

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MAY 10, 2023
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Maniche; Mike Yutzy; Joe Palmer Chairman
ABSENT: Phil Davis; Mike Ross
OTHERS: Mike 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 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.

Chairman Palmer asked both applicants if they wished to proceed with only three board members present and both wished to proceed.

MINUTES

April 12, 2023

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for April 12, 2023 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Vincent Homes LLC
Lost Nation @ College Court
(Rep.- Curtis Labarbera, Homeowner)

New home/setback
PPN#27B056C000230 & 240

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Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 4 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. Mr. Curtis Labarbera, Homeowner, 154 Parkway Dr., Eastlake, OH 44095 was sworn in to speak for this appeal.

Mr. Labarbera submitted another GIS aerial (in record 5-10-23, Exhibit "A") showing the overall neighborhood and (Exhibit "B") showing the apartment complex which is also zoned L-G on the east side of Lost Nation Rd. and Ninadell. He said both exhibits show everything down Lost Nation that shows the average setback to be 10', which is what his proposed house will be on College Court. There are only two homes on College Court; one is setback 7.7' and the other is 10'. The house he is proposing will be setback 16' which is further back than the existing homes. The apartments in Exhibit "B" show the setback right at the right-of-way line.

Mr. Labarbera said he and the builder know the corner lot by itself it unbuildable so they will be combining both lots into one buildable lot and will be able to build a larger home. He spoke to someone at the city and found out that College Court has not been accessible from Lost Nation to Hayes for the past 20-30 years. The street is for the school and this home.

Chairman Palmer said the expanded exhibit is helpful and makes a difference. The fact he is combining two lots to build a larger home is also a nice addition to the neighborhood. He is not doing anything that has not already been done in that area. The other board members had no questions.

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. Yutzy moved to grant a variance to C.O. 1131.06(d) to allow a 16' corner side yard setback creating a deficit of 11' instead of the allowable 27' minimum corner side yard setback; citing C.O. 1109.09(b) for the new home on Lost Nation @ College Court, PPN#27B056C000230 & 240, Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Nazareth Gadiano & Ma Carmina Reyes-Bonnema
38485 Fairway Glenn Blvd.

Fence within 25' of Right-of-Way

Chairman Palmer stated the applicant cited practical difficulty number 6 on the application for appeal and noted all items that were in the packet.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Gadiano, 38485 Fairway Glenn Blvd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Gadiano said the original permit was for five feet on the side of his home and would like to extend it further for his daughter who has a disability and requires physical activity.

Chairman Palmer said in the packets they have two site plans; one shows a 25' setback and the other shows a 16' setback which is what they are currently asking for. Mr. Gadiano said the original approval was for a 25' setback with a 6' fence and they revised their plan and went down to a 16' setback with a 4' fence instead of the allowable 3'.

Mr. Yutzy asked if there should be one motion or two. Mr. Lucas said the way the notice of noncompliance is written the motion will only require C.O. 1131.10(i)(2).

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Bill Regal, President of the Fairway Glenn H.O.A., 38593 Fairway Glenn Blvd., Willoughby, OH 44094 was sworn in to speak for this appeal for this fence.

Mr. Regal said he is not for or against this proposal but is the president of the Homeowners Association (H.O.A.) for this development. He is not opposed to the fence, but Mr. Gadiano has not submitted any documentation to the H.O.A. for approval. He said when he saw the fence go up in November, they contacted him and told him he needed to submit paperwork and to cease the installation until he received approval.

Chairman Palmer asked Mr. Regal to approach the dais and showed him the renderings and explained where the fence was going to be installed. He gave Mr. Regal the paperwork from his packet to take with him for review. Mr. Regal had no other questions.

Chairman Palmer read a letter in favor of the appeal (sent via email on 5-3-23, Exhibit "A") from Michael Constantine, 2158 Canterbury Dr., Willoughby, OH 44094.

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.

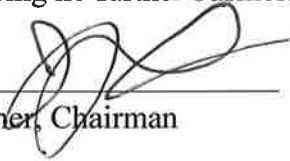
Mr. Maniche moved to grant a variance to C.O. 1131.10(i)(2) to allow a 4' fence instead of the allowable 3' fence; citing C.O. 1109.09(b) for the Gadiano and Reyes-Bonnema residence, 38485 Fairway Glenn Blvd., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

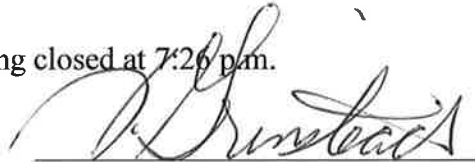
Motion Carried: Approved

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



Joe Palmer, Chairman



Vicki Grinstead, Secretary