

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, FEBRUARY 22, 2024**

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, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

Planning Commission Liaison Paul Graupmann was excused.

Also present were Council Liaison Cliff Winkel, Chief Building Official Guy Fursdon, Planning and Development 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, January 25, 2024.

None were given.

Moved by Kimble and seconded by Thibodeaux to accept the minutes as submitted.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

PLANNING COMMISSION REPORT

Deputy Clerk of Council Wieber discussed that at the Planning Commission meeting of February 14th, four applications were approved. She stated that the first application was for 5700 Jaycox Road for modular classrooms at Liberty Elementary School. She said that the second application was for 35970 Center Ridge Road for a proposal that consisted of repurposing a vacant auto repair shop for retail use. She explained that the third application was for 36885 Center Ridge Road and the proposal consisted of an addition to existing building, parking expansion and lot consolidation and lastly, Ordinance 2024-4, an ordinance amending the zoning map of the City of North Ridgeville such that parcel 07-00-023-101-074 located at 8371 Avon Belden Road be rezoned from R-1 Residence District to I-2 Light Industrial.

OTHER REPORTS OR CORRESPONDENCE

Master Plan Update

Vice-Chairman Thibodeaux stated that after a year-long process, North Ridgeville's steering committee meeting would be presenting the finalized document to Planning Commission on March 12th, at 7:00 PM at Council Chambers.

PUBLIC HEARINGS:

PPZ2024-0248, Christine Shaw, 5366 Barton Rd, PPN: 07-00-005-108-001

Proposal consists of a lot split. Property is zoned R-1 Residence District. Request:

1. A 1,085-square foot variance for lot area of a lot proposed to be served by public utilities; applicant shows lot area of 15,115 square feet, code requires 16,200 square feet, Section 1250.04(a)(2). Notes: The proposed 0.347-acre lot is currently not served by public utilities. The proposed 0.032-acre lot will need to be consolidated with the purchaser's property or another variance would be required.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Christine Shaw, 1251 Giel Ave, Lakewood, OH 44107, was sworn in.

Chairwoman Masterson asked Ms. Shaw to explain the application.

Ms. Shaw stated that they were looking for a variance for Parcel 2, which was slightly below the square footage that was required. She said that the list of conditions that were read, they had no opposition to them and that it made sense to have it tied into water and sewer. She explained that they had checked the sewer and it came to just before that parcel and the back neighbor's lot was where the sewer stopped. She explained that she didn't think it would be an inconvenience to extend that. She stated that the reason they were requesting the variance was because they were concerned about the leach bed from the septic system that supported the main house, which was on the front parcel.

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

Member Cain asked if she was splitting the lot into three pieces to make one buildable lot.

Ms. Shaw stated that was correct.

Member Cain asked if the one buildable lot would be under the allowed square footage.

Ms. Shaw stated that that was correct.

Member Cain stated that his only concern was that it needed to be written that if BZBA allowed it, it would need to be deeded as such that it had to tie into City sewer or City water. He discussed that if she were to not do that and were to go after a septic system, she would be back before the Board potentially, because they were going to tell her where the house would go after they told her where the septic would go.

Ms. Shaw stated that she understood.

Member Cain stated that it was kind of a unique area there and that there was potentially room to put a home. He added that some of the other lots were smaller with decent houses on them but that if the Board approved it, he recommended that they had the verbiage in there that the new deed stated that it had to tie into City sewer and City water.

Chairwoman Masterson asked if Director Lieber wanted to add anything.

Director Lieber stated that she agreed that additional variances might be required unless some of the conditions or restrictions would be put in place. She explained that as shown on the lot split plat they could require a deed restriction or place a condition that Parcel 2 be served by public utilities as a condition of approval if they were so inclined. She discussed that Parcel 1, the skinny piece next to the neighbor's property, that the applicant did share the purchase agreement with her in a meeting, so she had seen it, but they could also require that a consolidation occur for that neighbor piece as a condition of approval if they were inclined to grant the variance.

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

None were given.

Chairwoman Masterson stated that she agreed that those were both concerning issues. She asked Ms. Shaw if she would have a problem if they did add a couple conditions.

Ms. Shaw stated no, that they wouldn't be opposed to that at all and that she understood.

Assistant Law Director Morgan said that previously she has stated that she wasn't a fan of conditional variances and the reason was the enforcement of them. She discussed that if they approved the one that required a deed restriction, if they could additionally add that it be done within a certain timeframe so that they could put it on the calendar and would know to check and make sure that it was done. She commented that it could be something that was generous for them, like maybe six months or something like that. She asked for the same thing on the second one, that if they approved it on a condition of a lot consolidation, again, that that would be done and they would show proof that it was done in maybe six months.

Ms. Shaw stated that she could definitely do the six months on the third parcel, the small strip, because he was ready to go. She stated that the second parcel would go up for sale and wasn't sure if six months would be enough time.

Assistant Law Director Morgan explained that they were talking about not actually doing the work, but just the deed restriction, for when it did sell.

Ms. Shaw said, okay.

Chairwoman Masterson asked Council Liaison Winkel if he had anything that he wanted to add.

Council Liaison Winkel stated that he did not. He commented that he just wanted to make sure that the bill of sale was satisfied and he felt they covered that.

Chairwoman Masterson asked Director Lieber if she had anything further to add.

Director Lieber stated she didn't other than to point out that she did put some findings of fact in her report for the Board to consider.

Member Cain asked if she currently owned the property outright and if there were any liens on the property.

Ms. Shaw stated that there was a mortgage on it.

Member Cain asked that when they split the property, it would no longer be part of that mortgage. Ms. Shaw stated that she had to work with Wells Fargo on that and she needed the Board's approval before she could go forward with them. She said that there was a small mortgage that was \$58,000.

Member Cain explained that once she was through with the Board and Wells Fargo, she could have the new deed created before the sale of the home, so it would already be in place before she sold it and that deed would pass on to the next seller.

Ms. Shaw stated that that was her intention and she had already been in touch with the title company and that they were set to move on it as soon as she got the okay.

Assistant Law Director Morgan asked if member Cain was satisfied with that.

Member Cain stated that he was. He said that he just wanted to note that it be in place on the deed before it sold, because if it wasn't in place on her deed, it could disappear.

Ms. Shaw stated that she understood that and she didn't disagree.

Chairwoman Masterson stated that the applicant had been there before and the Board did ask her to come back with a survey and they greatly appreciated that. She said that in regards to Parcel 1, she did think that a time frame of six months adding that signed purchase agreement, would be a reasonable consideration. She discussed that in regards to Parcel 2, she did think that a deed restriction needed to be put in place to ensure that utilities would be provided and that on the new lot, requiring any new construction to be served by municipal water and sewer as a condition of the approval. She stated that they expected that to be done in six months.

Director Lieber stated that she would just clarify that Parcel 1 would be consolidated with the purchaser's parcel within six months and that a deed restriction be placed upon Parcel 2 within six months, or as the new deed is created with the split before sale.

Ms. Shaw stated that she had a question that when they did the deed with the restriction, if they wanted her to come back and show proof.

Assistant Law Director Morgan stated that it was helpful for enforcement purposes, if they had a time frame, because if it passed at that meeting, they then could put it on a calendar six months from then to check and see that it had been taken care of. She commented that without that, things sometimes fell through the cracks.

Ms. Shaw stated that she understood.

Moved by Masterson and seconded by Cain to approve the variance request with the condition that Parcel 1 was to be consolidated with the property that it was being sold to and be done within six months and a deed restriction completed in six months for Parcel 2, requiring any new construction to be served by municipal water and sewer as a condition of approval.

A roll call vote was taken and the motion carried.

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Yes - 4 No - 0

ADJOURNMENT:

The meeting was adjourned at 7:14 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, April 25, 2024
Date Approved