

Meeting Minutes of
Board of Zoning Appeals
Held January 21, 2021

Members Present: Dan Gess, Clete Miller, Terrance Burke, Carolyn Young, Jack Norton, Jan Saurman, Scott Bruno

Also Present: Eric Tuck-Macalla (Building Director), Lauren Oley (Assistant to Building Director)

Audience: Rita Cameron, Ross Leighliter, Bud Herzberger

**Full recording of the meeting is permanently available on the City of Bay Village website under Government/Board of Zoning Appeals/View Most Recent Agendas and Minutes/Media*

Mr. Norton called the meeting to order at 7:33 p.m.

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held January 7, 2021

Motion by Mr. Bruno, **second** by Ms. Burke, to approve the minutes of the meeting held December 3, 2020 as prepared and distributed.

Motion passed 6-0.

1) James W. Noell 559 Vineland Rd.	Mr. Noell is seeking a variance to section 1153.03 (1) minimum side yard set-back. The minimum combined set back is 14.1 ft. The plan shows 18 ft., the minimum required for one side yard is 6 ft. the proposed north side yard is 4 ft. and requires a variance of 4 ft. 30%.
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Mr. Norton introduced the next item on the agenda as 559 Vineland Rd. The board has had an opportunity to visit the site and review the application.

Mr. Burke advised that he has a question regarding the structure described as the garage/office/shop. It appears that it is shown as a 3' setback from the side lot line. Is that sufficient?

Mr. Tuck-Macalla remarked that it was. 3' is fine.

Mr. Burke inquired if the fact that it will be used as an office require anything additional?

Mr. Tuck-Macalla remarked that it does not. He would have to see the actual building plans before he could make a determination on that. When he spoke to the applicant, and they spoke several times, he doesn't have his plans together yet. He is looking to get the variance for the side yard so he can get his building plans together. They talked a bit about the size of the garage, but they didn't talk about what the office would look like.

Mr. Burke clarified that it wouldn't be considered for living quarters?

Mr. Tuck-Macalla responded that is correct. It wouldn't be living quarters.

Mr. Saurman inquired if the plan was to tear down the house that is there now and building a completely new house?

Mr. Tuck-Macalla responded that is correct.

Mr. Norton inquired if there was anyone on this zoom meeting representing the homeowner?

Mr. Leighliter responded that they are the neighbors to the Northside. As far as the 3' variance for the garage, is that on north or Southside?

Mr. Tuck-Macalla responded that there isn't a variance for a garage. The variance is for the house Northside lot line.

Mr. Leighliter remarked that they are on the Northside. They advised they are very supportive of him building a new home. They wanted to come to the meeting as a result of getting the letter, but as they understand there are no plans available to see how it looks.

Mr. Norton responded that there is a rendering and that is it. His question is why couldn't this be shifted over 2' so that it meets the requirement? On the Southside you have 14' to run the driveway, which obviously you don't need 14' the driveway, and the driveway is sketched in on the plan they have and it's not against the property line for the front part. Mr. Tuck-Macalla did the applicant advise why they don't want to shift the house 2' to the south?

Mr. Tuck-Macalla advised that the applicant didn't give him any reason. He did amend the drawing a bit already though.

Mr. Herzberger remarked that he is not a neighbor, but he lives on Upland (one street over) and just wanted to join the meeting.

Mr. Norton remarked that they see another resident on the call, but that they may not have comments at this time.

The applicant called and spoke with Mr. Tuck-Macalla regarding the technical difficulties he had getting into the meeting and is trying to get on.

Ms. Young sought clarification on the fact that the width of the house is 29', 14' between the house and the south property line including the driveway – is that correct? It doesn't say how wide the driveway is, but it looks like its pretty close to 14' maybe a 1' or 2' less.

Mr. Norton inquired if a normal, generous driveway would be 10'?

Mr. Tuck-Macalla responded that about 10' would be correct.

Ms. Young advised that she doesn't believe you'd have a 2' wide car driveway that is that length. That would be about 200'.

Mr. Norton replied that it looks like a single lane driveway.

Ms. Young remarked that he should be able to scoot it over.

Mr. Burke added that it's a 177' driveway.

Mr. Bruno remarked that the question he has is with the house being situated 4' from the north property line. Is there an existing foundation, or portion of an existing foundation being used, which might be part of the reason why they're hearing this variance application?

Mr. Tuck-Macalla responded in the negative and advised that everything will go. The original house was 30' and he scaled it back so he was further away from that line. So that his plan is fairly fluid as far as the house is concerned.

Mr. Bruno clarified that it is a new construction without any existing foundation being used. That information helps him understand the comments regarding the driveway, which he agrees with, if this is new construction and there isn't an existing foundation – why the house has to be 4' from the North property line.

Ms. Young sought some background clarification. This is a double lot – front and back? The house was originally on the back lot?

Mr. Tuck-Macalla advised that the house is still there. It's approximately in the same spot that the new house will be. It spans the width of the lot. So there is no driveway to the back of the lot.

Mr. Saurman inquired how far the current house from the North property line.

Mr. Tuck-Macalla advised he didn't know.

Ms. Leighliter remarked that it may be less than a foot. The houses are quite close together. They were kind of excited about moving them further apart.

Mr. Norton inquired, of Mr. Tuck-Macalla, that in the picture they were shown it appears there is a roof overhang of about 24". What concerns him is if you start 4' from the line, and assuming that is to the foundation, and then you have 2' overhang it'll be within 2' of the line. The neighbor, at some time in the future, could elect to do the same thing and you'd have two houses where the roofline is 4' apart which would be a problem in many respect including fire safety. They would need to be convinced there is some reason this same property couldn't be used exactly the same way that they want it by narrowing the lot line.

Mr. Tuck-Macalla advised that he was correct.

Ms. Young commented that if he amended the existing house, instead of tearing it completely down, he'd be grandfathered in.

Mr. Tuck-Macalla advised that is correct and went on to advise that the applicant is really wanting to get a driveway into the back of the lot.

Mr. Norton inquired if 10' is reasonable driveway width?

Mr. Tuck-Macalla responded that yes and that driveway looks about 10'.

Mr. Bruno remarked that his driveway is about 8' wide no issues.

Mr. Norton remarked that Mr. Noell isn't having any luck joining us and asked Mr. Tuck-Macalla if he knows what the timetable as to how fast they are trying to get this done.

Mr. Tuck-Macalla responded that he has been discussing it with him for several months possibly up to a year. What he can or can't do etc. He advised that he doesn't believe the applicant is in a great hurry.

Mr. Norton remarked that he would hate for them to try to make a decision without the applicant having an opportunity to weigh in. He suggested that Mr. Tuck-Macalla speak with the applicant, assuming that he doesn't join tonight, regarding the few negative comments and that he may want to consider shifting it 2' in which case he wouldn't need a variance or he can request to be on the agenda on a future meeting.

Motion by Mr. Burke, **Second** by Mr. Bruno, to table the request for variance for 559 Vineland Rd. until the next regularly scheduled meeting.

Motion Passed 7-0

There being no further business to discuss the meeting adjourned at 7:51.m.

Jack Norton, Chairman

Lauren Oley, Secretary