

yard depth, pursuant to Section 1123.07 - Minimum Yard Requirements in order to complete new additions to the home. The property is located in an R2, Single and Two-Family district. (Page 4)

Paul Hooker, JCH Building Co., Inc., applicant was present to explain the request.

Ms. Leigh read the comments of Mike Molinski, City Architect into record as he was unable to attend the evening's meeting. Mr. Molinski's comments are as follows:

I support this application. The back yard will not be reduced further as the existing house is an existing non-conformity. The side yard variances requested are reasonable and will not overtly impact the neighbors to either side. Also, I spoke to the neighbor at 15228 Franklin. He does not oppose the proposed variances.

(Mr. Molinski's comments made part of record.)

Ms. Leigh advised the Board of an e-mail received from the neighbors at 1553 Mars, Charles and Erin Dadley of their opposition (made part of record). Sheila Bailey, property owner was present. She said that the Dadley's are renters. She had spoken with their landlord about the removal of her existing garage to which was attached remnants of the Dadley's fence. He had not expressed any concern to her.

Public comment was closed as there was no one to speak on the matter.

A motion was made by Ms. Matousek, seconded by Ms. Bender to **GRANT** the request as submitted. All of the members voting yea, the motion passed.

7. Docket No. 06-11-14 13881 Lake Avenue

Peter K. Ranney, applicant requests approval for a variance, pursuant to Section 1153.02(a) - Regulations. The applicant is requesting a variance to install a 42 inch high fence along the property line and a 30-foot variance to the required 40-foot building line setback. The property is located in an R1M, Single Family Medium Density district. (Page 18)

Ms. Leigh stated she had communicated verbally with Peter K. Ranney, applicant who rescinded his request for a variance. The request was **ADMINISTRATIVELY WITHDRAWN**. No action was required from the Board.

8. Docket No. 06-12-14 1480 Newman Avenue

Pamela Taylor, applicant requests approval for a variance to Section 1153.02(a) – Regulations. The applicant is requesting a variance to install a 48 inch high fence along the southern property line and a 10-foot variance to the required 18-foot building line setback. The property is located in an R2, Single and Two-Family district. (Page 25)

Pamela Taylor, applicant and her spouse were present to explain the request. The Board commented there was no plat plan or diagram. Holes remained in the ground from a fence that was removed last fall. The dimensions of the lot were unclear.

Ms. Leigh read Mr. Molinski's comments into record:

I support this application. As the applicant states, there was a chain-link fence in this location. Two houses away, a chain-link fence extends to within 1-foot of the sidewalk. The fence constructed by the applicant should be of an approved type, i.e. no chain-link. See attached pictures.

(Mr. Molinski's comments and accompanying property photographs made part of record.)

Public comment was closed as there was no one to speak on the matter. Mr. Butler clarified the building line for that street was 18 feet from the public right-of-way. No fence except a living fence was allowed to be placed within the setback, and it was not allowed to exceed 36 inches in height. The Board could set conditions when granting a variance. Discussion continued about placement of a fence along the sidewalk and the possibility of planting a living fence. Mr. Butler noted the original application was for a ten foot variance, and now the applicant was modifying it by now requesting an 18 foot variance, all the way to the public right-of-way. If this were the case the item would be deferred until next month, and a corrected public notice mailed to the neighbors. Discussion continued about the various possibilities. The Board said that a survey was required to determine the lot dimensions and property line.

A motion was made by Mr. Nagy, seconded by Ms. Bender to **DEFER** the request until the meeting of July 17, 2014. All of the members voting yea, the motion passed.

9. **Docket No. 06-13-14** **17906 Lake Road**

Daniel Oldfield, applicant requests approval for a three-foot (3') variance to the required 10-foot side yard setback, pursuant to Section 1121.07 – Minimum Yard Requirements for Principal Buildings, in order to install an A/C condenser seven feet (7') from the property line. The property is located in an R1L, Single Family Low Density district. (Page 32)

Daniel Oldfield, applicant was present to explain the request.

Ms. Leigh read Mr. Molinski's comments into record:

I oppose this application. Though the board has granted side yard variances greater than requested, there does not seem to be a reasonable hardship in this case. The applicant has plans to install a rear patio in the future, but there is ample rear yard to accommodate a patio and AC unit. There is a discrepancy between the measurements on the application and the actual condition. I field measured the distance from the applicant house to the neighbor's driveway at 10'-6", not 12' as stated. This is supported by a survey that was done for work at the neighboring house. See attached.

(Mr. Molinski's comments and accompanying property photographs made part of record.)

Mr. Oldfield stated the practice of placing an A/C unit on the side of a home seemed to be common. The requested placement was the shortest distance to the basement furnace and the attic. Otherwise, in order to meet the 10 foot setback requirement, the lines would have to be run approximately 20 additional feet to end of the screened in porch on the back of the home.

Solvita McMillan, 17904 Lake Road was opposed to the request. Mr. Oldfield had not explained what the hardship was. The location of the unit was too close and would be visible from her living room, and she expressed concern that water would pool as her property is lower than the Oldfield's.

Mr. Oldfield countered by explaining there was a driveway and a two garage that offered additional distance between the unit and the adjoining property's living room. His wife was a landscaped designer, and the unit would be screened with perennial plantings. He noted that on April 24, 2013, Ms. McMillan was granted a four foot (4') variance to north property line setback in order to install an air conditioner six feet (6') from the property line. This was supported by Ms. McMillan's other neighbor.

Further statements were made by Ms. McMillan and Mr. Oldfield.

Mr. Nagy said the proposed unit could service the property without going onto the other property. He understood Ms. McMillan's concerns.

A motion was made by Mr. Nagy, seconded by Ms. Bender to **GRANT the request with the following stipulations:**

- **That noise limit levels are met,**
- **That servicing of the unit can be done without going onto the neighbor's property, and**
- **the unit was screened aesthetically.**

All of the members voting yea, the motion passed. All of the members voting yea, the motion passed.

10. **Docket No. 06-14-14** **1622 Parkwood Road Avenue**

Matt Heslep, applicant requests approval for a three-foot (3') variance to the required five-foot (5') side yard requirement in order to install a condenser two feet (2') from the north property line, pursuant to Section 1121.07 - Minimum Yard Requirements for Principal Buildings. The property is located in an R1H, Single Family High Density district. (Page 41)

Matt Heslep, applicant was present to explain the request. His neighbors had no concerns.

Ms. Leigh read Mr. Molinski's comments into record:

I am neutral regarding this application. Factors to consider in support of this application include passage by the board of similar applications and the small size of the rear yard. In opposition, would be the proximity to the front of the house and the difficulty screening view of the unit from the street. A unit could be placed in the backyard without the need for a variance, but it would certainly impact the use of the existing patio.

(Mr. Molinski's comments made part of record.)

Mr. Heslep added the unit would be screened to block visibility to the neighbors.

Ms. Leigh verified there was no communication from the neighbors in opposition to the request.

A motion was made by Ms. Bender, seconded by Mr. Bindel to **GRANT the request with the stipulation that the homeowner provide screening to block visibility of the unit to the neighbors.** All of the members voting yea, the motion passed.

11. **Docket No. 06-15-14** **13506 Lake Avenue**



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. Solvin McMillan

Solvin McMillan

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/Sign Citizens Advisory Civil Service Dangerous Dog
 Income Tax Appeals Loan Approval Nuisance Abatement Appeals Planning Zoning Appeals Other:

Date of Proceeding: June 19, 2014

Leigh, Mary

From: Molinski, Michael
Sent: Thursday, June 19, 2014 4:27 PM
To: Leigh, Mary
Cc: Butler, Kevin
Subject: June 19th BZA meeting
Attachments: Photos for June BZA.pdf; Lake, 17904.pdf

Mary,

As you know, I will not be at the meeting tonight. I was able to visit all of the subject properties Wednesday 6/18 and am submitting my impressions of each below.

05-09-14 1535 Wayne Ave

There was some confusion with this application. Standard lattice as proposed would not meet the 50% openness requirement, as I stated during last month's meeting, so as submitted, a variance would be required. I neither support or oppose this application.

06-10-14 1567 Mars Ave

I support this application. The back yard will not be reduced further as the existing house is an existing non-conformity. The side yard variances requested are reasonable and will not overtly impact the neighbors to either side. Also, I spoke to the neighbor at 15228 Franklin. He does not oppose the proposed variances.

06-11-14 13881 Lake Ave

Though the applicant has requested a deferral, I thought it necessary to express my opposition. An extension of the fence already erected between the two driveways would be detrimental in appearance as well as create a narrowing of the neighboring driveway to a nearly unusable width.

06-12-14 1480 Newman Ave

I support this application. As the applicant states, there was a chain-link fence in this location. Two houses away, a chain-link fence extends to within 1-foot of the sidewalk. The fence constructed by the applicant should be of an approved type, i.e. no chain-link. See attached pictures.

06-13-14 17906 Lake Road

I oppose this application. Though the board has granted side yard variances greater than requested, there does not seem to be a reasonable hardship in this case. The applicant has plans to install a rear patio in the future, but there is ample rear yard to accommodate a patio and AC unit. There is a discrepancy between the measurements on the application and the actual condition. I field measured the distance from the applicant house to the neighbor's driveway at 10'-6", not 12' as stated. This is supported by a survey that was done for work at the neighboring house. See attached.

06-14-14 1622 Parkwood Ave

I am neutral regarding this application. Factors to consider in support of this application include passage by the board of similar applications and the small size of the rear yard. In opposition, would be the proximity to the front of the house and the difficulty screening view of the unit from the street. A unit could be placed in the backyard without the need for a variance, but it would certainly impact the use of the existing patio.

06-15-14 13506 Lake Ave

I oppose this application. The large front yard setback along Lake Ave makes the extra height unnecessary. Again, this is an instance where there was some confusion regarding the openness of standard lattice. The applicant states that it is 50% open, but the drawing shows it to be 25% open. Spacing the lattice members farther apart 2' top section to comply with 1153.02(c)(2)

My apologies to the board for my absence.

Regards,

Michael Molinski

City Architect

Division of Housing and Building

City of Lakewood

p. 216.529.6279

f. 216.529.5930

michael.molinski@lakewoodoh.net

www.one.lakewood.com

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View looking South



View Looking North

June 18, 2014

17906 Lake Rd.
Docket 06-13-14

End of tape measure at
10'-6" from subject house



View looking East



View looking West

Schwarz, Johanna

From: Dadley5 <dadley5@aol.com>
Sent: Thursday, June 19, 2014 10:47 AM
To: Planning Dept
Subject: Docket 6-10-14 - 1567 Mars avenue

Good morning,

I am writing regarding the Docket 06-10-14 regarding 1567 Mars Avenue. As per the letter we received, the Board of Zoning Appeals is considering the request to allow the required minimum distance be reduced to accommodate a new addition to the home. We would like to see the plans for the new construction, as from the letter we received dated 6-10-14 it appears this will be right next to our driveway and side entrance. With a garage so close to our entry door I feel this will take away from the look of the neighborhood and appear the house is "on top" of ours. Another concern I have is the feeling of safety with a large addition limiting the view as we pull into the drive and enter the house.

I would like to address these concerns and as mentioned see the proposed plans. Please advise if this meeting as been postponed or if it will continue as scheduled for this evening.

Thank you,
Charles and Erin Dadley
1553 Mars Ave.

Schwarz, Johanna

From: Jo Ann <jross44107@aol.com>
Sent: Thursday, June 12, 2014 11:00 AM
To: Planning Dept
Subject: Docket 6-11-14 13881 Lake Ave
Attachments: image.jpeg; ATT00001.txt; image.jpeg; ATT00002.txt

To whom it may concern,

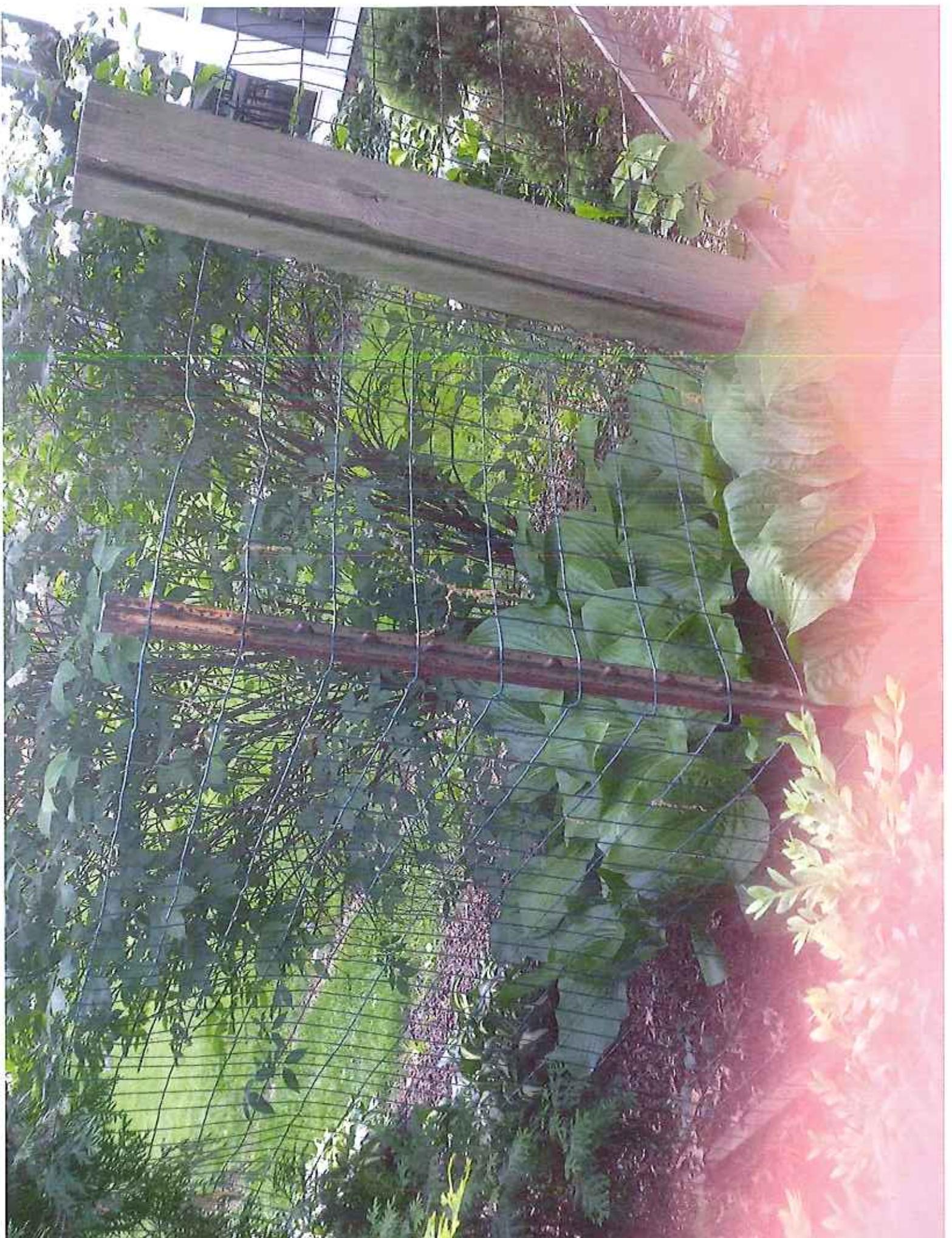
In regards to Mr Ranney's request for a variance to extend his fence , we are opposed. His fence has greatly diminished the esthetics of our neighborhood. It is unsightly .

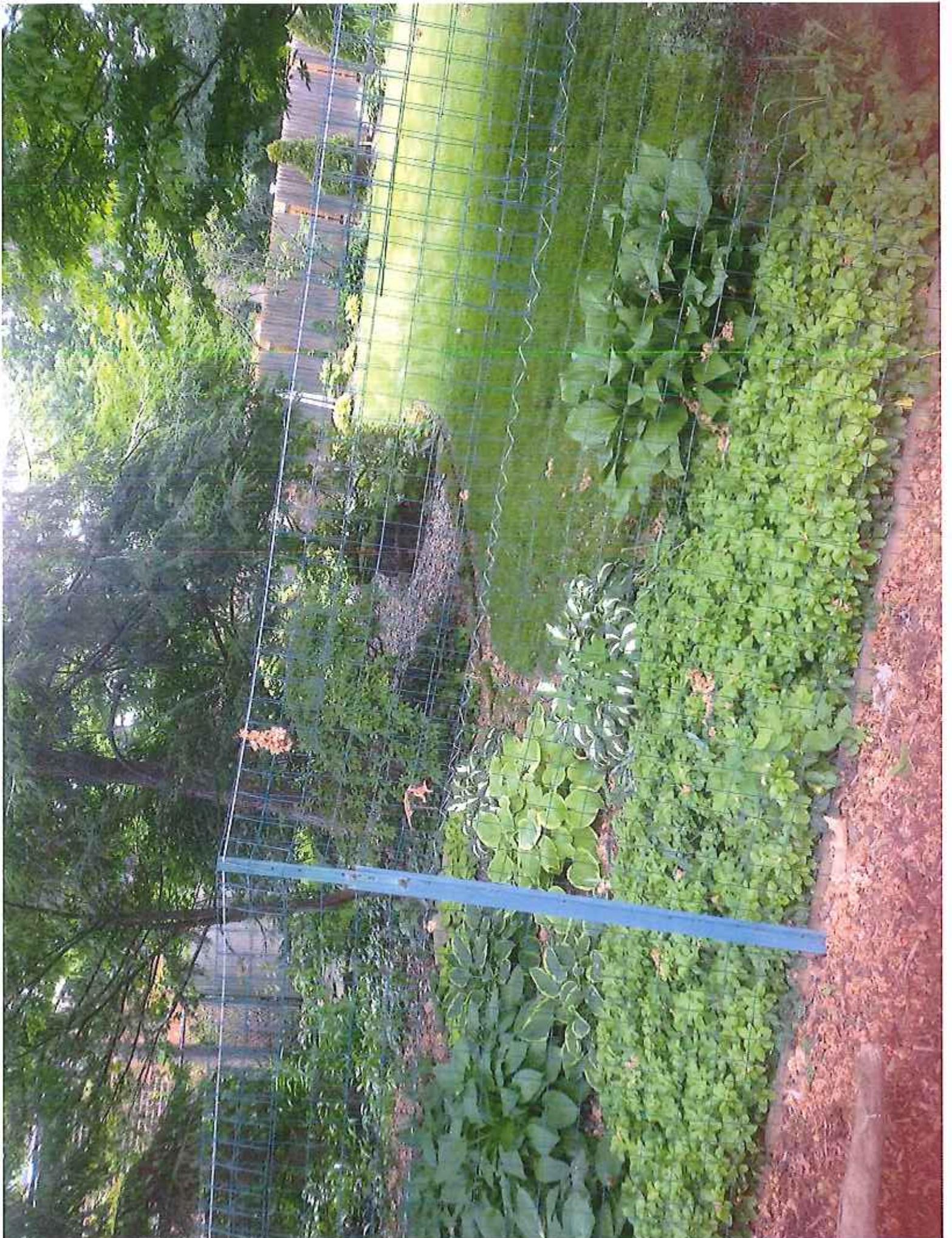
It came to our attention on Saturday June 7 that the material Mr. Ranney used as fencing material in his backyard is a code violation. I reported this to the building department on June 9. See below photos.

This fence is rusting and is a potential health hazard .

We are requesting that he remove it or replace it with a material that follows the guidelines in Lakewood's fence codes.

Thank you
Frank and Jo Ann Ross
13875 Lake Ave
Lakewood, Ohio
216-406-3938. Cell





PETER K. RANNEY
13881 LAKE AVENUE
LAKEWOOD, OHIO 44107
June 16, 2014



Lakewood City Hall
Planning Department
Detroit Avenue
Lakewood, Ohio 44107

RE: Docket 06-11-14
13881 Lake Avenue

Gentlemen;

The above Docket 06-11-14 in regard to a variance request at 13881 Lake Avenue was submitted June 2, 2014.

In view of recent discussions with my neighbor Mr. Jonathon Gearinger of 13883 Lake Avenue there may be no need for the above variance. I request that a postponement of 90 days be granted in considering this application and only if needed at that time.

Thank you for this consideration.

Sincerely,

Peter K. Ranney

Schwarz, Johanna

From: December Gearing <dddgearing@gmail.com>
Sent: Tuesday, June 17, 2014 1:46 PM
To: Planning Dept
Cc: Jonathan Gearing
Subject: Docket 06-11-14

To Whom it may concern,

We will be unable to attend the review meeting on 6/19 in regards to Docket 06-11-14 and want to express our opposition to the requested variance by Peter K. Ranney. The recent erection of the white metal fence between our abutting driveways has greatly diminished the ease of using our side of the driveway. In addition to the reduced clearance of opening car doors and potential fear of damage to vehicles, we feel the look and location of the fence itself is unpleasant.

Earlier in the year, we had informed Mr. Ranney that we will be physically separating our driveway, repaving, and inserting a grass strip between the properties. We now have a verbal agreement with him that he will take down the current fence once we are ready to separate the driveways, and therefore he is no longer asking for this variance. We do hope his agreement continues to hold true until that time.

Thank you, and we appreciate your consideration,

Jonathan & December Gearing
13883 Lake Ave

Schwarz, Johanna

From: Leigh, Mary
Sent: Tuesday, June 17, 2014 3:43 PM
To: Schwarz, Johanna
Subject: FW: Public Notice Docket Number 06-13-14

From: John McMillan [<mailto:scottsolvita@gmail.com>]
Sent: Thursday, June 12, 2014 5:36 PM
To: Leigh, Mary
Subject: Public Notice Docket Number 06-13-14

Hello Mary,

Thank you for taking the time to speak with me today regarding Public Notice Docket Number 06-13-14.

Based upon our conversation, I understand a fence variance is *not* being sought by the home owners at 17906 Lake Road. You indicated the reference to a fence in the Notice was made in error, and the variance sought pertains solely to the proposed placement of an air conditioner. You also indicated the homeowners at 17906 Lake are seeking a 3 foot variance from the 10 foot line setback requirement.

Before the City of Lakewood issues a corrected Public Notice for the air conditioner, you should be aware there appears to be an error regarding the number of feet required for the variance. The foundation of our abutting neighbor's home is 10 feet from our property line. Also, the current ground markings on our abutting neighbor's property indicate the air conditioner will be close to where our property line begins.

My family is concerned because our living room couch, and the french doors which we keep open for ventilation during the summer, are in extremely close proximity to the proposed site of the air conditioner.

Based upon the foregoing circumstances, we want the City of Lakewood to establish the accuracy of the representations being made regarding the footage required for this variance. I hereby request that the City of Lakewood's Building Department conduct a visual inspection of the setback line to verify footage requirements.

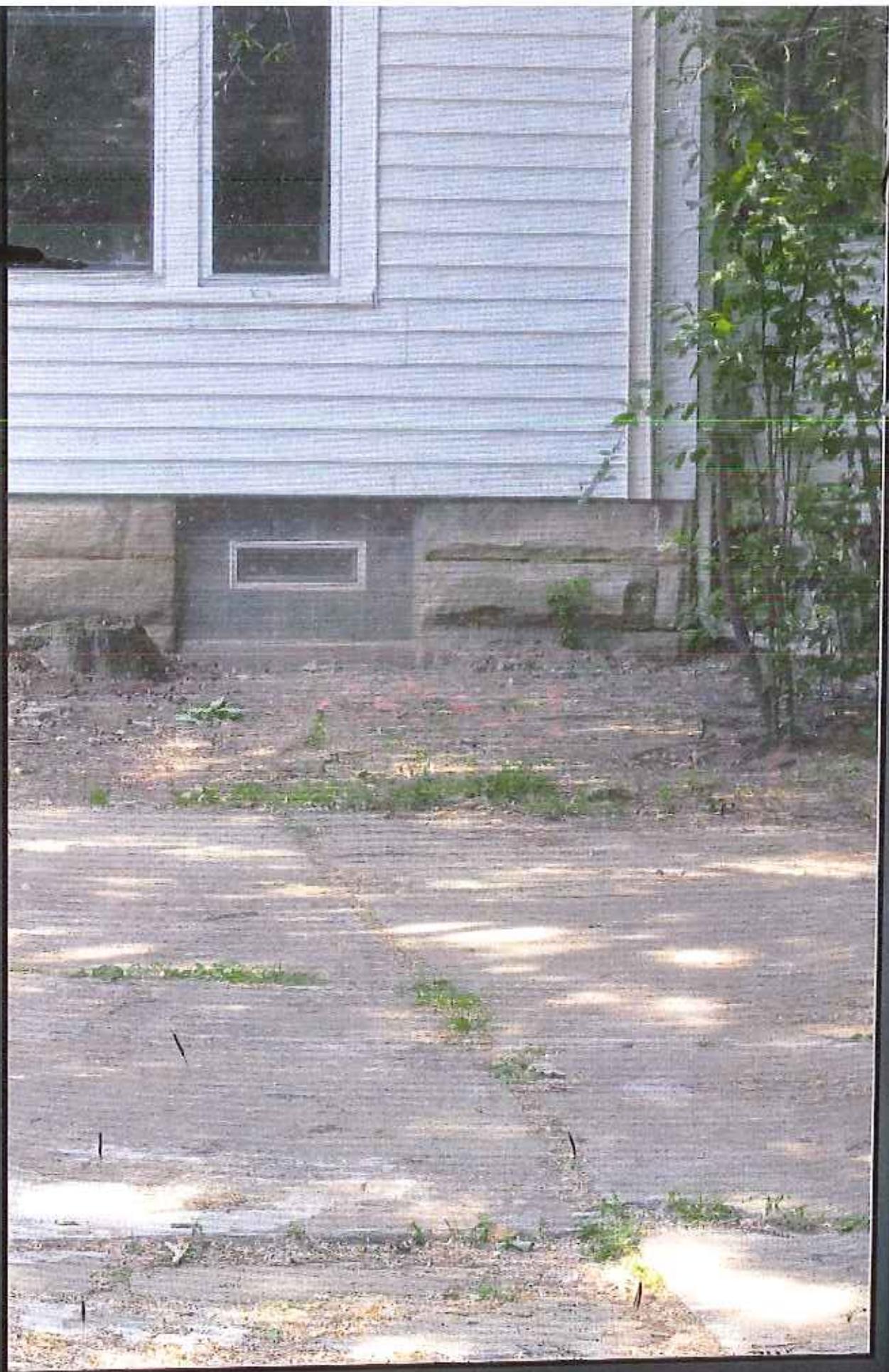
Thank you for allowing me the opportunity to express my concern.

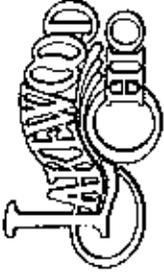
Solvita

--
Solvita A. McMillan
17904 Lake Road
Lakewood, OH 44107
Tel. (216)228-8622

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BOARD OF ZONING APPEALS

12850 Detroit Avenue • 44107 • (216) 529-6680 • FAX (216) 529-5927
WWW.ONELAKEWOOD.COM

4/24/2013

Gene Sulenski
P.O. Box 1837
Medina, Ohio 44258

Re: **04-09-13**
17904 Lake Rd.
Gene's Mechanical

Dear Mr. Sulenski:

At the meeting on 04/18/2013, the Board of Zoning Appeals considered a 4' variance to the north property line setback in order to install an air conditioner 8' from the property line and a 5' 3" variance to the required 15' side yard for a total side yard of 25'.

The Board decided to **GRANT** the application.

Please contact the Division of Housing and Building with any comments or concerns you may have at (216) 529-8271.

Sincerely,

Mary Leigh, Board Secretary
Programs Manager, Planning and Development

Cc: Solvita A. McMillan

TOPOGRAPHICAL SURVEY

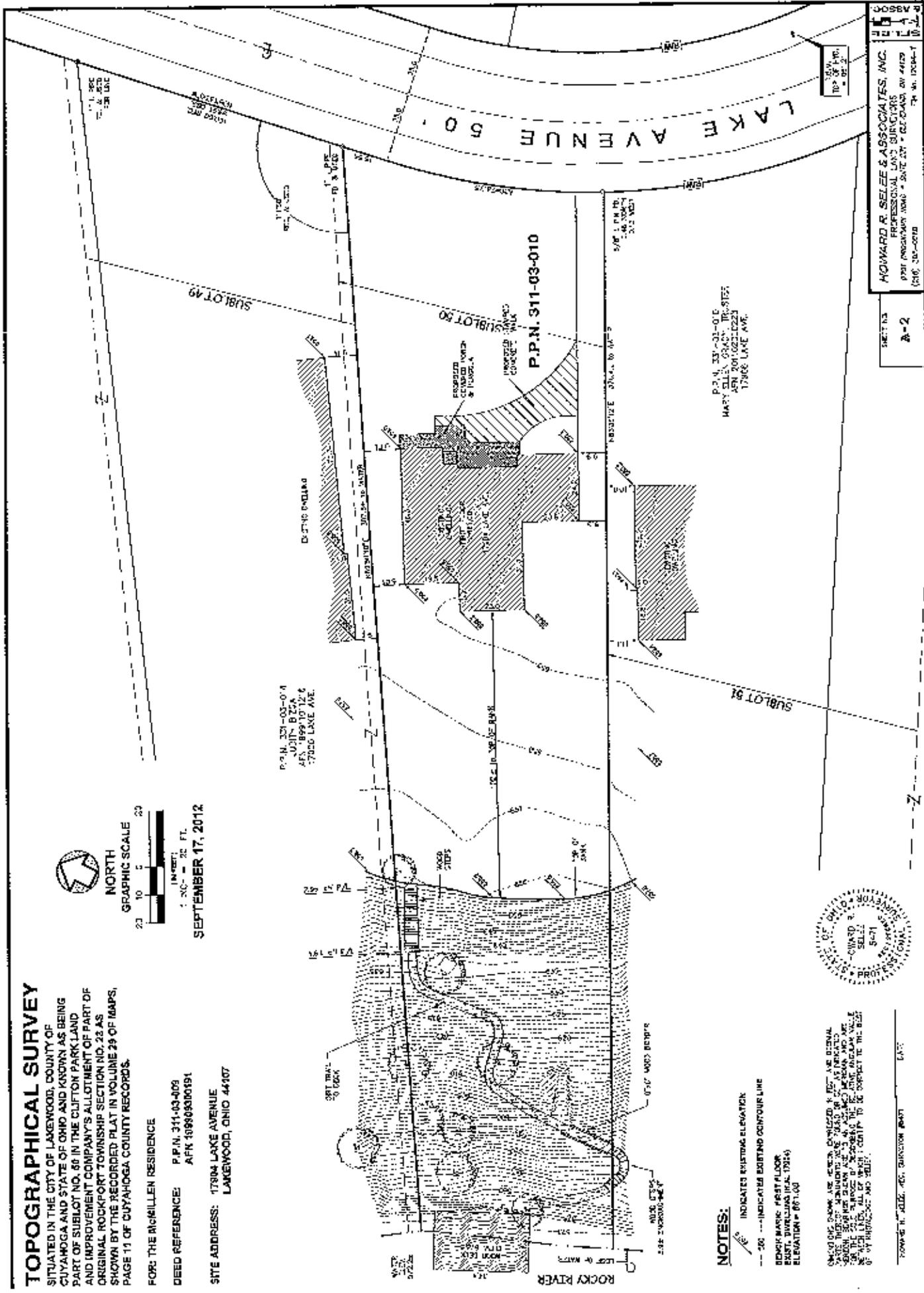
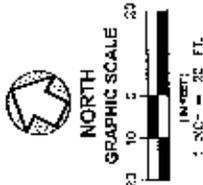
SITUATED IN THE CITY OF LAKEWOOD, COUNTY OF CUYAHOGA AND STATE OF OHIO AND KNOWN AS BEING PART OF SUBLOT NO. 60 IN THE CLIFTON PARK LAND AND IMPROVEMENT COMPANY'S ALLOTMENT OF PART OF ORIGINAL ROCKPORT TOWNSHIP SECTION NO. 23 AS SHOWN BY THE RECORDED PLAT IN VOLUME 39 OF MAPS, PAGE 11 OF CUYAHOGA COUNTY RECORDS.

FOR: THE RICHILLEN RESIDENCE

DEED REFERENCE: P.P.N. 311-03-009
AFN 10989300191

SITE ADDRESS: 17904 LAKE AVENUE
LAKEWOOD, OHIO 44107

SEPTEMBER 17, 2012



NOTES:

- 20 --- INDICATES EXISTING ELEVATION
- 20 --- INDICATES EXISTING CONTOUR LINE
- BENCH MARK: FIRST FLOOR
- ENST. BUREAU (JUL. 1914)
- ELEVATION = 667.00'

CONTOUR LINES ARE BEING DERIVED FROM THE ORIGINAL SURVEY DATA AND ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION. THE CLIENT IS ADVISED THAT THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE ORIGINAL SURVEY DATA AND THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY OCCUR AS A RESULT OF SUCH CHANGES.



HOWARD R. SEIZE, P.E., SURVEYOR #8811
DATE: _____

HOWARD R. SEIZE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
17904 LAKE AVENUE, SUITE 207 - CLEVELAND, OH 44109
(216) 331-0010
Fax: 331-0011

SHEET NO. A-2

Schwarz, Johanna

From: Leigh, Mary
Sent: Thursday, June 19, 2014 4:15 PM
To: Schwarz, Johanna
Subject: FW: Rescission of Variance Request - 13506 Lake Avenue

From: Ted Bradfield [<mailto:tedbradfield@hotmail.com>]
Sent: Thursday, June 19, 2014 4:15 PM
To: Leigh, Mary
Subject: Rescission of Variance Request - 13506 Lake Avenue

Mary,

As we discussed, I am formally rescinding my variance request to build a fence to 8 feet on the Lake Avenue side of my property. I intend to build the fence to code, and already hold the permit to do so.

Many thanks to you, and particularly Jeff, for your help with the process. I'm sure yours is often a thankless and difficult position.

Regards,
Ted Bradfield
+1.216.317.5059

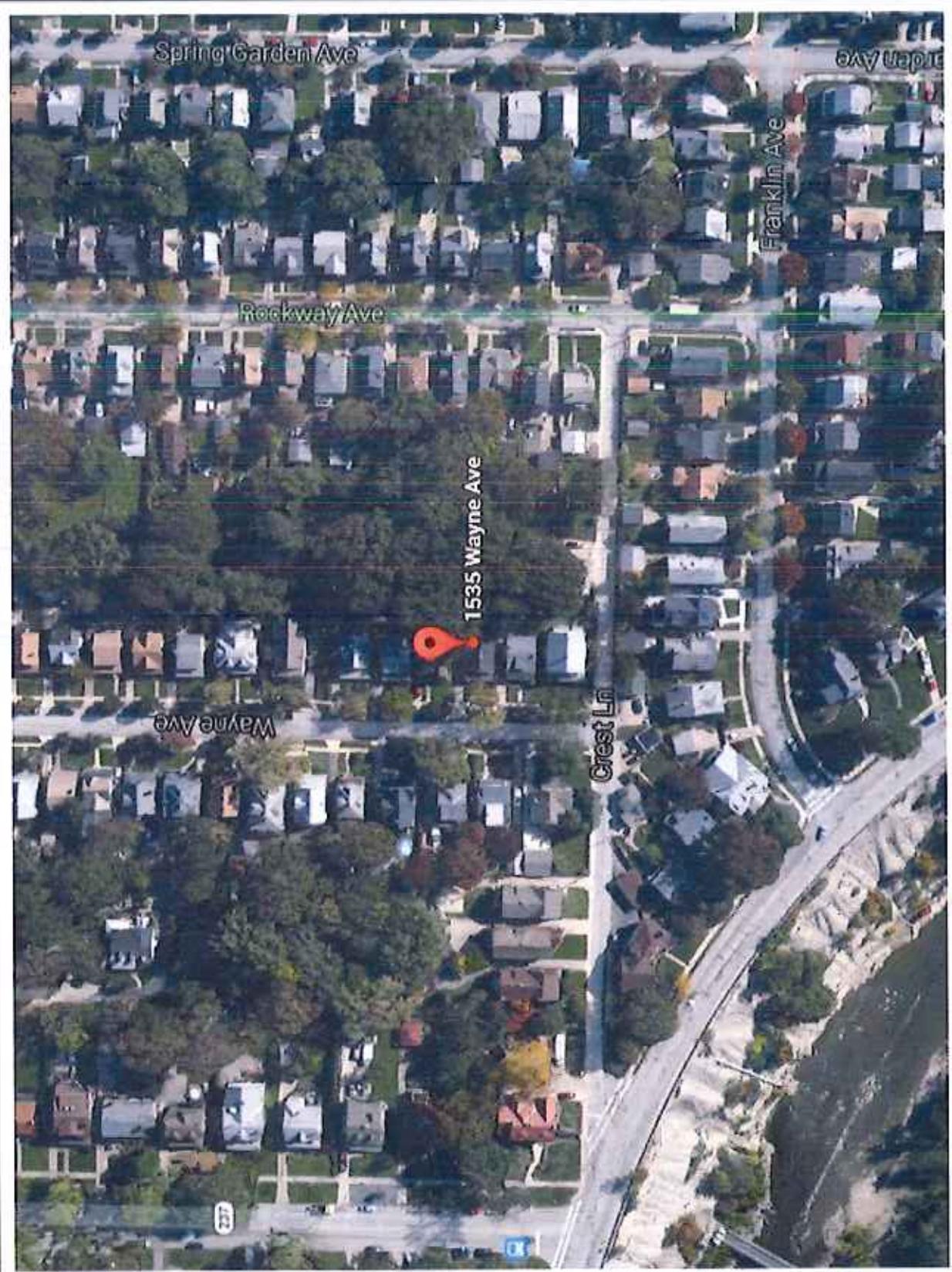
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Board of Zoning Appeals

June 2014

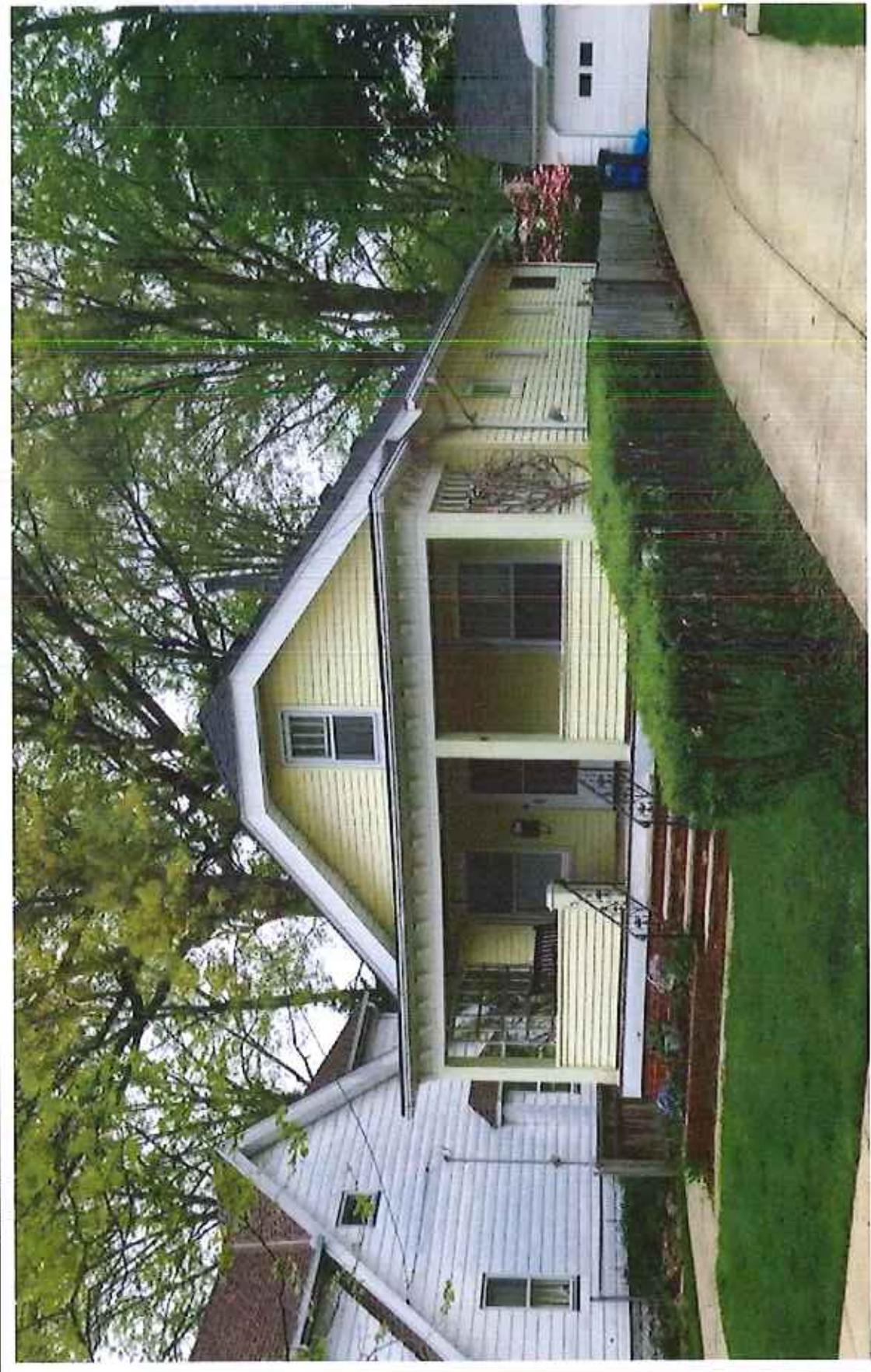




1535 Wayne

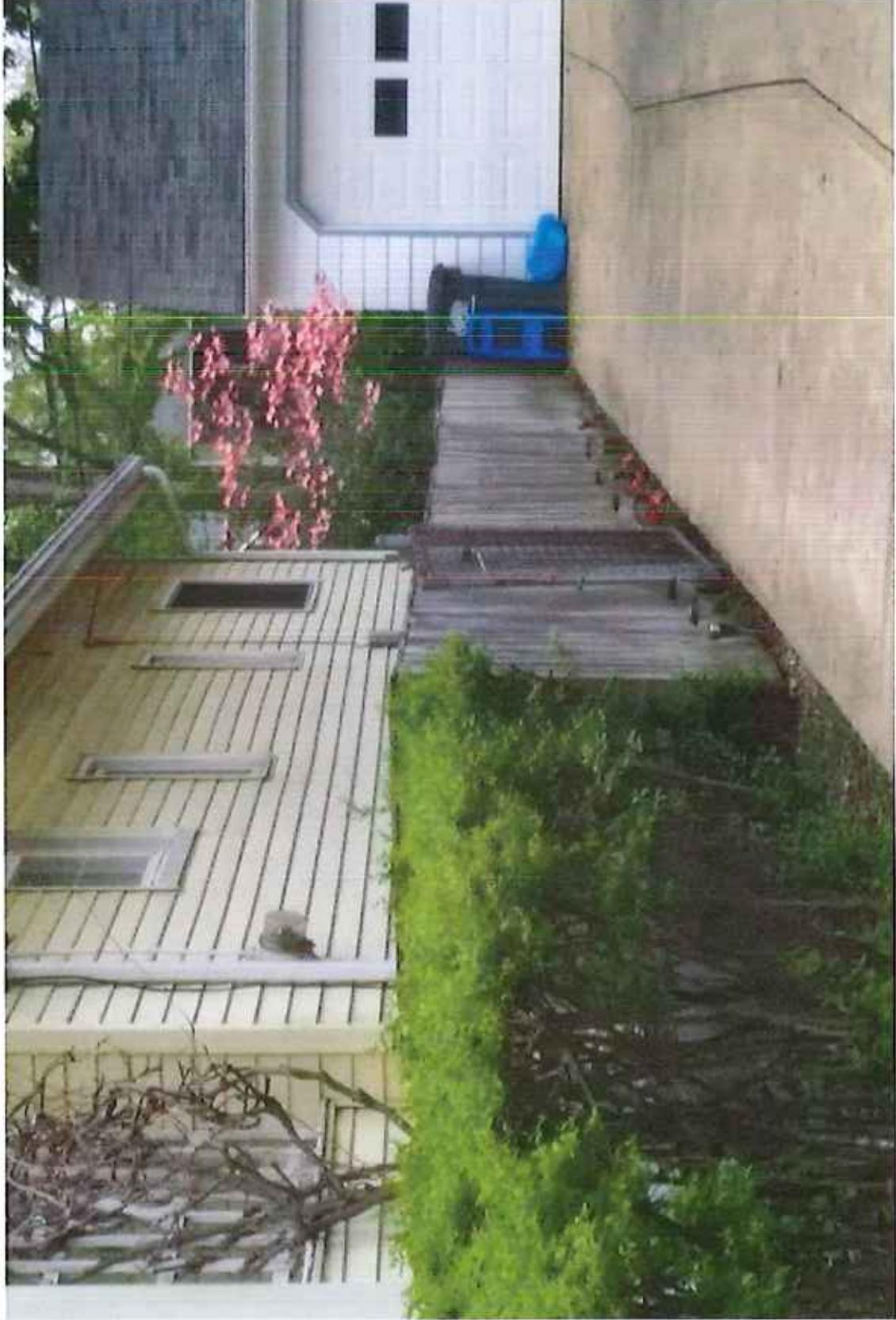


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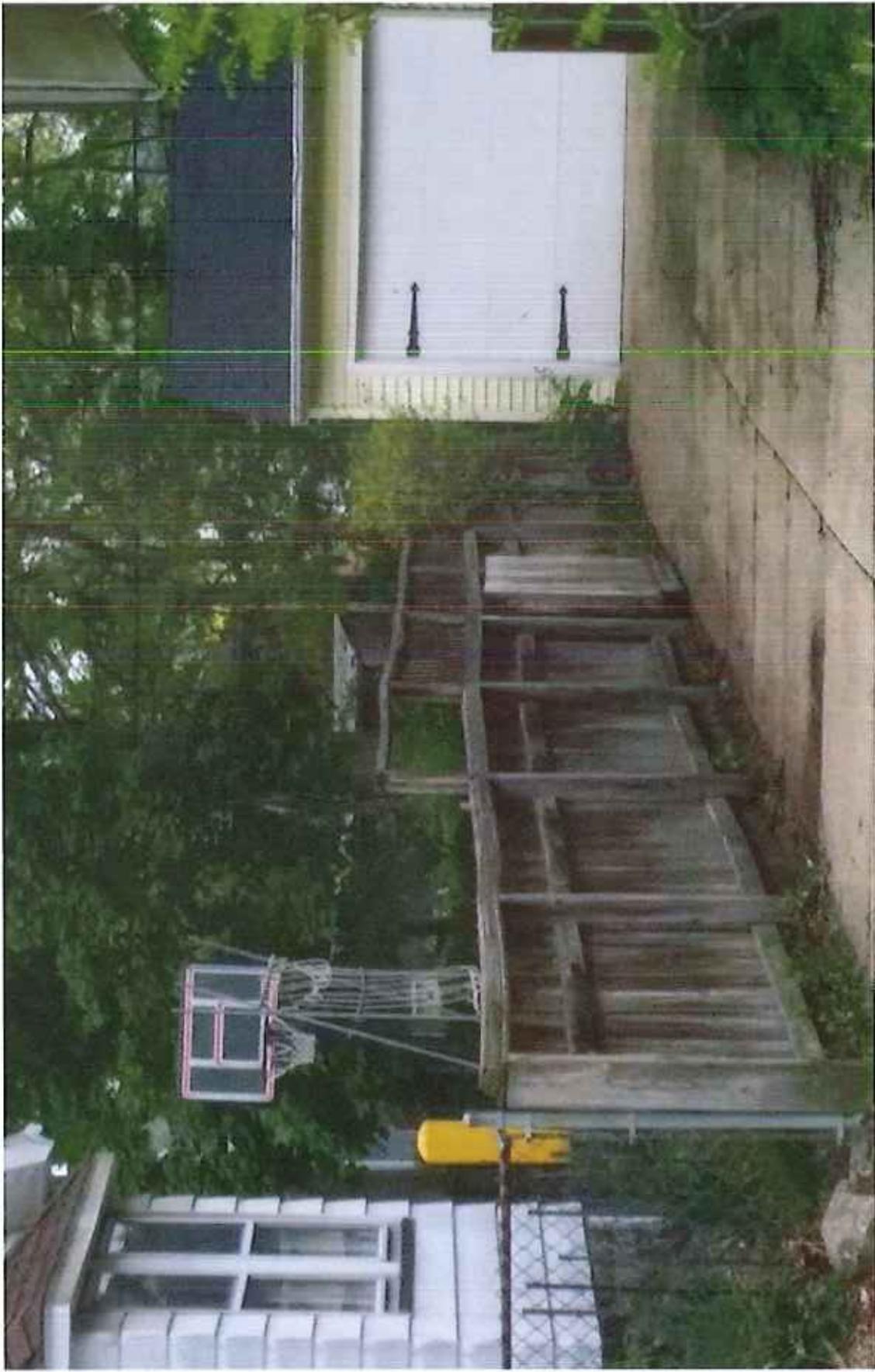
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1535 Wayne



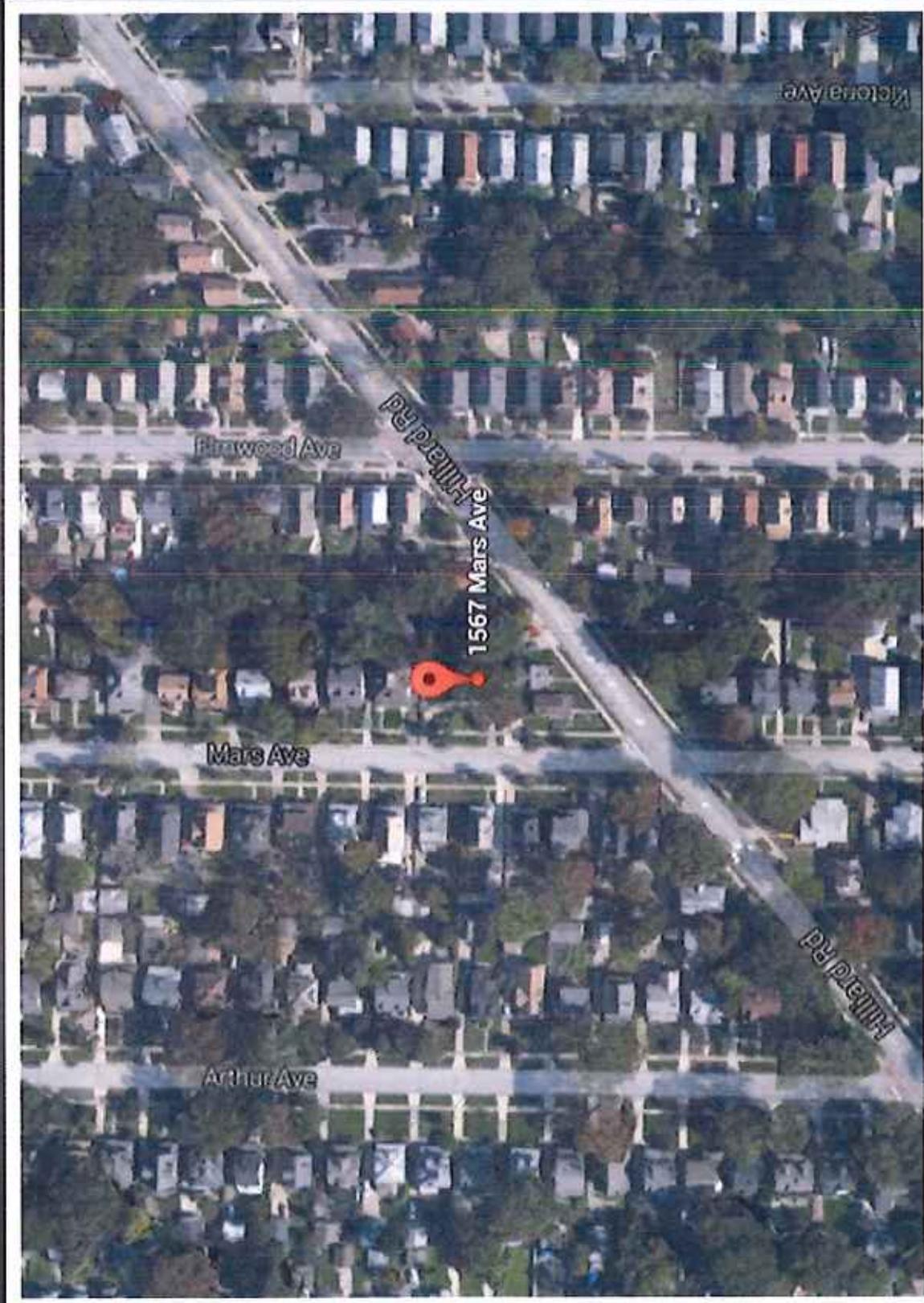
1225 June 2014



©2014 June 2014



1535 Wayne



1567 Mars



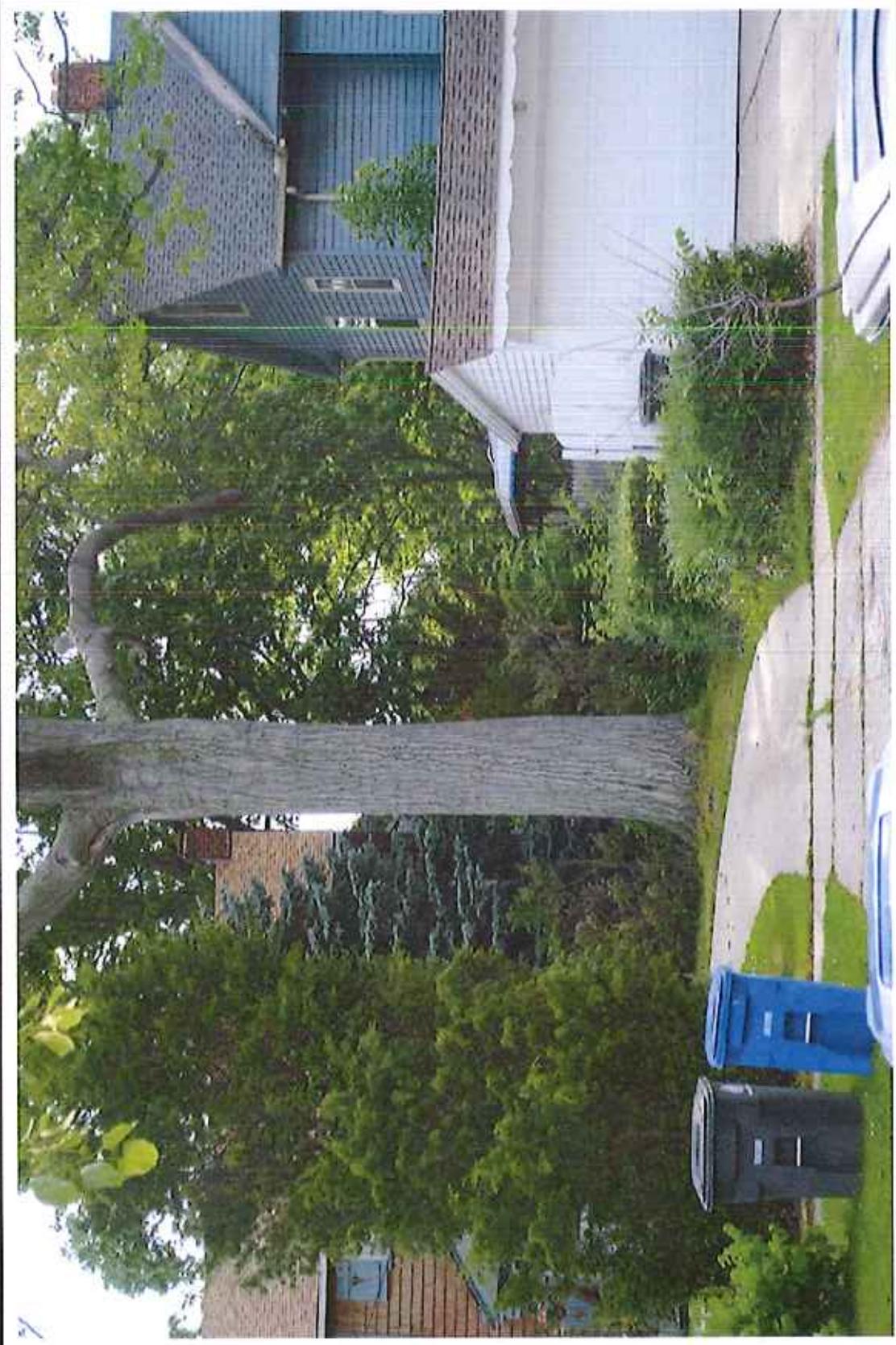
1023, June 2019



LAKWOOD
OHIO

1223 June 2014

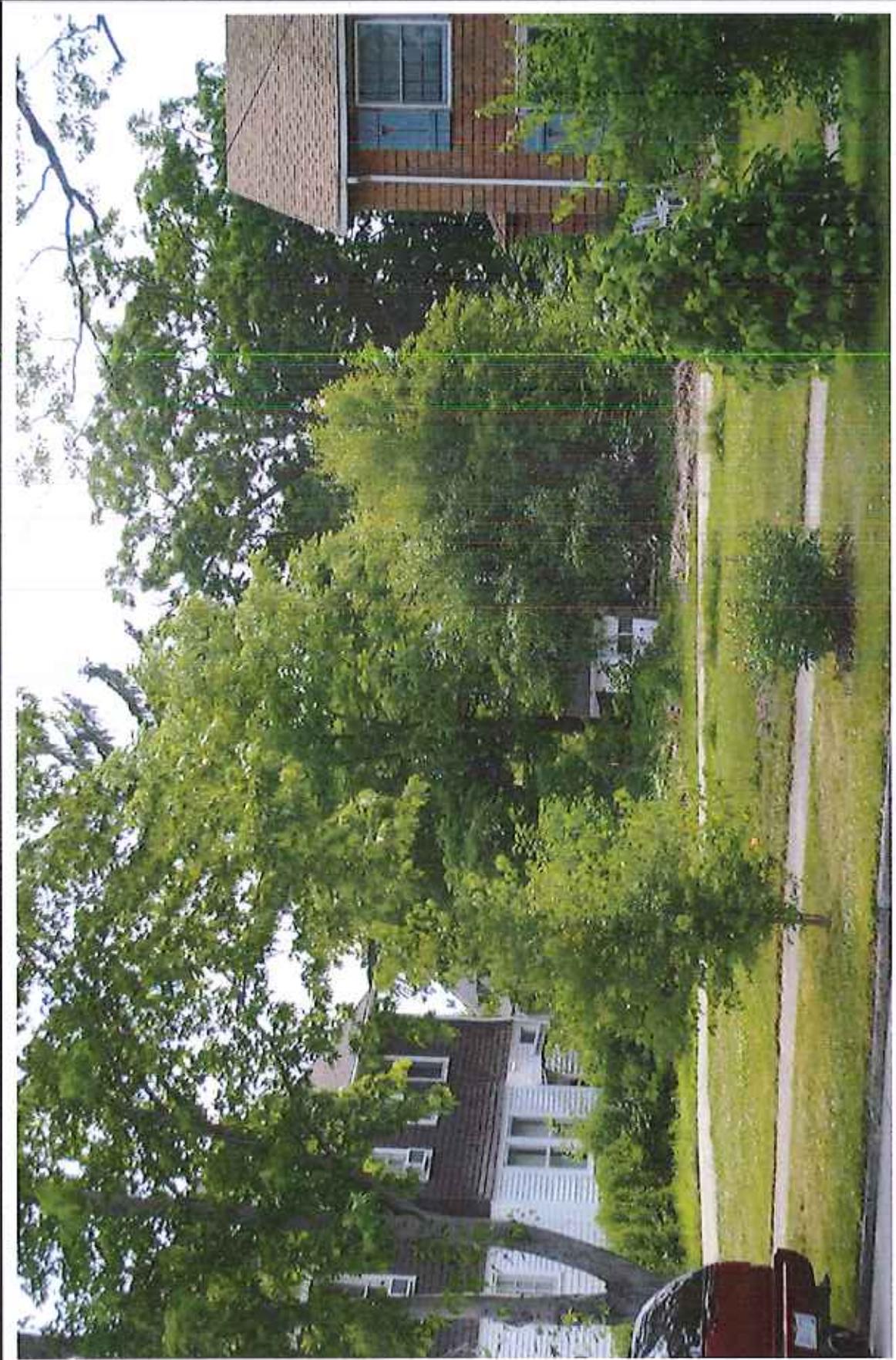
1567 Mars



1567 Mars



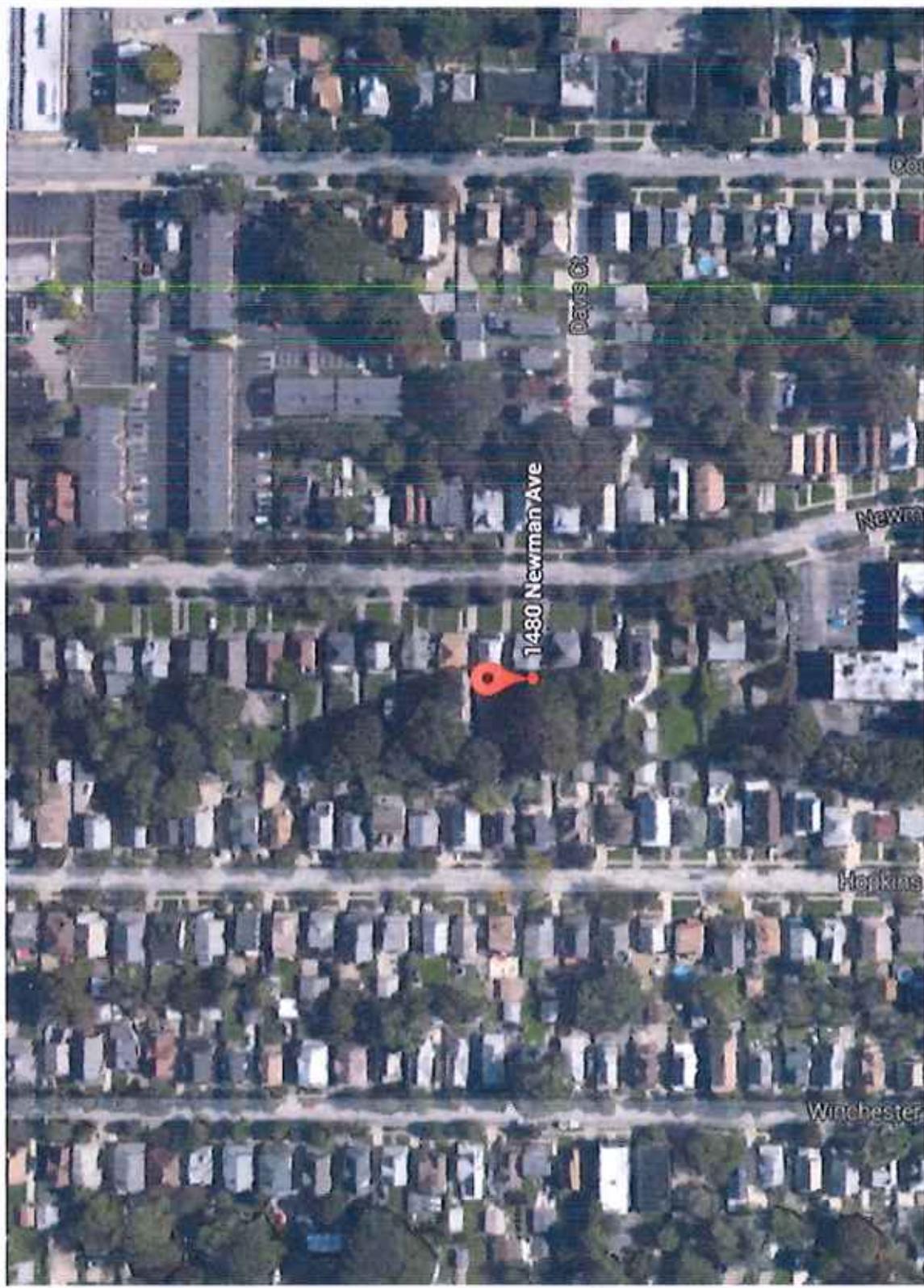
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REX, INC. 2017 ©



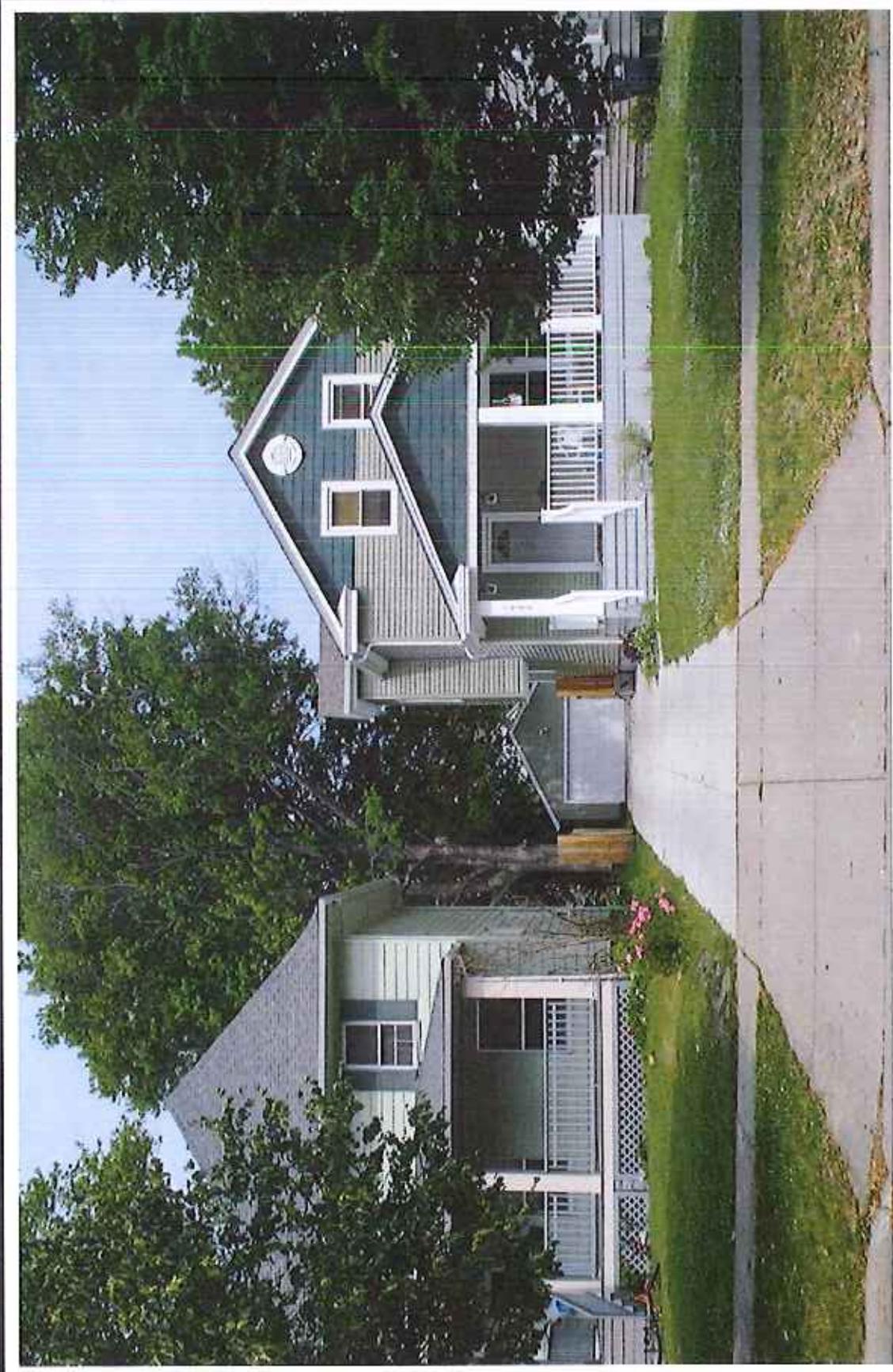
1567 Mars



1480 Newman

3/24/2014

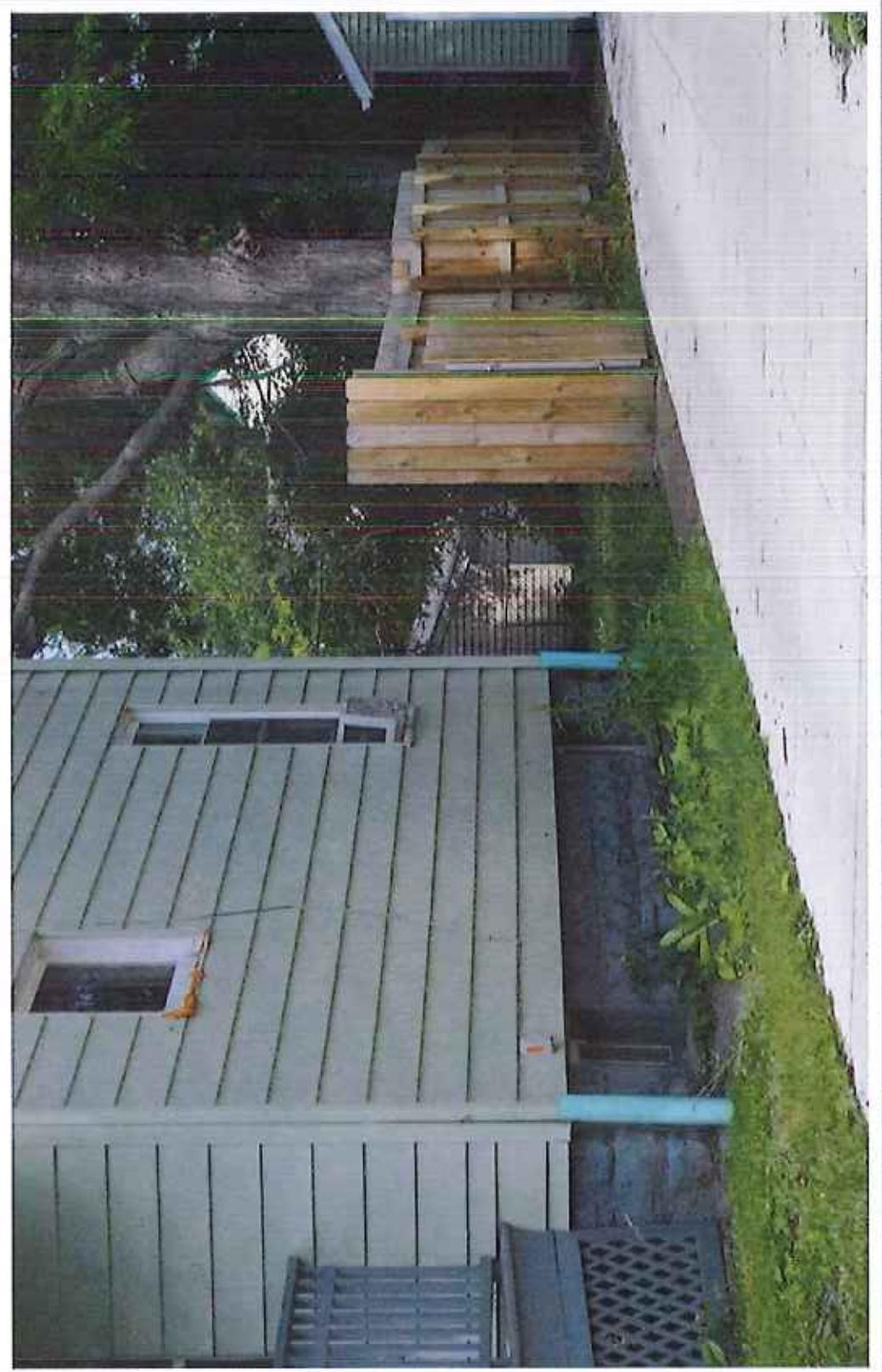




1480 Newman



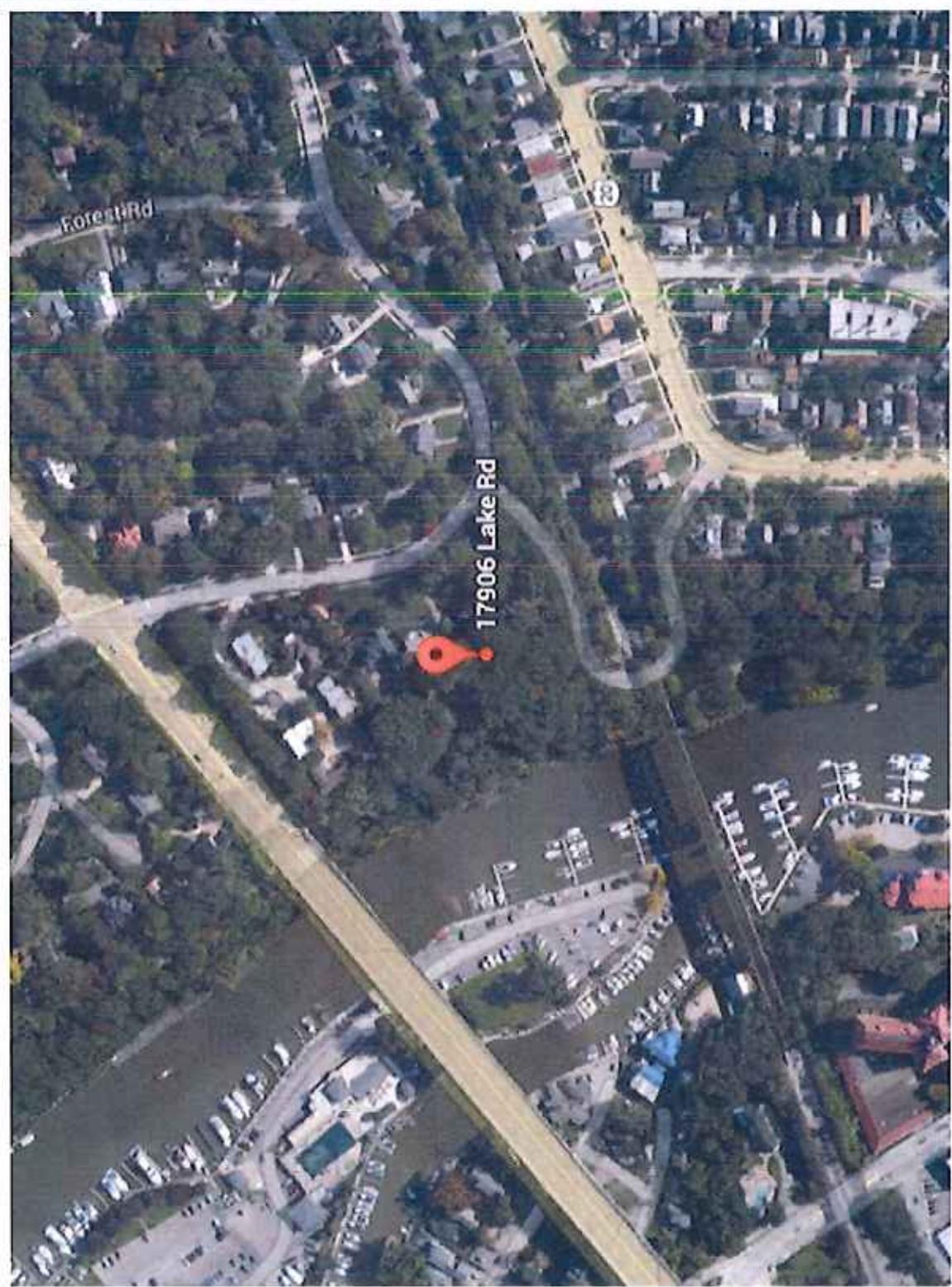
©2014 June 2014



1480 Newman



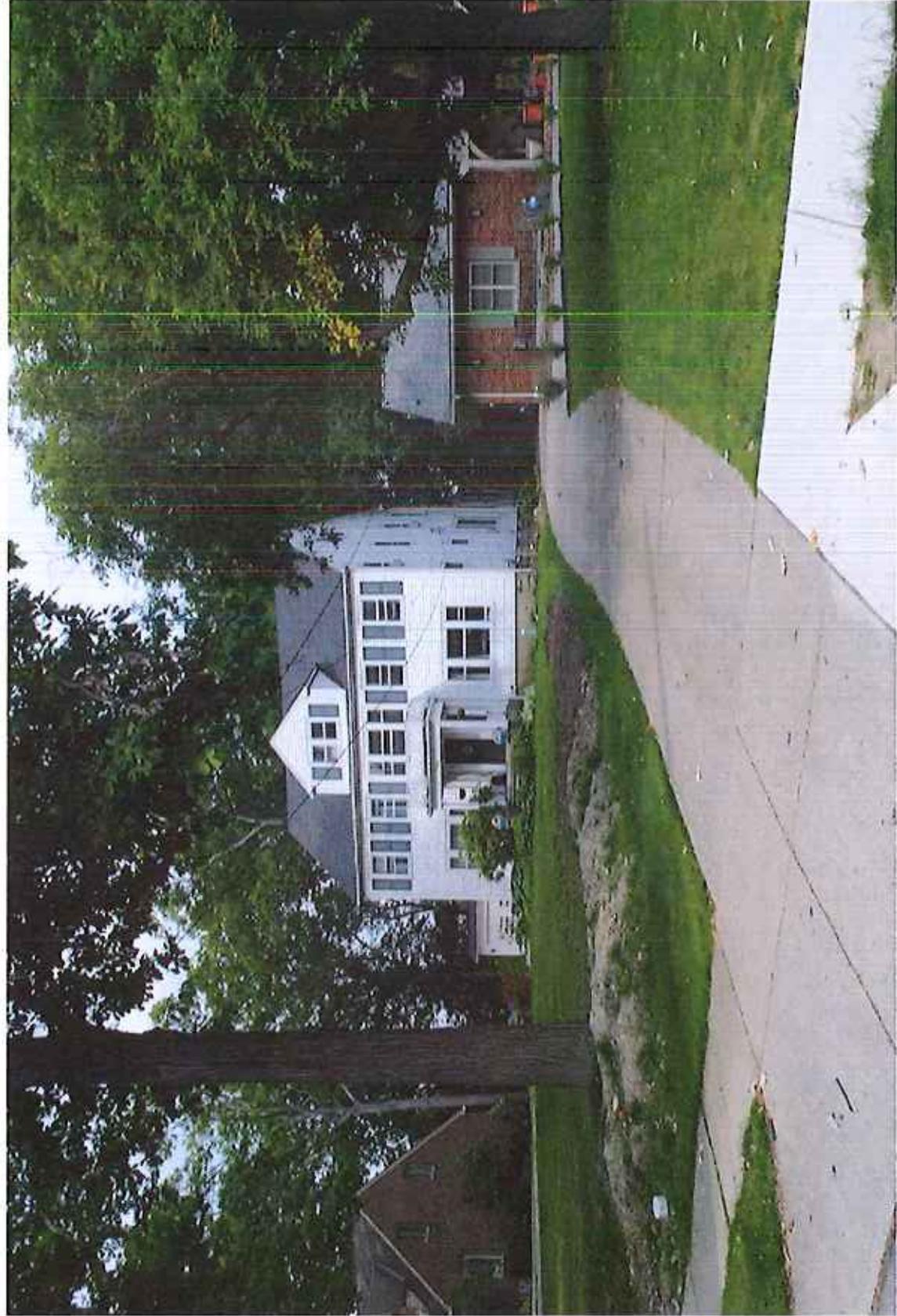
524, June 2014



17906 Lake



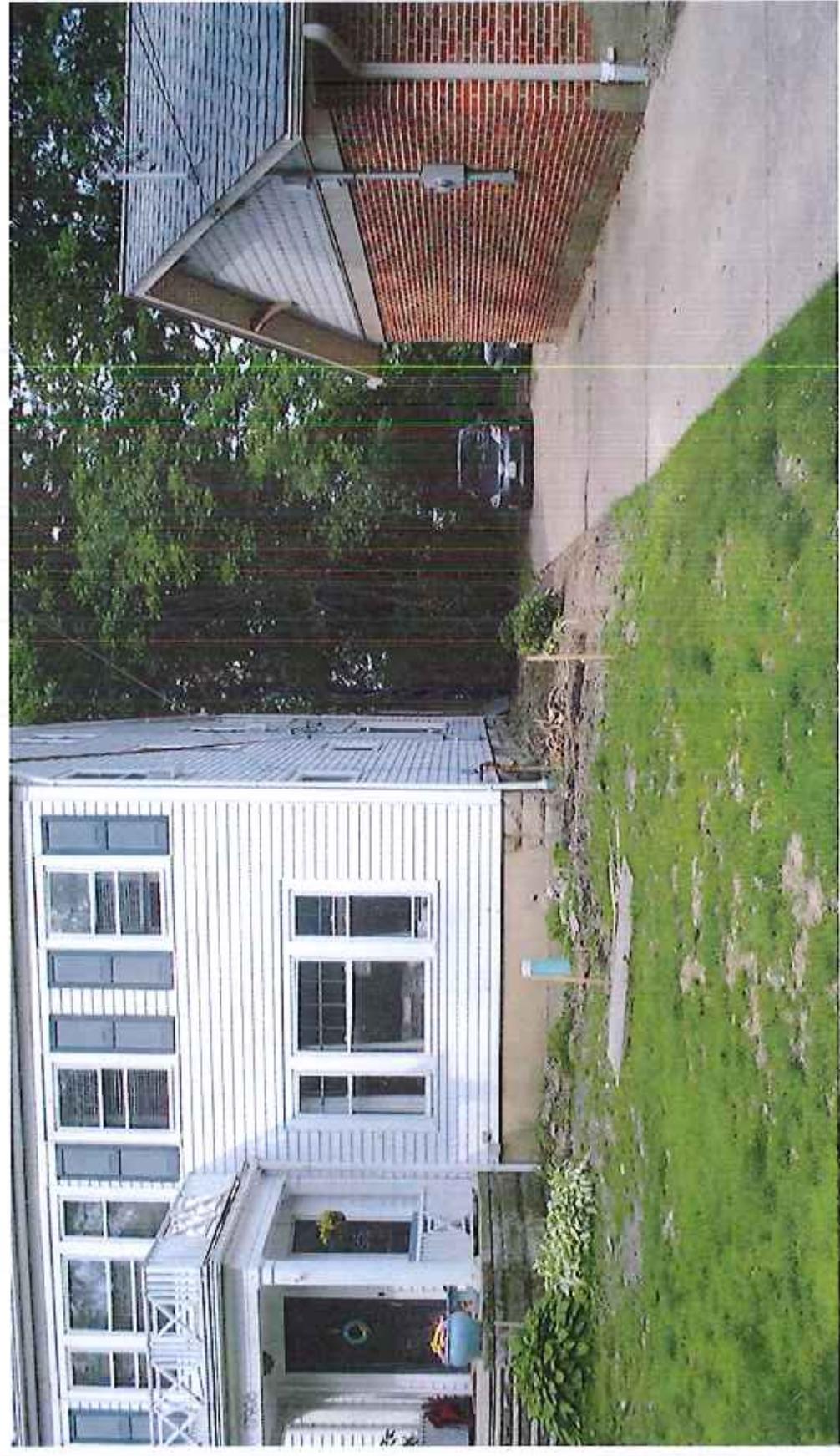
12724 James 2014



17906 Lake

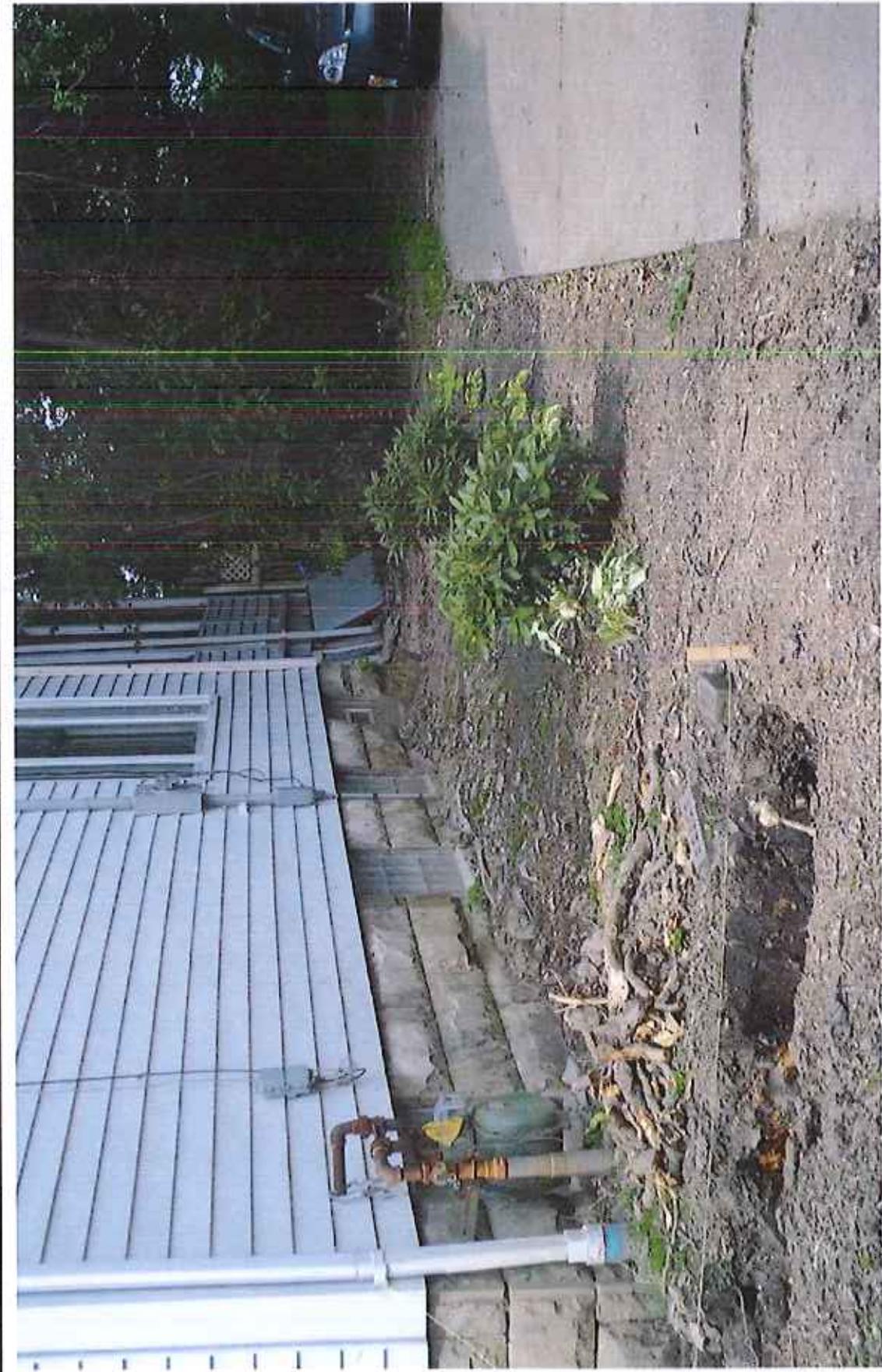


©2014 Lakewood Ohio



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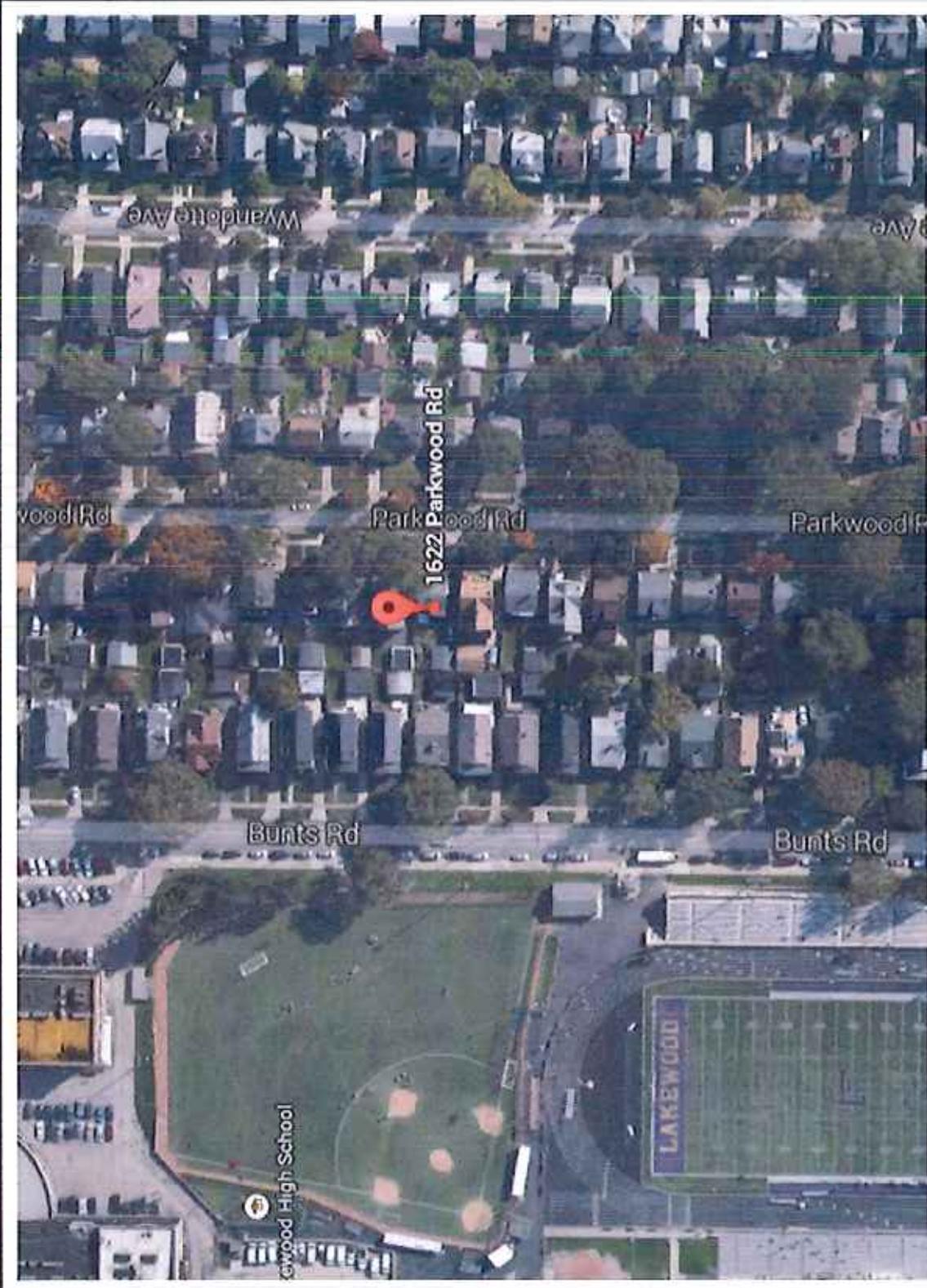
17906 Lake



5/27/2014



17906 Lake



1622 Parkwood



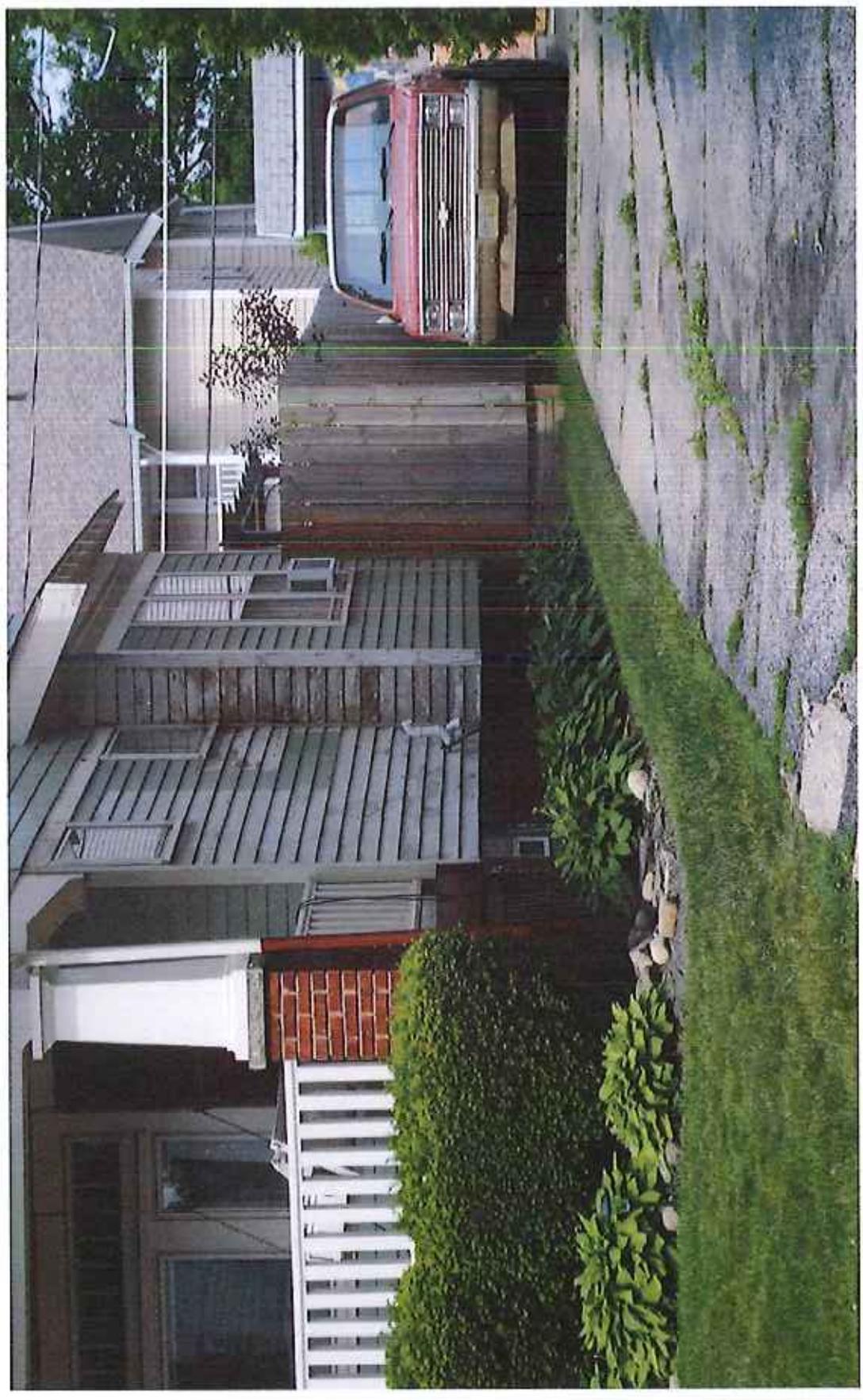
1622 Parkwood Rd



1622, June 2014

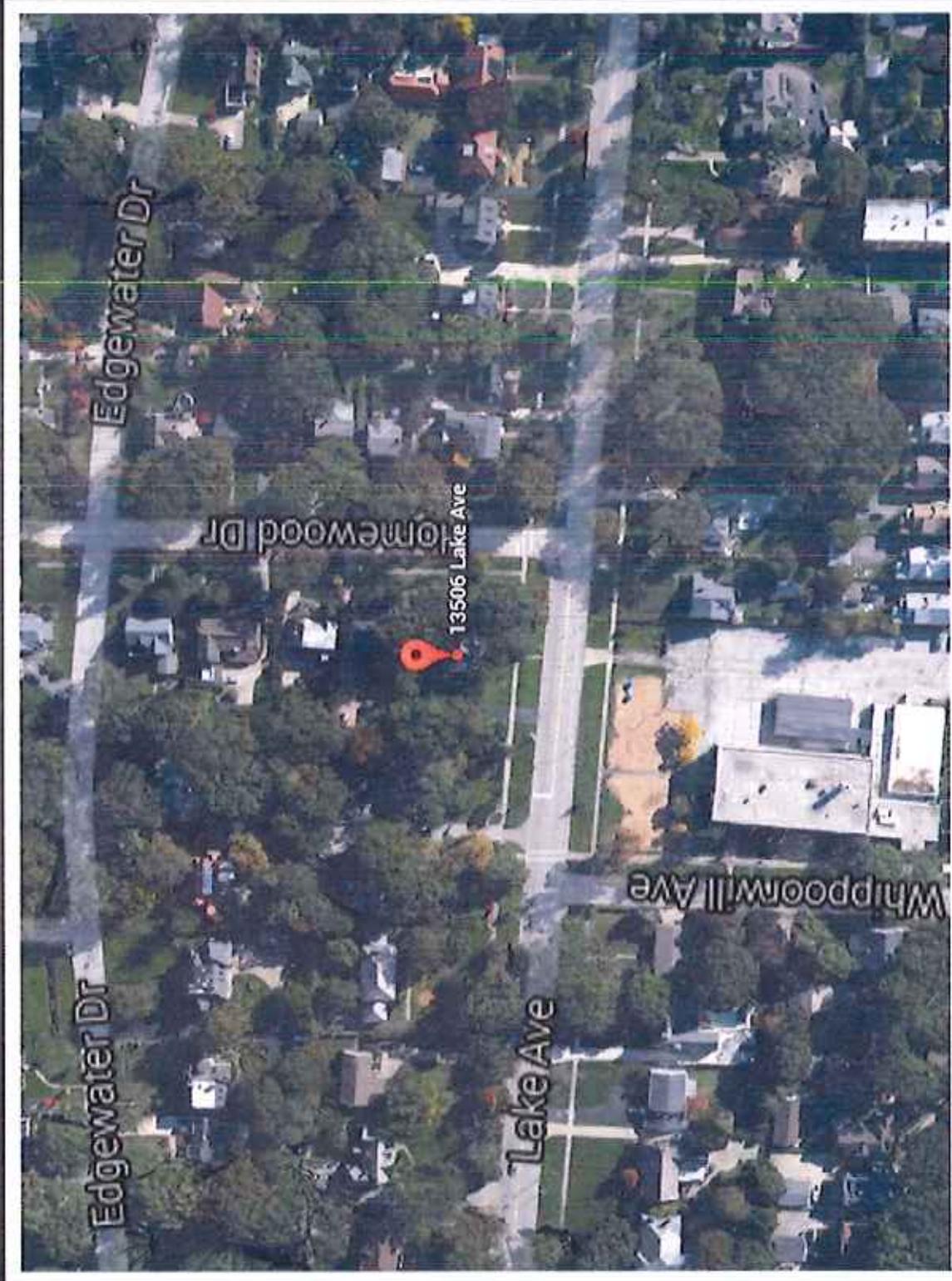
LAKWOOD
OHIO

1622 Parkwood



1622, 1624, 1626

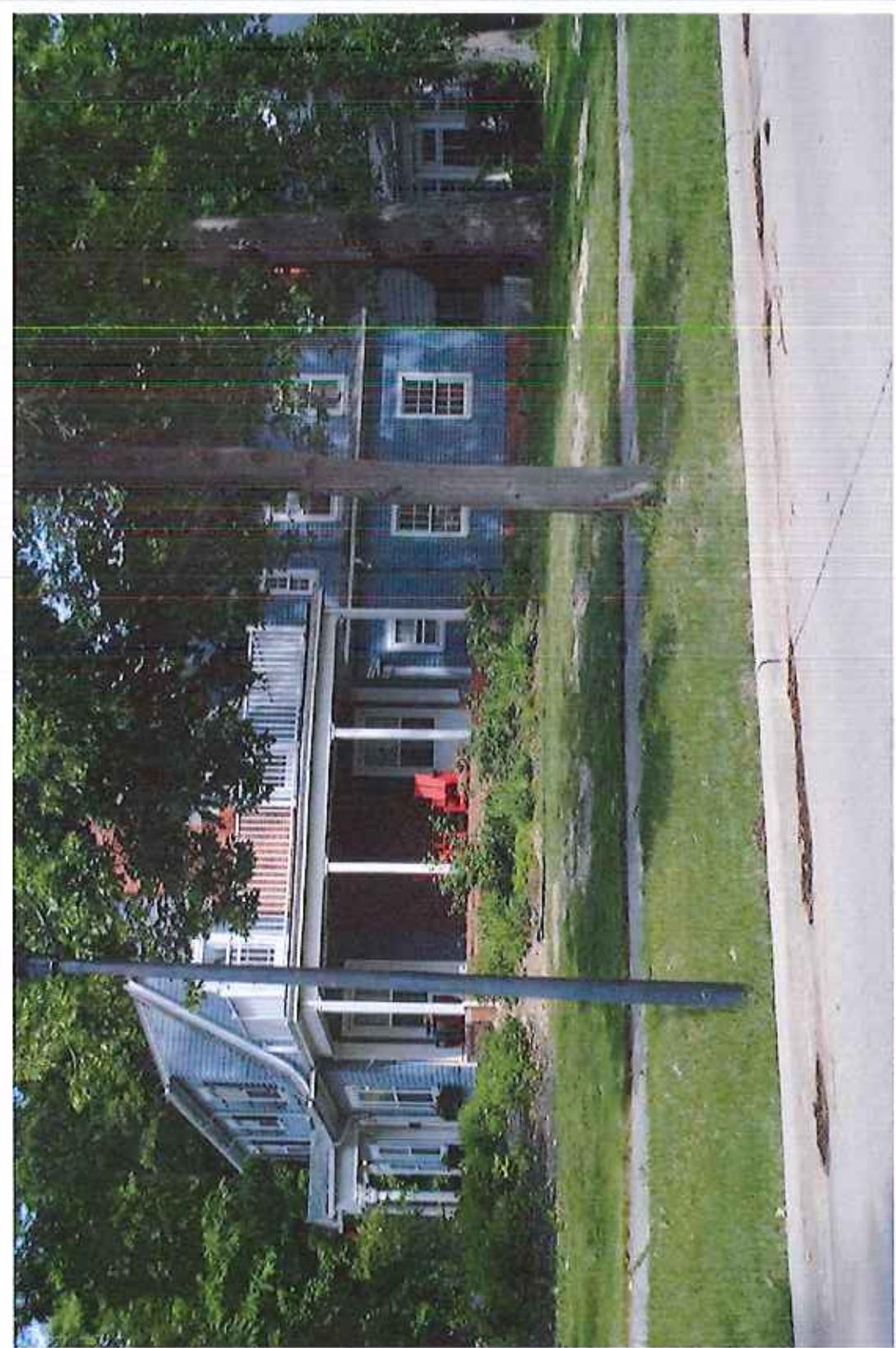
1622 Parkwood



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