

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, JANUARY 22, 2026**

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, Paul Graupmann and Linda Masterson.

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

ELECTION OF OFFICERS:

Chairman

Member Masterson opened the floor for nominations for Chairperson.

Member Graupmann nominated Linda Masterson for Chairperson and it was seconded by Cain.

No other nominations were given.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Vice-Chairman

Member Masterson opened the floor for nominations for Vice-Chairperson. She nominated Paul Graupmann for Vice-Chairperson and it was seconded by Toth.

No other nominations were given.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Secretary

Member Masterson opened the floor for nominations for Secretary. She nominated Tina Wieber for Secretary and it was seconded by Cain.

No other nominations were given.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Board of Flood and Drainage Control Liaison

Member Masterson opened the floor for nominations for Board of Flood and Drainage Control Liaison. She nominated Brad Weaver for Board of Flood and Drainage Control Liaison and it was seconded by Graupmann.

No other nominations were given.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Alternate Board of Flood and Drainage Control Liaison

Member Masterson opened the floor for nominations for Alternate Board of Flood and Drainage Control Liaison. She nominated James Cain for Alternate Board of Flood and Drainage Control Liaison and it was seconded by Graupmann.

No other nominations were given.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

MINUTES:

Regular meeting minutes of December 18, 2025

Moved by Masterson and seconded by Toth to approve the regular meeting minutes of December 18, 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 one item at the regularly scheduled meeting on January 13th, 2026.

Ordinance 2025-159, an ordinance vacating a portion of Aspen Street, PC Action: Recommended for Approval to City Council with an amendment striking Section 2, by unanimous vote of the Commission.

In addition to this action, the Commission was informed by Director Lieber of two administrative approvals for new businesses in North Ridgeville. The first was to Bear Beauty Bar, 35836 Center Ridge Rd. Suite 103, approval of certificate of zoning compliance for esthetician, skin care, waxing, eyebrows and eyelashes and the second was to Sahara Glow, 35836 Center Ridge Rd. Suite 103, approval of certificate of zoning compliance for spray tanning. These two businesses will share the same address

while operating as separate entities. We wish to welcome them to North Ridgeville and wish them well.

The next Planning Commission meeting is scheduled for February 10th, 2026.

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).

Application was read.

Assistant Law Director Morgan requested that the Board consider the appeal first and then based on the outcome of the appeal, that they could consider the variance second and separately.

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

Denise Bittner, 2181 Julia Ave, Avon, Ohio, was sworn in.

Chairwoman Masterson asked Director Lieber for her administrative review.

Director Lieber stated that this matter was tabled at the November meeting. The agenda item requested a variance for 100% window sign coverage; however, during and following that meeting, it became clear that the applicant was not only seeking a variance for window sign coverage but was also disputing the interpretation that resulted in the determination of 100% coverage.

She explained that, for this reason, the Assistant Law Director requested that the Board first consider the appeal of the interpretation, as that determination would directly affect what, if any, variance would be required for the business.

Director Lieber stated that, for purposes of administering the sign code, she interpreted the four west-facing storefront windowpanes as a single window area. The code permits window signage but limits coverage to no more than 50% of the window area. The ordinance further provides that window areas separated by piers, architectural elements, or similar features that are not glass, window framing, or structural supports are to be considered separate and distinct window areas. She noted that this would include mullions or other structural elements that create separate windowpanes within the same storefront system.

In this case, the storefront glazing changes direction at a recessed front entrance, resulting in west-facing storefront windows and north-facing windows along the approach to the front door. She indicated that the front door is the primary entrance for the business and that each façade is aligned on a different plane. The windows are not contiguous and do not all face the same direction.

Director Lieber stated that she considered this change in plane to be part of the building's architectural design and wall configuration, rather than a feature of the window framing. She distinguished the design from a bay window, noting that a bay window projects outward from the face of a building, whereas this design involves a recessed entrance created by the building's architecture.

Based on this analysis, she determined that the west-facing storefront windows and the north-facing entry windows constitute separate window areas. The applicant's proposal shows full coverage of the west-facing windows and no coverage of the north-facing windows. Under her interpretation, the proposal requires a variance for 100% window coverage. The applicant contends that the north-facing windows should be included in the total window area, which would reduce the level of variance requested.

Director Lieber also referenced a section of the code governing sign area calculations, which states that sign area includes the signed copy and any background panel, cabinet, or surface that is distinctively painted, textured, lighted, or constructed to serve as a background for the sign. The design area must be calculated using the smallest permitted shape that encompasses the extreme limits of that background.

She stated that the applicant revised the signage design to include a black border around the proposed graphics. However, based on the code and illustrative examples within the sign ordinance, she determined that the border must be included in the sign area calculation and does not reduce the overall amount of signage proposed.

Director Lieber concluded that, under her interpretation, the west-facing windows constitute a single window area and the proposal represents 100% window coverage. She stated that this interpretation is the subject of the appeal the Board would hear first from the applicant.

Assistant Law Director Morgan stated that there were several considerations she wished the Board to keep in mind when making its determination on the appeal, all of which are based on the City's ordinances.

She directed the Board's attention to Section 1242.01(B) of the Administration Chapter, which states that the Planning and Economic Development Director is responsible for interpreting the requirements of the Code based on a common understanding of the terms, except where case law provides otherwise. She explained that if such a determination were appealed to a court, the standard of review would be whether the decision was arbitrary, capricious, inconsistent with the law, or unreasonable. She noted that this is a high standard and that a decision would not be overturned unless it was clearly unreasonable.

Assistant Law Director Morgan reiterated that Section 1242.01 grants the Planning Director the authority to interpret the requirements of the Code.

She further referenced Chapter 1286, which provides guidance on façade measurements. While those provisions apply specifically to width calculations, she stated that they may also be relevant to the circumstances under consideration. That section indicates that, when calculating permitted sign area, the façade should be viewed straight on, regardless of façade insets, offsets, or angles.

She stated that while this provision may not apply in every case, it is likely applicable in this instance and should be considered by the Board when making its decision.

Chairwoman Masterson asked the applicant to discuss her application.

Ms. Bittner commented that her interpretation was correct as far as how they were looking at it. She asked if she was saying that the black outline around it was going to count as picture. As discussed previously, if she tinted around the photos, would that also count as signage, the tinting of the window.

Director Lieber stated that if it's like a curtain, a window covering, tinted glass, that does not count.

Ms. Bittner said that in the pictures she wasn't sure if it was represented 100%, but it was kind of a window tinting around. She said it was a representation of what it would be on the outside if that's acceptable for that. That's also something that they were thinking to do, not black.

Director Lieber stated that she just read that it would be a border around the perimeter and it just looked like kind of the backdrop for signage. So not maybe understanding if it was like the glass was tinted but she would say that tinted glass would be a distinction.

Ms. Bittner commented that the black in the middle framing was just to make the black and the middle there, we didn't calculate that towards the area that we took off, that was just to make the picture blend or the frame of the window is silver and I just thought it would look silly if we didn't blend it in, so just a couple distinctions.

She stated that regarding the interpretation part Exhibit H was just something that came up right down the street and seemed to be the similar coverings for additional precedent. She commented on the picture and stated that she believed the three windowpanes to the left, according to the interpretation that she was given for her my window, would be considered one window and those were 100% covered.

Chairwoman Masterson asked Director Lieber if she wanted to address that.

Director Lieber stated that when items come to our attention as other businesses might have non-compliant signage, we do refer those to our zoning inspector, and he does follow up on those items.

Chairwoman Masterson asked if he had followed up on this instance.

Director Lieber stated that he had.

Chairwoman Masterson commented that because to be clear the Zoning Inspector is the person who lodged the complaint originally. It wasn't based on him driving down the road and noticing it, is what the Board was told.

Director Lieber stated that the Zoning Inspector doesn't complain but he does note situations of non-compliance, which I know he noticed that situation of non-compliance of the applicant and this particular one he noticed also McDonald's and some other businesses. So, he does the best job he can going around and observing.

Chairwoman Masterson commented so the applicant wasn't the only person, she was just the only person up in front of us.

Director Lieber stated that was correct. She said she didn't know if he had issued other notices of violation or if he's found property owners to be cooperative in removing signage, but it's possible he has issued other notices. She was just not specifically aware if a notice was issued for this building but was aware that he did talk to the owner about compliance.

Chairwoman Masterson asked if Mr. Fursdon would know the answer to the question.

Chief Building Official Fursdon stated that he believed he's notified two other businesses that he was 'm aware of, the one in the picture, as a matter of fact, when he was removing part of his signage, he actually broke one of his windows, so he has to replace that, and he believed that he also inquired at the McDonald's next door about getting concessions.

Chairwoman Masterson asked if the signs were coming down.

Chief Building Official Fursdon stated that was correct.

Ms. Bittner stated that, as shown in Exhibit I, the code specifies that sign area calculations are to be viewed at a 90-degree angle, regardless of façade insets, offsets, or angles. She noted that this provision applies specifically to calculating sign area.

She explained that the configuration in question resembles a bay window but extends from a brick wall on one side and is therefore not a true bay window, as illustrated on the following page of the exhibit depicting the specific storefront design. She stated that the angle on the side is not 90 degrees but 45 degrees and is divided only by window framing, with no intervening architectural elements that would make it a separate window area.

Ms. Bittner stated that the side window was not covered, not due to code requirements, but because they were unaware of the code interpretation at the time. She noted that she had intended to use that window for menus and service information and expressed that she was glad she had not proceeded further.

She referenced page 23 of the exhibits, which shows artwork and window framing along the side, indicating that the framing is continuous and wraps around the window before turning at a 45-degree angle. She stated that the side window is visible from the intersection of Route 83 and partially visible when standing in front of the building, though not to the same extent as the four front-facing panels.

Ms. Bittner further stated that, in reviewing the sign area calculations, the highlighted portion of the next exhibit—identified as Exhibit 21—addresses window signs and provides that window areas separated by piers, architectural elements, or similar features that are not glass, window framing, or structural supports shall be considered separate and distinct window areas. She stated that her focus was on the phrase “shall not,” noting that even if the angle were considered an architectural element, it is part of the window design and not an architectural feature separate from the glass or window framing.

She concluded that, under her interpretation, the angled window should be included in the total window area calculation, and that this interpretation forms the basis of the appeal.

Chairwoman Masterson asked if there was anybody in the audience that wished to speak on behalf of this matter.

John Borden, 40182 Biggs Rd, Lagrange, OH 44050, was sworn in.

Mr. Borden stated that, in reviewing the interpretation of the code, he believed the plain meaning of the language was critical. He referenced the provision stating that “window areas separated by piers, architectural elements, or similar features” are to be considered separate window areas, and noted that, in his view, separation requires the window framing to be divided by an architectural element. While a window may be part of an architectural element, he stated that the window itself is not separated by an architectural element in this case.

He further noted that the code later specifies that qualifying features are those “not glass or window framing,” which, in his interpretation, indicates that the windows in question constitute a single window area under the code. He stated that he was interpreting the language based on its plain English meaning and did not understand how it could reasonably be interpreted otherwise.

Mr. Borden stated that he had spent considerable time reviewing the code and consulting with others in the trade, including engineers, and that none shared the alternative interpretation. While he acknowledged that those individuals were not present to provide testimony, he reiterated his disagreement with the determination that the windows should be considered separate window areas solely because they face different directions.

He further stated that the only example provided involved a square building with glass on multiple sides, where each side is considered a separate window area. He noted that this example does not reflect the situation at hand and described it as an inadequate comparison.

Chairwoman Masterson asked if any of the Board members have any comments, questions or concerns?

Director Lieber stated that she had one additional point of clarification. She noted that some discussion in the submitted materials referenced façade measurements and included drawings illustrating straight and angled façades.

She explained that the cited section of the code addresses façade measurement and provides guidance on how to measure the width of a building or building unit when sign area is based on façade width. She stated that this section is not applicable in this case because the amount of permitted window signage is not calculated based on façade width, but rather on a percentage of window area, specifically 50% of the window area.

Director Lieber stated that, as a result, the referenced illustration has no relevance to the window sign calculation under review. She explained that the façade measurement provisions apply to wall signs, where sign area is calculated based on the width of a building unit and requires viewing the façade straight on, without accounting for building insets, offsets, or variations in plane.

She concluded that this method of measurement does not apply to window signs and that, in her opinion, the argument relying on façade width measurement is not relevant to the issue before the Board.

Chairwoman Masterson stated that everything she had researched in regard to Bay windows, it was very specific and as much as I would love to see this as a Bay window. I don't see that. The building's a very simple building and I just don't see a way to determine that as being a Bay window and that was her area of concern. She asked if any other Board members had any comments, questions, or concerns.

Planning Commission Liaison Toth stated that he wanted to just step back a second and look at the Ordinance 607-2023 with the descriptor stating that based on viewing the facade from a 90° angle, IE straight on, regardless of façade, inserts, offsets or angles, the appellant here has given us numerous photographs here and I would like to just point out to the Board members that Exhibit J, Exhibit K, Exhibit L and Exhibit 1A do not show the north facing windows, these photographs appear to be taken straight on to the building and you do not see those other windows that are facing to the north.

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

Member Weaver stated that he wanted to add that to read into the next part of this is regardless of façade, offsets or angles, just because you can't see the north facing window doesn't mean, to him, that you're excluding that, as he was reading it in the in the code. So, I would say that the north facing window and the window when you look at it on the 90° is all-encompassing of the entire window as it reads in the code, so to him it's the north facing window and the west facing window were all one window as it reads in that code that you're referring to as it says, regardless of insets, offsets or angles, that being an angle from straight on. He said that while you might not be able to see that north facing window, it's still part of the angle, so to him, it's all one.

Director Lieber stated that she heard two members of the Board relying on that section coming to different conclusions and wanted to point out again that that section was about how to calculate facade width when the facade width was the factor of calculating sign area. She stated that it was not related to anything other than how to determine what that width was and did not relate to window signs.

Chairwoman Masterson asked if there was anybody else that wanted to speak on the matter.

Holly Swenk, 36259 Center Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Ms. Swenk asked if the bottom left window is broken, how many windows would they have to replace, one or all of it. She mentioned that she had been in that building because her eye doctor was in that building, but she didn't recall the inside. She stated she was curious; would it be one whole window they would have to replace or all different panes.

Member Cain stated that it had been his experience in construction that those were four separate panes, all held in place by that grid frame in the middle of it. That it was not one giant piece of glass but four separate window panes.

Ms. Swenk stated that she thought that it was an older building and why they designed it like that none of them would ever know. She said that it didn't make sense to her to hound a business that is in North Ridgeville, a small business, when they already struggled to stay afloat and give them this interpretation or that interpretation. She commented that perhaps we need to relook at the ordinance to make it clearer but why throw business out of the city if they want to be here.

Chairwoman Masterson asked if there were any other comments, questions or concerns. None were given.

Assistant Law Director Morgan stated that she thought some of the arguments that the Board was hearing might go more to the second issue that they were going to vote on. She stated that if they wanted to vote on the appeal issue when they were ready, then that motion would be whether or not to accept the interpretation of the Planning Director or not, whether it's correctly decided. And then after they made that decision, then they knew what variance they were looking at, and then they could decide whether to grant or not grant a variance.

Chairwoman Masterson commented that this was not an easy one and could see it was a compelling argument for the business owner, however, she did think Director Lieber did a good job interpreting the code.

Moved by Masterson and seconded by Cain to uphold Planning and Development Director Lieber's Interpretation of the Code.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Chairwoman Masterson commented that they would now move on to the second request.

Assistant Law Director Morgan stated that now both sides can make their arguments as to what the variance amount needed to be and how far you can go.

Director Lieber stated that she would just request some clarification from the applicant about if they're proposing tinted glass, which would not count towards sign area, what version they would be choosing. She discussed that they had shared some different options in the packet and she wasn't sure as to which one they were proposing for the Board's consideration because then the Board would need to determine how much of the areas were tinted glass and subtract that from 100% to come up with the variance.

Mr. Borden stated that they gave the Board three options of a four-inch border up to a seven-inch border and preferred the four-inch border. He stated that they would adjust the pictures in, shrink them down and then put tinted glass on the outside. He mentioned that he just looked at the options with the sign company.

Chairwoman Masterson stated that they were going from a total of 100% coverage previously and asked if that was correct.

Assistant Law Director Morgan stated that 50% was allowed.

Chairwoman Masterson commented that the variance that they're asking for was going off of 100%.

Assistant Law Director Morgan stated that 50% was given, so it would be anything above the 50%.

Mr. Borden stated that the four inches would be a 36% variance. He added that if they did a six-inch

border, it would be a 29% variance and then if they did a 7-inch border, it would be a 26% variance. He stated that they were at 80% before asking for a 30% variance.

Assistant Law Director Morgan stated that he had to let them know which one.

Mr. Borden stated that they didn't want it to look bad, so he thought going to 7 inches was going to really shrink it down and it would be hard to see from the street. He said six inches, that they would do the 29% variance.

Ms. Bittner commented that maybe they could meet in the middle.

Chairwoman Masterson asked which one they were going with?

Mr. Borden stated that they would be going with the 29% variance. He explained that they would put a six-inch border around the whole outside of the pictures. He said that he would shrink the pictures down, bring them in towards the middle a little bit, center them towards the middle a little bit, and then it would have a six-inch border on the outside of the tinted glass.

Director Lieber commented that just to confirm that that's based upon just the west windows.

Mr. Borden stated that was not included, correct.

Director Lieber stated that then the requested variance was an additional 29% window coverage for a total of 79% window coverage.

Chief Building Official Fursdon stated that he had a question for clarification regarding the number 12,696, that that was just the west window.

Mr. Borden stated that that was correct, it was just the west window.

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

None were given.

Chairwoman Masterson asked if the administration had anything they'd like to add.

Nothing given.

Moved by Cain and seconded by Graupmann to approve Exhibit K, the variance for an additional 29% of window coverage for a total of 79% for a window sign.

A roll call vote was taken and the motion carried.

Yes – 4 No – 1 (Toth)

ADJOURNMENT:

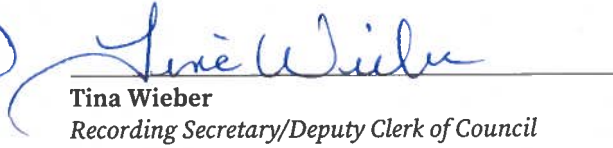
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The meeting was adjourned at 7:44 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, February 26, 2026 _____
Date Approved