

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

**PRESENT:** Mike Merhar; Joe Palmer Mike Ross; Angelo Tomaselli; James Ralston, Chairman

**ABSENT:** None

**OTHERS:** Michael Germano, Asst. Law Director; Vicki Grinstead, Secretary

**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 all five members of the board are present this evening and the applicant needs three votes to pass the appeal. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas.

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. Tomaselli moved to accept the Regular meeting minutes of February 27, 2019 as submitted and Mr. Ross seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

Mr. Palmer moved to untable Old Business for the Maurath residence located at 941 Windermere Dr., Willoughby, OH 44094 and Mr. Tomaselli seconded.

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

**Motion Carried: UNTABLED**

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

**Peter Maurath**  
941 Windermere Dr.  
(Rep.- Bryan Black, B. Legrand Design::Build)

**Carport addition**

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 3, 4 and 8 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. Mr. Maurath, homeowner, was sworn in to speak for his appeal. Mr. Maurath gave his architect, Mr. Black, permission to speak on his behalf. Mr. Black, 4065 Erie St., Willoughby, OH was sworn in to speak for this appeal.

Mr. Black stated Mr. Maurath is an avid bicycler and would like to be able to store his bicycle and other items in the carport area and have less exposure to the outdoor elements. His home is small and has very little storage. Mr. Maurath's budget is a concern because the home needs other repairs and he cannot afford to build a regular garage at this time. They are keeping with the existing side yard setback that is currently there. The details of the addition match the existing home. They are using Azek, lattice and a metal standing seam roof to help with curb appeal.

Mr. Palmer said what the Board typically does with setbacks is set up access, not only for repair and construction but for emergency access. By building the carport out to the property line and continuing that wall creates more of a problem than the existing structure.

Mr. Tomaselli asked about the side door on the rendering. Mr. Black said yes, their intention is to install a side gate so he had the ability to access the sidewalk to access the rear yard. Chairman Ralston said that door will swing out to the neighbor's property. Mr. Black said they can have it swing inward instead.

There was some discussion on how far apart the homes are. The width of the lot is 35' (35' x 86').

Chairman Ralston asked if the proposed structure or the existing structure are hanging over the property line. Mr. Black said the existing over hang is over the property line. They would be maintaining that line with the addition and would not be able to get a vehicle in the carport if they reduced the width.

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. Palmer moved to grant a variance to C.O. 1131.06 and allow a side yard setback of 0.9 feet instead of the required 5 ft.; citing C.O. 1109.09(b) for the Maurath residence located at 941 Windermere Dr., Willoughby, OH and Mr. Merhar seconded.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

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

**Motion Carried: DENIED**

Mr. Palmer moved to grant a variance to C.O.1167 Nonconforming Buildings and Structures, subsection (b) and allow a carport with a 0.9 ft. side yard setback, which is therefore not permitted in an R-50 zone district; citing C.O. 1109.09(b) for the Maurath residence located at 941 Windermere Dr., Willoughby, OH and Mr. Merhar seconded.

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

**Motion Carried: DENIED**

Mr. Palmer moved to untable Old Business for the Willoughby-Eastlake Schools located at 4900 Shankland Rd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

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

**Motion Carried: UNTABLED**

**Willoughby-Eastlake Schools**  
4900 Shankland Rd.  
(Rep.-Jeff Henderson, ThenDesign Architecture)

**(3) Illuminated freestanding  
ground signs**

Chairman Ralston stated this is a continuation of the Board of Zoning Appeals meeting of February 27, 2019 and all of the pertinent documents were read into record at that meeting.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Mr. Jeff Henderson of ThenDesign Architecture is representing the Willoughby-Eastlake School appeal.

Mr. Henderson presented an overhead presentation to the Board. The property is 70 acres and will contain the new South High School, the renovation of the existing high school, which will become the new middle school., YMCA and Senior Center. The middle school will eventually be demolished. They are seeking three locations for the new signage. The project partners have branded this campus as Union Village.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

The existing sign along Shankland Rd. for South High would be removed. The proposed sign would be adjacent to the driveway.

The second sign would be on Ridge Rd. The existing sign will be removed, but the base will remain and the new signage will be placed on top of the brick base. This sign will be identifying for the YMCA and the Senior Center.

The third location would be on Euclid Ave. This sign would identify the YMCA, the Senior Center and the Stadium. This driveway is next to the police station and has been paved and improved.

Mr. Palmer asked if the existing sign on Shankland would be removed and Mr. Henderson said yes, the existing sign identifies only South High School. The new sign will brand all four facilities in a single sign. Mr. Palmer asked if the sign is double sided and that is the reason for the 247 sq. ft. and Mr. Henderson said yes. The ordinance only allows 40 sq. ft. because it is in a residential district, but is appropriate for the size of the campus. The other two signs are significantly smaller.

Mr. Ross said the current sign sits approximately 150 ft. off the driveway and asked why they are installing the new sign only 20 ft. from the driveway, possibly impeding the view of traffic. Mr. Henderson showed the Board a diagram in real time and a rendering showing the site distances at all three of the locations (Exhibit A).

The Euclid Ave. sign has some challenges to be seen from the westerly direction due to the brick wall and fencing for the development next door. It's a small simple panel sign.

Chairman Ralston asked how each sign would be lit. Mr. Henderson said the Ridge Rd. and Euclid Ave. signs would have spot lighting and the Shankland Rd. sign would be internally backlit. The current sign is lit dusk to dawn.

Chairman Ralston asked about the message boards. Mr. Henderson said the school has decided to put everything on-line and the intent is to remove those signs.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Mr. Bob Diak, Chief Operations Officer for the YMCA, 2085 Bennett Rd., Madison, OH was sworn in to speak in favor of the appeal for the W/E Schools.

Mr. Diak said they have done a lot of legwork on this project and visited many sites before putting together their plan. He said what they had learned is to separate the parking when doing a collaboration and also what type of ingress/egress is necessary for this type of project. The parking lots are placed strategically to force people to use the proper entrances for the specific parking lots. The signs on Ridge and Euclid are important to direct this traffic to the right facilities. The Senior Center will bring in approximately 1,800 members, the school enrollment is approximately 1,300 students plus parent participation and the YMCA has about 9,000 members. All three partners are sharing these facilities.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Mr. Steve Johnson, Operations Supervisor for the Willoughby-Eastlake Schools, 13415 Walnut Trace, Chardon, OH was sworn in to speak in favor of the appeal for the W/E Schools.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

Mr. Johnson said his main focus is the Shankland signage. The current changeable copy sign is in disrepair and needs replaced. The new sign would be an asset to all three entities involved in the collaboration. Signs are important to the schools for the flow of traffic. The Ridge and Euclid Ave. entrances will relieve some of the traffic congestion off of Shankland Rd. The backlit lettering on the Shankland sign will be less intrusive than current lighting situation.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Ms. Judean Banker, Parks and Recreation Director for the City of Willoughby, 37657 Ridge Rd., Willoughby, OH was sworn in to speak in favor of the appeal for the W/E Schools.

Ms. Banker said the Senior Center does not have good exposure in its current location, which is in a residential neighborhood. She said additional new signage will help direct the senior population to the proper and easiest entrances to use.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Mr. Greg Patt, 38005 Brown Ave., Willoughby, OH was sworn in to speak in favor of the appeal for the W/E Schools.

Mr. Patt agrees the scale of the Shankland Rd. sign is appropriate for the size of the campus. The members/students will know the best way to get where they are going once they have been to the facilities. He does not believe the Euclid Ave. entrance is a high accident area since all the traffic from the stadium comes through there every year without incident. He asked if Mr. Henderson could address why the Shankland sign is so close to the driveway.

Mr. Henderson said the simplest explanation is when you associate entering a site usually the sign is near that site.

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. 1163.04(f) and allow a 247.6 sq. ft. sign instead of the allowable 40 sq. ft.; citing C.O. 1109.09(b) for the Willoughby-Eastlake Schools located at 4900 Shankland Rd., Willoughby, OH and Mr. Palmer seconded.

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

**Motion Carried:     APPROVED**

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

Mr. Merhar moved to grant a variance to C.O. 1163.06 and allow a 9 ft. high sign instead of the allowable 6 ft. high; citing C.O. 1109.09(b) for the Willoughby-Eastlake Schools located at 4900 Shankland Rd., Willoughby, OH and Mr. Palmer seconded.

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

**Motion Carried:     APPROVED**

Mr. Merhar moved to grant a variance to C.O. 1163.05 and allow a side setback of 5 ft. instead of the 25 ft.; citing C.O. 1109.09(b) for the Willoughby-Eastlake Schools located at 4900 Shankland Rd., Willoughby, OH and Mr. Palmer seconded.

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

**Motion Carried:     APPROVED**

**NEW BUSINESS**

**Ace Willoughby LLC**  
4850 E. 355<sup>th</sup> St.  
(Rep. Stephen Sandor, Property Mgr. & Lance Osborne, Owner)

**Addition of two moveable  
storage units**

Chairman Ralston stated the applicant cited practical difficulty numbers 4, 5, 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. Mr. Stephen Sandor of Ace Willoughby LLC, 200 S. Miller Rd., Fairlawn, OH and Mr. Lance Osborne, 7670 Tyler Blvd., Mentor, OH are representing the appeal and were sworn in to speak for this appeal.

Mr. Osborne said they have recently added a 2,000 sq. ft. facility which was predominately 10 x10 self-storage units, which is full. The 10 x 10 units are his most popular units on the property. They are looking to add four 10 x 10 units in the two moveable structures in the west end. The original plan had them located in an area that interfered with a previous approval, so they relocated them to the south to leave the 20 parking spaces. Those parking spaces are still on the property. They are asking for the approval of the moveable units in lieu of parking RVs, vans or other mobile vehicles. The units will be 20 ft. long and 8 ft. in height each for a total of 40 long and 8 ft. high. They will be white aluminum on four sides and the garage door will be blue to match the other doors on the site. The doors will face east.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

Chairman Ralston said they were approved by Planning Commission for a Development Plan and some of the landscaping that was granted has not yet been installed on the west end of the property. Mr. Sandor said they did not add the landscaping in the back corners as approved but they did add substantial landscaping to the front of the property. Mr. Osborne said they will add the landscaping in the spring.

There was some discussion on the parking spaces and if they have met their requirement. It was determined by the Board they will meet their parking requirements.

Mr. Palmer said the Board will only allow these two mobile units on this property and will not allow any more mobile units in the future and Mr. Osborne agreed. He said he has no more room on the property for any more mobile units.

Mr. Tomaselli said the back of the property was a mess and there were trucks in the back. Mr. Sandor said they had a moving truck, an RV, a car and a boom truck. The boom truck has been moved, so there are currently three vehicles there.

Mr. Germano suggested that the Board put a contingency in the motion that they fulfill their obligations for the landscaping, and if they do not, the approval will be revoked. Mr. Palmer asked if Mr. Osborne could add this landscaping by June 1, 2019 and he said yes.

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. Palmer moved to grant a variance to C.O. 1145.03 and allow the installation of two mobile storage units that are 10 x 20 each instead of the non-allowable use and the variance approval will be contingent upon the landscaping being completed per a previous approval. The landscaping must be installed in the rear corners of the property, and per the discussion of the March 3, 2019 minutes, no later than June 1, 2019 or this approval will be revoked. The units cannot be installed until the landscaping is done; citing C.O. 1109.09(b) for the Ace Willoughby LLC located at 4850 E. 355<sup>th</sup> St., Willoughby, OH and Mr. Merhar seconded.

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

**Motion Carried:     APPROVED**

Mr. Palmer moved to grant a variance to C.O. 1167.03(d) and allow an expansion of a nonconforming use instead of the non-allowable expansion to include the two 10 x 20 mobile storage units; citing C.O. 1109.09(b) for the Ace Willoughby LLC located at 4850 E. 355<sup>th</sup> St., Willoughby, OH and Mr. Merhar seconded.

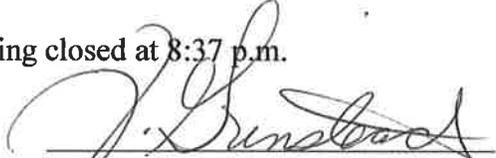
**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 13, 2019**

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

**Motion Carried:    APPROVED**

There being no further business the regular meeting closed at 8:37 p.m.

  
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James Ralston, Chairman

  
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Vicki Grinstead, Secretary