

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
AUGUST 26, 2020
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Phil Davis

OTHERS: Michael 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 applicant needs a majority or three votes to pass their appeal. 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. Mr. Ross said he has to abstain from this vote because of a conflict of interest, so there will only be three members voting. Mr. McCrone still wished to proceed with his appeal.

MINUTES

August 12, 2020

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of August 12, 2020 as submitted and Mr. Ross seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Alan Palgut
S/L 28, 4305 Tudor Dr.
(Rep.- Kevin McCrone, Conor Services)

**Front and rear setbacks for
new home**

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

Chairman Palmer read into record a request emailed on Monday, August 24, 2020 from Mr. McCrone stating the rear side yard setback will be reduced from 3.5' to 1.5' (Exhibit "A"). The front setback will remain the same at 14'.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. McCrone of Conor Services, 4733 Maple St., Willoughby, OH 44094 contractor for Mr. Palgut, 363 E. Legend Ct., Cleveland, OH 44143, for the property located at 4305 Tudor Dr., S/L 28, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. McCrone explained there was an error made by the surveyor and they originally thought they were only going to need the front setback but later discovered they would need the rear setback variance as well. Mr. McCrone was encouraged to seek the variance by the Building Department who thought it was a reasonable request.

Mr. Frantz, President of KTE, said he has no issue with the front variance but wanted the rear setback lessened by 2' and asked if they could push the home forward by 2'. He said they looked at the plan and realized it would increase their front variance to 8' and then the stairwell would encroach the 20' setback also. His client decided to cut 2' off the rear of the home. He sent Mr. Franz an email stating they would decrease the rear by 2' and Mr. Frantz was in agreement.

Mr. McCrone said it is a difficult lot and they have redrawn the 2,300 ft. house several different ways and this was the best solution.

Mr. Maniche asked Mr. McCrone to reiterate that the developer was ok with the plan and Mr. McCrone said yes, and held up the email for the Board to see (Exhibit "B").

Mr. Ralston asked if there was any way to clip the garage. Mr. McCrone said they did consider that, but when the architect drew it, it was not attractive. He said it is already not a large two-car garage. He said clipping the corner would be difficult with the roof line and looked odd. He said if you looked at the right elevation it would interfere with the doors.

Mr. Maniche said he agreed with Mr. McCrone that the lot is awkward. Chairman Palmer said unsuitable building lots have come before the Board on a number of occasions and he appreciated the homeowner working with the developer to reduce the rear setback. He said he understood Mr. McCrone is trying to maximize the buildable lot. Mr. McCrone said he thought just asking for the corner of the building would be more acceptable than asking for a variance for the whole building. The lot is 0.1650 acres.

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.

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Mr. Ralston moved to grant a variance to C.O. 1131.06 to allow a rear yard setback of 18.47' instead of the required 20' rear yard setback; citing C.O. 1109.09(b) for the Palgut residence, 4305 Tudor Dr., S/L 28, Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Ralston moved to grant a variance to C.O. 1131.06 to allow a front yard setback of 14' instead of the required 20' front yard setback; citing C.O. 1109.09(b) for the Palgut residence, 4305 Tudor Dr., S/L 28, Willoughby, OH 44094 and Mr. Maniche seconded.

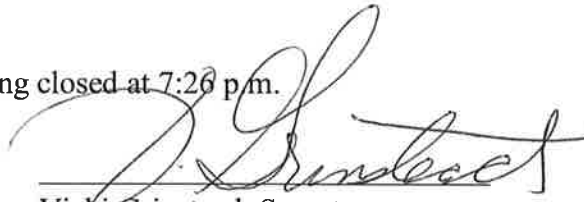
ROLL CALL: Yeas: Mr. Maniche; Chairman Palmer
 Nays: Mr. Ralston
 Absent: Mr. Davis
 Abstain: Mr. Ross

Motion Carried: Denied

There being no further business the regular meeting closed at 7:26 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary