

**BOARD OF ZONING & BUILDING APPEALS  
CITY OF AVON  
MEETING MINUTES OF JUNE 1, 2022**

**ROLL CALL**

The meeting was called to order by Chairman Ladegaard at 7:00 p.m. in Council Chambers.

Present: Michael Bulger, Mark Ladegaard, Chauncey Miller

Absent: Bill Hricovec, Bruce Klingshirn

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

**REVIEW AND CORRECTION OF MINUTES**

**Mr. Miller moved, seconded by Mr. Bulger, to dispense with the reading of the minutes of the regular meeting held on May 4, 2022 and special meeting held on May 18, 2022 and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.**

**REPORTS & CORRESPONDENCE**

**ADDITIONS & DELETIONS**

**Mr. Miller moved, seconded by Mr. Bulger, to add the following cases to the agenda:**

- 1. Kevin & Holly Ladegaard Addition Appeal at 3477 Jaycox Road**
- 2. American Construction Appeal**

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

**Mr. Miller moved, seconded by Mr. Bulger, to approve the amended agenda. The vote was: “AYES” all. The Chair declared the motion passed.**

**APPEALS & REQUESTS**

**26-21; Advanced Polymer Coatings; 951 Jaycox Road**

Request for an extension of the variance granted on June 2, 2021 for a 50 ft. setback from C.O.

1278.05(a) Building Setback, Spacing and Height Requirements to allow the construction of an addition to be 10 ft. from the street right-of-way instead of the required 60 ft.

Ms. Fechter said the applicant ran into some wetland issues that they were working to resolve. They will be going to the Planning Commission in June for approval and expect to start construction in the next couple months.

**Mr. Bulger moved, seconded by Mr. Miller, to approve the one-year extension of the variance granted on June 2, 2021 for a 50 ft. setback from C.O. 1278.05(a) Building Setback, Spacing and Height Requirements to allow the construction of an addition to be 10 ft. from the street right-of-way instead of the required 60 ft. The vote was: “AYES” all. The Chair declared the motion passed.**

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

Representative: Jai Singh, 3636 Split Rail Lane, Avon, OH

Proposal consists of an existing shed in the side yard.

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).

Mr. Singh proposed to have a shed that has already been delivered and is placed by the walkway at the end of his driveway. He plans on storing deliveries for his local business in the shed because he is unable to store deliveries at the business. The deliveries will be dropped off at the end of his driveway and Mr. Singh believed it would be easiest to haul the deliveries to the shed in the proposed location. Mr. Ladegaard asked if permits were pulled for the shed. Mr. Singh thought his builder was going to pull permits but he had family health issues and the shed installation was left to the property owners. Mr. Ladegaard asked if anyone from the City had inspected the shed yet and Mr. Singh said no. He added that the permit paperwork was submitted with the appeal application. There will be no electrical in the shed. Mr. Bulger asked how heavy the deliveries will be. Mr. Singh said they are usually 50-pound boxes that would not be able to be moved to the shed in the winter if the shed is in the back yard. Mr. Miller thought the shed should be moved into the rear yard. Mr. Singh said he consulted his neighbors about the shed and had it aesthetically designed with windows. He added that he had HOA approval for the shed already. Mr. Miller thought that it would be easier to move the shed since there is nothing stored in it yet. Mr. Singh said he would have to check with the builder since they assembled the pieces when it was delivered. He thought the shed would be rendered useless if it was moved to the back of the property. Mr. Bulger asked where the applicant's local businesses were. Mr. Singh said there are three Primrose School locations in Avon, North Ridgeville and Westlake and the deliveries are for school supplies which are constantly replenished.

Ms. Clements said she received a phone call from one of the neighbors and they had no objections to the shed itself but would prefer it to be moved back since it is obtrusive in the front. Mr. Ladegaard believed the shed would be better in the back yard even though it may add more to the owner for storage. He said if the paperwork for the permit would have been submitted earlier in the process, the location issue would have been caught sooner. Mr. Ladegaard did not think the shed needed to be moved very far back, maybe around 30 feet, to be located in the back yard. Mr. Singh asked if he could call the contractor to see if the shed can be moved. He then asked if a permit would need to be pulled for the concrete foundation for the shed, Ms. Clements said it would. Mr. Gasior suggested tabling the request until the applicant can submit an amended plan. Ms. Clements asked if he moved the shed behind the home if it would comply with the code. Mr. Gasior said it may but the Board should see the plan. Mr. Singh asked if it needed to be located behind the house or the detached patio, Mr. Ladegaard said behind the house.

**Mr. Miller moved, seconded by Mr. Bulger, to table the request for the following variance for 18-22; Jai & Divya Singh; 3636 Split Rail Lane until the July BZBA meeting:**

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).

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

**19-22; Jeremy & Leah Buzzelli; 2610 Fairfield Drive**

Representative: Terry Bennett, general contractor, Bennett Builders, 27899 Clemens Road, Westlake, OH

Proposal consists of a porch addition and converting a side-load garage into a front-load garage.

1. A 2 ft. 6 in. variance for front yard setback; code requires 50 ft. front yard setback, Section 1262.04(d)(1).

Mr. Bennett said the owners have lived in the home since it was built in 2010 with a three-car side-entry garage. They did not realize that the garage was undersized and cannot fit three cars since it is 28 feet in width. The steps for the home protrude into the third bay so one cannot park a car there. The owners would like to convert the existing side-entry garage into a front-entry garage and add a third bay. The existing setback is 47.5 feet from the front property line which was in conformance with the side-entry garage setback requirement of 40 feet. By converting the garage to straight-entry, a variance of 2.5 feet is needed. He believed the garage would be harmonious with the neighborhood and submitted photos of other homes with front-entry garages in the neighborhood. A porch will be added to add more appeal.

**Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for 19-22; Jeremy & Leah Buzzelli; 2610 Fairfield Drive:**

- 1. A 2 ft. 6 in. variance for front yard setback; code requires 50 ft. front yard setback, Section 1262.04(d)(1).**

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

**20-22; Justin Stahler; 3957 Nagel Road**

Representative: Justin Stahler, 3957 Nagel Road, Avon, OH

Proposal consists of a pool house in the rear yard.

1. A 120 sq. ft. variance for accessory building square footage; code allows 2% of lot area (620 sq. ft.), applicant proposes 240 sq. ft. pool house in addition to 500 sq. ft. existing, Section 1262.08(a)(2).

Mr. Stahler is requesting a variance to build a pool house to house pool equipment with a bathroom and changing room. He wants to install landscaping to prevent the neighbors from seeing it and there are existing woods at the back of the lot. The structure will have the same finishes as the house and additional landscaping will be installed to make sure the structure is as private as possible.

**Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for 20-22; Justin Stahler; 3957 Nagel Road:**

- 1. A 120 sq. ft. variance for accessory building square footage; code allows 2% of lot area (620 sq. ft.), applicant proposes 240 sq. ft. pool house in addition to 500 sq. ft. existing, Section 1262.08(a)(2).**

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

**21-22; Khalil Rasheed; 2226 Pendleton Court**

Representatives: Dan Byler, 2226 Pendleton Court, Avon, OH; Georgia Burns, representative for West Wickingham Homeowners Association, 5090 Park Avenue West, Seville, OH 44273

Proposal consists of an existing shed in the rear yard.

1. A 5 ft. variance for an existing shed in the storm sewer easement in the rear yard; code requires 15 ft., applicant proposes 10 ft., Section 1248.19.

Mr. Byler said the shed was built after a permit was pulled. He thought the 15 feet required for the rear yard setback said five feet on the plans, and the pre-pour inspection was approved. The required setback was brought to Mr. Byler's attention during the final inspection. The shed is 20-feet by 20-feet and is on a slab. Mr. Ladegaard asked if the permit plans show the shed installed 15 feet from the property line. Mr. Byler said they did but he overlooked it during installation. Mr. Ladegaard pointed out that the shed is located in the sewer easement and ensured that the applicant was aware they will need to remove the shed at their cost if the City needs to do work in the easement. Mr. Byler said they would be willing to remove the shed if work needed to be done.

Ms. Burns recently took over management of the HOA and the owner has not followed the HOA bylaws or architectural guidelines nor gotten any approvals from the HOA. She is trying to figure out how to prevent homeowners from pulling permits without getting HOA approval first. She has issued a cease and desist letter to the owner until he submits plans to the HOA for approval. Mr. Gasior explained that the City and HOA are separate entities with separate review procedures and both need to be complied with. He added that if the Board approved the variances, the owner would still need to get HOA approval since it is required in their deed. Ms. Burns provided a copy of the HOA declarations to the owner. The owner requested tabling the proposal in order to get HOA approval first.

**Mr. Bulger moved, seconded by Mr. Miller, to table the following variance for 21-22; Khalil Rasheed; 2226 Pendleton Court until the July BZBA meeting:**

**1. A 5 ft. variance for an existing shed in the storm sewer easement in the rear yard; code requires 15 ft., applicant proposes 10 ft., Section 1248.19.**

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

**22-22; Khalil Rasheed; 2226 Pendleton Court**

Representative: Dan Byler, 2226 Pendleton Court, Avon, OH; Georgia Burns, representative for West Wickingham Homeowners Association, 5090 Park Avenue West, Seville, OH 44273

Proposal consists of the installation of a roof over an existing patio.

1. A 429 sq. ft. variance for accessory building square footage; code allows 2% of lot area (531 sq. ft.), applicant proposes adding 640 sq. ft. to existing 320 sq. ft., Section 1262.08(a)(2).

The owner requested tabling the proposal in order to get HOA approval first.

**Mr. Miller moved, seconded by Mr. Bulger, to table the following variance for 22-22; Khalil Rasheed; 2226 Pendleton Court until the July BZBA meeting:**

**1. A 429 sq. ft. variance for accessory building square footage; code allows 2% of lot area (531 sq. ft.), applicant proposes adding 640 sq. ft. to existing 320 sq. ft., Section 1262.08(a)(2).**

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

**23-22; Kirk Strodbeck; 35821 Riegelsberger Road**

Representative: Kirk Strodbeck, 35821 Riegelsberger Road, Avon, OH

Proposal consists of a deck for the existing above-ground pool.

1. A 3 ft. variance for side yard setback; code requires 5 ft., applicant proposes 2 ft., Section 1262.08(c)(1).

Mr. Strodbeck explained that he submitted his master plan in September 2021 showing a covered porch, pool, shed and deck. He received a permit for the shed, pool and covered porch at that time and thought that included zoning for the deck. Now that the pool has been installed, he would like to build the deck. When trying to pull the permit for deck, Ms. Clements told the applicant that it needed a setback variance. Mr. Ladegaard said an email was received from Matt Garland, owner of the property to the east. The email explained that the applicant's fence encroaches on his property by 1.85 feet. Ms. Clements confirmed that the topo submitted for the subdivision approval showed the fence encroaching 1.85 feet. Mr. Strodbeck explained the reference points he used for measuring the post holes for the deck, which was not the lot line referenced in Mr. Garland's topo.

Mr. Gasior was unaware of the dispute over the fence encroachment but thought all of the work Mr. Strodbeck has done to the property looks good. He thought the boundary line dispute could be resolved between the neighboring property owners. He suggested the Board table the proposal to allow Mr.

Strodtbeck time to talk to the neighbor to confirm where the property line is before voting on a variance request. Mr. Strodtbeck was concerned about waiting until the next meeting because he had the holes dug and the lumber has been delivered already. Mr. Gasior confirmed with Ms. Clements that the applicant showed a variance of two feet was needed, but the neighbor thought there would be no setback if installed where the applicant wanted. Mr. Strodtbeck explained that the fence was installed slightly askew so that could be part of the discrepancy. Mr. Gasior asked if anything could be moved at this point. Mr. Strodtbeck said the pool and shed could not be moved and a larger deck was proposed so a table and chairs could be used while watching the children in the pool. He could reduce the deck size but it would restrict his plans more. Mr. Strodtbeck was willing to move his fence if his neighbor asked him to. Mr. Gasior understood the applicant's desire to proceed with the project but thought it would be better for the neighbors to resolve the boundary issue first.

**Mr. Miller moved, seconded by Mr. Bulger, to table the following variance for 23-22; Kirk Strodtbeck; 35821 Riegelsberger Road until the July BZBA meeting:**

1. A 3 ft. variance for side yard setback; code requires 5 ft., applicant proposes 2 ft., Section 1262.08(c)(1).

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

**24-22; Mike & Phyllis Burge; 2233 Holly Lane**

Proposal consists of an awning over the existing deck.

1. An 80 sq. ft. variance for accessory building square footage; code allows 2% of lot area (304.9 sq. ft.), applicant proposes 384 sq. ft., Section 1262.08(a)(2).

**Mr. Miller moved, seconded by Mr. Bulger, to move the following variance for 24-22; Mike & Phyllis Burge; 2233 Holly Lane to the end of the meeting agenda since no representative was present:**

1. An 80 sq. ft. variance for accessory building square footage; code allows 2% of lot area (304.9 sq. ft.), applicant proposes 384 sq. ft., Section 1262.08(a)(2).

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

**25-22; Shana & Joey McCormick; 2822 Moon Road**

Representative: Shana McCormick, 2822 Moon Road, Avon, OH

Proposal consists of a shed in the rear yard.

1. A 4 ft. variance for rear yard setback; code requires 5 ft., applicant proposes 1 ft., Section 1262.08(b)(2)(C).

Ms. McCormick wants to install a shed in her backyard. She would like the shed to be one foot from the fence because there is a yard drain and swale that would be impacted.

**Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for 25-22; Shana & Joey McCormick; 2822 Moon Road:**

1. A 4 ft. variance for rear yard setback; code requires 5 ft., applicant proposes 1 ft., Section 1262.08(b)(2)(C).

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

**26-22; Haydar Bektas; 36621 Kinzel Road**

Representative: Haydar Bektas, 36621 Kinzel Road, Avon, OH

Proposal consists of a new barn.

1. A 4 ft. variance for accessory structure height; code allows 22 ft., applicant proposes 26 ft., Section 1262.06(b).

Mr. Bektas said the first floor of the barn will be used to house his animals and the second floor will be used to store tools and animal feed. The barn will be four feet higher than his current home. Mr. Ladegaard asked how tall the barn will be. Mr. Bektas explained that the first floor will be 16 feet high, the second floor will be ten feet high and the roofing will be five feet high, so it will be a total of 31 feet tall. His house is 26.5 feet tall. Mr. Bektas added that he plans on building a new home after the barn is built so he will build it higher to reduce the height difference between the house and barn. Mr. Ladegaard said they will grant a variance for four feet more than the house height.

**Mr. Bulger moved, seconded by Mr. Miller, to approve the following variance for 26-22; Haydar Bektas; 36621 Kinzel Road:**

1. A 4 ft. variance for accessory structure height, Section 1262.06(b).

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

**27-22; Bryan Jensen; 2542 North Long Road**

Representative: Bryan Jensen, 2542 North Long Road, Avon, OH

Proposal consists of a deck addition.

1. A 3 ft. variance for rear yard setback; code requires 3 ft., applicant proposes 0 ft., Section 1266.05(a)(4).

Mayor Jensen explained that drainage tile runs along the rear properties on his street. His wife originally wanted a 16-foot deck but a 12-foot deck still requires a variance of three feet. The drainage tile will not be covered by the deck. He is requesting the variance because there seems to be a discrepancy between what the GIS aerial shows and what he measured with Ms. Clements. He thought the house may have been built one foot off when it was built, adding to the problem.

**Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for 27-22; Bryan Jensen; 2542 North Long Road:**

1. A 3 ft. variance for rear yard setback; code requires 3 ft., applicant proposes 0 ft., Section 1266.05(a)(4).

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

**24-22; Mike & Phyllis Burge; 2233 Holly Lane**

Proposal consists of an awning over the existing deck.

1. An 80 sq. ft. variance for accessory building square footage; code allows 2% of lot area (304.9 sq. ft.), applicant proposes 384 sq. ft., Section 1262.08(a)(2).

No representative was present.

**Mr. Miller moved, seconded by Mr. Bulger, to table the following variance for 24-22; Mike & Phyllis Burge; 2233 Holly Lane until the July BZBA meeting:**

1. An 80 sq. ft. variance for accessory building square footage; code allows 2% of lot area (304.9 sq. ft.), applicant proposes 384 sq. ft., Section 1262.08(a)(2).

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

**Kevin And Holly Ladegaard; 3477 Jaycox Road**

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.

**Mr. Miller moved, seconded by Mr. Bulger, to un-table the request for a variance of 1 ft. side yard setback 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. The vote was: “AYES” all. The Chair declared the motion passed.**

**Mr. Miller moved, seconded by Mr. Bulger, to table the request for a variance of 1 ft. side yard setback 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 until the July BZBA meeting. The vote was: “AYES” all. The Chair declared the motion passed.**

**American Construction Group, LLC Appeal**

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

**Mr. Bulger moved, seconded by Mr. Miller, to un-table the appeal from American Construction Group, LLC to reinstate their Contractor’s Registration with the City of Avon. The vote was: “AYES” all. The Chair declared the motion passed.**

**Mr. Bulger moved, seconded by Mr. Miller, to table the appeal from American Construction Group, LLC to reinstate their Contractor’s Registration with the City of Avon until the July BZBA meeting. The vote was: “AYES” all. The Chair declared the motion passed.**

**COMMENTS**

**ADJOURN**

**Mr. Bulger moved, seconded by Mr. Miller, to adjourn the meeting at 7:55 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