



Pursuant to the call of Chairman, Mayor Keith Benjamin,
and Ord. 1121.10 Notice of Hearing to Neighbors
you are hereby notified of a meeting of the

Board of Zoning Appeals
Wednesday April 30, 2025 5:30pm
Bratenahl Community Center 10300 Brighton Rd. Bratenahl, OH 44108

AGENDA

Approval of Minutes

BZA Meeting December 4, 2024
BZA Meeting March 6, 2025

Swearing in of Speakers

OLD BUSINESS

- **10007 Lakeshore Blvd.** – Proposed generator in front yard - Requests variance from Schedule 1155.06(a) requirement that generator be located in rear yard.

NEW BUSINESS

- **10125 Lakeshore Blvd.** – Proposed generator in Side yard - Requests variance from Schedule 1155.06(a) requirement that generator be located in rear yard.
- **30 Hamlet Ct.** – Proposed generator in a court – Requests variance from Schedule 1155.06(a) requirement that a generator be located in rear yard.

Posted: April 16, 2025

memorandum

to: Keith Benjamin, Mayor, and Bratenahl Board of Zoning Appeals
from: Kristin Hopkins, FAICP, Village Planner
**subject: Variance Request: 30 Hamlet Ct, Hamlet PRD Condominiums
Generator in a Side/Court Yard**
date: April 25, 2025

REQUEST: Variance to allow applicant to install an emergency generator in the north side/court yard, behind the attached garage and approximately 60 feet from the garage wall of the neighboring house (40 Hamlet Ct) to the north, contrary to Section 1155.06(a), which limits placement to the rear yard with a minimum setback of 20 feet from the side lot line and 20 feet from the rear lot line.

The applicant, Castle Rock Electric, on behalf of the property owner, J. Ritter, is requesting a variance to install a permanent residential emergency backup generator north of the house, behind the attached garage, in a court yard based on the definition of side yard, within the property's exclusive use area. The parcel is located in the Hamlet Planned Residential Development (PRD) and the R-1 District as the standard (underlying) zoning, see Figures 1 and 2.

This review is based on the Variance Application dated April 14, 2025, which included the applicant's summary of existing conditions, photos, unit specifications from the manufacturer (Kohler), and site plan showing the proposed location.

CODE REQUIREMENTS

According to the Bratenahl Zoning Code, emergency outdoor generators are a permitted accessory structure in Residential Districts, including PRD Districts. Based on Section 1162.01 and 1162.03, the PRD standards are supplementary to the standard residential zoning district regulations. As such, the provisions of the R-1 standard zoning district are applicable in the Hamlet PRD unless superseded by regulations specified in Chapter 1162. Chapter 1162 does not specifically address outdoor generators, however, Section 1162.06(e)(4) states "necessary above-ground service, storage or utility facilities shall be completely screened with decorative walls and/or landscaping from the surrounding area and shall comply with all requirements for accessory structures."

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The regulations for residential accessory uses are set forth in Section 1155.06. Per Schedule 1155.06(a), outdoor generators are restricted to the rear yard with a minimum setback of 20 feet from the rear lot line and 20 feet from the side lot line. Generators are also subject to compliance with subsection 1155.06(e) which requires them to be located within 10 feet of the house when located in a rear yard and 5 feet of the house when located in a side yard and screened from view from the street and abutting properties by a fence and/or evergreen vegetation.

The National Fire Protection Association (NFPA) code requires that residential backup generators be installed at least 1.5 feet away from the house. The NFPA code also mandates that generators cannot be located within 5 feet of any windows and doors. When mounting the generator, the code also states that it must be positioned so that the exhaust faces away from the home.

Property Existing Conditions. The property is part of the Hamlet PRD, a condominium development that was approved in 1996. Construction of the house was approved in October 2022, and purchased by the home owner in 2024, see Figures 3 and 4. As a condominium unit, the house is surrounded by an “exclusive use area” rather than lot lines that create “yards” that are typical of homes on “fee-simple” lots. As noted on the condominium plat, the “exclusive use area” is a rectangle drawn 5 feet from the outermost walls of the house. As such, the house does not comply with the minimum 30,000 square foot lot required in an R-1 District, nor any of the yard requirements.

PROPOSAL

The applicant proposes to install a Kohler 26kW natural gas generator in a court behind the attached garage, and north of the house, in the same area where the air conditioning unit is located. According to the specifications, the generator is approximately 47 inches long by 26 inches deep and 32.3 inches tall. The noted sound levels are 56 dB(A) during low-speed exercise mode and 67 dB(A) at normal load during emergency situations, measured at a distance of 23 feet from the generator set.

As shown on the submitted plan and annotated photos, the generator is proposed to be located approximately 60 feet from the exclusive use area of 40 Hamlet Court, closest to the unit’s attached garage.

EVALUATION

In reviewing the submitted documentation, it is my opinion that the Board's consideration is merited based on the following factors and compliance with the required screening.

1. **There is no permitted location on this lot.** The current regulations do not address condominium units surrounded by an exclusive uses area that is only 5 feet from the outside limits of the house.
2. There proposed location, in the exclusive use area behind the garage, near the house's air conditioning unit, is **the best location for the generator to be located, as it is across from the neighbor's wall where its air conditioning units are located and shielded from the view from the street by the garage.**
3. The proposed location does not have existing vegetation that will shield the generator from view from the adjacent house. **Details on the proposed screening are required to be submitted to the Building Commissioner.**
4. With a sound level of 67 dB(A) for normal operation during an emergency, the **proposed generator is a relatively quiet model**, based on a typical range of between 60 and 80 dB(A).

Given the foregoing facts and considerations, it is my option that practical difficulties exist and therefore it is reasonable for the Board of Zoning Appeals to grant the requested variance.

If you have any questions or require any additional information, please feel free to contact me.

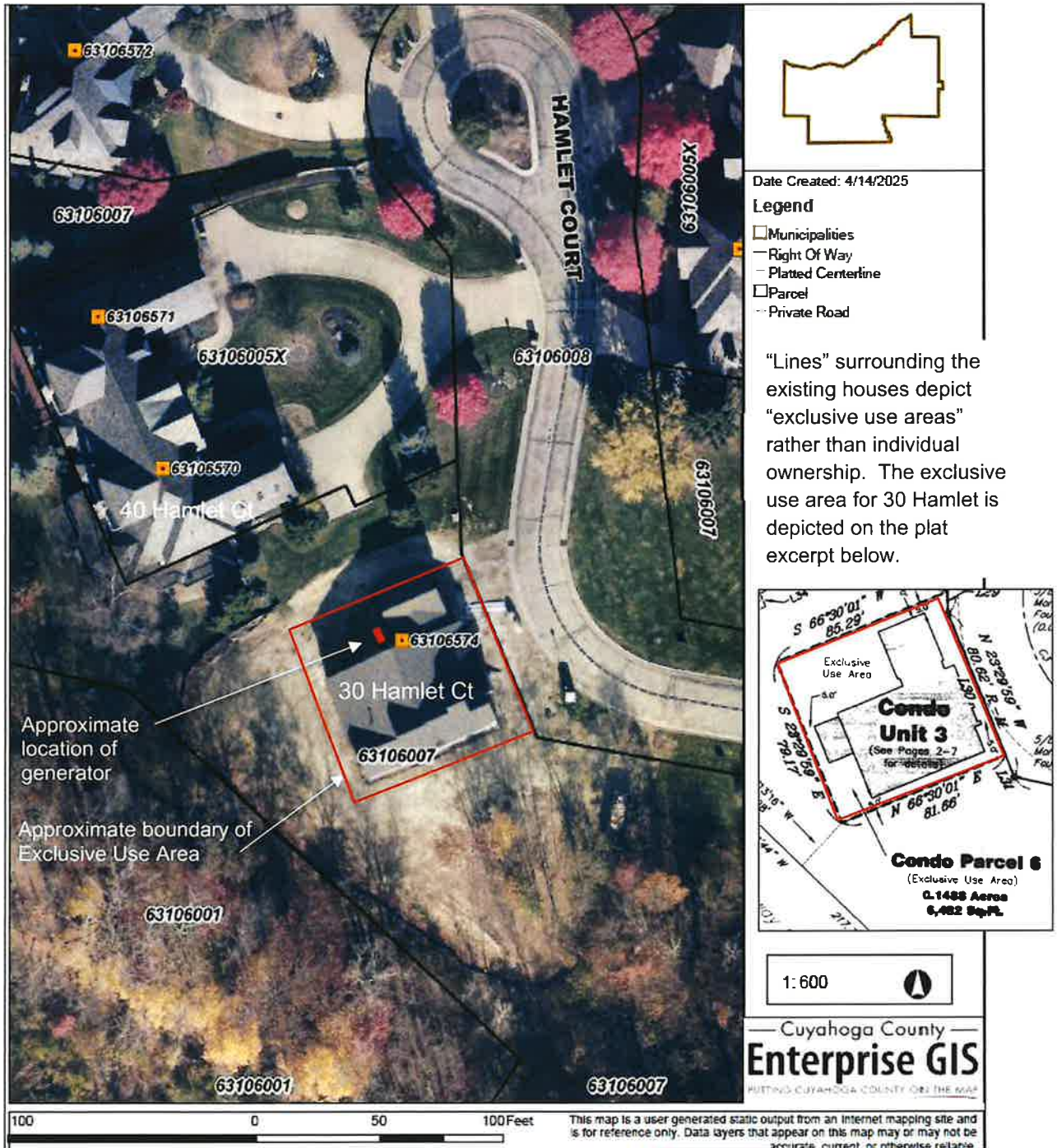
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Figure 1. 30 Hamlet Ct, Hamlet PRD Condominiums. Aerial Photo. (Cuyahoga County GIS Viewer)



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Figure 3. 30 Hamlet Ct, Hamlet PRD Condominiums. Eagle View Image



Figure 4. 30 Hamlet Ct, Hamlet PRD Condominiums. Eagle View Image



memorandum

to: Keith Benjamin, Mayor, and Bratenahl Board of Zoning Appeals
from: Kristin Hopkins, FAICP, Village Planner
subject: **10125 Lakeshore Blvd**
Variance Request: Generator in Side Yard
date: April 25, 2025

REQUEST: Variance to allow applicant to install an emergency generator in the side yard, approximately 18 feet from the easterly side lot line, contrary to Section 1155.06(a), which limits placement to the rear yard, a minimum of 20 feet from the side and rear lot lines.

The property owner, N. Stanich, is requesting a variance to install a permanent residential emergency backup generator in the side yard at the above referenced address, see Figures 1 and 2. The lakefront property is located in the R-LF District. A variance is required because generators are required to be located in a rear yard, 20 feet from a lot line.

This review is based on the Variance Application dated March 27, 2025, which included a letter dated March 26, 2025, photos and drawings, and manufacturer's specifications for the Generac Generator submitted by Christina Babcock of Shepp Electric Co., on behalf of the property owner. The generator is proposed to be installed in the side yard, in the same location as two existing air conditioning units, an outdoor electrical meter, and a gas meter located in the basement along the same wall.

BACKGROUND

Code Requirements. Emergency outdoor generators are a permitted accessory structure in Residential Districts. The regulations for residential accessory uses are set forth in Section 1155.06. Per Schedule 1155.06(a), outdoor generators are restricted to the rear yard with a minimum setback of 20 feet from the rear lot line and 20 feet from the side lot line. Generators are also subject to compliance with subsection 1155.06(e) which requires them to be located within 10 feet of the house when located in a rear yard and 5 feet of the house when located in a side yard and screened from view from the street and abutting properties by a fence and/or evergreen vegetation.

Property Existing Conditions. The 1.89-acre property is located on the north side of Lakeshore Boulevard. The dwelling unit was built in 1930 and predates the zoning code. The lot is nonconforming lot because it is less than the minimum 2 acres required in the R-LF District, and the location of the house on the lot is nonconforming on the east side, with a side lot width less than the minimum 30 feet required. The house is located approximately 360 feet from the street right-of-way, further than the minimum 250 feet required setback in the R-LF District.

PROPOSAL

The property owners propose to install a Generac 26kW natural gas generator in the side yard, five feet from the house. According to the specifications, the generator is 48 inches long by 25 inches deep and 29 inches tall. The noted sound levels are 58 dB(A) during low-speed exercise mode and 68 dB(A) when operating at normal load during emergency situations, measured at a distance of 23 feet from the front of the generator set.

Based on the submitted materials, the proposed east side-yard location for the generator will be approximately 18 feet from the side lot line and 70 feet from the neighboring house to the east (10207 Lakeshore Blvd), see Figures 3 and 4.

NOTE: The Bratenahl Planning Commission, at its April 23, 2025 meeting, recommended to Village Council that Schedule 1155.06(a) be revised to permit generators in a side yard, a minimum 20 feet from the side lot line, and limited to generators that do not exceed 70 decibels. Nevertheless, the applicant's proposed generator location would still require a variance from the proposed minimum 20-foot side lot line setback.

EVALUATION

In reviewing the submitted documentation, it is my opinion that the Board's consideration is merited based on the following factors and satisfactory installation of screening.

1. Most houses in the R-LF District are oriented toward the lake, and **the zoning code protects views of the lake via strict setback requirements**. Therefore, it is reasonable to consider alternative locations on lots that can accommodate generators in locations more easily screened from view.

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2. The **proposed location in the side yard, near the existing air conditioning units and electric and gas meters, is a reasonable location** for the generator given the size of the lot, significant setback from the street and distance from neighboring house.
3. **Screening in compliance with Section 1155.06(e)(3) from the neighboring house to the east is required.** While the generator in its proposed location will not be noticeable from the street given the house's deep setback and, based on the aerial photos, there are several deciduous trees between the proposed location of the generator and the neighboring house, it is unclear from the materials provided that the equipment will to be "screened to its full height" from view from "**abutting properties** by a solid fence and/or evergreen vegetation." **Details on the proposed screening are required to be submitted to the Building Commissioner.**
4. With a sound level of 58 dB(A) during the weekly 5-minute exercise mode, the **proposed generator is a quieter model**, based on a typical range of between 60 and 80 dB(A), and complies with the proposed legislation that limits generators to a maximum 70 decibels, as measured 23 feet from the unit, during the maintenance exercise test as stated in the manufacture's specifications.
5. **Granting the variance will be in harmony with the general purposes and intent of the Zoning Code.**

Given the foregoing facts and considerations, it is clear that practical difficulties exist and therefore it is reasonable for the Board of Zoning Appeals to grant the requested variance.

If you have any questions or require any additional information, please feel free to contact me.

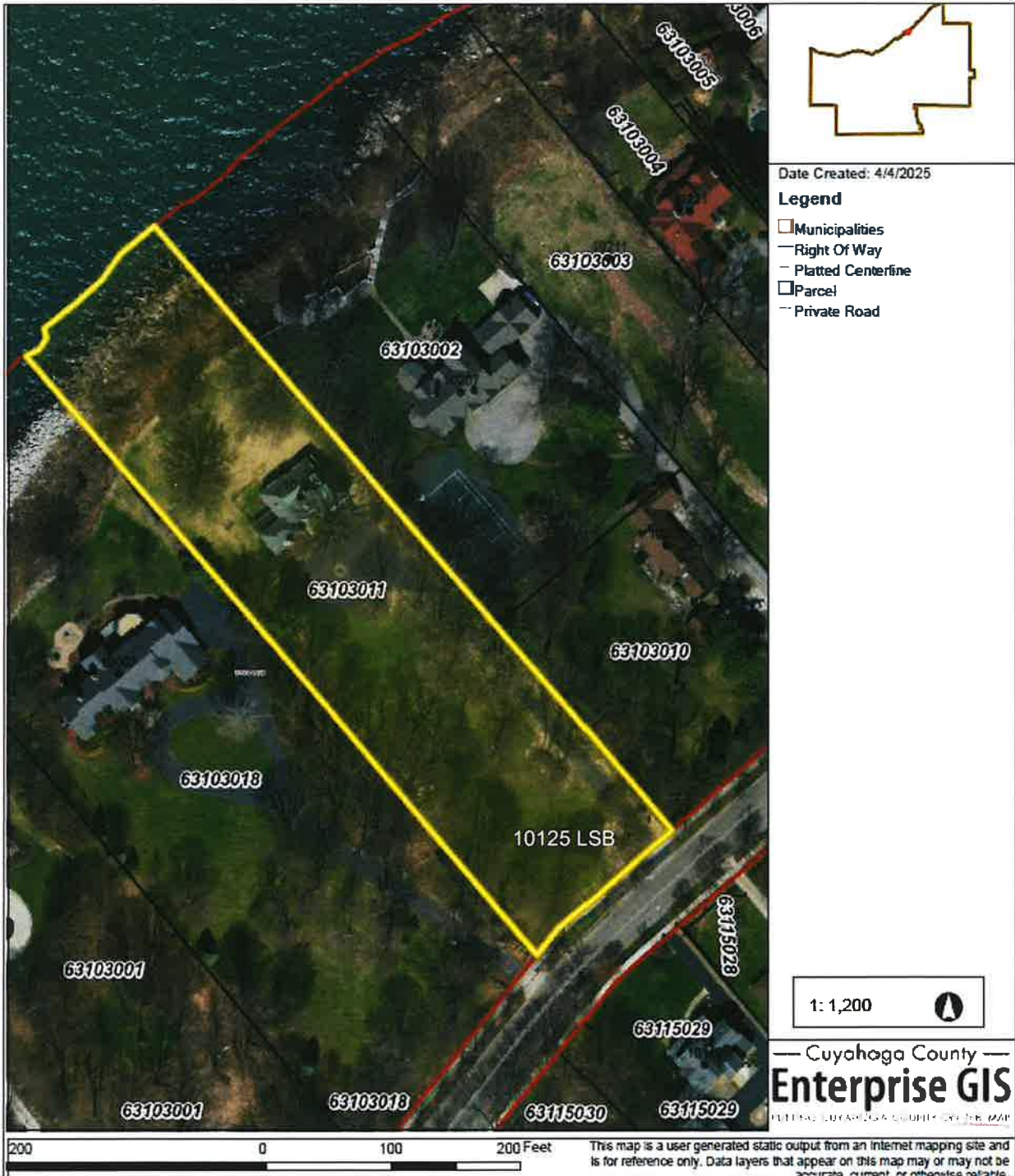
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Figure 1. 10125 Lakeshore Blvd Property View, Spring 2023.



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Figure 2. 10125 Lakeshore Blvd - Aerial of Neighborhood (Cuyahoga Co GIS Viewer)



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Figure 3. 10125 Lakeshore Blvd - Eagle View from North. Cuyahoga County GIS



Approximate generator location near the garage wall, two existing AC units, and outdoor electrical meter.

Figure 4. 10125 Lakeshore Blvd – Close-up view of proposed location. Cuyahoga County GIS



Approximate generator location.

memorandum

to: Keith Benjamin, Mayor, and Bratenahl Board of Zoning Appeals
from: Kristin Hopkins, FAICP, Village Planner
subject: **10007 Lakeshore Blvd**
Variance Request: Generator in Front Yard
date: April 25, 2025 (updated from February 24, 2025)

REQUEST: Variance to allow applicant to install an emergency generator in the front yard, approximately 50 feet from the front lot line, contrary to Section 1155.06(a), which limits placement to the rear yard, a minimum of 20 feet from the side and rear lot lines.

The property owners, M. & A. Varghai, are requesting a variance to install a permanent residential backup generator and two associated transfer switches in the front yard. The lakefront property is located in the R-LF District. A variance is required because generators are required to be located in a rear yard.

This updated review is based on the Variance Application dated February 20, 2025, plus additional documentation received from the applicant on March 25, 2025, including detailed information on the generator and transfer switches specifications and proposed location.

BACKGROUND

Code Requirements. Emergency outdoor generators and similar equipment are permitted accessory structures in Residential Districts. The regulations for residential accessory uses are set forth in Section 1155.06. Per Schedule 1155.06(a), outdoor generators in the R-LF District are restricted to the rear yard with a minimum setback of 20 feet from the rear lot line and 20 feet from the side lot line. Generators are also subject to compliance with subsection 1155.06(e) which requires them to be screened from view from the street and abutting properties by a fence and/or evergreen vegetation.

Property Existing Conditions. The 2.78-acre property is located on the north side of Lakeshore Boulevard and is larger than the minimum 2 acres required in the R-LF District. The 6,242 square foot dwelling unit was built in 2004 in compliance with the setback requirements. The house, like most houses in the R-LF District, is located much closer to the lake (approximately 60 feet) than to Lakeshore Boulevard (approximately 350 feet). The applicant

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notes also that the rear yard adjacent to the lake is unstable with some erosion and recent shift/tilt due to its proximity to the lake.

A survey of the site indicates the location of existing house and driveway, as well as the location of a gas meter and electrical meter located in the front yard, approximately 75 feet from the street right-of-way. This same survey notes the proposed location of the new equipment. The applicant also submitted a photo of the existing screening in front of the gas and electrical meters.

PROPOSAL

The property owners propose to install a Kohler 48kW (Model 48RCLC) natural gas generator and two 200-amp service automatic transfer switches in the front yard in the vicinity of the existing gas meter and electrical meter, which are located approximately 75 feet from the street. According to the application:

- The generator is 89.8 inches long by 32.9 inches deep and 46.5 inches tall. The noted sound levels are 61 dB(A) during exercise mode and 61 dB(A) when operating at normal load during emergency situations, measured at a distance of 23 feet from the front of the generator set. Based on the documentation submitted, the generator is proposed to be **located 80 feet from the street, approximately 65 feet from the easterly side lot line and 130 feet from the westerly side lot line.**
- The transfer switches are approximately 29 inches tall by 16 inches wide and 7 inches deep. Based on the documentation submitted, the transfer switches are proposed to be **located 75 feet from the street** (same as the existing meters), **approximately 60 feet from the easterly side lot line and 130 feet from the westerly side lot line.**

The applicant proposes to plant bushes around the proposed equipment as well as multiple evergreen trees along the border of the property and Lake Shore Boulevard to completely screen the generator and transfer switches from view.

*NOTE: The Bratenahl Planning Commission, at its April 23, 2025 meeting, recommended to Village Council that Schedule 1155.06(a) be revised to permit generators in a side yard, a minimum 20 feet from the side lot line, limited to generators that do not exceed 70 decibels. **The applicant's proposed generator location in a front yard would still require a variance.***

EVALUATION

In reviewing the submitted documentation, it is my opinion that the Board's consideration is merited based on the following factors.

1. Most houses in the R-LF District are oriented toward the lake, and **the zoning code protects views of the lake via strict setback requirements and limits on construction in the rear yard.** Therefore, it is reasonable to consider alternative locations on larger lots that can accommodate generators in locations more easily screened from view.
2. The **proposed location in the front yard, in the same location as the existing gas and electric meters** which are already screened from view from the street, **is a reasonable location** for the proposed equipment given the size of the lot, distance from the street, existing and proposed landscaping and distance from neighboring houses.
3. The proposed location will be shielded from view from the street and both adjacent lots by existing and proposed landscaping. **Details on the proposed screening are required to be submitted to the Building Commissioner.**
4. With a sound level of 61 dB(A) during weekly exercise testing and normal operation during an emergency, the **proposed generator is a quieter model than most**, based on a typical range of between 60 and 80 dB(A).
5. **Granting the variance will be in harmony with the general purposes and intent of the Zoning Code.**

Given the foregoing facts and considerations, it is clear that practical difficulties exist and therefore it is reasonable for the Board of Zoning Appeals to grant the requested variance.

If you have any questions or require any additional information, please feel free to contact me.

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Figure 1. 10007 Lakeshore Blvd Property View, Spring 2023.



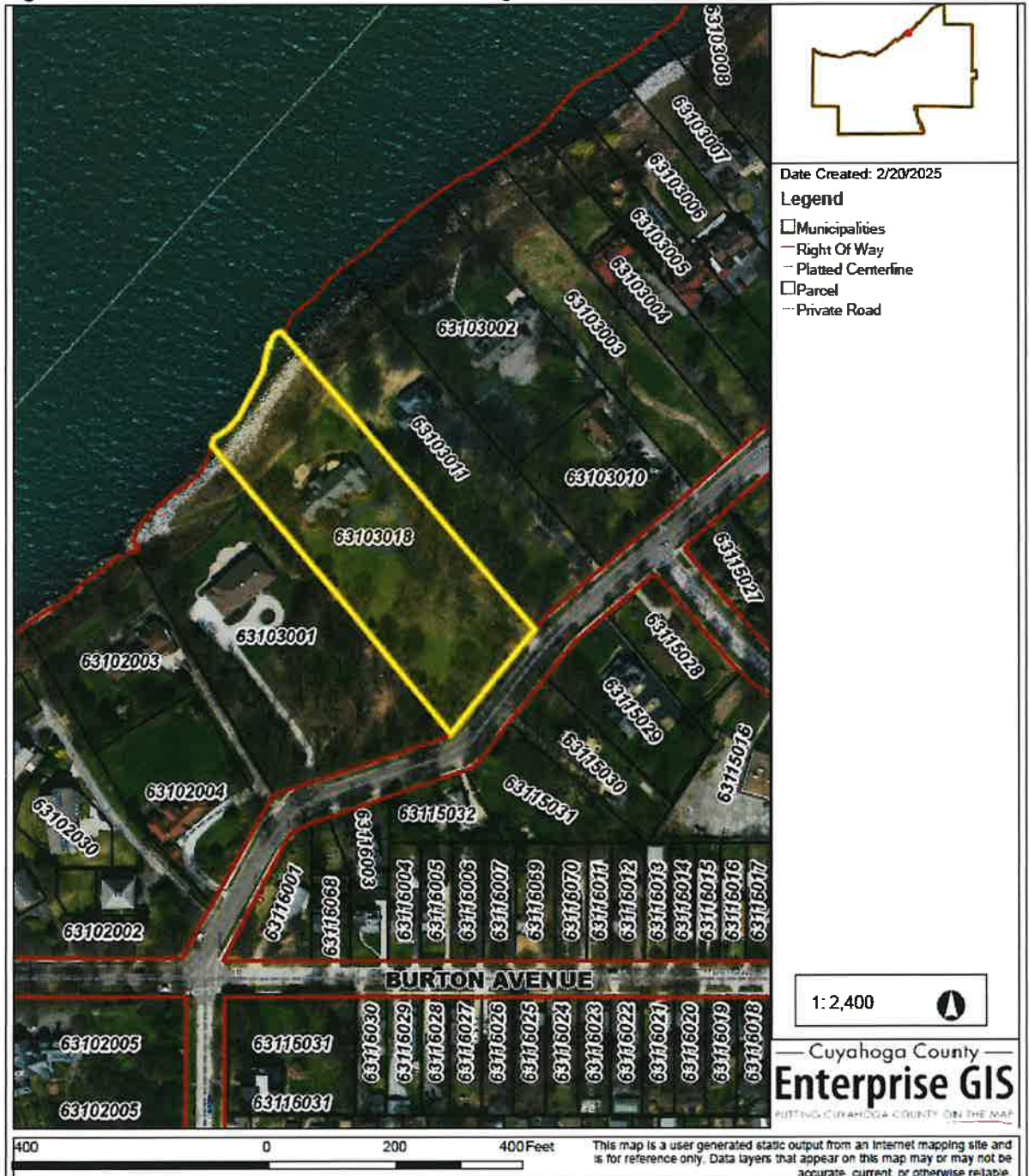
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Figure 2. 10007 Lakeshore Blvd - Aerial of Neighborhood (Cuyahoga Co GIS Viewer)



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Figure 3. 10007 Lakeshore Blvd - Eagle View from South. Cuyahoga County GIS

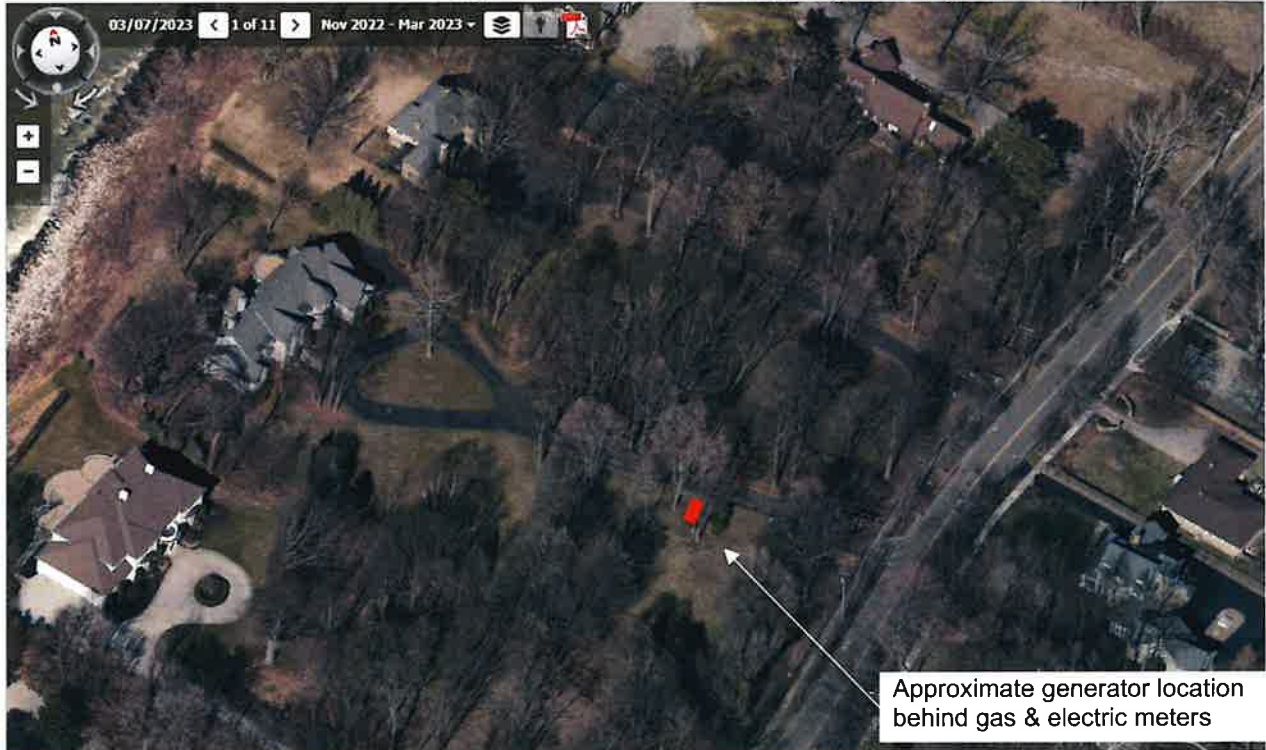


Figure 4. 10007 Lakeshore Blvd – Google Streetview of existing screening of meters/

