

MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKWOOD CITY HALL
AUDITORIUM
NOVEMBER 16, 2023
6:30 P.M.
MEETING IS RECORDED
<https://www.lakewoodoh.gov/videos-2/>

1. ROLL CALL

Members Present

Jillian Bolino, Vice Chair
Jeffrey Pigott
Anthony Santiago

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. Michael Alexander, Chair and Mr. Matt Markling. All the members voted yea; the motion passed.

During the 6:00 p.m. pre-review meeting, Discussion about the application one member commented that the parcel shape was the most unique she had seen in six years on serving on the board. Update on the deferred application for Cohasset, the applicant had proposed a permitted fence to the building department, rendering his current application void as the fence he had proposed altering was to be removed.

2. APPROVE MINUTES OF THE OCTOBER 19, 2023, MEETING

A motion was made by Ms. Bolino, seconded by Mr. Santiago to **APPROVE the October 19, 2023 meeting minutes**. Ms. Bolino, Mr. Pigott, and Mr. Santiago voted yea; the motion passed.

3. OPENING REMARKS

Ms. Nochta read the Opening Remarks into the record.

NEW BUSINESS

4. Docket No. 11-17-23
1277 Hird Ave.

Applicant Zoran Stojkov, property owner proposes the demolition of the existing garage and the construction of a new garage. The rear and side setback for an accessory structure in the MH district is a minimum of 3 feet. Due to the unique shape of the rear of the property, the proposed 422 sq. ft. garage will encroach on both sides and rear setback. The property is located in the MH, Multi-Family High Density District. (Page 2)

- Variance 1: Request a variance to construct a new single car garage closer than 3 feet to the NORTH SIDE property line, at one foot, six inches (1', 6"), as proposed. Pursuant to section 1127.10 (a) ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.

- Variance 2: Request a variance to construct a new single car garage closer than 3 feet to the SOUTH SIDE property line, at one foot, six inches (1', 6"), as proposed. Pursuant to section 1127.10 (a) ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.
- Variance 3: Request a variance to construct a new single car garage closer than 3 feet to the EAST REAR property line, at two feet (2'), as proposed. Pursuant to section 1127.10 (a) ADDITIONAL ACCESSORY STRUCTURE REGULATIONS.


Applicant Zoran Stojkov, property owner was present to explain the request. The members asked for confirmation of the garage placement, asked staff to provide its Administrative Comments and explain the disclaimer. Staff relayed an email of concern about possible encroachment on the Air-Rite building; it did not. Public comment was taken.

- Provide a temporary fence.
 - One will be provided, and the fence (either existing or new) will be placed as it is now.
- Timeframe.
- Damage to existing trees.
- Stormwater runoff.
 - There will be a drain.

A motion was made by Mr. Santiago, seconded by Ms. Bolino to **APPROVE the request for three variances as proposed**. Ms. Bolino, Mr. Pigott, 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 6:45 p.m. Mr. Alexander, Ms. Bolino, Mr. Markling, and Mr. Pigott voted yea; the motion passed.


 Johanna Schwarz, Admin Asst II Jan. 18, 2024
 Signature Signed on behalf of Chair 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. ZORAN Stojkov

[Handwritten signature]

2. Keith A. Dewey

[Handwritten signature]

3. J E Dewey

[Handwritten signature]

4. Greg Frohman

[Handwritten signature]

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, November 16, 2023

Johanna Schwarz

From: Dave Harris <daveh@airrite-supply.com>
Sent: Thursday, November 16, 2023 1:36 PM
To: Michelle Nochta
Cc: Planning Dept
Subject: Re: Docket #11-17-23 (1277 Hird Ave)

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

Thanks for the information. Have a great day.

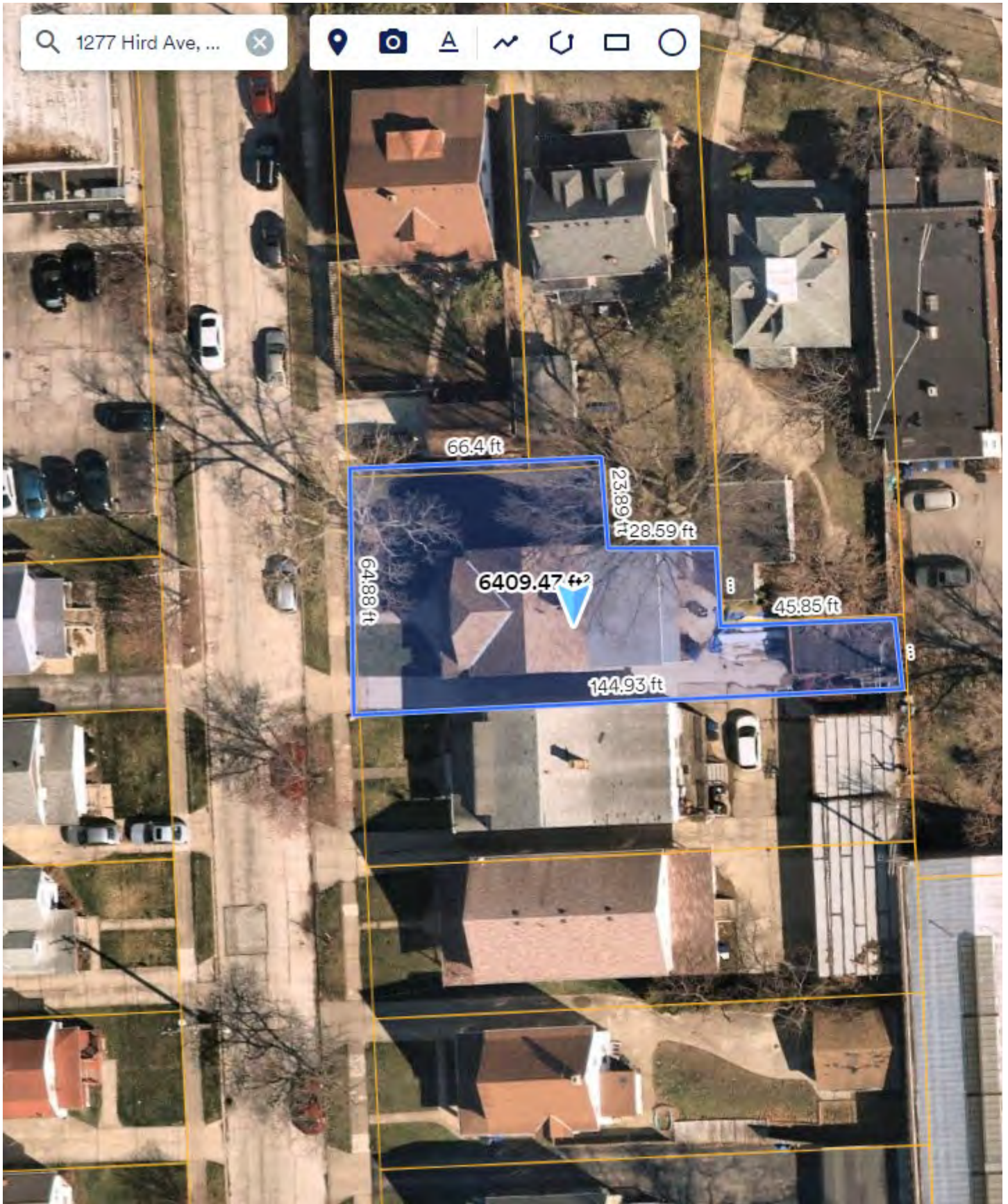
Dave

Get [Outlook for Android](#)

From: Michelle Nochta <Michelle.Nochta@lakewoodoh.net>
Sent: Thursday, November 16, 2023 1:32:33 PM
To: Dave Harris <daveh@airrite-supply.com>
Cc: Planning Dept <Planning@lakewoodoh.net>
Subject: Fw: Docket #11-17-23 (1277 Hird Ave)

Mr. Harris,

Thank you for reaching out. The submitted plans show the proposed garage 2 feet from the easternmost property line, the requirement is 3 ft. for a garage. All water and any garage overhang must be on the applicant's property. It is the property owners responsibility to determine where the property line is, the city does not determine property lines. I hope this answers your question, let me know if you have any other questions. I have highlighted the applicant's approx. property lines in the image below.



Michelle Nohta, 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

[Sign up for the City's e-Newsletter](#)



From: Planning Dept <Planning@lakewoodoh.net>
Sent: Thursday, November 16, 2023 1:08 PM
To: Michelle Nochta <Michelle.Nochta@lakewoodoh.net>
Subject: FW: Docket #11-17-23 (1277 Hird Ave)

Johanna Schwarz

Administrative Assistant II

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

(216) 529-6630 main
(216) 529-6631 office

www.lakewoodoh.gov

[Sign up for the City's e-Newsletter](#)



From: Dave Harris <daveh@airrite-supply.com>
Sent: Thursday, November 16, 2023 1:06 PM
To: Planning Dept <Planning@lakewoodoh.net>
Subject: Docket #11-17-23 (1277 Hird Ave)

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

Hi,

I see in your document that the minimum setback for a structure is 3'. 1277 Hird – New Garage is going to potentially encroach. Can you tell me how close to our property/how much the encroachment is the garage going to be? I don't particularly want another structure practically touching our building....too hard for us to maintain.

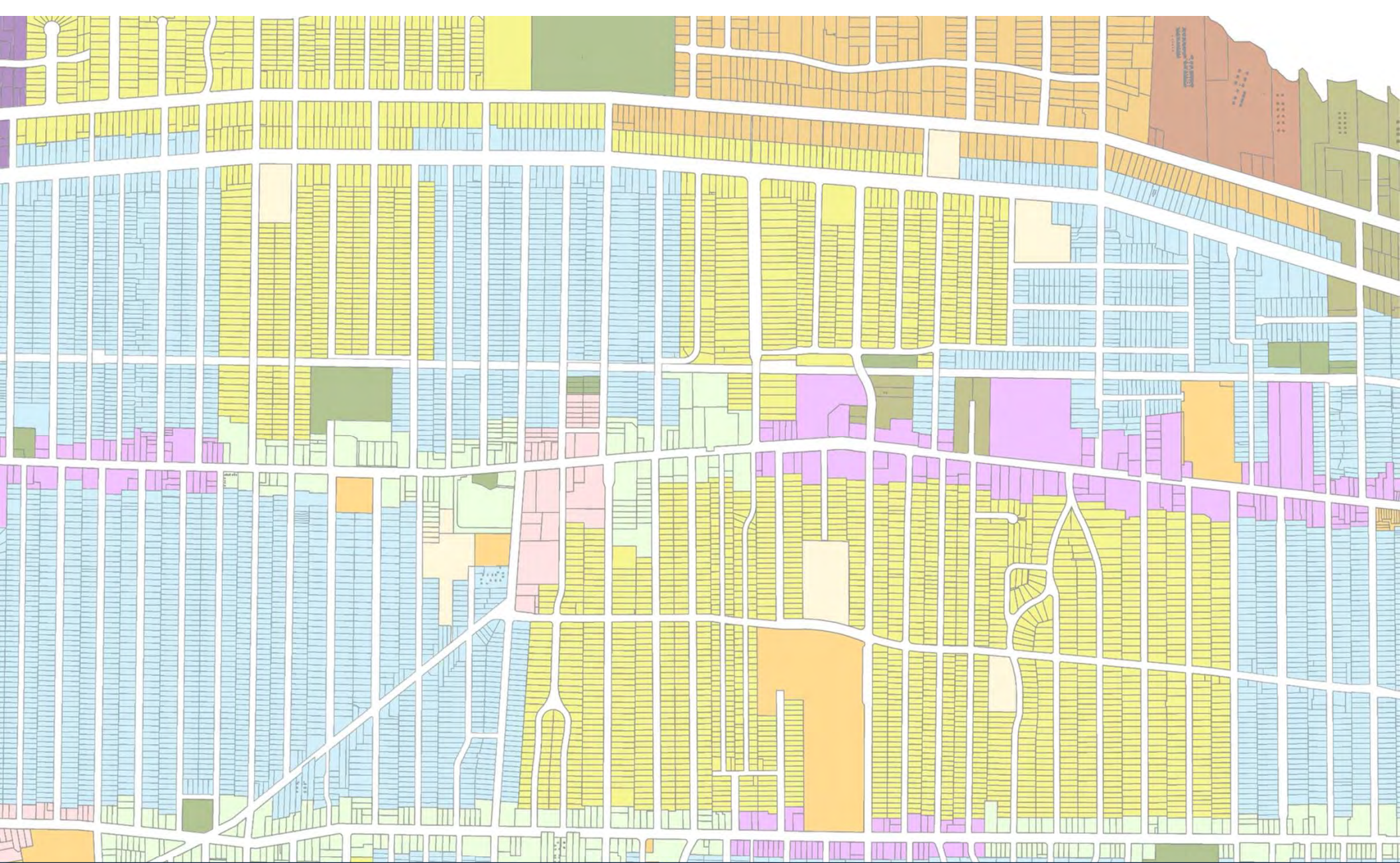
Thank you

Dave Harris

1290 W. 117 Street | Cleveland, Ohio 44107

(216) 228-8200 | daveh@airrite-supply.com





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
November 16, 2023, Agenda

- 1. Roll Call**
- 2. Vote on October 19, 2023, meeting minutes**
- 3. Opening Remarks**

New Business

Docket No. 11-17-23

1277 Hird Ave.

Applicant Zoran Stojkov property owner proposes the demolition of the existing garage and the construction of a new garage. MH Multi-Family High Density 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, green, orange, pink) and street layouts. The map is the background of the entire slide.

Approve Meeting Minutes for October 19, 2023



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.

Opening Remarks



Board of Zoning Appeals



Docket No. 11-17-23
1277 Hird Ave

Applicant Zoran Stojkov property owner proposes the demolition of the existing garage and the construction of a new garage. MH Multi-Family High Density District





1277 Hird Ave.

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1277 Hird Ave.



1277 Hird Ave.



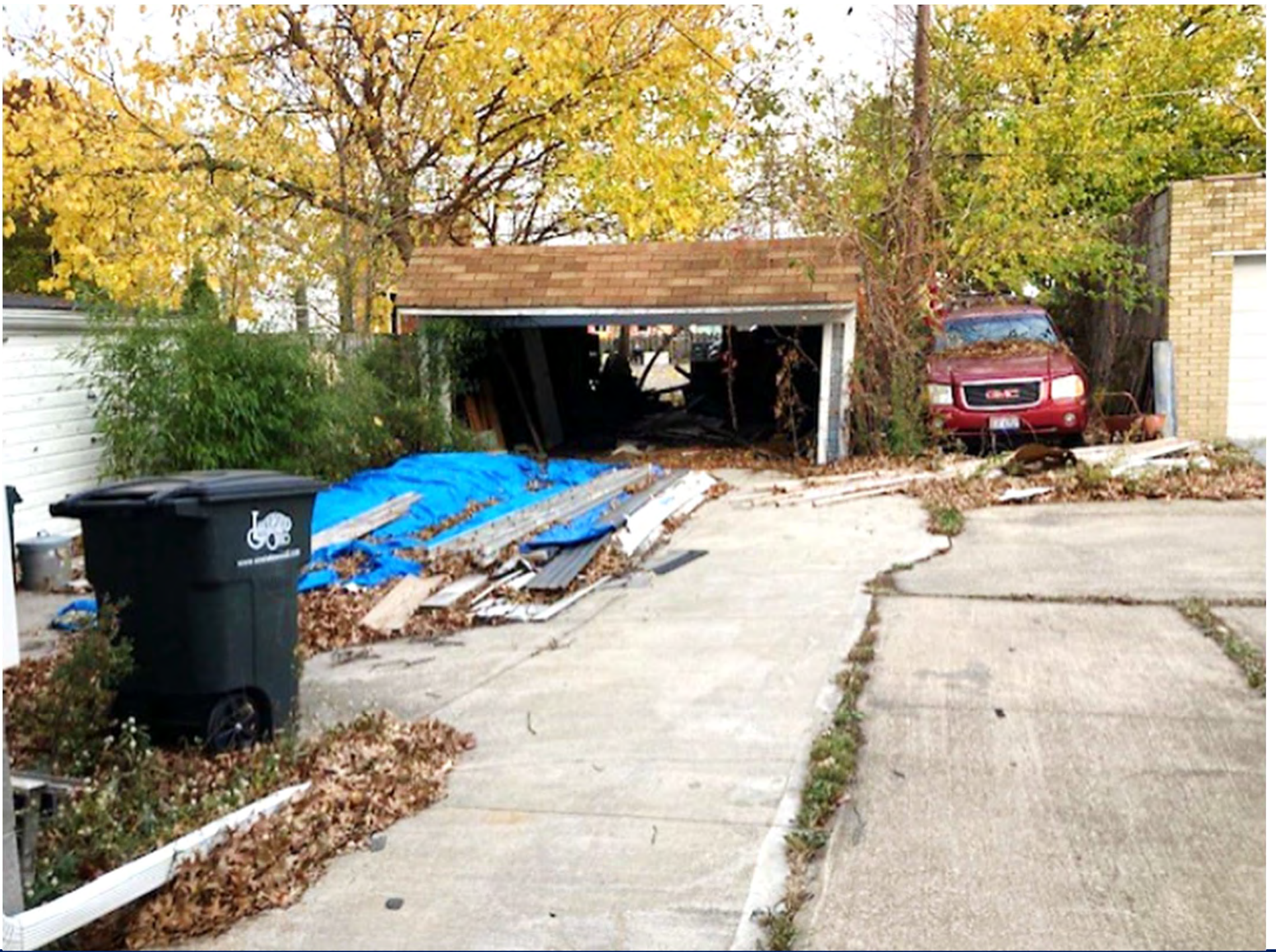
1277 Hird Ave.



1277 Hird Ave.



1277 Hird Ave.



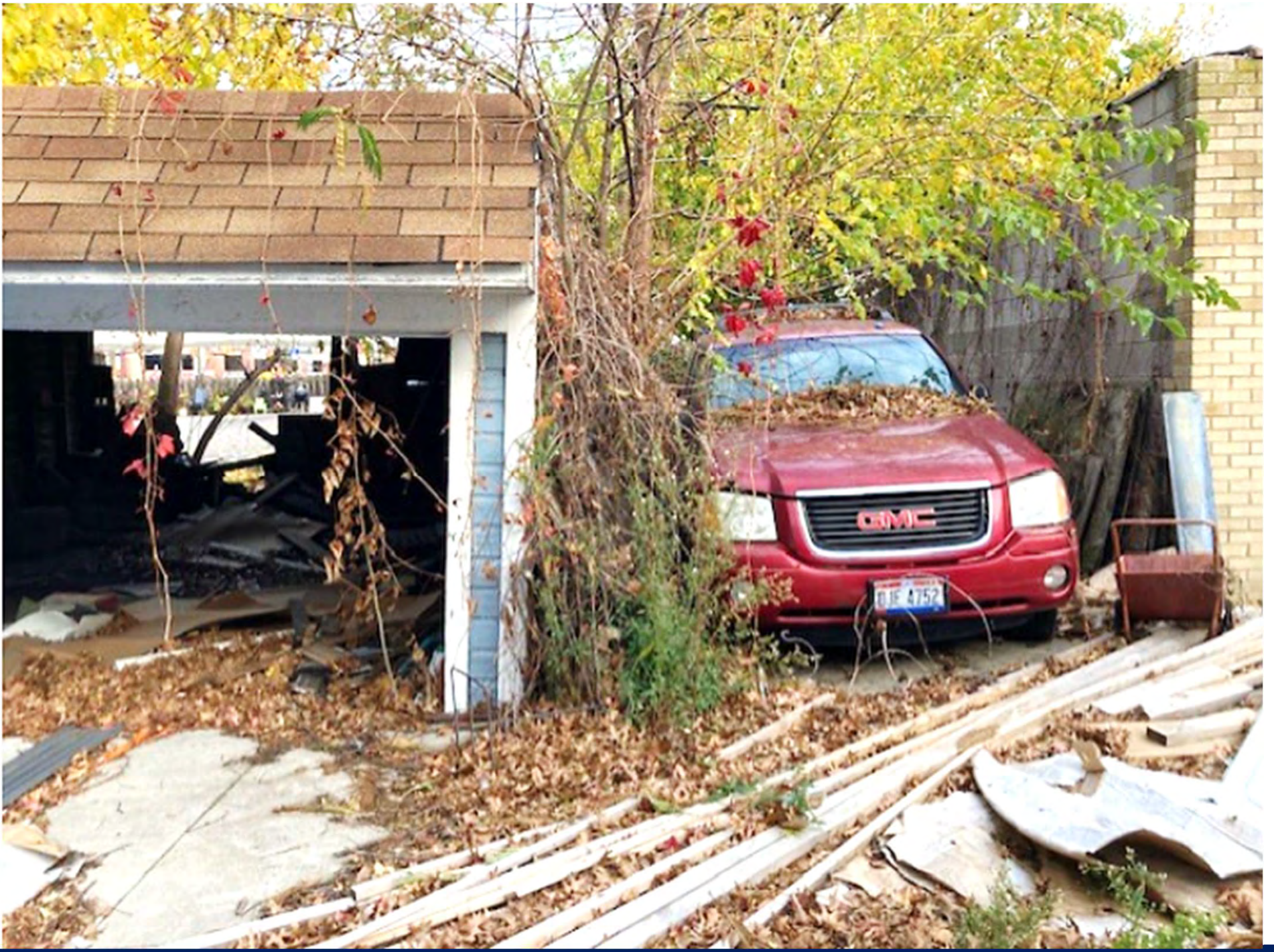
1277 Hird Ave.



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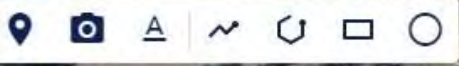


1277 Hird Ave.



1277 Hird Ave.

1277 Hird Ave, ...

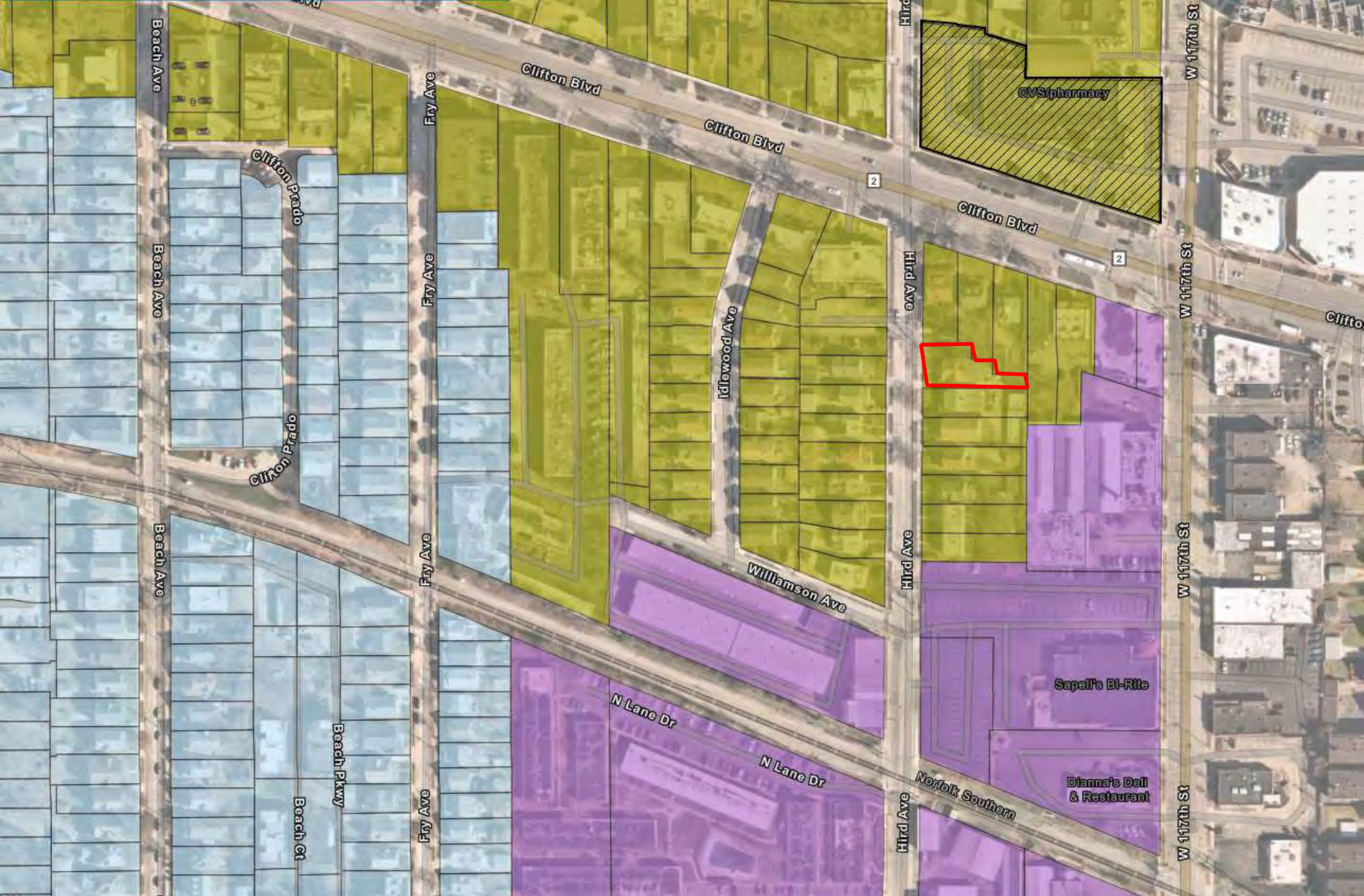


nearmap

< Thu Aug 3 2023 >

Vertical

< Thu Aug 3

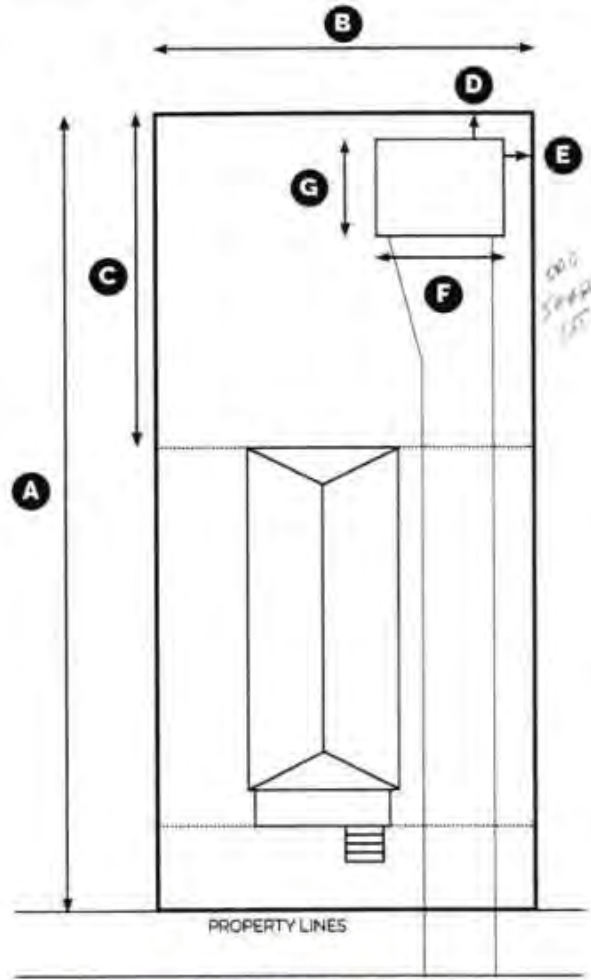


**DETACHED GARAGE PLACEMENT
PLACEMENT WORKSHEET (RIGHT-HAND OPTION)**

CITY OF LAKEWOOD OHIO
Division of Housing and Building
12650 Detroit Ave, Lakewood OH 44107
building_permits@lakewoodoh.net
(216) 529-6270



PROPERTY ADDRESS: 1277 HIRD



ORIENTATION

NORTH (INDICATE DIRECTION)

DETACHED GARAGE (IN FEET)

A	LOT DEPTH	147'
B	LOT WIDTH	21'
C	REAR YARD DEPTH	60'
D	REAR SETBACK	2'
E	SIDE SETBACK	1.5'
F	GARAGE WIDTH	17'0"
G	GARAGE DEPTH	24'5"

GARAGE AREA (WIDTH X DEPTH)

422 SF

DRIVE WAY

REPLACEMENT	Y / N
DRAIN	Y / N

Lot Depth: 147'
Lot Width: 21'
Rear Yard Depth: 60'
Rear Setback: 2'
Side Setback: 1.5'
Garage Width: 17'
Garage Depth: 24'5"
Garage Area: 422 SF

RA523-000094
RECEIVED
OCT 02 2023
By Counter Kum

REVISED
1st

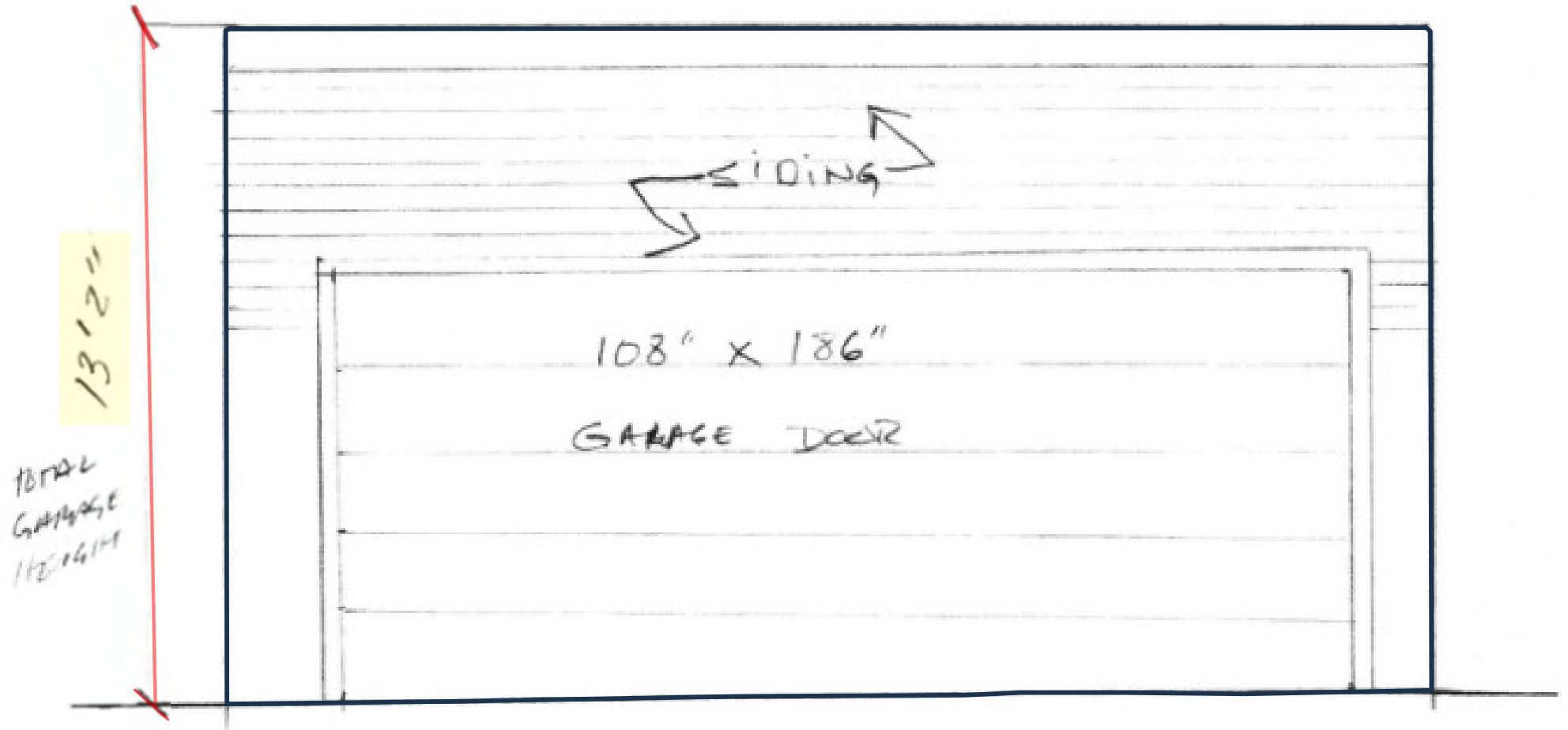
SITE PLAN



1277 Hird Ave.

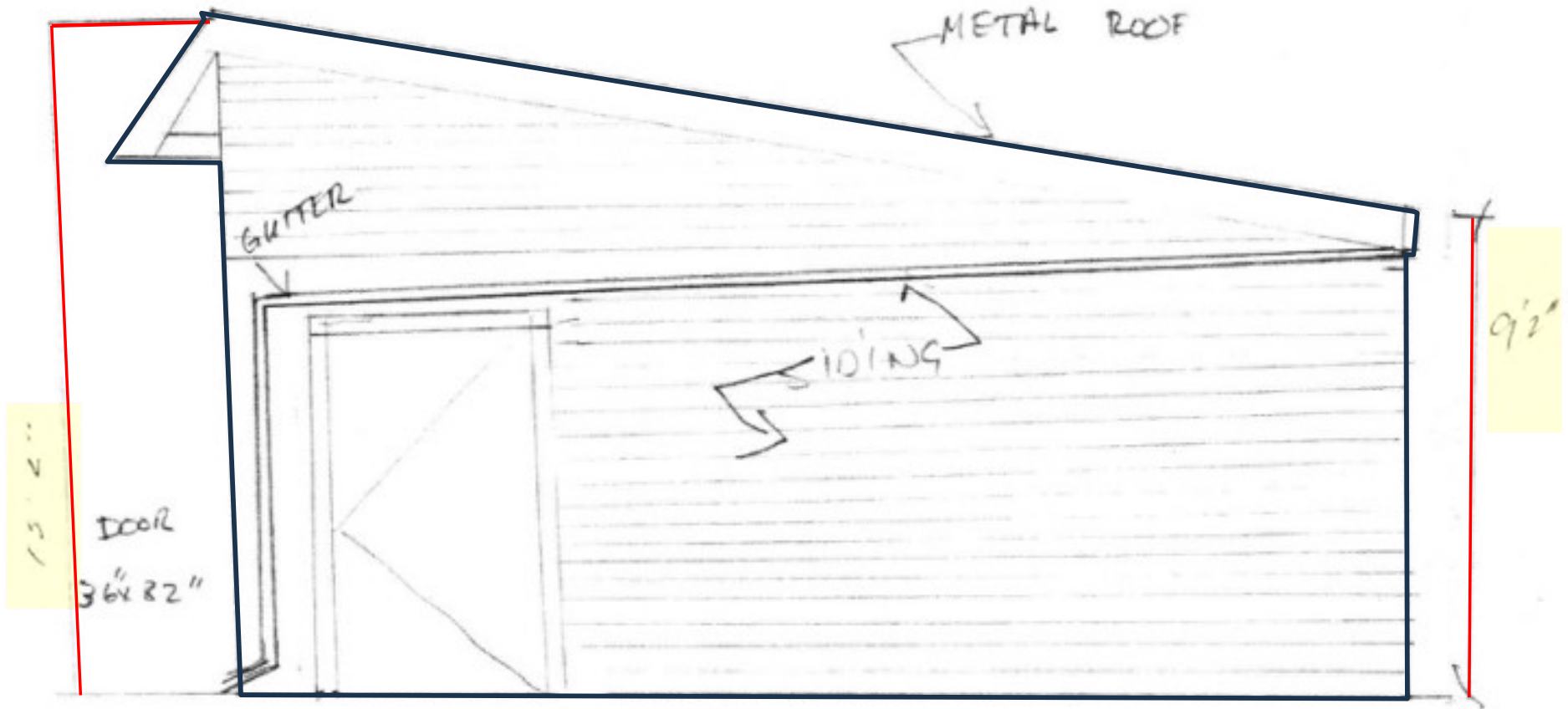
Height 13'2"

FRONT ELEVATION
1277 HIRD



1277 Hird Ave.

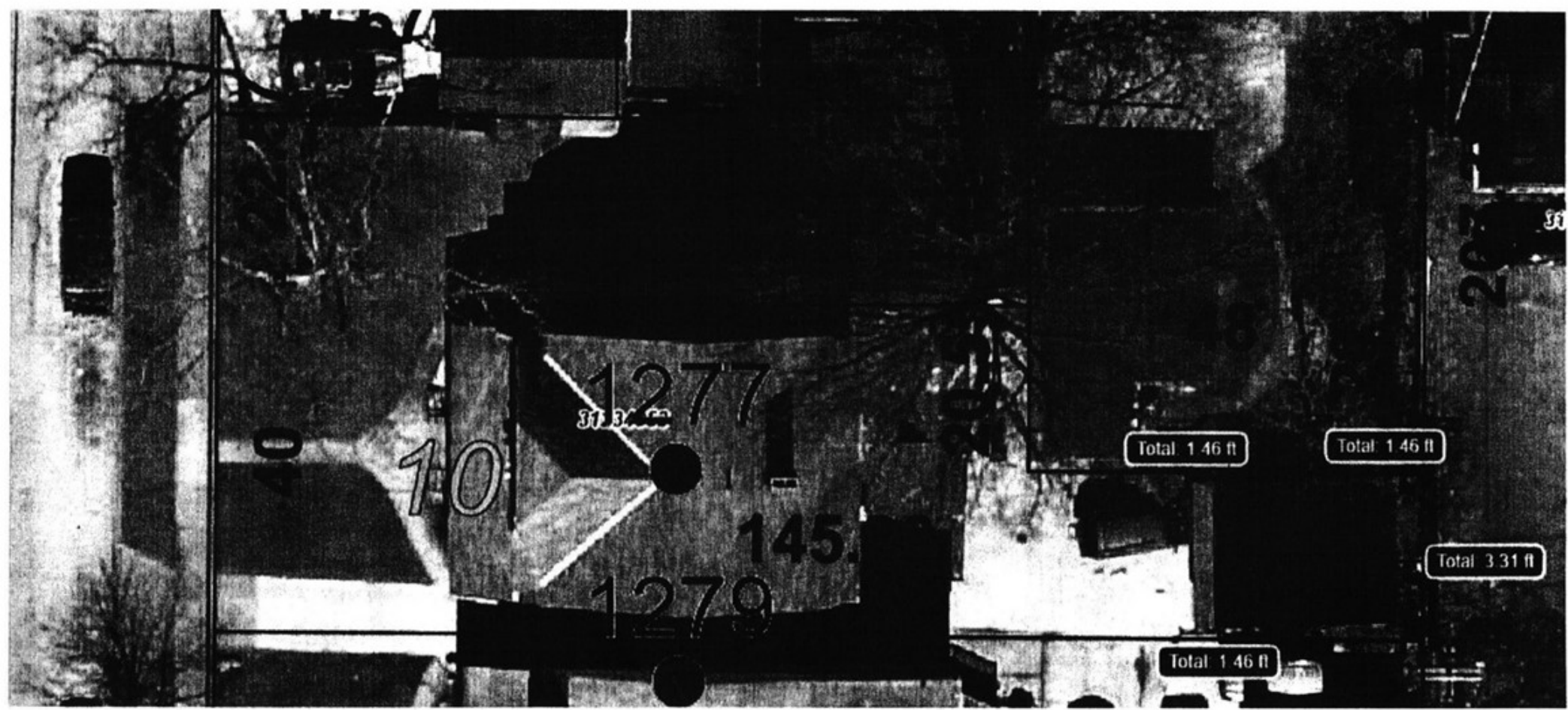
Height 13'2"



LEFT SIDE ELEVATION



1277 Hird Ave.

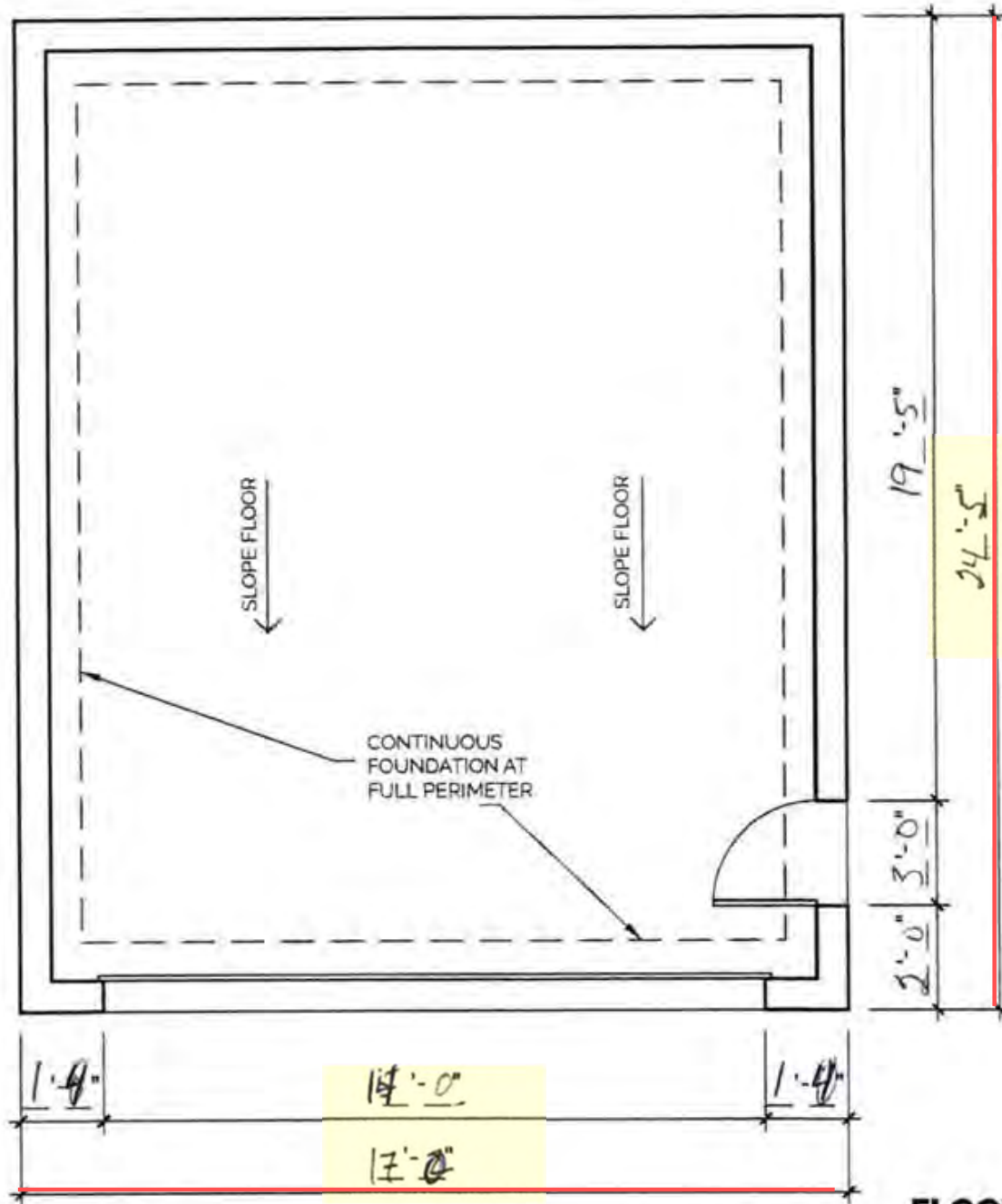


1277 Hird Ave.

DETACHED GARAGE PROTOTYPE FLOOR PLAN (LEFT-HAND OPTION)

12650 Detroit Ave, Lakewood OH 44107
building.permits@lakewoodoh.net
(216) 529-6270

PROPERTY ADDRESS: 1277 HIRD



Proposed
garage area :
24'5" x 17' =
416.50 SF

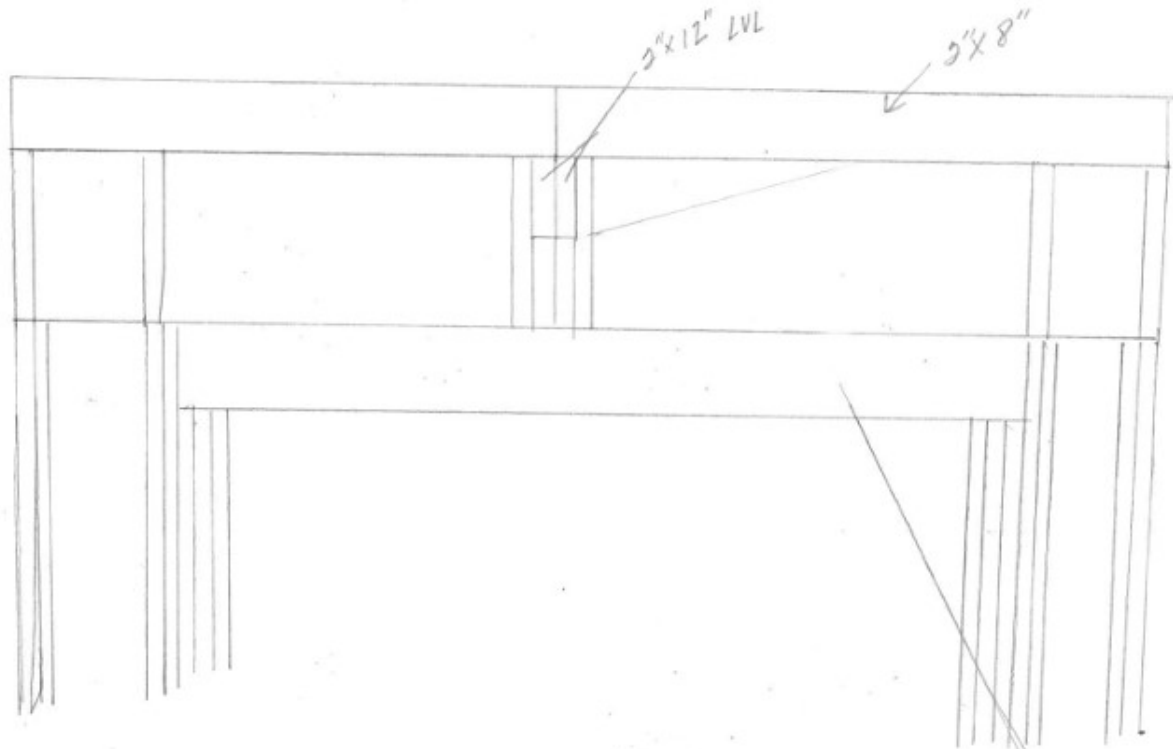
FLOOR PLAN

1277 Hird Ave.

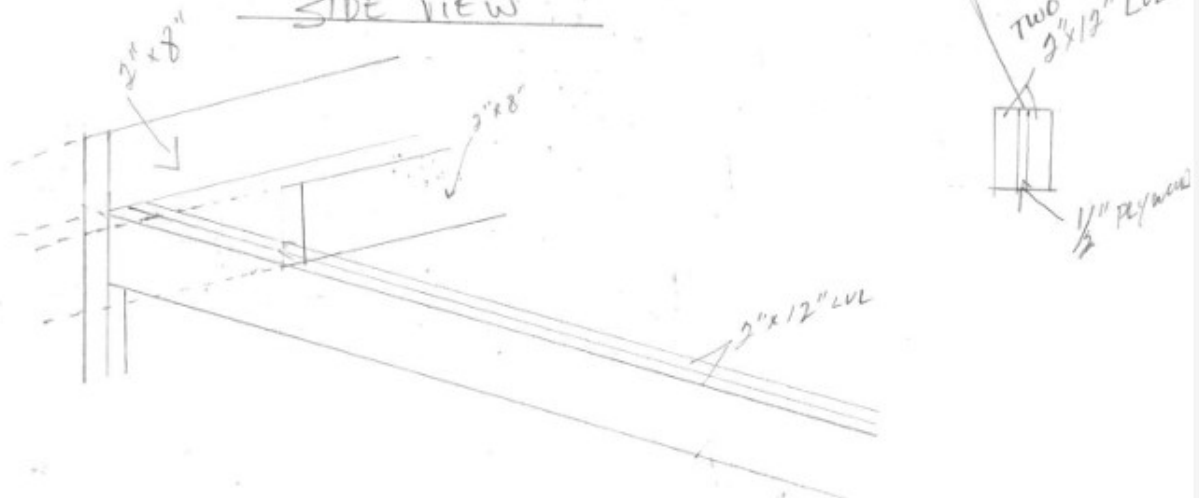


1277 HIRD AVE GARAGE ROOF

FRONT VIEW



SIDE VIEW



1277 Hird Ave.

Fire-Rated Assemblies

5/8" DensGlass® Fireguard® Sheathing is UL and ULC certified as **Type DGG** and is included in numerous assembly designs investigated by UL and ULC for hourly fire resistance ratings.

In addition, 5/8" DensGlass Fireguard Sheathing is certified as "Type X" in accordance with ASTM C1177 and may replace 5/8" gypsum sheathing specified as Type X in generic fire-rated wall assemblies. Generic systems in the GA-600 Fire Resistance Design Manual are applicable to the products of any manufacturer, including Georgia-Pacific Gypsum, provided they meet certain standards set forth in such manual, such as Type X gypsum board per applicable ASTM standard with specified thickness and size described in the design. "Type X" as used in this technical guide designates gypsum board manufactured and tested in accordance with specific ASTM standards for increased fire resistance beyond regular gypsum board. Please consult the ASTM standard for the specific product (for example, ASTM C1177 for glass mat gypsum substrate for use as sheathing) for further information and significance of use.

Proprietary GA-600 Designs: Assemblies listed as proprietary in the GA-600 Fire Resistance Design Manual only list one product per manufacturer and may not include all products referenced in the illustrations below. Please consult the specified UL, ULC, cUL or other fire listing or test for a complete list of approved products.

The following design assemblies are for illustrative purposes only. Consult the appropriate fire resistance directory or test report for complete assembly information. For additional fire safety information concerning DensGlass Sheathing, visit www.buildgp.com/safetyinfo.

1-Hour Fire Rating

Design Reference: UL U305, U337, WHI 495-0702, GA WP 8130



30-34 STC Sound Trans.

Test Reference: OR 64-8

Wall Thickness: 4-3/4" (121 mm)

Weight per Sq. Ft.: 7.5 psf (37 Kg/m²)

Exterior: 5/8" (15.9 mm) DensGlass® Fireguard® Sheathing applied vertically (U337, U305) or horizontally (U305) to 2" (51 mm) x 4" (102 mm) wood studs 16" (406 mm) o.c. with 1-3/4" (45 mm) galvanized roofing nails 7" (178 mm) o.c. for all framing members. Exterior surface covered with weather exposed cladding or finish system.

Interior: 5/8" (15.9 mm) DensArmor Plus® Fireguard® interior panels or 5/8" (15.9 mm) ToughRock® Fireguard X gypsum board applied vertically (U337, U305) or horizontally (U305) to studs with 1-7/8" (48 mm) 6d coated nails 7" (178 mm) o.c. Stagger joints each side.

1-Hour Fire Rating

Design Reference: UL U309, cUL U309, GA WP 3510, GA WP 8105



35-39 STC Sound Trans.

Test Reference: NGC 2404

Wall Thickness: 4-7/8" (124 mm)

Weight per Sq. Ft.: 7.0 psf (34 Kg/m²)

Exterior: 5/8" (15.9 mm) DensGlass Fireguard Sheathing applied vertically or horizontally to 2" (51 mm) x 4" (102 mm) wood studs spaced 24" (610 mm) o.c. with 1-3/4" (45 mm) galvanized roofing nails 7" (178 mm) o.c.

Interior: 5/8" (15.9 mm) DensArmor Plus Fireguard interior panels or 5/8" (15.9 mm) ToughRock Fireguard X gypsum board applied vertically or horizontally to framing with 1-7/8" (48 mm) 6d coated nails 7" (178 mm) o.c.

2-Hour Fire Rating

Design Reference: UL U301, cUL U301, GA WP 8416



40-44 STC Sound Trans.

Test Reference: NGC-2363

Wall Thickness: 6-1/8" (156 mm)

Weight per Sq. Ft.: 12.0 psf (56 Kg/m²)

Exterior: Two layers 5/8" (15.9 mm) DensGlass Fireguard Sheathing applied vertically or horizontally to 2" (51 mm) x 4" (102 mm) wood studs 16" (406 mm) o.c. Base layer attached with 1-7/8" (48 mm) galvanized roofing nails 6" (152 mm) o.c. Face layer attached with 2-3/8" (60 mm) galvanized roofing nails 8" (203 mm) o.c. Stagger joints between layers and on base layer of both sides.

Interior: Two layers 5/8" (15.9 mm) DensArmor Plus Fireguard interior panels or 5/8" (15.9 mm) ToughRock Fireguard X gypsum board applied horizontally or vertically to framing. Base layer attached with 1-7/8" (48 mm) 6d cement coated nails 6" (152 mm) o.c. Face layer attached with 2-3/8" (60 mm) 6d cement coated nails 8" (203 mm) o.c. Stagger joints between layers and on base layer of both sides. Sound tested with studs 16" (406 mm) o.c. and nails for base layer spaced 6" (152 mm) o.c.

CAUTION: For product fire, safety and use information, go to buildgp.com/safetyinfo.

For latest information and updates, Technical Service Hotline 1.800.225.8119 or www.gpgypsum.com **11**

1277 Hird Ave.



JOICE FOR METAL ROOF

TWO LVL ^{2"x12"} ↓ BEAMS FOR CENTER

2"x8" JOICE, 2' ON CENTER

GARAGE DOOR HEADER

TWO LVL 2"x12" WITH 1/2" PLYWOOD IN BETWEEN

interior

5/8" TOUGH ROCK FIREGUARD GYPSUM BOARD



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 do not apply generally to other lands or structures in the same zoning district;
- (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);
- (4) Whether the variance(s) is substantial;
- (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);
- (6) Whether the variance(s) would adversely affect the delivery of governmental services (e.g., water, sewer, refuse removal
- {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).



Administrative Comments

- The proposed garage is a modest size, significantly less than the 480 sq. ft that is permitted
- The requested variances are modest in nature
- The lot has a unique shape, most of the rear yard is substantially reduced due to the parcel shape. The deepest portion of the rear yard is 25 feet in width.
- The property is not a Multi-family per the zoning code definition, it is a two-family dwelling, it would meet the setback requirements in the R2 zoning district.
- The proposed garage will be similar in size, shape, and location to the garage which is being removed.
- **Disclaimer: Nearmaps images show what may appear to be encroachment, Nearmaps cannot be used to precisely determine boundaries. The property owner shall determine their property lines and ascertain that the garage as constructed does not deviate from the plans as approved and does not encroach upon another lot. The issuance of a permit by the City shall not be construed to mean the City has determined the structure is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.**



Public Comment

- ❑ Received via email- 11/16/23 received an e-mail concerned about the encroachment of the proposed garage to the Air-rite Building at 1276 W 117th.



1277 Hird Ave.



Docket No. 11-17-23
1277 Hird Ave.

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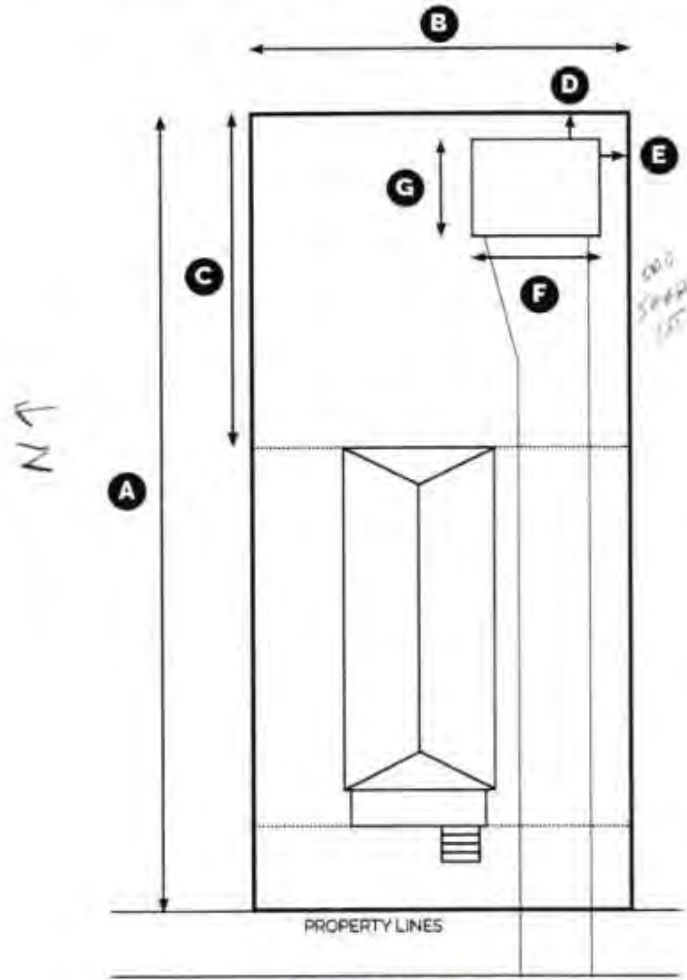
1277 Hird Ave.

**DETACHED GARAGE PLACEMENT
PLACEMENT WORKSHEET (RIGHT-HAND OPTION)**

CITY OF LAKEWOOD OHIO
Division of Housing and Building
12650 Detroit Ave, Lakewood OH 44107
building_permits@lakewoodoh.net
(216) 529-6270



PROPERTY ADDRESS: 1277 HIRD



ORIENTATION

NORTH (INDICATE DIRECTION)

DETACHED GARAGE (IN FEET)

A	LOT DEPTH	147'
B	LOT WIDTH	21'
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E	SIDE SETBACK	1.5'
F	GARAGE WIDTH	17'0"
G	GARAGE DEPTH	24'5"
GARAGE AREA (WIDTH X DEPTH)		422 SF

DRIVE WAY

REPLACEMENT	Y / N
DRAIN	Y / N

Lot Depth: 147'
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Garage Area: 422 SF

RA523-000094
RECEIVED
OCT 02 2023
By Counter Kum

REVISED
1st

SITE PLAN



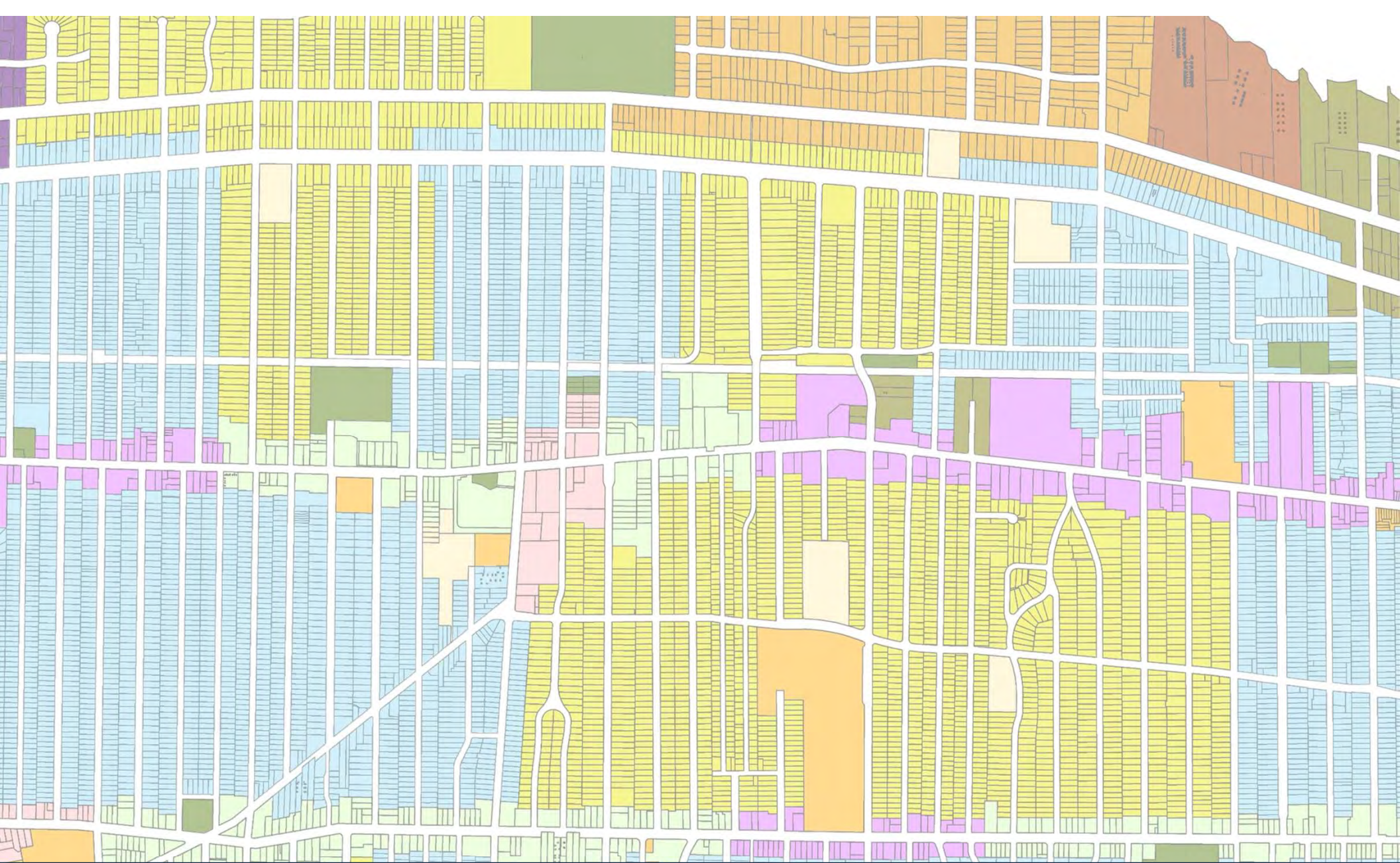
1277 Hird Ave.

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Adjourn



Board of Zoning Appeals



Board of Zoning Appeals