

Lyndhurst, Ohio
November 9, 2020

The Board of Zoning Appeals of The City of Lyndhurst met in Regular Session on Monday, November 9, 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 Luskin, 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 September 14, 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 unanimously.

Motion carried.

Mr. Schmidlin gave an overview of proceedings.

Case No. 2020-07

Request of Galina Berglund, of 4891 Middledale Road, for an area variance from the provisions of Chapter 1329.02 (a) Fences, of the Building and Housing Code, to erect a five (5) foot high chain link fence in lieu of the permitted four (4) foot high chain link fence.

Grounds for appeal and Chapter 1329.02 (a) was read by Mr. Henfling.

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.

Letters from neighbors were included and read by Mr. Henfling, each stating they had no objection to the height of the proposed fence.

Those neighbors who signed the letters are:

Mary Beth Horton, 4900 Countryside Road
Katherine Collins, 4883 Middledale Road

Rhonda Gray, 4903 Middledale Road (also agrees to a fence location within eighteen (18) inches from mutual property line).

The following witnesses were sworn in by Mr. Schmidlin:

Galina Berglund, 4891 Middledale Road
John Cianci, 4891 Middledale Road

In answer to Ms. Gordon's question regarding the use of two (2) different fencing materials towards the house, Ms. Berglund testified that the aluminum decorative fence is more expensive and cost prohibitive for the entire yard. She further testified that the transition from the aluminum decorative fence to the chain link fence looks nice.

In answer to Mr. Warren's recommendation to place the decorative aluminum fence to the right of the house as well, so that the view from the street will be uniform, Mr. Cianci testified that yes, that can be done. Ms. Berglund also agreed.

Mr. Bader stated that the lots in this particular area are dense with trees and proposing a black chain link fence would be less obtrusive.

Ms. Berglund testified that they also plan to plant pine trees along the proposed fence.

In answer to Mr. Henfling's question, Ms. Berglund testified they purchased the home about three (3) years ago and are doing a lot of renovations.

FINDINGS

The Board finds that:

1. There were no objections from abutting property owners; in fact three (3) letters signed letters were submitted by the abutting property owners expressing they have no objection to the height of the proposed fence;
2. The homeowners have agreed to add the aluminum decorative fence to the northeast section of the house, so the street view of the fence will be consistent.
3. The chain link portion of the fence will be black vinyl coated so to be less obtrusive.
4. The lots in this area are deep, and heavily wooded.
5. The requested variance is the minimum height needed to contain a dog of that size.

It was moved by Mr. Kaplan, 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 and following contingency:

1. The aluminum decorative fence material also be placed at the northeast corner portion of the property by the east property line.

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

Motion carried.

Ms. Gordon stated that this was her last meeting and thanked the Board members and expressed her gratitude in being a part of this Board. All members wished her well.

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 7:40 p.m.

Lesley Gordon, Chair

Approved: _____

Attest: _____