

**BOARD OF ZONING & BUILDING APPEALS  
CITY OF AVON  
MEETING MINUTES FOR NOVEMBER 2, 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; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Duane Streater, Safety Director; Nicole Rambo-Ackerman, Planning Clerk

**REVIEW & CORRECTION OF MINUTES**

**Mr. Miller moved, seconded by Mr. Bulger, to dispense with the reading of the minutes of the regular meeting held on October 5, 2022 and the special meeting of October 19, 2022 and to approve the minutes as published. The vote was: “AYES” all. The Chair declared the motion passed.**

**REPORTS & CORRESPONDENCE**

**ADDITIONS & DELETIONS**

**APPEALS & REQUESTS**

**1. Kevin Maggioli; 3571 Bellcrest Drive; 57-22**

Representatives: Jill Maggioli, owner; Luke Maggioli, son  
Proposal consists of an inground swimming pool and existing fence.  
The following variances are requested:

1. A 5 ft. variance for distance of an accessory pool from the main building; code requires 15 ft., application proposes 10 ft., Section 1478.03.
2. A variance for a structure located in the utility easement; code does not allow, applicant proposes inground pool located 6 ft. 9 in. inside easement, Section 1248.19.
3. A variance for a structure located in the utility easement; code does not allow, applicant shows existing fence located 20 ft. inside easement, Section 1248.19.

**Mr. Hricovec moved, seconded by Mr. Schatschneider, to remove the request from the table for the following variances for Kevin Maggioli; 3571 Bellcrest Drive; 57-22:**

1. A 5 ft. variance for distance of an accessory pool from the main building; code requires 15 ft., application proposes 10 ft., Section 1478.03.
2. A variance for a structure located in the utility easement; code does not allow, applicant proposes inground pool located 6 ft. 9 in. inside easement, Section 1248.19.
3. A variance for a structure located in the utility easement; code does not allow, applicant shows existing fence located 20 ft. inside easement, Section 1248.19.

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

Ms. Clements went to the property with Mr. Streater and Mr. Loeser to look at the grade elevation and easement. Upon further review, they have no further issues as long as the plan is constructed as provided.

Ms. Maggioli and Mr. Maggioli were sworn in. Ms. Maggioli would like to bring the pool a little bit inside the property line as well as in the easement. There is an existing fence that was approved but it can be removed if needed to clear the easement at any time. Mr. Schatschneider thought the request was pretty small because it was just the one corner.

**Mr. Schatschneider moved, seconded by Mr. Miller, to approve the following variance for Kevin Maggioli; 3571 Bellcrest Drive; 57-22:**

- 1. A 5 ft. variance for distance of an accessory pool from the main building; code requires 15 ft., application proposes 10 ft., Section 1478.03.**

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

Mr. Ladegaard pointed out that the pool would only encroach into the easement two feet nine inches and said Ms. Clements already noted the City did not have any issues with that.

**Mr. Miller moved, seconded by Mr. Hricovec, to approve the following variance for Kevin Maggioli; 3571 Bellcrest Drive; 57-22:**

- 2. A variance for a structure located in the utility easement; code does not allow, applicant proposes inground pool located 6 ft. 9 in. inside easement, Section 1248.19.**

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

Mr. Streater wanted to ensure that the applicant was on record saying they would remove the fence if needed. Ms. Maggioli said they would move the fence if needed.

**Mr. Schatschneider moved, seconded by Mr. Miller, to approve the following variance for Kevin Maggioli; 3571 Bellcrest Drive; 57-22, contingent on the removal of the structure if the City needs to access the utility easement:**

- 3. A variance for a structure located in the utility easement; code does not allow, applicant shows existing fence located 20 ft. inside easement, Section 1248.19.**

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

## **2. Rick Schneider; 32370 Schwartz Road; 64-22**

Representative: Rick Schneider, owner

Proposal consists of a new pole barn.

The following variance is requested:

- 1. A 3 ft. variance for side yard setback for an accessory structure; code requires 12 ft., applicant proposes 9.44 ft., Section 1262.04(d)(3).**

Mr. Schneider was sworn in. Mr. Schneider would like to tear down his existing garage and build a new attached garage with a covered patio. Because of the size of the garage, it would encroach into the 12-foot side yard setback by two feet and 11/16 inches.

**Mr. Bulger moved, seconded by Mr. Hricovec, to approve the following variance for Rick Schneider; 32370 Schwartz Road; 64-22:**

- 1. A 3 ft. variance for side yard setback for an accessory structure; code requires 12 ft., applicant proposes 9.44 ft., Section 1262.04(d)(3).**

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

### **3. Paul & Shannon Laurenzi; 3575 Kensington Drive; 56-22**

Representatives: Paul & Shannon Laurenzi, owners; Tony Moore, Ward 3 Councilman; Bill Belloma, architect, North Ridgeville, OH

Request for reconsideration of the denied variance request for a 20 ft. front yard setback at the October 5, 2022 BZBA meeting for an attached garage addition.

While waiting for a second for the motion to reconsider, Mr. Gasior spoke. Mr. Gasior said if there is no second to the motion the appeal could not be reconsidered. He did not think the vote for the 20-foot variance was clear. The original request was for 30 feet, Ms. Laurenzi confirmed. Mr. Gasior believed there was a discussion about a 20-foot variance and a vote. He thought the applicant wanted to present additional evidence that the applicant did not have available to him on the spur of the moment at the last meeting. He thought someone should second the motion as a courtesy to allow the reconsideration to move forward. He said the Board could still vote however they want to vote after the presentation.

**Mr. Ladegaard moved, seconded by Mr. Hricovec, to reconsider the denied variance request for a 20 ft. front yard setback at the October 5, 2022 BZBA meeting for an attached garage addition. The vote was: "AYES" all. The Chair declared the motion passed.**

Mr. and Ms. Laurenzi, Mr. Moore and Mr. Belloma were sworn in. Ms. Laurenzi apologized for not being prepared at the last meeting. She said they were told they did not need to be at the meeting and then got a call at the last minute. She apologized for not understanding the seriousness and process of going through the zoning board. They are requesting a 20-foot variance to put up a garage on the side of their house. It is listed as a front yard and they have two front yards because they are on the corner of Kensington Drive and Queen Ann's Way. However, Queen Ann's Way ends at the Metroparks property which she believed made the property unable to be developed as planned to go to Livingston. Ms. Laurenzi showed the aerial on her phone on the tv screens. She explained that the end of Queen Ann's would not be developed. She said the Mayor went to bat for them when they had flooding issues and rescinded the building project that was planned for that property. She thought it created a unique situation for them by giving them a true side yard. They are asking for the 20-foot addition which would leave 30 feet between the house and the side property line and the 30 feet for the street and the 50 feet their neighbor has. She said all of their neighbors agreed with the proposal and signed a paper, including the neighbor adjacent to the structure, that was submitted to the Clerk to be included in the file. Ms. Laurenzi said they currently have a two-car garage that is fairly deep. However, there is access to their basement with cement steps at the very back of it, so they cannot fit two cars into the back even though it looks like they can fit four cars in the garage. She believed several of the homes being built in Avon have three- and four-car garages and they think it would be beneficial and help their neighborhood and the values of everyone's homes. They are planning on re-siding the house. They are in the process of finishing an addition in the back now and it would not allow them to put a garage in the back. They are going to re-side the house so it looks like it was always there. They want to maintain the integrity of the neighborhood. They want to maintain the rules and regulations of the neighborhood as the city grows.

Mr. Belloma said the roadway was abandoned so to speak, so in reality they have an actual side yard condition. In his opinion, the road should have been broken up when they decided they were not going to continue it and turned it into a greenspace. In his opinion, it is really a side yard, not a front yard, and that was how he interpreted it when he did the drawings.

Mr. Moore said he is on City Council and Mr. and Mrs. Laurenzi asked him what his thoughts on this are. Mr. Moore did not see a problem with it. He understands the Board has a job to do, there are ordinances and variances but sometimes there are gray areas. The request is under 50% of what that area

is. From his understanding, typically a larger ask and staying under that and he did not think it was that big of a problem. Mr. Moore said Mr. Laurenzi has done so much for people on that street, not that it matters, but he thought it was worth mentioning. Mr. Moore explained that Mr. Laurenzi helped build a bathroom for a neighbor who was dying from cancer. Mr. Moore said Ms. Laurenzi volunteered to be on the Tree Commission and never asked to be paid until Council decided they should pay those residents. They are good neighbors and members of the community. He really thought it would be a good idea to grant the variance.

Mr. Laurenzi thought someone else could not come to the Board with the same request and say it was granted for the Laurenzis because they are the only ones that are able to build in that area on a street that does not go anywhere. He did not think anyone else would be able to ask for the same request under the same circumstances.

Ms. Laurenzi thanked the Board for listening to them. She thought it was disappointing that the Board would not give her a second chance. She said she sits on a board just like this and she thought they were all going to tell her no from the second she stood up there. She thought it felt very unfair because she did not think any of them looked at her and they all looked down instead of seconding the motion. Mr. Laurenzi added that he just wanted to improve their house and stay in Avon. Ms. Laurenzi thought it was clear what their answer was. Mr. Laurenzi said they want to stay here instead of moving to Grafton where they could build something bigger. They love their neighbors and Avon and their kids went to school here.

Mr. Hricovec recalled that the Board tried to compromise with the applicant quite a bit during the last meeting and the applicant was set on what they wanted. He was personally willing to work with the applicant. Mr. Laurenzi said there is 30 feet between the houses which he said would still be maintained. He said they are maintaining the 30 feet plus the street and the yard on the other side of that, which would be approximately 70 feet. He thought their side yard is huge.

Mr. Miller thought the Board was trying to reach a reasonable compromise but some people are inflexible, especially if it is excessive. The Board is there to do a job. Mr. Belloma responded that that was why they cut the size of the addition from 28 feet to 20 feet as a compromise.

Mr. Laurenzi said there are a lot of houses being built in Avon with four-car garages and there are multiple garages in their development that are next to the house and they are in the easement. Mr. Laurenzi said that when the HOA president, Pat Collins, requested a variance for his garage, he was encouraged to request a bigger variance. Mr. Laurenzi said Mr. Collins described in the letter how much he uses his garage and how beneficial it is. He said there are multiple three-car garages and they are just in the situation where it is on a corner lot. They want to stay in Avon and not have to move because they do not have room for their stuff. They do not want to keep stuff in their driveway. They are going to side the whole thing over, it will have windows and the same roof. They put a lot of money into their house and they want to keep doing that. He said all of their neighbors are totally in agreement.

Mr. Bulger thought there would still be a lot of yard with 20 feet. Mr. Schatschneider said the Board offered 12 feet and 14 feet and the applicant turned those down. Mr. Laurenzi said that just would not work. Mr. Schatschneider said if he is looking for another garage, that would be 12 or 14 feet. Mr. Laurenzi is looking to continue his garage out and it is going to be coherent with the house. It would not be a separate garage. The roofline and garage doors would be coherent. The windows and doors will match the house and be brand new. Mr. Schatschneider asked why they could not build the garage in the back. Mr. Laurenzi said they have an addition in the back and a pool. He thought it would be an

obstruction to the walking path behind them. He did not think there is enough room in the back yard with the pool. He did not think it would fit the property. Mr. Schatschneider said the road is still a City road and the parks could change their land at any time and install a soccer field or parking lot. Mr. Laurenzi said Mr. Gasior said that would not happen. Mr. Moore said the Metroparks owns the property behind them and he did not think the City would be interested in buying it back. Mr. Schatschneider said that did not mean they could not put a pavilion back there. Mr. Moore said the Metroparks would need to work with the City on that. Mr. Laurenzi asked if it was true that Mr. Schatschneider did not want it to come out because he did not want it to obstruct the view down the street. Mr. Laurenzi said there was no view down the street. Mr. Schatschneider said you could stand there and look right down the street so that does not mean there is no view down the street. Mr. Laurenzi said Kensington goes this way and there is nobody that is going to be adjacent to their house whose view would be obstructed. Mr. Schatschneider asked the applicant if he was willing to back it down a little further to 14 feet. Mr. Laurenzi said 14 feet is not worth building. Mr. Belloma added that the applicant needs extra storage and Mr. Schatschneider said they could put up a shed in the back yard then. Mr. Belloma said he has special storage so that is why he needs the extra square footage. Mr. Laurenzi said he would go out of his way to make it coherent with the house and he is going to re-side the whole house. The roof is going to match.

Mr. Ladegaard proposed another compromise. He determined the square footage of the 20-foot by 32-foot garage would be 640. If he went from the front of the current garage to the back of the current garage and went 40 feet deep, he could get a 16-foot by 40-foot garage that would have 16 feet of frontage. Mr. Ladegaard offered the compromise because the applicant said they were looking for square footage for storage and the compromise would give them the exact same amount of square footage. Mr. Laurenzi said they can not go to the back because there are stairs there that lead to the basement. The basement has a pool table and he does not want to go the whole distance backwards. Mr. Ladegaard asked if the access to the basement is on the north side of the house. Mr. Laurenzi wanted to stay coherent with the roofline and the back door goes straight down so he did not want to go passed that and block the door. He has a a bar, pool table and jukebox in the basement and he does not want to have to get stuff out. Ms. Clements asked if the door goes directly into the basement or into the garage and then into the basement. Mr. Laurenzi said it goes into the garage and then into the basement but there is only this much room, which is barely a landing. He assured the Board he already thought about that. He already thought about building a garage under the garage. Mr. Belloma said that would be pretty expensive. Mr. Laurenzi said he loves Avon and they went to the football game last week even though their kids are not in school.

Mr. Ladegaard said they would take the matter under advisement and would issue a written decision in two weeks.

#### **4. Alfonso Sanchez, Jr.; 3648 Truxton Place**

Proposal consists of a paver patio with fire pit.

The following variances are requested:

1. A variance for a structure located in the utility easement; code does not allow, applicant proposes a paver patio and fire pit located 10 ft. inside easement, Section 1248.19.
2. A 5 ft. rear yard setback for an accessory structure; code requires 5 ft., applicant proposes 0 ft., Section 1262.08(c)(2).

Ms. Clements requested the case be tabled until the December BZBA meeting. She went to the property with Mr. Streator and Mr. Loeser and there are a few outstanding issues that should be figured out

before voting on the request. Mr. Ladegaard thought there was a lot going on when he visited the property.

**Mr. Bulger moved, seconded by Mr. Miller, to table the request for the following variances for Alfonso Sanchez, Jr; 3648 Truxton Place until the December BZBA meeting:**

- 1. A variance for a structure located in the utility easement; code does not allow, applicant proposes a paver patio and fire pit located 10 ft. inside easement, Section 1248.19.**
- 2. A 5 ft. rear yard setback for an accessory structure; code requires 5 ft., applicant proposes 0 ft., Section 1262.08(c)(2).**

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

**5. Kristyn Fitchko; 38757 Melgrove Lane**

Proposal consists of a driveway extension.

The following variance is requested:

- 1. A 4 ft. side yard setback for a driveway extension; code requires 5 ft., applicant proposes 1 ft., Section 1262.08(c)(2).**

No representatives were present.

**Mr. Miller moved, seconded by Mr. Bulger, to table the request for the following variance for Kristyn Fitchko; 38757 Melgrove Lane until the December BZBA meeting:**

- 1. A 4 ft. side yard setback for a driveway extension; code requires 5 ft., applicant proposes 1 ft., Section 1262.08(c)(2).**

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

**COMMENTS**

**Singh Appeal**

Ms. Clements said the owners of 3636 Split Rail Lane have moved the shed and are now zoning compliant. The zoning permit and shed permit have been approved.

**Easements**

Mr. Hricovec asked if the Board can approve the construction of something in an easement. Mr. Gasior said there is a code section allowing them to grant variances in city easements as long as the Safety Director approves it. Electrical or gas easements would need to be granted approval from those companies.

**ADJOURN**

**Mr. Miller moved, seconded by Mr. Bulger, to adjourn the meeting at 7:36 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