

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held July 17, 2014

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

Also Present: Bob Lyons, SAFEbuilt, Inc.

Audience: John Mago, Scott Underwood

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 Tyo, to approve the minutes of the meeting held June 19, 2014, as prepared and distributed. **Motion passed 6-0.**

Scott Underwood
28533 Knickerbocker

C.O. 1350.03 Requesting 8 ft. x
15 ft. shed

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

Mr. Norton stated that the way the ordinances reads it has been interpreted that a 10' x 12' shed is permitted and refers to those dimensions. But, historically, we've focused more on the square foot size of the shed, and in this case it is the same size. The height of 10 feet of this shed is within the 12' high limit.

Motion by Burke, second by Dostal, that the property at 28533 Knickerbocker Road be granted a variance for the construction of an 8 ft. x 15 ft. shed.

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

Motion carried 6-0

John Mago
31516 Lake Road

C.O. 1153.04 – 3 ft. rear yard setback
to add 16 ft. x 16 ft. 2-story sunroom

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

Mr. Mago distributed supplemental photographs of the property.

Mr. Taylor stated that it is his understanding that there is beach property behind the house that is owned in common by the neighbors.

Mr. Norton added that according to the plot plan the new addition will be 3' feet from the rear property line from the existing structure, but the property continues as common property. Mr. Taylor asked if there is a beach association that might have title to that property. He noted that a variance cannot be granted if the property has a setback that is coded by the deed.

Mr. Norton clarified that the property in question is 120 feet deep along the rear line of the property and 100 feet deep from the front to the back. The proposed building is only 3 feet from the rear line. The ordinance says that 25% of the depth is needed for a rear yard setback, which means that Mr. Mago's rear yard from the structure to the property line needs to be 25 feet. Mr. Mago is proposing it to be 3 feet. However, in this situation the land continues on all the way down the bank to the point where the State of Ohio claims it at the high water mark. That land that is behind is owned in common by the houses along the area. It was suggested that the land in common might be owned by the Eagle Cliff Beach Association.

Considerable discussion followed. Mr. Tyo noted that the land in common really has nothing to do with this request for a variance. Mr. Norton stated that the Cuyahoga County records indicate the property line to the rear of Mr. Mago's property and the records do not refer to any of the land going down the slope. The action of the Board of Zoning Appeals this evening will indicate that they are not dealing with any permission beyond the three feet request of Mr. Mago. The existing structure is encroaching into the 25 feet requirement of the rear yard by 19 feet. The property owner is requesting an additional 3 feet encroachment for the construction of the 16' x 16' sunroom.

Further study of plans and discussion followed.

Motion by Burke, second by Tyo, that the property located at 31516 Lake Road, be granted a variance to the rear setback requirements of Codified Ordinance Section 1153.04 to permit the construction of an addition to the home provided that the structure will be at least three feet from the rear lot line, and that prior to the construction the applicant shall have a stake survey by a

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qualified surveyor to determine the precise location of the rear lot line, and that neither the City of Bay Village nor the Board of Zoning Appeals make any representations whatsoever as to the possible legal rights of other parties to the property south of the rear property line upon which the structure will be built, and that it will be the sole responsibility of the applicant to determine if there are any such rights.

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

Motion carried 6-0.

There being no further discussion, the meeting adjourned at 8:10 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary