

November 9, 2015

Lyndhurst, Ohio  
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The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, November 9, 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: Ray Schmidlin, Assistant Director of Law  
Joe Mandato, Housing Inspector  
Clarice J. White, Acting Secretary

It was moved by Ms. Colich, seconded by Mr. Bader that the reading of the minutes of the Regular Meeting held October 12, 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.

Mr. Schmidlin gave an overview of procedures.

**TABLED CASE**  
**Case No. 2015-07**

**Continue review of the 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.**

It was moved by Mr. Bader, seconded by Mr. Warren that this case be removed from table.

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

Motion carried, Case No. 2015-07  
is removed from table.

Grounds for appeal and Chapter 1160.04 (2) A, B and D were read by Mr. Bader.

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

Mr. Mandato stated letters were received in response to the notification sent.

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

Jala Safadi, 1351 Croyden Rd  
Sandra Safadi, 1351 Croyden Rd  
Sandy Curtis, 1359 Croyden Rd  
David Frey, 4840 Hartley

Mr. Safadi, appellant, 1351 Croyden Road, testified that he is requesting to park the trailer in his driveway. He then testified that he uses the trailer for the reasons stated in his application such as hunting, moving his son to and from college, and transporting tools for his home remodeling jobs.

In answer to Ms. Colich's question, Mr. Safadi testified that he uses the trailer daily.

In answer to Mr. Novak's question, Mr. Safadi testified that the truck nor the trailer has commercial plates.

In response to Ms. Colich's question, Mr. Safadi testified that there are no markings or logos on the trailer. In regards to the height of the trailer, Mr. Safadi testified that with the wheel base, it is just over six (6) feet high.

In answer to Mr. Novak's question, Mr. Safadi testified that prior to purchasing the trailer, he used his cars, which were not big enough to transport all the supplies he needed, whether it was for recreation or his remodeling jobs.

In answer to Ms. Colich's question regarding storing the trailer at a different location, Mr. Safadi said he has not looked into it.

Sandra Safadi, 1351 Croyden Road, testified that the home remodeling business was just started this past year. She also testified that they didn't put commercial plates on the trailer because the business is not a full time business; they are still trying to establish the business. In answer to a previous question regarding parking the trailer off site, she testified that the trailer needs to be in a secured location, due to the tools and equipment that is in it. She further testified that it would be a big expense to rent an off-site garage or space for the trailer.

Sandy Curtis, 1359 Croyden Road, testified that she lives two (2) doors from the Safadi's and they are a wonderful family with a well-kept home, and she has no objections to the granting of the variance. She also testified that the trailer does not block her view.

Councilman David Frey, 4840 Hartley Drive, testified that since there was a question about the license plates on the trailer and truck in question, he would like to clarify that there is pending legislation before Council, with reads that if a vehicle has non-commercial plates, but is used for commercial purposes, it would be deemed as a commercial vehicle.

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Mr. Schmidlin stated that the Board should keep in mind the testimony given at the last meeting regarding this case; one neighbor stated he had no objections to the granting of the variance, and another neighbor did have objections due to safety reasons.

Mr. Bader stated that the testimony given this evening signifies that the truck and trailer are at times, being used as commercial vehicles, even though they are registered as non-commercial vehicles. He further stated that once the home remodeling business grows, the license plates will have to be converted to commercial plates.

Mr. Warren stated that due to the fact that he sees no hardship, he feels the Board has no authority to grant this requested variance.

Ms. Colich and Mr. Novak concurred.

## **FINDINGS**

The Board finds that:

1. There is nothing unique about the property.
2. The granting of the variance would not adversely affect the general health, safety and welfare of the public.
3. This request is the minimum sought to afford relief to the applicant.
4. There were letters and testimony both for and against the granting of the requested variance.
5. The trailer at times, is used for commercial purposes.
6. The property has an attached garage, and the trailer in question is in front of the front setback.
7. There are no markings, logos or advertising on the trailer.

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

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

Motion carried.

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It was moved by Ms. Colich, 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 8:05 p.m.

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Lesley Gordon, Chair

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

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