AMENDED MINUTES
(Audio Recording Is Available)
BOARD OF ZONING APPEALS
AUGUST 21, 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 6:45 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 July 17, 2014 meeting**, deferred from the May 15th meeting.

It was noted an error was in the 2nd item. Ms. Matousek abstained from the approval. Mr. Krewson abstained.

It was noted there was an error in item #7. Mr. Krewson requested that the board's comments from the prior month's meeting be correct in the July minutes. These comments stipulated that the variance approved would be at its maximum point be 20 feet, in order to build a fence that at its maximum point would be 30 feet from the building line as per the plans submitted.

A motion was made by Mr. Krewson, seconded by Ms. Bender to **APPROVE** the minutes of the July 17, 2014 meeting as amended. All of the members voting yea, the motion passed.

3. **Opening Remarks**

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

OLD BUSINESS

4. **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. This item was deferred from the meeting of July 17, 2014. (Page 3)

Kevin Doyle, applicant was present to explain the request. He did not want or need a garage. The Board said there was no record of the granting of a variance to not rebuild. Mr. Doyle said he would be destroyed financially if forced to build a garage. Mr. Molinski said he had nothing to add.

Rich Krivosh, 2077 Carabel Avenue was against the granting of a variance. He did not want to see a precedence established.

Ms. Leigh stated there was an e-mail from last July's meeting from Thomas Buccieri on behalf of his mother, 2079 Carabel Avenue (it was read into record in July), and that Mary Buccieri called on Thursday, August 21st to state again that she was not in favor of the proposed variance. On Wednesday, August 20th, an e-mail was received from Nathan and Patricia Braun, 2065 Carabel Avenue who stated that Mr. Doyle should be required to at least rebuild a single car garage, and if the variance was granted, a fence should be erected across the back property line (made part of record).

The Board noted for the record that financial hardship was not reason for granting of a variance. However, in the past, it had been reason to allow for extra time to build.

A motion was made by Mr. Nagy, seconded by Ms. Matousek to DENY the request. All of the members voting yea, the motion passed.

For the record, Mr. Butler stated Mr. Doyle said he e-mailed the High School Vocational department and had yet received a reply (Mr. Doyle's remark was made away from the microphone).

NEW BUSINESS

5. **Docket No. 08-21-14** **14429 Delaware Avenue**

Donna Kerns, Daycare Down the Street, applicant requests approval of a variance to not re-build a garage pursuant to Section 1143.05, Schedule of Uses and Space. The property is located in an R2, Single and Two-Family district. (Page 15)

Donna Kerns, applicant was not present. Ms. Leigh had not received communication from the applicant. The item was tabled to after item # 11, Docket No. 08-27-14, 1501 Clarence Avenue.

6. **Docket No. 08-22-14** **13226 Hazelwood Avenue**

Howard Leslie Davey, 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 R2, Single and Two-Family district. (Page 18)

Howard Davey, applicant was present to explain the request. His house needed work, and he could not afford a garage at this time. He was willing to erect a shed in its place.

Mr. Molinski said there was an existing garage, there was no reason another couldn't be built in its place, and there were garages on the neighboring properties. A one-car garage was an option.

Carmella Orban, 13216 Hazelwood Avenue Expressed that property values would be affected and the lack of a garage would be ~~build~~ a blight and deteriment on the neighborhood.

Public comment was closed as there was no one else to speak on the matter. There were no questions or comments from the Board.

A motion was made by Mr. Nagy, seconded by Ms. Bender to **DENY** the request. All of the members voting, the motion passed. Mr. Nagy suggested that Mr. Davey contact the High School's Vocational Department.

7. **Docket No. 08-23-14** **16908 Edgewater Drive**

Pericles Drosos, applicant requests approval requests approval of a 6 ft. 6 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations in order to build a new garage that will be 21 ft. 6 inches in height. The property is located in an R1L, Single Family, Low Density district. (Page 22)

Pericles Drosos, applicant was present to explain the request. The current garage was damaged by a fallen tree last November. He wanted to replace it with a more modern garage; one that would accommodate an SUV. He wanted to pitch the roof to match that of the house.

Mr. Molinski stated the drawing indicated a second floor loft and wanted to know its intended use. Mr. Drosos replied it would be for storage only. He did not intend to finish it for any other use.

Jack Weigand, 1050 Kenneth Drive was present and asked if the garage would be built in the same location as the prior garage, and if it would be bigger. Mr. Drosos responded to the affirmative to both questions.

Mr. Drosos said he needed storage space not additional living space, and the garage would not have plumbing.

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

- **The upstairs area is used for incidental storage only.**

All of the members voting yea, the motion passed.

8. **Docket No. 08-24-14** **16121 Lake Avenue**

Louis McMahon, applicant requests approval of a 4 ft. 4 1/4 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations in order to construct a garage that is 19 ft. 4 1/4 inches at its highest point. The property is located in an R1H, Single Family, High Density district. (Page 27)

Louis McMahon, applicant was present to explain the request. He need storage space.

Mr. Molinski said the Division of Housing and Building ("H&B") had not objections.

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

A motion was made by Mr. Krewson, seconded by Mr. Bindel to **GRANT** the request **with the following stipulation:**

- **The upstairs area is used for incidental storage only.**

All of the members voting yea, the motion passed.

9. **Docket No. 08-25-14** **1081 Nicholson Avenue**

Cindy Stockman, Stockman Architecture, applicant requests 2 variances to Section 1121.10 (c), Additional Accessory Structure Regulations in order to install an in ground back yard pool.

- The first is a 5 ft. variance to the required 10 ft. side or rear yard property line requirement in order to install the pool 5 ft. from the south property line.

- The second is a 5 ft. variance to the required 10 ft. in order to install the pool 5 ft. from the east property line.

The property is located in an R1M, Single Family Medium Density district. (Page 39)

Cindy Stockman, Stockman Architecture, applicant was present to explain the request. She described the backyard's attached garage and driveway in relationship to the proposed pool and pool house.

Chris Hull, property owner explained the surrounding properties.

Mr. Molinski said H&B had no objections. Nr. Nagy asked for the record to reflect that Mr. Hull submitted four emails from neighbors in support of the variance. These four letters were made part of the record.

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

Mr. Hull said there would seven feet between the pool and the fence, that they would be tying into an existing stockade fence on the south property line, and existing chain link fences on the east and west sides of their yard. The homeowner will then be adding a fence to the north as well as an automatic cover for the pool to ensure safety.

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

10. **Docket No. 08-26-14** **12966 Clifton Boulevard**

Anthony Mazzella, 12966 Clifton LLC, applicant requests three variances.

- The first is a variance for 2 covered spaces and 2 open spaces (not under cover) pursuant to Section 1143.05, Parking Uses and Space Requirements. Five under cover spaces to the

required seven will be constructed and 2 open spaces to the required four will be installed behind the apartment building.

- A second variance of 10% to the required 25% in order to construct a new garage that will cover 35% of the lot pursuant to Section 1123.09 (c), Maximum Lot Coverage Area is requested.

- A third variance is requested pursuant to Section 1123.10 (b), Additional Accessory Structure Regulations in order to place the new garage with the following set-backs: 6 inches to the required 6 inches to build the garage 0 inches from the east and west property lines and 0 inches from the rear (north) property line.

The property is located in an R2, Single and Two-Family district. (Page 43)

Tristan Funk, Contractor was present to explain the request. The proposal was to replace the demolished structure to how it was previously.

Mr. Molinski said that H&B agreed for the "unpermitted" demolished garage to be rebuilt as it had been.

Public comment was closed as there was no one to speak on the matter. City staff had no additional comments.

Mr. Nagy restated the 3 variances requested which included 1) the variance for 2 covered parking spaces and 2 open parking spaces, a 10% variance to the required 25% maximum lot coverage area, and 3) a 6 inch variance to the required 6 inch requirement in order to build the garage 0 inches from the east, west and north property lines.

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

11. **Docket No. 08-27-14** **1501 Clarence Avenue**

Anna Delia, applicant requests approval of a 2 ft. 1 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations for Accessory Structures in order to build a garage that is 17 ft. 1 in. in height. The property is located in an R1H, Single Family, High Density district. (Page 53)

Chris Delia, representative was present to explain the request. The applicant needed additional storage.

Mr. Molinski supported the request; the proposal would fit better with the neighborhood.

Jeff Newman, 1494 Grace Avenue spoke in support of the request.

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

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

5. **Docket No. 08-21-14** **14429 Delaware Avenue**

Donna Kerns, Daycare Down the Street, applicant requests approval of a variance to not re-build a garage pursuant to Section 1143.05, Schedule of Uses and Space. The property is located in an R2, Single and Two-Family district. (Page 15)

Donna Kerns, applicant was not present. Mr. Butler called the applicant who stated she became aware of the meeting on the prior day, was requesting a deferral until next month, and might withdraw the request.

A motion was made by Mr. Nagy, seconded by Mr. Krewson to **DEFER** the request **until the meeting of September 18, 2014.** All of the members voting yea, the motion passed.

COMMUNICATION

12. **Docket No. 08-28-14** **Update to the Planning Commission Regarding the Recommended Changes to the City's Parking Code as Presented by Bryce Sylvester, Planning and Development**

The Department of Planning and Development has spent several months reviewing the City's current parking code with the goal of establishing flexible vehicle parking requirements that support the Community's Vision to provide safe, convenient, and integrated transportation options throughout the city. Bryce Sylvester, City Planner, City of Lakewood, will present recommended changes for consideration by the Planning Commission. (Page 59)

Jason Russell, Planning and Development presented the update as outlined in the PowerPoint Presentation (presentation made part of record). Among other things, the intent was to simplify the code, minimize parking in commercial districts, promote growth of small businesses and encourage economic development, and provide safe and convenient transportation options. The code had nine use categories currently, and the number would be reduced to four. Mr. Russell then detailed the changes and the exceptions. No vote was needed as this was not an actionable item.

ADJOURN

A motion was made by Mr. Nagy, seconded by Mr. Bindel to **ADJOURN** the meeting at 8:23 p.m. All of the members voting yea, the motion passed.

Signature accepted per revision of pg 2 pg. 3

Date Sept 18 '014

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. Kevin Doyle	[signature]
2. Rich Krivosh	[signature]
3. Howard Davey	[signature]
4. Carmella Orban	[signature]
5. Pericles N. Drosos	[signature]
6. Daniel Margolies	[signature]
7. Jack Weigand	[signature]
8. Lou McMahon	[signature]
9. Cindy Stockman	[signature]
10. Chris Hull	[signature]
11. Kimberly Pustulka	[signature]
Jason Russell	[signature]

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: August 21, 2014

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. TRISTAN FUNK	
2. CHRIS DERIA	
3.	
4.	
5.	
6.	
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: August 21, 2014

August 5, 2014

I am requesting a re-hearing on my variance request made at the July meeting.

My understanding was this was ALREADY the case until I received the letter informing me I have to jump through more hoops to simply get the respect of what I was promised.

I expect that the building department has done IT'S job and found the previous employee who told me I could use the building as a shed and I need not pave to the structure. If not then strap me to a lie detector and I'll defend my own statements.

I am a citizen of this city and I deserve the right to stand again in front of this body and make my case. That's why we pay your salary so you can give us the basic decency of a fair hearing. I expect nothing less.

I intend to also bring up the insulting comment made to me by a board member that "financial hardship" is not an issue. To be told that to my face by someone that represents the CITIZENS of this city was appalling.

There are 3 houses in my own neighborhood without garages and this city has survived and prospered for the 25 years I have lived here without my having a garage. To destroy my financial life for some ordinance is NOT why we elect our officials and I expect not why you and the others got into government service.

I will make my case strongly and respectfully and I will abide by the decision but I will get my chance to speak and make my case.

Regards.

Kevin Doyle

Tel: 216-904-5809 Email: Kdoyle2852@cox.net

RECEIVED
AUG 07 2014
DEPT. OF PLANNING & DEVELOPMENT

BOARD OF ZONING APPEALS

12650 Detroit Avenue • 44107 • (216) 529-6630 • FAX (216) 529-5907
www.onelakewood.com

7/24/2014

Kevin Doyle
2069 Carabel Avenue
Lakewood, Ohio 44107

Re: **07-19-14**
2069 CARABEL AVE

Dear Kevin Doyle:

At the meeting on 07/17/2014, the Board of Zoning Appeals considered Applicant requests approval of a variance to not re-build a garage pursuant to Section 1143.05, Schedule of uses and Space Requirements. Property is located in an R1L District.

The Board decided to **DEFER the application until the meeting of August 21, 2014.**

Please contact the Division of Housing and Building with any comments or concerns you may have at (216) 529-6270.

Sincerely,

Mary Leigh, Board Secretary
Programs Manager, Planning and Development

Enc.

BOARD OF ZONING APPEALS

12650 Detroit Avenue • 44107 • (216) 529 6630 • FAX (216) 529-5907
www.onelakewood.com

PROCEDURES
BOARD OF ZONING APPEALS

1. If the applicant decided to **DEFER** a request, and if any new or pertinent information is needed, the applicant must submit this information to the Building Department by **NOON** **fourteen and one-half (14½) days before the next monthly meeting**.

2. If the Board decided at the meeting to **DENY** a request for **variance** to the Zoning Code, a request for rehearing must be submitted to the Secretary of the Board of Zoning Appeals, **in writing within ten (10) days of the date of the meeting**, setting forth the grounds for rehearing, to be considered. Any new or revised information must be submitted to the Building Department by **NOON**, **fourteen and one-half (14½) days before the next monthly meeting**. If the Board determines by vote that valid grounds have been submitted, a rehearing shall be granted. If the request for rehearing is not made within ten (10) days from the date of the meeting, no application on the same item may be made to the Board for a period of six (6) months from the date the original application was denied. The filing of the request for rehearing shall not be deemed to extend the time permitted by law for the filing of an appeal to the courts. Appeals may be made to Common Pleas Court.

3. Decisions of the Board on request for variance to the Zoning Code shall be deemed to be final, and the Secretary shall not accept or docket applications, which have been denied by the Board unless a rehearing is granted pursuant to Item two (2) above.

Schwarz, Johanna

From: Leigh, Mary
Sent: Thursday, August 21, 2014 3:53 PM
To: Schwarz, Johanna
Subject: 2069 Carabel Variance Request

Mary Buccieri, 2079 Carabel, contacted me on August 21, 2014, to re-state that she is not in favor of the proposed variance requested by the owner of 2069 Carabel to not rebuild a garage. Additional comments from her son were provided at last month's meeting and read into the record.

Mary E. Leigh
Programs Manager
Division of Community Development
Department of Planning and Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-7681 (Office)

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Schwarz, Johanna

From:	Leigh, Mary
Sent:	Wednesday, August 20, 2014 10:43 AM
To:	sqky2@att.net
Cc:	Sylvester, Bryce; Schwarz, Johanna
Subject:	RE: variance to not re-build garage

Mr. & Mrs. Braun –

Your email will be provided to the Board of Zoning Appeals members and entered into the meeting record.

Please feel free to contact me if you have any questions or concerns.

Mary E. Leigh
Programs Manager
Division of Community Development
Department of Planning and Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-7681 (Office)

From: Sylvester, Bryce
Sent: Wednesday, August 20, 2014 10:38 AM
To: Leigh, Mary
Subject: FW: variance to not re-build garage

Mary – See below. Can you respond to Patricia?

Bryce Sylvester, AICP
Planner
Department of Planning & Development
City of Lakewood
12650 Detroit Avenue
Lakewood, OH 44107
216-529-6635 (Office)

LEED GREEN ASSOCIATE

From: Patricia Braun [mailto:sqky2@att.net]
Sent: Friday, August 15, 2014 3:49 PM
To: Russell, Jason; Sylvester, Bryce
Subject: variance to not re-build garage

Mr. Sylvester and Mr. Russell.

RE: property located in an R1L, Single Family. Low Density district; 2069 Carabel Avenue; pursuant to Section 1143.05 - Schedule of Uses and Space Requirements

Owner of above property has requested a variance to NOT re-build a garage.

As owners of abutting property, 2065 /2067 Carabel, we request that he be required to at least rebuild a single car garage. If a variance is granted, we would request that a fence be erected across back property line.

Thank you for your consideration in this matter.

Sincerely,

Nathan Braun
Patricia Braun
2065 Carabel Avenue
Lakewood, OH 44107
C: 216-375-1670

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14429 Delaware

Applicant requests approval of a variance to not re-build a garage pursuant to Section 1143.05, Schedule of Uses and Space.

13226 Hazelwood Avenue

Applicant requests approval of a variance to not re-build a garage pursuant to Section 1143.05, Schedule of uses and Space Requirements.

16908 Edgewater Drive

Applicant requests approval of a 6 ft. 6 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations in order to build a new garage that will be 21 ft. 6 inches in height.

16121 Lake Avenue

Applicant requests approval of a 4 ft. 4 1/4 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations in order to construct a garage that is 19 ft. 4 1/4 inches at its highest point.

1081 Nicholson Avenue

Applicant requests 2 variances to Section 1121.10 (c), Additional Accessory Structure Regulations in order to install an in ground back yard pool. The first is a 5 ft. variance to the required 10 ft. side or rear yard property line requirement in order to install the pool 5 ft. from the south property line. The second is a 5 ft. variance to the required 10 ft. in order to install the pool 5 ft. from the east property line.

12966 Clifton Boulevard

Applicant requests a variance for 2 covered spaces and 2 open spaces (not under cover) pursuant to Section 1143.05, Parking Uses and Space Requirements. Five under cover spaces to the required seven will be constructed and 2 open spaces to the required four will be installed behind the apartment building. A second variance of 10% to the required 25% in order to construct a new garage that will cover 35% of the lot pursuant to Section 1123.09 (c), Maximum Lot Coverage Area is requested. A third variance is requested pursuant to Section 1123.10 (b), Additional Accessory Structure Regulations in order to place the new garage with the following set-backs: 6 inches to the required 6 inches to build the garage 0 inches from the east and west property lines and 0 inches from the rear (north) property line.

1501 Clarence Avenue

Applicant requests approval of a 2 ft. 1 inch variance to the required 15 ft. pursuant to Section 1121.05 (b), Height Regulations for Accessory Structures in order to build a garage that is 17 ft. 1 in. in height.

Subject:
Re: Zoning Board Meeting
From:
Midgetteville
08/20/2014 10:33 PM
To:
Kimberly J Pustulka
Cc:
midgetteville, "fred.midgette@uscg.mil"
Hide Details
From: Midgetteville <midgetteville@yahoo.com>
To: Kimberly J Pustulka <kjpustulka@JonesDay.com>,
Cc: midgetteville <midgetteville@yahoo.com>, "fred.midgette@uscg.mil" <fred.midgette@uscg.mil>
History: This message has been replied to.

Hi Kim,

We don't have any objections to your proposal for a pool. We will occasionally need to access the other side of the fence to stain it. As long as we can do that, we're good to go. We are in favor of the city approving your variance request.

Fred & Mary Midgette
12992 Edgewater Dr
Lakewood, OH

Sent from my iPhone

On Aug 20, 2014, at 18:27, Kimberly J Pustulka <kjpustulka@JonesDay.com> wrote:

> All - as I think you all know, we are hoping to install an in-ground pool in our yard either this Fall or next Spring. We have been working with an architect to design the pool to fit in our yard, particularly in light of our awkward driveway situation. Our plans require us to seek a variance from the City of Lakewood with respect to the set-backs for the pool so that we can go up to 5 feet from the south and east property lines instead of 10 feet. As part of the project, we will ensure that the pool is completely fenced in, and we plan to install an impermeable automatic safety cover as a significant additional safety feature.
>
> The zoning board meeting is tomorrow night (Thursday) at 6:30 p.m. at Lakewood City Hall Auditorium. We would greatly appreciate your support as we understand that having the support of neighbors adjacent to our property can have a positive impact on the board's decision whether to grant the variance. Of course, you are welcome to attend. Alternatively, if you would like to express your support by replying to this email with your name, address and an indication of support, we can present the email reply to the board. If you have any concerns, please do not hesitate to contact me or Chris. We welcome any and all comments and suggestions. We firmly believe this will be a worthwhile project that everyone will benefit from and enjoy.
>
> I can be reached at work at the number below or on my cell at 216-650-7914 and Chris can be reached at home at 216-226-4455 or on his cell at 216-288-7175.
>
> Thank you very much for your consideration.
>
> Best regards,

Kim

Kimberly J. Pustulka bio
Partner
JONES DAY® - One Firm Worldwide℠

901 Lakeside Avenue
Cleveland, Ohio 44114

Office +1.216.586.7002
kjpustulka@jonesday.com

==========
This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.
==========

Subject:
Re: Zoning Board Meeting
From:
Peggy
08/20/2014 11:45 PM
To:
Kimberly J Pustulka
Hide Details
From: Peggy <margaretsammon@yahoo.com>
To: Kimberly J Pustulka <kjpustulka@JonesDay.com>,

History: This message has been replied to.

We fully support the Pustulka/Hull family in their wish to install an in-ground pool. Our property is directly south of theirs and we have no problem with the variance they are requesting.

Sincerely,
Peggy Sammon and Joe Lobozzo
13000 Edgewater Drive
Lakewood, OH

Sent from my iPhone

On Aug 20, 2014, at 6:27 PM, Kimberly J Pustulka <kjpustulka@JonesDay.com> wrote:

All - as I think you all know, we are hoping to install an in-ground pool in our yard either this Fall or next Spring. We have been working with an architect to design the pool to fit in our yard, particularly in light of our awkward driveway situation. Our plans require us to seek a variance from the City of Lakewood with respect to the set-backs for the pool so that we can go up to 5 feet from the south and east property lines instead of 10 feet. As part of the project, we will ensure that the pool is completely fenced in, and we plan to install an impermeable automatic safety cover as a significant additional safety feature.

The zoning board meeting is tomorrow night (Thursday) at 6:30 p.m. at Lakewood City Hall Auditorium. We would greatly appreciate your support as we understand that having the support of neighbors adjacent to our property can have a positive impact on the board's decision whether to grant the variance. Of course, you are welcome to attend. Alternatively, if you would like to express your support by replying to this email with your name, address and an indication of support, we can present the email reply to the board. If you have any concerns, please do not hesitate to contact me or Chris. We welcome any and all comments and suggestions. We firmly believe this will be a worthwhile project that everyone will benefit from and enjoy.

I can be reached at work at the number below or on my cell at 216-650-7914 and Chris can be reached at home at 216-226-4455 or on his cell at 216-288-7175.

Thank you very much for your consideration.

Best regards,

Kim

Kimberly J. Pustulka bio
Partner

JONES DAY® - One Firm Worldwide℠

901 Lakeside Avenue
Cleveland, Ohio 44114

Office +1.216.586.7002
kjpustulka@jonesday.com

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==========

Subject:
RE: Zoning Board Meeting
From:
john
08/21/2014 12:04 PM
To:
Kimberly J Pustulka
Hide Details
From: <john@burkeslaw.net>
To: "Kimberly J Pustulka" <kjpustulka@JonesDay.com>,

Please be advised that myself, John Burke, and my wife Traci Neligan Burke, residing at 1069 Nicholson, are neighbors of Kim Pustulka and Chris Hull. We have been apprised of their plans for a pool and the requested zoning variances. We have no objection to the requested variances and support their request for such variances.

Please let me know if you have any questions.

John F. Burke, III
BurkesLaw, LLC
614 W. Superior Avenue
Rockefeller Bldg, Suite 1500
Cleveland, Ohio 44113

Phone 216.621.2030
Toll Free Fax 888.588.5663

email: john@burkeslaw.net

-------- Original Message --------
Subject: Zoning Board Meeting
From: Kimberly J Pustulka <kjpustulka@JonesDay.com>
Date: Wed, August 20, 2014 6:27 pm
To: svrdrbr@yahoo.com, "Traci Burke" <neligan@cox.net>, tracytrapp@gmail.com, Ccrt@lakewoodlawncare.com, Midgetteville@yahoo.com, margaretsammon@yahoo.com, alysia0818@yahoo.com, rmckean@financialguide.com, Joelobozzo@yahoo.com, jason@samsco.com, john@burkeslaw.net
Cc: "Christopher Hull" <christopherdavidhull@yahoo.com>, mcstockman@sbcglobal.net

All - as I think you all know, we are hoping to install an in-ground pool in our yard either this Fall or next Spring. We have been working with an architect to design the pool to fit in our yard, particularly in light of our awkward driveway situation. Our plans require us to seek a variance from the City of Lakewood with respect to the set-backs for the pool so that we can go up to 5 feet from the south and east property lines instead of 10 feet. As part of the project, we will ensure that the pool is completely fenced in, and we plan to install an impermeable automatic safety cover as a significant additional safety feature.

The zoning board meeting is tomorrow night (Thursday) at 6:30 p.m. at Lakewood City Hall Auditorium. We would greatly appreciate your support as we understand that having the support of neighbors adjacent to our property can have a positive impact on the board's decision whether to grant the variance. Of course, you are welcome to attend. Alternatively, if you would like to express your support by replying to this email with your name, address and an indication of support, we can present the email

reply to the board. If you have any concerns, please do not hesitate to contact me or Chris. We welcome any and all comments and suggestions. We firmly believe this will be a worthwhile project that everyone will benefit from and enjoy.

I can be reached at work at the number below or on my cell at 216-650-7914 and Chris can be reached at home at 216-226-4455 or on his cell at 216-288-7175.

Thank you very much for your consideration.
Best regards,
Kim

Kimberly J. Pustulka bio
Partner
JONES DAY® - One Firm Worldwide℠

901 Lakeside Avenue
Cleveland, Ohio 44114

Office +1.216.586.7002
kjpustulka@jonesday.com

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==========

Jason & Sara Verderber
1075 Nicholson Ave

Subject:
Re: Zoning Board Meeting
From:
Jason Verderber
08/21/2014 05:15 PM
To:
Kimberly J Pustulka
Hide Details
From: Jason Verderber <jverderber@samsco.com>
To: Kimberly J Pustulka <kjpustulka@JonesDay.com>,

You have our full support on the pool project. We have no objections.

Sara and Jason Verderber

On Aug 20, 2014, at 6:33 PM, "Kimberly J Pustulka" <kjpustulka@JonesDay.com> wrote:

All - as I think you all know, we are hoping to install an in-ground pool in our yard either this Fall or next Spring. We have been working with an architect to design the pool to fit in our yard, particularly in light of our awkward driveway situation. Our plans require us to seek a variance from the City of Lakewood with respect to the set-backs for the pool so that we can go up to 5 feet from the south and east property lines instead of 10 feet. As part of the project, we will ensure that the pool is completely fenced in, and we plan to install an impermeable automatic safety cover as a significant additional safety feature.

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Thank you very much for your consideration.

Best regards,

Kim

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901 Lakeside Avenue
Cleveland, Ohio 44114

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Anna Delia
1501 Clarence Avenue
Lakewood, OH 44107
August 20, 2014

Mary Leigh
Board Secretary
Planning and Development
12650 Detroit Avenue
Lakewood, OH 44107

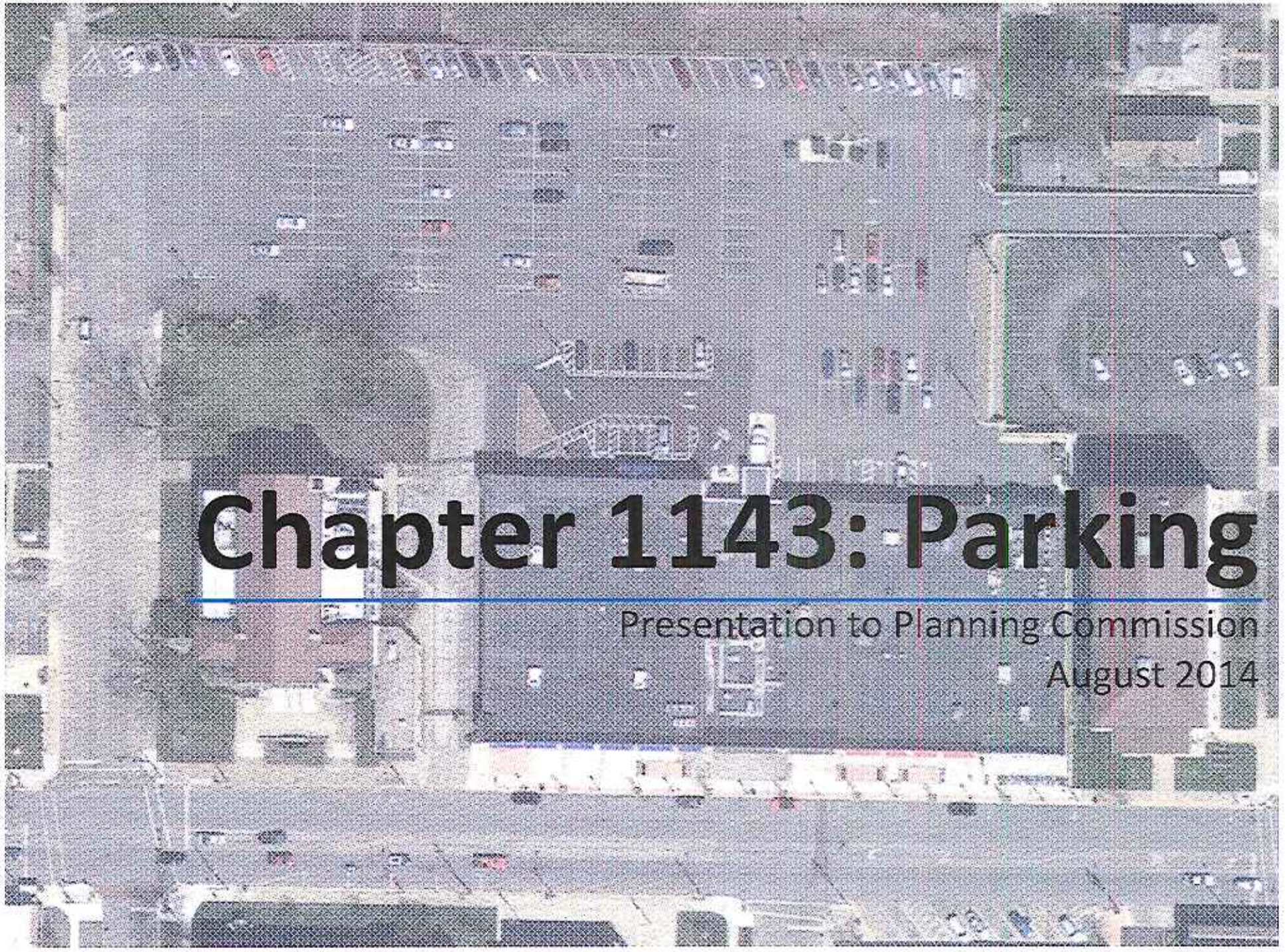
Dear Ms. Leigh:

Thank you for your letter of August 13 inviting me to represent my application for approval of the 2 ft. 1 inch variance on our proposed garage structure at your upcoming Board Meeting. Unfortunately, I am unable to attend the August 21 hearing but wish to send an authorized agent in my place. I authorize my husband, Christopher Delia, to attend the hearing and represent my application in my place. In addition, I wish to authorize Kevin Kocon and/or Jim Kocon to attend and represent my application as our lead contractors of this construction. Pursuant to the final paragraph of your August 13 letter, I am able to name an agent in my place, and choose Chris Delia, with possible assistance by Kevin Kocon, and/or Jim Kocon, based on their availability for attendance.

Thank you for accepting this letter and considering my application. If you wish to speak with me further, please do not hesitate to contact me by phone. Thank you also for the work you do on behalf of our community.

Sincerely,

Anna Delia
Homeowner, 1501 Clarence Avenue
614-330-1542
annalynnosu@gmail.com



Chapter 1143: Parking

Presentation to Planning Commission

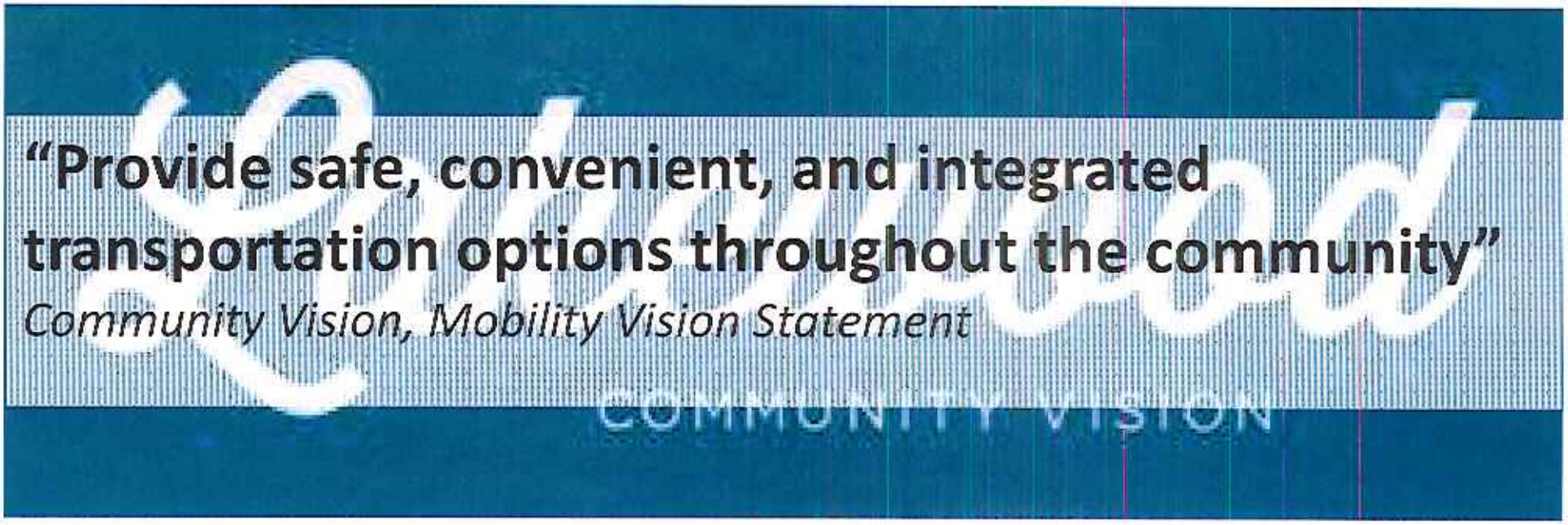
August 2014

"Continue to invest in infrastructure improvements to achieve a balanced multimodal transportation network"

Mobility Objective, Creating Places for People

"Minimize impact of cars and parking in commercial districts"

Mobility Goal #1



"Provide safe, convenient, and integrated transportation options throughout the community"

Community Vision, Mobility Vision Statement

"Pursue creative solutions to meet parking demands other than a car"

Mobility Objective, Striking a Balance

Mobility Goal #3

Our Process

City of Boston.gov
Official Web Site of the City of Boston

austintexas.gov
the official website of the City of Austin

CITY OF CLEVELAND OHIO

BEND OREGON 1905

City of Milwaukee

seattle.gov

The CITY OF PORTLAND Oregon

Motivation for the update

- Code is written for a suburban environment
- Burden on small business needing variances
- Achieve more efficient use of land in new development projects
- Address bike parking, storm water management, public transit improvements
- Write a code that is flexible – can respond to market conditions

Simplifying Use Categories

Proposed Code

- Residential
- Retail
- Food & Beverage
- Office & Business Services
- Storage/Warehouse
- Industrial
- Institutional
- Education
- Cultural/Recreational/Entertainment

Current Code

- Residential
- Retail
- Food & Beverage
- Office & Business Services
- Industrial
- Wireless Telecommunication

Commercial Use Category

Current Code

- 18 separate uses defined under Commercial

Proposed Code

- 5 separate uses defined under Commercial

Office: Means use of a building for business, professional, administrative or medical office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees.

Retail: Means sale or service to the final consumer for direct consumption. Means an establishment providing retail sale of products or services to the public.

Parking Minimums & Maximums

Parking Minimum – "Single-Family Homes are required to have a minimum of 1 space per unit" or "a Retail business is required to have a minimum of 1 space for each 1,000 sq ft GFA"

Parking Maximum – "Single-Family Homes are required to have a maximum 2 spaces per unit" or "a Retail business is allowed to have a maximum of 2.5 spaces for each 1,000 sq ft GFA"

Requirements for Commercial Uses

- Existing or new businesses under 2,000 sq ft are not required to provide off street parking.
- Existing businesses over 2,000 and up to 5,000 sq ft shall receive parking conformance ruling from Commissioner.
- Existing businesses over 5,000 sq ft, new construction projects or expansions over 20% of GFA shall apply for conditional use permit to Planning Commission for review.

Applying the code

Projects not required to submit a parking plan

- Cleveland Pickle, Sushi Roxu, Taco Tontos, Root Café

Projects that would submit parking plan for approval by Commissioner

- 16 Bit Bar, El Carnicero, Melt, STEM Soaps, Good Goat Gallery

Projects that would apply for conditional use permit

- Drug Mart East, Family Dollar, Bob Evans, CVS, School Construction, GetGo

Exceptions to Required Minimums

- One space for each space owned/rented within 1,000 feet
- One space for each space provided by valet parking
- The use of the subject property is the same as the most previous use
- One space for each space in a public parking lot within 1,000 feet
- Traffic survey provided to BZA supports reduction in parking

Exceptions to Required Maximums

- One space for each space located in a parking structure
- One space for each 5% of total site area devoted to facilities handling or treating stormwater runoff
- Increase of 10% of the maximum allowed for the installation of an approved transit waiting environment
- Increase of 10% of the maximum allowed for the implementation of an innovative landscaping plan
- Traffic survey provided to BZA supports reduction in parking

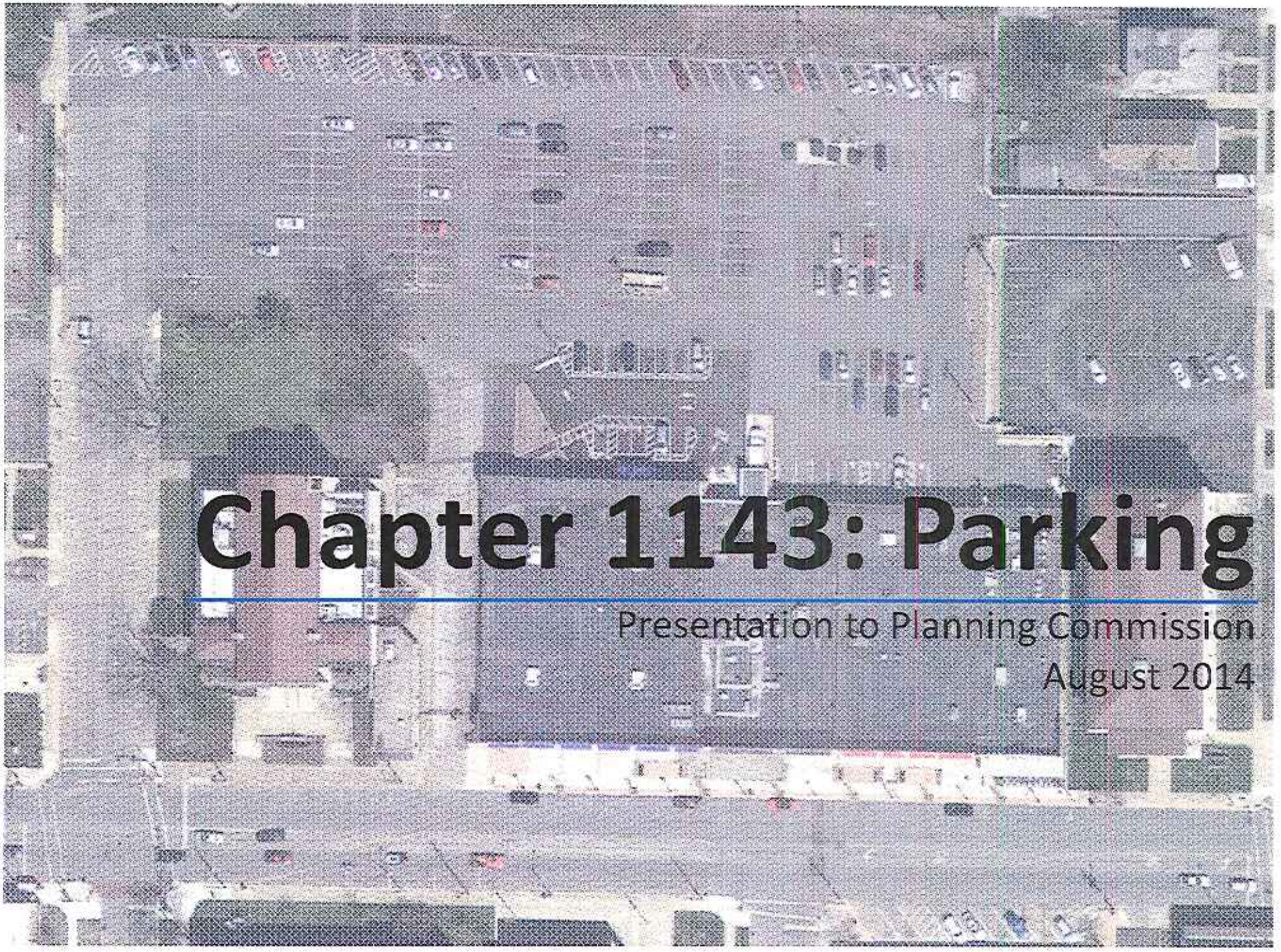
Bike Parking

- 1 bike parking space per 2,000 sq. ft. for uses defined as Retail or Office.
- Required bicycle parking shall be provided in a safe, accessible and convenient location.
- The bicycle space shall be within 50 feet of at least one main entrance
- Bike rack design shall follow the recommendations in the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

Examples

20,000 square foot medical office building

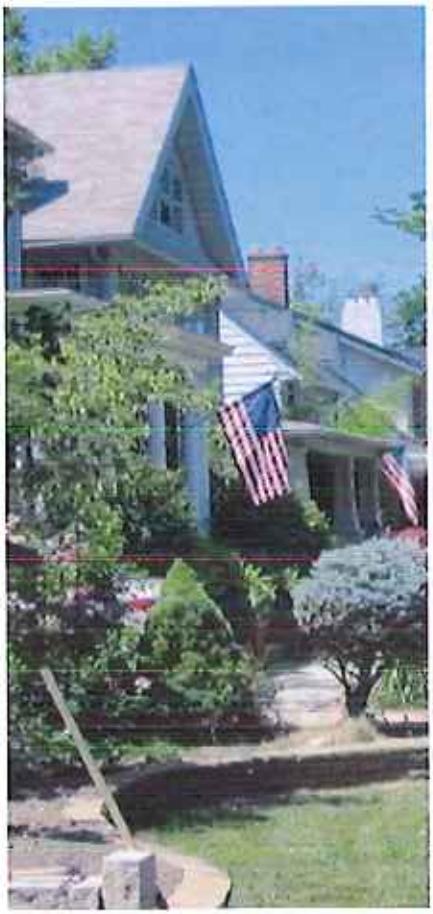
- Ruling would come from Planning Commission
- Minimum: 1 space/1,000 sqft – 20 spaces
  - Use exceptions if business wants less than 20 spaces
- Maximum: 3.5 spaces/1,000 sqft – 70 spaces
  - Use exceptions if business wants more than 70 spaces
- Required 10 bike parking spaces



Chapter 1143: Parking

Presentation to Planning Commission

August 2014



Board of Zoning Appeals

August 2014

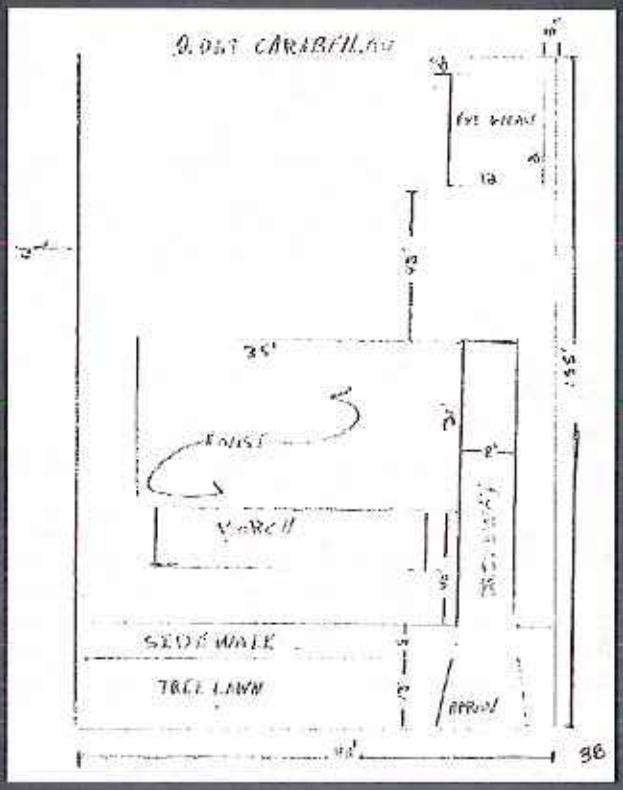
LAKEWOOD OHIO

LAKEWOOD OHIO

2069 Carabel Avenue

LAKEWOOD OHIO
2069 Carabel Avenue

2069
LAKEWOOD OHIO
2069 Carabel Avenue



LAKEWOOD OHIO

2069 Carabel Avenue

LAKEWOOD OHIO

2069 Carabel Avenue

LAKEWOOD OHIO

14429 Delaware

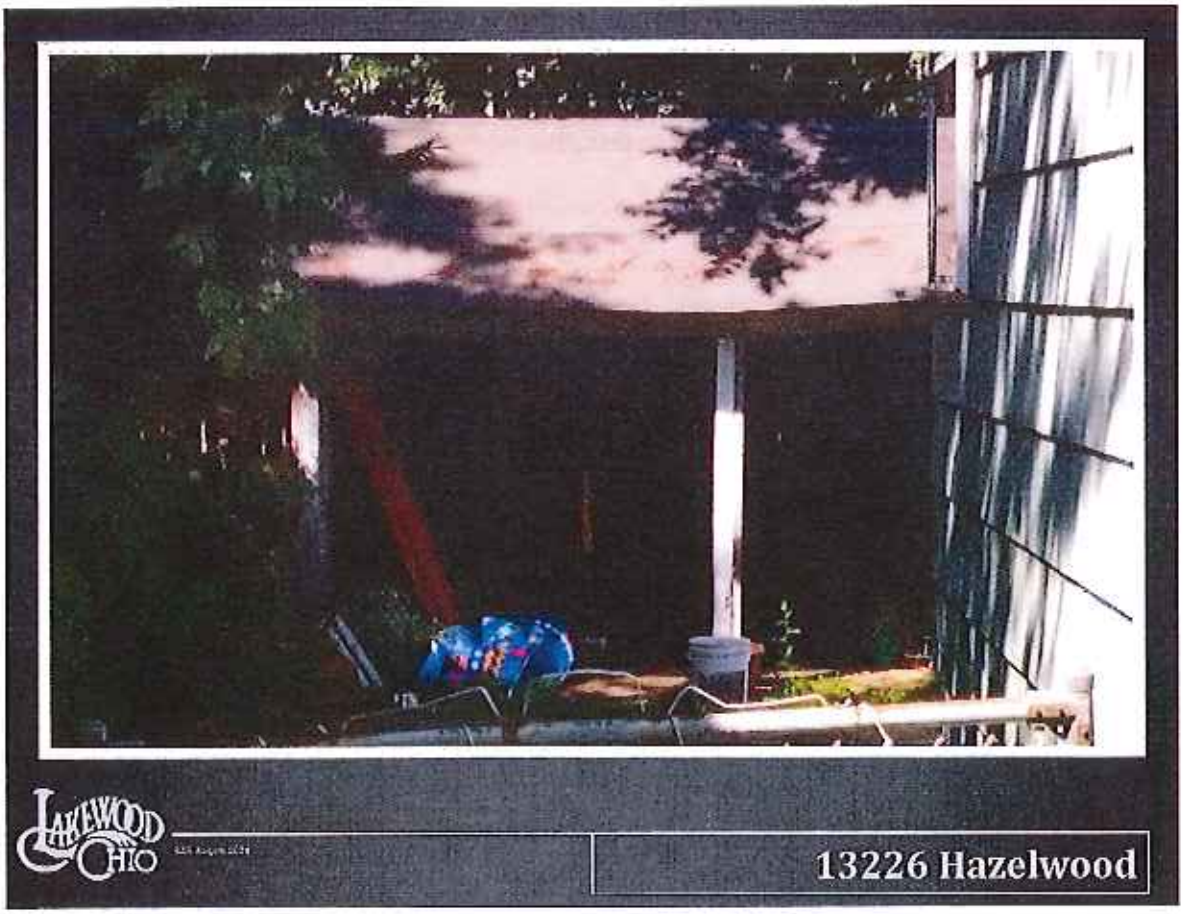
LAKEWOOD OHIO

14429 Delaware

14429 Delaware

13226 Hazelwood

LAKEWOOD OHIO
13226 Hazelwood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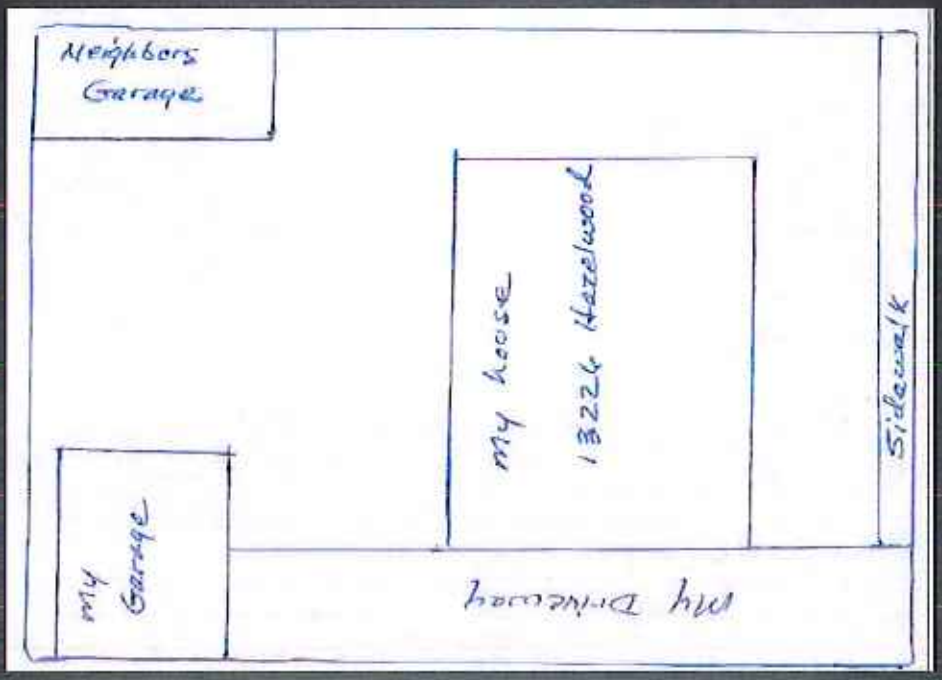


LAKEWOOD OHIO

13226 Hazelwood

LAKEWOOD OHIO

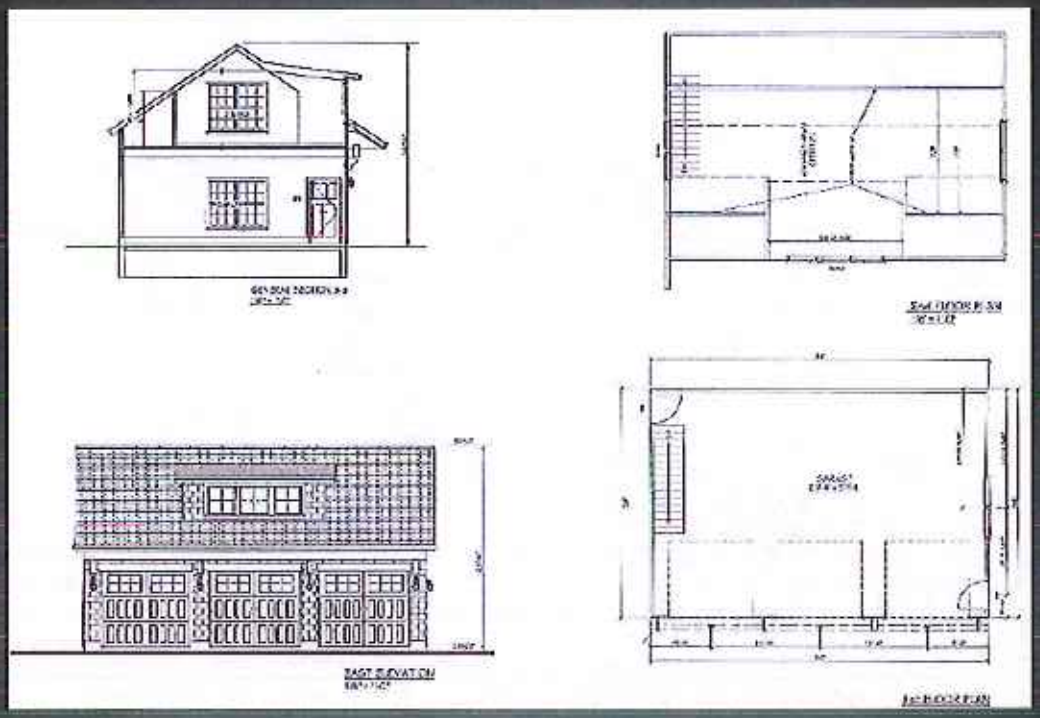
16908 Edgewater

LAKEWOOD OHIO

16908 Edgewater

LAKEWOOD OHIO

16908 Edgewater



16908 Edgewater

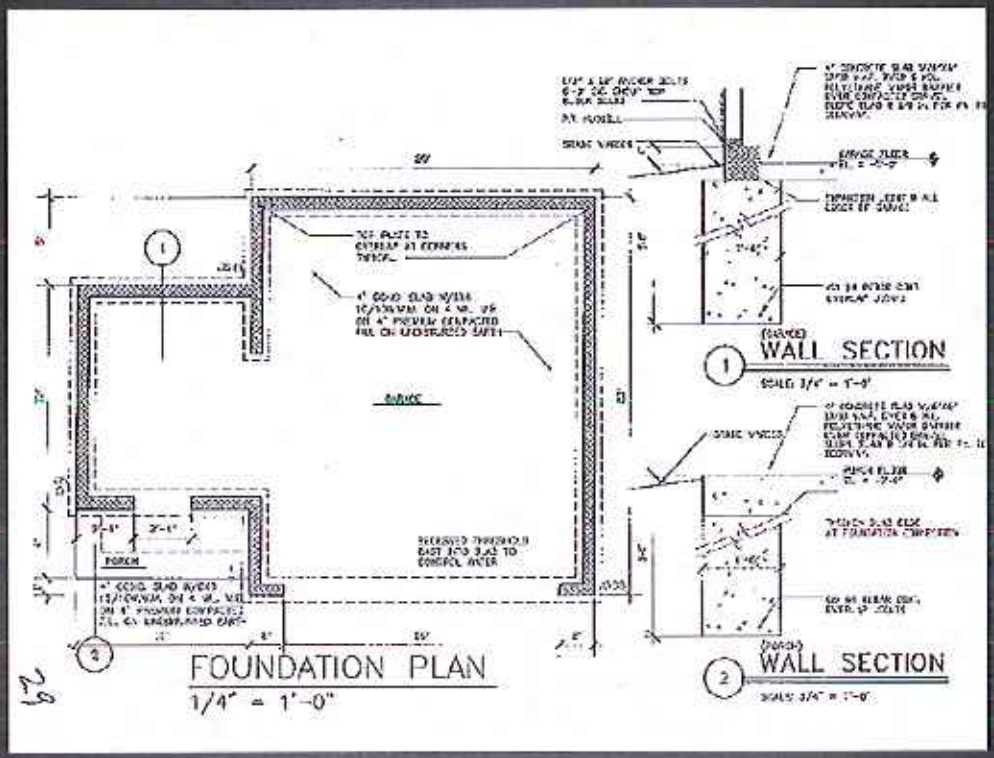
16121 Lake

LAKEWOOD OHIO

16121 Lake

LAKEWOOD OHIO

16121 Lake



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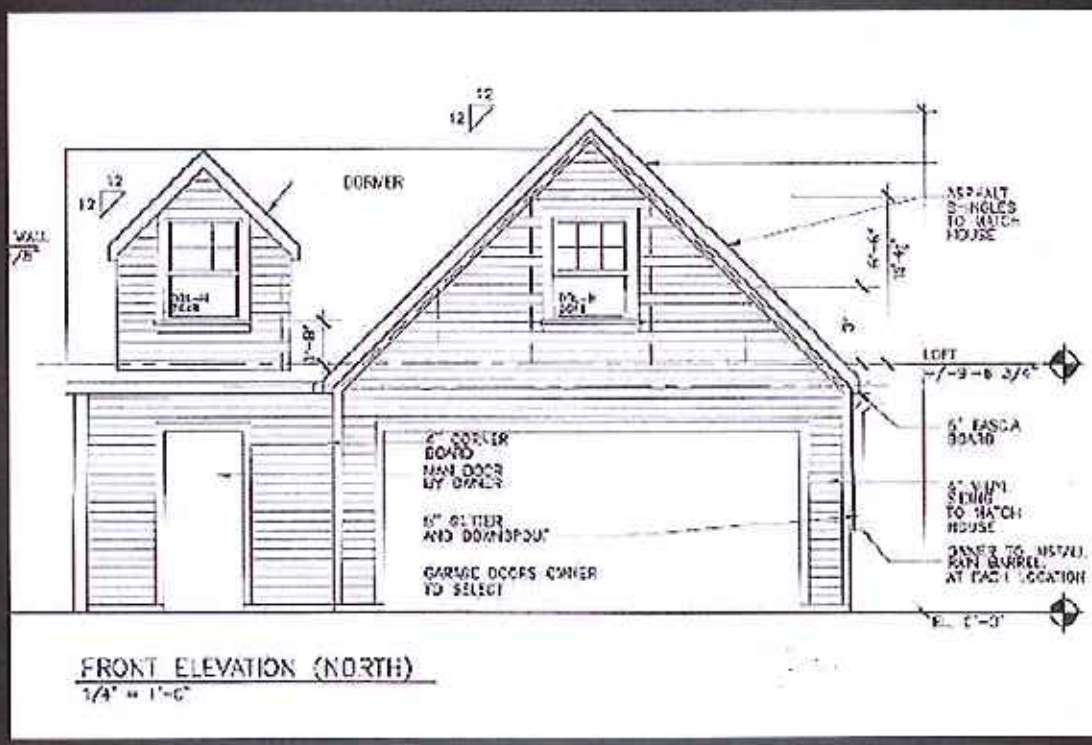

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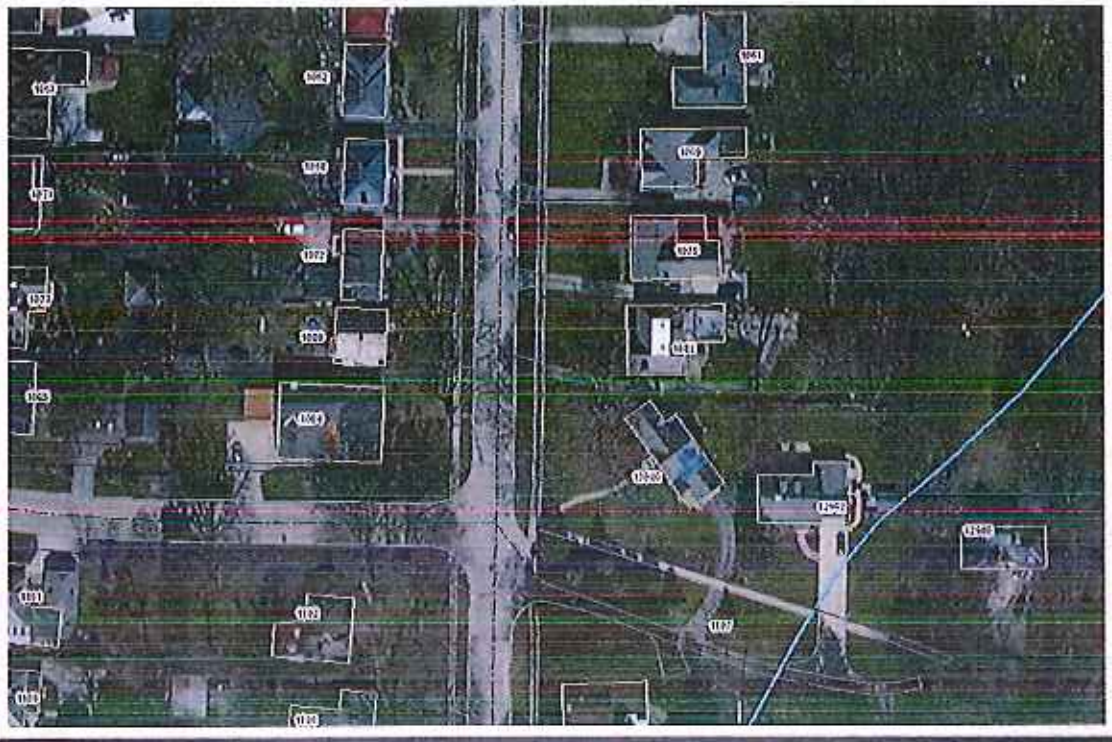
16121 Lake

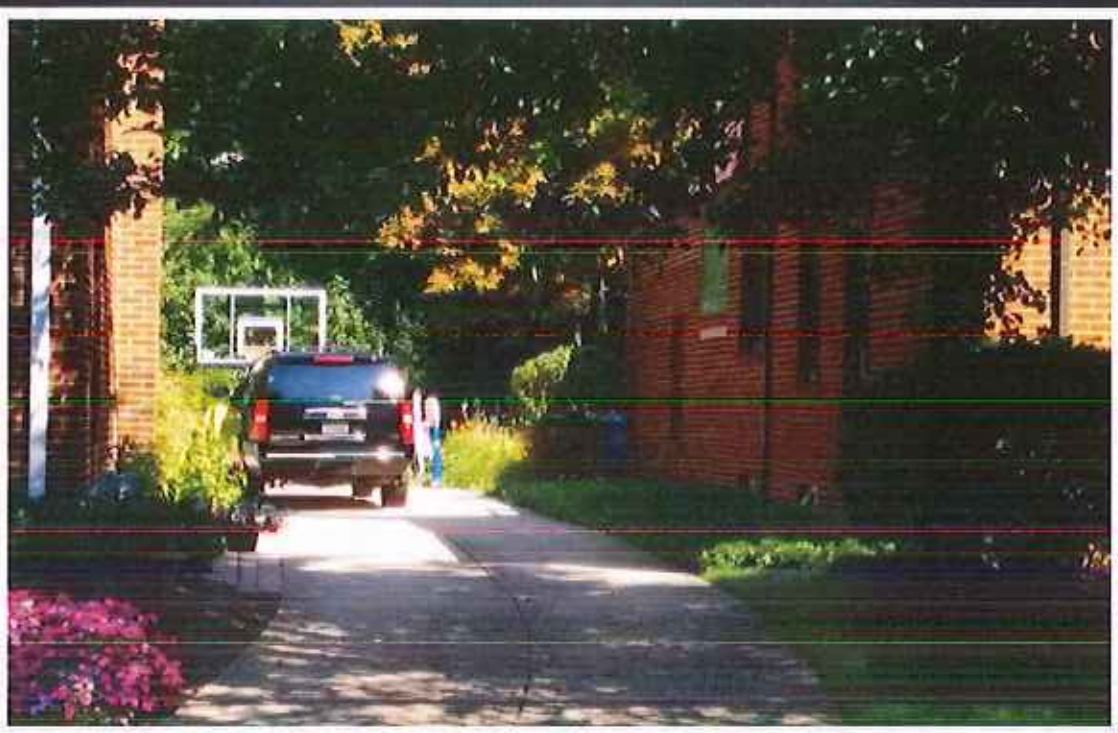


LAKEWOOD OHIO

1081 Nicholson

LAKEWOOD OHIO

1081 Nicholson



1081 Nicholson

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LAKEWOOD OHIO

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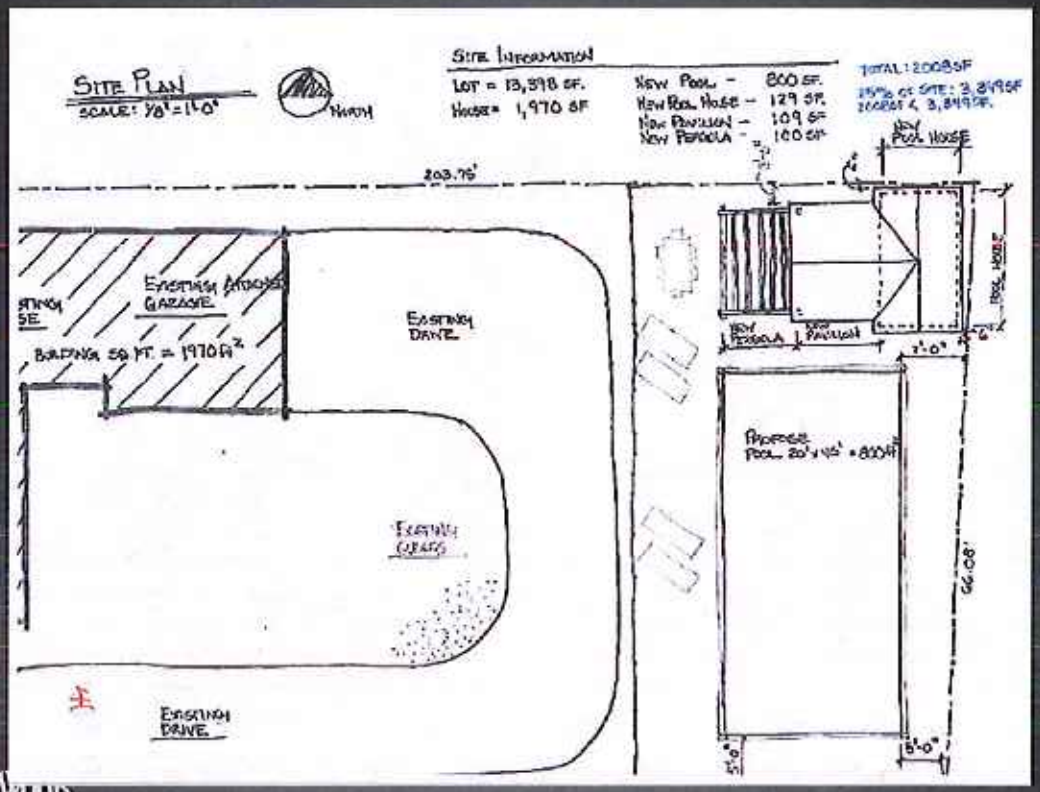


LAKEWOOD OHIO

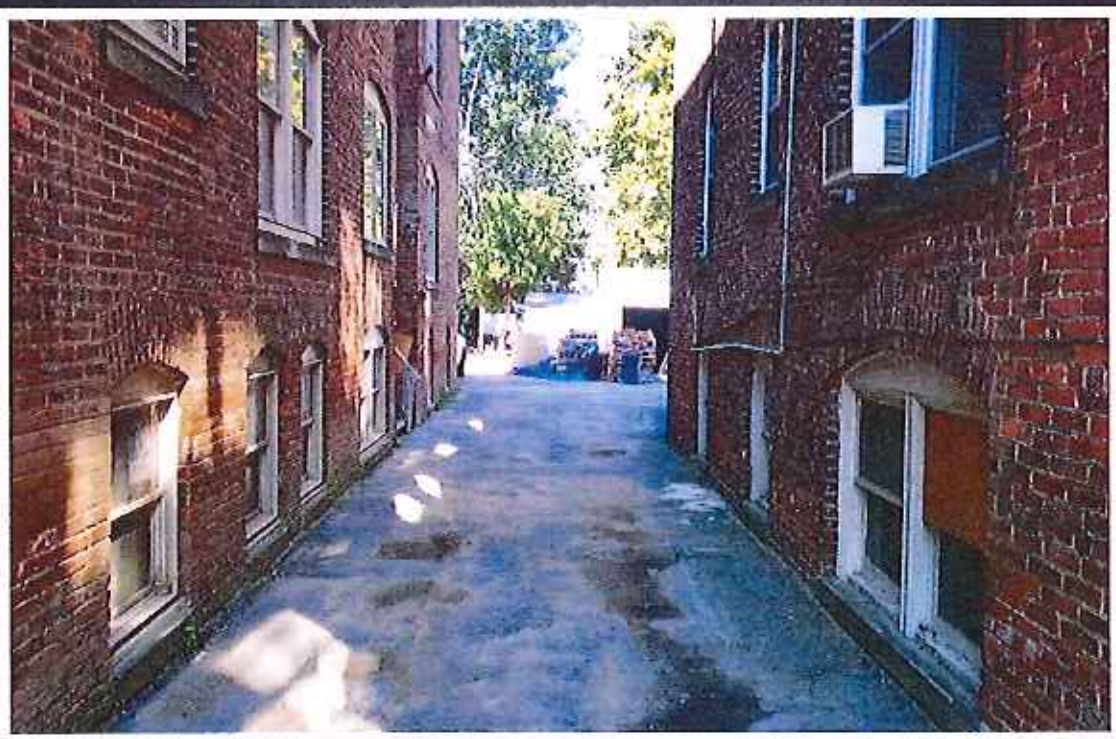
1081 Nicholson

LAKEWOOD OHIO

12966 Clifton

LAKEWOOD OHIO

12966 Clifton



LAKEWOOD OHIO

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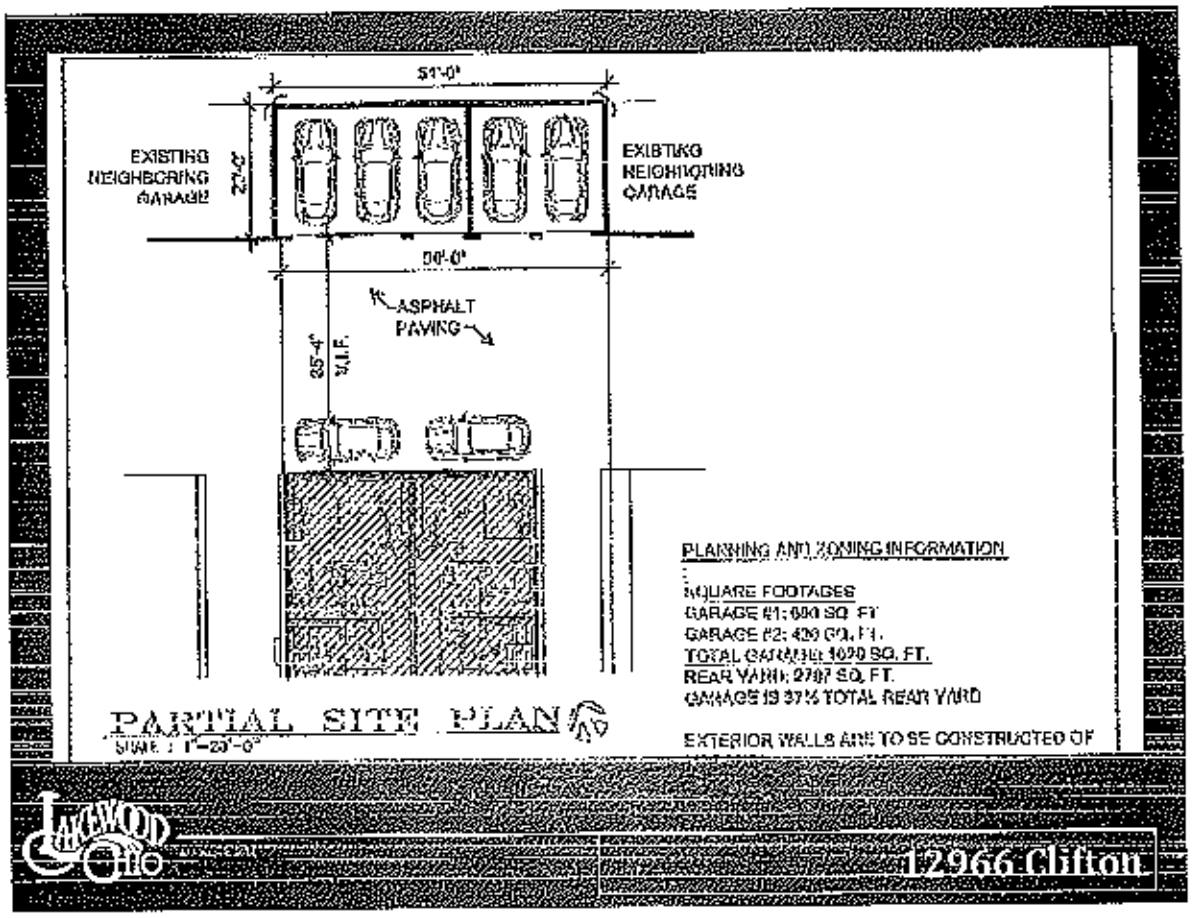
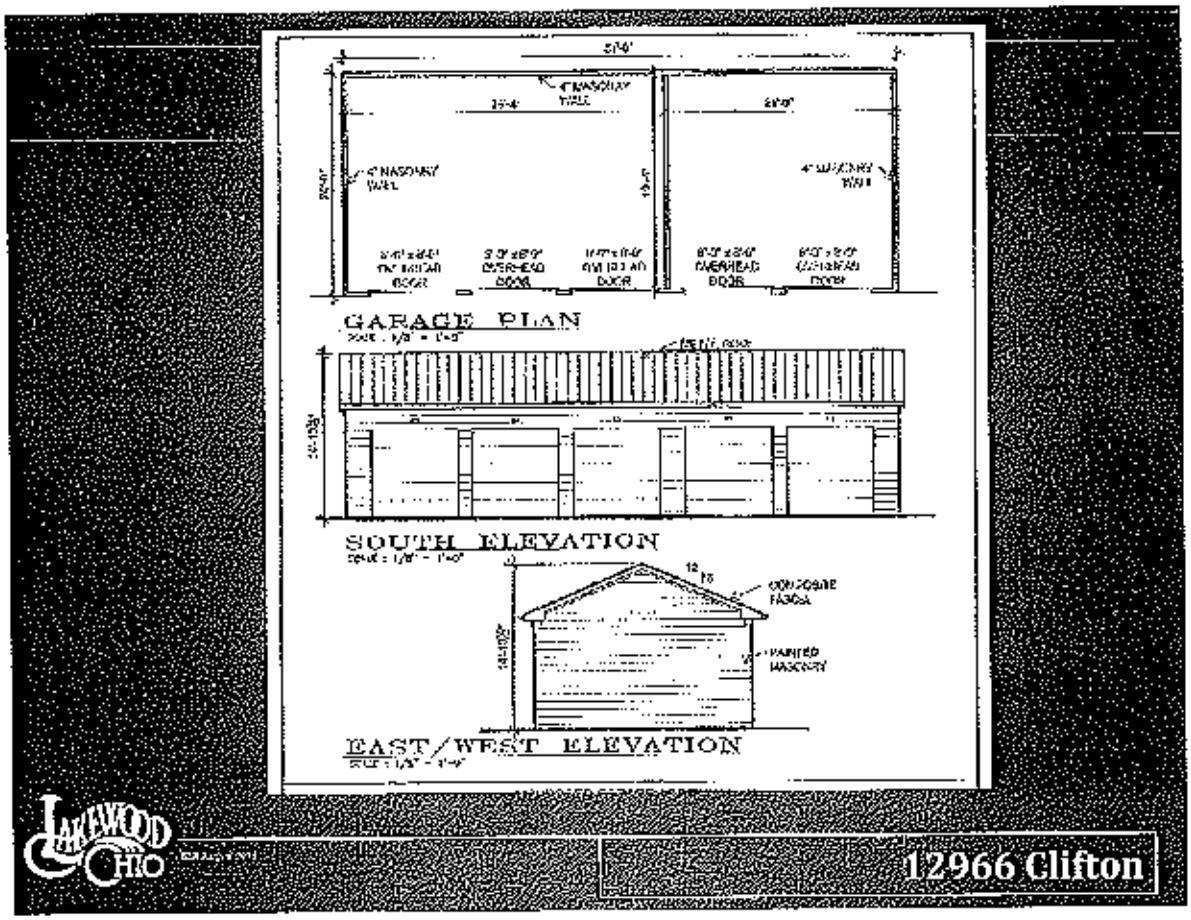

EXISTING NEIGHBORING GARAGE
EXISTING NEIGHBORING GARAGE
ASPHALT PAVING
PARTIAL SITE PLAN
PLANNING AND ZONING INFORMATION
SQUARE FOOTAGES
GARAGE #1: 600 SQ. FT.
GARAGE #2: 400 SQ. FT.
TOTAL GARAGE: 1070 SQ. FT.
REAR YARD: 2707 SQ. FT.
GARAGE IS 37% TOTAL REAR YARD
EXTERIOR WALLS ARE TO BE CONSTRUCTED OF
LAKEWOOD OHIO
12966 Clifton


GARAGE PLAN
SOUTH ELEVATION
EAST/WEST ELEVATION
LAKEWOOD OHIO
12966 Clifton

LAKEWOOD OHIO

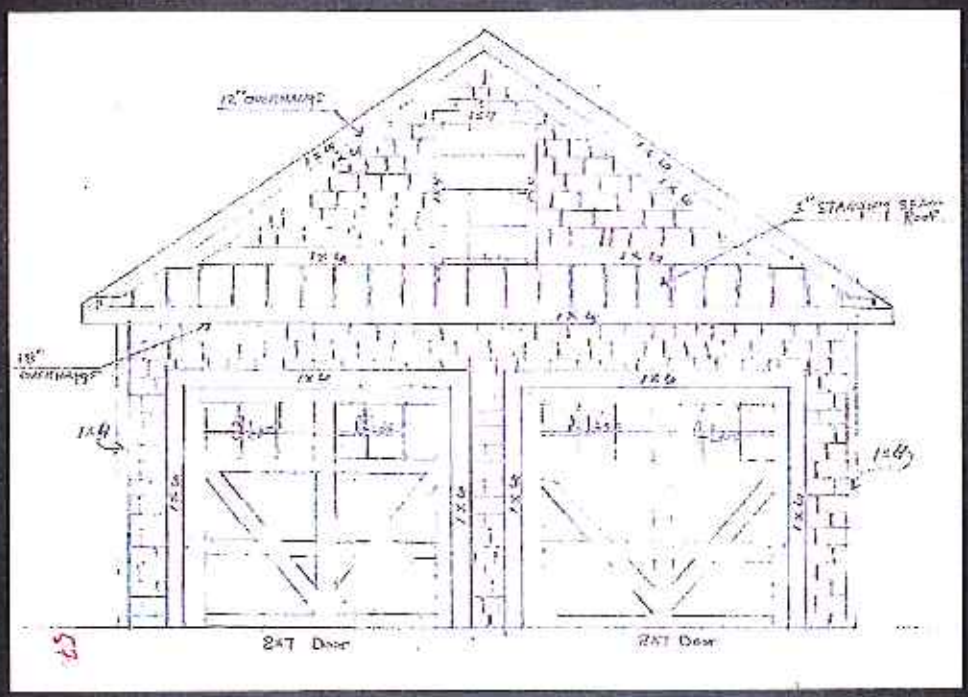
1501 Clarence

LAKEWOOD OHIO

1501 Clarence

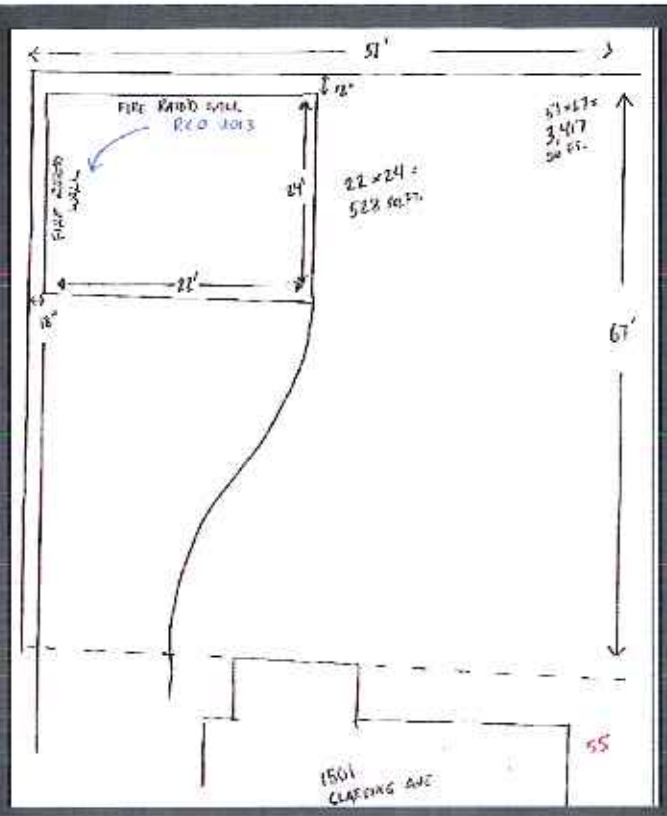
LAKEWOOD OHIO

1501 Clarence



LAKEWOOD OHIO

1501 Clarence



LAKEWOOD OHIO

1501 Clarence

Board of Zoning Appeals

August 2014

LAKEWOOD OHIO

CHAPTER 1143
Parking

September 2, 2014

Text in yellow needs to be revisited

1143.01 PURPOSE
1143.02 GENERAL PROVISIONS
1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES
1143.04 USE CATEGORIES
1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS
1143.06 UNLICENSED, IMMOBILIZED VEHICLES
1143.07 APPLICABILITY
1143.08 PARKING LOT DESIGN
1143.09 PLANNING COMMISSION REVIEW
1143.10 EXCEPTIONS TO REQUIRED MINIMUMS
1143.11 EXCEPTIONS TO REQUIRED MAXIMUMS
1143.12 BICYCLE PARKING REQUIREMENTS
1143.13 STACKING SPACE REQUIREMENTS

CROSS REFERENCES
State regulations - see Ohio R.C. 4501.01
Wireless Telecommunication facilities - see P.& Z. **1159.05**(l)
Sexually oriented businesses - see P.& Z. **1163.06**
Mixed Use Overlay District - see P.& Z. Ch. **1135**
Planned Development - see P.& Z. Ch. **1156**
Parking design - see BLDG. **1325.08**
Parking Enforcement – see Traffic Code Ch. **351**

DRAFT

1143.01 PURPOSE

The purpose of this chapter is to establish flexible vehicle parking requirements that support the Community's Vision to provide safe, convenient, and integrated transportation options throughout the city. Parking requirements are based on the needs of the community and consider the context of the neighborhood, transit availability, on-street parking, density, mix of uses, walkability, and the use of alternative modes of transportation. Parking requirements are designed to accommodate average day-to-day demand, as opposed to peak demand, in order to reduce excessive off-street parking and free up land for more economically productive or environmentally conscious uses.

1143.02 GENERAL PROVISIONS

(a) For every building hereafter erected or expanded, or where the use is changed or enlarged, there shall be provided off-street parking areas as set forth in this Chapter.

(b) No permits shall be issued for any building, improvement or use of land, including, but not limited to, building permits and certificates of occupancy, until a plot plan is submitted to the Director showing such parking spaces as is hereunder required. Such plan shall be prepared at a reasonable scale, showing property lines, the dimensions of the property, the size and arrangement of all parking spaces, the means of ingress and egress to such parking spaces from the street and interior circulation within

the property, the extent of any change required in existing site conditions to provide required parking spaces and such other conditions as may be necessary to permit review and approval of the proposed parking spaces.

(c) Off-street, on-site parking spaces for all uses as required by this Chapter shall be designed and maintained in accordance with applicable sections of these Ordinances so as to be safe, attractive and free of hazard, nuisance or other unsafe condition.

(d) Unenclosed parking spaces shall not be used for repair of a motor vehicle.

(e) Parking for all motor vehicles shall be on an improved surface of concrete, asphalt or other materials approved by the Building Commissioner.
(Ord. 91-95. Passed 10-7-96.)

1143.03 DETERMINATION OF REQUIRED OFF-STREET PARKING SPACES.

(a) Where floor area is designed as the standard for determining parking space requirements, floor area shall be computed on the gross floor area (GFA), in square feet, of all floors of the building, including the exterior walls.

(b) Where number of employees is the standard, employees shall mean the regular working staff, (paid, volunteer or otherwise) at maximum strength/per shift and in full-time equivalent numbers necessary to operate, maintain or service any given facility or use under normal levels of service.

(c) The number of parking spaces required will be computed to the next largest number.

(d) In the case of mixed uses or more uses as listed in Section 1143.04, the total parking spaces shall be equal to the requirements of various uses computed separately.

(e) Cumulative parking requirements for mixed-use occupancies may be reduced upon review and approval by the Planning Commission where it can be determined that the peak requirement of the several occupancies occurs at different times (either daily or seasonally).
(Ord. 91-95. Passed 10-7-96.)

1143.04 USE CATEGORIES.

For the sole purpose of calculating parking requirements, uses are defined as follows:

(a) Commercial

(1) Car Wash: Including facilities for washing, waxing and cleaning of vehicles and vehicle components but expressly prohibiting facilities or equipment for the repair, overhaul or storage of motor vehicles or vehicle components.

(2) Commercial lodging: including hotels, motels, motor lodges and motor courts.

(3) Office: Means use of a building for business, professional, administrative or medical office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees.

DRAFT

(4) Retail: Means sale or service to the final consumer for direct consumption or an establishment providing retail sale of products or services to the public.

(5) Storage/Warehouse: Including, but not limited to, mini warehouse with secured, individual storage units, which are leased for a fee to individual companies or persons.

(b) Industrial: Means manufacturing processing, assembly, and/or packaging plants of all types.

(c) Institutional: Means buildings of all types and facilities used by public, quasi-public or nonprofit agencies that serve or assist the public or provide an accepted public purpose, including hospitals.

(d) Residential

(1) Single-family structures; including detached houses and duplexes, townhouses, and clustered dwelling units that may be attached but have separate entrances.

(2) Multi-family structures; including condominium and apartment buildings with common entranceways and/or parking areas for two (2) or more dwelling units.

(3) Elderly housing; including any multi-family dwelling occupied ninety percent (90%) or more by persons sixty (60) years of age or older, or applicable age as defined by United States Department of Housing and Urban Development.

(4) Sleeping rooms; including boarding, lodging, rectories and convents, and rooms that are rented or used on an individual basis by non-family members.

(6) Group/convalescent/nursing homes and assisted living; where unrelated persons reside under supervision for special care, treatment, training or other purposes on a temporary or permanent basis.

(7) Day-care centers; where unrelated persons are cared for during limited periods each day in a supervised facility.

(8) Bed and Breakfast; means an owner-occupied residential single-family structure with no more than three (3) guest rooms to accommodate lodgers for compensation and serving breakfast to lodgers only. The provision of lodging and breakfast shall be subordinate to the principal use of the structure.

(e) Wireless Telecommunication Facilities: pursuant to Section **1159.05**(l).
(Ord. 24-98. Passed 5-18-1998.)

(f) Sexually Oriented Businesses: pursuant to Section **1163.06**.
(Ord. 91-95. Passed 10-7-1996.)

(g) Mixed Use Overlay District: pursuant to Section **1135.03**(b).

(h) Planned Development: pursuant to Section **1156.05**(e).
(Ord. 61-04. Passed 7-6-2004.)

(i) Drive-through facilities; including but not limited to, fast-food restaurants, financial institutions, car washes, photo uses, and drug stores.
(Ord. 43-11. Passed 1-17-2012.)

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS.

DRAFT

The required number of off-street parking spaces for a use category described in Section 1143.04 shall be as set forth in Schedule 1143.05 following this chapter. Parking in accordance with the schedule is required.

The Director is hereby authorized to determine the required off-street parking requirements for uses not specifically listed in this Ordinance, based on the most similar use(s) that are listed. Such determination by the Director shall be in writing and shall be appealable to the Board of Zoning Appeals or Planning Commission per Chapter 1173.05.
(Ord. 43-11. Passed 1-17-2012.)

1143.06 UNLICENSED, IMMOBILIZED VEHICLES.

No person shall store or permit to be stored, for a period of more than three (3) consecutive days, any motor vehicles not having current year license plates and/or damaged or immobilized so as to render it incapable of being moved under its own power, upon any lot or land designated as within any district, unless the same shall be in a completely enclosed building or garage. "Motor Vehicle" shall have the same meaning as in O.R.C. 4501.01. This Section shall not apply to motor vehicle sales lots.
(Ord. 91-95. Passed 10-7-1996.)

1143.07 APPLICABILITY.

The Director shall enforce the provisions of Chapter 1143, or such other persons as the Director may designate, and may ask for advisement from the Planning Commission on manners related to parking.
(Ord. 91-95. Passed 10-7-1996.)

1143.08 PARKING LOT DESIGN.

Parking lots in the Multiple-Family, Low Density Districts (ML), and Multiple-Family High Density Districts (MH); Commercial Districts, C1 Office, C2 Retail, C3 General Business, C4 Public School, and the Industrial (I) District, are regulated pursuant to Section 1325.08 of the Building Code. Why no residential?
(Ord. 24-98. Passed 5-18-1998.)

1143.09 PARKING PLAN REVIEW: PLANNING COMMISSION

The Commission shall review applications for parking plans outside of the set schedule in 1143.05. In addition to referencing 1143.09 and 1143.10, the Commission may consider the following when reviewing an application:

(a) Impact on central character of residential neighborhoods taking on overflow parking;
(b) Available surface parking lots in the neighborhood that could be used for shared parking;
(c) Similarly scaled projects throughout the city to compare parking footprint;
(d) When a restaurant use is proposed, the total number of tables to parking spaces;
(e) Total number of employees proposed;
(f) Alternative forms of transportation available in the neighborhood;
(g) Implementation of bicycle facilities, including but not limited to, bicycle racks, covered bicycle parking, and shower facilities for employees;
(h) Peak demand for parking spaces from all uses compared to the total supply of spaces.
(i) Traffic impact analysis

1143.10 EXCEPTIONS TO REQUIRED MINIMUMS

The number of parking spaces required may be reduced in accordance with the following credits as determined by the Planning Commission when reviewing an application for a reduction to the minimum number of parking spaces required per 1143.05. This section applies to all uses defined in Section 1143.04 except single-family, two-family or three-family structures.

(a) One space credit for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the subject property. Such off-site spaces shall be located within 1,000 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served.

(b) One space credit for each off-site parking space provided by valet parking service. The property or business owner shall submit to the department written documentation of permission to use an off-site parking for valet parking. The Director may request a review of the agreement as often as annually to ensure compliance.

(c) A determination by the Director is made that there is no change in use and the same parking facilities are in place.

(d) One space credit for each space in a parking lot or parking structure provided for public use located within 1,000 feet, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

1143.11 EXCEPTIONS TO REQUIRED MAXIMUMS

The number of parking spaces provided may exceed the maximum specified per the following options as determined by the Planning Commission when reviewing an application to exceed the maximum number of parking spaces allowed per 1143.05. This section applies to all uses defined in Section 1143.04 except single-family, two-family or three-family structures.

(a) One space increase for each space located in a parking structure.

(b) Implementation of facilities handling or treating stormwater runoff pursuant to best management practices as adopted by the Environmental Protection Agency.

(c) Installation of an approved transit waiting environment along an existing bus route.

(1) The transit facility (e.g., bus stop) shall take into consideration the Transit Waiting Environment Guidebook produced by the local transit authority, and any other design guidelines or standards as recommended by the Administration or City Council, and shall require approval by the Architectural Board of Review.

(2) Location of the transit waiting environment is to be determined by the Planning Director or such other persons as the Director may designate

(d) Implementation of an innovative landscaping plan, considered to be over and above the landscaping requirements as required by the Architectural Board of Review.

(1) Plant, flower, and tree type, size, design, location and irrigation may be considered as part of the landscape plan to be reviewed by the Architectural Board of Review.

(e) The property or business owner will make its parking lot available for shared parking with neighboring businesses

1143.12 BICYCLE PARKING REQUIREMENTS

All uses defined as Retail or Office shall provide bicycle parking, in conformance with the following standards.

(a) One (1) bicycle parking space per 2,000 square feet for uses defined as Retail or Office.
(b) Required bicycle parking shall be provided in a safe, accessible and convenient location.
(c) The bicycle space shall be within 250 ft of at least one main entrance of the building, as measured along the most direct pedestrian access route.
(d) There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering. Where the bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way; and
(e) Bike rack design shall follow the recommendations in the Association of Pedestrian and Bicycle Professionals (APBP) Bicycle Parking Guidelines.

1143.13 STACKING SPACE REQUIREMENTS

Stacking spaces not specified shall be determined on an individual basis by the Commission. The following business uses shall be subject to the following stacking requirements:
(a) Bank, Pharmacy, Photo or other low to moderate use: 2/Lane
(b) Motor Vehicle Sales/Gas Station: 2/Gas Pump Island
(c) Car Wash: 5/Car Wash Lane
(d) All other uses defined as Commercial with a Drive-Through Lane: 10/Drive-Through Lane

1143.05 SCHEDULE OF USES AND SPACE REQUIREMENTS	
Uses	**Parking Space Requirement**
Residential	
Single-, Two-, Three-Family	Min 1/Dwelling Unit; No Max; One (1) required space shall be in a garage.
Type B Home Occupation	No Min; Max of 3, in addition to requirement for residential use
Bed & Breakfast	No Min; Max 1/Guest Room, in addition to requirement for residential use
Multi-Family, Studio, 1 Bedroom, 2+Bedroom	Min of 1/Dwelling Unit; Max of 2/Dwelling Unit
Sleeping Rooms	Min of .5/Roomer; Max of 1/Roomer
Elderly Housing	No Min; Max of .25/Dwelling Unit
Group/Nursing/Convalescent/Assisted Living Home	Min of 1 space/4 beds; Max of 1 space/bed
Day Care	Min of .5/employee plus 4 drop off spaces; Max of 1/employee plus 8 drop off spaces
Commercial	
Retail*	Min 1 for each 1,000 sq ft GFA; Max 2.5 for each 1,000 sq ft GFA
Office*	Min 2 for each 1,000 sq ft GFA; Max 3.5 for each 1,000 sq ft GFA
Car Wash	No Min; Max of 1/Employee

Storage/Warehouse	Min of 1/Employee; Max of 1.5/Employee
Commercial Lodging	Min of .5/Room; Max of 1/Room
*Businesses occupying existing buildings or tenant spaces under 2,500 sq ft are not required to provide off street parking	
Industrial	
Any use described in Section 1131.02	Min .25/Employee; Max 1.5/Employee
Wireless Telecommunication Facilities - Any use described in Section 1159.05(l)	No min; Max 1/Facility
Institutional	
Elementary, Secondary and High Schools, College, Trade School	1 space for each 80 sq ft of all auditoria and public assembly rooms, or if no auditorium or assembly room, 1 space for each staff member or as required by the Planning Commission
Public Assembly	1 space for each 80 sq ft of all auditoria and public assembly rooms or as required by the Planning Commission
Church	1 space for each 80 sq ft of all auditoria and public assembly rooms or as required by the Planning Commission
Hospital	.25/Bed or as required by the Planning Commission
Public Recreation	As required by the Planning Commission
Other	
Wireless Telecommunication Facilities	Pursuant to Section **1159.05**(l)
Sexually Oriented Businesses	Pursuant to Section **1163.06**
Mixed Use Overlay District	Pursuant to Section **1135.03**(b)
Planned Development	Pursuant to Section **1156.05**(e)

Other effected parts of the code:

- BZA could adopt alternatives
  - 1173.04 (c) (10): The board may consider alternatives that address the goals and objectives as outlined in the Community Vision when considering a request for a variance, including but not limited to, alleviating storm water runoff through the use of rain barrels, bio-swales, storm water retention, and permeable pavements, or installing energy-efficient options
- Add additional duty for Planning Commission as 1171.03
  - 1173.03(m): The Commission shall review and approve or disapprove parking plans submitted that do not meet the schedule of use and space requirements in Section 1143.05.