

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS  
MINUTES OF  
REGULAR MEETING – THURSDAY, MAY 25, 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, Planning Commission Liaison Steve Ali, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

Member Shawn Kimble was excused.

Also present were Council Liaison Cliff Winkel, Assistant Law Director Toni Morgan, Planning and Development Director Kimberly Lieber 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, April 27, 2023. Hearing none, the minutes stand as presented.

**PLANNING COMMISSION REPORT:**

**Sign Code Update**

Director Lieber stated that she wanted to inform the Board that at the last City Council meeting there was legislation introduced to replace the current City Sign Code, Chapter 1286. She explained that the Planning Commission had been working on an update to that chapter over the course of a year or so, by conducting various work sessions and then ultimately making a recommendation for that piece of legislation to City Council. She stated that there was a public hearing on Monday, June 5, at 6:00 PM. She discussed that if the ordinance went through the process and was passed, they would have training with the Board to let them know all the things that would be new and different because it would change the types of requests that they would see for signage in front of the Board.

**CORRESPONDENCE:**

**Master Plan Update**

Director Lieber stated that they had been having Steering Committee meetings with one at the end of April and the next one would be June 7, at the Academic Center at 6:00 PM. She added that they were also starting to plan for the second round of public engagements and the next big community meeting was planned for July 20<sup>th</sup>.

**PUBLIC HEARINGS:**

**PPZ2023-0181: Sgt. Clean Car Wash, 32499 Lorain Rd, PPN: 07-00-003-102-065**

Applicant: Always Stay Unlimited, LLC, Greg Seifert, 3673 Massillon Rd, Uniontown, OH 44685.  
Proposal consists of a vacuum system enclosure in the side yard. Property is zoned B-3 Highway Commercial District. Requests:

1. A 7-foot variance for side yard setback (east); applicant shows 8 feet, code requires a minimum of 15 feet, Section 1268.04(b)(3)(A).

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Brian Kruszewski, 3673 Massillon Rd, Uniontown, OH 44685, was sworn in.

Mr. Kruszewski stated that Greg was unable to attend the meeting so he was filling in. He explained that they had gone before Planning Commission a couple of months ago and that in looking at the map they had added vacuums to the southeast portion of the parcel. He discussed that the parcel was an obtuse triangular shape. He explained that they thought they could run the vacuum housing building just south of the actual larger car wash building but after months of planning the vacuum system, it wouldn't be able to work properly. He discussed that they wanted to install a similar but smaller building to warehouse the vacuum system unit. He mentioned that they were looking for a seven-foot variance because they were eight feet off of the property line. He added that he did contact the property owner and had a support letter from him regarding the variance.

Chairwoman Masterson stated that it was a unique piece of property. She asked Director Lieber if she had any input regarding the application.

Director Lieber stated that she did. She explained that originally when staff had worked with the applicant, they were hopeful that they wouldn't need to install that structure along the side property line to operate the vacuums just because of the proximity to the setback. She mentioned that the applicant did agree to remove the structure and they moved forward with approval. She stated that they did have those vacuum spaces that were approved but have shown that they needed that structure to operate those vacuum spaces. She added that given the effort that they went to try and meet the requests, but mechanicals were what they were, she did support the request.

Chairwoman Masterson asked for clarification for the other Board members as to what was the property zoned.

Director Lieber stated that it was zoned B-3 Highway Commercial District.

Chairwoman Masterson stated that she knew Starbucks was in front, but asked if it was a different classification for where the trucks were on the map or was all the same.

Director Lieber stated that she believed it was all B-3. She mentioned that there might be some B-4 zoning further west and wasn't sure if it abutted but it was all commercial.

Chairwoman Masterson thanked Mr. Kruszewski for working with the City. She stated that the Board looked for practical difficulty. She mentioned that they weren't abutting the front of the property and were abutting the rear of both properties. She asked if there were any questions from the Board.

None were given.

Chairwoman Masterson asked if there were any questions from the Administration.

None were given.

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

Michael Scilimenti, 32523 Lorain Rd, North Ridgeville, OH 44039, was sworn in.

Mr. Scilimenti stated that he was from the Petro-Com Corporation, which was the business directly west. He stated that the owner, Manny Scilimenti, was unable to attend the meeting but he wanted him to attend to state that he didn't have any issues or concerns with the variance because the vacuums were on the opposite side of his building. He stated that he also wanted him to ask about the encroachment on the property. He wasn't sure if that was supposed to be inquired about earlier in Planning because he didn't attend that meeting.

Chairwoman Masterson stated that an encroachment wouldn't be addressed by the Board but she suggested that he spoke with Director Lieber or Chief Building Official Fursdon or Assistant Law Director Toni Morgan in regards to that.

Mr. Scilimenti said that all he wanted to know was if it would stay or if it was removed.

Assistant Law Director Morgan asked what encroachment he was referring to.

Mr. Scilimenti stated that he thought there was an encroachment for the prior property that was there on the front side.

Assistant Law Director Morgan asked if was onto his property.

Mr. Scilimenti stated that was correct.

Director Lieber stated that at least the proposal that was approved by Planning Commission and Council showed all improvements within the applicant's property. She explained that they would demo the entire site that was currently there. She added that it would all conform to the plan that showed all those improvements within their property lines.

Mr. Scilimenti stated that they didn't have any problems with the business and that they were excited that there would be something there instead of that old gas station.

Moved by Thibodeaux and seconded by Cain to approve the seven-foot variance for side yard setback.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

**PPZ2023-0183: Royal Smokes, 35100 Center Ridge Rd, PPN: 07-00-021-116-053**

Applicant: Neon City, 11500 Madison Ave, Cleveland, OH 44102.

Proposal consists of building signage. Property is zoned B-3 Highway Commercial District. Requests:

1. A 20 square foot variance for area of building signs; applicant shows 80 square feet of signage, code permits 60 square feet, Section 1286.05(c)(2). Note: Signs have been installed.

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Eyad Ali, Neon City Signs, 11500 Madison Ave, Cleveland, OH 44102, was sworn in.

Mr. Ali stated that he was there previously and was advised by Chief Building Official Fursdon to shape up the back of the signage to the size of 24 inches by 20 feet. He commented that that would be on both signs for 80 square feet and that the allowable square footage was 60 square feet. He stated that he was asking for an extra 20 square-foot variance.

Chairwoman Masterson asked if they had installed the signs without permit.

Mr. Ali stated that the signs were approved and then they installed it and then he went and paid for the permit.

Chairwoman Masterson asked for clarification that he did not have the permits paid for prior to installing the signs.

Mr. Ali stated that it was not paid for at that time.

Chairwoman Masterson asked how long he had been in business.

Mr. Ali stated 25 years.

Chairwoman Masterson asked if he was a resident of the City of North Ridgeville.

Mr. Ali stated that he was.

Chairwoman Masterson asked if he had ever installed signs without having a permit previously.

Mr. Ali commented never. He stated that he had been in the business for over 25 years. He discussed that the owner of the business wanted to open and he advised him that they had just got approved for the sign and to wait until after the weekend, so that they could pay for it and have the permit on hand and then install. He stated that the owner wanted to do it and that was what happened. He added that he was were licensed, registered, insured and bonded with the City of North Ridgeville.

Chairwoman Masterson asked if he had done anything to the signs or if they were still both existing and nothing had been changed.

Mr. Ali stated that he was advised not to do anything until they discovered what they had to do to fix the issues.

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

Member Cain stated that Mr. Ali was asking for a 20-foot variance for the modification presented. He stated that he was allowed 60, be it one sign or two. He stated that he was only allowed a total of 60. He asked if he was asking for 20 additional square feet.

Chairwoman Masterson stated that was correct. She stated that regarding the Board of Zoning and Building Appeals, the applicant had to prove practical difficulty. She discussed that he had installed signs that were not code compliant and was now asking for forgiveness. She stated that he had not proven what their practical difficulty was.

Mr. Ali stated that for the simple fact that the sign was already installed and that they were willing to do whatever it took to fix the issues, they would.

Member Ali stated that after last month's meeting, he went there and talked to a gentleman and he didn't know if it was a miscommunication with the sign installer or the owner, but it was done very nicely. He commented that he didn't think they understood that the base, how it illuminated, that would count for the square footage also. He added that, for what it was worth, it was very nicely done and it looked very nice.

Chairwoman Masterson stated that the gentleman indicated he was a sign contractor and stated how many years he had been in business. She added that it was a problem for contractors working within the City for many years to ask for forgiveness rather than permission. She asked if the Administration had anything to add.

Director Lieber stated that the applicant referred to the one sign being approved but that was based upon information submitted to the Building Department that was not accurate. She mentioned that it did not accurately show the full area of the sign. She discussed that the only permit that was issued for the one sign, should not have been issued. She stated that it was the applicant's responsibility to ensure that the information submitted to the City of North Ridgeville was accurate. She added that they were kind of in the wait and see period as the Board will make their decision but if the Board were to deny the application, the applicant was not entitled to a permit that was issued based upon incorrect information.

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

None were given.

Moved by Masterson and seconded by Thibodeaux to deny the application.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

**PPZ2023-0184: David & April Pulvino, 35177 Oak St, PPN: 07-00-020-121-053**

Proposal consists of a private swimming pool. Property is zoned R-1 Residence District. Requests:

1. A 2 ft. 7 in. variance for setback of a private swimming pool; applicant shows a setback of 29 inches from the south property line, code requires 5 feet, Section 1294.01(e)(2).

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

David Pulvino, 35177 Oak St, North Ridgeville, OH 44039, was sworn in.

Mr. Pulvino stated that the application was for a swimming pool and in a side yard. He discussed that he had a house, a detached garage and the total width of that yard was between 16 and 17 feet there. He mentioned that the pool went the width of the yard and there was two feet in between the garage and the pool. He discussed that between the fence for the neighbor on the south side, that was where he didn't have the five feet. He stated that he did have five feet to the neighbor to the east to the edge of the pool. He stated that he talked to the neighbor on the south side and she had never had a problem with that and they got along very well. He stated that she had a detached garage and that was 16 feet from his fence line to the edge of her garage. He mentioned that she didn't feel there was any danger if anything was to happen to the pool like split open by lightning that would cause any kind of flood.

Chairwoman Masterson stated that she had gone to the property and he had indicated to her at that time that the pool that was there had replaced an existing pool that had been there for twenty years.

Mr. Pulvino stated that was correct.

Chairwoman Masterson stated that the he told her that twenty years ago when they had the pool installed, that he had applied and received a permit for the fence. She mentioned that he also said that when he was installing the pool, that the pool company told him to go and get a permit and he spoke to Chief Building Official Guy Fursdon. She stated that his practical difficulty was that he had something for twenty years and all he wanted to do was replace it. She mentioned that he explained that the pool was for his dog for therapy and that he and his wife generally just watched the dog in the pool.

Mr. Thibodeaux asked if when he was talking about the neighbors, if he was referring to John and Bonnie. He stated that the Board had received an email from them stating that they supported the pool.

Mr. Pulvino stated that was correct, Vincenzo, and they lived across the street from him.

Mr. Thibodeaux stated that they lived at 5908 Albert Avenue.

Chairwoman Masterson explained that one of reasons that the City had side yard setbacks was for visual purposes. She added that it was to make sure that someone on the sidewalk could still see where they were going and those kinds of things. She stated that the pool was not impacting vision or right-of-way. She asked if the Administration had any questions.

Assistant Law Director Morgan asked Mr. Pulvino when the pool was first installed, did he get a permit.

Mr. Pulvino stated that he got a permit for the fence. He stated that when he was installing the pool, they had to have a fence around the pool because with a pool you had to have above 48 inches and then with the fence, it could only be a six-foot privacy fence to the corner of the house because he was on a corner lot. He stated that was where the high part was and then going towards the street it could only be so high.

Assistant Law Director Morgan asked if the fence was on the property line and if there was opportunity

to move the fence and get rid of the problem entirely.

Mr. Pulvino stated that there was a chain link that ran the whole Oak Street, their backyard and his fence came straight down that.

Assistant Law Director asked if it was on the property line.

Mr. Pulvino stated that he thought it was.

Assistant Law Director Morgan asked if he was stating that the fence couldn't be moved.

Mr. Pulvino stated that it could not.

Chairwoman Masterson asked if anyone in the audience had any questions.

None were given.

Moved by Cain and seconded by Thibodeaux to approve the 2-foot, 7-inch variance for setback of a private swimming pool.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

**PPZ2023-0187: Aiden Shaw, 5366 Barton Rd, PPN: 07-00-005-108-001**

Owner: Christine Shaw, 1251 Giel Avenue, Lakewood, OH 44107.

Proposal consists of splitting lot into three total lots. Property is zoned R-1 Residence District and is not served by public sewer. Requests:

1. A 15-foot variance for lot width (of the 0.34-acre lot); applicant shows a lot width of 75 feet, code requires 90 feet, Section 1250.04(a)(1).
2. A 6,340-square foot variance for lot area (of the 0.34-acre lot); applicant shows lot area of 14,810 square feet, code requires 21,150 square feet, Section 1250.04(a)(1).
3. An 80-foot variance for lot width (of the 0.03-acre lot); applicant shows a lot width of 10 feet, code requires 90 feet, Section 1250.04(a)(1).
4. A 19,844-square foot variance for lot area (of the 0.34-acre lot); applicant shows lot area of 1,306 square feet, code requires 21,150 square feet, Section 1250.04(a)(1).

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Aiden Shaw, 5366 Barton Rd, North Ridgeville, OH 44039, was sworn in.

Mr. Shaw stated that he was trying to split his lot up. He discussed that in looking at the survey, it showed a ten-foot split which was to be sold to the back neighbor, Robert Rowlings. He stated that he had an intent to purchase letter from him and he was told that that would be made as a separate split.

Chairwoman Masterson asked to see the letter.

Mr. Shaw stated that he had an additional letter from his neighbor, Dan Fronczak, stating that he was onboard with it as well. He added that the main thing he was trying to accomplish with the application was to get approval of the square frontage on the 75-foot lot and then the ten-foot lot to get absorbed to Mr. Rawlings lot.

Assistant Law Director Morgan stated that she wanted to mention to the Board that after the applicant's presentation and discussion, that when they were going to vote on it, that the splits be done separately in the questions and practical difficulties and those sorts of issues be separate for each of the lots.

Mr. Shaw commented that he wanted to add that most of Mills Creek, as a subdivision, was PCD. He stated that it was his understanding that that was no longer a valid district. He mentioned that they were trying to have the parcel match with the rest of the existing neighborhood because he wanted to be able to sell it as a buildable lot. He added that they could just build a ranch house to blend in with the rest of the neighborhood.

Chairwoman Masterson asked what his practical difficulty was and why it was that he needed to do that.

Mr. Shaw stated that the practical difficulty was that on that property there was a barn, where the concrete pad was but it collapsed over the winter due to the heavy snow load. He stated that he shut the water off to it and pulled the fuse that went out there and eliminated the rest of the structure. He added that all that was remaining was a concrete pad. He discussed that he had gotten an estimate on how much it would cost to have it removed and was told that it would be around three to four thousand dollars and he didn't have that. He stated that many of the lots in Mills Creek had a 75-foot frontage and he was trying to have that match with the rest of the neighborhood. He added that if they didn't do the ten-foot split for the back neighbor, Robert, it would be 85-foot and it was really just so that they had enough space between dwellings so that no one felt like they were on top of each other.

Chairwoman Masterson asked if his practical difficulty was because of the concrete pad for a barn that's no longer there.

Mr. Shaw stated that was correct. He explained that he didn't have the heavy equipment to pull it out.

Chairwoman Masterson asked Director Lieber if she had any questions or comments.

Director Lieber stated that she had requested the applicant to provide a purchase agreement for the ten-foot-wide piece, so that the split of that ten-foot-wide piece and the consolidation of it onto the neighbor's lot would be conforming to code. She added that it would be no problem if it were consolidated but was concerned because the document provided at that meeting fell short of an actual purchase agreement for the type of documentation required. She explained that in the worst-case scenario, if the split was approved and happened and then the purchase didn't go through, now they had a ten-foot lot that had been created with frontage that was kind of a no man's land and couldn't be developed and was not attached to the neighbor's property. She stated that she thought it was possible for that split and consolidation to happen, so long as all of the proper documentation was executed but she didn't know that what was just submitted at that meeting met that level of purchase agreement. She discussed that the other thing to note was that the lot that was being proposed for the split currently was on septic and that created a higher standard of lot area than a lot would if it were served by public sewer. She stated that currently the Barton Road parcel and then if it were split, the piece that would face the



side street, there currently wasn't sewer and it required a larger area to accommodate a leech field that would be associated with a septic system. She stated that she wasn't sure where the current septic system was located on the lot but that was kind of the reason for having that bigger standard to ensure that there was sufficient area for that use. She mentioned that she felt more uncomfortable about the lot split for a lot area when it was also not on a public sewer system.

Mr. Shaw stated that regarding the septic, when everything was said and done, he would actually like a City tie in. He commented that he was planning on selling the back section and seeing how much money he had to work with and if it was in the cards financially, wanted a City tie in. He stated that the septic tank already had issues.

Chairwoman Masterson stated that he was asking the Board for a variance for a piece of property that was currently served by a septic system. She added that there were no sewers available. She mentioned that there were sewers near there that would have to be extended to that property and would be incurred by the property owner. She stated that it would be negligent for the Board to approve something that had costs associated with it and asked the Assistant Law Director if that was correct.

Assistant Law Director Morgan stated that her concern was that they weren't being asked to approve something that really had a purpose. She commented that everything was speculative about it. She stated that no one was offering to buy that and the variances were large. She added that she wasn't sure, given that it was on septic, whether what they had in front of them was even the correct calculation. She remarked that it was all speculative and if it was granted it would exist and they would have just made an unusual lot with no clear path of what would be done with it.

Mr. Shaw stated that the .03 proposed lot split, the neighbor had already promised to pay \$10,000 for that.

Assistant Law Director Morgan explained that Director Lieber indicated that if he were to get the proper documentation there would be nothing to stand in the way of that. She discussed that it would be creating such an irregular lot with so many variances that they would be creating it now so that possibly something could happen in the future seemed premature.

Mr. Shaw stated that he couldn't put it up for sale without selling the whole piece of dirt, the entire 5366 lot. He stated that there wasn't a way for him to sell that back section and currently it was just a field.

Chairwoman Masterson explained that the previous applicant had a practical difficulty and what that was. She stated that Mr. Shaw was coming to the Board to sell the property to make a profit.

Mr. Shaw stated that all the money from that sale would go to improve the house.

Chairwoman Masterson explained that there wasn't a sewer to that property and that the Board would have to assume based on the information currently presented, that if a house were to be built that a septic system would have to be put there. She explained that what he presented didn't meet the requirements. She stated that he had not given practical difficulty and that the county auditor did not allow them to do a property split of that size unless it were to be combined with another piece of property.

Mr. Shaw asked if she was talking about the .03 split.

Chairwoman Masterson stated that was correct.

Mr. Shaw stated that it was already spoken for.

Chairwoman Masterson explained that he gave the Board a hand written notebook piece of paper without a date and was asking them to make a legal decision based on documentation that wasn't legally supportive of what he was indicating.

Member Cain explained that what everyone was trying to say was that he needed to sit with an attorney and draw up a bill of sale and do it the right way. He added that it wouldn't get done on a napkin or a piece of notebook paper. He discussed that he would have to sit down with someone that understood that because they could draw the agreement up, contingent on the City granting the split and what the payment for that parcel would be.

Chairwoman Masterson stated that he had some options, which were for the Board to vote on each one of the requests or ask the Board to hold the application and for him to come back with more information at a later meeting. She explained that if that was what he chose to do, he would need to come prepared. She added that they would be looking at both of the properties as being serviced by septic systems because they could not assume that the City would extend sewers. She asked if he wanted to take a five-minute break.

Mr. Shaw stated that he did.

Chairwoman Masterson called for a five-minute recess.

Recess 7:44 p.m.

Reconvened 7:50 p.m.

Chairwoman Masterson reconvened the meeting.

Mr. Shaw thanked everyone for their time and that he would go back to the drawing board.

Chairwoman Masterson asked if he was going to withdraw his application.

Mr. Shaw stated that was correct. He was withdrawing his application.

Chairwoman Masterson explained that that would give him the option of reapplying without having to pay another application fee.

**PPZ2023-0189: Deanna Robertson, 7423 Fowlers Run, PPN: 07-00-039-000-090**

Applicant: Deanna Robertson, 1166 Avondale Rd, South Euclid, OH 44121.

Proposal consists of request to not install a portion of required sidewalk. Property is zoned B-3 Highway Commercial District. Requests:

1. A variance to not install sidewalk along a road frontage of a new dwelling (Center Ridge Road frontage); code requires sidewalks along all road frontages, Section 1226.13. See also Chapter 1024. See also Chapter 1228.01(f)(4).

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Deanna Robertson, 1166 Avondale Rd, Euclid, OH 44121, was sworn in.

Ms. Robertson explained that she was going to build a new home on that property. She explained that the home would face Fowlers Run and the garage would be facing Center Ridge Road. She stated that she didn't have a problem installing the sidewalk in front of her home to join with the sidewalk with all the other properties on that street. She mentioned that to install a sidewalk on Center Ridge Road would cause three problems. She stated that there weren't any other sidewalks on Center Ridge Road in that area and there were eight or nine homes and even further and they didn't have sidewalks. She discussed that if she were forced to put that sidewalk in, it would just be sitting in the middle of nowhere and would not be connected to anything. She stated that her variance request wouldn't change the spirit of the ordinance because it would be more consistent as opposed to changing the existing spirit of the neighborhood. She stated that she had no other alternative but to install it or she was granted the variance. She mentioned that she didn't know that she would be required to put a sidewalk on both sides and it would create a financial hardship for her. She stated that it would be a little over \$20,000 to have to put a sidewalk on Center Ridge Road that would just be sitting there right in the middle of nothing.

Chairwoman Masterson asked if her driveway would be facing Center Ridge Road or Fowlers Run.

Ms. Robertson stated Fowlers Run.

Chairwoman Masterson explained that the City of North Ridgeville was extremely rural but was currently in the process of requiring that every new building and every new structure on Center Ridge Road, and going further down, there were numerous businesses and new homes that had sidewalks. She added that the homes Ms. Robertson was referring to were existing and the one right behind where she was building was a century home and had been there for quite some time. She stated that as far as practical difficulties, a monetary reason was not valid reason for the Board to grant practical difficulty. She mentioned that she may want to get a couple estimates as \$20,000 for sidewalks seemed really high. She asked if the Board had received a letter from the City Engineer stating that she wanted the sidewalks installed.

Director Lieber stated that she had sent her an email that she forwarded to the Clerk to share with the Board that the City Engineer requested that sidewalks be installed on both frontages. She added that in Chapter 1024, streets, utilities and public services code that governed sidewalks, it established a couple criteria that the City Engineer could use to waive installation of sidewalks and that was when there was no other sidewalk within 2000 linear feet from the property or if there was a steep ravine or a big swale along the property frontage but that property didn't meet any of those requirements and so the Engineer had requested that the sidewalks be installed.

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

Member Cain stated that the Board had a couple of those requests already and the ordinance was pretty clear that if someone was within 2000 feet of an existing sidewalk, corner lot or not, it had to have a sidewalk. He discussed that going down Sugar Ridge Road, the last one that came before the Board, was the only new house on the road except the one being built across the street, that had its' own sidewalk. He stated that she was within 2000 feet of a sidewalk and it didn't matter where it was. He added that it didn't matter if someone was on a corner lot and there was nothing on Center Ridge, if the house was on

the corner and it was within 2000 feet of a sidewalk, they would have to install that sidewalk. He mentioned that the ordinance had been in place since 1999.

Ms. Robertson stated that she understood the sidewalk on Fowlers Run had to be installed. She asked if once that sidewalk was installed, did that make the requirement of being within 2000 feet for Center Ridge Road.

Member Cain explained that even if her house faced Center Ridge Road, from the very edge of her property to the sidewalk was within 300 feet of a sidewalk.

Chairwoman Masterson pointed out on the map the distance from Ms. Robertson's property to the sidewalks. She explained that with a corner lot there were two front yards and even though her house would only be facing Fowlers Run, from a building standpoint and an engineering standpoint, that was considered to have two front yards. She explained that it had to meet certain setback requirements and one of those was that it had to have sidewalks on all front yards.

Ms. Robertson stated that there was a Sandy Ridge sign on her property and it was prior to where a sidewalk would be installed. She asked how a sidewalk would be installed there.

Chairwoman Masterson stated that she was talking about the subdivision sign and asked if it was on her property.

Ms. Robertson stated that it was.

Chairwoman Masterson asked if she had agreed to purchase the property with a sign already existing on it.

Ms. Robertson stated that she did.

Assistant Law Director Morgan stated that if there were a tree or some other obstruction, they would just have to go around it. She mentioned that maybe they would move it but it didn't take away the requirement of the sidewalk. They would just have to figure out a work around.

Ms. Robertson stated that they had an easement and asked because they owned that, shouldn't the sidewalk on that side be their issue.

Assistant Law Director Morgan stated that it depended on what the easement stated.

Moved by Cain and seconded by Ali to deny the application.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

**PPZ2023-0190: Brandon Mundell, Ridgeview Blvd, PPN: 07-00-020-135-002**

Applicant: Brandon Mundell, 6882 Pitts Blvd, North Ridgeville, OH 44039.

Proposal consists of an aluminum car port. Property is zoned R-1 Residence District. Requests:

1. A variance for a detached private garage on a lot without a dwelling; code does not permit, Section 1294.03(c).
2. A variance for a detached private garage in the front yard; code does not permit, Section 1294.03(c).  
Note: Lot is a corner lot, therefore both street frontages are front yards. Carport is proposed to be set back 7 feet from property line abutting Mildred Street ROW.

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Brandon Mundell, 6882 Pitts Blvd, North Ridgeville, OH 44039, was sworn in.

Mr. Mundell stated that they were looking to put in an aluminum carport at 6241 Ridgeville Boulevard. He discussed that his uncle, Clyde Jones, was present and was the resident 6241 Ridgeview Boulevard. He stated that it was all one property even though it was two parcels. He stated that it had been in the family for 50 years. He explained that there was a 75-foot lot that had the house and the 25-foot lot was recently put in his name. He said that he was eventually going to buy the house but so far only the 25-foot lot was in his name. He added that they put in a gravel driveway that connected to the existing driveway and planned on putting an 18 by 20-foot carport on that driveway. He stated that it would be enclosed on three sides and set to the north of the house or on the side of the house. He mentioned that it would house a trailer and a vehicle.

Chairwoman Masterson asked what their practical difficulties were in asking for the variance.

Mr. Mundell stated that they were asking for the variance so that they could put a vehicle and a trailer in there to get them out of the elements because snow and water could damage things like that.

Chairwoman Masterson asked if he owned the property but didn't own the house.

Mr. Mundell stated that was correct.

Clyde Jones, 6241 Ridgeview Boulevard, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson stated that it was a piece of property that only he owned and according to the rules and regulations for the City of North Ridgeville, a garage could not be built without having a structure.

Mr. Mundell asked if she was saying they needed to combine the lots.

Chairwoman Masterson stated that she was just asking what the practical difficulty was. She commented that he said he planned on buying the house in the future and it had always been in the family.

Mr. Jones stated that he was going to give it to him. He discussed that he would take care of that and Mr. Mundell would take over.

Chairwoman Masterson asked if there was a legal document that stated that.

Mr. Jones stated that it was in the will that he would be taking over the home.

Mr. Jones explained that Mr. Mundell would be taking over and had transferred that property into his name in order to get things started. He discussed that all they wanted to do was put in an 18 by 25 carport with three sides enclosed. He stated that the longer they waited, the more it was going to cost.

Mr. Mundell stated that one of the other issues was the distance from Mildred. He said that they measured it and it would be 29.5 feet from the actual street and 21.5 feet back from the sidewalk and 11 feet from the North Ridgeville property line.

Member Cain stated that if they read the ordinance as correct, it stated that a detached garage must be a frame construction or a construction similar to dwellings. He read, an aluminum car port does not adhere to code of a wooden frame structure at all and would not be sturdy or long lasting. He stated that all houses in the area are wood framed and none are aluminum or metal. He mentioned that according to Section 1294.10, metal awnings and canopies were only allowed for commercial or business use properties and that was a residential neighborhood. He stated that his issue was with what it was made out of.

Mr. Mundell stated that he had spoken to Chief Building Official Fursdon about that and he said that he would submit plans with them on documentation on how the carport would be built and what it would withstand weather-wise and that it would be anchored in the ground and he submitted that with the plans.

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

None were given.

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

Assistant Law Director Morgan asked about the floor and if it was a poured floor.

Mr. Mundell stated it would be gravel. He mentioned that the existing driveway was gravel and there was an extension of gravel already there.

Assistant Law Director Morgan stated that the City's code did not have a definition for carport so they would be treating it as a garage. She stated that the floor would have to have a floor drain in it and regarding the frame construction, she didn't believe aluminum was framed construction. She added that it did state that it had to be similar to the construction of the single-family house that it was adjacent to. She discussed that it was on a single lot and their discussion was almost as if it were part of the lot where the house was and it, in fact, was not. She stated that it may be one day but currently was not.

Mr. Jones stated that it wasn't on paper but it was.

Assistant Law Director Morgan stated that paper was important. She commented that she saw some issues there.

Director Lieber stated that it was an unusual circumstance where they were looking at accessory to a dwelling on a separate parcel lot. She remarked that she understood the future arrangement but also if it were a single lot, it still wouldn't be permitted within the front yard, within the front building setback. She stated that that was a second consideration unrelated to the property issue at hand.

Chairwoman Masterson explained that it was a corner lot and when a house was on a corner, it had two front yards. She added that they had a front yard on both streets. She commented that she understood what would happen with the property, but the properties were in two separate names.

Mr. Jones asked, what if he put it back in his name.

Member Cain stated that they were still two separate parcels of land.

Chairwoman Masterson explained that the variance was for a private garage without a dwelling. She discussed that a garage had a concrete floor, a drain and sides.

Mr. Jones stated that carports were all over North Ridgeville. He commented that he could drive around and find a hundred. He stated that if there weren't any in North Ridgeville, he wouldn't say a word but he looked and they were everywhere.

Chairwoman Masterson stated that she didn't know what the circumstances were regarding those structures but they were addressing the structure that was currently presented to them.

Member Ali asked that if there was something in writing, like willing it to his nephew, would that make it legally acceptable.

Assistant Law Director Morgan stated that it would make more sense as far as the variance went. She commented that it would be a factor to consider. She stated that she didn't know anything in the code that stated it was okay. She discussed that there were still a lot of issues with the placement of it, the construction material, with the floor, because the code did ask for a drain in the floor. She remarked that she wouldn't say yes, that it would be okay, but it brought it closer to what they were hoping for.

Mr. Jones stated that for everyone's information they put three-foot auger bit down, three on each side. Two on each corner, in the center and it was down three feet in the ground. He commented that it would withstand 100 mile an hour winds, which was as much as a house would and it was guaranteed for twenty years.

Mr. Cain commented that when they took their plans to Guy, he approved that. He added that what Guy was looking for was that engineering stamp and that wasn't the Board's issue. He stated that the Board's issue was to give the variance. He remarked that those people that probably have carports in the City never pulled a permit but that wasn't what he was suggesting either.

Mr. Jones asked what was a canvas, like what people set up to do garage sales, classified as.

Assistant Law Director Morgan stated that the Chairwoman got to ask the questions, not answer them.

Chairwoman Masterson explained that the Board was there to ask questions regarding what had been presented to them. She stated that she was not part of the Building Department and that if he had any questions, to reach out to Chief Building Official Fursdon and he would be able to answer those questions.

Member Ali suggested that they table it and talk to Guy to discuss what would be needed.

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Chairwoman Masterson stated that he did have the option of withdrawing his application. She discussed that he could also have the Board vote on what was presented.

Assistant Law Director Morgan explained that table would be the option, to a date certain, maybe next month or whatever worked for them.

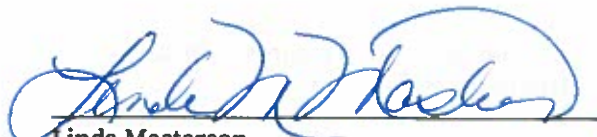

Chairwoman Masterson asked if he wanted to table the application.

Mr. Jones stated that he did.

[Clerk's Note: Discussion was had to table Mr. Mundell's application. No motion was made.]

**ADJOURNMENT:**

The meeting was adjourned at 8:20 PM.

  
\_\_\_\_\_  
Linda Masterson  
Chairwoman  
\_\_\_\_\_  
Tina Wieber  
Recording Secretary/Deputy Clerk of Council

Thursday, June 22, 2023  
Date Approved