

**MINUTES**  
**(Audio Recording Is Available)**  
**BOARD OF ZONING APPEALS**  
**SEPTEMBER 15, 2016**  
**LAKEWOOD CITY HALL**

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

**REVIEW MEETING**  
**6:30 P.M.**  
**COUNCIL CONFERENCE ROOM**

**1. Roll Call**

Members Present

James Amendola  
Christopher Bindel  
Zach Brown  
Kyle Krewson, Chairman

Others Present

Michelle Nocht, BZA Secretary, P&D Program Coordinator  
Michael Molinski, City Architect  
Andrew Fleck, Assistant Law Director

A motion was made by Mr. Krewson, seconded by Mr. Brown to **EXCUSE** the absence of Cynthia Bender, Vice Chair. All of the members voting yea, the motion passed.

**2. Approve Minutes of the July 21, 2016 Meeting**

A motion was made by ~~Mr. Krewson~~ Mr. Brown, seconded by Mr. Bindel to **APPROVE** the July 21, 2016 meeting minutes. All of the members voting yea, the motion passed. Mr. Krewson abstained from this vote as he was not present at the July 21, 2016 meeting.

**3. Opening Remarks**

Ms. Nocht read the Opening Remarks into record.

**OLD BUSINESS**

**4. Docket No. 07-14-16**  
**1429 Wagar Avenue**

Mark Ramirez, AoDK Architects, LLC applicant requests the review and approval of a variance to build a garage 18', 6" in height:

1. A 3', 6" height variance; the maximum allowable is 15', pursuant to section 1123.05(b) – Height Regulations.

The property is located in an R2, Single and Two Family High Density district.

This item was withdrawn by the applicant. No action needed.

**5. Docket No. 08-15-16**  
**1427 Scenic Street**

Dana Paul, Prairie Stone Group, applicant requests the review and approval of a variance of 4'6" to place an air conditioning unit 35'6" from the rear property line. Minimum setback is 40' pursuant to section 1123.07- lot area requirements. The property is located in an R2, Single and Two Family High Density district.

Dana Paul, applicant, was present to explain the request.

City Administration said they will support this request.

No public comment was taken.

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

6. **Docket No. 08-16-16**  
**1233 Cranford Avenue**

Andrew Kaletta, homeowner, requests the review and approval of a variance from the requirement to construct a one car garage. Minimum requirement is 1 per dwelling unit pursuant to section 1143.05- parking requirements. The property is located in an R2, Single and Two Family High Density district.

Andrew Kaletta, homeowner, was present to explain the request.

City Administration said the ordinance requires a garage and there is no physical hardship or uniqueness to the land to prevent the garage from being built. The City does not support this request.

The Board said they did not see a hardship that would support the applicant's request. They said it would be nice for the property owner to have a place to put away all the tools in his yard. The Board and Mr. Molinski suggested moving the garage to a less traditional location to allow the applicant to use the rest of his yard as he sees fit.

Public comment was taken. A resident expressed concern that the garage requirement put forward by the city is outdated. Mr. Molinski explained the zoning code was changed recently to allow a single car garage for properties that have more than one dwelling unit but that the garage was seen as necessary to keep yards tidy and also to increase property value.

A motion was made by Mr. Krewson, seconded by Mr. Bindel to **DENY** the request. All of the members voting yea, the motion passed.

**NEW BUSINESS**

7. **Docket No. 09-17-16**  
**1492 Northland Avenue**

Patrick Ginley, homeowner, requests the review and approval of the following two (2) variance requests.

1. A variance to exceed the maximum allowable height for a fence by installing 2' of open lattice on top of a 40' length of fence that is 6 feet high. The maximum allowable fence height is 6' pursuant to section 1153.02(c)(2)
2. The homeowner would also like to install the decorative side of the fence toward his own property. The decorative side must face out pursuant to Section 1153.02b (f).

The property is located in an R2, Single and Two Family High Density district.

Patrick Ginley, applicant, was present to explain the request.

City Administration supports the ordinance that the good side of the fence must face out. Mr. Molinski welcomes Mr. Ginley to construct a 6 foot fence with a 2 foot lattice which will provide extra privacy and does not require a variance. City Administration also recommended contacting a fence professional to help with the fence construction. Mr. Bindel suggested deferring the application to allow more time for investigation into the situation and to see if the building department can assist Mr. Ginley in a solution.

Mr. Ginley formally requested a deferral.

No public comment was taken.

A motion was made by Mr. Amendola, seconded by Mr. Bindel to **DEFER** the request until the meeting of October 20, 2016. All of the members voting yea, the motion passed.

8. **Docket No. 09-18-16**  
**17788 Edgewater Drive**

Tony Valore, Valore Builders, applicant requests the review and approval of a variance of 20' from the Building line for a new primary structure. The minimum required front yard set-back is 40' pursuant to section 1121.07. The property is located in an R1L, Single family Low Density district.

Tony Valore, applicant, was present to explain the request.

City Administration says this property is unique in that it abuts the lake. This property has also had a recent erosion incident. Mr. Molinski says the 20' variance request is reasonable, but ultimately the city doesn't support the applicant's request. It disrupts the uniformity that the code is trying to enforce.

The Board clarified that the request from the applicant was not being made to avoid the inevitable erosion of the coastline, but to have a bigger backyard of which a younger family would appreciate.

Public comment was taken. A neighbor is concerned that a new house built without the variance will obstruct his view and possibly add stress to the erosion of the cliff. He is in favor of the variance allowing the house to be closer to the street as long as it doesn't negatively affect his view or property.

Mr. Krewson doesn't see a hardship and is against the variance as it disrupts the uniformity of the neighborhood. Mr. Amendola is in support of the variance. Mr. Bindel is in support of the variance due to the erosion concerns.

Ms. Nochtla reminded the Board that because 4 board members were present, in order for the motion to pass 3 members must vote in the affirmative.

A motion was made by Mr. Amendola, seconded by Mr. Bindel to **APPROVE** the request as submitted. Mr. Brown voted in favor. Mr. Krewson voted against. With 3 for and 1 against, the motion passed.

9. **Docket No. 09-19-16**  
**1584 Winton Avenue**

Becky Olson and Jim Violette. One Rum Runner, LLC, owners and applicants requests the review and approval of a variance from the requirement to construct a two- car garage. Minimum requirement is 1 parking space per dwelling unit with one covered space required pursuant to section 1143.05- parking requirements. The property is located in an R2, Single and Two Family High Density district and is a two-family structure.

Becky Olson and Jim Violette, applicants, were present to explain the request.

City Administration does not support the request. A single car garage is required per the zoning code.

The Board feels there is not enough information to make a decision. The pictures have no dimensions. They would like to see drawings with dimensions showing the proposed variance in depth.  
No public comment was taken.

A motion was made by Mr. Krewson, seconded by Mr. Amendola to **DEFER** the request until the meeting of October 20, 2016. All of the members voting yea, the motion passed.

10. **Docket No. 09-20-16**  
**1297 West Clifton Boulevard (formerly known as 17852 Cannon Avenue)**

Andrew Erker, Ace Design, applicant requests the review and approval of the following two (2) variance requests:

1. A variance to exceed the maximum lot coverage by 804.67 square feet. The maximum allowable coverage by a primary structure is 25% of the total area of the lot. The lot is 5,814 square feet making the allowable coverage of the primary structure 1,435 square feet. The proposed changes to the primary structure are calculated at 2,239.67 which would require a variance of 804.67 square feet. Pursuant to section 1123.09(a) - Minimum Yard Requirements for Principal Buildings.
2. A variance request of 30' from the rear property line. By changing the orientation of the primary structure from south to west, the east side yard becomes the rear yard. Pursuant to section 1123.07 the rear foundation wall is required to be a minimum of 40' from the rear property line, the primary structure's foundation wall is 10' from the rear property line.

The property is located in an R2, Single and Two Family High Density district.

Andrew Erker, applicant was present to explain the request.

City Administration supports the applicants request for the variances.

The Board discussed if any conditions should be put on the approval.

No Public Comment was taken.

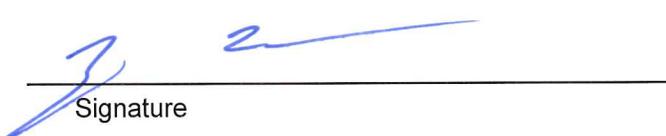
A motion was made by Mr. Krewson, seconded by Mr. Bindel to **APPROVE** the requests with the following stipulation:

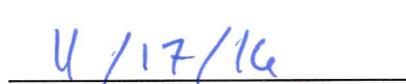
- Any future structure or fence that the owner wants to put in the side yard setback would be required to come before the ABR and BZA.

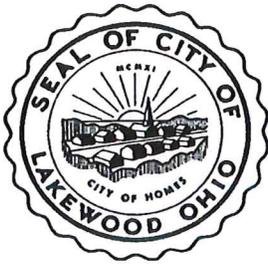
All of the members voting yea, the motion passed.

#### **ADJOURN**

A motion was made by Mr. Krewson seconded by Mr. Bindel to **ADJOURN** at 8:52 p.m. All of the members voting yea, the motion passed.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date



**Oath**

*(You need not give an oath if you object. If you object to giving an oath, please notify the hearing officer or secretary before signing below.)*

I, the undersigned, hereby solemnly swear that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

**PRINT NAME:**

**SIGN NAME:**

1. PATRICK GINLEY
2. Jane Vukob
3. Becky Olson
4. Dena Paul
5. Andrew Kalitta
6. Tom Valone
7. Jeff Bantlett
8. Becky Olson
9. ANDREW ECKER
10. Darren Mancuso
11. \_\_\_\_\_

1. Patrick J. Ginley III
2. Jane Vukob
3. Becky Olson
4. Dena Paul
5. Andrew Kalitta
6. Tom Valone
7. Jeff Bantlett
8. Becky Olson
9. Andrew Ecker
10. Darren Mancuso
11. \_\_\_\_\_

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: 9/15/2016

Sept BZA

**Nochta, Michelle**

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**From:** Brian Kauffman <bk@aodkinc.com>  
**Sent:** Tuesday, September 13, 2016 8:47 AM  
**To:** Nochta, Michelle  
**Cc:** Molinski, Michael  
**Subject:** 1429 Wagar BZA

Hi Michelle:

I received the public notice for the garage to be constructed at 1429 Wagar. I apologize for not letting you know sooner, but we decided with the client to do only a one story garage structure which would not require any variance. Let me know if you have any other concerns!

Thanks,

**BRIAN KAUFFMAN :: [bk@aodkinc.com](mailto:bk@aodkinc.com) :: x106**

**AODK INC :: ARCHITECTURE OFFICE :: DAVID KREBS**  
( **A** :: 17306 Madison Avenue :: Lakewood, Ohio 44107 )  
[( **P** :: 216.771.1920 ) + ( **F** :: 216.771.1797 )]  
( **W** :: [www.aodkinc.com](http://www.aodkinc.com) )

## Nochta, Michelle

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**From:** Planning Dept  
**Sent:** Thursday, September 15, 2016 8:46 AM  
**To:** Nochta, Michelle  
**Subject:** FW: Docket No. 09-19-16, 1584 Winton Avenue Request for Variance (For Consideration on 9/15/16)

**Importance:** High

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**From:** Elizabeth Krusinski [<mailto:elizabeth.krusinski@outlook.com>]  
**Sent:** Wednesday, September 14, 2016 9:04 PM  
**To:** Planning Dept  
**Subject:** Docket No. 09-19-16, 1584 Winton Avenue Request for Variance (For Consideration on 9/15/16)  
**Importance:** High

Dear Board of Zoning Appeals:

We are in receipt of your notice of the request for variance from Lakewood's requirement to construct a two-car garage filed by the homeowners of 1584 Winton Avenue. As you state in the required public notice, 1584 Winton Avenue is in an R2, Single and Two Family *High* Density district. It is a two-family home consisting of three bedrooms in the lower unit and three bedrooms in the upper unit.

Due to the capacity of this two-family home, a two-car garage is both necessary and appropriate. As is the case with the rest of the city, on street parking on Winton Avenue is already at a premium. We see no reason why the city should vary from its codified ordinance requiring homeowners to maintain one parking spot per dwelling unit.

We welcome our new neighbors to Winton Avenue and if possible, would like to submit this response anonymously.

Laurel Keller  
Elizabeth Krusinski  
1576 Winton Avenue  
Lakewood, Ohio 44107

Contractor ?

**LAKE ERIE COASTAL EROSION AREA  
OHIO COASTAL MANAGEMENT PROGRAM**

OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF GEOLOGICAL SURVEY  
2010

Cuyahoga County

Frame: 413



**PRELIMINARY COASTAL EROSION AREA MAPS**  
This map represents the **PRELIMINARY IDENTIFICATION** of coastal erosion areas as defined in Section 1501.6-10 through 1501.6-13 of the Ohio Administrative Code. The information is portrayed on a 2004 digital, orthorectified base map, is not final, and may be revised. This map does not show changes or shoreline modifications made after April 2004. Please refer to the instructions when using coastal erosion area maps. Neither the Ohio Department of Natural Resources nor any division thereof, nor any of their employees, contractors, or subcontractors, make any warranty, express or implied, nor assume any legal liability or responsibility for the accuracy, completeness, or reliability of this map.

**Explanation**

- - - Recession Line 1980
- + Recession Point 2004
- 2010 CEA Line
- Transsects



## CUYAHOGA COUNTY DATA TABLES

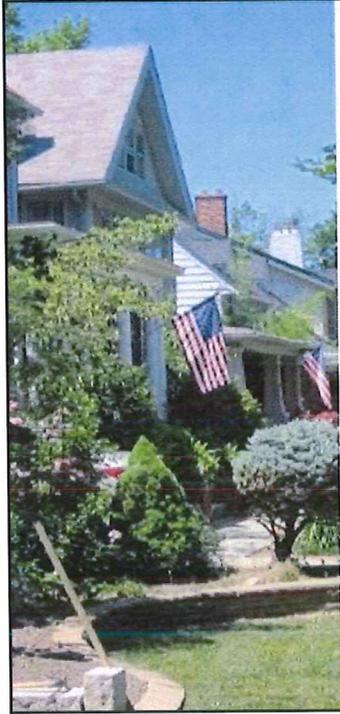
**FRAME: 413**

**Number of Profiles: 28**

TRANS	MEAS DIST	RECESS RATE	ANTICIPATED DIST	STATUS	OFFSET
413-1	6.8	0.485714	11.98	CEA	0
413-2	4.79	0.342143	8.63	NO CEA	0
413-3	6.86	0.49	4.14	NO CEA	13
413-4	0	0	1.18	NO CEA	0
413-5	0	0	0.13	NO CEA	0
413-6	0	0	1.31	NO CEA	0
413-7	0	0	4.28	NO CEA	0
413-8	7.96	0.568571	7.88	NO CEA	0
413-9	2.1	0.15	6.84	NO CEA	0
413-10	1.73	0.123571	5.01	NO CEA	0
413-11	1.9	0.135714	3.64	NO CEA	0
413-12	1.76	0.125714	2.68	NO CEA	0
413-13	0	0	1.18	NO CEA	0
413-14	0	0	0.94	NO CEA	0
413-15	0	0	1.96	NO CEA	0
413-16	3.97	0.283571	3.27	NO CEA	0
413-17	0	0	1.96	NO CEA	0
413-18	0	0	0.65	NO CEA	0
413-19	0	0	0.18	NO CEA	0
413-20	0	0	0.53	NO CEA	0
413-21	1.08	0.077143	0.89	NO CEA	0
413-22	0	0	0.53	NO CEA	0
413-23	0	0	0.68	NO CEA	0
413-24	0	0	1.51	NO CEA	0
413-25	3.05	0.217857	2.51	NO CEA	0
413-26	0	0	1.51	NO CEA	0
413-27	0	0	1.45	NO CEA	0
413-28	0	0	4.49	NO CEA	0

**FRAME:** Frame number of 1990 aerial photograph  
**TRANS:** Transect number  
**MEAS DIST:** Recession distance (feet) between 1990 and 2004  
**RECESS RATE:** Recession rate (feet per year) between 1990 and 2004

**ANTICIPATED DIST:** Recession (feet) anticipated during the next 30 years  
**STATUS:** Indicates presence or absence of Coastal Erosion Area  
**OFFSET:** Offset (feet) due to artificial grading of the slope



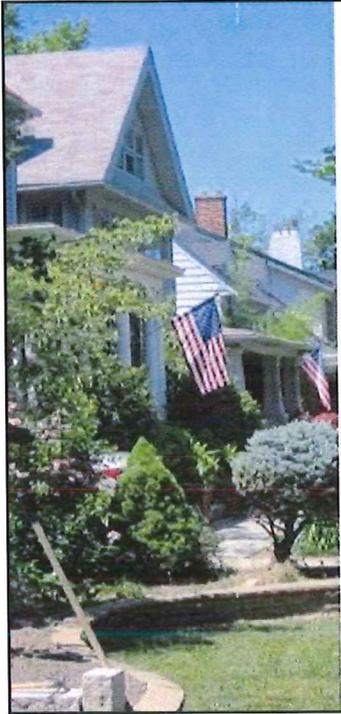
# Board of Zoning Appeals

September 15, 2016

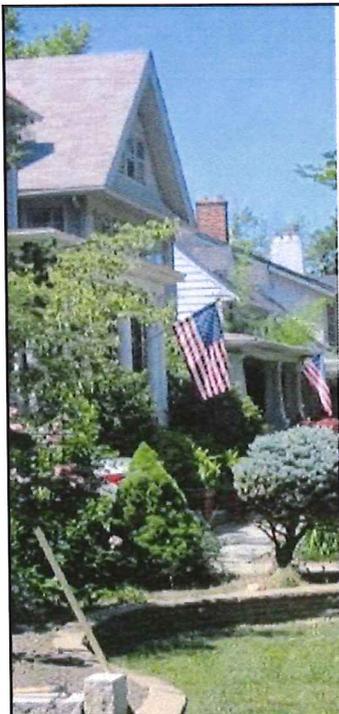


# Roll Call



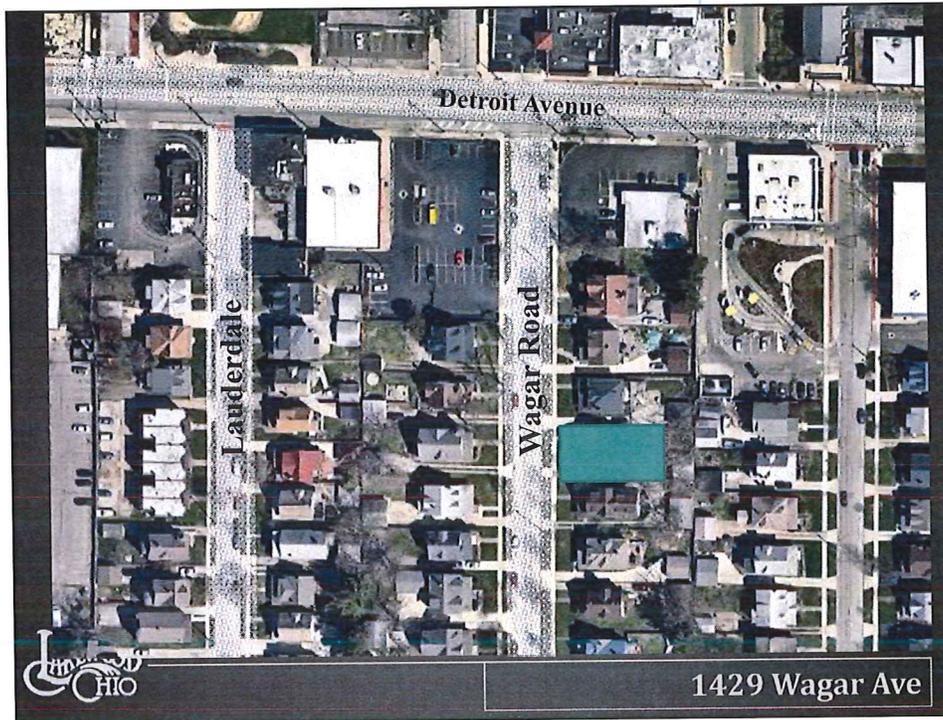


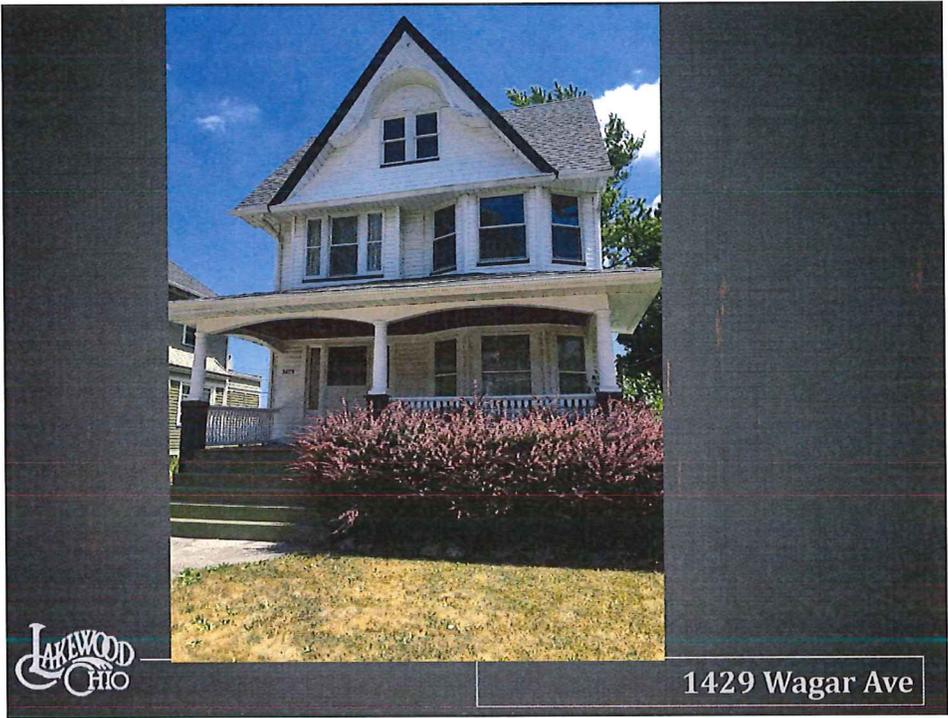
**Approve  
Minutes of  
the July  
21st  
Meeting**



**Opening  
Remarks**

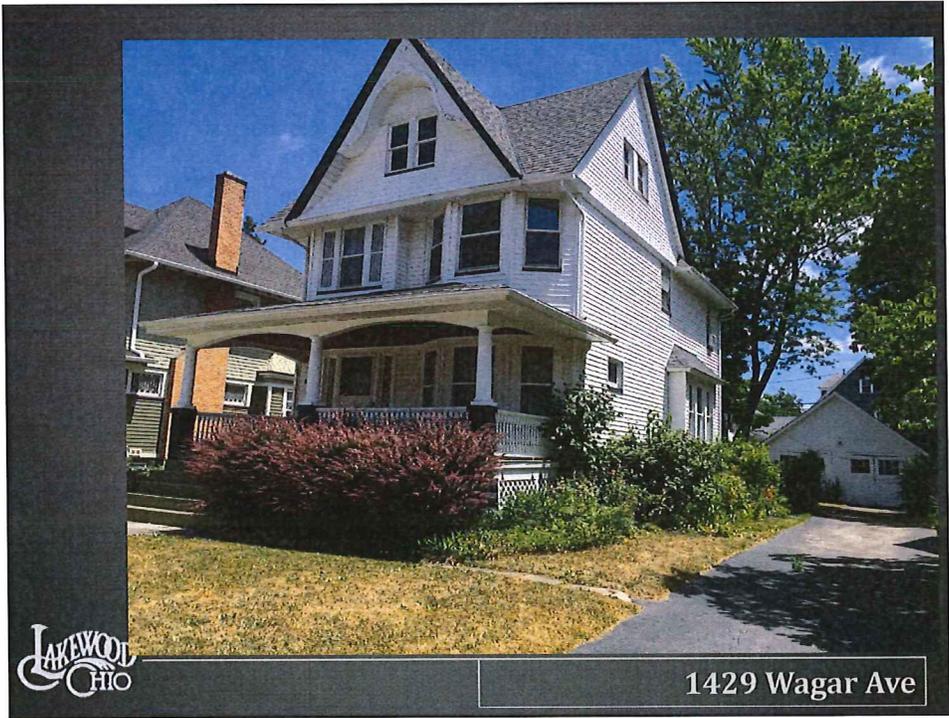






LAKESWOOD  
OHIO

1429 Wagar Ave



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1429 Wagar Ave



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1429 Wagar Ave



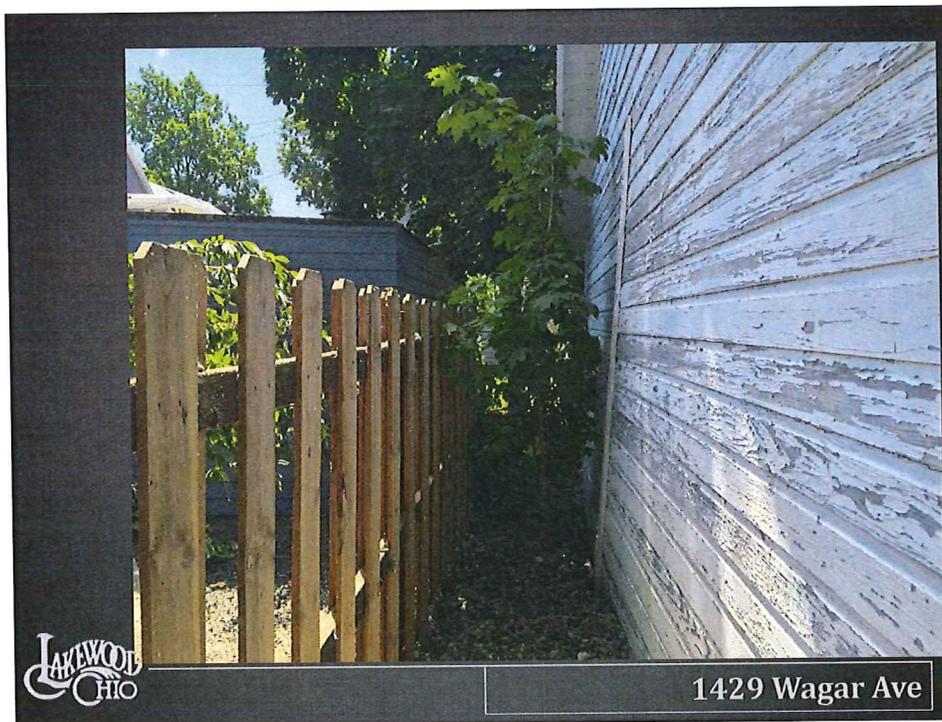
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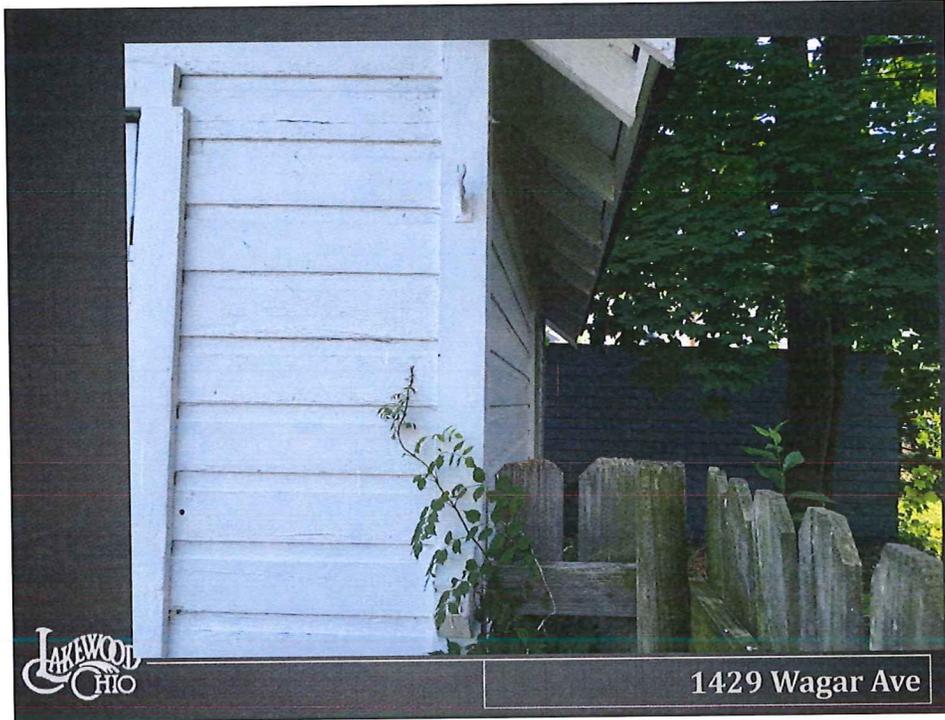
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1429 Wagar Ave



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1429 Wagar Ave



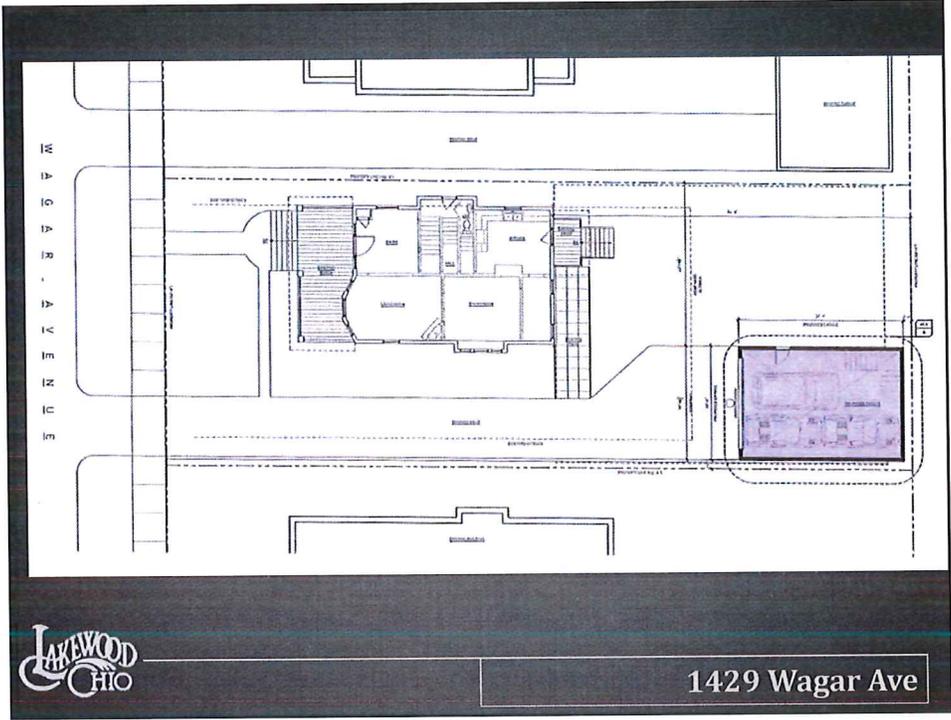
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1429 Wagar Ave



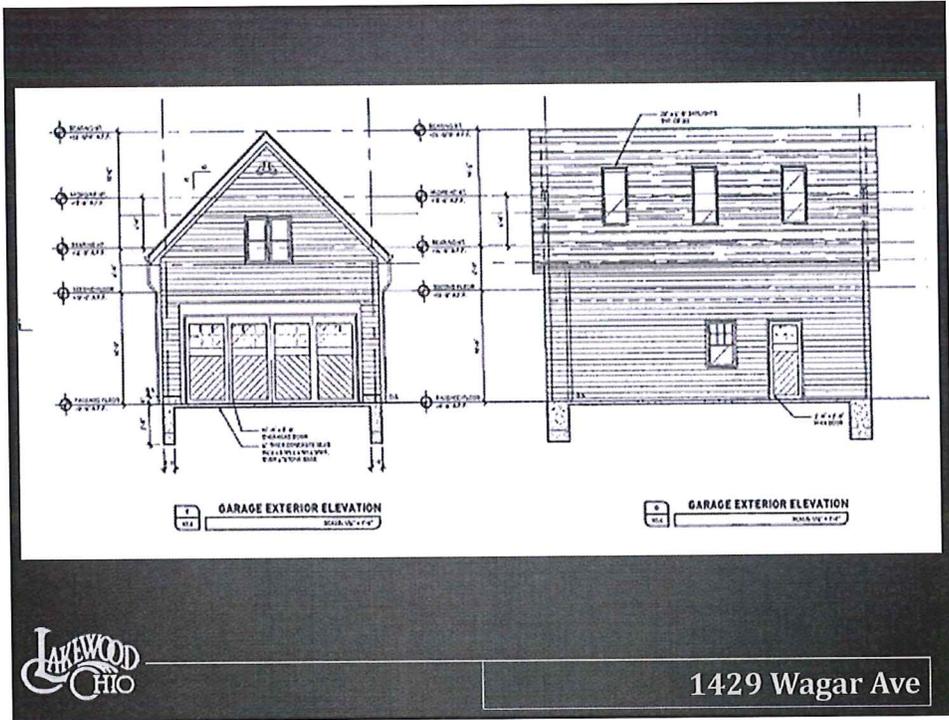
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1429 Wagar Ave



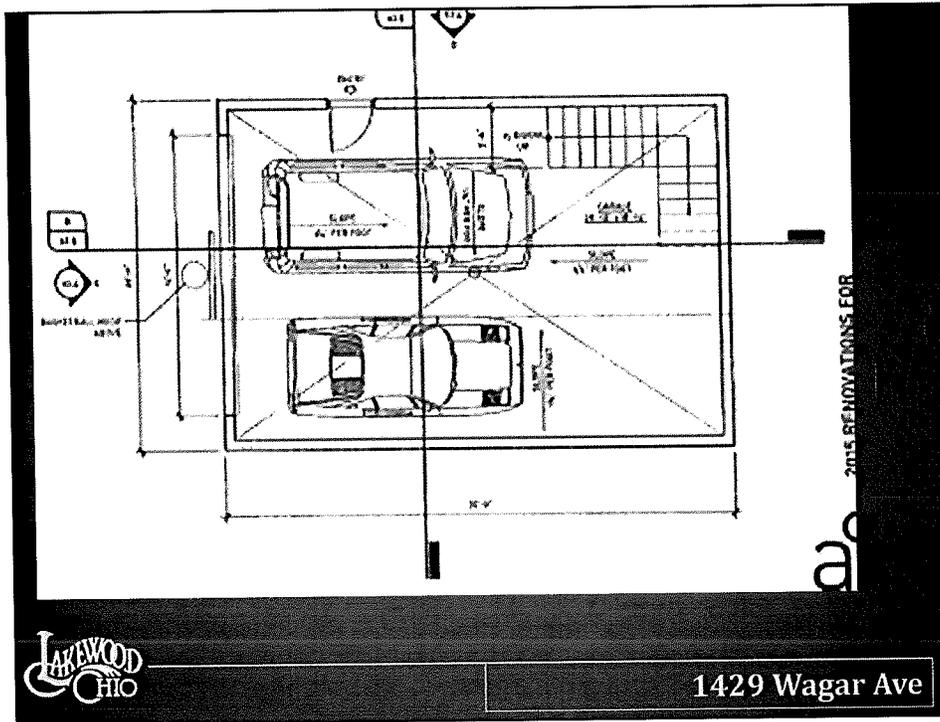
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1429 Wagar Ave



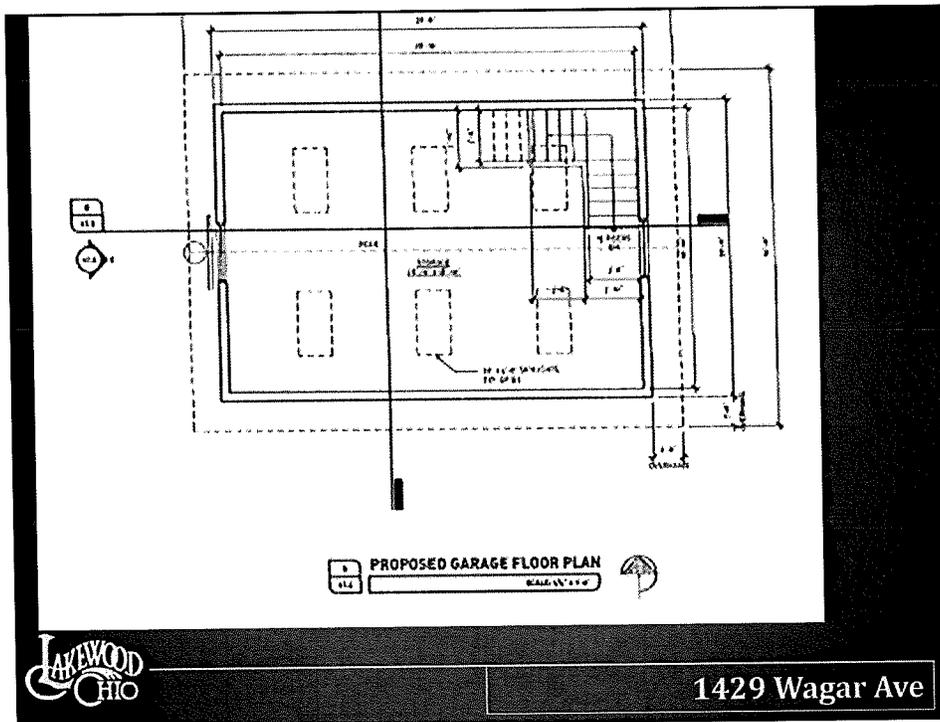
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1429 Wagar Ave



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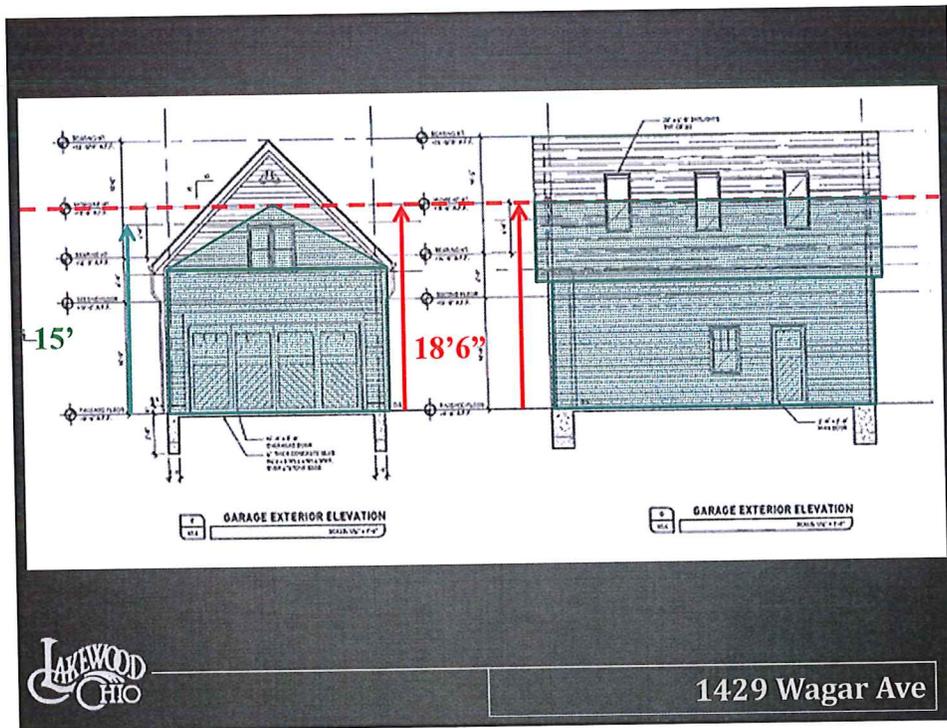
1429 Wagar Ave

7/21/2016- 1429 Wagar Ordinance	District	Size of Lot	Allowed In sq ft	Proposed In sq ft	Size of Variance Required In sq ft	Percent Increase/ decrease	administration
1123.03(a) A garage not to exceed 480 square feet in area or the requirement of Section 1123.09(c), whichever is greater. An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1123.03.	R2		480FT	600FT		ok	
1123.09(c), whichever is greater. An accessory structure or structures shall not cover more than twenty-five percent (25%) of the area of the rear yard except as provided in Section 1123.03.	R2	3139FT	784.75FT	600FT		ok	
1123.10(a) Accessory structures constructed of wood, excluding family swimming pools, may not be located within eighteen (18) inches of a side and rear property line.	R2			ok	18IN	ok	
1123.05 HEIGHT REGULATIONS. (b) An accessory structure, except an antenna, shall not exceed fifteen (15) feet in height above grade as determined by the Commissioner. (Ord. 91-95. Passed 10-7-1996.)	R2		15FT	18.5	3.5FT		

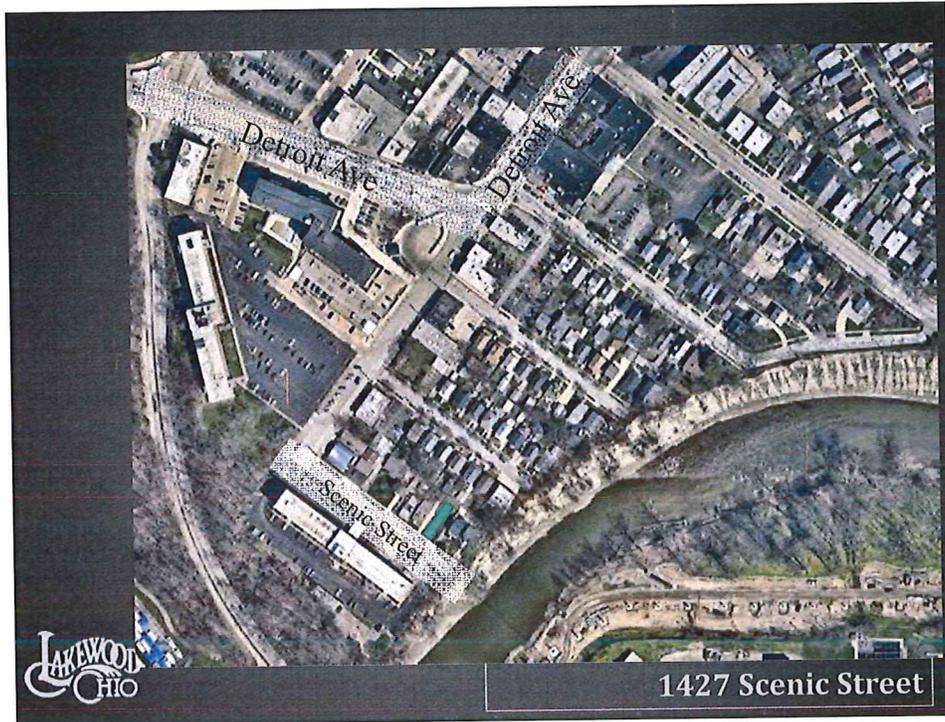
Applicant requires 1 variance to build as proposed: 1123.05(b): Height of the midpoint\* will be 18'6" which requires a variance of 3'6" from the maximum height allowed of 15 ft. (\*The height is the midpoint which is calculated by subtracting 1 foot from the height of the eave height and adding it to the total height and dividing by 2.)



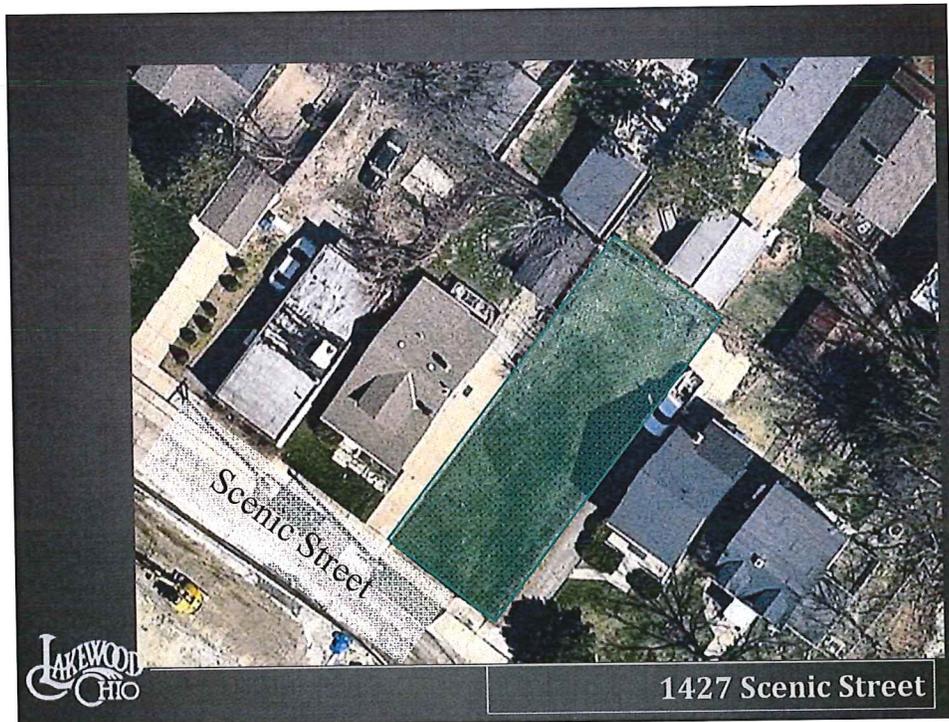
1429 Wagar Ave



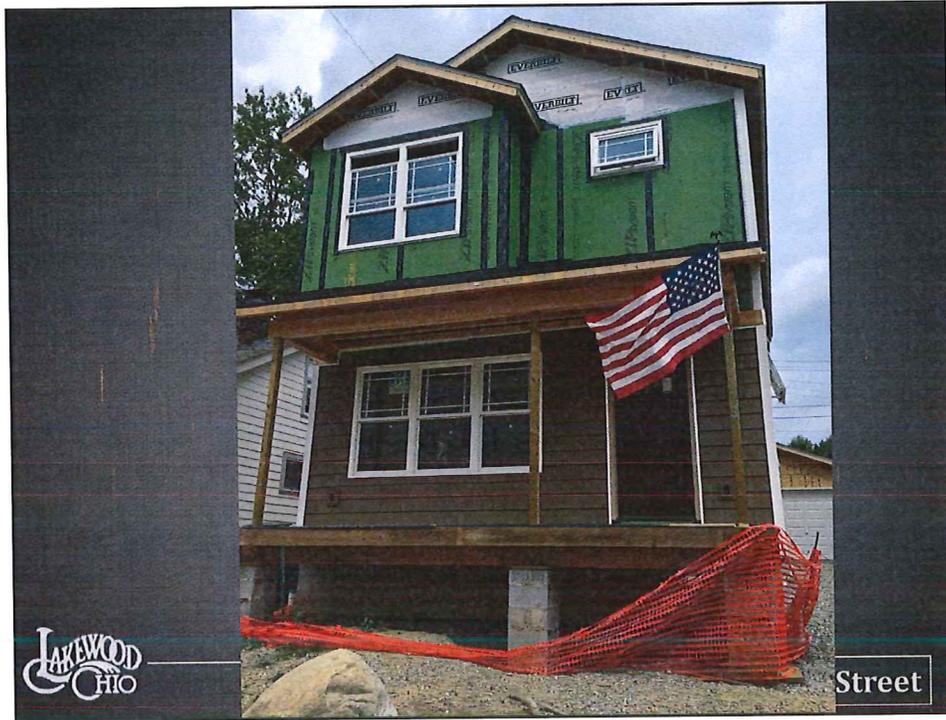
1429 Wagar Ave



1427 Scenic Street



1427 Scenic Street



LAKELWOOD  
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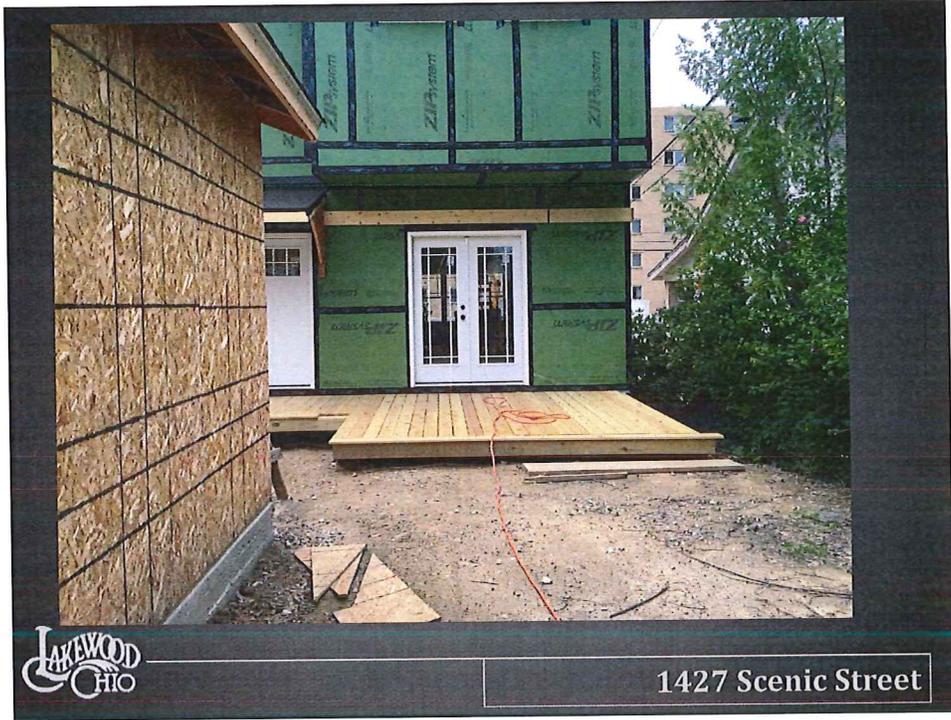
Street



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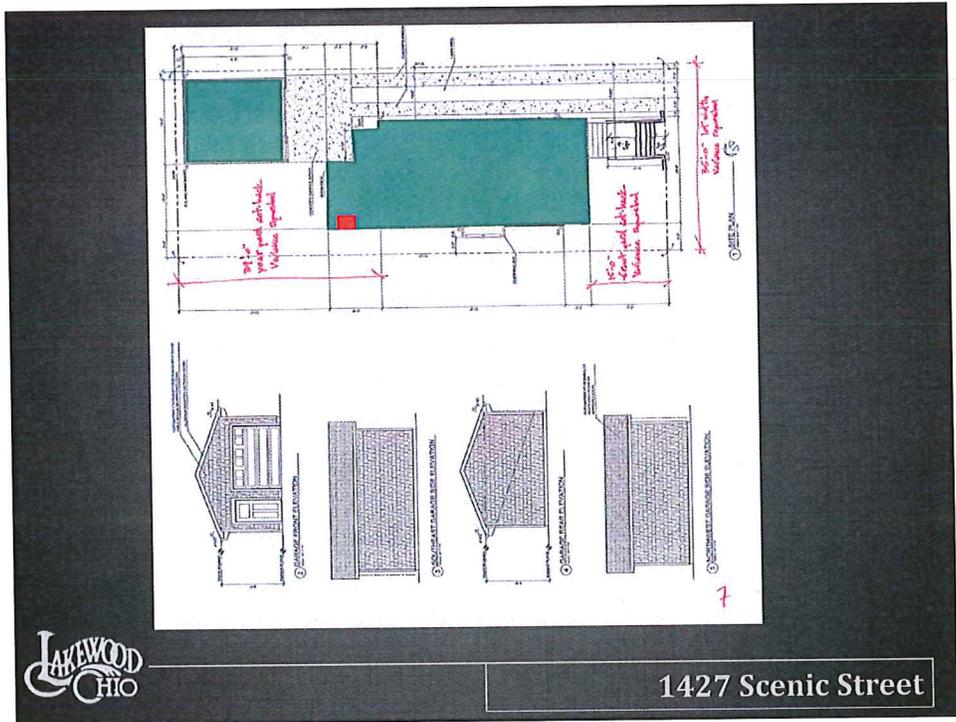
1427 Scenic Street





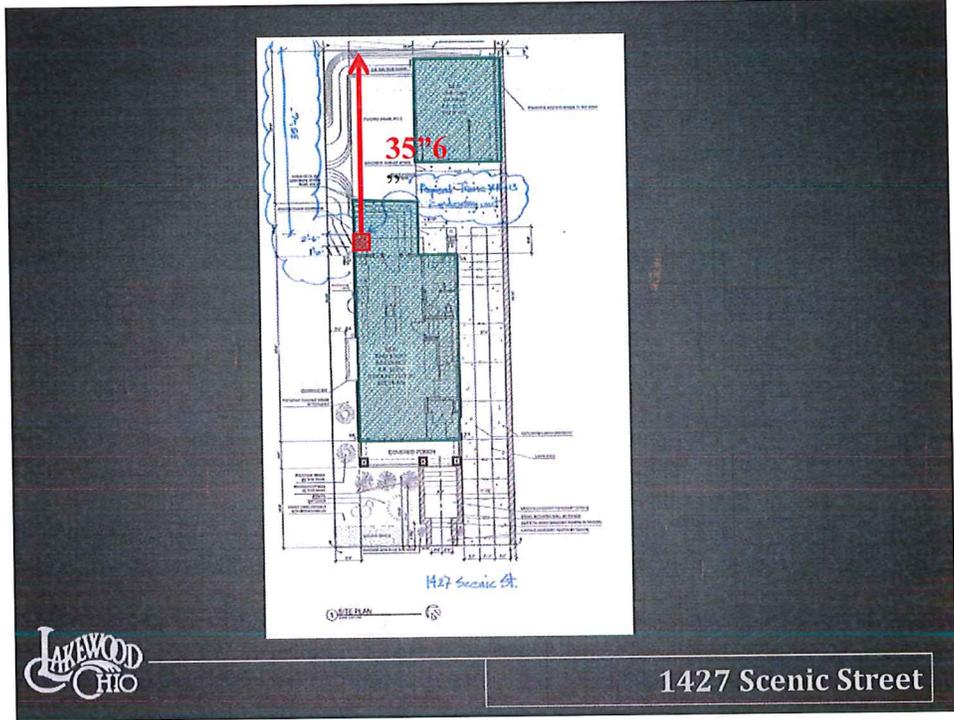
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1427 Scenic Street

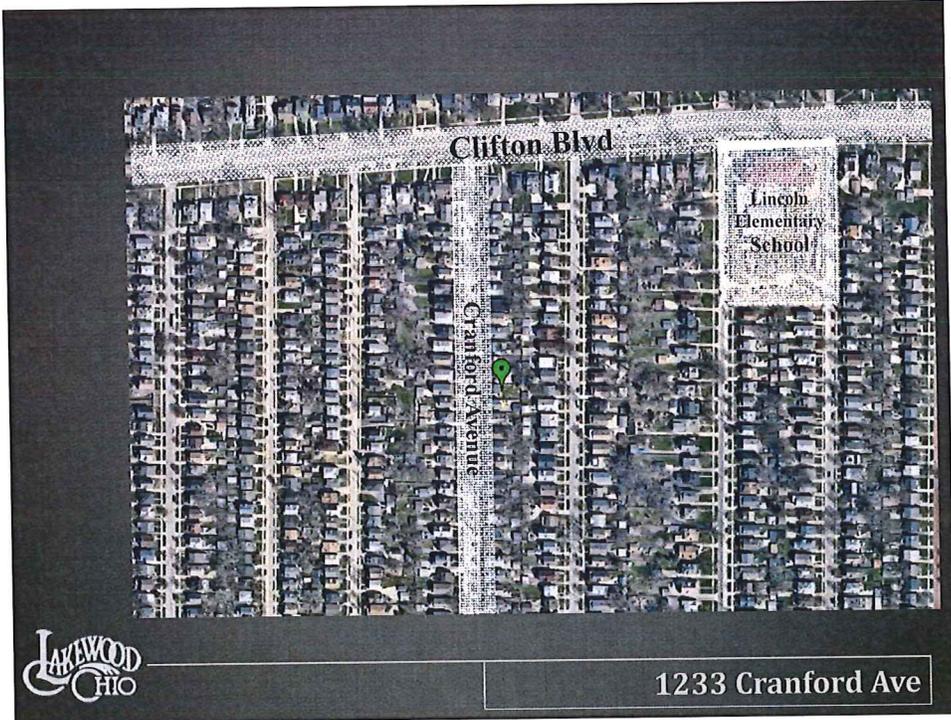


LAKWOOD  
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1427 Scenic Street



1427 Scenic Street



1233 Cranford Ave





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1233 Cranford Ave



LAKELWOOD  
OHIO

1233 Cranford Ave



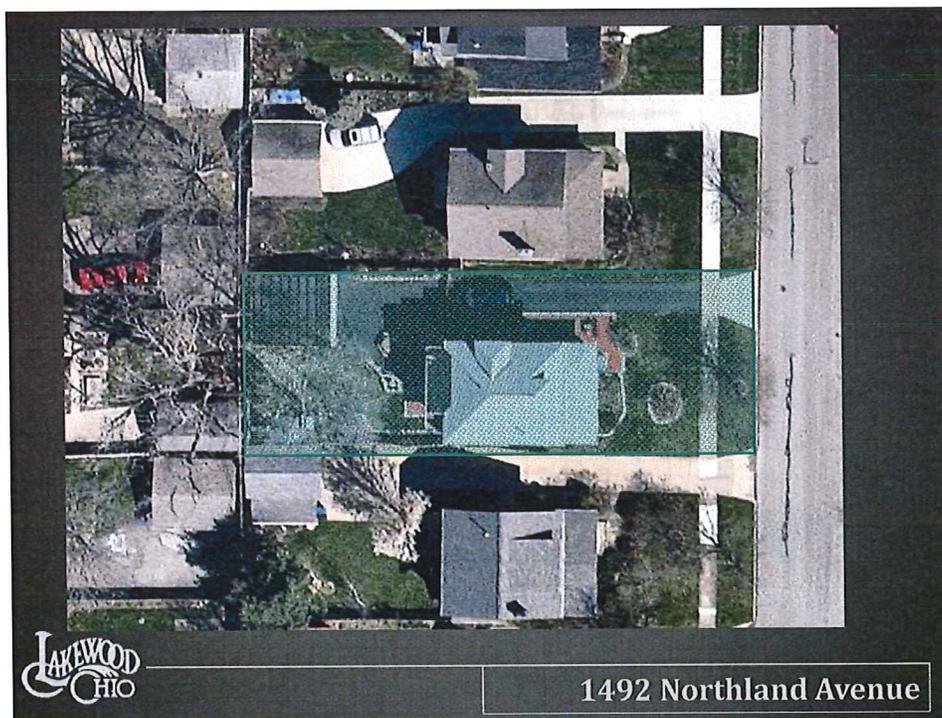
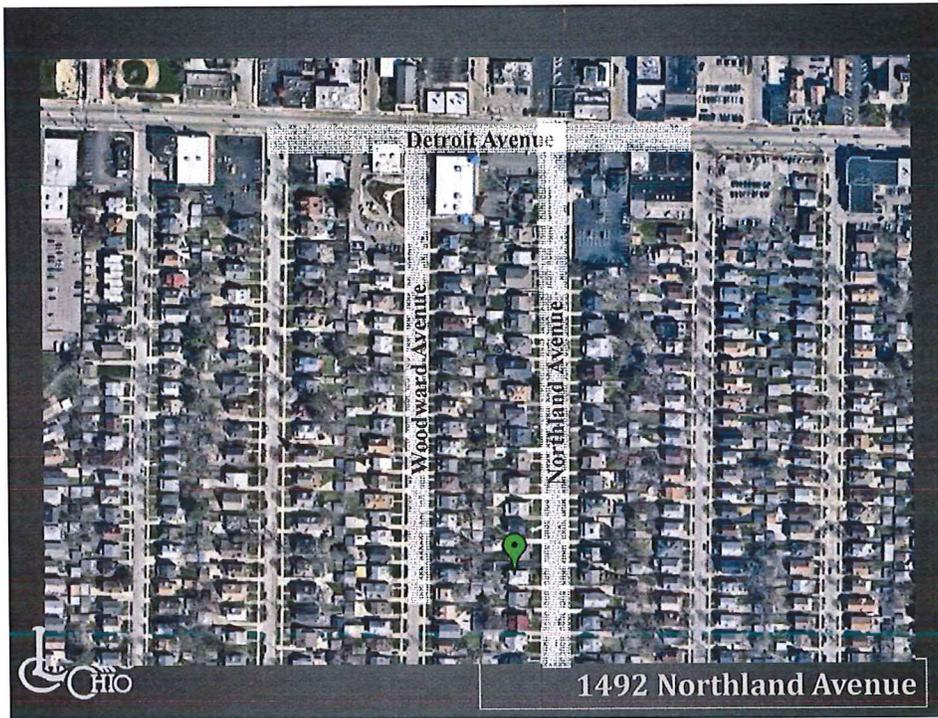
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1233 Cranford Ave



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1492 Northland Avenue



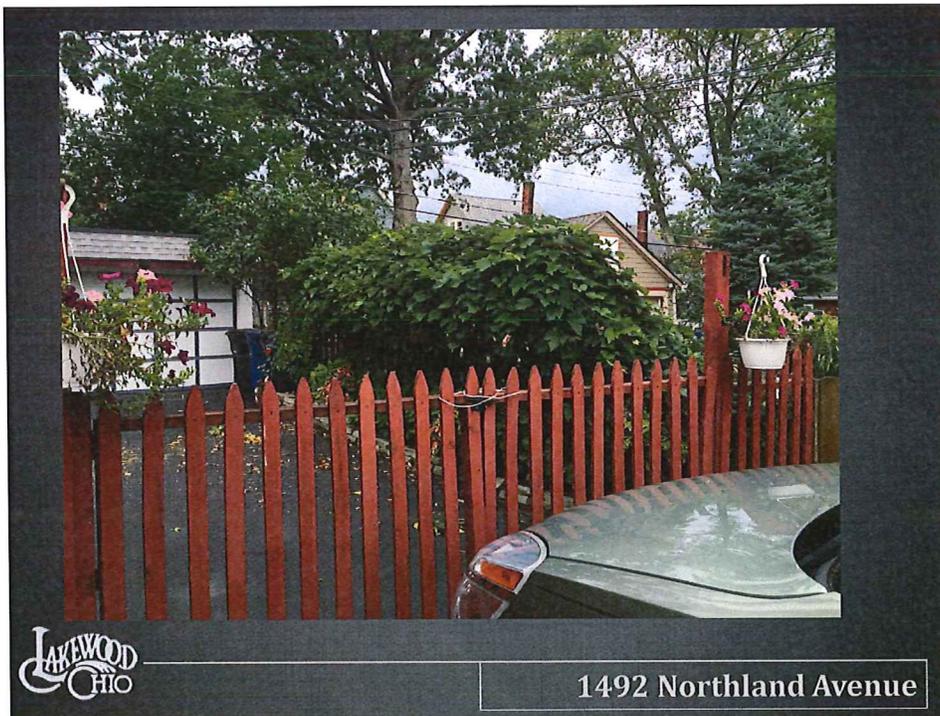
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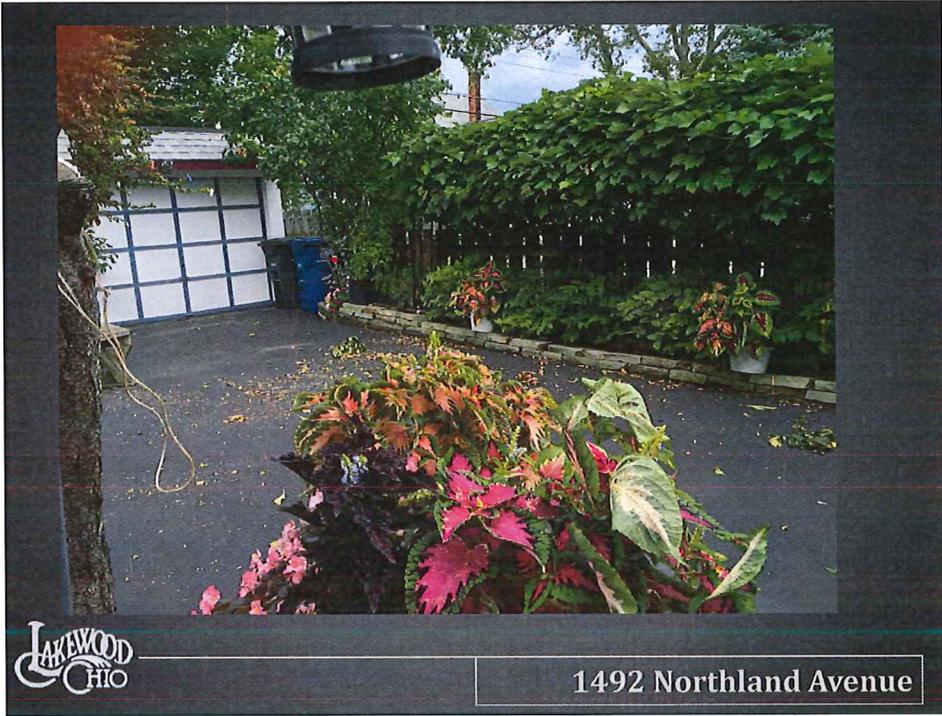
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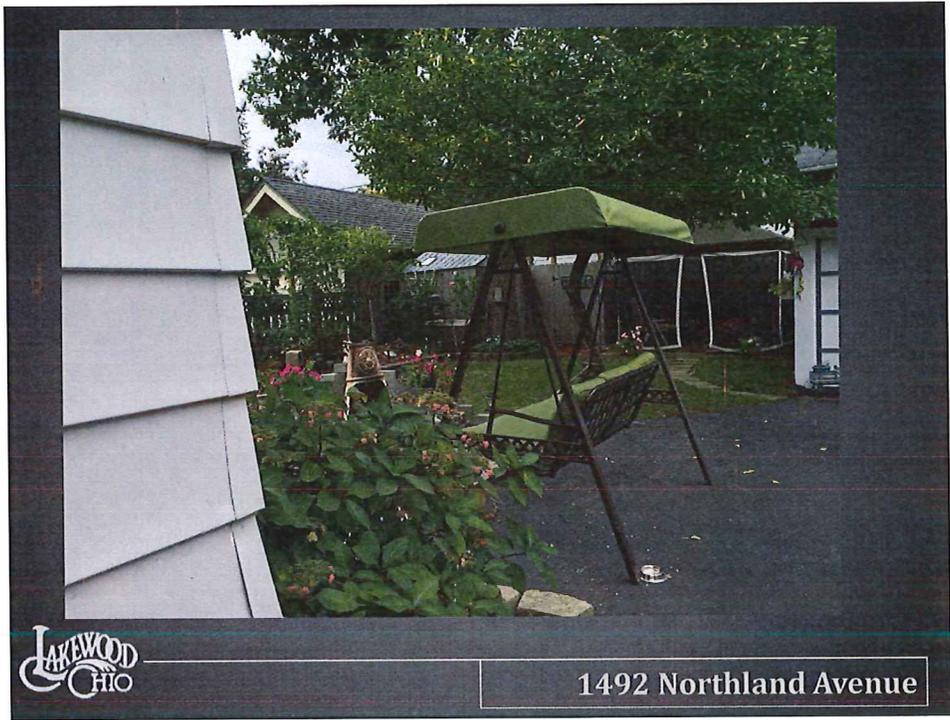
1492 Northland Avenue



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1492 Northland Avenue





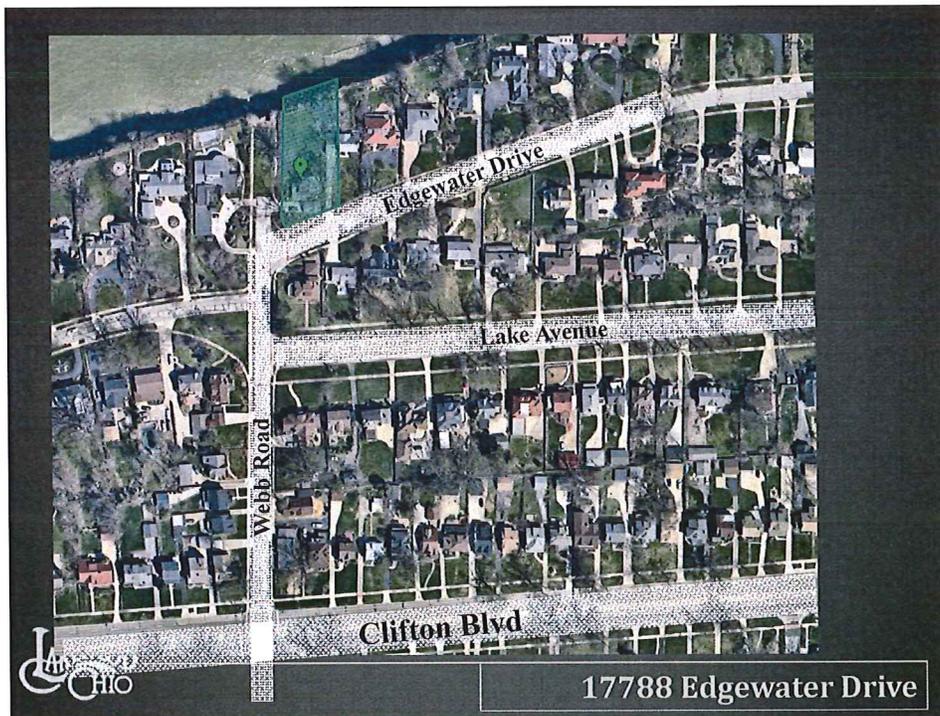
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1492 Northland Avenue



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17788 Edgewater Drive



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LAKELWOOD  
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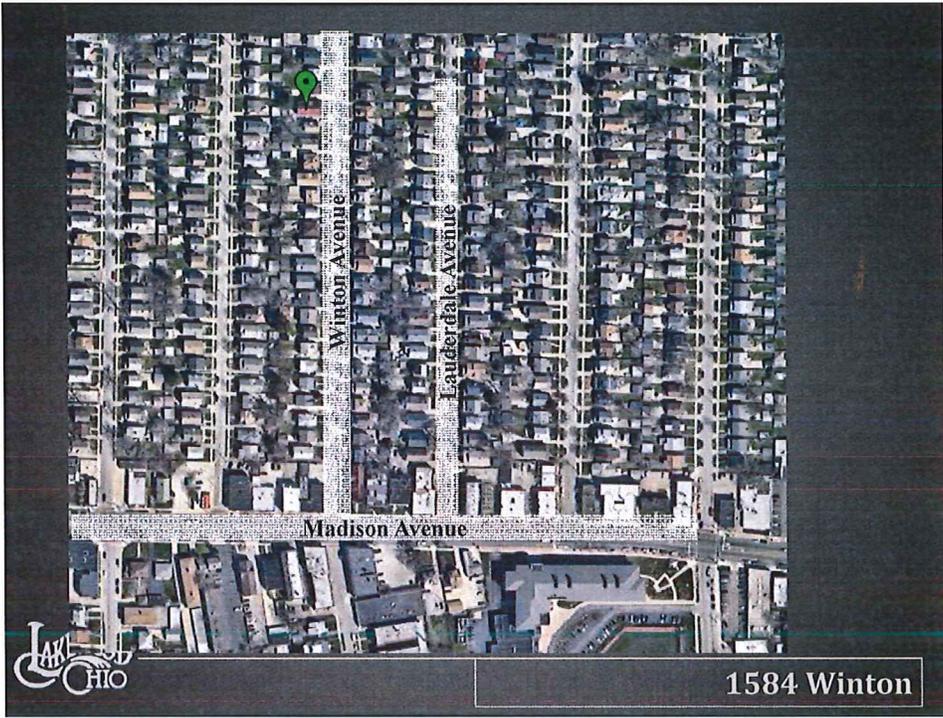
17788 Edgewater Drive

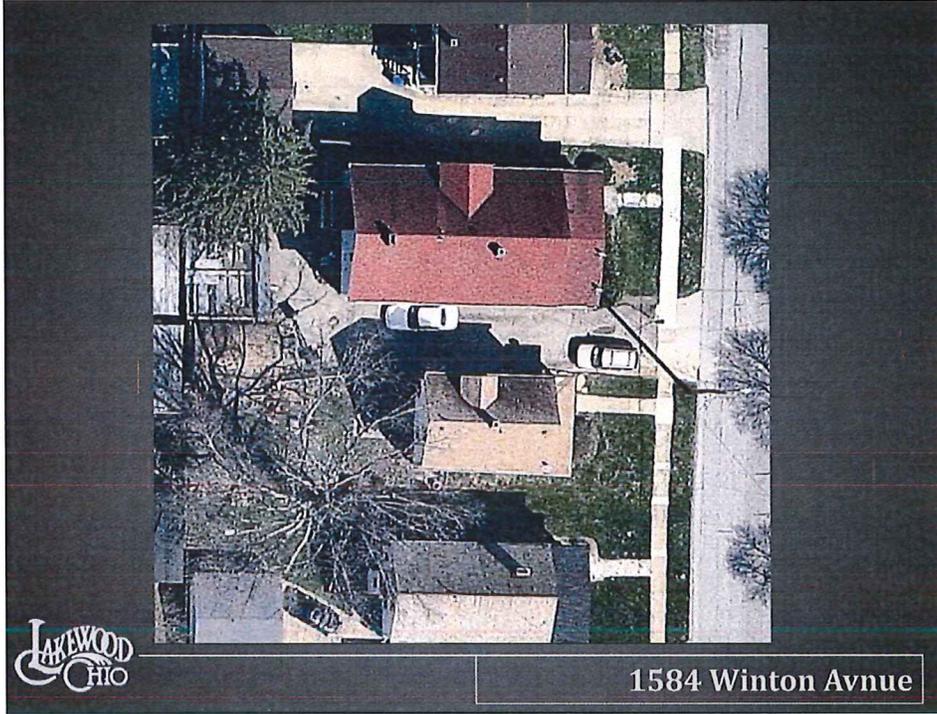


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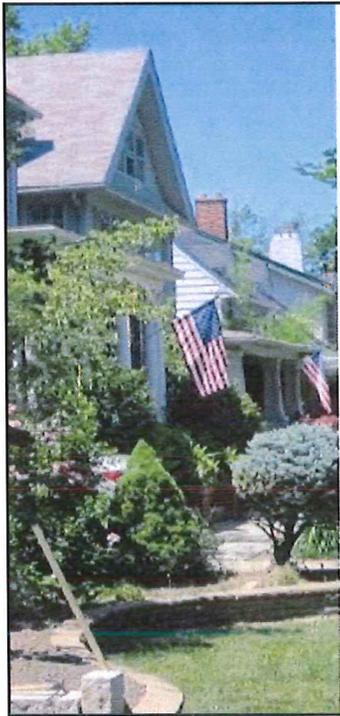
LAKWOOD  
OHIO

1584 Winton Avenue



End Meeting

LAKWOOD  
OHIO



# Board of Zoning Appeals

September 15, 2016

