

Meeting Minutes of
Board of Zoning Appeals
Held January 2, 2020

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

Excused: Tyo

Also Present: Eric Tuck-Macalla (Building Director), Mark Barbour (Law Director) and Councilman Winzig

Audience: Pat O'Boyle, Jon Burney, James Barnicle, Bill Hathaway, Jim and Becky Busch and Mark Reinhold

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

Mr. Norton called the meeting to order at 7:30 p.m.

Motion by Mr. Bruno, **second** by Mr. Burke to approve the minutes of the meeting held December 5, 2019, as prepared and distributed.

Motion passed 6-0.

James Barnicle
26923 Bruce Road

The applicant is requesting a variance per C.O. 1359.01-(Air conditioning equipment, installation requirements) to install an air-conditioning condenser on the east side of the house. The variance requested would be 6'5".

Mr. Norton discussed the second agenda item and explained that the Board has had an opportunity visit the site and review the application. He asked if there was discussion.

Mr. Bruno stated for the record that the 69 decibel level is much better than what the Board typically recommends, 73.

Mr. Norton discussed that he visited the location today and could not recall if the unit had screening or fencing.

Ms. Young stated that there doesn't seem to be another location on the property to place the unit.

Mr. Norton asked who was in attendance in regard to this agenda item.

Mr. Barnicle, applicant, introduced himself and his project manager, Bill Hathaway.

Mr. Norton explained that often times when the Board considers this type of variance request, they require permanent screening with either decorative fencing or year round vegetation. It helps to shield the unit from both the neighbors view and people walking by the house.

Mr. Barnicle clarified that they are putting the unit on the east side of the house.

Ms. Young stated that the neighbor to the east was outside when she was at the property and she did not have any issue with the unit location.

Mr. Norton asked if there was further discussion.

Motion by Mr. Burke, **second** by Mr. Gess that the applicant 26923 Bruce Road be granted a variance per C.O. 1359.01 for 6'5" from the 10' side yard setback requirement for the installation of the air conditioning unit as per the plans and application submitted provided that there will be year round screening to shield from the neighbors and the street.

Roll Call Vote:

Yeas – Young, Norton, Gess, Bruno, Burke and Miller

Nays-

Motion Carried 6-0

Jon Burney
497 Cahoon Road

The applicant is requesting a variance per C.O. 1359.01-(Air Conditioning equipment, installation requirements) to install an air conditioning condenser on the north side of the house. The variance requested would be 4'.

Mr. Norton discussed the third agenda item and explained that the Board has had an opportunity visit the site and review the application. He asked if there was discussion.

Mr. Burke clarified the proposed location of the unit. (at the top before it drops off or down below)

Mr. Burney explained that the proposed location was down below.

The Board discussed the picture that was submitted with the location.

Mr. Bruno stated for the record that the decibel rating is a 48/49 which is really quiet.

Mr. Norton stated that the lot has some unique characteristics.

Mr. Burke stated that he is not sure that screening is even necessary because it is down the hill.

Ms. Young discussed the location in regard to the neighbor.

Board of Zoning Appeals
January 2, 2020

Mr. Burney explained that it will be placed 10' down the hill.

Mr. Norton asked if there was further discussion or a motion.

Motion by Mr. Bruno, **second** by Mr. Burke that the property at 497 Cahoon Road be granted a variance per C.O. 1359.01 of 4' for the placement and installation of air conditioning condenser and heating unit on the north side of the house based on the application as prepared and submitted.

Roll Call Vote:

Yeas – Young, Norton, Gess, Bruno, Burke and Miller

Nays-

Motion Carried 6-0

Jim and Becky Busch
389 Oak Cliff Court

The applicant is requesting a variance per C.O. 1121.09-(Building line) and 1149.01-(Location). The variance requested is 10.4% front set back request to 44.8' and 13% variance to 8'7".

Mr. Norton discussed the fourth agenda item and explained that the Board has had an opportunity visit the site and review the application. He asked if there was discussion.

Mr. Bruno stated that based on the neighborhood he would like to address the front setback. He is inclined to not have issue with the front setback based on the uniqueness of the neighborhood and the fact that the property to the north is in line with the proposed setback. He does not feel they are infringing on anything in regard to sightline or consistency.

Mr. Burke clarified that the garage is in the back.

Mr. Bruno discussed the garage and the distance from a fire code perspective.

Mr. Burke asked Mr. Tuck-Macalla if the Fire Department has had any input as far as what kind of materials should be used.

Mr. Tuck-Macalla stated that the Fire Department does not weigh in on this but it will have to be fire rated.

Mr. Burke discussed that in the past they have had certain material requirements that could be used.

Mr. Busch explained that there will fire rated sheeting on the first code restricted roof area and a rated wall in the garage itself.

Board of Zoning Appeals
January 2, 2020

Mr. Tuck-Macalla stated that they will still have to give the Building Department the construction drawings and they will be reviewed for the Code. If they are not to Code, they will not be approved for the permit.

Mr. Miller discussed the use of fire rated sheeting.

Mr. Norton explained that in the past they sometimes have put wording in the motion when it is less than 10' that said it must be approved by the Building Department as to the fire separation question. Then the Building Department would use their judgement as to the exact portion that needs to have special sheeting or fire rated drywall.

Mr. Gess discussed that there is the rating and proximity issue but also the accessibility for life saving getting around.

Mr. Norton asked if there was further discussion.

Motion by Mr. Burke, **second** by Mr. Bruno that the applicant at 389 Oak Cliff Court be granted two variances per C.O.1121.09 and 1149.0 of 5'2" from the 50' front setback requirement and 1'5" from the 10" requirement between a residence and a separate building per the plans that were submitted subject to the approval by the Building Director as far as the materials used for construction.

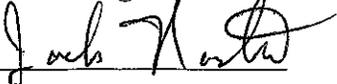
Roll Call Vote:

Yeas – Young, Norton, Gess, Bruno, Burke and Miller

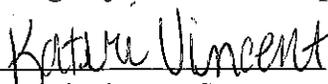
Nays-

Motion Carried 6-0

There being no further business to discuss the meeting adjourned at 7:44 p.m.



Jack Norton



Kateri Vincent, Secretary