

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, APRIL 24, 2025**

CALL TO ORDER:

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

ROLL CALL:

Present were Planning Commission Liaison Frank Toth, Vice-Chairman Paul Graupmann and Chairwoman Linda Masterson.

Also present were Chief Building Official Guy Fursdon, Planning and Development Director Kimberly Lieber, Law Director Brian Moriarty and Deputy Clerk of Council Tina Wieber.

Excused were member James Cain, Vice-Chairman Brad Weaver and Council Liaison Cliff Winkel.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, March 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 two items at its regular meeting on April 8th, 2025. He stated that first was an application from City Limits owner Stephen Joseph for building and site improvements for a restaurant and lounge located on Center Ridge Road and was conditionally recommended for approval by a unanimous 4-0 vote, contingent upon the applicant satisfying identified engineering and safety requirements and submitting a completed lighting and photometric plan. He discussed that the second item was an application from Panda Express to construct a new drive through restaurant located at the southwest corner of Cook and Lorain Roads and that after a detailed discussion of traffic studies and traffic flow throughout the subject property and surrounding parcels, the applicant requested that the Commission vote on the proposal as submitted and a motion to recommend the application for approval failed by a unanimous vote of 0-4. He mentioned that Director Lieber informed the Commission that a date had been set for a meeting with the public to discuss the Lorain Road Lear/Nagle Road traffic study and that the meeting would be held at 6 PM on Monday, May 12th, 2025, at the LCCC Ridge Campus Building. He stated that a presentation would be given by the City's hired traffic consultant, followed by engagement opportunities for attendees and that additional input would be collected through the City's website after the meeting.

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2025-0331: UH Urgent Care, 34548 Center Ridge Rd, PPN 07-00-016-101-054

Owner: The Shops on Center Ridge, LLC, 5050 Detroit Rd, Sheffield Village, OH 44035. Applicant: Marie Cipolletta, Signarama Cleveland, 18200 S. Miles Rd, Warrensville Hts, 44128. Proposal consists of a sign package. Property is zoned B-3 Highway Commercial District. Requests:

1. A 126.88 square foot variance for area of building signs. Applicant shows 259.48 square feet, code allows 132.60 square feet, Section 1286.11(a)(1)(A).
2. A variance for a second monument sign. Applicant shows two ground signs (existing Scooter's and proposed UH), code allows one, Section 1286.11(c)(1).

Application was read.

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

Patricia Molnar, 3018 King Richard Dr, Parma, OH 44134, was sworn in.

Jordan Voorhees, 1954 Sage Lake Bend, Marietta, GA 30064, was sworn in.

Edwin Sandoval, 507 N Ashwood Lane, Painesville, OH 44077, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber stated that the sign package consisted of two wall signs and a ground sign. She mentioned that at the last hearing before the Board, there was a third wall sign, but the applicant had made some changes to their proposal in response to the feedback of the Board and that previously, the original variance request was almost 300 square feet but now had been reduced to 126 square feet. She added that while the requested building variance was still somewhat significant, it had been substantially reduced from that original request, which was a 58% reduction and that the ground sign variance was less substantial. She said that the property owner had provided testimony that there was going to be a future user of the former Scooter's building that would use the Scooter sign and it did not lend itself to adaption for multi-tenant purposes and that there were some unique features of the lot that merited consideration by the Board.

Chairwoman Masterson asked the applicant to present their request.

Ms. Molnar stated that regarding the building signs that they originally provided, they had removed the sign off the back of the building and reduced the signage over 58% for the building signage. She mentioned that they required the two signs for visibility for traffic for entrance into the building and that would be for the building signs.

Chairwoman Masterson asked if they were still asking for a 200% variance.

Director Lieber stated that they were at 96%.

Chairwoman Masterson stated that once they granted a variance it would go with the building. She mentioned that when Scooter's came to the Board, they had a unique property and a unique building, so they were granted a variance for extra signage on their building. She explained that the Board had already granted that parcel a variance.

Ms. Molnar stated that Scooter's was no longer there and that they were leaving, and the signs would be coming down.

Chairwoman Masterson asked Director Lieber if the signs would be coming down and the variance would go away.

Director Lieber stated that the signs for Scooter's would be coming down, but the new tenant would have an allocation of signage, and they would be able to utilize the variance for that building. She mentioned that they specifically had an allocation of building signage, and they did not need a variance for the ground sign.

Chairwoman Masterson commented that they would be able to use the variance that the Board granted when Scooter's was there and asked if that was correct.

Director Lieber stated that for the wall signs, that was correct.

Ms. Molnar stated that she understood what was being said but she didn't see how Scooter's having a variance for their building signage and that they were going to be grandfathering in the variance for the new tenants in the building applied to them.

Chairwoman Masterson stated that when they were previously before the Board, they stated that one of the reasons they needed the variance was because they were part of the hospital situation and they wanted to be noticed that they were an urgent care and wanted people to know who they were and where they were going. She stated that Director Lieber brought it to everyone's attention that they could not consider that it was an urgent care and that if that building were ever sold or changed in use, they now had increased the signage allotment for whoever would inhabit that structure forever. She asked what their practical difficulty was.

Ms. Molnar stated that their practical difficulty was for visibility of the building, to have one so that if someone were coming from the one direction that could be seen from a distance and the one on the front for the same reason coming from the other direction. She stated that they were all for visibility purposes.

Ms. Voorhees asked if there was an opportunity if they were to vacate the space, for that variance to then fall off if they were to leave the space. She stated that they signed a 10 year lease plus 3-5 year options, but if in 25 years they were no longer there, would that be an option that the variance then would leave with them.

Director Lieber stated that the Board could place a condition to that effect, but then it would be up to future selves, whether it be 10, 20, 30 or 40 years down the road to find that information to and documentation that sunsets with the user. She mentioned that there was some challenge, but it was possible to attach a condition that it be for that user only, but future users might make the same argument if it's based upon visibility. She discussed that maybe what the applicant was suggesting was that where the driveway was placed, that without the side of the building sign, one would have already come upon it and they might be able to pass it.

Ms. Molnar stated that they might pass it before seeing the sign on the front of the building, so it was

definitely a necessity to have it on the side of the building and the same with the front of the building, people coming from the other direction, that was the sign that they would be able to see.

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

Mr. Toth stated that he wanted to thank the applicants for working with them and eliminating that rear sign. He discussed that that was his major sticking point with the package because they would already have the customer on site and with that size of a sign in that area, they wouldn't have any traffic coming from there except for someone who was there for those services.

Chairwoman Masterson asked if anyone from the Administration had any other comments, questions or concerns.

None were given.

Chairwoman Masterson asked if anyone in the audience had any questions or concerns.

None were given.

Chairwoman Masterson commented that they were asking for a second monument sign and asked what their practical difficulty was regarding that.

Ms. Molnar stated that it was due to visibility as well. She commented that she knew they couldn't take into consideration the fact that it was a hospital type situation but sometimes people would be frantic getting there and it was what could be seen from a distance. She stated that it would tell them where they're going, they could see it and know where they had to be. She stated that they believed it was a necessity to have and that if the overall size was an issue, they could reduce it a foot or two in height and width but since they couldn't occupy Scooter's sign as it was not set up to be a multi-tenant sign, it left them with nothing.

Chairwoman Masterson stated that they had the signs on the building.

Ms. Molnar stated that she understood that but meant as far as the ground level visibility.

Chairwoman Masterson asked if the intent of revamping the sign ordinance was to lessen the amount of signs the City had as well as ground signs.

Director Lieber stated that it was to set up standards for review of the number and height of signs. She mentioned that the sign that the applicant was proposing did meet the criteria for height and area, so that wasn't the question, it was that it was a second monument sign and kind of the odd situation that there was a building that was vacant but that they knew had a tenant coming that intended to reuse that sign that was placed in front of the Scooter's building and was a challenge that it was not really suited for a multi-tenant.

Chairwoman Masterson asked if that was financial.

Director Lieber stated that it wasn't exactly financial but would be removing an existing asset that could

be used by the other business and that sign was permitted legally.

Ms. Molnar stated that they could just do face replacements and re permit.

Chairwoman Masterson asked if the second variance wasn't granted, would they take the future tenant's monument sign.

Ms. Molnar stated that they could not take that monument sign and that it was given to the next tenant going into the Scooter's location and they would not have one at all.

Chairwoman Masterson reviewed the Duncan Factors and read, "Can the property yield a reasonable return or can there be any beneficial use of the property without the variance and can the property be used for its intended purpose without variance", and stated that in regards to the first, they can both be used without the variance. She discussed that she understood the first variance with the additional signage and could understand needing the additional signage on the building. She commented that if they had the additional signage on the building, that would remove the need for a monument.

Ms. Molnar stated that it didn't. She commented that unfortunately, she didn't believe that it did and that it was different. She explained that with building signs, yes, they were visible and when you needed them to identify the building that people are going to be going into but a monument sign would give drivers the ability to see where they are going to without having to be looking up. She stated that it was a visibility issue when one was driving. She said that in thinking of when one is driving, they were seeing street level and weren't really looking up. And when there was a 30 foot pylon, they would not be looking up to see where they were going. She stated that they would be looking down at the ground to drive and if that sign was there, if they were driving coming up to it, they could see there was the sign that was where they needed to be.

Chairwoman Masterson continued to review the Duncan Factors, reading, "Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance", and stated the unique feature of the urgent care was that the main entrance was at the rear of the building. She commented that it was a more unusual configuration and that the entrance was not visible from the public right of way. She said that signage helped direct customers to the delivery of services to the proper entrances, typically not on the rear of a building and that the applicant had responded to the concerns expressed by the Board and that a large sign in the rear of the building would serve little purpose for wayfinding and potentially have negative impacts on the residential property to the north. She stated that the existing ground sign was positioned in a location in front of the former Scooter's but once the building was repurposed, the pending new business would have need for signage and that a second sign for UH, while not as desirable as a single sign serving both businesses, would allow UH identification while not requiring the removal. She then read, "Will the variance adversely affect the delivery of governmental services" and stated that it would not. She read, "Did the property owner purchase the property with knowledge of the zoning restrictions" and stated that the zoning requirements had been in place prior to the application. She read, "Can the owner's predicament be precluded through some method other than a variance" and said that there was no way to accommodate the amount of signage requested without a variance. Given the rear entrance to the building and the pre-existing ground sign, evidence has been provided that some level of relief would be appropriate. She read, "Would the spirit and intent behind the zoning requirements be observed and substantial justice done by granting the variance" and said that variances may be appropriate where property conditions create unique circumstances. In this case, there are few unique circumstances

related to building orientation of multiple businesses on one lot, as previously detailed, the applicant's suggestion that a greater amount of signage be afforded to a certain type of business. An urgent care facility in this case does not follow the US Supreme Court's guidance that review signage should be content neutral. Signage is speech and favoring one, one such as a medical office over other business types would not pass constitutional review. She read, "It is my recommendation that the Board not take into account that the business is in urgent care in their consideration of the variance request." She asked the Law Director for a legal opinion regarding the applicant offering to remove the variances when they sold the property. She explained that she was asking for his opinion that if they were to be granted the variance or for the time limit.

Law Director Moriarty stated that generally the variance would run with the property or run with the land and they couldn't place time limits on it.

Ms. Molnar asked what if they decided to move and they closed the urgent care down, the variances would be null and void.

Law Director Moriarty stated that he believed that was correct.

Chairwoman Masterson asked the applicant if they were willing to amend their application to do that.

Ms. Molnar stated absolutely.

Director Lieber stated that they just needed to ensure and document it well enough that many years in the future where there might be a new use that they recalled that that was a condition of approval. She stated that she was hearing the Board say that a condition would be that the any variance granted would be tied to that end user, that use only, and any future use of the building other than that use the variance would expire for signage.

Chairwoman Masterson asked the applicant if they had any problem with that.

Ms. Molnar stated that they had no problem at all.

Moved by Masterson and seconded by Toth to approve the first variance request for building signage with the condition that the variance would be tied to that use only and any future use of the building other than that use, the variance would expire.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Masterson and seconded by Toth to approve the second variance request for the monument sign with the condition that the variance would be tied to that use only and any future use of the building other than that use, the variance would expire.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0341 James & Deborah Koestler, 37079 Center Ridge Rd, PPN 07-00-034-000-042

Proposal consists of constructing an outbuilding. Property is zoned B-5 Architectural Business District/R-1 Residence District. Requests:

1. A 2-foot variance for setback of an outbuilding from a side lot line. Applicant shows pole barn located 3 feet from side lot line (east), code requires setback of 5 feet, Section 1294.03(e)(1).

Application was read.

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

James Koestler, 37079 Center Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to present her report.

Director Lieber stated that the applicant was issued a notice of violation that March for an unsafe structure, which was the barn on the property that had a partially collapsed roof. She stated that the barn would be demolished with the project and the applicant was proposing to construct a new 720 square foot outbuilding in the same general location. She stated that the new pole barn would certainly be an improvement over the existing condition and that overall, it was a relatively small variance for a vast improvement. She added that she didn't have any concerns with the request.

Chairwoman Masterson asked the applicant to discuss their application.

Mr. Koestler stated that he had lived there since 1989 and that barn had been there. He stated that it was two foot off the fence line and was only 16 foot wide, but the new one would be 24. He explained that the way the house was situated, it was going to be difficult to swing around the back corner of the house, so he didn't want to push it any farther over to the west. He stated that a couple of feet would help.

Chairwoman Masterson stated that it the wasn't a very large request. She asked if any of the Board members had any comments, questions or concerns.

None were given.

Chairwoman Masterson asked if anyone in the audience wanted to speak on behalf of the matter.

None were given.

Chairwoman Masterson stated that it was pretty simple, and the variance was minimal and the character of the neighborhood would be improved.

Moved by Masterson and seconded by Toth to approve the application.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0342 Kevin Callahan, 6149 Dorow Dr, PPN: 07-00-029-000-563

Proposal consists of constructing an outbuilding. Property is zoned R-1 Residence District. Request:

1. A 3 ft. 9 in. variance for side setback of an outbuilding. Code requires 5 ft., applicant shows 1 ft. 3 in., Section 1294.03(a).
2. A 3 ft. 6 in. variance for rear setback of an outbuilding. Code requires 5 ft., applicant shows 1 ft. 6 in., Section 1294.03(a).

Application was read.

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

Patty Callahan Schuler, 4010 Bradley Rd, Westlake, OH 44145, was sworn in.

Ted Schuler, 4010 Bradley Rd, Westlake, OH 44145, was sworn in.

Chairwoman Masterson asked Director Lieber for her review.

Director Lieber stated that the applicant was proposing to install a new 80 square foot shed in their rear yard and as the Board was aware, outbuildings must be set back a minimum of five feet from the side and rear lot lines. She mentioned that the applicant was proposing to construct their shed 1 foot 3 inches from the side lot line and 1 foot 6 inches from the rear lot line, so therefore two variances. She indicated that her concern as she reviewed the project was whether or not they could adequately maintain the shed from within their own property because when your setback didn't allow the passage of people or equipment, then that could potentially become a problem just for maintenance of a structure. She added that her key concern was about a setback variance that would be about just over a foot.

Chairwoman Masterson asked the applicant to discuss their application.

Mr. Schuler stated that they were there on behalf of his wife's brother because he was out of town and couldn't be there. He discussed that it wasn't really a permanent structure and could probably be picked up and moved as it was plastic.

Chairwoman Masterson asked Chief Building Official Fursdon if it was 10 by 8.

Chief Building Official Fursdon stated that was correct.

Chairwoman Masterson asked if it needed a footer or anything.

Chief Building Official Fursdon state that they did.

Chairwoman Masterson asked that since it was movable, did it need to be before the Board.

Chief Building Official Fursdon stated that it did.

Ms. Schuler stated that she wanted to add that in looking at the yard, it wasn't a very big yard at all and to bring that shed in five feet in all directions would almost place that shed in the middle of the backyard, which was why he wanted to set it back in the corner out of the way. She mentioned that he did have the

approval from the homeowner on that side and that there was no objection from them, but it would just kind of put it back out of the way and it could be removed if the next homeowner didn't want it.

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

Planning Commission Liaison Toth asked that with it being temporary, they did state here though that they were going to construct the foundation and asked if that was the reason why they needed to be there. He asked what the prevailing logic was regarding that.

Chief Building Official Fursdon stated that it didn't matter if they put a foundation or you not, the ordinance said that outbuildings or sheds needed to be 5 foot off the property line.

Chairwoman Masterson stated that she was aware that it wasn't a really big backyard and wasn't a really big shed but asked if he ever thought of putting it somewhere else. She discussed that she understood not wanting to put it in the middle of the backyard, but he could have put it closer to the house as it was a small structure and only 10 by 8. She asked if he ever thought of putting it nearer to the house.

Ms. Schuler stated that she didn't know that answer. She stated that he was out of town, so if that was something that they needed an answer to, then he would have to come back next month.

Chairwoman Masterson asked to table it until he could come back.

Mr. Schuler stated that they didn't know any more about it than the Board did.

Moved by Masterson and seconded by Graupmann to table the application until the next meeting.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0345 Joseph Neroni, 37387 West Fenwick Dr, PPN: 07-00-035-102-165

Proposal consists of installing a fence on a corner lot. Property is zoned Planned Community Development District. Requests:

1. A 1-foot height variance for a fence in the front yard on a corner lot. Applicant shows a 5-foot-high black aluminum fence, code allows a fence no greater than 4 feet in the front yard, Section 1294.01(h)(2)(A). Note: Fence extends approximately 19 feet beyond the front building line.

Application was read.

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

Victoria Neroni, 37387 West Fenwick Dr, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to give her review.

Director Lieber stated that the applicant was requesting a variance for the height of a fence that was

closer to the street than the front building line on the residential lot and was a corner lot. She mentioned that they were proposing a 5-foot black aluminum rail style fence that would project 19 feet beyond that front building line towards the right of way, but it did stay outside of the utility easement which ran parallel to the street. She stated that the standard was 4 feet high and at least 50% open and in that case it met that requirement for openness and then some, but there was an additional foot of height. She commented that she would suggest that the Board look to see if it created any visual obstructions to neighbors or had any other safety implications, otherwise it was fairly minimal.

Chairwoman Masterson explained that the applicant had two front yards as she had a corner lot. She discussed that her practical difficulty was that she had a dog and that a dog could clear a 4 foot fence in a heartbeat and a 5 foot fence would contain a dog and children much easier than a four-foot fence. She stated that safety was the biggest concern for the Board but as previously stated they would be able to see through the iron fence, where it was not going to visually impair any views and people could see where they were going. She asked if anyone from the Administration had any further comments.

None were given.

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

Planning Commission Liaison Toth asked if the applicant was a member of an HOA.

Ms. Neroni stated that she was.

Planning Commission Liaison Toth asked if her HOA permitted a 5 foot iron fence like that.

Mr. Neroni stated that they had a maximum of 5 feet, yes.

Mr. Toth explained that the Board's approval didn't green light her with the HOA and just wanted to make sure she was aware of that.

Chairwoman Masterson asked if there was anyone in the audience that had any comments or questions.

None were given.

Moved by Masterson and seconded by Toth to accept the application.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0346 St. Peter Catholic Church, 35777 Center Ridge Rd, PPN: 07-00-021-117-076

Proposal consists of a ground sign. Property is zoned R-1 Residence District. Request:

1. A 20% variance for changeable copy of a monument sign. Code allows a maximum of 50%, applicant shows approximately 70% changeable copy, Section 1286.11(c)(7).

Application was read.

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

Robert Franco, 3577 Center Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Darrell Wittrup, 33001 Woodstone Circle, North Ridgeville, OH 44039, was sworn in.

Jack Nunney 95158 Raymond Way Dr. North Ridgeville, was sworn in.

Chairwoman Masterson asked Director Lieber to give her review.

Director Lieber stated that due to the construction of the new parish hall addition at Saint Peter Church, the existing ground sign needed to be relocated on the property. She explained that the current sign was nonconforming and that it exceeded the allowable percentage of changeable copy by about 20% and that since the sign was being completely removed, it was as if it didn't exist anymore and code would require it to come into full compliance, so therefore the church was seeking to reuse the sign. She discussed that that was why they were getting an odd situation of a variance request for an existing sign, because of the removal and relocation, however, in her opinion, the variance was not substantial. She stated that the total sign itself was less than 35 square feet, which was less than code permitted and that the difference between 50% changeable copy, which code allowed, and 70% changeable copy, was less than 7 square feet and was really a fairly small percentage. She mentioned that otherwise the sign complied with the area, height and location requirements.

Chairwoman Masterson asked if when the City widened Center Ridge, didn't they take a good portion of the front of their property.

Father Franco stated that they did.

Chairwoman Masterson stated that she just wanted that in the record that they took quite a bit of their frontage. She asked if they wanted to discuss the application.

Father Franco stated that he thought that the sign with the changeable copy was a great asset to the parish and community and they put up a lot of things there. He stated that there were a lot of moving parts as it was a big parish, and the school had 375 with 400 next year. He mentioned that it helped them to get their messages out.

Chairwoman Masterson asked how many years they had used it for.

Father Franco stated 12.

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

None were given.

Chairwoman Masterson stated that by taking some of their property with the road widening, they kind of created the hardship for them.

Moved by Masterson and seconded by Graupmann to accept the application.

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A roll call vote was taken and the motion carried.

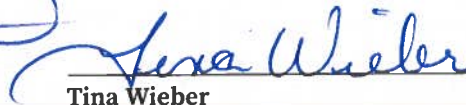
Yes – 3 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:47 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, May 22, 2025
Date Approved