

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held October 2, 2014

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

Not Present: Paul Campbell

Also Present: Bob Lyons, SAFEbuilt, Inc.

Audience: Owen Cleary, John Suter, Bill Clements

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 September 18, 2014, as prepared and distributed. **Motion passed 6-0.**

**Owen Cleary**  
**267 Parkside**

**C.O. 1163(H) (2) 6' Privacy Fence**  
**for rear of property**

The Board has had an opportunity to visit the site and review the application.

Mr. Taylor brought to question the topography of the Nottingham property at 25926 Lake Road along the side of Mr. Cleary's property, and whether Mr. Nottingham has the proper drainage. Mr. Norton stated that the drainage issue is not in question. Mr. Taylor commented that the application is premature.

Further discussion followed. Mr. Norton stated that the Board must be careful about setting precedents. Mr. Norton suggested using natural buffering for privacy, such as arborvitae. Mr. Bruno noted that arborvitae can be purchased up to six feet in height, and since they commonly grow to a height of 30 feet it is a better long-term option.

Mr. Burke stated that he is not unsympathetic to the view and the difficulties presented. The Chairman's point is well taken, that another two feet of fence is not significantly going to change

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things and it does set a precedent. Mr. Cleary's request is twice the amount of what is allowed by code. Typically, variances are granted for a small change to the code.

It was suggested that Mr. Cleary install the 6' high privacy fence tapering down to 4 feet heights at each side of the permitted 32 feet.

**Motion** by Burke, second by Tyo to permit a variance of 31 feet to Codified Ordinance 1163(H) (2) for the installation of 6' high privacy fence at the property located at 267 Parkside Drive, per the application and drawings submitted.

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

**Motion denied 0-6**

There being no further discussion, the meeting adjourned at 8:00 p.m.

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Jack Norton, Chairman

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Joan Kemper, Secretary