

October 8, 2018

Lyndhurst, Ohio
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The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, October 8, 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. Warren that the reading of the minutes of the Regular Meeting held August 13, 2018, 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.

It was moved by Mr. Bader, seconded by Mr. Novak that the reading of the minutes of the Special Meeting held September 24, 2018, 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 with Mr. Kaplan abstaining.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

Case No. 2018-10

Request of Jeff Gatto of 1212 Irene Road, for an area variance from the provisions of Chapter 1160.05 of the Planning and Zoning Code. The request is to build a deck which will encroach two (2) feet into the minimum setback requirement of forty (40) feet in a ten thousand (10,000) square foot single family zoning district.

Grounds for appeal and Chapter 1160.05 of the Planning and Zoning Code was 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.

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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:

Jeff Gatto, Appellant, 1212 Irene Road

Mr. Jeff Gatto, Appellant, testified that he recently built an addition on his home and would like to add a deck; the allowed deck, off the back of the addition, he feels would be very narrow, and therefore is requesting an extra two (2) feet, which would encroach into the required forty (40) foot setback. He then testified that he spoke with his neighbors, and then presented signed letters from his neighbors; Tami M. Schlessel, 1216 Irene Road and Barbara Kitis, 1208 Irene Road, both stating they had no objections to the granting of the variance.

Mr. Bader then read the letters submitted.

Mr. Gatto testified that due to the way the rear neighbor's garage is situated, the proposed deck would not be visible to the rear neighbor.

In answer to Mr. Warren's question, Mr. Gatto testified that he would like to keep the proposed deck smaller, instead of spreading out. He then testified that the proposed deck will have a roof, and the way the plans show the proposed covered deck, the rooflines of the addition and proposed deck will be aesthetically appropriate.

Mr. Bader recommended that the proposed deck be lower than the sill of the rear sliding glass doors, so that the proposed deck would be twenty (20) inches from grade, to alleviate snow and ice build-up.

In answer to Mr. Bader's question, Mr. Gatto testified that the roof of the proposed deck will match existing materials as well as the angle of the newly constructed addition.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners.
2. The appellant is requesting only five (5) percent of the required setback.
3. The granting of the variance would not alter the character of the neighborhood.
4. The granting of the variance would not adversely affect the delivery of government services such as water, sewer and trash pick-up.
5. The proposed roof materials and pitch will match the existing roof of the newly constructed addition.

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6. The proposed deck is not visible to the rear yard neighbor, due to the placement of his garage.

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

Motion carried.

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

Lesley Gordon, Chair

Approved: _____

Attest: _____