

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, SEPTEMBER 28, 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 Shawn Kimble, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

Member James Cain was excused.

Planning Commission Liaison Steve Ali was absent.

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, August 24, 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 in-person meeting for the steering committee would be Thursday, October 19th from 6 to 8 p.m. and would be held in Council Chambers.

PUBLIC HEARINGS:

PPZ2023-0218: Raymond Tumbry, 7499 Race Rd, PPN 07-00-034-000-093

Applicant: Dave Burkholder, Burkholder's Custom Construction, 746 US 250 N, Ashland, OH 44805. Proposal consists of constructing a second outbuilding of 1,200 square feet. Property zoned R-1 Residence District. Requests:

1. A 2.6% variance for lot coverage of a residential lot with an outbuilding; code permits 10%, applicant shows 12.6% Section 1294.03(e)(4).

Application was read.

Chairwoman Masterson asked if there was a representative present.

Dave Burkholder, Burkholder's Custom Construction, 746 US 250 N, Ashland, OH 44805, was sworn in.

Raymond Tumbry, 7499 Race Rd, North Ridgeville, OH 44039, was sworn in.

Mr. Tumbry stated that he needed the outbuilding for car storage. He discussed that he had classic cars at his mother's house and she was getting old and he needed to move them.

Chairwoman Masterson commented that when she went out there, he did have quite a bit of property between the houses. She remarked that the character of the neighborhood was a little interesting and was a mixture of commercial and residential. She stated that he was asking for a 2.6% variance. She asked if any 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 from the audience had any questions or comments regarding the application.

None were given.

Director Lieber stated that she wanted to point something out. She explained that because they had two proposals for outbuildings and that they may have noticed that they were written up differently on the agenda. She commented that she wanted to point out because regarding the current application, the lot was over a half-acre and they used the 10% of lot coverage standard rather than just the flat square foot. She added that the Board had been through that before but for the benefit of others in the audience or for those that might watch the meeting or see the agenda, she just wanted to point out that if it was above half-acre, they would use the percentage base and if it was below a half-acre, they would use the square footage. She said that she just wanted to put that on the record.

Moved by Masterson and seconded by Thibodeaux to approve the 2.6 variance for lot coverage of a residential lot with an outbuilding

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2023-0220: Gregory Shupp, 7118 Wil-Lou Lane, PPN 07-00-016-110-030

Proposal consists of constructing a 1,120 square foot outbuilding. Property zoned R-1 Residence District. Requests:

1. A 444 square-foot variance for size of an outbuilding; code permits 676 square feet, applicant shows 1,120 square feet, Section 1294.03(e)(2). Note; Outbuilding is 40 ft. by 28ft., which is also in excess of the allowable 26 ft. by 26 ft. dimensions.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Gregory Shupp, 7118 Wil-Lou Lane, North Ridgeville, OH 44039, was sworn in.

Mr. Shupp stated that he was a union carpenter by trade and had acquired a lot of tools over the years and he just needed a place to store them along with lawn equipment and everything else. He commented that he wanted to just combine the total two allowable outbuildings of 26 by 26 into one larger building.

Chairwoman Masterson stated that he hit on a very important aspect of the building. She asked Chief Building Official Fursdon for clarification regarding the applicant being allowed to have two outbuildings.

Chief Building Official Fursdon stated that he was allowed one outbuilding and one detached garage, both 676 square feet.

Chairwoman Masterson stated that that would be a total of 1,200.

Chief Building Official stated that it would be over 1,300 square feet.

Chairwoman Masterson commented that they didn't really like to see very large variances. She stated that if they were just addressing the one building, it sounded like a very large variance. She added that they would prefer to have one building rather than two buildings. She asked if anyone from the Board had any questions or comments.

None were given.

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

Director Lieber stated that it was more of a neighborhood feel, a more residential area than perhaps other areas of the community where it was combination of residential and commercial feel. She added that it was a significant variance in looking at it from a lot coverage standpoint with the dwelling and the garage and that they were talking about close to 20% or potentially more. She commented that looking at it in that light, it felt very substantial.

Chairwoman Masterson asked if Chief Building Official Fursdon was correct that he was allowed to have two separate buildings.

Director Lieber explained that the code allowed a detached garage and an outbuilding. She stated that of course, a garage would have a driveway to it and house vehicles only. She commented that that would be the only intended purpose. She stated that yes, the code did allow both, but in that case it was an outbuilding proposal and if it were granted, it didn't foreclose the applicant from proposing also a detached garage in the future.

Chairwoman Masterson asked if she was saying that if the Board granted the variance, he would be allowed to build another building.

Director Lieber stated that he would be allowed to build a detached garage.

Chairwoman Masterson asked if a certain amount of lot coverage would apply.

Director Lieber explained that under a half-acre, they did not use that 10% lot coverage scenario.

Chairwoman Masterson asked if he could technically build that very large structure and then add another smaller structure.

Director Lieber stated that unless the Board placed a condition of approval that wouldn't allow any additional detached garage to be constructed.

Mr. Shupp stated that his intention was that instead of two outbuildings, he only be allowed one and that would be it.

Chairwoman Masterson stated that Director Lieber brought up a very good point that if the Board allowed him to build that large structure, it still would give him the option of building an additional building, which was a concern.

Member Kimble stated that he had a question for the Law Department. He asked if the Board was permitted to make a condition, even though it wasn't a conditional use variance. He commented that he knew there had been confusion and gray areas with that in the past. He stated that he wanted to make sure that if they did some sort of action like that, that they would be okay.

Assistant Law Director Morgan stated that she generally discouraged conditions on a variance because it ran with the land and even if the applicant weren't there, somebody else would still be stuck with whatever conditions were placed on it. She commented that she would leave it to the wisdom of the Board whether or not in that instance, as all of the members had gone to the property and had seen it in context with the rest of the area whether it would be something appropriate to the area or not. She stated that they were correct that it wasn't unheard of but it wasn't something that was generally done.

Chairwoman Masterson asked if the applicant wanted to amend the application and state that it would be the only structure that would be built and that he would not build any other additional structures.

Mr. Shupp said, absolutely.

Chairwoman Masterson asked Assistant Law Director Morgan if that was something that the applicant could do.

Assistant Law Director Morgan commented that it wasn't exactly his idea but on the other hand it was, he did mention that first.

Mr. Shupp stated that he did have in the application packet that he originally applied for that he wanted to combine both allowable buildings into one.

Chairwoman Masterson commented that he would not build any additional.

Mr. Shupp stated no.

Assistant Law Director Morgan stated that if that was what he was asking for, they were giving him what he was asking for as opposed to placing a condition on it. She commented that he was asking for this one building only without any others.

Director Lieber stated that she thought in that case a condition could be appropriate. She explained that

they had seen cases where one property owner obtained a variance under a certain type of presentation and set of facts and later sold the property and then the new property owner came in.

Chairwoman Masterson commented that it was about two months ago.

Director Lieber explained that statements made by the applicant at a Board meeting weren't binding and that only motions made by the Board were binding on that property.

Assistant Law Director Morgan remarked that that was a good point. She explained that when they made the motion to approve, they could make the motion to approve the application that he asked for but state it as a condition of their approval, that that be what they were offering him.

Chairwoman Masterson explained that when they had an applicant who was a different property owner, he told the Board what he was going to do and then sold the building and what the Board had talked about and discussed was no longer binding. She asked if anyone in the audience had any questions or comments regarding the matter.

None were given.

Moved by Masterson and seconded by Thibodeaux to accept the application as presented with the condition that no additional outbuildings could be constructed.

A roll call vote was taken and the motion failed.

Yes - 2 No - 1 (Kimble)

Mr. Shupp asked what he needed to do to move forward at that point. He stated that he was allowed the two outbuildings of 26 by 26, and asked if would be able to build one and then build an addition onto it.

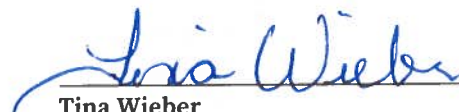
Chairwoman Masterson stated that he would have to discuss that with Chief Building Official Fursdon.

ADJOURNMENT:

The meeting was adjourned at 7:17 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, October 26, 2023
Date Approved