

MINUTES
Planning and Zoning Commission & Architectural Board of Review
City of Willoughby Hills, Ohio
January 7, 2010

CALL TO ORDER: 7:02 P.M.

PRESENT: Chairman Charlotte Schryer, Vice Chairman James Michalski,
Mayor Robert Weger, Council Representative David Reichelt,
John Lillich and John Davis

ABSENT: Madeleine Smith

ALSO PRESENT: City Architect, William Gallagher; Building Commissioner, Fred Wyss,
Assistant City Engineer John Topolski, BZA Representative, Frank Cihula
and Clerk Katherine Lloyd

MOTION: David Reichelt moved to excuse Madeleine Smith for tonight's meeting.
Seconded by James Michalski
Roll Call: Ayes Unanimous
Motion Passes

ORGANIZATIONAL SESSION for the YEAR 2010

- Nominations for Chairman for the year 2010
John Lillich nominated Charlotte Schryer
Nomination was seconded by David Reichelt
The Chairman called 3 times for additional nominations. There were none.
Nominations were closed.
Roll Call: Ayes Unanimous
Motion Passes
- Nominations for Vice Chairman for the year 2010
David Reichelt nominated John Lillich. John Lillich declined.
Mayor Weger nominated James Michalski.
Nomination was seconded by John Lillich
The Chairman called 3 times for additional nominations. There were none.
Nominations were closed.
Roll Call: Ayes Unanimous
Motion Passes
- Certification of Clerk for the year 2010
Motion: John Lillich moved to appoint Katherine Lloyd as Clerk for 2010
Seconded by David Reichelt
Roll Call: Ayes Unanimous
Motion Passes

Disposition of Minutes: Meeting of December 17, 2009

MOTION: David Reichelt moved to accept the minutes of December 17, 2009 as submitted.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

Chairman Schryer addressed the residents in the audience who came to hear about the Maplegrove subdivision in Planning Commission. That project was not ready for tonight and is not on the agenda tonight. We anticipate it will be on for the next meeting. Anyone who wants to speak may speak during Public Portion of Planning Commission.

ARCHITECTURAL BOARD OF REVIEW

Public Portion opened 7:08 P.M.

None

Public portion closed 7:08 P.M.

1. Scott Patterson

Contractor: same

2761 Rockefeller Rd. – Rebuild House– PPN: 31-A-013-A-00-010-0 and 31-A-013-A-00-011-0

Plans stamped received in Building Department 11/18/09

Plans stamped approved by Building Department 12/15/09

Plans stamped received in CT Consultants 12/14/09

Plans stamped approved CT Consultants 12/31/09

Present: Scott Patterson

Owner/Representative Comments:

I rebuilt part of the house. The rest of the house is falling down. I will finish by tearing down the rest and rebuilding it. The picture shows the section in the shale blue vinyl siding that is already done. Shingle sample shown. There is information on the windows and such provided to me by the architect (given to Chairman).

City Architect's Comments:

- The standard three-tab shingle you have shown seems very dated? *I just put them on the garage last year. I plan to match the house to the garage.* We appreciated matching. If we had known you envisioned re-doing the roof of the house when you came before the Board with the garage project we would have recommended dimensional shingles or something more higher end. We recommend that you upgrade to match shingles more prevalent throughout the city. You can complement it with dark black or something very simple which would give it character.
- What does the garage look like? *It is 20x28 foot with a gable roof that will run east and west. You can see the whole roof as you drive up the driveway.* So the gable ridge line will run the same ways as the house and it has a similar 5:12 slope? *Yes.*
- You plan to match the shale blue vinyl siding that is on the garage now? *Yes.* What is the trim color? *White.*
- Is this your house or a spec house? *This is my house.*
- The columns and railing and guard systems at the entrance way do not seem to work with the white trim color. *It is pressure treated wood. I was not going to paint it.* In order to have everything integrate with the rest of the house, we recommend that you trim out the columns to make them more decorative. You could paint them or encase them and the railings in a maintenance free material to match the colors on the house. That would tie it together.
- What color are the window trims? *They will be a 4-inch white wood trim.* Plastic would be maintenance free.
- The left side elevation is stark. There is nothing on that west side. Even though it is close to the neighbor's house, you may want to consider a window in the gable for ventilation, light and detail.
- I like the window patterns and size. My concern is that one side.

Board Comments:

(Weger) Is the whole old house coming down? *I rebuilt the 10x30 foot blue section in the pictures. I will tear down the rest but keep the footers.* Basically, the whole house is coming down. *Yes.*

(Michalski) Mr. Gallagher, what would you recommend for the porch floor system? Wolmanized?

(Gallagher) The horizontal surface could be a natural color wood. It should be stained to match the foundation system.

(Reichelt) Would you consider putting a window in bedroom on the west elevation? It is very stark without anything. *In the front bedroom, yes. I would need to move some closets.*

MOTION: David Reichelt moved to approve the plans at 2761 Rockefeller Rd as submitted including the comments from the architect, and requesting that the home owner will add a window or architectural feature on the west elevation. All wood surfaces will be treated. Materials above the decking will be white. The decking and materials below will be dark brown. Vinyl is recommended on the columns and wood and decking should be painted or stained.

Seconded by James Michalski

Roll Call: Ayes Unanimous

Motion Passes

Additional Discussion:

(Schryer) You need to draw the window into the west elevation drawing and return the drawing to the Building Department.

2. Griffin Realty

Contractor: TBD

28890 Chardon Road – Building Addition - PPN: 31-A-008-G-00-036-0

Plans reviewed by Building Department 11/24/09

Plans stamped received in CT Consultants 12/30/09

Plans stamped approved CT Consultants 12/31/09

Present: Ross DeJohn III and Kevin Hoffman, Polaris Engineering

(Schryer) They are here for Preliminary and Final approval. The architecture of the building needs to be approved first in Architectural Board of Review.

Owner/Representative Comments:

This is an addition to the existing building. There is a 6-car garage separate from the funeral home. We will enclose the space between the garage and the funeral home so that the building will be attached. The crematory services will be performed there. We will not really change the green space or the number of parking spaces. The architecture of the exterior of the addition will exactly match the architecture of the garage, including the roofline, brick, arches and shingles. A big part of the addition will be unused garage space.

City Architect's Comments:

(Gallagher) The rendering submitted last time showed a great job of matching elevations, profiles and details. The mansard roof appeared to be on all four sides of the addition and that it was the same material as along the front. It was what we expected.

(Gallagher) These drawings do not show any of that. Mansard is only on a small portion of the addition. The intermediate garage area is at the same elevation and the extension which is the pet access area is a lower elevation. It is an awkward transition. On page 2, the east elevation, there is a four to six foot difference. The south elevation shows the upper garage area but not the lower

(demonstrated on drawing). We do not know how it transitions. The front elevation has mansard all the way across but not in that area. There is a tab on the west elevation but not the north elevation. Is there any reason it is so disjointed?

(DeJohn) This is an out of town architect that specializes in this type of development. He could not be here tonight due to weather and family obligations. We are tonight to get an approval to move to the next step and to find out the costs of construction. I cannot fully answer your questions.

(Hoffman) The garage is two feet lower than the building. There will be a ramp on the inside garage up to the building which would not be in the public area. It may have been designed like that because of grade and water run-off toward the south end of the property.

(Schryer) We have more questions. Tonight we may need to give only preliminary architectural review. You can take your list of questions back. We cannot give final approval until the building is approved.

(DeJohn) We were supposed to do Preliminary last meeting but we could not come. We thought we were doing Preliminary and Final in one step tonight.

(Schryer) We would but you are not ready. Questions have come up.

(Gallagher) You are saying the right things but we are not seeing them on the plans. We need to see exactly what you are saying. The slope difference does not affect how the building looks. You could add volume. You cannot make the transition at the pet extension. It raises design questions. The drawings do not have enough detail to get a building permit. What you have here is good for preliminary.

(DeJohn) If we have site plan approval, we can get cost estimates from contractors. Then we will know the extent of the addition.

(Gallagher) We would like to see the stack on the crematory look more like a residential chimney than a metal stack. *We want it to have a 'home-like' feel.*

(Gallagher) If they match everything up, this will be a cohesive design which is what we want to see.

Board Comments:

(Michalski) Can the City Architect provide a red marked drawing to the applicant so he can see where the areas of concern are? There are some architectural features that need work. *(Schryer) I believe so.*

(Michalski) You plan to leave the existing garage in place? *We will extend the walls out.* So you will butt up against an existing building. *Yes.* The west elevation close to Calvary is very stark. You should continue the mansard profile around the whole building.

(Michalski) It looks like they are dropping down the little addition floor elevation and that is why the roofs aren't matching on the east elevation *(Gallagher) Yes, I do not understand why they are dropping it down. It could easily match up. The ceiling height for that room would be more like the garage ceiling height.* It definitely needs more architectural development

(Reichelt) The applicant's architect should meet with Mr. Gallagher to iron out the details before coming back. The applicant's comment about being uncertain about the cost of the final indicates that what they are really looking for from the Architectural Board of Review is Preliminary because they have not settle on what they want to do with the building. I think we should grant Preliminary.

(Schryer) We will make the Preliminary motion after we have seen the site plan.

(Gallagher) Bring photos of the existing building to the next meeting, especially in the back.

PLANNING COMMISSION

Public Portion opened 7:45 P.M.

None

Public portion closed 7:45 P.M.

1. Griffin Realty
Contractor: TBD

28890 Chardon Road – Building Addition - PPN: 31-A-008-G-00-036-0

Plans reviewed by Building Department 11/24/09
Plans stamped received in CT Consultants 12/30/09
Plans stamped approved CT Consultants 12/31/09

Present: Ross DeJohn III and Kevin Hoffman, Polaris Engineering

(Schryer) In the site plan, the set back is 25 feet on a development. When we do get to Final Plan approval, we will be using the 1111.15 Equivalency Procedure. We met with Mr. Lobe. When we use 1111.15, we need to add this statement [distributed to the Board] to the motion. When we are finished, a letter will go out to the applicant and the Building Department that states what was approved and the motion. We only need to use this when we do Final.

Owner/Representative Comments:

The rain garden has been added. The dumpster location was moved. There are some spot elevations. There is a little more of the parking lot that will be taken out and re-graded. There is trench draining by the garage/

City Engineer's Comments:

They are disturbing about 400 square feet which is not much. We will work with them on the rain garden or bio-basin for some improvements.

Board Comments:

None

MOTION: David Reichelt moved to grant preliminary approval of the site plan for 28890 Chardon Road as submitted.
Seconded by John Lillich
Roll Call: Ayes Unanimous
Motion Passes

Additional Discussion:

(Schryer) When you come back, the plans should show what you are building. Everything should be figured out.

(Reichelt) Your architect should have met with Mr. Gallagher about the plans.

(DeJohn) What is the process when we come back? *The building is reviewed in Architectural Board of Review and then the site plan is reviewed by the Planning Commission. Once there is final approval you can get a zoning permit from Willoughby Hills and apply to Lake County for the building permit.*

(Wyss) You will need 4 complete sets of plans and 10 elevations.

Public Portion Re-opened to provide opportunity for people in audience to speak.

No one came forward

Public Portion closed at 7:53 P.M.

Mr. Gallagher left at 7:53 P.M.

2. L.F.O. Holdings, Inc.
Contractor: Ryan Clark

36401 Maplegrove Road – Lot Split - PPN: 31-A-017-0-00-009-0

Plans stamped received in Building Department 12/24/09

Plans stamped received by CT Consultants 12/30/09

Plans stamped approved by CT Consultants 12/31/09

Present: John Christie, representing Ryan Clark

Owner/Representative Comments:

- Ryan Clark retained me to move this portion of the program forward. He was called out of town. He is an employee of mine.
- Ryan Clark sent a letter. He states that issues addressed by the Board a month ago have been addressed and that he want to proceed with final approval so he can take occupancy.

(Schryer) Does the letter state that you are representing L.F.O. Holdings, Inc.? *The letter states that I have been asked to attend the meeting on his behalf and represent his interests.*

(Schryer) We have an application that is not signed yet. We are not certain Ryan Clark has any affiliation with L.F.O. Holdings. The last time this project was reviewed by this Board, Ryan Clark was the applicant but not the contractor and it was the Beal property. The property has since been sold and the owner is L.F.O. Holdings, not Ryan Clark. We are uncertain whether Ryan Clark is affiliated with L.F.O. Holdings. *Ryan Clark negotiated with the Beals for purchase of the property. I understand that LFO Holdings ultimately took title of the parcel. I do not know his relationship to the corporate entity. I do know there is an agreement in place. My understanding is that he intends to reside at the property.*

(Weger) Last month Ryan said he wanted approval on behalf of Brain and Cheryl Beal who were the applicants. This month we have an application with L.F.O. Holdings as the owner and Ryan Clark as the contractor/applicant; that application is not signed by either party. We need to know who we are dealing with. We need the legal owner to request it. We cannot grant anything unless we know who is asking for it. *I appreciate the concern. If there is a plan or the proposal, I understand it. If there is a problem with the individual, that seems to contradict ...*

(Lillich) The question is who is the individual that is applying? *The property is owned by L.F.O. Holdings, Inc and Mr. Clark, on their behalf and as the occupant of the property, has made the application. My question is, if there is nothing wrong with doing it, does it matter whether Lance or John Christie?*

(Weger) It is a procedural thing. With regard to the plan review, we did not ask for much. I think they are rectified. We need to get the right owners to ask for it and to sign the application.

(Schryer) I will take the letter you brought from Ryan Clark for the file.

(Wyss) I contacted Mr. Clark yesterday. He returned my call today. He stated that you [John Christie] could sign the application as a representative of L.F.O. Is that the case? *That is the case. I am happy to sign it if that is sufficient.* Then why are you not coming forward? Ryan Clark stated that he could have signed the application as an agent of L.F.O. *Correct.* When Ryan Clark brought in the final plans at the end of the year, I stated to him that I would prefer that everyone represent things as they are. The first application was basically a false application. *But for the family situation that called him out of town, Ryan Clark would be here to explain this. I am not privy to any arrangements prior to my involvement this week. I am happy to sign the application. I would like to move this project forward.*

(Michalski) In all honesty, you are representing LFO Holdings and Mr. Clark when you sign the application? *I am here on their behalf and on Mr. Clark's behalf.*

(Weger) Are you empowered to sign the application on behalf of L.F.O.? *Yes*

(Reichel) In what capacity do you serve LFO? *I have been retained to appear today for both parties. You are a lawyer and you represent both parties? Yes. When we are all done, who will own which parcels? Who will own the split parcels? I don't know. LFO owns them both now and will own them*

both when they are split. Whether or not there is an agreement to sell the parcel with the existing structure on it to Mr. Clark, I don't know. I don't know whether that has any bearing on the process.

