

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held November 19, 2015

Members Present: Bruno, Campbell, Dostal, Norton, Taylor, Tyo

Excused: Mr. Burke

Also Present: Law Director Ebert; Clint Keener, Bay Village Board of Education;
Jeff Fillar, SAFEbuilt, Inc., Councilman Tadych (Ward 1), Councilman
Vincent (Ward 2)

Audience: Carol Schneider, Kurt Van Gunten, Mark Chernisky

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 November 5, 2015 as prepared and distributed. **Motion passed 6-0.**

**Bay Village Board of Education
Normandy Elementary School**

**C.O. 1165.05- To install 6' high
fence for buffering length of 415 Dover
Center Road property**

Mr. Norton stated that he studied the buffering law and the property of the other three schools in the City. He stated that buffering is solely at the discretion of the Planning Commission. Mr. Keener, Superintendent of Schools, Bay Village Board of Education, stated that when they added on the modular addition to the west end of the building of Normandy School they submitted a landscaping plan to the Planning Commission as part of the review and approval process. They asked if they had to buffer the property owned by Mr. Van Gunten at 415 Dover Center Road. Even though the land is zoned Commercial District, it is occupied by a private residence and the Board was asked that buffering be provided.

Mr. Norton discussed with Law Director Ebert the authority that decides buffering requirements. Mr. Ebert stated that is within the jurisdiction of the Planning Commission, but it can also be at the discretion of the Building Department.

Mr. Keener stated that the first planting of live buffering did not take. The Board can now put in a second row of plants staggered, to provide the 80% coverage. Mr. Van Gunten, the owner of the property at 415 Dover Center Road, prefers to have a fence. The Board is of the understanding that the sections of the fence are limited to a length of 16 feet, which can be interrupted with

plantings. Mr. Van Gunten would like an 8-foot high fence, which Mr. Keener will not request and will limit the height to 6 feet, but is asking to run the entire length of 62 ½ feet, solid wood fence. The 6' fence clearly will screen the Van Gunten backyard and garage. If you do stand at the back of Mr. Van Gunten's house, where he parks his vehicle, you can see over the fence from both sides.

Further discussion followed.

Mr. Tyo asked if there are any other properties neighboring schools in Bay Village that are zoned Commercial District. Mr. Keener stated that he does not recall any uses other than residential adjacent to the schools, other than those properties along Dover Center.

Mr. Norton suggested putting the 6-foot fence between the shrubbery and the existing chain-link fence, and then leaving the existing shrubbery, softening the look of the fence. Mr. Keener stated that they would like to put the fence between the shrubs and the playground.

Mr. Ebert discussed the grading situation, which caused the request for an 8-foot fence. Mr. Norton stated that the only question before the Board of Zoning Appeals this evening is that the School Board has asked to grant a variance to the buffering ordinance, and rather than a 16-foot solid interrupted by vegetation fence, they be allowed to do the full width of the property at 415 Dover Center Road. Since the fence is constructed in 8-foot sections, the request will be for 64 feet.

Councilman Vincent asked if the resident wanted to put in his own two additional feet in height to the fence, would that be considered by the Board of Zoning Appeals. Mr. Norton responded affirmatively, noting that it can't be to this request for this fence. It would be for a separate fence on the Van Gunten property. The Board of Education will not permit an application for an additional two feet to their fence.

Mr. Van Gunten stated that the last time he was before the Board of Zoning Appeals, which was on September 17, 2015, there was discussion about a 2-foot mound of dirt augmented with a 6-foot solid wooden fence to achieve that 8 feet desired. Mr. Van Gunten asked what happened to the idea of having that 8 feet in height for his screening. Mr. Tyo responded that the conversation for the mound of dirt was related to correcting water run-off on the property. Mr. Norton stated that the water run-off problem has been corrected by the Board of Education with the installation of a drain. Mr. Keener stated that their concern with putting a mound would be if there were rain conditions and snow melt, it would aggravate the water retention problem.

Mr. Norton stated that the Board of Education would need a variance for the height. The Board of Zoning Appeals does not allow anyone to bring the ground up and then install the fence. The fence has to be placed to the natural contour of the land.

Mr. Van Gunten commented that the six-foot fence will not provide adequate screening to his property because his ground is so low. Additional discussion followed. Mr. Vincent asked if it would be helpful if the School Board fence were built on top of the bush mound. Mr. Vincent asked if there is a limit to the height of a fence on property zoned Commercial District. Mr. Norton stated that there has been a request for a 14-foot high fence, which was denied. Mr. Norton noted,

however, that he cannot recall a request for an 8-foot fence, other than for the Community Garden which is a see-through fence. Mr. Chernisky, who was in the audience, noted that there is no ordinance that states the height of a commercial fence, other than for rubbish corrals. Mr. Norton noted that all commercial property requests are sent to the Planning Commission.

Motion by **Tyo**, second by Dostal that a variance be granted to the property known as the Normandy School Property to install a 6-foot high, 64 feet in length solid wood fence on school property to buffer the 415 Dover Center Road residence.

Roll Call Vote: Yeas –Bruno, Campbell, Dostal, Norton, Taylor, Tyo
Nays – None.

Motion carried 6-0.

Robert Krause
26827 Lake Road

C.O. 1163.05(e) 5' high fences
to replace existing fences

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

The application is to replace the chain-link fencing on the east and west side of the property with a fully-opened picket fence, and replace the fence on the southern portion of the property with a fence that looks very much like the existing fence.

Discussion followed. Mr. Norton stated that this is a small variance request.

Motion by **Dostal**, second by Bruno, that a variance of one-foot to Codified Ordinance 1163.05 be granted to the property at 26827 Lake Road for a fully-opened visually, as per drawing, 5-foot fence that is replacing an existing 5-foot fence

Roll Call Vote: Yeas –Bruno, Campbell, Dostal, Norton, Taylor, Tyo
Nays – None.

Motion carried 6-0.

Motion by **Bruno**, second by Campbell, to repeal the motion regarding the property at 26827 Lake Road.

Roll Call Vote: Yeas –Bruno, Campbell, Dostal, Norton, Taylor, Tyo
Nays – None.

Motion carried 6-0.

Motion by **Dostal**, second by Bruno, that a variance of one foot to Codified Ordinance 1163.05 be granted to the property at 26827 Lake Road for a fully-opened visually, as per drawing, 5-foot fence that is replacing an existing 5-foot fence, and that a similar, fully-opened fence is also

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allowed on the east side of the back yard, with the stipulation that the contractor supply the Building Department and the Board of Zoning Appeals with an additional drawing.

Roll Call Vote: Yeas –Bruno, Campbell, Dostal, Norton, Taylor, Tyo
Nays – None.

Motion carried 6-0.

Megan Slater
393 Longbeach Parkway

C.O. 1153.02(2) 26” variance to front
setback for covered open porch

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

Review of the application and discussion followed. The setback is a City requirement, as opposed to a deed requirement.

Motion by **Tyo**, second by Bruno, to grant a variance of 26 inches, to Codified Ordinance 1153.02 (2) to the front setback of the property at 393 Longbeach Parkway for the construction of a covered, open porch.

Roll Call Vote: Yeas –Bruno, Campbell, Dostal, Norton, Taylor, Tyo
Nays – None.

Motion carried 6-0.

The meeting adjourned at 9:00 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary