

December 10, 2018

Lyndhurst, Ohio
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The Board of Zoning Appeals of the City of Lyndhurst met in Regular Session on Monday, December 10, 2018 at 7:00 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

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

Members Absent: Lesley Gordon, Frank Novak

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 October 8, 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. 2018-11

Request of Eric S. Lawrence DDS, and Zachary and Laura Lawrence, the owners of 5259 Mayfield Road LLC, for a variance from the uses listed in Section 1168.03 of the Zoning Code to allow the property located at 5263 Mayfield Road to be used as a business office and also as a residence for one of the owners, in a Class A Community Business District. The schedule of permitted buildings and uses listed in Section 1168.03 of the Zoning Code does not permit residential occupancies in a Class A Community Business District unless one has been preexisting.

Grounds for appeal and Chapter 1168.03 was read by Mr. Bader, Secretary.

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

Mr. Maichle stated no answers were received in response to the notification sent.

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

Michael Linden, 1440 Rockside Rd, Cleveland 44134

December 10, 2018

Zachary Lawrence, 5263 Mayfield Rd
Eric Lawrence, 1120 Haverston Rd

Mr. Michael Linden, attorney for the applicant, 1440 Rockside Road, suite 409, Cleveland, testified that this particular building is an old farmhouse which looks like a single family home, is set up as a house, and the couple are using it as a house. He further testified that Zachary and Laura are living at the property and attending Case Western Reserve University. He explained that they both take public transportation to school, and being that the property in question is along a bus line, makes it very convenient. He further testified that Zachary currently works for the neighboring dental practice which is owned by his father, Doctor Eric Lawrence, and furthermore, he also works from home for the dental practice. He then testified that it would be a hardship if Zachary and Laura could not live at the property in question, getting to and from work and school. He then stated that this particular property is already a residence, and feels that it makes sense for the couple to live here while attending CWRU.

Mr. Zachary Lawrence testified that he and his wife are both students, have a very limited income, and until recently were living in a small apartment within walking distance to CWRU, but it was a very uncomfortable situation. He then testified that when they had the opportunity to purchase the building in question, they moved in and the location and set up is much more conducive to working and going to school.

Dr. Eric Lawrence testified that the Lawrences' long term plan is to build a modern office building incorporating both existing structures, yet maintaining the historical value of the building in question.

In answer to Mr. Warren's question, Dr. Eric Lawrence testified that his office is right next door to 5263 Mayfield Road.

In answer to Mr. Bader's question, Dr. Eric Lawrence testified that yes, his plan is to consolidate the lots and incorporate one modified building.

Mr. Bader explained that this once was originally a residential home one hundred (100) plus years ago, although it has been slightly modified; it is going back to residential use, with the plans to bring the structure into full zoning conformity within the next five (5) years.

Mr. Kaplan asked if there are any plans to modify the structure as to the residential character of the house, for use as a house.

Mr. Zachary Lawrence testified that they are planning no major renovations until the structure is brought into compliance with zoning, which may be in five (5) years or so. He further testified that there are three (3) bedrooms, and it is his plan to use two (2) of the bedrooms as offices; for work and study.

FINDINGS

The Board finds:

December 10, 2018

1. There were no objections from abutting property owners.
2. Although it is not an existing residential use; the spirit of the zoning code is met with this request, as it was originally a home, it still looks like a home and it has the same plan as a home.
3. This request is a temporary request, one which will be brought into full conformity in the allotted time.
4. The nature of the business is a quiet business.

It was moved by Mr. Bader, seconded Mr. Kaplan that recommendation be made to Council to grant the requested variance based on the above findings and the following condition:

1. The residential use of the structure be limited to five (5) years.

The question was put to a voice vote and passed unanimously.

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 7:30 p.m.

Russell Warren, Vice Chairman

Approved: _____

Attest: _____