

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
FEBRUARY 22, 2023  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** Mike Maniche

**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 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 both applicants if they would like to proceed with only four members present and both applicants wished to proceed.

**MINUTES**

**December 28, 2022**

**January 11, 2023**

**January 25, 2023**

**February 8, 2023**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for December 28, 2022 and Mr. Yutzy seconded.

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

**Motion Carried: Approved**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for January 11, 2023 and Mr. Yutzy seconded.

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

**Motion Carried: Approved**

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Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for January 25, 2023 and Mr. Yutzy seconded.

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

**Motion Carried:    Approved**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for February 8, 2023 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**

Chairman Palmer said this item will remain tabled until a full board is present.

**Board of Zoning Appeals**

**Election – 2023  
Chairman  
Vice Chairman  
Secretary**

**NEW BUSINESS**

**Daniel Barry**  
4665 Wood Street

**Rear yard setback - addition  
Required 40'/Proposed 22.33'**

Chairman Palmer stated the applicant cited practical difficulty number 1 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. Barry, 4665 Wood Street, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Barry said they want to put an addition onto their house, but the orientation of the house is not front facing on Wood St. The house is back behind some other houses. They are building the addition on the right rear side of the home.

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Chairman Palmer said he sees the flag shaped property on the GIS rendering provided. Mr. Barry said per Mrs. Brooks in the Building Department the front of the home faces Wood St. Chairman Palmer said the way the house was built on the lot, they reoriented the rear, side and front lot lines; the driveway then exits to the west onto Wood St. The rear yard is the northern property line and there is more than 45' of setback.

There were no questions or comments from the board members.

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. Ross moved to grant a variance to C.O. 1131.06(c) to allow a 22.33' rear yard setback instead of the allowable 40' minimum rear yard setback.; citing C.O. 1109.09(b) for the Barry residence, 4665 Wood Street, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:     Approved**

**Josip and Emily Grgincic**  
38155 Drury Lane

**Parking/Storage utility trailer(s)**  
**Parking in front setback**

Chairman Palmer stated the applicant cited practical difficulty number 1 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. and Mrs. Grgincic, 38155 Drury Lane, Willoughby, OH 44094 were both sworn in to speak for this appeal.

Mrs. Grgincic said they use the trailer for their business. The side yards are very narrow and steep, and it would damage their neighbors' property to try to put the trailer in the rear yard. Chairman Palmer explained that the board sees these types of appeals many times and have been pretty consistent because it comes before them so often. He said what he means by consistent is they do not allow this, but they would be willing to work with the applicants. He said he understands the challenges with their side yards. Mrs. Grgincic said they have a 4-wheeler that is 5' wide that can fit between the houses but the open trailer is 12'x7'. She said they use it to transport materials to rehab homes. She said before the next door neighbor landscaped his side yard with a stone wall and the other side with a flower bed they could fit the trailer down the side yard but now it could damage their property. They cannot get the trailer down to the rear yard without going onto the neighbor's property.

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Chairman Palmer said unfortunately he does not have another solution other than to move the trailer to the rear yard or store it in a facility. Mrs. Grgincic said there is an ordinance that says if it's your livelihood they you can obtain a variance. Chairman Palmer said you can ask for a variance, but they do not grant these. He said the board does not want to set a precedent because the neighborhoods would fill up quickly with dump trucks and large construction trailers. He said he would offer for them to reconsider a pathway to the back yard, or they can vote on the appeal this evening. He said if they wish to reconsider this, he suggests they table their appeal and go back to the building department with a solution that fits the description of the ordinance, and they would not need to reappear back before this board. Mrs. Grgincic said she cannot put a gravel path on her neighbor's property. Chairman Palmer asked her what the setback is from the house to the property line, but Mrs. Grgincic was unsure.

Mrs. Grgincic asked Chairman Palmer to explain his recommendation for what they can do. Chairman Palmer reiterated if they had enough setback between the house and the property line, and they absolutely wanted to keep the trailer on their premises then you make something work. If you do not, which is what she is telling him, then she does not have any other option. Mrs. Grgincic said the appeal says the proposed location is the front yard, but trailer is in their driveway, not in a yard. She said the driveway is long enough to accommodate the trailer. Chairman Palmer explained that this is still the front of your house, and the ordinance calls for the trailer to be in the rear yard. She reiterated the ordinance that addresses their livelihood. Chairman Palmer said if the Building Department is citing you then they have had their eyes on this a couple of times and decided that you are not in compliance with any ordinance. He explained again that they can ask for the variance, but the board will not allow this.

Mr. Davis said he knows of a negotiation between neighbors that came to an agreement where the vehicles could be accessed to the back of the property, so the one neighbor was in compliance with the ordinance. He agreed with Chairman Palmer that the board does not allow this request.

Mrs. Grgincic asked if they could provide a name of the neighbor who approached the city with this complaint before she approaches her neighbors. Mr. Davis said the board is not privy to that information. Mr. Davis said they have evidence provided in their packets that shows this has been going on for years.

Mrs. Grgincic said they kept it off property for as long as they could but their business is growing and they had to bring it back because their alternate parking location was no longer available. Mr. Davis said they have been cited numerous times. Mrs. Grgincic said they have corrected it numerous times but this time they do not have an alternative and this is why they are requesting the variance.

Mr. Grgincic said his wife did not touch on the safety aspect of bringing the trailer down. He said it is unsafe to try to bring the trailer down the hill even if they installed gravel. He said they have done it in the past with a smaller trailer but is not feasible with the larger trailer. Chairman Palmer suggested storing the trailer in a storage yard where it is safe. Mrs. Grgincic said she has nothing else to say.

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.


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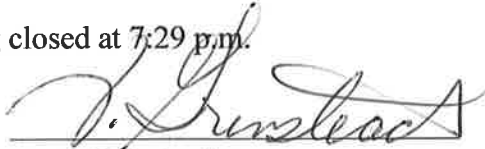
Mr. Davis moved to grant approval to the appeal of C.O. 1131.10(f) to allow utility trailer parking in the front instead of the required parking in the rear yard; citing C.O. 1109.09(b) for the Grgincic residence, 38155 Drury Lane, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried:     Denied**

There being no further business the regular meeting closed at 7:29 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary