



# CITY OF AVON LAKE ZONING BOARD OF APPEALS

FEBRUARY 28, 2024  
COUNCIL CHAMBERS – 150 AVON BELDEN ROAD  
7:00 PM

## AGENDA

### VOTING ORDER:

Mr. Shook  
Ms. Merlone  
Mr. Updegraff  
Mr. Renacci  
Ms. Slivinski

#### A. ROLL CALL

Mr. Shook, Ms. Merlone, Mr. Updegraff, Mr. Renacci, Ms. Slivinski, Assistant Law Director Graves, and Planning & Zoning Manager Page.

#### B. APPROVAL OF THE JANUARY 24, 2024, MEETING MINUTES

#### C. GENERAL CORRESPONDENCE/ANNOUNCEMENTS

#### D. COMMENTS FROM THE ASSISTANT LAW DIRECTOR

1. At the beginning of the meeting, the Assistant Law Director must swear in anyone who has business before this board and will be giving testimony regarding any of the items on the agenda.
2. Please state your name and address before addressing the board.
3. All questions or comments must be addressed to the Chairman.

#### E. ADMINISTRATION OF OATH

#### F. NEW CASES

##### 1. CZA 24-1

Per Planning & Zoning Code Section 1214.11 (b) *Review Procedures – Appeals*, Andrew Wansack of 32130 Ventanas Circle is appealing an administrative decision of the Code Administrator and Community Development Department.

APPEAL

WARD II

R-1A

*The applicant is appealing the decision of the Code Administrator and Community Development Department that sufficient landscaping has been installed at 275 Pamilla Circle, adhering to ZBA conditions of approval from Case 22-028.*

**2. CAV 24-5**

Jessica and Andrew Wenz (on behalf of Ryan and Amanda Uhle) request an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 634 Parkside Drive (single-family residence).

AREA VARIANCE

WARD I

R-1A

*The applicant requests a 4' tall fence in the front yard adjacent to Millside Lane.*

**3. CAV 24-6**

Eric Pawlak (on behalf of John and Laurel Marshall) requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 32432 Lake Road (single-family residence).

AREA VARIANCE

WARD II

R-1A

*The applicant requests a 3' tall fence, with an assortment of 40" and 48" columns in the front yard.*

**G. COMMENTS FROM THE AUDIENCE**

**H. COMMENTS FROM BOARD MEMBERS**

**I. DISCUSSION**

**J. ADJOURN**

The next regular meeting of the Zoning Board of Appeals will be on March 27, 2024.

**MINUTES OF A MEETING OF THE  
AVON LAKE ZONING BOARD OF APPEALS  
HELD JANUARY 24, 2024**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on January 24, 2024 at 7:00 P.M. in Council Chambers.

With the resignation of Chairperson Heine, Assistant Law Director Graves opened the meeting as the acting chair. He administered the Oath of Office for the new Board member Andrew Renacci.

**ROLL CALL**

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

**ELECTION OF CHAIRPERSON FOR 2024**

Ms. Slivinski nominated Mr. Shook. Mr. Updegraff moved to close nominations, Ms. Slivinski seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

Mr. Shook was elected.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

**APPROVAL OF MINUTES**

The minutes of December 6, 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.

Ms. Merlone moved to untable Case 23-25, Mr. Updegraff seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

**CASE 23-25**

**REQUEST FOR A VARIANCE AT 130 BEACHWOOD AVENUE GRANTED**

The applicant proposes to retain a 6 foot high section of fence in the northern side yard erroneously installed by the contractor. Per 1226.03 (d)(2) *Fences and Walls in Residential Districts* the maximum permitted height of a fence in a side yard is 4 feet.

Leanne Cereceres, property owner, explained that she has a 19-month old child. She stated that she needed more fenced-in area for the safety of the child, privacy, and for items that do not fit in the already full garage. Ms. Cereceres added that she asked the contractor to install the side yard, 6 foot high fence not knowing it was not per Code.

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

Ms. Slivinski stated that practical difficulty was established by the contractor failing the applicant. She noted that the character of the neighborhood will not be changed with the placement of the fence. Mr. Shook considered the safety of a child as contributing to a practical difficulty. Mr. Renacci voiced concern with an after-the-fact granting of a variance.

AYES: Slivinski, Shook, Merlone, Updegraff

NAYES: Renacci

**CASE 24-1**

**REQUEST FOR A VARIANCE AT 32918 TITUS HILL LANE GRANTED**

The applicant proposes to construct a 10 by 14 foot three-season room on the rear of the dwelling creating a 26 foot rear yard setback. Per 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* the minimum rear setback is 35 feet.

Steven Fuchs, property owner, explained that the sunroom will be where there is presently a raised patio and the footprint of the room will actually be smaller than the patio. He added that there would be no encroachment into, or negative impact on, neighboring properties; emergency services would not be impeded; and, to the rear of his property is a green space owned by the HOA. Mr. Fuchs noted that the Code would prevent any addition to his home which constitutes a practical difficulty in and of itself.

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

Ms. Slivinski stated that there is already a structure and now it is just adding walls. She confirmed with Mr. Page that the only reason a variance is needed is because the new structure will be screened in.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None



**CASE 24-2**  
**REQUEST FOR A VARIANCE AT 87 GRA GULL DRIVE GRANTED**

The applicant proposes to construct a dwelling of approximately 1,965 square feet with front and rear setbacks of 16 feet 6 inches. Per 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* a 20 foot minimum setback is required for each.

Jeff Kidwell, property owner, explained that this lot is shallow with only a 45 foot depth. He stated that the house will suit the neighborhood; the variances are minimal, only 3.5 feet; and, many other similar variances have been granted in the area.

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

Mr. Renacci stated the proposed house is not an extravagant size and will not be overwhelming for the area. He noted that variances are needed for the property to be useable.

Ms. Merlone concurred, noting that other variances have been granted in that area.

Ms. Slivinski added that the 3.5 foot variances are minimal and the proposed setbacks are greater than many others in the area.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

**CASE 24-3 & CASE 24-4**

Regarding Cases 24-3 and 24-4, Chairperson Shook suggested that the applicants present their cases together because they are closely related and then have the Board vote on each case independently.

Ms. Merlone moved to do so, Mr. Updegraff seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

Scott Fell, owner of the 72 Rice Park property, is asking for a variance to reduce the western side yard setback from three feet to zero feet as required by 1224.01 (B)(11)(C) *Accessory and Temporary Use Regulations – Accessory Uses and Structures Regulations* to construct a 16 x 24 foot boathouse.

Nick Zbasnik, owner of the 32576 Lake Road property, is asking for a variance to reduce the eastern side yard setback from three feet to zero feet as required by 1224.01 (B)(11)(C) *Accessory and Temporary Use Regulations – Accessory Uses and Structures Regulations* to construct a 24 x 24 foot boathouse.

Mr. Fell and Mr. Zbasnik want to construct nearly adjoining boathouses. The two structures will only have an air gap between them.

Mr. Fell explained why the west side of his property is the best location for his boathouse. If it is on the east side, it might invite trespassers from the Woodhaven Beach Association park at the end of Rice Park. It is also impractical to locate the boathouse there because it is an extremely steep slope. In the center of the yard is a very old shrub/tree that he would like to preserve. The location on the west side of the yard allows for the shrub/tree preservation. He added that the east side

location for Mr. Zbasnik’s boathouse is best because he has a boat launch on the west side of his property. Mr. Zbasnik stated that the boathouses will not be seen from any roads and conform to the neighborhood. Mr. Fell stated that abutting boathouses will strengthen the structural integrity of the structures.

Robert Beverage, Mr. Zbasnik’s immediate westerly neighbor who has the same type of boathouse, explained that these types of structures prevent soil erosion.

**REQUEST FOR A VARIANCE AT 72 RICE PARK DRIVE GRANTED (Case 24-3)**

Mr. Shook moved to grant the variance with the condition that an actual survey be done to determine the precise location of the property line to ensure there are no encroachment issues in the future. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

**REQUEST FOR A VARIANCE AT 32576 LAKE ROAD GRANTED (Case 24-4)**

Ms. Slivinski moved to grant the variance with the condition that an actual survey be done to determine the precise location of the property line to ensure there are no encroachment issues in the future. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

**COMMENTS FROM THE AUDIENCE**

None

**COMMENTS FROM BOARD MEMBERS**

All expect to attend the February meeting.

**ADJOURN**

Mr. Shook moved to adjourn the meeting at 8:16 P.M. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

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Zoning Board of Appeals  
Chairperson Shook

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Recording Secretary  
Diane Reynolds



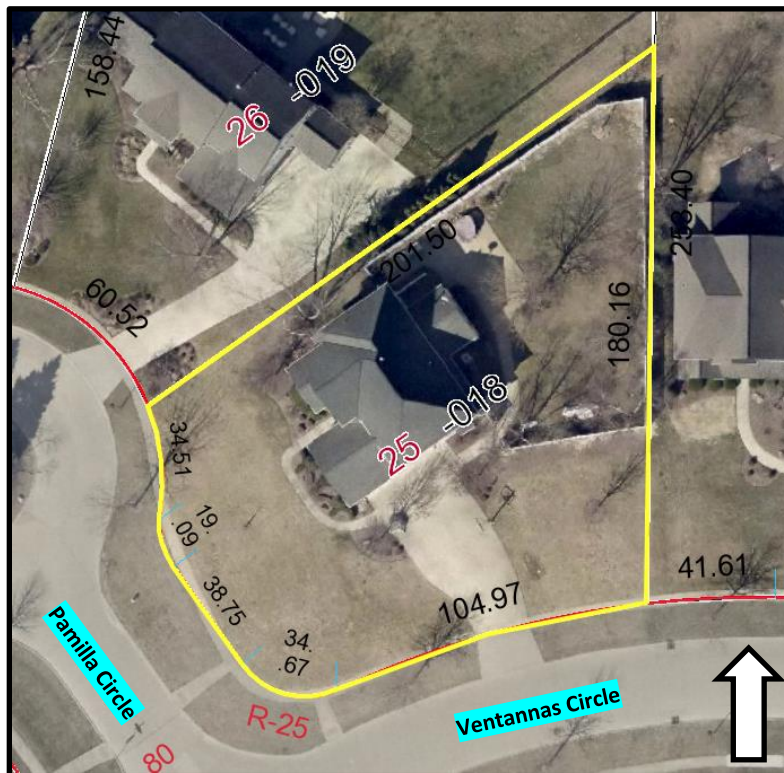
## REPORT – ZBA CASE 24-6

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CZA 24-1 (APPEAL)  
**MEETING:** February 28, 2024

Per Planning & Zoning Code Section 1214.11 (b) *Review Procedures – Appeals*, Andrew Wansack of 32130 Ventannas Circle, a representative of the Ventannas HOA, is appealing an administrative decision of the Code Administrator and the Community Development Department.

### PROPERTY INFORMATION:

The appeal involves 275 Pamilla Circle, in Avon Lake, OH. The property is a corner lot, zoned R-1A, Single-Family residence and is in the Ventannas Subdivision. This subdivision is located off the western side of Lear Road, in between Electric Boulevard and Walker Road.



**HISTORY:**

On September 28, 2022, the Zoning Board of Appeals heard an application (Case 22-028) seeking an area variance to permit a section of 6’ tall privacy fencing in the front yard, adjacent to Ventannas Circle. The Board unanimously approved the granting of the variance with two conditions of approval (*per the approved September 28, 2022, ZBA minutes*).

- (1) *The top 12” to 18” of the 6 foot high fence must be open, i.e. lattice or similar open style;*
- (2) *Landscaping must be installed to mask the look of a wall created by the fence.*

A zoning permit was issued for the fence on November 22, 2022, and a Building Permit was issued on November 29, 2022. Because of the time of year, landscaping was not expected to be installed. In February of 2023, a representative from the Ventannas HOA reached out to the Community Development Department inquiring about the fencing and landscaping. Staff informed the HOA that because of the weather, landscaping was to be installed in the spring. Additional communication with HOA occurred as the fence was installed without their approval. The city does not mandate HOA approval and informed the HOA that this would be a civil matter between them and the property owner.

Planning and Zoning Manager, Austin Page, followed up with the property owner of 275 Pamilla Circle in April of 2023, and landscaping was subsequently installed in May and June of 2023. At this time, the Code Administrator, Ted Esborn (who is also the Community Development Director), along with Mr. Page, determined that all ZBA conditions of approval had been met and ZBA case 22-028 was closed.

Below is a screenshot from Google Street View dated July 2023, depicting the installed fence and landscaping. The street view is from Ventannas Circle looking north towards the side yard of 275 Pamilla Circle.

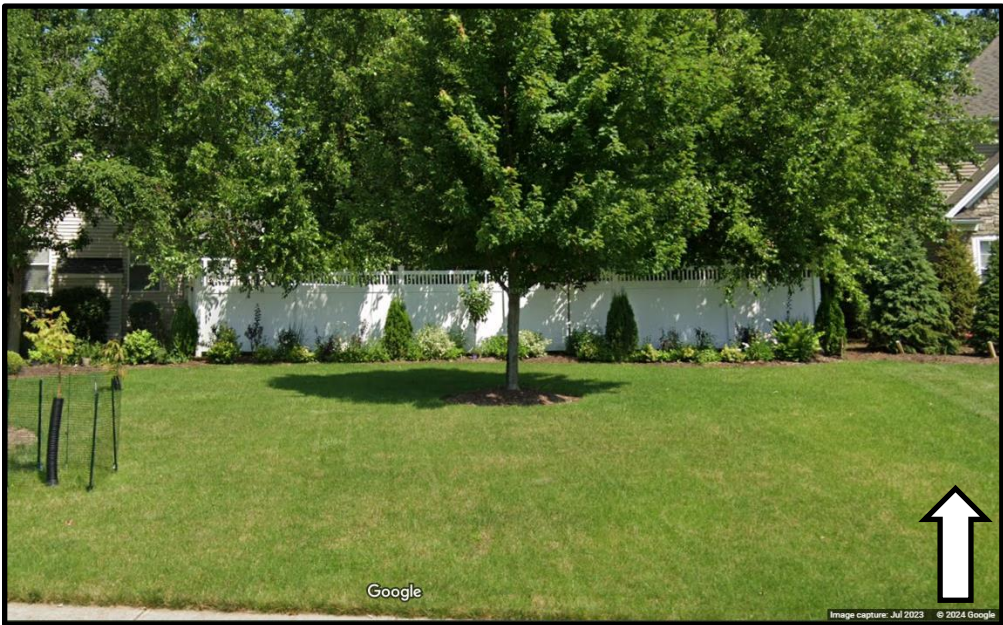


Figure 2: Google Street View – July 2023





Figure 3: Google Street View – July 2023 – Zoomed In

**DISCUSSION:**

Additional conversations occurred sporadically throughout the remainder of 2023 and into early 2024. Planning & Zoning Manager, Austin Page, under the authorization of Community Development Director, Ted Esborn, disclosed to the now appellant that the ZBA conditions of approval have been met. The top foot of the fence clearly has an open design and landscaping has been installed. The ZBA approval did not have any plant counts, species types or heights attached to the conditions. Furthermore, the landscaping has been installed for less than one calendar year. It is unlikely to expect substantial coverage from such young vegetation. Landscaping and coverage will only grow fuller as the years progress. As the seasons change, so does the level of screening. Like with most landscaping in the winter months, there is little to no coverage or screening provided. The appellant expressed this concern, along with concerns over the white color and brightness of the fence. The color of the fence was not mandated as part of the variance approval nor does the Planning & Zoning Code dictate the color of fencing. Below is an image provided by the appellant from February 2024, showing the fencing, landscaping, and screening in the winter months.



Figure 4: Applicant Provided Photo – Application CZA 24-1 – Submitted February 14, 2024

There continued to be different opinions regarding the landscaping and what was an appropriate amount. These disagreements also continued between the subject property owner, appellant, and the HOA. The appellant was again informed that the city would not be involved in any civil issue between the two parties.

On January 22, 2024, Mr. Page provided an email to the appellant further stating the ZBA conditions of approval have been met and provided him with the information and application to file an appeal. This began the 30-day submittal requirement as it was an administrative determination. An appeal was filed by the appellant on February 14, 2024, complying with the 30-day requirement outlined in the Planning & Zoning Code.

**APPEAL REQUESTED:**

Per Planning & Zoning Code Section 1214.11 (b) *Review Procedures – Appeals*, the applicant is appealing the decision of the Code Administrator and Community Development Department that sufficient landscaping has been installed, adhering to the ZBA conditions of approval (Case 22-028) at 275 Pamilla Circle.

**REVIEW AND RECOMMENDATION BY THE ZONING BOARD OF APPEALS (ZBA):**

An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including administrative decisions by the Planning Commission or Code Administrator.

The ZBA shall review the application, findings, testimony, etc. In reviewing the application, the ZBA shall at a minimum consider the review criteria of Planning & Zoning Code Section 1214.11 *Review Procedures – Appeals*. The ZBA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for an appeal

During the ZBA review, A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Code Administrator certifies to the ZBA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the ZBA or by a court of competent jurisdiction, for good cause shown.

**DECISION:**

If the ZBA denies the appeal, no additional landscaping shall be required.

If the ZBA decides to grant the appeal, siding with the appellant, additional landscape screening shall be required to satisfy their previous condition of approval. The Community Development Department requests that the Board provide their reasoning and expectations with the landscaping. These expectations may include number of plants, heights, or a percentage of the fence to be screened.

**ADDITIONAL INFORMATION:**

The applicant has supplied a complete application, complying with the appeal requirements outlined in Planning & Zoning Code Section 1214.11 *Review Procedures – Appeals*. All of which can be found in the packet.

The Community Development Department sent notice of this request to all property owners within 300' of 275 Pamilla Circle.

Any person or entity claiming to be injured or aggrieved by any final action of the ZBA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

**ATTACHMENTS:**

1. Copy of Code Section(s)
2. Aerial View of Property
3. Copy of ZBA Application
4. Applicant Photos

**(g) Revoking a Zoning Permit**

A zoning permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the ZBA in accordance with Section [1214.11: Appeals](#), of this code.

**(h) Appeals**

Any person or entity claiming to be injured or aggrieved by any final action of the Code Administrator shall have the right to appeal the decision to the ZBA as established in Section [1214.11: Appeals](#).

**1214.11 Appeals**

**(a) Purpose**

This section sets out the procedures to follow when a person claims to have been aggrieved or affected by an administrative decision made in the administration or enforcement of this code.

**(b) Applicability**

- (1) An appeal may be made regarding any administrative decision made in the administration and enforcement of this code including administrative decisions by the Planning Commission or Code Administrator.
- (2) An appeal may not be made to the ZBA when the Planning Commission is making a recommendation to City Council as part of a legislative action such as a code text or map amendment.

**(c) Initiation**

Appeals shall be initiated by the person aggrieved or affected by any order, decision, determination, or interpretation made by the authority having jurisdiction who is charged with the administration or enforcement of this code.

**(d) Appeals Review Procedure**

The review procedure for appeals shall be as follows:

**(1) Step 1 – Submission of Appeal**

Within 30 days of the administrative order, decision, determination, or interpretation, the person appealing the decision or their authorized agent shall submit all required information to the Code Administrator in accordance Section [1214.01: Common Review Requirements](#).

**(2) Step 2 – Forwarding of the Record to the ZBA**

Upon receiving the written appeal of an administrative decision or determination, the Code Administrator shall transmit the written appeal with all papers, documents, and other materials related to the appealed decision or determination to the ZBA. This material shall constitute the record of the appeal.

**(3) Step 3 – ZBA Review and Decision**

- A. The ZBA shall hold a public hearing within 45 days of the filing of the appeal provided adequate notification is provided pursuant to Section [1214.01\(i\)](#).
- B. In reviewing the appeal, the ZBA shall at a minimum, consider the review criteria of this section.
- C. Within 60 days of the close of the public hearing, the ZBA shall render a decision on the appeal. The Code Administrator shall notify the appellant in writing of the decision of the Board.



- D. If the ZBA fails to make a recommendation within the established timeframe, or an extended timeframe approved by the applicant, the application shall be deemed denied.
- E. The decision of the ZBA shall become effective immediately.

**(e) Review Criteria**

A decision or determination shall not be reversed or modified unless there is competent, material, and substantial evidence in the record that the decision or determination fails to comply with either the procedural or substantive requirements of this code.

**(f) Stay**

A properly submitted appeal shall stay all administrative proceedings by the City in furtherance of the action appealed, unless the Code Administrator certifies to the ZBA that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the ZBA or by a court of competent jurisdiction, for good cause shown.

**(g) Appeals of ZBA Decisions**

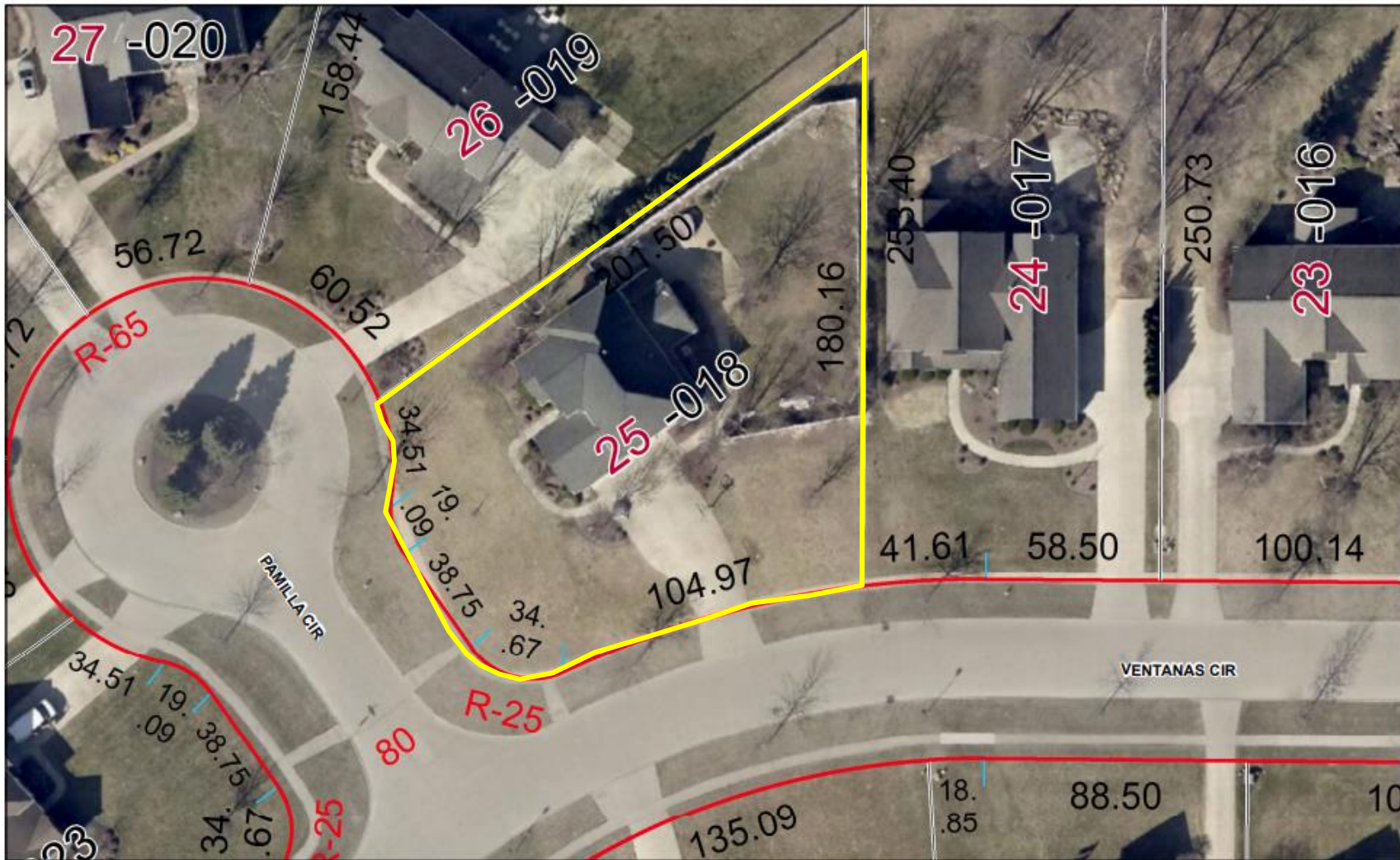
Any person or entity claiming to be injured or aggrieved by any final action of the ZBA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

**1214.12 Interpretation of the Code**

It is the intent of this code that all questions of interpretation related to the administration and enforcement of this code shall be first presented to the Code Administrator, and that such questions shall be presented to the ZBA only on appeal from the decision of the Code Administrator. Such appeals shall be in accordance with Section [1214.11: Appeals](#).



**J. Craig Snodgrass, CPA, CGFM** 275 PAMILLA CIR AVON LAKE, OH 44012  
**Lorain County Auditor**



February 23, 2024 7:59:53 AM

**Legend**

**Boundaries**

- Sublot Line
- Right-of-way Line

- Road Centerlines
- Subdivisions/Right of Ways

- Parcels\_Black
- Red: Red
- Green: Green

- Blue: Blue
- Red: Red
- Green: Green



1 inch = 47 feet





### CZA-24-1

Appeal (ZBA)

Status: Active

Submitted On: 2/14/2024

### Primary Location

275 PAMILLA CIR  
AVON LAKE, OH 44012

### Owner

ESCOBEDO MARIA D  
275 PAMILLA CIR AVON  
LAKE, OH 44012

### Applicant

Andrew Wansack  
 216-645-0525 ext. 00000  
 wansack04@yahoo.com  
 32130 Ventanas Circle  
Avon Lake, Oh 44012

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## Appellant Information

**Project Name\***

Escobedo

**Project Address\***

275 Pamilla cir

**Project Decision Date\***

9/28/22

**Decision Appealing\***

Not sure what this field represents

**Appellant Name\***

Andy Wansack

**Appellant Address\***

32130 Ventanas Circle

**State\***

Ohio

**Zip Code\***

44012

**Phone Number\***

2166450525

**Email Address\***

Wansack04@yahoo.com

**Reason for Appeal\***

Homeowner has not satisfied landscaping requirements. Additional photos will be provided at the meeting.

# Signature

## Applicant Signature\*

✓ Andrew E Wansack  
Feb 14, 2024

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# Attachments



### Supplemental Information

IMG\_2274.png

Uploaded by Andrew Wansack on Feb 14, 2024 at 3:02 PM



### IMG\_2276.png

IMG\_2276.png

Uploaded by Andrew Wansack on Feb 14, 2024 at 3:02 PM



### IMG\_2275.png

IMG\_2275.png

Uploaded by Andrew Wansack on Feb 14, 2024 at 3:02 PM



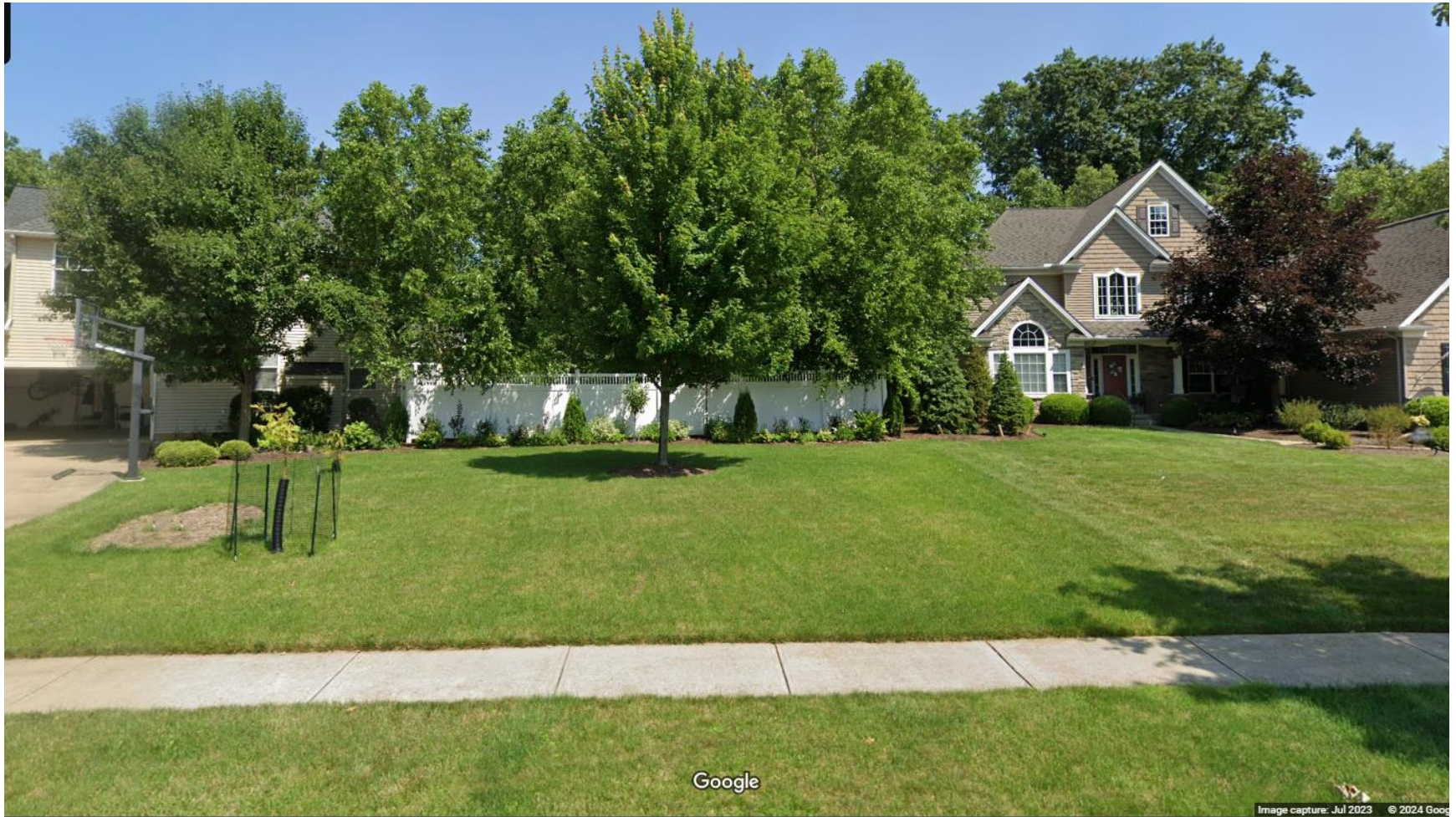
Applicant Provided

1/3











# REPORT – ZBA CASE 24-5

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-5 (AREA VARIANCE – 634 Parkside Drive)  
**MEETING:** February 28, 2024

Jessica and Andrew Wenz (on behalf of Ryan and Amanda Uhle) request an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 634 Parkside Drive (single-family residence).

### DISCUSSION:

634 Parkside Drive is in the southeasternmost section of the city, south of Walker Road, in the Parkside Subdivision. The property is zoned R-1A, Single-Family Residence. All surrounding properties share the same R-1A zoning.

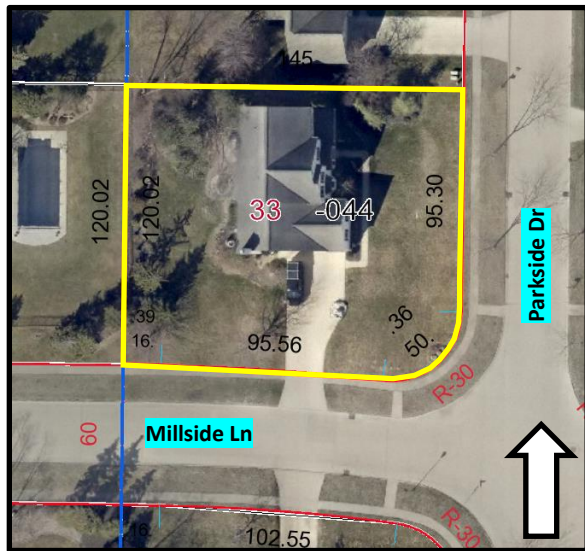


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

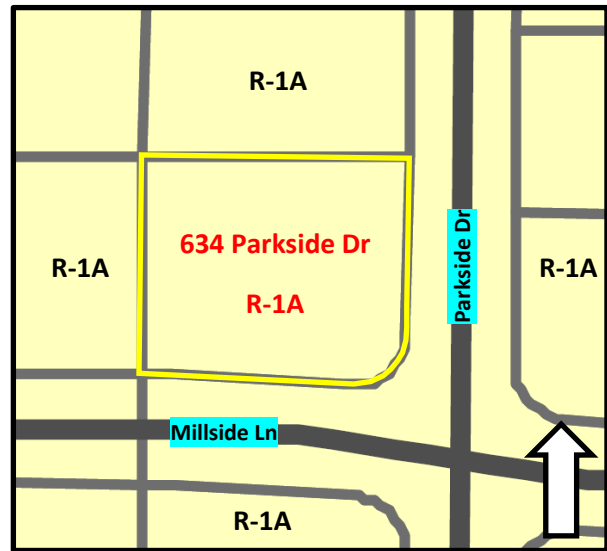


Figure 2: City of Avon Lake Zoning Map - 2022

The property is a corner lot with two frontages. The primary frontage is on Parkside Drive and the secondary frontage is on Millside Lane. Because of this, the rear yard directly abuts the front yard. Below is an image depicting the designated yard types for corner lots.



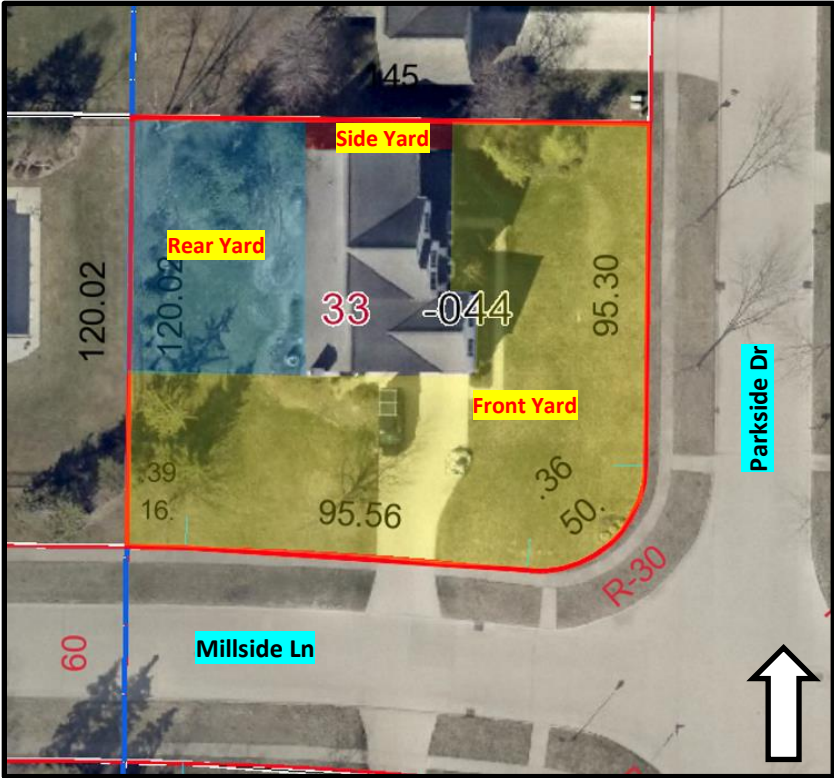


Figure 3: Lorain County Auditor GIS – Spring 2023 Aerial - Yards

The applicant is proposing a 4’ tall black ornamental aluminum fence to enclose their rear yard and portion of the front yard adjacent to Millside Lane. Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* states that maximum height of a fence in a rear yard is 4’ and 3’ in a front yard.

The proposed rear yard fencing is code compliant while the front yard fencing extends 1’ over the maximum permitted height. The fence is proposed 2’ off the property line (back of sidewalk) along Millside Lane.

There is a 10’ utility easement (The Illuminating Company) located on both fronts of the property. The easement starts at the back of the sidewalk, which is the front property line, and extends 10’ into the property. This easement is extended throughout the entire subdivision and is not unique to this individual property.

The applicant proposes the fencing to encroach 8’ into the easement because of an existing tree and playground structure. The easement note on the final plat does not prohibit landscaping or structures from being in the easement. However, the easement language puts the responsibility and the liability on the property owner if anything is damaged, needs moved, etc., for the Illuminating Company to perform any maintenance inside of the easement. The final plat has been included in the packet for any further review. Per the provided plans, the fencing shall not be installed within 36” of any utility. If the variance is granted and prior to ant construction, the applicant shall coordinate with the proper utility providers and Ohio 811 (“Call Before You Dig”) to confirm that the fencing does impact any utilities.

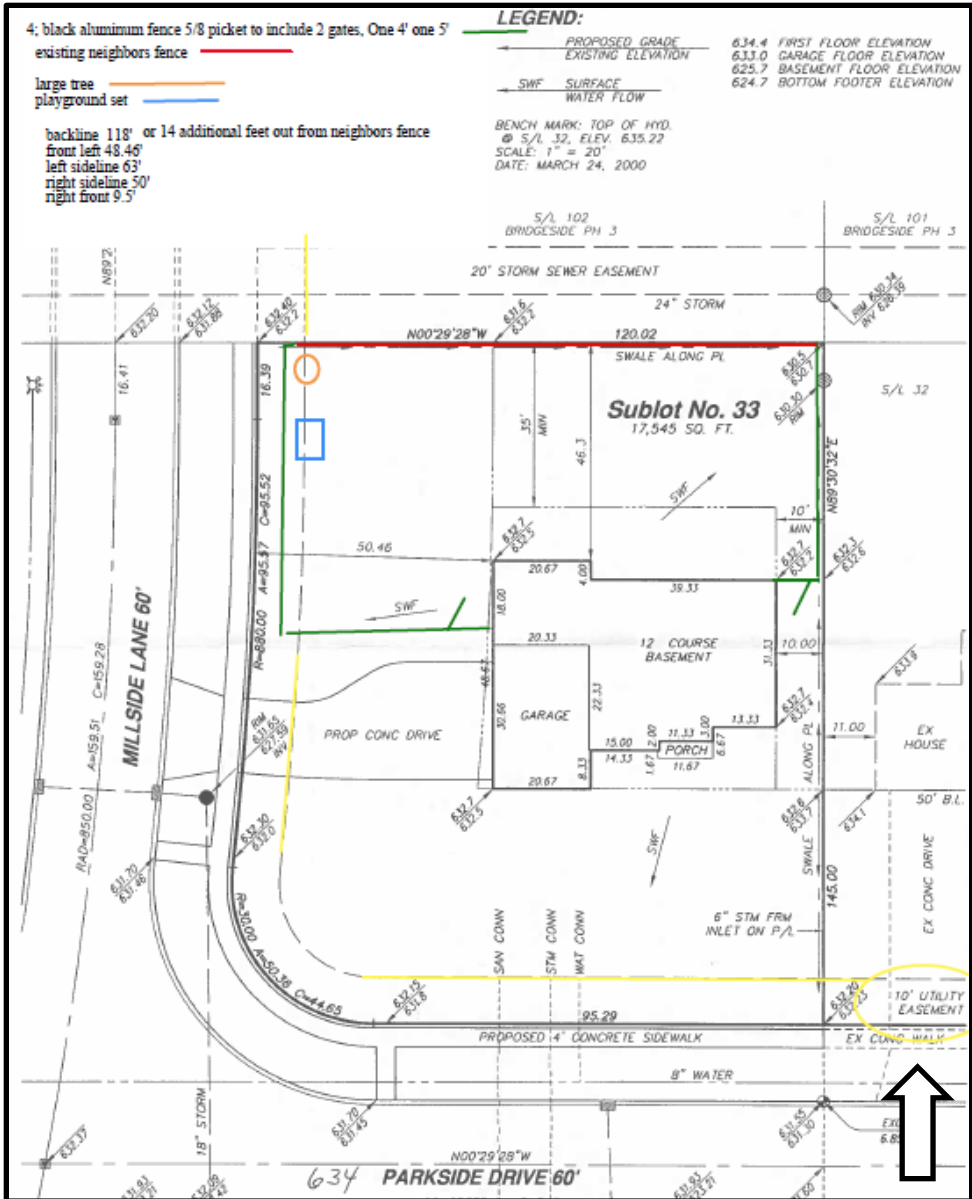


Figure 4: Applicant Provided Site Plan - 2024

**VARIANCE REQUESTED:**

The applicant requests one area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 634 Parkside Drive (Single-Family Residence). The request would permit a 4' tall black ornamental fence in the front yard along Millside Lane. The fencing located in the rear yard is not included in the request and is considered code compliant.

**REVIEW AND RECOMMENDATION BY THE ZONING BOARD OF APPEALS (ZBA):**

The ZBA shall review the application, findings, testimony, etc. In reviewing the application, the ZBA shall at a minimum consider the review criteria of Planning & Zoning Code Section 1214.09 (c)(1) *Review*

*Procedures – Variances.* The ZBA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.

In making its decision, the ZBA may approve, approve modifications or supplementary conditions, or deny the application. Additionally, the ZBA shall make specific findings of fact based directly on the evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing. The ZBA shall justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.

**POTENTIAL MOTION:**

The language set forth below is provided as a guide, with no intent to suggest specific action on the part of Zoning Board of Appeals.

I move to approve ZBA Application, CAV 24-5, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* in Residential Districts, permitting a 4' tall black ornamental aluminum fence in the front yard along Millside Lane at 634 Parkside Drive.

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, along with a site plan, aerial and fence detail. All of which can be found in the packet.

The Community Development Department sent notice of this request to all property owners within 300' of 634 Parkside Drive.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. A permit has been submitted and placed on hold, pending the outcome of the proposed variance request. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure location, setbacks, building height(s), façade materials, etc.

**ATTACHMENTS:**

1. Copy of Code Section(s)
2. Aerial View of Property
3. Copy of ZBA Application
4. Copy of Site Plans
5. Applicant Images
6. Copy of subdivision final plat

TABLE 1226-9: FENCES AND WALLS IN RESIDENTIAL DISTRICTS		
Type of Fence or Wall	Yard in Which Permitted	Maximum Height Permitted
Vinyl Coated Chain Link Fence	Side and Rear	4 Feet
Open Fence	Front	3 Feet [1]
	Side	4 Feet
	Rear	6 Feet [2]
Solid Fence or Wall	Side	4 Feet
	Rear	6 Feet
NOTES: [1] A four-foot open fence may be constructed in front of a dwelling provided that the length of such fence does not extend past the side walls of the house or across a driveway and provided it is set back from the right-of-way line a minimum of 75% of the minimum front building setback for the district. [2] Trellises up to 16 feet in total length may exceed the maximum permitted height when located in the rear yard adjacent to, and between the side walls, of the dwelling.		

**(e) Fences and Walls in Nonresidential Districts**

The following standards apply to fences and walls in nonresidential districts.

- (1) No fence or wall shall be, in any way, electrified or topped with any sharp-edged materials with the exception of fences in the I-1 and I-2 Districts where fences may be topped with barbed wire. Such barbed-wire shall be placed on a 45-degree angle- arm away from the side of the fence that fronts a property or right-of-way line. Such barbed wire shall only be located along the top of a fence and shall not extend below the top of the fence more than 12-inches.
- (2) No fence shall exceed 8 feet in height in any rear or side yard, or exceed 3 feet in height in any front yard. In the I-1 and I-2 Districts, any fence in a front yard that is set back a minimum of 60 feet shall be permitted to have a maximum height of eight feet.
- (3) Any proposed fence shall be approved as part of the site plan review in accordance with this code.

**(f) Temporary Fences**

Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

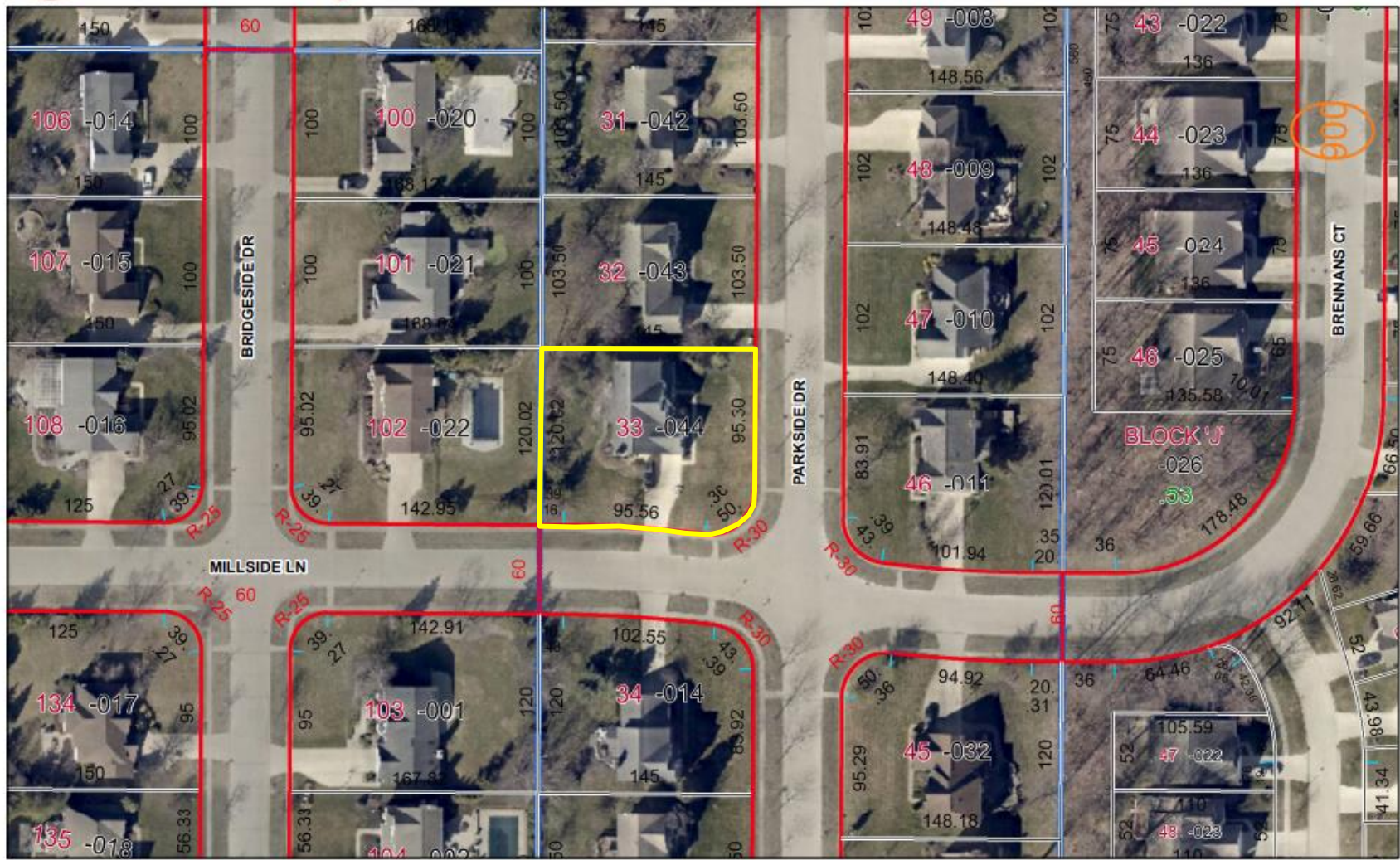
- (1) Temporary fences shall be maintained in good condition and shall not require a zoning permit.
- (2) No temporary fencing material shall be used for permanent fencing.
- (3) **Snow Fencing**
  - A. Snow fencing shall be permitted between November 1 of any year and April 1 of the following year.
  - B. Snow fencing shall not exceed four feet in height.
  - C. Fencing materials shall be limited to burlap, plastic mesh fabric of a neutral or dark color, any clear plastic material or wood slat fencing (traditional snow fence) with wood or metal supports.





**J. Craig Snodgrass, CPA, CGFM**  
**Lorain County Auditor**

634 PARKSIDE DR AVON LAKE, OH 44012



February 23, 2024 8:08:35 AM

1 inch = 94 feet

**Legend**

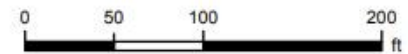
**Boundaries**

- Sublot Line
- Right-of-way Line

- Road Centerlines
- Subdivisions/...
- Right of Ways

- Parcels\_Black
- Red: Red
- Green: Green

- Blue: Blue
- Red: Red
- Green: Green





**CAV-24-5**  
Area Variance Application  
(ZBA)  
Status: Active  
Submitted On: 2/13/2024

**Primary Location**  
634 PARKSIDE DR  
AVON LAKE, OH 44012  
**Owner**  
UHLE AMANDA & UHLE RYAN  
634 PARKSIDE DR AVON  
LAKE, OH 44012

**Applicant**  
 Jessica Wenz  
 216-269-9972  
 wenzfenceohio@gmail.com  
 37375 Golden Eagle dr  
North Ridgeville, Ohio  
44039

---

### Applicant Information

**Applicant Role\***

business owner

**Name\***

Jessica/Andrew Wenz

**Address\***

37375 Golden eagle dr

**City\***

North Ridegville

**State\***

OHIO

**Zip\***

44039

**Telephone\***

2162699972

**Email Address\***

WENZFENCEOHIO@GMAIL.COM

---

### Property Owner Information

**Same as Applicant**

**Name\***

UHLE AMANDA & UHLE RYAN

**Address\***

634 PARKSIDE DR

**City\***

AVON LAKE

**State\***

OHIO

**Zip\***

44012

Telephone\*


4404527726

Email Address\*

ryan.amanda2615@gmail.com

### Request Information

 Code Section(s)

 # of Variance Requested


—

Specific Details of Variance Request\*

6" Height increase on double front lot, To come out past the front of home elevation

### Signature

Applicant Signature\*


 Jessica Wenz  
Feb 13, 2024

### Authorization for Property Access

Would you like to grant access to the city to enter your property?\*

Grant

Signature\*

 Jessica Wenz  
Feb 13, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

4404527726

### Factors Used to Determine Practical Difficulty of an Area Variance

A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to non-conforming and inharmonious uses, structures or conditions;\*

There is a Tree in the exact line of the neighboring fence as well as a heavy playset

**B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;\***

no

**C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;\***

yes

**D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;\***

no

**E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;\***

no

**F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);\***

no

**G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;\***

no

**H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;\***

yes

**I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and\***

no

**J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.\***

yes?



Is there anything else you would like the Community Development team to know?

It would be costly to move trees and structures in the way without loss of yard and to keep kids play yard fenced in.

---

## Attachments



**Plot Plan Drawn to Scale**

REQUIRED

DOC (3).pdf

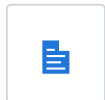
Uploaded by Jessica Wenz on Feb 13, 2024 at 6:03 PM



**Photographs of the Property and the Area Affected by the Variance**

Screenshot 2024-02-13 180448.jpg

Uploaded by Jessica Wenz on Feb 13, 2024 at 6:04 PM



**Signatures of Neighbors - stating they understand the request and have no objections**

Untitled Document.pdf

Uploaded by Jessica Wenz on Feb 13, 2024 at 6:10 PM

# PLOT PLAN for SHORE WEST CONSTRUCTION COMPANY

SITUATED IN THE CITY OF AVON LAKE, COUNTY OF LORAIN AND STATE OF OHIO AND KNOWN AS BEING SUBLT NO. 33 IN THE PARKSIDE SUBDIVISION NO. 2 OF PART OF ORIGINAL AVON TOWNSHIP SECTION NO. 29.

### LEGEND:

4; black aluminum fence 5/8 picket to include 2 gates, One 4' one 5'  
existing neighbors fence

PROPOSED GRADE  
EXISTING ELEVATION

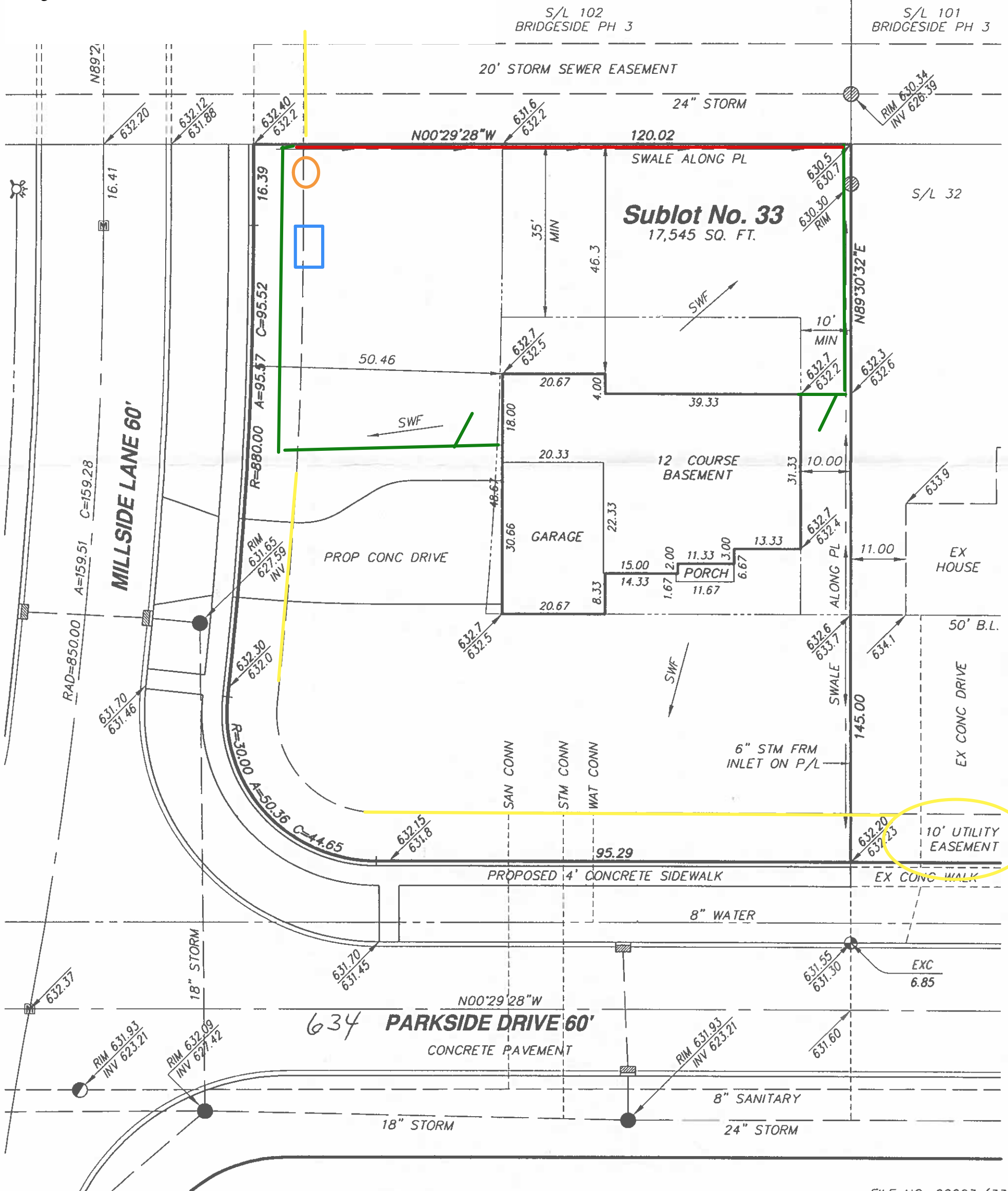
634.4 FIRST FLOOR ELEVATION  
633.0 GARAGE FLOOR ELEVATION  
625.7 BASEMENT FLOOR ELEVATION  
624.7 BOTTOM FOOTER ELEVATION

large tree  
playground set

SWF SURFACE  
WATER FLOW

backline 118' or 14 additional feet out from neighbors fence  
front left 48.46'  
left sideline 63'  
right sideline 50'  
right front 9.5'

BENCH MARK: TOP OF HYD.  
@ S/L 32, ELEV. 635.22  
SCALE: 1" = 20'  
DATE: MARCH 24, 2000



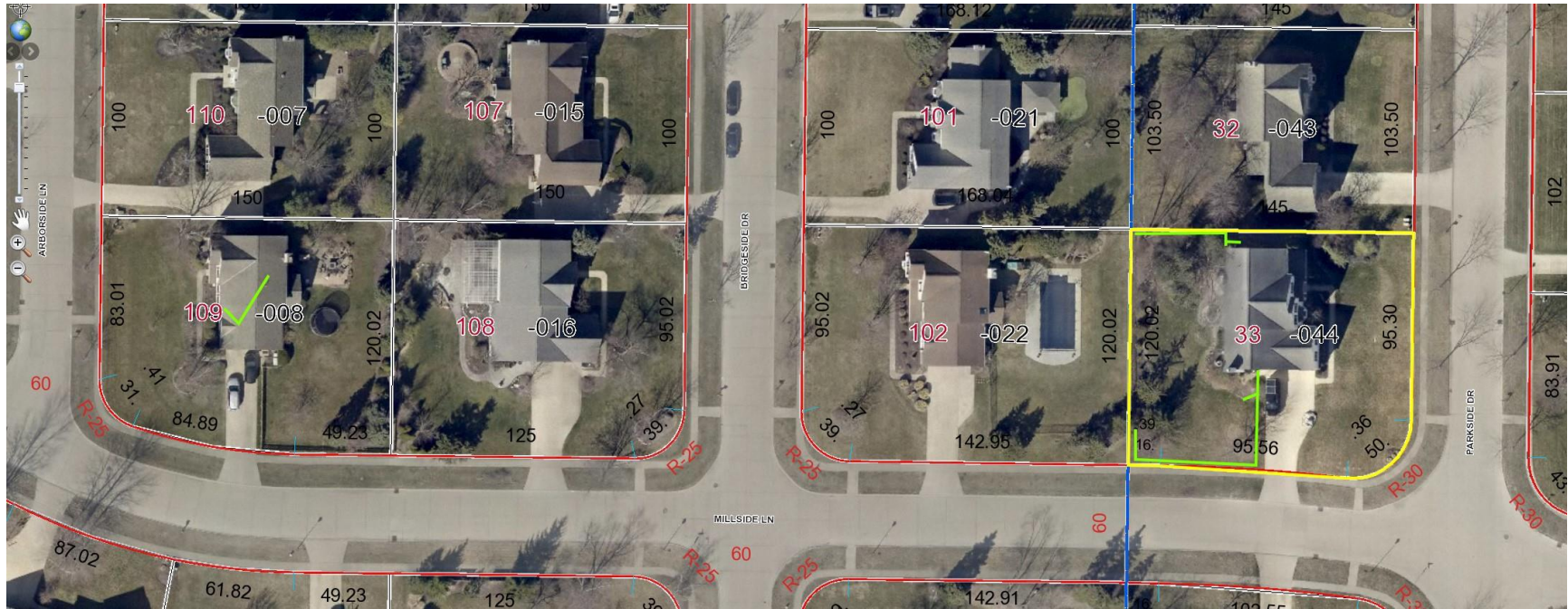
FILE NO. 00003 (33)

**R.M. KOLE & ASSOC., INC.**

PROFESSIONAL LAND SURVEYORS  
5316 RIDGE ROAD - CLEVELAND, OHIO 44129 - PHONE 440.885.7137 - FAX 440.885.7139





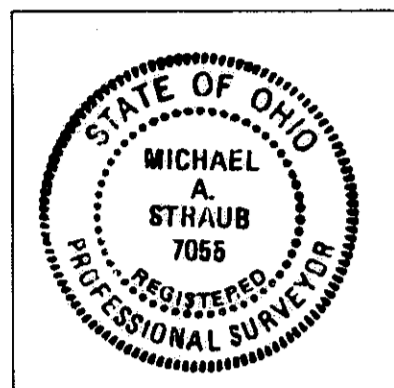




**SURVEYOR'S CERTIFICATE AND ENGINEER'S CERTIFICATE**

THIS IS TO CERTIFY THAT AT THE REQUEST OF THE OWNERS I HAVE SURVEYED AND PLATTED "PARKSIDE SUBDIVISION NO. 2" AS SHOWN HEREON AND CONTAINING 10.8293 ACRES OF LAND IN AVON TOWNSHIP, SECTION NO. 29, NOW IN THE CITY OF AVON LAKE, LORAIN COUNTY, OHIO. AT ALL POINTS THUSLY INDICATED, IRON PIN MONUMENTS WERE FOUND AND AT ALL POINTS THUSLY INDICATED, IRON PIN MONUMENTS WILL BE SET UPON COMPLETION OF CONSTRUCTION OF IMPROVEMENTS. DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS SHOWN ARE ASSUMED AND USED TO DESCRIBE ANGLES ONLY. THE SURVEY MEETS THE MINIMUM STANDARDS FOR LAND SURVEYS, IN SECTION 4733-37 OF THE OHIO ADMINISTRATIVE CODE AND ADJACENT PROPERTY DESCRIPTIONS HAVE BEEN CONSIDERED IN PERFORMING THIS SURVEY, ALL OF WHICH I CERTIFY TO BE CORRECT.

ACREAGE IN 24 SUBLOTS 8.5877 ACRES  
ACREAGE IN STREETS 2.2416 ACRES  
TOTAL ACREAGE 10.8293 ACRES



BY Michael A. Straub DATE 7/21/99  
MICHAEL A. STRAUB  
PROFESSIONAL SURVEYOR No. 7055

BY Elizabeth A. Fulton DATE 7/21/99  
ELIZABETH FULTON  
PROFESSIONAL ENGINEER No. 61009



**OWNER'S CERTIFICATE**

WE THE UNDERSIGNED OWNERS OF THE LAND SHOWN ON THIS PLAT AND SURVEY DO HEREBY ASSENT TO AND ADOPT THIS SUBDIVISION OF THE SAME, ACKNOWLEDGE THAT THE SAME WAS AT OUR REQUEST AND AUTHORIZE ITS RECORDING. WE DO HEREBY DEDICATE TO USE THE STREETS SHOWN HEREON AND DESIGNATED AS PARKSIDE DRIVE AND MILLSIDE LANE.

SHORE WEST CONSTRUCTION COMPANY  
23826 LORAIN ROAD  
NORTH OLMSTED, OHIO 44070  
\* PUBLIC

BY Frederic C. Bower  
BY: FREDERIC C. BOWER, PRESIDENT

**NOTARY PUBLIC**

COUNTY OF CUYAHOGA } S.S.  
STATE OF OHIO

THIS IS TO CERTIFY THAT BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, DID PERSONALLY APPEAR SHORE WEST CONSTRUCTION COMPANY BY: FREDERIC C. BOWER, PRESIDENT WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING PLAT OF PARKSIDE SUBDIVISION NO. 2 AND THAT IT WAS HIS OWN FREE ACT AND DEED, IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 21st DAY OF July 1999.

Barbara J. Beyer  
NOTARY PUBLIC

BARBARA J. BEYER  
Notary Public, State of Ohio, Cuy. Co.  
My Commission Expires August 22, 2000

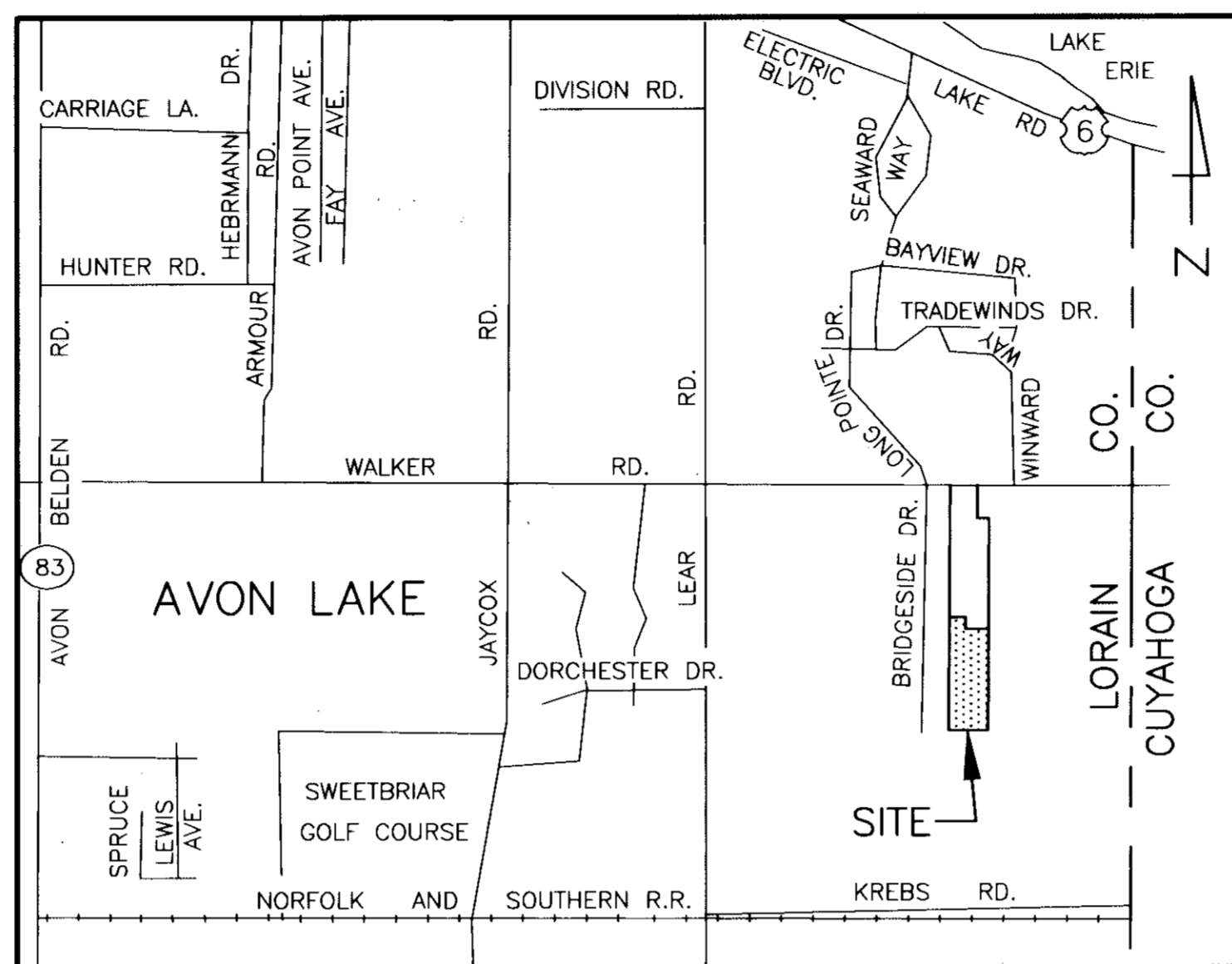
MY COMMISSION EXPIRES August 22, 2000

**NOTE:**

ALL LOTS ARE SUBJECT TO THE COVENANTS AND RESTRICTIONS FOR BRIDGESIDE SUBDIVISION NO. 1 AS RECORDED IN ORIGINAL RECORD VOLUME 1126, PAGE 1 OF LORAIN COUNTY RECORDS AND AS AMENDED BY AMENDMENT CERTIFICATE TO BE FILED WITH THE CITY OF AVON LAKE AND LORAIN COUNTY.

# PARKSIDE SUBDIVISION NO. 2 PLAT

BEING PART OF ORIGINAL AVON TOWNSHIP SECTION NUMBER 29, NOW IN THE CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO



SITE MAP

SCALE: 1"=2000'

**10' UTILITY EASEMENT**

SHORE WEST CONSTRUCTION COMPANY, THE OWNER OF THE WITHIN PLATTED LAND, DOES HEREBY GRANT UNTO THE ILLUMINATING COMPANY CENTURYTEL COMPANY OF OHIO AND CATV FACILITIES, THEIR SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS THE GRANTEE), A PERMANENT RIGHT-OF-WAY EASEMENT TEN FEET (10') IN WIDTH OVER, UNDER AND THROUGH ALL SUBLOTS AND ALL LANDS SHOWN HEREON AND PARALLEL WITH ALL STREET LINES TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT AND RELOCATE SUCH UNDERGROUND ELECTRIC AND COMMUNICATIONS CABLES, DUCTS, CONDUITS, SURFACE OR BELOW GROUND MOUNTED TRANSFORMERS, PEDESTALS, CONCRETE PADS AND OTHER FACILITIES AS ARE NECESSARY AND CONVENIENT FOR THE GRANTEE TO DISTRIBUTE AND TRANSMIT ELECTRICITY AND COMMUNICATIONS SIGNALS FOR PUBLIC AND PRIVATE USE AT SUCH LOCATIONS AS GRANTEE MAY DETERMINE UPON, WITHIN AND ACROSS THE EASEMENT PREMISES. SAID EASEMENT RIGHTS SHALL INCLUDE THE RIGHT, WITHOUT LIABILITY THEREOF, TO REMOVE TREES AND LANDSCAPING INCLUDING LAWNS WITHIN AND WITHOUT SAID EASEMENT WHICH MAY INTERFERE WITH THE INSTALLATION, MAINTENANCE, REPAIR OR OPERATION OF SAID ELECTRIC AND COMMUNICATIONS FACILITIES. THE RIGHT TO INSTALL, REPAIR, AUGMENT AND MAINTAIN SERVICE LINES OUTSIDE THE ABOVE DESCRIBED EASEMENT PREMISES AND WITH THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR EXERCISING ANY OF THE PURPOSES OF THIS RIGHT OF WAY AND EASEMENT GRANT. ALL SUBLOTS WILL BE RESTRICTED TO UNDERGROUND UTILITY SERVICE.

GRANTEES SHALL AT THEIR EXPENSE RESTORE THE LAND TO ITS CONDITION AS IT EXISTED IMMEDIATELY PRIOR TO THE WORK PERFORMED BY GRANTEE, EXCEPT GRANTEE SHALL NOT BE RESPONSIBLE FOR REPLACING OR REPAIRING ANY PERMANENT STRUCTURES, TREES OR SHRUBS WHICH ARE LOCATED WITHIN EASEMENT BOUNDARIES AND ARE DAMAGED OR REMOVED AS RESULT OF WORK PERFORMED AS PROVIDED FOR HEREIN BY GRANTEE.

SHORE WEST CONSTRUCTION COMPANY  
23826 LORAIN ROAD  
NORTH OLMSTED, OHIO 44070

BY Frederic C. Bower  
BY: FREDERIC C. BOWER, PRESIDENT

Gregory J. Sanders 7/21/99  
THE ILLUMINATING COMPANY

Darryl Schmidt  
CENTURYTEL COMPANY OF OHIO

Gregory J. Sanders  
MEDIA ONE

**MORTGAGEE'S CERTIFICATE**

THIS IS TO CERTIFY THAT OHIO SAVINGS BANK, THE MORTGAGEE OF LANDS CONTAINED WITHIN THIS PLAT OF PARKSIDE SUBDIVISION NO. 2, AS SHOWN HEREON AND REPRESENTED BY THE UNDERSIGNED, DOES HEREBY ACCEPT THIS PLAT OF SAME TO BE CORRECT AND DEDICATES FOREVER TO PUBLIC USE THE STREETS SHOWN HEREON AND DESIGNATED AS PARKSIDE DRIVE, AND MILLSIDE LANE.

OHIO SAVINGS BANK

BY: Eric Edlund, VICE PRESIDENT

**NOTARY PUBLIC**

COUNTY OF CUYAHOGA } S.S.  
STATE OF OHIO

BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR Eric Edlund REPRESENTING OHIO SAVINGS BANK WHO ACKNOWLEDGED THAT HE DID SIGN THE FOREGOING PLAT OF PARKSIDE SUBDIVISION NO. 2, AND THAT IT WAS HIS OWN FREE WILL ACT AND DEED. IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 22nd DAY OF July, 1999.

Patricia L. Benstead  
NOTARY PUBLIC



MY COMMISSION EXPIRES Jan 31, 2001

**CITY ENGINEER**

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS PLAT OF PARKSIDE SUBDIVISION NO. 2, AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE, AND FIND THE MONUMENTS SET ARE SUFFICIENT TO DEFINE THE STREETS AS SHOWN HEREON.

Waide M. Mertz  
AVON LAKE MUNICIPAL ENGINEER  
WAIDE M. MERTZ, P.E.

**CITY COUNCIL**

THIS IS TO CERTIFY THAT THIS PLAT OF PARKSIDE SUBDIVISION NO. 2 HAS BEEN ACCEPTED BY THE COUNCIL OF THE CITY OF AVON LAKE, LORAIN COUNTY, OHIO, BY ORDINANCE NO. 168-99 PASSED THE 27 DAY OF Sept, 1999.

Vincent M. Urbin  
MAYOR  
VINCENT M. URBIN

Kathleen Lynch  
CLERK OF COUNCIL  
KATHLEEN LYNCH

**LAW DIRECTOR**

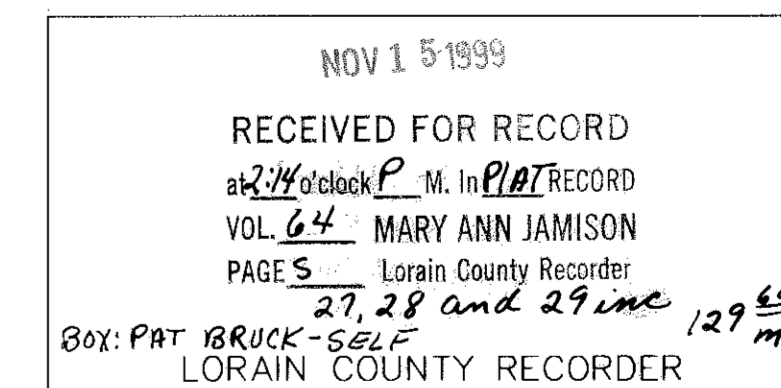
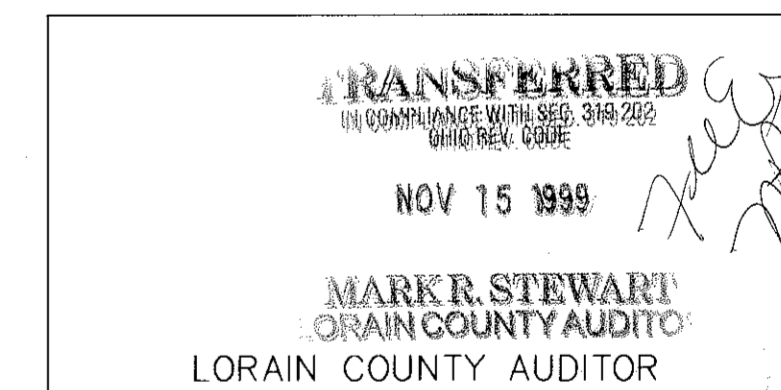
THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS PLAT OF PARKSIDE SUBDIVISION NO. 2, AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE.

Geoffrey R. Smith  
AVON LAKE LAW DIRECTOR  
GEOFFREY R. SMITH

**PLANNING COMMISSION**

THIS IS TO CERTIFY THAT THIS PLAT OF PARKSIDE SUBDIVISION NO. 2 HAS BEEN ACCEPTED BY THE PLANNING COMMISSION OF THE CITY OF AVON LAKE, LORAIN COUNTY, OHIO. (8/3/99)

Pennie Ackerman  
PLANNING COMMISSION SECRETARY  
PENNIE ACKERMAN



REVISIONS			
8-3-99	REVISIONS PER CITY COMMENTS		HB
7-15-99	REVISIONS PER CITY COMMENTS		HB

## PARKSIDE SUBDIVISION NO. 2 PLAT

**REW R.E. WARNER & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
THREE KING JAMES PARK - SUITE 300  
24600 CENTER RIDGE ROAD  
WESTLAKE, OHIO 44145  
TELEPHONE (440) 835-9400

JOB No. 82397

1  
3



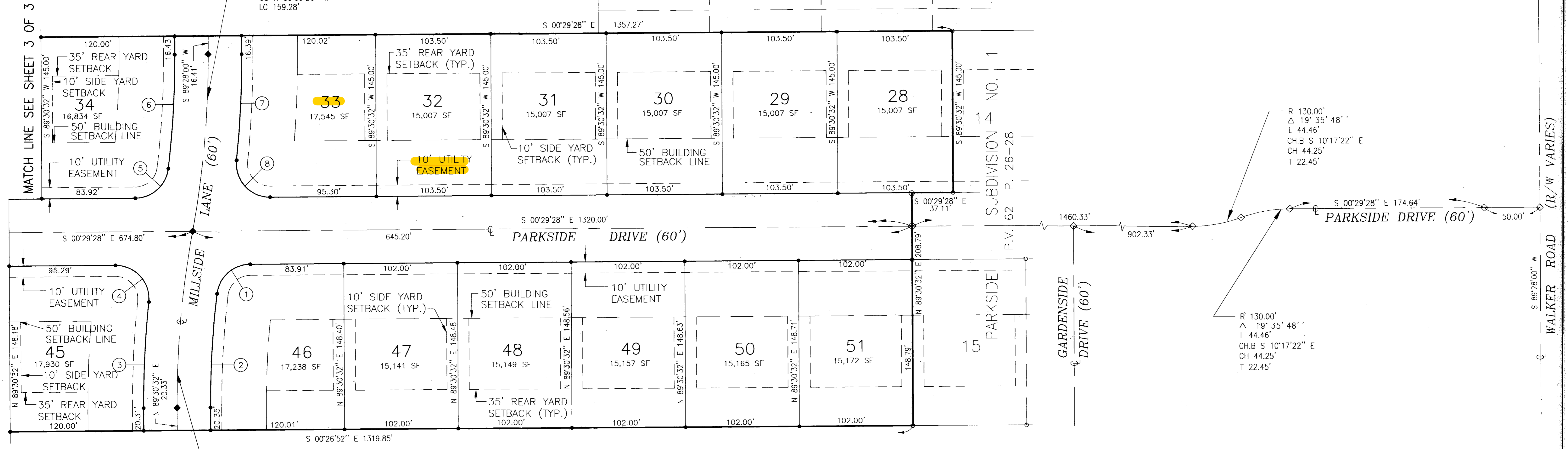


Scale 1" = 40'



SHORE WEST CONSTRUCTION  
O.R.V. 913 P. 69

BRIDGESIDE SUBD. NO.2  
P.V. 58 P. 33-35



L 159.51'  
Δ 10° 45' 08"  
R 850.00'  
T 79.99'  
CB N 85° 09' 26" W  
LC 159.28'

R 130.00'  
Δ 19° 35' 48"  
L 44.46'  
CH.B S 10° 17' 22" E  
CH 44.25'  
T 22.45'

R 130.00'  
Δ 19° 35' 48"  
L 44.46'  
CH.B S 10° 17' 22" E  
CH 44.25'  
T 22.45'

PERRITT BUILDING CO.

INST. # 990610387 FILED 4-23-99

04-00-029-000-067

**CURVE DATA ON ROW LINE**

CURVE	LENGTH	DELTA	RADIUS	TANGENT	BEARING	CHORD
①	43.39	82°52'37"	30.00	26.48	S 41°55'47" E	39.71
②	101.94	07°07'23"	820.00	51.03	S 86°55'46" E	101.88
③	94.92	06°10'47"	880.00	47.50	N 87°24'04" W	94.87
④	50.36	96°10'47"	30.00	33.42	S 47°35'55" W	44.65
⑤	43.39	82°52'37"	30.00	26.48	N 41°55'47" W	39.71
⑥	102.55	07°09'55"	820.00	51.34	N 86°57'03" W	102.48
⑦	95.56	06°13'19"	880.00	47.83	S 87°25'20" E	95.52
⑧	50.36	96°10'47"	30.00	33.42	N 47°35'56" E	44.65

**ACREAGE**

AREA IN 24 SUBLOTS = 8.5877 ACRES  
 AREA IN R.O.W. = 2.2416 ACRES  
 TOTAL AREA = 10.8293 ACRES

**LEGEND**

- IRON PIN/I. PIPE FOUND
- IRON PIN SET 5/8" IRON BAR WITH YELLOW R.E. WARNER CAP
- ◇ MONUMENT BOX FOUND
- ◆ MONUMENT BOX W/I. PIN SET

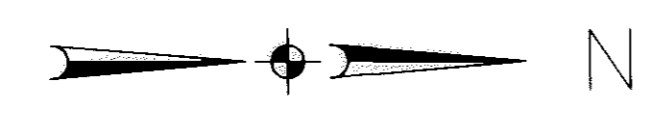
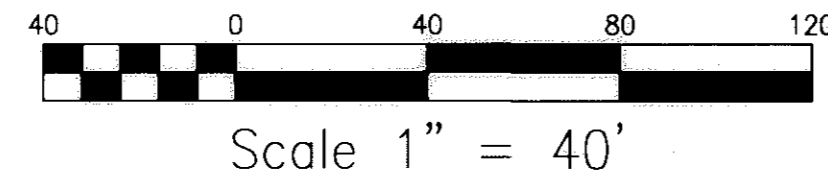
REVISIONS	DATE	DESCRIPTION	BY
8-3-99		REVISIONS PER CITY COMMENTS	HB
7-15-99		REVISIONS PER CITY COMMENTS	HB

**PARKSIDE  
SUBDIVISION NO. 2  
PLAT**

**REW R.E. WARNER & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS  
 THREE KING JAMES PARK · SUITE 300  
 24600 CENTER RIDGE ROAD  
 WESTLAKE, OHIO 44145  
 TELEPHONE (440) 835-9400

JOB No. 82397

2  
3



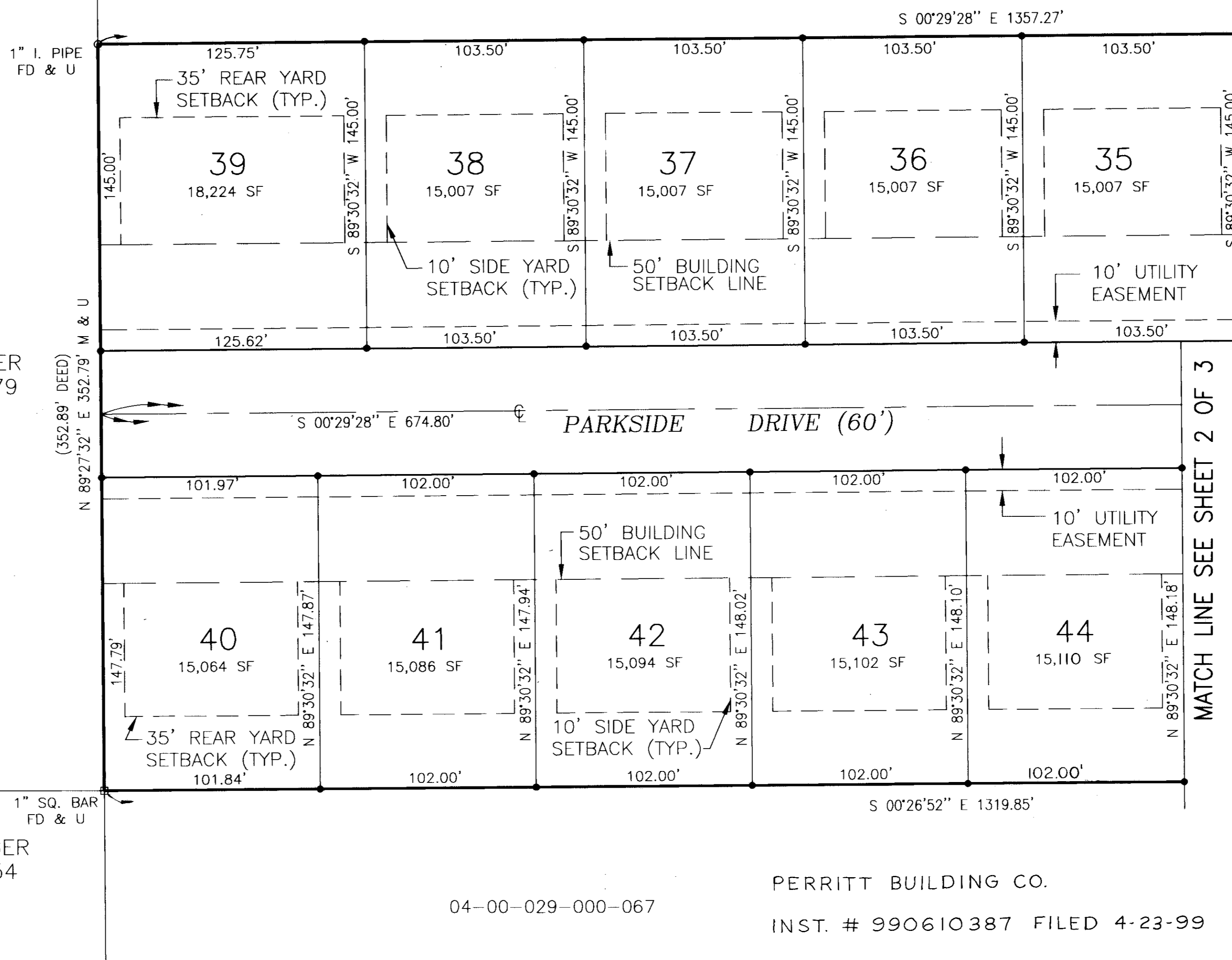
SHORE WEST CONSTRUCTION  
O.R.V. 913 P. 69

GRACE E. FETTINGER  
O.R.V. 933 P. 179

GRACE E. FETTINGER  
D.V. 1237 P. 154

**LEGEND**

- SQUARE BAR FOUND
- IRON PIN/I. PIPE FOUND
- IRON PIN SET 5/8" IRON BAR WITH YELLOW R.E. WARNER CAP
- ◇ MONUMENT BOX FOUND
- ◆ MONUMENT BOX W/I. PIN SET
- U USED
- M MEASURED
- FD FOUND



04-00-029-000-067

PERRITT BUILDING CO.  
INST. # 990610387 FILED 4-23-99

REVISIONS			
	7-15-99	REVISIONS PER CITY COMMENTS	HB

**PARKSIDE  
SUBDIVISION NO. 2  
PLAT**

**REW R.E. WARNER & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
THREE KING JAMES PARK - SUITE 300  
24600 CENTER RIDGE ROAD  
WESTLAKE, OHIO 44145  
TELEPHONE (440) 835-9400

JOB No. 82397

3  
3

LA/29



# REPORT – ZBA CASE 24-6

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-6 (AREA VARIANCE – 32432 Lake Road)  
**MEETING:** February 28, 2024

Eric Pawlak (on behalf of John and Laurel Marshall) requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 32432 Lake Road (single-family residence).

### DISCUSSION:

32432 Lake Road is located on the northside of Lake Road, in between Avon Belden Road and Jaycox Road. The property is zoned R-1A, Single-Family Residence, and directly adjacent to Lake Erie to its north. Properties to the east and west share the same R-1A zoning while properties across the street to the south are zoned R-1C, Single-Family Residence.



Figure 1: Lorain County Auditor GIS – Spring 2023

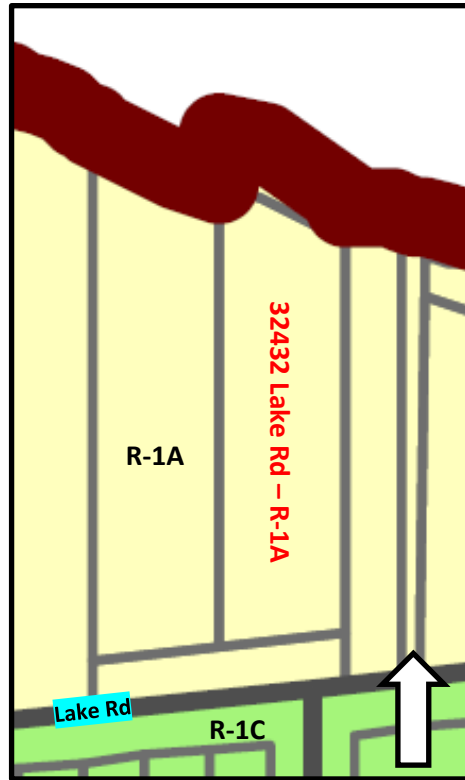


Figure 2: City of Avon Lake Zoning Map - 2022



The applicant has submitted a permit application for 4' tall black ornamental aluminum fence to enclose their rear yard and portion of the side yard. Additional 3' tall black ornamental aluminum fence is proposed in the front yard and portion of the side yard. All of the proposed fencing is code compliant.

In addition to the fencing, the applicant is proposing eight 40" tall columns and two 48" columns in the front yard. In the front yard, the 3' tall fencing is planned to run in between the columns and shall completely enclose the front yard.

Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* states that maximum height of a fence in a front yard is 3'. The proposed columns exceed the maximum permitted height as they are considered integral connecting parts of the fencing and fully enclose the front yard.

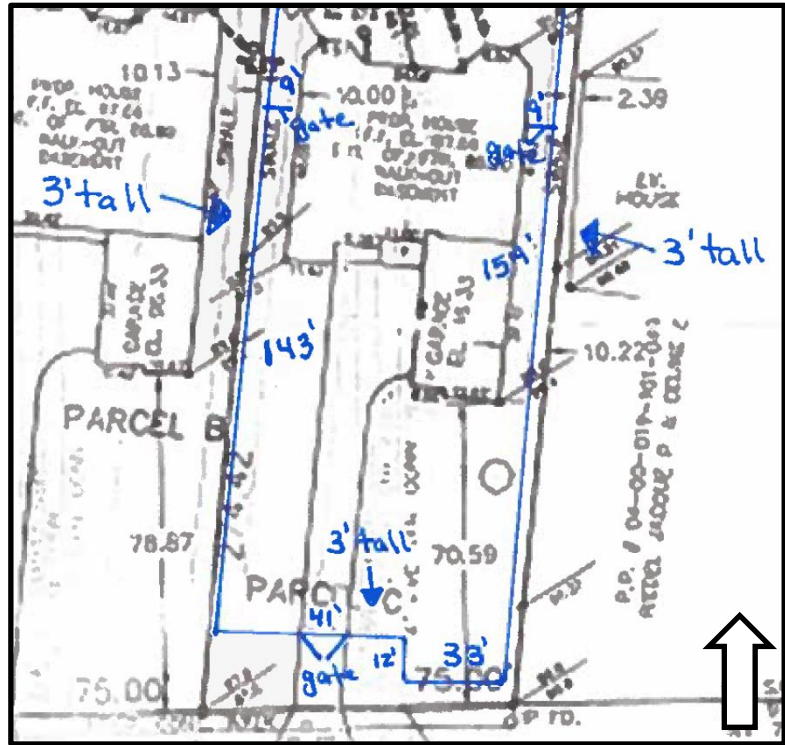


Figure 3: Applicant Provided Plan – Building Permit BPF 24-2 (Under Review)

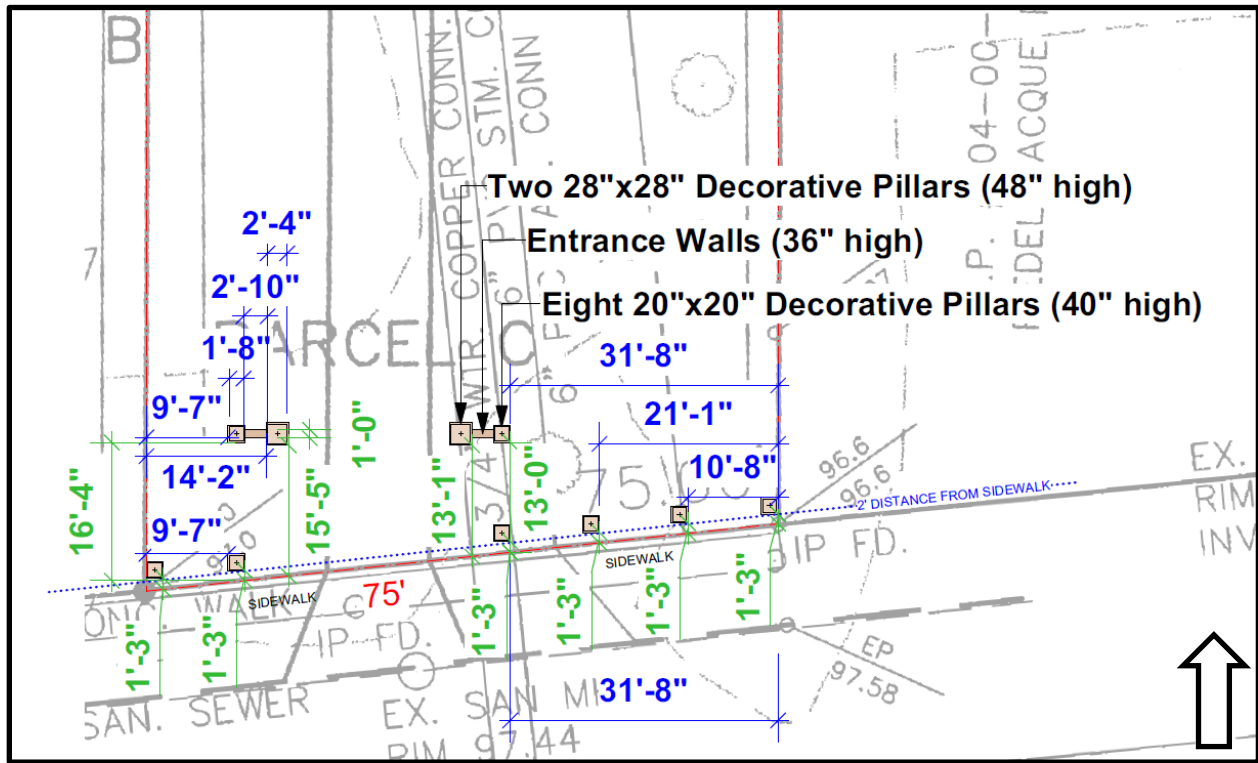


Figure 4: Applicant Provided Plan

**VARIANCE REQUESTED:**

The applicant requests one area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 32432 Lake Road (Single-Family Residence). The request would permit a 3’ tall fencing (code compliant) with eight 40” tall columns and two 48” columns in the front yard.

**REVIEW AND RECOMMENDATION BY THE ZONING BOARD OF APPEALS (ZBA):**

The ZBA shall review the application, findings, testimony, etc. In reviewing the application, the ZBA shall at a minimum consider the review criteria of Planning & Zoning Code Section 1214.09 (c)(1) *Review Procedures – Variances*. The ZBA may request that the applicant supply additional information that the Board deems necessary to review and evaluate the request for a variance.

In making its decision, the ZBA may approve, approve modifications or supplementary conditions, or deny the application. Additionally, the ZBA shall make specific findings of fact based directly on the evidence presented that the reasons set forth in the application and as presented by the applicant during the public hearing. The ZBA shall justify the approval, approval with modifications or supplementary conditions, or denial of the variance application that will make possible a reasonable use of the land, building, or structure.

**POTENTIAL MOTION:**

The language set forth below is provided as a guide, with no intent to suggest specific action on the part of Zoning Board of Appeals.

I move to approve ZBA Application, CAV 24-6, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* in Residential Districts, permitting two 48” columns and eight 40” as part of the front yard fencing at 32432 Lake Road.

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, site plan and photos. All of which can be found in the packet.

The Community Development Department sent notice of this request to all property owners within 300’ of 32432 Lake Road.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. A permit has been submitted and placed on hold, pending the outcome of the proposed variance request. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure location, setbacks, building height(s), façade materials, etc.

**ATTACHMENTS:**

1. Copy of Code Section(s)
2. Aerial View of Property
3. Copy of ZBA Application
4. Copy of Site Plans
5. Applicant Photos

<b>TABLE 1226-9: FENCES AND WALLS IN RESIDENTIAL DISTRICTS</b>		
Type of Fence or Wall	Yard in Which Permitted	Maximum Height Permitted
Vinyl Coated Chain Link Fence	Side and Rear	4 Feet
<b>Open Fence</b>	<b>Front</b>	<b>3 Feet [1]</b>
	Side	4 Feet
	Rear	6 Feet [2]
Solid Fence or Wall	Side	4 Feet
	Rear	6 Feet
<p>NOTES:</p> <p>[1] A four-foot open fence may be constructed in front of a dwelling provided that the length of such fence does not extend past the side walls of the house or across a driveway and provided it is set back from the right-of-way line a minimum of 75% of the minimum front building setback for the district.</p> <p>[2] Trellises up to 16 feet in total length may exceed the maximum permitted height when located in the rear yard adjacent to, and between the side walls, of the dwelling.</p>		

**(e) Fences and Walls in Nonresidential Districts**

The following standards apply to fences and walls in nonresidential districts.

- (1) No fence or wall shall be, in any way, electrified or topped with any sharp-edged materials with the exception of fences in the I-1 and I-2 Districts where fences may be topped with barbed wire. Such barbed-wire shall be placed on a 45-degree angle- arm away from the side of the fence that fronts a property or right-of-way line. Such barbed wire shall only be located along the top of a fence and shall not extend below the top of the fence more than 12-inches.
- (2) No fence shall exceed 8 feet in height in any rear or side yard, or exceed 3 feet in height in any front yard. In the I-1 and I-2 Districts, any fence in a front yard that is set back a minimum of 60 feet shall be permitted to have a maximum height of eight feet.
- (3) Any proposed fence shall be approved as part of the site plan review in accordance with this code.

**(f) Temporary Fences**

Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

- (1) Temporary fences shall be maintained in good condition and shall not require a zoning permit.
- (2) No temporary fencing material shall be used for permanent fencing.

**(3) Snow Fencing**

- A. Snow fencing shall be permitted between November 1 of any year and April 1 of the following year.
- B. Snow fencing shall not exceed four feet in height.
- C. Fencing materials shall be limited to burlap, plastic mesh fabric of a neutral or dark color, any clear plastic material or wood slat fencing (traditional snow fence) with wood or metal supports.





**J. Craig Snodgrass, CPA, CGFM**  
**Lorain County Auditor**

32432 LAKE RD AVON LAKE, OH 44012

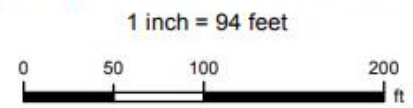


February 23, 2024 8:15:12 AM

**Legend**

**Boundaries**

- - - Dashed Lot Line
- - - Submerged Land Lease
- - - Dashed Parcel Line
- Hydro Line
- Parcel Line
- Right-of-way Line
- Right-of-way Parcel Line
- Road Centerlines
- Subdivisions/...
- Right of Ways
- Waterways







### CAV-24-6

Area Variance Application (ZBA)

Status: Active

Submitted On: 2/15/2024

### Primary Location

32432 LAKE RD  
AVON LAKE, OH 44012

### Owner

MARSHALL JOHN &  
MARSHALL LAUREL  
32432 LAKE RD AVON LAKE,  
OH 44012

### Applicant

Eric Pawlak

440-336-6046

epawlak@mortonslandscaping.com

Morton's Landscape  
Development Company  
25271 Sprague Rd  
Columbia Station, OH  
44028

## Applicant Information

**Applicant Role\***

Representative of Morton's Landscape  
Dev Co

**Name\***

Eric Pawlak

**Address\***

25271 Sprague Rd

**City\***

Columbia Station

**State\***

Ohio

**Zip\***

44028

**Telephone\***

440-336-6046

**Email Address\***

epawlak@mortonslandscaping.com

## Property Owner Information

**Same as Applicant**

**Name\***

Jay Marshall

Address\*

32432 Lake Rd

City\*

Avon Lake

State\*

OH

Zip\*

44012

Telephone\*

269-625-3588

Email Address\*

JayMarshallDMD17@gmail.com

### Request Information

 Code Section(s)

 # of Variance Requested


—

#### Specific Details of Variance Request\*

Homeowner wants to put 3' fence in front yard; this variance is for decorative pillars (40" and 48") and a 3' wall as part of the later fence/electric gate set-up.

### Signature

Applicant Signature\*


 Eric Pawlak  
Feb 15, 2024

### Authorization for Property Access

Would you like to grant access to the city to enter your property?\*

Grant

Signature\*

 Eric Pawlak  
Feb 15, 2024

Any dog(s) on property?\*

Yes

Daytime Phone Number\*

269-625-3588 (Jay Marshall's)

---

## Factors Used to Determine Practical Difficulty of an Area Variance

**A. Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district. Examples of such special conditions or circumstances are exceptional irregularity, narrowness, shallowness or steepness of the lot, or proximity to non-conforming and inharmonious uses, structures or conditions;\***

No special conditions or circumstances exist.

**B. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;\***

Fencing and pillars will provide safer playing conditions for children in the front yard.

**C. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;\***

This is the minimal necessary.

**D. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;\***

No, this keeps in line with the existing architectural feel of the neighborhood.

**E. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;\***

No governmental services would be affected.

**F. Whether special conditions or circumstances exist as a result of actions of the applicant (actions of the applicant shall not include the purchase or acquisition of the property);\***

No, no special conditions or circumstances exist.

**G. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;\***

No, a variance is required.

**H. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance;\***

Yes, the spirit and intent will be observed.

**I. Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district; and\***

No, there will no special privelege.

**J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.\***

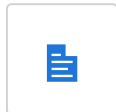
Yes, it is believed that other property owners have been granted this variance.

**Is there anything else you would like the Community Development team to know?**

There was a fatal car crash due to excessive speed at this property in January 2024. Homeowners are concerned about their children playing in the front yard. The pillars would act as a protective boundary.

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## Attachments



**Plot Plan Drawn to Scale**

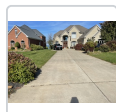
32432 Lake Rd Front Entryway Plot Plan 021524.pdf  
Uploaded by Eric Pawlak on Feb 15, 2024 at 5:05 PM

**REQUIRED**



**Overhead view of 32432 Lake Rd (in yellow).png**

Overhead view of 32432 Lake Rd (in yellow).png  
Uploaded by Eric Pawlak on Feb 15, 2024 at 5:13 PM



**View up driveway.JPG**

View up driveway.JPG  
Uploaded by Eric Pawlak on Feb 15, 2024 at 5:22 PM



**view towards street.JPG**

view towards street.JPG  
Uploaded by Eric Pawlak on Feb 15, 2024 at 5:22 PM



**west of driveway.JPG**

west of driveway.JPG

Uploaded by Eric Pawlak on Feb 15, 2024 at 5:22 PM



**east of driveway.JPG**

east of driveway.JPG

Uploaded by Eric Pawlak on Feb 15, 2024 at 5:22 PM



**along front property line.JPG**

along front property line.JPG

Uploaded by Eric Pawlak on Feb 15, 2024 at 5:23 PM

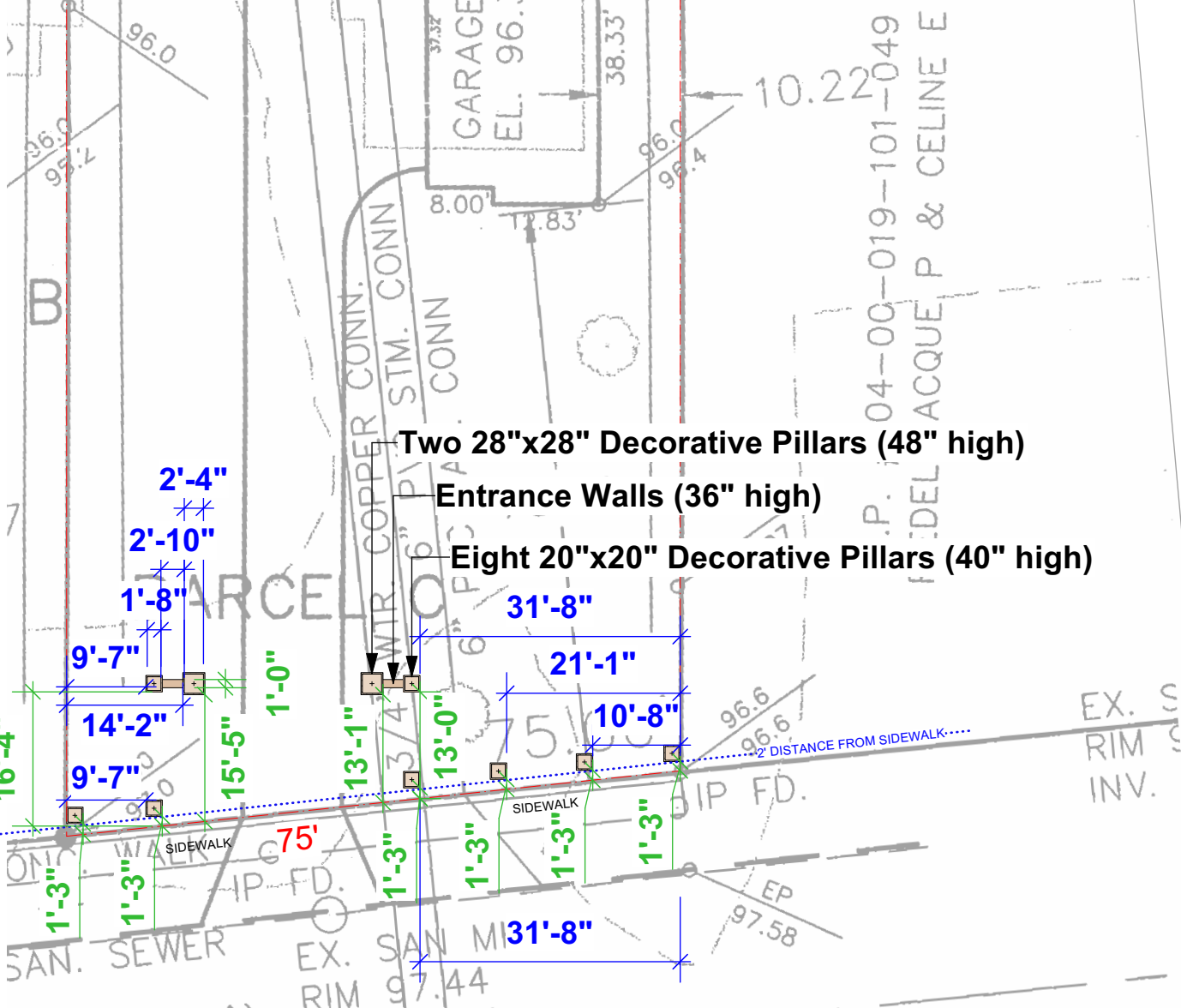


LAKE ERIE GRADING PER #165-00 FOR THIS PROPERTY.

7°03'53" 25.89' 25.89' 57°35'46" 55.44' 55.44'

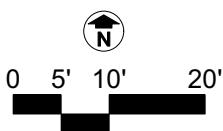
TOP OF SLOPE  
 274.42' 2.00  
 95.5 95.5  
 PROP. Y.D. RIM 94.00 INV. 92.00  
 32432 LAKE RD.  
 P.P. # 04-00-019-101-048 & PART OF  
 P.P. # 04-00-019-101-019  
 94.6 94.6 IP FD.  
 95.5 95.2 95.5 95.37 95

EX. HOUSE  
 274.42' SWALE  
 48.00' SWALE  
 PROP. HOUSE F.F. EL. 97.66 BOT. OF FTR. 86.20  
 RESIDENCE HOUSE  
 11.08' 11.00' GARAGE EL. 96.33  
 11.50' 38.33' SWALE  
 234.82' PROPERTY LINE  
 EX. HOUSE  
 96.21 96.48 10.22'  
 04-00-019-101-049  
 ACQUE P & CELINE E



- Two 28"x28" Decorative Pillars (48" high)
- Entrance Walls (36" high)
- Eight 20"x20" Decorative Pillars (40" high)

<p>Client          Marshall Residence          32432 Lake Rd, Avon Lake          Drawing Title          Front Entrance Decorative Pillars and Walls</p>	<p>www.mortonslandscaping.com  <b>MORTON'S</b>          Landscape Development Company          www.mortonslandscaping.com          ph. 440.236.3550          P.O. Box 967, Columbia Station, Ohio 44028</p>
<p>Issue Notes</p>	
<p>Copyright 2024.          All Drawings may not be used, duplicated, or altered without the written consent of Morton's Landscape, Inc.</p>	
<p>Landscape Designer          CMO</p>	<p>Date          2/15/2024</p>
<p>Scale          1"=20'</p>	
<p>Drawing No.          L-1          of 1</p>	



32432 Lake Rd

Columbia Fence  
33549 E Royalton Rd. Unit #1  
Columbia Station, OH 44028  
(440) 748-0272

= 3' + 4' tall  
Ornamental

Revised

