

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JULY 14, 2021
PUBLIC HEARING MEETING
MINUTES**

PRESENT: James Ralston; Mike Maniche; Phil Davis; Mike Ross, Vice Chairman

ABSENT: Joe Palmer, Chairman

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

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

Vice Chairman Ross 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. Vice Chairman Ross advised the participant that the board has five members of which a majority of the board is needed to grant an appeal. Vice Chairman Ross stated all five members of the board are not present this evening and the applicant needs a majority or three votes to pass the appeal. If an appeal is denied the applicant(s) have thirty days to file an appeal with the Lake County Court of Common Pleas. 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. Vice Chairman Ross asked Dr. Norris if he wished to proceed with only four members present and he said yes.

MINUTES

June 23, 2021

Mr. Ralston moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of June 23, 2021 as submitted and Mr. Davis seconded.

ROLL CALL: Yeas: Mr. Maniche; Mr. Ross, Vice Chairman; Mr. Davis; Mr. Ralston
Nays: None
Absent: Mr. Palmer, Chairman

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Stephen & Jennifer Norris
38089 N. Brooks Drive

Fence

Vice Chairman Ross stated the applicant cited practical difficulty numbers 3 and 8 on the application for appeal and noted all items that were in the packet.

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Vice Chairman Ross asked if anyone wished to speak for this appeal. Dr. Norris, 38089 N. Brooks Drive, Willoughby, OH 44094 was sworn in to speak for the appeal.

Dr. Norris said he included all the pertinent information for the board in his packet. He said along Tamarac Blvd. are the backyards of Brooks Dr. and North Brooks Dr. which parallel Tamarac Blvd. The vast majority of these homes have fences in the rear yard for privacy from Tamarac Blvd. There is also a sidewalk along Tamarac Blvd. He said most of the existing fences in this area are 6' high fences and vary in style and materials. Most of these fences are approximately 2' from the sidewalk. Dr. Norris said his fence and his neighbors are 23' off the street and 7' off the sidewalk. He said he believes most of these fences were installed before the zoning code was changed and did not require variances. Dr. Norris said when the zoning code was updated it made all of these fences non-conforming. He said there is a small gap between his fence and his neighbors, but when the new fence is installed, it will eliminate that gap. It will match the neighbors fence exactly and will be the same manufacturer and installer. It will clean up the area and give conformity to the neighborhood.

Vice Chairman Ross said he did drive by the area, and it does not look like the fence will impede any view. Mr. Maniche agreed with Vice Chairman Ross.

Mr. Davis asked if there would be any compromise if the fence was 6' high but provided a 40% opening. Dr. Norris said he did not know what would be gained by the 40% opening because there is no line-of-sight issue as far as traffic. Mr. Maniche said he also did view the area and said the monument sign blocks the view before the fence would. There was a brief discussion on airflow and line of sight. Dr. Norris said the new fence will be installed in the existing location of the current fence along the property line. He said the fence shown in his renderings is his neighbor's fence with the 1/4" slats and is the same fence he is having installed.

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

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

Mr. Davis moved to grant a variance to C.O. 1131.10(i)(3) to allow a 6' high fence instead of the allowable 3' high fence; citing C.O. 1109.09(b) for the Norris residence, 38089 N. Brooks Drive, Willoughby, OH 44094 and Mr. Maniche seconded.

ROLL CALL: Yeas: Mr. Davis; Mr. Ralston; Mr. Maniche; Mr. Ross, Vice Chairman
 Nays: None
 Absent: Mr. Palmer, Chairman

Motion Carried: Approved

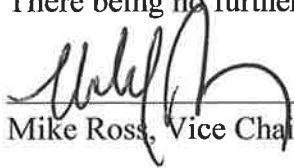
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Mr. Davis moved to grant a variance to C.O. 1131.10(i)(3) to allow a semi-private fence with less than a 40% opening instead of the required 40% opening; citing C.O. 1109.09(b) for the Norris residence, 38089 N. Brooks Drive, Willoughby, OH 44094 and Mr. Ralston seconded.

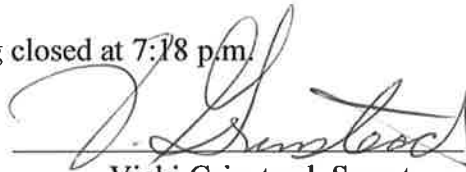
ROLL CALL: Yeas: Mr. Ralston; Mr. Maniche; Mr. Davis; Mr. Ross, Vice Chairman
 Nays: None
 Absent: Mr. Palmer, Chairman

Motion Carried: Approved

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



Mike Ross, Vice Chairman



Vicki Grinstead, Secretary