

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

July 9, 2019

**CALL TO ORDER:** 8:04 pm

**ROLL CALL**

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

**ALSO PRESENT:** Clerk Katherine Lloyd

**DISPOSITION OF MINUTES of March 12, 2019**

**MOTION:** Jim Michalski moved that the Board postpone approval of the Minutes of March 12, 2019.  
Seconded by John Klements.  
Roll call: Ayes Unanimous.  
**Motion passes 3/0.**

Chairman Cihula declared that approval of the Minutes of the Board of Building and Zoning Appeals Meeting of March 12, 2019 have been postponed to the next meeting.

**CORRESPONDENCE**

- Notification dated 6/24/19 sent to News-Herald re: July 9, 2019 BZA Meeting.
- Notification dated 6/24/19 sent to Communications re: July 9, 2019 BZA Meeting.
- Email dated 6/6/19 from Gloria Majeski re: Updated City Hall Roster (attached).
  
- Notification dated 5/28/19 sent to News-Herald re: June 11, 2019 BZA Meeting.
- Notification dated 5/28/19 sent to Communications re: re: June 11, 2019 BZA Meeting.
  
- Notification dated 4/26/19 sent to News-Herald re: May 14, 2019 BZA Meeting.
- Notification dated 4/26/19 sent to Communications re: May 14, 2019 BZA Meeting.
  
- Notification dated 3/25/19 sent to News-Herald re: April 9, 2019 BZA Meeting.
- Notification dated 3/25/19 sent to Communications re: April 9, 2019 BZA Meeting.

**CASE 2019-2**

Mr. Richard Mastroiani, president of The Board of Directors for “The Preserve at Gully Brook Condominium Owners Association”, requests a variance for rear yard setback of approximately 12’ in the “common area” behind the home at 57 Gully Brook Ln. for the construction of a Raised Deck for the home at 57 Gully Brook Ln. owned by Frank Plona. Section 1133.04(b)(4) of the Codified Ordinances requires 40’ rear yard setback. Drawings are available for review in the lobby of the City Hall.

By order of the Board of Building and Zoning Appeals of the City of Willoughby Hills, Ohio.

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 June 26, 2019.

PRESENT: Kathleen Plona

The BZA does not have authorization for Kathleen Plona from The Preserve at Gully Brook Board of Directors to speak on behalf of the appeal.

**Mrs. Kathleen Plona contacted her husband by phone. He will return to the meeting.**

Mr. Klements explained this is a legal proceeding. The Board needs Mr. Plona at the meeting. The applicant is asking for an exception to the Zoning Code. Under the Charter, this Board has the power, on a case by case basis, to change things. Should there ever be a challenge, the legal process that we go through will be scrutinized. It is to protect the applicant as well as the Board that we follow the paperwork to a 'T'.

Mr. Cihula stated that the Board has a letter from the Directors meeting of the Board of Directors of Gullybrook which shows that Mr. Richard Mastroianni was the Board President. The Board also has a letter on Stevens Management letterhead which show that Mr. Frank Plona is authorized to represent The Preserve at Gulleybrook at this meeting, the PC/ABR meeting and at the County for all permits. Mr. Mastroianni qualified Mr. Plona to represent The Preserve at Gullybrook and make decisions.

**MOTION:** John Klements moved that the Board move the Agenda to the next item and return to the discussion when Mr. Plona returns.  
Seconded by Mark Kotoch  
Roll call: Ayes Unanimous.  
**Motion passes 4/0.**

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**CHAIRMAN'S COMMENTS**

None.

**Mr. Frank Plona returned at 8:18 PM.**

**Board continued discussion of Case 2019-2.**

**Stated reason for variance request:**

Mr. Plona stated that the proposed new deck will be 10 feet out from the back in the same location as the old deck and will be supported by posts to the ground. The new deck will be exactly adjacent to the existing 10 x 10 foot cement patio that is 10' out from the back of the condo. He is asking for a large deck like the other decks behind the other condos.

Mr. Plona estimated the distance from the wall of his condo to the property line of the adjacent property is 16-18'. The split rail fence in the back is supposed to be the Condo Association's rear property line between it and the next property owner to the east but his wife says their property extends one foot past the fence. His ownership is the condo itself and its footprint.

**Board's Discussion:**

The variance application asks for a 12-foot rear setback from the property line instead of the 40-foot setback required by Ordinance.

***Mark Kotoch excused himself and left the meeting at 8:56 PM***

Chairman Cihula recognized Mr. Fiebig in the audience and asked if he had that plat on his 'smart phone'. Mr. Fiebig stated from the floor that he located the plat on his 'smart phone'.

**MOTION:** John Klements moved that the Board open the meeting to the Public.  
Seconded by James Michalski  
Roll call: Ayes Unanimous.  
**Motion passes 3/0.**

**Public Portion for Case 2019-2 opened again at 9:01 p.m.**

**David Fiebig, Willoughby Hills Councilman-At-Large**

Mr. Fiebig showed the plat map on the GIS website on his smart phone. The website shows the Parcel Number for the condo. The Board located the plat number which is Vol. 52-11. The surveyor is shown as Aztech. From the GIS, the Board calculated the distance from the condo to the rear property line of the subdivision. It is 14.00 feet. The deck is 10 feet from the rear of the house. The setback is 4 feet. That means he needs a variance of 36 feet from the 40 feet. The map was emailed to the Mrs. Plona and to the Clerk. It will be printed up as part of the meeting minutes and for the Case File.

**Public Portion for Case 2019-2 closed again at 9:09 p.m.**

**MOTION:** John Klements moved that the Board approve Case 2019-2 as amended and grant a variance to the property known as The Preserve At Gully Brook behind Unit 57 to allow the deck setback of 3 feet from the rear property line in consideration of the information provided in Public Portion as shown on Lake County Plat 52-11. Consideration was given due to the existing non-conforming structures in the neighborhood and the challenging topography on the adjoining land.  
Seconded by James Michalski.  
Roll call: Ayes Unanimous.  
**Motion passes 3/0.**

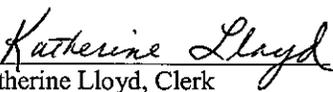
Chairman Cihula declared that the request is granted for Case 2019-2. The applicants have approval from the BZA to move ahead with the Zoning Permit from the Building Department.  
The Chairman provided applicant with a copy of the application marked "Appeal Approved".

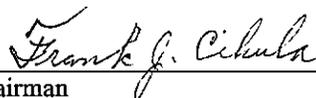
**ADJOURNMENT**

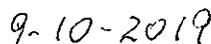
**MOTION:** John Klements moved to adjourn the meeting.  
Seconded by James Michalski  
Voice vote: Ayes unanimous.  
**Motion passes 3/0.**

Chairman Cihula declared the meeting adjourned at 9:24 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: