

**NORTH RIDGEVILLE BOARD OF ZONING & BUILDING APPEALS
MINUTES FOR THE REGULAR MEETING HELD MAY 22, 2014**

TO ORDER: The meeting was called to order at 7:00 P.M. with the pledge of allegiance.

ROLL CALL: Present were Members Mario Cipriano, Tim Anderson and Chairman Shawn Kimble.

Absent and excused were Members Martin DeVries and Linda Masterson.

Also present was Chief Building Official Guy Fursdon, Assistant Law

Director Toni Morgan and Secretary Donna Tjotjos.

MINUTES:

Chairman Kimble asked if there were any corrections to the minutes dated January 23, 2014. Hearing none he asked for a motion on the minutes.

Moved by Cipriano and seconded by Anderson to approve the minutes dated January 23, 2014.

Chairman Kimble asked the Secretary to call the roll.

Yes, 3 No, 0

The motion was approved by a vote of three yes and zero no.

REPORTS:

Chairman Kimble asked if there were any reports to come before the Board this evening.

Member Cipriano stated that he does have a report from the Board of Flood and Drainage. He continued on state that he has an annual report that is completed and required by the Ohio EPA which includes all small municipal separate storm sewer systems general permit. The gist of that permit is to test for, essentially, the presence of sewage in the storm water system and to ensure that the city is in compliance with the Ohio rules regarding the tolerances of bacteria in the storm water system. They provide training to the city employees and it also requires an outreach by the city to the community which includes education and awareness about how to basically keep the storm water system clean. This is done each year and they had found after sampling that there were areas where the level of E. Coli was higher than what it was supposed to be so the obligation is to then attempt to isolate those who are intentionally or unintentionally adding bacteria to the storm water system. They did identify those to the best of their ability who they believe are and report a set of guidelines on remediation. Essentially, this is an audit and it is the first time that he had seen it. He thought it was important to report this especially in light of what has been happening in the city regarding flooding. Something that folks don't necessarily understand is that the storm water is one thing and the sewage is another and of course one of the problems is when the storm water system gets into the sewage system or perhaps more directly

where, underground, there are places where those are tied together when they are not supposed to be. There is also, which we have been discussing for some time, improvements to the Gina/Pitts area, which is a very troubled area of the city for flooding and there have been monies appropriated from City Council to do improvements in that area. Those are things that have been discussed. Those are the topics that are being worked on and most importantly is this report which outlines everyone's responsibility in the County and the city in making sure that we are complying with the rules of the State.

Chairman Kimble thanked Member Cipriano and asked if there were any reports from the Planning Commission.

Member Anderson responded no reports.

OTHER REPORTS AND CORRESPONDENCE:

Chairman Kimble stated that there were no other reports or correspondence. He asked the secretary to read the first application under the Public Hearings.

PUBLIC HEARINGS:

APPLICANT: David R. Hall, 4817 Deborah Drive
OWNER: Same
REQUEST: A half foot side yard setback variance and a 104 square foot variance to construct a 780 square foot detached garage.
LOCATION: 4817 Deborah Drive in an R-1 District
Permanent Parcel No. 07-00-017-103-020

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

Chairman Kimble asked if there was a representative.

David Hall of 4817 Deborah Drive was sworn in. He explained he has an existing garage that is already 30 foot deep. He stated that he is allowed 26 by 26, but they want him to reuse the same concrete. The concrete is all busted up so, what he wanted to do was take that 26 via the 30 and continue the roof line back ten feet such like a patio on the back side of the garage.

Chairman Kimble asked if the representative currently has a 20 foot wide garage and wants to go 26 feet.

David Hall stated that was correct.

Chairman Kimble pointed out that as far as the .5 setback, the garage is currently already there and it has been that way for years. He stated nothing is going to change in the neighborhood by

building back in the same spot, so visually; it will look exactly the same. The neighbors have all seen it. It has functioned and hasn't been an issue. He believes that it is fine from that standpoint. He continued to state that the first impression he got on the additional width was the fact that the representative is going into his back yard. It isn't like he is adding the six feet and going toward the property line. He stated that the representative is taking more of his own back yard out which has less impact on the surrounding neighbors around him. Also there is the fact that the representative is allowed to build the detached garage and the barn and have two separate structures adding up to more square footage, where he is only replacing his existing garage with one structure instead of two. In light of all that, he believes it to be a well thought out plan and will fit nicely in his back yard.

Member Cipriano stated he was at the property and he concurred with the Chairman's summation. It will essentially occupy the same space. Certainly looking from the street, there will be no visual difference.

Chairman Kimble agreed that looking from the street; you would not see a single bit of difference other than a newer structure.

David Hall stated that it is actually behind the house not right on the driveway.

Chairman Kimble asked if there were any other questions or comments from the Board Members. Hearing none, he opened the floor to the audience. Hearing none, he opened the floor for comments from the Administration. Hearing none, he asked for a motion.

It was moved by Cipriano and seconded by Anderson to approve the half foot side yard setback variance and a 104 square foot variance to construct a 780 square foot detached garage.

Chairman Kimble asked the secretary to take the roll.

Yes, 3 No, 0

The motion was approved by a vote of three to zero.

APPLICANT: Jon Montgomery, 37278 Tail Feather Drive

OWNER: Same

REQUEST: A two and a half foot height variance and a 50 percent open variance to construct a six foot closed privacy fence; eight feet beyond front line of building.

LOCATION: 37278 Tail Feather Drive in a Planned Community Development
Permanent Parcel No. 07-00-032-000-580

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

Chairman Kimble noted the representative was not present.

Chief Building Official Fursdon contacted the applicant.

Chairman Kimble stated that while the Members are waiting for the applicant to arrive, he will move on to other business.

OTHER BUSINESS:

Chairman Kimble noted the scheduled absence of a Secretary for the next meeting and proposed rescheduling the June meeting to July 3 to give applicants a fair opportunity to still be able to come. If someone does make application within the next couple of weeks, they won't have to wait two months in order to be heard.

It was moved by Kimble and seconded by Cipriano to reschedule the June meeting to July 3.

Yes, 3 No, 0

The motion was approved by a vote of three yes and zero no.

It was moved by Kimble to call a 15 minute recess at 7:10p.m. as the applicant had not arrived yet. All those signify by aye.

MOTION CARRIED

The meeting reconvened at 7:24 p.m. with the applicant's arrival.

Chairman Kimble asked the representative to step up to the podium and state his name and address in order that he be sworn in.

Jon Montgomery of 37278 Tail Feather Drive was sworn in.

Chairman Kimble asked the representative to explain his application.

Jon Montgomery explained the reason he is asking for the variance is because his central air unit sits on the east side of his house and where his neighbor took his fence, leaves him with 22 inches to get down that side of the fence and there is really no room to go down. He is only going to have one entrance way to his back yard and because it is so close to his house he is asking for the five foot variance. He stated that he has 23 feet of unused space.

Chairman Kimble stated in looking at the applicant's property it seems like he came up with a very good plan in going off the back of the house. Obviously, as the applicant had touched on in the questionnaire of his application, that the big issue with a corner lot and the two sides being front yards is the visibility issue for other cars, pedestrians and kids on bikes, but considering the fence is recessed back so far from the corner, he didn't feel that there was any issue in sight line in terms of children coming down the street or a car pulling out and not being able to see. He

feels that this is a well thought out plan in how he went off the back corner. If it was off the front corner of the garage, it would be a different story.

Jon Montgomery stated that some neighbors did go over and ask questions. They all thought he was putting it from the front as well, but did specify that it will start at the back.

Chairman Kimble stated that it does seem to be a pretty realistic variance. He believes even the height of the fence will blend in. It seems like a good plan from his standpoint. He opened the floor to the Members for questions and comments.

Member Cipriano stated that he was out to see the property and he didn't understand really until now the variances that are written at the bottom of the page where it mentions the eight feet beyond the front line of building. He asked the Chief Building Official to explain. He states that the way it sounds it is going into the front yard, but that is not the case.

Jon Montgomery stated that it is actually going into the side of the yard.

Chairman Kimble explained that since this is a corner lot it technically has two front sides.

Member Cipriano stated that he gets all that but the way he reads it is that it will be eight feet beyond the front line. He asked if that was to mean that it is eight feet in parallel to the back of the home.

Chief Building Official stated yes out from the side of his house. The side of the house is on Roosting Lane. This is still considered the front line of the building because it is on a corner lot and so according to the drawing he is going eight feet beyond that toward the right of way.

Member Cipriano stated that the side of the home is also considered the front of the home.

Chief Building Official replied yes and continued to state that he is trying to take that language out of the zoning code.

Chairman Kimble asked if there were any other questions or comments from the Board Members. He then asked if there were any questions from the Administration. Hearing none, he entertained a motion.

It was moved by Cipriano and seconded by Anderson to approve a two and a half foot height variance and a 50 percent open variance to construct a six foot closed privacy fence; eight feet beyond front line of building.

Chairman Kimble asked the Secretary to call the roll.

Yes, 3 No, 0

The motion was approved by a vote of three yes and zero no.

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING - MAY 22, 2014**

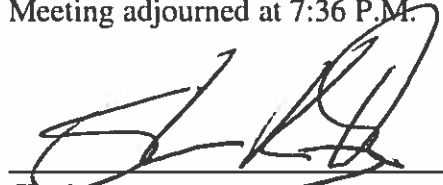
PAGE 6

Chairman Kimble noted that other business has been taken care of and there was no other business.

It was moved by Kimble to adjourn the meeting. All those signify by aye.

MOTION CARRIED

Meeting adjourned at 7:36 P.M.



Chairman

Secretary

July 3, 2014
Date