

Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held May 15, 2014

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

Also Present: Mr. Bob Lyons, SAFEbuilt, Inc.

Audience: Greg Hebble, Rob Herrick, Marie Dowling, Daryl Stump, Todd and Deneen Seljan, Michael P. Harvey, James McCrystal

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 Taylor, second by Burke, to approve the minutes of the meeting held May 1, 2014, as prepared and distributed. **Motion passed 7-0.**

**Julie Parobek**  
**454 Bates Drive**

**C.O. 1145.02 (C) Special Permit**  
**for Arbor**

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

**Motion** by Tyo, second by Taylor to grant a special permit, per Codified Ordinance 1145.02, to the property at 454 Bates Drive for an arbor in accordance with drawing and plans submitted.

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

**Motion passed 7-0.**

**Gayle McCrystal**  
**31402 Manchester Lane**

**C.O. 1145.02 (C) Special Permit**  
**for Pergola**

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

Mr. Taylor asked if the pergola was over the fence. Mr. Hebble of Elyria Fencing stated that there was thought about whether the pergola should be in front of the fence, but with discussion with the home owner they decided to use the extension off the fence posts. The height of the fence is 6 feet, and it is 32 feet in length. It is a board-on-board shadow box type of fence. The pergola is 2 feet wide, and the boards will be flush with the backside of the fence. It will extend to a total height of 8 ½ feet, including the fence. The request is for 2 feet horizontally, and 2 ½ feet vertically. Further discussion followed. Mr. McCrystal, the homeowner, explained that the adjacent lot has been clear cut. The patio faces that barren lot. The property owners have not stated what their intentions are, besides building a swimming pool there. The McCrystal's have a shade garden in their yard and would like to preserve that garden. The pergola will provide the shade as well as maintain privacy.

**Motion** by Dostal, second by Tyo, to grant a special permit for a pergola, per Codified Ordinance 1145.02 (c), at 31402 Manchester Drive, in accordance with the plans submitted.

**Vote resulted: Yeas – Bruno, Burke, Dostal, Norton, Taylor, Tyo**  
**Nays – Campbell**

**Motion carried 6-1.**

**Todd and Deneen Seljan**  
**431 Pellett Drive**

**C.O. 1163.05 – Installation of two (2)**  
**panels on north side of existing fence**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. He advised that this is a request for a variance to the rule that privacy fencing cannot exceed 10% of the perimeter of the lot. The total perimeter of the lot is 550 feet. Fifty-five feet of fencing is allowed. On one side of the lot there are 4 six-foot panels. They are asking for a total of 68 feet.

**Motion** by Burke, second by Tyo, to grant a variance to the property at 431 Pellett Drive in the amount of 13 feet, to the requirements of Codified Ordinance 1163.05 pertaining to a maximum privacy fence of 10% of the lineal footage of the perimeter of his property, for the allowance of the panels already installed on the property on the north side.

**Roll Call Vote:**

**Vote resulted: Yeas – Bruno, Burke, Campbell, Dostal, Norton, Tyo**  
**Nays – Taylor**

**Motion carried 6-1.**

**Robert Herrick  
29213 Cowles Drive**

**C.O. 1163.05 – Installation of privacy  
fence 37 feet in length**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Norton noted that the request is modest, in the amount of 5 feet for the variance.

Mr. Herrick stated that the fence will replace the arborvitae that are there now, and are mostly dying.

Mr. Michael P. Harvey, attorney, representing the neighbor, Mr. Dino Meneghetti, 29219 Cowles Drive, spoke on behalf of his client. Mr. Harvey asked that the request be postponed until the Meneghetti's return from Florida on June 15, 2014. Mr. Harvey noted that the Meneghetti's are concerned about the placement of the fence and whether a survey should be done to determine exact property lines.

Lengthy discussion and review followed.

**Motion** by Burke, second by Dostal to grant a variance to the property at 29213 Cowles Drive to the requirements of Codified Ordinance 1163.05 in the amount of five (5) feet for the installation of a privacy fence.

**Roll Call Vote:**

**Yeas – Bruno, Burke, Campbell, Dostal, Norton, Tyo**

**Nays – Taylor**

**Motion carried 6-1.**

**Bay Village City Schools  
Bay High School Athletic Fields**

**C.O. 1163.05 Height of Fence**

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. He noted that this application for fencing is unique in that it is for backstop and dugout protection of players and spectators.

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**Motion** by Burke, second by Dostal, to grant a Special Permit to the Bay Village City School District to construct a protective fence along the dugout for the Girls' Softball Field at the Bay High School, 29230 Wolf Road, at a height of 8 feet, to prevent injury to players and spectators.

**Roll Call Vote:**

**Yeas – Bruno, Burke, Campbell, Dostal, Norton, Taylor, Tyo**  
**Nays – None.**

**Motion carried 7-0.**

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

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Jack Norton, Chairman

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Joan Kemper, Secretary