

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

### MINUTES OF THE PUBLIC HEARINGS HELD ON WEDNESDAY, AUGUST 18, 2021, IN COUNCIL CHAMBERS OF CITY HALL

The meeting was opened by Chairman Carolyn Witherspoon at 7:00P.M

CREATE A SPECIAL USE PERMIT FOR GATOR ICE CREAM, LLC DBA HANDEL'S ICE CREAM TO INCLUDE OUTDOOR SEATING AREA TO BE LOCATED AT 35925 DETROIT ROAD SUITE 117. The Chair opens the Public Hearing at 7:00P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:00P.M.

REZONE PPN 0400024116043 FROM M-1 TO R-1 LOCATED AT 33910 MILLS ROAD. The Chair opens the Public Hearing at 7:00P.M Mr. Gorney says they live on Via San Angelo and the lot is adjacent to their lot that they purchased and want to put that to residential with the possibility of having their friends put a house on the lot to finish off the cul de sac that over looks into an empty lot. Mr. Gorney says they think it would be good for the neighborhood, its an empty lot now and many years ago there was a house on the lot. The potential home would be large home which would be good for the neighborhood and tax revenue and good for the street.

Roger Conrad, 33976 Mills, which is the lot to the west of the lot that is under discussion. Mr. Conrad says he went through the City guidelines especially section 1294.05 and with the changing of the zoning and what it would do to his property. Mr. Conrad says he would have to put a buffer zone per the regulations of 30' between the two parcel and the other issue is he would not be allowed to put up a structure up within 100' of the property line and it will be residential. He will have the multi-use industrial lot and it puts an unfair burden on his property. He says would only be able to put up a structure of 70' if he wanted as it restricts his ability to do what he wants to do on his parcel and doesn't think its fair. Mr. Conrad says its not fair to put restrictions on the property he purchased and would be limited.

There being no more further questions or comments, Chairman Witherspoon closes the public hearing at 7:05P.M.

AMEND THE CITY OF AVON PLANNING AND ZONING CODE SECTIONS 210.01(F)(1)(A), 1226.01, 1226.02, 1226.07 AND 1262.08 TO INCLUDE HOME OCCUPATION PERMIT. The Chair opens the Public Hearing at 7:00P.M. There being no one present in the audience; Chairman Witherspoon closes the public hearing at 7:00P.M.

### MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD ON WEDNESDAY, AUGUST 18, 2021, IN COUNCIL CHAMBERS OF CITY HALL

Present: Bill Fitch; Bryan Jensen, Mayor; Jim Malloy; Scott Radcliffe; Carolyn Witherspoon, Chairman; Ryan Cummins, City Engineer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

### MINUTES OF THE REGULAR MEETING-JULY 21, 2021

A motion was made by Mr. Malloy, seconded by Mayor Jensen to dispense with the reading of the minutes of the Regular Meeting held on July 21, 2021, and to approve the said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

### ADDITIONS/DELETIONS

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

### HANDEL'S ICE CREAM-FIRST PRESENTATION-SPECIAL USE PERMIT

Joe DeSalvo of DeSalvo Construction representing Gator Ice Cream, LLC is requesting approval of the site plan and the recommendation to Council for approval to create a Special Use Permit for Gator Ice Cream, LLC dba Handel's Ice Cream to include an outdoor seating area to be located at 35925 Detroit Road Suite 117.

Ms. Fechter says she spoke with them earlier today and isn't sure if they got held up in traffic or what. Chairman Witherspoon says we will move onto the next item and will go back to them.

Chairman Witherspoon goes back to Handel's at 7:57P.M. Ms. Fechter asks this be first presentation since there is no representation from the company. Mayor Jensen says in terms of him looking at it, it is not acceptable to the City for the safety and if we aren't going to accept it why waste their time to come back next month. Mr. Streator says they have looked at this plan both from safety aspect and turning two parking spaces into an eating area next to the travel section of a congested parking lot with shared parking with the other businesses he thinks they are setting a precedence and the next place will want to do it too. Where its designed there is some seating area a little to the east and feels if the whole area can share that seating area is more acceptable then putting seating area in a parking lot. Mayor Jensen says if they would put bollards in like other restaurants, but he feels that is bad location and wished they could address those concerns but from a safety issue and his standpoint it will be difficult to do anything of any value that would not impede, it's something we don't want to get into. Chairman Witherspoon says the other side of the shopping plaza has more room for tables, but their side doesn't but if you put something there on the sidewalk, it would be difficult to go from business to business. Mr. Dudziak asked if they reached out to see that area by Chipotle as to who's that is. Ms. Fechter says yes, she reached out, but no answer was given specifically. Ms. Fechter says there is an email from the construction company as she reached out to them early on of the safety concerns and they did supply a response and felt it would be safe with the bollards and less cars backing out. Mr. Dudziak says there's a lot of cars that go through there and even if they put bollards out for the maintenance aspect that could be an issue and you're opening it up to other businesses wanting to do the same. Mr. Gasior asks if Handel's requested anything by continuance? Ms. Fechter says no she has correspondence saying I'll see you tonight. Mr. Gasior says on the mayor's point if you want to vote tonight you can. Ms. Fechter says this will go to City Council with a negative recommendation.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan, and recommend to Council for approval to create a Special Use Permit for Gator Ice Cream, LLC dba Handel's Ice Cream to include an outdoor seating area to be located at 35925 Detroit Road Suite 117. The vote was: "NAYS" All. The Chair declared the motion failed and a negative recommendation will be sent to City Council.

### GORNEY-MILLS ROAD-FIRST PRESENTATION-REZONE

Ryan and Kara Gorney are requesting a positive recommendation to Council for consideration of the rezoning of PPN 0400024116043 from M-1 to R-1 located at 33910 Mills Road.

Ms. Fechter says she does take into consideration what the neighbor says as it does adversely affect his property and isn't sure how to get around that or if there is a way to get around that. Mayor Jensen says he would like to defer to Mr. Gasior to see if there are things, we can put in there to allow it on the one side to help with the adverse effects. Mr. Gasior says, conditional rezoning, conditional zoning is a difficult thing to do and sometimes there are legal issues associated with it. Mr. Gasior says he would like to

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

investigate a little more to see what conditions could be placed on that. Mr. Gasior says Mr. Conrad pointed out some of the issues that rezoning that property would present for him. Obviously with the existing building, that would be grandfathered in and there would be nothing to do with that, if he would expand that building or remove it and construct something else, he would lose that grandfather state. That means he was there first and what is on the property now is legal regardless of what happens to the property. Mr. Gasior says once his situation changes and the parcel next door is rezoned, he would be required to comply with the setback per the code. Mr. Gasior says it's the same for the property to east as well since its in the M-1 district. He continues to say if you are going to condition the rezoning for the benefit to the property owner to the west, you would have to do the same to the east lot, it's a difficult situation. Mayor Jensen says where the cul de sac is, its residential and he would have to follow the setback with that abutting. Mr. Conrad says yes, he would have to follow that, but it would mainly affect the front part of his land by Mills Road. Mrs. Gorney says they have a weird property line and that strip that runs along the road is residential. Mrs. Gorney asks if its possible to build a residential property to connect to Via San Angelo on the zoning that exists, leave the zoning to allow Roger to do what he does but allow a home to go there. Mr. Gasior says no, its zoned industrial and a residential use is not permitted. Mrs. Gorney says there was a home that was existing but doesn't know when that home was taken down. Mr. Gasior says there is an indication that there are homes to the east, and they are allowed to remain. Mrs. Gorney says there was a home on that parcel, and it connected to Mills Road. Mr. Gasior says it would be a non-conforming use, once it's gone, it loses that status as being non-conforming use that can remain. Our code says if you have house in industrial and it destroyed you cannot rebuild the house under Chapter 1282. Mr. Gorney says they did not know that this would be an issue and wants to know if there is a way that they can create the buffer, so the burden doesn't go on Roger. Mr. Gorney says they were just trying to prevent another business from some day coming into their front yard, that's why they bought the lot. Mr. Gorney says to the right of that, is another residential home and they don't have an issue with turning that to residential as well. Mr. Gasior says this situation may call for a study for that area to see if residential zoning would be more appropriate. Mr. Gasior says taking one parcel impacts the neighbor to develop. Mr. Gasior says this sounds like an easy thing to do but it has implication to property owners on both sides. Mrs. Gorney says one thing to consider is its right up to Red Tail and having businesses that have noise and traffic, its not an ideal spot and would hope that those areas not be developed with large businesses. Mr. Gasior adds he was not around when Red Tail was initially presented in the 90's. He says if you go back there, on Crown Colony or something there was an earth wall erected because Red Tail could not ask what is now Qualfab (old Xerxes) to buffer against that road, so the developer created that buffer. Mr. Gasior thinks that was what was done here with the buffer around the cul de sac. Mr. Gorney says the easement is there, but they never built the wall on that property. Mrs. Gorney says its not an ideal cul de sac and they would like to finish it as intended. Mr. Gorney asks if they could take on the expense to build the buffer so its not on Roger? Mr. Gasior says you will create a new residential parcel and would like to go back and look at the archives to see what was done or said. Mr. Gasior says its not that he must do anything now with what he owns, the problem is if they want to expand or buy his property then they will be restricted on the east side with the residential property, it's the future use of his property. Mr. Gasior says to the mayors point asking if they can condition things, Mr. Gasior says that is something he would like to investigate, conditional zoning is generally not favored. Mr. Radcliff asks if this is something looking into the future and the size of the lot, could they split this off and have the residential portion on the cul de sac and allowing some type of buffer to be looked at with Mr. Conrad next door and keep the front part of that on Mills as the M-1. Mr. Radcliff asks if that could be part of the conditional use if possible. Mr. Gasior says looking into doing a lot split and rezoning could present as a possible solution but once again, you can make your condition whatever it is. They could do the buffer and the person who buys that residential lot knows there is a risk with the M-1 next to them. Mr. Gasior says that shows how complicated conditional zoning is, land sells generally without those types of discussions. Mr. Gasior says to be honest he isn't prepared to get into that tonight. Ms. Fechter says what they are saying is tonight would be first presentation, which allows

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

Mr. Gasior to do a little more research and then come back next month to see if they can come up with anything. Mr. Gasior asks if they are open to the split or does it have to be one or the other. Mrs. Gorney says she can see what he is saying down the road, it could become a problem, they are agreeable to work out something like that with the zoning. Mrs. Gorney would like to think a large business or building wouldn't go there but that is how it is zoned now. Mr. Gorney says on Crown Colony, all the trees have been cut down and they can't do anything. Mrs. Gorney says it's frustrating, but she says what he is proposing, the intention is to build a house on the north side and leave the remainder of that lot would be left vacant and landscaped to protect from the noise from Mills. Mr. Gasior says he is going to continue to look at it and see if they can consider some type of conditional rezoning to protect the adjacent property owners. Mrs. Gorney asks, as the property is now, can there be further development on the north side of the lot since it is up to the residential property. Mayor Jensen says that his what he brought up as that northern part should have the same stipulations, its 150' wide at that top, Mrs. Gorney says so that is already restricted, it's the south part that isn't. Mr. Gasior says they have had some issues in this area over several years. Mr. Gasior says when Cooper Disposal was using the lot and there is a cul de sac in Red Tail (determined it was Bellerive) the residents were complaining of the noise even with the large mound installed by the Red Tail developer since it was up against residential property. Mayor Jensen asks if they split the lot and give a section to Mr. Conrad, could they deed restrict that. Mayor Jensen says if you split off 50' from the lot and give it to Mr. Conrad with a deed restriction that nothing can go on it then they would have to go another 50' and he wouldn't lose much, could that be option. Mr. Gorney says he feels bad as they had any idea that this would affect Mr. Conrad. Mr. Fitch says if they do it this time would they have to do it again the next time with that industrial property and the homes.

No action taken; Chair declared First Presentation.

### AVON LOCAL SCHOOLS-FIRST PRESENTATION-FINAL DEVELOPMENT PLAN

Bill Fishleigh of Avon Local Schools is requesting approval of the site plan for a proposed 39,340 sq. ft. Performing Arts Center and administrative office addition to the existing Avon High School located at 37545 Detroit Road.

Ms. Fechter says the Performing Arts Center was on the agenda back in March of 2020 but with Covid and the restrictions we pushed it, granted the building is almost done, we wanted to give the residents time to talk and hear from the school.

Bill Fishleigh says they plan to buffer along the main drive and the portion on the north side as that was brought up prior too. Mr. Fishleigh says traffic wise; it shouldn't have too much of an impact as the performances will have a safe space to have these events.

Dan Repas, 37102 Hunters Trail, says he heard that they were planning to rent out the facility and they are concerned about the traffic flow. He says Hunters Trail is an entrance and they deal with the traffic throughout the school year. Mr. Repas says they are hoping since that is a gated entrance, they hope it will remain that way for the performances or whatever is taking place in that building. With dealing with the traffic Monday through Friday and then adding weekend events, trying to be good neighbors but not prisoners in their own driveways. Would they consider keeping that a gated entrance and not allow entry off Hunter Trail during these performances. Mr. Fishleigh says they do plan on renting it out, it's been said all along. He says they have opened the back gate for large events, basketball games, auditorium events and understands the prisoner in their house's comments and at dismissal for 20 minutes its stop and go. They have looked at the master schedule to release kids at different times but the doesn't think there will be many large events, they are getting ready to start to interview for the PAC director. Mr. Fishleigh says they have in the past and will likely keep that open for large events. Mayor Jensen says if it's a private event, not a city event. Mr. Fishleigh says they haven't talked internally who they are going

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

to rent it to, they want it to be a community use. Mr. Fishleigh says they don't intent to have something huge to come. Mr. Dudziak says they have had meetings with the school and the fire code, they are all aware of it before the project started. Mr. Dudziak says kudos to them as they built it to where they can rent it, they were going back and forth and made it right on the safety side. Mr. Dudziak says as parking goes, it looks like they will have enough parking as that goes and he understands when they leave. Mr. Dudziak says the fire code depending on the number, they must give the Fire Department a plan of action, kind of like a permit system. Mr. Dudziak they will notify them and depending on what the Police do they might have to pay someone for traffic control. Mr. Dudziak says its new and there will be hiccups here and there, but they seem to be willing to work with the Fire on that. Ms. Fechter asks if the fire code requires two means of egress. Mr. Dudziak says yes for events this large, but if they have security and Police, they can traffic it out with the right direction. For example, when the Stadium opened, there was one way in and out and the Police directed them out and it worked very well. Mr. Dudziak understands both side and that's something the Safety Director, the Chief's and the School will all work together with. Mr. Repas says when this issue came up before he did have a conversation with former Superintendent Mike Laub and they discussed a few things, if it were a school function, graduation, concert, sport event we understand to keep it open for that and he was ok. His concern is when the building is being rented by a large event that is not Avon, Mr. Laub agreed they would not allow people to come down their street if it was a rented event. Mr. Repas also suggested that part of the rental they add the cost of a patrolman at the end of the driveway and help direct traffic to get people out in fast manner. He hopes to have the agreement stay that he had with Mr. Laub that it can be gate closed when rented and everything out the front and when there are school events, they can come and go as they have.

Ben Hodge, Avon Schools Superintendent said he hasn't talked to Mr. Laub about this but what he said is reasonable, they would charge people to be able to do that. He would not want our people coming down that drive if it wasn't an Avon event. Mr. Hodge says they posted the position for the Director of the PAC, and they will look at that as part of the rental fee to get an officer and if they don't want to pay that, they don't rent it. Mr. Hodge says what was present to him if its our kids they go as usual and if its an outside group they are directed to go in the front. Mayor Jensen says if there was an emergency then can get them out. Mayor Jensen says when there are large events, we like to have a working relationship with the schools to make it best for everyone. Mr. Hodge says he is willing to work with everyone on this.

Megan Villwock, 37110 Hunters Trail asks if there was ever consideration of putting in a second entrance when they built the building. Mr. Fishleigh says they looked at options to the northwest and would have to purchase property and they talked about things, but it ended up not being conducive price wise and it wasn't required. Ms. Villwock says her concern is the gate is open a lot and if they are going to rent it out and the gate is open for the softball game it will bring more traffic to the street. She says they should expect more traffic. Mr. Hodge says he wouldn't expect anymore traffic, there was an auditorium there before and there were times when we had an event there and a basketball game, Ms. Villwock says, and we noticed. Mr. Hodge says the difference would be outside groups. It's the same volume of kids we have currently have that will be using the facility. Ms. Villwock says she feels it will be more since there are more seats, the people who couldn't come will now be able to come and will notice more traffic on the street. Mr. Hodge says yes, he will not deny that. She says she hears him saying there probably won't be more traffic, but we will wait and see and will guarantee there will be more traffic. Ms. Villwock says she is a mother, she has young kids, and they know to stay off the street. She says it's been dead except for school time. Mr. Hodge says the point of other organizations sneaking in, if we notice that's the cause they don't have to rent it to them again if they aren't going to be a good partner. Mayor Jensen says he met with Mr. Hodge, and they hope to continue conversations on how to continue to improve the schools throughout the city and the city partnering with the schools with ways to look at conflict and make it all work for the community. Mr. Hodge thanks the city for working with them the last few weeks for every

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

time they called for inspections because getting the inside of that for school to start with the other additions it was much appreciated.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

Lamar Fisher, 2994 Hayes Street says this is the second expansion at Avon High School since they lived there. The first one wasn't so bad; this has been disastrous when it comes to noise and dust. He said they had a crane operator lifting stuff over their back yard which is illegal, and they went to him, and he swore at him and then they changed the position of the crane and put it the way it should have. They have had many groundhogs, racoons, from the debris people are leaving all around the site. Mr. Fisher says they haven't mowed up around the fence in over a year and its horrible. Mr. Fisher says they have started as early as 6am even though they aren't supposed to, but they do. He says they are on a deadline and understand that they are trying to be good neighbors, but their house is filthy, their windows are filthy. Since they changed the flow of traffic all the lights will be going into their kitchen, and they would like to see something done. Mr. Fisher says the compactor will run for two days and the vibration shakes the house, and they understand that, but they need some consideration as well. Linda Fisher is concerned about what kind of landscaping they are going to put to block this three-story building from their back yard. Mrs. Fisher says she came to the first meeting and thought it was going to be more west, but it is so close to their property line and wish they would have considered how close the building is to their backyard. Mayor Jensen says there is nothing they can do for the height of it, but he is sure the school will help work with some buffer for the lights. Mrs. Fisher asks if anything can be done about the filthiness of their home with the dust and dirt. Mr. Fisher said had they used the fire hose to wet it down occasionally it wouldn't be as bad. With so many pieces of equipment and materials its only going one way. Mrs. Fisher says the neighbor across the street wont even let her kids go outside this summer with the dust in the air. Mr. Fisher says it's been a long year and appreciate anything they can do to help with the situation. Mayor Jensen asks if Mr. Hodge would be willing to talk to them about the lights and Mr. Hodge says yes.

Mr. Fisher says when it comes to the woodchucks and that would they have to trap them? He knows you must dispose of them if they are trapped. Mayor Jensen says anything that is trapped needs to be put down and not sure what they can do with that.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve the site plan for a proposed 39,340 sq. ft. Performing Arts Center and administrative office addition to the existing Avon High School located at 37545 Detroit Road. The vote was: "AYES" All. The Chair declared the motion passed.

Mayor Jensen asks that they go back to Handel's before they get into the discussion of the final item.

**REFERRAL TO COUNCIL-FIRST PRESENTATION-AMEND PLANNING AND ZONING CODE**  
Per Article, VII, Planning Commission (D) Mandatory Referral of the Charter, Avon Planning Commission is recommending Council approval to the Ordinance amending The City of Avon, Ohio Sections 210.01(f)(1)(A), 1226.01, 1226.02, 1226.07 and 1262.08 to include Home Occupation Permit.

Mr. Gasior says this is our effect for requiring a home occupation permit, we don't do it at this point, but this will help regulate any issues. We have issues with one on Peach Drive and its caused issues with mail delivery, garbage picks up and parking and we believe there are home occupations operating with outside employees. Mr. Gasior says that is a violation of our code so the first step in this process is to require a \$15 permit to obtained from the Zoning Enforcement Officer. Mr. Gasior reads a portion of the new code and says the ZEO can go knock on the door and make sure everything is laid out the way the permit was filled out. Mr. Gasior says its nothing big, they get the permit, pay the fee and are given our rules, it's a

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

big step forward for the City to finally address some of the issues. Mr. Gasior says there could be times we have to deny these and if they are denied then they can go to the Board of Zoning and ask for relief. Ms. Fechter asks if a duration of the permit was added. Mr. Gasior says the permit is good for as long as you have it, it is specific to the individual who acquires it, its not something that runs with the land. The permit is for the person and their occupation at their location.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to suspend the rules. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to approve, and recommend to Council for approval to the Ordinance amending The City of Avon, Ohio Sections 210.01(f)(1)(A), 1226.01, 1226.02, 1226.07 and 1262.08 to include Home Occupation Permit. The vote was: "AYES" All. The Chair declared the motion passed.

### COMMENTS

Mark Pesta, 1532 Peach Drive says his question is about the home base permit, what is the penalty if someone gets a permit and then violates that permit? Mr. Gasior says the penalty will be listed in 1238 that spells out the penalty for violations of any provisions in the Zoning code. Mr. Pesta says so the permits that were looking to propose will enforce the current ordinance that we have, correct? Mr. Gasior asks him to repeat that. Mr. Pesta says we are adding a permit that's going to enforce the current regulations that we have in the ordinance. Mr. Gasior says the code is enforceable now, the home occupation section is the law. Mr. Gasior says we added a couple provisions to the law, but they are part of the permitting process. Mr. Gasior says you will have to get the permit, and a consent to enter provision added so the area can be inspected to confirm as it is being laid out in the permit. Mr. Gasior says as of right now, if you are operating a home occupation and you are in violation of any of the provisions there in Chapter 1262.08 you are subject to penalty that is listed in Chapter 1238 which can fined up to \$500, \$25-\$500 each day the violation continues and imprisonment for not more than 6 months. Mr. Pesta asks if this will be Prosecutor's decision? We know we have an issue now that violates this ordinance for 3 years and we have gone round, and round and he appreciate there is finally an ordinance and we're taking steps to do this. We put more investigation into the problem we have currently, and nothing was done by the prosecutor so just to get a permit what's going to change that? Mr. Pesta wants clarification to take back to the residents of Willow Creek, so they know this. Mr. Gasior says the biggest obstacle that is faced by our Zoning Enforcement Officer is trying to enforce the law is simply gaining access to the premises, people have a 4<sup>th</sup> Amendment Right to enjoy their home and privacy and no one consents to searches without a warrant. It's a difficult situation for any community when you're going to go after a resident. Mr. Gasior says this a person operating a business and they may or may not have an outside employee. Mr. Gasior says the ZEO has attempted to "investigate" by asking some people who were outside the residence on one day if they worked there and even then, that intrusion on their privacy, some people don't want to answer, its none of their business. This change required the person to come forward and say I am going to operate, I need a permit, they will be required to get that permit within one year after they are notified in the change of the law. Right now, its complaint driven, say a year from now they get a complaint, and we look to see if they have a permit on file. Now he can go as ask about permit and if they didn't know they needed one, he will give them time to get one if they didn't know. Mr. Pesta says what if he comes to the door and they say no I don't run an occupation, then what happens? Mr. Gasior says then at that point he can issue a citation for operating without a permit, then we can go to Muni court and state what he saw, and the homeowner can state their defense. Mr. Gasior says in court the first thing will be failure to operate without a permit and that's more than what we have now. Mr. Pesta says he is happy that something is finally in place but its step. Mr. Gasior says you must give

## AVON PLANNING COMMISSION REGULAR MEETING MINUTES 8-18-21

them some time to come in and apply. You must give them the opportunity for them to get permitted first that's why it could take a little time.

A motion was made by Mr. Malloy, seconded by Mayor Jensen to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 8:19P.M.