

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
AUGUST 9, 2023
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: None

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 present this evening and the applicants need a majority or three votes to pass their appeals. 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.

MINUTES

July 26, 2023

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for July 26, 2023 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Erin Murphy
5338 Robinhood Dr.

Driveway

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

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
August 9, 2023**

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Jacqueline Bowers, 5338 Robinhood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Bowers said they would like to park their cars side by side in the driveway. The original homes only had a one car garage. There are other homes in the neighborhood that have this accessory parking and that is where they got their idea. They would rather park the cars in the driveway instead of the street because Robinhood is a very busy street. She said it is also hard because they constantly have to move cars around to exit the driveway. She said this is not a large project and the parking area will be 7' x 42'. They don't want to park on the grass because it is tearing up the yard.

Mr. Davis asked for clarification as to where this accessory parking will begin. Ms. Bowers said their intent is to start at the front of the house where the existing driveway starts to jet out and will extend to within 2.5' of the property line. The driveway will be tapered.

Mr. Davis said according to the zoning code vehicles are to be parked in the rear yard. Ms. Bowers said that is not possible with the way the property layout. He would like to compromise if the taper started in the middle part of the house and goes to 21' wide. The rear yard is defined as starting at the back of the house. She said their plan would provide her grandchild some extra space to play basketball and the ease of being able to maneuver the vehicles.

Mr. Yutzy asked what the side setback requirement is and Chairman Palmer said it is 2'.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Murphy, 5338 Robinhood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Murphy said she works far from home and has to leave at 5:00 a.m. and does not want to have to wake her mother to move cars around, especially in the winter season. She said is a hassle to figure out how to move the cars around and try to not also wake up her child.

Chairman Palmer said these requests are not precedent setting and the board has had these requests and have granted them and that is the reason she seems them in her neighborhood. Maintaining the 2.5' buffer/setback off the property line is important. There were no other comments from the board.

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(a) to allow accessory off-street parking in the side yard instead of the allowable rear yard off-street parking; citing C.O. 1109.09(b) for the Murphy residence, 5338 Robinhood Dr., Willoughby, OH 44094 and Mr. Ross seconded.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
August 9, 2023**

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

Motion Carried: APPROVED

Jacob Edwards
38276 Union St.
(Rep.- Joe Myers, Joe Myers Architect)

Garage/Office Addition

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4, 5 and 7 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. Myers of Myers Architect, 38030 Second St., Willoughby, OH 44094 agent for the Edwards residence, 38276 Union St., Willoughby, OH 44094 was sworn in to speak for this appeal. Mr. Edwards is out of town and could not attend the meeting.

Mr. Myers said they are proposing to remove the existing detached garage and construct a new garage that would be able to accommodate the three cars they own. He explained that the new garage will be in the approximate area the existing garage is now. The other side of their property drops down to a steep hill near the river and nothing can be constructed at this location. He said the way they will connect the garage to the house will be difficult with the roof lines etc. and they need the height. He showed the board renderings on the projection screen. He said they cannot fit a 2-car garage and leave an 8' setback but the 6' setback will let them accomplish this project. There will be an office above the garage because Mr. Edwards works from home and needs space to conduct his business in private.

Mr. Myers said the board should have received a letter from the neighbor right next door stating Mr. Edwards reviewed the plans with them and they have no issues with it (in record dated 8-8-23). He said behind them is an apartment building, so they have no other neighbors that this will affect.

Chairman Palmer said the reason for the 8' side yard setback is to get large equipment into the back yard if necessary. Mr. Myers said there will be garage doors on the front and the back. He asked Mr. Myers if he could accept a 1.6' variance instead of 2'. Mr. Myers said no because where they are attaching the house there are stairs to the second floor and it has to be a certain width to obtain that height.

Chairman Palmer read into record the letter from Dave and Donna Ebbert, 38226 Union Street, Willoughby, OH 44094 (dated August 6, 2023) in favor of this appeal.

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.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
August 9, 2023**

Mr. Maniche moved to grant a variance to C.O. 1131.06(b)(1) to allow a 6' side yard setback instead of the allowable 8' side yard setback; citing C.O. 1109.09(b) for the Edwards residence, 38276 Union St., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Mike Slogar

4690 Wood St.

(Rep.- Joe Myers, Joe Myers Architect)

Detached Garage

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4, 5, 7 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. Myers of Myers Architect, 38030 Second St., Willoughby, OH 44094 agent for the Slogar residence, 4690 Wood St., Willoughby, OH 44094 was already sworn in to speak for this appeal.

Mr. Myers said this house has a built in pool in the back yard. They will be removing the existing garage. They also have an existing shed that houses pool accessories and outdoor furniture. They are looking for extra storage space in their garage to store their yard equipment etc. for the winter months. There will be a covered terrace attached to the new garage that will serve as a shaded area for the pool. They would like a cabana but do not have the space so they would like to utilize the space above the garage as an indoor cabana. There is a balcony that comes out of the upper level/loft area that comes down to the pool, so room above the garage is a gathering area for the pool. He showed the board renderings on the projection screen. He said they have looked at many different options and this is the only one to accomplish what the homeowner is looking for. He showed the board an example of the adjacent property's similar addition and how this addition will not affect them. He said they have a couple letters submitted from the neighbors stating they have no objections to the new garage.

Chairman Palmer wanted clarification that 18'6" is the actual mean height. Mr. Myers said yes, the definition of mean height is halfway between the gutter board and the ridge.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Slogar, 4690 Wood St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Chairman Palmer said the total square footage would set a precedent. He said garage spaces similar to this have been approved and cited an example on Center St. Mr. Slogar was familiar with it and said that is what they modeled his plan after.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
August 9, 2023**

Chairman Palmer said one of the things they offered the applicant on Center St. to store equipment was an overhang that extends over the back of the garage which does not count as square footage. He said the mean height is a little taller than they have allowed. The issue for him is the existing shed and asked Mr. Slogar if he would remove it because he is asking for 300+ sq. ft. over what is allowed.

Mr. Ross asked Mr. Myers the size of the current garage. Mr. Myers said (inaudible). Mr. Ross said they are building a 365 sq. ft. larger garage. He said the shed is 167 sq. ft., so they are gaining 200 sq. ft. more space than they currently have and Mr. Slogar said yes. Mr. Slogar asked if the shed is really needed. He said the garage space will be for the mower, summer tools, yard stuff etc.

Chairman Palmer said if Mr. Slogar would be willing to remove the shed, then they could vote on the garage this evening. They would read into the motion that the existing shed must be removed. He said if not they can vote on it as proposed. Mr. Slogar said he would like to think about it. Mr. Slogar asked to have his appeal tabled for the time being.

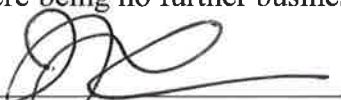
Mr. Davis would like examples of what has been approved in the past for similar requests as aforementioned. Chairman Palmer said they will explore that and possibly discuss it at the next meeting.

Mr. Ross moved to table the appeal for the Slogar residence, 4690 Wood St., Willoughby, OH 44094 per the applicant's request and Mr. Maniche seconded.

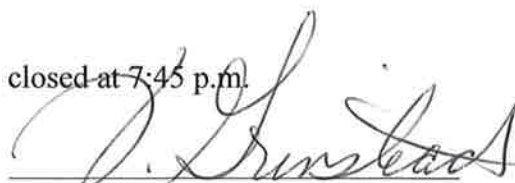
ROLL CALL: Yeas: Mr. Yutzzy; Mr. Maniche; Mike Ross; Mr. Davis; J. Palmer, Chairman
 Nays: None
 Absent: None

Motion Carried: TABLED

There being no further business the regular meeting closed at 7:45 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary