

August 14, 2017

Lyndhurst, Ohio  
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The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, August 14, 2017 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  
John Maichle, Building Commissioner  
Clarice J. White, Acting Secretary

It was moved by Mr. Novak, seconded by Mr. Bader that the reading of the minutes of the Regular Meeting held July 10, 2017, 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 with Ms. Colich abstaining.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

**Case No. 2017-04**

**Request of Ryan Crawford of 1428 Parkview Drive, for a variance from the provisions of Section 1176.07 (e) of the Planning and Zoning Code to operate a tattoo parlor at 5402 Mayfield Road, which is prohibited under this chapter.**

Grounds for appeal and Chapter 1176.07 (e) were read by Mr. Bader, Secretary.

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

Mr. Maichle stated no letters were received in answer to the notification sent.

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

Ryan Crawford, 1428 Parkview Drive.

Mr. Crawford, business owner, testified that he is trying to get a business license to operate a tattoo parlor in the City of Lyndhurst.

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In answer to Mr. Schmidlin's question regarding a hardship, Mr. Crawford testified that he feels it is a hardship that tattoo parlors are prohibited within the city.

Ms. Gordon explained that the authority of the Board of Zoning Appeals is limited and any recommendation made by the Board is heard by City Council, who has the ultimate authority for approval. She then stated that the Board would have to make a finding of unnecessary hardship based on the criteria set forth in the Planning and Zoning Code, and that the decision by the Board on whether that criteria is met, is not a reflection of the proposal submitted.

Mr. Schmidlin explained that this Board has limited authority to vary from the Planning and Zoning Code. The City Council has the authority to approve, modify or deny the findings and recommendations of this Board.

In answer to Ms. Gordon's question, Mr. Crawford testified that he does not have a lease yet.

Mr. Crawford testified that he would like equality with other businesses in the city.

Ms. Gordon stated that she feels there is no hardship shown in the proposal.

Mr. Warren commended Mr. Crawford on his proposal. He then stated that the code is very clear on prohibiting tattoo parlors in the City. He also stated that this Board does not have the authority to grant a variance to include something that is expressly prohibited.

Mr. Novak explained that this Board does not have the authority to grant permits, as Mr. Crawford stated above; the ability of the Board is to grant or deny variances in conjunction with areas or uses of properties. He then stated that the storefront proposed to house the tattoo parlor is not unique.

Mr. Bader concurred. He also stated that if Council were to allow this use, then this business would have to adhere to all state and county health regulations as well.

Mr. Novak then explained what the County chooses to regulate from a health standpoint has no bearing on area or use variances in a municipality.

Ms. Colich stated she agrees with the members of the Board, and wished Mr. Crawford all the best.

## FINDINGS

The Board finds that:

1. The property in question is not unique.
2. There are other economic uses for the property.
3. The requirements for health and safety is not a concern of the Board, but would be regulated through the County Board of Health.

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4. The words “tattoo parlor” are specific in its use in the Planning and Zoning Code, which is prohibited.
5. A request came before this Board in 1981, was denied by the Board of Zoning Appeals, and the City Council upheld that decision.
6. The applicant does not have a lease.

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

Motion carried.

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 7:50 p.m.

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Lesley Gordon, Chair

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

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