

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 28, 2022
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

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 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

September 14, 2022

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of September 14, 2022 as submitted and Mr. Maniche seconded.

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

Motion Carried: Approved

OLD BUSINESS

Northcoast Memorials

4490 Beidler Rd.
(Rep.- Cione Belknap, Agile Sign & Lighting)

Signage

Mr. Ross moved to untable Old Business for Northcoast Memorials, 4490 Beidler for a wall sign and Mr. Maniche seconded.

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

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Motion Carried: Untabled

Chairman Palmer asked if anyone wished to speak for this appeal. Cione Belknap of Agile Sign & Lighting agent for Northcoast Memorials, 4490 Beidler Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Belknap said her client wanted to come back before the board with a less aggressive sign design. They removed the logo per the board's suggestion, and they also removed the phone number. She said the photo was taken from the curb to give the board an idea of what the sign would look like from the street. She said the hardship is the allowable signage on the front of the building would not be readable from the street.

Mr. Davis said he the sign shown on the front of the building is 6' and the proposed sign on the side of the building is 16'. Ms. Belknap said her client would be willing to reduce the size down to 12' or 14'. She said the 16' size is centered nicely on the side of the building and is non-illuminated.

Chairman Palmer asked if the phone number is on the current monument sign near the street. Ms. Belknap said yes, it is but it is difficult to read.

Mr. Maniche said he would assume most of their clients may be referred by a funeral home and know where they are going. He said he went out to the site and took photographs. He said the proposed sign would only be visible for a short time coming one way and does give her client much visibility. Mr. Davis recalls Mr. Maniche's photos, and the trees clearly block the side of this building until you cross the railroad tracks. He does not feel this is a hardship. Ms. Belknap said the hardship is if they put the sign on the front of the building it will not be visible from the street, especially with the structure of the front of the building and this building is set back far from the street.

Chairman Palmer asked if her client considered improving the monument sign. He said unfortunately monuments are hard to read. Ms. Belknap said no, her client wants to keep this sign that portrays their product. Chairman Palmer said this sign would set a precedent for this board.

Mr. Maniche said this may be easier if the client was present to answer questions.

Chairman Palmer suggested she not table again and let the board vote and go back to the client and find something else that would work. She reiterated her hardship is the setback of the building and the structure of the front building cannot accommodate the size sign allowed. She said a lot of their clients do come through the side door to view their monuments. There was discussion on where the submitted rendering was taken, and it was determined it was taken on the property, not from the railroad tracks. There were no more questions from the board.

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.

Chairman Palmer asked Ms. Belknap if she would like to proceed with a vote and she said yes.

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Mr. Maniche moved to grant a variance to C.O. 1163.04(c)(3) and 1163.06(d)(1) to allow signage other than on the front of the building instead of the allowable signage on the front of the building; citing C.O. 1109.09(b) for Northcoast Memorials, 4490 Beidler Rd., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Denied

Will Evans
4407 Center St.

Short term rental property

Mr. Ross moved to untable the appeal for a short-term rental property for the Evans property located at 4407 Center St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Untabled

There was no one present to represent this appeal.

Chairman Palmer said the appellant is not present and they previously held the public hearing and heard arguments in favor and against this appeal and it was tabled. This appeal has been untabled this evening and the Chairman asked for a motion on this application.

Mr. Maniche moved to grant a variance to C.O. 1131.03 to allow a short-term rental an instead of the allowable permitted use; citing C.O. 1109.09(b) for the Evans property, 4407 Center St., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Denied

The applicant has asked to have his appeal permanently tabled.

Luke Weber
4476 Summit St.
(Rep.- Jake Williams, Williams Fence & Contracting)

Solid Fence

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Mr. Ross moved to untable the appeal for a solid fence for the Weber property, 4476 Summit St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Untabled

Mr. Ross moved to permanently table the appeal for the application for a solid fence for the Weber property, 4476 Summit St., Willoughby, OH 44094 per the applicant's request and Mr. Maniche seconded.

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

Motion Carried: Permanently tabled

NEW BUSINESS

Randal Butler & Nicole Fiorino
2880 Reeves Rd.

Addition front setback- to amend motion to C.O. 1131.06 to allow a 22'3" front setback instead of the originally approved 22'9" front setback (approved on 8/24/22)

Mr. Yutzy moved to amend a motion for the variance to C.O. 1131.06 to allow a 22'3" front setback instead of the originally approved 22'9" front setback (approved on 8/24/22); citing C.O. 1109.09(b) for the Butler/Fiorino property, 2880 Reeves Rd., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Jack Cornachio
5720 Hartshire Dr.
(Rep.- Ryan Schmidt, Myers Architect)

Addition to existing attached garage

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Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4, 7 and 8 on the application for appeal and noted all items that were in the packet. Chairman Palmer read into record four identical letters in favor of this appeal; Denise Zervos, 5705 Hartshire Dr., Willoughby, OH 44094, Lewis residence, 35125 Lisle Ct., Willoughby, OH 44094, Pike residence, 5700 Hartshire Dr., Willoughby, OH 44094, Sushnjara residence, 35100 Lisle Ct., Willoughby, OH 44094.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Schmidt of Myers Architect, 38030 Second St., Willoughby, OH 44094 agent for the Cornachio residence, 5720 Hartshire Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Schmidt said the addition in the front will give the home a better aesthetic as well as to expand the interior to house another car and equipment.

Chairman Palmer said from the satellite image the proposed garage addition looks like it lines up with the existing roof structure. Mr. Schmidt said yes, it is an existing covered patio, and it would be along side that.

Mr. Davis said as a point of clarification, the view the Chairman is looking at where it lines up with the roof is not the area that is disallowed. It is actually where the concrete apron is. That portion of the addition encroaches more into the side yard. Mr. Schmidt agreed and said it is the portion with the new 2-car garage door. Chairman Palmer asked if they could not go any deeper in the garage and Mr. Schmidt said they cannot.

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(a) to allow 24.57' corner side setback instead of the allowable 33' corner side yard setback; citing C.O. 1109.09(b) for the Cornachio property, 5720 Hartshire Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Nick Ward
2790 Glenbury Lane

Addition/Rear setback

Chairman Palmer stated the applicant cited practical difficulty numbers 1 through 9 on the application for appeal and noted all items that were in the packet. Included in the submittal was a discussion of the above factors.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Ward, 2790 Glenbury Lane, Willoughby, OH 44094 was sworn in to speak for the appeal.

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Mr. Ward said he is putting an addition on where the shed used to be. It will provide them with a larger kitchen, first floor laundry and an additional upstairs bedroom. He said this addition will require a 2' variance and this is what they are asking for this evening. The proposed overhang will not extend beyond the current first floor overhang. He said the builder said they have to use 6" studs which is a new energy requirement which may have led to this variance. He said they also are 30' from the rear neighbor.

The board has no questions or comments.

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

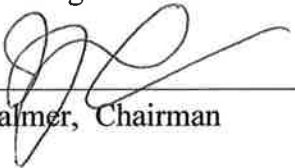
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.06(c) to allow a 36.785' rear yard setback instead of the allowable 38.91' rear yard setback, creating a deficit of 2.125'; citing C.O. 1109.09(b) for the Ward residence, 2790 Glenbury Lane, Willoughby, OH 44094 and Mr. Davis seconded.

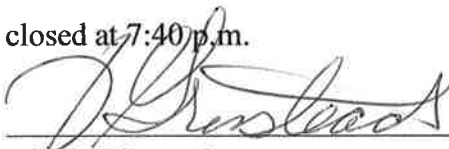
ROLL CALL: Yeas: Mr. Davis; Mr. Yutzy; Mr. Maniche; Mr. Ross; J. Palmer, Chairman
 Nays: None
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 7:40 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary