

**MINUTES**  
**Board of Building & Zoning Appeals**  
**City of Willoughby Hills, OH**

March 13, 2012

**CALL TO ORDER:** 8:06 pm  
**PRESENT:** Chairman, Frank Cihula; Vice Chairman, John Klements  
Robert Bartolotta, Ron Caporossi, Mark Kotoch  
Law Director Thomas Lobe, Clerk, Joan Motuza

**DISPOSITION OF MINUTES OF JANUARY 10, 2012**

**MOTION:** Mark Kotoch moved that the Board approve the minutes as submitted.  
Seconded by John Klements  
Roll call: Ayes unanimous.  
**Motion passes 5/0.**

**CORRESPONDENCE**

1/26/12 To News-Herald – notice of February 14, 2012 meeting cancellation.  
3/1/12 To News-Herald – notice of March 13, 2012 meeting.

**CASE 2012-1**

**Bishop-Willoughby Company, Ltd.**  
**Carnegie Management & Development**  
**2821 Bishop Road**

Steven M. Edelman, Carnegie Management and Development Corp. (27500 Detroit Road, Westlake, Ohio 44145) for Bishop-Willoughby Company Ltd. for Sears Hardware 2821 Bishop Road (now closed) requests to terminate the Deed Restrictions (per item 7 of said restrictions) adopted by the Board of Building and Zoning Appeals in Case No. 1995-16, and recorded in Instrument #960010143 of the Lake County Recorder's Office. The use of the subject property would then be governed by the requirements of the B-2 District regulations, Chapter 1137 of the Codified Ordinances of the City of Willoughby Hills.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald. Documents were available for review in the lobby of City Hall.

**PRESENT:** Steve Edelman, C.O.O Carnegie Management and Development Corporation representing property owner Bishop-Willoughby Company Ltd.

Steve Edelman was sworn by Law Director Lobe.

**Stated reason for variance request:**

When this property was acquired by Bishop-Willoughby Company in 1996 it was zoned single family residential. As a condition of allowing the development of the Sears Hardware store, deed restrictions were placed on the property which limited the commercial development solely to a hardware store. Sears has vacated the store. It is highly unlikely that they can find a new hardware store to rent the property. They are asking that the deed restriction on this property be lifted and the zoning be governed by the requirements of the B-2 District regulations.

Chairman Cihula provided background information. The property was zoned single family residential. The owners had two options: one to request rezoning (which would require a public vote of approval) or a use variance which could be granted by the BZA at that time. Bishop-Willoughby Company requested a use variance. They agreed to limit the use of the property to a hardware store. The BZA granted the variance request. Deed restrictions were approved and recorded which limited the use of the property to a hardware store. In 2006 a revised zoning map was presented to the voters. This map which rezoned the property, along with other properties in the City was adopted by the voters. The property is now zoned B-2.

Law Director Lobe advised that beginning in 2005 a Comprehensive Planning & Zoning change was made for the entire City which took our zoning code from the 60's to 2005.

**Public Portion**

Beverly O'Connor, 600 Derby Run – Do they have ideas as to how building will be used? *No eminent plans. Bishop-Willoughby Company would be comfortable with any business that fits the B-2 plan.*

Charlotte Fornal – 661 Derby Run - Do sweepstake clubs fall into the B-2 zone? *They are permitted in the B-2 zone. Law Director Lobe advised that the Ohio Legislature is now in the process of eliminating them.*

Councilman Ray Somich – 2941 Legend Lane – Urged approval of request.

Advised residents that the City is very interested in helping to convert all of the empty buildings and parts of the area they are not proud of and make them something they are proud of. It is part of a major program that the City is dedicated to that includes hiring of an Economic Development Director and putting together a task force made up of residents of the community.

Shelly March – 28762 Eddy Road – Does the B-2 go to the corner of Eddy Road. *The corner lot and the two tiny lots south of it are B-1 as is the north side of Eddy Road.*

**Public portion closed.**

**MOTION:** Mark Kotoch moved that the Board approve Case 2012-1 as requested to remove the deed restrictions on the property so the subject property (PPN-31-A-008-D-00-031-0 & 032-0) would then be governed by the requirements of the B-2 District regulations, Chapter 1137 of the Codified Ordinances of the City of Willoughby Hills.

Seconded by John Klements.

Roll call vote: Ayes unanimous.

**Motion passes 5/0.**

Appellant was advised that the parcels must be joined as the building straddles both parcels. The appellant files the termination with the County Recorder's Office.

Chairman Cihula requested that the appellant provide the BZA with a copy of the recorded document showing the Recorder's Office stamp.

**Resolution No. 2012-1 - A RESOLUTION AUTHORIZING AND DIRECTING THE CHAIRMAN OF THE BOARD OF BUILDING AND ZONING APPEALS OF THE CITY OF WILLOUGHBY HILLS, OHIO TO EXECUTE A TERMINATION OF THE DECLARATION OF RESTRICTIONS ORIGINALLY ADOPTED IN BOARD OF BUILDING AND ZONING APPEALS CASE NO. 1995-16, APPROVED JANUARY 23, 1996.**

**MOTION:** John Klements moved that the Board adopt Resolution 2012-1.

Seconded by Mark Kotoch.

Roll call vote: Ayes unanimous.

**Motion passes 5/0.**

Chairman Cihula signed three copies of the termination document and his signature was notarized by Law Director Lobe.

Law Director Lobe was excused from the meeting.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**CHAIRMAN'S COMMENTS**

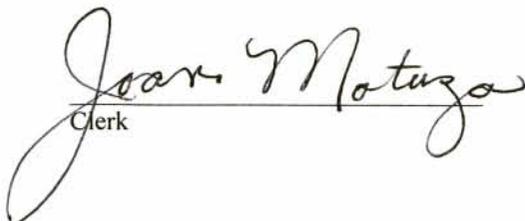
Council recently passed legislation authorizing the codifier to post the Codified Ordinances of the City of Willoughby Hills on the internet. Link will be on City website.

**MOTION:** Mark Kotoch **moved** to adjourn; seconded by Bob Bartolotta  
Roll call vote: Ayes unanimous.  
**Motion passes**

Meeting adjourned at 8:45 pm.

Note that BZA meetings are recorded and recordings are considered a public record.

All decisions of the Board of Building and zoning Appeals are final within the City of Willoughby Hills. Any interested party may appeal the Board's decision to the Court of Common Pleas of Lake County, as provided for by Ohio Law.

  
Clerk

  
Chairman

Date Approved: May 8, 2012