

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 23, 2020
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Maniche; 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 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 not 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 appellant were noted into the record. Mr. McCrone and Mr. Keidel both wished to proceed with their appeals.

MINUTES

September 9, 2020

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of September 9, 2020 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Mr. Ross arrived late to the meeting.

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

New home/front setback

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Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 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 there was anyone who wished to speak for this appeal. Mr. McCrone of Conor Services, agent for Alan Palgut, 4305 Tudor Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. McCrone said when he approached the Board at the last meeting he was asking for a 6 ft. variance and was denied. He went back to the client and reduced the setback again by narrowing down the garage doors. He feels this variance is more reasonable. He said there is only a small pie shaped portion of the home that would be encroaching the setback. He said this was the only alternative they could come up with to keep this design of the home.

Chairman Palmer said this setback has been reduced to 4.42 feet. He thanked Mr. McCrone for coming back before the Board and reducing the setback further.

Mr. Davis asked if the Chairman would reiterate what happened at the previous meeting. Chairman Palmer explained what Mr. McCrone was asking for and what the Board had granted and Mr. Davis thanked Chairman Palmer. Mrs. Grinstead said she also included the minutes from that meeting in their packets.

Mr. Davis asked if there was a Homeowners Association (HOA). Mr. McCrone said yes there is and at the last meeting he shared an email from the President of the HOA who was in support of the variances requested.

Chairman Palmer told the Board to keep in mind that this is not the whole house, but approximately a 10 sq. ft. corner of the home where the garage is located, and is a 4.42 ft. encroachment.

Mr. Ross is recusing himself from the vote, but commented that he had a discussion with the developer who was in favor of this variance.

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. Ralston moved to grant a variance to C.O. 1131.06 to allow a front yard setback of 15.58 ft. instead of the allowable 20 ft. front yard setback; citing C.O. 1109.09(b) for the Palgut residence, 4305 Tudor Dr., S/L 28, Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: Approved

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Thomas Keidel III
38522 Gold Rush Dr.

Covered patio, rear setback

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

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Keidel III, 38522 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Keidel said they are requesting a patio roof covering. The home is a ranch style home with a hip roof and on the rear hip they have a bump out for the dining and family rooms and created a valley on the roof. The valley carries toward the end of the house where the enclosure is being proposed. He said if they widen the enclosure any wider than 14' against the house, in the opinion of the contractor, it would have created two valleys and he was concerned about water, ice and snow accumulation.

Mr. Keidel went on to say that because the home is a ranch style a majority of the lot is taken up by the structure itself, leaving a limited rear yard. He said he did some research and there are approximately twelve structures in this development that mirror what he is requesting. He said, in closing, they are trying to create a family space to enjoy their home.

There was a brief discussion on the existing deck and the scale, but was not before the Board. Chairman Palmer said what is before the board is covered patio that is 14' x 18' and extends off the back of the house and encroaches the setback by 8 ft. The request is for a 32 ft. setback instead of the required 40 ft.

Chairman Palmer read into record a letter in favor of the appeal, dated September 14, 2020, from Justin Sohnlein who is a trustee and member of the HOA for the Melrose Farms Subdivision.

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

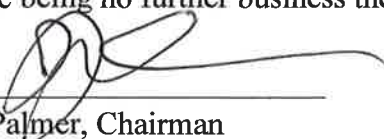
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Ralston moved to grant a variance to C.O.1131.06(c) to allow an 8 ft. variance for the covered patio addition or a rear yard setback of 32 ft. instead of the required 40 ft. rear yard setback; citing C.O. 1109.09(b) for the Keidel residence, 38522 Gold Rush Dr., Willoughby, OH 44094 and Mr. Ross seconded.

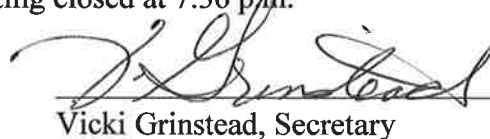
ROLL CALL: Yeas: Mr. Maniche; Mr. Ross; Mr. Davis; Chairman Palmer
 Nays: Mr. Ralston
 Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 7:36 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary