

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

December 9, 2014

CALL TO ORDER: 8:27 p.m.
PRESENT: Chairman Frank Cihula, Vice Chairman John Klements
Robert Bartolotta, Mark Kotoch and Clerk, Katherine Lloyd

Mr. Caporossi advised the Chairman that he will be unable to attend tonight's meeting.

MOTION: John Klements moved that the Board excuse Ron Caporossi from tonight's meeting.
Seconded by Mark Kotoch
Roll call: Ayes unanimous.
Motion passes 4/0

DISPOSITION OF MINUTES OF November 11, 2014

MOTION: Mark Kotoch moved that the Board approve the minutes of November 11, 2014 as submitted.
Seconded by Robert Bartolotta
Roll call: Ayes unanimous.
Motion passes 4/0

CORRESPONDENCE

Notification in News-Herald on 11-29-14 for Case 2014-7
Letter dated November 17, 2014 from the BZA to Stephen and Patricia A. Grace RE: 2398 Trailard Dr. –
Application for 10' x 10' Storage Shed in Side Yard

Case No. 2014-7

Michael R. Makarich
2581 River Rd.

Michael R. Makarich (son), 36919 Stevens Blvd. requests a variance to construct an accessory building (pole barn) with a floor area of 1152 sq. ft. in the right rear of a 1.45 acre lot with an existing 320 sq. ft. shed for a total of 1472 sq. ft. of accessory buildings. Section 1133.10(g)(2), Schedule 1133.10(b) of the Codified Ordinances limits accessory buildings to 1156 sq. ft. floor area on this lot.

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 11-29-14.

PRESENT: Michael R. Makarich (son) and Michael Makarich, Jr. (owner)
The spokesperson is Michael R. Makarich (son)

Stated reason for variance request:

The applicant would like to construct a 48x24 foot timber frame, pole-type barn on his father's property to use for storage. He states that, according to the City Charter, Chapter 1117, the building he is requesting does not hinder his neighbors or government services. The existing accessory building is not suited for storage. It is located on the lowest part of the property where it floods. It is scheduled to be demolished or reduced in size sometime in the future. Cost and timing is a problem.

Public notice advertised that there is an existing 320 square foot shed. However, according to County Auditor records, the existing shed is actually 672 square foot. Three members of the Board noted the greatly increased size of the shed during site visits. The house and the shed were built in 1976. The applicant states that he underestimated the 320 square foot information given to the Building Inspector and that there was an error on the drawings. The BZA would need to advertise a new appeal. Options were discussed.

Applicant, Michael R. Makarich (son) and Michael Makarich, Jr. (owner) had a brief private conference outside of Chambers. The applicant would like one year to reduce the square footage of the existing shed to 320 square feet to put it in compliance with the documents presented. That would allow them to do the work themselves. Therefore, appeal can continue.

The applicant and his father re-stated their request for the new building based on the fact that it will not hinder the neighbors or any government services. They further stated that the size of the existing shed can easily be reduced because it was built in sections.

Public Portion for Case 2014-7 opened at 9:01 p.m.

Amy Selesky, 2591 River Rd

We are the neighbors to the south. I am concerned about the proximity of an 1152 sq. ft. structure to our property line and next to the area that we do our outdoor living. It is almost as big as my house. I would be less concerned if it were located further back on the property.

The Board stated that the applicant is permitted a total of 1156 sq. ft. for a building without coming to the BZA. If the shed were totally removed, the Code would permit them to build the new building in the proposed location as long as proper sideline was maintained. That location is the only place that does not interfere with the septic system. Sideline will be at least 17 ft. It is the high side of the property. The runoff will be spread across his property.

Public Portion for Case 2014-7 closed at 9:08 p.m.

The proposed location of the new building is in compliance. However, addition of the proposed new building [1152 square feet] to the existing square footage of the shed [672 sq. ft.] would exceed the total square footage allowed by Code [1156 sq. ft.] for this property.

Removal of the entire existing shed prior to construction of the proposed new building would allow the applicant to construct the new building in the proposed location without a variance. Applicant suggested that removal of a portion of the existing shed might solve the issue rather than taking down the entire shed. The applicant indicated that he was not interested in removing the entire existing shed.

MOTION: Mark Kotoch moved that the Board affirm the decision of the Building Commissioner for Case 2014-7 and deny a permit for an additional accessory building.
Seconded by John Klements
Roll call: 3 Ayes and 1 Nay (Cihula).
Motion passes 3/1

The applicant asked the Board to reconsider the Motion. He requested time to build the new building and then remove the old shed completely within a specified time frame. Timing is the issue. It is specific to the property and this case. Once the old building would come down the applicant would be in conformity with the law and then the variance itself will be eliminated.

MOTION: John Klements moved that the Board reconsider its decision in Case 2014-7.
Seconded by Mark Kotoch
Roll call: Ayes Unanimous
Motion passes: 4/0

The previous decision of the Board was nullified. Consideration of the case was re-opened.

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The applicant amended his request to the Board to grant the variance to build the building as specified in the plans with the understanding that within one year's time the existing structure will be demolished in its entirety.

MOTION: Mark Kotoch moved that the Board approve Case 2014-7 as amended and grant a variance for the property located at 2581 River Rd to build an accessory building as stipulated in the request with the following stipulations that the existing building will be removed in its entirety within one year of granting the variance today.
Seconded by John Klements

Per Discussion, the Board felt it would be appropriate to include in the motion what would happen if the building does not disappear within one year. The Building Inspector would bring action against the appellant in that case.

RESTATED MOTION: Mark Kotoch moved to amend the Motion to read as follows:
That the Board approve Case 2014-7 as amended and grant a variance for the property located at 2581 River Rd to build an accessory building as stipulated in the request with the following stipulations that the existing building be removed in its entirety within one year of granting the variance today and the appellant bears all costs incurred by the City if the building is not removed.
Seconded by John Klements
Roll call: Ayes unanimous.
Motion passes 4/0

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

UNFINISHED BUSINESS

None

NEW BUSINESS

None

CHAIRMAN'S COMMENTS

None

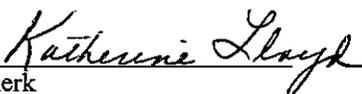
MOTION: Mark Kotoch moved to adjourn; seconded by Robert Bartolotta.
Voice vote: Ayes unanimous.
Motion passes 4/0.

Meeting adjourned at 10:11 p.m.

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

Date Approved: 1-13-2015