

Meeting Minutes of
Board of Zoning Appeals
Held April 15, 2021

Members Present: Dan Gess, Clete Miller, Jack Norton, Jan Saurman, Scott Bruno, Terrance Burke, Carolyn Young

Also Present: Lauren Oley (Assistant to Building Director), Eric Tuck-Macalla (Building Director)

Excused:

Audience: Petri Spirollari, Tim Brulport, Mr & Ms. Wamelink, David O’Neill, Jen Trolio

**Full recording of the meeting is permanently available on the City of Bay Village website under Government/Board of Zoning Appeals/View Most Recent Agendas and Minutes/Media*

Mr. Norton called the meeting to order at 7:31 p.m.

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held April 1, 2021

Motion by Mr. Bruno, **Second** by Mr. Burke, to approve the minutes of the meeting held April 1, 2021 as prepared and distributed.

Motion passed 7-0

David O’Neill 25111 Lake Rd.	Applicant is requesting a variance to section 1350.03 to install a shed larger than 120 sq. ft. The proposed shed is 192 sq. ft. a variance of 72 sq. ft. or 60%. This shed is 8 sq. ft. smaller than it being considered as Accessory Building. An Accessory Building is required to have a structural foundation.
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Mr. Norton introduced the next item on the agenda as 25111 Lake Rd. He advised that as long as this is called a storage shed the requirement is 120 sq. ft. If it had a more permanent foundation than would be close to the size of an accessory structure. He went on to inquire if the applicant understands the difference between an accessory structure and utility building.

Mr. O’Neill advised that he was looking at code 1350 Utility Buildings and inquired what the difference is between the utility and accessory.

Mr. Norton advised that it basically the difference on the square footage and nature of the foundation.

Mr. Tuck-Macalla further clarified that a utility building is a shed. A utility building will go between 0-200 sq. ft. which would be a shed and can be on any type of foundation. If you go over 200 sq. ft. it is an accessory building and would need a structural foundation. In the City of Bay Village a resident can only have a utility building up to 120 sq. ft. so the applicant is falling in hole between the permitted parameters of a utility building and an accessory building.

Mr. Norton advised that if this was 8 sq. ft. bigger it would fall into that category where the applicant would need to put a normal foundation under it. Short of that a normal foundation for a garden shed is basically just gravel patch with dirt. At this point he's considerably over 120 sq. ft. normally applied. It is too be noted that this is an exceptionally large yard. In the past some consideration has been given the size of the lot. The board may not want to consider this a change from there. Is there discussion?

Mr. Saurman noted on the application the applicant has requested a special permit as opposed to a variance.

Mr. Norton replied that they are dealing with a standard variance request and it appears that special permit was checked off in error. This is a request for a variance.

Mr. Bruno remarked that the yard could accommodate a larger structure. From a structural perspective it would seem that they have, for good reason, made it a requirement to have a solid foundation under a structure this size. He defers to the other members, but that is his main concern even though the lot size could accommodate a larger storage shed than what is permitted under the code.

Mr. Burke remarked that he would concur with Mr. Bruno's comments.

Mr. Norton advised that the board has been shown Mr. O'Neill's pictures. Is the one he picked out one with a front porch?

Mr. O'Neill replied that it is not and advised that there are some sketches he attached that are more accurate.

Mr. Bruno replied that it appears that one of the photos is more similar to what you are proposing, but the door is offset and not centered.

The board and applicant compared drawings and confirmed the aesthetic of the proposed shed.

Mr. Norton summarized that the applicant is asking for a 12'x16' shed. The board can discuss and vote on that. The applicant may get concerned that it may be too big of an ask than the board is comfortable with. On some occasions because of lot size some leeway has been granted. This is a little bigger than any he can remember at this point.

Mr. Burke advised that the drawing that he had was 12'x17' – is that correct?

The board confirmed the proposed structure is 12x16.

Mr. Gess remarked that nothing, on the provided agenda, indicates anything to do with the height. He went over the roof pitch heights he say by way of trying to determine the height. He inquired, of Mr. Tuck-Macalla, what is the height of the structure - is it going over 12'?

Mr. Tuck-Macalla confirmed there is no height issue - it's under 12'.

Mr. Norton explained how the process works. They can finish the discussion, as presented, and vote. If, by chance, the board rejects this the applicant would be permitted to resubmit with a substantial change. If he is turned down he can modify his request, as appropriate, and resubmit if necessary or he could modify tonight.

Mr. O'Neill replied that putting it on the slab would substantially change the cost of the project. He would like to hear what the committee thinks and go from there.

Mr. Norton commented that they could suggest a smaller size. This is 12'x16' shed and 10'x12' is the normal requirement. If we went to a 12'x12' or 12'x14' it would be stepping it down in the square footage and the 60% variance request.

Mr. Bruno replied that a 12'x12' would be a 20% variance. They are usually more comfortable trying to keep the variances from being a significant percentage above the code. Mr. O'Neill might be getting a sense for the various board members comments. The slab would likely be more appropriate for the proposed size. Mr. Bruno advised that he would be comfortable with it given the size given the lot size, but it would be much more appropriate to have a foundation.

Mr. Miller replied that he would like to make a statement. The code really requires a standard weather proof footing, but doesn't require a slab.

Mr. Tuck-Macalla replied that they would need a frost protected footing under the walls or they could do a slab with a turn down footing. Like a monolithic poured garage. The turn down would be 12' if it was 12 or 8' it would have an 8' curb. It would be just like any other garage.

Mr. Miller confirmed that it's either or both. 60% is significantly more than they've entertained in the past. They typically try to reason with the applicants. They try to be judicious and not set a precedent outside of the 20-25% variance area. So 12'x12' or 10'x16' are some of the options.

The board discussed various options for shed size.

Ms. Young would like to note, for the record, that this is an unusually large lot. Arguably it might be some of the largest lots in a row in Bay Village. Where the corner of his backyard is it's not budding up against another neighboring house or garage or anything like that. It supports that the yard could use a slightly larger shed.

Mr. Norton replied that the board may want to consider a 10'x16' at a 33% increase over the normal allowed. Besides being large the lot is somewhat isolated because it's very deep.

Mr. O'Neill replied that he feels having clear direction is good regardless. It is an issue of timing with the carpenters. He is comfortable with reducing the size a little bit if that eases the concerns about the structural integrity of the foundation whether its' stone or cement. He's open to that.

Mr. Norton inquired if a 160 sq. ft. shed would be something that he would consider?

Mr. O'Neill advised that would work.

Motion by Mr. Burke, **Second** Ms. Young, that the property located at 2511 Lake Rd. be granted a 40 sq. ft. variance from the maximum allowable square footage for a shed under CO 1350.03 for the construction of a shed on the property not to exceed 160 sq. ft.

Roll Call Vote:

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

Nays –

Excused –

Motion Passed 7-0

Mary Ellen & Barry French 30612 Salem Dr. Contractor: Castle Fence & Deck, LLC	Pursuant to section 1303.06 a complaint has been filed by Bradley Beeson at 30627 Winston against Barry and Mary Ellen French of 30612 Salem Rd. for their fence. The fence was begun prior to the expiration of the ten day intent period and the section that abuts 30627 Winston was completed.
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Mr. Norton introduced the next item on the agenda as Mary Ellen and Barry French regarding a complaint received. The board has had an opportunity to visit the site and review the application.

Mr. Tuck-Macalla replied that Ms. French wasn't able to attend tonight, due to a family obligation, and the complainant wasn't able to attend either.

Mr. Norton summarized that the fence is a legal fence and the only issue is that the fence was started prior to the 10 intent.

Mr. Tuck-Macalla replied that the actual complaint was that the neighbor didn't like the style of the fence. The part that abuts his property is probably 20' at best. It is sort of caddy corner. There is about a 20' section that doesn't match the other fences on his property. Ms. French, who currently has people over for a wedding, has been getting her yard ready for this wedding which is why the carpenter started four days early. He started the Thursday before Easter and the building department told him to stop which he did until the 10 days was up. He went back and finished up the fence, but the complainant never got back to the building department regarding whether he wanted to drop the complaint or actions.

Mr. Norton advised that part of what the BZA is charged with is hearing complaints. So they've heard it and he'd be hard pressed to say that anything else needs to be done. Unless there are any other comments from the board?

Mr. Burke remarked that this is not even an appeal of a permit being granted so they can't hear it as appeal. Is this just a complaint to be denied or not denied?

Mr. Tuck-Macalla advised these are complaints that come with the 10 day intent to build. The neighbor can complain and one of the criteria he can complain on is that whatever is being built 'does not fit the neighborhood'. That is the criteria that the neighbor referenced. He had a conversation with the complainant that the fence was legal and allowed to be put where it was. The only thing that happened, that was not right, was that it was started before the 10 days was up.

Mr. Burke commented that has been cured – correct?

Mr. Tuck-Macalla replied that was correct. He had them stop, but the fence is now done.

Ms. Young advised that when she was there it looked like it matched the house just to the right of the house. Is that correct? Up the driveway.

Mr. Tuck-Macalla replied that is correct, but the neighbor that complained is actually behind on Winston. The French's had a picket fence and took it down to replace it with the split rail. It wasn't the complainant's fence that was taken down.

Mr. Norton commented that technically they have heard the complaint and they feel it does fit within the neighborhood.

Mr. Burke replied that if they make the motion in the positive then the motion would be to the effect that they grant the complaint in which case a 'yea' vote would agree with the complaint and a 'nay' vote would be to deny the complaint as being not well founded.

Motion by Mr. Burke, **Second** Mr. Saurman, that the complaint that has been filed by Bradley Beeson of 30627 Winston against Barry and Mary Ellen French at 30612 Salem Rd. regarding the fence installed by Mr. & Mrs. French as being inconsistent with the neighborhood be granted.

Roll Call Vote:

Yeas –

Nays – Norton, Saurman, Bruno, Gess, Miller, Young, Burke

Excused –

Motion Passed 7-0

Seth & Jennifer Wamelink 31003 Arlington Circle	ITEM TABLED 4/1/2021 – Additional research being completed 1) Front set-back variance: using the original site plan and the set-back map the current attached garage is 50ft. from the Right of Way as permitted.
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	<p>The garage addition would project into that set-back 16 feet. The variance requested is 16 ft. or 32%.</p> <p>2) Side yard set-back variance, due to the pie shaped lot the garage addition would encroach upon the required side yard set-back of 10 ft., by 8 ft. The requested variance would be 8 ft. or 80 %.</p>
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Mr. Norton introduced the next item on the agenda as Seth & Jennifer Wamelink at 31003 Arlington Circle. He advised that Mr. Tuck-Macalla obtained and shared the declaration of restrictions that applies to this area with the notice that it has not been very well enforced by the association. It's also to be noted that one of the things that the developer put in the restrictions is a minimum side yard variance 8' as well as a clause that it's not to extend beyond the front building line. There is also a clause that no fence can be in front of the rear of the property, which is in conflict with Bay's ordinance that 4' fence can be up to the front elevation of the house. It also states a resident couldn't have a garden shed, of any size, in this area. Obviously Bay Village, as a City in our ordinances, has not enforced the more restrictive covenants that run with the property. The board may want to discuss this. The only thing they can do in this area, where residents have their own restrictions based on the developer deed, is to say the board is not giving permission. If the board grants a variance to a fence or issues a permit for a 3' fence in the front yard or a 4' fence beginning at the building line or a 6' privacy screen - the City is not saying that we are changing their rules. We're just staying it's okay with City. The City is not saying it's okay with your deed. The neighbors can object as they see fit. Every time the board is dealing with Huntington Woods they can make it clear that they aren't trying to interpret these bylaws because they are going to get into a field they don't belong in. Is there anyone that wants to chime in on this whole concept of how we deal with deed limitations?

Mr. Burke commented that private deed restrictions are enforceable by the neighbors. The City has no ability to overrule those private deed restrictions. All they can do, as the BZA, is to determine request for variance only by the City code.

Mr. Bruno added, along those lines, that the deed appears to be consistent with our code. To that point hopefully that helps clarify some of those concerns that he wanted to make sure were brought to light, in the conversation they had at the last meeting, as well as having that discussion in this meeting.

Mr. Wamelink advised that they talked to the DiBenedetto's, who would be able to release those restrictions, and they're going to sign something releasing those.

Mr. Norton remarked that one of the things they discussed last time is that this ends up being 2' away from the property line on the side yard and there was concern that granting a variance that would bring this garage close to the property line. If the neighbor wanted to do the same thing, and push their structure forward in a similar manner, you'd end up with two large structures only

4' apart. That is what was concerning to the board. Last meeting they talked about reducing the size of the garage because there is currently 16' for the last bay. Pulling it back so that the 2' dimension opened itself up. According to the deed restrictions it is supposed to be 8'. That is one thing that had been discussed.

Ms. Wamelink remarked that they ended up going back and re-measuring everything and they are only asking to go 30" into the side yard. At the 18' mark there would still be 5.5' until you reach their neighbor on the Northside property line. Their neighbor would still have 14' of side yard until you hit his driveway. If he wanted to build something similar at the greatest closeness there would still be 11' of side yard between them.

Mr. Norton confirmed that the applicant wants to change their request to 5-6'.

Mr. Tuck-Macalla advised that Mr. Norton is looking at the old plan that showed 2' to the side lot line. When they last saw this there was another drawing that was produced that was taken from the original site plan. If the garage was moved 16' forward that side yard would be 4' to the lot line. So they are not looking at 2' to the lot line they are looking at 4' to the lot line.

Mr. Norton confirmed that the applicant is willing to open that up to 5-6" to the line. The set back – how big of a variance would be necessary for the front setback.

Ms. Wamelink confirmed they are asking to go 8'-10' into the front yard setback.

Mr. Tuck-Macalla remarked that to go 8' into the side yard setback would be 4'. The variance would be 4'.

Mr. Norton confirmed that the city's requirement for the setback is 10'?

Mr. Tuck-Macalla advised that they came to the conclusion that their frontage is less than 70' so the required side yard is 8'. After coming out 16' the side yard would be 4'.

Mr. Bruno summarized that that they're looking at a 50% variance for the side yard as opposed to a 40% variance.

Mr. Tuck-Macalla replied in the affirmative. It is 50% for the side yard.

Mr. Norton remarked that when they changed it to 5-6" it seems like they're willing to sacrifice some of the 16'.

Ms. Wamelink remarked that they just want 30" into the side yard.

Mr. Norton stated that that the City says it has to be 8'. The applicant would like the side yard to be 5'-6" from the property line. Therefore they would need a 2'6" or 30" side yard variance. The only question that leaves is at that point what front yard variance do you need?

Ms. Wamelink replied that they need an 8' front yard variance.

Ms. Young inquired how the frontage still staying the same, but the side yard isn't. Are they angling it?

Ms. Wamelink replied that they would be willing to angle it, but also they went out and they measured from property line to property line. The exact measurements that they needed. Once they did that it's how they came to that determination.

Mr. Tuck-Macalla replied that the measurements he's using are from the survey. If they are going to change the measurements they might need another survey.

Ms. Wamelink replied that they have the pins in the yard that they found. They found all the pins and they were able to do all the measurements that way.

Mr. Tuck-Macalla replied that he would be comfortable with another survey since they're working from a survey. He's been taking his measurements from the survey. It's not stamped, but it was produced by Carl Anderson and Associates. He is not doubting their measurements, but he would feel more comfortable having a surveyor come out and give them a new survey and then they'd have exact measurements.

Mr. Burke replied that he too would feel more comfortable with updated drawings. He is still thinking on Ms. Young's question regarding the changing the side yard setback request, but the front yard request is still for 8' which he would need to think on after seeing drawings.

Mr. Young commented that the plans are the same, but the measurements for her request have been modified.

Mr. Bruno remarked, to the Chairman's comments, if the applicant's representations are close to accurate it might be better to have a site plan to actually move on the application. If the 8' measurement, based on the applicant's representation, is somewhat accurate that would be a 16% variance for the front setback.

Mr. Norton remarked that he thinks the board has sort of indicated that they would be somewhat comfortable with this 2-6" side yard variance, but that then automatically establishes, based on a survey, exactly what the front yard setback needs to be based on moving the side yard to 2-6" variance. They are going to need that information before they are going to build anyway. The architect that is going to design this is going to need that information. He believes it's relatively safe to say, although he may be off base, it seems like the 30" side yard setback is somewhat comfortable. If that is the case then they can move forward with their design based on that information and submit that to a future meeting. He believes they are going to need a front yard variance as well. They really can't give them until, based on a legal document, of what that is going to be.

Ms. Wamelink replied that they would be fine with an 8' variance in the front and 30" on the side and then they go from there. The thing with the survey that the City has – is that they actually did less feet on their yard from that survey from what it shows. The survey, that Mr. Tuck-Macalla has, shows that they have the fire hydrant on their side of their property, plus a foot or two, but they didn't even include that extra foot or two on the side yard – they just did it straight up against the fire hydrant to give Mr. Bruleport, their north neighbor more yard. Even with their conservative measurements they were happy with the 30" and then going down the 8'.

Mr. Norton inquired of Mr. Tuck-Macalla if the board was to consider saying a side yard variance not to exceed 30” and a front yard setback variance not to exceed 8’ does that make sense to do it that way? They’re going to have to show that on the architect’s plans.

Mr. Tuck-Macalla replied that, at this point, the board and the building department would like to see a survey set of drawings. They are going to need a set of these drawings going forward to build whatever is built. They are having conflicting measurements here. He’s not sure which is right or wrong and he believes they need a 3rd party to step in there and do the survey. Give them exactly what the side yards are. They can draw up where the garage addition is going to be and then they will know exactly where it’s at.

Mr. Miller remarked that he had a question for Mr. Tuck-Macalla. Mr. Tuck-Macalla had included in his alternate memo regarding any precedent that has been set in the Huntington Woods HOA. He doesn’t see anything there that tells him that there are a number of, or at least one, properties that has been granted a variance to build such a large garage.

Mr. Tuck-Macalla replied that he doesn’t have any. They have the addresses that he went through. He looked at the two parcels that Ms. Wamelink gave to him. There weren’t any variances that were granted for side yard or front yard setbacks. There were no additions done to those homes. The only variances that he could find were for generators, air conditionings, or one had an addition that they put on the rear.

Mr. Bruno added, just to be clear, those properties that were represented and offered by the applicant didn’t require a variance either.

Mr. Tuck-Macalla replied that one did require a variance. The one has a 5’ side yard, but it didn’t procure a variance – he doesn’t know why, but it was built at that time. That would be the same with the Wamelink’s house. When he scaled the drawing across the front of the garage it’s 76’ which is above 70’ and the side yard would then have to be 10’. On the drawing it shows that it is listed as 9’. He noted there wasn’t a variance for this house either.

Mr. Miller inquired if it was recently constructed?

Mr. Tuck-Macalla replied that this house was built in 1985.

Mr. Gess remarked that he agrees and feels that more definitive information is needed. Especially with the uniqueness in the shape of the lot. He appreciates what the applicant is saying regarding taking the more conservative approach and use the conservative numbers. But if 30” is okay then maybe if they have the exact property line information, from a survey, only 24” would be needed. He believes they would all prefer to have a smaller variance. Maybe it’s the same physical location on the property, but maybe it calculated smaller variance. He thinks that’s important to always make sure to look at the minimal approval so that it’s not unnecessarily calculated to be larger than needed and that challenges them down the road. Certainty is very important to make sure they are all looking at the right numbers.

Ms. Young stated that since the deed restrictions from the DiBenedetto's supersedes any of their authority wouldn't they need to see something from them that would free them of that restriction before they could vote.

Mr. Norton replied that he doesn't think so. Because as long as whatever they pass includes a brief statement that it's not to be interpreted as changing any of their deed restrictions than it should be between the other property owners. These property associations tend to fall apart over time. Some of them are enforced and have an aggressive association and others disappear. In this case, there is a whole lot of garden sheds in this area. Technically they are all violating the original intent of the developer.

Mr. Miller commented that he is really not comfortable with superseding the property association whether things are enforced or not. Mr. Tuck-Macalla has done some homework that shows, other than one property being 9' from a line where it should have been 10', no other variances were granted for front yard setbacks. For him, he would very much prefer to see the DiBenedetto's having signed off on this alternative design, which goes against the deed restrictions, and see it circulated to the other homeowners. Obviously the other homeowners have respected those deed restrictions - to at least some degree. He is not comfortable going against that. The 8' is still quite a bit. They have some older properties that were located either way back from the front setback and some are well within the front setback and they are asking for a simple porch and the board has been very critical of that. For him, until the homeowners association has signed off it he would prefer they don't do anything.

Mr. Bruno remarked that he would agree and that is the reason he brought it up in the last meeting. He thanked Mr. Tuck-Macalla for the research. He believes they kicked the can down the road a bit, but this is an application that they need to address as in this particular neighborhood because some of the folks who veteran original home owners still do reside there and are involved in that home owners association. The former law director of the City is actively involved in that homeowner association and he thinks it would be safer for them to make sure they are thorough about this for the benefit of all those citizens in that neighborhood.

Mr. Wamelink replied that they are happy to provide that document from the DiBenedettos. He actually believes they are not subject to the HOA, but he doesn't want to get into a legal argument. They saw it as a non-issue because they were going to get a waiver, but also present to the board that their lot does not fall under the HOA. They can then get comfort from both sides on that. Originally he didn't want to throw too much into this discussion if it was going to be a non-issue, but it sounds like the board wants to hear about it so they're happy to address it.

Ms. Wamelink added that they have a survey from 2015 - perhaps they could just drop that off instead. The one that Mr. Tuck-Macalla has, is from 1985, but they had this one done in 2015. It shows that their side yard has different measurements. They are happy to provide that one. As far as the homes that didn't need a variance. If you go out and measure them - she doesn't know why they were built without a variance. There are brand new homes being built. The Ripley property, for example, the setback is not 50'. That is a brand new home on Arlington Circle from 2014. There are homes that would have needed a variance, but they just didn't ask for one.

Mr. Norton remarked that those homes may violate the restrictions on the deed, but if they meet the requirements of Bay Village than they wouldn't have been presented with them.

Ms. Wamelink replied that they didn't meet the requirements because they go in front of the 50' buildable line.

Mr. Tuck-Macalla remarked that they wouldn't have been given the permit if they went in front of that 50'. He advised that he'd be happy to run to the basement and pull the files if she could provide the address.

Ms. Wamelink replied that they're already built.

Mr. Tuck-Macalla replied that she could email him the address and he can find that information. He has no problem doing it. It's not something that gets overlooked when someone is building a new house.

Mr. Norton advised that the board needs two things. One is that the developer has agreed to this in writing as the declaration of restrictions says and the second thing is that they need a plan that legally tells them the front setback. In other words, they have an existing house on an existing piece of property. They want to move it forward and it's on an angle. They are trying to find out what the setback is and where the new construction would fall in relationship to that. It is difficult to determine without a survey. As Mr. Tuck-Macalla mentioned, they are going to need a survey anyhow to get a building permit as part of your architectural plans for approval. That would tell us what the real facts are. He thinks the board can vote on this, but he believes they may want more information before they pursue this any further.

Mr. Wamelink replied that it makes sense. He thinks he has a sense from the board regarding what they are looking for. To be honest, they didn't want to pay for a new survey if it was just going to be dead on arrival, but it doesn't sound like that is going to be the case. They understand the board wanting a more specific survey. They can also send Mr. Tuck-Macalla the 2015 survey and he can advise if they will need a new one after that.

Motion by Mr. Burke, second Mr. Bruno, that the application for variances at the property 31003 Arlington Circle be tabled to the next meeting pending receipt by the building director of the requested additional drawings and survey.

Roll Call Vote:

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

Nays –

Excused –

Motion Passed 7-0

Petri Spirollari 26613 Lake Rd.	ITEM TABLED 4/1/2021 – Additional research being completed Applicant is requesting a Special Permit per section 1121.41 to install 2 columns in the front yard of his home to attach his address.
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Mr. Norton introduced the next item on the agenda as Petri Spirollari. He confirmed that the applicant is not on the call, but he believes they are aware of his request from the last meeting.

Mr. Tuck-Macalla advised that he has not heard from the applicant since the last call.

Mr. Norton remarked that they can proceed without the homeowner being here.

Mr. Bruno remarked that he appreciates their previous discussions and Mr. Tuck-Macalla’s research. It appears, to him, based on his research there are multiple on Lake Rd that are similar or even taller. There are a variety of examples along Lake Rd. Certainly safety and vision of people on the sidewalk and the street is something that the board wants to make sure they consider and discuss.

Mr. Norton advised that there are a number of these that don’t fall within 10’ radius. This request has a reasonable setback from the sidewalk and since these columns aren’t connected and the tree has no lower branches and it seems that the view of the sidewalk is fairly open. That may not be a problem in this case.

Mr. Gess advised that the proposal to put two piers on one side is unique in that it’s usually a single pier on either side. There is a point where these columns, which are 27” wide, become an angled line of sight where they are next to each other and then you’re blocking a much wider view. He’s not saying that changes anything, but it lends itself in the perfect scenario that you’re blocking a much larger view.

Mr. Norton replied that is a good point. A little bit of a counter point would be that the rest of the front yard is non-fenced and non-obscuring. So you’d see, as you’re backing out of the driveway, that you’d have a chance to see along the sidewalk, but he’s correct in saying that the blind spot, in effect, at a certain angle is wider.

Mr. Bruno commented, to that point, that knowing the one is further south on the property that blind spot, based on what he understands from the drawings as prepared and submitted, would be further up the driveway further from the sidewalk and the street. He advised that he is more inclined to consider this after the research from the building department that they are all keeping in mind.

Motion by Mr. Burke, Motion by Mr. Bruno, to grant the property at 26613 Lake Rd. a special permit per CO 1121.42 to install two columns in the front yard of the property per the application drawings and submitted and representation of the applicant in the meeting on April 1, 2021.

Roll Call Vote:

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

Nays –
Excused –
Motion Passed 7-0

There being no further business to discuss the meeting adjourned at 8:41 p.m.

Jack Norton, Chairman

Lauren Oley, Secretary