

**BOARD OF ZONING & BUILDING APPEALS
CITY OF AVON
MEETING MINUTES FOR SEPTEMBER 7, 2022**

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

REVIEW AND CORRECTION OF MINUTES

Mr. Schatschneider moved, seconded by Mr. Bulger, to dispense with the reading of the minutes of the regular meeting held on August 3, 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 asked that item #12 for the applicants for 34023 Hickory Court to request an extension be added to the agenda. Item #6 would also be deleted from the agenda.

Mr. Miller moved, seconded by Mr. Hricovec, to delete item #6 from the agenda, add a request for an extension for 34023 Hickory as item #12 and to approve the amended agenda. The vote was: “AYES” all. The Chair declared the motion passed.

APPEALS & REQUESTS

1. American Construction Group, LLC Appeal

No representative 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 August 3, 2022 meeting.

Mr. Miller 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 explained that the matter has been pending since around March or April. An understanding was reached with American Construction as shown in the emails provided. Mr. Gasior pointed out that the most important email was on May 26, 2022 and summarized what the parties agreed upon. Item #3 in the email said the City would accept the applicant’s withdrawal of their appeal so Mr. Gasior asked the Board to make a motion to that effect. Mr. Gasior asked that a copy of the emails provided be attached to the meeting minutes to become part of the record.

Mr. Miller moved, seconded by Mr. Schatschneider, to accept the withdrawal of 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.

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

No representative present.

Proposal consists of an existing shed in the side yard. Request was tabled at the June 1, 2022 meeting and deleted from July 6, 2022 agenda at applicant's request.

The following variance is requested:

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

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.

Mr. Ladegaard said the applicant was unable to attend due to family reasons so he asked for the matter to be tabled until the next meeting.

Mr. Miller moved, seconded by Mr. Hricovec, to table the request for the following variance for 18-22; Jai & Divya Singh; 3636 Split Rail Lane until the October 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.

3. Daniel Ramos; 3309 Parkview Drive; 42-22

Representative: Daniel Ramos, owner

Proposal consists of a fence in the front yard. Proposal was tabled at the August 3, 2022 meeting.

The following variances are requested:

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

Mr. Miller moved, seconded by Mr. Hricovec, to remove the request from the table for the following variance for Daniel Ramos; 3309 Parkview Drive; 42-22 for a fence in the front yard:

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

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

Mr. Ramos was sworn in. Mr. Ramos explained that the proposed fence would be in his back yard, even though the write up referred to it as the front yard because his home is located on a corner lot. He has lived in Avon for 19 years but explained that the traffic and noise on Schwartz Road has increased in that amount of time. He was glad that the flashing stop signs have been added recently since drivers were not stopping at the intersection. The fence would not be added to the front of the property but would be in the back to help block the park next door. Mr. Schatschneider asked if a five foot high fence was considered. Mr. Ramos said they initially wanted a higher fence but thought six feet would match

the neighbor's fence and help trap the noise on Schwartz Road. Mr. Ramos was also concerned about the potential for noise to increase with the development going in further east on Schwartz Road. Mr. Hricovec noted that the intersection is busy and the fence looked like it fit in with the rest of the neighborhood.

Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Daniel Ramos; 3309 Parkview Drive; 42-22 for a fence in the front yard:

- 1. A 2 ft. variance for fence height; code allows 4 ft., Section 1294.08(a).**

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

Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for Daniel Ramos; 3309 Parkview Drive; 42-22 for a fence in the front yard:

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

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

4. David Sommer; 35388 Riegelsberger Road; 46-22

Representative: Dave Sommer, owner

Proposal consists of an awning over an existing concrete pad. Proposal was tabled at the August 3, 2022 meeting.

The following variance is requested:

- 1. A 3,204.2 sq. ft. variance for accessory building square footage; code allows 1,515.8 sq. ft., applicant proposes 4,120 existing sq. ft. plus 600 additional sq. ft., Section 1262.08(a)(2).**

Mr. Hricovec moved, seconded by Mr. Miller, to remove the request from the table for the following variance for David Sommer; 35388 Riegelsberger Road; 46-22 for an awning over an existing concrete pad:

- 1. A 3,204.2 sq. ft. variance for accessory building square footage; code allows 1,515.8 sq. ft., applicant proposes 4,120 existing sq. ft. plus 600 additional sq. ft., Section 1262.08(a)(2).**

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

Mr. Sommer was sworn in. Mr. Sommer said the barn was built ten to twenty years before he purchased the property. He is working on restoring the barn because it is deteriorating. As part of the project, they would like to improve the aesthetics by installing an overhang to cover the existing seven foot wide concrete slab on the south side of the barn. Mr. Sommer did not think any of his neighbors would be able to see the overhang. Mr. Ladegaard wanted to clarify the measurements. Mr. Sommer said the concrete slab is approximately six to eight feet wide and the overhang would not be wider than that. Mr. Ladegaard suggested using the variance based on the eight-foot overhang and if the applicant needed a smaller variance, it would be covered. The overhang would be 400 square feet and the total variance requested would be 1,424 square feet because the existing building is 2,540 square feet.

Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for David Sommer; 35388 Riegelsberger Road; 46-22 for an awning over an existing concrete pad as amended:

- 1. A 1,424 sq. ft. variance for accessory building square footage; code allows 1,516 sq. ft., applicant proposes 2,540 existing sq. ft. plus 400 additional sq. ft., Section 1262.08(a)(2).**

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

5. Daniel Levy; 2743 Fairview Drive; 48-22

Representative: Daniel Levy, owner
Proposal consists of a driveway extension.
The following variance is requested:

1. A 6 ft. front yard setback for a supplemental paved area for parking or outdoor storage of vehicles; code requires 20 ft., applicant shows 7 ft., Section 1262.08(c)(2).

Note: A 7 ft. variance for front yard setback was granted at the August 3, 2022 BZBA meeting.

Mr. Levy was sworn in. Mr. Levy explained that he was before the Board at their last meeting. His contractor measured seven feet back from the sidewalk for the beginning of the driveway extension, not from the right-of-way.

Mr. Schatschneider moved, seconded by Mr. Hricovec, to approve the following variance for Dan Levy; 2743 Fairview Drive; 48-22 for a driveway extension:

1. A 6 ft. variance for front yard setback for a supplemental paved area for parking or outdoor storage of vehicles; code requires 20 ft., applicant shows 7 ft., Section 1262.08(c)(2).

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

6. Robert & Colleen Solymos; 3790 Case Road; 49-22

Deleted from agenda.

7. Quinton Harrison; 39214 Woodland Trail; 50-22

Representative: Quinton Harrison, owner
Proposal consists of a covered deck.
The following variance is requested:

1. A 57.3 sq. ft. variance for accessory structure square footage; code allows 206.7 sq. ft., applicant proposes 264 sq. ft., Section 1262.08(a)(2).

Note: Code allows 2% of lot size for accessory structure square footage. Lot is 10,337 sq. ft., 2% allowed square footage is 206.7 sq. ft.

Mr. Harrison was sworn in. Mr. Harrison said he purchased the home just over a year ago and there is no patio or deck in the back yard. He would like to build a deck and his wife would like to have a roof over it to protect their family from the weather.

Mr. Bulger moved, seconded by Mr. Miller, to approve the following variance for Quinton Harrison; 39214 Woodland Trail; 50-22 for a covered deck:

1. A 57.3 sq. ft. variance for accessory structure square footage; code allows 206.7 sq. ft., applicant proposes 264 sq. ft., Section 1262.08(a)(2).

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

8. James Svihlik; 3122 Moon Road; 52-22

Representative: James Svihlik, owner
Proposal consists of a path to the rear yard.
The following variance is requested:

1. A 3 ft. 6 in. variance for side yard setback on the south side of the property; code requires 5 ft., applicant proposes 1 ft. 6 in., Section 1262.08(c)(3).

Mr. Svihlik was sworn in. Mr. Svihlik explained that he has no access to the barn in his back yard. There is a base to get to the barn but he is unable to access it because there is a new owner of the neighboring property who is no longer giving him access to the drive. Mr. Svihlik would like to install two paths in

the areas shown in pink with green space in the middle. The paths would be 24 inches from the property line and 18 inches from the fence. The paths would zigzag between the existing oak trees and would be five feet from the property line back to the garage. Mr. Svihlik said Mr. Hricovec suggested that he use aerated pavers instead of concrete and Mr. Svihlik thought it would look like there was nothing there. Mr. Svihlik asked if he removed the pathways he already installed and put in the aerated pavers, would he need to install another apron or continue from the existing driveway? Mr. Hricovec explained that he suggested using pavers similar to those at the Miller Road Park boat ramp that allow vehicles to drive over them while still allowing the City to mow over them. Mr. Ladegaard did not think a variance would be required if he used the aerated pavers. Ms. Clements said he could keep the paths where he started them off the driveway but it may look odd driving through the front yard. Mr. Svihlik said he would use asphalt millings base for the pavers and cover them with topsoil. Mr. Miller added that the applicant should have equipment to tamp the millings down to ensure he has a good base to prevent issues with the path later on. Mr. Ladegaard said similar pavers are used at the Holy Trinity Cemetery off of Joseph Street. Mr. Svihlik said the path would have light traffic on it since the barn is not that big. Mr. Svihlik withdrew his request since he did not need a permit or variance. Mr. Ladegaard suggested voting on the variance in case the applicant decided to install concrete instead of the aerated pavers so he could do so without having to come back. Mr. Ladegaard thought installing the pavers straight from the road instead of cutting across the front yard would look better aesthetically. Mr. Schatschneider suggested the applicant come back to BZBA to request the variance if he decided to install concrete instead of the pavers. After the motion, Ms. Clements said a new drawing would need to be submitted by the applicant.

Mr. Hricovec moved, seconded by Mr. Bulger, to accept the withdrawal of the following variance for James Svihlik; 3122 Moon Road; 52-22 for a path to the rear yard as requested by the applicant:

- 1. A 3 ft. 6 in. variance for side yard setback on the south side of the property; code requires 5 ft., applicant proposes 1 ft. 6 in., Section 1262.08(c)(3).**

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

9. Scott Wiles; 3072 Jaycox Road; 53-22

Representative: Scott Wiles, owner, 32982 St. James Trail, Avon, OH

Proposal consists of a lot split.

The following variances are requested:

1. A 2,010 sq. ft. variance for accessory structure square footage; code allows 630 sq. ft., applicant proposes 2,640 sq. ft., Section 1262.08(a)(2).
2. A variance to allow the existing barn to remain; code requires accessory buildings be located in the rear yard, applicant proposed to keep the barn in its existing location, Section 1262.08(b)(2)(A).

Note: Code allows 2% of lot size for accessory structure square footage. Lot is 31,493.88 sq. ft., 2% allowed square footage is 630 sq. ft.

Mr. Wiles was sworn in and Mr. Gasior stated that Mr. Schatschneider would be abstaining from this case. Mr. Wiles purchased a consortium of parcels, amounting to approximately 18.5 acres of land a few months ago from the Schatschneider family. He would like to build one house on the lot and enjoy the land with his family. He would like to separate the parcels with the existing homes and sell them which is why the variances are requested. He said the parcel is laid out uniquely because the barn faces the south. Nothing would change as part of the lot split, but the variances are needed to make them conform. Mr. Ladegaard said the vote would be on the variances for the existing barn only and would not apply if the barn is torn down and rebuilt. Mr. Hricovec asked if there is an easement for Mr. Wiles to access the

land where his house would be built. Mr. Wiles said there would be a perpetual easement granted for the drive on the eastern side of the lot allowing the next owners to access the existing home.

Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Scott Wiles; 3072 Jaycox Road; 53-22 for a lot split for the existing building only:

- 1. A 2,010 sq. ft. variance for accessory structure square footage; code allows 630 sq. ft., applicant proposes 2,640 sq. ft., Section 1262.08(a)(2).**

The vote was: 4 “AYES”, Mr. Schatschneider did not vote. The Chair declared the motion passed.

Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for Scott Wiles; 3072 Jaycox Road; 53-22 for a lot split for the existing building only:

- 2. A variance to allow the existing barn to remain; code requires accessory buildings be located in the rear yard, applicant proposed to keep the barn in its existing location, Section 1262.08(b)(2)(A).**

The vote was: 4 “AYES”, Mr. Schatschneider did not vote. The Chair declared the motion passed.

10. McAlister’s Deli; 35355 Chester Road; 54-22

Representatives: Aaron Appell, Bramhall Engineering, 801 Moore Road, Avon, OH; Ryan Downam, Area Director, Southern Rock Restaurants, 7990 Trinity Road, Suite 1029, Cordova, TN

Proposal consists of a new restaurant, patio, parking lot and utilities. The final development plan was declared first presentation at the August 17, 2022 Planning Commission meeting.

The following variances are requested:

1. A 2 space variance for waiting spaces; code requires 10 waiting spaces, applicant proposes 8, Section 1292.09(1).
2. A 4.5 ft. variance for side parking setback on the west side of the property; code requires 10 ft., applicant proposes 5.5 ft., Section 1270.06(a)(2)(A).
3. A 10 ft. variance for side parking setback on the east side of the property; code requires 10 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).

Mr. Appell and Mr. Downam were sworn in. Mr. Appell said eight stacking spaces are proposed, though ten are required. McAlister’s uses a pickup window and orders are placed online ahead of time and customers are given a pickup time to get their food. There are also no menu boards. This process means there is no time for customers to wait in line placing their orders, waiting for food to be prepared and to pay. Three designated parking spaces are for customers who show up before their pickup time. Mr. Appell thought there is room on the site for traffic to back up internally without backing up onto the public roads. It would take 15 cars to get back up onto the access road and 26 cars to back up onto Chester Road. Mr. Appell further explained that the other variances are requested to be similar to the development of the other sites nearby. Mr. Hricovec asked if there is any way that the project could come back in the future if the site traffic is too bad. Ms. Clements said the Planning Coordinator has been talking with other City staff about making drive throughs special uses so if there are issues, they could be addressed. She added that the pickup window does not fit the typical drive through model so it could be a different item to address.

Mr. Downam said he just helped open a McAlister’s Deli in Lebanon, TN. The location opened at \$125,000 and has about eight stacking spots. The most stacking spots they used at one time were seven and they have not had any issues since they opened four weeks ago. They are able to adjust their app depending on how busy they are. There will be customers who need help understanding the process since it is new, but they did not have any issues in the other location.

After the motion, Mr. Gasior asked Mr. Downam if he owned the parcel or will lease it, Mr. Downam said he would own the parcel.

Mr. Hricovec moved, seconded by Mr. Miller, to approve the following variance for McAlister's Deli; 35355 Chester Road; 54-22 for a new restaurant, patio, parking lot and utilities:

- 1. A 2 space variance for waiting spaces; code requires 10 waiting spaces, applicant proposes 8, Section 1292.09(1).**

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

Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for McAlister's Deli; 35355 Chester Road; 54-22 for a new restaurant, patio, parking lot and utilities:

- 2. A 4.5 ft. variance for side parking setback on the west side of the property; code requires 10 ft., applicant proposes 5.5 ft., Section 1270.06(a)(2)(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 McAlister's Deli; 35355 Chester Road; 54-22 for a new restaurant, patio, parking lot and utilities:

- 3. A 10 ft. variance for side parking setback on the east side of the property; code requires 10 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).**

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

11. Renew CLE; 37060 Colorado Avenue; 55-22

Representatives: Andrew & Jenna Isaacs, owners, 37060 Colorado Avenue, Avon, OH; Giovanna Bremke, owner of 37040 and 37072 Colorado Avenue, Avon, OH

Proposal consists of a new office building and parking lot. The final development plan was approved contingent on variances being granted at the August 17, 2022 Planning Commission meeting.

The following variances are requested:

- 1. A 20 ft. variance for parking setback from the right-of-way; code requires 20 ft., applicant proposes 0 ft., Section 1270.06(a)(1).**
- 2. A 5 ft. variance for side parking setback on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).**
- 3. A 5 ft. variance for side parking setback for the dumpster on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.11(a)(1).**

Mr. and Mrs. Isaacs were sworn in. Mr. Isaacs owns a small home remodeling company and they are proposing to build a showroom with a storage area in the back. The parcel is in the French Creek District and is located a couple doors down from Nemo Grille. The parcel is 0.24 acres, but 0.18 acres after the right-of-way is removed. There is a power light pole on the north side of the apron which is avoided by adding the parking as proposed. The parking would be very close to the property line, which he thought was typical for the area, such as Avon Brewing Company, Black Keys Coffee, Spotted Dog Grooming and Scarvelli Floors.

Mr. Ladegaard pointed out that all of those businesses are in previously existing buildings and this proposal is for a new building. He also noted that the required setback in the French Creek District is 20 feet, which is decreased from the normally required 35 feet. He thought the request for a zero foot setback was quite excessive. Mr. Hricovec thought the applicant was trying to do a lot in a small space but understood that was just how the lot is. He also agreed that the zero foot setback was significant. Mr. Isaacs said they tried to design the project as thoughtfully as they could and tried to be consistent with the area. The building size would be greatly impacted if they met the required 20 foot setback. Mr.

Isaacs thought having the parking lot set back with a tiny building would be a detriment to the street. Ms. Isaacs said the proposed front of the building is in line with the buildings to the north of it, though the blue house to the south is substantially closer to the right-of-way. Ms. Isaacs said the white house to the north of them is residential but everything past that is commercially zoned and the buildings are in line with theirs with parking in the front.

Mr. Ladegaard thought there is a possibility that the intersection could be widened in the future because it is the intersection of two state routes. Mr. Isaacs said the original right-of-way is shown as the dashed line on the plan which includes where the existing sidewalk is located. He did not think expansion of the road would impact their proposed parking lot. Mr. Hricovec asked if the plans needed to be reviewed by the architect, Ms. Clements said the building itself was reviewed during the Planning Commission approval process.

Ms. Bremke owns 37040 and 37072 Colorado Avenue, located on either side of the proposed property. She grew up in Avon and does not want it to seem like she is opposed to new development coming in. Ms. Bremke clarified that the house to the north of the property is used as her office and she leases out the other house. She believed the project would render her property unusable, particularly her office. She is concerned about being able to pull out from her office and it is already close to impossible to turn left towards Detroit Road. She noted that adding parking spots that would impact visibility for someone on her property to turn right would make it very difficult for someone to turn either way out of her driveway, especially with traffic turning right from Detroit Road. She believed that this could make it that much harder to turn either direction out of her driveway. She does not have a lot of foot traffic but her five spaces is not enough. She has seen and heard of a substantial number of accidents at the corner and had a pending records request for accident reports at the intersection. She thought the variance request was substantial based on the factors. She also calculated that 12 spaces would be required and they only propose five. The lot is nonconforming and has been vacant since the home burnt down in the 1990s. She cited the purposes of the parking zoning code requirements: to promote safety and convenience for pedestrians, to relieve congestion on the streets and to protect adjoining neighbors from on-street parking. She believed that it was explicitly stated that the City would need to approve of any development of the lot prior to purchase when it was up for sale and she understood that that was not done. She was also concerned about the dumpster that would touch her property. They already have problems with rodents in the area and thought the dumpster being that much closer to her property would make it worse. There are currently issues with stormwater drainage in the area and she was concerned about the impermeable pavement proposed in the project. She was concerned about the current use versus the future use of the building and did not think it would be a good fit for the area, especially with the traffic.

Mr. Bulger asked how delivery trucks would enter the site since it is already congested, especially since they would have to back into the site. Mr. Isaacs said they are not a distributor of products and most of the shipments would be delivered directly to the homes. The majority of the deliveries are delivered by box trucks. They would like to have incidental items that are staged and stored on site so they are ready when the project starts. There are five employees that report directly to the job sites and they would access the business site only as needed. The proposed building would be used for office space and a showroom where they would meet with clients by appointment only.

Mr. Schatschneider asked if they reached out to the neighboring property owner. Ms. Isaacs said the property is owned by Carnegie Management and it is leased to Nemo Grille. She called Nemo Grille and was told they need every bit of parking they can get. She then called Carnegie Management and were

told that their tenant needs all the parking they could get and may need that area in the future so they were not interested in selling.

Mr. Gasior believed an additional lane would need to be added if the road is widened in the future and the property would be rendered useless based on moving the utilities and other modifications that would be required. ODOT standards will need to be followed if the right-of-way needs to be expanded and the other properties would be impacted as well. He was concerned about creating another property that would be impacted in the future. Mr. Isaacs thought there was some green space on the property that could be absorbed if the right-of-way was expanded. Mr. Gasior offered to talk to the City Engineer to see what could be involved hypothetically if the right-of-way needed to be expanded. He added that the City was recently reluctant to grant variances to properties impacted by the upcoming roundabout at Stoney Ridge Road and Mills Road until the actual configuration was determined. There is no take proposed at this time but that could happen within the next ten years if the right-of-way needs to be expanded. Mr. Gasior said it was a very difficult piece of land. Mr. Isaacs thought the potential expansion could be a significant risk for them as well as for the City. Mr. Isaacs said he met with the City since they had the property under contract because the lot is small. They are a small business with a small use intended for it. The applicants and their engineer have talked with the City Engineer about how to develop the lot. He thought the proposal was a good thing for both sides and assured the Board that a good deal of care went into the design.

After the votes, Mr. Isaacs asked if there were any changes they could make to the proposal. Mr. Gasior did not think it was appropriate for the Board to speculate what they may or may not approve in the future. He said the applicant could reach out to City staff about options they may have or try to make the building smaller. Mr. Isaacs did not respond to his neighbor's concerns because he did not believe that it would be impacted by their proposal. He said stormwater was considered by the City Engineer and Planning Commission and he believed he was conforming to what is around them. He was disappointed with the outcome but would try to come up with a different plan.

Mr. Miller moved, seconded by Hricovec, to approve the following variance for Renew CLE; 37060 Colorado Avenue; 55-22:

- 1. A 20 ft. variance for parking setback from the right-of-way; code requires 20 ft., applicant proposes 0 ft., Section 1270.06(a)(1).**

The vote was: "NAYS" all. The Chair declared the motion denied.

Mr. Miller moved, seconded by Mr. Schatschneider, to approve the following variance for Renew CLE; 37060 Colorado Avenue; 55-22:

- 2. A 5 ft. variance for side parking setback on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.06(a)(2)(A).**

The vote was: "NAYS" all. The Chair declared the motion denied.

Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance for Renew CLE; 37060 Colorado Avenue; 55-22:

- 3. A 5 ft. variance for side parking setback for the dumpster on the south side of the property; code requires 5 ft., applicant proposes 0 ft., Section 1270.11(a)(1).**

The vote was: "NAYS" all. The Chair declared the motion denied.

12. Sean Boutin; 34023 Hickory Court

No representatives present.

Proposal consists of a one year time extension for the variance granted for a home addition September 8, 2021.

Mr. Ladegaard said Mr. Boutin is requesting an extension and plans on starting the project in March 2023. Ms. Clements said he needs a one-year extension.

Mr. Hricovec moved, seconded by Mr. Miller, to approve a one year extension until September 2023 for the variance granted for Sean Boutin; 34023 Hickory Court for a home addition that was granted September 8, 2021. The vote was: “AYES” all. The Chair declared the motion passed.

COMMENTS

Mr. Gasior asked if the Parkview fence would obstruct any views, Mr. Schatschneider said it was located at a three-way stop. Mr. Schatschneider asked if a permit would be required for the pervious concrete pavers and Ms. Clements said there would not be for zoning but she would check with the Building Official.

Ms. Rambo-Ackerman let the Board know there is a P&Z Workshop scheduled in Cleveland on October 11 and she would let them know more details when they are available.

ADJOURN

Mr. Bulger moved, seconded by Mr. Miller, to adjourn the meeting at 8:12 p.m. The vote was: “AYES” all. The Chair declared the motion passed.

Mark Ladegaard, Chair

Nicole Rambo-Ackerman, Clerk

Date