

Lyndhurst, Ohio
May 11, 2020

The Board of Zoning Appeals met in Regular Session on Monday, May 11, 2020 at 7:00 p.m. via the permitted Zoom platform.

Members Present: Lesley Gordon, Chair
Jeff Henfling, David Kaplan,
Russell Warren

Member Absent: David Bader

Others Present: Ray Schmidlin, Assistant Law Director
John Maichle, Building Commissioner
Clarice J. White, Secretary

It was moved by Mr. Warren, seconded by Mr. Henfling that the reading of the minutes of the Regular Meeting held October 14, 2019, copies of which were mailed to all members, be dispensed with and said minutes stand approved as circulated.

The question was put to a voice vote and passed with Mr. Kaplan abstaining.

Motion carried.

Elect Chair for the Year 2020

It was moved by Mr. Kaplan, seconded by Mr. Warren to elect Ms. Gordon as Chair for the year 2020.

The question was put to a voice vote and passed unanimously.

Motion carried.

Elect Vice Chair for the Year 2020

It was moved by Ms. Gordon, seconded by Mr. Henfling to elect Mr. Kaplan as Vice Chair for the year 2020.

The question was put to a voice vote and passed unanimously.

Motion carried.

Elect Secretary for the Year 2020

It was moved by Mr. Kaplan, seconded by Ms. Gordon to elect Mr. Henfling as Secretary for the year 2020.

The question was put to a voice vote and passed unanimously.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

2020-01

Request of Ms. Dorothy Reid of 1936 Camberly Drive, for a variance from the provisions of Chapter 1329.011 and 1329.03 of the Lyndhurst Building Code, to erect a six (6) foot high solid fence in the back yard of her home; on the side and rear property lines.

Grounds for appeal and Chapters 1329.011 and 1329.03 were read by Mr. Henfling, Secretary.

Letters of invitation were mailed to all pertinent property owners, a copy of which is made part of the permanent file.

Mr. Maichle stated no responses were received in answer to the notification sent.

The following witness was sworn in by Mr. Schmidlin:

Dorothy Reid, Appellant, 1936 Camberly Drive

Ms. Reid, 1936 Camberly Drive, testified that her practical difficulty is that there is a walkway beside her house, which runs from Hallford Circle to Sunview School. She further testified that there is a lot of foot traffic along this path especially during the summer, and would like a solid fence to allow more privacy in her back yard.

In answer to Mr. Warren's comment regarding a solid fence located at the neighbor's house at 1926 Camberly, Mr. Maichle stated that at the time that solid fence was erected, the code allowed it.

Ms. Gordon clarified that the variance requested is not the height of the proposed fence, but the type, being a solid fence.

Mr. Kaplan asked if Ms. Reid had considered a board on board type fence, which is fifty (50) percent open, and would comply with the Lyndhurst Building Code.

Ms. Reid testified that a board on board type fence is more expensive, and wouldn't allow for the privacy she desires.

In answer to Ms. Gordon's question regarding if Ms. Reid has given any thought to having the solid fence only along the side of the yard with the path, Ms. Reid testified that she would like a uniform fence. She then asked what the safety concerns are with having a solid fence.

Councilman Schlessel explained that the fifty (50) percent open fence would allow safety forces to see into the yard, if they were in pursuit of an issue in that particular area of the city. He then stated that her request for a solid fence, at least the side that abuts the public walkway, is justified, due to the amount of foot traffic.

Mayor Ward stated that where there are corner lots which one side abuts a public walkway, Council has allowed that one side to be a solid fence. He further stated that every

single case that comes to the Board of Zoning Appeals stands on its own merit, individually, based upon individual circumstances.

Mr. Warren suggested erecting a board on board type fence, then planting shrubbery for increased privacy.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners.
2. The walkway between the lots is highly unusual; not typical for properties in this neighborhood.
3. The neighbor immediately abutting the walkway on the other side has a solid fence.
4. With respect to the rear and other side of the property, there is lush landscape screening on those portions of the property, and therefore a solid fence would not be necessary on the rear and other side of the property.

It was moved by Ms. Gordon, seconded by Mr. Kaplan that recommendation be made to Council to confirm the decision of the Board to grant requested variance for only the side yard which abuts the public walkway to have a solid fence, but the rear yard and other side yard maintain a fifty (50) percent open fence, and be in compliance with the code.

Roll Call: Yeas: Gordon, Henfling, Kaplan, Warren
Nays: None

Motion carried.

It was moved by Mr. Warren seconded by Mr. Kaplan that the meeting be adjourned.

The question was put to a voice vote and passed unanimously.

Motion carried, meeting
adjourned at 7:30 p.m.

Lesley Gordon, Chair

Approved: _____

Attest: _____