

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
JULY 26, 2023
PUBLIC HEARING MEETING
MINUTES**

PRESENT: Mike Maniche; Phil Davis; Mike Yutzy; Mike Ross, Vice Chairman

ABSENT: Joe Palmer, Chairman

OTHERS: Keith Pedersen, Law Director; Vicki Grinstead, Secretary

Vice Chairman Ross called the regular meeting to order at 7:03 p.m.

Vice Chairman Ross 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. Vice Chairman Ross advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Vice Chairman Ross 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.

MINUTES

July 12, 2023

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for July 12, 2023 and Mr. Davis seconded.

ROLL CALL: Yeas: Mr. Maniche; Mr. Davis; Mr. Yutzy; Mike Ross, Vice Chairman

Nays: None

Absent: J. Palmer, Chairman

Motion Carried: Approved

OLD BUSINESS

Greg & Becky Rempe
34600 Willow Creek Pl.

Pool/swim spa in side yard

Mr. Maniche moved to untable the appeal for the Rempe residence, 34600 Willow Creek Pl., Willoughby, OH 44094 and Mr. Yutzy seconded.

ROLL CALL: Yeas: Mr. Davis; Mr. Yutzy; Mr. Maniche; Mike Ross, Vice Chairman

Nays: None

Absent: J. Palmer, Chairman

Motion Carried: UNTABLED

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Vice Chairman Ross stated the applicant cited practical difficulty numbers 1, 2 and 8 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Rempe, 34600 Willow Creek Pl., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Rempe presented the board with additional renderings (Exhibit "A" in record 7-26-23). Mr. Rempe explained that in the first couple renderings it shows a swale the builder put in the back yard for drainage that drains into the nature preserve. This preserve is on the western side and is unbuildable. He said the other reason he cannot install the spa in the back yard is because it would be quite expensive to have to install additional concrete. He said the concrete in the back yard would cause issues with drainage. The last two renderings are of the side yard where he already has concrete where he would like to install the spa. He said the spa is not permanent and they could easily remove it. It is enclosed by fencing. He said his H.O.A. is waiting to see if the city approves the variance before they proceed with their approval.

Mr. Davis asked if there is an easement where the swale is located. Mr. Rempe said he was unsure but believes it was put in by the builder. Mr. Rempe said if they put the spa where the swale is located it will impede how the back yard is draining. Mr. Davis said swales are mandated by an easement so they are not tampered with. He said there are no notations on the plans. Mr. Yutzy said sometimes the builders grade it that way so it naturally drains.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross 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(a) to allow a pool/spa 3.5' from the side lot line creating an encroachment of 1.5' instead of the allowable 5' from the side lot line; citing C.O. 1109.09(b) for the Rempe residence, 34600 Willow Creek Pl., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

Vincent Homes
Vince Marcellino
Beachview Rd./PPN#27B-057A-00-032-0/S/L 9

New home/front setback

Mr. Maniche moved to untable the appeal for Vincent Homes for the property located at Beachview Rd./PPN#27B-057A-00-032-0/S/L 9, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: UNTABLED

Vice Chairman Ross stated the applicant cited practical difficulty number 1 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Marcellino, 2748 Rockefeller Rd., Willoughby Hills, OH 44094 was sworn in to speak for this appeal.

Mr. Marcellino said he is proposing to move the home up to be in-line with the home to the west, which he has already constructed. He said they obtained a variance for that home and had also obtained a variance for this home but was unaware his approval expired after one year. He wanted to move it up away from the hill in the rear yard.

There were no questions or concerns from the board members.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross 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.1131.08(a) to allow a 21' front yard setback instead of the allowable 34.4' front yard setback; citing C.O. 1109.09(b) for the Vincent Homes for the property located at 38547 Beachview Rd./PPN#27B-057A-00-032-0/S/L 9, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: APPROVED

NEW BUSINESS

John Ruolo
38039 Poplar Dr.

Fence in corner side yard

Vice Chairman Ross stated the applicant cited practical difficulty number 6 on the application for appeal and noted all items that were in the packet.

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Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Ruolo, 38039 Poplar Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Ruolo said the fence he wants to install will actually be in his back yard. He said if he would put the fence where is was allowed it would be in the middle of his back yard. He said the neighbors behind him have the same fence in the same location he would like to install his fence.

He said he would also like this fence to keep the deer and coyotes out of his yard and to keep his dog safe. He spoke with all of his neighbors and they have no issues with his fence.

Mr. Ruolo will install the fence from the garage to the back, then across and back to the other neighbors yard. He said his neighbors on the side and in the rear are in favor of the fence. He said if he were to install a 3' fence he would lose privacy and the animals could jump it. He said it will not affect any visibility of vehicles and the board agreed.

Mr. Davis asked if the gate was on the side street location or on the neighbors side. Mr. Ruolo said he would like a gate on both sides but if it is an issue, he would be willing to get rid of one gate. He has a large tractor and would like access from either side to cut the grass.

Mr. Davis asked if the fence line on the Ash Rd. side would align with the back corner of the garage and Mr. Ruolo said yes.

Mr. Davis asked how high can deer jump and if they can jump a 6' fence then would he accept a 5' fence along the side street. Mr. Ruolo said it would be more expensive to go with a shorter fence. The current cost of the fence is \$9,200.00, so he would prefer to stay with a standard size fence. Vice Chairman Ross said it is up to the applicant if he wishes to amend his appeal.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross 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) requiring fences to comply with C.O. 1131.10(i)(1) to allow a 6' fence on a corner side lot instead of the allowable 3' maximum height; citing C.O. 1109.09(b) for the Ruolo residence, 38039 Poplar Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

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Mr. Yutzy moved to grant a variance to C.O. 1131.10(i)(2) requiring fences to comply with C.O. 1131.10(i)(1) to allow a shadowbox style fence of less than 40% openness; citing C.O. 1109.09(b) for the Ruolo residence, 38039 Poplar Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: APPROVED

Lynn Canale
5646 Vista Circle

Fence in corner side yard

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1 and 3 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Ms. Canale, 5646 Vista Circle, Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Canale said she lost her husband a year ago and is living with her daughter and granddaughter temporarily and is concerned for her safety when they move out. She would like the fence for her protection and would also like to get a dog. She showed the board a picture of her neighbors fence, which is the same fence she would like to install, so they would match. Vice Chairman Ross said it is a standard shadowbox fence.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross 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(i)(1) and C.O. 1131.10(i)(2) to allow a 6' shadowbox fence instead of the allowable 3' fence; citing C.O. 1109.09(b) for the Canale residence, 5646 Vista Circle, Willoughby, OH 44094 and Mr. Yutzy seconded.

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

Motion Carried: APPROVED

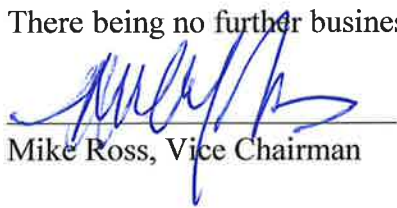
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Mr. Maniche moved to grant a variance to C.O. 1131.10(i)(1) and C.O. 1131.10(i)(2) to allow a 6' shadowbox fence instead of the allowable 3' fence that is less than 40% vertical openness; citing C.O. 1109.09(b) for the Canale residence, 5646 Vista Circle, Willoughby, OH 44094 and Mr. Davis seconded.

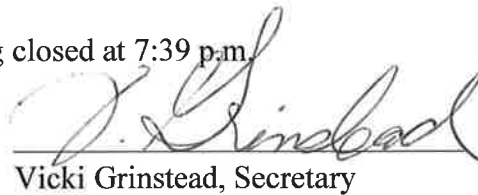
ROLL CALL: Yeas: Mr. Yutzy; Mr. Maniche; Mr. Davis; Mike Ross, Vice Chairman
 Nays: None
 Absent: J. Palmer, Chairman

Motion Carried: APPROVED

There being no further business the regular meeting closed at 7:39 p.m.



Mike Ross, Vice Chairman



Vicki Grinstead, Secretary