

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held November 7, 2013

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

Absent: Bruno, Taylor

Also Present: Mr. Bob Lyons, SAFEbuilt

Audience: Clifford Thomas, Doug and Leslie Carlson, Kevin Holmes

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 Tyo, to approve the minutes of the meeting held October 17, 2013 as prepared and distributed. **Motion passed 5-0.**

Dana Andrassy
24913 Electric Drive

C.O. 1370.05
Generator Placement in Side Yard

Mr. Norton advised that the Board has had the opportunity to visit the site and review the application. He asked if there is any reason, other than economics because of the extended distance, that the generator could not be put behind the garage where it would be out of the way, it would not interfere with the patio, and it would not be in the side yard.

Mr. Kevin Holmes, of 322 C.C.I., representing the homeowner, stated that the owner's dogs have a tendency to jump all over everything and would destroy the cabinet of the generator. Mr. Norton stated that the unit would have to be screened, and a fence could be placed around the generator to keep the dogs away and establish the screening.

Mr. Norton stated that the Board has been very reluctant to violate the intent of Council who created the ordinance in order to keep generators in the rear yards of the property owners, thus keeping the noise from the generator when it is running confined to the property of the homeowner who is benefiting from the use of the generator, and not infringing upon the neighbors.

Mr. Holmes noted that this particular generator is very quiet. Mr. Burke reiterated Mr. Norton's comments, noting that the Board has difficulty taking a contrary position to what Council has

established, unless there is an extreme reason to deviate from their intention. There seems to be adequate space to put the generator in the rear yard.

Further discussion followed. Mr. Holmes continued to ask the Board to consider placement in the side yard.

Mr. Clifford Thomas, the property owner at 455 Forestview Drive addressed the Board stating that he is to the south and west of the Andrassy property. He stated that his home is of newer construction, and his backyard is very shallow. Putting the generator near the hot tub would place the generator closer to his home. Mr. Thomas is not in opposition to the variance requested.

Mr. Campbell noted that there is not a drawing with the application. A personal visit to the site is necessary to determine the location requested.

Mr. Norton noted that the Board is required to find something unique about the property to allow a variance to the code. There is nothing unique about this property to allow consideration for the variance

Motion by Campbell, second by Burke, to grant a variance to Codified Ordinance 1370.05 for the property at 24913 Electric Drive to install a generator in the side yard, per their application.

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

Motion denied 0-5.

Douglas C. Carlson
30624 Maple Drive

C.O. 1370.05
Generator Placement in Side Yard

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

Mr. and Mrs. Carlson were present to address the Board concerning their request. Mr. Norton stated that putting the generator on the side yard will result in the sound being in between two solid surfaces. Mr. Carlson stated that there is an 8 feet hedge along the side that will screen the generator and absorb the sound. Mr. Norton stated that the variance stays with the property. If there are new owners in the future the hedge could be removed.

Mr. Carlson claimed that the property is unique because the garage is detached. A driveway extends to half of the home in the back, and there are stairs coming out of the back of the house. There is only a width of 10 to 12 feet behind the house and placement of the generator in the back would block access to the back yard. There would not be a significant difference in terms of distance from the neighbor's home if the generator is placed in the side yard or behind the home.

Mr. Burke stated that when he visited the site it appeared to him that there is a place in the northeast corner behind the home that would be appropriate for the installation.

Further discussion followed. Mr. Burke drew a diagram of where he thought the installation would work, and discussed this with Mr. and Mrs. Carlson.

Motion by Campbell, second by Dostal, to grant a variance to Codified Ordinance No. 1370.05 to permit the installation of a generator in the side yard of the property at 30624 Maple Drive, per the application of the homeowner.

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

Motion denied 1-4.

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