

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

September 8, 2015

CALL TO ORDER: 8:02 pm

Roll Call:

PRESENT: Chairman Frank Cihula, Vice Chairman John Klements, Mark Kotoch,
Robert Bartolotta and James Michalski

ALSO PRESENT: Clerk, Katherine Lloyd

DISPOSITION OF MINUTES of August 11, 2015

MOTION: Mark Kotoch moved that the Board approve Minutes of August 11, 2015 as submitted.
Seconded by John Klements
Roll call: Ayes Unanimous
Motion passes: 5/0.

CORRESPONDENCE

- Notification Letter dated 8/26/15 sent to property owners within 500 feet of property at 38375 Rogers Rd.
- Notification dated 8/27/15 sent to News-Herald on 8/27/15 re: September 8, 2015 BZA meeting.
- Letter dated 8/12/15 to Mr. Michael Faralli re: Case 2015-2 Decision. Letter re-sent due to wrong address.
- Letter dated September 3, 2015 from Brian and Patty Schultz re: Case 2015-4 Rogers Rd.

CASE 2015-04

Mr. Alexander N. Virostko, 38375 Rogers Rd. Willoughby Hills, requests a variance to construct a 1008 sq. ft., 3 car detached garage, replacing a previously demolished garage. The property has an existing 1299.96 sq. ft. barn for a total of 2307.96 sf. of accessory buildings on a 3 acre lot. Section 1133.10(g)(2) of the Codified Ordinances limits accessory buildings to a total of 1831.2 sq. ft. floor area on this lot.

PRESENT: Alexander N. Virostko (owner) & Nick Virostko (son)

Stated reason for variance request:

We are replacing an old 3 car 22x30 garage that had to be torn down with a larger 3 car garage. The extra 200 feet will be for storage of yard equipment. It will be located in the same place as the old garage with 'overlap' due to larger size. That way they could use the existing driveway. Architecturally, it will be in context with the house. This will be the only garage because the 2700+ feet existing house does not have an attached garage. The old existing barn sets back at least 200 feet from the back of the house. It has an old hay loft but no stairs. Removing the old barn would be expensive. We own the adjoining lot.

Board's Discussion:

The auditor shows the old garage measurements at 20.4 x 28.4 feet. If that garage was rebuilt, the applicant would only be about 30 feet over what is permitted by Code. Possible avenues open to applicant which would not need a variance were discussed. The applicant could shrink the proposed garage or join the acreage of the two lots together or move the proposed 3 car garage closer to house and attach it with a breezeway or covered walkway. The size of the proposed 3 car garage allows for storage. Combining the lots would impact future sales.

Public Portion for Case 2015-04 opened at 8:32 p.m.

Brian Russ, 38455 Rogers Rd.

I am here with my father-in-law, Jim Simmons. I purchased a house on the east side of their property. Our concern is the orientation of the proposed garage and that they would continue to use the existing driveway. According to the mortgage survey, the Virostko driveway encroaches on the Russ property. We plan to make a formal request that they move the driveway off our property.

Mr. Virostko states that he has a copy of their deed and the angle of their easterly property line is wrong based on his records from 1974 when he purchased his property.

Board: Resolution of property disputes is not part of the BZA. The dispute will not affect this appeal. There is plenty of room if the driveway does need to be moved.

Public Portion for Case 2015-04 closed at 8:42 p.m.

The applicant requested to withdraw his request for a variance.

MOTION: Mark Kotoch moved to accept the appellant's request to withdraw Case 2015-4 appeal to construct a detached garage in favor of attaching the garage to the house by a breezeway.
Seconded by John Klements
Roll call: Ayes unanimous.
Motion passes 5/0. Their request is withdrawn.

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

UNFINISHED BUSINESS

Mr. Klements requested that the Clerk include the Appeal Application form in the Board packet.

NEW BUSINESS

None

CHAIRMAN'S COMMENTS

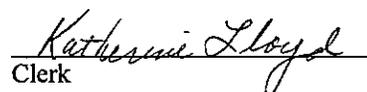
- I am not aware of any pending appeal for the October 13th meeting.
- We have had a problem with getting the certified delivery receipt from Decision Letters. We finally got the receipt for Chardon Rd.

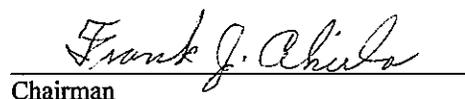
MOTION: Mark Kotoch moved to adjourn; seconded by Robert Bartolotta
Voice vote: Ayes unanimous.
Motion passes 5/0.

Meeting adjourned at 8:54 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