

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
DECEMBER 14, 2022
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Phil Davis; Mike Ross; Mike Maniche; Joe Palmer Chairman

ABSENT: Mike Yutzy; Mike Lucas, Law Director

OTHERS: Keith Pedersen, Asst. 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 her appeal. If an appeal is denied the applicant(s) has 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 appellants were noted into the record.

Chairman Palmer asked Mrs. Vickers if she wished to proceed with her appeal with only four members of the board present and she said yes.

MINUTES

November 9, 2022

Mr. Maniche moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of November 9, 2022 as submitted and Mr. Ross seconded.

ROLL CALL: Yeas: Mr. Maniche; Mr. Ross; Mr. Davis; J. Palmer, Chairman
Nays: None
Abstain: None
Absent: Mr. Yutzy

Motion Carried: Approved

OLD BUSINESS

None

**City of Willoughby
Board of Zoning Appeals
Public Hearing Meeting Minutes
December 14, 2022**

NEW BUSINESS

Cheryl Vickers
1075 Mohegan Trail

Solid fence (already installed)

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 2, 3, 4, 6, 7, and 8 on the application for appeal and noted all items that were in the packet.

Chairman Palmer asked if anyone wished to speak for this appeal. Mrs. Vickers, 1075 Mohegan Trail, Willoughby, OH 44094 was sworn in to speak for the appeal.

Mrs. Vickers said the new fence is replacing three different types of fencing that were there previously. They would like to have this fence for privacy and security from an undesirable neighbor. She said they have two dogs that bark and with this fence they cannot see through and hopes this will control some of the reactive behavior and not disturb the neighbors.

Chairman Palmer asked how much lattice is on this fence. Mrs. Vickers said the top two feet is lattice and the rest is solid. Chairman Palmer said this is a 6' high fence with 4' of solid wood and 2' of lattice and Mrs. Vickers said yes. After seeing a picture of the actual fence, Chairman Palmer asked if the lattice is actually 2' and Mrs. Vickers said she cannot say for sure. She said their landscaper used a subcontractor to install the fence. There was a language barrier with the subcontractor and there was confusion as to whether or not he got the permits. The supervisor said they had received the permit but after it was installed she received the letter of noncompliance from the city.

Chairman Palmer said the board tries to give some leeway to corner lots so they can identify part of their parcel as a back yard and allow these 6' installations for privacy and security. He said the board tries to avoid the right-of-way issues. He asked how far off the road the fence is or from the edge of the road to the fence. The applicant approximated 30'. Mr. Ross looked it up on the Lake County GIS and found it to be 18.8.'

Mr. Davis said as he understands it this fence with the lattice is acceptable but just not within the 25' of the right-of-way.

Chairman Palmer said Mrs. Vickers is within the 20% number the board uses as a rule of thumb just to be consistent. He said she is at 20' from the required 25' right-of-way which is approximately a 20% variance for the right-of-way encroachment. He does not see any visibility issues in the right-of-way area with regard to traffic. He appreciates the investment she is making in 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. Maniche moved to grant a variance to C.O. 1131.10(i)(2) to allow a 6' high solid fence with less than 40% openness within the 25' right-of-way specifically located at 18.8' instead of the allowable 25'; citing C.O. 1109.09(b) for the Vickers residence, 1075 Mohegan Trail, Willoughby, OH 44094 and Mr. Ross seconded.

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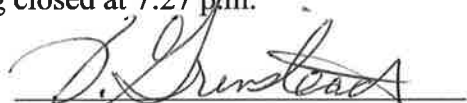
ROLL CALL: Yeas: Mr. Ross; Mr. Davis; Mr. Maniche; J. Palmer, Chairman
 Nays: None
 Abstain: None
 Absent: Mr. Yutzy

Motion Carried: Approved

There being no further business the regular meeting closed at 7:27 p/m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary