

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

April 8, 2008

CALL TO ORDER 8:00 pm
PRESENT: Chairman, Frank Cihula; Vice Chairman, John Klements
Peter A. Kamis, Joe Zawatski
Clerk/Secretary, Joan Motuza
ABSENT: Mark Kotoch

MOTION: John Klements moved to excuse Mark Kotoch from tonight's meeting.
Seconded by Joe Zawatski.
Voice Vote: Ayes unanimous.
Motion passes 4/0.

DISPOSITION OF MINUTES OF FEBRUARY 12, 2008

MOTION: Joe Zawatski moved to approve the minutes as submitted. Seconded by John Klements.
Roll call: Ayes unanimous
Motion passes 4/0.

CORRESPONDENCE

3/24/08 To Law Director Lobe requesting review of proposed termination of limitations and restrictions,
Emerald Lakes Center, Chardon Road

Case 2008-2

4/6/08 From Victor J. La Bonte, 28855 Chardon Road – supporting Mr. D'Angelo's request.

CASE 2008-2

David D'Angelo

2835 Fairview Drive

Requests a variance to construct a masonry front porch and stairs with a front setback of 46' and a 6' high fence with 4' decorative lattice attachment on top for a total height of 10' located in the area of the southeast corner of the property. Section 1133.04(a)(7), Schedule 1133.04(a)(7)(a) of the Codified Ordinances requires 75' setback from the edge of the right of way and Section 1133.11(e)(1)B limits fence height in the side and rear yards to 6'.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on March 29, 2008 and due to typographical error was published again on April 1, 2008. Drawings were available for review in the lobby of City Hall.

PRESENT: David & Lisa D'Angelo

Stated reason for variance request: House was built prior to 75' setback requirement and does not meet the current requirement. Sewers have been installed and he would now like to add a front porch to the home and landscape the front yard. He does not want a wheelchair ramp on the front of the house as he feels it would detract from the appearance. If he installs a ramp, he will put it in the rear, at the family's main entry to the house.

Mr. D'Angelo was asked if he considered putting the steps to the porch on the side. He responded that strangers approaching the front door would need to walk on the porch past the front living room window and he feels that this would be unsafe. Also, the driveway is narrow and a future planned project is to widen the driveway.

Mr. D'Angelo was asked if he would consider reducing the size of the porch. He responded that they looked at 8' porches and determined that they need 10' for wheelchair mobility.

Mr. D'Angelo was asked if the porch will be covered. He responded that he is planning an awning or roof. Even though the details of the roof are not pertinent to this variance, it was suggested that he check with the Building Inspector and include the roof detail with his submission for architectural approval.

Drawing Reference: Drawing approved by City of Willoughby Hills Building Department, dated March 6, 2008 and signed by Mario J. DiFranco.

PUBLIC PORTION:

Victor J. LaBonte – 28855 Chardon Rd. – Chairman Cihula read letter supporting variance request.

Rilda Flanagan, 2829 Fairview Dr. – Porch not a problem. Has concern with fencing. Stated concerns with existing fence. Mrs. Flanagan was advised that the existing fence is not subject of this appeal. This appeal covers the proposed fence on the southeast corner of the property. Mrs. Flanagan stated that she does not understand why people want fences.

Mr. D'Angelo stated that he would like height of the proposed fence to match the existing fence. With landscaping and flower boxes it would look attractive. The neighbors facing the proposed fence have a huge dog. This dog hops their wire fence and the D'Angelo's consider this a safety issue. There is approximately a 2' grade drop where fence is proposed. A six foot fence that drops would only be 4'. This fence would also screen a parked truck.

Public portion closed.

It was the consensus of the Board that the porch extension would not change the look of the house and that, based on the fact that the house was built prior to the current setback requirement, a hardship exists. The Board feels that the fence will serve a useful purpose and they do not find it objectionable.

The Board determined that this variance required two motions -- one for the addition and one for the fence.

MOTION: Peter Kamis moved that the Board approve part 1 of Case 2008-2 and approve construction of a porch on the property located at 2835 Fairview Drive as requested stipulating a 10' porch backed from the house plus the stairs, exactly as drawn. Seconded by John Klements.

Roll call: Ayes unanimous.

Motion passes 4/0.

Note: Due to the fact that it was difficult to locate the measuring point on the road right of way, this motion references the house rather than the setback.

Appellant amended his fence request for a 6' fence with a 2' lattice attachment on top for a total height of 8' located in the area of the southeast corner of the property.

The Board has acknowledged that there is a grade difference of approximately 2' between the appellant's property and the property to the south.

MOTION: Joe Zawatski moved that the Board approve part 2 of Case 2008-2 **as amended** and grant a variance to the property located at 2835 Fairview Drive for a 6' fence with a 2' lattice attachment on top for a total height of 8' to be located in the southeast corner of the property.

Seconded by Peter Kamis.

Roll call: Ayes unanimous

Motion passes 4/0.

Appellant was advised to correct his drawings and to contact the Building & Zoning Inspector to obtain architectural approval and required permits

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

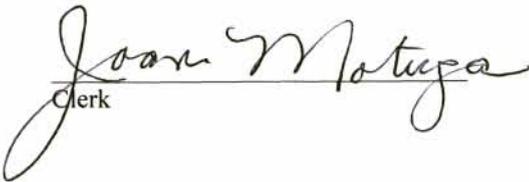
MOTION: Peter Kamis moved that the meeting be adjourned. Seconded by John Klements.
Voice Vote: Ayes unanimous.
Motion passes 4/0.

Meeting adjourned at 9:16 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 on audio tape and tapes 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: 5-13-08