

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 25, 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 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

September 11, 2019

Mr. Merhar moved to accept the Public Hearing meeting minutes of September 11, 2019 as submitted and Mr. Palmer seconded.

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

Motion Carried: Approved

OLD BUSINESS

Mr. Palmer moved to untable Old Business 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: Untabled

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
September 25, 2019**

Bill & Diane Matuszak
38625 Bell Rd.

Yard structure in front yard

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

Mr. Matuszak said he was asked by the Board, at the previous meeting, to address two items. The first item was where the peak of the gazebo was in relation to the front of his home and also a picture of the front of the home (Exhibit "A"). The other item was how close the cement pad was to the property line (Exhibit "B"), which is 4 ft.; a difference of 1 foot from what is allowed, and that is the variance they are requesting. The gazebo will sit directly on the cement and will not be connected to the house.

There was some discussion whether the gazebo being on the pad, which is attached to the house, is considered attached to the home. The gazebo will be connected to the footers on the pad. Mr. Matuszak said it will add to the value of his home and neighborhood. He said to the peak of the gazebo is 12' high.

Mr. Lucas, Law Director, deemed the gazebo was not attached to the home.

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 a structure with an overall height of 12' in a side or front yard instead of the required 4'; citing C.O. 1109.09(b) for Matuszak residence, 38625 Bell Rd., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Approved

Mr. Palmer moved to grant a variance to C.O. 1131.11(a) and allow a 4' setback instead of the required 5' setback to the side lot line; citing C.O. 1109.09(b) for 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: Approved

**City of Willoughby
Board of Zoning Appeals
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Rob Teriaca
4285 Buckeye Ave.

Solid Fence

This item will remain tabled.

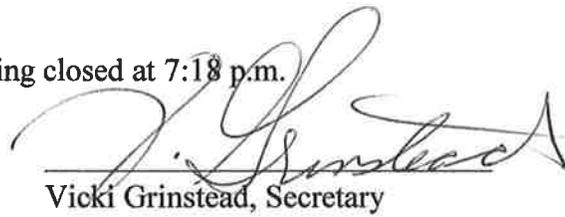
NEW BUSINESS

None

There being no further business the regular meeting closed at 7:18 p.m.



James Ralston, Chairman



Vicki Grinstead, Secretary