

## MINUTES OF THE BUILDING & ZONING BOARD OF APPEALS MEETING 1-6-2021

WEDNESDAY, JANUARY 6, 2021 COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:00P.M. by Chairman Chauncey Miller.

Present: Michael Bulger; Bill Hricovec; Bruce Klingshirn; Mark Ladegaard; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer; and Jill Clements, Secretary.

Not Present: Pam Fechter, Planning Coordinator

### MINUTES OF THE REGULAR MEETING-DECEMBER 2, 2020

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, December 2, 2020 and to approve said minutes as amended. The vote was: "AYES" All. The Chair declared the motion passed.

### ADDITIONS/DELETIONS

A motion was made by Mr. Klingshirn, seconded by Mr. Hricovec to delete item #6 KOCH APPEAL from the agenda at the applicant's request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Klingshirn seconded by Mr. Ladegaard to accept the agenda as amended. The vote was: "AYES" All. The Chair declared the motion passed.

### MCNELLEY-SHUBA APPEAL

Sean McNeelley and Mary Kay Shuba are requesting a 9'2" variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered porch to be located at 33606 Hawkesbury Court.

Sean McNeelley is sworn in by Mr. Gasior. Mr. McNeelley says that they have lived there for 16 years now and have a letter from their neighbors. They want to add a covered porch, open air with two pillars. This summer has been different, and they want to use their back yard more with family. Mr. McNeelley says they are lucky to have the school in their back yard. When they decided to do this, their corner was too close to the setback and that is why they need the variance. Mr. Klingshirn asks about the existing patio and it was mentioned its older and they want to spruce it up a bit. Mr. McNeelley says it will be attached to the house and will have two pillars off the end.

A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to approve the 9'2" variance from C.O. 1262.04(d)(4) Lot and Yard requirements to allow the construction of a covered porch to be located at 33606 Hawkesbury Court. The vote was: "AYES" All. The Chair declared the motion passed.

### ROMARY APPEAL

Michelle Romary is requesting a 38' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements and a 5' side and rear yard setback variance from C.O. 1262.08(c)(1) Minimum Yard Requirements for Accessory structures to allow the construction of an addition to the existing home with concrete patio to be located at 1901 Miriam.

Michelle Romary is sworn in by Mr. Gasior. Ms. Romary says she is new to the variance process and the 5' side and rear for the patio, she doesn't need. She says they decided not to do the patio. She doesn't know if she needs to resubmit or what but if they do anything it could be pavers. Ms. Romary says when she bought the house there was a list of things that needed to be repaired and one of those things were

## MINUTES OF THE BUILDING & ZONING BOARD OF APPEALS MEETING 1-6-2021

the area of the garage. When they investigated that repair, they decided they wanted to attach the garage to the home and add another bathroom and mud room. She says the next addition is more of a patio enclosure type of thing. They have a large family and want a little more space and a workout area. The area behind the garage would be used for storage. Ms. Romary says they are musicians and instead of taking their equipment down to the basement it would be nice just to unload it into the storage area behind the garage. Ms. Romary says that the addition is not going any closer to the Simmons house than what her existing home is already at. Another thing on the list was the patio and she says she would like to do pavers to replace what's existing but not make it bigger and doesn't know if she needs a variance for that. Mr. Schneider says pavers are landscaping if it's just pavers. If you put a concrete base under then you would need a variance. Mr. Schneider says the drawing shows a hot tub and asks if that is going to remain. Ms. Romary says they want to do the hot tub, but it will be moved as she thinks it would be too close to the property line. Mr. Schneider says yes it will be too close. Mr. Klingshirn asks about location from the house with a hot tub and Mr. Schneider says there is code for pool but not for hot tub. Mr. Schneider says back in 1993 the owners at that time were granted a 10' variance for the addition. Mr. Schneider says the most recent variance in that area was about a year ago. The new homeowner wanted a 40' rear yard and the Board made them move the house forward. We don't want excessive variances in that area as the develop has not rear yard drains. When that was built, they must retain their water to the street, and it could cause a burden on an older system. Ms. Romary says they are land locked and they have woods in the back and not another home. Mr. Schneider says but someone owns that land you and you must maintain your water. Ms. Romary asks if she can install a drain. Mr. Schneider says they would need to talk to the Engineer to see if they could or they will have to run it out to the street. She would then have to talk to the City to see if that pipe could hold that water and the ground water. The addition is bigger than some of the houses in the neighborhood. The infrastructure isn't made for that type of development. Klingshirn asks how big the existing house is now and Ms. Romary says its about 1700 square feet. She says she's been in Avon a long time and moved from Willow Creek development and having kids in school they are home a lot now, so they need the space. Mr. Ladegaard asks what the size of the addition is and what the size of the pool is. Ms. Romary says its 16x16 and its not a pool it more like a treadmill for swimmers. Mr. Ladegaard says the 12' rear yard as is it not acceptable for him at all. Mr. Ladegaard has two suggestions 1. Somehow get ahold of that property behind them. He says they haven't paid taxes in 10 years and it could be an option. How it got to be the way it is landlocked is behind him. Mr. Ladegaard second suggestion is to make the pool smaller as for him to entertain any idea they have to knock at least 10' or more off the back addition. Mr. Ladegaard says we have the ordinances to protect everyone and they can't give this big of a variance. Ms. Romary says this is their pipe dream and they know they will have to make some modifications. She adds the pool is like a hot tub and it doesn't have to be inside it could be outside and asks if that matters. Mr. Ladegaard says whatever the enclosed area is, is what he is concerned about and wants to be at least 25' from the rear yard property. Ms. Romary asks if the garage storage is ok and Mr. Miller says that at about 22' and Mr. Ladegaard says that fine but does not want anything closer. Mr. Ladegaard says the patio as long as they are 5' off the property line they can do what they want. Mr. Hricovec asks the people who did the drawings were they aware of the setback issues. Ms. Romary says they told them they had to get a variance and wasn't sure what they would be told. She asks what she needs to do to move forward. Mr. Miller suggests tabling until next month it will allow them time to look at what was mentioned and numbers and come up with a different drawing. Mr. Gasior confirms we are going to table this until the next meeting.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to table the Romary Appeal until the February meeting. The vote was: "AYES" All. The Chair declared the motion passed.

MINUTES OF THE BUILDING & ZONING BOARD OF APPEALS MEETING 1-6-2021

COMMENTS

Susan Roll, 1866 Sandalwood Drive lives behind the Ms. Romary. Mrs. Roll says they want to do too much on to small of a lot. Mrs. Roll says why not sell this house and buy something else so they can do what they want. Mrs. Roll says she saw on Zillow a house on Stoney Ridge Road with 1.8 acres which allow them more space to do what they want.

ADJOURN

A motion was made by Mr. Klingshirn, seconded by Mr. Hricovec to adjourn. The vote was: "AYES" All. The Chair declared to motion passed. The meeting was adjourned at 7:30P.M.