Minutes of a Meeting of
Board of Zoning Appeals
Held June 7, 2018

Members Present: Burke, Miller, Norton, Tyo

Excused: Bruno, Gess, Young

Also present: Jeff Fillar, Building Official SafeBuilt Inc.; Lydia DeGeorge

Audience: Greg Hebble, Glen Nickelson, Dave Maddux, Kim Stearns

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

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

**Motion** by Tyo, **second** by Burke, to approve the minutes of the meeting held May 17, 2018, as prepared and distributed. **Motion passed 4-0.**

Mr. Norton advised that the code states that the Board consists 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.

Glen Nickelson  
30214 Applewood Drive

C.O. 1121.42 Applicant is requesting a Special Permit to install a pergola.

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

Mr. Norton stated that with this type of request the Board often adds a statement that would include that the structure to remain open

**Motion** by Burke, **second** by Tyo that the property at 30214 Applewood Drive be granted a Special Permit for the construction of a pergola as per the plans and specifications submitted provided that at no time shall the pergola be enclosed either on the sides or on the roof that rather shall remain according to the design submitted.

Roll Call Vote: Yeas —Burke, Miller, Norton, Tyo  
Nays — None

**Motion Carried 4-0**
Mr. Norton advised that the Board has had an opportunity to visit the site and review the application.

Mr. Norton noted that the agenda item could be interpreted as a Special Permit since it is a lattice panel or a variance request for a privacy screen. A privacy screen would have a height limitation of six feet four inches. If it is considered a lattice, the word lattice is not part of the ordinance in terms of numeration and then it would be a Special Permit request.

Mr. Hebble, explained to the Board that he is proposing a lattice trellis. Mr. Burke noted his concern of the height and believes it should be a privacy screen. Mr. Hebble explained that because of the elevation of the existing deck they are requesting the lattice panel to be 8 feet. If the deck was not there they would be okay with the 6 foot panel.

Mr. Miller advised that in the application, Elyria Fence states that they are requesting lattice trellis panels. Mr. Norton noted that the description from Elyria Fence does not specify the opening of the trellis. Mr. Hebble stated that the opening will have 3 inch on center spacing of the vertical horizontal, which will give the trellis a one and half inch opening. Mr. Norton stated that from that standpoint he believes it would support the description of a trellis and not a privacy screen.

Mr. Burke noted that a chain link fence can be 80 to 90% open. Mr. Miller stated in cases of a chain-link fences the request is usually far more extensive than 12 feet in length. Therefore, he believes the request to be more decorative.

Motion by Miller, second by Tyo to grant a Special Permit to the application at 30669 Wolf Road for a lattice trellis to be 12 feet in length and 8 feet in height, with the limitations of future extension or opacity.

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

Motion Carried 4-0

Dr. Kim Stearns
300 Kenmore Drive

C.O. 1153.02 Applicant is requesting a 4 foot variance from the required 10 foot side yard setback to construct an additional garage bay and bedroom above.

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. He noted that the lot has unusual characteristics in which it is very wide and very shallow. Also, for the record, three letters have been submitted by the neighbors in support of the Stearns proposal.
Mr. Maddux explained that currently the Stearns home is only 2 bedrooms and they would like to create a guest suite above the garage to create a space for their aging parents to stay when they visit. The intent is to create a garage bay so that vehicles can be kept inside rather than on the driveway. The only way to achieve the garage portion is to build on the south side.

Mr. Tyo stated that he thinks the addition will look good and be beneficial to the neighborhood. Mr. Burke commented that he is a little uncomfortable with the closeness to the line, but understands because the house is situated near the south end of the lot. He also appreciates that Mr. Maddux was able to pull the south part of the second story back to the required setback. Mr. Miller commented that the property south of the Stearns is 15 feet off the property line and the home to the west is orientated in a different direction.

Motion by Tyo, second by Burke, that per codified ordinance 1153.02 that we grant a 4 foot variance from the side yard setback to construct an additional garage bay and a bedroom above the garage as noted in the drawings.

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

Motion Carried 4-0

Tom Robenalt  
26052 Lake Road

C.O. 1145.02 (C) Applicant is requesting a Special Permit for a pergola.

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

Mr. Robenalt noted that on his application it states variance request however he is requesting a Special Permit request. He also stated that they might be changing the pergola request to a roof structure request.

Mr. Burke suggested to Mr. Robenalt if he is unsure of what he is proposing then the Board should not consider his request this evening. The Board needs to be able to discuss and vote on something that is precise.

A discussion was had regarding the structure.

Mr. Robenalt stated that they also might be changing the style of the roof as well.

Mr. Tyo stated that the Board should have drawings that represent exactly what Mr. Robenalt plans to build and the submitted drawings do not represent his request.

Motion by Burke second by Tyo to table the request of 26052 Lake Road until the next regular scheduled Board of Zoning Appeals meeting on June 21, 2018.

Roll Call Vote: Yeas –Burke, Miller, Norton, Tyo  
Nays – None
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Motion Carried 4-0  

Edward Pavicic  
550 Red Oak Lane  
(Tabled: Reconsideration for Variance)  

C.O. 1306.04(d)(4) Applicant is requesting a variance to construct a basement within the 100 year flood plain.  

Mr. Ebert stated that he is still awaiting to hear back from Mr. Pavicic’s Council. Therefore, the agenda item will remain tabled.  

There being no further business to discuss the meeting adjourned at 7:56 p.m.  

Jack Norton, Chairman  

Kristine Jones, Secretary