

WEDNESDAY, FEBRUARY 3, 2016, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:00 P.M. by Chairman Randy Fratianne. Present: Bruce Klingshirn; Chauncey Miller; Mark Ladegaard; Kurt Schatschneider; Randy Fratianne; Pam Fechter, Economic Developer/Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer; and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – JANUARY 6, 2016

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to dispense with the reading of the minutes of Wednesday, January 6, 2016, and to approve said minutes as published. The vote was: “AYES” All. The Chairman declared the motion passed.

MINUTES OF THE SPECIAL MEETING – JANUARY 25, 2016

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to dispense with the reading of the minutes of Monday, January 25, 2016, and to approve said minutes as published. The vote was: “AYES” All. The Chairman declared the motion passed.

ALAN UNANGST APPEAL

Carmen Martorello of Martorello Construction Co. representing Alan Unangst, 33407 Willo is requesting a variance from 1292.04(a)(1) Required Off-Street Parking Spaces to allow the existing garage space to be converted into living space located at 33407 Willo.

Carmen Martorello and Alan Unangst are both sworn in by Mr. Gasior. Carmen Martorello says he came to the City to take the garage and turn it into living space and according to code must still have a garage. They are in front of the board looking to see how much grace time then can get to construct the new garage and what size does it have to be. Mr. Unangst says the home is a small ranch with 5 rooms and would like to add the garage space into the living space and put windows in and remove a wall and bump the square footage from 1200 to about 1500 sq. ft. Mr. Unangst asks if they have to have a garage. Mr. Fratianne say yes they do need to have the garage. Mr. Schneider says the existing garage is a single car garage and say the replacement garage should only the same as what is existing. Mr. Fratianne agrees the garage can be a single car garage. Mr. Fratianne asks if it will go on the east side of the building and Mr. Unangst asks can it be off the front of the house. The drawing of the house is shown to the board and discussion takes place about the location of the garage. Mr. Fratianne is concerned there could be a setback issue in the front as required is 50 feet but in this neighborhood a formula would be used to determine a setback that would be acceptable. Mr. Unangst says he would like to have a year and half to two years to allow time to construct the garage. Mr. Fratianne asks if they can issue a variance a year out. Mr. Gasior says you can add a condition to the variance and the secretary could monitor the time frame of the condition. Mr. Fratianne says he likes to see the improvement on the home and will work with the homeowner. Mr. Martorello says they have no issue complying and adding a garage and are just looking for some extra time before they have to construct the garage. Mr. Fratianne asks what time limit were they looking for and Mr. Unangst and Mr. Martorello say they would like two years and say the garage would be completed by that date. Ms. Fechter says they would inform the Board of when the garage is completed.

A motion as made by Mr. Ladegaard, seconded by Mr. Miller to approve a variance from 1292.04(a) (1) Required Off-Street Parking Spaces to allow the existing garage space to be converted into living space located at 33407 Willo and allow until January 1, 2018 for a one car garage to be constructed. The vote was: "AYES" All. The Chair declared the motion passed.

ROBERT SCHULER APPEAL

Robert Schuler, 3791 Williams Court is requesting a variance from 1051.06(a) Structures and Uses Prohibited in Riparian Zones to allow the construction of a new single family home to be located at 3791 Williams Court.

Mr. Schneider says he received a phone call from the applicant requesting that their application be tabled until next meeting to allow them more time to "get their ducks in a row".

A motion was made by Mr. Klingshirn, seconded by Mr. Miller to table the Robert Schuler Appeal until the next meeting. The vote was: "AYES" All. The Chair declared the motion passed.

ANETTE OSTER APPEAL

Anette and Kurt Oster are requesting a variance from 1051.06(a) Structures and Uses Prohibited in Riparian Zones to allow the construction of a new single family home to be located at 3410 Williams Court.

Mr. Schneider says he also received a call from the applicant requesting their application be tabled until the next meeting as well.

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to table the Robert Schuler Appeal until the next meeting. The vote was: "AYES" All. The Chair declared the motion passed.

THE MARKETPLACE AT AVON APPEAL

Stu Friedman of Avon 83 LLC is requesting an 18.6 sq. ft. variance from 1290.05(d)(2) Maximum Sign Area and a 1'7" height variance from 1290.07(d) Height of Freestanding Sign to allow a "topper" sign to be added to the existing monument signs located at 35514 Detroit Road and 35676 Detroit Road.

Stu Friedman of Avon 83, LLC is sworn in by Mr. Gasior. Mr. Friedman this is the first time in front of this body and has been before Planning and Council a number of time. Mr. Friedman says he will be in front of the Planning Commission soon for another building that is in the MarketPlace at Avon. They have been in business in that area for 6 years with a hotel, a couple restaurants and some general retail. Mr. Friedman says they have a few opening and within the area of Avon there is some competition. Avon Commons, City Center and French Creek Square and they have named their development The MarketPlace at Avon and since they have matured they would like to put a topper on their existing monument sign. Currently there are tenant signs and they would like to have them say look for the sign that spells out the development. Mr. Friedman understands the code was written at a time when the vision for Detroit Road and downtown Avon might have been different and historic. The City have blossomed into a retail

district and they would request the topper added to the sign. Mr. Fratianne asks if they are reconstructing the sign in anyway. Mr. Friedman says not at all, they just want to add the topper to the sign. The existing sign is compliant and wanted to get the sign up so the tenant signs can be put on them. Mr. Fratianne says they have a tough time with the French Creek District as they can work with the square footage they are trying to keep uniformity with the height. Mr. Fratianne says when he was out there, he thought the column part looked different and wanted to confirm the numbers are correct. Mr. Friedman says he was under the impress the sign was constructed with the numbers they have as the placard on the top was on the original drawings to be at the numbers listed. When Mr. Friedman originally brought the sign in with the topper, the sign had a black background with white lettering. That is the only thing that has changed, the site plan and dimensions should all be the same just adding the placard on the top with the white background and black letters to make it stand out and identify the development. Mr. Fratianne asks if they had French Creek restrictions when the city center development was being built as Avon Commons is a different animal on how the signage was done and says they don't have that option. Mr. Fratianne asks if something could be done to help keep the height down. Mr. Friedman says they will be adding a total of two feet of what the existing sign is right now. He continues to say he could try to reduce the topper to a foot and a half but he doesn't know that 6 inches would make a difference. Mr. Friedman says again he would not add any more than two feet at most. Mr. Schatschneider says he feels the sign is slightly excessive and suggests putting the sign down the column. Mr. Friedman says to make it seen they would still need a variance to allow the letters to be large enough. Mr. Schatschneider questions the sign that has the two pillars and that is all. Mr. Friedman explains prior to his clients acquiring the property, the previous owner developed the area differently. He gives the example that Third Federal owns their property and they have been trying to work with them to allow them to share the sign area but they did not want to work with them. The utilities that are in the development are dedicated to the City and again the banks water and sewer lines are private as they did not dedicate and are hard to work with according to Mr. Friedman. Mr. Schatschneider asks if the 18 sq. ft. variance is for one sign or two. Mr. Schneider says its 18 for each sign as they are separate signs. Mr. Fratianne asks again if they would work with the height and Mr. Friedman says yes he is always willing to work with the City. Mr. Fratianne gives some suggestions that he feels he would like to see. Discussion continues on the sign square footage and height. Mr. Fratianne asks if he has time to work on a couple designs and Mr. Friedman says he is willing to table until next month but he has never asked for any variance and is willing to work with the City. Mr. Fratianne says he would like to see that and could give him a couple ideas to make it more acceptable. Mr. Friedman says he will go out and get specific measurements of their sign and all the signs in the area as well. Mr. Friedman says he can try to reduce the sign but he cannot redesign the sign as it's too much expense as it's already constructed. Mr. Fratianne pulls Mr. Friedman up and explains to him what he would like to see on the sign as an option and Mr. Friedman says he will go back and look for some ideas and will come back next month. Mr. Klingshirn says if he is in a hurry they could always request a special meeting. Mr. Friedman formally asks that his request be tabled until next month. Mr. Schneider says that they are working on putting a new Italian restaurant in and additional retail and he doesn't feel the sign request is not too far out of hand. They have been developing that area into a nice area and follows the rules. Mr. Schatschneider says he would like to see exact numbers of the sign and would like to look into that next month.

Jay Pickering, 35669 Detroit Road is sworn in by Mr. Gasior. Mr. Pickering says he is across the street at Pickering Farms and has no objection to what he is asking for and will see the sign the most. He prefers to have nice signs and good business and no empty store fronts and he's done a good job. Mr. Pickering says he has listened to the discussion and doesn't understand the concern over 6 inches. Mr. Fratianne says it's the district area and they are trying to control what is to come. He feels that a few inches here and there considering what is already over there he feels they are being picky and wants to see people be successful in the City. Mr. Pickering says he feels it's important what the neighbors think more so then the people driving by going 35-40 miles per hour. Mr. Fratianne says they would like to see some exact measurement and other ideas.

A motion was made by Mr. Klingshirn, seconded by Mr. Schatschneider to table to The MarketPlace at Avon appeal until the next meeting. The vote was: 4-"AYES" and 1-"NAY". The Chair declared the motion passed.

CHESTER ROAD SQUARE APPEAL

Ryan Cummins, representing the City of Avon is requesting a 2' variance from 1290.06(c) (2) Freestanding Business Identification Signs to allow the existing monument sign to be only 3' from the right of way due to the widening and improvements on Chester Road.

Ryan Cummins, Engineer for the City of Avon is sworn in by Mr. Gasior. Mr. Cummins says the City of Avon is looking to widen Chester Road. The widening will be done in different pieces and parts and one piece starts at State Route 83 and goes to the east side of the Chester Square property. Along the way, it will turn into a 5 lane road with two lanes in each direction and a center turn lane. Mr. Cummins says in the area of Chester Square the City is working with the owner to acquire the needed property and will move the existing monument sign. Due to the distance between the existing parking lot and road they will have bollards around the sign to protect the sign. The sign will not change in any way, it will be torn down and reconstructed exact same dimension, make up and look in the new location. Mr. Fratianne asks if the existing sign will be moved. Mr. Cummins says the existing sign will be torn down and reconstructed due north of the existing sign 3 feet of the proposed right of way. Mr. Gasior asks if he was wondering if it was moving east and west and Mr. Cummins confirms just north towards the parking lot. The restriction is the parking lot and the road and keeps the sign protected with bollards. Mr. Gasior adds if they would have to put the sign in the 5 foot setback they would have to take parking spaces out of the parking lot and that would affect the value of the case and the property owner has been working with them and don't want too much impact of their existing lot.

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to approve the variance from 1290.06(c) (2) Freestanding Business Identification Signs to allow the existing monument sign to be only 3' from the right of way due to the widening and improvements on Chester Road. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Mr. Fratianne asks Mr. Cummins to enlighten the board about the riparian issues. Mr. Cummins says in the summer of 2015 the City took a number of measures to improvement storm water

management and flood protection measures along some of the key water ways. The French Creek drainage area and east of SR 83. The riparian zone was in the ordinances and was very narrow with minimal restrictions on development. The new riparian zone that was passed establishes a wider areas in which construction could happen. Any wetland area or FEMA designated flood plain areas that are associated with key water ways the riparian zone would expand to the outer limits of the wetland area or the flood plain. Mr. Cummins says the purpose of the riparian zone is to allow streams room to do what they do naturally and keep manmade structures and humans out of danger areas that could produce flooding. The two residents that are subject to this are proposing to build a structure inside the riparian zone. The FEMA flood plain in that area covers a lot which gives a larger riparian area and is confirmed as late as 2008. When the applications came in then they must follow the ordinance and as they run through the course, Mr. Cummins says he has reached out to their engineer and asked him to submit a letter or something to the City to explain why those two projects should get some special consideration. Mr. Cummins says he does have some ability to grant some relief depending on what would or could be done. Once the information comes in then he will review and grant what he can. Mr. Fratianne asks if single lots are looked at differently than if a development comes in. Mr. Cummins says of course take a subdivision for example, the project is larger but you could also have more area to do something about the problem. The ordinance is the same but each project is looked at as its own and the intent of the ordinance is to make gradual change about how development is looked at in critical areas. Mr. Cummins says at the end of the day whatever is decided it is not making anything worse. Mr. Fratianne says it's important they have an understanding of what is going on and they rely on Mr. Cummins expertise and appreciates him being at the meeting. Ms. Fechter says at the end of the day we want to make sure they don't flood or have water issues and Mr. Cummins agrees and adds we also want to make sure what they are doing on their lot isn't pushing water to their neighbors.

ADJOURN

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Chair declared the motion passed.

ATTEST

CHAIRMAN

DATE