(Michalski) We were totally misrepresented at the last meeting. Mr. Clark represented himself as the owner of the property. Now you are totally changing the story. I do not like being misled. *I have not been before this Board before and am not privy to what has been discussed, other than what is in the minutes. I regret it appears the way you have interpreted it. I do not know who is making the application. It is consistent with what the city wants to occur and is acceptable. I think the Board is reacting to the developer and not on the plan itself.*

(Davis) You are misreading us. If someone came into your office requesting representation but was not who they said they were, you would be ticked off. *I understand your reaction. The underlying issue comes back to the approval of the plan regardless of the name on the piece of paper.*

(Weger) I could apply for a lot split of Mrs. Schryer's property without having any ownership. This Board could rule on a lot split on someone's property just because I requested it. That is what we are trying to avoid. *The address is on the application and on the plat. The information is before the Board. You can interchange the people. As long as the proper people are accurately identified in the ultimate documentation that is filed ...*

(Michalski) So the means justifies the end? *I am not saying that at all. To the extent that Mr. Clark represented that he was personally buying the property, we will correct it. The application has been corrected and the appropriate names are on all of the documentation. I do not know what documentation he had with him then. It is good we are here now to correct this.*

(Schryer) At that time he did not own the property. He had an agreement that he needed prior approval before he got it. He did not get the approval.

(Weger) I just checked the Lake County Auditor's website lists L.F.O. Holdings is the legal owner to this property. According to the State Attorney General's website L.F.O. is a corporation in good standing with offices in Mentor. I could not see the officers. The application in front of us will be signed by a representative of LFO. We know who owns it. If we had granted the lot split last time, we would have granted it to Ryan Clark and not LFO.

(Lillich) I now feel confident who the owner is.

(Christie) I have signed on the signature line [of the application] and on the applicant line as the attorney for LFO Holdings, Inc.

City Engineer's Comments:

In my memorandum of December 31, 2009, I recommended approval with the following stipulations:

- 1.) 12 foot utility easement with additional language on the plat and signatures of the utilities listed;
- 2.) The size of the plat is improper. The proper size of the plat is 18x30. A revised original plat with the owners and utilities signatures will be required before being executed by Willoughby Hills;
- 3.) A symbol for power/power poles should be added to the Legend. Corrections need to be made for misspellings noted by memorandum.

Copies of this memorandum were sent to the City Engineer and Law Director.

(Schryer) Mr. Wyss, do you know if Ryan Clark or any of the other parties to this application received a copy of this memorandum? No

(Christie) I have not seen it.

(Schryer) We will make copies and send them with you so that the changes can be made. If they have any questions, they can contact John Topolski at CT Consultants.

Board Comments:

(Reichelt) Mr. Topolski, the site plan indicates that the septic easement shall be released and applied for when B-1 (the new lot) is applied for with regards to building application. In the meantime, does the septic from B-2 continue to reside in B-1? If so, is there evidence of that easement being executed?

(Topolski) The easement is part of the legal documents. The existing house would continue to use that [septic field] until they build a new one. A site plan for the split lot would have to be submitted with the plans for septic changes.

(Reichelt) Is there anything needed in advance as evidence of the easement. *Good question.* The same person owns both, but may not in the future.

(Weger) Both lots will be at least an acre. They can't get approval for the site plan for a split lot unless the septic field is out of there.

(Reichelt) We want to avoid future litigation between two different parties.

(Topolski) Can we make that as a stipulation of the lot split? We need to get assurance that the owner of the existing house will establish a septic system on that lot.

(Christie) It does not make sense to put in a second septic if you do not plan to split the lot. You don't need a second one when the first one is still on your land.

(Weger) Will you file these easements with the lot split? *Yes.* Until he moves the septic, he cannot get a septic permit for the other lot.

(Schryer) Lake County won't approve a new septic system on the B-2 until he has demolished the old one.

MOTION: Mayor Weger moved to approve the lot split at 36401 Maplegrove Road based on the items in the memorandum from John Topolski, the legal descriptions received in the Building Department on 12/24/09 and signed by Bruce Robinson on 12/22/09, and the septic field easements be filed with the lot split with the County Recorder.
Seconded by David Reichelt

Discussion:

(Reichelt) The name of Willoughby Hills misspelled on the drawings needs to be corrected.

Roll Call: Ayes Unanimous

Motion Passes

MASTER PLAN

There will be no Master Plan or Master Plan Public Portion for this evening due to the weather.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

MAYOR'S REPORT

None

COUNCIL REPRESENTATIVE'S REPORT

1.) Sign Code: The Planning and Zoning Committee of Council met on December 7, 2009 to review the proposed changes to the City's sign regulation. Mr. Reichelt distributed the changes recommended by the Committee. He highlighted the items in the document for the Board. There was a brief discussion. Sign code will be on the Agenda for next meeting.

2.) Council representative to PCABR will be David Fiebig who is also the new chair of the Planning and Zoning Committee of Council. Mr. Reichelt will be his reserve representative to PCABR.

BUILDING COMMISSIONER'S REPORT

The approved site plan for the proposed Sederholm house on White Road was just received. I have a

letter from Mr. Iafelice regarding the floodplain. This project will be on the next agenda so the Board can address the Protected Areas Ordinance.

Mayor Weger inquired about construction activity at the lot on Martin where the proposed round house is planned. A grading permit has been issued but no house permit is planned until spring. Concerns about slab and tanks were discussed.

CHAIRMAN'S REPORT

1.) Council has requested that PCABR change our date for their date on Thursday, March 4, 2010. The Chairman has suggested that PCABR meet on the previous day, Wednesday, March 3, 2010. It is difficult for PCABR to switch a meeting because there are projects planned to come in that week and we would not want to have an extra week between regularly scheduled meetings.

2.) We received a thank you note for our donation.

3.) Lake County Soil and Water had an article on the different types of pervious pavement in the recent issue.

Public Portion Re-opened at 8:35 P.M. the request of people in audience.

Mr. Speece, 36701 Maple Grove RD.

The lot split property is at the rear of our property across from the church. They have a surface easement across our property. I believe it is an 18-foot surface easement; 7-foot offset from our property boundary. I have concerns about that lot's access and the impact of the lot split on our property. *It will probably access from Michelle Court. That should decrease the traffic in your driveway. There is still one driveway easement going back to the land-locked lot in the back. We have tried to get all the easements into the plat and to protect the access rights of the neighbors. The Building Commissioner can look it over with you.*

Tom Marsh, 36520 Maple Grove Road

We are neighbor to the lot split. We are concerned about the appearance of a retention pond [in the new development] near the road. I understand that there was a well and a drain near the road. *So far, that development has only been in for work session. They are intended to be dry retention ponds. Things may change. The Building Department will have the most up to date information and drawings.*

Cathy Marsh, 36520 Maple Grove Road

The retention pond close to Maplegrove is so unsightly. It may not remain dry. *There has been discussion about that retention pond being a rain garden instead. We do not know what they will come back with. That project will go on the Agenda when they have enough documentation for Preliminary Review. The Agenda is available for review the Monday before next meeting. Neighbors can come to the meeting and speak during Public Portion.*

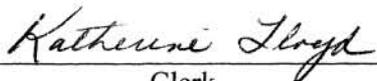
Mary Ellen Buzanski, 2505 Mapleview Lane

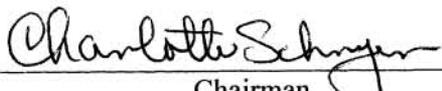
Our property backs up to the sub-development. We received a notification letter that this [subdevelopment] was happening tonight. Will we be notified again? When is the next meeting? It is difficult to comment on something in Public Portion before we have heard the presentation. *That letter was the notification that this was happening. The Monday before the next meeting, Agendas will be on the table outside Council chambers. People can also call the Building Department or the Mayor's secretary for verification that they are on the Agenda. They probably will have things together for the next meeting.*

Public Portion closed at 8:43P.M.

MOTION: David Reichelt moved to adjourn.
Seconded by Mayor Weger
Voice Vote: Ayes unanimous
Motion Passes

Adjourned at 8:44 P.M


Clerk


Chairman

Date Approved Jan 21, 2010