

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held July 9, 2015

Members Present: Bruno, Burke, Dostal, Norton, Tyo

Also Present: John Cheatham, Chief Building Official.

Audience: Dino Lustri, Geoff & Judy O'Brien, Gene Barry, Mark Chernisky, Jerry Dowling, R. Garrity, Eli & Sophia Fernandez, Jill Sargent.

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

A copy of City of Bay Village Codified Ordinance 1127.01 was posted and Mr. Norton advised that the code states that the Board shall consist 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.

**Motion** by Dostal, second by Bruno to approve the minutes of the meeting held June 18 2015, as prepared and distributed. **Motion passed 5-0.**

**Daniel Weist  
431 Powell**

**C.O. 1163.05(H) (3) Variance  
Install Privacy Fence 64 ft. x 6 ft.  
high across rear yard**

No one appeared for the matter of Daniel Weist.

**Sue Watkins  
24319 Lake Road**

**C.O. 1359.01 (A) Variance to add  
Air Conditioning Unit on east side  
of home**

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

A representative of Stack Heating and Cooling Company was present to represent the homeowner.

Mr. Burke stated asked if there is some reason the unit cannot be placed to the rear of the property. Jeremy, of Stack Heating and Cooling Company stated that the back of the house is to the back of the garage. There is a three-car garage with landscaping and patio furniture in the rear. Mr. Burke stated that the west side of the property has a driveway next to the home. The unit would have had to be placed on the driveway.

Mr. Norton clarified the request for the area in which the air conditioning unit is to be placed. Jeremy stated that he plans on putting the unit across from the neighbor's fence so that it is further back on the property line. It would not be visible from the neighbor's due to the fence. The

Mitsubishi Unit is designed to be extremely quiet, at 49 decibels at high speed. There is adequate clearance for servicing. Screening will be added to keep the unit from being seen from the street, even though the unit cannot be seen from the street due to the elevation of the property.

**Motion** by Dostal, second by Tyo, that a variance of four feet be granted to the property located at 24319 Lake Road pertaining to Codified Ordinance 1359.01(A) for the installation of an air-conditioning unit, provided it has year-around screening blocking its view from the street.

**Roll Call Vote:**       **Yeas – Bruno, Burke, Dostal, Norton, Tyo**  
                              **Nays – None.**

**Motion carried 5-0.**

**Dino Lustri**  
**475 Cahoon Road**

**C.O. 1350.03 Variance for Shed Placement**

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

Mr. Lustri reviewed his request and drawings with the Board. Mr. Burke stated that the proposal is to add the shed 25 feet from the right-of-way, which would be the future right-of-way of Cahoon Road. Mr. Burke stated that it seems as though the drop-off behind where the shed is to be placed is not severe. He asked if Mr. Lustri considered having the shed farther back from the street.

Mr. Lustri stated that he did not want to put it further back because that would give it the impression of a building standing in the middle of the yard. Where Mr. Lustri has asked for placement would hide the shed by the existing tree, making it aesthetically less intrusive. Mr. Burke noted that a variance goes with the property. In the event the property is sold in the future the new property owners may remove the tree.

Mr. Lustri noted that he would be happy to provide screening. The reason for the request is that he plans on submitting plans to the City for an addition to his home, which includes the demolition of the garage. Ultimately, the shed will be behind the home.

Mr. Norton asked an explanation of “the future right-of-way.” Mr. Lustri stated that his deed reads to the center line of Cahoon Road. At some point in the future, by mutual agreement, he will be dedicating his frontage to the City.

Discussion followed and the presence of the Bay Middle School shed across the street was noted by the Board.

**Motion** by Burke, second by Bruno that the property located at 475 Cahoon Road be granted a variance from the provisions of Codified Ordinance 1350.03 for the placement of a shed, to the side of the house, in accordance with the application submitted.

**Roll Call Vote:**       **Yeas – Bruno, Burke, Dostal, Norton, Tyo**

**Nays – None.**

**Motion carried 5-0.**

**Jerome Dowling  
25001 Lakeview Drive**

**C.O. 1153.03 and 1153.04 Variance  
of minimum side yard and minimum  
front yard requirements**

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

An e-mail communication from Jim Marconi, 24915 Lakeview Drive, the property to the east of the 25001 Lakeview property, was noted stating that Mr. Marconi has no objection to the front porch extending to the east and connecting to the side porch, but he does object to the front porch extending to the north. Mr. Marconi feels that this is not compatible to the neighborhood.

Mr. Norton called upon Mr. Dowling, and noted that the lot in question is very small: 37 feet wide in the back. It does seem that the expansion plans would be overbuilding the lot and the deck would be six inches from the property line. If the eastern line would be extended back to the small porch, that would be preferable to building out to the property line.

Mr. Burke commented that the neighborhood is somewhat unique, but the front of the property seems to project out more than the other houses on Lakeview, and an extension on the side would go right to the street. He would also have a problem with it overbuilding the lot.

Further review and discussion followed. Mr. Bruno agreed with the comments of Mr. Burke, and noted that even though the neighborhood is unique, this is a different type of request even for that neighborhood. The neighborhood is currently undergoing engineering design.

Mr. Tyo further discussed with Mr. Dowling the problem with creating a precedent if this request were to be granted.

Regis Garrity, the property owner at 328 Forestview, behind the Dowling home, spoke in objection to the plans. He noted that variances have already been allowed to this property since the home was built in 1988. This proposal is to add additional variances, which to him is totally unfair.

After considerable discussion, Mr. Dowling withdrew his request and will re-present for the August 6, 2015 meeting of the Board of Zoning Appeals. The Secretary will research the file for the property owned by Mr. Dowling, 25001 Lakeview, to see if previous variances have been granted. Mr. Burke noted that he will be out of town for the meeting of August 6, 2015. All revised plans are to be submitted by July 23, 2015 to the Building Department.

**Geoffrey O'Brien  
28615 N. Lincoln Road**

**C.O. 1153.04 – Variance for reconstruction  
and expansion of back porch**

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

Mr. Burke stated that the property is unique with the wide measurement in the front and narrowing to the rear. The proposed addition is not to the neighbor's living part of the house but to their driveway and garage.

**Motion** by Tyo, second by Bruno, that a variance of slightly more than 22 feet be granted to the property at 28615 N. Lincoln Road, per Codified Ordinance 1153.04 for reconstruction and expansion of the back porch per the plans submitted.

**Roll Call Vote:**       **Yeas – Bruno, Burke, Dostal, Norton, Tyo**  
                              **Nays – None.**

**Motion carried 5-0.**

**Elias Fernandez**  
**30648 Wolf Road**

**C.O. 1141.04 Special Permit for Accessory Building**

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

Mr. Norton advised that in reviewing the plot plan, the proposed structure was included as well as a pool outline. A large garage near the back of the property, a very sizeable pool house cabana, and a good sized outdoor, roofed kitchen were not shown. This is the fourth structure that is being requested to be put on the property.

Mr. Fernandez stated that these structures were put in about six or seven years ago, with a Building Department permit. When the pool was put in they put in a cabana. Two years ago a very large home was built next door which overlooks the Fernandez pool area. They are requesting the accessory building for privacy purposes. Mr. Fernandez stated that the pool house is one building, half is 10x10 feet, and the other is 7x10 feet to store the equipment and filters for the pool. Mr. Norton questioned whether a permit was granted for the entire length of the six feet high fence.

Mr. Bruno requested a plot plan to determine the square footage calculations of the yard and all the accessory buildings. Mr. Burke also asked the height of the proposed accessory building. All revised plans are to be submitted by July 23, 2015 to the Building Department.

After further review and discussion, and the need to research the property file to learn of existing permits and variances, it was decided to withdraw the request this evening and re-submit for the meeting to be held August 6, 2015.

**Jileen Sargent**  
**30480 Timber Lane**

**C.O. 1145.02 (c) Special Permit for Pergola**

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Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. It was noted that a family member installed the pergola. Mr. Norton noted that evidently Ms. Sargent's brother did not realize that a special permit was needed prior to installing the pergola. The Board members agreed that it was an attractive addition, is very modest in scale, is open on all sides, and fits in with the neighborhood.

**Motion** by Bruno, second by Tyo, that a special permit be granted to the property at 30480 Timber Lane in accordance with C.O. 1145.02 (c) for the constructed pergola as it exists, in accordance with the drawings and photographs submitted.

**Roll Call Vote:**        **Yeas – Bruno, Burke, Dostal, Norton, Tyo**  
                                 **Nays – None.**

**Motion carried 5-0.**

There being no further items to review, the meeting adjourned at 8:30 p.m.

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Jack Norton, Chairman

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Joan Kemper, Secretary