

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
JANUARY 13, 2021  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Maniche; James Ralston; Mike Ross; Joe Palmer, Chairman

**ABSENT:** None

**OTHERS:** Mike Lucas, Law Director; Vicki Grinstead, Secretary

**Chairman Palmer called the regular meeting to order at 7:02 p.m.**

Chairman Palmer 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 Palmer advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Chairman Palmer stated 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(s) have 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**

**November 10, 2020**

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of November 10, 2020 as submitted and Mr. Ralston seconded.

**ROLL CALL:**           Yeas:   Mr. Maniche; Mr. Ross; Mr. Davis; Mr. Ralston; Chairman Palmer  
                              Nays:   None  
                              Absent: None

**Motion Carried:    Approved**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

**Board of Zoning Appeals**

**Election – 2021  
Chairman  
Vice Chairman  
Secretary**

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Mr. Ralston moved to nominate Mr. Palmer as Chairman of the Board of Zoning Appeals for year 2021 and Mr. Ross seconded. There were no other nominations for Chairman.

ROLL CALL:       Yeas:     Mr. Ross; Mr. Davis; Mr. Ralston; Mr. Maniche; Chairman Palmer  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

Mr. Ralston moved to elect Mr. Palmer for Chairman of the Board of Zoning Appeals for year 2021 and Mr. Ross seconded.

ROLL CALL:       Yeas:     Mr. Davis; Mr. Ralston; Mr. Maniche; Mr. Ross; Chairman Palmer  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

Mr. Palmer moved to nominate Mr. Ross as Vice Chairman of the Board of Zoning Appeals for year 2021 and Mr. Davis seconded. There were no other nominations for Vice Chairman.

ROLL CALL:       Yeas:     Mr. Ralston; Mr. Maniche; Mr. Ross; Mr. Davis; Chairman Palmer  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

Mr. Davis moved to elect Mr. Ross for Vice Chairman of the Board of Zoning Appeals for year 2021 and Mr. Ralston seconded.

ROLL CALL:       Yeas:     Mr. Maniche; Mr. Ross; Mr. Davis; Mr. Ralston; Chairman Palmer  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

Mr. Palmer moved to nominate Mrs. Grinstead as Secretary of the Board of Zoning Appeals for year 2021 and Mr. Ralston seconded. There were no other nominations for Secretary.

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ROLL CALL: Yeas: Mr. Ross; Mr. Davis; Mr. Ralston; Mr. Maniche; Chairman Palmer  
Nays: None  
Absent: None

**Motion Carried: APPROVED**

Mr. Ralston moved to elect Mrs. Grinstead for Secretary of the Board of Zoning Appeals for year 2021 and Mr. Davis seconded.

ROLL CALL: Yeas: Mr. Davis; Mr. Ralston; Mr. Maniche; Mr. Ross; Chairman Palmer  
Nays: None  
Absent: None

**Motion Carried: APPROVED**

**Sheetz, Inc.**  
4145 S.R. 306  
(Rep.- Ryan Balko, Sheetz, Inc. & Bruce Rinker, Esq.)

**Freestanding business identification  
signage**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3 and 8 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Bruce Rinker, officer of the Court, of Mansour Gavin LPA, 1001 Lakeside Ave E Suite 1400, Cleveland, OH 44114.

Mr. Rinker said they have obtained approval from the Sign Review Board for all of the other signage except for the sign before the Board this evening. He said this is only one of three sites within the city at interchanges, between Rt. 306 and Rt. 91, and the high-rise sign is intended to address the traffic that is flowing on I-90. He said it gives this traffic time to respond to be able to maneuver to get off the freeway to get to the site. Mr. Rinker said this lot is functionally a corner lot, and just happens to be the corner of an interchange. Sheetz wants to capture the traffic from Rt. 306 as well as I-90. The monument sign will not only be for the Rt. 306 traffic but will direct the traffic from I-90 to the site as well. It will also be the identifier for the business and advertises the gas prices. They do not believe this monument sign will be a zoning burden, and is consistent to the corridor, which is a commercial, retail area. He said it will improve the look of the current site and will be a benefit to the community and surrounding businesses.

Mr. Ryan Balko of Sheetz, Inc., 4907 Franklin Blvd., Cleveland, OH 44102 was sworn in to speak for this appeal.

Mr. Balko said at the meeting of the Sign Review Board all of the signage, with the exception of this monument sign, was approved. He said the Sign Review Board was aware that there was a variance needed for this sign and that Sheetz would need to come back before the Board for the monument sign if approved by the BZA. He said

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as far as height etc. this monument sign meets all the city's code requirements. He said they are repurposing the former Days Inn interchange sign and it is being reduced as far as the overall height and square footage.

Mr. Ralston said the Sheetz stores have a lot of bright signage and does not believe a person getting off the interstate would have a hard time finding the site. He also does not like look of the high-rise sign.

Mr. Rinker said this monument sign is a very basic identifier for the site and with the investment they are making is important for the business. Mr. Balko added that the people driving down S.R. 306 are looking to see what the gas prices. Also, the high-rise sign is perpendicular to the 306 traffic, so they will not be able to see that signage with the gas prices. There was a brief discussion on the type of lot the site is on and how the determination was made for the signage.

Mr. Maniche asked if they had to choose between the two signs, which one would they choose? Mr. Brinker replied both. Mr. Maniche agreed the monument sign is important to see the gas prices.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Greg Patt, 38005 Brown Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Patt, former Sign Review Board and BZA member, said the whole idea of marketing and branding is that monument sign, and it should be allowed to be installed along the 306 corridor. He asked Mr. Lucas to define a corner lot. Mr. Lucas read into record C.O. 1103.03(b) (95): **1103.03 DEFINITIONS OF GENERAL TERMS** (b) Certain general terms are hereby defined as follows: (95) "Lot types" means terminology used in this ordinance with reference to corner lots, interior lots and through lots as follows: A. "Corner lot" means a lot abutting on two streets at their intersection where the angle of such intersection is not more than 135 degrees. Mr. Patt said he believes this to be a corner lot and it deserves two signs.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Ralston moved to grant a variance to C.O. 1163.06(e)(2) to allow two signs instead of the allowable one; citing C.O. 1109.09(b) for Sheetz, Inc., 4145 S.R. 306, Willoughby, OH 44094 and Mr. Davis seconded.

Chairman Palmer said he would prefer the drivers look at the monument sign while driving instead of trying to read a high-rise sign that is far from the site for safety reasons. Mr. Maniche said from a business point of view he does think the pricing is important and is torn, but thinks the monument sign is more important.

ROLL CALL:       Yeas:     Mr. Ross; Mr. Davis; Chairman Palmer  
                      Nays:     Mr. Maniche; Mr. Ralston  
                      Absent:  None

**Motion Carried:     Approved**

Chairman Palmer said they will hear both the identical variances simultaneously, but the public opinions and motions will be made separately for Vincent Homes.

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**Vincent Homes**

38543 Beachview Rd./SL 8  
(Rep.-Vince Marcellino, Vincent Homes)

**New Home/Front Setback**

Chairman Palmer stated the applicant cited practical difficulty number 1 on both applications for appeal and noted all items that were in the packet.

Chairman Palmer asked if anyone wished to speak for this appeal. Vince Marcellino of Vincent Homes, 2748 Rockefeller, Willoughby Hills, OH 44094 was sworn in to speak for both appeals for S/L 8 and S/L 9.

Mr. Marcellino said he is proposing to put up two houses on lakefront lots. He said there have been a lot of erosion issues and he would like to pull them up as much as possible. He said he will not bring the homes up as far as the home located at 38539 Beachview but within a couple of feet of that. He said he made a large investment to install erosion control.

Mr. Davis asked if Mr. Marcellino had considered combining the lots and building only one home and Mr. Marcellino said no because these are two buildable lots.

Mr. Ralston said 21' won't hold two cars in the driveways, especially if there is a large vehicle. Mr. Palmer asked if there was a 2-car garage and Mr. Marcellino said yes for both homes. Mr. Ralston said does it have to be 13.4' for the variance or can it be pushed back, so two cars can park one behind the other in the driveway, not including the garage. Mr. Davis said to the east the homes are farther back from the street, but part of the issues may be, over the decades the land has eroded by 20' or so. Chairman Palmer agreed and said the erosion may be 100' or more. Mr. Ralston said he stands corrected, the 21' is from the front of the porch, not the drive. Mr. Marcellino said approximately 5' deeper.

Mr. Ross asked if these homes are similar to the homes he built on Shadowrow and Mr. Marcellino said yes. Mr. Ross said his mother-in-law lives in one of these homes and they can fit two cars in the drive.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.08(a) to allow a front yard setback of 21 ft. instead of the allowable 34.4 ft. front yard setback; citing C.O. 1109.09(b) for a new residence, 38543 Beachview Rd./SL 8, Willoughby, OH 44094 and Mr. Ralston seconded.

ROLL CALL:           Yeas:   Mr. Ross; Mr. Ralston; Mr. Maniche; Chairman Palmer  
                              Nays:   Mr. Davis  
                              Absent: None

**Motion Carried:    Approved**

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**Vincent Homes**

PPN# 27B-057A-00-032-0/SL 9

(Rep.-Vince Marcellino, Vincent Homes)

**New Home/Front Setback**

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.


Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

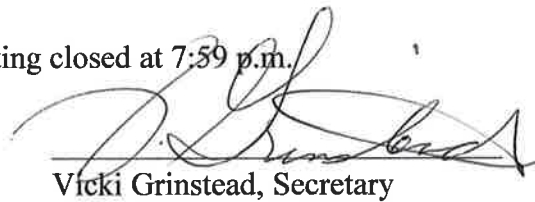
Mr. Maniche moved to grant a variance to C.O. 1131.08(a) to allow a 21 ft. front yard setback instead of the allowable 34.4 ft. front yard setback; citing C.O. 1109.09(b) for a new residence located at PPN# 27B-057A-00-032-0/SL 9, Willoughby, OH 44094 and Mr. Ralston seconded.

ROLL CALL:           Yeas:   Mr. Ross; Mr. Ralston; Mr. Maniche; Chairman Palmer  
                              Nays:   Mr. Davis  
                              Absent: None

**Motion Carried:   Approved**

There being no further business the regular meeting closed at 7:59 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary