

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD FEBRUARY 22, 2023**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on February 22, 2023 at 7:00 P.M. in Council Chambers with Chairman Heine presiding.

ROLL CALL

Present for roll call were Mr. Heine, Mr. Shook, Ms. Slivinski, Mr. Updegraff, Assistant Director of Law Graves, and Planning & Zoning Manager Page. Ms. Merlone's absence was excused.

APPROVAL OF MINUTES

The minutes of October 26, 2022 were approved as amended. The minutes of December 26, 2022 were approved as presented.

OATH OF OFFICE

Mr. Updegraff was sworn in for a new term on the Board for January 1, 2023 through December 31, 2027.

ELECTION OF CHAIRPERSON

Mr. Heine was re-elected Chairperson of the Board for 2023.

READING OF GENERAL CORESPONDENCE

None

COMMENTS FROM THE ASSISTANT DIRECTOR OF LAW

Assistant Law Director Graves described the procedures to be followed in the conduct of the meeting. He noted that it is the applicant's burden to establish what is called "practical difficulty" and that they are legally bound by any representations, in word or print, made to the Board.

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 23-03

REQUEST FOR A VARIANCE AT 356 BELMAR BLVD. GRANTED

Assistant Director of Law Graves stated that per Code Section 1220.03(a) *Changes to Approved PUDs*, where a property owner on a lot in a PUD seeks a variance from the approved plan for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section 1214.09 *Variances*.

The applicant proposes to construct an attached garage addition that will encroach 8.2 feet into the northernmost required 10 foot side yard setback.

Michael Brackman, property owner, explained that with the expansion of their family and the consequential increase of children's and yard related items, the existing two-car garage does not

provide adequate storage space along with two vehicles. He noted that from a safety perspective it is preferable to have vehicles in the garage versus in the driveway.

Mr. Brackman explained that his lot is narrower at the front, eastern line than at the building or rear, western line. He added that he has approval from the HOA and the next door neighbor.

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

Mr. Shook stated that the unique shape of the property creates a practical difficulty.

Mr. Heine added that due to the configuration of the lots the neighboring dwelling is further away than most properties.

AYES: Slivinski, Shook, Updegraff, Heine

NAYES: None

ABSENT: Merlone

CASE 23-01

REQUEST FOR A VARIANCE AT LEAR ROAD & KREBS ROAD INTERSECTION REMOVED

Assistant Director of Law Graves stated that the applicant, Jason Hayne, had requested that this variance request be withdrawn from the agenda for a second time. Per ZBA procedures, the Board may choose to remove the case. The applicant will forfeit the ZBA fee. If he re-applies, a new fee will be required to be paid.

Mr. Heine moved to remove Case 23-01 from the agenda. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Updegraff, Heine

NAYES: None

ABSENT: Merlone

CASE 23-02

REQUEST FOR A VARIANCE AT ELECTRIC BLVD. PPNs 04-00-006-104-022, -023, -024, -050, -051, & -052 GRANTED

Assistant Director of Law Graves stated that Table 1216-3: *Principal Uses* (Code Section 1216.05 – *Allowed Principal Uses*) does not currently permit a parking lot as a primary use in an R-1B Zoning District. Mr. Graves explained that if the Board grants this use variance, the applicant will then have to submit a conditional use application to the Avon Lake Planning Commission which would submit an approval or denial recommendation to the Avon Lake City Council. City Council would then be responsible for approving or denying the conditional use.

The applicant proposes to install a parking lot on the aforementioned Parcels.

Drs. Jason Lamb and Frank Krupka represented the applicant, Lake Veterinary Partners, aka Avon Lake Animal Clinic (i.e. Clinic) located at 124 Miller Road.

Dr. Lamb stated that the Clinic has been growing organically with the Avon Lake (i.e. City) community. As the business has grown there has not been adequate parking for both employees and clients. The Clinic would prefer clients not cross streets with pets for safety reasons. He also noted that the parcels in question would have to be consolidated to have a dwelling built on them.

Dr. Krupka enumerated numerous factors and concerns related to the parking lot proposal:

- Lot will only be for the Clinic
- Parcels have been a nuisance property with weeds and trash
- City services do not extend to these lots so they are not “buildable”
- Lot will be for only employee parking
- Majority of traffic to and from the lot will be during employee shift changes
- Parking lot will be constructed to detain water flow to prevent flooding
- Clinic will work with neighboring property owners so as not to create light pollution
- Lot will be a hard surface, not gravel
- Clinic is willing to discuss landscaping and fencing with the neighbors

Mr. Shook asked the applicants if they would be willing to install a sidewalk on the south side of Electric Blvd. for the increased pedestrian traffic. Dr. Krupka noted that the area is Smuggler’s Cove property. Dr. Lamb stated that they will do whatever is needed to develop the area.

Numerous residents in close proximity of the proposed parking lot shared their concerns and opinions regarding the issue. They included:

- Very concerned that no actual plans have been shown, ie. fencing, landscaping
- Does not view Clinic as a good neighbor – a tree fell onto her property and they would not pay for it unless she provided her social security number, so she paid for the removal
- Does not want a parking lot directly behind her house
- Light issue has been glossed over
- Concern about noise pollution
- Safety – possibility of people hanging out and/or passing through
- Will there be a gate to ensure only employees use the lot?
- Concerned a building might be built there later
- Clinic has not maintained the area very well – will snow be plowed onto her fence
- Possible detrimental effect on property values
- Concern about the number of vehicles to use the lot
- Why not put a parking lot at 127 Miller Road?
- A petition with approximately 125 signatures was submitted objecting to the parking lot
- A log of open parking spaces at the Clinic at different times of the day was presented to illustrate that there are available spaces most of the time
- It was noted that the business already has 81 parking spaces
- Noise pollution caused by barking dogs in the area
- Will the Clinic purchase houses on Electric Blvd. to expand even further?
- Clinic traffic already impedes ability of residents to exit their driveways

Responses to residents’ concerns included and were provided by Dr. Lamb, David Graves and Austin Page:

- Fencing, landscaping, lighting, etc. issues will be handled by the Planning Commission and be compliant with Code requirements
- This variance would only permit a parking lot, no buildings could later be constructed based on this variance
- Snow from plowing of the lot will remain on the Clinic property

- Clinic property is at a lower elevation than the surrounding area so flooding will not be an issue
- Traffic flow will not change, same employee vehicles will be entering and exiting the area
- If employees are parking in the existing parking lot, clients and their pets may have to park on Electric Blvd.
- The area east of the grooming building on Miller Road is not an option for parking expansion because it is walking trails for pets to be exercised

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

Mr. Heine stated these parcels are vacant land that have not been adequately maintained. He noted that the nature of the area will not change from the addition of another parking lot because there are already numerous parking lots, i.e. current Clinic lot and Smuggler's Cove lots.

Mr. Shook stated that the granting of the variance will prevent unnecessary hardship to the applicant.

Ms. Slivinski proffered that a parking lot at this location would adversely affect adjoining properties because they are residential, not commercial.

AYES: Shook, Updegraff, Heine

NAYES: Slivinski
ABSENT: Merlone

COMMENTS FROM THE AUDIENCE

None while the meeting was still in session.

COMMENTS FROM BOARD MEMBERS

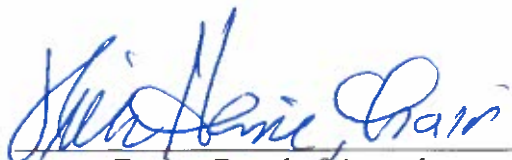
All present plan to attend the March 22, 2023 meeting.

ADJOURN

Ms. Slivinski moved to adjourn the meeting at 8:48 P.M. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Updegraff, Heine

NAYES: None
ABSENT: Merlone


Zoning Board of Appeals
Chairman Heine


Recording Secretary
Diane Reynolds