

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 3-2-22

WEDNESDAY, MARCH 2, 2022, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:00 P.M. by Chairman Mark Ladegaard

Present: Michael Bulger; Bill Hricovec; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streator, Safety/Service Director and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – FEBRUARY 2, 2022

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, February 2, 2022, and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

NICHOLAS AND TANA SHULSKY APPEAL

Jon Shulsky representing Nicholas and Tana Shulsky is requesting a 33.6 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 10'x12' pavilion over the existing deck located at 3102 Woodland Trail.

Jon Shulsky, 1036 Fireside Dr. Brunswick, father of Nicholas Shulsky is sworn in by Mr. Gasior.

Mr. Shulsky is requesting to have the appeal for the pergola, they were not aware of the rule when the permit was pulled. Mr. Shulsky says there is an existing structure on the property.

A motion was made by Mr. Miller, seconded by Mr. Bulger to approve a 33.6 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 10'x12' pavilion over the existing deck located at 3102 Woodland Trail. The vote was: “AYES” All. The Chairman declared the motion passed.

KEVIN AND HOLLY LADEGAARD

Patti Saracusa of Dover Remodeling representing Kevin and Holly Ladegaard is requesting a 1 ft. side yard setback variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of an addition to the existing home located at 3477 Jaycox Road.

A motion was made by Mr. Klingshirn, seconded by Mr. Hricovec to table at the applicants request until the April meeting. The vote was: “AYES” All. The Chairman declared the motion passed.

MONICA MATHUR APPEAL

Monica Mathur is requesting a 3' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of an enclosed swim spa to be located at 36752 Cranlyn Terrace.

Monic Mathur is sworn in by Mr. Gasior.

Ms. Mathur says they have a current deck and are tearing that down and installing a swim spa with an enclosure that is like a greenhouse. Ms. Mathur says apparently it is 3' into the setback.

Mr. Ladegaard says they have a letter from one of the neighbors that noticed they have run off water. Ms. Mathur says they are going to take care of that, the contractor says they will be putting a drain in to fix that.

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A motion was made by Mr. Klingshirn, seconded by Mr. Bulger to approve a 3' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of an enclosed swim spa to be located at 36752 Cranlyn Terrace. The vote was: "AYES" All. The Chairman declared the motion passed.

SPENCER AND ABIGAIL LAHUE APPEAL

Spencer and Abigail LaHue are requesting an 81 sq. ft. variance from C.O. 1262.05(b) Dwelling Unit Area Requirements and a waiver from C.O. 1246.05(a)(3) to allow the construction of a new single family home and to not install the sidewalks to be located at 3999 Case Road.

Spencer and Abigail LaHue are sworn in by Mr. Gasior.

Mr. LaHue says they are in the process of building a home for awhile now and they have submitted two variance requests. The first is they were told they need to install sidewalks along the front of the property and currently there aren't any sidewalks down Case Road. Mr. LaHue says they would be happy to put them in later when the time comes to go down the entire road. Mr. LaHue says they also were informed that the square footage of the first floor of their home does not meet the minimum 1,000 square foot requirement, they are 81 sq. ft. short. Mr. LaHue says it's a two-story home with a basement. Mr. Ladegaard says the house itself is a little over 2,000 sq. ft. total. Mrs. LaHue says its like 2200 sq. ft and they did put in egress windows in the basement, but it will not be finished now.

Mr. Gasior says one of the things they do in these situations is we ask you to sign an agreement if sidewalks come down there, you agree to put it in, if the city ends up putting the sidewalk in you either pay the city or accept an assessment. Mr. Gasior says he will prepare something and if they vote tonight and grant the variance, it would be contingent upon you signing that agreement. Mr. LaHue says yep, that sounds great. Mr. Gasior says he wants to make sure they get the agreement as he has done this in other cases.

A motion was made by Mr. Mille, seconded by Mr. Klingshirn to approve an 81 sq. ft. variance from C.O. 1262.05(b) Dwelling Unit Area Requirements to allow the construction of a new single family home and to not install the sidewalks to be located at 3999 Case Road. The vote was: "AYES" All. The Chairman declared the motion passed.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to approve the waiver from C.O. 1246.05(a)(3) to allow the construction of a new single-family home and to not install the sidewalks to be located at 3999 Case Road. The vote was: "AYES" All. The Chairman declared the motion passed.

AMERICAN CONSTRUCTION GROUP, LLC

Joseph Pfundstein representing American Construction Group, LLC is requesting approval to reinstate their Contractor's Registration with the City of Avon.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to un-table. The vote was: "AYES" All. The Chairman declared the motion passed

A motion was made by Mr. Bulger, seconded by Mr. Miller to table until the April meeting. The vote was: "AYES" All. The Chair declared the motion passed.

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COMMENTS

ADJOURN

A motion was made by Mr. Bulger, seconded by Mr. Miller to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:12P.M.