

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JANUARY 8, 2020
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Joe Palmer; Mike Merhar; Mike Ross; James Ralston, Chairman

ABSENT: Phil Davis

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

Chairman Ralston called the regular meeting to order at 7:00 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 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. Mr. Malinowski wished to proceed with his appeal.

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

December 11, 2019

Mr. Palmer moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of December 11, 2019 as submitted and Mr. Merhar seconded.

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

Motion Carried: Approved

OLD BUSINESS

Mr. Palmer moved to untable Old Business for Zeppe's Tavern, 5680 SOM Center Rd., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Untabled

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
January 8, 2020**

Chairman Ralston stated the applicant cited practical difficulty number 2, 3, 8 and 9 on the application for appeal and noted all items that were in the packet.

Chairman Ralston asked if there was anyone who wished to speak for this appeal. Edward Thomas Malinowski, 934 Eaglewood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Malinowski said he is asking to keep his stockade fence. He said the fence was existing and he just replaced the panels. He installed the fence with the finished side facing his neighbor's property. He presented the Board with two photographs of the previous and new fence (in record 1-8-20). He said it is important he keeps this fence because it blocks the wind off the lake. Mr. Malinowski used the existing posts from the previous fence. He replaced only the fifty-six feet of panels on the north side of his property.

Mr. Palmer asked if the fence to the west was wood or chain link. Mr. Malinowski said it is chain link and to the south is chain link also, which is Chris Woodin's property.

Mr. Malinowski said he fixed the fence because the city had sent him several notices of violation and did not know he needed a permit to repair the fence. Chairman Ralston asked if this was the only section of stockade fencing on the property and Mr. Malinowski said yes.

Chairman Ralston asked Mr. Lucas to clarify if this fence was a repair. Mr. Lucas stated yes and the controlling provision is under Codified Ordinance 1167.03.

Chairman Ralston asked if there was anyone else who wished to speak for this appeal. Mr. Chris Woodin, 940 Eaglewood Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Woodin is the neighbor directly to the south of Mr. and Mrs. Malinowski. He said the fence was in disrepair and he wanted to repair it to look aesthetically pleasing for his neighbors.

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

Chairman Ralston asked if there was 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)(3) and allow the reconstruction of an existing stockade fence instead of the required vertical surface style fence with a 25% vertical opening; citing C.O. 1109.09(b) for the Malinowski residence, 934 Eaglewood Dr., Willoughby, OH 44094 and Mr. Merhar seconded.

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

Motion Carried: Approved

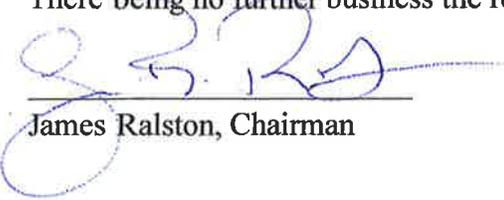
**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
January 8, 2020**

The election of the 2020 officers will remain on the agenda until the next meeting where there is a full membership.

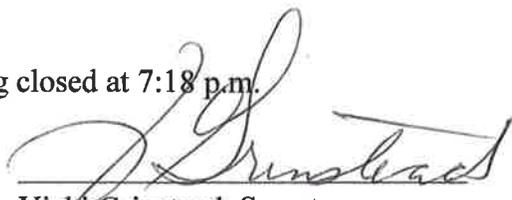
Board of Zoning Appeals

**Election – 2020
Chairman
Vice Chairman
Secretary**

There being no further business the regular meeting closed at 7:18 p.m.



James Ralston, Chairman



Vicki Grinstead, Secretary