

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
NOVEMBER 8, 2023
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Maniche; Phil Davis; 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

October 25, 2023

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for October 25, 2023 as submitted and Mr. Maniche seconded.

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

Motion Carried: Approved

Chairman Palmer paused the meeting at 7:03 p.m. to wait for Law Director Lucas to arrive. Meeting resumed at 7:05 p.m.

OLD BUSINESS

Raising Cane's
5051 SOM Center Rd.
(Rep.- Jamie Wells, OLIO Development Group)

**Outdoor dining seating,
Minimum parking setback,
Required off-street parking spaces**

Mr. Ross moved to untable Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Untabled

Chairman Palmer said the notice of noncompliance had already been read in at the previous meeting and noted there had been changes to the plan.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Wells of OLIO Development Group, 1062 Ridge St., Columbus, OH 43215, agent for Raising Cane's was sworn in to speak for this appeal.

Mr. Wells reiterated that they are seeking variances for minimum parking setback, required off-street parking spaces and outdoor dining. They are requesting the setback variance due to the original design of their plat. They are following the original lot size they have been granted from the landlord. They discussed off-street parking at the previous meeting and they know they do not have enough parking spaces and have been in discussions with the adjacent properties to come to a parking agreement. The drive thru took up some of the original parking spaces in the lot because they are a drive thru oriented restaurant. The final variance they are seeking is for outdoor dining. They originally had sixteen extra seats and have decreased that down to fourteen, so the variance would be for two extra seats, and this is due to the fact they use tables to accommodate four patrons.

Chairman Palmer noted the board received letters in favor of this project from Mr. Tom Thielman and Mayor Fiala. He said both agree it is a good reuse of an abandoned property.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. David Bruning, landlord for Steak n' Shake, 3601 Green Rd./Suite #300, Cleveland, OH 44122 was sworn in to speak for this appeal.

Mr. Bruning said he was not present at the last meeting but heard it was the board's desire for them to speak to the surrounding properties to obtain a possible parking agreement. He said it has been quite a task and hard to speak to people in charge. There is a huge liability to let someone have rights on your property. He spoke to the people in the office building behind them and they close at 4:30 p.m. as well as University Hospitals which closes at 5:00 p.m. He is unsure of Raising Cane's peak traffic times and their representative can speak to this.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Jennifer Krack, OLIO Development Group, 9090 Indian Mount Road, Pickering, OH was sworn in to speak for the appeal.

Ms. Krack said she wished to address Raising Cane's peak operating times that was previously mentioned. The lunchtime rush is from 11:30 a.m.-1:00 p.m. and the dinner rush from 5:00-7:00 p.m. There were no question or comments 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.

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

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Mr. Yutzy moved to grant a variance to C.O. 1155.04(hh) and allow outdoor seating for sixteen exceeding the allowable seating by two seats instead of the allowable fourteen outdoor seats for the Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Yutzy moved to grant a variance to C.O. 1141.06 and allow a 2'4" side lot setback instead of the allowable 5' side lot setback for the Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Yutzy moved to grant a variance to C.O. 1161.04 to allow 44 parking spaces plus 1 space for each delivery vehicle creating a deficit of 23 spaces instead of the allowable 67 parking spaces for the Raising Canes, 5051 SOM Center Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: Approved

NEW BUSINESS

Charley's Cheesesteaks and Wings

36001 Euclid Ave./Unit #6

(Rep.- Dennis Michel, Midwest Sign Center)

Signage

Chairman Palmer stated the applicant cited practical difficulty numbers 2 and 3 on the application for appeal and noted all items that were in the packet.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Michel of Midwest Sign Center, 4210 Cleveland Ave., Canton, OH 44709, agent for Charley's Cheesesteaks and Wings was sworn in to speak for this appeal.

Mr. Michel said they would like the sign on the side of the building for more visibility. He said they thought it would be allowable for this size of a building, plus there is an awning over the drive thru on the corner side which would complete the look for that side of the building. Chairman Palmer asked if this sign faced Beidler Road and Mr. Michel said yes. He asked what the distance was from the building to Beidler and he approximated it to be 300'. Chairman Palmer said this is a 10'.5" sign.

Mr. Davis asked if that side of the building can be seen from Beidler Rd. because there is a building between this property and Beidler. Mr. Michel said this building elevation is higher than the building next door.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Chuck Andrews, USA Management, 8793 Pheasant Lane, Kirtland, OH 44094 was sworn in to speak for this appeal.

Mr. Andrews said they demolished the older medical building to construct this new building. In designing the building, they designed a space to accommodate this sign with special brick and lighting. He said at that time they were not aware this would not meet the zoning requirements for signage. He cited several examples where these same conditions exist and they have signage. This is a new company to the City of Willoughby and requests the board approve the variance for the sign location.

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(d)(1) to allow a sign on the east side of the building which does not meet the required criteria instead of the allowable criteria of: is on a corner lot, does not have a side street and does not have a customer entrance facing a parking lot and said lot does not face the main street for Charley's Cheesesteaks and Wings, 36001 Euclid Ave./Unit #6, Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

ROLL CALL: Yeas: Mike 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 7:25 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary