

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
FEBRUARY 24, 2021  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; James Ralston; Mike Maniche; 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) 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**

**February 10, 2021**

Mr. Davis moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of February 10, 2021 as submitted and Mr. Maniche 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**

**Mikhail Megresh  
3046 Flossy Ct.**

**Roof deck addition/rear setback**

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
February 24, 2021**

Chairman Palmer stated the applicant did not cite practical difficulty numbers on the application for appeal and noted all items that were in the packet. Mr. Lucas said the Board could proceed forward even though the applicant did not cite practical difficulty.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Megresh, 3046 Flossy Ct., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Megresh said he moved from Big Turtle Condos and his dream was to have a nice home, patio and deck. He said when they built the home he did realize they would set the home so far back on the property until after the foundation was already poured. He said his neighbors' deck and patio is similar to what he is proposing. He feels his deck.

Chairman Palmer asked if the site plan provided was the same plan he was familiar with when he built the home and Mr. Megresh said yes, but he is not an architect and does not understand construction.

Chairman Palmer said this Board does not like to create a precedent setting variance. He said this variance is a 35% variance, which is a large precedent setting variance which they would have to defend in the future. He asked Mr. Megresh if he would be open to redrawing the plan with an 8' encroachment, which is a 20% variance. He said the 8' is a parallel line along the rear yard setback line and would give him other options as far as shape of the deck, and not just rectangular.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Terry Krane of J&H Construction, 356 E. 210<sup>th</sup> St., Euclid, OH 44123 was sworn in to speak for the appeal.

Mr. Krane said they could probably redesign the patio and make it smaller. Chairman Palmer said he is looking for the applicant to amend his variance request to have nothing more than an 8' encroachment from the rear yard setback (the dashed line on the site plan). Mr. Krane said they would stake the property and see what they can build.

Mr. Davis asked if the work has been started and Mr. Krane said no. There were no other questions from the Board members.

Mr. Krane asked about the covered deck and if they would be in compliance with the deck off the house at 19'6" or would the covered deck need to be considerably shorter. Chairman Palmer said the covered deck cannot go past the 8' encroachment. He said using that 40' rear yard setback line, draw a parallel line to that and that is 8' closer to 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.

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

Mr. Megresh expressed his displeasure for not being able to build his dream patio/deck. Chairman Palmer told Mr. Megresh they appreciated his investment in the city.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
February 24, 2021**

Mr. Megresh amended his variance request from a 14' rear yard setback encroachment to an 8' rear yard setback encroachment.

Mr. Maniche moved to grant a variance to C.O. 1131.06 to allow 32' rear yard setback instead of the allowable 40' rear yard setback; citing C.O. 1109.09(b) for the Megresh residence, 3046 Flossy Ct., Willoughby, OH 44094 and Mr. Ralston seconded.

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

**Motion Carried:    Approved**

**Daniel Rozelman & Amanda Snyder**  
1516 Arbor Dr.

**Roof over existing patio/rear  
setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 8 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. Rozelman, 1516 Arbor Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Rozelman said the back yard runs at a bias, so on one corner the encroachment is only 3'. He said this is from google maps and is a close measurement. The other corner, the edge of the structure is 37' away from the property line and the closed side would be 29'. His understanding of the 40' setback is to not encroach upon your backyard neighbors shared property line or to be in any buildable area that can be utilized. He said they live on a swale and their closest neighbor across is 24' at the perpendicular line and are significantly over the 40' setback, all the way up to 70-80' at the close end.

Chairman Palmer asked if the cement patio is encroaching the 40' setback. Mr. Rozelman said yes, it is and they had no problems with approval this past summer. His said his contractor obtained a permit. Mrs. Grinstead asked if he had a final inspection done and Mr. Rozelman said his contractor was supposed to handle all of that.

Chairman Palmer said he would ask Mr. Rozelman if he would like to table this. He said he heard the previous applicant and the Board offered an 8' variance and his request is similar and would treat it the same, regardless of the swale etc. Mr. Rozelman said the previous applicant had a shared property line and they are not encroaching on anyone's property at all. He asked what the intent of the 40' setback rule is. Chairman Palmer said the ordinance does not say it has to be a shared property line, it just says property line and has to be 40' off that property line. Mr. Lucas, Esq. said it is a fairly standard setback for a rear yard.

Chairman Palmer said Mr. Rozelman has to option to have the Board vote on his appeal as requested, table his appeal, or draw a line 8' parallel to that 40' rear setback and confine the structure to that setback, since the cement patio may or may not be in compliance.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
February 24, 2021**

Mr. Rozelman asked if he would be able to be at 32'. Chairman Palmer said as long as they can maintain no more than an 8' encroachment. Mr. Rozelman said they poured footers in the patio to support a future roof addition. He said he will take his chances and have the Board vote on what was originally proposed.

Mr. Ralston said, looking at the satellite photo submitted, the concrete patio looks smaller than the structure he is requesting. Mr. Rozelman said it basically the same size. The patio in the rendering is the old patio that was removed and replaced.

Mr. Ross wanted confirmation that the new poured patio is 18' in depth off the home and 24' wide, and Mr. Rozelman said yes.

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

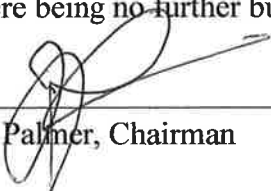
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.06 to allow a 29' rear yard setback instead of the allowable 40' rear yard setback; citing C.O. 1109.09(b) for the Rozelman & Snyder residence, 1516 Arbor Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

**Motion Carried:    DENIED**

There being no further business the regular meeting closed at 7:51 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary