

**MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKEWOOD CITY HALL
AUDITORIUM
AUGUST 15, 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
Matt Markling
Jeffrey Pigott

Administrative Staff

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

A motion was made by Ms. Bolino, seconded by Mr. Pigott to **EXCUSE** the absence of Anthony Santiago. 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 6:05 p.m.

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Matt Markling
Jeffrey Pigott

Administrative Staff

Michelle Nochta, 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. Mr. Markling expressed an interest in examining the code related to elevated unroofed patio decks. Ms. Nochta informed the board the city had hired a consultant to examine and refresh the zoning code, including unroofed patio decks. The Board members expressed of their desire to be included in the focus group.

2. APPROVE MINUTES OF THE JULY 18, 2024 MEETING

A motion was made by Mr. Pigott, seconded by Mr. Alexander to **APPROVE the July 18, 2024 meeting minutes**. Mr. Alexander, Mr. Markling, Mr. Pigott voted yea, and Ms. Bolino abstained; the motion passed.

3. OPENING REMARKS

Ms. Nochta read the Opening Remarks into the record.

NEW BUSINESS

**4. Docket No. 08-15-24
1115 Wilbert Rd.**

Applicants Lisa Davis and Jason Amato of Old World Classics LLC for property owners Kathleen and Thomas Pernsteiner, propose the construction of a new multi-story addition on the front of the primary structure. The property is located in the R1M, Single-Family Medium Density District. (Page 3)

- Variance 1: Owner proposes an addition to the west face of the existing primary structure, with the addition to be located at 46 feet, 6 inches ~~5-inches~~ from the public right of way, where the minimum permitted front setback is 50 feet. Request a variance to reduce the front yard setback by 3 feet, 6 inches ~~5-inches~~ to construct the multi-story addition, as proposed. Pursuant to section 1121.07 Minimum Yard requirements (Ord. 07-2023. Passed 11-20-23.)

Kathleen Preston, property owner, and Jason Amato of Old World Classics LLC were present to explain the request. Discussion began with the current setback; the proposed setback was comparable to the adjacent properties. Staff provided administrative comments and said it was a modest request. Public comment was not received prior to the meeting. Public comment was taken. It was stated that a driveway had been installed and encroached on a neighboring property; Mr. Fleck said that the Board of Zoning Appeals did not have the authority to rule on an encroachment.

A motion was made by Mr. Pigott, seconded by Mr. Alexander to **APPROVE Docket No. 08-15-24 for a variance as presented.** Mr. Alexander, Mr. Markling, Mr. Pigott voted yea, and Ms. Bolino voted nay; the motion passed.

**5. Docket No. 08-16-24
12201 Detroit Ave.**

Applicant Brian Salsbury of AAY LLC, dba Master Deck Builder Cleveland, for property owner Nicholas Huggett, proposes the installation of a second floor unroofed patio deck in a triangular shape of approx. 61 feet, constructed with porch rails above the existing first floor patio. The property is located in the C3, Commercial General Business District. (Page 27)

- Variance 1: Owner proposes the construction of an elevated and unroofed patio deck with access from the existing second floor level. Maximum height permitted for an unroofed patio deck is 42 inches above grade. Request a variance to construct an elevated patio deck that is approx. 61 feet in area and with the height at the existing second floor level, as proposed. Pursuant to sections 1129.03 Accessory Uses (Ord. 24-98. Passed 5-18-1998) and 1127.03 (Ord. 24-98. Passed 5-18-1998.)

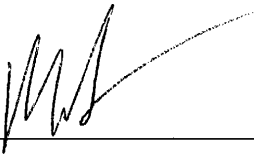
Nicholas Huggett, property owner, and Bill Holtan, Master Deck Builder Cleveland were present to explain the request. There were no comments or questions from the Board members. Staff provided administrative comments, and no public comment was received prior to the meeting. Public comment was closed as no one addressed the item. Mr. Markling expressed his support for the application as presented, and a desire to examine the code pertaining to unroofed patio decks at a future meeting. It was suggested that a communication/item for discussion might be placed on the September Agenda addressing the issue.

A motion was made by Mr. Markling, seconded by Ms. Bolino to **APPROVE Docket No. 08-16-24 for a variance as presented.** Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott voted yea; the motion passed.

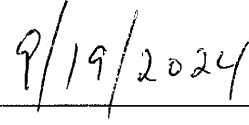
Prior to adjournment, a Board member expressed his concern about the need for security when an item becomes contentious.

ADJOURN

A motion was made by Mr. Markling, seconded by Mr. Alexander to **ADJOURN** the meeting at 7:05 p.m. All the members voted yea; the motion passed.



Signature



Date



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. Kathleen Priedt
- 2. Joan Amato
- 3. Michael Mackay
- 4. Nicholas Hrygett
- 5. Bill Holtan
- 6. _____
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

- [Signature]
- [Signature]
- [Signature]
- [Signature]
- [Signature]
- _____
- _____
- _____
- _____
- _____
- _____

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, August 15, 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-East- Conference room: 6:00-6:30 p.m.

Regular Meeting-Auditorium: 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

August 15, 2024

Agenda

1. Roll Call
2. Vote to approve *July 18, 2024*, meeting minutes
3. Opening Remarks

NEW BUSINESS

4. Docket No. 08-15-24 1115 Wilbert Rd
5. Docket No. 08-16-24, 12201 Detroit Ave

A detailed zoning map of a city, showing a grid of streets and various colored zones. The colors include yellow, light blue, orange, green, and purple. A white rectangular box with a black border is centered over the map.

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 slide.

Approve Meeting Minutes for
July 18, 2024



Board of Zoning Appeals



Opening Remarks



Board of Zoning Appeals



1115 Wilbert Rd.

Applicant Jason Amato of Old World Classics for homeowners Kathleen and Thomas Pernstiener, proposes the construction of a new addition attached to the front of the existing home. The property is located in the R1H, Single-Family High-Density District





1115 Wilbert Road



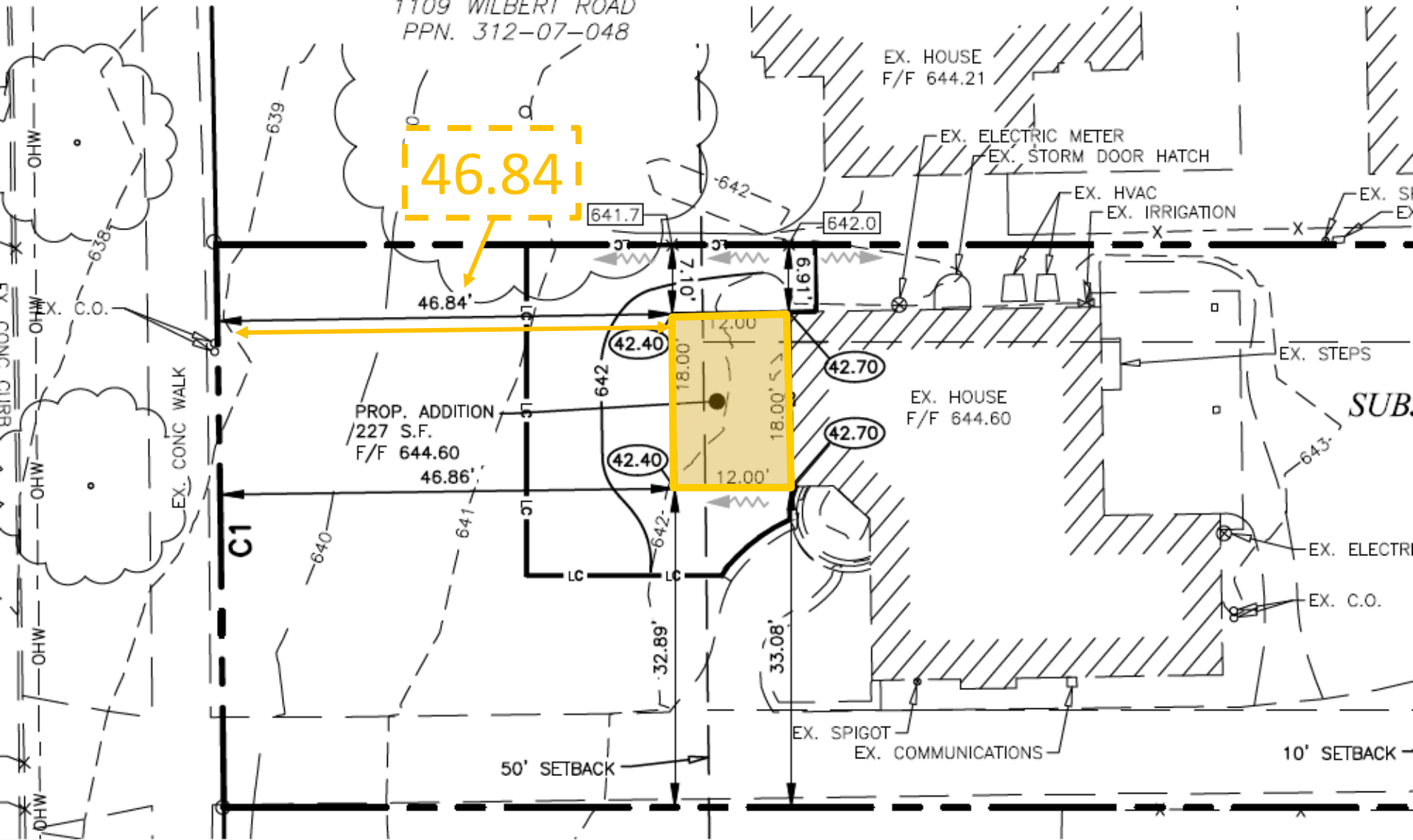
Docket No. 08-15-24
1115 Wilbert Rd.

Applicants Lisa Davis and Jason Amato of Old World Classics LLC for property owners Kathleen and Thomas Pernsteiner, propose the construction of a new multi-story addition on the front of the primary structure. The property is located in the R1M, Single-Family Medium Density District. (Page 3)

- Variance 1: Owner proposes an addition to the east face of the existing primary structure, with the addition to be located at **46 feet 6 inches** from the public right of way, where the minimum permitted front setback is 50 feet. Request a variance to reduce the front yard setback by **3 feet 6 inches** to construct the multi-story addition, as proposed. Pursuant to section 1121.07 Minimum Yard requirements (Ord. 07-2023. Passed 11-20-23.)



STEPHANIE PEAK & RYAN HERRMANN
1109 WILBERT ROAD
PPN. 312-07-048



1115 Wilbert Road

THE PERNSTEINER RESIDENCE

1115 WILBERT RD., LAKEWOOD, OH 44107

DRAWING SCHEDULE

COVER SHEET	1
RENDERINGS	2
BASEMENT	3
FIRST FLOOR	4
SECOND FLOOR	5
FRONT ELEVATION	6
RIGHT ELEVATION	7
LEFT ELEVATION	8
ROOF PLAN	9
SECTIONS	10
GENERAL NOTES	11



MATERIALS AND COLORS TO MATCH EXISTING STRUCTURE

1115 Wilbert Road

The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

DRAWN BY:
SCALE: As Noted
DATE: 7/8/2024

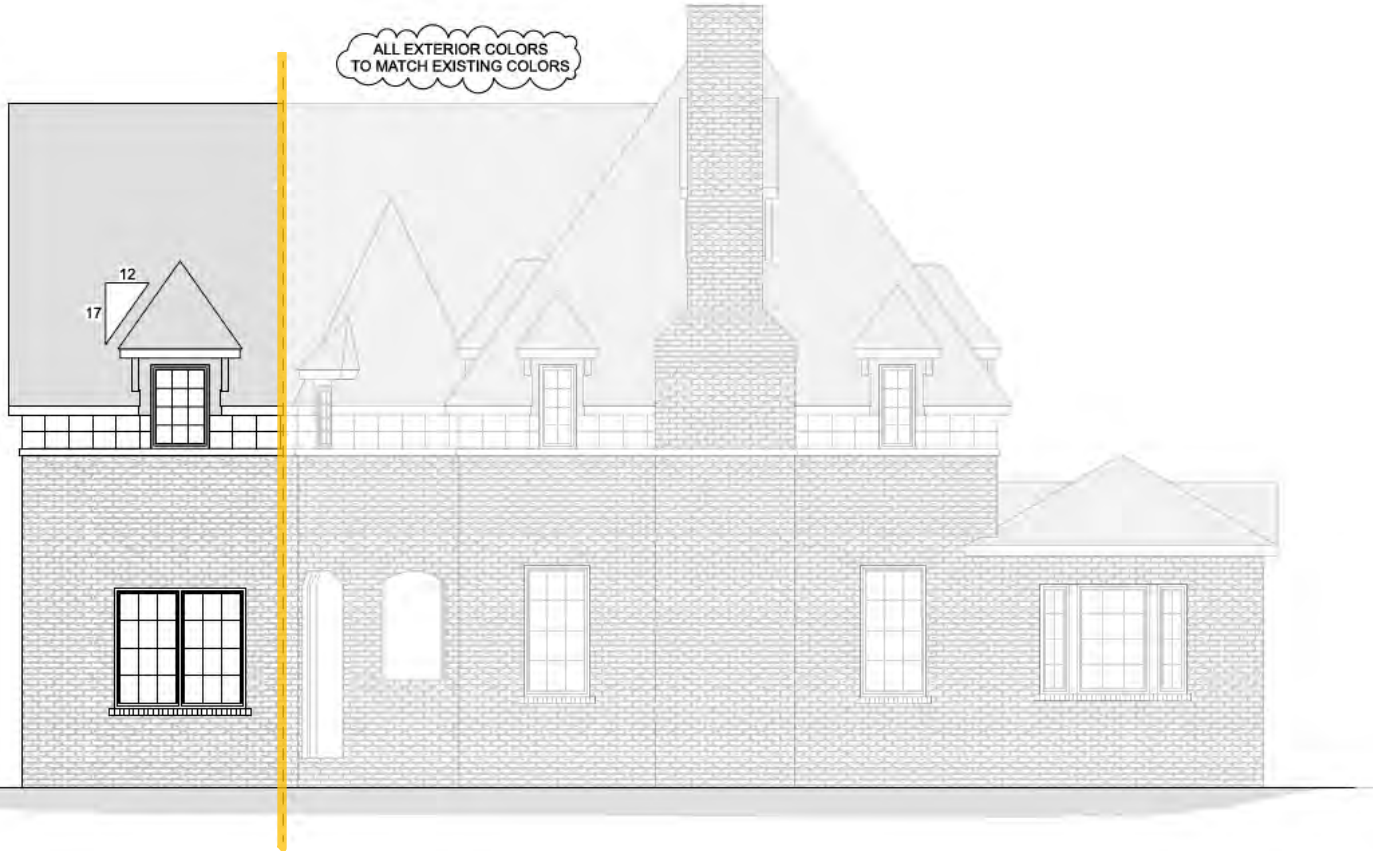
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COVER SHEET

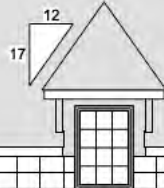


Old World Custom Renovations
330.494.0228
www.oldworldclassics.com
7056 Mears Gate Dr. NW
North Canton, OH 44720





ALL EXTERIOR COLORS
TO MATCH EXISTING COLORS



RIGHT ELEVATION

SCALE: 3/16" = 1'-0"

The Pernsteiner Residence

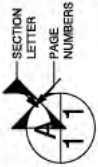
1115 Wilbert Rd.
Lakewood OH 44107

PAGE: **7**

RIGHT ELEVATION

DRAWN BY:
SCALE: 3/16" = 1'-0"

DATE: 7/8/2024



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North Canton, OH 44720



1115 Wilbert Road



The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

DRAWN BY:

SCALE: As Noted

DATE: 7/8/2024

PAGE: **2**

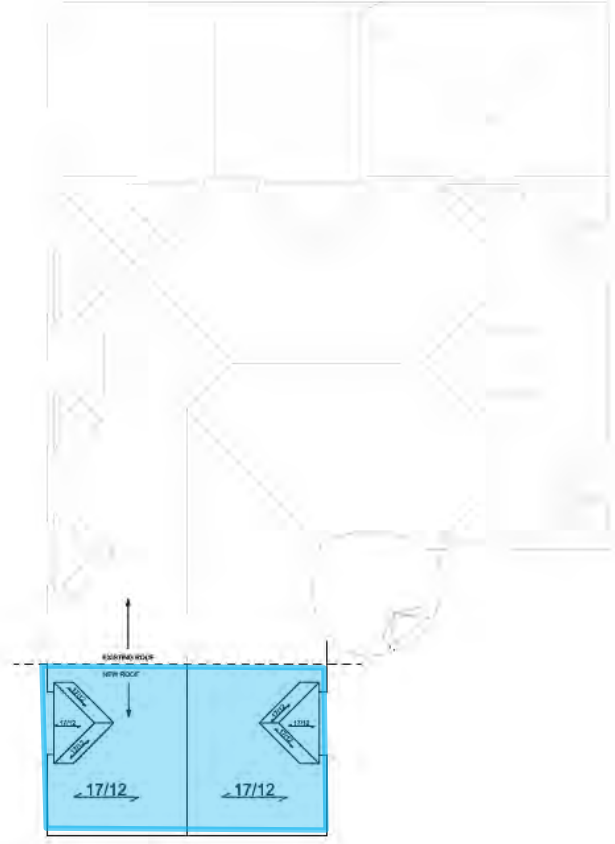
RENDERINGS



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1115 Wilbert Road





ROOF PLAN
SCALE: 1/8" = 1'-0"

The Pernsteiner Residence

1115 Wilbert Rd.,
Lakewood OH 44107

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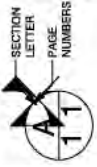
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DATE: 7/8/2024

PAGE:

