

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, DECEMBER 22, 2022**

CALL TO ORDER:

Chairman Kimble called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were Members James Cain, Neil Thibodeaux, Planning Commission Liaison Steve Ali and Vice-Chairwoman Linda Masterson.

Chairman Shawn Kimble was excused.

Also present were Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Planning and Economic Development Director Kimberly Lieber, Council Liaison Cliff Winkel and Deputy Clerk of Council Tina Wieber.

MINUTES:

Vice-Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, November 17, 2022. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT:

Planning Commission Liaison Ali stated that at the last Planning Commission meeting of December 13, 2022 they held a work session and discussion regarding proposed zoning code updates to parking, loading, lighting and commercial drives.

CORRESPONDENCE:

Master Plan Update

Member Thibodeaux stated that the City of North Ridgeville had a new Master Plan Steering Committee and had their first meeting on December 7, 2022 with Planning Consultant Brian Ashworth from Planning Next out of Columbus. He explained that it was made up of approximately thirty people representing diverse skills and backgrounds and was organized by Planning and Economic Development Director Lieber. He stated that the first meeting entailed coming up with a brand for the steering committee and once that gets voted on and approved would be presented to the public. He commented that there would be two open forums for residents next year and that it would be a year-long process so there would be plenty of time for residents to give their insight. He stated that the next meeting of January 11, 2023 was at the North Ridgeville Academic Center.

PUBLIC HEARINGS:

PPZ2022-0153 Sgt. Clean Car Wash, 32499 Lorain Rd, PPN: 07-00-003-102-065

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Applicant: Always Stay Unlimited, LLC, dba Sgt. Clean Car Wash, 3673 Massillon Rd, Uniontown, OH 44685.

Proposal consists of a new full-service car wash. Property is zoned B-3 Highway Commercial District. Requests:

1. A 7.5-foot variance for side yard setback (west); applicant shows 7.5 feet, code requires a minimum of 15 feet, 1268.04(b)(3)(A).
2. An 8.29-foot variance for sum of side yard setbacks; applicant shows 26.71 feet, code requires a minimum sum of 35 feet, Section 1268.04(b)(3)(A).

Application was read along with the Chief Building Official's recommendations.

Vice-Chairwoman Masterson asked if there was a representative present.

Greg Seifert, representing Sgt. Clean, 3675 Cleveland Massillon Rd, Uniontown, OH 44685, was sworn in.

Vice-Chairwoman Masterson asked Mr. Seifert to explain the application.

Mr. Seifert explained that he wasn't sure the zoning code anticipated a site with such an interesting shape. He stated that the site was a wedge, a triangle and it was very difficult to put a rectangle in the center of a triangle but that was what they had done. He commented that typically a Sgt. Clean Car Wash would have the canopy, which was where the pay stations were located, separate from the building but because of the shape and size of the site, they had to move the canopy and attach it to the southwest corner of the building. He stated that it became part of the building and then needed the variance. He remarked that they did reduce the length of the canopy to cover only a portion of the second queuing lane to minimize the variance that they were requesting. He added that if they removed the canopy overall they would meet the qualifications of the other variance which was the thirty five feet, adding the two sides together. He stated that because the canopy was part of the building, only a small portion of that side of the building was the reason they were there for the variance.

Vice-Chairwoman Masterson stated that that was the reason the Board existed for unique situations and parcels of property.

Member Thibodeaux remarked that it was a unique layout of the property and great use of the space.

Member Cain stated that they couldn't have used the space any better. He stated that it was very well laid out and thought out and if they didn't use canopies then there wouldn't be a need for the variance. He stated that they did a good job.

Member Ali stated that the architect definitely earned his money designing that site. He added that he didn't see any problems or issues.

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Moved by Cain and seconded by Thibodeaux to approve the 7.5-foot side yard setback (west) variance and the 8.29-foot variance for sum of side yard setback.

A roll call vote was taken and the motion carried.

Yes – 4

No – 0

PPZ2022-0155 Lorain County Health & Dentistry, 35557 Center Ridge Rd, PPNs: 07-00-021-117-086, 07-00-021-117-088

Applicant: Christine Raymond, Kaczmar Architects Inc., 1468 W. 9th St., Suite 400, Cleveland, OH 44113.

Proposal consists of constructing a medical/dental office building. Property is zoned B-3 Highway Commercial District. Requests:

1. A 25 foot variance for front building setback; applicant requests 25 feet, code requires 50 feet, Section 1268.04(b)(1).

Application was read along with the Chief Building Official's recommendations.

Vice-Chairwoman Masterson asked if there was a representative present.

Christine Raymond, Kaczmar Architects, Inc., 1468 W. 9th St, Suite 400, Cleveland, OH 44113 was sworn in.

Vice-Chairwoman Masterson asked Ms. Raymond to explain the application.

Ms. Raymond explained that they were requesting the variance for the front yard setback only. She stated that fifty feet was the requirement and they were asking for a variance of twenty five feet. She discussed that the reasoning for that request was that based on the buildable area of the site being limited by the regulated flood plain to the south. She added that they had positioned the building and parking lot as far north as they could. She stated that the twenty five foot setback would also allow them to be more compatible with the surrounding neighborhoods along with the neighbors on each side as well as other properties on Center Ridge Road to maintain the streetscape. She added that positioning the building as they had shown would provide some regularity along Center Ridge Road. She stated that the building to the east was about twenty three to twenty eight feet from the right-of-way and the bank was closer than that; however, the bank property line wasn't in alignment with theirs. She mentioned that the other benefit of locating it to the north was visibility from Center Ridge Road of the building which would improve safety of vehicles approaching the site and patients coming and going from the building.

Vice-Chairwoman Masterson stated that she had done a very good job of explaining why they were requesting the variance.

Assistant Law Director Morgan stated that regarding the previous slide shown, one of the major comments was that it still seemed to be in line with the setbacks of buildings in that area.

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Vice-Chairwoman Masterson stated that she appreciated them not being in the flood plain and staying away from that as far as possible.

Moved by Thibodeaux and seconded by Cain to approve the 25 foot front yard setback variance.

A roll call vote was taken and the motion carried.

Yes – 4

No – 0

PPZ2022-0157 Van's Auto Service and Tire Pros, 37775 Center Ridge Rd, PPN: 07-00-034-000-136

Applicant: Jeremy Weitzel, Agent, 37775 Property LLC, 3960 Summit Rd, Norton, OH 44203.

Proposal consists of modification of existing pole sign. Property is zoned B-3 Highway

Commercial District. Requests:

1. A variance for 100 percent changeable copy on a pole sign, code allows up to 50 percent changeable copy, Section 1286.05(c)(1)(A). Note: Proposed new sign is 50 square feet.

Application was read along with the Chief Building Official's recommendations.

Vice-Chairwoman Masterson asked if there was a representative present.

Dean Schramm, Schramm Signs, 41431 Schadden Rd, Elyria, OH 44035 was sworn in.

Vice-Chairwoman Masterson asked Mr. Schramm to explain the application.

Mr. Schramm stated that it was a unique situation. He explained that the existing sign that was currently there was about sixty square feet. He added that it was six foot by twelve foot. He stated that usually in the last thirty, forty or fifty years you would have an ID sign that would list the business name and if people wanted to have a changeable message, they would put a changeable copy sign that was white with plastic letters and it could be changed around. He commented that when people got digital message boards, that went underneath the ID sign for the main sign. He stated that usually they would have a big ID sign and then a changeable copy sign, which they could do but they felt it would be too cluttered by having too many signs up there. He remarked that they could see the signage on the building which was large and looked beautiful and could be seen up and down the road. He added that their thought was why have another ID sign out there. He stated that they wanted to just have a digital board and every four messages they would put up their Van's logo and then go back to a tire message or whatever. He stated that they thought they would come and get a variance or call the sign a message center that you could put anything on it. He explained that if they wanted to they could put their main ID logo up there and never change it. He stated that what may happen in the future was that every sign would be a digital board and whatever new tenant came in, they would put their logo up there and it would just stay up there. He stated that the picture showed a fifty square foot digital board that they wanted to put up there and remove the big sign and had just that one sign. He

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stated that placing the message center underneath the current sign would clog up the look of the pole sign and would be too many signs.

Vice-Chairwoman Masterson stated that the City was in the process of revamping its' sign ordinances. She asked Planning Director Lieber if the new sign ordinance was in place would the applicant meet the criteria at all.

Director Lieber stated that it would not per the current draft that they had been discussing.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if they could put two signs on that pole.

Chief Building Official Fursdon stated that they could have the ID sign and the changeable copy.

Vice-Chairwoman Masterson asked if he could put two signs of the same size up.

Chief Building Official Fursdon stated that he could not. He commented that the pole sign would be sixty square feet, which was the equivalent of what was currently there, and the changeable copy could be an additional fifteen square feet.

Vice-Chairwoman Masterson asked if it could be larger than what it currently was.

Chief Building Official Fursdon stated that it could be.

Member Ali remarked that it was a very busy, high-accident area. He stated that his concern was people looking at it, reading it and that more accidents were possible.

Vice-Chairwoman Masterson asked if, in his opinion, that would be the only sign like that on Center Ridge Road.

Member Ali commented that as far as he knew there weren't.

Vice-Chairwoman Masterson asked about the Marc's sign.

Member Ali stated that that was further down.

Member Cain remarked that if they were reading that sign and not paying attention they would wreck as well. He stated that it didn't matter what sign they put up there, if they weren't paying attention they would crash.

Mr. Schramm stated that digital message boards were the new thing. He stated that regarding digital signs, the biggest thing that he saw was message content. He added that he never tells people to change the content more than forty five seconds. He stated that they wouldn't have it flash every five seconds. He remarked that if they looked at the big highway signs that they

would see it would give them ample time and it wasn't a flashing message. He commented that it would be an image that would be up there for forty five seconds and then switched to another. He stated that it wasn't a fast paced changing, flashing situation.

Member Thibodeaux commented that it would be a reduction as far as the square footage of the space.

Jacob Schramm, 41431 Schadden Road, Elyria, OH 44035 was sworn in.

Mr. Schramm stated that if they had ever gone to Youngstown, they were booming with signage and the new thing was digital boards as their marquee signs. He explained that they were getting rid of the plastic and having to change a panel out because once it was up there for fifteen years it would get yellow and dingy. He stated that they were going to all digital with the multi-tenant signs. He remarked that they looked beautiful. He discussed that on Boardman Poland Road in Youngstown, they had four of them out there now. He stated that they were twenty feet by fifteen feet and were beautiful signs. He commented that it was the up and coming thing. He stated that instead of a regular ID sign for multi-tenants, they were going all digital.

Chief Building Official Fursdon stated that the applicant had informed him that he was going to display public service messages on the sign.

Mr. Schramm stated that he wanted to make that available to the City if it would help to make it more appealing.

Vice-Chairwoman Masterson stated that they had other similar signs in the City and those business owners had done the same.

Assistant Law Director Morgan stated that on that particular topic, she noticed some of the information submitted was worded "in exchange for being granted the variance, would display community service messages". She stated that that wouldn't have any impact and the Board was already aware, regarding whether or not it got granted. She commented that when she looked at the wording that the CBO had given and looked at the Economic Director's wording, the interpretations were a little bit different for each one as to how many square feet they could have. She added that the bottom line was that they wanted 100% changeable copy and that was where they needed to focus, if they felt comfortable doing that.

Mr. Schramm stated that if they called it a changeable copy sign then it was a changeable copy sign but they could also call it the only sign. He remarked that if they had a changeable copy sign, the assumption was that they had a main ID sign. He stated that for that sign, he would say it was a message changer that was the main ID sign.

Assistant Law Director Morgan stated that that was the way it was worded in the City's ordinance and was why they called it a changeable copy sign.

Vice-Chairwoman Masterson asked if there were any other concerns.

Assistant Law Director Morgan stated that any time something was 100% changed she was a little reticent on that because then they were saying, "Let's ignore what the code says entirely".

Director Lieber stated that the code did allow up to 50% changeable copy on a sign. She commented that in that case she didn't believe that the applicant had presented a hardship as to why that property was so unique that 100% changeable copy would be required and that they couldn't meet the standard. She added that they did currently meet the standard of the City's sign code. She stated that she was worried that it would set a precedent for other businesses that wanted 100% changeable copy because they wanted more message area on their signs. She commented that they were in the middle of a sign code update and still had many steps to go but even in their many discussions of creating new restrictions for signs, they had not discussed going 100% digital or 100% changeable copy. She said they talked about keeping some proportion of static message and some proportion of changeable copy.

Mr. Schramm stated that on a big changeable copy message center like that, because it was all computerized, they could have the top part say Van's digitally and only have the bottom half change. He remarked that it was the semantics of calling it a changeable copy sign versus a message center. He stated that a changeable copy sign was something that only displayed multiple images where that could be the main ID sign. He commented that there would be no other sign as an ID and a changeable copy. He stated that the way he looked at it from the last forty years of signage, they had a main ID sign and a changeable copy sign. He remarked that it was more or less the ID sign because digital had the capabilities of changing its' message or changing its' logo.

Vice-Chairwoman Masterson asked if it was possible to have it fixed 50% and then 50% being changeable copy.

Mr. Schramm stated that they could do that in the computer but it wouldn't be a permanent thing because it was digital. He commented that just like if they went and changed something, in five seconds they could make the whole thing changeable. He stated that it wouldn't be permanent. He remarked that if the Board said that they could only do that, they would have to say okay they would only do it 50% but because it's digital, if he went back in there he could change it in five seconds because they would just be programing the image. He explained that they could limit the amount of changeable copy on the digital sign but someone could go in and change it at any given time.

Vice-Chairwoman Masterson stated that if they went against the decision of the Board regarding the sign and didn't comply they would have to take the sign down. She asked the Assistant Law Director if they could put a restriction of 50% being part of the sign and 50% of it being changeable copy.

Assistant Law Director Morgan said that with it being digital she wouldn't advise it. She

commented that it defeated the purpose of it being a digital sign plus the ordinance was already written that way and then they would argue that they didn't need a variance.

Member Cain stated that the problem would then be enforcement. He added that if it was digital and changeable 100%, even if they allowed 50% they were going to do what they wanted to do and then the City would have to enforce it. He remarked that he wasn't saying that they would but then it would have to be policed.

Assistant Law Director Morgan stated that they still needed a variance. She remarked that even if they stated that they would never change the top so many inches, they would still need the variance to make it all 100% digital sign.

Vice-Chairwoman Masterson called a five minute recess.

Vice-Chairwoman Masterson reconvened the meeting.

Assistant Law Director Morgan stated that the Vice-Chairwoman had a little discomfort regarding Member Ali because his business was so similar to the one in front of them. She asked that in order to avoid the appearance of impropriety, if Member Ali would agree to not vote on the variance and not discuss it further.

Member Ali stated that he would and had no problem with that.

Mr. Schramm asked if he could show the Board an example of a large digital display for a multi-tenant location and explained that they just changed out the occupants on the sign digitally.

Member Thibodeaux asked who would actually police the sign.

Chief Building Official Fursdon stated that the Building Department would.

Assistant Law Director Morgan stated that it was a complaint driven process. She explained that if someone complained then they would look at it and enforce it.

Mr. Schramm stated that he thought the sign would look good and didn't think it would detract from the City and thought it would enhance it.

Vice-Chairwoman Masterson asked Director Lieber to explain how she came up with her calculations because she and Chief Building Official Fursdon had a difference in opinion as to what was requested.

Director Lieber explained that in the BZBA Staff Report she cut and pasted the section of the codified ordinance and it did say additional square footage was permitted on a pole sign if changeable copy was included but the last half of the sentence stated, "provided that changeable copy did not exceed one half the total sign face area and to her total sign face area was the total

of all sign face on that pole sign". She mentioned that there was an additional allocation when they choose to include changeable copy but then the 50% controlled the total, so one half the total sign face area. She added that it didn't say they could have fifteen square feet of changeable copy period, it said one half total sign face area. She explained that if the total face sign area was fifty square feet then she would apply half to that. She commented that regardless there was a variance for 100% and both interpretations were basically coming down at the same place where there was a pole sign proposed with 100% changeable copy and the code definitely did not permit that.

Vice-Chairwoman Masterson asked Mr. Schramm if he wanted them to table it for a month and he could come back. She stated that he was asking for 100% variance which was a really hard pill to swallow.

Mr. Schramm stated that he felt Jeremy was asking for the wrong thing. He didn't think he should be given a variance. He stated that he thought it should be an ID sign that could be changed and there would be no variance needed. He commented that it should be a fifty square foot main ID sign that had changeable characteristics. He stated that it was a new thing that didn't really fit into the City's code.

Vice-Chairwoman Masterson asked Chief Building Official Fursdon if that would be the only sign like that in the City that would be created. She stated that the Marc's sign kept popping into her head.

Chief Building Official Fursdon stated that Marc's wasn't 100% changeable copy.

Vice-Chairwoman Masterson stated that it had a fixed portion.

Chief Building Official Fursdon stated that was correct. He added that even the sign up at the old Ace's, which was now Hops Brothers, they had a significant changeable copy but it wasn't the entire sign.

Vice-Chairwoman Masterson explained that she had a problem granting a 100% variance. She stated that she was giving him the option to ask to table it for a month or she could proceed with the meeting.

Mr. Schramm stated that he wanted to table it for a month but wanted to try and get some direction on the verbiage for the variance.

Moved by Masterson and seconded by Cain to table the discussion for one month.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0 Abstained – 1 (Ali)

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ADJOURNMENT:

The meeting was adjourned at 7:52 PM.

Shawn Kimble

Chairman

Thursday, February 23, 2023

Date Approved

Tina Wieber

*Recording Secretary/Deputy Clerk of
Council*