

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JULY 24, 2019
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Joe Palmer; Mike Ross; Angelo Tomaselli; James Ralston, Chairman

ABSENT: Mike Merhar

OTHERS: Michael Lucas, Law Director; Vicki Grinstead, Secretary

Chairman Ralston called the regular meeting to order at 7:06 p.m.

Chairman Ralston advised the participants of their right to be heard in person or by attorney present and/or proffer evidence present and examine witnesses and the subpoena of evidence and/or witnesses. Chairman Ralston advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Chairman Ralston stated that all five members of the board are not present this evening and the applicants need a majority or three votes to pass their appeals. If an appeal is denied the applicant has thirty days to file an appeal with the Lake County Court of Common Pleas. Ms. Cox and Mr. Conell both stated they wished to proceed with their appeals.

The appeal application, the letter of the meeting notification, the letter of non-compliance and the list of names and addresses of adjoining property owners within the required distant of the appellant were noted into the record.

MINUTES

July 10, 2019

Mrs. Grinstead said there was a typographical error on page 5 in the second paragraph that will be corrected.

Mr. Palmer moved to accept the Regular meeting minutes of July 10, 2019 as amended and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Tomaselli; Mr. Palmer; Chairman Ralston
Nays: None
Absent: Mr. Merhar; Mr. Ross

Motion Carried: Approved

OLD BUSINESS

Mr. Palmer moved to untable the appeal for the Carson residence, 4070 St. Clair Ave., Willoughby, OH and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Palmer; Mr. Tomaselli; Chairman Ralston
Nays: None
Absent: Mr. Merhar; Mr. Ross

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Motion Carried: Untabled

Barbara Snyder-Carson
4070 St. Clair Ave.

Fence

Chairman Ralston stated he received confirmation from the Building Department that the fence for the Carson residence is now in compliance and a variance is no longer needed and the applicant asked for the appeal to be permanently tabled.

Mr. Palmer moved to permanently table the appeal for the Carson residence, 4070 St. Clair Ave., Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Tomaselli; Mr. Palmer; Chairman Ralston
Nays: None
Absent: Mr. Merhar; Mr. Ross

Motion Carried: Permanently tabled

NEW BUSINESS

Lisa Cox
38349 Lakeshore Blvd.

Fence

Chairman Ralston stated the applicant cited practical difficulty numbers 1, 2, 3, 4, 5, 8 and 9 on the application for appeal and noted all items that were in the packet. He also read into record a letter from Ms. Cox dated July 10, 2019.

Chairman Ralston asked if anyone wished to speak for this appeal. Ms. Cox, 38349 Lakeshore Blvd., Willoughby, OH 44094 was sworn in to speak for her appeal.

Ms. Cox said the previously installed stockade fence was in disrepair and they just replaced it because they received a violation notice from the city, not realizing stockade fencing was not permitted. Ms. Cox said they repaired the fence to be board-on-board and corrected the post violation and presented the Board with pictures (in record 7-24-19). She stated only two original panels remain behind the garage in the back yard.

She said the reason they are asking for the fence to remain at 6 ft. in height in the right-of-way is because the house is already the primary obstruction and the fence is in line with the house. They would like to keep the fence this height due safety concerns for their pets and children because they are on a corner lot that intersects two streets; one being a main thoroughfare.

Chairman Ralston asked if there was anyone else who wished to speak for this appeal and there was no one.

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Chairman Ralston asked if anyone wished to speak against this appeal and there was no one.

Mr. Palmer moved to grant a variance to C.O.1131.11(i), (subsection 1) and allow a 6 ft. board-on-board fence in the areas where a 4 ft. high fence is required and in areas where it should not exceed 3 ft. in height; citing C.O. 1109.09(b) for the Cox residence 38349 Lakeshore Blvd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Tomaselli; Mr. Palmer; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar; Mr. Ross

Motion Carried: Approved

Mr. Lucas asked Ms. Cox for clarification that she corrected the minimum 25% open space violation. Ms. Cox stated that was correct except on the Westwood side, within the right-of-way where it is required to have a 50% vertical open space and they are asking for a 25% open surface.

Mr. Palmer moved to grant a variance to C.O.1131.11(i), (subsection 1) and allow a 25% vertical open surface instead of the required 50% within a 25 ft. offset of the right-of-way; citing C.O. 1109.09(b) for the Cox residence 38349 Lakeshore Blvd., Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Tomaselli; Mr. Palmer; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar; Mr. Ross

Motion Carried: Approved

Mr. Ross arrived late to the meeting.

Arthur Conell
38246 Wilson Ave.

Fence

Chairman Ralston stated the applicant cited practical difficulty number 1 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if anyone wished to speak for this appeal. Mr. Conell, 38246 Wilson Ave., Willoughby, OH 44094 was sworn in to speak for his appeal.

Mr. Conell said the fence location is too close to the right-of-way. They would like to increase it from 3 ft. to 4 ft. in height because they have a large dog which can clear a 3 ft. fence easily. The fence is an open ornamental fence and there are no vertical opening issues. The fence will be within 2 ft. of the sidewalk. He stated if they pushed the fence back to the required 25 ft. they would hardly have any back yard and would not be worth

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spending the money to install the fence. They currently have two runs installed in the front and side yards for the dog and they will be removed after the new fence is installed.

Mr. Palmer said the fence is nice and will not cause any visibility issues. Mr. Tomaselli asked if they can move the fence back. Mr. Conell said the fence will be 2 ft. from the edge of the sidewalk. Chairman Ralston said the site plan shows the fence being 1 ft. from the sidewalk. Mr. Conell said they would like to amend the request to 2 ft. from the sidewalk and they will be installing a planter bed in front of the fence.

Chairman Ralston asked if anyone wished to speak for this appeal. Ms. Nancy Pokorny, 38238 Wilson is in favor of the new fence and will keep their dog in the back yard. She believes the fence is attractive, sensible and also will benefit the residents who walk the neighborhood.

Chairman Ralston asked if there was anyone else who wished to speak for this appeal and there was no one.

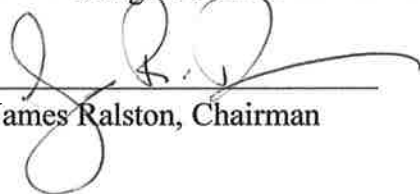
Chairman Ralston asked if anyone who wished to speak against this appeal and there was no one.

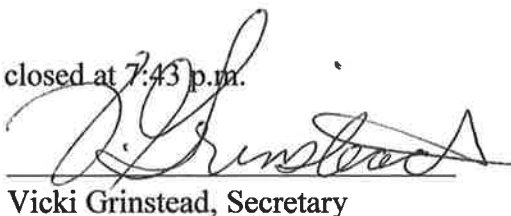
Mr. Palmer moved to grant a variance to C.O. 1131.11(i)(2) and allow a fence 4 ft. in height within the 25 ft. right-of-way instead of the required 3 ft.in height. The fence location shall be offset 24” from the edge of the sidewalk as identified by the applicant; citing C.O. 1109.09(b) for the Conell residence, 38246 Wilson Ave., Willoughby, OH 44094 and Mr. Tomaselli seconded.

ROLL CALL: Yeas: Mr. Ross; Mr. Tomaselli; Mr. Palmer; Chairman Ralston
 Nays: None
 Absent: Mr. Merhar

Motion Carried: Approved

There being no further business the regular meeting closed at 7:43 p.m.


James Ralston, Chairman


Vicki Grinstead, Secretary