

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
AUGUST 28, 2019  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** None

**OTHERS:** Michael Lucas, Law Director; Vicki Grinstead, Secretary

**Chairman Ralston called the regular meeting to order at 7:01 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 the board has five members of which a majority of the board is needed to grant an appeal. Chairman Ralston stated that all five members of the board are present this evening and the applicants need a majority or three votes to pass their appeals. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas.

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**

**August 14, 2019**

Mr. Merhar moved to accept the Public Hearing meeting minutes of August 14, 2019 as submitted and Mr. Tomaselli seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

Mr. Palmer moved to untable Old Business for the Melago residence, 1005 Cherokee Trail, Willoughby, OH 44094 and Mr. Merhar seconded.

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

**Motion Carried: Untabled**

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**Pauletta Melago**  
1005 Cherokee Trail

**Driveway/parking area**

Mr. Palmer moved to permanently table the variance request, per the applicant's request, for the Melago residence 1005 Cherokee Trail, Willoughby, OH 44094 and Mr. Tomaselli seconded.

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

**Motion Carried:   Permanently Tabled**

**NEW BUSINESS**

**Jesse Mathews**  
4617 Highland Dr.

**Accessory garage**

Chairman Ralston stated the applicant cited practical difficulty numbers 2, 3 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. Mr. Mathews, 4617 Highland Dr., Willoughby, OH 44094 was sworn in to speak for his appeal.

Mr. Mathews has a dilapidated garage that he would like to replace with a larger garage. Mr. Palmer said the height of the garage may be an issue and would like to see a blueprint of the garage. Mr. Mathews approached the Board and showed a blueprint of the garage.

Mr. Merhar asked what the reason was for the height of the structure. Mr. Mathews said it is because of the way the pitches would come together and he wanted to add a dormer, and also a second floor.

Mr. Palmer said these are measured to the mean height and not the top of the ridge. The Board would like to see this mean height at fifteen feet.

Mr. Mathews said next year he would like to put on an addition on the back of the home with a breezeway attaching it to the detached garage.

Chairman Ralston asked what would the second floor be used for. Mr. Mathews said storage of kids toys, outdoor furniture, seasonal items etc. He would also like to be able to park his vehicles in his new garage, which he cannot do now. He would rather have storage inside the garage instead of constructing another outbuilding. He cannot store items in his basement due to damp conditions. He will be demolishing the old garage to make way for the new garage.

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Mr. Palmer said this is similar to one just approved by the Board on another street in the city. Mr. Ross said the mean height of this structure is sixteen feet, so there is a one-foot difference for what is allowed for the mean height. Mr. Mathews added there will be an internal stairwell in the proposed garage.

Chairman Ralston said the Boards concern with structures this size is that someone could be renting it or using it for business purposes etc.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Joseph Calderwood, Architect, 6064 Hyde St., Mentor, OH was sworn in to speak for this appeal.

Mr. Calderwood, architect of record, said the way the garage is designed, it mimics the current architecture of the existing house, which is why the roof is higher than normal. They wanted the garage to look like it is part of the original house.

Chairman Ralston said the Building Dept. has measured twenty-two feet to the peak of the garage and not the mean height of the structure. Mr. Palmer would like clarification as to why they are measuring to the peak and it may be because of the second story.

Mr. Lucas read the definition for C.O. 1103.03(b)(19) for the mean height in the zoning height. (19) "Building height" means the vertical distance from the grade to the highest point of the roof surface if it is a flat roof; to the deck line for a mansard roof; and to the mean height level between eaves and ridge line for gambrel, gable or hip roofs, each of which is measured to the average finished grade across the front of the building.

Mr. Palmer asked if they should vote on this the way it is worded by the Building Department and Mr. Lucas replied yes, this is a quasi-judicial body and it can make changes to make items legally correct.

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. Robert Ranallo of Ranallo & Aveni, 6685 Beta Dr., Mayfield Hts., OH, speaking on behalf his parents who own the four suite apartment building at 37638 Euclid Ave., Willoughby, OH, and was sworn in to speak against this appeal.

Mr. Ranallo said his parents are opposed to the variance that has been requested this evening. They believe that the integrity should be upheld in the R-60 zoning district. He said the first variance, for the size, is approximately 21 1/3% and the other is for the height, which is almost a 50% variance. He said if you compare the house size to the size of the proposed garage, it is almost as large as the house itself. He finds the height of the proposed garage alarming.

Mr. Palmer said he would like to correct Mr. Ranallo's statement for the height percentage as Mr. Mathews is going from fifteen feet to sixteen feet which is a 6% variance, not 50%.

Mr. Ranallo said even though the Board has allowed 4-5 of these variances in Ward 5 it no reason to just allow them. He went on to say that personal convenience is not a practical difficulty.

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Mr. Palmer stated that the Board has consistently granted 20% variances and the height variance is way under that request and the square footage request is 21.3%.

Chairman Ralston asked if anyone wished to speak against this appeal. Mrs. Melody Devan-Clark, 4614 Highland Dr., Willoughby, OH 44094 was sworn in to speak against this appeal.

Mrs. Clark said her concern is the height and size of the structure. She believes it will be out of portion for the R-60 district and will not uphold the integrity of the neighborhood. She said the city has these regulations for a purpose, which is to keep uniformity. She said Mr. Mathews could conform with the building code and still have a nice garage.

Chairman Ralston asked if anyone else wished to speak against this appeal. Mr. Brian Clark, 4614 Highland Dr., Willoughby, OH 44094 was sworn in to speak against this appeal.

Mr. Clark said his biggest concern is that Mr. Mathews has an antique business and is worried will it be used for his business and not just personal items as previously stated. He also believes he should conform to the city code.

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

Chairman Ralston asked if anyone wished to speak in rebuttal for this appeal. Mr. Mathews spoke in favor in rebuttal.

Mr. Matthews said he wanted to make the garage look like it belonged in the neighborhood. He installed a new concrete driveway and there is an eight-inch difference between the existing garage and the new driveway and he cannot pull his cars into the existing garage. He said he does not run his business out of his house and has a place in Chesterland for the business. He said he is aware of the zoning code for the R-60 district as mentioned above by Mr. Ranallo.

Mr. Palmer said the size is an issue for the neighbors and would Mr. Mathews agree to comply with the fifteen-foot mean height and Mr. Mathews said yes he would agree to comply with the codified ordinances of the fifteen-foot mean height. Mr. Palmer said this would remove the height variance request.

Mr. Palmer moved to grant a variance to C.O. 1131.11(e) and allow a 728 sq. ft. accessory building instead of the allowable 600 sq. ft.; citing C.O. 1109.09(b) for the Mathews residence, 4617 Highland Dr., Willoughby, OH 44094 and Mr. Merhar seconded.

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

**Motion Carried:    Denied**

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**Mark Toth**  
38130 Lakeshore Blvd.

**Accessory parking/parking of  
recreational vehicle**

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 3 and 8 on the application for appeal and noted all items that were in the packet. He said there is a conflict in the renderings presented. The mortgage loan survey shows a house that is 58' wide on a 75' wide lot with an 8' side yard setback on one side and a 9' on the other. The satellite drawing does not show any dimensions. There a conflict with another drawing that was presented as well.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Toth, 38130 Lakeshore Blvd., Willoughby, OH 44094 was sworn in to speak for his appeal.

Mr. Toth said he is requesting to park his boat on the side of his home due to the inability to maneuver it into the back yard due to the topography, patio and permanent structure in the way. The boat would be hidden by shrubbery coming from the west. He said he neighbor on that side did send a letter in favor of his appeal. He said the measurement he took from the outside of the garage to his fence line is 9.5' He presented pictures to the Board (in record 8-28-19, 7:55 p.m.) to show the hardship of getting the boat into the back yard. The boat is currently in storage.

Chairman Ralston confirmed that the Board was presented with comments by the neighbor in favor of his appeal.

Mr. Palmer said if he could get the bow of the boat behind the house they may be able to allow it, but Mr. Toth said that is not possible because of the slope of the land, the patio and shed. There was more discussion on this subject.

Mr. Toth asked if he could fence the boat in on the side of the house. Chairman Ralston said there are height restrictions on the fence and the boat would still be higher than the fence. Mr. Toth said he would like his appeal voted on this evening as presented.

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

Chairman Ralston asked if there was anyone who 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 side yard, instead of the allowable parking in the rear yard; citing C.O. 1109.09(b) for the Toth residence, 38130 Lakeshore Blvd., Willoughby, OH 44094 and Mr. Merhar seconded.

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

**Motion Carried:    Denied**

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**Bill & Diane Matuszak**  
38625 Bell Rd.

**Yard structure in front yard**

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 2 and 7 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if anyone who wished to speak for this appeal. Mr. Matuszak, 38625 Bell Rd., Willoughby, OH 44094 was sworn in to speak for his appeal.

Mr. Matuszak presented renderings (in record 8-28-19, 8:14 p.m.). He said they are lifelong residents and have made some substantial outdoor improvements to the front of the home. They have installed a cement pad to construct a gazebo on the side of the home. He believes it will add appeal and value to their property. In the renderings presented the last page is another home with a similar structure. The Board was unsure if this structure was attached to the home.

There was some discussion as to where the property line is. The Building Department shows the gazebo 2-3' from the lot line. Mr. Matuszak said their property lines goes at an angle, but is unsure exactly where it is. Mr. Palmer asked how close to the cement pad is to the lot line and Mr. Matuszak said he believes it is 5 feet. He said he did obtain a permit for the cement pad. He presented the Board with a letter of support for his neighbor, Sally Leblang (in record 8-28-19, 8:29).

Chairman Ralston asked how high the gazebo is. Mr. Matuszak said 12' to the peak. Chairman Ralston asked how much taller it will be than the double window in the front of the home, and Mr. Matuszak was unsure and would measure it.

Chairman Ralston suggested that Mr. Matuszak ask to table his appeal and find out if the Building Department has the site plan for his home, he can find the property pins or have a survey done of the property to determine his property lines. He also said he should measure where the 12' is in relation to the double windows so the board has a visual on where the height of the gazebo is in relation to front of the home. He also said to bring a picture of the entire front of the house instead of just the corner.

Chairman Ralston read into record the letter presented by the neighbor Sally Leblang (previously submitted).

Chairman Ralston asked if anyone else wished to speak for this appeal. Mrs. Terry Gaeta, 38646 Bell Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Gaeta lives across the street and is in favor of her neighbor building the gazebo and believes it will add beauty to the neighborhood.

Chairman Ralston asked if anyone else wished to speak for this appeal. Mr. Bob Gaeta, 38646 Bell Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Gaeta said they have been good neighbors since 1996. He said it would be a good addition and would boost property values.

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

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

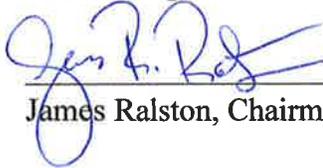
Mr. Matuszak asked to table his appeal until the next meeting.

Mr. Palmer moved to table the appeal for the Matuszak residence, 38625 Bell Rd., Willoughby, OH 44094 and Mr. Merhar seconded.

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

**Motion Carried:    Tabled**

There being no further business the regular meeting closed at 8:38 p.m.

  
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James Ralston, Chairman

  
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Vicki Grinstead, Secretary