

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

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

Excused: Dostal

Also Present: Mr. John Cheatham, Chief Building Official (SAFEbuilt)

Audience: Tony DiBenedetto, Iris McDonald, Mike Schafer, Bill Hill, John and Helen Menzies, Chad Enders

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 Taylor, second by Burke, to approve the minutes of the meeting held September 19, 2013 as prepared and distributed. **Motion passed 6-0.**

John Menzies
280 Saddler Road

C.O. 1153.04
Variance for 2-level deck in
rear of property

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

Mr. Burke confirmed that the total deck from the house is 25 feet. The current depth is 12 feet or less. Overall, they will be adding 12 to 15 feet. The amount of the deck that is 30 inches off the ground is within the setback requirement. There is 138 feet of depth, and 35 feet of that is required as rear yard setback. The new deck that is 30 inches high is only about 4 feet past the porch.. The lower part that is 9 feet further than the upper deck, is only about 5 feet in violation. That deck is only 12 inches high. A railing is not going to be installed. The deck is almost a patio, and the reason they are not putting in a patio is that there is a lot of tree roots of some very large trees that are surface runners.

Motion by Burke, second by Tyo, that the property at 280 Saddler Road be granted a variance of five (5) feet from the rear setback requirements of Codified Ordinance 1153.04 for the construction of a two-story deck, provided that the lower deck shall be limited to design size and height from the ground as submitted by the applicant, and further provided that the lower deck shall not be more than 12 inches above the ground, and shall not have a railing.

Mr. Chad Enders of Petros Homes represented the homeowners and explained the request on behalf of the homeowners.

Mr. Norton explained that there have been numerous requests for side yard placement of generators, which are very rarely justified. Such requests are only granted in the case of very unusual lot configurations.

Further review and discussion followed. Mr. Norton and the Board recommended a site in the rear of the home that they felt could accommodate the generator.

Motion by Burke, second by Tyo, to grant a variance to Codified Ordinance 1370.05 for the placement of a generator in the side yard of the property at 493 Bradley Road.

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

Motion denied 0-6.

Kristen Linsenmeyer
325 Dover Center Road

C.O. 1353.03 (4)
Variance of 7.9 feet to side yard

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Burke discussed the distance from the south wall of the structure to the sidewalk.

Further review of plans followed.

Motion by Burke, second by Dostal, that the property located at 325 Dover Center Road be granted a variance of 8 feet from the sum of the sideyard requirements required by Codified Ordinance No. 1353.03 (4) for the construction of an addition to the existing garage, provided that the construction be precisely to the measurements shown on the application for a variance to the Building Department.

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

Motion passed 6-0.

Mr. John Cheatham of SAFEbuilt was addressed by the Board concerning the memorandums he provides to the Board for their review of applications. Mr. Cheatham will be given a sample of previous memos from Building Director Galli that will serve as a guideline to the information required by the Board in their assessment of applications under consideration.

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There being no further business to come before the Board, the meeting adjourned at 8:30 p.m.

Jack Norton, Chairman

Joan T. Kemper, Secretary