

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**  
**May 6, 2010**

**CALL TO ORDER:** 7:02 P.M.

**PRESENT:** Chairman Charlotte Schryer, Vice Chairman James Michalski,  
Mayor Robert Weger, Council Representative David Fiebig, John Lillich,  
Madeleine Smith and John Davis

**ALSO PRESENT:** BZA Representative Frank Cihula, City Engineer Richard Iafelice, City  
Architect William Gallagher and Clerk Katherine Lloyd

**Disposition of Minutes:** Minutes of April 15, 2010

**MOTION:** John Lillich moved to accept the minutes of April 15, 2010 as presented.  
Seconded by Madeleine Smith  
**Roll Call: Ayes Unanimous**  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion opened 7:03 P.M**

**None**

**Public portion closed 7:03 P.M.**

1. Gordon Newton

Contractor: Finomore Custom Homes

**38471 Eagle Nest – Addition – PPN: 31-A-009-D-00-012-0**

Plans stamped received by Building Department 4/27/10

Plans stamped reviewed by Building Department 4/28/10

Present: Vic Finomore and Gordon Newton

**Owner/Representative Comments:**

- Photos of the existing house were distributed.
- Proposal is to take down the existing garage and build a new garage with a master bathroom above.
- Remodeling on the interior will include changing the half bath on the second floor into a laundry room and some minor projects on the first floor.
- The blueprints call for vinyl siding but it will be changed to cedar siding in Mohave white. Timberline shingles will be a barkwood color.
- The whole roof may be torn off.
- Everything will match the existing house.

**City Architect's Comments:**

The new garage will have the detail on all three sides that we like to see.  
What type of siding is on the house now? Will you be able to match the same exposure and size?  
*Much of it is wormy chestnut. The new siding will be real cedar siding with a 7-inch reveal.*

**Board Comments:**

(Lillich) It has everything we normally look for.

**MOTION:** John Lillich moved to approve the plans for the addition at 38471 Eagle Nest as submitted.

Seconded by Madeleine Smith

**Roll Call: Ayes Unanimous**

**Motion Passes**

2. August & Loretta Babuder

Contractor: Carter Lumber

**2275 River Rd – Agricultural Cold Storage Building – PPN: 31-A-016-C-00-009-0**

Plans stamped received by Building Department 5/3/10

Plans reviewed by Building Department 4/28/10/10

Present: August Babuder

**Owner/Representative Comments:**

- This is my third visit here. Thank you for the letter to the BZA. We got approval from the BZA.
- We plan a cold storage building. The only changes from the last meeting is that we increased the door size as suggested and the building is larger as indicated at the BZA meeting. Changes are reflected on the drawing given to the Building Department.
- Siding will be sheet metal in 'Patriot Red', per the sample.
- The roof will be a light green slate or teal color like the old slate stone roofs.

**City Architect's Comments:**

This building has been reviewed before. It is a utilitarian building in a secluded area down in the valley so there is no requirement that it match other buildings.

**Board Comments:**

(Schryer) What is happening with the other two buildings on the property? *One is improved and has a new sheet metal roof which has a 45 year warranty. The other will be finished the same way within a year. My son and I are doing things ourselves as time allows.*

(Michalski) Have you considered skylights? *Carter Lumber did not recommend them. Instead, we added a 3-foot window on the south and the west side. Electricity will be installed for lighting.*

(Michalski) Mr. Gallagher, aren't there translucent panels that would be installed under the eaves for more light?

(Gallagher) There are horizontal panels that can be up to two feet.

(Michalski) Panel would cut down need for electricity. *Panels would be out of the weather. I will check with Carter Lumber.*

(Smith) There are solar tubes that look like real lights. Will the metal roof be the same green as the other buildings? *Yes, it will match the other buildings.*

MOTION: James Michalski moved to approve the plans for the building at 2275 River Road as Submitted.  
Seconded by John Lillich  
**Roll Call: Ayes Unanimous**  
**Motion Passes**

3. Julius Merkys

Contractor: N/A

**2740 Morningstar Court– Three Season Room – PPN: 31-A-013-E-00-009-0**

Plans stamped received by Building Department 4/23/10

Plans reviewed by Building Department 4/27/10

Present: Julius Merkys

**Owner/Representative Comments:**

Photos of the existing house were distributed. We will tear down the existing deck and replace it with a three-season room. The roof, siding and brick foundation will match the existing house. It will have the same size 3x5 ½ double hung windows on the sides and sliders in the back.

