

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held May 16, 2013

Members Present: Burke, Dostal, Norton, Taylor, Tyo

Absent: Bruno, Campbell

Also Present: Bob Lyons, Building Department, John Cheatham, Chief Building Official  
SAFEbuilt/City of Bay Village, Chuck Baird, 23724 Wolf, Polly Clemo,  
369 Lake Forest, Alex Sharanevych of Deckmasters, 6208 Broadview  
Road, Ed Pavicic, 359 Lake Park Drive

Chairman Norton called the meeting to order at 7:30 p.m.

A copy of City of Bay Village Codified Ordinance 1127.01 was posted and Mr. Norton advised that the code states that the Board shall consist of seven electors of the City not holding other municipal office or appointment. If all members are not present at a meeting, the applicant may request a delay so that all members may be present. An applicant may delay a decision up to two times.

**Motion** by Dostal, second by Taylor, to approve the minutes of the meeting held April 4, 2013 as prepared and distributed. **Motion passed 5-0.**

**Motion** by Dostal, second by Taylor, to approve the minutes of the meeting held May 2, 2013 as prepared and distributed. **Motion passed 5-0.**

**Daniel Popkin**  
**23920 Lake Road**

**C.O. 1141.04 (J) Special Permit**  
**for Gazebo**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application.

Mr. Alex Sharanevych of Deckmasters, was present to represent Mr. Popkin. Mr. Norton stated that he noted that the plans call for the gazebo to be open-sided, with railings on some of the sections. Mr. Norton recommended that the language of the motion to approve include the requirement that the gazebo remain open-sided.

**Motion** by Tyo, second by Dostal, that a Special Permit be granted to the property located at 23920 Lake Road, for the construction of a gazebo per the plans submitted and in accordance with Codified Ordinance No. 1141.04 (J), with the stipulation that the gazebo remain open sided.

**Roll Call Vote: Yeas – Burke, Dostal, Norton, Taylor, Tyo**  
**Nays – None**

**Motion carried 5-0.**

**Edward Pavicic  
23715 Wolf Road**

**C.O. 1153.03  
4 feet east side yard variance  
To permit two (2) 40 ft. frontage  
wide homes to be built**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application.

Mr. Norton asked Mr. Pavicic if he had discussed with the city that these lots are not 7500 square feet when split. Mr. Pavicic stated that they meet the code for square footage. There were originally two lots and were altered by the State of Ohio when they did the bridge improvements.

Considerable discussion and review of plans with Mr. Pavicic followed. Mr. Pavicic furnished diagrams of the two Colonial homes he proposes to build on the lots.

Mr. Taylor asked if it is necessary to maintain 10 feet between buildings on the property. Mr. Norton stated that the requirement would be to maintain 6 feet between the buildings on this property.

Mr. Burke stated that according to the Plat of Lot Split that accompanied the Board of Zoning Appeals application, there would be a total sideyard of 7 feet on each of the lots. Mr. Pavicic stated that everything will be shifted by 4 feet to the corner.

Mr. Norton stated that according to his calculations Parcel A would have 6,864 square feet, (west lot) and Parcel B would have 6,561 square feet (east lot). The area is zoned for 7,500 square feet minimum lots. Mr. Pavicic stated that he is not present to discuss the lot splits. Mr. Norton stated that the lot size will affect the application to the Board of Zoning Appeals. In order to accomplish what Mr. Pavicic is requesting, a total of 4 feet is needed on the west side yard. It is calculated at thirty percent of the frontage, which is just over 15 feet.

Mr. Burke explained that this lot is on the corner of Clague Road and Wolf Road. The proposed lot size width is 50 feet. The proposed home width will be 40 feet. That leaves 9 ½ feet spread out on the sidelines. The house on the corner will be 1.81 feet from the sidewalk.

Mr. Norton noted that if a lot is between 50 and 55 feet frontage, the minimum side yard is 6 feet. This lot as it exists is 101 feet. That requires a minimum side yard of 10 feet. If one house were on the lot, it would be a minimum of 10 feet from the neighbor, and from the east lot line.

Board of Zoning Appeals

May 16, 2013

That is a huge difference. Mr. Pavicic is trying to make two sub-standard lots, and build more than the allowable footprint on each lot. Both of the proposed lots are less than what the city says is the minimum square footage required. Mr. Norton stated that the city sets up minimum lots and minimum side yards to protect the nature of what is built on the property.

Mr. Pavicic repeated that he is not here to discuss the lot split, and he knows that once it is presented to the Planning Commission the lot will be split. Mr. Norton expressed doubt that the Planning Commission would allow the creation of two sub-standard lots with the intention to overbuild both of the lots. Mr. Pavicic expressed disagreement with the calculations shown on the plat of the proposed lot split. Mr. Burke strongly suggested that Mr. Pavicic obtain clarifying drawings before proceeding any further with his plans.

After further discussion and review, Mr. Pavicic withdrew his application to the Board of Zoning Appeals, stating that he is not comfortable with the plat of the proposed lot split that accompanied his application to the Board of Zoning Appeals.

There being no further business to come before the Board, the meeting adjourned at 8:05 p.m.

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Jack Norton, Chairman

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Joan Kemper, Secretary