

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

August 13, 2013

**CALL TO ORDER:** 8:02 pm  
**PRESENT:** Chairman, Frank Cihula; Vice Chairman, John Klements  
Robert Bartolotta, Ron Caporossi, Mark Kotoch  
Clerk, Joan Motuza

**DISPOSITION OF MINUTES OF APRIL 9, 2013**

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

**CORRESPONDENCE**

5/27/13 \*To Joseph & Zeljka Cenin – Board action Case 2013-1  
e-mails 5/8/13 – Notification to The News-Herald – no May meeting  
5/28/13 – Notification to The News-Herald – no June meeting  
6/25/13 – Notification to The News-Herald – No July meeting  
7/30/13 – Notification to The News-Herald – BZA to meet August 13, 2013

\*Per City Law Director Lobe, letters to appellants advising Board actions are mailed via certified and regular mail.

**CASE 2013-2**

**Thomas A. Nevery**  
**2568 Dodd Road**

requests a variance to replace an existing 2 car garage with a right side setback of 4' with a new detached 2 car detached garage 40' behind the existing house. The new garage would have a right side setback of 7.5'. Section 1133.10(f), Schedule 1133.10 Permitted Accessory Structures In Front, Side and Rear Setback; (b) of the Codified Ordinances requires a minimum 15' side setback from lot line.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on August 3, 2013 Drawings were available for review in the lobby of City Hall.

**PRESENT:** Diane Bija, (New Creation Builders), Tom Nevery, Julie Nevery

Stated reason for variance request: Appellant is requesting to build a new garage, 40 ft. behind his house and 7-1/2 ft. from the side yard. Current garage is adjacent to the house and 4 ft. from the property line. The current garage will be removed. The proposed garage will be in line with the existing driveway and edge of the house.

A discussion ensued regarding accuracy of measurements. Chairman Cihula verified that measurements are correct. He stated that there is a fence between properties which appears to be on the property line which is "close enough." Board member Kotoch stated that the accuracy of the property line is not for the BZA to call. The appellant was asked if he had had the property surveyed or had measured from the pins. He stated that he had not and if a survey is required he will do so. John Klements advised that if a number is granted tonight and it turns out that the stakes are wrong, the number that is granted is the overriding

factor. Mr. Nevery was advised that he bears responsibility that property lines are correct. It is up to the appellant to stay within the parameters granted. An error is not a reason to come back for another variance.

Mark Kotoch advised that variances are based on hardship that go with the property and requested Mr. Nevery provide a hardship on which the Board could grant the variance. Mr. Nevery responded that granting his request would improve the property value of his house and also of neighboring properties. He stated that it would be a hardship for him to maneuver the car in and out of the garage if it would be placed elsewhere. He has a concern with his headlights shining on neighboring houses.

Mark Kotoch stated that he can not find a hardship on which to make a motion. Therefore, he would not be making the motion. Chairman Cihula stated that the Board has a reason, "Granting of the variance will not adversely affect the general health, safety or general welfare."

John Klements felt that the housing pattern in the area created a problem. The new garage would be a nice improvement to the property and neighborhood. He requested that the lighting on the front be directed down.

Chairman Cihula advised that the camper currently parked on the property is parked in the side setback. Our City Ordinance does not permit parking of a camper in the side set back of the entire property. He also advised that the granting of a variance would be only for the side line measurement. Mr. Nevery could increase the dimensions of the garage to enable housing of the camper.

Drawing reference: Plans stamped received in the Building Department June 12, 2013.

**Public Portion**

No public input.

**Public portion closed.**

Appellant **amended** his request to 8 ft.

Chairman Cihula passed the gavel to Vice Chairman Klements.

**MOTION:** Chairman Cihula moved that the Board approve Case #2013-2 **as amended** and grant a variance to the property located at 2568 Dodd Road for a 8 ft. right side yard for proposed detached garage at least 40 ft. behind existing house with existing garage to be demolished. This variance will improve the appearance and value of the property and not affect the neighboring properties.

Seconded by Ron Caporossi.

Roll call vote: Ayes unanimous

**Motion passes 5/0**

Bob Bartolotta advised the appellant that all measurements are made from the furthest most projection on the building. (i.e. gutters, overhang, etc.)

Vice Chairman Klements returned the gavel to Chairman Cihula.

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

**CASE 2013-3**

**David Carlson**

**2691 Graylock Drive**

requests a variance to construct a 2 car detached garage in the front setback, approximately 20' from the ROW. Section 1133.10(f) Permitted Accessory Structures in Front, Side and Rear Setback: Schedule 1133.10(b) Detached accessory buildings, including garages of the Codified Ordinances do not permit detached garages in the front setback.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on August 3, 2013. Drawings were available for review in the lobby of City Hall.

PRESENT: Eli Mahler, Architect, Dave Carlson

Stated reason for variance request: Appellant currently has a one-car attached garage and would like to add a two-car detached garage and locate it in his front yard. The new structure will match the existing structure and will be screened by landscaping. He feels that this will upgrade and improve his property. Other homes on the street have garages located in front of their homes. Appellant distributed a handout with his opinion on the matters to be addressed. This document is on file.

Mr. Bartolotta commented that the proposed structure would block the view to the street from inside the house.

Chairman Cihula asked the appellant why he couldn't attach this to the side front of the house. Mr. Carlson stated that this had been suggested by others but that he finds it impractical and doing so would limit his ability to drive out forward. All neighbors have turnarounds. Also building on the side limits his ability to walk around that side of the house.

Mark Kotoch commented that the proposed structure's placement is in the center of the existing structure and pointed out that there is space to attach this proposed garage to the front side of his existing house. Architect Mahler was asked for his opinion. Mr. Mahler responded that he is trying to accommodate the owner. As currently proposed it will be landscaped and blend in with current structure.

John Klements made a motion for a five minute recess in order to review the handout distributed by the appellant this evening. Chairman Cihula called a recess at 9:25 pm. The Board resumed its meeting at 9:30 pm.

Chairman Cihula stated for the record and confirmed that the area to the rear of the proposed garage is not a paved area.

Drawing reference: Plans received in the Building Department 7/17/13.

**Public Portion**

No public input.

**Public portion closed.**

**MOTION:** John Klements moved that the Board approve Case 2013-3 as requested and grant a variance to the property located at 2691 Graylock Drive due to the fact that the garage in the front is not unique to neighborhood. The following stipulation would apply:

Landscaping shall be installed per drawing to shield building from road view

Seconded by Bob Bartolotta.

Roll call vote: Ayes – Bartolotta, Caporossi, Klements, Cihula

Nay – Mark Kotoch

**Motion passes 4/1.**

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

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None.

**CHAIRMAN'S COMMENTS**

The first appeal was the worst he has seen.. The drawings were totally inadequate.

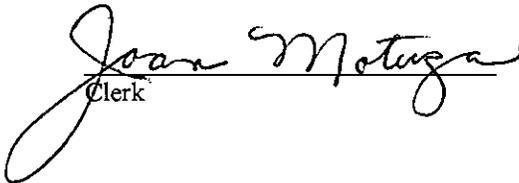
**MOTION:** Mr. Bartolotta moved to adjourn; seconded by Mr. Klements.  
Voice vote: Ayes unanimous.  
**Motion passes 5/0**

Meeting adjourned at 10:05 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: 11-12-2013