



City of Lakewood
Board of Zoning Appeals

(216) 529-6630
planning@lakewoodoh.gov

MINUTES
BOARD OF ZONING APPEALS
REVIEW MEETING
LAKEWOOD CITY HALL
AUDITORIUM
DECEMBER 19, 2024
6:30 P.M.
MEETING IS NOT RECORDED
<https://www.lakewoodoh.gov/videos-2/>

6:00 p.m. Pre-Review Meeting

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Matt Markling, absent
Jeffrey Pigott
Anthony Santiago, absent

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 and staff. Pre-Review meeting did not begin until 6:15. Discussion about the fence code requirements and the August storm and the ensuing damage.

1. ROLL CALL

Members Present

Michael Alexander, Chair
Jillian Bolino, Vice Chair
Jeffrey Pigott

Administrative Staff

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

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

2. APPROVE MINUTES OF THE NOVEMBER 21, 2024 MEETING

A motion was made by Mr. Alexander, seconded by Mr. Pigott to **APPROVE** the NOVEMBER 21, 2024 meeting minutes as amended (adjournment time was corrected). Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed.

3. OPENING REMARKS

Ms. Nocht read the Opening Remarks into the record.

NEW BUSINESS

4. Docket No. 12-23-24 2070 Belle Ave.

Applicant and property owner Fred Hampton proposes the construction of a replacement fence. The property is located in the R2, Single- and Two-Family District. (Page 3)

- Variance 1: Owner proposes the construction of a fence to replace one destroyed by a falling tree. Request a variance to exceed the maximum permitted of a fence that is 50% or more open and located 12 inches from the public right of way. The length is approximately 75 feet, with varying heights that are six feet (6") at its tallest. Request a variance to exceed the permitted height by two feet (2'). Pursuant to section 1153e (2) Fence Placement and Types (Ord. 08-2021. Passed 5-17-21.)

Applicant and property owner Fred Hampton was present to explain the request. Mr. Hampton provided details about the damage from the storm in August and working with his insurance company to replace the fence exactly how it was before the storm with new fencing. The existing fence had a sight triangle cut at the driveway and was approximately 12 inches from the right of way prior to being damaged by the storm.

A motion was made by Ms. Bolino, seconded by Mr. Pigott to **APPROVE** Docket No. 12-23-24 for a **variance as proposed**. Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed.

5. Docket No. 12-24-24 1538 Parkwood Rd.

Applicant Mike Lyon of 1212 Group LLC for William Manzeo, property owner, proposes the replacement of a garage. The property is located in the R1H, Single and High Density District. (Page 10)

- Variance 1: Owner proposes reconstruction of a garage that was destroyed by a falling tree on the same concrete pad as the previous garage, at the same setbacks as the previous garage. Request a variance to place garage .8 feet (10 inches) from the rear property line where 18 inches is required. Request a variance to reduce the

rear yard setback to 10 inches as proposed. Pursuant to section 1121.10a(2) Additional Accessory Structure Regulations (Ord. 32-16. Passed 09-06-2016.)

- Variance 2: Owner proposes reconstruction of a garage that was destroyed by a falling tree on the same concrete pad as the previous garage, at the same setbacks as the previous garage. Request a variance to place garage 1.4 feet (17 inches) from the rear property line where 18 inches is required. Request a variance to reduce the rear yard setback to 17 inches as proposed. Pursuant to section 1121.10a(2) Additional Accessory Structure Regulations (Ord. 32-16. Passed 09-06-2016.)

Jeffrey Grusenmeyer of J. Grusenmeyer & Associates Inc., representative was present to explain the request. Testimony and photographs showed the damage from the storm. Mr. Grusenmeyer explained that if the existing salvaged garage pad had to be replaced it would not be covered by the homeowner's insurance, and the owner was just seeking to replace what had been destroyed by the storm.

A motion was made by Mr. Pigott, seconded by Ms. Bolino to APPROVE Docket No. 12-24-24 for two variances as proposed. Mr. Alexander, Ms. Bolino, and Mr. Pigott voted yea; the motion passed.

ADJOURN

A motion was made by Ms. Bolino, seconded by Mr. Pigott to ADJOURN the meeting at approximately 7:02 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. JEFFREY GRUSENMEYER

2. FRED HAMPTON

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, December 19, 2024



ly all Forward Quick steps Read / Unread

Letter in Support of Garage Reconstruction at 1538 Parkwood



Alex Kieckhafer <alex.kieckhafer@gmail.com>

Icons: print, reply, forward, etc.

To: Planning Dept
Cc: dmanzeo@gmail.com; Will Manzeo (wmanzeo@gmail.com); Mallika Lavakumar <mallika.lavakumar@gmail.com>

Sat 12/14/2024 2:05 PM

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

Hello,

My name is Alex Kieckhafer. My wife, Mallika Lavakumar, and I are the owners and occupants of 1532 Parkwood, one of the abutting properties affected by the replacement of the garage at 1538 Parkwood Rd.

I would like to express my support of the current plan to replace the garage in where the now-destroyed garage used to be. Replacing the old garage in the same location will greatly help to restore the original "look and feel" of our back yard, wherein the old garage made up much of the boundary between the two properties. In addition, the fence between the two properties is owned by us (and not by the owners of 1538). If the garage is moved, then we will need to purchase and install an additional ~30 feet of fencing to fill the gap left by the repositioned garage.

Thank you.

Reply Reply all Forward

Board of Zoning Appeals

Board Pre-review in the East Conference room between 6:00-6:30 p.m.
Regular Meeting begins in the Auditorium at 6:30 p.m.



City of Lakewood Department of Planning and Development

Board of Zoning Appeals -Staff

- Michelle Nochta, Board Secretary
- Miriam Myranda, Legal Counsel
- Justin Maskaluk, Building Dept.

Board of Zoning Appeals Members

- Michael Alexander, Chair
- Jillian Bolino, Vice Chair
- Matt Markling, member
- Jeffrey Pigott, member
- Anthony Santiago, member

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

December 19, 2024

Agenda

1. Roll Call
2. Vote to approve November 21, 2024, meeting minutes
3. Opening Remarks

NEW BUSINESS

4. Docket No. 12-23-24 : 2070 Belle.
5. Docket No. 12-24-24 : 1538 Parkwood
6. Adjourn

Docket No. 12-23-24

2070 Belle Ave Applicant and property owner Fred Hampton proposes the construction of a replacement fence. The property is located in the R2 Single-and Two-Family District



Docket No. 12-23-24

2070 Belle Ave Applicant and property owner Fred Hampton proposes the construction of a replacement fence. The property is located in the R2 Single-and Two-Family District



Docket No. 12-23-24

2070 Belle Ave.

Docket No. 12-23-24

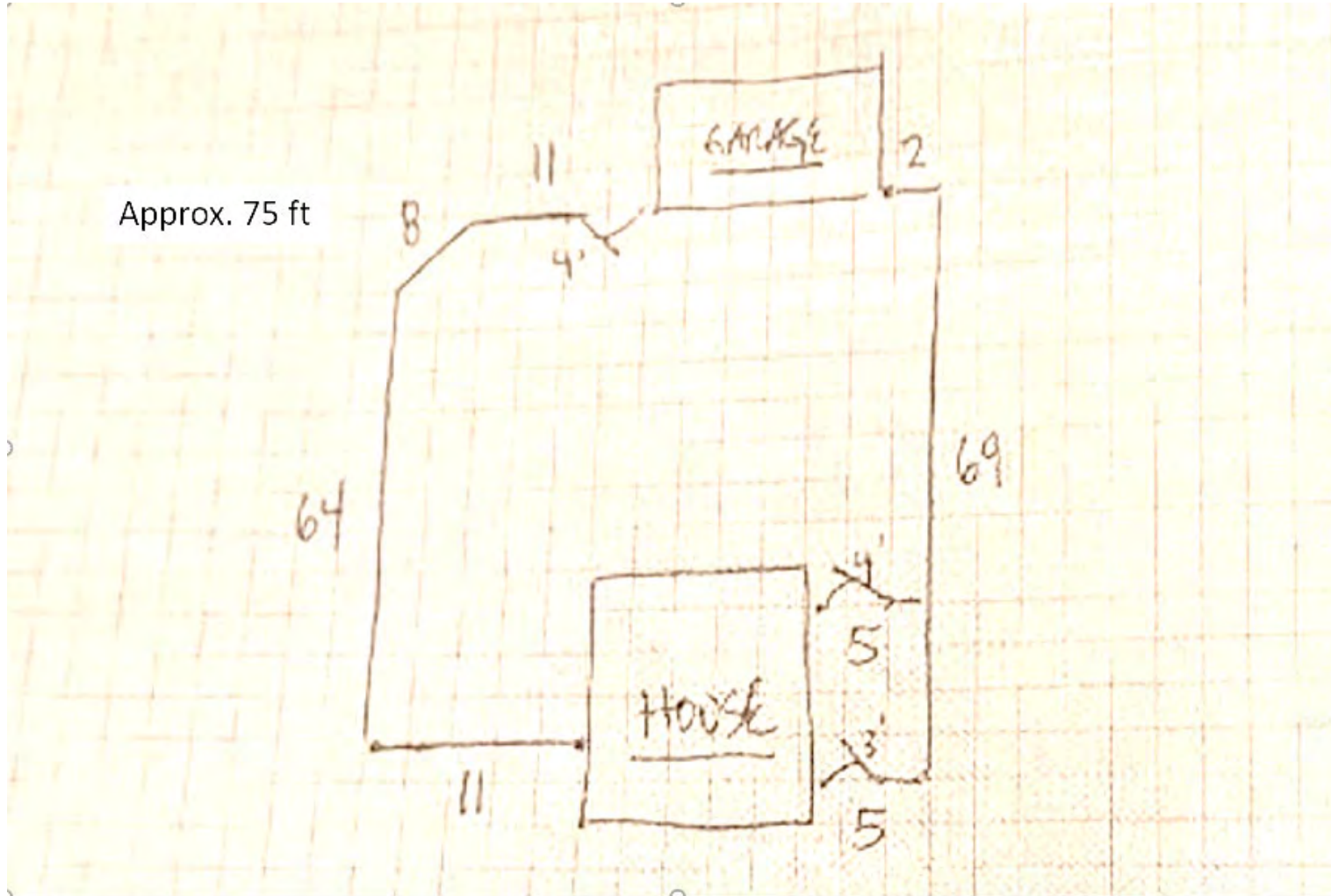
2070 Belle Ave

Applicant and property owner Fred Hampton proposes the construction of a replacement fence. The property is located in the R2, Single- and Two-Family District. (Page 3)

Variance 1: Owner proposes the construction of a fence to replace one destroyed by a falling tree. Request a variance to exceed the maximum permitted of a fence that is 50% or more open and located 12 inches from the public right of way. The length of the "scallop" design fence is 75 feet, with varying heights that are 6 feet at it's tallest. Request a variance to exceed the permitted height by 2 feet, as proposed. Pursuant to section 1153e (2) Fence Placement and Types (Ord. 08-2021. Passed 5-17-21.)

Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Google

Image capture: Aug 2022 © 2024 Google United States Terms Privacy R

Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

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2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave

MAE FENCE
in
Fulton Ohio

Height: 6' 175

Vertical Style Horizontal Style Other:

Privacy Picket Shadow Batton Ranch Rail Split Rail

Straight Top Rolling Arch Dec. Scallop Middle Frame # of Caps Cap & Trim Decorative Top Rail Fence

Rails:
 2 3 4 5
Other:

Wire Options:
 Black Welded
 Galvanized
 Pull Wize
 Agriculture:

100% Cedar Treated Poplar Rail Treated Framing - Cedar Pickets Other:

Spacing: 2" Board Size: 4" # of Frames: 3

Face Nail Toe Nail Mortice & Tennon

Post Set:
 Dry Set Concrete
 Wet Set Concrete
 Other

Post Size: 4"x4" Post Top: SEE PHOTO
CARVED

Gates: 3 # Single: 2-4'
1-3' # Double:

Hardware:
 Gravity Latch
 2-Way Latch
 # of Drop Rods:

Arbors: 2-Post Crescent 4' Wide
 4-Post Traditional Other:

6' HT., 4" PICKET, 2" SPACE, SCALLOP TOP, 1-3' GATE, 2-4' GATES, w/ SPEAR TOP CARVED POSTS (SEE PHOTO).

Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave

Manufactured by **MAE FENCE** in Fulton Ohio

MADE IN Ohio

Hamilton
Total Footage: 175
Installation Date:

Horizontal Style Other:

Privacy Picket Shadow Batton Ranch Rail Split Rail

Straight Top Rolling Arch Dec. Scallop Middle Frame
of Caps

Cut Arch Cut Scallop Cap & Trim Decorative Top Rail Fence

Rails
 2 3 4 5
Other:

Wire Options
 Black Welded
 Galvanized
 Pull Wize
 Agriculture:

100% Cedar Treated Poplar Rail Treated Framing - Cedar Pickets Other:

Spacing: 2" Board Size: 4"

of Frames: 3

Face Nail Toe Nail Mortice & Tennon

Post Set:
 Dry Set Concrete
 Wet Set Concrete
 Other

Post Size: 4"x4" Post Top: SEE PHOTO CARVED

Gates: 3 # Single: 2-4' 1-3' # Double:

Hardware:
 Gravity Latch
 2-Way Latch
of Drop Posts:

Arbors: 2-Post Crescent 4' Wide
 4-Post Traditional Other:

6' HT, 4" PICKET, 2" SPACE, SCALLOP TOP, 1-3' GATE, 2-4' GATES, W/ SPEAR TOP CARVED POSTS (SEE PHOTO)

