

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, APRIL 3, 2019

WEDNESDAY, APRIL 3, 2019, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:01 P.M. by Vice Chairman Chauncey Miller.

Present: Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

Not Present: Randy Fratianne.

MINUTES OF THE REGULAR MEETING – MARCH 6, 2019

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the minutes of Wednesday, March 6, 2019 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

BRYAN FITCH APPEAL

Bryan Fitch is requesting a variance from C.O. 1246.065(a)(3) Design Standards-Sidewalks to postpone the installation of the sidewalks until the City requires them to on a new construction home located at 4097 Center Road.

Bryan Fitch is sworn in by Mr. Gasior. Mr. Fitch explains that they are requesting a variance for sidewalk in front of 4097 Center Road. Mr. Fitch says as of now it would be the only sidewalk on Center between Mills and Reigelsberger Road. Mr. Klingshirn says there are sidewalks on Mills Road and Mr. Fitch says yes, the water tower is the only. Mr. Klingshirn says there are other sidewalks to no where within the city and some north of him. Mr. Fitch says there are no sidewalks on the east side of the street. Mr. Klingshirn says there are a lot of sidewalks and its part of the code for new houses. Mr. Fitch says he is willing to put the sidewalks in when the time comes when City makes him. Mr. Klingshirn asks why not put it in now. Mr. Fitch says as of right not for the financial reason and there are no other sidewalks is why he is asking. Mr. Fitch says south of him there is not much residential, it's the golf course, Willoway and Fitches Farm. Mr. Schatschneider asks if there is any propose development in that area. Mr. Schneider says no there is nothing in that area. Mr. Gasior says he heard Mr. Klingshirn's comments and says we have done this in the past but have required the individual to sign paperwork that they agree to install sidewalk when the City requires the sidewalk to be installed or they agree to be assessed for whatever the cost would be. Mr. Gasior says the sidewalk program is slowly working down 83 but the major focus is Kinzel north now. He continues to say if the variance is granted, we would need a document signed and added to file. Mr. Fitch agrees to that.

A motion is made by Mr. Schatschneider, seconded by Mr. Ladegaard to approve the variance to postpone the installation of the sidewalks until the City requires them to on a new construction home located at 4097 Center Road with document being signed by homeowner prepared by Mr. Gasior. The vote was: 1” NAY” and 3 “AYES”. The Vice Chair declared the motion passed.

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DAVID LESS APPEAL

Don Jason Remodeling representing David Less is requesting a variance from C.O. 1282.02(b) Maintenance and Repair of Buildings, Structures and Site Conditions to allow the construction of a kitchen addition to the rear of the existing nonconforming home located at 2590 Stoney Ridge Road.

Don Jason of Don Jason Remodeling is sworn in by Mr. Gasior. Mr. Jason says Mr. Less wants to add an addition to the back of his home to expand his kitchen and to make the stairway to the basement safer and more workable. Mr. Klingshirn asks about the 270 sq. ft. addition costing \$150,000 and Mr. Jason says its not just the kitchen, it's the hvac, plumbing and all kinds of work. Mr. Schatschneider says he is guessing its nonconforming because of the lot size and it was confirmed yes. He says that's old Avon and there's not much you can do.

A motion was made by Mr. Klingshirn, seconded by Mr. Schatschneider to approve the variance from C.O. 1282.02(b) Maintenance and Repair of Buildings, Structures and Site Conditions to allow the construction of a kitchen addition to the rear of the existing nonconforming home located at 2590 Stoney Ridge Road. The vote was: "AYES" All. The Vice Chair declared the motion passed.

ALEXANDER AND MOLLY GUMUCIO APPEAL

Alexander and Molly Gumucio are requesting a 1'11" rear yard setback variance and a 7' setback variance from C.O. 1478.03 Swimming Pools-Locations and a variance from C.O. 1248.19 Structure and Improvements within utility easement or right of way to allow the construction of an inground pool to be 8' from the main building and 1'11" from the rear yard setback that encroaches into an easement to be located at 3031 Clearbrook Dr.

Molly Gumucio, homeowner and Brian Thomas, pool contractor are sworn in by Mr. Gasior. Mr. Schneider says he would like to amend the appeal. After looking over the topo there were a couple variance and one was encroaching on easement and setbacks. After comparing the topo and GIS he talked to the engineer and they determined the topo was incorrect. Mr. Schneider says the amendment will be there will be no variance needed to put a structure in the easement as it does not encroach. Mr. Schneider says the other variances still needed are from the house and the rear property line. Mr. Gasior says there is no encroachment in the easement and that was confirmed. Mr. Ladegaard says the variance from the main building will be 7 feet. Mr. Schatschneider asks about the door from the morning room to the patio and it was determined there is one but its on the northeast side of the morning room. Mr. Schatschneider says the reason he asks is, so no one can walk out the door and fall into the pool, but the door is on the side of the morning room. Mr. Miller says there will be a fence around the pool and Mr. Thomas say yes around the exterior of the property. Mr. Thomas says this is a one-piece fiberglass pool and they don't make them smaller, but they did pick the smaller of the pools to fit even though they wanted to go bigger. Mr. Miller asks if they good with the Association and neighbors. Mrs. Gumucio says they did get an email of approval yesterday and the hard copy is in the mail. Mr. Schneider says he has not seen anything and would like to have it for the file.

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A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve the 7' setback variance from the house to allow the construction of an inground pool to be 8' from the main building and 1'11" from the rear yard setback that encroaches into an easement to be located at 3031 Clearbrook Dr. The vote was: "AYES" All. The Vice Chair declared the motion passed.

A motion was made by Mr. Klingshirn, seconded by Mr. Schatschneider to approve the 1.1' rear yard setback variance to allow the construction of an inground pool to be 8' from the main building and 1'11" from the rear yard setback that encroaches into an easement to be located at 3031 Clearbrook Dr. contingent upon receipt of HOA approval. The vote was: "AYES" All. The Vice Chair declared the motion passed.

COMMENTS

ADJOURN

A motion as made by Mr. Ladegaard, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Vice Chair declared the motion passed. The meeting was adjourned at 7:19P.M.