

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, MARCH 27, 2025**

CALL TO ORDER:

Member Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Brad Weaver, Planning Commission Liaison Frank Toth, Vice-Chairman Paul Graupmann and Chairwoman Linda Masterson.

Also present were Council Liaison Cliff Winkel, Chief Building Official Guy Fursdon, Planning and Development 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, February 27, 2025.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

Chairwoman Masterson asked if there was a Planning Commission Report.

Planning Commission Liaison Toth stated that the North Ridgeville Planning Commission took action on one item at its regular meeting on March 11th, 2025. He discussed the application from Victory Park that was reviewed for the construction of two new artificial turf fields and other site improvements. He stated that the application was conditionally recommended for approval by a 3-0 vote, contingent upon the applicant satisfying identified engineering and safety requirements and that the applicant was also required to submit a separate application for anticipated lighting improvements to their facility. He mentioned that Director Lieber informed the Commission of one Administrative Approval and that a zoning certificate issued to Little Ranger Rumble, an indoor toddler playground which will be located in a portion of the space formerly occupied by Bullfrogs on Center Ridge Road. He said that she also mentioned the work being done with respect to the zoning code update was moving along with portions of the update approaching draftable status. He indicated that Director Lieber stated that the results of the Lear/Lorain Road traffic study and recommendations to improve traffic flow in that area would be the subject of a public meeting to be scheduled in late April or early May 2025.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2025-0336: South Ridge Inn, 32801 Lorain Rd, PPN: 07-00-003-102-085

Owner: Rahi Hotels, LLC, 32801 Lorain Rd, North Ridgeville, OH 44039. Proposal consists of signage. Property is zoned B-4 Commercial Parkway District. Requests:

1. A variance for a pole sign. Code expressly prohibits pole signs, Section 1286.05(g).
2. A variance for excessive sign area and height of a ground sign. Code allows a maximum of 65 square feet at 8 feet high or 50 square feet at 10 feet high, Section 1286.11(c)(2). Note: Applicant shows new sign area of 150 square feet plus existing changeable copy. Sign height not provided but previous “freeway-oriented signs” could be up to 75 feet high.

Application was read.

Chairwoman Masterson asked if there was a representative for the application.

Aldo Dure, 5109, Clark Ave, Cleveland, OH 44102, was sworn in.

Sunny Patel, 32801 Lorain Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber explained that in 2024, the former Super 8 Motel on Lorain Road was rebranded to the South Ridge Inn and part of that rebranding process involved sign replacement. She stated that the applicant was issued a notice of violation on January 1st for two signage items, with the first being work without a permit because new signs were installed without having application made or permit issued by the City and the second violation was that one of the signs was a prohibited sign type and indicated that the City no longer permitted pole signs. She explained that the applicant had gotten square on the wall signs, the building signs that were installed, but the subject of that particular case that evening was the non-conforming pole sign. She stated that the applicant had replaced the entire sign cabinet of the existing pole sign and in doing so, the sign lost its legal non-conforming status. She stated that the sign cabinet was not maintained or refaced, but completely removed and replaced, therefore, the sign was considered structurally altered and then once structurally altered, the sign must come into conformance with the current zoning code requirements. She added that she wanted to point out that she had sent out an updated report to the Board members and what the clerk read that evening was not based on the updated report. She discussed that the applicant, in filing their application referenced a variance request, but due to the fact that pole signs were a prohibited sign type, they could not make that request of the Board and the Board did not have authority to grant such a variance. She said that the other option that they could possibly seek was an appeal of a decision of an administrative official, which would, in that case, be the fact that the sign had become no longer a legal non-conforming sign, but an illegal sign. She explained that they had rewritten the staff report to better reflect the appeal given the fact that the variance was really off the table in terms of available options for the applicant and therefore also the Duncan factors did not apply when they were considering appeals as they would if it they were considering a variance.

Assistant Law Director Morgan stated that the main difference was the way that the Board was instructed to look at an appeal as opposed to a variance. She explained that for a variance they would take into account the Duncan factors, what the land looked like and a variety of things, but in an appeal, the only thing they would be looking at, because it was a prohibited type sign, was whether or not they would need a permit to do it and they couldn't get a permit because it was specifically prohibited, so whether or not the administrative official made a correct decision in not issuing a permit for the pole sign.

Chairwoman Masterson asked the applicant to present their application.

Mr. Dure stated that he was from BNext Signs & Awnings and that they did apply for a refacing of the Super 8 sign and that they got the permit for that, but then Super 8 approached them and said that they had to remove the cabinet and then they did not know that they had to conform. He said that they didn't know that it was going to be a nonconforming sign, so they took the sign down from Super 8 and replaced the cabinet. He mentioned that they had kept the same design that they originally got the permit for the refacing the Super 8. He stated that if they had known that they would have talked to Super 8 and tried to keep the sign there the way it was. He stated that the height of the sign was not 75 feet to the top but was 16 feet plus 10 feet plus 15 feet from the Super 8.

Chairwoman Masterson asked if Super 8 made them take down the sign and the cabinet but the City gave them permission to reface.

Mr. Dure stated that was correct.

Chairwoman Masterson asked Chief Building Official Fursdon if that was correct.

Chief Building Official Fursdon stated that yes, they applied for a permit to reface both the building sign and the pole sign, which they did, and permission was granted because all they needed was the drawing of what was going in the can. He mentioned that they discovered later that the entire can was removed and that a new can and sign was installed with no permit structurally altering the sign and as the Director pointed out, pole signs with the new ordinance, which had been in effect for about a year and a half now, two years, were prohibited.

Chairwoman Masterson stated that they replaced the entire structure except for the sticks basically holding it up.

Member Cain stated that they replaced the sign cabinet.

Mr. Dure mentioned that after they got the permit, they sent them an e-mail saying that they had to replace the shape of Super 8 because that was their brand, and they weren't allowed to use that. He explained that what they did was kept the same square footage of 15' by 10' and instead of going vertically they did horizontally. He stated that the sign was lower to the existing poles and that they did not replace the pole or touch anything else but kept the same square footage. He stated that they did the same thing on the building and got the permit for the building cabinet already. He indicated that they approached the City right away and tried to comply. He added that they said that now that was not a confirming sign and truthfully, they did not know because if he would have known from the get go, he would have tried to contact them and maybe add something on top of the existing sign or make it square, put in some sort of filler and leave it there. He stated that from Route 10 to the building, the way the building sits, driving south or west you cannot see the building and driving the opposite way on Route 10, you cannot see the building.

Mr. Patel stated that they were a roadside business and that there were only two hotels in the area. He discussed that the way that they relied on business, because they were not branded and were not a franchise anymore was that they really wanted their customers to see them or where they were located. He discussed that they sat kind of low, lower than the road and the building was obviously a two-story building, so not very many people could see them and especially at night, which was when a lot of their customers would come and look for them or find them online when they wanted directions. He stated

that if they didn't have a sign or if their sign was lower, they were not going to see them. He mentioned that everybody else had a slightly higher sign that was still visible. He indicated that even if they came in off the turnpike, they could see the Motel 6 sign, but they wouldn't see their sign currently. He stated that if they were to go even lower, it would be detrimental for their business, and they were obviously competing against the hotels in North Olmsted. He indicated that it was just a very different situation and obviously they didn't want Wyndham to send them a letter of cease-and-desist because that would again mean that they would end up paying more fines and it was just a very messy situation.

Chairwoman Masterson asked if anyone had any questions or concern.

Assistant Law Director Morgan asked if the Super 8 sign shape and colors were trademarked.

Mr. Patel stated that was correct.

Chairwoman Masterson asked Chief Building Official Fursdon if when they issued the sign permit, they assumed that they were just going to keep the same cabinet from the Super 8 and they were just going to put in a new sign.

Chief Building Official Fursdon stated that was correct. He indicated that was all they did initially was that Super 8 sign had the South Ridge logo in it originally, when they approved it the first time.

Chairwoman Masterson stated that she was familiar with where they were located and the signs in that area but that the City had decided to not let signs like that go forward and a lot of the signs in that area were not going to be replaced. She commented that she understood that currently they might be competing with those signs, but in the future that would probably not be the case. She stated that she understood their problem of not knowing the rules, however, that did not make them exempt from the rules. She explained that the Board was looking at it from an appeal standpoint and when they removed that and replaced it in its entirety, she didn't have any reason to grant the appeal. She asked if any Board members had any questions or comments.

None were given.

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

Mr. Patel stated that he understood what the Board was saying that it was an ordinance and had been in place for a year and a half but for them, as a small business, they were trying to move away from going the economy route and were trying to scale up. He explained that with a lot of those types of properties, what happened was that if they went downhill or if they didn't have the right clientele, it could cause a lot of trouble like overdoses and those types of things. He mentioned that they hadn't had to call the police and hadn't had any nuisances because they were trying to be stricter about that and were trying to clean the property up as it had been in distress and since it was Super 8. He commented that when people would come to North Ridgeville to visit, what could they do to try and keep that business within North Ridgeville rather than them going to North Olmsted, because it was all those tax dollars from the 6% for North Ridgeville and that Elyria charged 3% and North Olmsted charged 3% as well, so what could they do to try and keep that business within the city. He asked how they could try and keep the existing business there if the sign didn't happen and remarked that it would be detrimental to the

business. He added that he understood that they had mis stepped there by not understanding and that it didn't exempt them from not knowing what the law was, but they wanted to request some sort of variance or some sort of middle ground so that they could actually keep the sign, because going down the Super 8 route or going down and keeping that same shape was just trying to make the franchise mad, which would mean unnecessary attorney fees and they couldn't possibly go down that path. He stated that he was more than happy to take any recommendations of what they could do.

Chairwoman Masterson stated that as far as a variance they were very clear that the Board couldn't change that. She stated that the Board was there to hear the merits of their appeal. She mentioned that the City, the Building Department and the Law Department always wanted to keep businesses in town and that they had done a beautiful job maintaining it and bringing positive changes to the buildings and of course they didn't want it to turn into anything other than that but she also didn't believe that by the Board approving or disapproving the sign, that it was not going to cause that to be in effect.

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

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

PPZ2025-0334: Javier Feliciano, 5884 Rosebelle Ave, PPN 07-00-020-108-019

Proposal consists of a detached garage. Property is zoned RS-2 General Residence District. Requests:

1. A 1-foot setback for setback of a detached garage from a side lot line. Applicant shows 4 feet, code requires 5 feet, Section 1294.03(a).
2. A 10-foot variance for setback of a detached garage from proposed porch. Applicant shows 0 feet, code requires 10 feet, Section 1294.03(a).

Application was read.

Chairwoman Masterson asked if there was a representative for the application.

Javier Feliciano, 5884 Rosebelle Ave, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber indicated that the Board was pretty familiar with the background of the project but stated that as a reminder, the applicant had appeared before the BZBA on three previous occasions seeking variances to remedy a violation that he incurred in April of 2024 in relation to the construction of a garage addition. She explained that the first was in July of 2024, for two variance requests that were denied and then later in December of 2024, the request was reduced to a single area variance which was denied and then most recently in February 2025, with one variance for area of a detached garage where that area had been reduced from the previous request, which was also denied. She stated that the applicant had further amended their project and was seeking a new approach to convert the original portion of that detached garage into a covered porch and then to retain the addition constructed in 2024, that would be a garage attached to that porch. She discussed that the front and rear walls of that original garage would be removed, and support beams added. She stated that if the porch was no longer considered a garage, it could not be used as a carport because that was just another type of garage, but the area of the recent addition would comply with the zoning code in terms of overall area, however,

now the variance had become the set back from the side property line was the first, and the second was that detached garages must be set back at least 10 feet from any other building or structure located on the same lot and because it would be attached to the covered porch, that would be the second variance.

Mr. Feliciano stated that he came up with that design, hoping that they could work something out with the design to be able to keep the new garage by taking the other one out and make that a porch for his kids. He mentioned that because there weren't really a lot of trees around, they would have at least an overhang for them to play. He stated that they would put a picnic table there and stuff because his yard was not that big.

Chairwoman Masterson asked if he understood that no vehicles could be parked there and that it could not be enclosed at any point in time.

Mr. Feliciano stated that he did.

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

Planning Commission Liaison Toth stated that he had a question for Chief Building Official Fursdon and remarked that he noticed in his report that he characterized the porch area of the drawing as a building and asked if he would elaborate on that.

Chief Building Official Fursdon stated that the definition of a building would simply be a structure which that was, that porch.

Planning Commission Liaison Toth stated that he looked at that specific chapter and there was a definition for a porch, which seemed to be a little bit different than what they were looking at there.

Chief Building Official Fursdon stated that whether he called a porch or a gazebo, it was another structure on the lot that the garage had to be 10 feet away from. He stated that ordinance said that the detached garage had to be 10 feet from other structures on the lot, a house or any other and that porch would now become another structure on the lot that was not 10 feet away from the garage.

Planning Commission Liaison Toth stated that when he read that definition of the porch, it had some specific characteristics such as nothing 30 inches above the floor and he believed it was three sides open.

Chief Building Official Fursdon stated that the applicant called it a porch, but they were calling it a structure.

Member Cain asked what would keep them from enclosing it in later and then coming back in before the Law Department because they had similar structures like that in the past where they couldn't really judge what they were going to do later on, but if it was attached to a garage already and three sides were open, who was to say a year from now when nobody was looking that they didn't have four walls back up. He commented that they had something similar happen in the past like that.

Chief Building Official Fursdon stated that there was no way that he could prevent that other than if that were to occur, it would be in violation, and he would be back before the Board or he would be in court.

Chairwoman Masterson stated that he was asking for some big asks again. She commented that his one-foot setback was a small one and was about 20%, but the 10 foot variance he was asking for was a 100% variance. She asked why he was asking for such a large variance and what was the reason for it.

Mr. Feliciano stated that he wanted to be able to have his kids have something to play under if it was raining or something like that, because there was really no yard for them to play in, so that would be perfect. He stated that he would never enclose it back in and that it would always be a porch.

Chairwoman Masterson asked Chief Building Official Fursdon if that structure was taken down, and the garage that he built, would that meet the building code.

Chief Building Official Fursdon stated that it would be a legal sized garage on that lot and all he would need would be the side yard setback variance if the existing old garage were removed.

Chairwoman Masterson asked if he still needed the setback.

Chief Building Official Fursdon stated that he did because it was only four feet off the property line.

Chairwoman Masterson stated that he built a garage with no permit and because he built a garage without obtaining permits that was not the fault of the City. She stated that while he kept coming up with different solutions for the problem, she didn't understand why granting him a variance made sense. She then read through the Duncan factors, "Can the property yield a reasonable return without the variance?" She stated that yes, it could. She read, "Is the variance substantial?" and stated that yes, it was 100%. She read, "Will the essential character of the neighborhood be substantially altered or will adjoining property suffer a substantial detriment?" and commented that the lots in that neighborhood were fairly small and under an acre. She added that as he had stated, he didn't have a big yard and his children need a place to play, but she didn't think that having the existing garage turned into a porch would help that. She read, "Will the variance adversely affect the delivery of governmental services?" and stated that it would not. She read, "Did you purchase the property with the knowledge of the zoning restrictions?" She stated that yes, he was a business owner, so he should know that. She read, "Can the owner's predicament be precluded through some other method other than a variance?" and said that Mr. Fursdon did state that yes, it could be, he could take down the old garage. She read, "Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance?" She stated that the garage addition was constructed without the City's approval, so the desire to keep the structure with a minimal modification was not in and of itself a practical difficulty or hardship. She stated that the applicant had considered a new way to reduce the variance request by converting the original detached garage and reclassified it as a covered porch. She commented that the openness of a covered porch may reduce the visual impact, but the lot coverage would be unchanged and that the potential concern was that the porch was not a storage building and could not be used as such, however, enforcement could be problematic. She asked if there was anything else that he wanted to add.

Mr. Feliciano stated that in order to keep the new building, he figured that he would tear down the old building, because what was happening was since they were attached, right in on the wall they got like holes where they put everything together. He stated that he figured if he just left the new one and then they could take the old one and just make it, you know use it as a porch, so he kept the existing garage, the new one, and that would meet the square footage for the City.

Chairwoman Masterson asked if anyone from the Administration had any comments, concerns or anything to add.

Planning Commission Liaison Toth asked for clarification from the Law Director regarding whether the Board was allowed to consider the physical presence of the structure on the lot in their deliberation or were they to work specifically off the drawings. He asked if they were allowed to consider that the building already existed in a non-compliant form while they debated a variance to allow it.

Assistant Law Director Morgan stated that when looking at the variance and what the applicant was asking for, he was sort of asking them to look at the building and make a determination. She mentioned that they would have to look at it, see its impact when deciding the one-foot variance, and the 10-foot variance because they were two different variance requests. She remarked whether it was a factor, a negative or a positive factor in and of itself, just that it existed, to the degree that it needed a variance, yes. She mentioned that beyond that, she wasn't sure exactly what kind of impact he was anticipating because there wouldn't be a variance required if the building weren't built. She discussed that by him not getting a permit was something certainly that they would consider, but just its existence without attaching it to some other significant factor that they could consider standing alone, probably not if she understood what he was asking.

Chairwoman Masterson asked if anybody else had any comments, questions or concerns.

None were given.

Chairwoman Masterson asked Mr. Feliciano if there was anything else that he wanted to add.

Mr. Feliciano stated that he did not.

Moved by Masterson and seconded by Cain to deny the variance request.

Assistant Law Director asked if Chairwoman Masterson could indicate if they were voting on the variance requests separately or together.

Chairwoman Masterson stated that they could do them separately, so the vote would be for the first variance request.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Moved by Masterson and seconded by Cain to deny the second variance request.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

ADJOURNMENT:

**BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING-THURSDAY, MARCH 27, 2025**

PAGE 9

The meeting was adjourned at 7:40 PM.



Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, April 24, 2025
Date Approved