

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

Members Present: Jack Norton, Jan Saurman, Clete Miller, Carolyn Young, Terrance Burke

Excused: Dan Gess, Scott Bruno

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

Audience: Kathleen & George Kocar, Christine McFadden

*\*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 June 16, 2022.

**Motion** by Mr. Burke, Second by Mr. Saurman, to approve the minutes as prepared and submitted.

**Motion Passed 5-0**

Before starting the regular agenda, Mr. Norton explained the quorum requirements since there were only 5 board members present.

1) Kathleen Kocar 24213 Lake Rd.	Applicant is requesting an 8 ft. variance to section 1359 (a) to place Air Conditioning equipment closer than 10 ft. from the property line. The Unit will be 2 ft. from the property line a <b>variance of 8 ft.</b>
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Mr. Norton introduced the next item on the agenda as 24213 Lake Rd. The board has had an opportunity to visit the site and review the application.

Mr. Miller inquired where the exact property line was located.

Ms. Kocar replied that she isn't exactly sure, but it's about 4' from their home. There is an air conditioner in that location currently they're just swapping it out.

Mr. Norton pointed out that the driveway is on the other side of the home and it wouldn't be a practical spot to put it.

Ms. Kocar noted that her neighbor doesn't object.

Mr. Saurman clarified that this is replacement and they've got a 2<sup>nd</sup> unit on the side of the home.

Mr. Kocar replied that they got a variance for the other unit a few years ago.

Mr. Burke inquired if there was a sound blanket on the proposed unit.

Mr. Miller replied that the db rating is within their normal range, but they may want to include a sound blanket as part of their motion.

**Motion** by Mr. Burke, **Second** by Mr. Saurman, the property located a 24213 Lake Rd. be granted a variance from of 8' for the installation of an Air Conditioning unit to replace the existing unit, shown on the documentation provided, provided that the unit be placed with a sound blanket if it's not part of the equipment already and secondly that there be year-round screening from the neighbor and the street.

**Roll Call Vote:**

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

**Nays –**

**Motion Passed 5-0**

2) Christine & Larry McFadden 510 Juneway	Applicant is requesting a variance to section 1163.05 (h)(1). The applicant is requesting a six ft. privacy screen of 60 ft. where a 32 ft. privacy screen is permitted. The <b>variance would be for 28 ft.</b> 39.6 lin. ft. is 10% of the perimeter of the lot.
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Mr. Norton introduced the second item on the agenda as 510 Juneway. The board has had an opportunity to review the application and visit the site. He inquired if they were going to put it past the neighbor's garage?

Ms. McFadden replied in the affirmative.

Mr. Norton went on to say that he didn't get out and pace the proposed fence, but in an effort to shield the basketball court, if a fence started at their garage it looks like it might only need to be about 24'.

Ms. McFadden replied that she didn't want it to just be a section of the back fence. It's a double lot and they want to connect their fence to their neighbors and do their backline. She wants to ensure that the entire back area between the homes is concealed for aesthetics.

Mr. Norton reiterated that, from a privacy standpoint, much of the fence would be shielding their garage.

Mr. McFadden replied that she believes he may be looking at the wrong location.

The board and applicant discussed the exact location of the requested variance and the shrub location.

Ms. McFadden noted that her neighbor is thrilled to have a new fence.

Mr. Saurman replied that this might be an ideal situation to work in conjunction with the neighbor to obtain more privacy fencing. He advised that the board is often reluctant to give additional privacy screening unless there is an extraordinary situation. If they're in agreement with their neighbor they could have 32' of privacy screening and the neighbor could have 32' of fencing on their property.

Ms. McFadden replied that she'd rather just have it on their property. She also remarked that she is aware that someone else was recently granted this amount.

Ms. Young replied that they had a much larger lot.

Ms. McFadden noted that they also have a double lot.

Mr. Miller remarked that they also look at 10% of the parameter of the property and 32' is the rule, but then they can adjust a little, but as precedence they have tried to stay under 10%. 10% of her property is 39.6 – so they could consider a total of 40', but it would be pretty uncommon to do more. He then went onto to explain the possibility of installing 32' on their property and 32' on hers and they could even make the gesture to pay for it – so that everyone gets what they're looking for.

The board, applicant, and building director proceeded to discuss the logistics of splitting a fence with a neighbor advising that she wouldn't need a variance.

Mr. Miller referenced a previous applicant that was asking for an extraordinary amount of privacy screening for a swim spa and he worked with his neighbors to install a portion on the neighbor's property and was granted a variance for another portion. He added that the resident that she referenced earlier was given a variance for 28' from the 32', but she had lot parameter of 70'.

Mr. Burke remarked that they try to stick to the code as much as possible.

Ms. Young stated that the previous case, with a basketball court, had a lot parameter of over 700 ft. So, considering the 10% ordinance - it was less. In her case, the parameter is 396' so 10% is right around 40'.

Mr. Norton remarked, in light of the fact that her request is for 60', it sounds like the tempo of the comments so far is struggling with that big of an ask – in this case it's almost double what is permitted. Would you prefer to remove it from tonight's agenda, study the area, consider a lesser request and come back?

Ms. McFadden inquired if the board would grant any variance?

Mr. Burke stated that it might be helpful to have the exact dimension of that lot line if she does come back.

Mr. Norton remarked that he would revisit the site given his misunderstanding of the proposed fence location.

Ms. McFadden sought clarification of what is permitted without a variance.

Mr. Norton replied that she's permitted 32' in one direction. In this case, she's talking about angling a bit. 10% of her lot is the second part of the ordinance – so close to 40'. All of those would be within the ordinance. If she had a situation, where you determine an extra 8' section would help block the view then the board would certainly consider that. Adding a section or perhaps a tapered section from 6' to 4' so that architecturally it's smoother.

Ms. McFadden clarified that they could have 32' of 6' then go down to 4'.

Mr. Norton replied that is correct, but technically it can be 6'4" to be off the ground and she's permitted to have as much 4'4" as she'd like. Sometimes people like to have a transition panel to step it or slant it down. If it's past the 32' a transition panel would require variance.

Ms. Young added that the transition panel can be 5' and some are at an angle from 6' to 4'. Since she's already applied for a variance so she can modify her request tonight.

Mr. Norton inquired if she is thinking of a transition panel on both ends - to center it on the basketball court?

The board, and applicant, discussed the specific location of the transition panels.

Mr. Norton advised that they could allow for a transition panel on both ends such that if it would accomplish her goal and she wouldn't have to come back. He remarked that it seems like a reasonable request. If she'd like to do that, they can change her request tonight – which doesn't mean she can't come back if she changes her mind, to allow 2 transition sections, no longer than 8' in addition to the 32' which is permitted.

Ms. McFadden confirmed that she would like to amend her request to 2 transition panels.

**Motion** by Mr. Burke, **Second** by Ms. Young, to grant the property at 510 Juneway a variance of 16' for the installation of a privacy fence consisting of two transition pieces of 8' maximum in length transition being from 6' at one end to approximately 4' at the other end these two sections being in addition to the permitted 32' of privacy fence.

**Roll Call Vote:**

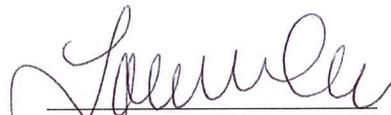
**Yeas – Norton, Saurman, Burke, Miller, Young**

**Nays –**

**Motion Passed 5-0**

There being no further business to discuss the meeting adjourned at 8:02 p.m.

  
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Jack Norton, Chairman

  
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Lauren Oley, Secretary