

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JUNE 10, 2020
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Phil Davis

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

Chairman Palmer called the regular meeting to order at 7:00 p.m.

Chairman Palmer 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 Palmer advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Chairman Palmer stated all five members of the board are not present this evening and the applicant needs 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.

Chairman Palmer asked each of the four applicants individually if they wished to continue with only four Board members present and each applicant said they wished to continue 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

May 27, 2020

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of May 27, 2020 as submitted and Mr. Merhar seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

**Crystal Rosa
38840 Wood Road**

Permitted Use/Animals

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 10, 2020**

Chairman Palmer stated the applicant did not cite a practical difficulty number due to the unusual nature of the appeal and noted all items that were in the packet.

Chairman Palmer asked the property owner, Mr. Anthony Hounshell if Ms. Rosa had permission to speak on behalf of this appeal and Mr. Hounshell said yes. Chairman Palmer asked if there was anyone who wished to speak for this appeal. Ms. Rosa, 38840 Wood Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Rosa said these miniature pot belly pigs are her pets. She said they are domesticated animals and are popular as pets. Her pigs all lived in her prior home and decided they wanted to move somewhere where there was more space. She said all of the pigs she has are rescues and have all come to her home, one by one, over the course of eleven years. She said the neighbors have been down to welcome her and bring their kids to see the animals. She said her property is well maintained and cannot be seen from the street. She said the pigs do not make noise and she does work from home so she is there all day with them. She said they are her pets and are within her fenced in yard. She said she is asking the Board to allow her to keep them as pets.

Chairman Palmer asked what the average weight is for these animals. Ms. Rosa said none of her pigs are over 111 lbs. She said she keeps them on a healthy diet, are vetted and are fixed.

Mr. Ross asked Law Director Lucas if there was any ordinance within the R-80 district that specifies how many dogs or cats you can have as pets. Mr. Lucas said not for a use classification. He said this is different because it's a non-permitted use made of the property by the sheer number of the pigs involved and their outdoor location on the residential property. There are no provisions in the code for dog kennels or rescue cats etc. Mr. Ross asked if this would be different if he had eleven dogs. Mr. Lucas said there is nothing in C.O. 1131.03 Schedule of Permitted Uses that makes any distinction regarding animals of any kind. He said you would have to prove they are pets and live indoors and the only times they are outdoors is for health and sanitation issues. You would have to establish it as a household pet verses a land use, such as this. Chairman Palmer asked if the pigs sleep indoors. She said some of them do, but some prefer to sleep outdoors.

Mr. Lucas said there are limited provisions for raising livestock within the residential districts (C.O. 1131.13) KEEPING/RAISING SMALL LIVESTOCK AND BEES:

- (a) Small livestock. The keeping of chickens, ducks, rabbits, and similar farm animals, and cages, coops and enclosures for the keeping of such animals shall comply with the following requirements:
- (1) A maximum of six (6) such animals may be kept on the property.

Mr. Lucas said the question is would this type of pig constitute small livestock and it does not define pigs, so it would be considered under similar farm animals. He said would this type of pig be similar to chicken, ducks and rabbits. He said the Board would need to consider if this type of pig falls within this small livestock category and if not, then it is not permissible. He said the code also talks about how you need to provide predatory proof coops or cages or other shelter as opposed to them having the run of the lot or backyard. The common definition of pig is livestock and do these pigs fall within the definition of small livestock with their weight and size.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 10, 2020**

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Ralston moved to grant a variance to C.O. 1131.03 to allow as a use the keeping of mini pet pigs/livestock; citing C.O. 1109.09(b) for the Rosa residence, 38840 Wood Rd., Willoughby, OH 44094 and Mr. Merhar seconded.

ROLL CALL: Yeas: Mr. Ross
 Nays: Mr. Ralston; Mr. Merhar; Chairman Palmer
 Absent: Mr. Davis

Motion Carried: Denied

Rose Boyce
5666 Crown Court

Accessory parking

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

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Ms. Boyce, 5666 Crown Court, Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Boyce said she would like this driveway to be able to turn around in her driveway for safety reasons and to also straighten the curve in her driveway. She said it is hard for people to back out of her driveway because of the curve. She said there are a lot of walkers and kids on bikes in her neighborhood and she would feel safer pulling out forward rather than backing out. She said she cannot put it in her backyard because it is too small and too close to the property line.

Chairman Palmer said on the site plan it does not indicate where the garage is in relation to the house. She said the two car garage is attached to the house. He asked if the current driveway was 20' and Ms. Boyce said she did not know. He said she will be going from an approximate 18' wide driveway to a potential 27' wide driveway.

There were no more questions from the Board members.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Merhar moved to grant a variance to C.O. 1131.11(a) to allow accessory parking in the front yard instead of the allowable rear yard; citing C.O. 1109.09(b) for the Boyce residence, 5666 Crown Court, Willoughby, OH 44094 and Mr. Ralston seconded.

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 10, 2020**

ROLL CALL: Yeas: Mr. Merhar; Mr. Ross; Chairman Palmer
 Nays: Mr. Ralston
 Absent: Mr. Davis

Motion Carried: Approved

Sports Clips
5878 SOM Center Road
(Rep.- Skip Collins, Allsign & Designs LLC)

Sign area

Chairman Palmer stated the applicant cited practical difficulty number 6 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Collins of Allsign & Designs, LLC, 5101 W. 161st St., Brook Park, OH agent for Sports Clips was sworn in to speak for this appeal.

Mr. Collins said they are the contractor for all the Sports Clips in the area. He said his client is currently on Euclid Ave. and is moving to his new SOM Center location and would like to utilize the existing size from the old building to save on the expense of a new sign. He said the landlord does not have a problem with this sign.

Mr. Merhar asked if the frontage on the new location is smaller than the current location and Mr. Collins said yes. Chairman Palmer asked if they could shrink the sign to fit within the window space and Mr. Collins said they cannot, they would have to order a new sign.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Merhar moved to grant a variance to C.O. 1163.04(f)(4) to allow a 37.86 sq. ft. sign instead of the allowable 22.5 sq. ft.; citing C.O. 1109.09(b) for the Sport Clips, 5878 SOM Center Rd., Willoughby, OH 44094 and Mr. Ralston seconded.

ROLL CALL: Yeas: Mr. Merhar; Mr. Ross; Chairman Palmer
 Nays: Mr. Ralston
 Absent: Mr. Davis

Motion Carried: Approved

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
June 10, 2020**

Mr. Merhar left the meeting at 7:50 p.m.

Keith Koziol
5263 Melody Lane

Pool side yard setback

Chairman Palmer stated the applicant cited practical difficulty numbers 8 & 9 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mr. Koziol, 5263 Melody Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Koziol said he didn't see anything online that he had to be a certain distance away from his property line so he had the area dug out completely and leveled. He said it was expensive for him to level the property. He said if he were to move the pool another 9' he would be encroaching onto his neighbor's property. He wanted to keep the pool in the middle of yard.

Mr. Koziol said if he moved his pool 9' it would take away his whole side yard and he would like to keep that area for his children to play. He said he would eventually like to put a deck on either side of the pool and if he moved the pool over he could only have the deck on one side.

Chairman Palmer said if the Board grants this variance he will ask that it be read into the motion that nothing encroaches into that setback south of that pool. There is a chain link fence surrounding the property.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Ross moved to grant a variance to C.O. 1131.06 to allow the 18' side yard setback instead of the allowable 27' side yard setback, but the with stipulation that no other structure is allowed to be built inside the 18' setback on the street side; citing C.O. 1109.09(b) for the Koziol residence, 5263 Melody Lane, Willoughby, OH 44094 and Mr. Ralston seconded.

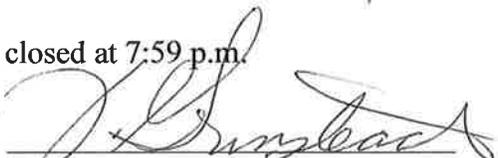
ROLL CALL: Yeas: Mr. Ross; Mr. Ralston; Chairman Palmer
 Nays: None
 Absent: Mr. Davis; Mr. Merhar

Motion Carried: Approved

There being no further business the regular meeting closed at 7:59 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary