

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 11, 2019
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Joe Palmer; Mike Merhar; James Ralston, Chairman
ABSENT: Mike Ross; Angelo Tomaselli
OTHERS: Michael Lucas, Law Director; Vicki Grinstead, Secretary

Chairman Ralston called the regular meeting to order at 7:01 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 not all five members of the board are present this evening and the applicants need a majority or three votes to pass their appeals. Mr. Dragon and Mr. Teriaca wished to proceed with their appeals. Mr. Matuszak had informed Mrs. Grinstead earlier in the day that he wished to postpone until the next meeting. 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

August 28, 2019

Mr. Merhar moved to accept the BZA Public Hearing meeting minutes of August 28, 2019 as submitted and Mr. Palmer seconded.

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

Motion Carried: Approved

OLD BUSINESS

This item will remain tabled until the next meeting per the applicant's request.

Bill & Diane Matuszak
38625 Bell Rd.

Yard structure in front yard

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NEW BUSINESS

Zeppe's Tavern

5870 SOM Center Rd.

(Rep.- George Dragon, Cicogna Electric & Sign Co.)

Signage

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 2, and 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. Dragon of Cicogna Electric & Sign Co., 4330 N. Bend Rd., Ashtabula, OH 44094 was sworn in to speak for this appeal.

Mr. Dragon said Zeppe's will be occupying two of the four units in this building and they have two entryways (refers to rendering). He said when he and the owner, Mr. Ciresi, began the process of drawing up the signage they realized when they tried to meet the city code the "Z" is so large, that it dropped the lettering to a smaller scale and would be hard to read from the road, as the building is set so far back.

Mr. Dragon said they ultimately decided to add the logo in between the two windows and make the individually mounted white letters larger on the brick building for visibility. He said he calculated the circle logo as 28 sq. ft., and the individual lettering for the actual flat sign area is 38.47 sq. ft.; for a total of 66.47 sq. ft. for both signs. The way the city calculates signage, they include the dead space and with the "Z" being so large it was calculated larger and the logo was calculated as a square. There was a brief discussion on how the signage is calculated per city ordinance.

Mr. Palmer asked if they could shrink the sign by 20%. Mr. Dragon said the sign would look too small for the scale of the building. Chairman Ralston asked if they need the "Tavern" portion because everyone knows they are a pizzeria. Mr. Dragon said the "Tavern" portion of the sign is important because they are not just a pizzeria now.

Chairman Ralston asked if anyone else wished to speak for this appeal. Mr. Joe Ciresi, Owner of Zeppe's Tavern, 2867 Fowler Dr., Willoughby Hills, OH was sworn in to speak for this appeal.

Mr. Ciresi said this is their fourth tavern and they own approximately thirty pizzerias, so their hardship is having their customers realize they are not just a carry out pizzeria. They will have a bar and more of an upscale sit down restaurant, and this is why the "Tavern" portion of the signage is so important. They will be adding an addition on the side for an outdoor patio and are also adding a mezzanine.

Mr. Lucas said this is on a corner lot and referred to Codified Ordinance 1163.05 (a)(7)(B) and subsequent ordinances that apply and gave a brief explanation of how the Building Department arrived at their sign calculations.

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

Mr. Lucas said for the purpose of the record, in regard to how signs are measured by squaring off, Codified Ordinance 1163.03(a)(2) defines how to determine sign area and specifically addresses signs comprised of individual letters.

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

Mr. Palmer moved to grant a variance to C.O. 1163.05 (a)(7)(B) and allow wall signage of 121.28 sq. ft. sign instead of the allowable 84 sq. ft.; citing C.O. 1109.09(b) for Zeppe's Tavern, 5870 SOM Center Rd., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Approved

Rob Teriaca
4285 Buckeye Ave.

Solid Fence

Chairman Ralston stated the applicant cited practical difficulty number 1 on the application for appeal and noted all items that were in the packet. He noted that Teriaca, on his Building Department permit application, did apply for a board-on-board fence and no inspection was done as of May 13, 2019.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Teriaca, 4285 Buckeye Ave., Willoughby, OH 44094 was sworn in to speak for his appeal.

Mr. Teriaca gave the Board a rendering (in record 9-11-19 @ 7:36 p.m.). He said there is only a small portion of the fence that can be seen from the street. He would like this fence because of his dogs and family. His neighbor also feeds neighborhood cats, which is also attracting skunks and this is why he deviated from the original plan.

Mr. Palmer asked if he would be willing to repair the fence to comply with city code. He also said these types of fences are granted variances for certain circumstances where visibility and security are paramount. Mr. Teriaca said he owns a business and it would take a lot of extra time, which he does not have, to fix the fence.

Chairman Ralston said they see this repeatedly and residents have repaired the fences to comply with the city ordinance. He suggested Mr. Teriaca work with the Building Department. There was a brief discussion on how to repair the fence.

Mr. Teriaca requested to have his appeal tabled to work with the Building Department to repair his fence.

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

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

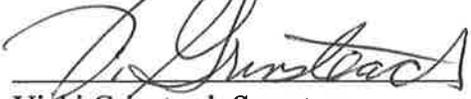
Mr. Palmer moved to table the appeal for the Teriaca residence, 4285 Buckeye Ave., Willoughby, OH 44094, per the applicant's request, and Mr. Merhar seconded.

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

Motion Carried: Tabled

There being no further business the regular meeting closed at 7:47 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary