

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
APRIL 10, 2019
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Joe Palmer

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

Chairman Ralston called the regular meeting to order at 7:02 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 applicants need 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. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas.

The representative for Timperio Roofing chose to table his appeal until the next meeting. Mr. Zone and Mr. Leszynski wished to proceed 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. Tomaselli moved to accept the Regular meeting minutes of March 27, 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

OLD BUSINESS

Mr. Merhar moved to untable Old Business for Aaron Zone, 985 Garden Rd., Willoughby, OH and Mr. Ross seconded.

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

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
April 10, 2019**

Motion Carried: Untabled

Aaron Zone
985 Garden Rd.

Fence

Chairman Ralston stated the applicant cited practical difficulty number 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. Aaron M. Zone, 985 Garden Rd., Willoughby was sworn in to speak for his appeal.

Mr. Zone said there is an existing 6 ft. fence that belongs to the bar next door and is in disrepair. He would like to construct a new 6 ft. high fence for privacy and to contain his animals. He will remove the old fence and landscape and grade the property for proper drainage and aesthetics. Mr. Merhar asked for confirmation that the fence is not on Mr. Zone's property. Mr. Zone confirmed that the fence is on the bars property. The Board advised Mr. Zone that they could not authorize him to construct a fence on someone else's property. He must keep the fence on his property and he agreed to put the board-on-board fence on his property.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Ms. Sharon Bolz, 1009 Hayes Ave., Willoughby was sworn in to speak for this appeal.

Ms. Bolz is the owner of the bar adjacent to Mr. Zone's property. She is in favor of Mr. Zone replacing the 6 ft. fence all the way down the line so the headlights from her parking lot do not interfere with his property. She stated there is enough clearance to see down the road.

Chairman Ralston asked if there was anyone who wished to speak for the appeal. Mr. Greg Patt, 38805 Brown Ave., Willoughby, OH was sworn in to speak for this appeal.

Mr. Patt stated what the code is calling Mr. Zone's front yard is the back of Ms. Bolz's commercial property. If she wished to install the fence on her property it would not require a variance. Mr. Patt is in favor of this appeal.

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

Chairman Ralston recalled Mr. Zone and asked if the new fence will be attached to his new existing fence in the corner of the property and he said it will be attached for stability.

Chairman Ralston asked if anyone would like to address the comments that were just made and there was no one.

Chairman Ralston reiterated that this fence would have to be installed on Mr. Zone's property and not put back where the old fence was between the two telephone poles.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
April 10, 2019**

Mr. Merhar moved to grant a variance to C.O. 1131.11(i)(2) and allow a 6 ft. high fence in the front yard instead of the allowable 4 ft., conditioned that the fence is located on Mr. Zone's property and is a board-on-board style fencing, which is approved by the City; citing C.O. 1109.09(b) for the Zone residence, 985 Garden Rd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

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

Motion Carried: Approved

Mr. Merhar moved to grant a variance to C.O. 1131.11(i)(2) and allow a 6 ft. high fence in the front yard within 25 ft. of the right-of-way instead of the allowable 3 ft., conditioned that the fence is located on Mr. Zone's property and is a board-on-board style fencing, which is approved by the City; citing C.O. 1109.09(b) for the Zone residence, 985 Garden Rd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

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

Motion Carried: Approved

NEW BUSINESS

Weiss North America
3860 Ben Hur Ave.
(Rep.- Mark Leszynski, MVL Construction Svcs. LLC)

Office space addition/13,994 sq. ft.

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 3, 4, 5, 7, 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. Leszynski of MVL Construction Services, LLC, 16270 Lake Forest Dr. Strongsville, OH 44136 was sworn in to speak for this appeal. Mr. Leszynski is the architect representing Mr. DiMilita and Weiss North America (NA).

Mr. Leszynski stated that Weiss NA currently has twenty employees and this addition will allow them to double their staffing to approximately forty and no more than fifty. The company makes machines that package products and this addition will increase their scope of machinery and give them flexibility in their production. The company does not have a very high parking volume.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
April 10, 2019**

He said they ran into some issues with power lines on the north side of the property. These lines cut across the site and limits their ability to expand anything from the parking area and to acquire any additional property.

There was some discussion on the parking near the loading dock. Mr. Leszynski clarified that his client will be utilizing the entire building; all the other tenants are moved out or are moving out.

Chairman Ralston said where the trucks docks are located, on the second page of the presentation, indicates vehicle parking, but it is not shown on the first page. Mr. Leszynski said they are only using two dock doors and the rest are being in-filled for security purposes. They will be adding parking spaces to this area. There will be landscaping added to this facility as well.

Chairman Ralston read into record a letter of support from the city administration for this appeal (Exhibit "A").

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

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

Mr. Ross moved to grant a variance to C.O. 1161.04 and allow 112 parking spaces instead of the allowable 167 parking spaces; citing C.O. 1109.09(b) for Weiss North America, 3860 Ben Hur Ave., Willoughby, OH 44094 and Mr. Merhar seconded.

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

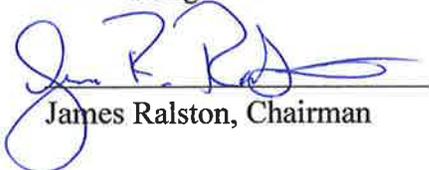
Motion Carried: Approved

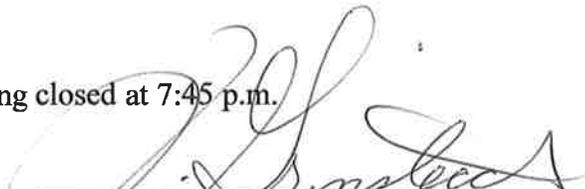
Mr. Tomaselli moved to adjourn the meeting and Mr. Ross seconded.

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

Motion Carried: Adjourned

There being no further business the regular meeting closed at 7:45 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary