

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, NOVEMBER 20, 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, Chief Building Official Guy Fursdon, Planning and Development Director Kim Lieber, Assistant Law Director Toni Morgan and Deputy Clerk of Council Tina Wieber.

MINUTES:

Regular meeting minutes of October 23, 2025

Special meeting minutes of November 6, 2025

Moved by Masterson and seconded by Toth to approve the regular meeting minutes of October 23, 2025, and the special meeting minutes of November 6, 2025.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

PLANNING COMMISSION REPORT:

Mr. Toth stated that the North Ridgeville Planning Commission took action on two items at their regularly scheduled meeting on November 12th, 2025. The first item was Ordinance 2025-110, an ordinance amending Sections 1266.0, 1268.02 and 1272.04 of the North Ridgeville Zoning Code to update use regulations for automobile service stations and gasoline stations, as amended.

This legislation was introduced by Councilman Abens in July of this year. His stated intent in proposing the ordinance was in response to the public concern expressed with the application and eventual approval of the Circle K gas station project at the corner of Root and Lorain Roads.

The legislation was initially proposed as prohibiting the establishment of a new gas station within a one-mile radius of an existing gas station, similar to the recently passed legislation prohibiting the establishment of a new car wash within a one-mile radius of an existing car wash. After thoughtful review, it was determined that the one-mile radius would excessively inhibit the opportunity to provide additional future fueling station options to our residents, especially in underserved areas of the city. In the end, Planning Commission recommended for approval by City Council an amended version of the legislation which decreases the exclusion zone from a one mile radius to a one-half mile radius from an existing service station.

The second item was Ordinance 2025-145 an ordinance providing for the renaming of Thibo Trail to

Orchard Park Drive. PC Action: The Planning Commission recommended approval of the ordinance with the condition that Orchard Park Drive start where the street bends east and that the existing dwellings with Avon Belden addresses are maintained as such on a portion of unnamed street.

In addition to these two items, Director Lieber advised the Commission on an Administrative Approval for a Certificate of Zoning Compliance for postal packing and shipping services to: The UPS Store located at 34297 Center Ridge Road (in the Giant Eagle Plaza).

OTHER REPORTS OR CORRESPONDENCE:

PUBLIC HEARINGS:

PPZ2025-0382 Andrew Bennie, 51 Cadet Drive, PPN: 07-00-022-105-014

Proposal consists of constructing a breezeway roof connecting house and detached garage. Property is zoned R-1 Residence District. Requests:

1. A 10-foot variance for setback of a detached private garage from a dwelling. Applicant shows 0 feet, code requires 10 feet, Section 1294.03(a).
2. A 164-square foot variance for area of a detached private garage. Applicant shows 840 square feet, code allows 676 square feet, Section 1294.03(d)(1).

Application was read.

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

Andrew Bennie 51 Cadet Drive, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber for her administrative review.

Director Lieber stated that the application was tabled at their last meeting, and the applicant has returned with a modified proposal. The applicant has amended the proposal involving construction of a breezeway between his existing home and the 22 by 28-foot detached garage that was permitted and constructed in 2023. She stated that the roof breezeway would be 14 feet wide and cover the approximate 16-foot gap between the structures. She explained that adding 224 square feet of roofed area to the existing 616 square foot building would bring the total garage area to 840 square feet and that exceeded the allowable size by 164 square feet. She added that also, because that breezeway in effect connected the two structures, the garage became attached to the home, which was second variance for the separation between two structures and the applicant had reduced the level of request for the area of the garage from exceeding code requirements by 40% to exceeding code requirements by 24%.

Chairwoman Masterson asked the applicant if he had anything to add since the last time he presented.

Mr. Bennie stated that he did not.

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

Member Toth stated that he had questions for the Administration. He commented that essentially what's happening is that he is tying this breezeway into his garage and his home with this plan as drawn. He asked if the applicant were to terminate his roof line, say a foot short off the garage and a foot short of

the home, he wouldn't even be there.

Chief Building Official Fursdon stated that he would still be there for a variance because an accessory structure must be 10 feet away from the dwelling, so he wouldn't meet the 10-foot requirement. He commented that he didn't know why he would separate it from the garage, but if it were an independent structure, it wouldn't be 10 feet away from the garage and it wouldn't be 10 feet away from the dwelling, so he would still be there for variances.

Member Toth asked if he would not have the opportunity to erect a trussed roof supported by posts to connect or not to connect, but to provide a roof for a walkway from the garage to the home, that would be considered an accessory structure.

Chief Building Official Fursdon stated that anything outside of the dwelling is considered an accessory structure to the property, like a shed, a garage, even a chicken coop is still considered an accessory structure to the dwelling.

Member Toth asked if it would be similar to say a gazebo.

Chief Building Official stated yes.

Chairwoman Masterson stated that the last time the applicant was before the Board, they reviewed the Duncan factors and stated that she understood the need for wanting to be able to go from his garage to his house and not get wet. She indicated that she appreciated the fact that he decreased his variance request from 40% to 24%. She stated that he had a very unique property and didn't have a lot of other options as to where it could go and thought he had done a good job in his presentation. She asked if anyone from the administration had any comments, concerns or questions.

Council Liaison Winkle stated that he thought one of the things they needed to make sure of was that the integrity and character of the neighborhoods were considered and that the breezeway really wouldn't be that visible from the street.

Assistant Law Director Morgan stated that she agreed with the point that was just made by Mr. Winkle that it was not going to be visible at all from the street.

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

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 – 5 No – 0

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. A variance for window signs occupying 100% of a window area, code allows 50%, Section 1286.11(b)(1).

Application was read.

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

Denise Bittner, Body Remedy Massage & Wellness LLC, 7079 Belden Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber for her administrative review.

Director Lieber explained that the applicant operated a massage establishment and one of the units of a multi-tenant commercial building on Avon Belden Road. She stated that the City's zoning inspector had observed that window signage had been installed recently, completely occupying the four west facing storefront windows of that unit and that the zoning code allows for 50% coverage by window signs. She indicated that a notice of zoning violation was issued and the applicant was seeking a variance as a means to remedy that violation. For purposes of that review, the four west-facing windowpanes comprising that storefront system were considered one window area, while the north facing windows that approached that front door to the business were considered a separate window area. She mentioned that although the storefront glazing wrapped around the corner, the change in building plan constituted an architectural separation, so in looking at the definition of window area, window area separated by piers architectural, columns or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. She stated that in this case, the determination was made that those four windows were one window area, therefore, the signs constituted 100% coverage.

Chairwoman Masterson asked the Ms. Bittner to present her application.

Ms. Bittner stated that she had not realized the two side sections of the window were being considered as part of the overall coverage until this meeting. She explained that she believed the current window coverings constituted 80% coverage. She noted that she had been in business since 2018 on Center Ridge Road and originally selected her previous location because of its visibility near the stoplight at the Marathon station; however, when the road expansion removed the stoplight, they lost visibility and traffic.

She stated that she began searching for a new space with better visibility and came across the current unit by chance after noticing a large "For Rent" sign in the window. The unit was twice the size of her former location, allowing room for expansion. She added that North Ridgeville Eye Care had occupied the location for eight years and had similar window coverings, which led her to assume her business would be permitted to use the windows in the same way.

Ms. Bittner explained that the images on the window serve as coverings because the space behind them is an active massage treatment room, where light, sound, and temperature control are necessary. They also intended the coverings to serve a dual purpose as signage. She noted the difficulty of designing signage due to the window being divided into four sections and mentioned that attempts to place her previous unit's logo looked awkward. She stated that she believed the current design was tasteful,

professional, and impactful, consistent with what is typically used in similar businesses, and that they had received many compliments.

She stated that she was unaware of the ordinance until receiving a phone call and violation notice. She expressed hope that the business would be allowed to keep the coverings, reiterating her belief that they represented 80% coverage because the two side panels appeared architecturally separated by the same framework. She acknowledged that based on the City's interpretation, the coverage may be considered 100%.

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

Director Lieber stated that she wanted to add one more comment because it was pointed out that there had been signage in that window prior, so she went on a bit of a fact-finding mission to see if she could find any evidence of a permit or approval for that. She said, as they were aware the sign ordinance was updated in 2023 and so was in effect. And this was when this business moved in, but before that, she thought perhaps they didn't have rules on the books regarding that, governing that same factor. But in fact, limitations on window signage also existed in the version of the zoning code that was previously in effect. She had asked Ms. Wieber to go back into the records in the minutes of BZBA to look up that unit and to see if there had been any variances granted for that location and she did not turn up any. She commented that there may very well have been signage at the location in the past, but it wouldn't have been signage that had been permitted, issued a permit for that was more compliant with the code at the time, so likely it just kind of flew under the radar and hadn't been noticed by city staff.

Chairwoman Masterson stated that in the past, due to staffing, it would have only been addressed if somebody complained and asked if this time the zoning inspector noticed it and that was how the complaint came about.

Director Lieber stated that that was correct.

Mr. Toth stated that Director Lieber's comments brought something to mind and asked if one would be permitted to put a translucent like frosting film over 100% of the window.

Director Lieber stated that there were probably a variety of different things that could be done and that a film could be one option. She mentioned that it could get a little tricky when thinking about what signage is and what is an architectural feature of the building. She explained that obviously if you have graphics or words that's signage, something opaque or that could be shades or some kind of tinting like that, if it retains the character as a window, then those would be perfectly acceptable. She indicated that the grey area might happen if for example there was a T-Mobile store and they had windows and they decided to put hot pink over all their front windows, which is their brand color and is more designed to be part of their brand, designed to be more signage. She stated that there were options there but that they just had to make sure it fell on the side of architecture and not on the side of signage.

Member Toth noted that the applicant stated she needed to control temperature and light through the windows for one of her treatment areas. He said he was comparing her request to the former North Ridgeville Eye Care signage. Drawing on his graphics background, he explained that their signage consisted of simple line-type lettering with their name and vision source, whereas the applicant's proposal involved four full-color illustrations that fully blacked out the windows.

He asked whether she would be permitted to use an opaque film to control light and temperature, and then add line-type signage similar to what North Ridgeville Eye Care had used. He added that, viewed from that perspective, the previous North Ridgeville Eye Care signage may have been compliant at the time because only the lettering itself would have counted as signage if the background covering was permitted.

Chairwoman Masterson commented that they were pictures and they didn't have the business name. She stated that she saw that Body Remedy, Massage and Wellness was on the top and then there was the little medallion sign, and asked if those were both permitted.

Director Lieber said that they were.

Chairwoman Masterson asked if they obtained permits for those.

Director Lieber stated that she believed that was the case, but she wanted to caution the Board that when looking at signage, they needed to be content neutral and could not look at the message. She explained that it could be a combination of graphics and colors and patterns and words but that was expressly something that they were cautioned not to discuss was the content of the sign as that runs afoul of case law that went before the US Supreme Court and in *Reed versus Town of Gilbert* it explicitly says you cannot look at the content of the sign in order to make determinations about how to classify it and she encouraged the Board not to look at or discuss elements of the graphics or words, et cetera, and just look at the area that was being covered.

Chairwoman Masterson asked if she was telling her that images were constituting the sign.

Director Lieber stated that that was correct.

Chairwoman Masterson continued and it didn't matter if there were words or no words and they were not allowed to take that into consideration at all.

Director Lieber commented that that was correct.

Assistant Law Director Morgan stated from a legal standpoint, words convey speech, as well as even dance is considered speech for purposes of a legal analysis. She added that whether it's the words like "I care" or whether it's a picture of someone getting a massage, those are equal.

Member Cain asked if they could go through non-see-through tinting to achieve the same result and it wouldn't be considered a sign, just because it would be a blackout color and asked if that was correct.

Director Lieber stated that that was correct.

Member Cain stated that that would just be his thought or suggestion to help them get into that percentage that they needed to be into.

Ms. Bittner commented that regarding the tinting, when a person was in a room and they were getting undressed, if the windows were tinted so you can't see in, but they could see out, that made them feel uncomfortable. She said it was the same thing with their door and that they had black curtains

temporarily on the door, because if someone's walking down the hall or leaves the room to go to use the restroom, they were in bathrobes.

Member Cain stated that he believed they made a film for both sides for windows for that reason.

Ms. Bittner stated that they did but the hard part was also being able to put signage up as well as protective film or covering for privacy was kind of tricky. She mentioned that she had been trying and it took her months to figure out even what would be something that she could use for dual purposes. She said that it was also a covering, but it was also kind of like signage so people could identify them because their main entrance was in the rear and they had been having a lot of trouble with people seeing them and knowing where to go.

Mr. Cain stated that using that other film with what they had, they could shrink what they had. They could still purvey their message and still get into their percentage with a different covering by doing the math he commented that that was just his thought.

Ms. Bittner stated that for clarification, the two side windows that were divided by the frame were not included in the area and asked if that was correct.

Director Lieber stated that they were a separate window area.

Chairwoman Masterson stated that what Director Lieber stated was that it was considered a different part.

Ms. Bittner commented that because if it was, then the images would have to be shrunk down to the point that she didn't think they would be viewable from the street, which was obviously the point of renting the unit. She stated that that was her concern with the area if it was only those four windows.

Chairwoman Masterson stated that for clarification purposes the Board was looking at just the sign issue and being able to see in and out, while she understood that was very important to the applicant, was really not something that the Board could consider. She explained that the Board was just looking at the area and according to the way that Director Lieber and the Planning Department had determined the variance request, she may have asked for an 80% variance, but it was a 100% variance. She asked if there was anyone in the audience that wanted to speak on behalf of the matter.

Holly Swank, 36259 Center Ridge Road, North Ridgeville, OH 44039, was sworn in.

Ms. Swenk stated that she was a North Ridgeville Eye Care patient when they moved into that building and that the front room was an exam room and the signage that was there, it covered the inside and the outside. She stated that she understood that they probably didn't get caught and they probably didn't get a variance, but her question was if the variance was granted, did it go with the building itself or did it stay with the business.

Chairwoman Masterson replied that it stayed with the building.

Ms. Swenk stated that she didn't know the massage place was there until she turned the corner and saw the signs. She mentioned that she didn't think the pictures were in bad taste and she knew that they

weren't supposed to talk about the pictures, but she just felt like it would be another expense for her to incur moving into the unit and having those big signs prior to being there. She stated that she knew ignorance was 1/10th of the law, but she advocated for the Board to grant it. She said that she did believe the building, if the Board granted the variance, she believed that the building if sold would probably be sold to the city, so then it wouldn't be an issue. She added that she they needed to do what they could to keep businesses in North Ridgeville.

Chairwoman Masterson asked if there was anyone else who wished to speak on the matter.

John Borden, 40182 Biggs Rd, Lagrange, OH 40182, was sworn in.

Mr. Borden stated that he understood what they were saying with the covering and he knew it was in their packets but he wanted to reiterate that as soon as they added the pictures, the uptick in clientele kicked up tremendously and as a small business owner and part owner, that was a huge thing. He added that he didn't think it was in bad taste and that they could go around and look at all the other the chain massage businesses and they did the same thing with all of those locations, with those pictures and those clings. He said that it was normal and not abnormal. He mentioned that the other thing he just didn't understand was what was meant by those two windows not being part of the front window because they're separated by the same frame, the exact same frame as the front and that they weren't separated like architecturally.

Chairwoman Masterson stated that just like a building, the front is the front, and the side is the side.

Director Lieber stated that when the building has turns and angles or if a building had glass all the way around for example, you wouldn't say that the front and the back, just because it was glass all the way around, was the same window area. She explained that when there's a 90 degree bend in the building, that became an architectural element where the building itself has changed in orientation and footprint. She stated that if that little area was popped out parallel to those windows, it would be the same window area, but it wasn't.

Mr. Borden commented that it was more perpendicular.

Chairwoman Masterson asked if anyone else had any questions or comments.

None were given.

Chairwoman Masterson stated that she really didn't like large variances and a 100% variance was a really large variance for her to try to justify. She said that she understood that there was a sign in there in the past, but it looked like it wasn't legal.

Council Liaison Winkel stated that he agreed with the comments that the pictures seem pretty common with that type of business but asked Assistant Law Director Morgan if it was possible for the variance to be tied to the business permit, the business application that they would file with the city that was required for the use permit.

Assistant Law Director Morgan stated that while such an approach was possible, it was generally discouraged due to the difficulty of monitoring it once implemented. She added that she would not

encourage it. She agreed with the Chairwoman that this was a very large variance request and clarified that the ordinance is content-neutral, meaning the Board only needed to consider square footage, not the content of the signage.

Chairwoman Masterson asked the applicant if it was possible to table the application and then they came back next month with another solution because she had a hard time when someone was asking for a 100% variance. She explained that once the Board made their determination, any appeal to their decision would have to go through Common Pleas Court. She stated that they had the option of withdrawing the application or tabling it or they could take a vote.

Ms. Bittner asked if she would be in violation and would have to remove anything during that process or would they just be waiting until she proposed new ideas.

Chairwoman Masterson stated that in the meantime, it would be allowed to stay the way it was until the matter was resolved.

Ms. Bittner stated that they could definitely test different things and table the application. She remarked that it was an additional expense and that they had paid \$600 for the signs.

Chairwoman Masterson stated that she understood and appreciated small businesses, but she was asking for a 100% variance and that sets precedent. She added that while yes, she did go through expense, the other aspect was that she should have checked with the city if there were any rules and regulations. She explained that she had two options, the Board could continue on and she could ask for a vote or they could table it and she could come up with some other solutions that were not such a large variance request.

Ms. Bittner stated that that sounded good.

Chairwoman Masterson asked if they were going to table the application.

Ms. Bittner stated that that was correct.

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

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

ADJOURNMENT:

The meeting was adjourned at 7:39 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, December 18, 2025
Date Approved