

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD AUGUST 23, 2023**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on August 23, 2023 at 7:00 P.M. in Council Chambers with Chairman Heine presiding.

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of July, 2023 were approved as amended.

READING OF GENERAL COORESPONDENCE

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 23-11

REQUEST FOR A VARIANCE AT 286 CHESTNUT COURT DENIED

This case was tabled at the June 28th meeting due to a tied vote. It was again tabled at the July 26th meeting at the request of the applicant.

Mr. Heine moved to untable this case. Mr. Updegraff seconded the motion.

AYES: Heine, Slivinski, Shook, Merlone, Updegraff

NAYES: None

ABSENT: None

The owners of the property, Joseph Gaydosh and Lauralyn Duffy, request an area variance to Code Section 1224.01 (e) Accessory and Temporary Use Regulations – *Accessory Uses and Structures* to permit an existing carport in the northern side yard.

Ms. Duffy explained that the carport houses a vintage automobile, a 1966 Ford Galaxy. She and her husband hope to pass it on to their sons when they are ready but that will probably not be for a while. That is why she is requesting the variance for three years. She noted that carports do not have a long life span. Ms. Duffy stated that she spoke with immediate neighbors before installing the carport and there were no objections.

Ms. Duffy referenced numerous letters of support from neighbors that are in the case file.

Ms. Duffy provided an overview of the storage options she researched:

- An enclosed car trailer would be 22 feet long and have to be in the driveway due to the location of the access hatch. A used trailer would be \$4,000 to \$8,000. A new one would be \$14,000 to \$18,000.
- The standard 10' by 20' off-site storage unit is not large enough because it prevents getting into and out of the car. She did find a facility with 12' wide units but they do not lease those to non-commercial customers. These types of storage facilities tend to have rodent issues.
- A garage in the rear yard would require removing three trees and have a greater negative impact on the neighborhood than the carport.

Ms. Duffy asserted the following:

- The carport has little impact on the neighborhood, is a temporary situation, and one anonymous letter of objection should not result in the removal of the carport.
- No special privilege would be given by granting the variance because there are other carports in the City.
- Extending the garage onto the existing concrete pad does not make sense because it would be too close to the property line and would create a permanent structure that is not needed in the long run.
- A 1-year variance will not provide enough time for her sons to be in a position to take the car.
- The nearest suitable off-site storage facility would require a 45 minute drive. It does not make sense to have to travel that far just to go for a ride in the vintage car.
- If the vintage car is in the existing 2-car garage it prevents access to the attic and to the far side of the garage without opening the garage door and going outside. A new vehicle is parked in the garage during the winter.

Mr. Gaydosh asserted:

- A trailer that would be required to be in the driveway would have a greater negative impact on the neighborhood and does not allow for normal access into & out of the car so that it can be driven at times;
- Extending the concrete pad into the rear yard is too expensive for something they do not have a long-term need.

Two residents of Chestnut Court spoke in favor of granting the variance because the carport is not an eyesore and is the least intrusive option.

Mr. Shook moved to grant the variance. Ms. Merlone seconded the motion.

Mr. Shook stated that practical difficulty exists because of the expense of other options. He noted the support of neighbors.

Ms. Merlone concurred and added that the carport is temporary and others do exist in the City.

Chairman Heine stated:

- A carport is required to be made of materials similar to the house.
- Variances are not to be used to mitigate expenses.
- There are other options such as off-site storage, putting the car in their own garage or adding onto their garage.
- Three years is not temporary and it would be difficult for the City to administer.
- Granting this variance would be opening a Pandora's box.
- Three years is not temporary.

Mr. Shook stated that he remembers the previous ZBA Chairman stating that the Board does not set precedents.

AYES: Shook, Merlone

NAYES: Heine, Slivinski, Updegraff
ABSENT: None

CASES 23-15 and 23-16 were deferred until the September 27, 2023 meeting at the applicant's request.

CASE 23-17

REQUEST FOR A VARIANCE AT 250 CHERRY LANE GRANTED

The applicant requests an area variance to Code Section 1226.01 (e)(11)(B) General Development Standards – *Lot and Principal Building Regulations*. The applicant proposes to reduce the southern side yard setback from 10 feet to 7 feet for a residential building addition.

Mark Eisaman of Sciarapa Construction, on behalf of the property owners, Chuck and Debbie Pettys, explained that the shape of the property requires the eastern end of the addition to need a 1 foot variance and the western end to need a 3 foot variance that will run the 28 foot length of the addition. The addition needs to be on that side of the existing dwelling because that is where the mechanics of the house are located.

Ms. Slivinski moved to grant the variance. Mr. Updegraff seconded the motion.

Ms. Slivinski stated the peculiar shape of the lot establishes a practical difficulty and it is a relatively minor variance. Mr. Updegraff concurred.

AYES: Heine, Slivinski, Shook, Merlone, Updegraff

NAYES: None
ABSENT: None

COMMENTS FROM THE AUDIENCE

None

COMMENTS FROM BOARD MEMBERS

None

DISCUSSION

The ZBA members tentatively scheduled Board training for October following the regular meeting.

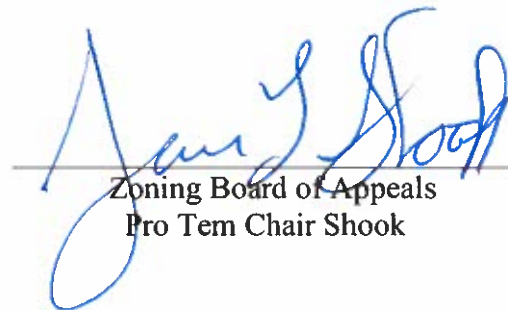
ADJOURN

Mr. Updegraff moved to adjourn the meeting at 8:15 P.M. Ms. Slivinski seconded the motion.

AYES: Heine, Slivinski, Shook, Merlone, Updegraff

NAYES: None

ABSENT: None



Zoning Board of Appeals
Pro Tem Chair Shook



Recording Secretary
Diane Reynolds