Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held April 2, 2015

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

Not Present: Mr. Dostal

Audience: Mike Darcy, 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 Taylor, second by Bruno to approve the minutes of the meeting held March 5, 2015, as prepared and distributed. Motion passed 6-0.

Michael J. Darcy
31022 Nantucket Row

C.O. 1151.01 Height Variance of 4’1”

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

Mr. Darcy presented detailed drawings and a professional survey to the Board and explained the work he has done on the existing home, with a goal to remodel the home to maintain the existing character and charm of the neighboring homes. Because of the lack of a basement in the home, they would like to have a dormer on a newly constructed, detached garage for purposes of storage. By raising the gable they would be able to have the pitch of the roof to match the roof line of the house. The square footage of the house and garage (1100 square feet) were provided to the Building Department. All setbacks are within code.

Further review and discussion followed.

Motion by Burke, second by Tyo, that the property at 31022 Nantucket Row be granted a variance of 4 feet, 1 inch from the maximum allowable height of 18 feet, as per Codified Ordinance Section 1151.01, for the construction of a new, detached garage, provided that the second floor of the garage shall not at any time be used for living purposes but shall be storage only, and shall not have plumbing to the second floor.

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

Motion carried 6-0.
Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Frank Kaminski appeared on behalf of Maria Pokrandt.

Mr. Norton stated that it is noted that the Building Department may have neglected the 30% sideyard setback requirement. Mr. Campbell asked if this home will be further to the front than the two houses at the corner. Mr. Taylor stated that the older homes are all in line, which makes him question whether this is a City setback or a subdivision setback. Mr. Burke stated that the white home three houses to the west seems to be more in front than the two houses to the west of the Pokrandt property. Mr. Kaminski stated that the setback of the two new homes on the corner of Wolf and Clague have a 42-foot setback. This property requesting a variance would be two feet further to the front.

Mr. Norton stated that the ordinance states that if the lot is between 65 feet and 70 feet wide, there is a nine-foot minimum sideyard setback. He asked if the west side of the home was granted a variance in the past. Mr. Kaminski stated that they are attempting to purchase the house and he is not familiar with the history of the home. Mr. Norton stated that it may be in violation because the age of the house looks like it was done after the minimum requirement was set. There is a problem on the west sideyard. The east side would also have a problem with the 9 feet. Without knowing the history, we don’t know if it was grandfathered, if it is in violation, or if a variance was granted. It looks like it already has a setback variance versus the plat plan with the part on the east side that protrudes out in front of the platted line. It is not in front of the City’s building line.

Mr. Norton noted that the 30% requirement requires 20 feet. The total sideyard is shy of the 20 feet. It appears that the home is already over-building the lot, and may be in violation if variances have not been secured in the past.

Mr. Tyo noted that appearance-wise it would definitely be improvement. But with the three issues outstanding, he would concur to wait until the next meeting for further information.

**Motion** by Bruno, second by Burke to table the matter of the request of Maria Pokrandt, 23725 Wolf Road, pending further information on the history of the home, as well as an opportunity to review the file of the home. The matter is tabled until the next regular meeting of the Board of Zoning Appeals to be held April 16, 2015.

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

**Motion passed 6-0.**
Mr. Norton advised that the Board has had an opportunity to visit the site and review the application.

Mr. Dwayne Linder, of Homebuyers, LLC, appeared in front of the Board regarding this matter. The home was purchased by Homebuyers, LLC in December of 2013.

Mr. Burke stated that he would like an opportunity to review the Building Department file for this home. He asked if this home was built this way originally, or if it is a rebuild of an older property. Mr. Linder stated that it is a rebuild of an older property. There was an addition on the home when Homebuyers purchased the home. The second story on the home is what was done after Homebuyers purchased the home in 2013.

Mr. Norton stated that this home also has a 30% requirement problem. The lot is 66 feet wide and requires a 9-foot minimum sideyard. One sideyard is 6 ft., 8 inches, and that is not shown on the plot plan. No variances were granted to Homebuyers, LLC.

Mr. Norton stated he can understand wanting a two-car garage, but almost all the houses on the street are one-car garages. The Board of Zoning Appeals would be setting a precedent by granting a variance in this matter that would be difficult to rescind.

Mr. Burke asked if consideration was given to taking the one car garage off and putting a driveway to the back to a two-car detached garage. Mr. Linder stated that they did not consider that alternative.

Mr. Norton suggested that the Building Department verify that variances were granted in the past.

**Motion** by Bruno, second by Burke to table the matter of the request of Andrew Isaacs, 28028 Oakland Road, pending further information from the Building Department file regarding this property. The matter is tabled until the next regular meeting of the Board of Zoning Appeals to be held April 16, 2015.

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

**Motion passed 6-0.**

**Delivery of Packets**

Mr. Norton advised that the Board of Zoning Appeals spends at least three hours, twenty times per year, or about 60 hours per year, fulfilling their duties as members of the Board of Zoning Appeals. It seems petty that a police cruiser who is driving past the houses feels they are too busy to drop an envelope at the homes. Mr. Taylor and Mr. Bruno agreed. Mr. Burke stated that he agreed to
a point, but would rather the police spend their time patrolling. Mr. Campbell stated that he can pick up his packet. Mr. Tyo asked what caused this change. Mr. Norton stated whether it is short-staffed or not, the cruisers are out patrolling the neighborhoods, driving by their homes. It is an extra burden to pick up the packet, and to do so in a timely fashion. Mr. Norton stated that he was offended that the Police Department is too busy to drop off the packets when they go by the houses anyway.

Further discussion and comments followed. Mr. Tyo stated that if this complaint came from the Police Department he would like to hear the complaint. If it is logical, we should not interfere. On the other hand, if there is something of another nature, he would like to know that too. The Board spends time running around to these properties without compensation.

The Board asked the Secretary to forward their comments to the Mayor and President of Council in order for them to get the idea of the sentiments expressed tonight. It was suggested that the Police Chief be asked to present the reasons to the Board. If the delivery of the packets is upsetting their normal course of duties, the Board will pick up their packets.

**O’Donnell Property**

Mr. Burke asked if the Law Director be asked for a report on the status of this property for the April 16, 2015 meeting.

There being no further discussion, the meeting adjourned at 8:16 p.m.

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Jack Norton, Chairman     Joan Kemper, Secretary