

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JUNE 12, 2024
PUBLIC HEARING MEETING
MINUTES**

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

MINUTES

May 22, 2024

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for May 22, 2024 as submitted and Mr. Ross seconded.

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

Motion Carried: Approved

OLD BUSINESS

Kathleen Stergar
3944 East 365th St.

Fence

Mr. Maniche moved to untable the appeal for Kathleen Stergar, 3944 East 365th St., Willoughby, OH and Mr. Ross seconded.

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

Motion Carried: UNTABLED

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

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. Ms. Stergar, 3944 East 365th St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Stergar said she wants to put up an 8' fence along the commercial property that abuts her property because there is a parking lot right at the fence line and people hang out behind this business. Their parking lot is 7" higher than her back yard, so from her grade level their block wall is 57" and on their side it is 50". When there is a car parked there they can look into her back yard. She has a young child so it is a security and a privacy issue.

Chairman Palmer said commercial properties are allowed to install 8' fences but residential properties are only allowed a 6' high fence. These fences can be 4' solid but with a predominantly open component or 6' in height with ¼" opening between pickets as he read in her letter of non-compliance. Ms. Stergar said at 6' if you have a truck or SUV they can still look over the fence and will still not give you privacy. Chairman Palmer asked how long Ms. Stergar lived at this location and she said since 1997. He asked if this commercial building was there when she moved there and she said yes.

Mr. Davis asked about the neighbors 6' high fence and Ms. Stergar approached the dais to explain the rendering to the board. She said the 6' high fence will block out enough because her home is at a diagonal. Mr. Davis said since the commercial property has the right to extend their fence/wall and is allowed to have an 8' fence. He asked if she has contacted them to discuss if they would pay for and install this fence so she does not have to incur the cost. Ms. Stergar said no she has not because she assumed they would not want to incur that cost. She said they also do not maintain the current wall they have.

Chairman Palmer said since she abuts a commercial property he does not have an issue with this request.

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. Maniche moved to grant a variance to C.O. 1131.10(i)(3)(A) and allow an 8' solid fence instead of the allowable 6' fence with sufficient airflow or open top & (C) to allow a fence to be solid 6' in height instead of the non-allowable solid fence; citing C.O. 1109.09(b) the for the Stergar residence, 3944 East 365th St., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

This item will remain tabled per the applicant's request

The Charlton Abbott
37903 Euclid Ave.

Use Variance for
lounge/private event facility

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

NEW BUSINESS

Austin Jones

1127 Windermere Dr.
(Rep.- Jon O'Keefe, O'Keefe Excavating LLC)

Addition/rear setback

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.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. O'Keefe of O'Keefe Excavating LLC, 8125 Skyline Lane, Chagrin Falls, OH 44022 was sworn in to speak for this appeal.

Mr. O'Keefe said the backyard is small and he wants to build an addition. He is taking the rear setback down by approximately 5'. Chairman Palmer said this is a pretty straight forward appeal. There were no other 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. Maniche moved to grant a variance to C.O. 1131.06(c) and allow a rear yard setback of 24.68' instead of the allowable 30.50' rear yard setback; citing C.O. 1109.09(b) for the Jones residence, 1127 Windermere Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Curtis LaBarbera

1150 Lost Nation Rd.

Accessory off-street parking

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. LaBarbera, 1150 Lost Nation Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. LaBarbera said the examples he shows in the boards packet are for the Lakeshore Gateway area and his home is on a corner lot. College Drive was a closed street but the city recently reopened it right after his home was built. He said he has a big family and children, including one that still lives at home, and the road is narrow and you cannot park on College Dr. so there is no room for them to park and that is why he is seeking this variance.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

Chairman Palmer said his access drive is off College Dr. but his address is Lost Nation Rd. and he is attaching this accessory parking to his access driveway and Mr. LaBarbera said yes. Mr. Yutzy said the examples he shows are commercial properties and Mr. LaBarbera said that is correct but he has the ability to also be commercial because of the way the district is zoned (Lakeshore Gateway District).

Mr. Davis asked him to expand on what he is asking for. Mr. LaBarbera said he already obtained his permit which is for 10' next to his driveway to 10' behind his home. This appeal is for an additional 10x20 next to it (highlighted in yellow on the plan). Chairman Palmer said this is even further into his back yard. Mr. LaBarbera said they consider his back yard to be directly behind his house but not on College Dr. Chairman Palmer said because he is a corner lot the city essentially says you do not have a back yard and they are trying to fix this. Mr. LaBarbera said he has a permit to do the 10' strip next to his driveway and then extend it 10' behind his house. In order to not encroach any further into his back yard he wants to extend the front part 10' wider. He said his property was a tricky lot to build on and he had to obtain a variance for that as well.

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. Maniche moved to grant a variance to C.O. 1131.10(a) to allow parking in the side yard instead of the allowable rear yard at a distance of 5' from the rear lot line; citing C.O. 1109.09(b) for the LaBarbera residence, 1150 Lost Nation Rd., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

John Davies
941 Peach Blvd.

Addition/side & rear yard setbacks

Chairman Palmer stated the applicant cited practical difficulty number 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. Davis, 941 Peach Blvd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Davies said when this home was built in the 60's he does not believe the setback was 5'. They want to come off the existing building and go straight down the property line. The addition will not be closer or further than the existing building is to the property line. His daughter is now older and the addition will be a second master suite with a full bathroom so his daughter can live there and attend college. The addition will also have it's own entrance with a sliding glass door.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

Mr. Davis asked what the roof is in the rendering within the black outlined area. Mr. Davies said it is a laundry room and at the very bottom of the photo is the neighbors garage. Mr. Davis said he was asking about the neighbor's garage and it is on the property line. Mr. Davies said yes by about 1'. Mr. Davis asked if he considered extending the house toward the lake. Mr. Davies said yes but explained it would be quite a bit more of an expense.

Chairman Palmer asked if the sliding door in the backyard has a pathway leading to it and Mr. Davies said not yet. Chairman Palmer said his concern is if someone else purchased this house it could be used as a rental since it has a separate entrance but he sees this is totally in his backyard .

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. Maniche moved to grant a variance to C.O. 1131.06(b) to allow a 2' 10" side yard setback instead of the allowable 5' side yard setback; citing C.O. 1109.09(b) for the Davies residence, 941 Peach Blvd., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Mr. Maniche moved to grant a variance to C.O. 1131.06(c) and allow a 11' rear yard setback instead of the allowable 24' rear yard setback; citing C.O. 1109.09(b) for the Davies residence, 941 Peach Blvd., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Matthew London
5404 Chestnut Hill Dr.

Front porch/front setback

Chairman Palmer stated the applicant cited practical difficulty number 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. London, 5404 Chestnut Hill Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. London said he would like to construct a covered front porch on the front of their home. He said they have been renovating the interior of the home and now they would like to do the exterior. He believes this addition

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

will add value to the home. He said approximately 30% of the homes on his street already have covered front porches.

Mr. Maniche said he is very close to being in line with his neighbors front porch. Mr. London said he measured his neighbors porch and it is about 10' and 31' from the sidewalk and he is asking to be 2' closer.

Mr. Davis asked Mr. London why he cited practical difficulty #2, economic justification, and Mr. London said he was not really sure which one to choose because the options were confusing. Chairman Palmer said item #3 would be more appropriate. Mr. Davis said his observation is that most of the porches in that area are further back than 29'. Mr. London said he believes his neighbors did have to obtain a variance for their porch as well. Mr. Ross asked if he would change his appeal to 31' to align with his neighbors porch and Mr. London said yes.

Mr. London amended his appeal and asked for a 31' front yard setback instead of the 29' front yard setback he originally requested. He asked if he needs to submit amended plans. Mrs. Grinstead said he should check with the Building Department.

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. Maniche moved to grant a variance to C.O. 1131.06(a)(2) to allow a 31' front yard setback instead of the allowable 40' front yard setback; citing C.O. 1109.09(b) for the London residence, 5404 Chestnut Hill Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Richard & Pamela Lann
4685 Maple St.
(Rep.- Joe Myers, Myers Architect)

**Addition side of residence/
front setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4, 7 & 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. Myers, Myers Architect, 38030 Second St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Myers said the addition they are adding to the front of the home is an open air porch so there is a roof above it but no solid walls. They are adding a wraparound porch as well. This is a very old home and it was probably there before the ordinances were enacted and already encroaches into the 40' setback. He showed the board a rendering using the 40' setback and most of the homes there already encroach as well. He said on the other side

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

of the street the homes encroach even further. He said this would be in keeping with the neighborhood. He said in order to have a wraparound porch and be able to set out furniture you need it to be a certain size to be able to wrap it around the home and improve the look of the home.

Mr. Maniche said he was under the impression that all he was doing was extending this porch and Mr. Myers said that is the next application.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Lann, 4685 Maple St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Lann apologized and said he misinformed Mr. Maniche when he stopped by to view the property.

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. Maniche moved to grant a variance to C.O. 1131.06(a)(2) to allow a 36'9" front yard setback instead of the allowable 40' front yard setback; for citing C.O. 1109.09(b) the Lann residence, 4685 Maple St., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: APPROVED

Thomas & Carla Ott
4397 Center St.
(Rep.- Joe Myers, Myers Architect)

**Addition side of residence/
front setback**

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 4, 7 & 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. Ott, 4397 Center St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Ott said he and his wife have lived in this house since 2016 but their family has grown quite a bit and have just welcomed their fourth child. The three bedroom house now feels small and they would like to expand off the side of their home. They are not looking to go any closer to the street. On the side of their home, they have an enclosed three season porch which does not get much use. He said the new addition will be closer to the driveway than the three season porch. This addition will give them five bedrooms.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 12, 2024**

Chairman Palmer said he appreciates the investment in this neighborhood. He said the house is not parallel to the street. Mr. Ott said the house was built somewhere around 1890-1900 and there may not have been a road there at the time.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Myers, Myers Architect, 38030 Second St., Willoughby, OH 44094 was previously sworn in to speak.

Mr. Myers said this is a continuation of the existing porch but because of the skewed angle, this portion of the porch will be further from the road than what is already there. He showed the board the renderings of the other side of the street with the 40' setback and it runs through the middle of most of the existing homes. This addition will be in line with the apartment building next door.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Brian Lake, 4394 Center St., Willoughby was sworn in to speak for this appeal.

Mr. Lake said he lives directly across from the Ott family and believes the house was built in 1898. He has lived there for thirty years and knew the previous owner, who was born there, who said there was only a dirt road back then. He said the Ott family are the best neighbors he has ever had.

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.

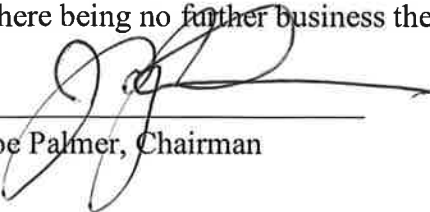
Mr. Maniche moved to grant a variance to C.O. 1131.06(a) to allow a 13'5" front yard setback instead of the allowable 40' front yard setback; citing C.O. 1109.09(b) for the Ott residence, 4397 Center St., Willoughby, OH 44094 and Mr. Ross seconded.

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

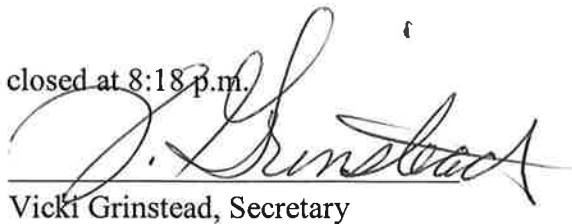
Motion Carried: APPROVED

Mrs. Grinstead noted for the record that on page 3 of the May 22, 2024 minutes there was a typo that she will correct (originally previsions, corrected to provisions).

There being no further business the regular meeting closed at 8:18 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary