

Lyndhurst, Ohio
January 9, 2023

The Board of Zoning Appeals of The City of Lyndhurst met in Regular Session on Monday, January 9, 2023, at 7:00 p.m., in the Council Chamber of the Lyndhurst Municipal Center, 5301 Mayfield Road.

Members Present: David Kaplan, Chair
David Bader, Jeff Henfling,
Nancy Nozik, Russell Warren

Others Present: Ray Schmidlin, Assistant Law Director
John Maichle, Building Commissioner
Kelly Miller, Acting Secretary

It was moved by Mr. Warren, seconded by Ms. Nozik that the reading of the minutes of the Regular Meeting held September 12, 2022, 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 procedures.

Case No. 2023-01

Request of Gary and Deborah Kelm of 360 Eagle Point Drive, for an area variance from the provisions of Chapter 1161.11 (n)(3) C to construct a deck. The request is for a variance of five point seven (5.7) feet from the required thirty (30) feet rear to side distance between adjacent cluster units.

Grounds for appeal and Chapter 1161.11 (n)(3) C were 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 there were no responses received in answer to the notification sent.

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

Pat Perrino, 7996 Mayfield Road, Chesterland 44026
Gary Kelm, 360 Eagle Point Drive

Mr. Pat Perrino, President of Perrino Custom Builders, 7996 Mayfield Road, Chesterland, testified that the owners of the home would like to expand and square off the deck.

In answer to Mr. Kaplan's question regarding landscaping between the house in question and the house to the west, Mr. Kelm, homeowner, currently residing at 22126 Parnell Rd, Shaker Hts, 44122, testified that currently there is no landscape plan.

Mr. Henfling stated that the requested variance is for five point seven (5.7) feet, however there are some discrepancies which would make the request, according to the drawings submitted, five point five (5.5) feet.

FINDINGS

The Board finds that:

1. There are no windows on the rear of the model house, Sublot 24, which is adjacent to the house in question.
2. This is a typical variance request for this area.
3. Based on the strict interpretation of the Code, and the resulting shape that happens, this property has a lot of unusable space. The variance would allow a better use of the property.
4. There were no objections from abutting property owners.
5. The proposed deck is in conformity at one end of the structure.

It was moved by Mr. Kaplan, 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: Kaplan, Bader, Henfling, Nozik, Warren
Nays: None

Motion carried.

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

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

Motion carried, meeting
adjourned at 7:18 p.m.

David Kaplan, Chair

Approved: _____

Attest: _____