

## MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 4-7-21

WEDNESDAY, APRIL 7, 2021 COUNCIL CHAMBERS, AVON CITY HALL

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

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

### MINUTES OF THE REGULAR MEETING – MARCH 3, 2021

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, March 3, 2021 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

### ADDITIONS/DELETIONS

A motion was made by Mr. Bulger, seconded by Mr. Ladegaard to delete item #6 Garth Paul Appeal at the applicant’s request. The vote was: “AYES” All. The Chair declared the motion passed.

A motion was made by Mr. Hricovec, seconded by Mr. Ladegaard to accept the agenda as amended. The vote was: “AYES” All. The Chair declared the motion passed.

### MICHAEL HOFFMAN APPEAL

Jason Karkoff of Karkoff Construction, representing Michael Hoffman is requesting a 5” rear yard setback variance from C.O. 1266.05 Clusters-Setbacks (see Plot Plan) to allow the construction of a 12’x16’ shed roof over a stamped concrete patio to be located at 38459 Renwood.

Jason Karkoff of Karkoff Construction, representing Michael Hoffman is sworn in by Mr. Gasior. A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to approve a 5” rear yard setback variance from C.O. 1266.05 Clusters-Setbacks (see Plot Plan) to allow the construction of a 12’x16’ shed roof over a stamped concrete patio to be located at 38459 Renwood. The vote was: “AYES” All. The Chair declared the motion passed.

### MARK WODOSLAWSKY APPEAL

Mark Wodoslawsky is requesting a 10’ front yard setback variance from C.O. 1262.08(c)(2)(g) and a 1’ side yard setback variance from C.O. 1262.08(c)(2)(d) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension for a basketball hoop to be located at 2440 Muirwood.

Mark Wodoslawsky is sworn in by Mr. Gasior.

Mr. Wodoslawsky says its about best bang for space and butting it up to the sidewalk and going off the lot line where he could. Mr. Klingshirn says in the past they use to keep them off the sidewalk about a foot or go on a 45 angle. Mr. Wodoslawsky says he understands what he is saying but doesn’t like that and didn’t want that patch of grass. Mr. Hricovec says going on the angle would be more in line with the neighborhood and it would be safer with the sidewalk area. Mr. Hricovec is new to the board and all the driveway extension all seem to have the angle. Mr. Wodoslawsky says he gets it but at the end of the day they will be playing on the grass or concrete and he would prefer the concrete. Mr. Wodoslawsky says if its safety they could step onto the grass and twist an ankle instead of the concrete going to the concrete. Mr. Klingshirn says the issue is the wide driveway and going over the sidewalk. Mr. Wodoslawsky says they don’t have a vehicle issue as of now. Mr. Klingshirn says esthetically the angle works in that area. Mr. Ladegaard says they don’t pass and don’t see them either going straight to the sidewalk and he would need to see the angle. Mr. Bulger says he is of the same opinion and it is turning the pad into the

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pedestrian area and its turning half the front yard into a lot and likes the 45 angles. Mr. Wodoslawsky says he gets what they are saying but applied for the variance to be done the way it is drawn now. Mr. Wodoslawsky asks about the distance to the property line and Mr. Miller says that's ok, the extension is the bigger concern. Mr. Wodoslawsky says are you saying no he can't go up to the sidewalk and Mr. Bulger says that is what he is hearing but they haven't voted yet. Mr. Wodoslawsky says he is a rookie and wants to know what they would consider. Mr. Miller says from the corner of sidewalk and driveway and go out a 45-degree angle. Mr. Ladegaard asks if he would consider pushing it closer to the house and it allows them to get more length. Mr. Wodoslawsky asks how close to the house can he go, and it was determined that is up to him and it could go to the house if he wanted. Mr. Wodoslawsky redraws up a temporary site plan showing the modification- having the 45 angle, one foot off the property line and it going to the house. The contractor will have a better drawing when the contractor is picked.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirm to approve a 10' front yard setback variance from C.O. 1262.08(c)(2)(g) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension for a basketball hoop to be located at 2440 Muirwood. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to approve a 1' side yard setback variance from C.O. 1262.08(c)(2)(d) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension for a basketball hoop to be located at 2440 Muirwood. The vote was: "AYES" All. The Chair declared the motion passed.

### MICHAEL KOWAL APPEAL

Michael Kowal is requesting a 4'6" side yard and 4'6" rear yard setback from C.O. 1262.08(c)(1) Minimum and Requirements for Accessory Structures-Patio and a 5'6" side yard and 5'6" rear yard setback from C.O. 1262.08(c)(4) Minimum Yard Requirements for Accessory Structures-Swimming Pools to allow the installation of an inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

Michael Kowal is sworn in by Mr. Gasior.

Mr. Kowal says they have a roof structure and want to center the pool and hot tub the best they can with the roof. Their back yard is in a L shape and next to him there is an open area and its not too close to the neighbors.

Mr. Hricovec was concerned about the line of site of the pool from the house and the safety but after going out and looking he is ok with it. Mr. Bulger says his concern is the safety and if its too close to the house someone can jump off the roof, but he is ok with everything. Mr. Kowal says it does have an automatic pool cover that people can walk on that will be on when not in use.

Mr. Kowal asks about the fence requirement and says he talked to Mr. Gasior last year about the fence and they were debating on the fence as they didn't want to have a fence. They are having the auto pool cover for safety and some municipalities don't require the fence if that is part of the pool as 5 grown men can stand on it and its built into the sidewall. Mr. Kowal says his whole back yard is woods, the sides of property is built up with landscaping and they what isn't will be finished. With and with the auto pool cover, he is asking if they can not have to put install the fence. Mr. Gasior says let's talk about that after the meeting or on another day. Mr. Gasior says they couldn't act on it anyways as notice wasn't sent out. Mr. Gasior says he thinks it will require a variance since it's a Building Code requirement and will do it on another meeting as we need to send out notices for that as they can't add to the variance.

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Mr. Ladegaard says the HOA owns another 10' from their property line and that is like another buffer as well. Mr. Kowal says yes, there's about 10 feet.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 4'6" side yard variance from 1262.08(c)(1) Minimum Yard Requirements for Accessory Structures-Patio to allow the installation of an inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

A motion was made by Mr. Hricovec, seconded by Mr. Klingshirn to approve a 4'6" rear yard variance from 1262.08(c)(1) Minimum Yard Requirements for Accessory Structures-Patio to allow the installation of an inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

A motion was made by Mr. Bulger, seconded by Mr. Ladegaard to approve a 5'6" side yard variance from C.O. 1262.08(c)(4) Minimum Yard Requirements for Accessory Structures-Swimming to allow the installation of an inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to approve a 5'6" rear yard variance from C.O. 1262.08(c)(4) Minimum Yard Requirements for Accessory Structures-Swimming to allow the installation of an inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

### COMMENTS

An update for the record, Mrs. Clements informs the Board about some of the tabled appeals and their status. Romary Appeal, which was originally on January, tabled to February tabled to March was withdrawn. The Avon Library which came in as an informal presentation on February tabled to March was withdrawn as well. Mr. Ladegaard asks if the Library isn't going through and Ms. Fechter says they are working on final details and a parking agreement. Mr. Gasior says if an appeal is being withdrawn, if they want to come back they will have to come back with a new application and pay the fees since notices have already been sent.

### ADJOURN

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:33P.M.