

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
APRIL 24, 2019
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Joe Palmer; Mike Ross; Angelo Tomaselli; James Ralston, Chairman

ABSENT: Mike Merhar

OTHERS: Michael Germano, Asst. Law Director; Vicki Grinstead, Secretary

Chairman Ralston called the regular meeting to order at 7:00 p.m.

Chairman Ralston advised the participants of their right to be heard in person or by attorney present and/or proffer evidence present and examine witnesses and the subpoena of evidence and/or witnesses. Chairman Ralston advised the participants that this board has five members of which a majority of the board is needed to grant an appeal. Chairman Ralston stated that five members of the board are not present this evening and there are only four members present and the applicants need three votes to pass their appeals and to please let the Board know prior to the reading of the Letter of Non-Compliance if you would like to table the appeal until all members are present. Mr. Miller and Ms. Sweeney, on behalf of Mr. Campola, wished to proceed with their appeals.

If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas. Both applicants wished to moved forward with their appeals.

The appeal application, the letter of the meeting notification, the letter of non-compliance and the list of names and addresses of adjoining property owners within the required distant of the appellant were noted into the record.

MINUTES

Mr. Tomaselli moved to accept the Regular meeting minutes of April 10, 2019 as submitted and Mr. Ross seconded.

ROLL CALL: Yeas: Mr. Ross; Mr. Tomaselli; Mr. Palmer; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar

Motion Carried: Approved

OLD BUSINESS

There was no one present to represent Timperio Roofing. This item remains tabled.

NEW BUSINESS

Kermit Miller
38621 Wood Rd.

Accessory shed (10'x12')

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Chairman Ralston stated the applicant cited practical difficulty number 8 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Miller, 38621 Wood Rd., Willoughby, OH was sworn in to speak for his appeal.

Mr. Miller wants to build a 10' x 12' shed. He already has an existing 10' x 12' shed and did not know the city only allowed a 200' limit. He would like to build it in the rear corner of his property, opposite of the existing shed. He has quite a bit of lawn equipment that he would like to store. He has a piece of lawn equipment which is 8' long and has difficulty getting it out of the existing shed with all of the other stored equipment.

Chairman Ralston asked if anyone wished to speak for this appeal. Mae Warna, 3865 Wood Rd. was sworn in to speak for this appeal.

Mrs. Warna is a neighbor of Mr. Millers. She said the way his yard is kept they would not object to him having another shed. She is in favor of this appeal.

Chairman Ralston asked if there was anyone else who wished to speak for this appeal and there was no one.

Chairman Ralston asked if anyone wished to speak against this appeal. Mr. Theron Neff, 3055 Steve Gard Ct., Willoughby, OH was sworn in to speak against this appeal.

Mr. Neff lives directly behind Mr. Miller. He showed the Board some pictures of the rear of his property. There is a water issue between the two properties. He is concerned the shed, where it would be located, would cause additional water issues. He believes it will impact the water flow of the existing swale. Mr. Miller also has a few things in his back yard that Mr. Neff and his wife consider an "eye sore". There was a brief discussion on the water issue.

Mr. Palmer asked Mr. Neff that if Mr. Miller moved the shed to a different location would he be in favor of this. Mr. Neff replied he was not in favor of looking at a second shed.

Chairman Ralston asked if anyone wished to speak against this appeal. Mr. Richard Ivancic, 3060 Steve Gard Ct., Willoughby, OH was sworn in to speak against this appeal.

Mr. Ivancic reiterated what Mr. Neff stated in regard to the standing water, but his issue is woods piles and debris they have to look at front their patios. Mr. Palmer asked if he would be in favor of the existing shed and the new shed being joined. Mr. Ivancic does not want to see another shed in the rear yard, but he would be happy with the shed being moved near the existing shed.

Chairman Ralston asked if anyone else wished to speak against this appeal and there was no one.

Chairman Ralston asked Mr. Miller if he would like to address the opposition. Mr. Miller said he would be willing to move the shed either side by side or in-line with the existing shed.

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Chairman Ralston clarified that the sheds will be back to back with opposing doors and the rooflines would match and it would look like one shed. There should be a small space in between for air flow and maintenance.

Mr. Palmer moved to grant a variance to C.O. 1131.11(d) and allow the two accessory buildings to have a total of 240 s.f. instead of the required 200 s.f. and the location of the new shed will be in-line with the existing shed; citing C.O. 1109.09(b) for the Miller residence, 38621 Wood Rd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Tomaselli; Mr. Palmer; Mr. Ross; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar

Motion Carried: Approved

Sam Campola
688 Iroquois Trail

Driveway/Accessory parking

Chairman Ralston stated the applicant cited practical difficulty numbers 2, 3, 6, 7 and 8 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if anyone wished to speak for this appeal. Ms. June Sweeney, 173 Paxton Rd., Eastlake, OH was sworn in to speak for this appeal.

Ms. Sweeney who is a driver/caregiver for Mr. Campola said he had taken ill and could not be present this evening. She presented for the record a letter from Mr. Campola, signed by his daughter giving permission for the contractor, Mr. Lorenzo to speak on his behalf (Exhibit "A"). Also presented for the record was a letter from the Cleveland Clinic (Exhibit "B").

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. James Lorenzo, contractor, 16414 Mosley Rd., Thompson, OH was sworn in to speak for this appeal.

Mr. Lorenzo stated there is an existing gravel driveway. They are proposing a concrete driveway to make it easier for Mr. Campola, who is in a wheelchair, and his caregivers and family members to have access to his home. The driveway is 40' long and cannot accommodate many vehicles. They would like the concrete to be where the existing gravel driveway currently exists.

Chairman Ralston is concerned the driveway will be on the property line. He asked if they will also be replacing the existing sidewalk near the front of the home and Mr. Lorenzo replied yes and also the small pad on the left side of the house where the trash receptacles are kept.

Mr. Ross was also concerned this driveway appears to be on the property line and asked if they had the property surveyed. Mr. Lorenzo is unsure if the current driveway is on the property line and is estimating that the existing fence is the property line.

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Mr. Palmer stated the Board has never allowed a driveway to be on a property line. They have allowed 6" from the property line to allow space for the contactor to lay the forms. The Board stated he could have the 20' driveway if he found the property pins and remained 6" away from that property line and Mr. Lorenzo agreed.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Joseph Haug, 700 Iroquois Trail, Willoughby, OH was sworn in to speak for this appeal.

Mr. Haug lives next door to Mr. Campola. He prefers the new driveway go right to the property line so it would look aesthetically pleasing and provides more room for Mr. Campola.

Chairman Ralston asked if anyone wished to speak for this appeal. Kenneth Willner, 682 Iroquois Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Willner lives to the north of Mr. Campola. He reiterated what Mr. Haug said and is in favor of Mr. Campola's appeal.

Chairman Ralston asked if anyone wished to speak for this appeal. Nikki Velez, 682 Iroquois Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Velez said there are a lot of vehicles for caregivers and family members in Mr. Campola's driveway at any given time and she is in favor of this appeal.

Chairman Ralston asked if there anyone else who wished to speak for this appeal and there was no one.

Chairman Ralston asked if anyone wished to speak against this appeal and there was no one.

Mr. Palmer moved to grant a variance to C.O. 1131.11(a) and allow accessory parking in the front yard and allow an 18" encroachment instead of the required 2' setback from the property line. The driveway shall be 6" off the property line and 20' wide; citing C.O. 1109.09(b) for the Campola residence, 688 Iroquois Trail, Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Palmer; Mr. Ross; Mr. Tomaselli; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar

Motion Carried: Approved

There being no further business the regular meeting closed at 8:03 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary