

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JANUARY 26, 2022
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Ross; Phil Davis; Joe Palmer, Chairman
ABSENT: Mike Maniche; Bruce Shade
OTHERS: Abigail Bell, Asst. Law Director; Vicki Grinstead, Secretary

Chairman Palmer called the regular meeting to order at 6:55 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. 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 Mr. and Mrs. Mock if they wished to proceed with this appeal with only three members present and they said yes.

MINUTES

December 8, 2021

Mr. Davis moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of December 8, 2021 as submitted and Mr. Ross seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

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January 26, 2022**

NEW BUSINESS

Anthony & Renee Mock
1603 Arbor Dr.
Willoughby, OH 44094

Fence

Chairman Palmer stated the applicant cited practical difficulty numbers 3, 4 and 5 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. Mr. and Mrs. Mock, 1603 Arbor Dr., Willoughby, OH 44094 were both sworn in to speak for the appeal.

Mrs. Mock said they have children, and their number one concern is their safety. She said they would also like the fence for privacy as well. She said her boys play soccer and the ball sometimes rolls into the street. She said Tamarac is a remarkably busy street and is worried for their safety. She said they may like to have dog in the future and would like the fenced yard to keep the dog in also.

Chairman Palmer said this board gets a lot of fence requests, but their request is a little rarer because they are a corner lot. He said he has requested, from the building department, how to delineate the rear yard from the side yard. He explained to the applicants how he is interpreting the code and explained the 25 ft. right-of-way starts at the edge of the sidewalk. Chairman Palmer said the board may grant a 20 ft. setback instead of the required 25 ft. setback but there will be a vote to determine if this will be allowed.

Mr. Mock said his wife summed it up with the safety of their children. He said he is not as concerned with the privacy because he likes his neighbors. He said there are three tall trees, and the development's signage blocks the visibility from the stop sign. He said you have to pull up past the stop sign to see before pulling out.

Mr. Ross asked how many feet off the sidewalk are they proposing to install the fence and Mr. Mock said 15 feet. Mr. Ross said he previously lived on a corner lot and also had to move his fence in.

Mr. Davis said he is comfortable with the 20' setback, but he is concerned with the style of the fence. Chairman Palmer said they are proposing a privacy fence with what looks to be ½" gaps between the boards and Mr. Mock said that is correct.

Chairman Palmer said he researched what defines a back yard from a side yard on a corner lot and he found that a line that is adjacent and behind the back of the house and it stretches from property line to property line, so everything behind that line represents back yard. When you are in the rear yard the height of the fence changes, but the setback of 25 ft. is still applicable. He asked Ms. Bell to define that, and she said that would be a question for Mr. Keller. There was more discussion regarding the style of fence and the delineation of the rear and side yard.

Chairman Palmer said the applicants can choose to amend their request for a 20 ft. setback instead of the requested 15 ft. setback and a solid fence with a lattice top if they wish.

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Mrs. Mock said she wished to amend her request to solid fence with a lattice top and a 20 ft. setback instead of the 15 ft. setback.

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. Davis moved to grant a variance to C.O. 1131.10(i)(2) to allow a 20 ft. setback instead of the required 25 ft. setback for the fence and to allow a solid fence with a lattice top; citing C.O. 1109.09(b) for the Mock residence, 1603 Arbor Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

There were only three members present this evening, so the vote for the election of officers will be tabled.

Mr. Ross moved to table the Election of Officers for the year 2022 and Mr. Davis seconded.

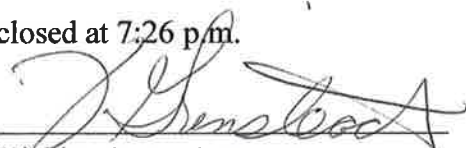
ROLL CALL: Yeas: Mr. Ross; Mr. Davis; Mr. Palmer, Chairman
 Nays: None
 Absent: Mr. Maniche; Mr. Shade

Motion Carried: Tabled

There being no further business the regular meeting closed at 7:26 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary