

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held June 20, 2013

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

Absent: Campbell

Also Present: Bob Lyons, Building Department, Doug Gertz

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 Bruno, to approve the minutes of the meeting held June 6, 2013 as prepared and distributed. **Motion passed 6-0.**

Terrence Barry
270 Saddler Road

C.O. 1163.05
Privacy Fence

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

Edward Klenke, 276 Saddler, has written to the Board indicating that they have no problem with the installation of the privacy fence. Pang Tsui, 30321 Winston Drive, also indicated that he had reviewed the plan and has no issue with the installation.

Mr. Norton stated that the plans indicate that the fence would be 34 feet in length and installed along the neighbor's driveway. There was no indication of the rule regarding 10% of the perimeter of the property. Thirty-two feet of six foot fence in one line is the maximum permit according to code. The second requirement is that only ten percent of the size of the lot, as is measured by the total dimension around the lot, is permitted for the fence. Mr. Norton has estimated that there are 480 lineal feet of lot perimeter. This would mean that 48 lineal feet would be the maximum of six foot fence, aside from the 32 ft. in one direction. This would mean that only 16 feet remains to be allowed of six foot fence.

Mr. Barry said that he is asking for 6 feet along the west line for only 8 ft. feet and then they are staggering down to 4 ft. Mr. Norton said that in that case a variance would not be needed. However, a six foot gate will be installed for a width of ten feet.

June 20, 2013

Mr. Bruno suggested that Elyria Fence rewrite the fence order to eliminate the cross-offs and confusion.

Mr. Burke explained that the perimeter of the lot will have to be measured officially to determine the amount of variance needed for the ten percent rule.

Mr. Barry will return to the July 18 meeting of the Board of Zoning Appeals with the measurements of the perimeter to entertain a request for a variance, if needed.

Dennis Ruddy
30306 Wolf Road

C.O. 1321.05
Garage Addition

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

The house is about 1435 square feet, under the 1999 square foot requirement. It is the city's intention to make the amount of the garage tied in to the amount of the home. Both an attached garage and a detached garage are allowed on the same property. The detached garage can be a total of 700 square feet, for a total of 1300 square feet. Mr. Ruddy explained that there is no parking on the street. He has a 28 foot truck with a salt spreader and a snow plow, which will require a garage 32 feet in length. Mr. Norton noted that the Board must take into consideration the amount of the variance, and this request is substantial in the amount of 592 square feet. The members of the Board agreed with Mr. Norton's concern about the amount of the variance requested.

Further review and discussion followed.

Motion by Tyo, second by Burke, to grant a variance to Codified Ordinance No. 1321.05 to the property at 30306 Wolf Road in the amount of 592 square feet, for the construction of a garage addition, per drawings submitted.

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

Motion denied 0-6.

George Kocar
24213 Lake Road

C.O. 1359.01(a)
Air Conditioner Placement

June 20, 2013

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

Mr. Doug Gertz, on behalf of the applicant, stated that this is a very quiet heat pump. There have been no objections expressed by neighbors. This unit has a decibel rating of 54, and is well concealed by a section of fence.

Motion by Burke, second by Dostal, that the property at 24213 Lake Road, be granted a variance from the requirements of C.O. 1359.01(a) for the placement of a heat pump on the side of the property, as described in the application filed with the city, and provided that any replacement unit shall be of similar size and capacity of the unit approved this date. It is further required that this unit, or any replacement unit, be screened with year-around screening from viewing from the street or from the neighbors.

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

Motion carried 6-0.

Greg Lucak
28913 Lake Road

C.O. 1359.01(a)
Air Conditioner Placement

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

Mr. Norton noted that the home is on a corner lot. The placement of the air conditioner would actually be facing the neighbor's back yard. A letter from the neighbors, Dennis and Mami Tisza, 28909 Lake Road, was received suggesting that they approved the placement because placing the air conditioner further back would place it near the neighbor's patio. Mr. Burke questioned the distance to the lot line, which is 6 feet, 8 inches. The amount of variance needed is dependent on the size of the air conditioner to be placed. After calculating the dimensions required for installation of the unit, it was determined that a variance of 6 feet, 6 inches is required.

Motion by Burke second by Dostal, that a variance to Codified Ordinance 1359.01(a) be granted to the property located at 28913 Lake Road, in the amount of 6 feet, 6 inches, for the placement of an air conditioner per the plans submitted..

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

Motion carried 6-0.

**Herb Cohrs
28217 Oviatt Road**

**C.O. 1141.04(J)
Variance for Generator Placement**

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

Mr. Cohrs stated that with the kitchen facing the back yard they prefer not to have the generator in view from the kitchen. Mr. Norton stated that the ordinance was written requiring that generators be placed behind homes because the unit is serving the purpose of the owner, and the noise should be kept to the persons benefitting from its use. Mr. Cohrs stated that there is a privacy fence on the side of the house, and the generator would not be seen by the neighbor and the fence will buffer the sound.

Mr. Burke explained the reluctance of the Board to grant a variance to the ordinance, without just cause, which has recently been passed by Council. Mr. Norton added that the noise from these generators is substantial and in the back yard there is much greater distance from the neighbors.

Further discussion followed.

Motion by Tyo, second by Burke, to grant a variance to Codified Ordinance No. 1141.04(J) to the property at 28217 Oviatt Road for generator placement, per drawings submitted.

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

Motion denied 0-6.

ADVISEMENT TO BUILDING DEPARTMENT FROM BOARD OF ZONING APPEALS

Mr. Burke stated that the form used by former Building Director Milburn in outlining the individual requests for variances and special permits assisted the Board of Zoning Appeals quite well in their consideration of the requests. Mr. Tyo added that providing the exact dimensions and particulars of the requests saves the Board of Zoning Appeals an inordinate amount of time when reviewing individual applications. Mr. Tyo submitted samples of communications submitted by Mr. Milburn for comparative purposes, and for consideration by the current Building Department officials. Mr. John Cheatham of SAFEbuilt will be so advised.

Board of Zoning Appeals
June 20, 2013

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

Jack Norton, Chairman

Joan Kemper, Secretary