

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held April 7, 2016

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

Excused: Mr. Dostal

Also Present: Jeff Fillar, SAFEbuilt, Inc.

Audience: Daniel Margulies, David Maddux, Mark Chernisky, Bill and Lisa Priemer

Mr. 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 Taylor, second by Bruno, to approve the minutes of the meeting held March 17, 2016 as prepared and distributed. **Motion passed 6-0.**

**Daniel Margulies Company
On behalf of Panorama Restaurant
583 Dover Center Road**

**C.O. 1179.05 (A) (1) (B) and
C.O. 1179.05 (A) (2) (A) to
install signage in right-of-way**

Mr. Norton advised that the Board of Zoning Appeals has been informed by the Law Director that this matter cannot be heard by the Board of Zoning Appeals. It is subject to the provisions of Codified Ordinance No. 503.02 which prohibits any kind of advertising in the public right-of-way, including tree lawns, unless it is required by the laws of the State of Ohio, or by permission of the Mayor.

503.02 ADVERTISING ON PUBLIC PROPERTY; EXCEPTIONS.

No person shall stick, post or attach any advertisement, poster, sign, handbill or placard of any kind or description upon any telephone, telegraph, railway or electric light pole within the corporate limits, or upon any public building, vehicle, voting booth, flagging, curb, tree lawn, walk, step, stone or sidewalk, or write, print or impress or in any manner attach any notice or advertisement of any kind upon any public building, voting booth, flagging, curb, tree lawn, step, stone, or sidewalk, the property of the City, or within the street lines of the City, or over which the City or Council has the care, custody or control, except such as may be required by the laws of the State, or upon written permission of the Mayor. Temporary signs advertising or announcing the fact that property is either “for sale” or “for rent” shall conform with Section 1179.10(B)(2) of the Planning and Zoning Code.
(Ord. 76-61. Passed 6-7-76.)

Mr. Norton noted that Law Director Ebert will provide guidance to the applicant as to the possibility of signage in accordance with Section 503.02.

**Schill Architecture
On behalf of Jeff Hrekocik
24566 Lake Road**

**C.O. 1141.05 and C.O. 1121.42
Construct a Fireplace as part of
outdoor living area**

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

Stephen Schill advised that his client purchased the home at 24566 Lake Road and is redoing the back yard. As part of the renovations, he would like to have a fireplace.

A letter dated April 1, 2016 from John R. Cheatham, Chief Building Official, SAFEbuilt, Inc. stated that the applicant desires and requests a variance from the limitations of conditional uses and in accordance with the ordinance allowing Special Permits. Applicant wishes to construct an outdoor patio with an outdoor fireplace which is not a listed conditional use for this district. A variance from the Board of Zoning Appeals is required for this project as submitted.

Mr. Bruno noted that the Board has heard and approved requests for similar cases such as the request from this applicant. Mr. Burke added that the proposal is for the fireplace to be five (5) feet from the west lot line. Adjacent to the west lot line is a 10-foot right-of-way to the cliff of the lake. The lot line of the home farther north is at least 15 feet distant. Mr. Burke suggested that a spark-arrestor be incorporated into the design.

MOTION by Tyo, second by Bruno, that a special permit be granted to the property at 24566 Lake Road per Codified Ordinance 1141.05 and 1121.42 to construct a fireplace per the plans submitted with the application to the Board of Zoning Appeals, provided that a spark-arrestor be included in the design of the fireplace.

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

Motion passed 6-0.

**William Priemer
29814 Lake Road**

**C.O. 1149.00 Demolish and Rebuild
an existing detached garage in front
setback of existing residence**

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

A letter dated April 1, 2016 from John R. Cheatham, Chief Building Official, SAFEbuilt, Inc. states that the applicant desires and requests a variance from Codified Ordinance 1149.00 concerning the location of an accessory structure or detached garage. The Codified Ordinance

states the location shall be at least 10 feet behind the rear wall of the house. Applicant wishes to demolish an existing non-conforming detached garage located in front of the house and construct a new garage in the same location. This is lakefront property and has unique features which make building in the rear yard impractical.

Mr. Maddux noted there is not a tunnel from the existing garage to the home. He noted the garage is basically falling in on itself. It is underground and the joists are corrupted. The garage will be built on the same footprint. At this time there are three garage doors that are less than 8 feet wide. They will be replaced with two, functional sized garage doors but keeping the character of the existing garage and home. The driveway is not being replaced. The stairs will be reworked. Planting beds will be placed on the span above the garage. The height of the new garage will be within 6 or 8 inches in height of the existing garage. The floor in the garage is tapered to the catch basin in front of the garage. The catch basin flows to the storm sewer servicing the property. There will not be interior drains in the garage.

Motion by Burke, second by Bruno, that the property located at 29814 Lake Road be granted a variance from the Codified Ordinance 1149.01 regarding the construction of a garage, for the replacement of the garage on the property provided that the new garage be of the same design except for minor changes and also that it not exceed 8 inches above the height of the current garage. The plans and photographs submitted will be part of the permanent record.

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

Motion passed 6-0.

The meeting adjourned at 8:00 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary