

**AVON BOARD OF ZONING & BUILDING APPEALS
FEBRUARY 7, 2024, 7:00 P.M.
REGULAR MEETING MINUTES**

ROLL CALL

The meeting was called to order by Chairman Ladegaard at 7:00 p.m. in Council Chambers.

Present: Michael Bulger, Bill Hricovec, Mark Ladegaard, Chauncey Miller, Kurt Schatschneider, Jill Clements, Zoning Enforcement Officer, Pam Fechter, Econ. Dev./Planning Coordinator, John Gasior, Law Director, Duane Streater, Safety Director, Susan Pintz, Planning Commission & ZBA Secretary

REVIEW & CORRECTION OF MINUTES

Motion to dispense with the reading of the minutes of the regular meeting held on January 3, 2024, and to approve the minutes as published.

Mr. Miller moved, seconded by Mr. Schatschneider, to dispense with the reading of the minutes of the regular meeting held on January 3, 2024, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

None

APPEALS & REQUESTS

1. Kevin Ballish, NAI Pleasant Valley, 1813 Nagel Road; 44-23

Proposal consists of multi-tenant monument sign.

The following variance is requested:

1. 3 ft. height variance. Code allows 10 ft.; applicant proposes 13 ft. Section C.O. 1290.07(d) Maximum Height of Freestanding Signs for Business Identification Signs.

Mr. Bulger moved, seconded by Mr. Hricovec, to un-table the Kevin Ballish, NAI Pleasant Valley appeal. The vote was: “AYES” all. The Chair declared the motion passed.

Albert Haddad, Ellet Sign Company, 3041 East Waterloo Road, Akron, Ohio 44312 is sworn in. Mr. Haddad states they were at the Board of Zoning Appeals in December 2023. He says a couple questions arose with respect to Levin Furniture; were they allowed to be on the sign and did they forfeit that in lieu of a different wall signage. Mr. Haddad states they worked with the Zoning Department to get that clarified. It is his understanding that

Levin can be on the sign. This will be seen as a plaza sign due to the entry access and the previous minutes of the meeting didn't actually reflect that they waived any rights or ability to have any other signage based on the wall signs at the time. He says the bigger question is what the sign was about as opposed to Levin's presence on the sign. It could be any tenant in that building at that point to be on the sign. It could be any tenant within the two plaza areas to be on the sign. This is the part he would like to stress as well because it is seen as a plaza sign. Mr. Haddad says that there is a 35-foot setback, which is significant in relative terms. The added height does add to the visibility of the sign, it adds to the aesthetics of the sign. He further says from a visibility standpoint it adds to the way finding aspects of the sign. He pointed out that the sign is no taller than the Meijer sign across the street. He would like to illustrate the importance of a properly sized sign for a multi-tenant plaza would be to compare what the same sign would look like if they proportionately reduced it to 10 feet. He had a drawing that was displayed on the screen. Mr. Haddad states if they proportionately reduce the sign from 13 feet to 10 feet, they will lose almost forty percent of the square footage in the allowed image area and visibility will go from 8 inches to 5 inches depending on how the different panels are decorated. It would change the nature and character of it overall. He says 10 feet is appropriate in some instances. In this case he is not saying it is not appropriate, but the additional height allows them to take full advantage of the square footage that they are allowed and what they feel would produce a nice sign and appropriate for this type of multi-tenant facility.

Chair Ladegaard states that the code says 10 feet. He states the sign for Meijer was approved through Planning Commission and that was built into the design when they built the building. That was not brought before the Board of Zoning and Appeals. He says their job is to keep things in perspective and he feels this size is still a little high at 13 feet, but we can compromise with the applicant a little bit.

Mr. Schatschneider states they are asking for a 3 feet high variance. He would agree to a 1-foot 6-inch variance instead of 3 feet, other than that the sign is fine.

Mr. Hricovec states he agrees with the rest of the board and the height is a little bit excessive, but the board is willing to compromise. He asked is the top of the Levin section on the sign the same size with respect to what the ratio is.

Mr. Haddad says no, the two drawings are different. They both illustrate, but the one on the left as he refers to the drawing on the screen illustrates the same sign, there is a slight reconfiguration in the tenant panels. He states the tenant panels could be configured in different ways. It could be all 1 foot; it could be 2 feet at the top and then maybe 8 inches for the other panels. They don't want to change the height of the image area which is 10 feet. It is the overall height that comes into play. If they are talking about changing it by 1-1/2 feet, what they would do is take half of the cap from 1 foot to 6 inches and reduce the base from 24 inches to 18 inches or whatever it comes out to be. He says if that is reasonable then he would agree with that, and they would revise the design. He would ask for the ability to have an administrative approval based on making the sign 11 foot 6 inches.

Mr. Hricovec says the top of the sign would be 11 foot and a 6-inch border making the overall sign 11 foot 6 inches.

Mr. Haddad says they would make some slight changes to the aesthetics of it because the cap currently is weighed towards being 1 foot tall. He is not sure how that would change.

Chair Ladegaard states as long as it is not higher than 11 foot 6 inches you can configure it anyway you would like.

Mr. Haddad states he is agreeable to the maximum overall height of the sign at 11-foot 6-inches, the square footage needs to comply with the code allowance.

Mr. Bulger had no comments.

Mrs. Clements states that the square footage for the 13-foot sign is code compliant, it is just the height that was not compliant. Even if that is reduced the actual size of the sign itself could stay where it is at.

There were no other comments.

Mr. Bulger moved, seconded by Mr. Hricovec, to approve the Kevin Ballish, NAI Pleasant Valley appeal for a 1.5 ft. height variance which code allows 10 ft. and the applicant would receive 11 ft. 6 in. total height. The vote was: “AYES” all. The Chair declared the motion passed.

2. Tyler and Tammie Sommer, 3453 Barrington Drive; 47-23

Proposal consists of a garage addition.

The following variance is requested:

1. 5 ft. side yard setback variance. Code requires 12 ft.; applicant proposes 7 ft. Section C.O. 1262.04(d)(3) Lot and Yard Requirements, Side Yard.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to un-table the Tyer and Tammie Sommer appeal. The vote was: “AYES” all. The Chair declared the motion passed.

Tyler Sommer, 3453 Barrington Drive, Avon, Ohio 44011 was sworn in. Mr. Sommer states he currently has a two-car garage, and he is requesting to add a third garage space to his home.

Chair Ladegaard states this is cut and dry.

Mr. Tyler responds yes.

Mr. Bulger had no comments.

Mr. Miller had no comments.

Mr. Hricovec asked if he received HOA approval.

Mr. Sommer states he will check with the HOA, but he doesn't think they will have an issue with it. He installed a shed and the HOA states as long as the city approves, they will have no issue.

Mr. Schatschneider states that he has only seen a couple of houses that have additions on the side of the house. He thinks if the board approves this then everyone in the development will want to do a garage addition.

Mr. Bulger asked if there is still room for an ambulance to get through that area and still has access between the two houses.

Mr. Sommers responds yes.

There were no other comments.

Mr. Miller moved, seconded by Mr. Hricovec, to approve the Tyler and Tammie Sommer appeal for the 5 ft. side yard setback variance contingent on the HOA approval.

**Mr. Bulger "yes", Mr. Hricovec, "yes", Mr. Miller "yes", Mr. Ladegaard "yes"
Mr. Schatschneider "no"**

4 "AYES"

1 "NAY"

The Chair declared the motion passed.

3. Joseph and Christine Mulheren, 2492 Center Road; 01-24

Proposal consists of a new single-family home.

The following variance is requested:

1. 1 ft. 10 in. height variance. Code allows maximum height 40 ft; applicant proposes 41 ft. 10 inches. Section C.O. 1262.06(a) Height Regulations.

Joseph Mulheren, 2492 Center Road, Avon, Ohio 44011 was sworn in. Mr. Mulheren states that he forgot to add something to his variance request. He says they did a lot of different things to try to get the roof line down as much as possible. They had a design with the 14/12 roof, and they brought that pitch down. They reduced the square footage from 5300 sq. ft. to 4600 sq. ft. to bring some of those exterior walls in. They feel this is minimal. He says this is not in an HOA; it is not in a development. It will be set back 160 feet from the road and two sides are covered by trees. They are planning on doing some retention walls and landscaping in front of it to decorate it and make it look nice. He doesn't think that anyone will notice the 1 foot 10-inch height difference. He says without changing the floor plan in a major way, it would be difficult to bring it down anymore.

Chair Ladegaard states this doesn't seem to be an issue.

Mr. Miller states this is minimal.

Mr. Hricovec no comment.

Mr. Schatschneider no comment.

Mr. Bulger no comment.

There were no other comments.

Mr. Hricovec moved, seconded by Mr. Miller, to approve the Joseph and Christine Mulheren appeal for the 1 ft. 10 in. height variance. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Chair Ladegaard says Mr. Bulger’s birthday is February 22nd. Mr. Schatschneider’s birthday was on February 2nd. The board said happy birthday.

Mr. Gasior states he would like to see people pronounce the word height correctly.

Mr. Bulger had no comment.

Mr. Miller had no comment.

Mr. Hricovec had no comment.

Mrs. Clements says Happy Valentines Day.

Mr. Schatschneider had no comment.

Ms. Fechter says Happy Valentines Day.

Mr. Streator had no comment.

ADJOURN

Mr. Miller moved, seconded by Mr. Hricovec, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 7:17 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date