

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JUNE 23, 2021
PUBLIC HEARING MEETING
MINUTES**

PRESENT: James Ralston; Mike Maniche; Mike Ross; Phil Davis; 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 participant 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 appeal. 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

June 9, 2021

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of June 9, 2021 as submitted and Mr. Ross seconded.

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

Motion Carried: Approved

OLD BUSINESS

Benjamin Swindell
38872 Comanche Trail
Willoughby, OH 44094

Recreational Vehicle

Mr. Ralston moved to untable the appeal for the Swindell residence, 38872 Comanche Trail, Willoughby, OH 44094 and Mr. Ross seconded.

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

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Motion Carried: Untabled

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 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. Swindell, 38872 Comanche Trail, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Swindell presented a letter in favor of this appeal from Constance and Robert Hillyer dated June 7, 2021 (Exhibit "A"). Mr. Swindell said he purchased a used bus from LakeTran and is converting it into an RV. He said it is currently parked in his driveway. The issue is next to the driveway on the right-hand side, facing the house, there is a steep decline, and it leads to a swampy area. He said further back is a fence that was previously installed, and it would have to be cut out and a 10' gate installed. He said removing the fence is not an option because he has a dog. He said there is also a rather large shed that would not be easy to move. He also cannot move it back farther because it would encroach on the airport's property. He said he would like to use the converted RV for either work or recreation and would need to pull it out during the day. He said he has a double lot and would be willing to add an extension onto his driveway. He spoke with his neighbor, and he has no issues with the location of the RV. Chairman Palmer informed Mr. Swindell these types of appeals are generally not granted. Mr. Swindell gave examples of other RV's etc. in his neighborhood. Chairman Palmer said they are unaware if these neighbors have been approved by the city or just have not yet been cited for noncompliance.

Chairman Palmer said if he cannot modify the fence and install a gravel pad in the backyard, then the other possibility could be a storage unit. Mr. Swindell said he cannot afford to store it. Mr. Swindell asked Mr. Palmer why these appeals do not generally get approved. Chairman Palmer said because it would open the door for many other appeals and the city does not want large commercial vehicles, boats etc. in front yards. It should be behind the home.

Chairman Palmer read into the record a letter in favor of this appeal from Constance and Robert Hillyer dated June 7, 2021 (Exhibit "A").

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 approve the appeal for the Swindell residence, 38872 Comanche Trail, Willoughby, OH 44094 to C.O. 1131.10(f) to allow a recreational vehicle in the front yard instead of the allowable rear yard; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

Motion Carried: Denied

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NEW BUSINESS

Kathleen & Jeffrey Steinmetz
38505 Fairway Glenn Blvd.

Roofed deck

Chairman Palmer stated the applicant cited practical difficulty number 2 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. Jeffrey Steinmetz and Mrs. Kathleen Steinmetz, 38505 Fairway Glenn Blvd., Willoughby, OH 44094 were both sworn in to speak for the appeal.

Mrs. Steinmetz said her main hardship is her husband's health. She explained his condition to the Board and said he cannot be in the sun and that is the main reason for the covered deck. She said she knows they could use a patio umbrella, but her neighbors have had significant high winds which have destroyed their umbrella, or they have blown away and this is why they would like something structurally sound. Mr. Steinmetz said they are making a significant investment with this project which will also add value to their home.

There was discussion as to whether they were measuring to the roof line and not the steps and it was determined it was the roof line. Chairman Palmer said could just shorten the roof by 3' and leave the deck where it is, and they agreed.

Chairman Palmer asked the Steinmetz's if they would be comfortable with a 32' setback instead of the requested 29.83' setback. Mrs. Steinmetz amended her request to a 32' setback instead of the original 29.83' setback.

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 for the Steinmetz residence, 38505 Fairway Glenn Blvd., Willoughby, OH 44094 to C.O. 1131.06 to allow an amended 32' rear setback instead of the allowable 40' setback from the rear lot line; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

Motion Carried: Approved

Terri Foote
38550 Fairway Glenn Blvd.
(Rep- Ryan Bell, Great Day Improvements)

Patio addition

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Chairman Palmer stated the applicant cited no practical difficulty numbers 1, 3 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. Bell of Great Day Improvements, 700 E. Highland Rd., Macedonia, OH 44056 agent for Ms. Foote, 38550 Fairway Glenn Blvd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Bell said due to the design of the room it is very difficult to bring this back any further. The house was basically built on the rear setback. He said his client does not currently have steps, a landing, or a deck. He said to add any of these items in the future would automatically put her into the rear setback. His client backs up the golf course and would like a better view because she currently only has a view through an entry door.

Chairman Palmer said he is a half a foot over what they would normally grant and asked if Mr. Bell would like to amend his appeal to a 32' setback. Mr. Bell said he believed his client would be able to live with this amendment. He said he believes they have the ability to make the window smaller but would like to keep the standard 6' sliding door. Mr. Bell requested to amend his variance request from the 31.5' rear setback to a 32' rear setback.

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 for the Foote residence, 38550 Fairway Glenn Blvd., Willoughby, OH 44094 to C.O. 1131.06 to allow a 32' rear setback instead of the allowable 40' rear setback; citing C.O. 1109.09(b) and Mr. Ralston seconded.

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

Motion Carried: Approved

Chairman Palmer called a recess at 7:33 p.m. The meeting was called back to order at 7:35 p.m.

Willowgrove Apartments
37411 Grove Ave.
(Rep.- James Vacey, Signature Sign Co.)

Signage

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. James Vacey of Signature Sign Co., 1776 E. 43rd St., Cleveland, OH 44103 agent for Willogrove Apartments, 37411 Grove Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Vacey said he is here tonight to seek approval for an additional 4.3 sq. ft. for new signage on the new rec center at the Willogrove Apartments. He said the sign size is appropriate for the size of the building where the letters will be installed. He said there is no conflict with other businesses because there are none close, nor are there any residences close. The center is surrounded by apartments. He does not believe any of the residents can see this sign from their homes.

Mr. Davis asked if the building faces the street or is it set back. Mr. Vacey said it sits back and referred to the plans submitted.

Chairman Palmer asked how the frontage was configured. Mr. Lucas said the area is computed under C.O. 1163.04(a)(3) and explained it to the Board.

Mr. Ralston asked if the individual letters are mounted directly to the siding and Mr. Vacey said yes, the letters are set off 2" and are LED illuminated.

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 for Willogrove Apartments, 37411 Grove Ave., Willoughby, OH 44094 to C.O. 1163.05(b) to allow a 10.3 sq. ft. of signage instead of the allowable 6 sq. ft. of signage; citing C.O. 1109.09(b) and Mr. Ralston seconded.

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

Motion Carried: Approved

Katelyn Rowe
5116 Karen Isle Dr.

Fence

Chairman Palmer stated the applicant cited no practical difficulty numbers 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. Ms. Rowe, 5114 Karen Isle Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

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Ms. Rowe said the reason they are seeking a 6' solid vinyl fence is they would like some privacy, but the main reason is their neighbor. They have been in touch with the city several times regarding metal and scraps that accumulate in their yard. She said they have been in court several times but does not deter them from continuing to collect these items. It is an eyesore, and they would like to enjoy their back yard without seeing the neighbor's items. She said the neighbors have no objections to this fence.

Chairman Palmer asked her if she has considered a shadowbox fence. Ms. Rowe said yes, but you can still see through them. She said they have also considered the fences with the lattice on the top, but they are only 5' in height and you can still see over into the neighbors yard.

Chairman Palmer said the Board does not like to set a precedent to approve solid fences. Ms. Rowe said there are two other fences in her neighborhood of this type. Chairman Palmer said he is unaware if her neighbors have sought approval from the Board or the Building Department is not aware of these fences.

There was more discussion of other types of fences that are allowed, but Ms. Rowe said she prefers to go for the 6' high solid fence.

Mr. Davis wishes to abstain from this vote since his home is within the 300' radius of notification. He said he would also like to clarify that this fence does not enclose the yard, but simply the lengths provide a visual barrier. Ms. Rowe said yes, it will be from the front of the garage to their side door and referred to her rendering.

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 for the Rowe residence, 5116 Karen Isle Dr., Willoughby, OH 44094 and to C.O. 1131.10(i)(3)C and allow a 6' solid fence with no opening instead of the allowable 1/4" opening or open lattice fence; citing C.O. 1109.09(b) and Mr. Ralston seconded.

