

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, AUGUST 24, 2023**

CALL TO ORDER:

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

ROLL CALL:

Present were members James Cain, Planning Commission Liaison Steve Ali, Shawn Kimble, Vice-Chairman Neil Thibodeaux and Chairwoman Linda Masterson.

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

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, July 27, 2023. Hearing none, the minutes stand as presented.

Moved by Masterson to amend the agenda moving correspondence to the end of the meeting and moving forward with the public hearing.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

PUBLIC HEARINGS:

PPZ2023-0212: Elite K911 Dog Training, 31740 Cook Rd, PPN 07-00-004-110-038, 07-00-004-110-037

Applicant: Charles Stella, 31684 Cook Road, North Ridgeville, OH 44039. Proposal consists of a parking lot for existing business. Property zoned B-3 Highway Commercial District. Requests:

1. A 3-foot variance for length of interlock for 90-degree angle parking spaces; applicant shows 57 feet, code requires 60 feet, Table 1285.04-1.
2. A 3-foot variance for width of aisle providing access to 90-degree angle parking spaces; applicant shows 21 feet, code requires 24 feet, Table 1285.04-1.

Application was read.

Chairwoman Masterson asked if there was a representative present.

Charles Stella, Elite K911 Dog Training, 31740 Cook Rd, North Ridgeville, OH 44039, was sworn in.

Mr. Stella stated that a couple of years ago he expanded the parking lot to allow for future expansion. He explained that he had to put in concrete to allow for one set of parking lines but he knew that if the business grew, which they would with the grooming facility, that they would need two sides of parking. He stated that at that time, there wasn't any ordinance regarding the 24-foot space. He added that he knew he had enough, considering that his front lot was even smaller and he didn't think it would be an issue. He commented that the problem was that the ordinance had changed and now he was three feet short of what the City required.

Chairwoman Masterson stated that he did have a very unique set of parcels that were very long and very narrow and that was one his practical difficulties. She commented that it seemed that he had done everything he possibly could. She asked if any Board members had any questions or comments.

Member Kimble stated that he noticed by scaling off the front parking lot online and as mentioned, it was smaller than what was currently proposed. He commented that he had been to the facility for dog training in the past and he drove a rather large truck and had no problem getting in or out on the smaller end of the current parking lot. He stated that even though he was under what the code permitted, he would have more space on the new proposed parking than what was currently there. He added that he thought for the average vehicle, they would be able to get in and out with no problem if he was able to do it with a large truck.

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

None were given.

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

None were given.

Moved by Masterson and seconded by Thibodeaux to approve both 3-foot variances for length of interlock and width of the aisle for the parking lot.

A roll call vote was taken and the motion carried.

Yes – 5 No – 0

Master Plan Update

Co-Chairman Thibodeaux stated that the next Steering Committee meeting would be Tuesday, August 29, at 6:00 p.m. in Council Chambers and they would be sharing the results of the Pop-up Party on July 20th at the Senior Center and it was a great success. He commented that he would let Director Lieber discuss the August meeting date.

Zoning Code Amendments

Chapter 1286 Signs

Chapter 1292 Nonconforming Structures and Uses

Director Lieber stated that City Council adopted two new zoning chapters toward the end of July that went into effect as of that day. She added that she wanted to give them a rundown of the changes so that they would know that as applications were made under the new codes, what they could expect to come before them. She said that regarding signage, they were familiar with dealing with the former sign code and a lot would be changing and wanted to spend most of the time on that and touch on the non-conforming uses. She stated that the reason behind Chapter 1286 was to comply with U.S. Supreme Court decisions regarding content neutrality of signage. She discussed that Reed vs. Town of Gilbert in 2015 radically changed how communities could regulate signage and that many communities ever since then had been working to update their sign code to ensure that they were meeting those requirements. She commented that they were also looking to recognize new sign types. She explained that many parts

of the previous sign code dated from the 1960's and business types and uses as well as technology had changed and they needed to change with it. She discussed that she also wanted to clearly define sign types that were exempt from zoning regulation, those things that they were specifically prohibiting. She commented that another goal was to improve community aesthetics through consistent sign regulation. She stated that through the master plan process one of the things she heard was that there was a desire for the City to have a more appealing looking commercial district and that sign regulation was definitely part of that puzzle.

She then discussed content neutrality. She stated that the First Amendment of the Constitution protected the freedom of speech and that signage was speech. She discussed that the Supreme Court's ruling in 2015 regarding sign regulations stated that one couldn't favor certain types of speech that they liked or disfavor other types of speech that they didn't like. She stated that if they had to read the sign in order to determine how to classify it, that probably meant that their sign regulation was not content neutral. She added that they could regulate the signs by time, place and manner restrictions.

She discussed that pole signs, off-premise signs, freeway-oriented signs, roof signs and billboards were all expressly prohibited. She stated that any of those already existing could continue as a legal non-conforming sign but no new such signs would be granted permits. She discussed that the grandfather status would only extend to those signs that were legal and if someone had placed a sign without a permit or enlarged it in a way that wasn't approved, they wouldn't get that non-conforming protection. She stated that signs accessory to abandoned use of property six months or greater, would also be prohibited and would help them turn over those non-conforming signs.

She discussed signs prohibited from being placed in the right-of-way and that traffic signs were the only signs allowed there. She stated that they would continue to not allow signs that rotated, spined, revolved like pennant streamers and windblown devices. She commented that they were also better defining what a vehicle sign was and would not be permitting them under certain conditions. She then gave examples of those.

She explained that they would be measuring signs a little bit differently and stated that previously applicants with an irregular shaped sign could calculate just the area of the shape and not any of the white space around the pieces of that irregular shape to count as part of their sign calculation. She stated that the code now stated that it had to be measured as it fit in the smallest one of the following things: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon or hexagon, so that it would pick up some of that potential clear space around it and would also make it easier for staff to affirm and validate the calculation when using a regular shape in that manner. She added that they had also made clear that when a sign was mounted on a distinctive background, that background would be part of the sign calculation.

She commented that they had also more clearly defined current permitted sign types and discussed examples of those. She added that there were also two new permitted sign types and those were drive through signs and driveway signs. She mentioned that regarding building signs, the only difference was that on corner lots or any other type of lot with double frontages, the ratio would change to 1.5 square feet for each linear foot because they had two frontages and it seemed too much to allow two square feet for both frontages. She stated that 25% changeable copy would be allowed but digital would not be allowed. She discussed that they also explicitly stated that wall signs may not be painted onto a building. She mentioned projecting signs being limited to six square feet and couldn't extend more than four feet from the wall. She stated that they were limiting window signage to 50% of the window area which was

still a pretty generous amount.

She said that another area of big change for the code was regarding monument signs. She stated that one monument sign per lot would be permitted. She added that bigger properties with more frontage might merit a second property sign and gave the example of if it were five acres or more or 500 linear feet of frontage, that property could have two signs. She discussed that the height limit was still eight feet with a sign face area of 65 square feet but if someone needed a taller sign due to grading or the pitch of the property of up to 10 feet in height, they could allow 10 feet but their permitted sign face area would go down to 50 square feet. She stated that the setback for monument signs had been changed to five feet so that they could be located within a front yard area, but added vision triangles at driveways and at intersections to determine site lines of vehicles coming in and out of commercial businesses and driveways to ensure pedestrian safety. She explained that when a driveway intersected with a street, either side of that driveway, a triangle would be drawn where one leg of the triangle was up the driveway, one leg would go down the curb and those two points would be connected at the diagonal at that driveway and that triangle would be a no-fly zone for large monument signs. She added that there was a graphic in the code that helped make sense of what she had just explained. She stated that monument signs must now have a decorative base to be architecturally compatible with the building and be located in a landscaped area. She discussed that they were allowing 50% changeable copy and could be digital but added a requirement that those messages had to be static instant message changes and couldn't zoom in or out or fade or flutter. She added that they could change once every ten minutes. She stated that it would prevent a distracted kind of feel for drivers, with many signs down a road changing or blinking. She said that it would still allow the user of that changeable copy a lot of different messages to be conveyed by having one every ten minutes all day long.

She explained that the 300 square foot multi-tenant signs were no longer allowed but the current ones in the City could remain as a legal non-conforming sign.

She discussed drive-through signs being permitted in business districts as an accessory to a use that has a drive-through and gave examples of those. She stated that one sign would be allowed for primary and a second one per order station. She added that they would be allowed 100% changeable copy because the order points were all digital. She mentioned driveway signs and explained that they would be allowed under one of two conditions, which was that there was limited access, meaning that it was an "enter only" or an "exit only", to provide directional information to the driver. She stated if there was a drive-through on that property, they could have one driveway sign as well and that they would be within ten feet of the driveway edge and were meant to be small at the maximum of three feet high.

She commented that BZBA didn't typically deal with temporary signs but they did specifically identify five types that were permitted and those were yard signs, window signs, banner signs, sidewalk signs and feather signs. She discussed that two temporary sign types would require a permit and those were if they had a new use being established and additional excessive commercial type signage, four times a year for fifteen days at a time and was meant to acknowledge that sometimes businesses had special events.

She explained that the update did create new non-conforming signs in the City. She explained that a legal non-conforming sign would lose its status if the sign was damaged an amount exceeding 50% of the replacement value, not including the foundation or work below grade. She stated that if the structure of the sign were altered or relocated and if the principal use of the property was discontinued for six months or longer it would lose its status as well. She added that if the sign posed a hazard or became a

safety issue, the Building Official could require its removal and it could not continue at that point.

Chairwoman Masterson asked about flags or signs that people put in their yard and asked what the determination was regarding that.

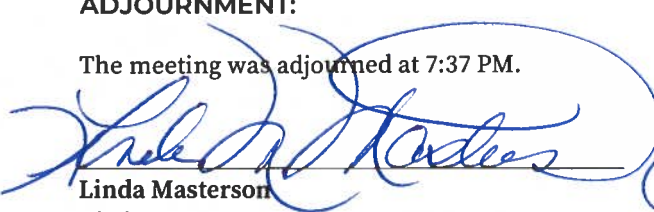
Director Lieber stated that flags were exempt from permit up to three per lot and no more than forty square feet per flag. She commented that if they were greater than forty square feet or more than three, if a complaint were made, the Building Department could investigate and could require the flags displayed to comply. She discussed that the goal was to be hands off and the more they regulated speech, the more the City would find itself in jeopardy of having regulations that could be challenged and could be found not defensible in court. She added that they couldn't regulate things like political speech or religious speech more than they would regulate commercial speech and they were trying to take a fairly hands-off approach when it came to people's non-commercial opinions. She stated that commercial speech could be regulated much more than that other type of speech.

She explained that the updates to Chapter 1292, Non-conforming Structures and Uses, that the first was about structures and talked about the limitations for legally existing non-conforming signs, and that they could repair, maintain, alter or even add to a non-conforming structure, but those changes couldn't create a new non-conforming condition or couldn't increase the amount of non-conformity and gave examples. She explained that the goal was to allow the continuation but provide for the mechanism for those properties to eventually become conforming with the passage of time and with projects. She stated that if it was removed or relocated it would have to comply with the current code. She discussed that regarding removal or reconstruction, if more than 50% of the floor area or replacement value would be removed or reconstructed, then it wouldn't maintain that non-conforming structure and gave examples of that. She stated that regarding changes of use, they could maintain a non-conforming use but couldn't change it to a more non-conforming use. She commented that if there was a business use in a residential district they couldn't make it, as an example, an industrial use in the residential district but they could maintain that business use. She mentioned that regarding the voluntary discontinuation, if something was discontinued more than twelve months, then the non-conforming status would be lost for that use. She stated that no non-conforming accessory structure could continue and gave the example that if the main business went out of business or the building was torn down and they had an accessory use to that, they couldn't just keep that accessory use with the main use now gone.

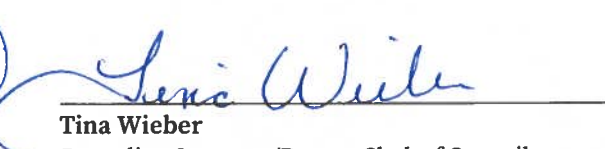
She discussed that if anyone had any questions to reach out to her or if concerns came up in reviewing the requests for variances, she stated that she knew they would be talking about them in greater detail and if they found over the upcoming months that certain areas of the code were dingling back to them more often than not, it may mean that it's something they may need to take another look at and that they would be sensitive to that as they moved forward.

ADJOURNMENT:

The meeting was adjourned at 7:37 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

BOARD OF ZONING AND BUILDING APPEALS
REGULAR MEETING-THURSDAY, AUGUST 24, 2023

PAGE 6

Thursday, September 28, 2023

Date Approved