

Meeting Minutes of  
Board of Zoning Appeals  
Held September 3, 2020

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

Excused: Burke

Also Present: Eric Tuck-Macalla (Building 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 7:30 p.m.

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held August 6, 2020.

**Motion** by Mr. Bruno, **second** by Ms. Young to approve the minutes of the meeting held August 6, 2020 as prepared and distributed.

**Motion passed 6-0.**

Joe Neiswonger  
600 Glen Park Drive (tabled July 18, 2019)

The applicant is requesting a variance per C.O. 1153.03 (minimum side yards) to add an attached garage. This would be a variance of 2.67' or 17%.

Mr. Norton discussed the second 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 noted that a neighboring property was under the impression that the variance included allowed a structure to be built, part of which would end up on their property. It was his understanding that that is not the case and that this would all be on the applicant's property. The issue is that it would be required to have a total side yard of 15 feet on a 50 foot wide yard. This is a little over 12 feet, less than a three foot variance request. He also noted that the situation is somewhat unusual in that the house is pushed substantially into the back of the property and the south side yard abuts a backyard from the adjoining street. So it's a little unusual the way it's configured in the in the plot plan. He asked if there was any other discussion.

Mr. Bruno discussed the past conversation from the previous meeting minutes. Mr. Burke made quite a few great points along with the rest of the Board. He felt it is a unique situation in that the setback is severe compared to the rest of the neighborhood, relative to the setbacks of the other

properties. He understands from the application and through past discussion that the applicant desires not to put any structure on their 42 feet of backyard that they happen to still have. 17% is a rather reasonable yet sizable percentage of variance that the Board typically sees in a request yet the uniqueness of the situation, the lot, the position of the existing home structure and the fact that the applicant has changed the application makes it more favorable. This new application is quite different from the detached garage that was originally requested, now being an attached garage. He felt it was a significant change and a little bit more favorable compared to what the Board saw in the past.

Mr. Miller discussed the current gravel driveway of the home on the north side of the property. With the garage being located on the south side of the property, he asked if he was going to change the location of the driveway.

Mr. Neiswonger said he planned to do a concrete driveway on the south side of the property.

Mr. Miller discussed the garage. He assumed the outside edge is 11 feet wide and the north edge is about one foot off the corner of the home. He discussed the furnace stack or a chimney that protrudes a couple feet from the south side of the home. He asked if he had contemplated how he was going to get a vehicle in there and if there would be enough clearance.

Mr. Neiswonger explained that it goes through his chimney and he planned to take that down and reroute the venting of the furnace.

Mr. Norton asked if there was any other discussion.

Bill Cisco, neighboring property owner, had two questions. He explained that he lives on Knickerbocker and his property abuts to the back side of the applicant's property. He asked what the proposed height of the garage would be and if it would be along the same roofline of the existing house. He also discussed the shrubs at the back side of his property. He wondered what the recourse would be if the shrubs died as a result of the construction.

Mr. Neiswonger explained that they are having professional architects come up with the drawing. Right now, his roof is actually leaking because of the shallow pitch and the moss that's growing on it. He plans to increase the pitch to do attic trusses. Once the garage is attached, it would all be one straight line across. He hasn't done anything yet. He is aware of the shrubs that are right on the line right on the fence. He does not see an issue with killing any of them. He is going to do most of the work himself.

Mr. Cisco asked what recourse there would be if the shrubs died as a result of construction.

Mr. Neiswonger said he would pay to replace the shrubs if they died.

Sharon Brumagin, another neighbor, had a question. There backyard is the applicant's side yard. When the garage is built, they will essentially have a garage right on the property line. She asked

if it was normal for an applicant to request a variance and not have plans drawn up yet so they know what it will look like.

Mr. Norton said yes and explained that the question before the board is, is there an adequate total side yard. The City Ordinances state that it has to be a minimum of five feet, and it has to be the total side yards that when they're combined, is 30%. The variance is just for the footprint of this addition. The Board of Zoning Appeals does not get involved in any residential architectural questions. The only question for the current meeting would be asking what the footprint is in relationship to the property line.

Ms. Young discussed the size of typical one car garages. She asked if it normal to have only one foot on one side. She asked if that was enough space to accommodate the door. In other words, if this garages is slated to be 11 feet wide, what if that door is not accommodated on that one foot side? The applicant would have to push it over one more foot. There's no wiggle room in the variance for that.

Mr. Norton asked Mr. Tuck-Macalla if there was anything written in the Code about a minimum requirement from a dimension stand point.

Mr. Tuck-Macalla said no, there is nothing written in the Code. The Board is only looking at this for the footprint. The applicant can use it for whatever he would like. (ex: storage space)

Mr. Saurman discussed the fencing on the south side of the property. He asked if it was the applicant's fence or his neighbors. He noticed the driveway would go right next to it.

Mr. Neiswonger explained that it is his neighbor's fence and they are having it rebuilt. He understood that he could have his driveway right up to the property line but said that he would probably keep it around 2' off the property line.

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

**Motion** by Mr. Bruno, **second** by Mr. Saurman to grant property at 600 Glen Park Drive a variance per C.O. 1153.03 related to the minimum side yard setbacks to add an attached garage that would be 2.67 feet beyond what is allowed by Code. This would be a 17% variance in total percentage wise.

**Roll Call Vote:**

**Yeas – Young, Gess, Norton, Miller, Bruno and Saurman**  
**Nays-**  
**Motion Granted-6-0**

Slife Heating and Cooling  
On behalf of William and Elizabeth Mull

The applicant is requesting a variance per  
C.O. 1359.01(a) to place an AC condenser

27807 Osborn Road

9' from the property line. This would be a variance of 1'.

Mr. Norton discussed the third 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 clarified that the based on the notes provided by Eric from the Building Department, this is a replacement of an existing condenser unit. The placement would be in the same position based upon the drawings from the application. He pointed out that unit has a 75 decibel rating, which is in line with what the Board typically likes to see. He suggested that any motion include the condenser unit be equipped with a sound blanket and year round screening based on the fact that it is positioned in the side yard.

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

**Motion** by Mr. Bruno, **second** by Mr. Gess to grant the property at 27807 Osborne road a variance per C.O. 1359.01(a) for the placement of a an air conditioning condenser nine feet from the property line, which would require a variance of one foot per the drawings as prepared and submitted and the information included in the application. Provided that the placement of the condenser unit include year round screening with either vegetation or some sort of decorative fencing.

**Roll Call Vote:**

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

**Nays-**

**Motion Granted-6-0**

Mr. Norton asked that Slife Heating and Cooling to make sure to explain to the homeowners the requirements for the year round screening, either decorative fencing or vegetation. He also said the unit would need to be equipped with a sound blanket if it does not already have one.

Mr. Slife agreed and said that they do have a sound blanket but there are additional sound blankets that can put on if needed.

Mr. Norton thanked Secretary Vincent for her time with the City and wished her well as she moves on.

**There being no further business to discuss the meeting adjourned at 7:50 p.m.**

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Jack Norton

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Kateri Vincent, Secretary