

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held January 3, 2013

Members Present: Burke, Campbell, Dostal, Norton, Taylor

Absent: Bruno, Tyo

Also Present: Law Director Ebert, Bob Lyons, Building Department, Andy Pech, ARP Heating, Jack Urban, Dale Alexander, Don Corn on behalf of Sue Corsaro, Joe Corsaro, C. Erdelne, Ron Puzzitiello, Alice O'Donnell, James Andrassy

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

Motion by Dostal, second by Taylor, to approve the minutes of the meeting held December 20, 2012 as prepared and distributed. **Motion passed 5-0.**

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 Burke, second by Campbell that any motion on the next eight items on the agenda be deemed to include the following conditions:

- 1) The generator be located and installed in accordance with the manufacturer's instructions and also in accordance with the plans presented with the application to the Board of Zoning Appeals, as modified by the Board of Zoning Appeals as necessary;
- 2) That there be year-around screening for the unit to prevent visibility from the street and neighboring properties;
- 3) Testing of the unit be per the manufacturer's specifications, but not more frequently than once per week between the hours of 9 a.m. and 6 p.m., Monday through Saturday;
- 4) That the installation conforms to all applicable building, fire and safety codes.

Mr. Bob Lyons noted that applications must still be submitted to the Building Department for the permit after approval by the Board of Zoning Appeals.

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

Motion carried 5-0.

Mr. Alexander questioned the screening requirements for generators, noting that screening must be consistent with the manufacturer's requirements for ventilation of the unit. Mr. Norton agreed, stating that the idea is to conceal the visibility of the generator.

Mr. Alexander asked why the appearance of the generator would be any less slightly than an air conditioning unit. Mr. Burke stated that the Board does require that air conditioning units be screened from the view of neighbors and from the street when it is placed along side the home.

John Urban and Nicki Zinni
370 Kenilworth

C.O. 1145.02 (C) Special Permit
for Generator

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

Motion by Dostal, second by Taylor, that a special permit be granted to the property located at 370 Kenilworth for the installation of a generator, per the plans and specifications submitted, and in accordance with the previously stated conditions.

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

Motion passed 5-0.

Dr. Taveevatana Pringpuangkeo
26620 Lake Road

C.O. 1145.02 (C) Special Permit
for Generator

After considerable review of the plans and discussion, the request was amended to install the generator at the rear of the home, rather than the side of the home as originally proposed.

Motion by Burke, second by Dostal, that a special permit be granted to the property located at 26620 Lake Road for the installation of a generator, per the plans and specifications submitted, and in accordance with the previously stated conditions, provided that the location of the unit be

at the rear of the home subject to the discretion of the installer and the homeowner, but not less than 10 feet from the side lot lines, and further provided that it be installed at a distance from the foundation as recommended by the manufacturer, but no more than 10 feet from the foundation.

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

Motion passed 5-0.

Joseph & Cheryl Pikel
29090 Northfield

C.O. 1141.04 (J) Special Permit
for Generator

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

The first option requested by the Pikel's is a side yard location. Mr. Norton stated that there are 20 feet to the property line, and another 20 feet to the neighboring home. He suggested, however, putting the unit in the rear yard.

Motion by Dostal, second by Burke, that a special permit be granted to the property located at 29090 Northfield for the installation of a generator, per the plans submitted, utilizing the second choice of the homeowner to install the generator on the rear yard of the property, subject to the conditions previously stated in the course of this meeting, and further provided that the structure is installed so that the rear of the structure is at a distance from the foundation as recommended by the manufacturer, but not more than 10 feet from the foundation.

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

Motion passed 5-0.

Scott Wilson
436 Hurst

C.O. 1141.04 (J) Special Permit
for Generator

Motion by Burke, second by Taylor, that a special permit be granted to the property located at 436 Hurst Drive, for the installation of a generator, per the plans and specifications submitted, installed in the rear of the home and a distance from the foundation that is recommended by the manufacturer, but not more than 10 feet from the foundation line, and not less than 10 feet from the property line, and in accordance with the previously stated conditions.

Roll Call Vote: Yeas – Norton, Taylor, Burke, Campbell, Dostal

Nays – None.

Motion passed 5-0.

**Dale Alexander
169 Plymouth**

**C.O. 1141.04 (J) Special Permit
for Generator**

Mr. Norton advised that the installation is proposed on the side of the home. The plans indicate that it is 44 feet away from the side yard line. The lot is unusually shaped. Mr. Norton stated that the screening is an important factor if this location is approved.

Mr. Alexander stated that all of the power lines come in next to the proposed location. From a practical standpoint, the location is ideal for the installation of the generator. The unit will not be seen from the street due to the angle of the driveway. Mr. Norton noted that the face of the generator will have to be screened.

Motion by Burke, second by Taylor, that a special permit be granted to the property located at 169 Plymouth, for the installation of a generator, per the plans and specifications submitted, installed on the side of the home and a distance from the foundation that is recommended by the manufacturer, but not more than 6 feet from the foundation line, and in accordance with the conditions set at the beginning of this meeting relative to the installation of generators.

**Roll Call Vote: Yeas –Taylor, Burke, Campbell, Dostal, Norton
Nays – None.**

Motion passed 5-0.

Mr. Alexander asked if the city is working with CEI to eliminate the frequent power outages.

Law Director Ebert responded and explained that the Mayors in the Westshore communities have met recently with First Energy, and will continue to do so in an effort to reduce the outages.

**Susan K. Corsaro
316 Tanglewood**

**C.O. 1141.04 (J) Special Permit
for Generator**

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

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Motion by Burke, second by Dostal, that a special permit be granted to the property located at 316 Tanglewood for the installation of a generator, per the plans and specifications submitted, and in accordance with the previously stated conditions.

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

Motion passed 5-0.

James Andrassy
428 Bassett Rd.

C.O. 1141.04 (J) Special Permit
for Generator

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

The Director of Building and Engineering has indicated by memorandum that this location is approximately 46 feet from the south property line. Mr. Andrassy stated that it would be difficult to place the generator in the rear yard because of the way the property is located.

Motion by Dostal, second by Burke, that a special permit be granted to the property located at 428 Bassett Road for the installation of a generator, per the plans and specifications submitted, not more than 10 feet from the foundation of the home, and in accordance with the previously stated conditions.

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

Motion passed 5-0.

Robert Jackson
30608 Salem

C.O. 1141.04 (J) Special Permit
for Generator

Mr. Bob Lyons of the Bay Village Building Department stated that there are variances that are required on this particular property for additions. The application did list those variances but they were omitted from the permit issued to appear before the Board of Zoning Appeals. Since the notification that was sent to the adjoining property owners did not indicate the variances, Mr. Jackson agreed to have his requests heard at the next meeting of the Board of Zoning Appeals on January 17, 2013.

Alice and Bridget O'Donnell
23724 Cliff Drive

**C.O. 1149.01 – Variance of 2-3 ft.
of Sideyard requirements to build
deck to property line**

The Board has had an opportunity to visit the site and review the application.

Martin Urban, the neighbor to the west of the O'Donnell property stated that he does not have any basic objection to the deck being built up to the property line. He does have concerns about the structural integrity of the deck. The footer that is furthest to the east is partially exposed to the weather. Mr. Urban expressed concern about the length and amount of weight on the deck and what could potentially happen to his property.

Mrs. O'Donnell stated that there is a sheet of steel across the deck, a four inch pad of cement on top of that and two inches of stone on top. There are 18 caissons cemented in the deck.

Further review and discussion followed. Mr. Norton noted that the plan was stamped by an engineer which would indicate that the deck is structurally sound.

Mr. Dostal asked Mrs. O'Donnell why they are building to the lot line. He was informed that the plans were initiated based on the neighbor building their deck to the property line.

Mr. Norton stated that Mr. Lyons reviewed the adjoining deck and it is .975 feet away from the property line. The request by Mrs. O'Donnell is to do the same construction as the adjoining property. The situation is unique because the property is on a cliff.

Mr. Campbell asked if the adjoining property owner came before the Board of Zoning Appeals for a variance to build their deck to the property line.

Mr. Norton stated that it is not known whether a variance was granted. The decks will be of the same level, the same distance out, and of the same type of construction.

Mr. Taylor suggested that this matter be held until the Board of Zoning Appeals be provided with information as to whether or not the adjoining property deck was approved by the city or by the Board of Zoning Appeals. After further deliberation, Mrs. O'Donnell agreed to extend her request until the January 17, 2013 meeting of the Board of Zoning Appeals. There being no further business to come before the Board, the meeting adjourned at 8:40 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary