

**BOARD OF ZONING & BUILDING APPEALS  
CITY OF AVON  
MEETING MINUTES FOR JULY 6, 2022**

**OPENING REMARKS**

Mayor Jensen took a moment to honor Bruce Klingshirn after his recent passing. He also took the opportunity to thank the Board members for their continued commitment to the community.

**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  
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. Hricovec, to dispense with the reading of the minutes of the regular meeting held on June 1, 2022 and the special meeting held on June 15, 2022 and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.**

**REPORTS & CORRESPONDENCE**

**ADDITIONS & DELETIONS**

Ms. Rambo-Ackerman said the Singhs requested to be removed from the agenda until further notice.

**Mr. Miller moved, seconded by Mr. Hricovec, to delete the following case from the agenda and approve the agenda as amended:**

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

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

**APPEALS & REQUESTS**

**1. Kevin & Holly Ladegaard; 3477 Jaycox Road**

No representatives present.

Proposal consists of a home addition. Proposal was tabled at the June 1, 2022 meeting.

The following variance is requested:

1. A 1 ft. variance for side yard setback, Section 1262.04(d)(3).

**Mr. Miller moved, seconded by Mr. Bulger, to remove the request from the table 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. Ladegaard said that the applicants are still working with FEMA and asked to table the request until the next meeting.

**Mr. Miller moved, seconded by Mr. Hricovec, 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 August BZBA meeting. The vote was: “AYES” all. The Chair declared the motion passed.**

## **2. American Construction Group, LLC Appeal**

No representatives present.

Proposal consists of an appeal to reinstate the City of Avon Contractor’s Registration for American Construction Group, LLC. Proposal was tabled at the June 1, 2022 meeting.

**Mr. Hricovec moved, seconded by Mr. Bulger, to remove the appeal from the table 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. Gasior is still working with the applicant.

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

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

Representative: Mike Burge, owner

Proposal consists of an awning over the existing deck. Proposal was tabled at the June 1, 2022 meeting. The following variance is requested:

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. Hricovec moved, seconded by Mr. Bulger, to remove the request from the table for the following variance for 24-22; Mike & Phyllis Burge; 2233 Holly Lane:**

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.**

Mr. Burge is requesting to install a dome over his existing deck. He is getting older and wants to block the space from the weather. Mr. Ladegaard thought the proposal seemed realistic.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for 24-22; Mike & Phyllis Burge; 2233 Holly Lane:**

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.**

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

Deleted from agenda.

## **5. Khalil Rasheed; 2226 Pendleton Court; 21-22**

Representative: Khalil Rasheed, owner

Proposal consists of an existing shed in the rear yard. Proposal was tabled at the June 1, 2022 meeting. The following variance is requested:

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. Miller moved, seconded by Mr. Hricovec, to remove the request from the table for the following variance for 21-22; Khalil Rasheed; 2226 Pendleton Court:**

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.**

Mr. Rasheed said he has been working with the HOA and received their approval earlier that day. Ms. Fechter spoke with Georgia Burns from the property management company before the meeting. Ms. Burns explained to her that Mr. Rasheed submitted the paperwork as required but the HOA Board did not respond, therefor the proposal was approved.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for 21-22; Khalil Rasheed; 2226 Pendleton Court:**

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.**

#### **6. Khalil Rasheed; 2226 Pendleton Court; 22-22**

Representative: Khalil Rasheed, owner

Proposal consists of the installation of a roof over an existing patio. Proposal was tabled at the June 1, 2022 meeting.

The following variance is requested:

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).

**Mr. Miller moved, seconded by Mr. Hricovec, to remove the request from the table for the following variance for 22-22; Khalil Rasheed; 2226 Pendleton Court:**

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.**

Mr. Rasheed would like to install a roof over his patio so his family can enjoy the outdoors while blocking the sun. Mr. Ladegaard asked what the size of the structure would be, Mr. Rasheed did not have the dimensions available. Mr. Hricovec asked for the size of the structure to be decreased. Ms. Clements said the proposed structure is 20 feet by 32 feet. Mr. Miller thought the request was pretty extensive. Mr. Ladegaard asked if the structure could be reduced to 20 feet by 28 feet, Mr. Khalil agreed.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance as amended for 22-22; Khalil Rasheed; 2226 Pendleton Court:**

1. A 349 sq. ft. variance for accessory building square footage; code allows 2% of lot area (531 sq. ft.), applicant proposes adding 560 sq. ft. to existing 320 sq. ft., Section 1262.08(a)(2).

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

#### **7. Ryan Black & Lauren Fallon; 2230 Violet Court; 28-22**

Representative: Lauren Fallon, owner

Proposal consists of a fence in the rear yard.

The following variances are requested:

1. A 2 ft. variance for fence height; code allows 4 ft. within required setback, applicant proposes 6 ft., Section 1294.08(a).
2. A variance for opacity; code requires 70% of fence must be uniformly distributed open space, applicant proposes shadowbox fence, Section 1294.08(a).

Ms. Fallon lives on a corner lot and is proposing a six-foot shadowbox fence to align with her neighbors' existing fence. Mr. Bulger asked if a variance for the setback was required as well, Ms. Clements explained something to him in an aside. Mr. Ladegaard said four-foot fences are generally permitted in the side yard. Ms. Fallon explained that they have dogs and a higher fence is needed to contain the dogs. Mr. Bulger asked how large the dogs are, Ms. Fallon said they are 60 pounds. She added that they would like the fence to match the existing fence which is why they need a variance for the fence opacity. Mr. Hricovec stopped by the property and had concerns about the fence being installed so close to the sidewalk because drivers may have limited visibility. He asked if Ms. Fallon could move the fence in a couple feet inside the existing pine tree, approximately 9 to 12 feet, Ms. Fallon agreed. Mr. Miller and Mr. Ladegaard agreed with that suggestion. Ms. Clements would go out to the property to measure the exact distance.

**Mr. Hricovec moved, seconded by Mr. Miller, to approve the following variance for Ryan Black & Lauren Fallon; 2230 Violet Court; 28-22 conditioned upon the fence being installed approximately 2 ft. inside the existing pine tree:**

1. A 2 ft. variance for fence height; code allows 4 ft. within required setback, applicant proposes 6 ft., Section 1294.08(a).

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

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Ryan Black & Lauren Fallon; 2230 Violet Court; 28-22 conditioned upon the fence being installed approximately 2 ft. inside the existing pine tree:**

2. A variance for opacity; code requires 70% of fence must be uniformly distributed open space, applicant proposes shadowbox fence, Section 1294.08(a).

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

### **8. Gretchen Dutko; 38017 French Creek Road; 29-22**

Representative: Gretchen Dutko, owner

Proposal consists of a greenhouse.

The following variances are requested:

1. A 533 sq. ft. variance for square footage of accessory structures; code allows 2% of lot area, Section 1262.08(a)(2).
2. A variance for 3 accessory structures; code allows 2 accessory structures, applicant proposes 3, Section 1262.08(a)(3).

Ms. Dutko wants to build a greenhouse. Eventually she wants to remove the existing four-car garage but is unable to at the moment. She would like to install the 20-foot by 10-foot greenhouse behind the garage so it would barely be visible. The greenhouse is highly rated in cold climates with a lot of snow and wind. She spoke with the neighbors already and they are okay with the proposal. Mr. Ladegaard thought the location should be alright.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Gretchen Dutko; 38017 French Creek Road; 29-22:**

- 1. A 533 sq. ft. variance for square footage of accessory structures; code allows 2% of lot area, Section 1262.08(a)(2).**

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

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Gretchen Dutko; 38017 French Creek Road; 29-22:**

- 2. A variance for 3 accessory structures; code allows 2 accessory structures, applicant proposes 3, Section 1262.08(a)(3).**

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

**9. Zoran & Cynthia Vranesevic; 4181 Springvale Circle; 30-22**

Representative: Zoran Vranesevic, owner

Proposal consists of a driveway add-on.

The following variance is requested:

- 1. A 20 ft. variance for front yard setback; code requires 20 ft., Section 1262.08(c)(2).**

Mr. Vranesevic just moved in and is having a patio installed. At the same time, he would like to extend the top of the driveway so a third car can be parked, similar to his neighbor's driveway. This would reduce the need for them to park on the street, which is difficult because they are on the corner. The space would also be used for a movable basketball hoop until their daughter is old enough to drive.

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance for Zoran & Cynthia Vranesevic; 4181 Springvale Circle; 30-22:**

- 1. A 20 ft. variance for front yard setback; code requires 20 ft., Section 1262.08(c)(2).**

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

**10. Dale Nowak; 35452 Tiffany Court; 31-22**

Representative: Dale Nowak, owner

Proposal consists of a seasonal patio enclosure room.

The following variance is requested:

- 1. A 2 ft. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).**

Mr. Nowak is requesting to install a patio enclosure over part of the existing deck. His home is on a cul-de-sac and the orientation of the house is turned a little bit so two feet of the enclosure would be too close to the rear property line. He submitted photos ahead of the meeting which were provided to the Board members.

**Mr. Hricovec moved, seconded by Mr. Miller, to approve the following variance for Dale Nowak; 35452 Tiffany Court; 31-22:**

- 1. A 2 ft. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).**

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

**11. Michael Tober; 34021 Hickory Court; 32-22**

Representatives: Michael Tober, owner; John Faile, architect, 31413 Drake Drive, Bay Village, OH

Proposal consists of a single-car garage addition with master bedroom to an existing garage.

The following variance is requested:

- 1. A 4 ft. variance for side yard setback; code requires 12 ft., Section 1262.04(d)(3).**

Mr. Tober would like to build a new master bedroom above the existing garage and add another one-car garage attached to the west side of the existing garage. Mr. Faile got the dimensions of the property from the county GIS system and he did the best he could without getting a survey. It looks like the northwest portion of the garage would be 9.5 feet from the property line because of the shape of the lot. At the midpoint of the span, the garage is 12 feet from the property line and the back of the garage would be 14 feet from the property line. He is requesting a four foot variance to account for any potential discrepancies with the dimensions since a survey was not done, but they really need a 2.5 foot variance. The one-car garage would have an eight-foot door with two feet on either side for storage. Mr. Ladegaard suggested keeping the variance request for four feet but making it contingent on the proposed garage dimensions staying the same. Mr. Faile thought that was fair and said they have no reason to change it.

**Mr. Hricovec moved, seconded by Mr. Miller, to approve the following variance for Michael Tober; 34021 Hickory Court; 32-22 contingent on the garage dimensions staying the same:**

**1. A 4 ft. variance for side yard setback; code requires 12 ft., Section 1262.04(d)(3).**

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

**12. Gordon Netschke; 36205 South Park Drive; 33-22**

Representatives: Gordon Netschke, owner; Josh Young, Young's Construction, 25834 Bagley Road, Olmsted Falls, OH

Proposal consists of a patio cover.

The following variance is requested:

1. A 14 ft. 6 in. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).

Mr. Netschke said the proposed structure would be 20 feet by 18 feet to cover an existing patio. He has talked to both neighbors and they are fine with the proposal. The lot is long and skinny with woods towards the back so he did not anticipate any issues with the neighbor behind him.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Gordon Netschke; 36205 South Park Drive; 33-22:**

**1. A 14 ft. 6 in. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).**

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

**13. Kevin Crotty; 2432 Kenwyn Boulevard; 34-22**

Representative: John Nash, Nash Project Management, 2425 Deerfield, Avon, OH

Proposal consists of a covered patio.

The following variance is requested:

1. A 16 ft. 6 in. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).

Mr. Nash was hired to build a 16-foot by 20-foot covered patio. The existing patio would be demolished and the new patio would come off the back of the house. The house is set back 75 feet from the road and has a large front yard and shallow back yard. The patio would be post construction with stamped concrete.

**Mr. Hricovec moved, seconded by Mr. Miller, to approve the following variance for Kevin Crotty; 2432 Kenwyn Boulevard; 34-22:**

**1. A 16 ft. 6 in. variance for rear yard setback; code requires 50 ft., Section 1262.04(d)(4).**

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

**14. Kyle McGuire & Jennifer White; 33795 Crown Colony Drive; 35-22**

Representatives: Kyle McGuire & Jennifer White, 33795 Crown Colony Drive, Sublot 304  
Proposal consists of a new single-family home.

The following variance is requested:

1. A 15 ft. 6 in. variance for rear yard setback; Section 1266.05(a).

Ms. White explained that they are trying to build a new house on a triangular shaped lot. A variance is needed for the rear yard setback. The plan shows the corner of the house 15.5 feet from the rear property line and the porch would be 10 feet from the property line. Mr. Ladegaard clarified that a 15 ft. variance would be needed for the porch. Ms. White said the property behind them is commercially zoned and there is nothing there now. Mr. Ladegaard did not think the builder gave the applicants much room to build on the lot. Ms. White said the house is 3,378 square feet, including the garage, house and front and back porches. She added that the HOA is ok with the proposal if the Board approves it.

Mr. Ladegaard asked if another design could be worked out because he thought the request was excessive. Ms. White said the configuration presented is the best according to the surveyor because the porch is shown in the larger part of the triangle-shaped lot and allows room for a driveway. Mr. Hricovec wondered why the developer designed the road to allow an odd-shaped lot that would not allow for the construction of a house similar to the others in the development that would be code-compliant. He suggested using post construction for the patio without a foundation to prevent the porch from being enclosed in the future. Mr. Miller understood the difficulty faced by the applicants. Mr. Bulger suggested lining the corner of the porch up with the corner of the house so it would be 15.5 feet from the property line and widening the porch wider to create the same square footage. There were questions about whether that configuration would work based on the window placement and elevation of the house. Ms. White was unsure if the builder, Wayne Homes, could accommodate the change. Mr. Hricovec thought the porch could be cantilevered but it would not be attached to the home. Mr. Ladegaard did not think having the porch 10 feet off the property line would be enough, especially if the commercial land is developed. Ms. White said the previous owner of their lot is the same person who owns the lot behind them. Ms. Fechter pointed out that if the land behind them is developed, a 100-foot setback would be required for buildings in the M-1 district next to R-1 districts. Ms. Clements showed the applicants a sketch of what was suggested showing the corner of the porch 15.5 feet from the property line. The applicants agreed to change their proposal to meet the 15.5 feet setback. Ms. White asked if a fence would require approval from BZBA as well, Ms. Clements said it would depend on what they proposed. After Mr. Ladegaard called for a motion for a variance of 15.5 feet, Ms. Rambo-Ackerman clarified what the variance required would be. The Board agreed that the variance requested is actually 9.5 feet since the setback shown is 15.5 feet.

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance as amended for Kyle McGuire & Jennifer White; 33795 Crown Colony Drive; 35-22:**

1. **A 9 ft. 6 in. variance for rear yard setback; code requires 25 ft., applicant proposes 15.5 ft., Section 1266.05(a).**

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

**15. Colleen Staszak; 3038 Hatteras Way; 36-22**

Representatives: Colleen Staszak, owner

Proposal consists of enlargement of the existing patio.

The following variance is requested:

1. A 5 ft. variance for rear yard setback; code requires 5 ft., Section 1262.08(c)(1).

Ms. Staszak lives in Briar Lakes and the home came with an existing six-foot patio. She would like to enlarge the patio to connect to the sidewalk attached to the man door so her handicapped son can access the patio. Mr. Ladegaard asked if the HOA owns the property behind her. Ms. Staszak explained that the property line is just at her house and does not include the existing patio. Behind the property is common area and behind that is the woods that back up to the old Avondale golf course.

**Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for Colleen Staszak; 3038 Hatteras Way; 36-22:**

**1. A 5 ft. variance for rear yard setback; code requires 5 ft., Section 1262.08(c)(1).**

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

**16. Linda Pratt; 32520 Schwartz Road; 37-22**

Representatives: Julie Byrne McMahon, Linda Pratt's business partner; John Chandler, real estate agent; Dale Wey, 32580 Schwartz Road, Avon, OH

Proposal consists of a fence.

The following variance is requested:

1. A 4 ft. variance for fence height; Section 1294.08(a)(3).

Ms. McMahon is requesting a two-foot variance for the fence in the side yard going from the front of the house to the back property line. The requested fence height is to match the height of the vehicles stored on the adjacent lot. Mr. Chandler said an RV is stored on the property line. With the elevation of the new house, the finished floor is higher than the finished floor of the older neighboring home. His recommendation was to request the additional height while asking for the fence because he thought it would reduce the visibility of the neighboring property from the first floor of the home. Ms. McMahon did not think a six-foot fence would give much privacy and wanted both properties to have their privacy. Mr. Bulger noticed that the windows are eight feet from the ground and thought the neighboring property would be visible over an eight foot fence. Ms. McMahon thought the property would still be visible while sitting on the veranda in the back yard if a six foot fence was installed because of the elevation change.

Mr. Hricovec asked if the home has been sold yet, Ms. McMahon said it will be going on the market soon. Mr. Hricovec thought the variance requested is for a potential future sale of the home, but there is no particular owner yet. Ms. McMahon said a few people have toured the home already and have expressed interest in having more privacy. Mr. Hricovec thought a much higher fence would be needed to completely block the view. Mr. Ladegaard did not think the grade elevation was much different than the neighboring property and noticed that the porch is already covered therefor he thought the request was excessive. Mr. Hricovec asked if shrubbery could be used as an alternative, Mr. McMahon thought that would be expensive. Mr. Chandler asked if a fence could be installed that was eight feet tall in the rear and would gradually decrease to the front of the home, Mr. Ladegaard had never done anything like that. Ms. McMahon thought the neighbor would want to have their privacy back since the lot was previously a wooded lot.

Mr. Wey said Ms. McMahon's husband approached him a few months ago about installing a fence on Mr. Wey's property. Mr. Wey declined the offer then and continues to refuse to put the fence on his property. He was not concerned about the height of the fence at all but wanted to ensure the fence was installed on the applicant's property. He also did not think his vehicles are eight feet tall. Ms. McMahon said they requested to install the fence on Mr. Wey's property to accommodate his request to save a tree that was on the property line. Mr. Wey noted that the tree was removed and did not believe the property

line had been identified properly. He believed the property line was marked using paint sticks and string by Ms. McMahon's family. He asked Tomco Tree Service to resurvey the property before removing trees because the string line was not straight. Ms. McMahon said the property was surveyed by Polaris Engineering but Mr. Wey asked where the pins are. Mr. Wey questioned why they would want to install a "barracks" on a property that is 80 feet by 300 feet. He pointed out that the property grade is not the same as his, nor is the development behind him. Those areas were previously wetlands and he was assured that the grade would not be higher than his when the house was built. Ms. Clements said the final grade has not been approved for the property yet. Mr. Hricovec thought it may be better to allow the future owner to request the variance in case they did not want such a high fence. Mr. Chandler thought it would be better to request the variance ahead of time for marketing purposes. Ms. McMahon asked if a seven foot fence could be approved. Mr. Miller was still concerned about the property line. Ms. McMahon said they could install the fence at least a foot off the property line. Mr. Miller thought a potential buyer may come in and not want the fence, especially if the final grade has not been approved yet. Mr. Gasior suggested the applicants come in next month after the final grade is approved. Mr. Hricovec suggested using the projected fence cost in the sale negotiation process instead of requesting a variance. Mr. Chandler thought the extra time could be used to check the property line and determine the next steps.

Mr. Gasior asked who the property owner is. Ms. McMahon said the owner is TXL Investments and Linda Pratt is out of the country. Ms. McMahon is a business partner of Ms. Pratt and was contracted to build the house. Ms. McMahon has a contract with the owner to get an equity portion of the sale if the house sells. Ms. Clements said Ms. McMahon filled out the first application and was unsure who signed the latest application. Mr. Gasior read from the paperwork that Ms. Pratt was listed as an owner of TXL Holdings. Mr. Chandler said Ms. Pratt would be back in a week and thought they should consult with her. Mr. Gasior thought Ms. McMahon was acting on behalf of the owner and did not think the owner would contest anything that was being requested. He suggested that the Board have clear documentation authorizing someone to act on an owner's behalf in the future. Mr. Gasior thought an eight foot fence may have been approved further down on Schwartz Road a long time ago. Randy Fratianne, a former BZBA member, was in the audience and explained that the brick pillars with light posts were deemed to be light poles rather than being included in the fence post height. Mr. Chandler requested to table the request to see if they can come up with another solution.

**Mr. Miller moved, seconded by Mr. Hricovec, to table the following variance for Linda Pratt; 32520 Schwartz Road; 37-22 until the August BZBA meeting at the applicant's request:**

**1. A 4 ft. variance for fence height; Section 1294.08(a)(3).**

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

**17. Matthew & Jillian Wojtowicz; 2803 Carlton Court; 38-22**

Representatives: Matthew Wojtowicz, owner; Kevin Garvey, 35522 Center Ridge Road, Suite C, North Ridgeville, OH

Proposal consists of a pool.

The following variance is requested:

1. A 5 ft. variance for setback from the main structure; code requires 15 ft., applicant proposes 10 ft., Section 1478.03.

Mr. Garvey said a five foot variance is requested to install the pool ten feet from the building. The property is irregularly shaped and the main structure is set back about 70 feet. The usable rear yard space is further limited by the rear stormwater easement and the change in elevation. The variance is a necessity to proceed with the proposed use, but the property would still be usable for other purposes

without the variance being granted. He did not think the variance was substantial because the pool would still be ten feet away from the structure which is the minimum in neighboring communities. He did not think the variance would impact the neighborhood and the neighbors would not suffer any detriment from the proposal. He thought the installation of the pool would increase the property value and directly benefit the neighbors. No governmental services would be impacted by the proposal. The owner did not purchase the property with knowledge of the limitation and he did not think there was another way to obviate the need for a variance due to the unique property characteristics. He thought the spirit and intent of the zoning code would still be met with the proposal and the neighbors would be negligibly impacted by the proposal. Mr. Garvey provided a photo showing the space in the back yard.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Matthew & Jillian Wojtowicz; 2803 Carlton Court; 38-22:**

1. A 5 ft. variance for setback from the main structure; code requires 15 ft., applicant proposes 10 ft., Section 1478.03.

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

**18. John & Vickie Thompson; 4329 St. Theresa Boulevard; 39-22**

Representatives: Scott Dolan, North Star Builders, 36711 American Way, Suite 2C, Avon, OH

Proposal consists of a new driveway.

The following variance is requested:

1. A 2 ft. variance for side yard setback; Section 1262.08(c).

Mr. Dolan said the owners want to install the driveway to the southern property line. They have an email from the neighbor saying they do not have any issues with the proposal. The owner wants to have the additional space to turn into his side-load garage. Mr. Hricovec asked how wide the sidewalk is to the back yard, Mr. Dolan said it was removed from his scope of work. Mr. Hricovec was using it for estimation purposes and thought the back side of the sidewalk would be about 18 inches from the property line according to the plan submitted. Since the applicant would not be installing the sidewalk at this time, Mr. Dolan agreed that 18 inches from the property line would work. The code requires the driveway to be two feet from the property line for a side-load garage, therefore a six-inch variance would be required. Mr. Dolan thought the applicant would want at least a foot off the property line. Mr. Ladegaard visited the property and thought they had plenty of room to maneuver. Mr. Dolan agreed to the amended variance.

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance as amended for John & Vickie Thompson; 4329 St. Theresa Boulevard; 39-22:**

1. A 0.5 ft. variance for side yard setback; Section 1262.08(c).

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

**19. Patricia Klingshirn; 38636 Detroit Road; 40-22**

Representatives: Jay Marcie, Attorney, Marcie & Associates, 1001 Jaycox Road, Avon, OH; Patricia Klingshirn, 38570 Detroit Road, Avon, OH

Proposal consists of a lot split and consolidation of parcels ending in -019 and -020.

The following variances are requested:

1. A 37.3 ft. variance for Building A for side yard setback; Section 1262.08(b)(2)(B).
2. A 20.8 ft. variance for Building B for side yard setback; Section 1262.08(b)(2)(B).
3. A 4,155 sq. ft. variance for accessory building square footage; Section 1262.08(a)(2).

Mr. Marcie said one parcel has a single-family home with two outbuildings on the property line and the other property has a house with a 6,000 square foot barn. The purpose of the lot split and consolidation is to put the house on the west on its own so Ms. Klingshirn can give it to her daughter. The outbuildings would be on the same property as the house that is being farmed. It came to his attention today that 21 years ago, Ms. Klingshirn's husband was before the Board to request the same proposal but the deed was never recorded even though the documents were prepared by himself. Mr. Marcie would make sure to have the deeds recorded if the variance is approved again. The lot split was already approved by the Planning Commission.

Mr. Marcie reviewed the requested variances. The 6,000 square foot barn would require a 37.3 foot variance because it is 62.7 feet from the property line. The second variance would be for the existing outbuilding to the west of the existing house which is 23.8 feet from the property line and is 54.6 feet wide so a 20.8 foot variance is required. The third variance is for the outbuilding square footage. The code allows 2% of the lot area and the lot area is 6.2505 acres allowing for 5,445 square feet. The total existing outbuilding area is 9,600 square feet so a variance of 4,155 square feet is required. The only difference between the current proposal and the previous proposal was the 400 feet along the side of the property for the leach field for the new septic tank that has been installed since then.

**Mr. Bulger moved, seconded by Mr. Miller, to approve the following variance for Patricia Klingshirn; 38636 Detroit Road; 40-22:**

**1. A 37.3 ft. variance for Building A for side yard setback; Section 1262.08(b)(2)(B).**

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

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance for Patricia Klingshirn; 38636 Detroit Road; 40-22:**

**2. A 20.8 ft. variance for Building B for side yard setback; Section 1262.08(b)(2)(B).**

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

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance for Patricia Klingshirn; 38636 Detroit Road; 40-22:**

**3. A 4,155 sq. ft. variance for accessory building square footage; Section 1262.08(a)(2).**

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

## **COMMENTS**

## **ADJOURN**

**Mr. Hricovec moved, seconded by Mr. Bulger, to adjourn the meeting at 8:29 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