

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

April 19, 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 proceedings.  
Seconded by Councilman Fiebig.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

**Correspondence:**

- Email dated 3/12/18 from Asst. City Engineer Trepal RE: New House at 29121 Chardon Rd.
- Email dated 3/12/18 from City Engineer DiFranco RE: House in Floodway at 37630 Milann Dr.
- Email dated 3/15/18 from City Engineer DiFranco RE: Preliminary Approval for Similar Use of a Plasma Donation Center at 28301 Chardon Rd
- Email dated 3/21/18 from City Engineer DiFranco RE: Time Extension – 28895 W. Miller Rd.
- Email dated 3/22/18 from Jesse Styles of Strategis RE: Time Extension – 28895 W. Miller Rd.
- Email dated 3/27/18 from City Engineer DiFranco RE: Preliminary Approval of Change of Use and Building Addition

**Disposition of Minutes: April 5, 2018**

Correction from 'four years' to '40 years' on page 4 by John Lillich.

Councilman Fiebig commented on remarks made in Public Portion on pages 1 and 2. He stated that he is always available for questions.

MOTION: Councilman Fiebig moved to accept the Minutes of April 5, 2018 with corrections.  
Seconded by John Lillich.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened at 7:04 P.M.**

No Public Input.

**Public Portion closed at 7:04 P.M**

1.) Anthony & Darlene Majc

Agent/Contractor: N/A

**38250 Rogers Rd. - New Single Family Home – PPN: 31-A-001-A -00-019-0**

Plans received in Building Department 3/26/18

Plans reviewed by City Engineer 4/9/18

Present: Tony Majc (owner-architect).

Owner/Representative Comments:

- It is a 1 ½ story single family home with a front and rear porch.
- Material samples were shown. Home will be clad in a Hardy Board material with a shingled roof and metal roof accents and pure white trim. A portion of the front and the rear of the home will be a natural stone (Ohio Vein Sandstone). Generally the color scheme is white-off white. Porches are a natural wood color. Shingles are Harvard Slate. Metals on the roof are a matching bronzy gray.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Smith) Your plans are great. It was a very complete submission. It is a beautifully designed home.

(Lillich) You have a nice location. This will be a nice addition.

(Fiebig) It looks like we just need a Soil and Water approval letter. Correct. *Submission was made for the Soil and Water Conservation. I understand that the review is complete. I am waiting for them to release the letter.* There are no other concerns with drainage or issues like that?

(DiFranco) No, no concerns.

(Fiebig) We did have some issues up there on Rogers during the past rainfall. *(Majc) It was coming across the road.*

(Cihula) The house straddles two parcels, parcels 18 and 19. They should be joined. *The parcels have been consolidated at Lake County.*

(Lillich) My map shows them combined.

(Cihula) The Auditor's Website still show them as separate parcel, as of 30 minutes ago.

(Smith) Polaris did the lot consolidation? *They are consolidated. I was at the County myself.* Sometimes it takes a while for the web version on the Auditor's website to catch up with the recorded plat.

(Cihula) The plan shows a concrete apron. It should be set back 6 inches from the pavement.

(DiFranco) We like to keep concrete aprons about 6 inches off the asphalt edge to avoid interruption of snowplowing. *It is currently a blacktop apron that is a bit degraded. We have not finished deciding if we will remove the black top and put black top in, or go with a concrete apron.*

**MOTION:** John Lillich moved to approve the plans for the New Single Family Home at 38250 Rogers Rd. as presented  
Seconded by Councilman Fiebig.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

2.) Wendy Luck

Agent/Contractor: Terry Valencic

**2515 Maple Hill Rd. – Covered Porch Addition - PPN: 31-A-012-H -00-008-0**

Plans received in Building Department 4/11/18

Plans stamped reviewed by City Engineer 4/12/18

Present: Terry Valencic

Owner/Representative Comments:

- This house was built a couple years ago in Maple Valley by ProBuilt Homes. The homeowner called me and asked that I and my son-in-law put a porch on.
- The porch will have a raised concrete pad with columns to match the interior of the house. The stone and shingles all match the existing house. Photo of the existing house and sample of the stone were shown. The porch will have a fireplace and a couple stairs.

City Engineer's Comments (DiFranco):

None

Board Comments:

(Lillich) It will set off the back of the house nicely. *It is an open lot with no trees. The owner needs some shade.*

(Smith) It will be a nice addition.

**MOTION:** John Lillich moved to approve the plans for the Covered Porch Addition at 2515 Maple Hill Rd. as presented.  
Seconded by Mayor Weger.  
Voice Vote: Ayes Unanimous.  
**Motion Passes: 5/0.**

**PLANNING COMMISSION**

**Public Portion opened at 7:13 P.M.**

Kim Brewster, Chagrin River Watershed Partners

We provided some review of the City's Protected Areas Regulations in regards to the proposed driveway for 37200 Chardon Rd. If you have any questions or recommendations, feel free to let me know.

**Public Portion closed at 7:15 P.M.**

1.) J Scott Scheel

Agent/Contractor: Bill Griffith

27505 Chardon – Lot Split & Consolidation Plat for Shoppes at Willoughby Hills

- PPN: 31-A-008-0 -00-017-0 & PPN: 31-A-008-0 -00-020-0 &

- PPN: 31-A-008-0 -00-022-0 & PPN: 31-A-008-0 -00-024-0 &

- PPN: 31-A-008-0 -00-013-0 & PPN: 31-A-008-0 -00-021-0

Plans received in Building Department 4/11/18

Plans reviewed by City Engineer 4/12/18

Present: Eric Rivchun (representing ownership) and Bill Griffith (Project Manager).

City Engineer's Comments (DiFranco):

- They are cleaning up a bit of a mess. There are several landlocked parcels and parcels with buildings crossing property lines that compose the shopping center. Essentially they are consolidating everything into a single parcel.
- The two out lots along Chardon Road, the former Burger King and the property that was most recently a game room, had a devil's strip which prohibited access to Chardon Road. They are removing that devil's strip so that each of those out lots fronts onto Chardon Road.
  - I have a concern that, possibly in the future, they might want to do a curb cut.
  - However, they have also prepared a cross-access easement for all of those parcels. That way, all of those parcels would continue to have access to the parking lot even if ownership changes. I am comfortable with that.
- Approval is recommended.

Owner/Representative Comments:

- We are excited to finally be at this point and to continue to work on the future of Aspire Fitness as we have been.
- We are also cleaning the utility issue that you brought up at the meeting. We are in process and we have employed a company. That will be done as soon as possible.
- A letter from Dustin Keaney, the engineer at Polaris Engineering and Surveying was read to the Board. In the letter he comments on what the applicant has been doing,
  - Comments 801 and 803 re: sanitary service for the former Sam's Club - Bill has had a plumbing contractor on site doing some camera work exposing pipes, etc. trying to figure out how the system worked. The current understanding is of the existing sanitary system is that the sanitary system under the proposed addition was just the grease interceptor from the old kitchen and food prep area. This sewer appears to exit the building from the old kitchen, then go through the trap and back into the building where it is exited to the internal sanitary line and out the building. The grease trap portion of the system will be removed and capped off. This will not affect the main sanitary for the building the toilets receptor. The plumber is coming back to the site on Monday to do a few more final tests to confirm this.
  - For the relocation of the water main, we have submitted the plan to the Lake County Department of the Utilities. We received comments from LCDU and are currently updating the plan, per their comments.
  - With the revision, we will be addressing the Comment 802 and provide a 5-ft clearance between the easement and the building. Per Comment 901, the revised plan will also have a manhole for the storm.
- As soon as we have everything finalized, we will send you an update. We are making progress. We are trying real hard.
- A copy of the letter was given to the City Engineer for the record.

(Fiebig) When you speak of the devil's strip on Chardon, do you mean the strip between the two main entrances?

(DiFranco) There is a very narrow strip along in front of the Burger King.

(Fiebig) You are suggesting additional curb cuts in that devil's strip?

(DiFranco) No, my concern is that if someone came in to re-develop that Burger King, they might ask for curb cut access off Chardon Road, which I would not be in favor of. You try to minimize curb cuts.

Board Comments:

(Fiebig) So there are four access points into this property, three on Chardon and one on Bishop.

(Lillich) They have worked out all the cross access points.

(Fiebig) There is also another little parcel next to Pat O'Brien Chevrolet. Why is it its own parcel?

(Cihula) Years ago, there was a proposed drive up coffee shop

**MOTION:** Councilman Fiebig moved to approve the Lot Split & Consolidation Plat for Shoppes at Willoughby Hills at 27505 Chardon as submitted.

Seconded by John Lillich.

Voice Vote: Ayes Unanimous.

**Motion Passes: 5/0.**

**The Mylar was stamped and signed by PC/ABR Chairman Smith and City Engineer DiFranco.**

WORK SESSION

1.) Parkview Land Development

Agent/Contractor: N/A

**37200 Chardon Rd. - Work Session – Driveway / Protected Area – PPN: 31-A-002-A-00-002-0**

Plans received in Building Department 2/20/18

Plans reviewed by City Engineer 4/12/18

Present: Mark and Julie Belich (Owners. Their current address 2476 Parsons Drive, WH)

(Smith) This is a work session so there will be no vote tonight.

City Engineer's Comments (DiFranco):

- The applicant is proposing to fill in a parcel at this location and construct a driveway with a more shallow and safer slope than the existing one. It is a lot of work. There is a lot of material is being imported.
- There is a small hillside area along Chardon Rd. which triggered the Protected Area Review.
- The area that they are disturbing is more than an acre. They are required to provide Stormwater Management and Erosion and Sediment Control
- Kimberly Brewster of Chagrin River Watershed Partners (CRWP) spoke earlier. They helped in doing the review.
- It was also submitted to the Lake Soil & Water Conservation District and the Lake County Stormwater Management Department (LCSMD). We received comments back from them.
- The Engineer felt that it was best to do a Work Session to consider those comments and go from there. A number of the comments were read to the Board.
  - CRWP recommended that they use native plant species when they do the final restoration. The plan still shows some crown vetch which needs to be revised.
  - Lake Soil & Water required that the wetlands to be confirmed by the Army Corps of Engineers and they would like to see that on the drawing.
  - LCSMD found some errors with the drainage calculations. They need to be corrected.
  - The Engineer's main concern is the truck traffic coming in and out of the site on Chardon Road. There will be a lot of trucks. I want to be certain that the road will be maintained free from dirt.
    - Recommend that a street sweeper be on site full time, which they will provide.

- Turn-a-round should be provided on site for the trucks that are delivering dirt so they are able to turn around on aggregate rather than on mud.

Owner/Representative Comments:

- I am the owner of Great Lakes Crushing, LLC and we are the owners of 2 full-time street sweepers, so we do not need to rent them. We have them at our will.
- We employ a bottom-dump dump truck which has to be turned around on aggregate.
- We are the second largest soil stabilizer in Northeast Ohio to keep us out of the mud.
- Most importantly, we have lived here in Willoughby Hills for 20 years. We live on Parsons Drive.
- We plan to move into the facility and plan to add an addition to the forward house which was built in 1921. The back house was built in the 1840s by the Coverts who were present here in Gates Mills before Willoughby Hills was formed. Theirs is the second oldest family name here in the community. We plan to restore that house.
- The concern for the driveway and the availability to our current business allows us to make a slope and a driveway that will allow emergency services and fire truck access to the addition and the construction to be performed in there. It might even allow the police department to get down in there to do some inspections of the 1920s house. When we bought the house, we discovered that they were cooking crystal meth in the basement and growing marijuana. It will be a relief to all of us in our community here.
- We understand that it is a large project. We plan to fill in the area in front where there are no wetlands. We know there are no wetlands because in the early 90s the City of Willoughby Hills decided to take sewer spoils from their EPA soil mandated project and fill in that area down there. I asked the Mayor and the City Engineer for the documents from CT Consultants. Nobody seems to have those. Someone needs to let us know how all that went down. We didn't have soil reports or any other activities that went on down there. We went down there and managed all that.

(Lillich) It just happened.

*A contractor from North Royalton managed to come in our community and go down in there and dump and we managed to not abide by the Hillside Ordinance or appear in front of this Board.*

(Lillich) At that time we had no Protected Area Ordinance.

*That's not true. The Hillside Ordinance was put here prior to that project. I am well aware of that.*

(Lillich) What year is that?

*That was in 2003.*

(Lillich) That may be true.

- I live here. As a sewer contractor, I am well aware of that activity that went on there. So I find it interesting that none of this has come in front of the Board. They filled that property in. So we find this nice piece of property. My wife and I plan to add an addition to the 1920s house, move in there and sell the house on Parsons Drive. We will bring our in-laws in there. This driveway will accommodate emergency services and the fire truck.
- Instead of bringing you a remodeling permit for the existing house and you to recite to me the required slope of the driveway. I figured we could get on with this first.
- As far as permits, we will be employing Pat Cloonan who is a local landscape architect if you require a landscape drawing.
- We would like to build some mounds there to protect us from the noise from Route 6.
- As far as the base wetlands delineation (105), in affirmation of the Army Corps, we supplied at separate letter to Soil and Water, separate from the affirmation, that shows there are no wet lands in that area in the front of the project. Clearly, there cannot be any because soil and water from the sewers here from Willoughby Hills already filled that area in once already. Clearly, that soil and those three types can't be present there so we can get through that.

- The flows the engineer will address. GPD has been employed to do a water flow analysis there. That was \$10,000.
- Provide a pad large enough for trucks to turn around. Route 6 is a state route. We intend to manage that in our community and our neighbors to do the right thing for that. That is what we do and that is our business.
- Monetarily, this connected with our business makes sense. For 38 acres in Willoughby Hills selling for \$360,000, clearly there was some type of deficit that goes with the property. We all live here. We know what an acre of sale-able property goes for.

(Lillich) Do you have a gas well on this property? *Yes, there is a big sign that says 'Do Not Enter. Bite Me'. We have not taken the sign down yet. We have not gotten rid of the 4-wheel motor track from the property that they have been driving around.*

(Lillich) Down Route 6 to the east on the other side of the hill is Lanphear's property. His access is under the high level bridge. When they were doing the Euclid Interceptor Sewer Project over 20 years ago, I think he was concerned at that time of losing that access. He had a lot of fill brought in off of Route 6. It's there but it is unused because it slopes down into his property. *We feel very deeply about preserving the area there in the park and around the Chagrin River Watershed. We plan to live and have out children there.*

- This is not a development project. The name of the project is Parkview Development. When we went to incorporate a family business we wanted the name Parkview Farm but that was taken. I want everyone to understand that it is an area for our family to live in the community.
- Remodeling of the 1920s house up front: We have an architect who has already started drawings.

(Lillich) Is the gas well producing? *The gas well is a separate title clearance issue when we bought the property. After several owners, the well is in bankruptcy court now. We are trying to purchase those rights in gas wells back. We hired an attorney. It does produce gas but I think it is being used as a forced compressor station at this point. In the agreement, the gas for both houses is 150,000 cubic feet per year. A regular house uses 5000 cubic feet. I am not sure if it is producing or whether they are using it as a storage well. We will get to that part.*

- There were a few comments on the drawing with the work right easements with the Shefflers'. I spoke with them about asking them to either sell a piece of property or for work rights in there.
- They said they would get back to me. Whatever that is, we will either adjust it to a slope or we will come to terms with them

(Fiebig) Were there any comments from Kim? *(Brewster) I am here in the event of questions.*

- We want you to know that, fortunately, we are the receivers of soils coming from the NEO Regional Sewer District drillings that have been part of the Clean Water Act to preserve our lake water to stop sewage from going there. This project will allow us to complete in a short period of time. It will help us all to find more clean water. The tailings from the drilling of the tunnel shaft will allow us to put 120,000 yards in there. This will allow us to make a one million improvement to make a piece of property very valuable for us as a family. This will be an inconvenience on Route 6 which is a State route. I understand that.
- We have established a truck route from Route 91 to Route 6 which is all State traffic
- We plan a short period of time to get through a large project.

(Fiebig) What is the truck capacity, how many trucks and how many trips do you estimate? *You can divide 140,000 by about 22. It is a large quantity of trucks in a short period of time. We expect to move about 5,000 cubic yards a day.*

(Fiebig) When do you think that will occur? *As you and I have known each other for a long time, Dave, I can recite you some numbers. \$365,000 to buy the property; \$4,500 for taxes on the property for the last six months while he gets through this; \$9,000 for the Engineering fees to do the drawing; \$9,000 for a wetland study; \$1,000 for DiFranco to review the drawings; \$1,000 for Lake Co Engineer to review the drawings; \$325 for Lake Co Soil & Water to review the drawings.*

- As we sit here in this Work Session, I know we are all interested in reducing the size of government. It does not sound like we are all being good stewards of all of that. We are here in a Work session with people who live in a community to get through that. Some of you who know me here, and I have been around a long time, you know how I am about government. So I am \$60,000 into this, I find that there are people who have concerns or comments with what I will do with 38 acres of property that's \$10,000/year in property taxes, which has been nothing but a crystal meth lab and an area to grow marijuana. So I am interested in moving on with this. I think it is going to be a good thing.

(Lillich) That's one of the reasons we do this, to get any problems out in the open before you go further with your plans. *Once I get through this, I plan to submit my application to be a member of this Board.*

(Fiebig) The question that I will be asked is 'when do you plan to start?' Are you thinking August? *We are thinking August and finish by spring. It will be about 6 months. We are governed by the way they drill their tunnel. There was a one year delay in the last project we did. You can't have clean water in the lake without some of those ramifications. All of us should be happy to be a part of that and help me get through it.*

(Fiebig) I can't think of a better couple to manage and improve a beautiful property in the City. You have done a tremendous job with the house you have. This is a unique property in our City. You will improve this property and get a historic home. *It is important to say that I don't think I was ever planning to leave my house on Parsons. But my wife and I feel that we have a calling here. I think it is important.*

(Lillich) I have not heard any issue raised that would inhibit this from moving forward. The next time you see us, you will have formal application. Did you have any problems with clean-up of the meth lab? *We have it all out of the house. Joe Meyers has started on a set of drawings for the front house. Then he will get started on the drawings for the back house. We hope to restore the 1840s house to its original condition and move Julie's parents there. That is why the driveway. That is important to us. We thought we would start with the front piece first and work our way into the property.*

(Smith) Joe will do a nice job.

(Lillich) The house next to you, the Shefflers? *We have met with them a couple times. They are nice people. We have a long history with the former owner, Fay Sivazlian. She wanted to develop this and change it. At one time she wanted a gated community there. She had problems on the opposite side that you are having here. It's a nice place. It will be a nice place for us to retire.*

(Lillich) Welcome.

(Smith) With that, Work Session is now closed. We thank the applicants for attending the Work Session.

#### **UNFINISHED BUSINESS**

None



NEW BUSINESS

None

MAYOR'S REPORT

The Plasma Donation Center requested all the documents we had. What we have so far is in an envelope ready for pick up tomorrow. I don't know what they will do with it.

COUNCIL REPRESENTATIVE'S REPORT (Fiebig)

Planning and Zoning Committee of Council will meet Thursday, May 10, 2018 prior to the Council Meeting regarding the issue with the Preliminary Review for Similar Use of a Plasma Donation Center.

(Smith) Will the Committee look at things like whether there are other plasma donation centers in the area, whether it can be done at UH-Richmond or where people would go who want to donate plasma? Is there a way we can investigate that also?

(Weger) They would not be paid. Willoughby Hills does a blood drive and they do the Double Reds. They only have two stations that do it. They are usually not filled because it takes three time longer to give than regular blood.

(Lillich) People mentioned Wickliffe and near Painesville. We would like to know where and how many.

(Smith) Would that include the local hospitals, also?

(Fiebig) To answer your question, I believe my charge is to look at our Zoning Code and, specifically, to see how this fits or doesn't fit.

(Cihula) There is a place on S.O.M. Center that buys the raw material (lumber). The cabinet shop takes the raw material, works on it, building a cabinet and sells it to somebody that installs the cabinet This Donation Center buys plasma (the raw material) and works on it. They must sell it because they have to be able to pay for their operation and their employees (nurses, doctor, etc.) This is like buying raw material, working on it and selling it.

(Lillich) They purchase it. They separate it and sell it to firms that do something with it, like treatments for hemophiliacs.

(Smith) They are paying for time, not a product.

BUILDING COMMISSIONER'S REPORT (DiFranco)

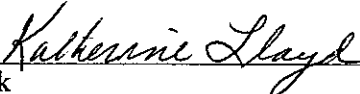
None

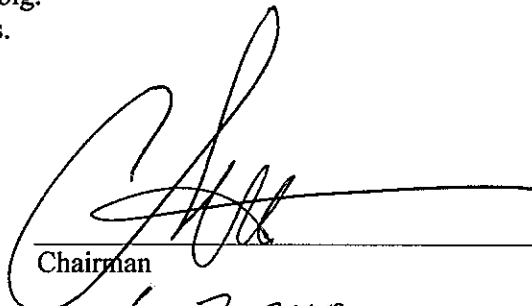
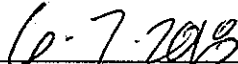
CHAIRMAN'S REPORT (Smith)

None

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

Meeting Adjourned at 7:54 P.M.

  
Clerk

  
Chairman  
  
Date Approved