

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

August 12, 2008

CALL TO ORDER: 8:08 pm
PRESENT: Chairman, Frank Cihula; Vice Chairman, John Klements
Peter A. Kamis, Joe Zawatski
Clerk/Secretary, Joan Motuza
ABSENT: Mark Kotoch

MOTION: John Klements moved to excuse Mark Kotoch's absence at tonight's meeting.
Seconded by Joe Zawatski.
Voice Vote: Ayes unanimous.
Motion passes 4/0.

DISPOSITION OF MINUTES OF JULY 8, 2008

MOTION: John Klements moved that the Board approve the minutes as submitted.
Seconded by Joe Zawatski.
Roll call: Ayes unanimous
Motion passes 4/0.

CORRESPONDENCE

8/1/08 Copy of letter from Department of the Army, Buffalo District, Corps of Engineers –advising Ms. Sivazlian of withdrawal of Department of Army Application No. 2006-00638, Squires Ridge Development, per Ms. Silvazlian's request.

Case 2008-3

7/14/08 From Richard Rosner – Time stamped copy of Termination of Limitations and Restriction and BZA Resolution authorizing the termination. (Emerald Lake Center, Chardon & Bishop Road7/11/08Time stamped, recorded Termination of Limitations & Restrictions s)
7/11/08 Time stamped, recorded Termination of Limitations & Restrictions

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

CASE 2008-4

Jason Faulkner

2463 Trailard Drive

Jason Faulkner, 2461 Trailard Drive, requests a variance to construct a new house at 2463 Trailard Drive with 11.67' side-yard clearance on the south side. Section 1133.04(a) (7), Schedule 1133.04(7) (b) of the Codified Ordinances requires 15' clear distance from the side lot line.

Notice was mailed to property owners within 500 feet of said property. Legal notice was published in The News-Herald on August 2, 2008. Drawings were available for review in the lobby of City Hall.

PRESENT: Jason & Lisa Faulkner

Stated reason for variance request: When they decided on the design of the house and realized that it would not be in conformance with Willoughby Hills Codified Ordinances, they contacted our previous Building Inspector (Mario DiFranco) stating that if they could not build as desired they would look for a lot elsewhere. The Building Inspector advised that a variance would not be an issue. Therefore, they proceeded with their plans and are now requesting a variance so that they can build the house as designed. The plans have been reviewed by CT Consultants and flood plain requirements are in place.

Drawing reference: Site Plan, Stamped:
Received in the Willoughby Hills Bldg. Dept. 7/30/08
Approved CT Consultants Inc. JFT 7/30/08

Public Portion:

Carl Delembo, 2573 Trailard Drive – Concerned with removal of trees and displacement of water. How will it affect water run off and absorption? Currently has problem with water run off on his property.

Jenne Hensley, 28439 Evergreen Avenue – Expressed concern that park property is being sold without general knowledge.

Public portion closed.

MOTION: John Klements moved that the Board approve Case 2008-4 and grant a variance to the property at 2463 Trailard Drive for an 11' side yard clearance on the south side of the property. This sideline variance is justified because of the property's width and the fact the adjacent property is vacant.

Seconded by Peter Kamis.

Roll call: Ayes unanimous.

Motion passes 4/0.

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

UNFINISHED BUSINESS

None

NEW BUSINESS

Chairman Cihula advised that the Charter Review Commission considered the input from the BZA. Some of our suggestions are in the proposed Charter amendment.

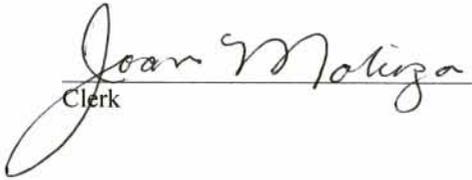
MOTION: Peter Kamis moved to adjourn; seconded by John Klements.
Voice vote: Ayes unanimous
Motion passes 4/0.

Meeting adjourned at 8:50 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 on audio tape and tapes 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: September 9, 2008

8/17/08/jdm