

**CITY OF AVON BOARD OF ZONING & BUILDING APPEALS
MEETING MINUTES FOR JUNE 7, 2023, 7:00 P.M.**

ROLL CALL

The meeting was called to order by Chairman Ladegaard at 7:01 p.m. in Council Chambers.

Present: Michael Bulger, Bill Hricovec, Mark Ladegaard, Chauncey Miller, Jill Clements, Zoning Enforcement Officer, Pam Fechter, Econ. Dev./Planning Coordinator, John Gasior, Law Director, Duane Streator, Safety Director, Susan Pintz, Planning Commission & ZBA Secretary

Absent: Kurt Schatschneider

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 May 3, 2023, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None to report.

ADDITIONS & DELETIONS

Mrs. Clements requests to have item number 2, Avon Holdings be deleted from the agenda.

AMENDED AGENDA

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

1. Nicholas and Jennifer Kacludis; 3966 St. Theresa Blvd.; 20-23

Proposal consists of a driveway extension to be within a drainage easement.

The following variance is requested.

1. A driveway extension within the easement to the street; code indicates no structures or improvements within the right of way, applicant proposes 6 ft. Section 1248.19.

Nicholas Kacludis, 3966 St. Theresa Blvd., Avon, Ohio 44011 is sworn in. Mr. Kacludis is requesting to extend his driveway 6 feet; he acknowledges that it extends into an easement. He states there is drainage on that side, but they will not be going any further than the existing driveway pad. He would like to extend the driveway to the street. They will not be going over the sewer pipe that is in the ground. If they ever had to do that and impede the driveway at any point in the future, he would be willing to move the concrete out of the way and do whatever he had to do for the sewer.

Mrs. Clements states she spoke to Tim Loeser, Streets Superintendent, and confirmed that his driveway was already into the easement when it was originally approved, and he will not have an issue. If there would need to be work or it would need to be removed, it

would be at the expense of Mr. Kacludis. Mr. Kacludis acknowledges, and he understands.

Mr. Miller moved, seconded by Mr. Hricovec to approve the Nicholas and Jennifer Kacludis appeal. The vote was: “AYES” all. The Chair declared the motion passed.

2. Avon Holdings; 34420 Mills Road; 22-23

Proposal to allow outdoor storage to remain due to interior remodel creating multi-tenant building.

The following variance is requested:

1. Applicant proposes outdoor storage to remain as it is not associated with the principal use. Section C.O. 1278.07 (a).

Item deleted from the agenda.

3. William and Martha Malone; 39555 Detroit Road; 21-23

Proposal consists of fence installation.

The following variance is requested:

1. A 2' height variance; code allows 6 feet, applicant proposes 8' height. Section 1294.08(c)(1).

William Malone, 39555 Detroit Road, Avon, Ohio 44011 is sworn in. Mr. Malone states they are installing a pool in the rear of their property and next to the garage is where the mechanicals will be located. He would like to put an 8-foot-high fence around it to block any sound or sight from that mechanical area.

Mr. Ladegaard ask if that will be 8-feet by 11-feet. Mr. Malone clarifies it will be 8-feet by 16-feet. He states it will go the whole distance of the garage. He states there will be a changing area at the front end towards the pool and then a pad will continue for the mechanicals.

Mr. Miller moved, seconded by Mr. Bulger to approve the William and Martha Malone appeal. The vote was: “AYES” all. The Chair declared the motion passed.

4. Jesus Vega; 4233 Queens Gate; 23-23

Proposal consists of roof over existing patio.

The following variance is requested:

1. 1' rear yard variance; code requires 3', applicant proposes 2'. Section C.O. 1266.05(a)(4) clusters-minimum setback requirements.

Mr. Ladegaard stated that this item will be tabled until the July 5, 2023, meeting. Mrs. Clements confirmed this is correct.

Mr. Bulger moved, seconded by Mr. Hricovec to table the Jesus Vega appeal. The vote was: “AYES” all. The Chair declared the motion passed.

5. Avon Plaza; Mike Allen, Charley’s, Dan Beeman-Wagner Signs; 35701 Chester Road; 24-23

Proposal consists of additional signage on east side of building.

1. 30.9 square foot variance; code allows 1 square foot/linear foot of building frontage. Section 1290.05, schedule of maximum sign area.

Dan Beeman, Wagner Sign Company, 7135 West Ridge Road, Elyria, Ohio 44035 is sworn in. Mr. Beeman states this request is for the new Charley’s located on Chester Road. They were approved for a front wall sign but because the frontage of the building was so narrow, they had to apply for a variance for the side wall sign. This request is to put a second Charley’s sign on the east side of the building.

Mr. Ladegaard confirms with Mrs. Clements the difference in the measurements. Mr. Ladegaard indicates the measurement to be 25 square feet variance. Mrs. Clements confirms. Mr. Ladegaard indicates he looked at that the signage and work has begun. Mr. Beeman states work has begun on the prior approved signage. Mr. Ladegaard states this will be acceptable with respect to the retention basin.

Mr. Miller moved, seconded by Mr. Hricovec to approve the Avon Plaza appeal. The vote was: “AYES” all. The Chair declared the motion passed.

6. Jeffrey and Janet Eby; 36416 Kinzel Road; 25-23

Proposal consists of installation of a shed.

The following variance is requested:

1. allow installation of an 8’x10’ shed; code allows 2 accessory buildings; applicant proposes 3 buildings. Section C.O. 1262.08(a)(3) Maximum area and number of accessory buildings.

Jeffrey Eby, 36416 Kinzel Road, Avon, Ohio 44011 is sworn in. Mr. Eby states he has 2 outbuildings on his property on a 1-acre lot. He took some trees down for his neighbor so it would not fall on his barn. He would like to put an 8-foot by 10-foot potting shed in the right corner of his property.

Mr. Ladegaard states as far as square footage of the property he has plenty of square footage remaining.

Mr. Miller moved, seconded by Mr. Hricovec to approve the Jeffrey and Janet Eby appeal. The vote was: “AYES” all. The Chair declared the motion passed.

7. **Robert and Cathy Weller; 2394 Chelsea Street; 24-23**

Proposal consists of sidewalk and concrete pad.

The following variance is required:

1. 1' variance for sidewalk/concrete pad; code requires 3', applicant proposes 2'. Section 1266.05(a)(4) Minimum setback requirements-clusters.

Robert Weller, 2394 Chelsea Street, Avon, Ohio 44011 is sworn in. Mr. Weller is requesting to put a sidewalk along the side of his property. He pointed out the area on the map displayed on the screen. He would like to put it near his shed because being in a cluster lot his garage is small and they had to move a lot of items from the garage into the shed. In the rear there is a stone patio type sidewalk, but it is falling apart, and they had a new fence installed last year. He would like to have a sidewalk put in along the side of his garage and going back to the shed. The issue he has is that the lot is very narrow. The 2-foot variance would help a lot. Mr. Weller states his son has a permanent disability and he lives with them. They discovered his disability when he was a senior in high school. His walking is very unsteady, and he is susceptible to falls on soft surfaces. Mr. Weller believes getting a sidewalk put in will also help his son be able to walk in that area. He also would like to put a pad in front of the shed so that he can get items in and out of the shed easier. He also wants a pad near the garage but not all the way because there is a tree that they do not want to remove. The sidewalk would come up to a second pad that will be next to the garage. That is where they want to put a small 4-foot by 6-foot storage shed, something to put the garbage cans in, so they can remove them from the garage and have more room in the garage. He has a large heat pump, and it takes up a lot of space by the fence so to get the sidewalk in he needs a little more space for the sidewalk to go near the fence. Mr. Weller thought his contractor, the Nagy Concrete Company, would apply for the variance, but they told Mr. Weller that he should do it.

Mr. Hricovec asked if the sidewalk is 2 feet? Mr. Weller responds it is a 3-foot offset from the property line. The sidewalk would be about 3 foot wide. Mrs. Clements indicates it would be 2 foot off the property line. Mr. Weller responds to Mr. Hricovec the actual sidewalk would be 3 feet. Mr. Weller says the concrete company told him it would be 7 feet off the house and then 9 feet to the property line. Mr. Weller did not realize a 3-foot variance would be needed.

Mr. Bulger moved, seconded by Mr. Hricovec to approve the Robert and Cathy Weller appeal. The vote was: "AYES" all. The Chair declared the motion passed.

COMMENTS

Mrs. Fechter says Happy Father's Day.

Mr. Hricovec asked about the Vega tabled item. Does that need to be saved? Mrs. Clements says it can be saved as it will be the same drawing. If it changes, we will provide that information at the next meeting.

Mr. Ladegaard says there are 2 birthdays. Mr. Hricovec, which was on June 4th, everyone wished him a Happy Birthday. The next birthday is Pam Fechter on June 29th.

Mrs. Clements reminded everyone the next meeting will be July 5, 2023.

ADJOURN

Mr. Miller moved, seconded by Mr. Hricovec to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. Meeting adjourned at 7:10 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission
& ZBA Secretary

Date