

Minutes of a Meeting of
Board of Zoning Appeals
Held September 15, 2016

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

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

Audience: Mary Slaman, Juliann and George Dunn, Doug Gertz, Jeanie Kiss, Mr. and Mrs.
Richard Siwinski, Kathy Todd, Roberta L. Van Atta Esq. and court reporter.

Chairman Norton called the meeting to order at 7:30 p.m. Mr. Norton called for the approval of the minutes of the meeting held September 1, 2016.

Motion Dostal second by Bruno to approve the minutes of the meeting of the Board of Zoning Appeals held September 1, 2016 as prepared and distributed.

Motion passed 7-0.

**Tom Fleming
551 Cahoon Road**

C.O. 1370 Generator Placement on North Side of Home

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

Mr. Gertz stated that the applicant desires and requests a variance to install a generator at the north front corner of his home. Mr. Gertz explained that the generator needs to be placed at the north front corner because the topography of the property behind the house is quit extreme and the distance needed from the window openings and vents makes it difficult to install the generator anywhere else.

Kathy Todd at 549 Cahoon Road had many concerns about the generator and the placement of the generator in proximity to her home. She was concerned with the size, how loud, and how many feet closer the generator will be to her home.

Mr. Norton and Mr. Gertz explained that the generator dimensions will be 6 ft. long, 3 feet wide and height of 45 inches. It was also stated that the generator shall be used only during periods of power outages, and also that it will be programmed to cycle for routine testing and maintenance not more than once a week Monday through Saturday for 20 minutes from the hours of 9 a.m. to 6 p.m. The generator will be approximately less than 3 feet closer to Mrs. Todd's property line. Kathy Todd also requested that there be some sort of coverage for the generator unit; either arborvitaes or a fence. Mr. Norton stated that city ordinance requires that all generators need to be screened from public view by means of year round landscaping or fencing. Mrs. Todd asked

if it would be impossible to place the generator in the back of the house. Mr. Gertz explained that no it's not impossible however it will be placed in the wide open backyard offending more neighbors.

Motion by Bruno, second by Tyo, to allow the property owner of 551 Cahoon Road, to place a generator on the North side of his home, provided that the generator unit will have year round screening either by evergreens or fencing.

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

Motion Carried 7-0

**Richard Siwinski III C.O. 1163.5 (G) (3) 6 foot fence to exceed
23021 Lincolnshire Dr. exceed the 32 feet in one direction**

Mr. Norton questioned why this request is being proposed to the Board. Mr. Fillar of SAFEbuilt, Inc. explained because of the note on the application stating, that the homeowners would like to have a 6ft fence along the west side wooded backyard and on the East yard for privacy because of the swimming pool. They also would like to have a 6ft fence along the backyard to screen from the train tracks. It was explained by Mr. Norton that you do not need a variance for the 6Ft. fence along the train tracks.

Mr. Norton asked Mr. Siwinski for a clarification for what he was asking for, Mr. Siwinski explained he is asking for a 6ft fence that will be 190ft along the East and West sides of his property.

Jeanie Kiss of 23017 Linconshire Dr. expressed concern for the fence stating that she was only allowed a 4ft privacy fence along her property line. She insisted that she does not want a wall between her neighbors.

Mr. Norton clarified that you are allowed to have 32 feet of a 6ft fence on both sides of your property.

Mr. Tyo 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 (190 ft. long fence at 6ft tall) is to make a substantial change to the requirements of ordinance.

Mr. Norton indicated that if Mr. Siwinski would like to request more than 32ft of a 6ft fence than the board is going to need more specific documents because currently the documents that have been submitted do not show what is being asked. An option of withdrawing the request and tabling it to the next meeting was suggested as well as changing his plans so he would not need a variance with the fence.

Mr. Norton explained that the first thing that needs to be done is to get clarity of the deed restriction and then second the surveyors and results, this will then clarify some of the safety issues.

Juliann Dunn of 405 Park Lanes, stated that very rarely cars are backing out of the driveway at the same time, and there is never a lot of traffic.

Motion by Burke, second by Taylor to move the application of Matt Ullom regarding 403 Longbeach Parkway be tabled indefinitely until the Board of Zoning and Appeals has adequate information from the Surveyor and information from the State law department regarding title and deed of the property. Then when have satisfactory information is presented we will then be able to make a determination of the request.

Roll Call Vote: Yeas - Bruno, Burke, Dostal, Miller, Norton, Taylor, Tyo.

Nays – None

Motion Carried 7-0

The meeting adjourned at 8:30 p.m.

Jack Norton, Chairman

Kristine Jones, Secretary