

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held November 6, 2014

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

Also Present: John Cheatham, SAFEbuilt, Inc.

Audience: Rick Rafferty, 579 Yarmouth

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 October 16, 2014, as prepared and distributed. **Motion passed 7-0.**

Gary Ippolito
27101 Osborn Rd

**C.O. 1149 Exceed 900 Square Foot
Garage Allowance – Relocating Garage
from adjoining property to be aligned with
front of home**

Mr. Burke noted that the garage is located on St. Raphael's Church property. Mr. Ippolito stated that Fr. Timothy Gareau of St. Raphael's Church has asked the Cleveland Catholic Diocese to grant the sale of 20 feet to the Ippolito's ownership. They are awaiting reply from the Diocese. The existing garage structure is 33 feet long. Mr. Ippolito plans to shorten it to 28 feet long, the same length as the Ippolito home so that everything would match. Mr. Cheatham of SAFEbuilt, Inc. stated that with the two garages together are 1022 square feet. Nine hundred square feet would be allowed. A variance of 122 square feet will be required. Mr. and Mrs. Ippolito are car collectors and will be using both structures as garages. They had been using the existing garage for storage until St. Raphael's began their reconstruction.

Mr. Taylor asked if there is consideration to putting a breezeway between the two garages. There are no plans for a breezeway at this time. Further discussion followed. Mr. Norton noted that the garage will have a large building behind it, and is an improvement of the current situation.

Motion by Dostal, second by Bruno to grant a variance of 122 square feet to the property at 27101 Osborn Road, and the adjacent 20 feet of property to the neighboring lot to the west (499 Dover Center Road), contingent upon the transfer of the 20 feet of property to the property owner at 27101 Osborn Road, with the understanding that the rendering, drawings, and plans will remain the same as submitted this evening.

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

Vote resulted: Yeas -6-0-1 abstention (Mr. Burke).
Motion carried.

Sam Barnes
30503 Salem Drive

C.O. 1370 Generator Placement on
East side of home

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

Mr. Burke noted that the proposed location is next to the neighbor's garage. After looking at the property, it is understandable why the generator cannot be placed in the rear yard. A letter from Kathleen Minahan, the neighbor directly affected by the placement, has expressed in writing that she has no objection to the placement of the generator.

Motion by Burke, second by Dostal, to grant a variance of 4 feet to the sideyard setback requirements of C.O. 1370 to the property at 30503 Salem Drive, for the placement of a generator, per the drawings and application submitted, and subject to the rules for testing of the generator.

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

Vote resulted: Yeas - 7-0
Motion carried.

Don Spitzer
27869 Lincoln Road

C.O. 1153.05(H) Permission for Existing Fence

The Board has had an opportunity to visit the site and review the application. There have been no comments from neighboring property owners.

The property owner was not present at the meeting. Mr. Cheatham reported that Mr. Lyons, formerly of SAFEbuilt, Inc., and now the Property Maintenance Inspector for the City of Bay Village, has been working with the property owner for months trying to bring them in compliance with code. Mr. Lyons has dealt with both the fence contractor and the property owner. The fence contractor was aware that he was installing the fence contrary to approval and the fence ordinance. All notifications have been documented by SAFEbuilt, Inc.

Further discussion followed.

Motion by Burke, second by Tyo that the property located at 27869 Lincoln Road be granted a variance of 20 feet, 6 inches, from the maximum length requirements of C.O. 1153.05 (H).

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

Vote resulted: Yeas – 0-7. (Motion failed).

Margaret Rafferty
576 Bassett Road

**C.O. 1153.02 and 1153.03 – North Property Side Yard
Setback of 5 feet, and Front Yard Setback
Of 42 feet from Sidewalk in order to
Build a new garage**

The Board has had an opportunity to visit the site and review the application. There have been no comments from neighboring property owners. This matter has been continued from the October 16, 2014 meeting, with a modification of the request. The previous request was substantially in front of the home. There has been a major change in the distance from the sidewalk.

Further discussion followed.

Mr. Taylor commented that this is a large lot, and plenty of room for a garage in the rear. Mr. Burke stated that looking to the south there is a home that has a porch that is in fairly close projection from the front of the home similar to the request of this application.

Mr. Taylor further expressed concern about the ability of an emergency vehicle or equipment to gain access to the rear of the home. Mr. Tyo noted that many homes in Bay Village have similar situations in that regard. Mr. Norton noted the intent of the property owner to improve the appearance of the home.

Motion by Burke, second by Tyo, that the property at 576 Bassett Road be granted two variances for the construction of a garage as shown in the application. The first variance will be in the amount of 5 feet from the sideline setback requirements on the north side of the property, and the second will be an 8 feet variance from the 50 feet front setback requirements.

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

Vote resulted: Yeas 5- Nays 2
Motion carried.

There being no further discussion, the meeting adjourned at 8:15 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary