

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MARCH 27, 2024
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Yutzy; Joe Palmer, Chairman
ABSENT: Mike Ross; Mike Maniche
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 if they wished to proceed with only three board members present this evening and Mr. Dawud and Mr. Deming both wished to proceed.

MINUTES

February 28, 2024

Mr. Davis moved to approve the Board of Zoning Appeals public hearing meeting minutes for February 28, 2024 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Vape District
36301 Euclid Ave.
(Rep.- Mohamed Dawud, Owner)

Wall sign

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Chairman Palmer stated the applicant cited practical difficulty number 1 on the application for appeal and noted all items that were in the packet. He noted that the sign is already erected as well as the Sign Review Board minutes of March 25, 2024 approving the sign contingent upon BZA's approval this evening.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Dawud, Owner, 36301 Euclid Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Dawud said his sign is up and would like to keep it. He thought the contractor got all the necessary permits and approvals with the city until he received the letter of noncompliance and realized that was not the case. Chairman Palmer asked if he asked the contractor if he got the necessary permits. Mr. Dawud said after he received the letter he questioned him, but even before the sign was erected and they agreed on a price the contractor told him he would obtain all the necessary permits before scheduling a date to do the install.

Mr. Davis said so the contractor essentially breached his contract and Mr. Dawud said yes, he installed it and Mr. Dawud was under the assumption he obtained the permits. He told Mr. Dawud he actually had the permits but sadly that was not the case because the letter of noncompliance stated no permits were pulled so he did it himself.

Mr. Yutzy asked if he had discussed it with the contractor and Mr. Dawud said yes beforehand and after the fact he told Mr. Dawud there was nothing he could do because the sign is already up and he is in California. He would have to come back here and Mr. Dawud would have to pay him for his time and have his crew come out and pay for their flights etc. He is hoping the board will allow him to keep it up and save him a lot of money. Mr. Yutzy said wouldn't the contractor be responsible and Mr. Dawud said yes but he would have to put the money up front and have to take him to court to get his money back. He said the only way his contractor would come back is if he paid for all their expenses and for the installation of a new sign. Chairman Palmer asked if he had to pay for their flights the first time and Mr. Dawud said no it was all on the contractor.

Chairman Palmer asked if Mr. Dawud has other storefronts. Mr. Dawud said yes, they have two other locations; one in Parma Hts. and one in Brunswick. He used this same contractor for these two locations as well and he obtained the proper permits for both of these locations, so he thought he did the same for the Willoughby store. Chairman Palmer said, unfortunately the size of this sign would be precedent setting for this board. Traditionally this board will work with appellants to up to a twenty percent variance and in this case it would be approximately a five square foot overage and he is asking for over twice that. Mr. Dawud asked what happens if the sign is not removed and Chairman Palmer said he would most likely get a letter from the city with a stronger worded message. Mrs. Grinstead said if the sign is denied the letter will state he will have thirty days to file with the Lake County Court of Common Pleas.

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. 1163.06(b) and allow a 35 sq. foot sign on the building front exceeding the allowable area by 9.5 sq. ft. instead of the allowable 25.5 sq. ft. for Vape District, 36301 Euclid Ave., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Davis seconded.

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

Motion Carried: DENIED

API-Trucast

Entry renovations/addition of vestibule

4531 Hamann Pkwy.
(Rep.- Brian Deming, Deming Enterprises, Inc.)

Chairman Palmer stated the applicant cited practical difficulty numbers 3 & 4 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal Mr. Deming of Deming Enterprises, Inc., 3767 Lane Road, Perry, OH 44081, agent for API-Trucast was sworn in to speak for this appeal.

Mr. Deming said his client, API has multiple buildings and they are trying to rebrand under one name. This specific building is outdated and they would like to give the front of the building a facelift. They want to construct a shed roof to hide the flat roof and the less attractive front of their building. They currently have a five foot overhang outside their front door and would like to add a glass waiting area for guests that wish to interview with their company and it will also dress up the building.

Mr. Davis asked if Mr. Deming wanted to explain why there is no other reasonable solution to this vestibule. Mr. Deming said they do not have a vestibule and on the front of the building there are three concrete arches which they would like to hide and this is the reason for constructing the roof and enclosing it. It would be dry walled in and would include masonry to match the existing building and the vestibule would be enclosed with all glass.

Chairman Palmer said it is a covered entrance way to protect the existing office and Mr. Deming said yes and they do not have a waiting area and this will serve that purpose. Chairman Palmer said this would be approximately a ten percent variance request.

Mr. Davis asked if Mr. Deming has observed any other buildings along this side of Hamann Parkway extending closer to the street than this proposed project. Mr. Deming said he measured on the Lake County Auditor's website, which is not always accurate, and it looked like there may be a couple other buildings that may be within a couple feet of what his client is asking for. He said roof of the building already extends out and they basically just want to enclose it. Mr. Davis said the setback is determined by the building footprint, not by the roof line. Mr. Davis said he drove down that street and did not see any other buildings that had exceptions to the sixty foot setback rule. Mr. Deming said he does not know if any of these buildings extended out and he would have to do a survey of each building on the street to determine this.

Mr. Yutzy asked if Mr. Deming did any of the other buildings. Mr. Deming said in 2017 they constructed an addition to the rear of this building.

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Chairman Palmer reiterated they only have three of the five members here this evening and asked if he would still like to proceed to a vote or table for the full board and Mr. Deming said he wished to proceed with a vote.

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

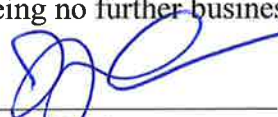
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Davis moved to grant a variance to C.O. 1145.05(a) and allow a setback of 54.6 feet instead of the required 60 foot setback for API-Trucast, 4531 Hamann Pkwy., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.


ROLL CALL: Yeas: Mr. Yutzy; J. Palmer, Chairman
 Nays: Mr. Davis
 Absent: Mike Ross; Mr. Maniche

Motion Carried: DENIED

There being no further business the regular meeting closed at 7:22 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary