

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, AUGUST 27, 2020**

TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:01 PM.

ROLL CALL:

Present were members James Cain, Neil Thibodeaux, Council Liaison Clifford Winkel, Vice-Chairwoman Linda Masterson, and Chairman Shawn Kimble.

Planning Commission Liaison Jim Smolik was excused.

Also present were Assistant Law Director Toni Morgan, Assistant Clerk of Council Tara Peet, and Deputy Clerk of Council Lisa Ciofani.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes of the regular meeting on Thursday, July 23, 2020. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT(S):

None

OTHER REPORTS OR CORRESPONDENCE:

None

PUBLIC HEARINGS:

APPLICANT: Tim Sherrill, Great American Structure

7112 Root Rd, North Ridgeville, OH 44039

OWNER: Tim Sherrill, 7112 Root Rd, North Ridgeville, OH 44039

REQUEST: Requesting approval for a 3179 square foot lot coverage requiring a 65 square foot variance for the construction of a storage building – a variance to N.R.C.O. §1294.03(e)(4)

LOCATION: 7112 Root Rd, in a R-1 Residence District
Permanent Parcel No. 07-00-021-118-039

CASE NO.: PPZ2020-0030

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

Chairman Kimble asked if there was a representative present.

Tim Sherrill, 7112 Root Rd, North Ridgeville, OH 44039, was sworn in.

Chairman Kimble asked Mr. Sherrill to explain the application.

Mr. Sherrill stated it was his understanding when he talked to the building inspector that it was only 50 square feet over. He advised he wants to tear down the old, original garage that has been there since it was built and put a bigger structure on his property to store custom cars he builds and motorcycles and he needs a place to store everything. Mr. Sherrill stated the current garage's roof is caved in and it has probably been there since the house was built. He advised it has old barn doors that are falling off and he needs something new.

Chairman Kimble asked Mr. Sherrill what size the structure was he planned on building.

Mr. Sherrill advised 30' x 50'.

Chairman Kimble stated he is aware of where his property is located and going down that section of Root Rd there are several large structures and barns throughout that stretch and a 65 square foot variance seems to be insignificant on a 30' x 50' garage. He doesn't see how anyone driving down that street could say it's clearly 65 square feet too large. Chairman Kimble stated he believes it will fit in fine with the neighborhood and it won't be a visual obstruction or stand out in any way.

Member Cain advised if you look across the street from him, the building behind that house is probably 24' x 40' so it's not that much difference.

Vice-Chairwoman Masterson asked Mr. Sherrill if he will be taking down the garage itself and the aluminum awning in front of the garage.

Mr. Sherrill advised the aluminum awning will be moved and he told the building inspector what he was doing with that. He advised the whole garage will be torn down and demolished.

Vice-Chairwoman Masterson asked if he is keeping the shed in the backyard.

Mr. Sherrill stated yes and the building inspector told him he was far enough away from all his other buildings. He advised the shed in the backyard is almost brand new and was rebuilt prior to him buying the house in 2004. Mr. Sherrill said he was told he had plenty of room between the distance of the garage he is building to that building.

Vice-Chairwoman Masterson advised that answered her question.

Chairman Kimble asked for any questions or comments from any of the Board members. No discussion was offered.

Chairman Kimble asked for any questions or comments from administration. No discussion was offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Cain and seconded by Thibodeaux to approve the variance.

A voice vote was taken and the motion carried.

Yes – 4 No – 0

Chairman Kimble advised Mr. Sherrill that a signed copy will be mailed.

Mr. Sherrill asked if he needs to wait for the approval before he tears the garage down.

Chairman Kimble advised Mr. Sherrill that he should contact the building department and they will advise him on the next steps.

Mr. Sherrill asked what the waiting time was and if it will be a couple weeks or longer.

Chairman Kimble advised for the approval of his permit, it all depends on how backlogged the building department is.

APPLICANT: Danyelle Sahlica, Columbia Fence
33549 E Royalton Rd, Unit #31, Columbia Station, OH 44028
OWNER: Rob Kowza, 34150 Gem Cir, North Ridgeville, OH 44039
REQUEST: Requesting a variance to N.R.C.O. §1294.01(h)(3) for a 3 foot gate requiring
a 1 foot variance
LOCATION: 34150 Gem Cir, in a R-1 Residence District
Permanent Parcel No. 07-00-018-101-122

CASE NO.: PPZ2020-0031

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

Chairman Kimble asked if there was a representative present.

Danyelle Sahlica, Columbia Fence, 33549 E Royalton Rd, Unit #1, Columbia Station, OH 44028
was sworn in.

Chairman Kimble asked Ms. Sahlica if she could explain the application.

Ms. Sahlica advised they installed a fence at 34150 Gem Circle and replaced an existing fence. Their installer did an exact swap out and made the gate 3 feet 1 inch wide. Ms. Sahlica is asking for a variance to keep the fence as-is. She stated they could dig up the fence post and move it 11 inches however, it will make the ground less stable for the new fence post and it could cause warping or leaning in the future. The homeowner, Rob, does have another gate on the other side that is 8 feet wide and she is hoping they don't have to tear that out for him. The original gate is only 3 feet 1 inch.

Chairman Kimble stated he has been by the property and the fence looks beautiful. He asked Ms. Sahlica since it was an exact match of what was there before, if they used the existing 4 x 4 or whatever size post they used or did they put in all new.

Ms. Sahlica advised she believes all new so they would have taken the existing fence post out with the footer and put a new one in that hole. She advised she doesn't know that for certain and she didn't ask that exact question but he did say it was an exact replacement with the same measurements as the original gate so it would only make sense they used the same hole.

Member Thibodeaux advised he was at the property today and talked with the homeowner and confirmed they are new posts and they used the same holes.

Vice-Chairwoman Masterson stated they have seen quite a few variance requests come in from their company in the last year and they are doing the work and coming back and asking for forgiveness after things have been done. Vice-Chairwoman Masterson asked if they will continue doing this in the future.

Ms. Sahlica stated no and she advised she has spoken with the owner and the owner spoke to Chief Building Official Fursdon and Mr. Fursdon has made it very clear that this needs to cease.

Vice-Chairwoman Masterson advised Ms. Sahlica she is talking to her and not the homeowner because they are the contractor and it's their responsibility to know what the rules and regulations are. She advised it is admirable Ms. Sahlica is there instead of the homeowner on behalf of them to plead the case. Vice-Chairwoman Masterson advised there is an 8 foot fence and she does not have any problem with the variance Ms. Sahlica is asking for and it's very small but this is not the first one and there have been several variances after-the-fact with their company and she is just asking if there is anything else they need to be prepared for.

Ms. Sahlica advised three different properties were brought to her attention last year or the beginning of this year and they spoke to Chief Building Official Fursdon and he asked them to request variances for them. Ms. Sahlica clarified when she said "owner" she meant the owner of Columbia Fence; not the homeowner. She advised Brian went to court and they determined they would file for variances for the homeowners and they would go from there. If they were approved, fine; if not, then Brian would have to make the necessary changes.

Vice-Chairwoman Masterson asked if there are two more coming or if this was the last one.

Ms. Sahlica advised there are two more coming. This is the first one of the three.

Chairman Kimble asked if there were any other questions or comments from any of the Board members.

Member Cain asked when Columbia Fence pulled the permit for an exact swap out, why wasn't it caught in the beginning instead of at the end. He advised this keeps reoccurring and are they

going to keep letting it reoccur when they can handle it up front and make them change it or approve it up front instead of at the tail end of it.

Chairman Kimble stated that is a hard question to answer right now but he is assuming that they caught this on a final inspection. Chairman Kimble advised a typical process that happens for fence inspections is they would come inspect probably once they dug the holes and then after it was completed. He stated that is not his expertise and he is not in the fence business so he wouldn't put a lot of weight on that.

Ms. Sahlica advised she believes Chairman Kimble is correct and they were caught upon final inspection.

Vice-Chairwoman Masterson advised she worked at the county building department for a number of years and people are issued a permit for the work they are doing and it is their responsibility to make sure that everything they are doing meets code. She advised as a fencing contractor, they know what the size is supposed to be. Vice-Chairwoman Masterson stated she knows it is not the most level ground over there and she can see where it's happening but it's the contractor's job to follow the code, call in for inspections, and make sure things are inspected to code. She advised she checked on complaints on both the previous applicant and this applicant today and in checking the background on this, that is how she found out there have been several and there are going to be several more coming from this company.

Chairman Kimble stated he remembers there has been at least one, potentially two, already this year in front of their Board with this same firm and it sounds like this is the first of three. Chairman Kimble advised as someone who has pulled a number of permits being in the building industry for many years, he knows his permits from the City of North Ridgeville, when they were issued to him, were always very detailed and accurate of what was expected to be built. Without seeing the actual permit that was issued to them, he would assume there would be the designations of what size gates you are allowed to use and so on and this definitely seems to be a reoccurring issue.

Vice-Chairwoman Masterson added our law department always says to treat each and every application as its own and they shouldn't be looking at other circumstances. She advised she just wants to make sure however they determine to vote on this one, it isn't a guarantee on how they will vote on the other ones. Vice-Chairwoman Masterson asked if they will be seeing these other two applications next month.

Ms. Sahlica confirmed yes, they are Lilac Cirle and Rustic Ridge.

Chairman Kimble advised they will get to Lilac Cirle and Rustic Ridge when the appropriate time comes but it is interesting to know they have more on the horizon.

Council Liaison Winkel advised he is in the construction field and he's not saying this happened here but sometimes it can happen where a permit wasn't pulled, the work was done, the permit

was pulled after-the-fact, and then the variance is needed to satisfy code. He's not saying this happened here but it's just another situation where something like this may have not been caught.

Chairman Kimble asked for any other questions or comments from the Board members. No discussion offered.

Chairman Kimble asked for any questions or comments from the administration. No discussion was offered.

Chairman Kimble asked if there were any other questions or comments from YouTube live.

Deputy Clerk of Council Ciofani advised no discussion was offered.

It was moved by Thibodeaux and seconded by Cain to approve the variance.

A voice vote was taken and the motion carried.

Yes – 3 No – 1 (Kimble)

Chairman Kimble advised Ms. Sahlica that a signed copy will be mailed.

OTHER BUSINESS:

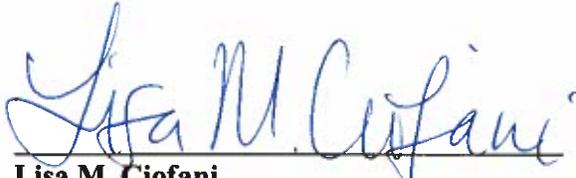
None

ADJOURNMENT:

The meeting was adjourned at 7:22 PM.



Shawn Kimble
Chairman



Lisa M. Ciofani
Recording Secretary/Deputy Clerk of
Council

Thursday, September 24, 2020
Date Approved