

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 25, 2024
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Maniche; Mike Yutzy; Mike Ross, Vice Chairman

ABSENT: Joe Palmer, Chairman

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

Vice Chairman Ross called the regular meeting to order at 7:01 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) 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.

All of the applicant's wished to proceed with their appeals with only four members present.

MINUTES

September 11, 2024

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for September 11, 2024 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

Anna Soldo
2149 Farroni Dr.
(Rep.- Goran Soldo, Spouse/homeowner)

**Swimming pool/corner
side yard**

Mr. Maniche moved to untable the variance request for the Soldo residence, 2149 Farroni Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

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Motion Carried: UNTABLED

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1 & 3 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. Soldo, 2149 Farroni Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Soldo said they would like to install an in-ground pool and the reason they need to put it in the side yard is because they live on a golf course and have a 50' easement in their backyard (25' in their yard). They also have a 25' concrete patio in the rear yard and there is only approximately 4'-5' of back yard, so the side yard is the only option for installing the pool. Chairman Ross said it is a tough lot.

Mr. Davis asked how long they have owned the home. Mr. Soldo said since 2019. Mr. Davis asked if the drawing presented to the board was part of the purchase of the home. Mr. Soldo said it was given to them by the engineer for Ryan Homes. He said they also obtained approval by their H.O.A. for the pool, the only issue was the color of their fence which is to be white vinyl.

Vice Chairman Ross noted for the record the board received a letter of approval from the applicant's homeowners association (dated 9-23-24).

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 allow a swimming pool in a corner side yard instead of the allowable rear yard location only; citing C.O. 1109.09(b) for the Soldo residence, 2149 Farroni Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

Paul Jones
39075 Johnnycake Ridge Rd.

Accessory parking

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Vice Chairman Ross stated the applicant cited practical difficulty numbers 2 & 8 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. Jones, 39075 Johnnycake Ridge Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Jones said when they moved in their kids were young and now they are driving and are looking to expand the driveway. He said the piece they want to replace was apparently in non-compliance when they purchased the home and they did not realize that. They would also like to add a turn around for the safety of not having to back out onto Johnnycake Ridge Rd.

Mr. Davis asked which document they will be voting on this evening. Mr. Jones said the one he is proposing is marked "original." He said he had submitted a plan "B" in case the "original" proposal was not acceptable. Mr. Lucas said the Board of Zoning Appeals, based on the Notice of Noncompliance can only vote on one of the submittals and he would assume he would like them to vote on the "original" submittal and Mr. Jones said yes.

Mr. Davis said the reason for the appeal is he wishes to use concrete instead of gravel and if he left the gravel he would not need to seek an appeal. Mr. Jones said he wants to improve his property by adding the concrete, plus it would be more aesthetically pleasing than gravel. He said there was already concrete there when he purchased the home and now he has removed it and wants to replace it. He also wants to add the accessory turn around parking by the stoop. Vice Chairman Ross asked if his neighbors parking is gravel and Mr. Jones said yes. Mr. Davis said his observation is most of the neighboring properties opted for gravel which does not invite an appeal.

Mr. Maniche asked if Mr. Jones would consider just replacing his concrete but omitting the front yard accessory parking. Mr. Jones said he and his wife feel the front yard parking would be the safest option for their family trying to get onto Rt. 84.

Mr. Ross wanted clarification that if they approve this there will be no parking of RV's etc. and Mr. Lucas said that is correct. Mr. Lucas said to clarify for the record, the variance Mr. Jones is seeking for the front eliminates the 5' minimum distance and is 2' under the ordinance. He said under the ordinance he meets the 2' requirement in terms of the parking in the front.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Ms. Amanda Schenley, 39807 Johnnycake Ridge Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Schenley said they live next to the Jones family on the east side closest to their driveway. Her boyfriend owns the home but she also lives there and they are in favor of their plan(s) and for the concrete because it is aesthetically pleasing. She said in regard to Mr. Davis's comments about the neighbors having gravel; they would like to have concrete but it is very expensive but easy to maintain. She said it is treacherous trying to back out onto Rt. 84 and the accessory parking would be a safer option for his family.

Vice Chairman Ross noted the board received a letter in favor of this appeal from the neighbor to the west, Betty Kosek (dated 9-24-24).

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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) to allow front/side yard accessory parking instead of the allowable rear yard location parking only; citing C.O. 1109.09(b) for the Jones residence, 39075 Johnnycake Ridge Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

Dawn Stone
1052 Beachview Rd.

Addition

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1, 3, 4 & 8 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. Ms. Stone, 1052 Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Stone handed the board renderings (in record 9-25-24, Exhibit "A"). Ms. Stone explained each of the pictures to the board and that her new garage would not stick out past the white overhang in the first picture. The other pictures show that the other front yards are quite short and not 40' back.

Ms. Stone said she was unaware of the 40' setback until her architect informed her, which is in the middle of her home, as well as the other homes in the neighborhood. She said the spirit of the code is not to change the look and feel of the neighborhood and this addition should fit in nicely. The existing garage cannot be used as a garage because of the way it is situated and you would basically hit the house. She uses it more as a shed for gardening and lawn equipment. She would disable it as a garage and remove the garage door and reconfigure it as an outbuilding if the board allowed the extra 80 sq. ft. Mr. Davis said Ms. Stone may want to amend her request to include the reconfiguration of the garage. Ms. Stone said she did state this in her letter as well as on her application. Vice Chairman Ross asked if she had another shed on the property. Ms. Stone said yes, a 10x10 which she is willing to remove. Vice Chairman Ross said this will be read into the motion. Mr. Davis said the existing detached garage will now be an accessory building and not a garage, so this will eliminate that citation.

Mr. Lucas said as a condition to this appeal she is removing the 10x10 shed and converting the existing garage to an accessory building and constructing a new garage.

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Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Ms. Cindy Burger, 1065 N. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Burger is speaking for herself, and on behalf of her other neighbors that are present this evening. She said the neighbors all look out for each other and they feel it would be better for Ms. Stone to have an attached garage especially during the winter months when it is icy and she can fall. They also agree with her keeping the existing garage as her shed instead of trekking all the way to the rear of the property, especially for safety.

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. Vice Chairman Ross read into record an emailed letter against this appeal from Mr. Don Mahovlic, 1029 Beachview Rd., Willoughby, OH 44094 (dated 9-24-24). Vice Chairman Ross said he drove past her property and the new garage will not impede the neighbors view of the lake. It will not impede Mr. Mahovlic's view since he lives across the street, five houses down.

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

Ms. Stone spoke in rebuttal to Mr. Mahovlic's letter. Ms. Stone said it seems Mr. Mahovlic seems concerned more about precedent than her having a new garage. She said it would also not impede his lake view at all. She said this board judges each case on its own merit. Vice Chairman Ross agreed and said the board does look at each appeal individually.

Mr. Lucas said the second noticed Codified Ordinance 1131.10 (d)(1) should be permanently tabled since Ms. Stone is removing the shed structure.

Mr. Yutzy moved to grant a variance to C.O. 1131.06(a)(2) and allow a minimum front yard depth of 22.3', creating a deficit of 17.67' instead of the allowable 40' minimum front yard depth; citing C.O. 1109.09(b) for the Stone residence, 1052 Beachview Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

Mr. Yutzy moved to permanently table a variance to C.O. 1131.10(d)(1) because the representation of the applicant is she will remove the third 10x10 accessory structure and the existing detached garage is to be converted to an accessory building by removing the garage door and finishing it appropriately; citing C.O. 1109.09(b) for the Stone residence, 1052 Beachview Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

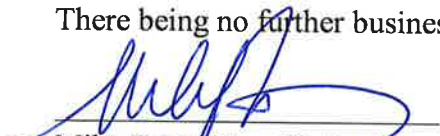
Motion Carried: PERMANENTLY TABLED

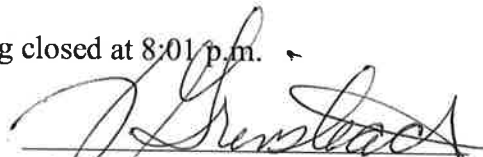
Mr. Yutzy moved to grant a variance to C.O. 1131.10(d)(3) and allow a 280 sq. ft. accessory building, exceeding the allowable by 80 sq. ft. instead of the allowable 200 sq. ft.; citing C.O. 1109.09(b) for the Stone residence, 1052 Beachview Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

There being no further business the regular meeting closed at 8:01 p.m.


Mike Ross, Vice Chairman


Vicki Grinstead, Secretary