Meeting Minutes of
Board of Zoning Appeals
Held August 15, 2019

Members Present: Gess, Norton, Burke, Young, Tyo, Bruno

Excused: Miller

Also Present: Eric Tuck-Macalla (Building Director)

Audience: Michael Atkinson and Ford Huffman

*Full recording of the meeting is permanently available on the City of Bay Village website under City Government / Board of Zoning Appeals.

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

Motion by Mr. Bruno, second by Mr. Burke to approve the minutes of the meeting held August 1, 2019, as prepared and distributed.

Motion passed 6-0.

Matt and Jenny Disco
31414 Fairwin Drive (Tabled July 18th) The applicant is requesting a variance per C.O. 1153.02-(Minimum front yard (building lines) to build within the front setback line approximately 10’ to accommodate a larger garage.

Mr. Norton discussed the second agenda item. He said the application will continue to be tabled until the Building Department receives any further word from the applicant.

Michael Atkinson
30101 Winsor Drive The applicant is requesting a variance per C.O. 1350.03-(Installation and location) to install a larger utility building larger than 10’x12’. The proposed would be 12’x16’.

Mr. Norton discussed the third agenda item.

Mr. Norton explained that that Board has had a chance to visit the site and review all the application.

Mr. Burke asked Mr. Atkinson if the open area to the left of his house was part of his yard or a neighbors.

Mr. Atkinson stated that it is a separate lot that he owns.
Mr. Burke clarified that the separate lot could be split off and sold and made a buildable lot.

Mr. Atkinson stated that was correct.

Mr. Norton stated that he noticed the lots along that area are all pretty good sized lots.

Mr. Atkinson stated that yes, they are large lots. (90’x180’)

Mr. Norton said they are wider than the average sized lots.

Mr. Norton stated that this seems to be a modest request.

Mr. Burke stated that he had some concern because it is a 60% increase in regards to square footage. The allowable square footage is 120’ and the proposed garage is 192’.

Mr. Norton stated that Mr. Burke was correct and that he was mentally measuring a 10’x12’ and converting it to a 10’x16’. He was wrong in his math and that it is really 12’ wide.

Mr. Tyo asked Mr. Atkinson the reason behind the size of the utility building.

Mr. Atkinson stated that due to the yard being so large he bought a riding mower that just barely fits in his current shed. (1/2” on either side) He is also a real estate agent and needs to store 20-30 signs and three children with various supplies.

Mr. Burke asked what the current size of the existing shed was.

Mr. Atkinson stated that he believed it is 10’x12”. It is a very old shed and a contractor had come to quote how much it would cost to fix it and the cost was so high that it made more sense to build a new appropriately sized one instead.

Mr. Burke asked if there was another size in between what he has and what he is proposing that could still work.

Mr. Atkinson stated that not really and he could spend the money to rebuild what he had but it wouldn’t provide the amount of space needed and that is why the large size is proposed. He has contracted a company in Amish country to build a high quality and visually appealing shed to match with his home and the neighborhood.

Mr. Burke discussed that Ms. Young pointed out that there are other sizes in between that are available per the paperwork that was submitted with the application. He asked Mr. Atkinson if any other sizes have been considered.

Mr. Atkinson stated that he did consider the other sizes in between but it wasn’t going to accommodate the riding mower, real estate signs, bikes and all the items that need to be stored. He stated that he recently purchased a SUV and due to the size, they have lost storage room in the garage.
Mr. Tyo stated that it is a good size lot and accommodates it well. He said he does not have a problem with it.

Mr. Tuck-Macalla shared with the Board something for their consideration. If the building was larger than 12’x16’ and over 200 square feet, it would be considered an accessory building and require a foundation.

Mr. Gess asked at what point does a utility building become a garage.

Mr. Tuck-Macalla stated it becomes a garage/accessory building when the square footage is over 200 square feet and requires a foundation. There is the in between area, (120-200 square feet) that does not need a foundation but needs a variance.

Mr. Burke stated that if this application is approved the motion should make mention that the lot size is larger than most in the area.

Mr. Norton agreed with Mr. Burke and mentioned that the Board needs to be mindful of setting a precedent and rewriting the Law. The Board needs to find something unusual from this lot versus other lots. The fact that this lot has a 90’ frontage is much larger than many of the other lots in the City.

Motion by Mr. Burke, second by Mr. Tyo to grant the property at 30101 Winsor Drive a variance per C.O 1350.03 for the installation of a utility shed, not to exceed 12’x16’ and to be located as shown in the drawings that were submitted with the application.

Roll Call Vote:
Yeas – Gess, Norton, Burke, Young, Tyo, Bruno
Nays-
Motion Carried 6-0

Tracy Stratford
29032 Millard Drive

The applicant is requesting a variance per C.O. 1359.01 to install an AC Condenser on the side of the house within 10’ of the neighboring property line. The proposed variance request is 2’.

Mr. Norton discussed the fourth agenda item and asked if there was discussion.

Mr. Burke asked if there was anything from any of the neighbors regarding this application.

Ms. Vincent and Mr. Tuck-Macalla said no.

Mr. Burke asked if the applicant had spoken with the neighbor.
Mr. Huffman, who attended on behalf of Tracy Stratford, stated that he had spoken with the neighbors that day. The applicant’s neighbor had been out of town and received the letter and was curious to know what it was all about. Mr. Huffman stated that he walked him through it.

Mr. Huffman stated that the unit is already installed and it replaced a unit that was about 50% larger than the new unit. The new unit sits on the same cement pad and is in the same position. He stated the neighbor had no problem with it.

Mr. Burke asked what the decibel rating was on the new unit.

Mr. Bruno stated that the decibel rating is 76 and that 74 or lower is what the Board prefers.

Mr. Huffman stated that the new unit is much smaller and quieter than the old one.

Mr. Burke clarified that it was behind his garage and not visible from the street.

Mr. Gess asked if there was an existing variance on the property that would be grandfathered in.

Mr. Tuck-Macalla was not aware of one.

Mr. Norton asked if there was any further discussion and if there was a motion.

**Motion** by Mr. Gess, **second** by Mr. Burke to grant the property at 29032 Millard Drive a variance per C.O 1359.01 of 2’ for the installation of a new AC condenser in the side yard with the understanding there would be a sound blanket used and non-deciduous screening or fencing.

**Roll Call Vote:**
**Yeas –** Gess, Norton, Burke, Young, Tyo, Bruno
**Nays-**
**Motion Carried 6-0**

There being no further business to discuss the meeting adjourned at 7:45 p.m.

Jack Norton

Kaleri Vincent, Secretary