

September 15, 2015

Lyndhurst, Ohio  
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The Board of Zoning Appeals of the City of Lyndhurst met in Special Session on Tuesday, September 15, 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,  
Russell Warren

Member Absent: Frank Novak

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

It was moved by Mr. Warren, seconded by Mr. Bader that the reading of the minutes of the Regular Meeting held August 10, 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.

At this time, Mr. Schmidlin administered the Oath of Office to Ms. Kim Colich, to renew her term on the Board of Zoning Appeals.

Mr. Schmidlin gave an overview of procedures.

**Case No. 2015-05**

**Request of Joseph Slattery of 5034 Corliss Road, for a variance from the provisions of Chapter 1329.06 of the Building Code, to allow the erection of a six (6) foot high black aluminum, decorative fence in the front yard.**

Grounds for appeal and Chapter 1329.06 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:

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Joseph Slattery, 5034 Corliss Road

Mr. Slattery, 5034 Corliss Road, appellant, testified that the reason he is requesting the fence is to keep deer out of his gardens. He testified that the rear yard is surrounded by a fence, and there are two points of entry for the deer in the front yard, which he would like to close off with the proposed fence. He then presented four letters signed by neighbors, each stating they had no objections to the granting of the variance.

Mr. Slattery presented aerial photos of his house and the locations of the proposed fence. He testified that this house used to have a Richmond Road address, but is now situated on Corliss. He testified that since Corliss was paved, there is a house in front of his front yard, and his side yard faces Corliss. He further testified that due to the location of his house, the proposed fence would not be visible from Corliss Road.

In answer to Ms. Gordon's question, Mr. Slattery testified that the rear yard is surrounded by a fence.

Mr. Mandato stated that no variance is needed for the requested west fence, from the garage to the house; only the fence requested for the front of the house.

## **FINDINGS**

The Board finds:

1. The property in question is unique, in that it fronts on Richmond Road, but has a Corliss address; the side yard faces Corliss, and there is one house facing Corliss to the east.
2. There were no objections from abutting property owners.
3. The entire rear yard, except for what is being proposed tonight, has an existing fence.
4. The proposed fence is an open style fence, just to deter deer. It will not block or screen any view of the property.

It was moved by Mr. Bader, 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, Colich, Warren

Nays: None.

Motion carried.

**Case No. 2015-06**

**Request of Tim Schikowski of 1292 Croyden Road, for a variance from Chapter 1160.04 (a) (2) A & B of the Planning and Zoning Code, to permit parking and/or storing a commercial vehicle outside at any time in plain view.**

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. Mandato stated that several concerns had been received by the Building Department from neighboring residents.

Mr. Bader read a letter from the owner of the property in question. The letter states that he is aware of the renter's request, and as long as the truck is in compliance with City codes, he has no objection to the granting of the variance.

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

Tim Schikowski, 1292 Croyden Road

Mr. Tim Schikowski, 1292 Corliss Road, appellant, testified that he is on call twenty-four (24) hours on certain days of the week, and that his response time is twenty (20) minutes. He further testified that he is requesting to park his tow truck in his driveway.

In answer to Ms. Colich's request, Mr. Schikowski presented a picture of the exact same model of his tow truck from his phone.

In answer to Ms. Gordon's question, Mr. Schikowski testified that the size of his truck is one ton, the same as a pick-up truck, but longer, due to the truck being a flat bed. He then testified that the bed of the truck is nineteen (19) feet, and with the cab, the truck is approximately twenty-eight (28) to thirty (30) feet long.

Ms. Gordon stated that a variance would also be needed from Section C of the same chapter appealed from, which deals with size.

In answer to Mr. Warren's question, Mr. Schikowski testified that the truck does have commercial license plates.

In answer to Ms. Colich's question, Mr. Schikowski testified that there is no screening from fences or shrubbery on either side of the driveway.

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Mr. Schikowski testified that the house he rents is single driveway with an attached garage. He further testified that the tow truck in question has roof top lights, advertising on the side, and back up indicators.

### FINDINGS

The Board finds:

1. There was one letter of support from the landlord, stating if the tow truck is in compliance with the code, which it is not.
2. The spirit and intent of the zoning code would be served by denying the request.
3. The property in question is not unique.
4. The twenty-eight (28) to thirty (30) foot long truck is over three quarters of a ton, with equipment and signage indicative of a tow truck.
5. The Building Department had received notification from many neighbors stating they are in opposition of the requested variance.

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: Gordon, Bader, Colich, 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 8:10 p.m.

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Lesley Gordon, Chair

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

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