

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
OCTOBER 12, 2022  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Yutzy; Joe Palmer Chairman

**ABSENT:** Mike Maniche; Mike Ross

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

**Chairman Palmer called the regular meeting to order at 7:00 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(s) 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.

Chairman Palmer asked the applicants if they wished to proceed with their appeals with only three members present and all applicants said yes.

**MINUTES**

**September 28, 2022**

Mr. Davis moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of September 28, 2022 as submitted and Mr. Yutzy seconded.

**ROLL CALL:** Yeas: Mr. Davis; Mr. Yutzy; J. Palmer, Chairman  
Nays: None  
Abstain: None  
Absent: Mr. Maniche; Mr. Ross

**Motion Carried: Approved**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

**Erle & Mary Dieter  
38820 Kyle Cove**

**3-season room/rear setback  
garage**

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Mr. Davis moved to table the variance for the Dieter property, 38820 Kyle Cove, Willoughby, OH 44094, per the applicant's request, and Mr. Yutzy seconded.

ROLL CALL:       Yeas:     Mr. Yutzy; Mr. Davis; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  Mr. Maniche; Mr. Ross

**Motion Carried:     Tabled**

**The Enclave at Literary Pointe**

4230 River St.

(Rep.- Bob Myers, Director of Operations, Probuilt Homes)

**Multi-family development/  
rear & side yard setbacks**

Chairman Palmer 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.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Myers of Probuilt Homes, 9124 Tyler Blvd., Mentor, OH 44060 is representing his appeal for The Enclave at Literary Pointe, 4230 River St., Willoughby, OH 44094 and was sworn in to speak for the appeal.

Mr. Myers said they have a limited amount of space on this property. Their main concern was making sure they could construct the two-car garages on the first floor since parking is a premium in the downtown area. He said they need a certain amount of width to construct the four units. If they had to remove one of the units, the project would not be viable.

Chairman Palmer said in the board's packets there are minutes from a previous meeting where this particular setback was approved but for a different applicant.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Greg Patt, 38005 Brown Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Patt said this is an exact definition of what a zoning appeal is for. It is beyond the twenty percent rule but is appropriate for them to build the four units. This is what other cities are currently doing and our downtown is chic. When he was on the Planning Commission, they approved this type of product.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Mr. Les Whitten, 8189 Manor Gate Way, Mentor, OH 44060 was sworn in to speak for the appeal.

Mr. Whitten said they own property on Wilson Ave. and have not seen any layout for this development. He would object to any setback moving closer to their property line. Chairman Palmer asked Mr. Whitten to approach

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the dais to show him and his wife the plans. After some discussion it was determined this building is on River and will not encroach their property.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Mr. Chris Smith, 4306 River St., Willoughby, OH 44094 was sworn in to speak against this appeal.

Mr. Smith said he is indifferent but just has a few questions. He said these buildings will be right next to his property. They were aware they were going to have buildings constructed on this property and just wanted to see where these buildings would be located. He said he will speak with Mr. Myers after the meeting. Mr. Davis suggested he contact his Ward Councilman for information.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Yutzy moved to grant a variance to C.O. 1141.05 to allow a 15' side setback, creating a deficit of 5' instead of the allowable 20' minimum; citing C.O. 1109.09(b) for The Enclave at Literary Pointe, 4230 River St., Willoughby, OH 44094 and Mr. Davis seconded.

ROLL CALL:        Yeas:     Mr. Davis; Mr. Yutzy; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  Mr. Maniche; Mr. Ross

**Motion Carried:     Approved**

**The Enclave at Literary Pointe**  
4230 River St.  
(Rep.- Bob Myers, Probuilt Homes)

**Multi-family development/  
Sign side setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 8 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Myers of Probuilt Homes, 9124 Tyler Blvd., Mentor, OH 44060 is representing his appeal for The Enclave at Literary Pointe, 4230 River St., Willoughby, OH 44094 and was previously sworn in.

Mr. Myers said there really is no place to put this sign due to the nature of the lot. Also, being in the downtown area they feel there is a need for a sign for the entrance. The side yard is exceedingly small and does not meet any of the regulations. He showed the board a rendering of the actual sign that was not included in their packets. They believe this sign will be important and if they move it back into the cul-de-sac it will not be visible.

Chairman Palmer asked if they could move it to the other side of the entrance. Mr. Myers said this is where the 3-unit townhome building will be, and the residents would lose their front porch. The sign is 5' high and 12' wide and the brick will match the townhomes. He showed the board the rendering of the signage. They had a brief discussion on the sign itself and there were no more questions.

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Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Patt, was previously sworn in, is in favor of this proposal. He said he agrees it should be on the other side to be more visible. He said the twenty percent rule does not apply here and there is no choice because the plot of land is not 25' wide. He supports the fact it needs to be there but needs to be on the other side.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Maureen Gregory, 38227 Wilson Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Gregory said she is in favor of the way the sign is proposed. She does not feel it would look right on the other side of the driveway because of where the townhomes will be constructed. This is a unique piece of property because of its shape. She likes the look of the sign presented.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Ms. Jan Hunt, 4302 River St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Hunt said she is not really against this proposal but has questions. She said she feels the sign is too large, but the sign looks nice and wondered if there were any other signs. Chairman Palmer said the size of the sign is not before this board and no other signs are proposed.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal (x3) and there was no one.

Mr. Davis wished to explain why he will be voting against this sign. He said while the size is not before this board, having been presented the size of the sign, it does not enhance the proposition at all. He does not feel it will be safe to the residents coming in and out of this development and with pedestrians walking on the sidewalk. He also would rather see the sign on the east side of the cul-de-sac.

Mr. Yutzy moved to grant a variance to C.O. 1163.05(c)(4) to allow a 2' side lot setback, creating an encroachment of 23' instead of the allowable 25' minimum; citing C.O. 1109.09(b) for The Enclave at Literary Pointe, 4320 River St., Willoughby, OH 44094 and Mr. Davis seconded.

ROLL CALL:       Yeas:     Mr. Yutzy  
                      Nays:     Mr. Davis; J. Palmer, Chairman  
                      Absent:  Mr. Maniche; Mr. Ross

**Motion Carried:     Denied**

**Theresa Stillman**  
839 Peach Blvd.  
(Rep.- Alex Olenik - Great Day Improvements)

**Rear & corner side yard  
setbacks**

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Chairman Palmer stated the applicant cited practical difficulty numbers 3, 4 and 8 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if anyone wished to speak for this appeal. Alex Olenik of Great Day Improvements, 1200 Mayfield-Ridge Rd., Mayfield Hts., OH agent for Theresa Stillman, 839 Peach Blvd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Olenik said they will be constructing a sunroom on a house which is on a corner lot. He showed the board pictures on his iPad and how the sunroom will be constructed. The board had no further questions.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Glenn Mason, 854 Eaglewood Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Mason said he is in favor of the sunroom. He said Ms. Stillman's property is very beautifully landscaped and her property maintained and believes it will enhance what is already there. He said he would be one of the most affected people because they share property on Grove. Also being close to the lake the bugs can be a nuisance and this would allow his neighbor to enjoy her property.

Mr. Olenik said he forgot to mention that all her surrounding neighbors are ok with her addition.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Yutzy moved to grant a variance to C.O. 1131.06(c) Minimum rear yard and (d) Minimum corner side yard and allow a 21' rear yard setback, creating a deficit of 3' and a 19' side yard setback, creating a deficit of 8' instead of the allowable 24' rear yard minimum and 27' corner side yard minimum; citing C.O. 1109.09(b) for the Stillman residence, 839 Peach Blvd, Willoughby, OH 44094 and Mr. Davis seconded.

ROLL CALL:       Yeas:     Mr. Davis; Mr. Yutzy; J. Palmer, Chairman  
                      Nays:     None  
                      Absent:  Mr. Maniche; Mr. Ross

**Motion Carried:     Approved**

Mr. Davis made the suggestion that the meeting for November 23, 2022 be canceled for the holiday and the board agreed. Mr. Davis said they did discuss this last year. He said he will not be available.

There being no further business the regular meeting closed at 7:42 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary