

Board of Zoning and Building Appeals
CITY HALL COUNCIL CHAMBERS
AGENDA OF JANUARY 22, 2026
7:00 PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ELECTION OF OFFICERS

Chairman

Vice-Chairman

Secretary

Board of Flood and Drainage Control Liaison

Alternate Board of Flood and Drainage Control Liaison

APPROVAL OF MINUTES

Regular meeting minutes of December 18, 2025

PLANNING COMMISSION REPORT

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS

PPZ2025-0389 Denise Bittner, Body Remedy Massage & Wellness LLC, 7079 Avon Belden Rd, PPN: 07-00-021-117-094

Owner: Avon Belden Business Mall, LLC. Proposal consists of window signage.

Property is zoned B-2 Central Business District. Request:

1. An appeal from the determination of the zoning administrator that the north-facing windows approaching the front door to the business are a separate window area.
2. A variance for window signs occupying 100% of a window area, code allows 50%, Section 1286.11(b)(1).

PPZ2025-0398 Century Tavern, LLC, 33312 Center Ridge Rd, PPN: 07-00-008-114-008

Owner: Thomas Kelly, 33256 Center Ridge Rd, North Ridgeville, OH 44039. Proposal consists of constructing an accessible ramp. Property is zoned B-3 Highway

Commercial District. Requests:

1. A 12 ft. 8 in. variance from the required 50-ft front yard setback to allow construction of an access ramp for a legally nonconforming building, resulting in a minimum front setback of about 2 ft 2 in., Section 1268.04(b)(1).
2. A variance to allow an increase in the degree of noncompliance of a legally nonconforming building. The code does not permit such an enlargement or alteration, Section 1292.03(a).

ADJOURNMENT

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, DECEMBER 18, 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, Brad Weaver, Planning Commission Liaison Frank Toth, Vice-Chairman Paul Graupmann and Chairwoman Linda Masterson.

Also present were Council Liaison Cliff Winkel, Planning and Development Director Kim Lieber, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Regular meeting minutes of November 20, 2025

Moved by Masterson and seconded by Cain to approve the regular meeting minutes of November 20, 2025.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

PLANNING COMMISSION REPORT:

Member Toth stated that the North Ridgeville Planning Commission took action on three items at their regularly scheduled meeting on December 9th, 2025, the first item was:

PPZ2025-0392 Ridgefield Subdivision PPN 07-00-001-00-473, Applicant: Keith Filipkowski Pulte Homes of Ohio Corp, 387 Medina Rd. Suite 1700, Medina, OH 44256. Owner: Bob Schmitt Homes Incorporated, 9095 Gatestone Road, North Ridgeville, OH 44039. Proposal consists of amendment to the preliminary plan. **PC Action:** Approved for recommendation to City Council with the following conditions:

1. Bagley Road at Gatestone Rd. will be improved with the westbound left turn lane as to be warranted in the Traffic Impact Study.
2. The Commission grants a waiver for minimum Road radius for Longbrook Drive.
3. The Commission grants a waiver for maximum cul-de-sac length for Pleasant Ridge Circle.
4. The Commission grants a waiver for setback from cluster to single family lots in the Model Home Park.
5. No waiver is granted for the cluster setbacks of Lot 873, which shall comply with Code.
6. Street lighting shall be standard carriage fixture type along the roadway system and for the mailbox units.

The second item was **Ordinance 2025-154, an ordinance suspending by-right cluster subdivisions in the R-1 Resident Residence District and amending Chapters 1250, 1280 and 1282 of the North Ridgeville**

Zoning Code. This legislation was introduced by Mayor Corcoran as a response to deficiencies identified through the zoning code audit, which was completed late last year. The general premise of cluster zoning is to allow smaller lot sizes than in traditional R1 zones in exchange for greater open space preservation, thus creating functional and interesting open spaces in the development. The audit found that while the city expected the housing density. Between traditional R1 development, development and cluster development to remain neutral at 2.3 units per acre. In actual practice, it has been demonstrated that stormwater ponds, wetlands and narrow, unusable strips of land were areas being set aside by developers to satisfy the 20% open area requirement of the cluster zoning. He stated that this led to developments which look and feel as if every usable area is developed, with areas unsuitable for building being documented as preserved open spaces. Moving forward, developers can still build in North Ridgeville under the R1 zoning codes. However, if they wish to include cluster lot sizes in their development, they will need to apply for legislative rezoning by City Council to planned unit development zoning. This will give both Planning Commission and City Council greater control of the residential development process. He stated that it was important to note this would not affect previously approved preliminary plats within the City, only new residential development submissions applying for approval. **PC Action:** The legislation was approved for recommendation to City Council, and he stated that he was happy to report the legislation was adopted by Council at their 12/15/2025 meeting.

The third item was **Ordinance 2025-157, an ordinance amending Chapter 1226 Design Standards of the North Ridgeville Subdivision Regulations.** He discussed that this piece of legislation was introduced by Mayor Corcoran and would strengthen the best practices currently used by the Engineering Department in subdivision review and establish those practices as requirements in the City of North Ridgeville. It would give developers clearer expectations up front, help streamline the review process, and reduce the need for planned revisions. Overall, the changes created a more predictable and consistent development process. **PC Action:** The legislation was approved for recommendation to City Council with the City Engineers proposed amendments to 1226.02. Council adopted 12/15/2025.

In addition to those three items, Director Lieber advised the Commission on an administrative approval for a Certificate of Zoning compliance for a tobacco retailer to Wild Bills Tobacco of North Ridgeville, LLC, 32327 Cook Rd., Unit 2, and an administrative approval for a Certificate of Zoning. Compliance for retail collectibles to Random Apocalypse Comics and Collectibles, 32660 Center Ridge Rd., and finally, the city released its first North Ridgeville Ready Master Plan annual report. This report details the steps taken to date to implement the North Ridgeville master plan, which was adopted by council in 2024, in categories such as land use, economy, housing, amenities, mobility, physical infrastructure and leadership. The report identifies implementation, actions and future action steps necessary to achieve the vision of the Master Plan. A surprising amount of progress has been made to date. He congratulated all involved and encouraged all residents to view the informational report found at the City's website, northridgeville.org. and the next Planning Commission meeting was scheduled for January 13th, 2026, at 7:00 PM in Council Chambers.

OTHER REPORTS OR CORRESPONDENCE:

Chairwoman Masterson asked if there were any other reports or correspondence?

Schedule BZBA 2026 Training

Director Lieber stated that she wanted to bring to the Board's attention her plans to schedule training for boards and commissions in the coming year. She explained that she intends to offer the Board a training

session in January or February. She reminded members that the first training was conducted in person, while the second was held via Zoom with the same presenter from McBride, Dale, Clarion, which proved effective.

Director Lieber stated that the training would be beneficial both for new Board members and as an annual refresher on procedures. She emphasized the value of having an expert available to answer questions.

She asked for the Board's input on whether they would prefer to schedule the training prior to a regular meeting or on a separate, alternate evening to avoid competing with regular agenda items. She stated that once the Board provides direction on its preference, staff can begin identifying potential dates.

Chairwoman Masterson stated that they would prefer to have it on a night that isn't a meeting night.

Director Lieber stated that she would work with Tina to look at some dates so maybe the end of January or beginning of February when it's kind of quiet and nobody has anything going on.

PUBLIC HEARINGS:

PPZ2025-0391 John & Jennifer Phelan, 6460 Stoney Ridge Rd, PPN: 07-00-028-101-098

Proposal consists of constructing a garage. Property is zoned R-1 Residence District. Requests:

1. A variance for a garage in the front yard. Code allows garages in the rear yard only, Section 1294.03(c).
2. A 4-foot variance for height of a garage. Height of proposed garage is 19 feet, code allows 15 feet, Section 1294.03(d)(1).

Application was read.

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

John Phelan 6460 Stoney Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber for her administrative review.

Director Lieber stated that the applicant is proposing to construct a 32-foot by 64-foot pole building on their approximately four-acre property on Stony Ridge Road. The purpose of the structure is to store recreational vehicles; therefore, under the zoning code, the building is classified as a garage. She explained that an outbuilding is defined as a storage building for purposes other than the parking of motor vehicles such as cars or trucks. As a result, the proposed structure is considered a garage, not an outbuilding.

Director Lieber noted that while there are minor variances associated with the request, the primary issue relates to building height, as the zoning code imposes a more restrictive height requirement for garages than for outbuildings. The proposed garage height is 19 feet, which exceeds the maximum permitted height of 15 feet, resulting in a four-foot height variance request.

She further explained that the dwelling is set back more than 400 feet from the right-of-way and is located approximately midway toward the rear of the lot. A significant portion of the rear yard—approximately one acre—is occupied by a pond. There is an existing detached garage located between the house and the street. City records indicate that this garage was permitted in 2001 to a previous owner; however, there is no record of a variance being granted for its placement in the front yard. Director Lieber stated that it is possible the permit was issued without that consideration.

The proposed garage would be located between the house and the existing garage, on the same side of the driveway, approximately 360 feet from the street line. Although the structure would technically be located in the front yard by definition, it would be set back a considerable distance from the road. Director Lieber noted that if the house had been built at the minimum required 50-foot setback, the proposed garage would be located in what would otherwise be considered the backyard.

Director Lieber concluded that the applicant is requesting two variances: one for front-yard placement and one for garage height.

Chairwoman Masterson noted a typo in the summary request that incorrectly listed the property as being on Bender Road.

Director Lieber responded that the error appeared only in the narrative; the public notice and cover sheet were correct.

Chairwoman Masterson stated she wanted to address the discrepancy for the record.

Director Lieber added that Ms. Wieber corrected the error online as soon as it was identified.

Chairwoman Masterson stated that the Board had received an email from Laura Shannon and asked the Assistant Law Director how such submissions should be handled.

Assistant Law Director Morgan confirmed that the email had been distributed to the Board and asked whether the members were aware of its contents.

Chairwoman Masterson replied that they were.

Assistant Law Director Morgan stated that the Board could consider the email.

Chairwoman Masterson noted that the author of the email chose not to attend the meeting.

Assistant Law Director Morgan stated that there is no rule requiring an individual to appear in person and that there is no provision prohibiting consideration of written submissions.

Chairwoman Masterson indicated that she understood the email could be accepted.

Assistant Law Director Morgan asked whether Chairwoman Masterson was referring to reading the email into the record.

Chairwoman Masterson clarified that she was referring to considering the email, noting that there is no opportunity to question or verify the author.

Assistant Law Director Morgan asked whether the submission had been verified.

Deputy Clerk of Council Wieber stated that while no follow-up contact was made, she did verify that the submitted address matched the property owner.

Assistant Law Director Morgan stated that if the Board had concerns regarding verification, it could choose not to consider the email. However, if the Board was satisfied with the verification provided, it could consider the submission and was not required to read it into the record.

Chairwoman Masterson stated that in the past she was told by her that it was just something to consider but it wasn't part of the record.

Assistant Law Director Morgan stated that was correct. Don't read it into the record, but you do have it and consider it if you're satisfied with it. And in the future, if you want us to do a more stringent check on that, we can do that for you.

Chairwoman Masterson asked the applicant to present his application.

Mr. Phelan stated that he and his wife have lived in North Ridgeville for 21 years. They previously lived in Meadow Lakes and had admired their current home for many years before purchasing it when it came on the market. They have lived in the home for the past six years. He explained that the property offered a balance between a rural setting and nearby neighbors, which appealed to both him and his wife.

