

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

APRIL 12, 2011

CALL TO ORDER: 8:00 pm
PRESENT: Chairman, Frank Cihula; Vice Chairman, John Klements
Robert Bartolotta, Ron Caporossi, Mark Kotoch
Clerk, Joan Motuza

DISPOSITION OF MINUTES OF JANUARY 11, 2011

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

CORRESPONDENCE

1/13/11 To Administration – Notice of election of BZA officers & representatives
2/4/-2/22/11 To The News Herald – Notification - no meeting notice for February and March 2011
4/5/11 To The News Herald – Notification of April 12, 2011 meeting.
4/12/11 e-mail to BZA from BZA Chairman – proposed building code amendment - contractors
registration for discussion @ meeting

Case 2011-1

4/6/11 From Paul H. Hentemann (attorney for Frank Slapnicker) – Acceptance of negotiated terms
and withdrawal of appeal.

CASE 2011-1

Frank Slapnicker, dba ICS Construction

11523 Heath Road

Paul Hentemann, attorney for Frank Slapnicker dba ICS Construction, 11523 Heath Road, Chesterland OH 44026 (the appellant) is appealing the decision of the Building Commissioner (Building and Zoning Inspector) to refuse to register the appellant "due to issues of the past." Sections 1373.08 and 1373.09 of the Codified Ordinances permit the Building and Zoning Inspector to revoke, suspend or refuse to issue or renew a certificate of registration. Legal notice was published in The News-Herald on April 2, 2011.

Chairman Cihula read into the record Attorney Hentemann's letter of April 6, 2011 (**ATTACHMENT A**).

MOTION: John Klements moved that the Board accept the request to withdraw the appeal according to the letter from Mr. Slapnicker's attorney, Paul H. Hentemann dated April 6, 2011, which was sent to our Counsel, Michael Germano.
Seconded by Mark Kotoch.
Roll call: Ayes unanimous.
Motion passes 5/0.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Chairman Cihula presented for discussion a letter he prepared for the Clerk's signature requesting an amendment to Chapter 1373, Section 1373.08, changing the title of 1373.08 and adding a new subsection (d) (**Attachment B**).

After substantial discussion and clarification the Board approved the recommendation.

MOTION: John Klements moved that the BZA ask the Council Clerk to distribute the letter to City Council.
Seconded by Mark Kotoch.
Roll call: Ayes unanimous.
Motion passes 5/0.

The Board reviewed the **RULES FOR THE GUIDANCE OF THE CITY OF WILLOUGHBY HILLS BOARD OF BUILDING & ZONING APPEALS IN THE PERFORMANCE OF ITS DUTIES UNDER THE CHARTER AND CHAPTER 1117 OF THE CODIFIED ORDINANCES**

MOTION: Mark Kotoch moved to update our rules to eliminate the reference to **SECRETARY** in compliance with our current City Charter.
Seconded by Bob Bartolotta.
Roll Call: Ayes unanimous.
Motion passes 5/0.

Updated Rules (**ATTACHMENT C**)

CHAIRMAN'S COMMENTS

None

PUBLIC PORTION

No public present.

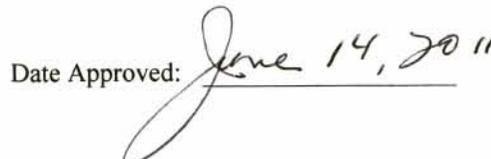
MOTION: Mark Kotoch moved to adjourn; seconded by Ron Caporossi.
Voice vote: Ayes unanimous.
Motion passes

Meeting adjourned at 8:45 pm.

Note that it is the policy of the Board to make site visits to guide them in making their decisions.
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: 

04/06/2011 14:46 Wiles & Richards

(FAX)4409427211

P.002/002

Apr. 6. 2011 10:38AM paul h hentemann

No. 4645 P. 1

Paul H. Hentemann
ATTORNEY AT LAW

Northmark Office Building
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Willoughby, Ohio 44094-4280

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April 6, 2011

SENT VIA FACSIMILE

Michael Germano, Esq.
Wiles and Richards
37265 Euclid Avenue
Willoughby, OH 44094

RE: Frank Slapnickcr Appeal

Dear Mr. Germano:

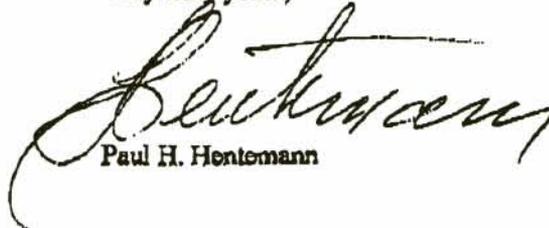
Acknowledging your letter of April 6th, 2011, my client is acceptable to the terms you have set forth. With your permission I will have my client submit his application together with a new bond in the amount of \$30,000.00 directly to the Willoughby Hills Building Department. If this is not acceptable, please advise immediately.

