

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
SEPTEMBER 14, 2022  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** None

**OTHERS:** Keith Pedersen, Esq.; 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 appellants were noted into the record.

**MINUTES**

**August 24, 2022**

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of August 24, 2022 as submitted and Mr. Maniche seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

*This item remains tabled per the applicant's request.*

**Northcoast Memorials**

4490 Beidler Rd.

(Rep.- Cione Belknap, Agile Sign & Lighting)

**Signage**

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**NEW BUSINESS**

**Will Evans**  
4407 Center St.

**Short term rental property**

Chairman Palmer stated the applicant cited practical difficulty numbers 7 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. Evans, 38728 Andrews Ridge Way, Willoughby owner of the property located at 4407 Center St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Evans said his family, from out of town, uses this home when they come to visit. He said there is a need for this type of rental for people visiting the area for weddings, funerals, family reunions etc. He said they listed this property on Air BNB and Vrbo in May of 2022 as a short-term rental. He said the demand has been greater than they expected, and they have been booked 25 days out of the month. The average stay is \$300 per night with additional fees included. They encourage their guests to visit the downtown area shops and restaurants. Mr. Evans and his wife are managing the property and screen all their guests. He said the reason they are before the board is because of a complaint. There is no language regarding short-term rentals in the city, therefore it cannot operate. He said he looked on-line before this meeting and there are currently twenty-seven short-term rentals operating in Willoughby and many others in surrounding cities. He feels it is unfair to single out certain property owners when others have been operating for years. He said the city could utilize another city's rules and regulations for short-term rentals. There is currently House Bill 563 in the state which will prevent local cities from banning short-term rentals. He said most of the short-term rental properties are upkept better than some of the long-term rental properties which diminishes property values.

Mr. Ross asked if Mr. Evans has any other short-term rentals in other cities and he did not. Chairman Palmer said the board does not set legislation, but he has spoken to city council regarding this issue. He does agree with Mr. Evans that they do need to provide some type of written language regarding short-term rentals. The biggest issue the neighborhood has is that he is running a business which is not allowed. Chairman Palmer said he does also live on Center St. He said the number of tenants Mr. Evans has concerns many of the neighbors; one of which the guests that are not checked out thoroughly. Chairman Palmer said he has spoken to many neighbors and a common question is how would that landlord feel if this was happening next to his home.

Mr. Evans said Air BNB and Vrbo do regulate who rents their properties and they do rate their guests and they do view these comments/ratings. Chairman Palmer asked if he does credit checks on short term rentals and Mr. Evans said he does not. Mr. Evans said the price point is high and they have to make payment before they can stay in the home. They do not let anyone stay at their home if they do not have good reviews/rating and prior stays.

Mr. Ross said there are two rooming houses in Willoughby and asked how can the board put limits on these short-term rentals. Rooming houses are typically month to month rentals. Chairman Palmer said he does not know the length of the term of these rooming homes and is not before the board.

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Mr. Davis said he disagrees with Mr. Evans that there is a demand for this type of property because his neighbors on this street did not get a say in the change of use to this home in a residential neighborhood. The people that live in this neighborhood moved here because it is a residential neighborhood. They did not want to live next to a business.

Chairman Palmer asked if there was anyone else who wished to speak for this. Mr. Bill Turosky, 4765 Waldamere Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Turosky said Mr. Evans and his wife have done a nice job fixing up this house. He agrees with the statements made that other properties are not maintained. He asked how they regulate duplexes etc. Chairman Palmer said the minimum stay to be considered long term is 30 days or month to month. Mr. Turosky said the board should consider they are paying a premium price and are catering to a certain caliber of customer. Chairman Palmer said one of the issues is the applicant gets a background check but there may be six other people staying with him that do not. There is also no code on the books to allow this type of use and the board does not want to set a precedent they have to defend endlessly.

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. Pat McLaughlin, 4622 Center St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. McLaughlin said he came to this meeting being against this but there have been some good arguments. He said the Evan's are doing a great job fixing up the property. He agrees with Mr. Davis's statement that when he bought his home, he did not want to live next to a business. He does know that on both sides of this property there are young children, and he has concerns with that. He worries this will happen next door to him, but he would rather have someone an owner-occupied residence. He asked if the board could table this until legislation is put in place. Chairman Palmer said the board cannot table something based on future legislation.

Chairman Palmer read into record a letter from Carla Mahoney, 4397 Center St., Willoughby, OH 44094 against this appeal (Exhibit "A"). Chairman Palmer said he did check the references quoted in this letter and he is concerned with the lack of thorough background checks by Air BNB.

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

Chairman Palmer asked if there was anyone else who wished to speak for this appeal in rebuttal. Mr. Evans said he spoke to several of the neighbors and did tell them he bought this as an investment property. He is aware of the children that live on either side of this property. They are there twice a week taking care of their property. The average stay at their property is seven days and they are in constant contact with their guests.

Mr. Davis said if they are discussing property rights, he is an advocate for the rights of his and other neighbors that do not want to live next door to transient guests. Mr. Evans said he cares about his property, and he lets his own family stay there. He said there are other properties on this street that are not as nice, and he would not let his family stay at one of those.

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Mr. Evans asked to be tabled until the next meeting. He would like to see if the state will hand down a ruling in the next two weeks.

Mr. Ross moved to table the appeal for the Evans property, 4407 Center St., Willoughby, OH 44094 per the applicant's request for two weeks and Mr. Davis seconded.

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

**Motion Carried:     Tabled**

**Michael Hart**  
1138 Garden Rd.

**New attached garage**

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. Mr. Hart, 1138 Garden Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Hart said he will demolish the detached barn that is currently on the property and construct a new garage. The 400 sq. ft. accessory building in the rear yard is a pool house that was recently renovated. This building was on the property when he purchased the home. They currently do not have a garage. The new garage will be 30x30 with a 10x16 breezeway. Chairman Palmer reiterated that the existing barn/garage will be removed and the 20x26 pool house is to max out at 200' and he is asking for the appeal for the pool house to remain. He asked Mr. Hart if he would modify the existing building to 240' and Mr. Hart said no they just renovated it.

Mr. Davis said this property was unified from 3- 40' lots to one 120' frontage lot. Mr. Ross said he can vouch for Mr. Hart that this accessory structure/pool house was on the property since he was the listing agent.

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 said the parcel is much larger compared to a typical R-50 standard lot so the 200 sq. ft in excess of what is allowed can accommodate these buildings.

Mr. Davis moved to grant a variance to C.O. 1131.10(d) to allow an accessory building area of 400 sq. ft. instead of the maximum allowable 200 sq. ft.; citing C.O. 1109.09(b) for the Hart residence, 1138 Garden Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried: Approved**

**Luke Weber**

4476 Summit St.

(Rep.- Jake Williams, Williams Fence & Contracting)

**Solid Fence**

Chairman Palmer stated the applicant cited practical difficulty numbers 1,2 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. Mr. Weber, 4476 Summit St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Weber said he has a large puppy, and he barks at everything and would like a privacy fence to keep him from seeing everyone that walks by and barking. He feels it is a nuisance to their neighbors and wants his neighbors to be able to enjoy their back yards. Chairman Palmer said there are other options with a 4' fence with a lattice or spindle top that he could utilize, and he would not need a variance. Mr. Weber said his dog would be able to see over a 4' high fence. He did not know the fence he chose was not to code. The fence company he hired was not a local company and has been waiting for many months for this fence. Mr. Ross said he could do a 5' solid fence with lattice on top and he would no longer need this appeal. He is unsure if the fence company offers this type of fence. Chairman Palmer asked if Mr. Weber would like time to speak with his fence company to see if he can obtain the proper fence style/size and possibly remove this appeal. Mr. Weber agreed and asked to have his appeal tabled until the next meeting.

Mr. Ross moved to table the appeal for a solid fence for the Weber residence, 4476 Summit St., Willoughby, OH 44094 per the applicant's request and Mr. Maniche seconded.

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

**Motion Carried: Tabled**

**Deborah Strong**

575 Tioga Trail

(Rep.- Tom Slapnicker, KOTA Maintenance Group LLC)

**Extension of concrete driveway  
(already installed)**



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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. Mr. Slapnicker of KOTA Maintenance Group LLC, 5929 North Bend Rd., Geneva, OH contactor for the Strong residence was sworn in to speak for the appeal.

Mr. Slapnicker said the driveway is only 7' on the outside of the garage and the driveway is only 15' long. Mr. Slapnicker said there was some confusion in his office about the permit, so they poured the concrete. He later found out there was no permit pulled. Chairman Palmer asked if he saw the permit posted and he said he did not notice. He explained to his wife/coworker that they may have to cut it out. He said his client has greatly improved her home and property including this driveway.

Mr. Maniche said he did drive down this street and there are many other residents parking their cars on grass, dirt, or mud in this same neighborhood. He feels what Ms. Strong did looks very nice.

Mr. Yutzy said if he would have obtained the permit first it would have been poured to the 6" requirement because the inspector would have stopped it before it got to this point. He said the problem in this neighborhood is the inferior work being done. Mr. Slapnicker said he would flare the driveway apron.

Chairman Palmer said the apron needs to be 6" thick and he is already to the street with a 5" pad. Mr. Slapnicker said he did pour 6". Chairman Palmer said they want the flare on the apron, and it needs to be inspected and Mr. Slapnicker agreed. He said the notes on the rendering in red says the apron is 5' in depth. He is assuming this is measuring from the street in toward the garage 5' and is assuming the dash line is 5' which is supposed to be an apron which is supposed to be 6" deep and then he will flare out the edges. He said do 4' in and coming out, expanding the width 2' on either side and 6" deep.

Chairman Palmer said they will allow rear yard parking and Mr. Slapnicker will add 2 flares to each side of the driveway that are 4' deep and 2' wide so it forms a triangle.

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. 1131.10(a) to allow accessory parking pad on the property as poured but with the stipulation the driveway apron be flared at 4' in depth from the street and 2' in width on either side of the driveway and it must be 6" deep; citing C.O. 1109.09(b) for the Strong residence, 575 Tioga Trail, Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     Approved**

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*This application for appeal has been withdrawn per the applicant's request.*

**Kirtland Tudor Estates**  
S/L 18, Stillman Lane  
(Rep.- Darrell Hershey, Payne & Payne Builders)

**Attached single family home,  
Separation between bldgs.  
PPN#21-A-022-0-00-001-0**

**Michael McLaughlin**  
1071 Garden Rd.

**Temporary snow fence  
to be permanent**

Chairman Palmer stated the applicant cited practical difficulty numbers 3,4,5,6,7,8 and 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. McLaughlin, 1071 Garden Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. McLaughlin said he has five dogs including two great danes. He said this fence was erected during Covid because his wife and sons were working from home, and they needed to keep the dogs outdoors during work hours. He said he was shocked someone mentioned this because it has been up for three years. He just replaced some of the fencing that was broken. He does maintain the fence and yard. He said it is a much less expensive option than a regular fence.

Mr. Ross asked for it to be considered permanent do the posts need to be cemented to the ground. Chairman Palmer said yes, and they do post hole inspections as well.

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

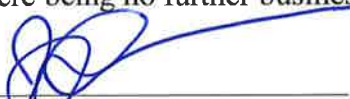
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.


Mr. Davis moved to grant a variance to C.O. 1131.10(i) to allow a temporary style fence to remain instead of the permitted fence construction; citing C.O. 1109.09(b) for the McLaughlin residence, 1071 Garden Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     Denied**

There being no further business the regular meeting closed at 8:41 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary