

**MINUTES
PLANNING COMMISSION
JANUARY 2, 2014
LAKEWOOD CITY HALL**

**PRE-REVIEW MEETING
6:30 P.M.
LOWER CONFERENCE ROOM**

Review docket items

**REGULAR MEETING
7:00 P.M.
AUDITORIUM**

1. Roll Call

MEMBERS PRESENT

Mary Cierebiej, Vice-Chair
William Gaydos
Louis McMahon
Patrick Metzger
Mark Papke, City Engineer
Mark Stockman, Chair

OTHERS PRESENT

Jason Russell, Project Specialist II, P&D
Kevin Butler, Law Director

A motion was made by Mr. Stockman, seconded by Ms. Cierebiej to **EXCUSE** the absence of Hannah Belsito. All of the members voting yea, the motion passed.

2. Introduction and Oath of Louis McMahon; newly appointed for a six-year term.

Kevin Butler administered the Oath to Mr. McMahon.

3. Election of Chair and Vice Chair

A motion was made by Mr. Stockman, seconded by Mr. Gaydos to **ELECT** Mary Cierebiej as Chair for the year of 2014. All of the members voting yea, the motion passed.

A motion was made by Stockman, seconded by Mr. Gaydos to **ELECT** Patrick Metzger as Vice-Chair for the year of 2014. All of the members voting yea, the motion passed.

4. Approve the Minutes of the December 5, 2013 meeting.

A motion was made by Mr. Papke, seconded by Mr. Gaydos to **APPROVE** the minutes of the December 5, 2013 meeting. Ms. Cierebiej, Mr. Gaydos, Mr. Metzger, and Mr. Papke voting yea, with Mr. Stockman and Mr. McMahon abstaining, the motion passed.

5. Opening Remarks

A motion was made by Mr. Gaydos, seconded by Mr. Metzger to **GRANT the request for rezoning and REFER it to City Council (Docket 01-02-14)**. All of the members voting yea, the motion passed.

ORDINANCE REVIEW

8. **Docket 3-2-07**

Zone Code Chapter 1134

Historic Preservation Districts and Historic Properties

At its meeting in May 2013 Planning Commission reviewed and discussed potential edits to Chapter 1134, Historic Preservation Districts and Historic Properties. The Commission requested that edits be made to the ordinance and presented again for review. (Page 6)

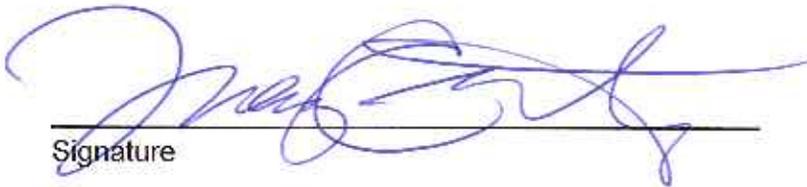
Members of the Planning Commission and Lakewood Heritage Advisory Board (Richard Sicha, Marcia Moll, Jeffery A. Weber, and Heather Rudge) commented and discussed the proposed changes (made part of record). Mr. Butler would provide the revisions as discussed at the meeting of February 6, 2014.

A motion was made by Mr. Metzger, seconded by Mr. Gaydos to **DEFER** the item until the meeting of February 6, 2014. All of the members voting yea, the motion passed.

9. **ADJOURN**

A motion was made by Ms. Cierebiej, seconded by Mr. Metzger, to **ADJOURN** the meeting at 9:43 p.m. All of the members voting yea, the motion passed.

Signature



Date

2-6-14

OATH OF OFFICE

I, Louis McMahon, being first duly sworn according to law, upon my oath depose and say:

That I will support the Constitution of the United States and the State of Ohio, and the Charter and Ordinances of the City of Lakewood and will faithfully discharge the duties of the Planning Commission of the City of Lakewood, Ohio so help me God.

Louis Z. McMahon

Signature

January 2, 2014

Date

Given by:

Tim M. Burt, Law Director

January 2, 2014

CHAPTER 1134
Historic Preservation Districts (HPD) and Historic Properties (HP)

- 1134.01 Purpose.
- 1134.02 Definitions.
- 1134.03 Procedures for identification, review, and ~~designation~~nomination of an HPD or HP ~~or landmarks~~.
- 1134.04 Location of an HPD or HP.
- 1134.05 Permitted accessory uses.
- 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).
- 1134.07 Hardship; application filed after denial of a ~~certificate~~Certificate of aAppropriateness.
- 1134.08 Demolition or removal of structures in an HPD or an HP.
- 1134.09 Rescission of a ~~designation-nomination~~ or ~~determination~~designation.
- 1134.10 Exclusions.
- 1134.11 Fees.
- 1134.12 Affirmative maintenance.
- 1134.13 Penalty.
- 1134.14 Severability.

1134.01 PURPOSE.

(a) The purpose of this Chapter is to promote the health, safety and welfare of the citizens of the City by providing for the identification, protection, enhancement, perpetuation and use of areas, places, buildings, public interior portions of buildings, structures, works of art and other objects having a special historical, community or aesthetic interest or value, so that the following objectives are reached:

- (1) To maintain and enhance the distinctive and/or aesthetic character, diversity and interest of the City.
- (2) To safeguard the architectural integrity of the City's designated Historic Preservation Districts (HPD) and Historic Properties (HP).
- (3) To safeguard the heritage of the City by preserving places, sites, buildings and structures, which reflect elements of the City's cultural, social, economic, political, architectural or archaeological heritage.
- (4) To seek alternatives to demolition or incompatible alterations in the HPD and to HPPs before such acts are performed.
- (5) To afford the widest possible scope of continuing vitality through private renewal and architectural creativity within appropriate controls and standards.

(b) The purpose of the HPD or HP ~~designation nomination~~ and ~~determination designation~~ provided for in this Chapter is to contribute to the economic, recreational, cultural and educational development of the City by:

(1) Fostering a sense of community identification and civic pride by preserving areas, places, buildings, public interior portions of buildings, structures, works of art and other objects which reflect periods, events in history, notable accomplishments of the past and significant persons of the community and its region;

(2) Protecting and enhancing the City's attributes for residents, prospective residents, visitors and tourists;

(3) Strengthening the economy of the City;

(4) Stabilizing and improving property values;

(5) Facilitating the reinvestment in and revitalization of certain districts and neighborhoods;

(6) Promoting use and preservation of historic sites and structures for the education and general welfare of residents of the City.

1134.02 DEFINITIONS.

(a) ALTER or ALTERATION for the purposes of this Chapter, shall include: (1) a change in design, material color, texture, material, interior architectural feature, or exterior architectural feature; (2) any additions to existing areas, places, buildings, structures, works of art or other objects; and (3) material change to a part of a public interior portion of a building. The correction of any deterioration or damage to an area, place, building, structure, work of art or other object and restoration to its condition prior to such deterioration or damage is excluded from the definition of alteration, provided such work does not involve a change in design, material color, texture material or exterior architectural feature.

(b) CERTIFICATE OF APPROPRIATENESS means a certificate issued ~~either~~ by the Architectural Board of Review indicating that proposed design plans for alteration, ~~or by the Commission for demolition~~ of a property within the HPD or the IIP, ~~is~~ are in accordance with the provisions of this Chapter.

(c) ~~DESIGNATION NOMINATION~~ and ~~DETERMINATION DESIGNATION~~ means respectively the initial process by the Commission to identify appropriate districts and properties for implementation of this Chapter and the actual outcome of an application process to implement and make effective this Chapter for any specific district or property.

(d) DEMOLISH or DEMOLITION means the razing or removal, in whole or in part, of any area, place, building, public interior portion of a building, structure, work of art or other object.

(e) EXTERIOR ARCHITECTURAL FEATURE(S) means the architectural style, general design and general arrangement of the exterior of a building or structure including, but not limited to, windows, doors, porches, cornices, exterior wall materials, decorative trim, chimneys, roof structure and roof materials, and other fixtures appurtenant to the exterior of the building or structure.

(f) INTERIOR ARCHITECTURAL FEATURE(S) means the architectural style, design, general arrangement and components of an interior, including but not limited to the kind, color and texture of a building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such interior.

(g) MATERIAL COLOR means the color inherent to a material such as brick or stone. It shall not be construed to refer to exterior painting.

(h) PRESERVATION means the act or process of applying measures to sustain the existing form, integrity and material of an area, place, building, public interior portion of a building, structure, work of art or other object.

(i) PUBLIC INTERIOR PORTION means the interior portion of a building or structure together with its interior architectural features, that is, or was, designed to be customarily open or accessible to the public, including by invitation. Public interior portion does not include an interior portion of a building or structure that was customarily open or accessible to the public if the interior portion has been significantly altered such that a substantial portion of the features reflecting design for public use no longer remain. Terminating the use of an interior portion of a building by the public shall not in and of itself constitute the conversion of the design of such interior portion. Public interior portion does not include the interior portions of a building, which portions were designed to be, and are still, used exclusively as non-public spaces.

(j) SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION means the United States Secretary of the Interior's Standards For Rehabilitation codified at 36 CFR 67 of the Code of Federal Regulations, as the same may be amended from time to time and associated guidelines established by the Commission, that form the criteria used by the Architectural Board of Review when considering an application for a Certificate of Appropriateness in an HPD or for an IIP.

(k) SUBSTANTIAL HARDSHIP STATEMENT means a statement attested to by an owner or other authorized agent owning and/or using an area, place, building, public interior portion of a building, structure, work of art or other object that is subject to designation nomination, that such designation nomination or proposed designation nomination or denial of a Certificate of Appropriateness by the City would impose a substantial hardship or burden.

(l) UNIQUE HISTORIC GUIDELINES means any specific guidelines adopted by the Commission, either at the time of designation nomination of an IIPD or IIP, or upon subsequent revision and review, to govern any such designated HPD or IP.

**1134.03 PROCEDURES FOR IDENTIFICATION, REVIEW AND
DESIGNATION NOMINATION OF AN HPD OR HP OR LANDMARKS.**

(a) Relationship to Base Districts: The IIPD or IIP is the designation nomination of an additionally restricted zone, or specific property restrictions for an historic property, within any zone, which may be applied to existing zoning districts as described herein. When such a district or property is established, the IIPD or HP shall be shown as an indication to the underlying districts by the designation nomination of HPD for Historic Preservation District, or IIP for Historic Properties, on the zoning map.

An IIPD or IIP may cross or transit several base districts, however, the uses permitted in each base district are limited to the boundaries of that base district, except as otherwise provided herein.

(b) Initial Designation Nomination Procedure: The Commission may propose designation nominations of any area, place, building, public interior portion of a building, structure, work of art or other object as an HPD or HP on its own initiative or upon the recommendation of the Heritage Advisory Board or upon a request by an owner of the property to be nominated as an HP or of a property within an IIPD to be nominated. Proposals for designation nomination must be accompanied by information with respect to the special historical, community or aesthetic interest or value of the HPD or HP. The Commission may establish from time to time such procedures and policies with respect to designation nominations and other matters described in this Chapter. Moreover, the Commission shall, where appropriate, issue specific Unique Historic Guidelines to govern any such designated IIPD or HP. The purpose of such guidelines are to assist the Architectural Board of Review to limit its judgment and review procedures to design and engineering issues, rather than its own independent view of historic appropriateness, which are hereby expressly left in the province of the Commission with the advice of the Heritage Advisory Board. The designation nomination of an IIPD or IIP shall not constitute designation nomination of any public interior portion of such area, place, building or structure unless the public interior portion is specifically identified as part of the designation nomination.

(c) Considerations for Designation Nomination: In considering the designation nomination of any area, place, building, public interior portion of a building, structure, work of art or other object in the City as an HPD or IIP, the Commission shall apply the following criteria with respect to each property. One (1) or more of the following must apply:

(1) The character, interest or value as part of the heritage of the City, the region, State of Ohio or the United States;

(2) The location as a site of a significant historic event;

(3) The identification with a person or persons who significantly contributed to the historic development of the City;

- (4) An IIPD's or IIP's exemplification of the cultural, economic, social, archeological, or historic heritage of the City;
- (5) The portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (6) The embodiment of distinguishing historical characteristics of a group of people in an era of history characterized by a distinctive architectural style;
- (7) IIPD's or IIP's identification as the work of an architect or master builder whose individual work has influenced the development of the City;
- (8) HPD's or HP's embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural or technological innovation;
- (9) HPD's or HP's unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the City, itself at large;
- (10) HPD's or HP's having yielded or its likelihood of yielding information important to the understating of pre-history or history.

(d) Additional Considerations for an HPD: In addition to meeting at least one (1) of the above criteria, a proposed IIPD must also meet the following criteria in order to be designated an IIPD:

- (1) The area within the proposed boundaries must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- (2) The area within the proposed boundaries must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to the Vision, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

(e) Additional Considerations for an HP: In addition to meeting at least one (1) of the criteria listed in subsection (c) above, a proposed IIP must also meet the following criteria in order to be designated an IIP:

- (1) The proposed HP must have a high degree of historic integrity, without excessive loss of architectural or historic character.
- (2) The proposed HP must have an internal historic cohesiveness in the sense of a shared common history of its inhabitants, historical development according to the Vision, a shared architectural style or design, or a body of architecture illustrating the evolution of architectural styles over a period of time.

(f) DesignationNomination by the Commission: The Commission after obtaining advice from the Heritage Advisory Board may designate certain areas, places, sites, buildings, public interior

portions of buildings, structures, works of art and other objects as eligible to become either an HPD or an HP.

(g) Designation Nomination Not Self-Executing: Once the Commission has approved a proposed designation nomination of any certain areas, places, sites, buildings, public interior portions of buildings, structures and works of art and other objects as eligible to become be designated either an IIPD or an IIP, ~~an individual or group may apply to the Commission for official status as an HPD or HP~~ the secretary of the Commission shall schedule a public hearing on the designation of the HPD or HP. The rules of this Chapter, or the Unique Historic Guidelines adopted by the Commission for any HPD or HP, are not effective until the ~~following application and approval process is additionally completed~~ HP or HPD is designated by the Commission.

(h) Application for Historic Status Determination Designation: The applicant(s) shall attempt to secure the written consent of the property owner(s) for the determination designation of a property as an IIP. However, written approval is not required for the property to be determined as an IIP. In the event that such owner refuses or declines to or otherwise does not give written consent to the proposed determination designation as an HP, upon the applicant's application request the Commission shall ~~schedule proceed to the~~ public hearing on the question of the proposed determination designation. In regards to an IIPD, the applicant(s) shall attempt to secure the written approval of owner(s) within the proposed boundaries. These signatures shall be presented on a form prepared by the Commission. However, written approval is not required for the properties to be determined as within an HPD. In the event that such owner(s) refuses or declines to or otherwise does not give written consent to the proposed determination designation as an HPD, upon the applicant(s)'s application request the Commission shall ~~schedule proceed to the~~ public hearing on the question of the proposed determination designation.

(i) Notice Procedures for Public Hearing:

(1) Notice of the public hearing shall be made in accordance with Lakewood Codified Ordinances no less than seven (7) days before the hearing; said notice shall state the time, place and purpose of the hearing in accordance with Chapter 107 (Publication of Legal Notices) of the Ordinances.

(2) No less than seven (7) days prior to a public hearing, the Commission additionally shall give written notice of a public hearing, stating the time, place and purpose to all owners and residents of property in and within two hundred (200) feet of the property for which either an IIPD or an HP designation nomination is requested.

(j) The Commission shall give due consideration to the advice of the Heritage Advisory Board, such consents to determination designation and comments as have been filed with it, and the views as may have been expressed by persons participating in the hearing before the Commission, as well as any other relevant information brought before the Commission, in making its decision with respect to the proposed determination designation of each HPD or HP by a majority vote of its members. The Commission shall consider any substantial Substantial hHardship sStatement submitted by a property owner or an agent objecting to a designation nomination.

(k) The application for ~~historic nomination and determination designation~~ and all accompanying submissions shall be reviewed and studied by the Commission prior to its recommendation. The Commission shall determine by majority vote said area, place, site, building(s), public interior portions of a building, structure(s), works of art and other objects, as an HPD or HP. Regardless of any current National Register of Historic Places status, an HPD or HP must be locally determined by the Commission for this Chapter to apply.

(l) The Commission may approve by majority vote ~~specific architectural~~ Unique Historic ~~g~~Guidelines for a created district or a specific historic property. The Commission shall schedule a public hearing on the question of ~~proposed design such~~ guidelines. If specific architectural guidelines are not created, the Secretary of the Interior's Standards for Rehabilitation shall apply to an HPD or IIP for Architectural Board of Review purposes.

(m) Applications; for nomination and designation which have been denied by the Commission; may be resubmitted within ten (10) days, if a request is made in writing by the applicant, setting forth the grounds thereof. If the Commission determines by vote that valid grounds have been submitted, a rehearing shall be granted. If the request is not made within ten (10) days from date of ruling, no application on the same appeal-proposed HPD or HP may be made to the Commission for a period of six (6) months from the date the original application was denied. The filing of an application for a rehearing shall not be deemed to extend the time permitted by law for the filing of an appeal to the Courts.

1134.04 LOCATION OF AN HPD OR HP.

Location of an IIPD or IIP is limited to the C1 Commercial Office, C2 Commercial Retail, C3 Commercial General Business, C4 Commercial Public School Districts, RIII Single-Family, high density, RIM Single-Family, medium density, RII Single-Family, low density, R2 Single- and Two-Family, L Lagoon, MII Multiple-Family, high density and ML Multiple-Family, low density, Residential Districts.

1134.05 PERMITTED ACCESSORY USES.

Permitted accessory uses in an HPD shall be those uses listed as accessory in the underlying base zone.

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).

(a) No person shall make any alteration or demolition with respect to any property designated historic that is situated in a determined HPD or has been determined an IIP unless a Certificate of Appropriateness has been previously issued with respect to such property. With respect to any such alteration or demolition, the owner of the property to be altered or demolished ~~a property~~ shall first apply for and secure a Certificate of Appropriateness from the Architectural Board of Review. In addition, any improvements or changes undertaken within public rights-of-way

within an HPTD also require a Certificate of Appropriateness from the Architectural Board of Review.

(b) Unless the Commission has previously approved Unique Historic Guidelines ~~when considering an application for a Certificate of Appropriateness~~, the Architectural Board of Review ~~when considering an application for a Certificate of Appropriateness~~ shall determine whether the proposed construction, reconstruction, alteration or demolition is appropriate ~~or whether it has an adverse affect upon the purposes of this Chapter~~ and shall refer to the Secretary of the Interior's Standards for Rehabilitation, as amended from time to time, and which on the date of the adoption of this Chapter are as follows:

(1) A property shall be used for its historic purpose or placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize an IIP shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to the historic materials and structures, if appropriate, shall be undertaken using the gentlest means possible.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and environment would be unimpaired.

(c) In the case of archeological properties, the Architectural Board of Review shall refer to the Advisory Council on Historic Preservation's Treatment of Archeological Properties: A Handbook or successor publication(s).

(d) Approval Not Self-executing Where the Commission has Issued Unique Historic Guidelines: When Unique Historic Guidelines have been established, if the proposed construction, reconstruction, alteration or demolition is determined to have no adverse effect on the IIPD or the IIP, and does not violate the spirit and purpose of these preservation regulations, then the Architectural Board of Review shall approve the Certificate of Appropriateness, subject to a final additional review by the Commission.

(e) Denial: If the Architectural Board of Review determines that the proposed construction, reconstruction, alteration or demolition will have an adverse effect on the HPD or HP and does violate the spirit and purpose of these preservation regulations, then the Architectural Review Board shall deny the Certificate of Appropriateness.

(f) Notice of Denial to Applicant: In the event that the Architectural Board of Review denies an application for a Certificate of Appropriateness, the Secretary of the Architectural Board of Review shall forthwith notify the applicant of such determination/designation in writing and transmit to him/her a copy of the reasons for denial and recommendations, if any, of the Architectural Board of Review.

(g) Effect of Denial: Upon denying an application for a Certificate of Appropriateness, the Architectural Board of Review shall impose a waiting period to not exceed thirty (30) days from the date of disapproval during which the applicant may develop a compromise proposal. With respect to an application involving a demolition, the Architectural Board of Review may, at its discretion, extend the aforementioned waiting period a maximum of one (1) year from the date of disapproval. If both parties accept a compromise proposal, the Architectural Board of Review may henceforth approve a final Certificate of Appropriateness, unless Unique Historic Guidelines have been adopted by the Commission and pertain, in which case any compromise must also be approved by the Commission.

(h) Negotiations During Waiting Period for Demolition: In the case of a denial of an application for a Certificate of Appropriateness for demolition:

(1) The Architectural Board of Review, along with the Director, Commissioner, members of the Heritage Advisory Board, and other officials of the City as needed, may participate in negotiations with the owner or owners and any other interested party in an effort to find a means of preserving the property. If the aforementioned do not agree on a means of preserving the property at the initial meeting then they may continue to undertake meaningful and continuing discussion with the purpose of finding a method of preserving the property.

(2) If the applicant fails to meet with the aforementioned in good faith, in the time specified, then the Architectural Board of Review's denial of the application will stand.

(3) If, after holding such good-faith meetings in the waiting period as specified above, the Director determines in writing that failure to approve an application for a Certificate of Appropriateness will create a substantial hardship to the applicant and that such certificate may be approved without substantial detriment to the public welfare and without substantial derogation from the purposes of this Chapter, then the Architectural Board of Review shall approve a Certificate of Appropriateness for such proposed demolition. The Architectural Board of Review shall consider any Substantial Hardship Statement filed by an applicant.

(i) Negotiations During Waiting Period for Alteration: In the case of denial of an application for a Certificate of Appropriateness for construction, reconstruction or alteration:

(1) The Architectural Board of Review, along with the Director, Commissioner, members of the Heritage Advisory Board, and other officials of the City as needed, may participate in negotiations with the owner or owners and any other interested party in an effort to find a means of preserving the historic integrity of the property. The aforementioned shall investigate the feasibility of all means of preserving the historic integrity of the designated property. If the aforementioned do not agree on a means of preserving the historic integrity of the property at the initial meeting, then they may continue to undertake meaningful and continuing discussion of the purpose of finding a method of saving the historic integrity of the property.

(2) If the applicant fails to meet with the aforementioned in good faith, in the time specified, then the Architectural Board of Review's denial of the application will stand.

(3) If, after holding such good faith meetings in the waiting period, the Director determines in writing that failure to approve an application for a Certificate of Appropriateness will create a substantial hardship or burden to the applicant and that such certificate may be approved without substantial detriment to the public welfare and without substantial derogation from the purposes of this Chapter, then the Architectural Board of Review can approve a Certificate of Appropriateness for such proposed alteration. The Architectural Board of Review shall consider any Substantial Hardship Statement filed by an applicant.

(j) Alternative Summary Procedures Not Requiring Board or Commission Action: The Director, or his/her designee, may administratively approve an application for a Certificate of Appropriateness for the following activities:

(1) Repair or replacement of gutters and downspouts, provided there is no change in material or location.

(2) Exterior wall insulation provided the exterior holes are repaired with a matching material. For vinyl or aluminum siding, the necessary siding shall be removed prior to the work and then reinstalled. Insulation work that requires venting of any type that appears on the exterior of a structure requires a Certificate of Appropriateness.

(3) Re-roofing, only with like material and if the original style and shape of the roof is not altered.

(4) Storm windows and storm doors, provided that the item(s) installed:

- A. Does/do not significantly alter the visual effect of the opening;
- B. Is/are compatible with the character of the building;
- C. Does/do not require the removal of original windows and/or doors.

(5) Repair of the surface of driveways, parking or loading areas or walkways with like material.

(k) Summary Procedures Report: The Director shall provide to the Architectural Board of Review a summary of the Certificates of Appropriateness for each administrative approval issued.

(l) As long as the following activities do not result in alteration to the HPD or HP, they are approved:

- (1) Exterior and interior painting; and
- (2) Landscaping improvements, referring only to the planting or arrangement of trees, shrubs, flowers and plants.

(m) If no action has been taken by the Architectural Review Board or the Director, or his/her designee, on an application for a Certificate of Appropriateness within sixty (60) days after such application has been received by the Architectural Review Board, the Certificate of Appropriateness shall be deemed issued.

1134.07 HARDSHIP; APPLICATION FILED AFTER DENIAL OF A CERTIFICATE OF APPROPRIATENESS.

(a) An applicant who has been denied a Certificate of Appropriateness may, within thirty (30) days of the denial, ~~apply for a finding of hardship~~ submit a Substantial Hardship Statement based on economic impact or other substantial burden. Such an application shall ~~be made on a form prepared by the Commission and~~ include a sworn statement or affidavit in support. The Commission may hold a public hearing on the ~~hardship application~~ Substantial Hardship Statement.

(b) All of the following criteria shall be considered to determine the existence of a substantial hardship:

- (1) Denial of a Certificate will result in a substantial reduction in the economic value of the property.
- (2) Denial of a Certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form.

(3) No reasonable alternative exists consistent with the architectural standards and guidelines for the property.

(4) The owner has been unable to sell the property utilizing best efforts.

(5) Previous alterations have interfered with the architectural character of the HPD or HP and the character-defining features to illustrate the style or type are lost, and to return the HPD or HP to its original character is not reasonable.

(6) If the owner is a not-for-profit organization, and it is financially or physically infeasible to achieve its charitable purpose while conforming to the pertinent architectural standards and guidelines.

(7) A court of competent jurisdiction has required the owner to abate any violation of these ordinances within a time frame that does not comport with the requirements of this Chapter.

(8) Denial will result in a substantial burden as set forth in the applicant's sworn statement or affidavit in support.

(c) In considering an application for a finding of a Substantial Hardship Statement, the Commission may solicit expert testimony or request that the applicant submit evidence concerning property value, cost estimates, income expenses, and/or any other information that the Commission deems necessary to determine whether the denial of the application constitutes a substantial hardship. The level of documentation required may vary as is appropriate to each case. The applicant may submit any personal or proprietary information to the staff of the City for a confidential review, and such information shall be returned to the applicant, and a summary or evaluation of the information shall be provided to the Commission without disclosure of the specific personal or proprietary information.

(d) The Commission shall act upon an application-a request for a finding of a substantial hardship within a period not to exceed six (6) months from the original date of the denial of a Certificate of Appropriateness or two (2) months from the date the Commission receives all requested supporting material, whichever is later. If no action has been taken by the Commission within this period, the application shall be deemed granted, unless the time is extended upon by mutual agreement. Upon the denial of an application, the applicant shall be notified by mail.

1134.08 DEMOLITION OR REMOVAL OF STRUCTURES IN AN IIPD OR AN HP.

(a) Demolition or removal of a principal structure on a commercial property(s) in a designated IIPD or IIP shall comply with the regulations set forth within this Chapter and those in Section 1133.08.

(b) Demolition or removal of a principal structure on a residential property(s) in a designated HPD or HP shall comply with the regulations set forth within this Chapter and those in Section 1133.09.

1134.09 RESCISSION OF A DESIGNATIONNOMINATION OR DETERMINATIONDESIGNATION.

Notwithstanding any provision of this Chapter to the contrary, the Commission may rescind the designationnomination or determinationdesignation of any area, place, building, public interior portion of a building, or structure, work of art or other object as an HPD or HP by majority vote by finding of one or more of the following: (a) that the designated HPD or HD does not meet the designationnomination criteria or to protect the public interest in response to changed circumstances since the designationnomination decision was made; (b) prejudicial procedural error in the designationnomination process; or (c) professional or clerical error in the designationnomination. This rescission act of the Commission shall relieve the owner of such property from any duties or penalties.

1134.10 EXCLUSIONS.

(a) If the forthwith demolition of a structure is required by an action authorized by the Public Safety Director of the City to protect the public health or safety, said action shall take precedence over the provisions of this Chapter.

(b) Nothing in this Chapter shall be construed to prevent the correction of any deterioration or damage to an area, place, building, public interior portion of a building, structure, work of art or other object and restoration to its condition prior to such deterioration or damage.

1134.11 FEES.

The fees for an HPD or HP application for a Certificate of Appropriateness shall be pursuant to Section 1173.06.

1134.12 AFFIRMATIVE MAINTENANCE.

Every owner, operator, or agent of any property which has been determined HPD or HP shall keep in good repair all of the exterior portions and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portion or public interior portion of such area, place, building, or structure, work of art or other object to deteriorate, decay or become damaged or otherwise fall into a state of disrepair. Every owner, operator or agent of any property which has been determined IIPD or IIP shall further keep in good repair all portions of any area, place, building, public interior portion of a building, structure, work of art or other object which, if not so maintained, may cause or tend to cause such portions to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair. The repair and maintenance required by this section includes, without limitation:

(a) ~~Developing and implementing a maintenance and monitoring plan for protecting each portion of any area, place, building, public interior portion of a building, or structure, work of art or other object. Adhering to the minimum standards of compliance with Part Thirteen of the Codified Ordinances; and~~

(b) Structurally stabilizing each building or structure by taking all steps necessary to ensure:

- (1) The roof is watertight;
- (2) Gutters are properly pitched and cleared of debris;
- (3) Downspout joints are intact;
- (4) Drains are unobstructed;
- (5) Windows and door frames and wood siding are in good condition;
- (6) Masonry walls are properly tuck-pointed to keep out moisture;
- (7) The property is graded for proper water run-off;
- (8) Vegetation is cleared from around each property; and
- (9) Trash, debris and hazardous materials such as inflammable liquids, poisons and paints are removed from the interior of each one (1) of any area, place, building, public interior portion of any building, structure, work of art or other object on a continuous basis.

(c) Exterminating or controlling pests, including termites and rodents.

(d) Protecting of any area, place, building, public interior portion of a building, structure, work of art or other object from moisture penetration.

(e) Securing each vacant area, place, building, public interior portion of a building, structure, work of art or other object from vandalism and break-ins including, without limitation:

- (1) First floor windows and doors must be secured;
- (2) Plywood must be painted black or if the structure is composed of brick, a color compatible with the color of the brick;
- (3) The method used to install the plywood may not result in the destruction of the opening covered and all sashes, doors and frames must be protected or stored for future use;
- (4) Battery-operated intrusion alarms must be installed on the first floor of each portion of any area, place, building, public interior portion of a building, structure, work of art or other object;
- (5) Battery-operated smoke alarms must be installed on all floors of any area, place, building, public interior portion of a building, structure, work of art or other object;

(6) Adequate security lighting or fencing must be installed on each portion of any area, place, building, structure, work of art or other object where deemed necessary by the Commissioner.

(f) Providing adequate ventilation to the interior of each vacant portion of any area, place, building, public interior portion of a building, structure, work of art or other object.

(g) Securing or modifying utilities and mechanical systems for each portion of any area, place, building, public interior portion of a building, structure, work of art or other object.

(h) Taking such other steps deemed necessary by the Commissioner.

1134.13 PENALTY.

~~Any person violating the provisions of this Chapter shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense is deemed committed each day during which an offense continues.~~

1134.14 SEVERABILITY.

Should any provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

1134.99 PENALTY.

Whoever refuses, neglects or fails to comply with any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) dollars nor more than one thousand dollars (\$1,000) for a first offense, and for a second or subsequent offense shall be guilty of a misdemeanor of the first degree. Each day such violation occurs or continues shall constitute a separate offense.



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. <u>LOU McCLONER</u> | <u>Lou McCloner</u> |
| 2. <u>RICHARD SICHA CHAB</u> | <u>Richard Sicha</u> |
| 3. <u>MARILYN KRULL L-HAB</u> | <u>Marilyn E. Krull</u> |
| 4. <u>Jeffery A Weber L-HAB</u> | <u>Jeffery A Weber</u> |
| 5. <u>Hester Pudge</u> | <u>Hester Pudge</u> |
| 6. _____ | _____ |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |
| 11. _____ | _____ |

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

FOR CITY USE ONLY

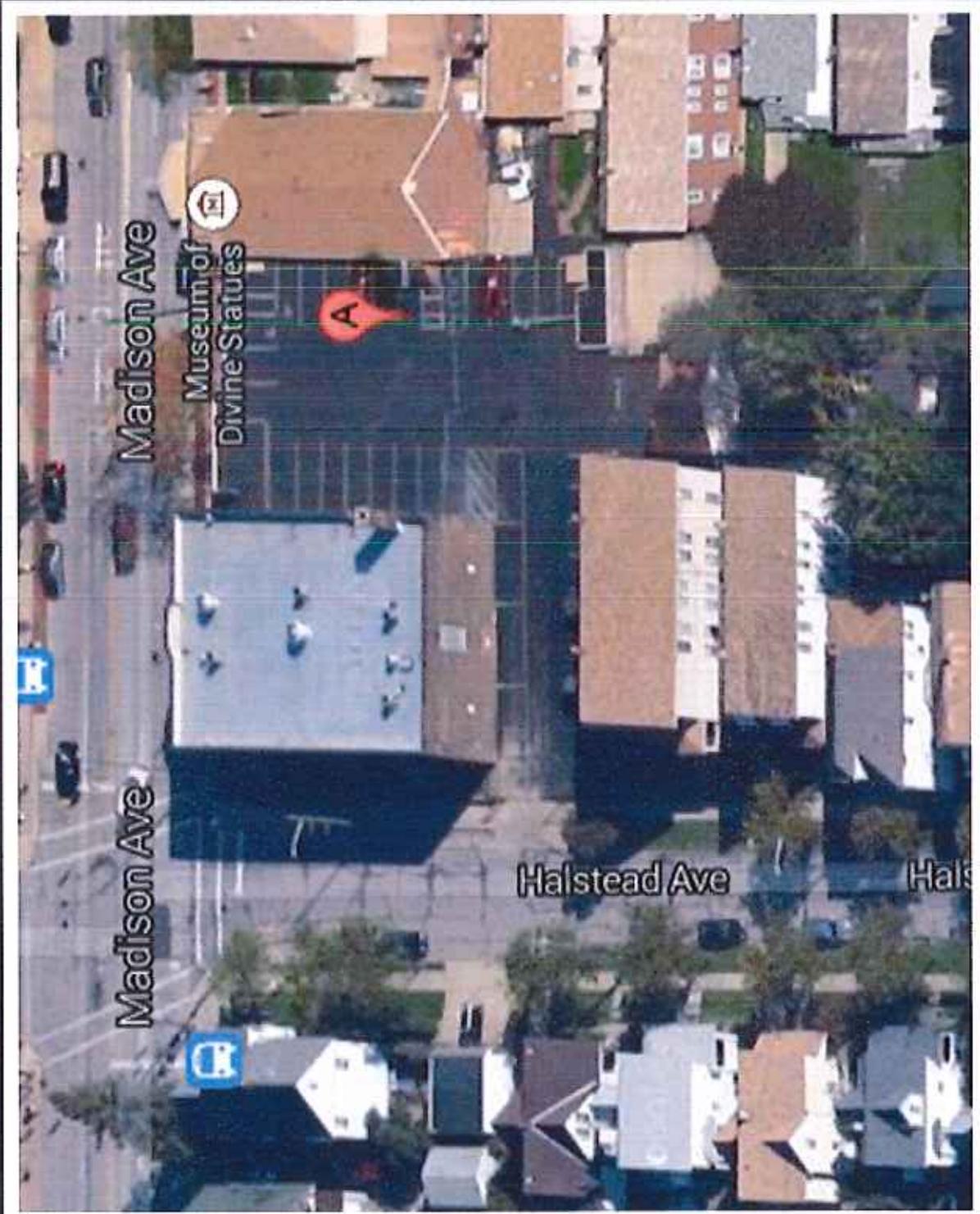
Lakewood Administrative Procedure: ABR/BBS/Sign Citizens Advisory Civil Service Dangerous Dog
 Income Tax Appeals Loan Approval Nuisance Abatement Appeals Planning Zoning Appeals Other:

Date of Proceeding: Thursday, January 2, 2014

Planning Commission

January 2014





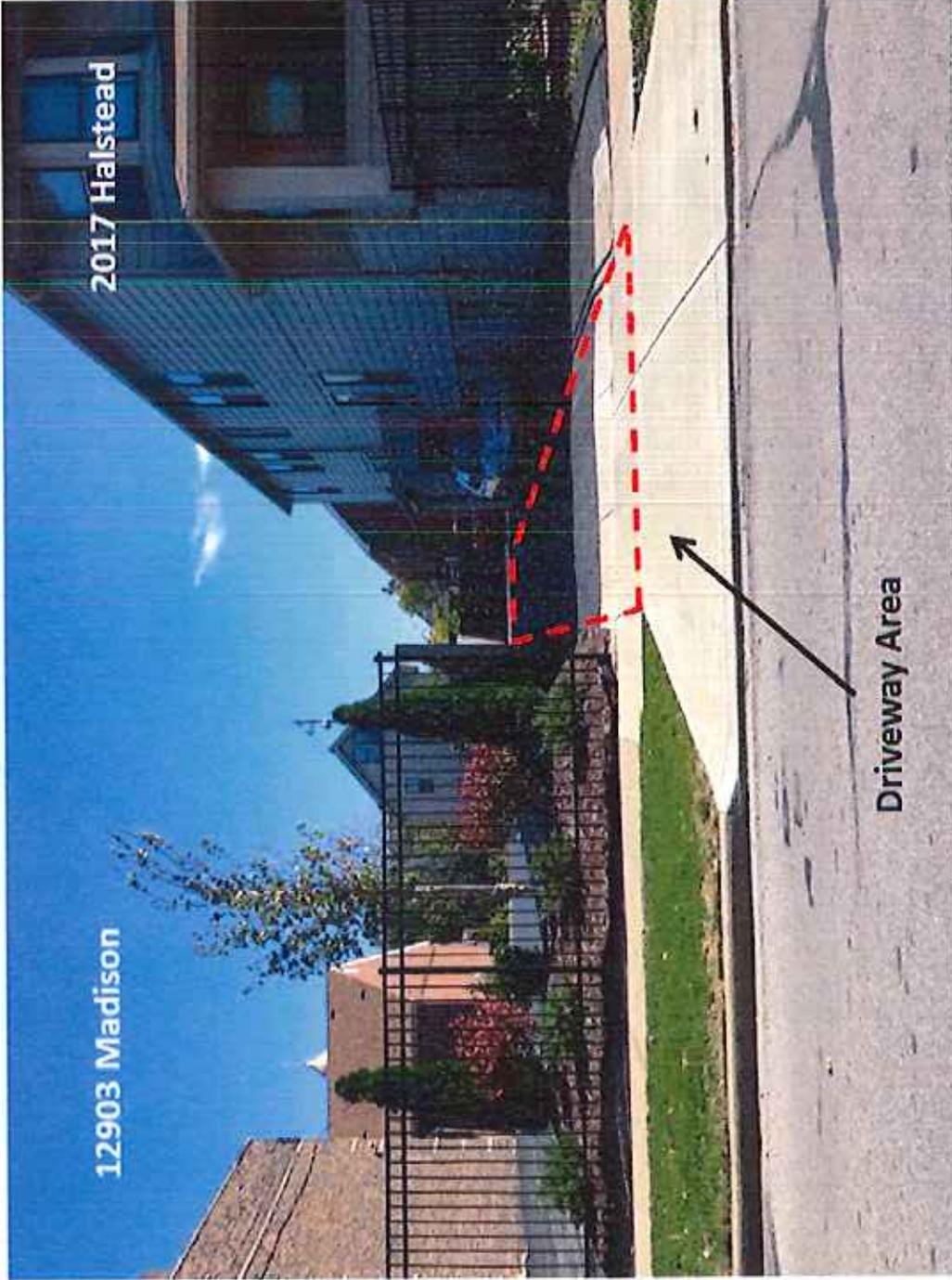
12903 Madison Avenue

Planning Commission
January 2014



12903 Madison

2017 Halstead



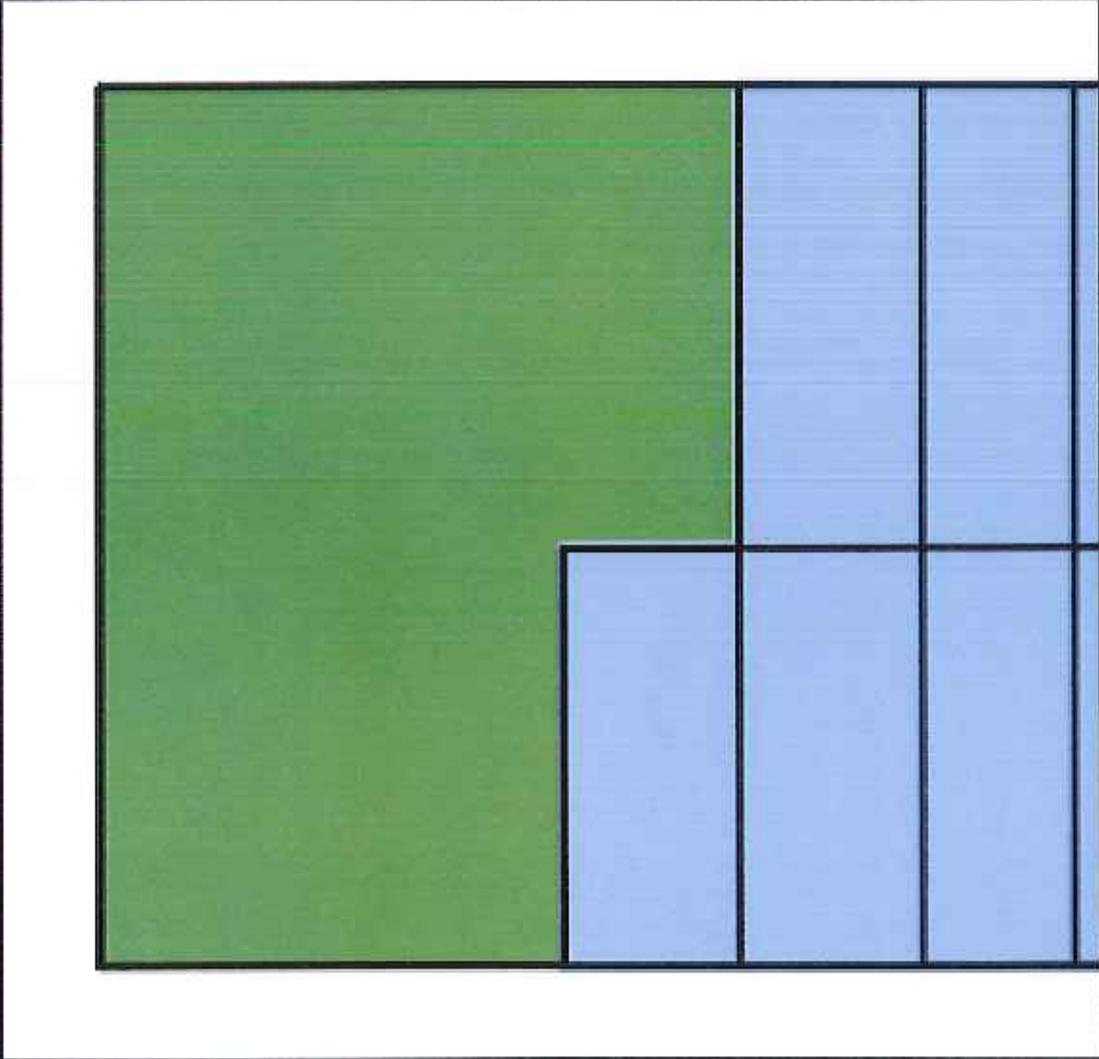
Driveway Area

View from Halstead looking east

Planning Commission
January 2014



12903 Madison Avenue

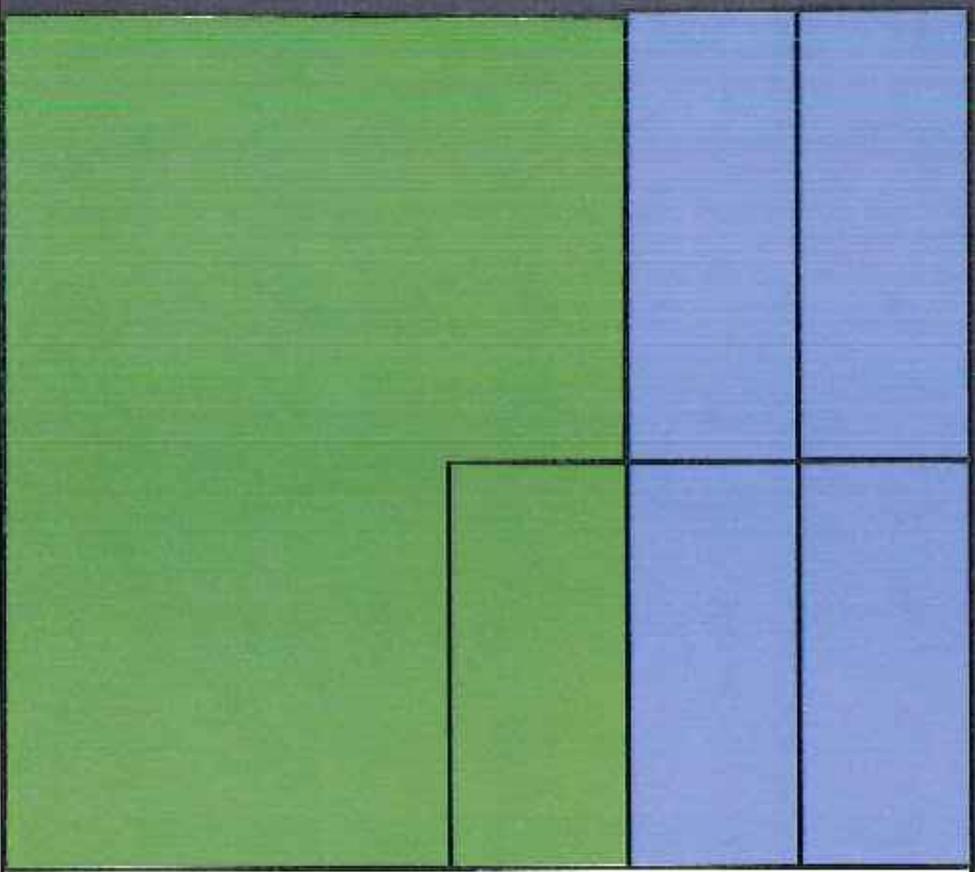


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MADISON AVENUE



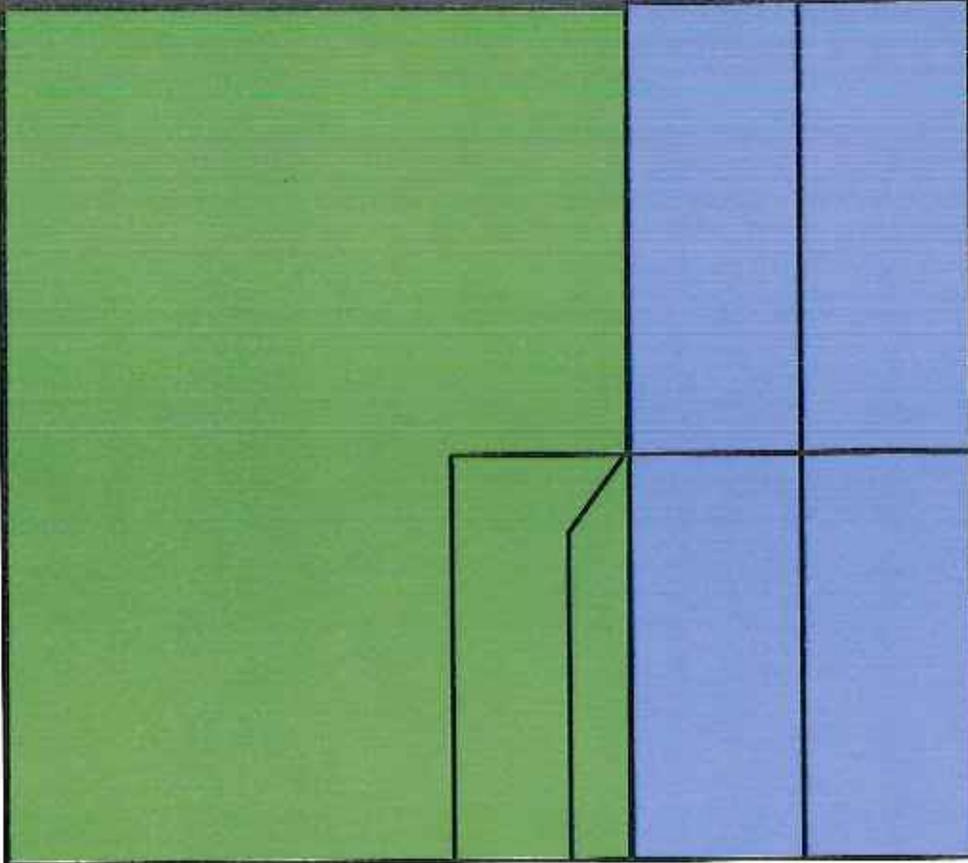
HALSTEAD

12903 Madison Avenue

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MADISON AVENUE



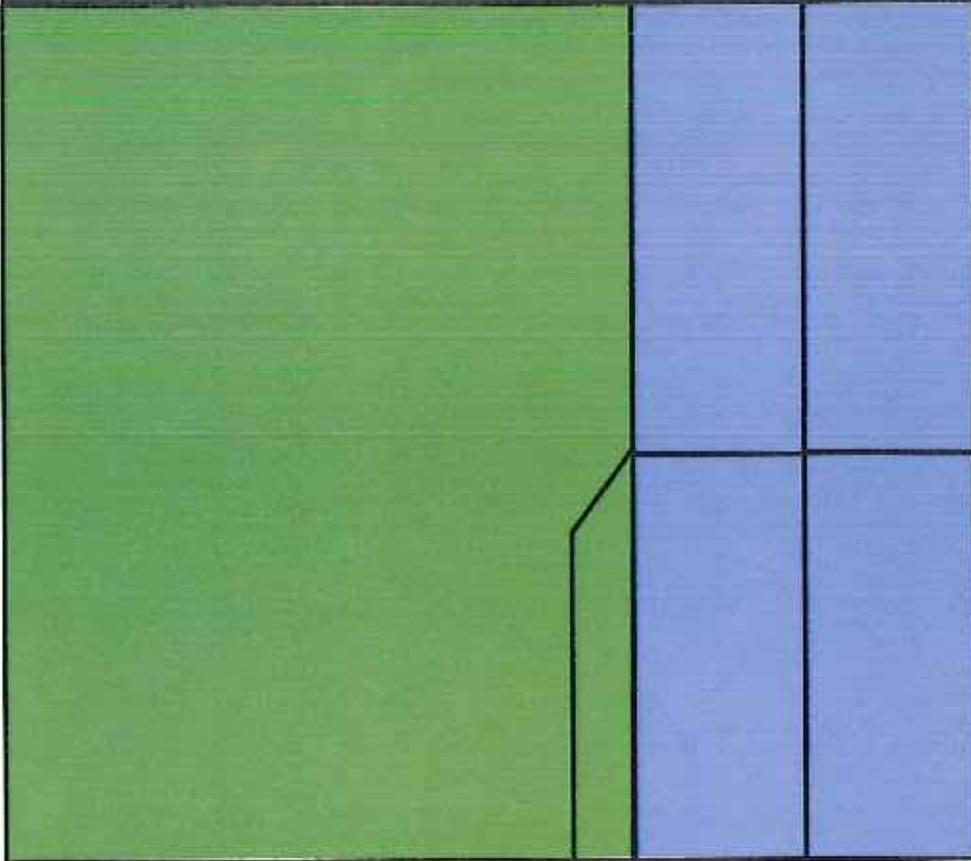
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January 2014

MADISON AVENUE



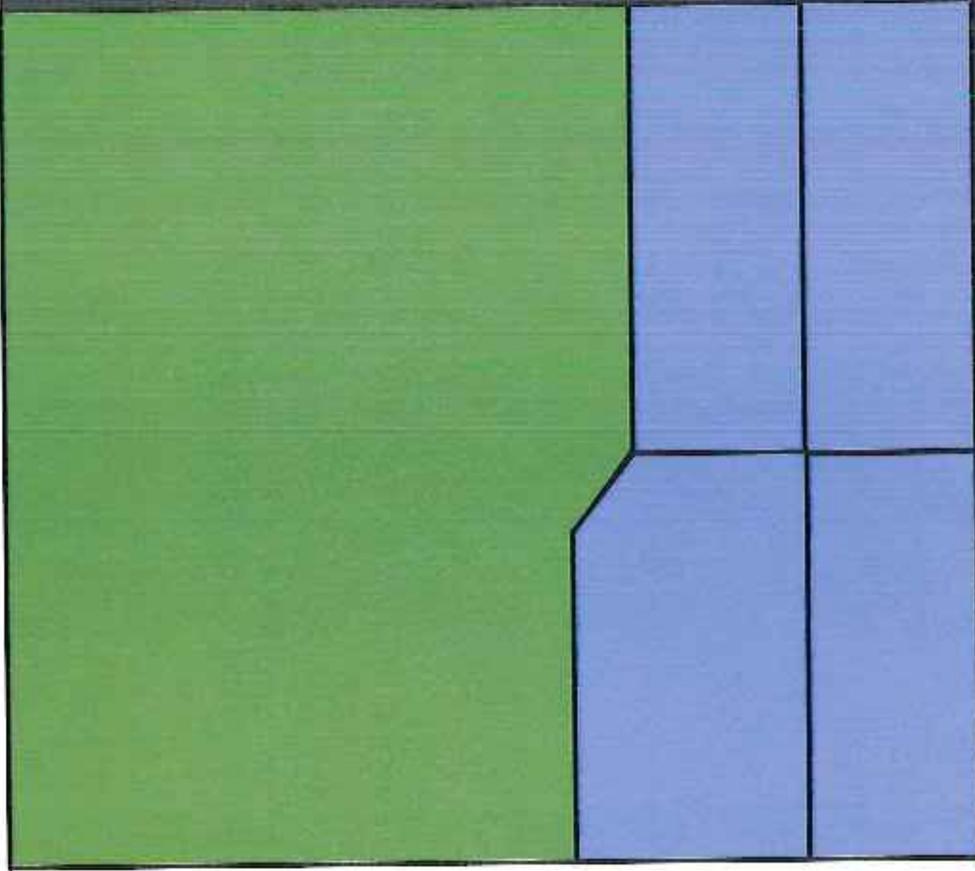
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MADISON AVENUE



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January 2014

Chapter 1134

Historic Designation



Planning Commission

January 2014

