

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

July 10, 2012

**CALL TO ORDER:** 8:04 pm  
**PRESENT:** Chairman, Frank Cihula; Vice Chairman, John Klements  
Robert Bartolotta, Ron Caporossi, Mark Kotoch  
Clerk, Joan Motuza

**DISPOSITION OF MINUTES OF MAY 8, 2012**

**MOTION:** Mark Kotoch moved that the Board approve the minutes of May 8, 2012 as submitted.  
Seconded by John Klements.  
Roll call: Ayes unanimous.  
**Motion passes 5/0.**

**CORRESPONDENCE**

email – The News Herald – notification of June 12, 2012 meeting cancellation  
email – To Councilman Reichelt – notification that BZA wishes to post agendas and approved minutes  
email – 6/27/12 to The News Herald – notification and request for publication of July 10, 2012 meeting  
email – 6/28/12 To Board – meeting info  
\*Per City Law Director Lobe, letters to appellants advising Board actions are mailed via certified and regular mail.

**CASE 2012-2**

**Christine & Dennis Slotta**  
**2419 Michelle Court**

Request a variance to construct a deck with a 10' left side setback on the rear of their home. Section 1133.04(a)(7), Schedule 1133.04(a)(7)(b) of the Codified Ordinances requires 15' minimum side setback (each side).

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on June 30, 2012. Drawings were available for review in the lobby of City Hall.

**PRESENT:** Dennis Slotta

**Stated reason for variance request:**

The house is built on an angle. The proposed deck is located off the great room. The deck needs to follow the line of the house and this causes deck encroachment on the 15' property line requirement. When the house was built the initial layout of the development, which was submitted and approved, and configuration of the lot was unknowingly changed. When he selected his house design the lot was a different shape. He stated that he has had a lot of issues with property lines.

**Drawing reference:** Drawings reviewed by Building Commissioner Wyse and rejected - violation of zoning requirements.

**Public Portion**

No public input\*

\*Letter of support received from Jane and Bill Monreal, 2415 Michelle Court

**Public portion closed.**

**Discussion**

Mr. Slotta stated that he is trusting that the 10' shown on the drawing is accurate. The Board pointed out that the drawing provided clearly stated that "property lines are graphic representations and are NOT survey accurate." The Board advised Mr. Slotta that with the deck going back 20' they would not risk that the building would not exceed the variance requested. The Board suggested that the appellant locate the survey pins and measure to be sure that the proposed deck (which includes the stairs) does not encroach the 10' sideline variance he is requesting. The appellant stated that there are no surveyor pins. The Board advised that when the Building Commissioner grants an occupancy permit part of the inspection criteria is to verify that survey pins are in place. Chairman Cihula stated that the appellant has a unique situation and that the request is variance worthy. He advised Mr. Slotta that he had a choice to go with the 10' indicated on the drawing and make adjustments if needed, or he could request postponement to another meeting to allow him to make a more thorough verification of what he needs. Mr. Slotta chose not to request continuance of this case. Mr. Slotta stated that he wished to begin construction and will stay within the variance granted. Mr. Slotta stated that if the deck or stairs create an encroachment problem he would make adjustments -- if he has to move the side of the deck or the stairs or relocate them that's what they will have to do.

**MOTION:** Mr. Kotoch moved that the Board approve Case 2012-2 to construct a deck with a 10' left side property line setback on the rear of the home at 2419 Michelle Court due to the angle of the lot and uniqueness of the property in that area. Seconded by Mr. Bartolotta.

Roll call: Ayes unanimous

**Motion passes 5/0.**

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

**CASE 2012-3**

**Emily Camp**

**28575 White Road**

requests a variance to construct a fence with a height of 6' in the corner and side yard and in the front yard. Section 1133.1(e)(1)A of the Codified Ordinances limits fences to 42 inches in height above the natural grade in front and or corner side yards.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on June 30, 2012. Drawings were available for review in the lobby of City Hall.

PRESENT: Emily & David Camp

Stated reason for variance request: The property is located on a corner lot near an extremely busy and dangerous intersection (Bishop & White Roads). The property has a shallow back yard. They would like a fence for safety, privacy and security and a safe place for children and dogs to play. The placement of the fence would be 92' from White Road and would not block motorists' view.

Drawing reference: Drawings reviewed by Building Commissioner Wyse on 6/18/12 and rejected-violation of zoning requirements.

**Discussion**

A lengthy discussion ensued in determining which portion of the yard is the back yard and would not require a variance and which portion of the land would require a variance. The Board was provided no special conditions or circumstances which are unique to the property to override the fact that this is a corner lot. The Board discussed with the appellant as to where the fence could be 6' and where it needs to drop to 42". The Board suggested options. The Board agreed that the fence would not block any motorist's view but stated that they have a problem with the requested height. The appellant asked if the Board would consider a lower height. The Board's response was that the appellant would need to amend their request.

**Public Portion**

Debra Bryda – 2967 Legend Lane. Should have a fence - a safety issue.

Dan Monteiro – 36300 Eddy Road – Interested in specifications of fence. Concerned with limited sight.

**Public portion closed.**

Appellants were advised that they could amend their request to something that was less severe than this request, they can go with the code and withdraw their request, or can postpone until the next meeting.

**MOTION:** At the request of the appellant, Mark Kotoch moved that the Board postpone Case Number 2012-3 until the August 14, 2010 meeting. Seconded by John Klements.

Roll call: Ayes unanimous

**Motion passes 5/0.**

**Case 2012-3 postponed until August 14, 2012.**

Chairman Cihula requested that, should they decide to withdraw they advise the Building Commissioner.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Chairman Cihula advised that the Ordinances of Willoughby Hills can be accessed on line.

**CHAIRMAN'S COMMENTS**

None

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

Meeting adjourned at 9:41 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.

  
Clerk

  
Chairman

Date Approved: August 14, 2012

8/2/12/jdm