent Parcel No. 07-00-008-115-068

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

Chairman Kimble asked for a representative. He asked that they state their name and address for the record so that they could be sworn in.

Charles Stella of 33549 Liberty Parkway was sworn in.

Chairman Kimble asked if they would provide a brief explanation to their request.

Charles Stella explained that he is looking to open a daycare/training center at 33549 Liberty Parkway. It requires a change of use to what it already is. They are looking to do Monday through Friday daycare and training. The amount of dogs they aren't sure but it could be as many as 35 dogs a day. Saturday and Sunday are not part of the plan so it would only be through the week.

Chairman Kimble explained that he went by the property and it clearly is an industrial park. There are various businesses through there. It has the typical Monday through Friday business hours and it sounds that this operation would be the same typical hours. He asked how this is different than what he currently runs on Cook Road.

Charles Stella responded that the one on Cook road is a boarding and training center. The new location is actually a different business. It is actually daycare and so dogs will come in the morning and leave in the evening. During that time they are going to be exercised , play and be trained. It has similar things as Cook Road, but he doesn't do daycare on Cook. He just does boarding and training.

Chairman Kimble noted that he was here a few months ago with another piece of property and asked if that was similar to this.

Charles Stella stated the property that he bought on Center Ridge a couple of months ago is where the Bark Club is going to be in about three years. They are waiting for the road to be finished and waiting for money to fall out of the sky. By opening here, it saves him quite a bit of money to get the business up in running as opposed to putting a half a million dollars on the brand new business. This is why the thought to open up on Liberty Parkway was feasible in that it will allow them to see how it does in the next three years. If it does well, they will build on the

property on Center Ridge.

Member Masterson announced that she will be abstaining on the vote as she has personal ties to this applicant.

Chairman Kimble asked if there were going to be any outside activities going on.

Charles Stella stated yes and explained one of the things that will make him compete with some of the other daycares is that they will have a little bit of an outside area. They are looking at a 14 x 18 area off to the side of the building and an 8 x 10 area off the back of the building. It will be fenced with an eight foot fence. It is strictly a place for the dogs to go to the bathroom. It is not ideal if you look at other facilities. They have large outdoor areas, which are what they plan for Center Ridge, but they are kind of making do with what they have over there. There will be two small outside areas.

Chairman Kimble stated that there really doesn't look like there is much in terms of parking.

Charles Stella stated he won't need parking. He explained that he will have three employees which will park in the truck bay. They are adding two ADA parking spaces directly in front. Their business is basically drop off and pick up service. The cars will pull to the side door and they will go out and get the dog and take the dog in the building. There really isn't a need for parking other than employee parking, which they worked out.

Chairman Kimble stated that if he were to bring his dog to be trained by him that is something that is not done there.

Charles Stella stated this facility is not a one on one training facility. It is more social and more structured. They will be doing sit and down, but it is going to be more about learning to be social. Maximum cars in the parking lot would be five to six at any one time. They do the pack walks there now and he knows that people park up and down the street, but that is at night when no one is there. He talked with the owner of the business next door and he had no problems with them using his lot when he isn't there. It is not a human participation. People drop their dog off and they pick their dog up.

Chairman Kimble stated that he does walk the dogs down the parkway.

Charles Stella stated in the winter time.

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

Member DeVries stated that the applicant is going to be moving into suite a. He asked what was in suite b right now.

Don Mould didn't really know the type of business.

Charles Stella thought it was some manufacturer of rubber lining for military.

Member DeVries asked if the space marked liberty would be space he would occupy as well.

Charles Stella stated he would just be occupying the one suite as well as two small areas outside.

Member DeVries asked him to show where the dog run would be.

Charles Stella showed the area on the drawing.

Member DeVries stated that a gift shop or store out front was discussed during his last application and asked if this was something that would be included here.

Charles Stella stated no. The new building in the future will have the store front.

Member DeVries stated that this has not been easy and appreciated the fact that he remains in North Ridgeville.

Charles Stella stated he loves his city. It's a great city to work in.

Member Cipriano noted that under 1276.02 it addresses kennels. This isn't exactly that but kennels are a permitted use in this district.

Chairman Kimble agreed and stated it is closer than other things listed in there. He asked if there were any other comments from the Board. Hearing none, he opened the floor to the audience for comments regarding this application. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by DeVries to approve the determination of like use to operate a dog training business in an I-2 District.

Chairman Kimble asked if there were any comments regarding the motion. Hearing none, he asked the Clerk to call the roll.

Yes, 4 No, 0 Abstain, 1 (Masterson)

Deputy Clerk Tjotjos addressed the Chairman and announced the motion passed by a vote of four yes, zero no and one abstention.

APPLICANT: Kevin McDonald, 5725 Cornell Avenue

OWNER: Same

REQUEST: A 188 square foot size variance to construct an 860 square foot detached garage.

LOCATION: 5725 Cornell Avenue in an RS-1 District

Permanent Parcel No. 07-00-017-118-083 and 07-00-017-118-023

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

Chairman Kimble asked for a representative. He asked that they state their name and address for the record so that they could be sworn in.

Kevin McDonald of 5725 Cornell Avenue was sworn in.

Chairman Kimble asked if they would provide a brief explanation to their request.

Kevin McDonald explained that his current garage is in rather poor condition. The floor is cracked, siding is pretty bad. He figured if he was going to put the money into it, he had better do it correctly.

Chairman Kimble asked if he was going to completely tear down and reconstruct or was he going to add on.

Kevin McDonald stated tear down and reconstruct in the same location.

Chairman Kimble stated he went by the property and his initial thought was that the current garage doesn't really look that bad. This applicant would be allowed to have a detached garage and then another detached storage building.

Chief Building Official Fursdon stated both being 676 square feet.

Chairman Kimble stated the two combined would be far over than what he is currently asking for.

Chief Building Official Fursdon stated yes, over 1300 square feet.

Chairman Kimble stated he believes that the plan in front of the Board is a better solution than to have two independent garages being larger than what is being asked. He believes it is a well thought out plan. He asked if there were any comments or questions from the Board.

Member Cipriano asked if this building was deeper and wider than what is currently there.

Kevin McDonald stated it is both. It is actually two feet deeper and fourteen feet wider.

Member Cipriano stated that there seems to be no ingress or egress issues and it doesn't encroach on the rear property line.

Chairman Kimble stated as we know it is five feet from the property line. He asked if there were any other questions or comments from the Board. Hearing none he opened the floor to the audience for questions or comments on this matter. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by DeVries to approve the 188 square foot size variance to construct an 860 square foot detached garage.

Chairman Kimble asked if there were any comments regarding the motion. Hearing none, he asked the Clerk to call the roll.

Yes, 5

No, 0

Deputy Clerk Tjotjos addressed the Chairman and announced the motion passed by a vote of five yes and zero no.

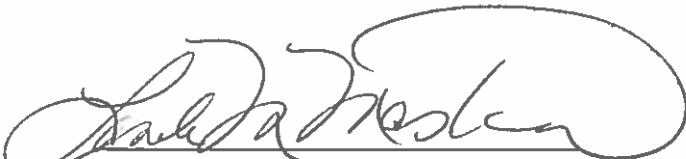
OTHER BUSINESS:

ADJOURNMENT:


Chairman Kimble announced since there is no other business to be brought before the Board, he moved to adjourn the meeting. He asked all those that agree signify by aye.

MOTION CARRIED

Meeting was adjourned at 7:32 P.M.



Vice Chairman, Linda Masterson



Secretary Donna Tjotjos

March 23, 2017