

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

July 14, 2015

CALL TO ORDER: 8:10 pm

The new Board member, Mr. Jim Michalski was introduced and welcomed.
Mr. Ron Caporossi resigned his commission due to out of town work assignments.

*Start of meeting delayed because the speaker system was not working. Did not work throughout meeting.
Recording done with two recorders.*

Roll Call:

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch
and James Michalski
ABSENT: Robert Bartolotta
ALSO PRESENT: Clerk, Katherine Lloyd

Mr. Bartolotta advised the Chairman that he would be out of town for this meeting.

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

DISPOSITION OF MINUTES of April 14, 2015

MOTION: Mark Kotoch moved that the Board approve Minutes of April 14, 2015 as submitted.
Seconded by John Klements
Roll call: 3 Ayes and 1 Abstention (Michalski)
Motion passes: 3/0.

CORRESPONDENCE

- Notification to News-Herald on 1/27/15 re: February 10, 2015 cancellation.
- Notification to News-Herald on 2/20/15 re: March 10, 2015 cancellation.
- Notification to News-Herald on 4/1/15 re: April 14, 2014 BZA meeting.
- Notification to News-Herald on 4/30/15 re: May 12, 2015 No Meeting.
- Notification to News-Herald on 5/27/15 re: June 9, 2015 No Meeting.
- Notification to News-Herald on 6/29/15 re: July 14, 2014 BZA meeting.
- Packet of Information from the APA Cleveland Workshop on 10/24/15.

CASE 2015-02

Mr. Mike Feralli, 2804 S.O.M. Center Rd. requests a variance to construct an addition to an existing rear building (day care center) on a legally nonconforming lot. The existing structure was constructed in 1990. Section 1121.04(a) requires that a structure shall not be added to or enlarged unless the addition conforms to the requirements of the district, that being a limitation of 60% of maximum land coverage of buildings and pavement (Section 1137.03(a), Schedule 1137.03(e)). The existing land coverage is 65%. The proposed addition will increase the land coverage to 66%.

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 Saturday, July 4, 2015.

PRESENT: Michael Feralli and Charles Fazio (architect)

Stated reason for variance request:

The applicant would like to enhance the appearance of the rear building which currently houses a day care center. There are presently 60-70 children attending the facility. The facility has a policy that siblings of attendees are automatically enrolled in the school as they are old enough. The daycare would like to stay there but they need more room because they are growing. They need a larger indoor play area for an anticipated 25 more children. They would like to add on 25 feet to the existing building. The new roof is designed to look more residential.

Applicant states that he built everything and there is only grass under the wood chips in the fenced-in playground area. There is no cement as describe on the drawings.

Board's Discussion:

The aerial photo appears to show the fenced playground area. Photographs of the area and building were circulated. New drawings and calculations by Polaris show an area of wood chips over concrete and that the concrete will be removed. Applicant states that 'there is no concrete'. The big sheet drawings done by Fazio were based on drawings and no concrete. The updated 5/19/15 Fazio drawing shows changes to the roof. Dates on drawings were 5/19/15 and 5/14/15. During site inspections, there was no reason to further investigate the playground area based on the drawings. There was much discussion about the discrepancies in calculations which does have some effect on the percentage of land coverage. Appeal was written based on drawings that had been submitted before 6/29/15. The applicant is willing to convert part of the impervious paved area with pervious pavers.

The other issue before the Board is the request to build an addition onto the existing building on a nonconforming lot. Anything added onto it must meet the 2006 Code. Calculations for the percentage of maximum land coverage of the buildings and impervious areas were written by a professional planner.

The increase in impervious surface is very small. The property has a significant wood area to the west and somewhat to the south. That helps permeability of the property and provides screening. It should remain intact.

The 'before' and 'after' drawings show the existing playground being increased and configured differently to accommodate more children. The surface will be wood chips.

The Planning Commission, during their Preliminary Review, referred this project to the BZA.

Public Portion for Case 2015-02 opened at 9:01 p.m.

Councilman David Fiebig, 35701 Hanna Rd.

As a member of the PCABR, we heard Mr. Faralli's presentation. The PCABR referred the case to the BZA. I walked the property of the backyard neighbors, Mrs. Henry (Stark Dr.) and her neighbor. They are behind the playground. Their concerns are visual (color & building) and the noise of children playing in the playground. Visual will be remedied with the new façade. They would like a sound barrier. Fence and/ or evergreen suggested. I like the possibility of pervious parking lot. It would help with managing water. I agree that the wooded area be left intact. Changing the layout of the playground should not cause it to be any further back than it already is.

Board: Schools are permitted in a residential area.

Barbara Henry, 2795 Stark Drive.

My main concern is to keep the trees and improve the view. I hope decisions made here reflect the care and concern if it were your back yard.

Board: The updated building will look more like a residence. The new color will be white.

Christine Rady, 2801 Stark Drive.

I am right behind the garage. The improvement will be nice. My concern is that a larger building means more children and more children outside which will mean more noise. The trees do not help much.

Peggy Dodrill, 2797 Stark Drive.

I agree. There is noise which is sometimes very loud. I am concerned that a larger building would mean more noise. I like the wooded area.

Board: There is enough room that the playground layout does not have to impact the trees. Having the fence inside the woods would buffer noise before it gets to the woods. A fence would also be security for the children.

Councilman John Plecnik, 2890 Bishop Rd.

I got several calls from the residents. I would second the concern about the trees and impact of a larger building. I would urge you to ameliorate that with a buffer of a fence or trees. If a variance is granted, I hope that the final numbers are in before the variance is granted. I agree that it is important to be good neighbors.

Public Portion for Case 2015-02 closed at 9:20 p.m.

Plans show a playground area which is shown to be cement. Applicant has stated that there is no concrete there. There are different calculations on different plans. He should consider replacing the impervious concrete parking area with a pervious surface so he can stay within his existing 65%. We can require that the wooded area be preserved. The plans will also be reviewed by the Planning Commission at least one more time.

The wording in the Code is “coverage by buildings and pavement”. It does not distinguish between pervious and impervious surfaces. This may be an important consideration. Calculations in this case include the playground area and whether it has concrete. The Board felt that the uniqueness of this property would allow 66% coverage with stipulations.

MOTION: Mark Kotoch moved that the Board approve Case 2015-2 as requested and grant a variance to the property located at 2804 S.O.M. Center Rd. to construct an addition to the existing rear building, currently a day care facility, on a legally nonconforming lot; this will increase the coverage, not to exceed 66%, with stipulations. The stipulations are: maintain the existing treed area; a 6-foot fence will be utilized along the west edge of the trees near the playground to buffer the noise off the back; and, the actual calculations for the building/paved area shall be recalculated and resubmitted.
Seconded by James Michalski
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

Deadline for the August meeting is next week. There is a possible appeal.

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

Meeting adjourned at 9:49 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

8/6/15 kdl

Frank J. Cipula
Chairman

Date Approved: 8-11-2015