MINUTES
(Audio Recording Is Available)
BOARD OF ZONING APPEALS
JULY 17, 2014
LAKEWOOD CITY HALL

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

REVIEW MEETING
6:30 P.M.
AUDITORIUM

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

1. **Roll Call**

Members Present	Others Present
Cynthia Bender	Mary Leigh, Secretary, DCD Programs Manager, P&D
Christopher Bindel	Kevin Butler, Law Director
Kyle Krewson, Vice-Chairman	Michael Molinski, Building Commissioner
Jennifer Matousek	
James Nagy, Chairman	

2. **Approve Minutes of the May 15, 2014 meeting**, deferred from the May 15th meeting.

A motion was made by Mr. Krewson, seconded by Ms. Bender to **APPROVE** the minutes of the May 15, 2014 meeting. All of the members voting yea, the motion passed.

3. **Approve Minutes of the June 19, 2014 meeting**

It was noted that the disposition for Docket No. 06-13-14, 17906 Lake Road needed to be amended as there were stipulations attached to the approval.

A motion was made by Mr. Nagy, seconded by Mr. Bindel to **APPROVE** the June 19, 2014 meeting minutes as amended. All of the members voting yea, the motion passed.

4. **Opening Remarks**

Ms. Leigh read the Opening Remarks and asked for anyone speaking to sign the Oath that was on the podium.

OLD BUSINESS

5. **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. This item was deferred from the meeting of June 19, 2014. (Page 3)

This item was withdrawn administratively.

NEW BUSINESS

6. **Docket No. 07-16-14** **17848 Lake Road**

David McDowell, representative and applicant requests approval for a two-foot (2') variance to the required six-foot (6') maximum height requirements in order to construct an eight-foot (8') fence between the back corner of the house and the garage, pursuant to Section 1153.02(c)(2) - Fences, Regulations. The property is located in an R1L, Single Family, Low Density district. (Page 4)

David McDowell, representative and applicant was present to explain the request. Because he was very tall, the owner wanted an eight-foot high fence to block views from the street. The fence material was of flat wood with lattice on the top; the height of the lattice was approximately 20 inches.

Mr. Molinski stated the administration had no objections because the fence was setback far enough from the street line and would not negatively impact the neighborhood; the proposed fence would run between a house and garage at the rear of the lot.

Public comment was closed as there was no one to speak on the matter. The Board discussed the fence. Mr. McDowell said there was an identical existing fence on Webb Road.

Mr. Butler spoke of some factors the Board might want to take in consideration and agreed with Mr. Nagy most of them were site specific generally. One of them was owner specific, in this case the height of the owner.

A motion was made by Mr. Nagy, seconded by Ms. Matousek **GRANT the request for a variance with the following stipulation:**

- **The variance only applies to the current owner.**

All of the members voting yea, the motion passed.

7. **Docket No. 07-17-14** **18096 W. Clifton Road**

Colby M. Jerdon, applicant requests approval for a variance in order to install a fence in front of the building line pursuant to Section 1153.02(a) – Fences, Regulations. The property is located in an R1L, Single Family, Low Density district. (Page 12)

Colby M. Jerdon, applicant was present to explain the request. The fence was wanted for privacy and because of excessive noise.

Mr. Molinski stated the administration supported the application. The subject property bordered Clifton Boulevard as it approached the bridge, and there existed a number of fences in the area. The variance was for the portion of the fence that fronts Clifton Road. The building line set back is 50 feet and because of the

bend in the road a portion of the fence would fall in front of that. At a maximum point the fence would be set back 30 feet and require a 20 foot variance. Running at a diagonal, the fence would then fall within the 50 foot building line set back.

Public comment was closed as there was no one to speak on the matter. Mr. Molinski stated that Joe Beno, Director of Public Works for the City of Lakewood did a site visit, and confirmed that it would not be a site hazard. Mr. Butler said the variance would be for a front yard setback. Utilizing an aerial projected onto the screen, the areas of concern were explained by Mr. Jerdon.

A motion was made by Mr. Krewson, seconded by Ms. Bender to **GRANT the request for a variance with the following stipulation:**

- **The variance would be 20 feet at its maximum point, in order to build a fence at a point 30 feet from the building line.**

All of the members voting yea, the motion passed.

8. **Docket No. 07-18-14** **2308-10 Ogontz Avenue**

John P. Brindza, applicant requests approval of a one-foot (1') variance to the required five-foot (5') side yard requirement in order to install an A/C condenser four feet (4') 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 22)

John P. Brindza, applicant was present to explain the request. A rear deck prevented the placement of two condensers in the back yard.

Mr. Molinski stated the administration supported the request for a variance; it was similar to other requests that had been approved.

Public comment was closed as there was no one to speak on the matter. Mr. Brindza prepared the diagram and said its measurements were accurate. Mr. Butler verified the application indicated there would be units placed on the north side of the house.

A motion was made by Ms. Bender, seconded by Ms. Matousek to **GRANT** the request for a variance. Mr. Krewson asked about the distance from the front of the house to the condensers. It was answered about 80 feet from the rear property line and 20 feet from the front.

An amended motion was made by Ms. Bender, seconded by Ms. Matousek to **GRANT the request for a variance with the following stipulation:**

- **The units are screened properly.**

All of the members voting yea, the motion passed.

9. **Docket No. 07-19-14** **2069 Carabel Avenue**

Kevin Doyle, applicant requests approval of a variance to not re-build a garage, pursuant to Section 1143.05 - Schedule of uses and Space Requirements. The property is located in an R1L, Single Family, Low Density district. (Page 34)

Kevin Doyle, applicant was present to explain the request. He wanted a shed in lieu of a garage. He could not afford to build a garage. He did not use it; he parked at the side of the home.

Mr. Molinski said the administration did not support the request to not build a garage. There were city ordinances that required garages in residential areas. Aside from being a place to store vehicles and yard equipment, a garage maintained property values throughout the neighborhood. There is no hardship in terms of yard size.

Mr. Doyle said he had received verbal approval from someone with the city to not be required to build a garage. Mr. Molinski said he was unaware of it and needed to review the property file.

Nancy Diemer (Korinchak), 2064 Morrison Avenue said the subject garage was an eyesore. Her husband had installed something on the garage to prevent it from collapsing. If and when the garage was demolished, a fence needed to be installed as there were lots of dogs in neighboring properties.

Ms. Leigh read into record two e-mails whereby the senders expressed their desire that a garage be built. The senders were Rich and Sue Krivosh; 2077 Carabel Avenue, and Thomas Buccieri on behalf of his mother, Mary Buccieri; 2079 Carabel Avenue.

Discussion between Mr. Doyle and the Board continued. The issue of the driveway remaining unpaved was presented. Mr. Butler said that was under a separate code section. Off-street parking called for an enclosure for a vehicle; a garage. The existence of a variance to not pave a driveway would not impact the issue of a garage. He encouraged the Board to defer the item so that city records could be researched.

A motion was made by Mr. Nagy, seconded by Mr. Bindel to **DEFER the request until the meeting of August 21, 2014.** All of the members voting yea, the motion passed.

10. **Docket No. 07-20-14** **12576 Lake Avenue**

Wayne Trotter, Construction & More, LLC and applicant requests approval of a ten-foot (10') variance to the required 50-foot building line setback, pursuant to Section 1153.02(a) in order to install a gate at the entrance to the driveway. The gate will at its highest point be five feet (5') in the center, tapering to four feet (4') at either end. The property is located in a M-L District. (Page 46)

Wayne Trotter, applicant was present to explain the request.

Mr. Molinski said the administration supported the application, and he noted there was an existing masonry wall that could be interpreted as a fence. It appeared to be of high quality materials. Mr. Trotter clarified the gates would swing inwardly toward the residence and would not be motorized.

Public comment was closed as there was no one to speak on the matter. Ms. Leigh said she spoke with the Secretary for the Architectural Board of Review ("ABR"), Bryce Sylvester, who said the item did not need to appear before ABR. Mr. Molinski said that BZA could make approval of the request with the stipulation it is approved by ABR.

A motion was made by Mr. Krewson, seconded by Ms. Bender to **GRANT the request for a variance with the following stipulation:**

- **The installation of an ornamental gate is approved by the Architectural Board of Review.**

All of the members voting yea, the motion passed.

ADJOURN

A motion was made by Mr. Krewson, seconded by Ms. Matousek to **ADJOURN** the meeting at 7:36 p.m. All of the members voting yea, the motion passed.

executed per revisions of Aug 21 '014 meeting James S. Nagy

Signature

Aug 21, 014

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. DAVID McDOWELL	
2. Colby Jerdon	
3. JOHN BRINDZA	
4. KEVIN DOYLE	
5. NANCY DIEMER (KORINCHAK)	Nancy A. Diemer
6. Wayne Totter	
7.	
8.	
9.	
10.	
11.	

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

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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: July 17, 2014

Schwarz, Johanna

From: Timothy Jablonski <tim@codonics.com>
Sent: Thursday, July 17, 2014 8:27 PM
To: Planning Dept
Subject: Public Notice Docket 07-16-14

Hi Mrs Leigh,
Thank you for the opportunity to express my opinion regarding the 2' variance request at 17848 Lake Rd.

My property is across the street and while I understand the desire for privacy we do have lake views from elevated spaces on our home such as a 1 and 2nd story side porch my preference would be to maintain the 6' limit in this case as the extra 2' will block views.

Thank you for the opportunity to express an opinion on this matter. I am sorry I had a prior commitment and was not able to attend the town meeting.
Sincerely,
Timothy J Jablonski
17845 Lake Rd.
Lakewood Ohio 44107

Leigh, Mary

From: Beno, Joe
Sent: Thursday, July 17, 2014 5:04 PM
To: Butler, Kevin; Leigh, Mary; Molinski, Michael; Lewis, Patrick
Subject: RE: Docket: July 17, 2014 BZA Meeting

Public Works is fine with this.

Joe Beno
Director of Public Works

From: Butler, Kevin
Sent: Thursday, July 17, 2014 3:03 AM
To: Beno, Joe; Leigh, Mary; Molinski, Michael; Lewis, Patrick
Subject: Fwd: Docket: July 17, 2014 BZA Meeting

Joe and Pat, please see the attached agenda for Thursday night's Board of Zoning Appeals meeting. Specifically, please see the request of Ms. McGlynn, pp. 12-21, to install a fence that would run along Clifton Blvd. at its intersection with Clifton Rd.

If you haven't already weighed in, would you kindly let those copied and me know whether you're OK with this request? Are any sight lines impacted inappropriately? Are the street dimensions accurately stated in the application?

Thanks.

Kevin

Kevin M. Butler
Law Director
City of Lakewood
12650 Detroit Ave.
Lakewood, Ohio 44107
(216) 529-6034
www.onelakewood.com
Sent by mobile

-------- Original message --------
From: "Schwarz, Johanna"
Date:07/09/2014 11:55 AM (GMT-05:00)
To: "Chris Bindel (Christopher.Bindel@gmail.com)" ,"Cynthia Bender (cynthia.bender@hotmail.com)" ,"Butler, Kevin" ,"'Krewson, Kyle'" ,"Leigh, Mary" ,"'Matousek, Jennifer'" ,"Molinski, Michael" ,"'Nagy, James'" ,"Russell, Jason" ,"Schwarz, Johanna" ,"Siley, Dru" ,"Sylvester, Bryce"
Subject: Docket: July 17, 2014 BZA Meeting

Good morning,

Attached is the docket of the July 17th Board of Zoning Appeals meeting. The pre-review meeting will begin at 6:00 p.m. in the 2nd floor Council conference room. The review meeting will begin at 6:30 p.m. in the auditorium of City Hall.

Schwarz, Johanna

From: Srkrivosh <srkrivosh@aol.com>
Sent: Sunday, July 13, 2014 7:22 PM
To: Planning Dept
Subject: 2069 Carabel Ave. Docket 07-19-14

We are against the granting of the variance to not rebuild the garage at 2069 Carabel Ave. We feel it will negatively impact our property value and all those in the area. Without a garage the appearance of the whole neighborhood goes down. We would think that the City of Lakewood would require a new garage go up. Does the city have a program in place to help out with the cost if that is an issue?
If the variance is granted we, being directly next to the property, will have the added expense of fencing in that portion of our yard.
We would hope that the Board of Zoning Appeals would not grant the variance therefor keeping Lakewood beautiful and appealing to home buyers for years to come

Thank you,
Rich and Sue Krivosh
2077 Carabel Ave.

Sent from AOL Mobile Mail

Schwarz, Johanna

From: Thomas Buccieri <joeschabotnic@gmail.com>
Sent: Wednesday, July 16, 2014 8:44 PM
To: Planning Dept
Subject: Letter to deny Kevin Doyle not to re-build garage

Mary Leigh,
My name is Thomas Buccieri. I am Mary Buccieri's son. I am writing you this letter on her behalf. She lives at 2079 Carabel. I am responding to Mr Kevin Doyle's request not to re-build a garage. I strongly oppose the request. The city of Lakewood has rules to abide by in keeping the integrity of this city intact. As a neighbor, not to re-build his garage would only diminish the value of homes. We have all built, at one time or another, a new garage. This keeps up the high standards living in Lakewood. To exempt Mr Doyle from this variance would be detrimental to the surrounding property owners. The garage needs to be rebuilt because of concerns of rodents, bug infestation, animals and disease. I am strongly expressing my opinion as a tax payer of Lakewood for over 54 years.

Mary Buccieri
2079 Carabel Ave
Lakewood, Ohio
216-521-0597

Board of Zoning Appeals

July 2014

LAKEWOOD OHIO

LAKEWOOD OHIO

BZA July 2014

1480 Newman

LAKEWOOD OHIO

SSA July 2014

1480 Newman

LAKEWOOD OHIO

BZA July 2014

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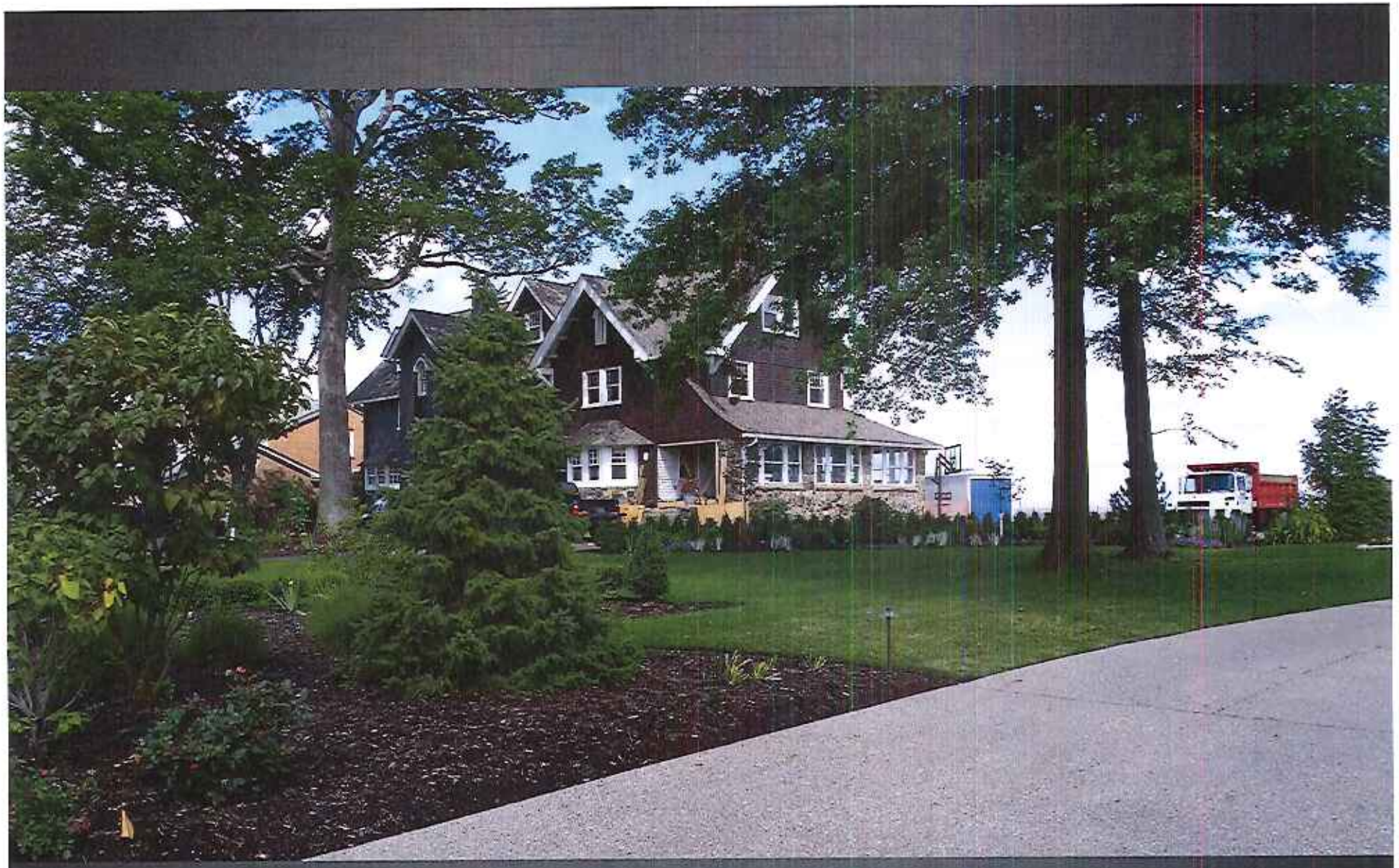
1480 Newman

LAKEWOOD OHIO

BZA July 2014

17848 Lake Rd



LAKEWOOD OHIO

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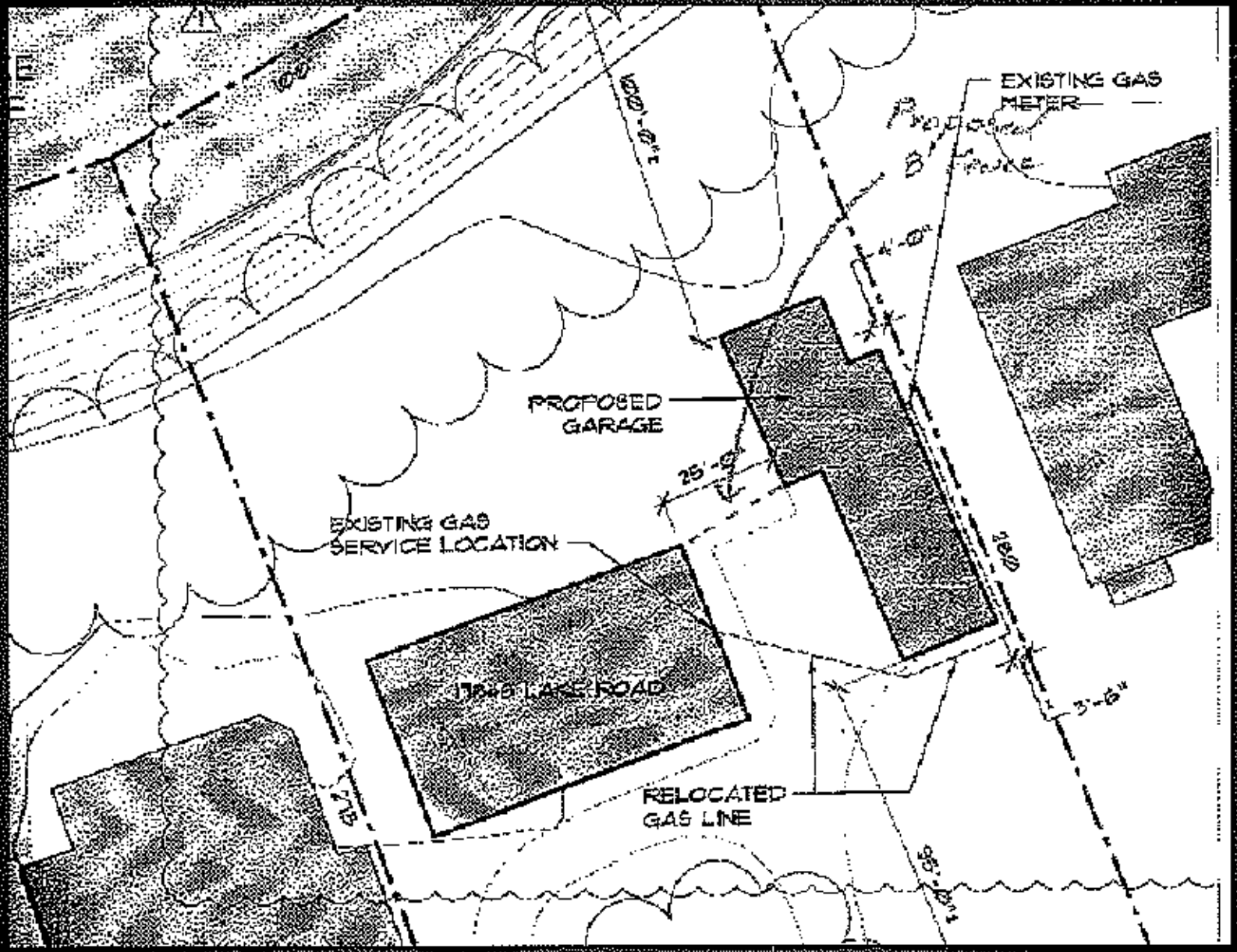
17848 Lake Rd

LAKEWOOD OHIO

BZA July 2014

17848 Lake Rd



LAKEWOOD OHIO

17848 Lake Rd

LAKEWOOD OHIO

BZA July 2014

17848 Lake Rd

LAKEWOOD OHIO

BZA July 2014

18096 Clifton Rd

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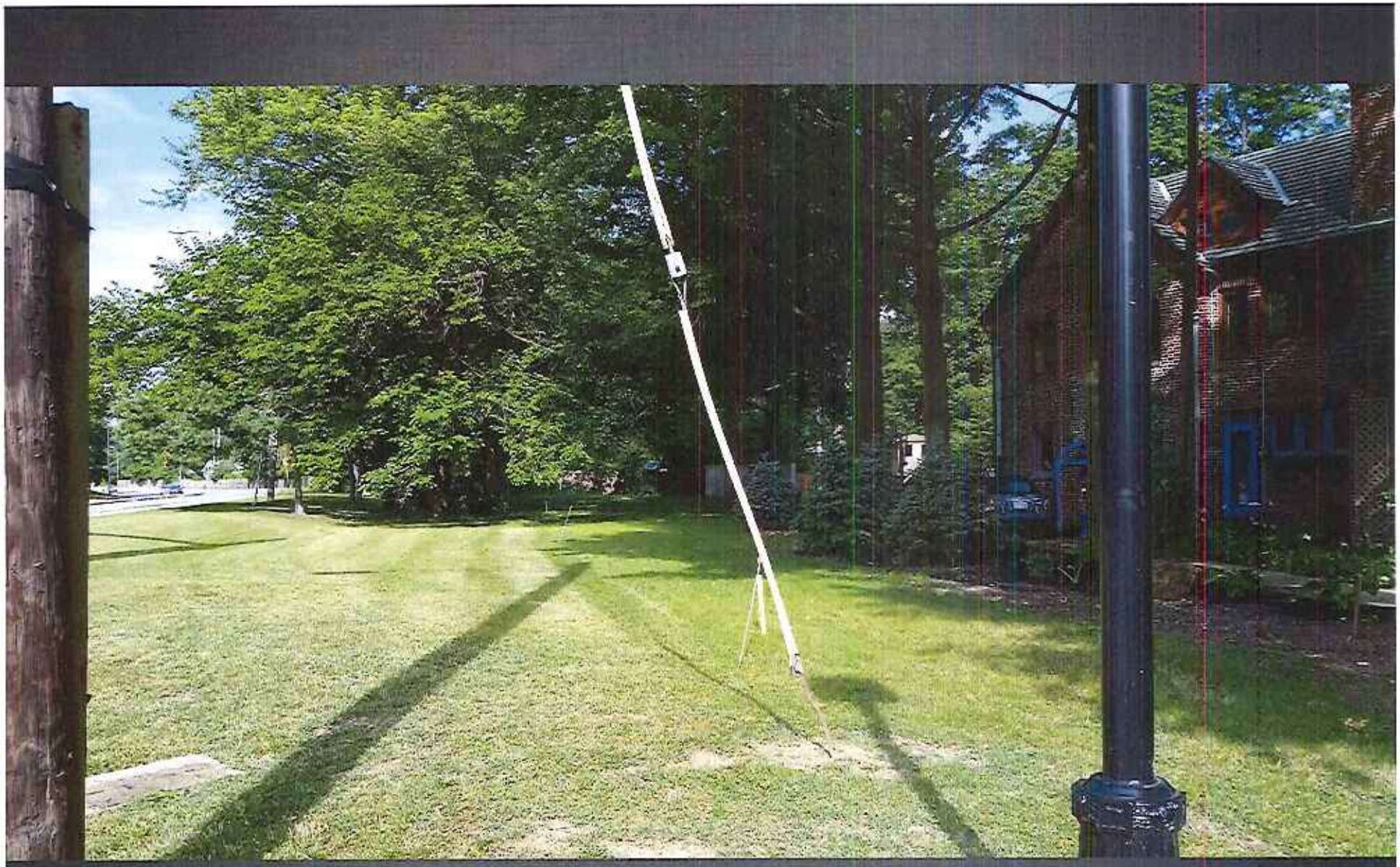
18096 Clifton Rd



LAKEWOOD OHIO

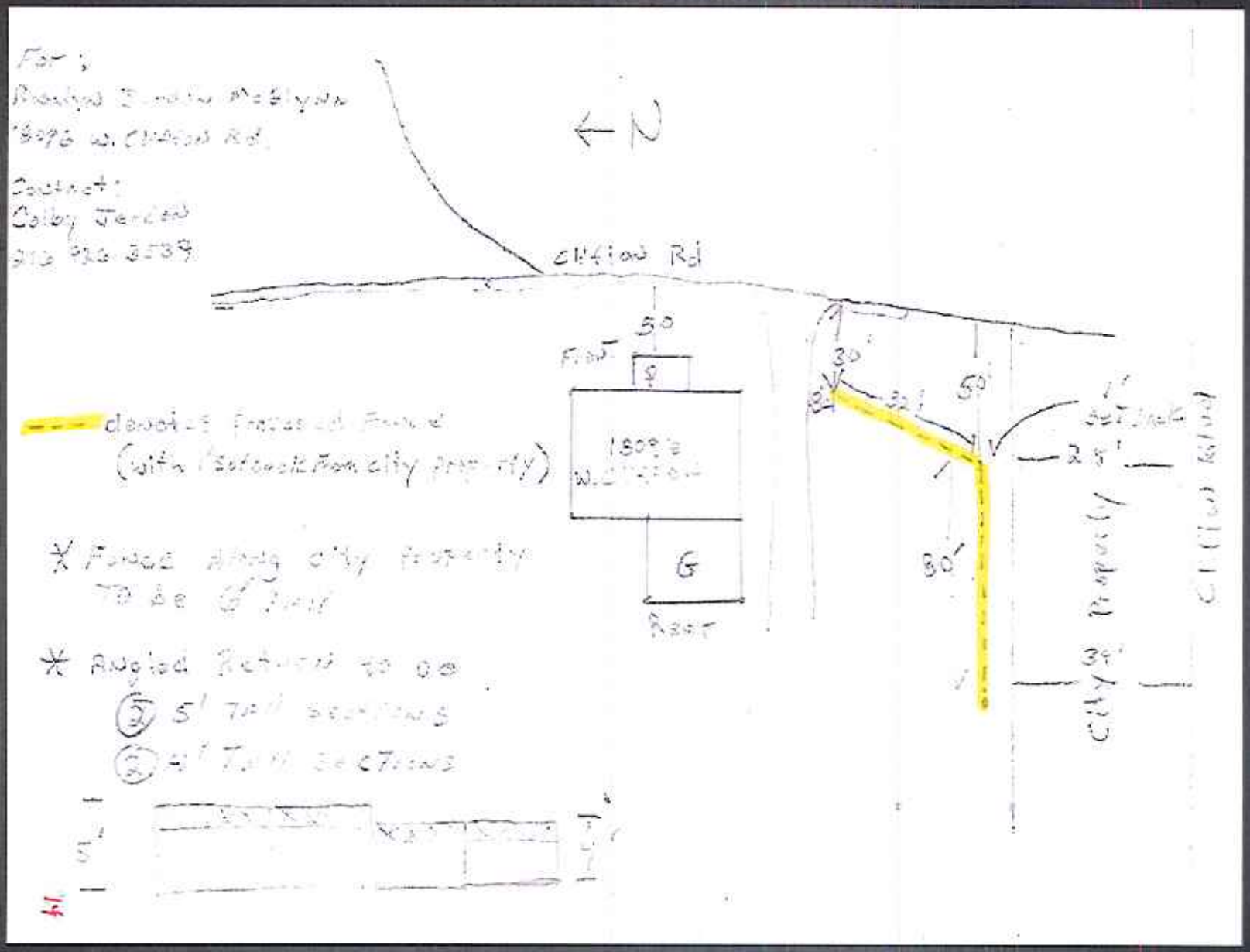
BZA July 2024

18096 Clifton Rd

LAKEWOOD OHIO

BZA July 2014

18096 Clifton Rd



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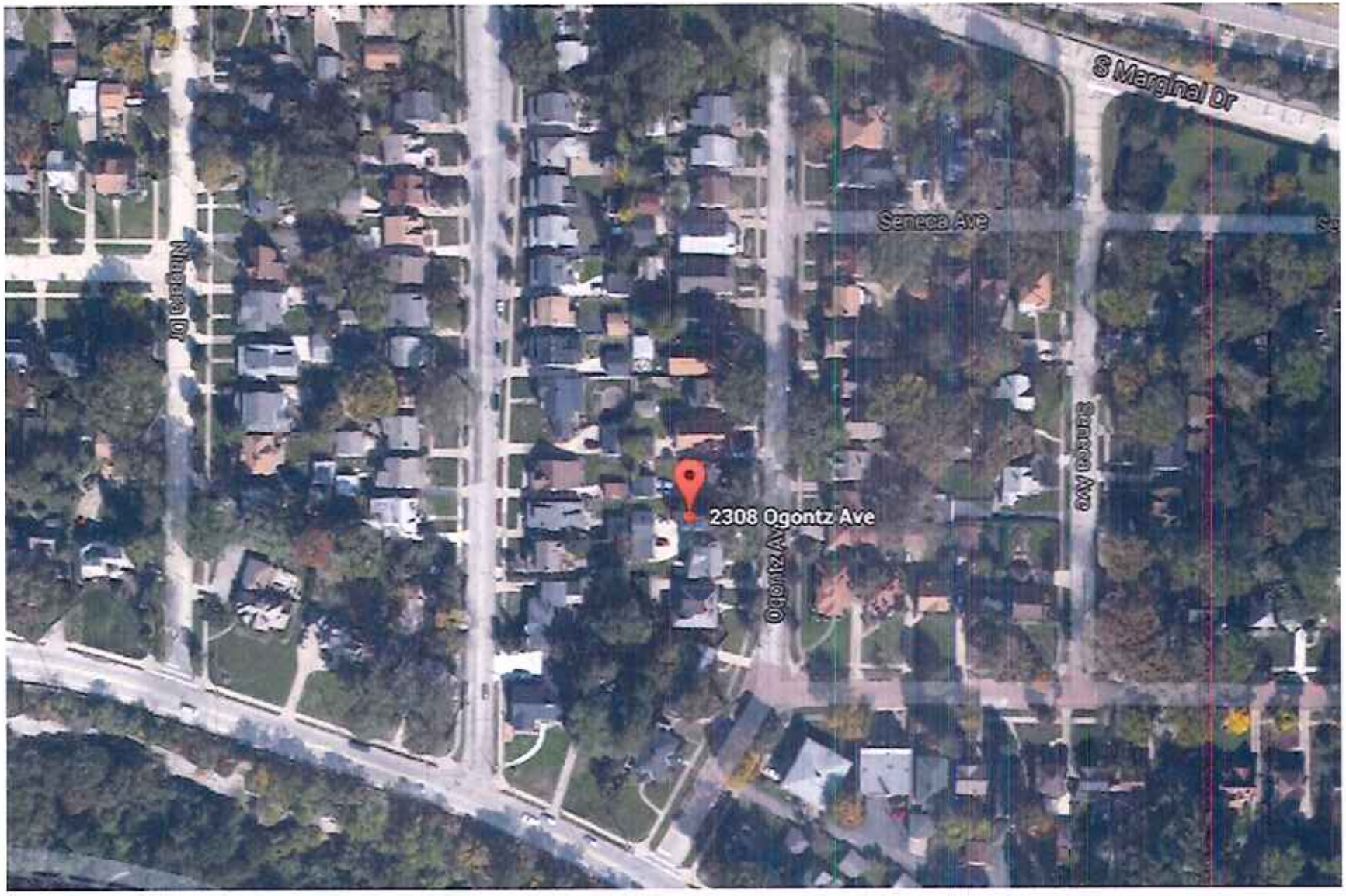


LAKEWOOD OHIO

BZA July 2016

2308-10 Ogontz Avenue

LAKEWOOD OHIO

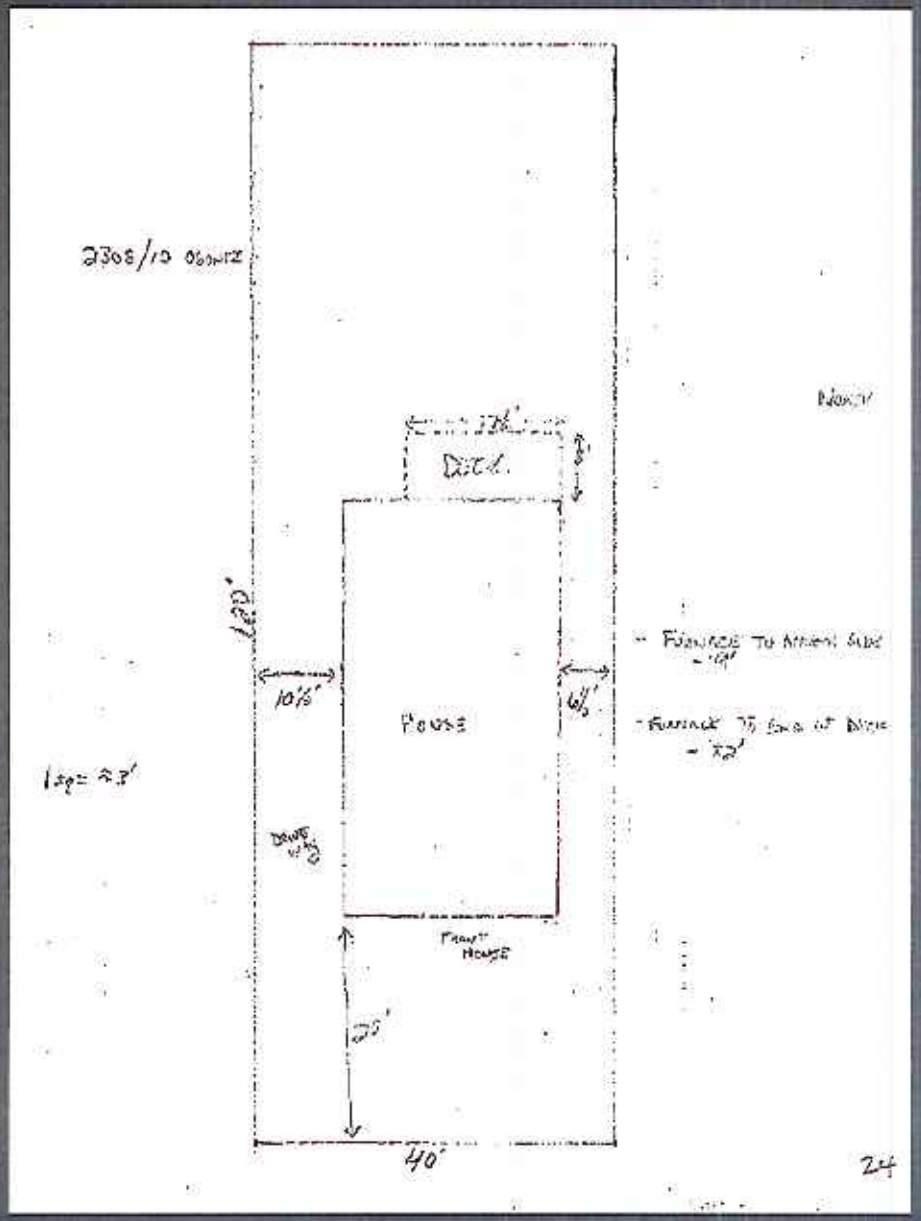
BZA July 2014

2308-10 Ogontz Avenue

LAKEWOOD OHIO

BZA july 2014

2308-10 Ogontz Avenue



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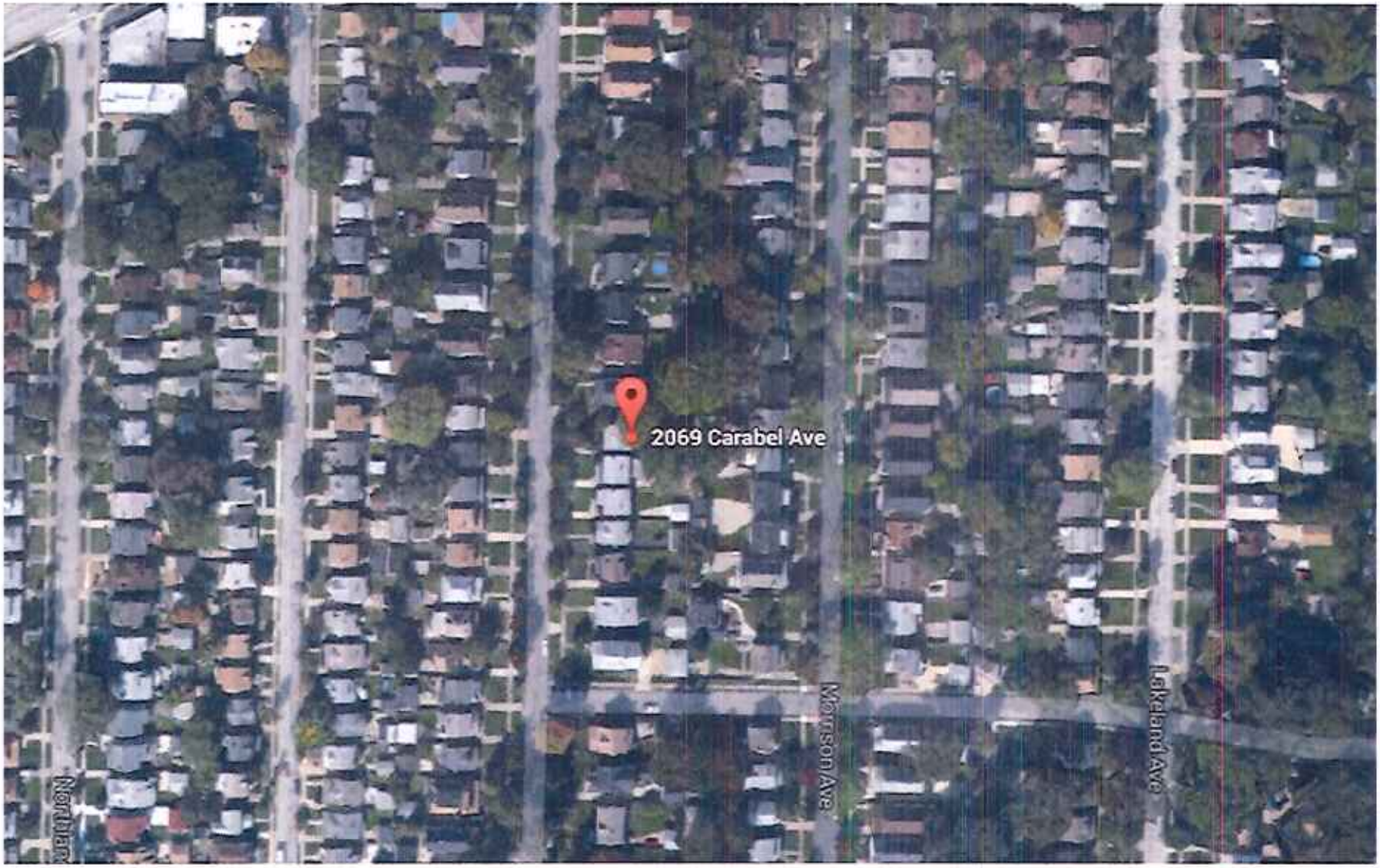
2308-10 Ogontz Avenue



LAKEWOOD OHIO

BZA July 2016

2069 Carabel Avenue

LAKEWOOD OHIO

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2069 Carabel Avenue

LAKEWOOD OHIO

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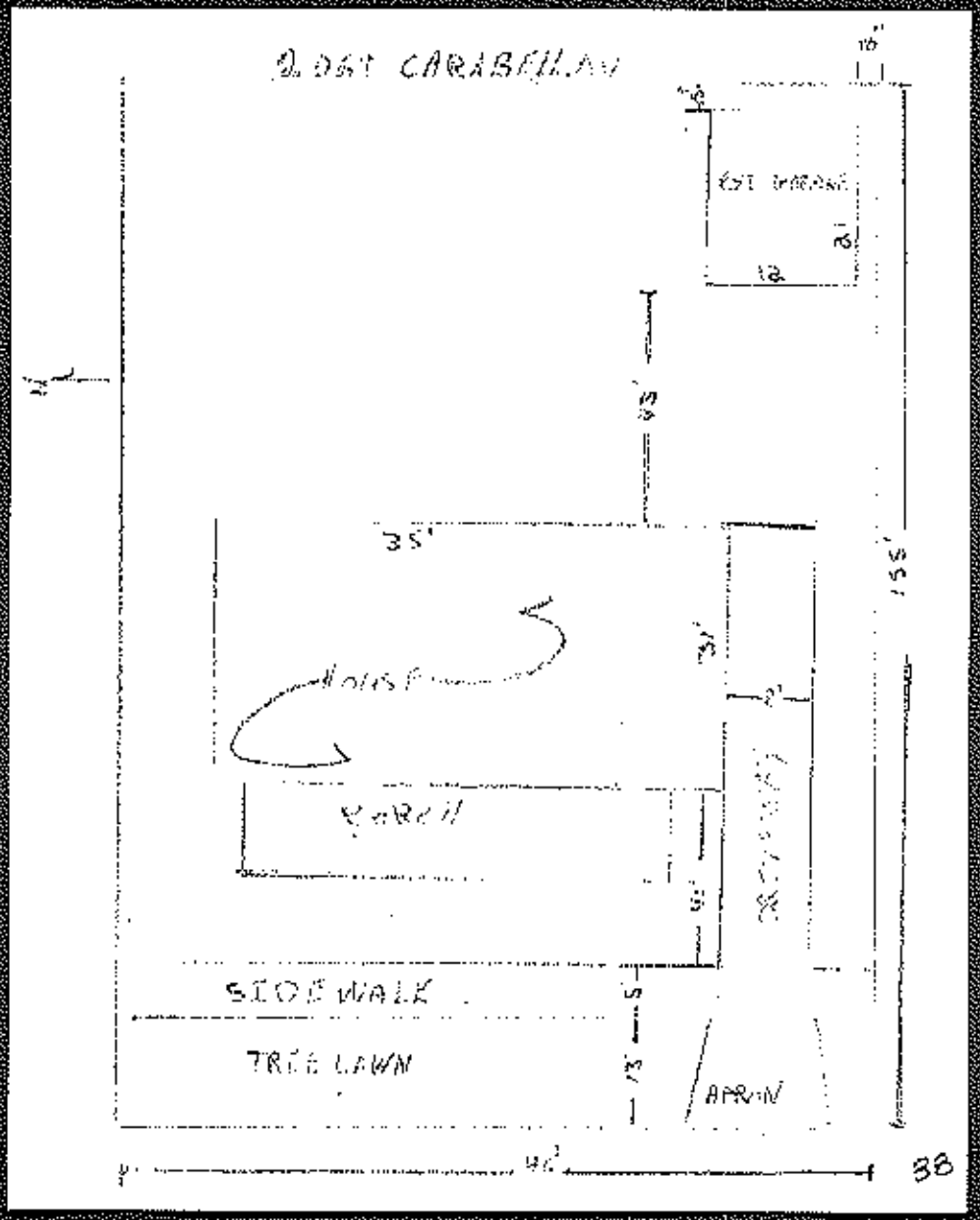
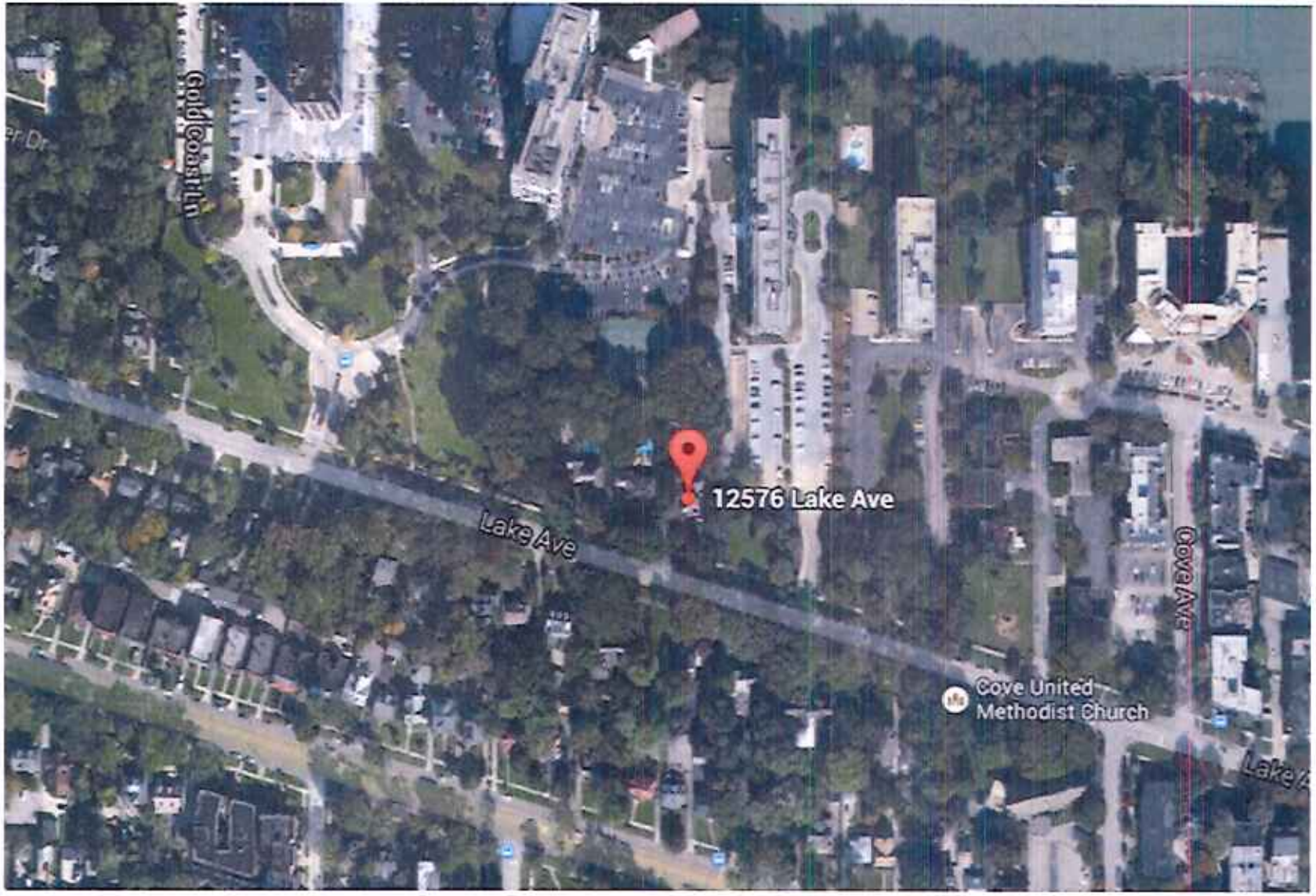
2069 Carabel Avenue



2069 Carabel Avenue



LAKEWOOD OHIO

BZA July 2014

12576 Lake

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12576 Lake

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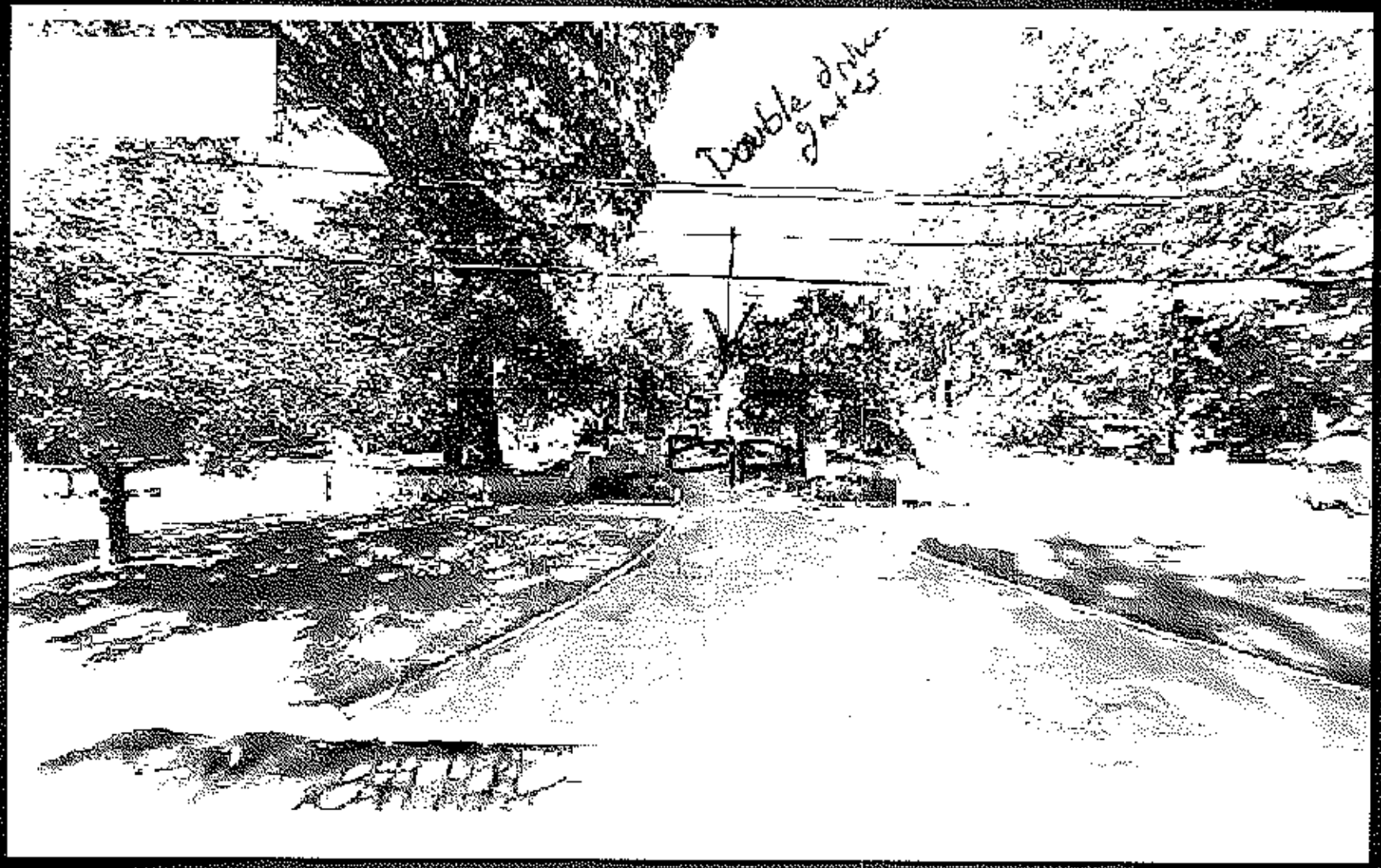
12576 Lake



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12576 Lake

Board of Zoning Appeals

July 2014

LAKEWOOD OHIO