Minutes of a Meeting of
Board of Zoning Appeals
Held May 17, 2018

Members Present: Bruno, Burke, Gess, Norton, Young

Excused: Miller

Absent: Tyo

Also present: Steve Vogel, Chief Building Official

Audience: Barb Coleman, Michael Fay, Jen Kappler, Jana & Dave Goots, Steve Schill.

*Full recording of the meeting is permanently available on the City of Bay Village website under City Government/Board of Zoning Appeals.

Chairman Norton called the meeting to order at 7:32 p.m.

Motion by Bruno, second by Burke, to approve the minutes of the meeting held May 3, 2018, as prepared and distributed. Motion passed 5-0.

Mr. Norton advised that the code states that the Board consists 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.

Jana Goots
27804 Osborn Road

C.O. 1359.01(a) Applicant is requesting a variance for an A/C unit to be placed on the side yard less than the required 10 feet.

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

Mr. Norton stated that with this type of request the Board adds a requirement that the air conditioning unit be concealed with either yearlong screening or a decorative fence.

Mr. Bruno stated for the record that the decibel rating of the unit is 74 and suggested that a sound blanket be added to the air conditioning unit. Mr. Bruno asked if there is an existing condenser unit. Mr. Michael Fay said no.

Motion by Burke, second by Bruno that the property at 27804 Osborn Road be granted a seven foot variance from the side lot line requirements of Codified Ordinance section 1359.01 for the installation of an air conditioner as per the drawings submitted with the application, provided, that the applicant provides yearlong screening of the unit from the view either from the street or
the neighbor to the east. Second, that if it is not included in the unit, that a sound blanket be installed.

**Roll Call Vote:**  
**Yeas – Bruno, Burke, Gess, Norton, Young**  
**Nays – None**

**Motion Carried 5-0**

Barb Coleman  
582 Red Oak Lane  
C.O. 1163.05(h) (2) Applicant is requesting a variance to install 48 feet of a 6 foot fence.

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Mr. Norton stated that it is to be noted that the 48 feet is not in one line where the requirement is no more than 32 feet of a six foot fence. The 48 feet requested is due to the 10% of the total perimeter of the lot. The perimeter of this lot is 392 feet and Bay Village Ordinance states that privacy screens cannot exceed ten percent of the perimeter of the lot. The variance requested is an additional nine linear feet of six foot fence. Mr. Norton also noted that the fence will only enclose two sides of the rear yard and the view to the creek will remain open.

Mr. Norton explained why the Board is sensitive to the installation of a six foot high fences beyond the 32 foot limit. Ms. Coleman explained that her backyard is not very deep and she does not want to block her view of the creek. Mr. Bruno noted that the variance request is pretty substantial at 23% from the total perimeter of the lot.

Mr. Gess suggested that the applicant could reduce the height of the fence for the last couple of feet, then she would not need a variance. Mr. Bruno suggested that the applicant taper the fence down by 4 ½ feet on each side. Therefore, having a six foot fence taper down to a four foot fence.

Mr. Norton suggested to the applicant to withdraw the application and review the suggestions from the Board members with her contractor. Ms. Coleman stated that she will withdraw her application.

Eric Kappler  
480 Lane Drive  
C.O. 1153.04 Applicant is requesting a 5 foot variance for construction of an addition to an existing structure.

Mr. Norton advised that the Board has had an opportunity to visit the site and review the application. Also, for the record, Mark Harms, 484 Lane Drive submitted a letter stating that he and his wife do not object to the variance request.

Steve Schill, architect for the Kapplers explained that the addition they are proposing for this property is for Mrs. Kapplers mother to move in with them. In order to achieve the addition, Mr. Schill would need to project a small portion of the addition five feet from the required rear yard setback. The percentage is a little less than 2% of the overall area. Mr. Schill explained that currently there is a two car garage on the house and he is proposing a three car garage for Mrs. Kapplers mother’s car.
Mr. Bruno noted that given the size of the lot the variance request is reasonable.

Motion by Bruno, second by Burke to grant the property at 480 Lane Drive, Per Codified Ordinance 1153.04 a 5 foot variance for construction of an addition to the existing structure per the drawings as submitted. Specifically, to the 18 feet length of the 5 foot bump out according to the drawings as prepared and submitted.

Roll Call Vote: Yeas – Bruno, Burke, Gess, Norton, Young
Nays – None
Motion Carried 5-0

Edward Pavicic
550 Red Oak Lane
(Reconsideration for Variance)

C.O. 1306.04(d)(4) Applicant is requesting a variance to construct a basement within the 100 year flood plain.

Motion Burke, second Bruno, that based upon the request of the attorney for the applicant Edward Pavicic that we move to table the request per variance to construct a basement within the 100 year flood plain at 550 Red Oak Lane be tabled until the next regular scheduled meeting.

Motion Carried: 5-0.

There being no further business to discuss the meeting adjourned at 7:57 p.m.

Norton, Chairman

Kristine Jones, Secretary