

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
OCTOBER 28, 2020
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

OTHERS: Michael Lucas, Law Director; Vicki Grinstead, Secretary

Chairman Palmer called the regular meeting to order at 7:03 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

October 14, 2020

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of October 14, 2020 as submitted and Mr. Maniche 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

**Terry & Beth Vaughn
712 Cherokee Trail**

Hot tub/side yard setback

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Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3 and 6 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. Mrs. Beth Vaughn, 712 Cherokee Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Vaughn said Mr. Maniche was there to view the property and the yard is small. She said there is literally no place else to place the hot tub where they would have any privacy. She said it will be approximately 25' from their neighbors home and they have spoken to their neighbors who do not have an issue with it. She said Mr. Maniche suggested putting in on their patio, but the patio is all they have for seating and is right next to the street, which is a side yard. She said they would just like a place to relax when they come home from work.

Chairman Palmer said there is a garage on one side and the rest of the area is surrounded by a 6 ft. fence.

Mr. Terry Vaughn, 712 Cherokee Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Vaughn said the hot tub will be surrounded by the garage, a chain link fence, and they intend to install a wood fence in the back. He said they would install a lock on the gate for safety and there will be a lid on the hot tub as well.

Mr. Ralston commended the Vaughn's for the completeness of their application.

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. 1131.10(a) to allow a hot tub to be 1 ft. from a side/rear lot line instead of the allowable 5 ft.; citing C.O. 1109.09(b) for the Vaughn residence, 712 Cherokee Trail, Willoughby, OH 44094 and Mr. Ralston seconded.

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

Motion Carried: Approved

Swenson's Restaurant
34725 Euclid Ave.
(Rep.- James Martynowski, Osborne Capital Group)
and Jeff Flowers, CEO Swenson's Restaurant)

**Landscape requirements/Parking
Setback requirements/Parking lot
landscaping & screening**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4 and 5 on the application for appeal and noted all items that were in the packet. Chairman Palmer noted that C.O. 1161.12(a) had been revised by

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the applicant and reviewed by Karen Brooks, Zoning Code Inspector, in an email dated October 9, 2020 and is now in compliance, and is no longer before the Board.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Martynowski of Osborne Capital Group, 7670 Tyler Blvd., Mentor, OH 44060, agent for Swenson's, was sworn in to speak for this appeal.

Mr. Martynowski said they will demolish the current building and construct a new Swenson's restaurant on the same footprint, but is slightly smaller. He said to the left of that will be a canoe island, which is currently a sidewalk. He said they will be reusing the site as far as the parking area, except for some islands in the back and the canoe island mentioned above. He explained that some of the setback along Euclid Ave. was taken for right-of-way but most of the setback conditions have been existing for many years. He said they would be willing to install landscaping in the front along Euclid Ave. He said this does slope down from the street to the parking lot and on the last five feet from the right-of the way they would be willing to install landscaping, although it may not be seen from Euclid Ave., to help conform to the ordinance. Mr. Martynowski said the SOM Center Rd. right-of-way is right up to the parking lot and has existed that way for many years as well.

Chairman Palmer asked if there were plans to install a sidewalk along Euclid Ave. Mr. Martynowski said yes they agreed in the Planning Commission meeting to install one up to SOM Center Rd.

Mr. Ralston said there seems to be an access amount of parking on this site, even though this is not before this Board.

Mr. Jeff Flowers, CEO of Swenson's, 680 E. Cuyahoga Ave., Akron, OH 44310 was sworn to speak for this appeal.

Mr. Flowers said their parking lot is their dining room since they are a car hop restaurant and there is no indoor dining. There can be anywhere from 20-25 employees working at a time. They are hoping for this to be one of their higher volume restaurants and need all the parking they have. Mr. Ralston thanked Mr. Flowers for the explanation. He said this is a "gateway" into the city and it isn't a very pleasant looking intersection and was wondering if there was a way to install additional screening in the east parking area along Rt. 91. Mr. Flowers said his concern with losing any parking spaces is vehicles end up circling the parking lot waiting for a space to open up and becomes a challenging traffic concern, which they would like to avoid. Mr. Martynowski added on the east side there is quite a bit of grass on the right-of-way for SOM Center Rd. and are not close to the street where any landscaping could be seen.

Chairman Palmer asked what the elevation is along Rt. 91 and can they add some plantings. Mr. Martynowski said there is a drainage swale that deepens as it heads north and any landscaping would be down in the swale. Mr. Flowers said they have faced challenges with landscaping too close to the cars. He said the issue is they back in, so the curb servers see the headlights, which is how they know the customer needs service, and the plantings are inundated with exhaust fumes and die out.

Mr. Davis wanted to comment in regard to plantings along Rt. 91. He said he is referring to C.O. 1141.04 Minimum Landscaped Open Space which requires 20% and Swenson's is offering 11.9%. He said he believes the placement of plantings would be better served breaking the view up from SOM Center Rd., and concurs with

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Mr. Ralston that it is a “gateway” into the city. He said, in the plans, there is a long, uninterrupted stretch of parking lot, which is presumably customers. Mr. Flowers said he would like to offer a solution. He said along SOM Center there is a finger island with eleven parking spaces above and below it to the north and south and Mr. Davis agreed. He said they are willing to add three or four more of the finger islands along that row and do some plantings there and Mr. Davis agreed with the compromise. Mr. Flowers said the islands would be 10 ft. long or longer and would be installed in the back third, closest to SOM Center Rd. He said it would give better sight lines for the servers to still be able to see the vehicles and still have access to them to hang the trays on the cars. Mr. Ralston said if they put three or four trees along Rt. 91, it would improve the aesthetics of the site. Chairman Palmer said each of the finger islands are 10 ft. wide approximately 20 ft. long, so that would be roughly 200 sq. ft. each. He said if four finger islands were added it would be an additional 800 sq. ft. of landscaping. Mr. Martynowski added these additional islands will increase the percentage they have originally asked for.

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. A letter in opposition from Terry Foreman, 2405 Bunker Lane, Willoughby, OH 44094, that was sent via email on 10-28-20, was read into record by Chairman Palmer (Exhibit “A”). One of the issues addressed in the letter was having a sidewalk, which Swenson’s had already agreed to.

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

Mr. Ralston moved to grant a variance to C.O. 1141.04(c) Minimum Landscaped Open Space to allow 11.9% plus 800 sq. ft. in the form of four finger islands on the eastern parking lot, instead of the allowable 20% of the lot area; citing C.O. 1109.09(b) for Swenson’s Restaurant, 34725 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

Mr. Ralston moved to grant a variance to C.O. 1141.06 Minimum Parking Setback Requirements (a) Front Yard to allow a 5 ft. front yard setback instead of the allowable 20 ft. front yard setback; citing C.O. 1109.09(b) for Swenson’s Restaurant, 34725 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

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Mr. Ralston moved to grant a variance to C.O. 1141.06 Minimum Parking Setback Requirements (b) Side/rear yard to allow a 0 ft. side/rear setback instead of the allowable 5' side/rear setback; citing C.O. 1109.09(b) for Swenson's Restaurant, 34725 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

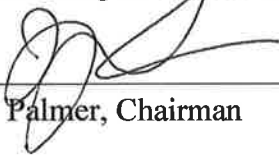
Motion Carried: Approved

Mr. Ralston moved to grant a variance to C.O. 1161.12 Parking Lot Landscaping and Screening, (b) Additional plantings along public streets to allow zero plantings/landscaping instead of the allowable minimum 2 ½ ft., and 50% of the parking lot; citing C.O. 1109.09(b) for Swenson's Restaurant, 34725 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

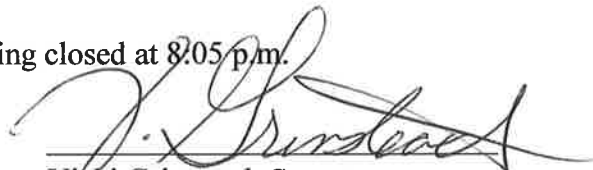
ROLL CALL: Yeas: Mr. Ross; Mr. Davis; Mr. Ralston; Mr. Maniche; Chairman Palmer
 Nays: None
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 8:05 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary