BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 9, 2026
PUBLIC HEARING MEETING
MINUTES

PRESENT: Mike Maniche; Phil Davis; Mike Yutzy; Mike Ross; Joe Palmer, Chairman
ABSENT: None
OTHERS: Luke McConville, 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 — August 12, 2026

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing minutes for August 12, 2026 as submitted 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

OLD BUSINESS

Nicholas & Eileen Matteo — **Generator/side yd.**
38245 Brighton Path

Mr. Ross moved to untable the Matteo residence, 38245 Brighton Path, 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

Chairman Palmer stated the applicant's letter of non-compliance and supporting documents were read into record at the last meeting.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Nicholas Matteo, 38245 Brighton Path, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Matteo stated that, as discussed at the previous meeting, window locations limit where the generator can be placed because it must remain at least five feet from any window. He further explained that placing the generator on the opposite side of the home would block access to underground pipes if future repairs were needed.

Chairman Palmer noted at the last meeting a couple neighbors had objections to this generator proposal but since then one of the neighbors has changed their mind. Mr. Matteo said yes, he spoke with the Novak's and if he installs some type of barrier, such as fencing around the generator to redirect the fumes to his back yard, they would not have any objection. Mr. Matteo said the generator would be seventeen feet away from the Novak's nearest window.

Chairman Palmer read the letter from neighbors Joe & Shannon Novak, 38235 Brighton Path, Willoughby, OH 44094 (received via email on 9-9-26, Exhibit "A") in favor of this appeal.

Mr. Davis asked Mr. Matteo whether he intended to install a barrier and requested that he describe the proposed installation. Mr. Matteo stated that he agreed to install a fence around the generator. Mrs. Grinstead stated that Mr. Keller had approved the installation of a small fence around the generator. Mr. Matteo also stated that he had spoken with Mr. Keller regarding the same matter.

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. Yutzy moved to grant a variance to C.O. 1131.06(b)(1)(2) to allow a generator to be set back 3' from the side lot line, creating a deficit of 4' including a barrier/fence as an extension for the exhaust of the generator instead of the allowable minimum side yard setback of 5', with both sides totaling 12'; citing C.O. 1109.09(b) for Matteo residence, 38245 Brighton Path, Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

Olivia Queen **Short-term rental**
4423 Summit St.

Mr. Ross moved to untable the property for Ms. Queen located at 4423 Summit 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

Chairman Palmer stated the applicant cited practical difficulty numbers 2 & 8 on the application for appeal and noted all items that were in the packet including the Notice of Violation- Cease and Desist.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Ms. Queen, 205 Lapaloma Pl., Panama City, FL 32413, representing the property located at 4423 Summit St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Queen said approximately five years ago she came to the building department and asked if she could utilize this property as an Air BnB and said she did not get a straight answer and someone told her- you will not find it in writing. She could not find an ordinance that uses the term transient or short-term rental.

Mr. McConville said the pertinent point is that by virtue of this particular use not being noted as being permitted, it is by virtue by other code previsions therefore not permitted. In order for the use to exist the board would have to grant a variance.

Ms. Queen said when she received the letter she did file the appeal and she did cease and desist. She contacted the management company and had them cease taking reservations but did have to honor the existing reservations otherwise she would be responsible for the payments. Chairman Palmer said according to todays VRBO's website it lists the property as available. She asked Mr. Keller if she could still list it and he said only up until the Board of Zoning meeting where the appeal will be heard and based on the board's decision.

Ms. Queen said since she did not get a definitive answer from the building department she determined it was a gray area and established an LLC and thought she did everything correctly including paying taxes and hiring a management company. She was told the city did not proactively seek out Air BnB's, but they would investigate if a complaint was filed. She said she was only aware of one incident which was approximately a year and a half ago which was a wild party where the police were called multiple times. She had the people removed the next day and since then has not had another incident reported.

Ms. Queen said she spoke with two of her neighbors and asked if this business was affecting them in any way and they had no concerns. She maintains her property and tries to keep it nice. She also stays there when she is in town visiting family and utilizes Air BnB, which is pet friendly, when she goes back home to Florida. She has had wonderful guest reviews and has had family also stay when they are in town.

Chairman Palmer asked if she considered a mid-term rental. Ms. Queen said she has but she prefers short-term rentals because they are not utilizing all the appliances or destroying the property over a period of time.

Mr. Davis asked for clarification on the Cease and Desist Violation letter dated April 17, 2026 and her appeal is dated July 20, 2026, which is more than thirty days after the date of the notice. Ms. Queen said that is correct. The reason is because she was out of town and having her mail held until later, but when she did receive it she immediately called her management company. She also emailed Mr. Keller of the City of Willoughby and asked what she needed to do next. He explained the process to her, and he was ok with her filing past the due date. She does have the receipt for the held mail if the board wishes to review it.

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. He read a letter into record from Councilman Larry Luciano (dated 7-21-26, Exhibit "A").

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Mr. Arthur Conel, 38246 Wilson Ave., Willoughby, OH 44094, was sworn in to speak in opposition of this appeal. Mr. Conel stated that he lives directly across the street from the rental property and objected to the frequent comings and goings associated with its use. He noted that, in his view, this type of use should not permitted in the neighborhood.

Mr. Conel cited several concerns, including parking issues, a large party that required multiple police calls, and the lack of on-site staff or security, which he noted would typically be present at a hotel. He also raised concerns regarding pet waste and questioned whether prior complaints had been communicated to the property owner or to Airbnb.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mrs. Rebecca Puckrin, 4396 River St., Willoughby, OH 440949 was sworn in to speak in opposition of this appeal.

Mrs. Puckrin lives around the corner and Ward 5 has been a special place for her family and seeing this type of ordinance possibly overturned would deeply affect their neighborhood. The constant turnover of unfamiliar faces makes them uncomfortable.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Ms. Debbie Gibson, 4404 River St., Willoughby, OH 440949 was sworn in to speak in opposition of this appeal. Ms. Gibson is a landlord at this property and has had a long time tenant of approximately four years. She noted this rental features a vibrant market for both the tenant and landlord, and a short-term rental can affect what they have within the neighborhood.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. Chad Conel, 4399 River St., Willoughby, OH 44094, was sworn in to speak in opposition to this appeal. Mr. Conel stated that he opposes the short-term rental. He said he lives across the street and has had to frequently interact with individuals who trespass onto his property, mistakenly believing it is public property, and he has had to politely remind them to leave.

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

Chairman Palmer asked if there was anyone else who wished to speak for this appeal in rebuttal. Ms. Queen stated that she has never received reports of parking issues and noted that the driveway has sufficient space to accommodate approximately four to five vehicles. She also indicated that she is not aware of any trespassing issues.

Ms. Queen asked whether long-term rentals are permitted. Chairman Palmer confirmed that they are and encouraged her to consider that option. He also suggested that mid-term rentals may provide a more sustainable business model. Ms. Queen explained that her primary concern is that she would be unable to utilize the property herself when she is in town visiting family.

Mr. Yutzy moved to grant a variance to C.O. 1131.03 to allow short-term transient rental at this location instead of the prohibited short-term rental in this district; citing C.O. 1109.09(b) for Ms. Queen for the property located at 4423 Summit St., Willoughby, OH 44094 Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: DENIED

NEW BUSINESS

Vitalone Services, Inc. **Impound lot in L-I zone district**
PPN#27B0530000330/Lost Nation Rd.
(Rep.- Nick Vitalone, Owner)

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

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Nick Vitalone, 5468 Nan Linn Drive, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Vitalone clarified that he has not yet purchased the property. He has signed a Letter of Intent that is contingent upon approval by the Board this evening. He explained that an impound lot is not a permitted use within the Light Industrial District, which is why he is seeking a variance.

Mr. Vitalone stated that his intent is to relocate and consolidate the company's eight existing properties into one location in Willoughby. Once consolidated, the other properties would either be liquidated or vacated.

He provided some background on the family business, explaining that his father passed away in 2023, at which time his mother assumed ownership of the business and he began operating it. He also gave the Board a brief history of the company.

Mr. Vitalone explained that the subject property met the company's requirements, particularly in terms of acreage. He reviewed the application packet with the Board and explained the renderings he had submitted.

The subject property is currently vacant and contains no trees. It is located off Lost Nation Road, just south of Western Parkway.

The company is available for towing services 24 hours a day, seven days a week. Its normal office operating hours are Monday through Friday from 9:00 a.m. to 4:00 p.m. and Saturday and Sunday from 9:00 a.m. to noon. The company has approximately 25 employees, although some are temporary employees, such as limousine drivers. Typically, approximately 10 employees are on site each day.

The towing division operates approximately 12 units and accounts for roughly 80% of the company's overall operations and revenue. A dispatcher is stationed at the company's headquarters 24 hours a day, seven days a week. After 4:00 p.m., tow-truck drivers are dispatched from their homes. During these after-hours periods, the office is closed and vehicles are not released to the public.

The company maintains a relatively large impound lot because it typically has approximately 400 vehicles on site at any given time. The majority of these vehicles are police impounds held temporarily until their owners retrieve them. The company impounds approximately 2,500 vehicles annually, or an average of about seven vehicles per day.

In addition to towing and impound services, the company operates a limousine service with six vehicles and an auto-detailing operation that services approximately three vehicles per week. The company also maintains its own fleet. The limousine and tow-truck fleets serve as highly visible advertising for the business, making it important for the company to maintain the vehicles in good condition and appearance.

The applicant proposes to construct a 15,000-square-foot building on the property, along with a 4.5-acre impound gravel lot. The lot will be enclosed by a 6-foot-high chain-link fence with screening and landscaping. The applicant has indicated that particular attention will be given to landscaping areas of the property that are visible to the public and is willing to increase the amount of landscaping at the discretion of the City.

The applicant previously obtained a variance from this Board several years ago for the Vine Street location, which is also located within a Light Industrial District.

The applicant emphasized that the proposed operation is not a junkyard. Vehicles will not be dismantled, scrapped, or parted out; rather, vehicles will leave the property in the same condition in which they arrived.

The applicant stated that he has discussed the project at length with Councilman Ken Kary and believes they are in agreement regarding the intended appearance and overall character of the development.

The applicant has also investigated stormwater management requirements and understands that a detention pond will be necessary as part of the project.

Additionally, the applicant spoke with Tim Lannon, City Engineer, regarding a proposed curb cut on Lost Nation Road. He was made aware of a future roundabout planned for the area and has taken that future improvement into consideration as part of the proposed access to the property.

On the north end of the property is a panhandle which runs between the Marous and Winters properties. He would like to pave that as a side entrance off Western Pkwy. to keep truck traffic off Lost Nation Rd. The renderings were done by AI so they are not precise and would comply with code. He described the different elevations of the building. The building itself would be a pre-engineered metal building with Wainscoting or a stone façade and a pitched roof.

Mr. Vitalone described several improvements he has completed since taking over the businesses and referred to renderings included in the Board's packets. He also provided renderings of a salvage yard and his impound lot to illustrate the differences between those operations. In addition, he presented GIS images of neighboring properties showing outdoor storage of vehicles and similar materials.

Mr. Vitalone stated that he plans to dedicate the building to his late father and transform it into a property that his family can be proud of.

Chairman Palmer asked about the estimated investment Mr. Vitalone would be making. Mr. Vitalone stated that the investment would be approximately $2 million. Chairman Palmer commented that the presentation was nicely done and suggested sharing the renderings with his future neighbors. He also expressed appreciation for the improvements that have been made to the existing properties since Mr. Vitalone took over.

Mr. Davis asked about the repossession of automobiles, noting that this is also not a permitted use in the area. Mr. Vitalone clarified that Vitalone Services does not, and has never, engaged in vehicle repossession. He explained that vehicle repossession requires different types of equipment and specific insurance coverage that the company does not have. He provided examples of the equipment and procedures typically involved in vehicle repossession.
Chairman Palmer read into record a letter from Mayor Fiala (dated 8-26-26) in support of this project.

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. Mr. Kent Winter, 1900 Joseph Lloyd Pkwy., Willoughby, OH 44094 was sworn in to speak in opposition of this appeal.

Mr. Winter presented the Board with a color presentation, as reflected in the record dated September 9, 2026, at 8:08 p.m. He stated that he has no concerns with the Vitalone family or the proposed building but is opposed to the proposed impound lot.

Mr. Winter explained that his business operates at two locations and that the Western Parkway location will abut the proposed impound lot. The business utilizes a strip of land in the area and has approximately 15–20 semi-trucks traveling in and out of the location each day. He noted that the business employs approximately 60 people and continues to grow.

Mr. Winter questioned whether residents, as opposed to the businesses in the area, are aware that the impound lot may be developed at this location. He noted that the area serves as a corridor to Willoughby and that new condominiums are being constructed along the lake, along with improvements to the swimming pool.

Mr. Winter also raised concerns regarding the proximity of Lost Nation Airport, stating that executives using the airport would be flying over an impound lot. He expressed the view that the proposed impound lot could ultimately become an eyesore and negatively affect the appearance and character of the area.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Mr. Frank Vitale, 38227 Western Pkwy., Willoughby, OH 44094 was sworn in to speak in opposition of this appeal.

Mr. Vitale stated that he constructed his building in 1990 and noted that every realtor he has spoken with has described the industrial park as a very nice and clean area. He acknowledged that some property owners store boats and similar items on their properties; however, he emphasized that those uses are different from an impound lot.

Mr. Vitale questioned why the Board would permit an impound lot when the use is not permitted under the Code. He expressed concern that approving the variance could establish a precedent and encourage other businesses to seek approval for similar uses in the area.

Chairman Palmer explained that the applicant was before the Board for that specific reason and was required to obtain a variance in order to allow the proposed use.

Mr. Vitale reiterated his belief that approving the variance would set a bad precedent and could potentially open the City to future requests for impound lots in the industrial park.

Mr. Vitale also expressed concern regarding water retention. Chairman Palmer explained that water retention is addressed through the Building Code.

Mr. Vitale further stated that he was concerned about the potential for theft because the property would be secluded, surrounded by other buildings, and does not have streetlights.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Ms. Patricia Primosic, 38160 & 38274 Western Pkwy., Willoughby, OH 44094 who is representing her parents was sworn in to speak in opposition of this appeal.

Ms. Primosic is opposed to the impound lot. They are not opposed to the building and the landscaping. They would like to keep this as Light Industrial.

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

Chairman Palmer asked if there was anyone else who wished to speak for this appeal in rebuttal.

Mr. Vitalone stated that he and Mrs. Grinstead both obtained a list from the County website of property owners located within 300 feet of the subject property so that those property owners would have an opportunity to speak regarding the proposal.

Mr. Vitalone stated that he spoke with Gene, Mr. Winters' business partner, and that they expressed concerns regarding the proposed drive aisle along the side of their property and the additional traffic it could create. Mr. Vitalone noted that the amount of traffic generated by his business would be less than the semi-truck traffic associated with Mr. Winters' business. He also stated that they had discussed the possibility of widening the driveway when it is ready to be paved, which he believes would be mutually beneficial to both businesses. Mr. Vitalone indicated that he is open to continuing that discussion.

Regarding the residential properties in the area, Mr. Vitalone stated that the closest residential property is approximately 1,000 linear feet away. He noted that the tow trucks would be significantly quieter than the fire trucks leaving the nearby fire station. He also stated that the proposed use would not affect the airport and noted that airport jets are significantly louder than the tow trucks associated with his business.

In response to Mr. Vitale's comments regarding the applicable code, Mr. Vitalone stated that he had gone through the same variance process several years ago for another Light Industrial area and that the variance was approved. He therefore stated that he did not believe the current request would be precedent setting.

Mr. Vitalone stated that his company currently provides towing services for ten municipalities, covering almost all of western Lake County. He believes the company has established a strong presence in this market and does not anticipate another company coming in to operate this type of business in the area.

Regarding water detention, Mr. Vitalone stated that this matter would be addressed through the Planning Commission process. He indicated that the property has sufficient space to accommodate the required water detention.

Mr. Vitalone also stated that the business has not experienced theft issues and that security lighting and cameras would be installed on the premises. He explained that the company currently operates from multiple locations, which results in significant time and resource expenditures. Consolidating the operations at this location would make the business easier to manage and provide a more secure environment for its equipment.

Mr. Yutzy moved to approve a variance to C.O. 1145.03(d)(7) to allow impound lot for temporary storage of licensed and unlicensed vehicles instead of the non-allowable storage of unlicensed vehicles in an L-I/Light Industrial Zone District; citing C.O. 1109.09(b) for Vitalone Services, Inc., for the property located at PPN#27B0530000330/Lost Nation Rd., 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: APPROVED

There being no further business the regular meeting closed at 8:29 p.m.

Joe Palmer, Chairman

Vicki Grinstead, Secretary