

April 12, 2021

Lyndhurst, Ohio
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The Board of Zoning Appeals of The City of Lyndhurst met in Regular Session on Monday, April 12, 2021 at 7:00 p.m. via the permitted Zoom platform.

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

Member Absent: Emily Schwab

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

It was moved by Mr. Warren, seconded by Mr. Bader that the minutes of the Regular Meeting held March 8, 2021, 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.

It was moved by Mr. Bader, seconded by Mr. Warren to elect Mr. David Kaplan as Chair for the year 2021.

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

Motion carried.

It was moved by Mr. Bader, seconded by Mr. Warren to elect Ms. Nancy Nozik as Vice Chair for the year 2021, when she becomes an official member of the Board of Zoning Appeals.

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

Motion carried.

It was moved by Mr. Bader, seconded by Mr. Kaplan to elect Mr. Jeff Henfling as Secretary for the year 2021.

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

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Motion carried.

Mr. Schmidlin gave an overview of procedures.

Case No. 2021-03

Request of Frank and Mary Jo Tropiano of 5707 Faraday Road for an area variance from the provisions of Chapter 1160.05 and 1160.09 (c) of the Lyndhurst Planning and Zoning Code, to construct a patio which will encroach fifteen (15) feet into the minimum forty (40) foot rear yard setback requirement for a property located in a ten thousand (10,000) square foot single family zoning district.

Grounds for appeal and Sections 1160.05 and 1160.09 (c) 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 a phone call was received in answer to the notification sent.

Mr. Henfling read a letter submitted by Iris Farroni of 5713 Faraday, east of the property in question, stating she has no objections to the granting of the variance. He then stated that the Acting Secretary received a call from Ruth DiDonato of 5706 Shawnee, directly behind the property in question, stating she has concerns regarding drainage issues into her yard; but is not opposed to the granting of the variance, so long as more water run off does not drain into her yard.

The following witness was sworn in by Mr. Schmidlin:

Frank Tropiano, 5707 Faraday Road, property owner.

Mr. Tropiano testified that he would like to add a fifteen (15) foot by twenty (20) foot concrete patio in the rear yard, close to his house.

In answer to Mr. Warren's question, Mr. Tropiano testified that the proposed patio will be at ground level.

Addressing the issue of water drainage to the rear of his yard into 5706 Shawnee, Mr. Tropiano testified that it is his intent to use the dirt from the proposed patio area to fill in at the rear of his property.

Mr. Maichle stated that he viewed both properties in regard to water drainage issues and does not see any adverse effects if the proposed patio is built; in fact, the proposed patio will mostly be to the right side of Mr. Tropiano's house, behind an existing garage located at 5812 Shawnee Road. He further stated there is no view of the proposed location of the patio from any other surrounding yard.

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Mr. Henfling stated that while the patio may minimally increase water run-off, the proposed patio size is small.

Mr. Warren then asked Mr. Tropiano if he considered making the patio wider, and less square, to reduce the encroachment into the rear yard.

Mr. Tropiano testified that he had not considered that but would prefer fifteen (15) feet by twenty (20) feet.

Mr. Kaplan stated that if Mr. Tropiano would consider thirteen (13) feet, he could go wider than the twenty (20) feet proposed, to have less depth and increase the width.

In answer to Mr. Bader's question, Mr. Tropiano testified that the existing nine (9) foot slab of concrete will be replaced.

Mr. Bader suggested that the proposed patio be connected to the nine (9) foot replacement slab, which will make the proposed patio more useable and less visible to neighbors, by shifting the proposed patio east to align with the nine (9) foot by eighteen (18) foot concrete walkway which will be replaced.

FINDINGS

The Board finds:

1. This particular lot is the shallowest on the cul-de-sac;
2. The proposed location of the patio is a wider piece of the lot;
3. The proposed patio will be at ground level;
4. There were no objections from abutting property owners;
5. The proposed patio is clearly obscured by the garage to the north of the property in question;
6. The four houses closest to the property in question will have little or no view at all of the proposed patio.
7. The location of the proposed patio has been staked out for weeks; if any neighbors had questions or objections, they had ample time to present their concerns.

It was moved by Mr. Bader, seconded by Mr. Henfling that recommendation be made to

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Council to confirm the decision of the Board to grant requested variance as to location and setback as presented.

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

Motion carried.

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

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

Motion carried, meeting
adjourned at 7:45 p.m.

David Kaplan, Vice Chair

Approved: _____

Attest: _____