

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 9-8-21

WEDNESDAY, SEPTEMBER 8, 2021, COUNCIL CHAMBERS, AVON CITY HALL

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

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

MINUTES OF THE REGULAR MEETING – AUGUST 4, 2021

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, August 4, 2021, and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

Mr. Gasior reminds all in attendance that when the item is called the applicants need to come to the podium and state their name and address for the record and will be sworn in, that goes for anyone else who is going to make a statement, they should come up as well. Mr. Gasior says in this body, all testimony is under oath in case their subsequent appeals to court.

JACKSON APPEAL

Michael McCourt of Erie Shores Contracting, LLC representing Scott and Julie Jackson is requesting approval of a 118 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 24’x20’ pavilion to be located at 33451 Vintage Circle.

Michael McCourt of Erie Shores Contracting, LLC is sworn in by Mr. Gasior. Mr. McCourt says they want to build a 24’x20’ pavilion and zoning only allows an 18’x20’ so they are asking for the additional square footage. Mr. Klingshirn asks why the permitted amount isn’t big enough, its not that much more that they are looking for. Mr. McCourt says they have a larger family and want the extra space for comfort.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to approve a 118 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 24’x20’ pavilion to be located at 33451 Vintage Circle. The vote was: “AYES” All. The Chairman declared the motion passed.

ROCKICH APPEAL

Sean Boutin of Shawnee Builders representing Julia Rockich is requesting approval of a 23’ rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a 2,000 sq. ft. home addition to be located at 34023 Hickory Court.

Sean Boutin of Shawnee Builders is sworn in by Mr. Gasior. Mr. Boutin says he is currently going to be moving there so he isn’t representing Julia, he is going to live there as well. Mr. Boutin says they are looking to put an addition on as together they have 7 kids and need more living space, storage, partial garage, and great room. Mr. Boutin says they will attach it to the house and make it look like it was there from the original home, they do not have final architectural at this point, they wanted to make sure they could get this approved before they made the next step. Mr. Klingshirn asks how big the existing house is. Mr. Boutin says about 2500 sq. ft and Mr. Klingshirn says your about doubling the house and Mr. Boutin confirms. Mr. Klingshirn asks if he has talked to the neighbors and Mr. Boutin says yes, they get along with everyone just fine and they don’t have any issues. They all know what’s going on in their back yard so they think the size of the house will fit in with Mr. Galik and what he is building. Mr. Hricovec says he

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walked back there, and it doesn't seem like it will impose to anyone line of site or anything. Mr. Ladegaard asks if its all storage or living space? Mr. Boutin says when he says storage, he says closet space and great room, master suite and the front portion will be a garage. Mr. Bulger says it has a side load garage and you're going to put a front load? Mr. Boutin says yes and the portion of the existing garage they are going to enlarge the utility room.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 23' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a 2,000 sq. ft. home addition to be located at 34023 Hickory Court. The vote was: "AYES" All. The Chairman declared the motion passed.

BRITT APPEAL

Ron Cocco of Clark & Post Architects representing Brian and Jennifer Britt is requesting approval of a 29' rear yard setback variance from C.O 1262.04(d)(4) Lot and Yard Requirements and a 1987 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 2,545 sq. ft. accessory building to be located at 2915 Stone Wheel Run.

Brian Britt and Ron Cocco are sworn in by Mr. Gasior. Mr. Schneider says he was informed earlier today by the law director the Board is not required to vote on the square footage of this addition just the setback. It was explained to the applicant by Mr. Gasior the reason for that is, it is not detached from the home. It is an addition to house as its attached, so the only concern is the setback. Mr. Britt says the project they are adding is a sports court/utility court for his kids to be able to train in a controlled environment. Mr. Gasior says that area between the house and the facility your building, is that all enclosed. Mr. Britt says yes, and the facade matches the house. Mr. Britt spoke with homeowners and got letters from the neighbor, especially the one next door since that would be the biggest concern, he wouldn't be here if they said no as he likes them and wants to keep it that way. Mr. Klingshirn says its big but no real questions. Mr. Hricovec says when you look at the plan, its big but when he went over there and looked at it, since its more the set back and they talked about the appearance. Mr. Hricovec says the neighbor is cool with it along as there is some landscaping. Mr. Hricovec says a member he is not here to change the design of the building, but they did talk about possibly lowering it and how will the neighborhood look. After looking at the elevation of the building height he would have him consider lowering the building. Mr. Ladegaard asks what the height is, and Mr. Britt says 17-18 feet and is lower than the peak line of the house. Mr. Cocco says its lower than the existing house. Mr. Gasior asks if the applicant has a copy of the series of email from Carnegie so they can quick review that and asks if they see anything problematic. Mr. Britt says the development of the land behind him he would find problematic. Ms. Fechter says the land to the east and Mr. Britt says he says behind. Mr. Britt said when they bought the house, they were told it was the Diocese and they sold it without anyone being made aware of it or public record but that's another issue. Mr. Gasior says your saying it wasn't public record? Mr. Britt says it wasn't made know it was for sale, the sale for what it was sold for was then made public record, it's frustrating, that's all. Ms. Fechter says she doesn't for see the development anytime soon. Mr. Britt says if they plan on developing to be honest, he hopes there could be some buffer between both and Mr. Gasior says someone could be up next to them and buffering your side now couldn't hurt. Mr. Cocco says to the point there is the ability to provide additional buffering. Mr. Britt says this is on the opposite side. Mr. Gasior asks if that area around its cemetery and it was noted, it's the North Star lot and Mr. Britt says there's like 12' in the corner from property owner on Detroit Road. Mr. Schneider says Ray Cooney and Mr. Britt says yes. Mr. Gasior says as Ms. Fechter pointed out he does see them developing for years and if he plants something now, it will allow it to grow. Mr. Britt says he plans on it. Mr. Miller says he was concerned about the square footage. Mr. Bulger says the question of the 29' is a large setback and he doesn't know if we granted a large setback like that in the past, it seems a little excessive. Mr. Bulger says you don't want to open a can of worms by granting the variance of that large of a setback. Mr. Miller asks if he is complete

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on his design. Mr. Britt says he would like to be. Mr. Miller says one thing that crossed his mind was moving it over towards the pool area. Mr. Britt says then there would be variance from roof line to pool if he is correct, he knows when the pool was done, they had to keep a minimum distance so if they move it, they could run into that issue. Mr. Ladegaard says one of the thing Carnegie property owners is one of the largest parcels that abut Mr. Britt land along with the guy to the north. Mr. Ladegaard is with Mike, he thinks 29' is a little excessive and he thinks he would have to scale it back a little bit, its too much. Mr. Cocco says because of the shape of the building it's not like it's the whole structure is out 29' it the closest to line only. Mr. Ladegaard realizes that and for him it's a little excessive. Mr. Cocco says what you see on the plans for the structure the footprint is what is needed to meet the requirements they want to use in that space, it's at minimum to use the proper functions.

A motion was made by Mr. Ladegaard, seconded by Mr. Hricovec to approve a 29' rear yard setback variance from C.O 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a 2,545 sq. ft. accessory building to be located at 2915 Stone Wheel Run. The vote was: 3 "NAYS" Mr. Ladegaard, Mr. Bulger, Mr. Miller, 1 "AYE" Mr. Hricovec, and 1" ABSTAIN". Mr. Gasior asks for what reason, Mr. Klingshirn says he is working with Carnegie. The motion failed, 3 no, 1 yes, 1 abstain. Mr. Miller says he wants him to think about reducing the setback a little bit.

COMMENTS

Mr. Miller says he had concerns about how big it was, and he wants to allow them full use of their property but if he could reduce the setback. Mr. Bulger says it is large. Mr. Miller says it can be moved over a little and reduced. If he is looking for the size of the barn, maybe someone could have suggested to reduce the size of the middle section, game room, that could have been an option. Mr. Ladegaard says he asked him, and he said he was set with the design. Mr. Gasior asks how much is it to reapply, \$100? Mrs. Clements says start all over. Mr. Schneider says he must wait 6 months if the appeal is voted no. Mr. Gasior says that's right. Ms. Fechter says isn't that 6 months from the original design but if he changes it, he can reapply. Mr. Gasior says if he comes in with a different lay out like Ms. Fechter say, we must read the code to see if he can come in if not it will be 6 months. What we have done in the past like Mr. Miller was saying, we've worked with these folks from the podium and gave them suggestions to have them come back. Mr. Gasior references the appeal on Detroit Road having him in a few times about the garage. Mr. Gasior says we could have made it a little clearer to him but that fine, they didn't push the issue either. Mr. Ladegaard asks Mr. Schneider, or it could be someone else issue. Mr. Ladegaard says these lawn care businesses, Amazon all these trucks that stop in the middle of the road on 83, big trailers or trucks on 83 and parked on the side of road, it takes up and is problematic. Mr. Gasior says this is a police issue, he brought it up to Chief Bosley with the Amazon drivers, he saw a truck stop and barely pull over. Chief Bosley told Mr. Gasior that the are instructed by Amazon to not pull into driveways and back up, it delays the deliveries. Mr. Ladegaard says what about the vehicles being held up there? Mr. Gasior says he thinks our law on parking and stopping, he doesn't know how you enforce it unless the police officer was right there at the time. Mr. Klingshirn says they can play out at Starbucks and Dunkin Donuts. Mr. Gasior says that's a bigger problem perhaps. Mr. Klingshirn says there are cars on Nagel Road halfway up to Detroit Road some mornings. Mr. Gasior says they both are serious problems and would suggest talking or emailing something to the Safety Director.

ADJOURN

A motion was made by Mr. Hricovec, seconded by Mr. Ladegaard to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting adjourned at 7:33P.M.

ATTEST

CHAIRMAN

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