

**MINUTES OF A MEETING OF THE  
AVON LAKE ZONING BOARD OF APPEALS  
HELD JANUARY 22, 2020**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on January 22, 2020 at 7:00 P.M. in Council Chambers with Chairman Hamister presiding.

SWEARING IN OF MEMBERS

Mr. James Motz was sworn in by Acting Director of Law Graves to fulfill the term of Mr. Gary Izo expiring 12/31/2020.

Mr. Frank Hamister was sworn in by Acting Director of Law Graves for a term expiring 12/31/2025.

ROLL CALL

Present for roll call were Mr. Hamister, Mr. Motz, Mr. Shook, Mr. Updegraff, Assistant Director of Law Graves, and Zoning Administrator Booher. Mr. Heine's absence was excused.

ELECTION OF CHAIRPERSON

Mr. Updegraff nominated Mr. Hamister for the position of chairman. Seconded by Mr. Updegraff.

AYES: Shook, Updegraff, Motz, Hamister

NAYES: None

ABSENT: Heine

APPROVAL OF MINUTES

None

READING OF GENERAL CORESPONDENCE

None

COMMENTS FROM THE ASSISTANT DIRECTOR OF LAW

Assistant Law Director Graves addressed the members of the Board and audience, and generally described the procedures to be followed in the conduct of the meeting and number of member votes necessary for lawful Board action. He noted that it is the applicant's burden to establish what is called "practical difficulty," meaning that without the variance practical difficulties are created in making use of your property. If in fact you do get a variance, it is important that you keep in mind that your variance is granted based upon the evidence that you present before the Board this evening, which includes the testimony that you give and the exhibits you submit, or any representations that you make during the hearing. If you deviate from what you proposed or represented that you are going to do, whether in written word or written submissions, then there will be a problem and the City will take action to stop you from going forward. It is important that if you do make representations here, you make them knowing full well that you have to live up to them.

OATH ADMINISTERED

As provided in Article IV (5)(a)(4) of the Zoning Board Rules, an oath was administered by the Assistant Director of Law to all members of the audience speaking at this meeting.

CASE 20-001

REQUEST FOR A VARIANCE AT 176 PARKWOOD AVE GRANTED

Assistant Director of Law Graves stated that Code Section 1240.04 (C) *Rear Building Setback* states that in an R-1B Residential Zoning District, the minimum required rear building setback is 20 feet.

Douglas Bics, the applicant, proposes to construct a garage addition to the home that will create a 9.5 foot rear yard setback. Mr. Bics wants to build an addition to his current single car garage. The additional space will enable them to park a vehicle in the garage where otherwise it will be out of inclement weather. This will make it safer for his wife to access the vehicle.

This variance request has been revised from a previous request for a detached garage that would have required three to four variances for a small corner property. This variance is supported by adjacent neighbors. Council-at-Large Zach Arnold and KC Zuber appeared before the Zoning Board in support of the variance.

Mr. Shook moved to grant the variance. Mr. Updegraff seconded the motion.

Mr. Shook stated this is the best solution for the needed space for their vehicles and is being a good neighbor.

Mr. Updegraff agreed with Mr. Shook that the variance is a good solution.

Mr. Hamister stated that the rear yard variance for the attached garage is in keeping with the current rear yard setback of the house.

Mr. Motz stated that the neighbors' approval was very important.

AYES: Shook, Updegraff, Motz, Hamister

NAYES: None

ABSENT: Heine

CASE 20-002

REQUEST FOR A VARIANCE AT 345 AVON BELDEN RD GRANTED

Assistant Director of Law Graves stated that Code Section 1240.06 (d) ACCESSORY USE REGULATIONS – *Fence Regulations in Standard Single Family Subdivisions* requires that the maximum height of a fence in a front yard is 3 feet. It also states that all fences must be setback a minimum of two feet from a front property line.

Lauren Watkins, the applicant proposes to install a 4 foot high, 3-rail split rail fence in the secondary front yard. A portion of this fence was approved by a zoning variance in 2018. This installation will complete the fence on the north side of the property to the eastern property line an additional length of 40 feet, and then along the eastern property line where 36' is in the front yard.

After removing several hazardous trees and drying out a marshy area, the owners want to complete fencing in the yard.

Mr. Shook moved to grant the variance. Mr. Updegraff seconded the motion.

Mr. Shook stated that it would be along an unimproved road and this variance would complete the look.

Mr. Updegraff agrees that it would complete the look of the fence.

AYES: Shook, Updegraff, Motz, Hamister

NAYES: None

ABSENT: Heine

COMMENTS FROM THE AUDIENCE

Mayor Greg Zilka stated that the 2020 Primary Election for the State of Ohio is on March 17, St Patrick's Day. Avon Lake will have Issue 2 on the ballot. Issue 2 is a five-year renewal of the tax levy for the City's operating expenses which generates \$1,028,572 annually. The last tax levy renewal was in 2014. The renewal will not increase the taxes currently collected. A vote in favor of the tax levy will ensure that residents continue to receive quality City services.

COMMENTS FROM BOARD MEMBERS

None

ADJOURN

Mr. Motz moved to adjourn the meeting at 7:25 P.M. Mr. Updegraff seconded the motion.

AYES: Shook, Updegraff, Motz, Hamister

NAYES: None

ABSENT: Heine

Mr. Updegraff informed the board he might not be able to attend the next meeting because of being out of the state.

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Zoning Board of Appeals  
Chairman Hamister

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Recording Secretary  
Dawn L. Phelps