

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

March 8, 2016

CALL TO ORDER: 8:00 pm

Roll Call:

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch,
Robert Bartolotta and James Michalski

ALSO PRESENT: Clerk, Katherine Lloyd

DISPOSITION OF MINUTES of January 12, 2016

MOTION: Mark Kotoch moved that the Board approve Minutes of January 12, 2016 as submitted.
Seconded by John Klements
Roll call: Ayes Unanimous
Motion passes: 5/0.

CORRESPONDENCE

- Letter dated 1/27/16 from Willoughby Hills Building Commissioner RE: Enforcement of Board of Zoning Appeals action December 10, 2014 – BZA Case # 2014-7
- Email dated 1/29/16 from Willoughby Hills BZA Chairman Frank Cihula to BZA Board RE: Case 2014-7 Makarich and 1/27/16 Letter from Building Commissioner
- Notification dated 1/27/16 sent to News-Herald re: February 9, 2016 BZA meeting.
- Notification dated 2/25/16 sent to News-Herald re: March 8, 2016 BZA meeting.
- Email dated 3/1/16 from Gloria Majeski RE: Updated Willoughby Hills City Roster with attachment

CASE 2016-01

Mr. Charles Petro, 2639 Dodd Rd. Willoughby Hills, requests a variance to construct an addition to an attached garage. The addition will be 40' from the right of way. Section 1133.04(7)(a) of the Codified Ordinances requires a 75" setback from the edge of the right of way.

Notice was mailed to property owners within 500 feet of said property. Drawings were available for review in the lobby of City Hall. Legal notice was advertised in The News-Herald on Saturday, February 27, 2016.

PRESENT: Mr. Charles Petro

Stated reason for variance request:

We would like to add an attached 3-car garage for general storage and cars. The Ordinance says it needs to be 75 feet from the property line. The new garage would be 40 feet from the property line. We already have a 2-car garage which is used by my wife and the children. The basement is a crawl space so there is no storage. There is no storage for outside furniture and equipment.

Board's Discussion:

If the garage were smaller, the encroachment would be lessened but a parking space would be lost. There is no uniform standard proximity to setbacks on the road. The house to the south on flat ground is much closer to the street than the proposed addition and his house is on flat land. There are a couple houses on the street that are also encroaching on the 75' setback. The proposed location is down the hill. It is the only level space. The addition would look better attached on this side of the house as a unit than 'patched' on to the other side by the drain. It would use the existing drive.

The possibility of a previous deed restriction or an easement for the adjoining property was discussed. It would have allowed the neighbor to come up through the driveway when the weather was bad. Building the addition would

block the deed restriction or easement. The applicant was unaware of it when he purchased the property five years ago or when he refinanced it. Neighbors told him that the two former owners were friends who made an arrangement. Title search did not locate a deed restriction or easement. It could have been missed.

The house was vacant for a long time. The applicant has done a lot of work to fix it up.

The neighbor's new driveway is higher than the proposed garage. There has been no additional water runoff onto my property. Roof water from the proposed garage roof will discharge from the gutters onto his property and away from the house. The original site plan shows the sewer lines.

Public Portion for Case 2016-01 opened at 8:22 p.m.

No one from the Public was in attendance.

Public Portion for Case 2016-01 closed at 8:22 p.m.

MOTION: Mark Kotoch moved that the Board approve Case 2016-1 as requested and grant a variance at The property located at 2639 Dodd Rd. for a variance to construct an addition to an attached Garage within 40' setback from the right of way due to the uniqueness of the subject property And surrounding homes.
Seconded by John Klements
Roll call: Ayes unanimous.
Motion passes 5/0.

The decision of the BZA is good for one year. Applicant will contact the Building Commissioner for the further review and the Building Permit.

UNFINISHED BUSINESS

None

NEW BUSINESS

None

CHAIRMAN'S COMMENTS

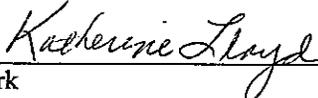
- Originally there were two projects prepared for tonight's meeting. The second appeal was for a garage on Eddy Rd., west of Rockefeller. There are two garages very close together with the lot line in the space between them. One is a single-story attached garage. The other is a separate detached garage on a double lot. The appellant got approval from the Architectural Board to put a second story on the attached garage. The structure was not being built according to the approved plans. After discussion with the Building Commissioner, the BZA appeal was withdrawn. Zoning code review process was discussed.
- So far there are no pending appeals.

MOTION: John Klements moved to adjourn; seconded by Mark Kotoch
Voice vote: Ayes unanimous.
Motion passes 5/0

Meeting adjourned at 8:49 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.

All decisions of the Board of Building and Zoning Appeals are final within the City of Willoughby Hills. Any interested party may appeal the Board's decision to the Court of Common Pleas of Lake County, as provided for by Ohio Law.


Clerk


Chairman