

October 14, 2019

Lyndhurst, Ohio
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The Board of Zoning Appeals of The City of Lyndhurst met in Regular Session on Monday, October 14, 2019 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, Lesley Gordon,
Jeff Henfling

Member Absent: David Kaplan

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

It was moved by Mr. Warren, seconded by Ms. Gordon that the reading of the minutes of the Regular Meeting held August 12, 2019, copies of which were mailed to all members, be dispersed 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. 2019-07

Request of Mr. Paul Ozeruga of 1879 Edenhall Drive, for a variance from the provisions of Chapter 1160.05 of the Planning and Zoning Code, to erect a proposed deck which will encroach twenty-six (26) feet into the required forty (40) foot setback and three (3) feet into the required six (6) foot side yard.

Grounds for appeal and Chapter 1160.05 was read by Mr. Bader.

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 responses were received in answer to the notification sent.

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

Paul Ozeruga, appellant, 1879 Edenhall Drive

Mr. Paul Ozeruga, appellant, 1879 Edenhall Drive, testified that presently there is an existing concrete raised porch, which he would like to cover with a larger proposed deck.

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In answer to Mr. Schmidlin's question, Mr. Ozeruga testified that the existing awning and two (2) support beams will remain. He further testified that he spoke with his neighbor, Jerry Craddock of 1907 Edenhall Drive, who stated he had no objections to the building of the deck.

Mr. Bader stated that according to the proposed plans submitted which is not to scale, at the narrowest portion of the rear yard, the deck and its stairs will be closer than one foot to the property line. He then recommended moving the stairs to the front of the proposed deck.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners.
2. The existing porch is very close in relation to the property line and the adjacent property where there is not a side yard setback.
3. The rear lot line backs up to school property.
4. The property in question is shallower than neighboring properties.
5. There is presently an existing six (6) foot wide concrete slab.
6. The variance request for the rear yard setback is the same depth as existing slab on grade.

It was moved by Mr. Bader, seconded by Ms. Gordon that recommendation be made to Council to confirm the decision of the Board to grant requested variance based on the above findings and following conditions:

1. That the applicant remove the four (4) foot extension on the side of the house and extend the existing sidewalk towards the back property line, and once the deck reaches the end of the existing porch the stairway turns and be cut out of the proposed deck area and rises on the top of the deck.
2. The stairway will not be seen from the front, and be the same width of the deck extension, which is six (6) feet.
3. The appellant provide the Building Department revised drawings.

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

Motion carried.

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Case No. 2019-08

Request of Ms. Sue Ellen Hill of 5306 Ridgebury Boulevard, for a variance from the provisions of Chapter 1160.04 (a)(1)(a) of the Planning and Zoning Code, to erect a second garage on her property, in lieu of the one garage permitted, whether attached or detached, on any one lot.

Grounds for appeal and Chapter 1160.04 (a)(1)(a) was read by Mr. Bader.

Mr. Bader also read a letter submitted by the property owner, Sue Hill, dated September 27, 2019, and two (2) letters of support from neighbors: Gina Szalay of 5312 Ridgebury Boulevard and Sona Grigoryan, 5300 Ridgebury Boulevard, which were submitted with the application for appeal.

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 letters were received in answer to the notification sent.

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

Becky Finnick, Realtor, 8232 Chagrin Mills, Chagrin Falls
Lori Young, Prospective Buyer, 321 Center Rd, Bedford

Ms. Finnick testified that she is speaking on behalf of the property owner, Sue Ellen Hill, who is selling her house contingent that a variance be granted to allow a second garage to be built on this property. She then testified that the proposed garage would not be visible from the street and it would increase the value of the property.

In answer to Ms. Gordon's question, Ms. Finnick testified that she does not know the dimensions of the existing shed which will be removed. She did testify that the existing shed is smaller than the existing one car garage. She further testified that the area is not completely paved now, but will have concrete poured at a more appropriate time.

In answer to Mr. Warren's question regarding the size of the proposed garage, Ms. Young testified that it is her plan to use the existing one car garage as a garage, and the proposed garage with two (2) additional stalls to park vehicles. She further testified that it is her intent to hire yard maintenance people, so minimal lawn equipment will be stored.

Mr. Henfling asked if the proposed garage will be twenty (20) feet by twenty (20) feet, or larger. Per the code, the proposed garage could be larger. He then asked Ms. Young if she felt the size of the proposed garage would be sufficient.

Ms. Young testified that she does not want to delay the process, but if it is permissible, she would like a larger garage.

Mr. Bader stated the proposed garage could be larger as long as it doesn't exceed five hundred (500) square feet.

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In answer to Ms. Gordon's question, it was stated that at least one abutting neighbor has a detached garage. It was further mentioned that the other neighbor may have an attached and a detached garage.

FINDINGS

The Board finds:

1. There were no objections from abutting property owners; in fact two (2) letters of support were submitted with the application.
2. The proposed second detached garage would not be visible from the street.
3. The lots on this street are unusually large for Lyndhurst.
4. The existing shed, which is at least one hundred twenty (120) square feet, will be removed.
5. The permeable surface on the lot in question will not be altered.
6. There are woods on the side and rear of this particular lot.

It was moved by Ms. Gordon, seconded by Mr. Henfling that recommendation be made Council to confirm the decision of the Board to grant requested variance based on the above findings and following condition:

1. That the proposed garage does not exceed five hundred (500) square feet.

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

Motion carried.

It was moved by Mr. Bader, seconded by Ms. Gordon that the meeting be adjourned.

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

Motion carried, meeting
adjourned at 8:00 p.m.

Russell Warren, Vice Chair

Approved: _____

Attest: _____