Minutes of a Meeting of
Board of Zoning Appeals
Held March 8, 2018

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

Absent: Young

Also present: Law Director Gary Ebert, Jeff Fillar

Audience: Raymond Ningard

*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 7:35 p.m.

Motion by Bruno, second by Gess, to approve the minutes of the meeting held January 18, 2018, as prepared and distributed. Motion passed 6-0.

Raymond Ningard
501 Clague Road
(Tabled from December 7, 2017)

C.O 1149.06 Homeowner is requesting to install a garage extension/carport.

Mr. Norton advised the board that at the December 7, 2017, Board of Zoning Appeals meeting the garage extension was approved for Mr. Ningard. However, the request for the installation of the carport to be built one foot off the property line was tabled for the reason the board believed that this was a city issue and to give the city time to research the request.

Mr. Ebert explained that as far as the city is concerned we do not have any opposition. The city does not and will not have any use for that specific area. This issue was created by operational issues and the city went forward because of the lack of ball fields that were offered for the older kids.

Mr. Norton asked that the only precedent that would be set is if someone happened to have a house next to a city property. Mr. Ebert stated no, this is not the case, you can name a different situation at Bradley Park where you have a difference of the area of what the city owns and the adjacent properties. In this situation, the city would have no use or utilization of that property. It would not be precedent setting.

Mr. Miller asked Mr. Ebert if there could be any legal recourse if the extension of the carport is damaged by the baseballs and if the property owner could come back to the city and challenge the damages caused. Mr. Ebert stated no because the property owner is asking for the variance
to be closer to the baseball field and is aware of the situation. Therefore, there is no liability to the city.

Mr. Burke verified with Mr. Norton that the request is for a 10 foot variance. Mr. Miller commented that often when we get that close to a boundary there is a fire rating however, that is when there is an adjacent structure but there is not an adjacent structure in this instance. Mr. Fillar stated that the code does not say that there needs to be a structure on the other side. The code says to the property line because something could be built there. Mr. Fillar explained that if the Building Department received a letter from the Law Director stating that nothing will be built in that area and it is a protected lot then that requirement goes away. Mr. Ebert stated that he will provide a letter.

**Motion** by Burke, **second** by Tyo that the property at 501 Clague Road be granted a variance of 10 feet from the side yard setback requirements of codified ordinance 1149.06 for the construction of a carport, to be constructed in accordance with the plans and specifications provided to the city with the original application, and further provided that the construction be approved by the City Building Department with the understanding that this not to be considered precedent for another application of a similar nature along a lot line adjacent to a city park.

**Roll Call Vote:**
- **Yeas** – Bruno, Burke, Gess, Miller, Norton, Tyo
- **Nays** – None

**Motion Carried 6-0**

Mr. Ebert informed the board members that the City has been going to the probate court in order to get permission to build the library in Cahoon Park, in which the city was granted approval. Mr. Ebert, the Mayor, and President of Council met with representatives of the library to discuss their intentions, preliminary concept, and plans in moving forward. The library will be built where the Bay Way Cabin is currently located. It will be a triple net lease and the library will pay all expenses. The city will have to relocate the Recreation Department and at this time, there has not been a decision on that location. Mr. Miller asked if they are minding setbacks and heights. Mr. Ebert said yes. The library has asked for a joint meeting with the Planning Commission and the Architectural Board of Review. This is a pre-submission meeting that will be on March 14, 2018 following the Architectural Board of Review meeting at 8 p.m.

Mr. Burke referenced a proposed application for MJ Hair Studio at 27219 Wolf Road in which the applicant wishes to expand her business to provide a service called "Microblading". Microblading is a procedure that involves filling in eyebrows to make them fuller by using a permanent pigment injection. Mr. Burke advised that this process is subject to both Ohio Revised Code Sections 3730.01 to 3730.11 and the regulations under the Ohio Administrative Code Sections 3701-9 both of which cover not only tattoo businesses but also persons who apply "permanent cosmetics". To operate such a business would require the business to obtain prior approval from the Board of Health and to comply with all of the initial and ongoing requirements under the ORC and OAC. He explained that he has not researched whether or not the Bay Village Zoning Ordinances prohibit tattoo parlors. Mr. Miller asked if this would be a variance or a special permit. Mr. Burke said that is the question. A discussion was held regarding a use or special permit. Mr. Ebert stated that he will do the research and submit it back to the Board of Zoning Appeals.
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There being no further business to discuss the meeting adjourned at 7:57 p.m.

[Signature]
Jack Norton, Chairman

[Signature]
Kristine Jones, Secretary