

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held July 5, 2012

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

Absent: Bruno, Taylor

Also Present: Bob Lyons, Building Department

Audience: John and Nancy Black, John T. Gorbach (on behalf of Elaine Kubach), Pat Mayer, Elaine and Pete Korte, Mike Young

Chairman 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 Burke, to approve the minutes of the meeting held June 21, 2012 as prepared and distributed. **Motion carried 5-0.**

Elaine Kubach
443 Walmar

C.O. 1359.01 (a) 3 ft., 9 inch variance
to replace air conditioner in sideyard
where originally located

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

Mr. Campbell advised that it will be necessary for the applicant to purchase a sound blanket for the unit. Mr. Norton added that a small evergreen tree is planted in front of the air conditioner. Mr. John Gorbach, from One Hour Heating and Air Conditioning Company, present on behalf of the homeowner, produced a photograph of the unit taken from the street. He noted that there are no windows on the neighbor's home to the side in view of the air conditioner. The new unit is placed where the old unit had been installed. The prior contractor had not applied for a permit or a variance for the installation. One Hour Heating and Air Conditioning Company assumed that there was already a variance. Mr. Norton reminded Mr. Gorbach to raise that issue with the homeowner prior to installation of a new unit in the future.

Motion by Burke, second by Tyo, that the property at 443 Walmar Drive be granted a 3 ft., 9 inch variance from the requirements of Chapter 1359.01 (a) of the Codified Ordinances of the City of Bay Village for the placement of an air conditioning unit less than 10 feet from the nearest lot line of the property, as installed, provided that the unit have a sound blanket installed, and year-around screening be maintained.

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

Motion carried 5-0.

Peter Korte
31146 Lake Road

C.O. 1141.04 (J) Special Permit
to install generator

The Board has had an opportunity to visit the site and review the application. Mr. Norton advised that the Board asks that generators have year-around screening and also that there be a limited number of test runs. Bay Village Building Department Inspector Bob Lyons advised that the neighbors at 31034 Lake Road, Mr. and Mrs. Wassmer, have no objection to the unit as long as it is screened from view.

Motion by Dostal, second by Tyo, that a special permit be granted to the property located at 31146 Lake Road for the installation of a generator, with test runs only performed once per week between Monday and Saturday, between the hours of 9 a.m. to 6 p.m., for no longer than 30 minutes, in accordance with manufacturer's recommendation, and that year-around screening be provided to block the unit from view.

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

Motion carried 5-0.

Bradley Center Ltd.
605 Bradley Road

C.O. 1153.04 – 10 ft. rear yard
variance
C.O. 1179.05 (a) (1) Variance to
Erect two (2) ground signs at
front entrance

Mr. Norton stated that the Board has had an opportunity to visit the site and review the application. It can be noted that the rear yard variance is the same amount of setback that was

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either grandfathered or allowed by variance in the past to part of the existing facility. Mr. Young asked if the same conditions exist, such as rooms with a center aisle, and in order to keep it centered you would have to move back and maintain that ten feet variance, or is there another reason to cause the first structure to be moved back ten feet that still exists, or does not exist. If the same conditions are present, Mr. Young would have no objection but does not understand if the conditions still exist that existed when the first variance was given.

Mr. Norton stated that the Board would not have the information available at this meeting to determine if a variance had been issued, and, if so, the conditions that prompted the variance. He asked Mr. O'Neill when the structure was built. Mr. O'Neill stated that it was built in 2000, and the primary reason for the variance issued at that time was due to the fact that the lot is not square, and both the northerly and southerly lot lines are a different size. The original building was built in 1962, and each addition was squared to each other. Since the lot is not square that is what took it off center. If you look at the east corner of the building, that dimension of the property line would be greater as it travels south, and the lot line swings into the west when it goes south. It is not a square lot, and the building is square.

Mr. Young stated that he would comment that he does not see how not having a square lot is a reason for a variance, and there are probably only a handful of lots that are actually true to square.

Mr. Norton stated that it looks as though the new section of the building was pushed forward some to get to the 40 ft. setback, which is the setback of the corner of the existing building.

Mr. Young asked Mr. O'Neill if there is another reason, in addition to not having a square lot, that a ten ft. variance is requested. Mr. O'Neil stated that the architect wants to keep the building in line. Discussion about trying to do the project without asking for a variance impinged on the width of the parking lot and would not provide enough room for the fire department vehicles for turn-around. The use of the parking lot is for visitors and emergency vehicles. It is difficult for visitors in the parking lots to maintain proper distances and to make sure cars are safe. It is not intended to use the back parking lot for regular ambulance calls, but the space is needed for emergencies. The difficulty would be the loss of the ten feet in the parking lot.

Mr. Young asked Mr. O'Neill if he could move the parking lot ten feet west. Mr. O'Neill stated that moving it ten feet west would make the parking lot closer to the existing building, and require the removal of trees, and place the parking lot within 6 feet of the building.

Mr. Burke stated that the drawings submitted with the application show a 40 feet setback at the southeast corner of the building. Further north, it shows plus or minus 44 feet. He asked the

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current distances in the existing building. Mr. O'Neill stated that the 35 ½ feet is a porch, and adding 9 feet to the 35 feet it is 44 feet.

Mr. Tyo stated that he is struggling to understand why Mr. Young is objecting to the variance request. Mr. Young stated that he lives behind the building and thinks the enjoyment of his property is impinged by the full length of the 180 foot lot being 10 feet closer to his home. He stated that he can understand the reason to provide more space for emergency vehicle access, rather than the reason for continuing the line of the old building. Mr. Tyo confirmed with Mr. O'Neill that the ten foot variance is required to provide access for emergency vehicles.

Motion by Burke, second by Tyo, that the property at 605 Bradley Road be granted a variance of ten feet from the back lot requirements of Section 1153.04 of the Codified Ordinances of the City of Bay Village, to allow construction of an addition to the Bradley Bay Health Center, as per the application submitted.

Roll Call Vote: Yeas – Burke, Campbell, Dostal, Norton, Tyo.

Nays – None.

Motion carried 5-0.

Mr. Doug Milburn, Commercial Projects Coordinator for the City of Bay Village, addressed the Board referring to his memorandum of June 29, 2012, advising that Chapter 1179.05 (A) allows a business to display one (1) free standing ground sign. The signs are allowed to be two-sided. The applicant proposes two (2) single sided ground signs adjacent to the driveway apron. One sign is to serve northbound Bradley Road, and the other sign is to serve southbound Bradley Road traffic. The applicant believes two (2) single sided signs would be more aesthetically pleasing, and blend and conform to the building and its location, more so that one (1) double-sided sign.

Section 1179.05 (B) (2) allows a business to display one (1) wall sign. Applicant proposes two (2) wall mounted signs, one on each of the new “towers.” One tower is at the front main entry, the other tower is toward the rear of the building at the assisted living and memory care main entry. Both of these signs are intended and designed to show visitors where the two (2) main entries are located. The ground and wall signs do comply with the size limitations listed in Chapter 1179.

The Building Department has no objections to this request.

Mr. Norton stated that the sign is pointed at the oncoming traffic and follows the contour of the apron. It meets the size and height requirements of code. The sign will be lighted by ground lighting shining on the surface of the sign. The sign letters are 10 inches high. Mrs. Black asked

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if the sign will be as large as the existing sign. Mr. O'Neill stated that the new sign is basically a brick structure, with a stone cap, that has a sign base. Mr. Norton displayed the drawing of the sign to Mrs. Black. The overall height of the new sign is 5 feet, 10 inches. The existing sign is 4' x 6' and is sitting on a brick pedestal that is at least 1 ½ feet in height.

Mrs. Black asked how far from the sidewalk the sign will be located, and will there be the ability for pedestrians to see cars coming out of the driveway. Mr. Milburn stated that the setback of the sign is ten feet from the right-of-way. There is an additional five feet from the sidewalk on the south side of the driveway. On the north side, the sign will be closer to the sidewalk. Mr. Norton noted that the throat of the driveway opens at that point allowing vision for both the driver of the car and a pedestrian.

Motion by Burke, second by Dostal, that the property at 605 Bradley Road be granted a variance for the installation of two single sided ground signs adjacent to the driveway apron provided that the signs are the design, size, location, and lettering size, as contained in the application submitted to the City of Bay Village.

Roll Call Vote: Yeas – Burke, Campbell, Dostal, Norton, Tyo.

Nays – None.

Motion carried 5-0.

Review of the two (2) wall mounted signs took place. Mr. Milburn stated that two towers are being built as part of the project. One tower is at the front of the building, the other tower is at the rear of the building at the memory care main entry. The rear sign will not be visible from Bradley Road. The signs say "Bradley Bay" at a lettering height of ten inches.

Motion by Burke, second by Tyo, that the property at 605 Bradley Road be granted a variance to the requirements of Section 1179.05 (B) (2) of the Codified Ordinances of the City of Bay Village for the installation of two wall mounted signs, one on each of the new towers proposed. One sign is to be located at the front main entry. The second sign is to be located at the rear of the building. The variance is granted provided that the lettering on the signs be not larger than ten (10) inches and further provided that the location, placement, and design of the signs be as indicated on the application submitted to the City of Bay Village.

Roll Call Vote: Yeas – Burke, Campbell, Dostal, Norton, Tyo.

Nays – None.

Motion carried 5-0.

There being no further business to come before the Board, the meeting adjourned at 8:05 p.m.

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Jack Norton, Chairman

Joan Kemper, Secretary