

Minutes of a Meeting of
BOARD OF ZONING APPEALS
Held March 20, 2014

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

Absent: Dostal

Also Present: Mr. Bob Lyons, SAFEbuilt, Inc.

Audience: Kevin Muldoon of Original Donnelly Heating and Cooling Company
Michael Lewis
Robert Petkash
Nancy Daniel

Chairman 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 Taylor, second by Bruno, to approve the minutes of the meeting held March 6, 2014, as prepared and distributed. **Motion passed 6-0.**

Robert Petkash
574 Red Oak Lane

CO. 1359 Air Conditioning Unit
placement – 3 ft. variance

Mr. Norton noted that the Board has had an opportunity to visit the site and review the application. He commented that Mr. Petkash's property is next to the creek in the area. The noise level of the new unit to be installed has a decibel rating of 71. The unit is tucked around behind the house and cannot be seen from the street so screening will not be necessary.

Nancy Daniel, 568 Red Oak Lane commented that she is concerned about the noise from the proposed installation because she just built a patio that wraps around her home. She is asking that a screen be constructed to deter the noise.

Mr. Norton stated that the requirement will be to include a sound blanket with the unit. Mr. Muldoon, the contractor for the work, stated that it is a replacement unit and it is much quieter than the unit that was there. Mr. Norton noted that the request for the variance is only 3 feet. Between the unit and the property line, would it be a problem if we included a requirement that it be screened on the north side? Screening is normally a decorative fence, or year around screening such as an evergreen. That would tend to mitigate the sound going in the north

direction. Mr. Burke stated that this is a fairly common condition that is included in a request for a variance. Mr. Petkash stated that the major point is the fact that the new unit will be significantly quieter. Nancy Daniel never complained about the old from the old unit, so why would it even be an issue.

Mr. Norton stated that if Mr. Petkash's installation were 10 feet away from the property line it would fall within the norm of the ordinance. Mr. Petkash stated that it is a replacement in the same place it always was, so if it was allowed to be there in the first place, why isn't a new, quieter one permitted. Mr. Norton stated that the original unit was probably put in without a permit. Mr. Petkash stated that it was new construction at the time. Mr. Campbell noted that if you do something new you have to follow new codes. He noted further that the Board just wants something to absorb the sound for the neighbor, such as a bush or something that will last year around. Mr. Bruno noted that this is a normal part of most motions made and is not an unusual request that we include in the motion.

Motion by Burke, second by Campbell, that the property located at 574 Red Oak Lane be permitted a 3' variance from the side yard setback requirements of Codified Ordinance Section 1359.01 (a) for the installation of a replacement air conditioner provided that a sound blanket will be added to the air conditioning unit if not already part of it, and further provided that year-around screening, either evergreens or a fence of some sort be installed to further block noise and view from the neighbor. Mr. Tyo asked for a point of clarification. With the fence, are we requiring that it be all the way around or just on the north side. Mr. Campbell said that should be away from the street, if there is any view, and there is not, and from the north side.

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

Motion passed 6-0.

Darren Zeck
194 Plymouth

C.O. 1359 – Air Conditioning Unit
placement – 5 ft. variance

Mr. Norton noted that the Board has had an opportunity to visit the site and review the application. He commented that Mr. Zeck's neighbor has air conditioning units placed in the same position as Mr. Zeck is requesting. The decibel rating on this unit is 68.

Motion by Tyo, second by Bruno, that the property at 194 Plymouth be permitted a 5' variance to the Codified Ordinance Section 1359.01 to install an air conditioner at the location shown on the application with a sound blanket and adequate year-around screening so that it cannot be seen from the street (east side) or the neighbor to the north.

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

Motion passed 6-0.

Mr. Muldoon commented at length about the procedure necessary to obtain permits or variances for the placement of air conditioning units. The Board referred Mr. Muldoon to the City Council and/or Building Department for a possible revision to the process.

Shelia Neroni
31321 Walker Road

C.O. 1163.05 (c) for rear yard fence
to exceed 6’ tall and gate 6’ tall

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

Mr. Michael Neroni expressed concern about the relationship with his neighbor and is requesting the fence for aesthetic and personal family safety reasons.

After considerable discussion and suggestions from the Board, Mr. Mike Neroni modified his request.

Motion by Tyo, second by Taylor, to grant a variance to Codified Ordinance 1163.05 (c) to the property at 31321 Walker Road for a rear yard fence that would be 6 feet tall and 40 feet in length along the west property line.

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

Motion passed 6-0.

There being no further business to come before the Board, the meeting adjourned at 8:17 p.m.

Jack Norton, Chairman

Joan T. Kemper, Secretary