

MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKWOOD CITY HALL
AUDITORIUM
JUNE 20, 2024
6:30 P.M.
MEETING IS RECORDED
<https://www.lakewoodoh.gov/videos-2/>

1. ROLL CALL

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Anthony Santiago

Administrative Staff

Michelle Nocht, Senior Planner, Secretary
Justin Maskaluk, Property Maintenance Inspector
Andrew Fleck, Assistant Prosecutor

A motion was made by Mr. Alexander, seconded by Mr. Santiago to **EXCUSE** the absence of Mr. Markling and Mr. Pigott. All the members voted yea; the motion passed.

Board members and staff present at the 6:00 p.m. pre-review meeting that started at 6:20 p.m.

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Anthony Santiago

Administrative Staff

Michelle Nocht, Senior Planner, Secretary
Justin Maskaluk, Property Maintenance Inspector
Andrew Fleck, Assistant Prosecutor

During the pre-review meeting the applications and minutes were discussed by the board members and board staff.

2. APPROVE MINUTES OF THE MAY 16, 2024 MEETING

A motion was made by Mr. Santiago, seconded by Ms. Bolino to **APPROVE the May 16, 2024 meeting minutes**. All the members voted yea; the motion passed.

3. OPENING REMARKS

Ms. Nocht read the Opening Remarks into the record.

NEW BUSINESS

4. Docket No. 06-11-24
1655 Roosevelt Ave.

Applicant and property owner Christopher Walling proposes the construction of a new attached garage. The property is located in the R1H, Single-Family High Density District. (Page 3)

- Variance 1: The proposed addition to the primary structure exceeds the maximum permitted lot coverage for a primary structure. Permitted lot coverage by a primary structure is 35% as

proposed total primary lot coverage is 40%. Request a variance to exceed permitted primary lot coverage by 234 square feet, as proposed. Pursuant to section 1121.09(a) Maximum Lot Coverage. (Ord. 07-2023. Passed 11-20-23.)

- Variance 2: The proposed primary structure does not meet the minimum combined setback requirement of a minimum of 15 feet in the R1L District. The south side yard is proposed at zero feet, east side yard is proposed at three feet, the combined total of both side yards is three feet. The minimum required combined total is 15 feet. Request a variance of 12 feet, as proposed. Pursuant to section 1121.07 Minimum Yard Requirements for Principal Buildings. (Ord. 91-95. Passed 10-7-1996.)
- Variance 3: The proposed primary structure does not meet the required minimum side yard setback on the south side of the property. The minimum side yard requirement is five feet, a zero foot setback is proposed. Request a variance of five feet, to construct as proposed. Pursuant to section 1121.07 Minimum Yard Requirements for Principal Buildings. (Ord. 91-95. Passed 10-7-1996.)
- Variance 4: The proposed primary structure does not meet the required minimum side yard setback on the east side of the property. The minimum side yard required is five feet, three feet is proposed. Request a variance of two feet, to construct as proposed. Pursuant to section 1121.07 Minimum Yard Requirements for Principal Buildings. (Ord. 91-95. Passed 10-7-1996.)

Ms. Nocht stated the item was **deferred** at the applicant's request. No action was required from the Board.

**5. Docket No. 06-12-24
17838 Lake Rd.**

Applicant Tom Ferry of TFerry Custom Homes proposes the construction of an unroofed second story patio deck on top of the existing single story porch. The property is located in the R1L, Single-Family Low Density District. (Page 36)

- Variance 1: Proposed alterations to the existing structure to construct and unroofed patio deck on top of the existing second story screened porch on the rear of the property. The proposed deck is 10 feet above first floor grade and is approximately 314 square feet in area. The maximum permitted area of an unroofed patio deck is 300 square feet and maximum permitted height is 42 inches, request a variance to construct the deck, as proposed. Pursuant to section 1121.03(d) Permitted Accessory Uses (Ord. 07-2023. Passed 11-20-23.)

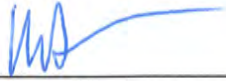
Property owners Dan and Rita McCabe were present to explain the request. The members had no comments or questions. Public comment was closed as no one addressed the item. Staff presented Administrative Comments and supported the request. No written comments were received by staff prior to the meeting.

A motion was made by Mr. Santiago, seconded by Ms. Bolino to **APPROVE Docket No. 06-12-24 as proposed**. Mr. Alexander, Ms. Bolino, and Mr. Santiago voted yea; the motion passed.

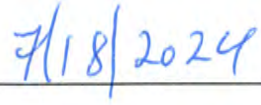
ADJOURN

A motion was made by Ms. Bolino, seconded by Mr. Santiago to **ADJOURN** the meeting at 6:06 p.m. Mr. Alexander, Ms. Bolino, and Mr. Santiago voted yea; the motion passed.

Signature

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Date

A handwritten date in blue ink, written as 7/18/2024.



Oath

(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

PRINT NAME:

SIGN NAME:

1. DAN McCABE

Dan McCabe

2. RITA McCABE

Rita McCabe

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

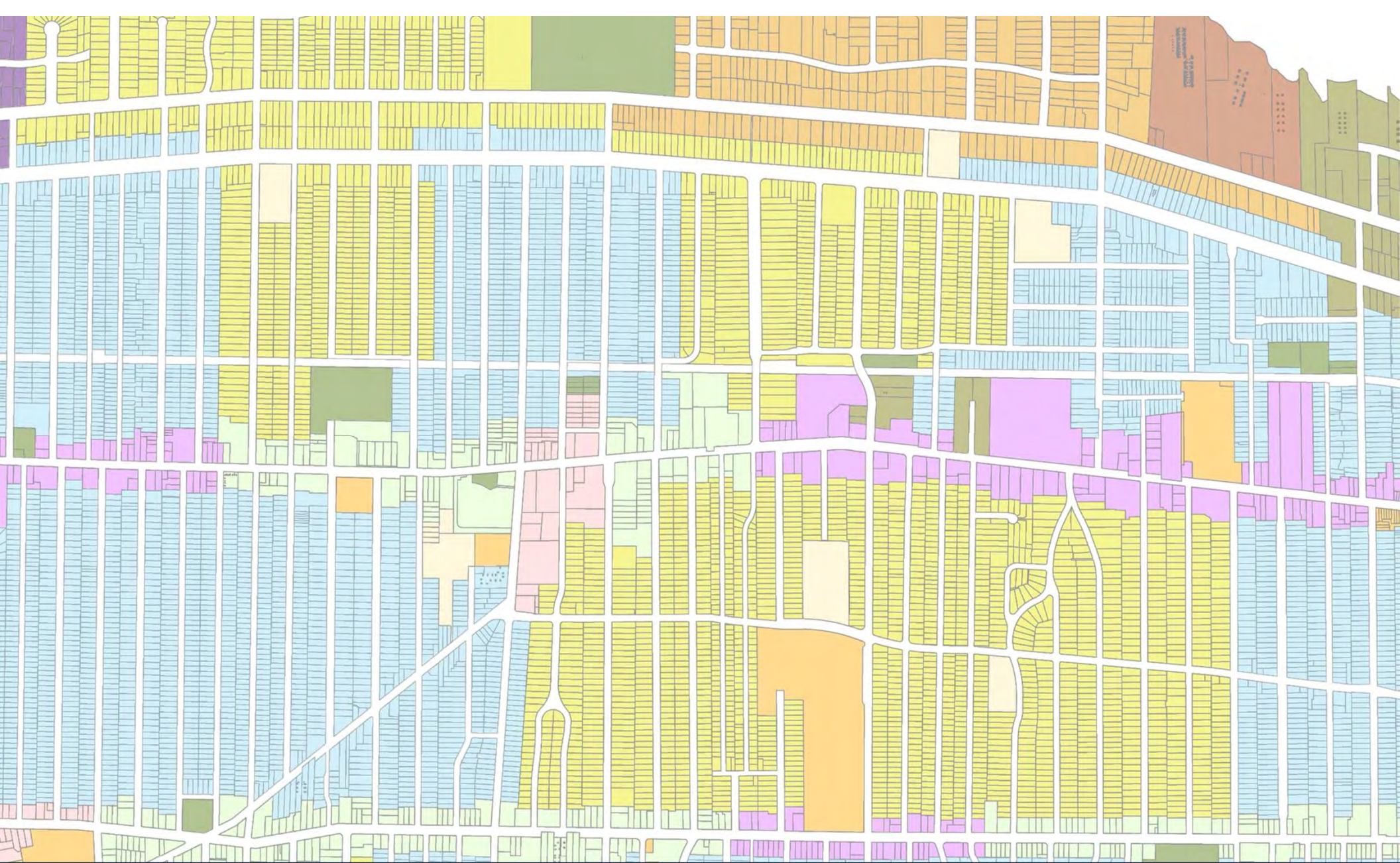
11. _____

Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure: ABR/BBS Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, June 20, 2024



Board of Zoning Appeals

Board of Zoning Appeals

1173.04 Variances

Factors to be considered and weighed when determining whether an applicant will experience practical difficulty:

1. Whether there exist site conditions (narrowness, shallowness, or topography) unique to property in question that are not applicable generally to other lands or structures in same zoning district;
2. Whether property in question is located near a non-conforming or non-harmonious use, structure, or site conditions, or whether property in question abuts a less restrictive zoning district;
3. Whether property in question will yield a reasonable return or whether there can be any beneficial use of property without the variance(s);
4. Whether variance(s) is substantial;
5. Whether essential character of neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance(s);
6. Whether variance(s) would adversely affect delivery of governmental services (e.g., water, sewer, refuse removal);
7. Whether property owner purchased property with knowledge of zoning restriction;
8. Whether property owner's predicament feasibly can be obviated through some method other than a variance(s); and
9. Whether spirit/intent of Code would be observed, and substantial justice done by granting the variance(s).

(Ord. 91-95. Passed 10-7-1996.)





Board of Zoning Appeals-

Pre-review: 6:00-6:30 p.m.

Regular Meeting: 6:30 p.m.

Members

Chair: Michael Alexander

Vice Chair: Jillian Bolino

Matt Markling

Jeffrey Pigott

Anthony Santiago

Staff

Board Secretary: Michelle Nochta

Legal Counsel: Andrew Fleck

Building Department: Justin Maskaluk

Board of Zoning Appeals

June 20, 2024
Agenda

1. Roll Call
2. Vote to approve *May 16, 2024*, meeting minutes
3. Opening Remarks

NEW BUSINESS


4. DEFERRED-Docket No. 06-11-24, 1655 Roosevelt Ave
5. Docket No. 06-12-24, 17838 Lake Ave.



Roll Call



Board of Zoning Appeals

A detailed zoning map of a city, showing various colored zones (yellow, blue, green, orange, purple) and street layouts. The map is the background of the entire page.

**Approve Meeting Minutes for
*May 16, 2024***



Board of Zoning Appeals



Opening Remarks



Board of Zoning Appeals



DEFERRAL REQUESTED BY APPLICANT



**Docket No. 06-11-24
1655 Roosevelt Ave**

Applicant Christopher Walling proposes the construction of a new garage attached to the existing home. The property is located in the R1H, Single-Family High-Density District



1. Docket No. 06-12-24
17838 Lake Avenue

Applicant Tom Ferry of TFerry Custom homes the construction of an unroofed second-story patio deck on top of the existing single-story porch. The property is located in the R1L Single Family Low Density District.

- Variance 1: Proposed alterations to the existing structure to construct and unroofed patio deck on top of the existing second-story screened porch on the rear of the property. The proposed deck is 10 feet above first-floor grade and is approximately 314 square feet in area. The maximum permitted area of an unroofed patio deck is 300 sq. feet and the maximum permitted height is 42 inches, request a variance to construct the deck, as proposed. Pursuant to section 1121.03(d) Permitted Accessory Uses (Ord. 07-2023. Passed 11-20-23.)



17838 Lake Ave



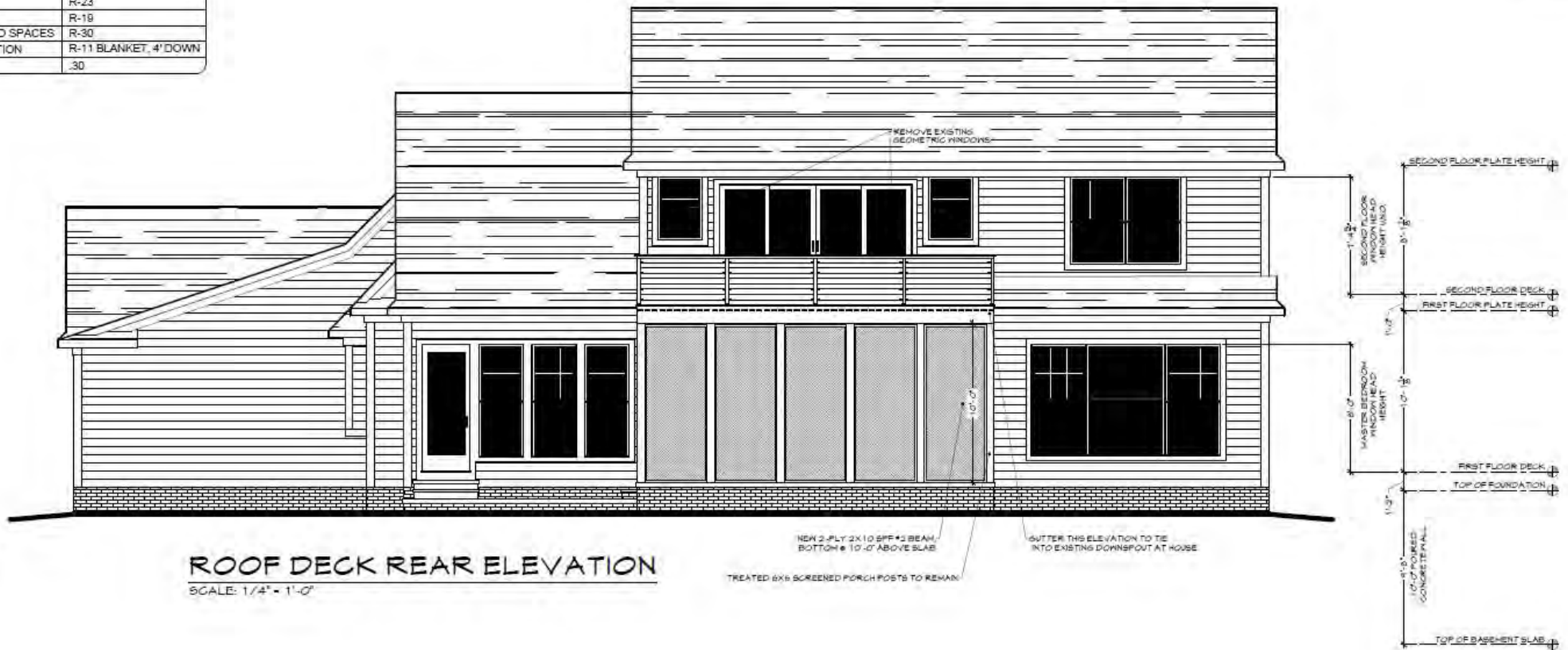






OHIO	
ANCE - OHBA COMPLIANCE PATH #2	
LL MANDATORY ITEMS	
CTION	R-48
	R-23
	R-19
UNHEATED SPACES	R-30
LL INSULATION	R-11 BLANKET, 4' DOWN
	.30

A-1	ROOF DECK
A-2	ROOF DECK



ROOF DECK REAR ELEVATION
SCALE: 1/4" = 1'-0"

17838 Lake Ave





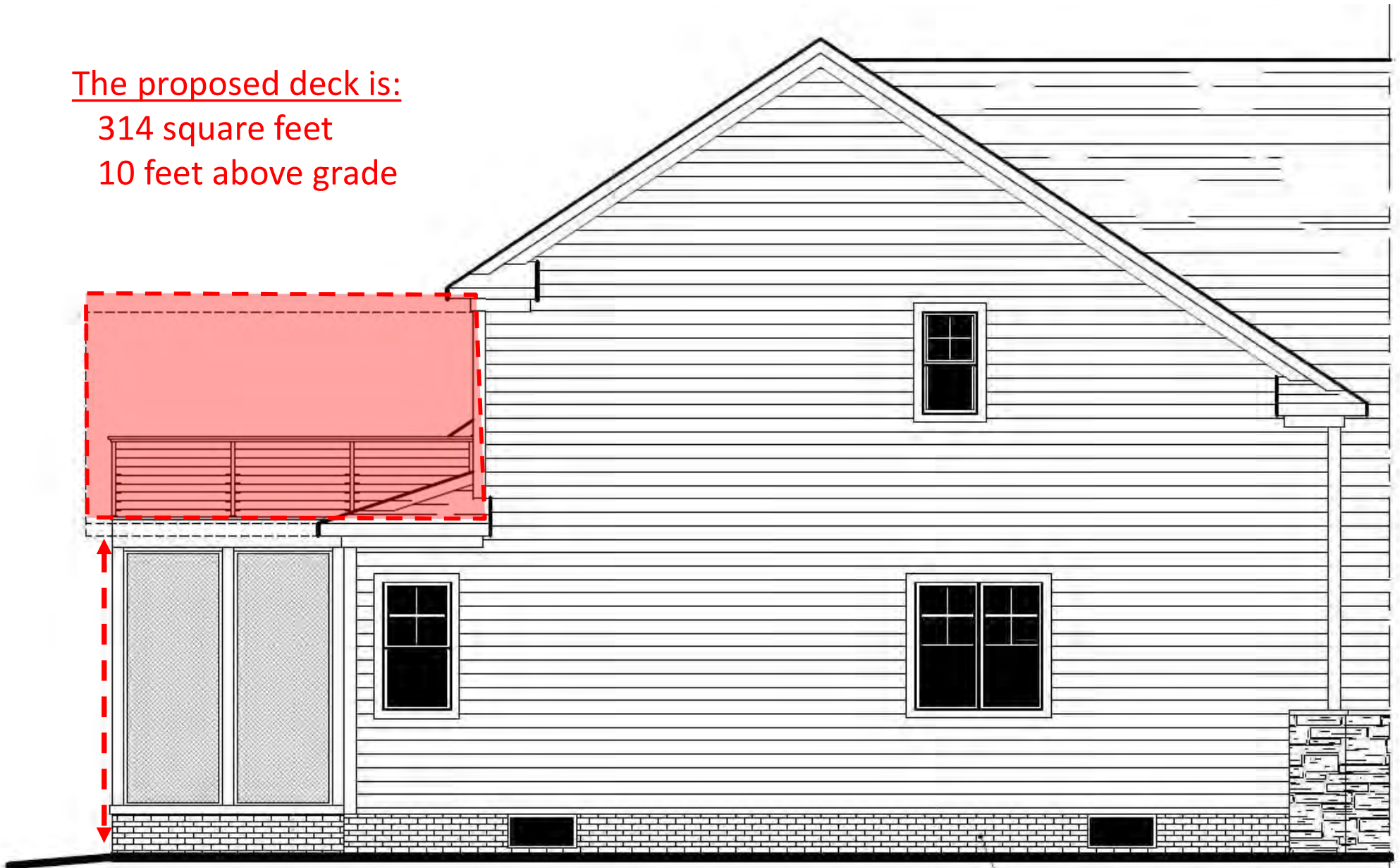
BRICK TO GRADE
AT SIDE AND REAR
ELEVATIONS

ROOF DECK RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



The proposed deck is:
314 square feet
10 feet above grade



BRICK TO GRADE
AT SIDE AND REAR
ELEVATIONS

ROOF DECK LEFT ELEVATION

SCALE: 1/4" = 1'-0"



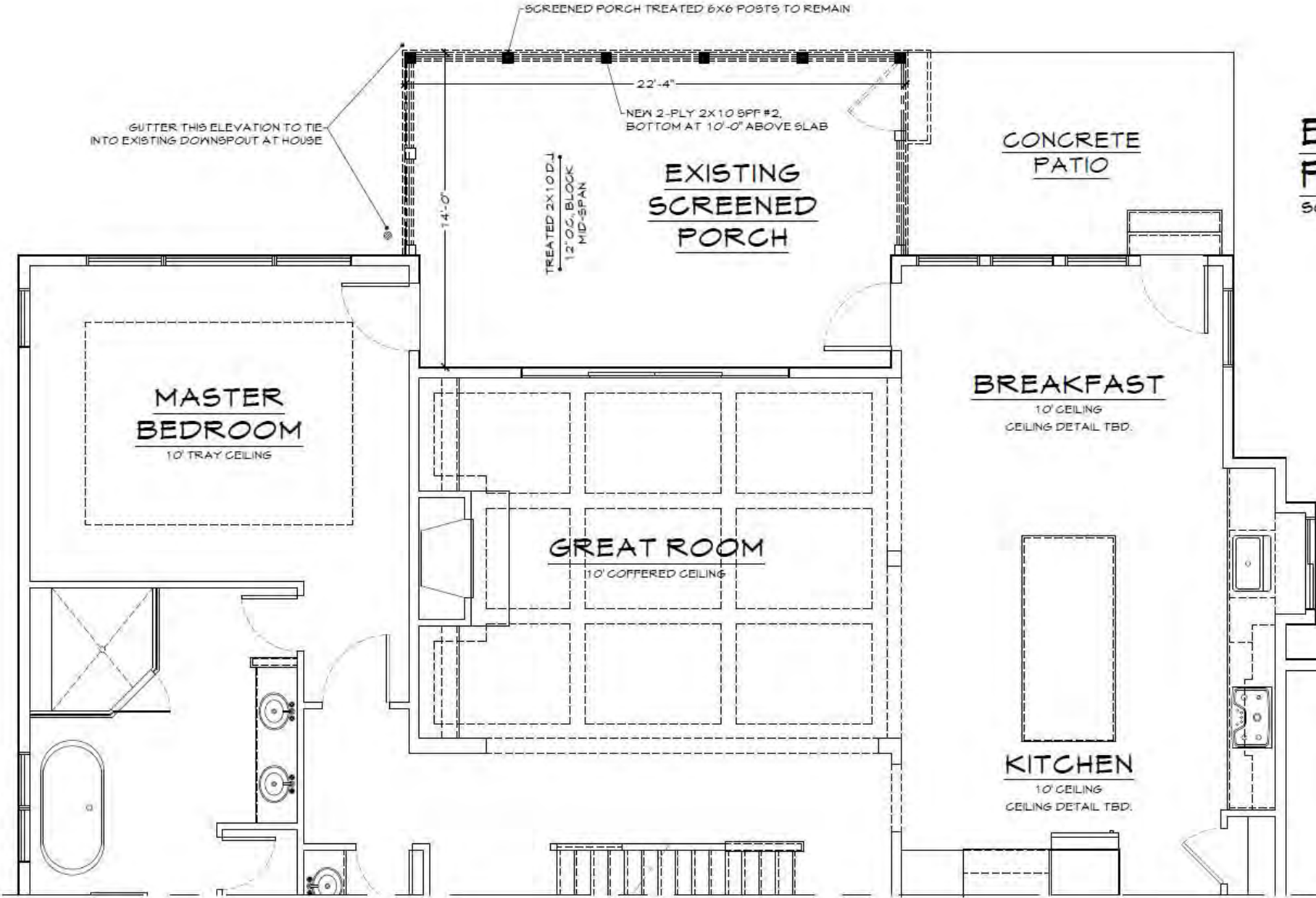


ROOF DECK LEFT ELEVATION

SCALE: 1/4" = 1'-0"

BRICK TO GRADE
AT SIDE AND REAR
ELEVATIONS





EXISTING SCR PORCH PLAN

SCALE: 1/4" = 1'-0"

GENERAL NOTE:

- FIRST FLOOR PLATE H
- ALL EXTERIOR WALLS AT 3/2" UNLESS NOT
- BOTH INTERIOR AND E
- ALL ANGLED WALLS AI
- ALL FLOOR/DECK JOI
- ALL WOOD POSTS TO UNLESS NOTED OTHER.

HEADERS:

- ALL EXTERIOR WINDO
- ALL INTERIOR BEARING GLUED AND NAILED UNLI
- ALL INTERIOR BEARING GLUED & NAILED UNLESS
- ALL INTERIOR NON-BE GLUED AND NAILED UNLI
- ALL INTERIOR NON-BE GLUED & NAILED UNLESS

* ANY ELEMENT OF CON THE 2014 RESIDENTIAL ADHERE TO A SPECIFIC



17838 Lake Ave

Owner/agent responses- 1173.04 Variances

Please review each of the below 9 points and respond “Not Applicable”, “Yes” or “No”. If your answer is “Yes” or “No”, please provide a brief explanation.

(1) Whether there exist site conditions, such as narrowness, shallowness, or topography, unique to the property in question that are not applicable generally to other lands or structures in the same zoning district;

n/a

(2) Whether the property in question is located near a non-conforming or non-harmonious use, structure, or site conditions, or whether the property in question abuts a less restrictive zoning district;

n/a

(3) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance(s);

Will yield a reasonable return

(4) Whether the variance(s) is substantial;

The existing foundation footprint does not change and the railing of the new deck will be below current ridge line of screened porch roof. So, the new deck structure will be less noticeable than the current roof structure

(5) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance(s);

The essential character of the neighborhood will not be impacted.

(6) Whether the variance(s) would adversely affect the delivery of governmental services (e.g., water, sewer, refuse removal);

n/a

(7) Whether the property owner purchased the property with knowledge of the zoning restriction;

The owner was not aware that a variance was required for decks above 42” off the finished grade.

(8) Whether the property owner's predicament feasibly can be obviated through some method other than a variance(s); and

n/a

(9) Whether the spirit and intent of the Code would be observed and substantial justice done by granting the variance(s).

The spirit and intent of the code will be observed and honored.



Administrative Comments

- The board has approved similar requests in the past with no negative consequences either observed or reported.



17838 Lake Ave



Public Comment

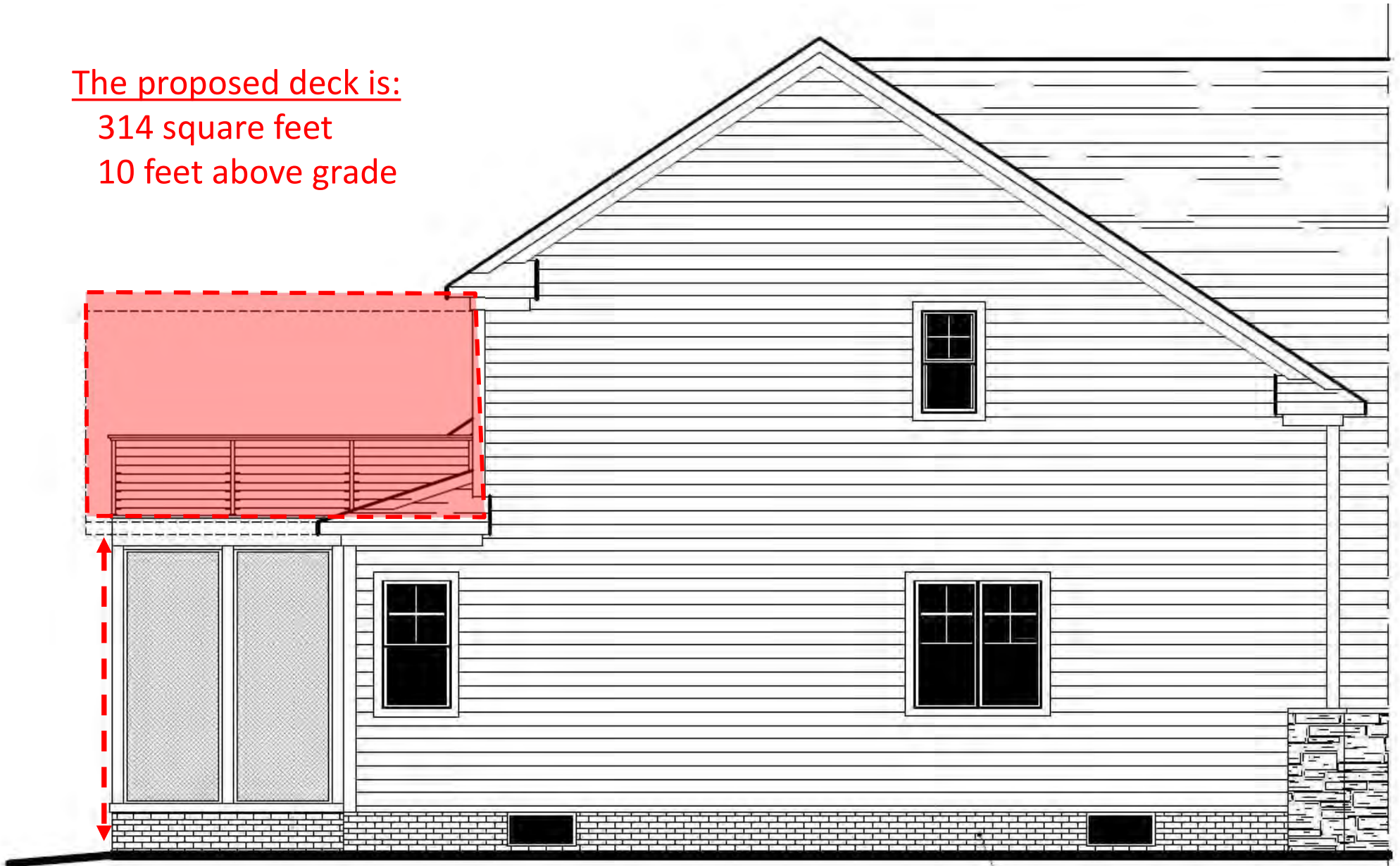
Received via email-

Meeting attendee(s)-



17838 Lake Ave

The proposed deck is:
314 square feet
10 feet above grade



ROOF DECK LEFT ELEVATION

SCALE: 1/4" = 1'-0"

BRICK TO GRADE
AT SIDE AND REAR
ELEVATIONS



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17838 Lake Avenue

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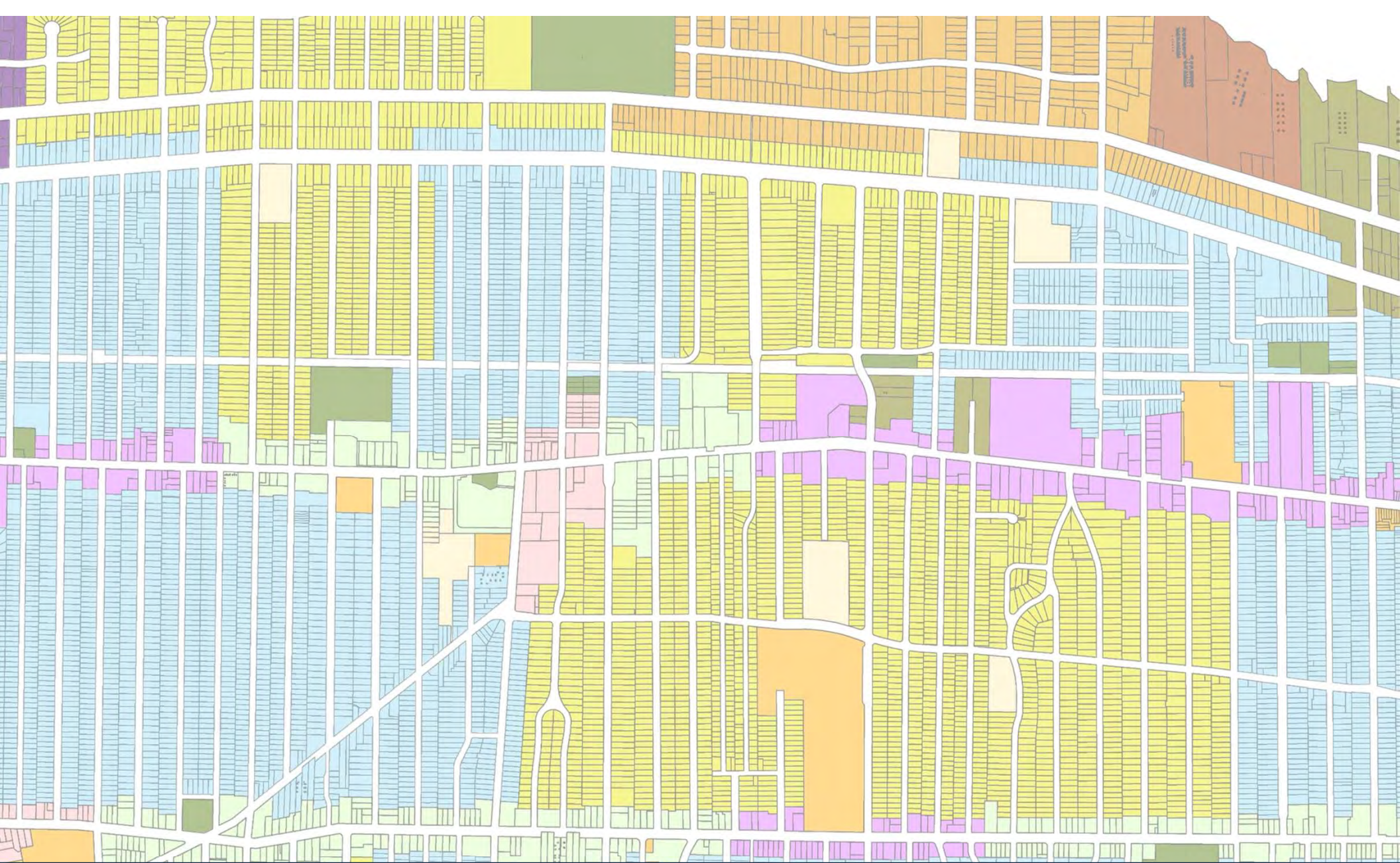
17838 Lake Ave



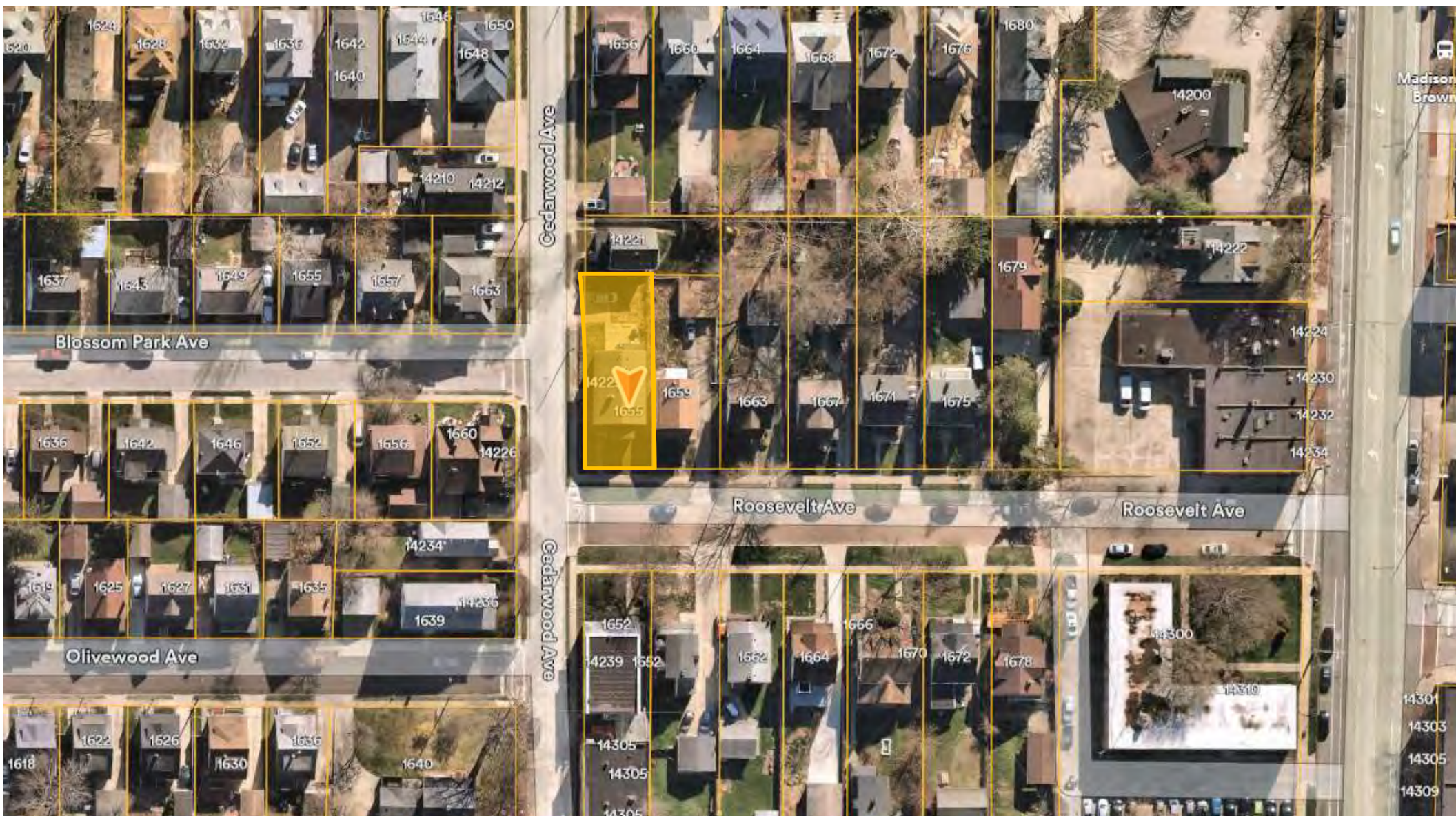
Adjourn



Board of Zoning Appeals



Board of Zoning Appeals



Docket No. 06-11-24 1655 Roosevelt Ave

Applicant Christopher Walling proposes the construction of a new garage attached to the existing home. The property is located in the R1H, Single-Family High-Density District



**1. Docket No. 06-11-24
1655 ROOSEVELT AVE.**

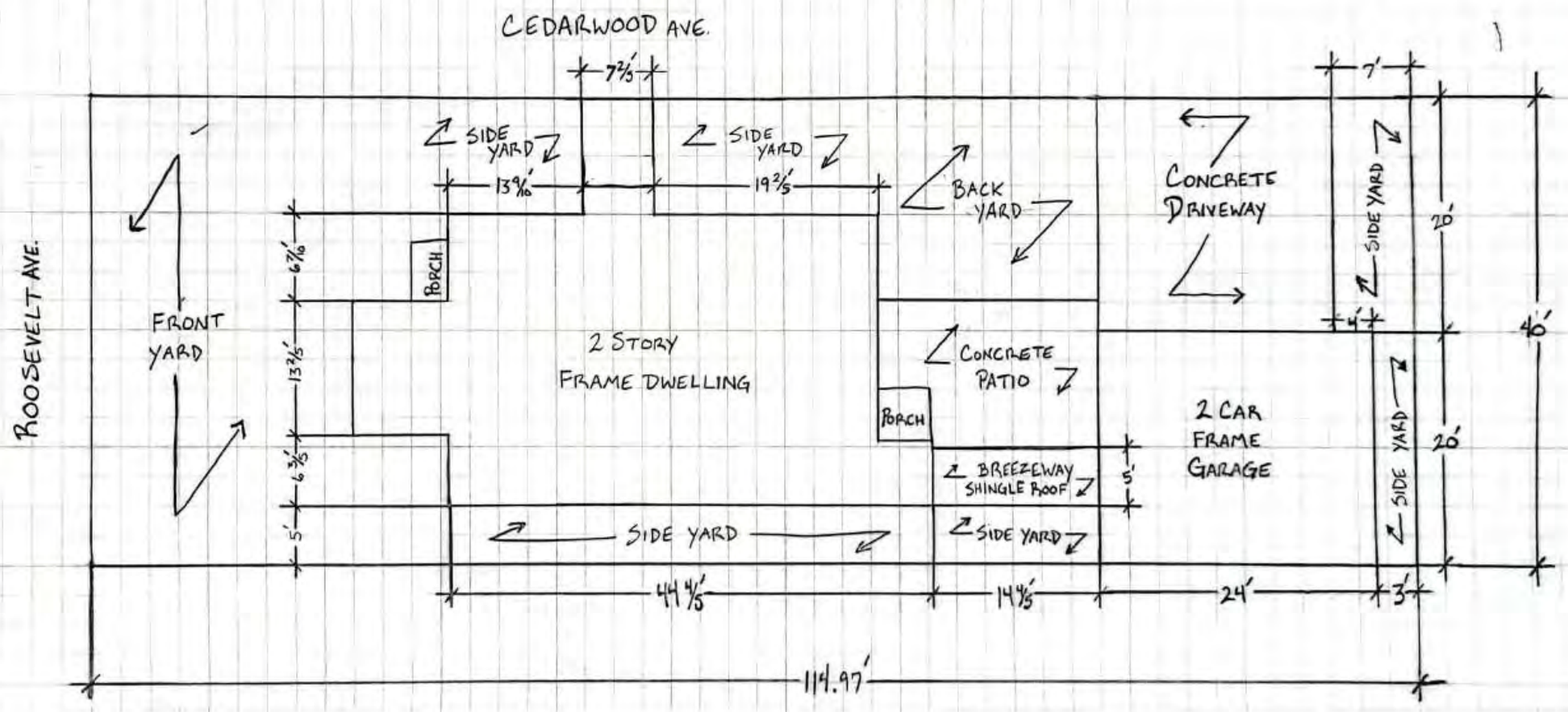
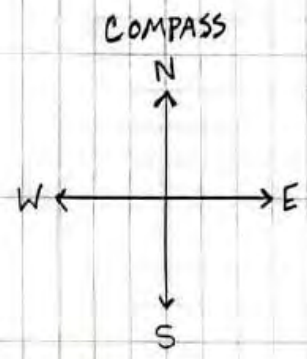
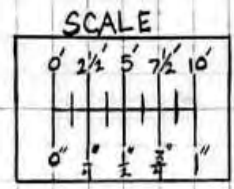
Applicant and property owner Christopher Walling proposes the construction of a new attached garage. The property is located in the R1H, Single-Family High Density District.

- Variance 1: The proposed addition to the primary structure exceed the maximum permitted lot coverage for a primary structure. Permitted lot coverage by a primary structure is 35% as proposed total primary lot coverage is 40%. Request a variance to exceed permitted primary lot coverage by 234 square feet, as proposed. Pursuant to section 1121.09(a) Maximum Lot Coverage. (Ord. 07-2023. Passed 11-20-23.)
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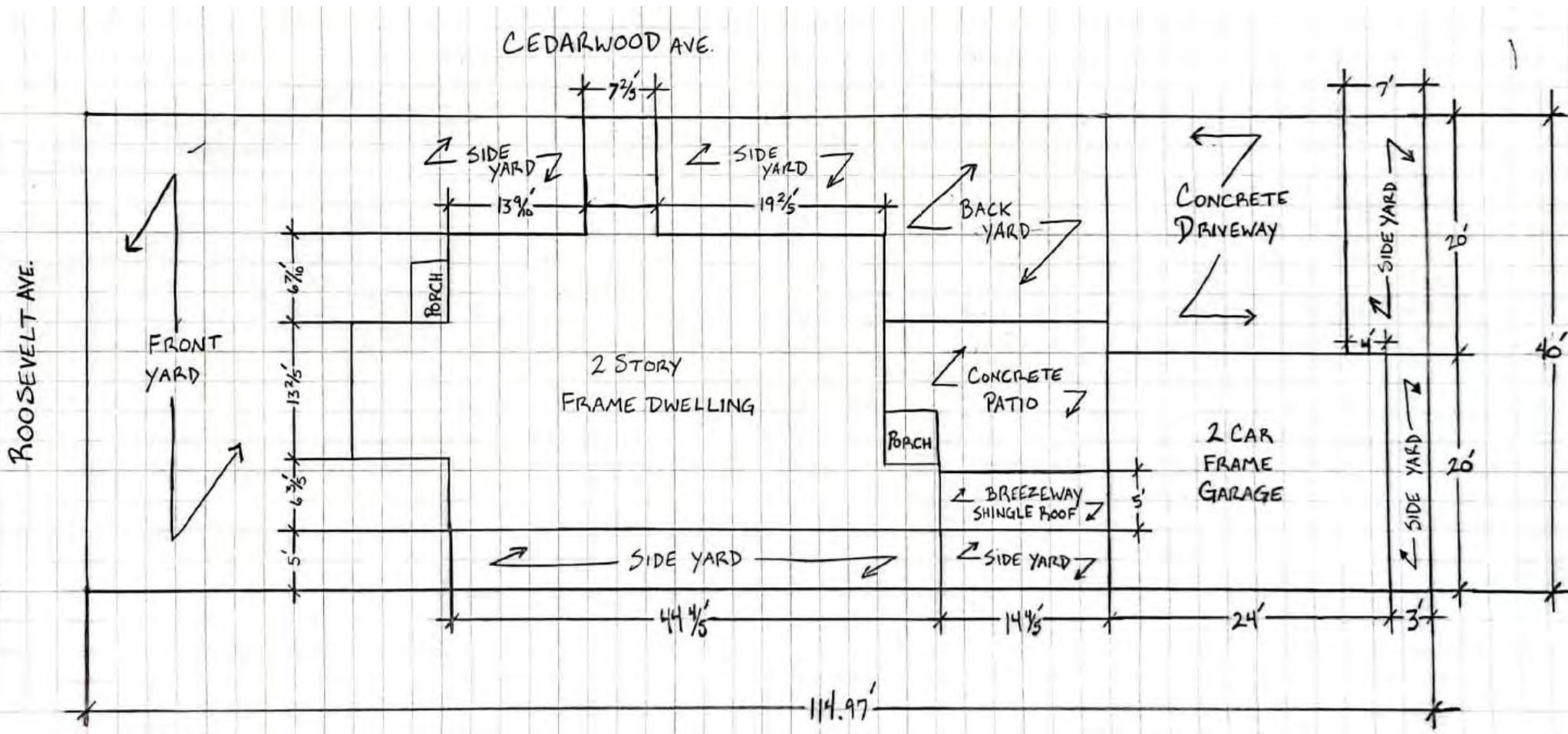
1655 Roosevelt Ave

Project	
Item of Work	
Needed By	
Completed By	
Cell Phone #	

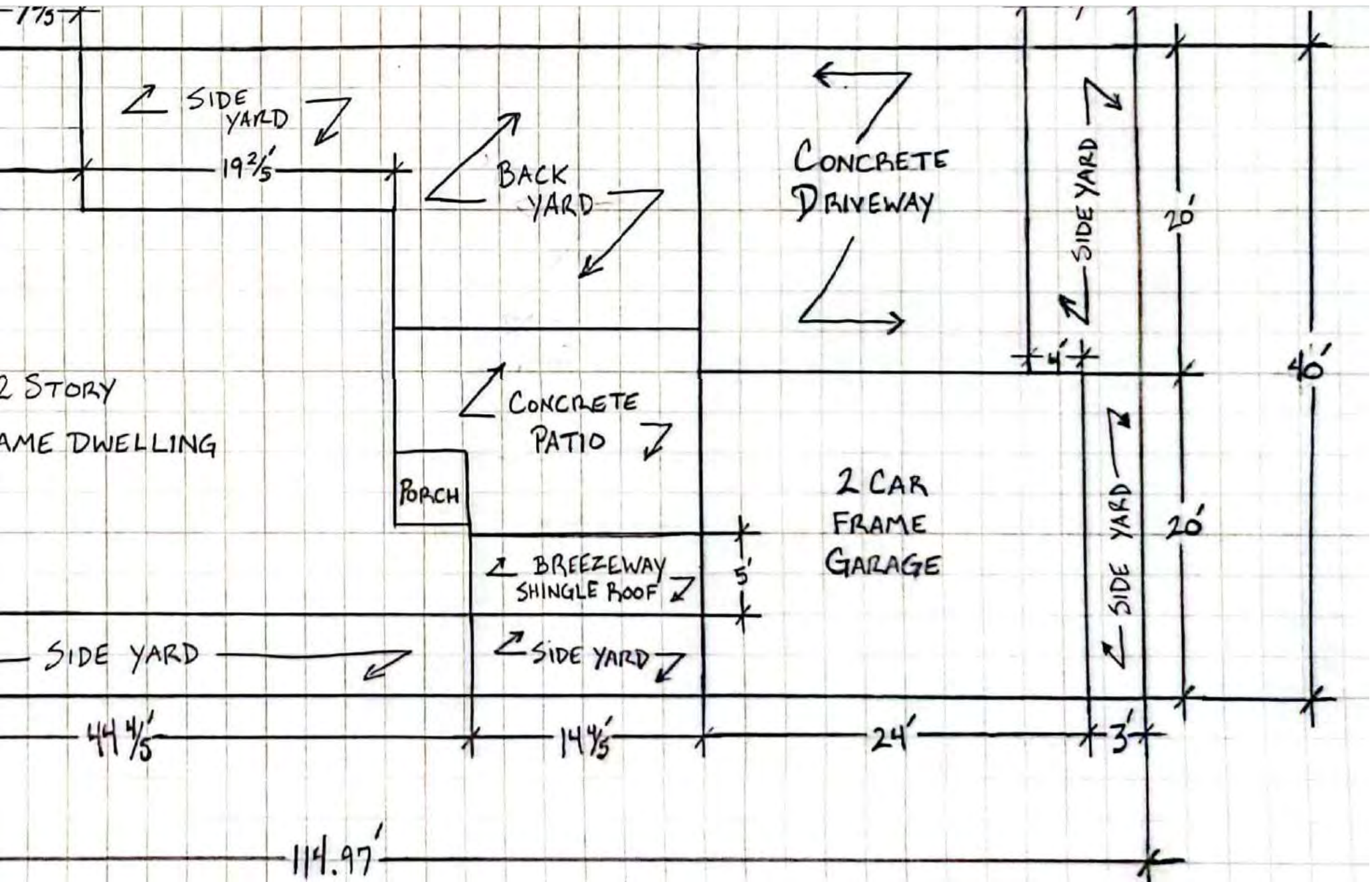


1655 Roosevelt Ave





1655 Roosevelt Ave

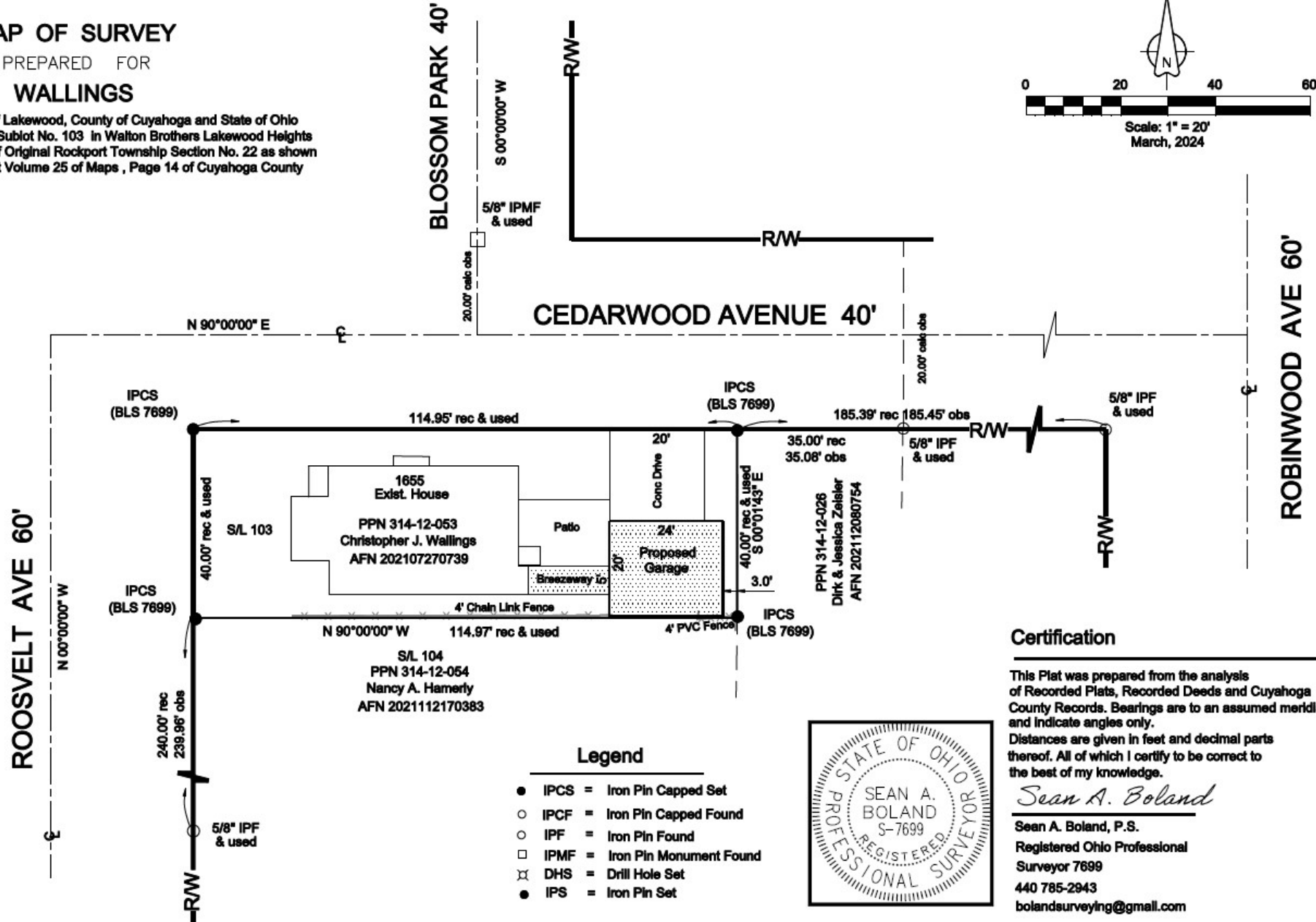
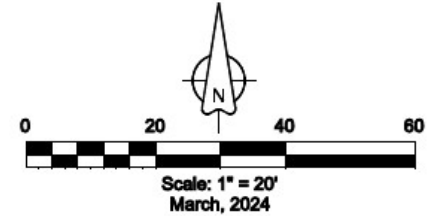


1655 Roosevelt Ave

MAP OF SURVEY

PREPARED FOR
WALLINGS

Situated in the City of Lakewood, County of Cuyahoga and State of Ohio and known as being Sublot No. 103 in Walton Brothers Lakewood Heights Allotment and part of Original Rockport Township Section No. 22 as shown by the recorded Plat Volume 25 of Maps, Page 14 of Cuyahoga County Records.



Certification

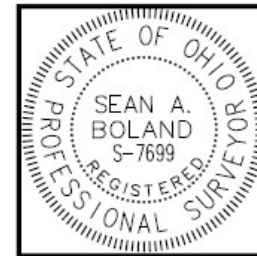
This Plat was prepared from the analysis of Recorded Plats, Recorded Deeds and Cuyahoga County Records. Bearings are to an assumed meridian and indicate angles only. Distances are given in feet and decimal parts thereof. All of which I certify to be correct to the best of my knowledge.

Sean A. Boland

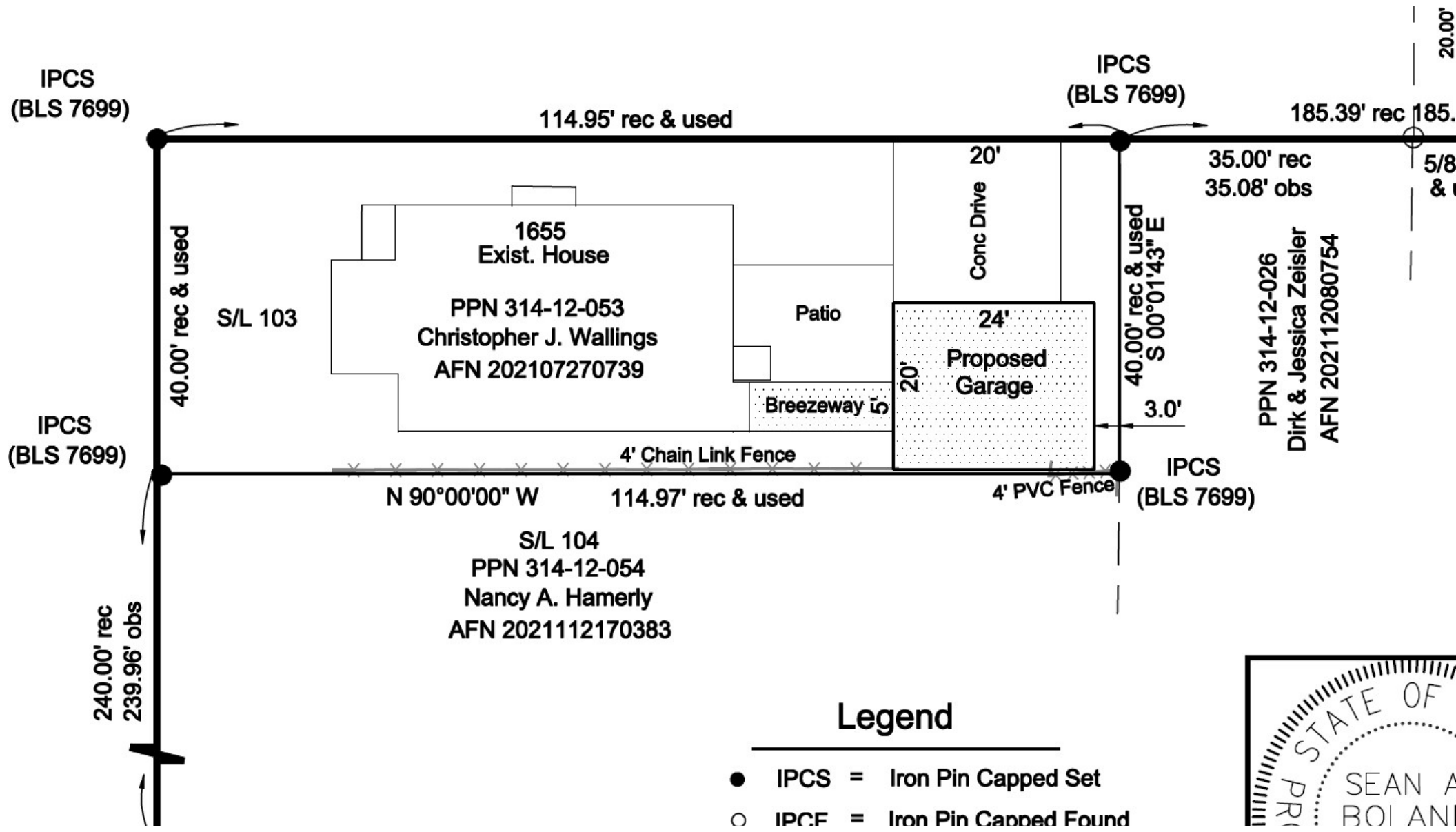
Sean A. Boland, P.S.
Registered Ohio Professional
Surveyor 7699
440 785-2943
bolandsurveying@gmail.com

Legend

- IPCS = Iron Pin Capped Set
- IPCF = Iron Pin Capped Found
- IPF = Iron Pin Found
- IPMF = Iron Pin Monument Found
- ⊗ DHS = Drill Hole Set
- IPS = Iron Pin Set

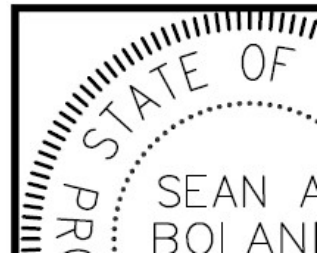


1655 Roosevelt Ave



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1655 Roosevelt Ave





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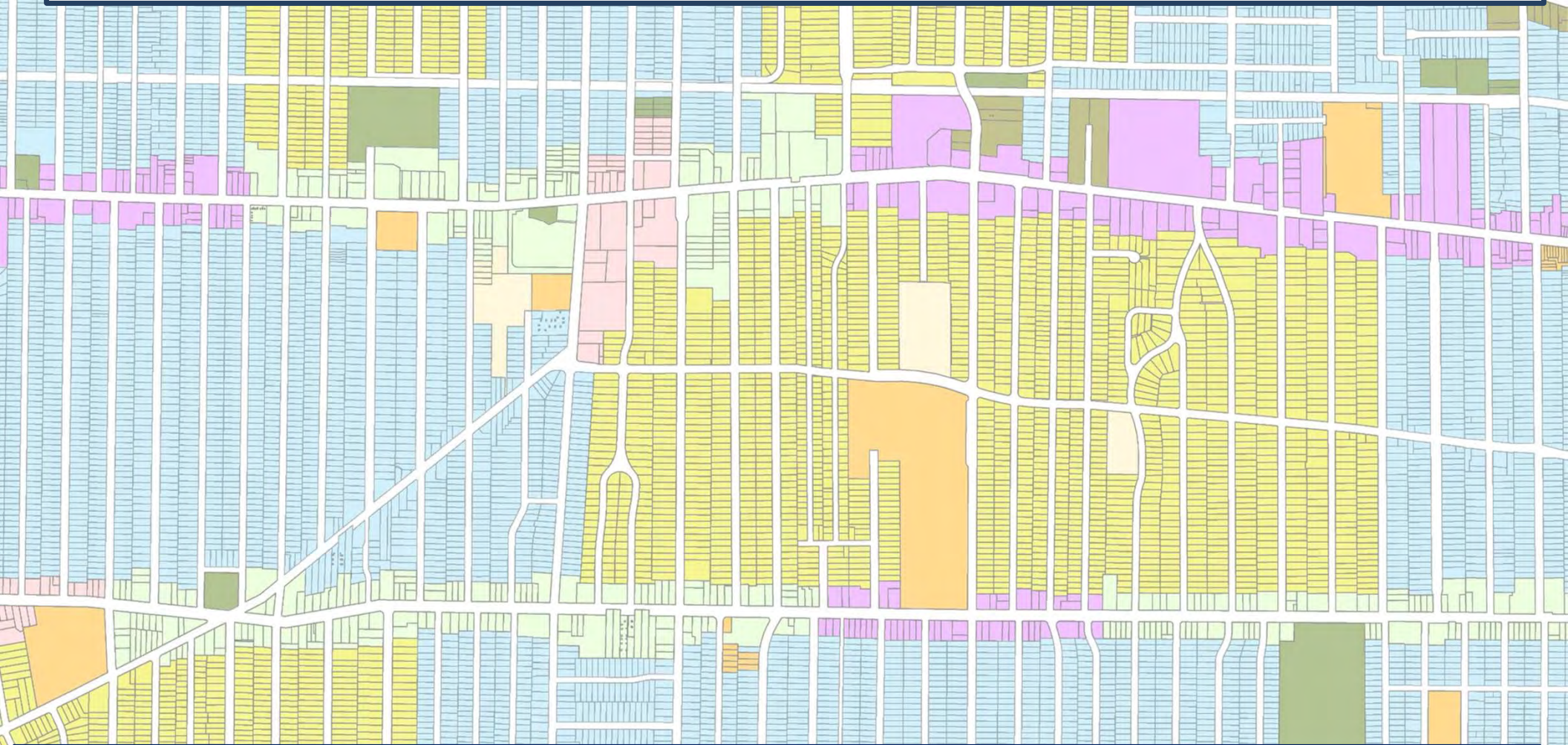
Administrative Comments



1655 Roosevelt Ave

Owner/agent responses- 1173.04 Variances

Applicant responses to the factors to be considered and weighed when determining whether an applicant will experience practical difficulty: in order for a variance request to be approved, applicants must demonstrate how their request meets the Practical Difficulty Test based on the below factors. The Board of Zoning Appeals must consider and weigh each response on its merits. Please review each of the below 9 points and respond "Not Applicable", "Yes" or "No". If your answer is "Yes" or "No", please provide a brief explanation.

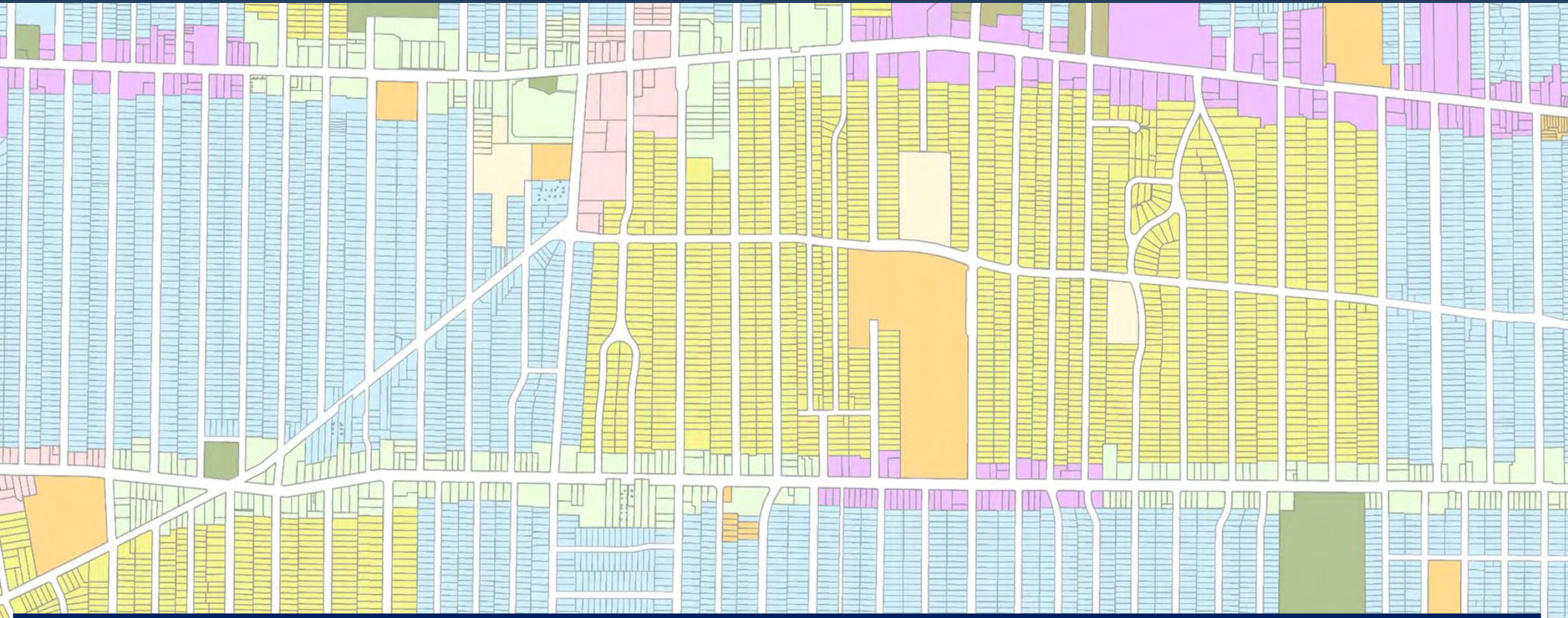


1114 Forest Rd



Public Comment

- Received via phone-
- Received via email-
- Meeting attendee(s)



1114 Forest Rd

**1. Docket No. 06-11-24
1655 ROOSEVELT AVE.**

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1655 Roosevelt Ave

Administrative Comments

- Similar BZA Cases – Detached Garages (Mean Heights):
 - 02-15-24-(1062 Leedale)-Garage/golf simulator (15'11") lot size 4,600 square feet, initial request was 21' 6", applicant changed plans from a gable style roof to a mansard to reduce the request
 - **05-08-23 (1464 Riverside)-19' request-DENIED**
 - 04-06-23 (1077 Wilbert)- Garage request 19' 31/2 " deferred and then withdrawn
 - 02-02-23(2183 Eldred) Garage proposed at 17', deferred. Applicant returned with plans modified for a 16'4" proposal- approved.
 - 11-30-22(1466 Cohasset)-Garage/office changed plans to reduce the height to 15'. Variance granted to exceed rear lot coverage by 82 sq. ft no height variance required.
 - 03-06-21 (1527 Wayne) Garage proposed at 17', request withdrawn by the applicant
 - 06-16-21 17717 Hilliard Ave- Garage proposed at 17" ,request deferred, new proposal of 15'6" was approved.
 - 09-18-20 (18147 Clifton) – Garage/Art Studio (19.67') Lot size 17, 986 square feet, garage 125 ft from the public right of way.
 - 02-03-19 (1235 Summit) – Garage/Art Studio (16.5')

