

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
OCTOBER 26, 2022  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** 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) 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.

Chairman Palmer asked each applicant if they wished to proceed with their appeals with only four members present and all applicants said yes.

**MINUTES**

**October 12, 2022**

Mr. Maniche moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of October 12, 2022 as submitted and Mr. Yutzy seconded.

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

**Motion Carried:     Approved**

**OLD BUSINESS**

**Erle & Mary Dieter**  
38820 Kyle Cove

**3-season room/rear setback  
garage**

Mr. Maniche moved to untable Old Business for the Dieter residence, 38820 Kyle Cove, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried: Untabled**

Chairman Palmer stated the applicant cited practical difficulty number 4 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. and Mrs. Dieter, 38820 Kyle Cove, Willoughby, OH 44094 were both sworn in to speak for the appeal.

Mr. Dieter gave the board some history on where and how long he has lived in Willoughby. They love where they live and would like to make a few changes to their home. The 3-season room would make their lives easier now that they are older.

Mrs. Dieter said Mr. Dieter did not tell the board that he was diagnosed with melanoma and cannot be in the sun because of a severe allergy. She said the sunroom would be beneficial to his health so he could still enjoy the outdoors without being in the sun. He was also recently diagnosed with another type of cancer and may not have mobility for much longer and stairs can be a challenge.

Mr. Davis asked who designed and determined the dimensions of the sunroom. Mrs. Dieter said they did, and it was determined by the need to be able to utilize the livable space. Mr. Davis said they are hearing this appeal because of their property line. Mrs. Dieter said yes but there is no one living behind them; it is just the golf course.

Chairman Palmer asked if there was any room for modification. Mr. Dieter said yes, they could shrink it down a bit. Chairman Palmer asked if they can shrink the 16' dimension down to 13' because he would like them to be 32' off the property line.

Mr. Davis said they could increase the 19' dimension down which would offer more floor area. Mr. Dieter said if they did that it would cut off the deck walkway that leads to the back yard. He said he would be willing to go from 16' to 14'.

Chairman Palmer said if the moved the 19' dimension toward the left property line they may be able to pick up an extra foot or two. Mr. Dieter said he has a koi pond that has been there for many years. Mr. Dieter said he would agree to 31.3' and the board agreed.

Mr. Dieter asked to amend his appeal to 31.3' setback from the rear property line.

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

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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. 1131.06(c) to allow a 31.3' rear yard setback instead of the allowable 40' rear yard setback; citing C.O. 1109.09(b) for the Dieter property, 38820 Kyle Cove, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:    Approved**

**NEW BUSINESS**

**Casey Wandell**

**Shed & concrete pad**

38652 Edward Walsh Dr.

Chairman Palmer stated the applicant cited practical difficulty numbers 1-9 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. Wandell, 38652 Edward Walsh Dr., Willoughby, OH 44094 and Michael DeJohn, Esq., 5528 Kilbourne Dr., Lynhurst, OH 44124 are representing this appeal and were both sworn in to speak for the appeal.

Mr. DeJohn, Esq. is representing Mr. Wandell and said there are five factors in C.O. 1109.09(b) that support the appeal before the board. He said when Mr. Wandell purchased this property from the builder there were some drainage issues which have since been resolved and they made sure all the neighbors were satisfied before the property was signed over to Mr. Wandell, and there have not been any water issues since then. Chairman Palmer said the water issues are not before this board. The only thing before the board is the location of the shed and pad.

Mr. DeJohn said Mr. Wandell is a victim of an issue of malpractice with a landscaper who was supposed to put this in, in accordance with the building plan. He referred to the permit Mr. Wandell pulled showing the proper location for the pad and shed, but unbeknownst to him the landscaper installed it in the wrong location. This issue resulted in a lawsuit with the landscaper with has been resolved.

Chairman Palmer asked if the pad is larger then the shed and Mr. DeJohn said no, the pad is smaller then the shed. Mr. Wandell did not realize he was in violation until after the final inspection. Mr. Keller came out and said the location of the pad/shed are not matching up with what he applied for. Mr. DeJohn said the concrete pad was installed a year prior to Mr. Wandell building the shed on it during the resolution of the underlying lawsuit. The shed was built on site and bolted onto the concrete pad.

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Chairman Palmer asked if the landscaper was at fault and Mr. DeJohn said yes. He then asked if this landscaper was bonded with the City of Willoughby and Mr. DeJohn said yes. Chairman Palmer said the landscaper should be responsible to correct this mistake and move the shed to the proper location and the landscaper bond should cover this expense. Mr. DeJohn said there may be an issue with Res judicata because another attorney settled the lawsuit with the landscaper. This issue was unknown during this lawsuit because the inspection took place after the lawsuit.

Chairman Palmer reiterated the bond is in place to protect the applicant and asked what the lawsuit was for. Mr. Wandell said the quality of the work in general. Mr. DeJohn said he was unsure if it was the nature or the quality of the work that pertained to the lawsuit. Mr. DeJohn said he has not pulled up this landscaper credentials with the city to ensure he was bonded but made a representation to Mr. Wandell that he was.

Chairman Palmer said this would be a precedent setting variance for this board. There was a brief discussion regarding how much concrete was exposed and could the shed be moved, and concrete cut off. Chairman Palmer said he would prefer the shed and pad be 28" off the property line.

Mr. DeJohn asked to be tabled until the next meeting so they could take some measurements.

Mr. Maniche moved to table this appeal for Wandell residence, 38652 Edward Walsh Dr., Willoughby, OH 44094 per the applicant's attorney's request and Mr. Yutzy seconded.

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

**Motion Carried:     Tabled**

**Jeff & Karen Rorapaugh**  
4788 Eldo St.

**Shed**

Chairman Palmer stated the applicant cited practical difficulty number 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. and Mrs. Rorapaugh, 4788 Eldo St., Willoughby, OH 44094 were sworn in to speak for the appeal.

Mr. Rorapaugh said he purchased a side-by-side ATV that was quite expensive and would like to keep it out of the weather. He has other equipment he would like to store in the proposed shed as well. His garage is large but half of it is a workshop and only fits their two cars, coolers, and fishing equipment.

Chairman Palmer said this is one of the largest garages in Willoughby and asked if it was approved by this board. Mr. Rorapaugh said no, it was there when they purchased the home. He explained the ATV is large and has a

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plow for the winter and that is why he is asking for this size shed. He said it would be behind his garage and would only be seen by one neighbor and hidden from street view.

Chairman Palmer said they typically allow 720 sq. ft. for a garage and on rare exception have gone a bit larger.

Chairman Palmer suggested they look into a lean-to and attach it to the rear of the garage. He said adding a 180' shed to this size garage is unprecedented by this board which would be approximately 1047 sq. ft.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Louise Miles, 4774 Eldo St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Miles said they have been neighbors for many years and they keep their property up and are really good neighbors. The addition onto the garage was added way before they owned this home. Chairman Palmer said the garage is not before the board, just the shed.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Steve Miles, 4774 Eldo St., Willoughby, OH 44094 was sworn in to speak for the appeal. Mr. Miles said garage is older than he is but does not look that large.

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(d) to allow a total area of accessory buildings equal to approximately 1,047 sq. ft. instead of the allowable 600 sq. ft.; citing C.O. 1109.09(b) for the Rorapaugh residence, 4788 Eldo St., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:     Denied**

**Chad & Nikki Conell**  
4399 River St.

**Shed in side yard**

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

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Chairman Palmer asked if anyone wished to speak for this appeal. Mr. and Mrs. Conell, 4399 River St., Willoughby, OH 44094 were both sworn in to speak for the appeal.

Mrs. Conell said they would like to purchase a ready made shed. They do not have a back yard to put this shed on. Their property drops off dramatically in the rear into the ravine. They would have it installed close to the patio, near the garage. Mr. Conell said it would be hidden behind some landscaping bushes.

Chairman Palmer said from the Lake County GIS photos you can see the drop off down to the river.

Chairman Palmer asked if anyone else wished to speak for this appeal. Mrs. Rebecca Puckrin, 4396 River St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Puckrin said she and her husband have lived in Willoughby for five years and the Conell's moved in several years after them and their corner has flourished. She said they have contributed to improving the landscape in that area and the addition of a shed will improve their property even more.

Chairman Palmer asked if anyone else wished to speak for this appeal. Ms. Debra Gibson, 4404 River St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Gibson said she agrees with Mrs. Puckrin. She purchased her home on the corner of River St. and Wilson and they are also making improvements to their home. She said it is nice to see a young couple put a lot of effort and love into their property. She supports the appeal for the shed.

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 a shed in a side yard instead of the allowable rear yard; citing C.O. 1109.09(b) for the Conell residence, 4399 River St., Willoughby, OH 44094 and Mr. Yutzy seconded.

ROLL CALL:       Yeas:     Mr. Yutzy; Mr. Davis; J. Palmer, Chairman  
                      Nays:     Mr. Maniche  
                      Absent:  Mr. Ross

**Motion Carried:     Approved**

**Bravina Trovato**  
2193 Canterbury Drive

**Fence**

Chairman Palmer stated the applicant cited practical difficulty numbers 3 & 8 on the application for appeal and noted all items that were in the packet.



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Chairman Palmer asked if anyone wished to speak for this appeal. Ms. Trovato, 2193 Canterbury Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Trovato said she would like privacy and safety for her family and dogs. She said being on a corner lot is like living in a fishbowl. The way the original plan would be acceptable is if the fence came straight back from the house but to be able to get any lawn equipment into the back yard the gate would have to come from the street and not from the home. She also could not install any security cameras in this area. She does have much of a side yard on the other side of the property to be able to install a large gate for any type of equipment. She said the reason for the eight additional feet that attaches to the gate for the fence is because of her flowerbed which includes a tree. Chairman Palmer asked if her driveway is off Canterbury and she said yes. The board considers the area in red on the rendering her rear yard. This issue has come before this board before.

Mr. Davis said it is not clear why a gate facing Fairway Glenn would be a problem for security. He said you can put a camera if it is facing Canterbury or Fairway Glenn. Ms. Trovato said she has a large side yard and has cameras facing the front and has looked into placing cameras in the back. If the gate comes from the street, she could not see from that angle. She approached the dais and showed the board on the rendering regarding the fence and the landscaping.

Chairman Palmer said she is doing a solid fence for the first 4' and then solid with 2' of lattice top in a rear yard which is permissible.

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 6' fence an instead of the allowable 4'; citing C.O. 1109.09(b) for the Trovato residence, 2193 Canterbury Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:     Approved**

Mr. Maniche moved to grant a variance to C.O. 1131.10(i)(2) to allow a solid fence instead of the allowable 40% openness; citing C.O. 1109.09(b) for the Trovato residence, 2193 Canterbury Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:     Approved**

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There being no further business the regular meeting closed at 8:05 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary