

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
APRIL 9, 2025  
PUBLIC HEARING MEETING  
MINUTES**

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

**MINUTES**

**February 26, 2025**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for February 26, 2025 as submitted and Mr. Maniche seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

**Donald L. Kenny**  
1062 Mohegan Trail  
(Rep.- James D. Welbourne Jr., Contractor)

**Accessory parking/driveway**

Mr. Ross moved to untable the appeal for Mr. Kenny, 1062 Mohegan Trail and Mr. Ross seconded.

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

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**Motion Carried: UNTABLED**

Vice Chairman Ross previously read into record, at the January 22, 2025 BZA meeting, the letter of violation, the practical difficulty numbers on the application, and noted all items that were in the packet. Chairman Palmer stated the applicant cited practical difficulty numbers 1 & 3 on the application for appeal and noted all items that were in the packet.

Mr. Kenny was out of the country but Mr. Welbourne had his permission to speak on his behalf. Mrs. Grinstead confirmed via text message that Mr. Kenny wished for the Board of Zoning Appeals to proceed with his appeal. Mr. Kenny was on Zoom but could not get his microphone to work.

Mr. James D. Welbourne Jr., 8232 Kirtland-Chardon Rd., Kirtland, OH 44094 is representing this appeal on behalf of the applicant, Donald Kenny.

Chairman Palmer asked if Mr. Welbourne had worked in Willoughby before and he replied one time. He then asked if Mr. Welbourne was bonded and insured. He said he attempted it but it was not clear if he was registered with the city. He said he is bonded in other cities.

Chairman Palmer asked why Mr. Welbourne did not pull a permit for this driveway. Mr. Welbourne said he attempted to and he has worked in other cities and they let him begin construction after he submitted his bond, registration, and permit. He assumed Willoughby worked the same way. Chairman Palmer asked if he got the permit before he started. Mr. Welbourne said he already had the driveway torn out because he was worried about inclement weather. Chairman Palmer asked if he approached the Building Department and applied for the permit and then received the letter of violation. Mr. Welbourne said he believes it was because he violated the city's code. Chairman Palmer said the code requires cement to be a certain distance from the property line. Mr. Welbourne said he did not know that at the time. He figured since the existing driveway was there it was ok. He said he matched the existing curb because there was water coming toward the home. Chairman Palmer said he applied for his permit, was denied and he put it in anyway. Mr. Welbourne said he had already hired a cement company and crew and was worried about leaving the large opening during the winter months.

Mr. Yutzy asked when he butted into the other driveway if there was a water issue. Mr. Welbourne Jr. said yes, it was running toward Mr. Kenny's house. Mr. Yutzy said now it is going the other way but would it have benefited him if there had been a small gap for drainage. Mr. Welbourne Jr. explained that he put a bulk head board in there and did saw cuts but would like to place a few more saw cuts because there is already one hairline fracture. He explained types of cement to the board. Mr. Yutzy said he was referring to drainage because if he would have followed the code and left the 5' setback it would drain naturally. He said he drove by and it looks like a basketball court. Mr. Welbourne Jr. said he pitched it heavily to right and rear or north and west for drainage. The water goes to the back and to the street. Chairman Palmer asked if it goes to the neighbors property and Mr. Welbourne Jr. said no. He explained that they used lasers and string lines and how they pitched it. He showed pictures on his phone to the board.

Mr. Davis said he has been passed the home and is cognizant of the fact that the driveway is wider than the garage.

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Chairman Palmer said an extreme option would be to have the contractor saw cut the driveway to the minimum distance and have the driveway reinspected by the Building Department and get approved. There is one variance but it has two parts; one is where the parking is to be located and the other is, the minimum side yard setback is 5'. There were no other questions or comments from the board.

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.

Chairman Palmer said the board tries to work with applicants but not having Mr. Kenny present he cannot do that. If this appeal is denied he can file in the Lake County Court of Common Pleas or he can resubmit with changes to his appeal.

Mr. Yutzy moved to grant an appeal to C.O. 1131.10(a) to allow front and side yard accessory parking instead of the allowable rear yard accessory parking; citing C.O. 1109.09(b) for the Kenny residence, 1062 Mohegan Trail, Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:    DENIED**

Mr. Yutzy moved to grant an appeal to C.O. 1131.10(a) to allow accessory parking to extend to the side lot line, creating a deficit of 5' instead of the allowable 5' minimum distance from the side lot line; citing C.O. 1109.09(b) for the Kenny residence, 1062 Mohegan Trail, Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:    DENIED**

**NEW BUSINESS**

**Teri & Jamie Brenkus**  
35450 Ridge Rd.  
(Rep.- Dylan Francis, Jemm Construction)

**Accessory parking/driveway**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2 3, & 8 on the application for appeal and noted all items that were in the packet.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Francis of Jemm Construction, 200 Blackbrook Rd., Painesville, OH 44077 was sworn in to speak for this appeal.

Mr. Francis said this appeal is for safety and access for the homeowners. The homeowners are very familiar with the street and previously lived next door and built this new home up the hill. The other home had a much larger driveway allowing them to do three point turns in and out of the garage. Their main concern is if they have to back straight out of the garage onto a very fast corner with cars turning off Rt. 84. They are down a bit from Rt. 84 so it is not quite a blind spot but does not have a wide open view. They are approximately 65' down from Ridge Road. The other issue is traffic stopping at the stop sign on Ridgeway.

Chairman Palmer said where this is an elevation change from 762 to 778 and above in an area where you would make a U-turn driveway that would be a problem. Mr. Francis said that is correct; the existing grade and the finished grade of that site has a steep drop off to the south.

Mr. Davis feels that item 1 for the practical difficulty factors prevails because it says reasons for exception and this is an awkward site for construction and it is a corner lot, which is always a challenge.

Mr. Maniche asked if the chairman was concerned about setting precedent. Chairman Palmer said yes, but it is a corner lot with a lot of traffic with low visibility for oncoming traffic. He feels safety is paramount in this situation.

Mr. Ross asked if they could possibly add landscaping to hide the drive. Mr. Francis said the 15x15 pad would be cut slightly into the ground so if you are traveling on Rt. 84 it would be below your line of sight. The homeowner will be responsible for the sign for the development and upkeep of the landscaping island so there will be new pine trees etc.

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. Yutzy moved to grant an appeal to C.O. 1131.10(a) to allow accessory parking in the front yard instead of the allowable accessory off-street parking permitted only in the rear yard; citing C.O. 1109.09(b) for the Brenkus residence, 35450 Ridge Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     APPROVED**

There being no further business the regular meeting closed at 7:40 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary