

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held June 6, 2013

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

Also Present: Bob Lyons, Building Department, Elizabeth Lazowski, R. A. Feiklowicz,
Ted & Virginia Ward, Rick Siwinski, Deb & Jim Manns, James Malik,
Robert Zarzycki, Erin Riddell, Rick and Dorrie Fragnoli

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 Taylor, to approve the minutes of the meeting held May 16, 2013 as prepared and distributed. **Motion passed 7-0.**

Henry Laub
30400 Winsor Drive

C.O. 1370.05
Generator in Side Yard

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

Motion by Burke, second by Tyo, that a variance to Codified Ordinance 1370.05 be granted to the property located at 30400 Winsor Drive, for the installation of a generator in the side yard of the property per the plans submitted, and in all other respects the generator meet the conditions of the code.

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

Motion carried 7-0.

Ted Ward
26100 Lake Road

C.O. 1370.05
Generator in Side Yard

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. There is limited rear yard due to the lake, and a very wide ravine on the side of the property. There is an easement on the ravine property to the City of Bay Village.

Motion by Dostal, second by Burke, that a variance to Codified Ordinance 1370.05 be granted to the property located at 26100 Lake Road, for the installation of a generator in the side yard of the property per the plans submitted, and in all other respects the generator meet the conditions of the code.

Mr. Burke commented that the Board has been very reluctant to grant variances to the code for generators as far as placement on the side yard, but his vote on this matter in particular is because of the unique situation of this property with the ravine on the side yard.

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

Motion carried 7-0.

Jim Manns
26052 Lake Road

C.O. 1370.05(a)
Generator in Side Yard

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Norton requested that screening be established around the existing air conditioning unit and the generator to be placed in the side yard.

Mr. Burke noted that there is no level ground across the back end of the property.

Motion by Tyo, second by Burke, that a variance to Codified Ordinance 1370.05 be granted to the property located at 26052 Lake Road, for the installation of a generator in the side yard of the property per the plans submitted, and in all other respects the generator meet the conditions of the code.

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

Motion carried 7-0.

Elizabeth Lazowski
26827 Russell Road

C.O. 1359.01
Air Conditioning Unit in Side Yard

A letter from Mickey and Bonny McNamara, neighbors to Elizabeth Lazowski was read stating no objection to the plans of Ms. Lazowski.

The unit is a free standing heat pump.

Mr. Norton stated that this is a small unit with a 46 db rating for cooling and a 50 db rating for heating. Mr. Campbell requested that the minutes reflect that nothing with a greater db rating be allowed to be installed at any time in the future as a replacement unit.

Motion by Burke, second by Dostal, that a variance to Codified Ordinance 1359.01 be granted to the property located at 26827 Russell Road, for the installation of an air conditioning unit in the side yard of the property per the plans submitted, and with the stipulation that nothing higher than a 50 db rating be installed in the future as a replacement.

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

Motion carried 7-0.

Nancy Brown
25824 Wolf Road

C.O. 1370.05
Generator in Side Yard

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. The house is a corner lot, with no back yard. The location for placement of the generator is a court yard on the east which is as far away as possible from the other homes.

Motion by Dostal, second by Burke, that a variance to Codified Ordinance 1370.05 be granted to the property located at 25824 Wolf Road, for the installation of a generator in the side yard of the property per the plans submitted.

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

Motion carried 7-0.

Erin Riddell
481 Bassett road

C.O. 1321.05
Detached Garage Replacement

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

Motion by Burke, second by Taylor, that a variance of 5'3" for the height requirements of Codified Ordinance 1321.05 be granted to the property located at 481 Bassett Road, for the construction of a detached garage per the plans submitted, with the stipulation that the upstairs area of the garage be used for storage only, and not be used in any other manner.

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

Motion carried 7-0.

Edward Pavicic
23715 Wolf Road

C.O. 1153.03
4 feet east side yard variance
To permit two 40 ft. frontage
wide homes to be built

This item has been withdrawn per the request of the applicant.

St. Raphael's Catholic Church
525 Dover Center Road

C.O. 1124.03 (a) (11)
3 ft. height variance

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

Motion by Dostal, second by Burke, that a variance in the amount of 3 feet to Codified Ordinance 1124.03 (a) (11) be granted to the St. Raphael's Catholic Church Property at 525 Dover Center Road, per the plans submitted for Phase 2 of the expansion of the church. Mr. Norton noted that similar variances have been granted to this property in the past.

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

Motion carried 7-0.

Richard Fragnoli
31424 Lake Road

C.O. 1141.04 (J) Rear and Side
Yard Variances for addition, walkway
and drainage improvement

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

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Mr. Norton noted that a previous request for this variance was withdrawn due to questions pending concerning the matter. Mr. Norton stated that the home is built now to the property line. Behind the property is a common area. It is unknown whether there are any formal rules or conditions to the common property. The Board will not address this.

The next door neighbor to the Fragnoli's address, Ms. Berry, stated that they are on the east side of the property and have no objection to the Fragnoli's plans.

Motion by Burke, second by Dostal, that a variance of 10 feet to the required 30% of the side yard, and a variance of 5 feet on the east side of the property to Codified Ordinance 11141.04 (J) be granted to the property located at 31424 Lake Road for the construction of a deck, provided that the construction be done as shown in Exhibit A1 attached to the plans submitted, and provided that the granting of the variance for the rear lot line set back does not in any way suggest that the Board of Zoning Appeals takes a position to ownership.

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

Motion carried 7-0.

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

Jack Norton, Chairman

Joan Kemper, Secretary