

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
AUGUST 12, 2020  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; James Ralston; Mike Ross; Joe Palmer, Chairman

**ABSENT:** Mike Maniche

**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 applicants need a majority or three votes to pass their appeals. If an appeal is denied the applicant(s) have thirty days to file an appeal with the Lake County Court of Common Pleas. Mr. Chadwick and Mr. Medlen 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 22, 2020**

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of July 22, 2020 as submitted and Mr. Ralston seconded.

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

**Motion Carried: Approved**

**OLD BUSINESS**

None

**NEW BUSINESS**

**Daniel Chadwick**  
5290 Hickory Lane

**Accessory Bldg./Shed**

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Chairman Palmer stated the applicant cited practical difficulty numbers 3 and 7 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. Chadwick, 5290 Hickory Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Chadwick said he has a side lot that is .4 acres and is hard to cut with a hand mower. He said he needs the additional storage for his outdoor lawn equipment. He said he did speak with his neighbors who did not have any issues with the new shed.

Chairman Palmer asked if the side lot was a different parcel number than the residence and Mr. Chadwick said yes. Chairman Palmer asked if he has consolidated it was his main parcel and Mr. Chadwick said no, it is still two parcel numbers. He said the back 62' of his lot contains the side parcel and is pie shaped.

Chairman Palmer asked Mr. Lucas for clarification on why this was before the Board if it is a separate parcel. Mr. Lucas said the Building Department is viewing it as a single yard because the proposed accessory building is servicing the immediate contiguous parcel. Mr. Ralston said it shows it as a separate lot but it has no accessible point and appears to be land locked. He said this lot should be part of the main lot if this is to be approved. Mr. Lucas said back to the point of this servicing the main lot and referenced C.O. 1131.11(e) Number and Area of Accessory Buildings, the beginning language specifically states "Each one-family and two-family dwelling shall be permitted to have in the rear yard a maximum of two detached accessory buildings" and is not limited to the lot as it is to the use of the accessory dwelling servicing a one-family or two-family dwelling.

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. 1131.11(e) to allow an accessory structure overage of 176 sq. ft. (total square footage of 776) instead of the allowable total of 600 sq. ft.; citing C.O. 1109.09(b) for the Chadwick residence, 5290 Hickory Lane, Willoughby, OH 44094 and Mr. Ralston seconded.

Mr. Ralston asked if it was proper to use 5290 Hickory Lane as the address if this is a vacant parcel. Mr. Lucas said yes because there is no address for the vacant contiguous parcel. The legal and mailings state the 5290 Hickory Lane address.

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

**Motion Carried:    Approved**

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**Lisa and Gary Medlen**  
1131 Tioga Trail

**Stockade fence**

Chairman Palmer stated the applicant cited practical difficulty numbers 1 and 8 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. Medlen, 1131 Tioga Trail, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Medlen said he had the stockade fence installed to give some privacy to his neighbors because their children's windows are 8-10 feet from his property. He said a shadowbox fence would allow more light to get through and his son also parks his car in the back and it is noisy and wakes the neighboring children. The neighbors on both sides liked the idea of the privacy fence. He said he did not know this type of fence was not allowed and the contractor told him it would be no problem and collected his money, even though the permit said it would be a shadowbox fence. He said his neighbor behind him has this identical fence and he told the contractor that is what he wanted and he said it would be no problem and thought that's what he filed for, then found out he filed for a shadowbox fence.

Mr. Medlen said he was told by his contractor that he would have to go before the Board after he started to install the stockade fence and was informed it would take sixty days to appeal and in the meantime had to pay his contractor for this fence.

Mr. Davis asked how much fencing was installed. Mr. Medlen said he would estimate in the back yard it is 32' long in one area and 16' feet on the other side of the yard. Mr. Davis asked does the fencing enclose an area and Mr. Medlen said it encloses his back yard on the one side where the house goes around the back, and on the other side it is open where the driveway is. Mr. Davis asked if the smooth side faces his neighbor and Mr. Medlen said yes.

Mr. Ross wanted clarification that the contractor put on the application a shadowbox fence but installed a stockade fence and told Mr. Medlen to deal with it and Mr. Medlen said yes. Mr. Medlen said when he found out he would need to file and appeal he told the contractor he would apply right away and the contractor said he was still going to finish the fence and Mr. Medlen felt it was because he wanted his money. He said the contractor said he would finish the fence but wouldn't turn it in to the city. Mr. Medlen didn't think it would be an issue because there are similar fences in his neighborhood. Mr. Ross said they probably weren't permitted fences and that issue is not before the Board. Mr. Medlen said the contractor still needs to fix some issues and he has not been able to contact him.

Mr. Ralston said the application states 70' of fencing would be installed and Mr. Medlen said he was estimating in the above comment. Mr. Ralston said are there gaps in the fence, and if so, how large are they. Mr. Medlen said they are approximately 1/4" because the fence shrinks and expands.

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.

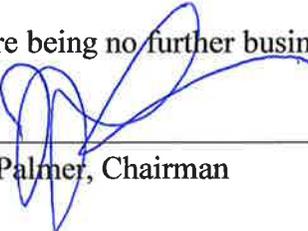
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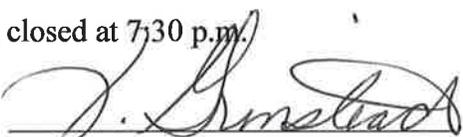
Mr. Ralston moved to grant a variance to C.O. 1131.10(i) to allow a solid/stockade fence instead of the required shadowbox fencing; citing C.O. 1109.09(b) for the Medlen residence, 1131 Tioga Trail, Willoughby, OH 44094 and Mr. Ross seconded.

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

**Motion Carried:    Approved**

There being no further business the regular meeting closed at 7:30 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary