

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JULY 8, 2020
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

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

Chairman Palmer called the regular meeting to order at 6:59 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 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.

MINUTES

June 24, 2020

Mr. Davis moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of June 24, 2020 as submitted and Mr. Maniche 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

**Gaurav Bhardwaj
3822 Arcadia Circle**

Shed in side yard

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

Chairman Palmer noted that the Board received letters via email (in record 7-8-20) from the following neighbors in favor of this appeal:

Don Folino (no address),
Navdeep Dhaliwal, 3837 Arcadia Circle, Willoughby, OH,
Dhaval Desai, 3835 Arcadia Circle, Willoughby, OH
Ivan Kosmo, 3811 Pinnacle Court, Willoughby, OH,
Scott Kish, 3832 Arcadia Circle, Willoughby, OH,
Chris Schwarz, 3865 Arcadia Circle, Willoughby, OH,

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Bhardwaj, 3822 Arcadia Circle., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Bhardwaj said his shed is in the side yard but overlaps in the rear yard and is approximately 60' from the street. He said it is an 8' x 10' shed that is 3' from the property line. He said he is the first home on Arcadia Circle and he has a water retention pond in his back yard. He said because of this pond the yard is sloped and it would be expensive to level and move it. He said it would also be a safety concern. He said he also has a sprinkler system underground in the back yard and moving it would take up room where his kids could play. He said his Homeowners Association is ok with it. He said he started building the shed because he was worried the materials would be damaged by the rain storms.

Mr. Ralston said there are a few sheds in the development in the side yard and does not know if the Homeowners Association (HOA) approved them or if they got a permit from the city. There was a brief discussion in regard to this issue.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Navdeep Dhaliwal, 3837 Arcadia Circle Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Dhaliwal said he lives in front of Mr. Bhardwaj's property and has lived there for three years. He is in favor of this appeal and says Mr. Bhardwaj has been a good neighbor.

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.

Mr. John Dichazy, Vice President of the Board of Directors for the Home Owners Association, 3912 Arcadia Circle, Willoughby, OH 44094 was sworn in to speak against this appeal.

Mr. Dichazy said he instructed Mr. Bhardwaj to put in an application to the HOA architectural review board explaining the type of materials, height etc. of the shed. He said he was also told he had to obtain the proper permits from the city. He said Mr. Bhardwaj did submit his application to the HOA Board and was approved, but

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still needed the city's approval as to where the shed could be placed. He said he constructed the shed without getting the proper permits. He said all of the other sheds are made of vinyl or plastic. He said their bylaws state what type of shed is allowed and you must obtain the permits before construction begins and his application was denied based on where it was placed. He said they are requesting that this appeal not be granted because it does not flow with the harmony of the rest of the development.

Chairman Palmer said the only thing before the Board is the location of the shed. Mr. Dichazy said it is his understanding that the shed exceeds the allowable height which is stated in the HOA bylaws.

Mr. Bhardwaj said the HOA architectural review board did come out and measure the shed. It cannot exceed 12' in height and his measured at 10.5'. He said he also received an email from the HOA board that his application was approved. He said when he spoke with Mr. Dichazy they did not have a problem with where the shed was located, but had to obtain the city's approval.

Mr. Dichazy said Mr. Bhardwaj's approval from the HOA board was contingent upon him obtaining approval by the city on the placement of the shed, which was not completed, so they have revoked the approval. Mr. Bhardwaj said he received no communication that his application was revoked. Mr. Dichazy asked the Board deny this appeal because the shed differs from 90% of the sheds in the development.

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

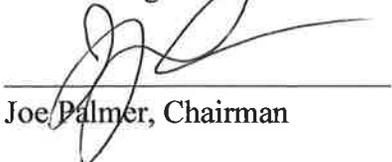
Mr. Ross apologized to the Board and will have to abstain because he lost his internet connection and missed a majority of the meeting.

Mr. Ralston moved to grant a variance to C.O. 1131.10(a) to allow a shed in a side yard instead of the allowable rear yard; citing C.O. 1109.09(b) for the Bhardwaj residence, 3822 Arcadia Circle, Willoughby, OH 44094 and Mr. Davis seconded.

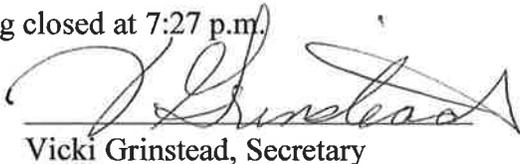
ROLL CALL: Yeas: Chairman Palmer
 Nays: Mr. Davis; Mr. Ralston; Mr. Maniche
 Absent: None
 Abstain: Mr. Ross

Motion Carried: Denied

There being no further business the regular meeting closed at 7:27 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary