

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JUNE 12, 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 7:03 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 not 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.

Chairman Ralston asked each applicant if they would like to proceed. All three applicants 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

May 22, 2019

Mr. Ross moved to accept the Regular meeting minutes of May 22, 2019 as submitted and Mr. Tomaselli seconded.

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

Motion Carried: Approved

OLD BUSINESS

Mr. Ross moved to untable Old Business for the Carson residence, 4070 St. Clair Ave., 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: Untabled

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Barbara Snyder-Carson
4070 St. Clair Ave.

Fence

Chairman Ralston stated the applicant cited practical difficulty number 6 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. Mrs. Barbara Snyder-Carson, 4070 St. Clair Ave., Willoughby, OH was sworn in to speak for his appeal.

Mrs. Carson said the fence has been up since 1980 and this past fall a windstorm destroyed the fence. She replaced the fence with a dog ear fence and was unaware she needed a permit. She presented pictures for the Board to view of the new fence. She has dogs and the fence prevents them from barking. He is also concerned about a troublesome neighbor across the street. She spoke with Mr. Keller in the Building Department in regard to what could be done with the fence and he advised her to apply for a variance. Mrs. Carson said she would be happy to fix the fence if the Board gave her some direction, because she paid \$900.00 for the fencing and cannot return it.

Mr. Tomaselli asked who installed the fence. Mrs. Carson said her and her husband installed it with the existing posts.

Chairman Ralston asked if anyone else wished to speak for this appeal. Mr. Todd Carson, 4070 St. Clair Ave., Willoughby, OH was sworn in to speak for his appeal.

Mr. Carson said they put the fence up and the city asked for 25% open surface and if they cut out each piece it will be a lot of work because there is over \$850 worth of fencing there. The fence has been there a long time. The fence is up because of people jumping fence and doing drug deals. He is also concerned about the safety of their animals.

Chairman Ralston said the best options are to try to trim down the fence in between the boards or respace the boards. There was a brief discussion on other options to make the fence comply with city ordinance. Mr. Carson asked how much time will they give them to repair the fence. Chairman Ralston said Mr. Carson would need to get the Building Departments direction as to how much he will need to remove. He will allow them 90 days from today to fix the fence and Mr. Carson agreed.

Mr. Ross moved to table the appeal for the Carson residence, 4070 St. Clair Ave., Willoughby, OH 44094 and allow a period of up to 90 days from today to bring the fence up to the city code and Mr. Merhar seconded.

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

Motion Carried: Tabled

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NEW BUSINESS

Citizens Bank

4015 Erie St.

(Rep.- Jeff Deeds, Visconsi Companies)

Signage

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 anyone wished to speak for this appeal. Mr. Deeds of Visconsi Companies, 30050 Chagrin Blvd., Pepper Pike OH was sworn in to speak for this appeal.

Mrs. Deeds said this variance is only for the freestanding signage. There are two reasons they are asking for the variance this evening. The first reason is when they initially presented the plan to the city they were going to put the freestanding sign on the corner of Erie St. and Mentor Ave. Upon conversation with the city they were asked to give up that corner and grant an easement to the city, for some type of an art installation, which they have done at no cost. In return the city would allow them to have two monument signs, once at each entrance; each monument sign is 44 sq. ft. The other reason is the original plan was to have a double ATM under the canopy of the bank, but Citizens Bank decided it would be a safety concern with the traffic flow. They had decided to install a single stand-alone ATM on the east side of the property for a safer ingress/egress pattern. Since they have a remote ATM they would like the additional signage to direct the traffic to the location of the ATM. It was combination of these two things that required them to ask for this variance.

Mr. Deeds said they went before the Design Review Board last Wednesday and were unanimously approved for the signage with a few concessions in regard to the illumination of the signs.

Chairman Ralston said the difficulty he is having with this, even though there is an agreement with the city, is the Board was not part of that agreement and it would also set a precedent.

Mr. Ross said the bank across the street only has one monument sign and does not see the purpose of having two monument signs.

There was more discussion on the agreement between the city and Citizens Bank. Mr. Germano said normally the Board would receive a recommendation from the administration, which the Board has not received this evening. Mr. Germano recommends tabling the appeal so the Board can look into this situation. Mr. Deeds asked to table the appeal until the next meeting.

Mr. Ross moved to table the appeal for Citizens Bank, 4015 Erie St., Willoughby, OH 44094 pursuant to the applicant's request and Mr. Merhar seconded.

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

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Motion Carried: Tabled

David E. Jones
5126 Harmony Lane

Accessory Garage

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. Jones, 5126 Harmony Lane, Willoughby, OH was sworn in to speak for his appeal.

Mr. Jones said he does a lot of traveling and does not want to leave anything outside when he is gone. Mr. Jones said the proposed garage is not two-stories. The two ends with the single doors will be normal garage doors. The center is 2 ft. taller in the event he purchases a larger vehicle. He has a cupola on top the roof for decorative purposes. He has chosen decorative garage doors with nice hardware which are quite expensive. It will be insulated and paneled inside with LED lighting. He said the reason for the height is he would like a 4 ft. overhang so if there is inclement weather he can step under the overhang.

Mr. Ross said the garage will be considerably taller than the house and the overall scale will be larger than most of the homes in that neighborhood. He asked if Mr. Jones's home is a ranch style and he said yes.

Chairman Ralston said the tall section calls for a 10 ft. ceiling and Mr. Jones said that is correct. Chairman Ralston asked what is above that ceiling. Mr. Jones replied it will just be hollow up to the cupola. Chairman Ralston said this will not be used for living space and Mr. Jones said no.

Chairman Ralston asked about the existing garage. Mr. Jones said the existing garage will be demolished because it is sinking and is in disrepair.

Mr. Tomaselli said the proposed garage is large and is concerned with how it will fit into the neighborhood. Mr. Ross asked if the garage can be made smaller and still fit all of his items and Mr. Jones said no; he has several recreational vehicles in his current garage and has to move them when he needs to obtain other items in his garage.

Mr. Merhar said he should decide what the least amount of square footage he is his comfortable with and come back to the Board with that option or have the Board vote on the current proposal. Chairman Ralston said if he attaches it to the home he can have a larger structure. He advised Mr. Jones to discuss this with the Building Department.

Mr. Jones asked to have his variance request tabled so he can explore other options.

Mr. Ross moved to table the appeal for the Jones residence, 5126 Harmony Lane, Willoughby, OH 44094 pursuant to the applicant's request and Mr. Tomaselli seconded.

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

Motion Carried: Tabled

CubeSmart
31581 Euclid Ave.
(Rep.- Norm Kotoch, NAK Management)

Two new storage buildings

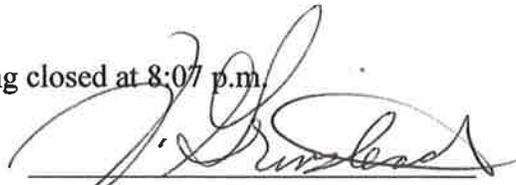
Mr. Ross moved to permanently table the appeal for CubeSmart, 31581 Euclid Ave., Willoughby, OH 44094 pursuant to the applicant's request and Mr. Tomaselli seconded.

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

Motion Carried: Permanently Tabled

There being no further business the regular meeting closed at 8:07 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary