Minutes of a Meeting of  
BOARD OF ZONING APPEALS  
Held June 18, 2015

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

Also Present: John Cheatham, Chief Building Official.


Mr. 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 4, 2015, as prepared and distributed. Motion passed 7-0.

Morgan Charles                                          C.O. 1163- Variance for 65 ft. privacy fence  
467 Cahoon Road (Tabled 6-4-15)

There have been no further requests for an additional hearing from Morgan Charles.

Jeffrey and Barbara Harrell                              C.O. 1359.01 (A) Side Yard  
31313 Drake Road  Air Conditioning Unit 8 feet from Property line

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

Mr. Burke asked if it is possible to put the air conditioning unit behind the garage. Mrs. Harrell explained that because of the piping and duct work that has to go through the basement, the only place suitable for the unit is the side yard where indicated on the application.

Mr. Campbell requested the installation of a sound blanket with the unit.

Motion by Dostal, second by Taylor, that a variance to Codified Ordinance 1359.01 be granted to the property at 31313 Drake Road for the installation of an air conditioner, with the utilization of a sound blanket and proper screening to shield the unit from the street and the neighboring property owner.

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

Motion carried 7-0.

Don Henry                                               C.O. 1370.05(B) Side Yard Generator
535 Sandalwood Drive

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 noted the sliding glass doors on the patio of the property next door as being close to the proposed site. Mr. Henry stated that where they are planning to place the generator is at the back side of the neighbor’s garage, west of the existing fence by about 12 feet.

Motion by Burke, second by Dostal, to grant a variance to the requirements of Codified Ordinance 1370.05(B) for the property at 535 Sandalwood Drive for the installation of a side yard generator, along the north wall of the subject property, specifically that the placement of the generator shall be centered between the front and rear walls of the garage of the property approximately 11 feet from the front, and further that the generator unit will be screened from view, both from the street and the view of the neighbor to the north.

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

Motion carried 7-0.

James Amos                                                C.O. 1359 Air Conditioner replacement
388 Fordham Parkway  on north side of the lot, 2-3 ft. from
the property line.

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

Mr. Burke asked the current sideyard setback on the property, from the north side of the house to the lot line. Mr. Amos stated that to the chain link fence is roughly four feet. The neighbor's driveway runs parallel to Mr. Amos’ lot and curves around to their home on Lake Road. Mr. Norton estimated it to be an approximate 5 ft. sideyard setback.

Further review and discussion followed. It was noted that further information regarding the unit to be installed is necessary.

Motion by Burke, second by Tyo, that the property at 388 Fordham Parkway be granted a variance from the minimum sideyard setback requirements of Codified Ordinance Section 1359 for the replacement of the existing air conditioning unit provided that 1) the new unit shall be in the exact same place as the unit that is being replaced; 2) the new unit shall have a decibel rating
of 77 or lower; 3) at any time the shrubbery that is on the north side of the chain link fence along the location of the air conditioning unit is removed the owner of the property at 388 Fordham Parkway shall at that point put in year-around screening around the unit to screen it from both the neighbors on the north side and from the street.

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

**Motion carried 7-0.**

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<tr>
<th>Richard Lehman</th>
<th>C.O. 1163.05 (H) (3) 5 feet high fence</th>
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<td>450 Lake Forest Drive</td>
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After considerable discussion and review of the plans, Mr. and Mrs. Lehman withdrew their request and will extend their existing four feet high fence.

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<tr>
<th>Chris Oldham</th>
<th>C.O. 901.01 Concrete Driveway Pour</th>
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<tr>
<td>24603 Oakland Road</td>
<td>extending into tree lawn/apron area of</td>
</tr>
<tr>
<td></td>
<td>paper street (Vineland) connecting to</td>
</tr>
<tr>
<td></td>
<td>home owner driveway to East Oakland</td>
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Mr. Taylor questioned whether this must be referred to the City Law Department. Mr. Burke stated that a variance request is applicable to a change for what is required under the law. We do not have a building code that allows a homeowner to concrete out into the right of way. There is not an ordinance from which a variance can be granted. Mr. Burke added that the paper street is subject to rights from the City. The Board of Zoning Appeals does not have the authority to alter city rights.

Mrs. Oldham stated that the paper street is all gravel. The Oldham’s have maintained the street, put gravel down through the past 14 years, and to get to their driveway they must use the paper street. Their home lines up with Vineland and the sidewalk for the rest of the street going down. If Vineland were not a paper street, they would have sidewalks and a driveway apron. They are asking for a driveway apron with this request.

Mr. Norton noted that it is beyond the power of the Board of Zoning Appeals to grant this request. Mr. and Mrs. Oldham will be referred by Mr. Cheatham to the Law Department.

There being no further items to review, the meeting adjourned at 8:30 p.m. The meeting of July 2 will be postponed to July 9, 2015 due to the holiday.

______________________________  ___________________ ____________
Jack Norton, Chairman          Joan Kemper, Secretary