

MINUTES
Board of Building & Zoning Appeals
City of Willoughby Hills, Ohio

November 14, 2017

CALL TO ORDER: 8:10 pm

ROLL CALL

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch,
Robert Bartolotta.

ABSENT: James Michalski

ALSO PRESENT: Clerk Katherine Lloyd

MOTION: John Klements moved to excuse James Michalski from tonight's meeting.
Seconded by Mark Kotoch.
Roll call: Ayes Unanimous.
Motion passes 4/0.
Motion carried. Mr. Michalski is excused.

DISPOSITION OF MINUTES of October 10, 2017

MOTION: Mark Kotoch moved that the Board approve the Minutes of October 10, 2017 as submitted.
Seconded by John Klements.
Roll call: Ayes Unanimous.
Motion passes 4/0.

Chairman Cihula declared that the Board of Building and Zoning Appeals Meeting Minutes of October 10, 2017 have been approved as submitted.

CORRESPONDENCE

Notification dated 10/31/17 sent to News-Herald re: November 14, 2017 BZA meeting.
Letter dated 10/30/16 from BZA to Mr. George Dragon, Cicogna Sign Co. RE: Case 2017-02 at 29010 Chardon Rd.
Letter dated 10/30/16 from BZA to Mr. Michael Gatto (Gatto Group) RE: Case 2017-02 at 29010 Chardon Rd.
Letter dated 10/30/16 from BZA to Mr. Andrew Joseph DiNunzio RE: Case 2017-03 at 2877 Rockefeller Rd.
Letter dated 11/14/17 from Mr. Robert Bartolotta re: Resignation from BZA effective 30 November 2017.

Case No. 2017-4

Mr. Vincent Marcellino, 2748 Rockefeller Rd., for Fatica Renovations LLC, 1068 Cranbrook Dr., Highland Hts., requests a variance to construct a new house at 2965 Rockefeller Rd. with a left side setback of 13.7' to the overhang and a right side setback of 14' to the overhang. Section 1133.04(a)(7), Schedule 1133.04(a)(7)(b) of the Codified Ordinances requires minimum side setback (each side) 15' from the side lot line.

Notice was mailed to property owners within 500 feet of said property.
Drawings are available for review in the lobby of the City Hall and on the front table of Council Chambers.
The appeal was advertised in the News-Herald on November 4, 2017.

There was a letter authorizing Mr. Marcellino to represent Fatica Renovations LLC.

PRESENT: Vincent Marcellino

Stated reason for variance request:

A variance of two feet on either side of the home is requested. The house is 45 feet. The lot is just shy of 75 feet. It is an existing narrow lot. The applicant did not know that overhangs are considered in the setback. He tried unsuccessfully to purchase the lot next door.

Applicant is asking for variances of 1 foot and 1 ½ feet. A 74 foot lot is a substandard lot. The lot immediately to the north is an 18 foot lot. The lot to the north of that contains an older house. Those two lots to the north are under the same ownership. The lots were subdivided in the 1940's. The property immediately to the east had not been subdivided. There were several 18-foot lots put into this subdivision for access to the rear land for potential development of the rear land. The 18-foot lots are no longer necessary.

Board's Discussion:

Suggestion of possible placement of the entire variance on the north side of the property was discussed. This is a 'spec' house. There is no immediate possibility of purchasing the property next door to the north to get more sideline clearance. Inclusion of that lot in these proceedings would necessity the applicant changing his request. His engineering and layout are just about complete. The corner stakes for the house are not set yet. The intended location is further forward on the lot than the house to the south. Amending the request would involve extra time, paperwork and would require the site plan be redrawn. It would be an undue burden.

Public Portion for Case 2017-4 opened at 8:26 p.m.

No Public Input.

Public Portion for Case 2017-4 closed at 8:26 p.m.

MOTION: Mark Kotoch moved that the Board approve Case 2017-4 as requested and grant a variance for the property located at 2965 Rockefeller Rd. with a left side set back of 13.7 feet to the overhang and a right side set back of 14 feet to the overhang due to the fact that it is a narrow lot. Seconded by John Klements.

Additional Discussion:

A substantial effort was made to comply with the spirit of the ordinance to the best he could. There is no benefit to the City to cost the applicant extra engineering fees.

Roll call: Ayes unanimous.
Motion passes 4/0.

Chairman Cihula declared that the request has been approved. The applicant will pay for the Zoning Permit in the Building Department and then will go to Painesville to get the Building Permit. The decision of the BZA is good for one year.

"Decisions of the Board of Building and Zoning Appeals shall be final within the Municipality, except that an appeal therefrom may be taken to any court of record in accordance with laws of the State of Ohio, by any proper and interested party including the Municipality.

CASE 2017-5

Mary Elizabeth Burrell, 2572 Dodd Rd., requests a variance to construct a screened porch addition to the right side of an existing house. The screened porch addition will have a side yard setback of 8' to the overhang. Section 1133.04(a)(7), Schedule 1133.04(a)(7)(b) of the Codified Ordinances requires 15' minimum side setback from the side lot line.

Notice was mailed to property owners within 500 feet of said property.
Drawings are available for review in the lobby of the City Hall and on the front table of Council Chambers.
The appeal was advertised in the News-Herald on November 4, 2017.

PRESENT: Mary Elizabeth Burrell (owner) and Jim Martin (contractor)

Stated reason for variance request:

A variance of about 7 feet is requested in order to build an 8' x 10' screen porch off the right side of the existing house. There is about 17 feet from the edge of the house to the property line. The house is set way back off the road. The next door neighbor whose house is up by the road has no objection to the screen porch being built. They probably would not even see it.

A letter from the neighbor to the north, Mr. Thomas Nevery was read by the Chairman. He has no objections to the addition of a screen porch. In 2015, Mr. Nevery requested and was granted a zoning variance on the north side in order to build a garage. At that time, the Board used an existing old wire fence to determine the sideline for that property. That same fence was used with Mr. Nevery's lot to establish the sideline for this property.

Mr. Martin is the contractor. Drawings and site plan were supplied to the Board. The porch will have a rustic look which would enhance the 1935 log sided house. It will have electric for one outlet and a ceiling fan. One window in the house will be turned into an access door to the porch.

Board's Discussion:

The screened porch will be built on posts with no outside entrance. It is a walk-out porch from the master bedroom. The area under the porch will remain open. There will still be one window under the porch. Water that flows off the slope will be to the right side of the porch. There should be enough fill to direct it around the porch. It may eventually need to be trenched for water flow.

Public Portion for Case 2017-5 opened at 8:36 p.m.

No Public Input

Public Portion for Case 2017-5 closed at 8:36 p.m.

There is an existing walkway that goes under the porch. They do not use it. They may put washed stone under the porch and then plant around the porch. Installation of a barrier all around the perimeter was suggested. It will be a nice addition to the house. It cannot be seen from the road.

MOTION: Mark Kotoch moved that the Board approve Case 2017-5 as requested and grant a variance for the property located at 2572 Dodd Rd. with a right side setback of 8 feet to the overhang due to the uniqueness of the property and layout of the homes.
Seconded by John Klements
Roll call: Ayes unanimous.
Motion passes 4/0.

Chairman Cihula declared that the request is granted. The applicant will get the Zoning Permit in the Building Department and then will go to Painesville to get the Building Permit. The decision of the BZA is good for one year. If an extension is needed, the request in writing is presented to the Building Administrator.

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UNFINISHED BUSINESS

None

NEW BUSINESS

Bob Bartolotta announced that this is his last meeting. He turned in his resignation from the Board effective November 30, 2017. The Board has enjoyed his participation and the expertise he brought to the Board.

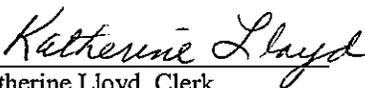
CHAIRMAN'S COMMENTS

The City of Willoughby Hills has hired the Lake County Building Department to do its building inspections. The County Commissioners have approved that. Now the residents need to go out to Painesville to get their building permits. They start here for Zoning. The County Building Department does not do Zoning. The City Engineer does the Zoning Review in the absence of a full time Building and Zoning Inspector. The City Road Superintendent does the Zoning Inspections.

MOTION: Mark Kotoch moved to adjourn.
Seconded by Bob Bartolotta.
Voice vote: Ayes unanimous.
Motion passes 4/0

Chairman Cihula declared the meeting adjourned at 8:48 PM

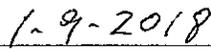
Note that it is the policy of the Board to make site visits to guide them in making their decisions.
Note that BZA meetings are recorded and recordings are considered a public record.



Katherine Lloyd, Clerk



Chairman



Date approved: