

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS  
MINUTES OF  
REGULAR MEETING – THURSDAY, OCTOBER 26, 2023**

**CALL TO ORDER:**

Chairwoman Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

**ROLL CALL:**

Present were members James Cain, Shawn Kimble, Planning Commission Liaison Paul Graupmann, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

Also present were Council Liaison Cliff Winkel, Chief Building Official Guy Fursdon, Planning Director Kimberly Lieber, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

**MINUTES:**

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, September 28, 2023. Hearing none, the minutes stand as presented.

**PLANNING COMMISSION REPORT**

**OTHER REPORTS OR CORRESPONDENCE**

**Master Plan Update**

Vice-Chairman Thibodeaux stated that the next steering committee meeting would be Wednesday, December 6, from 6 to 8 p.m. at the current police station.

Chairwoman Masterson stated that she had received a letter from a homeowner on Ridgeview Blvd and copies had been given out to the Board and Administration. She asked Chief Building Official Fursdon and Director Lieber if they were aware of the situation stated in the letter.

Chief Building Official stated that he was not aware of that.

Chairwoman Masterson asked if it was something that he could look into and let the Board know what the outcome was.

Chief Building Official Fursdon stated that he would.

**Requests for Reconsideration**

1. Discussion regarding BZBA Bylaws Section 14 - Reconsidering and Rehearing
2. PPZ2023-0220: Gregory Shupp, 7118 Wil-Lou Lane, PPN 07-00-016-110-030  
The applicant has submitted a request for the BZBA to reconsider its September 28, 2023 denial of a variance related to their proposal to construct an accessory outbuilding.

Assistant Law Director Morgan explained that it was a request for a rehearing and that she had sent some information in helping to define some things for them and asked if the Board had any questions. She stated that the applicant had sent some additional information and assumed that everyone had looked at it and that it was just a question of a motion of whether or not they believed it was different enough from what they had already seen to warrant putting it on the agenda the next time and hearing it

again. She explained that it would take a motion either to approve or deny, whatever the Board decided, and then a vote. She stated that it would either be placed on the agenda or that was the end of it.

Chairwoman Masterson asked Director Lieber if she wanted to comment on the matter.

Director Lieber commented that to supplement what Assistant Law Director Morgan said, the standard in the bylaws was “Is the applicant able to present information that could not have reasonably been presented in the original case before the Board”. She asked that the Board consider that as they reviewed the materials that were submitted.

Chairwoman Masterson asked if Chief Building Official Fursdon had any comments.

Chief Building Official Fursdon stated not at that time.

Chairwoman Masterson asked Council Liaison Winkel if he had any comments.

Council Liaison Winkel stated that any time there was an opportunity to review something again, if there was any new information at all, that in the process of being thorough, it was what he preferred to do but ultimately it was the Boards decision. He remarked that if there had been anything new added, it could be reconsidered with what was added to the reapplication.

Chairwoman Masterson asked if any Board members had any questions or comments.

Member Kimble asked that if they were to take that into reconsideration, would they be able to vote on it that evening or would it be on next month’s agenda.

Assistant Law Director Morgan explained that they would be voting on the motion whether they intended to hear it but it would end up on the next month’s agenda just like a regular hearing and everyone could discuss it as if it were a new application at that time.

Chairwoman Masterson stated that she agreed with Council Liaison Winkel that anytime they had an option to reconsider something and to hear the evidence again, that it was a good idea.

Moved by Masterson and seconded by Kimble to reconsider the application.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

**PUBLIC HEARINGS:**

**PPZ2023-0224: OKAYN Inc., corner of Rosebelle Ave and Poplar St, PPN 07-00-020-115-095, -096, -032**

Applicant: Orlando & Flor Panta, 19136 Pierce Dr, Strongsville, OH 44149. Proposal consists of constructing new dwelling. Property zoned RS-2 Special Residence District. Requests:

1. A 15-foot variance for front yard setback on a corner lot (Poplar Street); code requires 30 feet, applicant shows 15 feet, Section 1262.04(b)(1). Note: For purposes of setbacks, any lot line abutting a street is considered a front yard.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Orlando Panta, 19136 Pierce Dr, Strongsville, OH 44149, was sworn in.

Mr. Panta stated that he purchased both lots with one being on Rosebelle and the second one on Poplar. He explained that prior to purchasing those lots he had contacted the City and was told about all of the restrictions and processes that would need to be done to get a variance considered. He stated that there were other dwellings on corner lots and commented that he wasn't sure if the Board was aware of that property but that corner lot had a lot of vegetation and there were about eight dead trees. He said that he felt it would be a great opportunity for someone and for himself and for the City if the variance was granted.

Chairwoman Masterson stated that he didn't need a variance for the house on Rosebelle but was asking for the variance for the house on Poplar.

Mr. Panta stated that was correct.

Chairwoman Masterson asked if he was going to live in either one of the homes.

Mr. Panta stated that one was going to be built for his daughter but she and her husband were going to building their own home to be closer to her parents.

Chairwoman Masterson asked if anyone from the Board wanted to speak on the matter.

Member Kimble stated that the make-up of the parcels in that area of the community were very unique in that there were a lot of 25-foot lots. He stated that looking at the map of the whole Ridgeview and Rosebelle area, it was all comprised of small parcels. He discussed that with the current building code that was in place for the City, it required a minimum of a 50-foot wide lot build. He added that in order to put a house on that lot, that would be 50-foot wide with a 30-foot setback, they were talking a very narrow, almost like a row house and that didn't fit the community. He mentioned that from the standpoint of visual cohesiveness and blending in with the neighborhood, essentially every corner intersection that had a house built on it fell under the same guidelines that the applicant was asking for. He stated that it was common practice in that area to have a smaller setback on one side on the corner lots.

Member Cain stated that in looking directly across the street, you could see almost the same setback on a corner lot between the houses and the street. He commented that the applicant even proposed a smaller house than the footprint of the one across the street. He said that it could sit there vacant or put a pretty house on it.

Chairwoman Masterson stated that she had been down that street and the problem with that area was that there were a lot of 25-foot lots that were combined. She remarked that it wasn't out of character for that neighborhood and it was much better to have a house than for it remain vacant. She asked if anyone from the Administration had a question or comment.

Assistant Law Director Morgan asked if the Board needed to know if it was going to be an attached or

detached garage in order to put the correct wording in the variance.

Mr. Panta explained that when he had spoken with Director Lieber, if the attached garage was going to be built, it would have to be 10 feet from the actual structure and with that being said, with the 30-foot setback on the front and it being on a 116-foot lot, he also had that if that was the way it would be designed. He commented that preferably if it were his home, he would like to be able to pull in to his garage and enter his dwelling. He stated that that was why he put proposed on the drawings so that if the variance were granted, then they would make it all work to where it was in the best interest for the City. He added that regarding Mr. Kimble's comment, there were multiple properties in that area that were between 30 and 26 feet wide. He mentioned that he had spoken with a lot of residents in that area and they were concerned with that corner the way it was, with just a bunch of dead trees. He stated that there were probably a good 10 trees that couldn't even be saved. He explained that he had been there on a Saturday night and he couldn't believe how quiet it was. He stated that he had been there on a Sunday morning and there a million kids everywhere and he thought it would be a great community for a smaller family to get into.

Director Lieber explained that she and the Chief Building Official discovered that there was a small discrepancy on the drawing in relation to the interior lot, the north lot. She stated that it was just a misunderstanding in their communication that there was a minimum 5-foot setback side lot requirement but the total had to be 11 feet rather than 10 and it was off by a foot. She mentioned that they communicated with the applicant ahead of the meeting and he conveyed that he would revise whatever submittal for that house to the building department to comply with code. She stated that he wasn't asking for any variance for the north house, even though the drawing that was submitted could be interpreted that that could be required but it was not part of the request and that it was only for the south property.

Chief Building Official Fursdon explained that the requirement of 11 feet was if it was an attached garage on that north lot. He added that if they were going to do a detached garage, they needed 15 feet combined side yard so they could get a driveway up the one side to the garage in the back. He stated that he wasn't requesting that but was only requesting a variance on the south lot because it was a corner lot. He mentioned that typically the Board had looked at 12 feet as a minimum setback for that side street.

Moved by Cain and seconded by Thibodeaux to grant A 15-foot variance for front yard setback on a corner lot.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

**PPZ2023-0226: Raymond Bolin, 3723 Center Ridge Rd, PPN 07-00-034-000-131**

Applicant: Raymond Bolin, 37515 Law Rd, Grafton, OH 44044. Proposal consists of a use variance for residential use of building previously used as an office in B-3 Highway Commercial District. Requests:

1. A variance to allow residential use in the B-3 Highway Commercial District; code does not permit, Section 1268.02.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Raymond Bolin, 37515 Law Rd, Grafton, OH 44044, was sworn in.

Mr. Bolin stated that when he bought the place from Jim Johnson back in late 2007 it was zoned B-3 commercial residential use and had been like that since forever, it was always a house. He explained that in order to change that to put his business in there, he had to put in extensive dollars and cents into the property to bring it up to code so that he could have an office. He discussed that during sometime between 2015 to 2017 there was a meeting that took away that grandfather clause to be able to have residential use and he was unaware of that. He stated that he understood why they did it but no one could have foreseen 2020 with the pandemic and how that would not only affect everybody's lives but more specific to him, commercial office space. He explained that the reason he passed the research out to the Board was to show a little bit about how drastic it had become for office space. He mentioned that since 2020, since he was a financial planner and basically was an FDIC insured bank, he was forced to keep everybody out of that building. He stated that every month he had to sign that he didn't have any clients coming in and no employees coming in. He added that four or five years later it was costing him \$2,400, \$2,500 a month out of his pocket, because he didn't have any rent, and he no longer needed that building. He discussed that he went to sell it with commercial realtors and he couldn't get anybody to buy it. He stated that no one wanted office space. He explained that what he gave them to look at, in those numbers there was one from two months ago and it stated that it still wasn't even half of pre-pandemic levels regarding vacancy rates. He stated that in North Ridgeville there were 34,000 in office space that was currently available for rent currently. He commented that it had been very difficult to financially manage and do what he needed to do. He stated that he put the building up for sale and received no offers but he did get 15 to 17 people that wanted to either rent it or buy it to live in it. He remarked that he would be happy to sell it to someone who had kids and needed all of the bedrooms and space that that house had to offer. He stated that then he found out that he wasn't able to do that because of a variance that he didn't know had been changed or that the grandfather clause got discontinued. He stated that he had accepted a contract on the property before knowing it would be so difficult. He remarked that it was \$85 and some planning and money to switch it from residential use to commercial use and that he wasn't aware that it would be so difficult to switch it back. He added that he was asking the Board to allow him to sell it and let people raise their kids in it.

Chairwoman Masterson stated that his plight was quite unique. She stated that there were two commercial structures on either side.

Mr. Bolin stated that there was actually a house right next to him that was still under the residential use.

Chairwoman Masterson stated that there were businesses down that way.

Mr. Bolin stated that that was correct. He stated that there was a Tire Center on one side and then the house and then the Goddard Center.

Chairwoman Masterson asked if there was anyone from the Board that wanted to speak on the matter.

Member Cain stated that he could speak on what was going on with commercial spaces as he was in that field and the facts the applicant had presented were very true. He stated that he couldn't speak on zoning or B-3 or any of that, and would have to rely on the experience of the other Board members. He commented that the applicant presented a very valid point and hardship that nobody was buying it. He added that the facts presented were very true regarding office space and commercial real estate because so many people were still working from home because there was no need to go back to the brick and

mortar.

Mr. Bolin stated that by the end of 2024 they predict vacancy rates of 20%, which were the highest they had ever been. He stated that they were at 14% and expected to be at 20% by first quarter and by 2025 another 5%. He stated that it didn't look like it would get any better anytime soon.

Chairwoman Masterson asked if anyone from the Administration had any questions or comments.

Assistant Law Director Morgan stated that she wanted to reiterate the information she had already given them that it was a classic use variance that were usually only given in extreme circumstances where there was no other viable use of the property. She commented that he was asking for them to approve something that wasn't allowed under the current zoning. She stated that it wasn't a permitted use or a conditional use and was something that was completely unallowed in that area and asked that they kept that in mind.

Mr. Bolin stated that he understood that but it was made that way before 2020. He commented that if the pandemic didn't hit everyone, he didn't think he would be there.

Chairwoman Masterson asked if Director Lieber had anything to add.

Director Lieber explained that if the Board were to grant a use variance, it wasn't like a rezoning and didn't change the zoning of the property to residential use. She stated that it would simply allow residential use on the lot. She added that it would still be a B-3 property and any future owner of the property could still develop it commercially. It just simply meant that it could also be used as a residential property and that would run with the land permanently. She discussed that the standard that the Board should consider was the unnecessary hardship standard. She added that the Assistant Law Director and herself had provided some factors in their reports that they could consider. She stated that one thing that was a little more unique about the property than other properties was that he wasn't proposing to build a house or to modify a commercial structure for a house. She commented that it was built as a house and looked like a house from the street and such and still had the bones of the house and she said that that was something that was a little bit more unusual than other types of use variance requests where someone was proposing to build something from the ground up that's not permitted in the district and that wasn't really compatible with the surrounding construction and architecture and types of style of development. She remarked that she thought it made that request a bit different.

Council Liaison Winkel stated that with his own personal experiences in the community with commercial property, if that were going to be rezoned back to residential, he would be very concerned about it but it was allowing it to be used as such and still being a B-3, that did make a big difference. He stated that he could kind of see the hardship. He discussed that the City was in a transition period where lots like that were all up and down Center Ridge Road with houses on them that were zoned that way. He stated that normally you wanted to see things being used rather than not be but otherwise it would be a restructuring of the property where they would have some sort of commercial development on it. He stated that that was really the only two options that they had and it was something that they were going to see going all up and down Center Ridge Road on the east side of town as well. He said that it was still B-3 and that was the most important thing.

Chairwoman Masterson stated that she agreed and that it was a very unique situation that was a house and was still a house and they wouldn't be rezoning anything that the City did.

Member Cain asked Director Lieber if they were changing the practical use to residential and the zoning would stay B-3.

Director Lieber stated that was correct.

Moved by Masterson and seconded by Thibodeaux to A variance to allow residential use in the B-3 Highway Commercial District

A roll call vote was taken and the motion carried.

Yes – 4 No – 1 (Kimble)

**PPZ2023-0227: Clayton Dugan, 32626 Bridgestone Dr, PPN 07-00-002-102-083**

Proposal consists of constructing a garage addition. Property is zoned B-3 Highway Commercial District. Requests:

1. A 5.33-foot variance for front yard depth; code requires a minimum of 30 feet, applicant shows 24.67 feet, Section 1282.11(c)(3).

Application was read.

Chairwoman Masterson asked if there was a representative present

Clayton Dugan, 32626 Bridgestone Dr, North Ridgeville, OH 44039, was sworn in.

Mr. Dugan thanked the Board for taking the time to review his request and thanked Mr. Fursdon for guiding him through the process and stated that he was very helpful. He stated that he and his wife wanted to put an addition on the front of their home for their garage. He explained that they were requesting a variance from the 30-foot distance from the exterior wall of the sidewalk, a 23 foot by 13-foot room was planned for personal use as an extension of the garage at the front of their property. He discussed that the request was limited to a 5.56 foot by 18.26 foot by 23-foot triangle for an area of 50.91 square feet. He stated that he had submitted a drawing of the floor plan and that it would be an open room. He said that they would take a double casement window that was on the existing wall and reuse it on the front of the existing room. He added that the room would be used for storage and some hobbies that he had. He mentioned that the roof style would be the same, the siding would be the same and the footer would be consistent with the homes in the development. He stated that they were going to put the drain tile around the outside so that they had proper runoff. He added that there wouldn't be any plumbing needed and that it would just be 110-volt electricity.

Chairwoman Masterson stated that she resided in that neighborhood and rode by his house quite often. She commented that he had a corner lot, which meant that his house was built according to the requirements of corner lots and that he was asking for a very small variance. She asked if any of the Board members had any questions or comments.

Member Kimble stated that he was familiar with the property and in looking at any sort of visual obstruction, he didn't believe there would be any safety factor. He mentioned that it was such a small corner of the proposed addition that exceeded into the ask of why he was there, that he didn't believe in driving around that anyone would even be able to tell that there was a variance needed for that type of

addition on the applicant's home. He added that he thought the plan made sense and that it would fit in just fine with road. He commented that it did look like the road had a little bit of an angle going down and he didn't believe that driving down it that it would be sticking out.

Chairwoman Masterson asked if any of the Board members had any questions or comments.

None were given.

Chairwoman Masterson asked if anyone from the Administration had any comments or questions.

None were given.

Chairwoman Masterson asked if anyone in the audience wanted to speak on behalf of the matter.

Bob Seitz, 8956 Timber Edge Dr, North Ridgeville, OH 44039, was sworn in.

Mr. Seitz stated that he was there on behalf of the Home Owners Association for Ridgefield and what they wanted the Board to do was to not grant the request because it went over the building property line. He explained that they were trying to keep everything within the building property lines. He stated that when anyone puts on an addition, they usually try to make sure that it stayed within the property lines or building lines of the original design, so that it kept all of the lines and everything maintained the way it was currently. He commented that they didn't have a problem with him putting in the room addition as long as it was within the bounds of the property line.

Chairwoman Masterson asked how long Mr. Seitz had been on the board.

Mr. Seitz said that it was his second term and that he just got voted in.

Chairwoman Masterson asked how many years were the terms.

Mr. Seitz stated two years.

Chairwoman Masterson explained that the Board had other applications and asked if it was the first time that he had attended a meeting.

Mr. Seitz said, yes, because most of the time the applications that he had seen had always been on the side of a house or whatever. He commented that there were other guidelines for that that they didn't really have any control over. He explained that on the sides of the house, if there were a sewer line or something like that, that would be an issue that the City would look at.

Chairwoman Masterson stated that the Board had done other variances in the rear of properties and fences. She stated that that was not the first application that had come in front of the Board of Zoning and Appeals for people asking for relief of the building codes. She said that she was just asking why was he there at that meeting.

Mr. Seitz stated that it was the decision of the board. He stated that he received the notice on Sunday when they were having their annual meeting. He stated that they looked into it and went through it with the Bob Schmidt guys to make sure they understood what was going on and where the building lines



were. He commented that there was an assumption that it was within the building lines based on the drawings they originally received, which was just a hand drawing. He stated that they understood that those were sometimes wrong. He said that that was where they caught things, when the City looked at it and said, if it was over or under or whatever was the issue.

Mr. Dugan explained that he saw on the plot plan where the building line was. He stated that he studied the bylaws before he made the request and that he also made the request to Mr. Seitz and received his approval on September 24<sup>th</sup>, which he said was for colors only and he deferred everything to the City.

Assistant Law Director Morgan stated that of course the Board wanted to hear everyone's comments but when it came down to it, the only rules that they had the authority to enforce were the City's rules. She added that if there was an issue, they could work it out amongst themselves. She stated that the Board should only be influenced by what the City required and whether it was a reasonable variance or the practical difficulty for that particular applicant. She commented that as far as the HOA rules, that was between them.

Chairwoman Masterson explained that her comments were that it was not the first time that somebody from that development had asked to do something. She remarked that she found it strange that that was the first time he came.

Mr. Seitz commented that he had no control over what happened in the past.

Chairwoman Masterson stated that within the last four years there had been several different ones.

Mr. Seitz stated that they didn't have an issue with him putting the addition up, as long as it was within the building guidelines.

Chairwoman Masterson said that to reiterate what Assistant Law Director Morgan had stated, a homeowner's association had rules and regulations but their rules weren't the City's rules.

Moved by Kimble and seconded by Cain to approve a 5.33-foot variance for front yard depth.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0 Abstained – 1 (Masterson)

Chairwoman Masterson asked if there was anyone else in the audience who wanted to speak.

Ellen Reisig, 6185 Ridgeview Blvd, North Ridgeville.

Assistant Law Director Morgan asked if it was about the letter that she had written for them to consider. She explained that if she was going to talk about something that wasn't on the agenda, she would have to wait until something was on the agenda.

Ms. Reisig asked, even if they put something up that wasn't approved.

Chairwoman Masterson stated that Ms. Reisig sent a letter to her home. She explained that in the beginning of the meeting she had the Clerk pass it out to each and every member as well as the

Administration. She stated that Mr. Fursdon stated that he would look into the matter and get back to her and let her know. She added that it was a Building Department issue and would have to be addressed by the Building Department. She asked if it would be ok if at the end of the meeting Mr. Fursdon gave Ms. Reisig five minutes of his time and if that was acceptable.

Chief Building Official Fursdon stated that he would.

Chairwoman Masterson asked if there was anyone else in the audience who wanted to speak.

Stelian Hritcu, 28370 Nandina Dr, North Olmsted, OH 44070.

Mr. Hritcu stated that he was the owner of the property at 32253 Cook Rd, North Ridgeville, OH 44039. He stated that he did an application and checked today with the City.

Assistant Law Director Morgan asked if he was going to address something that was on the agenda.

Mr. Hritcu stated that he made an application for that night.

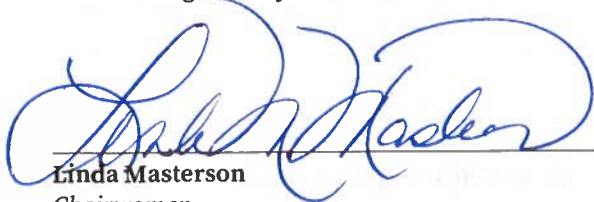
Assistant Law Director Morgan stated that she was told that Mr. Hritcu needed to make or had made a Planning Commission application and that was the route he needed to go. She explained that it was a different group of people but he could talk to the Clerk and get the right form.

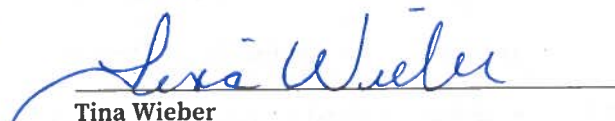
Chief Building Official Fursdon stated that the rules had changed and that conditional use previously went to BZBA but now it went to the Planning Commission.

Assistant Law Director Morgan stated that they could get him an application and him started on the correct path.

**ADJOURNMENT:**

The meeting was adjourned at 7:49 PM.

  
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Linda Masterson  
Chairwoman

  
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Tina Wieber  
Recording Secretary/Deputy Clerk of Council

Thursday, November 16, 2023  
Date Approved