

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
OCTOBER 23, 2024
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Yutzy; Mike Ross, Vice Chairman
ABSENT: Mike Maniche; Joe Palmer, Chairman
OTHERS: Mike Lucas, Law Director; Vicki Grinstead, Secretary

Vice Chairman Ross called the regular meeting to order at 7:00 p.m.

Vice Chairman Ross 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. Vice Chairman Ross advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Vice Chairman Ross 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.

MINUTES

October 9, 2024

Mr. Yutzy moved to approve the Board of Zoning Appeals public hearing meeting minutes for October 9, 2024 as submitted and Mr. Davis seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Carlos Irizarry
956 Windermere Dr.

Addition

Mr. Yutzy moved to table the variance to C.O. 1167.02(b) and 1131.06(b)(1) for the Irizarry residence, 956 Windermere Dr., Willoughby, OH 44094, per the applicant's request, and Mr. Davis seconded.

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

Motion Carried: TABLED

Willoughby Police Station

37733 Euclid Ave.
(Rep.- Brian Hennies, Richard L. Bowen & Associates)

Additions to existing bldg.

Vice Chairman Ross stated the applicant cited practical difficulty numbers 2, 3 & 7 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Hennies of Richard L. Bowen & Associates, 2019 Center St., Cleveland, OH 44113, agent for the Willoughby Police Station, 37733 Euclid Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Vice Chairman Ross asked Mr. Hennies if he wished to proceed with only three of the five members present and Mr. Hennies said yes.

Mr. Hennies said regarding the landscaped open space, the requirement is 40% and they are coming in at 37.4% but despite this, they are increasing the impervious area of the site. They are significantly improving the storm water run-off. They will have an underground storm water management system. There is currently no water retention in place. They will slowly be allowing the water to infiltrate onto the property, which is an E.P.A. requirement. The 2.6% equates to approximately 3,000 sq. ft. and feels it is fairly negligible in the grand scheme of it being an improvement to the property.

Mr. Hennies said he would like to address the building setbacks on both the east and north sides. The east side for the jail the setback required is 40'. They knew coming into this project they would need to add on to the property; both for the jail and the firing range. They are both structures which cannot be accommodated within the existing building. They knew they would encroach, so they looked for the most appropriate places for them. The jail does encroach but they are not going beyond the existing east or north boundary of the building. It is important for it to be located here because it is adjacent to spaces within the building such as the sallyport, evidence, patrol etc. The size is what the police department feels will work for them. The firing range is a long structure and was a challenge to place on the site where it would encroach the least, not disrupt the circulation of the site and not to disturb the existing utilities. It will be constructed in the rear of the property, but there are no existing structures there, and felt this was the most appropriate location. The firing range is at the minimum square footage they can have as far as length. They also have a storm shelter that is in this area as well. He said they are encroaching but are trying to make each structure as tight as possible.

Mr. Hennies said he would like to address the parking. He said on the east side of the property where it is 12.7' is an existing parking lot and they will not be doing anything with that. It would be the same on the west end of the property; there are three new parking spaces. If they had to lose these to conform they would have to speak with the WPD because these is also public parking numbers they are trying to incorporate. On the north side they

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are developing a little bit into that setback. The number of parking spaces was closely looked at for design because it is for patrol for the secure side as well as the public side.

Mr. Davis asked about the sallyport and parking compliance. Mr. Hennies explained that the bump out on the rendering is what is causing the need for the 17.2' variance. The plan is compliant with parking requirements.

Vice Chairman Ross said they maximized the lot with the chosen design. Mr. Hennies said they have an efficient floor plan for each of the additions.

Mr. Davis asked if fencing is envisioned for this project. Mr. Hennies said yes, it was approved through the Design Review Board. It will be installed around the secure parking lot. Mr. Lucas said they will be before the Planning Commission tomorrow which will entail, in part, the fencing.

Vice Chairman Ross said he assumes precautions were taken to reduce the sound for the firing range. Mr. Hennies said yes, not only from the building construction itself; fully grouted concrete and spray foam insulation on the interior for acoustical sound. They also have acoustical baffles as part of the range equipment. They have done testing on these types of facilities and would be happy to provide the results. It is a muffled sound, even within 10-12' of the structure.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mayor Robert Fiala, 4372 St. John's Bluff, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mayor Fiala said the administration is in support of this project and the variances. He said there are two important items for the landscaping portion of the project; one is they are transferring a fallen officer memorial over to the new site which will consume some of the front grassy area. They also added a row that connects the back secure parking to Euclid Avenue. This is for police vehicles to have quicker access to get to Euclid Avenue if they need to avoid the side street. If they eliminate one or both of these items they could meet the landscape requirements, although the safety concern outweighs the small percentage points of required landscaped area. Secondly, at least one of the setbacks matches the existing building and does not really effect the north side of the site. He said this is an unusual building, and as far as parking, they are not just accommodating the public but the public, the employees, an impound lot and a fleet of police vehicles, so they need every available parking space.

Mayor Fiala said in regard to the firing range, it will be tucked into the hillside, so there is a grade differential there, and this also helps to mitigate the sound.

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

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

Mr. Yutzy moved to grant a variance to C.O. 1167.02(b) and 1141.04(c) and allow an open landscape space of 37.4% of the lot area, creating a deficit of 2.6% instead of the allowable 40%; citing C.O. 1109.09(b) for the Willoughby Police Station, 37733 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Mr. Yutzy moved to grant a variance to C.O. 1141.05(2) and allow a front yard setback of 17.2' creating a deficit of 22.8' and a rear yard setback of 20.2' creating a deficit of 19.8' instead of the allowable 40' front setback and 40' rear setback; citing C.O. 1109.09(b) for the Willoughby Police Station, 37733 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Mr. Yutzy moved to grant a variance to C.O. 1141.06(b) and allow a side and rear yard setback of 12.7' and 12.5' on the east and west sides creating deficits of 2.3' and 2.5' instead of the allowable 15' when adjacent to a non-residential district; citing C.O. 1109.09(b) for the Willoughby Police Station, 37733 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Mr. Yutzy moved to grant a variance to C.O. 1141.06(c) and allow a rear yard setback for parking of 15.8' creating a deficit of 4.2' instead of the allowable 20' when adjacent to a residential district; citing C.O. 1109.09(b) for the Willoughby Police Station, 37733 Euclid Ave., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Richard & Denise Serio
38875 Sunset Dr.

Accessory bldg.

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1 & 4 on the application for appeal and noted all items that were in the packet.

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Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Richard Serio, 38875 Sunset Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Serio said they are business owners in Willoughby and wanted to be closer to their business. They have three lots and their original intention was to sell one of the lots but realized they did not have much of a back yard, so instead of having another house there, they would add on a kitchen and have some green space. They have made their kitchen slightly larger so they can add some items they feel are necessary. He said the extra forty feet will make a big difference. He said they are approximately 22' from the neighboring yard. They have plans to landscape both sides with rows of arborvitae. He presented the board pictures of the landscaping of their previous home. These will shield the entire structure from the side and they will also install a landscape island in the front that will shield the building from the street.

Mr. Davis said in the rendering presented there is a rectangular shape that represents the proposed kitchen. He said, on the rendering, there are no dimensions indicating how far away this is from the property line. Mr. Serio said it is a fine line on the drawing and is 22'.3". Mr. Davis asked if there was a reason he could not do 30'. Mr. Serio said they would like some green space. The kitchen addition also has two glass garage style doors; one that faces the lake and one that faces the house and they want to be able to open them up in the summer to utilize the space as an outdoor kitchen.

Mr. Davis asked how far are they from the neighbors property. Mr. Serio said approximately 12-15' to the property line.

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

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

Mr. Yutzy moved to grant a variance to C.O. 1131.10(a) and 1131.10(d)(3) and allow a side yard location for an accessory building and allow the building to be 240 sq. ft. exceeding the allowable by 40 sq. ft. instead of the allowable rear yard only location and 200 sq. ft. maximum; citing C.O. 1109.09(b) for the Serio residence, 38875 Sunset Dr., Willoughby, OH 44094 and Mr. Davis seconded.

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

Motion Carried: APPROVED

Thomas Kaselonis
38594 Adkins Rd.

RV in side yard

Vice Chairman Ross said the applicant has resolved this issue and is asking to have this appeal permanently tabled.

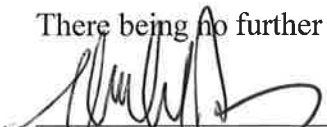
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Mr. Yutzy moved to permanently table the application for the Kaselonis residence, 38594 Adkins Rd., Willoughby, OH 44094, per the applicant's request, and Mr. Davis seconded.

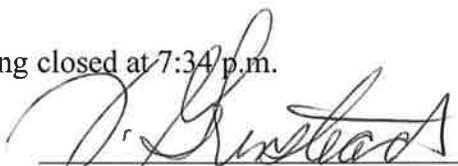
ROLL CALL: Yeas: Mr. Yutzy; Mr. Davis; Mike Ross, Vice Chairman
 Nays: None
 Absent: Mr. Maniche; J. Palmer, Chairman

Motion Carried: PERMANENTLY TABLED

There being no further business the regular meeting closed at 7:34 p.m.



Mike Ross, Vice Chairman



Vicki Grinstead, Secretary