

**CITY OF AVON BOARD OF ZONING & BUILDING APPEALS
DECEMBER 6, 2023, 7:00 P.M.
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 Streator, Safety Director, Susan Pintz, Planning Commission & ZBA Secretary

REVIEW & CORRECTION OF MINUTES

Motion to dispense with the reading of the minutes of the regular meeting held on November 1, 2023, and to approve the minutes as published.

Mr. Miller moved, seconded by Mr. Schatschneider, to dispense with the reading of the minutes of the regular meeting held on November 1, 2023, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

None

APPEALS & REQUESTS

1. **Great Lakes Property Development Holdings LLC; 37902 Chester Road;46-23**
Proposal consists of a single-story adult daytime educational facility.

The following variance is requested:

1. 12 ft. side yard parking setback variance. Code requires 30 ft.; applicant proposes 18 ft. Section C.O. 1270.06 (a)(2)(B) Minimum Parking Setback Requirements, Adjacent to Residential District.

Mike Cloud, Manager Member of Great Lakes Property Development Holdings, LLC, 4205 East Lake Road, Sheffield Lake, Ohio 44054 was sworn in.

Mr. Cloud states they are requesting an adjustment of the parking setback on the east side of the proposed development. The specific circumstances for this facility to have 2 curb cuts are important. The facility serves individuals that are physically disabled and are transported for educational purposes by bus. Their operational staff has discovered over the years that the best way to go about the site layout is to be able to pull in. There are a couple of areas that are striped to do their unloading and then go out and pick up more folks.

These are non CDL buses, they want to pull out and they do not want to try to back up and turn around. They do not want any of that going on when people are getting dropped off. To achieve the 2 curb cuts with the required parking and the other site geometry, it places the drive on the eastern side of the property within the parking and paving setback. The first parking spot is outside of the setback by a few feet. Mr. Cloud states they are asking to be granted relief and they feel there are reasons why this won't substantially affect their neighbor. The drive, which there may have been an easement at one time, there is not one now, it is almost to the property line. The drive that goes to the back is where the apartments are located. If you zoomed out (referring to the drawing on the screen) there is a retention basin in the front so there are no apartments or residents from the east that their drive would affect. Additionally, the facility does not have parking facing the east, they are just pulling in. Mr. Cloud says that the spirit of the code is that if someone has a single-family home there and the facility was McDonalds and there were a bunch of cars with no screen, parking 90 degrees to the property they would be getting headlights in their windows at night. As it is now there are no residents, and the facility will not be parking in that direction. This is a daytime operational facility, it operates from 9:00am to 4:00pm and some Saturday morning programs so there is not any headlight issues. Mr. Cloud says they were aware of this condition when they looked at the property, but they did not know at the time, they thought there might have been a joint access easement because the house that is currently there utilizes that driveway and comes in off that drive. However, they were not aware of that until they did title research. Mr. Cloud also says they had knowledge of the overall zoning requirements, but he thinks the spirit of the intent of this requirement with a commercial property abutting a residential is to protect the residential from light and noise pollution. He does not believe they will create any of that in this situation and the nearest apartment is setback further than the back of their property line.

Ms. Fechter states that from the Administration standpoint they are supportive of this, they agree with the 2 driveways. We feel with the individuals in wheelchairs they bring in on these buses to drop the individuals off this would be beneficial.

Mr. Schatschneider states he does not believe there is much of an impact on the neighbors because of the setback at the rear of the building. It would be grass to grass.

No other comments were made.

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

2. **Dan and Megan Kousman; 4527 Bridle Court;42-23**
Proposal consists of construction of a covered front porch.

The following variance is requested:

1. 2 ft. front yard setback variance. Code requires 50 ft.; applicant proposes 48 ft. Section C.O. 1262.04 (d)(1) Lot and Yard Requirements, Front Yard.

Kelly Christy, French Creek Builders, 2581 Fairfield Drive, Avon, Ohio 44011 was sworn in.

Mr. Christy states his customer Dan and Megan Kousman are seeking a minimal front yard setback encroachment to gain a more useable front porch. They would like to build a covered entry to be able to put a seat on either side of the door when you walk in. It is currently minimal, 4 feet by 8 feet stoop, they would like to make it 6 feet by 12 feet to enhance the look. Since they are at the end of a cul-de-sac it would give them a little better sense of community where they can sit out front and see their neighbors instead of sitting in the rear facing the woods.

Chair Ladegaard asked if there is an HOA in the Camelot Subdivision.

Mr. Christy confirms there is an HOA in Camelot Subdivision. The Kousmans' need to get Board of Zoning and Appeals approval before they can go before the HOA and get approval. Mr. Christy says they would be willing to submit the HOA approval before a permit is released.

No other comments were made.

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

3. Krista Kotecki, 32550 St. James Trail; 43-23

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

The following variance is requested:

1. Allow fence to be installed within a drainage easement. Section C.O. 1248.19 Structure and Improvements within Utility Easement or Right of Way.

Ed Kotecki, 32550 St. James Trail, Avon, Ohio 44011 was sworn in.

Mr. Kotecki states they are requesting approval to install a fence in their backyard. They have received approval in writing from the neighbors on each side of them. They intend to hire Acme Fence to install the fence. Acme has installed 5 other fences in the neighborhood.

Chair Ladegaard states that being in a drainage easement we have a form that needs to be signed indicating that they understand that if the city needs to access the easement, the homeowner is responsible for any costs associated with any removal and/or installation of a new fence. He also asked if St. James Woods Subdivision has an HOA.

Mr. Kotecki acknowledged responsibility and confirmed yes, they do belong to an HOA, and he is waiting to hear back from the HOA.

Chair Ladegaard states this will be contingent on the HOA approval.

No other comments were made.

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

4. Kevin Ballish, NAI Pleasant Valley, 1813 Nagel Road;44-23
Proposal consists of multi-tenant monument sign.

The following variance is requested:

1. 3 ft. height variance. Code allows 10 ft.; applicant proposes 13 ft. Section C.O. 1290.07(d) Maximum Height of Freestanding Signs for Business Identification Signs.

Albert Haddad, Ellet Sign Company, 3041 E. Waterloo Road, Akron, Ohio 44312 was sworn in.

Kevin Ballish, NAI Pleasant Valley, 6060 Rockside Woods Blvd N, Suite 402, Independence, Ohio 44131 was sworn in.

Mr. Haddad states the request for a 3-foot height addition over the 10 foot that is allowed for a multi-tenant sign. They would like to be able to take advantage of the full square footage allowed for the sign. They would like to embellish it with decorative a top to make it more attractive and they feel with the setback of 95 feet from the road that the height will facilitate its overall visibility. As it is now it will be 35 feet back from the property line. It is consistent with one other sign across the street. Meijer is almost the same size.

Chair Ladegaard asked if the Meijer sign is 13 feet tall?

Mr. Haddad says yes, that is what he measured.

Chair Ladegaard asked if Levin is on a separate property.

Ms. Fechter states that is part of the same shopping center.

Chair Ladegaard states that Levin was approved for a wall sign.

Ms. Schatschneider states that was in lieu of a sign near the road. We allowed more signage on the building for Levin rather than near the road because there is a slope in the road. That was in 2016.

Chair Ladegaard states we allowed more wall signage because of the way the road is near the highway.

Mr. Haddad states he is not familiar with the Levin situation, but he understands based on what is being talked about there were prior rulings for Levin. Although with Levin the tenant could change, and he is not sure how the additional signage would impact Levin but

this a multi-tenant sign that would function for whatever tenants are in that plaza. Right now, Levin would be considered the anchor tenant and would have the bulk of the space.

Mr. Schatschneider states he is not sure why they would need a sign at the other end of the plaza and not closer to the building.

Mr. Haddad states it also helps identify Middleton Road, so the sign helps identify some way finding functions while someone would be at the light. There are other tenants planned to be on the sign, they are just not shown on the drawing right now. There is another strip plaza to the east that has 8 other spaces available.

Mr. Schatschneider asked if there is a sign on the Levin why do you need the 3 feet on top? It would be 4 times bigger than the other people in the plaza.

Mr. Haddad states this design stems from what he understood was a previously approved sign although he doesn't know this for fact. As a result, that is why they applied for this as it is. We do see Levin as an anchor tenant with a certain amount of square footage relative to the sign. The discretion of the property managers at that point to delegate who gets what and how much space. He thinks they are compliant with the 100 sq. ft that is allowed, the problem is that if we start to reduce the height of the sign those image areas for the other tenants will also become smaller. We are trying find a medium between the tenants in the plaza adjacent to the Levin and Levin.

Ms. Schatschneider states instead of a 3-foot sign could you do a 1-foot sign, and it will still be twice as big and that cuts down the 13 feet to 11 feet.

Mr. Haddad states that at this point we would take it as an option to consider but there could be other alternatives that would allow us to give Levin a larger presence. This would be more of a monument style sign that might only be 8 feet off the ground, and this is something that they looked at briefly. However, they wanted to pursue the larger project to try and capture some of the visibility due to the setback.

Mr. Schatschneider asked where this would be located.

Mr. Haddad states it would be in the same location. They are limited to that location, there is parking there, they have the setback to comply with, which they are showing on their site plan. They can't go any further back and they can't go any closer to the street at this point. They could still provide Levin with the same square footage, but it would be more of a monument sign approximately 8 feet high or less than 10 feet. It's not a case where they would be losing the size of the Levin sign, but they would be losing the height of the sign in general, and the overall visibility would be impacted to some degree.

Chair Ladegaard asked about the 11 feet?

Mr. Schatschneider states that is what he is proposing.

Mr. Hricovec states he agrees with Mr. Schatschneider regarding the height overall. He confirms the 100 sq. ft. total. He thinks as the road develops what we approve of here will set the precedent for all the way down the road. We need to hold on to some type of variance standard for what will happen in the future on Nagel Road.

Mr. Haddad asked, is the concern with Levin being on the sign and is asking for clarification. Is Levin allowed to be on the sign given that they are 2 separate parcels?

Ms. Fechter states as far as she knows they all come in as a subdivision, as a whole shopping center.

Chair Ladegaard states it is 2 separate parcels on the Lorain County Auditor site. It is owned by different people.

Mr. Haddad requests to table this for further discovery of information. He states some of these issues are new to him but does appreciate the concerns raised. If he sacrifices the square footage of Levin and they are not technically supposed to be on the sign, then the square footage is potentially sacrificed for the future tenants that could be on the sign.

Chair Ladegaard asked Mr. Haddad if he would like to table this to January 3, 2024.

Mr. Haddad and Mr. Ballish indicate yes, they would like to table this appeal.

Mr. Miller moved, seconded by Mr. Hricovec, to table the Kevin Ballish, NAI Pleasant Valley, 1813 Nagel Road appeal until January 3, 2024. The vote was: "AYES" all. The Chair declared the motion passed.

5. Caribou Coffee, 35091 Chester Road; 45-23

Proposal consists of signage for a new coffee shop with no indoor seating.

The following variance is requested:

1. 97 sq. ft variance. Code allows 30 sq. ft.; applicant proposes 127 sq. ft. Section C.O. 12905.05 Schedule of Maximum Sign Area for Business Identification Signs.

Brad Petro, CESCO Imaging Company, 4330 N. Bend Road, Ashtabula, Ohio 44004 was sworn in.

Mr. Petro states their proposal consists of a new Caribou Coffee development. This is a new concept restaurant for northeast Ohio. The design of the building is somewhat unique, it's strictly a drive thru restaurant. The building is 23 feet wide, which hinders the availability of signage based on the code. They are proposing signage on the front of the building, which does meet the 30 sq. ft. minimum code. They have also proposed and are asking for signage on the east drive thru elevation as well as the west elevation. In terms of signage on the building, the signs would match in terms of size on both sides. There is an architectural element on the front corner of the building that has 2 small logos. The signage (he refers to the drawings) is somewhat stretched out. There is a lot of dead space within

the signage itself. The variance they are requesting is for dead space based on how the code calculates square footage. They do not believe that this design or type of building with this type of signage is out of character for the area. Many of the other restaurants along Chester Road have signage on all three elevations. This design and signage would fit identical to the other restaurants.

Chair Ladegaard states that is a large variance for what is typically approved for signage. Sometimes we will work with the applicant if there is an abutting road to the property and is on a corner, which this access drive to Planet Fitness is where this comes from. We sometimes will give a little relief and give some signage for the side because it abuts to the corner. Chair Ladegaard states he would be willing to give signage on the east side at roughly 40-foot for the length and would give an extra 40 sq. ft. but 97 sq. ft is too much. He will let the rest of the board give their opinions.

Mr. Bulger states he thinks since it is a new style building, it is smaller, and it doesn't seem like it fits our zoning laws. He states they don't feel comfortable granting this and their hands are tied in the situation. Maybe we can work with the applicant on the access road and give some additional signage there.

Mr. Miller does not agree to what is proposed.

Mr. Hricovec states he is in the same position as everyone else. The sign facing Chester Road, the 23 feet, they could obviously use that. There is a sign out front, that takes you east and west from heading down Chester Road. Looking at the east side there is a possibility of working out some type of small variance to try and get you more signage on the east side. The west side would be a little excessive as there is already a sign in the front.

Mr. Schatschneider states he agrees with everyone else. He states that is a little bit excessive. He is suggesting 32 sq. ft. instead of 97 sq. ft.

Mr. Petro states the sign on the front meets the code, which is the lettering and then they have the blue bump out which is a parapet and that has a logo on it. If we eliminate the Caribou Coffee signage on the west elevation and just ask for the logo that is on the blue parapet that matches the front, those are identical, there is one on the front and one on the corner. Then a reduction of signage on the east elevation which abuts that road. Right now, that sign is 44 sq ft. maybe reduce it to approximately 35 sq. ft.

Chair Ladegaard states potentially reduce this to 35 sq. ft and the logo at 7.1 sq. ft.

Mr. Petro refers to the front elevation drawing and there is a logo on the blue peak and then as you go around the corner to which would be the west elevation there is a logo in the same position up on the blue that is identical.

Chair Ladegaard states that is 7.1 sq. ft.

Mr. Petro states that is correct.

Chair Ladegaard reiterates, so add that to the 35 sq. ft.

Mr. Petro says that would tie the front corner together.

Chair Ladegaard states that would be a 42 sq. ft. variance.

Mr. Petro says they would eliminate the lettering on the west elevation and the east elevation which abuts the drive for Planet Fitness.

Mrs. Clements asked Chair Ladegaard would you give just a square footage number variance?

Chair Ladegaard states yes, a square footage number, and they could do whatever they want.

Mrs. Clements states a square footage number would allow them to adjust to whatever they needed.

Mr. Petro states however it is worded he appreciates it. He doesn't know if they would reduce it. He says right now the coffee letters are only 12 inches so making them much smaller is not that beneficial. He would rather try to keep them at least 12 inches to where they are legible and maybe have a larger sign on the east elevation and nothing on the west as opposed to 2 smaller signs that you can't read. He is open to the wording. His hope and intent would be to do what was discussed which would be to remove the west elevation sign and keep the logos and hopefully keep the east elevation sign.

Chair Ladegaard states that would be a 42 sq. ft. variance.

No other comments.

Mr. Miller moved, seconded by Mr. Bulger, to approve a 42 sq. ft variance. The vote was: Mr. Bulger, Mr. Miller, Mr. Ladegaard "AYES", Mr. Hricovec and Mr. Schatschneider, "NAY". The Chair declared the motion passed.

COMMENTS

Ms. Fechter says Merry Christmas

Mr. Gasior says Merry Christmas

Mr. Ladegaard says Merry Christmas

Mr. Bulger, no comment

Mr. Hricovec, no comment

Mr. Miller, no comment

Mr. Schatschneider, no comment

Mrs. Clements, no comment

Mr. Streator, no comment

ADJOURN

Mr. Miller moved, seconded by Mr. Hricovec, to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. The meeting was adjourned at 7:31p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission &
ZBA Secretary

Date