

CITY OF WILLOWICK
MINUTES AND PROCEEDINGS OF A REGULAR MEETING OF THE
BOARD OF ZONING APPEALS

DATE: April 14, 2021
PLACE: WebEx Meeting due to Covid-19
TIME: 7:30 p.m.

The meeting was called to order by Chairman, Nick Koudela at 7:30 p.m.

Pledge of Allegiance

PRESENT WERE: Messrs. Koudela, Beck, Yarletts, and Flaisig. Mr. Trem was absent.

ALSO PRESENT: Stephanie Landgraf, Law Director was absent. Sean Brennan, Chief Housing and Zoning Inspector. Councilwoman Antosh and Councilwoman Koudela.

Motion by Mr. Koudela, Seconded by Mr. Yarletts to approve the minutes of March 10, 2021. Discussion: None. Vote: Koudela, Beck and Flaisig Ayes. Mr. Yarletts abstain. Motion carried.

Mr. Koudela swore in the appellants and audience members who will be testifying before the board.

Case No. 21-504

Steve Mayher
30320 Mildred

Steve Mayer and Greg Kerns of Kerns Home Improvement appeared before the board.

The secretary sent out neighbor notification forms.

Reason and justification for request: Homeowner has outdoor sporting equipment that he would like to store inside.

Mr. Mayher stated he would like a bigger building to store his kayaks and other equipment in.

Mr. Koudela asked what size the current garage is. Mr. Mayher stated 23 x 23 and asked Mr. Kerns if that was correct. Mr. Kerns stated around that size. It's a typical Willowick garage.

Neighbor Paige Farmer of 30314 Mildred stated she had no issues with the garage and feels it will only increase the property value.

Findings and recommendations: Motion by Mr. Koudela, Seconded by Mr. Yarletts to grant a variance of 96 sq. ft. to construct a 672 sq. ft. garage in the application of Section 1337.01(c)(5) of the codified ordinances of the City of Willowick at 30320 Mildred. Discussion: None. Vote: All Ayes. Motion carried.

Case No. 21-505
Richard Robb
32924 Willowick Dr.

Richard Robb the homeowner and Ryan Bell of Great Day Home Improvements 700 E. Highland Rd. Macedonia, OH 44056 appeared before the board.

The secretary sent out neighbor notification forms.

Reason and justification for request: Open porch exists on the front of the house, and the homeowner wishes to enclose the porch with Patio Enclosures Porch Enclosure System for seasonal use. The footprint will not change, just enclosing what is already there.

Mr. Robb stated that the existing porch has been there for at least 34 years, and there is a large tree with branches that causes leaves and ice to fall on the patio and would like a safer structure.

There were no neighbors in the audience.

Mr. Koudela confirmed that there is an existing raised patio. Mr. Robb stated yes there is.

Mr. Ryan stated that they are not changing the footprint and are just covering the patio.

Findings and recommendations: Motion by Mr. Koudela, Seconded by Mr. Yarletts to grant a variance of 6' into the setback to construct an enclosed patio on the front of the house. Only 30' permitted per the setback map in the application of Section 1163.10 of the Codified Ordinances at 32924 Willowick Dr. Discussion: None. Vote: All ayes. Motion carried.

Mr. Ryan thanked Mr. Koudela for the Pledge of Allegiance as he is a veteran and doesn't see this happen much anymore. Mr. Koudela thanked him for his service.

Case No. 21-506
Philip Cotturo
30921 Royalview Dr.

Philip Cotturo appeared before the board.

The secretary sent out neighbor notification forms.

Reason and justification for request: Would like to erect a 6' tall privacy fence next to the neighbors encroached fence structure. Over the past five years, the neighbors have had no respect for his privacy or himself. He has spoken to them numerous times to no avail and has only gotten combative responses. He has filed a police report detailing these encounters along with video evidence. They have also put a wireless security camera along our property line that is facing toward the back of his house and into his windows which is another invasion of his privacy. This fence would allow him to use his own backyard without fear of harassment, and intimidation every time he emerges. It would also allow him to regain an acceptable quality of life that everyone should have in this fine city.

Mr. Koudela asked Mr. Cotturo if the neighbors fence was on his property. Mr. Cotturo stated yes it is. Mr. Koudela asked him why he doesn't remove it if it's on his property. Mr. Cotturo stated he believes there would be legal ramifications if he just removed it from what he has heard.

Mr. Koudela asked Mr. Brennan if Mr. Cotturo could remove the fence, and Mr. Brennan stated that it would be a legal matter between the property owners.

Mr. Koudela confirmed with Mr. Cotturo that if the variance was granted he will have 2 fences back to back on his property. Mr. Cotturo stated yes there would.

Mr. Koudela asked Mr. Brennan if the fence was put up legally with a permit. Mr. Brennan stated that he is not sure at this time, but that he is only there for a double fence request whether it's on his property or the neighbors.

Mr. Koudela asked Mr. Cotturo if he would seek legal advice on removing the fence instead of the variance. Mr. Cotturo stated that no it would be too expensive to hire an attorney so that's why is trying for the variance.

Mrs. Phillips of 30915 Royalview Dr. the neighbor with the existing fence stated that she has been there for 50 years, and the fence has been there since she's been there. She stated that they need the fence as they have little dogs. She stated they are in their 80's and in poor health, and is being told by Mr. Cotturo that they can't sit on their patio because they're out there too much. She stated she has never had any problems with any other neighbors in 50 years.

Mr. Koudela asked if the fence was hers, and she stated yes, but that all of the fences on the street are a little off.

Randy Phillips of 1187 E. 340 St. in Eastlake is the son of Mrs. Phillips. He stated that the former homeowners of Mr. Cotturo's property Domenic and Josephine Talladino loved the fence and even put a gate in the back to go in and out because they loved it so much. He stated the fence has been there for at least 35 years and it keeps the dogs in and matches the rest of their fencing.

Mr. Beck asked if the Law Director Stephanie Landgraf would have been there tonight would she be able to help out with the legal questions.

Mr. Koudela asked Mr. Brennan if they should wait for Stephanie and table the case. Mr. Brennan said they are only there for no more than one fence on a property. Only for double fencing.

Mr. Cotturo stated that he did have a property survey, and that is not removing their fence he is only putting up a privacy fence to hide their camera and for his privacy.

Mr. Koudela asked Mrs. Phillips if she had a problem with Mr. Cotturo putting up a privacy fence. Mrs. Phillips stated that yes she does because she won't be able to maintain her fence, and snow would pile up that they cannot shovel as they're in their 80's. She said with 2 fences the air won't circulate properly and that they couldn't handle that as they're both in poor health.

Mr. Cotturo stated he would kill the grass between the fences and put down stones and gravel.

Mr. Frank Fox a neighbor stated that from a survey the fence is only the width of a 2x4 plus 1" onto Mr. Cotturo's property and that the area along the fence has always been kept clean.

Mr. Joe Geraci of 30909 Royalview stated that he lives next door to the Phillips and that they are very good neighbors, and will do anything to help them out. They help each other out with shoveling, unloading cars, etc.

Danielle Cleary of 30916 Royalview Drive lives across the street, and the only issue she has is Mr. Cotturo's reasoning for the fence. She stated he also has video cameras that records everyone who is out and has seen him follow Mrs. Phillips around with his phone videotaping her. She stated he invades her privacy just as much as he claims she invades his.

Mr. Randy Phillips stated that Mr. Cotturo knew the fence was there when he looked at and purchased the house and only made it an issue after he moved in.

Mr. Koudela asked if it was going to be a solid fence, and Mr. Cotturo stated no it will be a shadowbox fence because a solid fence would not be allowed.

Mr. Koudela stated he feels everyone was given ample time to speak and that the board is only there to vote on the fence not the back and forth of the neighbors.

Findings and recommendations: Motion by Mr. Koudela, Seconded by Mr. Yarletts to grant a variance to allow double fencing in the application of Section 1165.05 of the Codified Ordinances at 30921 Royalview Dr. Discussion: None. Vote: Koudela, Beck and Yarletts Nays. Flaisig Aye. Motion failed.

Case No. 21-507

Luke & Lydia Donatelli
750 E. 300 St.

Luke and Lydia Donatelli appeared before the board.

The secretary sent out neighbor notification forms.

Reason and justification for request: They would like ample access to their backyard and would like it fenced in for multiple reasons such as; to keep their small timid dog in the yard while encouraging exercise, to discourage the children of the neighborhood from coming into their yard, and for a future playground for their child that she's expecting in July 2021.

Mrs. Donatelli stated that while she's happy there are a lot of children outside playing they go across their yard and they have no privacy. She has an emotional support dog that needs to be fenced in and a child due in July 2021.

Mr. Koudela asked Mrs. Donatelli if the fence was going to be 6' high in its entirety. Mrs. Donatelli stated no it will be a 4' chainlink fence.

Mr. Yarletts asked Mr. Brennan if the blue lines on the bottom of the photo were showing the right of way. Mr. Brennan stated that the bottom information is not exact as to where the lines are and that they may need a survey to find the exact location of the lines.

Mr. Yarletts asked Mr. & Mrs. Donatelli why they want to go all the way up to the sidewalk. They stated it would be easier to mow the grass and they could get extra space out of their smaller yard.

Mr. Koudela asked if they felt with the 4' chainlink there would be no visibility issues. Mrs. Donatelli stated yes. Mr. Koudela asked if they considered staying the 4' from the sidewalk. Mr. Donatelli stated that they can consider it, but if they can they would like to get the extra space.

Jennifer Turk of 29349 Oakdale stated she is not for or against the variance but wanted to know if it would be on the property line and not her property. She is the back neighbor. Mrs. Donatelli stated that it would only be on their side of the driveway and the other side not past the garage so it would not affect her. Jennifer stated no problem only had the one question.

Findings and recommendations: Motion #1 by Mr. Koudela, Seconded by Mr. Beck to grant a variance of 13' 9" to extend a fence 17' 9" from the side of the house in the application of Section 1165.07(c) of the Codified Ordinances at 750 E. 300 St. Discussion: None. Vote: Koudela and Yarletts Ayes. Beck and

Flaisig Nays. Mr. Koudela stated due to the fact there is a tie the case will have to be tabled until the next meeting.

Motion #1 by Mr. Koudela, Seconded by Mr. Yarletts to table the variance request of 13' 9" to extend the fence 17' 9" from the side of the house in the application of Section 1165.08(c) of the codified ordinances at 750 E. 300 St. Discussion: None. Vote: All ayes. Motion carried.

Motion #2 by Mr. Koudela, Seconded by Mr. Yarletts to grant a variance of 4' to place a fence at the public sidewalk in Section 1165.07(d) of the Codified Ordinances of the City of Willowick at 750 E. 300 St. Discussion: None. Vote: Koudela Aye. Beck, Yarletts and Flaisig Nay.

Mr. Yarletts asked that being the variances go hand in hand should they have tabled the variance of 4' to place the fence at the public sidewalk also even though they had a legal vote.

Mr. Koudela stated that they cannot have a yes vote with variance number 1 without variance number 2 being approved.

Mr. Koudela stated that without the Law Director present he isn't sure and that they should table both.

Motion # 2 by Mr. Koudela, Seconded by Mr. Beck to table the variance request of 4' to place a fence at the public sidewalk in the application of Section 1165.07(d) of the codified ordinances of the City of Willowick at 750 E. 300 St. Discussion: None. Vote: All ayes. Motion carried.

There was no old business.

There was no new business.

Motion by Mr. Koudela, Seconded by Mr. Flaisig to adjourn the meeting. Discussion: None. Vote: All ayes Motion carried.

Meeting adjourned at 8:35 p.m.

Chairman, Nick Koudela

ATTEST:

Secretary, Jennifer Quinn