

Meeting Minutes of
Board of Zoning Appeals
Held August 6, 2020

Members Present: Gess, Miller, Burke, Bruno, Norton, Young and Saurman

Excused:

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

Audience: Residents signed in through Zoom technology.

**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 7:33 p.m.

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held July 16, 2020.

Motion by Mr. Bruno, **second** by Mr. Burke to approve the minutes of the meeting held July 16, 2020 as prepared and distributed.

Motion passed 7-0.

Carolyn and Charles Young
29100 Lake Road/PP# 202-04-001

The applicant is requesting a special permit per C.O. 1141.01(a) to build a boat house.

Mr. Norton discussed the second agenda item and explained that the ordinance involved refers to a boat house as an acceptable accessory structure. The only requirement under boat house is that it cannot be scene from the street. It must below the sightline level of the view from the street. He said that the Board has had an opportunity to visit the site and review the application. He noted that it is a very unusual situation. Historically a boat house has been allowed on a site that does not have a main structure. Several places along the Lake there were groups of homes on the south side of Lake that had joint ownership of a lakefront parcel to use as a community. They had been allowed to put a structure up to serve that purpose. It is also unusual in that about 70% of the rear property is owned by the Carolyn and Charles Young and about 30% is owned by the City. This is behind a historic cemetery. The cemetery is being threatened by the high water and the severe erosion. The Youngs have agreed to donate the improvements to the property to protect the shoreline and cemetery. He asked if there was discussion of the Board.

Mr. Bruno discussed that previously there was a neighborhood association that was able to have use of this particular parcel and was permitted to build a shelter. He asked if there was any history on the parcel of land and the previously approved shelters.

Mr. Norton said it was his understanding that the association that originally held title broke apart. They did not maintain it and did not pay the real estate taxes. The County took the property back for the real estate taxes and put it up for sheriff sale and the owners prior to the Youngs purchased it. It was then used as a lakefront property for the purpose of gaining access to the Lake. There was a wooden deck there at one point with a small shelter and picnic table. That has since been damaged and pretty well destroyed. The erosion is such that now the cemetery is threatened because of that.

Ms. Young agreed.

Mr. Miller had a question about the design to evaluate sightlines or setbacks, etc. It is understood in the application that the design is yet to be determined but he felt there needs to be some parameters set for an accessory structure. Typically the Board has seen accessory structures on flat properties in Bay Village where there is a maximum height of 18'. But in this condition the boat house cannot be seen from the street. He asked that there be a survey submitted to the city that identifies a specific benchmark for which they would say this is the sightline. If you have been to the cemetery, Lake Road is higher by the most northern edge by about 2'. If this structure is down on the banking (another 40'-50' down) he would like to have confidence that the sightline is being preserved and you cannot see it and the boat house does not exceed the allowable 18' in height.

Mr. Norton said that might be a reasonable thing to consider but in the part of the Code that refers to a boat house being a structure that is allowed, they deal with the height issue by saying that it has to be below the site line. The site line is measured by somebody standing on the sidewalk and what they can see. He cannot envision a boat house that would be more than 18'. Some of the boat houses got fairly large because they were trying to keep a fairly large boat. But in practical terms, along Lake Erie that is not really the case.

Mr. Miller said that if you have been on the water side, going to your west, there are some fairly significant structures. If you go east of the Bay Boat Club there are a couple of structures that are multilevel with boat storage and elevated living space that is unified in the whole structure. He wants to be careful on how much the Board grants in permission and wants to make sure nothing can be seen above the line of site. Typically 5'8" is the average height for a person.

Mr. Norton said the Board could define the sightline in that way because that would be in keeping with what the ordinance says. The only thing the ordinance says, relating to the boat house, is that you cannot see it. The ordinance does not really spell out how that sightline is defined but it may be worth defining it.

Mr. Miller explained that the Board has seen some applications that have been somewhat ambiguous in their footprint that may not always show the parameters. He would like to help the designer understand the certain limitations and that have been established by permit.

Mr. Young said it was a fair problem and they have no problem getting that survey done. For the benefit of the Board, they do not anticipate it being a problem. They are intending to build something modest but they do not have the plans finalized or formalized.

Ms. Young said that part of the problem they were having is that some of slope changes and they need figure out the footprint that can go over there. It might be something that is two stories, with a deck to enjoy the view. They are in the permit process now and waiting on the shore permit. Once they obtain that they can start to get machines over there and start working with the soil.

Mr. Young said at no time are looking to challenge the site line.

Mr. Miller asked if there was a maximum footprint or square footage for an accessory boat house.

Mr. Norton said no and that it makes no mention of size by dimension or square footage.

Mr. Miller explained that the property is an R-1 District and permitted to have a single family home. He asked to hear from the Building Department on what setbacks they are permitted to stay within.

Mr. Tuck-Macalla said that there would not be any setback regulations for this boat house. It has a separate permanent parcel number. By definition in the Code, the only thing that could be built initially is a single family home but you would not be able to use it as a single family home so it is considered a boat house. He assumes part of the structure will be erosion control. Anything that relates to a beach house/boat house does not really have a height limit because he does not have anywhere to base the height being on a cliff like that. The height limit is that it cannot be seen from Lake Road. That is really the only restriction it has. Also, it cannot be used a residence or habitable structure. It is an accessory to the home.

Mr. Bruno reiterated that without drawings the Board cannot determine some of those factors that tie into it regardless of the setback considerations. It would be advantageous for the Board to make a decision and that the drawings would be helpful and useful to make sure they are making the right decision.

Mr. Norton said that the Board has to be careful in trying to define this too tightly because the ordinance clearly says you can have a boat house. The only definition is that it has to be below the sightline. Establishing the sightline as it has been suggested may be appropriate but beyond that the Board may be overstepping the Board's bounds. The boat houses cannot be lived in but can be used on a day to day basis. It must still fit the definition of boat house. Traditionally it has been done by giving a special permit because it does not have a primary structure on the permanent parcel.

Ms. Young said regardless of the lack of setback requirements, they are friendly with the neighbors to the west. They are working in conjunction with them in doing the erosion control. They are not going to infringe on their yard. They also know to keep it below the sightline. They just want a useable space where they can access the Lake and store all the water gear.

Mr. Saurman asked if they could describe what the erosion control is going to be and the timeline for all of this.

Ms. Young said they are working on getting the emergency temporary shore permit put in place now. Once those are put into place it will hopefully be 2-4 weeks after that.

Mr. Young said the permitting process is currently underway.

Ms. Young mentioned that Law Director Barbour has been involved because the City has to be involved in the permits as well because they have a separate parcel. She shared where the revetment would be. They are pushing the revetment out into the Lake to connect to both neighboring sides.

Mr. Barbour explained that for a little over a year they have been in discussion with the Youngs about how to remedy this erosion problem because it progressed significantly and rapidly. The City had engineering done and they were trying to work collectively to achieve the goal of not only controlling the erosion but repairing the slope and preventing the slope from sliding down. The Youngs have been very cooperative with the City. The City's needs are different than the Young's needs because the City does not have a significant use for their 30' of shoreline. They engaged with an engineer at their own expense and they began having discussions. There are certain things the City has to deal with as a municipality that the Youngs do not. In the course of their discussions, the Youngs very graciously and generously offered to assume the cost of the whole project which was just reached recently. He said that it is hard to say what it is going to be like exactly because of the changing conditions. It is difficult to say what exactly can and will be built. The only requirement for a beach house is the sightline and it is not something you can live in/not a livable structure. It is a fluid situation and that is why there are rough drafts of engineering but until they get the permit process going, it is a work in progress. They are hoping to have it done by the end of October. The Cahoon Park Trustees are going to approve the permit for their property the following day.

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

Motion by Mr. Burke, **second** by Mr. Bruno that the property at 29100 Lake Road (PP#20204001) be granted a special permit per C.O. 1141.01(a) for the construction of a boat house provided that the boat house remain below the sightline from the sidewalk from height of 5'8" to the cliff and further that the actual house be approved by the City as to any other building requirement.

Roll Call Vote:

Yeas – Burke, Gess, Norton, Miller, Bruno and Saurman

Nays-

Abstained-Young

Motion Granted-6-0

David DiBenedetto
PP# 201-11-016

The applicant is requesting two variances
per C.O. 1155.01(lot size) and 1153.02

Bradley and Huntington Woods Parkway

(front set-back) to build upon a lot which is 12, 495 sq. ft. where a 14, 700 sq. ft. lot is required- a 15% variance and requesting to encroach upon the 50' front yard set-back by 18' - a 36% variance.

Mr. Norton discussed the third agenda item and explained that the Board has had an opportunity visit the site and review the application. He explained that the packet that the Board members received included a letter from the illuminating company regarding the relocation of the utility equipment that is involved with this lot. Also, a letter from the City regarding the sewer line in which the existing use of this lot must be moved in order to be able to build the proposed footprint. It would require the applicant to relocate and provide an easement for that utility connection. He asked if there was discussion.

The DiBenedetto's introduced themselves.

Mr. Norton discussed the fact that at the last meeting Gary Ebert, the president for the homeowners association in Huntington Woods, shared that they would like to see a home built on the lot. There was also discussion that the front yard would need to be considered off Bradley Road because there was little to no access from Huntington Woods.

Mr. Miller did not have the actual application but from the flat map, the floor plan looks a lot like the plan that was originally reviewed by the Board at the last meeting. At that time, the application was tabled considering that there would be thoughtful revisions to the plan. He was curious if there was a new plan that was to be submitted or was the March plans the official plans that the applicants were submitting.

Ms. DiBenedetto said that they are still working on the plan and they have reduced it slightly. They like the layout and think that it fits the feel of Huntington Woods. The houses are a little larger and the backyards are relatively smaller. They feel that this house will be a nice connection to the development when you drive into Huntington Woods.

Mr. Miller discussed the variance request and asked Mr. Tuck-Macalla for clarification.

Mr. Tuck-Macalla explained that originally on the site plan from the engineer they had the front setback from the center of the road. (75') The actual setback is from the right of way line. (18')

Mr. Norton asked if they had the proposed square footage of the current footprint versus the previously shared footprint. The comments then were that there seemed to be too much house for the size of the lot.

Mr. Tuck-Macalla explained that there was not a new footprint plan submitted to the Building Department.

Ms. DiBenedetto stated that they did include it with the revised packet. They did decrease the size slightly. They feel comfortable with the size due to their family size and it being their

forever home. They feel like they are in line with the other homes in the development. They would be happy to keep the house the same size.

Mr. Norton said that Mr. Burke had lost connection and was no longer present on the Zoom call.

Neighboring property owner, Tom MacMillan, spoke to the Board. He explained that he was concerned with the size of the house on that particular lot. To increase the amount that they are asking on a lot that has been zoned much smaller, a lot that is not meant for that size of house, he feels it is going to look awkward and not according to what that lot was zoned for. He understands what they mean about being in line with the size of other houses in Huntington Woods but the house would be on Bradley Road. The houses are historic homes along there. He is not sure what the house will look like but he would hate to lose the historic nature of what Bradley Road has looked like and could still look like having not seen what their plans are. He hopes it would have some sort of historic feel to match the homes on Bradley Road and be in accordance with what that lot has been zoned for and not exceed it in the amount that they are asking for.

Ms. DiBenedetto said the front of the house is going to be beautiful. The house is not that wide it is more on the long part of Huntington Woods Parkway. As far as looking at it from the front of Bradley Road, it should fit beautifully in with the other homes on Bradley.

Danielle DiBenedetto said they are taking into consideration the look and feel of his home. They are not looking to do anything to take away from Mr. MacMillan's home. They are happy to discuss things with the neighbor. They are not looking to do anything that would not fit with Bradley Road and Huntington Woods.

Ms. Young asked if they could give some guidelines as to the side yard that faces Huntington Woods. She asked how far of a setback there is.

Mr. DiBenedetto said it was 21.25', 10' on the south and 48' on the front.

Ms. Young said that her concern is from a safety standpoint when cars are coming out of Huntington Woods.

Ms. DiBenedetto said it will be even with the house next door. There will not be a blind spot. It is a far enough setback.

Mr. MacMillan asked how much over for what that lot has been zoned for is the square footage.

Mr. Tuck-Macalla said that the house is not oversized and they are not asking for a rear or side yard setback. They are just asking for a front yard setback. If the house was moved back, it would fit on the lot. The issue is the size of the lot.

Mr. Gess asked if it was fair to say that the property technically is not sized to accommodate a residence in the City's ordinances.

Mr. Tuck-Macalla agreed.

Mr. Gess said it is not about being in excess of a permitted size, technically no house should be built on the lot based on the size of the lot.

Mr. Tuck-Macalla said he was correct.

Mr. DiBenedetto said that the lot was grandfathered in when his dad put in the development.

Mr. Tuck-Macalla said that it was never meant to be a buildable lot. Historically at the time, all the buildable lots were 14, 700 sq. ft. This lot is 12, 495 sq. ft. The first variance is for C.O. 1155.01. The exceptions on older lots does not fit with this so there would need to be a variance in order to build a home on this lot.

Mr. DiBenedetto explained that they are putting in new sewers for both houses on Huntington Woods to tie in. The house blue print is beautiful and he is hoping to build her a house. They are far enough away with the garage to come and go out and being at the same setback as the house to the south. He is going to build it as nice as he can and it will not be an eyesore.

Mr. Gess said he has no doubt it will be nice and well built. He is struggling with is the incomplete presentation to really understand it. The footprint of the house is lacking context with a site plan, with setbacks, etc. It is hard to make a decision without all the information.

Mr. Norton suggested that the Board needs more information. They need a site plan that shows the relationship of this structure to the neighboring structure and house elevations. He thinks that perhaps it is too big of house on too small of lot. The lot is undersized but everybody is in favor of utilizing this property for a residence but the question is how is that residence sited compared to the neighbors and what is the size of the residence and elevations compared to the neighboring property. The Board needs more information before the Board can give a thoughtful analysis of the request.

Ms. DiBenedetto said that they had already submitted all of that previously with the revision.

Danielle DiBenedetto said that they have put off their living situations because they were told to comply with three things. They provided the sewer, the electric and they downsized the house.

Mr. Norton said the north, east and west side are impacted because they are right up close to the sidewalk and it will be very visible.

Mr. Bruno explained that the Board does not have the site plan with the footprint of the home on that site plan. He would be far more comfortable to have all that documentation in order to make a determination.

Ms. DiBenedetto said she was not sure what happened to it but they turned it in. As far as the aspect of the Board asking for a three dimensional, they have not moved to that yet. The have to work on the variance request and lot size before they can move to that. That is why they do not have a full drawing yet.

Mr. Miller said that in looking back at their notes from the last meeting, it appears they have discussed this previously. There is a plan but no site plan and they are missing all that other information that many of the applicant's usually provide the Board. The Board typically tables the application until that information is provided.

Ms. DiBenedetto said she did not understand.

Mr. Norton said they do not have the information that the Board would normally require for this kind of request.

Danielle DiBenedetto said that they did turn it in to the Building Department after the first meeting.

Ms. DiBenedetto said that they would get it to the Building Department again.

Ms. Young discussed the fact that they revised their original plans to make the house smaller. She asked where they reduced the house in size.

Ms. DiBenedetto said that width is the same but the length has slightly changed.

Mr. Norton explained that the Board would have to see how the house is currently proposed to be situated with the current setbacks. If you change the house, the setbacks change. The resubmittal did not show what the changes were to get it closer to the comments that were made at the first meeting.

Ms. Young clarified that the reduced house size allotted for a larger backyard but it did not reduce any of the variance request.

Ms. DiBenedetto said the variance is because of the overall size of the house on the lot so it would be part of it. They are requesting that the house be even with the house next door.

Mr. Tuck-Macalla said that on the plans dated February 6, 2020 it shows the house significantly behind the house to the south and not even with the house to the south. He does not have the revised plans and the new plans would change the front setback request significantly. The house to the south is about 5' from the right of way line and is where the 32' request probably came from. He said that if that is what they want, they have to give the Building Department a set of drawings that show where that frontage is and where they actually want the house. He has the site plan and plot plan dated February 6, 2020.

Mr. DiBenedetto said that the proposed house is only about 13'-14' deeper than the house to the south.

Mr. Norton said the Board cannot make a judgement based on not seeing it in writing. He suggested that they request a withdrawal from tonight's meeting and resubmit the documentation

so the Board can understand clearly what they are requesting and how it impacts the neighboring properties.

Mr. Miller said that there was mention of 3-D renderings but the Board does not have a requirement for them to go to that extent. A floor plan is perfectly fine. He also wanted to make sure they were aware that the covered porch is part of the front yard setback along with the covered porch on the side and back.

Mr. Gess asked what the approximate square footage of the proposed house is.

Ms. DiBenedetto said they were not sure and that they were in the process of still drawing it. (but approximately 3,800-4,000 sq. ft.)

Mr. Gess said he is concerned with the house being too big on too small of a lot and it should be considered with this application seeing as it is technically not a buildable sized lot. Trying to build a Huntington Woods house on a not Huntington Woods sized lot raises some questions.

Mr. DiBenedetto said he is trying to build a beautiful house for his daughter.

Mr. Norton said he understands but the Board is struggling with the fact that this is an undersized lot. Everybody is favor or having a house on the lot but they are struggling with putting too big of a house on too small of lot. The Board needs more details and plans. He suggested that they table their application and submit the proper information.

Motion by Mr. Burke, **second** by Mr. Bruno that the application be tabled to the first meeting in September or sooner if the required information is submitted by the applicant in time to distribute prior to the next August meeting.

Roll Call Vote:

Yeas – Burke, Gess, Norton, Miller, Bruno, Young and Saurman
Nays-

Motion Granted-7-0

Daniel Sweeney
31416 Salem Drive

The applicant is requesting a variance per C.O. 1153.02(2) to build a 160 sq. ft. utility building which is permitted to be 120 sq. ft.- a 34% variance.

Mr. Norton discussed the fourth agenda item and explained that the Board has had an opportunity visit the site and review the application.

Mr. Norton discussed the memo to the Board from Mr. Tuck-Macalla. He stated that it was suggested by him that the Board consider this as an accessory structure under the residential Code of Ohio rather than a variance as a shed. The Board had a similar request to this recently

and it faced the same situation where if this had been built as two separate structures, the one structure which comprises a shed and a porch would only be 112 sq. ft. within Code. The other structure which is a 6'x8' miniature greenhouse is 48 sq. ft. When you put them together and the structures are attached, it is over the Code requirement. However, if they were separate and they said they want a permit for a shed that is 112 sq. ft. and a permit for an accessory structure that is 48 sq. ft. (greenhouse), they would not have any problem. Traditionally the Board has allowed accessory structures on a residential lot. If he is reading between the lines correctly, this really should not be thought of as just a storage shed.

Mr. Tuck-Macalla explained that the Building Department get requests every day for larger than 120 sq. ft. shed. Everybody wants to know why and they always give them the opportunity to build it as a permanent accessory structure built like a garage. When they are looking at sheds they are looking at something that is not permanent and not on a permanent foundation. If the shed and the greenhouse are separated, they would be looking at two sheds. They have the opportunity to build another detached garage on the property. This is a somewhat like a smaller detached garage. It is infuriating for the Building Department and a lot of residents who want a larger sized shed and they have to go for a variance. They are given the option to build it as an accessory structure and is what he was suggesting in his memo.

Mr. Sweeney spoke. When his application was submitted he put 128 sq. ft. because he did not think the front porch counted towards the sq. ft. of the shed. He asked if it did count as part of the square footage.

Mr. Tuck-Macalla said it yes, it counts.

Mr. Sweeney said he planned to put this down on a cement foundation. He asked if that made it any different.

Mr. Tuck-Macalla said that if he came into the Building Department, he could get a handout that would give the specifics and parameters so that it could be built as an accessory structure rather than a utility building.

Mr. Sweeney clarified that a 160 sq. ft. accessory building could be built and the plans that he submitted were doable if they were put on cement.

Mr. Tuck-Macalla agreed and said that they are not required to have power to it. As far as residential Code is considered, it is the matter in which it is constructed and that it is a permanent structure following the proper parameters.

Mr. Sweeney asked if he should go back and resubmit this as an accessory structure.

Mr. Tuck-Macalla said as far as the Building Department is concerned, yes.

Mr. Norton asked if there were further comments from the Board.

Board of Zoning Appeals
August 6, 2020

Mr. Miller agreed with Mr. Tuck-Macalla and does not see why the Board would even have to issue a variance.

Mr. Tuck-Macalla agreed.

Mr. Bruno said that there is also precedent in that there have been similar situations over the years.

Mr. Sweeney clarified that in the past they have gone with an accessory building instead of asking for a variance.

Mr. Norton suggested Mr. Sweeney could follow the guidelines by the Building Department and he would not need anything further from the Board.

Mr. Sweeney asked if the Board would give out a variance for what was originally requested.

Mr. Norton said very rarely and if they do, they are on very large lots.

Mr. Bruno suggested that the applicant withdraw his application based on his discussion of putting it on a permanent foundation based on the Building Department's guidance.

Carol Dillon
31200 Marvis Drive

The applicant is requesting a front setback variance per C.O. 1153.02(2) to build a porch. The building line at this home is 50' from the right of way, the proposed porch would encroach into the building line by 3'- a 6% variance from the right of way or 4% from the center line of the street.

Mr. Norton discussed the fifth agenda item and explained that the Board has had an opportunity visit the site and review the application. He asked if there was discussion.

Mr. Bruno said that based on the position of the lot on a corner in this neighborhood and considering the minimal variance request, he did not see any issue with this application.

Mr. Burke concurred.

Mr. Norton asked if there was a motion

Motion by Mr. Bruno, **second** by Mr. Burke to grant the property at 31200 Marvis Drive a variance per C.O. 1153.02(2) for a variance to the front setback to build a porch based on the drawings as prepared and submitted and the information in the application.

Roll Call Vote:

Yeas – Burke, Gess, Norton, Miller, Bruno, Young and Saurman

Nays-

Motion Granted-7-0

Jim and Jennifer Crane
29110 Buchanan Drive

The applicant is requesting a front setback variance per C.O. 1153.02(2) of 9' to build a front porch. The building line is 75' from the center of the street, 50' from the right of way.- a 18% variance from the right of way or 12% from the center line of the street.

Mr. Norton discussed the sixth agenda item and explained that the Board has had an opportunity visit the site and review the application. He asked if there was discussion.

Mr. Norton commented that he appreciated the thorough research that went into the application. He said that the other examples of homes that have a porch, there is only one of them that was 9' and on that house, the actual porch is set back from the face of the house. It is inset and the porch itself did not encroach on any setbacks. What they proposed is nice for the house but may be a bit of an over reach on the depth for the house. He suggested that they reduce it to a more modest width.

Mr. Burke explained that he has looked at the property a number of times up and down the street looking at the sightlines across the fronts of the houses. He has the same concern that a 9' pushout at the front of the house would really be a substantial when compared to the line of sight along the fronts of the other houses up and down the street.

Mr. Bruno agreed and said that a design size compromise could be made with the help of Mr. Miller and Mr. Gess. A smaller size would be more reasonable and considered a little more favorably.

Ms. Young said that the other houses that are side facing that have an existing porch, are not in the front of the house but in the part of the house that is set back and they do not have a garage that faces forward. They have more of a side or rear garage which allows for a porch to be in that setback portion of the house. Whereas the Cranes have a front entry into the garage, not allowing a porch to be on that section of the house.

Mr. Miller asked what led the Crane's to propose a 9' porch.

Ms. Crane said that their neighbor's down the street have a 9' porch and it is the best porch on the block.

Mr. Crane said that when the applied, they felt the request may be a little hopeful but certainly that is what would like. On the sightline issue, he understands but the house itself is way closer to the street than their proposed porch. Being an open porch, the slab would not be any higher than where their bushes are currently so there wouldn't be any extra sightline infringement. The only thing would be is the small roof overhang.

Board of Zoning Appeals

August 6, 2020

Mr. Gess discussed a previous porch request on Salem. The Board had a fairly lengthy discussion about the size and the intended use of the porch.

Mr. Bruno said that they had agreed on a 5' patio.

Mr. Tuck-Macalla agreed and said that they had originally asked for an 8' depth.

Mr. Norton agreed.

Ms. Crane said she believed she was just looking for a slab, she was not looking to put a chair on the porch. There was an applicant on Saddler that originally asked for 6'8" and that is what she received. They are not looking to have a front door. That is not their purpose.

Mr. Miller clarified that they are going to extend their porch back to their front entry by the garage.

Mr. Crane said yes and said there is not enough depth there to do anything on the side. They are trying to improve the value of the home and improve the neighborhood. The front part would make it a better looking home and they want it to be useful.

Mr. Gess clarified that the whole front of the porch would be flush.

Ms. Cranes said yes and that they would not go any further than that. She would really like to get that straight side curb appeal for their sideways house. She feels that would do it without moving the door.

Mr. Norton suggested they make it more of a 6' porch opposed to the applicant's requested 9'.

Mr. Burke agreed.

Ms. Crane asked if the Board would grant 6'8" similar to the one that was granted on Saddler.

Mr. Norton said they would have to know the situation. In their situation they are asking for all of this to be in front of the setback line. Saddler may have only been partially in front of the setback line. Without getting that specific motion, he is not sure of what was granted. It may have not been as big of a percentage. The Board is faced with tinkering around the edges and Council is in charge of making the rules and they write the laws. There lot is somewhat unique but a smaller request would be a more reasonable ask.

Mr. Bruno reiterated Mr. Burke's point and that a smaller porch would reduce the variance request from 12% to 8%.

Mr. Saurman stated that the Board's purpose is to look at the applications and determine if there is a hardship to the owner. This is a hardship situation in that they cannot have a porch without some sort of variance. They just gave a variance of 6% and if this applicant lowered their request to 6' it would be 8% which he feels is reasonable.

Mr. Norton clarified that Mr. Saurman would be in favor of a 6' variance instead of the requested 9'.

Mr. Bruno said that the one variance is 12% from the 50' right of way and the other is 8% variance from the 75' center of the street.

Mr. Burke discussed Mr. Tuck-Macalla's memo and mentioned that typically over the years the Board has gone by the right of way.

Mr. Tuck-Macalla said that was correct and that it was included for context.

Mr. Burke said that he appreciated that and said that it was important.

Ms. Crane stated that they are 8' from the right of way. They would only need 8' instead of 9'. They are exactly 75' from the center of their street. If they measure from their building to the right of way it is 51'. She asked what the percent would be if they asked for 6' of the right of way.

Mr. Bruno said it would be 11.8%.

Mr. Miller said then it would be a 7' porch. He said that he is a big fan of a porch and said that that he would be comfortable with the 6' variance so they could construct a 7' porch. He feels it is a comfortable size given the nature of the street.

Mr. Norton asked if the Board agreed in that it must remain an open porch that cannot be enclosed.

The Cranes agreed.

Mr. Norton asked if they were comfortable with changing their request to a 6' variance which would allow 7' wide porch.

The Cranes agreed.

Mr. Norton asked if there was a motion

Motion by Mr. Bruno, **second** by Mr. Burke moved to grant the property at 29110 Buchanan Drive a variance from the front setback of the property per C.O. 1153.02(2) of 6' from the right of way to permit the applicant to construct a 7' porch that would remain open instead of closed for the life of the property.

Roll Call Vote:

Yeas – Burke, Gess, Norton, Miller, Bruno, Young and Saurman
Nays-

Motion Granted-7-0

Mr. Norton discussed receiving a letter from an engineering company in regard to the Cahoon Park soccer fields making a request to the Ohio EPA for authorization. Apparently they want to change the drainage in the soccer fields and the EPA is involved. He asked if there was any action required by the BZA.

Mr. Tuck-Macalla said no, there is nothing that goes through the BZA for that. That involves the Cahoon Park Trustees.

There being no further business to discuss the meeting adjourned at 9:10 p.m.

Jack Norton

Kateri Vincent, Secretary