

**AVON BOARD OF ZONING & BUILDING APPEALS
APRIL 3, 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, 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

Absent: Bill Hricovec

REVIEW & CORRECTION OF MINUTES

Mr. Miller moved, seconded by Mr. Schatschneider, to dispense with the reading of the minutes of the regular meeting held on March 6, 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. Millenium Holdings, 34654 Mill Road, 12-24

Proposal consists of (2) 5 ft. x 3 ft. Double face non-illuminated directional sign.

Tricia Neman, Wagner Electric Sign Company, 7135 West Ridge Road, Elyria, Ohio 44035 was sworn in.

Jason Diedrick, Managing Representative, Kyle Enterprises, DBA Millenium Holding Solutions, 34654 Mill Road, Avon, Ohio 44011 was sworn in.

Ms. Neman stated they are proposing (2) 3ft. by 5ft. directional signs on Mills Road for Millenium Holdings. She says as the semi-trucks are travelling from I-90 around the circle they at times inadvertently enter the first driveway at the west entrance which is the employee/visitor parking lot. Once they enter the lot there is no way for them to turn around and the only way for them to get out is to back up in reverse onto Mills Road. Ms. Neman says Millenium is requesting directional signage that is easily identifiable and large enough for the truck drivers to see what parking lot they are supposed to enter. She says they would have the signage at each driveway indicating that there is employee/visitor at the first driveway on the west and then on the east side would be the semi-truck entrance. If a truck driver pulls into the semi-truck entrance, they could proceed to the rear of the building and drop off their load, turn around and exit the parking lot.

Chair Ladegaard stated the requested amount of the variance is substantial and more than what is usually granted by the board. He said the allowable amount for a directional sign is 4 sq. ft. and the requested 15 sq. ft. is considerably larger than what the board would grant.

Ms. Neman stated they are concerned if the signs are smaller, the truck drivers will not be able to see them as they are driving on Mills Road.

Chair Ladegaard stated if the top part of the sign that has the Millenium name was removed the drivers would still be able to see the Millenium name because a variance was granted a few months ago for building sign. He said if the square footage can be reduced to approximately 6 sq. ft., then they can configure it anyway they choose.

Mr. Diedrick stated that the trucks that come to Millenium are very large trucks not the typical semi-trucks and they are very elevated. It is important for the signs to be visible to the drivers because if they do inadvertently turn into the first parking lot backing out could be substantially time consuming which would also delay traffic in that area.

Chair Ladegaard stated he understands, but the allowable directional sign size is what is in the city code. The allowable size is what has been granted for previous variance requests.

Mr. Diedrick said he is concerned because the front Millenium sign cannot be seen until someone is very close to it in that area, which gives someone very little time to recognize where to enter.

Mr. Miller said he agrees, but another thought is maybe to put a sign that says no trucks at the west employee/visitor entrance.

Ms. Neman stated as a comparison a Millenium representative took a picture of the directional sign at Bendix and discovered it is over 7 feet tall, which may be setting a precedent. Ms. Neman handed a copy of the picture to everyone on the panel.

Ms. Clements stated the Bendix sign was approved prior to her being appointed the current Zoning Enforcement Officer.

Ms. Neman said David Pampush, the Regional Manager of Millenium measured the sign.

Mr. Schatschneider said we will need to measure the Bendix sign.

Mr. Ladegaard stated he doesn't believe Bendix requested a variance through the Board of Zoning and Appeals. He is not sure how that was approved.

Ms. Clements stated that a few years ago Cleveland Clinic requested a variance for directional signage, and she believes the square footage of the sign was 10 sq. ft.

Mr. Bulger stated that he believes research needs to be done regarding this issue and doesn't believe Bendix requested a variance through this board.

Chair Ladegaard stated the size of the Bendix sign is a recent development. He says he would be agreeable to a 3-foot-tall sign. He stated that if Cleveland Clinic was granted a 10 sq. ft. sign, then we would be willing to grant 3ft. by 3ft. for a total of 9 sq. ft. Chair Ladegaard stated this request could be tabled until the May meeting so the Board can take some time to investigate this issue. He doesn't think this could change much though.

Mr. Diedrick stated that he is confused on how Bendix could get approval on the same issue that Millenium is concerned about.

Chair Ladegaard stated he understands, and suggested to table this request until the May meeting until further investigation can be completed. He believed Bendix did not request a variance through this Board. He doesn't know if that was part of the development package and that would need to be reviewed.

Mr. Diedrick requested the variance request be tabled until the May meeting to conduct further research and wanted to know what the next step is.

Chair Ladegaard stated further research will be completed and the decision will be presented at the May meeting.

The following variance is requested:

1. 9 sq. ft. variance. Code allows 4 sq. ft.; applicant proposes 15 sq. ft. Section C.O. 1290.05(f) Schedule of Maximum Sign Area-Directional signs.
2. 2 ft. height variance. Code allows 3 ft.; applicant proposes 5 ft. Section C.O. 1290.07(f) Maximum Height of Freestanding Signs-Directional signs.

Mr. Miller moved, seconded by Mr. Schatschneider, to table the Millenium variance request until May 1, 2024. The vote was: "AYES" all. The Chair declared the motion passed.

2. Robert Butkowski, 36307 Wendell Street, 13-24

Proposal consists of a covered patio.

Robert Butkowski, 36307 Wendell Street, Avon, Ohio 44011 was sworn in.

Mr. Butkowski is requesting a covered patio at the rear of their house. He stated as part of the application process there is a question in the variance request that asked, "if this request was unique for the neighborhood". Mr. Butkowski stated this is not unique to the neighborhood and there are 6 other houses within close proximity to his house that have patios that extend within the 50-foot rear yard setback that is proposed in the ordinance. He said that he applied for approval with the HOA, was granted approval and obtained a letter of approval which he presented to the Planning Secretary. He said the last step of the process was to obtain a variance approval from the Board of Zoning and Appeals. Mr. Butkowski said he wanted to make a couple of points. He said his lot size is 100.29 feet by 166.56 feet on the long side and 164.9 feet on the short side. He said there are 2 houses near him, the Schneider Family, they have a covered patio, their lot size and 105.08 feet by 155.69 feet on the short side and 161.38 feet on the long side. He said 3 houses to the east

is the Eibel Family, their lot size is 100.68 feet by 161.93 feet. The point he wanted to raise to the Board is that his lot is 5 feet deeper than the other neighbor's variances were approved the one lot was a 16 ft. variance, and the other was an 18 ft. variance. Mr. Butkowski said he is asking for a 19 ft. variance and his lot is deeper.

Mr. Schatschneider asked if he considered making the covered patio 16 feet off the building instead of 19 feet to be away from the pool.

Mr. Butkowski said they would prefer to have it a little larger, he didn't find anything in the city code regarding distance from the pool because it's not a livable space and it still complies with distance of the pool being away from the livable space.

Mr. Schatschneider stated he wondered about putting a little more distance from the pool.

Mr. Butkowski stated he would need to ask the Eibel Family to see what they have regarding their covered patio and their patio is very large. He doesn't know the exact distance they have from the pool to the roof of the patio.

Mr. Bulger had no comments.

Mr. Miller had no comments.

Ms. Clements stated that there has been some discussion about covered patios and swimming pools and whether they are part of the structure of the house when it comes to rear yard setbacks. She said there has also been discussion that it is not livable space for 365 days of the year and that most of the swimming pool distance is from the main building so the covered patio is part of the main building but also not necessarily part of the main building. She said it is the visibility of the pool that people are concerned about, and there are 2 posts and visibility on 3 sides of covered patio compared to a main dwelling so when walking out the door and walking into the area blindly.

Mr. Butkowski said the patio is open on 3 sides. He had a drawing that was displayed on the screen, and he explained the views. He said he can provide the addresses of the other 6 houses with covered patios.

Chair Ladegaard said that was not necessary.

There were no other comments.

The following variance is requested:

1. 19 ft. rear yard setback variance. Code requires 50 ft.; applicant proposes 31 ft. Section C.O. 1262.04(d)(4) Lot and Yard Requirements, Rear Yard.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 19 ft. rear yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Nicholas Malkin and Angela Yako, 2365 Pendleton Ct, 14- 24**

Proposal consists of installation of a fence within a drainage/access easement.

Nicholas Malkin and Angela Yako, 2365 Pendleton Ct. Avon, Ohio, 44011 were sworn in.

Mr. Malkin stated they are proposing installation of a 6-foot fence that is 5 feet within a drainage access easement. He said the fence would align with the neighbor's matching fence that is already installed. He said they obtained HOA approval but did not bring it with them.

Ms. Clements stated a copy of the HOA approval letter had been provided. She said the updated drawing shows it is less than 5 feet into the easement.

Mr. Malkin stated this was discussed and the contractor has acknowledged, and the intention is to have the fence align with the neighboring fence and not to the actual property line that is past the easement.

Chair Ladegaard confirms that will be 5 feet into the easement.

Mr. Gasior asked if the property to the east is Drug Mart?

Ms. Clements confirms yes.

Mr. Gasior stated the map shows the previous owners. He said the property to the east is owned by Drug Mart and they are proposing to develop that property, if they are successful in getting it rezoned. He said it will be on the ballot in November to rezone the property from residential to commercial. The parent company of Drug Mart is Isomer Group and that is who purchased the land.

Ms. Fechter said it will be the Sheetz, Clean Express Car Wash and then south to the house across the street from Drug Mart with the front porch.

Mr. Malkin asked if Drug Mart would relocate their current commercial location across the street.

Ms. Fechter stated Drug Mart owns both sides of the street. They rezoned the east side of the street. They are currently trying to rezone the west side of the street. They haven't determined what businesses will be on the west side of the street. She doesn't believe there are any plans to close the current Drug Mart location.

Mr. Gasior stated he wanted to notify the Board of this property owner change information.

Mr. Ladegaard stated he wanted to mention that when the city allows a homeowner to install a fence in the easement, if the city would need to access the easement, then it would be the responsibility and at the expense of the homeowner for removal and/or replacement of the fence.

Mr. Malkin stated they understand.

There were no other comments.

The following variance is requested:

1. Allow installation of 6 ft. fence within drainage/access easement. Section C.O. 1248.19 Structures and Improvements within Utility Easement or Right of Way.

Mr. Bulger moved, seconded by Mr. Miller, to approve installation of a 6 ft. fence within a drainage/access easement. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Malkin signed the easement agreement.

4. Russell and Lauren Ellis, 2876 Maplevue Lane, 15-24

Proposal consists of a shed with 2 ft. lean to.

Russell Ellis, 2876 Maplevue Lane, Avon, Ohio 44011 was sworn in.

Mr. Ellis stated he is replacing a smaller shed with a larger 10 ft. by 20 ft. shed and he wanted to add a 2 ft. porch for aesthetics.

Chair Ladegaard stated he thinks this would be acceptable.

There were no other comments.

The following variance is requested:

1. 60 sq. ft. variance. Code allows 2%, 375 sq. ft.; applicant proposes 435 sq. ft. total. Section C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 60 sq. ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

5. Kurt and Anette Oster, 3410 Williams Ct, 16-24

Proposal consists of a garage addition.

The following variance is requested:

1. 554 sq. ft. variance. Code allows 2%, 1196 sq. ft.; applicant proposes 1750 sq. ft. total. Section C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings.

Kurt Oster, 3410 Williams Ct, Avon, Ohio 44011 was sworn in.

Mr. Oster stated he is approaching retirement and bought a motorhome. He is requesting to build an addition to his existing barn and will be using the same exterior materials so that he can store the motorhome and keep it enclosed and protected.

Chair Ladegaard asked how large the motorhome is?

Mr. Oster said 33 feet.

Mr. Bulger asked if this was a lean to?

Mr. Oster said that is correct and he is trying to hold it back from the front, so it softens the look.

Mr. Schatschneider stated it is an excessive variance request, but he is ok with it.

There were no other comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 554 sq. ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

6. Michael and Megan McChrystal, 4326 St. Theresa Blvd.; 10-24

Proposal consists of an in-ground pool, landscaping, and patio.

The following variance is requested:

1. 3 ft. 10 in. rear yard setback variance. Code requires 10 ft.; applicant proposes 6 ft. 2 in. Section C.O. 1478.03 Swimming Pool Location.
2. 2 ft. 10 in. setback from house variance. Code requires 15 ft.; applicant proposes 12 ft. 2 in. Section C.O. 1478.03 Swimming Pool Location.

Mr. Miller moved, seconded by Mr. Schatschneider, to un-table the Michael and Megan McChrystal appeal. The vote was: “AYES” all. The Chair declared the motion passed.

Ms. Clements stated Mr. and Mrs. McChrystal are in conversation with the HOA about whether they will be permitted to have a pool and they are working on this process. Ryan Delia has left Green Impressions and there is a new representative who working with Mr. and Mrs. McChrystal and is doing more research and has been communicating with the HOA and the architectural review board.

Mr. Miller moved, seconded by Schatschneider, to table the Michael and Megan McChrystal appeal to May 1, 2024. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Chair Ladegaard had no comments.

Mr. Miller had no comments.

Mr. Bulger had no comments.

Mr. Schatschneider had no comments.

Ms. Fechter said Happy Eclipse.

Mr. Gasior said enjoy the Eclipse.

Ms. Clements said make sure to wear glasses for the Eclipse.

Mr. Streator had no comments.

ADJOURN

Mr. Bulger moved, seconded by Mr. Miller, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 7:30 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date