

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 8-5-2020

WEDNESDAY, AUGUST 5 ,2020 COUNCIL CHAMBERS, AVON CITY HALL

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

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

MINUTES OF THE REGULAR MEETING – JULY 1, 2020

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to dispense with the reading of the regular minutes of Wednesday, July 1, 2020 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

CLIFF & SANDY MOORE APPEAL

Cliff Moore is requesting an 8’ rear yard setback variance from C.O.1262.04(d)(4) Yard Requirements to allow the construction of a roof over the deck to be located at 38175 Thorton Lane.

Cliff Moore is sworn in by Mr. Gasior. Mr. Moore says he would like to put a 16x20 deck on the back. Mr. Moore says it will be about 3 feet off the ground so when they walk out the back door it will be flush with the deck. He also adds they are going to put a roof over the deck which will be a metal roof with matching shingles, and it will be insulated and will have siding. Mr. Moore says the deck will be vinyl and the deck, house and roof will all match. Ms. Fechter says they part of the Stonebridge Subdivision and their HOA managing company is changing. Mr. Moore says they did receive information from them on what they need to submit once they get variance approval and find a contractor. Ms. Fechter says they don’t think they will have a problem but they haven’t seen anything yet so Ms. Fechter states the permit can not be picked up until they get HOA approval. Mr. Moore says they didn’t contact them first as he wasn’t sure the appeal would be approved.

A motion was made by Mr. Schatschneider, seconded by Mr. Ladegaard to approve an 8’ rear yard setback variance from C.O.1262.04(d)(4) Yard Requirements to allow the construction of a roof over the deck to be located at 38175 Thorton Lane. The vote was: “AYES” All. The Chair declared the motion passed.

THOMAS CORRIGAN APPEAL

Thomas Corrigan is requesting a 120 sq. ft. variance from C.O.1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 12’x20’ pergola over back patio to be located at 4298 St. Theresa Blvd.

Thomas Corrigan is sworn in by Mr. Gasior. Mr. Corrigan says they want to build a mechanical pergola over their back patio. Mr. Corrigan says it’s a freestanding structure that is metal and made by a company named Structures. Mr. Corrigan says the relief he is seeking is the pergola is going to be 240 sq. ft and he is restricted by his lot size and the 2% allow for a total of 120 sq. ft. Mr. Schatschneider says his neighbor just got one and its not impacting anyone or anything on

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the golf course. Mr. Miller asks if the roof is adjustable? Mr. Corrigan says yes, and Mr. Miller asks if it drains rainwater and Mr. Corrigan confirms it does.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to approve a 120 sq. ft. variance from C.O.1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 12'x20' pergola over back patio to be located at 4298 St. Theresa Blvd. The vote was: "AYES" All. The Chair declared the motion passed.

DENNIS CONRAD APPEAL

Dennis Conrad is requesting a 4' rear yard setback variance from C.O.1262.04(d)(4) Yard Requirements to allow the construction of a pergola to the existing patio located at 4622 St. Joseph Way.

Dennis Conrad is sworn in by Mr. Gasior. Mr. Conrad says they are putting a pergola up as they have an existing patio they want to cover, and it will be attached to the house. Mr. Conrad says there is only 21 feet to the back, and he has an easement then it's the golf course. Mr. Schatschneider says its nice and again not impacting anything.

A motion was made by Mr. Schatschneider, seconded by Mr. Bulger to approve a 4' rear yard setback variance from C.O.1262.04(d)(4) Yard Requirements to allow the construction of a pergola to the existing patio located at 4622 St. Joseph Way. The vote was: "AYES" All. The Chair declared the motion passed.

JEFFREY FISHER APPEAL

Jeffrey Fisher is requesting a variance from C.O. 1282.03(a) Nonconforming Use of the lot to allow the construction of a roof over the deck to be located at 3095 Stoney Ridge Road.

Jeffrey Fisher is sworn in by Mr. Gasior. Mr. Fisher wants to add a front deck onto the front of the house, 8'x25' deck with a gable roof attached the house. Mr. Fisher says it will be a composite deck and they are replacing the existing 4'x5' that was sinking and old. Mr. Fisher says presently it needs a 50' off set but the house sits at 38' so he is asking for the variance on the offset. Mr. Schatschneider asks why we need a 20' variance when there was already a porch. Mr. Schneider says they don't need a 20' variance, this will be a vote under section 1282.03(a) which is a nonconforming structure on a lot. Ms. Fechter adds after confirming with the law director we didn't need to make them legal by giving them the front yard setback we are looking at it as an existing lot of record, so the variance is for nonconforming. Mr. Gasior says he needs your permission otherwise its prohibited to expand a nonconforming without BZA approval. Mr. Gasior says he must establish practical difficulties and show the cost of the expansion will not exceed 75% of the market value of the building that exists. Mr. Ladegaard says its 8'x25' and shows steps going out towards the road and asks if that counts those steps. Mr. Fisher says no it doesn't. Mr. Ladegaard says they will be even closer to the road and asks if he can put it off to the side as he's worried about how close to the sidewalk and road. Mr. Fisher says he put them there for straight access into the house. Mr. Bulger asks if that counts in the variance and Mr. Schneider says no, its just the structure. Mr. Ladegaard says out of the 4 /5 houses in a row are all close with set back from the right of way.

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A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a variance from C.O. 1282.0(b) Nonconforming Use of the lot to allow the construction of a roof over the deck to be located at 3095 Stoney Ridge Road. The vote was: "AYES" All. The Chair declared the motion passed.

NORTH STAR BUILDERS APPEAL

Jason Scott of North Star Builders is requesting 14.67 rear yard setback variance from C.O. 1262.04(d)(1) Yard Requirements per the plat plan to allow the construction of a new single family home with outdoor living space to be located at 4309 St. Theresa.

Allen Pawl is sworn in by Mr. Gasior. Mr. Pawl says they are looking for a 14.67' variance for the veranda for the perspective new home that they have a buyer for within Red Tail Development. They have letter of approval from the golf course and from the neighbor. The variance is the veranda roof going over the back patio.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to approve a 14.67 rear yard setback variance from C.O. 1262.04(d)(1) Yard Requirements per the plat plan to allow the construction of a new single family home with outdoor living space to be located at 4309 St. Theresa. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

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 7:21P.M.