

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

May 10, 2016

CALL TO ORDER: 8:03 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 March 8, 2016

MOTION: Mark Kotoch moved that the Board approve Minutes of March 8, 2016 as submitted.

Seconded by John Klements

Roll call: Ayes Unanimous

Motion passes: 5/0.

CORRESPONDENCE

- Letter dated 3/17/16 from BZA to Mr. Charles Petro re: Case 2016-01 Decision for 2639 Dodd Rd.

- Notification dated 4/28/16 sent to News-Herald re: May 10, 2016 BZA meeting.

CASE 2016-02

Mr. Michael E. Sowul, 2990 Erich Dr., Willoughby Hills, requests a variance to construct an addition to an existing attached garage and front porch. The addition will have a 54.7' front setback from the ROW. 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 April 30, 2013.

PRESENT: Mr. Michael E. Sowul

Stated reason for variance request:

The porch needs to be rebuilt because it is falling apart. The existing porch sticks out 22 inches further than the roof line. We will be bringing the porch roofline out to the edge of the porch. We will bring the garage forward so it is even with the house. That will make the roofline look better. We are not extending the garage for more space. We need the front of the house to be structurally as it should be. The two garage doors will be replaced with one 16-foot door. The garage will have 6-inch soffit and a gutter. No overhang. The roof line will tie in better.

The only thing that will stick out is a 4-inch gutter. The eave line will be the same. Siding on the whole house will be refinished. The existing deck will not get any larger than it is but it will be lowered 6 inches so that there will be no step in to the house. Everything is being brought forward so it will look uniform and modern.

Board's Discussion:

One sketch shows 55 feet to the addition. The drawing dated 9/24/15 is the drawing received with the appeal application. It shows 73 feet. The sketch was provided by the Zoning Commissioner after the appeal was written. It is the more accurate drawing. *There is no plus or minus in a zoning appeal in advertising it or granting of a variance.* The gutter and its roofline are not drawn correctly. The drawing does not reflect how the applicant said it would be built.

The applicant's house is closer to the street than the house on the right (south). That house is a White Rd. property. His house is the original Erich house and was the first house on the street in 1956.

According to one of the drawings, the centerline of the ROW is a couple of feet west of the centerline of the pavement which complicates taking of measurements.

The garage could have an overhang because it will not encroach any more than the overhang of the house. The face of the porch, house and garage will line up.

Public Portion for Case 2016-02 opened at 8:20 p.m.

Mark Khalil, 2939 White Rd.

I live directly across the street from Mr. Sowul. I have reviewed his plans and am looking forward to his opportunity to renovate and make his house more modern.

Public Portion for Case 2016-02 closed at 8:22 p.m.

Board verified that the porch foundation would stay in the same location except for lowering the pad. The applicant understands that he is responsible for the measurements. Board expressed concerns about accuracy of the drawings and the measuring points of the ROW and pavement. There is no site plan, no survey and no one has been able to locate the pin. Foundation footers would remain the same. If he is at 54 feet, he could proceed. The applicant needs to determine how many feet it is so that the construction is accurate to this variance. Official survey recommended for accuracy and the applicant's protection. The ROW and the road are two different measuring points. That whole corner has been surveyed. If surveying has been done recently, the applicant could have the surveyor work off those drawings. Board will reconsider the appeal if survey results are available with a month. The application is being amended to 54' rather than 54.7'

MOTION: Mark Kotoch moved that the Board approve Case 2016-2 as amended and grant a variance at the property located at 2990 Erich Drive for a variance to construct an addition to the existing attached garage and front porch not to exceed 54 feet from the setback of the ROW but to be even with the existing foundation of the porch.
Seconded by John Klements
Roll call: 4 Ayes and 1 Nay (Cihula).
Motion passes.

The request has been granted. 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

- The quality of the drawings we have been getting leave something to be desired sometimes.
- In 2004 the Clerk of the Building Department wrote up instruction for submitting a zoning appeal. Copies were distributed to the Board members. It does need to be updated. The fee is different. Most of it is still accurate
 - Per Board discussion, surveys should be done by a registered surveyor. That would improve the quality of the documentation and avoid lengthy discussions. A legal issue should be supported by a registered surveyor in the State of Ohio. Only a registered surveyor can do a survey in Ohio. A surveyor may also be a civil engineer. Most appeal cases are older properties where an old survey was done.
 - The Board recommends that the Building Department modify The Instructions for Submitting a Zoning Appeal document to include the requirement that all site information, when it becomes a BZA appeal, be done by a registered surveyor.
 - Chairman has original word file.
 - Discussion planned at future BZA meeting. Everyone brings their comments to meeting.
- Probable appeal to rescind Deed Restrictions for office building, WHOB. Property is split zoned. Previously a Use Variance written in the Deed restriction. Procedures reviewed.

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

Meeting adjourned at 9:00 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.

Katherine Lloyd
Clerk

Frank J. Cihula
Chairman

8-4-16 kdl

Date approved: 8-9-2016