

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
FEBRUARY 13, 2019  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Mike Ross; James Ralston; Mike Merhar; Angelo Tomaselli

**ABSENT:** Joe Palmer

**OTHERS:** Michael Germano, Asst. Law Director; Karen Brooks, Zoning Code Inspector

**Chairman Ralston called the regular meeting to order at 7:00 p.m.**

Chairman Ralston advised the participants of their right to be heard in person or by attorney present and/or proffer evidence present and examine witnesses and the subpoena of evidence and/or witnesses. Chairman Ralston advised the participants that this board has five members of which a majority of the board is needed to grant an appeal. Chairman Ralston stated that five members of the board are not present this evening and there were only four members present and the applicant needs three votes to pass the appeal and to please let the Board know prior to the reading of the Letter of Non-Compliance if you would like to table the appeal until all members are present. Both applicants wished to move forward with their appeals.

If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas. Both applicants wished to moved forward with their appeals.

The appeal application, the letter of the meeting notification, the letter of non-compliance and the list of names and addresses of adjoining property owners within the required distant of the appellant were noted into the record.

**MINUTES**

Mr. Merhar moved to accept the Regular meeting minutes of January 23, 2019 as submitted and Mr. Ross seconded.

**ROLL CALL:**           Yeas:     Mr. Merhar; Mr. Ross; Mr. Tomaselli; Chairman Ralston  
                              Nays:     None  
                              Absent:  Mr. Palmer

**Motion Carried:     Approved**

Mr. Merhar moved to accept the Work Session meeting minutes of February 4, 2019 as submitted and Mr. Tomaselli seconded.

**ROLL CALL:**           Yeas:     Mr. Ross; Mr. Tomaselli; Mr. Merhar; Chairman Ralston  
                              Nays:     None  
                              Absent:  Mr. Palmer

**Motion Carried:     Approved**

**City of Willoughby  
Board of Zoning Appeals  
Regular Meeting Minutes  
February 13, 2019**

**OLD BUSINESS**

None

**NEW BUSINESS**

**April Williams**  
4202 Amelia Ave.

**Fence**

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 8 and 9 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Ms. Williams is representing her appeal.

Ms. Williams stated that on the city's application her fence installer, Champion Fence, showed they were to install a 4-foot high fence. Ms. Williams contract says 5 foot, which is what he installed. The reason for the fence is the neighbor has a pool and her autistic son cannot swim; it is also to keep her animals in the yard.

The solid fence is only on the sides of the yard and the back fence is already chain link. When the contractor applied for the permit he already had ordered the solid fence and when she called the city she found he had not called to have the fence inspected, which she was unaware of. He put up the fence while she was at work. She had to take legal action to get the contractor to finish the job. She is unable to afford to fix the fence to make it comply. She had also spoken to Shannon Fence to see if they could make openings in the fence and they could not.

Chairman Ralston said the ordinance does not allow solid fences and the Board has typically not allowed solid fences for that reason.

Chairman Ralston asked if there was anyone who wished to speak for the appeal and there was no one.

Chairman Ralston asked if there was anyone who wished to speak against the appeal and there was no one.

Mr. Merhar moved to grant a variance to C.O. 1131.11(i)(3) and allow a solid fence instead of the unallowable; citing C.O. 1109.09(b) for the Williams residence located at 4202 Amelia St., Willoughby, OH and Mr. Ross seconded.

ROLL CALL:           Yeas:    Mr. Merhar  
                              Nays:    Mr. Tomaselli; Mr. Ross; Chairman Ralston  
                              Absent:  Mr. Palmer

**Motion Carried:    Denied**

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**Deville Development (Starbucks)**  
5880 SOM Center Rd.  
(Rep.- Jacklyn Warren, Advanced Installation & Sign Svc.)

**Signage (Signs “E” & “G”)  
west and south elevations**

Chairman Ralston stated the applicant cited practical difficulty number 3 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Ms. Warren of Advanced Installation & Sign Service is representing Deville Development for Starbucks signage.

Ms. Warren said the signs are simply to avoid liability and to prevent an accident so the public knows it is a drive-thru window.

Mr. Merhar said they would have to be in the drive thru lane to see sign “E” and it cannot not be seen from the road. Mr. Ross stated all of the buildings are branded similar. There was some discussion on where the entrances are on the building. Mr. Merhar said he did not have an issue with sign “G” due to the fact it faces another commercial building. There was some discussion on this subject.

Chairman Ralston asked if there was anyone who wished to speak for the appeal and there was no one.

Chairman Ralston asked if there was anyone who wished to speak against the appeal and there was no one.

Chairman Ralston asked Ms. Warren, again, if she wished to proceed with her appeal even though there are only four board members present and she stated yes.

Mr. Merhar moved to grant a variance to C.O.1163.07(e)(1) and allow Sign “E”, even though it is located on an elevation that does not face a side street or have a customer entrance; citing C.O. 1109.09(b) for the Deville Development (Starbucks) located at 5880 SOM Center Rd., Willoughby, OH and Mr. Ross seconded.

ROLL CALL:        Yeas:     Mr. Merhar; Mr. Ross; Mr. Tomaselli  
                      Nays:     Chairman Ralston  
                      Absent:  Mr. Palmer

**Motion Carried:     Approved**

Mr. Merhar moved to grant a variance to C.O. 1163.07(e)(1) and allow Sign “G”, even though it is located on an elevation that does not face a side street or have a customer entrance; citing C.O. 1109.09(b) for the Deville Development (Starbucks) located at 5880 SOM Center Rd., Willoughby, OH and Mr. Tomaselli seconded.

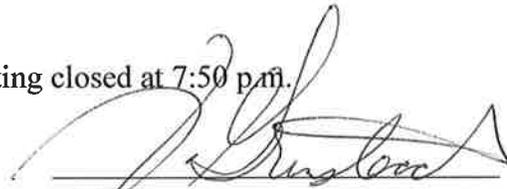
**City of Willoughby  
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ROLL CALL:           Yeas:    Mr. Tomaselli; Mr. Merhar; Mr. Ross; Chairman Ralston  
                          Nays:   None  
                          Absent: Mr. Palmer

**Motion Carried:    Approved**

There being no further business the regular meeting closed at 7:50 p.m.

  
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James Ralston, Chairman

  
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Vicki Grinstead, Secretary