

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

March 12, 2019

CALL TO ORDER: 8:04 pm

ROLL CALL

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements and James Michalski.

ABSENT: Mark Kotoch

ALSO PRESENT: Law Director James O'Leary and Clerk Katherine Lloyd

MOTION: John Klements moved that the Board excuse the absence of Mark Kotoch for tonight's meeting.
Seconded by James Michalski.
Roll call: Ayes Unanimous.
Motion passes 3/0.

Mark Kotoch is excused from tonight's meeting.

DISPOSITION OF MINUTES of January 8, 2019

MOTION: John Klements moved that the Board approve the Minutes of January 8, 2019 as submitted.
Seconded by James Michalski.
Roll call: Ayes Unanimous.
Motion passes 3/0.

Chairman Cihula declared that the Minutes of the Board of Building and Zoning Appeals Meeting of January 8, 2019 have been approved as submitted.

CORRESPONDENCE

- Letter dated 1/10/19 from BZA Clerk to PCABR re: BZA Organizational Meeting on 1/8/19.
- Letter dated 1/10/19 from BZA Clerk to BZA re: 2018 Index of Appeals with attachment.
- Notification dated 1/25/19 sent to News-Herald re: February 12, 2019 BZA meeting.
- Notification dated 1/25/19 sent to Communications re: February 12, 2019 BZA meeting.
- Email dated 1/28/19 from Frank Cihula to Planning Seminar re: check cashed.
- Email dated 1/29/19 from Frank Cihula and Planning Seminar re: Receipt received.
- Notification dated 2/27/19 sent to News-Herald re: March 12, 2019 BZA meeting.
- Notification dated 2/27/19 sent to Communications re: March 12, 2019 BZA meeting.
- Email dated 2/28/19 from Gloria Majeski re: Updated City Hall Roster (attached).

The BZA Procedure for Hearing an Appeal was read by Chairman Cihula.

CASE 2019-1

Mr. Kelly Quimper, 36495 Chardon Rd., requests a variance to construct an accessory structure (shed): 1) with floor area of 3072 sq. ft. on a 6.499-acre lot and: 2) with building height of 20'-11.75". Section 1133.10(g)(2) of the Codified Ordinances limits accessory buildings to 2191 sq. ft. floor area (including existing barn) on this lot and Section 1133.07(b) limits accessory buildings to 18' building height or the height of the principal dwelling, whichever is less. Notices have been mailed to property owners within 500 ft. of said property. Drawings are available for review in the lobby of City Hall. The appeal was advertised in the News-Herald on March 2, 2019.

PRESENT: Sean Simmerman (Morton Buildings)
Kelly & Rebecca Quimper

Stated reason for variance request:

Applicant wants to build a barn with 14-ft. doors in order to store his camper, backhoes & equipment and his service truck that he drives to and from work. The camper will not fit in a 12-ft. door. There have been complaints about the service truck but it would not be a problem if everything were inside the barn. He needs the space and the height requested.

They intend to use Morton Quality Buildings which are built to specific standards according to height, width and length. The requested dimension is the closest they can get in that area. For a 14-ft. door, the minimum headroom is 1ft 9 inches which is what he has. If the height of the building is shrunk, the headroom and door must be lowered. The door is 12 ft. The items that are needed cannot be stored in the building.

Board's Discussion:

The truck is a little taller than the existing camper. The motor home will be much taller. Applicants explained why both doors need to be the maximum 14 foot high. They plan to put the camper along the back side and come in the back door so they can use the front door for his and her trucks.

The applicants are concerned about the space needed for storage. 2200 sq. ft. is not enough to fit everything in. They are here because of the requested dimensions. The applicants agree that reducing the square footage would be a hardship for them. They would never fit everything in it.

The old barn straddles the parcel line but is more on the half acre parcel. It has been there since 1950. The applicants understand that if they removed the old barn, they could build a 72 ft. long x 48 ft. wide new barn with no variance. The applicants stated that they want to save and update the old barn.

Mr. Cihula stated that the old barn seems to be sound and repairable. It was probably built in 1949. He has no problem leaving the old barn and going with the extra footprint necessary for the new barn. The location of the new barn is 18 feet lower than the house.

Public Portion for Case 2019-1 opened at 8:29 p.m.

During Public Portion, all comments should be directed to the Chair.

Mary Ricardi,

She is a Co-Executor for her mother's estate. Her mother, Louise Krajncic lives at 2648 River Rd. She (Mary Ricardi) spoke against the appeal.

Public Portion for Case 2019-1 closed at 8:43 p.m.

The Zoning Administrator detailed the height at 20 ft. 11 3/4 inches. It is 25 feet to the peak height as drawn. The builder could lower it to 20 feet (mean height). The building will be located lengthwise to River Road, down by the pond. The distance from the barn to the River Rd property line is 278 feet. The fall across that 278 feet is about 10 feet. They get all of the water from the River Rd. properties. Their property is like a 'bowl' with a pond.

The applicants plan to have landscape screening on the east side of the building and the east property line. The 12-15-foot trees (25 trees) will be moved back, double stacked, to their previous location once the barn is built. There are 10 foot Blue Spruce and Norway pine trees already on the property line staggered to provide good screening. The applicants assured the Board that the trees will be well maintained.

The applicants confirmed their intent to park the various vehicles inside the barn at night regularly with no regular parking of them outside. They need both doors to be the same height.

Chairman Cihula stated that the Board has the authority to put stipulations on the granting of an appeal. The applicants need to get a Zoning Permit from the City Zoning Administrator before they can get a Building Permit from the County.

MOTION: John Klements moved that the Board approve Case 2019-1 as requested and grant a variance for the property located at 36495 Chardon Rd. to allow a building 64 feet by 48 feet to a height of 21 feet and the following stipulations apply: (1) The two lots are to be joined such that the acreage totals 6.949 acres; (2) They will plant and maintain evergreen screen on the east side of the building and the east property line; and (3) All of the equipment that is now stored outside is to be stored in the new structure. Seconded by James Michalski.
Roll call: Ayes Unanimous.
Motion passes 3/0.

Chairman Cihula declared that the request is granted for Case 2019-1 with the stipulations that the applicant must meet. The variance is good for one year. If more time is needed, the applicant will need to send a letter to the BZA through the Building Administrator asking for an extension of time.

UNFINISHED BUSINESS

Code Updates: Mr. Klements commented that the paperwork on this appeal was a little difficult combing through. One of the problems was some Code updates that he did not have in his book. The Code updates happened some time ago. He expressed concern that the other Board members did not have the updates in their books either. He raised the question of how the Board would know if any other updates have happened that we have not been made aware of for future appeals.

Mr. Klements did obtain a copy of the missing sheet from the Chairman. It was page 131 and 132 on calculating the square footage done in 2009. That sheet will be emailed to the whole Board and the Clerk.

Mr. Klements questioned whether any other items may have been changed that the BZA has not been made aware of. He asked how the BZA determines that. If the changes occurred in 2010 and the error has only come to light now, nine years later, we need to be sure we are not missing something.

Mr. Cihula stated that as far as he knows, with respect to the Zoning and Building Code, the 2010 update was the latest. Updates in 2015 or 2016 did not apply to that part of the Code. The chairman stated that the Board has gotten them all. The first page of the 2010 update was never given out. The Codifier missed that it was not included. Mr. Cihula did inform the Clerk of Council about the omission. It is up to her to deal with the Codifier to get it remedied. In the past, one member of the Board would turn the Code book into the clerk. She would then update and return it. Then another member's book was turned in for an updated. She would do them one after another. Mr. Cihula did his own.

NEW BUSINESS

None.

CHAIRMAN'S COMMENTS

No Comments.

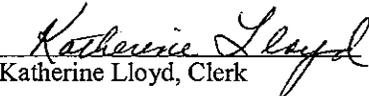
ADJOURNMENT

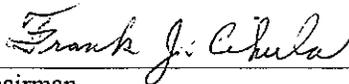
MOTION: James Michalski moved to adjourn.
Seconded by John Klements
Voice vote: Ayes unanimous.
Motion passes 3/0.

Chairman Cihula declared the meeting adjourned at 9:15 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

8/10/19 kdl
Revised 9/15/19

9-10-2019
Date approved: