

**MINUTES**  
**(Audio Recording Is Available)**  
**BOARD OF ZONING APPEALS**  
**APRIL 17, 2014**  
**LAKWOOD CITY HALL**

**PRE-REVIEW MEETING**  
**6:00 P.M.**  
**LAW CONFERENCE ROOM**

The meeting was called to order at 6:30 p.m.

1. **Roll Call**

Members Present

Cynthia Bender  
Christopher Bindel  
James Nagy, Chairman

Others Present

Mary Leigh, Secretary, DCD Programs Manager, P&D  
Michael Molinski, City Architect  
Kevin Butler, Law Director

A motion was made by Mr. Nagy, seconded by Ms. Bender to **EXCUSE** the absences of Kyle Krewson and Jennifer Matousek. All of the members voting yea, the motion passed.

2. **Approve Minutes of the January 16, 2014 meeting**, deferred from the March 20<sup>th</sup> meeting.

A motion was made by Mr. Nagy, seconded by Mr. Bindel to **DEFER** the January 16, 2014 meeting minutes until the meeting of May 15, 2014. All of the members voting yea, the motion passed.

3. **Approve Minutes of the March 20, 2014 meeting**

A motion was made by Ms. Bender, seconded by Mr. Bindel to **APPROVE** the March 20, 2014 meeting minutes. All of the members voting yea, the motion passed.

4. **Opening Remarks**

Ms. Leigh read the Opening Remarks and advised anyone wanting to give testimony to sign the Oath situated on the podium.

**NEW BUSINESS**

6. **Docket 04-05-14** **840 Beach**

The Clifton Park Trustees, applicant and property owner, represented by Woody Hall, and **Stephen Weber, 848 Beach Road**, request a 2 foot variance to the allowed 6 foot in order to construct an 8 foot fence pursuant to Section 1153.02(c) – Regulations. The property is located in the L, Lagoon District (Page 2).

Woody Hall, representative was present to explain the request. The fence would be located along the docks and provide visual screening from the neighbors. The former barrier had been demolished by fallen trees due to storm damage. The new fence would match that of an existing one. The Trustees owned the majority of the property, and there were easements. The Board voiced concern about granting a variance for property not owned by the applicant.

Stephen Weber, 848 Beach Road clarified about the bulkhead area. Utilizing the PowerPoint presentation, he showed the areas in question and his property line in relationship to the project. No part of the fence would be on property not owned by Clifton Park Trustees or Mr. Stephen Weber.

Mr. Molinski asked who was responsible for the maintenance of the fence. Mr. Hall said the Trustees would. Mr. Molinski asked that a maintenance agreement be in place and on file with the Division of Housing and Building when permits are pulled.

A motion was made by Ms. Bender, seconded by Mr. Bindel to **AMEND the application to include Mr. Weber as an applicant to the application.** All of the members voting yea, the motion passed.

A motion was made by Mr. Nagy, seconded by Mr. Bindel to **GRANT** the request. All of the members voting yea, the motion passed.

**5. Docket 04-06-14 13910 Lake Avenue**

Stephanie Bowman, applicant and property owner, requests an 8 foot 2 inch variance to the required 10 foot side yard in order to install an A/C condenser in the west side yard pursuant to Section 1127.07 - Minimum yard requirements for principal buildings. The property is located in an R-1M, Single Family Medium Density District (Page 13).

Nathan Bowman, the applicant's son was present to explain the request. The Board requested that a letter be provided; an e-mail would be acceptable from Ms Bowman to provide consent for Mr. Bowman to speak on her behalf. At this point, the Board recessed to allow for time for receipt of requested letter by Kevin Butler.

Upon receipt of Ms. Bowman's email, Mr. Bowman continued and stated that the backyard lot was small and that the owner requested placement of the condenser unit in the side yard. Shrubbery would be used to shield it from the front. On the other side of the home was a cement walkway and brick wall owned by the Marathon gas station; that walkway would be the home owner's access to the back yard.

Patricia Winfield, representative for Dr. JoAnn Sklow (letter on file) was present to explain Dr. Sklow's concerns about the requested variance. Dr. Sklow's home is located to the west of the Bowman property and she was concerned that the noise from the condenser would echo off of the fence and disrupt her enjoyment her home and yard.

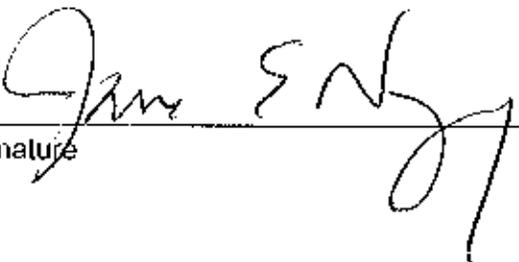
Mr. Bowman stated the neighbor's home was eight feet (8') from the wood fence. The unit to be installed should not be loud enough to disrupt the neighbor's use of her back yard. Mr. Bowman said there was no other place to install the condenser.

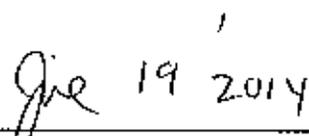
Mr. Molinski stated neighboring wood fence was on the property line, and clarified that the space was actually 58 inches, not 8 feet. After discussion, Mr. Molinski said the decibels would be less from unit than the traffic on Lake Avenue. He felt there would not be a hardship for the neighbor because of the space between the neighboring home and the side yard.

A motion was made by Mr. Nagy, seconded by Ms. Bender to **GRANT** the request with the stipulation that the unit would be newly manufactured and unused. All of the members voting yea, the motion passed.

### ADJOURN

A motion was made by Mr. Bindel, seconded by Ms. Bender to **ADJOURN** the meeting at 7:27 p.m. All of the members voting yea, the motion passed.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date



### Oath

I, the undersigned, hereby agree 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. Woody Hance

Woody Hance

2. Stephen Weber

Stephen Weber

3. Nathan Bouman

Nathan Bouman

4. Patricia Winfield

Patricia Winfield

5. \_\_\_\_\_

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6. \_\_\_\_\_

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7. \_\_\_\_\_

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9. \_\_\_\_\_

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10. \_\_\_\_\_

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11. \_\_\_\_\_

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Prepared by: The City of Lakewood Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107

FOR CITY USE ONLY

Lakewood Administrative Procedure:  ABR/BBS/Sign  Citizens Advisory  Civil Service  Dangerous Dog  
 Income Tax Appeals  Loan Approval  Nuisance Abatement Appeals  Planning  Zoning Appeals  Other:

Date of Proceeding: Thursday, April 17, 2014

The Avenue Taphouse  
18206 Detroit Avenue  
Lakewood, OH 44107

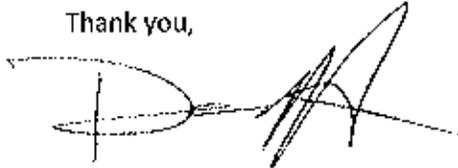
April 3<sup>rd</sup>, 2014

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

To whom it may concern,

I would like to formally cancel my appearance on the Board of Zoning Appeals Docket this month. If you have any questions feel free to contact me on my cell phone at 440-823-4162.

Thank you,

A handwritten signature in black ink, appearing to be 'David Hanna', written over a horizontal line. The signature is stylized with a large 'D' and 'H'.

David Hanna

April 18, 2014

Dr. JoAnn Sklow  
13926 Lake Ave.  
Lakewood, OH 44107

Lakewood Board of Zoning Appeals  
12650 Detroit Ave.  
Lakewood, OH 44107

RE: Board of Zoning Appeals Meeting 4/17/14  
Docket 04-08-14  
Objection to variance sought for 13910 Lake Ave.

I am in receipt of your notice of the hearing on my neighbor's application for a zoning variance.

While I appreciate my neighbor's situation, I feel this would be detrimental to my property, so I oppose this variance.

I am unable to attend the Commission meeting but would like to make my objections to you so they can be placed on the record, so I am sending this letter to you to present to the Zoning Commissioners.

As you know, the air conditioning unit is already closer to my property line than provided by code. It is my understanding that the variance would allow the new unit to be placed even closer and in a new location.

It is my belief that this encroachment toward my property will, in addition to having a detrimental effect on the value of my property, affect me personally in that the noise of the unit will interfere with the livability of my home and yard. I enjoy spending time in my yard and like to keep my windows open in my home, and the on and off nature of the a/c unit running in that location would greatly impact my enjoyment of peace and quiet. Even though there is a fence in that location, the noise will bounce or echo off the fence and house, making it worse than if it were positioned in a more open area, like its current location.

I believe there is sufficient space for my neighbor to place the unit in a spot that would comply with code, in a manner that would not be a hardship.

I therefore object to the granting of this variance and request that it be denied

Sincerely,

Dr. JoAnn Sklow

## Schwarz, Johanna

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**From:** Leigh, Mary  
**Sent:** Wednesday, April 16, 2014 4:25 PM  
**To:** Schwarz, Johanna  
**Subject:** FW:

**From:** JoAnn Sklow [<mailto:drjoannsklow@gmail.com>]  
**Sent:** Wednesday, April 16, 2014 4:24 PM  
**To:** Leigh, Mary  
**Subject:**

I am giving permission to Kathy heller and pat Winfield to attend meeting for mc. When I leave hospital I will send my concerns. Thank you JoAnn Sklow

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## Schwarz, Johanna

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**From:** Leigh, Mary  
**Sent:** Thursday, April 17, 2014 7:52 PM  
**To:** Schwarz, Johanna  
**Subject:** FW: Nathan Bowman

Stephanie Bowman, applicant for the Lake Avenue variance sent this so her son could speak on her behalf. Please add to the BZA folder.

-----Original Message-----

**From:** Kevin Butler [<mailto:kbutler@b-law.net>]  
**Sent:** Thursday, April 17, 2014 7:05 PM  
**To:** Leigh, Mary  
**Subject:** FW: Nathan Bowman

FYI.

Kevin M. Butler  
Law Offices of Kevin M. Butler  
2401 Superior Viaduct  
Cleveland, OH 44113  
216.621.9610 phone  
216.241.4400 fax  
[www.b-law.net](http://www.b-law.net)

-----Original Message-----

**From:** Stephanie Bowman [<mailto:stephanierbowman@gmail.com>]  
**Sent:** Thursday, April 17, 2014 7:04 PM  
**To:** [kbutler@b-law.net](mailto:kbutler@b-law.net)  
**Subject:** Nathan Bowman

Nathan Bowman is legally representing me, Stephanie Bowman. Thank you.

Sent from my iPhone

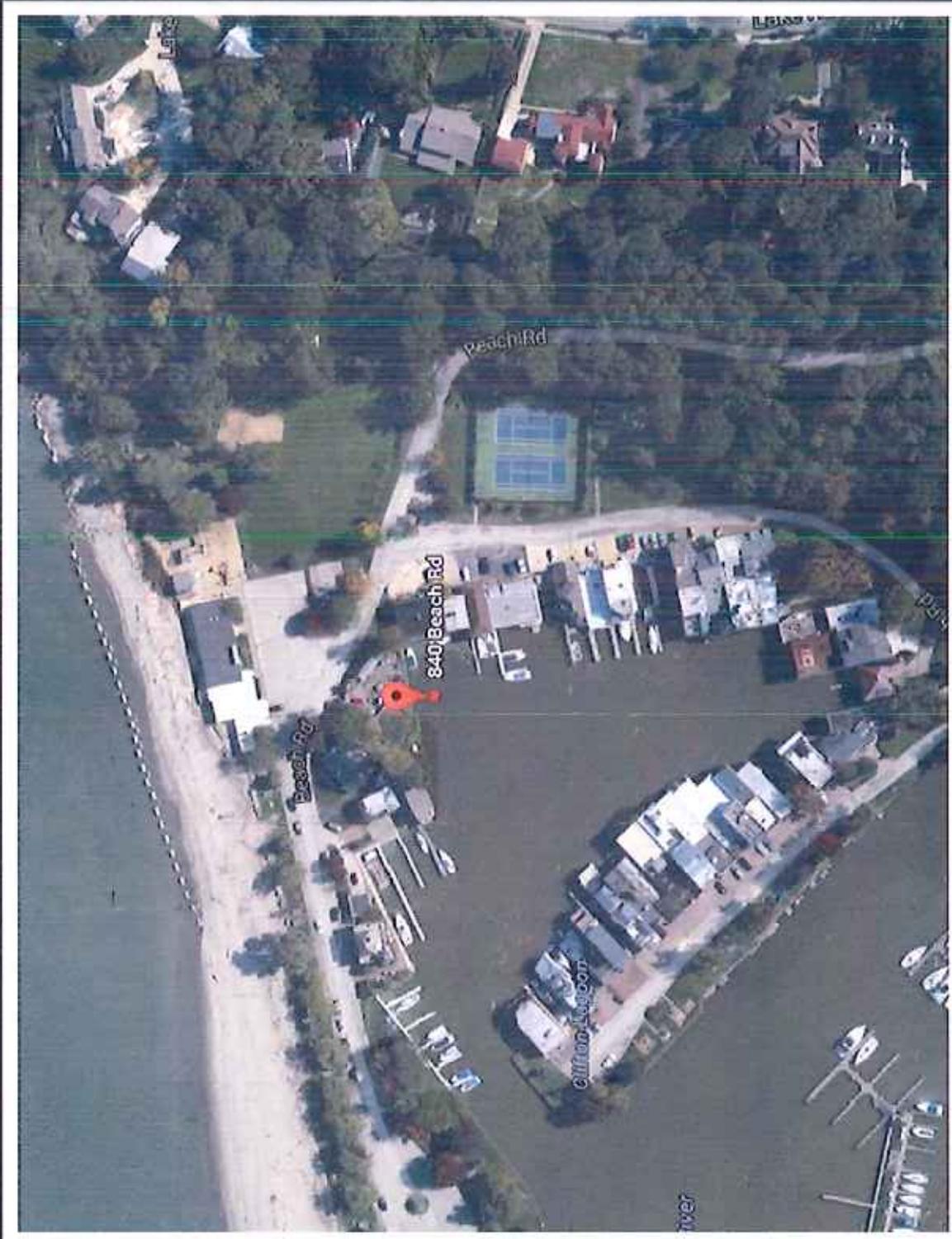
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# Board of Zoning Appeals

