

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS  
MINUTES FOR THE REGULAR MEETING HELD AUGUST 25, 2016**

**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, Tim Anderson, Vice Chairperson Linda Masterson and Chairman Shawn Kimble.  
Also present were Assistant Law Director Toni Morgan, Chief Building Official Guy Fursdon and Deputy Clerk Donna Tjotjos.

**MINUTES:**

Chairman Kimble asked if there were any corrections to the regular meeting minutes dated July 28, 2016. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by DeVries to approve the minutes dated July 28, 2016.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4            No, 0            Abstain, 1 (Anderson)

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

**REPORTS:**

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

Member Cipriano responded no report.

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

Member Anderson explained that the second application in front of the Board this evening was approved by Planning Commission. He continued to explain that the variance was discussed during that meeting and as a result, Chief Building Official Guy Fursdon and Planning Commission Chairman asked that the code be reviewed for possible amendments due to it being outdated.

Chairman Kimble stated if there were no other reports the meeting will move on to the public hearings. He asked the Clerk to read the first application.

**OTHER REPORTS AND CORRESPONDENCE:** None

**PUBLIC HEARING:**

**APPLICANT:** Lynn Stern, Scissor Wizards Mobile Dog Grooming, 5401 Manning Street  
**OWNER:** Same

**REQUEST:** Approval to park a mobile dog grooming recreational vehicle on property to be used for home occupation in an R-1 District.

**LOCATION:** 5401 Manning in an R-1 District  
Permanent Parcel No. 07-00-019-000-208

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

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

Lynn Stern of 5401 Manning Street was sworn in.

Chairman Kimble asked the representative to give a brief explanation of the variance before the Board.

Lynn Stern explained she needs the variance because she parks the RV in the driveway to plug it in every night to keep the water warm to groom the dogs. She runs the hose from her utility room to fill the water tanks for the dogs and she is asking to be able to park it in her yard.

Chairman Kimble stated that he has read through the application and is familiar with where the house is located. He stated that this application is a little unique from what this Board is used to typically seeing. He asked if there will be any dog grooming that goes on at the home.

Lynn Stern stated no.

Chairman Kimble stated that this is a completely mobile business.

Lynn Stern stated that she goes to their house and usually parks on the street or in the driveway if it is a busy street. She takes the dog out to the RV and then takes it back to the house when she is finished grooming it.

Chairman Kimble stated there have been numerous complaints against this property over the years. He noted one particular complaint was that there was waste being disposed of down the storm sewers at that location. He asked where she would be disposing the dirty water.

Lynn Stern stated it was dirty water and she didn't realize that she wasn't allowed to just dump it down the storm drain in the street. She talked with the gentleman from engineering and he told her to run the hose and put it down the gutter pipe so that it would go down the sewer that way.

Chairman Kimble restated down the gutter pipe.

Lynn Stern stated she uses all biodegradable shampoo and they are safe for the environment. She doesn't use any chemicals or anything like that.

Chief Building Official Fursdon stated that the gutter pipe goes to the same sewer in the streets and there seems to be some miscommunication because to be disposed of it needs to go down the sanitary sewer and he can't guarantee that her home garage floor drain connects to the sanitary sewer. He doesn't believe that EPA wants that going down the storm sewer. She would have to find the sanitary sewer release point for that home.

Lynn Stern asked how she would find that.

Chief Building Official Fursdon stated that any of the sinks in the house would do that. He didn't know how she would get the water in there other than to carry it by a bucket.

Lynn Stern stated she has a really long disposable hose that she could use to do it that way.

Chairman Kimble stated that there were also some comments about signs of ruts in the yard and mud crossing the sidewalk onto the street. He asked if there were any plans to remedy that.

Lynn Stern stated that if she gets the variance, she is going to cement over the apron and he also told her to take that part of the sidewalk out and make that all one.

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

Member Cipriano stated he was out to the property and he can see where the vehicle has been entering to be parked on the side of the home from the street. It had to have been happening for some time because it is deteriorated; even the sidewalk. It is heavily rutted. Also, it would appear that the vehicle was able to be parked in such a manner where it would be in compliance for storage and far enough behind the most front portion of the dwelling.

Chief Building Official Fursdon stated if he was talking about a recreational vehicle and this isn't actually a recreational vehicle, it is not supposed to be in front of the front building line. It has to be even with the front line of the building.

Lynn Stern stated if she gets the variance, she was going to add rocks up to the front because she can open her gate and pull it all the way up. If she doesn't get the variance, she doesn't want to spend money to do that.

Member Cipriano stated when he was out there he could tell that the vehicle was at least partially into the gated area because the gates were open, but it still was extending a couple of feet.

Lynn Stern stated that she didn't want to pull it all the way because that is all grass up there and she was afraid, with all the rain, she would get stuck. She would get more rocks and put them up there.

Member Cipriano commented that generally the area is distressed and untidy. The property is rutted, the grass is high and the area is basically unsightly. The business vehicle RV adds to that.

Member DeVries asked if there was a company sign on this business vehicle.

Lynn Stern stated yes.

Member DeVries stated that it definitely looks then like a commercial vehicle. He asked if the applicant considered other options of possibly storing it.

Lynn Stern stated she needs to keep it plugged in at night so the water tanks don't freeze. She needs to plug it into the garage.

Member DeVries stated there are a number of places in the area that could accommodate. That is something the applicant should investigate to see whether or not they could provide electric and a lot of RV places do have waste disposals that one can use. This is something the applicant needs to check out and take a look at.

Lynn Stern stated right now it would be financially impossible.

Member DeVries stated that it is the cost of doing business.

Lynn Stern stated her husband passed away last year and left her not in the greatest shape. There isn't extra money to pay for that.

Chairman Kimble stated he understands the financial hardship because we have all been through difficult times and he, himself, can relate. He stated the applicant has talked about doing some significant amount of costly improvements to the property to be able to do this, such as adding concrete, stone, removing the sidewalk, etc. versus an offsite facility that could be 30 to 50 dollars a month.

Lynn Stern stated over time that 30 to 50 dollars turns into 500 to 1,000 dollars a year. She stated she has friends who will do her driveway for her and as for the rocks; they aren't that expensive to put in the front part of the yard.

Member Masterson stated she has concerns. All of the Board members have brought up good points. However, her area of concern is the fact that these complaints date back to 2006. The applicant's husband passed away a year ago. It doesn't seem, in her opinion, that the applicant has taken these complaints seriously.

Lynn Stern stated that there was a complaint for a car in the driveway and she did get rid of that

immediately. The tall weeds and stuff were fixed. She didn't know there were other complaints. She stated she didn't even have that RV in 2006. She stated that she has had it for four years.

Member Masterson explained that a home occupation permit is a way to bridge the gap and the gap is to allow for a home occupation to become a regular business. She apologized that the applicant was unaware of the complaints going back to 2007. She stated the only way she would feel comfortable approving this variance is if the applicant agrees to put in the driveway and that she agrees to put in the gravel. The approval would be contingent upon that and failure to do so would.....

Chairman Kimble interrupted and addressed the Assistant Law Director and stated that this is not a conditional use variance.

Assistant Law Director Morgan stated this is something the Board has tried to avoid. Usually a variance, once approved, is permanent. She stated that it has always been discouraged to approve contingent on this or that. It is just not something that they have felt comfortable doing. She stated that they always avoided that so that the variance is a clean variance granted as it stands. To bring someone back and to police things isn't something this Board wants to do.

Chairman Kimble stated it would be impossible to enforce without adding more to the Building Department's plate.

Member Masterson suggested that the Board postpone their decision for one month so that the applicant could comply with these things first.

Member DeVries stated that he is all for business development and loves to see people become entrepreneurs and succeed. He is a dog lover and has dogs of his own, but this is a residential area and it encroaches on what the purpose of a residential area is really built for and so, he will not be supporting this no matter what is done here tonight. He doesn't believe that belongs there.

Member Masterson stated that her area of concern is that she is not comfortable.

Chairman Kimble explained the intent of a home occupation permit is that the business is operated out of an office inside the home and not where the outside of the home is affected. He stated he has been on this Board a number of years now and there have been times in the past where there have been commercial vehicle variances. However, every application is independent and one is not used to set precedence against the other. There has been a rare occasion that a commercial vehicle variance has come in front of this Board in a residential district. This is an RV that has been converted into a commercial vehicle because the applicant is operating a business out of it. It is much like parking a large construction truck in a residential district which is clearly not permitted and is not the intent. When an applicant comes in front of the Board, they need to prove what is called a hardship as to why they must absolutely have this.

Unfortunately, a financial reason is not a hardship that the Board can take into consideration. As the members have mentioned earlier, sometimes it is the cost of doing business; whether that is a monthly fee for offsite storage. That is a possibility and it may be difficult on the bottom line aspect as he is a small business owner himself and fully understands. This isn't a clear cut case this Board routinely sees. There is hesitation and there are questions that do relate to complaints from the past. Hypothetically, he asked, if the applicant doesn't get approved tonight, the commercial vehicle will have to be moved. However, there is nothing that says the applicant couldn't make those improvements and then come back to the Board to get this reviewed once again. It is possible to do that.

Lynn Stern stated that the woman next to him is going to vote no anyway because she is going back on issues that have nothing to do with this such as the complaints from 2006. That has nothing to do with the RV. She asked what are the chances of her, after spending the money, getting the approval.

Member Masterson stated that the complaints do date back as far as 2007 and they are pertinent. She explained what she was trying to do was provide an option for the applicant. She stated that the variance being asked well exceeds what is not being proven as a hardship. A home occupation is not to show any outward signs that a business is being conducted there. There is a commercial vehicle parked there, which is not the intent of a home occupation. This Board does not like to issue conditions and her concern is based on the numerous complaints over the years.

Chairman Kimble explained that the original complaint was in April and the Building Department went out and notified the applicant. We are now in August and nothing has changed within those four months.

Lynn Stern stated she talked to Paul about that and she thought the complaint was about the car in the driveway without a license. She didn't realize it was all this other stuff. She stated that she tried to correct what she thought was the complaint as best as she could. She went and got more rocks to fill in the driveway. She stated she didn't realize that they asked her to tear up the sidewalk.

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

It was moved by Masterson and seconded by Cipriano to deny the variance of parking the mobile dog grooming recreational vehicle on the property as part of a home occupation permit in an R-1 District.

Chairman Kimble explained that the motion was made to deny the variance and so the vote will be of affirmation. He asked the Clerk to call the roll.

Yes, 5            No, 0

Motion to deny the variance was approved by a vote of five yes and zero no.

Chairman Kimble asked the Clerk to read the next application.

**APPLICANT:** Joe Molnar, Bob Schmitt Homes, Inc., 9095 Gatestone Road  
**OWNER:** Same  
**REQUEST:** A variance for radius of Hummingbird Lane from 290 feet to 190 feet for Ridgefield Subdivision No. 13.  
**LOCATION:** Hummingbird Lane Extension in an R-1 District  
Permanent Parcel No. (Part of) 07-00-001-000-343  
Application was read along with comments from Chief Building Official Guy Fursdon.

Chairman Kimble asked if there was a representative.

Joe Molnar, Bob Schmitt Homes, 9095 Gatestone Road was sworn in.

Chairman Kimble asked if he could give a brief explanation on the variance request.

Joe Molnar explained they went before the Planning Commission three weeks ago in regards to Ridgefield Subdivision #13. He was extremely surprised when he was notified by the Engineering Department that the radius that they had on the street was not approved because if you look on the drawing, you can see that the sanitary sewer from Subdivision 12 was installed based on that 190 foot radius that he showed on Subdivision 13. If he has to change the radius then the sanitary sewer will be under someone's house all along there. It was determined, after he did some research on street radiuses and he looked back at the North Ridgeville Code and it was done back in 1963. They talked during the meeting that this code would be something that they look at for future development and as a matter of information; they have been doing Ridgefield for the last 20 years. Within Ridgefield there are 12 other locations that have less than 190 foot radius and they were all approved by the City Engineers up until this time. That is why he is here.

Chairman Kimble is very familiar with Ridgefield and has driven all through there and never noticed a road that was the wrong radius.

Joe Molnar stated that the State Department's minimum radius on a 25mph street is 194 feet.

Member Masterson explained that she plans on abstaining from voting as she used to be an employee of Bob Schmitt Homes and is now a home owner within that subdivision. She stated that while she was employed with Bob Schmitt Homes, they never put a cul-de-sac that was smaller than this in. She agreed with Mr. Molnar.

Assistant Law Director Morgan stated that there was some discussion at the Planning

Commission meeting and Jennifer Swallow who does a lot of this kind of work for Lakewood indicated that they just say something flexible such as ODOT standards. It was requested that this be looked into and obviously we have what we have now, but they will look into seeing if a more flexible standard would be better for us and so it is something they are going to be looking at.

Chief Building Official Fursdon read the additional comments that were on the bottom of the application which stated the City Engineer believes, with signage and speed limits, that this would be acceptable. When he spoke with Mr. Wangler, those were his comments for this application for a variance. He didn't think the developer has any problem putting signage up there for speed limits.

Member Cipriano clarified if they were to comply with the existing code, they would have to remove the sanitary sewer because it cannot be underneath someone's property. It has to be in a right-of-way and/or easement. That sounds like a practical difficulty to him.

Member Masterson stated after 20 years, this is the first roadway that they have caught this on.

Member Cipriano stated jokingly that maybe we hired an Engineer with glasses.

Chief Building Official Fursdon stated unfortunately, the Engineering Department after looking at Subdivision 12, they said nothing to the developer because they saw that easement and that radius with every intention that the street would be extended in the future. It is unfortunate that they didn't say something then.

Chairman Kimble asked if there were any other questions or comments from the Board members. He asked if there was anyone in the audience that would like to speak on behalf of this matter.

A resident spoke from the back of the room. However, it was inaudible.

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

It was moved by Cipriano and seconded by DeVries to approve the variance for radius of Hummingbird Lane from 290 feet to 190 feet for Ridgefield Subdivision No. 13.

Chairman Kimble asked the Clerk to call the roll.

Yes, 4          No, 1          Abstain, 1 (Masterson)

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

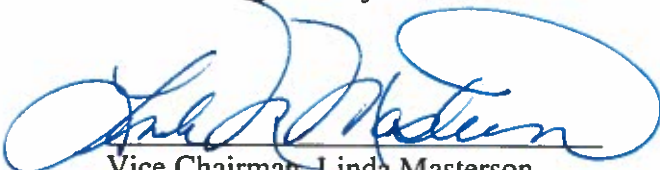


**OTHER BUSINESS:**

**ADJOURNMENT:**

Chairman Kimble announced since there was no other business, this meeting was adjourned.

The meeting was adjourned at 7:40 P.M.

  
Vice Chairman, Linda Masterson

  
Secretary Donna Igotjos

September 22, 2016