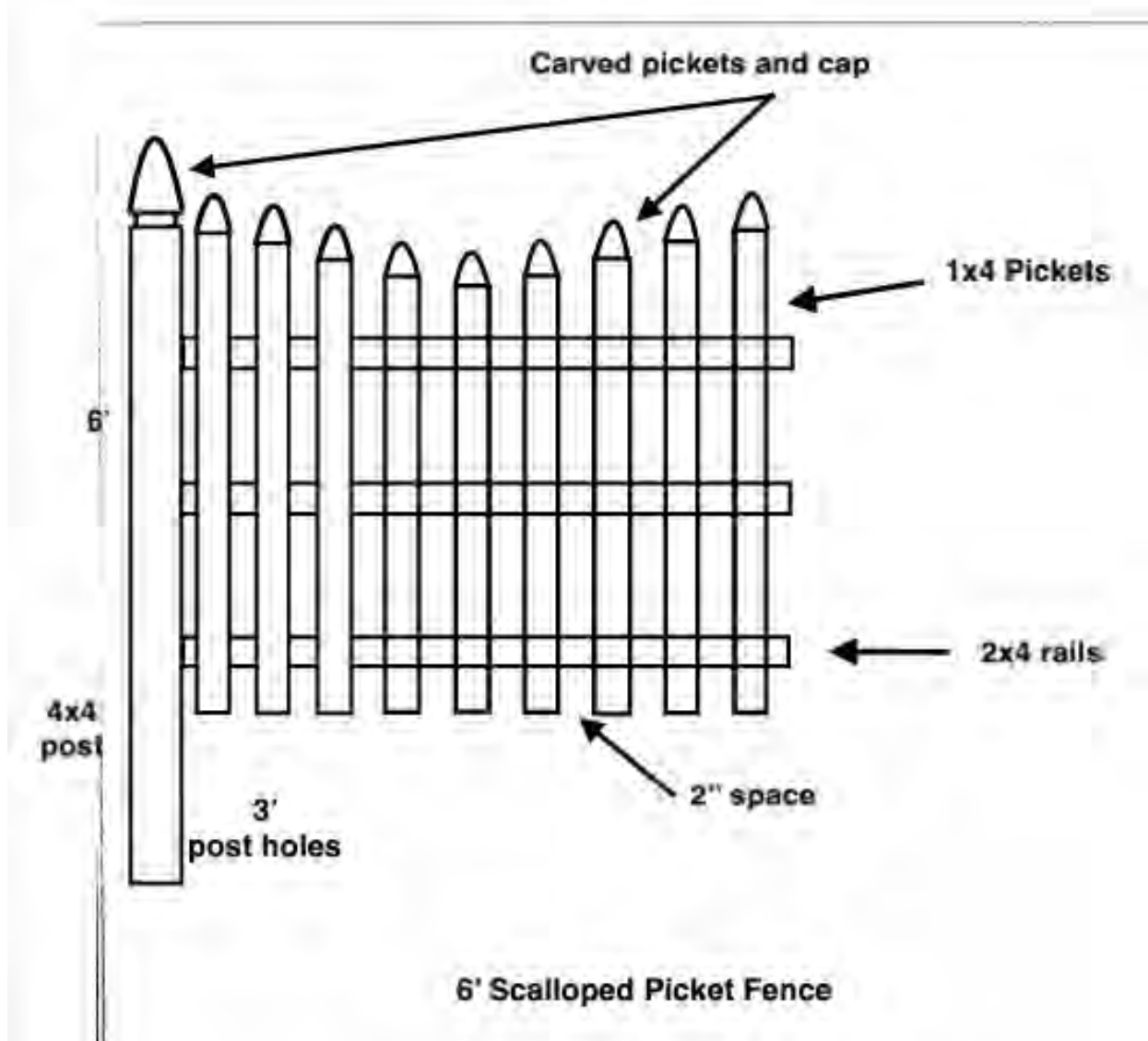
Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave



(page 1 of 2)

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;

Its a corner lot, the backyard is different from the other on the block, where the sightlines may be different

(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);

Yes it can, but we consider this variance request to be minor and it will allow a much more beneficial use.

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

It would be a replacement to what has existed before. No changes will be made.

(CONTINUED page 2 of 2)

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 changes will be made. Its a replacement for what was already there.

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

No services will be affected. its a replacement for what was already there.

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

Not applicable

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

Not applicable

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

Yes, I believe in the intent of the code and would not be doing this in spite of the code

Docket No. 12-23-24

2070 Belle Ave

Administrative Comments

- The 8-foot sight triangle is required and is existing in the previous layout
- The request is to replace a fence that was damaged by a storm, no changes are proposed

Docket No. 12-23-24

2070 Belle Ave

Public Comment

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

Docket No. 12-23-24

2070 Belle Ave.

Docket No. 12-23-24

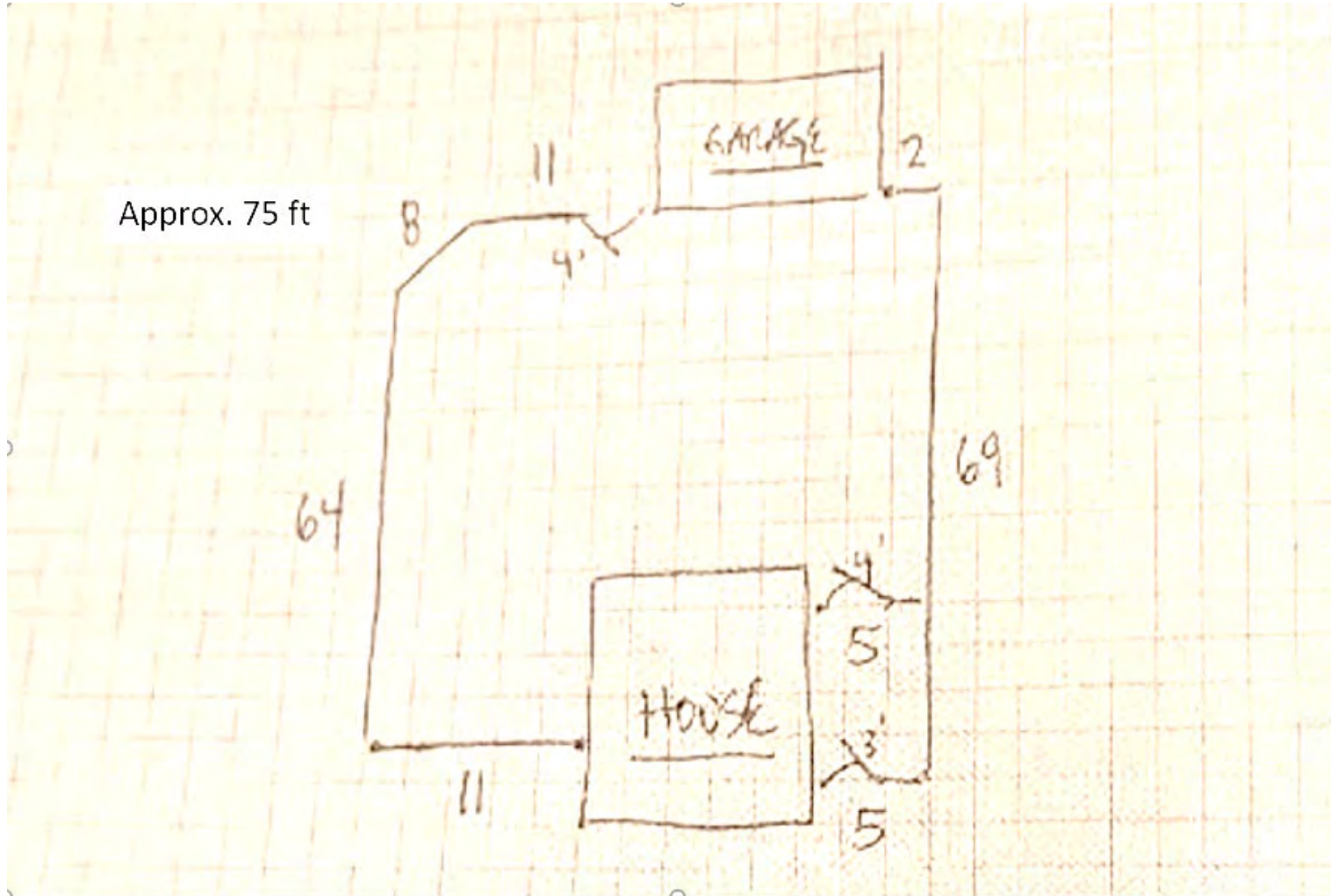
2070 Belle Ave

Applicant and property owner Fred Hampton proposes the construction of a replacement fence. The property is located in the R2, Single- and Two-Family District.
(Page 3)

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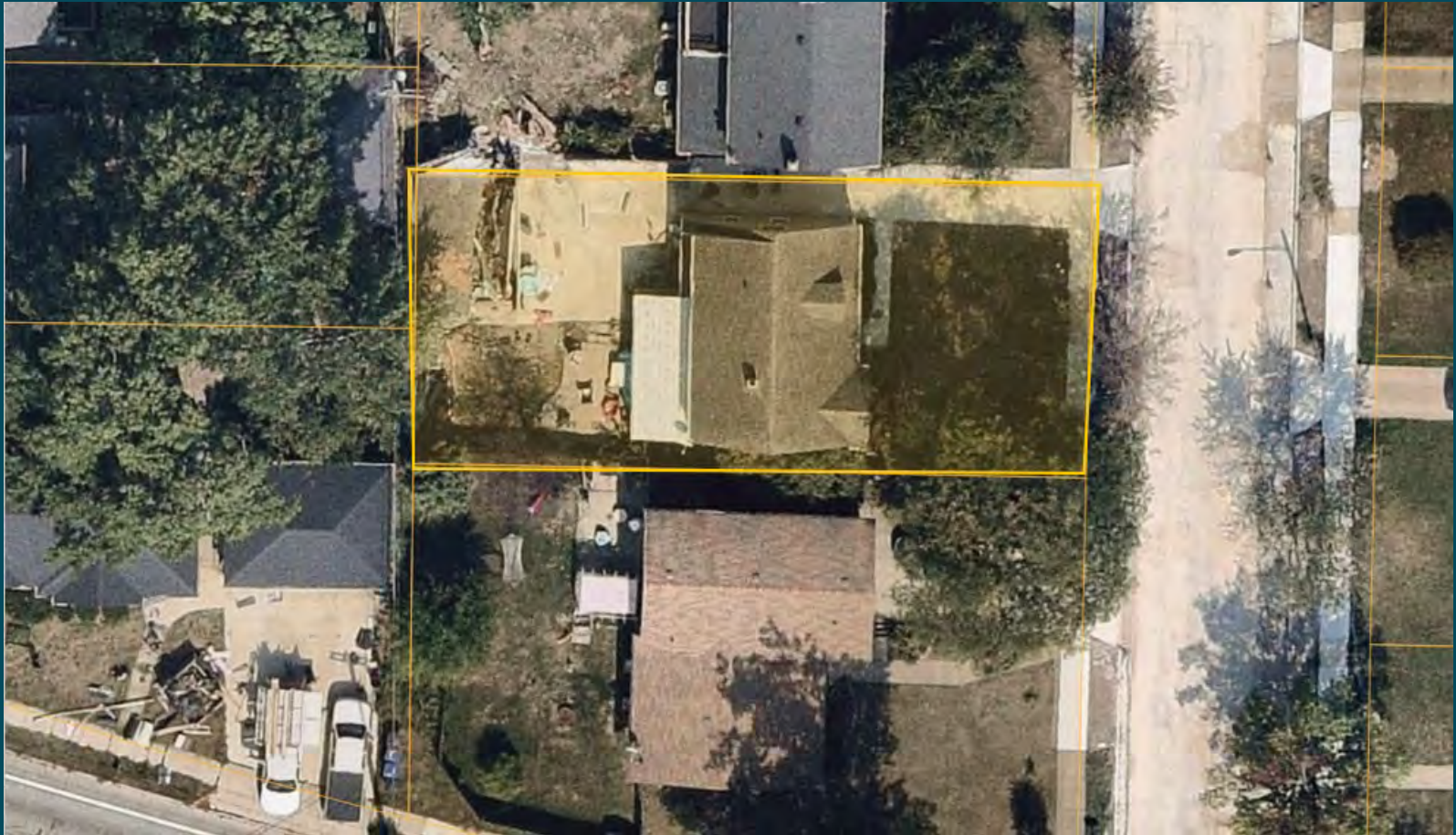
Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-24-24 1538 Parkwood Ave.

Applicant Mike Lyon of 1212 Group LLC for William Manzeo, property owner, proposes the replacement of a garage. The property is located in the R1H, Single and High Density District.



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave

Docket No. 12-24-24

1538 Parkwood Rd.

Applicant Mike Lyon of 1212 Group LLC for William Manzeo, property owner, proposes the replacement of a garage. The property is located in the R1H, Single and High-Density District. (Page 6)

Variance 1: Owner proposes reconstruction of a garage that was destroyed by a falling tree on the same concrete pad as the previous garage, at the same setbacks as the previous garage. Request a variance to place garage .8 feet(10 inches) from the rear property line where 18 inches is required. Request a variance to reduce the rear yard setback to 10 inches as proposed. Pursuant to section 1121.10a(2) Additional Accessory Structure Regulations (Ord. 32-16. Passed 09-06-2016.)

Docket No. 12-24-24

1538 Parkwood Ave

17 inches from side lot line

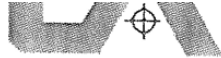
Requirement is 18 inches



10 inches from rear lot line

Docket No. 12-24-24

1538 Parkwood Ave

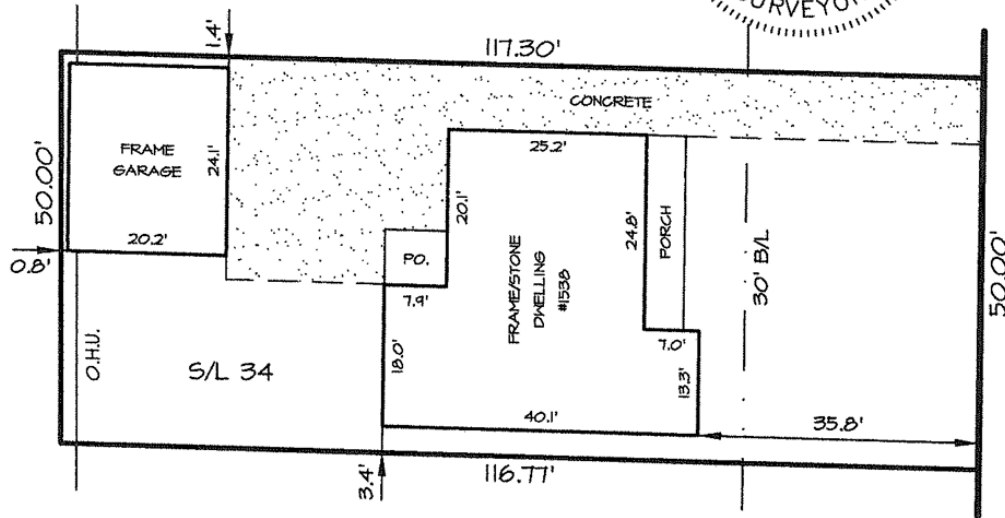
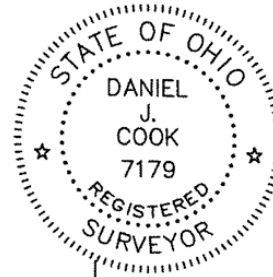


ASSOCIATES, INC.
Land Surveying

Fax: 866.454.7762
3485 Fortuna Drive
Suite 100
Akron, OH 44312
<http://www.campbellsurvey.com>

MORTGAGE LOCATION SURVEY

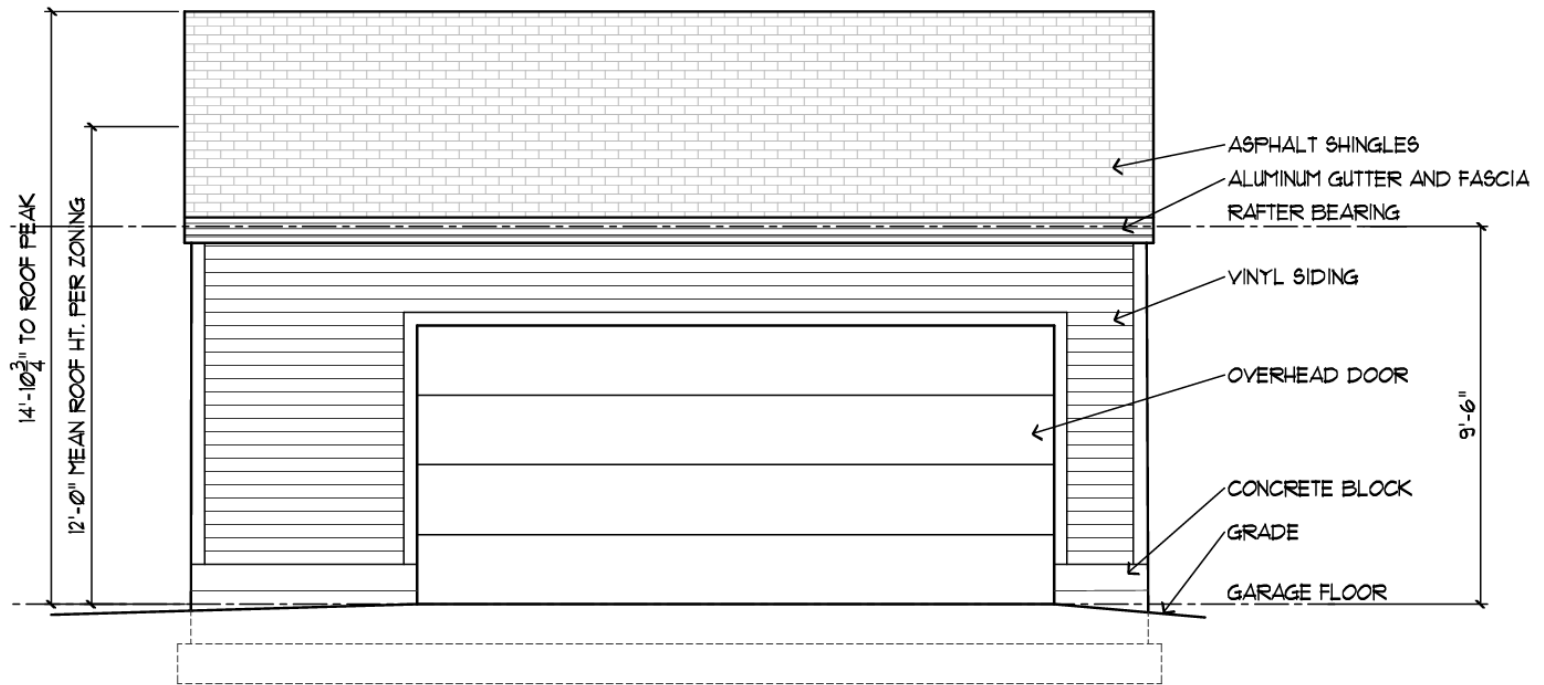
APPROVED, ACKNOWLEDGED
AND ACCEPTED BY:



PARKWOOD RD. 50'

Docket No. 12-24-24

1538 Parkwood Ave



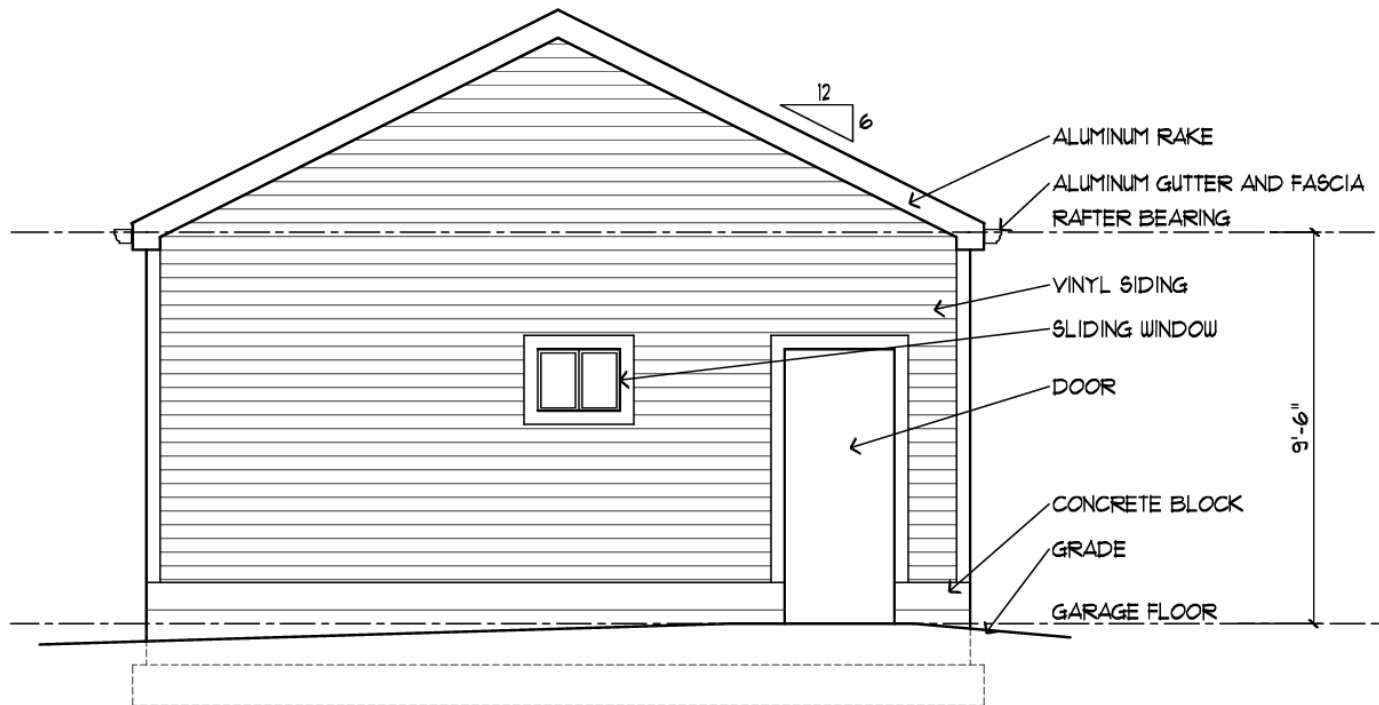
◇ FRONT ELEVATION ◇

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

REAR ELEVATION SIMILAR-OPPOSITE HAND W/O O/H DOOR

Docket No. 12-24-24

1538 Parkwood Ave



◇ **LEFT SIDE ELEVATION** ◇

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

RIGHT SIDE ELEVATION SIMILAR-OPPOSITE HAND W/O DOOR AND WINDOW

Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood Ave



Docket No. 12-24-24

1538 Parkwood 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;

The garage placement is unique to the site, and the request is to permit the reconstruction of the garage in the manner, design, and placement where a garage has stood for some time. The variance does not request a reduction in any yard, but rather relief from the requirement and burden of constructing the walls adjacent to the property line out of masonry vs. siding, a requirement that appears to be an anachronistic hold over from a time prior to the adoption of the current residential codes. Although masonry may provide some fire protection, this issue is now addressed within the RCO and the adjacent walls will be of fire rated construction and siding without leaving the neighbors to view exposed block.

(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;

It is not located near a non-conforming or non-harmonious use, structure, or site conditions, and abuts similarly zoned parcels

(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);

Absent the variance, there is a substantial burden in relocating the garage or reconstructing it in a less aesthetic and more costly manner, to the detriment of the owner and adjacent neighbors.

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

Since it would be a reconstruction in situ, the request would not appear to be substantial.

Docket No. 12-24-24

1538 Parkwood 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.

(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);

Granting of the variance would maintain the character of the neighborhood as noted in other answers. Denial of the variance would change the character of the neighborhood.

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

The variance request has no impact upon the delivery of governmental services.

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

It is unlikely that any residential property owner would investigate such a subject prior to purchase, or have knowledge that the reconstruction of the accessory structure after a disaster would be restricted.

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

There is no other option to obviate the predicament, which was not caused by the actions of the Owner, but rather by natural disaster.

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

The spirit and intent is observed and it would appear that a substantial injustice would occur if the variance were not granted and a garage could not be reconstructed in a safe manner that has existed at the site for generations.

Docket No. 12-23-24

1538 Parkwood

Administrative Comments

- The request is to replace a fence that was damaged by a storm, no changes are proposed, and the applicant would like to reuse the existing garage pad
- Garage overhangs must not encroach onto adjacent properties, including downspouts and run-off water

Docket No. 12-23-24

1538 Parkwood

Public Comment

- Received via phone-
- Received via email- support from the abutting owners
at 1532 Parkwood
- Meeting attendee(s)

Public Comment

Hello,

My name is **Alex Kieckhafer**. My wife, **Mallika Lavakumar**, and I are the **owners** and occupants of 1532 Parkwood, one of the **abutting** properties affected by the replacement of the garage at 1538 Parkwood Rd.

I would like to express my support of the current plan to replace the garage in where the now-destroyed garage used to be. Replacing the old garage in the same location will greatly help to restore the original "look and feel" of our back yard, wherein the old garage made up much of the boundary between the two properties. In addition, the fence between the two properties is owned by us (and not by the owners of 1538). If the garage is moved, then we will need to purchase and install an additional ~30 feet of fencing to fill the gap left by the repositioned garage.

Thank you.

Docket No. 12-23-24

2070 Belle Ave



Docket No. 12-23-24

2070 Belle Ave

- Vote for Adjournment of Meeting

Thank you!

City of Lakewood Contact:

Michelle Nocht, AICP

Senior Planner and ADA Coordinator

(216)529-5906

Michelle.Nocht@lakewoodoh.gov

