



# CITY OF AVON LAKE ZONING BOARD OF APPEALS

MARCH 27, 2024  
COUNCIL CHAMBERS – 150 AVON BELDEN ROAD  
7:00 PM

## AGENDA

### VOTING ORDER:

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

### A. ROLL CALL

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

### B. APPROVAL OF THE FEBRUARY 28, 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. CAV 24-7

Cory & Brianna Rushwin request an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 631 Treeside Lane Drive (single-family residence).

AREA VARIANCE

WARD I

R-1A

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





**MINUTES OF A MEETING OF THE  
AVON LAKE ZONING BOARD OF APPEALS  
HELD FEBRUARY 28, 2024**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on February 28, 2024 at 7:00 P.M. in Council Chambers with Chairperson Shook presiding.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

The minutes of January 24, 2024 were approved as presented.

**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. With regard to the first case of this meeting, he explained that decisions made by the Code Administrator may not be reversed unless there is competent, material, and substantial evidence in the record to support a reversal. Mr. Graves noted that it is the applicant’s burden to establish what is called “practical difficulty” when seeking an area variance. In addition, all who testify 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 CZA 24-1**

**REQUEST TO REVERSE THE CODE ADMINISTRATOR’S DECISION REGARDING  
275 PAMILLA CIRCLE DENIED**

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

On September 28, 2022, the Zoning Board of Appeals heard Case 22-028 requesting a variance to permit a 6-foot tall privacy fencing in the secondary front yard at 275 Pamilla Circle. The Board unanimously approved the granting of the variance with two conditions: (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.

Upon review, the Code Administrator determined that the landscaping is sufficient. Mr. Wansack asserted that the landscaping does not sufficiently mask the fence and the landscaping condition of the variance was vague. He referenced photographs of the fence area during the summer and

winter to illustrate that during the winter months the fence is almost completely exposed. Mr. Wansack stated that this fence is unique because it extends into the secondary front yard.

Discussing the choice of plants installed along the fence, Ms. Slivinski stated that there were 27 plants with many having tags that said they would grow 8 to 10 feet tall. Mr. Wansack questioned whether the masking condition was required now or in 10 years; the HOA thinks now. He added that a designated HOA representative did not attend the 2022 meeting to object to the fence because the property owner, Maria Escabedo, was required to submit her plans for HOA approval, or denial, which she did not do.

Mr. Wansack and Jeffrey Leach, fellow Ventanas HOA member, confirmed that Mr. Wansack was authorized by the HOA to represent them. Mr. Leach, as the immediate neighbor of Ms. Escabedo, explained that he did attend the 2022 ZBA meeting and voiced concerns about the fence and need for masking landscaping. He added that he did not push hard on the topic because he knew Ms. Escabedo was required to submit her plans to the HOA, which she has never done.

Jennifer Fenderbosch, City Councilperson for Ward 2, presented photographs of other fences in the Ventanas development and noted that standards for fences have changed over time.

Matthew Nee, attorney for Ms. Escabedo, asserted:

1. The HOA's actions are not an effort to enforce a condition set by the ZBA, but an effort to have the ZBA enforce the HOA rules.
2. Mr. Wansack is representing the HOA, not himself, and the HOA has no standing to bring this appeal.
3. Even if there was standing, the 30-day appeal window closed in June 2023 when the Code Administrator made the determination that the landscaping is sufficient.
4. The issue is not the amount or type of landscaping required. It is an issue of whether the condition was vague or non-specific; numbers/percentages were not specified.
5. This is a private matter between the HOA and Ms. Escabedo.

Mr. Esborn, Community Development Director, explained the rationale for determining the masking was sufficient. As the Code Administrator, he considered the definitions of the words fence and wall. He found that fences are typically made out of materials such as wire and boards, while walls are more often made of masonry. Hence, this structure clearly looks like a fence in the first place. Mr. Esborn concluded that if a look of a wall is not there, then any landscape masking is sufficient and the condition set by the Board has been met.

Ms. Slivinski moved to deny the request. Mr. Updegraff seconded the motion.

Ms. Slivinski stated that this is a case between the HOA and the homeowner. The HOA could have stopped the installation of the fence. She noted that there are numerous fences in the neighborhood without masking and this property owner has installed 27 plants of varying heights.

Mr. Renacci added that the applicant had the burden to show cause to reverse the Code Administrator's decision and he had not.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

ABSENT: Merlone

**CASE CAV 24-5**

**REQUEST FOR A VARIANCE AT 634 PARKSIDE DRIVE DENIED**

Andrew Wenz (on behalf of homeowners 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

The applicant is proposing a 4-foot tall black ornamental aluminum fence to enclose the rear yard and portion of the secondary front yard. Code allows for a maximum fence height of 3 feet in front yards. This fence would also encroach 8 feet into a utility easement.

Mr. Wenz explained:

1. There are no utilities in the easement.
2. There is a tree and large, cemented-in play set in the secondary front yard.
3. It is more cost-effective and will be attractive, as the fence will be 50% open.
4. The adjacent neighbor has a 4-foot high fence in their secondary front yard.

Ms. Slivinski moved to deny the variance. Mr. Renacci seconded the motion.

Ms. Slivinski stated that the applicant did not provide any reason to find practical difficulty. She added that cost is not a factor in determining practical difficulty. Mr. Renacci agreed.

AYES: Updegraff, Renacci, Slivinski

NAYES: Shook

ABSENT: Merlone

**CASE CAV 24-6**

**REQUEST FOR A VARIANCE AT DENIED**

John and Laurel Marshall request 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.

The applicant is proposing to install a code-compliant 3-foot tall fence that will run between eight 40-inch tall columns and two 48-inch tall columns in the front yard that will completely enclose the front yard. The proposed columns exceed the maximum permitted height as they are considered integral connecting parts of the fencing.

Mr. Marshall explained:

1. He and his wife have 2 children under the age of 18 months and a dog.
2. Lake Road has heavy traffic and there was a car accident recently that came across his driveway.
3. The fence will be set 2 feet from the public sidewalk.
4. The two 48-inch high pillars will only be at the driveway and will not impeded site lines.

Eric Pawlick, contractor for the Marshalls, stated that the fence and pillars will not be in the right-of-way. He explained that the 48-inch high pillars are needed to provide leeway for the swinging of the driveway gate.

Steve Lasky, neighbor to the west, explained that the utility pole between his and the Marshall's property has been hit by cars twice since 2019, the second of which resulted in the driver's fatality; this is a very dangerous area and he is concerned about the view being blocked. In addition, He noted that there is plenty of room in the backyard for children to play.

Mr. Shook moved to deny the variance. Ms. Slivinski seconded the motion.

Mr. Shook stated that no practical difficulty has been established. Ms. Slivinski stated there are other options that would not require a variance.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

ABSENT: Merlone

**COMMENTS FROM THE AUDIENCE**

None

**COMMENTS FROM BOARD MEMBERS**

All present expect to attend the March meeting.

**ADJOURN**

Ms. Slivinski moved to adjourn the meeting at 8:05 P.M. Mr. Updegraff seconded the motion.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

ABSENT: Merlone

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Zoning Board of Appeals  
Chairperson Shook

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Recording Secretary  
Diane Reynolds



## REPORT – ZBA CASE 24-7

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-7 (AREA VARIANCE – 631 Treeside Lane)  
**MEETING:** March 27, 2024

Cory & Brianna Rushwin request an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 631 Treeside Lane Drive (single-family residence).

### DISCUSSION:

631 Treeside Lane is a single-family property located in the Parkside Subdivision. Parkside is in the southeasternmost section of the city, on the south side south of Walker Road. The property is zoned R-1A, Single-Family Residence. All surrounding properties share the same R-1A zoning.

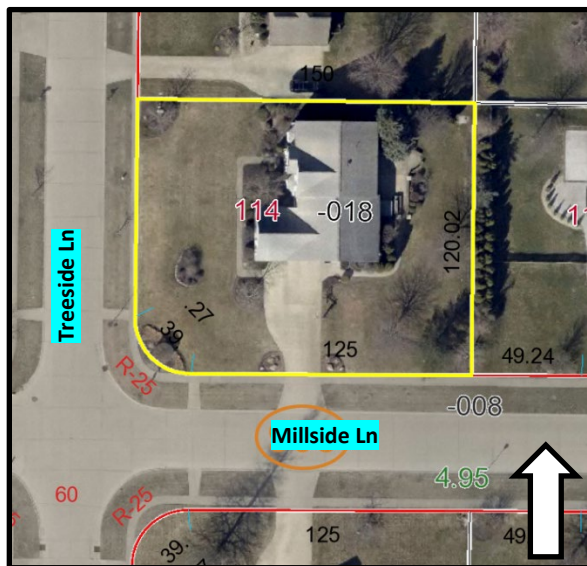


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

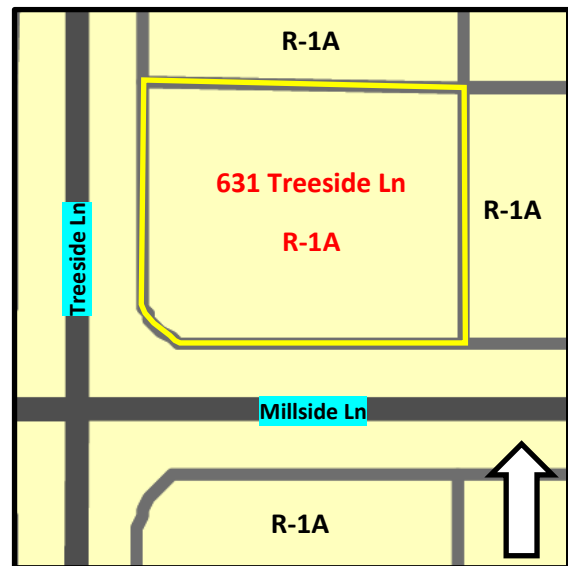


Figure 2: City of Avon Lake Zoning Map - 2022

The property is a corner lot with two frontages. The primary frontage is on Treeside Lane 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. The front yard is shaded yellow, side yard red, and the rear yard is shaded green.





Figure 3: Lorain County Auditor GIS – Spring 2023 Aerial – Yard Types

The applicant is proposing a 4’ tall black ornamental aluminum fence to enclose their rear yard, side 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 6’ 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 to encroach ± 27’ (25’ from sidewalk) into the front yard adjacent to Millside Lane. Below is an image from the applicant depicting their proposed fence location.

There is a 12’ utility easement (Granted to The Illuminating Company) located on both fronts of the property that is not impacted by this area variance request.

**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 631 Treeside Lane (Single-Family Residence). The request would permit a 4’ tall black ornamental fence to encroach no more than 27’ into the



Figure 4: Applicant Provided Plan – CAV 24-7

secondary front yard adjacent to 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 the Zoning Board of Appeals.

I move to approve/deny ZBA Application, CAV 24-7, 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 (as depicted), adjacent to Millside Lane, at 631 Treeside Lane.

**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 631 Treeside Lane.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure(s) 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 Plan
5. Additional Applicant Documents

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.

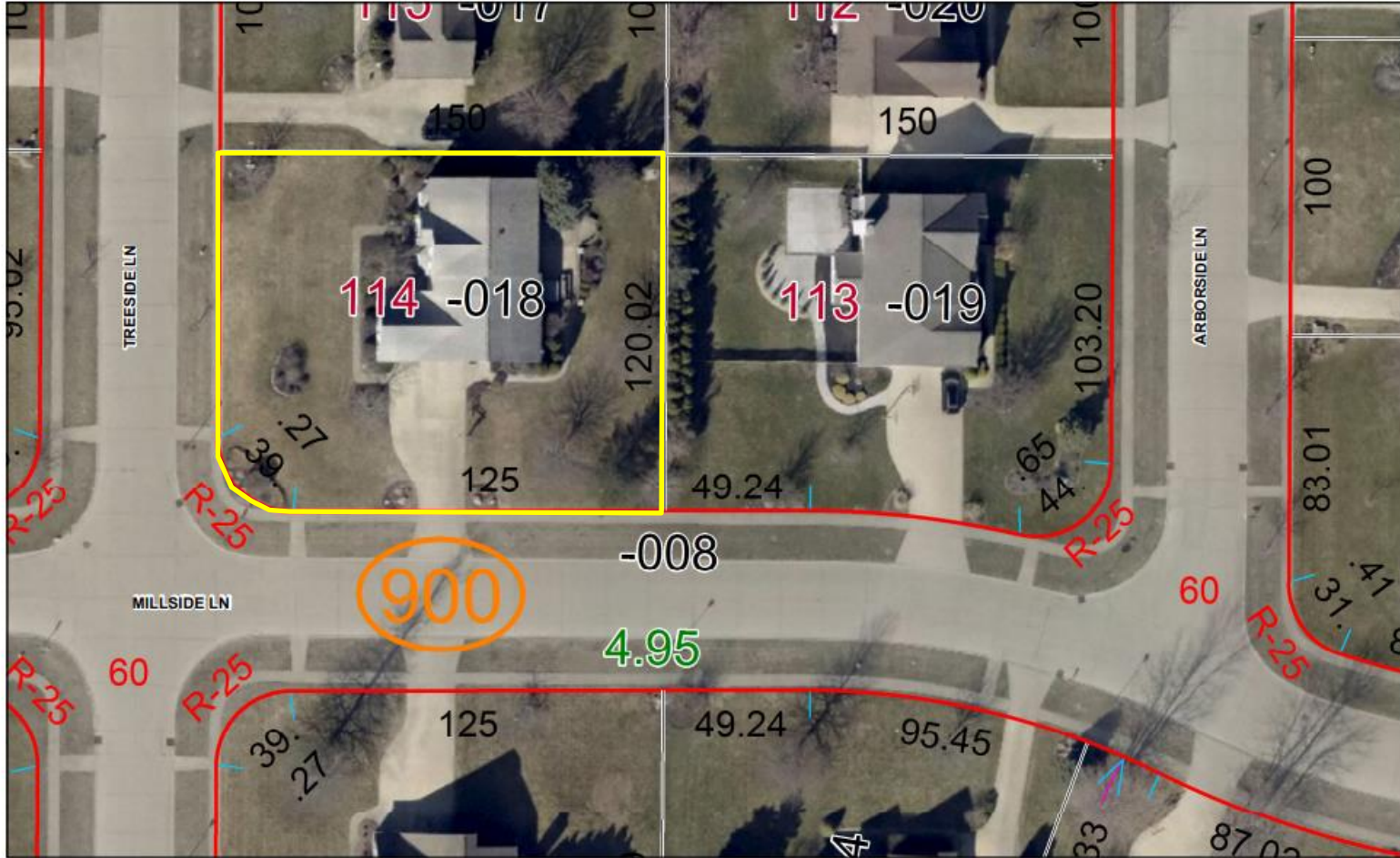
**(f) Temporary Fences**

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** 631 TREESIDE LN AVON LAKE, OH 44012  
**Lorain County Auditor**



March 22, 2024 12:59:07 PM

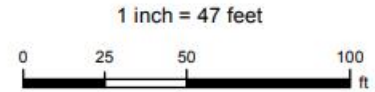
**Legend**

**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
- Blue: Blue





**CAV-24-7**

Area Variance Application  
(ZBA)

Status: Active

Submitted On: 2/24/2024

**Primary Location**

631 TREESIDE LN  
AVON LAKE, OH 44012

**Owner**

RUSHWIN CORY ROBERT &  
RUSHWIN BRIANNA MARIE  
TREESIDE LN 631 AVON  
LAKE, OH 44012

**Applicant**

Cory Rushwin

330-506-4257

coryrush2@gmail.com

631 Treeside Ln  
Avon Lake, OH 44012

### Applicant Information

**Applicant Role\***

Homeowner

**Name\***

Cory Rushwin

**Address\***

631 Treeside Ln

**City\***

Avon Lake

**State\***

OH

**Zip\***

44012

**Telephone\***

330-506-4257

**Email Address\***

coryrush2@gmail.com

### Property Owner Information

Same as Applicant



### Request Information

Code Section(s)

# of Variance Requested

—

**Specific Details of Variance Request\***

Seeking an area variance to Code Section 1226.03 (d)(2) to permit a 4' tall fence extending 27 feet in a front garage side yard of a corner lot.

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**Signature**

**Applicant Signature\***

✔ Cory Robert Rushwin  
Feb 23, 2024

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**Authorization for Property Access**

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

Grant

**Signature\***

✔ Cory Robert Rushwin  
Feb 23, 2024

**Any dog(s) on property?\***

Yes

**Daytime Phone Number\***

330-506-4257

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**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;\***

Our corner lot home has an unusually small backyard and two unusually large front yards compared to the other corner lot homes in our development. I was unable to find another home with a backyard as shallow as ours within our neighborhood.

The areas where we would place our fence if we followed the current regulations of a 4' or taller fence within our backyard only is inhibited by large tree shrubs which would need to be unnecessarily removed or we'd be forced to move the fence further inside our backyard limiting our space even further. Following current 3' regulations is not possible for us because of the risk of our 2 dogs jumping a fence that height.

**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;\***

The beneficial use of the property without the variance pales in comparison to the beneficial use with the variance. Extending our fence further from the backyard provides significantly more space and functionality while maintaining the integrity of our home and the entire neighborhood.

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

The amount of fence in our front yard we are requesting is very reasonable. We are not requesting to go anywhere near the street nor are we requesting our fence to be placed in the actual front of our home. It will be hidden within landscaping and would not at all look unusual or out of place, in fact the fence we are requesting would increase our homes privacy, curb appeal, and safety for our pets and family.

**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, the amount of fence in our front side yard we are requesting would not at all alter or be in any way a detriment to any adjoining properties. They are well within our own property and away from foot traffic and any other activity.

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

No, it would be completely removed from adversely affecting the delivery of government services in any way because it will not come anywhere near the sidewalk or the street or anywhere government services are performed.

**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);\***

I don't believe so but I am unclear on the question.

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

I don't believe so. I think the only way to increase the efficacy and safety of our home and neighborhood as well as the value is to allow a 4' fence variance. This will allow us to stay in our home longer while continuing to raise our family and build on the house we love.

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

Absolutely. I believe the intent behind the current zoning requirement is to protect the surrounding neighborhood from intrusive fences, however, applying this rule to our home in particular essentially limits our ability to get the most out of our home for our children and pets in the future. There are several houses within 3 blocks of ours that have installed 4' fences and taller into their front yards and go way farther towards the sidewalks than what we are requesting. These houses I am referring to also have much more room in their backyards than we do.

**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, in fact it seems like the majority of corner lots within our surrounding neighborhood that have fences already have 4' fences or taller in one of their front yards. These fences look and feel very respectable and appropriate to the neighborhood.

**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, as I have mentioned in sections H and I there are many houses with the same 4' fences we are requesting in the same area. Ours is even smaller and within landscaping areas so as to not come anywhere near sidewalks or foot traffic. Several corner properties with these fences we have noticed just walking our dogs include:  
633 Bridgeside Dr.  
681 Bridgeside Dr.  
31859 Pongside Dr.  
31900 Pongside Dr.

I point these properties out only to demonstrate how these fences can look appropriate while maintaining the purpose of the codes and allowing the homeowners to make the most of their properties.










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

I would just like the Community Development team to understand where we are coming from with our variance request. My wife and I both work in healthcare, sometimes long hours, and with our newborn baby it can be difficult to find the time for our dogs to get out and stretch their legs. We want to provide this for them while still maintaining the beauty of our home and neighborhood and to simply make the most out of our property for our family for years to come. We want to stay in Avon Lake as long as we can and providing our family with an adequate fence is very important to us. It seems silly to us to dramatically cut the size of our fence for one single foot while numerous fences like the one we want already exist just down the street from us. Fences are not cheap and are essentially permanent which is why we are exhausting our options to obtain approval for this small variance to the rules. We strongly believe that the fence we are trying to install only provides value to our home and the entire neighborhood while looking and feeling respectable and providing the most functionality for our family.

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**Attachments**

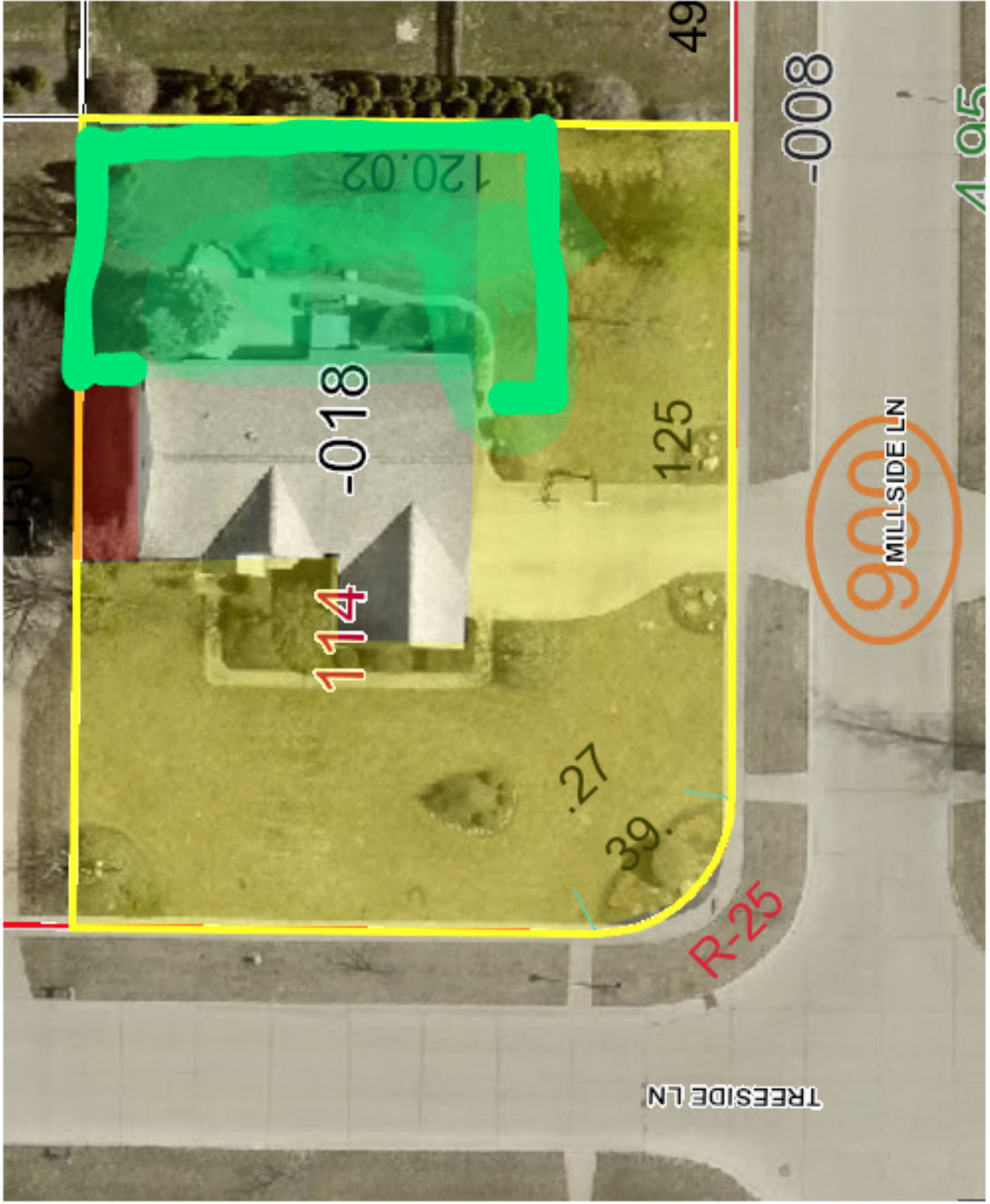
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|---|---|-----------------|
|    | <b>Plot Plan Drawn to Scale</b><br>631treesideln2.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:26 PM  | <b>REQUIRED</b> |
|  | <b>Photographs of the Property and the Area Affected by the Variance</b><br>631treesideln1.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:26 PM                                 |                 |
|  | <b>Signatures of Neighbors - stating they understand the request and have no objections</b><br>new doc 2024-02-24 16.35.25.pdf<br>Uploaded by Cory Rushwin on Feb 24, 2024 at 4:40 PM |                 |
|  | <b>633 Bridgeside dr.pdf</b><br>633 Bridgeside dr.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:45 PM  |                 |
|  | <b>681 Bridgeside dr.pdf</b><br>681 Bridgeside dr.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:46 PM  |                 |
|  | <b>681 Bridgeside dr2.pdf</b><br>681 Bridgeside dr2.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:46 PM  |                 |
|  | <b>31900 Pongside dr.pdf</b><br>31900 Pongside dr.pdf<br>Uploaded by Cory Rushwin on Feb 23, 2024 at 5:47 PM  |                 |



**treeshrubs blocking fence.pdf**

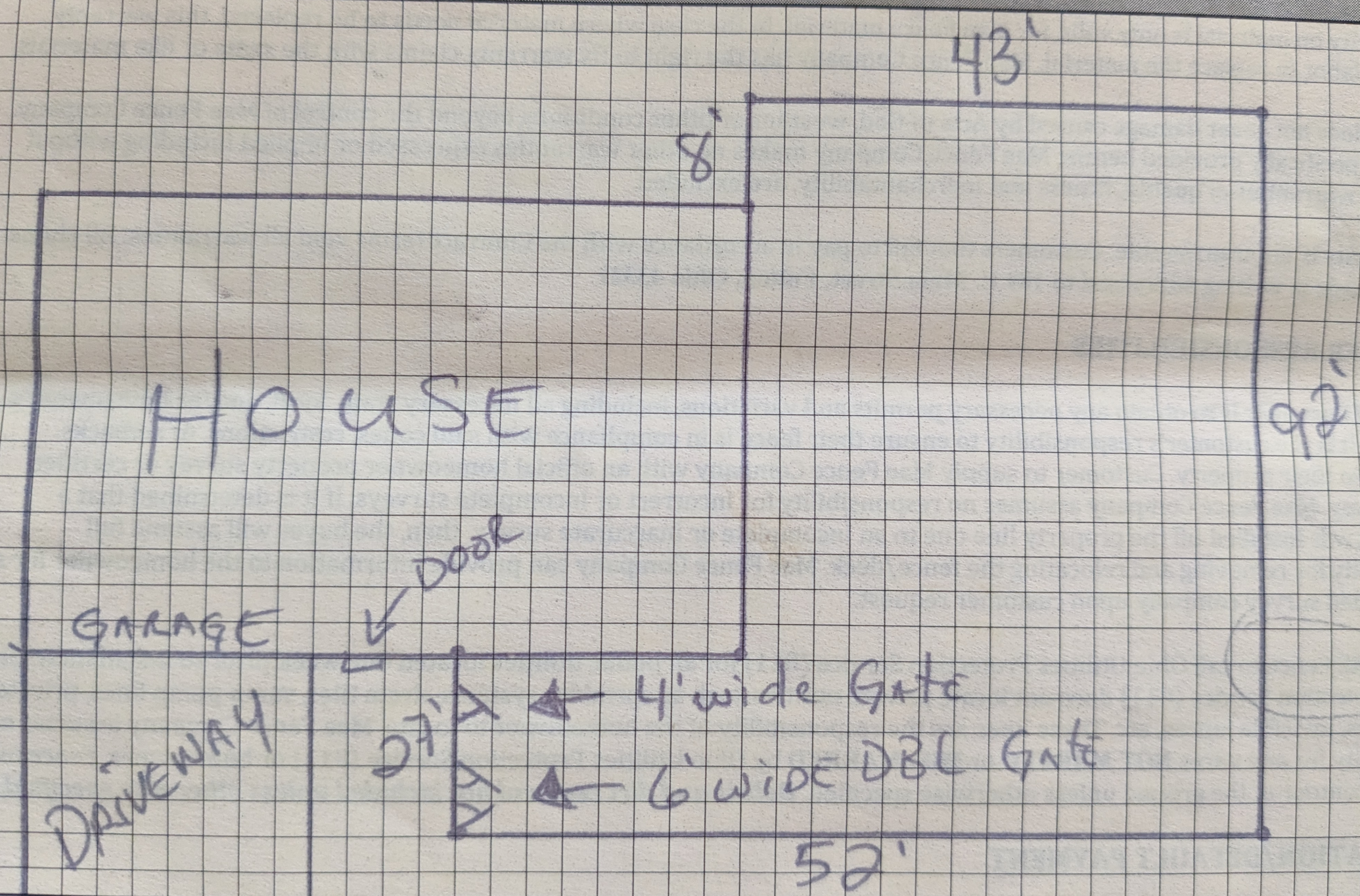
treeshrubs blocking fence.pdf

Uploaded by Cory Rushwin on Feb 23, 2024 at 5:48 PM



at Fence Line  
tain Animals  
ate Private Utilities

sionally located by utility companies, including sprinkler lines, drain tiles, electric fence, and  
 A small degree of construction activity and refuse may occur.



MENT TERMS:	Payment 1	Payment 2	Payment 3	TOTAL
	\$	\$	\$	\$
	Date	Date	Date	

Cory and Brianna Rushwin  
631 Treeside Ln  
Avon Lake, OH 44012

February 23, 2024

To the Community Development Team:

This letter is in regards to the variance proposal for the property listed above. The request is for the approval of a 4 ft black aluminum fence extending 27 ft into the front driveway side yard.

I hereby understand the variance proposal and have no objections.

Neal E Dawn  
Signature

2-23-24  
Date

625 TREESIDE LN, AVON LAKE, OH 44012  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_

Applicant provided Photos (3/7/24)

633 Bridgeside Drive



681 Bridgeside Drive - 1/2







31900 Pondsides Drive



Tree / Shrubs





## REPORT – ZBA CASE 24-8

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-8 (AREA VARIANCE – Parcel 04-00-018-146-022)  
**MEETING:** March 27, 2024

Rodney Williams (on behalf of Mark Peters and Holly Wilburn) requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* at parcel 04-00-018-146-022, located at the southwest corner of Electric Blvd and Armour Road (vacant property).

This is the first of two variance requests pertaining to this property. This request deals with setbacks while the second request, application CAV 24-9 deals with side and front yard fencing.

### DISCUSSION:

The subject property is identified as Parcel number 04-00-018-146-022 and is located at the southwest corner of Electric Blvd and Armour Road. The property is a corner lot with frontages onto Electric Blvd and Armour Road.

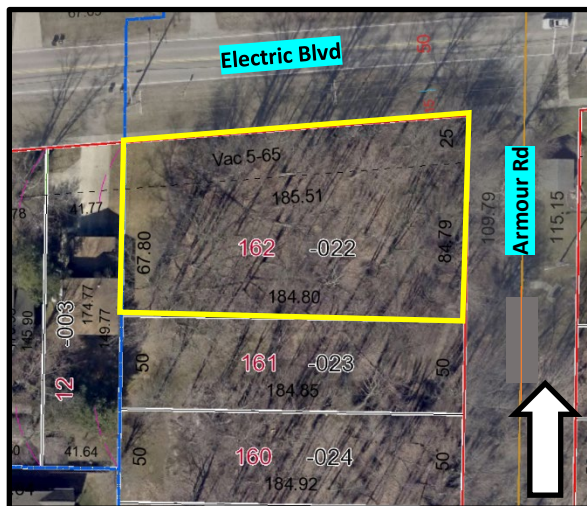


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

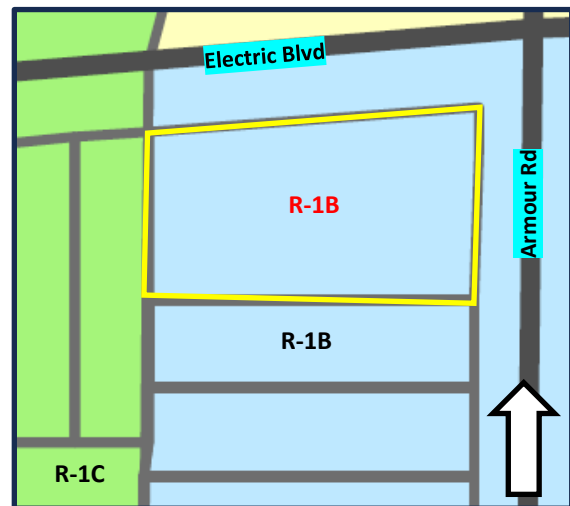


Figure 2: City of Avon Lake Zoning Map - 2022

Armour Road is a paper street, identified as City of Avon Lake Right-of-Way. Armour Road currently has a paved multipurpose trail, and this corner is identified as an entrance point to the Kopf Reservation, managed by the Lorain County Metro Parks.

The applicant is proposing a single-family dwelling, that would front onto Electric Blvd. Its primary and only access is depicted as a driveway towards the northwestern corner of the property. The property is zoned R-1B, single-family residence. Properties to the west are zoned R-1C and R-1B to the south and east.

For the R-1B district, the Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* requires a front setback of 50', side setback of 10' and a rear setback of 35'. In this section, there is a note stating that,

*“The minimum front yard setback shall be as established in this table unless the lot is located on designated streets within a subdivision identified in Table 1226-6, in which case, the minimum front yard setback established in Table 1226-6 shall apply unless the prevailing front yard setbacks are larger than the minimum required according to Table 1226-6. then the minimum front yard setback shall not be less than the average of the four nearest lots on the same block face. See Figure 1226-A.”*

The subject property is located in the Avon Vineyard Subdivision that was platted in 1925. Table 1226-6 states that the minimum front yard setback shall be measured from the centerline of the street and shall be 80'. The Electric Blvd right-of-way is 80'. This would make setback from the property line (back of the sidewalk) 40' and 10' less to what the R-B district typically requires. Copy of the code sections are provided in the packet.

The side setback (west) and front setback along Armour Road are not impacted by this request and are code compliant.

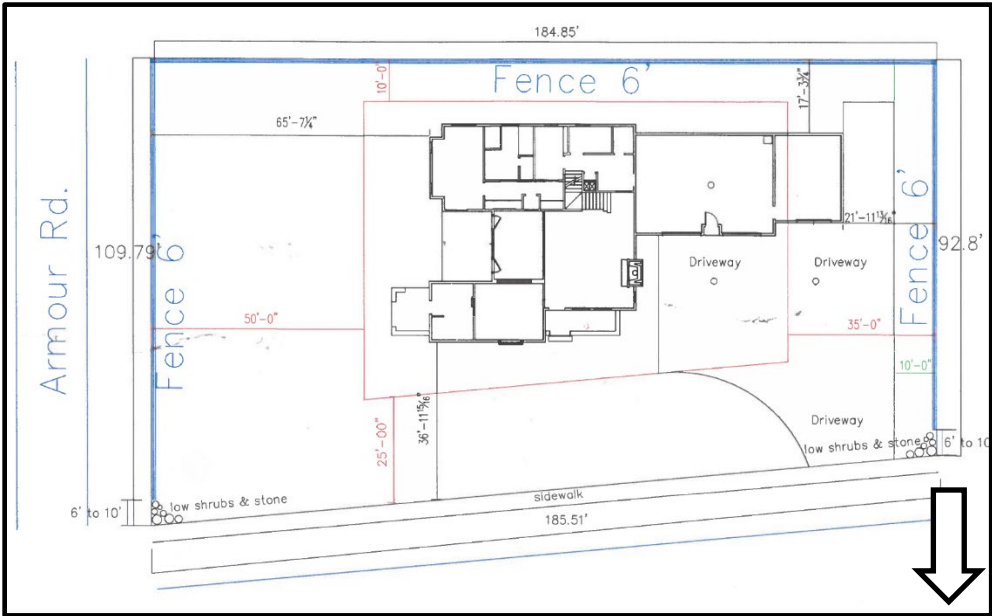


Figure 3: Site Plan - Applicant

**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 parcel 04-00-018-146-022 (vacant property). The request would reduce the front setback along Electric Blvd (40' to 25') and the rear setback (35' to 10') for a new single-family dwelling.

**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 the Zoning Board of Appeals.

I move to approve/deny ZBA Application, CAV 24-8, an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations*, reducing the front and rear setbacks, as depicted, at parcel 04-00-018-146-022.

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria and a site plan. 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 the subject property.

As previously referenced, the subject property is located directly west of an entrance into the Kopf Reservation. Inside of the reservation, majority of the lots are owned by the Lorain County Metro Parks, while others are still privately owned. The trail is located inside of Avon Lake Right-of-Way. Three properties south of the subject property are privately owned. While four lots on the east side of Armour are owned by CEI. Because of the adjacent private ownership, roadway and utility improvements may or may not be needed along Armour Road. Any potential improvements are not a part of this variance request and shall be handled by the City Engineer, Public Works Department, and Community Development Department at the time of pre-application meeting, prior to permitting.

If the area variance is granted, and prior to any construction, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure(s) 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 Plan

**(11) Minimum Setback Requirements**

- A. Setbacks required for accessory uses are established in Section [1224.01: Accessory Uses and Structures](#).
- B. Tables [Table 1226-5](#), [Table 1226-6](#), and [Table 1226-7](#) establish the minimum setback requirements for principal buildings in the residential zoning districts.

<b>TABLE 1226-5: MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS</b>					
Required Setback	Minimum Setback in Feet				
	R-1A	R-1B	R-1C	R-1D	R-2 and R-3
Front Yard Setback	50	50 [1] [2]	20 [3]	20[3]	30
Side Yard Setback	10	10 [4]	4	4	35 [5]
Rear Yard Setback	35	35	20	20	35 [5]

NOTES:

[1] For corner lots in the R-1B District, the minimum front yard setback from the street to the side of the principal structure may be reduced to 15 feet provided it does not reduce the buildable width of the lot to less than 25 feet.

[2] The minimum front yard setback shall be as established in this table unless the lot is located on designated streets within a subdivision identified in [Table 1226-6](#), in which case, the minimum front yard setback established in [Table 1226-6](#) shall apply unless the prevailing front yard setbacks are larger than the minimum required according to [Table 1226-6](#). then the minimum front yard setback shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[3] The front yard setback for lots fronting on Lake Road, Walker Road, Avon-Belden Road, Lear Road, Jaycox Road, Moor Road, Miller Road, and Electric Avenue shall be increased to 30 feet.

[4] In areas where the prevailing side yard setbacks are smaller than the minimum required according to this table, then the minimum side yard setback shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[5] Where the R-2 or R-3 District is adjacent to any other R-2 or R-3 District, or any nonresidential zoning district, the side and rear yard setbacks may be reduced to 20 feet.

<b>TABLE 1226-6: MINIMUM FRONT YARD SETBACKS FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT</b>	
Subdivision	Minimum Front Yard Setback as measured from the established centerline of the street
Avon Center Estates Subdivision No. 1	70
Avon Center Estates Subdivision No. 2	70
Avon Center Estates Subdivision No. 3	80
Avon Lake Harbor Estates Subdivision	55
Avon Point Allotment	70
Avon Vineyard Subdivision	80
Belden Park Subdivision	70
Belmar Beach Subdivision	60
Glen Arden Beach Subdivision No. 3	60
Lake Breeze Allotment	70
Woodhaven Beach Subdivision No. 2	65

<b>TABLE 1226-7: MINIMUM SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS</b>						
Required Setback	Minimum Setback in Feet					
	B-1	B-2	B-3	I-1	I-2	P-1
Front Yard Setback for Lots with Frontage on Lear Road	40	40	0	60	60	20
Front Yard Setback	30	30	0	60	60	20
Side and Rear Yard Setbacks Adjacent to a Residential Zoning District	35	<b>35</b>	20	75	75	10 Side 20 Rear
Side and Rear Yard Setbacks Adjacent to a Nonresidential Zoning District	10	10	5	25	25	10 Side 20 Rear

(Ord. 23-46. Passed 3-13-2023.)





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

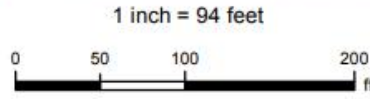
Parcel – 04-00-018-146-022



March 22, 2024 2:07:16 PM

**Legend**

- Boundaries**
  - Dashed Lot Line
  - Sublot Line
  - Parcel Line
  - Right-of-way Line
  - Right-of-way Parcel Line
  - PLSS Boundaries
  - Original Lot Lines
  - Road Centerlines
  - Subdivisions/...
  - Right of Ways





**CAV-24-8**

Area Variance Application  
(ZBA)

Status: Active

Submitted On: 3/10/2024

**Primary Location**

0 ELECTRIC BLVD  
AVON LAKE, OH 44012

**Owner**

PETERS PEGGY J  
915 OSBORNE AVE LORAIN,  
OH 44052

**Applicant**

Rodney Williams  
 440-225-5600  
 uskwil@gmail.com  
 31831 Lake Rd.  
Avon Lake, OH 44012

---

### Applicant Information

**Applicant Role\***

Future Owner

**Name\***

Rodney & Karen Williams

**Address\***

31831 Lake Rd.

**City\***

Avon Lake

**State\***

OH

**Zip\***

44012

**Telephone\***

440-225-5600

**Email Address\***

uskwil@gmail.com

---

### Property Owner Information

**Same as Applicant**

**Name\***

Peggy J. Peters (deceased) - Holly  
Wilburn/Mark Peters

**Address\***

915 Osborne Avenue

**City\***

Lorain

**State\***

OH

**Zip\***

44052

Telephone\*

440-327-7006 (Holly)

Email Address\*

unknown

### Request Information

🔒 Code Section(s)

🔒 # of Variance Requested

—

### Specific Details of Variance Request\*

Requesting building set back zoning variance due to unique shape of property. Applicant has reached an agreement to purchase said property from Holly Wilburn (heir of Peggy Peters). While paperwork transfers are being handled, Ms. Wilburn has agreed to allow applicant to request zoning variances.

### Signature

Applicant Signature\*

✔️ Rodney A. Williams  
Mar 10, 2024

### Authorization for Property Access

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

Grant

Signature\*

✔️ Rodney Williams (on behalf of Holly Wilburn)  
Mar 10, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

4402255600

## 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;\***

Property description states frontage along Armour Rd. and depth of Electric Blvd. This corner lot is irregular in shape and regular setbacks would deem property extremely difficult to build on. Requesting variance on the western side of property - building setback at 20'.

**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;\***

Property would be extremely difficult to build on with corner building setback requirements.

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

Variance is not substantial and would be necessary to provide reasonable use of land. With planned configuration, home would use the eastern side of lot along Armour as outside living area. The variance request on the western side of property would enable garages to be build - and still have 20' from neighboring property. This lot is adjacent to R1C properties, who have same reduced setbacks.

**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;\***

The character of the home and landscaping will improve neighborhoods. Values of adjoining properties would most likely be increased by this home.

**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. Without setback variances of one kind or another, property would be impossible to build on.

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

Yes. Property (when originally platted) was planned to front Armour. Since that has now turned to Metro Park property, intent is to enhance the park entrance with sufficient landscaping, and enter/exit onto Electric Blvd.

**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 special privilege would be deemed in approving. There are several variances in the surrounding area that would be similar. Additionally, a variance to 20' setback on the west side of property is fitting of the surrounding district of R1C and those variances.

**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?**

Only neighbor lives in Las Vegas and was not reachable.

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## Attachments



**Plot Plan Drawn to Scale**

Plot Plan.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:23 PM

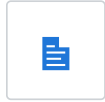
**REQUIRED**



**Elevations of Proposed Construction (if applicable)**

Property Description.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:24 PM



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

aerial.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:24 PM



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

Wilburn.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:24 PM

**uskwil@gmail.com**

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**From:** Holly Wilburn <holly\_wilburn@yahoo.com>  
**Sent:** Sunday, March 10, 2024 4:36 PM  
**To:** uskwil@gmail.com  
**Subject:** Avon Lake Property

Hi Karen - you have my approval to request a variance on Sublot No. 162, Permanent Parcel No. 04-00-018-146-022 in the City of Avon Lake, Ohio. Please let me know if you need anything further.

Best Regards,

Holly Wilburn

184.85'

Fence 6'

Armour Rd.

109.79'

Fence 6'

65'-7 1/4"

10'-0"

50'-0"

36'-11 5/16"

25'-00"

17'-3 3/4"

21'-11 1/16"

Driveway

Driveway

35'-0"

10'-0"

92.8'

Driveway

6' to 10'

low shrubs & stone

low shrubs & stone

6' to 10'

sidewalk

185.51'

CAL Electric  
CAL





## REPORT – ZBA CASE 24-9

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-9 (AREA VARIANCE – Parcel 04-00-018-146-022)  
**MEETING:** March 27, 2024

Rodney Williams (on behalf of Mark Peters and Holly Wilburn) requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at parcel 04-00-018-146-022, located at the southwest corner of Electric Blvd and Armour Road (vacant property).

This is the second variance request pertaining to this property. Please note that if the first area variance application (24-8) is denied by the Board, this subsequent area variance application may be deemed unnecessary and withdrawn.

### DISCUSSION:

The subject property is identified as Parcel number 04-00-018-146-022 and is located at the southwest corner of Electric Blvd and Armour Road. The property is a corner lot with frontages onto Electric Blvd and Armour Road.

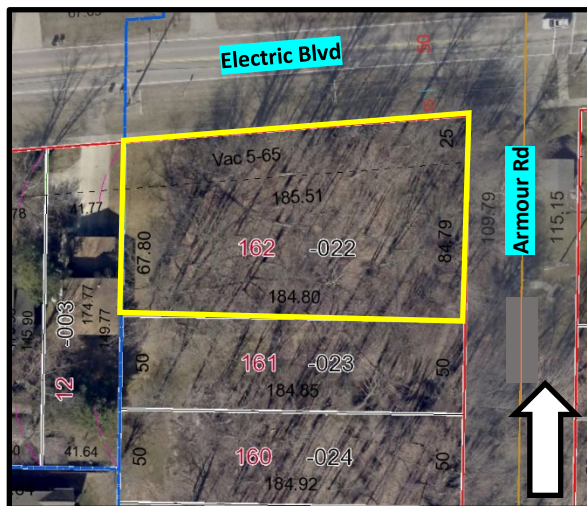


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

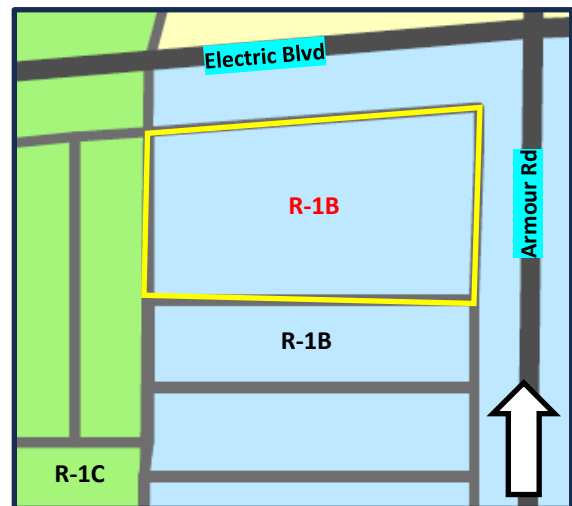


Figure 2: City of Avon Lake Zoning Map - 2022

Armour Road is a paper street, identified as City of Avon Lake Right-of-Way. Armour Road currently has a paved multipurpose trail, and this corner is identified as an entrance point to the Kopf Reservation, which is managed by the Lorain County Metro Parks.

The applicant is proposing a 6’ tall privacy fence to be installed in the rear yard, western side yard, and front yards Along Electric Blvd and Armour Road. Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* states that maximum yard fence heights are as follows:

Yard	Fence Height
Front	3’ (6’ Requested)
Side	4’ (6’ Requested)
Rear	6’ (6’ Requested)

The proposed rear yard fencing is code compliant but extends 2’ over the maximum height in the side yard and 3’ over the maximum height in the front yard. A solid style privacy fence is permitted only in the rear yard and is not compliant with requirements in the side or front yards.

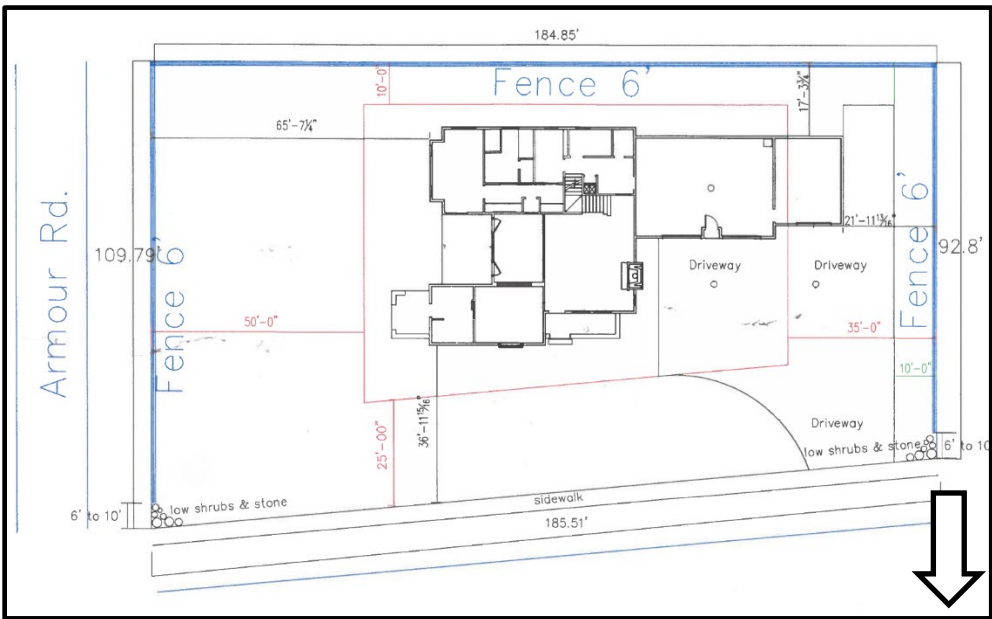


Figure 3: Site Plan - Applicant

The fence is proposed 6’ off the back of the sidewalk and does not impact any easements or utilities as there are none currently on the property.

**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 parcel 04-00-018-146-022 (vacant property). The request would permit a 6’ tall privacy fence in the western side yard and Front Yards. 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 the Zoning Board of Appeals.

I move to approve/deny ZBA Application, CAV 24-9, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* in Residential Districts, permitting a 6' tall privacy fence in the western side yard and front yards (as depicted).

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria and a site plan. 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 the subject property.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure(s) 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 Plan

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**

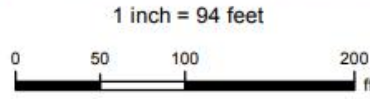
Parcel – 04-00-018-146-022



March 22, 2024 2:07:16 PM

**Legend**

- Boundaries
  - - - Dashed Lot Line
  - - - Parcel Line
  - Sublot Line
  - Right-of-way Line
  - Right-of-way Parcel Line
  - PLSS Boundaries
  - Original Lot Lines
  - Road Centerlines
  - Subdivisions/...
- Right of Ways





<p><b>CAV-24-9</b>          Area Variance Application          (ZBA)          Status: Active          Submitted On: 3/10/2024</p>	<p><b>Primary Location</b>          0 ELECTRIC BLVD          AVON LAKE, OH 44012</p> <p><b>Owner</b>          PETERS PEGGY J          915 OSBORNE AVE LORAIN,          OH 44052</p>	<p><b>Applicant</b>   Rodney Williams   440-225-5600   uskwil@gmail.com   31831 Lake Rd.          Avon Lake, OH 44012</p>
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### Applicant Information

<b>Applicant Role*</b>	<b>Name*</b>
Future Owner	Rodney & Karen Williams
<b>Address*</b>	<b>City*</b>
31831 Lake Rd.	Avon Lake
<b>State*</b>	<b>Zip*</b>
OH	44012
<b>Telephone*</b>	<b>Email Address*</b>
440-225-5600	uskwil@gmail.com

### Property Owner Information

<b>Same as Applicant</b>	<b>Name*</b>
<input type="checkbox"/>	Peggy J. Peters (deceased) - Holly Wilburn/Mark Peters
<b>Address*</b>	<b>City*</b>
915 Osborne Avenue	Lorain
<b>State*</b>	<b>Zip*</b>
OH	44052

Telephone\*

440-327-7006 (Holly)

Email Address\*

unknown

### Request Information

🔒 Code Section(s)

🔒 # of Variance Requested

—

### Specific Details of Variance Request\*

Requesting fence height variance. Requesting 6' high fence on south, east and west side of property. Applicant has reached an agreement to purchase said property from Holly Wilburn (heir of Peggy Peters). While paperwork transfers are being handled, Ms. Wilburn has agreed to allow applicant to request zoning variances.

### Signature

Applicant Signature\*

✔️ Rodney Williams  
Mar 10, 2024

### Authorization for Property Access

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

Grant

Signature\*

✔️ Rodney Williams (on behalf of Holly Wilburn)  
Mar 10, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

440-225-5600

## 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;\***

Variance requested to provide privacy for residence alongside public park thoroughfare and neighboring unuseable land.

**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;\***

Without variance, this lot would be subject to heavy pedestrian traffic, with no privacy. Future planned swimming pool would a 4' fence minimum, so variance is request for only additional 2' higher.

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

Same as above.

**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;\***

Adjoining properties are either park land or unusable / unbuildable land. No detriment in value. The character of the home and landscaping will improve neighborhood. Values of adjoining properties would most likely be increased by this home.

**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.\*

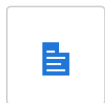
Yes?

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

Only neighbor lives in Las Vegas and was unable to be reached.

---

## Attachments

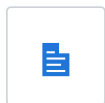


**Plot Plan Drawn to Scale**

Plot Plan.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:28 PM

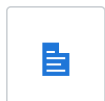
REQUIRED



**Elevations of Proposed Construction (if applicable)**

aerial.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:28 PM



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

Property Description.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:28 PM



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

Wilburn.pdf

Uploaded by Rodney Williams on Mar 10, 2024 at 8:28 PM

**uskwil@gmail.com**

---

**From:** Holly Wilburn <holly\_wilburn@yahoo.com>  
**Sent:** Sunday, March 10, 2024 4:36 PM  
**To:** uskwil@gmail.com  
**Subject:** Avon Lake Property

Hi Karen - you have my approval to request a variance on Sublot No. 162, Permanent Parcel No. 04-00-018-146-022 in the City of Avon Lake, Ohio. Please let me know if you need anything further.

Best Regards,

Holly Wilburn

184.85'

Fence 6'

Armour Rd.

109.79'

Fence 6'

65'-7 1/4"

10'-0"

50'-0"

36'-11 5/16"

25'-00"

17'-3 3/4"

21'-11 1/16"

Driveway

Driveway

35'-0"

92.8'

10'-0"

Driveway

6' to 10'

low shrubs & stone

low shrubs & stone

6' to 10'

sidewalk

185.51'

CAL Electric  
CAL



# REPORT – ZBA CASE 24-10

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-10 (AREA VARIANCE – 516 Belfrey Court)  
**MEETING:** March 27, 2024

Alex Augoustidis requests an area variance to Planning & Zoning Code Section 1224.01 (f)(20) *Accessory and Temporary Use Regulations – Accessory Uses and Structures* at 516 Belfrey Court (single-family residence).

### DISCUSSION:

516 Belfrey Court is a single-family property located in the Belfrey Court at Legacy Pointe No. 3 subdivision. This subdivision is located slightly southwest of the Walker Road and Jaycox road intersection. The property is located at the start of a cul-de-sac. The property is zoned residential PUD (Planned Unit Development) and properties to the north, south and east share the same PUD zoning. The property to the west is zoned R-1A, single-family residence.

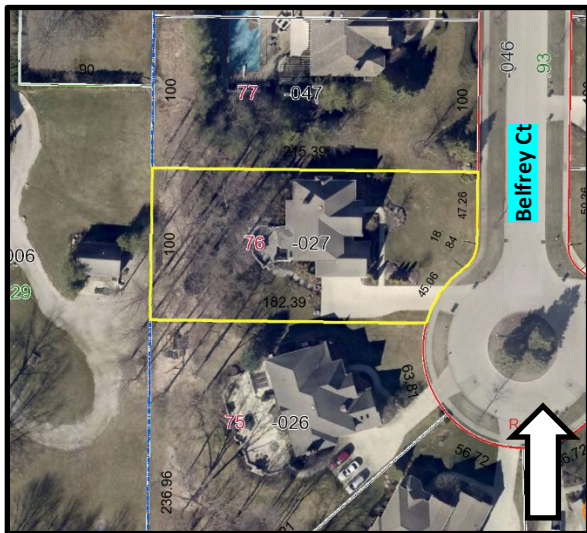


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

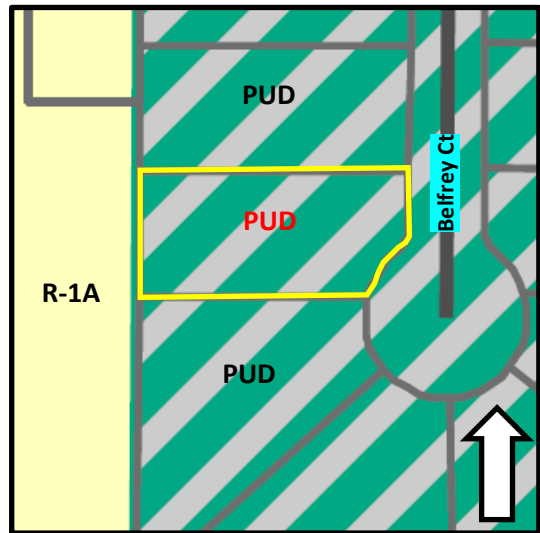


Figure 2: City of Avon Lake Zoning Map - 2022

The applicant is proposing a 30’x30’ basketball court in the northwest corner of the rear yard. In the Planning & Zoning Code, a basketball court shall be reviewed as “tennis and other recreational courts”. Per Planning & Zoning Code Section 1224.01 (f)(20) *Accessory and Temporary Use Regulations – Accessory*

*Uses and Structures*, these courts are only permitted in the rear yard and shall be set back a minimum of 10' from all lot lines. The applicant is proposing a setback of 10' to the rear (west) property line and a setback of 5' off the side (north) property line. The applicant is not proposing any lighting or new fencing with the basketball court. If the applicant wishes to do so, all fencing shall be compliant to Code Section 1226.03 – *Fences and Walls*. Any lighting shall not exceed 20' height and shall only be directed downward to only illuminate the court and shall comply with Code Section 1226.04 – *Outdoor Lighting*.

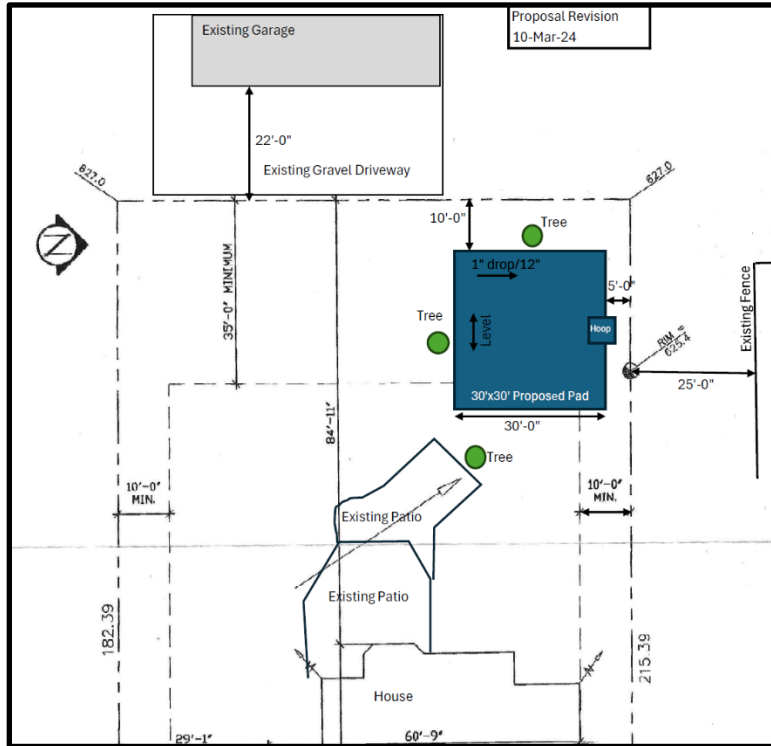


Figure 2: Site Plan - Applicant

There is a maximum rear coverage requirement of 40% which is not impacted by the proposed basketball court. There are concerns regarding the grading and drainage of the court but that will be addressed during permit review and shall not be a part of the Zoning Board review and decision.

**VARIANCE REQUESTED:**

The applicant requests one area variance to Planning & Zoning Code Section 1224.01 (f)(20) *Accessory and Temporary Use Regulations – Accessory Uses and Structures* at 516 Belfrey Court (single-family residence). The request would reduce the side yard setback for a rear yard basketball court from 10' to 5'. The rear yard setback is code compliant and not included in this variance request.

**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/deny ZBA Application, CAV 24-10, an area variance to Planning & Zoning Code Section 1224.01 (f)(20) *Accessory and Temporary Use Regulations – Accessory Uses and Structures*, permitting a basketball court in the rear yard, reducing the setback from side (north) property line from 10' to 5', at 516 Belfrey Court.

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, site plan, and photos of the property. 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 516 Belfrey Court.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. 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 Plan
5. Applicant Photos

- H. If the proposed barrier utilizes fencing on the property line that is owned by the neighboring property owner, the pool owner shall be required to build or replace that length of the barrier if it is ever removed by the neighboring property owner.
- I. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- J. Lighting shall be shaded so as not to be a disturbance to adjacent properties.
- K. Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.

**(20) Tennis and Other Recreational Courts**

Outdoor tennis courts and courts for other sports, including **basketball** and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

- A. Tennis courts or other full-size recreational courts shall only be permitted on lots with a minimum lot area of one acre.
- B. The court shall be set back a minimum of 10 feet from all lot lines.**
- C. All fencing shall be subject to the fence regulations in Section [1226.03: Fences and Walls](#) except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.
- D. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section [1226.04: Outdoor Lighting](#).

**(21) Type B Family Day Care Home (1-6 Children)**

Type B family day care homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

**(22) Type A Family Day Care Home**

Type A family day care homes may only be considered for a conditional use on lots with a minimum lot size of 20,000 square feet.

**(23) Utility Structures**

- A. Utility structures shall be located to the rear of the lot, to the maximum extent feasible, or otherwise located to create the least amount of visibility.
- B. If the applicant demonstrates to the Code Administrator that the utility structure can only be located in a front yard, the structure shall be landscaped in a manner that will allow access to the unit but otherwise buffer the view of the structure. The applicant shall be required to provide a landscaping plan as part of the subject application.
- C. Utility structures in the I-1 and I-2 districts shall not be subject to this screening requirement.

**1224.02 Temporary Uses and Structures**

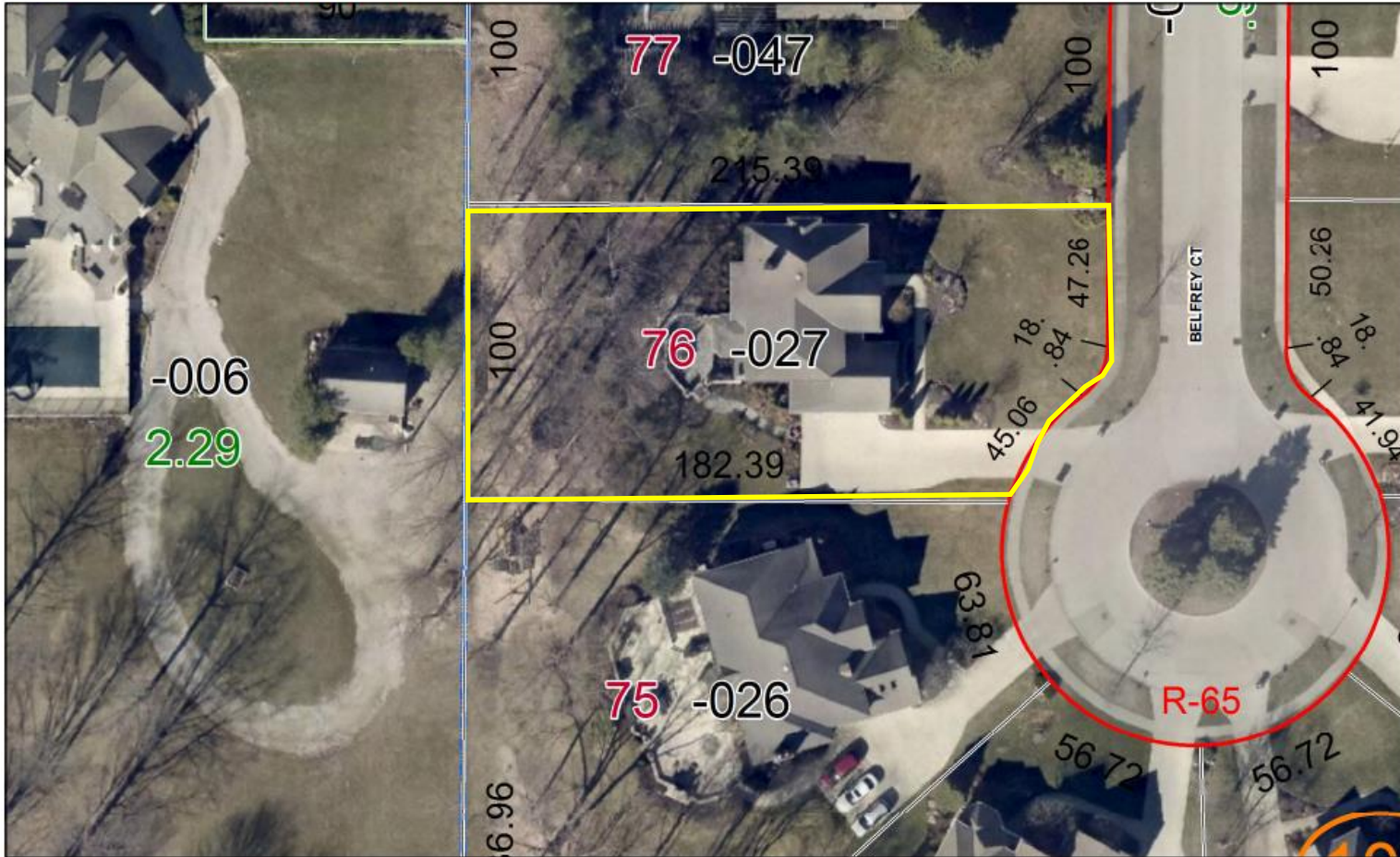
**(a) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.





**J. Craig Snodgrass, CPA, CGFM** 516 BELFREY CT AVON LAKE, OH 44012  
**Lorain County Auditor**



March 22, 2024 1:10:51 PM

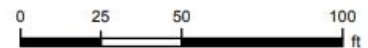
**Legend**

**Boundaries**

- |                   |                  |              |              |
|-------------------|------------------|--------------|--------------|
| Right-of-way Line | Subdivisions/... | Red: Red     | Red: Red     |
| Sublot Line       | Right of Ways    | Green: Green | Green: Green |
| Parcel Line       | Parcels_Black    | Blue: Blue   | Blue: Blue   |
| Road Centerlines  |                  |              |              |



1 inch = 47 feet





### CAV-24-10

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/11/2024

### Primary Location

516 BELFREY CT  
AVON LAKE, OH 44012

### Owner

AUGOUSTIDIS ALEXANDER J  
& LIA  
516 BELFREY CT AVON LAKE,  
OH 44012

### Applicant



Alexander  
Augoustidis



121-649-  
6114 ext. 1



astidis@gmail.com



516  
Belfrey  
Ct

Avon Lake OH, OH 44012

## Applicant Information

**Applicant Role\***

Owner

**Name\***

Alex Augoustidis

**Address\***

516 Belfrey Ct

**City\***

Avon Lake

**State\***

OH

**Zip\***

44012

Telephone\*

2164961141

Email Address\*

astidis@gmail.com

## Property Owner Information

Same as Applicant



## Request Information

 Code Section(s)

 # of Variance Requested

—

### Specific Details of Variance Request\*

requesting deviation to add a basketball court in the back yard of 516 Belfrey Court in the North West corner of the lot. Requesting deviation to place court 10' from Western property line and 5' from Northern property line.

Northern neighbor has a fence 25' from property line with tree landscaping between fence and property line.

Western neighbor has stand along garage 20' from south west property line with gravel driveway to the property line.

Court will drain to existing storage drain.

## Signature

Applicant Signature\*



Alex Augoustidis

Mar 11, 2024

## Authorization for Property Access

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

Grant

Signature\*

Alex Augoustidis

Mar 11, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

12164961141

## 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;\***

Located in north west corner to minimize impact and regarding on existing yard. Court will be placed between two large existing trees to retain tree canopy. Other locations on property within allowable margins have too much grade to be feasible for court.

**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;\***

Without the variance the site will remain undeveloped. Low lying location. Currently covered with rough mulch.

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

Variance will have minimum impact on surrounding structures.

**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 impact to neighbors. Northern neighbors have existing fence and landscaping to reduce visual impact of court and sound. Western neighbor's structure is over 100 feet from proposed location.

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

No, located in back corner of property, not on frontage of property.

**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 special conditions.

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

Any other location will require excessive regarding of the property.

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

Court would be out of sight from frontage of property.

**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 special privilege.

**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.\***

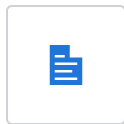
Western neighbor has pre-existing structure and drive on their property within the distance stated as a minimum for the proposed court.

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

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## Attachments

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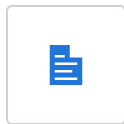
### **Plot Plan Drawn to Scale**

Required

516 Belfrey Court Basketball Court 10Mar2024.pdf

Uploaded by Alexander Augoustidis on Mar 11, 2024 at 6:44 PM

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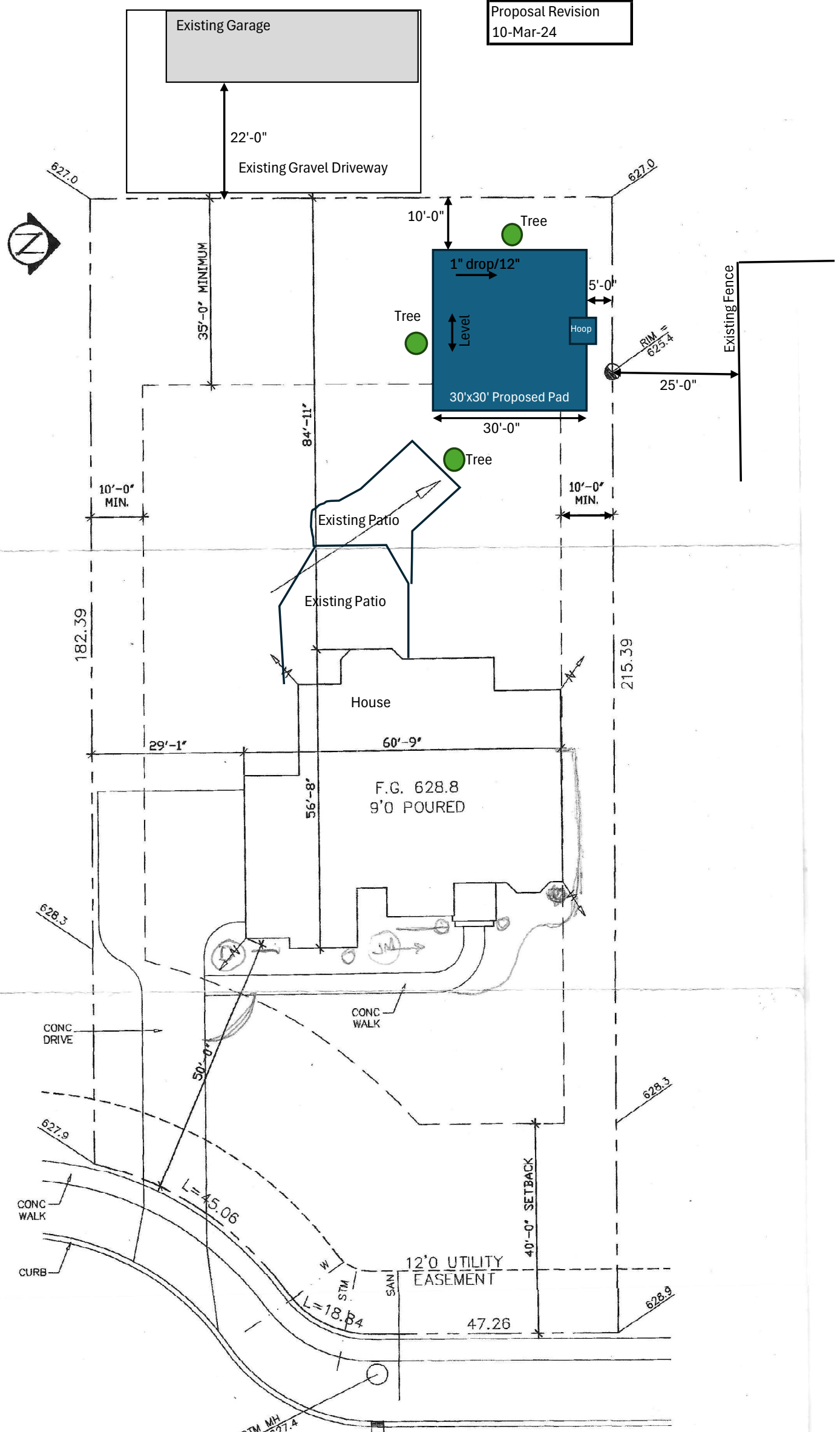


### **Photographs of the Property and the Area Affected by the Variance**

516 Belfrey Lot Pictures.docx

Uploaded by Alexander Augoustidis on Mar 11, 2024 at 6:53 PM

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**ELEVATIONS**  
 GRADE: 628.8  
 GARAGE: 628.8  
 FIRST FL: 630.8  
 TOP/FTR: 620.8

**S/L - 76 BELFREY COURT**  
 516 BELFREY COURT SCALE: 1" = 20'-0"

Applicant Provided

Facing south, red tape indicates 5' area within Northern margin of 10'





Applicant Provided

Facing West. Leaves covering existing drain.





Northern Neighbor existing fence and landscaping

Applicant Provided



10' distance from western property line. Includes existing neighbor's garage and driveway.

Applicant Provided



Applicant Provided





# REPORT – ZBA CASE 24-12

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-12 (AREA VARIANCE – 326 Inwood Blvd)  
**MEETING:** March 27, 2024

Amanda Wanner requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 326 Inwood Blvd (single-family residence).

**DISCUSSION:**

326 Inwood Blvd is a single-family property located south of Redwood Blvd. The property is zoned R-1C, Single-Family Residence. All surrounding properties share the same R-1C zoning.

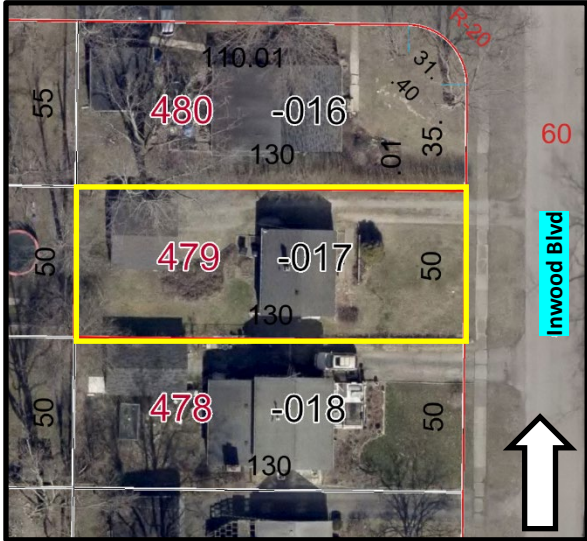


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

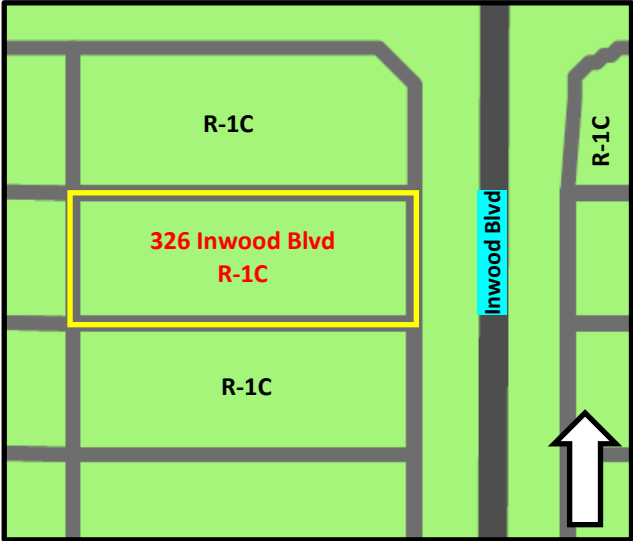


Figure 2: City of Avon Lake Zoning Map - 2022

The applicant is proposing a 6’ tall to fence to enclose the rear yard and southern side 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 rear yard is 6’ and 4’ in a side yard. The proposed rear yard fencing is code compliant while the 30’ (refer to the highlighted area on Figure 3) of side yard fencing extends 2’ over the maximum permitted height. The proposed fencing does not extend east, beyond the front of the home, into the front yard. There is no existing fence on the property and the neighbor to the south has an existing 4’ tall chain-link fence just south of the shared property line.

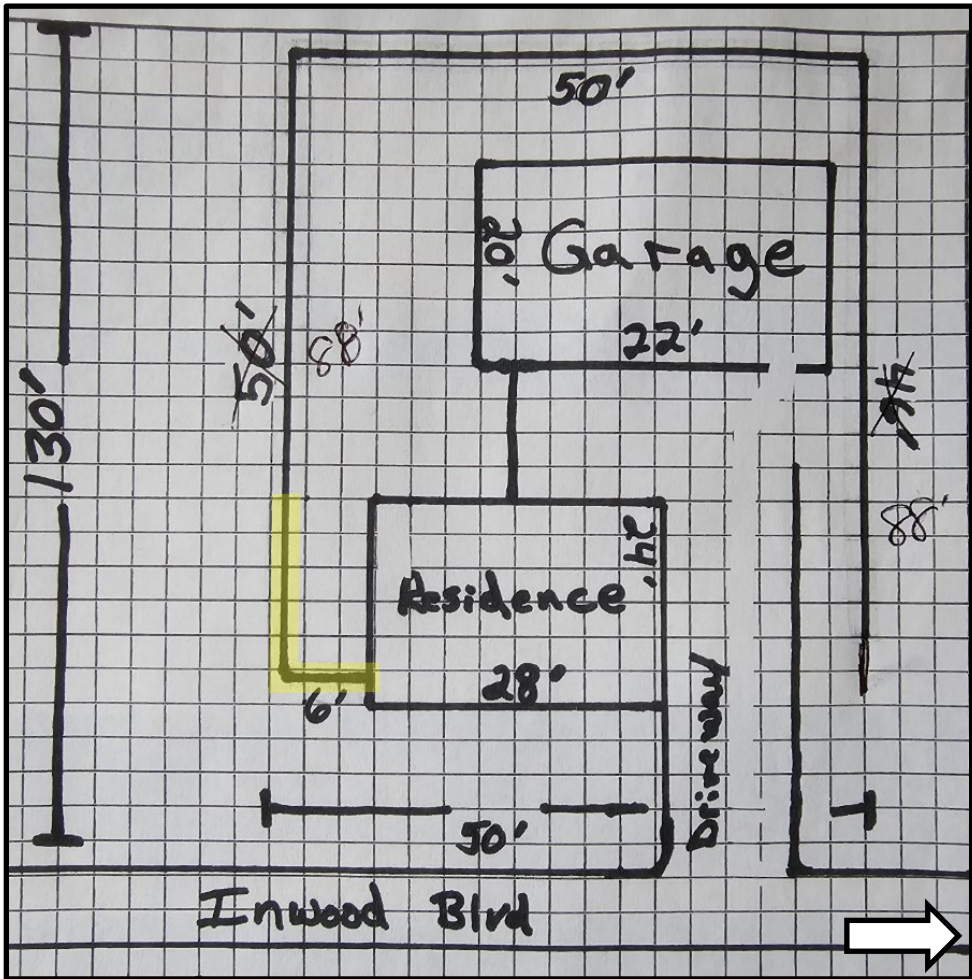


Figure 3: Site Plan - Applicant

**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 326 Inwood Blvd (Single-Family Residence). The request would permit a 6' tall privacy fence in the southern side yard. 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 the Zoning Board of Appeals.

I move to approve/deny ZBA Application, CAV 24-12, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* in Residential Districts, permitting a 6' tall privacy fence in the southern side yard (as depicted).

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, along with a 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 326 Inwood Blvd.

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 by the applicant and has been placed on hold until a decision is made by the Zoning Board of Appeals. The Community Development Department is a step in the approval process and is responsible for confirming consistency with ZBA approval, structure(s) 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 Plan
5. Applicant Provided 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
Open Fence	Front	3 Feet [1]
	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**

326 INWOOD BLVD AVON LAKE, OH 44012



March 22, 2024 1:24:55 PM

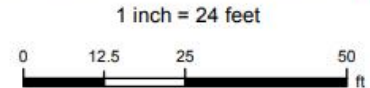
**Legend**

**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
- Blue: Blue





### CAV-24-12

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/12/2024

### Primary Location

326 INWOOD BLVD  
AVON LAKE, OH 44012

### Owner

WANNER AMANDA  
326 inwood blvd AVON LAKE,  
OH 44012

### Applicant

Amanda Wanner  
 440-506-8785  
 a.wanner@yahoo.com  
 326 Inwood Blvd  
AVON LAKE, OH 44012

## Applicant Information

### Applicant Role\*

Owner

### Name\*

Amanda

### Address\*

Wanner

### City\*

Avon lake

### State\*

Ohio

### Zip\*

44012

### Telephone\*

440-506-8785

### Email Address\*

A.wanner@yahoo.com

## Property Owner Information

Same as Applicant



## Request Information

Code Section(s)

# of Variance Requested

—

Specific Details of Variance Request\*

Fence

---

Signature

Applicant Signature\*

Amanda wanner  
Mar 12, 2024

---

Authorization for Property Access

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

Grant

Signature\*

Amanda wanner  
Mar 12, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

440-506-8785

---

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;\*

None of these apply

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;\*

Nit that I know of

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

Yes it will help

**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 one would suffer. It will bring value to the properties.

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

No it will not

**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);\***

OK

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

Probably not

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

Ok

**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 special privileges

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.\*

Ok

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

---

## Attachments



**Plot Plan Drawn to Scale**

2486733e-e025-41cc-afa2-ab6605db3e6a.jpg  
Uploaded by Amanda Wanner on Mar 12, 2024 at 9:46 AM

REQUIRED



**Elevations of Proposed Construction (if applicable)**

2486733e-e025-41cc-afa2-ab6605db3e6a.jpg  
Uploaded by Amanda Wanner on Mar 12, 2024 at 9:47 AM



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

20240309\_133339.jpg  
Uploaded by Amanda Wanner on Mar 12, 2024 at 9:47 AM

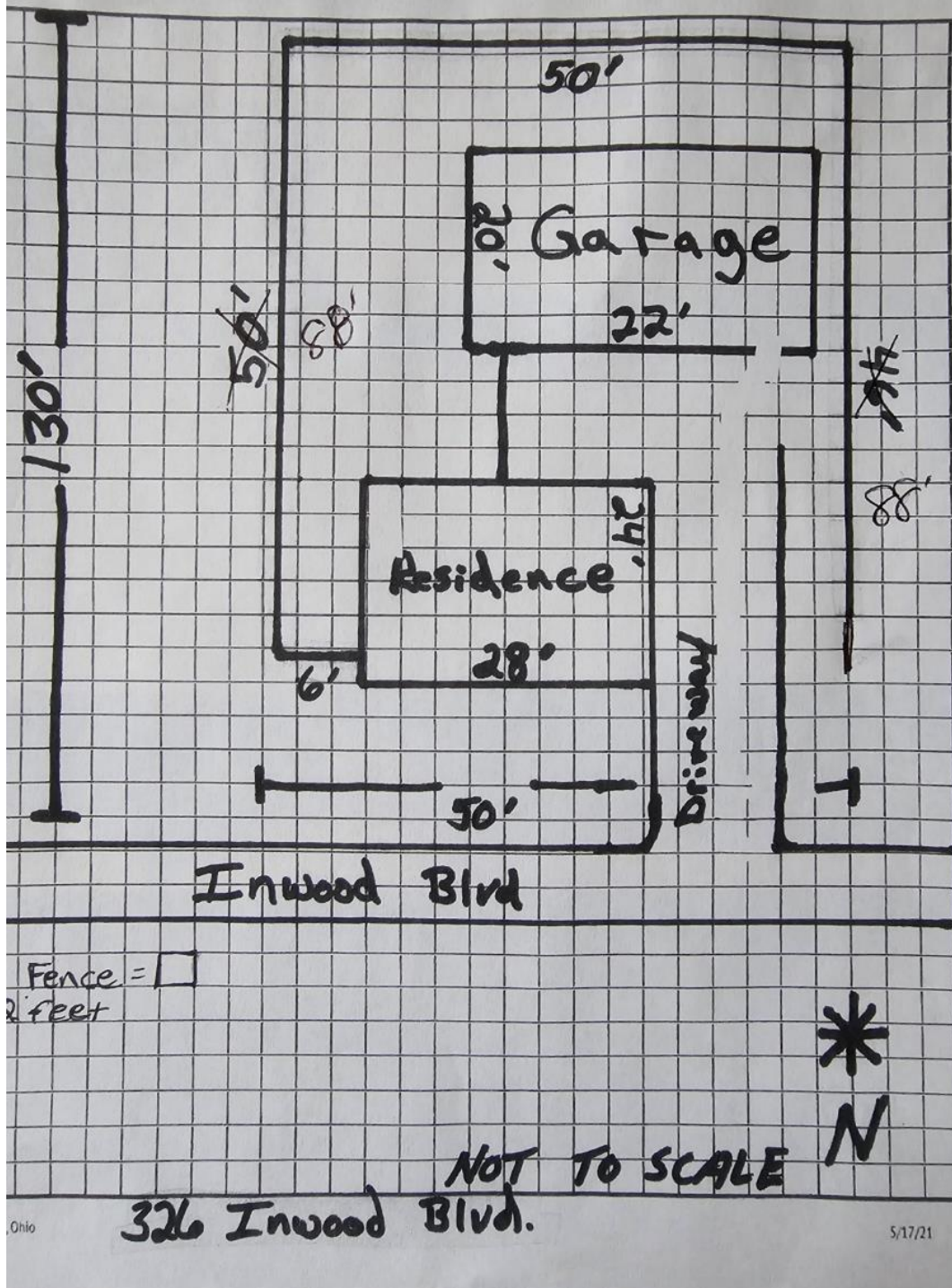


**Signatures of Neighbors - stating they understand the request and have no objections**

20240309\_133241.jpg  
Uploaded by Amanda Wanner on Mar 12, 2024 at 9:47 AM

Applicant – Site Plan

are a building permit will be issued.



Applicant Photos 1/2





Applicant Photos 2/2





## REPORT – ZBA CASE 24-13

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-13 (AREA VARIANCE – 31951 Hidden Cove)  
**MEETING:** March 27, 2024

Nick Firment requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 31951 Hidden Cove (single-family residence).

### DISCUSSION:

31951 Hidden Cove is a single-family property located in the South Port Subdivision. South Port is in the southeastern section of the city, on the south side of Walker Road. The property is zoned a residential PUD (Planned Unit Development). All surrounding properties are a part of the same PUD.

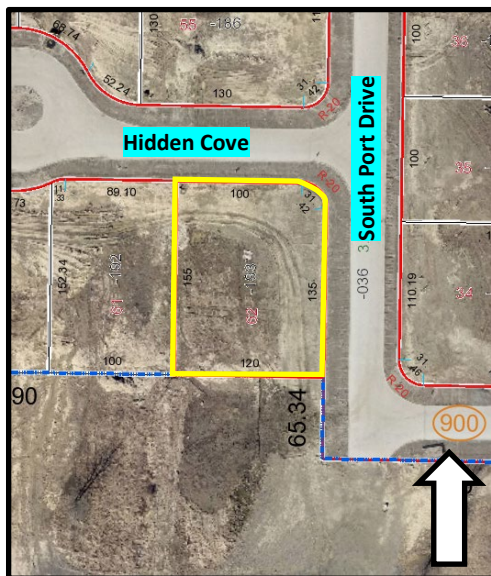


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

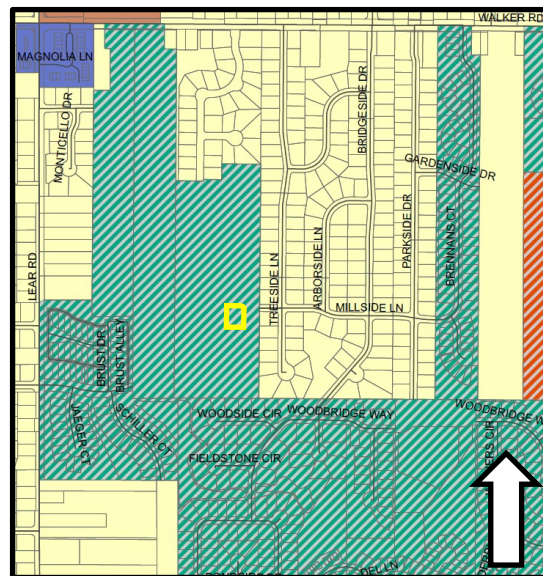


Figure 2: City of Avon Lake Zoning Map - 2022

The property is a corner lot with two frontages. The home fronts onto Hidden Cove and its secondary frontage is on South Port Drive. Because of this, the rear yard directly abuts the front yard. Below (Figure 3) is an image depicting the designated yard types for corner lots.

The applicant is proposing a 4' tall black ornamental aluminum fence to enclose their rear yard, side yard, and a 38'x66' portion of the front yard adjacent to South Port Drive. 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 front yard as 3', 4' in a side yard, and 6' in a rear yard.

The proposed side yard and 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 South Port Drive. The fence is depicted as a red line in Figure 3.

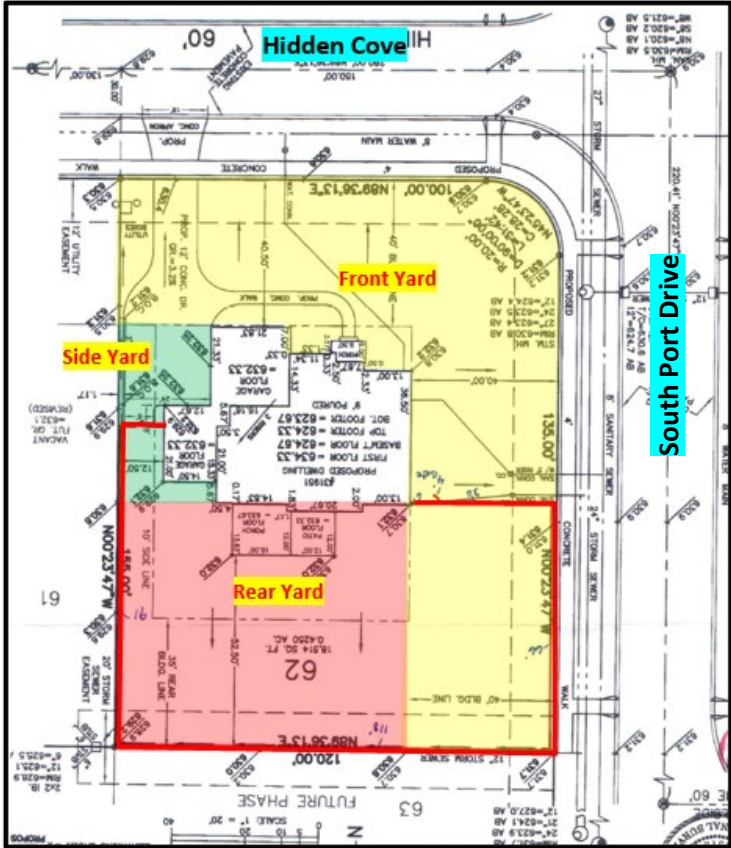


Figure 3: Yards and Proposed Fencing

There is a 12' 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 12' 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 10' into the easement. There is also a 10' sewer easement and a 12" storm sewer along the southern property line (rear). The fencing is proposed up to the property line, entirely in the easement. 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 any maintenance inside of the easement.

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.

**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 31951 Hidden Cove (Single-Family Residence). The request would permit a 4' tall black ornamental fence in the front yard, adjacent to South Port Drive. The fencing located in the rear yard and side yard is not included in the request and is 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/deny ZBA Application, CAV 24-13, 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 ornamental aluminum fence in the front yard (as depicted), along South Port Drive, at 31951 Hidden Cove.

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 31951 Hidden Cove.

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 Plan

<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**

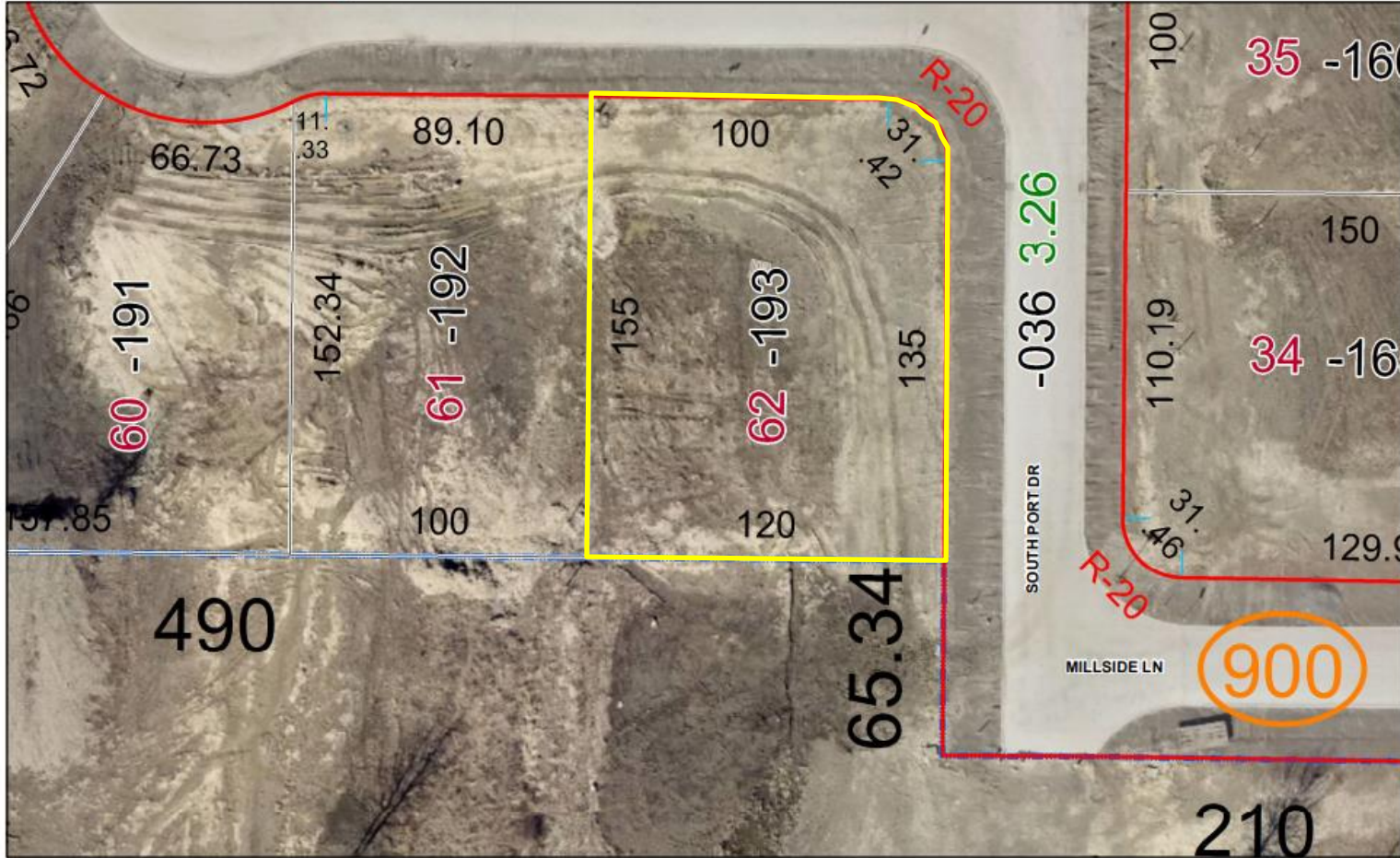
Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

- (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

1951 HIDDEN COVE AVON LAKE, OH 44012



March 22, 2024 1:38:42 PM

**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





### CAV-24-13

Area Variance Application  
(ZBA)

Status: Active

Submitted On: 3/13/2024

### Primary Location

31951 HIDDEN COVE  
AVON LAKE, OH 44012

### Owner

FIRMENT NICOLAS J &  
FIRMENT KIMBERLY A  
31951 HIDDEN COVE AVON  
LAKE, OH 44012

### Applicant

Nick Firment  
 440-315-1303  
 nick.firment@gmail.com  
 31951 Hidden Cove  
Avon Lake, OH 44012

## Applicant Information

**Applicant Role\***

Homeowner

**Name\***

Nick Firment

**Address\***

31951 Hidden Cove

**City\***

Avon Lake

**State\***

OH

**Zip\***

44012

**Telephone\***

440-315-1303

**Email Address\***

nick.firment@gmail.com

## Property Owner Information

Same as Applicant



# Request Information

 Code Section(s)

 # of Variance Requested

—

## Specific Details of Variance Request\*

Requesting a 4 ft fence instead of a 3 ft fence in back/side yard (was ruled front yard original in application due to my corner lot). This variance would allow me to have a uniform length fence encompassing my entire back yard

---

## Signature

### Applicant Signature\*

 Nicolas James Firment  
Mar 12, 2024

---

## Authorization for Property Access

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

Grant

Signature\*

 Nicolas James Firment  
Mar 12, 2024

Any dog(s) on property?\*

Yes

Daytime Phone Number\*

440-315-1303



## 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 exist on the land that I am aware of

**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;\***

Without variance approval I would not be able to put a pool in my backyard as I am planning on at some point in the future. Per Avon Lake residential zoning regulations, 'Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure.' And under section D of the exceptions in residential fencing requirements 'The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this section.'

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

The variance is not substantial, it is a 1 foot difference in open fence height.

**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 detriment to adjoining properties or the neighborhood. If anything, the variance would be an aesthetic positive to all surrounding properties/neighborhood.

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

No adverse affect whatsoever

**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 special conditions/circumstances exist that I am aware of

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

Without the variance my desire to get a pool cannot feasibly happen. The variance is the only feasible option

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

This variance request is a minor adjustment to the zoning requirement as it is a 1 foot difference in open fence height. The spirit and intent of the zoning laws and requirements remain in tact and no substantial injustice will come from the variance

**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 special privilege would be granted as any other properties with a pool are required to have a 4 ft fence

**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.\***

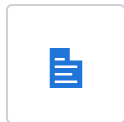
Other properties in Avon Lake enjoy the right to fence in their entire backyard with a fence a uniform height. Because my lot is situated on a corner, I feel I am being denied the full extent of that right.

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

In addition to the pool, I have concerns my dog will be able to hop over a 3 ft fence. Additionallyk, we have one child now and plan on more in the future. I have concerns children will be able to hop over a 3 ft fence as well

---

## Attachments



**Plot Plan Drawn to Scale**

Firment Fence Topo.pdf

Uploaded by Nick Firment on Mar 13, 2024 at 9:35 AM

**REQUIRED**

31951 Hidden Cove

# STAKING & GRADING PLAN

## SUBLOT NO. 62

P.P.N. 04-00-029-101-193  
#31951 HIDDEN COVE

SOUTH PORT SUBDIVISION NO. 2  
RECORDED IN VOL. 112, PG. 62-64

NOW IN  
THE CITY OF AVON LAKE,  
LORAIN COUNTY, OHIO

FOR  
**KOPF BUILDERS**

#420 AVON BELDEN RD.  
AVON LAKE, OHIO 44012  
PHONE (440) 933-6908

BY  
THE HENRY G. REITZ ENGINEERING CO.  
4214 ROCKY RIVER DR., CLEVELAND OH. 44135  
PH: (216) 251-3033 EMAIL: REITZ@REITZENG.COM

BY  V. PRES.

SCALE 1" = 20'

MARCH, 2023

REVISED 4-19-23  
PER CITY COMMENTS



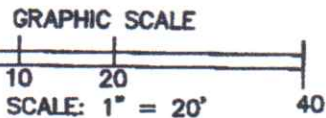
SAN. MH.  
RIM=631.4 AB  
N8"=621.3 AB  
S8"=621.3 AB

STM. MH.  
RIM=631.7 AB  
24"=623.9 AB  
21"=624.1 AB  
12"=627.0 AB

CONTRACTOR MUST  
CHECK BENCH  
MARK WITH  
PAVEMENT GRADE  
BEFORE ANY  
EXCAVATION OR  
WORK IS STARTED.  
BENCH MARK  
ELEV. = 633.42  
TOP OF HYDRANT  
S/L 35

OWNERS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_  
CONTRACTOR TO INSTALL SUMP  
PUMP AND GRINDER PUMP.

2% SWALES USED WHEN  
POSSIBLE FOR LOT.



### LEGEND:

- ⊙ DENOTES 5/8" IRON PIN IN MON. BOX FD.
- DENOTES 5/8" CAPPED (REITZ) IRON PIN FOUND.

→ DENOTES DIRECTION OF FINISH RUNOFF  
ELEVATIONS SHOWN = X EXISTIN  
PROPOS



SOUTH PORT DRIVE 60'

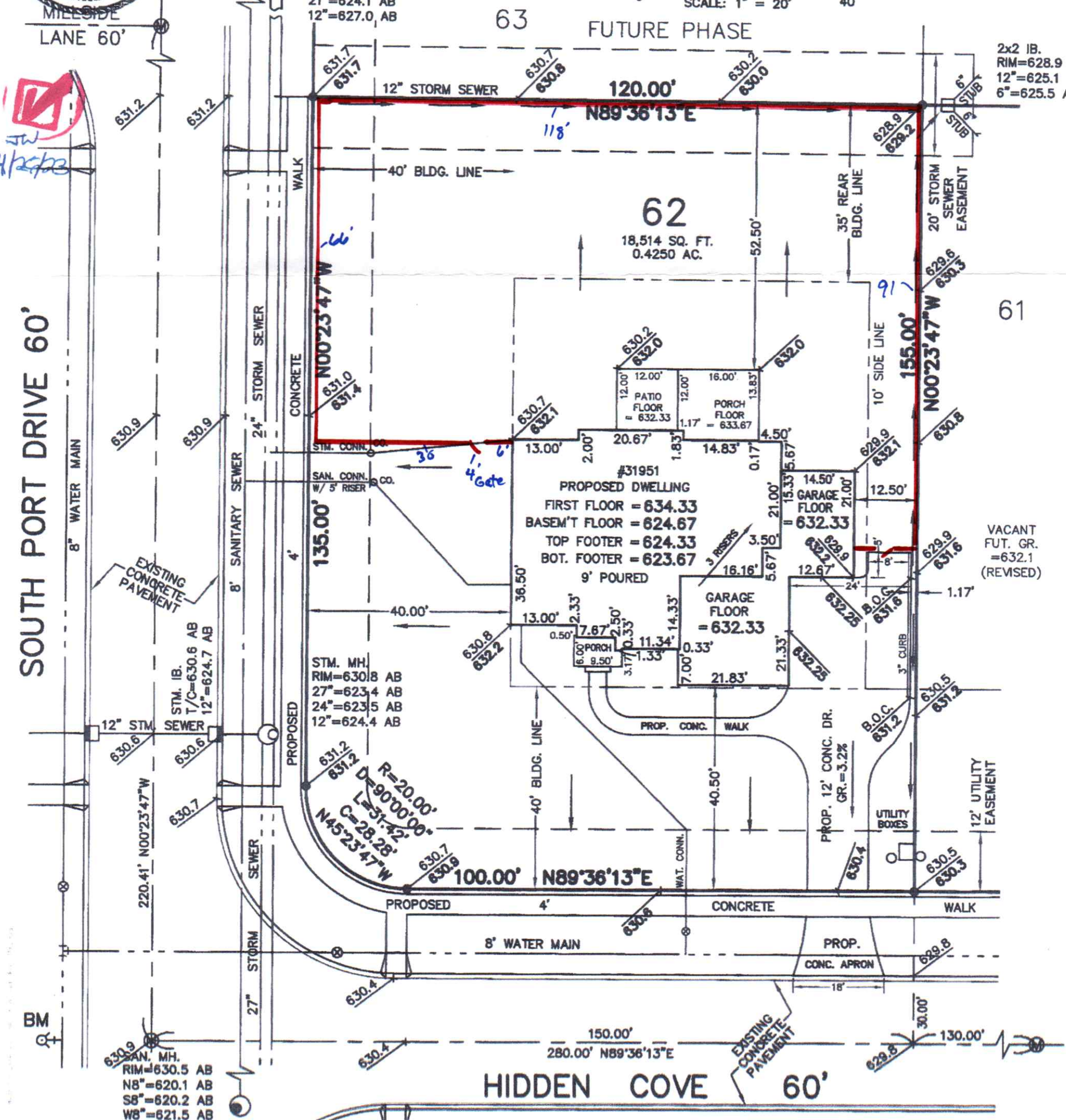
BM

SAN. MH.  
RIM=630.5 AB  
N8"=620.1 AB  
S8"=620.2 AB  
W8"=621.5 AB

STM. MH.  
RIM=630.8 AB  
27"=623.4 AB  
24"=623.5 AB  
12"=624.4 AB

PROPOSED  
R=20.00'  
L=31.42'  
C=28.28'  
N45°23'47"W

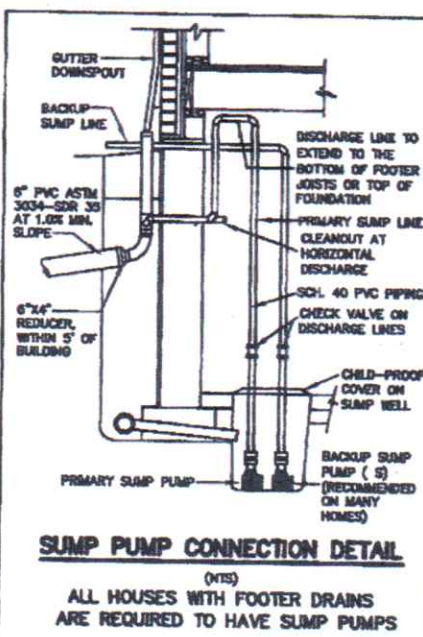
HIDDEN COVE 60'



### SUMP PUMP CONNECTION DETAIL

(NTS)  
ALL HOUSES WITH FOOTER DRAINS  
ARE REQUIRED TO HAVE SUMP PUMPS

- NOTES:
1. THE CITY OF AVON LAKE PUBLIC WORKS DEPARTMENT (ENGINEERING) IS TO BE NOTIFIED TWENTY FOUR (24) HOURS IN ADVANCE FOR ALL REQUIRED INSPECTIONS.
  2. BOTTOM OF FOOTER GRADE IS THE MINIMUM GRADE FOR FROST PROTECTION ONLY. ACTUAL BOTTOM OF FOOTER GRADE TO BE DETERMINED BY BUILDER CONSULTATION WITH GEOTECHNICAL ENGINEER IS RECOMMENDED.
  3. PRIOR TO CONSTRUCTION, BASEMENT AND FOOTER ELEVATIONS TO BE VERIFIED BY THE BUILDER/CONTRACTOR AND IF ANY DISCREPANCY EXISTS BETWEEN THE HOUSE PLAN AND THIS PLOT PLAN, THE CITY OF AVON LAKE AND THE HENRY G. REITZ ENGINEERING COMPANY SHALL BE NOTIFIED.
  4. CONTRACTOR TO UNCOVER AND CHECK INVERT ELEVATION AND LOCATION OF SEWER CONNECTION BEFORE FOOTER EXCAVATION TO ENSURE GRAVITY FLOW.
  5. IF FOOTER DRAINS ARE UTILIZED, A SUMP PUMP IS REQUIRED. USE MIN 1.0% SLOPE FROM SUMP CONNECTION TO STORM SEWER.
  6. ALL PERTINENT EROSION CONTROL BMP'S WILL BE FOLLOWED THROUGHOUT CONSTRUCTION.
  7. I ACKNOWLEDGE THAT MY BUILDER HAS REVIEWED THIS PLOT PLAN WITH PRIOR TO SUBMISSION TO THE CITY OF AVON LAKE.
  8. THE CITY OF AVON LAKE IS NOT RESPONSIBLE FOR EXCESSIVE RUNNING SUMP PUMP OR FLOODING OF BASEMENT, DURING RAIN STORM EVENTS.





## REPORT – ZBA CASE 24-14

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-14 (AREA VARIANCE – 31729 Maritime Court)  
**MEETING:** March 27, 2024

Elizabeth Orr of Dove Home Remodelers, Inc. (on behalf of Maureen Smith) requests an area variance to Planning & Zoning Code Section 1226.01 (e)(4)(K) *General Development Standards – Lot and Principal Building Regulations* at 31729 Maritime Court (single-family residence).

### DISCUSSION:

31729 Maritime Court is a single-family property located in the Westwind’s Subdivision. The subdivision is on the easternmost side of the city, directly north of Walker Road. The property is zoned R-1A, Single-Family Residence and all adjacent properties share the same R-1A zoning.

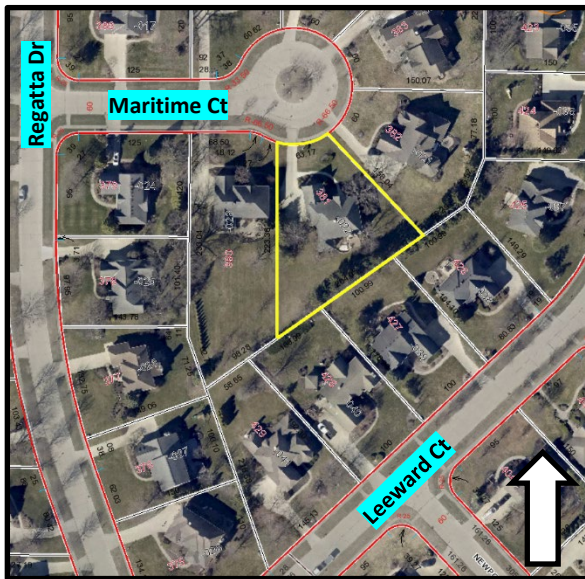


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

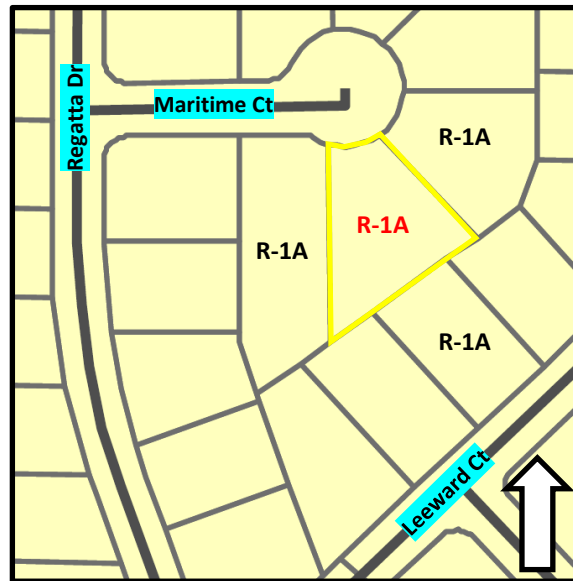


Figure 2: City of Avon Lake Zoning Map - 2022

The property is located on a cul-de-sac and has a trapezoid shape. The Planning & Zoning Code states that for the R-1A district, the required front yard setback is 50’, while the required rear yard setback is 35’. As the home currently exists, the setbacks are code compliant. The applicant is proposing a covered and unenclosed porch off the rear of the home. The structure would encroach approximately 4’4-5/8” into the rear setback and reduce the rear setback from 35’ to 30’7-3/8”.

The applicant is also proposing an uncovered concrete patio off the sw rear of the home. Planning & Zoning Code Section 1226.01 (e)(4) deals with projections into required yards. Ground level patios are permitted to encroach the required rear yard setback, while covered structures are not and are considered a part of the primary structure for setback purposes



Figure 3: Site Plan – Per the Applicant

**VARIANCE REQUESTED:**

The applicant requests one area variance to Planning & Zoning Code Section 1226.01 (e)(4)(K) *General Development Standards – Lot and Principal Building Regulations* at 31729 Maritime Court (Single-Family Residence). The request would permit a covered unenclosed porch to encroach 4' 4-5/8" into the 35' rear yard setback.

**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/deny ZBA Application, CAV 24-14, an area variance to Planning & Zoning Code Section 1226.01 (e)(4)(K) *General Development Standards – Lot and Principal Building Regulations*, permitting a covered porch to encroach the required rear yard setback, as depicted., at 31729 Maritime Court.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, along with a 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 31729 Maritime Court.

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. Area Variance Factors
5. Copy of Site Plans
6. Applicant Photos

**(3) Setback Exceptions**

- A. In cases where the side lines of a lot are not perpendicular to the street line, the Code Administrator may average dimensions in measuring the width of side yards.
- B. In cases where the rear line of a lot is not parallel with the street line, average dimensions may be used in determining the depths of rear yards.

**(4) Projections into Required Yards**

Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory and temporary uses as allowed in [Chapter 1224: Accessory and Temporary Use Regulations](#);
- C. For landscaping as allowed in [Chapter 1232: Landscaping and Screening Standards](#);
- D. For parking and circulation as allowed in [Chapter 1234: Parking, Access, and Mobility Standards](#);
- E. For signage as allowed in [Chapter 1236: Sign Standards](#);
- F. For the ordinary projections of architectural features including, but not limited to, eaves, gutters, downspouts, flues, skylights, sills, belt courses, cornices and ornamental features, not extending more than 16 inches into the required yard;
- G. Chimneys, not extending more than 24 inches;
- H. Window air conditioner units;
- I. Walls and fences as permitted in accordance with Section [1226.03: Fences and Walls](#);
- J. Unenclosed steps, including fire escapes, may be allowed in the required front, rear, or side yard setbacks, provided, however that steps and/or fire escapes shall be no closer than two feet from the side lot line;
- K. Unenclosed platforms, porches, landings, steps, terrace, decks, terraces or other similar features not extending above the first-floor level of a building, or any combination thereof, may extend six feet into the required front yard setback and three feet into the required side yard setback. Such encroachment shall not cover more than 50 percent of the applicable façade width; and
- L. Fixed and retractable awnings and canopies, not extending more than two feet into a required setback.

**(5) Interior Lots**

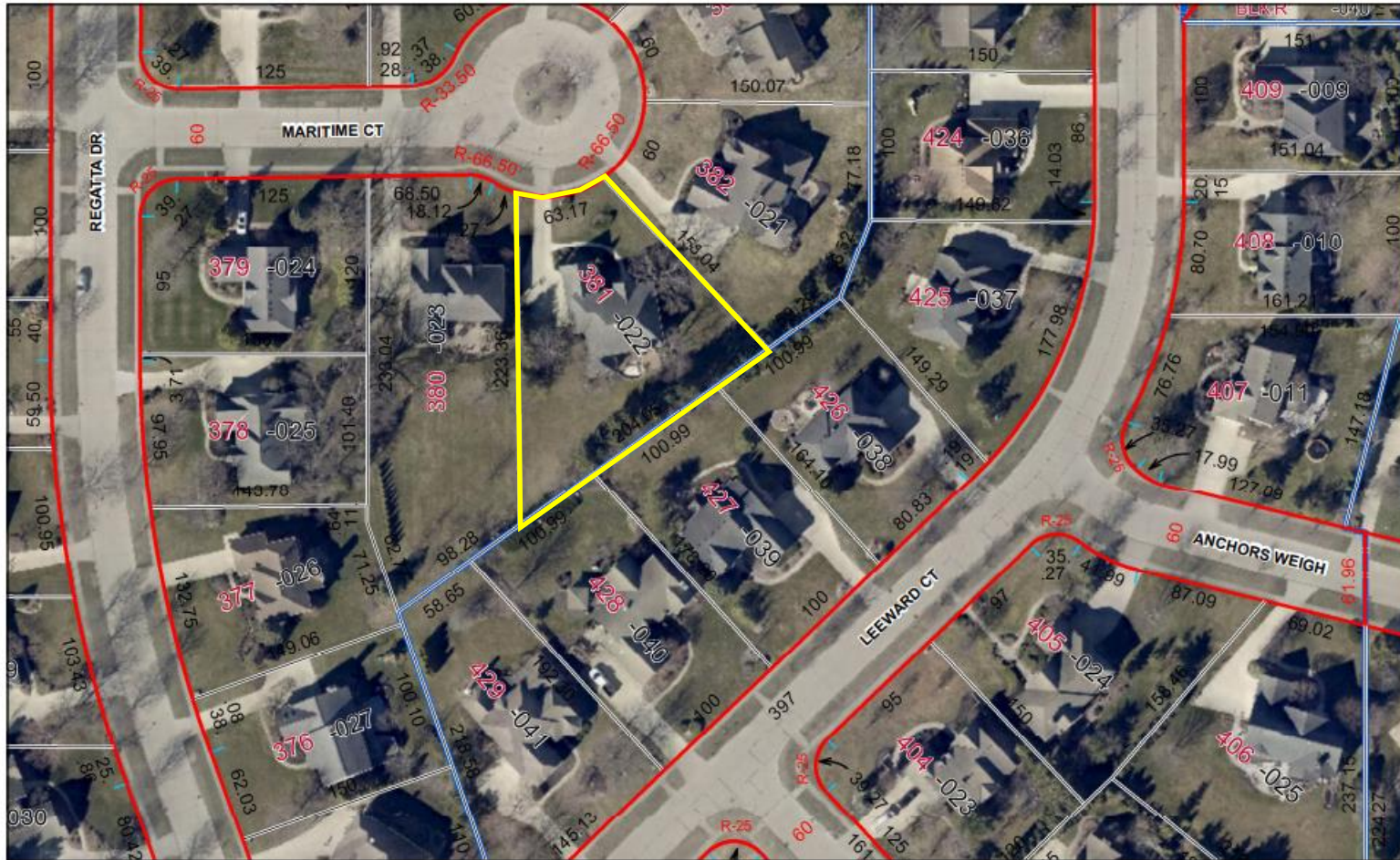
- A. Unless otherwise stated, the required minimum front yard setback shall be measured from the street right-of-way or, where a right-of-way is not identified, the front lot line. See [Figure 1226-C](#).
- B. The lot line located directly behind the rear of the structure, as determined by the Code Administrator, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 1226-C](#).
- C. All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 1226-C](#).





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

51729 MARITIME CT AVON LAKE, OH 44012



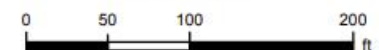
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**Legend**

- |                   |                            |               |              |              |
|-------------------|----------------------------|---------------|--------------|--------------|
| Sublot Line       | Road Centerlines           | Parcels_Black | Blue: Blue   | Blue: Blue   |
| Right-of-way Line | Subdivisions/Right of Ways | Red: Red      | Red: Red     | Green: Green |
|                   |                            | Green: Green  | Green: Green |              |



1 inch = 94 feet





### CAV-24-14

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/13/2024

#### Primary Location

31729 MARITIME CT  
AVON LAKE, OH 44012

#### Owner

SMITH MAUREEN T TRUSTEE  
31729 MARITIME COURT  
AVON LAKE, OH 44012

#### Applicant

Elizabeth Orr  
 440-777-7555  
duckettm@doverremodeling.com  
 29341 Lorain Road  
North Olmsted, Oh 44070

## Applicant Information

**Applicant Role\***

Project Designer

**Name\***

Leslie Alton

**Address\***

29341 Lorain Road

**City\***

North Olmsted

**State\***

Ohio

**Zip\***

44070

**Telephone\***

440-777-7555 x 104

**Email Address\***

altonl@doverremodeling.com  
orrb@doverremodeling.com

## Property Owner Information

**Same as Applicant**

**Name\***

Maureen Smith

**Address\***

31729 Maritime Court

**City\***

Avon Lake

State\*

Ohio

Zip\*

44012

Telephone\*

440-371-4766

Email Address\*

maureensmith1220@gmail.com

### Request Information

 Code Section(s)

 # of Variance Requested

—

Specific Details of Variance Request\*

4' 4 5/8" Variance to allow for the construction of an attached open porch

### Signature

Applicant Signature\*

 Leslie Alton  
Mar 13, 2024

### Authorization for Property Access

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

Grant

Signature\*

 Leslie Alton  
Mar 12, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

440-777-7555

## 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;\***

See attached sheet

**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;\***

See attached sheet

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

See attached sheet

**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;\***

See attached sheet

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

See attached sheet

**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);\***

See attached sheet

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

See attached sheet

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

See attached sheet

**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\***

See attached sheet

**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.\***

See attached sheet

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

---

## Attachments

REQUIRED



**Plot Plan Drawn to Scale**

LA-SMITH-ER\_city permits\_revision2.pdf

Uploaded by Elizabeth Orr on Mar 13, 2024 at 11:06 AM



**Elevations of Proposed Construction (if applicable)**

LA-SMITH-ER\_3D prints rev.pdf

Uploaded by Elizabeth Orr on Mar 13, 2024 at 11:06 AM



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

31729 Maritime Court pictures.docx

Uploaded by Elizabeth Orr on Mar 13, 2024 at 10:58 AM



**Smith Zoning.docx**

Smith Zoning.docx

Uploaded by Elizabeth Orr on Mar 13, 2024 at 11:00 AM

SMITH RESIDENCE  
31729 MARITIME COURT  
AVON LAKE, OHIO

## VARIANCE APPLICATION

### FACTORS

- A. THIS LOT IS AN IRREGULAR SHAPE AND A PARTICULARLY SHALLOW LOT FOR THE WESTWINDS DEVELOPMENT. AS THE HOME SITS ON THE LOT, THERE IS VERY LITTLE SPACE THAT COULD BE CONSIDERED THEIR BACK YARD. THE HOME SITS AT AN ANGLE SO THIS REDUCES THE BACK YARD SPACE EVEN MORE DRASTICALLY. AT THE BACK PROPERTY LINE, THE LOT IS VERY WIDE AT 204 FT AND THE FRONT IS A MERE 63 FT. THE SIDE PROPERTY LINES DIFFER FROM 158 TO 223 CREATING AN ODDLY SHAPED REAR BACK YARD. THE MAJORITY OF THE BACK YARD SQUARE FOOTAGE IS IN THE RIGHT REAR CORNER OF THE YARD AND IT IS NOT USABLE TO THE SMITHS, DUE TO THE PLANNED DRAINAGE FOR THE SURROUNDING HOMES.
  
- B. THE PROPOSED PORCH WILL CREATE AN OUTDOOR LIVING SPACE FOR THE SMITHS, THEIR ADULT CHILDREN AND FUTURE GRANDCHILDREN. THEY REQUESTED THE DESIGN TO INCLUDE BOTH A CONVERSATION AREA AND A DINING AREA UNDER THE PROTECTION OF THE PORCH. THE PORCH WILL HAVE RECESSED HEATING, CREATING AN ENTERTAINING SPACE THAT WILL EXTEND THEIR OUTDOOR ENJOYMENT INTO SPRING AND FALL. EXTENDING THEIR USAGE OF THIS SPACE WAS VERY IMPORTANT TO THE FAMILY. THIS PROTECTED ENTERTAINING SPACE AND THE BEAUTIFUL MATERIALS SELECTED WILL ADD SIGNIFICANT VALUE TO THIS HOME. WITHOUT A VARIANCE, THERE WILL NOT BE ADAQUATE SQUARE FOOTAGE TO ACCOMMODATE THE SIZE NEEDED FOR BOTH THE CONVERSATION SEATING AND DINING AREAS UNDER THE PROTECTIVE STRUCTURE.
  
- C. DUE TO THE ANGLE IN WHICH THE HOME IS SITUATED ON THE LOT, AND IN TURN THE ANGLE OF THE PROPOSED PORCH, THE VARIANCE REQUESTED AT 4' 4-5/8" IS THE MINIMUM REQUIRED TO ACCOMMODATE ENOUGH SPACE FOR BOTH THE CONVERSATION AREA AND THE DINING AREA. REDUCING THE SIZE OF THE PORCH WILL NOT ALLOW THE SPACE TO FUNCTION AS THE HOMEOWNER WOULD LIKE.

- D. THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD WOULD NOT BE ALTERED IN ANY WAY. THE ADJOINING PROPERTIES WOULD REMAIN UNAFFECTED. THE NEIGHBORS ON BOTH SIDES WILL NOT BE ABLE TO SEE THE PORCH. THE REAR NEIGHBORS WILL HAVE NO SIGHTLINE OF THE PORCH DUE TO THE LARGE PRIVACY LANDSCAPING BED SEPARATING THE TWO YARD. IT WILL NOT BE VISIBLE FROM THE FRONT ELEVATION. ALL SIDING AND EXTERIOR MATERIALS WILL MATCH THE EXISTING AESTHETIC OF THE HOME. IT WILL LOOK SEAMLESS.
- E. THE PORCH WILL NOT ADVERSELY AFFECT THE DELIVERY OF GOVERNMENT SERVICES.
- F. SPECIAL CONDITIONS OR CIRCUMSTANCES DO NOT EXIST AS A RESULT OF ANY ACTIONS OF THE HOMEOWNERS. NO ALTERATIONS HAVE BEEN MADE TO THE ORIGINAL FOOTPRINT OF THIS HOME.
- G. THIS PREDICAMENT CAN NOT BE RESOLVED THROUGH ANY OTHER METHOD OTHER THAN A VARIANCE. WE EXPLORED THE IDEA OF TURNING THE PORCH TO RUN LENGTHWISE ACROSS THE BACK OF THE HOME. THIS WILL NOT WORK DUE TO INFRINGING ON THE FAMILY ROOM WINDOWS AND CHIMNEY. WE COULD NOT ARRIVE AT A SOLUTION THAT WOULD GIVE THEM THE ADAQUATE SPACE REQUIRED AND THAT WOULD LOOK AESTHETICALLY APPROPRIATE BOTH EXTERIOR AND INTERIOR. REDUCING THE PORCH SIZE WILL NOT PROVIDE THE PROTECTED SPACE THEY NEED TO HOST THEIR FAMILY AND FRIENDS. THIS PORCH WILL PROVIDE SHADE IN EXTREME HEAT, PROTECTION FROM INCLEMENT WEATHER, LIGHTING IN THE EVENINGS AND WARMTH ON CHILLY DAYS IN THE SPRING AND FALL.
- H. WE FEEL THE SPIRIT AND INTENT BEHIND THE ZONING REQUIREMENT WOULD STILL BE PRESERVED IN GRANTING THIS VARIANCE MAINLY BECAUSE THE PROJECT WILL NOT AFFECT ANY ADJACENT PROPERTIES. IT WILL BE CONTRUCTED OF THE HIGHEST QUALITY MATERIALS AND LOOK LIKE AN EXTENSION OF THE HOME. WE ARE PRESERVING ALL SURROUNDING LANDSCAPING SO IT WILL REMAIN A VERY PRIVATE SPACE FOR THE HOMEOWNERS. SUBSTANTIAL JUSTICE WILL BE DONE BY GRANTING THE VARIANCE AS IT WILL ALLOW THE HOMEOWNERS TO STAY IN THIS RESIDENCE WHILE CREATING A MORE FUNCTIONAL AND ENJOYABLE BACK YARD. IT WILL ALLOW US TO BRING TO LIFE THE SMITH'S VISION TO LIFE. THEIR ULTIMATE GOAL IN RETIREMENT IS TO HAVE A BEAUTIFULLY DESIGNED



OUTDOOR ENTERTAINING SPACE TO HOST THEIR GROWING FAMILY. THIS REQUEST ALIGNS WITH MANY OF THE SURROUNDING HOMES IN THIS NEIGHBORHOOD.

- I. WE DO NOT FEEL THE GRANTING OF THIS VARIANCE WILL CONVEY ANY SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES, STRUCTURES OR BUILDINGS IN THIS DISTRICT. DUE TO THE SHAPE OF THIS PROPERTY AND THE POSITION OF THE HOME, THIS CREATES AN EXTREMELY SHALLOW BACK YARD SITUATION THAT IS UNLIKE THE MAJORITY OF THE PROPERTIES IN THIS DISTRICT. THERE ARE OTHER PROPERTIES IN THIS SUBDIVISION WITH CUL DE SAC LOTS THAT WE ASSUME HAVE BEEN GRANTED A VARIANCE TO ENCROACH IN THE 35' SET BACK. 31708 DRIFTWOOD COURT WOULD BE ONE EXAMPLE. IT APPEARS THEY BUILT A STRUCTURE THAT IS ONLY APPROXIMATELY 13' FROM THE REAR PROPERTY LINE. THE SMITH'S PROPOSED PORCH STILL ALLOWS 30' 7-3/8" TO THE REAR PROPERTY LINE.
  
- J. DUE TO THE LOCATION OF THE REAR PROPERTY LINE AND WHEN THE HOME WAS BUILT ON THIS LOT, THE LITERAL INTERPRETATION OF THIS CODE WOULD DEPRIVE THE APPLICANTS THE RIGHT TO CREATE A PROTECTED ENTERTAINING SPACE FOR THEIR FAMILY. THE SMITHS HAVE CONSIDERED MOVING TO PURCHASE A HOME WITH GREATER OUTDOOR POTENTIAL. ULTIMATELY, THEY WISH TO REMAIN IN THIS HOME AND INVEST IN THIS PORCH AND PATIO PROJECT. THE MAJORITY OF HOMES IN THIS DISTRICT WOULD NOT ENCOUNTER THIS HARDSHIP AND THERE ARE OTHER HOMES WITH IRREGULAR SHAPED LOTS THAT APPEAR AS THOUGH THEY HAVE BEEN GRANTED A VARIANCE.

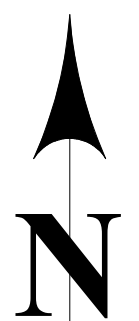
# SMITH RESIDENCE

## EXTERIOR REMODEL PROJECT

31729 MARITIME COURT  
AVON LAKE, OH 44012

Drawing Index	
T-1	Title Sheet & Site Plan
D-1	1st Floor & Elevation Plan Demo
A-1	Foundation Plan Proposal
A-2	1st Floor Plan Proposal
A-3	2nd Floor & Roof Plan Proposal
A-4	Rear Elevation Plan Proposal
A-5	Section Plan Proposal
A-6	Section Plan Proposal
E-1	Electrical Plan Proposal
M-1	Mechanical Plan Proposal
S-1	Structural Beam Plan Proposal



  
 N  
 Site Plan  
 1 in = 15 ft

**PERMIT SET**

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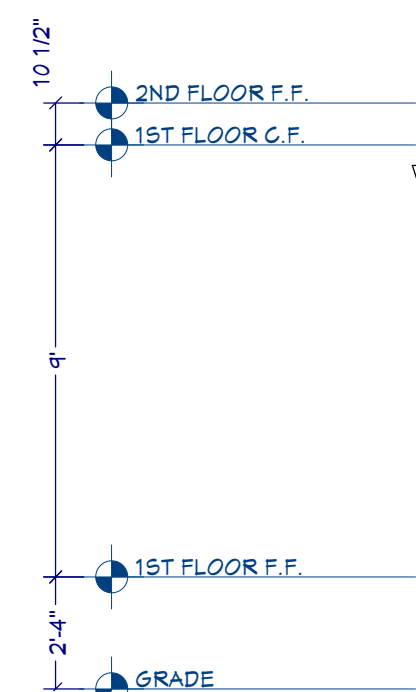
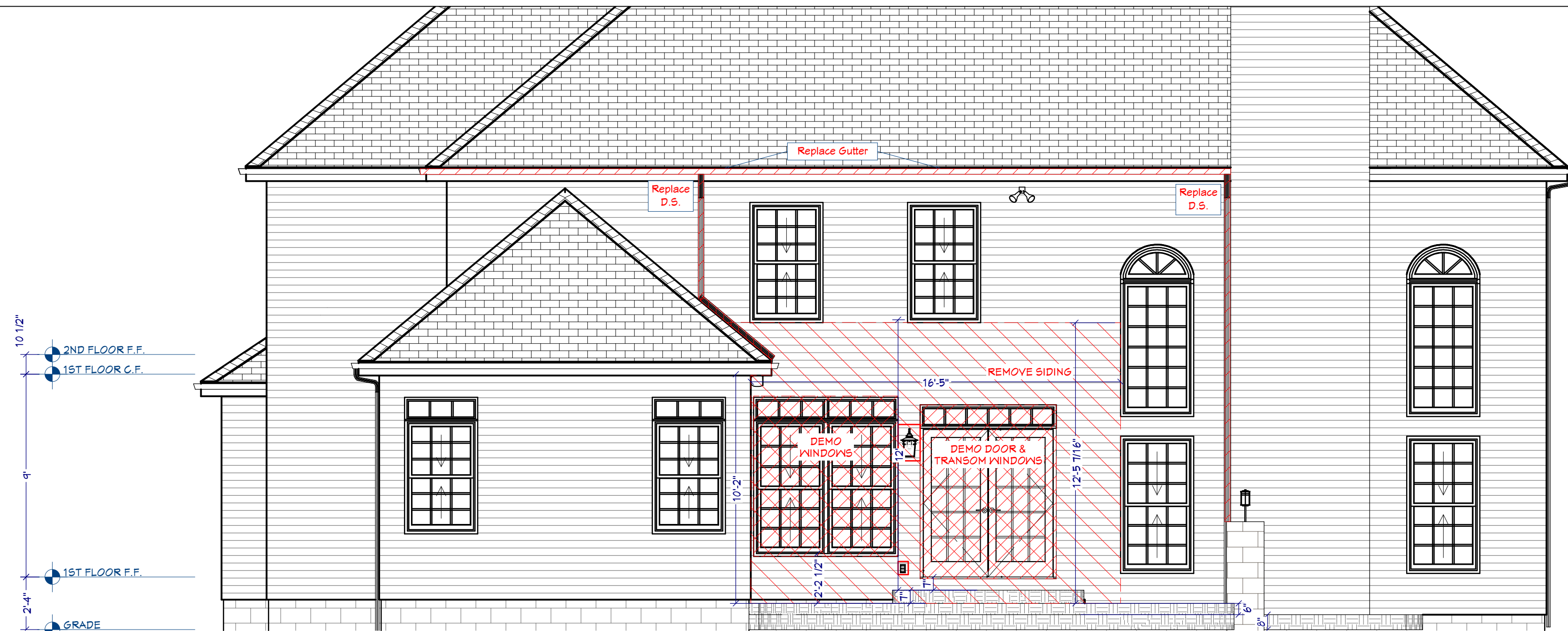


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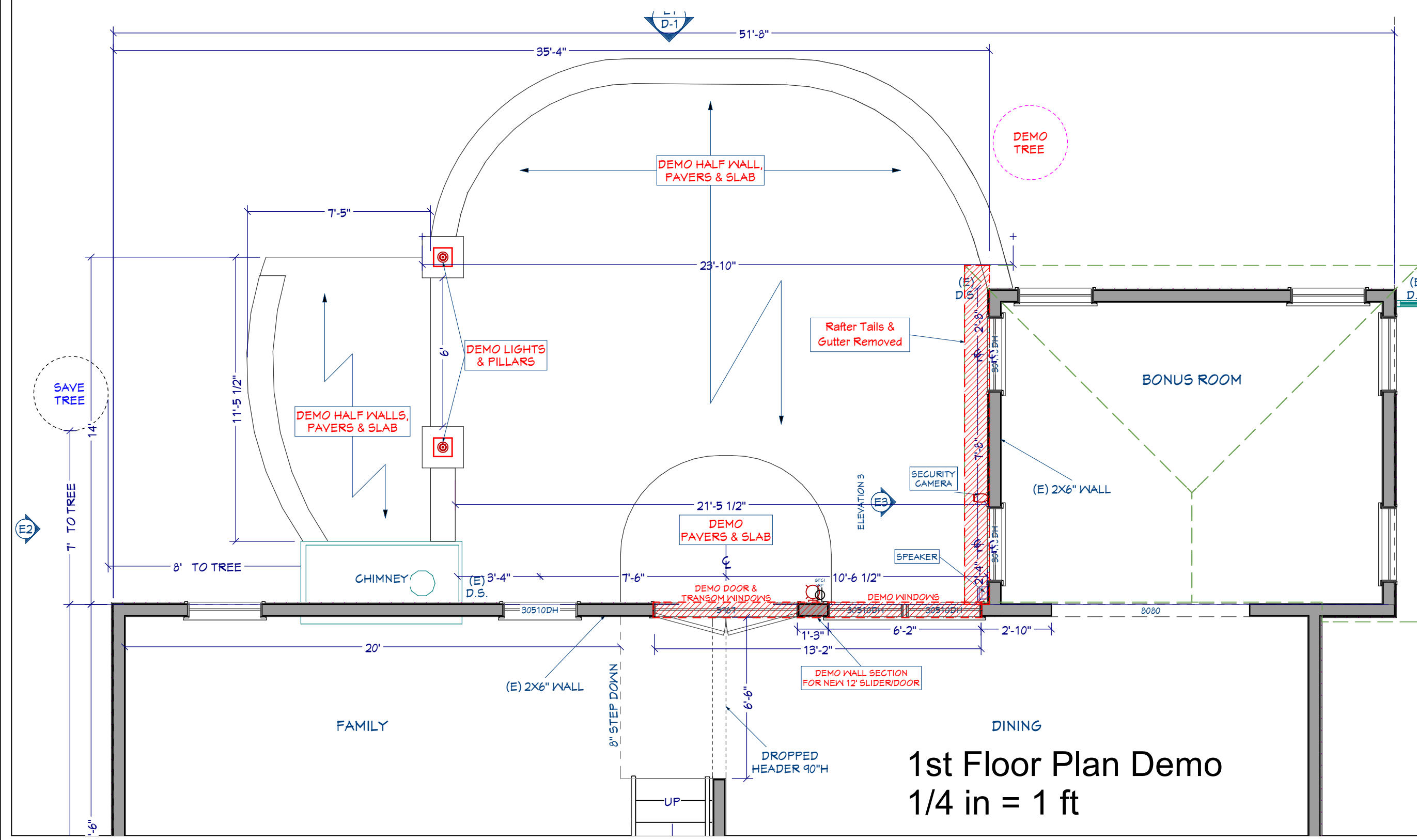
NAME: SMITH, MAUREEN  
ADDRESS: 31729 MARITIME COURT  
CITY: AVON LAKE, OH  
ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024  
SCALE: AS NOTED  
Drawn By: CAJGM  
Designer: LA

SHEET:  
**T-1**



Rear Elevation Plan Demo  
1/4 in = 1 ft



**DEMO / PROPOSAL NOTES:**

- DEMO WALL
- NEW WALL
- NEW DRYWALL
- DEMO LINE
- DEMO BOX

**MECHANICAL-ELECTRICAL LEGEND**

⊞ - SINGLE POLE SWITCH	⊞ - 110 RECEPTACLE
⊞ - 3-WAY POLE SWITCH	⊞ - 110 QUAD RECEPTACLE
⊞ - 4-WAY POLE SWITCH	⊞ - 110 GFI RECEPTACLE
⊞ - SINGLE POLE SWITCH w/ DIMMER	⊞ - 110 GFI RECEPTACLE WEATHER PROTECTED
⊞ - 3-WAY POLE SWITCH w/ DIMMER	⊞ - 220 RECEPTACLE
⊞ - INCANDESCENT LIGHT	⊞ - DISPOSAL SWITCH
⊞ - WALL MOUNTED SCOFFCE	⊞ - DISPOSAL
⊞ - EXHAUST FAN	⊞ - SMOKE DETECTOR
⊞ - EXHAUST FANLIGHT	⊞ - CARBON MONOXIDE DETECTOR
⊞ - 6" RECESSED CAN LIGHT	⊞ - THERMOSTAT
⊞ - 4" RECESSED CAN LIGHT	⊞ - PHONE JACK
⊞ - RECESSED CAN LIGHT EYEBALL LIGHT	⊞ - TV/CABLE JACK
⊞ - PULL CHAIN LIGHT	⊞ - ELECTRICAL PANEL
⊞ - PENDANT LIGHT	⊞ - SUPPLY AIR
⊞ - FLUORESCENT LIGHT UNDER WALL CABINET	⊞ - RETURN AIR
⊞ - FLUORESCENT LIGHT	⊞ - CEILING FAN w/ LIGHT

(C) - DENOTES CHANGE DEVICE  
(D) - DENOTES DEMO DEVICE  
(E) - DENOTES EXISTING

PERMIT SET

1st Floor Plan Demo  
1/4 in = 1 ft

NO.	DATE	BY	DESCRIPTION
1	1/3/2024	GM	CITY PERMITS
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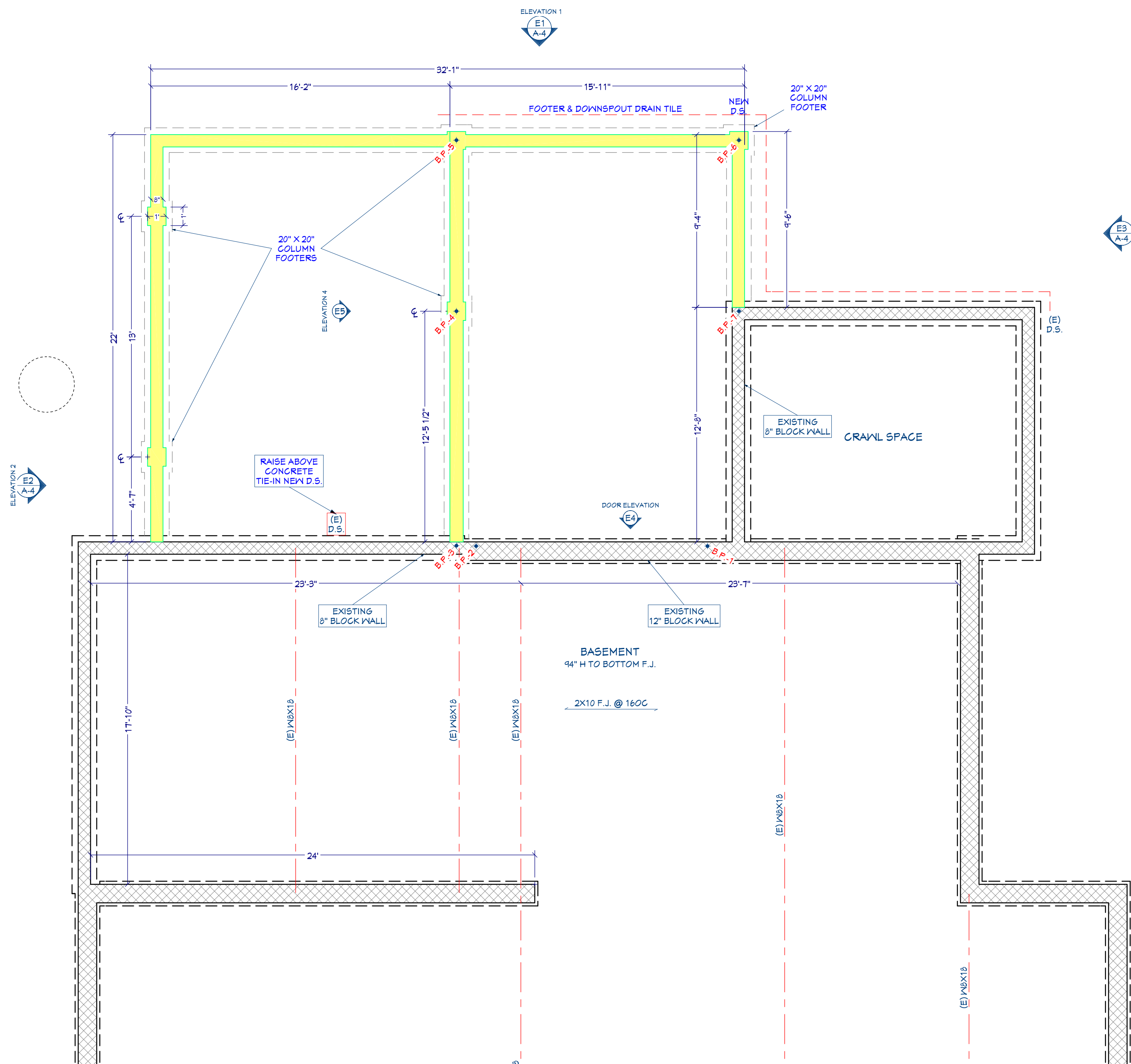


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RAISE ABOVE CONCRETE TIE-IN NEW D.S.

20" X 20" COLUMN FOOTERS

ELEVATION 1  
E1  
A-4

ELEVATION 4  
E4

ELEVATION 3  
E3  
A-4

ELEVATION 2  
E2  
A-4

DOOR ELEVATION  
E4

EXISTING 8" BLOCK WALL

EXISTING 12" BLOCK WALL

EXISTING 8" BLOCK WALL  
CRAWL SPACE

BASEMENT  
94" H TO BOTTOM F.F.

2X10 F.F. @ 160G

**DEMO / PROPOSAL NOTES:**

	DEMO WALL
	NEW WALL
	NEW DRYWALL
	DEMO LINE
	DEMO BOX

**MECHANICAL-ELECTRICAL LEGEND**

	- SINGLE POLE SWITCH		- 110 RECEPTACLE
	- 3-WAY POLE SWITCH		- 110 QUAD RECEPTACLE
	- 4-WAY POLE SWITCH		- 110 GFI RECEPTACLE
	- SINGLE POLE SWITCH w/ DIMMER		- 110 GFI RECEPTACLE WEATHER PROTECTED
	- 3-WAY POLE SWITCH w/ DIMMER		- 220 RECEPTACLE
	- INCANDESCENT LIGHT		- DISPOSAL SWITCH
	- WALL MOUNTED SCENCE		- DISPOSAL
	- EXHAUST FAN		- SMOKE DETECTOR
	- EXHAUST FANLIGHT		- CARBON MONOXIDE DETECTOR
	- 6" RECESSED CAN LIGHT		- THERMOSTAT
	- 4" RECESSED CAN LIGHT		- PHONE JACK
	- RECESSED CAN LIGHT EYEBALL LIGHT		- TV/CABLE JACK
	- PULL CHAIN LIGHT		- ELECTRICAL PANEL
	- PENDANT LIGHT		- SUPPLY AIR
	- FLORESCENT LIGHT UNDER WALL CABINET		- RETURN AIR
	- FLORESCENT LIGHT		(C) - DENOTES CHANGE DEVICE
	- CEILING FAN w/ LIGHT		(D) - DENOTES DEMO DEVICE
			(E) - DENOTES EXISTING

Foundation/Main Floor Plan Proposal  
1/4 in = 1 ft

**PERMIT SET**

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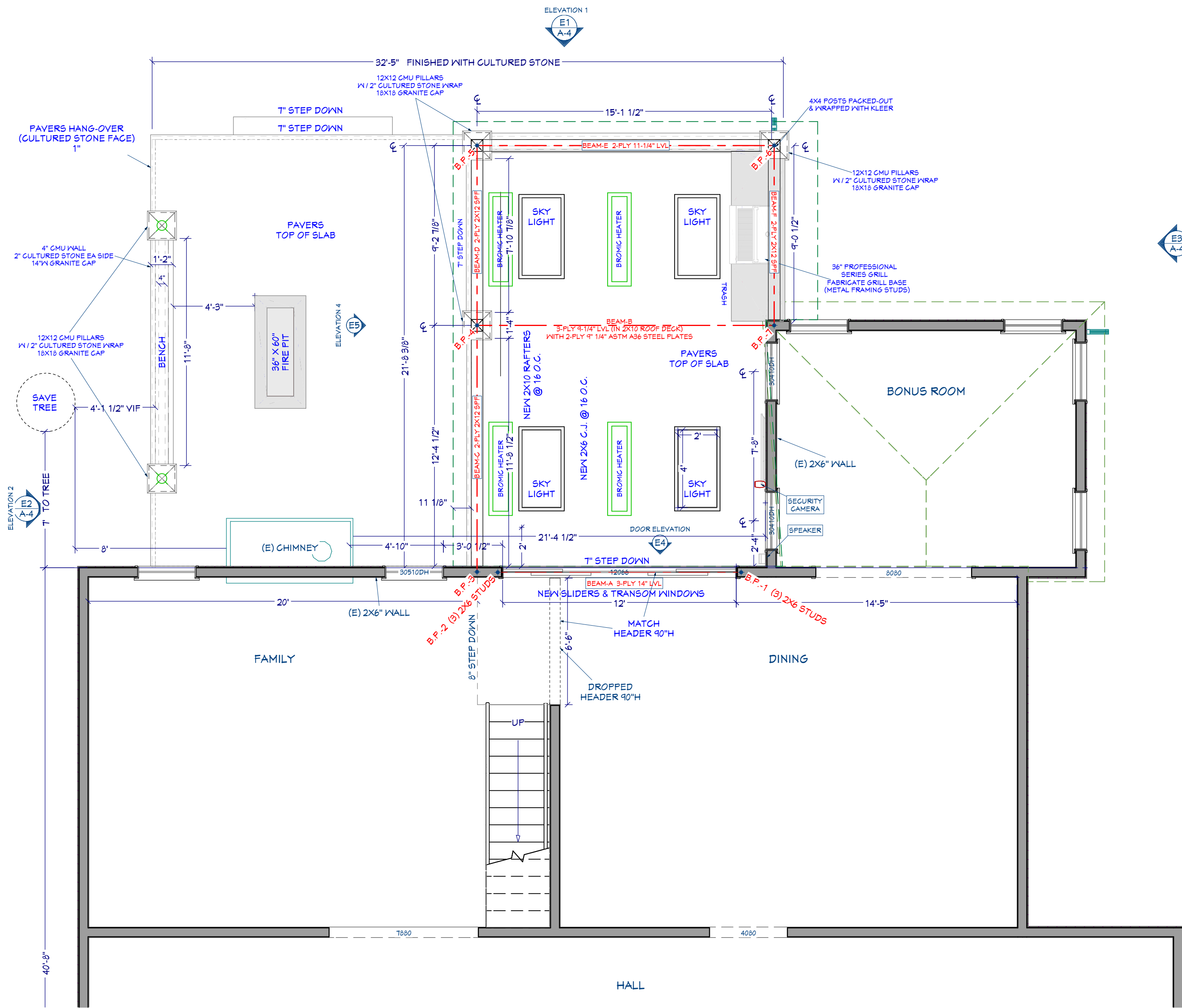


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Designer: LA

SHEET: A-1



1st Floor Plan Proposal  
1/4 in = 1 ft

**DEMO / PROPOSAL NOTES:**

	DEMO WALL
	NEW WALL
	NEW DRYWALL
	DEMO LINE
	DEMO BOX

**MECHANICAL-ELECTRICAL LEGEND**

	- SINGLE POLE SWITCH		- 110 RECEPTACLE
	- 3-WAY POLE SWITCH		- 110 QUAD RECEPTACLE
	- 4-WAY POLE SWITCH		- 110 GFI RECEPTACLE
	- SINGLE POLE SWITCH w/ DIMMER		- 110 GFI RECEPTACLE WEATHER PROTECTED
	- 3-WAY POLE SWITCH w/ DIMMER		- 220 RECEPTACLE
	- INCANDESCENT LIGHT		- DISPOSAL SWITCH
	- WALL MOUNTED SCONCE		- DISPOSAL
	- EXHAUST FAN		- SMOKE DETECTOR
	- EXHAUST FANLIGHT		- CARBON MONOXIDE DETECTOR
	- 6\"/>		- THERMOSTAT
	- 4\"/>		- PHONE JACK
	- RECESSED CAN LIGHT EYEBALL LIGHT		- TV/CABLE JACK
	- PULL CHAIN LIGHT		- ELECTRICAL PANEL
	- PENDANT LIGHT		- SUPPLY AIR
	- FLUORESCENT LIGHT UNDER WALL CABINET		- RETURN AIR
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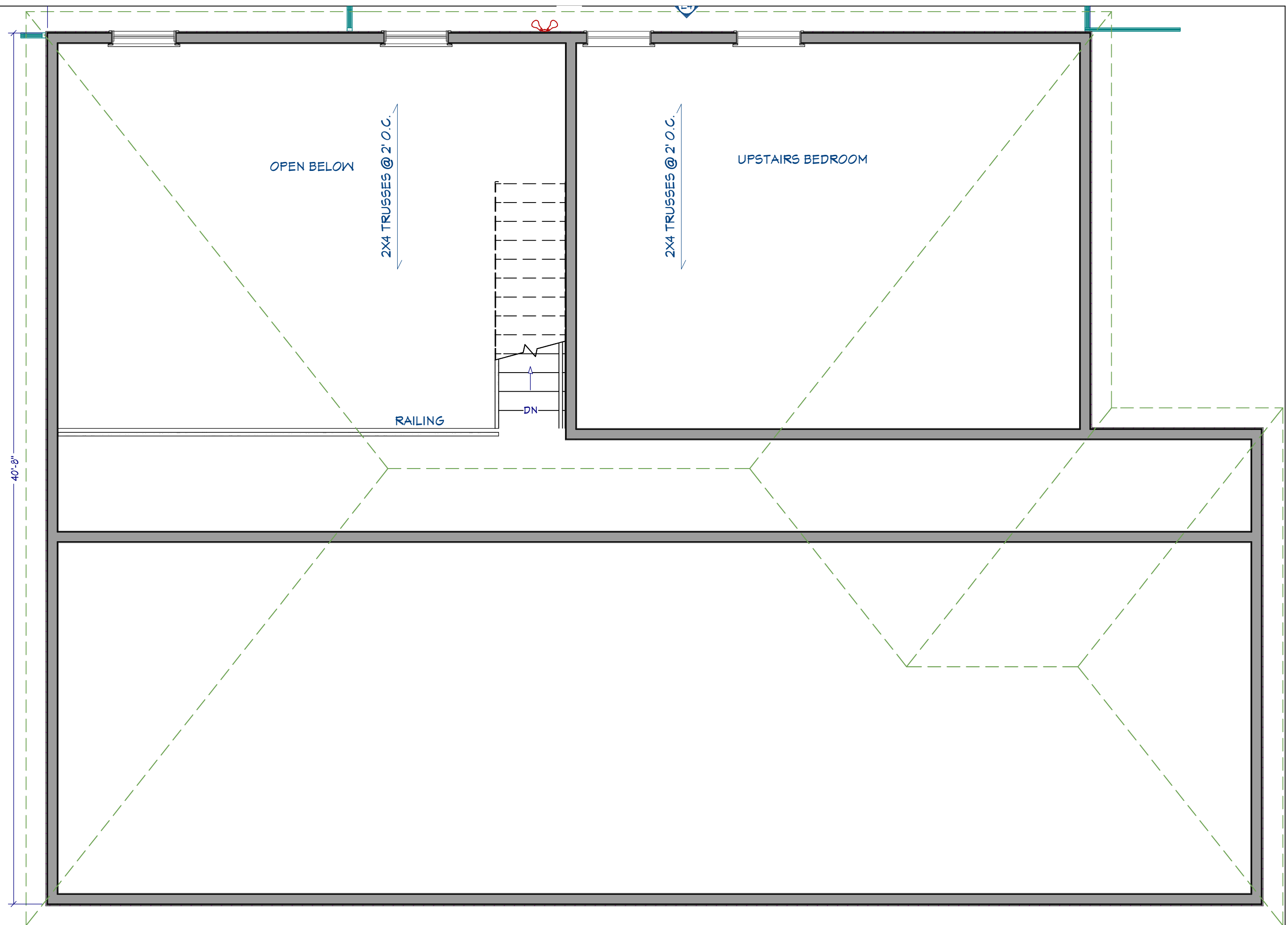
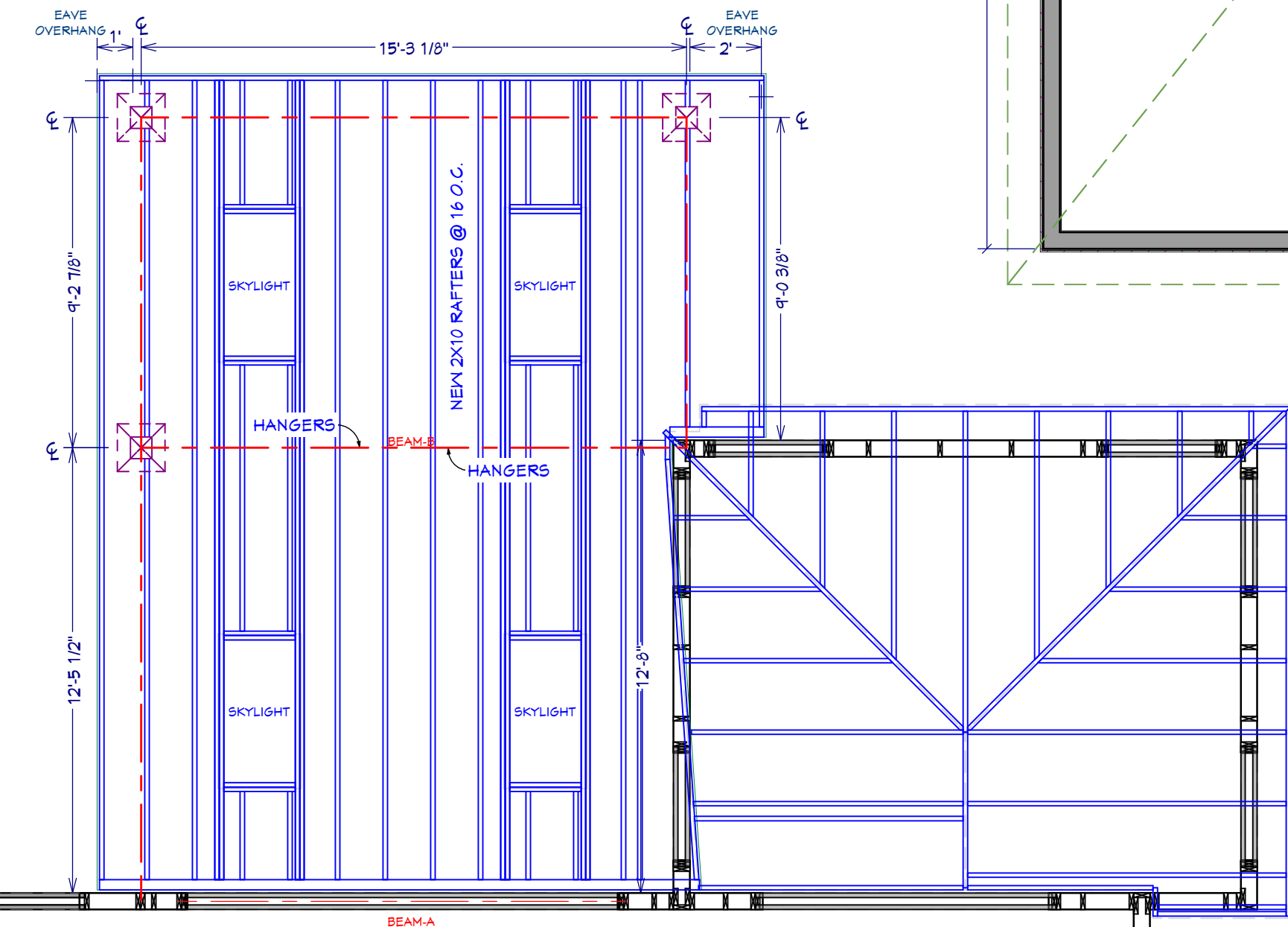
SHEET: A-2

MECHANICAL-ELECTRICAL LEGEND			
⊞	- SINGLE POLE SWITCH	⊞	- 110 RECEPTACLE
⊞	- 3-WAY POLE SWITCH	⊞	- 110 QUAD RECEPTACLE
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⊞	- FLORESCENT LIGHT	(C)	- DENOTES CHANGE DEVICE
⊞	- CEILING FAN w/ LIGHT	(D)	- DENOTES DEMO DEVICE
		(E)	- DENOTES EXISTING

DEMO / PROPOSAL NOTES:	
	DEMO WALL
	NEW WALL
	NEW DRYWALL
	DEMO LINE
	DEMO BOX

### Roof Plan Proposal

1/4 in = 1 ft



### 2nd Floor Plan Proposal

1/4 in = 1 ft

**PERMIT SET**

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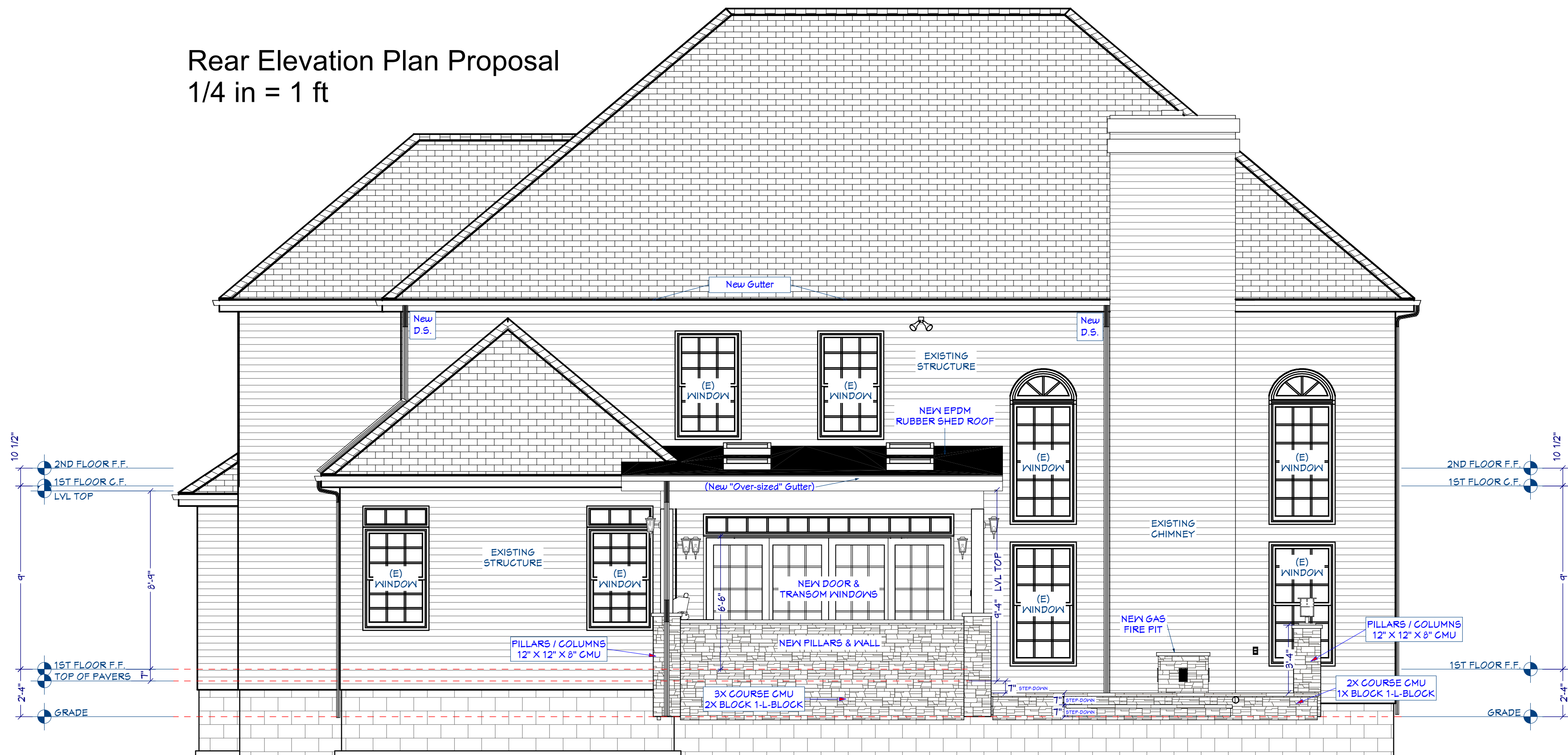
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DATE: 3/13/2024  
SCALE: AS NOTED  
Drawn By: CAJGM  
Designer: LA

SHEET: **A-3**

# Rear Elevation Plan Proposal

1/4 in = 1 ft



# Right Elevation Plan Proposal

1/4 in = 1 ft



# Left Elevation Plan Proposal

1/4 in = 1 ft



**DEMO / PROPOSAL NOTES:**

- DEMO WALL
- NEW WALL
- NEW DRYWALL
- DEMO LINE
- DEMO BOX

**MECHANICAL-ELECTRICAL LEGEND**

⊞ - SINGLE POLE SWITCH	⊞ - 110 RECEPTACLE
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⊞ - FLORESCENT LIGHT	⊞ - CEILING FAN w/ LIGHT

(C) - DENOTES CHANGE DEVICE  
(D) - DENOTES DEMO DEVICE  
(E) - DENOTES EXISTING

PERMIT SET

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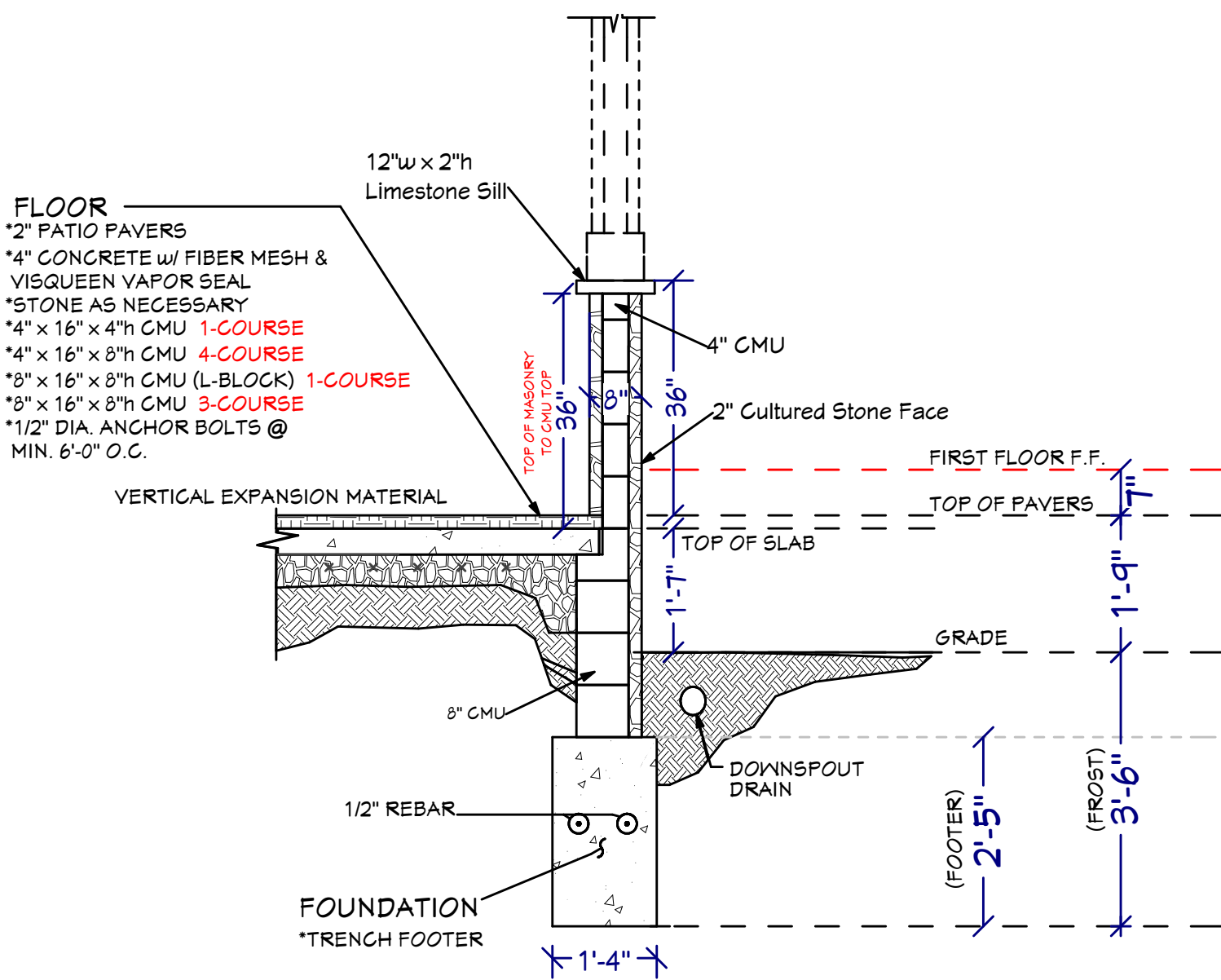
29341 Lorain Road  
North Olmsted, Ohio 44070  
Phone: 440-771-7585  
Fax: 440-771-8188  
www.doverremodeling.com



APPROVAL DATE \_\_\_\_\_  
CLIENT SIGNATURE \_\_\_\_\_

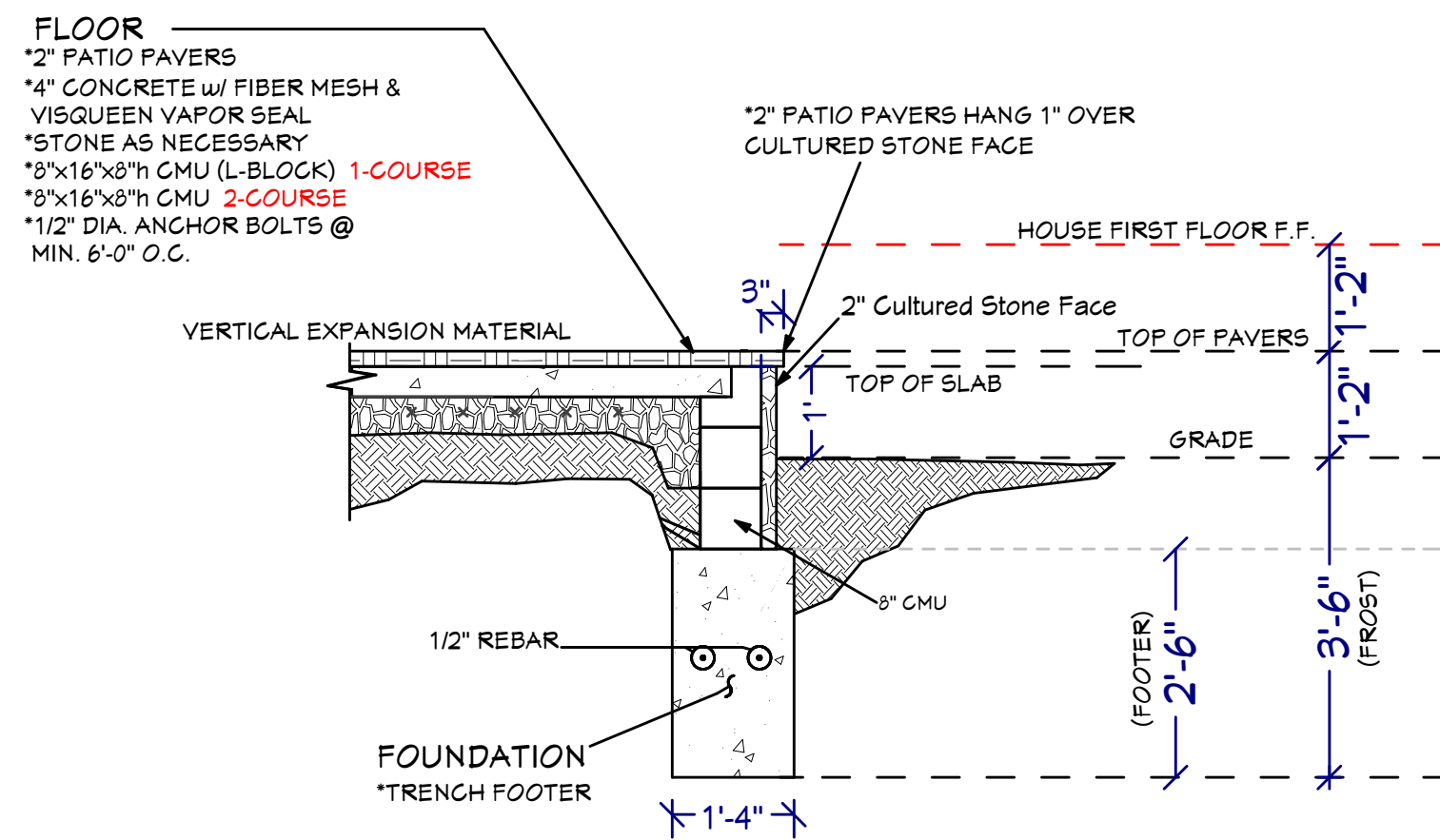
NAME: SMITH, MAUREEN  
ADDRESS: 31729 MARITIME COURT  
CITY: AVON LAKE, OH  
ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024  
SCALE: AS NOTED  
Drawn By: CAJGM  
Designer: LA  
SHEET: A-4



UPPER SLAB / WALL CROSS SECTION

1/2" = 1'-0"



LOWER SLAB / WALL CROSS SECTION

1/2" = 1'-0"

**PERMIT SET**

THESE DRAWINGS AND DESIGNS WILL BE RELEASED AT AUTHORIZATION OF PROJECT. ANY USAGE WITHOUT WRITTEN CONSENT WILL DEFER ANY AND ALL RESPONSIBILITIES OF DOVER HOME REMODELERS, INC. ALL RIGHTS ARE HEREBY SPECIFICALLY RESERVED.

NO.	DATE	BY	DESCRIPTION
1	1/3/2024	GM	CITY PERMITS
2	2/28/2024	GM	PERMIT REVISION

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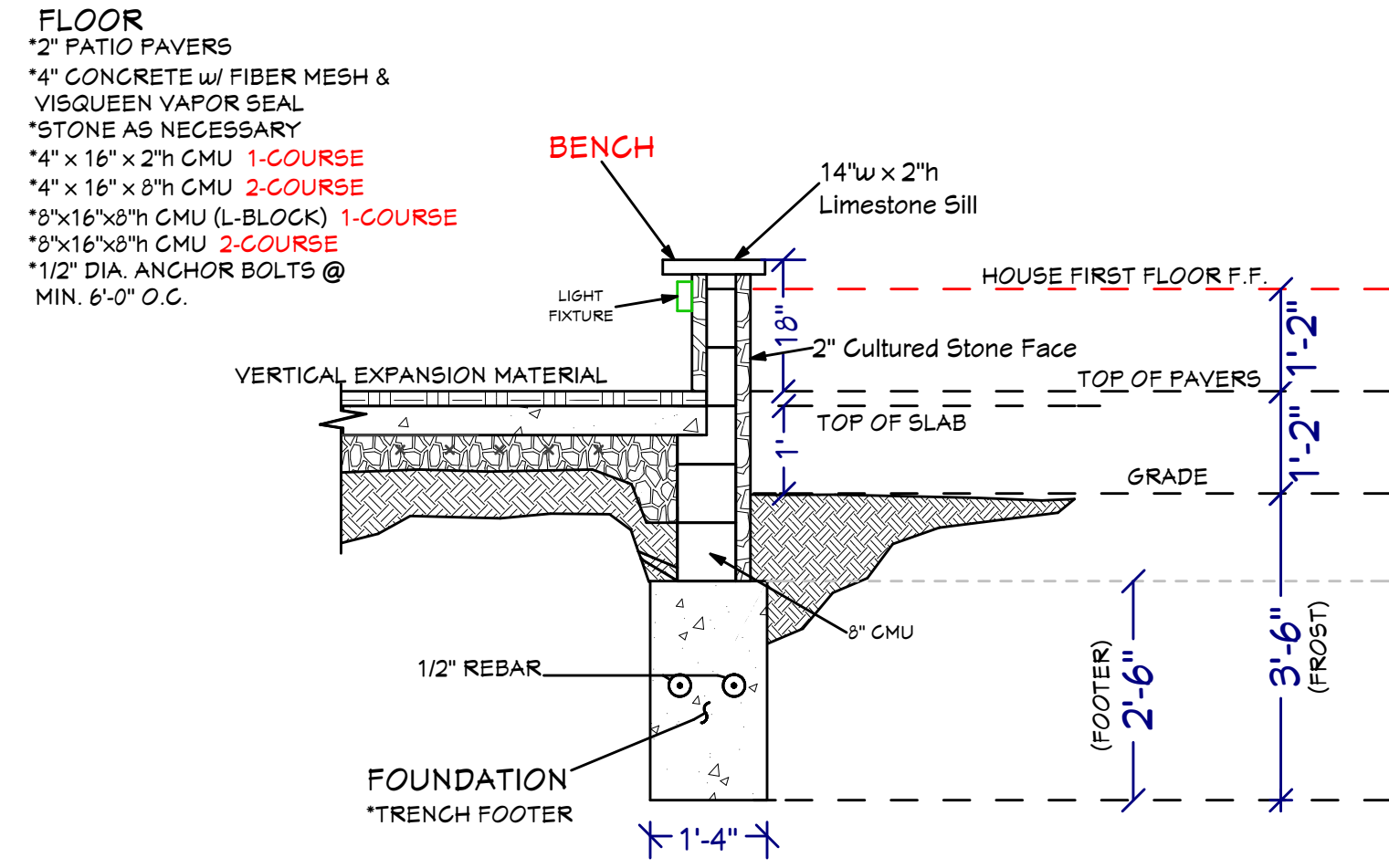
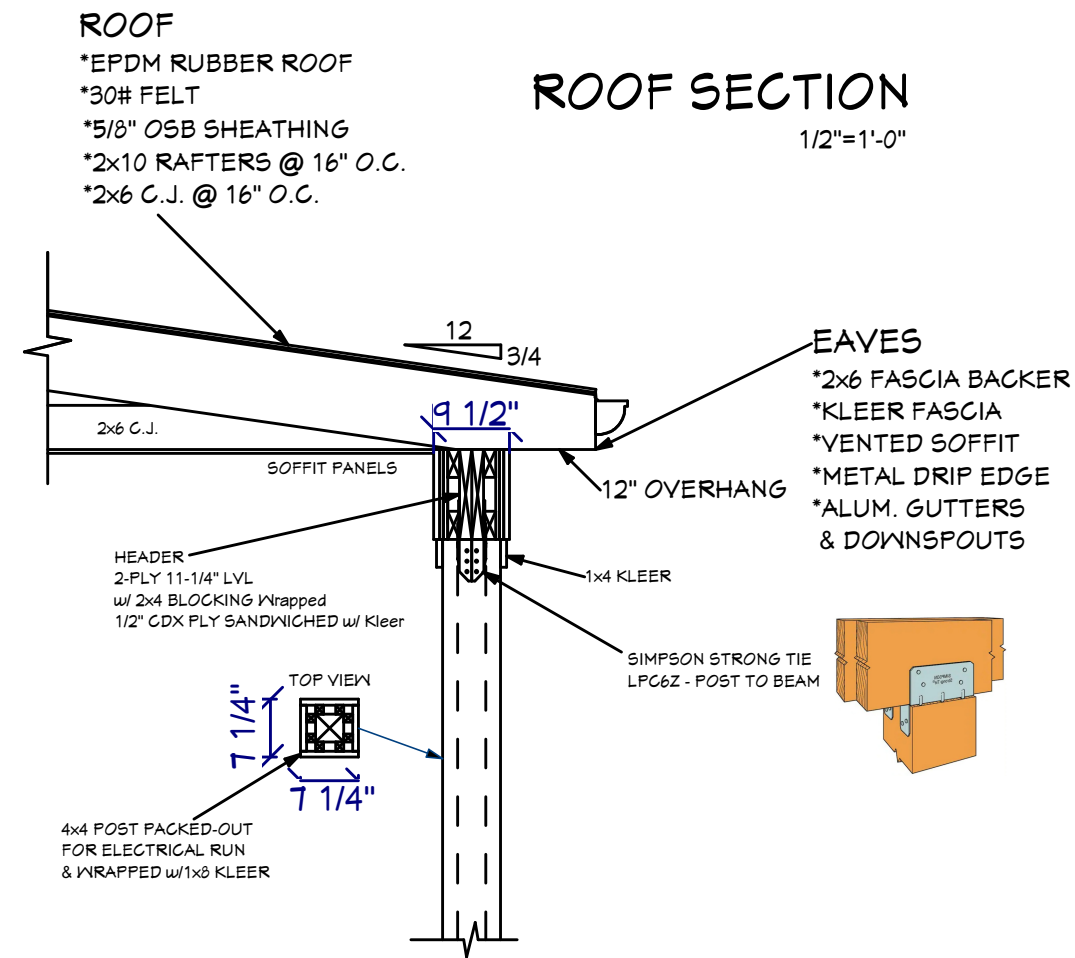
APPROVAL DATE \_\_\_\_\_  
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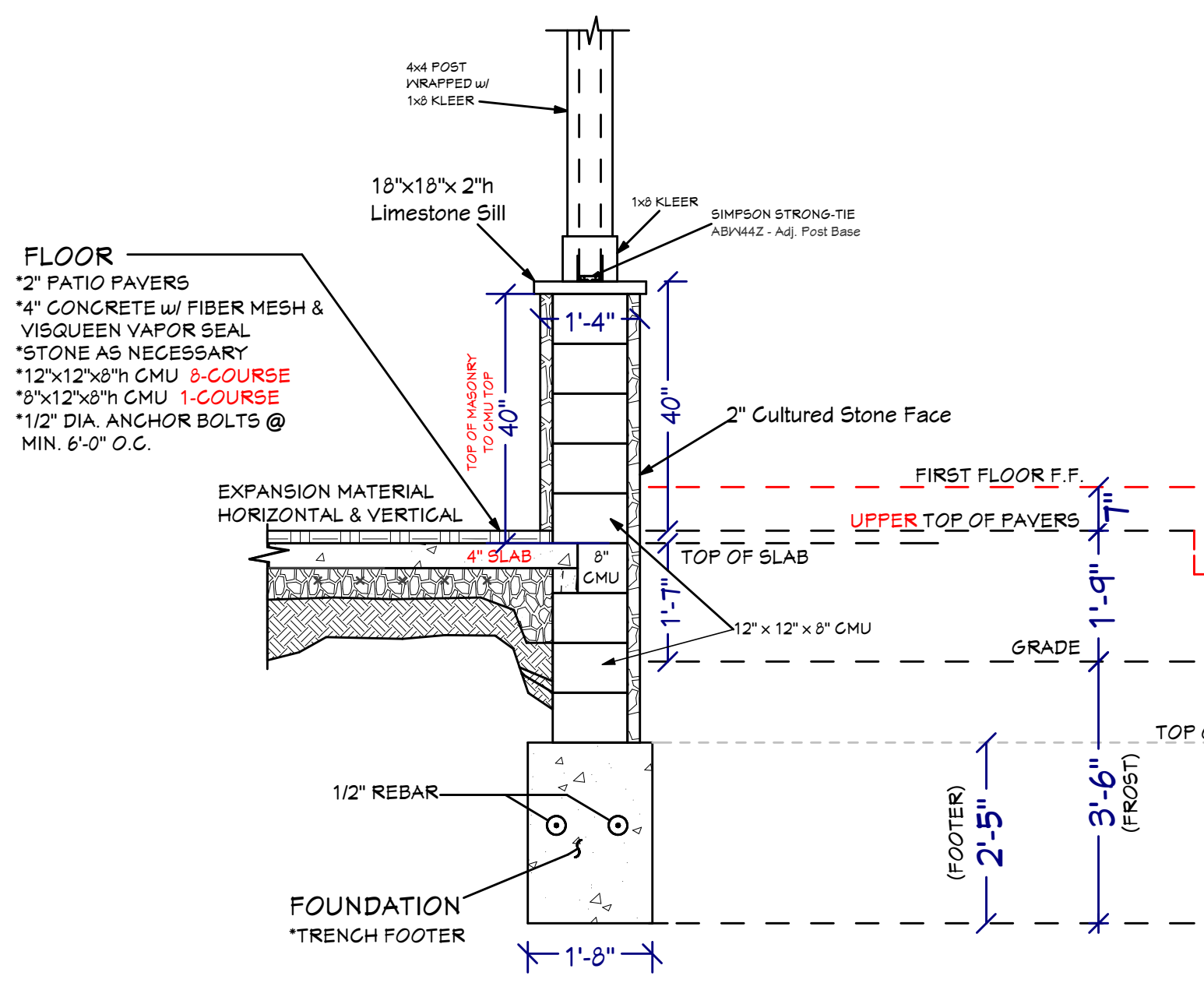
DATE: 3/13/2024  
SCALE: AS NOTED  
Drawn By: CAJGM  
Designer: LA

SHEET: **A-5**

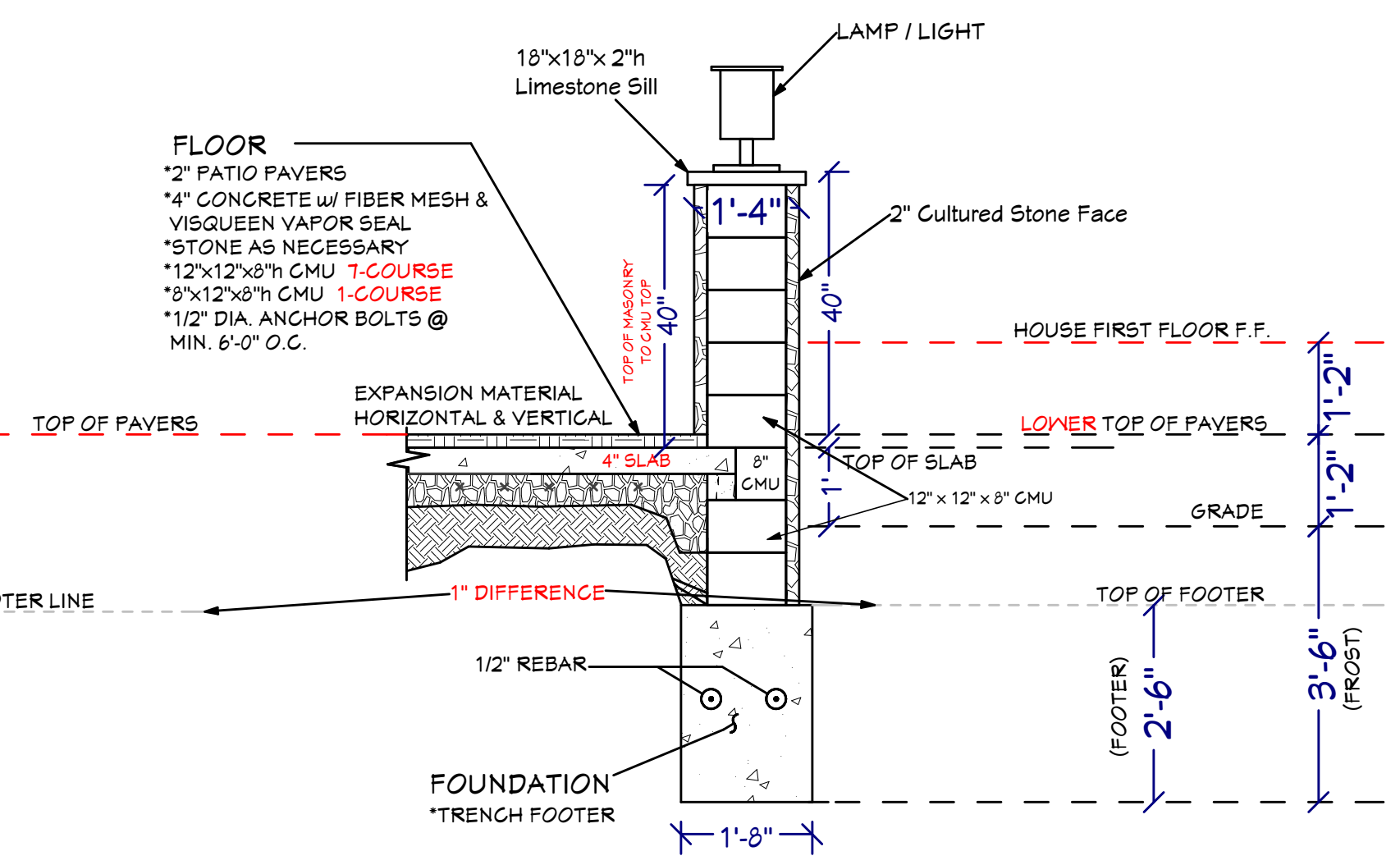




LOWER SLAB / WALL BENCH CROSS SECTION  
 1/2" = 1'-0"



CORNER COLUMN / WALL CROSS SECTION  
 1/2" = 1'-0"



COLUMN @ EACH SIDE OF BENCH CROSS SECTION  
 1/2" = 1'-0"

**PERMIT SET**

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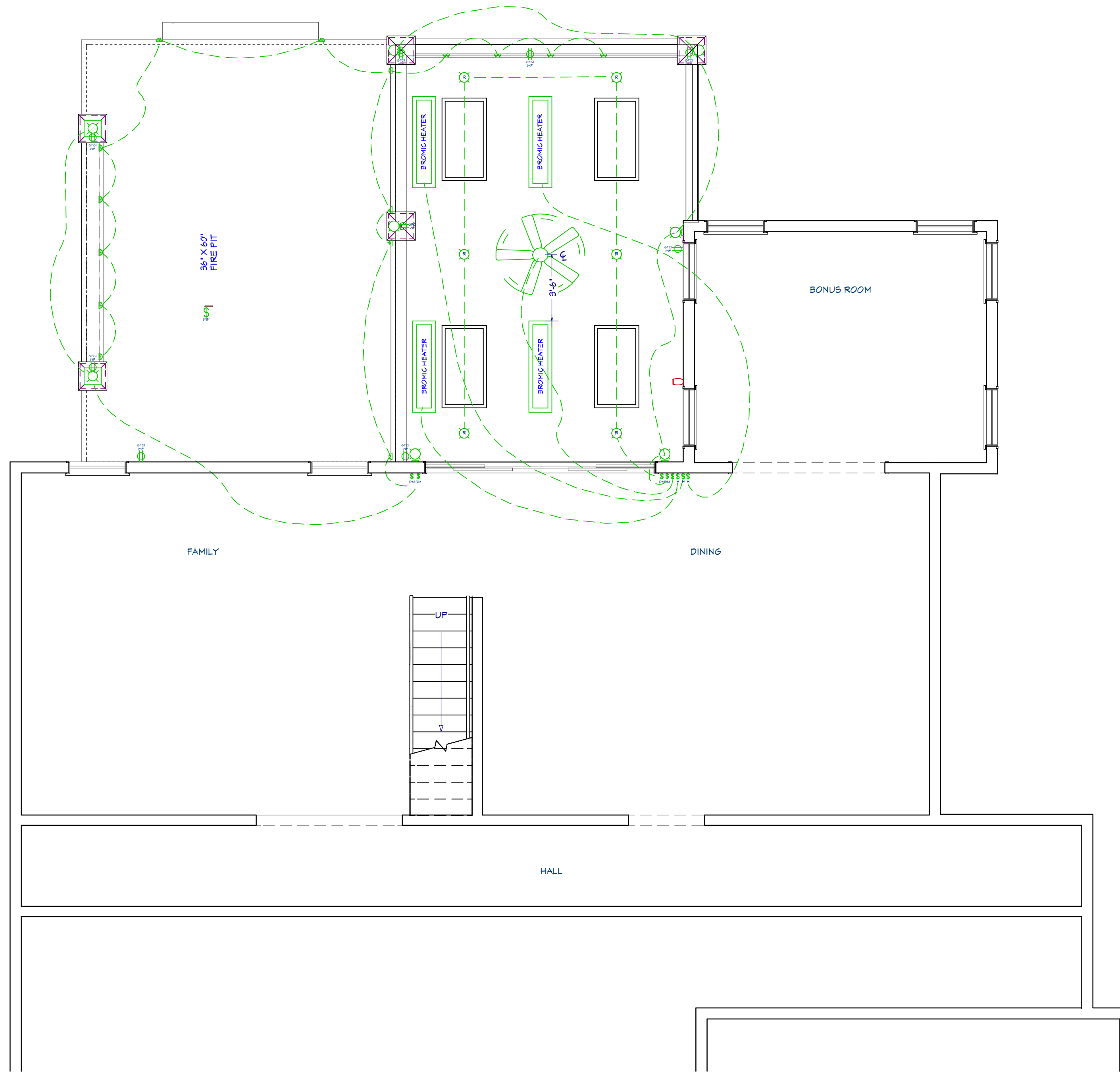


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 ADDRESS: 31729 MARITIME COURT  
 CITY: AVON LAKE, OH  
 ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024  
 SCALE: AS NOTED  
 Drawn By: CAJGM  
 Designer: LA

SHEET: **A-6**



Electrical Plan View  
1/4 in = 1 ft

**PERMIT SET**

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 ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024  
 SCALE: AS NOTED  
 Drawn By: CAJGM  
 Designer: LA

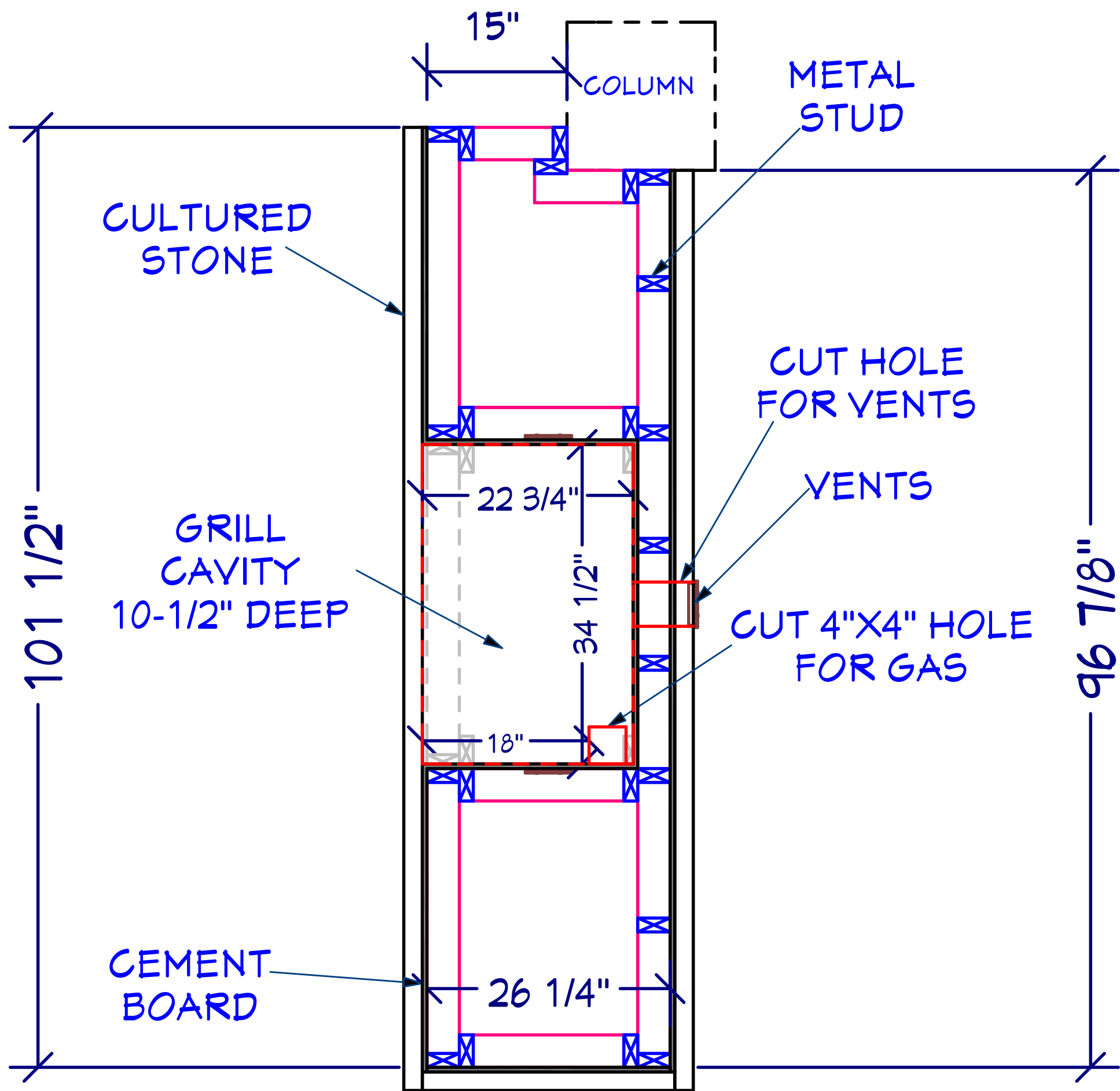
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APPROVAL DATE \_\_\_\_\_  
 CLIENT SIGNATURE \_\_\_\_\_



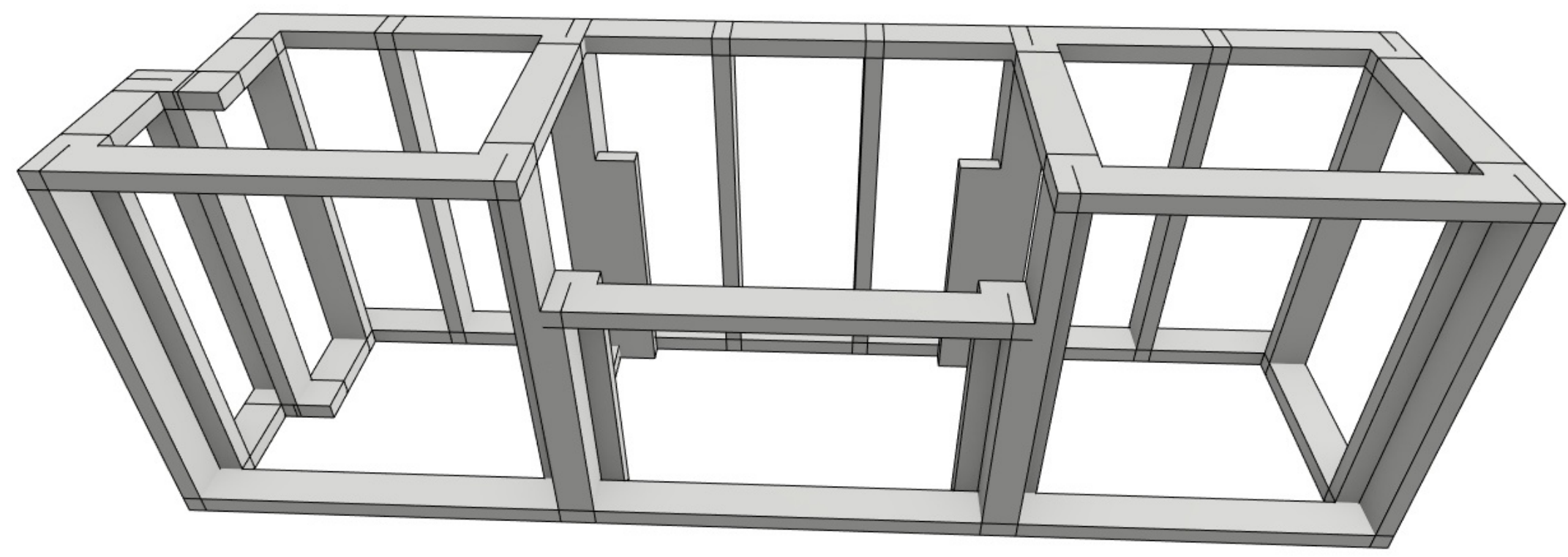
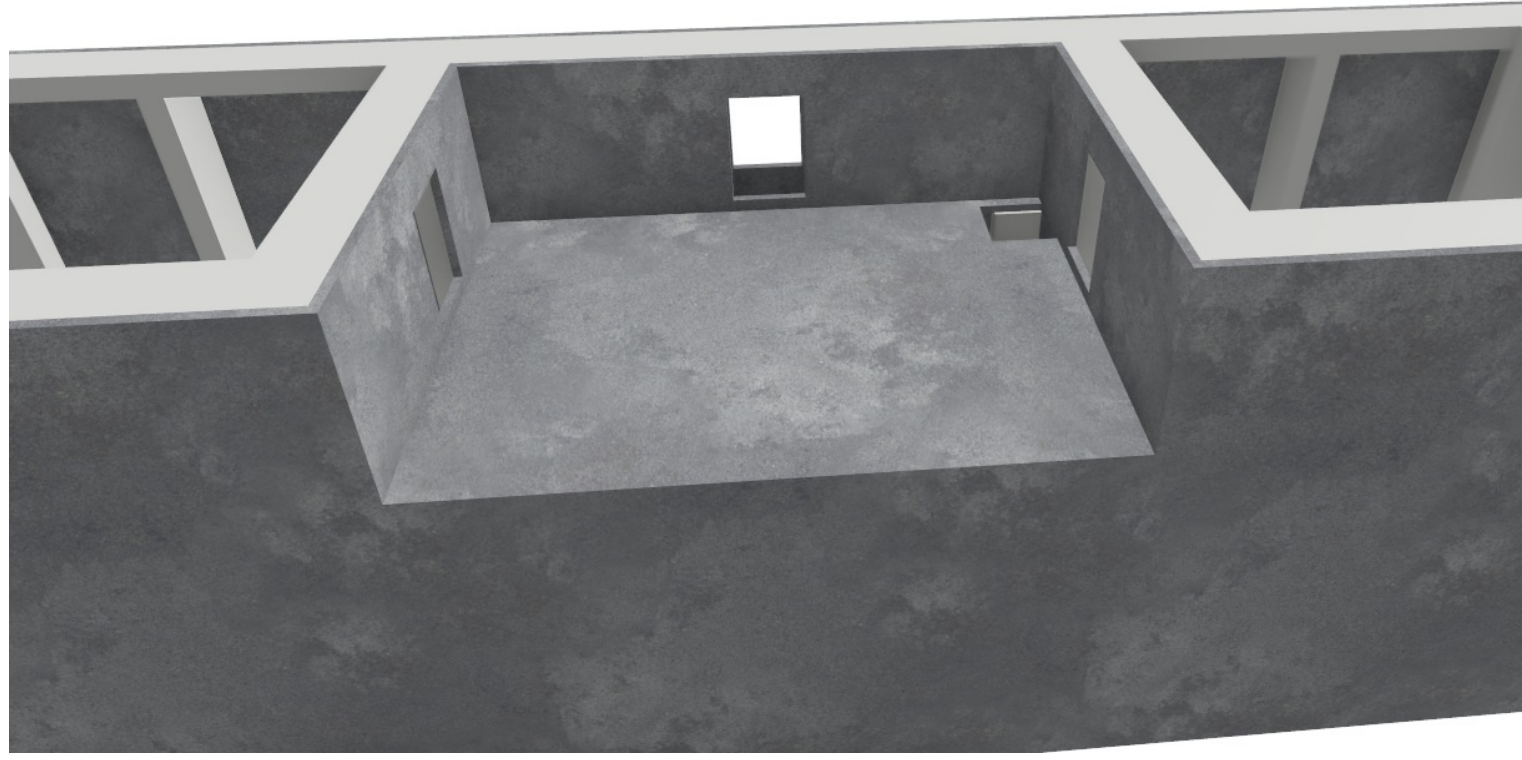
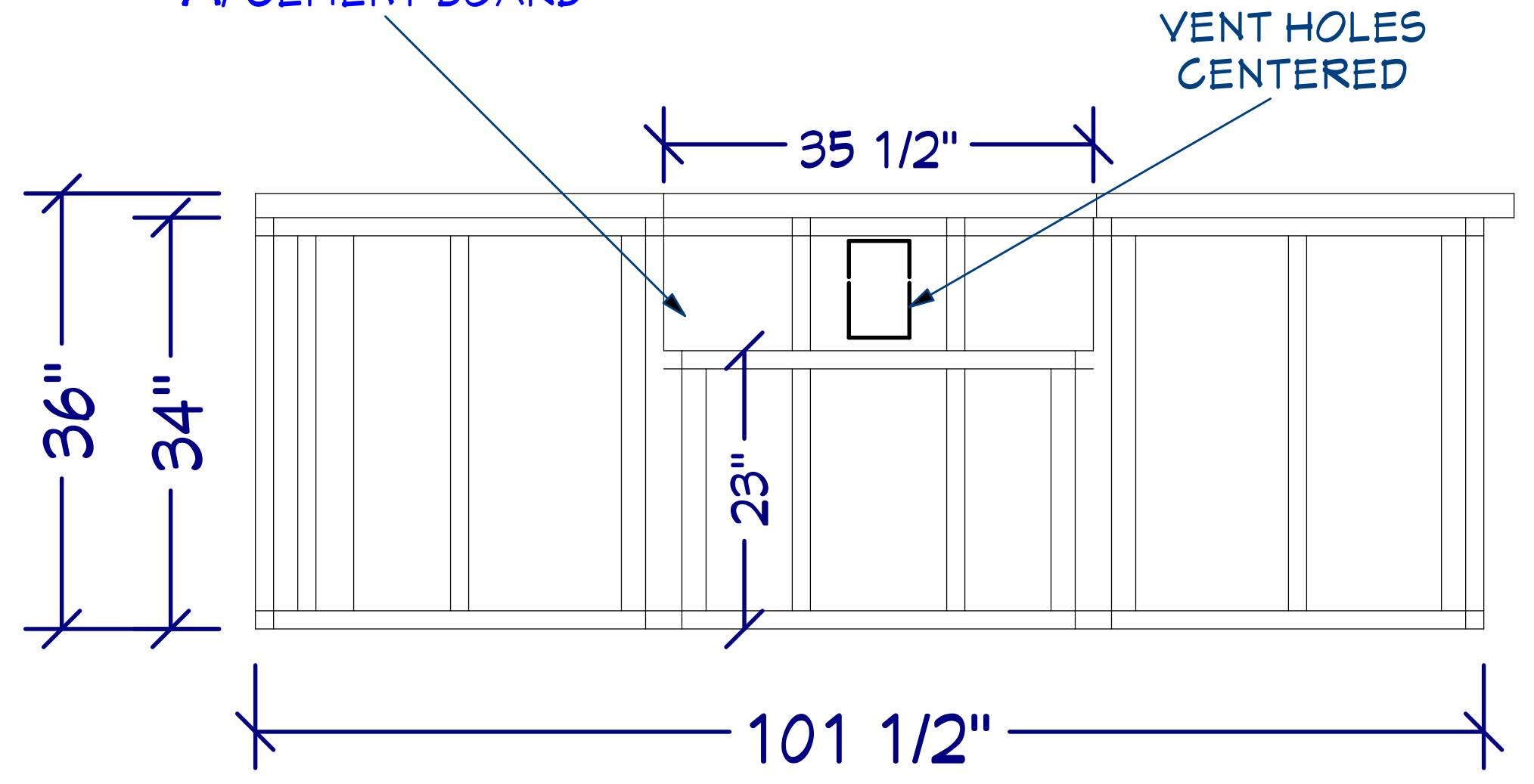
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2	2/28/2024	GM	PERMIT REVISION



Outside Grill  
1 in = 1 ft

GRILL CAVITY  
10-1/2" DEEP  
W/ CEMENT BOARD



**PERMIT SET**

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www.doverremodeling.com

**DOVER**  
Home Remodelers, Inc.

APPROVAL DATE \_\_\_\_\_  
CLIENT SIGNATURE \_\_\_\_\_

NAME: SMITH, MAUREEN  
ADDRESS: 31729 MARITIME COURT  
CITY: AVON LAKE, OH  
ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024  
SCALE: AS NOTED  
Drawn By: CAJGM  
Designer: LA

SHEET: **M-1**



VETTER ENGINEERING INC

- SPECIALIZING IN STRUCTURAL ANALYSIS - CONSTRUCTION CONSULTING - PLANS -

BRUCE VETTER, P.E. - 5754 EASTVIEW DRIVE - NEW FRANKLIN, OHIO 44216 - (330) 882-6119

10/6/23 VE5767 Page 1 of 2

Structural analysis results for Dover Home Remodelers

Job: Maureen Smith
31729 Maritime Court
Avon Lake, Ohio 44012

Situation: Provide bearing length, transferred load and sizes of suitable beams.

Results summary:

Beam "A": Clearspan beam design with length 12'-9". Dropped beam.
1) Bearing point #2 requires support for 10564 lbs. Provide (3) 2x6 jack studs.
2) Bearing point #1 requires support for 10350 lbs. Provide (3) 2x6 jack studs.

Table with 7 columns: size, depth, width, bearing point, bearing length, material, total load deflection. Rows for 3 ply and 3 ply beams.

The foundation at both bearing points needs to be able to support the loads noted. 1500 psf allowable soil bearing pressure is required based on a 20" wide concrete strip footing and 12 courses of 12" cmu. Fill block cells full height at each bearing point. Provide solid wood blocking in the main floor deck between the top of the sill plate and the underside of the sub floor sheathing. Orient the blocking like short wall studs.

Beam "B": Clearspan beam design with length 15'-8". In 2x10 roof deck.

- 1) Bearing point #4 (shared) requires support for 3163 lbs.
2) Bearing point #7 (shared) requires support for 3163 lbs.

Table with 7 columns: size, depth, width, bearing point, bearing length, material, total load deflection. Rows for 4 ply, 3 ply, and 2 ply beams.

Use 1/2" diameter hex head machine bolts with washers and a nut. Bolt centerlines to be held 2" from edges and ends. (2) bolts at each beam end at the corners. Bolt spacing across the top of the beam is 10" on center. Bolt spacing across the bottom of the beam is 20" on center.

Beam "C": Clearspan beam design with length 12'-8". Dropped beam.

- 1) Bearing point #3 requires support for 404 lbs.
2) Bearing point #4 (shared) requires support for 404 lbs.

Table with 6 columns: size, depth, width, bearing point, bearing length, material. Row for 2 ply beam.



VETTER ENGINEERING INC

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10/6/23 VE5767 Page 2 of 2

Beam "D": Clearspan beam design with length 9'-3". Dropped beam.

- 1) Bearing point #4 (shared) requires support for 295 lbs.
2) Bearing point #5 (shared) requires support for 295 lbs.

Table with 6 columns: size, depth, width, bearing point, bearing length, material. Row for 2 ply beam.

Beam "E": Clearspan beam design with length 15'-8". Dropped beam.

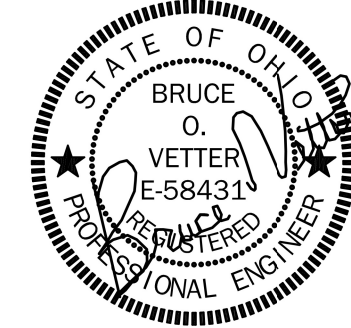
- 1) Bearing point #5 (shared) requires support for 1686 lbs.
2) Bearing point #6 (shared) requires support for 1686 lbs.

Table with 7 columns: size, depth, width, bearing point, bearing length, material, total load deflection. Rows for 3 ply, 2 ply, 3 ply, and 4 ply beams.

Beam "F": Clearspan beam design with length 9'-3". Dropped beam.

- 1) Bearing point #6 (shared) requires support for 295 lbs.
2) Bearing point #7 (shared) requires support for 295 lbs.

Table with 6 columns: size, depth, width, bearing point, bearing length, material. Row for 2 ply beam.



PERMIT SET

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Table with 4 columns: NO., DATE, BY, DESCRIPTION. Rows for permit and revision.

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APPROVAL DATE
CLIENT SIGNATURE

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ADDRESS: 31729 MARITIME COURT
CITY: AVON LAKE, OH
ZIP: 44012 PHONE: 440-930-8823

DATE: 3/13/2024
SCALE: AS NOTED
Drawn By: CAJGM
Designer: LA

SHEET: S-1



STREET VIEW ILLUSTRATING THE DISTANCE BETWEEN 31729 MARITIME COURT AND THE ADJACENT HOMES.



VIEW TO THE RIGHT REAR YARD FROM THE FURTHEST POINT OF PROPOSED BACK PORCH



VIEW OF REAR PROPERTY LINE FROM FURTHEST POINT OF PROPOSED PORCH



VIEW OF LEFT REAR YARD FROM FURTHEST POINT OF PROPOSED PORCH. (NO VISIBILITY OF ADJACENT HOME)





REAR VIEW OF 31729 MARITIME COURT. PROPOSED PORCH WILL EXTEND 2' FROM EXISTING PATIO WALL LOCATION



## REPORT – ZBA CASE 24-15

**TO:** Members, Zoning Board of Appeals  
**FROM:** Austin Page, Planning & Zoning Manager  
**SUBJECT:** CAV 24-15 (AREA VARIANCE – 33625 Pin Oak Parkway)  
**MEETING:** March 27, 2024

Justin Hellinger requests an area variance to Planning & Zoning Code Section 1234.14 *Parking, Access, and Mobility Standards – Number of Parking Spaces Required* at 33625 Pin Oak Parkway (Industrial).

### PROPERTY:

33625 Pin Oak Parkway is currently home to All Pro Freight and is located on the south side of Pin Oak Parkway. The property is approximately 980' from the Moore Road and Pin Oak Parkway intersection.

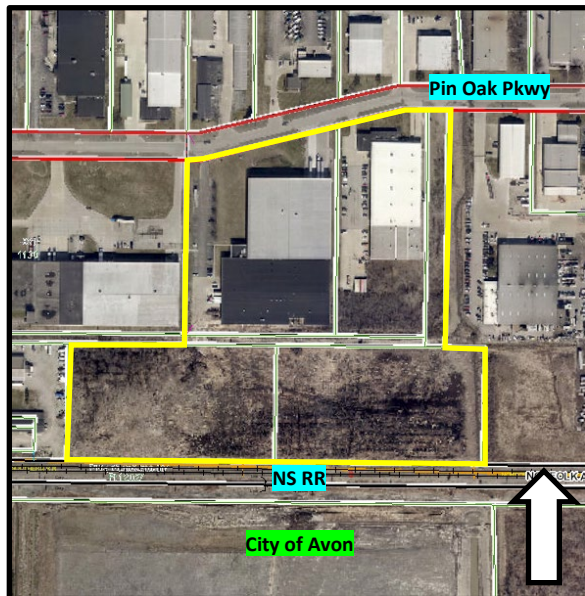


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

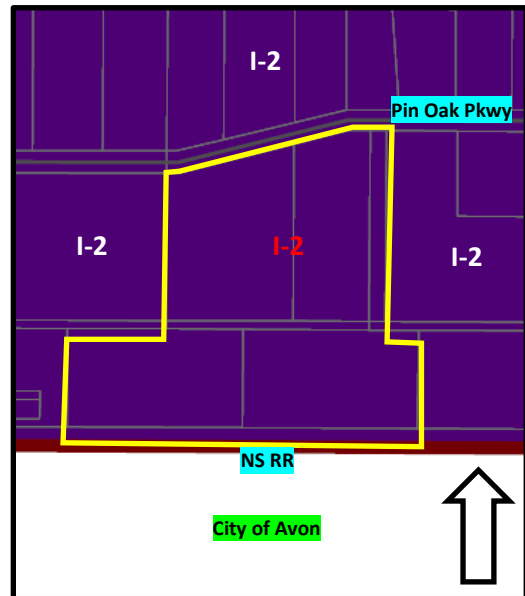


Figure 2: City of Avon Lake Zoning Map - 2022

The property encompasses five parcels, all with the same ownership. The property is zoned I-2, General Industrial. All surrounding properties share the same I-2, General Industrial zoning. The Norfolk and Southern Railroad tracks are directly south of the property, followed by the City of Avon, OH. Regarding uses, the subject property is primarily used for warehousing but also houses Elements ATA (Karate Studio). In the immediate area, there is a mix of light and heavy industrial uses, as well as commercial and personal services such as a dance studio and office space.

AREA VARIANCE  
24-15  
WARD IV

**HISTORY:**

The aerial in Figure 1 (above) is from the Lorain County Auditor GIS website and is from the Spring of 2023. Since that spring, All Pro Freight has nearly completed a 200,000-sf addition off the rear of the existing building. The addition encompasses portions of the southmost parcels.

On April 26, 2023, the Zoning Board of Appeals heard Case 23-09, an area variance to waive the requirement of 200 additional parking spaces (72 existing on the site). The variance was granted, and the addition subsequently received site plan approval (PC 012-23) by the Planning Commission on July 5, 2023.

**DISCUSSION:**

As it currently exists, there is approximately 60,000-sf of warehousing at the front (north) end of the building. With the completion of the 200,000-sf addition, almost all of the existing warehousing is moving to the rear of the building, freeing up approximately 56,000-sf.

The applicant is proposing an indoor pickleball facility, with 16 courts, to occupy the 56,000-sf space. A pickleball facility is classified as a “personal services” use and is permitted in the I-2 district. The use requires one parking space per 250-sf of the gross floor area. Based on the square footage, 224 new parking spaces would be required.

There are 72 spaces existing on the site but those spaces are dedicated towards the All Pro Freight and Elements ATA (Karate Studio) parking requirements and shall not be factored into the pickleball parking requirements. Per the Zoning Board Application, the applicant has stated there is enough paved space on the site to line an additional 36 parking spaces. This would reduce the amount of spaces needed from 224 to total of 188 parking spaces.

**VARIANCE REQUESTED:**

The applicant requests one area variance to Planning & Zoning Code Section 1234.14 *Parking, Access, and Mobility Standards – Number of Parking Spaces Required* at 33625 Pin Oak Parkway (Industrial). The request would waive the



Figure 3: Property Layout - Applicant

requirement of an additional 188 parking spaces for a 56,000-sf indoor pickleball facility.

**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/deny ZBA Application, CAV 24-15, an area variance to Planning & Zoning Code Section 1234.14 *Parking, Access, and Mobility Standards – Number of Parking Spaces Required*, waiving the requirement of 188 additional parking spaces for a 56,000-sf indoor pickleball facility, at 33625 Pin Oak Parkway.

Please state any conditions.

**ADDITIONAL INFORMATION:**

The applicant has supplied written responses to the Area Variance Review Criteria, which can be found in the packet.

The Community Development Department sent notice of this request to all property owners within 300' of 33625 Pin Oak Parkway.

If the area variance is granted, the applicant shall submit a Residential Building Permit application to the Building Department for review and approval. 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 Property Layout and Paved Space

### **1234.11 Uses Not Specified**

Where a use is not specifically mentioned, the requirements for the most similar applicable use shall apply as determined by the Code Administrator.

### **1234.12 Not to Exceed Requirement and Reduced Parking**

#### **(a) Not to Exceed**

In order to prevent excessive lot coverage, the artificial increase in air temperature, and an unnecessary increase in surface water run-off, no minimum off-street parking space requirement in Section [1234.14: Number of Parking Spaces Required](#), shall be exceeded by more than 20 percent unless good cause can be shown by the applicant and approved by the Planning Commission. Single-family dwellings, two-family dwellings, and multi-family dwellings are exempt from this provision.

#### **(b) Reduced and Adjacency Parking**

The Planning Commission may approve a site plan with a reduction in the number of parking spaces required if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations, the Land Use Plan, and other plans of the City under the following provisions:

- (1) When the required parking spaces for a proposed use can be accommodated on an adjacent or nearby site, arrangements can be made between the businesses and other property owners that are not normally open, used or operated during the same hours to share parking facilities in order to meet their parking requirements, provided that not more than fifty percent of the required parking spaces are shared.
- (2) Where the required parking spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Law Director, and filed with the application for a zoning permit.

### **1234.13 Deferred Construction of Parking Spaces**

If the number of parking spaces required in Section [1234.14: Number of Parking Spaces Required](#), is substantially larger than the number anticipated by the applicant, and the applicant provides sufficient evidence that supports the reduced parking needs, the Planning Commission may approve a site plan with a lesser number of parking spaces, provided that:

- (a) Suitable area(s) must be reserved for the construction of the balance of the total number of spaces otherwise required by this chapter and shall be illustrated on the site plan in locations and with landscaping in full compliance with this code. Such areas shall include needed areas for stormwater management in association with such parking facilities.
- (b) The Planning Commission, upon re-evaluation of the project parking needs, may at any time direct that some or all of the reserved spaces be constructed; and
- (c) Any additional parking, if and when constructed, shall be provided according to the approved site plan and only after approval of the construction plans by the Code Administrator.

### **1234.14 Number of Parking Spaces Required**

The minimum number of off-street parking spaces required shall be as follows:

<b>TABLE 1234-3: NUMBER OF PARKING SPACES REQUIRED</b>	
Use	Minimum Parking Spaces Required SF = Square Feet GFA = Gross Floor Area
<b>Agricultural</b>	
Agriculture	1 per 800 SF GFA of building used for the retail sale of food, drink, or product made on site from agricultural produce
<b>Residential Uses</b>	
Bed and Breakfast Establishment	1 per guest room plus 2 for the owner
Dwelling, Multi-Family	2 per each dwelling unit
Dwelling, Single-Family	
<b>Residential Care and Congregate</b>	
Residential Facility	1 per 4 residents of design capacity plus 2 per facility
Skilled Nursing or Personal Care Facility	
<b>Public, Institutional, and Recreational Uses</b>	
Active Recreational Facilities	1 per 250 SF GFA, or 1 per 5 seats, whichever is greater for indoor use 1 per 1,000 SF, plus 1 per 5 seats for outdoor use
Cemeteries	1 per 100 SF of GFA used for assembly
Cultural Facilities	1 per 400 SF of GFA or 1 per 8 seats, whichever is greater
Educational Institutions (Higher Education)	1 per 3 auditorium seats, plus 1 per 5 classrooms seats of design capacity
Educational Institutions (Preschool and K-12)	1 per 15 classroom seats of design capacity
Essential Services	None Required
Fraternal, Charitable, and Service Oriented Clubs	1 per 150 SF of GFA
Government Offices and Buildings (No Outdoor Activities)	1 per 400 SF GFA
Hospitals	2 per 3 beds of design capacity
Passive Parks, Open Space, and Natural Areas	1 per 10,000 SF
Places of Worship	1 per 4 seats of design capacity
Public Utility Buildings and Facilities	1 per 1,000 SF GFA
Residential Community Centers	1 per 400 SF GFA of indoor space
Wireless Telecommunication Facilities	1 per site. The driveway may count towards the parking requirement
<b>Commercial/Service</b>	
Administrative, Business, or Professional Offices	1 per 400 SF GFA
Adult Entertainment Business	1 per 400 SF GFA
Animal Boarding Facilities	1 per 800 SF GFA
Animal Hospital/Clinics	1 per 400 SF GFA
Assembly Halls or Conference Centers	1 per 250 SF GFA or 1 per 4 seats design capacity, whichever is greater
Automobile, Motorcycle, Recreational Vehicle Sales and Leasing	1 per 1,000 SF GFA of indoor showroom space
Automotive Repair and Service (Minor)	2 per service bay or 1 for every 400 SF GFA, whichever is greater
Automotive Repair and Service (Major)	2 per service bay or 1 for every 600 SF GFA, whichever is greater
Commercial and Business Support Services	1 per 400 SF GFA

**TABLE 1234-3: NUMBER OF PARKING SPACES REQUIRED**

Use	Minimum Parking Spaces Required SF = Square Feet GFA = Gross Floor Area
Commercial Recreational Facilities (Indoors)	1 per 400 SF GFA, or 1 per 5 seats, whichever is greater for indoor use
Commercial Recreational Facilities (Outdoors)	1 per 1,000 SF, plus 1 per 5 seats
Financial Institutions	1 per 400 SF GFA
Fuel Stations	1 per 400 SF GFA
Funeral Homes	1 per 100 SF GFA used for assembly
Hotels and Motels	1 per guest room, plus 1 per 5 seats for restaurant use, plus 1 per 5 seats if banquet facility or conference rooms
Medical/Dental Clinics	1 per 400 SF GFA
Microbrewery, Microdistillery, or Microwinery	1 per 150 SF GFA of retail, tap room, and restaurant space
Mixed Use Buildings	See Section <a href="#">1234.10</a> .
Multi-Tenant Use	See Section <a href="#">1234.10</a> .
Nursery Schools and Day Care Centers	2 per facility plus 1 for every 8 clients of design capacity
<b>Personal Services</b>	<b>1 per 250 SF GFA</b>
Restaurants	1 per 100 SF GFA or 1 per 4 seats of design capacity, whichever is greater
Retail Businesses	1 per 400 SF GFA for uses up to 20,000 SF GFA 1 per 500 SF GFA for uses 20,001 – 50,000 SF GFA 1 per 600 SF GFA for uses 50,001 – 100,000 SF GFA 1 per 800 SF GFA for uses over 100,000 SF GFA
Tavern or Bar	1 per 150 SF GFA
Vehicle Washing Establishment	1 per 250 SF GFA of office space
<b>Industrial, Manufacturing and Processing</b>	
Contractor Equipment and Storage Yards	1 per 250 SF GFA of office space
Industrial Service Uses	1 per 800 SF GFA
Industrial Uses, Heavy	1 per 1,000 SF GFA
Industrial Uses, Light	1 per 1,000 SF GFA
Metal Salvage and Junk Storage	1 per 250 SF GFA of office space
Recycling Center	1 per 250 SF GFA of office space
Research and Development Facilities	1 per 750 SF GFA
Self-Storage Facilities	1 per 100 units
Truck and Heavy Equipment Sales	1 per 250 SF GFA of office space
Truck Terminals	1 per 250 SF GFA of office space
Vehicle Storage	1 per 250 SF GFA of office space
Warehouses	1 per 1,000 SF GFA
Wholesale Establishments	1 per 1,000 SF GFA

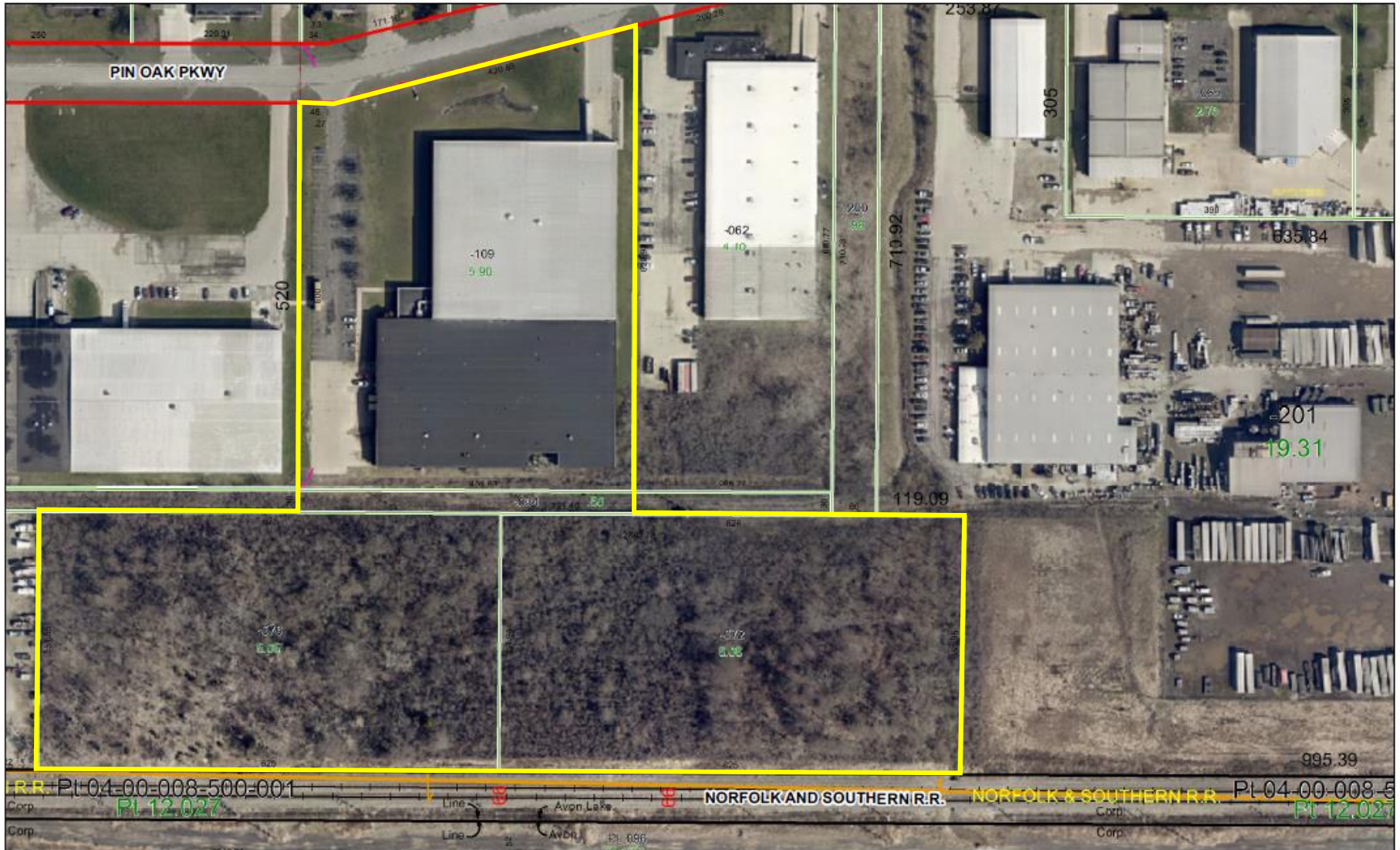
**1234.15 Existing Parking to be Maintained**

Existing off-street parking or loading serving any use may not be reduced in amount or changed in size to less than required by this chapter.



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

33625 Pin Oak Pkwy



April 20, 2023 3:57:06 PM

1 inch = 188 feet

**Legend**

**Boundaries**

— Rail Right-of-Way  
 — Right-of-way Line

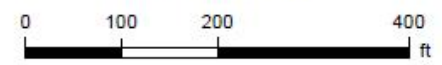
— Parcel Line  
 — Right-of-way Line

- - - Right-of-way Parcel Line

**PLSS Boundaries**  
 — Original Lot Lines

— Road Centerlines  
 — Railroads

— Right of Ways







### CAV-24-15

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/13/2024

### Primary Location

33625 PIN OAK PKWY  
AVON LAKE, OH 44012

### Owner

33625 PIN OAK PARKWAY  
LLC  
1006 CROCKER RD  
WESTLAKE, OH 44145

### Applicant

Justin Hellinger

727-743-9859

j.r.hellinger@gmail.com

9984 scripps ranch blvd  
SAN DIEGO, CA 92131

## Applicant Information

**Applicant Role\***

Operating Partner

**Name\***

Justin Hellinger

**Address\***

Crocker Rd

**City\***

Westlake

**State\***

OH

**Zip\***

44145

**Telephone\***

727-743-9859

**Email Address\***

j.r.hellinger@gmail.com

## Property Owner Information

**Same as Applicant**

**Name\***

Chris Haas

**Address\***

Crocker Rd

**City\***

Westlake

**State\***

OH

**Zip\***

44145

**Telephone\***

216-469-9242

**Email Address\***

chaas@allprofreight.com

## Request Information

 **Code Section(s)**

 **# of Variance Requested**

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### Specific Details of Variance Request\*

We are seeking a variance on amount of parking spaces for our Pickleball Club @ 33625 Pin Oak Pwy. On site there is enough paved space to line 108 parking spots.

## Signature

**Applicant Signature\***

 Justin Hellinger


Mar 11, 2024

## Authorization for Property Access

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

Grant

Signature\*

 Justin Hellinger

Mar 11, 2024

Any dog(s) on property?\*

No

Daytime Phone Number\*

727-743-9859

## 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 are no special conditions with this property.

**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;\***

Without the Variance we would not be able to fit the required 216 additional parking spaces on the property.

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

With this variance we would have more than a reasonable amount of lined parking spots for our Pickleball complex at max capacity and for our leased warehouse space.

**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;\***

There would be no substantial detriment as a result of this variance due to no land excavating needed.

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

Our variance would NOT adversely affect any services such as water, sewer, trash, etc.

**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 special conditions or circumstances exist.

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

This variance would be our only method for our predicament.

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

Justice would be done by granting this variance for our business.

**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\***

Granting this variance will not allow us any special privilege.

**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.\***

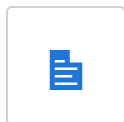
The literal interpretation of this code is not applicable to our business, variance of this code will not encroach on the safety of our patrons.

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

Providing this variance would allow unnecessary construction/excavation to the property. We would have 108 total parking spots for our Pickleball complex and attached lease warehouse space. Our Pickleball complex will have 16 courts with max of 4 players per court at max capacity. We only anticipate using 40-50 spots at any given time on a typical pickleball day. The warehouse will use 3-5 spots on a daily basis. We will have roughly double the amount of parking spots than we anticipate using at any given time. We will line 108 parking spots by using the existing paved areas on the W side of the building and the NE corner of the property. Loading dock space will no longer be needed.

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## Attachments



**Plot Plan Drawn to Scale**

Property Layout and Paved Space.pdf

Uploaded by Justin Hellinger on Mar 13, 2024 at 2:51 PM

**REQUIRED**



Elements ATA