

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 9, 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 7:01 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 appellant were noted into the record.

MINUTES

August 26, 2020

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of August 26, 2020 as submitted and Mr. Ross 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

Mr. Lucas advised the Board that the Notice of Violation had cited an incorrect Codified Ordinance number, 1131.11(f)(2). He said it should be 1131.10(f)(2).

Kevin Alles & Katrina Raines
38392 Sheerwater Lane

**Commercial vehicle parked
in One-family Residential District**

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
September 9, 2020**

Chairman Palmer stated the applicant cited practical difficulty numbers 4 and 6 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. Alles, 38392 Sheerwater Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Alles said the removal of this commercial vehicle would cause a hardship for him because of the nature of his business and they take after hours calls. He said parking this vehicle at his shop location would add substantial time in response to an emergency call that he may respond to. He also stores his personal tools in this vehicle, which are quite expensive. He said he does also help his neighbors, on occasion, and would need these tools.

Chairman Palmer asked how long Mr. Alles has lived at the above address. Mr. Alles said it is coming up on three years.

Mr. Ross asked how far away is Mr. Alles's shop. He said it is approximately 20-25 minutes in Wickliffe on Lloyd Rd. Chairman Palmer asked if he could move the vehicle to a storage facility close to his home. Mr. Alles said he could not afford to incur this expense. Mr. Ralston asked if his shop had indoor storage and Mr. Alles said yes and they do have their entire lot under surveillance.

Mr. Maniche asked if there are other employees who take their company vehicles home. Mr. Alles said yes just about everyone. Mr. Maniche asked what his territory is that he covers. Mr. Alles said generally Lake and Geauga Counties, but does travel to other outlying counties as well. Chairman Palmer said this type of variance would set a precedent.

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.

Chairman Palmer said there were four letters in opposition to this variance that were emailed to Mrs. Grinstead by neighbors who wished to remain anonymous, but were read in record.

Mr. Alles asked about the size restriction of these type of vehicles. Mr. Lucas said 1131.10(f)(2) states: The outdoor parking of a commercial vehicle shall not be permitted on a lot in a One-family Residential District except that an occupant shall be permitted to park one truck not exceeding three-quarter ton rated capacity that is used in connection with said occupant's livelihood.

Mr. Ralston moved to grant a variance to C.O. 1131.10(f)(2) to allow a commercial vehicle, in excess of the three quarter ton capacity to be parked on a lot in a One-family Residential District instead of the allowable three-quarter rated capacity; citing C.O. 1109.09(b) for the Alles & Raines residence, 38392 Sheerwater Lane, Willoughby, OH 44094 and Mr. Maniche seconded.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
September 9, 2020**

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

Motion Carried: Denied

Carmeline Worley
37830 Second St.

Accessory detached garage

Chairman Palmer stated the applicant cited practical difficulty numbers 3, 6, 7 and 8 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. Ms. Worley, 37830 Second St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Worley said she would like to construct a 2-car garage. The two sheds were existing when she purchased the property. She said they are tucked in the corner of the property and cannot be seen. She said she needs the garage to store her car, some large equipment and miscellaneous items. She said the home only has a dirt basement and the home itself is small. She had to downsize from her home in Chesterland because of health issues. She said having the garage where she didn't have to go out in inclement weather to scrap ice and snow would be very helpful.

Chairman Palmer asked if she could slightly increase the size of the garage and get rid of one of the sheds. Ms. Worley said she really could not afford to do that. Mr. Ralston said if Ms. Worley agreed to get rid of one shed then the Board would only have one request for a variance instead of two. Mr. Maniche said if she removed a shed and still built the garage she would still have more room than she does currently. There was a brief discussion on this item. Chairman Palmer said the Board would give her time to construct the garage and have ample time to move her items out of the shed that will be removed. Chairman Palmer said they could give her until May 1, 2021 to remove the shed after the garage has been constructed and Ms. Worley agreed. She said she is unsure when she can get back on her contractor's schedule for the construction of the new garage. She is hoping this fall.

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

Mr. Davis read into record a letter in favor of this variance that was sent to Chief Building Inspector Darryl Keller by Kathy Fouts, 37841 Second St., Willoughby, OH 44094 (Exhibit "A").

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.1131.10(d) for the number of accessory buildings on the property to be three up until May 1, 2021 at which point an 80 sq. ft. accessory building will have been removed instead of the allowable two; citing C.O. 1109.09(b) for the Worley residence, 37830 Second St., Willoughby, OH 44094 and Mr. Davis seconded.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
September 9, 2020**

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

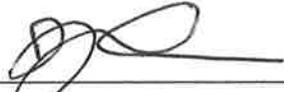
Motion Carried: Approved

Mr. Ralston moved to grant a variance to C.O.1131.10(d) to allow a variance of 680 sq. ft. instead of the required 600 sq. ft., expressly conditioned upon the consolidation of the two accessory buildings on or before May 1, 2021; citing C.O. 1109.09(b) for the Worley residence, 37830 Second St., Willoughby, OH 44094 and Mr. Ross seconded.

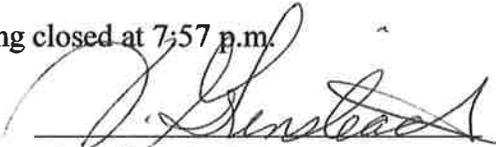
ROLL CALL: Yeas: Mr. Ralston; Mr. Maniche; Mr. Ross; Mr. Davis; Chairman Palmer
Nays: None
Absent: None

Motion Carried: Approved

There being no further business the regular meeting closed at 7:57 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary