

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio

March 1, 2018

CALL TO ORDER 7:00 P.M

PRESENT: Chairman Christopher Smith, Vice Chairman John Lillich,
Mayor Robert Weger, Councilman David Fiebig and Michael Kline.

NOT PRESENT: Jonathan Irvine

ALSO PRESENT: City Engineer Pietro DiFranco, BZA Representative Frank Cihula
and Clerk Katherine Lloyd

MOTION: John Lillich moved to excuse Jonathon Irvine from tonight's meeting.
Seconded by Mayor Robert Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

Correspondence:

Email dated 2/16/18 from City Engineer DiFranco RE: House & Garage Addition – 2955 Bishop Rd.

Disposition of Minutes February 15, 2018

MOTION: Councilman Fiebig moved to approve the Minutes of February 15, 2018 as presented.
Seconded by John Lillich.
Voice Vote: 4 Ayes and 1 Abstention (Smith).
Motion Passes: 4/0.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened at 7:02 P.M.

No public input

Public Portion closed at 7:02 P.M.

1.) Todd King

Agent/Contractor: Self

2955 Bishop Rd. - Addition - PPN: 31-A-007-E -00-042-0

Plans received in Building Department 12/21/17

Plans stamped reviewed by City Engineer 2/16/18

Present: Todd King (owner) Dan Zigelo.

Owner/Representative Comments:

- It is a second floor addition adding four bedrooms and two bathrooms. On the first floor, they are eliminating a bedroom and opening up the first floor to a living room-kitchen open plan, laundry room. They are removing the chimney.
- Picture of the existing house and samples of the Tuscan clay colored siding and charcoal gray shingles were shown.
- Revised prints were brought shown and explained compared to the plans in the packets. There are a couple minor changes to the layout inside. On the exterior, the 2nd floor addition has been moved over 15 feet so there would be no issues with the zoning. The original house is 'grandfathered' in.

City Engineer's Comments (DiFranco):

Currently the house is set back four feet from the south property line so it is considered non-conforming. After my comments were distributed, BZA Chairman Frank Cihula brought to my attention that adding a second story also at 4-foot off the setback would require a variance because it would increase the bulk, therefore increasing the variance. To avoid that, he 'slid' the second story addition 15 feet over so it conforms to the 15-foot setback. Therefore, no variance is required.

Board Comments:

(Lillich) It will enhance the look of the house. You have the windows trimmed out and everything we look for.

(Fiebig) Will the new siding match the existing siding on the house? *The siding on the house is about 2 years old. If there are any areas on the garage, it would be easier to re-do the garage. The owner wants everything to match with no fading.*

(Cihula) The house is also legally non-conforming. The non-conforming section of the Code requires that any addition to a non-conforming structure conforms to the Code. The original plans failed on two points.

MOTION: John Lillich moved to approve the plans for the Addition at 2955 Bishop Rd. as revised.
Seconded by Councilman Fiebig.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0.

Additional discussion:

(DiFranco) Four more complete sets of the prints need to be brought to the Building Department. They will be stamped here and then you can take this document to Painesville to get your building permit.

PLANNING COMMISSION

Public Portion opened at 7:10 P.M.

No Public Input

Public Portion closed at 7:10 P.M.

No Pending Business

UNFINISHED BUSINESS

Mr. Lillich stated that at the last meeting Mr. Fiebig had said some people were feeling the pressure about the sign. He asked us to think about it. Afterward Mr. Lillich did a quick query about something he remembered.

He read from the June 18, 2015 Decision 9-0 by the U.S. Supreme Court. "The 1st Amendment of States through the 14th Amendment prohibits the enactment of laws abridging the freedom of speech.

Under that clause, the government, including a municipal government vested with State authority, has no power to restrict expression because of its message, its ideas, its subject matter or its content. Content based laws, those that target speech based on its communicative content are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve a compelling state interest.”

So, there can be no pressure because to look at a sign, we really need to look at it as a blank page just looking at the thing’s size and location, etc. There can’t be any pressure because, from the U.S. Supreme Court, we are not allowed to consider the test of the sign.

NEW BUSINESS

None

MAYOR’S REPORT

The Aspire Fitness will start this month. They have already made some progress. They hope to be open by June 2018. It is the first new tenant in the Shoppes of Willoughby Hills

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

Mr. Fiebig asked for an update on the Master Plan work that the Board has done in the last few years.

(Smith) Last year we went through Chapters 1, 2 and 3. We stopped after Chapter 3. We did some digging in the prior update in the Master Plan. It talks in the Master Plan about how important it is to consider the Census when doing that. The last Master Plan update took four years to do. The next census update is 2020. That’s as far as we got. The Board has discussed a committee, the overlay districts and some of the other things that have been brought up last time. Some of those things could be put on the Agenda in 2018 to discuss at a meeting like this when there is only one thing on the Agenda. We can all think about issues we can get done while we are waiting.

BUILDING COMMISSIONER’S REPORT (DiFranco)

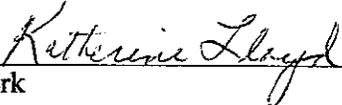
None

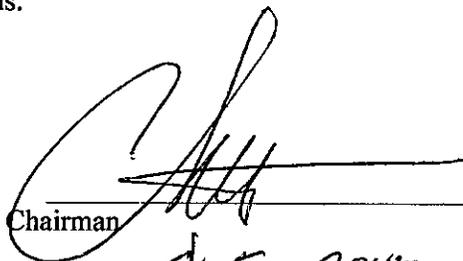
CHAIRMAN’S REPORT (Smith)

None

MOTION: John Lillich moved to adjourn the meeting.
Seconded by Mayor Weger.
Voice Vote: Ayes Unanimous.
Motion Passes: 5/0

Meeting Adjourned at 7:15 P.M.


Clerk


Chairman
4-5-2018
Date Approved