

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held September 1, 2016

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

Excused: Mr. Burke

Also Present: Jeff Fillar, SAFEbuilt, Inc.,

Audience: Mary Slaman, Jane Hoffman, Carole Zeiders, Douglas Norris, Gordon and Marie Hess, Jane Miller.

Chairman Norton called the meeting to order at 7:30 p.m. Mr. Norton called for approval of the minutes of the meeting held August 18, 2016.

Motion by Dostal, second by Bruno, to approve the minutes of the meeting of the Board of Zoning Appeals held August 18, 2016 as prepared and distributed. **Motion passed 7-0.**

Mr. Norton announced that the agenda item of Gregory Goray, 566 Humiston (continued from 8/18/16) C.O. 1303.06 Objection to Build at 574 and 584 Humiston, will be suspended from the agenda until further notice. The builder and his attorney have indicated to Law Director Ebert that they are going to attach some land from the north lot to the center lot to make the center house legal without the need for a variance. They have indicated that they may wish to donate the remainder of the parcel, after taking what is needed, to the City. The City would not be interested in the donation, and there was further indication of donating the land to a neighborhood association so that it is a common area. There has been no determination as to whether that donation will be accepted. Until there is some legal movement in the issue, the Board of Zoning Appeals will not take any further action. When there is legal documentation to prove that the land has been joined on to the center lot, making the center lot a buildable lot, and the decision on the balance of the land is made, the Board of Zoning Appeals will hear the objections. When it is placed back on the agenda in the future, the neighboring property owners will be notified.

Resident Douglas Norris expressed his gratitude to the Board of Zoning Appeals for the way they conducted the matters concerning this Humiston Road issue. He stated that his view is that the Board of Zoning Appeals acted in good faith, and there can be no blame to rest on the Board of Zoning Appeals.

The matter of Matt Ullom (continued from 8-4-16), C.O. 1149, 2-1tory, 2 ½ car garage, 22” high, plus parking spot adjacent to garage, will not be heard this evening per the request of Mr. Ullom.

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.

**Brent and Brandy Marriott
24883 Electric Drive**

**C.O. 1163 (H) (3) – 6 ft. high existing
fence on the east side of their property**

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

Mr. Marriott stated that the gentleman hired to do the landscaping on his property installed the fence. Mr. Norton advised that the fence company contractors and other contractors who install fences are familiar with the Bay Village building code and related requirements. The Board does not appreciate contractors who proceed in violation of the code, causing problems for the residents.

Mr. Dostal asked when the fence was installed. Mr. Marriott stated that the fence was installed this past July. Mr. Fillar of SAFEbuilt, Inc. advised that the contractor did not apply for or receive a building permit.

Mr. Norton explained the reason why the Board is sensitive to the installation of 6 ft. high fences beyond the 32 feet limit. It was suggested that the 16 feet beyond the 32 foot limit be graduated down to the 4 ft., 4-inch height limitation in order to meet compliance with the code. The contractor can and should do that for Mr. Marriott at the contractor's expense. Mr. Marriott was informed as to the various options available to him to meet the requirements of the building code.

Motion by Bruno, second by Taylor, to allow the property owner at 24883 Electric Drive, to modify the existing 6 ft. high fence to 32 feet of 6 feet high fence, with a transition downward for the remaining 16 feet to the height limitation of 4 ft., 4 inches, work to be completed by the contractor who will be required to obtain a building permit.

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

Motion carried: **6-0**

**Eric and Heather Tuck-Macalla
429 Forestview Road**

**C.O. 1359.01 (a) air conditioning unit
placement behind home less than 10 ft.
from property line**

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

Mr. Macalla stated that the air conditioning unit is 9 feet from the property line. Mr. Norton suggested that year-around screening cannot be seen by the neighbors or the street. Mr. Miller asked if there is any issue with the decibel level of the unit. Mr. Norton stated that the decibel rating is within reason, but a sound blanket should be added in consideration of the neighbors.

Motion by Bruno, second by Dostal, to grant the property at 429 Forestview Road, a 5 ft. variance to Codified Ordinance 1359.01 (a) for placement of an air conditioning unit as submitted per the

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drawings and application, equipped with a sound blanket and proper year-around screening to prevent visibility from the neighbors and the street.

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

Motion carried: **6-0**

The meeting adjourned at 8:15 p.m.

Jack Norton, Chairman

Joan Kemper, Secretary