

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
JULY 24, 2024  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Maniche; Mike Yutzy; Joe Palmer, Chairman

**ABSENT:** Mike Ross

**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) have 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 each applicant if they would like to proceed with only four members of the board present and all applicants agreed to proceed.

**MINUTES**

**June 12, 2024**

Mr. Yutzy moved to approve the Board of Zoning Appeals public hearing meeting minutes for June 12, 2024 as submitted and Mr. Maniche seconded.

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

**Motion Carried:    Approved**

**OLD BUSINESS**

**The Charlton Abbott**  
37903 Euclid Ave.

**Use Variance for  
lounge/private event facility**

Mr. Maniche moved to untable the use variance for The Charlton Abbott, 37903 Euclid Ave., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

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**Motion Carried: UNTABLED**

Mr. Maniche moved to permanently table the use variance appeal, pursuant to the applicant's request, for The Charlton Abbott, 37903 Euclid Ave., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried: PERMANENTLY TABLED**

**Asun Sathyanathan & Eliana Ramirez**  
2965 Steve Guard Ct.  
(Rep.- Casey Sovey, Esq.)

**Hedges within 25' of right-of-way**

Mr. Maniche moved to table this appeal, pursuant to the applicant's request, for the Sathyanathan & Ramirez residence, 2965 Steve Guard Ct., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried: TABLED**

**NEW BUSINESS**

**Benjamin Capretta**  
3875 Harvard Dr.

**Driveway expansion**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 3 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. Capretta, 3875 Harvard Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Capretta said he recently moved into this home and the previous owner remodeled the front and side porches which made them a bit larger. He drives a large SUV and needs a bit of extra space to maneuver his vehicle around the porch. He is asking for an extra foot to widen his driveway.

Mr. Davis asked, in the GIS photo, if the fence belongs to his neighbor. Mr. Capretta said yes and his neighbor works with the company that will be doing the driveway. There were no other questions from the board members.

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

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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. 1131.10(a) and allow a 1' side yard lot line instead of the allowable 2' from the side yard lot line for the Capretta residence, 3875 Harvard Dr., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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

**Motion Carried:    APPROVED**

**Sean & Katherine Fritsche**  
5280 Harmony Lane  
(Rep.- Sam D'Amico, The Great Garage Co.)

**Detached garage/accessory  
building**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 2 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. D'Amico, 1309 Ridge Rd., Willoughby, OH 44094 of the Great Garage Co., agent for the Fritsche residence was sworn in to speak for this appeal.

Chairman Palmer read into record the letter provided in the packet by Mr. D'Amico for his client. He said the letter was well written and detailed. Mr. D'Amico said the main reason is for an additional car and storage for the homeowners. He said they are asking for an additional 104' which is the size of a 10 x 10 shed. The homeowners would prefer to have their belongings in one building as opposed to two. He said there are several garages of similar size in this area. Mr. Davis agreed with Chairman Palmer in regard to the letter.

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. 1131.10(d)(2) and allow a 704 sq. ft. garage instead of the allowable 600 sq. ft. garage for the Fritsche residence, 5280 Harmony Lane, Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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

**Motion Carried:    APPROVED**

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**Lacreme Event Studio**  
1356 Lost Nation Rd.  
(Rep.- Kenya Thomas, Owner)

**Use variance for party/  
event center**

Chairman Palmer stated the applicant cited practical difficulty number 2 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. Ms. Thomas, 230 E. 327<sup>th</sup> St. Willowick, OH 44095 was sworn in to speak for this appeal.

Ms. Thomas handed the board members an 11-page proposal handout (in record 7-24-24, Exhibit "A"). Ms. Thomas said at the last meeting of the Planning Commission the public had some questions about her business so she read the introduction part of the handout. The business model will include engaging workshops, enriching classes, public events, small-scale functions etc.

Chairman Palmer said there are challenges with these types of requests. They just had a similar use variance before the board and are looking for viable options and compromises. He asked if any of these events will be held outside. Ms. Thomas said no. He asked if any of the events will include loud music. Ms. Thomas said her events will not include loud music. She said they have contracts being drafted by her legal help which restricts the music they can have. They will have no outside music and the doors are to remain closed during events because they do not want to disturb the neighbors.

Chairman Palmer said they have heard this from the other applicant and this is a sensitive issue for the neighbors in her area and all around Willoughby. He said another item of contention is the serving of alcohol and asked what her thoughts are on that. Ms. Thomas said their policy is they do not sell alcohol because they do not have a liquor license but would allow people to bring their own. They are looking into the legalities of it and if it would require a licensed bartender or a catering company that is licensed to provide alcohol. Chairman Palmer said there may also be security required if alcohol is provided. Ms. Thomas said she has been partnered with people in this type of business for event planning/management before and she is also a realtor.

Mr. Davis said in reviewing the paperwork, a group of people wanting an art class is different from a group having a celebration. Providing a building with a roof for gathering is considered a party center. Ms. Thomas said as a business they will also provide enrichment classes. Mr. Davis asked if it was a requisite to renting it and Ms. Thomas said no. Mr. Davis said this is a required component of their rental plan. He asked if they are required to participate in a creative event she is hosting. Chairman Palmer asked if they put any limitations on the private events or celebrations they allow; for example, do they have to have any type of educational class requirements like her business would normally offer to the public, or are they private events/celebrations, basically parties. Ms. Thomas said for artistic expression/nature they do not require them to be licensed or certified. They will leave this up to the individual hosting the event.

Chairman Palmer asked her which market she would prefer (example: creative art type events or public events such as a celebration). Ms. Thomas said when she refers to creative spaces it is somewhere you can go for multi-purpose events. You can have an art instructor, a paint party or yoga instruction, but you can also have an individual who wants to host a small private event. Chairman Palmer said they are getting tripped up by the use of the word event vs. party. He said if they allowed a variance of this type it would have to be defined narrowly

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to avoid any neighborhood annoyance and they also do not want to set a precedent they will have to defend in the future. He said they just permanently tabled the same type of request from a business on Euclid Ave. He said they would have to include language to define this use variance in the motion and asked Ms. Thomas if she is comfortable with this, and she said she would have to hear the language first. Mr. Davis said the applicant could come back to the board with a refined plan, but as of now he is opposed to this being as loosely framed as it is now. Chairman Palmer agreed and said their job is to protect the neighborhood and as previously stated does not want to set a precedent, but their goal is to work out a fair compromise with the applicant, the city, and the neighborhood. Mr. Maniche said in other situations the board(s) have allowed a limited use to someone who's business plan did not work out and now the creative studio has become a party center.

Chairman Palmer said he would give Ms. Thomas a few minutes to decide if she would like to modify her request and come back and he explained what type of modification he was looking for (eliminate the word party or celebration for birthdays, graduation etc., not art).

Mr. Lucas, Esq. said, as the board is aware, there was a prior situation with a Euclid Avenue business. He said there is a legal distinction that he would like to remind the board of. On the city's application there are the nine enumerated factors in terms of practical difficulty and that is not what they are here for, although the applicant has done a tremendous job of pointing out those factors and laying out an analysis of it. The practical difficulty is a lesser standard of proof for the board to consider because it generally deals with issues such as lot area, side yard setbacks etc. This use, in terms in what she has presented in her application is not permitted. This is a use variance and a use variance requires a higher standard of proof for the applicant, because the standard, under the Ohio Supreme Court case of Kisel vs. Sandusky is undue hardship. Undue hardship, established by Ohio Law is a higher burden of proof for the applicant to have the board issue a use variance. Chairman Palmer said if they approved a use variance then she could proceed back to the Planning Commission. Mr. Lucas said that is correct because the use variance is necessary for the Planning Commissions consideration of what she has presented to them for regulation.

Chairman Palmer said this board would need to see undue hardship for this use variance and this would give Ms. Thomas the ability to come back before this board with documentation proving undue hardship. Chairman Palmer explained to her what her undue hardship is. He asked her if she would like to let the audience speak first, table this or she can request them to vote. She chose to let the audience speak.

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. Bill Stoneman, 38465 North Lane/A105, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Stoneman said he lives right next door to this venue and is also a board member representing the H.O.A. for Lost Nation Condominiums. He welcomes development in north Willoughby but this business is right next to a home development. If it is an art studio that has normal business hours he would not mind it, but the biggest issue is with the private events that will be later in the evening and involve alcohol and noise. He said there is also a rental house on the same property and this may disturb that tenant.

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

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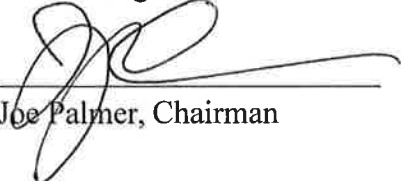
Chairman Palmer asked Ms. Thomas if she would like to table her appeal or proceed with a vote. Ms. Thomas asked the board to vote.

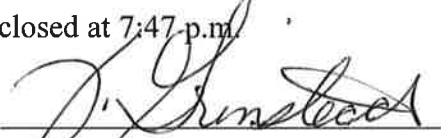
Mr. Maniche moved to grant a use variance to C.O. 1141.03(5)(f) to allow a non-permitted use of assembly hall, meeting place and party center in a Retail Business district for Lacreme Event Studio, 1356 Lost Nation Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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

**Motion Carried:    DENIED**

There being no further business the regular meeting closed at 7:47 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary