

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
JULY 8, 2026  
PUBLIC HEARING MEETING  
MINUTES**

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

**ABSENT:** Mike Ross

**OTHERS:** Luke McConville, 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 stated that there were only four of the five board members present this evening and the Mrs. Pecjak confirmed she wished to proceed.

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**June 10, 2026**

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing minutes for June 10, 2026 as submitted and Mr. Yutzy seconded.

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

**Motion Carried: APPROVED**

**OLD BUSINESS**

**None**

**NEW BUSINESS**

**Mark & Kathy Pecjak  
3921 E. 365<sup>th</sup> St.**

**Solid fence**

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Chairman Palmer stated the applicant cited practical difficulty numbers 8 & 9 on the application for appeal and noted all items that were in the packet, including a letter from the applicant.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Kathy Pecjak, 3921 E. 365<sup>th</sup> St., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Pecjak stated that they would like to replace all three sides of the existing fence while leaving the driveway open. Her primary concern is the neighborhood children, who frequently throw balls and other objects into her yard for her dog. She is worried that some of these items could present a choking hazard.

She explained that the previous neighbor had trained the dog to drop a ball over the fence so it could be thrown back to him. As a result, whenever the dog sees children nearby, he drops his ball at the fence and stands up against it, expecting them to throw it back. Mrs. Pecjak is concerned that the dog could accidentally injure a child while reaching for the ball or become caught on the top of the fence by his collar if no one is present to help.

She also expressed concern that children sometimes put their hands and fingers through the chain-link fence, creating a potential safety risk for both the children and the dog. In addition, she recently found a cheese wrapper near the fence and believes the children may be feeding her dog, which raises further concerns about the dog's health and well-being.

These concerns are among the primary reasons they prefer installing a solid-style fence. A fence with lattice on top could still allow children to reach through the openings, which would not fully address the safety concerns. They also value the additional privacy that a solid fence would provide.

Chairman Palmer asked how old the children were, and Mrs. Pecjak responded that they were possibly between the ages of 3 and 12. He noted that lattice was not the only option for the top of the fence and suggested alternatives such as spindles or another predominantly open design.

Mrs. Pecjak explained that her dog is large and, when standing on its hind legs, could still be visible through an open fence design. She also expressed concern that, knowing the dog is there, the children might attempt to climb that type of fence, as they currently do with the existing chain-link fence. She stated that she has asked the children not to open the gate or enter her yard. Instead, she has instructed them to knock on her door, and she will retrieve any items they need.

Chairman Palmer stated that the Board was trying not to set a precedent.

Mrs. Pecjak stated that her neighbors have a solid fence, but their property backs up to a commercial property. Chairman Palmer asked how they planned to install the bottom of the fence, and Mrs. Pecjak replied that they would like it to extend all the way to the ground.

Mr. Davis asked Mrs. Pecjak to approach the dais and explain the site photograph included in the Board members' packets. He stated that her testimony centered on the safety of the children and asked whether the neighbor to the north was the primary concern. Mr. Davis noted that the existing gate could potentially be secured with a padlock rather than replacing the fencing.

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Mrs. Pecjak explained that one of the neighbors had agreed to allow them to remove a small section of the existing fence so the new fence could be installed and match throughout. Mr. Davis commented that it would be preferable to have only two fence styles rather than three.

Mr. Maniche stated that he had driven by the property and taken photographs of the existing fencing. A portion of the black chain-link fenced area will remain per the applicant's site photograph.

Mr. Yutzy asked Mrs. Pecjak whether she had spoken with the children's parents. Mrs. Pecjak said the parents are usually not outside when the younger children are playing outdoors, and that the older children typically supervise the younger ones. She explained that she has attempted to speak with the children's mother, but the mother does not speak English, and the father speaks only limited English.

Mrs. Pecjak stated that the father indicated they may install a fence to keep their children within their own yard. She added that she has expressed her concerns about the children being harmed and the father is aware of the safety issues.

Mr. Yutzy commented that one concern could be addressed by keeping the gate locked. He also stated that he believes the older child could climb a six-foot solid fence just as easily as the existing chain-link fence or fence with lattice, and therefore a taller fence may not fully prevent the children from climbing up this fence.

Chairman Palmer suggested that perhaps the older boy could be persuaded to better understand the dangers involved.

Mr. Maniche prefers the applicant install the permitted version of fencing with the predominantly open component on top. Chairman Palmer would also like her to consider shadowbox or a fence with a 1/4" opening.

Mr. McConville, Esq. said there are often a divergence between practical and legal issues. In connection with variance requests he typically advises boards to look at the land as opposed to what is going on with neighbors. For example, the neighbor is in the R-60 zone which would create some valid privacy concerns because hypothetically the neighbors could move over the course of time and now you have a fence that does not meet code because a variance has been granted in consideration of a neighbor issue. This precedent could become problematic.

Mrs. Pecjak added that she received a quote of \$7,800 for a 6-foot solid privacy fence and a more recent quote of \$12,600 for a lattice-top fence, noting that the lattice-top option is considerably more expensive.

Chairman Palmer stated that he appreciates what Mrs. Pecjak is trying to accomplish with the fencing; however, the Board cannot consider monetary value or investment costs when making its decision. He asked whether she wished to amend her request or proceed with her original application. Mrs. Pecjak stated that she would like the Board to vote on her original request.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Amber Pecjak, 3921 E. 365<sup>th</sup> St., Willoughby, OH 44094 was sworn in to speak for this appeal.

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Ms. Pecjak, Mrs. Pecjak's daughter, stated that she is currently attending college and is home during the day, where she has witnessed ongoing interactions between her dog and the neighbors' children. She noted that the youngest boy is frequently unsupervised. As an example, she explained that the previous week he had been throwing sharp-pointed darts at the garage. She observed the child's mother come outside, show him how to throw the darts properly, and then leave him unsupervised. Ms. Pecjak expressed that this was particularly concerning because she works in the medical field and has witnessed some unfortunate accidents. She stated that she does not want to see either the children or her dog injured. While she understood the Law Director's comment that the neighbors may eventually move, she said that possibility is unforeseeable. She also noted that the neighbors have a large family and frequently have additional children visiting. Ms. Pecjak stated that she has attempted to speak with the children about the situation, but they do not respond to her.

Chairman Palmer asked whether a six-foot fence would be more effective than the existing four-foot fence in preventing balls from entering the Pecjaks' yard. Ms. Pecjak responded that she believes a taller fence would significantly reduce the problem. She explained that the neighbors' children often throw balls into the yard because her dog is able to drop his ball over the current four-foot fence. She believes that a six-foot fence would prevent the dog from dropping the ball over the 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.

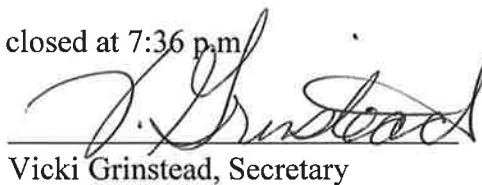
Mr. Yutzy moved to approve a variance to C.O. 1131.10(3)(c), to allow a solid fence with no openings instead of the allowable solid fence topped with an open component where the height of the open component is not less than 15% of the total fence height; citing C.O. 1109.09(b) for Pecjak residence, 3921 E. 365<sup>th</sup> St., Willoughby, OH 44094 and Mr. Maniche seconded.

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

**Motion Carried:    DENIED**

There being no further business the regular meeting closed at 7:36 p.m.

  
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Joe Palmer, Chairman

  
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Vicki Grinstead, Secretary