

Minutes of a Meeting of  
Board of Zoning Appeals  
Held October 20, 2016

Members Present: Bruno, Burke, Miller, Norton, Tyo

Excused: Mr. Taylor and Mr. Dostal

Also present: Jeff Fillar, Building Official of SAFEbuilt, Inc. and Councilman David L. Tadych, Ward 1

Audience: Mellissa Mellon, Kalman Csapo, Nick Yarham, John Traina

Before the meeting began a copy of an email was passed around stating that Matt Ullom would not be requesting a variance at this time.

Chairman Norton called the meeting to order at 7:31 p.m.

Mr. Norton called for the approval of the minutes of the Board of Zoning and Appeals held October 6, 2016. **Motion** by Burke, **second** by Bruno, to approve the minutes of the meeting held October 6, 2016.

**Motion passed 5-0.**

**Kalman Csapo  
311 Saddler Road**

**C.O. 1163.05(H)(3) Install 149 feet of 6 feet  
privacy fence in rear yard.**

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

Mr. Norton explained that before they begin he wanted to explain that the Board of Zoning and Appeals consists of 7 members by ordinance and by ordinance you need to have the approval of the majority of the 7 members. Tonight there are only 5 members present in which that changes the odds because you have to have 4 positive votes to grant the request.

Mr. Tyo stated that he would need to abstain from voting on the variance request for 311 Saddler Rd. since he knows the owners personally.

Mr. Norton proceed and explained that in the case of 311 Saddler, you would need 4 out 4 members to vote in favor of the request. Mr. Norton stated that the board could discuss the case and prior to a vote, the applicants can withdraw their request from tonight's agenda and place it on the agenda for November 3, 2016. He said that having the odds change is not necessarily fair however these are the rules in which the board needs to follow.

Mr. Miller, asked if the request that is being presented is of total lengths or should we be discussing individual pieces not just total lengths.

Mr. Norton stated that the total length is what they are requesting.

Mr. Burke asked if there should be an issue of 10% perimeters.

Mr. Filler said at the 10% level; they are at 908.30 perimeter and 10% of that would be 90.83 and with a 32ft, 32ft, 32ft equals 96ft which is past the 10% however, Mr. Filler explained it is very close.

Mr. Norton explained you are allowed to have 32 feet of a 6ft fence on both sides of your property. Furthermore, he explained that the function of the Board of Zoning and Appeals is not to legislate, that duty is for City Council and the BZA is permitted to make minimal changes to city ordinances. What is being asked of the board is to make a substantial change to the requirements of ordinance.

Mr. Burke asked if they would be voting or withdrawing their request. The applicants had made changes to their plans, however it was stated that the board can not vote on verbal change that they can only vote on what is in front of them.

Melissa Mellon the owner of the property said they would withdraw and resubmit. Nick Yarham the builder explained that what we are now asking for is only a 10ft. variance.

The board said they might be comfortable voting on a 10ft. variance.

Mr. Burke asked what they are thinking of changing.

Mr. Yarham explained they would do 6ft fence of 32ft. down both property lines and 5ft. on the SW corner and 10ft on the gate, which is 80ft. We are asking for 20ft between the garage and the shed in the NW corner which would then be requesting a 10ft. variance.

Mr. Bruno said he is good with the 10ft. since most of fence is in the NE corner of the property where it is a wooded area.

Mr. Burke stated that for the record he would like to reiterate what the applicants are asking to change to their application. He explained, that they would like to change their application 32ft. of 6 foot fence on the north and south side property lines, 5ft. on the South West corner of backyard, 20 ft. of a 6 foot fence at the North East corner at an angle and 10 ft. at the gate which is at the North West.

**Motion** by Burke the applicants have amended their application regarding 6 ft. privacy fence to the following that we grant this amended application namely that they be permitted a total of 6 ft. privacy fence of 99 ft. which would be approximately 9 ft. over what the code allows and would consist of 10 foot length gate at the North West corner of the backyard, 32 feet along the North

side of backyard, 20 foot fence at an angle at the North East corner, 32 feet in length along the south side and 5 feet at the South West corner of the backyard.  
**Second**, by Bruno.

**Roll Call Vote:**       **Yeas – Bruno, Burke, Miller, Norton,**  
                                  **Nays- None.**

**Mr. Tyo Abstained**

**Motion Carried 4-0**

**John Traina  
580 Vineland**

**C.O. 1359.01(a) A/C Unit to be placed on  
side yard and be 4 feet from property line  
Instead of 10 feet.**

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

Mr. Tyo asked Mr. Fillar that it appears from the application that 2 drawings were submitted for a building permit that it seems that the a/c unit was placed on the spot where it has been replaced, Mr. Tyo asked if this was missed. Mr. Fillar said yes.

Mr. Norton asked if anyone has objected to the request of the proposed variance. It was concluded that no one has.

Mr. Norton explained that in granting this request if Mr. Traina could see if the manufactory of the a/c unit sells a sound blanket to accompany the a/c unit and for this accessory to be a requirement when the board is making their decision.

**Motion** by Bruno, second by Tyo, to grant the property of 580 Vineland Rd. Variance C.O. 1359.01(a) for the air conditioning unit be placed on the side yard with proper yearlong screening as submitted per the drawings and in requesting this variance a sound blanket to be included.

**Roll Call Vote:**       **Yeas – Bruno, Burke, Miller, Norton, Tyo**  
                                  **Nays- None.**

**Motion Carried 5-0**

The meeting adjourned at 8:01 p.m.

  
Jack Norton, Chairman

  
Kristine Jones, Secretary