

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held January 17, 2013

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

Absent: Mr. Dostal

Also Present: Law Director Ebert, Bob Lyons, Building Department, C. Erdelne, Alice O'Donnell

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

**Motion** by Burke, second by Taylor, to approve the minutes of the meeting held January 3, 2013 as prepared and distributed. **Motion passed 6-0.**

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.

**Robert Jackson**  
**30608 Salem**

**C.O. 1141.04 (J) Special Permit  
for Generator**  
**Variances as follows:**  
**6' Rear Yard at West End of Home**  
**6' Center of Home**  
**4' East End of Home**  
**7.75' Sideyard – West Side of Home**

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

Mr. Taylor asked if the rear set back lines as shown on the drawings are in the deed for the property. Mr. Lyons stated that the two lines across the side and back were put on the drawings so that they could determine the layout of the lot, which could not be determined because of the irregular shape.

Mr. Taylor asked if there were any inquires from the neighbors. There were no inquiries.

**Motion** by Burke, second by Taylor, that the property at 30608 Salem Road be granted the following variances:

C.O. 1153.03 (1) Variance of 7.9" to the sum of the sideyards

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C.O. 1153.04 as follows:

Variance of 6' in the rear yard for the construction of a master bedroom as shown in the plans submitted at the west end of the home;

Variance of 6' in the rear yard at the center of the home for the construction of a dining area as shown on the drawings submitted

Variance of 4' in the rear yard at the east end of home for a garage/laundry area as shown on the drawings submitted. The variances shall all be limited strictly to the construction of the improvements as shown on the drawings submitted with the application.

**Vote resulted: Yeas – Burke, Bruno, Campbell, Norton, Taylor, Tyo**  
**Nays- None**

**Motion passed 6-0**

**Motion** by Burke, second by Tyo that any motion proposed for the two permits on the agenda in reference to the granting of special permits for generators 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.

**Vote resulted: Yeas – Campbell, Norton, Taylor, Tyo, Bruno, Burke**  
**Nays - None**

**Motion passed 6-0**

On the request of **Robert Jackson, 30608 Salem Drive** for a special permit for a generator, it was **MOVED** by **Burke**, second by Tyo, that a special permit be granted for the installation of a generator, subject to the previously stated conditions, and that the generator be located as shown on the drawings submitted with the application.

**Vote resulted: Yeas – Norton, Taylor, Tyo, Burke, Bruno, Campbell**  
**Nays – None**

**Motion carried 6-0**

**Laura Eshelman**  
**344 Canterbury Road**

**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.

Ms. Eshelman has only seven feet in the rear of her home. The generator will be placed on the side yard. Mr. Norton noted that the side yard where the generator will be placed is quite large.

**Motion** by **Burke**, second by Taylor, that the property at 344 Canterbury Road be granted a special permit for the installation of a generator subject to the conditions previously stated in this meeting, and provided that the unit be located as shown on the drawings submitted with the application.

**Vote resulted: Yeas – Taylor, Tyo, Burke, Bruno, Campbell, Norton**  
**Nays – None**

**Motion carried 6-0**

**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. It is noted that this item was before the Board of Zoning Appeals on January 3, 2013, and the request is a duplicate of what has been constructed on the same parcel to the east.

Mr. Taylor asked if there were any responses to the questions submitted by the Board of Zoning Appeals on January 3, 2013, as far as the adjoining property.

Mr. Robert Lyons stated that the Building Department has not found any evidence of a variance for the property next door. The construction on that property occurred in 2005. Mr. Norton stated that the property owner had a set of plans, the city approved it, and there wasn’t any need for a variance. In the construction, the deck was put too far over towards the property line on both sides.

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**Motion** by Tyo, second by Taylor, that a variance of 2-3 ft. of the side yard requirements, per Codified Ordinance 1149.01, be granted for the property at 23724 Cliff Drive, for the construction of a deck built to the property line.

**Vote resulted: Yeas- Tyo, Bruno, Campbell, Norton, Taylor**  
**Nays – None**

**Motion passed 5-0 (Mr. Burke left the meeting prior to the discussion of the O'Donnell matter.)**

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

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Jack Norton, Chairman

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Joan Kemper, Secretary