

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

MINUTES:

Chairman Kimble asked if there were any corrections or additions to the minutes dated February 26, 2015. Hearing none, he asked for a motion to approve.

Moved by Cipriano and seconded by DeVries to approve the minutes dated February 26, 2015.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five yes and zero no.

REPORTS:

Chairman Kimble asked if there were any other reports or correspondence.

OTHER REPORTS AND CORRESPONDENCE:

Secretary Tjotjos addressed the Chair and stated that Members received correspondence today from applicant Anthony Valore, HCAV Investments, Inc requesting to withdraw all three variances under their application stated on tonight's agenda.

Chairman Kimble called a two minute recess at 7:03 P.M. and directed Secretary Tjotjos to call the police to have someone come down because the members could hear everyone yelling downstairs. He resumed the meeting at 7:06 P.M.

Chairman Kimble asked the Clerk to read the first application under public hearings.

PUBLIC HEARINGS:

APPLICANT: Mary Tavakoli, 29255 Nottingham Court, Westlake, OH 44145
OWNER: Same
REQUEST: A variance to allow less than one acre lot in B-3 District to adhere to the requirements of the City's Center Ridge Road Widening project.
LOCATION: Center Ridge Road, south west of Jaycox and south east of Ridgeview Boulevard in a B-3 District

Permanent Parcel No. 07-00-021-119-120

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

Chairman Kimble asked if there was a representative and if they could state their name and address so he could swear them in for the record.

Mary Tavakoli of 29225 Nottingham Court, Westlake, Ohio was sworn in.

Chairman Kimble asked the representative to tell the Board a little bit about the application.

Mary Tavakoli stated that they have been affected by the road widening project and they have by eminent domain taken .26 acres of their one acre lot, which makes them nonconforming and so, she has had a lot of conversations with Mayor Gillock online and he told her that they needed to apply for a variance. That is why she is here to apply for a permanent variance that would allow them to have the .74 acre lot.

Chairman Kimble stated that this would make it a buildable lot.

Mary Tavakoli stated that is what they believe, yes.

Chairman Kimble asked if the representative had anything else to add.

Mary Tavakoli stated no, not really.

Chairman Kimble stated that before he opens the floor to the Board he wanted to announce that he would be abstaining from this vote. He stated he will still handle the procedure, but his family is this applicant's neighbor at this facility. He is familiar with the property and one thing that he will point out is that this is a desirable lot and it would be ashamed to not be allowed to have something built there. One thing that the Board probably wouldn't know is with the property that they would be required to have a retention, even though it will be less than an acre, that is already handled because they have an easement that runs along the western property line that runs along his property line that does run into their retention and so, they have the retention requirements completely covered and they would have no issues to still be able to build even though it is below the one acre. He stated that even though he is not voting, he is in favor of this application.

Member Masterson explained that one of the reasons why the Board of Zoning and Building Appeals is here is to help someone in this type of practical difficulty. This is a public taking and it isn't as if she decided to sell .2 of her acre property to someone because of gain. In her opinion, this meets all the criteria for why this Board approves variances.

Chairman Kimble asked if there were any other comments from the Board members. Hearing none, he asked if there was anyone in the audience that would like to speak on behalf of this matter. Hearing none, he entertained a motion.

Moved by Cipriano and seconded by DeVries to approve the variance to allow less than one acre lot in B-3 District to adhere to the requirements of the City's Center Ridge Road Widening project.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4 No, 0 Abstention, 1 (Kimble)

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

Chairman Kimble moved the meeting on and asked the Clerk to read the next application.

APPLICANT: Park Trails, Inc., 23875 Commerce Park, Suite 120, Beachwood, OH 44122

OWNER: Same

REQUEST: The following variances to construct a six foot high, fully closed, privacy fence fronting Lear Nagle Road to adhere to the requirements of the City's Lear Nagle Road widening project.

1) A 2.5 foot height variance

2) 50% open variance

LOCATION: 6610 Lear Nagle Road in an R-1 District

Permanent Parcel No. 07-00-009-120-152

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

Chairman Kimble asked if there was a representative and if they could state their name and address so he could swear them in for the record.

Dale Markowitz, 107th Avenue, Chardon, Ohio was sworn in.

Chairman Kimble asked if he could provide the Board an explanation of his application.

Dale Markowitz asked if he could approach and hand out drawings for the members.

Chairman Kimble stated absolutely.

Dale Markowitz handed out drawings to the members. He then explained that they are here also for the widening of Lear Nagle, similar the last application before the Board. He asked if they could review the information just provided. He stated that there is a map there that they took from the engineering that was done for Lear Nagle widening and it shows the area that they are talking about where the trees will be removed. The key photograph would be photograph number four, that is a google earth map that shows the best aerial view of all the landscaping in

the front of their property and all of that will be removed as part of the widening project so, they will lose every single bit of landscaping that they have there. There are numerous matured pine trees and some low level landscaping. The city has to take that area for work area and they are going to create a ditch or swale in the front there and so, there will be no room left to be able to replace the landscaping that would create any kind of affective buffer. The only other alternative they were left with was to put in a fence. The purpose of the fence is two-fold. Once is that they want to create screening for people across the street and surrounding them so that they are not viewing the park and the bulk of the park from their properties whether it be across the street and secondly, for the residents there; particularly the ones right up closest to the road, they want to create a buffer for them for both visual and for noise because now the travel portion of that road will become closer to their homes. The road widening project will cause the loss of the landscaping, but there will be the road, the sidewalk and the swale right there. They do need a six foot fence. They thought of using something higher, but it may become offensive to the community and so, they chose the six foot fence being the right height. This would be affective as a screen for both audio and visual and would need to be a closed in fence. The requirement of the 50 percent open defeats the purpose of what they are trying to accomplish. This is a classic variance case under the practical difficulties test because they didn't create the problem and they have no other way of solving. It would cause a substantial loss in privacy and value to their residents and owner and will negatively impact the property owners across the street and nearby if they couldn't create an opportunity to screen. They will have some landscaping, but it can only be small low level landscaping that will never grow mature enough to create a privacy screen. He introduced Larry Looney as the Park representative and has been involved with the mobile park for decades. The family has owned this property since the 1970s and so, they were unaware when they bought it that this issue was going to come up. When they bought it those trees weren't as big, but they were still a nice screen. As the park expanded the screen matured and so it created a nice buffer which is what it is today. You can tell also by looking at photo 4 how much buffer is there now. Larry is here to explain anything the Board may have questions on, but the application is pretty simple and straight forward. He stated that if this gets approved tonight, the Law Director and he are ready to sign the easement documents to get things accomplished for the road widening.

Chairman Kimble stated that he has been by the property and the applicant has hit all the main questions. This burden has been placed on this applicant because of the widening of Lear Nagle Road. It will be a familiar topic in the next few months for this Zoning Board. He stated that the applicant has done a very good job in keeping up the landscaping for years now and that will all be taken away from them now. This does seem to be a simple but yet affective way to accomplish a barrier shield there. He asked if there were any other comments or questions from the Board members.

Member DeVries agreed with all the comments and referred to the map that had a highlight on it and stated that it is a gray area of where the fence ends and the entrance to the property. His

concern is that if someone is heading south on Lear Nagle, what visual clearance would they have there.

Dale Markowitz stated that site distance clearance will improve coincidentally with the loss of the trees because the fence will be further away from the road than where the trees are now. It will be much closer to the resident's homes there and so, the site distance clearance will have a clear view from Lear Nagle from a point further away from the road than what is there today. The fence is far enough back from the road that any commercial vehicle or passenger vehicle will be able to do that slow creep up to where the sidewalk will go and still have 100 percent view in either direction.

Member DeVries asked if there would be a light post in that area at night.

Dale Markowitz stated no, not up there, no. The loss of the trees won't affect the impact of any lighting in that area.

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

Member Masterson stated her only comment was that he did a very good job of doing the Board's job today.

Dale Markowitz stated that he has done this about a thousand times.

Chairman Kimble opened the floor to the audience and asked if anyone would like to speak on behalf of this matter.

Steve Gage of 33732 Gail Drive was sworn in. He then asked if the representative had considered a privacy fence along the back lot of the property.

Larry Looney stated that to his knowledge that hasn't been an issue as trees have grown in that area which provides for somewhat the same affect.

Steve Gage stated he was just curious if it included that or not.

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

Chief Building Official Fursdon stated that he mentioned a setback in his comments that the fence would be fifteen feet from the proposed sidewalk with the widening project. He asked if that was an accurate dimension.

Dale Markowitz stated yes as far as they know.

Chief Building Official Fursdon stated that it shouldn't be a site issue for automotive traffic but could be a site clearance issue with pedestrian traffic with that 15 feet. As you are approaching the street, the vehicles should be able to see the pedestrian walking on that sidewalk.

Dale Markowitz stated yes.

Chairman Kimble stated if there were no other questions or comments from anyone, he would entertain a motion.

Member DeVries asked what the speed limit would be on Lear Nagle once the project is finished.

Chief Building Official Fursdon stated as far as he knows, 35 just as it is. He hasn't heard of any increase or decrease.

Moved by Cipriano and seconded by DeVries to approve the variances as stated.

Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

Motion was approved by a vote of five to zero.

Chairman Kimble asked the Clerk to read the last application.

APPLICANT: Carol Ann Soltis, 4801 Ronald Drive
OWNER: Same
REQUEST: A 524 square foot size variance to construct a 1200 square foot outbuilding
LOCATION: 4801 Ronald Drive in an R-1 District
Permanent Parcel No. 07-00-017-108-007

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

Chairman Kimble asked for a representative and if they would state their name and address so that he could swear them in.

Carol Soltis and George Soltis of 4801 Ronald Drive were sworn in.

Chairman Kimble asked if they could explain their application.

George Soltis explained that besides being a "Man Cave", the current structure a good wind could take it down. He explained they are opting to go with a larger building to house their two vehicles and more storage space. He explained that his wife is currently retired and he will be

retiring in a few years and would like space to work on crafts and such. He stated that they have been in communication with the engineers and building officials as the first drawing they submitted wasn't quite adequate as it was off center, etc. They since then provided this drawing. As far as the building, they received the okay that it will be structurally sound. He stated he was very nervous here.

Chairman Kimble stated that it usually isn't this crazy in here. He stated that he has been by the property and asked if the existing garage will be coming down.

George Soltis stated yes.

Chairman Kimble stated that the representative could have one garage and one accessory building. The two combined would be larger than this one outbuilding they are trying to build. It seems to make sense the way the representative has it designed. Just from a visual standpoint, he would rather see one outbuilding than two of equal size next to each other. He asked if there were any questions or comments from any of the Board members.

Member Masterson stated that the Chair covered her comments.

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

Dennis Boose, 6405 Denise Drive was sworn in. He stated that he is in favor of this project. He thinks that it is great that residents want to improve the properties the way they do and he agrees with the comments the Chair made that he would also rather see one building than two. As their Councilman, he is very proud that they are making their street improved. It will not only help their house value, but it will help the ones around them. He is glad to see renovations and new construction going up in that neighborhood.

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

Member DeVries stated that he lives in that neighborhood and it is consistent with what has been going on the last few years on the street. There have been a number of houses that have had additions or larger garages built in the back so it will conform to what is already there in that neighborhood and he applauds the residents for improving their property and also making his property better too.

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

Moved by Cipriano and seconded by DeVries to approve the variances as requested.

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Chairman Kimble asked the Clerk to call the roll.

Yes, 5 No, 0

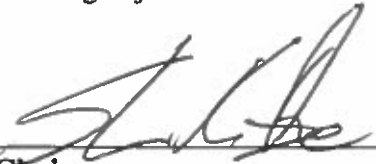
Motion was approved by a vote of five to zero.

OTHER BUSINESS:

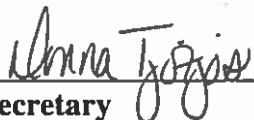
ADJOURNMENT:

It was moved by Chairman Kimble to adjourn the meeting.
MOTION CARRIED

Meeting adjourned at 7:26 P.M.



Chairman



Secretary

April 23, 2015
Date