

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE REGULAR MEETING HELD AUGUST 24, 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, Planning Commission Liaison Jim Maleski, Vice Chairman Linda Masterson and Chairman Shawn Kimble.  
Absent and excused was Member Martin DeVries.  
Also present were Chief Building Official Guy Fursdon, Assistant Law Director Morgan, and Deputy Clerk of Council Donna Tjotjos.

**MINUTES:**

Chairman Kimble asked if there were any corrections to the minutes dated July 27, 2017. Hearing none and with no objection, those minutes are approved as presented and will be placed on file.

**REPORTS:**

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

Member Maleski responded no.

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

Member Cipriano stated no report.

**OTHER REPORTS AND CORRESPONDENCE:**

Chairman Kimble noted one piece of correspondence received this evening at each of the Members desk from Assistant Law Director Morgan. He then moved the meeting on to the public hearings and asked the Clerk to read the first application.

**PUBLIC HEARING:**

**APPLICANT:** Shawn McCune, 5265 Lear Nagle Road  
**OWNER:** Same  
**REQUEST:** A four foot variance to install porch six feet from detached garage.  
**LOCATION:** 5265 Lear Nagle Road in an RS-2 District  
Permanent Parcel No. 07-00-007-114-021

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

Chairman Kimble asked if there was a representative present. He asked if they would step to the mic and state their name and address for the record.

Applicant Shawn McCune of 5265 Lear Nagle Road was sworn in.

Chairman Kimble asked the applicant if he could provide a summary of his request.

Shawn McCune stated he is just trying to build a nice size deck for his family. He found out that ten feet is required between structures and he is asking for the four foot variance.

Chairman Kimble stated this is something the applicant found out after he built the garage and it looks like; through the reports that all permits have been requested and corrected. He asked if this was the applicant that built the barn without the permit.

Shawn McCune stated he built the deck.

Chairman Kimble asked if the deck was already there and completed.

Shawn McCune stated yes.

Chief Building Official Fursdon stated in order for them to issue the permit, the variance would need to be approved.

Chairman Kimble stated that the permit would be for the deck and not the barn.

Chief Building Official Fursdon stated he needed a permit and didn't realize the city ordinance requirement.

Chairman Kimble stated that essentially, there is six feet between the deck and the garage.

Shawn McCune stated yes.

Chairman Kimble stated that area down there near Main and Roosevelt is very unique properties from the standpoint of the number of lots it takes to get 50 foot wide lots. There has been a tremendous amount of variances issued throughout the years because of those lots and their uniqueness. This applicant's property is sitting along three roads and this makes it not typical. In order to get that in there and not look out of place, the applicant would have to place that deck in that location. He stated that it isn't technically the way the code is written, but that is why this Board exists. He believes that if the applicant came before this Board before he constructed it, he would still not deny it personally. He didn't see any issues with it right now.

Member Masterson stated that normally these variances involve corner lots. This applicant is kind of on his own island or peninsula. To make it look normal, the only place she could see this porch being located is in the back yard. If it was placed on either side of the house, there would

be site issues. They would still need a variance in the front and so, the back yard is the most logical and esthetically pleasing of all the locations.

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

Member Cipriano stated this is a case where the applicant is asking for forgiveness rather than permission as it is already installed. He stated the case needs to meet a hardship or practical difficulty and with this property being described as that of a peninsula, is definitely a hardship and practical difficulty.

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

It was moved by Masterson, seconded by Maleski to approve the four foot variance to install a porch six feet from detached garage.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4                      No, 0

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

**APPLICANT:** Diane Bija, New Creation Builders, 5309 Barkwill Avenue, Cleveland, OH 44127

**OWNER:** John Kiekesz, 36160 Hedgerow

**REQUEST:** A two hundred and twenty four square foot size variance to construct a nine hundred square foot outbuilding.

**LOCATION:** 36160 Hedgerow in R-1 District  
Permanent Parcel No. 07-00-025-104-034

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

Chairman Kimble asked if there was a representative present. He asked if they would step to the mic and state their name and address for the record.

Applicants Diane Bija of New Creation Builders, 5309 Barkwill Avenue, Cleveland, OH and John Kiekesz of 36160 Hedgerow were sworn in.

Chairman Kimble asked the applicant if they could provide a summary of their request.

John Kiekesz stated he didn't realize the building was oversized. He just knew that he would probably need a 30 by 30 building. He has an attached garage but anything that requires gasoline, he does not store in there. He is storing Christmas trees in there and stuff like that. He

has three vehicles that sit outside all winter long. He has never had a garage. He has been living at that location for 22 years and he wants this garage.

Diane Bija added that the owner has no basement. He has no attic. His Christmas tree sits in the back of his pickup truck for a month during the season. There are numerous vehicles. In their mind, it would be esthetically pleasing to the neighborhood if these cars were parked and put away instead of sitting all around the front of the house.

Chairman Kimble agreed he would rather have stuff stored inside versus outside.

Diane Bija stated that he also has a house somewhere else that he is assuming the belongings to that also now need to be stored. He is just overwhelmed.

Chairman Kimble pointed out that by code each residential property is allowed to have a detached garage and an outbuilding and both can be 676 square feet. As long as the proper setbacks are met, these two units can be placed on the property. From his perspective however, he would rather see one 900 square foot building rather than two buildings. He explained again. The hardship that he refers to in this case is that to have one larger outbuilding versus two is more appealing.

Diane Bija stated most communities don't consider finance as a hardship, but it is a whole lot cheaper to build one versus two as well.

Chairman Kimble agreed and stated this Board is not permitted to use that as a formula in their decision either. He is looking at the fact that one garage would look better and would make more sense versus two. He asked if there were any comments from the Board members.

Member Cipriano stated that this comes up fairly often and he too would rather see a single structure than two separate structures. It makes more sense.

Chairman Kimble stated a 30 by 30 is a nice size and he is a little familiar about the storage building sizes and it is a good size garage. It makes complete sense. He asked if there was anyone in the audience who would like to speak regarding this application. Hearing none, he entertained a motion.

It was moved by Masterson seconded by Maleski to approve a two hundred and twenty four square foot size variance to construct a nine hundred square foot outbuilding.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4

No, 0

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

**APPLICANT:** Margaret Anderson, 9034 Nesthaven Way  
**OWNER:** Ridgefield Home Owners Association, 8700 Gatewood  
**REQUEST:** A variance to permit three permanent changeable copy signs to be installed in three locations.  
**LOCATION:** Gatestone Road and Bagley Road; Bagley Road and Woodbridge Court, Root Road and Meadows Edge Lane in an R-1 District  
Permanent Parcel Nos. 07-00-001-000-303; 07-00-011-103-094 and 07-00-011-900-004

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

Chairman Kimble asked if there was a representative present. He asked if they would step to the mic and state their name and address for the record.

Applicant Peg Anderson, alias Margaret of 9034 Nesthaven Way was sworn in.

Chairman Kimble asked the applicant if she could provide a summary of her request.

Peg Anderson stated she has been on the Board of Directors at the Ridgefield Homeowner's Association for two years and has been struggling with some handmade sandwich board signs that don't stand up, leak and are very small and can't give her room to put enough information on them. They are requesting some nice professionally designed and installed signs that are changeable. They will be lockable as well. The covers will lock so that they don't have to worry about vandals snitching their sign or letters for their signs. They are also hoping that not only will this give them the opportunity to keep their residents informed of events and activities within their community but also have a wider purpose of informing them of events that are going on in North Ridgeville and beyond such as "Don't forget to vote"; things like that. No political messages she assured the Board, but public announcements would definitely be included.

Member Masterson stated that she would not be voting on this since she lives in Ridgefield.

Chairman Kimble stated that it would just be the three members voting on this issue. He thanked the applicant. This is new as he has been on the Board a long time and he has never seen something like this. This is something that really doesn't exist in the zoning code. The Board will have to look at this in a couple different directions. During the meeting, he is sure that the applicant has heard the Board speak of hardship and things like that this evening in terms of why this would be needed. The question he has is what other options may exist to get that information out to the residents within that community.

Peg Anderson stated that they do have a newsletter that comes out quarterly, but people forget what they read in the newsletter two months after they read it. They are also on Next Door,

which gives people opportunities, if they happen to have a computer, but their community has a large portion of individuals who do not have or do not want to have a computer and so, they simply don't get the information. She frequently spends multiple hours prior to an event on the telephone calling 20, 30 or 40 of her neighbors to remind them of an event. She just thought this would be much more attractive than the signs they have been using and much more informative. They have been working with Tom Guggenbiller who has done a lovely job for them in designing the sign that is attractive. They've also met with Mr. Green to find out where the location of the sprinkler systems were located a head of time before presenting it so that they made sure the locations of the signs would not be interfering with anything and would be discreetly snuggled in amongst the shrubbery within the medians of both Root Road and Bagley Road exits. The one on Woodbridge will be shortly hidden with landscaping because there is only about eight feet between the landscaping that Bob Schmitt put in on the corner and the landscaping that is around where the cable boxes and electrical boxes are located. The only people that would see these signs are people exiting their community. The one on Woodbridge; from the side might be visible from the resident there. They have versed no problems in having it placed there.

Chairman Kimble asked why they wouldn't put a sign near or at their community center. To him, he is not a resident of the community and would it be appropriate for any resident of the city to be reading the upcoming events that are going on in Ridgefield.

Peg Anderson stated it will not be visible to everyone. Even around that corner, the angle will be such that it will not be viewed from Bagley. It will only be viewed by their residents exiting.

Member Cipriano stated that this is a changeable copy sign which has come to mean an electronic sign and stated this is not what this is and asked if he was correct.

Peg Anderson stated no it is not what this is. They didn't want lights and flashing things. They wanted it much more discreet than that. It will be the four inch black standard letters.

Member Cipriano stated it is not an electronic sign it is in the truest of sense to be that of a changeable copy sign in which humans would manually change the letters within that sign.

Peg Anderson stated some of these signs such as the one at the auto place out on Lorain Road by Cook looks really grubby after a lot of years. It is not covered and the back of it could conceivably have letters on it as well. They will not have that. This will be a solid wood back on it so it is not viewed from the other side. It will have a lockable cover on it which will reduce the deterioration of it. She is perfectly willing to go up with her Lysol when necessary to keep it looking good. The sandwich board signs that they currently have are so small you can't fit a standard poster board in them. When you put four inch letters on it, you might be able to fit a date and price tag. They frequently have more than one event going on at one time and they have no way to let their people know that. Also, in answer to the last question in why not

placing it by the rec center. She stated because 90 percent of their residents do not go by their rec center at all unless they happen to use the activities room. They never go past their rec center. It is off on Gatewood and they simply wouldn't see the sign.

Member Cipriano asked how many events are there in a year.

Peg Anderson stated there is one event minimum per month. They had 109 residents at their luau and pig roast last month. Sometimes they do things off site. They have gone to the State Theatre on a couple of occasions. They are doing Lolly the Trolley coming up in September. They hold potluck suppers and game night.

Member Cipriano stated that the fact that this is not in the zoning code is particularly interesting. He is interested to hear what others that are here have to say about this, this evening. He wished that was in ordinance form. Every case is taken on its own merit and so this would not be a matter of precedence. Sometimes, there are patterns of people asking for the same thing.

Assistant Law Director Morgan addressed the Chairman and read code section 1286.06 and stated that she didn't know whether that would help make a decision or not or whether it applies with this case or not. She stated it is a bit of a stretch, but it is there.

Chairman Kimble asked how many homes are in Ridgefield.

Chief Building Official Fursdon stated anywhere between 600 and 700.

Chairman Kimble stated that not everyone in this subdivision has been notified about tonight. He doesn't feel comfortable making a decision that could affect 700 homes when people who bought there may not have been thinking there would be a changeable sign in their subdivision; that is nonexistent anywhere else. He stated he has a problem with a private sign in a public area.

Chief Building Official Fursdon stated there is already a private sign there because the monument sign is located there. Reality is that no one is going to know those signs are there. They could build miniature clock towers at a certain height which is more obtrusive than something like this. For years they were using bill board signs to try and get their message out, which do blow over and down the road, which is a safety hazard and no one has complained about that.

Chairman Kimble stated that this would look better than a hand drawn sign.

Member Masterson addressed the Chair and was interrupted.

Member Cipriano addressed the Clerk and asked if a member recuses themselves, they can still

Speak on the issue, correct.

Deputy Clerk Tjotjos stated that if a member recuses themselves, they do not take part in the debate.

Member Cipriano stated that there are temporary signs. He asked where those regulations are covered in the code.

Chief Building Official Fursdon explained the temporary sign ordinance giving the restricted size and length of time it can be standing.

Chairman Kimble stated this is not a temporary sign. It is a permanent sign.

Member Cipriano stated that there are rules as to how many feet in the ground it needs to be and asked if he was correct. This type of sign is not covered, but a monument sign is.

Chief Building Official Fursdon stated a monument sign doesn't specify how you construct it in the ground. It only specifies how far above ground it can be.

Chairman Kimble said he is confident Guggenbiller can get the sign in.

Chief Building Official Fursdon stated that in a sign of this nature, you may see it come from other subdivisions, but he believes Mills Creek and Ridgefield probably have the most active HOA.

Member Cipriano stated in his development they just communicate virtually, they don't actually gather physically.

Chairman Kimble stated that he is struggling with the fact that there may be other options that exist. As mentioned, there are those that communicate through Facebook and he understands that the demographics in this subdivision is such that their residents aren't online.

Peg Anderson stated that they are still making at least 150 hard copies of their newsletter; even though the newsletter is online and they do pay for that. It tends to be the majority of the demographics that attend these events because they are retired and they can spend the time doing all these fun things.

Chairman Kimble stated he is married with two children and he would not be one to attend those functions. He asked if there were any members of the audience that would like to speak on this matter. Hearing none, he asked if there were any further questions or comments from the Board members. He explained that he coaches a youth baseball association and they have a service called "one-call" where through his phone and his computer, he can type up a message and



everyone on his list gets a phone call and a text message. That can go to a land line. He is not saying that, that is what the applicant should do. However, he is coming up other options in his head.

Peg Anderson stated that a number of years ago, they put out a directory for everyone who lived in the development with names, addresses and phone numbers. Most of them wanted to have that. One person decided that made a really nice hit me list for his company and they have not been able to make this directory available to residents ever since.

Chairman Kimble stated that you as the Board member would have that control. People in his organization don't have everyone's phone numbers either.

Peg Anderson stated that she would have a whole lot of feedback on that one. She stated she didn't know how many phone calls he gets on his phone every night or all day trying to give you information you would rather not have. She stated she doesn't want any more phone calls. She would much rather see a sign where she can decide whether or not she wants to write down that information and respond to it or not.

Dennis Boose of 6405 Denise Drive was sworn in. He stated he believes it is great for them in trying to come up with ways to communicate better with their residents. He stated that is a good thing. He does also appreciate that there might be some other alternatives. Although they put it in the newsletter, they can see it on line, they lose it and they may not remember it. He didn't know how much they are going to remember when they drive by and look at a sign especially when they are leaving because when they are entering they aren't going to see it again and so, he is not sure that is going to be the answer they are trying to get. One issue with changeable signs and this has come up before this Board in other areas of the city, where there are great intentions of making sure that it is clean, it is attractive, it is changed and current, but things happen. You are no longer on the Board and somebody else gets the job and they don't take the initiative to make sure that last week's Swiss steak dinner isn't taken down for three more weeks and so after three weeks we still see that there was a Swiss steak dinner and nothing going on next month and so that Swiss steak dinner is two months old and still on the sign. He stated he didn't think their residents really want to see that. It's happened for example, ABC Rental, he remembers when they came before the Board with a changeable sign and one of the things that we said was that it needs to be current. They said they will and that they promised to do that. We can cite many changes throughout the year that haven't been changed and the same advertisement is up there month after month after month. Then people stop looking at it and that is his point. That is the point he wanted to make. There are some things that the applicant is doing already that might get the word out, but the other thing is long term. They will now have a permanent sign they may or may not change effectively as you would like it to be changed. That actually becomes a detriment because it isn't being changed.

Chairman Kimble asked if the applicant would like to respond to that.

Peg Anderson stated she thinks it's a valid point. One thing she said, down the line, you could always cut them off. If there was a Board five years from now who absolutely didn't want them, they could be removed, but what they are trying to do is stimulate the residents to care enough about their development to want to not only maintain it from their own standpoint and property value standpoint but also to get up there to volunteer to be on that Board. They are trying to put things in place and this particular Board has been very seriously trying to get things in place that will be easy to transfer to the next Board. They have had problems in the past with these sandwich board signs being on the ground half the time. She doesn't go to all three exits every day. She goes a week or two before their event and she goes the day after and picks them up, but she doesn't always know that they have fallen over. If they are permanent, she is at least half way guaranteed they are looking halfway good at least as long as she is going to be on the Board. She explained she is re-upping for another two years as a Board member and if need be as long as she is physically capable of doing it, she will take that job for the next person as far as taking care of her signs because she believes they are important. She believes that they are going to be a valuable asset to their neighborhood.

Chairman Kimble stated that he has no doubt the applicant's intentions come from a great spot and without a doubt this looks better than the temporary signs. Mr. Boose made some great valid points that the same sign may just blend in with the background. As Mario mentioned in the beginning, it would be nice if there was legislation on this and there is not so the Board needs to deal with what is in front of them this evening. He asked if there were any other questions or comments from the Board members. Hearing none, he entertained a motion.

It was moved by Cipriano seconded by Kimble to deny the variance to permit three permanent changeable copy signs to be installed in three locations in an R-1 District.

Chairman Kimble asked the Clerk to call the roll.

Yes, 3            No, 0            Abstain, 1 (Masterson)

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

**APPLICANT:** Carol Miske, 35581 Center Ridge Road  
**OWNER:** Miske Family Trust, 463 Devonshire Court, Bay Village, OH 44140  
**REQUEST:** A variance to allow installation of a gravel driveway versus bituminous surface required by code.  
**LOCATION:** 35581 Center Ridge Road in a B-3 District  
Permanent Parcel No. 07-00-021-117-086

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

Chairman Kimble asked if there was a representative present. He asked if they would step to the

mic and state their name and address for the record.

Applicant Carol Miske of 463 Devonshire Court, Bay Village, Ohio was sworn in.

Chairman Kimble asked the applicant if she could provide a summary of her request.

Carol Miske stated that she presently has a garage that was left behind after ODOT took her office down. She really was surprised that they took out the concrete driveway to the garage. The neighbors that are next to the parcel with just the garage on it, were going to rent the garage. Then they decided not to rent the garage. It has taken much longer to get Center Ridge squared away. She thought maybe she could try to recoup some of the taxes that she is paying on the empty parcel and rent the garage, but she still needs a driveway to the garage. One of the things she neglected to put on here was that part of the 80 feet that she needs to make the driveway, 38 feet is going to be part of center ridge road and right now they have another 25 feet that is ODOT's temporary easement. Although the code states she needs asphalt or concrete, it is kind of silly because 38 feet of that asphalt or concrete that is required is going to be ripped up and made into Center Ridge Road in the next two years and 25 feet also, in this 80 feet is now the construction zone for ODOT. To put in concrete and asphalt for a two year period is expensive and again, the whole purpose is to rent that old garage. She didn't realize that it had to be asphalt or concrete surface. She did go to ODOT and ODOT said that if she puts the driveway in, then they will provide a curb cut there for that piece of property, so there are a lot of things going on here, but spending \$8,000 for a concrete driveway that will be ripped up in two years doesn't make sense. That is why she is asking to do variance to use the stone. The driveway next to this is also stone. It's not like it is a down grade from the next door neighbors.

Chief Building Official Fursdon explained that ODOT does have temporary construction easements all along Center Ridge Road. He stated they are going all over the place and doesn't understand their rhyme or reason in how they are planning construction.

Chairman Kimble stated that they are going directly up to some buildings.

Assistant Law Director Morgan reminded the Board that the Administration has noted where the road widening causes the issue and hardship that they ask us to view these cases very sympathetically.

Member Cipriano stated that was actually a concern of his when this was happening as we knew these things would come before the Board. We had discussions about how many variances we knew there would be and there was talk about legislation in needing to take these on a case by case basis. He asked if this property in its current state and not located where it is, would it be buildable.

Chief Building Official Fursdon stated that it would be buildable as it is an existing property.

Member Cipriano rephrased to state that with this piece of property that has been diminished to the point where if someone was coming to the city to put a structure on it for the first time, would it meet standards in which to erect a structure.

Assistant Law Director Morgan stated that is not a question that could be answered by this Board at this time.

Carol Miske stated that it was her understanding being in a business zoned parcel, which is why she needed the concrete or asphalt driveway that it would require one acre of land to build. This is not a one acre parcel.

Chief Building Official Fursdon stated that it is in a business district that was zoned by Council many years ago. It has been diminished but not by the property owner's wishes.

Chairman Kimble stated that in all reality, whoever was to build in that area is going to be buying up multiple parcels. From what it looks like, the applicant is the trustee on the parcel next to this parcel with the gravel driveway. One thing that could be looked at even though the variance will go with the property because once its issued it stays with the property. The long term outlook isn't a single storage barn on that land. Something will be developed in there. That should not have any weight into what we are looking at. The driveway that was there that ODOT tore up, he asked if they went all the way to the barn.

Carol Miske stated no, they did not tear up all the way to the garage.

Chairman Kimble stated then they just tore up around the office and the rear parking in the back.

Carol Miske stated that it was a two car garage and there is gravel in front of that garage.

Chairman Kimble stated that even if it is a gravel driveway, ODOT will still put in a curb cut. He asked if that was correct.

Carol Miske stated yes.

Chairman Kimble stated with that curb cut they will not just put that curb cut in. They will install an apron and go into that property through the land that they have taken. That will shrink the amount of gravel driveway the applicant will have.

Carol Miske stated by over 50 percent.

Chairman Kimble stated he owns property not too far down from this location and he knows exactly how far the aprons are coming down where they are at and it is quite a ways because it is

a big road. He asked if there were any other questions or comments from the Board members.

Member Masterson stated in regards to the variance at hand, her area of concern is that this is a B-3. She understands the hardship and understands the Administration's view on this. Where she has a problem is if the variance is granted, it stays with the property and it goes on forever. While the applicant has good intentions, this Board does not know what is going to happen in ten years or five years. She understands it is a great expense, but as the applicant stated, a lot of that expense is going to go away. She didn't understand why she can't put in the asphalt driveway and connect the two.

Chairman Kimble stated that cost is not this Board's issue. He completely understands the difference between the costs, but that is not something this Board takes into consideration. It doesn't really make any sense to put concrete all the way to Center Ridge when ODOT is going to come through and tear it all out. His front parking lot, ODOT has bought. It needs redone and he is not spending a dime on it until they are finished.

Carol Miske stated she thought it was going to be done by now, but it hasn't.

Member Masterson stated that by granting this variance, it goes with the property.

Chairman Kimble stated that is a great point.

Carol Miske asked if she could ask for a 50/50. She asked if she could instead ask for the 38 feet that is going to be Center Ridge road to be gravel and asphalt the remaining.

Chairman Kimble stated if she wanted to amend her application, he didn't see any reason why that couldn't be done. He addressed the Assistant Law Director.

Assistant Law Director Morgan stated that she can amend her application.

Chairman Kimble stated that it seems to be a favorable idea.

Carol Miske asked if she would have to resubmit.

Chairman Kimble stated that she can amend it right now.

Carol Miske stated as far as the exact measurement, how she could state that. She stated that she could make it asphalt from the new right of way to the gravel that exists in the back parking lot.

Chief Building Official Fursdon stated the gravel would only be in the temporary easement.

Chairman Kimble asked if the asphalt could wait to be put down until the project on Center

Ridge Road is done. At that time the applicant could then pave with asphalt or concrete. He would amend the request to go from the right of way to the garage with the asphalt. He stated that she could do the last section now up until the temporary easement and then once the construction is done, then the rest of that would be done in asphalt.

Member Masterson stated she wouldn't be responsible for what is in the easement.

Chairman Kimble stated that it is a temporary easement.

Assistant Law Director Morgan stated that if the applicant is going to put in asphalt to the easement, a variance is not needed.

Carol Miske stated she needs the gravel now to get into the garage.

Member Masterson stated it looks like it is all hard packed dirt to her.

Chairman Kimble stated ODOT won't put in a curb cut and the apron unless there is a driveway.

Member Cipriano clarified that the Board wants to phrase this in such a way that the portion that is going to be permanent is paved in the traditional way and the portion that is temporary and the portion that ODOT will construct and pay for be allowed to be postponed and substitute material used until that roadway has concluded and it will be agreed that any property that she is responsible for after that point would be finished in the same and acceptable method of the permanent pavement from the garage back. In other words she would be agreeing to put in the permanent structure everywhere that common sense tells you that you could and should and it should be there. Allow gravel to go to the point to get the curb cut and then the agreement would be that after the portion of work is done, she should pave.

Assistant Law Director Morgan stated that would be a variance with condition which is something this city doesn't do because it is too hard to enforce after.

Chairman Kimble asked if the Board could just grant the variance for the temporary easement area. Anything beyond that has to be paved.

Assistant Law Director Morgan stated if the applicant is going to put in a bituminous surface than the variance would be for whatever is presently temporary.

Chairman Kimble stated that it is identified on ODOT's plans what that temporary easement is.

Assistant Law Director Morgan stated as long as it is identifiable

Chairman Kimble stated that the variance would be allowed within the temporary easement only.

Carol Miske stated it would be the temporary easement and what is going to be Center Ridge Road.

Chief Building Official Fursdon stated yes, ODOT does have additional right of way.

Member Masterson asked if that was okay with the applicant.

Carol Miske stated that was fine. So gravel in the temporary easement and right of way and the rest will more than likely be asphalt. Once the temporary easement is gone, she will pave that with asphalt.

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

It was moved by Cipriano seconded by Kimble to approve the amended variance to install gravel in the temporary easement per ODOT's plan and right of way only until such time as that temporary drive and easement of the right of way has been removed.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4            No, 0

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

**APPLICANT:** Donald V. King, 4872 Mark Court  
**OWNER:** Same  
**REQUEST:** A three hundred and twelve square foot variance for a garage addition.  
**LOCATION:** 4872 Mark Court within an R-1 District  
Permanent Parcel No. 07-00-017-109-014

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

Chairman Kimble asked if there was a representative present. He asked if they would step to the mic and state their name and address for the record.

Applicant Donald V. King Jr. of 4872 Mark Court was sworn in.

Chairman Kimble asked the applicant if he could provide a summary of his request.

Donald King Jr. explained that he is looking to add more room for a place to put his father's stuff. His father retired about four years ago. Four years after he built the garage to the size he needed, his father decided he was going to start bringing stuff over every couple of months. He can't get his cars in the garage. He has his 1969 in there and his dad's stuff. His wife would like



to park her car in the garage again. Consequently, he would like to make her happy.

Chairman Kimble stated that he believes there is going to be a garage for rent here shortly.

Donald King Jr. laughed and stated that garage is a little bit far away.

Chairman Kimble stated that this is similar to what we had here earlier tonight and we have had here many times where people wanting a little bit larger than what is permitted for garages and detached garages and barns in the yard. The same applies for this applicant where he could have a detached garage plus a storage building and the two of those combined are larger than what is being asked here. It is well within the means of what will look correct on the property. He also has a utility easement in the back that restricts this property and what is being planned out will fit just fine. Anyone driving down the road is not going to say there is something fishy about that barn or that there is an issue there. Visually, it will be coherent with everything around it. It seems to make sense to him. He asked if there were any questions or comments from the Board members.

Member Masterson stated the Chairman made an eloquent point and covered everything.

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

It was moved by Masterson seconded by Maleski to approve a three hundred and twelve square foot variance for a garage addition.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4          No, 0

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

**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.

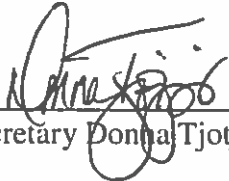
The meeting was adjourned at 8:18 p.m.





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Chairman



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Secretary Donna Tjotjos

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September 28, 2017