

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JULY 12, 2023
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Maniche; Phil Davis; 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 7:00 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) 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.

MINUTES

June 14, 2023

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for June 14, 2023 and Mr. Yutzy seconded.

ROLL CALL: Yeas: Mr. Maniche; Mr. Davis; Mr. Yutzy; Mike Ross, Vice Chairman

Nays: None

Absent: J. Palmer

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

**Greg & Becky Rempe
34600 Willow Creek Pl.**

Pool/swim spa in side yard

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Mr. Rempe contacted Mrs. Grinstead and asked her to table their appeal until the next meeting because he and his wife will be out of town.

Mr. Maniche moved to table the appeal for the Rempe residence, 34600 Willow Creek Pl., Willoughby, OH 44094 per the applicant's request and Mr. Yutzy seconded.

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

Motion Carried: TABLED

Jesse Mathews
4617 Highland Dr.
(Rep.- Shane Novak of Novak Construction)

Detached garage

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

Vice Chairman Ross asked Mr. Mathews if he wished to proceed with only four members present and Mr. Mathews said yes.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Mathews, 4617 Highland Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Mathews said he came before the board a few years ago and was denied but has since revised his plan. He originally asked for 720 sq. ft. and is now asking for 650 sq. ft. He said the reason for this garage is mainly storage. He said they have had storm back up in the house and wishes to store their items in the attic space of the garage. He said his daughter has an autoimmune disease and they need to keep her gymnastic mats stored somewhere clean and dry. He also wants the garage to look like it belongs in the neighborhood.

Vice Chairman Ross wanted on the record that this space will not be used for any sort of living space and Mr. Mathews said no, just storage because they have no attic space in their home.

Mr. Davis asked Mr. Lucas, Law Director if there are any other criteria that define a second story garage other than the mean height. Mr. Lucas said it is not defined so much as a garage but as an accessory structure, but he will double check and get back to Mr. Davis.

Mr. Davis said on the third page of the plans it shows a cross section of the construction and sees what he will call a knee wall or partition and wondered why it was there. He said it suggests an occupancy in his opinion. He said the drawings should show there should be no drywall if this were permitted. He asked Mr. Mathews if they added this stipulation to the motion, would it add any hindrance to his proposed use and Mr. Mathews said none.

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Mr. Davis asked Mr. Lucas if he has found anything else that defines second stories and Mr. Lucas said no there is not. The general codification regarding accessory buildings which includes detached garages deals strictly with the minimum yard requirements area and number of accessory structures.

Mr. Davis said the board should enforce in their motion that no drywall be installed on the second floor and Vice Chairman Ross agreed. Mr. Davis was concerned if they did not add this stipulation that in the future it could be an occupiable space.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Ms. Adrienne Thomas, 4622 Highland Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Thomas said she lives across the street from Mr. Mathews and she is in favor of this garage. She has a letter from another neighbor that she would like to read into record since she could not make the meeting. The letter was also emailed to the board (Exhibit "A") from Annmary Bracale, 4601 Highland Dr., Willoughby, OH 44094 in favor of this appeal and read into record by Ms. Thomas.

Ms. Thomas said she has lived in her residence for fifty years and Mr. Mathews takes care of his yard, his home and is a good neighbor.

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. Maniche asked Mr. Lucas for direction on how to proceed with the motion that the space remain unoccupied. Mr. Lucas said there will be two motions; but the first motion does not deal with this issue but only the allowable area by 50'. The second motion would be to permit the height subject to the applicant's representation that the second floor will be used solely for storage and without any occupancy and without any drywall.

Mr. Maniche moved to grant a variance to C.O. 1131.10(d) to allow a 650 sq. ft. building instead of the allowable 600 sq. ft. building; citing C.O. 1109.09(b) for the Mathews residence, 4617 Highland Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: APPROVED

Mr. Maniche moved to grant a variance to C.O. 1131.09 to allow a 16' 5" height instead of the allowable 15' subject to the applicant's representation that the second floor will be used solely for storage and without any occupancy and without any drywall; citing C.O. 1109.09(b) for the Mathews residence, 4617 Highland Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: APPROVED

There was no one present to represent this appeal. Mr. Lucas said the applicant will be notified of the next meeting and if he fails to appear at the next meeting the Board of Zoning Appeals, in all likelihood, will permanently table the matter.

Vincent Homes

New home/front setback

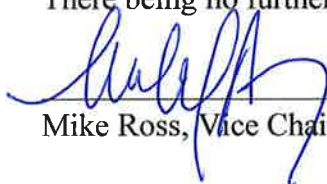
Vince Marcellino
Beachview Rd./PPN#27B-057A-00-032-0/S/L 9

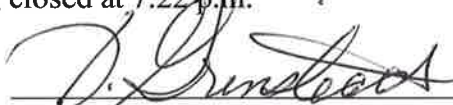
Mr. Maniche moved to table the variance for Vincent Homes for the property located at Beachview Rd./PPN#27B-057A-00-032-0/S/L 9, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: TABLED

There being no further business the regular meeting closed at 7:22 p.m.


Mike Ross, Vice Chairman


Vicki Grinstead, Secretary