

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 4-6-22

WEDNESDAY, APRIL 6, 2022, COUNCIL CHAMBERS, AVON CITY HALL

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

Present: Michael Bulger; Bill Hricovec; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streator, Safety/Service Director and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – MARCH 2, 2022

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, March 2, 2022, and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

PAUL AND RENEE STRUM APPEAL

Paul and Renee Strum are requesting an 8” rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to make the existing home compliant with rear yard setbacks located at 38973 Bridle Ct.

Paul Strum is sworn in by Mr. Gasior. Mr. Strum says when Ryan Homes built the home, the morning room was built 8” into the rear setback. When they went to sign the papers, the title company pointed that out and he wants to make it compliant so there is no issue for him or any future owners.

A motion was made by Mr. Bulger seconded by Mr. Miller to approve an 8” rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to make the existing home compliant with rear yard setbacks located at 38973 Bridle Ct.

KEVIN AND HOLLY LADEGAARD

Patti Saracusa of Dover Remodeling representing Kevin and Holly Ladegaard is requesting a 1 ft. side yard setback variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of an addition to the existing home located at 3477 Jaycox Road.

A motion was made by Mr. Miller seconded by Mr. Klingshirn to un-table the Ladegaard appeal. The vote was: “AYES” All. The Chair declared the motion passed.

A motion was made by Mr. Bulger, seconded by Mr. Hricovec to table until the May meeting, they are still working with FEMA. The vote was: “AYES” All. The Chair declared the motion passed.

DANA AND CINDY SZYMANOWSKI APPEAL

Russ Duesler representing Dana and Cindy Szymanowski is requesting a 7’ rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a home addition located at 4632 Jaycox Road.

Mr. Ladegaard states for the record that Mr. Hricovec will abstain from this request.

Russ Duesler is sworn in by Mr. Gasior. Mr. Duesler says he is requesting a 7’ rear lot variance so he can put an addition on the home. Its split level now and she is having a hard time getting around and will be in a wheelchair and they need a bedroom and bathroom on same floor if permitted. Mr. Ladegaard confirms they will remove the old part of the sunroom and Mr. Duesler confirms that.

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A motion was made by Mr. Miller, seconded by Mr. Klingshirn to approve a 7' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a home addition located at 4632 Jaycox Road. The vote was "4" AYES" 1 "ABSTAIN". The Chair declared the motion passed.

ALEX AND KRISTA HUTNIK APPEAL

John Nash of Nash Project Management representing Alex and Krista Hutnik is requesting a 11' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered roof over the existing patio located at 39269 McIntosh.

John Nash of Nash Project Management is sworn in by Mr. Gasior. Mr. Nash says he is doing an open structure attached to the house and they will be past the rear lot line. They are on a cul de sac with woods behind home. Mr. Nash says it's a post structure they are trying to put a post outside of the existing patio. Mr. Ladegaard says he thinks it's the HOA behind them. Mr. Bulger asks if the HOA has been notified. Mr. Nash says they are going through the process now.

A motion was made by Mr. Hricovec seconded by Mr. Klingshirn to approve a 11' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered roof over the existing patio located at 39269 McIntosh. The vote was: "AYES" All. The Chair declared the motion passed.

ATTILA NAGY APPEAL

George Hofmann of Hofmann-Metzker, Ince representing Attila Nagy is requesting an 8' variance from C.O. 1262.04(c)(1)(C) Lot and Yard Requirements to allow a lot split to create a flag lot with only 52' of frontage located at 4625 Center Road.

George Hofmann of Hofmann-Metzker, Inc is sworn in by Mr. Gasior. Mr. Hofmann says his client owns 3.79 acres on Center Road and wants to split 3 buildable lots with 3 conforming lots with 100' frontage with 409' deep with 40,918 sq. ft per lot. The remaining parcel has an existing house and garage, and the frontage of this parcel would only be 52' but the area where the garage and house sit has a width of 152' and are 8' shy to meet the flag lot requirement. Mr. Ladegaard says he remembers when they split that years ago, they did a funny jog and the house up front was built in 1953. Mr. Klingshirn says the only question on the existing house, its pretty close on the corner and Mr. Ladegaard says it's already been split years ago. Mr. Hofmann says if they split it per code, it will not change the distance of the house from that line. Mr. Klingshirn says he should get a variance for the house being too close to the line. Mr. Gasior says that is not part of the split is it, its existing and the lot line can't be changed to adjust the house. Mr. Klingshirn says if we give them a variance its too close to the line. Mr. Gasior says he is not here for that request. Mr. Gasior is his concern about that is the Charter and the 5% rule. Ms. Fechter says the 5% is for if the road was not in existence at the time of the Charter. Mr. Hofmann says they will put a statement on this map to say no structure could ever be built on that front strip going back. Mr. Gasior asks what the square footage is, and Mr. Hofmann says that lot will have 42, 470 sq. ft. Mr. Gasior reads a section of Charter. Ms. Fechter says that if its new street there is no variance and Mr. Gasior says the 5% will apply here. Mr. Gasior says they can't grant an 8' variance. Mr. Klingshirn suggests giving 5% on this one and 5% of the south one. Mr. Hofmann says he can make 2 flag lots if that is what they desire. Mr. Hricovec says 5% of 100 is 5 and suggests moving the next south lot 5 feet over and do the 5% on both that and the flag lot. Mr. Hofmann says his thought would have 3 lots with no baggage to it but if they want to create two nonconforming then so be it. Mr. Gasior says you are in compliance if you create a lot at 95 and then the flag lot at 57 feet. Mr. Hofmann says they would be willing to do that. Mr. Gasior suggests that he come back next month with a revised application and drawing showing the 95' and the 57' which is 5% for both lots and they have the authority to grant such request.

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A motion was made by Mr. Miller, seconded by Mr. Klingshirn to table until the May 4th meeting. The vote was: "AYES" All. The Chair declared the motion passed.

T3 Reality 2 LLC APPEAL

Craig Sanders of Freeman Building representing Mike D'Andrea of T3 is requesting a 19'8" right of way setback from C.O. 1270.05(e)(1) Building Setback, Spacing and Height Regulations and a 15' side yard setback from C.O. 1270.05(e)(2)(A) Building Setback, Spacing and Height Regulations to allow the construction of a new 82,000 sq. ft. athletic training building to be located near 1965 Recreation Lane.

Craig Sanders of Freeman Building is sworn in by Mr. Gasior. Mr. Sanders says on the drawing to the right along Recreation Lane is where the 19'8" variance from the right of way. Mr. Sanders says this was driven from a couple factors; they were trying to align the fronts (east side) of the buildings then due to the size of the building forced it to push out towards the right of way. Mr. Sanders says the second request is the 15' side yard setback, its due to the size of the building they are taking it to the lot line. On the south side there is a sanitary line running and couldn't go any further south. Mr. Ladegaard asks Ms. Fechter if the city was ok with the plan. Ms. Fechter says with the placement of that drive is, there also needs to be a 60' perimeter around the building for the building department, we are fine with the layout.

A motion was made by Mr. Bulger, seconded by Mr. Miller to approve a 19'8" right of way setback from C.O. 1270.05(e)(1) Building Setback, Spacing and Height Regulations to allow the construction of a new 82,000 sq. ft. athletic training building to be located near 1965 Recreation Lane. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to approve a 15' side yard setback from C.O. 1270.05(e)(2)(A) Building Setback, Spacing and Height Regulations to allow the construction of a new 82,000 sq. ft. athletic training building to be located near 1965 Recreation Lane. The vote was: "AYES" All. The Chair 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.

A motion was made by Mr. Miller, seconded by Mr. Hricovec to un-table the American Construction Group, LLC appeal. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Miller, seconded by Mr. Hricovec to table until the May 4th meeting. The vote was: "AYES" All. The Chair declared the motion passed.

SHARON ZILKA APPEAL

George Zilka is requesting a 109 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area Number of Accessory Building, a variance from C.O. 1262.08(a)(3) Maximum Area Number of Accessory Building and a variance from C.O. 1262.08(b) Accessory Building Setback Requirements to allow the construction of a 50'x50' garage to be the 4th accessory building to be located in the front yard at 4827 Stoney Ridge Road.

Mr. Ladegaard states for the record that Mr. Hricovec will abstain from this request.

A motion was made by Mr. Bulger, seconded by Mr. Miller to un-table the Sharon Zilka appeal. The vote was: "AYES" All. The Chair declared the motion passed.

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George Zilka is sworn in by Mr. Gasior. Mr. Zilka asks if he could push this off again as nothing has happened from the City of North Ridgeville. He asks to push it out another 6 months, he doesn't know how long it will take. Mr. Ladegaard says he thinks they will take a vote because when he drives by that where he wants to put it, in the front yard, he speaks for himself, as far as square footage, he is ok with that, he is even ok with the extra building. Mr. Ladegaard continues to say but where that placement is at, he thinks it will create a blind spot for people coming down Mills Road and with the round about it would obstruct south bound traffic. Mr. Ladegaard says he feels it's a safety issue, we can postpone it, but we can't keep pushing it off. Mr. Zilka says he would like to postpone, if possible, if not all that land is useless at this point. Mr. Gasior says you can postpone it for a couple months, Mr. Ladegaard says we have postponed this for 7 months already. Mr. Gasior thinks Mr. Zilka should withdraw the request and come back and file later if you feel strongly if you want to go forward after the road is in. Mr. Gasior says right now if they had to take a vote, he thinks it would be voted down. Mr. Zilka says that is acceptable and he would get his money back. Mr. Gasior says no, since we had to send out notices and we had a couple hearings but if you withdraw it, there is no vote one way or another. Mr. Gasior says right not, it doesn't seem like it will go well. Mr. Zilka says he would withdraw his request. He also said that last time it was mentioned that he could get his money back that he put \$500 dollars into it before the round about was discussed. Mr. Gasior asks how much he paid, a \$100 deposit. Mr. Zilka says that and the money for the variance. Mrs. Clements states Mr. Zilka has spent \$175- \$160 for the appeals application and neighbor notification and \$15 for the zoning permit. Mr. Gasior says it could be up to the body to request that, but Mr. Gasior says he would be opposed to that as he has done work on this as has the City Engineer because of the concerns with the roundabout. Mr. Gasior says we have had professional fees spent on this that you don't pay for. Mr. Gasior says in the big picture the city has spent far more than \$160 to handle this application. Mr. Ladegaard asks if he would like to withdraw or ask for a vote. Mr. Zilka says he will withdraw and bring it back later. Mr. Gasior says you can do a vote to formalize it.

A motion was made by Mr. Bulger seconded by Mr. Klingshirn to accept the applicants request to withdraw their variance requests. The vote was: 4 "AYES" 1 "ABSTAIN". The Chair declared the motion passed.

COMMENTS

Ms. Fechter introduces Nicole Rambo-Ackerman as the new Planning Assistant. Mr. Miller also says the southbound traffic will be obstructed looking east. Mr. Gasior says he has looked at the plans with the City Engineer and he is still trying to figure out what he wants to do because it is right there. Mr. Gasior says round abouts are safe, it's more of an obstruction of the view. Mr. Hricovec says with the only resident in Avon affected by this, would Ridgeville try to take more than necessary then keeping it in North Ridgeville, which is his concern. It is all Ridgeville's project, who is looking out for the Avon resident. Mr. Streater says the plan he saw is very small as there is a good size right of way there now. Ms. Fechter says it's a joint project, Ridgeville is just taking the lead. Mr. Gasior says only to the extent of the sidewalk, the city wanted sidewalk, which could be where the additional right of way could come into play. Mrs. Clements says they will be taking .13 for the road and the installation of the sidewalk.

ADJOURN

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:33P.