

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
NOVEMBER 9, 2022
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Ross; Mike Maniche; Mike Yutzy; Joe Palmer Chairman

ABSENT: None

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 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 appellants were noted into the record.

MINUTES

October 26, 2022

Mr. Maniche moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of October 26, 2022 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

Casey Wandell
38652 Edward Walsh Dr.

Shed & concrete pad

Mr. Maniche moved to untable Old Business for the Wandell residence, 38652 Edward Walsh Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Untabled

Mr. Ross arrived late at 7:08 p.m.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Michael DeJohn, Esq., 5528 Kilbourne Dr., Lyndhurst, OH 44124 and Mr. Wandell, 38652 Edward Walsh Dr., Willoughby, OH 44094 were sworn in to speak for the appeal.

Chairman Palmer said at the previous meeting they asked the applicant to measure to see if he could move the concrete pad and shed at least twenty-eight inches from the rear property line.

Mr. DeJohn said they will have to do some additional construction work which his client is willing to do. He said the manufacturer of the Tuff Shed said it could be moved without damaging the shed. The current landscaper said he could add some additional concrete on the non-offending side, but there will be a seam and they will have to install an expansion joint. He said they can even move it to thirty inches from the lot line if the board wishes this to be within twenty percent.

Mr. DeJohn asked for a reasonable amount of time, approximately six months to complete this because of the approaching inclement weather. Chairman Palmer said he does not a problem with that, and he is sure the Building Department will work with them within reason. He said the concrete does need to be removed on the rear side.

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. Joe Petrarca, 38655 Old Willoughby Dr., Willoughby, OH 44094.

Mr. Petrarca said the concrete and shed have been causing water issues onto his property since 2021. He said the shed is uphill from his property and he has one of the lowest lying properties. He said it is an issue because he constructed a playset in that area for his grandchildren and is concerned for their safety. He said if Mr. Wandell can move it to 30" then he can move it 36". He also would like to see gutters and downspouts directed away from his property and toward the drains on Mr. Wandell's property.

Mr. Davis said even if the shed was placed according to the zoning code this water would still be an issue. Mr. Petrarca said but it would be a foot further away and the ground could absorb some of the water.

Chairman Palmer said they can read into the motion that the applicant will install gutters and downspouts and the water will be directed into the drain away from Mr. Petrarca's property, if the applicant agrees, but cautioned Mr.

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Petrarca not to expect that this may clear up all his water issues and Mr. Petrarca was good with that. Chairman Palmer said he is unsure why this pad and shed have created a water issue onto his property.

Mr. Wandell agreed to the request made by the board to move the shed as stated above.

Mr. Davis asked Mr. Wandell if he would agree to move the slab and shed 36" away from the fence as the code states and the cost should be minimal and he would then not need this appeal. Mr. Wandell said he would agree to that because cost does not matter. Chairman Palmer said it would be neighborly of him to install gutters and downspouts, but it not required by the code. Mr. Wandell said if Mr. Petrarca would have just asked, he would have added them immediately, but he will not do it now.

Mr. Lucas said the board would need to permanently table this appeal.

Mr. Ross moved to permanently table this appeal based on the representation by the applicant that he will fully comply with the zoning code; citing C.O. 1109.09(b) for Wandell residence, 38652 Edward Walsh Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Permanently tabled

NEW BUSINESS

Jacob Marut
37531 Jordan Dr.

Patio (already installed)

Chairman Palmer stated the applicant cited practical difficulty number 9 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. Marut, 37531 Jordan Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Marut said he purchased his home in May, 2022 and consulted with his neighbor Mr. Hastings regarding the encroachment of the patio and he did not have an issue with it. He said he and the neighbor removed some existing trees and installed a 6' high wood fence between their property and obtained the proper permits. He said there is a three-foot-wide gate on his side of the property where the concrete patio is and informed his neighbor it would be 2.5' off the property line instead of 5'. He was worried about a tripping hazard. Chairman Palmer asked Mr. Marut to show him on the drawing where the gate was. Mr. Davis asked if he cut it back to 5' as opposed to 4' would it affect the function or appearance of the patio. Mr. Marut said it would definitely effect the appearance.

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Mr. Ross asked if on the west side of the home, is the walkway is 2.5' and Mr. Marut said it is larger than that. Chairman Palmer asked if he could use stone in that area of walkway if he removes part of the concrete and that way it will not require a variance because it is not permanent. He said they would give him a 4' variance off the property line. Mr. Marut said he could possibly cut the concrete and add stone.

Chairman Palmer said what Mr. Davis is saying is if you were to take this back to 5' it would still leave a strip of concrete alongside the house. Mr. Marut said there is a column that holds up an overhang off the back of the garage on that concrete pad.

Mr. Marut said he would like to amend his application to make it a 4' setback instead of a 5' setback.

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. Davis moved to grant a variance to C.O. 1131.10(a) to allow a 4' offset from the property line instead of the required 5' offset from the property line; citing C.O. 1109.09(b) for the Marut residence, 37531 Jordan Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Barry Young
2077 Canterbury Dr.

Fence

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3 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. Mr. Young, 2077 Canterbury Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Young said at the last meeting the board gave him the option to choose either option he presented at that time. He chose Option #B but his wife liked Option #A better, so he is appealing to keep the current fence he has installed which is a solid fence with a lattice top. He said Option #A is also what the HOA requires. Chairman Palmer said he drove past Mr. Young's home and saw the same fence installed a few doors down.

Mr. Young apologized to the board for any inconvenience this has caused and said if he had to remove it, it would cause a serious financial burden on his family.

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Mr. Maniche asked if this fence does comply with the city's requirements and Chairman Palmer said yes, he went out and measured this fence.

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 amend the motion to C.O. 1131.10(i)(2) to allow the variance design choice originally granted from Option #B to Option #A in August, 2022; citing C.O. 1109.09(b) for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 and Mr. Ross seconded.

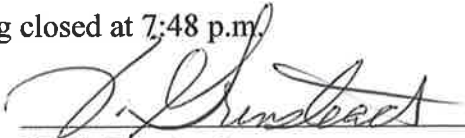
ROLL CALL: Yeas: Mr. Ross; Mr. Davis; Mr. Yutzy; Mr. Maniche; J. Palmer, Chairman
 Nays: None
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 7:48 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary