

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
APRIL 27, 2022
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Bruce Shade; Phil Davis

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

Chairman Palmer called the regular meeting to order at 7:00 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) 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.

Chairman Palmer asked all of the applicants present if they wished to proceed with their appeals with only three members present and all applicants said yes.

MINUTES

April 13, 2022

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of April 13, 2022 as submitted and Mr. Maniche seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Barry Young
2077 Canterbury Dr.

Fence

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Mr. Young had called Mrs. Grinstead earlier in the day to have his appeal tabled.

Mr. Ross moved to table the appeal for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 per the applicant's request and Mr. Maniche seconded.

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

Motion Carried: Tabled

The Yard

38040 Third St.
(Rep.- Jessica Ruff, Ruff Neon & Lighting &
Jason Beudert, The Yard)

Pole Sign

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 4, 7, 8, and 9 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. Jessica Ruff of Ruff Neon and Lighting, 295 W. Prospect St., Painesville, OH 44077 was sworn in to speak for this appeal.

Chairman Palmer asked if anyone wished to speak for this appeal. Jason Beudert, 8016 Long Forest Dr., Brecksville, OH 44141 is representing The Yard located at 38040 Third St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Beudert is one of the partners of the food truck park deemed The Yard. They are proposing a family and dog friendly establishment. He said what attracted them to Downtown Willoughby was the walkability of the town with an array of restaurants. The main reason they need this sign is for visibility purposes so people can see their establishment from the corner of Erie and Third.

Ms. Ruff said the sign will be 42" round and will illuminated internally with a glow of neon around it. They incorporated some of the elements of other signs in the downtown area. The overall height of the sign is 13'6" and the sign is flag mounted and that is why it is encroaching by 42".

Mike Ross liked the renderings of the signage. Chairman Palmer said the existence of the pole sign and the encroachment is why there are before the board.

Chairman Palmer asked if they moved the pole sign back 42" would you be able to see it. Mr. Beudert said only if you are coming down the street.

Mr. Maniche said there is walkability for the downtown area, and he said the residents will know there is a new restaurant, and they will have repeat business and does not see an economic hardship. Chairman Palmer said

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some of the awnings/signage along Erie St. encroach. Mr. Ross said Third St. is not as well traveled as some of the other streets.

Chairman Palmer asked if there was anyone else who wished to speak for this. Tom Thielman, Community Development Director, 29655 Grand Blvd., Wickliffe, OH was sworn in to speak for this appeal.

Mr. Thielman said he looked at their plan as a whole and the pole sign works there. He likes the design and supports their appeal.

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. Ross moved to grant a variance to C.O. 1163.03(e) to allow a freestanding pole sign in the downtown business district where it is not permitted; citing C.O. 1109.09(b) for The Yard, 38040 Third St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Ross moved to grant a variance to C.O. 1163.06 (e)(3) to allow a freestanding sign on frontage less than 100 ft. in the downtown business district; citing C.O. 1109.09(b) for The Yard, 38040 Third St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Ross moved to grant a variance to C.O. 1163.06(e)(4) to allow a freestanding pole sign to encroach the right-of-way by 42" instead of the required 7'; citing C.O. 1109.09(b) for The Yard, 38040 Third St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

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Matthew Dean
2088 Canterbury Dr.

Covered porch

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4 and 6 on the application for appeal and noted all items that were in the packet which included two letters from Mr. & Mrs. Capra and Mr. Aplis who had no opposition to this appeal.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Dean, 2088 Canterbury Dr., Willoughby, OH 44060 was sworn in to speak for the appeal.

Mr. Dean said they built a new patio that they were unable to use last year because of the heat from the sun. They would like to construct a cover with open sides over the patio. He said they would also like to extend the use of the patio into the fall/winter season. He said he has a voicemail from Patty Fulop from the Lost Nation Airport who has no issues with the height of the patio regarding the flight path of the airplanes. He spoke with his neighbors as well who have no issues with this project.

Mr. Ross said he assumes the roof will not cover the firepit shown in the rendering and Mr. Dean said it will not.

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 a 27' setback instead of the allowable 40' setback; citing C.O. 1109.09(b) for Matthew Dean, 2088 Canterbury Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Dale & Denise Fross
5341 Harmony Lane

Detached garage

Chairman Palmer stated the applicants cited practical difficulty numbers 6 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. Fross, 5341 Harmony Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

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Chairman Palmer asked if anyone wished to speak for this appeal. Mrs. Fross, 5341 Harmony Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Fross said they currently have a small 2-car shed roof garage that is old and is in disarray. They have two large vehicles and quite a bit of lawn and snow removal equipment as well as toolboxes from his previous job. They have an attic in the home that goes through a bedroom closet which is hard to assess as he ages. He prefers to construct a mezzanine with stairs to store seasonal items instead climbing up into the attic. He enjoys woodworking and would like a space to do his hobby. He will not run any businesses from the building.

Mrs. Fross said they have spoken to the neighbors who have no issues with the garage. They said it will add value to their properties as well. She said they take care of their property and always obtain the permits required by the city.

Mr. Fross said they had an old metal shed in the back which has since been removed. Mrs. Fross said they have noticed some larger garages in their neighborhood.

Chairman Palmer said he understands that 600 sq. ft. is not a lot of room for large vehicles and lawn equipment. He believes the largest variance they approved capped out at 880 sq. ft. and this appeal is 25% over that. He said they can reduce the size they are requesting or attach to house. Mr. Fross said he cannot attach to house because there is a deck there. He asked them to propose something in the 850 sq. ft. range. Mr. Fross said he would have to reconfigure this and asked to table his appeal.

Mr. Ross moved to table this appeal for an accessory building for the Fross residence, 5341 Harmony Lane, Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: **Tabled**

Signature Health

Lot split

Mentor Ave./PPN#27-A-032-0-00-015-0

(Rep.- Bill Brooks & John Lateulere, Willoughby SR20 MOB LLC)

Chairman Palmer stated the applicant cited practical difficulty number 1 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. Lateulere, 18756 Sharon Dr., Chagrin Falls, OH 44023 of Willoughby SR20 MOB LLC agent for Signature Health, Mentor Ave./PPN#27-A-032-0-00-015-0, Willoughby, OH 44094 was sworn in to speak for this appeal.

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Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Brooks, 15504 Dale Rd., Chagrin Falls, OH 44022 of Willoughby SR20 MOB LLC agent for Signature Health, Mentor Ave./PPN#27-A-032-0-00-015-0, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Lateulere said they are asking for a variance that would allow the creation of two parcels in an area of land that is currently zoned commercial. This parcel includes residual land that will be developed in the future but currently there is no access to this property. He said they have a client, Signature Health, for the front parcel and the rear parcel is residential. This is an irregularly shaped lot that is already non-conforming; as are many other businesses along this corridor. He read his position statement for the hardship. He said #1 is due to the fact it is split zoned and irregularly shaped. There is no beneficial use of the back portion of the property without this variance because there is no path to gain access to the property. There will be a private road to gain access to this residential portion and Signature Health.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Tom Thielman who was sworn in previously wishes to speak for this appeal.

Mr. Thielman said this is an irregularly shaped lot that is split zoning that was created by the city's zoning laws. He said over the years they have worked with many developers trying to figure out a solution for this property. He said he supports this project, and so does Mayor Fiala and they both sent letters of support to the board. He said Signature Health is the eighth largest employer and would like to keep them in the city.

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. Ross moved to grant a variance to C.O. 1141.04 to allow a lot split that will result in two non-conforming parcels of 92.38' and 107.59' instead of the current one non-conforming parcel of 199.97'; citing C.O. 1109.09(b) for Signature Health, Mentor Ave./PPN#27-A-032-0-00-015-0, Willoughby, OH 44094 as submitted and Mr. Maniche seconded.

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

Motion Carried: **Approved**

There being no further business the regular meeting closed at 7:55 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary