

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
FEBRUARY 10, 2021
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

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

Chairman Palmer called the regular 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 present this evening and the applicant needs 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 appellants were noted into the record.

MINUTES

January 27, 2021

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of January 27, 2021 as submitted and Mr. Ross seconded.

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

Motion Carried: **Approved**

OLD BUSINESS

None

NEW BUSINESS

Ryan Homes
2035 Farroni Dr., S/L 97
(Rep.- Dave Novak, Barrington Consulting)

New home/rear setback

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Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 4, 5, 7, 8 and 9 on the application for appeal and noted all items that were in the packet.

Mr. Novak explained that during the Development Plan approval the phasing of the project was changed, so the renderings provided to the Board that shows Sublot 70 is now actually Sublot 97.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Dave Novak of Barrington Consulting, 9114 Tyler Blvd., Mentor, OH 44060, agent for Ryan Homes, was sworn in to speak for the appeal.

Mr. Novak gave the Board a brief history of the project. He said the project was approved by the Planning Commission in 2013. He said there are two items circled in pink on the renderings; one is the typical lot configuration and the other is Lot 70, as it was deemed when they prepared the Development Plan, which is now Lot 97. Mr. Novak said on one of the renderings provided it says "edge of pavement" and that is how they calculated the setbacks etc. for all of the lots. He said when this home was submitted for review it was measured based on the center line of the pavement. He said if it was measured from edge of pavement they would not have been required to obtain a variance. He said this would have allowed for a house that was 44' deep, and the house they are proposing on this property is 42' deep. Mr. Novak said this is the smallest house that Ryan Homes offers and they based this development on their specific home offerings.

Chairman Palmer said on Mr. Novak's application under "nature of appeal" it says the site plan submitted has a rear yard of 35.5' and the letter of Noncompliance says 37.5'. He asked Mr. Novak which rear yard setback he is asking for and Mr. Novak said the 37.5' rear setback. Chairman Palmer said the southern lot line on the rendering is showing 132.0' from the back pin to the center of the road, and they are subtracting 12' to get to 120' (half of the road width), then they are taking 30% of the 120' to come up with 36' as the rear setback and Mr. Novak said that was correct. Chairman Palmer said Mr. Novak is actually building to the 37.5' and Mr. Novak said yes.

Mr. Ralston asked Mr. Novak if he is testifying that he city has changed the way they calculate this from all the other 150 previous homes. Mr. Novak said he can't go quite that far, but from his standpoint when they prepared the site plans and calculated the rear setbacks, they calculated them based on edge of pavement. He said a majority of the other lots may have been deeper, so it probably was not an issue. He said this is one of the smaller lots in this development. There was a brief discussion on this item. Chairman Palmer said according to the math no variance is needed and this should be tabled and it should go back to the Building Department to confirm the dimensions, and if necessary, does not come back before this Board. Mr. Maniche said why don't they vote on what the Building Department presented and Mr. Novak confirmed he would like a vote on what was advertised for.

Mr. Lucas said he wanted to confirm Mr. Novak is going forward, in accordance with the Legal Notice, that he is requesting for the variance in front of the Board of Zoning Appeals, and by doing so Mr. Novak is not waving his right, depending on how the vote occurs, to continue to pursue that fact that he does not need a variance.

Mr. Ralston has a concern on pushing the home back and having future drainage issues. There was a brief discussion on this item, but this item is not before the Board per Chairman Palmer.

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

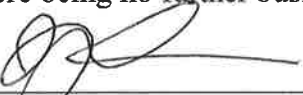
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.06(c) to allow a 37.5 ft. rear setback instead of the allowable 39.6 ft. rear setback; citing C.O. 1109.09(b) for Ryan Homes, 2035 Farroni Dr., S/L 97, Willoughby, OH 44094 and Mr. Ross seconded.

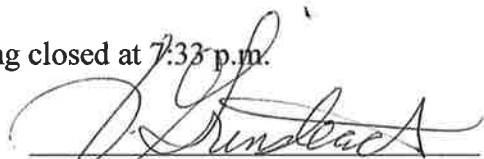
ROLL CALL: Yeas: Mr. Ross; Mr. Davis; M. Maniche; Chairman Palmer
 Nays: Mr. Ralston
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 7:33 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary