

**BOARD OF ZONING & BUILDING APPEALS
CITY OF AVON
REGULAR MEETING MINUTES FOR APRIL 5, 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 Streator, Safety Director

MINUTES OF THE REGULAR MEETING- APRIL 5, 2022

A motion was made by Mr. Miller, seconded by Mr. Hricovec to dispense with the reading of the minutes of the regular meeting held on March 1, 2023, and to approve said minutes as published. The vote was: "AYES" All. The Chair declared the motion passed.

ADDITIONS AND DELETIONS

Mrs. Clements asked that item #1 be deleted. She had communication with Ms. Fitchko and she is still trying to get ahold of a contractor to do the work and isn't sure when she will be ready.

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to delete item #1 Fitchko Appeal from the agenda at the Zoning Enforcement Officer request. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to accept the amended agenda as approved. The vote was: "AYES" All. The Chair declared the motion passed.

1. Kristyn Fitchko; 38757 Melgrove Lane; 67-22

Proposal consists of a driveway extension. Proposal was tabled at the November and December and January BZA meetings.

The following variance is requested:

1. A 4 ft. side yard setback for a driveway extension; code requires 5 ft., applicant proposes 1 ft., Section 1262.08(c)(2)
- 2.

Deleted from agenda at ZEO request per applicant.

2. Roger and Sherry Reaser, 36155 Kinzel Road; 8-23

Proposal consists of a lot split.

The following variance is requested:

1. A 310 sq. ft. variance for existing barn; code allows 2185.318 sq. ft., applicant proposes 2496 sq. ft.; Section 1262.08(a)(2).

Note: Code allows 2% of lot size for accessory structure square footage. When barn was built it was code compliant. With the lot split the lot size will be reduced to 109265.9 sq. ft.; 2% allowed square footage is 2185.318 sq. ft.; existing two barns total 2496 sq. ft.

Vic Stewart of Bramhall Engineering, 801 Moore Road is sworn in. Mr. Stewart says they were asked to prepare a lot split drawing on the corner of Kinzel and 83 on a 4-acre parcel. Mr. Stewart says the split would create a 1.4-acre parcel and based on the code with the 2 accessory buildings, they would be beyond the allowable square footage and are requesting the variance. The request they feel is minimal and wont impact any of the neighbors as it is existing. Ms. Fechter says they came in with the drawing and it was talked about changing the lines but once they did that, it put it too close to 83 and figured the variance route would be better. Mr. Hricovec asks about the septic and Mr. Stewart says its in the front yard and they have approval for that from Lorain County.

A motion was made by Mr. Schatschneider, seconded by Mr. Bulger to approve the 310 sq. ft. variance as requested. The vote was: "AYES" All. The Chair declared the motion passed.

3. Chris Herman; 35345 Detroit Road; 6-23

Proposal consists of accessory building.

The following variances are requested:

1. A 1' height variance; code allows 15 feet., applicant proposes 16' height, Section 1262.06(b). Note: Code allows maximum permitted height of an accessory building shall be 15' or the height of the principal building, whichever is greater.

Chris Herman, 35345 Detroit Road is sworn in. Mr. Herman says he is asking for a 1 foot height variance as they currently moved here and combined houses with his mother in law next door and they have no storage for each house and they need more storage and that is why they are looking to build the barn but he is tall and wants to be able to walk upstairs. Mr. Herman says they are looking for something simple and the trees will be blocking it. They don't really have any direct neighbors either.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to approve the approve the 1' height variance as requested. The vote was: "AYES" All. The Chair declared the motion passed.

4. Megan Sims; 37995 Lorie Blvd; 10-23

Proposal consists of installation of 5' board on board fence.

The following variances are requested:

1. A 1' height variance; code allows 4 feet., applicant proposes 5 feet; Section 1294.08(a).
2. A 70% opacity variance; code 70% opacity; applicant proposed 0%; Section 1294.08(a).

Megan Sims. 37995 Lorie Blvd is sworn in. Ms. Sims says she is looking to install 5' fence around one side of the property over the driveway and was looking to do shadow box style not board on board. Ms. Sims says she is very exposed on the conner and looking for some added safety and security and privacy. It does not impede with either street. Mr. Ladegaard says on the

photo there are two scenarios and Ms. Sims says it would be the closer one. Mr. Ladegaard asks about the shadow box and Mr. Ladegaard says like one on the front and one on the back that you can see a little through on an angle. Mr. Ladegaard says one option is if you go from the corner of the house, you could put a 6' board on board but once you get past the front of the house that's when the different code sets in. Conversation continues on the fact she can stay within the house and garage and can do the 6'. Mr. Ladegaard says he doesn't have a big issue with the heights, its more the opacity that he would like to see. Mr. Miller says he agrees the height isn't as big of deal as the opacity. Mr. Ladegaard says in his opinion 70% down to nothing is big, that is looking at it straight on. The shadow box is very similar for a straight on look. Ms. Sims says she isn't concerned with the height, she is looking for the privacy. Mr. Bulger says if she does the shadow box, he would like to see some separation isn't stead of keeping it so close, the opacity is his concern too. Ms. Sims says she would consider that. Mr. Schatschneider says again, if you move it to the corner, the issue is resolved. Ms. Sims says that is taking away some patio space that is why it is in the front. Mr. Ladegaard says they can be flexible on the opacity and Mr. Schatschneider says 50%. Mr. Ladegaard explains for every 6" board, you need to have 6" of a gap- just so there is space and can see through a bit. Ms. Sims says that would be fine. Mr. Schatschneider asks about the gate and if that could be board on board. Ms. Clements says the fence code doesn't call out specifically with gates, the gate is part of the fence and would need to stay uniformed with the opacity. Mr. Hricovec says if you go off the corner of the house you could do 6' and gives her another option of how she can use a 6' privacy on the screen. Mr. Ladegaard says we can vote at 70% but its not likely going to go the ways she wants. Mr. Ladegaard asks if she would be ok with a vote on the 50% opacity and Ms. Sims agrees.

A motion was made by Mr. Miller, seconded by Mr. Hricovec to approve the 1' height variance as requested. The vote was: 4 "AYES" and 1 "NAY", Mr. Schatschneider voted "NAY". The Chair declared the motion passed.

Bill Motes, 37957 Lorie Blvd. is sworn in. Mr. Motes asks how far out or how close the road is the fence going to be? Ms. Sims says not close, but she doesn't have exact. Mr. Motes asks is it coming from the house to the road. Ms. Clements says we haven't given final and how far off the house she is coming. Ms. Sims is asked how far she is looking to come off the house. She responds 5' off the house towards the road. Mr. Motes asks how much property from the corner of the house to the road. Mr. Motes asks again the distance from the corner of the house to the road. Ms. Clements says from the corner of the house to the right of way would be 36' give or take since it's an approximate with the aerial and from house to edge of pavement on Doovys its about 54'. Mr. Motes says he was concerned how close to the road and transparent because when those cars come off Colorado, they are not doing 25 mph and if the fence blocks the intersection to make the left turn, you could get clipped. Mr. Ladegaard says he looked at that it will not be an issue.

A motion was made by Mr. Miller, seconded by Mr. Hricovec to approve a 20% opacity variance which was amended from the 70% to allow the fence to have 50% opacity. The vote was: "AYES" All. The Chair declared the motion passed.

5. Brother's Management Co., LLC; 1220 Miller Road; 9-23

Proposal consists of proposed storage facility.

The following variances are requested:

1. A 25' lot width variance; code requires 200 feet lot width., applicant proposes 175' lot width existing M-1 lot; Section 1280.05(p).

David Gooch KE McCartney Associates, 526 East Broad St. Elyria is sworn in. Mr. Gooch says he is here to request a variance for a Special Use in nonresidential area as the requirement is 200' and the property as it exists is 175'. All of the other setbacks for the district can be met they just need the front for variance. Mr. Ladegaard asks if they plan on later if they will do more but assumes they can't put them under power lines. Mr. Gooch says no other buildings will be built. Mr. Schatschneider asks if they approached the neighbors to see if they could acquire 25' from either of them. Mr. Gooch says he would have to get with Mr. Brunner on that. Mr. Schatschneider asks if it meets all the other requirements and with fire to drive around the building. Ms. Fechter says they had a preapplication meeting and that is when it was noticed the width didn't meet requirements for the Special Use. Ms. Fechter says they will still have to go in front of the Planning Commission with Final Development Plan. They wanted to make sure they could get the variance for the lot before they go any further.

A motion was made by Mr. Miller, seconded by Mr. Bulger to approve the 25' lot width variance as requested. The vote was: "AYES" All. The Chair declared the motion passed.

6. The Maka Group, LLC; 4661 Jaycox Road; 7-23

Proposal consists of building addition.

The following variances are requested:

1. A 50.2' side yard setback variance; code requires 100 feet., applicant proposes 49.2' side yard setback; Section 1278.05(b)(2).

Note: Existing building setback is 46.2' west side of building; 49.2' east side of building.

Kevin Urig, 4305 Stoney Ridge is sworn in. Mr. Urig says he is trying to look out for the neighbors for more of a block, so they are not looking at garage doors or open machinery. He thinks the building would be less noise and nicer to look at. Mr. Ladegaard says there is a mound of dirt over there. Mr. Urig says it about 10' and there are pines on the mound. He says he's talk to the one neighbor and Mr. Urig said he would put some new trees in there for the ones that died. Mr. Schatschneider asks if the attachment is to an existing building? Mr. Urig says yes. Mr. Schatschneider says you are moving the parking lot to the other side and Mr. Urig confirms. Mr. Hricovec will be abstaining on the vote.

A motion was made by Mr. Miller, seconded by Mr. Schatschneider to approve the 50.2' side yard setback variance as requested. The vote was: 4 "AYES", Mr. Hricovec abstained. The Chair declared the motion passed.

7. Caliber Collison; 1370 Nagel Road; 5-23

Proposal consists of replacement of pole sign.

The following variances are requested:

1. A 5'8" height variance; code allows 10 feet., applicant proposes 15'8" pole sign; Section 1290.07(d).

Laura Guidess, 1370 Nagel Rd is sworn in. Ms. Guidess says they would like to remove the existing cabinet and put a new cabinet up on the existing pole structure. This is the minimum affect due to where the pole sits. There is a chain link fence and if they have to remove the pole and do a monument it would be an additional expense. Mr. Ladegaard says the pole is now 17' and if you don't alter the exterior then you would be ok, but you want to alter that cabinet now. Ms. Guidess says the cabinet will go horizontal instead of vertical and will make it 15'8" with the cabinet being 4'x9' and 36 sq. ft. Mr. Ladegaard says 15' is a little too high for him. Ms. Guidess says if they keep the 10 height the cabinet is 4' and they would have to cut the pole down pretty good. If I go back and tell them you want it down, she will need the exact height. She also says she doesn't know what the visibility would be on Nagel Road, there is an empty lot and can't see it. Mr. Schatschneider agrees the pole is too high and he suggest the total height be 12' with the pole at 8' and the cabinet is 4 feet. Mr. Hricovec asks where the sign can go? Can it get closer to the road? It was noted, no, that is within the right of way and that is not permitted. Ms. Guidess says if you ask for the 12'tall you have to worry about kids going by and throwing stones at it and its more of a hazard. Mr. Miller suggests putting signage on the building and it was noted that the building signage has been approved already. Ms. Guidess asks if they are suggesting the 12' sign and asks if they could put another wall sign on the building? Ms. Clements says if they have square footage they could or they would need another variance for that. Ms. Guidess ask if there is any compromise on the height if they want to come back with 14' or 13'? Mr. Hricovec says they could make the existing cabinet and Ms. Guidess says they thought about that, but the print would be small. Mr. Gasior says the vacant lot is owned privately and he thinks that area will be developed. The road is going to widened and says that back in 2001 the signs existing could stay but any new sign must conform to the code. Mr. Gasior says there is an area of right of way we can get cleaned up but that won't solve the problem.

A motion was made by Mr. Schatschneider, seconded by Mr. Bulger to approve a 2' height variance as amended from 5'8" to allow a 12' tall sign. The vote was: "AYES" All. The Chair declared the motion passed.

8. Ranko Bojovic; 2637 Center Road; 4-23

Proposal consists of new home.

The following variances are requested:

1. A 25' front yard setback variance; code requires 60' front yard setback; applicant proposes 35' front yard setback; Section 1262.04(d)(1).
2. A 9' rear yard setback variance; code requires 50' rear yard; applicant proposes 41' rear yard setback; Section 1262.04(d)(4)

Note: Approved Subdivision Plat dated January 6, 1996, approving the 60' front yard setback on lots with frontage on Center Road.

Ranko Bojovic and Kostatin Bojovic are sworn in. Mr. R Bojovic says the depth of the lot is 180' and they understand the rules but the square footage of the house they want to build will need the variances on both ends and trying to utilize the lot the best they could. The neighbor house is northwest, and their patio is southeast. If they push the house further east, they would be blocking their view and less of a back yard for this house. They feel this is the best for what they want. Mr. Ladegaard says the rear yard setback isn't so bad, but he feels the front is too large for him. Mr. R Bojovic says they will have a 3-car garage and the length is 43' and they understand its part of the house but that is not living area and would like to have that taken into consideration as they look at the 35' plus the 42' would put the living space 77' back. Mr. Ladegaard says 83 is a busy street and he thinks the front yard is about 15' too much for him and would like to see it pushed closer to 50' off the right of way. Mr. Schatschneider says he agrees, if they ever widen the road or put turning lane in, it could create a problem. He asks if they could put the extra 14' of the garage on the house to the south. Mr. R Bojovic says change the plans? Mr. Schatschneider says the 14' bay just move that to the south side of the house but keep the garage where it is. Mr. R Bojovic says he appreciates this thinking and they have added the garage for a reason, and they have a two-car garage and since it's a new build they realize they need that 3rd car garage. Mr. K Bojovic says changing the design they would have to go back and redesign the whole house. Mr. K Bojovic says he doesn't think it would be a simple change as the master bed and bath are along the south side. Mr. Hricovec asks what the total square footage of the house when its done. Mr. R Bojovic says 3,000 sq. ft. Mr. Hricovec says standard lot in Avon is 100x150 and he knows there are a lot of 3 car garages on those lots. You have a blank canvas with no preexisting conditions, and they can design or change the garage and make it work. Mr. K Bojovic says they talked about moving the garage to the other side, but the internal design make is such it didn't work. Mr. R Bojovic says if they push it back, the back yard will be small and then the actual living space will be that much further back. Mr. Hricovec says the back isn't the biggest deal so they would give the back and get the 10' more up front. Mr. Miller and Mr. Bulger both agree its too close and Mr. Bulger would like to see it closer to 50 feet. Mr. Ladegaard asks what they want to vote on, the 25' front yard setback wont likely pass. He says you can take the 14 off and that would put it at 49' and that sounds like it would pass. Mr. Ladegaard says they will give them the 10' in the rear and 50' in the front. Mr. Bojovic says they will have to go back and redesign. Ms. Fechter says they can vote tonight and if you can't redesign then you can come back again. Mr. Bojovic says they would like to vote on the 50' front and 10' rear. Mr. Bojovic says there are other homes that are close by that are close to the road already. Mr. K Bojovic says the one by Bentley Park is very close. Ms. Clements says they do get that as they are older homes and are grandfathered but with yours being platted in within the subdivision, you have to follow that.

A motion was made by Mr. Schatschneider, seconded by Mr. Hricovec to approve a 10' front yard setback variance amended from 25' to allow the front yard setback to be 50 feet. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Miller, seconded by Mr. Hricovec to approve a 10' rear yard setback variance amended from 9' rear yard to allow the rear yard setback to be 40 feet. The vote was: "AYES" All. The Chair declared the motion passed.

9. Brian & Amy Koziara; PPN 0400001101011 Detroit Road;11-23

Proposal consists of a new home.

The following variances are requested:

1. A 6.3' side yard setback variance; code requires 12 ft.; applicant proposes 5.97 ft. west side. Section 1262.04(d).
2. A 4.67' side yard setback variance; code requires 12 ft.; applicant proposes 7.33 ft. east side. Section 1262.04(d).
3. A 42' front yard setback variance; applicant proposes 50' from center line with house starting at right of way; Section 1262.04(d)(1)(A).
4. A 15' lot width variance; code requires not less than 100' at the building line; applicant proposes 85' at building line; Section 1262.04(c)(1)(B).

Kelly Christy, 2581 Fairfield Drive and Brian Koziara, 3858 Swinton Circle are sworn in. Mr. Christy says they have a challenging home site on Detroit Road, and they want to put a single-family home on that lot. Mr. Christy says trying to find a home that fits in with the homes on the street and less disturbance with the side yard and they worked hard to find something with less impact. Mr. Christy shows on a drawing the existing homes and says the front yard setback changes at a point. He says there is a 33' right of way all the way down to the eastern property line then it jumps back, and they want to maintain the same setback. Mr. Ladegaard says he and Mrs. Clements took 10 addresses going both ways and came up with an average 50' off the right of way and 92' off the center line. Mr. Christy says the right of way is 33' from center line and the adjacent homes are consistently at the 50' from the center line. Mr. Christy says if they push the house back, there isn't much to use and if they take the garage back then there is no place to park. They wanted to keep it back and so no one parks on the driveway to block visibility. The purpose of this house is for elderly parents to come to Avon to live from Tennessee. Mr. Christy says they designed an elevator as well to try to think of everything. Mr. Ladegaard says the side yard setback doesn't allow much access to get anything in the back. Mr. Christy says they tried to split the side yard variance, but they have room to move it either way to gain access. Mr. Ladegaard says side yard is 12' and wants to see access for safety reasons. Mr. Ladegaard says this parcel was in front of the ZBA a couple times, back in 1996 they tried to put a new home on that lot and all their requests were denied. Mr. Hricovec says its hard to make it smaller to fit the lot, it's a tough lot for sure. Mr. Koziara says they have been here for 12 years and like the community and want to move their parents here. They have a lot that the city is making money on income taxes, and they are trying to improve the lot to get more income, they are not tying up resources in the school with no kids, they just want to improve the community instead of the let the lot collect trash. Mr. Hricovec asks if they asked the neighbor for some land. Mr. Koziara says he approached him, and it didn't go anywhere. Mr. Koziara asks if they can move it forward to give bigger side yard. Mr. Ladegaard says no, they are too close to begin with. Mr. Christy says if any widening would need to be done, you would be removing a number of residents. Mr. Christy says if they could keep it up with the existing houses and then they can work with the side yard. Mr. Schatschneider thinks if they widen the road, it will probably go to the other side. Mr. Christy asks if it would be possible to get the front they can rework. Mr. Ladegaard says for him its just too close. Mr. Ladegaard says its hard sale put anything in there to follow our codes. Mr. Ladegaard says even the building line is short. Mr. Christy says he apologizes for that, he was looking more at the front property line and missed that. Mr. Christy asks this to be table and

they would reconsider. Mr. Christy says to the May meeting would be fine and if they change their mind, they will let zoning know.

Michael Carney, 39180 Detroit Road is sworn in. Mr. Carney says this is the 3rd property owner who had tried to build on this lot and none of them have been able to get the variances in and to him, its an unbuildable lot.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to table the appeal until the May meeting. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Ms. Fechter says her former assistant Nicole left to take a job in North Ridgeville, and she is happy for her. Ms. Fechter introduces Susan Pintz, she has been with the city for almost 4 years and was in Mayor's Court and we are happy to welcome her to our team.

Mrs. Clements reminds the Board that the party is at the Avon Isle and wasn't on the invite and there is a deadline to register as well. Mr. Hricovec asked if the city could clean the easement and Mr. Streater says they will look into it.

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 ended at 8:23P.M.

Mark Ladegaard, Chairman

**Jill Clements, ZEO
acting secretary.**

Date