

**BOARD OF ZONING & BUILDING APPEALS  
CITY OF AVON  
REGULAR MEETING MINUTES FOR MARCH 1, 2023**

**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 Staff: Jill Clements, Zoning Enforcement Officer; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, Safety Director; Nicole Rambo-Ackerman, Planning Clerk

**BOARD ORGANIZATION**

**Mr. Bulger nominated Mr. Ladegaard as Chair. With no other nominations, Mr. Ladegaard declared the nomination passed unanimously.**

**Mr. Schatschneider nominated Mr. Miller as Vice Chair. With no other nominations, Mr. Ladegaard declared the nomination passed unanimously.**

**REVIEW & CORRECTION OF MINUTES**

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

**REPORTS & CORRESPONDENCE**

**ADDITIONS & DELETIONS**

Ms. Clements asked that item #3 be deleted from the agenda. Mr. Ladegaard asked if they would be coming back before the Board. Ms. Clements talked to the builder that morning and he realized that it was unlikely that their request would get approved. He is going to talk to the owner to see how they are going to move forward. They may come back but it will be different than what was initially proposed.

**Mr. Miller moved, seconded by Mr. Schatschneider, to delete item #3 from the agenda and accept the agenda as amended. The vote was: "AYES" all. The Chair declared the motion passed.**

**APPEALS & REQUESTS**

**1. Michael & Carie Glending; 36422 Gosford Drive; 1-23**

Representatives: Michael & Carie Glending, 36422 Gosford Drive

Proposal consists of a garage addition.

The following variance is requested:

1. A 7 ft. variance for side yard setback; code requires 12 ft., applicant proposes 5 ft.; Section 1262.04(d).

Mr. and Ms. Glending were sworn in. Mr. Glending wants to add a four-car garage. They have two kids that are older, a pool and a lot of stuff. They are requesting the variance to accommodate the fourth car. Mr. Ladegaard asked if the applicant had HOA approval. Mr. Glending explained that the HOA told him if they received the variance from the City then they could “get behind” the request. He included the HOA response and neighbor’s letter of approval for the project in his paperwork. Mr. Ladegaard thought the side yard setback would be tight with only five feet. Ms. Glending said the space is needed to pull a car in the garage and be able to open the door. The existing driveway goes straight into the proposed garage area and the fence would be removed. The air conditioning unit would be relocated to the other side of the house. The closest neighbors also had a variance granted for a garage addition. Mrs. Glending said the garage will be able to be driven through because they want access to the pool without having to go through the grass or having to remove the fence. Mr. Ladegaard thought there was a lot of stuff to move on that side of the house to accommodate the request. Mr. Schatschneider thought the 12-foot setback is required so emergency services can access the back yard. Mr. Hricovec thought the request is excessive and the space would be tight with only five feet. Mr. Miller confirmed that the applicant would still need to get HOA approval. Mr. Schatschneider asked if this was the normal process because he thought it was the HOA’s job to review the proposals for what they want. Ms. Clements said HOAs are run differently and some want to see the City’s variance approval first but if the HOA denies it then the variance would be “trumped.” Mr. Bulger pointed out that the 12-foot setback is met on the other side of house so emergency equipment could get through and they could go through the garage. Mr. Gasior confirmed that the motion does not need to be contingent on HOA approval. After the vote, Ms. Glending asked if they would get paperwork saying the variance was granted and Ms. Clements said she would get something ready for them to pick up.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the request for the following variance for Michael & Carie Glending; 36422 Gosford Drive; 1-23:**

1. A 7 ft. variance for side yard setback; code requires 12 ft., applicant proposes 5 ft.; Section 1262.04(d).

**The vote was: 4 “AYES” and 1 “NAY”, Mr. Hricovec voted “NAY”. The Chair declared the motion passed.**

**2. Jaime & Lillian Irizarry; 4283 St. Raymond Way; 2-23**

Representatives: Jaime & Lillian Irizarry, 4283 St. Raymond Way

Proposal consists of a covered deck.

The following variance is requested:

1. A 17 ft. variance for rear yard setback; code requires 20 ft., applicant proposes 3 ft.; Section 1262.04(d).

Mr. Ladegaard said the variance requested is nine feet because the applicant shows 11 feet off the lot line. Mr. and Ms. Irizarry were sworn in. Mr. Irizarry explained that he surprised his wife with a lot in Red Tail for her 50<sup>th</sup> birthday. When he went to sign off on the house plan approvals, the house was shifted on the lot. He wanted outdoor living so he was told to go

through the variance request process. He talked to the HOA and they told him to request the variance before getting HOA approval but he did email a copy of the rendering to the HOA. Mr. Irizarry said every outdoor living space is similar to what they have in their development, Phase 16. The way the house was shifted made it so the outdoor space could not be built. Mr. Irizarry pointed out that the cart path is partially on his property. The whole back of the house could still be accessed. Mr. Irizarry did not know about the five-foot drop of the property and thought he could do a covered patio straight out from the house if needed. Ms. Irizarry thought the deck would be nice. Mr. Irizarry is proposing a fireplace on the ground currently but will build the deck with footers so he could put a fireplace up top in the future if he wants to. Mr. Ladegaard asked what the clouded area on page 6.04 showed, Mr. Irizarry said that was left on the plans for the house that he used for the rendering. Mr. Hricovec asked if the variance would just be for the post in the corner that holds the deck up since the deck would be on the second story, someone confirmed that is true. Mr. Hricovec suggested cantilevering the deck so the post would not be needed, which would give more space between the deck and cart path since they are just showing one foot from the cart path easement.

**Mr. Miller moved, seconded by Mr. Schatschneider, to approve the request for the following variance for Jaime & Lillian Irizarry; 4283 St. Raymond Way; 2-23 as amended:**

**1. A 9 ft. variance for rear yard setback; code requires 20 ft., applicant proposes 11 ft.; Section 1262.04(d).**

**The vote was: “AYES” all. The Chair declared the motion passed.**

**3. Brian & Amy Koziara; PPN 0400001101011 Detroit Road; 3-23**

Proposal consists of a new home.

The following variances are requested:

1. A 6 ft. variance for side yard setback; code requires 12 ft., applicant proposes 6.43 ft.; Section 1262.04(d).
2. A 59 ft. variance for front yard setback from center line; code requires approximately 92 ft. from the center line, applicant proposes 33 ft. from the center line; Section 1262.04(d)(1)(A).

Deleted from the agenda.

**COMMENTS**

**ADJOURN**

**Mr. Hricovec moved, seconded by Mr. Schatschneider, to adjourn the meeting at 7:19 p.m. The vote was: “AYES” all. The Chair declared the motion passed.**

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Mark Ladegaard, Chair

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Nicole Rambo-Ackerman, Clerk

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Date