

Meeting Minutes of
Board of Zoning Appeals
Held October 5, 2023

Members Present: Jack Norton, Clete Miller, Terry Burke, Carolyn Young

Excused: Dan Ges, Jan Saurman, Scott Bruno

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

Audience: David Greene, Beth Orr, Patti Saracusa, Tony Slivinskiy

**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 21, 2023.

Motion by Mr. Burke, **Second** by Ms. Young, to approve the minutes as prepared.

Motion Passed 4-0

1) Tony Slivinskiy with Prime Heating & Cooling, LLC on behalf of Anderson and Stacy Lynn Varejao 29215 Wolf Rd	Applicant is requesting a variance to section 1359.01 to place AC equipment closer than 10' from a property line. The new AC unit will be in the same location as the original, 5'5" from the property line. The variance is for 4'7" and the DB rating is 72.
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Mr. Norton introduced the next item on the agenda as 29215 Wolf Rd.

Ms. Young stated for the record that the south and east side go to an immediate slope to the creek bed so there is no opportunity to have it go on those sides and this is a replacement of an existing unit.

Mr. Norton noted that you can see the unit from the street advising that if they determine a variance is appropriate that they traditionally would require year-round screening be it vegetation or a fence.

Mr. Slivinskiy advised that wouldn't be an issue adding that there are no windows on the neighboring house. Additionally, the neighboring home has an A/C and generator in the same location.

Motion by Mr. Burke, **second** Mr. Miller, that the property located at 29215 Wolf Rd. be granted a variance of 4'7" from the requirements of CO 1359.01 for the replacement of an air conditioning unit provided that the owner adds year-round screening so it cannot be viewed from the street.

Roll Call Vote:

Yeas – Young, Burke, Norton, Miller

Nays –

Motion Passed 4-0

<p>2) Jeff Foster with Payto Architects on behalf of Paul & Diane Balciar 25011 Lakeview Drive</p>	<p>Applicant is requesting two variances to build a new home:</p> <ul style="list-style-type: none"> • The first variance is to section 1153.04 Minimum rear yards, the required rear yard is 25' the requested rear yard is 3' the variance would be for 22' • The second variance to section 1153.03 Minimum side yard, the width of the lot is 93.32'. 30% is 27.99' one side is 12' the remaining required side would be 15.99'. The proposed house, with the attached garage, will have a 3' side yard setback the requested side yard variance of 12.99'.
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At the applicants request the second agenda item was moved to the next regularly scheduled meeting.

Prior to introducing the last item on the agenda, Mr. Norton advised the applicant of the quorum requirements of the Board of Zoning Appeals stating that they will need a unanimous decision tonight given the number of members present.

<p>3) Patti Saracusa with Dover Home Remodelers on behalf of David & June Greene 30914 Huntington Woods Parkway</p>	<p>Applicant is requesting two variances for the purposes of completing a garage addition and extending the front porch:</p> <ul style="list-style-type: none"> • The first variance is to section 1153.02 Minimum front yard, the minimum front yard setback is 50', the proposed front set back would be 47 ft. a variance of 3 ft. • The second variance is to section 1153 Minimum side yards. The required side yard is 21'. The proposed side yard is 11.5' the variance requested is 9.5'.
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Mr. Norton introduced the last item on the agenda as 30914 Huntington Woods. Adding that the board received letters from the neighboring properties at 30908 Huntington Woods and 30920 Huntington Woods encouraging the board to allow this variance.

The board determined that it would be appropriate to address each item separately since there are two items.

Mr. Norton stated that, in regards to the first item – the minimum yard setback, the house next door to the west seems to extend out to about the same distance that the applicant is requesting. Normally one of the reasons the setbacks were created is to try and keep things in line and you have an adequate front yard.

Ms. Young remarked that what she's seeing is as you rotate the garage the depth of the garage is less than ideal – which is why they're pulling it out forward.

Ms. Saracusa stated that the difficulty with the existing garage is that it's side entry – it's very difficult to maneuver into. They are trying to redo the garage and make it usable and incorporate a laundry room into the existing garage space. They want to have enough depth to allow those uses. They also wanted to have enough room on the front porch to utilize seating - it's very tight as it exists today.

Mr. Norton confirmed that the garage depth is show as 25'6"? It doesn't seem that they're making the garage excessively deep and neither is the front porch at 9' excessively deep.

Ms. Saracusa concurred advising that they were trying to make the most minimal request while still trying to achieve what they're trying to do.

Mr. Burke commented that he feels like this is a reasonable request. The house to the east is even a little turned which further reduces any obvious issues with the homes.

Motion by Mr. Burke, **second** Ms. Young, that the property located at 30914 Huntington Woods parkway be granted a variance of 3' from the minimum front yard requirements of Section 1153.02 for the construction of a porch and garage as shown in the plans submitted.

Roll Call Vote:

Yeas – Burke, Norton, Young, Miller

Nays –

Motion Passed 4-0

Mr. Norton opened up discussion for the side yard discussion.

Mr. Miller inquired about the new shed roof pitch – stating that it looks fairly shallow. When he looks at the existing front elevation plan demo on the plans it appears that there are a few more clapper pieces beneath the second story windowsill.

Ms. Orr confirmed that they are coming up a little bit higher confirming that the new pitch will be a 3/12.

Mr. Miller stated that part of his concern with the side yard setback is that the right side of the garage entry is 2' 10.5' is that a dimension that you have to stick with or could they take a little dimension out of that without encroaching too much on the doorway.

Ms. Saracusa stated that she'd need to look at that. They're doing two overhead doors with a post in the middle. The plans are currently showing a single overhead door right now, but the two doors are what the homeowner would prefer.

Mr. Norton clarified then that they'd have a center column and the opening would still be 18'?

Ms. Saracusa concurred that their goal is to have two 9' doors with a 1' in between each door.

The board and applicant continued to discuss appropriate door width and post width if they were to use two doors as opposed to one.

Mr. Miller inquired if the 2' 10" dimension might be reduced as a result of using the two doors with 1' in between?

Ms. Saracusa confirmed that would be accurate and that the dimension on the outside will be reduced to 1' 10.5".

Mr. Norton stated that likely is about the minimum they'd need on that side for door swing.

Mr. Miller clarified that there is no impact to the variance request as a result of the door change. He inquired if the applicant knew what the side yard was to the west of this home.

Ms. Saracusa replied that it's 5'.

Mr. Norton remarked that is the old setback. The new setback would be 10', but it is existing. The remaining setback on that side is still over the 10' – 11.5'.

Mr. Tuck-Macalla stated that it has met the required set back of the 30%, but the one side is 5' – so only one variance is required.

Motion by Mr. Burke, **second** Mr. Miller, that the property located at 30914 Huntington Woods be granted a variance of 9'6" from the minimum side yard set back requirements of Section 1153 of the CO for the reconfiguration of the property as shown on the drawings submitted.


Roll Call Vote:

Yeas – Norton, Burke, Miller, Young


Nays –

Motion Passed 4-0

There being no further business to discuss the meeting adjourned at 7:54 p.m.



Jack Norton, Chairman



Lauren Oley, Secretary