Meeting Minutes of  
Board of Zoning Appeals  
Held September 5, 2019

Members Present:  Gess, Norton, Burke, Miller, Tyo
Excused:  Bruno, Young
Also Present:  Eric Tuck-Macalla (Building Director)
Audience:  Renee Hiles and Jill Brandt

*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 7:32 p.m.

**Motion** by Mr. Burke, **second** by Mr. Tyo to approve the minutes of the meeting held August 15, 2019, as prepared and distributed.

**Motion passed 5-0.**

Mr. Norton explained that the Board of Zoning appeals is constituted of seven members and only five are in attendance, which is enough for a quorum. But if during the course of the discussion if the applicant is uncomfortable with how the conversation is going, it is the applicant’s right to request that the agenda item be tabled until a following meeting when all members can be in attendance.

Matt and Jenny Disco  
31414 Fairwin Drive *(Tabled August 15th)*  
The applicant is requesting a variance per C.O. 1153.02-(Minimum front yard (building lines) to build within the front setback line approximately 4’ to accommodate a larger garage.

Mr. Norton discussed the second agenda item. He noted that the request has been decreased in size, going from a 10’ request to 4’.

Jill Brandt, architect for the project, introduced herself and discussed the Disco’s variance request. She explained that the reason for the request is due to the owner having a business truck that needs to fit in the garage. The house was originally built in the 70’s and has a smaller garage with a lower garage door frame. They will be building up the garage as part of the renovation. As mentioned, they originally requested 10’ but they went back and took a look at what they needed and they felt 4’ was something that would accomplish their goals. The 4’ is only an 8% variance. She included in the packet and aerial view of the street. She explained the street has a bit of a
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curve to it and goes around the cul-de-sac. It is not a type of street that has a real strong line of all the houses right at the setback. There is a little give to it and a lot of the homes on the street have single story garages in front of the home. The addition is aesthetically in scale and character with the neighborhood.

Mr. Norton asked if there was a discussion. He stated that it seemed like a good compromise from the first plan.

Mr. Burke stated that he had some reservation on this application when it was originally submitted. Visually looking at the one side of the street, he believes the change would extend the garage out farther than the other homes and continues to give him some reservations. With that being said, he stated that there had been a significant attempt by the applicant to reduce the request to 8%.

Mr. Miller mentioned that with the streetscape, there are a series of flat ranch and bi-level homes where the garages jet out. There is an uneven pattern. The 4’ extension doesn’t seem to really change the character of the street since it is not uniform like some other streets in the City.

Mr. Norton stated that it is a nice architectural approach with the change in the roofing design and siding design. He asked if there was further discussion or a motion.

Motion by Mr. Tyo, second by Mr. Burke to grant the property at 31414 Fairwin Drive a variance per C.O. 1153.02 for a front setback of 4’ to accommodate a larger garage per the revised drawing and application as dated 08.19.2019.

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

Erin Wittman  
626 Wellfleet Drive  
The applicant is requesting a variance per C.O. 1350.03-(Installation and location) to build a utility building with a foundation of 10’x20’, this would be a 66% increase.

Mr. Norton discussed the third agenda item and stated that it will tabled until the September 19, 2019 meeting.

Richard and Renee Hiles  
440 Vineland Rd.  
The applicant is requesting a variance per C.O. 1153.04-(minimum rear yards) to encroach upon the required 14.7” rear yard setback 5.7’ in order to construct an addition.
Mr. Norton discussed the fourth agenda item. He explained that that Board has had a chance to visit the site and review all the application.

Mr. Burke stated that he had significant reservation upon his initial review of the application due to the fact it is a very small backyard. However in looking over the attachments (Specifically the attachment that shows the adjacent property.) to the application and seeing the property he thinks something that should be considered is that this is a unique situation with the property itself. He explained that the City has a number of situations where narrow corner lots were created years ago when the streets were cut through. In some cases, the addresses that were eventually assigned were facing the street with a very narrow depth. In other cases, just the opposite. Per the drawing, the house to the South has an address of Wolf Road and so the East and West side of the house are actually the side yard. The subject property has an address on Vineland even though it is a very similar property. So the side yards are on the North and South side and the West side is the backyard. He feels that this makes it a unique situation and in looking at the property, the encroachment of the house is a good distance away from that property to the West. Even though the amount of the variance percentage wise is quite substantial, he feels the uniqueness of the property makes is okay to grant.

Mr. Norton stated that he thinks if they had been consistent they would have had an address on Electric rather than on Vineland and agreed Mr. Burke’s comments.

Mr. Tuck-Macalla mentioned that on the Auditor’s website it is listed that the frontage is 58’. He is not sure if it is the Auditor’s mistake or not. If this were a side yard addition, it would not need a variance.

Mr. Burke asked if this motion were granted, would it also require a rear yard setback. (The backyard needs to be 25% of the overall depth.)

Mr. Tuck-Macalla stated that this is what the request is for currently and it covers the setback.

Mr. Norton stated that if the address had been assigned to Electric he thinks there would be enough backyard. (35’)

Mr. Tuck-Macalla agreed.

Mr. Norton asked if there was further discussion.

Mr. Miller discussed the backyard currently having an 8’ depth. He asked if there was an intent to put a permanent deck on the back of the addition.
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Richard Hiles stated that they are currently tearing up the side yard to have a stamped concrete patio which will be their outdoor living space on the side of the house. The rear of the house will not be outdoor living space.  

Mr. Norton asked if there was further discussion or a motion.  

**Motion** by Mr. Burke, **second** by Mr. Tyo to grant the property at 440 Vineland Road a variance per C.O 1353.04 for a 5.7' rear yard setback for the construction of an addition per the drawing and application as submitted.  

**Roll Call Vote:**  
**Yc**as – Gess, Norton, Burke, Tyo, Miller  
**Nays-**  
Motion Carried 5-0  

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

[Signature]

Jack Norton  

[Signature]

Kateri Vincent, Secretary