

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MAY 13, 2020
PUBLIC HEARING MEETING
MINUTES**

PRESENT: James Ralston; Mike Merhar; Mike Ross; Phil Davis; Joe Palmer, Chairman

ABSENT: None

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

Chairman Palmer called the regular virtual Zoom meeting to order at 7:02 p.m.

Chairman Palmer 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 Palmer advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Chairman Palmer stated all five members of the board are not 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. Chairman Palmer asked Mrs. Vinson if she wished to proceed with only four members and she said yes. Mr. Savage arrived late to the meeting and the Board had all five members present by this time.

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

March 11, 2020

Mr. Merhar moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of March 11, 2020 as submitted and Mr. Ralston seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Cheryl Vinson
38441 S. Beachview Rd.

Accessory shed

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

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mrs. Vinson, 38441 S. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Vinson went to the Building Department to obtain a permit for her shed because she needed more storage. She had family members move in, and needed the additional storage space. She said she will be removing the green Rubbermaid shed, but she will still be over the allotted amount.

Chairman Palmer asked with the two accessory sheds and the garage she would be at 680 total sq. ft. and Mrs. Vinson said she believes so.

Mr. Ross was now present and asked for a brief recap and Mr. Lucas said he can vote.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal: Mr. Bill Collins, 38409 S. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Collins said he lives two doors down from Mrs. Vinson. He runs the neighborhood watch and knows most of the neighbors. Mr. Collins said Mrs. Vinson takes good care of her yard and has no issues with her sheds.

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

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

Mr. Merhar moved to grant a variance to C.O. 1131.11(e) and allow three accessory buildings instead of the allowable two, up to a maximum of 680 sq. ft. for the accessory buildings; citing C.O. 1109.09(b) for the Vinson residence, 38441 S. Beachview Rd., Willoughby, OH 44094 and Mr. Ralston seconded.

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

Motion Carried: Approved

Randy Savage
S/L 32, Iroquois Trail
PPN#27B-057-I-00-016-0

New home/side yard setback

Chairman Palmer stated the applicant cited practical difficulty number 1 on the application for appeal and noted all items that were in the packet. He read into record a letter from the property owner, Rick Christensen (Exhibit "A) giving permission for Mr. Savage to speak for this appeal.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Savage, 2175 North Bay Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Savage said he is in the process of purchasing this property to construct a two-story home on this lot. He said he needs the 1.33 ft. on the north side of the lot. He said due to the narrowness of the lot he is not able to build the normal size home he usually constructs. He said he made the garage three feet smaller so the home fits better on the lot. He still wants to maintain the two-car garage to help the value of the home for resale.

Mr. Savage tried to reach out to the neighbor to the north, who is an elderly gentleman, but he did not answer his phone call or door. He said the property to the right, Mr. Christensen owns and is a rental property.

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

Chairman Palmer asked if there was anyone who wished to speak against this appeal: Mitchell Harper, 810 Iroquois Trail, Willoughby, OH 44094 was sworn in to speak against this appeal.

Mr. Harper said they are the tenants of Mr. Christenson to the right of this property and have lived there for three years. They are concerned about the proximity of the new home to their rental home for safety reasons, such as a fire. He has two children and his wife is pregnant and they are worried about construction noise.

Mr. Harper asked Mr. Savage when he planned construction. Mr. Savage said as soon as he is able to obtain the permits or approximately four months. Mr. Savage explained that the Building Department has conditions for fire ratings on the home etc.

Mr. Merhar said he is concerned about safety and fire because the lot is so slim. He said he could build another home, but maybe not make as much money, but still be a feasible use of the property. He said this variance is to maximize profit, not to get use out of the property.

Chairman Palmer asked if there was anything on Sublot 30. Mr. Savage said north of him there is a home with a garage that is 10 ft. from the property line to the garage. Mr. Savage said from Sublot 30's property line and where his garage would be constructed would be approximately 13 ft.

Mr. Harper asked if there will be any windows on the south side of the house. Mr. Savage said yes one in the dining room and one in the laundry room on the second floor. Mr. Harper was concerned about his family's privacy. Mr. Harper asked if he was going to remove all the trees. Mr. Savage said yes, the trees on the north side from the road back, but he would try to keep some trees in the far back.

Chairman Palmer asked Mr. Harper if they resided on Sublot 34, to the south of this proposed construction and Mr. Harper said yes. Chairman Palmer said the 5 ft. setback is on your side of the site and there is no appeal necessary for this side of the property. The north side is where the deficit lies.

Chairman Palmer asked if there was anyone who wished to speak against this appeal: Tina Simpson, 778 Iroquois Trail, Willoughby, OH 44094 was sworn in to speak against this appeal.

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Ms. Simpson said she lives next to the elderly gentlemen at 790 Iroquois Trail. She has lived her for twenty years and is concerned about the size of the home being proposed for the small lot. She's also concerned that the resident at 790 Iroquois Trail's fence is on the corner of the property line of Mr. Savage's proposed property and the trees are on his property. She does not agree with crowding the neighborhood with homes sizes that are not feasible. She also has the some of the same concerns as Mr. Harper.

Ms. Simpson said she has a neighbor that lives across the street in Mentor that does not have the capability to attend a Zoom meeting, so she would like to speak when Ms. Simpson is finished.

Chairman Palmer asked if there was anyone who wished to speak against this appeal: Deborah Hart, 6281 Iroquois Trail, Mentor, OH 44060 was sworn in to speak against this appeal.

Ms. Hart said from where the property line markers are the homes would be on top of each other and she is not in favor of this proposal.

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

Mr. Davis asked if Mr. Savage made an effect to acquire the 1'8" from the neighbor to consolidate with his property and he said he did not.

Mr. Savage wanted to clarify the trees Ms. Simpson referred to are on the vacant lot he is proposing to build on and not on the elderly neighbor's property. He said as far as property values, he is building the same size homes in Mentor and before he can finish them they are sold and will increase the values in the neighborhood.

Mr. Ross asked if any of the other homes had a 17' wide garage and Mr. Savage said no.

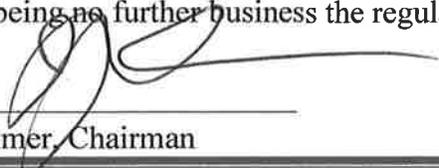
Ms. Simpson asked who surveyed the property. Mr. Savage said a professional surveying company. Chairman Palmer said a Building Inspector from the city will come out to inspect the property and ensure everything is in compliance.

Mr. Merhar moved to grant a variance to C.O. 1131.06 to allow a 3.67 ft. side yard setback on the north side of the subplot instead of the required minimum setback of 5 ft., and also allowing a total side yard setback of 8.67 ft. instead of the required 10 ft.; citing C.O. 1109.09(b) for S/L 32 Iroquois Trail (PPN#27B-057-I-00-016-0), Willoughby, OH 44094 and Mr. Ross seconded.

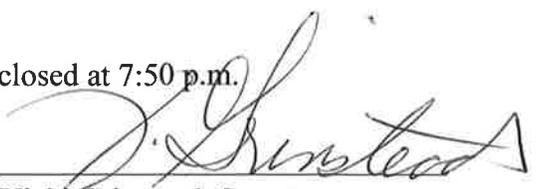
ROLL CALL: Yeas: Chairman Palmer
 Nays: Mr. Merhar; Mr. Ross; Mr. Davis
 Absent: None
 Abstain: Mr. Ralston

Motion Carried: Denied

There being no further business the regular meeting closed at 7:50 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary