

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
NOVEMBER 10, 2020
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

OTHERS: Stephanie Landgraf, Asst. 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 present this evening and the applicants need a majority or three votes to pass their appeals. If an appeal is denied the applicant(s) have 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

October 28, 2020

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of October 28, 2020 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Tremor Marshall
37922 Sharpe Ave.
(Rep.- Diane Bija, New Creation Builders)

New garage/side setback

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Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 3 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. Diane Bija of New Creation Builders, 818 E.73rd St., Cleveland, OH 44103, agent for the Marshall residence, 37922 Sharpe Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Bija said the driveway is existing and if the new garage is moved from the original footprint of the existing garage, it would cause the homeowner a hardship. Mr. Marshall would like to keep the current setback of 1.5'. Chairman Palmer asked if the rear corner of the garage is 1.5' off the lot line and Ms. Bija said no, only the side.

Mr. Davis said he did a search on the Lake County GIS and did not see a garage and asked if there is an existing garage on this parcel and Ms. Bija said no, the former garage has been demolished. There was a brief discussion on the rendering and if the rear was closer than it looks. It was decided it was just the way the rendering was presented. Ms. Bija said Ohio laws states she must have a fire wall on that side of the property, which they intend to do.

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. Maniche moved to grant a variance to C.O. 1131.10(a) to allow a 1.5' side setback instead of the allowable 3' setback; citing C.O. 1109.09(b) for the Marshall residence, 37922 Sharpe Ave., Willoughby, OH 44094 and Mr. Ralston seconded.

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

Motion Carried: Approved

New Residence

2035 Farroni Dr., S/L 97
(Rep.- Annette Kelly & Matt Stoltz, Ryan Homes)

Rear Yard Setback

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 4 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. Ms. Annette Kelly and Mr. Matt Stoltz of Ryan Homes, 6770 W. Snowville Rd./Ste. 100, Brecksville, OH 44141 were sworn in to speak for this appeal.

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Mr. Stoltz said because of the style of the home there is difficulty fitting it on this site and this the reason they are applying for the variance. They wanted to maintain the front setback of 40' in keeping with the curb appeal of the entire community. They did look at revising the front setback which would have resulted in the slope of the driving increasing by approximately .2% every foot as they come closer to the street. This would be a potential hazard for the older couple that would be building this home.

Chairman Palmer asked Mr. Stoltz to explain why he chose practically difficulties 1 and 4. Mr. Stoltz said speaking to 4, the character of the community is comprised of ranch and colonial floor plans. He said there is one ranch home similar to this one being proposed and the other ranch floor plan is within 200 sq. ft. of this home. He explained the rear yards of sublots 97 and 98 are a bit larger than the typical lots, but include a 50' golf course easement; which means the homeowner owns that 50', and maintains 25' feet of it due to the split rail fence, but cannot construct any permanent structures on this easement.

Mr. Ralston asked if the Homeowner's Association (HOA) reviewed this. Mr. Stoltz said he did not know, but does not believe there is an HOA established for this development yet and thinks the developer is still in control of this community. Mr. Ralston said a different style home, such as a colonial, would fit on this lot, but they have a sale for this ranch home. Mr. Stoltz said the hardship is, this older couple wants to live in this community next to their daughter, and across the street from their grandchildren, for future home and healthcare purposes.

Ms. Christian Sanford, 2051 Farroni Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Sanford said the couple proposing to build this ranch home are her parents. She said for now they are independent, but it is important to her and her family to have this house built on this lot for many reasons and one is they would like to have them closer to have quick access in case of emergency. The main floor living would be the safest option for them to overcome any physical challenges they may have.

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. Ralston asked if this proposed home is a ranch style because of the no-fly zone at the airport and Mr. Stoltz said no. Mr. Ralston asked if there was a different ranch plan that would require less of a variance for this site and Mr. Stoltz said he did not believe so.

Mr. Davis asked Ms. Sanford if there are other lots available that this home would fit on, on this street. Ms. Sanford said not on this street.

Mr. Maniche asked if there are other lots in the development that this house would fit on. Ms. Kelly, sales representative for the community, said yes but not next to their family and are farther away. Chairman Palmer asked how much farther. Ms. Kelly said there are sites available on Canterbury and Maria Lane, approximately 3-4 houses away.

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Mr. Ross moved to grant a variance to C.O. 1131.06(c) to allow a 28.5' rear yard setback instead of the allowable 39.6' rear yard setback; citing C.O. 1109.09(b) for a new residence located at 2035 Farroni Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Denied

Doug Barber

Deck/rear yard setback

38520 Fairway Glenn Blvd.

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 6 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. Doug Barber of 38520 Fairway Glenn Blvd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Barber said they built a deck last year and installed deck posts for a future roof, which is what they are now proposing. He said they have no trees and get a lot of sun. He said they also back up against the golf course with no buffer and the wind is also a big issue. He said a neighbor's window was broken by a golf ball and they would like this roof for some protection.

Mr. Barber said on the right-hand side they comply with the 40' setback, but because of the irregular property line, on the left-hand side, that is where they are running into an issue which requires a 36' setback.

Mr. Barber said the roof will only be constructed over half of the deck. The roof extends the rear of the deck, but Mr. Barber took into account the 1' overhang, where the deck ends, when he took his measurements. The roof is tying into the side of the house. Mr. Ross clarified that the maximum distance of the roof coming off of the house will only be 4' from the back property line, and Mr. Barber said yes. The deck is 24' long and only 12' of this will be covered with the gabled roof. The applicant showed the Board a picture of the back of the home with the deck.

Mr. Davis said Mr. Barber said this deck would not be enclosed and wondered if this would be a stipulation of the minutes and Chairman Palmer said it is not before the Board.

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. Ross moved to grant a variance to C.O. 1131.06 to allow a 36' rear yard setback instead of the allowable 40' rear yard setback; citing C.O. 1109.09(b) for the Barber residence located at 38520 Fairway Glenn Blvd., Willoughby, OH 44094 and Mr. Ralston seconded.

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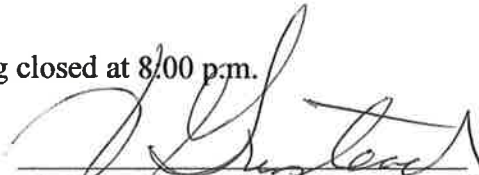
ROLL CALL: Yeas: Mr. Ralston; Mr. Maniche; Mr. Ross; Mr. Davis; Chairman Palmer
 Nays: None
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 8:00 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary