

**AVON BOARD OF ZONING & BUILDING APPEALS
JUNE 5, 2024, 7:00 P.M., COUNCIL CHAMBERS
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, Pam Fechter, Econ. Dev./Planning Coordinator, John Gasior, Law Director, Duane Streater, Safety Director, Susan Pintz, Planning Commission & ZBA Secretary

REVIEW & CORRECTION OF MINUTES

Mr. Schatschneider moved, seconded by Mr. Miller, to dispense with the reading of the minutes of the regular meeting held on May 1, 2024, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

ADDITIONS & DELETIONS

Ms. Clements requested that Item 10 University Hospital be deleted from the agenda.

Mr. Schatschneider moved, seconded by Mr. Miller, to delete Item 10-University Hospital from the agenda. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve the amended agenda. The vote was: “AYES” all. The Chair declared the motion passed.

APPEALS & REQUESTS

1. **James Valderrama, 36498 Gosford Drive, 33-24**
Proposal consists of a single-family addition.

The following variance is requested:

1. 14 ft. rear yard setback variance. Code requires 50 ft.; applicant proposes 36 ft. Section C.O. 1262.04(d)(4) Lot and Yard Requirements-Rear Yard.

James Valderrama, 36498 Drive, Avon, Ohio 44011 was sworn in. Mr. Valderrama stated he is requesting the variance because they are removing the covered patio and installing a new addition which will be enclosed and an addition to the house. The addition will be at the rear of the house because they are trying to maintain the green space at the second lot. They are trying to keep the green space because his kids and the neighbors all use the green space for recreational activities.

There were no comments.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 14 ft. rear yard setback variance. The vote was: “AYES” all. The Chair declared the motion passed.

2. **Chris and Susan Howard, 3295 Lenox Oval, 35-24**

Proposal consists of a family room addition with basement.

The following variance is requested:

1. 5 ft.9 in. rear yard setback variance. Code requires 50 ft.; applicant proposes 44 ft.3 in. Section C.O. 1262.04(d)(4) Lot and Yard Requirements; Rear Yards.

Sean Boutin 34023 Hickory Court, Avon, Ohio 44011 was sworn in. Mr. Boutin appeared on behalf of Mr. and Mrs. Howard. He says Mr. and Mrs. Howard are proposing an 18 x 14 family room addition and with the design it created an encroachment in the rear setback of about 5 ft. 9 in. They are requesting a 44 ft. 3 in. rear setback variance to accommodate the design of the family room which includes an entry way into the basement.

Chair Ladegaard stated a letter was received in support of the project.

Mr. Boutin stated they notified the neighbors and the HOA of the proposed project. He said the HOA does not have any restrictions as far as building additions.

There were no other comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 5 ft. 9 in. rear yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Matthew Kudla, 2342 Stonewood Street, 25-24**

Proposal consists of a driveway extension.

The following variance is requested:

1. 10 ft. variance. Code requires 20 ft.; applicant proposes 10 ft. Section C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures-Supplemental spaced area for parking or outdoor storage of vehicles.

Matthew Kudla, 2342 Stonewood Street, Avon, Ohio 44011 was sworn in. Mr. Kudla stated he added a 3rd garage bay last fall and installed the driveway as much as possible within the code. He said with the addition he is not able to maneuver his truck sharp enough to get into the garage without driving into the yard. He is proposing to extend the driveway enough to be able to get his vehicle into the garage without driving into the yard. He sent an email to the contact person of HOA.

Mr. Miller drew a slightly reconfigured drawing to show Mr. Kudla. The drawing was displayed on the screen.

Ms. Clements stated this reconfiguration will be acceptable if it is kept within 10 feet.

Mr. Bulger agreed. He said the one drawing shows the driveway going to the edge of the garage. The other drawing shows it is going out a couple of feet past the garage.

Mr. Kudla stated on the one side it is a walkway.

There were no other comments.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve a 10 ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

4. Paul and Karen Campbell, 33131 Saint James Trail, 30-24

Proposal consists of an aluminum awning over an existing deck.

The following variance is requested:

1. 9 ft.10 in. rear yard setback variance. Code requires 50 ft.; applicant proposes 40 ft.2 in. Section C.O. 1262.04(d)(4) Lot and Yard Requirements; Rear Yards.

Mike Sheetz, Bright Covers, 3453 West 140th Street, Cleveland, Ohio 44111 was sworn in. Mr. Sheetz is appearing on behalf of Mr. and Mrs. Campbell. Mr. Sheetz stated Mr. and Mrs. Campbell are proposing a 10-foot variance for an 18 x 16 aluminum framed awning over an existing deck. They will be attaching the awning to the deck and on the house.

Chair Ladegaard stated they received a support letter from the neighbor.

There were no other comments.

Mr. Bulger moved, seconded by Mr. Miller, to approve a 9 ft.10 in. rear yard setback variance. The vote was: “AYES” all. The Chair declared the motion passed.

5. Scott Wiles, 3086 Jaycox Road, 26-24

Proposal consists of a detached barn.

The following variance is requested:

1. 11 ft. variance. Code requires 44 ft.; applicant proposes 33 ft. Section C.O. 1262.08(b)(2)(B) Maximum Area and Number of Accessory Buildings-Side Setback.

Chair Ladegaard stated Mr. Schatschneider will be abstaining from this item and vote. Mr. Gasior also stated that Mr. Schatschneider will be abstaining from this item and vote.

Scott Wiles, 3086 Jaycox Road, Avon, Ohio 44011 was sworn in. Mr. Wiles stated he is in the process of building a new house on Jaycox. He said part of the plans include a detached garage with a loft area above it. He stated the setback requirement is 44 feet and he is proposing 33 feet. He feels that is a fair proposal for a few reasons:

1. The neighboring land is owned by the Lorain County Metroparks; it is undeveloped and there is no traffic and no inhabitants.
2. The garage orient is completely away from the neighboring parcels, there would be no traffic and it would not be visible or a hindrance to that parcel.
3. Based on the footprint size, if he were to make the barn smaller by 5 percent and build it in 2 buildings, they would only require a 12-foot setback, so to the extent they are asking for 33 feet which is only 3 times what in theory they could be afforded if they recalculated the footprint of the building.

Chair Ladegaard confirmed that the parcel abuts the Metroparks. He said there were 2 letters from neighbors, one was in support and the other letter was not in support.

Dan Ritter, 35666 Keller Drive, Avon, Ohio 44011 was sworn in. Mr. Keller wrote the letter that did not support this project. Mr. Keller stated he didn't know the specifics of the variance because the letter only stated an 11-foot variance, and it didn't say anything else. He said everyone on Keller Drive on the one side of the street received the letter. He and the other neighbors did not know where the barn was going because they did not have any other information. He said the only way to get more information was to attend the meeting so that is why he attended. Mr. Ritter said he met a couple of people on the street, and they said the variance is 20 feet and so that would make it 10 foot off the property line. He and the other neighbors were not sure what information was correct. He said if the barn will be on the Metroparks side then he is not against that and has no objection.

Mr. Miller moved, seconded by Mr. Hricovec, to approve an 11 ft. variance. The vote was:

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

Mr. Schatschneider “abstained”

4, “AYES”

1, “Abstention”

The Chair declared the motion passed.

6. Kody Urig, 36725, Kinzel Road, 36-24

Proposal consists of an accessory structure.

The following variance is requested:

1. 118 sq. ft. variance. Code allows 541 sq. ft. applicant proposes 659 sq. ft. Section C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings.

George Douzos, 5D Construction, 36344 Mills Road, Avon, Ohio 44011 was sworn in.

Mr. Douzos appeared on behalf of Kody Urig. Mr. Douzos stated Mr. Urig is requesting a 118 sq. ft. variance to allow Mr. Urig to build a new 659 sq. ft. structure on the property.

Chair Ladegaard asked if the new structure will be built in the same location as the previous current structure.

Mr. Douzos said yes.

Mr. Hricovec said on the house drawing it says “to be removed” is that an existing drawing?

Ms. Clements stated that was an old drawing from when an addition was being completed.

There were no other comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 118 sq. ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

7. **Aaron and Lyndsay Moore, 4563 Center Road, 31-24**

Proposal consists of a new single-family home.

The following variance is requested:

1. Variance to not install sidewalks at time of new construction. Section C.O. 1246.05(a)(1) Sidewalks, Walking Path, Trails, and Bicycle Paths.

*Address correction 4653 Center Road, not 4563 Center Road.

Aaron Moore, 4653 Center Road, Avon, Ohio 44011 was sworn in. Mr. Moore stated they are requesting a variance to not install sidewalks on the new construction home on Center Road. He said they do not see sidewalks or see very few on that road. He said he was advised by his surveyor that if they were to install sidewalks and then the city decided to install sidewalks 5-10 years later then the sidewalk plans may not match. He said they are willing to participate in the installation of sidewalks when Avon decides to install sidewalks. He said they are trying to avoid installing sidewalks and then having to remove them a few years later.

Mr. Gasior stated he is requesting that Mr. and Mrs. Moore sign an affidavit of facts that the city could record on the property that they would agree to install the sidewalks at a future date as requested by the city. In the event the homeowner sells the property that would be in the chain of title and the new buyer would also be aware of the responsibility to install sidewalks in the future.

Mr. Moore agreed.

Mr. Gasior stated he will get in touch with Mr. Moore to make arrangements to sign and execute the affidavit. Once that is completed the variance will be approved. Therefore, the variance will be contingent upon the execution of the affidavit.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a variance to not install sidewalks at time of new construction contingent on the execution of the sidewalk affidavit. The vote was: "AYES" all. The Chair declared the motion passed.

8. **Paul and Angela Minnillo, 4380 Stoney Ridge Road, 37-24**

Proposal consists of a new single-family home.

The following variance is requested:

1. Variance to not install sidewalks at time of new construction. Section C.O. 1246.05(a)(1) Sidewalks, Walking Path, Trails, and Bicycle Paths.

George Douzos, 5D Construction, 36344 Mills Road, Avon, Ohio 44011 was sworn in. Mr. Douzos appeared on behalf of Mr. and Mrs. Minnillo. Mr. Douzos stated Mr. and Mrs. Minnillo are requesting a variance to not install sidewalks for a new construction home due to the location, lack of sidewalks in the area and the existing homes in the area that do not have sidewalks at this time. Mr. Douzos said Mr. and Mrs. Minnillo are requesting a variance to postpone the installation at this time until the city deems it necessary to install sidewalks.

Mr. Gasior stated he is requesting that Mr. and Mrs. Minnillo sign an affidavit of facts that could be recorded on the property that they would agree to install the sidewalks at a future date as requested by the city. In the event the homeowner sells the property that would be in the chain of title and the new buyer would also be aware of the responsibility to install sidewalks in the future.

Mr. Douzos agreed.

Mr. Gasior stated he will get in touch with Mr. and Mrs. Minnillo to make arrangements to sign and execute the affidavit. Once that is completed the variance will be approved. Therefore, the variance will be contingent upon the execution of the affidavit.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve a variance to not install sidewalks at time of new construction contingent on the execution of the sidewalk affidavit. The vote was: "AYES" all. The Chair declared the motion passed.

9. Wilbert and Martha Kreis, 38841 Detroit Road, 39-24

Proposal consists of a Lot Split.

The following variance is requested:

1. 12 ft. side yard setback variance. Code requires 40 ft. (length of adjacent wall); applicant proposes 28 ft. Section C.O. 1262.08(b)(2)(B) Maximum Area and Number of Accessory Buildings-Side setback.

Jerry Kreis, 38871 Detroit Road, Avon, Ohio 44011 was sworn in.

Ken Kreis, 14128 Settlement Acres, Brook Park, Ohio 44142 was sworn in.

Mr. Jerry Kreis stated he is requesting a 12-foot variance for a pre-existing barn building. He said a parcel split is in the process through the Planning Department. He is requesting a 12 variance from the side yard of the barn and the new parcel split.

Chair Ladegaard stated this seems to be straight forward.

There were no other comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 12 ft. side yard setback variance. The vote was: "AYES" all. The Chair declared the motion passed.

10. Matt Worthley on behalf of University Hospital, 36320 Detroit Road, 27-24

Proposal consists of additional wall signage for new Urgent Care Center.

The following variance is requested:

1. 36 sq. ft. variance. Code allows 36 sq. ft. variance. Section C.O. 1290.05 Schedule of Maximum Sign Area-Wall Sign 1 sq. ft./linear ft. of building frontage.

Item has been deleted.

11. Avon Local Schools on behalf of Kimberly Ditto, 2758 Center Road, 29-24

Proposal consists of a Lot Split to make the property compliant.

The following variance is requested:

Square Footage and Side Yard setback variances; Section C.O. 1262.08 and C.O. 1262.04.

$3.4754 \times 43560 = 151388 \times 2\% = 3028$ allowed.

Existing structures 1173 sq. ft.; 1640 sq. ft.; 864 sq. ft. = 3677

1. 649 sq. ft. variance. Code allows 2% of lot size. Section C.O. 1262.08(a)(2)
Maximum Area and Number of Accessory Buildings.

Bill Fishleigh, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011 was sworn in.

Joe Burgoon, Lewis Land Professionals, Inc. 8691 Wadsworth Road, Suite 100, Wadsworth, Ohio 44281 was sworn in.

Mr. Burgoon stated there is a large property on Center Road. The Avon City Schools are looking to purchase the area in the rear and the current owner is keeping 2 parcels. It was determined some of the existing structures are not in compliance with the side setbacks and those are existing conditions that cannot be changed. He further stated the square footage of the structures on parcel 2 is slightly larger than what is permitted by code because the property is going to be split. The parcels are compliant in size and shape it is a couple of existing conditions and a few extra square feet on parcel 2 of outbuilding which is the request.

Mr. Hricovec stated the existing property line, which is the one that splits the 2 properties, it is 1 foot 3 inches in the corner of the barn. In there any way to balance the 2 properties so that if these 2 parcels sold to different owners the 1 parcel doesn't have a 1 foot 3 inch offset of the property line.

Mr. Burgoon said they left the existing property line where it was. The 2 homes have been used for several years. They felt they would leave the property as it is. He said anything they would move south would then create more noncompliance to those structures.

Mr. Schatschneider asked if there was a building permit issued for the building number 4?

Ms. Clements said she didn't know.

Mr. Schatschneider said if it is an existing lot how did the building get that close to the property line?

Ms. Clements said she didn't know.

There were no further comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 649 sq. ft. variance. The vote was: "AYES" all. The Chair declared the motion passed.

2. 13 ft. 8 in. side yard setback bldg.1. Code requires length of wall adjacent to property line. Section C.O. 1262.08(b)(2)(B) Maximum Setback Requirements for Detached Accessory Building.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 13 ft. 8 in. side yard setback bldg.1. The vote was: “AYES” all. The Chair declared the motion passed.

3. 14 ft. 9 in. side yard setback bldg. 2. Code requires length of wall adjacent to property line. Section C.O. 1262.08(b)(2)(B) Maximum Setback Requirements for Detached Accessory Building.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 14 ft. 9 in. side yard setback bldg. 2. The vote was: “AYES” all. The Chair declared the motion passed.

12. Avon Local Schools on behalf of Kimberly Ditto, 2740 Center Road, 28-24

Proposal consists of a Lot Split to make the property compliant.

The following variance is requested:

Square Footage and Side Yard setback variances; Section C.O. 1262.08 and C.O. 1262.04.

$1.0917 \times 43560 = 47554 \times 2\% = 951$ allowed

Existing barn 19+50 sq. ft.

1. 999 sq. ft. variance. Code allows 2% of lot size. Section C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings.

Bill Fishleigh, Avon Local Schools, 36600 Detroit Road, Avon, Ohio 44011 was sworn in.

Joe Burgoon, Lewis Land Professionals, Inc. 8691 Wadsworth Road, Suite 100, Wadsworth, Ohio 44281 was sworn in.

Mr. Burgoon had nothing additional.

Mr. Gasior stated as these variances are being granted, he wouldn't consider these to be precedential in value for any future property owner because he thinks what is being approved is in consideration of the schools, the schools' taxpayers as well as everyone else here. He said there is an interest in making sure that the property the schools purchase from the Dittos' and then not leaving the Dittos' with some non-conforming buildings. The Board is acting in the interest of the schools and the importance of the schools being able to acquire the land.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 999 sq. ft. variance. The vote was: “AYES” all. The Chair declared the motion passed.

2. 3 ft. 9 in. side yard setback for barn. Code requires 5 ft. Section C.O. 1262.08(b)(2)(B) Maximum Setback Requirements for Detached Accessory Building.

Mr. Bulger moved, seconded by Mr. Schatschneider, to approve a 3 ft. 9 in. side yard setback for barn. The vote was: “AYES” all. The Chair declared the motion passed.

3. 3 ft. 7 in. side yard setback for house. Code requires 12 ft. Section C.O. 1262.04(d)(3) Lot and Yard Requirements-Side Yard.

Mr. Bulger moved, seconded by Mr. Schatschneider, to approve a 3 ft. 7 in. side yard setback for house. The vote was: “AYES” all. The Chair declared the motion passed.

13. Whitney Callahan, Inn the Doghouse, 37525 Colorado Avenue, 32-24
Proposal consists of a new dog daycare facility.

The following variance is requested:

1. 15 ft. parking setback variance. Code requires 35 ft.; applicant proposes 20 ft. Section C.O. 1270.06(a) Off- Street Parking, Loading and Access Drives.

Whitney Callahan, 13885 Edgewater Drive, Lakewood, Ohio 44107 was sworn in. Mrs. Callahan stated the proposed building was designed with setbacks of the adjacent buildings. Initially when they purchased the property it was C-2 and has since moved to C-4. When they submitted their site plans to the Planning Department that is how they realized they need to request a variance to keep the setback the same as the buildings adjacent to them. In addition, it keeps them out of the floodplain in the rear and 15 feet away from the rear neighbors.

Ms. Fechter added that the property was always C-4, the zoning map is incorrect. She said this project was presented at the Planning Commission on May 15, 2024; she is asking for consideration for this variance due to the issue of some neighbors behind the proposed building who are not supportive of the project. She believes if the variance is not granted it could cause problems with the neighbors.

There were no other comments.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 15 ft. parking setback variance. The vote was: “AYES” all. The Chair declared the motion passed.

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

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

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

Mr. Bulger moved, seconded by Mr. Miller, to table the Millenium Holdings appeal to the July 3, 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.

Motion to approve.

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.

Motion to approve.

15. The Vinnce Group, LLC, 37399 French Creek Road, 38-24

Proposal consists of a new commercial building.

The following variance is requested:

1. 31 parking space variance. Code requires 44; applicant proposes 13. Section C.O. 1292.04(d)(6) Required Off-Street Parking Spaces-Personal Services.

Mark Ruby, Architect, 199 N. Leavitt Road, Suite 201, Amherst, Ohio 44001 was sworn in.

Salena Rehom, 37399 French Creek Road, Avon, Ohio 44011 was sworn in.

Andrew Mullins, 37421 French Creek Road, Avon, Ohio 44011 was sworn in.

Don Zadorozny, 37450 French Creek Road, Avon, Ohio 44011 was sworn in.

Mr. Ruby stated the applicant is proposing to build a new building at the location of a building that has since been demolished. The proposed building would be a 2 story approximately 3,900 sq. ft. for a nail and manicure salon. The building is against the property line and adjacent to a commercial zoned lot owned by Mike Petrillo. Mr. Ruby spoke with Mr. Petrillo, and he has no objection and would be willing to sign an agreement that he will allow the applicant to use his parking lot in the event they need extra parking. He tried to maximize the lot for the design of the building.

Chair Ladegaard asked about how many spots there would be in the shared parking lot?

Mr. Ruby stated that Mr. Petrillo would be willing to negotiate whatever is needed. He stated that he could provide a follow-up with an exact number of parking spots.

Ms. Mullins stated her property is adjacent to this proposed building where most of the parking would be. Her concerns are the buffer zone, the location of the dumpster (she does not want that next to her house), the chemical in the air from the nail salon, and the lighting from the parking lot. She said as far as the business is concerned, she believes there is an office on the second floor and wanted to know what kind of business would be in that space. She stated the most important issue to her is the buffering, the more buffering the better. She also had a concern about opacity, she doesn't want headlights shining in her backyard.

Ms. Fechter stated this project has not been submitted to Planning Commission yet, we requested they get the required variance first. She said the city has met with Mr. Ruby and the applicant and we asked that the proposed building be farther away from the residential

parcels to make sure the residents are not impacted. The actual submission to Planning Commission has not been received yet. Many of these issues would be discussed at Planning Commission.

Mr. Ruby said there will not be a dumpster, they will carry the trash to the trash can. He said the buffer adjacent to Ms. Mullins home is a minimum of 10 feet wide and they will do everything they can to prevent headlights from shining on the property and no lighting would be directed at Ms. Mullins property. He said they could install a fence or trees.

Ms. Fechter asked Mr. Ruby if he would be willing to work with the neighbor when they submit plans to Planning Commission regarding the buffer.

Mr. Ruby said absolutely. Mr. Ruby took Ms. Mullins name.

Ms. Mullins said she is not fully aware how buffering works.

Ms. Fechter stated that is why she asked Mr. Ruby to work with Ms. Mullins regarding the buffer issue to minimize the lighting.

Ms. Mullins asked about the trash removal, she said she is not knowledgeable about nail salons or about how their disposal procedure works.

Ms. Rehom, says they take trash out every week.

Mr. Ruby said the trash cans are behind the building.

Ms. Fechter states she thinks Ms. Mullins is asking if there is a specific disposal process for chemicals.

Vinnce Group Representative(male) says Republic Recycle will take the trash.

Mr. Ruby said they will comply with whatever the regulations are.

Ms. Fechter stated we understand that trash pick up is weekly and the bins will be placed at the curbside but as far as the acetone and the chemical for doing the nails is there any state requirement on how that is disposed of and where that will be going. Will that be in the regular trash or does that get disposed of separately.

Vinnce Group Representative(male) said all the trash goes in the trash receptacle.

Ms. Fechter asked if they have any specific requirements for disposal of chemicals. Since they have a salon now, they would know.

Vinnce Group Representative(male) says at the end of the day they collect the trash and put it in the trash bin.

Ms. Mullins said she did quick research and there are certain requirements for the disposing of chemicals.

Ms. Clements stated the city does not have any regulations pertaining to requirements for the disposing of chemicals.

Mr. Zadorozny stated on the parcel for the proposed building he believes that parcel was supposed to revert to residential when the previous bar building closed. He would like the city to search their records. He asked if this parcel is just commercial.

Chair Ladegaard stated the parcel is zoned C-2 French Creek District Commercial.

Mr. Zadorozny asked what is permitted in the C-2 French District. If the applicant owns the property for 6 months and sells the property, what other business can occupy the space and will this be a multi-tenant building if there are offices upstairs. He asked if the parking spaces are reduced, will there be nice landscaping. What is the purpose of reducing the parking spaces.

Ms. Fechter stated the code states for every chair they have to do nails they need to have 2 parking spaces and they are looking to have an agreement with the owner next door to share the parking.

Mr. Zadorozny stated he is not opposed to this business anything is better than the bar that was there. He doesn't think the business should be there though, it should be residential.

Mr. Gasior says they may need to look at some previous ordinances.

Mr. Ruby took Mr. Zadorozny's name.

Mr. Zadorozny said he is always concerned about what is happening in the neighborhood because he owns 4 houses there. He lives across the street from this parcel.

Chair Ladegaard stated there needs to be more information about shared parking because he doesn't think a vote can be made without knowing how many shared parking spaces there will be. He would like to see the actual agreement.

Mr. Hricovec asked about the occupant on the second floor.

Mr. Ruby said the owners will occupy the entire building. The owners will not live in the building.

Ms. Clements will email Mr. Zadorozny the code that explains what is permitted in the French Creek District.

Ms. Mullins asked if the second level of the proposed building can be converted to residential.

Mr. Gasior said since it is zone C-2 there could be a resident on the second level of the building.

There were no further comments.

Mr. Miller moved, seconded by Mr. Hricovec, to table the The Vinnce Group appeal until July 3, 2024. The vote was: “AYES” all. The Chair declared the motion passed.

16. Nick Rak, 38335 Detroit Road, 40-24

Proposal consists of installation of a windmill, fences, barn addition and falconry pen.

The following variance is requested:

Square footage variance for accessory structure; height variance for 2 separate fences; height variance for windmill; Section C.O. 1262.08(a) and C.O. 1294.08(a) and C.O. 1294.08(b) and C.O. 1262.06

Nick Rak, 38335 Detroit Road, Avon, Ohio 44011 was sworn in.

1. Windmill 26 ft. tall:

1 ft. height variance. Code allows 15 ft. or height of the principal building whichever is greater. Code allows 25 ft. 3 in.; proposing 1 ft. Section C.O. 1262.06 Height Regulations.

Mr. Rak stated when he purchased his property, he also purchased footers and cup links for the windmill. It took him 2 months to rebuild it and install it. He is not sure what part of the windmill deviates from the existing code, he believes it is the height of the windmill. He displayed a picture on the screen. He thinks there is a code about power producing windmills but the windmill on his property is restored and decorative.

Chair Ladegaard said this request is a 1-foot height variance, the code allows 25 foot 3 inches.

There were no other comments.

Mr. Miller moved, seconded by Mr. Schatschneider, to approve a 1 ft. height variance. The vote was: “AYES” all. The Chair declared the motion passed.

2. Wire Fence in front yard:

2 ft. height variance portion of fence in front yard. Code allows 4 ft.; proposing 5 ft. 5 in. no taller than 6 ft. Section C.O. 1294.08(a) Fence Location, Height and Opacity.

Mr. Rak stated he has 5 feet around the property and the question is the front of the house. He asked Ms. Clements if she was familiar with how much past the front of the house it would be.

Ms. Clements stated she did not have an exact measurement.

Mr. Rak stated he thinks it would be approximately 5 feet in front of the house.

Ms. Clements agreed and said any portion of the fence that is in front of the house would need the variance.

Chair Ladegaard asked if this was the variance with the cattle.

Mr. Rak referred to the picture on the screen and said the blue line to the left where the property breaks on the west side, and it makes the angle and heads toward the road. That is approximately 5 feet past the front of the house. He said he could stop it at the front of the house since it would be 1 foot. Mr. Rak said it's a 5-foot fence, the code is 4 feet.

Ms. Clements confirmed the code is 4 feet in the front yard.

Mr. Rak said he will keep it out of the front yard, so the request can be removed.

Chair Ladegaard asked if this variance can be removed.

Mr. Rak confirmed yes this can be removed.

Chair Ladegaard stated the fence with the cattle says 50 inches, that is 4 feet.

Ms. Clements said he could install a picket fence in the front portion.

Mr. Rak confirms yes.

Mr. Gasior states the applicant is withdrawing the request for a wire fence variance in the front yard.

Mr. Rak confirms yes.

Mr. Bulger moved, seconded by Mr. Miller, to approve to accept the applicant's request to withdraw the 2 ft. height variance for a portion of a wire fence in the front yard. The vote was: "AYES" all. The Chair declared the motion passed.

3. Privacy Fence inside yard:

4 ft. height variance. Code allows 6 ft.; proposing 10 ft. Section C.O. 1294.08(b)(1)
Fence Location, Height and Opacity.

Mr. Rak stated this request is for a privacy fence. This is between his property and the immediate neighbor to the east that has a barn which looks like a commercial building. He displays a picture on the screen. He says the neighbor's garage/barn is a block structure. The neighbor has some blue tarps on the structure which do not bother Mr. Rak. He thinks the neighbor will fix the garage/barn when he has the time and money. He said the garage/barn block structure is 3 feet off the property line and on the back where the eve comes off it's 18 inches off the property line. He is proposing a 10-foot privacy fence. He has seen a pre-made fence that has fake ivy attached to it and he would like to replicate that. He realizes that a 10-foot fence is asking for a lot but that is the highest part of the neighbor's garage/barn structure. Mr. Rak added that the ivy wall is not his ideal choice as it is expensive at approximately \$6,000. He said he would rather plant some arborvitae trees but those take time to grow, and he doesn't want to wait 10 years. His plan would be to install the ivy wall and plant arborvitae trees and then in about 10 years when trees are fully grown, he would take down the ivy wall. He said if a 10-foot fence is too much he would then like to request an 8-foot fence and thinks that could be acceptable.

Chair Ladegaard said a 10-foot fence is excessive and it outside of anything the board has ever granted.

Mr. Rak said if the board would agree to an 8-foot ivy fence he would be agreeable to that as well. He said he would plant the arborvitae trees and then take the fence down when the trees are fully grown. He said anytime synthetic plants are installed over time they will fade, and he doesn't want to see faded fake plants.

Chair Ladegaard said he doesn't recall granting an 8-foot fence. He said the code is 6 foot.

Mr. Gasior asked Mr. Rak if the fake ivy fence would be the exact fence he is proposing.

Mr. Rak said yes.

Mr. Gasior said Mr. Rak's willingness to plant arborvitae and then remove the fence in 10 years should be a condition of the motion and contingent upon grating the motion.

There were no other comments.

Mr. Miller moved, seconded by Mr. Hricovec, to approve a 2 ft. height variance on a synthetic ivy fence with the stipulation that after the planted arborvitaes are fully grown in 10 years the synthetic ivy fence will be removed.

The vote was:

Mr. Bulger "no", Mr. Hricovec "no", Mr. Miller "no", Mr. Schatschneider "no", Mr. Ladegaard "no"

0 "AYES"

5 "NAYS"

The Chair declared the motion denied.

4. Barn Addition:

$1.36 \times 43560 = 59241.6 \times 2\% = 1185$ allowed

Existing barn 1188 sq. ft.; existing chicken coop 100 sq. ft.

Falconry Pen: 640 sq. ft.; 12 ft. x 20 ft. pen 100 sq. ft.; North Pergola 10 ft. x 10 ft. 100 sq. South Pergola 15 ft. x 20 ft. 300 sq. ft.

Barn Addition: 1135 sq. ft.; covered patio 12 ft. x 55 ft. 660 sq. ft.; storage 20 ft. x 19 ft. 380 sq. ft.; covered walkway 5 ft. x 19 ft. 95 sq. ft.

All proposed barn additions and falconry pen to be connected.

1878 sq. ft. variance. Code allows 1185 sq. ft.; proposing 3063 sq. ft. Section C.O. 1292.08(a) Maximum Area and Number of Accessory Buildings.

Mr. Rak states a barn addition request. He said he realized he is asking for a lot. He said the existing barn is near the windmill. He wanted to re-side the entire barn, red and black. If the board is not comfortable granting the entire square footage variance, it was ultimately the ideal plan to have the barn off the rear of the house, however the walkway can be reduced that would leave 380 sq. ft for the addition. The spare area would be for the covered Falconry Pen which would be 220 sq. ft. Mr. Rak further stated he keeps his personal machines stored and available. He said Chief Swope, Assistant Chief Bruehler and Assistant Chief Fischer have been notified that should they need trench rescue machines they are always available to the Fire Department. However, part of the problem is during the winter he shrink wraps them and puts them away and does not use them. He can make them available for the Fire Department should they ever need them. He keeps them covered and indoors as they are his personal machines and they do not go out on jobs. He has an excavator and a bobcat.

Mr. Rak says the barn would be 380 sq. ft. The existing barn is almost exactly 2 percent of the lot, at the existing barn he is at the maximum. He said he also has a chicken coop; the base is 6 ft. x 8 ft. which is 48 sq. ft. and that is the amount that he is over already. He stated he would like to request 380 sq. ft. for the barn. He added he is a registered Falconer with the state and part of having a state license for Falconers is it is required to have a Falconry Pen. He believes it is beneficial to have a Falconer in the city and there is a substantial amount of education that is brought to the community. He said any time someone has pest problems whether it's Willoway Nursery or another nursery they can eliminate the pest. He stated the most important requests he has are the barn and body of the falconry pen which is a total of 600 sq. ft. He realized that his request for an extra 1300 sq. ft will not be granted.

Chair Ladegaard asked Mr. Rak if his variance request is at the 600 sq. ft.

Mr. Rak confirmed yes.

Chair Ladegaard stated this would be a total of 1836 sq. ft. or a 64 percent variance. He asked Ms. Clements what would be the percentage of 550 sq. ft?

Mr. Schatschneider said there is a covered porch in the front, is that already existing or is this part of the request.

Mr. Rak said this is non-existent and would not be included where it says 19 feet across.

Mr. Schatschneider said it states 55 ft x12 ft. covered patio.

Mr. Rak says he has decided not to do that project, that alone would be 660 sq. ft. so he is going to remove that proposed awning.

Chair Ladegaard says the board may be agreeable to a 50 percent square footage variance.

Mr. Rak confirmed it would agree to that. The Falconry pen is at 20 ft. x12 ft which is 240 sq. ft. plus the 80 sq. ft. for the barn.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 550 sq. ft. variance for a barn addition.

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.

COMMENTS

Chair Ladegaard stated it was Bill Hricovec’s birthday on June 4 and Pam Fechter’s birthday is on June 29. Everyone wished them a Happy Birthday.

Mr. Hricovec had no comments.

Mr. Bulger had no comments.

Mr. Miller had no comments.

Mr. Schatschneider had no comments.

Mr. Gasior had no comments.

Ms. Fechter had no comments.

Ms. Clements had no comments.

Mr. Streator had no comments.

ADJOURN

Mr. Hricovec moved, seconded by Mr. Miller, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 8:22 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission &
BZA Secretary

Date