

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MAY 25, 2022
PUBLIC HEARING MEETING
MINUTES**

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

ABSENT: Bruce Shade

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 applicants need a majority or three votes to pass their appeals. 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 all of the applicants present if they wished to proceed with their appeals with only four members present and all applicants said yes.

MINUTES

May 11, 2022

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of May 11, 2022 as submitted and Mr. Maniche seconded.

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

Motion Carried: Approved

OLD BUSINESS

Barry Young

Fence

2077 Canterbury Dr.

Mr. Ross moved to untable Old Business for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

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Motion Carried: Untabled

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Young, 2077 Canterbury Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Young is before the board again for his appeal for a privacy fence. Chairman Palmer said he has provided the board with two styles of fencing (Option A is solid with a lattice top and Option B is a semi-private fence) and the dimensions from Thomas Fence Co.

Chairman Palmer said the fence will begin in the front yard on Canterbury Dr. and continue to the side yard/Marion Dr. side, then out to the sidewalk then to the rear yard, following the lot lines, and return it back to the garage. Mr. Young said this was correct.

Chairman Palmer said the reason for the right-of-way ordinance for the side yard is for visibility for oncoming traffic. The board would normally allow a 20' variance and showed Mr. Young on his rendering where the fence would be allowed. The Chairman sketched in red pen where the fence would be allowed. Chairman Palmer asked if Mr. Young would agree to do a 4' total height fence in the side yard and a 6' fence in the backyard and Mr. Young agreed. There will be a strip of grass between the fence and sidewalk and Mr. Young agreed to maintain this. There was more discussion and review of the sketch.

Mr. Young asked to amend his request to the amended drawing in red per Chairman Palmer. Chairman Palmer said they are installing the fence from the front corner of the house at a 4' height to a point of 20' off the right-of-way (directly toward Maria Lane) then make a 90° turn to the south following a straight parallel line with the house until it reaches 18" off the sidewalk. The fence will follow the sidewalk, continuing to be 18" off sidewalk, to the back corner of the house to the red line on the rendering where it shows when to begin the slope up to a 6' height for the rest of the back yard and returns to the garage.

Mr. Davis asked if his patio was built with a building permit and Mr. Young said yes it was installed just a month ago. He said the solid fence with lattice would be a zero variance because the required is 40% open.

There was a brief discussion on what type of fence Mr. Young preferred to install and was ultimately decided he would use Option B which is the semi-private fence. The board agreed that one style of fence would be the most aesthetically pleasing.

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. 1131.10(i)(2) to allow a 20' side yard setback from the public right-of-way following the parallel line in red on the rendering provided down to the rear property line, then will be 18" off the public right-of-way or 23 ½" variance instead of the allowable 25' setback; citing C.O. 1109.09(b) for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Ross moved to grant a variance to C.O. 1131.10(i)(2) to allow a 4' total height, semi-private/Option B fence presented to the board by Thomas Fence and the applicant starting in the side yard, per the rendering, until it reaches the back yard in which case it will transition to 6' in height semi-private/Option B fence instead of the allowable 3' height; citing C.O. 1109.09(b) for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Ross moved to grant a variance to C.O. 1131.10(i)(2) to allow a semi-private/Option B presented by Thomas Fence and the applicant instead of the allowable at least 40% of the vertical surface of the fence openness; citing C.O. 1109.09(b) for the Young residence, 2077 Canterbury Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

NEW BUSINESS

James Nadzam
37616 Jordan Dr.

Detached garage

Chairman Palmer stated the applicant cited practical difficulty numbers 1, 3, 6 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. Mr. Nadzam, 37616 Jordan Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Nadzam said the existing garage was constructed in 1945 which will be removed along with the existing shed on the property. He would like to combine the square footage of these two buildings to construct a larger garage.

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The neighbor's property to the east is 2' in grade above his property so the previous owner installed a lumber style retaining wall. He wants to remove the retaining wall to expand the driveway to be able to maneuver vehicles around the entrance which is on the side of the house (referred the board to the color renderings).

Chairman Palmer asked why he needs such a large garage. He wants to encompass the storage lost from his shed and he wants to install a rainwater harvesting system which he wants indoors so it does not create a noise issue.

Chairman Palmer asked if he would agree to an 850' garage. Mr. Nadzam said he could reduce the overall width and length. His plans are a "shotgun" style with the larger portion of the garage being in the rear, so it does not look so big from the street view. Chairman Palmer said they measure to the outside of the walls. Mrs. Grinstead said he will have to have amended plans for the Building Department.

Mr. Ross said the other part of the variance is the garage would be on the property line which the board does not allow. Mr. Nadzam said there will be an 18"-20" concrete curb so the neighbor can retain his grade and it would not be on his property and referred to the rendering by Polaris Engineering. Chairman Palmer said he has to be 6" off the property line.

Mr. Davis asked about the existing fence. Mr. Nadzam said there is a double 6' privacy fence installed by the previous owner and his neighbor has a 4' chain link fence. He spoke to his neighbor, and they agreed to remove both fences and install a new wrought iron/aluminum fence.

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(d) to allow an 850' sq. ft. detached garage instead of the allowable 600' sq. ft. detached garage, including the demolition of the existing shed; citing C.O. 1109.09(b) for the Nadzam residence, 37616 Jordan Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Mr. Maniche moved to grant a variance to C.O. 1131.10(a) to allow a 6" offset off the property line instead of the allowable 2'; citing C.O. 1109.09(b) for the Nadzam residence, 37616 Jordan Dr., Willoughby, OH 44094 and Mr. Ross seconded.

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

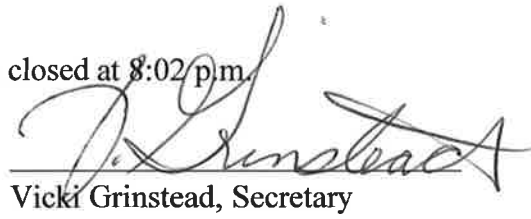
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Motion Carried: Approved

There being no further business the regular meeting closed at 8:02 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary