

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
NOVEMBER 13, 2024  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Maniche; Mike Yutzy; Joe Palmer, Chairman

**ABSENT:** Mike Ross

**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 informed the applicants there were only four of the five members present this evening and asked if they wished to proceed. All applicants agreed to proceed.

**MINUTES**

**October 23, 2024**

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for October 23, 2024 as submitted and Mr. Yutzy seconded.

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

**Motion Carried:     Approved**

**OLD BUSINESS**

**Carlos Irizarry**  
956 Windermere Dr.

**Addition**

Mr. Maniche moved to untable the appeal for the Irizarry residence, 956 Windermere Dr., Willoughby, OH 44094 and Mr. Yutzy seconded.

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

**Motion Carried: Approved**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 6 & 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. Irizzary, 956 Windermere Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Irizzary presented the board with four documents; Lake County GIS rendering, BZA minutes of 12-11-19 for a similar variance that was granted, renderings of his home and property lines and a building plan. He said the reason he is asking for this variance is because his family situation has changed. His mother, who is ill and in a wheelchair, will be moving in with him and cannot use the second floor bathroom so he needs to fix the first floor bathroom and add a walk in shower.

Mr. Irizzary said he provided the survey from 1926 to show how close the homes are. The renderings show the homes being 8'2" apart and the zoning may have been different back then and hopes the board will take that into consideration. He is just extending the house 3'5" but not encroaching more but staying in line with the rest of the home. There is also a precedent for this that he provided from the BZA minutes of 12-11-19.

Chairman Palmer said he did not have any questions and feels this is not a big request. Mr. Davis asked for confirmation that the new bathroom will be 4'2" from the property line. Mr. Irizzary said yes and will be in line with the rest of the home and will not change the look 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. Yutzy moved to grant a variance to C.O. 1167.02(b) and allow a nonconforming structure to be added to as proposed instead of the allowable nonconforming structure add-ons must confirm to the current regulations; citing C.O. 1109.09(b) for the Irizzary residence, 956 Windermere Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried: APPROVED**

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Mr. Yutzy moved to grant a variance to C.O. 1131.06(b)(1) and allow a side yard setback of 4'2" creating a deficit of 10" instead of the allowable 5'; citing C.O. 1109.09(b) for the Irizzary residence, 956 Windermere Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried: APPROVED**

**NEW BUSINESS**

**Vincent Homes**

Beachview Rd./PPN#27-B-057-A-00-069-0  
(Rep.-Vincent Marcellino, Vincent Homes)

**Rear and corner side yard setbacks**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 & 2 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. Marcellino, 2748 Rockefeller Dr., Willoughby Hills, OH 44092 was sworn in to speak for this appeal.

Mr. Marcellino said he is proposing to build a new home and believes the lot is buildable and should have been grandfathered in as a buildable lot. He has built ten homes of this street recently and these lots are about the same width as this one.

Chairman Palmer said he believes the grandfather laws include things that are already built and in place. He asked what size the home will be because it does not state on the plan submitted. Mr. Marcellino said 25'x36/38' deep and is 800 sq. ft. first floor/1,600 sq. ft. total with a one car attached garage.

Chairman Palmer said, for him, the dimension variances he is asking for are precedent setting. Mr. Marcellino said he believes there is a home on Hayes Ave. on a corner lot and thinks the builder received a variance to build this home. Chairman Palmer said he did not see any proof of this in his packet and it would have been helpful.

Mr. Davis asked if Mr. Marcellino was the owner. Mr. Marcellino said no, he is looking to purchase the property and it is contingent upon it being buildable. Mr. Davis said he did some research and this lot was settled on almost one hundred years ago and nothing has been built on it since, so unless there is compelling testimony given, he could not support any type of construction.

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. Mr. Peter Hadzima, 38536 N. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

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Mr. Hadzima presented a plot map and hand drawn rendering (in record 11-13-24, Exhibit A). He gave a brief history of the surrounding properties and said the property before the board tonight was never built upon because it was too small and you could only build a 15'x23' home. The variances being requested this evening seem very extreme. He said they have had vehicles drive through that yard and feels it would be dangerous to construct a home there. The utilities and sewer also run under this property because it was part of their property at one time. The electric would have to be restrung, put underground or a pole put in the backyard. He said they would like to purchase this property and combine it with their property but they did know it was for sale. He believes the setbacks were put in place for green space and safety but this request is extreme.

Chairman Palmer asked if there was anyone who wished to speak against this appeal. Ms. Tasha Hadzima, 7050 Chillicothe Rd./A19, Mentor, OH 44060 was sworn in to speak for this appeal. Ms. Hadzima read into record a letter against the appeal from a neighbor who could not be present this evening due to illness (Landsman residence, 807 Peach Blvd./lot #68 on plot map, Willoughby, OH 44094 in record 11-13-24).

Chairman Palmer asked if there was anyone else who wished to speak against this appeal (x3) and there was no one. There were no more questions in rebuttal from the applicant.

Mr. Yutzy moved to grant a variance to C.O. 1131.06(c) and allow a rear yard setback of 14.28' creating a deficit of 12.94' instead of the allowable 40' or 30% of the lot depth, whichever is lesser; citing C.O. 1109.09(b) for the property located at Beachview Rd./PPN#27-B-057-A-00-069-0, Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     DENIED**

Mr. Yutzy moved to grant a variance to C.O. 1131.06(d) and allow a corner side yard setback of 5.65' creating a deficit of 21.35' instead of the allowable 27' minimum; citing C.O. 1109.09(b) for the property located at Beachview Rd./PPN#27-B-057-A-00-069-0, Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     DENIED**

**Bryant & Jean Johnson**  
971 Hayes Ave.

**Generator in side yard**

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.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mrs. Johnson, 971 Hayes Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Johnson said they are requesting to have the generator on the side of their property because they do not really have anywhere in the back yard to install it. Her husband works from home and they lose power quite a bit. He also requires medical equipment which requires electricity. They made sure the generator would be placed 5' from their windows and any adjacent property's windows.

Chairman Palmer asked why the generator cannot be installed near the A/C compressor in the rear yard. Mrs. Johnson said they would have to move part of the patio because she believes they would have to install a 3" slab. She said the contractor from Generator One is present today. Chairman Palmer said moving the generator to the rear is a common solution. This variance request is much more than they like to see and would like to hear from the contractor why he cannot move this to the rear yard and screen it. Mrs. Johnson said her neighbor is a renter next door. Chairman Palmer said that does not mean the noise would affect them any less. She said they also have future plans to install a deck in the back and they cannot have the deck within three feet of the generator. Chairman Palmer said he understands the need for a permanent generator due to power outages but because it is permanent they like to respect the codes.

Mr. Maniche said the generator would have to be three feet from the deck but on the side of the house it would be seventeen inches from your neighbor. She said that it would be to the property line not the house. She submitted a decibel chart for the board (in record 11-13-24).

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Jeff Stuber of Generator One, 2019 Chesterland Ave., Lakewood, OH 44107 was sworn in to speak for this appeal.

Mr. Stuber said the reason for the placement of the generator was for cost efficiency since it is not for luxury but for medical necessity. He said when there are medical needs a portable generator requires you to refill it with gas several times which they may not be able to do. He said since they are on a slab they do not have as many options to run the electrical lines from the transfer switch to the backyard. He said their furnace is at the back on the home directly on the other side of the wall. Chairman Palmer asked if there is no way possible to install it in the back of the yard. Mr. Stuber said that is not what he is saying; the location he chose was the most cost effective because the gas meter is close and the electrical panel is on the other side of the garage wall. He said it is plausible to have it in the backyard.

Chairman Palmer asked Mr. Stuber to give the board some information on the CO<sub>2</sub> output for this unit. Mr. Stuber said national code requirements state the unit can be no closer than 5' to any window, vent or opening. This will allow enough time for the vapors to disperse and not enter a home at toxic levels.

Mr. Stuber approached the dais and discussed the rendering (not audible). Mr. Davis asked if Mr. Stuber gave the applicants an alternative cost for the backyard and Mr. Stuber said yes.

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



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Chairman Palmer asked if there was anyone who wished to speak against this appeal. Chairman Palmer read into record a letter against the appeal from a neighbor who could not be present this evening (Blaney residence, 971 Hayes Ave., Willoughby, OH 44094 in record 11-13-24).

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

Mr. Yutzy moved to grant a variance to C.O. 1131.06(b)(1) and allow a generator to be located 17” from the side lot line, creating an encroachment of 43” instead of the allowable 5’ side yard setback; citing C.O. 1109.09(b) for the Johnson residence, 971 Hayes Ave., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:   DENIED**

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

**Shed**

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 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 they are currently building an addition on the Dalheim residence. Ms. Dalheim has another person moving in to her home that had an existing woodworking shop and he purchased the shed without knowing what the size requirements were. He wanted to help them out by trying to obtain the variance before they had to cancel the order.

Chairman Palmer said they did not receive any letters against this appeal. Mr. Valencic said the rear property is also adjacent to high tension wires.

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. Yutzy moved to grant a variance to C.O. 1131.10(d)(3) and allow a shed of 240 sq. ft. exceeding the allowable by 40 sq. ft. instead of the allowable 200 sq. ft.; citing C.O. 1109.09(b) for the Dalheim residence, 4108 Ramona St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:     APPROVED**

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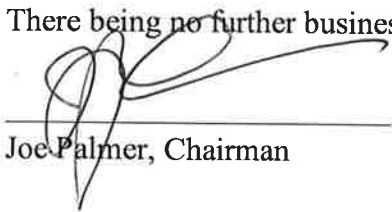
**Cancel meeting of  
November 27, 2024**

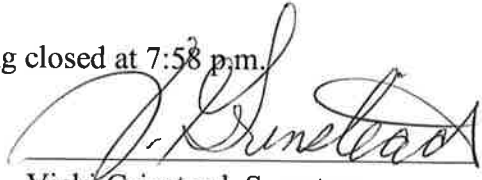
Mr. Maniche moved to cancel the Board of Zoning Appeals meeting of November 27, 2024 and Mr. Yutzy seconded.

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

**Motion Carried:     APPROVED**

There being no further business the regular meeting closed at 7:58 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary