

**ZONING BOARD OF APPEALS
CITY OF WILLOUGHBY
PUBLIC HEARING
REGULAR MEETING MINUTES
JANUARY 25, 2012**

BOARD MEMBERS PRESENT: Mike Wildermuth; Joe Palmer; Greg Patt;
Bruno Frate; Harry Siskind Chairman
BOARD MEMBERS ABSENT: No one
ALSO PRESENT: Mike Germano, Asst. Law Director; Betty A.
Nardelli, Secretary

Chairman Harry Siskind who explained the procedure for the appeals public hearing and regular meeting called the Public Hearing to order at 7:05 p.m. Chairman Siskind announced that the legal notice for the appeals is available with the Secretary for review. Chairman Siskind 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 Siskind also advised the participants that this board has five members of which a majority of the board is needed to grant an appeal which is three votes in the affirmative. Five members are present this evening therefore three votes have to be in the affirmative to approve the appeal. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of common Pleas.

The letter of non-compliance was read into the record for each applicant. The appeal application, the letter of the meeting notification and the list of names and addresses of adjoining property owners within the required distant of the appellants was noted into the record.

OLD BUSINESS

THE LANDING AT GRACE WOODS
(Tom Canter, OPRS)
P.P.#27A-2-22 Ridge Rd.

Temp. constr. Sign
@36200 Ridge Rd.
Not permitted
C.O. 1163.02(b)(8)
7' hgt of allow.
6' hgt
C.O. 1163.06
-5' S/B of req'd
7' min. S/B
C.O. 1163.05(a)(3)
R-100 dist.

A motion was made by Joe Palmer and seconded by Greg Patt to

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Remove this appeal from the table for discussion.

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED:** **APPROVED TO UNTABLE**

Reverend M. Alton Plummer, Grace Episcopal Church, of 36200 Ridge Rd. Willoughby, Ohio 44094 after being duly sworn spoke **FOR** the appeal. Reverend Plummer said that by installing the sign on Church property it is a better location than on Grace wood's property because Grace Wood's property is a lower elevation than the Church property therefore the sign will be more visible on Church property.

Tom Canter of O.P.R.S. and of 2047 Camria Mill, Granville, Ohio 43023 after being duly sworn spoke **FOR** the appeal. Mr. Cantor said that at the first meeting the setbacks were wrong. Now the revised setbacks are correct.

Chairman Siskind read into the record a letter of January 20, 2012 from Reverend M. Alton Plummer granting and authorizing O.P.R.S. and Breckenridge Village to act as the Church's agent and representative for the zoning variance request. The placement of the sign shall not exceed the 25 foot distance from the property line for any point of the sign's overall surface area and 37 feet from the center line of Ridge Road. Chairman Siskind said that the previous letter of November 30, 2011 from Reverend Plummer allowed the sign but didn't delegate a representative to represent the Church. This letter of January 20, 2012 states everything the Board requires.

The setback of the sign will now comply with the zoning requirement. Reverend Plummer withdrew the #3 variance appeal for the setbacks. Mike Germano advised Reverend Plummer that he has to show the revised site plan to the Building Department to show that he complies with the setbacks for the location of the sign.

No one spoke against the appeal.

This appeal requires three motions.

Temporary construction sign:

A motion was made by Mike Wildermuth and seconded by Joe Palmer to grant a variance of C.O. 1163.02(b)(8) to permit a temporary construction sign which is not permitted citing C.O. 1109.09(b).

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED:** **APPROVED**

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Sign Hgt.:

A motion was made by Mike Wildermuth and seconded by Joe Palmer to grant a variance of C.O. 1163.06 to allow a 1' variance on the sign height to allow a 7' high sign of the allowable 6' citing C.O. 1109.09(b).

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED:** **APPROVED**

Setback:

A motion was made by Mike Wildermuth and seconded by Joe Palmer to withdraw the setback appeal per the applicant because he will comply.

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED:** **WITHDRAWAL APPROVED**

NEW BUSINESS

DQ DAIRY QUEEN
34600 Euclid Ave.
(Lou Belknap)

Wall sign area
118.7 sq. ft. of
allow. 75 sq. ft.
C.O. 1163.04

Pylon sign - msg ctr
Moving, flash,
electron. Ads
C.O.1163.09(m)(1)B
G-B dist.

Lou Belknap of Agile Sign Company of 35280 Lakeland Blvd. Eastlake, Ohio 44095 after being duly sworn spoke **FOR** the appeal. Factors # 1, #3, #4, #8 and #9 were selected to be considered to determine practical difficulty requiring a variance. Mr. Belknap said that this is the third site location for sign replacements for DQ Dairy Queen.

Mr. Belknap said that the new ground sign is a smaller sign than the existing one. Mr. Belknap said that they can stop or slow the message on the message center. Chairman Siskind said that the message center must include the time and temperature in the message loop.

Mr. Belknap said that if they calculated the sign logo and the ID signage separately for the wall sign the total area would be 73.24 sq. ft. which is less than when the entire sign is boxed in and

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calculated which is 118.7 sq. ft. The Code requires that the entire sign be boxed in for calculating the area. The existing sign complied to the sign code in force at that time which was twice the frontage. Today's code is 1.5 times the frontage. Therefore more sign area was allowed when the existing sign was approved.

No one spoke against the appeal.

This appeal requires two motions.

Wall sign area:

A motion was made by Mike Wildermuth and seconded by Joe Palmer to grant a variance of C.O. 1163.04 to allow a wall sign with 118.7 sq. ft. of the allowable 75 sq. ft. citing C.O. 1109.09(b).

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED: APPROVED**

Pylon sign:

A motion was made by Joe Palmer and seconded by Mike Wildermuth to grant a variance of C.O. 1163.09(m)(1)B to allow a pylon sign with a message center that includes moving, flashing electronic ads and to include the time and temperature of the not permitted electronic signage citing C.O. 1109.09(b).

ROLL CALL: AYES: 5 NAYS: 0
Motion **CARRIED: APPROVED**

AVENTURE CHRYSLER
36845 Euclid Ave.
(Ian Freiberg)

P/lot - stone
of req'd paved
For stored vehicles
C.O. 1155.07(i)(4)
Paving - p/lot
C.O. 1161.11(e)
L-I dist

Wayne Simpson of Adventure Chrysler of 36845 Euclid Ave. Willoughby, Ohio 44094 after being duly sworn spoke **FOR** the appeal. Factor #3 was selected to be considered to determine practical difficulty requiring a variance. Mr. Simpson said that the building permit had already been issued to construct a paved parking lot and detention pond in this area but the weather didn't permit it. A shipment of cars came in and they didn't have the time to pour concrete so they spread stone. Mr. Simpson said that they have 70

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cars parked on this area in response to Chairman Siskind's question. Mr. Simpson said that they will pour concrete in April and requested a temporary variance. Mike Germano said that a temporary variance is not permitted. Also, Mr. Germano stated that the Zoning Board of Appeals cannot overturn the Planning Commission approval of the parking lot.

No one spoke against the appeal.

Chairman Siskind's read into the record a memo of January 24, 2012 from John Wiles, Law Director, stating that Adventure Chrysler had sufficient time to comply with the parking lot plans approved by Planning Commission in June of 2011. Failing to do so created a self created problem that should not be solved by the BZA.

Chairman Siskind's read into the record a letter of January 16, 2012 from Michael Neundorfer, CEO of Neundorfer Inc. of 4950 Hamann Pkwy Willoughby, Ohio 44094 stating that Adventure Chrysler has little regard for aesthetics or the community because they didn't save any trees on the parking lot extension or install sidewalks and he is against granting the appeal.

This appeal requires two motions.

P/lot stone:

A motion was made by Bruno Frate and seconded by Joe Palmer to grant a variance of C.O. 1155.07(i)(4) to allow a stoned parking lot of the required paved lot citing C.O. 1109.09(b).

ROLL CALL: AYES: 0 NAYS: 5
Motion **CARRIED: DENIED**

Paving:

A motion was made by Bruno Frate and seconded by Joe Palmer to grant a variance of C.O. 1161.11(e) to allow stone of the required paved material for a limited Industrial zoned district lot citing C.O. 1109.09(b).

ROLL CALL: AYES: 0 NAYS: 5
Motion **CARRIED: DENIED**

Chairman Sidkind advised Mr. Simpson to seek advice from the Building Department.

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MINUTES

December 14, 2011

A motion was made by Joe Palmer and seconded by Greg Patt to approve the minutes of December 14, 2011 as written.

ROLL CALL: AYES: 3 NAYS: 0 ABSTAIN: 2
Motion **CARRIED:** **APPROVED**

MINUTES

January 9, 2012

A motion was made by Joe Palmer and seconded by Bruno Frate Patt to approve the minutes of January 9, 2012 as written.

ROLL CALL: AYES: 4 NAYS: 0 ABSTAIN: 1
Motion **CARRIED:** **APPROVED**

There being no further business the meeting was adjourned at 8:15 p.m.

Harry Siskind, Chairman

Betty A. Nardelli, Secretary