

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held December 18, 2014

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

Not Present: Chairman Norton, Mr. Burke

Audience: Paul and Lisa Warren, Jack Doheny, Sheryl Pattison, Elizabeth Parsell

In the absence of Chairman Norton, Chairman pro tem Tyo 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. Tyo 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 Bruno, second by Dostal, to approve the minutes of the meeting held November 20, 2014, as prepared and distributed. **Motion passed 5-0.**

**Paul and Lisa Warren  
29711 Foote Road**

**C.O. 1359.01(A) Air Conditioning  
Unit Placement**

Mr. Warren advised that this is new construction of a single family home on Foote Road on a 50 ft. wide lot. Where the air conditioning unit would be installed was unforeseen until construction of the foundation work was completed. The home was designed to have the garage in the back of the house. The only placement permitted by code without a variance would be right outside the back door of the home. The unit is proposed to be placed on the side of the home within ten feet of the property line, but 12 feet from the neighbor's driveway and 20 feet from the closest point of the neighbor's home.

Mr. Campbell stated that the 72 decibel rating is within the acceptable range. If a sound blanket does not come with the unit, it is recommended that a sound blanket be added to even further lower the sound of the unit.

Mr. Bruno suggested natural screening or a fence around the unit. Mr. Taylor added that it would be advisable to put posts around the unit to keep it being backed into by a vehicle, since it is so close to the driveway.

**Motion** by Dostal, second by Bruno, that a variance be granted to the property located at 29711 Foote Road for the installation of an air conditioning unit pertaining to Codified Ordinance 1359.01. The installation will be on the south side of the structure, and shall include a sound blanket and year around screening, and shall be installed to meet the requirements of the specifications of the unit, and the codified ordinance requirements of the City of Bay Village.

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

**Motion passed 5-0.**

**Miguel Zubizarreta**  
**31214 Lake Road**

**C.O. 1370.05 Generator Placement**

**Mr. Bruno recused himself from participating in this request due to his professional affiliation with Mr. Zubizarreta.**

Mr. Jack Doheny, and Sheryl Pattison from the Krueger Group appeared on behalf of Mr. Zubizarreta.

Mr. Doheny asked that the generator be placed on the sideyard of Mr. Zubizarreta's property. He stated that the rear yard is one story lower than the side yard. Five ft. tall arborvitaes will be placed around the entire length and width of the generator, and the air conditioning unit.

Mr. Taylor asked if the unit is in place now is the one that is awaiting installation. Mr. Dostal asked why the generator was placed in its current location to a permit being issued. Mr. Doheny stated that it was a complete oversight. There is work that is being done on the rear yard that is going through the Ohio Department of Natural Resources. The unit is not installed. The unit has a decibel level of 61 during the exercise mode, and 72 decibels in full running mode. A sideyard setback is required, since the unit is 18ft., 2 inches off the property line. The strong winds from the lake factored into the decision to request placement in the side yard, as well as the placement of windows in the rear of the home, and the power service to the rear yard. Photographs of the property were distributed to the Board.

Further review and discussion followed.

**Motion** by Dostal, second by Campbell, that a variance be granted for an existing generator that was placed, but not installed, for the property at 31214 Lake Road, pertaining to Codified Ordinance 1370.05, with year-around screening, and subject to the testing times during daylight hours every two weeks.

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

**Motion passed 4-0.**

There being no further discussion, the meeting adjourned at 8:10 p.m.

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Barry Tyo, Chairman pro tem

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Joan Kemper, Secretary