

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
AUGUST 28, 2024  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Maniche; Mike Yutzy; Mike Ross; 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 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 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 appellants were noted into the record.

**MINUTES**

**August 14, 2024**

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for August 14, 2024 as submitted and Mr. Yutzy seconded.

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

**Motion Carried:    Approved**

**OLD BUSINESS**

**Asun Sathyanathan & Eliana Ramirez**  
2965 Steve Guard Ct.  
(Rep.- Casey Sovey, Esq.)

**Hedges within 25' of right-of-  
way**

Mr. Ross moved to untable the appeal for the Sathyanathan and Ramirez residence, 2965 Steve Guard Ct., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:    UNTABLED**

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

**Asun Sathyanathan & Eliana Ramirez**  
2965 Steve Guard Ct.  
(Rep.- Casey Sovey, Esq.)

**Hedges within 25' of right-of-way**

Chairman Palmer stated the applicant cited practical difficulty numbers 2, 3, 4, 5, 7 & 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. Casey Sovey, Esq. for Manning and Clair, 38040 Euclid Ave., Willoughby, OH 44094 for the Sathyanathan and Ramirez residence was sworn in to speak for this appeal.

Mr. Casey said instead of arguing if his clients are in violation of the zoning ordinance they would simply like to ask for the board's approval of the zoning variance. The zoning appeal clearly lays out the lack of application for the zoning ordinances specified for the violation. The arborvitae were installed for a border for the safety of the children so they would not go beyond this point which is close to the street. Their HOA bylaws prohibit fences in their entirety. He said the trees do not obstruct visibility and bring appeal to the neighborhood. He said none of the neighbors have complained and some neighbors have commented they like the trees. He asked the board to allow his clients to keep these trees.

Mr. Davis asked Mr. Sovey if he knew how far apart the trees are planted and Mr. Sovey said roughly three feet.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Sathyanathan and Ms. Ramirez, homeowners for 2965 Steve Guard Ct., Willoughby, OH 44094 were sworn in to speak for this appeal.

Ms. Ramirez said each tree is planted 36" apart and 19' from the right-of-way. Chairman Palmer asked why they could not be planted 25' from the right-of-way. Ms. Ramirez said they would be losing a considerable part of their back yard. She said when they moved into the home there were existing trees planted in the corner of the yard. She said these trees give her peace of mind that her children would not be in danger of being run over by a car because it gives them a boundary.

Chairman Palmer said he understands how expensive these trees are. Ms. Ramirez said when they planted them they were 6' tall. She said in regard to visibility their corner lot is facing the back yard of another house on a corner lot and their trees will not obstruct any visibility issues for vehicles. Mr. Sathyanathan said their HOA does not allow fences, with the exception of having a swimming pool, otherwise they would have installed one. Mr. Maniche said he has been to the property and there are no visibility issues.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Cody Kapostasy, 38432 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Kapostasy said he has two young children as well and understands the concern for their safety. He said the aesthetics of the trees are nice and do not cause any visibility issues when he is jogging etc. He said the children used to roam around in a large open space but the trees provide a barrier which they know not to cross. Mr. Davis asked Mr. Kapostasy if he concurred that the HOA does not allow fences. Mr. Kapostasy said yes and he has one because he has a pool because they wanted a fence.

**City of Willoughby**  
**Board of Zoning Appeals**  
**Minutes**  
**August 28, 2024**

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Nate Griffin, 38407 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Griffin said he was just before the board for his fence but he believes you cannot have a fence that separates Melrose properties and there are only two properties in the neighborhood that would be allowed to erect a fence like he has. He said their neighbors trees are back as far as his are and there are no visibility restrictions.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Mark Fielder, 2975 Steve Guard Ct., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Fielder is the next door neighbor. He said one thing to note about their neighborhood is they have deep setbacks from the road and the homes are large for the lot sizes. He said they need to maximize the back yards in order to give kids room to play.

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 commented that there are special circumstances that would justify this appeal.

Mr. Maniche moved to grant variance to C.O. 1131.10(i)(2) and allow a fence, wall, or hedge higher than 3' instead of the allowable 3' within 25' of the right-of-way; citing C.O. 1109.09(b) for the Sathyanathan & Ramirez residence, 2965 Steve Guard Ct., Willoughby, OH 44094 and Mr. Ross seconded.

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

**Motion Carried:     APPROVED**

Mr. Lucas, Esq. said as the board is aware from the appeal, the first question would be should there be a variance granted and the second question is whether the language in the ordinance applies to a hedge in terms of trees. He said he assumes the way the motion was worded they are seeking a variance to the ordinance, at least under this motion. Chairman Palmer asked if the board wishes to make an issue to the hedge/bush vs. tree defense their attorney is making. Mr. Maniche said he looked it up and it is a tree. He also spoke to a landscaper (Mr. Bremec) and he agreed it is a tree. Mr. Davis agrees with Mr. Maniche's assessment.

Mr. Lucas, Esq. said the board does not need to make a second motion and should table the second variance item.

Mr. Ross moved to table a variance to C.O.1131.10(i)(1) for the Sathyanathan & Ramirez residence, 2965 Steve Guard Ct., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**City of Willoughby**  
**Board of Zoning Appeals**  
**Minutes**  
**August 28, 2024**

**Motion Carried: TABLED**

**Robert & Sonja Fishleigh**

**Fence**

37818 Jordan Dr.

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3 & 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. Fishleigh, 37818 Jordan Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Fishleigh said he is asking the board to approve his 4' board-on-board fence practically because of its proximity to a commercial property. He said there is dense 10' high shrubbery next to his fence, and extends beyond his fence, which would block or obstruct views before his fence would. The fence also blocks his view from the neighboring property where they store bricks, pallets etc. The fence that abuts a commercial property protects his space and contributes to the overall aesthetic appeal of his property. A few of his neighbors have stopped to comment on how nice the fence looks. He said opening his fence further would expose the existing shrubbery and living next to a commercial property has challenges such as noise, disturbances, and lack of privacy.

Mr. Yutzy asked if Shannon Fence did his fence and why didn't they pull a permit. Mr. Fishleigh said they did his other fence and pulled the proper permits, so when they reviewed his design for this fence he assumed they pulled the permits again, but apparently did not. He said the fence has been professionally stained and he has installed lights for aesthetic purposes. Mr. Yutzy said it looks nice but Shannon Fence usually pulls permits. Mr. Maniche said he was invited onto the property and the fence does not obstruct any views and is a nice fence.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Beverly Pengal, 37724 Jordan Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Pengal said she lives seven houses down from her neighbor. The fence is very pleasing and beautifies the neighborhood and does not obstruct any views.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Ms. Diane Bouton, 37727 Jordan Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Bouton said she appreciates how nice the fence looks and Mr. Fishleigh does have circumstances with Charlton Abbott next door.

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 to C.O. 1131.10(i)(1) and allow a 4' solid fence instead of the allowable 3' fence with a 40% opening for the Fishleigh residence, 37818 Jordan Dr., Willoughby, OH 44094; citing C.O. 1109.09(b); and Mr. Ross seconded.

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

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

**Motion Carried:   APPROVED**

**Andrew and Kristin Logar**  
4706 River St.

**Detached garage**

Mr. Ross moved to untable a variance request for the Logar residence, 4706 River St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:   UNTABLED**

Chairman Palmer stated the applicant cited practical difficulty number 3 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Logar, homeowner of 4706 River St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Logar said the dimensions he submitted to the Building Department are maximum dimensions and is looking to reduce the size with his architect to reduce the cost and footprint on the lot. The lot is two and a half acres and feels this is a suitable size for this size lot. He said his neighbor to the south has no issues with it and the property to the north ("A" frame home) has two exterior buildings that over the height restrictions.

Mr. Ross asked what size what he be reducing to and Mr. Logar said the depth of thirty-four maximum would remain but the width would be approximately fifty-five, so five feet smaller than his maximum dimension of sixty. He said the existing garage has 6' tall garage doors and cannot house his SUV vehicles.

Chairman Palmer said this would be a precedent setting variance and even if he reduces it by half, it would still be precedent setting. He said in the past the board has approved buildings around 800 sq. ft. with an overall height of approximately a 17 ½' range; this is the mean height. He said the height/stories does not bother him as much as the square footage and is a deal breaker for him. He asked if he could do an 800 sq. ft. accessory building and bring the mean height down to 17 ½'. Mr. Logar said the reason for the request is his 90 year old father has a similar size building in Euclid and everything in his father's garage is supposed to come his way and wants the same size space for all the equipment etc.

Chairman Palmer said if he attaches the garage to the home or addition that was added he would not have to come before the board. Mr. Logar said based on the design of the house with the addition in 2021, there would be no

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

location that would make sense. He said he did not think it would be a concern because none of the neighbors voiced any concerns.

Mr. Davis said he should take the comments from this evening back to his architect because there has to be another way. He would vote against his way over sized garage, and the matter of the height may not be unanimous amongst the board members. Mr. Logar said the architect is taking direction from him and the garage being attached to the home is not a viable option for them. He said it comes down to if the board will grant the variance or not.

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 asked if they are granting from the allowable 600 sq. ft. or the recently approved 800 sq. ft. ordinance. Mr. Lucas said the 800 sq. ft. ordinance that was approved by council has thirty days from the approval date before it is enacted.

Mr. Ross said he looked on the Lake County GIS and the floor space for the A frame garage next door is 891 sq. ft. Chairman Palmer said this was Mayor Bridgford's home and may have been constructed before building codes were enacted.

Mr. Maniche moved to grant a variance to C.O. 1131.10(d)(2) and allow a 2, 040 sq. ft. detached two-story garage instead of the allowable 600 sq. ft. detached one-story or fifteen feet high garage, for the Logar residence, 4706 River St., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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

**Motion Carried:    DENIED**

**Richard Michalski**  
37308 Park Ave.

**Front porch-already constructed**

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. Michalski, homeowner of 37308 Park Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Michalski referred to the color rendering he submitted of the previous porch. The dimensions of that porch are the same as the porch he recently constructed. He recently bought the home next door and pulled permits for this home and forgot to pull the permit for his home and apologized to the board for his mistake. He said there

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

was an existing footer that was tied in to. He said there was an issue with the steps and tread depth. The previous tread depth was 8” and the new steps have an 18” tread depth. There are three other neighbors that have roofed porches.

Chairman Palmer asked if this has been constructed already. Mr. Michalski said it has but has not been finished because the city stopped construction. Chairman Palmer said this is an older neighborhood and is difficult because of the current setback requirements.

Mr. Davis asked if the porch is 13 ½’ beyond the house. Mr. Michalski said there is a bump out for a foyer in the center of the home and the porch is 13 ½’ from one side and 4’ shallower or approximately 9.6’ in another location.

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 to C.O. 1131.06(a)(2) and allow a 27’ front yard setback instead of the allowable 40’ front yard setback for the Michalski residence, 37308 Park Ave., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

**Motion Carried:    APPROVED**

**NEW BUSINESS**

**Paul Pierce**

38817 Harmondale Dr.

(Rep.- A.J. Dinunzio, MAGAAS LLC)

**Garage addition**

Chairman Palmer stated the applicant cited practical difficulty number 3 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. Dinunzio of MAGAAS LLC, 2877 Rockefeller Rd., Willoughby Hills, OH 44092, agent for the Pierce residence, 38817 Harmondale Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Dinunzio said his clients have lived in the neighborhood for seventeen years and constructed an addition in 2009. They have designed plans to increase their garage by eight feet and maintain the same line as the home. The neighbor to the left has no issues with the addition. Mr. Maniche said this will encroach the same as the existing garage. Mr. Dinunzio said yes, it will go up eight feet but will not be any closer.

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Pierce, homeowner of 38817 Harmondale Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Pierce said they have made multiple additions to the home and property. He said their family is growing up and they need to make the garage more usable because you can barely fit a car in it.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. John Tomaselli, 38901 Harmondale Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Tomaselli said he lives in the neighborhood. He knows the homes are older and are non-conforming lots and he would hate to see the city penalize people trying to improve their properties. He said their addition would be consistent with the neighborhood and strongly supports this appeal.

Mr. Davis said he drove past the property and the addition would lend to the aesthetics of the neighborhood.

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 to C.O. 1131.06(b)(1) and allow a 2.9' side yard setback instead of the allowable 5' side yard setback for the Pierce residence, 38817 Harmondale Dr., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

**Motion Carried:    APPROVED**

**Bev Dalheim**

4108 Ramona St.  
(Rep.- Terry Valencic, Valencic Mgmt. Group)

**Addition to side & rear of home**

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. Valencic of the Valencic Management Group, 9605 Musket Dr., Mentor, OH 44060 agent for the Dalheim residence, 4108 Ramona St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Valencic said his client wanted to construct a 3-season room off a previous addition. He said in 2005 or 2009 his client obtained a variance from the board for a sitting room. He said he does not usually get involved in a job if variances are involved but in her rear yard there are high tension wires and there is little chance of anyone



**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

building behind her. He referred to the renderings where there was a deck that is within the 40' setback; this deck is now in disrepair and this addition will replace it.

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 to C.O. 1131.06(c) and allow a 33.13' rear yard setback instead of the allowable 40' rear yard setback for the Dalheim residence, 4108 Ramona St., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

**Motion Carried:     APPROVED**

**Anna Soldo**  
2149 Farroni Dr.

**Swimming pool/corner  
side yard**

Mr. Ross moved to table a variance request for the Soldo residence, 2149 Farroni Dr., Willoughby, OH 44094, per the applicant's request, and Mr. Maniche seconded.

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

**Motion Carried:     TABLED**

**Ian Andrews**  
37615 Park Ave.

**Addition/side yard setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3 & 7 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. Andrews, homeowner of 37615 Park Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Andrews said he has been living at this residence for seven years. He and his wife have since had a child and have outgrown the current footprint of their home. The proposal is for a bedroom and a bathroom for his children. He referred to the site plan which shows that he is limited on where he can construct this addition.

Mr. Davis said you cited exception #1, and asked what are the special circumstances since the house functioned as a home previously. Mr. Andrews said his house used to be an apple house for a farming community in 1914.

**City of Willoughby  
Board of Zoning Appeals  
Minutes  
August 28, 2024**

Chairman Palmer asked if he could bring this 3' off the property line because if someone wants to construct a fence on the property line that could present an issue. He asked him to reduce it down to 11x30 (330 sq. ft.) from 13 x 30 (390 sq. ft.). Mr. Andrews said the property next door has a garage and is under utilized and already has a fence on the property line. He said to go back to Mr. Davis's question, the house is cut up and the addition that was put on in the rear has the load bearing beam sistered to the roof. The back of the home is a bedroom so there is no way to put an addition there. Mr. Ross offered a suggestion for him to reconfigure the bathroom.

Chairman Palmer said the board can vote on it as submitted or he can amend his appeal to 3' off the property line. Mr. Davis said he could also table and come back with a different plan.

Mr. Andrews wished to amend his appeal for his side yard setback to be 3' off the property line instead of the 1' side yard setback originally proposed.

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

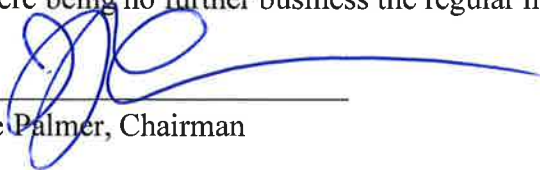
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

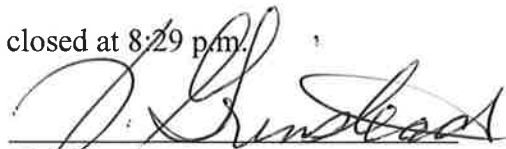
Mr. Maniche moved to grant a variance to C.O. 1131.06(b) and allow a 3' side yard setback instead of the allowable 5' side yard setback for the Andrew's residence, 37615 Park Ave., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

**Motion Carried:    APPROVED**

There being no further business the regular meeting closed at 8:29 p.m.

  
\_\_\_\_\_  
Joe Palmer, Chairman

  
\_\_\_\_\_  
Vicki Grinstead, Secretary