

**AVON BOARD OF ZONING & BUILDING APPEALS
AUGUST 7, 2024, 7:00 P.M., COUNCIL CHAMBERS
REGULAR MEETING MINUTES**

ROLL CALL

The meeting was called to order by Chair 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, Susan Pintz, Planning Commission & ZBA Secretary

Absent: Duane Streator, Safety Director

REVIEW & CORRECTION OF MINUTES

Motion to dispense with the reading of the minutes of the regular meeting held on July 3, 2024, and to approve the minutes as published.

Mr. Schatschneider moved, seconded by Mr. Bulger, to approve the minutes of the regular meeting held on July 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

Ms. Clements requested Items 11 and 12 be deleted from the agenda.

Mr. Miller moved, seconded by Mr. Hricovec, to delete items 11 and 12 from the agenda and approve the amended agenda. The vote was: “AYES” all. The Chair declared the motion passed.

APPEALS & REQUESTS

1. **Brian and Rachel Langemo, 2517 Deerfield Drive, 51-24**
Proposal consists of construction of a 3rd single car garage.

The following variance is requested:

1. 7 ft. side yard setback; code requires 12 ft., applicant proposing 5 ft. C.O. 1262.04(d)(3) Lot and Yard Requirements-Side Yard.

Ray Gunter, 812 Mariott Street, Sheffield Lake, Ohio 44054 was sworn in. Mr. Gunter is representing Brian and Rachel Langemo. On behalf of the homeowner, he is requesting a 7-foot variance to build a 15-foot garage.

Chair Ladegaard’s opinion is the proposed requested variance size is too large. He asked if Mr. Gunter would consider a 5-foot side yard setback variance.

Mr. Gunter asked if that would mean a 12-foot garage?
Chair Ladegaard replied yes.

Mr. Gunter responded they would consider reducing the size of the garage to 12 feet.

Mr. Schatschneider asked if that would be a 13-foot garage instead of a 15-foot garage?

Chair Ladegaard said that is correct.

Mr. Hricovec agreed.

There were no other questions or comments.

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

2. **Jeffrey Marlowe, 34966 Mills Road, 52-24**
Proposal consists of a driveway extension.

The following variance is requested:

1. 15 ft. 6 in. front yard setback; code requires 20 ft., applicant proposing 0 ft., existing is at 15 ft. 6 in. C.O. 1262.08(c)(2) Accessory Use Regulations-Minimum Yard Requirements for Accessory Structures.

Jeffrey Marlowe, 34966 Mills Road, Avon, Ohio 44011 was sworn in. Mr. Marlowe is requesting to extend his driveway to the sidewalk as indicated on the drawing which he provided. He stated he is one of four houses between North Ridgeville/Jaycox and Avon/Jaycox and it is difficult to exit his driveway. He said the driveway extension would help him turn around in his driveway and then exit.

Mr. Hricovec asked if that is at a right angle where the driveway meets the sidewalk or is he going to extend the angle from the point.

Mr. Marlowe said no the new driveway would be right to the sidewalk and he will keep the original apron. He does not need to extend the apron any further, as it is sufficient. He indicated a neighbor has the exact same driveway he is proposing.

Mr. Schatschneider indicated he could extend the driveway to the street and that could be helpful when exiting his driveway.

Mr. Marlowe said he did not need to extend the driveway to the street. He said people from North Ridgeville going north on Jaycox and people from Avon going south on Jaycox, do not stop at the stop sign. The 4 houses in the area have difficulty exiting their driveway. They need to pull out not back out. He said he drives over his grass which he does not like to do.

There were no other comments or questions.

Mr. Miller moved, seconded by Mr. Bulger, to approve 15 ft. 6 in. front yard setback. The vote was: "AYES" all. The Chair declared the motion passed.

3. **Alex and Laura Cote, 33482 Vineyard Park, 53-24**

Proposal consists of a roof addition over a rear patio with a gas fireplace.

The following variance is requested:

1. 13 ft. rear yard setback; code requires 50 ft., applicant proposing 37 ft. C.O. 1262.04(d)(4) Lot and Yard Requirements Rear Yard.

John Nash, Nash Project Management, 2425 Deerfield Drive, Avon, Ohio 44011 was sworn in and participated by phone (phone held by Christopher Kutsko). Mr. Nash is representing Alex and Laura Cote. Mr. Nash appreciated the Board allowing him to participate by phone. He stated this project is an open structure cover at the rear of the house. He refers to the Topography Map on the screen, a challenge he is facing is the garage sticks out 16-18 feet from the front of the house. As a result, the front yard is very large from the front door and the backyard is almost eliminated. The rear building lines are now about 5 feet and there is not much that can be built at the rear of the house. There is an existing pergola which is attached to the house which extends about 16 feet and there are steps that are unsafe. Mr. Nash is proposing to remove the pergola and steps that are currently in place and replace it with a nice open structure, stamped concrete, new steps and everything safe and looking beautiful. This will strictly be an open structure for a back patio.

Mr. Nash refers to the drawings (which were submitted to the building department) but those drawings were not provided to the Board. The new foundation shows the 2 locations where the posts will be. The structure will tie into the house, removing the siding, sliding the beam into the house and then support off the existing structure which will then tie in and putting a post back onto the 2-point loads. This is his standard open structure project. The homeowner just needs the space in the backyard. This project will add value to the house as well.

Mr. Bulger stated no other drawings were provided other than the topography Map (TOPO). Mr. Bulger asked if this structure would go into the backyard 18 feet and the Topo indicates a fireplace; will the fireplace stick out any further than the 18 feet?

Mr. Nash said there is no fireplace it is a fire pit which is a gas fire pit that is about 12 feet away from the structure which is within the code but that will be off to the side on a stamped concrete patio. The actual concrete will be about 1 foot beyond the structure itself because he prefers the concrete to go beyond the post so he can put the stone around the base on the concrete. The concrete will work its way across the house and in front of the door and then there will be a gas fire pit off to the side.

Mr. Hricovec asked if there has been HOA approval.

Mr. Nash stated they are working on HOA approval, he doesn't anticipate any issues and they are currently waiting for approval.

There were no other questions or comments.

Mr. Schatschneider moved, seconded by Mr. Bulger, to approve a 13 ft. rear yard setback. The vote was: "AYES" all. The Chair declared the motion passed.

4. **Christoper and Kelly Kutsko, 2428 Deerfield Drive, 54-24**

Proposal consists of a 20 ft. x 36 ft. swimming pool with a patio.

Christopher Kutsko, 2428 Deerfield Drive, Avon, Ohio 44011 was sworn in. John Nash, Nash Project Management, 2425 Deerfield Drive, Avon, Ohio 44011 was sworn in and participated by phone (phone held by Christopher Kutsko). Mr. Nash wanted to explain the project and how they decided on the design. He said this project is more complex than most projects. He refers to the topography map (Topo) on the screen. Mr. Nash stated Mr. Kutsko has an inside corner lot which is challenging, and the house has been placed to the south side of the lot, and the backyard is almost non-existent.

Mr. Kutsko said they purchased the house when it was 1 year old. There is a large side yard which they thought was great for a pool but then they found out they were not permitted to install a pool in the side yard.

Mr. Nash said to install the pool the section of the yard is 52ft. x 48ft. Another obstacle for this project is the grade to the west is 12-16 inches higher than Mr. Kutsko's property. Mr. Nash noticed the grade issue when he evaluated the property for the pool installation. This is a problem they need to work around in addition to the side yard at the south end. Mr. Nash said he built an open structure a couple of year ago which is to the north of where this proposed pool will be.

Mr. Kutsko showed a picture of the completed project on his phone which was then displayed on the screen for everyone to see.

Mr. Nash referred to the picture indicating this will be a high-end project with the pool, stamped concrete with integrated benches, walk outs, waterfalls and retaining wall. It will be a diamond style pool which will need to be deeper. The picture displayed does not depict the exact pool. However, this project will look like a resort when it's completed.

Mr. Nash refers to the layout displayed on the screen. He said Mr. Kutsko initially requested a 20ft. x 40ft. pool rather than the 20ft. x 36ft. but with the limitations of the property the 20ft. x 40 ft. wasn't feasible. He said to address the limitations on the west side of the grading they basically moved the pool 10 feet from the west property line and there will be a retaining wall across the rear, and it will not have any concrete. That allows the Demaline property grade that is existing on the westside, and they will be able to maintain all the drainage, that area will not be impacted by the project. He said there will be waterfalls that will make the area look nice.

Mr. Nash said the property on the south side, currently he has planned for 7 ft. 9 in. from the property line. He realizes the code is 10 feet but to follow the code the pool size would need to be reduced and the size has already been reduced to maintain the desired design. The requested size of the pool is needed to accommodate the features of the pool. The shallow end of the pool is 13 feet and since the homeowners have children they need more of a shallow end section. He said for the diving board there needs to be some concrete around the diving board, the recommendation is 8 inches, his thought is possibly 2 feet of landscaping; a mulch bed or a rock bed with some bushes. This will also give Mr. Kutsko the ability to add a solar cover if he wishes. Additionally, there will be a full privacy fence at the property line.

Mr. Nash stated at the north side of the property is where the open structure will be. He had a conversation with Ms. Clements because the code reads 15 feet from the main structure, and he was trying to interpret if that meant 15 feet from the house because this project will be an open structure and it's not part of the home. Ms. Clements indicated that the concern is the distance between the door from the house to the pool. Mr. Nash advised the entry to the backyard is off the inside of the gable and it is about 30 feet away from the pool and there is no door where someone could accidentally fall into the pool. He tried to be clear with the drawings.

Chair Ladegaard said the pool request, in his opinion, is somewhat excessive. He understands the issue of the 36ft. x 20ft. He would be more comfortable with reducing the size of the pool to 34ft. x 20ft. which would eliminate one of the variances with being 10 feet off the property line. It would also minimize the other variance where the diving board goes over the stamped concrete and that would reduce it to a 3-foot side yard setback with a 2-foot variance.

Mr. Bulger had no questions.

Mr. Schatschneider said regarding the 1-foot variance along the wall, most of the time, the Board allows for 2 foot off the property line, he prefer to see the 2 foot off the property line instead of the 1 foot off the property line.

Mr. Nash said they could adjust for the 2 foot off the property line, instead of doing the "bump out" they can maintain the 2 foot off the property all the way through that area. He said the easy answer could be to reduce the size of the pool, but the homeowners are making a significant investment for the project and getting them the 36 feet for the pool is essential. He said they could modify and reduce the concrete and do 3 feet of dirt. He said the size of the pool is very important because it affects the shallow end of the pool where the kids will play. The project itself is significant and to start reducing the sizes will impact the design and will be difficult. Mr. Nash stated the size of the pool is important and they could make modifications in other areas if needed.

Mr. Kutsko said they originally wanted the pool size to be larger and agreed to the 36ft. x 20ft. and to reduce it further would be disappointing considering the investment they are willing to make for this project. They would like to get the most out of the project. He requested that the pool size not be reduced in size.

Mr. Hricovec inquired about the south side of the property; if the retaining wall goes down, the pool deck is level because obviously the water is level, as to not interrupt the grade behind the wall between the property line to the rear corner drain, it almost seems if you step off the back of the diving board the concrete would be down about 12-16 inches.

Mr. Nash thinks the grade on the south is ok, it is almost as if the property on the west side rolls back towards the east and towards the pool. They are going to basically cut it and take it back and then he will blend the corner in. He will also have linear drains or some type of drainage capturing the water on the deck. All the water that hits the concrete will drain into the storm sewer via a linear drainage system or a 4-inch drain in the middle. He understands what Mr. Hricovec is saying. He thinks they will be ok though. Mr. Nash was

more concerned about the west side and how high the grade is in that area. He said he envisioned the retaining wall stepping down as they get closer to the south side because it doesn't need to be as high near the drain, it would be more toward the middle of the pool than the where the retaining wall turns.

There were no other questions or comments.

The following variance is requested:

1. 4 ft. side yard setback; code requires 5 ft., applicant proposing 1 ft. concrete around the pool. C.O. 1262.08(c)(1) Accessory Use Regulations-Minimum Yard and Requirements for Accessory Structures-Patio.

Mr. Hricovec moved, seconded by Mr. Bulger, to approve 3 ft. side yard setback, 2-foot variance. The vote was: "AYES" all. The Chair declared the motion passed.

2. 2 ft. 3 in. side yard setback; code requires 10 ft., applicant proposing 7 ft. 9 in. for swimming pool. C.O. 1478.03 Swimming Pools-Location.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve 2 ft. 3in. side yard setback, 7 ft. 9 in. variance. The vote was: "AYES" all. The Chair declared the motion passed.

3. 4 ft. 10 in. setback from building; code requires 15 ft., applicant proposing 10 ft. 2 in. from corner of covered patio. C.O. 1478.03 Swimming Pools- Location.

Mr. Miller moved, seconded by Mr. Hricovec, to approve 4 ft. 10 in. setback from building, 10 ft. 2 in. variance. The vote was: "AYES" all. The Chair declared the motion passed.

5. **Nicole Kristy, 3183 Woodstone Lane, 55-24**

Proposal consists of installation of a fence within a drainage easement.

The following variance is requested:

1. Allow installation of a fence to cross over a portion of the drainage easement. C.O. 1248.19 Structures and Improvements within Utility Easement of Right of Way.

Joseph Kristy, 4610 Crocker Woods Lane, Westlake, Ohio 44145 as sworn in. Mr. Kristy indicated he is speaking on behalf of his daughter Nicole Kristy. Mr. Kristy stated the house is new construction and they are proposing to install a fence in the backyard with a double wide gate on the one side within a drainage easement to the south and the east of the property.

Chair Ladegaard said when the city allows a homeowner to install a fence within the drainage easement, the homeowner needs to be aware and agree that if the city would need to access the easement, it would be the responsibility and at the expense of the homeowner for any removal and/or replacement of the fence.

Mr. Kristy stated he understood and agreed.

There were no other questions or comments.

Mr. Miller moved, seconded by Mr. Schatschneider, to approve a variance to allow a fence within a drainage easement. The vote was: “AYES” all. The Chair declared the motion passed.

6. Duncan Todd, Jr, 35442 Keller Drive, 56-24

Proposal consists of a 20 ft. x 14 ft. addition to the north side of the house.

The following variance is requested:

1. 5 ft. side yard setback; code requires 12 ft., existing nonconforming is at 7 ft. C.O. 1282.03 (c) Nonconforming Use of Lot.

The homeowner requested this appeal be tabled to the September 4, 2024.

Mitchell Randolph, 35410 Keller Drive, Avon, Ohio 44011 was sworn in. Mr.

Randolph stated he is the neighbor of Mr. Todd. He has lived in his home for about 15 years and when he purchased the home the fence was even with the house. He was told he owned 7-10 feet on both sides of the fences and there was a makeshift marker visible. He said for the last 15 years he has maintained the area. Mr. Todd then moved into the home next door and the marker has slowly been moved closer to the fence. He does not want to dispute who mows the lawn. Mr. Randolph said they have a sunroom at the rear of their home. Mr. Todd built a large play gym area for his child in his backyard. Mr. Randolph then installed a privacy fence so they could still sit in their sunroom and have privacy. He said the addition that Mr. Todd is proposing will completely remove any privacy that he has in his backyard. He said every neighbor has finished patios and he can see those all the way down the street (event to Mr. Schmidt’s house). He uses his exit gate from the garage, they do not use their front door. He is requesting the variance not be granted. He doesn’t know where the exact property lines are at this point because the marker has been changed so many times. Additionally, he doesn’t know what it would do to the value of his own home. He says if Mr. Todd builds the addition, then when he sits in his sunroom, he will be looking at a large living addition from his backyard.

Mr. Gasior told Mr. Randolph his comments are in the record, and he can attend the September meeting and speak again regarding this appeal when the property owner is present, and the property owner can explain his rationale for his appeal.

Mr. Randolph said he can do that.

Mr. Miller moved, seconded by Mr. Hricovec, to table until the September 4, 2024, meeting. The vote was: “AYES” all. The Chair declared the motion passed.

7. Robert Uszak, 2590 Jaycox Road, 57-24

Proposal consists of construction of a 16 ft. x 24 ft. shed.

The following variance is requested:

1. 5 ft. side yard setback; code requires 5 ft.; applicant proposing 0 ft. C.O. 1262.08(b)(2)(B) Accessory Use Regulation-Accessory Building Setback Requirement.

Robert Uszak, 2590 Jaycox Road, Avon, Ohio 44011 was sworn in. Mr. Uszak is replacing an existing shed with a larger shed. He said he cannot place the shed any further north on his property due to the drain field concerns. He is proposing placing the new shed along the existing fence/property line and that would form the 4th side of the pool and then have the porch facing the pool. The parcel next to him is a commercial business, and he is not sure what the actual business name is at this point since it has changed many times. He has been maintaining the 10-foot area up to the driveway for the last 40 years, but they have not taken it over by adverse possession. He said it is a non-residential neighbor.

Chair Ladegaard asked what is the reason that he can't place the shed further north?

Mr. Uszak said the drain field for the septic tank is in that area.

Chair Ladegaard stated since he has been on the Board there has never been a 0-variance request that has been granted.

Mr. Hricovec said his concern was the egress of the shed, because it will be a fence for the pool so if you are outside of the "fence" can you enter a door into the shed to get into the pool area.

Mr. Uszak said from the pool area, his property side and the side that faces the commercial building will not have anything there.

He reiterated the parcel is a non-residential neighbor, and he has maintained the property all these years.

Mr. Miller asked if the owner of the property has been notified.

Ms. Clements states yes, the owners have been notified.

Mr. Miller indicates he understands the hardship.

Ms. Clements said the owners of the property are not present very often. They maintain the property periodically.

Mr. Uszak said the building owners for the parcel next to him are present sporadically, there is no one on the premises regularly. They are non-existent neighbors. He would understand the concern if it was a residential neighbor.

Mr. Miller voiced a concern of taking of another property owner's "driveway".

Mr. Uszak said he is not taking over the driveway, the shed would be on the "fence line" for pool.

Mr. Bulger had no questions.

Mr. Schatschneider asked if Mr. Uszak would consider placing the shed 2-1/2 feet off the property line.

Mr. Uszak said being on the property line allows him to take the 2 panels that are around the pool. If he removes the panels the porch will then become the enclosure, and he can place furniture there, but he will also have access to store his pool supplies without going onto the property. He then would not have to navigate through any muddy areas on his property.

Mr. Schatschneider stated the Board has never granted a 0 variance.

Mr. Uszak explained the sheds that are available to purchase come in sizes 16, 18 20, 24 feet, but the way the existing shed was placed there were 3 sections of fence that were 24 feet, and the new shed would fit perfectly in the space (pictures were displayed on the screen).

Mr. Hricovec asked Mr. Uszak if he cut one panel in half then there would be 4 feet on each side, and it would be 4 feet off the edge. That way he wouldn't need to buy a new fence.

Mr. Uszak said he wouldn't need to buy a new fence because the side of the porch on the shed will have the side there so there will be no access. It will only be accessible from the pool area or his yard.

Mr. Uszak reiterated he has maintained the property for 40 years and it is a non-residential property.

Chair Ladegaard asked Mr. Uszak if he wanted the Board to vote on the 0 variance because he doesn't think it will pass.

Mr. Uszak asked if the Board would consider 6 inches?

Chair Ladegaard offered 2-1/2 feet off the property line.

Mr. Uszak said the 2-1/2 feet off the property will not allow the shed to fit properly in the 3-panel situation. He said his situation is unique and reiterated his previous rationale.

Mr. Hricovec said that is why he suggested the 4 feet on each side of the shed because aesthetically it works in the 8 feet section.

Mr. Uszak disagreed with Mr. Hricovec and reiterated his previous reasons for his request. There were no other questions or comments.

Mr. Hricovec moved, seconded by Mr. Schatschneider, to approve 5 ft. side yard setback, 0 variance.

The vote was:

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

5, "NAYS"

The Chair declared the motion denied.

Mr. Miller suggested he may want to contact the owner of the property to inform the company of his potential plan.

Mr. Uszak asked what is the specific objection?

Mr. Ladegaard stated that a 0 variance has never been granted.

Mr. Uszak asked for 6 inches?

Chair Ladegaard offered 2-1/2 feet off the property line.

Mr. Uszak reiterated his previous reasons for his request.

Mr. Miller stated it is still a property owner even if it is a commercial property.

Chair Ladegaard again offered 2-1/2 feet off the property line and stated anything under 5 feet needs a variance.

Mr. Uszak said the 2-1/2 foot off the property line will not work and will not look right and he thinks his request is reasonable.

8. Randy and Donna Fratianne, 37942 French Creek Road, 58-24

Proposal consists of construction of an accessory structure.

Randy Fratianne, 3250 Bramblewood Way, Avon, Ohio 44011 was sworn in. Mr. Fratianne stated he sold about 5 acres of property to the City of Avon behind the 37942 French Creek Parcel. He kept the front lot for future building, and he is ready to do that now. He has a need for some additional space to accommodate his barn and house than what is permitted. He is requesting a 598 sq. ft. variance. He owns the parcel to the left and the city owns the rear parcel. He doesn't think any of his neighbors have an objection. The requested variance would allow him to accommodate his cars, equipment and tractors. He has not decided who will build the barn or when construction will begin but he wanted to navigate through the variance process first.

Mr. Schatschneider said there is small piece of property on Parcel C on the drawing, who owns that property?

Mr. Fratianne said he owns the parcel. He subdivided the lots to square the lots lines up and he put that parcel onto the other parcel.

Mr. Schatschneider asked if Mr. Fratianne would consider taking part of the Parcel C and adding it to the new lot that he wants to develop. It would then give him more square footage for a building and then move it over if he wanted to.

Mr. Fratianne said he just re-parceled it so he could straighten the property lines, and he doesn't see an advantage of doing that again. He added that he doesn't know where he wants to place the barn yet because he has a gas well approximately 50 feet off the property line and approximately 50 feet off the rear property line. He said the other parcel where the house will be built that used to be 2 lots and he consolidated those parcels.

Chair Ladegaard indicated on the second variance request a time frame to begin building is usually required for the request.

Mr. Gasior stated the time frame is usually 18-24 months.

Mr. Fratianne said he has no issue with the requirement. He is potentially looking at 2 months to begin building.

There were no other questions or comments.

The following variance is requested:

1. 598 sq. ft.; code allows 1402 sq. ft, applicant proposing 2000 sq. ft. C.O. 1262.08(a)(2) Accessory Use Regulation-Maximum Area and Number of Accessory Building.

Mr. Hricovec moved, seconded by Mr. Miller, to approve 598 sq. ft. variance, total 2,000 sq. ft. The vote was: “AYES” all. The Chair declared the motion passed.

2. Accessory building with no primary dwelling. C.O. 1262.08 Accessory Use Regulation.

Mr. Miller moved, seconded by Mr. Bulger, to approve an accessory building with no primary dwelling to begin construction within 18 months. The vote was: “AYES” all. The Chair declared the motion passed.

9. Avon JV LLC, 36320 Detroit Road, 59-24

Proposal consists of a freestanding monument sign.

The following variance is requested:

1. 4 ft. height; code allows 6 ft., applicant proposing 10 ft. C.O. 1290.07(d) Maximum Height Freestanding Sign.

Marie Cipolletta, Signarama, 18200 S. Miles, Warrensville, Heights, Ohio 44128 was sworn in. Ms. Cipolletta is representing University Hospital, and they are proposing a 10-foot multi-tenant monument sign.

Chair Ladegaard stated the request for the 10-foot sign is excessive especially in the French Creek District. He stated he would not be agreeable to the 10-foot size request.

Ms. Cipolletta indicated she believes the hospital is requesting the 10-foot size monument sign because it is a hospital, and they would like the location of the facility to be easily visible.

Chair Ladegaard understood however he indicated University Hospital has signage at the front and on the side of the facility. He advised that he has driven by the facility and has seen the current signage and the location of the proposed signage. He would not be in support of a 10-foot sign.

Mr. Bulger stated the proposed monument sign shows 4 tenants. He asked how many actual tenants will there be?

Ms. Cipolletta indicated she did not know how many vacancies there are currently, but she believes the building can accommodate 5 tenants, but she is not sure because University Hospital is their only client.

Ms. Fechter said there is a large end unit which is still available that has a drive thru. Currently the occupants are Jersey Mike Sandwich Shop, Citizens Bank, University Hospital and there might be a smaller unit available.

Mr. Bulger said he felt the 10-foot sign is too large for the French Creek District.

Dennis McBride, Ward 2, Councilman, City of Avon, 36080 Chester Road, Avon, Ohio 44011 was sworn in. Mr. Bride said [there is no variance here and no hardship has been pled, which is required by code, the criteria is in the code. Based on that, they have not asked for anything that can be granted relief from other than they want this. There are 2 buildings on the site, the building to the west is UH Urgent Care, Jersey Mikes and as Ms. Fechter stated there is an open space on the end. There are 3 tenants and there is a separate building. UH has enough signage, there is a sign at the Urgent Care now, there a large monument sign in the isle at Healthway, this would be more advertising for UH that they are trying to squeeze in. He said it is pig slopping at the trough and they do not need any variance. There are not many variances for signs in the French Creek District and no variance should be granted. The developer has been less than...we will say... not that great of a developer. It flooded adjacent properties, they have not put up a fence that they are required to do but yet there is somebody here that is looking for a variance, say no to everything.]

Ms. Cipolletta said she is not with the developer company.

Mr. McBride said the variance being requested goes with the property not with UH.

Ms. Cipolletta indicated she just deals with the sign; they are just fabricating the sign.

Mr. McBride said it doesn't matter the variance goes with the property, he says no to this.

Mr. Schatschneider had no questions.

Mr. Hricovec said he believes the 10-foot sign is excessive and when Jersey Mikes requested signage, he wasn't in favor of that sign either. The French Creek District is the heart of Avon.

Ms. Clements said Citizens Bank proposed their own monument sign and they withdrew to allow for the development multi-tenant sign. This development does consist of 2 parcels so the businesses would be allowed to have their own monument sign themselves. There could be multiple monument signs in that area as long as they follow the code.

Chair Ladegaard asked if there were any other questions or comments.

Mr. Miller stated as Ms. Clements mentioned if there was uniformity there could be more than one sign.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve 4 ft. side height variance.

The vote was:

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

5, “NAYS”

The Chair declared the motion denied.

Ms. Cipolletta said she brought a second option and is requesting an 8-foot monument sign instead of a 10-foot monument sign.

Chair Ladegaard stated the board is standing firm on their decision.

Ms. Cipolletta said that is fine and she appreciates it and said thank you.

10. Insite Real Estate Investment Properties, LLC, Miller Road, PPN 04-00-004-102-011
Proposal consists of driveway crossing.

The following is requested:

Under code section 1464 – Flood Damage Protection, (1464.36), Insite is requesting relief from 1464.13(b)(C) to allow InSite to obtain Building Permits while in the process of receiving their LOMAR-F through FEMA for their driveway crossing on Permanent Parcel Number 04-00-004-102-011.

Joseph Jorge, Civil Engineer, CESO, 3601 Rigby Road, Suite 300, Miambsburg, Ohio 45342 was sworn in.

Tom Kostelny, InSite Real Estate, LLC, 1400 16tg Street, Suite 300, Oak Brook, IL 60523 was sworn in.

Pam Fechter, Planning Coordinator, City of Avon, 36080 Chester Road, Avon, Ohio 44011 was sworn in. Ms. Fechter stated Insite Real Estate is proposing a new development on Miller Road, a portion of their property is located within the floodplain. Insite has submitted an application with the city’s Floodplain Administrator, Emily Hanson, Chief Building Official. Ms. Hanson and Ryan Cummins, City Engineer, Chagrin Valley Engineering, have reviewed the floodplain application. According to the code 1464.13(b)(c) the building permit cannot be obtained prior to the LOMAR-F being approved by FEMA. In this situation we are asking for relief from that section of the code, the floodplain consists of the entrance into site, as they are working on that with FEMA, getting their LOMAR-F which is their letter of map revision to fill the site area. We would like for them to still have the opportunity to cross the site and go to the building pad and do the work. She said just in case with the timing of FEMA lately we never know how long that will take but to allow Insite the ability, that if it does take longer with FEMA, they are still working with Ms. Hanson and Mr. Cummins and would follow everything they need to do and be allowed to pick up the permit prior to. The representative from Insite Real Estate is present to answer any questions.

Mr. Jorge states he can answer any questions if needed.

Mr. Hricovec asked if the building was in the floodplain, or just the parking?

Mr. Jorge answered according to the FEMA map it is just the drive, but they will be evaluating some of the other areas based on the topography survey.

There were no other questions or comments.

Mr. Bulger moved, seconded by Mr. Schatschneider, to approve the relief from 1464.13(b)(C) to allow InSite to obtain Building Permits while in the process of receiving their LOMAR-F through FEMA for their driveway crossing on Permanent Parcel Number 04-00-004-102-011. The vote was: “AYES” all. The Chair declared the motion passed.

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

Proposal consists of a new commercial building.

Tabled on June 5, 2024, and July 3, 2024.

Deleted at the request of Jill Clements, Zoning Enforcement Officer.

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.

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

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

Tabled on April 3, 2024, May 1, 2024, June 3, 2024, and July 3, 2024.

Deleted at the request of Jill Clements, Zoning Enforcement Officer.

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. C.O. 1290.07 (f) Maximum Height of Freestanding Signs-Directional Signs.

Motion to approve.

COMMENTS

Mr. Bulger had no comment.

Mr. Hricovec had no comment.

Mr. Miller had no comment.

Mr. Schatschneider had no comment.

Mr. Gasior has no comment.

Ms. Clements had no comment.

Ms. Fechter had no comment.

Mr. Ladegaard had no comment.

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 8:11 p.m.

Mark Ladegaard, Chair, Board of Zoning
and Building Appeals

Susan Pintz, Planning Commission &
BZA Secretary

Date