

**MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKEWOOD CITY HALL
AUDITORIUM
OCTOBER 17, 2024
6:30 P.M.
MEETING IS RECORDED
<https://www.lakewoodoh.gov/videos-2/>**

6:00 p.m. Pre-Review Meeting

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Jeffrey Pigott

Administrative Staff

Michelle Nocht, Senior Planner, Secretary
Justin Maskaluk, Property Maintenance Inspector
Myriam Miranda, Chief Prosecutor

During the pre-review meeting, the applications and minutes were discussed by the Board and staff. Prior to the preview the applicant asked to change his variance request as his plans were to be amended to place the in-ground swimming pool at it's closest 4 ft from the west side property line.

1. ROLL CALL

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Jeffrey Pigott

Administrative Staff

Michelle Nocht, Senior Planner, Secretary
Justin Maskaluk, Property Maintenance Inspector
Myriam Miranda, Chief Prosecutor

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

2. APPROVE MINUTES OF THE SEPTEMBER 19, 2024 MEETING

A motion was made by Mr. Pigott, seconded by Ms. Bolino to **APPROVE the September 19, 2024 meeting minutes as amended**. Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed. The change to the minutes was follows:

Myriam Miranda, Chief Prosecutor was in attendance as Administrative Staff instead of Andrew Fleck, Assistant Prosecutor.

3. OPENING REMARKS

Ms. Nocht read the Opening Remarks into the record.

NEW BUSINESS

4. Docket No. 10-18-24 17859 Lake Rd.

Applicant and property owner Nick Swerchowsky, proposes the construction of a new in-ground family swimming pool in the west side yard of the existing home. The family pool is proposed to be placed at its closest four feet (4') ~~six feet, one inch (6', 1")~~ from the west side property line, as proposed. The minimum permitted side yard setback is 10 feet. The property is located in the R1L, Single-Family Low Density District. (Page 3)

- Variance 1: Owner proposes the demolition of the existing fountain structure and construction of a new inground swimming pool that is 13 feet in width and 34 feet in length, at its closest four feet (4') ~~six feet, one inch (6', 1")~~ from the west side property line. Request a variance to reduce the sideline setback from the required 10 feet and construct the new pool at four feet (4') ~~six feet, one inch (6', 1")~~ from the west side lot line, as proposed. Pursuant to section 1121.10c Additional Accessory Structure Regulations. (Ord. 32-16. Passed 09-06-2016.)

*A second Variance was added to Docket No. 10-18-24 during the meeting. The notice for this variance was determined to be sufficient as all the abutting neighbors had received notice stating that the pool would be in the west side yard, and all had affirmed their support.

- Variance 2: Owner proposed the placement of the pool to be in the side yard.

Applicant and property owner, Nick Swerchowsky, was present to explain the request. He said some plans had changed that allowed the removal of a fountain allowing the placement of the pool to be moved. Ms. Nochta stated there was discussion as to whether a side yard variance request was required. Mr. Pigott asked if the proposed pool was closer to the property line than the primary structure, and if so, would that necessitate the addition of a second variance for approval of a pool in the side yard. Ms. Nochta provided the Administrative Comments. Public comment was received prior to the meeting (made part of record). Public comment was closed as no one addressed the item. The applicant was reminded there were only three of five members present at the meeting which could affect outcome of the vote.

A motion was made by Ms. Bolino, seconded by Mr. Pigott to **APPROVE Docket No. 10-18-24 for Variance 1 to place a pool four feet (4') from the west side property line as proposed and for Variance 2 to place the pool in the side yard.** Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed.

5. Docket No. 10-19-24 1212 Ramona Ave.

Applicant and property owner Alison Machado proposes construction of an addition on the rear of the existing single family home. Minimum permitted rear setback required is 40 feet, setback is 37.38 feet, as proposed. Request a variance to reduce rear setback 37.38 feet, as proposed. The property is located in the R1H, single Family High density District. (Page 14)

- Variance 1: Owner proposes the construction of an addition on the rear of the existing single family home. Minimum permitted rear setback required is 40 ft, setback is 37.38 feet, as proposed. Request a variance to reduce rear setback 37.38 feet, as proposed. Pursuant to

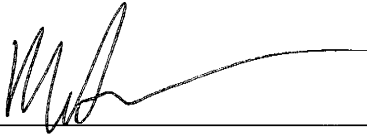
section 1121.07 Minimum Yard Requirements for Principal Buildings(Ord. 91-95. Passed 10-7-1996.)

Applicant and property owner, Shawn Machado, was present to explain the request. Ms. Bolino asked for confirmation about the dimensions. Ms. Nochta provided Administrative Comments. No public comment was received prior to the meeting. There was no one present to give public comment. Ms. Bolino said it was a small yard, and Mr. Pigott stated it was a modest request. It was confirmed the air conditioning unit would stay remain in the rear yard. The Board members had no more questions or comments at that time.

A motion was made by Mr. Pigott, seconded by Ms. Bolino to **APPROVE Docket No. 10-19-24 Variance 1 as proposed.** Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed.

ADJOURN

A motion was made by Mr. Pigott, seconded by Mr. Alexander to **ADJOURN the meeting at 6:58 p.m.** All the members voted yea; the motion passed.



Signature

11/21/2024

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. Nicholas Swarczewsky

[Signature]

2. Shawn Macbald

[Signature]

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, October 17, 2024

Johanna Schwarz

From: Brian Powers <bpowers.cle@gmail.com>
Sent: Tuesday, October 15, 2024 8:26 AM
To: Planning Dept
Subject: Docket No. 10-18-24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Commission:

We are writing in regards to the planned swimming pool installation at 17859 Lake Road, which is immediately next door to us. The owner Nick Swerchowsky is an excellent neighbor who maintains his property in an immaculate manner. We are confident that he will do a great job with this project and will make the construction as smooth as possible for the neighborhood. We are fully supportive of this investment in his home.

Respectfully,

Brian & Maureen Powers
17855 Lake Road
(216) 496-3238
bpowers.cle@gmail.com

PS: As a former member of the Planning Commission and City Council, I appreciate what you do for our community on the Planning Commission. Thank you for performing a thankless job.

Brian Powers

Johanna Schwarz

From: ErinWaleed KellyAhmed <kellyandahmed@gmail.com>
Sent: Thursday, October 17, 2024 8:00 AM
To: Planning Dept
Subject: Docket 10-18-24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi

No issue on the setback but confirming a fence will be built around swimming pool for safety reasons. I understand this fence is in the plan so no objection.

Thank you
Waleed and Erin
17863 lake rd

Johanna Schwarz

From: Michelle Nochta
Sent: Friday, October 18, 2024 8:08 AM
To: Johanna Schwarz
Subject: BZA changes and notes

Follow Up Flag: Follow up
Flag Status: Completed

Hi Johanna,

a few change for the swimming pool at 17859 Lake- changed the request to place the pool 4 ft from the side property line at the closest- it's changed in the ppt(he came in with the change) and then we added a second variance to place the pool "in the side yard" to cover our bases. there was a change to the minutes- Miriam was there not Andy(Jeff caught it) . You may notice a weird gavel sound in the recording- Michael couldn't find the gavel so he used his hand- LOL.

Let me know if you have any questions- my notes are messy- thanks so much!

Michelle Nochta, AICP
Senior Planner and ADA Coordinator- Planning & Development

City of Lakewood
Department of Planning & Development
12650 Detroit Avenue
Lakewood, Ohio 44107

(216) 529-6630 main
(216) 529-5906 direct

www.lakewoodoh.gov

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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: Miriam Myranda

Building Department: Justin Maskaluk

Board of Zoning Appeals

October 17, 2024

Agenda

1. Roll Call
2. Vote to approve *September 19, 2024*, meeting minutes
3. Opening Remarks

NEW BUSINESS

4. Docket No. 10-18-24 17859 Lake Rd
5. Docket No. 10-19-24, 1212 Ramona Ave

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

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
*September 19, 2024***



Board of Zoning Appeals



Opening Remarks



Board of Zoning Appeals



Docket No. 10-18-24
17859 Lake Rd

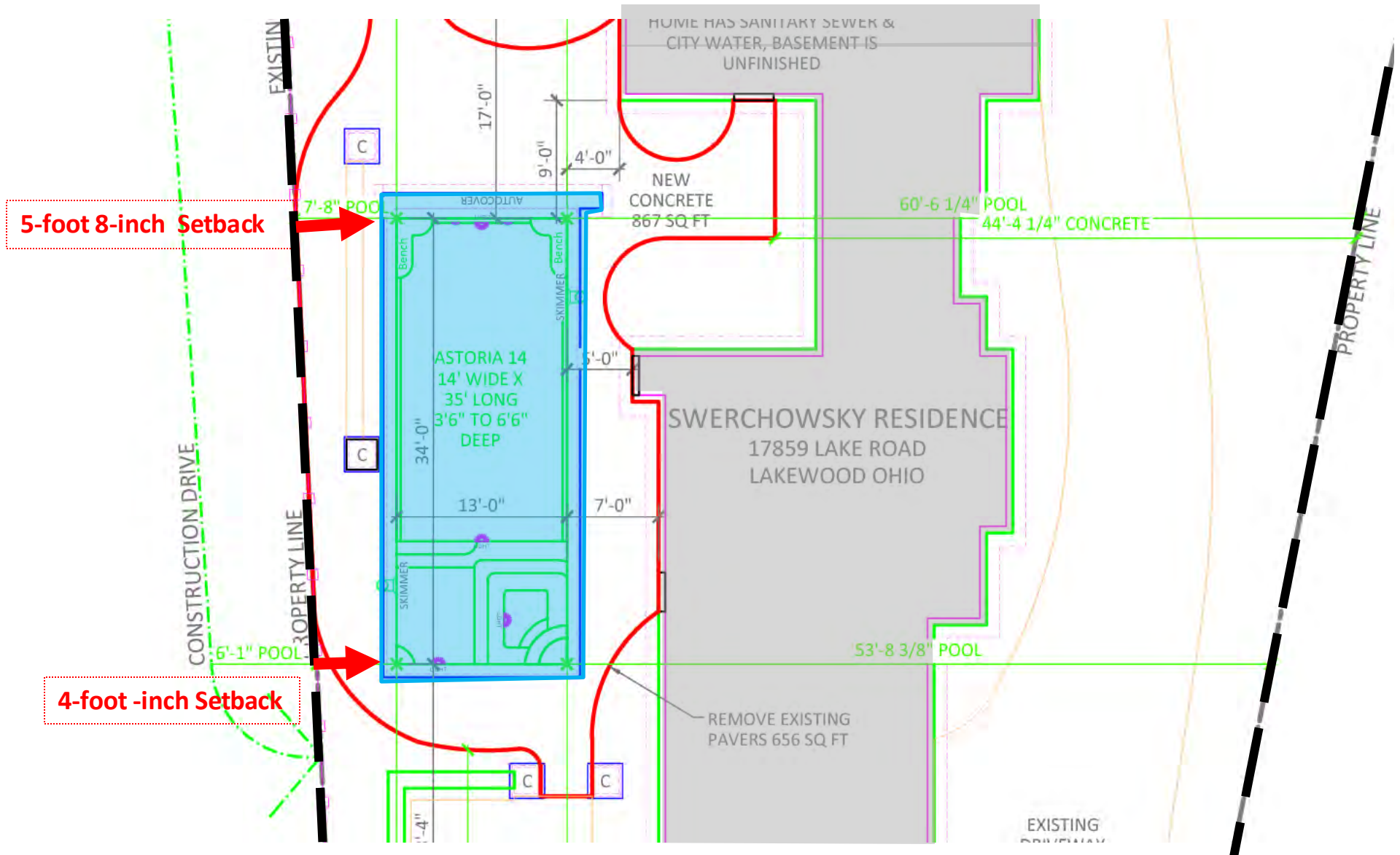
Applicant and owner Nick Swerchowsky, proposes the construction of a new in-ground pool in the west side yard of the property. The property is located in the R1L, Single-Family Low Density District



17859 Lake Rd

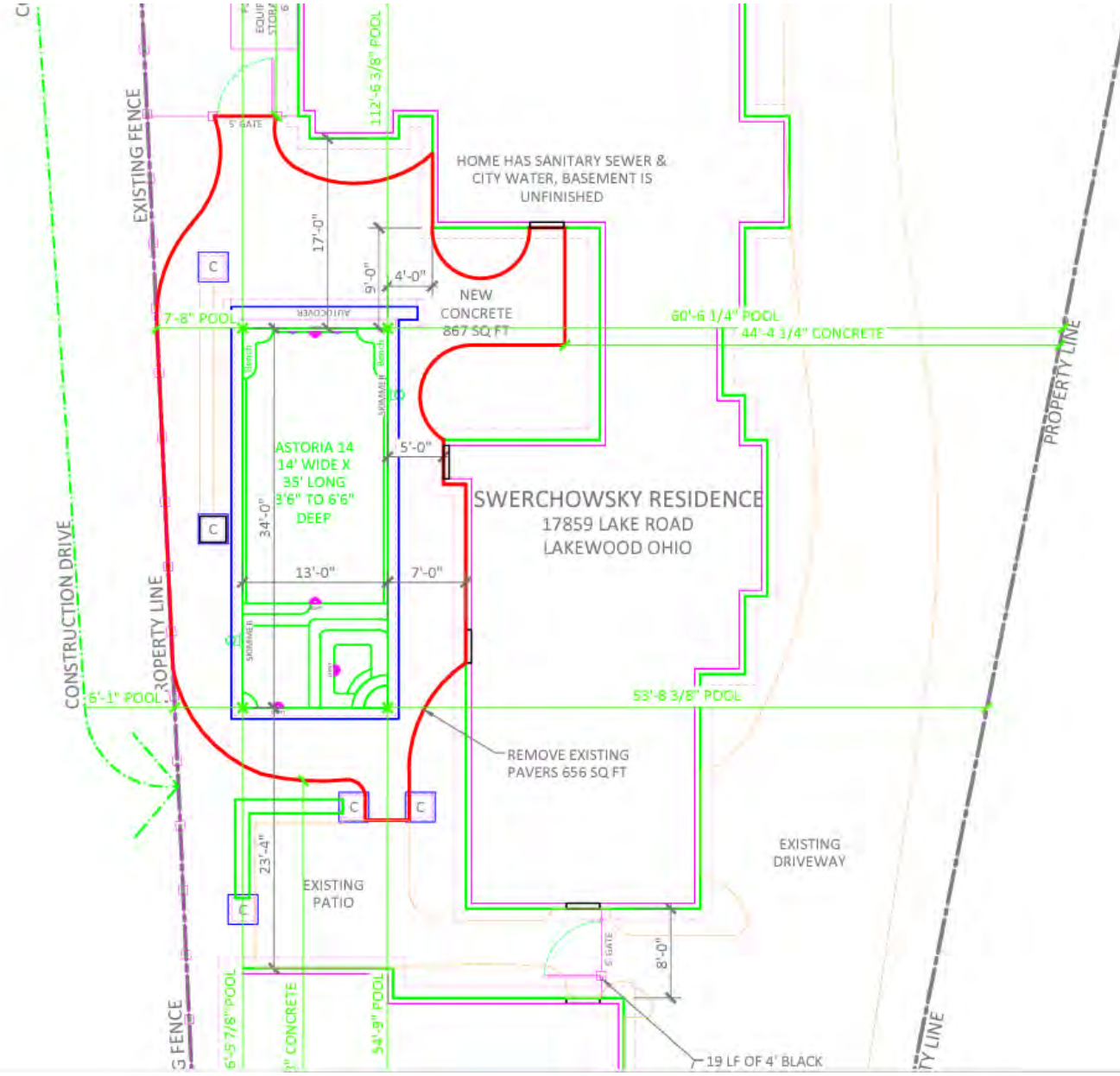
Docket No. 10-18-24
17859 Lake Rd

Applicant and property owner Nick Swerchowsky, proposes the construction of a new in-ground family swimming pool in the west side yard of the existing home. The family pool is proposed to be placed at it's closest 4 feet inch from the west side property line, as proposed. The minimum permitted side yard setback is 10 ft.. The property is located in the R1L, Single-Family Low-Density District.



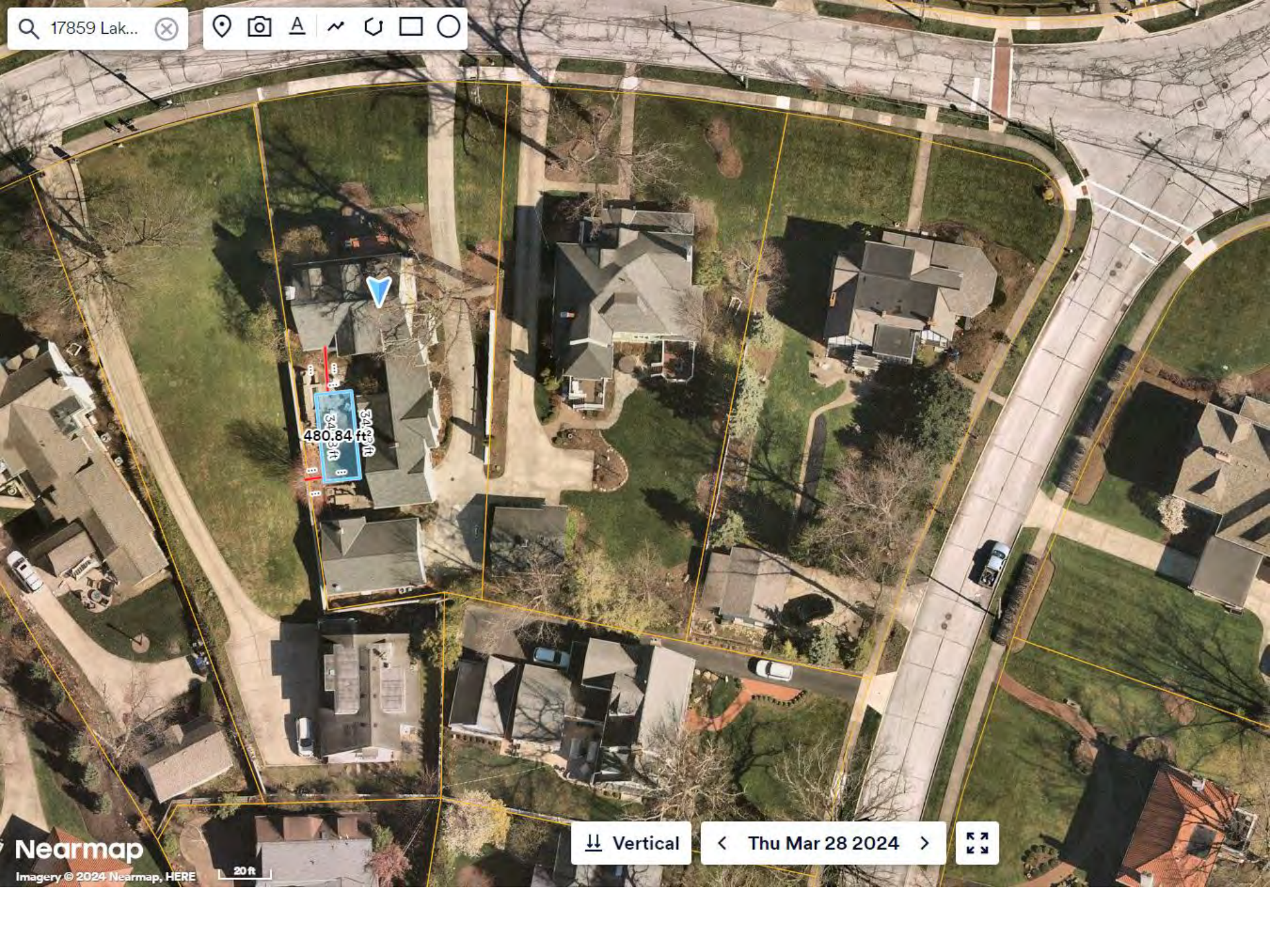
Scaled site plan

17859 Lake Rd



Scaled site plan

17859 Lake Rd



480.84 ft
11' x 42''

17859 Lak... [location icon] [camera icon] [A icon] [wavy line icon] [undo icon] [square icon] [circle icon]



17859 Lakewood
17.03 ft
14.11 ft
480.84 ft²
17859 Lakewood

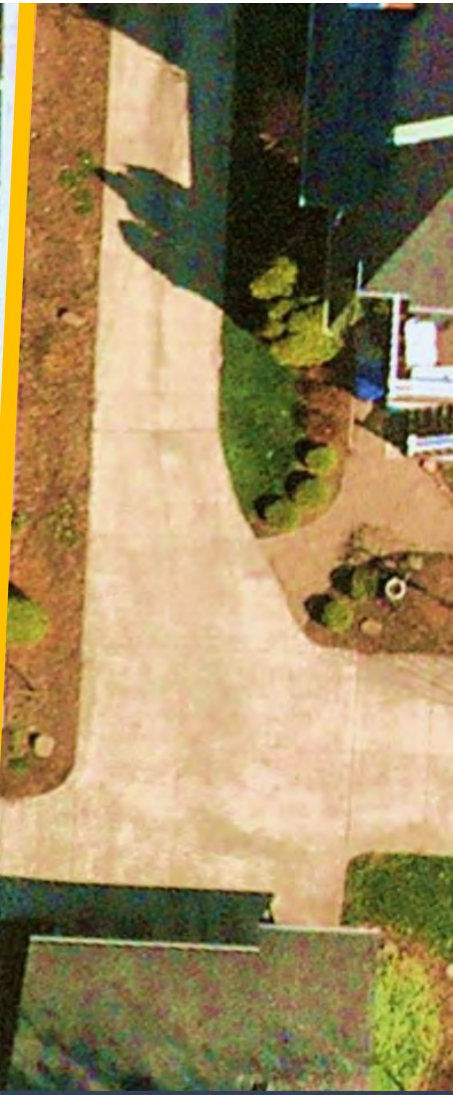
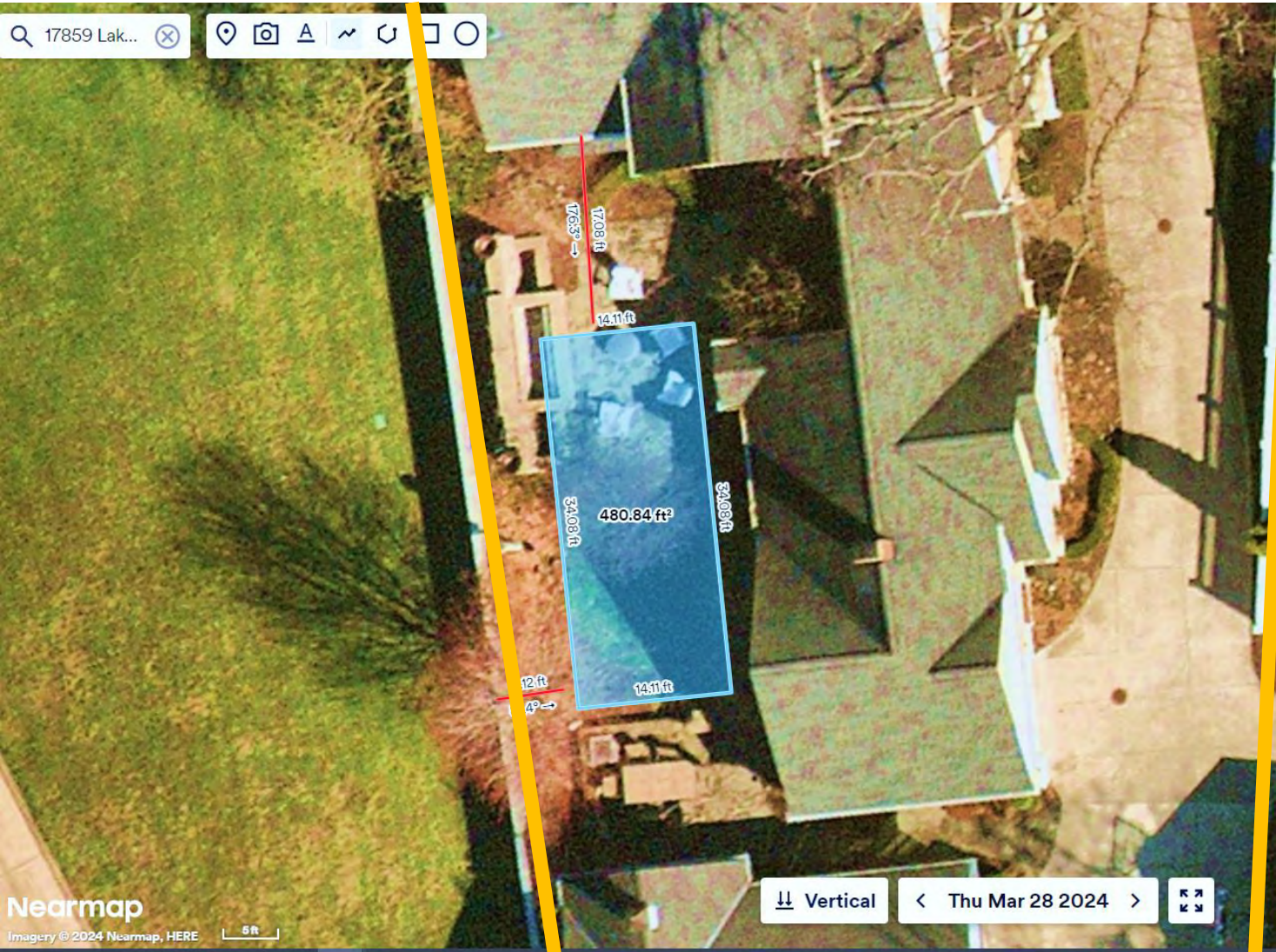
Nearmap
Imagery © 2024 Nearmap, HERE

10 ft

Vertical Thu Mar 28 2024



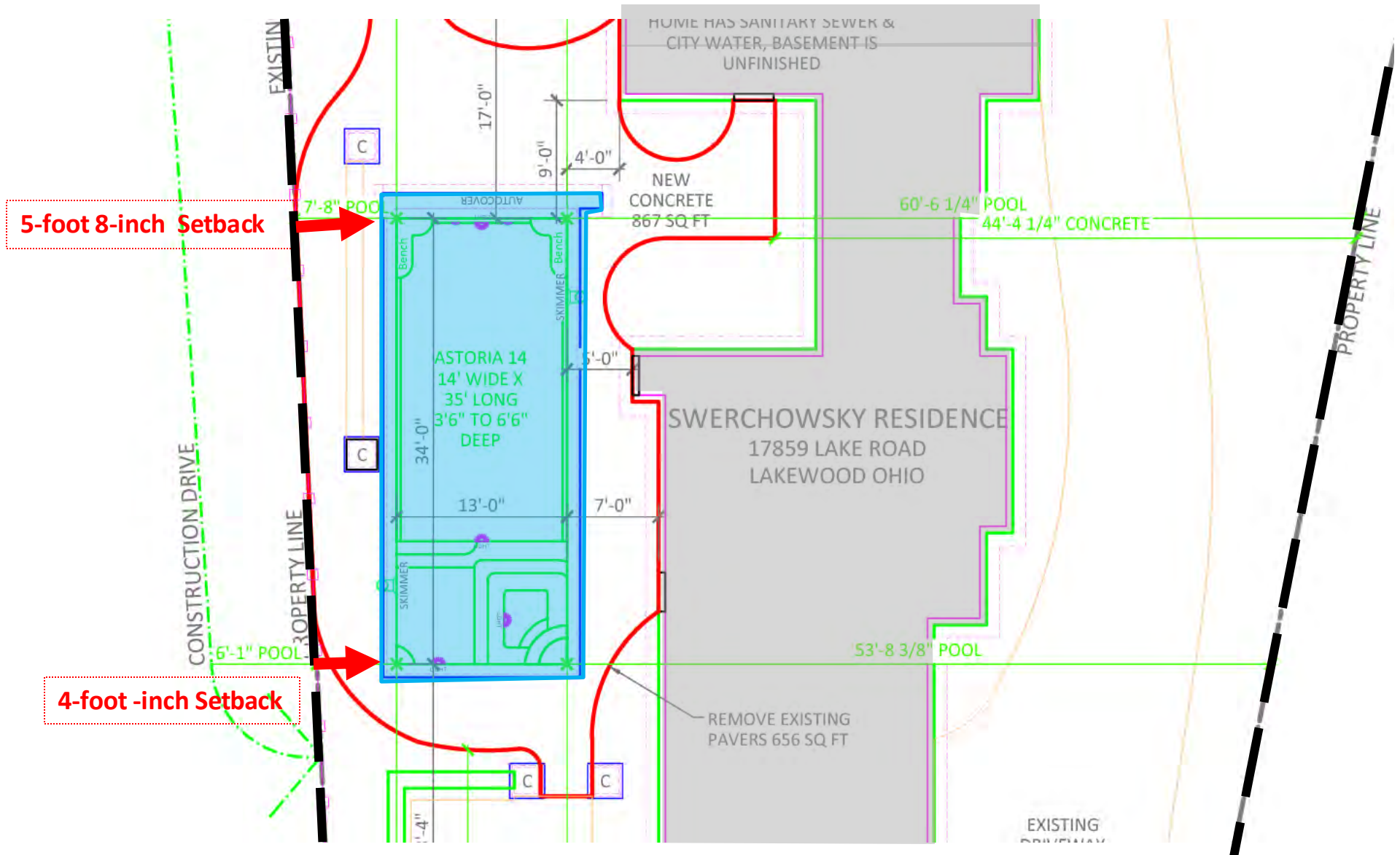
17859 Lak...        



Nearmap
Imagery © 2024 Nearmap, HERE

5 ft 

 Vertical  Thu Mar 28 2024  



Scaled site plan

17859 Lake Rd



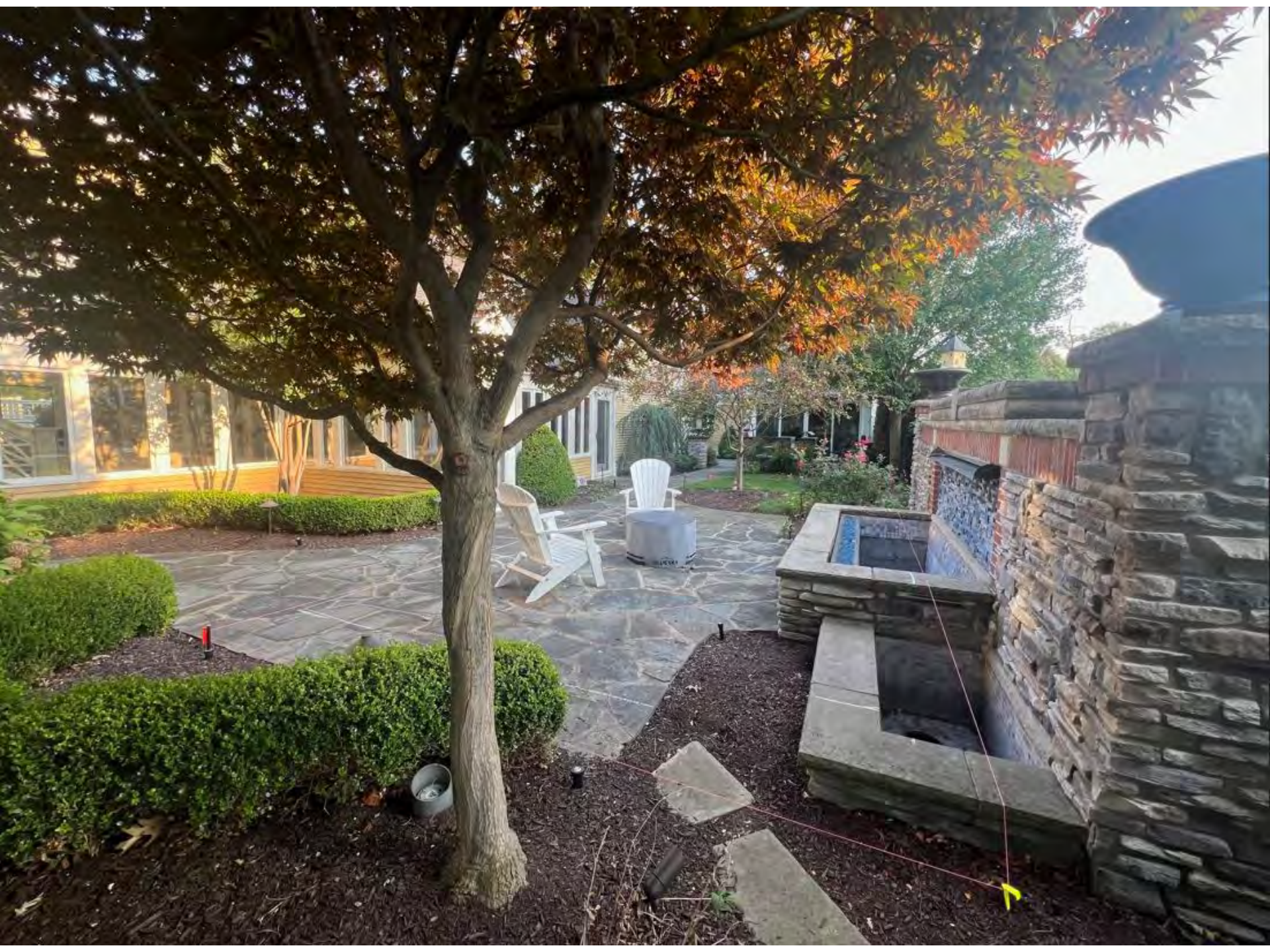
17859 Lake Rd



17859 Lake Rd



17859 Lake Rd





17859 Lake Rd



17859 Lake Rd



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;

Yes. The property, as shown in the site plan, has a narrower enclosed courtyard bordered by my home on the north and east, my garage on the south and my neighbor's fence on the western portion. This is considered our backyard as it is behind the main portion of the house but in front of our garage.

In order to fit a small pool in the backyard, I would need variance approval to be less than 10 feet from my neighbor's fence. Specifically, the pool on one end would be 7'8" from the fence and the other end of the pool would be 6'1". There is still a substantial distance from the fence and the pool would be even further from the fence of an existing water fountain feature that had already received approval in the form of a variance from a prior owner of the property (see photos of yard).

I have included and attached a letter of approval from my neighbor stating he is thrilled we are improving our home and approves of this variance from his standpoint.

(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 request is a small request for a few feet of allowance to fit a small pool in our home. The purpose of the pool is to have more family time with my wife and 2 small children.

Instead of 10' from the fence, we are requesting approval to be 7'8" and 6'1" from the fence.



17859 Lake Road

1173.04 Variances

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

(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. With the enclosed privacy fence already in place and it being an in-ground pool, no one would even notice any changes were made to the property.

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

No. The pool would not affect the delivery of any governmental services in any way.

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

No. I had no knowledge of any zoning restrictions upon purchasing the property. I also had no intentions of putting a pool in at the time of purchasing the property.

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

No. The only way to put a small (14' wide) pool in this backyard is by approval of this variance. I have worked with the contractor to stay as far away from the neighbors fence as allowed while still staying far enough from my house as per the zoning restrictions. Without the approval we will not be able to have a family pool in our backyard.

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

Yes. We are requesting a small adjustment of a few feet to allow our small family dream of having a pool in our backyard to come true. We appreciate all the time and effort put in to consider this variance.



Administrative Comments

Rationale for swimming pool setback a minimum of 10 feet from property lines :

- Setback helps ensure runoff and splash from pool doesn't drain onto neighbors' property
- Provides room for pool maintenance and egress
- Provides for safety forces if they should ever need to travel over the fence land on the ground not in the pool





Public Comment

- Received via phone-
- Received via email-with originally submitted dimensions- support
- Meeting attendee(s)





Nicholas Swerchowsky <nicholas.swerchowsky@gmail.com>

Building Variance 17859 Lake Rd.

1 message

Lance Polen <lancepolen@ymail.com>

Fri, Sep 27, 2024 at 2:51 PM

Reply-To: Lance Polen <lancepolen@ymail.com>

To: "nicholas.swerchowsky@gmail.com" <nicholas.swerchowsky@gmail.com>

Cc: Lance Polen <lancepolen@ymail.com>

Dear Nick :

I truly enjoyed our visit yesterday and am impressed and pleased with your proposed pool and patio addition to your property. You and your young family have been quite a pleasant addition to the neighborhood. You have been a wonderful steward to your property and as your neighborhood we are excited about your proposed addition.

I understand that as part of the process the City of Lakewood is interested in my consent, which I appreciate. Additionally, I understand that there may be a variance required for either the distance that the pool may be from the property line, or the distance that a patio or other additions may be from the property line, or both. The layout of the pool and patio as we walked in your backyard yesterday, although closer than 10 feet from the property line are acceptable to me. If a more specific approval is required by the City detailing exact distances from the property line, I would look forward to approving that upon review.

Also, I understand that we have agreed and I will allow your contactors to use the Eastern boundary of my property to gain access to your project and that it is likely to include the careful removal of portions of my fence which sits completely on my property with the agreement that at the conclusion of your addition you will reconstruct it at your own expense with the intent to be to restore the fence to its existing condition immediately prior to commencement of your project.

I hope that this communication does the trick to complete the approval process for your project.

If there are questions or a need for additional information please contact me immediately. My intent is to help you get this project approved.

If you should send me an email, please also send me a text so that I'm tipped off to go looking for it.

Best wishes on your project.

Best regards,

Lance L. Polen
Managing Member
Never You Mind, LLC
17861 Lake Rd
Lakewood, OH
44107

440-465-5656

17859 Lake Rd

From: Brian Powers <bpowers.cle@gmail.com>
Sent: Tuesday, October 15, 2024 8:26 AM
To: Planning Dept <planning@lakewoodoh.gov>
Subject: Docket No. 10-18-24

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Planning Commission:

We are writing in regards to the planned swimming pool installation at 17859 Lake Road, which is immediately next door to us. The owner Nick Swerchowsky is an excellent neighbor who maintains his property in an immaculate manner. We are confident that he will do a great job with this project and will make the construction as smooth as possible for the neighborhood. We are fully supportive of this investment in his home.

Respectfully,

Brian & Maureen Powers
17855 Lake Road
(216) 496-3238
bpowers.cle@gmail.com

PS: As a former member of the Planning Commission and City Council, I appreciate what you do for our community on the Planning Commission. Thank you for performing a thankless job.

Brian Powers

17859 Lake Rd

Hi,

No issue on the setback but confirming a fence will be built around swimming pool for safety reasons. I understand this fence is in the plan so no objection.

Thank you
Waleed and Erin
17863 Lake Rd

17859 Lake Rd



17863 Lake
Waleed and Erin

17859 Lake
Nick Swerchowsky

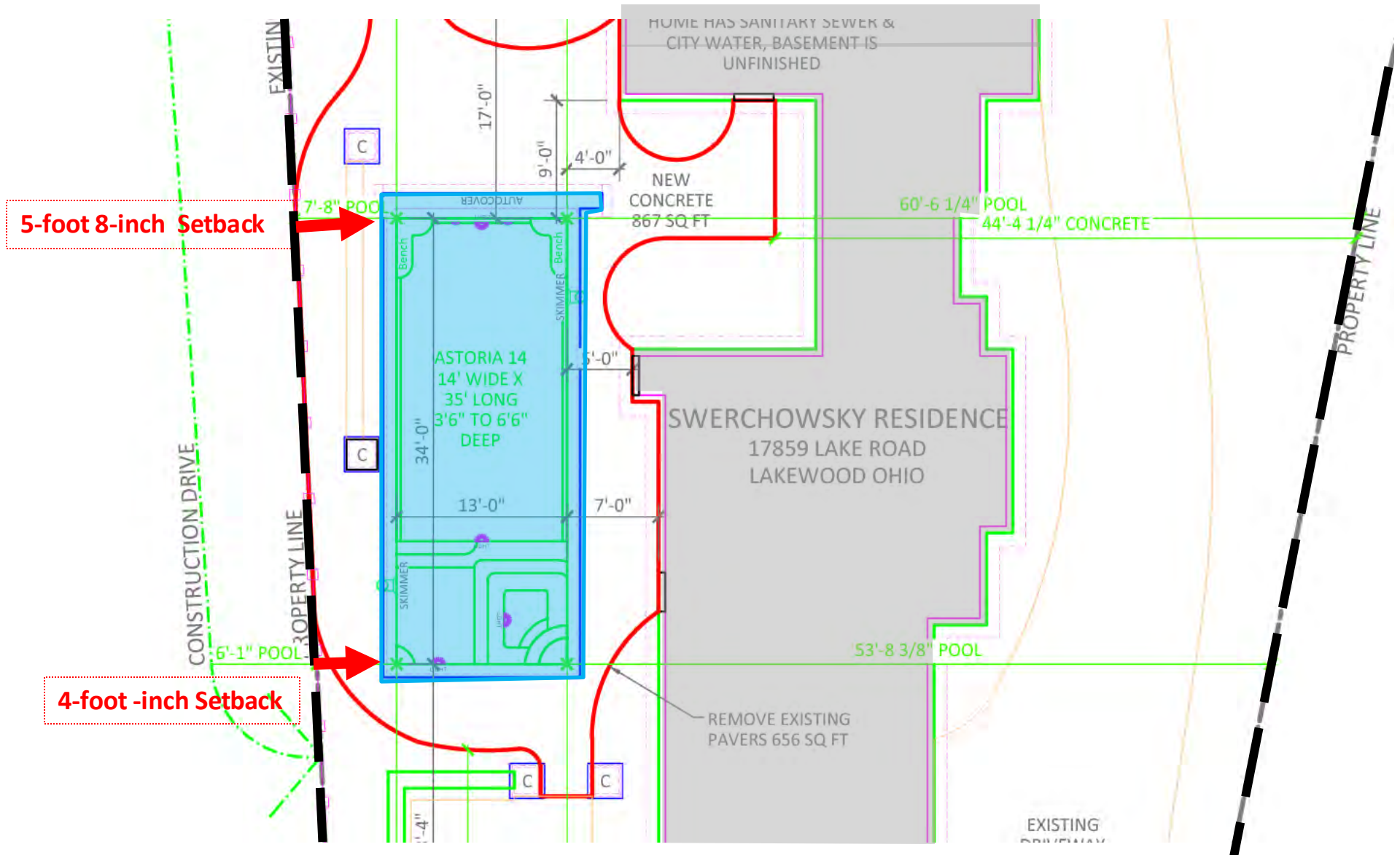
17855 Lake
Brian & Maureen
Powers

17861 Lake
Lance Polen

180.84 ft

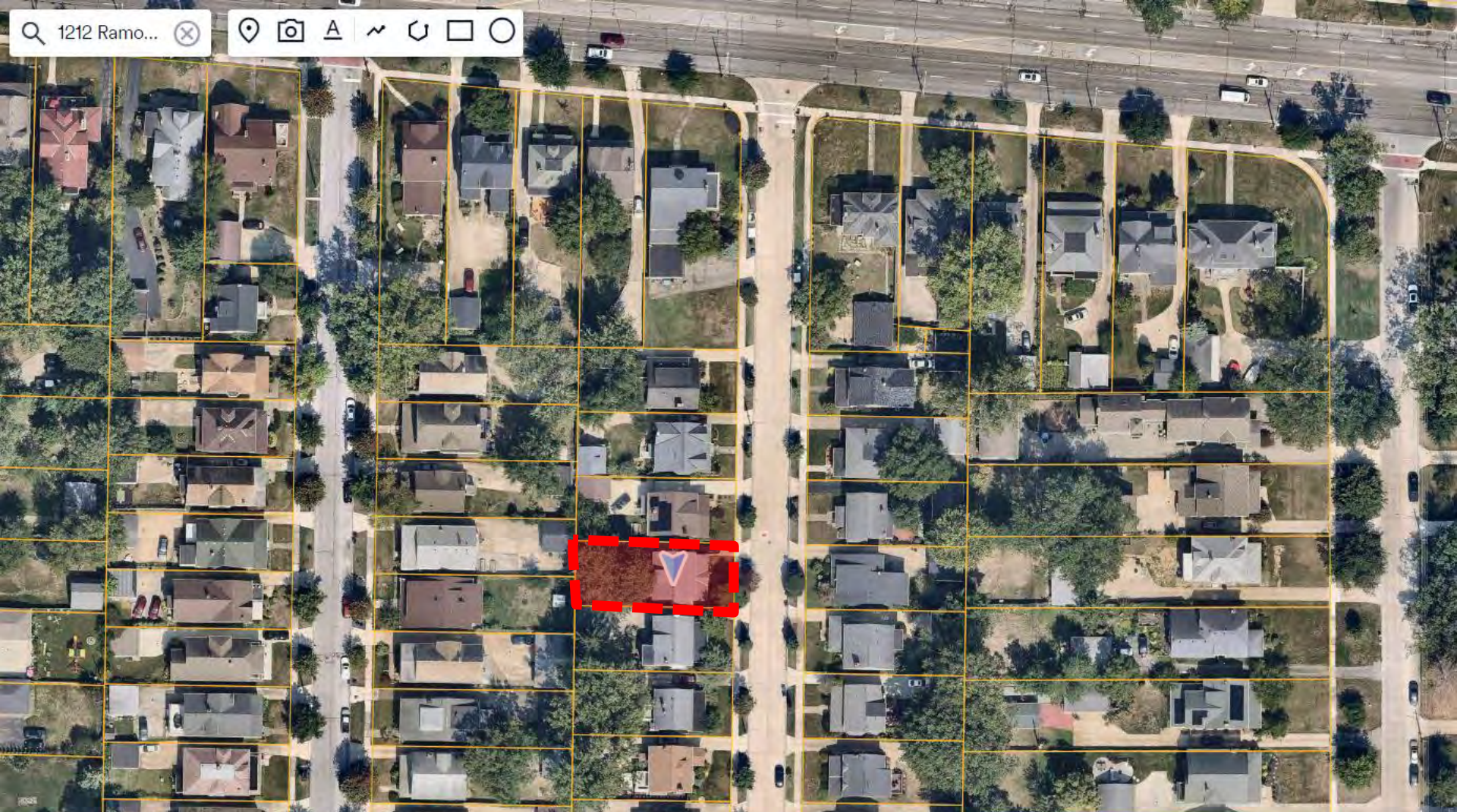
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Scaled site plan

17859 Lake Rd



Docket No. 10-19-24
1212 Ramona Ave

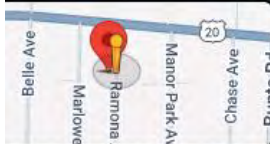
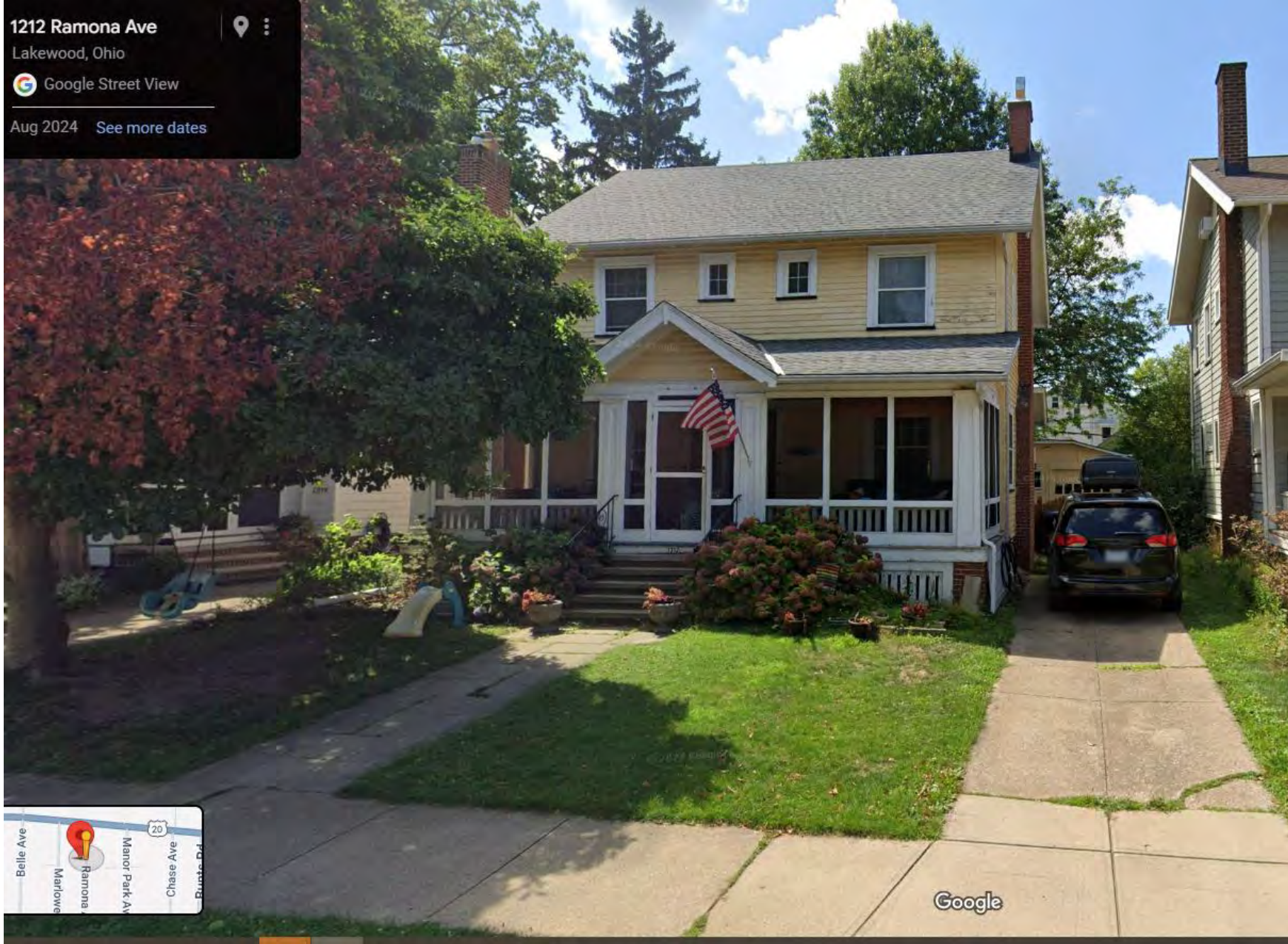
Applicant and owner Alison Machado proposes the construction of an addition on the rear of the existing single-family home. Property is located in the R1H, Single-Family High-density District.

1212 Ramona Ave

Lakewood, Ohio

Google Street View

Aug 2024 See more dates



1212 Ramona Ave

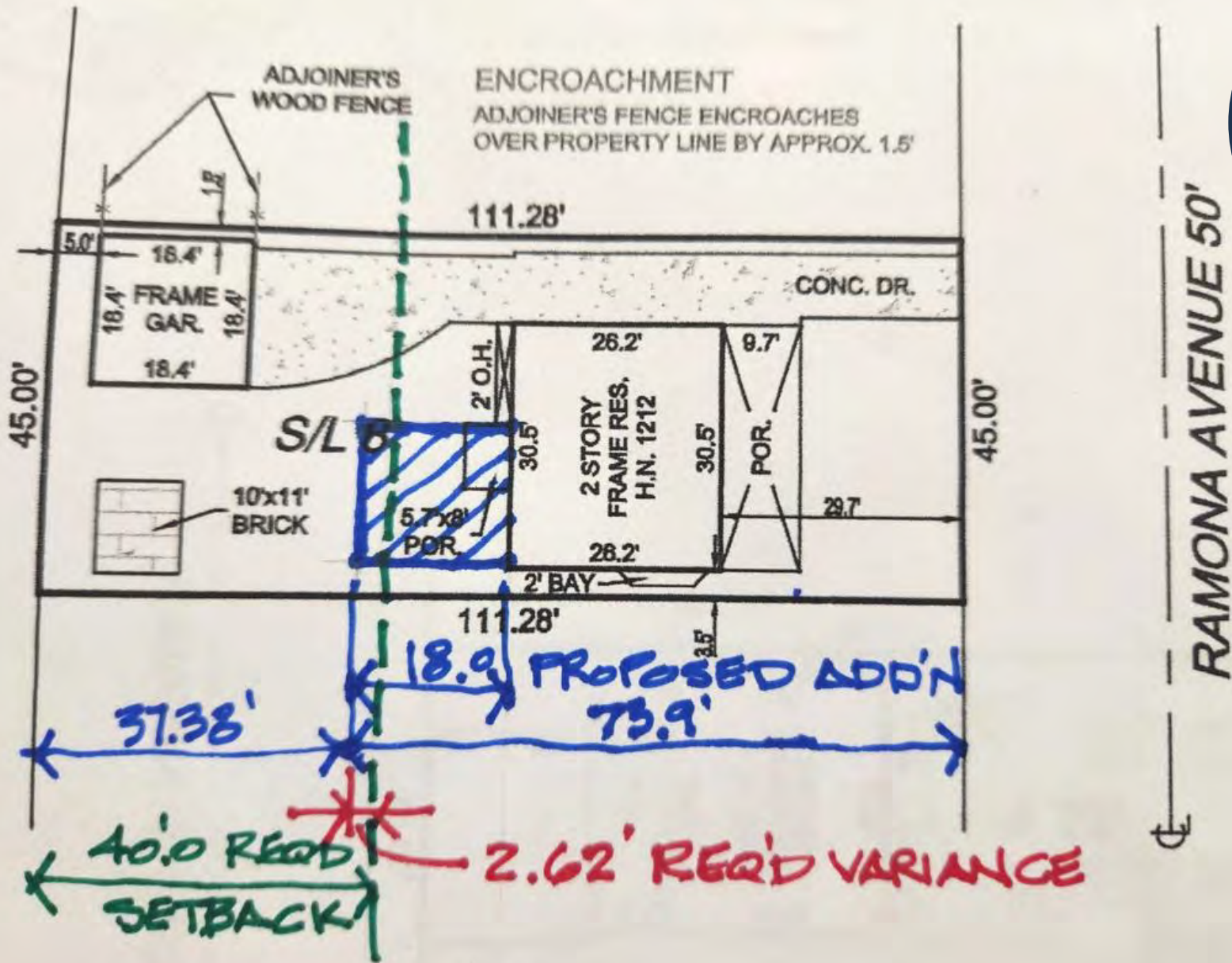
Docket No. 10-19-24
1212 Ramona Avenue

Applicant and owner Alison Machado proposes construction of an addition on the rear of the existing single family home. Minimum permitted rear setback required is 40 ft, setback is 37.38, as proposed. Request a variance to reduce rear setback 37.38 feet, as proposed. as Property is located in the R1H, single Family High density District.

- Variance 1: Owner proposes the construction of an addition on the rear of the existing single family home. Minimum permitted rear setback required is 40 ft, setback is 37.38, as proposed. Request a variance to reduce rear setback 37.38 feet, as proposed. Pursuant to section 1121.07 Minimum Yard Requirements for Principal Buildings(Ord. 91-95. Passed 10-7-1996.)

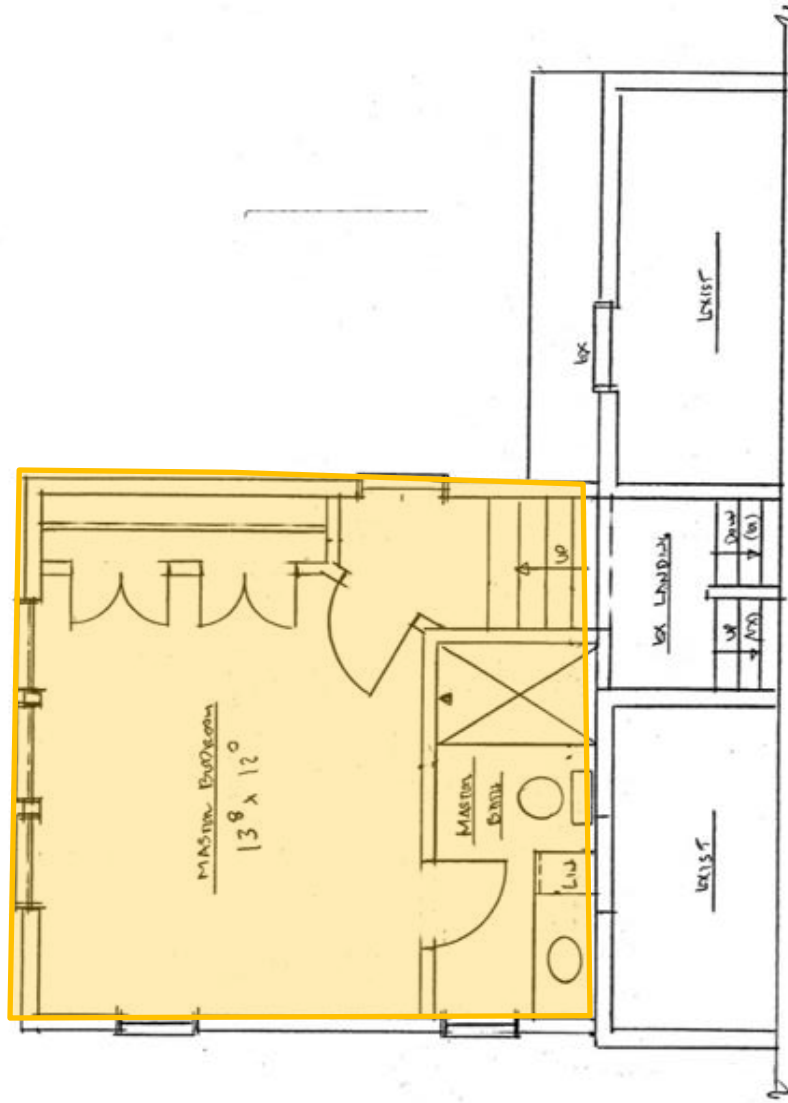


1212 Ramona Ave

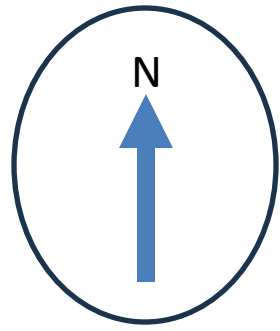


Scaled site plan

1212 Ramona Ave



200 FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 NW AREA: 306 SUFF



Second floor plan

1212 Ramona Ave



Rear Elevation

1212 Ramona Ave



Rear Elevation-existing

1212 Ramona Ave



Existing



Proposed

1212 Ramona Ave



1212 Ramona 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;

Yes, the lots on the west side of Ramona are shallow compared to neighboring streets.

(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;

Two addresses on Ramona currently non-conforming:

1272 Ramona

1201 Ramona

(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);

Property value will increase.

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

No .

(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, addition is designed to fit the aesthetic of the existing house and neighborhood.

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

No

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

No

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

No, we have outgrown our house and do not want to move off of Ramona as we love our street and community. Decreasing the length of the addition would not allow for added bedroom and bathroom needed to fit our family. Alternative would be moving to city such as Westlake which is very undesirable to us.

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

Yes



Administrative Comments

- The request is to reduce the rear yard setback by less than 3 feet
- The parcel is 4,995 square feet with a width of 45 feet and a depth of 111 feet .
- Of 28 houses on the west side of Ramona between Clifton Blvd and Marlowe the average rear yard is 45 feet in depth. There are 3 houses with a rear yard of less than 40 feet , the shortest one is 31 feet in depth.



Public Comment

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



1212 Ramona Ave

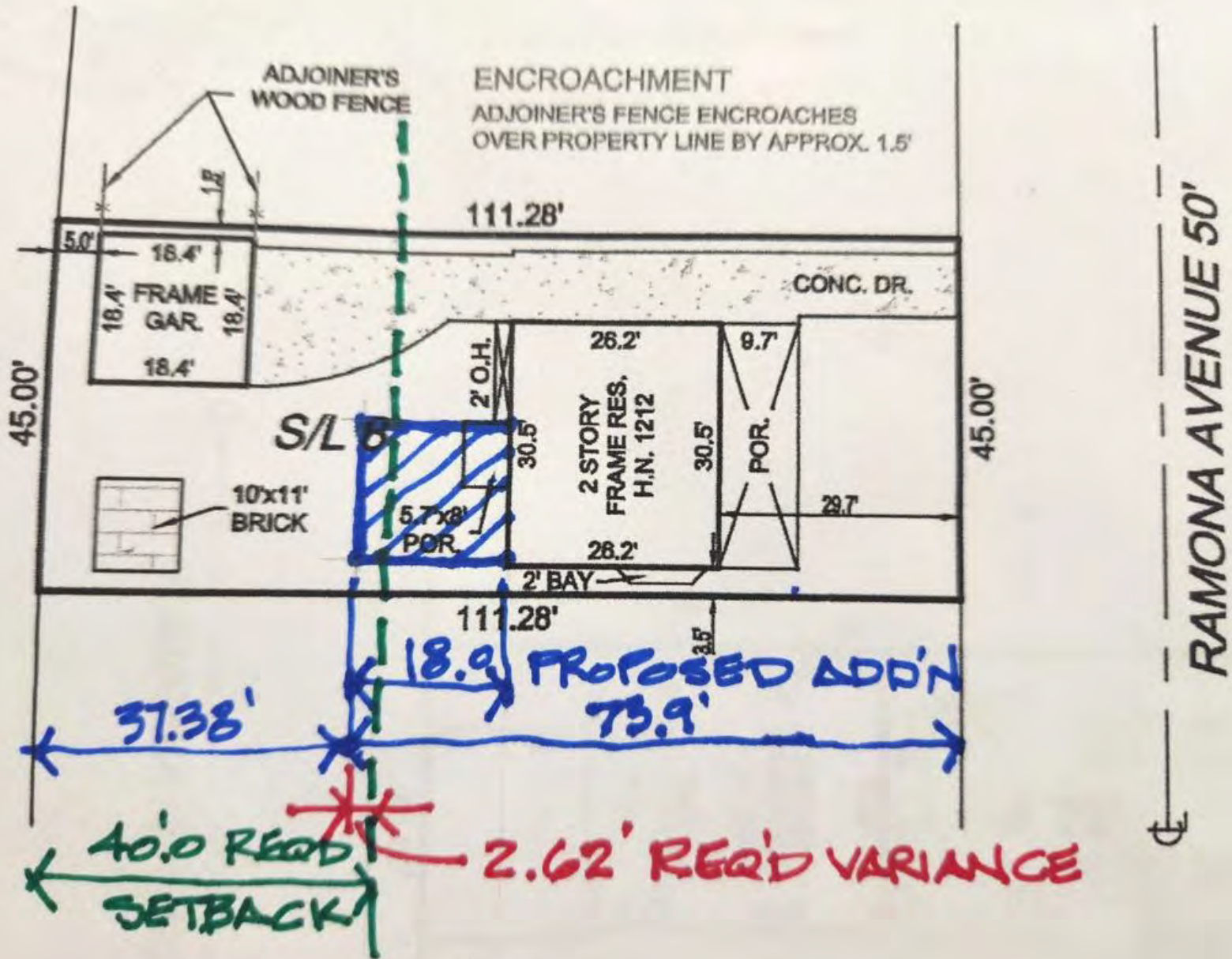
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1212 Ramona Ave



1212 Ramona Ave

A detailed zoning map of a city, showing a grid of streets and various colored zones. The colors include shades of blue, yellow, orange, green, and purple, representing different zoning districts. The map is viewed from an aerial perspective.

Adjourn



Board of Zoning Appeals



Board of Zoning Appeals