

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
JUNE 14, 2023  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Mike Maniche; Phil Davis; Mike Ross; Mike Yutzy; Joe Palmer Chairman

**ABSENT:** None

**OTHERS:** Mike 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) 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**

**May 24, 2023**

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for May 24, 2023 and Mr. Ross seconded.

**ROLL CALL:**       Yeas:     Mr. Maniche; Mike Ross; Mr. Yutzy; Mr. Davis; J. Palmer, Chairman  
                      Nays:     None  
                      Absent: None

**Motion Carried:     Approved**

**OLD BUSINESS**

**Denny Boshier**  
1272 Cherokee Trail

**Garage addition/rear setback**

Mr. Ross moved to untable the garage addition for the Boshier residence, 1272 Cherokee Trail, Willoughby, OH 44094 and Mr. Maniche seconded.

**ROLL CALL:**       Yeas:     Mike Ross; Mr. Davis; Mr. Yutzy; Mr. Maniche; J. Palmer, Chairman  
                      Nays:     None  
                      Absent: None

**Motion Carried:     Untabled**

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Chairman Palmer stated the applicant cited practical difficulty numbers 3, 4 and 5 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Boshier, 1272 Cherokee Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Boshier said he would like to be able to pull his truck in his garage. He wanted a 10' extension but would settle for 5'. He said it would not be a concrete slab but just a wood deck that will be enclosed.

Chairman Palmer said the current garage is 20' wide and asked if he could move the garage forward. Mr. Boshier said it would be too expensive to move the garage door and add new concrete. Chairman Palmer said he is removing the back wall and asked if he will be pouring concrete. Mr. Boshier said no but he will be pouring footers for the posts only; he does not need tire space; he needs curb space. Chairman Palmer suggested Mr. Boshier check with the Building Department to see what is allowed for a garage addition. Mr. Boshier said his car will not be on the wood portion, that will be for storage.

Mr. Ross said on the Lake County GIS site there appears to be a shed that is approximately 9' from the rear wall of the garage and asked if he will be removing it. Mr. Boshier said no but he will be turning the shed opening 90° to the south. The shed was existing when he purchased the home.

After some discussion by the board Mr. Boshier agreed to the 18' encroachment of the rear 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. 1131.06(c) to allow an 18' setback instead of the allowable 30' setback; citing C.O. 1109.09(b) for the Boshier residence, 1272 Cherokee Trail, Willoughby, OH 44094 and Mr. Ross seconded.

ROLL CALL:           Yeas:     Mr. Yutzky; Mr. Maniche; Mike Ross; J. Palmer, Chairman  
                              Nays:     Mr. Davis  
                              Absent:  None

**Motion Carried:     APPROVED**

**NEW BUSINESS**

**Bombay Burrito, Krispy Krunchy Chicken,  
Swing N' Eat, P&P Pizzeria**  
36944 Vine St.

**Sign setback**

(Rep.- Scott Thompson, Heritage Sign & Lighting, YESCO  
& Santosh Patel, Owner)

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Chairman Palmer stated the applicant cited practical difficulty numbers 2, 3, 4, 7 and 8 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Thompson of Heritage Sign & Lighting, 38348 Apollo Pkwy., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Thompson said they are requesting to move this sign to within 1' of the right-of-way instead of the required 7' and move it up out of the parking lot further and closer to the road.

Chairman Palmer said this would be a precedent setting request. He asked if they could move the sign to the landscaped area at the northeast corner on the rendering (Moreland & Vine). Mr. Thompson said it would be too far since this is a corner lot and would still be set back in the parking lot. Chairman Palmer asked if #8 on the rendering was a parking space and if the sign would be in a parking space and Mr. Thompson said yes.

Mr. Maniche asked if these were existing businesses and are asking for more signage. Mr. Thompson said it is a new build extending off the gas station. There were a couple existing businesses in the previous building.

Mr. Davis said the notion the corner island could not accommodate the sign and stay at least 6' off the right-of-way is not a hardship. The project has already been constructed and the site landscaped and now they are trying to figure out where to install the sign. It puts the board in a difficult position because they have already made it look like it would be a hardship to do anything else.

Mr. Maniche asked why the sign cannot be put in a landscaped area. Mr. Thompson said all the landscaped areas are within the right-of-way. Mr. Ross asked if the parking spot shown can be curbed off and landscaping installed, and Mr. Thompson said yes.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Patel, Owner, 36944 Vine St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Chairman Palmer said he asked about relocating the sign to a corner landscaped area or he also suggested redesigning the sign to reduce the size. Mr. Patel said he does not have an issue with moving the sign to the landscaped island as suggested. Chairman Palmer wants them to stay back 4' from the orange right-of-way line on the rendering and Mr. Patel agreed. Mr. Davis said he would prefer 5' from the right-of-way. Chairman Palmer is looking at the visibility issue and setting a precedent. The landscaping around the base of the sign must be year-round ground cover per city ordinance.

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.

There was discussion among the board to either grant a 4' or 5' setback from the right-of-way. Mr. Davis said the Chairman did elude to perhaps diminishing the size of the sign. He was concerned the size of the sign would be what other businesses would ask for. Chairman Palmer asked if they would be willing to scale down the size

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of the sign foundation. Mr. Ross said the scale of the sign is not before the board. Mr. Davis said he realized that, but it may help them fit it within the right-of-way. Chairman Palmer said he could reduce it to 6' or 6" on either end.

Mr. Patel said he is putting the cap stone on it to make it look aesthetically pleasing and to "dress up" the landscaping. When he was before the Planning Commission the whole idea was to make that corner look nice because it is the gateway to the city. He designed this based upon their requests. Mr. Ross said the island appears quite large on the GIS and can accommodate the sign the way it is designed and can still be set back 5' from the right-of-way line.

Mr. Patel amended his request to a 5' setback.

Mr. Ross moved to grant a variance to C.O. 1163.06(e) to allow a monument sign 5' setback from the right-of-way instead of the allowable 7' setback with the stipulation that year round landscaping be installed at the base of the sign; citing C.O. 1109.09(b) for the Bombay Burrito, Krispy Krunchy Chicken, Swing N' Eat, P&P Pizzeria, 36944 Vine St., Willoughby, OH 44094 and Mr. Maniche seconded.

ROLL CALL:       Yeas:     Mr. Yutzy; Mr. Maniche; Mike Ross; Mr. Davis; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

**Five Guys**

35085 Euclid Ave.

(Rep.- Mark Branovick, Advanced Installation & Sign)

**Wall sign area**

Chairman Palmer stated the applicant cited practical difficulty numbers 3, 8 and 9 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Branovick of Advanced Installation & Sign, 28 Elevator Ave., Painesville, OH 44077 was sworn in to speak for this appeal.

Mr. Branovick said they are requesting a variance of 12 sq. ft. for the storefront sign. The restaurant is at a particularly busy intersection at Rt. 91 and Euclid Ave. Five Guys is usually a busy store and will attract a lot of business to that plaza. The sign will be comparable in size to the other two businesses on either side.

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. 1163.06(b) to allow a wall sign of 64.5 sq. ft. sign instead of the allowable 52.5 sq. ft. sign; citing C.O. 1109.09(b) for the Five Guys, 35085 Euclid Ave., Willoughby, OH 44094 and Mr. Ross seconded.

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ROLL CALL:       Yeas:     Mr. Maniche; Mike Ross; Mr. Davis; Mr. Yutzy; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

**Ace Storage**  
4850 E. 355<sup>th</sup> St.  
(Rep.- George Dragon, Cicogna Electric & Sign Co.)

**Wall sign/additional sign area**

Chairman Palmer 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 Palmer asked if there was anyone who wished to speak for this appeal. Mr. Dragon of Cicogna Electric & Sign Co., 4330 N. Bend Rd., Ashtabula, OH 44004 was sworn in to speak for this appeal.

Mr. Dragon said his client Mr. Lance Osborne owns the building and would like to attract more customers. He said they would like to get the exposure from Euclid Ave. as well as the traffic from the Valvoline and the newly constructed access road and drive thru for Chick-fil-A. The sign will be between Chick-fil-A and Valvoline facing Euclid Ave. The building side where the sign will be installed will be repaired and painted. The other signs on the building are the same size.

There is a sign on the other side of the building near the dumpster that was partially covered by Chick-fil-A's new dumpster, and they do not wish to remove it because it would damage the building.

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. 1163.06(d)(1) to allow additional signage on the side of the building instead of non-allowable sign on the side of the building; citing C.O. 1109.09(b) for the Ace Storage, 4850 E. 355<sup>th</sup> St., Willoughby, OH 44094 and Mr. Davis seconded.

ROLL CALL:       Yeas:     Mike Ross; Mr. Davis; Mr. Yutzy; Mr. Maniche; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  None

**Motion Carried:     APPROVED**

**Townhomes**  
Shankland Rd./PPN#27-A-015-0-00-023-0 & 240-0  
(Rep.- Greg Sommers, Sommers Real Estate Group &  
Dave Novak, Barrington Consulting)

**Building separation**

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Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 8 on the application for appeal and noted all items that were in the packet. Chairman Palmer read the letter from the Barrington Consulting Group.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Novak of Barrington Consulting, 9114 Tyler Blvd., Mentor, OH 44060 was sworn in to speak for this appeal.

Mr. Novak said they researched the 30' separation and had a conversation with the administration and did a review of the fire code. It is their opinion this is an arbitrary number and are unsure where the 30' separation number was derived from. If they comply with the 30' separation, they would reduce the number of buildings to five; they would have 4-three plexes and 1 four plex building. As stated in the letter from Barrington the quality of the units, especially the interior units, are less desirable. They want to build a quality, marketable product that has a high resale value. Reducing the separation between the buildings allows them to construct five duplex buildings and the two tri-plex buildings.

Chairman Palmer asked if the buildings have slabs or basements and Mr. Novak replied, basements. Chairman Palmer explained the reason Willoughby has this ordinance is not as much for fire code but for running heavy equipment in between the buildings which can collapse foundation walls when there is not enough room to keep equipment away from the building.

Chairman Palmer asked if there will be fencing in between these units. Mr. Novak said yes in back for privacy for the patios but not between the buildings themselves. Chairman Palmer said he has a family member in construction who explained the reason for this separation in regard to heavy equipment.

Mr. Novak said he would question the difference between whether a duplex, triplex, fourplex or single-family home in the R-50 zoning allows 5' to the property line which would be 10' between buildings. Most of the major construction would be handled during the development. If there was a need to bring a piece of heavy equipment in, there is room around the units for said equipment. Chairman Palmer said future development seals those access points off. Mr. Novak said that is not their plan to do that.

Mr. Novak said they are allowed to have eighteen units but are proposing sixteen. Per the Development Plan requirements, they may not be able to meet the side yard setback requirements for the perimeter of the property to add an extra unit or they would have done so.

Chairman Palmer said he understands the economic advantage to constructing a duplex vs. triplex and the way they are fitting them onto the site. Mr. Novak said it's not just the economic advantage for them, but the interior units are less valuable to the consumer.

Mr. Ross asked why another recent project, in the same zoning district, that had gone to the Planning Commission had not come before this board. The board approved a significantly smaller distance between buildings. Mr. Lucas said this this applicant should be in front of this board. There are provisions that allow the Planning Commission, which has express language within the ordinance to modify lot area requirements. Chairman Palmer said does that include modifying setback requirements and Mr. Lucas said yes. Mr. Ross asked if Planning elected not to do that and send it to this board and Mr. Lucas said he was unsure as he was not the legal counsel for that board.

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Mr. Davis asked why the site plan presented does not show lot lines. Mr. Novak said these are fee simple and this is not a conventional subdivision where you would have a lot extend out because there is not a public right-of-way. He said these are fee simple, and the dividing line goes between the units. Mr. Davis asked if there are lots or not. Mr. Novak replied there are lots.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Sommers of Sommers Real Estate Group, 9760 Mountainview Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Sommers wanted to provide some clarification to Mr. Davis's question. The lot is directly under where the for sale townhomes sit, so the lots do not extend beyond the building. The rest of the green space is common area. Mr. Davis said the board did not have this information anywhere. Mr. Davis asked them to explain why they chose practically difficulty 1.

Mr. Novak said they were trying to determine how the 30' separation number came to exist, and the administration could not provide them with any information and the fire department did not have any issues in reducing those numbers for this project, so they felt 30' was an arbitrary number. They also noticed a lot of other multi-family low rise developments in the City of Willoughby where those numbers are a lot less than what they are asking for. This is why they are asking for the reduction from 30' to 16' and 20'. Mr. Davis suggested if they reduced the units by one this issue would not be applicable to the units on the south side of the drive.

Mr. Novak said they had a different plan, but the issue with it was they had four triplexes and one four unit. The acreage they own would allow them to construct eighteen units but have only chosen to reduce it to sixteen. They are trying to balance these things together to provide a quality product.

Mr. Lucas said in regard to Mr. Ross's previous question on another applicant he does not see where the Planning Commission has the authority to approve a building separation. The applicant should have come before this board. Mr. Ross said the only reason he asked was he believes there should be continuity.

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.

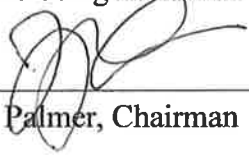
Mr. Maniche moved to grant a variance to C.O. 1135.06(c)(3) to allow building separation of 16' between units 2 and 3 and 4 and 5 and a 20' building separation between units 12 and 13 and 14 and 15; citing C.O. 1109.09(b) for the townhomes, Shankland Rd./PPN#27-A-015-0-00-023-0 & 240-0, Willoughby, OH 44094 and Mr. Ross seconded.

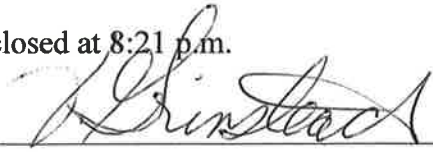
ROLL CALL:       Yeas:     Mr. Maniche; Mike Ross  
                      Nays:     Mr. Davis; Mr. Yutzy; J. Palmer, Chairman  
                      Absent:  None

**Motion Carried:     DENIED**

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There being no further business the regular meeting closed at 8:21 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary