

Meeting Minutes of
Board of Zoning Appeals
Held August 18, 2022

Members Present: Jack Norton, Jan Saurman, Clete Miller, Terence Burke, Dan Gess, Scott Bruno, Carolyn Young

Also Present: Lauren Oley (Secretary), Eric Tuck-Macalla

Audience: Charles Merchant, Robert & Barbara Piccirilli, Kristin Gates, Dave Maddux

**Full recording of the meeting is permanently available on the City of Bay Village website under Government/Board of Zoning Appeals/View Most Recent Agendas and Minutes/Media*

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

Mr. Norton introduced the first item on the agenda, the approval of the minutes that were held August 4, 2022.

Motion by Mr. Bruno, Second by Mr. Saurman, to approve the minutes as prepared and submitted.

Motion Passed 4-0

1) Charles Merchant 347 Oakmoor	Applicant is seeking a Special Permit to build a deck with a 6 ft. x 16' privacy screen in addition to the 32' privacy screening permitted. <i>The owner received a variance previously on June 2nd for a 15' 5" extension to his privacy screen.</i>
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Mr. Norton introduced the next item on the agenda as 347 Oakmoor. This was tabled on the August 4th meeting and the board has since received a letter from Mr. Merchant that his original variance request is no longer needed and there is also a letter from our law director suggesting that is adequate and if it's included in any resolution adopted tonight that would be adequate.

Mr. Bruno sought confirmation with the applicant that he understands if they were to move forward with a variance tonight that they'd clearly stated that Mr. Merchant will not use the variance that was granted on June 2.

Mr. Merchant replied in the affirmative.

Mr. Saurman stated that last time there was some discussion as to if a variance was needed given it's attached to the deck.

Mr. Merchant replied that he is requesting a special permit not a variance.

Mr. Miller advised that in the Law Directors memo he used the word variance as well, but their conversation last time concluded a special permit is necessary.

Motion by Mr. Burke, **Second** by Mr. Bruno, that the property located a 347 Oakmoor be granted a special permit to build a privacy screen 6’ high by 16’ in length on the deck in addition to the 32’ privacy screen already permitted. This special permit would be granted provided that the applicant is not going to use the variance that was granted by BZA June 2 and the record shows that Mr. Merchant stated, in writing, that he will give up that right. Further provided that the building department, if the owner should in any way attempt to obtain a permit for the variance approved on June 2, deny that permit.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

<p>2) Robert & Barbara Piccirilli 335 Rye Gate</p>	<p>Applicant is requesting s variance to section 1359.01 (a) to place Air Conditioning Equipment less than ten feet from a property line. The decibel rating for this unit is 71, the house is 4 feet 9 inches from the property line and the variance sought is 9 feet.</p>
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Mr. Norton introduced the next item on the agenda as 335 Rye Gate. The board has had an opportunity to visit the site and review the application.

Mr. Young remarked that the home is on a corner lot and the north and west side are not opportunistic and the back has a patio, where the current unit sits – which is not ideal.

Mr. Norton stated that the unit would be pretty well concealed on the site of the house. Oftentimes when a variance of this nature is granted the board includes a part of the variance that says it must be permanently screened from the neighbors in the street. It would be pretty much concealed by the neighbors shed, but they would require decorative fencing or a year-round evergreen growth so it couldn’t be seen by the street to try to keep the nature of the equipment concealed.

Mr. Bruno noted that the decibel rating is fine. He sought confirmation that this is a replacement?

Mr. Piccirilli noted that they are switching from all electric to gas heat and the heat pump that is sitting on the patio will go away and the opted to move the air conditioner to the south side of the house to be off the patio.

The board and the applicant discussed the specific location of the A/C referencing the photos provided.

Motion by Mr. Bruno, **Second** by Mr. Burke, to grant the property at 335 Rye Gate a variance per CO 1359.01 to place air conditioning equipment on the south side of the property per the application as prepared and submitted requiring a variance of 9’ and also provided that the equipment be screened year-round with vegetation or a privacy fence.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

<p>3) Travis & Kristin Gates 348 Pinewood Dr.</p>	<p>Applicant is requesting a variance to section 1359.01 (a) to Place Air Conditioning Equipment less than ten feet from a property line. The decibel rating for this unit is 52, the house 4 ft. from the property line and the variance sought is 6 ft. this is a small Mitsubishi Mini Split unit.</p>
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Mr. Norton introduced the next item on the agenda as 348 Pinewood Drive. The board proceeded to discuss how the lot is oddly shaped and the distance between the home and property line diminishes. He went on to discuss how they typically require year-round screening.

Ms. Young added that the house is next to the neighbor’s garage.

Motion by Mr. Burke, **Second** by Mr. Bruno, that the property located at 348 Pinewood Drive be granted a variance from Section 1359.01 (a) of the C.O. for the placement of an air conditioning equipment less than 10’ from the property line the amount of the variance granted is 6’ provided that the unit be screened from the street and the neighbors with year-round screening.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

<p>4) David Maddux on behalf of Jay Vaidya 23604 Lake Rd</p>	<p>Applicant is requesting a variance to section 1359.01 (a) to place Air Conditioning Equipment less than 10 feet from a property line. These are two units with decibel ratings of 56-68 and 62-69, the house is 7 ft. from the property line, the variance sought is for 5 ft.</p>
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Mr. Norton introduced the next item on the agenda as 23604 Lake Rd.

The board and applicant discussed the width of the unit and the manufactures’ requirements regarding distance from home. The units are very tight to the home.

Mr. Bruno stated that the DB rating is so low.

Mr. Maddux stated that the units are different sizes. One is 51” tall, but it sits on a screen. They’re pretty far back off the street.

Mr. Miller inquired if there was any conversation with the neighbor regarding the proximity to their bedroom windows?

Mr. Maddux stated that they actually built their home so they’ve had a close relationship all the way throughout this process. They slid the units forward so they’re adjacent to the garage. They’ve pulled the units away from their bedroom.

Motion by Mr. Bruno, **Second** by Mr. Burke, to grant the property at 23604 Lake Rd a variance per C.O 1359.01 (a) to place air conditioning equipment in the position per the application as prepared and submitted with a variance of 5' from the side yard also provided that there will be year-round screening whether that be evergreen or decorative fencing.

Roll Call Vote:

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

Nays –

Motion Passed 7-0

Ms. Young stated that she has an item to discuss with the board. She has a BZA Variance for a boathouse from a couple years ago. She is aware they do expire and she needs to talk about how to keep that active. It's taken a year to finish the project and another year to negotiate with the city so she's ready to move forward.

Mr. Norton inquired if it was Mr. Tuck-Macalla's discretion to reactive that request?

Mr. Saurman stated that he felt the ordinance was fairly liberal with granting an extension.

Mr. Tuck-Macalla replied that the board can grant an extension. She'd need to come back before the board.

The board discussed the timeline of her project and next steps. Ms Young will visit building department to determine next steps and reapply if necessary.

There being no further business to discuss the meeting adjourned at 7:50 p.m.



Jack Norton, Chairman



Lauren Oley, Secretary