



City of Willowick
BOARD OF ZONING APPEALS

Wednesday, April 12, 2023 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

MINUTES

CALL MEETING TO ORDER

The Chairman called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Nick Koudela
BZA Member Phil Yarletts
BZA Member Tom Flaisig
BZA Member Debbie Clarke
BZA Member Rich Hill

ALSO PRESENT: Mandy Gwartz, Acting Law Director. Sean Brennan, Chief Housing and Zoning Inspector.

CHAIRMAN SWORE IN APPLICANT(S) & AUDIENCE MEMBERS WHO WILL BE GIVING TESTIMONY.

The Chairman swore in Appellant(s) & Audience Members that will be giving testimony.

APPROVAL OF MINUTES

Motion made by Chairman Koudela, Seconded by BZA Member Yarletts.
Voting Yea: Chairman Koudela, BZAMember Flaisig, BZA Member Clarke, BZA Member Hill
Voting Abstaining: BZA Member Yarletts

Case No. 23-1

Mike Mazzola

1107 E. 305th St.

1163.03(c) - 1330 sq. ft. to construct an office building that has 200 sq. ft. of floor space.

Mr. Michael Mazzola of 665 Second St. Unit 7, Fairport Harbor, OH appeared before the board.

The Secretary sent out neighbor notification forms.

Mr. Mazzola would like to replace the current office trailer with a new office that is under the required square footage. He provided a letter from the building owner giving permission for the building and variance request. Mr. Mazzola stated that the building will not be visible from the street. Mr. Yarletts asked if there was going to be plumbing or just electrical. Mr. Mazzola said just electrical. The structure that is there now will be taken down.

There were no audience members to speak regarding this case.

Motion made by BZA Member Flaisig, Seconded by BZA Member Yarletts.

Voting Yea: Chairman Koudela, BZA Member Yarletts, BZA, Member Flaisig, BZA Member Clarke, BZA Member Hill to approve the variance. of 1330 sq. ft. in the application of Section 1163.03(c) of the Codified Ordinances of the City of Willowick. Discussion: None. Motion carried.

Case No. 23-2

Mason Cummings

30421 Oakdale Rd.

1165.05 - 42 linear ft. of double fencing rear property line.

Mason Cummings of 30421 Oakdale Rd. Willowick, OH appeared before the board.

The Secretary sent out neighbor notification forms.

Mr. Koudela asked Mr. Cummings to explain his variance request.

Requesting 42 linear feet of double fencing on the rear property line. Mr. Koudela asked Mr. Cummings to explain his request for the variance. Mr. Cummings said he removed her 4' chain link fence and as his fence was getting installed the back neighbor stopped them stating that she doesn't want her fence removed and did not give permission to do so. Mr. Cummings wanted to put up a shadowbox fence and did not have technical approval, but spoke to her brother who is renting there and he said that he contacted her and she had no objections. He said he has the messages showing this. Mr. Cummings said he tried several times and left several messages with Ms. Antosh and she did not return any of them. He had assumed with her brother saying she had no objections and not hearing back from her with objections that it was ok to take the fence down.

Ms. Natalie Antosh owner of 30420 Vineyard stated that he took the fence down without her permission. She has a disabled brother who lives there who doesn't have the authority to give permission as he is not the homeowner. She asked the contractor to put her fence back up, and the contractor said it wasn't possible and the fence is already on her truck. Ms. Antosh did get her fence back, but it is not up. Ms. Antosh called Sean Brennan at the Willowick Building Department to ask if there was permit. Mr. Brennan said there was a permit but it was stamped no double fencing. Ms. Antosh asked Mr. Cummings if he had a survey to see if the fence is on his property. He said he just moved in and had a survey. Ms. Antosh stated that was a pin survey and he can call them back to make sure the posts are on his property.

Mr. Koudela asked if the neighbors get notified when a permit is requested. Mr. Brennan stated only when there is a variance request not for a regular permit and that the city does not require a survey as it is expected the homeowner knows where their property lines are.

Mr. Koudela asked Mr. Brennan if this is a rental property. Mr. Brennan stated that the ordinance for non-owner occupied properties states if it is non-owner occupied it would need a non-owner occupied license.

Ms. Antosh stated that the neighbor shot off fireworks on July 4th and left an aftermath and provided pictures to the board and has a large fire pit and makes large fires that melts the siding on his garage. Mr. Koudela asked what this has to do with the fence. Ms. Antosh said she will explain. Ms. Antosh said she filed a complaint with Sean at the building department regarding the mess behind his garage that he will burn.

Mr. Yarletts asked why double fencing is being requested when the fence is down. Mr. Brennan stated because Ms. Antosh wants her fence put back up, and the law director said a variance on behalf of Mr. Cummings is how this will need to be handled.

Mr. Yarletts asked Ms. Antosh why she is objecting to the board on board fence in place of a chain link fence as it would provide more privacy. Ms. Antosh said because she doesn't want chain link and board on board and chain link. She is putting the fence back up but not at her expense and that she contacted an attorney and is waiting for the outcome of this variance request.

Motion made by BZA Member Yarletts, Seconded by BZA Member Flaisig to grant a variance of 42 linear feet of double fencing on the rear property line in the application of Section 1165.05 of the Codified Ordinances of the City of Willowick. Voting Yea: BZA Member Clarke and BZA Member Hill. Nays BZA Member Flaisig, BZA Member Yarletts and Chairman Koudela. Motion failed.

Case No. 23-3

Domenic Polito

John Polito

1145.05(b)(3) - 8 parking spaces for a restaurant with 70 seats and only 27 spaces with 35 needed.

Mr. Dom Polito is requesting 8 parking spaces to open a restaurant with 70 seats and only has 27 spaces and needs 35 total. Mr. Polito stated that his Father John Polito has owned the Willowick Cafe since 1980 and the building since 2000. He is excited to bring in a new establishment and is aware of the reputation of the Willowick Cafe and the aesthetics and will be making a complete change. This will be a full kitchen restaurant, coffee house with craft cocktails and will enhance everything on that corner. Mr. Polito has met with approximately 70 residents in ward 3 and took all feedback into consideration.

Mr. Koudela asked if there would be parking issues if the spots were not on an angle but were parallel as shown on the drawing. Mr. Polito stated they will be on an angle.

Mr. Brennan stated that there was an architect involved who produced this plan and if there are any issues with parking in the future they will have to come back to the board.

Mr. Yarletts asked if the exit onto Foxboro will be one way or 2 way. Mr. Polito stated they are looking into 2 way.

Mr. Flaisig asked if there will be parking by the dumpster near the Foxboro exit. Mr. Koudela stated only North of the dumpster with 1 spot being for the apartment upstairs.

There were no audience members to speak during public portion.

Motion made by BZA Member Yarletts, Seconded by BZA Member Flaisig to grant a variance of 8 parking spaces in the application of Section 1145.05(b)(3) of the Codified Ordinances of the City of Willowick. Voting Yea BZA Member Flaisig, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts and Chairman Koudela. Motion carried.

NEW BUSINESS

None

OLD BUSINESS

None

ADJOURNMENT

Motion made to adjourn the meeting by BZA Member Flaisig, Seconded by BZA Member Clarke.

Voting Yea: Chairman Koudela, BZA Member Yarletts, BZA Member Flaisig, BZA Member Clarke, BZA Member Hill. Motion carried.

Meeting adjourned at 8:13 p.m.

Jennifer Quinn, Secretary

Nick Koudela, Chairman