

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
MARCH 8, 2023  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Phil Davis; Mike Ross; Mike Yutzy; Joe Palmer Chairman

**ABSENT:** Mike Maniche

**OTHERS:** Mike 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 his 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 appellant were noted into the record.

Chairman Palmer asked the applicant if he would like to proceed with only four members present and the applicant wished to proceed.

**MINUTES**

**February 22, 2023**

Mr. Ross moved to approve the Board of Zoning Appeals public hearing meeting minutes for February 22, 2023 as amended and Mr. Davis seconded.

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

**Motion Carried:    Approved**

**OLD BUSINESS**

Chairman Palmer said this item will remain tabled until a full board is present.

**Board of Zoning Appeals**

**Election – 2023  
Chairman  
Vice Chairman  
Secretary**

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 8, 2023**

**NEW BUSINESS**

**Javon Jackson**  
5063 Harmony Lane

**Fence (already installed)**

Chairman Palmer stated the applicant cited practical difficulty number 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. Jackson, 5063 Harmony Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Jackson said he installed a 6' board on board fence up to the sidewalk. He said in the rendering you can see the 3' fence facing Kilarney and has planted bushes in front to keep his children from jumping this fence. He installed the 6' fence to keep his kids and dog safe and to shield them from the neighbor who has a lot of traffic on his property. He said he did not want the 40% openness because his dog will see other animals and go after them and for his safety because Kilarney is a busy street. The other reason is privacy because the neighboring property is at a higher elevation and can see into his yard. He apologized to the board because he did not know he needed a permit and did not know that the fence needed to be 3' within the right-of-way. He said if he knew he would have done it the proper way.

Chairman Palmer said he has an issue with the fence being 6' in height within the right-of-way with there being two driveways on either side which will cause visibility issues with pedestrians and vehicular traffic. He proposed that from the end post to the next post, which is approximately 8' away, that the fence be tapered down. He said it can be shaped to a gradual taper. He wants to give someone backing out of their driveway the ability to see over the fence. He asked if that would be something Mr. Jackson would agree to and he said yes, he understands the visibility issue. He said this stipulation will be read into the motion if the rest of the board is in agreement. Chairman Palmer said the fence should taper down to approximately 4" above the middle beam and gradually slope up to 6' going toward the second panel. He said the shadowbox style can remain and the 6' can remain past the second post.

Mr. Davis said he resides in the same neighborhood. He has observed the neighbor to the east has many U-Haul trailers stopping in front of his residence. He said there seems to be a lot of activity at that residence and safety seems to be an issue and the fence is justified. Mr. Davis said another solution may be to remove every other board on the fence back to the next post but still keep the fence at 6' for some privacy. He said the logic behind this suggestion is there are vans parked at this property and they can obscure visibility much more than the applicant's fence. He said this would still provide visual screening but would comply with the 40% openness. He asked Mr. Jackson is he had a preference one way or the other. Mr. Jackson said he would prefer to do Chairman Palmer's suggestion of sloping the fence. The design would remain, just the height would change.

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.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
March 8, 2023**

Mr. Davis said this appeal would be in the spirit of the zoning code because of his personal observation of the activities at the neighboring property. Chairman Palmer agreed and said it will also provide some visibility for the pedestrians on the sidewalk.

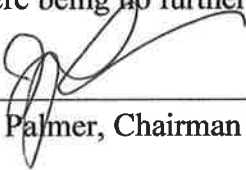
Mr. Yutzy moved to grant a variance to C.O. 1131.10(i)(2) to comply with C.O. 1131.10(i)(1) to allow a 6' shadowbox fence with a beginning height of 42" to taper up to 6' in height within 25' right-of-way instead of the allowable 3' in height and at least 40% vertical height shall be open; citing C.O. 1109.09(b) for the Jackson residence, 5063 Harmony Lane, Willoughby, OH 44094 and Mr. Ross seconded.

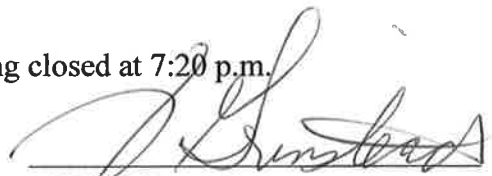
ROLL CALL:           Yeas:    Mr. Davis; Mr. Yutzy; Mike Ross; J. Palmer, Chairman  
                          Nays:   None  
                          Absent: Mr. Maniche

**Motion Carried:    Approved**

Chairman Palmer handed Mr. Jackson a rendering showing where the fence needs to start at the 42" at the first post and taper up from there.

There being no further business the regular meeting closed at 7:20 p.m.

  
\_\_\_\_\_  
Joe Palmer, Chairman

  
\_\_\_\_\_  
Vicki Grinstead, Secretary