

Meeting Minutes of
Board of Zoning Appeals
Held September 21, 2023

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

Excused: Lauren Oley (Secretary)

Also Present: Eric Tuck-Macalla (Building Director)

Audience: Andrew Issacs, Jennifer Olsson, Jason Missi

**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. and introduced the first item on the agenda the approval of the minutes that were held September 7, 2023.

Motion by Mr. Bruno to approve the minutes as to be amended.

Motion Passed 7-0

1) Andrew Isaacs with Renew CLE on behalf of Mattias & Jennifer Olsson 23714 Cliff Drive	Applicant is requesting a variance to section 1149.01 Location of an accessory Building Structure or Use . The outdoor kitchen is required to be 10' behind the outer rear wall of the main structure, this new kitchen structure being separate from the house and covered patio would require a 10' variance. The outdoor kitchen is required to be 3' from the property line, the proposed would be 11" the line requiring a variance of 2'1".
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Mr. Norton introduced the next item on the agenda as 23714 Cliff Drive.

Ms. Olsson, the homeowner, stated that they wanted to be here to support the application. This is an important addition to their family. They've been moving around quite a bit domestically and internationally and they're happy to be back. They feel that the kitchen will really add to the value of the home and to the neighborhood.

Mr. Saurman inquired if what has been built now requires a variance or just the kitchen?

Mr. Tuck-Macalla replied that the kitchen area is the only thing that would require a variance the rest of it doesn't need a variance which is why they let them move forward with the patio and the covering. The kitchen is outside the covering – it's a separate structure.

Ms. Olsson stated that they wanted to keep it away from under the balcony to eliminate any fire hazards.

Mr. Isaacs, with Renew CLE, added that there will be a few cabinets and a 3' shed roof off to the side.

The board and applicant discussed the specifics of the request as shown on the plans provided.

Mr. Miller inquired why it's not orientated north?

Mr. Issacs replied that directly north is lake Eric so they don't want to obstruct the view. They're trying to push it further back.

Mr. Norton suggested they pull it to the east so they can meet the 3' requirement and so it's still independent.

Mr. Isaac replied that the yards are pretty non-conforming and they just don't have that much backyard and side yard space. This was the optimum spot for the kitchen area. While the board's suggestion may be feasible it's not the ideal location.

Mr. Bruno replied that the lots are very tight back there and the primary structures are so close which is why this discussion is important.

Mr. Norton pointed out that whatever the boards allows tonight is permanent. It goes with the land and if they set a precedent – then then next person that ask for something similar then it's only fair that they be granted the same exception. In this kind of a case, you'd be 11" away and that neighbor, in the future, may want to do the same thing and they're 11" away now you've got structures that are very close to each other. This is the reason why it's more sensitive a discussion. He proceeded to suggest another location that wouldn't require a variance.

The board and applicant discussed the limitations of potentially moving the structure and the fact that the gas line is existing.

Mr. Bruno commented that he is having a hard time with the fact that the lots are so tight and this is a new constructure.

Ms. Young inquired if there are fire restrictions with the grill?

Mr. Tuck-Macalla stated that generally speaking an open flame needs to be 15' from the main structure, but some of these outdoor kitchens are listed differently. If all structures are 3' away from the property line that would leave structures 6' apart and they need to be 5' for fire code. Now you'd have a grill that is going to be a 1' away from the property line and that impinges on your neighbor's ability to do anything within that 3'. If they were to tear down that house and put a new one then they can't use that section of their yard because this grill is 11" from the property line. This is something that comes up a lot when they talk about sheds or garages which is why the fire code is built into the ordinances.

Mr. Burke stated that he also has concerns about the side yard variances. It's awfully narrow over there.

Mr. Gess stated that he feels the side yard variance may be a sticking point. Assuming that there aren't fire code issues – in the past they've had a couple where there was an accessory structure in the backyard and it was supposed to be 10' away and they wanted to put it 5'. And if they didn't approve it then there would be an easy way around it for the applicant to build a detached garage. In those cases, he was more okay with the proximity in the rear yard variance because if the roof was somehow joined it would be part of the addition and then it would be a moot point.

Ms. Young stated that this is different because it's kitchen it's not just an accessory structure.

Mr. Gess confirmed that what they're calling it doesn't really matter. They've been lenient somewhat in the past, but he's more okay with a rear yard than a side yard.

Mr. Tuck-Macalla stated that if it was connected to the structure that is there, they'd still require a variance because then it encroaches on the required side yard. The fact that this is an accessory structure is what allows it to be 3' away as opposed to the full required side yard setback – if it was part of the addition then it needs to meet those requirements.

The board discussed the potential limitations with the proposed location and suggested alternative grill locations for the applicant.

Mr. Isaac commented that if they bring the grill up onto the patio that limits the patios use. Coming to the board wasn't their first choice. They've tried to find a way to accomplish all the different uses requirements without trying for a variance and this was just the best plan for the property and this owner.

Mr. Bruno replied that he can appreciate that, but they can also understand the issues that the board is having with the location.

The conversation continued regarding additional locations and what potential variances would be required.

Mr. Norton suggested that the applicants may want to debate some additional locations. The applicant can see that they're really struggling with the variance request in the currently proposed location. They can vote on it or rather than voting on it tonight if they want to take a swing at the design, they could table this. They can come back and modify the request or present the same one.

Ms. Olsson inquired if they are already to close to the neighbor as their home exists today. She's trying to understand how much room she has.

Mr. Tuck-Macalla replied in the negative. He said they're right on the boarder.

Ms. Olsson stated that having the grill in the area where it is today is agreeable?

Mr. Tuck-Macalla replied in the affirmative.

Mr. Isaac added that the grill is currently a movable structure and as long as they don't affix anything then it's not an issue?

Mr. Tuck-Macalla replied in the affirmative adding that they're here because of the structure and the fact that it's affixed. The pavement can go there it's the structure that is causing the issue with the required variance.

Mr. Norton inquired if the applicant would like to table the issue?

Ms. Isaac commented that he doesn't think there is anyway they're going to move it and block the lake. He can table it, but he doesn't know how feasible the suggested options are.

Mr. Tuck-Macalla advised that the applicant can just let his office know what they decide.

Motion by Mr. Saurman, **second** Mr. Bruno, that the application for variances at the property at 23714 Cliff Drive be tabled to next regularly scheduled meeting to permit the applicant to discuss what's been heard tonight and determine if they want to make any adjustments.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

2) Jason Missi 29507 Osborn	Applicant is requesting a variance to section 1153.03 Minimum side yards . The required side yard is 24.47' the minimum side yard would be 10'. Two variances are requested: <ul style="list-style-type: none">• One for minimum total side yard for 24.47' to 19.83' requiring a variance of 4.64'.• One for Minimum side yard from 10' to 4' requiring a variance of 6'.
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Mr. Norton introduced the next item on the agenda as 29507 Osborn Rd.

Mr. Burke stated that in looking at the property the distance between the house next door seems adequate for enlarging the garage and it's in the best interest of the neighborhood to have a two-car garage.

Mr. Norton stated that the housing along this area of Osborn is a little eclectic. Different house styles and different setbacks and side yard dimensions so it would be in keeping with the character of the neighborhood. It looks like the applicant has used the minimum space needed to get the two-car garage.

Mr. Missi admitted that they wanted more, but on the advice of their architect they've decided this is the most they should ask for. It will still end up being a very tight two car garage – if you're willing to give more, they're open to it, but this is the minimum they can use.

Mr. Miller stated that it's within the five-foot safety distance of the home. Would it need to be fire rated?

Mr. Tuck-Macalla replied in the affirmative. When they present plans to the building department, he'll mark that it needs to be fire rated and the interior would need to be drywall.

Mr. Norton added that the builder should be able to direct the applicant on the appropriate steps to fire rate that area of the garage.

Motion by Mr. Bruno, **second** Ms. Burke, to grant the property at 29507 Osborn Rd. two variances per CO 1153.03 related to the minimum side yard requirements – one for the total side yard variance for a total variance of 4.64' and a second for the side yard west side of the property for a total of a 6' variance for the side yard variance provided that the garage structure be property fire rated according to code.

Roll Call Vote:

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

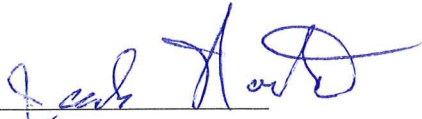
Nays –

Motion Passed 7-0

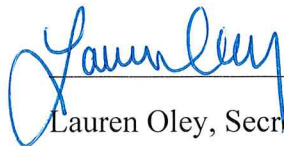
Mr. Missi inquired if they'd be willing to concede another foot to allow more space in the garage.

Mr. Bruno stated that he believes the board were comfortable with this application as submitted.

There being no further business to discuss the meeting adjourned at 8:10 p.m.



Jack Norton, Chairman



Lauren Oley, Secretary