

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

**MINUTES:**

Vice Chairman Masterson asked if there were any corrections to the minutes dated February 23, 2017. Hearing none and with no objection, those minutes are approved as presented and will be placed on file.

**REPORTS:**

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

Member Anderson responded no.

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

Member Cipriano responded no report.

**OTHER REPORTS AND CORRESPONDENCE:**

Vice Chairman Masterson asked if there were any other reports or correspondence.

Deputy Clerk responded no other reports or correspondence received.

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

**PUBLIC HEARING:**

**APPLICANT:** William A. Micklos, Jr., 34820 Lorain Road  
**OWNER:** Same  
**REQUEST:** A 19 foot front yard variance to construct a 24 x 32 detached garage  
**LOCATION:** 34820 Lorain Road in an R-1  
Permanent Parcel No. 07-00-013-000-206 and 07-00-013-000-129

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

Vice Chairman Masterson asked if there was a representative. She asked that they state their name and address so they can be sworn in.

William A. Micklos, Jr. of 34820 Lorain Road was sworn in.

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

William Micklos explained they are looking to construct a 24 x 32 detached garage on a corner parcel.

Vice Chairman Masterson asked if this was going to be a detached garage. She stated she was familiar with the house. It is very pretty. She asked which way the driveway was coming off.

William Micklos stated it would be coming off Deer Run Drive.

Vice Chairman Masterson stated usually the reason for the side yard variance is because it is a corner lot and the representative needs it for sight lines. There are two technical front yards and so the hardship is by having two front yards, it gives limited space to put the garage. She asked if he was planning on building any other garages or just this one.

William Micklos stated no, just this one.

Vice Chairman Masterson asked if any of the Board members had any questions.

Member DeVries asked what he plans to store in this garage and what would it be used for.

William Micklos stated vehicles and lawn mowers.

Member DeVries asked if he needed any special lighting needs for this addition.

William Micklos stated no.

Member DeVries asked if there was fencing that goes along the Deer Run side.

William Micklos showed where the fence was on the drawing.

Vice Chairman Masterson asked if he needed extra storage space for his lighting.

William Micklos stated yes, that was also a factor.

Member Cipriano asked if he was going to store things in there for a lighting business.

William Micklos stated that they put up a large Christmas display.

Member Cipriano stated that this variance is for combining two lots and the variance necessary to combine the two.

Chief Building Official Fursdon stated that the city wants them to combine the two lots otherwise this building would be on a nonconforming lot and when he combines the lots, he won't have his 50 foot required setback. He would only have 31 feet requiring the 19 foot variance, which he is asking for this evening. In the 1282 Subdivision, a 30 foot front yard is acceptable.

Vice Chairman Masterson asked if there was anyone in the audience that would like to speak on this matter. Hearing none, she entertained a motion.

It was moved by DeVries and seconded by Anderson to approve the 19 foot front yard variance to construct a 24 x 32 detached garage.

Yes, 4                      No, 0

Madam Chair, the motion was approved by a vote of four yes and zero no.

**APPLICANT:** Thomas O. Stein, 7278 Root Road

**OWNER:** Same

**REQUEST:** A two and a half foot height variance and a 50% open variance to construct a six foot, 100% closed privacy fence on a corner lot.

**LOCATION:** 7278 Root Road in an R-1 District.

Permanent Parcel No. 07-00-022-101-093 and 07-00-022-101-091

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

Vice Chairman Masterson asked if there was a representative. She asked that they state their name and address so they can be sworn in.

Tom Stein stated his location 7278 Root Road.

Vice Chairman Masterson asked if he could provide a brief explanation of your request.

Tom Stein stated that they recently got a new dog and they are trying to fence in some of their backyard. It is a corner lot and it is almost 30 feet off the frontage. They get a lot of walk through from the park and they are trying to keep the barking down with a privacy fence. The rest of the fence permit is for a chain link.

Vice Chairman Masterson stated that again, with this case, there are two technical front yards and the reason for the 50 percent open is so that people can see when they are turning the corner.

Tom Stein stated that Bainbridge is about four feet above the property line. You'll still be able to see right over the fence.

Vice Chairman Masterson stated that there are numerous practical difficulties. She asked if the Board members had any questions.

Member Cipriano stated he was at the property and noticed that there is shrubbery there. His concern is if there may be an obstruction based on being on a corner and trying to get out of the drive. It appears that the fence will be closer to the drive than the shrubbery that is there.

Tom Stein stated it is replacing the shrubbery. He stated that he has treated that shrubbery for three years and it keeps dying so he is replacing it.

Member Cipriano stated that there is no obstruction from either direction. Nothing obstructs the view from traffic or pedestrians.

Vice Chairman Masterson asked if the audience had anything to say in regards to this matter. Hearing none, the Chair will entertain a motion.

It was moved by Cipriano and seconded by DeVries to approve the two and a half foot height variance and a 50% open variance to construct a six foot, 100% closed privacy fence on a corner lot.

Yes, 4                      No, 0

Madam Chair, the motion was approved by a vote of four yes and zero no.

**APPLICANT:** Javier Feliciano, Feliciano Towing, 5884 Rosebelle Avenue

**OWNER:** Rubin Albino, 5914 Paula Blvd.

**REQUEST:** A variance to allow for a second vehicle for home occupation

**LOCATION:** 5885 Rosebelle Avenue in an RS-2 District.  
Permanent Parcel No. 07-00-020-108-019

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

Vice Chairman Masterson asked if there was a representative. She swore in the applicant.

Javier Feliciano of 5884 Rosebelle Avenue introduced himself.

Vice Chairman Masterson asked if he has a location for his trucking company.

Javier Feliciano stated that is his application.

Vice Chairman Masterson asked if he didn't have any other place that he works.

Javier Feliciano stated that he has a used car lot that just opened up about five months ago right outside of North Ridgeville in Elyria. He stated he is keeping one of the vehicles there at the moment and it is very difficult.

Vice Chairman Masterson stated that the city understands that people want to run a business out of their home. However, it is still a residential area. She stated that the applicant has a beautiful home and he takes very good care of the yard. She asked what the practical difficulty is and explained that with a home occupation, it gives the opportunity to have a vehicle. They don't really like having two there because then it gives the impression of a commercial property.

Javier Feliciano explained that he has a flat bed and with a towing company, which is what he is running, you need two trucks to actually do the job. The second truck he has is to pull people out of ditches. You need to have two trucks to have the business.

Member Cipriano asked if he had another driver beside himself.

Javier Feliciano stated no, he is a one man operator.

Member Cipriano stated that currently, he would drive the first truck to the second truck at another location.

Javier Feliciano stated that it depends on the call. He may drive the flat bed several times and all of a sudden he gets a call for a ditch, so he uses his smaller truck for those calls.

Member Cipriano asked if he owned the property next to him.

Chief Building Official Fursdon stated that it is a vacated right of way to the south of that property.

Javier Feliciano stated that he and his neighbor are trying to get that vacated.

Member Cipriano stated that he just described how he has to go and get the truck currently and asked if that was correct.

Javier Feliciano stated that he has a 35 minute window. When people break down, they don't want to sit there for an hour for them to go and get them. He is a five star business and has been

in North Ridgeville for three years.

Member Cipriano asked how long does it take for him to get from his house to his other vehicles.

Javier Feliciano stated that you have to let the truck warm up and from that time it is about another 20 minutes. It is very inconvenient.

Vice Chairman Masterson asked if anyone in the audience had any questions.

Council Liaison Butkowski asked if the applicant owned the house he is living in.

Javier Feliciano stated his dad does.

Council Liaison Butkowski stated that she has gone through the paperwork received on this application and there have been eight police reports on that house.

Javier Feliciano stated not at his house. That might be the house in front of his house. There are young kids that live there and the police have been called to that house. He is never home.

Council Liaison Butkowski read the zoning violations that were provided in the packet.

Vice Chairman Masterson stated for clarification for the record, those aren't police reports they are zoning violations.

Council Liaison Butkowski continued to read the violations. She stated that it sounds to her that the applicant does not care about his neighbors. She can't understand why the board should allow another vehicle there.

Javier Feliciano stated he does have a car lot. By law, you are allowed to sell five cars a year and he has only sold five cars out of that property. He never works out of his house unless it is on his own cars. All the complaints come from one person and one person only.

Vice Chairman Masterson clarified the complaints. She stated that there were numerous violations but they have all been complied. The last two were recent January 2017 and February 2017.

Council Liaison Butkowski stated that even if they are corrected, there have been a lot of them.

Javier Feliciano stated he has lived there for about four and a half to five years.

Council Liaison Butkowski stated then some of these complaints were under your dad when he lived there. The applicant is just renting the house. If you are a renter and you are aggravating

the neighborhood, she didn't think that this variance should be given for a house that is being rented. She stated she wouldn't want it in her neighborhood. These are very small lots on Rosebelle and if all of that is going on along with selling five cars a year, the front yard is hardly big enough to hold a car from front to back.

Chief Building Official Fursdon stated that he can't sell five vehicles. He believes what the applicant is referring to is his dealer's license. But he can't sell five vehicles from that property. City ordinance only allows him two per year.

Javier Feliciano stated that is why he owns a car lot. Before, when he moved in there he was selling five cars a year. Every time he received a violation, he corrected it right away which is why he has the car lot now. He gets up at 6:00 and leaves his house and he doesn't get home until 7:00 at night.

Chief Building Official Fursdon stated that the applicant has complied when his inspector went down there and notified him that something was contrary to our ordinances. He asked if both vehicles were less than 11,000 pounds.

Javier Feliciano stated yes.

Chief Building Official Fursdon asked if there was an outbuilding where one could be parked in.

Javier Feliciano stated that he graveled on the side of the house. That is where he puts the small tow truck. The flatbed is up next to the garage and you can barely see it.

Chief Building Official Fursdon stated that they asked you to put the gravel so that you aren't parking on the grass and pulling mud out onto the road way. He asked if there was a garage that the vehicle could be parked in.

Javier Feliciano stated there is a garage but neither vehicle can be parked there.

Vice Chairman Masterson asked if the Chief Building Official would look differently on the home occupation if the person doesn't own the house.

Chief Building Official Fursdon responded no, he is leasing that and has legal right to use that like any other home owner would.

Vice Chairman Masterson stated that it wouldn't be advisable not to take into consideration just because someone is renting.

Chief Building Official Fursdon stated he has a home occupation permit. It stays with him. If he leaves that property, the home occupation permit goes away. It doesn't stay with that property.

Javier Feliciano stated he has serving North Ridgeville as a towing company for the last three years.

Vice Chairman Masterson asked if Councilman Boose would like to speak on behalf of this matter.

Dennis Boose 6405 Denise Drive was sworn in. He stated he would welcome someone who is trying to expand their business. That is good. However, in a residential area we have an ordinance that says one vehicle. If it was a car, who cares. He stated if it was two cars, who cares, but I don't know if I would want to live next door to a house with one tow truck, let alone one tow truck and perhaps the type of business that the applicant is operating makes it difficult to be located in a home occupational area-residential district. He stated he is not following the hardship as he does have a place to store it. The questions BZA asks in their application were answered was 'does he have some other place to put it' and the answer the applicant gave was 'yes'. So he isn't quite sure why this variance needs to get approved.

Vice Chairman Masterson addressed the Board and asked for clarification from the Chief Building Official if there wasn't a home in that area where the home owner also does emergency and the Board granted him the second vehicle. The electrician with the bucket truck.

Chief Building Official Fursdon stated he believes it was farther east from this location, but a similar type neighborhood and he was electrical contractor.

Vice Chairman Masterson stated that this applicant also handles emergencies.

Member Cipriano clarified and stated that each case coming before the Board is considered de novo and so precedence is not relevant. He understands the comment but wanted to make that point.

Javier Feliciano added that when both trucks are there you can't see them as he graveled the side of the house. It doesn't bother anyone around the area. This concern and complaint is coming from one person and one person only.

Vice Chairman Masterson addressed the applicant and stated not to worry about that.

Assistant Law Director Morgan stated some of the points that Councilman Boose made, she would concur with and when you speak of home occupation, she believes in the ordinance the term customary home occupation is used. It is very sensitive to the fact that this is a residential neighborhood where we allow these and some of the limitations in the ordinance are to preserve the residential character and two work trucks and she appreciates the applicant sounds like his business is doing well and he is definitely a hard working person, she was not convinced that this



would be appropriate for a residential area.

Vice Chairman Masterson asked Chief Building Official Fursdon if this was in violation of any of the home occupation rules and regulations.

Chief Building Official Fursdon stated not that he is aware of except for the second vehicle. That is why he is before the board. Once the Building Department was informed of the second vehicle, they told him he couldn't keep the vehicle there and he isn't aware that he brought it back and he applied to the Zoning Board to see if he could get approved for that second vehicle onsite.

Member DeVries announced he will be abstaining from these proceedings due to conflict of interest.

Vice Chairman Masterson entertained a motion hearing no other discussion.

It was moved by Cipriano and seconded by Anderson to deny the variance to allow a second vehicle for home occupation

Vice Chairman Masterson asked the Clerk to call the roll.

Yes, 2      No, 1      Abstain, 1 (DeVries)

Madam Chair, the vote was two yes, one no and one abstention. She addressed the Law Director regarding the abstention.

Assistant Toni Morgan asked to review the by-laws.

Deputy Clerk Tjotjos stated that the ruling would be in Roberts Rules of Order.

Vice Chairman Masterson called a recess for the review of Roberts Rules of Order.

Recess began a 7:32P.M.

Meeting resumed at 7:35 P.M.

Deputy Clerk Tjotjos restated the motion and the vote.

Assistant Law Director Morgan explained in this case, there was one abstention and so that vote doesn't count. There are three voting board members present, which makes a quorum. There were two yes to deny and one no vote to deny and so, the motion carries.

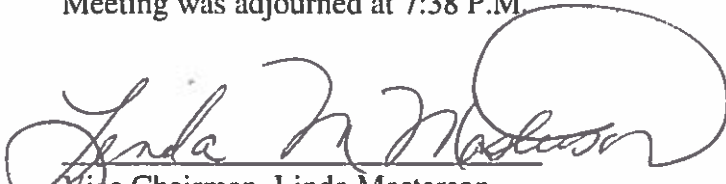
Vice Chairman Masterson announced the request has been denied for the second vehicle.

**OTHER BUSINESS:**

**ADJOURNMENT:**

Vice Chairman Masterson: There is no other business to be brought before the meeting this evening and therefore, I adjourn the meeting.

Meeting was adjourned at 7:38 P.M.

  
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Vice Chairman, Linda Masterson

  
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Secretary Dorna Tjotjos

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April 27, 2017