

**BOARD OF ZONING & BUILDING APPEALS  
CITY OF AVON  
MEETING AGENDA FOR SEPTEMBER 7, 2022  
7:00 P.M.**

**ROLL CALL**

Michael Bulger	Jill Clements, Zoning Enforcement Officer
Bill Hricovec	Pam Fechter, Econ. Dev./Planning Coordinator
Mark Ladegaard	John Gasior, Law Director
Chauncey Miller	Duane Streator, Safety Director
Kurt Schatschneider	Nicole Rambo-Ackerman, Planning Clerk

**REVIEW AND CORRECTION OF MINUTES**

Motion to dispense with the reading of the minutes of the regular meeting held on August 3, 2022 and to approve the minutes as published.

**REPORTS & CORRESPONDENCE**

**ADDITIONS & DELETIONS**

Motion to add or delete items from the agenda.  
Motion to approve the amended agenda.

**APPEALS & REQUESTS**

**1. American Construction Group, LLC Appeal**

Proposal consists of an appeal to reinstate the City of Avon Contractor's Registration for American Construction Group, LLC. Proposal was tabled at the August 3, 2022 meeting.

Motion to remove from the table.  
Motion to table.

**2. Jai & Divya Singh; 3636 Split Rail Lane; 18-22**

Proposal consists of an existing shed in the side yard. Request was tabled at the June 1, 2022 meeting and deleted from July 6, 2022 agenda at applicant's request.

The following variance is requested:

1. A variance for an accessory structure in the side yard; code does not allow, applicant proposes an accessory structure in the side yard, Section 1262.08(b)(1).

Motion to remove from the table.  
Motion to approve.

**3. Daniel Ramos; 3309 Parkview Drive; 42-22**

Proposal consists of a fence in the front yard. Proposal was tabled at the August 3, 2022 meeting.

The following variances are requested:

1. A 2 ft. variance for fence height; code allows 4 ft., Section 1294.08(a).

2. A variance for opacity; code requires 70% of fence must be uniformly distributed open space, Section 1294.08(a).

Motion to remove from the table.

Motion to approve.

**4. David Sommer; 35388 Riegelsberger Road; 46-22**

Proposal consists of an awning over an existing concrete pad. Proposal was tabled at the August 3, 2022 meeting.

The following variance is requested:

1. A 3,204.2 sq. ft. variance for accessory building square footage; code allows 1,515.8 sq. ft., applicant proposes 4,120 existing sq. ft. plus 600 additional sq. ft., Section 1262.08(a)(2).

Motion to remove from the table.

Motion to approve.

**5. Daniel Levy; 2743 Fairview Drive; 48-22**

Proposal consists of a driveway extension.

The following variance is requested:

1. A 6 ft. front yard setback for a supplemental paved area for parking or outdoor storage of vehicles; code requires 20 ft., applicant shows 7 ft., Section 1262.08(c)(2).

Note: A 7 ft. variance for front yard setback was granted at the August 3, 2022 BZBA meeting.

Motion to approve.

**6. Robert & Colleen Solymos; 3790 Case Road; 49-22**

Proposal consists of an outbuilding.

The following variance is requested:

1. A 39.1 sq. ft. variance for accessory structure square footage; code allows 408.9 sq. ft., applicant proposes 448 sq. ft., Section 1262.08(a)(2).

Note: Code allows 2% of lot size for accessory structure square footage. Lot is 20,444.5 sq. ft., 2% allowed square footage is 408.9 sq. ft.

Motion to approve.

**7. Quinton Harrison; 39214 Woodland Trail; 50-22**

Proposal consists of a covered deck.

The following variance is requested:

1. A 57.3 sq. ft. variance for accessory structure square footage; code allows 206.7 sq. ft., applicant proposes 264 sq. ft., Section 1262.08(a)(2).

Note: Code allows 2% of lot size for accessory structure square footage. Lot is 10,337 sq. ft., 2% allowed square footage is 206.7 sq. ft.

Motion to approve.

**8. James Svihlik; 3122 Moon Road; 52-22**

Proposal consists of a path to the rear yard.

The following variance is requested:

1. A 3 ft. 6 in. variance for side yard setback on the south side of the property; code requires 5 ft., applicant proposes 1 ft. 6 in., Section 1262.08(c)(3).

Motion to approve.

**9. Scott Wiles; 3072 Jaycox Road; 53-22**

Proposal consists of a lot split.

The following variances are requested:

1. A 2,010 sq. ft. variance for accessory structure square footage; code allows 630 sq. ft., applicant proposes 2,640 sq. ft., Section 1262.08(a)(2).
2. A variance to allow the existing barn to remain; code requires accessory buildings be located in the rear yard, applicant proposed to keep the barn in its existing location, Section 1262.08(b)(2)(A).

Note: Code allows 2% of lot size for accessory structure square footage. Lot is 31,493.88 sq. ft., 2% allowed square footage is 630 sq. ft.

Motion to approve.

**10. McAlister's Deli; 35355 Chester Road; 54-22**

Proposal consists of a new restaurant, patio, parking lot and utilities. The final development plan was declared first presentation at the August 17, 2022 Planning Commission meeting.

The following variances are requested:

1. A 2 space variance for waiting spaces; code requires 10 waiting spaces, applicant proposes 8, Section 1292.09(1).
2. A 4.5 ft. variance for side parking setback on the west side of the property; code requires 10 ft., applicant proposes 5.5 ft., Section 1270.06(a)(2)(A).
3. A 10 ft. variance for side parking setback on the east side of the property; code requires 10 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).

Motion to approve.

**11. Renew CLE; 37060 Colorado Avenue; 55-22**

Proposal consists of a new office building and parking lot. The final development plan was approved contingent on variances being granted at the August 17, 2022 Planning Commission meeting.

The following variances are requested:

1. A 20 ft. variance for parking setback from the right-of-way; code requires 20 ft., applicant proposes 0 ft., Section 1270.06(a)(1).
2. A 5 ft. variance for side parking setback on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).
3. A 5 ft. variance for side parking setback for the dumpster on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.11(a)(1).

Motion to approve.

**COMMENTS**

**ADJOURN**