

July 13, 2020

Lyndhurst, Ohio
July 13, 2020

The Board of Zoning Appeals met in Regular Session on Monday, July 13, 2020 at 7:00 p.m. via the permitted Zoom platform.

Members Present: Lesley Gordon, Chair
David Bader, Jeff Henfling,
David Kaplan, 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. Henfling that the reading of the minutes of the Regular Meeting held May 11, 2020, 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 Mr. Bader abstaining.

Motion carried.

Mr. Schmidlin gave an overview of procedures.

Case No. 2020-02

Request of Steven & Maureen MacIntyre of 5185 Ridgebury Boulevard, for a variance from the provisions of Chapter 1160.04 (6) A of the Lyndhurst Zoning Code, to construct a one hundred ninety-two (192) square foot shed, in lieu of the permitted one hundred twenty (120) square feet allowed when on a lot with a rear yard greater than forty (40) feet in depth.

Grounds for appeal and Chapter 1160.04 (6) A of the zoning code was read by Mr. Henfling, Secretary.

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 was sworn in by Mr. Schmidlin:

Steven MacIntyre, Appellant, 5185 Ridgebury Boulevard

July 13, 2020

Mr. MacIntyre, 5185 Ridgebury Bl., testified that he and his wife have a large parcel of land which requires a lot of equipment to maintain. He would like the large tool shed to store the maintenance equipment, so that it would free up his existing garage to house his vehicles.

In answer to Ms. Gordon's question, Mr. MacIntyre testified that a smaller and code compliant tool shed would not be large enough to store all of his equipment; large items such as his tractor and tractor cart.

In answer to Mr. Henfling's question, Mr. MacIntyre testified that he would place the proposed shed approximately five (5) feet of the rear property line, and ten (10) feet from the west property line. He further stated that no trees will be removed in the placement of the proposed shed.

In answer to Mr. Kaplan's question regarding the location of the proposed shed, Mr. MacIntyre testified that the existing trees and brush creates a natural barrier, making the placement of the proposed shed less visible in the northwest corner of the property.

Mr. Bader stated that he and one other neighbor abuts Mr. MacIntyre's property, and will testify to the fact that there are other sheds in that area.

In answer to Ms. Gordon's question as to the size of the existing sheds in the area, Mr. Bader stated the existing sheds are not larger than one hundred twenty (120) square feet; he also stated that the surrounding/abutting lots are not as large as the MacIntyres' lot.

Mr. Bader further stated that he and Mr. MacIntyre have spoken about the proposed shed, and that Mr. MacIntyre will place the proposed shed on a concrete slab; the proposed shed does not require a full foundation due to its size.

FINDINGS

The Board finds that:

1. The lot in question is an unusually large lot for which the larger shed is justified;
2. The large existing trees will screen the proposed shed from neighboring properties;
3. No trees will be removed due to the placement of the proposed shed;
4. The location of the proposed shed was studied with the existing neighbors' sheds;
5. The style of the proposed shed will complement the appellant's existing house.

It was moved by Mr. Henfling, seconded by Mr. Bader that recommendation be made to

July 13, 2020

Council to confirm the decision of the Board to grant requested variance, based on the above findings.

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

Motion carried.

Case No. 2020-03:

Request of Steve and Annette Johnston of 5277 Marian Drive, for a variance from Chapter 1160.05 of the Lyndhurst Zoning Code, to erect a proposed deck which will encroach five point seventy-nine feet into the forty (40) foot required rear yard setback.

Grounds for appeal and Chapter 1160.05 of the zoning code was read by Mr. Henfling.

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 responses were received in answer to the notification sent.

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

Steve Johnston, 5277 Marian Drive
Annette Johnston, 5277 Marian Drive.

Mrs. Johnston, Appellant, 5277 Marian Drive, testified that she and her husband would like to add a deck to the back of their house. She further testified that three or four years ago, a room addition for her mother was added on to the house, where the patio was. She then testified that outdoor or recreation space is needed, and therefore, would like to build a deck, which will encroach five point seventy-nine (5.79) feet into the rear setback due to the room addition.

Mr. Bader asked how far off the grade is from the top of the deck.

Mrs. Johnston testified from the grass to the top of the deck is thirty-three (33) inches. She then testified there is no step down from exiting the house.

In answer to Mr. Maichle's question, Ms. Johnston testified that the year yard neighbor's property, whose house faces Ridgebury Boulevard, is over two and a half (2.5) acres; an extremely deep lot.

Mr. Maichle stated that the next door neighbor of 5277 Marian Drive, did not obtain a permit for their patio.

Mr. Bader commented on the proposed plans, stating that the proposed deck materials look durable, especially due to the fact that the plans allow for a future hot tub.

July 13, 2020

In answer to Mr. Henfling's question, Mr. Maichle stated that steps are not included in the setback requirement; just the landing.

Mr. Warren recommended placing the steps on the side of the proposed deck.

Mr. Johnston testified that moving the stairs will not be an issue.

Ms. Gordon noted that pouring a concrete slab would be creating an impervious surface, whereas a deck still needs drainage on the lot.

In answer to Mr. Henfling's question regarding the lot directly behind 5277 Marian Drive, Mrs. Johnston testified that there is a tree line at the rear of 5272 Ridgebury Boulevard, however she doesn't see that those neighbors utilize any portion of their rear property.

Mr. Henfling, referring to the aerial shot of 5272 Ridgebury Boulevard, stated that there looks to be an existing shed midway through the lot depth, and to the east.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners.
2. The rear neighbor's lot is exceptionally deep; the encroachment is quite minimal.
3. Due to the dimensions of the lot on which the appeal is being sought, which is eight thousand two hundred and fifty (8,250) square feet, any construction would be an encroachment.
4. A deck is more environmentally friendly than a patio.

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

1. That the stairs be relocated to the east side of the structure.

Roll Call: Ayes: Gordon, Bader, Henfling, Kaplan, Warren
Nays: None.

Motion carried.

July 13, 2020

Mr. Warren acknowledged the death of longtime Building Commissioner, Tom Kunz. He wishes to extend condolences to Tom's family, stating the City and this Board were better off for having his presence for many years. He further stated "With warm memories of his service to the City of Lyndhurst Board of Zoning Appeals, and his friendships with Board Members, the Board expresses sadness and offers condolences to the family of Tom Kunz, long time Building Commissioner on his recent passing."

The Board concurred.

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

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

Motion carried, meeting
adjourned at 7:45 p.m.

Lesley Gordon, Chair

Approved: _____

Attest: _____