

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MARCH 10, 2021
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Joe Palmer, Chairman

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

Vice Chairman Ross called the regular meeting to order at 7:06 p.m.

Vice Chairman Ross 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. Vice Chairman Ross advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Vice Chairman Ross stated 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(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

February 24, 2021

Mr. Davis moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of February 24, 2021 as submitted and Mr. Ralston seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Swenson's
34725 Euclid Ave.
(Rep.- Timothy Franta, Canton Sign)

Non-conforming pole sign

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

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

Vice Chairman Ross asked if anyone wished to speak for this appeal. Ms. Kristen Klein, Head of Real Estate for Swenson's Restaurants was sworn in to speak for the appeal.

Vice Chairman Ross asked Ms. Klein if she would like to proceed with only four members of the Board of Zoning Appeals present and she said yes.

Ms. Klein said this sign is very important to Swenson's for purposes of visibility. She gave a brief background on herself. She said she was under the impression the pole sign was "grandfathered in" and they would have no issue utilizing it. She said if you are heading south on SOM Center Rd. or west on Euclid Ave., this pole sign will make or break their visibility. She said if they had proposed a monument sign it would be significantly hindered visibility wise. She said they will not increase the size of the pole, but will utilize it as it. She said they assumed the sign cabinet was removed by the former Denny's restaurant.

Vice Chairman Ross asked if anyone else wished to speak for this appeal. Ms. Andrea Schiber of Advanced Sign Group, 5150 Walcutt Ct., Columbus, OH 43228 was sworn in to speak for the appeal.

Ms. Schiber said they are basing the size of their sign on the size and scale of the former Denny's sign.

Mr. Ralston asked if there was signage on the building. Ms. Klein said yes there is signage on the building. She was referring to the southbound traffic on SOM Center and westbound traffic on Euclid Ave. because the site sits below grade.

Ms. Schiber said when the trees are in bloom along the SOM Center Rd. the signage on that side of the building wouldn't be visible. The pole sign, above the grade, would greatly increase visibility to oncoming traffic.

Vice Chairman Ross asked if anyone else wished to speak for this appeal. Mr. Franta of Canton Sign LLC, 222 Fifth St./NE, Canton, OH 44702 was sworn in to speak for the appeal.

Mr. Franta said he did the site survey for this project. The site is sunken below the surface of Euclid Ave. and the intersection is extremely busy. He said it would definitely be a hardship not to have a pole sign. The fence is covered with vines and there are also trees in the spring, summer and fall along the fence line and they would hide the site. If they were to install a monument sign there would be a problem with placement on the site because of utility poles etc. The sign will only be approximately 20-22' tall.

Chairman Ralston asked if the sign will be taller with the addition of the cabinet. Mr. Franta said no, it will fit like a sleeve over the top of the pole. The top of the sign cabinet will be the top of the pole.

Mr. Ralston asked about the changeable copy part of the sign and Ms. Klein said it is a necessity to their marketing division. Mr. Davis said they are only hearing the matter of the pole sign being allowed and the Sign Review Board will review the format of the sign.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

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

Mr. Patt said he supports how important it is for branding in this situation because the restaurant is way below grade, and agrees with the previous statement that, there is a large amount of growth on the fence along SOM Center Rd. He said Rt. 91 is a restricted highway and Swenson's would be hidden at that intersection without the pole sign. He urges the board to vote in favor of this appeal.

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

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

Mr. Davis said his justification for his vote is that the ordinance for pole signs has recently been amended. He said he is in support of Swenson's appeal.

Mr. Maniche moved to grant a variance to C.O. 1163.14 to allow a pole sign, not located in the immediate vicinity of a limited access highway interchange and exit, in the existing framing that was in existence prior to the alteration and to continue it as nonconforming; citing C.O. 1109.09(b) for Swenson's, 34725 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

Kevin & Stephanie Kubec
38634 Fairway Glenn

Solid Fence

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1 and 3 on the application for appeal and noted all items that were in the packet, including a letter from the Fairway Glenn H.O.A. approving their fence request.

Vice Chairman Ross asked if anyone wished to speak for this appeal. Mr. Kevin Kubec, 38634 Fairway Glenn, Willoughby, OH 44094 was sworn in to speak for the appeal.

Vice Chairman Ross asked Mr. Kubec if he would like to proceed with only four members of the Board of Zoning Appeals present and he said yes.

Mr. Kubec said there is a public parking lot that runs directly behind their lot and have had quite a few people trespass onto their property and look directly into their windows. He said there is also heavy equipment being utilized in the summer and they would like this fence for privacy reasons. There is also a golf cart refueling

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

station in the rear of the property, which produces a lot of foot traffic. The grounds keeping office is on the corner of the building that butts up to their property line and they have a window that looks right into his home. He said he wanted to clarify they are only seeking the privacy fence across the rear lot line, not on the sides.

Vice Chairman Ross said his other fence is board-on-board and asked what the rationale was behind doing a different style solid fence in the rear. He said the Board does not typically allow these types of fences.

Vice Chairman Ross asked if anyone else wished to speak for this appeal. Mrs. Stephanie Kubec, 38634 Fairway Glenn, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mrs. Kubec said there will only be two panels along the back corner on each side. She reiterated what her husband said about wanting privacy from the golf course patrons/employees. There was a brief discussion on where the fence will be located. Mr. Maniche said the Board has the rendering with the blue and pink highlights that shows the location of the fence.

There was a brief discussion on which type of fence the applicant wanted. Mr. Kubec said they are applying for the fence marked Champion 6' high solid fence. He did not realize the other fence options were also submitted to the Board.

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

Vice Chairman Ross 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. 1131.10(i)(3)C to allow a solid fence instead of the allowable picket with ¼" openings as per the attached rendering; citing C.O. 1109.09(b) for the Kubec residence, 38634 Fairway Glenn Blvd., Willoughby, OH 44094 and Mr. Davis seconded.

ROLL CALL: Yeas: Mr. Maniche
 Nays: Mr. Ralston; Mr. Davis; Mr. Ross, Vice Chairman
 Absent: Mr. Palmer, Chairman

Motion Carried: Denied

Chairman Ross asked for a two-minute recess at 7:44 p.m. The board resumed the appeal process at 7:46 p.m.

Gajendran & Brindha Gopinathan
34150 Willow Creek Place

Addition/rear yard setback

Vice Chairman Ross asked Mr. Gopinathan if he would like to proceed with only four members of the Board of Zoning Appeals present and he said yes.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1, 3 and 8 on the application for appeal and noted all items that were in the packet, including a letter of support signed by ten of his neighbors in favor of his addition (Exhibit "A").

Vice Chairman Ross asked if anyone wished to speak for this appeal. Mr. Gopinathan, 34150 Willow Creek Place, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Gopinathan said his elderly parents live in India and are afraid to be alone since Covid and he wants them to permanently move to his home. He is just trying to create more space for his parents. He has kids in school and loves the development and would love stay here if they are permitted to do the addition. He said his back yard is against his neighbor's side yard. He said if he put his addition here it will fit in with the development. He said, as stated in his letter, he would be willing to reduce the variance to as minimal as possible and reduce it to one-story if need be. He created the two-story addition so it would look in sync with the rest of the development. He said there are a few other options but they will not be feasible for his parents or the neighborhood.

Mr. Gopinathan said he reached out to eleven of his neighbors and ten of them provided their approval and they offered to join the meeting in support, but he did not want them to sit through a meeting. He will he will review the plans with his Homeowners Association (H.O.A).

Vice Chairman Ross asked if he received a variance for his deck and Mr. Gopinathan said he did not. He said it looks like the deck extends into the setback. Mr. Gopinathan said he believes the contractor obtained the proper permits.

Vice Chairman Ross said this is a 40% variance. He said, earlier, the applicant said he would be open to altering his plans and would he consider a 10-12' variance. Mr. Gopinathan said he would consider that. Vice Chairman Ross asked if he would do an 8' encroachment and Mr. Gopinathan said he did not believe he could do that and build a bedroom and a full bath he would need for his parents. Mr. Maniche said the applicant would have a better chance of approval with an 8' variance.

Mr. Gopinathan said he would like to amend his variance request to seek a reduced 10' encroachment from the original 16' encroachment.

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

Vice Chairman Ross asked if there was anyone who wished to speak against this appeal. Mr. Chris Welker, 34155 Willow Creek Place, Willoughby, OH 44094 was sworn in to speak against this appeal.

Mr. Welker said he is a board member of the H.O.A. and a neighbor who did not sign the letter of support. He said they appreciate the circumstance that Mr. Gopinathan is trying to address but the development is comprised of R-60 lots and there is not a lot of open space. He said when the development was built there were no allowances for any variances, of any kind, in the setbacks for any home. He said the H.O.A. board has voted not to allow this project to encroach into the setback. He said he also feels the same way as a neighbor.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

Vice Chairman Ross asked if the Board approved Mr. Gopinathan's deck and Mr. Welker said no. He said, at first, the H.O.A. was willing to let people do what the city allowed, but were not expecting this type of a variance, so this has triggered them to be more proactive. He said they will be clarifying their notification process within the H.O.A. Board.

Mr. Lucas explained that the City's approval/denial is independent from the H.O.A.'s approval/denial for any variance; one does not supersede the other.

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

Mr. Maniche moved to grant a variance to C.O. 1131.06 to allow a 30' rear yard setback instead of the allowable 40' rear yard setback, as requested by amendment by the applicant; citing C.O. 1109.09(b) for the Gopinathan residence, 34150 Willow Creek Place, Willoughby, OH 44094 and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Ross, Vice Chairman
 Nays: Mr. Maniche; Mr. Davis; Mr. Ralston
 Absent: Mr. Palmer, Chairman

Motion Carried: Denied

Johanna Junia
4810 Highland Dr.

**Porch addition/front yard
setback**

Vice Chairman Ross stated the applicant cited practical difficulty numbers 3 and 8 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if anyone wished to speak for this appeal. Ms. Junia, 4810 Highland Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Junia said she would like a front porch to be able to see her neighbors since she is "stuck" at home. She said to construct anything smaller would not be worth the effort because you could not put any substantial furniture on it. She said it is an extra 3' for the porch and 2' for the steps.

Vice Chairman Ross asked how far it will extend past her paver walkway. She referred to the rendering and said it will not extend past the split rail fence that is in existence. She said the split rail fence will be removed.

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

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

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

Mr. Davis said he drove through the neighborhood and there were other homes that had similar porches as the one being requested.

Mr. Maniche moved to grant a variance to C.O. 1131.06 to allow a 35' front yard setback instead of the allowable 40' front yard setback; citing C.O. 1109.09(b) for the Juna residence, 4810 Highland Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

Michael & Jennifer Pushey
38126 Parkway Blvd.

Accessory Garage

Vice Chairman Ross asked Mr. and Mrs. Pushey if they would like to proceed with only four members of the Board of Zoning Appeals present and Mr. Pushey said yes.

Vice Chairman Ross stated the applicant did not cite any practical difficulty number on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if anyone wished to speak for this appeal. Mr. Pushey, 38126 Parkway Blvd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Pushey said there are two main reasons they are looking to add this garage. He said he is getting ready to have four licensed drivers in his home and it would alleviate the parking situation. He said the second reason is to protect the vehicles from the elements. He said they are looking for additional parking space, as well as additional storage. He said the other buildings on the property were there when they moved in. He was not aware of the requirements until he filed for his permit with the Building Department.

Vice Chairman Ross reiterated that the shed to the left of the pool, the pool shed and the detached two-car garage were there already and Mr. Pushey said yes. Vice Chairman Ross said adding this attached garage to the back of the home will leave virtually no back yard that is not touched by concrete or structures and Mr. Pushey said that is correct. Vice Chairman Ross asked if Mr. Pushey would be parking any commercial vehicles in the attached garage since there is a 9' garage door on the elevations and Mr. Pushey said no, all residential.

Mr. Ralston said the drawings show the cross hatched area that indicates the existing driveway and he assumes they are going to increase the concrete behind the 16'x14' deck to the proposed garage. Mr. Pushey said that is correct. Vice Chairman Ross said that would take away the triangle of grass, leaving the only green space behind the pool shed and a small portion by the detached garage. Mr. Pushey said there will also be some green space where the home will attach to the new accessory building, from the fence line (8') to the existing house.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 10, 2021**

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

Vice Chairman Ross 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. 1131.10(d) to allow an additional accessory building for a total of three instead of the allowable two; citing C.O. 1109.09(b) for the Pushey residence, 38126 Parkway Blvd., Willoughby, OH 44094 and Mr. Davis seconded.

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

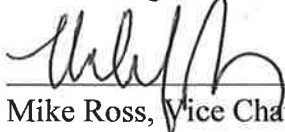
Motion Carried: Denied

Mr. Ralston moved to grant a variance to C.O. 1131.10(c) to allow the maximum coverage of 3,918 sq. ft. exceeding the maximum allowable by 510 ft. instead of the allowable 3,408 sq. ft.; citing C.O. 1109.09(b) for the Pushey residence, 38126 Parkway Blvd., Willoughby, OH 44094 and Mr. Davis seconded.

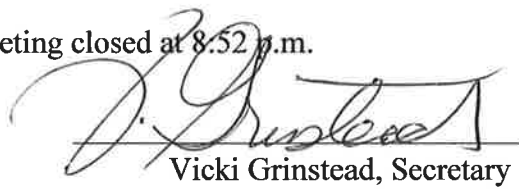
ROLL CALL: Yeas: None
 Nays: Mr. Davis; Mr. Ralston; Mr. Maniche; Mr. Ross, Vice Chairman
 Absent: Mr. Palmer, Chairman

Motion Carried: Denied

There being no further business the regular meeting closed at 8:52 p.m.



Mike Ross, Vice Chairman



Vicki Grinstead, Secretary

RECEIVED
 FEB 16 2021
 BY: VGI

To:

Vicki Grinstead
 Boards and Commissions Secretary
 City of Willoughby

"Exhibit A"

Re: Letter of support

We are neighbors of Gajendran Gopinathan and Brindha Gajendran who reside at 34150 Willow Creek Place. We appreciate their need for a master bedroom to host their parents permanently relocating to their home and hereby express our support for the proposed two-story addition at the back of their house next to deck. We understand that the addition project is subject to the approval of city and Willow Creek HOA.

Sincerely,

Address	Name	Signature	Date
34100 Willow Creek Pl	Charlene Tabivak	Charlene Tabivak	2-17-21
34190 Willow Creek Pl	Michael Hanks	Michael Hanks	2/12/21
34050 Willow Creek Pl	Nick & Albert Murphy	Nick & Albert Murphy	2/14/21
34025 Willow Creek Pl	Shailesh Patel	Shailesh Patel	2-12-21
34055 Willow Creek Pl	Nitay Patel	Nitay Patel	2/12/2021
34105 Willow Creek Pl	Therese Leung	Therese Leung	2-12-21
34075 Willow Creek Pl	Donald Krizan	Donald Krizan	2-12-21
34220 Willow Creek Pl	HARRIS TOKRUC	Harris Tokruc	2/12/21
34205 Willow (old)	Brian + Cassell	Brian + Cassell	2/12/21
34185	Eileen Gray	Eileen Gray	2/12/21