

**BOARD OF ZONING & BUILDING APPEALS
CITY OF AVON
SPECIAL MEETING MINUTES FOR OCTOBER 19, 2022**

ROLL CALL

The meeting was called to order by Chairman Ladegaard at 6:00 p.m. in Council Chambers.

Present: Michael Bulger, Mark Ladegaard, Chauncey Miller, Kurt Schatschneider

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

Absent: Bill Hricovec

APPEALS & REQUESTS

1. Avon Brewing Company; 36383 Detroit Road; 63-22

Representatives: Ben Gingrich, HSB Architects, 1250 Old River Road, Cleveland, OH; Mathias Hauck, owner of Avon Brewing Company, 35475 Keller Drive, Avon, OH; Joe Misencik, 2209 Holly Lane, Avon, OH; Kathy Robertson, 2213 Holly Lane, Avon, OH

Request for reconsideration of the denied variance request for the parking setback from the street right-of-way for Holly Lane at the October 5, 2022 BZBA meeting for a new restaurant and brewery.

The following modified variance is requested:

1. A 10 ft. variance for parking setback from the street right-of-way for Holly Lane; code requires 20 ft., applicant proposes 10 ft., Section 1270.06(a)(1).

Mr. Ladegaard moved, seconded by Mr. Miller, to reconsider the denied variance request for the parking setback from the street right-of-way for Holly Lane at the October 5, 2022 BZBA meeting for a new restaurant and brewery. The vote was: “AYES” all. The Chair declared the motion passed.

Mr. Gingrich and Mr. Hauck were sworn in. Mr. Gasior said the previous request was for a 14-foot variance for a six-foot setback. Ms. Fechter said the plans were reviewed after the last meeting and they are requesting a ten-foot setback requiring a ten-foot variance. They would also like to install a board-on-board fence. Mr. Hauck said that was correct and the ten-foot setback does not change their parking and gives them some leeway between Holly Lane and the parking area. They would install a board-on-board privacy fence at the required height down the back of their property. Mr. Gingrich pointed out that the fence was not required but felt it was a nice amenity to the neighborhood to minimize disruption. Mr. Hauck added that the fence would block headlights. Mr. Gasior asked if it was the applicant’s property that abuts Holly Lane, Mr. Hauck said that was correct.

Mr. Schatschneider asked if the Board needed to do anything about the required 70% opacity for the board-on-board fence. Ms. Clements said Planning Commission has the ability to approve the board-on-board fence. Ms. Fechter said Chapter 1294 gives Planning Commission the authority to exercise discretion and flexibility with respect to the placement and arrangement based on the effects on the surroundings. Mr. Gasior said the height of the fence is all the Board would be concerned with. Mr. Gasior thought the required amount of opacity for the fence would be handled by the Planning Commission. If the owner or applicant opposed the Planning Commission’s decision, then the Board would deal with it.

Ms. Robertson was sworn in. She was unable to hear the presentation this far and wanted to know where things stood with the setbacks. Mr. Hauck said they are currently asking for a ten-foot setback from the right-of-way and would install a board-on-board fence along Holly Lane. Ms. Robertson asked if the fence would be included in the ten-foot setback. Mr. Gingrich explained that the setback is the distance from the property line to the parking area so the fence would be in the middle of the area and provide a barrier between the parking area and Holly Lane. Ms. Robertson asked if there would be room for a sidewalk. Mr. Ladegaard said the sidewalk is already there. Ms. Robertson asked if there would be any greenery installed with the fence, Mr. Hauck said they are just talking about the fence and what is necessary. Ms. Fechter asked if the applicants plan on keeping the existing growth. Mr. Hauck said they think it is important to keep the old growth trees that are there now. Mr. Gingrich said there is some greenery proposed on the inside of the fence. Ms. Robertson confirmed that the fence is what would be seen from Holly Lane, Mr. Gingrich said yes.

Mr. Misencik was sworn in. He asked if the fence would be installed across Holly Lane and north along the additional parking area. Mr. Hauck said they are just looking at installing the fence across Holly Lane right now. Mr. Gingrich said the funeral home parking lot would be under a separate item. Mr. Misencik asked if they are going to use the area shown as the easement parking area on the plan. Ms. Fechter said they will not be using any of the funeral home parking and Mr. Gasior said it was not before the Board tonight since they do not own it or have an easement for it. Mr. Gasior believed the applicants are working on obtaining agreements to for shared parking on the other parcel. Mr. Gasior said the plans to pave the other parking area will have to go to Planning Commission for approval and meet the buffering requirements. Mr. Misencik did not understand how the difference in footage would affect anything and he was still stuck at 20 feet from the right-of-way.

Mr. Miller moved, seconded by Mr. Bulger, to approve the following variance for Avon Brewing Company; 36383 Detroit Road; 63-22:

1. A 10 ft. variance for parking setback from the street right-of-way for Holly Lane; code requires 20 ft., applicant proposes 10 ft., Section 1270.06(a)(1).

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

Continue discussion regarding the following variance that was tabled at the October 5, 2022 BZBA meeting:

1. A variance for 110 parking spaces; code requires 263 off-street parking spaces, applicant proposes 153, Section 1292.04(d)(8).

Mr. Miller moved, seconded by Mr. Bulger, to remove the following variance from the table for Avon Brewing Company; 36383 Detroit Road; 63-22:

1. A variance for 110 parking spaces; code requires 263 off-street parking spaces, applicant proposes 153, Section 1292.04(d)(8).

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

Ms. Fechter explained a that variance is no longer needed for their parking. The applicant has readjusted their numbers since the last meeting. Their first plan showed 611 seats and they needed 305 parking spaces and supplied 151. They have gone back after hearing comments from the boards and residents and now have 384 seats. The total occupancy is at 430 but they have decreased due to the limitations of their parking. They would need 192 parking spaces and they have 157 spaces on site and are working with Misencik Funeral Home for the shared parking agreement. Once the shared parking agreement is established, the C-2 district allows them to share parking so the variance will not be needed for parking. Mr. Gasior thought it may a moot point to address the parking space variance at this point since the

building is not constructed and they do not know how many seats they will have. Mr. Gasior said they also do not have the parking easement yet, even though they most likely will, and he suggested the applicant withdraw their request for this variance until a later date if and when it is necessary. Mr. Hauck asked to withdraw their request for the parking variance.

COMMENTS

ADJOURN

Mr. Miller moved, seconded by Mr. Schatschneider, to adjourn the meeting at 6:17 p.m. The vote was: "AYES" all. The Chair declared the motion passed.

Mark Ladegaard, Chair

Nicole Rambo-Ackerman, Clerk

Date