

**CITY OF AVON BOARD OF ZONING & BUILDING APPEALS
REGULAR MEETING MINUTES FOR AUGUST 2, 2023, 7:00 P.M.**

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, 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

REVIEW & CORRECTION OF MINUTES

Motion to dispense with the reading of the minutes of the regular meeting held on July 5, 2023, and to approve the minutes as published.

Mr. Miller moved, seconded by Mr. Schatschneider, to dispense with the reading of the minutes of the regular meeting held on July 5, 2023, and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.

REPORTS & CORRESPONDENCE

None

ADDITIONS & DELETIONS

Mrs. Clements stated Item #3 is deleted at the Applicant’s Counsel’s request.

Motion to approve the amended agenda.

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

APPEALS & REQUESTS

1. Zhuskun Ulfanov; 2299 Norton Place; 27-23

Proposal consists of 16x16 roof over deck.

The following variance is requested:

1. 2’ rear yard setback variance. Code requires 40’, applicant proposes 38’. C.O. 1262.04(d)(4) Lot and Yard Requirements, Rear Yard

Zhuskun Ulfanov, 2299 Norton Place, Avon, Ohio 44011 is sworn in. Mr. Gasior asked if there was anyone else present that intends to speak on this matter. Ms. Ulfanov stated no that she is the only person that will be speaking. Ms. Ulfanov stated that she is planning to build a roof over the deck, and it is going to be 16 feet x16 feet which will be attached to the house. Chairman Ladegaard asked if there were any questions. No questions from Mr. Schatschneider, Mr. Hricovec, Mr. Miller, or Mr. Bulger.

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

2. **Matthew Kudla; 2342 Stonewood Street; 28-23**

Proposal consists of garage addition to existing garage.

The following variance is requested:

1. 5'6" side yard setback variance. Code requires 12'; applicant proposes 6'6".
C.O.1262.04(d)(3) Lot and Yard Requirements, Side Yard Setback

Matthew Kudla, 2342 Stonewood Street, Avon, Ohio 44011. Mr. Gasior asked if anyone else intends to speak on this matter. Mr. Kudla states that his neighbor the Oleys are present. Mr. Gasior would like to swear everyone in at the same time.

Matthew Kudla, 2342 Stonewood Street, Avon, Ohio 44011 is sworn in.
Mr. Edwin Oley, 2344 Stonewood Street, Avon, Ohio 44011 is sworn in.

Mr. Kudla states he is looking to add a garage addition on the side yard for a third bay to his garage. He states his vehicle doesn't fit in the current garage. He also states he has a document from his Homeowners Association for approval. He gives that to Chairman Ladegaard.

Mrs. Clements states that she spoke to the management company for the Homeowner Association, and they said they approved the garage addition, but they were unaware of the side yard setback variance request. Depending on how the board decides to vote this evening. The HOA requests that a resubmittal be completed for final approval. The HOA stated they were not aware of the side encroachment. They indicated this should be presented to the Board of Zoning and Appeals and then HOA approval is needed before a building permit can be issued.

Mr. Kudla indicated that he was under the impression that it was a 6-foot set back, that is when they did the drawings and the contractor then said it was 12 foot and that is why he had to file the appeal. Mr. Kudla states he would like to have a spot for his vehicle, and he has 2 young kids, and he needs more space for them to get in and out of the car.

Chairman Ladegaard stated they went and viewed the location and there are quite a few people in Stonebridge that have a third garage space, or it was incorporated when they built the house. He states the board cannot stop him from building it because he can build up to that 12 foot with the HOA approval, all the Board can do is extend it.

Mr. Kudla states he understands.

Chairman Ladegaard stated he is aware there are a couple of neighbors that showed disinterest with this appeal, and they have submitted emails. Chairman Ladegaard further states that the 19 foot in his opinion is quite excessive and indicated that if Mr. Kudla can get it down to a single car garage which would be approximately 14 feet.

Mr. Bulger asked if he would need a variance at 14 feet.

Chairman Ladegaard stated he would need 6 inches and that would keep it with the rest of the neighborhood as a one car garage added on the side which would keep it in character with the rest of the development. Chairman Ladegaard asked if there are any further questions?

Mr. Miller states that it sounds like a reasonable compromise. Mr. Hricovec states that the only discrepancy in the dimensions between what the city engineer gave us which is the copy of the Topo, it shows 25 feet and 25 feet. The drawing that Mr. Kudla provided from his architect/engineer, shows 25.6 foot, so there is a 6-inch difference in the width. He doesn't know if that is physically.

Mr. Kudla apologizes, he stated he wished he could give more information on that. He proceeds to step up and review the drawing with Mr. Hricovec to try and give a little more insight. Mr. Kudla, Mr. Hricovec and Mr. Schatschneider discuss the drawing. Mr. Kudla states his yard is pie shaped.

Mr. Hricovec states if you go to a single car garage (he stated that he googled it) since he has a truck a 9-foot door would be perfect, 2 feet each way, so you can open the doors in the garage so that would be 13-14 feet. At 13 feet he wouldn't need a variance. If we decide 14 feet that would give Mr. Kudla a little more room.

Mr. Schatschneider states he could legally build a garage at 13 feet.

Mr. Kudla states he would like more room to make it useful for his family and into the future.

Mr. Hricovec states that it would conform to the neighborhood because he drove around the neighborhood and saw people had 2-3 car garages.

Mr. Kudla says not necessarily right in his street where Mr. Hricovec drove around but if you go a little further back there are some houses that have 2-3 car garages, and he doesn't know if it was built that way or if they were additions but are definitely not on the 12-foot set back. He doesn't know if that has changed from 6 foot in 1 years' time frame. He knows there are multiple houses that are not that 12 foot from the property line.

Mrs. Clements states there are different phases of the development that had different side yard setbacks. If you go to Foxglen there is a smaller set back because it's more cluster homes but where Mr. Kudla's house is those are single family homes.

Mr. Kudla states he has been at his house about 1 year, so he is still learning the area himself.

Mr. Schatschneider states he wanted to make the neighbors aware that he can put a 13-foot garage without even appearing before the Board of Zoning and Appeals, and off the 12-foot side yard setback. They are talking about 6 feet. So, if we can negotiate that down.

Chairman Ladegaard states that is where he is at which is the 14 feet. Mr. Kudla states he will take whatever he can get.

Mr. Oley states that he sent his correspondence which states his views and says if this can be 12 feet that he would be agreeable to that, and he wouldn't be here having this conversation. He further states to go any larger than that, as far as the neighborhood goes and part of the zoning is to create that uniformity of that area and he thinks once you start granting variances to that then that goes away. He further states this then becomes a precedent for other people to extend beyond the 12 foot and he doesn't think that is in the best interest for everyone. The other issue is to grant exceptions to the zoning it is usually because of some hardship, this is more of an inconvenience than a hardship to extend and grant something beyond what the rules say we ought to be playing with. He understands it will have some impairment to their home but if we can get it down to where it's not varied then he is okay with that.

Chairman Ladegaard asked Mr. Schatschneider what would be the variance at 14 feet?

Mr. Schatschneider states that would be a 1-foot variance, Chairman Ladegaard confirms that and asked Mr. Kudla if he would be okay with that?

Mr. Kudla states yes. Chairman Ladegaard further states that is what they will vote on. That would make it a 1-foot side yard setback variance.

Mr. Miller moved, seconded by Mr. Hricovec to approve a 1-foot side yard setback variance with 11 foot off the side yard for the Matthew Kudla appeal. The vote was: "AYES" all. The Chair declared the motion passed.

3. Concord WP COL, GP Holdings II LLC, 36991 American Way; Jordan Berns, Counsel for Concord WP COL GP; 26-23
Woodsprings Suites Planning Commission Submission

1. Announce Decision of Board of Zoning and Building Appeals of Appeal of the Planning Coordinator's Decision.

Item deleted at the Applicant's Request (see attached email)

COMMENTS

Chairman Ladegaard states he spoke with the Mayor and he has graciously offered us tickets to the Crushers on August 16 for the Board if we would like to go. There are 12 tickets. Mr. Hricovec will be out of town if anyone and their spouses would like to attend. Mrs. Clements states there is a Planning Commission Meeting that evening, so five people from this group would not be able to attend. Chairman Ladegaard states that next year we will do a little bit better planning. It was late in the year before he thought of this. Next year we will pick a day that works for everyone.

ADJOURN

Mr. Miller moved, seconded by Mr. Bulger to adjourn. The vote was: “AYES” all. The Chair declared the motion passed. Meeting adjourned at 7:19 p.m.

Mark Ladegaard, Chair

Susan Pintz, Planning Commission
& ZBA Secretary

Date