

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
APRIL 10, 2024  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** None

**OTHERS:** Keith Pedersen, 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**

**March 27, 2024**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for March 27, 2024 as submitted and Mr. Davis seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

**None**

Chairman Palmer said because there is a large crowd for one of the applications they will limit comments to three minutes for each person to speak unless they represent a larger group or petition and they will be allotted more time. He also explained the meaning of a public hearing and asked that items brought up by a previous speaker not be repeated.

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**NEW BUSINESS**

**Lloyd Bice**  
38110 Glenbury Lane

**Roof & posts over porch,  
rear yard setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 3 & 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. Bice, 38110 Glenbury Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Bice said the sun is extremely hot on the back part of their home where their deck is. He said it will not change the aesthetics of the neighborhood because several neighbors around him have similar covered decks or four season rooms. He said the side lot line is only 120' and they have a 40' setback in the front and along with the size of the homes anything they would do in their rear yards will require variances. He said this addition would also add value to his home and to the adjacent homes.

Mr. Maniche asked if Mr. Bice's neighbors, who have additions, encroach the property lines and Mr. Bice said yes he did look at the measurements. Mr. Davis asked if his neighbors secured building permits and Mr. Bice said he did not know. Mr. Davis said one of the board's responsibilities is to see if there is another option, and in this case, achieve shade on the back deck. He suggested using a retractable awning. Mr. Bice said because of some of the areas that extend out over the raised deck it is not advisable. He said they have a wind tunnel which shoots down through his property because of a road from an old farmhouse and they have lost many patio umbrellas because of this wind. He worries about the neighborhood children that play outside and one of these umbrellas hitting them. The umbrellas also get extremely worn out by the sun and need to be replaced yearly.

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) and allow a rear yard setback of 30', creating an encroachment of 10', instead of the allowed 40' rear yard setback for the Bice residence, 38110 Glenbury Lane, Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

**Motion Carried:     APPROVED**

**VFW Post 1500**  
38295 Pelton Rd.  
(Rep.- Jessica Ruff, Ruff Neon & Lighting)

**Signage/front setback**

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Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 3 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. Ms. Ruff of Ruff Neon & Lighting, 295 W. Prospect Ave., Painesville, OH 44077, agent for VFW Post 1500, and Mr. Mark Case, 38247 Laura Dr., Eastlake, OH 44095 was sworn in to speak for this appeal.

Ms. Ruff said they are proposing to replace the current sign which is setback 22' from the centerline. They are requesting a 7' variance encroachment, so the new sign will be setback 30' from the centerline. The new sign will be internally illuminated with LED at the top. The sign below will be an EMC board with a brick base. She said the hardship for the encroachment is there is a gas house which blocks their sign. Mr. Case said they did originally want to use the same location as the current sign but it was not within the city's code and came up with an alternate plan.

There were no comments or questions from the board members.

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. Ross moved to grant a variance to C.O. 1163.06(e)(4) and allow a 0' setback from the front property line instead of the allowable 7' setback for VFW Post 1500, 38295 Pelton Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

**Motion Carried:     APPROVED**

**McKinley Community Project**

1200 Lost Nation Rd./PPN#27-B-056-C-00-025-0,  
27-B-056-D-00-001-0, 27-B-056-D-00-002-0,  
27-B-056-D-00-003-0  
(Rep.- Steve Jennings, LDA Architects)

**Senior housing development**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 through 9 on the application for appeal and noted all items that were in the packet. He read into record comments from Mayor Fiala from the Staff Report (Exhibit "A").

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Steve Jennings of LDA Architects, 5000 Euclid Ave., Willoughby, OH 44094 agent for McKinley Community Project was sworn in to speak for this appeal.

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Mr. Jennings said they will be doing senior housing for this project. He said the proposed size of the units are similar to the surrounding neighborhood which are cottage size homes and a majority of them are under 1,000 sq. ft. The duplexes will fit nicely because they have a larger footprint and work within the context of the existing neighborhood. They are extending Windermere Drive because it makes sense for it to align with the existing roads.

Mr. Jennings said speaking specifically to the three variance items, the deficit of 5' for buildings 7 and 8 is to allow for a buffer between the buildings and the rear of the McKinley Outreach Center so they can maintain their existing parking lot. The second item is the square footage of the units. He said for senior housing they have typically done less than 600 sq. ft., so anywhere in the 500-800 sq. ft. range for a one bedroom unit is appropriate for that lifestyle. They often find that even with two older people they only have one car so they do not think there is a necessity for parking for two cars. Chairman Palmer asked why they do not show enclosed parking. Mr. Jennings said they find seniors sometimes have no cars at all.

Mr. Davis asked when LDA Architects began working with McKinley. Mr. Jennings said approximately a year ago when they expressed interest in developing the rear of their property. They have owned that land before his company was contacted. Mr. Davis said so presumably Mr. Jennings began this project understanding there would be code limitations and Mr. Jennings said yes. Mr. Ross asked why the parking pads do not extend to the units. Mr. Jennings said this is a conceptual plan, but they intended to put sidewalks to the front door from the driveway. They did not want people to park right in front of the building.

Mr. Ross asked if these units will be leased. Mr. Jennings said yes, to the best of his knowledge that is their intent. Mr. Ross said is where he shows the building pads on the rendering to scale and Mr. Jennings said yes.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Greg Patt, 38005 Brown Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Patt said he is doing developing and planning as a second career. He explained about the missing middle in planning; you have single family units at one end and high density apartment units at the other end and what is missing is the middle. A duplex is less expensive to build and less expensive to rent or own. The codes for garages were written in the 90's and it does not say you have to put your car in the garage, it says you have to have one. He cited apartment units in the downtown Willoughby area that have single space parking. He went to the Lake County Auditor's site and there were quite a few 600+ foot homes on Windermere. He said new construction raises the home values in a neighborhood.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Mike Currier, 38083 Erie Rd., Willoughby, OH 44094 was sworn in to speak for this appeal. He is the president and co-founder of The McKinley Outreach Center.

Mr. Currier said the reason they are bringing this before the board is because they have been at McKinley for eleven years and have served thousands of people with food and clothing. He said over the last three to four years they have seen the need grow for seniors as far as food and shelter because of the economy. He said their goal is not to impose anything on the neighborhood but to reach out to the fifty-five and over community who are struggling to keep a home. They serve all of western Lake County. He said they will not own these and they do

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not have any commitments to anyone yet because it is conceptual. Another issue is senior veterans that need help and struggle in their later years and feels they owe them something and this is their motive behind this.

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. Jeff Malacki, 1249 S. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Malacki said they are putting in low level multi-family houses in an R-50 zone district. Chairman Palmer said this board is only hearing the three items before them and one of them is not the zoning issue. He said single family verses duplexes are not the issue and to please stick to what is before this board. Most people seem to have an issue with the size of the units. Mr. Malacki said how are the seniors going to get their cars out when it snows? He also said how can they make presumptions seniors won't have a car or two? He asked the board to keep in mind the Mayor's comments.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. Michael Murray, Esq., 38109 Euclid Ave. Willoughby, OH 44094 representing his clients Michael and Whitney Allen, 2424 Windermere Dr., Willoughby, OH 44094. Mr. Murray is already a representative of the court and does not need to be sworn in.

Mr. Murray, Esq. said the Mayor's comments were on point and this is a tight area already. He said this plan should be resubmitted and in compliance with the city's code.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. Dennis Foley, 1184 Elmwood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Foley asked if the board approves this variance can it then be carried over into other areas of Willoughby? Chairman Palmer said no, this is only for the parcels requested on this property and is not a blanket general exemption and would set a precedent. Mr. Foley said this precedent is his concern.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. Curtis Labarbera, 1150 Lost Nation Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Labarbera said he just built a home at College Court and Lost Nation Rd. He moved here because he heard the north end will be developed with more businesses in the future. There will also be six new homes on Hayes and they will all be over 1,500 sq. ft. He said when the city creates codes it is for a reason. He feels if these are allowed to be 600 sq. ft. it will depreciate the other home values. He said since these are also rentals the residents will worry about safety and traffic. There is no reason they cannot comply with the code and sees no hardship here. This is going in the wrong direction for north Willoughby.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Ms. Sarah Thompson, 1138 Windermere Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Thompson said she lives one house away from this proposed development. She said Mr. Jennings said most of the homes are 600 sq. ft. and this is not true because her home was constructed in 1947 and is 849 sq. ft. The

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residents on Windermere have trouble with the sewer system and these new homes would burden the system further. She would like to know what they will do about this before they build this development.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. William Collins, 3849 S. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Collins said he agrees with the mayors comments. He said if they take away one parking space then these people will be parking on the street, and where will their guests park. His concern is when this development is built it will flood the creek and then flood the homes because he has seen it happen before. He is working with his councilperson to improve the north end and wants to attract businesses because they will have no where for seniors to shop.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Ms. Kristie Sievers, 988 Bellevue Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Sievers said she is the councilperson for Ward 1 and agrees with the mayor's comments. She said the residents have contacted her with concerns about the size of the proposed duplexes. Her home is also small but is well over 600 sq. ft. so she is unsure where they got those numbers. She asked the board to not approve this variance because it will set precedent for the entire city. She asked the board to listen to the residents and do what is best.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Mr. Lee Armitage, 1155 Elmwood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Armitage said his rear property abuts the property in question. He said at College Court and Hayes Ave. there used to be a barricade to dissuade traffic because his nephew got hit by a car. The barricade has since been removed and he is concerned about traffic.

Chairman Palmer asked if there was anyone else who wished to speak against this appeal. Ms. Terry Reichert, 1147 Windermere Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Reichert asked how many lots will there be and Chairman Palmer said there will be eight; two units on each lot. Ms. Reichert said she lives on that corner and with the opening of that barricade the traffic is bad. When the McKinley Outreach Center left the gate open people used that to cut through. She said her neighbors child on the next street almost got hit by a car. She said they did complain and McKinley closed the gate but now the gate will be permanently open if they construct homes there. She said the residents suggested other options at last year's ward meeting for that property such as a community garden or gazebo for weddings, parties etc.

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

Chairman Palmer asked if there was anyone who wished to speak for this appeal in rebuttal. Mr. Steve Jennings of LDA Architects (already sworn in).

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Mr. Jennings said they appreciate the comments from the community. He said he is sure everyone in this room appreciates what Pastor Mike has done for the community but they do not make money for what they have done in the past. In order for them to bring in income they cannot provide a park or garden on this vacant land. He said by developing this land it provides support for the outreaches mission. He said in regard to some of the engineering questions, as the project develops, they would have civil engineering completed. They would verify the capacity of the sewer system and go through the sanitary and the storm sewers to ensure there are no issues.

Mr. Jennings said in regard to the comments about traffic cutting through they would work with the city to install traffic calming measures or speed bumps. He said they are open to suggestions and would increase their units up to 800 sq. ft. and possibly extend the driveways to provide a minimum of two spaces.

Mr. Davis said they can resubmit an altered plan. Chairman Palmer said yes and they have the right to appeal within thirty days if this does not pass. He thanked the residents for their comments and he has asked both sides three times each and closed the hearing and asked for motions.

Mr. Maniche moved to grant a variance to C.O. 1131.05(d)(2) and allow a 95' lot depth instead of the allowable 100' lot depth creating a deficit of 5' for McKinley Outreach Project, 1200 Lost Nation Rd./PPN#27-B-056-C-00-025-0, 27-B-056-D-00-001-0, 27-B-056-D-00-002-0, 27-B-056-D-00-003-0, Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

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

**Motion Carried:     DENIED**

Mr. Maniche moved to grant a variance to C.O.1131.07 and allow 600 sq. ft. dwelling units instead of the allowable 1,000 sq. ft. dwelling units for McKinley Outreach Project, 1200 Lost Nation Rd./PPN#27-B-056-C-00-025-0, 27-B-056-D-00-001-0, 27-B-056-D-00-002-0, 27-B-056-D-00-003-0 Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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

**Motion Carried:     DENIED**

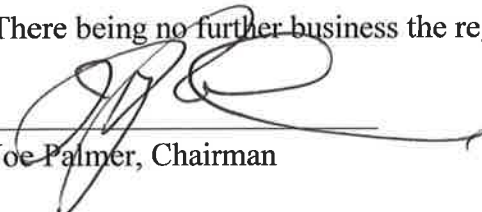
Mr. Maniche moved to grant a variance to C.O. 1161.04 and allow one unenclosed parking space per dwelling unit instead of the allowable two spaces per dwelling unit with one being enclosed for McKinley Outreach Project, 1200 Lost Nation Rd./PPN#27-B-056-C-00-025-0, 27-B-056-D-00-001-0, 27-B-056-D-00-002-0, 27-B-056-D-00-003-0 Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Ross seconded.

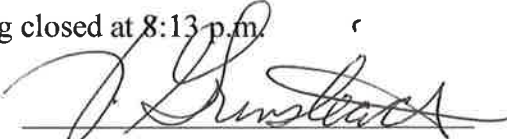
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ROLL CALL:       Yeas:     None  
                      Nays:     Mike Ross; Mr. Davis; Mr. Yutzy; Mr. Maniche; J. Palmer, Chairman  
                      Absent:  None

**Motion Carried:    DENIED**

There being no further business the regular meeting closed at 8:13 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary