

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, APRIL 27, 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 and Chairwoman Linda Masterson.

Vice-Chairman Neil Thibodeaux was excused.

Also present were Council Liaison Cliff Winkel, Chief Building Official Guy Fursdon, Assistant Law Director Toni Morgan, Planning and Development 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, March 23, 2023. Hearing none, the minutes stand as presented.

PLANNING COMMISSION REPORT:

None

CORRESPONDENCE:

Master Plan Update

Director Lieber stated that in the absence of Member Thibodeaux she wanted to report on the Master Plan. She stated that last evening the steering committee convened at the senior center for the fourth steering committee meeting and that the group was presented with analysis and data around infrastructure, Parks and Recreation, health and safety, as well as other topics. She discussed that they began establishing goals for the plan and that the next meeting would be June 7. She added that the second round of public engagement would be planned probably around the July time frame and as they got closer, they would share more information about how to get involved in those meetings.

PUBLIC HEARINGS:

PPZ2023-0183: Royal Smokes, 35100 Center Ridge Rd, PPN: 07-00-021-116-053

Applicant: Neon City, 11500 Madison Ave, Cleveland, OH 44102.

Proposal consists of building signage. Property is zoned B-3 Highway Commercial District. Requests:

1. A 20 square foot variance for area of building signs; applicant shows 80 square feet of signage, code permits 60 square feet, Section 1286.05(c)(2). Note: Signs have been installed.

Application and Chief Building Officials comments were read.

Chairwoman Masterson asked if there was a representative present.

Eyad Ali, Neon City Signs, 11500 Madison Ave, Cleveland, OH 44102, was sworn in.

Chairwoman Masterson explained that she needed the Administration to make a clarification because of an issue that had come to the Board's attention.

Director Lieber stated that she had additional information to present to the Board. She discussed that in closer review of the application, they had noted that the applicant indicated the sign was two feet by twenty feet long, which was the height and width of the letters of the sign that was proposed but upon closer inspection, that was not the full height and width of the background upon which the sign was installed. She stated that in reviewing the code language, it talked about the surface area of the sign being computed as to include the area, to include any material or color used to differentiate the sign from the environment or surroundings in which it's placed. She commented that once they looked at that language in the code, they really had to consider the full height and width of that background color. She stated that the applicant had indicated that it was a four-foot height by a twenty-foot length, in which case, both signs would be 80 square feet each for a total of 160 square feet, where 60 square feet would normally be permitted. She explained that that changed the variance in terms of a 100 square foot variance. She added that further complicating matters, based upon the information submitted by the applicant, a permit was issued for one of the signs post-installation. She added that one sign had been granted a permit and that was a wrinkle that needed ironed out in the proceedings that evening.

Assistant Law Director Morgan remarked that because one sign had already been permitted, all of the square footage of the current sign would end up being a variance. She discussed that the applicant had already used up what would normally be permitted for that building.

Chief Building Official Fursdon stated that from the drawing that they had originally seen, they thought the sign was only two-foot by twenty feet but that wasn't the case. He mentioned that the actual background portion was larger and that wasn't indicated on the drawing submitted for the permit.

Chairwoman Masterson asked why the signs were installed without a permit.

Mr. Ali stated that they applied to the City of North Ridgeville and submitted the application but at that time they weren't registered and it took some time for the application to go through the process. He discussed that as soon as they approved it, he was contacted by one of their employees, Tina, to go and pay for the permits. He stated that the application consisted of two signs, not one. He explained that it went through the whole entire procedure of the building process. He asked why they approved one sign instead of two on the same application. He added that it wasn't mentioned at all that they would approve just one sign. When they submitted the application, it was 20 feet by 2 feet for each sign and the application consisted 100% that they had two signs with each sign 20 feet by 2 feet. He mentioned that the business owner stated that instead of painting the back to give it a nice look, they put a backing on the sign. He stated that now the Administration was saying they considered it four feet. He explained that they would turn the sign off and then it would only consist of the 20 feet by 2 feet and also instead of the back they would paint behind the sign. He commented that they installed the sign and he was contacted by the inspector who said that they installed the sign without the permit. He stated that he told him, no, the sign had been approved. He added that he thought he was upset so he ran to the City and paid for the permit and got the application and left. He stated that he was contacted again by Tina, who said that the sign was oversized and they had to either submit a variance application or take one of the signs down. He commented that if those were the options, then they would submit a variance

application. He said that now it was stated that they considered the sign as four feet instead of two feet. He stated that he didn't understand. He explained that they submitted the application for two signs and that they didn't go behind the Building Department and say it was two signs. He stated that he had never heard of one application, giving a permit for one signage. He added that he had been in the business for over 27 years. He explained that they were there to solve the issues and asked if it was four feet or was it two feet. He asked what the requirement was and that if it was one linear foot, one square per linear foot on the allowable square feet, which came out to 88 feet.

Chairwoman Masterson gave Mr. Ali a copy of the Sign ordinance and stated that she would allow Chief Building Official Fursdon or Director Lieber respond.

Director Lieber stated that it sounded as if the question was in regards to the background.

Chairwoman Masterson stated that what she was hearing was that Mr. Ali didn't understand why he needed a permit at all. She asked Mr. Ali if anyone had explained to him that for the second sign a variance was required.

Mr. Ali stated that it was his understanding that he submitted one application for both signs. He stated that the application stated two sets of signs with one located on the front and one located on the side.

Chief Building Official Fursdon stated that they had submitted an application but two signs wouldn't go on one application. He discussed that there should have been an application for each sign. He mentioned that if he were to build two buildings, it wouldn't be on one application. He stated that there would have to be an application for each building and that that was standard practice across the state.

Mr. Ali stated that it was not and that he objected.

Chief Building Official Fursdon commented that in his opinion it was.

Mr. Ali stated that he had worked with cities throughout the State of Ohio and the application consisted of the question, "were there were any other signs on the building to consider". He mentioned that the application was not a building and that he was a Civil Engineer and he knew that for signage any city in the State of Ohio it asked on the application if the applicant had any other signs on the building. He discussed that his application consisted of two sets of signage. He asked why was that information not passed onto their employee to verify that at the time that the application was submitted and not now after two or three months.

Director Lieber stated that it appeared from the permit application that it was stamped received on January 12th and there was a communication that was entered into the system on the 17th, a note on the residential plan approval application that stated, "On January 17th, our building department employee contacted Neon City and indicated someone from your company dropped off a wall sign application. We require the following additional information". She stated that the employee listed four different things that needed to be submitted to the City prior to any permit being issued. She mentioned that her understanding was that prior to any permit being issued the signs were installed, such that at the time the applicant did go in to finally pay for the permit and pick up the permit, it was too late for them to discover the notations on said permit application from the Building Official that said only one sign was approved.

Chairwoman Masterson asked the applicant if he was stating that he didn't put the signs up.

Mr. Ali commented that if the sign was not approved, how could he have gotten the permit for it.

Chairwoman Masterson asked if the signs were installed prior to the permit being issued.

Mr. Ali stated that it was approved and then he received a call from Tina in the Building Department. He stated that regarding what the Planning Director said about the four things that were requested, no. He said that they would never be able to issue that permit if there was anything missing. He stated that he was approved by the City of North Ridgeville for the permit. He added that it was approved, he installed it and he came down and paid for it.

Member Kimble asked if the document he had before him was his submission that he had given to the City.

Mr. Ali stated that that was correct.

Member Kimble asked if it wasn't what was built.

Mr. Ali commented that it was the same one that was built.

Member Kimble stated that it wasn't the same one that was built. He mentioned that he was just out there on his way to the meeting.

Mr. Ali stated that the only thing was the red. He explained that the red was tacky and it was changed to black.

Member Kimble asked if he could show him where the black backing was on the photo of the sign.

Mr. Ali stated that he submitted a different one. He remarked that there was another one that had the backing.

Mr. Kimble stated that the photo didn't have the black backing. He asked Mr. Ali if he said that he installed the signs and then went and paid for them.

Mr. Ali stated that it was approved and then he paid for it. He stated they were installed and then he paid for it. He added that he thought it was on the weekend and then they came to pay.

Chairwoman Masterson asked if he installed the signs prior to paying for the permit.

Mr. Ali stated that that was correct.

Chairwoman Masterson commented that that wasn't legal.

Member Cain remarked that Mr. Ali kept referring to applications and asked if he applied for a business license in North Ridgeville and then put up the signs and came back for the permit, which were two separate things.

Chairwoman Masterson asked Chief Building Official Fursdon if he was a registered contractor.

Chief Building Official Fursdon stated that he believed he was.

Chairwoman Masterson asked if it was after the signs were installed or before.

Chief Building Official Fursdon stated that he couldn't answer that off the top of his head.

Chairwoman Masterson asked Mr. Ali if he was aware that he had to apply for a variance and that was why he was there.

Mr. Ali said, yes.

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

Mr. Ali stated that he wanted to apologize and if there was something wrong, they were there to fix it. He commented that they wanted to comply with whatever was needed for the approval of the Building Department. He mentioned that if the back made the sign bigger, they would take it down. He stated that they would comply with the law and rules. He stated that if the background made it four feet, they would take it down.

Chairwoman Masterson explained that the application as it was submitted wasn't correct. She stated that that needed to be addressed.

Mr. Ali stated that if they had to fill out another application for the second signage that they would.

Chairwoman Masterson stated that they would have to amend the application. She asked Assistant Law Director Morgan what she suggested regarding the application.

Assistant Law Director Morgan stated that there had been discussion on how big that particular variance was. She asked if both signs were the same size.

Mr. Ali stated that they were the same size.

Assistant Law Director Morgan explained that it was represented, or looked like in what was submitted to the City, that both signs were 40 square feet and they needed the 20 square foot variance. She stated that if they included the entire sign, it was double that and would be 80 square feet. She discussed that the one permitted sign took up all the square footage that they were allowed and would make the variance request very large. She added that Mr. Ali stated he was willing to adjust the signs and perhaps take off the backing but he might be better served to make those sorts of adjustments and ask that this be reconsidered at a different meeting. She stated that what was before the Board would be asking for a very large variance and those were not usually favored.

Chairwoman Masterson stated that it would be over 100% variance.

Mr. Ali stated that now he understood that they considered the four feet height because the halo and because it gave it a shadow and would be considered as four feet. He asked about them turning the halo off and painting the back white so it matched the back. He mentioned that then they would only see the

two feet by twenty feet.

Assistant Law Director stated that that would be a discussion to have with the Building Department.

Chairwoman Masterson stated that the first Royal Smokes sign was asking for in excess of 100% variance. She mentioned that the back would have to come off. She discussed that they had the option of asking the Board to table it and reconsider the application because the dimensions presented were not what was actually there.

Member Kimble stated that there was one thing that he wanted to point out. He explained that Mr. Ali mentioned that he could take the halo or the backing off and even mentioned that he would just paint the building.

Mr. Ali stated the board, the black.

Mr. Kimble stated that before the last comment, where he said he would paint it white, he mentioned earlier that he could take it down and paint the building. He commented that essentially, he would achieve the same thing and asked if that was what he was meaning.

Mr. Ali said, yes.

Member Kimble explained that the ordinances prevented that as well and he couldn't do that. He added that it was either the letters, how they were with no backing or he would be asking for ..

Mr. Ali interrupted and stated letters, no backing.

Mr. Kimble repeated letters, no backing and the building color would stay the way it was.

Mr. Ali stated that was correct.

Mr. Kimble commented that the first sign would then be forty square feet. He stated that if hypothetically, the backings were gone and he had forty square feet with the frontage facing Center Ridge Road that was shown in the top right-hand corner of the photo, would be permitted. He added that he would then have twenty additional square feet that he could put on the side of the building, if he chose to. He stated that the existing size that it was currently, he would have to be asking for a variance for that and that was if all the backings were removed from both signs. He asked if he understood.

Mr. Ali stated that he did. He asked about turning off the halo and cutting the sign because he was trying to minimize the cost for the owner. He asked if they could just shave it to the height of the letters with no lights.

Chairwoman Masterson stated that the problem she had was that they installed the sign without the permits being issued. She commented that they were asking for forgiveness for a mistake that they made. She stated that that would set a precedent and she had just spent the last two months having a disagreement over sizes of signs. She mentioned that if it was what he did for a living, he should have known what the Rules & Regulations were and he should have had a copy of the Building Code. She added that she understood that there was an error made. She explained that it wasn't the Board's job to tell them what they could do to accommodate it. She discussed that all the Board could do was rule on

what was presented to them. She stated that what was submitted and what was reality were two different things and now they were then asking for a variance that exceeded 100%. She explained that she was giving him the opportunity to table the application so he could meet with the Building Department and find out what would be allowed and what would not be allowed. She stated that if he chose to decline that then they would vote on the application and they would have to amend it to reflect what was actually there. She asked if anyone had any questions or comments.

Dennis Boose, 4605 Denise Drive, North Ridgeville, OH 44039, was sworn in.

Mr. Boose stated that he agreed with the Board that it was a huge variance. He mentioned that they were asking for forgiveness and not permission, which was another sticking point. He stated that he couldn't recall when the building owner was not the applicant versus the sign company and didn't know if that was in error or something that he just wasn't aware of.

Chairwoman Masterson stated that it could be either one.

Georgia Awig, 9125 Quail Court, North Ridgeville, OH 44039, was sworn in.

Ms. Awig asked that if the application were tabled, what would happen to the signs that they currently had on the building in between then and the future discussion. She asked if they would need to be taken down or would they be allowed to stay until it was discussed further.

Assistant Law Director Morgan stated that she didn't believe they would make them take them down and wait.

Chief Building Official Fursdon stated that typically they would allow it to exist the way it was until the Board made a determination.

Mr. Ali stated that usually what they did when they submitted an application to a city, it was a requirement to have approval of the landlord regarding the artwork. He stated that they would send the artwork to the landlord and they would sign off on it and then they would take that approval and submit it to the city. He discussed that he was advised to take one of the signs down and if they had to do that to make everybody satisfied and play within the guidelines, they would take one of the signs down on the front and shrink it or whatever needed to be done to come to a solution. He added that he was willing to sit down with the Building Department and discuss it.

Chairwoman Masterson asked if he was wanting to table the application.

Mr. Ali said, yes.

Moved by Masterson and seconded by Kimble to table the application to the next meeting.

A roll call vote was taken and the motion carried.


Yes – 4 No – 0

ADJOURNMENT:

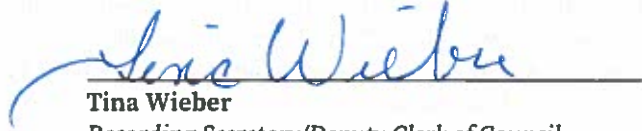
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The meeting was adjourned at 7:30 PM.

A handwritten signature in black ink, appearing to read "Linda Masterson", written over a horizontal line.

Linda Masterson
Chairwoman

A handwritten signature in blue ink, appearing to read "Tina Wieber", written over a horizontal line.

Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, May 25, 2023
Date Approved