

**MINUTES**  
**(Audio recording is available)**  
**PLANNING COMMISSION**  
**APRIL 2, 2015**  
**LAKWOOD CITY HALL**

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

Review docket items

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

The meeting was called to order at 7:00 p.m.

**1. Roll Call**

MEMBERS PRESENT

Kyle Baker  
Hannah Belsito  
William Gaydos  
Louis McMahon  
Mark Papke  
Mark Stockman

OTHERS PRESENT

Bryce Sylvester, Commission Secretary, City Planner

A motion was made by Mr. Gaydos, seconded by Mr. Papke to **EXCUSE** the absence of Patrick Metzger. All of the members voting yea, the motion passed.

**2. Election of Chair Member**

A motion was made by Ms. Belsito, seconded by Mr. Gaydos to **ELECT** Mr. Stockman as Chair Member. All of the members voting yea, the motion passed.

**3. Election of Vice-Chair Member**

A motion was made by Mr. Belsito, seconded by Mr. Papke to **ELECT** Mr. McMahon as Vice-Chair Member. All of the members voting yea, the motion passed.

**4. Approve the Minutes of the March 5, 2015 meeting**

A motion was made by Mr. Stockman, seconded by Ms. Belsito to **APPROVE** the minutes of the March 5, 2015 meeting as amended:

- to remove the words "voting to" in Item 2.

All of the members voting yea, the motion passed.

## 5. Opening Remarks

### OLD BUSINESS

#### CONDITIONAL USE

6. **Docket No. 03-07-15**  
**12215 Clifton Boulevard**  
**AIY Properties, Inc.**

Dominic Audino, AIY Properties, Inc., applicant, requests the review and approval of a Conditional Use permit to operate a leasing office for approximately 700 apartment units owned and managed in Lakewood, pursuant to Section 1161-03 – Supplemental Regulations for Specific Uses. The property is located in an MH, Multi-Family and High Density district. This item was deferred from March. (Page 4)

Mr. Sylvester informed the Commission the applicants were requesting a deferral.

A motion was made by Mr. Stockman, seconded by Mr. Papke to **DEFER** the item **until the meeting of May 7, 2015**. All of the members voting yea, the motion passed.

### NEW BUSINESS

7. **LOT CONSOLIDATION**  
**Docket No. 04-08-15**  
**14816-18 Clifton Boulevard**

Christopher Dempsey, Dempsey Surveying, Co. and applicant requests the review and approval of a lot split of the southerly portion of the residential lot, 14823 Lake Avenue and a consolidation with the property at 14816-18 Clifton Boulevard, pursuant to Section 1155.06 – Procedures for lot consolidations and resubdivision. This property is located in an R2, Single and Two-Family district. (Page 5)

Christopher Dempsey, Dempsey Surveying, Co., applicant and Maria Reardon, property owner were present to explain the request.

No public comment was given. Mr. Papke said the plan was reviewed by the Engineering Department. Mr. Sylvester said the City's administration supported the request.

A motion was made by Mr. Gaydos, seconded by Mr. Baker to **GRANT** the request **with the following stipulations:**

- **Approval of the Architectural Board of Review for landscaping and parking lot design, and**
- **Approval of the Division of Engineering.**

All of the members voting yea, the motion passed.

### COMMUNICATION

8. **Docket No. 04-09-15**  
**Regarding Rezoning of the property located at 14823 Lake Avenue**

All of the members voting yea, the motion passed.

## 5. Opening Remarks

### OLD BUSINESS

#### CONDITIONAL USE

6. **Docket No. 03-07-15**  
**12215 Clifton Boulevard**  
**AIY Properties, Inc.**

Dominic Audino, AIY Properties, Inc., applicant, requests the review and approval of a Conditional Use permit to operate a leasing office for approximately 700 apartment units owned and managed in Lakewood, pursuant to Section 1161-03 – Supplemental Regulations for Specific Uses. The property is located in an MH, Multi-Family and High Density district. This item was deferred from March. (Page 4)

Mr. Sylvester informed the Commission the applicants were requesting a deferral.

A motion was made by Mr. Stockman, seconded by Mr. Papke to **DEFER** the item **until the meeting of May 7, 2015**. All of the members voting yea, the motion passed.

### NEW BUSINESS

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**Docket No. 04-08-15**  
**14816-18 Clifton Boulevard**

Christopher Dempsey, Dempsey Surveying, Co. and applicant requests the review and approval of a lot split of the southerly portion of the residential lot, 14823 Lake Avenue and a consolidation with the property at 14816-18 Clifton Boulevard, pursuant to Section 1155.06 – Procedures for lot consolidations and resubdivision. This property is located in an R2, Single and Two-Family district. (Page 5)

Christopher Dempsey, Dempsey Surveying, Co., applicant and Maria Reardon, property owner were present to explain the request.

No public comment was given. Mr. Papke said the plan was reviewed by the Engineering Department. Mr. Sylvester said the City's administration supported the request.

A motion was made by Mr. Gaydos, seconded by to **GRANT** the request **with the following stipulations:**

- **Approval of the Architectural Board of Review for landscaping and parking lot design, and**
- **Approval of the Division of Engineering.**

All of the members voting yea, the motion passed.

### COMMUNICATION

8. **Docket No. 04-09-15**  
**Regarding Rezoning of the property located at 14823 Lake Avenue**

At its meeting in March 16, 2015, Lakewood City Council referred an application for rezoning of a 25 ft. x 60 ft. portion of the parcel at 14823 Lake Avenue (PPN 312-15-022) from R1H (Single Family High Density) to R2 (Single and Two Family). The rezoning will take place after the said portion of parcel is split from 14823 Lake Avenue in order to consolidate with 14818 Clifton Blvd (PPN 312-15-023). The rezoning is necessary to match the zoning of 14818 Clifton Blvd. City Planner Bryce Sylvester will present the proposed changes to the Zoning Map of the City to the Commission members for their consideration. (Page 12)

A motion was made by Mr. Baker, seconded by Mr. Gaydos to **RECOMMEND** to City Council for approval of the rezoning. All of the members voting yea, the motion passed.

10. **Docket No. 04-11-15**  
**14600 Detroit Avenue**  
**Forage**

Fady Chamoun, Citizens Eatery LLC dba Forage, applicant, requests the review and approval of a Conditional Use permit for outdoor seasonal dining facility at Forage, pursuant to Section 1161-03 – Supplemental regulations for specific uses. The property is located in an MH, Multi-Family and High Density district. (Page21)

Victoria Angelo, Citizens Eatery LLC dba Forage, representative was present to explain the request. Mr. McMahon recused himself from the item.

A motion was made by Mr. Gaydos, seconded by Ms. Belsito to **GRANT with the following stipulations:**

- **Approval by the Architectural Board of Review, and**
- **Compliance with the seating capacity.**

Mr. Baker, Ms. Belsito, Mr. Gaydos, Mr. Papke, and Mr. Stockman voting yea, and Mr. McMahon abstaining, the motion passed.

11. **Docket No. 04-12-15**  
**Communication from City Planner Bryce Sylvester**  
**Renewal of Conditional Use Permit for Outdoor Seasonal Dining**

The following received approval of the annual renewal of Conditional Use permit for the year of 2015 through administrative review by the Department of Planning and Development:

- 11904-08 Detroit Avenue; Five O’Clock Lounge,
- 12401 Detroit Avenue; Peppers Italian Restaurant,
- 14013 Detroit Avenue; GetGo,
- 14018 Detroit Avenue; Winking Lizard,
- 14718 Detroit Avenue; Melt Bar & Grilled,
- 14900 Detroit Avenue; Rozi’s Wine House,
- 15008 Detroit Avenue; 16-Bit + Arcade,
- 15010 Detroit Avenue; Yogurt Treats, LLC (“menchie’s”),
- 15312-14 Detroit Avenue; Quaker Steak & Lube,
- 15605-07 1/2 Detroit Avenue; Merry Arts Pub + Grille,

- 16300 Detroit Avenue; StrEat Burger,
- 16512 Detroit Avenue; Cozumel Mexican Restaurant,
- 16934 Detroit Avenue; Midtown Booths,
- 18405 Detroit Avenue; India Garden Bar & Restaurant,
- 18622 Detroit Avenue; Around the Corner,
- 12700 Lake Avenue; Pier W Restaurant,
- 11926 Madison Avenue; The Flying Rib,
- 12112 Madison Avenue; The Bevy in Birdtown,
- 13603 Madison Avenue; Bonnie and Clyde's, LLC,
- 13715 Madison Avenue; Angelo's Pizza,
- 14224 Madison Avenue; El Tango Taqueria,
- 14810 Madison Avenue; The Red Rose Café,
- 15527-33 Madison Avenue; Barrio's,
- 17014 Madison Avenue; Mullen's of Madison,
- 1528 West 117<sup>th</sup> Street; Dunkin' Donuts.

(Page 30)

Mr. Sylvester relayed the report to the Commission. The police responded to calls regarding noise issues at Around the Corner and Bonnie and Clyde's maybe two or three time in the year.

For the establishments receiving annual renewals, the Commission asked them to be reminded about their conditions in the renewal letters.

A motion was made by Mr. Papke, seconded by Mr. Baker to **RECEIVE AND FILE** the communication. All of the members voting yea, the motion passed.

## REVIEW

12. **Docket No. 07-19-13**  
**13368 Madison Avenue**  
**Brew 133**

Review of Conditional Use compliance. In July 2013, Shawn Botkins, applicant, requested approval for a Conditional Use permit for an outdoor dining facility pursuant to Section 1161.03(t) – Outdoor/Seasonal Dining Facility and Section 1173.02(b) – Conditional Use Permits. The Commission granted the use at its July, 10, 2013 meeting. The property is located in a C3, Commercial and General Business district. (Page 32)

Mr. Sylvester said there were a lot of reports for noise complaints. As of last evening, the business had closed officially.

A motion was made by Mr. Gaydos, seconded by Mr. McMahon to **DENY** the renewal. All of the members voting, the motion passed.

## COMMUNICATION

13. **Docket No. ~~03-04-15~~ 04-13-15**  
**Proposal for Modifications to Two Parts of the Zoning Code**

## Garages and Air Conditioning Units

Bryce Sylvester, City Planner, and Kyle Krewson, Board of Zoning Appeals Member, will present a proposal for modifications to two parts of the zoning. The first is a recommendation to change definition of garage height, and the second is to modify the requirements for side yard variances for air conditioning units. (Page34)

Bryce Sylvester introduced the communication, and Mr. Krewson explained the modifications.

Mr. Stockman felt a driveway restriction for air conditioning units was required. Mr. Gaydos concurred. Mr. Gaydos thought screening of the units from the neighboring property should be required. The Commission offered its changes to the proposed:

(A) the requirements to side yard variances for air conditioning units with the following changes:

- delete "or 42 inches from an adjoining property's driveway",
- amend to "not closer than 24" from the property line", and
- add "maintain screening of the unit".

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **RECOMMEND** to City Council for consideration modification of 1121.07 under docket item 03-04-15 relating to Ord.15-15. All of the members voting yea, the motion passed.

A motion was made by Mr. McMahon, seconded by Mr. Gaydos to **DEFER** modification of 1103.10 Definitions as relating to Ord. 16-15 until the meeting of May 7, 2015. All of the members voting yea, the motion passed.

### CONDITIONAL USE

9. **Docket No. 04-10-15**  
**2060 Wascana Avenue**

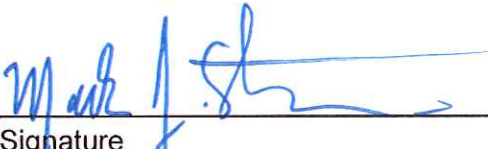
Michael B. Blakesmith, property owner and applicant requests the review and approval of a Conditional Use permit to operate a firearms repair business, classified as a Type B Home Occupation, in an R2 Single and Two Family Residential District, pursuant to Section 1161.03(f) – Supplemental regulations for specific uses. (Page 14)

Mr. Sylvester had spoken with the applicant who was expected to attend the meeting. He asked for a deferral.

A motion was made by Mr. Stockman, seconded by Mr. Gaydos to **DEFER until the meeting of May 7, 2015**. All of the members voting yea, the motion passed.

### ADJOURN

A motion was made by Mr. Papke, seconded by Ms. Belsito to **ADJOURN** the meeting at 7:45 p.m. All of the members voting yea, the motion passed.

  
\_\_\_\_\_  
Signature

5-7-2015  
\_\_\_\_\_  
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. Maria Reardon
2. Chris Dempsey
3. Victoria Angelo
4. Kyle Krewson
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_

1. Maria Reardon
2. Chris Dempsey
3. Victoria Angelo
4. Kyle Krewson
5. \_\_\_\_\_
6. \_\_\_\_\_
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9. \_\_\_\_\_
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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, April 2, 2015

# memo

To: Kevin Butler, Law Director, Lakewood, Ohio  
CC: Dru Siley, Director of Planning and Development, Lakewood, Ohio  
Bryce Sylvester, Planner, Planning and Development, Lakewood, Ohio  
From: Kyle Krewson, Vice-Chairman, Board of Zoning Appeals  
Date: 3/24/2015  
Re: Recommended Zoning Ordinance Amendments Language Modification

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Comments: Attached you will find the revised proposed zoning amendments for building height definition and A/C condensers in the side yard setback. I have previously reviewed these changes with Bryce Sylvester. The revised language included here is what was presented to the BZA last week. This varies slightly from what was included in the City Council March 16, 2015 docket agenda.

For air conditioners in the side yard, the word "vegetative" was removed to allow for greater flexibility in the type of year round screening that is permitted. Also, where a neighboring driveway is present, the clearance required was reduced down from 48" to 42" allowing for greater flexibility.

For building height definition, rather than having two separate definitions in the code, I'm proposing eliminating the definition from "Additional District Regulations" and merging the language with the Building Height Definitions under the definitions section. This will add clarity to the code and eliminate redundancy.

I've kept the original proposed changes in red in the attached document, and made these most recent modifications in Bold. If possible, it might make sense to update the docket for the Planning Commission with this revised language so as to eliminate confusion. Please let me know if you have any questions.

## Recommended Code Changes Related to Air Conditioner in Side Yard Setback

### 1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

### 1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

### 1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round vegetative screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the exiting building.

## Recommended Code Changes Related to Garage Height

### 1103.02 DEFINITIONS.

(q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building as determined by the building commissioner to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs; or where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.

### 1133.07 MEASUREMENT OF BUILDING HEIGHT.

#### REMOVE SECTION FROM CODE

~~(a) — The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof or where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.~~

## Recommended Code Changes Related to Air Conditioner in Side Yard Setback

### **1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

### **1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

### **1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. Air conditioning units with a ANSI/AHRI sound rating of less than 70 dB shall be excluded from the side yard setback provided that: the unit is placed no more than 24" from the property line or 42" from an adjoining property's driveway, the unit is entirely serviceable without needing to enter on to the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the exiting building.

## Recommended Code Changes Related to Garage Height

### **1103.02 DEFINITIONS.**

(q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building as determined by the building commissioner to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel roofs; or where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment

### **1133.07 MEASUREMENT OF BUILDING HEIGHT.**

*REMOVE SECTION FROM CODE*

ORDINANCE NO. 15-15

BY:

AN ORDINANCE amending Sections 1121.07, Minimum Yard Requirements for Principal Buildings, 1123.07, Minimum Yard Requirements for Principal Buildings, and 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood to adjust the necessary variance required for air conditioning units located in a side yard.

WHEREAS, traditionally there are a large number of variance requests related to the placement of air conditioning compressors in the side yard; and

WHEREAS, while air conditioning compressors meet the definition of a "structure" within the zoning code and are therefore subject to the set off requirements, it is not likely that compressors were contemplated when the code was drafted; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1121.07, Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood currently reading as follows:

**1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended as follows:

**1121.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R1L, R1M, and R1H Single-Family Districts each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1121.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard

setback, provided that the unit is placed no more than 24 inches from the property line or 42 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1121.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 2. Section 1123.07, Minimum Yard Requirements for Principal Building of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

**1123.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the R2 District each zoning lot shall maintain the minimum front, side, and rear yard specified in Schedule 1123.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 42 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1123.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 3. Section 1127.07 Minimum Yard Requirements for Principal Buildings, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

shall be and is hereby amended to read as follows:

**1127.07 MINIMUM YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS.**

In the ML and MH Multiple-Family Residential Districts each lot shall maintain the minimum front, side, and rear yard specified in Schedule 1127.07. Exterior steps leading to a main entrance of a principal building shall be excluded from the front yard requirement. An air conditioning unit with a ANSI/AHRI sound rating of less than 70 db shall be excluded from the side yard setback, provided that the unit is placed no more than 24 inches from the property line or 42 inches from an adjoining property's driveway, the unit is entirely serviceable without needing to enter onto the adjoining property, and year-round screening be maintained if the unit is visible from the street. For existing principal buildings with side yards of less than those specified in Schedule 1127.07, an addition may be constructed provided that the new addition does not encroach into the existing side yard any further than the foundation sidewalls of the existing building.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF COUNCIL

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ORDINANCE NO. 16-15

BY:

AN ORDINANCE to amend Section 1103.02, Definitions, and repeal Section 1133.07, Measurement of Building Height, of the Codified Ordinances of the City of Lakewood to further define roof height within the code.

WHEREAS, a large number of variances are requested each year for the roof height when new garages are being constructed; and

WHEREAS, a full review of the zoning code revealed that there is room for interpretation of the roof height and how it can be applied; and

WHEREAS, further defining roof height and how it is measured will eliminate the possibility for interpretation and allow the standard to be applied clearly and consistently; and

WHEREAS, Article 18, Section 3 of the Constitution of the State of Ohio permits municipalities to exercise all powers of local self-government and to adopt and enforce within their limits such as local police, sanitary and other regulations as are not in conflict with general laws; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1103.02 Definitions, of the Codified Ordinances of the City of Lakewood currently reading as follows:

**1103.02 DEFINITIONS.**

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

...

shall be and is hereby amended to read as follows:

**1103.02 DEFINITIONS.**

...

- (q) BUILDING HEIGHT means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building as determined by the Commissioner to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between the bottom of the eaves and the top of the ridge for gable, hip and gambrel

roofs; or where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys or air conditioning equipment.

...

Section 2. Section 1133.07 Measurement of Building Height, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

**1133.07 MEASUREMENT OF BUILDING HEIGHT.**

- (a) The height of any structure shall be measured from the mean curb level, as determined by the Commissioner; the height of any building shall be measured from the as-determined mean curb level to the highest point of the roof or, where structures extend in whole or in part above the roof, to the highest point of such structure, exclusive of television antennas, chimneys, and/or air conditioning equipment.
- (b) Where unique site conditions exist, the Commissioner may measure the height of any structure from a point on the lot not less than three (3) feet from the foundation wall of a building, or footer or base of a structure.

shall be and is hereby repealed.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
CLERK OF COUNCIL

Approved: \_\_\_\_\_

\_\_\_\_\_  
MAYOR



# Planning Commission

April 2015



12215 Clifton Blvd



12215 Clifton Blvd



12215 Clifton Blvd







14816-18 Clifton Blvd



14816-18 Clifton Blvd



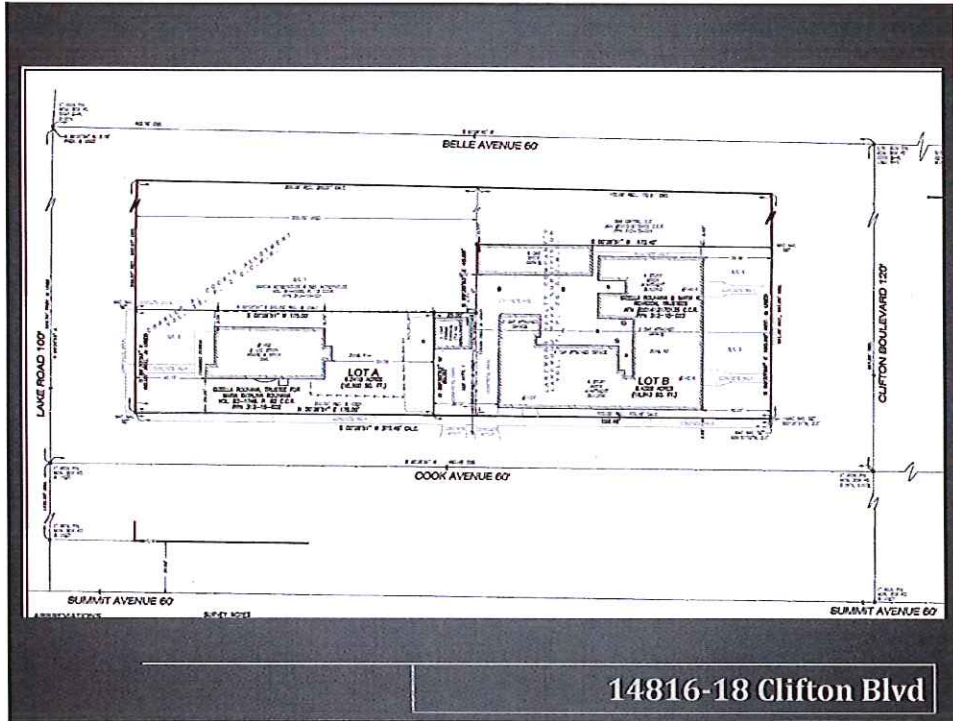
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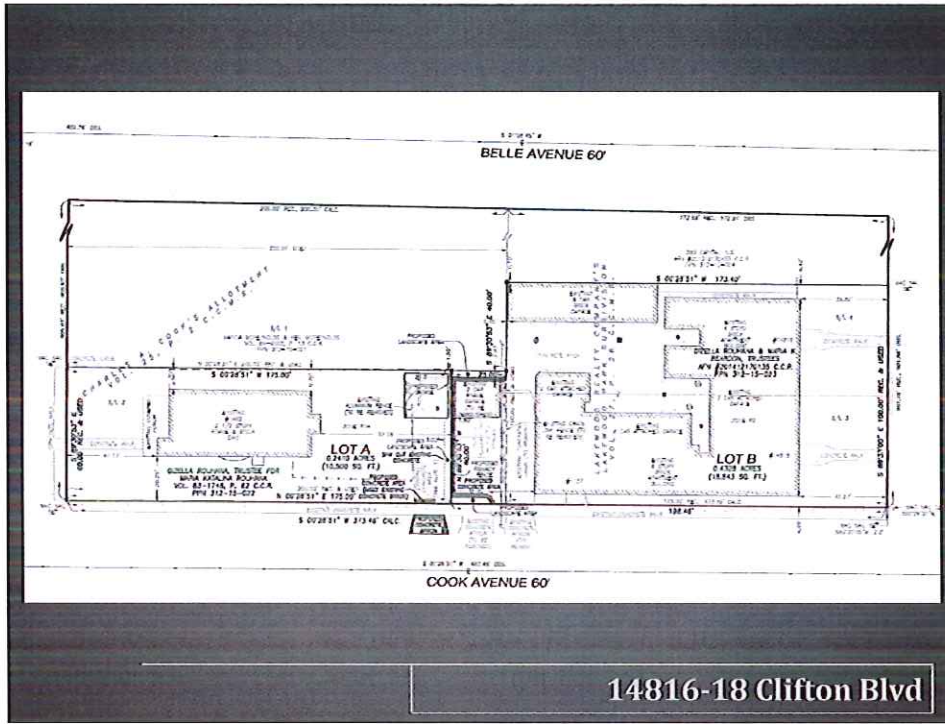
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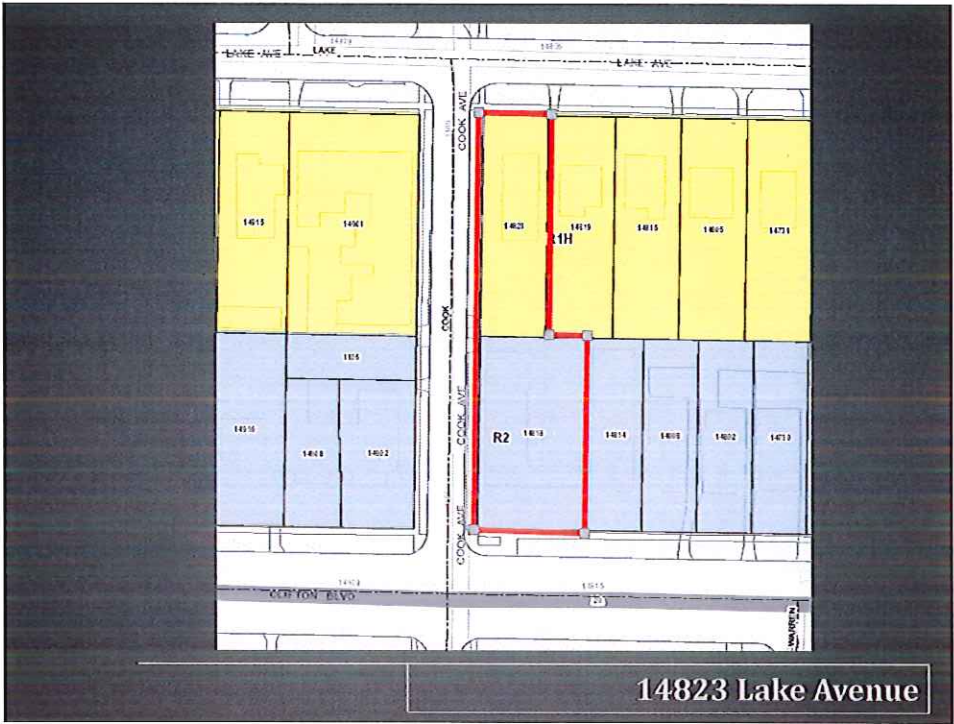
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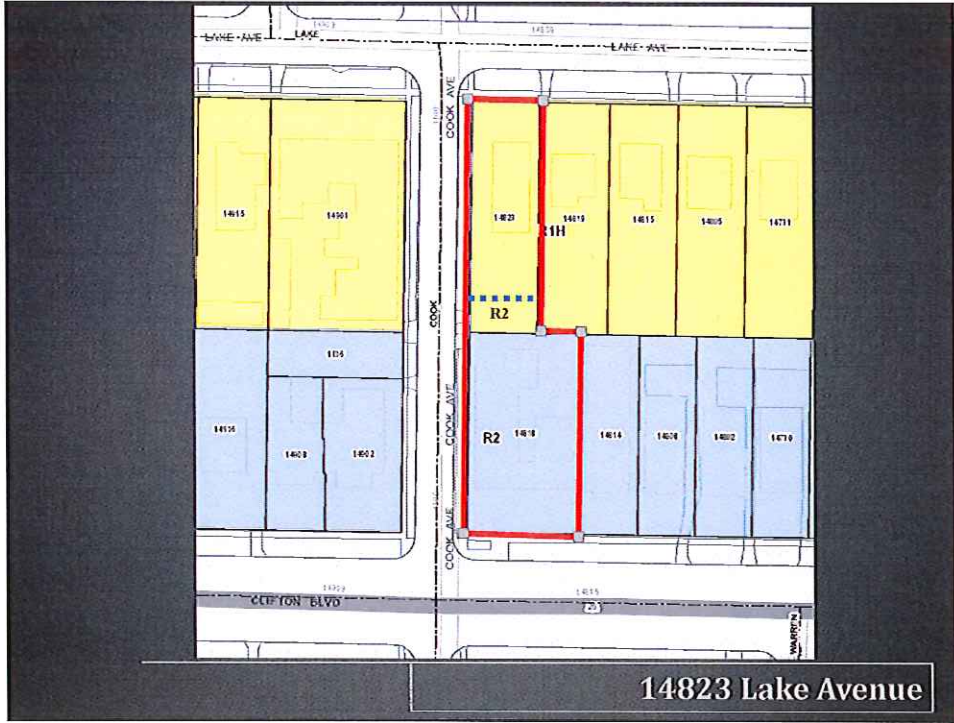
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14823 Lake Avenue



14823 Lake Avenue



14823 Lake Avenue



2060 Wascana Ave



2060 Wascana Ave



Chapter 1163.03(f): Conditional Uses, Type B Home Occupation

- Hours, Monday-Saturday: 8am – 9pm
- Hours, Sunday: 12pm – 6 pm
- Shall not generate substantially more traffic
- Shall expire after 36 months

2060 Wascana Ave

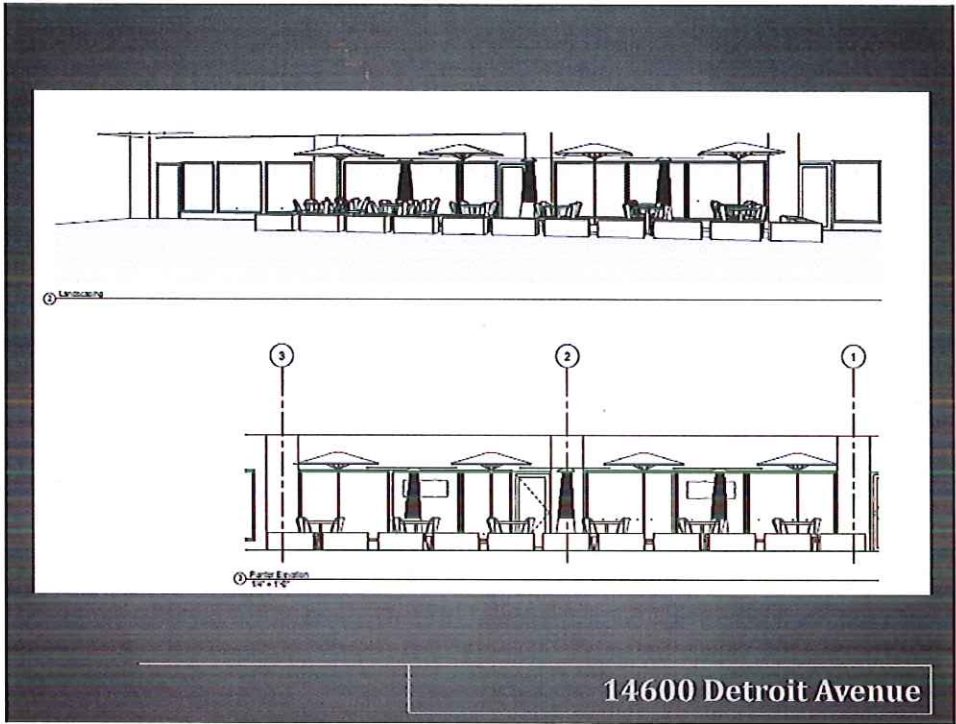
## Chapter 1145: Home Occupations

- Shall occupy no more than fifteen percent (15%) of the habitable floor area
- No sign or display advertising visible from the public right-of-way
- Shall be conducted entirely within the principal structure.
- Shall not interfere with the off-street parking required for the principal use
- Shall not necessitate any structural alteration, any alteration to an elevation of the structure, or the installation of additional parking surfaces.
- Shall not necessitate any variance to the Building Code.
- Shall not generate any noise, fumes, dust, odors, or electrical interference, which may be transmitted outside the dwelling unit.
- Goods shall not be displayed to or picked up by the customer at the site

2060 Wascana Ave









Communication – Renewal of Conditional Use Permit for Outdoor Dining



13368 Madison Avenue



13368 Madison Avenue

PRESENTATION HERE

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Proposal for modifications to Two Parts of the Zoning Code



# Planning Commission

April 2015

