

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 6-2-21

WEDNESDAY, JUNE 2, 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 – MAY 5, 2021

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, May 5, 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. Ladegaard, seconded by Mr. Klingshirn to delete the Gorbach Appeal from the agenda at the applicant’s request. The vote was: “AYES” All. The Chair declared the motion passed.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to delete the Brew Kettle Appeal from the agenda at the applicant’s request. The vote was: “AYES” All. The Chair declared the motion passed.

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

PLANTNER APPEAL

Kelly Christy of French Creek Builders representing Brian and Megan Plantner is requesting approval of a 2’ side yard variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of a covered patio to be located at 2922 Stone Wheel.

Kelly Christy is sworn in by Mr. Gasior. Mr. Christy says the costumer lives on a cul de sac and are looking to add a cover patio on the back left corner of their home with some privacy. The one issue was to try to keep the roof pitch to match or mirror the back bump out of their home and to do that, without moving the egress window above, they proposed to extend 2’ into the side yard. In doing that it clears the windows, and it does not pass past the fireplace on the side of the house. There is a row of arborvitaes on the one side for landscape buffer.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 2’ side yard variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of a covered patio to be located at 2922 Stone Wheel. The vote was: “AYES” All. The Chair declared the motion passed.

WIRKS APPEAL

Matthew and Meghan Wirks are requesting approval of a 15’ rear yard setback variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of a covered patio to be located at 36409 Montrose Way.

Matthew and Meghan Wirks are sworn in by Mr. Gasior. Mrs. Wirks says they would like to redo their existing patio with stamp concrete and make it a foot wider and cover that patio.

A motion was made by Mr. Hricovec, seconded by Mr. Klingshirn to approve a 15’ rear yard setback variance from C.O.1262.04(d)(3) Lot and Yard Requirements to allow the construction of a covered patio to be located at 36409 Montrose Way. The vote was: “AYES” All. The Chair declared the motion passed.

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 6-2-21

LY APPEAL

Tracy and Tony Ly are requesting approval of a 10' front yard setback variance from C.O. 1262.08(c)(2) Accessory Use Regulations to allow the construction of a driveway extension to be located at 35331 Saddle Creek.

Tracy and Tony Ly are sworn in by Mr. Gasior. Mrs. Ly says they are requesting a variance from the 10' setback to extend their driveway from the sidewalk, angled out about 9' and up to their garage for extra parking. Mr. Hricovec says it is the normal 45 angle and it looks good. Mr. Ladegaard asks if it is a development and Mr. Schneider says if its 30' less then it's a 10' setback. Mr. Schneider says a 40' setback requires a 20' setback. Mr. Schneider asks if they are going from the sidewalk. Mrs. Ly says yes from the sidewalk, angled out at 45 then up. Mr. Schneider says it would be a 20' setback.

A motion was made by Mr. Bulger, seconded by Mr., Klingshirn to approve a 10' front yard setback variance from C.O. 1262.08(c)(2) Accessory Use Regulations to allow the construction of a driveway extension to be located at 35331 Saddle Creek. The vote was: "AYES" All. The Chair declared the motion passed.

BERGER APPEAL

Stephen and Tara Berger are requesting a waiver from C.O. 1245.05(a)(1) Design Standards-Sidewalks, Walking Paths, Trial and Bicycles Path to not install the sidewalk for a new single family home located at 36062 Mills Road.

Stephen Berger is sworn in by Mr. Gasior. Mr. Berger explains this is a new constructions home on Mills Road and the adjacent properties are undeveloped and they have no neighbors and many homes on Mills do not have a sidewalk as well. He feels that there is no need for pedestrian traffic and to keep it uniformed it makes sense that he does not install the sidewalk. Mr. Schneider says that the applicant needs to be aware that when the city demands that sidewalks be installed, he will install them at that time. Mr. Gasior says there will be some communication from his office to Mr. Berger saying that he will agree to put the sidewalk in when the city requests that it go in, or you will accept an assessment if the city installs them. Mr. Gasior says given the location, who knows how long that will be, but we need to have it on file for anyone who lives there even if it sold, they know it will be coming. Mr. Gasior says he has the information on the application and once he prepares it, he will get it to them.

A motion was made by Mr. Bulger, seconded by Mr. Ladegaard to approve the waiver from C.O. 1245.05(a)(1) Design Standards-Sidewalks, Walking Paths, Trial and Bicycles Path to not install the sidewalk for a new single-family home located at 36062 Mills Road. The vote was: "AYES" All. The Chair declared the motion passed.

ODONNELL APPEAL

John O'Donnell requesting a waiver from C.O. 1245.05(a)(1) Design Standards-Sidewalks, Walking Paths, Trial and Bicycles Path to not install the sidewalk for a new single-family home located at 33355 Detroit Rd.

John O'Donnell is sworn in by Mr. Gasior. Mr. O'Donnell says this is a similar situation to the previous gentleman. The property that he purchased and ended up building a new home on currently does not have sidewalks nor do the neighbors from Nagel to the Westlake border on Detroit. Mr. O'Donnell says it does not make sense to put a sidewalk in those goes nowhere. Mr. O'Donnell says when it becomes necessary, he will take responsibility to put that in. Mr. Gasior says he will send the agreement as well that he will install them when needed or accept the assessment.

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 6-2-21

A motion was made by Mr. Hricovec, seconded by Mr. Klingshirn to approve a waiver from C.O. 1245.05(a)(1) Design Standards-Sidewalks, Walking Paths, Trail and Bicycles Path to not install the sidewalk for a new single-family home located at 33355 Detroit Rd. The vote was: "AYES" All. The Chair declared the motion passed.

MUIR APPEAL

Michael Muir is requesting approval of a 423.48 sq. ft. variance from C.O. 1262.08(a)(2) Accessory Use Regulations to allow the construction of a 36'x36' pole barn to be located at 1976 Jaycox Road.

Michael and Ethan Muir are sworn in by Mr. Gasior. Mr. Muir says they have a small footprint of the house and have been limited on space. They are trying to build a detached garage for storage and high schools students needs with weights and all. They are no infringing on any setbacks, they have a large lot and are keeping to the rear of it. Ms. Fechter asks if they lost a tree. Mr. Muir said yes and totaled two cars. Mr. Hricovec asks if they actual barn is 24'x36' with a 12' lean- to and Mr. Muir says correct. Mr. Hricovec says when he does the math, the barn is right there since he is raising the other, it is the lean-to that puts them over. Mr. Schneider says with the addition of this new pole barn, there will be no need to display your car tops in the front or side yard anymore. Mr. Muir says no Mr. Schneider, they will be stored in the barn.

Margo Herth, 2106 Hathaway Court is sworn in by Mr. Gasior. Ms. Herth says Avenbury Lakes HOA property abuts this property and asks if its her understanding that a building of this size needs to be at least 12' from the property line since its over 500 square feet. Mr. Schneider says if the parcel is 2 acres or less it can be 5' off the property line. Anything 2 acres or more its either 12' or the length of the building wall adjacent to that line.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to approve a 423.48 sq. ft. variance from C.O. 1262.08(a)(2) Accessory Use Regulations to allow the construction of a 36'x36' pole barn to be located at 1976 Jaycox Road. The vote was: "AYES" All. The Chair declared the motion passed.

ABUSHARIF APPEAL

Thaear Abusharif is requesting approval of a 280 sq. ft. variance from C.O. 1262.08(a)(2) Accessory Use Regulations to allow the installation of a 14'x20' shed to be located at 2056 Jaycox Road.

Thaer Abusharif is sworn in by Mr. Gasior. Mr. Abusharif explains that he built a garage last year and in hindsight he feels he built it too small. He says he had a landscaping company doing his landscaping but with the cost he decided to do his own work and bought lawn equipment and needs a space to keep it. Mr. Abusharif says he currently now has it in his garage and the smell of the grass is not favorable, so he wants something to store that equipment in and his kid's toys. He says he asked for 14x20, but could he do smaller if need be. He wants to do a prebuilt one and not custom. He suggests maybe 12x18 and thinks the 20' could be too wide and look ugly. Mr. Klingshirn says the smaller the better. Mr. Abusharif says as he thought about it, he does not want it that big, so he is hoping 14x16 or 12x18 keeping enough room between the garage and shed. Mr. Miller says it is a good idea to keep it clean and neat. Mr. Hricovec says that size seems a bit big so if he can go smaller, it would be better. Mr. Klingshirn asks if he would be willing to do the smaller one tonight. Mr. Ladegaard says he is trying to run some number to see what would be reasonable for him. He says they would like to keep it about a 12x14 since there already is a big building. Mr. Abusharif says he wishes he would have done a 40x40 and that would have been perfect. He also adds he did get two quotes to extend the garage, but it was so expensive with the cost of labor and lumber. Mr. Abusharif asks if 12x16 or 14x16 would be, ok? Mr. Ladegaard says 12x16 would be ok with him at 192 sq. ft. Mr. Abursharif says on the front will have windows and man door and, on the side, there will be a garage door so he can pull into. Mr. Abusharif says if he wants to do less Mr. Ladegaard

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 6-2-21

says that fine. Mr. Bulger says 12x16 is good for him. Mr. Ladegaard says a 14x14 is very close as well. Mr. Abursharif says he would rather do the 12x16 as he does not want a square. A question asked about the location of the back line. Mr. Abursharif says it would be placed in the middle of the garage location or pushed closer to the road.

A motion was made by Mr. Hricovec, seconded by Mr. Bulger to approve an amended 196 sq. ft. variance from C.O. 1262.08(a)(2) Accessory Use Regulations to allow the installation of a 12x16' shed to be located at 2056 Jaycox Road. The vote was: "AYES" All. The Chair declared the motion passed.

KOWAL APPEAL

Michael Kowal is requesting relief from C.O. 1478.01(b) Swimming Pools, International Building Code Appendix G, Section AG 105 Barriers requirement to waive the requirement of having a fence around the inground swimming pool with concrete patio with wall to be located at 3640 Split Rail Lane.

The applicant is not present, Chairman Miller moved to item 15A. After completing the agenda there was a brief discussion if they wanted to vote on this agenda item or post pone it until the July meeting.

Mr. Gasior gave them suggestions to continue to next month or they can dismiss it tonight. The main issue is he doesn't want to install the fence as he feels the cover is enough.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to post pone the Kowal Appeal to the July meeting. The vote was: "AYES" All. The Chair declared the motion passed.

GORBACH APPEAL

John Gorbach is requesting approval of a 19.5' front yard variance from C.O. 1280.04(i) Minimum Lot and Yard Regulations for Special Uses in Residential Districts to allow the proposed lot split to create a flag lot have frontage of 40.50' feet instead of the required 60' located at 34625 Detroit Road.

Gorbach Appeal was deleted from the agenda at the applicant's request.

BREW KETTLE APPEAL

Randy Parsons of Mann Parsons Gray Architects representing Brew Kettle is requesting a 11' parking setback from C.O. 1270.06(a) Off Street Parking, Loading and Access Drives to allow the parking setback for the proposed Brew Kettle to be 24' from the Right of Way instead of the 35' required to be located at 33287 Just Imagine Drive.

Brew Kettle Appeal was deleted from the agenda at the applicant's request.

ADVANCE POLYMER APPEAL

Rene Jimenez of Geis Company representing Advanced Polymer is requesting approval of 50' setback variance from C.O. 1278.05(a) Building Setback, Spacing, and Height Requirements to allow the construction of a building addition to be 10' from the street Right of Way instead of the required 60' to be located at 951 Jaycox Road.

Rene Jimenez is sworn in by Mr. Gasior. Mr. Jimenez says he is here from Geis Companies as they are representing Advanced Polymer as they are looking to expand their business. For them to expand their laboratory, shipping and receiving, and production they need about 20,000 square feet. They way their property is shaped it limits them to how much they can build to the east. There is a wetland they are mitigating and the way they are proposing the buildings they need to be connected. Ms. Fechter says Advanced Polymer has been in Avon since the late 60's and are a small hidden business. Their property is

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 6-2-21

on the cul de sac, but they own all the property around them. The next neighbor is Valensil, and they are ok with the project. Mr. Jimenez says it is on the cul de sac, but it is the back of the property.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to approve a 50' setback variance from C.O. 1278.05(a) Building Setback, Spacing, and Height Requirements to allow the construction of a building addition to be 10' from the street Right of Way instead of the required 60' to be located at 951 Jaycox Road. The vote was: "AYES" All. The Chair declared the motion passed

COMMENTS

ADJOURN

A motion was made by Mr. Klingshirn seconded by Mr. Hricovec to adjourn. The vote was: "AYES" All. The Chair declared the motion passed.