

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 5-5-21

WEDNESDAY, MAY 5, 2021 COUNCIL CHAMBERS, AVON CITY HALL

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

Present: 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.

Not Present: Michael Bulger

MINUTES OF THE REGULAR MEETING – APRIL 7, 2021

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, April 7, 2021 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

MASS APPEAL

Tom Mass is requesting a variance from C.O. 1262.08 accessory structures with no primary dwelling, a 16.39’ side yard setback and a 15.09’ side yard setback variances from C.O. 1262.08(b)(2)(B) Accessory Use Regulations to allow the existing barn/garage to remain in current location with no primary dwelling located at 32301 Schwartz Road.

Tom Mass is sworn in by Mr. Gasior.

Mr. Mass says his proposal is to demo the existing farmhouse and build a new home there. He says he’s talked to several people on trying to save the farmstead but economically it wasn’t feasible, and the house is right on top of the right of way. Mr. Mass says they want to demo the house and keep the existing barn and garage. Mr. Mass he is looking to start the new home in June, so they won’t be tearing the house down and just leaving the existing building. Mr. Klingshirn asks if they were going to keep the grapes and Mr. Mass says yes that and the garden and some flower beds.

A motion was made by Mr. Ladegaard seconded by Mr. Klingshirn to approve a variance from C.O. 1262.08 accessory structures with no primary dwelling to allow the existing barn/garage to remain in current location with no primary dwelling located at 32301 Schwartz Road. The vote was: “AYES” All. The Chair declared the motion passed.

A motion was made by Mr. Hricovec seconded by Mr. Klingshirn to approve a 16.39’ side yard setback and a 15.09’ side yard setback variances from C.O. 1262.08(b)(2)(B) Accessory Use Regulations to allow the existing barn/garage to remain in current location with no primary dwelling located at 32301 Schwartz Road.

A motion was made by Mr. Ladegaard seconded by Mr. Klingshirn to approve 15.09’ side yard setback variances from C.O.1262.08(b)(2)(B) Accessory Use Regulations to allow the existing barn/garage to remain in current location with no primary dwelling located at 32301 Schwartz Road. The vote was: “AYES” All. The Chair declared the motion passed.

MULCAHY APPEAL

Patrick and Sarah Mulcahy are requesting a 7’ front yard setback variance from C.O. 1262.08(c)(2)(g) Minimum Yard Requirements for Accessory Structures to allow a driveway extension to be located at 38780 Bradford Lane.

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Patrick Mulcahy is sworn in by Mr. Gasior.

Mr. Mulcahy says he would like to do a driveway extension to support a third car and allow the kids to play as they have a basketball hoop. They would like to start the extension 3 feet from the sidewalk instead of the 10 feet like the code says.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to approve a 7' front yard setback variance from C.O. 1262.08(c)(2)(g) Minimum Yard Requirements for Accessory Structures to allow a driveway extension to be located at 38780 Bradford Lane. The vote was: "AYES" All. The Chair declared the motion passed.

STAROSTO APPEAL

John Nash of Nash Project Management, representing Bryan Starosto is requesting an 85 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a covered patio to be located at 2553 Palmer.

John Nash of Nash Project Management is sworn in by Mr. Gasior.

Mr. Nash says they would like to do a detached covered patio in their back yard. Mr. Nash says their back-yard rolls down but when they are up on the patio you can see Detroit Road. They wanted to do a detached cover down lower to get them under the top of the fence. Mr. Nash says they will have a wall on the back of the cover, so they don't have to look at Detroit Road. They will be removing their existing deck and they issue is there is a 10'x12' shed in the yard and that is what put them over the allowed without having to remove the shed.

A motion was made by Mr. Hricovec, seconded by Mr. Klingshirn to approve an 85 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a covered patio to be located at 2553 Palmer. The vote was: "AYES" All. The Chair declared the motion passed.

HUFF APPEAL

John Nash of Nash Project Management, representing Steve Huff is requesting a 2' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered patio to be located at 33080 Rhine Circle.

Mr. Gasior says Mr. Nash is still under oath. Mr. Nash says they want to do an attached covered patio on the back corner of the house so they can take advantage of their yard. This was the best location where they wouldn't be completely past the 50' setback. They clipped the corner to help minimize it to stay within the setback, but they did encroach by a couple feet. Mr. Klingshirn says it's on the cul de sac and says he doesn't think the lot behind them is sellable. Mr. Nash says there is a house just west of that and they are ok with it.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 2' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered patio to be located at 33080 Rhine Circle. The vote was: "AYES" All. The Chair declared the motion passed.

ADJOURN

A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:16P.M.

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