

Meeting Minutes of
Board of Zoning Appeals
Held October 19, 2023

Members Present: Clete Miller, Scott Bruno, Jack Norton, Terry Burke, Jan Saurman, Carolyn Young
Excused: Lauren Oley (Secretary), Dan Gess
Also Present: Eric Tuck-Macalla (Building Director)
Audience: Leslie with Superior Quality, Jeffrey Eagen, Jeff Foster, Superior Fence, Jerry & Laura Crabb, Tim Bennett

**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 October 5, 2023.

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

Motion Passed 6-0

<p>1) Scott McManamon with Patriot Deck and Fence on behalf of Jeff Eagen 26223 Lake Rd</p>	<p>Applicant is seeking two variances:</p> <ol style="list-style-type: none">1) 1163.05 (D) and (F) fence shall be set back at least one foot from the public sidewalk<ul style="list-style-type: none">- Existing posts vary from 12” at their furthest to 6.5” at their closest to sidewalk requiring a variance of 5.5”2) 1163.08(H)(3) privacy screen shall not exceed 32’ in any direction. Requesting an additional 40’ of privacy screening for a total of 72’ as shown in the revised drawings. <p><i>Request revised substantially from 8/17/23 meeting request</i></p>
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Mr. Norton introduced the next item on the agenda as 26223 Lake Rd.

Mr. Eagen introduced himself adding that Mr. McManamon isn’t at this meeting. He said that the panels are all 6’ long as opposed to 8’ which is standard. He apologized saying that he heard the first meeting didn’t go so well. He hired a Bay Village contractor who knew the area and he made assumptions that he shouldn’t have made – he meant no disrespect when the put up the fence. His understanding is that they’re trying to get the privacy, but didn’t want a full privacy fence. They’ve never had a home on a corner and after being there for a bit with a 4’ fence they realized they needed some privacy. The fence by the driveway is an issue, and it was an issue as soon as it was built, he saw that right away. They’re trying to ensure it’s aesthetically nice and serve their purposes. He proceeded to discuss each panel and their purposes including wanting to provide privacy to their neighbor to the south. He’d like to not have to move the posts if possible since they’re cemented in – they followed the previous fence line so they assumed the location was okay. The 5’5” variance from the sidewalk will only be needed in 3 sections. While the variance need varies dramatically from 5’5” to no variance at all

the fence still appears straight along the sidewalk. He stated that their property is 540' so 60' of 6' fencing it's only a 6' variance.

Mr. Norton stated that normally they think of fencing in 8' sections, but these are 6'. The total height of the posts are 6' so it's just a little below what we traditionally see. The fence sections by the driveway are currently 6' – how close are they to the driveway?

Mr. Eagen stated that they're about 1.5' off the driveway – it's a doublewide driveway.

The applicant and the board discussed the proximity driveway and the distance required to be in compliance. Normally the ordinance would require a fence to be no higher than 3' if closer than 10' from where the corner of the driveway and sidewalk intersect. They discussed the required modifications to satisfy this request – indicating that there should/could be two sections at 3' as opposed to what was proposed to alleviate this issue.

Mr. Burke sought clarification on the west side of the property they are showing 48' of 6' fencing – so it's 16' more than what is permitted traditionally on one side. He stated that as drawn, it would be a 16' variance on the west side and overall, 18' on parameter requirement.

Mr. Bruno added that it's 33% more than what they are permitted.

Mr. Norton explained the two components to the privacy screening rules regarding the parameter (540' in this case) and 32' in one direction.

Mr. Bruno stated that he'd feel more comfortable if the panels on the south side were not included in the final fence layout. That would take them down to a 11% variance considering the parameter rule.

Ms. Young added that the neighbor has her own rights to place privacy panels on her property.

Mr. Eagen acknowledged that they thought it may be a stretch to include those panels for the neighbor, but thought they'd try.

Mr. Tuck-Macalla confirmed that there was a fence permit prior to install and it was it substantially different than what was built. It was all 4' fencing and the distance to the sidewalk wasn't shown on the drawing.

The board discussed the course of action that brought them here tonight regarding the contractors' initial drawings and the fact that the building department attempted to stop the work before it was done.

Mr. Bruno advised that he wasn't entirely comfortable with the distance from the driveway as shown with the 3' panels. He was curious if they had the exact measurement from the driveway with the materials they had today.

Mr. Tuck-Macalla stated that from what he understands they still need an additional 2.5'. He advised that he could get those measurements.

Mr. Eagen stated that he agrees with the board that the driveway portion needs to be adjusted. There may be as much as 8' already, but it's not 10' for sure.

The board discussed what exact variances would be needed for this fence.

Mr. Miller suggested tabling this to the next meeting so that the driveway measurement could be provided.

Mr. Bruno added that the panels on the south side should be removed from the application as well.

The board thanked the applicant for his collaboration.

Motion by Mr. Bruno, **second** Mr. Miller, to table the item for 26223 Lake Rd to the next meeting.

Roll Call Vote:

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

Nays –

6-0 Motion Passed

2) Jeff Foster with Payto Architects on behalf of Paul & Diane Balciar 25011 Lakeview Drive	Applicant is requesting two variances to build a new home: <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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Mr. Norton introduced the next item on the agenda as 25011 Lakeview Dr.

Mr. Burke inquired what the distance to the house on the south side behind the home from the property line?

Mr. Foster approached to show the location of the existing garage, home, and rear home. The variance sounds dramatic, but the garage where it's positioned complies with a detached garage, but it doesn't apply with an attachment. The screened in porch connects the two together which makes it attached even though visually it's a separate building there is a roof that attaches them. On the site plan the existing garage is about 6.5' at its closest, these are all trapezoidal shaped lots so there is some twist, the new garage maintains 3' on the east side and 3' on the south side. There is already a privacy fence on the south side with some trees. They are keeping the existing driveway. It's going to be right where it is today. The driveway is off of Forestview. All the vehicular traffic would remain the same.

Mr. Norton inquired if there would be fire rating on the garage.

Mr. Foster replied that by ORC it wouldn't be considered an attached garage, but by zoning it is considered attached.

Mr. Tuck-Macalla interjected to say that being that close to the main it would require fire rating since it's not 10' from the home.

The board and applicant discussed the need for fire rating.

Ms. Young inquired what the shaded area was in-between the garage and the home?

Mr. Foster replied that is just where the new concrete will be. He proceeded to point out various items on the plans to the board.

Mr. Miller inquired if they should include some reference in their motion to address a future owners desire to screen in/enclose the porch area?

Mr. Tuck-Macalla stated that would come through building and they'd address it at that time. As it is right now, it qualifies as part of the house.

Motion by Mr. Burke, **second** Mr. Bruno, that the property located at 25011 Lakeview Drive be granted two variances the first variance is a variance form the requirements of 1153.04 Minimum rear yards and the amount of the variance is 22' for the construction of a garage; provided that the 22' is only to the extent necessary to build a garage as shown on the drawing – meaning that it's not a 22' straight variance along the lot line. The second variance is a variance of 12.99' from section 1153.03 minimum side yard setback for the same garage structure as shown on the drawings provided.

Roll Call Vote:

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

Nays –

6-0 Motion Passed

Due to technical difficulties the recording of the meeting from minute 45 was not available.

3) Superior Quality Build & Remodel on behalf of Laura & Jerry Crabb 26741 Normandy Rd	Applicant is seeking a variance to section 1153.05 Rear Yard setback. The required rear yard setback is 30'. Removing the existing garage and attaching the new garage to the home as proposed will leave a rear yard setback of 19' requiring a variance of 11'.
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Mr. Norton introduced the next item on the agenda as 26741 Normandy Rd.

Following a discussion of the board the board approved the variance as requested.

Motion by Mr. Burke, **second** Mr. Bruno, that the property located at 26741 Normandy be granted a variance of 11' from the requirements of 1153.05 Rear Yard setback for the purposes of building an attached garage as shown in the documentation provided.

Roll Call Vote:

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

Nays –

6-0 Motion Passed

<p>4) Superior Fence and Rail of Cleveland on behalf of Stacy Varejao 29215 Wolf Rd.</p>	<p>Applicant is seeking a variance to 1153.05 (d) front yard for a 4' fence in the front of home. 3' 4" is permitted so this will require a variance of 8" for the portion of the fence that is in building line of the home.</p>
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Mr. Norton introduced the next item on the agenda as 29215 Normandy Rd. Following a discussion of the board it was determined that this item would be tabled, pending revisions, until a future meeting.

Motion by Mr. Burke, **second** Ms. Young, to table the item for 29215 Wolf Rd until a future meeting.


Roll Call Vote:

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

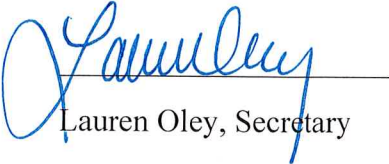
Nays –

6-0 Motion Passed

There being no further business to discuss the meeting adjourned at 8:30 p.m.



Jack Norton, Chairman



Lauren Oley, Secretary