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

Motion Carried: Denied

Janice & Lynn Bleckert
37915 Barber Ave.
(Rep.- Don Denny Sr., Enterprise Title Agency)

Lot Line Adjustment

Chairman Palmer stated the applicant cited practical difficulty numbers 3, 4, 5, 7 and 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. Mr. Donald J. Denny Sr., 7465 Mountain Quail Place, Painesville, OH 44077 of Enterprise Title, agent for Mr. and Mrs. Bleckert 37915 Barber Ave., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Denny, Sr. gave the Board a hand drawn plan that he put together at the time of the listing of the home (dated 6/23/21, Exhibit "A"). He said they tried to determine what the best course of action and the highest and best use is for this property. He said there were three legal descriptions describing their parcels. He said Mr. Bleckert purchased the rear parcel and referred to Exhibit "A" and is a rectangular piece of land. Mr. Denny, Sr. apologized and said this was his error that the deed was filed without obtaining the city's approval. He takes full responsibility and is here tonight to work together. He said Mr. Bleckert bought that rear parcel to house a second garage. The second garage was to be used by 37911 Barber Avenue. He said 37915 Barber Avenue was serviced by a garage which can be seen on the aerial photos presented. He said they have closed on 37911 Barber Ave. and have a contract on 37915 Barber Ave. The best use of both properties for resale was for each to have its own garage. They hired a surveyor but missed the step of city approval. They are subtracting some square footage from 37915 Barber Ave. but only to benefit 37911 Barber Ave. and they are both nonconforming. He is asking for approval of this variance and will do what they need to do to satisfy the county records as well.

Mr. Davis asked how they determine what the lot shifting would be. Mr. Denny, Sr. said it is an extension of the subdivision lines. These are two old sublots. They extended the existing lot line back to the rectangular piece. Mr. Davis said there are other encroachments on this property and does this right any of these other encroachments. Mr. Denny, Sr. said no they all will remain.

Mr. Ross said there are a lot of nonconforming lots in this area and Chairman Palmer agreed. Mr. Maniche said this is truly a hardship.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. David Sarosy, 38262 Wilson Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Sarosy said he is the new owner of 37911 Barber Avenue. At the time of purchase, they were under the impression this part of the property was included. There were survey stakes out there that showed where the lines were. He said, until today, he had no idea there were three separate lots. He said Mr. Denny, Sr. gave him this information. He said they would not have paid the price they did if the garage was not included. They had plans to stay at the Wilson Ave. home and do an addition with a garage. He said while this garage does not allow them to park their cars, it affords them much needed storage. The garage matches his home at 37911 Barber Ave. and is in favor of this lot line adjustment.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mrs. Janice Bleckert, 37915 Barber Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Bleckert said these garages are not new. They were built in the early 1920's. The garage was moved from 37915 Barber Ave. to 37911 Barber Ave., and this is the reason for the split.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mrs. Kerry Sarosy, 38262 Wilson Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

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Mrs. Sarosy wanted to reiterate what her husband said in his prior testimony. They have been in Willoughby for seven years and would like to stay long-term. They purchased this home based on the back lot being included and everything presented to them showed that was the case.

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.

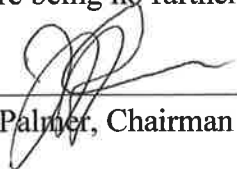
Mr. Maniche moved to grant a variance for the Bleckert residence, 37915 Barber Ave., Willoughby, OH 44094 to C.O. 1131.05 to allow a lot line adjustment with continuing nonconforming lots per the site plans that were submitted, instead of the allowable 8,400 sq. ft. or .1925 acres; citing C.O. 1109.09(b) and Mr. Ralston seconded.

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

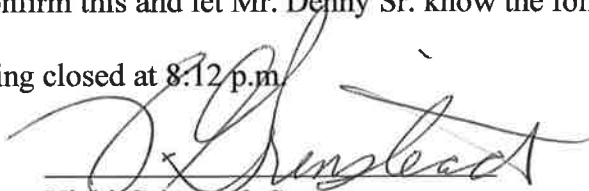
Motion Carried: Approved

Mr. Lucas said he believes this lot line adjustment does not have to go before the Planning Commission and can be approved administratively. He said he will confirm this and let Mr. Denny Sr. know the following day.

There being no further business the regular meeting closed at 8:12 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary