

MINUTES
(Audio Recording Is Available)
BOARD OF ZONING APPEALS
JUNE 16, 2016
LAKEWOOD CITY HALL

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

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

The meeting began at 6:40 p.m.

1. Roll Call

Members Present

James Amendola
Cynthia Bender, Vice Chair
Zach Brown
Christopher Bindel
Kyle Krewson, Chairman

Others Present

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

2. Approve Minutes of the May 19, 2016 Meeting

A motion was made by Mr. Bindel, seconded by Mr. Brown to **APPROVE** the May 19, 2016 meeting minutes. All of the members voting yea, the motion passed.

3. Opening Remarks

Ms. Nochtka read the Opening Remarks into record.

~~4. Opening Remarks~~

~~Ms. Nochtka read the Opening Remarks into record.~~

NEW BUSINESS

4. Docket No. 06-12-16
17519 Daleview Avenue

Ken Burney, Burney Builders, Inc. applicant requests the review and approval of two variances to build a 756 square foot deck:

1. 142 sq. ft. increase of primary lot coverage, and
 2. a four-foot decrease in the allowable setback by 26%,
- pursuant to sections 1121.09 and 1121.07. The property is located in an R1H, Single Family and High Density district. (Page 2)

Ken Burney, Burney Builders, Inc. applicant and Jeff Endress, property owner were present to explain the requests.

Ms. Nochta read a letter of support from a neighboring property owner (made part of record).

Ms. Nochta said that the city administration did not support the proposal because of fire safety prevention, and, if the next door property was sold, the privacy of the neighbor. A four-foot space between the deck and existing fence would be within code by two square feet; anything more would need a variance.

Mr. Krewson and Mr. Molinski discussed the existing legal non-conformity of the main structure which allowed the deck to be placed four-feet from the fence rather than the required five-foot setback. Ms. Bender agreed that the requirement for a hardship had not been met.

Public comment was closed as there was no member of the public in attendance of the meeting. Mr. Bindel agreed there was no hardship, but there were safety issues.

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

ADJOURN

A motion was made by Mr. Brown, seconded by Mr. Bindel to **ADJOURN** at 6:47 p.m. All of the members voting yea, the motion passed.



Signature

7/21/16

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.	Jess Andrews 17519 Daleview	JG Fisher
2.		
3.	KEN BURNEY	K. Burney
4.		
5.		
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 Citizens Advisory Civil Svc. Dangerous Dog Income Tax Appeals Loan Approval Nuisance Abatement Appeals Parking Planning Zoning Appeals Other:

Date of Proceeding: Thursday, June 16, 2016

Jeff Endress

From: J. Atlee Horner III <jatleehorneriii@gmail.com>
Sent: Wednesday, June 15, 2016 1:33 PM
To: jendress@endresslpa.com
Subject: City of Lakewood

Esteemed City of Lakewood Officials,

My name is John Atlee Horner III and for over a decade I have lived at 17511 Daleview Drive in Lakewood. My family is from Shaker Heights but I have long felt that Lakewood is where I will live, support family businesses and eventually retire.

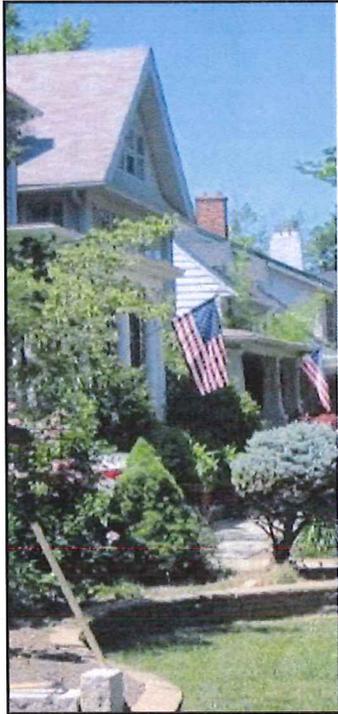
I am writing this email today to fully support my next door neighbor, Mr Endress, and his application before your committee. **As the neighbor most directly impacted by your decision, I would like to encourage you to approve his application.** I believe that his suggested improvement to his property will increase the property value of his home and by extension the value of all of the homes in this area.

Lakewood has been a city that is willing to challenge convention to improve, evolve and enhance the community. This proposed change is simply one more piece of that puzzle. As his next door neighbor, I ask you to approve his application.

I can be contacted by phone any time at 216-357-1646. Thank you for your attention.

J. Atlee Horner III

BA, M.Ed, MA, ABD
Consultant/Translator
216-357-1646

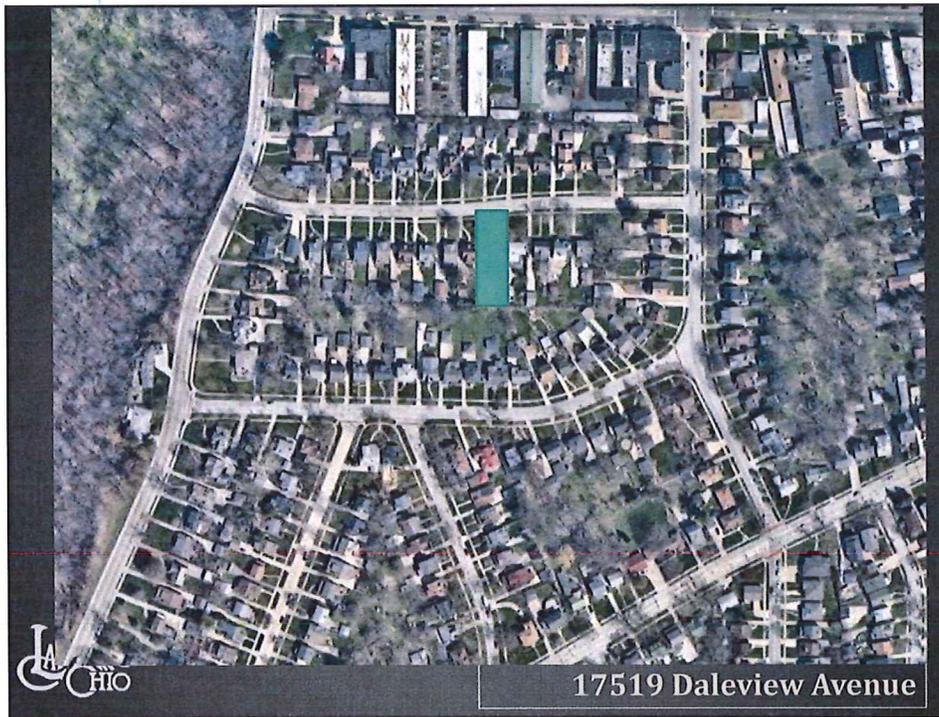


Board of Zoning Appeals

June 16, 2016



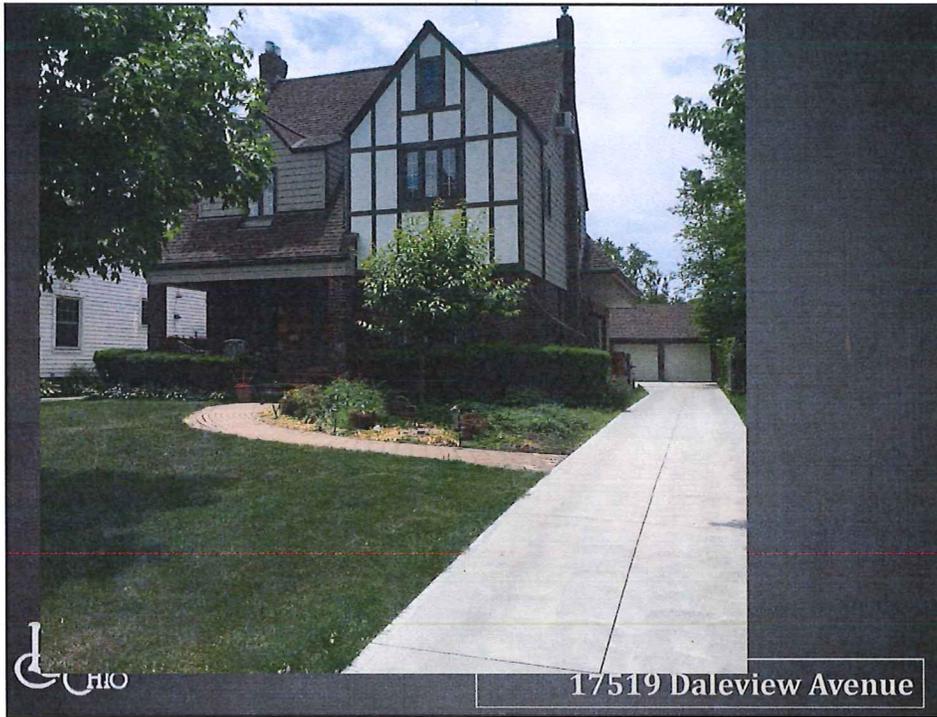
17519 Daleview Avenue



17519 Daleview Avenue



17519 Daleview Avenue





CHIO

17519 Daleview Avenue



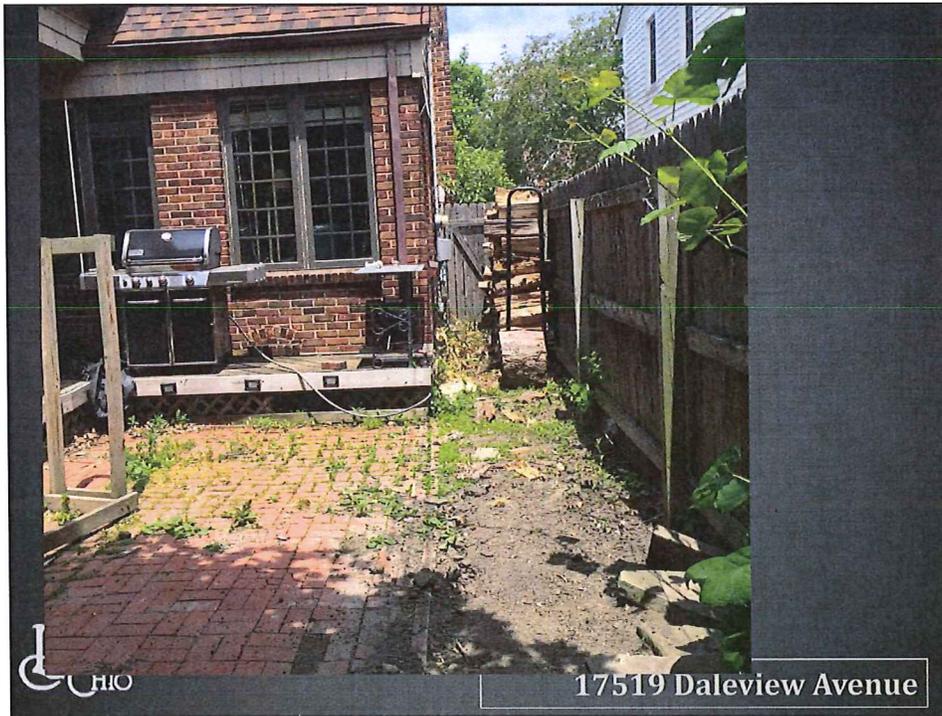
CHIO

17519 Daleview Avenue



OHIO

17519 Daleview Avenue



OHIO

17519 Daleview Avenue



17519 Daleview Avenue



17519 Daleview Avenue



17519 Daleview Avenue



17519 Daleview Avenue



BZA Meeting June 16th, 2016

Docket #	Ordinance	District	Allowed	Size of LOT	Proposed in sq ft	Size of Variance Required in sq ft	Percent Increase/decrease
42533	1121.09 MAXIMUM LOT AREA COVERAGE. (a) The principal structure including decks, patios, etc., shall not cover more than twenty-five percent (25%) of the lot area.	R1H	25%	9456	756 sq ft	142 sq ft	Increase primary structure to 2,506, a 26.6% a 1.6% increase
	1121.07(a) R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07 .	R1H	5 ft per side	Legal frontage 50.3	Proposed in sq ft Deck increasing the primary structure to the east property boundary, 0 on the east side, 11 on the west (driveway)side	4 sq ft	
	R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07 .	R1H	total of 15 feet				

Lakewood Ohio logo in the bottom left corner, and the address '17519 Daleview Avenue' is in the bottom right corner.

May30, 2016
Board of Zoning Appeals

Subject: Endress Res - Proposed deck encroaching into side yard
The proposed deck is to extend to the 6' board on board fence which is on the property line.

The existing challenges in the existing rear yard:
The existing maple tree provides the only shade in the back yard.
The existing maple tree has surface roots that make growing grass an impossibility.
The existing maple tree has a root system that is lifting bricks in the present brick patio.

The solution:
Construct a deck over the existing brick patio area & the around the maple tree.
The proposed deck would extend from the house to the existing 6' board on board fence.

The practical difficulty:
If the deck were to stop at a point equal to the side of the house the deck would be approximately 4' from the existing fence. This would leave a recessed area that would be difficult to maintain & require railing. The railing would again make it difficult to keep this area clean especially in the Fall when it would attract leaves & debris.

The special circumstances:
The desire to save the only tree in the back yard is the special circumstance that is requiring the proposed deck to be constructed.

The granting of the variance is necessary for the reasonable use of the property & that it is the minimum variance to accomplish this.

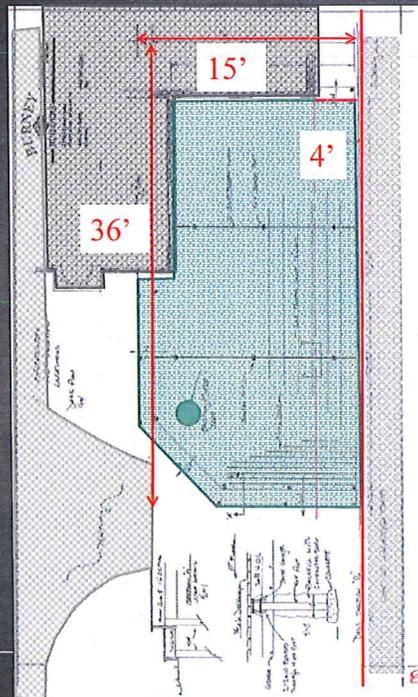
The granting of the variance will allow the property to be maintained as expected & that granting any less of a variance would not accomplish the goal of having a safe & practical deck area.



The granting of the variance will be in the harmony with the intent of the ordinances of Lakewood & will not be harmful to the neighborhood or public welfare.

The granting of the variance will only help the present & future owners maintain their rear yard & preserve a historic tree. The granting of the variance will not be harmful to the

view Avenue



Proposed deck:
15x 36= 540 sq feet.
Exceeds max lot
coverage by 142 sq ft.

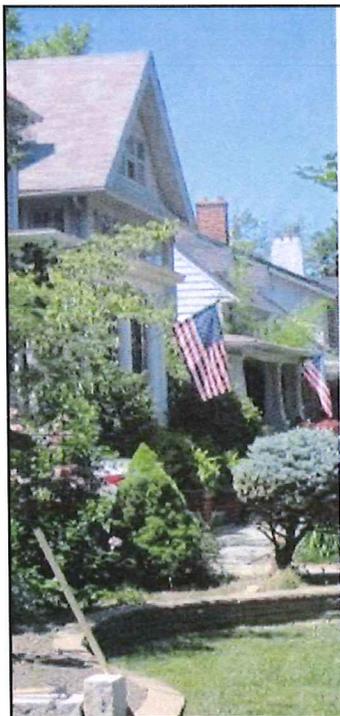


17519 Daleview Ave

Without sideyard variance:
 11x 36= 396 sq feet.
 Under max lot coverage by 2 sq ft.
 No variances required .

LAKWOOD
OHIO

17519 Daleview Ave



Board of Zoning Appeals

June 16, 2016

