

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held December 20, 2012

Members Present: Bruno, Burke, Norton, Campbell

Absent: Dostal, Taylor, Tyo

Also Present: Bob Lyons, Building Department, Al and Linda Clark, Greg & Michelle Flanik

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

Motion by Burke, second by Bruno, to approve the minutes of the meeting held December 6, 2012 as prepared and distributed. **Motion passed 4-0.**

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.

Jeff Dodge
359 Oak Cliff

C.O. 1153.02 (1)
Variance 10 ft. front setback
Porch modification/construction

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

Mr. Norton stated that the drawings do not indicate the type of railing to be used. Mr. Dodge stated that with the possibilities of the children being on the porch, they would need a railing. A later drawing was submitted with a roof indicated. Mr. Norton stated that normally when the Board considers a front yard setback variance for a deck of some nature, they stipulate that the railings be 75% open. It should also be noted that this is a difficult request for the Board, due to the fact that it is a substantial (25%) request. Normally, the Board has not voted favorably for this type of request, but the neighborhood is unusual. Because there is a circle at the end of the street, the house at the end is closer to the street than Mr. Dodge's home. As this street terminates on Lake Road, the street jogs and the house on the corner with the Lake Road address allows a side yard on Oak Cliff. Additionally, the property across the street from Mr. Dodge has a deck on the front that is substantial in size.

Mr. Bruno concurred with the comments of Mr. Norton.

Mr. Pat O'Brien, 381 Oak Cliff, the neighbor immediately to the south of Mr. Dodge, stated that the porch is fine, and commented that coming out ten feet blocks the O'Brien's view of the lake. If the porch comes out 8 feet, or to the bottom of the steps, that will not block their view of the lake.

Mr. Norton stated that the print indicates that they are only coming out 8 feet. The variance is 10 feet because the Dodge home and the O'Brien home are already out an extra two feet.

Mr. O'Brien reviewed the plans and expressed agreement.

Mr. Norton noted that the railings for the porch must be kept very thin because the code states that there can be no more than a four inch opening between the railings. The 75% open requirement restricts the size of the railings to be used to insure that the open requirement is met.

Motion by Burke, second by Campbell, that the property at 359 Oak Cliff Drive, be granted a ten foot variance from the front yard setback requirements of Codified Ordinance Section 1153.02 (1), for the construction of a porch per the plans submitted, provided that the porch may not, at any time, be fully enclosed, and further provided that it has a railing that meets the City of Bay Village building code requirements, and in all other respects but not limited to the height above grade, meet City of Bay Village building code requirements.

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

Motion carried 4-0.

Motion by Burke, second by Bruno that any motion on the next four 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. Norton explained each condition in greater detail for each of the applicants. 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 – Bruno, Burke, Norton, Campbell
Nays – None.

Motion carried 4-0.

Ed Beyer
406 Huntmere

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. The generator will be placed in the middle of the back yard, about 5 feet from the home. Mr. Norton noted that one of the stipulations of the permit is that the placement of the generator be in accordance with the plans submitted to the Building Department.

Motion by Burke, second by Bruno, that a special permit be granted to the property located at 406 Huntmere for the installation of a generator, per the plans and specifications submitted, and in accordance with the previously stated conditions.

Roll Call Vote: Yeas –Norton, Bruno, Burke, Campbell
Nays - None

Motion passed 4-0.

Ron Ball
31428 Nantucket Row

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

Mr. Norton stated that the way the generator is placed on the plans it is to the side of the house. He explained that the Board would like the generator in the back of the home, a minimum of 10 feet off of the sideyard to the nearest part of the unit.

Further review of plans and discussion followed. Mr. Ball agreed to place the generator in the back yard of the property, nor further than 10 feet from the home.

Motion by Burke, second by Campbell, that a special permit be granted to the property located at 31428 Nantucket Row 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, not at the side as originally proposed, 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, Bruno, Burke, Norton
Nays - None

Motion passed 4-0.

Gregg Flanik
379 Huntmere

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 Burke, second by Bruno, that a special permit be granted to the property located at 379 Huntmere for the installation of a generator, per the plans submitted, 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 –Burke, Campbell, Norton, Bruno
Nays -None

Motion passed 4-0.

Al Clark
395 Appleblossom Lane

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

Mr. Clark amended his application so that the generator will be located in the rear of the home.

Motion by Burke, second by Bruno, that a special permit be granted to the property located at 395 Appleblossom Lane for the installation of a generator, per the plans and specifications submitted as amended here tonight to indicate that the unit will be installed in the rear of the home and a distance from the foundation that is recommended by the manufacturer, but not more

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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- Bruno, Burke, Campbell, Norton
Nays - None

Motion passed 4-0.

There being no further business to come before the Board, the meeting adjourned at 8:15 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary