Meeting Minutes of
Board of Zoning Appeals
Held May 2, 2019

Members Present: Miller, Gess, Norton, Burke, Bruno

Excused: Tyo, Young

Also Present: Mark Barbour (Law Director), Eric Tuck-Macalla (Building Director)

Audience: Robert Galehouse and Doug Gertz

*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 7:35 p.m.

Motion by Mr. Burke, second by Mr. Bruno to approve the minutes of the meeting held April 18, 2019, as prepared and distributed.

Motion passed 5-0.

Colleen Harding
30508 Salem Dr.
(Tabled from March 21, 2019 and April 4, 2019)

The applicant is requesting a variance per C.O. 1153.02 to build porch another 6’8” into the front yard setback.

Mr. Norton discussed the second agenda item and explained that the Board has had a chance to review the application and visit the site. It was noted that the purposed architectural plans have been modified since the last meeting based on what the Board had suggested.

Mr. Norton asked if there was discussion.

Mr. Burke asked what the size of the existing step and platform were.

Mr. Gertz, architect representing the homeowner, was not sure. He stated that a typical stoop is around 4’ not including the steps.

Mr. Norton asked if there was a standard sized stoop measurement architecturally speaking.

Mr. Miller explained that in a commercial setting where there is a vestibule and a pair of doors, you take the depth of the door plus 4’. That is a generous size to permit someone who is using a wheelchair or walker proper space to maneuver. He assumed that in a residential setting the depth of the door plus 3’ is more than substantial.
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Mr. Tuck-Macalla shard that Code states that the stoop must be 3’ deep when it is raised three steps. But it does not apply to this application due to the fact it is only raised one step.

Mr. Burke stated that the majority of the homes on the street do not have any type of overhang or porch. (5-6 houses) He asked Mr. Gertz if the homes with an overhang or porch were built as part of the original structure and was in line with the setback of the other houses.

Mr. Gertz was not sure on that fact but assumed they were originally built like that.

Mr. Burke expressed concern in that regard but appreciated that the measurements have been reduced down since the original plan was submitted. He asked what the measurements of the original submission were. (depth and width)

Mr. Norton explained that the porch of the original proposal was 35’, the entire width of the house.

Mr. Gertz stated that the depth has remained the same.

Mr. Norton asked if there was any further discussion.

Mr. Bruno echoed Mr. Burke’s concerns and stated that they had been brought up during the previous meetings. He stated that the consistency of the neighborhood is distinct with regard to setback.

Mr. Burke stated that he was on the fence on this application. He explained that he appreciates what the homeowner is trying to do and appearance wise it would look good.

Mr. Bruno asked Mr. Barbour if there was a deed setback restriction that was a legacy to all the properties on the street or on that side specifically. He stated that he is always hesitant to change the aesthetic and consistency of the setback. Ex: Huntington Woods

Mr. Burke stated that it is up to the neighbors to enforce any deed restrictions.

Mr. Norton stated that he was also on the fence only because of the way the neighborhood has been developed. He also stated that he felt that this porch was a nice idea, it has been modified and looks good. From a visual standpoint the porch is not going to appear to stand out in front of the other homes due to the fact there are no railings and open.

Mr. Miller echoed the same sentiment. He stated that he sees this porch as a transparent element. The most recent proposal is meeting with the homeowner’s vision and if the same porch were to be put on all the other homes, it would not impact the aesthetics to a large degree. He suggested that if this was to be a motion that moves forward, there should be a caveat that the porch could never be enclosed.

Mr. Burke asked if there were any requirement in regards to railings.
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Mr. Tuck-Macalla stated that there are not any railing requirements on this porch due to the fact it is not tall enough.

Mr. Gertz stated that Code does not require a railing.

Mr. Bruno stated that this is a type of submission that is more of a compromise. It does not infringe upon the homeowners use of the property.

Mr. Gess stated that if the intent of the porch is to provide cover, then that 6’8” is more than enough to provide adequate protection. He discussed that it is not the Board’s responsibility to grant extra space for pots, plants and chairs. In doing that, it is not depriving them of any sort of use to their property.

Mr. Norton asked if the slab was existing.

Mr. Gertz stated that a new slab would need to poured.

Mr. Burke asked Mr. Gess if he felt the revised plan was still too large. 

Mr. Gess stated that he was just trying to balance everything. 

Mr. Bruno echoed Mr. Gess’ thoughts that 6’8” is a deep porch.

Mr. Burke asked Mr. Gertz if the porch could be reduced depth wise.

Mr. Gertz discussed that in the past on more budget friendly homes, 4’-5’ deep porches were put on homes. He stated that he considers them “movie theatre seats”, meaning in order for a person to walk by another person on the porch, the other person would have to stand up in order to let them get by. He stated that by looking at the neighborhood the homeowners are in, a 6’ porch gives a richness to the porch that the neighborhood needs. In his opinion, Salem Dr. is one of the nicest streets in Bay Village and you don’t want to do something that looks cheap. You’d want a porch that looks stately to go along with the homes in the area.

Mr. Bruno stated that it does infringe on the setback but agreed it looks nice.

Mr. Gertz stated that a 5’ porch would also infringe on the setback but from the road you do not pick up on the depth until you get closer to it.

Mr. Norton stated that he does not have a problem with it as it is because it is in keeping with the scale of the rest of the structure.

Mr. Miller stated that the newly proposed measurements took into account what the Board had previously discussed and due to the openness of the porch, the setback is not as much of an issue.

Mr. Bruno asked what the height of the base was on the porch and if railings were required.
Mr. Gertz stated that he believed it was only one step up. (12” or less)

Mr. Tuck-Macalla stated that Code requires railings at 24”.

Mr. Norton asked if there was further discussion.

**Motion** by Mr. Burke, **second** by Mr. Miller to grant the property at 30508 Salem Dr. a variance from the front setback requirements per C.O. 1153.02 to permit the construction of a front porch as per the revised drawings and specifications submitted provided that at no time the porch be enclosed with any type of railing or wall.

**Roll Call Vote:**
**Yeas** – Gess, Miller, Bruno, Norton, Burke
**Nays** –
**Motion Carried 5-0**

Robert M. Galehouse  
28406 Osborn Rd.  
The applicant is requesting a variance per C.O. 1359.01 to install an AC condenser close to the property line on the West side of building.

Mr. Norton discussed the third agenda item. He stated that the Board has had the opportunity to review the application and visit the site.

Mr. Norton discussed that the drawing shows that the unit is 6” away from the building. He asked if that is what the manufacturer recommended.

Mr. Galehouse stated that yes, 6” is what the manufacturer recommends.

Mr. Miller clarified where the furnace is located in the basement and where the line set will be placed.

Mr. Norton stated that according to the application, less than 4” variance is required which is minor.

Mr. Bruno stated that since the unit sticks out beyond the bump out, the motion should state that year round greenery or decorative fencing should be placed around the unit.

Mr. Miller asked if the unit was a high efficiency condenser.

Mr. Galehouse stated that he believed it was a high efficiency unit.

Mr. Miller stated that due to the PVC piping in the photograph, it appears to be high efficiency and that the decibel rating is relatively low.
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Mr. Galehouse stated that he wanted a low decibel rated unit to be respectful to his neighbor who has a bedroom near the unit. He discussed that he was not set on using that particular unit and he would take the Board’s recommendation if there was one.

Mr. Bruno asked for further clarification that the unit would only need to be 6” away from the wall.

Mr. Galehouse stated that according to the documentation, the unit needs to be 6” from one wall, 12” from the other and one side of the unit needs to be open by at least 24”. He discussed that he was surprised by the minimal measurements and that he had had two HVAC companies come out stating that he would need at least 2”.

Mr. Norton stated that the Board might want to consider is adding 12” to the request to give the homeowner some flexibility as the final equipment is selected and it may be slightly different. It keeps in with the spirit of the request but doesn’t come down to a technical problem as it is installed. He also added that year round fencing should be stated in the motion.

Mr. Miller asked if there has been any resistance from the neighbor.

Mr. Galehouse stated that his neighbor has been very gracious but he wanted to make sure he was respectful of them as well. He asked what the Board thought is a respectful decibel level.

Mr. Burke asked if the unit came with a sound blanket.

Mr. Galehouse was not sure but he was happy to look up the information.

Mr. Burke stated that a sound blanket can usually be added to any unit.

Mr. Bruno wanted to clarify the specific measurements that were going to be required for the variance.

Mr. Norton stated that the Board should round it up to a 12” request.

Mr. Bruno stated that typically it is around 18”.

Mr. Norton stated that he would be comfortable with that measurement as well.

Mr. Galehouse stated that he appreciated the allotment for extra inches but that his plan is to use as little as possible to respect his neighbor.

Mr. Norton asked if there was any further discussion.

Motion by Mr. Bruno, second by Mr. Burke to grant the property at 28406 Osborn Rd. a variance per C.O. 1359.01 (a)(c) for installing an air conditioning condenser per the drawing in the application as prepared and submitted provided for an 18” variance from the side yard setback. The condenser unit will also be surrounded by year round decorative fencing or
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landscaping and be equipped with a sound blanket. 

**Roll Call Vote:**  
**Yeas** – Gess, Miller, Bruno, Norton, Burke  
**Nays**–  
**Motion Carried 5-0**  

Mr. Norton asked if there was any other business before the Board.  

*There being no further business to discuss the meeting adjourned at 8:04 p.m.*  

[Signatures]  

Jack Norton  

Kateri Vincent, Secretary