Mr. Phelan stated that the property consists of four acres. He explained that his family has always enjoyed camping, particularly because his wife does not like to fly. As their children grew older, camping became a way for them to continue traveling and spending time together. A few years ago, they purchased a motorhome, which is currently stored outdoors on a concrete pad next to the detached garage. He stated that the motor home was a significant investment and that they would like to protect it and extend its lifespan by storing it indoors, ideally for the next 10 to 15 years as they approach retirement.

Mr. Phelan stated that he met with the Building Department and researched the requirements for constructing a 32-foot by 64-foot pole building. He explained that he limited the truss width to 36 feet to avoid the need for extensive engineering drawings. The proposed building size would allow him to store both the motorhome and a car trailer used to transport a tractor or side-by-side vehicle.

He noted that the house is set back approximately 450 feet from the road and stated that he understood why placing a garage close to the street would typically be discouraged. However, in this case, the proposed garage would be located far back from the road, tucked to the left side of the driveway, and would not negatively impact the visual appearance of the property. At the same time, the location would avoid placing the structure deep into the backyard.

Mr. Phelan explained that locating the building closer to the house would also reduce the need to extend the driveway an additional 250 to 300 feet. He stated that maneuvering a 45-foot motorhome that distance would be difficult. He also noted that the proposed location avoids underground utilities, as water and gas lines run across the driveway to the house and not beneath the proposed building site.

He explained that placing the building in the backyard presented additional challenges. Approximately one acre of the backyard is occupied by a pond, with only about one-half acre remaining as usable grass area. He stated that the property is served by a septic system that is approximately 26 years old, and while septic systems can last 25 to 50 years, he may need to relocate it in the future. He expressed concern that placing a building in the backyard would limit future options for septic placement.

Mr. Phelan also stated that the property uses geothermal heating and cooling. He explained that there is no permit record showing the exact location of the underground geothermal lines. He spoke with neighbors, including a former landowner, who estimated that the lines run near the rear fence line. He stated that placing a building or driveway in the backyard could interfere with those lines, which further influenced the decision to locate the structure closer to the house.

Mr. Phelan stated that he initially requested a height variance without knowing the exact building height, estimating it to be between 20 and 21 feet. After reviewing the notice listing the height at 19 feet, he contacted the builder and truss manufacturer and obtained diagrams, which he provided to the Board. He stated that the total building height is 22 feet, 1 inch, with 16-foot walls. He explained that this height is necessary to accommodate a 14-foot garage door, which is required for a motorhome measuring approximately 13 feet, 4 inches tall. He noted that the truss design is standard and not unusually peaked.

Director Lieber explained that zoning height is measured at the midpoint between the eaves and the roof peak for a pitched roof, which is why the zoning height was calculated as 19 feet.

Mr. Phelan stated that the proposed building would be located approximately 350 to 360 feet from the road. He explained that power lines run along the left side of the property about 25 feet from the property line, and the proposed structure would be set approximately 25 to 30 feet inside the southern property line, maintaining roughly 55 feet of separation from the house. He noted that the building would sit just left of the south side of the house and approximately 60 feet farther back than shown in earlier images.

Mr. Phelan stated that camping is a significant part of their lifestyle and that they intend to live on the property long-term. He stated that the proposed pole building would protect the motorhome from winter freeze-thaw cycles and improve its longevity.

Chairwoman Masterson stated that the Board exists to consider reasonable requests that do not meet zoning code requirements. She noted the unique characteristics of the property, including the large pond, the septic system, and the geothermal system with undocumented line placement. She stated that these factors constitute extenuating circumstances affecting the placement of the proposed structure.

Chairwoman Masterson reviewed the Duncan Factors. She read, *“Can this property yield a reasonable return?”* and stated that it could, noting that the motorhome could be parked outdoors. She added that, in her opinion, a well-maintained building would be less visually disruptive than outdoor storage. She read,

“Is the variance substantial?” and stated that while technically it is, the size of the parcel and the placement of the house support the request. She noted that if the structure were classified as an outbuilding, the variance would not be required.

Director Lieber clarified that garages are subject to stricter height limits than outbuildings and that the height variance is required because the structure is classified as a garage.

Member Weaver asked what constitutes acceptable use of an outbuilding.

Director Lieber responded that an outbuilding is intended for storage purposes other than parking motor vehicles, such as lawn equipment or personal items, and that the classification hinges on vehicle storage.

Chairwoman Masterson continued reviewing the Duncan Factors, stating that the variance would not adversely affect the delivery of government services. She acknowledged that the property owner purchased the property with knowledge of zoning restrictions and stated that while alternative placement was possible, it would be difficult given the site conditions. She asked whether any Board members had additional questions or comments.

Member Toth questioned the building height, noting the total height of 22.1 feet and asking how it related to zoning measurements.

Director Lieber reiterated that for zoning purposes, the height is measured at 19 feet.

Member Toth acknowledged the clarification and raised a question regarding sewer availability in the area.

Director Lieber stated that she was not aware of sewer service crossing the property and that if the homeowner remains on septic, it indicates no required sewer connection.

Member Cain stated that sewer lines terminate near the developments on Stony Ridge Road and are not available for properties outside those developments.

Assistant Law Director Morgan noted that there is a distance requirement for mandatory sewer connection, which she did not believe applied in this case.

Chairwoman Masterson stated that she was familiar with the property and confirmed that sewer service is not available at that location.

Mr. Phelan added that his neighbor located directly on the street also uses a septic system.

Member Toth stated that a letter submitted raised concerns about the existing garage located in the front yard and questioned why that structure was not being considered as part of the discussion.

Mr. Cain stated that he believed the proposed additional garage would be counted toward lot coverage and asked Director Lieber to confirm.

Director Lieber confirmed that it would. She explained that, due to the size of the lot, the property is subject to a 10% maximum lot coverage, and there is no limitation on the number of accessory structures. She noted that the existing detached garage in the front yard was permitted and counts toward lot coverage. The total lot coverage would remain within the 10% limit. She added that the existing garage did not receive a variance when it was constructed in 2001, making it non-conforming, but emphasized that this issue is not before the Board.

Member Toth asked whether approval of the variance would result in one conforming garage and one nonconforming garage in the front yard.

Assistant Law Director Morgan stated that she was unclear on the question.

Director Lieber clarified that there is an existing detached garage, and the applicant is seeking a variance for the placement and height of a second garage located behind it. The existing garage was constructed without a variance.

Assistant Law Director Morgan stated that variances run with the structure. She explained that the applicant is requesting variances related only to front-yard placement and height, not to size or lot coverage. She stated that those two factors are the sole considerations before the Board.

Chairwoman Masterson asked whether the existing front-yard garage had been properly permitted and inspected and questioned whether the City had failed to identify the need for a variance at the time of construction.

Director Lieber stated that the Building Official acknowledged that the issue should have been identified but explained that, in 2001, there were differing interpretations of front yard requirements. At that time, if a structure was set back beyond the required 50-foot front setback, it was considered acceptable. She explained that the current interpretation defines the front yard as the area extending from the front of the primary structure to the right-of-way. She noted that this interpretation has evolved over time and that the original garage was approved under the earlier understanding.

Chairwoman Masterson stated that she did not want to assign blame but also did not want the homeowners to be penalized for a condition they did not create.

Member Toth asked whether the garage was constructed by a previous owner.

Mr. Phelan confirmed that it was and stated that he has owned the property only since 2019.

Chairwoman Masterson asked whether any Board members had additional comments or questions.

Council Liaison Winkel stated that the proposed variance would not adversely affect the integrity or character of the neighborhood, noting that the structure would be located hundreds of feet from the street. He commented that, based on the Duncan Factor review, the request appeared to be more of a technical variance than a substantive one.

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

None were given.

Moved by Cain and seconded by Masterson to approve the variance for a garage in the front yard.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Moved by Cain and seconded by Graupmann to approve the 4-foot variance for height of garage.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:37 PM.

Linda Masterson
Chairwoman

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, January 22, 2026
Date Approved

Board of Zoning & Building Appeals Application



NOV 03 2025

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
7079 AVON BELDEN RD NORTH RIDGEVILLE, OH 44039
 Location address
07-00-021-117-094
 Parcel number Current zoning
 Appeal or variance (attach supporting documentation)

APPLICANT/AGENT INFORMATION
DENISE BITTNER / BODY REMEDY MASSAGE & WELLNESS LLC
 Name/Company
2181 JULIA, AVON OH 44011 / 7079 AVON BELDEN RD NORTH RIDGEVILLE
 Applicant address
 Applicant phone Applicant email

PROPERTY OWNER INFORMATION
CAROL MISKE, MANAGER: AVON BELDEN BUSINESS MALL, LLC
 Name/Company
463 DEVONSHIRE CT. BAY VILLAGE, OHIO 44140
 Property owner address
 Property owner phone Property owner email

AUTHORIZATION AND ACKNOWLEDGEMENT
Denise Bittner Carol Miske AKA DR. CAROL NOVAK
 Applicant 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>PPZ-2025-0389</u>	Date Received <u>11/03/2025</u>	ACTION
	Fee Paid <u>125.00</u>		

Board of Zoning & Building Appeals Staff Report

Case PPZ2025-0389
 Property Owner Avon Belden Business Mall, LLC
 PPN 07-00-021-117-094
 Property Address 7079 Avon Belden Road
 Zoning B-2 Central Business District
 Applicant Name Denise Bittner, Body Remedy Massage & Wellness LLC
 Applicant Address 2181 Julia Ave, Avon OH 44011
 Project Signage
 Meeting Date January 22, 2025
 Report Date January 14, 2025

REQUESTED VARIANCES	CODIFIED REFERENCES
1. An appeal from the determination of the zoning administrator in relation to definition of window area and calculation of sign area.	See 1286.05 See 1286.11(b)
2. A variance for window signs occupying 100% of a window area, code allows 50%, Section 1286.11(b)(1). WINDOW SIGN means a sign attached to, in contact with, placed upon, painted on, or otherwise viewable through the window or door of a building that is intended for viewing from the outside of such building.	1286.11 - Permanent sign allowances (b) <u>Window Signs</u> . No sign permit shall be required for window signs provided that any such sign complies with the following standards: (1) Window signs shall not occupy more than 50 percent of the window area. The sign area is based on the total window area. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. (2) Window signs may be temporarily or permanently attached to the window surface.

Summary of Request:

The applicant operates a massage establishment in one unit of a multi-tenant commercial building on Avon Belden Road. Staff observed that window signage had been installed, completely occupying the four west-facing storefront windows of the unit. The zoning code allows for 50% coverage by window signs. Following the applicant’s appearance before the Board in November, the applicant modified the proposed window graphics to include a black border surrounding the sign copy.

Appeal

Chapter 1286 Signs defines a *window sign* as a sign “attached to, in contact with, placed upon, painted on, or otherwise viewable through the window or door of a building that is intended for viewing from the outside of such building.” The code allows window signs to be installed without a permit provided that “window signs shall not occupy more than 50% of the window area,” and the sign area is based on the total window area.

For purposes of administering Chapter 1286, the four west-facing storefront windowpanes are considered a single “window area,” while the north-facing windows located in the recessed area leading to the front entrance are considered a separate and distinct window area.

The ordinance states that “window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas.” For purposes of this provision, window framing or support refers to mullions, muntins, or structural members that subdivide glazing within a single wall plane.

In this case, although the storefront glazing visually turns toward the recessed entrance, the west-facing and north-facing windows are located on different building façades, with each façade aligned to a distinct wall plane of the building. The change in plane is created by the building’s design and wall configuration and is not attributable to window framing, mullions, or other support systems. This condition is distinct from a bay window, which is an architectural projection within a single wall plane. Here, the separation arises from the building architecture rather than from the window design.

Because the glazing is installed on two separate wall planes of the building, staff has determined that the west-facing storefront windows and the north-facing entry windows constitute separate window areas under Chapter 1286, each subject to independent application of the 50% window sign coverage limit.

Section 1286.05 governing sign area calculation states that sign area includes all sign copy and “any background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy,” and that such area is to be calculated using “the smallest permitted shape that encompasses the extreme limits of the background panel, cabinet, or surface.”



The applicant’s revised proposal includes a black border surrounding the window graphics. Staff has determined that this border functions as a distinct background surface intended to frame and emphasize the sign copy and is therefore included in the calculation of sign area per Section 1286.05.

Based on the above code language, the proposed window signage occupies 100% of the west-facing window area and exceeds the maximum permitted window sign coverage established by Chapter 1286.

Staff acknowledges the applicant’s interest in business visibility and success. The review and interpretation are based solely on the administration of Chapter 1286, which establishes citywide standards for window signage applicable to all commercial tenants.

Variance

As currently interpreted, a variance for window signs occupying 100% of window area is required to maintain the existing signage or for the applicant's updated proposal. Even if the Board were to overturn the zoning administrator's interpretation on appeal, a variance would still be necessary due to the extent of window sign coverage exceeding the maximum permitted by Chapter 1286.

Review of Duncan Factors:

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

Yes. The property can be used and operated as a massage practice while complying with the 50 percent window coverage limit.

Is the variance substantial?

The requested variance, which would allow 100% of the west-facing window area to be covered, is substantially above the 50% limit.

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

Granting full coverage would affect the visual balance of the commercial district. The code is intended to allow for appropriate signage while maintaining a consistent appearance across storefronts, which is important to preserving the character and aesthetics of business areas.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The sign ordinance was updated in 2023 and was in effect prior to the applicant moving into this location in 2025. Limitations on window signage also existed in the version of the zoning code that was previously in effect. No variances were previously granted for signage at this location.

Can the property owner's predicament be precluded through some method other than a variance?

Privacy and client comfort can be achieved through partial window clings, frosted or opaque films or interior blinds without the need for full coverage by signage.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

The sign code aims to balance business identification with visual consistency and aesthetics in our commercial districts. While the building has a narrow band for traditional wall mounted signage, these features are shared among tenant spaces in this plaza and do not prevent compliance with window signage standards. The applicant's unit is not unique compared with other commercial spaces, and granting full coverage could set a precedent that impacts the intended visual balance at this or similarly configured properties.

Exhibit H

Additional Precedence business with similar window cling coverings located at 35970 Avon Belden Road (corner of Avon Belden and Center Ridge rd) an estimated 200 yards from my building



Picture showing similar window signs with 100% coverage

Exhibit I

Ordinance pages with sections highlighted from 1286.10 (d) (1) Measurements and Calculations and 1286.11 (b) (1) Window Signs providing justification for calculating window area measurements to include the additional 2 window panels that were presented in Exhibit A-3

ORDINANCE 6087-2023

PASSED 7-24-2023

(d) **Facade Measurements**

- (1) **When calculating the permitted sign area based on the width of any facade, such calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on), regardless of facade insets, offsets or angles. See Figure F.**
- (2) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit. The facade width for a building unit shall be measured from the centerline of the party walls defining the building unit.

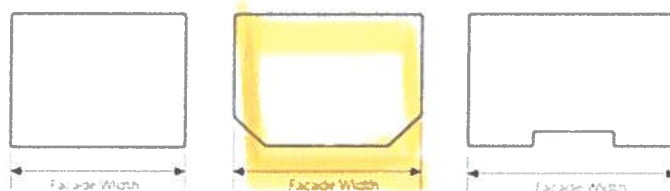


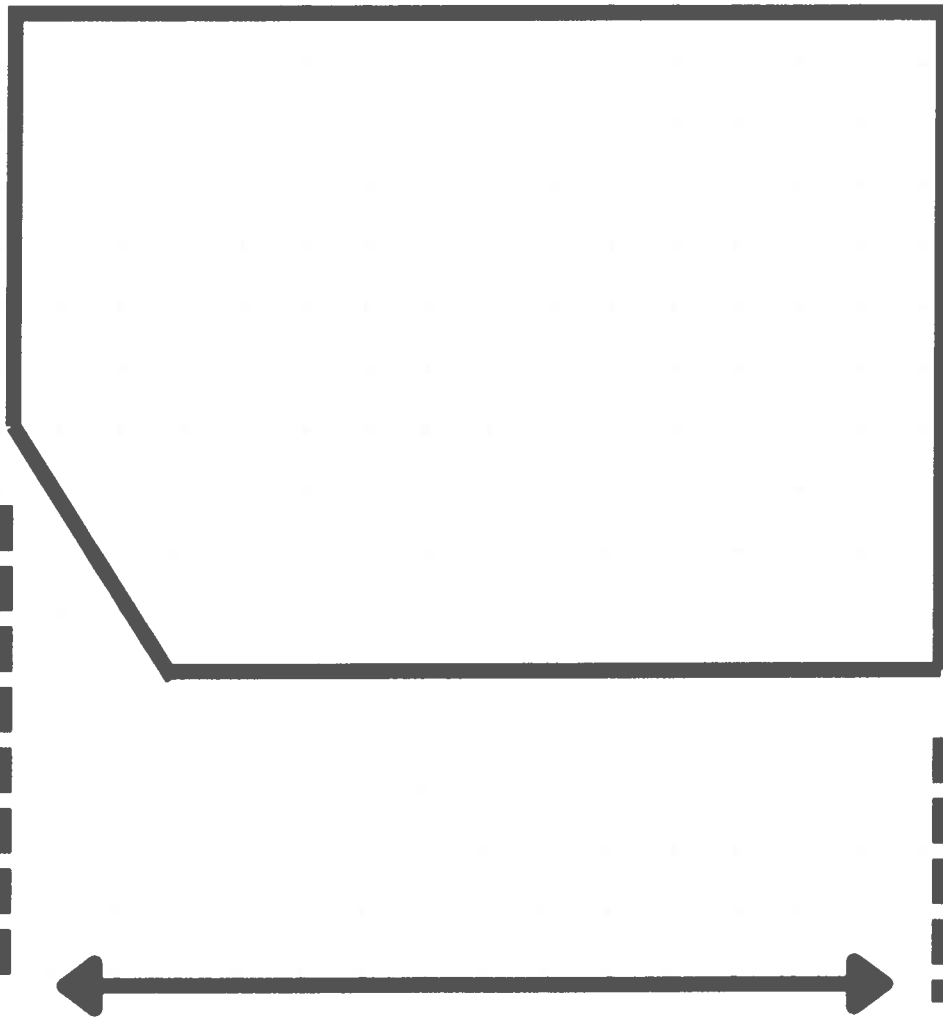
Figure F. Illustration of facade width measurement on varied facade shapes.

1286.11 PERMANENT SIGN ALLOWANCES

The following are the types of permanent signs allowed in the City of North Ridgeville and the applicable regulations for each sign type.

- (a) **Building Signs.** Building signs shall not be permitted as accessory to single-family or two-family dwellings. In residential districts, building signs may be accessory to nonresidential permitted or conditional uses. In all other districts, building signs are permitted on principal structures in accordance with the following:
 - (1) **Building Sign Allowance.** The building sign area allowed in this section shall include the total amount of all wall, canopy and projecting signs on each facade.
 - A. Maximum permitted building sign area for a single-tenant building shall be two (2) square feet per lineal foot of the facade width of the principal building.
 - B. Maximum permitted building sign area for a building unit in a multi-tenant building shall be two (2) square feet per lineal foot of the facade width of the individual building unit, provided that the building unit has an exterior entrance.
 - C. For buildings or building units on lots with frontage on more than one public street, maximum permitted building sign area shall be 1.5 square feet per lineal foot of the sum of the facade widths that face a public street.
 - D. Building signs may contain up to 25 percent changeable copy in sign area; however, building signs shall not include electronic message centers.
 - (2) **Wall Signs.** Any wall sign shall comply with the following standards:
 - A. A wall sign shall be mounted on or flush with a wall and shall not project more than 24 inches from the wall of the building to which it is attached.
 - B. A wall sign may be mounted on the facade wall or mounted on a raceway.
 - C. No wall sign shall be painted directly on a building.
 - D. No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
 - E. A wall sign shall maintain a minimum six-inch clearance from the top and side edges of the surface or wall to which it is attached.

Body Remedy Massage Facade shape



Facade width to calculate sign area

- F. Signs attached to roofed structures over fueling stations shall be considered wall signs.
 - G. Wall signs may be internally or externally illuminated.
- (3) **Canopy Signs.** Any canopy sign shall comply with the following standards:
- A. Signage shall not cover more than 50 percent of any individual awning, canopy or marquee.
 - B. Signage may be mounted above any canopy provided that the sign does not extend above the top of the roofline of the building.
 - C. Canopy signs may be internally or externally illuminated.
- (4) **Projecting Signs.** Any projecting sign shall comply with the following standards:
- A. Only one projecting sign shall be permitted for each building unit.
 - B. The maximum sign area for a projecting sign shall be six (6) square feet.
 - C. Decorative supporting structures for projecting signs shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six (6) square feet.
 - D. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four (4) feet from the façade wall to which it is attached. Such a sign shall maintain a minimum six (6) inch clearance from the façade of any building.
 - E. Projecting signs shall not encroach into any right-of-way.
 - F. Projecting signs may be internally or externally illuminated.
- (b) **Window Signs.** No sign permit shall be required for window signs provided that any such sign complies with the following standards:
- (1) Window signs shall not occupy more than 50 percent of the window area. The sign area is based on the total window area. **Window areas separated by piers, architectural elements or similar features that are not glass or window framing or support shall be considered separate and distinct window areas.**
 - (2) Window signs may be temporarily or permanently attached to the window surface.
 - (3) Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with Section 1286.12.
- (c) **Monument Signs.** Monument signs shall not be permitted as accessory to single-family or two-family dwellings. In residential districts, monument signs may be accessory to nonresidential permitted or conditional uses. In all other districts, monument signs are permitted on lots in accordance with the following:
- (1) One monument sign shall be permitted per lot with the exception of lots having either a total area in excess of five (5) acres or total street frontage in excess of 500 linear feet, in which case two (2) monument signs are permitted provided each sign complies with the standards of this section.
 - (2) The maximum sign area of an individual monument sign shall be 65 square feet if the sign does not exceed a height of eight (8) feet or a maximum sign area of 50 square feet if the sign does not exceed a height of ten (10) feet. In no case shall a monument sign exceed ten (10) feet in height.
 - (3) Monument signs shall be set back a minimum of five (5) feet from every right-of-way line and a minimum of 20 feet from any side or rear lot line.
 - (4) The base of any monument sign shall be composed of stone, brick or other decorative material complimentary to the building material used for the principal structure.

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1286.11 (b) (1) Window areas separated by piers, architectural elements or similar features that are NOT glass or window framing or support shall be considered separate and distinct window areas.

If the board members and building department agree with our initial calculation of the window area to include 2 side windows in the total area based on the clarification included in Exhibit I, then I would like to renew my request for the 30% variance to maintain the 80% coverage my signs currently cover. If the area is still determined to not include the 2 side windows, we have proposed alternatives in the following exhibits for your consideration. Thank you

Exhibit J

Alternative proposal 1



Adding a 4" border around the perimeter of the pictures after resizing them to 65"x 42"

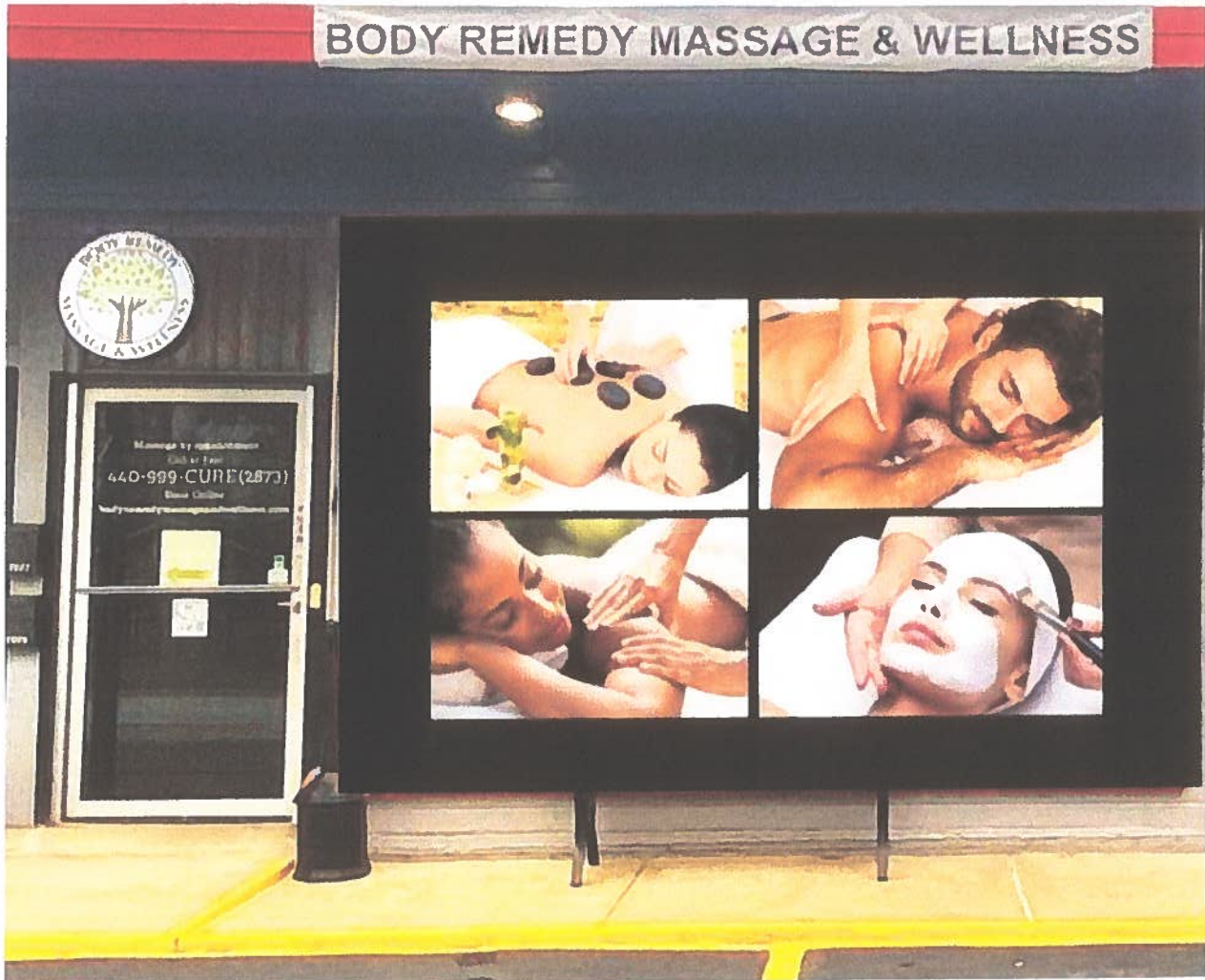
$$65 \times 42 = 2730$$

$$2730 \times 4 = 10,920$$

$$10,920 / 12,696 = 0.86$$

Total coverage area = 86% Total over code amount of 50% = **36% variance needed**

Exhibit K
Alternative Proposal 2



Adding a 6" border around the perimeter of the pictures after resizing them to 63"x 40"

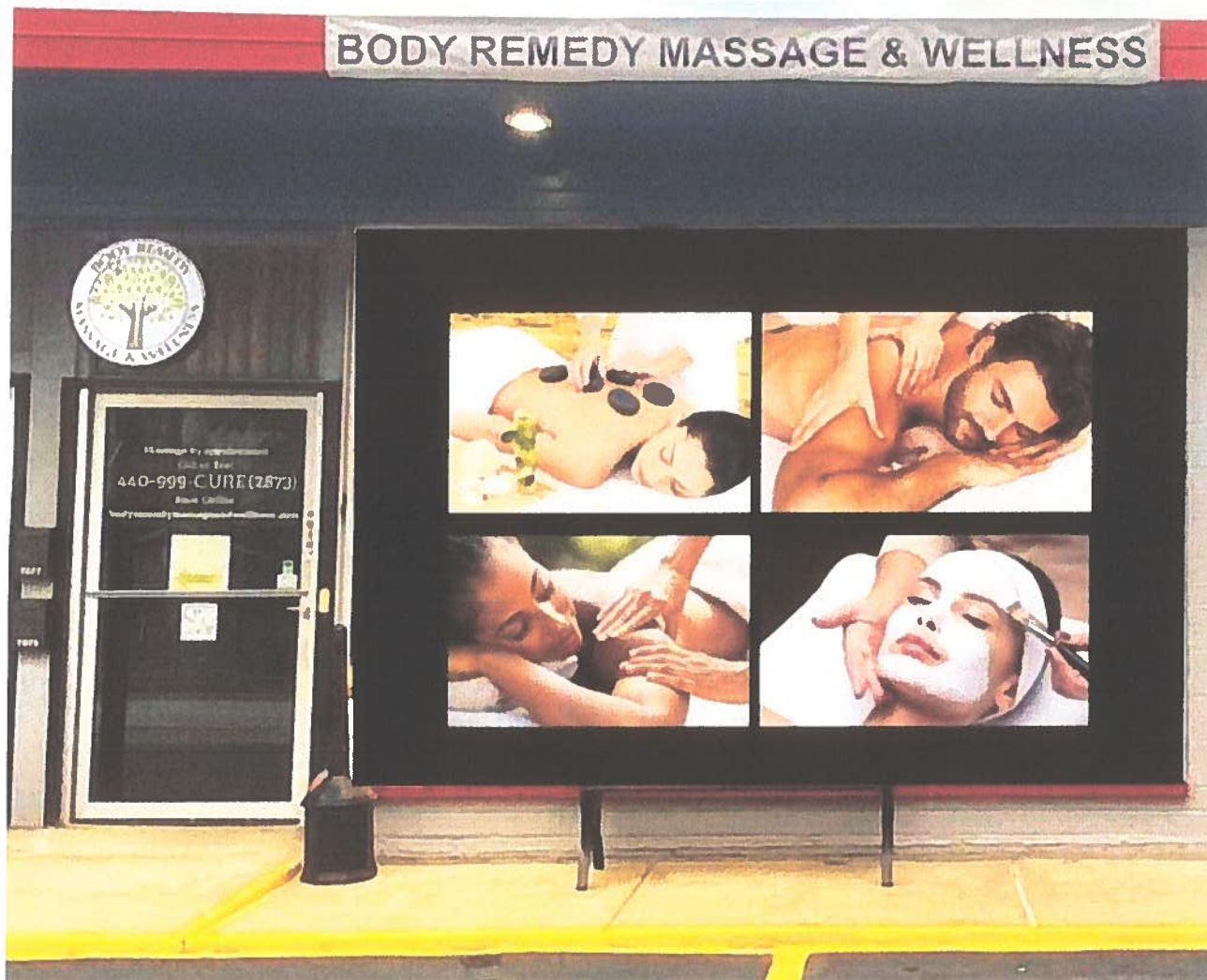
$$63 \times 40 = 2,520$$

$$2520 \times 4 = 10,080$$

$$10,080 / 12,696 = 0.794$$

Total coverage area = 79% Total over code amount of 50% = **29% variance needed**

Exhibit L
Alternative Proposal 3



Adding a 7" border around the perimeter of the pictures after resizing them to 62"x 39"

$$62 \times 39 = 2,418$$

$$2,418 \times 4 = 9,672$$

$$9,672 / 12,696 = 0.762$$

Total coverage area = 76% Total over code amount of 50% = **26% variance needed**



Board of Building and Zoning Appeals

PROJECT INFORMATION

Signage

Proposed project

7079 Avon Belden Rd

Location

November 20, 2025

Meeting date

07-00-021-117-094

Parcel number

November 10, 2025

Comments due

RECOMMENDATIONS

Type comments here. Attach additional sheets as necessary.

1286.11 (b)(1) Window signs shall not cover more than 50% of the window area. Applicant requesting to cover 81% of the window area (88.17 square feet of window signs divided by 108.61 of total window area = 0.81). Applicant requesting 31% variance (81% window area coverage - 50% allowable window coverage = 31%). BZA approval required.

SUBMITTED BY

Guy M. Fursdon

Administrative officer signature

Chief Building Official

Title



NOTICE OF VIOLATION

10/24/2025

DENISE RESTIVO
BODY REMEDY MASSAGE & WELLNESS LLC
7079 AVON BELDEN RD
NORTH RIDGEVILLE, OH 44039

Re: Property Maintenance Violation
Location: 7079 AVON BELDEN RD
Parcel: 0700021117094
Violation Number: EV2025-00420

Dear Property Owner(s),

An inspection of the above-referenced premises showed the following violation(s) of the City of North Ridgeville Codified Ordinances:

NRCO Section 1286.11(b)(1) Window Signs

Window signs shall not occupy more than 50 percent of the window area. The sign area is based on the total window area. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas.

Required Corrective Action:

Reduce or modify the existing window signage so that it covers no more than 50% of the total window area, in accordance with city signage regulations.

You are hereby notified that the above violations are to be corrected by **October 31, 2025**. A re-inspection will be scheduled on or about this date to determine compliance.

Failure to comply with this notice will result in the City pursuing legal remedies as provided for by law. Codified ordinances are available online at www.nridgeville.org.

Any person directly affected by a decision of the Chief Building Official or a Notice or Order issued under the Building and Housing Code shall have the right to appeal to the Board of Zoning and Building Appeals provided that a written application for appeal is filed within the lesser of either 10 days after the date the notice or order was served or the date of the expiration of the abatement period set forth in the notice.

If you have any questions about this notice, contact the Building Division at (440) 490-2081.

Thank you for your cooperation and attention to this matter.

Sincerely,

Casey Hale
Zoning Inspector

Inspection Pictures Attached





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Body Remedy Massage & Wellness

7079 Avon Belden Road • North Ridgeville, OH 44039

To:

Board of Zoning and Building Appeals
City of North Ridgeville
7307 Avon Belden Road
North Ridgeville, OH 44039

Re: Request for Area Variance — Window Sign Coverage (§1286.11(b)(1))

Dear Members of the Board,

My name is **Denise Bittner, L.M.T.**, owner of **Body Remedy Massage & Wellness**, serving North Ridgeville since **June 2018**. I respectfully request an area variance to allow the existing static, non-illuminated window clings covering approximately **80%** of the **central four panels** of a **six-panel** storefront window assembly.

Background and Practical Need

I have been a Licensed massage therapist since 2004 with years of experience working in the medical field alongside chiropractors, physical therapists and medical doctors to help treat injuries and alleviate pain for patients. As the Director of Massotherapy at Cleveland's Accident & Injury Treatment Center I was tasked with managing the massage therapists of all 5 locations across Northeast Ohio and am still a certified B.W.C provider helping people recover from work injuries and helping them to get back to work. I have also worked at many spas such as Charles Scott and Massage Envy.

I opened my massage therapy practice in 2018 at my original location at 35590 Center Ridge Rd, suite 105 in North Ridgeville. We provide mostly therapeutic massage to treat chronic pain, assist in injury recovery, post-surgical rehabilitation, oncology massage, as well as massage for general aches and pains and relaxation. Many of the clients we serve are teachers, bus drivers, nurses, police officers, construction workers, caregivers, and attorneys from the local and surrounding areas. The goal of my practice is to provide client centered care where you are treated as an individual deserving of healing and compassion and not just another number like our massage chain competitors.

I chose to open in North Ridgeville because it is a great family friendly community that looked to be underserved, not having any massage practices at the time, forcing residents to go outside of the city for services like those we provide. Our goal is to help community residents with pain and stress to improve their quality of life.

We recently moved to our new location in May of 2025 located at 7079 Avon Belden Rd. Our unit is uniquely configured with its main entrance located at the side of the building, unlike other tenants. Also unique to our unit is the front six-panel divided window which opens directly into a treatment room that requires privacy for client

comfort and confidentiality. The off-centered six-panel design makes balanced signage difficult under the 50% rule. (Exhibit A-1, A-2, A-3) After months of deliberation and careful thought I purchased and installed non-illuminated, professional window clings depicting tasteful and appropriate massage imagery, serving both privacy and identification purposes.

My storefront is located in a high-visibility commercial corridor, where storefront properties command higher rent because window frontage is a key business asset. When I selected and committed to this location, I made a reasonable financial decision based on the previous tenant's (North Ridgeville Eye Care) established use of full-window graphics on the same storefront. (Exhibit B) I entered into the lease with the good-faith understanding that the window could be utilized in a similar manner which allows clients to easily find our location with just a quick glance so as to not distract their driving.

Fairness & Precedent. The previous medical tenant on this very storefront—North Ridgeville Eye Care—maintained full-window medical graphics for several years without a reported issue.(Exhibit B) As a licensed wellness practice, I made a good-faith, financially material decision relying on that visible precedent when leasing and investing in this unit. Retail neighbors can lawfully fill their windows with merchandise displays;(Exhibit C-2) a professional service provider likewise needs modest, readable visibility that doubles as privacy film for lawful operation.

Clarification on measurement. The inspection photo included in the violation appears to be a picture from the road and seems to have evaluated coverage using only the four central panels. There are 6 window panels in all. Each panel is only separated by window framing and as stated in the ordinance they are to be calculated as one total area. Counting all six demonstrates that the request is visually modest and balanced as shown in Exhibit A-3.

Application of the Duncan Practical-Difficulty Factors

1) Reasonable return / beneficial use. Without the variance, privacy would require opaque blinds/curtains or interior partitions—eliminating exterior visibility, darkening the storefront, and creating the appearance of a closed business or unrented suite.(Exhibit C) The current film allows lawful private therapeutic use of the treatment room and appropriate identification for residents of the community who are looking for treatment just as it did for the previous business, North Ridgeville EyeCare.

Business Performance and Operational Impact: Since installing the current privacy window film, my business has experienced a clear positive impact on new client visits, google search metrics, website visits, phone/text inquiries and scheduling consistency..(Exhibits D-1,D-2 & E-1,E-2,E-3) New client bookings increased, returning-client frequency strengthened, and overall monthly sales performance improved. October was the highest sales month since opening in 2018, which reflects the importance of providing effective window signage so that clients can easily find local service businesses and where the overall appearance and esthetic is compatible and comparable with our large chain competitors. The current window film directly supports the functional operation, ethical standards, and economic sustainability of a licensed therapeutic practice at this location and in my opinion adds a

touch of class to our building and our city. Since the installation of the window clings we've had many life-long North Ridgeville residents as new clients that were surprised to learn we have been in business since 2018 and have stated that they have gone to neighboring cities for massage services in the past not knowing one is located in their city. And all that time we were located on a main road (Center Ridge Rd) in the heart of the city. This is both disheartening and exciting as a small business owner.

2) Substantiality. The storefront is a **six-panel** assembly (two side, four front). Evaluating only the four front panels makes the coverage seem higher than it is. When all six are counted, the window treatment is **modest and proportional**, comparable to privacy standards commonly used in wellness/medical settings. **(Exhibit F-1,F-2,F-3 industry standards)**

3) Character of the neighborhood. The installation is calm, professional, and non-illuminated. It mirrors the previous tenant's medical aesthetic on this same façade, maintains plaza cohesion, and reduces visual clutter and allows my unit to look like an open operating business rather than a closed or unrented suite with blinds or plain window coverings. The unit is recognizable for the industry and adds an upscale classy appearance as similar massage-providing businesses in neighboring cities that often draw our customers thus giving us the opportunity for fair competition. **(Exhibit F-1,F-2, F-3)**

4) Government services. No addresses, utilities, lighting, or safety markings are obstructed. Emergency visibility is unaffected.

5) Knowledge of restrictions / self-created hardship. I was unaware of the ordinance when I made the decision to rent the unit. I acted in **good faith** based on long-standing, visible **precedent** at this exact storefront extended to another medical practice, and on the reasonable expectation that a resident-serving service business may achieve basic visibility akin to retail neighbors.

6) Feasible alternatives. Opaque coverings, curtains, or interior partitions fail to satisfy both **privacy** and **visibility**. Given the uniqueness of the unbalanced six-panel configuration, those alternatives are functionally inferior and economically harmful due to decreased visibility concerns if scale is shrunken or disruption of calming, clean and balanced aesthetic due to the inability with current window structure for uniform placement.

7) Spirit and intent. The code aims to prevent visual clutter—not to prohibit tasteful privacy films that fulfill essential privacy requirements and assist in customer visibility so that residents can easily locate health services in their city. Visibility is also essential for a small community-serving business like mine to grow and succeed in this city. Approving this variance supports the City's goal of building a **strong, stable** community where **residents can live well and businesses can grow and succeed**.

Conclusion. Given the unique window configuration of the store-front window, the professional privacy need, the established **precedent** from North Ridgeville Eye Care that was relied on for my investment and alignment with City goals, I respectfully request approval of an area variance for my unit permitting up to 81.2% current coverage of the six-panel front window so that my business can maintain the privacy it requires but also continue to grow and serve our community. Thank you for your time and consideration to this matter.

Respectfully submitted,

Denise Bittner, L.M.T.

Owner — Body Remedy Massage & Wellness

Exhibit A-1

Current Window Privacy Film Coverage



Front view as currently installed (October 14, 2025).

Exhibit A-2

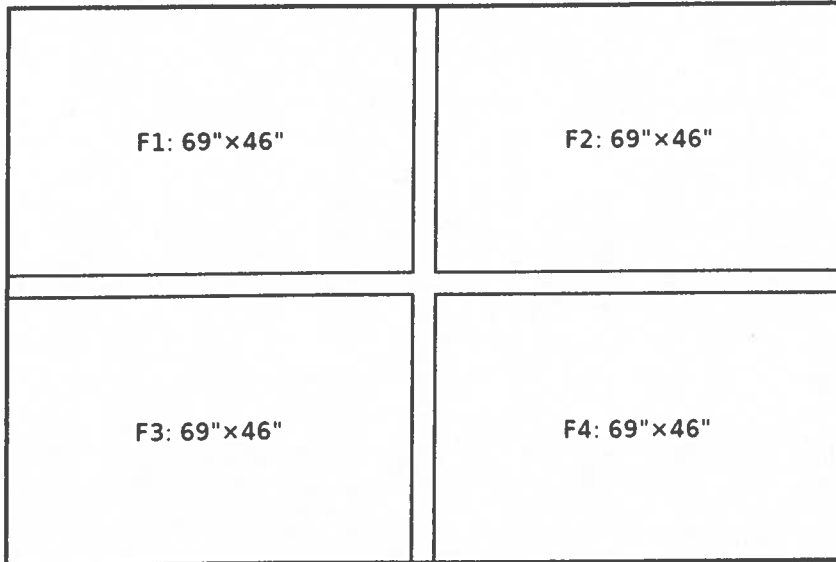


side view as currently installed (October 14, 2025).

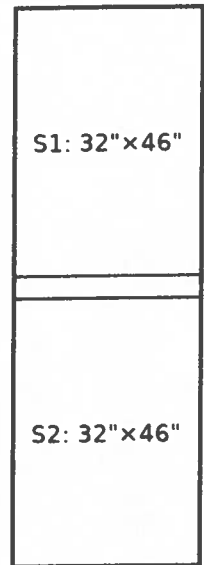
Exhibit A-3

Storefront Windows - Front & Side Elevations (Updated & Corrected)

Front Elevation



Side Elevation



Area Summary (door glass excluded):
Front (4 panels @ 69"×46"): 88.17 sq ft
Side (2 panels @ 32"×46"): 20.44 sq ft
TOTAL WINDOW AREA: 108.61 sq ft

Coverage: Front panels are fully filmed → 81.2% of total window area covered

Exhibit B

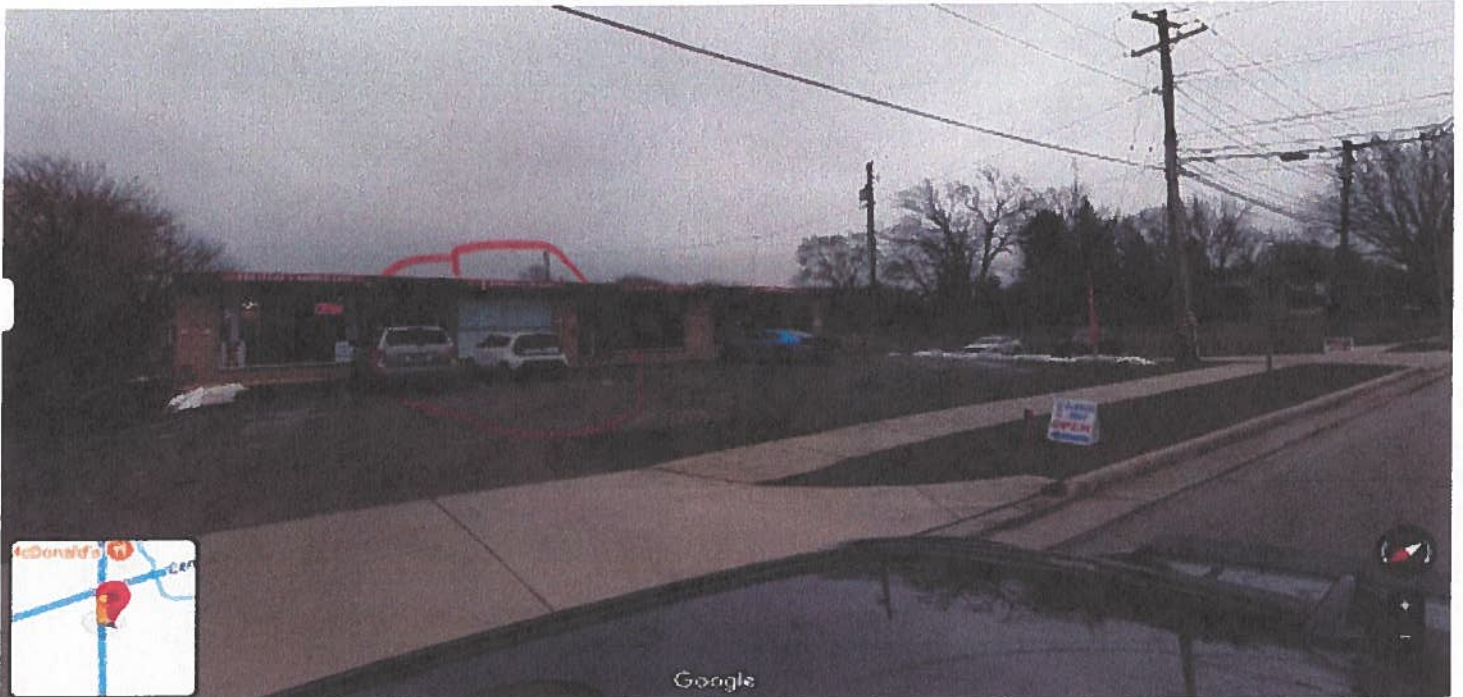
Previous Tenant Full-Window Signage (Precedent)



Full-window medical graphics used by former tenants on this same storefront (precedent) until March of 2025.

Exhibit C

Additional pictures of the plaza and other units



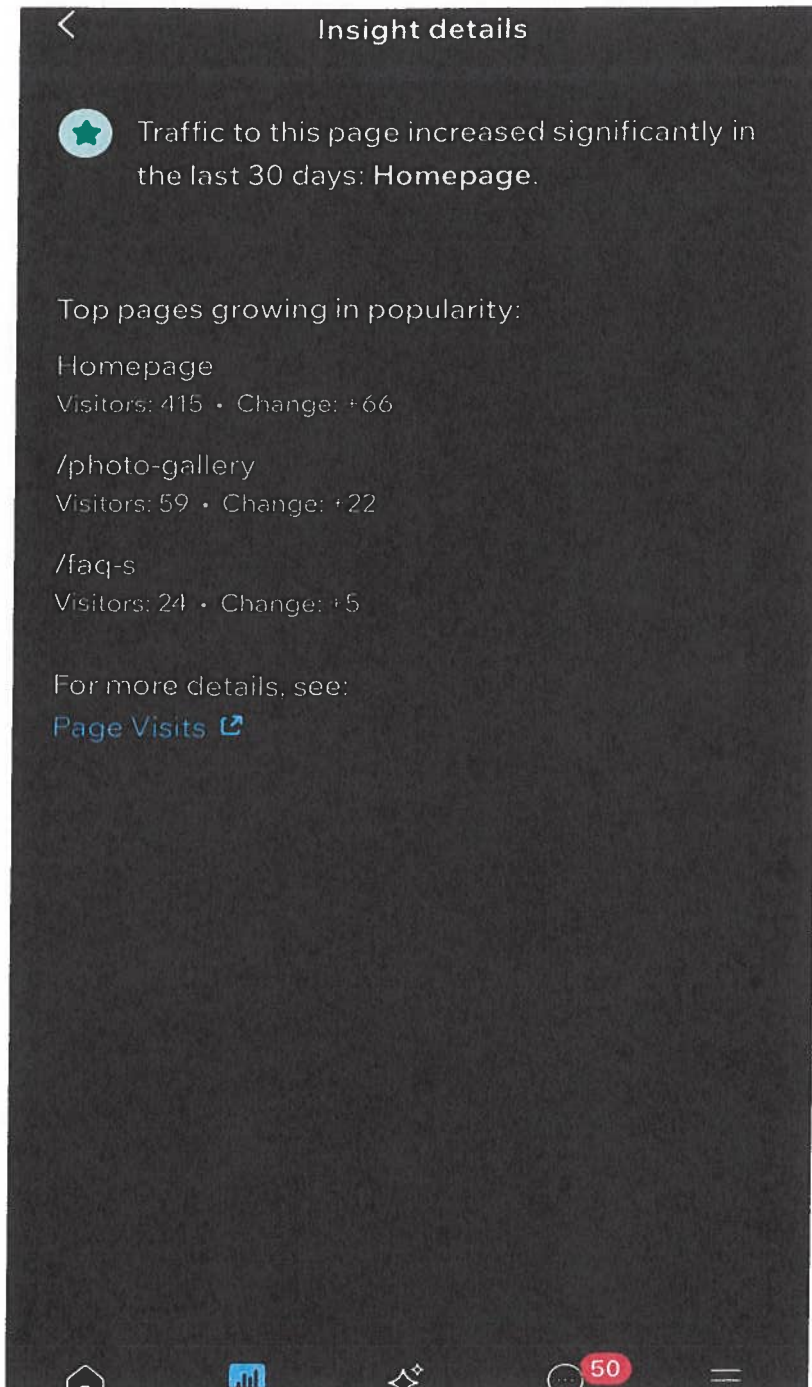
(ABOVE) View of the plaza from the road of the unit with plain curtains/blinds appearing closed or unrented



A retail sales unit in our plaza showing window display of merchandise and the difference in window framing structure

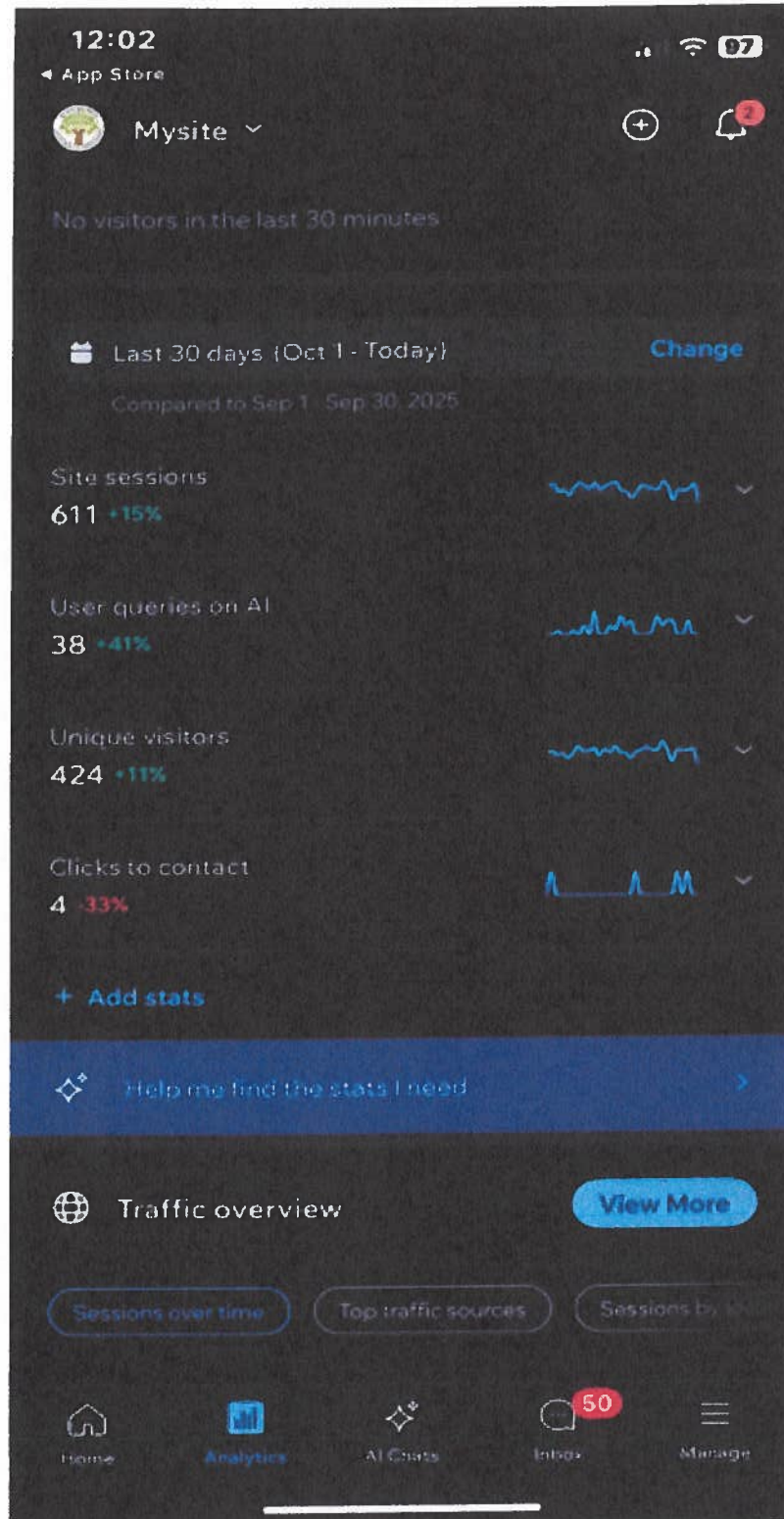
Exhibit D-1

Increased website traffic after installation of window clings



Extracted charts demonstrating increased discovery and interactions after installation.

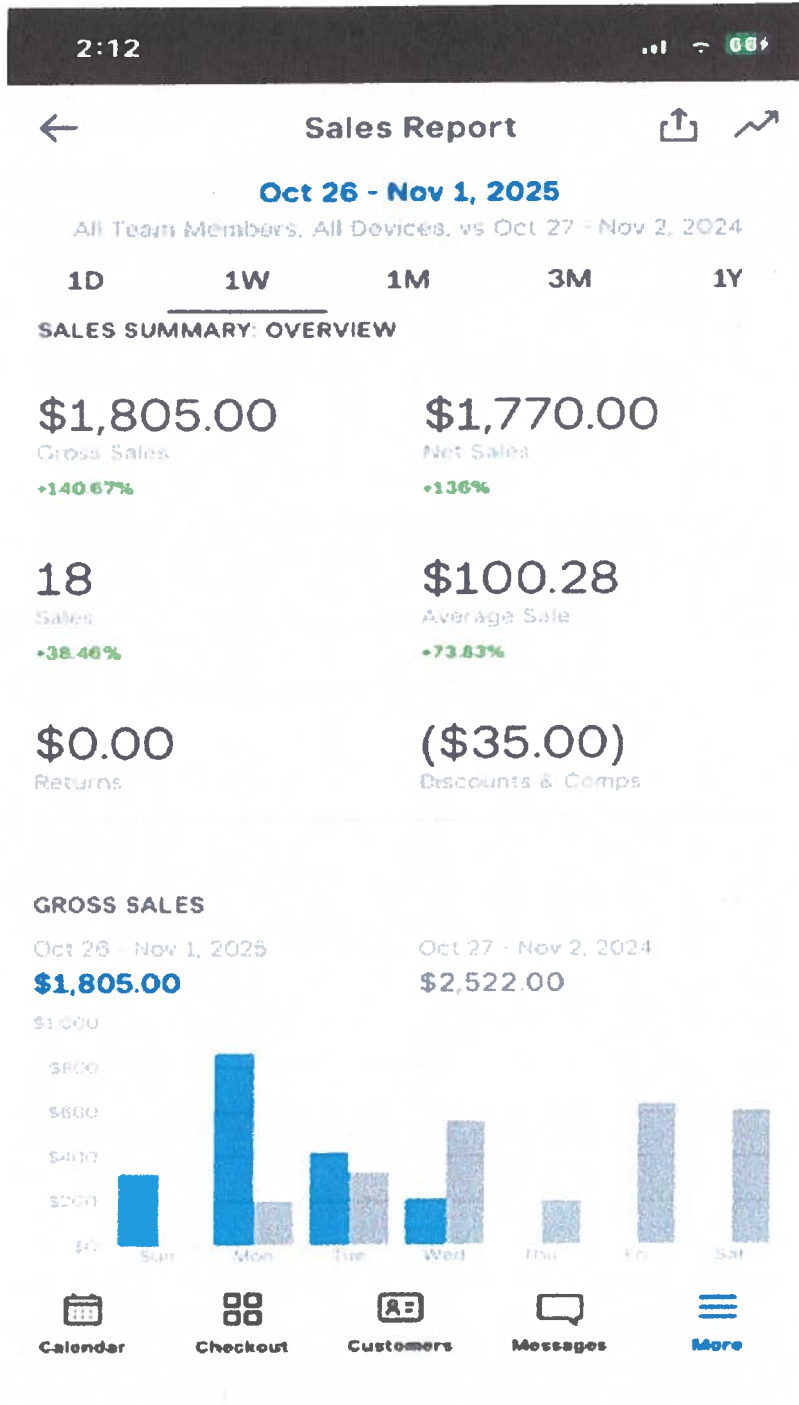
Exhibit D-2



Extracted charts demonstrating increased discovery and interactions after installation.

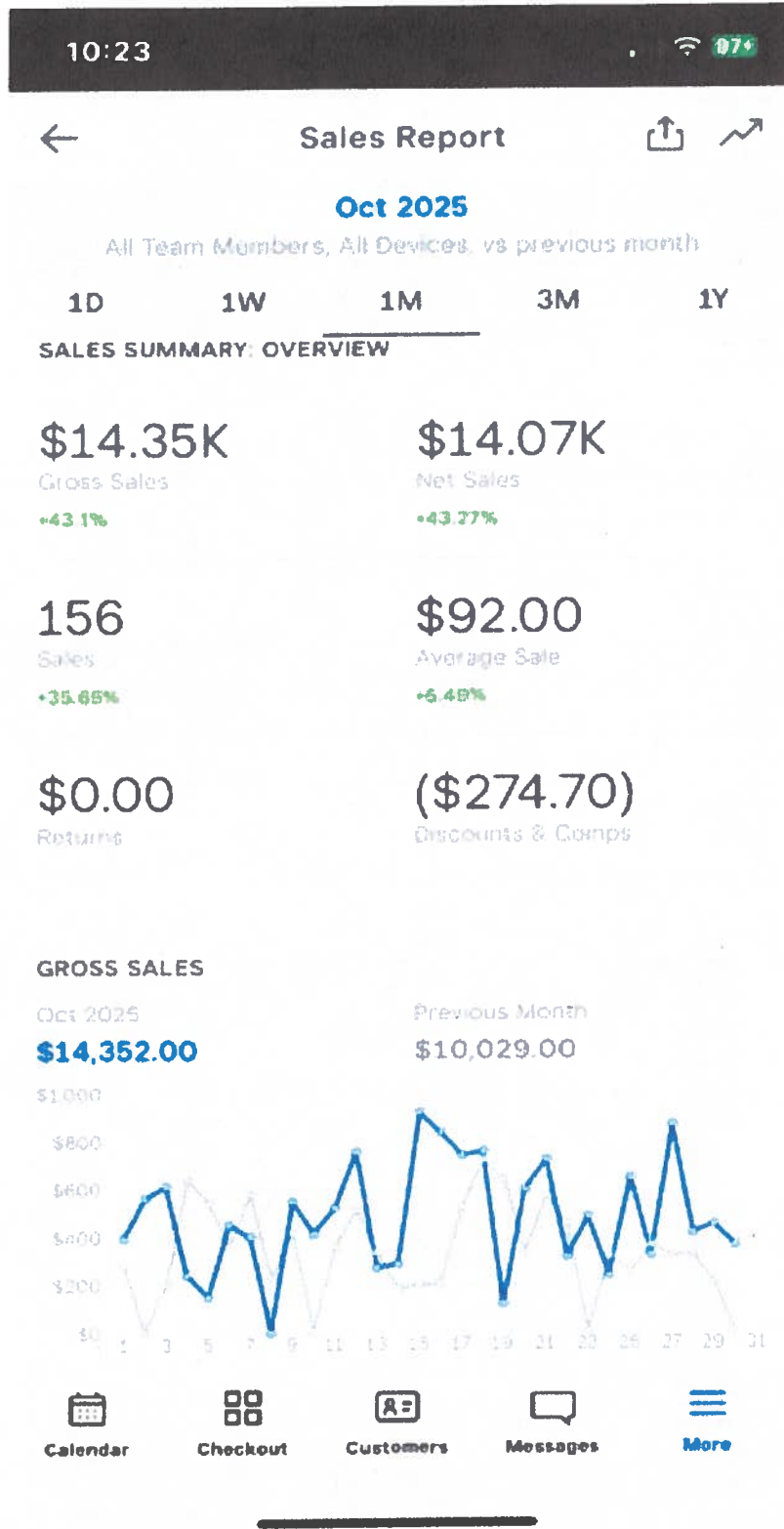
Exhibit E-1

Sales Performance Reports (Square Analytics)



Sales and booking stability improvements following installation

Exhibit E-2



Sales and booking stability improvements following installation.

Exhibit E-3

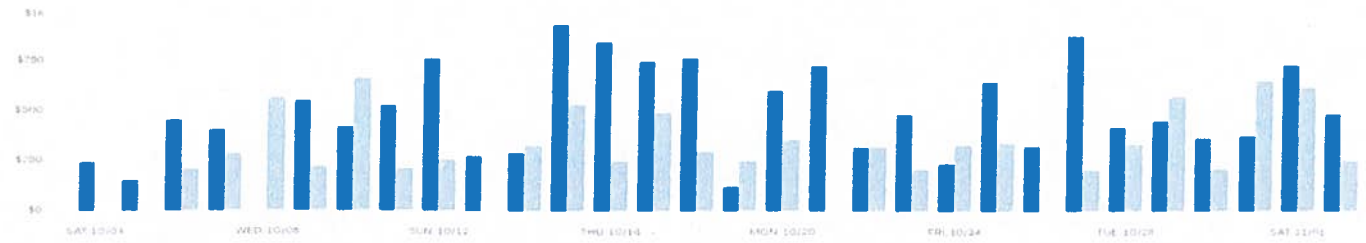
Square Sales Trends Showing Comparative Stats and Impact of Installation of Window Clings

Gross sales

Last 30 days vs Prior year Metrics 1 selected View Bar

GROSS SALES

Oct 04 - Nov 02 2025 \$14,387.00 vs Oct 05 - Nov 03 2024 \$8,884.00 ▲ 65.33%

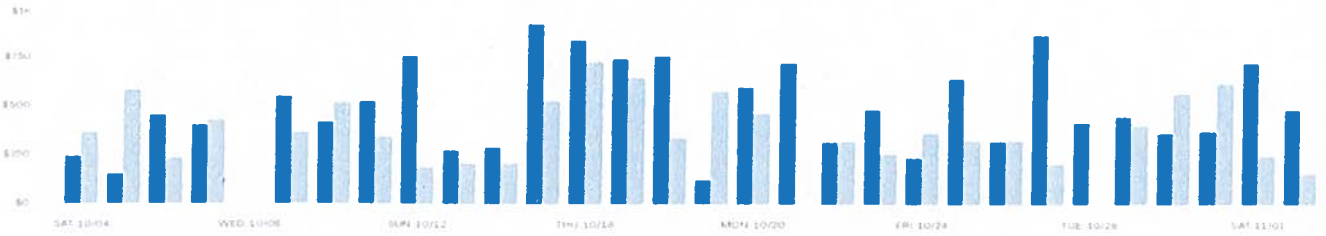


Gross sales

Last 30 days vs Same period previous month Metrics 1 selected View Bar

GROSS SALES

Oct 04 - Nov 02 2025 \$14,387.00 vs Sep 06 - Oct 04 2025 \$10,322.00 ▲ 39.09%



Gross sales

This year vs Same period previous year Metrics 1 selected View Bar

GROSS SALES

Jan 01 - Nov 02 2025 \$109,110.00 vs Jan 01 - Nov 02 2024 \$102,785.72 ▲ 6.15%

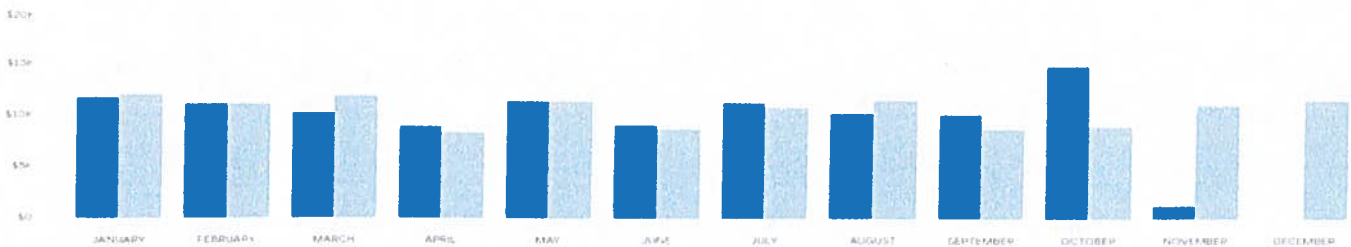


Exhibit F-1

Comparable Wellness & Massage Storefront Privacy Film (Industry Standard)



Representative storefront examples showing industry-standard privacy film usage for wellness/massage.

Exhibit F-2



Representative storefront examples showing industry-standard privacy film usage for wellness/massage.

Exhibit F-3



Representative storefront examples showing industry-standard privacy film usage for wellness/massage.

Exhibit G

Community & Business Support (To be presented at hearing)

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

Location address 33312 CENTER Ridge Rd North Ridgeville Ohio 44039

Parcel number 0700008114008 Current zoning B3

Appeal or variance (attach supporting documentation) Requesting variance for handicap ramp located approx. 2'-2 1/2' off R.O.W. Center Ridge Rd

APPLICANT/AGENT INFORMATION

Name/Company THOMAS S KELLY CENTURY TAVERN LLC

Applicant address 33312 CENTER Ridge Rd North Ridgeville Ohio 44039

Applicant phone [Redacted] Applicant email [Redacted]

PROPERTY OWNER INFORMATION

Name/Company THOMAS S KELLY

Property owner address 33256 CENTER Ridge Rd North Ridgeville Ohio 44039

Property owner phone [Redacted] Property owner email [Redacted]

AUTHORIZATION AND ACKNOWLEDGEMENT

Applicant signature [Signature] Property owner signature [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>PP22025-0398</u>	Date Received <u>RECEIVED</u>	ACTION
	Fee Paid <u>\$125.00 #1054</u>	<u>DEC 18 2025</u>	

Board of Zoning & Building Appeals Staff Report

Case PPZ2025-0398
 Property Owner Thomas Kelly
 PPN 07-00-008-114-008
 Property Address 33312 Center Ridge Road
 Zoning B-3 Highway Commercial District
 Applicant Name Thomas Kelly
 Applicant Address 33256 Center Ridge Road
 Project Accessible ramp
 Meeting Date January 22, 2026
 Report Date January 7, 2026

REQUESTED VARIANCES	CODIFIED REFERENCES
<p>1. A 12 ft. 8 in. variance from the required 50-ft front yard setback to allow construction of an access ramp for a legally nonconforming building, resulting in a minimum front setback of about 2 ft 2 in., Section 1268.04(b)(1).</p>	<p>1268.04 - Lot and yard requirements</p> <p>(b) <u>Required Yards</u>. Yards of the following widths or depths shall be provided for all permitted uses, unless otherwise permitted by this Zoning Code:</p> <p>(1) <u>Front Yards</u>. The depth of the front yard shall be not less than fifty feet. Within this front yard and adjacent to the street right of way line, there shall be an open and unobstructed buffer strip of ten feet in depth. Parking of vehicles in this buffer strip shall be prohibited. Except for accessways permitted below, such buffer strip shall contain a curb or other suitable barrier against unchanneled motor vehicle ingress and egress and shall be continuous for the entire width of the lot adjoining the street or highway right of way line.</p>
<p>2. A variance to allow an increase in the degree of noncompliance of a legally nonconforming building. The code does not permit such an enlargement or alteration, Section 1292.03(a).</p>	<p>1292.03 - Limits to modifications of nonconforming structures</p> <p>A nonconforming structure may not be moved, repaired, maintained, altered, or enlarged except as allowed by this chapter or required by law.</p> <p>(a) <u>Repair, Maintenance, Alterations, and Additions</u>. A nonconforming structure with a conforming use may be repaired, maintained, altered, or enlarged, provided that no such repair, maintenance, alteration, or enlargement shall either create any new condition of noncompliance to any standard of this zoning code, or otherwise increase the degree of the existing nonconformity of all, or any part, of such structure.</p>

Summary of Request:

The applicant proposes to construct an accessible ramp from the parking lot to the front door of Century Tavern. The building is legally nonconforming, as it does not meet the current required minimum front setback. The proposed ramp will further encroach into the front setback. Two drawings were provided by the applicant: (1) a copy of the earlier site plan that shows the building setback at 14'10" and (2) the ramp floor plans that show the building setback at 15'. The depth of the ramp and landing is 12'8", resulting in a setback between 2'2" and 2'4" from the right-of-way.

Review of Duncan Factors:

Can the property yield a reasonable return or can there be any beneficial use of the property without the variance?

The building is legally nonconforming and remains usable without the ramp; however, federal law requires ADA-compliant access for public buildings. Since opening, multiple complaints have been received regarding lack of accessibility. The variance would allow the owner to provide safe, accessible entry and fully utilize the property.

Is the variance substantial?

The requested variance results in a front setback of approximately 2 feet, which is substantial relative to the code requirement. The impact, however, is limited to a small ramp, and the variance is necessary to meet federally mandated ADA requirements.

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

The ramp is a small addition at the front of the building and is not expected to significantly alter the neighborhood character. There may be minor safety concerns for pedestrian visibility along the front yard, which can be addressed through careful ramp design.

Will the variance adversely affect the delivery of governmental services (e.g. water, sewer, garbage)?

No.

Did the property owner purchase the property with knowledge of the zoning restriction?

The owner purchased an already legally nonconforming property. The ramp is a reasonable, federally mandated improvement to provide ADA access.

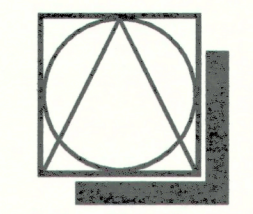
Can the property owner's predicament be precluded through some method other than a variance?

It is not clear whether an accessible ramp could be accommodated at another location on the building. The applicant has not provided information regarding alternative entrances, but the front of the building was identified as the ramp location on Planning Commission documents approved in 2024.

Would the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

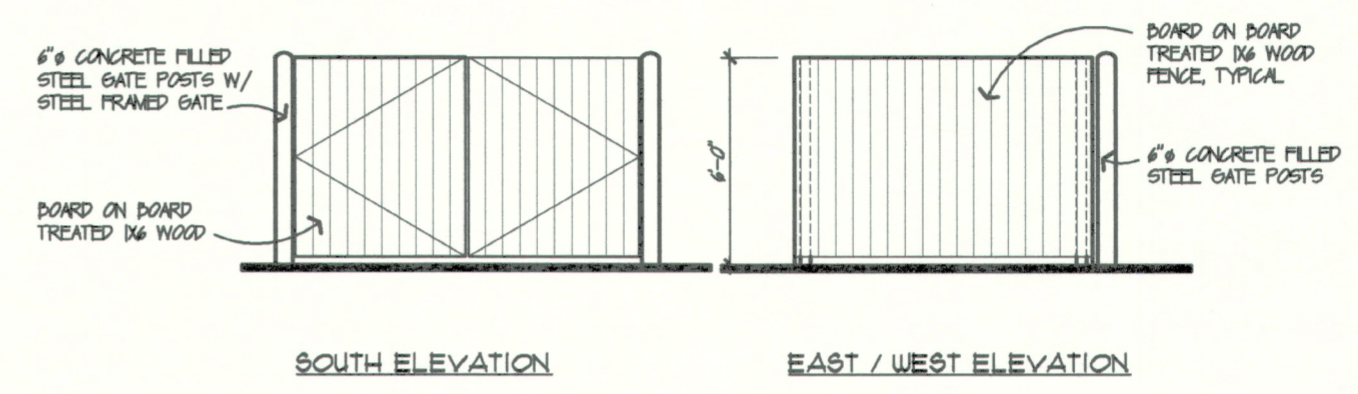
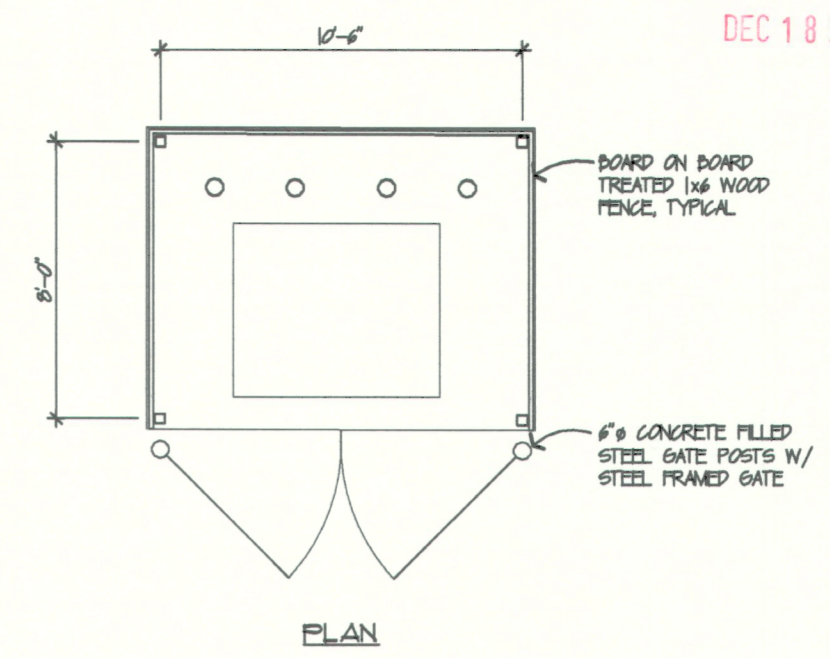
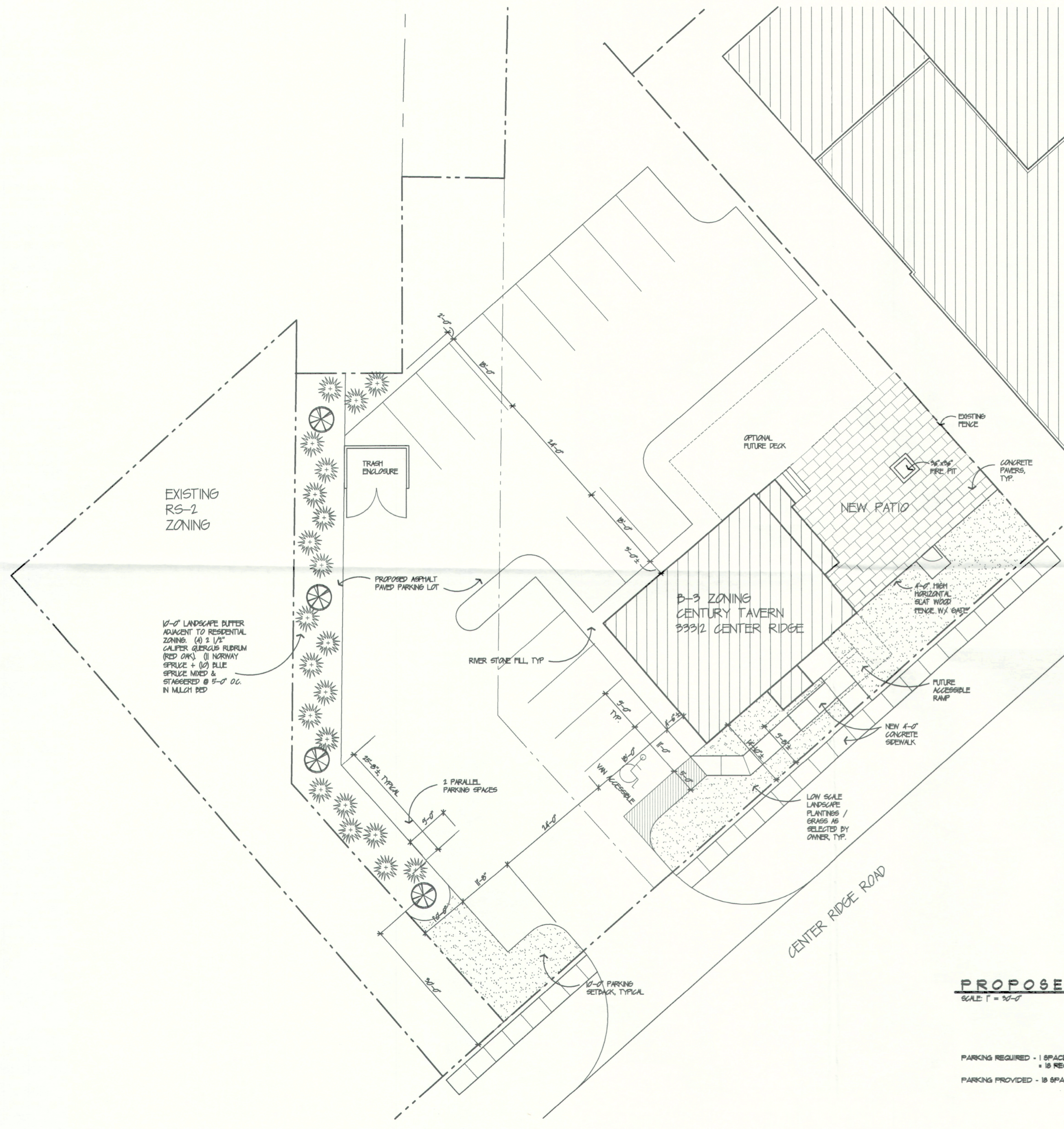
The variance allows federally required accessibility improvements while minimizing additional impact on the front yard setback. Careful ramp design can address safety and visibility concerns, preserving the intent of front yard setbacks while accommodating both practical and legal needs.

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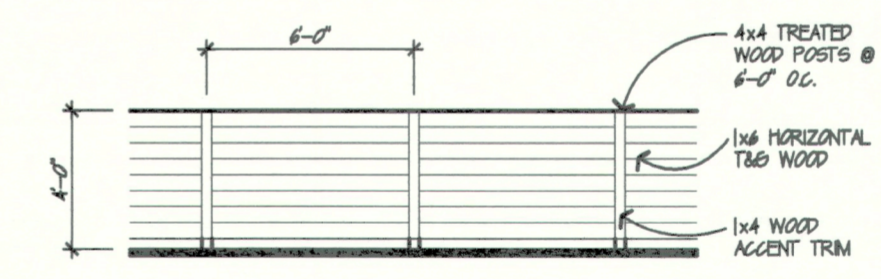
DSC ARCHITECTS
401 FRONT STREET
BEREA, OHIO 44017
PHONE: 440.835.3957
m@a@dscarchitects.com

DATE:
PRELIMINARY 08.14.24
PRELIMINARY 09.03.24



SOUTH ELEVATION EAST / WEST ELEVATION

TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"



TYPICAL PATIO FENCE
SCALE: 1/4" = 1'-0"

PROPOSED SITE PLAN
SCALE: 1" = 30'-0"



PARKING REQUIRED - 1 SPACE PER 75 SF. = 1331 / 75 SPACES = 18 REQUIRED
PARKING PROVIDED - 18 SPACES

Parking Lot Improvements for:
CENTURY TAVERN
33312 Center Ridge Road
North Ridgeville, Ohio

PRELIMINARY
NOT FOR CONSTRUCTION

DSCA PROJECT NO.
23.0120

SP-1

