



City of Willowick
BOARD OF ZONING APPEALS - SPECIAL MEETING

Wednesday, September 27, 2023 at 7:30 PM
City Council Chambers

ADA NOTICE

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City of Willowick at 440-585-3700 at least three working days before the meeting.

MINUTES

CALL MEETING TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CHAIRMAN SWEAR IN APPLICANT(S) & AUDIENCE MEMBERS WHO WILL BE GIVING TESTIMONY.

Case No. 23-10

Lois Porter

30124 Forest Grove

1165.04(c) – to construct solid fencing throughout the rear yard.

Lois Porter appeared before the board.

The secretary sent out notification forms to the neighbors.

Mr. Koudela asked Ms. Porter her reason for wanting to construct solid fencing.

Lois Porter stated that she is and 86 yr. old widow and in 1966 moved to Forest Grove and had a survey done to put up a chain link fence. She wants to feel safe in her backyard and not stressed out. The neighbor to the left has a part Pitbull dog that howls and jumps up on the fence with its head reaching the top of the fence. Her daughter put a screen on the fence, but can still see shadows. The neighbor's son builds large fires that smell and affect her breathing. Her Cardiologist sent her for a stress test due to all of these issues. The house to the Right has 2 dogs that run along the fence all of the way to the Wickliffe neighbor behind who gives them treats so they bark for him early in the morning.

Mr. Koudela reiterated that Ms. Porter is looking for a white solid 6' high fence with no gaps. Ms. Porter said yes solid because a fence with a gap would defeat the purpose.

Mr. Yarletts stated though he understands the 6' fence is wanted to feel safe the spaces required are a minimum of 1/4" gap does she feel the dogs would notice with that small of a gap? Ms. Porter answered absolutely because even with the screen they see shadows and bark and she can't even sit at her picnic table.

Mr. Koudela explained that the reason the city requires a gap is for wind flow so the fence doesn't blow over. The gap is for air to pass through. This has happened to other fences in the past.

Ms. Porter stated that a resident from Wickliffe doesn't require a variance for a solid fence. Mr. Koudela stated that the City of Willowick does require a variance.

Mark Acton-30201 Regent Rd. Wickliffe, Ohio who has a dog stated that the fence was not in the back of the house in 1986 and it was an open lot with a tree in the back. The fence was put on the property line by Mr. Porter when the tree was taken down. He and his wife want a survey to make sure it's on Ms. Porter's property. He believes the fence now is on their property. Lake County shows it on their property. They want the old fence taken down and the new one put up properly on her property. They are requesting a survey. Mr. Acton said yes he gives the dogs treats because he loves animals. Are they a little loud yes but they're animals.

Ms. Clarke asked whose chain link fence it was. Mr. Acton said in approximately 1989 they split the cost. There was a little rickety wooden fence behind the garage. Ms. Clarke asked whose property did you believe the fence was on at that time. Mr. Acton said at that time he thought it was on the Porter's property until he looked at Lake County GIS. He now thinks it is on his property and if it's being replaced it should be done properly and on their property.

Mr. Koudela asked Mr. Acton if he was the neighbor to the rear and which side the posts and rails were on. Mr. Acton said yes he is the neighbor behind and that the top posts and rails are on Ms. Porter's side.

Mr. Koudela questioned if they mutually put the fence up and if he thought it was properly placed on Porter's property. Mr. Acton said at that time Mr. Porter told him he would have it surveyed and put in the proper place. Mr. Acton said he doesn't want to have to make this a legal issue.

Ms. Clarke asked if he installed it with him. Mr. Acton said he paid ½ to take the tree down on the property line. He was a new neighbor and wanted to be a good neighbor and didn't think at that time it was a big issue. He said he didn't know back in the 90s the fence was on his property until the property tax came out and showed an aerial view and it showed a gap.

Mr. Koudela asked Mr. Acton if he has an issue with a solid fence. Mr. Acton said no not with solid part. Mr. Koudela said they are only there for solid fencing and that they cannot force a survey they can only suggest it, and that there is no double fencing happening now which was also brought up. Ms. Porter stated the existing fence is coming down.

Mary Acton – 30201 Regent – said she has lived there 20 years. She said she told Mark at that time and the landscaper also said the fence is on the wrong side. There is a gap of 3'. She has no issue with a fence but they want the land surveyed as they are paying property tax on it. She said yes dogs bark there's nothing you can do about that. Mr. Koudela said yes and the fence isn't going to stop that.

Sue Loparo - 30128 Forestgrove the neighbor to the east said she has no problem with a fence but does have an issue with a solid fence. The reason they are not allowed is a wind issue, and she said she is also fearful of intruders hiding when going through yards and won't be seen. She doesn't see why a ¼" gap is an issue. The other neighbor has a ¾" gap and dogs aren't an issue for them. She said dogs bark all over the area and her dogs are not out all day long. She said her only issue is she doesn't see the point of a solid fence and that noise is noise and that a solid fence won't change that and she will feel confined. She doesn't want to feel like she is in a concentration camp with a big enclosed wall. The yards are small, to begin with.

Motion made by BZA Member Flaisig, Seconded by BZA Member Yarletts.
Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill
Voting Nay: BZA Member Yarletts, BZA Member Flaisig

Case No. 23-11

Joshua & Rebecca Grunda

1167.01(i) to place a/c unit in the side yard.

1167.01(II) a/c unit 2 feet from neighbor's residence.

1167.01(III) 2' 6" from the side property line or 56' from the rear property line.

The Appellants appeared before the board.

The secretary sent out notification forms to the neighbors.

Mr. Grunda said they are there for a variance for the replacement of the a/c unit next to their house. The original a/c was installed and approved 15 years ago by the city. The new unit now needs a variance. Due to the way their house is situated, they have no other place to put it. No neighbors have had any issues with it over the years. A Sunroom was put in 8 years ago and is partially between the back of the house and the side. There's a nook there for it.

Mr. Koudela stated that the unit looks to be closer to their home than to the neighbors by a 1 ½'. Mr. Grunda said yes.

Mr. Flaisig reiterated that the unit will be installed in the exact same spot. Mr. Grunda answered yes.

Mr. Hill said he did a quick drive past and couldn't even see the unit and he was looking for it.

There were no neighbors in the audience.

#1 – 1167.01(i) – a/c unit in side yard

Motion made by BZA Member Yarletts, Seconded by BZA Member Flaisig.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

#2 – 1167.01(II) – a/c unit 2' from neighbor's residence.

Motion made by BZA Member Yarletts, Seconded by BZA Member Clarke.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

#3 – 1167.01(iii) 2'6" from the side property line or 56' from the rear property line.

Motion made by BZA Member Yarletts, Seconded by BZA Member Flaisig.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

Case No. 23-12

Mike Radtin & Kathleen Dobie

28603 Uxbridge

1337.01(5)B

- 1) 209 sq. ft. for an attached garage
- 2) to construct a second detached garage that is 560 sq. ft.
- 3) 1 foot height

The secretary sent out neighbor notification forms.

Mike Radtkin & Kathleen Dobie appeared before the board.

Mr. Koudela asked why the appellants were requesting the variance. Mr. Radtkin said they would like a bigger garage. They have a 2 car attached garage and would like a 1 car detached garage also. Mr. Radtkin said that they have plenty of yard space for a detached garage. It will be 16' in height for aesthetics.

Mr. Koudela asked if this would be a completely new construction of a home. Mr. Radtkin said yes. Mr. Koudela asked if it was for storage only. Mr. Radtkin said yes and brought up plans so they could see the location of the proposed garage.

Mr. Radtkin said the garage will be 13' off of the neighbor's line and 21' off the back line.

Mr. Koudela reiterated that the attached garage is 30x20.5. Mr. Radtkin said yes, and the detached garage will be the standard size of 20 x 28 sq ft which is allowed by the city and he will be storing outdoor furniture, lawn equipment, etc. They may buy a boat and store it there in the future.

Mr. Yarletts stated that the garage will be 20 x 28 = 576 sq. ft. which is allowed by the city. Mr. Radtkin stated yes it is but due to the other garage the variance for square footage is needed.

Ms. Dobie stated that the neighbor was there but had to leave. They didn't realize how long it would be. It is the neighbor on the opposite side of the garage and they had no objections.

Motion #1 – 1337.01(5)B – 209 sq. ft. for an attached garage.

Motion made by BZA Member Flaisig, Seconded by BZA Member Yarletts.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

Motion #2 – 1337.01(5)B – second garage

Motion made by BZA Member Flaisig, Seconded by BZA Member Hill.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

Motion #3 – 1337.01(5)B – 1’ height for a garage.

Motion made by BZA Member Flaisig, Seconded by BZA Member Yarletts.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

NEW BUSINESS – None

OLD BUSINESS – None

ADJOURNMENT

Motion made by BZA Member Clarke, Seconded by BZA Member Flaisig.

Voting Yea: Chairman Koudela, BZA Member Clarke, BZA Member Hill, BZA Member Yarletts, BZA Member Flaisig.

Meeting adjourned at 8:19 p.m.

Nick Koudela, Chairman

ATTEST:

Jennifer Quinn, Secretary