

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MARCH 23, 2022
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Ross; Phil Davis; Bruce Shade; Joe Palmer, Chairman

ABSENT: Mike Maniche; Vicki Grinstead, Secretary

OTHERS: Mike Lucas, Law Director; Maria Tomaselli

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 the applicant, Mr. Filipkowski is he wished to proceed with his appeal with only four members present and he said yes.

MINUTES

January 26, 2022

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of January 26, 2022 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

**Chagrin Mill Farm Subdivision
Bald Eagle Lane
(Rep.-Keith Filipkowski, Pulte Homes)**

**New homes/lot width at
proposed setback**

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 23, 2022**

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 anyone wished to speak for this appeal. Mr. Filipkowski of Pulte Homes, 387 Medina Rd., Medina, OH 44256 was sworn in to speak for the appeal.

Mr. Filipkowski said they are asking for all twelve homes to be at a 52' width instead of the required 60'. He said he presented the board two site plans, one showing the 60' width and one with the 52' width. He said on the 60' exhibit most of the homes are forced abruptly back onto the lots so literally one home is in front of the next. He said as far as streetscape, it does not lend itself to a well programed community layout. He said it also severely limits the use of the backyards of the homes. He said most, if not all, homes will be positioned right up against the rear building setback or drainage easements. He said it would prohibit them from offering homes with more square footage.

Mr. Filipkowski said the 52' exhibit would allow them to maintain their building separation requirements. He said they have solved a lot of the practical difficulties with the proposed streetscape exhibit.

Chairman Palmer asked why they did they not reduce the number of lots, so they could fit the homes into this development. Mr. Filipkowski said the plat had already been established, streets are in, and the infrastructure is already installed.

Mr. Davis said he wondered why did not refile for a plat that would fit the design of these homes. Mr. Filipkowski said he is not the developer, he is the builder, but through the process there was extensive discussion about the way the road curvature winds through the community. This winding road is what was preferred and with that came irregular or unique shaped lots which did not lend itself appropriately, in these twelve cases, to capture the spirit of what was intended in the R-60 code.

Mr. Rick Sommers, 10585 Sommerset Dr., Chardon, OH was sworn in to speak for this appeal.

Mr. Sommers said they are the developers. He said they did not know this would be an issue at the time this was proposed. He said they originally proposed many more lots (71), but at the recommendation of Planning Commission they reduced the number of lots to forty-seven including the model home. They also worked on making the road a curved road and not a straight drag strip style. He said even though this is an R-60 development many of the lots, especially in the back right corner (S/L 26, 27 & 28) are almost an R-100 and they are well over the 9,000 sq. ft. required under the R-60 zoning code. He said to obviate this now with all of the improvements in such as sewers, light poles etc. would be a hardship. This would also benefit the adjacent neighbors because there will be more separation due to larger rear yards.

Chairman Palmer said he did not understand how this did not get caught before it got this far. Mr. Sommers said it could have been overlooked by both the city and his engineers. He said this had been reviewed over many meetings and discussions over a six-to-eight-month period.

Mr. Filipkowski said the city has no objections and thinks this is a practical solution to what they are requesting. Chairman Palmer said the Staff Report says the Building Department has no objections.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 23, 2022**

Mr. Davis asked if the original 71 homes presented met the R-60 zoning code. Mr. Sommers said it was almost a year ago. He said they were granted an R-60 classification for the subdivision but almost all the lots were closer to the R-80 requirements. Mr. Davis asked if the original zoning was R-100 and Mr. Sommers said yes it was.

Mr. Shade asked if any of these lots would be considered premium. Mr. Filipkowski said yes, but it is an ongoing consideration, but it is a one fee contract for the total investment (home and lot sold as one unit). The homes will be different as far as size, configuration etc.

Mr. Davis's concern is that future homeowners may have issues for items constructed in their rear yards that will require variances due to the irregularly shaped yards that they may not be aware of at the time they purchase their homes. He was also concerned about parking.

Mr. Sommers said the road is four feet wider than the code requires. He said most of the homes will be able to park at least six cars in the drive and garage.

Mr. Ross said he reviewed this carefully and the developer could have constructed 71 homes and it would not have been desirable. He also appreciated the curvature of the road which will look aesthetically pleasing. He feels this is a small variance and looking at it from street level it will seem insignificant.

Mr. Shade asked the width of the driveways. Mr. Filipkowski said they typically are 16'w but do offer a wider option of 18'w. There was a brief discussion on driveway sizes.

Mr. Lucas explained the process of subdivision approvals to the BZA board members. City Council ultimately reviewed and approved the rezoning along with this subdivision plan.

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.

Mr. Greg Patt, 38005 Brown Ave., Willoughby, OH 44094. Mr. Patt said he has sat on various boards within the city. He agrees this is a difficult property and also agrees the winding street is a good idea. He thinks they could lose one less lot on the cul-de-sac and design it the way it was intended. He said they may or may not have known about this issue from the beginning. He said this is a glaring mistake that should be rectified with the engineer that laid this out.

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

Chairman Palmer asked if there was anyone in rebuttal.

Mr. Sommers said he is testifying under oath that they did not know this would be an issue until last part of the approval and planning processes. This was vetted by their engineer and the city engineer and there was no deceit or fraud. He said he understands the comment they could lost one lot but does not solve the issues with the other eight lots but does not think it would be practical at this time.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
March 23, 2022**

Chairman Palmer asked if there was anyone else in rebuttal and there was no one.

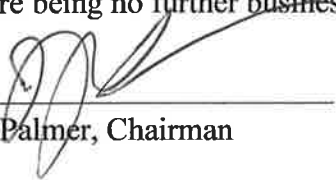
Mr. Shade moved to grant a variance to C.O. 1131.05(b) to allow a non-conforming width of 52' instead of the required 60'; citing C.O. 1109.09(b) for 12 new homes within the Chagrin Mill Farm Subdivision, S/L #9, 10, 11, 18, 19, 26, 27, 28, 29, 37, 38 and 43 located on Bald Eagle Lane, Willoughby, OH 44094 and Mr. Ross seconded.

Mr. Davis said he feels uncomfortable with this being new construction. Mr. Ross said he does not know who dropped the ball on this development, but it would be a significant financial hardship to move all the improvements at this time. Chairman Palmer said the variance request is reasonable even though it is for twelve homes.

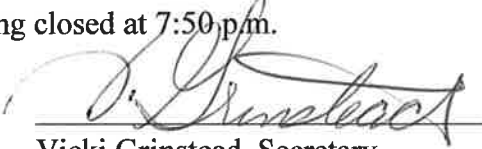
ROLL CALL: Yeas: Mr. Ross; Mr. Shade; Mr. Palmer, Chairman
 Nays: Mr. Davis
 Absent: Mr. Maniche

Motion Carried: Approved

There being no further business the regular meeting closed at 7:50 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary