

October 12, 2015

Lyndhurst, Ohio
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The Board of Zoning Appeals met in Regular Session on Monday, October 12, 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, Kimberly Colich,
Frank Novak, Russell Warren

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

It was moved by Mr. Bader, seconded by Ms. Colich that the reading of the minutes of the Regular Meeting held September 15, 2015, 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.

The oath of office was administered by Mr. Schmidlin to Mr. Frank Novak, to renew his term on the Board of Zoning Appeals.

At this time, Mr. Schmidlin gave an overview of procedures.

Case No. 2015-07

Request of Jala Safadi of 1351 Croyden Road, for a variance from Chapter 1160.04 (2) A & B of the Planning and Zoning Code to permit the parking and/or storing of a trailer outside in plain view.

Grounds for appeal and Chapter (2) A & B were 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 four signed letters from neighbors were submitted. Mr. Bader then read the brief letter stating the undersigned had no objection to the granting of the variance. Those letters were signed by the residents of 1348 Croyden Road, 1352 Croyden Road, 1355 Croyden Road and 1343 Croyden Road (which is vacant).

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

J. Fred Triggs, 1360 Croyden Rd

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Robert Clark, 1339 Croyden Rd

Mr. Triggs, 1360 Croyden Road, testified that he has no objections to the variance being granted. He further testified that the trailer does not bother him in any way.

Mr. Clark, 1339 Croyden Road, testified that he is opposed to the granting of the variance due to safety reasons. He testified that he feels that the large trailer blocks the view, and that someone can hide behind it, making it a safety issue, and that its existence will bring down property values.

Due to the fact that the applicant was not present, it was moved by Ms. Colich, seconded by Mr. Bader that this case be tabled.

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

Motion carried.

Case No. 2015-08

Request of Sharon E. Roosevelt Trustee of 5092 Meadow Wood Boulevard, for a variance from provisions of Chapter 1323.03 of the Building Code. The applicant requests to install a circular driveway without the required one hundred (100) feet of frontage. The applicant would need an eleven (11) foot variance due to only having eighty-nine point ninety-eight (89.98) feet of frontage.

Grounds for appeal and Chapter 1323.03 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 witnesses signed the register and were sworn in by Mr. Schmidlin:

Jim Pegoraro, Contractor, 9025 Osbourne Dr
Wendy Jaffe, 5100 Meadow Wood Bl
Michael Onitskansky, 5116 Meadow Wood Bl

Mr. Pegoraro, contractor, referencing the agenda, testified that the variance requested is closer to ten (10) feet, not the eleven (11) feet cited. In answer to a neighbor's question, he testified that the proposed driveway would be about ten (10) feet from their property. He then testified that the owners of the house in question are elderly, and the wife is handicapped; she cannot turn her head while backing out of the driveway to see oncoming traffic, so the circular

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driveway would be an immense help and a great safety feature due to the amount of car and school bus traffic on that portion of Meadow Wood Boulevard.

In answer to Ms. Gordon's question, Mr. Pegoraro testified that the width of the proposed driveway at the right-of-way is fourteen (14) feet all the way to the curb.

Mr. Mandato stated that the proposed plans submitted show a twelve (12) foot width, anything wider would require an additional variance.

In answer to Ms. Colich's statement, Mr. Pegoraro testified that yes, a portion of the existing driveway was poured today.

Mr. Mandato stated that since the footprint of the existing driveway has not changed, the fourteen (14) foot width is grandfathered in; however, according to the code, since the lot is less than one hundred (100) feet, the second curb cut on the property will have to be no more than twelve (12) feet in width.

Wendy Jaffe, 5100 Meadow Wood Bl, testified that she has no objections to the requested variance; however she would like to know how far the proposed driveway is from her property.

In answer to Ms. Jaffe's question, Ms. Colich stated that the proposed driveway is the proper distance from the neighboring properties.

Mr. Onitskansky, 5116 Meadow Wood Bl, testified that he has no objection to the granting of the variance.

F I N D I N G S

The Board finds that:

1. The requested variance would make exiting the property in question much safer due to the proximity to Richmond Road, Hawken School and Sunview School bus and car traffic, especially in the mornings and afternoons.
2. The contractor agreed to make the second curb cut twelve (12) feet in width.
3. The variance request stems from a condition which is unique to the property's characteristics.
4. The granting of the requested variance would not adversely affect the public general health, safety or welfare.

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5. The requested variance is the minimal sought that will afford relief to the applicant.
6. The existing lots are irregular due to the curvature of the street.
7. There were no objections from abutting property owners.
8. The width of the proposed driveway is less than forty (40) percent of the frontage of the property.

It was moved by Mr. Novak, seconded by Ms. Colich 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, Colich, Novak, Warren
Nays: None.

Motion carried.

It was moved by Ms. Colich, seconded by Ms. Gordon 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: _____