

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held July 18, 2013

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

Absent: Messrs. Burke, Taylor

Also Present: Bob Lyons, Building Department, Nathan and Crystal Kinnard, Martin Reuben, Kevin Muldoon, Alice O'Donnell, Ron Puzzitiello, Julie Shank Sickles, Terrance Barry

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 Bruno, to approve the minutes of the meeting held June 20, 2013 as prepared and distributed. **Motion passed 5-0.**

**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.

Mr. Barry explained that he only needs a variance for 2 feet, based on the allowance of ten percent of the perimeter of his property for 6 ft high fence. Further review and discussion followed.

**Motion** by Tyo, second by Dostal, to grant a variance to Codified Ordinance 1163.05 (h) to the property at 270 Saddler in the amount of two (2) feet, so that the length of the privacy fence shall not exceed ten percent of the perimeter of the total lot. The fence shall be constructed for a total of 10 feet on the south side of the property to the home.

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

**Motion carried 5-0.**

**Michael Weingart**  
**30906 Lake Road**

**C.O. 1370.05 (a) – Install**  
**Generator in side yard**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Norton noted that the back of the property is almost entirely hardscaped.

Mr. Norton asked Building Department representative Bob Lyons, who was present at the meeting, the reasoning that would not permit installing a generator at an opening in the house. He was informed that it is related to the national fire code, and is related to combustion and gas. If a window is operable, the generator must be installed at least 5 feet away. The window can be made inoperable, and if approved by an inspector, the area will be approved for installation.

The neighbor to the west of Mr. Weingart addressed the Board and stated that the problem with this proposed installation is that they would be looking directly at the generator. Mr. Norton noted that one of the requirements for generator approval is that the unit must be fully screened, year-around. He noted that if the generator is put where requested, the neighbor will be less affected than if the generator was installed behind the home.

Mr. Bruno stated that the main concern is the noise, and asked why the other side of the home was not considered as the site for installation. The installer stated that the gas and electric lines are on the other side of the property. Mr. Bruno noted that there is little interference from noise or visibility from that side of the home.

Further review and discussion followed.

**Motion** by Dostal, second by Bruno, that a variance pertaining to Codified Ordinance 1370.05 (A) be granted to the property at 30906 Lake Road, for the installation of a generator, per Exhibit B, and that the unit be at least 5 feet from the window and 3 feet from the house, and fully screened year-around with either vegetation or fence, and that testing requirements comply with those instituted by the city in the ordinance governing generators.

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

**Motion carried 5-0.**

**Bridget O'Donnell**  
**23724 Cliff Drive**

**C.O. 1359.01 - Installation**  
**of Air Conditioner in side yard**

Mr. Ron Puzzitiello, representing Mrs. O'Donnell, explained that they are present to seek a variance to place the air conditioner on the side of the home.

Mr. Martin Reuben, the neighbor to the west of Mrs. O'Donnell expressed objection to the placement of the air conditioner at the location proposed. Mr. Reuben stated that the entire home has been built from a design plan, and at any point in time a placement for the unit could have been found without the need for a variance. The unit is described in the application as having a decibel rating of 80 decibels, which Mr. Reuben claims will cause noise that will interfere with the enjoyment of his property.

Lengthy review and discussion followed.

**Motion** by Tyo, second by Dostal, granting a variance to the property at 23724 Cliff Drive, per Codified Ordinance 1359.01 for the installation of an air conditioner on the side yard, with the understanding that the decibel rating will at or below 70 decibels, or it will be modified as such, and the stone wall as submitted in the drawing will be part of the installation.

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

**Motion carried 5-0.**

**Julie Shank-Sickles**  
**27019 Bruce Road**

**C.O. 1359.01 – Installation of**  
**Air Conditioner in side yard**

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

Further discussion followed. Mr. Norton noted that this is a very quiet unit, and the distance to the adjoining property is substantial.

**Motion** by Tyo, second by Campbell, to grant a variance to Codified Ordinance No. 1359.01 to the property at 27019 Bruce Road for air conditioner installation in the side yard, per drawings and application submitted, with the understanding that the unit will be screened.

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

**Motion passed 5-0.**

**Crystal & Nathan Kinnaird**

**C.O. 1153.03(1) (2) – Variance**

**436 Vineland**

**of 5 ft. of setback to extend deck**

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

Review of the application and discussion followed. Mr. Norton suggested that the deck be shortened so that it does not come all the way to the sidewalk. He suggested that the width of the deck be shortened to 8 feet.

**Motion** by Dostal, second by Campbell, to grant a variance to Codified Ordinance No. 1153.03 (1) (2) to the property at 436 Vineland Road for a variance to construct a replacement deck at their property with the understanding that it will be at least 3 feet from the adjoining sidewalk.

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

**Motion passed 5-0.**

**ADVISEMENT TO BUILDING DEPARTMENT FROM BOARD OF ZONING APPEALS**

Mr. Tyo reiterated the discussion held June 20, 2013 and noted in the minutes of the meeting therein, 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.

There being no further business to come before the Board, the meeting adjourned at 9:00 p.m.

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Jack Norton, Chairman

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Joan Kemper, Secretary