

**BOARD OF ZONING APPEALS
CITY OF WILLOUGHBY
DECEMBER 11, 2024
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

November 13, 2024

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for November 13, 2024 as submitted and Mr. Yutzy 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

Lydia Reagan
38467 N. Beachview Rd.

Fence

Chairman Palmer stated the applicant cited practical difficulty numbers 1 & 8 on the application for appeal and noted all items that were in the packet.

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Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mrs. Reagan, 38467 N. Beachview Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Reagan said she has hired contractors for her previous homes in Willoughby and the contractors always obtained the permits. She was originally going to plant bushes in this location but it was all rock and cement from a previous driveway so she decided to put up a fence and gate. The fence would hide the neighbor's home (referred to rendering in packets) and her garbage cans from view. The contractor said there was only one style of fence she could buy and showed her the shadowbox style fence and paid him for the fence and the permit. She said they pulled in the driveway with the fence and manpower to install it, but informed her the city said the fence is too high but she made the decision to have them install it anyway and she would figure it out later; they did not tell her it was non-conforming with the 40% openness. She said she then call the Building Department and found out she needed a variance. She does not want to cut the fence down because she paid \$1,700.00 for it. She discussed this variance with the adjacent neighbor who was happy to sign a letter stating he was fine with the fence and several other neighbors signed it as well (in record 12-11-24, Exhibit "A"). She said, in her opinion, the fence will not be a hindrance for people backing out of their driveway. The fence would improve the look of the property and the neighborhood.

Chairman Palmer said he agrees with Mrs. Reagan that the fence is aesthetically pleasing but unfortunately it is not to code. He explained the board does not like to set precedents with these types of variances. He suggested that Mrs. Reagan could taper down the fence. He showed her a rendering with a swale effect he made and let her have the picture.

Mr. Davis said in her letter she offered to cut the fence down to 42". Mrs. Reagan said she thought if she offered to do this then she would not have to come before the board for a variance, but found out this was not the case. She likes Chairman Palmer's idea of tapering the fence instead of cutting it down to 42". She said her husband could do it or she would call the contractor who installed it to alter it. Mr. Davis said he would endorse the Chairman's proposition to taper the fence.

Mr. Yutzy said she should call the contractor to cut the fence to make it look professional and she agreed. She said the contractor got his money back from the permit, which she paid for, and did not tell her this until they were on site and ready to install the fence.

Mr. Maniche said when the contractor arrived and said they did not get the permit and you knew you needed one and said it was not up to code but violated the code anyway and then you said, in writing, you would cut it down and now you do not want to cut it down. She said the only reason he gave for not obtaining the permit was the height, not the openness and she was hoping by offering to cut it down and obtaining neighbors signature that the board would see her neighbors do not care how the fence looks.

Chairman Palmer said it seems that the board would be willing to allow you to cut down the fence, in a tapered fashion, along the property line, but not cut down the gate. There are three boards and if she cut it down to the midframe board in the middle that would be acceptable to this board. He asked her to amend her appeal to modify this fence.

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Mrs. Reagan said, per the color photograph, with the Chairman's markings, I would like to modify this fence. Chairman Palmer said she can maintain the six foot gate and taper the fence along the lot line to approximately 42" and they will give her a variance on the openness of the fence. She agreed and thanked 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. Yutzy moved to grant a variance to C.O. 1131.10(i)(1) and allow a modified fence per the diagram in a front yard that starts at 6' and tapers down to 42" instead of the allowable 3' and to allow a less than 40% open vertical surface spacing on the shadowbox fence; citing C.O. 1109.09(b) for the Reagan residence, 38467 N. Beachview Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Mr. Yutzy moved to grant a variance to C.O. 1131.10(i)(3)B and allow a 6' high fence to be located 3' from the adjoining property exceeding the allowable height by 3', instead of the allowable 3' in height and allow less than the minimum openness; citing C.O. 1109.09(b) for the Reagan residence, 38467 N. Beachview Rd., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Thomas Slavkovsky
5700 Deer Creek Dr.

Attached garage

Chairman Palmer stated the applicant cited practical difficulty numbers 4 & 5 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. Slavkovsky, 5700 Deer Creek Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Slavkovsky said he and his wife have been discussing putting up an additional garage for quite some time that would fit into the neighborhood. He said Mrs. Brooks in the Building Department helped guide them through the process with setbacks etc. He said the deficit is on the side and is 14'10" instead of the required 33'. The design he came up with was to look like it was part of the house and not added onto, verses a stand-alone structure.

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Chairman Palmer said they have obtained the H.O.A. approval as well as the neighbor letters emailed to the board secretary in favor of this project.

Mr. Davis said that Mr. Slavkovsky applied for a permit in his own name and not a contractor and asked if he had a contractor yet or is he building it himself. Mr. Slavkovsky said he will hire an architect but wanted to wait to make sure he could obtain his approvals with the city.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Andrew Fronczek, 36230 Fawn Hill Place, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Fronczek said he lives across the street and Mr. Slavkovsky showed him the plans and they are in support of this project.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. George Whalley, 36200 Fawn Hill Place, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Whalley said he and his wife live two houses away from Mr. Slavkovsky and they fully support this project and it will be a fine addition to the neighborhood.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Bob Olson, 36250 Fawn Hill Place, Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Olson said he lives across the street from the Slavkovsky residence and he showed them pictures and a model of what he is proposing and they are in support of the project.

Chairman Palmer asked if there was anyone else who wished to speak for this appeal. Mr. Mark Ellis, 5725 Deer Creek Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Ellis said he is the husband of the H.O.A. president Shannon Ellis. He said Mrs. Ellis sent a letter to the board. He is here on her behalf to say in-person that they support the project.

Chairman Palmer said the board also received three letters in favor of this project from Mrs. Ellis, President of H.O.A., 5700 Deer Creek Dr., Willoughby, OH 44094, Guy Trinetti Jr., 5695 Deer Creek Dr., Willoughby, OH 44094 and Brandon & Rebecca Kosek, 5705 Deer Creek Dr., Willoughby, OH 44094.

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. 1131.06(d) and allow an 18'8" corner side yard setback, creating a deficit of 14'10" instead of the allowable 33' minimum; citing C.O. 1109.09(b) for the Slavkovsky residence, 5700 Deer Creek Dr., Willoughby, OH 44094 and Mr. Maniche seconded.

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

Motion Carried: Approved

Joe & Lindsey Parker
5452 Kellogg Ct.

Front porch

Chairman Palmer stated the applicant cited practical difficulty number 3 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. Joe Parker, 5452 Kellogg Ct., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Parker said they have a large front yard in a cul-de-sac and their child, and the neighborhood children play in their yard. The home is a colonial and is flat and unappealing in the front and feel this will add some character to the home. They currently only have a small stoop and they would like to add a front porch for the children to sit and where they can sit and watch the children for safety reasons. They also get a lot of sun on the front of the house and this would help with shading the front of the home.

Mr. Davis said he feels this appeal is justified, especially because this house is located on a cul-de-sac and at a turn around which is a special condition. He said Mr. Parker circled practical difficulty number 3 on the application but he believes, number 1 may be more appropriate because setbacks are a broad category. Mr. Yutzy said Mr. Davis had a good point.

Chairman Palmer asked if there was anyone who wished to speak for this appeal. Mrs. Lindsey Parker, 5452 Kellogg Ct., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mrs. Parker said she agrees with what her husband said and they spend a lot of time outside with family and neighborhood kids. It will give them more room to sit and watch the children for safety reasons and it will add appeal to their home and neighborhood.

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. 1131.06(a)(2) to allow a 32' front yard setback, creating an encroachment of 8' instead of the allowable 40'; citing C.O. 1109.09(b) for the Parker residence, 5452 Kellogg Ct., Willoughby, OH 44094 and Mr. Maniche seconded.

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

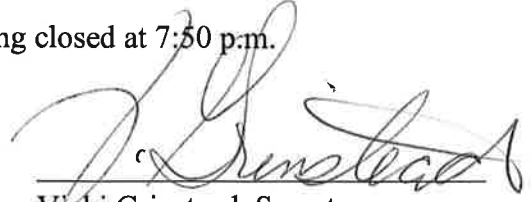
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Motion Carried: Approved

There being no further business the regular meeting closed at 7:50 p.m.



Joe Palmer, Chairman



Vicki Grinstead, Secretary