

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE RESCHEDULED MEETING HELD JULY 13, 2017**

TO ORDER: The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

ROLL CALL: Present were members Martin DeVries, Planning Commission Liaison Tim Anderson and Chairman Shawn Kimble.
Absent were Members Mario Cipriano and Linda Masterson.
Also present were Chief Building Official Guy Fursdon, Assistant Law Director Morgan, Mayor David Gillock and Deputy Clerk of Council Donna Tjotjos.

REPORTS:

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

Member Anderson stated the third applicant on tonight's agenda has been approved by Planning Commission.

OTHER REPORTS AND CORRESPONDENCE:

Chairman Kimble noted that there were no other reports or correspondence. He then moved the meeting on to the public hearings and asked the Clerk to read the first application.

PUBLIC HEARING:

APPLICANT: Larry Mercure, 6408 Ridgeview Blvd.

OWNER: Same

REQUEST: A 20 foot rear yard variance required for an existing attached garage.

LOCATION: 6408 Ridgeview Blvd. in an RS-2 District

Permanent Parcel No. 07-00-021-107-028, 07-00-021-107-029, 07-00-021-107-030, 07-00-021-107-031, and 07-00-021-107-032

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

Chairman Kimble asked if there was a representative and if so, to give his name and address for the record.

Larry Mercure of 6408 Ridgeview Blvd was sworn in.

Chairman Kimble asked the representative to give a brief explanation of his application.

Larry Mercure explained that he had an existing garage at the same location and he built a new garage. He didn't realize he needed to be twenty-five feet off the back of the property because that was where the existing garage was.

Chairman Kimble asked if it was in the same location as the original garage was. Larry Mercure stated he was correct.

Chairman Kimble asked if the original garage was connected to the house.

Larry Mercure stated no it was not.

Chairman Kimble stated that the plan shows how it was and the aerial photo shows how it currently is constructed. He asked if that was correct.

Larry Mercure stated he believes that is correct.

Chairman Kimble asked if he tore down an existing garage and built a brand new one in the exact same foot print as the old.

Larry Mercure stated that is correct.

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

Member DeVries asked what the garage was being used for.

Larry Mercure stated storage as he collects old cars, motorcycles and tractors.

Member DeVries asked with the changes that were made after the garage was built, did he add any new paving or lighting to the property.

Larry Mercure stated no. There is no electric in the garage.

Member DeVries asked who lives behind his property.

Larry Mercure stated it is all vacant except for the house that he owns behind it.

Chairman Kimble noted in the packet there were a number of violations. He addressed Chief Building Official Fursdon and asked if these violations were worked out.

Chief Building Official Fursdon responded yes.

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

It was moved by Devries and seconded by Anderson to approve a twenty foot rear yard

variance required for an existing attached garage.
Chairman Kimble asked the Clerk to call the roll.

Yes, 3 No, 0

Deputy Clerk of Council Tjotjos stated the motion passed by a vote of three yes and zero no.

APPLICANT: Shawn and Christine Davis, 33628 Gloria Avenue
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: 33628 Gloria Avenue in an R-1 District.
Permanent Parcel Nos. 07-00-009-113-077, 07-00-009-113-068, 07-00-009-113-067, and 07-00-009-113-066

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

Chairman Kimble asked if there was a representative and if so, to give his name and address for the record.

Shawn Davis of 33628 Gloria Avenue was sworn in.

Chairman Kimble asked the representative to give a brief explanation of his application.

Shawn Davis stated because Lear Nagle has been widened, they have lost a lot of privacy in their backyard. The purpose of this would be to gain privacy. A three and a half foot fence would not provide privacy that they would like. Their backyard is totally exposed to Lear and so, because of the traffic going north and south, they are really looking for some protection back there.

Chairman Kimble stated that the whole point of the fifty percent open and three and a half foot height requirement is basically for the safety of the pedestrian traffic and cars pulling out of the intersection. The way the house is located, he didn't see how there would be any issue with a six foot fence. From a visual obstruction, cars pulling in and out of the intersection, he believes that all the safety concerns are eliminated with the plan the applicant has set up. He stated that there is fifteen feet between the fence and the edge of the sidewalk. It seems as though there is a reasonable amount of green space between the two, where the fence isn't directly on the sidewalk. He believes visually driving down the road, it will blend in fine. It, by no means, will stand out in any way. He believes it is a well thought out plan that has been brought forward. It seems to make sense to him.

Chairman Kimble asked if there were any questions or comments from the Board. Hearing none, he opened the floor to the audience for questions or comments. Hearing none, he entertained a motion.

It was moved by Anderson and seconded by DeVries to approve a two and a half foot height variance and a fifty percent open variance to construct a six foot, one hundred percent closed privacy fence on a corner lot.

Chairman Kimble asked the Clerk to call the roll.

Yes, 3 No, 0

Deputy Clerk of Council Tjotjos stated the motion passed by a vote of three yes and zero no.

APPLICANT: Tony Perez, Lemmon & Lemmon Inc, 1201 S. Main Street, North Canton, OH 44720

OWNER: Bagley Lorain Properties, LLC, 9095 Gatestone Road

REQUEST: A 50 foot front yard setback variance in several areas to allow buildings to be constructed less than 100 feet from the right-of-way.

LOCATION: N.E. corner of Bagley Road and Lorain Road in a Special Development District

Permanent Parcel Nos. 07-00-011-102-149 and 07-00-011-102-150

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

Chairman Kimble asked if there was a representative and if so, to give his name and address for the record.

Tony Perez of Lemmon and Lemmon, Inc. 1201 S. Main Street, North Canton was sworn in.

Chairman Kimble asked the representative to give a brief explanation of his application.

Tony Perez stated they are proposing a two building senior living campus on the northeast corner of Lorain and Bagley Road. Obviously, you can see that there is a big pond in the middle of these two parcels, which made it interesting laying out both of these buildings. On the north side closer to Lorain, they are constructing a one hundred and six unit senior living and that building is their prototypical building that they have built. He has built this same prototype four times in this state and he has it under construction in two other areas as they speak. It is a great building and he believes it is a great spot for this corner. The west side was a little bit more challenging to get what they wanted to on that site. They had to push that building up toward Bagley. One of the reasons is because of the pond. The other reason is to keep the Fire Department happy in order to service around the back of the building. They had to do the same thing on the other side of the other building. With the final landscape plan and cleaning up of that corner, making sure that they enhance the pond, it will be a park like setting.

Chairman Kimble stated he is very familiar with that corner and it has been an eyesore for a long

time, but this will definitely be a welcome to have some development there. One thing he will point out is that he noticed immediately how the applicant really maximized the property as much as they could with a very unique shaped piece of land. He believes the plan he came up with really looks great. The few places where it does encroach into the setbacks are on areas where the applicant has little bump-outs in the building. He personally feels the little bump-outs add esthetics. If the applicant were to cut those off to make it code compliant, it would look like straight row buildings and by having the angles, it dresses it up more. It gives more opportunity for landscaping. It doesn't just look like two or three straight row buildings. He understands the reasoning of the setback in the code but from a visual character of the entire project, it adds more dimensions. The plan has been very well thought out and having that pond dressed up will be a nice feature as well.

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

Member DeVries echoed the same thing the Chair said. He believes it will be nice to just get that area cleaned up and make it more attractive to the community. With these variances, it isn't going to affect any kind of safety issues. He is excited to see it come to town.

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

William Sebastian of 8308 Chesapeake Drive was sworn in. He stated that he came with the residents on Chesapeake the last time this land came forward with development. He stated the prior applicants stated they were going to make a pleasing buffer. They were going to put up a mound with a line of trees and were not going to take away any of the green space that is already there. The concern with this application is will they also agree to do the same with this new development.

Chairman Kimble asked if any of that was addressed at Planning Commission.

Member Anderson stated yes. He believes Mr. Perez stated he was going to have a buffer zone and will not remove existing vegetation.

Tony Perez stated that it was brought up during that meeting and yes, the back side, they plan to keep as much vegetation as they can. Anything dead of course will need to be removed. They do plan on keeping as much as they can and where there are some spots that may be of some concern, they will add berms or fencing. He can't really commit to anything right now because he doesn't know how many trees can stay. The code actually does say that they need to go in and preserve as much vegetation as they can during the construction process. He will be on site. He will work with Guy to make sure that buffer does get done.

William Sebastian stated the other concern was regarding the dumpster and location of the air conditioning units making a lot of noise.

Tony Perez stated he understood and this is all stuff that they will take a look at.

Chairman Kimble opened the floor to the Administration for comments.

Mayor Gillock stated the Administration supports this and as the members pointed out, it is an odd shaped property with that lake right in the middle, so they really maximized it. There is a hardship and he believes this project is good for the City over all.

Chairman Kimble stated if there are no other questions or comments, he entertained a motion.

It was moved by DeVries and seconded by Anderson to approve a fifty foot front yard setback variance in several areas to allow buildings to be constructed less than one hundred feet from the right-of-way.

Chairman Kimble asked the Clerk to call the roll.

Yes, 3 No, 0

Deputy Clerk of Council Tjotjos stated the motion passed by a vote of three yes and zero no.

APPLICANT: Raymond & Kristin Zehnder, 9222 Stonebriar Lane

OWNER: Same

REQUEST: The following variances to construct a covered porch entry way four feet into front yard and extend 11 feet in width:

- 1) A one foot variance to allow structure to extend more than three feet into front yard.
- 2) A one foot variance to allow structure to be built more than 10 feet in width.

LOCATION: 9222 Stonebriar Lane in an R-1 District.

Permanent Parcel No. 07-00-013-000-244

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

Chairman Kimble asked if there was a representative and if so, to give her name and address for the record.

Kristin Zehnder of 9222 Stonebriar Lane was sworn in.

Chairman Kimble asked the representative to give a brief explanation of her application.

Kristin Zehnder stated they desire to put a covered porch on the four foot by eleven foot concrete pad that was poured when the foundation was laid and so it was existing. That will help in keeping their Amazon packages dry and to decrease the amount of sun beating on the front of the

house so much.

Chairman Kimble stated he believes what the applicant is doing is very aesthetically pleasing to the front of the house and the picture that was shown it looks like a before and after of what it would be. He believes it would be a very nice addition to the house. He doesn't believe anyone driving down the street is going to look and say it looks like it is a foot too wide. From his standpoint, it is a pretty good idea.

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

Member DeVries stated he believes the Chairman said it all.

Chairman Kimble entertained a motion.

It was moved by DeVries and seconded by Anderson to approve the following variances to construct a covered porch entry way four feet into front yard and extend eleven feet in width:

- 1) A one foot variance to allow structure to extend more than three feet into front yard.
- 2) A one foot variance to allow structure to be built more than ten feet in width.

Chairman Kimble asked the Clerk to call the roll.

Yes, 3 No, 0

Deputy Clerk of Council Tjotjos stated the motion passed by a vote of three yes and zero no.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes dated May 25, 2017. Hearing none and with no objection, those minutes are approved as presented and will be placed on file.

OTHER BUSINESS:

ADJOURNMENT:

Chairman Kimble noted there was no other business to be brought before the Board this evening and therefore, he adjourned the meeting.

The meeting was adjourned at 7:27 p.m.

**BOARD OF ZONING AND BUILDING APPEALS
RESCHEDULED MEETING - JULY 13, 2017**

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Chairman



Secretary Donna Tlotjos

July 27, 2017