

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
FEBRUARY 14, 2024
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Yutzy; Mike Ross; Joe Palmer, Chairman
ABSENT: Mike Maniche
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 asked Mr. Staller, Mr. Thompson, and Mr. Kerrick if they wished to proceed with only three board members present this evening and they all wished to proceed.

MINUTES

January 24, 2024

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for January 24, 2024 as submitted and Mr. Yutzy seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Daniel J. Staller
856 Orchard Rd.

**Rear Yard Setback for
addition**

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Chairman Palmer stated the applicant cited practical difficulty numbers 2, 3, 6 & 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. Staller, 856 Orchard Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Staller said he had a doctor's note in the board's packet. The reason for the addition is he wants to add a golf simulator. He has tried to use the golf simulator at Lost Nation Golf Course but he has a medical condition that causes seizures and he cannot function there because of the noise and lights. It was suggested to him to add this addition onto his home and that way his service dog can also alert him if he is going to have a seizure. He said he has had five brain surgeries and lost the entire right temporal lobe of his brain. He is on seven different types of medicines and being out in public is difficult. He said before this medical condition he loved to golf, especially with his dad, and this way it will let him do one of the things he used to enjoy immensely. His seizures are induced by stress and golf is his way of reducing that stress. He has played golf outside and has had three grand mal seizures while doing so.

Mr. Staller said his addition will be in the center of the yard and is not impacting any neighbors and does not have any neighbors to the rear of his property. The only thing behind his property is Osborne Park. Mr. Staller said he let his neighbors know and they did not have an issue.

Chairman Palmer said this is an unusual request for this board because it involves a medical issue. The board tries to cooperate with the applicants but also tries not to create a precedent. He believes Mr. Staller has tried to do these activities outside and cannot because of his medical condition.

Mr. Ross said if you look at the google view of the property there are structures up and down the street and this will not change the overall characteristic of the neighborhood and Mr. Staller agreed.

Mr. Davis said he thinks factor number eight is more appropriate of a hardship then what the applicant chose on his application because with the medical situation justice is much more applicable then factors six or seven.

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. 1131.06(c) to allow rear yard setback of 10.27,' creating an encroachment of 16.499' instead of the allowable 26.769' rear yard setback for the Staller residence, 856 Orchard Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

Motion Carried: APPROVED

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Joshua Thompson
978 Mohegan Trail

**Horse trailer in residential
area**

Chairman Palmer stated the applicant cited practical difficulty numbers 3 & 6 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. Thompson, 978 Mohegan Trail Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Thompson said they are asking approval to keep the horse trailer because they use it to transport their daughter's horse. They need it to stay there for medical reasons in case the horse has colic because they only have a certain amount of time to transport the horse to the Ohio State Equine Hospital. They also use the trailer for horse shows and it houses all of the necessary accessories for the shows.

Mr. Thompson said when he received the first letter it stated it was for a commercial utility trailer and his argument is it is non-commercial. He said he called the Building Dept. and the next letter he received said horse trailer. Chairman Palmer said the code covers commercial and recreational trailers. Mr. Thompson said there are no living quarters in this trailer and it is just for livestock. Chairman Palmer said it could be used for other things such as motorcycles or ATV's etc. Mr. Thompson said the trailer is on a gravel surface on the side of the yard.

Chairman Palmer said both commercial and recreational trailers come before this board all the time and are cautious with these. He asked if they have looked into off-site storage near their home. Mr. Thompson said they have, but they had an incident two years ago where the horse had Potomac horse fever and had to get the horse on the trailer immediately for transport to the Ohio University. Mr. Ross said they have an RV in their rear yard already and asked if they could store that RV and put the horse trailer in the rear yard. Mr. Thompson said he cannot afford to store the RV. Chairman Palmer said unfortunately the board cannot consider financial hardships but he can put it behind the house on a pad. Mr. Thompson said he has spoken to his neighbor next to where the trailer is located and it does not bother him.

Mr. Davis said he is arguing his vehicle is not recreational. Mr. Thompson said because what he found on the internet stated it should have living quarters which his does not. Mr. Davis said the definition that the state uses is for agricultural use and yours is recreational.

Chairman Palmer said the applicant stated they needed the trailer close in case the horse becomes ill and asked if it would be easier to keep the trailer near the horse or at the barn where the horse resides. Mr. Thompson said there are no spaces available. Chairman Palmer suggested finding another barn with storage and Mr. Thompson said his kids have been going to this barn for seven years.

Mr. Ross asked Mr. Lucas if the applicant could swap the RV and the horse trailer and store the RV somewhere else and put the trailer in the rear yard. Mr. Lucas said yes, as long as he is in compliance with whatever rear and side yard setbacks apply.

Mr. Thompson said he has had the trailer there for two years and has had no complaints until recently.

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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. 1131.10(f)(2) to allow a horse trailer at its current location on the side of the residence in a residential R-50 zone district for the Thompson residence, 978 Mohegan Trail, Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

Motion Carried: DENIED

Donald Kerrick
4702 Maple St.

Detached accessory bldg.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Kerrick, 4702 Maple St., Willoughby, OH 44094 was sworn in to speak for this appeal.

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

Mr. Kerrick said he is asking for an additional 60 sq. ft. The house is a hundred years old and they have two children and the home lacks storage. They also have a shared driveway, and they would like to put their vehicles in the garage to eliminate some of the congestion. They would also like to store their boat in there when it is being maintained. This would also open up the shared center space of the driveway.

Chairman Palmer said the lot is 40' wide and the numbers presented in their rendering are incorrect and Mr. Kerrick said they realized that after they submitted it. The 20' number should actually be 15' to the side lot line. Chairman Palmer viewed the property to confirm that was a correct number. He said 660 sq. ft. for the detached garage is not an unreasonable request.

Mr. Davis asked if the driveway was in its current configuration when Mr. Thompson purchased the property and he said yes.

Mr. Thompson said there appears to be an encroachment of his current garage onto his neighbor's property, so demolishing that garage and constructing the new one would resolve that issue. Chairman Palmer said that would be something to confirm and make sure they are the constructing the new garage in the correct location from the property line. Mr. Thompson said they believe they have found the metal pins but will obtain a metal detector and confirm that.

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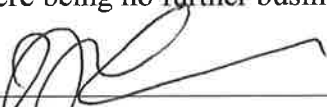
Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Yutzy moved to grant a variance to C.O. 1131.10(d) to allow a detached garage of 660 sq. ft. exceeding the allowable by 60 sq. ft. instead of the allowable 600 sq. ft. for the Kerrick residence, 4702 Maple St., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

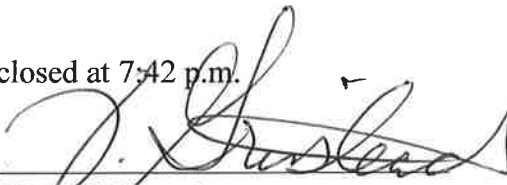
ROLL CALL: Yeas: Mike Ross; Mr. Davis; Mr. Yutzy; J. Palmer, Chairman
 Nays: None
 Absent: Mr. Maniche

Motion Carried: APPROVED

There being no further business the regular meeting closed at 7:42 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary