

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MAY 8, 2019
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Joe Palmer; Mike Merhar; 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 the 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 applicants need a majority or three votes to pass their appeals. 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. Palmer moved to accept the Regular meeting minutes of April 24, 2019 as submitted and Mr. Ross seconded.

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

Nays: None

Absent: None

Motion Carried: Approved

OLD BUSINESS

Mr. Merhar moved to untable Old Business for Timperio Roofing & Siding, 37211 Ben Hur Ave., Willoughby, OH and Mr. Tomaselli seconded.

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

Nays: None

Absent: None

Motion Carried: Untabled

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Timperio Roofing & Siding

37211 Ben Hur Ave.

(Rep.- Henry Penttila, Architect)

Addition to commercial building

Chairman Ralston stated the applicant cited practical difficulty numbers 2, 3, 7, 8 and 9 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Penttila, Architect, 10710 Mitchells Mills Rd. Chardon, OH for Timperio Roofing & Siding was sworn in to speak for his appeal.

Mr. Penttila said Mr. Timperio would like to expand his business at the Ben Hur location. The proposal would allow for the safety of the vehicles entering the parking area and access to the garages. He referenced neighboring businesses being close to the front setbacks of their properties and referred to the renderings provided in the packet.

They are proposing a landscape buffer between the street and parking area which will go the entire length of the parking area. There will be 4-6" caliper crabapple trees and various types of shrubbery and ground cover planted as screening on a 3' foot mound for the new parking area. There is existing landscaping on the north side of the building and they will be supplementing this landscaping. The landscape plan will be submitted with the Development Plan.

Chairman Ralston asked where they will push the snow in the winter months. Mr. Penttila said he has not discussed that with his client. Chairman Ralston said he worries that the snow will be pushed into the newly landscaped area and it will be gone and Mr. Penttila assured him that would not happen.

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

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

Mr. Palmer moved to grant a variance to C.O. 1145.05(a) and allow an 18' front yard setback instead of the required 60' setback; this variance is contingent upon the approval of the landscape plan by the Planning Commission; citing C.O. 1109.09(b) for Timperio Roofing & Siding, 37211 Ben Hur Ave., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

NEW BUSINESS

Michael Delgado
38470 North Bay Dr.

Fence

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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 anyone wished to speak for this appeal. Mr. Delgado, 38470 North Bay Dr., Willoughby, OH was sworn in to speak for his appeal.

Mr. Delgado presented a letter of approval from his neighbor Ms. Rundo (in record 5-8-19). The 4' shadowbox fence will be approximately 80' from the corner of North Bay, running South and will not impede the visibility of pedestrians or vehicles. They would have to remove four large existing trees if they cannot install the fence where proposed. They would incur a large expense in order to remove these trees. The fence would enhance the neighborhood and property values. He is concerned for the safety of his grandchildren and pets with the close proximity to Lost Nation Rd. This fence would tie into the existing shadowbox fence located at 2467 Lost Nation Rd.

There was a brief discussion in regard to neighboring properties that have fencing in close proximity to Lost Nation Rd.

Chairman Ralston read into record the note in favor of the appeal from neighbor Shirley Rundo, 38486 North Bay, Willoughby, OH that was written on the legal notice she received (Exhibit A).

Chairman Ralston asked if anyone wished to speak for this appeal. Terry Foreman, 2405 Bunker Lane, Willoughby OH was sworn in to speak for this appeal.

Mr. Foreman is approximately four houses down from the Delgado's and he is in favor of this fence. He feels the fence location and height are good. They take good care of their property and the fence will look nice.

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

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

Mr. Palmer moved to grant a variance to C.O. 1131.11(i)(2) and allow a 4' fence high shadowbox fence instead of the required 3' high fence within 25' of the right-of-way; citing C.O. 1109.09(b) for the Delgado residence, 38470 North Bay Dr., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Approved

Mr. Palmer moved to grant a variance to C.O. 1131.11(i)(2) and allow a 25% vertical opening instead of the required 50% vertical opening within the location cited; citing C.O. 1109.09(b) for the Delgado residence, 38470 North Bay Dr., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Approved

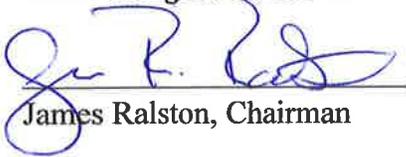
Chairman Ralston asked for a motion to adjourn the meeting.

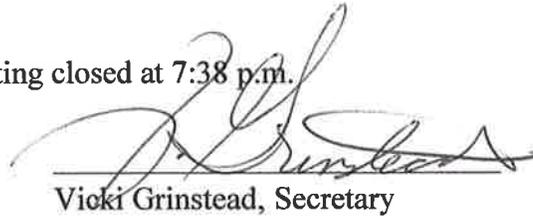
Mr. Merhar moved to adjourn the Board of Zoning Appeals meeting for May 8, 2018 and Mr. Ross seconded.

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

Motion Carried: Adjourned

There being no further business the regular meeting closed at 7:38 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary