

September 14, 2020

Lyndhurst, Ohio
September 14, 2020

The Board of Zoning Appeals of The City of Lyndhurst met in Regular Session on Monday, September 14, 2020 at 7:00 p.m., via the permitted Zoom Platform.

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

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

It was moved by Mr. Kaplan, seconded by Mr. Henfling that the reading of the minutes of the Regular Meeting held August 10, 2020, 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 unanimously.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

Ms. Gordon recommended hearing the tabled item first on the agenda.

It was moved by Ms. Gordon, seconded by Mr. Kaplan to remove Case No. 2020-04 from table.

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

Motion carried.

Tabled Item

Case No. 2020-04

Request of Syed Kazmi of 5590 Ridgebury Boulevard, for a variance from the provisions of Chapter 1329.03 (Side Yard Fences) of the Lyndhurst Building Code, to erect a six (6) foot high solid fence on his property.

It was moved by Mr. Henfling, seconded by Mr. Warren that recommendation be made to Council to confirm the decision of the Board in Case No. 2020-04 to grant requested variance based on the Findings from the Regular Meeting held August 10, 2020.

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Roll Call: Yeas: Henfling, Bader, Warren
Nays: Gordon, Kaplan

Motion carried.

Case No. 2020-06

Request of David Hersman of 4852 South Sedgewick Road, for an area variance from the provisions of Chapter 1160.04 (6) A (Accessory Uses, Buildings and Structures) of the Planning and Zoning Code, to erect a one hundred ninety-two (192) square foot storage shed in lieu of the one hundred twenty (120) square feet allowed.

Grounds for appeal and Chapter 1160.04 (6) A were read by Mr. Henfling.

Mr. Henfling also read a signed letter from three (3) neighbors, stating they have no objection to the granting of the variance.

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

Mr. Maichle stated he had received two (2) emails in response to the notification sent. One email from Fred and Linda Young of 4847 South Sedgewick, after reviewing the location and a picture of the proposed shed showing dimensions, wrote that she does not have any objections to the granting of the variance as long as it does not block her neighbor's view. A second email was read from James Kilroy of 4844 South Sedgewick wrote "We object to this request for a variance. The zoning code protects the neighborhood from overbuilding. Let's keep it that way."

The following witness was sworn in by Mr. Schmidlin:

David Hersman, Property owner, 65 River Stone Drive, Moreland Hills, Ohio

Mr. Hersman testified that his daughter lives in the house in question, who is now raising her grandchildren. He testified that there is a very small garage on the property, barely large enough for a car, and is requesting the larger shed, which measures twelve by sixteen (12 x 16) feet, for storage of bikes and toys for the two grandchildren, plus lawn equipment. He further testified that the neighbor to the west has over a two hundred (200) square foot shed, and the neighbor abutting the rear yard has a storage facility that is over three hundred (300) square feet, so his proposed oversized shed would not look out of place. He then testified that he had submitted with his packet of information, three signatures of neighbors who have no objections to the granting of the variance; the addresses of those neighbors are: 4856 South Sedgewick, 4855 Edsal Drive, and 4848 South Sedgewick.

In answer to Mr. Hersman's statement, Mr. Maichle concurred that the height of the proposed shed is in compliance with the code.

In answer to Mr. Warren's question, Mr. Hersman testified that one of the neighbors that signed the letter stating they have no objection to the requested variance, does not have a shed.

In answer to Mr. Warren's question regarding the existing oversized sheds in the area, Mayor Ward stated that the existing structure at 4855 Edsal Drive, is actually a former one car garage that existed off the spur of Roselawn and when South Sedgewick was developed, that end of Roselawn was cut off and the City forgave half of that property to each of the Edsal Drive properties owners. The garages that were formerly entered into what was then Roselawn because those were going to be corner homes, they added a two car attached garage because they had the property width to do so, the other property added on to their existing garage as well. Neither required a variance because it was a pre-existing structure.

In answer to Ms. Gordon's question, Mr. Hersman testified that no trees will be removed to accommodate the proposed shed.

In answer to Mr. Kaplan's question, Mr. Hersman testified that the distance from the proposed shed and the property lines will be at least three (3) feet. He also testified that the neighbors who signed the letter of no objections are fully aware of the location of the proposed shed.

In answer to Mr. Bader's question regarding the placement of the proposed shed on the property, Mr. Hersman testified that there is a large locust tree which has large roots and large branches which overhang into the other corner of the yard.

FINDINGS

The Board finds that:

1. It was acknowledged that one of the neighbors in the area objects to the requested variance; the ones that stated no objection are the ones most affected, and support the granting of the variance.
2. Although the lot in question is in a Ten Thousand Square Foot Zoning District, the lots are unusually deep and narrow in this area.
3. There are two (2) existing sheds in this immediate area which had city approval.
4. The house in question has a very small garage with no room for expansion on the lot.
5. No trees will be removed to accommodate the proposed shed.

It was moved by Ms. Gordon, seconded by Mr. Henfling that recommendation be made to Council to confirm the decision of the Board to grant the requested variance to erect a storage shed not to exceed one hundred ninety-two (192) square feet.

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

Motion carried.

It was moved by Ms. Gordon, seconded by Mr. Henfling that the meeting be adjourned.

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

Motion carried, meeting
adjourned at 7:50 p.m.

Lesley Gordon, Chair

Approved: _____

Attest: _____