





1173.02 – Conditional Use Permits. The property is located in a C1, Commercial and Office district. (Page 11)

Kimberly Ross, applicant, was present to explain the request. The proposed building had been used as a hair salon for many years and was a stand-alone structure separate from the residential house behind it. She had not discussed parking with the neighbor as of yet. The salon had three chairs, and she did not anticipate there being a parking problem.

Mr. Sylvester stated the property had been used as a salon for a couple of decades, and the City was in favor of the request.

There was no public comment.

A motion was made by Ms. Karel, seconded by Ms. Cierebiej, to **GRANT** the request. All of the members voting yea, the motion passed.

7. **ORDINANCE REVIEW**  
**Docket 3-2-07**

**Zone Code Chapter 1134**  
**Historic Preservation Districts and Historic Properties**

Planning Commission review and discussion of the historic preservation ordinance. (Page 16)

Mr. Stockman said the discussion would be informal and open for general discussion to the members, city staff and public. He reviewed the chapters and found some inconsistencies and need for clarity. Any potential changes would have to be referred to City Council. Ms. Karel felt it would be beneficial to include past Planning Commission members and Council members who had been involved with the development of Zoning Code Chapter 1134 in order to gain insight into how and why decisions had been made. Mr. Sylvester stated he would take the evening's comments, memorialize the discussion, and draft the recommended changes. Discussion would begin with City Council after PC had seen them.

Mr. Stockman began to outline his findings and open discussion ensued (outline made part of record).

1134.02 DEFINITIONS

- 1134.02(b): Certificate of Appropriateness
- 1134.02(k): Substantial Hardship Statement

1134.03 PROCEDURE FOR IDENTIFICATION, REVIEW AND DESIGNATION OF AN HPD OR HP OR LANDMARKS

- 1134.03(a):
- 1134.03(b) Initial Designation Procedure:
  - Procedures and Policies
  - Unique Historic Guidelines
- 1134.03(f) Designation by the Commission
- 1134.03(g) Designation Not Self-Executing
- 1134.03(h) Application for Historic Status Designation
- 1134.03(i)
- 1134.03(m)

1134.06 PROCEDURES FOR THE REVIEW OF PROPOSED ALTERATIONS, DEMOLITION, AND NEW CONSTRUCTION AND FOR ISSUANCE FOR APPROVAL TO PROCEED WITH WORK (CERTIFICATE OF APPROPRIATENESS)

- 1134.06(a)
- 1134.06(b)
- 1134.06(d)

- 1134.06(e)
- 1134.06(g)
- 1134.06(h)

1134.07 HARDSHIP, APPLICATION FILES AFTER DENIAL OF A CERTIFICATE OF APPROPRIATENESS

- 1134.07(a)

1134.12 AFFIRMATIVE MAINTENANCE

The Commission suggested having work sessions with the current Council members, past PC and Council members, the City's legal department, Lakewood Heritage Advisory Board members, and anyone else who was interested prior to making any recommendation to Council. Mr. Butler advised the Commission to create a working Word document with track changes and then meet for a work session to make changes and edits. Mr. Sylvester would provide a copy of a red-lined chapter to PC members prior to the work session.

**8. ADJOURN**

A motion was made by Ms. Cierebiej, seconded by Mr. Greytak, to **ADJOURN** the meeting at 8:50 p.m. All of the members voting yea, the motion passed.



Signature

Bruce Sylvester for  
Mark Stockman

6-6-13

Date

MARK STOCKMAN'S

COMMENTS AND QUESTIONS REGARDING

CHAPTER 1134

HISTORIC PRESERVATION DISTRICTS AND HISTORIC PROPERTIES

LAKWOOD PLANNING COMMISSION

MAY 2, 2013

1134.02 DEFINITIONS

- **1134.02(b): Certificate of Appropriateness:** Is it true that the ABR and Planning Commission both issue Certificates of Appropriateness, but under different conditions:
  - ABR: Alterations only.
  - Planning: Demolition only.
  - What if project includes partial demolition and alterations? Both? Where is line between removal of historic fabric for "alterations", and "demolition"? See definition of demolition – which includes removal in part. I suggest both commissions must approve, or is that too much of an administrative burden?
  
- **1134.02(k): Substantial Hardship Statement:** When is this permitted to be submitted?
  - Potential designation.
  - Designation.
  - Denial of a Certificate of Appropriateness.

1134.03 PROCEEDURE FOR INDTFICATION, REVIEW AND DESIGNATION OF AN HPD OR HP OR LANDMARKS

- What is a "Landmark"?
  
- **1134.03(a):** Are "specific property restrictions" a separate right? Or does this refer to restrictions on a specific, individual property, as opposed to all within a broader district.
  - If there are non-contributing buildings in a district, do they have to obtain approval for all alterations?
  
- **1134.03(b) Initial Designation Procedure:**
  - Should this be called "Initial Nomination Procedure" because actual "Designation" comes later.
  - I suggest that if less than the entire building is proposed for designation, the portions must be specifically delineated in the application, and that if elements

within the property but not part of the building are requested for designation, they must be specifically cited.

- Avoids ambiguity designating an address, parcel number, etc., deciding whether site improvements, gardens, etc. are included.
- What does designation by "**an owner of a property**" mean?
  - Context leads one to believe "THE property owner" was intended. Otherwise, if anyone, why limit to "property owners".
  - "An owner of THE property"
  - "ALL owners of THE property"
  - "An owner of a REAL ESTATE property IN LAKEWOOD"
  - "An owner of a property ANYWHERE" – County, state, nation....?
  - Should any Lakewood citizen be able to nominate another's property in Lakewood? If so, why limit this right to only property owners? Why limit to Lakewood if, for example, the "Colonial Revival Appreciation Society" or "Ohio Residential Architecture Club" wanted to nominate a home?
- **Procedures and Policies.** "The commission may establish from time to time such procedures and policies with respect to designations and other matters described in this Chapter."
  - Does the Commission have to go back to Council? Or can we elect to clarify these items on our OWN via procedures and policies?
  - Limited to "supplementing" code, not changing code?
- **Unique Historic Guidelines:** Because these are addressed here, does this mean UHG can only be issued at the "Initial Designation" stage? What about at actual designation? Or later, when deciding a Certificate of Appropriateness? (Which may only be by ABR?)
  - Could we have issued UHG that "demolition of existing home is approved, provided new home is approved by ABR, otherwise building is designated a historic property and subject to this chapter regarding alterations"
- **1134.03(f) Designation by the Commission:** Is an official position by the HAB required?
- **1134.03(g) Designation Not Self-Executing:** After nomination and determination of eligibility by Commission, "an individual or group" must then apply for the Commission to actually designate.
  - Must this be the same party that requested nomination?
  - Is this as wide open as it seems to be?
- Should 1134.03 (a) – (g) be titled "Nomination and Determination of Eligibility by Commission" and then 1134.03 (h) – (m) be titled "Determination of Historic Status by Commission".
- **1134.03(h) Application for Historic Status Designation:**
  - "Applicant shall attempt to secure the written consent of the property owner"
    - Applicant for Nomination, or post-eligibility Designation?

- What constitutes an “attempt”?
- Public hearing only required if owner “refuses or declines”. I assume also if no response. Should probably say “If written consent of owner is not obtained.”
  - Must “public hearing” be a regular commission meeting?
- **1134.03(l):** Are “specific architectural guidelines” the same as “Unique Historic Guidelines”? Do these require a separately noticed public hearing?
- **1134.03(m):** Denied applications can be resubmitted within 10 days with showing of “grounds”.
  - Does this apply to both applications for “nomination” and “designation”.
  - Seems to apply to applications by same applicant. Is there any reason to provide a waiting time to prevent multiple serial applications by different parties that keep getting denied?

**1134.06 PROCEDURES FOR THE REVIEW OF PROPOSED ALTERATIONS, DEMOLITION, AND NEW CONSTRUCTION AND FOR ISSUANCE OF APPROVAL TO PROCEED WITH WORK (CERTIFICATE OF APPROPRIATENESS)**

- **1134.06(a):** References a Certificate of Appropriateness for Demolition to be issued by ABR, but 1134.02(b) says that Planning issues Certificates of Appropriateness for Demolition, not ABR.
- **1134.06(b):** ABR must determine if proposed “Demolition” has “adverse affect” on “the purposes of this Chapter” – not an “adverse affect” on the property. But:
- **1134.06(d):** If ABR finds Demolition does NOT have an “adverse effect” on the property AND does not violate the sprit and purpose of these preservation regulations then it SHALL issue the Certificate of Appropriateness. Then, is “final review by Commission” then always required?
- **1134.06(e):** If ABR finds Demolition DOES have an adverse effect on property, it SHALL deny demolition.
  - Won’t Demolition ALWAYS have an adverse effect on the property? Thus isn’t demolition ALWAYS prohibited, unless, say, the building is already partially destroyed by fire or otherwise too far gone to save?
- **1134.06(g):** After denial, ABR can impose 30 – 365 day negotiation period. Only if UHG’s have been issued is Planning consulted.
- **1134.06(h):** Discusses showing of “substantial hardship” – but this is only one of three times substantial hardship can be pled per definition.

**1134.07 HARDSHIP, APPLICATION FILED AFTER DENIAL OF A CERTIFICATE OF APPROPRIATENESS**

- **1134.07(a):** Requires submission of finding of “hardship” (Substantial Hardship?) within 30 days. (What about 1 year for demo?)
  - Does Commission have a form as stated?

**1134.12 AFFIRMATIVE MAINTENANCE**

- Is there a heightened obligation under this provision over and above general property maintenance code? If not, why include it?



### 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. BRUCE R HENTHORN

Bruce R Henthorn

2. Kimberly Ross

Kimberly Ross

3. Kelli Van Pelt

Kelli Van Pelt

4. Jeffery A Weber

Jeffery A Weber

5. RICHARD SICHTA

Richard Sicha

6. Tom Bullock

Tom Bullock

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

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

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

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

FOR CITY USE ONLY

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

Date of Proceeding: Thursday, May 2, 2013

**Schwarz, Johanna**

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**From:** Joseph Paulozzi <jpaulozzi@gmail.com>  
**Sent:** Thursday, April 25, 2013 10:39 AM  
**To:** Planning Dept  
**Subject:** Kim Ross application / 17316 Madison / Docket 05-13-13 / Simply U Salon

Please be advised that I own the above referenced property and I have no objection to Kim Ross' application. Further, I have called the two tenants in the house which is attached to the salon and they also have no objection.

Please advise me if I need to be present at the meeting, or will this email suffice.

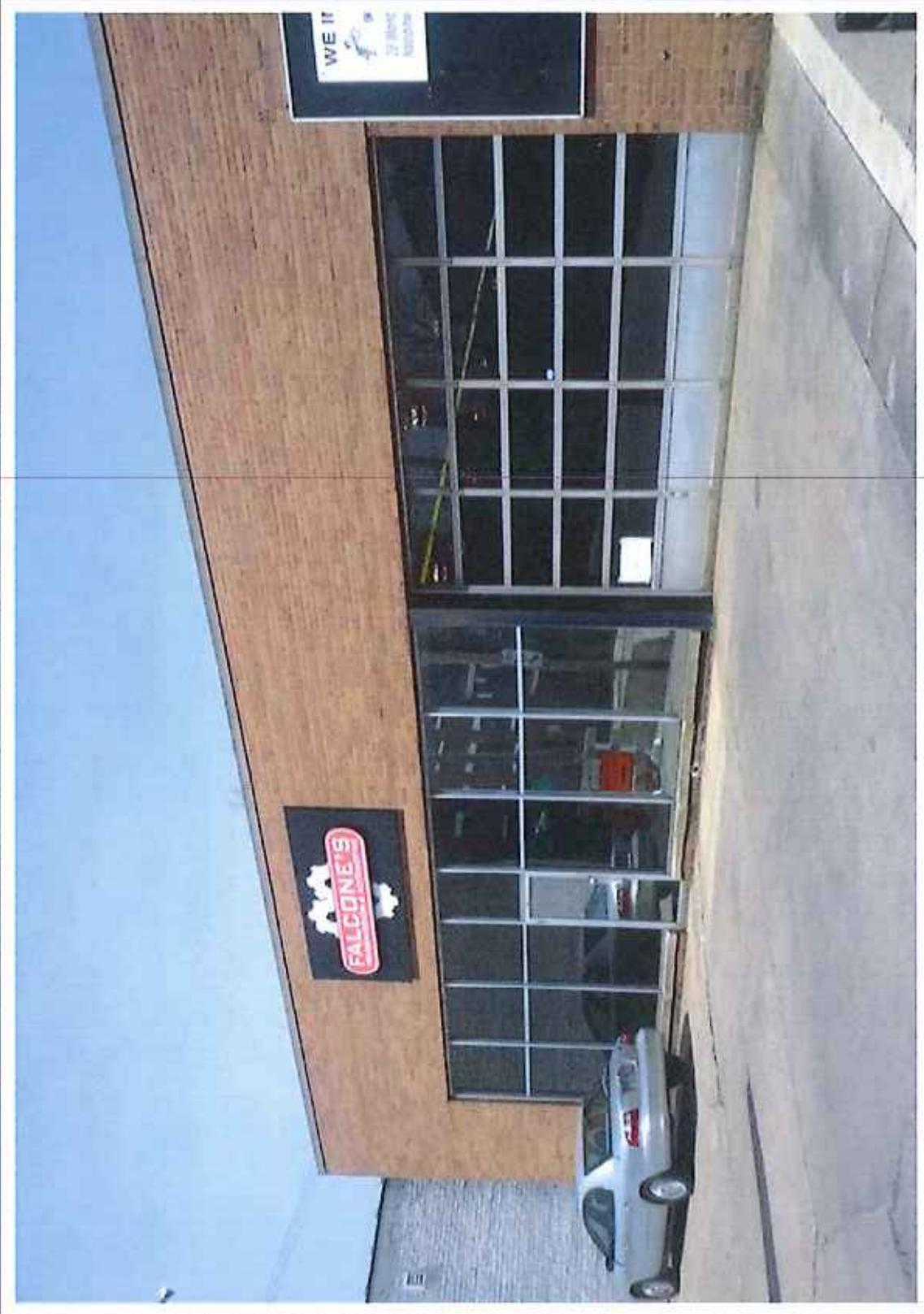
Thanks,  
Joe Paulozzi

# Planning Commission

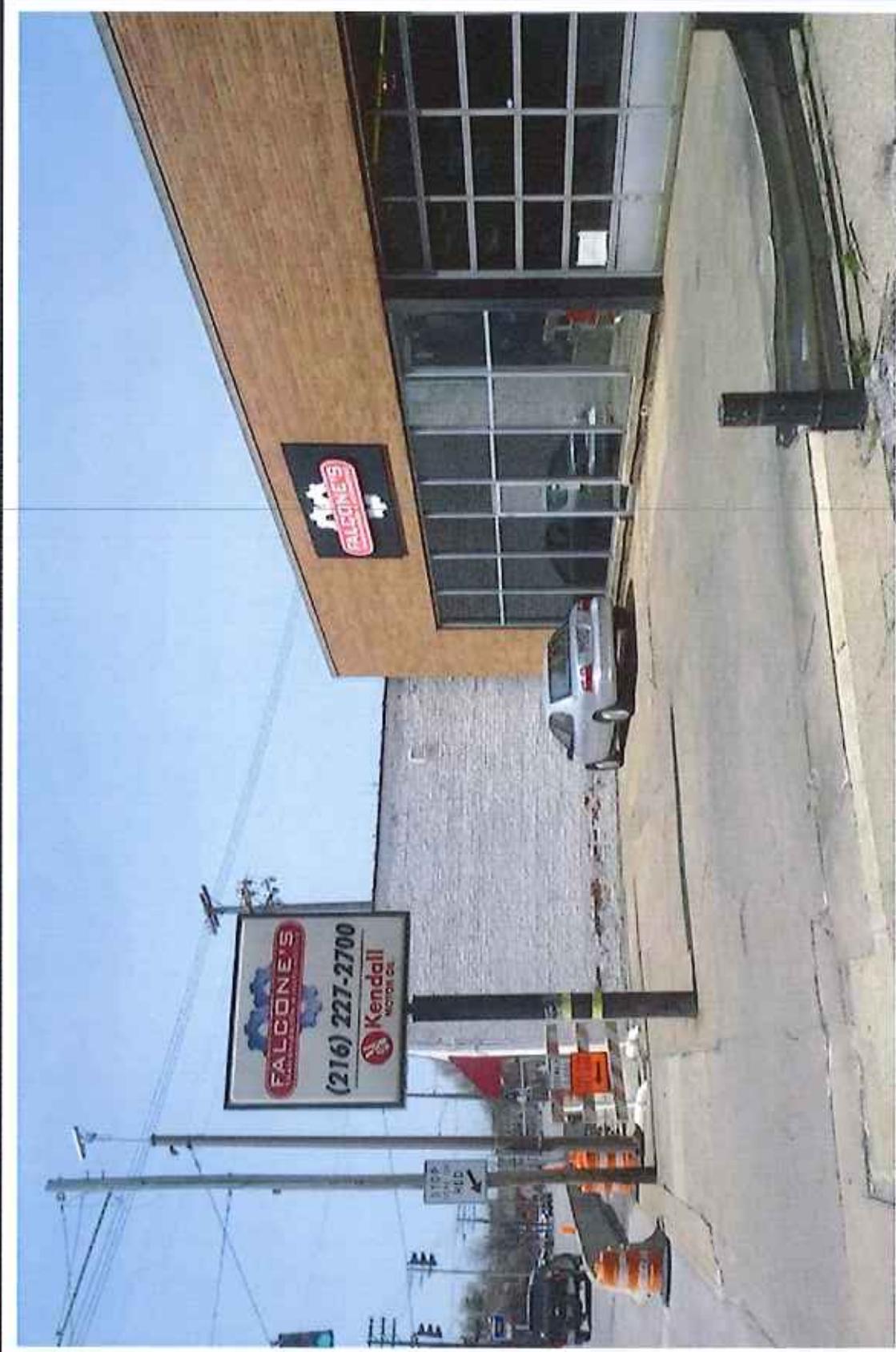
May 2013







12222 Detroit Avenue



12222 Detroit Avenue



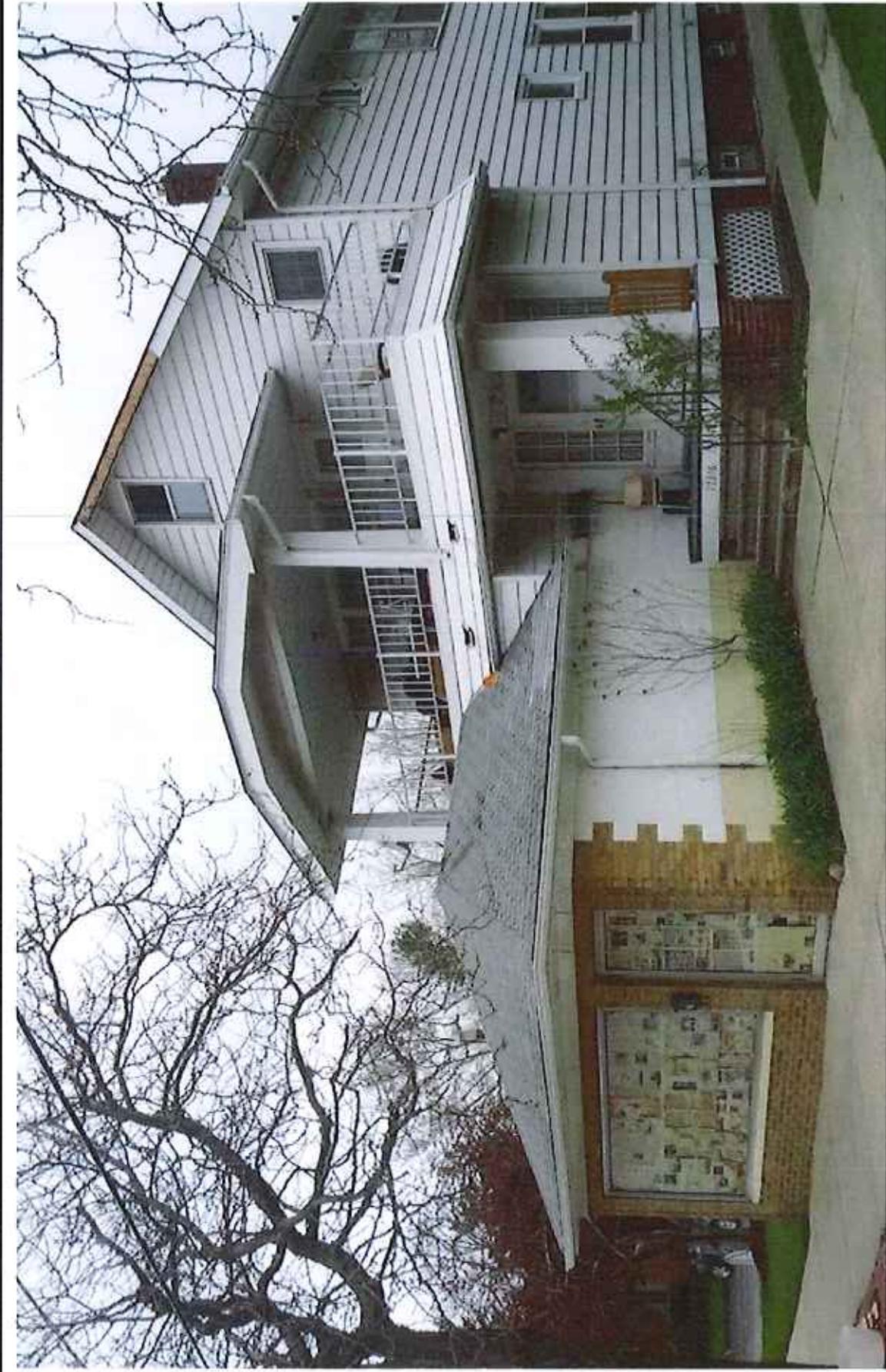
Planning Commission  
May 2013



Planning Commission  
May 2013

12222 Detroit Avenue





17316 Madison Avenue



Planning Commission  
May 2013



17316 Madison Avenue



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May 2013

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May 2013