9

ROOF PLAN



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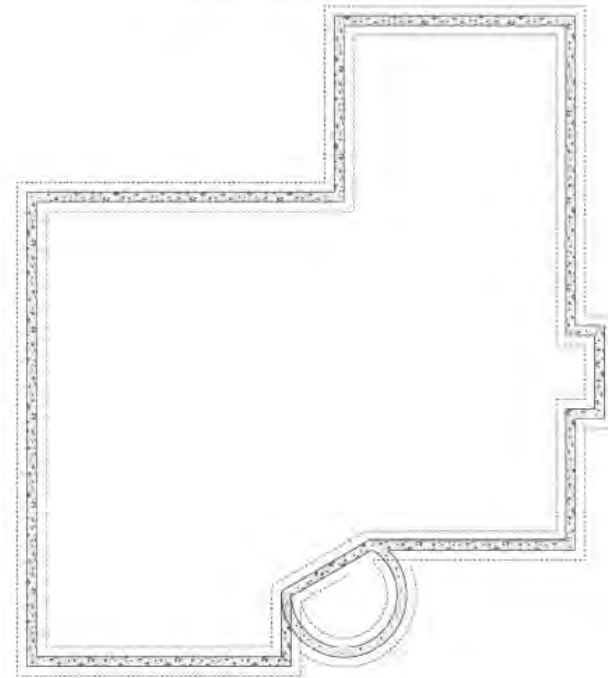
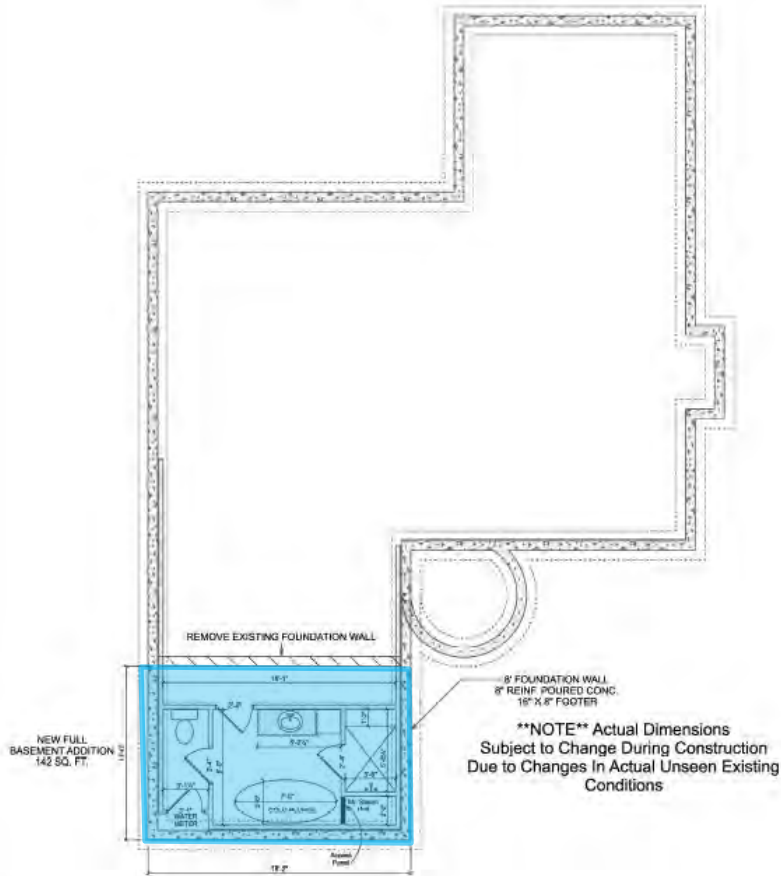
330.494.0228

1115 Wilbert Road



NEW ADDITION CONCEPT

EXISTING CONDITIONS



****NOTE**** Actual Dimensions
Subject to Change During Construction
Due to Changes In Actual Unseen Existing
Conditions

BASEMENT
SCALE: 1/8" = 1'-0"

The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

PAGE: **3**
BASEMENT

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: 7/8/2024

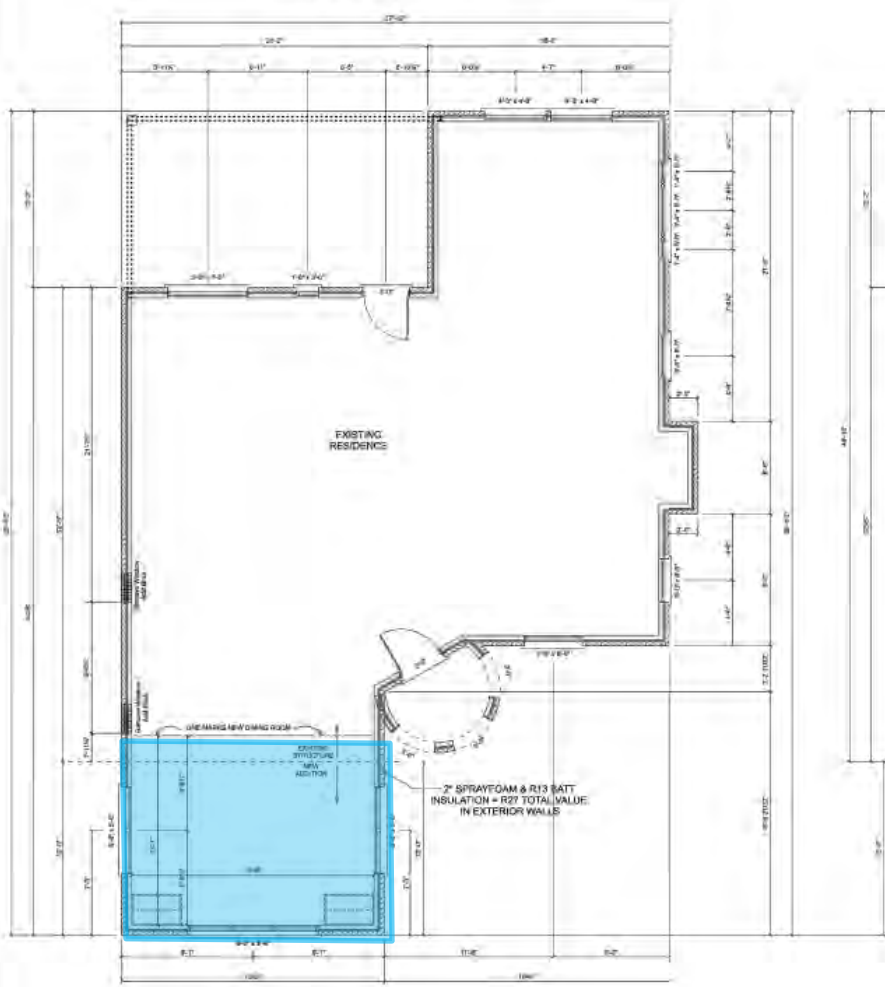


Old World Custom Renovations
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North Canton, OH 44720
330.494.0228
www.oldworldclassics.com

1115 Wilbert Road

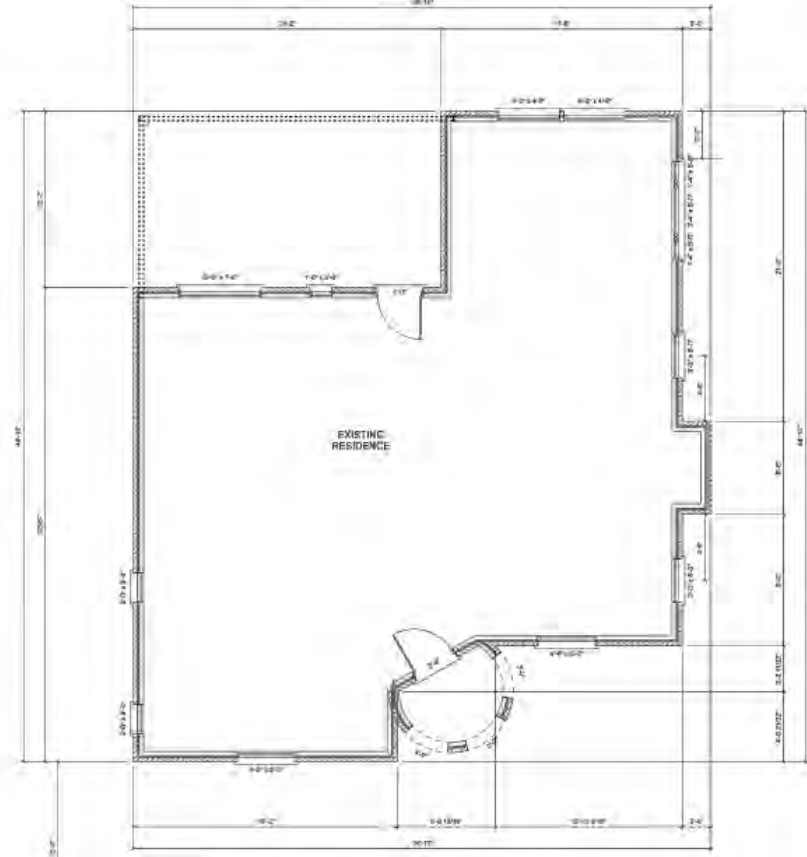


NEW ADDITION CONCEPT
192 SQ. FT.



MAIN FLOOR
SCALE: 1/8" = 1'-0"

EXISTING CONDITIONS



****NOTE**** Actual Dimensions
Subject to Change During Construction
Due to Changes In Actual Unseen Existing
Conditions

The Pernsteiner Residence
1115 Wilbert Rd.
Lakewood OH - 44107

DRAWN BY:
SCALE: 1/8" = 1'-0"
DATE: 7/8/2024

PAGE: **4**
FIRST FLOOR

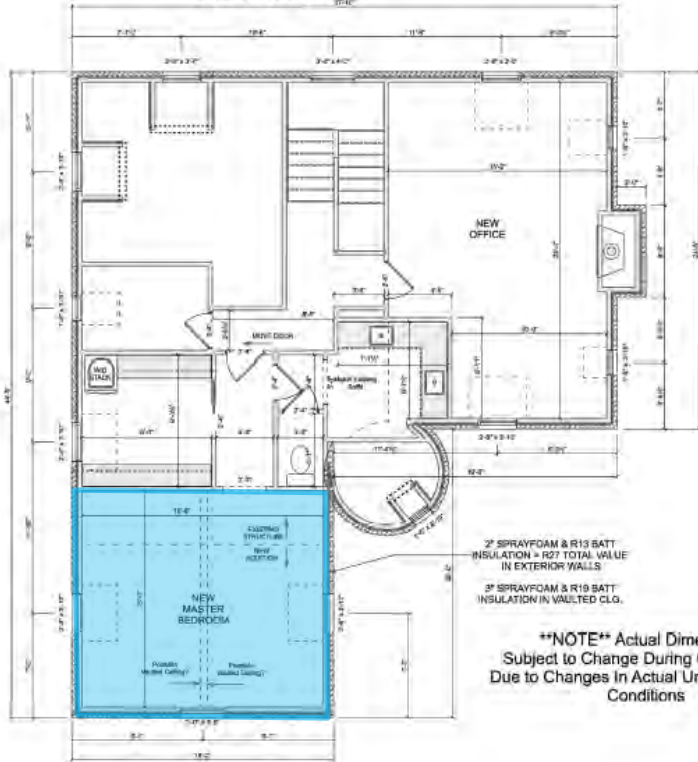


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www.oldworldclassics.com



1115 Wilbert Road

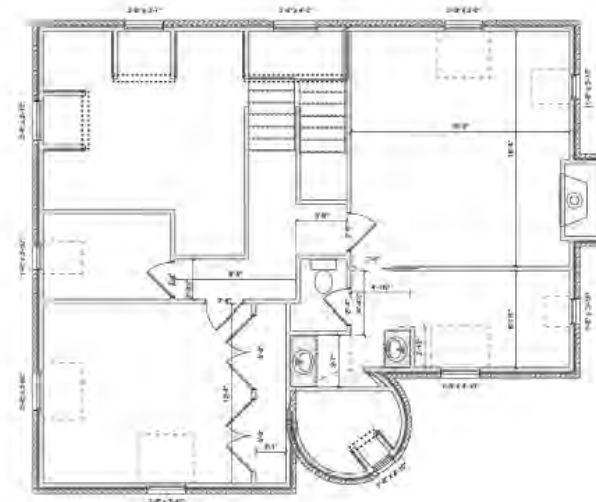
NEW ADDITION CONCEPT
192 SQ. FT.



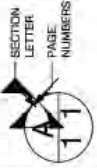
2" SPRAYFOAM & R13 BATT INSULATION = R27 TOTAL VALUE IN EXTERIOR WALLS
3" SPRAYFOAM & R19 BATT INSULATION IN VAULTED CLG.

****NOTE**** Actual Dimensions Subject to Change During Construction Due to Changes In Actual Unseen Existing Conditions

EXISTING CONDITIONS



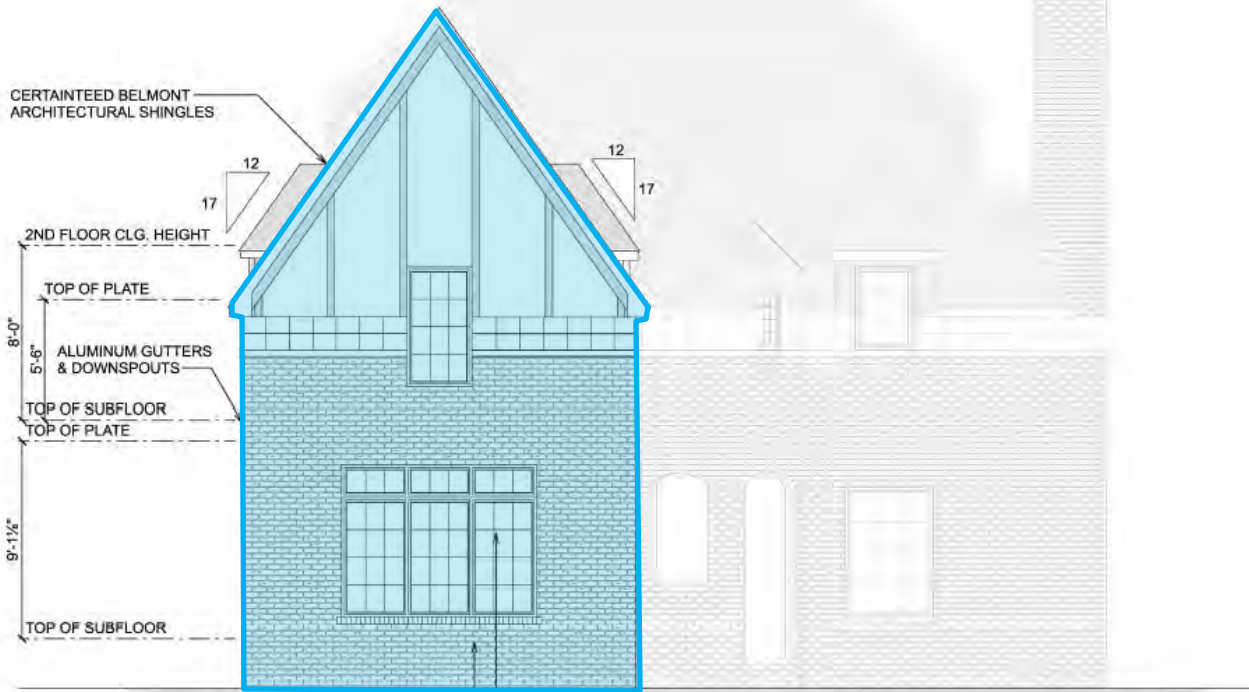
SECOND FLOOR
SCALE: 1/8" = 1'-0"



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1115 Wilbert Road





CERTAINTED BELMONT ARCHITECTURAL SHINGLES

2ND FLOOR CLG. HEIGHT

TOP OF PLATE

ALUMINUM GUTTERS & DOWNSPOUTS

TOP OF SUBFLOOR

TOP OF PLATE

9'-1 1/2"

TOP OF SUBFLOOR

ALL EXTERIOR COLORS TO MATCH EXISTING COLORS

PELLA LIFESTYLE WINDOWS
BRICK

FRONT ELEVATION

SCALE: 3/16" = 1'-0"

The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

PAGE:

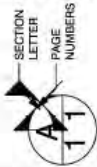
6

FRONT ELEVATION

DRAWN BY:

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DATE: 7/8/2024



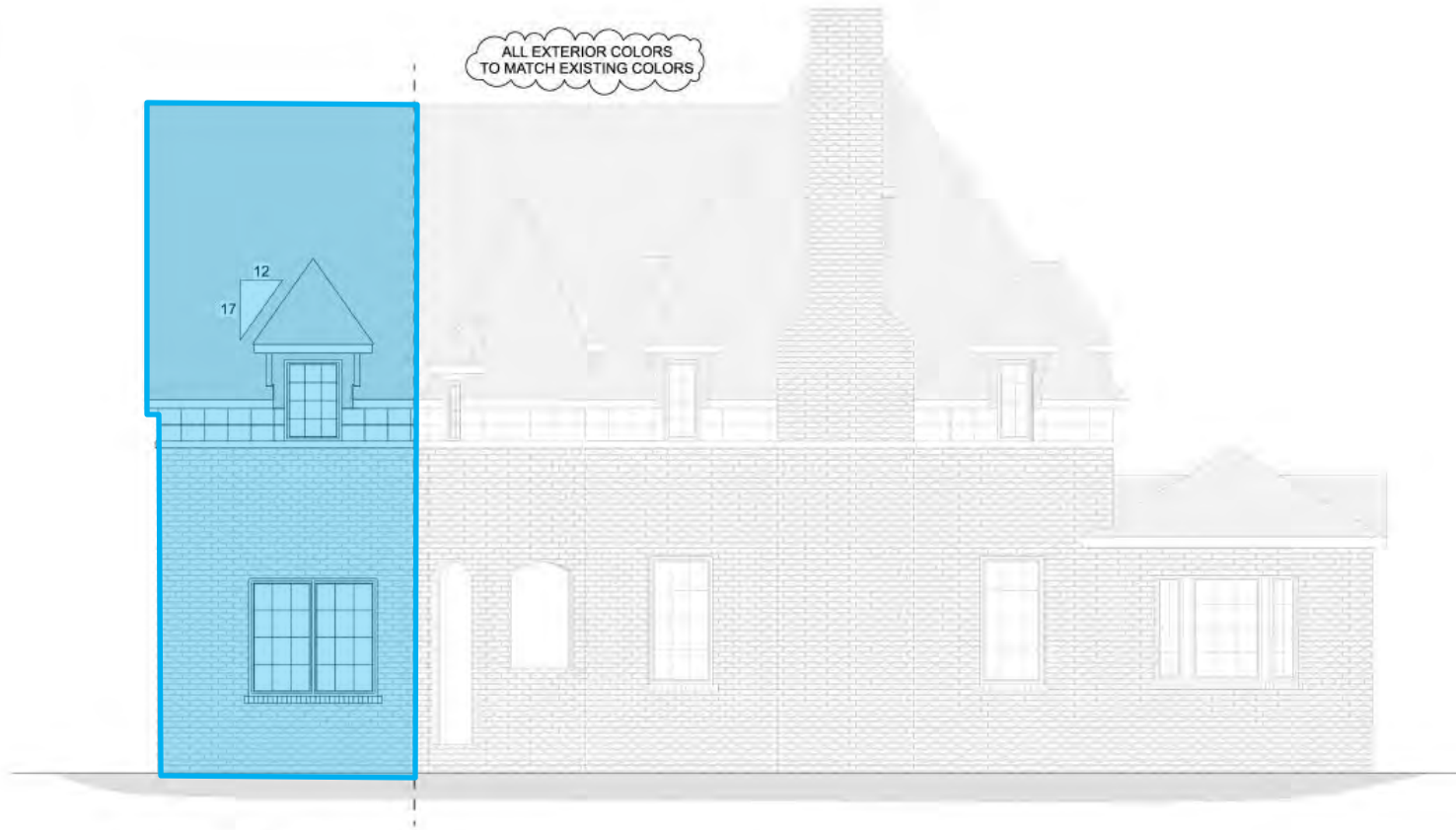
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1115 Wilbert Road





ALL EXTERIOR COLORS
TO MATCH EXISTING COLORS



RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

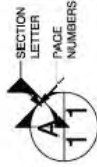
The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

PAGE: **7**

RIGHT ELEVATION

DRAWN BY:
SCALE: 3/16" = 1'-0"
DATE: 7/8/2024

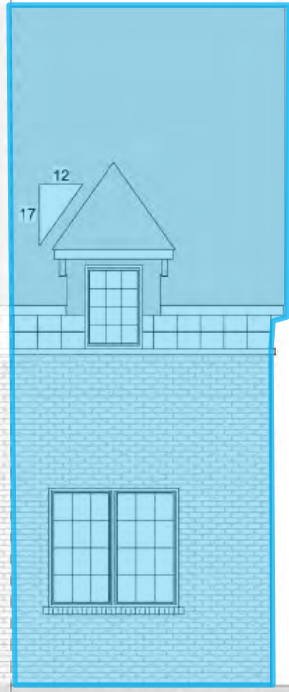


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1115 Wilbert Road



ALL EXTERIOR COLORS
TO MATCH EXISTING COLORS



LEFT ELEVATION
SCALE: 3/16" = 1'-0"

The Pernsteiner Residence

1115 Wilbert Rd.
Lakewood OH 44107

DRAWN BY:
SCALE: 3/16" = 1'-0"
DATE: 7/8/2024

PAGE: **8**

LEFT ELEVATION



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North Canton, OH 44720

1115 Wilbert Road

























Fix lighting





1173.04 Variances

Nine Elements of Practical Difficulty. Owner's responses to questions below.

(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;

Not applicable

(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;

Not applicable

(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);

Not applicable

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

No, the variance is not substantial. We are only requesting to encroach into the front setback by 3.14'.

(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);

No, the essential character of the neighborhood would not be substantially altered by the granting of this variance. The new addition would only enhance the neighborhood, and has received ARB approval.

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

No, it will not affect the delivery of governmental services.

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

No, the property owner was not aware at the time of purchasing their home they would want to put on an addition.

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

No, there is no other method to build an addition that is sized functionally and in keeping with the proportion to the current home and not encroach into the front setback.

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

Yes, approving the front set back encroachment still keeps the overall presence of the neighborhood and the intent of the zoning codes.



1655 Roosevelt Ave

Administrative Comments

- The request is a modest one
- Adjacent properties are at a similar setback





Public Comment

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



1655 Roosevelt

Docket No. 08-15-24
1115 Wilbert Rd.

Applicants Lisa Davis and Jason Amato of Old World Classics LLC for property owners Kathleen and Thomas Pernsteiner, propose the construction of a new multi-story addition on the front of the primary structure. The property is located in the R1M, Single-Family Medium Density District. (Page 3)

- Variance 1: Owner proposes an addition to the east face of the existing primary structure, with the addition to be located at **46 feet 6 inches** from the public right of way, where the minimum permitted front setback is 50 feet. Request a variance to reduce the front yard setback by **3 feet 6 inches** to construct the multi-story addition, as proposed. Pursuant to section 1121.07 Minimum Yard requirements (Ord. 07-2023. Passed 11-20-23.)





Docket No. 08-16-24

12201 Detroit Ave

Applicant Brian Salsbury Of Master Deck Builder Cleveland for property owner Nicholas Huggett proposes the installation of a second-floor unroofed patio deck. The property is located in the C3 Commercial General Business District



**1. Docket No. 08-16-24
12201 Detroit Ave.**

Applicant Brian Salsbury of AAY LLC, dba Master Deck Builder Cleveland, for property owner Nicholas Huggett, proposes the installation of a second-floor unroofed patio deck in a triangular shape of approx. 61 feet, constructed with porch rails above the existing first-floor patio. The property is located in the C3, Commercial General Business District. (Page 27)

- Variance 1: The owner proposes the construction of an elevated and unroofed patio deck with access from the existing second-floor level. The maximum height permitted for an unroofed patio deck is 42 inches above grade. Request a variance to construct an elevated patio deck that is approx. **61 feet** in area and with the height at the existing second-floor level **10 ft**, as proposed. Pursuant to sections 1129.03 Accessory Uses (Ord. 24-98. Passed 5-18-1998) and 1127.03 (Ord. 24-98. Passed 5-18-1998.)



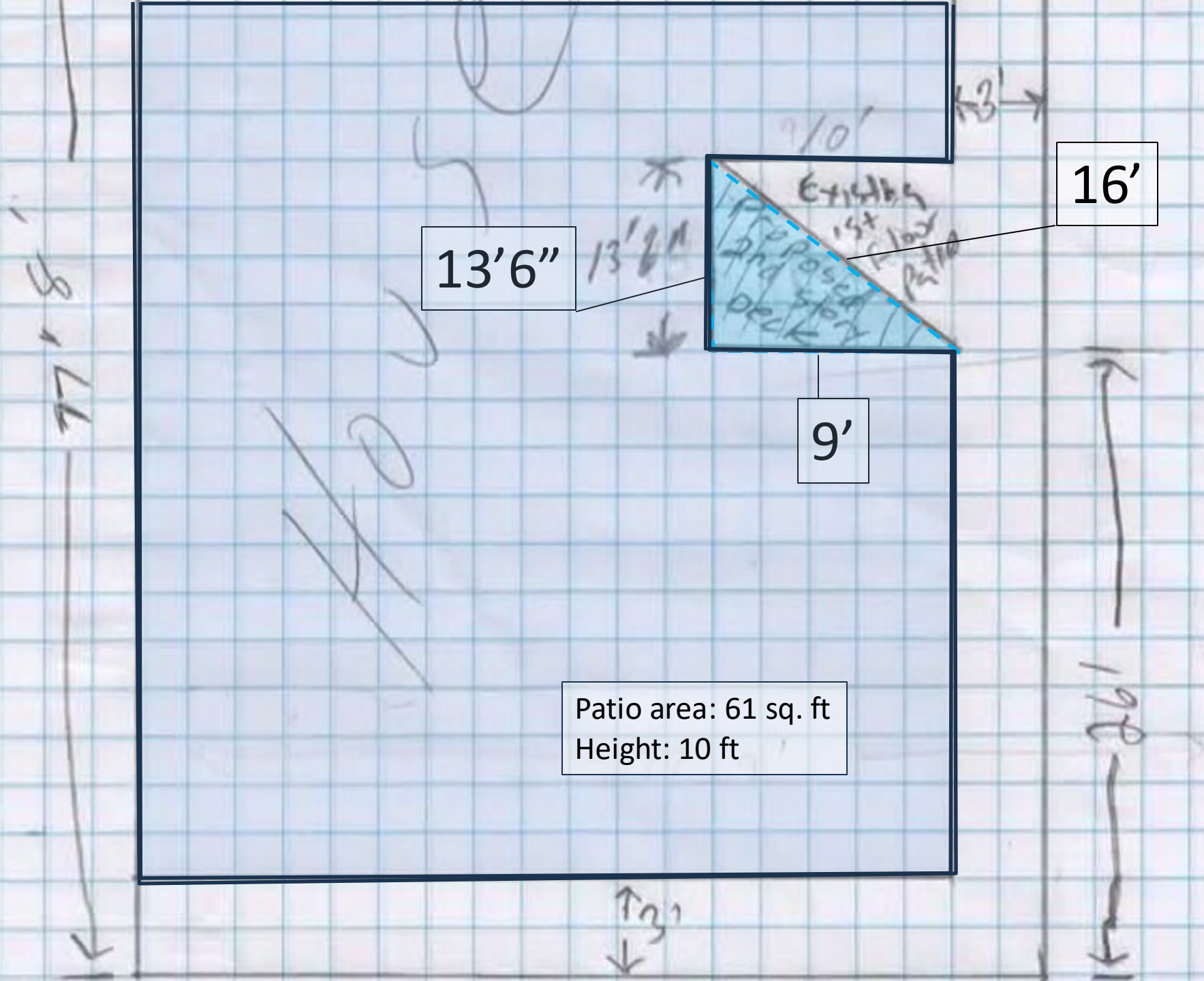
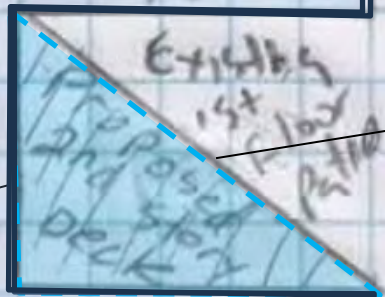
12201 Detroit Ave

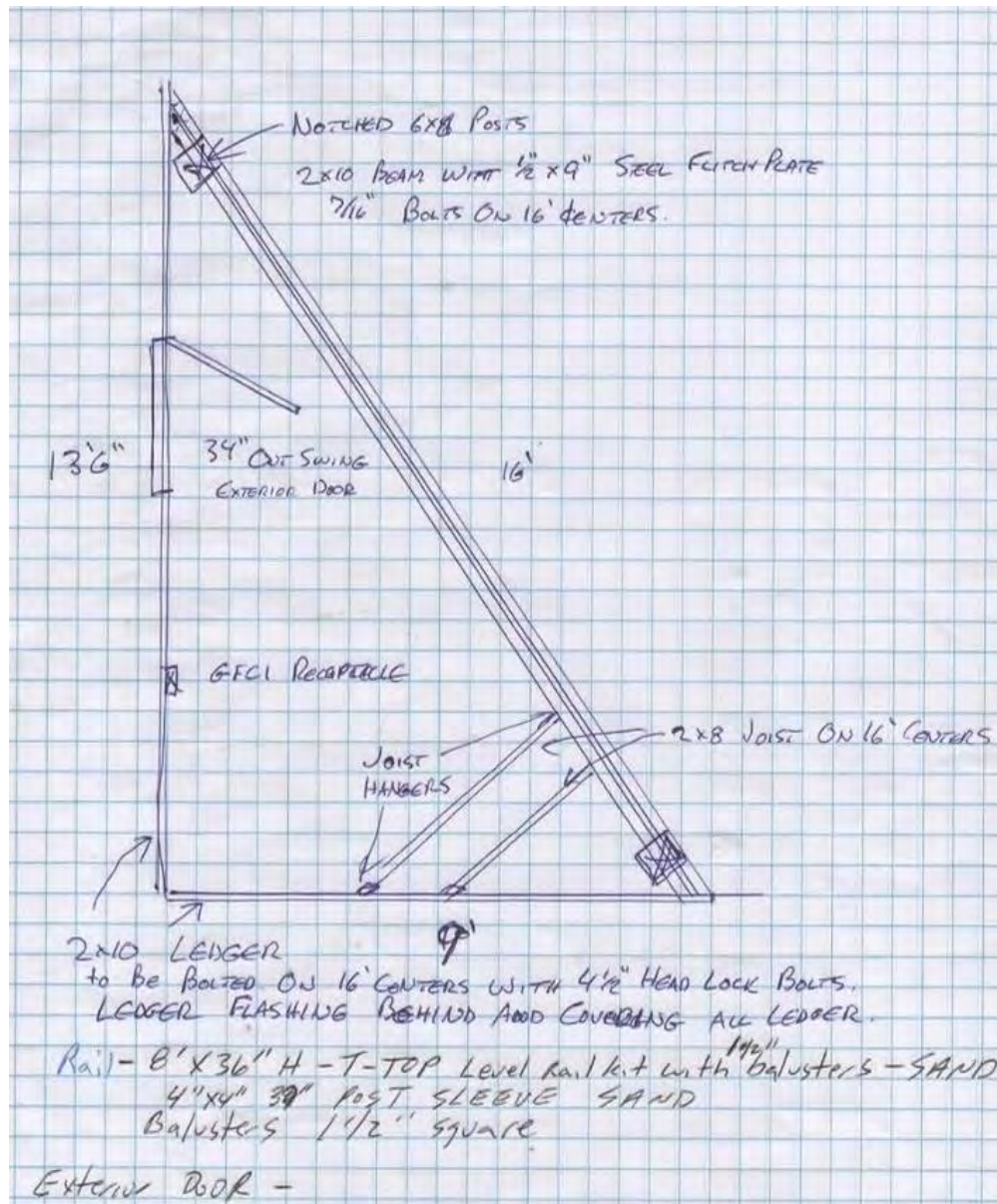
13'6"

16'

9'

Patio area: 61 sq. ft
Height: 10 ft





12201 Detroit Ave



12201 Detroit Ave

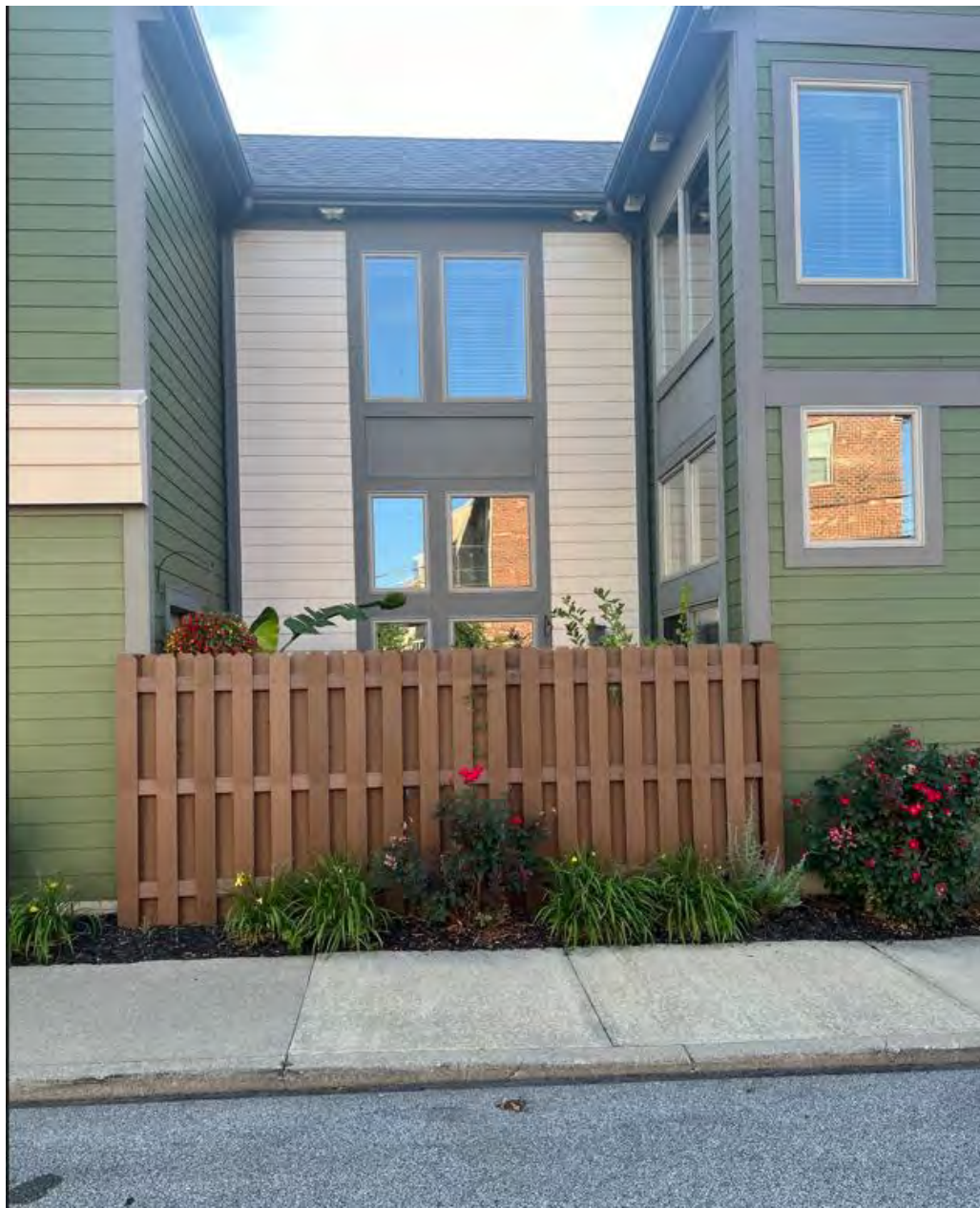


12201 Detroit Ave

Winchester

12201





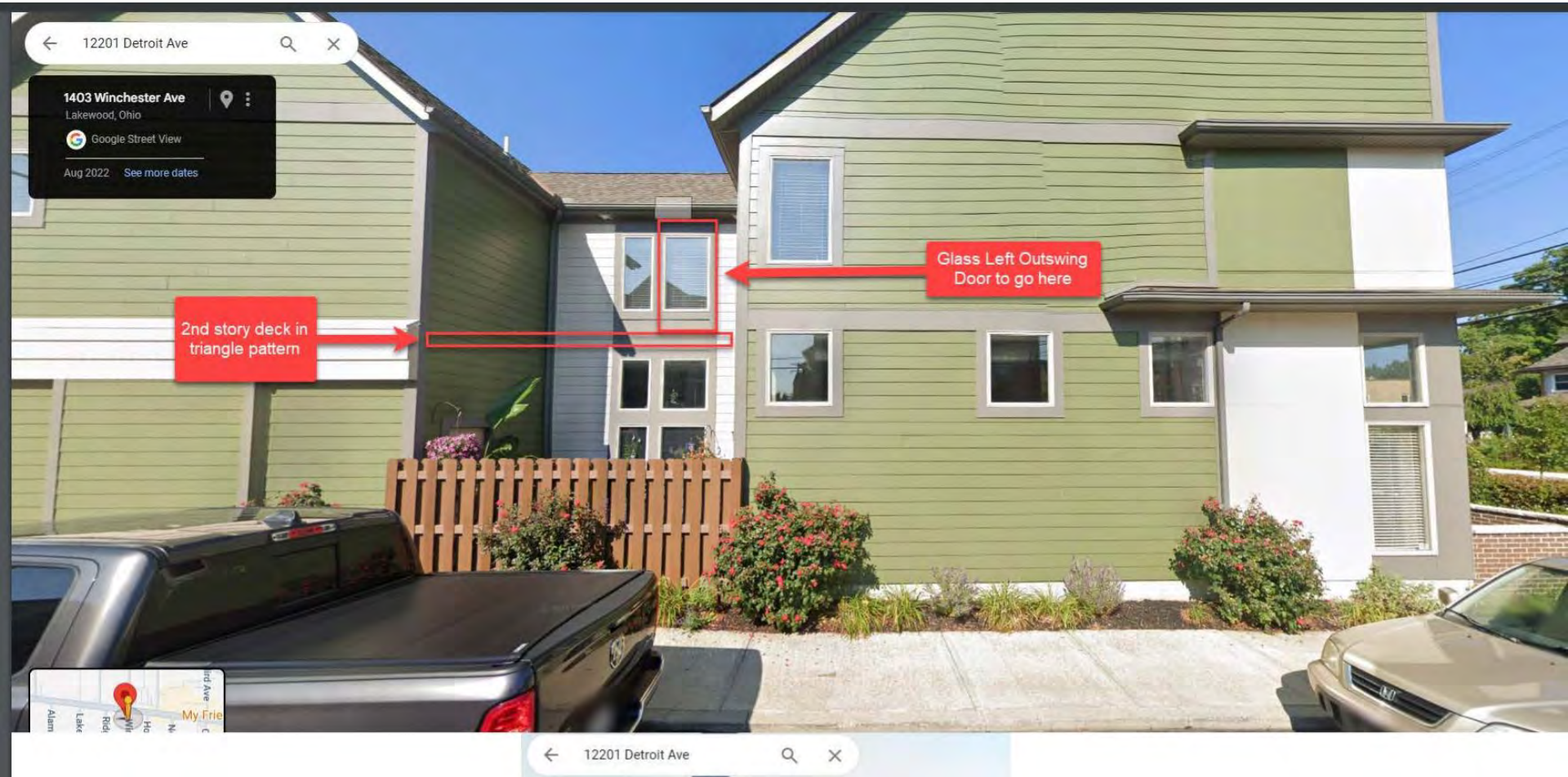
12201 Detroit Ave



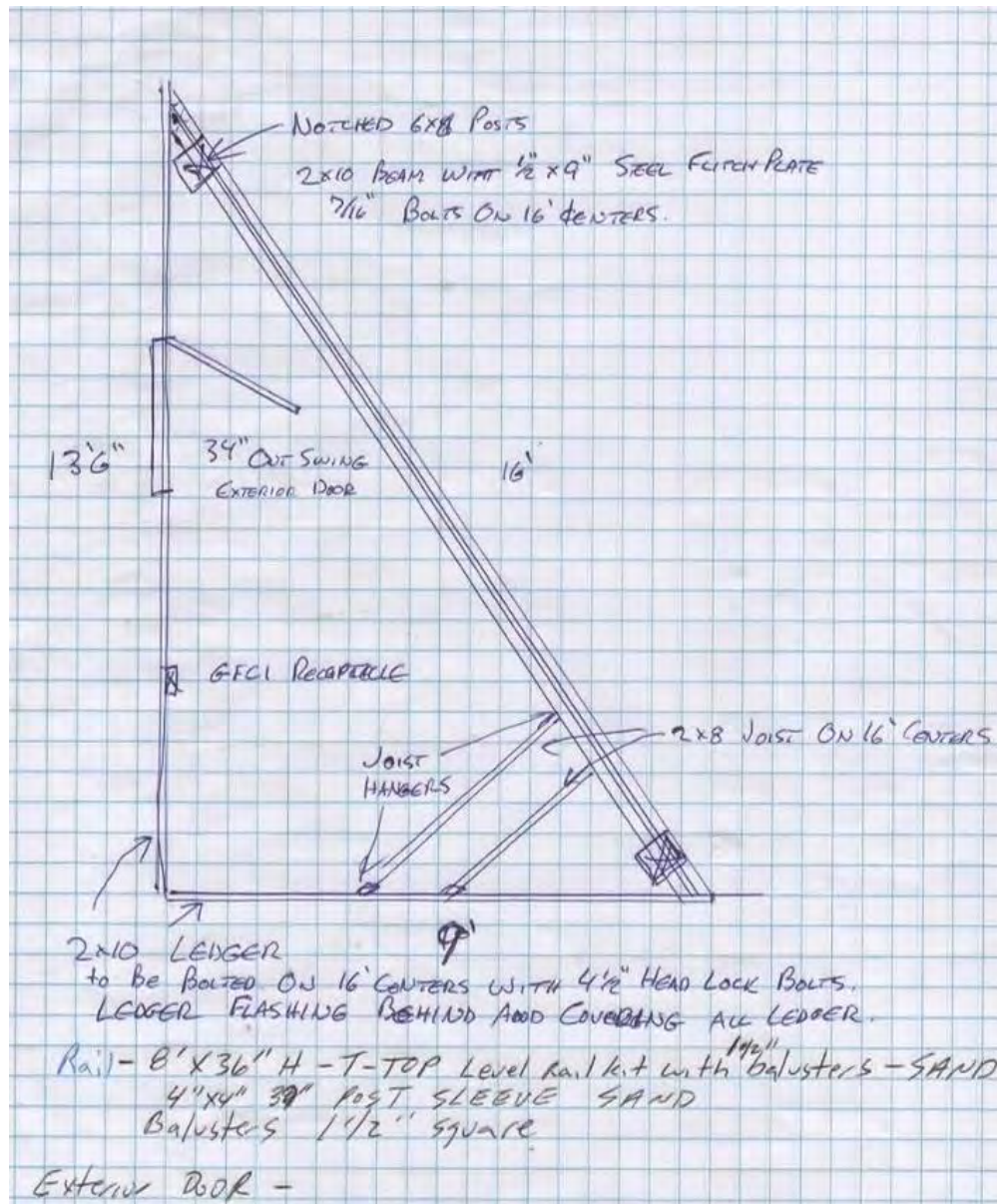




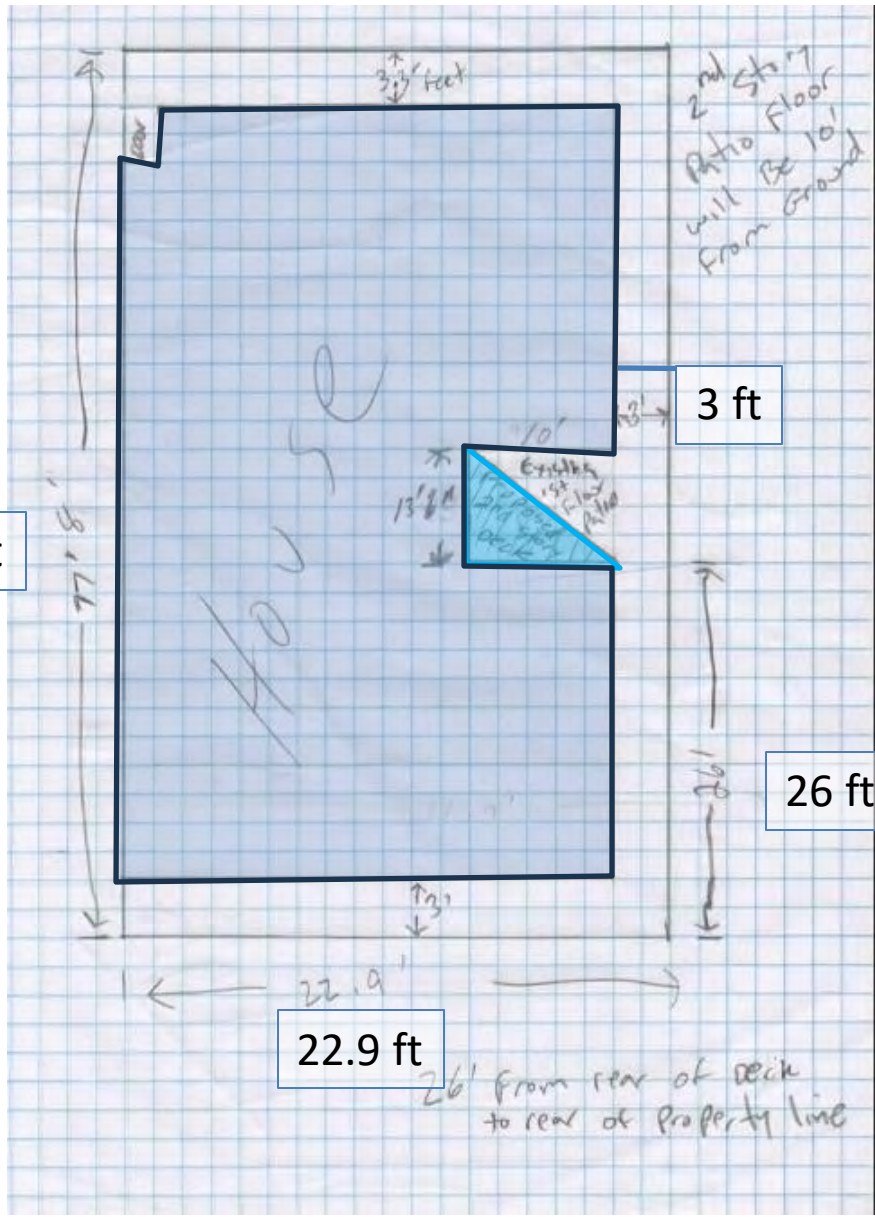




12201 Detroit Ave



12201 Detroit Ave



77.8 ft

3 ft

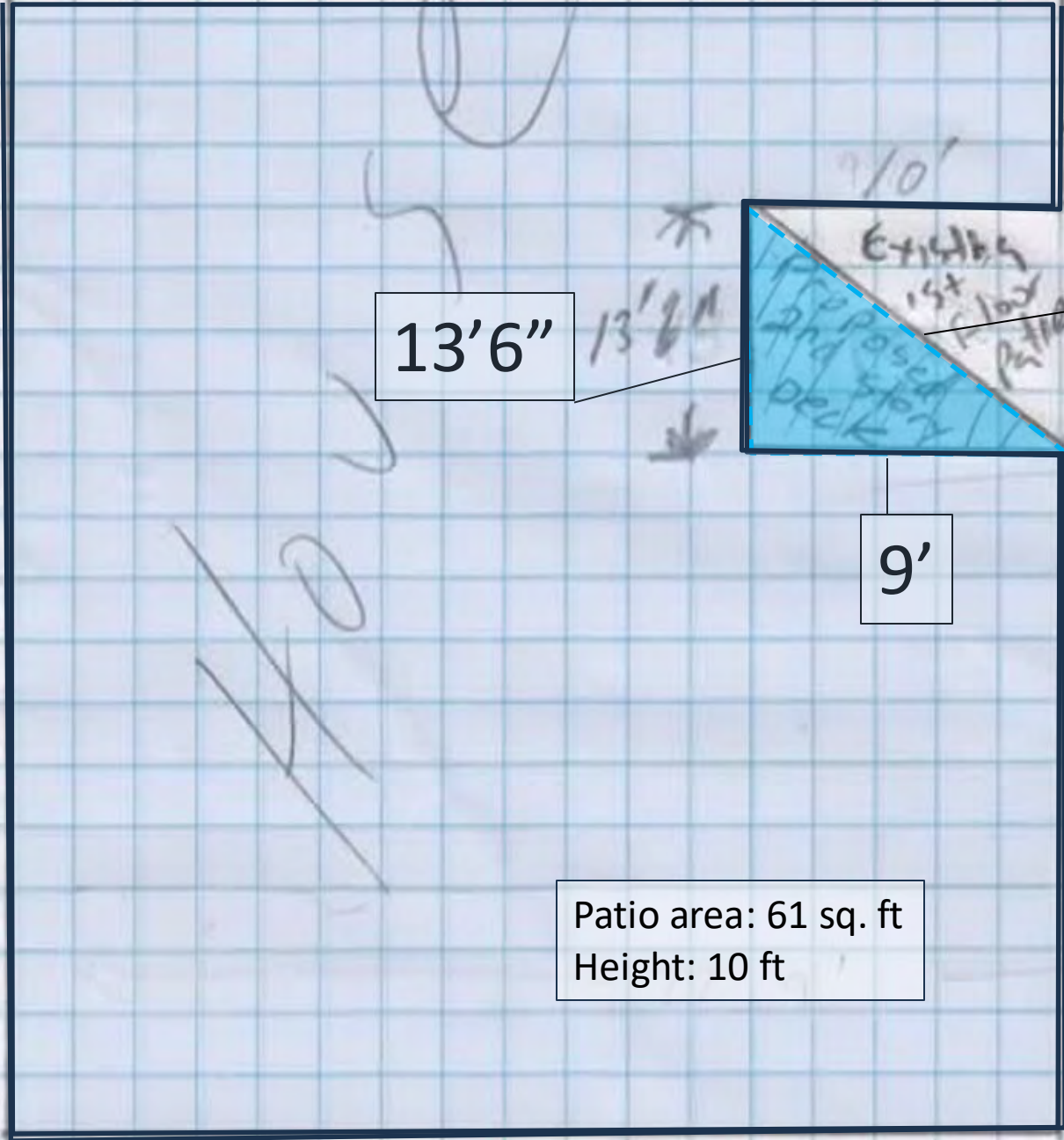
26 ft

22.9 ft

2nd story patio will be 10ft high



12201 Detroit Ave

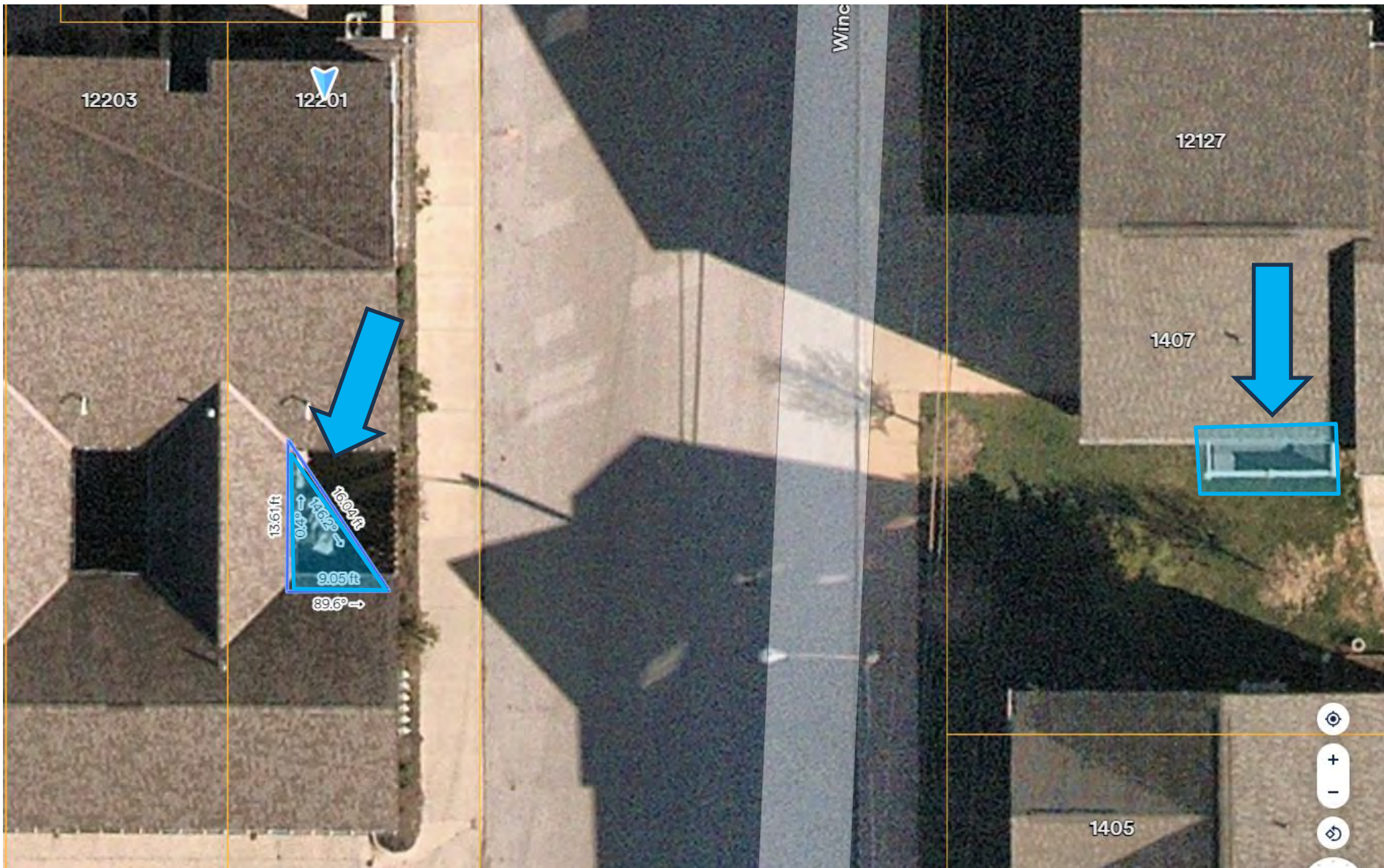


16'

13'6''

9'

Patio area: 61 sq. ft
Height: 10 ft



12201 Detroit Ave



12201 Detroit Ave

Owner/agent responses- 1173.04 Variances

In order to 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.

(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;

No

(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;

Not sure

(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);

We believe the property will yield a reasonable return. There is a beneficial use of the property without the variance however we feel the use would be more beneficial with the variance

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

We believe it is

(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);

No properties would suffer and the essential character of the neighborhood would maintain the aesthetic standard as our deck would be using the same style rails and deck material as our neighbors

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

No adverse affects

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

We had no knowledge of any zoning restrictions

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

No we'll need the variance to install the 2nd story deck

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

Yes we believe the spirit and intent of the code would be observed and substantial justice done by granting the variance, there are multiple 2nd story decks next door across the street and ours would match the look of those



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Administrative Comments

- The property is in a planned development, there are similar properties across the street in phase II of the development that have second floor unroofed patio decks similar in size to what is proposed
- The board has granted similar variances in the past with no negative consequences observed or reported.



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Public Comment

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



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**1. Docket No. 08-16-24
12201 Detroit Ave.**

Applicant Brian Salsbury of AAY LLC, dba Master Deck Builder Cleveland, for property owner Nicholas Huggett, proposes the installation of a second-floor unroofed patio deck in a triangular shape of approx. 61 feet, constructed with porch rails above the existing first-floor patio. The property is located in the C3, Commercial General Business District. (Page 27)

- Variance 1: The owner proposes the construction of an elevated and unroofed patio deck with access from the existing second-floor level. The maximum height permitted for an unroofed patio deck is 42 inches above grade. Request a variance to construct an elevated patio deck that is approx. **61 feet** in area and with the height at the existing second-floor level **10 ft**, as proposed. Pursuant to sections 1129.03 Accessory Uses (Ord. 24-98. Passed 5-18-1998) and 1127.03 (Ord. 24-98. Passed 5-18-1998.)



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A detailed zoning map of a city, showing a grid of streets and various colored zones. The colors include yellow, blue, green, orange, purple, and pink, representing different zoning districts. The map is the background of the entire slide.

Adjourn



Board of Zoning Appeals



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