

August 10, 2015

Lyndhurst, Ohio  
August 10, 2015

The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, August 10, 2015 at 7:30 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

Members Present: Lesley Gordon, Chair  
David Bader, Frank Novak,  
Russell Warren

Member Absent: Kimberly Colich

Others Present: Ray Schmidlin, Assistant Law Director  
Joe Mandato, Housing Inspector  
Clarice J. White, Secretary

It was moved by Mr. Bader, seconded by Mr. Novak that the reading of the minutes of the Regular Meeting held June 8, 2015, copies of which were sent 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, Assistant Law Director, gave an overview of procedures.

**Case No. 2015-03**

**Request of John Fisher, Wald & Fisher, Inc., owner of The Greens of Lyndhurst, 5658 through 5710 Mayfield Road, for a variance from Chapter 1170.09, Ground Signs, of the Planning and Zoning Code, to permit the replacement of an existing nineteen and a half (19 1/2) square foot second ground sign with a new forty (40) square foot ground sign, for the purpose of identifying two tenants in lieu of one on the current sign.**

Grounds for appeal and Chapter 1170.09 was read by Mr. Bader.

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

Mr. Mandato stated no letters were received in answer to the notification sent by the Building Department.

The following witness signed the register and was sworn in by Mr. Schmidlin:

John E. Fisher, 3311 Richmond Rd

August 10, 2015

Mr. John Fisher, owner of The Greens of Lyndhurst, testified that he is requesting an addition to the existing ground level sign, which was approved in 2008. He further testified that the existing sign is for Sam Ash Music Store, and the requested addition to the sign would be for an additional three feet by six foot six inch (3 x 6.6) panel above the Sam Ash sign. He also testified that the requested additional panel would advertise a new restaurant, which has limited building signage exposure to Mayfield Road.

In answer to Mr. Novak's question, Mr. Fisher testified that the requested variance will increase the height of the sign, not the width.

In answer to Mr. Warren's question regarding larger stores wanting additional signage, Mr. Fisher testified that those occupancies have signage on the existing clock tower, on Mayfield Road.

In answer to Ms. Gordon's question, Mr. Fisher testified that not only is there no more room on the existing clock tower, but the signs on the clock tower are inadequate, and hard to see as you travel down Mayfield Road. He further stated that The Greens of Lyndhurst Shopping Center has approximately four hundred and fifty (450) feet of frontage, and the new restaurant will be in the extreme easterly portion of the property. He also said that in order to obtain businesses in The Greens, he has to make every possible effort to attract businesses.

In answer to Mr. Warren's question, Mr. Fisher testified that the existing Sam Ash panel will be on the top, and the new tenant, if the variance is approved, will be on the bottom.

Councilman Ward stated that in 2008, when Council approved the variance request, the space in question was occupied, and now this same space has been vacant for three (3) years. He further stated that the findings which Council made were very mindful of the other tenants, the zoning code and the sign regulations.

In answer to Mr. Novak's question regarding the Board of Zoning Appeals findings in 2008, Mr. Ward stated that the Board expressed the right findings, and made the right decision, which was to deny the requested variance. He further expressed that that decision was for the existence of the proposed sign. He then stated that tonight, the Board is deciding to expand or override Council's limitation to the existing sign.

Mr. Bader stated that the total sign area, with the requested variance, is just under the allowable square footage of a monument sign.

## **FINDINGS**

The Board finds that:

1. The forty (40) foot setback and the four hundred fifty (450) foot frontage make this property unique.
2. The proposed sign is within the allowable square footage of a monument sign.
3. City Council previously approved the existence of the sign.
4. Other tenants within The Greens are accommodated on the clock tower.
5. That particular store front signage would only be seen from one direction.

August 10, 2015

It was moved by Ms. Gordon, seconded by Mr. Warren that recommendation be made to Council to confirm the decision of the Board, to grant requested variance based on the above findings.

Roll Call: Yeas: Gordon, Bader, Novak, Warren

Nays: None

Motion carried.

**Case No. 2015-04**

**Request of Michael A. Ross, dba M.A.R. Landscaping, and Carrie A. Engbert of 1143 Gordon Road, for a variance for one year, from Chapter 1160.04 (a) (2) A & B, of the Planning and Zoning Code, to permit the parking of a commercial vehicle outside of a garage.**

Grounds for appeal and Chapter 1160.04 (a) (2) A & B was read by Mr. Bader.

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

Mr. Bader read four (4) letters submitted by neighbors, all expressing no objections to the granting of the variance. He further stated that a neighbor called the Building Department, also expressing no objections to the granting of the variance.

The following witnesses signed the register and were sworn in by Mr. Schmidlin:

Michael A. Ross, 1143 Gordon Rd

Jeff Corwin, 1139 Gordon Rd

Tamra Corwin, 1139 Gordon Rd

Mr. Michael Ross, 1143 Gordon Rd, owner of M.A.R. Landscaping, testified that he had recently purchased a dump truck. He further testified that he prefers not to keep the dump truck on his property, however he has had a string of bad luck, and therefore does not have the money to rent an off-site location to keep the dump truck. He then testified that he needs just a year, or less, to rectify the problem, whether it be to lease another vehicle, or rent space for the dump truck.

In answer to Ms. Gordon's question, Mr. Ross testified that the dump truck does not fit in the garage; he does park it in the driveway, beyond the front setback of the house, close to the garage, and never parks it in the street.

Jeff Corwin, 1139 Gordon Road, testified that he has no objection to the granting of the variance. He also testified that the dump truck is a single axel truck that Mr. Ross keeps clean.

August 10, 2015

Tamra Corwin, 1139 Gordon Road, testified that she and her husband live next door, to the left, and has no objection to the granting of the variance. She further testified that the truck in question is not visible from her backyard, or as you're travelling down the street.

In answer to Councilman Gambatese's question regarding how this issue became a variance request, Mr. Mandato stated that there was an anonymous complaint.

Mr. Novak stated that he had driven by the house of the appellant, the truck was pulled so far back, he wouldn't have noticed the truck, had he not been looking for the address.

## FINDINGS

The Board finds that:

1. The request is unique, due to the fact that the variance is requested for one year only.
2. Due to the location of the garage, the property has the ability to park the vehicle in question, well beyond the front setback.
3. Four letters and one phone call was received; all stating no objection to the granting of the variance. Two of those neighbors are on either side of the appellant, and most affected.
4. The requested variance is the minimum variance sought to afford relief to the applicant.

It was moved by Ms. Gordon, seconded by Mr. Bader that recommendation be made to Council to confirm the decision of the Board to grant requested variance to Mr. Michael Ross, to park his F550 Dump Truck (VIN # 1FDUF5HT5FED45897) exclusively, behind the front setback of the house.

Roll Call: Yeas: Gordon, Bader, Novak, Warren.  
Nays: None.

Motion carried.

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

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

Motion carried, meeting  
adjourned at 8:15 p.m.

---

Lesley Gordon, Chair

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_