

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
AUGUST 24, 2022  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** None

**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 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.

**MINUTES**

**July 27, 2022**

Mr. Ross moved to accept the Board of Zoning Appeals Public Hearing meeting minutes of July 27, 2022 as submitted and Mr. Maniche seconded.

**ROLL CALL:** Yeas: Mr. Maniche; Mr. Ross; Mr. Davis; Mr. Yutzy; J. Palmer, Chairman

Nays: None

Abstain: None

**Motion Carried: Approved**

**OLD BUSINESS**

*This item remains tabled per the applicant's request*

**Northcoast Memorials**

4490 Beidler Rd.

(Rep.- Cione Belknap, Agile Sign & Lighting)

**Signage**

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
August 24, 2022**

**NEW BUSINESS**

**Randal Butler & Nicole Fiorino**  
2880 Reeves Rd.

**Addition front & side setbacks**

Chairman Palmer stated the applicant cited practical difficulty numbers 4,5,7 and 8 on the application for appeal and noted all items that were in the packet. He noted into record three letters received from neighbors Steve Blackburn, 2825 Reeves Rd., Willoughby, OH 44094 (Exhibit "A") in favor, Noel Cagnina, no address (Exhibit "B"), in favor and Benny and Peggy Triplett, 2888 Reeves Rd., Willoughby, OH 44094 (Exhibit "C") wanted clarification on what they were doing.

Chairman Palmer asked if anyone wished to speak for this appeal. Mr. Joe Myers of Joe Myers Architects, 38030 Second St., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Myers said all the homes on this stretch of road do not comply with zoning regulations and were probably built prior to this zoning. He said they are trying to improve this home. He said the proposed front porch is an open-air porch with timber gable on the front. The porch itself would be about 6' closer than the corner of the house is now to the front property line. He said because this was constructed prior to this zoning their driveway crosses onto the property next door to them and there is an easement for that driveway. The house is at an odd angle as well.

Mr. Davis said asked Mr. Myers to explain the site plan drawing with the dimension of 20'9" and the front of the house. Mr. Myers said the porch at this side of the house projects 8'. Mr. Davis said a third of the porch is 8' deep and Mr. Myers said that was correct. He said the applicants would like a cover over the entrance to their house. He explained in order to obtain the aesthetics of the reverse gable with the timbers, a third of it will stick out further than the rest. Mr. Davis said the front elevation says it is a 6'x22' open porch when in fact one third of it is 8' deep. Chairman Palmer asked if this dimension is for the roof or the cement. Mr. Davis said the porch deck slab is 8' deep in this spot and Mr. Myers said yes, it is.

Chairman Palmer asked if anyone else wished to speak for this appeal. Mr. Butler, 2880 Reeves Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Butler said they love the City of Willoughby, and his wife has a business here and they are expecting their second child. He said in order to stay in this home they need to make these improvements. They love the neighborhood and want to improve their home so they can remain here.

Chairman Palmer asked Mr. Butler if he thinks the approval of this variance will set a precedent. Mr. Butler said only in a good way. Mr. Myers said not a lot of other homes are on this curve on this road.

Mr. Davis said he would like to vote for this variance but has difficulty with the 8' step out and showed Mr. Myers a sketch he entered into record (Exhibit "D"). Mr. Davis said he could support the slab being 6' off the front of the house. He could extend the architectural gable out past the slab. Mr. Butler said he would accept that. Mr.

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
August 24, 2022**

Myers said instead of it being 20'9" it would be 22'9". Mr. Butler asked to amend his appeal from 20'9" to 22'9" setback. There were no questions or concerns on the side setbacks from the board.

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. 1131.06 to allow 22'9" front setback instead of the allowable 50' front setback; citing C.O. 1109.09(b) for the Butler & Fiorino residence, 2880 Reeves Rd., Willoughby, OH 44094 and Mr. Ross seconded.

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

**Motion Carried:    Approved**

Mr. Maniche moved to grant a variance to C.O. 1167.02(b) to allow a side yard setback total of 17'1" instead of the allowable 20'; citing C.O. 1109.09(b) for the Butler & Fiorino residence, 2880 Reeves Rd., Willoughby, OH 44094 and Mr. Ross seconded.

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

**Motion Carried:    Approved**

**Bruce W. Hoffman**  
5479 Oak Ridge Dr.

**Sidewalk**

Chairman Palmer stated the applicant cited practical difficulty numbers 1,2,3 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. Hoffman, 5479 Oak Ridge Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mr. Hoffman said the closest the sidewalk will get to the property line would be 8" but could be as far away as 14" because he would have to orient it differently to lay the tile/paver. The sidewalk will match the front walkway as shown in the renderings provided. Chairman Palmer said they need an exact dimension of where the sidewalk will be installed at the closest point and the board will then be able to consider that dimension. Mr. Hoffman asked for the 8" dimension but would prefer 14" because he is following the contour of the home. He wants to keep the tile straight going back. Chairman Palmer asked him what was the distance was before the removal of the concrete. Mr. Hoffman replied approximately the same distance 8". Chairman Palmer said one thing the

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
August 24, 2022**

board considers is drainage. Mr. Hoffman said it will be tailored so any water will go to the rear of his property. He no longer has splash guards, and the downspout is tied to underground drainage. Mr. Hoffman said they purchased the home in 1985 and the sidewalks were original.

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. Mr. Robert Garcowski, 5477 Oak Ridge Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Garcowski said he is the next-door neighbor and is not opposed to the new walkway as it was, but it was not 8" away, it was closer to 14". He prefers they do not encroach further toward the property line. He said they are choosing to expand it toward his home when they have room to expand the other side toward their home. Mr. Davis wanted to make sure Mr. Garcowski understands that this is only a small area that he needs the variance for and would be fine with 14". Mr. Garcowski confirmed that he is fine with that.

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal in rebuttal. Mr. Hoffman, 5479 Oak Ridge Dr., Willoughby, OH 44094 is still under oath.

Mr. Hoffman said the neighbor is looking at a distorted ground area because of the prep work and he measured it again today and that is why he is asking for a bit of a range. Chairman Palmer suggested they use the 14" setback for the first corner.

Mr. Ross moved to grant a variance to C.O. 1131.10(a) to allow a 14" side yard setback instead of the allowable 2' or 24" setback; citing C.O. 1109.09(b) for the Hoffman residence, 5479 Oak Ridge Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:    Approved**

Mr. Ross has a previous engagement and left the meeting.

**Cynthia Burger**  
1065 N. Beachview Rd.

**Solid fence/already installed**

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

**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
August 24, 2022**

Chairman Palmer asked if anyone wished to speak for this appeal. Ms. Burger 1065 N. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Burger said she called the city and was told she did not need a permit for her fence. She said the main reason for the privacy fence is she had a peeping tom looking in her window and she feels unsafe. She did file a police report. She said she asked if she could put the fence up to her bedroom and she was told yes but if it goes to the front of the house it has to drop from 6' to 3'. She said her and a male friend put the fence up. She had her property surveyed to make sure she was on her own property. She made sure she is well off the rear property line. Chairman Palmer said they have allowed these types of fences in certain circumstances and cited a few examples. There was a brief discussion on how to modify the fence if it is not approved.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Connie Cook, 1088 Beachview Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Cook said Ms. Burger lives alone and put this fence up for security. There are people who walk all through their neighborhood since they live near the lake. She feels the fence is an improvement to the neighborhood.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Donna Gilbert, 1083 Beachview Rd., Willoughby, OH 44094 was sworn in to speak for the appeal.

Mrs. Gilbert said she wants Ms. Burger to have privacy. There are issues with renters/strangers and the police have been involved. She is married but the other ladies are not and is concerned for their safety. Her yard is fenced in also with a 4' dog ear fence.

Connie Cook, 1088 Beachview Rd., Willoughby, OH 44094 is still under oath. She had the property surveyed and she put it in the proper area. She said she also did call city hall. They do not want her to have to chop up her fence.

Ms. Burger presented a letter from a neighbor Dawn Stone, 1052 Beachview Rd., Willoughby, OH 44094 who is in favor of her fence proposal (Exhibit "A").

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. Shirley Testa, 1070 Westwood Dr., Willoughby, OH 44094 was sworn in to speak for the appeal.

Ms. Testa said she thought this board was about following the rules and feels Ms. Burger did not. She had 100' of fence installed across the rear of her property in 2018 and had to get a permit and Ms. Burger was upset. She allowed 2' behind the fence to maintain her property. She called the Building Department and obtained a permit along with pictures showing what fences are allowed. She wanted to put up a cheap stockade fence, but it was not allowed. She feels Ms. Burger is getting special treatment because she installed the fence first. She wants the fence taken down and the correct fence installed. Ms. Testa put her fence up so she could add a waterfall, gardens, bird feeders etc. on her property. She said Ms. Burger smashed her edging while sitting on her property and had to be replaced and never apologized.



**City of Willoughby  
Board of Zoning Appeals  
Public Hearing Meeting Minutes  
August 24, 2022**

Chairman Palmer asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal in rebuttal. Ms. Burger is still under oath.

Ms. Burger said she was not upset about the fence and felt it would solve a number of neighbor issues between them. She said Ms. Testa feeds the deer and they trample through her property and most likely damaged the edging. The other reason she put up the fence was to curb the difficulties she has had with her neighbor over the last ten years.

Chairman Palmer asked if there was anyone else who wished to speak that had been sworn in and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.10(i)(3) to allow a solid fence with no openness instead of the allowable fence topped with lattice or open component; citing C.O. 1109.09(b) for the Burger residence, 1065 N. Beachview Rd., Willoughby, OH 44094 and Mr. Yutzy seconded.

Mr. Davis said he is opposing this appeal because they have had other appellants who have had long term difficulties and their appeal was denied.

ROLL CALL:       Yeas:     Mr. Yutzy; Mr. Maniche; J. Palmer, Chairman  
                      Nays:     Mr. Davis  
                      Absent:  Mr. Ross

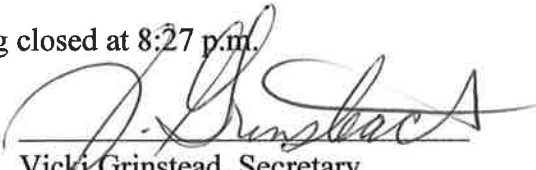
**Motion Carried:    Approved**

Mr. Davis wanted to pursue his concerns about receiving insufficient documents. He felt Mr. Myers did not have the correct information on his documents. He feels the board should be prepared to ask an appellant to table their appeal to obtain more information from time to time. Chairman Palmer said it is a valid comment, but they have done this on various applications in the past. The reason for these hearings is to ask questions and obtain better information to make an informed decision.

Mr. Lucas said he has been at these meetings where the board has tabled appeals/variances to obtain more information. In Ordinance 1109.09(c) says The Board of Zoning Appeals may request that the applicant supply additional information that the Board deems necessary to adequately review and evaluate the request for a variance. Chairman Palmer said they have tabled larger projects that have had discrepancies so the applicant can have time to provide more or accurate information.

There being no further business the regular meeting closed at 8:27 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary