

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
SEPTEMBER 11, 2024
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Maniche; Mike Yutzy; Mike Ross; 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

August 28, 2024

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for August 28, 2024 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

This item remains tabled per the applicant's request.

Anna Soldo
2149 Farroni Dr.

**Swimming pool/corner
side yard**

NEW BUSINESS

Vivian Pike
5700 Hartshire Dr.

Generator/side yard

**City of Willoughby
Board of Zoning Appeals
Minutes
September 11, 2024**

Chairman Palmer stated the applicant cited practical difficulty numbers 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. Kenyon & Mrs. Vivian Pike, 5700 Hartshire Dr., Willoughby, OH 44094 were both sworn in to speak for this appeal.

Mrs. Pike said they need a generator because they have a daughter with a medical condition. They have planned for it to be installed between two garages where the utilities are easily accessible but discovered it was too close to the property line. Their contractor proposed moving it to a different location in the rear of the home which would place it near their neighbors kitchen window. The “alternate site” would be in the rear of the home. Chairman Palmer said is the neighbors kitchen their corner of the house behind the garage and Mrs. Pike said yes. Mrs. Pike said she was trying to be a good neighbor and not place it near their neighbors window without consulting them. There was some discussion on where the service lines come in.

Chairman Palmer said it looks like the neighbors kitchen would be twenty-five feet away from the “alternate site” and the generator is insulated for noise mitigation. He would like to see this generator installed in the “alternative site” or rear yard. He said if this was their only option it could be considered a hardship but it is not. He asked if the pad has been poured for the generator and Mrs. Pike said not yet. He said the board is seeing more of these generators coming before them and they do not want to set a precedent. Mr. Maniche said he agrees with Chairman Palmer and they do have an alternative site that complies with zoning regulations. He would like them to consider tabling their appeal and consider moving the location or they can proceed with a vote. Mrs. Pike said they would like to proceed with a vote for the proposed site between the garages.

Mr. Davis suggested the board deny the appeal and that way the contractor will be compelled to put in in another location. Mr. Pike said what if there is an issue with the “alternate site”? Chairman Palmer said he cannot speak to that, but it looks like the site does not have any visible landscaping etc. The patio looks to be approximately 25’ away from the “alternate site”.

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(b)(1) and allow a generator 4’ from the side lot line, creating an encroachment of 4’ instead of the allowable 8’ from the side lot line for the Pike residence, 5700 Hartshire Dr., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: DENIED

Roger & Lawanda Prettyman
38800 Wood Rd.

Detached accessory garage

City of Willoughby
Board of Zoning Appeals
Minutes
September 11, 2024

Chairman Palmer stated the applicant cited practical difficulty number 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. Roger and Mrs. Lawanda Prettyman, 38800 Wood Rd., Willoughby, OH 44094 were both sworn in to speak for this appeal.

Mrs. Prettyman said they would like to add additional space in their rear yard for her husband's work and storage of his contracting equipment. This would free of space in their garage for their vehicles and other items.

Chairman Palmer said these requests come before the board quite often but in a residential area parking of commercial vehicles in the front of the home is prohibited. He said combining a residential and commercial business is a precedent setting request which the board tends to deny; especially with the size they are requesting. He said they may only use it for storage, but if the property is sold someone could use it as living space which is not an allowable use. The running of a business or storing commercial items in this size of a building is precedent setting.

Mr. Maniche asked if they would be conducting any business out of this building or is it strictly for storage. Mr. Maniche said he viewed the property and it is a beautiful home and there are two non-conforming garages on either side of their home. He said the whole street appears to be non-conforming. Chairman Palmer said he does not recall the board approving an accessory structure of this size, whether it was for commercial use or not, on a residential lot.

Mr. Davis said he drove down the street as well and there is a lot of older construction in Willoughby that have features that the city no longer allows but are grandfathered in. He said he would be opposed to this appeal because it is way over what is allowed. He said the zoning code says the board should take into account whether the variance is substantial and is a reasonable use of the property, and as Mr. Maniche pointed out, the applicant did a wonderful job of developing the property and is meeting its purpose.

Mr. Ross asked if they could attach this to their home and Mr. Prettyman did not believe it was possible. Mr. Ross said the reason he asked was because they could then go as big as they wanted. Mr. Ross asked if they could scale it down. Mr. Prettyman said he would take 10' of length off his original request. He asked if they have considered other storage options and Mrs. Prettyman said they have. Mrs. Prettyman said they previously lived in an H.O.A. home development and moved here because they wanted more land to build a larger structure.

Chairman Palmer said they should consider Mr. Ross's suggestion of attaching it to the home and suggested they speak with the Building Department. He appreciates the investment they have made in the community.

Chairman Palmer asked if they wanted the board to vote on the existing application, table it or amend the size. The original request was 30x40, so now it would be 30x30 or 900 sq. ft. Mrs. Prettyman asked to amend her application request to be 900 total sq. ft.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. John Klco, 38784 Wood Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Klco said he is their next door neighbor and is in support of their appeal request for an outbuilding. He said they have an acre and a quarter which is large and you will need quite a bit of equipment to maintain it, so they

**City of Willoughby
Board of Zoning Appeals
Minutes
September 11, 2024**

will need a large building to house it. It will be in the rear of the property and will blend in nicely. He said there are variances on the street already. Chairman Palmer said these may have been built before the building codes were put in place and those homes are not before this board. Mr. Klco said these are larger than the average properties within the city.

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(d)(1) and allow an addition of a detached garage where an attached garage already exists, instead of the allowable one garage, for the Prettyman residence, 38800 Wood Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: DENIED

Mr. Yutzy moved to grant a variance to C.O. 1131.10(d)(3) and allow a detached garage of 900 sq. ft., exceeding the allowable by 700 sq. ft. instead of the allowable 200 sq. ft. for the Prettyman residence, 38800 Wood Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

Motion Carried: DENIED

Darla Mathews

4063 Mooreland Ave.
(Rep.- Adrienne Oldenburgh, daughter)

RV & Enclosed trailer

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.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Ms. Oldenburgh, 4063 Mooreland Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Oldenburgh presented the board with a letter from Mr. Raymond Dillon III, 4071 Mooreland Ave., Willoughby, OH 44094 in favor of this appeal and was noted in record (9-11-24) by Chairman Palmer.

City of Willoughby
Board of Zoning Appeals
Minutes
September 11, 2024

Ms. Oldenburgh said they cannot get behind the house with her vehicles. They keep the vehicle their for her mom's medical condition to control her temperature. She said when the power goes out they can put her in the RV and keep her in there. The RV is also for her mother's bucket list after her father passed away.

Mr. Davis asked if she lives at this residence and Ms. Oldenburgh said only part-time but she is breaking her lease and moving in with her mother at the beginning of 2025 because she requires a full-time caregiver. Mr. Davis asked when she was originally cited for this parking situation. Ms. Oldenburgh said since July, 2024. She said the RV and trailer are at her current location and that is where she photographed them for the board's packets.

Chairman Palmer said there is a storage facility a block or two away from her mother's home where she could store these items. He said in case her mother needs it right away they could gain access because it would be so close. Ms. Oldenburgh said it would be basically a few hundred feet from where it is stored now and that is if they have a space available and they can afford it.

Mr. Davis asked what the garage is used for on her mother's property. Ms. Oldenburgh said it houses her mother's car and golf cart, which they use to take her places. She said her truck cannot fit in this garage because it is original to the home. Mr. Davis wondered if her mother needed the car because they could store the trailer in the garage. Ms. Oldenburgh said her mother will not give up her car.

Mr. Maniche said it sounds like a medical need and wondered if a doctor would confirm this. Mr. Yutzy asked what the trailer is for and Ms. Oldenburgh said it is for the golf cart and her mother's mobile scooter.

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. Ms. Christine Lee, 36940 St. Claire Ave., Willoughby, OH 44094 was sworn in to speak against this appeal.

Ms. Lee said she is against the appeal because it detracts from the neighborhood and affects property values. She had an RV when she moved in and had to move it and pay for a storage facility which was not that expensive.

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

Mr. Davis said he believes there are special circumstances and the owner of the home has a serious health condition and would be a reason for approval of this appeal.

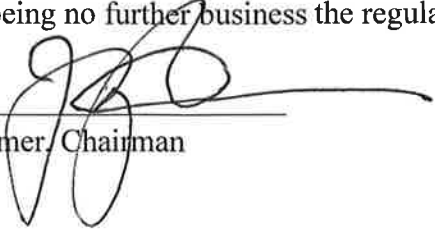
Mr. Yutzy moved to grant a variance to C.O. 1131.10(f) and allow side yard parking for an RV and an enclosed trailer instead of the allowed rear yard parking only for the Mathews residence, 4063 Mooreland Ave., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

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

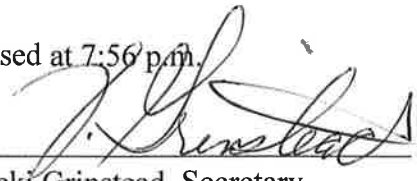
Motion Carried: DENIED

**City of Willoughby
Board of Zoning Appeals
Minutes
September 11, 2024**

There being no further business the regular meeting closed at 7:56 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary