

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD FEBRUARY 26, 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, Planning Commission Liaison Tim Anderson, Vice Chairman Linda Masterson, and Chairman Shawn Kimble. Absent was Member Martin DeVries. Also present was Chief Building Official Guy Fursdon, Assistant Law Director and Secretary, Donna Tjotjos, Deputy Clerk.

MINUTES:

Chairman Kimble asked if there were any corrections or additions to the minutes dated January 22, 2015. Hearing none, he asked for a motion to approve.

Moved by Masterson and seconded by Cipriano to approve the minutes dated January 22, 2015.

Chairman Kimble asked the Clerk to call the roll.

Yes, 3 No, 0 Abstain, 1

Motion was approved by a vote of three yes, zero no, and one abstention.

REPORTS:

Chairman Kimble noted that the Board received a written report from the Board of Flood and Drainage Liaison Mario Cipriano. Report attached to these minutes. He asked if there was a report from the Planning Commission Liaison.

Member Anderson stated no report.

OTHER REPORTS AND CORRESPONDENCE:

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

PUBLIC HEARINGS:

APPLICANT: Steve Ross, Polimene Development, 38850 Center Ridge Road

OWNER: Same

REQUEST: The following variances to construct a gas station and convenience store on a corner lot in a B-3 District:

- 1) A 2.81 foot front yard variance from Case Road.
- 2) A 35.34 foot front yard variance from Center Ridge Road.
- 3) A 7.67 foot side yard variance.
- 4) A 15 foot rear yard variance.

LOCATION: 38850 Center Ridge Road in a B-3 District

Permanent parcel number: 07-00-046-106-019

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

Chairman Kimble asked for a representative to step to the podium and state their name and address for the record.

Nick Ross of 38850 Center Ridge Road and Leon Sampat of LS Architects 22082 Lorain Road, Fairview Park, OH were sworn in.

Chairman Kimble asked if they could explain the application.

Nick Ross stated that they are here representing Polimene Development and Friendship gas stations. He was sure that the members have seen the operations either on Oak Point Road or the one in Lagrange. They run a very clean gas station and they offer a café type service inside the gas station. The proposed site is on the corner of Case and Center Ridge Road. Down on that at end of town, it could use a service like this as there is not a whole lot down at that end. They believe this in particular will bring the image for that end of North Ridgeville up. They have tried to locate the building on the site as best as they could to fit the business model of Friendship gas stations. In order for them to operate in an efficient manner and make their business model work, they do require 4 gas pumps at their canopy on the site. They highlighted some of the locations on the plan that do pertain to the request for variances.

Chairman Kimble stated that he has been by the property and is very familiar with where this is and he agrees that a new gas station at that location would be a good asset for the City. He asked if they looked into other ways of locating things on that property.

Nick Ross stated that they did do different orientations of the building and different orientations of the canopy and the other options were worse in that they would have required more variances than this option. They tried to minimize the building encroachment. They own the property to the west now known as Ross Builders and the majority of the encroachment is on that property. As far as the foundation is concerned, they are not encroaching a lot but the canopies are really where the encroachment comes in.

Member Masterson addressed Member Anderson and asked if this was approved by Planning Commission.

Member Anderson stated yes, it was approved this month.

Member Masterson addressed the Chief Building Official stated that this applicant has several hardships. There is a double front yard because he is on a corner lot and as she recalls most all of the new gas stations that come to town; because of the nature of the canopy, she asked if that was the reason for the variances.

Chief Building Official Fursdon stated yes, because of the location, to move their traffic and to get their fuel tankers in, you would typically see the buildings set off to the corner or to the rear of the property. The canopies go out in front to give the customers protection over the gas islands and he didn't believe that there is a canopy in North Ridgeville that hasn't had to get a variance.

Chairman Kimble agreed as he gave examples of Sheetz and Speedway in town. Visually this is going to look exactly the same. It obviously makes sense to have, from a planning perspective, the gas station on a corner. Visually driving down Center Ridge, he doesn't believe that there will be, in any direction, something that will look out of place. It is going to look like every other station in town. He believes that it is a well thought out design.

Chief Building Official Fursdon asked the members to keep in mind that the canopy is an open structure so it is not like there will be a solid building wall blocking the view. There is only a roof deck and down below it will include four posts from the top of the canopy down and will be a wide open view through there.

Chairman Kimble stated that there will be no visual impairment from a safety standpoint.

Chief Building Official Fursdon stated very little.

Chairman Kimble asked if there were any other comments or questions from the Board Members.

Member Cipriano stated that the Chairman has already touched on the points he would have addressed.

Chairman Kimble asked if there was anyone in the audience that would like to speak on behalf of this matter.

Terrence Keenan of 6863 Savannah Drive was sworn in. He stated he is the Ward 1 Council representative for this part of town. He is very pleased with the fact that a new business will be coming in and rejuvenating that corner. His concerns have to do with the existing property on the north side of this development. He stated it is zoned B-3, same zoning, and commercial. In the site plan, what is really there is about a six foot, five to six foot elevated platform for this property and then it rolls down the hill as you head to the north. With this layout and the design bringing all the traffic in off of Case Road, he shouldn't say all, but the members get the idea that it will be bringing a lot of the traffic in and there is going to be a lot of headlight traffic at night elevated above the adjacent property. There is going to be basically a headlight issue. He stated that he has had some conversations with the developer and they have expressed willingness and agreement to basically on their north property line, raise the fence that is currently shown at the base of the hill and raise it to the pavement level and putting it on top of the retaining wall.

There is a site plan that says a new retaining wall. That fence will go on top of the retaining wall. Therefore, that fence will block; it will be a solid fence blocking headlights from projecting to the property to the north at night. His comment is that I would like to hear them say that and be a part of the

Chairman Kimble stated that is something they can discuss after the meeting, but as far as headlights go and a fence location, if it is on the bottom or the top, has nothing to do with our view as a Zoning Board from the variance perspective. That would be a great conversation to have with the Planning Commission or if you want to get it in writing from them by all means, but there is no way the Board can include that into their basis on how they vote today are included with the variances.

Terrence Keenan stated that he would like to hear them comment to that and that is what I would be asking to hear from them in a response. He stated he believes they are prepared to say it but otherwise, then, I might be objecting as the Council person in here to this plan because there are alternatives. He asked why there are four pumps and not three pumps. He stated that the applicant is asking for consideration and he is asking for some consideration in return. It is as simple as that. He stated he would like to see this go as drawn with the exception of bring the fence up to the top of the hill. That is it.

Member Masterson addressed Terrence Keenan and stated that the Chairman brought up a very good point. These issues should have been addressed during the Planning Commission she asked if he went to the Planning Commission meeting.

Terrence Keenan stated no, he was not available for the Planning Commission.

Member Masterson addressed Chief Building Official Fursdon and asked if this was addressed at Planning Commission

Chief Building Official Fursdon stated that it was brought up. Planning commission, due to the nature of the request and what the ordinance mandate that they can follow, simply asked the developer and property owner to be a good neighbor in which they assured Planning Commission that they would.

Member Masterson asked how long has Ross Construction been in town.

Chief Building Official Fursdon stated longer than he has worked for the City and that is over 23 years.

Member Masterson addressed the applicant and asked if their company headquarters was located somewhere near that location and if it wasn't the adjacent property.

Nick Ross stated that it is located right behind the adjacent property.

Chief Building Official Fursdon added to the west.

Member Masterson stated one final question for Chief Building Official. She asked if any lighting concerns for this property be addressed with the Building Department. She stated that she is truly not trying to make anyone feel uncomfortable, but her belief is that the Chairman was trying to state that all the Board can address here is the zoning issues and she feels that these concerns were already addressed at the Planning Commission meeting.

Chief Building Official Fursdon stated that the lighting she is referring to by ordinance speaks to the building lighting. It doesn't speak to headlights, which is what the concern is. Again, the developer and the future property owner have already agreed to Planning Commission to be a good neighbor. If they are willing to put that fence up on the retaining wall, that is a great barrier for them and that should almost eliminate all the headlights.

Member Masterson re-asked the question as to whether or not this issue was addressed at Planning Commission.

Chairman Kimble addressed the applicant and stated simply, if they are willing to state that, it has zero bearing to do with this Board at all, but if they are willing to state that and it gets the discussion past this, then by all means the mic was theirs.

Member Cipriano asked if the applicant wants to put the fence on top of the retaining wall, he would suspect that is going to need a variance because of the height.

Chief Building Official Fursdon stated no, it won't. B-3 Business District allows up to an eight foot high fence and the only regulation on that fence is that it cannot block the view of traffic and motor vehicles and pedestrians so; they couldn't take the fence out to the right of way. They will have to hold it back a little bit so that it doesn't impede the view of pedestrians and other oncoming traffic.

Member Cipriano stated that if they had a ten foot wall and they put a fence on top of it, in it of itself wouldn't require a variance.

Chief Building Official Fursdon stated as long as it doesn't exceed eight feet in height.

Member Cipriano asked if he referred to the fence itself.

Chief Building Official Fursdon clarified no, from the grade.

Member Cipriano stated that is what he was saying from the grade to the top of the theoretical fence would still be within code.

Chief Building Official Fursdon stated he couldn't answer that because he didn't know the height of the retention wall. Their intension was to put up a six foot fence. When they apply for a fence permit, they will know that answer to that total height.

Nick Ross stated he believes he can alleviate that concern too. As they did mention in Planning Commission, they are willing to be good neighbors and even though this is going to be a Friendship store, they are still located adjacent to the property, so they do want to be good neighbors and they are willing to put a fence on the retaining wall. They did discuss somewhere between the four and six foot fence height on top of there depending upon where that retaining wall comes out. He stated that it could be six feet from the grade to the top of the fence.

Chief Building Official Fursdon stated that is what code would allow.

Chairman Kimble asked if there was anyone else in the audience that would like to speak.

Dennis Boose of 6405 Denise Drive was sworn in and stated that for the record, he is very pleased that Friendship is coming to town especially in that area and he believes that will dress that corner up very nicely. He stated it is good to see businesses invest in this community and he believes it will be a good one. He agrees with the comments that have been made and he was at the Planning Commission when this was discussed and the developer and the neighbor had talked about being good neighbors and stated that Mr. Fursdon's recollection of that was extremely accurate and he is very glad that the applicant was able to accommodate that neighbor and stated he was looking forward to them being here.

Chairman Kimble stated that if there were no other questions or comments, the Chair would entertain a motion.

It was moved by Masterson and seconded by Cipriano to approve the a 2.81 foot front yard variance from Case Road; a 35.34 foot front yard variance from Center Ridge Road; a 7.67 foot side yard variance, and a 15 foot rear yard variance.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

Chairman Kimble asked the Clerk to read the next application.

APPLICANT: Gregory Cromwell, Maximum Graphix, 33426 Liberty Parkway and Henry Noethe, Columbia Printing, 33430 Liberty Parkway
OWNER: Don Mould Development, 33549 Liberty Parkway
REQUEST: A variance to allow a second sign 20 square foot in size to be located off premises in the Liberty Parkway right-of-way and approximately 60 feet set back from Lear Nagle Street pavement.
LOCATION: 33549 Liberty Parkway, south east corner of Lear Nagle and Liberty Parkway in an I-2 District
Permanent Parcel number: 07-00-008-115-068

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

Chairman Kimble asked if there was a representative and if they could step to the podium and state their name and address.

Greg Cromwell of 5758 Broad Boulevard was sworn in.

Chairman Kimble asked if he would tell the Board a little bit about the application.

Greg Cromwell explained he presently has a sign that is at the intersection of Liberty Parkway and Lear Nagle that states Maximum Graphics and due to the widening of Lear Nagle it is necessary for his sign to be removed. Therefore, they need to relocate that sign with Board's approval to the opposite side of Liberty Parkway setback further than the one he presently has from Lear Nagle. He stated the sign they are constructing is identical in size and shape to the one he presently has.

Chairman Kimble stated he has been down Liberty Parkway a number of times; actually just recently for another variance that was brought before the Board and he asked why the applicant needs to have this sign at that location versus on his property where one is currently allowed.

Greg Cromwell stated that he is in the Liberty Business Park Condo which is at the dead end of the street. Without that signage on Lear Nagle, he doesn't exist. He is basically the only business in that association that actually has walk in customers and so, with the exception of any other advertising that he does with the City; no one will know that he is back there. Ever since he started his business in 1999 he has had that sign at that corner and the benefits have been tremendous. To lose it completely, could impact his business a lot.

Chairman Kimble stated that it is basically replacing what is already there. It has been there for a significant amount of time already. Due to the street project, this sign needs to be at a different location.

Member Masterson addressed Chief Building Official Fursdon and asked if his original sign needed a variance.

Chief Building Official Fursdon stated that he just doesn't remember.

Member Masterson stated that there are separate businesses listed on this sign and because he occupies a condo unit, which she is assuming is a bunch of attached businesses, she asked if they weren't entitled to something like a shopping center sign.

Chief Building Official Fursdon stated that there would be nothing in the ordinances that would restrict that. They could have a multiple tenant sign.

Member Masterson asked if they would need a variance for something like that.

Chief Building Official Fursdon stated they are allowed the multiple tenant business sign, but it should be back on their property. For them to put it off their property, that is why they are here and the fact that he needs a second sign.

Chairman Kimble stated that even though it would be a second sign variance for everyone, his concern is what will stop someone else from moving into that business complex and wanting a second sign directly next to this one. He understands that the Board is to look at what is directly in front of them and he is trying not to look too far forward. He stated that the Board knows that Dr. Novak was just here last month and she is moving in back there. He asked would she want another sign as well. He stated his concern is where this would lead. Even though each variance is its own individual application, it is still a concern.

Member Cipriano stated that it would be his belief with the preponderance of the businesses who had walk in customers, he would assume, that they would come forward and ask for a multi-business sign at the end of that road. He stated he didn't know if anyone else had been back there or not, but like Greg said, if you don't know it's there, you won't see it. He stated that the sign on the building only tells the consumer that they are at the right door. That is the challenge because of the nature of the business and where it is located, it would be difficult to find or know it was there.

Greg Cromwell stated that he is also Vice President of the association and he has been President for seven years and he finally got somebody else to do it. One of the things he was able to do as President, was to construct a sign at the entrance way of the complex that already has everybody's name on it. He explained that when you are driving down the street, eventually you will run into the sign and you can see who is back there, but once you are going up and down Lear Nagle Road, you have no idea that complex even exists. That is why he is replacing his sign.

Chairman Kimble agreed and stated to have a successful business back in the complex; they need the advertisement on Lear Nagle. It is almost planning, when this was built, that he wished a sign was incorporated in this original project.

Chief Building Official Fursdon stated that the Board is very likely to see another request come in like this in the future for Victory Lane. A lot of the traffic that goes down Lorain Road is going to have no idea of some of the businesses that are back there and they may put together a proposal to come before the BZA to get a variance to put a multiple tenant sign out there so that they are recognized and they become a viable business.

Member Masterson stated that she has utilized this company and she is not the greatest person on direction. She understands the need for the sign because if it weren't for the sign at the end of the road, it would be very difficult. She stated that they do get a lot of walk in clients and the applicant has been a very good business person and with the road widening project, they are going to need all the help they can get making sure people know where they are at.

Chairman Kimble stated that the last thing he wants to see this Board do is take action that puts a local business owner in hard times. He stated the more he thinks about it, it is not fair on this applicant to have to worry about what other people may or may not do and those bridges can be crossed as they come. He stated that was designed years ago and they have to try and work around what is there with the expansion of the roadway. He agrees it is vitally necessary and important to have that sign there to sustain any businesses back there because he has lived in this town his whole life and he couldn't tell anyone what is back there other than this company. He asked if there were any other questions or comments from the Board members. Hearing none, he opened the floor to the audience and asked if there was anyone who would like to speak on this matter.

Dennis Boose of 6405 Denise Drive stated Mr. Cromwell runs a good business and has been there a long time. One of the things that we are trying to do in our City is when they look at the impact of widening of Center Ridge and Lear Nagle is to try to lessen the negative impact of the current businesses. He has had a sign there since 1999 and there should be no reason why he can't relocate a similar or same sign within the same area as long as it doesn't infringe on any other code violations such as being closer and it is his understanding that it is further back than the current sign is. He stated that he believes that the Board has to try to accommodate those sorts of situations and he would certainly be in favor of this variance for this particular purpose because it has been there and through no fault of his; through expansion of the road, his sign has to go. Whether he takes it down or the City takes it down it has to go and certainly we should try to accommodate as many businesses as we can. We are already losing businesses because of the expansion. We don't need to try and exasperate that any further and hopefully the Board will consider this request in a favorable manner.

Chairman Kimble stated that he agrees with what the Councilman just mentioned. The business and sign has been there since 1999. It isn't like it would create any new impact on the area. It will now be further back and if other people do come down the road, then they come down the road. There may be signs lined up, but that is just the way it is. As far as this variance is concerned, he sees no reason not to approve it and it seems to be a well thought out idea. The applicant has taken a lot into consideration moving it back further and thanked the applicant for his willingness to stay in the City. He asked if there were any other comments from anyone in the audience. He asked if there were any other questions from any other Board members. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by Masterson to approve the variance to allow a second sign 20 square foot in size to be located off premises in the Liberty Parkway right-of-way and approximately 60 feet set back from Lear Nagle Street pavement.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4 No, 0

Motion was approved by a vote of four to zero.

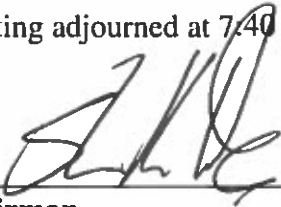
OTHER BUSINESS:

ADJOURNMENT:

It was moved by Chairman Kimble to adjourn the meeting.

MOTION CARRIED

Meeting adjourned at 7:40 P.M.



Chairman



Secretary

March 26, 2015
Date



CITY OF NORTH RIDGEVILLE



BOARD OF ZONING & BUILDING APPEALS

**Chairman Shawn Kimble
Vice Chairman Linda Masterson
Member Martin DeVries**

**7307 Avon Belden Road
North Ridgeville, Ohio 44039
(440) 353-0513**

**Member Mario Cipriano
Planning Commission Liaison
Tim Anderson**

Subject: Liaison Report from the Board of Drainage and Flood Control

Date: Thursday, February 26, 2015

Mr. Chairman and members of the board,

I attended the meeting of the Board of Drainage and Flood Control on Tuesday January 27, 2015. During this meeting we discussed a number of important issues. These included the cities plans to propose a Storm Water Utility. The discussion included a substantive debate about how the city is preparing their plan and how residence and business will be charged by this to be formed utility.

Areas of Concern included:

- 1. What mechanisms are being considered when determining fees to be charged to residents and businesses**
- 2. The importance of ensuring that fees charged are fair under the law**
- 3. The total revenues expected to be raised**
- 4. How these revenues might be spent to improve the infrastructure to better handle ground water runoff and mitigate flooding**
- 5. Possible monies and or assistance available from the Federal Government**
- 6. The plans for City Council to hold hearings for the citizen of our city**
- 7. The role the Board will play in the prioritization and use of revenues raised by the utility**
- 8. Councilman and Board Member Dennis Boose expressed his desire to ensure that the board play an import role in the process.**

Sincerely,

**Mario Cipriano
Member Board of Building and Zoning Appeals
Liaison and Member of the Board of Drainage and Flood Control**