

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**  
**April 3, 2008**

**CALL TO ORDER:** 7:04 P.M.

**PRESENT:** Chairman Charlotte Schryer, Mayor Robert Weger,  
Council Representative David Reichelt, Madeleine Smith and John Lillich

**ABSENT:** Vice Chairman James Michalski (on leave of absence)

**ALSO PRESENT:** Building Commissioner Mario DiFranco, Architect Bill Gallagher, City  
Engineer Richard Iafelice, BZA Representative Frank Cihula  
and Clerk Katherine Lloyd

**MOTION:** Mayor Weger moved to excuse the absence of Jim Michalski for the next two  
meetings  
Seconded by John Lillich  
**Roll Call: Ayes Unanimous**  
Motion Passes

**7:00 P.M. Public Hearing: Proposed Protected Area Regulations Chapter 1167 to consider  
question and comments on Replacement Zoning Code Text**

Opened at 7:06 P.M.

Correspondence

- Frank Cihula presented written questions that have been forwarded to the Law Director and Richard Iafelice
- Matt Scharver with the Lake County Soil and Water Conservation District sent a letter dated April 2, 2008 which was forwarded to the Board
- Updated copy of Proposed Protected Area Regulations Chapter 1167 prepared by Richard Iafelice which included the six items that this Board had consensus on at our last meeting. It was forwarded to the Board.

Booklets on the Riparian are on the table available for the audience.

Matt Scharver, Lake County Soil and Water Conservation District

Paul Boyle and I are here to discuss any questions you may have regarding our letter of April 2, 2008

David Reichelt read into the record the six additional items listed in the Proposal during the time John Klements reviewed new information; see attached correspondence.

John Klements, 2550 Dodd Road

Some of Matt Scharver's comments and the six items on the updated proposal may overlap my comments. I am speaking as private citizen and as a member of the BZA. After a quick review, I would urge you to stay with the "natural vegetation" wording. 1167.03 Section A seems to conflict with Section B. Thank you for re-inserting "silviculture".

1167.05 (b) (3) seems unclear. The intent and the section it references may need to be specified.

1167.05 (A) (3) (B) Re-Vegetation – I suggest simplifying this wording to make it broader based. “Areas disturbed during development shall be landscaped using native planting that at typical to the site”.

1167.01 (e) (2) The intent in that paragraph is unclear.

(Lillich) I think he (John Klements) is referring to naturally occurring woody debris that tends to stabilize stream banks. Removing the debris may cause swifter removal of the water, and therefore, cause erosion

Frank Cihula, 35060 Dixon Road

As a private citizen and as a member of the BZA, I agree with what John Klements said. I submitted a list of typographical errors for correction. I await response from the Law Director regarding legal questions that I raised. I think that the last point John raised means that people should not dump stuff in the streams. It does not read that way.

Public Hearing Closed at 7:22 P.M.

**Disposition of Minutes:** Meeting of March 20, 2008

**MOTION:** David Reichelt moved to accept the Minutes of March 6, 2008 as submitted.  
Seconded by John Lillich

**Discussion:**

(Reichelt) On page 6, I ask the clerk to insert the word ‘small’ after ‘lots’ on page 6. There is also one typo that needs to be corrected on the same page. (Information given to clerk)

(Schryer) On page 2, a date became available after the minutes had been printed. It also will be inserted.

(Smith) I need clarification on whether I can vote on the minutes if I was not here.

(Lillich) If you have knowledge that they are correct, you can vote.

(Schryer) If you are unsure, then it is best to abstain.

**Roll Call: Ayes Unanimous**  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion**

Public Portion opened at 7:25 P.M.

None

Public Portion closed at 7:25 P.M.

1. Gerald Silver, Gale's Garden Center

Contractor: Boyer Signs & Graphics

**2730 SOM Center Road – Install 2 Wall Signs – PPN: 31-A-006-B-00-020-0**

Plans stamped received in the Building Department 3/19/08

Plans stamped approved in Building Department 3/25/08

Present: Rob Milburn with Boyer Signs and Graphics

**Owner/Representative Comments**

- New signage is proposed for the SOM Center and Chardon Road sides of Gale's Garden Center
- Existing old wood signs further down on SOM Center are deteriorating. They will be removed.

- There will be 24-inch formed letters (showed sample) connected to the building. The letters will be white on a brown background as already exists.

**Architectural Comments**

- How will it be installed? *We are using 4-inch studs that are screwed in. They are silicone with adhesive. Letters are attached to the back. The sign will be flush mounted.*
- What about on the ribs? *There will be a little separation*
- Is there any way to prevent nesting or clutter between the sign and the building? *The separation will be ¼-inch at the most. It will be as tight as possible. There is nothing we can put behind it.*
- It would be better to center the sign a little bit higher than center. Architecturally and visually, it will then look centered.
- Very legible plans.

**Board Comments**

(Reichelt) Gale's came before this Board about 1 ½ years ago for a renovation that never took place. Do you know what is happening with that? *No.*

(Schryer) We just had a meeting with Gale's on a different subject. We asked that same question but got no answer.

(DiFranco) We did encourage him to follow through, especially since he is working on other projects.

(Reichelt) Will these letters be lit? *No*

(Reichelt) I would like you to take the message back to Gale's that they should do what they applied for before.

**MOTION:** John Lillich moved to accept the plans as submitted.

Seconded by Madeleine Smith

**Roll Call: Ayes Unanimous**

**Motion Passes**

2. Eaton Family Credit Union

Contractor: Conrad Signs, Inc.

**28954 Chardon Road – New Sign East & South Elevation – PPN: 31-A-008-G-00-002-0**

Plans stamped received in the Building Department 3/26/08

Plans stamped approved in Building Department 3/31/08

(Schryer) This applicant will come to our next meeting.

Mr. Gallagher left at 7:34 P.M.

**PLANNING & ZONING COMMISSION**

Public Portion Opened 7:34PM

None

Public Portion closed at 7:34 PM

No scheduled projects

**Unfinished Business**

• **Review of Proposed Chapter 1167 Protected Areas Regulations**

(Iafelice) The six revisions from the Planning Commission are included in this working document of the Planning Commission. This document is the product of months of preparation and planning. Soil and Water District and the Chagrin River Watershed Partners have been very helpful. I would like to review this new correspondence and the comments from Soil and Water in the light of Board comments and the Council hearing. Much this is a matter of interpretation of words rather than engineering matters. For example, 1167.03 about the protected areas map reads right for me. The only thing I was concerned about was number one: changing the word from 'permit' to 'limit'.

(Schryer) Some of this correspondence was just received yesterday. Many of the Board members have not had time to review it, especially when working all day.

(Iafelice) I also have a question on the wording 'assisting stabilize the banks'. This wording was recommended by the Chagrin River Watershed Partners.

(Lillich) Stabilizing the banks could have many meanings.

(Schryer) Who answers that question?

(Iafelice) The author does. I plan to contact Chagrin River Watershed for clarification and then forward that information to the Board.

(Schryer) All but number one of our suggestions from last week are a matter of wording. Do we want to discuss the suggestion of replacing the word 'permit' with 'limit' in suggestion number one?

(Weger) We always phrase everything in the positive. One word is positive (permit) and the other is negative (limit).

(Reichelt) Our code is what is called a permissive code.

(Cihula) If our code does not permit it, then it is not allowed. This is not the regulatory part of the code. We could change the word from 'permit' to 'regulate'

(Weger) No one word will impact litigation in a law suit. The Hillside Ordinance has never been litigated. This is a continuation of the Hillside Ordinance. We have to be mindful of the cost of continued word smithing with paid professionals. If we pass this, it can make revisions or we can hire professionals in the future if necessary. This affects the budget and where the city spends its money.

(Reichelt) 'Regulate' is a neutral term

(Lillich) Okay

(Weger) We still need to suggest it to Council

(Schryer) Before we refer this to council, we need to review the written comments and the comments from tonight's public portion. However, many of these are 'green' questions, rather than engineering questions.

(Reichelt) We could defer to another meeting until we have taken the comments under advisement and have a finished product.

(Schryer) According to the time table with the Law Director, we have enough time for an updated copy to come back here and adopted it at our next meeting before it goes back to David Reichelt.

(Reichelt) I can get together with Richard Iafelice after the meeting to go over everything that needs to be review and incorporated.

(Schryer) The consensus of the Board is to see an update and review it at our next meeting.

(Scharver) We felt that the comments we submitted are important. We are currently working with Leroy Township on Riparian setback resolutions. We have seen these issues there, also.

We think in the first section, paragraph A is accurate. In paragraph B, the first sentence could be somewhat confusing. A person could interpret the map as the "end all" criteria. It is clarified later. Our letter lists our comments. We are especially concerned about section 1167.05 (c) (3) (A) that uses the diameter of tree in order to retain tree coverage in riparian areas.

(Schryer) From this Board conversation, it sounds like we are saying 'leave the lawns alone' and 'take out the 'nine inch caliper' regulation for trees.

(Iafelice) I don't want to make landowners map their trees. This part is one of the exceptions in the Ordinance. But monitoring trees is very difficult and one of the most difficult to regulate.

(Smith) Trees can be cleared before anyone knows it.

(Weger) We hear about logging after it happens. We are trying to avoid mass clearing

(DiFranco) We could take it out the whole sentence. If we are specific, it is difficult to enforce.

(Iafelice) The next sentence explains it.

(Schryer) We have a consensus?

(Lillich) I have no problem with it.

(Reichelt) Rich can revise everything we discussed. Everyone will get a current version. I would like anyone else who has comments, to submit them to me in writing. I would like to be copied on anything that pertains to this because my committee will be dealing with it.

#### **New Business**

- Notification on new projects ABR

(Schryer) This is on the agenda because of the email from Richard Iafelice re: calls and inquiries from residents about what buildings are going up. The email was distributed to the Board. We all get inquiries. The conclusion was that all questions should be referred to the Building Department. They can properly research it and answer the questions.

#### **Mayor's Report**

None

#### **Council Representative's Report**

None

#### **Building Inspector's Report**

None

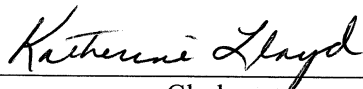
#### **Chairman's Report**

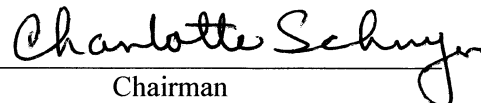
None

#### **Adjournment**

**MOTION:** John Lillich moved to adjourn  
Seconded by Mayor Weger  
**Voice vote: Ayes unanimous**  
**Motion passes**

Meeting adjourned at 8:22P.M.

  
Clerk

  
Chairman

4-17-08