

## MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 2-2-22

WEDNESDAY, FEBRUARY 2, 2022, COUNCIL CHAMBERS, AVON CITY HALL

The meeting was called to order at 7:00 P.M. by Chairman Mark Ladegaard

Present: Michael Bulger; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; John Gasior, Law Director; and Jill Clements, Secretary.

Not Present: Bill Hricovec; Pam Fechter, Planning Coordinator; and Duane Streator, Safety/Service Director

### MINUTES OF THE REGULAR MEETING – JANUARY 5, 2022

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, January 5, 2022, and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

### ADDITIONS/DELETIONS

#### JOSEPH REISING APPEAL

Joseph Reising is requesting a s 586.1 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 28’x48’ barn to be located at 3599 Stoney Ridge Road.

Joe Reising is sworn in by Mr. Gasior. Mr. Reising says he would like to build a 28’x48’ foot barn and it’s over the allowed 2% of what is allowed. Mr. Ladegaard says this is a little larger than what they typically approve in his opinion. Mr. Klingshirn says his concern is the size and how close to the property line he is and asks if he would move it over maybe 5-8 feet? Mr. Reising says he is allowed to have it 5 feet offline, and Mr. Klingshirn says maybe move it over a couple more feet and it will still allow you to come in off the driveway and it would be less intrusive to the neighbor. Mr. Klingshirn says the size is too big. Mr. Reising asks what he would suggest as a more appropriate size? Mr. Klingshirn suggest reducing it by 8-10 feet or about 300 square feet. Mr. Klingshirn asks what he is going to use the shed for. Mr. Reising says now he has a four-wheeler, lawn mower and he as a hobby of woodworking and has tools and he would like to be able to store things out there. Mr. Reising says his garage is full of kids bikes and toys and all the stuff he mentioned a minute ago. Mr. Reising says so you’re asking 300 sq. ft. less than the 28’x48’? He also mentions that he is going to match it to match the house so it will be look nicer. Mr. Ladegaard says what he feels that could work to keep the variance in line of what they do would be 28’x40’, reducing it 8 feet off the back or anything you can come up to that would keep the total square footage around 1137 sq. ft. Mr. Reising says what if he did 24’x48’ that 1152 sq. ft. and Mr. Ladegaard says that’s fine. Mr. Reising asks Mr. Klingshirn, Mr. Bulger and Mr. Miller if that would be acceptable. Mr. Klingshirn and Mr. Bulger say that’s good. Mr. Miller says as for the 5 feet, if you want to run a piece of equipment around, he suggests moving it over a little bit. Mr. Ladegaard says they will reduce the size of the variance to 394 sq. ft. which makes it a 24x48 feet. Mr. Ladegaard says if its within that square footage you can do whatever size works best for you. Mr. Miller says you might need the width instead of the length.

A motion was made by Mr. Klingshirn, seconded by Mr. Miller to approve a 394 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the construction of a 28’x48’ barn to be located at 3599 Stoney Ridge Road. The vote was: “AYES” All. The Chairman declared the motion passed.

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### JOHN AND KATHLEEN GORBACH APPEAL

John Gorbach is requesting a 521 sq. ft variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the existing garage to remain at 34625 Detroit Road.

A motion was made by Mr. Klingshirn, seconded by Mr. Miller to un-table the Gorbach Appeal. The vote was: "AYES" All. The Chair declared the motion passed.

Mrs. Clements says Mr. Gorbach can't be here tonight and last month this was talked about with his flag lot variance. When notice was sent for the newly created lot, the square footage was incorrect. Mrs. Clements, say they have done a lot split to create a flag lot, they have their special use permit and their variance for the barn in the front yard. This variance is for the existing barn on the front lot. Mr. Ladegaard says we went over this last month, and we were all in agreement on, but the notice needed to be re-sent. Mr. Gasior asks were there any objections? Mrs. Clements says no, every time all notices were sent out, no one has had any issues.

A motion was made Mr. Bulger, seconded by Mr. Klingshirn to approve a 521 sq. ft variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings to allow the existing garage to remain at 34625 Detroit Road. The vote was: "AYES" All. The Chairman declared the motion passed.

### AMERICAN CONSTRUCTION GROUP, LLC

Joseph Pfundstein representing American Construction Group, LLC is requesting approval to reinstate their Contractor's Registration with the City of Avon.

Mrs. Clements says they have asked that this be tabled to the March meeting, they have legal representation that is not able to be present this evening.

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to table until the March 2, 2022, meeting. The vote was: "AYES" All. The Chair declared the motion passed.

### KEITH RIEGELSBERGER APPEAL

Keith Riegelsberger is requesting a variance from C.O. 1262.08 Accessory Use Regulations to allow the existing pole barn to remain on a lot with no primary dwelling to be located near 35800 Riegelsberger Road.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to un-table Riegelsberger Appeal. The vote was: "AYES" All. The Chair declared the motion passed.

Mrs. Clements says she received an email yesterday afternoon and has requested that his variance request be withdrawn. She continues to say if he needs a variance when he is ready to proceed, he will come back at that time.

A motion was made by Mr. Klingshirn, seconded by Mr. Miller to permit Mr. Riegelsberger to withdraw the variance request. The vote was: "AYES" All. The Chair declared the motion passed.

### JEFFREY AND DEBRA MITCHELL APPEAL

Michael Cloud representing Jeffrey and Debra Mitchell is requesting a variance from C.O. 1270.03(b)(3) Schedule of Permitted Uses to allow a drive-up interactive teller branch for Commstar Credit Union to be located at 1022 Center Road.

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to un-table the Mitchell Appeal. The vote was: "AYES" All. The Chair declared the motion passed.

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Mrs. Clements says Commstar has gotten a negative recommendation to City Council from Planning Commission to change the code. She says as Mr. Gasior stated a couple meeting prior, this was not the place for them to be asking for a variance as it is not permitted at all. The only way they could get what they wanted was to get a code change. Therefore, they are asking to withdraw their request.

A motion was made by Mr. Klingshirn, seconded by Mr. Bulger to permit Commstar to withdraw the variance request. The vote was: "AYES" All. The Chair declared the motion passed.

### COMMENTS

### ADJOURN

A motion was made by Mr. Bulger, seconded by Mr. Miller to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:15P.M