

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
FEBRUARY 26, 2025
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Mike Maniche

OTHERS: Mike Lucas, Law Director; Vicki Grinstead, Secretary

Chairman Palmer called the regular meeting to order at 7:05 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 informed the applicants that there are only four of the five members present this evening and both applicants wished to proceed.

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February 12, 2025

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for February 12, 2025 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

This item remains tabled per the applicant's request.

David L. Kenny
1062 Mohegan Trail

Accessory parking/driveway

Board of Zoning Appeals

**Election – 2025
Chairman
Vice Chairman
Secretary**

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Mr. Ross moved to untable the BZA Election of Officers for the year 2025 and Mr. Davis seconded.

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

Motion Carried: UNTABLED

Mr. Ross moved to nominate Joe Palmer as Chairman of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded. There were no other nominations for Chairman.

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

Motion Carried: APPROVED

Mr. Ross moved to elect Joe Palmer for Chairman of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Mr. Palmer moved to nominate Mike Ross as Vice Chairman of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded. There were no other nominations for Vice Chairman.

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

Motion Carried: APPROVED

Mr. Palmer moved to elect Mike Ross for Vice Chairman of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded.

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

Motion Carried: APPROVED

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Mr. Palmer moved to nominate Mrs. Grinstead as Secretary of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded. There were no other nominations for Secretary.

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

Motion Carried: APPROVED

Mr. Palmer moved to elect Mrs. Grinstead for Secretary of the Board of Zoning Appeals for year 2025 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Stephen Daniels

New home

Poplar Dr./PPN#27-B-050-E-01-005-0

Mr. Ross moved to untable the appeal for the Daniels residence, Poplar Dr./PPN#27-B-050-E-01-005-0, Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: UNTABLED

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 8 & 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. Daniels, 38010 Tamarac Blvd, Willoughby, OH 44094 for the property located at Poplar Dr./PPN#27-B-050-E-01-005-0, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Daniels said in his packet he highlighted all the homes that have a 40' setback. A few have less than 40' and some 60' setbacks. He explained because of the way the land was split he was originally going to construct a ranch style home but did not have the depth so he constructing a 2-story home. The property is low and there will be a significant drop off down to where the creek is. He provided a study done for the creek to see what options he had to possibly reroute the creek. The study returned two options; one to grade around the creek bank which would require permits for the Army Corps of Engineer and could take up to a year and is expensive. This would also decrease the size of his back yard. He said he researched the Ohio requirements for steepness of hills

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for residential properties and grading of 15-20% is considered steep. The Willoughby Ordinances say anything over 20% gradient is considered a steep slope and there are special requirements. His concern is the steep slope heading toward the creek with this being a family home with not much of a rear yard. He believes because of the creek this lot has remained empty for twenty years. When he purchased the land he thought he was allowed to have a 40' setback when he looked at the R-60 zoning requirements. He did not know there was a local plan that had a different setback requirement for the whole subdivision. His request is to be at a 40' setback is keeping with most of the subdivision.

Mr. Davis said it looks like he has owned the property for four years and asked who he purchased the property from. Mr. Daniels said yes, it has been four years, and Mr. Severino, who lives next door. Mr. Davis asked if he tried to acquire the adjacent lot next door. Mr. Daniels said he tried but it was too expensive.

Mr. Ross wondered why it was not conveyed to Mr. Daniels when he purchased the lot that it would have challenges if it were to be built upon.

Mr. Daniels said the creek flows at a normal pace but when there is a heavy rain the creek fills up and is worried about flooding (referenced in photos submitted). Mr. Ross asked if there was any land disclosure given to Mr. Daniels at the time of purchase. Mr. Daniels said not that he recalls. He said his main concern is if the culverts get blocked then the water would rise. Mr. Davis asked if Mr. Daniels retained the consulting firm that did this study and Mr. Daniels said yes.

Chairman Palmer asked if he would still plan on doing the creek regrading if he constructs this home and Mr. Daniels said yes. Chairman Palmer asked if there had been any discussion of burying the creek with tunnels. Mr. Daniels said Land Solutions never suggested that.

Mr. Daniels said if he put the home at a 47.5' front setback it would not stand out as much as the neighbors 60' setback. It would then be at an 18% grade which is still approaching steep but it is a compromise.

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. Larry Severino, 38038 Popular Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Severino said he lives right next door to Mr. Daniels and has lived there for thirty years. He said he put the road in and all the houses on Poplar are 60' lots with 40' setbacks. The lots are 100x200 and he has a 15' backyard with the creek in the rear. He said there is only 6' of creek in Mr. Daniel's back yard. He has spoken with the Army Corps of Engineers and they said no permit would be necessary to straighten out the curve in the creek if it improves the flow of the water. He would do this for Mr. Daniels free of charge and would only take him one hour to complete it. He said in 2006 there was a 500 year rain event and this creek has never flooded any of these yards. The slope Mr. Daniels is talking about is existing because the lot is low and has to be built up. He said to put this house at a 40' setback would block his and the neighbors views down the street. He said he has seen Mr. Daniels' plan and the storm sewer from his yard drains etc. goes to the middle of his back yard and the sewer stops short, and does not go to the creek, which means it will flood his yard. The lot next door which he owns and will build on will be setback 60'. He is against this because it is non-conforming and he has plenty of space to build.

Mr. Davis asked Mr. Severino principal opposition to this proposal if this house were 47.5' off the frontage. Mr. Severino said his house and the other three are all 60'. Mr. Davis said the homes on the cul-de-sac are not close to 60'. Mr. Davis said his concern is an aesthetic concern. Mr. Severino said yes because it non-conforming to the rest of the street. Mr. Davis said not the rest of the street but just a few lots. When you have a blend of setbacks he believes some flexibility is appropriate especially since Mr. Severino sold the parcel to Mr. Daniels.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Michelle Fish, 38010 Popular Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Fish said she does not Mr. Daniels is being unreasonable and welcomes him to the neighborhood. Her concerns are the property values and the continuity of the neighborhood. She said this home being so far forward will obstruct the view for all the other neighbors. The purpose of regulations are to keep this things consistent. She does understand Mr. Daniels' concerns with the backyard because they had to use a number of dump trucks with fill dirt to build up the grade of their backyard.

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 who wished to speak for this appeal in rebuttal. Mr. Daniels said Mr. Severino said it has not flooded in years but it still could. If the culvert is blocked it could flood after a heavy rain. He does not believe he will be spoiling any views because Mr. Severino has trees between his lot and Mr. Severino's and had a couple examples of other homes. He said the storm sewer in his rear yard goes into a rip rap and not emptying into the yard. Mr. Davis asked if he would be willing to amend his request to 47.5'. Chairman Palmer said he could possibly work out a compromise with Mr. Severino to straighten out the creek after confirming no permit would be needed with the Army Corps of Engineers. Mr. Daniels requested an amendment to his variance from 40' to 47.5' for the front setback.

Chairman Palmer asked if there was anyone who wished to speak for this appeal in rebuttal and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal in rebuttal. Mr. Severino asked if Mr. Daniels is worried about flooding or having more of a backyard and Chairman Palmer said both. Mr. Severino said the sewer water will overflow the rip rap and will have to be cleaned out occasionally. The culverts under the road, previously mentioned are maintained by the city.

Chairman Palmer asked if there was anyone who wished to speak against this appeal in rebuttal and there was no one.

Mr. Yutzy moved to grant a variance to C.O. 1109.04(k) and allow a 47.5' front yard setback, creating an encroachment of 12.5' instead of the allowable 60' minimum front yard setback; citing C.O. 1109.09(b) for the Daniels residence, Poplar Dr./PPN#27-B-050-E-01-005-0, Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

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NEW BUSINESS

Matthew Neath
4333 Kirtland Rd.

RV in side yard

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3 & 8 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. Neath, 4333 Kirtland Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Neath said there are obstacles in the way, preventing him from getting the camper in the rear of the property. He does own the lot to the south which butts up against the freeway. There are renderings showing the large tree, the angle of the property and the house which prevent him from moving the camper to the rear of the property.

Chairman Palmer said this property is on the east side of the road. He asked Mr. Neath if he considered any type of screening, such as a fence to prevent traffic from seeing it from Kirtland Road. Mr. Neath said it may be in the way. He has power line poles that are low which prevents him from putting it in the driveway. He does have the camper on a gravel drive on the side of the home. He said a fence would only block half of the camper. Mr. Davis said he did not think this would look aesthetically pleasing because the camper would be considerably higher than the fence. He understands he is next to the freeway but they have rejected a number of RVs.

Chairman Palmer said this type of request comes before the board quite a few times a year and is similar to his request with no access to the backyard. The only difference is he is next to a freeway. He asked if he considered any of the RV storage facilities. Mr. Neath is in law enforcement and does not trust that type of facility with break-ins, thefts etc.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Terry Hinkle, 4318 Kirtland Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Hinkle said he lives across the street from Mr. Neath. He said if you are driving north on Kirtland Road there is a freeway wall and you cannot see the camper until you are right at the house. Cars continuously speed down this street and feels the city's time would be better spent addressing this issue. He does not feel the camper is offensive.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Justin Hinkle, 4322 Kirtland Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Hinkle said he also lives across the street and has no issues with Mr. Neath's camper. He worked hard to get it into the spot it is in and onto a gravel pad.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Ms. Laurie Williamson, 4294 Amy Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

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Ms. Williamson said the speed limit is 25 mph and agrees cars do not always obey this speed limit. She feels the camper, where located, is unsightly. She said you cannot miss it because there is not a house next to it that would hide it and wishes they could block it from view.

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 else who wished to speak against this appeal (x3) and there was no one.

He asked if there were any other comments or questions for the board and there were none and closed this hearing.


Mr. Yutzy moved to grant an appeal to C.O. 1131.10(f) to allow an RV to park in a side yard instead of the allowable rear yard parking on a paved or gravel surface; citing C.O. 1109.09(b) for the Neath residence, 4333 Kirtland Rd., Willoughby, OH 44094 and Mr. Davis seconded.

There was a brief discussion whether this would be precedent setting and the board decided it would be.

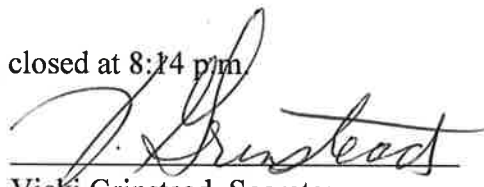
ROLL CALL: Yeas: Mr. Davis
 Nays: Mr. Yutzy; Mike Ross; J. Palmer, Chairman
 Absent: Mr. Maniche

Motion Carried: DENIED

There being no further business the regular meeting closed at 8:14 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary