

**MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKEWOOD CITY HALL
AUDITORIUM
OCTOBER 19, 2023
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 Mr. Anthony Santiago**. Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott voted yea; the motion passed.

During the 6:00 p.m. pre-review meeting, Discussion about why two items on the agenda were tabled. There were some members of the public who appeared for the tabled items. Both items were tabled when it was determined that more information was needed to move forward with the applications.

2. APPROVE MINUTES OF THE SEPTEMBER 21, 2023, MEETING

A motion was made by Mr. Markling, seconded by Ms. Bolino to **APPROVE the September 21, 2023 meeting minutes**. Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott voted yea; the motion passed.

3. OPENING REMARKS

Ms. Nochta read the Opening Remarks into the record.

NEW BUSINESS

**4. Docket No. 10-14-23
1507 Cohasset Ave.**

Applicant Alli Moazezi, property owner proposes the addition of lattice to the top of his existing 6-foot-tall fence increasing it to an 8 foot height. As constructed/proposed, the fence requires two (2) variances. The property is located in the R2, Single-and Two-Family District. (Page 3)

- Variance 1: Request a variance to exceed maximum permitted fence height. Existing fence is 6 ft., and the additional height requires a variance to exceed maximum permitted height by 2 ft. Pursuant to section 1153.04 (a) ADDITIONAL FENCE REGULATIONS
- Variance 2: Request a variance to add to the top of a fence a lattice that does not conform to accepted fence material and does not display the finished side facing the adjacent property. Pursuant to section 1123.09 (c) MAXIMUM LOT AREA COVERAGE.

Staff had advised the members that the administration made the decision to **TABLE** the item, more information was needed. The members had no comments or questions. No action was required from the members. Public comment was closed as no one addressed the item.

**5. Docket No. 10-15-23
2028 Chesterland Ave.**

Applicant Martin Kiss, property owner proposes the demolition of an existing detached garage and the construction of a new 484 sq. ft detached garage. The garage will exceed the permitted lot coverage, maximum permitted rear lot area coverage is 480 square feet. The property is located in the R2, Single-and Two-Family District. (Page 10)

- Variance 1: Request a variance to exceed maximum permitted lot coverage of an accessory structure by 4 square feet, as proposed. Pursuant to section 1123.09 (c) MAXIMUM LOT AREA COVERAGE.

Applicant Martin Kiss, property owner explained the requirements. Staff provided administrative comments, stated it was a modest request, and recommended approval.

A motion was made by Ms. Bolino, seconded by Mr. Pigott to **APPROVE** the request as proposed. Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott voted yea; the motion passed.

**6. Docket No. 10-16-23
12534 Lake Ave.
Shady Cove Townhouses**

Applicant Tyler Brummett of Brookside Shady LLC proposes the construction of 16 townhouses. The proposal requires a total of three (3) variances. The property is located in the MH, Multi-Family High Density District. (Page 33)

- Variance 1: Rear yard requirement is 75% of the building height but not less than 50 feet on interior lines. The proposed setback is 20 feet. Request a variance to place buildings at 20 feet from the rear property line, as proposed. Pursuant to section 1127.07 MINIMUM YARD REQUIREMENTS (Ord. 91-95. Passed 10-7-1996.)
- Variance 2: Side yard requirement is 75% of the building height but not less than 20 feet on interior lines. The proposed setback is 6 feet. Request a variance to place buildings at 6 feet from the side property line, as proposed. Pursuant to section 1127.07 MINIMUM YARD REQUIREMENTS (Ord. 91-95. Passed 10-7-1996.)
- Variance 3: Permitted lot coverage requirement is 25% of the primary lot, proposed covers 45% of the lot (13,600 sq. ft.). Request a variance to exceed the maximum lot coverage, as proposed. Pursuant to section 1127.09(a) MAXIMUM LOT COVERAGE (Ord. 91-95. Passed 10-7-1996.)

Staff had advised the members that the administration made the decision to **TABLE** the item, more information was needed. No action was required from the members.

ADJOURN

A motion was made by Mr. Pigott, seconded by Ms. Bolino to **ADJOURN** the meeting at 6:38 p.m. Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott 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. Martin L. Kiss

M L Kiss

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

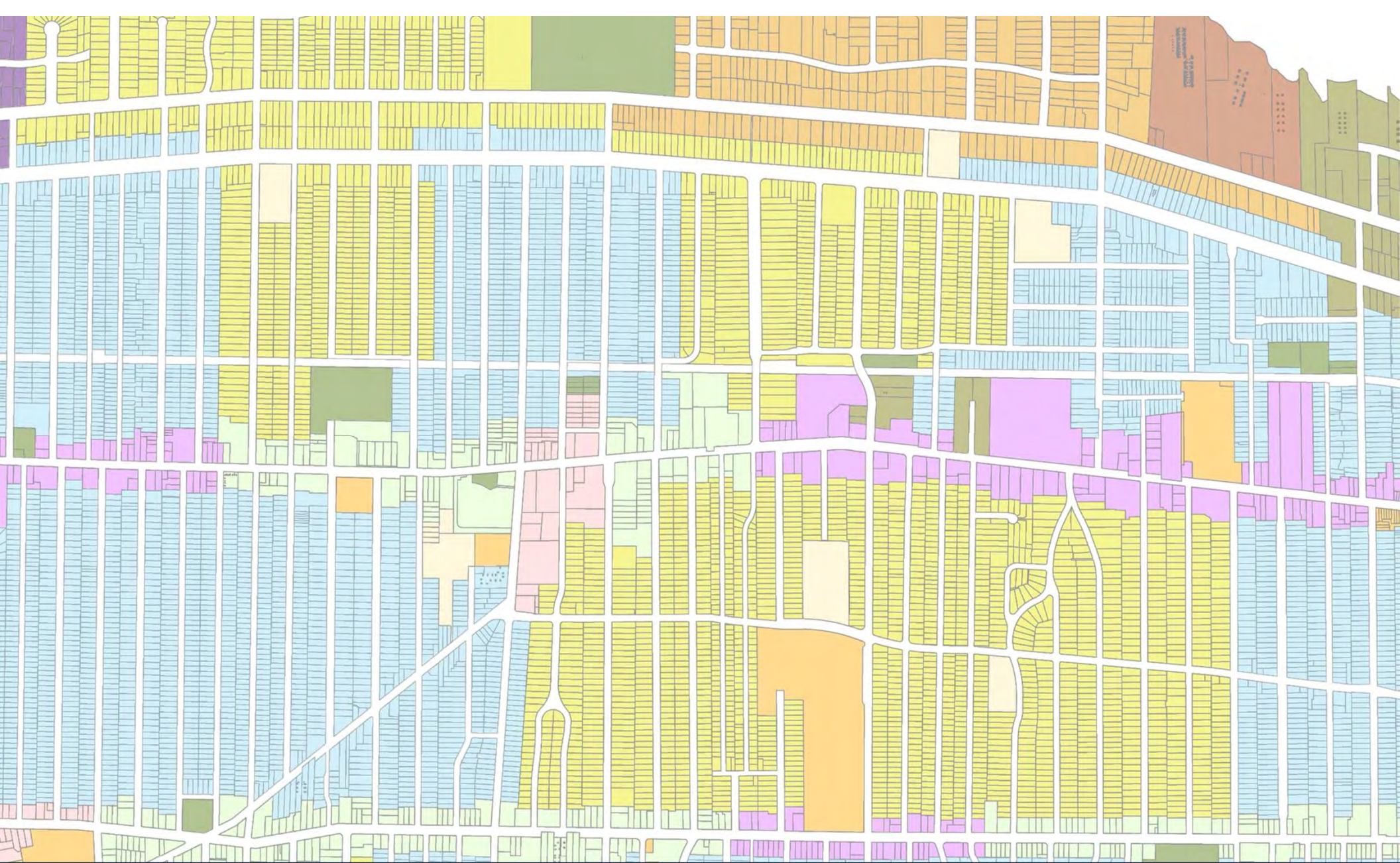
11. _____

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 19, 2023



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

Jeffrey Pigott

Anthony Santiago

Matt Markling

Staff

Board Secretary: Michelle Nochta

Legal Counsel: Andrew Fleck

Building Department: Justin Maskaluk

Board of Zoning Appeals
October 19, 2023, Agenda

1. **Roll Call**
2. **Vote on September 21, 2023, meeting minutes**
3. **Opening Remarks**

NEW BUSINESS

1. **ADMINISTRATIVELY TABLED**

Docket No. 10-14-23

1507 Cohasset Ave. Applicant Ali Moazezi, property owner proposes the construction of a fence extension 2 feet above the permitted height. R2 District

5. **Docket No. 10-15-23**

2028 Chesterland Ave. Applicant Martin Kiss, property owner proposes the construction of a new garage. R2 District

6. **ADMINISTRATIVELY TABLED**

Docket No. 10-16-23

12534 Lake Ave.

Shady Cove Townhouses. Applicant Tyler Brummett of Brookside Shady LLC proposes the construction of 16 townhouses. MH District

A detailed zoning map of a city, showing a grid of streets and various colored zones. The colors include yellow, light blue, orange, green, pink, and purple. A large 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, orange, green, pink) and street layouts. The map is the background of the entire slide.

Approve Meeting Minutes for September 21, 2023



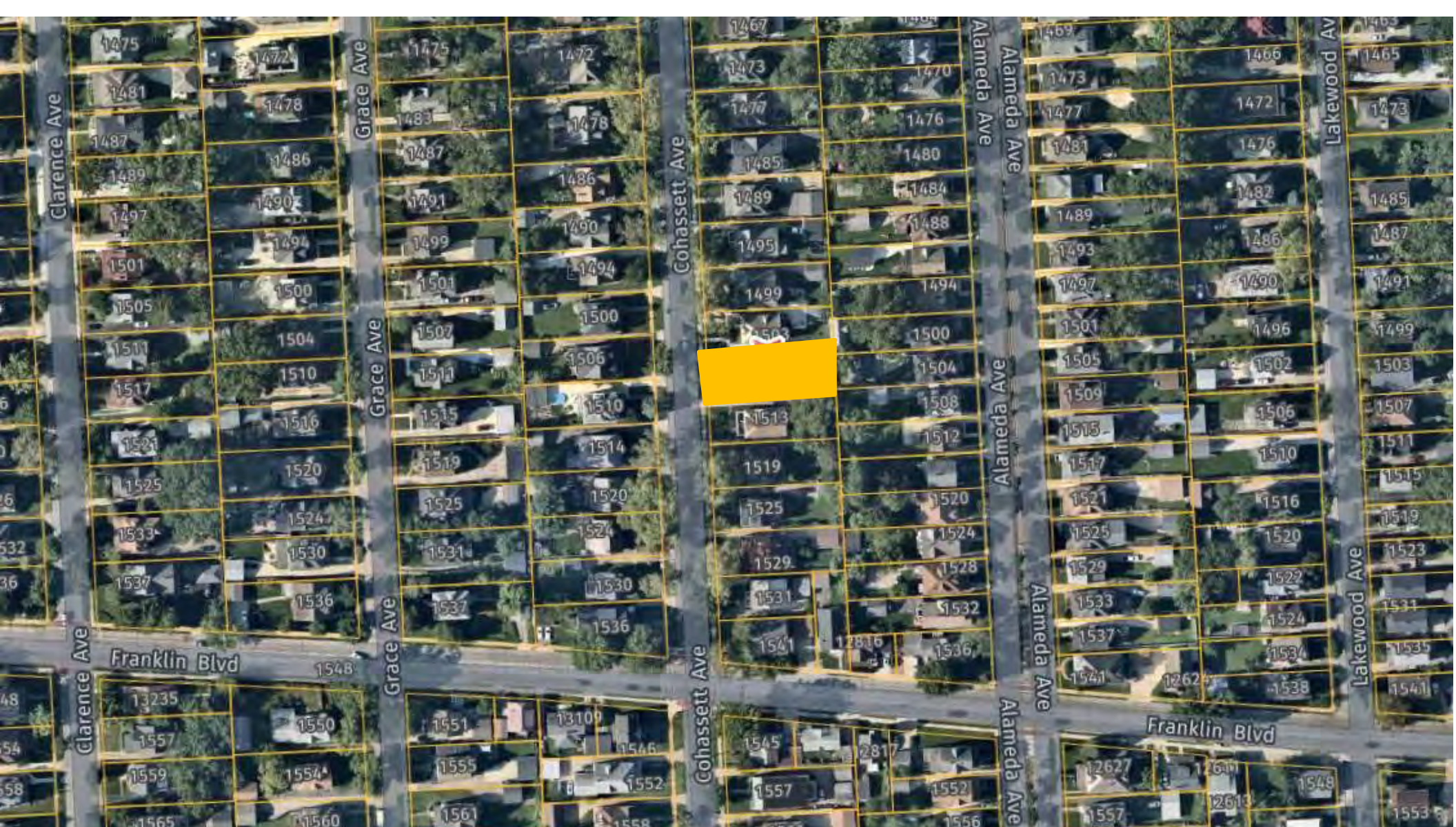
Board of Zoning Appeals

A detailed zoning map of a city, showing various colored zones (yellow, blue, orange, green, pink) and street layouts. A white rectangular box with a black border is centered over the map.

Opening Remarks



Board of Zoning Appeals



ADMINISTRATIVELY TABLED- Docket No. 10-14-23 1507 Cohassett Ave

Applicant Ali Moazezi, property owner proposes the addition of lattice to the top of his existing 6-foot-tall fence to 8 feet tall. As constructed/proposed the fence requires two variances





Google



1507 Cohasset Ave.

Docket No. 10-14-23
1507 Cohasset Ave.

Applicant Ali Moazezi, property owner proposes the addition of lattice to the top of his existing 6-foot-tall fence to 8 feet tall. As constructed/proposed the fence requires two variances:

Variance 1: Request a variance to exceed the maximum permitted fence height. The existing fence is 6 ft, the additional height requires a variance to exceed the maximum permitted height by 2 ft. Pursuant to section 1153.04 (a) ADDITIONAL FENCE REGULATIONS

Variance 2: Request a variance to add to the top of a fence a lattice that does not conform to accepted fence material and does not display the finished side facing the adjacent property. Pursuant to section 1123.09 (c) MAXIMUM LOT AREA COVERAGE.

The property is located in the R2, Single-and Two-Family District



1507 Cohasset Ave.



1507 Cohasset Ave.



Docket No. 10-15-23 2028 Chesterland Ave.

Applicant Martin Kiss, property owner proposes the demolition of an existing detached garage and the construction of a new 22ft x 22ft(484 sq, ft) garage. The property is located in the R2, Single-and Two-Family District





2028 Chesterland Ave.



2028 Chesterland Ave.

Docket No. 10-15-23
2028 Chesterland Ave.

Applicant Martin Kiss, property owner proposes the demolition of an existing detached garage and the construction of a new 484 sq. ft detached garage. The garage will exceed the permitted lot coverage, the maximum permitted rear lot area coverage is 480 square feet.

Variance 1: Request a variance to exceed maximum permitted lot coverage of an accessory structure by 4 square. feet. , as proposed. Pursuant to section 1123.09 (c) MAXIMUM LOT AREA COVERAGE.

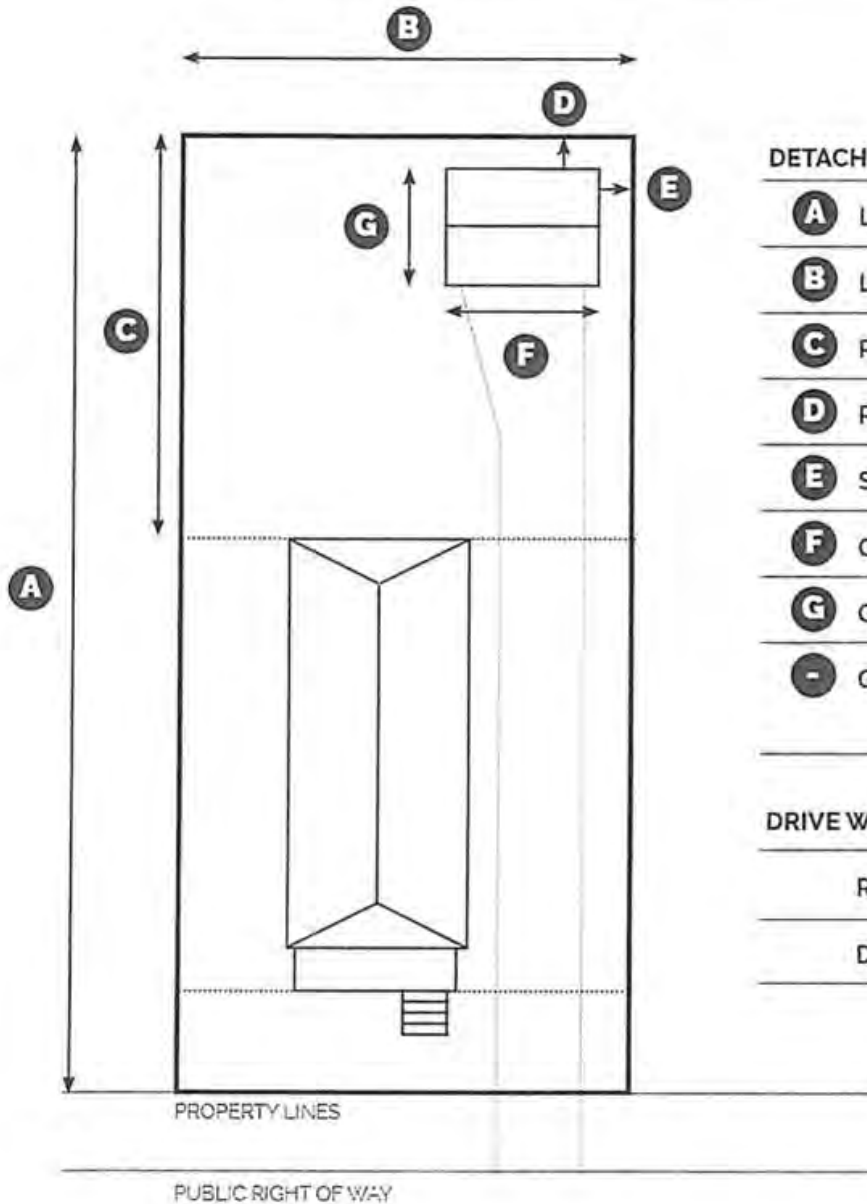
The property is located in the R2, Single-and Two-Family District. The



PLACEMENT WORKSHEET

(216) 529-6270

PROPERTY ADDRESS: 2028-2030 Chesterland Ave



DETACHED GARAGE (IN FEET)

A	LOT DEPTH	120'
B	LOT WIDTH	38'
C	REAR YARD DEPTH	38'
D	REAR SETBACK	18"
E	SIDE SETBACK	18"
F	GARAGE WIDTH	22' 22'
G	GARAGE DEPTH	22'
-	GARAGE AREA (WIDTH X DEPTH)	572 484 SF

DRIVE WAY

REPLACEMENT	Y / (N)
DRAIN	Y / (N)

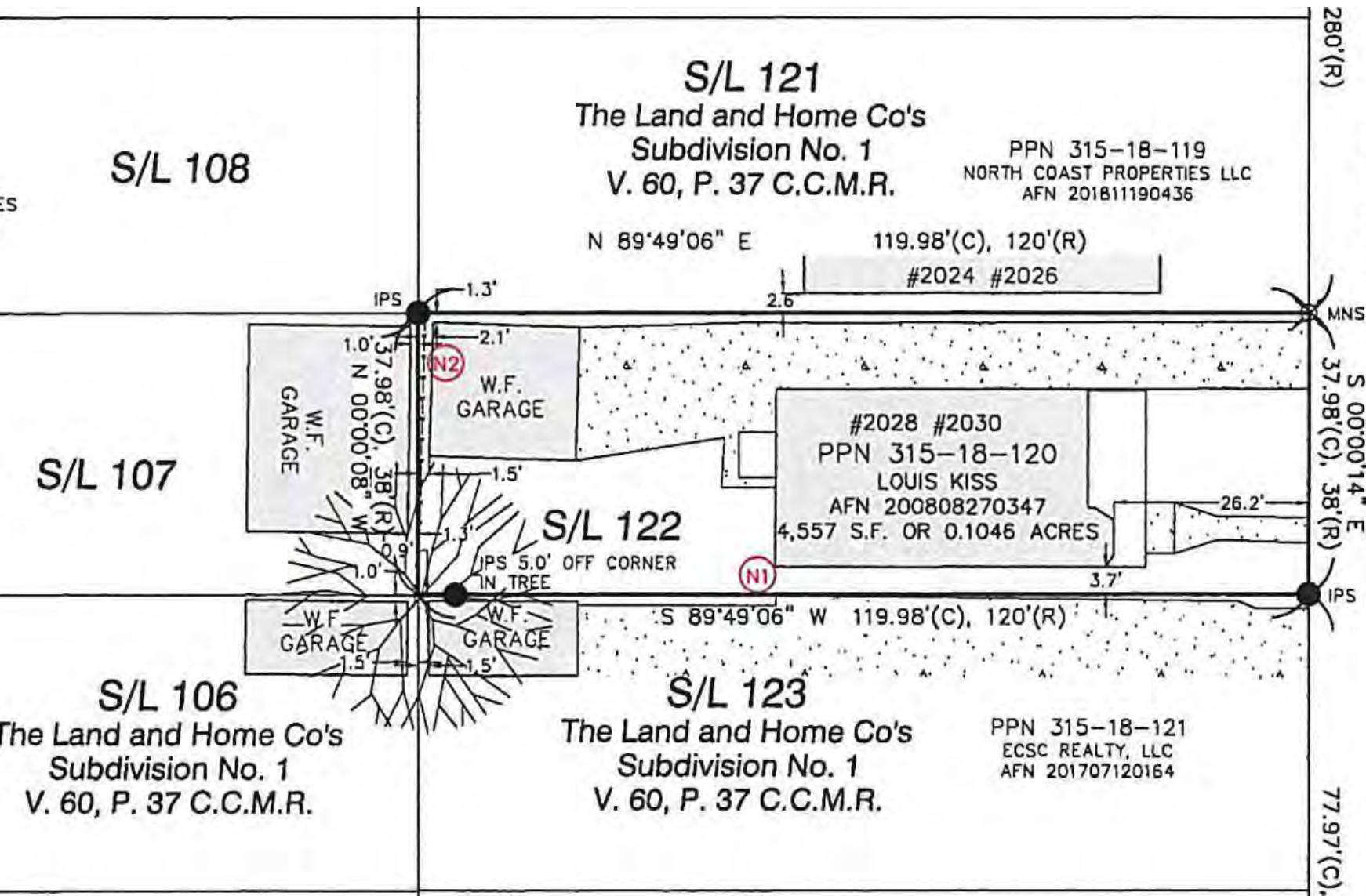
SITE PLAN



2028 Chesterland Ave.

CHESTERLAND AVENUE - 50'
(A PUBLIC RIGHT-OF-WAY)

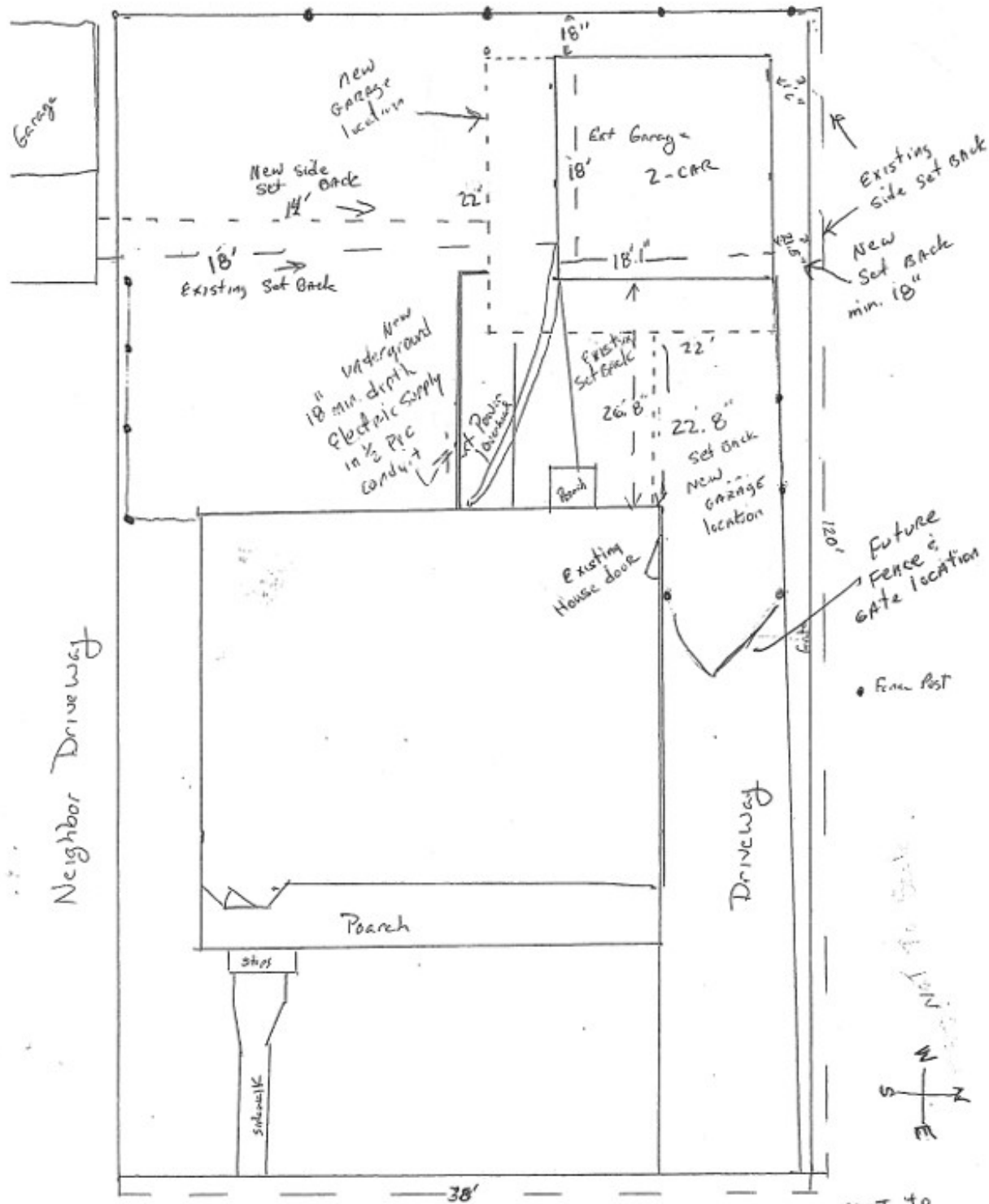
N 00°00'14" W 1060.03'(M), 1060'(R)-PLAT



SURVEY NOTES:
 N1 = ADJACENT CONCRETE DRIVE CLEARS PROPERTY LINE 0.2'
 N2 = OLD WOVEN WIRE FENCE LIES 0.8' EAST OF PROPERTY LINE



2028 Chesterland Ave.



NOT TO SCALE

2028 Chesterland Ave.



Garage

New GARAGE location

New side set back 14'

18' Existing Set Back

Ext Garage 2-CAR 18'

Existing side set back

New Set Back min. 18"

New 18" underground Electric supply in 1/2 Pvc conduit

At Power Overhead

Existing Set Back 22'

26' 8"

22' 8" Set Back

New GARAGE location

Existing House door

120'

Future Fence & Gate location

• Fence Post

Far



2028 Chesterland Ave.



2028 Chesterland Ave.



2028 Chesterland Ave.





2028 Chesterland Ave.





2028 Chesterland Ave.



2028 Chesterland Ave.





2028 Chesterland Ave.





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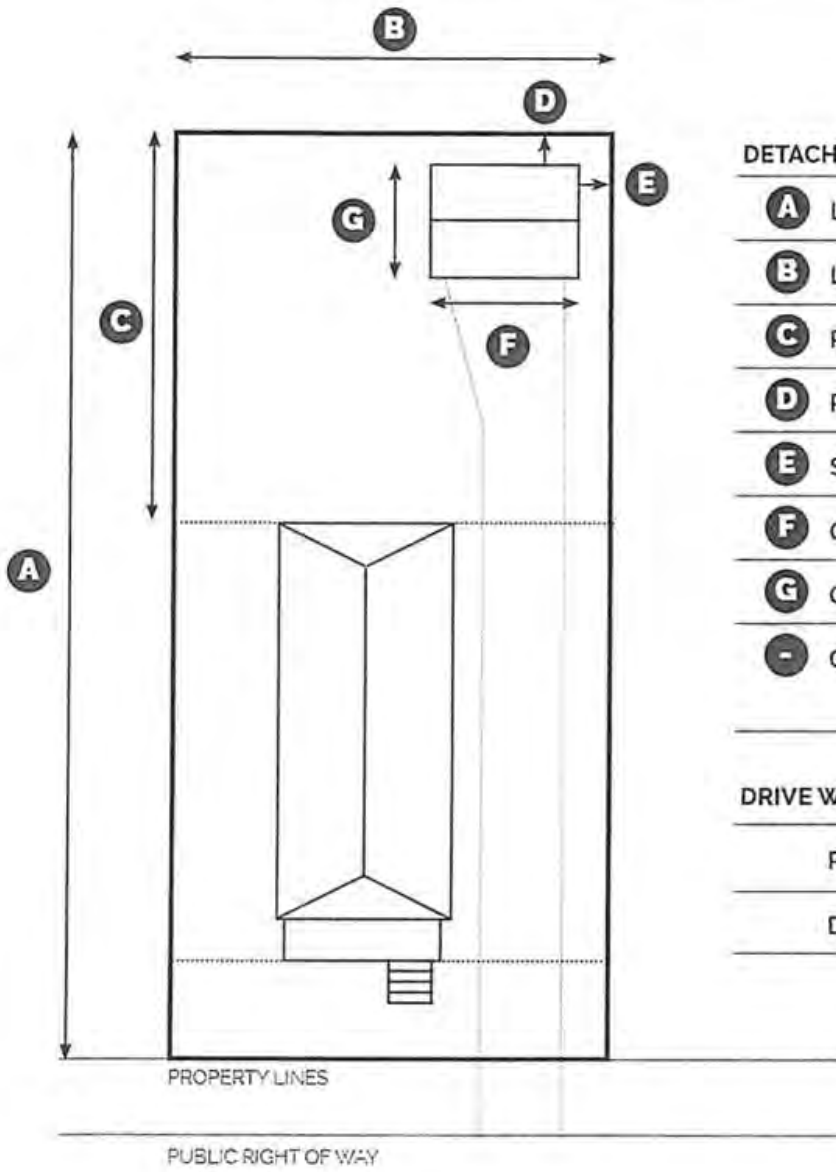


2028 Chesterland Ave.

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-	GARAGE AREA (WIDTH X DEPTH)	484 484 SF

DRIVE WAY

REPLACEMENT	Y / (N)
DRAIN	Y / (N)

SITE PLAN



2028 Chesterland 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:

(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;

Currently other properties have garages that are not in need a variance are closer together then what this new garage would be and will still give a good amount for green space to enjoy

(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;

(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);

Would not be beneficial to not grant the variance to the harmony and updated appearance to the surrounding area of the house.

(4) Whether the variance(s) is substantial; I have reduced the original garage from 22x24 to 22x22 with a 4 sq feet over the allowed square footage without a variance(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 other property will be negatively effected my the new garage.



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:

(6) Whether the variance(s) would adversely affect the delivery of governmental services (e.g., water, sewer, refuse removal) **No government services would be affected by the new garage but will clean the area up and be more presentable.**

{7} Whether the property owner purchased the property with knowledge of the zoning restrictions;

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

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



2028 Chesterland Ave.

Administrative Comments

- The requested variance of 4 feet is a very modest request
- The rear yard is reduced by the primary structure. The primary structure is a two-family, with up and down units, this is a common size and style of building existing in Lakewood and on this block. The structure has a larger footprint and primary lot coverage than a single-family structure.
- The applicant said if he were to slightly reduce the footprint to 480 square feet or less to meet code requirements, he would have to custom order the garage components or reduce the size more dramatically.





Public Comment

Received via email-

Meeting attendee(s)



Docket No. 10-15-23
2028 Chesterland Ave.

Applicant Martin Kiss, property owner proposes the demolition of an existing detached garage and the construction of a new 484 sq. ft detached garage. The garage will exceed the permitted lot coverage, the maximum permitted rear lot area coverage is 480 square feet.

Variance 1: Request a variance to exceed maximum permitted lot coverage of an accessory structure by 4 square. feet. , as proposed. Pursuant to section 1123.09 (c) MAXIMUM LOT AREA COVERAGE.

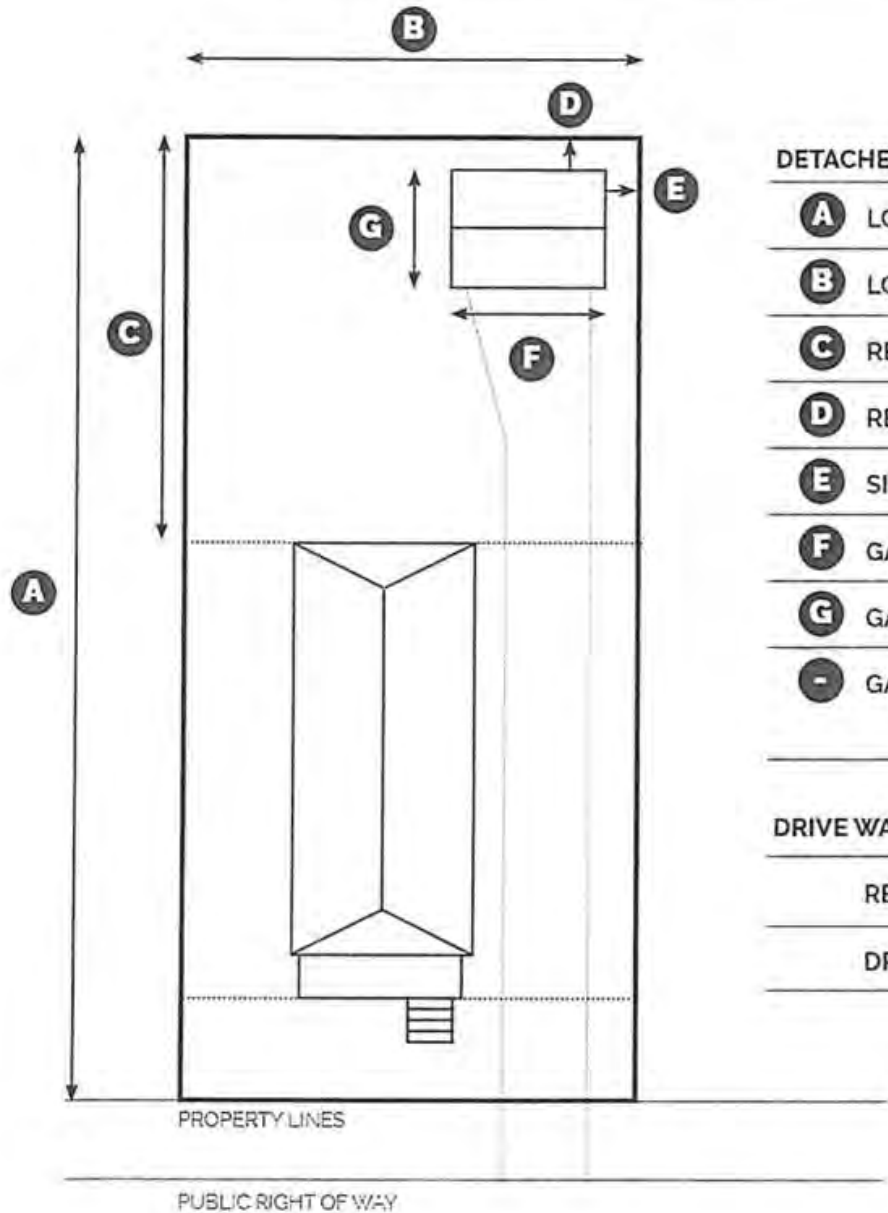
The property is located in the R2, Single-and Two-Family District. The



PLACEMENT WORKSHEET

www.lakecityplanning.com
(216) 529-6270

PROPERTY ADDRESS: 2028-2030 Chesterland Ave



DETACHED GARAGE (IN FEET)

A	LOT DEPTH	120'
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-	GARAGE AREA (WIDTH X DEPTH)	572 484 SF

DRIVE WAY

REPLACEMENT	Y / (N)
DRAIN	Y / (N)

SITE PLAN



2028 Chesterland Ave.



**ADMINISTRATIVELY TABLED-Docket No. 10-16-23
12534 Lake Ave.
Shady Cove Townhouses**



Applicant Tyler Brummett of Brookside Shady LLC proposes the construction of 16 townhouses. The property is located in the MH, Multi-Family High Density District.



12534 Lake Ave.





1
A3.07

FRONT ELEVATION: TOWNHOUSES 1 - 5

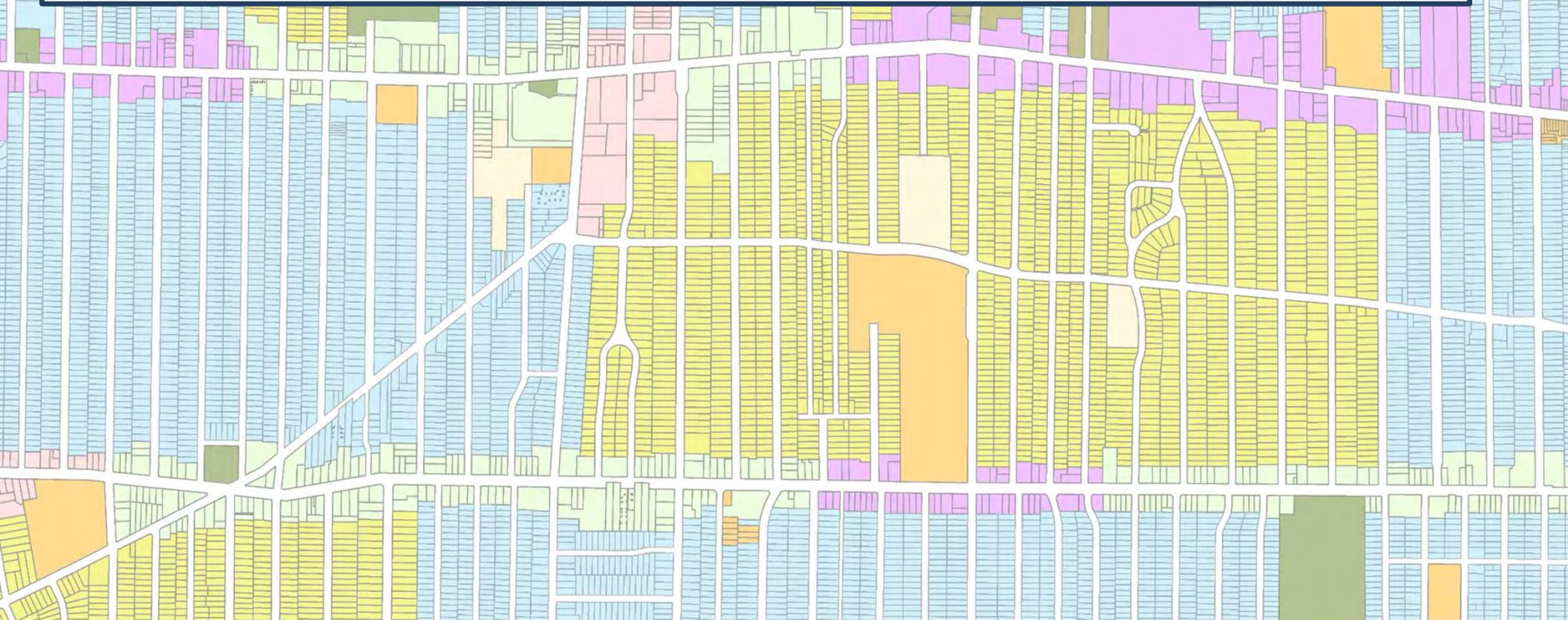
SCALE: 1/8" = 1'-0"



12534 Lake Ave.

Administrative Comments

- During review the staff inquired and the developer shared a plan to later request a lot split to sell the townhomes individually. A proposed plat is required to determine what variances will be required. Administratively tabled until plat is submitted.





Public Comment

Received via email-

Meeting attendee(s)



12534 Lake Ave

Docket No. 10-16-23
12534 Lake Ave.
Shady Cove Townhouses

Applicant Tyler Brummett of Brookside Shady LLC proposes the construction of 16 townhouses. The proposal requires a total of three(3) variances:

Variance 1: The rear yard requirement is 75% of the building height, but not less than 50 feet on interior lines. The proposed setback is 20 feet. Request a variance to place buildings 20 feet from the rear property line, as proposed. Pursuant to section 1127.07 MINIMUM YARD REQUIREMENTS (Ord. 91-95. Passed 10-7-1996.)

Variance 2: The side yard requirement is 75% of the building height, but not less than 20 feet on interior lines. The proposed setback is 6 feet. Request a variance to place buildings at 6 feet from the side property line, as proposed. Pursuant to section 1127.07 MINIMUM YARD REQUIREMENTS (Ord. 91-95. Passed 10-7-1996.)

Variance 3: The permitted lot coverage requirement is 25% of the primary lot, proposed covers 45% of the lot(13,600 sq. ft.) Request a variance to exceed the maximum lot coverage, as proposed. Pursuant to section 1127.09(a) MAXIMUM LOT COVERAGE (Ord. 91-95. Passed 10-7-1996.)

The property is located in the MH, Multi-Family High Density District



12534 Lake Ave.



12534 Lake Ave.



<u>SITE DATA:</u>	
ZONING	MH - RESIDENTIAL, MULTI-FAMILY
ACREAGE	+/- 0.70-AC (30,315-SF)
UNIT COUNT	16 UNITS

	REQUIRED	PROVIDED
MINIMUM LOT SIZE	10,000-SF	30,315-SF
BUILDING SF	800-SF	1,725-SF/DU
MIN LOT FRONTAGE	60'	136'
FRONT SETBACK <i>BASED ON BUILDING LINE MAP</i>	50'	13'
REAR YARD SETBACK	50'	20'
SIDE YARD SETBACK	75% OF HT (27')	6'
LOT AREA COVERAGE <i>(BUILDINGS/PORCHES)</i>	25%	45% <i>(13,600-SF)</i>
OFF-STREET PARKING <i>ONE SPACE MUST BE IN A GARAGE</i>	1 SPACE/DU	2 SPACES/DU <i>GARAGE SPACES</i>



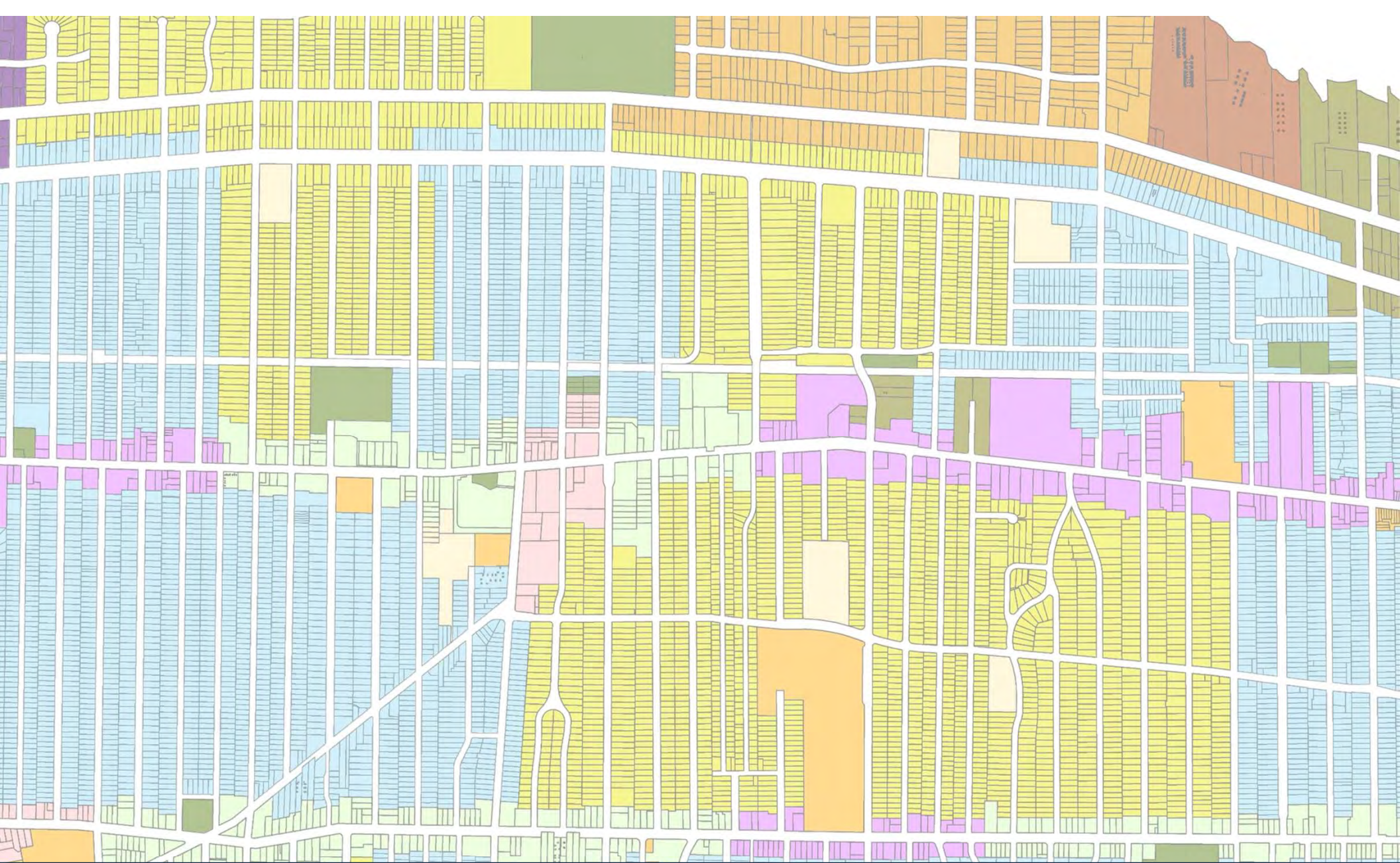
12534 Lake Ave.

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

Adjourn



Board of Zoning Appeals



Board of Zoning Appeals