

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held April 16, 2015

Members Present: Bruno, Burke, Campbell, Norton, Taylor, Tyo

Not Present: Mr. Dostal

Also Present: John Cheatham, Chief Building Official, SAFEbuilt, Inc.

Audience: Greg Hebble, Elyria Fence Company, Frank Kaminski

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 Bruno, second by Burke to approve the minutes of the meeting held April 2, 2015, 2015, as prepared and distributed. **Motion passed 6-0.**

**Gerald and Jennifer Maloney  
29201 Inverness Drive**

**C.O. 1145.02 (C)  
Special Permit for Single Arch  
Halo over Fence Gate**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. He noted that it is almost unnecessary to request this permit because the single arch halo is part of the fence. Mr. Burke stated that in the fence company's drawing it appears that it is more than a one-arch panel. Mr. Hebble of the Elyria Fence Company, representing the property owner, clarified that there are some lattice panels on the side property line that would be covered under the 6-foot height fence ordinance. This application is a request for a special permit for the halo arch just over the gate area. The arch is for decorative purposes only. Mr. Burke discussed the dimensions regarding the placement of the arch with Mr. Hebble.

Mr. Norton called for further discussion. There were no further comments.

**Motion** by Tyo, second by Bruno, that a special permit be granted to the property at 29201 Inverness Drive, per Codified Ordinance 1145.02 (C) for the installation of a single arch halo over the fence gate, per the drawings submitted.

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

**Motion carried 6-0.**

**Maria Pokrandt  
23725 Wolf Road**

**C.O. 1153.02 and 1153.03 front of house  
setback variance to 37 ft. setback; east  
Side setback variance to 5 ft. setback.**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. This item had been tabled from the meeting held April 2, 2015. Mr. Frank Kaminski appeared on behalf of Maria Pokrandt.

Mr. Norton reiterated his previous statement at the April 2, 2015 meeting that it is noted that the Building Department may have neglected the 30% sideyard setback requirement. This is a 50-foot lot which means that they would need a total of 15 feet, and the proposal is for 5 feet on one side and 2 feet, 11 inches on the other side. A 7 ft., 1 inch variance is needed in addition to what is requested. There is also a minimum of a 6 feet sideyard setback, and one side is 2 feet, 11 inches.

John Cheatham, Chief Building Official, stated that it is a moot issue since this is an existing condition. They do not have a 30% sideyard setback requirement which is non-conforming.

Mr. Norton discussed the possibility of putting a detached garage in the back of the property. Mr. Kaminski, the potential purchaser of the property, stated that a garage in the rear would unfavorably change the character of the home. Mr. Bruno suggested looking at the home on Wolf Road two lots away from the intersection of Fordham and Wolf, where they drive through the existing garage back to a two-car garage in the rear yard.

Mr. Burke expressed concern about the setback of the current house and the neighboring houses of the same age. The question is whether there is a private deed restriction on the setback. Mr. Burke stated that the two new houses to the east, at Clague and Wolf are large structures at the current building line. They are neighbored by a bungalow that is setback farther from those homes, and if the garage request is approved for this application, bringing the garage out front further, it will impact the neighborhood further by burying the bungalow in-between. Mr. Norton commented about his concern of overbuilding on the lot. Mr. Bruno noted that his home is also on a 50 foot lot corresponding with the same setback at the neighbors. They must use the rear lot for modifications.

Further review of plans and discussion followed. Mr. Kaminski chose to withdraw his application at this point in time.

**Andrew Isaacs  
28028 Oakland Road**

**C.O. 1153.02 variance to construct two-  
car garage in front of house and widen  
driveway. Structure will violate current  
building line 9 ft.**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. This matter was tabled at the April 2, 2015 meeting.

There was no one present to discuss this matter with the Board of Zoning Appeals.

Mr. Norton discussed the application with Chief Building Official Cheatham. He noted that this home has a 30% required sideyard setback issue, as well as a 9 ft. minimum sideyard problem. It appears that this was two lots sometime in the past, and they took a piece of the east lot and added to it. Perhaps the 6 ft., 8 inches fit in under the former sideyard ordinance. The requirement now would be 9 feet for the sideyard setback. There is no dimension indicated for the west sideyard. The total sideyard requirement would be 20 feet.

Mr. Cheatham stated that he did not bring that issue forward because it is allowed to continue a non-conforming lot. The only variance is for the front yard setback. The second floor construction did not increase the width of the house.

Mr. Burke noted that the new owners found that the roof was so bad in the home that they had to reconstruct the whole second floor. At that point they could have taken the single car garage off, put the driveway through the west side and put a garage in the back. The home next door has a very nicely done, modern two car garage which is visible in the pictures provided with the application. With the depth of the property there is space for a garage in the back.

Mr. Tyo noted that he does not feel comfortable with granting this request. Mr. Burke added that it is a large request.

**Motion** by Burke, second by Tyo, that the property located at 28028 West Oakland be granted a variance of 9 feet from the front setback requirements of Codified Ordinance Section 1153.02 for the construction of a garage in the front of the home, per the specifications and drawings submitted with the application.

**Roll Call Vote:**        **Yeas – None**  
                                 **Nays – Bruno, Burke, Campbell, Norton, Taylor, Tyo.**

There being no further discussion, the meeting adjourned at 8:00 p.m.

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Jack Norton, Chairman

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Joan Kemper, Secretary