

July 9, 2018

Lyndhurst, Ohio
July 9, 2018

The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, July 9, 2018 at 7:30 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

Members Present: Russell Warren, Vice Chairman
David Bader, David Kaplan,
Frank Novak

Member Absent: Lesley Gordon

Others Present: Ray Schmidlin, Assistant Law Director
John Maichle, Building Commissioner
Clarice J. White, Acting Secretary

It was moved by Mr. Bader, seconded by Mr. Kaplan that the reading of the minutes of the Regular Meeting held June 11, 2018, 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 proceedings.

Case No. 2018-07

Request of Gennadiy Sherman of 5125 Dogwood Trail, for a variance from Section 1329.03 Fences, of the Building Code. The request is to erect a six (6) foot high, solid style fence in their rear yard along the side property lines and rear property line.

Grounds for appeal and Section 1329 of the Building Code were read by Mr. Bader.

Mr. Bader read aloud two (2) statements from neighbors, submitted with the grounds for appeal, stating no objection to the requested variance. Those statements were signed by Linda Taylor, 5131 Dogwood Trail and Deborah Vandam, 1691 Harwich Road.

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

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Renee Siegel, 5123 Dogwood Trail
(Illegible) Siegel, 2111 Acacia Park Drive
Deborah Vandam, 1691 Harwich Road
Paul Del Manzo, 1651 Wrenford Road, South Euclid

Mr. Paul Del Manzo, 1651 Wrenford, representative of Mr. Sherman, testified that Mr. Sherman purchased and obtained a permit for this solid style fence in August of 2017. He further testified that the reason for the fence is to keep deer from entering his yard and eating the shrubs. He also testified that some of the post holes have been dug and inspected. He then testified that solar lights will be installed on the posts and two (2) gates will be installed for access.

In answer to Mr. Schmidlin's question, Mr. Del Manzo testified that the applicant, Mr. Gennadiy Sherman of 5125 Dogwood Trail could not be here due to medical reasons; his doctor is in Ukraine.

Renee Siegel, 5123 Dogwood Trail, testified that she lives directly next door to the property in question. She testified that she found out about the fence last week, and is surprised that it was purchased last year. She further testified that she is not in favor of the variance being granted due to the fence being solid, and her yard would lose the openness, and told Mr. Sherman as much when he spoke with her. She also testified that she feels a solid fence would reduce the value of her property.

Nessa Siegel, 2111 Acacia Park Drive, testified that she is here in support of Renee Siegel. She then asked if it is permissible to hear this case when the applicant is not present. She then asked to see the application and asked when the appellant obtained the permit.

Mayor Ward stated it is permissible, the applicant has a representative to speak on his behalf.

Mr. Maichle stated that Mr. Sherman did have a permit to erect the fence, but it was notified to the Building Department that the style of fence being erected was solid; the original application which was filled out by Mr. Sherman stated that a shadow box style fence was to be installed. Mr. Maichle stated he felt Mr. Sherman did not fully comprehend the permissible style of fence due to the language barrier.

Mr. Warren explained the reasons for a fifty (50) percent open fence, as stated in Section 1329 of the Building Code, citing visibility safety, natural light and air flow.

Deborah Vandam, 1691 Harwich, testified that there is a vast difference in the topography of Mr. Sherman's property hers and Ms. Siegel's property; there is a considerable slope. She further testified that she would like to see a drawing so that she and all neighbors can have a visual concept of the proposed fence.

FINDINGS

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The Board finds that:

1. There are no hardships.
2. The next door neighbor is opposed to the granting of the variance, for a couple of reasons; one being she feels it would reduce the property value.
3. There are practical solutions that this predicament can be obviated through other methods other than a variance.

It was moved by Mr. Novak, seconded by Mr. Bader 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, Kaplan, Novak, Warren
 Nays: None.

Motion carried.

It was moved by Mr. Kaplan, 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 8:10 p.m.

Russell Warren, Vice Chair

Approved: _____

Attest: _____

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