

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MARCH 24, 2021
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Phil Davis

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 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. Chairman Palmer asked Ms. Jones and Mr. Pecjak if they would like to proceed with only four members of the Board of Zoning Appeals present and both applicants stated yes.

MINUTES

March 10, 2021

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of March 10, 2021 as submitted and Mr. Ralston seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Go Bare Skin Clinic
38114 Third St.
(Marcy Jones, Owner and Jacob Edwards, Bldg. Owner)

Painted wall sign

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Chairman Palmer stated the applicant cited practical difficulty number 1 and 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. Ms. Jones, Owner of Go Bare Skin Clinic, 38114 Third St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Jones said she loves Willoughby and wants to maintain the integrity of the city and believes her sign does not disrupt the city. She said there is a side entrance to the building that is shared by her and another tenant. She showed the Board renderings she took with her cell phone. She said where her painted sign is there was exposed brick that was a different color. Mr. Edwards helped her paint the sign and their intention was to cover up the different color brick. She said she would be willing to make the sign smaller, but would like to keep it because the visibility really helps promote her business in these difficult times.

Chairman Palmer asked if she can access her business through the side door and Ms. Jones said yes, they are shared spaces. There was a brief discussion on other signs in the downtown area. Ms. Jones said when she moved in the awning was in disrepair, so she put up a new one with her business logo.

Chairman Palmer asked if anyone else wished to speak for this appeal. Mr. Jacob Edwards, 38276 Union. St., Willoughby, OH 44094, building owner, was sworn in to speak for this appeal.

Mr. Edwards said it was news to him about the background color and it was just to cover up the remnants of a previous sign. He said they tried to sandblast it and it would not come off and it looked worse. He said if you do count the black portion of the sign then his measurements were incorrect.

Chairman Palmer explained since they have determined there is a side entrance, a sign is allowed on that side of the building. He said the reason Mrs. Brooks measured the black background is because it creates the signage, and without the background the text may not be visible. Mr. Edwards said they wanted the sign to line up with the awning and to look uniformed. Chairman Palmer said the Board's dilemma is setting a precedent. He said if they could shrink the black background down to 2-3" over the size of text block, it will still stand out.

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. Lucas advised the Board members that there should be two motions. Chairman Palmer said one addresses the square footage. Mr. Lucas said for the second motion, for the record, should state that no variance is necessary to the requirements of C.O. 1163.06(d)(1) because the building possess a side entrance for customers as opposed to a variance. it is

Chairman Palmer said the amendment to the proposed signage on the front of the building is 10 sq. ft. and 27 sq. ft. on the side of the building, so the maximum square footage allowed is 37 sq. ft. Ms. Jones and Mr. Edwards both agreed to this amendment to the variance request for signage.

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Mr. Maniche moved to grant a variance to C.O.1163.04(f)(4) to allow a maximum 37 sq. ft. of signage instead of the allowable 31.5 sq. ft. for signage and per the meeting minutes of March 24, 2021; citing C.O. 1109.09(b) for Go Bare Skin Clinic, 38114 Third St., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Mr. Maniche moved that no variance is necessary to the requirements of C.O. 1163.06(d)(1) because the building possess a side entrance for customers for Go Bare Skin Clinic, 38114 Third St., Willoughby, OH 44094 and Mr. Ralston seconded.

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

Motion Carried: Approved

Mark & Kathie Pecjak
3921 E. 365th St.

Driveway/Garage

Chairman Palmer stated the applicant cited practical difficulty numbers 3, 4, 5 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. Mark Pecjak, 3921 E. 365th St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Pecjak would like to build a 24' x 32' garage. He said there are adjacent properties with similar size garages. He is collecting cars and would like to use it for storage. He is getting out of the waterproofing business and is not running his business out of his home.

Mr. Pecjak said his uncles yard backs up to his driveway and has a fence going down his drive. He wants to have his driveway go up to the fence. He said it will not look good with a two-foot path.

Chairman Palmer said the Board has approved garages that size before and does not foresee an issue, but they have not, and probably will not approve a driveway that goes right up to the property line. Mr. Pecjak said he has a brand-new apron, sidewalks and curbs on the street. Chairman Palmer said if they approve this driveway up to the property line it would set a precedent.

Mr. Ralston asked how wide is the driveway and Chairman Palmer said it look like 19' from the site plan and Mr. Pecjak was unsure.

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Chairman Palmer asked if anyone else wished to speak for this appeal. Mrs. Kathie Pecjak, 3921 E. 365th St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Chairman Palmer said the applicants can have the Board vote on what they have presented, amend their request to have the driveway be 12" off the side lot line or table the request. Mr. Pecjak did not want to table because of the soaring lumber prices. There was a brief discussion on these options. Mr. Pecjak said he had the property surveyed and his uncle's fence is a foot on his property line. Mr. Pecjak agreed to install the driveway a foot off the property line. Chairman Palmer said the Board will vote on both items tonight and the applicant's agreed.

Chairman Palmer asked if anyone else wished to speak for this appeal. Diane Mercadante, 3936 E. 365th St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Mercadante said she does not have an issue with the garage or driveway, but has water issues from their property in the rear. Chairman Palmer suggested she talk with her neighbor directly in regard to this issue or the Building Department.

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 1' driveway side lot line setback instead of the allowable 2' side lot line setback; citing C.O. 1109.09(b) for the Pecjak residence, 3921 E. 365th St., Willoughby, OH 44094 and Mr. Ross seconded.

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

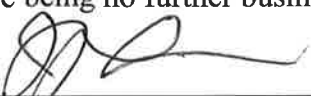
Motion Carried: Approved

Mr. Maniche moved to grant a variance to C.O. 1131.10(d) to allow an accessory building/garage of 768 sq. ft. instead of the allowable 600 sq. ft.; citing C.O. 1109.09(b) for the Pecjak residence, 3921 E. 365th St., Willoughby, OH 44094 and Mr. Ralston seconded.

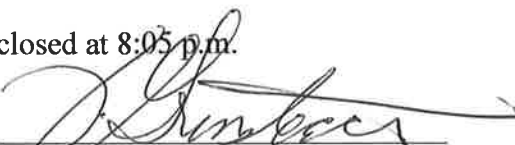
ROLL CALL: Yeas: Mr. Ross; Mr. Ralston; Mr. Maniche; Mr. Palmer, Chairman
 Nays: None
 Absent: Mr. Davis

Motion Carried: Approved

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



Joe Palmer, Chairman



Vicki Grinstead, Secretary