

Board of Zoning and Building Appeals
CITY HALL COUNCIL CHAMBERS
AGENDA OF AUGUST 28, 2025
7:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

Regular meeting minutes of July 24, 2025

PLANNING COMMISSION REPORT

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS

PPZ2025-0374: Center Ridge Dental, 33650 Center Ridge Rd, PPN: 07-00-008-117-094

Applicant: Nathan Harris, 551 Oakmoor Rd, Bay Village, OH 44140. Owner: SMAMM Limited, 30179 Jefferson Way, Westlake, OH 44145. Proposal consists of signage. Property is zoned B-3 Highway Commercial District. Request:

1. An appeal from a determination of the zoning administrator that the proposed sign is a roof sign.

ADJOURNMENT

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JULY 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 members James Cain, Planning Commission Liaison Frank Toth and Chairwoman Linda Masterson.

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

Excused were Vice-Chairman Paul Graupmann and member Brad Weaver.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, June 26, 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 noted that the Planning Commission regular meeting that was scheduled for Tuesday, July 8th, 2025 was canceled by order to James Smolik, Chairman of the Planning Commission and that the next regular scheduled meeting was for August 12th, 2025 at 7:00 PM in council chambers.

OTHER REPORTS OR CORRESPONDENCE:

PUBLIC HEARINGS:

PPZ2025-0360 Robert & Michelle Howells, 5169 Lear Nagle Rd, PPN: 07-00-007-108-029

Proposal consists of an addition to a detached garage. Property is zoned RS-2 General Residence District. Request:

1. A 37-square foot variance for excessive lot coverage. Applicant shows 2,824 square feet (10.13%), code allows 2,787 square feet (10%), Section 1294.03(d).

Application was read.

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

Robert Howells, 5169 Lear Nagle Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber for her administrative review.

Director Lieber stated that the applicant was proposing to construct a 726 square foot addition onto the rear of the existing garage and carport which was detached from the dwelling. She explained that the lot was .64 acre, which meant that it was over that half acre threshold and would then be looked at for lot coverage as to how large any accessory structure could become. She said that at 10% the lot coverage would be 2787 square feet and that the original garage was built in 1977 and that it appeared it had been added to overtime and that an additional accessory structure had been added, so when you added together the coverage of the dwelling, the accessory structure and the garage, the difference of that proposal is 37 square feet, which would be a total lot coverage of 10.13%.

Chairwoman Masterson asked the applicant to discuss his request.

Mr. Howells stated that his wife ran her business in town, and she wanted to retire in a couple of years. He explained that she owned a condo at Liberty Parkway, which is where they store all of their extra stuff and was approximately the same size as what they had in that structure that they need to put at their home when she retired.

Chairwoman Masterson reviewed the Duncan Factors and read, “Can the property yield a reasonable return or any beneficial use of the property without the variance?” and remarked, of course, the property can be used without the variance. She read, “Is the variance substantial?” and stated that the lot coverage of 10.3% was not substantially greater than 10%. She read, “Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result?” and stated that she didn’t think anybody was going to notice .3%. She 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 zoning restrictions?” and stated that yes, they had been in place. She read, “Can the owner's predicament be precluded through some other method other than a variance?” and stated that the addition could be made smaller, but it's .13%. was very small. She read, “Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?” and stated that the applicant had not provided information in their submittal to address the practical difficulty in complying with the Duncan Factors. She mentioned that there was a reason for the Board and that application was one of them. She stated that it was a really small variance and she didn’t think anybody would even notice as it was very minimal. She asked if any of the Board members had any comments.

None were given

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

None were given.

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

None were given.

Moved by Masterson and seconded by Cain to approve the variance.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0361 Aaron Hartke & Morgan Server, 6651 Nicoll Dr, PPN: 07-00-009-120-080

Proposal consists of constructing a fence on a corner lot. Property is zoned R-1 Residence District.

Request:

1. A 2-foot height and 100% opacity variance for a fence in the front yard on a corner lot. Applicant shows a 6-foot-high privacy fence, code allows a fence no greater than 4-feet-high and 50% open in the front yard, Section 1294.01(h)(2)(A).

Application was read.

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

Aaron Hartke, 6651 Nicoll Dr, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to discuss the application.

Director Lieber stated that with that particular application she had to go back in time and try to uncover a little bit of history. The applicant submitted a permit application for a new 6-foot-high solid white vinyl fence on their residential lot that would replace an existing 6-foot-high wood fence in the same general location on the lot. She explained that it was a corner lot and as such both streets were considered front yards per the zoning code and that the fence did extend beyond that front building line on the side street. She added that the dimensions shown on the application were not exactly consistent with the actual lot width, so they couldn't determine how far that encroachment would be, but they did know that any portion of fence beyond that front building line couldn't be higher than 4 feet and it must be at least 50% open. She stated that going back in time, a fence permit was issued by the city for a wood fence in that same location in August of 1983 and in looking at that permit application, also the BZBA was circled on the application, so her assumption would be at the time the applicant knew that it might have required a variance, but then she asked the clerk and there was no record of that issue appearing before the BZBA. She mentioned that perhaps that was just an oversight, but the permit was issued. She discussed that she also then found in 1997 that the resident of the property also indicated that they intended to replace the existing rotted wood fence with a new wood fence at that same location and she just wanted to point out that the city had twice issued permits for 6-foot-high fences solid at that location.

Chairwoman Masterson asked the applicant to present his application.

Mr. Hartke stated that they bought the house a year and a half ago and the fence that was surrounding it was an old 6-foot-tall wooden privacy fence that was falling apart. He stated that they just wanted to basically take that one down and erect a new all privacy vinyl white fence. He explained that they had an issue with the fence facing Nicole Drive and Browning Drive and that the code said it had to be only four feet tall. He discussed that they valued their privacy and had a larger dog that could probably jump right over a 4-foot fence and they didn't want that to happen. He stated that they didn't see any issues with any visibility and that there hadn't been any issues with utilities or anything in the last couple decades that the fence had been up, so they just wanted to put up a new one.

Chairwoman Masterson stated that Director Lieber did a great job of giving a summary of the history of

the property that the city had granted two permits for that structure. She discussed that generally anytime a person with a corner lot came before the Board the one thing that they did explain was that they did have two front yards and the reason why they had those setback requirements was for visibility but it didn't appear to be an issue and hadn't been an issue since the 80's, so that clearly wasn't a factor. She stated that she thought because it had existed for as long as it had, it showed that it hadn't caused any undue harm. She asked if there were any other comments from the Board.

Mr. Cain stated that it was another one of those unique situations with the corner lot and the zoning codes. He mentioned that it had been there, it was way away from the corner on both sides as far as line of sight and safety and as long as it was going where it had previously been at, he didn't see why there should be a problem with it. He stated that it was just one of those unique situations.

Chairwoman Masterson asked if there were any other comments from the Administration.

None were given.

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

None were given.

Moved by Cain and seconded by Toth to approve the variance request.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

PPZ2025-0363 North Ridgeville High School, 34610 Bainbridge Rd, PPN: 07-00-016-104-233

Applicant: Claire Bank, ThenDesign Architecture, 4230 River St, Willoughby, OH 44094. Owner: North Ridgeville City Schools Board of Education, 34260 Bainbridge Rd, North Ridgeville, OH 44039. Proposal consists of site lighting for High School. Property is zoned R-1 Residence District. Requests:

1. A 16.5-foot variance for luminaire height. Applicant shows fixture heights of 32.5 feet for numerous luminaires*, code allows 16 feet in residential districts, Section 1285(d).
*Luminaires: S2A3, S1B1, S2A1, EX3, EX5, S1, S2, S3, S3A, S3B, S5A, S5B.
2. A variance for excessive illumination levels in an open parking lot. Applicant shows:
-Parking Area A: 2.94 fc
-Parking Area B: 2.26 fc
-Parking Area E: 2.53 fc
-Parking Area F: 2.58 fc
-Parking Area G: 2.89 fc
Code allows 2.0 fc average, Table 1285.08-1.
3. A variance for excessive illumination levels at building entrances. Applicant shows:
-Entrance A: 7.09 fc
Code allows 5.0 fc average, Table 1285.08-1.

Application was read.

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

Claire Bank, ThenDesign Architecture, 4230 River St, Willoughby, OH 44094, was sworn in.

Chairwoman Masterson asked Director Lieber to discuss the application.

Director Lieber stated that the North Ridgeville City School District was seeking variances for their lighting plan for the new high school campus and that the lighting plan deviated from the zoning code requirements in two ways. First, the count was that 73 of the proposed pole lights would be mounted at 32.5 and code allowed 16 feet in residential districts. Second, there were two additional illumination variances, both for the open parking lot and for building entrances and those were fairly minor in nature and in terms of the open parking lot, less than a foot candle over for all those different listed parking lots, and then for the entrance, just about two foot candles over.

Chairwoman Masterson asked the applicant to present their application.

Ms. Bank stated that regarding the height, the proposed fixtures match the existing fixtures that were already on site that were built as part of the 3 through 8 projects, so those are 30-foot poles that were on bases of concrete that were 2 1/2 feet. So it was a 32.5 mounting height for that fixture and since some of those were actually sort of mixed into those existing fixtures, they wanted to match that and keep it nice and uniform throughout the whole site. She discussed that regarding the fixture type, they were LED's and were full cut off, so they would match the code requirements. She explained that they were proposing shields on the ones that would be adjacent to any sort of residential property and they submitted a diagram that just showed little green dots showing all of the lights that actually had the shields to try to address the requirements of keeping the light source itself shielded from neighboring properties and that most of those shields were fully 360 degrees around the fixtures but there were a few of them that were 90 degrees and there was one that was 270 depending on what was next to the lighting fixtures themselves. She mentioned that regarding the brightness of the lots, they generally didn't like to go below 2, so they were a little bit over that as far as their average, mainly because they were pretty high traffic, particularly when there were events going on and they had student drivers, and they just wanted to make sure there weren't dark spots as they are navigating those lots, so it was a little bit over in the lots themselves and then the entry that had a little bit of a bright spot when you looked at it. She mentioned that it was the main entry and the ones that were the brightest were right next to the building, so it was really just kind of giving that transition from outdoor to indoor as they would be coming in from a darker environment into a brighter environment, but it was not really close to the building where you would get those bright spots.

Chairwoman Masterson stated that the Board had received a letter submitted by a resident who had asked that it be read into the record.

Clerk read the letter into the record. *(correspondence attached to the end of the minutes)*

Ms. Banks stated that the letter had one thing she wanted to respond to and that was that they were maintaining 0-foot candles along the property edge all along the Pitts Blvd side so that there was no light spill over onto neighboring properties and that the only area that would spill over the property boundary was on the side that was Ranger Way. She stated that the spillover was actually caused by existing fixtures, and the new fixtures didn't spill over that at all.

Chairwoman Masterson asked Chief Building Official Fursdon if code didn't allow any light to go on to

residential areas.

Chief Building Official Fursdon stated that it was supposed to be 0-foot candles at the property line.

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 stated that the property can be used for its intended purpose without the lighting variance. She read, “Is the variance substantial?” and stated that the variances for excessive average illumination were minor and not substantial. The height variance was substantial in as much as a proposed mounting height was more than twice the permitted height, however, it was a use non-residential in nature and the photometric plan shows that there will be no light trespass across residential property lines, which Mr. Fursdon, Chief Building Official, substantiated. She read, “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 that the project did not establish a new use, but was the continuation of a use which had been existing at the site for a very long time and neighboring residents had long experienced the extra activity that came with the proximity to a school campus. While most of the new light poles were located at a fair distance from the residential property line, several poles were within 100 feet from properties along Pitts Boulevard. The schools may wish to consider adding shields to the side of the light fixtures closest to residential properties to reduce the likelihood that light sources will be visible from ground level. She added that Mr. Fursdon addressed that as part of code. She 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 restrictions were in place prior to the application for the project. She read, “Can the property owner’s predicament be precluded through some method other than a variance?” and stated that zoning compliance would require a substantial change to the lighting plan and the addition of many additional light fixtures. She read, “Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?” and stated that in reviewing the variance request, the Board considers whether unique features of the property exist which support a deviation from strict code compliance. The permitted use has needs that are not typical of residential neighborhoods. As such, some relief may be warranted.

Chairwoman Masterson asked if there were any comments or concerns from the Board members.

Planning Commission Liaison Toth stated that he had a question regarding the northernmost lot up there on the drawing and that lot's purpose. He asked if she would state what that lot's purpose was.

Ms. Bank stated that that lot was an existing lot and was currently being used by staff and as far as parking goes, what they were doing was just restriping it and providing some new lighting so that it could serve the overall site in the future. She stated that it would mostly be student parking in the future.

Planning Commission Liaison Toth asked if those fixtures were going to be dusk till dawn illumination.

Ms. Bank stated that they were.

Planning Commission Liaison Toth asked if they all were

Ms. Bank stated that was correct.

Planning Commission Liaison Toth asked if any consideration had been given to or could some consideration be given to possibly that back lot being timed to turn off sometime during the evening, for instance, if there were no events going on at the school where there could possibly be some bleed over parking from the Performing Arts Center there, some people parking in that lot, if there weren't any events going on at that school, could that parking lot possibly be shut down for the evening, the illumination, just to give those people back in that northernmost area there a little more privacy.

Ms. Bank stated that that would be something she would have to check with the school district as far as if they would be open to that.

Planning Commission Liaison Toth asked if it was something that would be possible to do.

Ms. Bank stated that it would just be some different controls for those fixtures.

Planning Commission Liaison Toth stated that he thought that if that lot was not going to be in use and illuminating that area, really for nobody's benefit, it would just be a nice neighborly thing to do to for the neighbors over there on Pitts.

Chairwoman Masterson asked if there were any comments from the Administration?

None were given.

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

Joe May, 34903 Bainbridge Rd, North Ridgeville, OH 44039, was sworn in.

Mr. May stated that back when the school was being built prior to when the Administration building was up and there was already lights there that he thought Mr. Fursdon came out and did an illumination check on his property. He asked if the parking lot on the west side shown in green on the drawing, if those were going to be 32 feet high also.

Chairwoman Masterson stated that they were going to match the existing poles that were there.

Mr. May asked if the existing ones would stay in.

Chief Building Official Fursdon stated that they were staying and then there were going to be new ones added.

Mr. May asked if they were going to be 32 feet high.

Chief Building Official Fursdon stated that they were going to match all the light poles that are up there on the existing site, that's their proposal.

Mr. May asked what the height were of the ones that were currently up in the parking lot or around the parking lot.

Chief Building Official Fursdon stated that he believed they were 32 like the new ones.

Mr. May commented that he thought they were only 16.

Chief Building Official Fursdon stated that he didn't believe so.

Chairwoman Masterson asked if there were any other comments, questions or concerns.

None were given.

Moved by Cain and seconded by Toth to approve the first variance request.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Cain and seconded by Toth to approve the second variance request.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

Moved by Cain and seconded by Toth to approve the third variance request.

A roll call vote was taken and the motion carried.

Yes – 3 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:36 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, August 28, 2025
Date Approved

Board of Zoning & Building Appeals Application



SUBMITTAL INSTRUCTIONS

Board of Zoning and Building Appeals meetings are held on the fourth Thursday of each month at 7:00 p.m. in Council Chambers at City Hall. Applications must be filed with the Building Division at least 20 days prior to the date of the Board hearing at which the request will be considered. To be processed, applications must include:

1. Completed and signed application with application fee;
2. Ten (10) sets of dimensioned site plans, building details or other drawings and information depicting the request; and
3. Narrative of the request relative to standards of approval for variances or rationale for appeal.

PROJECT INFORMATION

33650 Center Ridge Rd N. Ridgeville, OH 44039
 Location address

0700008117094 B-3 Highway Commercial
 Parcel number Current zoning

Area Variance - Section 12.86.05(h)
 Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION

Nathan Harris / Center Ridge Dental
 Name/Company

551 Oakmoor Rd Bay Village, OH 44140
 Applicant address

216-903-1402 dds.nathanharris@gmail.com
 Applicant phone Applicant email

PROPERTY OWNER INFORMATION

Scott Arndt - SMAMM LLC
 Name/Company

30179 Jefferson Way Westlake, OH 44145
 Property owner address

216-598-8464 sarndt.dds@aol.com
 Property owner phone Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT

[Signature] Applicant signature

[Signature] Property owner signature

I hereby authorize the City of North Ridgeville, including Board of Zoning and Building Appeals members, to view the premises and consent to their entry onto the property for the purpose of observing site conditions related to review of my application. The materials I have submitted depict the property lines accurately and in accordance with the plat map to the best of my knowledge. I understand that any approval granted is based upon the presumption of accuracy of these plans and that the City has no obligation to independently survey or otherwise determine the accuracy of plans, drawings or other documents. In the event a discrepancy is found to exist, I will take such action as may be needed to provide the correct information. I acknowledge and accept that the representations made in this application and at the public hearing constitute the basis for the decision by the Board. Any misrepresentations, whether knowingly made or not, may result in revocation of the Board's decision. Statements made by an applicant/agent are deemed to be statements of the owner for the purpose of the Board's decision.

OFFICE	PPZ No. <u>PP22025-0374</u>	Date Received <u>RECEIVED</u>	ACTION
	Fee Paid <u>\$125.00</u> <u>11253</u>	<u>AUG 06 2025</u>	



Board of Zoning & Building Appeals Staff Report

Case	PPZ2025-0374
Property Owner	SMAMM Limited
PPN	07-00-008-117-094
Property Address	33650 Center Ridge Road
Zoning	B-3 Highway Commercial District
Applicant Name	Nathan Harris, Center Ridge Dental
Applicant Address	551 Oakmoor Road, Bay Village OH 44140
Project	Signage
Meeting Date	August 28, 2025
Report Date	August 15, 2025

REQUESTED VARIANCES	CODIFIED REFERENCES
1. An appeal from a determination of the zoning administrator that the proposed sign is a roof sign.	1286.05 - Prohibited signs The following types of signs are specifically prohibited within the City of North Ridgeville: (h) Signs mounted on or above the roofline of any building

Summary of Request:

The applicant is taking over an existing building at the northeast corner of Center Ridge Road and Lear Nagle Road for his dental practice. With concerns about customer visibility due to topography and because the property lost frontage due to the Center Ridge Road widening project, the applicant proposed mounting a sign on the roof of the building.

As of the 2023 sign code update, roof signs are prohibited signs. Therefore, the applicant is unable to request a variance, as the BZBA cannot grant a variance from an express prohibition in the zoning code. The avenue open to the applicant is to appeal the decision from the administrative official – in this case the Planning & Development Director– that the proposed sign is a “sign mounted on or above the roofline” of the building.

The applicant provided information responsive to the Duncan factors which addresses in detail the need for relief from the sign code. However, Duncan factors do not apply to the Board’s consideration of appeals. The applicant has also provided rationale for the appeal, proposing the sign is a canopy sign, which does not extend above the top of the roofline of the building, in accordance with 1286.11(a)(3)(B).

The sign code unfortunately does not contain a definition for “roof sign” or “roofline.” In everyday English, “roofline” means the outline or silhouette formed by the top edges of the roof (ridges, hips, parapets, etc.). “Mounted on or above the roofline” would be read as anything sitting on top of the roof or sticking up past that silhouette. The intent of 1286.05(h) was to prohibit all roof signs – anything mounted on or above the roof. If the Board finds that the existing code language is not sufficient in this regard, a future amendment may be proposed to offer clearer guidance.



PREPARED FOR:

Center Ridge Dental
North Ridgeville, OH



LETTERGRAPHICS
SIGN COMPANY

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JOB NO. 21348

PROOF Proof 2 of 7.10.2025

APPROVED

DATE _____

SIGNATURE _____

- Ok as is.
- Ok with change.
- Show revision.

Design Policy: _____

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**Attachment to Application
City of North Ridgeville
Board of Zoning & Building Appeals**

Applicant: Daniel P. Calvin of Critchfield, Critchfield & Johnston, Ltd., Agent for Center Ridge Dental, LLC (the “Business Owner”)

Property Owner: SMAMM Limited (the “Property Owner”)

Property Location: 33650 Center Ridge Road, North Ridgeville, Ohio 44039 (the “Property”)
Lorain County Parcel Number: 0700008117094

Variance Requested: Area Variance from Chapter 1286. Owner requests that it be permitted to vary from the following regulation for signage:

- **Section 1286.05(h):** Signs mounted on or above the roofline of any building are prohibited.

Narrative Statement

Center Ridge Dental, LLC (Dr. Nathan Harris) purchased the longstanding dental practice of Dr. Scott Arndt in November 2024. This is a dental practice that has been a pillar of the North Ridgeville Community for over 50 years, serving generations of residents. Unfortunately, the pace of new development and infrastructure has created new visibility and access challenges. In 2016, the City of North Ridgeville exercised its eminent domain power to expand and reconfigure the intersections of Center Ridge Road and Lear Nagle Road. While necessary for the City of North Ridgeville and its residents, the expansion of the intersection eliminated the sign for the dental practice on the Property.

After multiple concerns that community members cannot identify the dental practice on the Property, the Business Owner has decided to put new signage on the Property to make the business more identifiable for new and existing clients. Due to the building's architectural design and its location to the expanded intersection and rights-of-way, traditional ground signage options are not feasible and virtually impossible to construct. The Business Owner considered alternative options to ensure compliance with the Code, such as pole signs. The Business Owner noted, however, that this would not be in compliance with Section 1286.08(c) of the Code due to its potential to obstruct or interfere with visibility for drivers. All alternatives that have been explored have severely limited placement options and diminish the visibility and effectiveness of signage that is intended to inform and guide the general public.

The proposed sign presents the only practical and effective solution to maintain visibility from key traffic corridors while respecting both public safety and the structural integrity of the building. The proposed sign will be professionally designed to complement the aesthetics of the structure and will not create any visual clutter or distraction to passing motorists. The proposed sign is similar to signage that is currently on directly neighboring businesses and will keep a consistent look throughout the neighborhood. Granting this variance would allow the dental practice to continue serving the City of North Ridgeville while honoring the legacy and longstanding presence of this local institution.

**City of North Ridgeville
Board of Zoning & Building Appeals**

Because the Business Owner is not seeking to change a permitted use, but only the placement of a permitted sign, this is a request for an area variance. In determining whether a variance should be granted, the Board must use the “practical difficulties test” from *Duncan v. Village of Middlefield*, 23 Ohio St. 3d 83 (1986) to make its determination. Under this test, the BZBA must weigh seven different factors:

(1) Will the property in question yield a reasonable return or whether there can be any beneficial use of the property without the variance?

Strict application the Code would deprive the Business Owner of a practical and highly visible location to advertise its business. Presently, traffic on Center Ridge Road and north-bound traffic on Lear Nagle Road cannot see any signage for the Business Owner given the topography and size of the intersection. Without the ability to place signs at a visible location, denying the variance would severely limit the Business Owner’s ability to attract customers (particularly those unfamiliar with the location).

(2) Will the variance be substantial?

No, the variance is a modest change, especially given that it is a professionally designed roof sign that is proportionate to the size and scale of the building. The proposed placement is the only feasible alternative for visibility, making a roof sign reasonable within this context. The proposed sign is not a substantial departure from the code since it will not be excessive in size, height, or projection compared to what is already permitted for canopy signs.

(3) Will the essential character of the neighborhood be substantially altered or will adjoining properties suffer a substantial detriment as a result of the variance?

No, the proposed sign plan will not alter the area’s character nor cause neighboring properties detriment. The new signage will be appropriately scaled to the structure and will be comparable to the aesthetic of nearby buildings along this corridor. In fact, granting the request will likely bring the Property more in line with adjacent sites, some of which feature roof and canopy-mounted signs. Neighboring businesses to the east and west have similar signs:



The Property has served as a community fixture for over 50 years and the sign will reflect that legacy with a tasteful design.

(4) Will the variance adversely affect the delivery of governmental services?

No. The proposed variance will not impact the delivery of emergency services, public utilities, or any other necessary services. The sign would not encroach into the right-of-way, obstruct sight lines, or block utility access as compared to the proposed alternatives.

(5) Did the property owner purchase the property with knowledge of the zoning restriction?

The Property Owner has owned the Property since 2008. At that time, the Property complied with all applicable zoning requirements and had adequate space for visible ground signage. The City of North Ridgeville expanded the intersection in 2016, so the hardship arose only after the exercise of this authority. The need for this roof sign has arisen due to the right-of-way constraints and visibility challenges, both of which were not present or foreseeable at the time the Property Owner purchased the Property. This change was outside of the Property Owner's control and could not have been anticipated at the time of purchase. Attached as Exhibit A is a picture of the previous sign that was removed as part of the road expansion.

(6) Can the property owner's predicament feasibly be obviated through an alternative method other than a variance?

As discussed, no reasonable alternative exists. Since the road projects have dramatically limited the options for code-compliant signs along with the unique architecture of the structure itself, the proposed sign plan is the least intrusive and most effective solution. While the roofline of the building could be altered, this is not a feasible solution and is completely cost prohibitive. Strict compliance with the code would allow for a small sign to be installed on a small portion of the roof area that is an awning. A portion of the sloped roof covers a walkway and doorway, thus making it an awning. That small awning sign is depicted on Exhibit B attached hereto. As can be seen, this sign would not provide sufficient visibility for patients.

(7) Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

Yes, the spirit of the restriction is to prevent oversized signage that could become a visual nuisance. That intent is still preserved by this plan because the proposed sign is appropriately scaled and will not protrude above the peak of the roof.

In conclusion, each *Duncan* factor favors the Business Owner or is neutral. The variance is modest and necessary due to the uniqueness of the site. By granting the variance, this Property will be more identifiable like nearby properties with more conventional commercial architecture.

Interpretation of Proposed Sign as Canopy Sign 1286.11(a)(3)

Alternatively, we contend that the proposed sign is not truly a roof sign as prohibited by Section 1286.05 of the Code. That section defines a roof sign as “signs mounted on or above the roofline of any building.” The “roofline” is not defined in the Code, but is defined in Merriam-Webster Dictionary as “the profile of a roof.” The profile of the roof includes the top of the roof, and we believe that this section of the Code was intended to prevent signs from extending *above the top of the roof*, thereby changing the profile of the building. Additionally, a quick google search of pictures of roof signs show that the most common usage of that phrase describes signs that extend *above the top of the roof*.

It is more appropriate to evaluate this sign under Section 1286.11(a)(3) of the Code, which governs canopy and awning signs. The building on the Property features a significantly sloped roof with an overhang that functions and visually resembles a canopy or awning. The sign will be installed flush to the surface of the sloped roof. In both form and function, the sloped roof serves an identical role as a canopy structure and is the most logical location for advertisement for the dental practice.

This Code section requires that the sign cannot exceed 50% of the visible structure, the signage cannot extend above the roofline of the building. Here, the sign is architecturally integrated and scaled to match the dimensions that would comply with this section and will not come close to exceeding 50% of the visible structure. Furthermore, the sign will not extend above the roofline and will not create the appearance of a detached roof sign.

Given these factors, if the sign is evaluated as a canopy sign, it will be permitted. This interpretation is consistent with the intent of the Code, avoids unnecessary hardship and allows for safe, effective and appropriate signage for the building’s unique design.

**Exhibit A
Previous Sign**



Exhibit B
Small Awning Sign



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