

Meeting Minutes of
Board of Zoning Appeals
Held April 7, 2022

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

Also Present: Eric Tuck-Macalla (Building Director)

Audience: Raymond Sankovich, Alison Marino, Mr. & Mrs. Terry Adams

**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 17, 2022.

Motion by Mr. Bruno, **Second** by Mr. Burke, to approve the minutes as prepared and submitted and amended according to email correspondence.

Motion Passed

1) Raymond Sankovich 309 Bayview Rd.	Applicant is seeking a variance to section 1153.02 (1) to build a porch on the front of his home. The set-back on Bayview is 42 feet from the right of way. This house is non-conforming as it was in existence prior to enactment of the ordinance set forth in 1972 and the 42 feet set-back is at the line formed by the wall behind the front bump out, the total variance requested is 12 feet 6 ½ inches.
---	---

Mr. Norton introduced the next item on the agenda as 309 Bayview Rd and advised that the board has had an opportunity to review the application and visit the site.

Mr. Burke remarked that he drove up and down the street. He inquired, of Mr. Tuck-Macalla, if there were other homes on the street that were closer than the setback.

Mr. Tuck-Macalla replied in the affirmative noting that they were grandfathered in. The house to the North looks like it's too far forward, but it's at the 42' mark. They had applied for a variance, but it was for side yard – they never got a variance for the front. There are indeed houses that are out as far as this one is being requested.

Mr. Norton commented that the house at 305 Bayview, two houses south of that, seems to be about the same amount as this request. The new one at 317 seems like it's further out.

Mr. Tuck-Macalla added that he checked the plans and it's sitting at 42'.

The board continued to discuss how there were multiple homes that which are set closer to the street.

Mr. Sankovich submitted photographic evidence to the board regarding a home on the street's proximity to his own.

Mr. Norton stated that the street was developed over a fairly long period of time –and has a lot of different styles. The setback in general is fairly close to the street.

Mr. Miller added that he has often expressed his interest in having porches which he believes help to build community. The depth of 6' is really in line with a lot of requests that they approve. It helps to capture the front of the home uniformly. He is in favor.

Mr. Norton concurred adding that he believes it will be a nice addition to the neighborhood.

Mr. Burke confirmed, with Mr. Tuck-Macalla, that the total variance of 12'6.5" would include the already existing non-conforming home.

Mr. Bruno commented, for the record, that he is normally not keen on these things based on past discussions, but to Mr. Miller's point he does like porches. When a variance is required he usually tries to draw the line, but in this case – within this neighborhood there is no continuity. He has no objections to this application.

Motion Mr. Burke, **Second** Mr. Bruno, that the property located at 309 Bayview Rd. be granted a variance of 12'6.5" which includes the existing nonconforming portion of the front of the house. A variance from the front yard setback requirements of CO 1153.02 (1) for the construction of a front porch in accordance with the application submitted.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

1) Alison Marino 23708 Cliff Dr.	Applicant is seeking a variance to section 1370.05 (a) (b) to: 1. Place a Generator in the west side yard. 2. To place the Generator closer than 10 ft. from the property line. The variance will be for 2'5" ft.
-------------------------------------	---

Mr. Norton introduced the next item on the agenda as 23708 Cliff Dr. The agenda states that the variance would be for 2'5", but the variance request is actually 7.5' The generator is required to be 10' from the side yard and it is requested to be 30" from the side yard – the variance needed is 7'6".

Mr. Miller stated that to the fence line is 74".

Mr. Norton stated that the paperwork submitted shows it 30" from the property line. It's also to be noted that the neighboring house, that adjoins this property line, looks like it's also in violation, although he isn't sure when the air conditioner was put in, but the air conditioner of the neighbor is also closer than the 10'.

Mr. Burke inquired, of the applicant, why the unit can't go in the backyard. To him - it seems like it is capable of being placed there. Usually they consider if there are trees, decks, patios or other limitations. The lots are so tight together, it is really unique, is there something about the backyard that is prohibiting the installation there?

Ms. Marino stated that the way that it's positioned it's not going to be easy. The reason she ended up selecting this was because all the homes near her with generators have them positioned there. That is where the gas line is and there are other utilities there with existing pads [further comments inaudible].

Mr. Bruno stated that typically the board looks at these they look at them from the perspective of - code has it required in the rear yard, but if there are circumstances specific to this property that appear to be a hardship the board will consider the application - or perhaps a practical difficulty.

Ms. Marino advised that she would have landscaping she would need to remove.

Mr. Gess inquired what was on the lake facing side of the bump out - are there windows?

Ms. Marino replied that there are all windows there.

Mr. Gess confirmed with the applicant that the windows are operable.

Mr. Norton stated that there are no windows on the west side, but the northside around the corners is a full set of windows.

Mr. Saurman stated that in his opinion this area sort of becomes a utility corridor there. There are two air conditioners back there and then this would be a generator a little in front of those. In the backyard, the only option would be along the fence line and they would need to remove bushes - it would still be near the lot line, but it would be in the rear yard. Right in the backyard there is a big window looking out to the north.

Mr. Bruno replied that the window, from a ventilation standpoint, makes this location a much better option.

Ms. Marino added that there weren't a lot of options, in reality, because of all the windows. She was hoping to get one because she lives by herself, she is a widower, and she works from home. There were a number of power outages since she's lived here and some have been a few days at a time so she feels like she needed to go ahead and get a generator. Winters are what she worries about the most - she doesn't want her pipes to freeze.

Mr. Miller inquired if the generator installer advised that it can't be within a certain distance of operable windows?

Ms. Marino replied in the affirmative advising that they walked around everything.

Mr. Norton advised that the other thing to consider is that often they want the equipment screened from the street and the neighbors. The difficulty here is that if they put a screen right in front of this you couldn't service the machine and if you put it 18" away, minimum, then you couldn't get past it. Since the neighboring situation is identical and this is such a narrow area - from the sidewalk you really can't see back there.

Mr. Bruno stated that perhaps they could provide for screening on the front side.

Ms. Marino stated that normally she has the trash cans there so she was already looking into screening for that. Does it need to be removable? Should it have a door?

Mr. Norton replied that it might be easier to put in a fence gate that is a solid material so that you block the view from the sidewalk.

Mr. Saurman added that it could be as simple as replacing/screening the metal gate that is existing.

The board and applicant continued to discuss screening options.

Motion Mr. Bruno, **Second** Mr. Burke, to grant the property at 23708 Cliff Dr a variance per CO 1370.05 (a)(b) to allow for the placement of a generator on the west side of the property per the drawing and photos as prepared and submitted. The variance would be based on our observations, visit to the property, and discussion the variance would be 7'6".

Roll Call Vote:

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

Nays –

Motion Passed 7-0

Mr. Terry Adams advised that they live at 591 Cahoon Ledges and they are looking for a variance to increase their privacy fencing by 24'. He advised that they are the unit that is right there at the corner when you pull into the development - surrounded by overgrown spruce trees. Some of them have to come out because they are encroaching on the home/patio and others are just dead. He would like to redo the landscaping and deck and they are looking to put three 8' sections 6' high – along the back so that the headlights don't shine in and over by the master bedroom and bathroom.

Mr. Norton and the residents proceeded to discuss their lot parameter, the proposed fence, and how much fencing the applicant would want in one direction. Clarifying that there will be three 8' sections totaling 24' on each side.

Mr. Norton advised that a resident cannot go more than 32' in one direction – so there is no problem there. The other requirement is the total – it can only be 10% of the parameter of the lot. He added that their lot is a bit unusual because they're on a corner lot.

Mr. Tuck-Macalla advised that 10% of 591 Cahoon Ledges parameter would be 35'.

Mr. Norton remarked that at 35' they would need a variance to the 10% total rule. It sounds like there may be some other circumstances that are affecting them that maybe the board should consider. It may be worth them making an application for a variance. The board cannot make any ruling tonight without seeing it.

Mr. Adams replied that they've made an application and they've got some drawings.

Mr. Norton stated that they will turn that into the building department who will explain that they need a variance, certain paper work completed, and then it can be heard by the BZA.

Mr. Adams advised that they've already filled that all out.

Ms. Adams stated that she didn't understand the process -they didn't realize they needed to submit it ahead of time.

Mr. Norton remarked that it's not on the agenda for tonight and proceeded explained the application process.

Mr. Adams provided paperwork to Ms. Oley who will assist them in getting on the next agenda.

Ms. Young noted for the record that she will not be at the next meeting – she will be in Florida with the Bay Village band.

Mr. Gess added that he will be out as well.

Mr. Bruno added that they don't have anything formally planned, but were considering something.

The board discussed moving the meeting to April 28th or moving items to May 5th. Stating that the only thing affected is the notification of the neighbors, which haven't gone out yet, so that can be done properly and with ample time.

Mr. Bruno and Mr. Miller stated that they will also be out 5/5.

Motion Mr. Burke, **Second** Mr. Gess, that the meeting scheduled for the 21st of April be changed to the 28th of April.

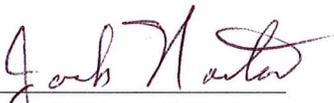
Roll Call Vote:

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

Nays –

Motion Passed 7-0

There being no further business to discuss the meeting adjourned at 8:05 p.m.



Jack Norton, Chairman



Lauren Oley, Secretary