

MINUTES
Board of Building and Zoning Appeals
City of Willoughby Hills, Ohio

May 13, 2008

CALL TO ORDER: 8:00 pm
PRESENT: Chairman, Frank Cihula; Vice Chairman, John Klements
Peter A. Kamis, Mark Kotoch, Joe Zawatski
Clerk/Secretary, Joan Motuza

DISPOSITION OF MINUTES OF APRIL 8, 2008

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

4/17/08 From Dale Fellows, Chairman Charter Review Commission – Requesting BZA input
5/6/08 From Mayor Weger announcing appointment of new Building Commissioner, Fred Wyss
effective May 12, 2008

Case 2008-1

2/15/08 To Richard Beck - advising Board action of 2/12/08
2/15/08 To Sean & Andrea Quinn – advising Board action of 2/12/08

Case 2008-2

4/14/08 To David D'Angelo – advising Board action of 4/8/08

Case 2008-3

5/8/08 From Richard Rosner – requesting an extension of hearing until July meeting

*Per City Law Director Lobe, letters to appellants advising board actions are mailed via certified and regular mail.

CASE 2008-3

Vincent S. Giorgi

Emerald Lake Plaza -28102Chardon Road

Vincent S. Giorgi, Managing Member, Chardon Emerald Lakes LTD., 7073 Brightwood Drive, Painesville, as owner of Emerald Lake Shopping Center, 28102 Chardon Road (31A-8C-3 & 35) requests to terminate, abrogate, rescind and nullify the Deed Restrictions (per paragraph 9 of said restrictions) adopted by the Board of Building and Zoning Appeals in Case No. 1986-12 and recorded in Vol. 472 pg. 276, its five addendums recorded Vol. 545, pg. 1249; Vol. 1089, pg. 650; Vol. 1117, pg. 354; Instrument #200045500 and Instrument #2004R048375 of the Lake County Recorders Office.

He is also requesting to terminate the Sign Agreement adopted by the Board of Building and Zoning Appeals on 1/27/87 as amended 5/14/96. The use of the subject property would then be governed by the requirements of the B-2 District regulations, Chapter 1137, and the Sign Regulations, Chapter 1151, 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 on May 3, 2008. Information was available for review in the lobby of City Hall.

MOTION: Joe Zawatski moved that per the request of the appellant's attorney, Case 2008-3 be postponed until 8:00 pm. July 8, 2008. Seconded by John Klements.
Roll call: Ayes unanimous.
Motion carried 5/0.

Due to the fact Case 2008-3 was advertised prior to receipt of the request from the appellant's attorney for postponement, the Board concluded that it should hear public comment. The public was advised that, because the appellant had no representation at this meeting, the Board could not discuss the merits of the case.

MOTION John Klements moved to open the meeting to public portion. Seconded by Joe Zawatski.
Voice vote: Ayes unanimous.
Motion carried 5/0.

PUBLIC PORTION:

(Opened at 8:17 pm, closed at 8:52 pm)

Steve Fening, 2891 Stratford Way – Asked for history of variance and location of property. Advised that he could not attend the July meeting as he had a prior commitment. Stated he is in favor of keeping business in the City, however he has concern with increased traffic late at night.

Bob Kowalski, 2585 Timberline Drive – Wanted to know what deed restrictions are in place. Requested that BZA list a general public portion on agenda.

Jennie Hensley, 28439 Evergreen – Wanted to know how this change would affect her property.

Public portion closed.

UNFINISHED BUSINESS

None

NEW BUSINESS

In response to the Charter Commission's request, the Board discussed Chairman Cihula's recommended changes to the Charter. Chairman Cihula passed the gavel to Vice Chairman Klements.

MOTION: Frank Cihula moved that the BZA make the following recommendation to the Charter Review Commission regarding Section 5.32:

Delete the following wording - existing paragraph 1 (as amended 11/5/96):

5.32 Duties and Responsibilities. The Board shall administer the details of the application of zoning regulations, and shall hear and determine appeals from refusal of building permits by the Building Commissioner or other office, may permit exceptions to and variations from the district regulation and shall have any and all other powers conferred upon it by ordinance or the general laws of the State of Ohio. The Board of Building and Zoning Appeals may make its own rules and selects its own chairman and secretary. It shall keep a journal of its proceedings and all of its meetings shall be open to the public.

Replace with the following wording (original Charter wording):

5.32 Duties and Responsibilities. The Board of Building and Zoning Appeals shall meet at the call of a chairman elected by its members from the membership of the Board, and it shall hear and determine appeals from the refusal of administrative officers to issue building or zoning permits. It may grant exceptions to or variations from zoning ordinances or building codes in individual cases to alleviate hardship and to promote justice to property owners.

Decisions of the Board of Building and Zoning Appeals shall be based upon facts set forth in writing which shall become a part of the public record.

The Board of Building and Zoning Appeals may submit to the Planning and Zoning Commission, at any public hearing, recommendations for changes in zoning or building ordinances.

Seconded by Peter Kamis.

Roll call: Ayes unanimous.

Motion carried 5/0.

Note: Existing paragraph 2 regarding hearing use variance requests remains.

Vice Chairman Klements returned the gavel to Chairman Cihula.

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

Meeting adjourned at 9:15 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 on audio tape and tapes 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: 7/8/08

5/18/08/jdm