→ This is to advise as well that, unless you want a more formal notice, I herewith withdraw my client's appeal to the BZA of your City.

It is my client's hope that whatever bad relations existed in the past can be put aside, and all we would ask is that my client receives the same fair treatment as any other builder in your City would receive.

Again I wish to thank you for your professional courtesies.

Very truly yours,


Paul H. Hentemann

PHH/js

cc: Frank Slapnickcr

Chairman
Frank J. Cihula

Clerk
Joan Motuza

City of Willoughby Hills

35405 Chardon Road, Willoughby Hills, Ohio 44094-9195
Phone (440) 946-1234 FAX (440) 975-3535

Robert J. Bartolotta
Ron J. Caporossi
John B. Klements
Mark J. Kotoch

Board of Building and Zoning Appeals

April 12, 2011

Willoughby Hills City Council

The Willoughby Hills Board of Building and Zoning Appeals is requesting that the Building Code of the City, specifically Chapter 1373, Registration of Contractors be amended as follows (or an equivalent wording as approved by the law department):

Amendment to Chapter 1373, Section 1373.08

Change the title of Section 1373.08 from REVOCATION AND SUSPENSION OF REGISTRATION to, REVOCATION AND SUSPENSION OF OR REFUSAL TO ISSUE OR RENEW REGISTRATION.

Add a new subsection (d) as follows:

- (d) Where registration is required by Section 1373.01, the Building and Zoning Inspector may refuse to issue or renew a certificate of registration for any of the reasons listed above or any past performance in the City of Willoughby Hills.

The purpose of this amendment is to clarify the issue of refusing to issue or renew a Certificate of Registration as referred to in 1371.09(a) Appeals, —.

A “.doc” file of the wording is available on request.



Joan Motuza, Clerk
Board of Building and Zoning Appeals
City of Willoughby Hills, Ohio

RULES FOR THE GUIDANCE OF THE CITY OF WILLOUGHBY HILLS BOARD OF BUILDING & ZONING APPEALS IN THE PERFORMANCE OF ITS DUTIES UNDER THE CHARTER AND CHAPTER 1117 OF THE CODIFIED ORDINANCES

ORGANIZATION

The Board shall hold an organizational meeting at its regular scheduled meeting in January and shall elect a Chairman and a Vice Chairman, who shall serve from that time until the next organizational meeting.

In the event that either Chairman or Vice Chairman should leave his office, a successor shall be elected at the next regular meeting of the Board, to serve for the balance of the unexpired term.

The duties of the Chairman, or in his absence, of the Vice Chairman, shall be to conduct all meetings and hearings held by the Board, to notify all Board members of the time and place of all meetings and hearings, at least 24 hours prior to the meeting or hearing, and such other duties as are hereinafter designated.

Meetings also may be called by the Vice Chairman, at the request of any two Board members.

Hearings shall be set up by the Chairman, or in his absence, by the Vice Chairman, and shall be between two and six weeks from the date the appeal is submitted and, if necessary, bond posted.

CONDUCT Conduct of the meetings and hearings.

The meetings shall be called to order by the Chairman and business shall be conducted in the following order:

- | | |
|---------------------------------|-----------------------|
| 1. Roll Call | 6. Hearing of Appeals |
| 2. Disposition of Minutes | 7. Old Business |
| 3. Report from Zoning Inspector | 8. New Business |
| 4. Report of Clerk | 9. Adjourn |
| 5. General Correspondence | |

In conducting a hearing, the Chairman shall allow the Appellant to present his case, a City official to present reasons for the action being appealed and for public input.

In any meeting or hearing, a Board member shall refrain from voting or exercising any influence as a Board member in connection with any decision in which he may have a personal interest.

MEETINGS Calling of meetings and hearings

A regular Board meeting shall be held on the second Tuesday of each month, and an additional meeting shall be held on the fourth Tuesday, if Board activity is such as to require it. Further meetings may be called by the Chairman as he deems necessary.

Any meeting shall last no later than 10:30 p.m., unless extended by motion. (Adopted 7/28/87; Revised 3/24/92.)

CLERK

A Clerk shall be appointed by the Board at the organizational meeting in January. Pay shall be designated within the limits as set up by ordinance. In the case of the Clerk leaving the office prior to the end of the term, a successor shall be appointed by the Board at its next regular meeting, to serve for the balance of the unexpired term.

The duties of the clerk shall be to record accurately the minutes of all Board meetings and hearings and shall file copies of such minutes with the Clerk of Council within 3 days after such minutes are approved by the Board, to notify parties in interest of hearings, to keep all records of the Board, discussions, investigations and actions, readily available to the Board, and to send out all correspondence as directed by the Board.

ATTENDANCE

If a member of the Board fails to attend three consecutive meetings, without sufficient reasons, that shall be deemed as nonfeasance.