April 2014





840 Beach Ave

Sat, April 20, 14



840 Beach Ave



Nov-April 2013

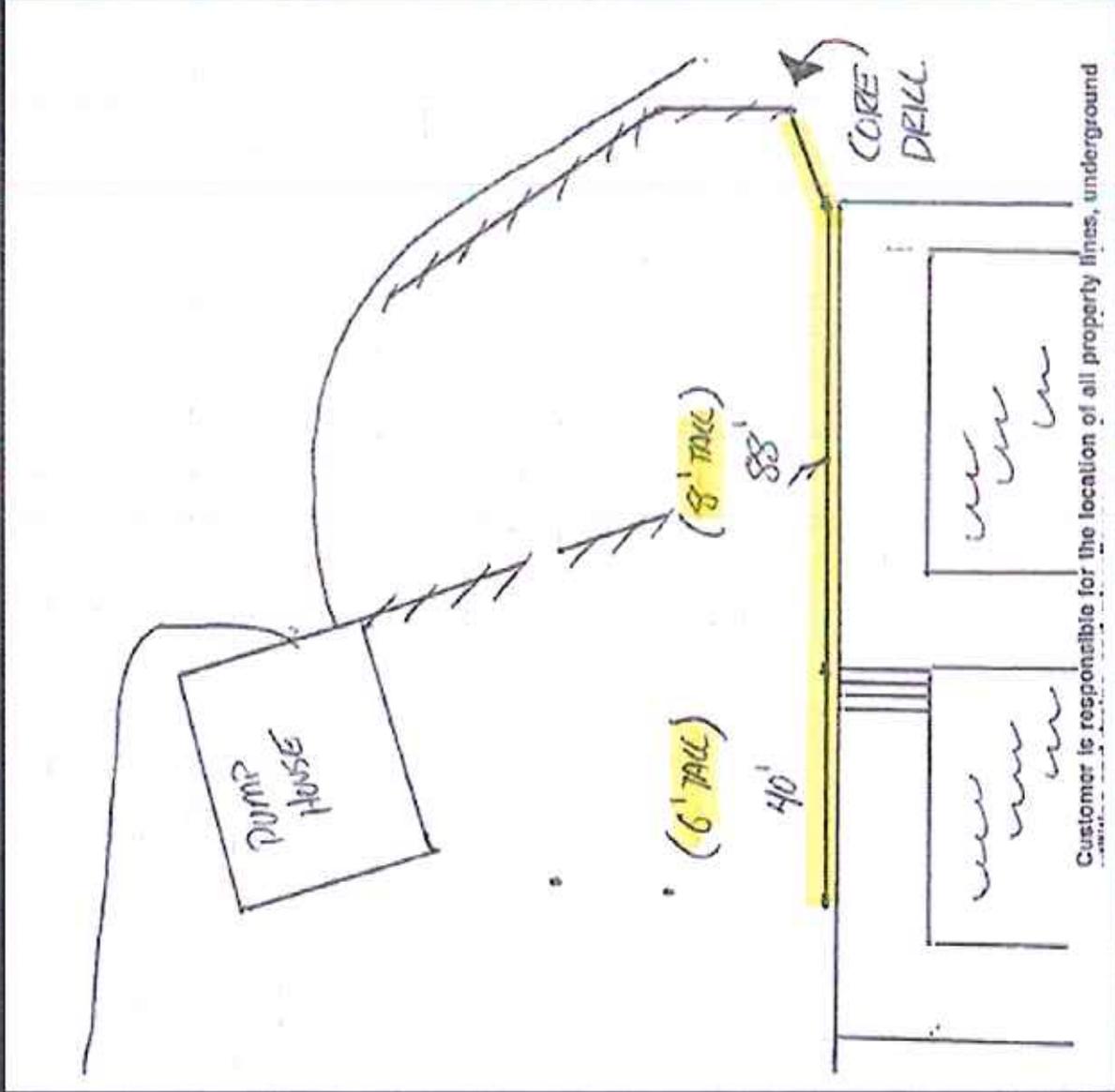


1023 - April, 2011

LAKWOOD  
OHIO

840 Beach Ave

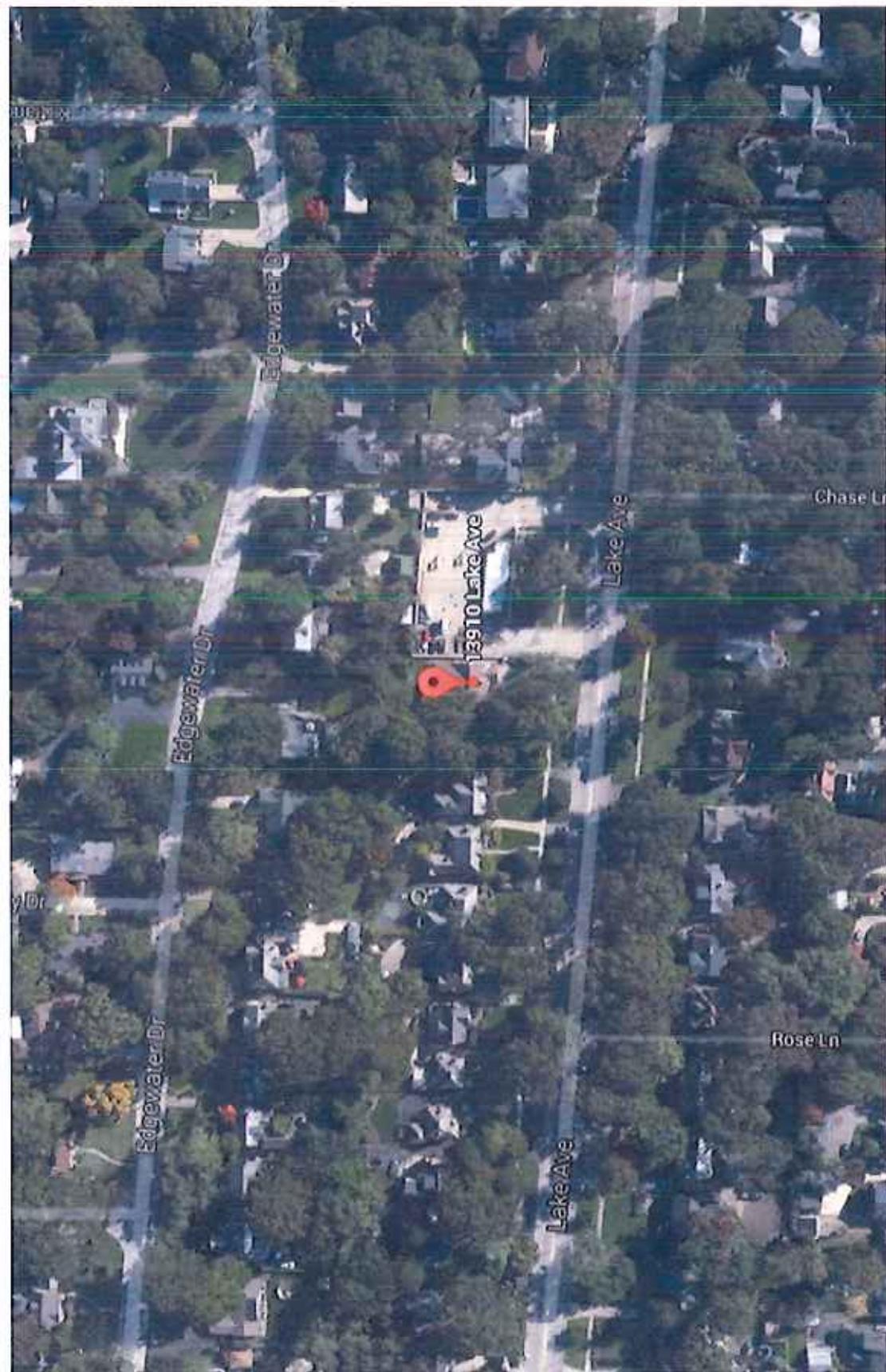




8/22, August 2014



840 Beach Ave



13910 Lake Avenue

©2011 Aerial 2014

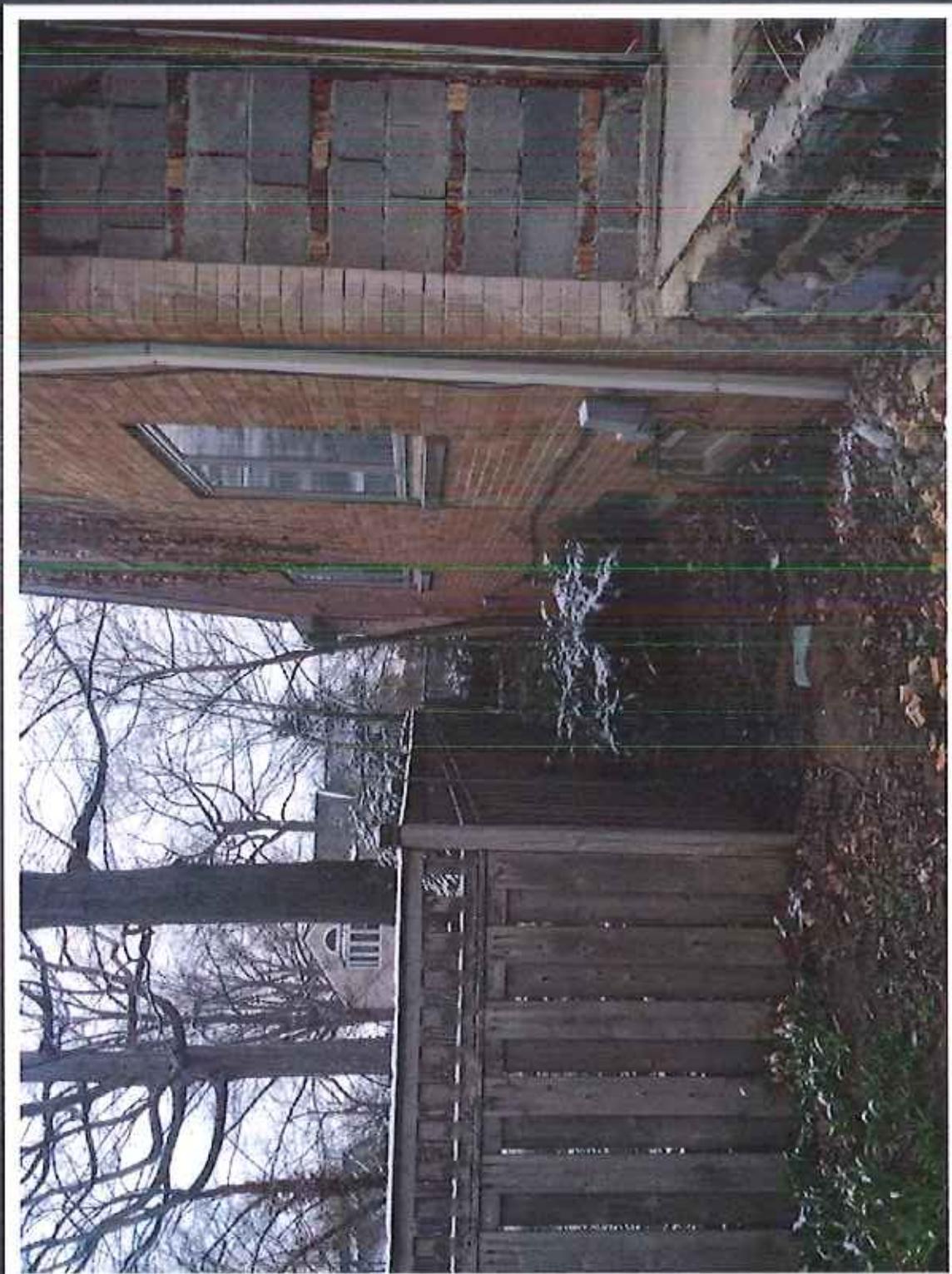




0227-3-001100-1-A



13910 Lake Avenue



DEPT. OF PUBLIC SAFETY

LAKELAND  
OHIO

13910 Lake Avenue



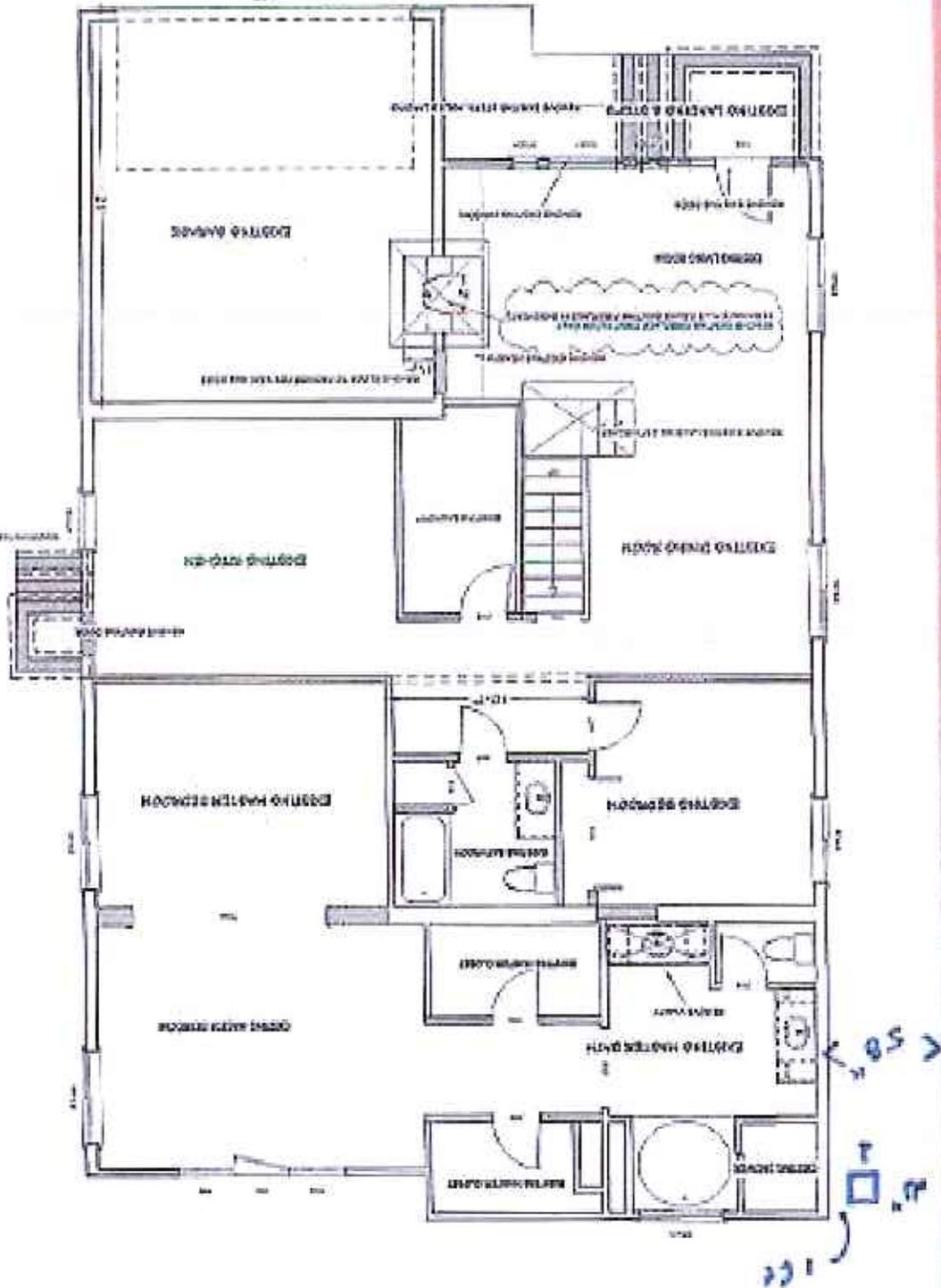
13910 Lake Avenue



Real Estate, Inc.

# FIRST FLOOR DEMO PLAN

SCHEDULE  
REVISED



13910 Lake Avenue

8255 April 2014



# Board of Zoning Appeals

April 2014

