

**MINUTES**  
**Planning and Zoning Commission & Architectural Board of Review**  
**City of Willoughby Hills, Ohio**  
**March 6, 2008**

**CALL TO ORDER:** 7:03 P.M.

**PRESENT:** Chairman Charlotte Schryer, Mayor Robert Weger,  
Council Representative David Reichelt, John Lillich, and Madeleine Smith  
and Dale Fellows

**ABSENT:** Vice Chairman James Michalski (on leave of absence)

**ALSO PRESENT:** Building Commissioner Mario DiFranco, Architect Bill Gallagher,  
BZA Representative Frank Cihula and Clerk Katherine Lloyd

**Disposition of Minutes:** Meeting of February 7, 2008  
Meeting of February 21, 2008

**MOTION:** David Reichelt moved to accept the Minutes of February 7, 2008 as submitted.  
Seconded by John Lillich  
**Roll Call: Ayes Unanimous**  
**Motion Passes**

**MOTION:** David Reichelt moved to accept the Minutes of February 21, 2008 as submitted.  
Seconded by John Lillich  
**Roll Call: Ayes Unanimous**  
**Motion Passes**

**ARCHITECTURAL BOARD OF REVIEW**

**Public Portion**

Public Portion opened at 7:06 P.M.

None

Public Portion closed at 7:06 P.M.

1. Ken Raftery  
Western Reserve Pole Barn  
**34280 Rosewood Trail – Proposed Lean-To Addition – 31-A-005-K-00-002-0**  
Plans stamped received in the Building Department 2/21/08  
Plans stamped approved by Building Department 2/21/08  
Present: Ken Raftery

(Schryer) I have information for the Board regarding this project. The Zoning Administrator used his authority under 1111.05 Minor Alteration Review by the Administrator. The size of the Lean-To structure does not meet the code. Please review the copy of the Ordinance, section 1111.05 now distributed. These are the options we can use as a basis for voting on this project.

**Owner/Representative Comments**

- He distributed photographs with two views of the existing garage
- The back yard has southern exposure. The purpose of the lean-to is for shade outside enjoyment for disabled wife and himself
- He showed a sample of the siding.

#### **Architectural Comments**

- Drawing is of the garage already constructed. *Yes, it was built 1 year ago.*
- Plans for the garage came before the Board? It matches the house? *Yes*
- The lean-to and siding throughout would keep to the same design? *Yes*
- The aesthetics are minimal, because you will make sure everything matches. *Yes*
- I have a question about the door header. Will you be able to open the door with your tie back? It shows an eave height of 7'6" *No, it is a 10' wall in there.* The tie back will be 8-10 inches below that. If you have a 6'8" door, you may not make the head room. *They said it would be 8' tall. I did not draw it up.* They said it would be 8' tall. *The drawings do not show that.* I understand.
- The tieback is being connected to your sheeting, not into a girt. You should have something solid to nail it into.
- It is adequate for aesthetics, but the detailing needs to be better. He can work with the Building Department on that.

#### **Board Comments**

(Schryer) Is this stone on the bottom? *It will have a finished floor of concrete or patio stone.*

(Lillich) Most of the addition will be hidden behind the house from the street.

(Smith) Will you have a pathway from the house to the porch? *It is 30-40 feet from the house. I intend some type of easy access path.*

(Fellows) I am not certain that a 240 square foot addition to a 576 square foot structure meets the definition of a "minor addition" in 1111.05A.

- It is an almost 50% increase. Have you considered a retractable awning? *I wanted something more stable and permanent with less maintenance than that.*
- It is open on all three sides? *Yes.* If the next owner closes it up, it will then be in non-conformance. What we pass tonight will be on the books.

(Reichert) A lean-to is different from a building. If someone closes it up in the future, then we can say it was not approved.

(Fellows) That would be after the fact and the structure is not visible from the street. Then we would have to enforce it. Perhaps this should follow procedure and should go through the BZA to get the proper zoning.

(DiFranco) What is being proposed now is an open lean-to.

(Smith) Is the fact that this is being attached to a garage, a mitigating circumstance? If it were an addition to a house, I would concur.

(Fellows) It is a definitional situation. It will sizably increase the structure. We are here to uphold the code.

*(Raftery) Can this be passed?*

Schryer) You are only permitted 600 square feet for an accessory building. This is beyond that. If we don't pass it, the project needs to go to BZA.

(Cihula) Subsection C of 1111.05 says "it shall not be contrary to the Planning and Zoning code". Under the definition of "structure", even a lean-to is considered a structure and it is "fixed". This is only an architectural review, not a planning review.

(DiFranco) Planning Commission can override my decision.

(Cihula) This is the Architectural Board of Review.

(Fellows) We could deal with this in both sections. (Schryer) It would be backwards.

**MOTION:** David Reichelt moved to approved the architectural plans as submitted  
Seconded by Madeleine Smith

**Discussion:**

(Smith) Should we include the structural concerns raised by the architect?  
(Schryer) Building Commissioner will take care of that. It is in the minutes.

**Roll Call: Ayes Unanimous**  
Motion Passes

**PLANNING & ZONING COMMISSION**

Public Portion Opened 7:29 PM

None

Public Portion closed at 7:29 PM

**MOTION:** David Reichelt moved to amend the agenda for the Planning Commission to include  
Ken Raftery at 34280 Rosewood Trail for the proposal of a lean-to addition.  
Seconded by Dale Fellows

**Roll Call: Ayes Unanimous**  
**Motion Passes**

**Discussion:**

(Lillich) Mario exercised the authority given to him to approve what he considered a small project. It is not a shopping center. We are here to decide if we agree with him. I agree with him.

(Fellows) I agree with Mario doing this. It comes to us as a test of the definitions of each of the points listed in this section: “small”, “incidental”, “minor”, and “no discernible impact”,

(Smith) I agree

(Weger) Our laws cannot be all black and white. It is up to this board to interpret it.

(Schryer) This is a fairly large structure. It is not incidental. Normally, we do not review outbuildings under 180 square feet. We do review those over 180 square feet. I don't know if there is a way to flag this if someone does make it into a garage. There are many pros and cons.

(Reichelt) The choice of words in the ordinance may need to be reviewed in the future. In this case, it does not adversely affect the site. I think the intent of the Ordinance is to allow Mario to waive something of this nature. I stand behind Mario on this one.

(Weger) I think this is in the area of small. The building looks like it is missing something. This will look better than a roll-a-way awning. I feel minor changes should be handled by Mario.

(Fellows) That is architectural. Now we have to decide if meets the intent and wording of the Code. If we approve this percentage, we may be setting a precedent and will be giving too much latitude to this section.

(Schryer) We probably have never had two projects that are alike

(Reichelt) If the Code is interpreted verbatim, and if there were a permanent walkway from the house to this building, Mr. Raftery could construct any size building he wants. He has picked a size that complements the size of the garage, does not interfere with the yard, does not impact the neighbors, and will look better.

(Fellows) That is a problem with the code

**MOTION:** David Reichelt moved to confirm the Zoning Administrator's preliminary  
determination

Seconded by John Lillich

**Roll Call: 4 Ayes and 2 Nays (Fellows, Schryer)**  
**Motion Passes**

Mr. Gallagher was dismissed at 7:48 P.M.

**Unfinished Business**

• Tree Ordinance

Charlotte Schryer reviewed Jim Michalski's notes on the Ordinance and met with Tom Lobe to confirm direction on the Ordinance. She suggests that the Board go through his notes in preparation for a group discussion when Michalski returns. That meeting will be in preparation for a meeting with Kyle, who has the database. Tom Lobe has suggested that this Board take the Ordinance to Council when it is 80-90% complete.

**New Business**

• Wind Turbines

John Lillich raised the question of how the City will handle the installation of wind turbines. There was a discussion of zoning requirements for the big ones. There are smaller ones that individuals can install on personal property.

• Gas Wells

Madeleine Smith raised a concern about landscaping around gas wells. John Lillich says that the city has input, if the city requests to be present with ODNR when the plans are being made. We have input on the location of the separators, the landscaping, the roads, whether it is gated. ODNR needs to put the city on its invite list. We had requested to be present at the permit meeting, but that is too late. That is what happened with Hunter's Woods. We will request that Soil and Water notify the Building Department so that someone from Planning can attend. Frank Cihula suggested that the commercial aspect of selling the gas back to Dominion Gas might violate Zoning Code.

**Mayor's Report**

None

**Council Representative's Report**

Tom Ackerman's proposed development off Maple Grove

The proposal was heard by Council. He is in a quandary because if the sewer does not go the way he hopes, then he will have to redesign his development. If sewers go in, 5 acres of trees are saved. There are two zoning questions to be resolved: how the lot is measured and the variance on the set back he is requesting. Council is undecided on the pros and cons of sewers vs. septic systems. Mayor Weger said that there will be a Utilities meeting. If there were sewers, the city would be responsible for maintenance of another pump station.

**Building Inspector's Report**

None

**Chairman's Report**

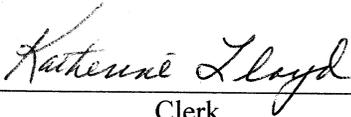
Tom Ackerman's proposed development off Maple Grove

I attended the Council Meeting also. I have collected information on the project. The files in the Building Department are from when he bought the land. His project has never been submitted to the Building Department. This letter (passed out to Board) was attached to the Development Plan Review Procedures booklet that has been distributed to the Mayor, City Council, the Planning and Zoning Commission, the Board of Zoning Appeals, and the Building and Zoning Department. The Board and the City should provide a direction on how the procedures help projects flow through the city to Residents who ask for help.

**Adjournment**

**MOTION:** John Lillich moved to adjourn  
Seconded by David Reichelt  
**Voice vote: Ayes unanimous**  
**Motion passes**

Adjourned at 8:22 P.M.

  
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Clerk

  
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Chairman

March 20, 2008