

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
MAY 24, 2023
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Maniche; Phil Davis; Mike Ross; Mike Yutzy; 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

May 10, 2023

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for May 10, 2023 and Mr. Ross seconded.

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

Motion Carried: Approved

OLD BUSINESS

None

NEW BUSINESS

Chairman Palmer said no one was present to represent the Boshier appeal so he changed the agenda order to give Mr. Boshier time to arrive.

Keith Koziol
5263 Melody Lane

**Fence/corner side yard & within
25" of right-of-way**

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Chairman Palmer stated the applicant cited practical difficulty number 1 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. Koziol, 5263 Melody Lane, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Koziol said he only has a neighbor on the one side, and they have been waiting quite a long time to install the 6' fence on this side of the yard. The existing fence is original and came with the house. They wanted the fence to look aesthetically pleasing to the neighborhood. He said they installed a pool and have had someone intrude onto their property and caused some damage to their children's trampoline by throwing it into the pool. He would like this taller fence to keep people out of his yard for the safety of his family. He said currently they have 4' chain link fence which anyone can hop over.

Chairman Palmer said the fence will be attached to the back of the house and they will install a 10' section with a gate over to the back of the garage, then from the southeast corner of the garage it will be installed forward to the sidewalk and east to the property corner, then north to the other corner and back to the other side to the back of the house. He asked Mr. Koziol if his front door faces Melody Lane and Mr. Koziol said that was correct.

Mr. Ross was concerned that bringing the 6' fence from the garage all the way across to the sidewalk may cause visibility issues. Chairman Palmer agreed and said he may have an issue backing out of his driveway to see oncoming vehicular or pedestrian traffic. Mr. Koziol said he wants to install the new fence where the existing 4' chain link fence is. He said on the other side his neighbor has bushes which already impedes his view.

Chairman Palmer said because he wants a 6' fence he offered the option to move the whole fence in 4' from the edge of the sidewalk or said he can keep it at 6' until he hits the 4' line and drop it down to 4' and take it out to the sidewalk and keep it at 4'. Mr. Koziol said he has a bit of a swale or pitch so he would be losing a little bit of height with the 6' fence in that area. He approached the dais to show the board. Mr. Koziol said he wanted to clarify that the whole 225' of fence will be the shadowbox style. He is unsure why his contractor wrote picket, shadowbox on his application.

Mr. Davis asked for clarification on how far the existing chain link fence is off the sidewalk. Mr. Koziol said the current fence is approximately 1'-1 1/2" off the sidewalk. Chairman Palmer said the new fence needs to be back 4' off the edge of the sidewalk.

Mr. Koziol said he would like to amend his variance request to move the fence position along Jack Reinhardt Ave. to 4' from the edge of the sidewalk.

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 grant a variance to C.O. 1131.10(i)(2) and allow a 6' shadowbox fence located at the corner side yard location within 25' of the right-of-way with the stipulation that the fence location shall be 4' from the

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edge of the sidewalk along Jack Reinhardt Ave. instead of the allowable 3' maximum height; citing C.O. 1109.09(b) for the Koziol residence, 5263 Melody Lane, Willoughby, OH 44094 and Mr. Ross seconded.

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

Motion Carried: Approved

Mr. Lucas said Mr. Koziol was also cited for not having the 40% openness and they need to state that the BZA has determined that he is in compliance with the open requirement. The applicant did state during the meeting that the entire fence will be a shadowbox style but would like recognition by the Chairman on this matter.

Chairman Palmer said he recognizes the motion did include the term shadowbox covering the 40% ordinance requirement and the location for the setback requirement.

Denny Boshier
1272 Cherokee Trail

Garage addition/rear setback

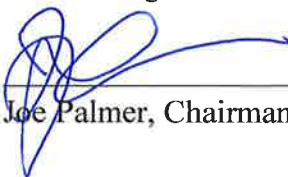
There was no one present to represent this application.

Mr. Maniche moved to table the appeal for the Boshier residence, 1272 Cherokee Trail, Willoughby, OH 44094 and Mr. Ross seconded.

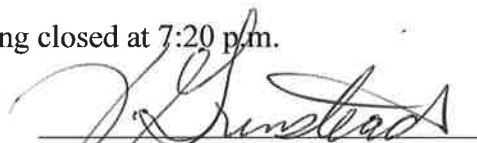
ROLL CALL: Yeas: Mr. Davis; Mr. Yutzy; Mr. Maniche; Mike Ross; J. Palmer, Chairman
 Nays: None
 Absent: None

Motion Carried: Tabled

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



Joe Palmer, Chairman



Vicki Grinstead, Secretary