

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JUNE 22, 2022
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; 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 7:00 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) 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.

Vice Chairman Ross asked the applicants if he wished to proceed with their appeals with only three members present and all applicants said yes.

MINUTES

May 25, 2022

Mr. Maniche moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of May 25, 2022 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Ericson Manufacturing
4323 Hamann Parkway
(Rep.- Brian Deming, Deming Enterprises)

Rear yard setback

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 22, 2022**

Vice Chairman Ross stated the applicant cited practical difficulty number 3 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. Deming of Deming Enterprises, 3767 Lane Rd., Perry, OH 44081, agent for Ericson Manufacturing, 4323 Hamann Parkway, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Deming said he will construct an addition onto an existing building that will match the existing setback so it will look like one building. Ericson was not the original owner of this building and he is unsure if there was a prior variance granted or if the code has changed at the time the original addition was constructed.

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. Ms. Barbara McCrery, 37217 Park Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. McCrery said this facility is already too close to their neighborhood. She cannot open her windows at night without hearing the noise from this business and is unfair to the people who live there.

Vice Chairman Ross asked if there was anyone else who wished to speak against this appeal. Mr. Robert McClendon, 37203 Park Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. McClendon said his property abuts this property. The previous owner of the building added an addition and was to install trees as a barrier and these trees no longer exist. There have been noise issues early in the morning and late at night. He said trash is thrown over his fence because the parking lot is very close to his property. He also hears music at night as well. He said he believes Ericson rents this building. He has not called the police regarding any issues.

Vice Chairman Ross asked if this variance is passed this evening the board could have the applicant put up a barrier of fencing or landscaping to help alleviate the noise and look aesthetically pleasing down the entire rear property line. Mr. McClendon said a fence would not help because of the grade of the property and landscaping would take too long to be large enough to do anything. Vice Chairman Ross said he is trying to offer a solution that will help both parties. Mr. McClendon said his home value will depreciate because of this industrial area.

Mr. Maniche said that Mr. McClendon is currently unhappy with this building, so what difference would this addition make. Mr. McClendon said he did not want to look at another brick building.

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

Vice Chairman Ross asked if there was anyone who wished to speak in favor in rebuttal. Mr. Deming of Deming Enterprises, 3767 Lane Rd., Perry, OH 44081, agent for Ericson Manufacturing, 4323 Hamann Parkway, Willoughby, OH 44094.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 22, 2022**

Mr. Deming said Metal Seals no longer is the owner of this building. Ericson has purchased this building within the last two months. He cannot speak to what the former owner agreed to, but Ericson wants to be a good neighbor. They do not run three shifts. The latest anyone is there is 6:00 p.m. so if there is noise it is not coming from this business. He said Mr. Ericson is a friendly man and would be willing to work with the neighbors.

Vice Chairman Ross asked if there was anyone who wished to speak in opposition in rebuttal. Mr. Robert McClendon, 37203 Park Ave., Willoughby, OH 44094.

Mr. McClendon said he knows they has nothing to do with what the former business did, but the BZA board did, and they were supposed to ensure what they agreed to was enforced.

Mr. Maniche moved to grant a variance to C.O. 1145.05 to allow an 81.62' rear yard setback instead of the allowable 100' rear yard setback; citing C.O. 1109.09(b) for Ericson Manufacturing, 4323 Hamann Parkway, Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

Branko Zigman
38593 Heritage Court

Pool house/cabana

Vice Chairman Ross stated the applicant cited practical difficulty numbers 4, 8 and 9 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. Zigman, 38593 Heritage Court, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Zigman said he is installing a 20 x 40 pool along with a bocce ball court, hot tub area, grill area and a bar area with a building attached to it, which is the pool house/cabana that needs a variance. This building will house the pool pump, so they are hidden from view. There will also be a bathroom and storage area to store his seasonal items. He said he purchased some additional property and combined it with his to be able to make this recreational area. This recreational area is in the rear yard away from the neighbors and surrounded by woods.

Mr. Davis asked Mr. Zigman if he had any additional renderings. Mr. Zigman said he did bring them. Mr. Davis asked about a tool shed on the rendering. Mr. Zigman said the 8' x 10' tool shed was already there and that is where he kept his lawn trailer. Mr. Zigman approached the dais with the renderings for the board to view. Mr. Maniche said then he exceeded not only by 80' but 80' plus the shed. Mr. Zigman said he would remove the shed and possibly sell it.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 22, 2022**

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. Maniche moved to grant a variance to C.O. 1131.10(d) to allow an accessory building of 280' instead of the allowable 200' subject to the removal of the existing shed; citing C.O. 1109.09(b) for the Zigman residence, 38593 Heritage Court, Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

Equipment Recovery Corp.
37611 Euclid Ave.
(Rep.- Ron Vaughn, Owner)

Laydown area

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. Mr. Vaughn Owner of Equipment Recovery Corp., 37611 Euclid Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Vaughn said they are just expanding what is currently in the rear property. The water runs off the surface to the creek in the back. They included mounding around the entire perimeter verses doing fencing. He did not feel the 10' fence would look as nice as the mounding especially by the trailer park. They left a lot of trees close to the property line to be an additional buffer. They do not store vehicles outside. Everything they store outside are industrial assets. They buy used industrial equipment such as compressors, generators etc. He said it is organized and is not a junk or scrap yard.

Mr. Davis inquired about the fence. Mr. Vaughn said they looked into a fence but some of the trailers are encroaching onto their property. He worked with the property owner to resolve that issue. If he installed a fence, he will be right up against the trailers. He said if it is required, he is willing to install the fence.

Vice Chairman Ross asked if he obtained a variance for the original laydown area since this one is twice the size of the building and so was the first one. Mr. Vaughn said it was not originally an issue and is an industrial site. He said in the future they would like to have access off Hamann Parkway instead of Euclid Ave. which is currently a city easement/vacated drive. He said without this variance he will never be able to access this vacated drive. He would like to continue to grow his business.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 22, 2022**

Vice Chairman Ross said according to their Staff Report it is stated the site was deficient in drainage because there was a detention basin that was proposed but never built. Mr. Vaughn said his property does not have any issues. There is a trunk line that comes in from Euclid Ave. and was recently tested by the Sewer Dept. and passed. There are two drains proposed in the new area and in the back area there is a 6' deep creek that holds quite bit of water. They are proposing to excavate the dirt, add a shale base, and top it with asphalt grindings and roll it in. There are no wetlands or trees there currently.

Vice Chairman Ross asked Mr. Lucas if the fence is required just around the laydown area or around the entire perimeter. Mr. Lucas said just around the laydown area.

Mr. Davis asked when the existing laydown area was created, and Mr. Vaughn replied a couple of years ago. Mr. Davis asked if he obtained a permit. Mr. Vaughn said they began the work and the city contacted him and said they needed additional documentation and they ceased construction and submitted the requested information. There was a permit issued for the original work.

Vice Chairman Ross said this is a large variance and there is currently no fencing. He said the original mounds look to be approximately 10' and will the new area continue with the 10' mounding and Mr. Vaughn said yes.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mayor Fiala, One Public Sq., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mayor Fiala said administration does not have an issue with the expansion of the surface area and it is a continuation of the existing use. There have been very few complaints about this property. He requested the board consider the additional size of this surface lot. He wants the city engineer to review this for both storm water management and storm water quality issues. Also, any stormwater issues that may be caused by the construction of the additional mounding. He wants to ensure there are barriers between the existing residential properties and this property. He wants to make sure the environmental issues are addressed, and the EPA is involved. The EPA requirements are the property owner's responsibility. Mr. Lucas confirmed the city does not have involvement with the EPA, but it is in the property owners' best interest to conform with their regulations.

Mayor Fiala said the city would like the access to Hamann Parkway to occur to alleviate trafficking of the heavy equipment off of Euclid Ave.

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. Ms. Lisa Cole, 37607 Euclid Ave., Willoughby, OH 44094.

Ms. Cole said she just wanted clarification as to where this laydown yard was proposed, but she will not see it from her residence since it in the rear near Hamann Parkway.

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

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 22, 2022**

Mr. Lucas said there will be two motions; the second motion is basically a variance to grant a request to eliminate the fencing because Mr. Vaughn has indicated he will use mounding and landscaping in lieu of that, which will ultimately come under the purview of the Planning Commission. The motion should be to grant a motion to eliminate the necessity of the fence under that Codified Ordinance based on the representation by Mr. Vaughn that mounding, and landscaping would be installed in place of the requirement of the fencing.

Mr. Vaughn said he will install mounding but not landscaping and if they require landscaping, he will install a fence. He will let the mounds grown plantings naturally.

Mr. Davis moved to grant a variance to C.O. 1145.06 to allow a proposed mounded soil barrier instead of the required 10' required fence barrier around the laydown areas; C.O. 1109.09(b) for Equipment Recovery Corp., 37611 Euclid Ave., Willoughby, OH 44094 and Mr. Maniche seconded.

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

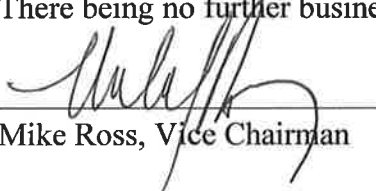
Motion Carried: Approved

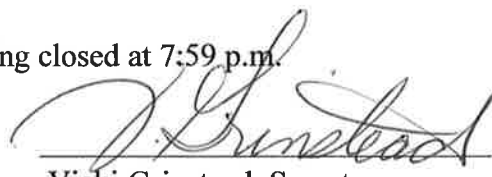
Mr. Davis moved to grant a variance to C.O. 1145.06 to allow a total laydown area (existing & proposed) of 4 times the footprint of the building, approximately 4 acres, instead the limited laydown area that equals the building footprint floor area; C.O. 1109.09(b) for Equipment Recovery Corp., 37611 Euclid Ave., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

There being no further business the regular meeting closed at 7:59 p.m.


Mike Ross, Vice Chairman


Vicki Grinstead, Secretary