

Meeting Minutes of  
Board of Zoning Appeals  
Held March 17, 2022

Members Present: Jack Norton, Terrance Burke, Carolyn Young, Clete Miller, Jan Saurman, Dan Gess  
Excused: Scott Bruno  
Also Present: Joan Kemper (Clerk of Courts), Eric Tuck-Macalla (Building Director)  
Audience: Matthew & Denise Kraska, Kelly Betts, Andrew Pech, Nolan Park

*\*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 7:30 p.m.

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held March 3, 2022.

**Motion** by Mr. Burke, **Second** by Ms. Young, to approve the minutes adjusting an error in the members present.

**Motion Passed**

1) Matthew & Denise Kraska 389 Longbeach Pkwy	Applicant is seeking variance to section 1153.03(4) Side Yard Set Back to place a pergola 5 ft. 8 in from the property line. This corner lot has a width of 60 ft. which places the required side yard at 15 ft. from the property line. The variance is for 9ft. 4 in.
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Mr. Norton introduced the next item on the agenda as 389 Longbeach Pkwy and advised that the board has had an opportunity to visit the site and review the application. The board has already received additional pictures provided by the applicant. It's to be noted that this is an unusual neighborhood in that it backs up to some park property and a private street.

Mr. Kraska replied that there is one house that has an address on Park Lane, but the use case for that road is that the driveways back up to that road. Their house butts right up to the side of the carriage road making it somewhat difficult to do anything along that side. They have a patio that is already built, but they are not subject to the same setback rules. They are not trying to extend past that patio. There aren't any city services that would be obstructed.

Mr. Miller inquired if there were any easements along that portion of the drive?

Mr. Norton replied that he doesn't believe the city has any easements. He inquired if the house across from them is on Park lane?

Mr. Kraska replied that there is a house behind them, that you can't even see from Longbeach, it's sits up on the Park and that is the only address he knows of on Park Lane.

Ms. Young advised that she'd like to mention that the lot is surrounded on three sides by roads.

**Motion** Mr. Burke, **Second** Mr. Gess, that the property at 389 Longbeach Pkwy. be granted a variance of 9'4" from the Side yard setback requirements of CO 1153.03(4) for the construction of the pergola as per the application.

**Roll Call Vote:**

**Yeas – Miller, Gess, Norton, Burke, Saurman, Young**

**Nays –**

**Motion Passed 6-0**

2) Kelly Betts on behalf of Colleen Harding 30508 Salem Dr.	Applicant is seeking a variance to section 1370(a) (c) to place a Generator in the side yard. The Generator would be 8 ft. 5 in from the neighbor's driveway which does appear to be on the property line. The variance would be for 1 ft. 6 in.
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Mr. Norton introduced the next item on the agenda as 30508 Salem Drive and advised that the board has had an opportunity to visit the site and review the application.

Mr. Betts advised that this is the ideal location for the generator. They are not opposed to putting plants in front to block from the street – there is a lot of vegetation there that pretty much obscures it.

Mr. Miller inquired if the unit was 5' from operable windows?

Mr. Betts replied that it will be 5' away from the windows and 18" off the house.

Mr. Norton remarked that it is concealed from the street now and usually in these kinds of situations we require that be permanent. In other words, if someone were to take that fencing down they would need to put something else back up either fencing or year-round vegetation to conceal it from the street and the neighbors.

Mr. Betts stated that on the driveway side there is a row of pine trees blocking his view of it.

Mr. Miller stated that the decibel rating is relatively low at 66 db so it is a very quiet unit.

Ms. Young stated that the unit is 25"x14" - with a 25" unit 18" away it leaves 8'5", not 6' as indicated on the agenda.

Mr. Miller confirmed with the applicant that it will be sitting on a pre-manufactured pad.

**Motion** Mr. Burke, **Second** Mr. Saurman, that the property located at 30508 Salem Drive be granted a variance of 1'7" from the side yard setback requirements of CO 1370 (a) (c) for the placement of a generator on the side yard as per the application provided that year-round concealment by either evergreens or solid fencing to shield it from the neighbors and the street.

**Roll Call Vote:**

**Yeas – Miller, Gess, Norton, Burke, Saurman, Young**

**Nays –**

**Motion Passed 6-0**

3) Andrew Pech on behalf of Allison Mueller 28732 Lincoln Rd	Applicant is seeking a variance to section 1370.05 (c) to place a Generator within 10 ft. of a property line. This location is in the rear yard, behind a fence, the variance would be for 2 ft.
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Mr. Norton introduced the next item on the agenda as 28732 Lincoln Rd.

Mr. Pech remarked that there is a 6' fence all the way all around the property.

Ms. Young noted, for the record, that the location is already behind the fencing which would hide it from the neighbors and the neighboring house on that side on the side of the street is considerably further forward than this location. The front of this home is setback further than the back of the neighbor's house.

Mr. Pech advised that the homeowner recently put up the fence and has no intention of bringing it down.

Mr. Miller stated that it is still worthwhile to add the conditions regarding screening.

**Motion** Mr. Burke, **Second** Mr. Gess, that the property located at 28732 Lincoln Rd. be granted a variance of 2' from the setback requirements of CO 1370.05 (c) for the placement of a generator within 10' of the property line as per the application submitted provided that there shall be year round screening so that the unit cannot be seen from the street.

**Roll Call Vote:**

**Yeas – Miller, Gess, Norton, Burke, Saurman, Young**

**Nays –**

**Motion Passed 6-0**

4) Nolan Park 24224 Russell Rd.	Applicant is seeking a variance to section 1359.01 (a) to place an Air conditioning Condenser in the side yard within 10 ft. of the property line. This unit is being moved from a location behind the house and more that 10 ft. from the property line to accommodate an addition off the back of the house. The new location would place the condenser at 4.5 ft. from the property line, the variance would be for 5.5 ft.
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Mr. Norton introduced the next item on the agenda as 24224 Russell Rd.

Ms. Young inquired if the new garage going to the back corner?

Mr. Park confirmed the location of the garage and AC. He added that he spoke to the neighbors, he doesn't have it in writing, but they were accommodating.

Mr. Norton stated that the rear yards right along that section of the street are fairly shallow. Where they want to build the additional structure wouldn't leave very much backyard and the neighbor to the west is quite a distance away from that side of the house where you want to put it.

Mr. Park commented that their driveway is right there, then the garage, then their house is behind the garage.

Mr. Norton remarked that the unit is 73 db which fits the range that they normally like to see it in.

Mr. Miller added that 72 is perfect. They might offer to have a sound blanket.

Mr. Norton explained that oftentimes if a variance is given for an air conditioning unit a requirement is added that it have a sound blanket, which on many units is standard and if it's not standard it's a very modest upcharge to use one.

Mr. Miller had a question for the applicant regarding the joist selection for the porch.

**Motion** Mr. Burke, **Second** Mr. Gess, that the property located at 24224 Russell Rd. be granted a variance of 5'6" from the side yard setback requirements of 1359.01 (a) for the placement of an air condition condenser in the side yard within 10' of the property line as per the application submitted provided that, if not already included, the unit be equipped with a sound blanket and that there be year round screening of the unit to prevent viewing from the street or neighbors.

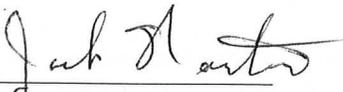
**Roll Call Vote:**

**Yeas – Miller, Gess, Norton, Burke, Saurman, Young**

**Nays –**

**Motion Passed 6-0**

There being no further business to discuss the meeting adjourned at 7:47 p.m.

  
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Jack Norton, Chairman

  
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Lauren Oley, Secretary