**City Architect's Comments:**

- Most of the windows are double hung and there is one casement on the house. *The windows are double hung, cottage style with the tops larger than the bottoms.* So you will match it exactly. *Yes*
- We want you to match the existing house as much as possible. There are corner boards on the house and there will be corner boards on the addition. There is rake molding and trim in gables
- What color are the shingles? *Reddish brown, as seen in the photos*
- Your siding will be white? *We will salvage siding from the back to use on the addition. New vinyl siding will be used to supplement if necessary. The siding is still available. There won't be much siding needed because of the windows.*
- We ask that you use the salvaged material on a whole wall. *We will not piece the new and old on the same wall. It will be professionally done.*
- If you use an 8-inch synthetic flat stock between the windows on the north and south, it would create a picture frame effect.
- How old are the shingles? *They are 16 years old. When it is time to replace them, I will do the whole house and the shed.*
- It looks like you are using earth to build up the slab and that there is a projected bay on the back kitchen area, so the framing would be in contact with the earth. That would subject the wood to premature rotting. You may want to frame it in. *The bay is a 2-foot cantilever. We will put visqueen down first. The concrete work may be done by contractor on the Willoughby Hills list. I have used him before and I am comfortable with his work.*

**Board Comments:**

(Lillich) It is a very nice three season room.

MOTION: John Lillich moved to approve the plans for the three season room at 2740 Morningstar Court as presented.  
Seconded by Madeleine Smith  
**Roll Call: Ayes Unanimous**  
**Motion Passes**

4. Gale's Garden Center

Contractor: N/A

**2730 SOM Center– Temporary Market – PPN: 31-A-006-B-00-020-0**

Plans stamped received by Building Department 5/4/10

Plans reviewed by Building Department 5/4/10

Present: Frank Teriaca and Frank Teriaca

**Owner/Representative Comments:**

- The Garden Center has been in a temporary tent for the last few years. Our building project is running behind. Completion is estimated for August. We need to put up a temporary tent to get our business going for this year.
- It will be the same size as in the past. A site plan was submitted to the Building Department on Tuesday.

(Wyss) I reviewed the plans with Police Chief Collins on Tuesday. His recommendations are that the tent be “moved away from the entrance, exit and traffic flow in and out of the entire facility more on the side or back corner”. I will take it to Fire Chief Harmon once it [the plan] has been reviewed here. *We located it there because we plan to draw electrical power from the Gale’s sign for the two exit signs and electricity as required by the Fire Department for in the tent. Last year we pulled power from the pole and then we had battery back up. Regarding the safety issue, we could put barriers on the side of it.*

**City Architect’s Comments:**

We are concerned about people crossing at the main entrance. Is there a way to close one of the entrances? Perhaps an alternative power source could be used. Electricity could be run from the accessory building. The electrical code requirements would need to be reviewed by the County. *In the past we ran the line in a ¼ inch PVC pipe, but this would be a run of about 100 feet.*

**Board Comments:**

(Schryer) The concern is safety and the pedestrian and vehicle traffic at that location.

(Smith) There may be a possible blind spot. It will be a visibility barrier.

(Lillich) Is there sufficient amperage available from that sign for everything you need? *We pulled plenty of power from the same pole with an electrician monitoring it.*

(Lillich) I am extremely uncomfortable with ingress and egress and traffic flow with no parking in that area. Particularly in the spring, that parking lot is very busy.

(Fiebig) Are there other areas closer to the buildings and power? *We have considered them all.*

(Lillich) The west drive could be blocked temporarily for four months. The east drive could be left open and barriers could block traffic flow.

(Fiebig) If you put up barriers, you would still have visibility of the tent. How soon could the tent be put up? *In about a week.* Is conditional approval possible?

(Davis) The barriers would help with safety while allowing access to power and visibility of the tent.

(Michalski) Consensus of discussion is that the far west entrance by the adjacent property should be closed off; the new entrance called the realigned apron should be left open; some barriers should be installed at the new curbing of that entrance to prevent cars from trying to go out the far west entrance; and the tent should be allow to be there.

(Fiebig) Concrete barriers should also be installed so they jut about 20-feet into the parking lot so people do not immediately turn left

(Wyss) If you did that, the tent orientation can be turned so that you have more opening similar to what you had on the other side. That would help access to your supplies. I will communicate with

Mark Kotosh to complete that new entrance as soon as possible before the market open. Right now there is one lane of traffic that still needs to be paved.

(Teriaca) The Board of Health said that it could be graveled and ready for traffic.

(Michalski) We could give a concept approval and let the Building Department take care of the Police Department. If they have to come back, it creates more delay.

(Fiebig) Or we could approve it pending Fire and Fire Department approval.

**MOTION:** James Michalski moved that the proposed location of the temporary 60x30 tent is an acceptable location for the tent as long as the applicant ensures that: (1) the far west entrance will be closed with barriers to prevent traffic from passing through; (2) the new entrance east of the tent, with consultation with the Building Commissioner, will have concrete barriers installed to prevent cars from crossing in front of the tent; and (3) the existing east entrance will remain open temporarily. This approval is pending approval by the Fire Department and Police Department and a letter of approval of the plan from Gale's is received by the Willoughby Hills Building Department.  
Seconded by John Lillich

**Discussion:**

(Smith) I will vote for the proposal but I am still concerned that it will create a visual obstacle. The other market was not pedestrian friendly.

**Roll Call: Ayes Unanimous  
Motion Passes**

**Mr. Gallagher was excused at 7:50 P.M.**

**PLANNING COMMISSION**  
**Public Portion opened 7:53 P.M**

Ray Speece, 36371 Maplegrove Road

I live across from the proposed development. I am concerned about the large retention basin being so close to the neighbor. It blights the neighbor's property. Where does the run off go? The open ditches are not well developed. Will there be an access drive to the retention basin? Even with attempts to beautify it, a pond is a pond and the water level changes. I do not want a stop sign at the intersection of the new development due to noise and congestion in front of my house.

**Public portion closed 7:55 P.M.**

1. Royce Properties

Contractor: n/a

**36470 Maplegrove Rd– Single Family Residential Subdivision – PPN: 31-A-012-E-00-001-0**

Plans received by Building Department 4/23/10

Plans stamped received by CT Consultants 4/23/10

Plans reviewed by CT Consultants 5/3/10

Present: Joe Gutoskey and Brian Osborne, Royce Properties

**Owner/Representative Comments:**

- Osborne: We proposed a subdivision for 18 new one acre lots with drip style septic systems. Three quarters of the new street will be standard curb and gutter except for near the entrance

which will run off in a new form of stormwater management incorporating bio-swales and rain gardens. Retention has been moved to the front and simplified. Average pricing of the lots will be in the low \$130,000's. We hope to start this year.

- Gutoskey: Originally we planned three retention ponds: in the front, southwest corner and back corner. After much discussion, we decided to move all the water to the front of the development into one common pond in order to simplify maintenance and alleviate drainage on the rear lots along the western boundary. An outlet pipe would be extended from the pond to discharge to a stream about 400 feet to the east. There will be a mound with landscaping along Maple Grove and along the northwest side of the pond to hide it from the road and to add appeal. It is currently designed as a dry basin. Because of the gravel soil, it will be dry 99% of the time. The soil helps with the water volume and water quality requirements.
- An aerial photograph with a rendering of the 18 proposed lots was distributed. It shows which lots are wooded. One copy was circulated through the audience.
- The lots have full septic approval from the Health Department for the onsite disposal which will be drip systems. A couple of the lots have adjusted property lines to meet Health Department requirements. Because the soils and the field tiles in the old farm field, the lines have to be a certain amount above that system. The new systems take up less room but the area below them needs to be maintained. The mounds are lower. You can grade around them so they blend in with the landscaping
  - Aeration System: The drip tubing is right on the ground covered with 8-inches of topsoil. There are low mounds. It is the new system that the county is doing.
  - Drip Field System: The drip tubing is placed on a 12-inch base of sand and then covered with 8-inches of topsoil. There would be about two stretches of drip fields which are 12-foot wide and 100-foot long.

Three of the homes are set back further than the setback line because some of the drip system is in front of the house. They are split in two zones so if maintenance is required on one, the other half is still usable. The plan shows how they will lay out.

**City Engineer's Comments:**

I had several concerns with the original concept

1.) Multiple Stormwater Basins: The rear and middle part of this property is tributary to a stream that crosses Maple Grove to the west. Where it crosses the road, there is erosion due to severe slope failure. There is also erosion west of Maple View which parallels to west.

- The slope failure is schedule to be corrected with the help of Lake County Stormwater Management
- This Preliminary Plan has redirected the flow and drainage.
  - The drainage pattern falls off to south from rear of the cul-de-sac.
  - The drainage system of the plan runs south to north which mitigates impact on stream to the west. That will manage the stormwater in the tributary.
  - At the entrance of the proposed Maple Hill Road, the curb and gutter was removed on west side. There will be a bio-swale and two rain gardens within what will be the right of way (ROW) of the proposed public road. That would be in the domain of the City; the service department would maintain the bio-swale and two rain gardens.
  - The project takes the roadside drainage and sheet-flows it to the west into bio-swale. That allows the storm sewer and the water line to occupy the same side of the road. This eliminates cuts under pavement for utility connections.
  - Overflow from the basin will stream to the east.
    - Not shown on the plan is a proposed storm sewer on Maple Grove that goes east from the pond that will properly outlet.

- Volume issues from the inclusion of the bio-swale's bio-retention and the detention pond.
- There is a storm sewer line that outlets to the pond that does not show on the plan.

2.) Septic Systems: The Health Department approval allows property owners to select one of two types of aeration systems. Gutoskey provided additional information (see Applicant Comments). The 'mounds' would be more like a gentle berm in the landscape. Some of the homes are set back because of placement of the drip systems

3.) The outlot: What happens to the property and the home because half the property is occupied by the pond and the mounds? *(Gutoskey) The existing home will stay. The existing septic system is not within the detention basin. It heads directly north toward Maple Grove between the house and Maple Grove. The existing drive off Maple Grove will stay and the mounding for the landscape will be split by the drive. There will be significant landscaping in the mounding. Signage would be at the corner.*

4.) The easement for the detention pond is on the outlot. Maintenance access on an easement off Maple Grove on a stabilized sub-grade strong enough to withstand a truck seems preferable to using an easement between the outlot and Lot #1. Maintenance would be the responsibility of the Home Owners Association (HOA). That would be better if the City ever has to become involved. We would need to clarify how that would work.

5.) Block A is a strip of land owned by the HOA. It precludes the right of access if the church property was ever to be re-developed. In a development across the street, Block A was sold by the developer which gave the property owner access to the road for the cost of Block A. Part of Block A is ensuring membership of any future lots in the HOA. Block A forces any future entity to come to the City and the HOA. The City would then require re-platting of the subdivision. Those lots would then become part of the HOA and have to abide by the HOA deed restrictions and pay dues.

- The Pastor of Church [adjacent to project] requested further clarification of the Block A. It was his understanding that Block A would be given to the church so they would have ingress/egress from the parking lot off the main road. That was in lieu of the frontage of the current driveway being taken for access to the road. There may be a future Family Life Center on the back part of the church property with community access.
- (Osborne) If any of the church property was redeveloped, the new owners would have to petition the HOA for access to the new public dedicated street. The Block A strip of land ensures that the new parcel joins the HOA. Two access easements to cross Block A will be granted to the church.
- Further discussion between church and Osborne is planned.

6.) Home Owners Association (HOA): The HOA is a corporation recorded with the County. If it defaults, the property owners are liable.

- (Osborne) The HOA would be similar to Pine Valley's HOA. It would ban any noxious uses such as signs, TV antennas, clothes lines, machinery, dumping, RV or boats stored outside, hunting, trapping, temporary structures and raising of animals or livestock. Fences and front end garages are discouraged. These would be enforced by deed restriction. Property owners have to be members of the HOA and would have to pay dues. The City or the HOA has the right to lien the property behind the mortgage.
- Concerns were expressed about the strength of the HOA rules, voting structure and the effects on the City if the HOA is ever dissolved in the future.
- SE corner Lot: What if someone sells? *(Osborne) We are in discussion with him. We would like to incorporate the corner into the development.*

7.) Drainage Easements along property lines for the yard drains: Are those easements to the HOA rather than the City? The rear yard drains for Sublot 13 through Sublot 18 run through the storm sewer along side Sublot 18. That is a critical storm sewer along the north side of Sublot 18.

*(Gutoskey) The easement along Sublot 18 may need to be a City easement because it picks up drainage from other yards. The others are just local service drainage easement for the yards.*

Before Final Plan, the Engineer plans to meet with the Mayor and Service Department about the pros and cons of accepting the easement.

8.) Chagrin River Watershed Partners (CRWP): Proposal to invite CRWP to a Board meeting to meet with the developer and Joe Gutoskey to discuss advantages of controlling run off from roofs of the 18 homes was discussed. CVWP are willing to give a presentation on what can be done. Rather than splash blocks at the downspouts, channeling water via manifold piping to rain gardens in the rear or front of each property is suggested. There are many options in rain gardens. This would reduce water volume directed to the retention pond and what goes down stream. This could be incorporated into the deed restriction. This could be desirable because of the geology on the north side of the development.

9.) Grades of the home at the rear of the cul-de-sac: This would be part of the final design.

10.) Stop Sign at intersection of Maple Grove and the proposed Maple Hill Drive: It will not be needed.

11.) Safety Concerns regarding placement and depth of the pond: The detailed design would include safety and security issues and could include fencing on a couple sides.

**Board Comments:**

(Lillich) Where does the Outflow to the east from retention basin go?

(Michalski) That is a lot of water into a little stream.

(Iafelice) That is a detailed design matter. This works in concept. We are attempting to utilize BMPs to control stormwater to the pond in the first place. The pond is anticipated to be dry 99% of the time.

(Smith) Would swales between the properties slow water flow? *(Iafelice) Yes. They would act as bio-swales. That would work for the front six lots. But past Lot 18, the water would need to be hard piped.*

(Michalski) I have a number of questions to be addressed at your next submittal.

(1) The drawings should show the driveway of the house. It goes back to the driveways that are supposed to be demolished.

(2) Demonstration of the discharge of the creek on the east side of the property. What problems will be caused downstream? There must be outlet control for the water discharged from the pond. It will have water in it after a rain. Who sets the flow rate? *We use the TR55 method. It takes information based on the amount of rainfall from a 1-year storm pre-development versus post-development. Based on that percentage, we design for bigger storms.*

(3) Future planning needs to include what will happen when the bio-swales and rain gardens are not working and all the water is flowing into the pond and then into the little creek. People downstream could have problems.

(4) I have concerns about safety issues and requirements because the pond is right up against the property to the right. It is so close to three houses. Kids go in there. Accidents happen with kids, water and storm sewers. Are there regulations? We need a detailed plan.

(5) The whole area just west of the road by the church floods in a heavy rain. There is a low spot with an elevation of about 71. That needs to be fixed when the new road is put in and the area is drained.

(6) Where do the footer drains on the houses go? *The houses will have sump pumps in the basement.*

(7) There is a 20-foot drainage easement (swale) on the west side property line behind lots 18-14. Whose responsibility is its maintenance? Will it be in the HOA? *That is the discussion of pros and cons that we will have with the City.* (Lillich) People fill them in.

(8) Mounding and significant screening along Maple Grove Road and around the pond: What is significant? (Schryer) The comprehensive landscape plan will need to address this.

(9) In review, all the lots that could be subdivided off the church's property would have to be part of this subdivision and would have to follow all of its rules and regulations. *Correct.*

(Davis) How do you protect the property rights of the person next to the pond? Can you guarantee that the wooded area would remain wooded? *A fence could be put along the property line. There is nothing that could guarantee that it would remain wooded.* It is the City's responsibility to look after the property rights of the adjacent properties and the future owners.

(Smith) Does the basin have to go to the property line? *That is part of the detailed engineering for next meeting.*

(Michalski) We would want the impact on the property value of the house next to the pond to be neutral. *Screening might help.*

(Schryer) The adjacent houses should be on the next drawing. The HOA should be written up so the City Attorney can review and approve it.

(Lillich) We should have CRWP come to our next meeting for a presentation.

(Iafelice) The developer and designer need to be there.

(Schryer) CRWP will present at 6:00 PM on May 20<sup>th</sup>. The regular meeting will follow.

(Gutoskey) We probably will be back in 4-6 weeks. We still need to work with CT Consultants and need review by Soil & Water and Lake Water Dept.

MOTION: John Lillich moved to give preliminary approval of the plans for the subdivision at 36470 Maplegrove Road.  
Seconded by Madeleine Smith

**Discussion:**

(Michalski) We should include that there has been serious discussion on a number of issues that need to be resolved in detail engineering. We want to be sure the applicant and the City Engineer address these issues.

(Lillich) There will be no final approval unless they are done.

(Fiebig) We should re-open Public Portion for additional comments from the audience will be put on the list before we vote.

**Public Portion re-opened 8:50 P.M.**

Mary Ellen Buzanski, 2505 Maple View

Our property backs up to the development. When it rains hard, there is a 20 feet wide river coming fast through the swale. That is what is washing out Maple View. I am concerned about the volume of water being increased. People downstream are concerned about property values. I invite people to come over to see the water during a rain. I hope that CVWP has the knowledge to help with this.

(Iafelice) I have been there during a rain. The flow will be redirected in the Preliminary Plan.

Kenneth Eubank, 314 E. 232 Street, Euclid

I am a member of the Maplegrove Church and I have been the head trustee since 1976. We have been trying to manage water since 1976. Water will come across our property and down that little drain. The one on the east side barely handles what is there now, let alone building a pond that will overflow.

**Public Portion re-closed 8:56 P.M**

**Additional Discussion:**

(Fiebig) Is there a target price of the homes? *The lots will sell in the low \$130,000's on average and the houses will sell for \$400,000 to 450,000. You have them priced for the median price for the area? Yes, and for the market.*

There was a notation "all 4-bedroom". *That was for the septic approval. It is calculated on a 4-bedroom house.*

**Roll Call: Ayes Unanimous  
Motion Passes**

**UNFINISHED BUSINESS**

1. House Numbering and Premises Identification

Due to the lateness of the hour, discussion of this issue will be tabled until next meeting.

**NEW BUSINESS**

None

**MAYOR'S REPORT**

The Gale's Farmer's Market was delayed for the last 3 weeks. They added a deli so the Lake County Health Department required that they add a wall and door inside. They just received Health Department approval yesterday. Construction has resumed.

**COUNCIL REPRESENTATIVE'S REPORT**

None

**BUILDING COMMISSIONER'S REPORT**

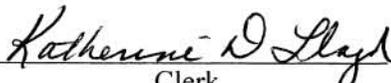
In response to Madeleine Smith's question, Gales' Farmer's Market did not change the overhead doors on the exterior. The architect did not cover the Health Department's requirement for having an open market with the overhead garage doors and deli space and bakery space. Even without cooking, those two areas in an open air setting are not acceptable to the Health Department. The plan was not given to the Health Department for review. The problem was discovered during an inspection for plumbing permit. A door and wall was placed to separate the open air section and the deli/bakery space.

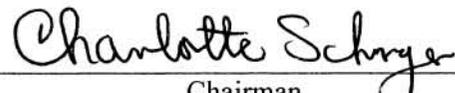
**CHAIRMAN'S REPORT**

None

**MOTION:** John Lillich moved to adjourn.  
Seconded by John Davis  
Voice Vote: Ayes unanimous  
Motion Passes

**Adjourned at 9:05 P.M**

  
Clerk

  
Chairman

Date Approved May 20, 2010