

**AVON BOARD OF ZONING & BUILDING APPEALS
MAY 1, 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, John Gasior, Law Director, Duane Streator, Safety Director, Susan Pintz, Planning Commission & ZBA Secretary

Absent: Pam Fechter, Econ. Dev./Planning Coordinator

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 April 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. Jason and Jennifer Robke, 36411 Wendell Drive, 17-24

Proposal consists of a driveway extension.

The following variance is requested:

1. 2 ft. yard setback variance. Code requires 2 ft.; applicant proposes 0 ft. C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures.

Jennifer Robke, 36411 Wendell Drive, Avon, Ohio 44011 was sworn in. Mrs. Robke stated she is requesting a 2-foot variance for her driveway extension. She says when they built their house in 2009 it had a single driveway, and she believes they are the only residents in the neighborhood that still has a single driveway. She says with a 2-foot variance they will be able to extend the driveway. She says they will have a fourth driver in their family. Mrs. Robke further stated the neighbors on both sides of her house are all the way up to the property line, but her house was built first. She says there is a curve that comes into her driveway where they cannot cut into their third car garage and with three drivers, they would constantly maneuver cars around. She says with a new young fourth driver they want to extend the driveway for him, and possibility give him the ability to turn around in the driveway and then exit. She says with a fourth driver and the curve there is no way they will be able to even get their vehicles into their garages. She says when they built their home, they were there first and then other homes were built around them and

their neighbors are against their property line. Mrs. Robke says they are not against the property line, and they have the single car driveway.

Chair Ladegaard asked if the extended driveway will be the whole length of the driveway?

Mrs. Robke stated there is an electrical box and garden area that she shares with her neighbor, and they will start the extension after the electrical box. She says the apron is in question because they cannot turn right into their driveway the way it is set up, they must pass and come through the way the single car driveway was set up.

Mr. Bulger asked if she received anything from the neighbors indicating if they have any objections or not to this being against the property line.

Mrs. Robke stated her neighbors received a notice in the mail and no one responded in any way to the notice.

Mr. Miller had no comments.

Mr. Hricovec asked if she received an HOA approval letter.

Mrs. Robke stated the HOA doesn't have any regulation about driveways to the property line.

Mr. Schatschneider stated Mrs. Robke is correct about the electrical box.

Mr. Robke stated they put a rock near the electrical box for the first young driver in their family and the rock ended up under the car because it is hard to see.

Mr. Schatschneider asked if there is anything in the city ordinances about having concrete to the property line because of water runoff.

Mr. Gasior stated he is not aware of anything right now.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 2 ft. yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

2. Steve Gripp and Nancy Mazzeo, 3425 Kensington Drive, 18-24
Proposal consists of a garage addition.

Steve Gripp, 3425 Kensington Drive, Avon, Ohio 44011 was sworn in. Mr. Gripp stated he wanted to build a garage addition onto their home, and they have a two-car garage now. He says his daily vehicle is a GMC Denali 2500 that will not fit into his garage, and he has several other vehicles; 2 motorcycles, a Corvette, a Mercedes that he would like to store in the new garage addition. He says instead of installing a driveway and trying to build another building in the rear they would like to do a one car wide and double deep which should be sufficient to house those vehicles. He stated he has a letter of approval from his neighbor Vanessa Botson, who parcel they would be encroached upon.

Mr. Gripp gave copies of the approval letter to Susan Pintz.

Mr. Miller no comment.

Mr. Hricovec suggested having an 8-foot door since he has a 3500 truck, and the mirrors will not fit through it.

Mr. Gripp said part of the variance is because if it was narrower nothing would fit in there.

Mr. Hricovec says that he would suggest a 9-foot door.

Mr. Gripp says the best that he can do and find a way that it looks good and doesn't encroach to much on his neighbors.

Mr. Schatschneider asked if he has HOA approval.

Mr. Gripp stated Pat Collins is the President of the HOA and his verbal response was "I don't care what you do."

Mr. Bulger had no comments.

The following variance is requested:

1. 4 ft. 2 in. side yard setback variance. Code requires 12 ft.; applicant proposes 7 ft. 10 in. C.O. 1262.04 (d)(1) Lot and Yard Requirements, Side Yard.

Mr. Hricovec moved, second by Mr. Bulger, to approve a 4 ft. 2 in. side yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

3. Mark Szewczykowski, 39151 Woodland Trail, 19-24

Proposal consists of the addition of a front porch.

The following variance is requested:

1. 1 ft. 10 in. front yard setback variance. Code requires 25 ft.; applicant proposes 23 ft. 2 in. C.O. 1262.04 (d)(1) Lot and Yard Requirements, Front Yard.

Mark Szewczykowski, 39151 Woodland Trail, Avon, Ohio 44011 was sworn in. John Faile, John Faile Architectural Consulting, 31413 Drake Dr. Bay Village, Ohio 44140 was sworn in.

Mr. Faile stated most of the homes on Woodland Trail have a 25-foot setback from the property line which is the backside of the sidewalk. He says there is some variability, some of the houses are 25 foot 7 inches. Mr. Szewczykowski's house is 26 foot 2 inches, his setback is a little further so they can encroach 1 foot 2 inches closer to the sidewalk without having a problem with the variance. Mr. Faile says the reason for this request is there are other houses on this street that have a porch. He says Mr. Szewczykowski has a 4-foot concrete porch now and there is not much that can be done with it, it is barely deep enough to put a chair. Mr. Faile says Mr. Szewczykowski would like to have a deeper porch with a roof structure over it. He says to make this work it would need to be 7 feet deep and by doing so with his existing set back if they push the porch to 7-feet they would

have a 23-foot 2 inch set back from the property line, which encroaches 1 foot 10 inches into the setback requirements for the HOA.

Mr. Szewczykowsky stated he received HOA approval.

Mr. Hricovec has no comment.

Mr. Schatschneider had no comment.

Mr. Bulger had no comment.

Mr. Miller had no comments.

Mr. Schatschneider moved, seconded by Bulger, to approve a 1 ft. 10 in. front yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

4. John and Alicia Reese, 3677 Nagel Road, 20-24

Proposal consists of an accessory structure.

John Reese, 4759 Belmont, Avon, Ohio 44011 was sworn in. Mr. Reese stated he is currently building a home at 3677 Nagel Road, Avon, Ohio 44011, and he wanted to build a secondary structure in the rear. He says he is a car hobbyist and is hoping to retire in a few years. He says his was trying to find as close of a match to the home they are building as possible for themselves and for the neighbors on all sides. He says he will look directly out of their bedroom at the proposed new structure once it is completed. The current plan has an attic in the garage. However, he is having that plan altered and will use scissor trusses and have a cathedral ceiling so he can put 2 lifts in there and he can store up to four cars. He says no one would know this unless someone is looking in the front door of the structure. Mr. Reese stated he hasn't spoken to any of the neighbors because he doesn't know them yet, but he is trying to keep this project friendly.

Chair Ladegaard stated it looks like it will be a nice structure.

Mr. Schatschneider asked if the new dimensions requested are 788 sq. ft. instead of the 825 sq. ft.

Chair Ladegaard stated that is correct and 239 sq. ft. is the requested variance.

Mr. Schatschneider asked Mr. Reese if he would consider reducing the size a little bit.

Mr. Reese stated that if he reduces the size then he will lose any extra space on the side. He tried to do that, but he is having a hard time finding a plan. The plan submitted is the closest thing he could find to what he wanted as far as square footage they were allotted. He says if they reduce it then they lose any kind of secondary area to the garage. Mr. Bulger asked what is the percentage?

Chair Ladegaard stated it would be a 43% variance.

Mr. Reese stated the only thing different to the footprint of this structure from the other plans that he has seen which are not close in size is the 13x18 side area. He says the main difference is the square footage. He says as to the height, it will be under the tallest gable by quite a bit. The tallest gable on the primary structure is 24 feet 3 inches.

Mr. Bulger asked is the covered porch included in the square footage.

Chair Ladegaard stated yes.

Mr. Schatschneider asked if the side area will be attached to the building.

Mr. Bulger stated yes, it is attached.

Mr. Reese confirmed.

Mr. Miller had no comments.

Mr. Hricovec inquired about the orientation of the building, is the garage door facing the rear of the house?

Mr. Reese stated yes.

No other comments.

The following variance is requested:

1. 276 sq. ft. variance. Code requires 549 sq. ft; applicant proposes 825 sq. ft. C.O. 1262.08 (a)(2) Maximum Area and Number of Accessory Buildings.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 239 sq. ft. variance. The vote was:

**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.

5. Chuck and Jill Mengal, 36313 Montrose Way, 21-24

Proposal consists of a roof over an existing patio.

The following variance is requested:

1. 12 ft. rear yard setback variance. Code requires 50 ft.; applicant proposes 38 ft. C.O. 1262.04(d)(2) Lot and Yard Requirements-Rear Yard.

Chuck Mengel, 36313 Montrose Way, Avon, Ohio 44011 was sworn in. Mr. Mengel stated he is requesting installation of a roof over the rear patio, and he believes the variance code is 50 feet therefore he is requesting 12 feet for a total of 38 feet.

Mr. Bulger had no comment.

Mr. Miller had no comment.

Mr. Hricovec had no comment.

Mr. Schatschneider had no comment.

Mr. Hricovec moved, seconded by Mr. Miller, to approve a 12 ft. rear yard setback variance. The vote was: “AYES” all. The Chair declared the motion passed.

6. Megan Sims, 37995 Lorie Blvd., 22-24
Proposal consists of installation of a fence.

The following variance is requested:

1. 1 ft. height variance. Code allows 4 ft., applicant requesting 5 ft. C.O. 1294.08(a)
Fence Location, Height, and Opacity.

Megan Sims, 37995 Lorie Blvd., Avon, Ohio 44011 was sworn in.
Steve Boggess, 37995 Lorie Blvd., Avon, Ohio 44011 was sworn in.

Megan Sims stated last year (April 2023) this request was approved for a 50 % opacity and a 5-foot fence. She says they would like to have more room in their yard to be able to pull their SUVs into the garage and they are requesting more opacity as well.

Chair Ladegaard stated this request was voted on in April 2023. He says when it comes to front yard fencing the Board holds to a certain opacity. He says when the 50 % opacity was granted in 2023, that would have been the maximum the board would allow. He believes the same would hold true today, but a vote could be taken on the 70% opacity.

Ms. Sims stated she is trying to understand the reason and says they have 2 pets, it is a busy corner, they are exposed to about 10 houses, and for the protection of other people coming into their yard. She says they have had other animals come into their yard and they have had people bring things onto their back patio. She says 50% opacity was helpful but since it doesn't obstruct the stop sign as that was mentioned last year. She says there are bushes that are further than the fence and there are also a couple of trees that have been there.

Chair Ladegaard stated as far as fencing in front yard, the standard applies to everyone.

Mr. Boggess asked if there are any codes against shrubbery or bushes. If they install a fence, could they plant anything they wanted in that area.

Chair Ladegaard confirmed they could plant shrubs or bushes. He says a vote can be taken on the 70% opacity but stated his position still stands at 50% opacity.

Mr. Boggess asked if a shadow box would be prohibited.

Chair Ladegaard states a shadow box would be prohibited.

Mr. Boggess asked if the 17 feet of the house would be approved.

Chair Ladegaard stated there are 2 separate variance requests. He doesn't foresee granting any more than what was granted in April of 2023, which was the 1-foot height variance that was granted previously.

Ms. Sims stated she was trying to understand the 'seeing through the fence' is it security issue?

Chair Ladegaard states that is correct.

Mr. Gasior agreed and stated the visibility of the cars on the intersecting street is another factor.

Ms. Sims stated it was mentioned last year it would not be factor and that the one could see up the street and the stop sign and said she didn't understand why this doesn't apply now.

Mr. Gasior stated looking at the picture their house is on a corner.

Ms. Sims stated board members drove by her house in April 2023 and it wasn't an issue to see the stop sign and the fence would not impede the view.

Ms. Clements stated in April 2023 a 1-foot height variance was granted. She said part of the delay in the project was there was no revision of the exact dimensions off of the house.

Chair Ladegaard asked if this would be 17 feet off the house.

Mr. Boggess said yes.

Ms. Sims said the measurement was not determined last year.

Chair Ladegaard said the vote would be the height and opacity.

Ms. Clements stated it is a 1-foot off of the right of way.

Mr. Miller stated the reason for the standard of opacity is the way the code is written, and the city likes to keep uniformity.

Mr. Hricovec stated he remembered there was one neighbor to the south that was present the April 2023 and was opposed to this project. He says he received a recent email from another neighbor who opposed this request. Mr. Hricovec stated they could come off the back corner of the house to the garage and do a 6-foot, board on board with no problem and then do some shrubbery for some privacy.

Ms. Sims says they have 2 large SUVs and to make the turn is hard.

Mr. Schatschneider asked what order the vote would be.

Chair Ladegaard stated the 1-foot height variance would be first.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 1 ft. height variance. The vote was:

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.

2. 70% opacity variance. Code requires 70% opacity, applicant requesting 0%. C.O. 1294.08(a) Fence Location, Height, and Opacity.

Chair Ladegaard asked Ms. Sims if she wants a vote on the 70% opacity or a 50% opacity.

Mr. Boggess asked if the 50% opacity is approved, what about the 17 feet.

Chair Ladegaard said 17 feet is fine.

Mr. Miller moved, seconded by Mr. Schatschneider, to approve a 20% opacity variance, Code requires 70% applicant requesting 50% opacity. The vote was:

Mr. Bulger “yes”, Mr. Miller “yes”, Mr. Schatschneider “yes” Mr. Ladegaard “yes”

Mr. Hricovec “no”

4, “AYES”

1, “NAY”

The Chair declared the motion passed.

7. Jersey Mike’s, Sean Getty, 36320 Detroit Road, Suite 200, 23-24

Proposal consists of a wall sign.

The following variance is requested:

1. 18 sq. ft. variance. Code allows 30 sq. ft.; applicant proposes 48 ft. C.O. 1290.04(a)(1)(2) Maximum Sign Area Permitted, Signs Attached to Buildings

Kathy Clark, Ace Lighting Services, 1260 Moore Road, Avon, Ohio 44011 was sworn in. Ms. Clark states the new Jersey Mikes is moving into a space on Detroit Road. The sign they are proposing is 48 sq. ft. and the code allows 30 sq. ft. so they are requesting an additional 18 sq. ft.

Chair Ladegaard stated the Board is strict with sign code variances. He said he would be agreeable to a 10 sq. ft. variance but not more than that.

Mr. Schatschneider says he agrees with a 10 sq. ft. variance.

Mr. Bulger agrees with a 10 sq. ft. variance.

Mr. Hricovec stated he went to Hen 'N Ivy and some other businesses in that area and measured some signs and they are all about 20-25 sq. ft. He believes the French Creek District is held to a higher standard because the forefathers had a vision of the French Creek District and not wanting it to look like Las Vegas.

Chair Ladegaard asked Ms. Clark if the 10 sq. ft variance is something she would be agreeable to.

Ms. Clark says yes.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve a 10 sq. ft. variance. The vote was:

**Mr. Bulger “yes”, Mr. Miller “yes”, Mr. Schatschneider “yes” Mr. Ladegaard “yes”
Mr. Hricovec “no”**

4, “AYES”

1, “NAY”

The Chair declared the motion passed.

8. Tyler Gullett, 4416 Center Road, 24-24

Proposal consists of relocation of barn on property.

The following variance is requested:

1. 35 ft. variance. Code requires 50 ft.; applicant proposes 15 ft. C.O. 1262.08(b)(2)(B) Maximum Area and Number of Accessory Buildings-Side Setback.

Kevin Urig, 4305 Stoney Ridge Road, Avon, Ohio 44011 was sworn in. Mr. Urig stated he is present on behalf of Tyler Gullett. Mr. Urig said they would like to keep the barn closer to the property line because Willoway Nursery will maintain the existing buildings at 4436 Stoney Ridge. He said it would also create a nicer buffer and give them more usable yard space and anything on the south side will be dead in that area.

Chair Ladegaard asked if there will be a buffer on the Willoway side.

Mr. Urig said yes there will be a landscape mound separating the 2 buildings, that is what is proposed with Willoway Nursery taking over the existing house. It will be a dirt mound and the driveway will not exist any longer going to the rear of the building.

Mr. Bulger had no comments.

Mr. Hricovec asked if the building on the existing property next to the barn will remain.

Mr. Urig says yes if the Willoway Nursery proposal to the agricultural district is granted. He says what exists there now will stay there as proposed with Willoway Nursery taking over the house.

Mr. Schatschneider asked if there is a proposed road or houses.

Mr. Urig says no but the backyard with the cud-le-sac that is being created is very far back.

There were no other comments.

Mr. Bulger moved, seconded by Mr. Miller, to approve a 35 ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

9. Millenium Holdings, 34654 Mills Road, 12-24

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

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

Mr. Miller moved, seconded by Mr. Bulger, to table the Millenium Holdings appeal until June 5, 2024, meeting. The vote was: “AYES” all. The Chair declared the motion passed.

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.

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

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

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

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.

Joe Schill, Green Impressions, 842 Abbey Road, Elyria, Ohio 44035 was sworn in. Mr. Schill stated they were at the March 6, 2024, meeting for the proposed pool project for the McChrystal Residence. He says during that time there was some conversation about the setbacks and things that they had requested and some compromises. He said they went back to the drawing board and tried to redesign the project to meet the compromises discussed at the last March meeting. He said they are here to request approval of the new plan which is a 3 ft.10 in. setback on the rear property line and a 2 ft. 10 in. from the house.

Mr. Miller had no comment.

Mr. Hricovec had no comment.

Mr. Schatschneider had no comment.

Mr. Bulger had no comment.

Mr. Schatschneider moved, seconded by Mr. Miller, to approve a 3 ft. 10 in. rear yard setback variance. The vote was: “AYES” all. The Chair declared the motion passed.

2. 2 ft. 10 in. setback from house. 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 approve a 2 ft. 10 in. setback from house. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Chair Ladegaard stated May 10th is Duane Streater’s birthday.

Everyone said Happy Birthday.

Mr. Miller had no comments.

Mr. Bulger had no comments.

Mr. Schatschneider had no comments.

Mr. Gasior had no comment.

Ms. Clements had no comment.

Mr. Streater had no comments.

ADJOURN

Mr. Bulger moved, seconded by Mr. Hricovec, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 7:38 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date