

Lyndhurst, Ohio
August 13, 2018

The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, August 13, 2018 at 7:30 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

Members Present: Lesley Gordon, Chair
David Bader, David Kaplan,
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. Kaplan, seconded by Mr. Bader that the reading of the minutes of the Regular Meeting held July 9, 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 with Ms. Gordon abstaining.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

Case No. 2018-08

Request of Jennifer Frato of 1519 Sunview Road for an area variance from the provisions of Chapter 1160.04 (a) (1) A of the Planning and Zoning. The request is to build a proposed new twenty-four (24) feet by forty (40) feet, nine hundred and sixty (960) square foot garage with a height of fifteen (15) feet, six (6) inches, in lieu of the total floor area not to exceed seven hundred seventy-five (775) square feet and the maximum height of any accessory building not to exceed fifteen (15) feet in the Ten Thousand Square Foot Residential District.

Grounds for appeal and Chapter 1160.04 (a) (1) A of the Planning and Zoning Code was read by Mr. Bader. Mr. Bader explained that no variance is needed for the height of the proposed new garage; it is within the allowable height for the type of roof proposed. Mr. Bader then read aloud letters from neighbors submitted with the application, stating no objection to the granting of the variance; those letters are from Helen L. Gyimesi, 1515 Sunview Road and Kathleen Frato of 1523 Sunview 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:

John Frato, 1523 Sunview Road
Jennifer Frato, 1519 Sunview Road
Endrea McLoughlin, 1263 Brainard Road, on behalf of Helen Gyimesi of 1515 Sunview Road
James Martin, Contractor, 6360 Fay Road, Painesville

Ms. Jennifer Frato, Appellant, 1519 Sunview Road testified that she is requesting an area variance for her proposed garage; the existing garage needs to be torn down and new one built. She testified that the former and the new garage are detached but more storage space is needed.

In answer to Mr. Bader's question regarding the proposed twelve (12) foot high walls, Ms. Frato testified it is not her intent to install a car lift in the new garage to establish a business to work on others' cars.

Ms. Frato further testified that she intends to renovate the attic in her home for use as a bedroom, and use the inside of the top of the garage for storage.

In answer to Mr. Kaplan's question regarding the second overhead door on the east side of the proposed garage, Ms. Frato testified that she currently has two overhead doors on her existing garage, and once the existing garage is torn down, she intends to salvage one overhead door for access to the rear yard.

Mr. Kaplan stated that the front depth of the garage will be increased by thirteen (13) feet, and asked the distance from the house to the garage.

Ms. Frato testified that the distance would be the same as it is now, due to demolition of the porch attached to the house.

Mr. Maichle stated that the proposed garage would have to be ten (10) feet from the house, and in reviewing the proposed plans, the proposed garage is in compliance with that requirement.

Mr. John Frato, appellant's father and neighbor at 1523 Sunview Road, testified that his existing garage is approximately one thousand two hundred (1200) square feet. He then presented photographs of the view of the rear yard of the property in question; these photos show a view of the Masonic Temple, House of Lights and Mayfield Road. He further testified that there are many trees in the rear yard, and that a neighbor has an existing garage which is set back further than the current proposed garage. In regards to Mr. Bader's comment on the proposed height of the garage walls, Mr. Frato testified that he recommended that height for oil changes and the fact that his daughter has an SUV and if anything is hung from the rafters, it would be high enough not to hit the SUV. He further testified that there seems to be many oversized garages on Sunview Road.

Mrs. Endrea McLoughlin, 1263 Brainard Road, is here to speak on behalf of her mother, Helen Gyimesi of 1515 Sunview Road. She testified that her mother is not in the best of health, but would like to state that she has no objection to the granting of the variance (Helen Gyimesi also signed and submitted a letter stating the same).

In answer to Mr. Warren's concern that the existing garages are not lined up in the rear yards of Sunview Road, Mr. Maichle stated that this proposal is within all setbacks; three (3) feet

from the side yard property lines, three (3) feet from the rear yard property line and ten (10) feet from the house.

Mr. Jim Martin, Contractor, stated that he would be happy to answer any questions as to the building and placement of the proposed garage.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners, in fact two property owners submitted letters of support.
2. The rear property is within sight of inharmonious uses.
3. This particular lot is not out of character with other lots on this same street, as to lot size and garage size.
4. An area variance does not have to meet all criteria.

It was moved by Mr. Novak, seconded by Mr. Warren that recommendation is made to Council to confirm the decision of the Board to grant requested variance based on the above findings.

Roll Call: Yeas: Gordon, Bader, Kaplan, Novak, Warren
Nays: None.

Motion carried.

At this time, oaths of office were administered by Mayor Ward to Mr. Kaplan and Mr. Novak to renew their terms on the Board of Zoning Appeals.

It was moved by Mr. Kaplan, seconded by Mr. Warren 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.

Lesley Gordon, Chair

Approved: _____

Attest: _____