



CITY OF AVON LAKE ZONING BOARD OF APPEALS

APRIL 24, 2024
COUNCIL CHAMBERS – 150 AVON BELDEN ROAD
7:00 PM

AGENDA

VOTING ORDER:

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

A. ROLL CALL

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

B. APPROVAL OF THE MARCH 27, 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 shall 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. TABLED CASES

The following cases were tabled at the March 27, 2024, meeting. Before any action is taken on these cases, the Board shall make a motion to un-table the cases.

1. CAV 24-8

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request 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).

AREA VARIANCE

WARD III

R-1B

The applicant requests to reduce the front setback (40' to 25') and rear setback (35' to 10') for a new single-family dwelling.

The applicant has submitted a new and revised application (refer to CAV 24-17, New Cases). This request (CAV 24-8) is no longer needed, and city staff is recommending its withdrawal.

2. CAV 24-9

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request 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).

AREA VARIANCE

WARD III

R-1B

The applicant requests 6' tall fencing in the western side yard and front yards.

The applicant is not interested in pursuing a fence variance and City staff is recommending its withdrawal.

G. NEW CASES

1. CAV 24-16

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

AREA VARIANCE

WARD I

R-1A

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

2. CAV 24-17

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request an area variance to Planning & Zoning Code Section 1238 *Subdivision Design Standards* at parcel 04-00-018-146-022, located at the southwest corner of Electric Blvd and Armour Road (vacant property).

AREA VARIANCE

WARD III

R-1B

The applicant requests to waive the requirement of extending utilities, roadway, and sidewalk to their southernmost property line on Armour Drive.

3. CAV 24-18

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request 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).

AREA VARIANCE

WARD III

R-1B

The applicant requests to reduce the rear setback from 35' to 10' for a new single-family dwelling.

4. CAV 24-19

Josh Osterhout requests an area variance to Planning & Zoning Code Section 1220.03(a) *Planned Unit Developments (PUD) – Changes to Approved PUDs* at 33350 Ambleside Drive (Single-family residence).

AREA VARIANCE

WARD IV

R-1A

The applicant requests to reduce the front yard setback from 50' to 48' for an addition to the existing home.

H. COMMENTS FROM THE AUDIENCE

I. COMMENTS FROM BOARD MEMBERS

J. DISCUSSION

K. ADJOURN

The next regular meeting of the Zoning Board of Appeals will be on May 22, 2024.

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD MARCH 27, 2024**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on March 27, 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, Ms. Merlone, Mr. Renacci, Assistant Director of Law Graves, and Planning & Zoning Manager Page.

APPROVAL OF MINUTES

The minutes of February, 2024 were approved as presented.

READING OF GENERAL COORESPONDENCE

None

COMMENTS FROM THE ASSISTANT DIRECTOR OF LAW

Assistant Law Director Graves described the procedures to be followed in the conduct of the meeting. 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.

Assistant Law Director Graves informed the Board that the applicants of Cases CAV 24-8 and 24-9 have revised their plans. They request that these cases be tabled until the April meeting, however, variances may not be necessary with the new plan.

Mr. Updegraff moved to table Cases CAV 24-8 and 24-9, Ms. Slivinski seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

CASE CAV 24-07

REQUEST FOR A VARIANCE AT 631 TREESIDE LANE GRANTED

Cory & Brianna Rushwin, property owners, request an area variance to Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 631 Treeside Lane to install a 4’ tall black, ornamental, aluminum fence that will extend into the secondary front yard adjacent to Millside Lane of this corner lot by 27 feet which is approximately 25 feet from the public sidewalk.

Code permits a maximum fence height of 3 feet in front yards.

Mr. Rushwin explained that the rear yard of this lot is very shallow and fencing in just the rear yard would leave little room for their children and dogs to play. The proposed fence location will be approximately 35 feet from the street. A 3 foot high fence would not be adequate to contain the

dogs. He added that there are other similar fences in the neighborhood and they have obtained HOA approval.

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

Ms. Slivinski stated that corner lots do present a practical difficulty. She noted that this fence will not change the character of the neighborhood as there are other similar fences in the area.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

CASE CAV 24-10
REQUEST FOR A VARIANCE AT 516 BELFREY COURT DENIED

Alex Augoustidis, property owner, requests an area variance to Code Section 1224.01 (f)(20) *Accessory and Temporary Use Regulations – Accessory Uses and Structures* at 516 Belfrey Court.

The applicant is proposing a 30' x 30' basketball court in the northwest corner of the rear yard with a conforming 10 foot rear property line setback and a non-conforming 5 foot side property line setback.

Per Code, this type of structure must be 10 feet from both rear and side property lines.

Mr. Augoustidis explained that the size of the proposed court is to allow for regulation lines. There is a mature tree in the rear yard that would have to be removed if the side yard variance is denied.

Mr. Shook moved to grant the variance with the conditions that the hoop be located on the eastern side of the court and landscaping be installed this Spring. Mr. Updegraff seconded the motion.

Mr. Shook stated that the tree presents a practical difficulty. Ms. Slivinski questioned that assertion, as did Mr. Renacci who added that the court could be made smaller to meet the setback requirements.

AYES: Shook, Updegraff NAYES: Slivinski, Merlone, Renacci

CASE CAV 24-12
REQUEST FOR A VARIANCE AT 326 INWOOD BLVD. GRANTED

Amanda Wanner, property owner, requests an area variance to Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 326 Inwood Blvd.

This request is for a 6 foot high fence to extend 30 feet into the southern side yard.

Code permits a maximum fence height of 4 feet in side yards.

Ms. Wanner explained that as a woman living alone in a single-story home she needs a sense of security that this fence would provide, especially because her bedroom window faces the neighboring property. She added that houses on the street are very close together, her neighbor does not take care of their yard, and there are other such fences in the neighborhood.

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

Mr. Shook stated that, not only the window location, but also the condition of the neighbor's property poses a practical difficulty. Mr. Updegraff added that the nature of the neighborhood would not be affected. Ms. Slivinski and Mr. Renacci did not view the condition of the neighboring property as a practical difficulty.

AYES: Shook, Merlone, Updegraff

NAYES: Slivinski, Renacci

CASE CAV 24-13

REQUEST FOR A VARIANCE AT 31951 HIDDEN COVE GRANTED with CONDITION

Nick Firment, property owner, requests an area variance to Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 31951 Hidden Cove.

Code permits a maximum fence height of 3 feet in front yards.

The applicant proposes installing a 4' tall black ornamental aluminum fence that will extend into, and enclose, a 38' x 66' portion of the secondary front yard of this corner lot along South Port Drive.

Portions of the fence will encroach on utility easements, however, the final plat easement language does not prohibit landscaping or structures from being in the easement but puts the responsibility and the liability on the property owner if anything is damaged, needs moved, etc., for any maintenance inside of the easement.

Mr. Firment explained that he intends to install a swimming pool that will require him to have a 4 foot high fence. A 3 foot high fence would not contain his dog and the couple's children. He stated that he has HOA approval and there are other such fences in the neighborhood.

Ms. Slivinski moved to grant the variance with the condition that the fence does not encroach more than 20 feet into the secondary front yard. Ms. Merlone seconded the motion. She stated that corner lots do present a practical difficulty and the condition imposed will reduce the extent of the variance.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

CASE CAV 24-14

REQUEST FOR A VARIANCE AT 31729 MARITIME COURT GRANTED

Elizabeth Orr and Leslie Altman of Dover Home Remodelers, Inc. on behalf of the owner, Maureen Smith, request an area variance to Code Section 1226.01 (e)(4)(K) *General Development Standards – Lot and Principal Building Regulations* at 31729 Maritime Court.

The applicant is proposing a covered, unenclosed porch off the rear of the home. The structure would reduce the required rear setback from 35' to 30' 7-3/8".

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.

Ms. Orr explained that this lot is irregularly shaped with a shallow rear yard. The owner hopes this will be her "forever home" and would like additional room for entertaining visiting children and grandchildren. This porch will not effect the nature of the neighborhood. Ms. Altman explained

that the porch will have heaters to extend the seasonal use for sitting and dining. Letters from neighboring property owners in support of granting the variance were given to the Board members.

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

Mr. Renacci stated that the shape of the rear yard presents a practical difficulty and the requested variance is minimal. Ms. Slivinsky added that the only issue is covered vs. uncovered which is a minor variant in this case.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

CASE CAV 24-15

REQUEST FOR A VARIANCE AT 33625 PIN OAK PARKWAY GRANTED

Justin Hellinger requests an area variance on behalf of All Pro Freight to Code Section 1234.14 *Parking, Access, and Mobility Standards – Number of Parking Spaces Required* at 33625 Pin Oak Parkway.

The request would waive the requirement of an additional 178 parking spaces (224 Code required spaces less the 46 spaces the applicant is adding) for a 56,000 square foot indoor pickleball facility. The applicant stated there is enough paved space on the site to line an additional 46 parking spaces to the existing 62 spaces which would be adequate for this facility.

Community Development Director Esborn stated that All Pro was granted a parking space variance in 2023. In evaluating this variance request, a pickle ball facility is considered a personal service for zoning purposes but is different than most personal service businesses, hence, fewer spaces than the Code requires is appropriate.

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

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

COMMENTS FROM THE AUDIENCE

None

COMMENTS FROM BOARD MEMBERS

Chairperson Shook will not be attending the April meeting. Ms. Slivinski will stand in.

ADJOURN

Ms. Slivinski moved to adjourn the meeting at 8:23 P.M. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

Zoning Board of Appeals
Chairperson Shook

Recording Secretary
Diane Reynolds

Tabled Cases



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 & April 24, 2024

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request 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 request was tabled at the March 27, 2024, meeting and the report remains unchanged. The applicants submitted a new plan for a single-family home, where the positioning of the home has changed. The modification complies to all yard setbacks, except for the rear. Because of the changes, City staff instructed the applicants to submit a new application (refer to CAV 24-17). This application shall be un-tabled by the Board and withdrawn, as recommended by staff.

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.

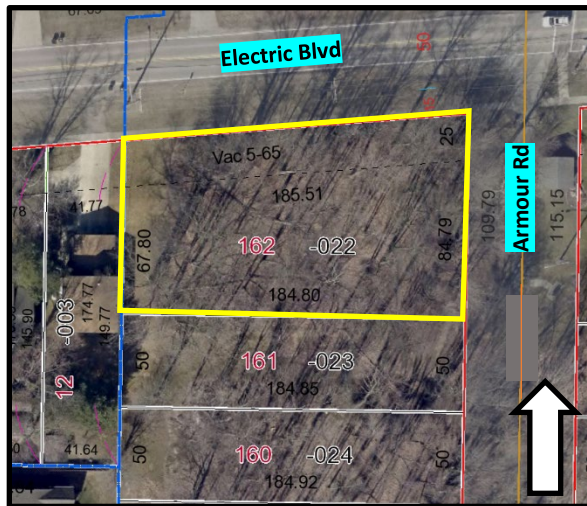


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

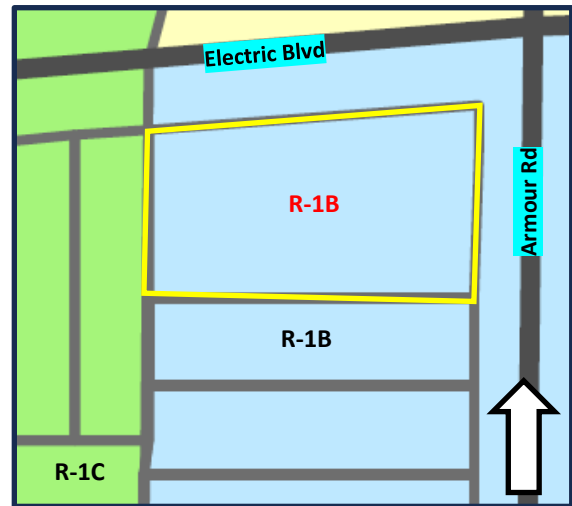


Figure 2: City of Avon Lake Zoning Map - 2022

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.

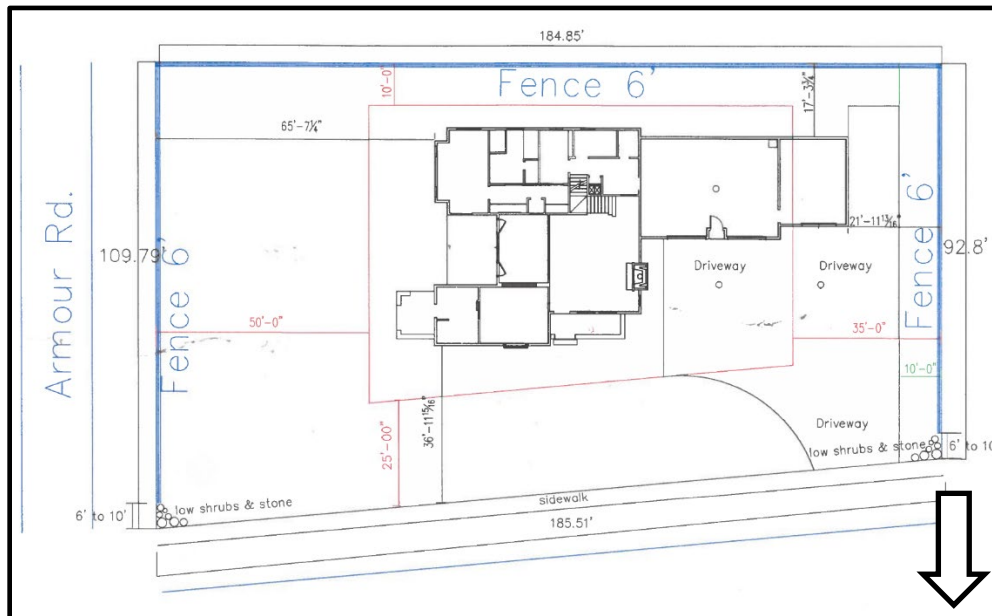


Figure 3: Site Plan - Applicant

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.

TABLE 1226-5: MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS					
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.

TABLE 1226-6: MINIMUM FRONT YARD SETBACKS FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT	
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

TABLE 1226-7: MINIMUM SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS						
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	35	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

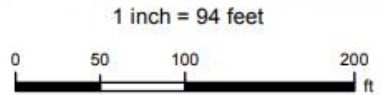
Parcel – 04-00-018-146-022



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 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.

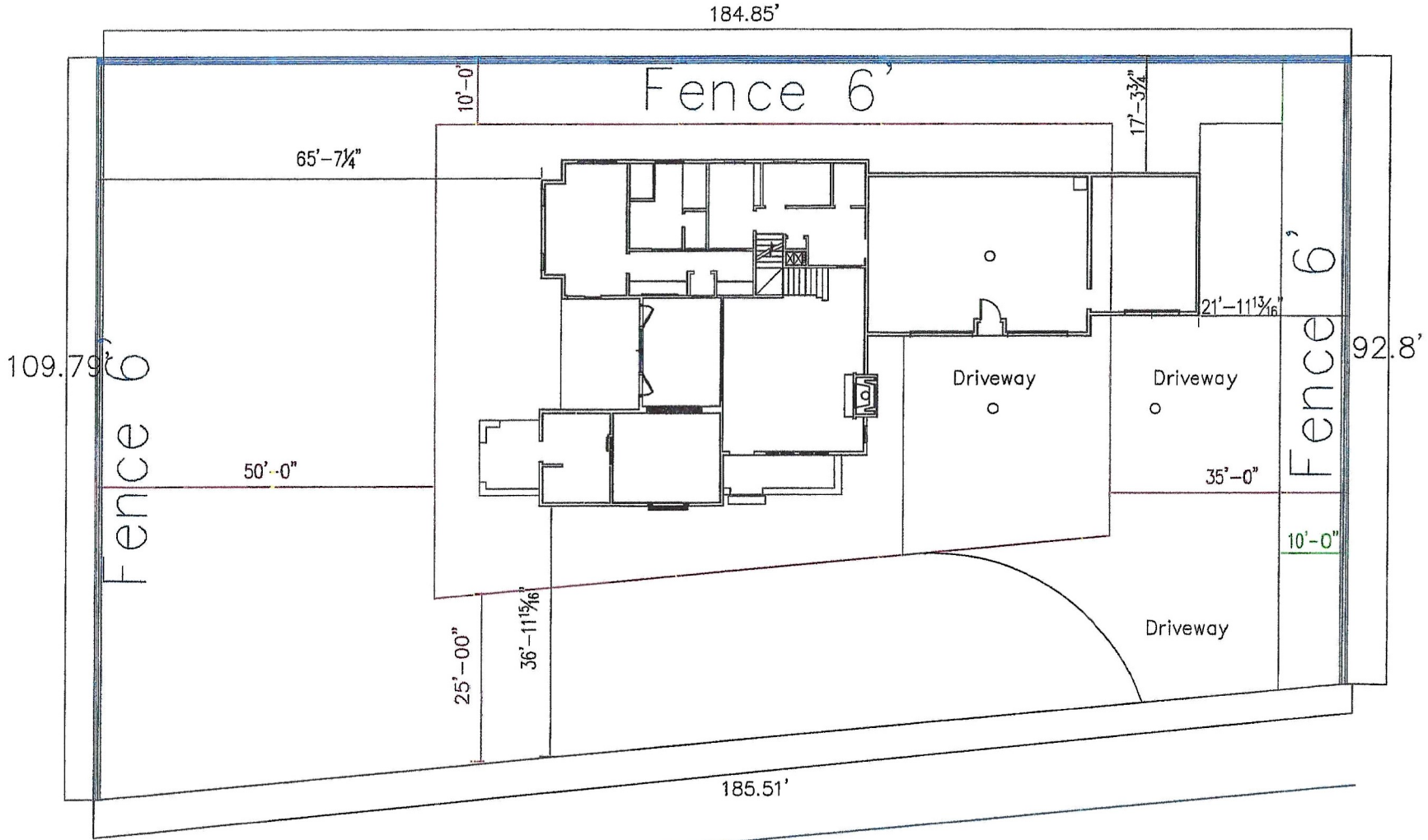
J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.*

Yes.?

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

Only neighbor lives in Las Vegas and was not reachable.

Armour Rd.



C/L Electric C/L

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



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 & April 24, 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.

This request was tabled at the March 27, 2024, meeting and the report remains unchanged. The applicants had modified the positioning of the house (refer to CAV 24-17) and are no longer seeking a fence variance. The applicants have stated that fencing may be installed in the future, but it would comply with the current fence regulations. Because the applicants are no longer interested in seeking a fence variance, the Board shall un-table the application and withdraw, as recommended by staff.

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.

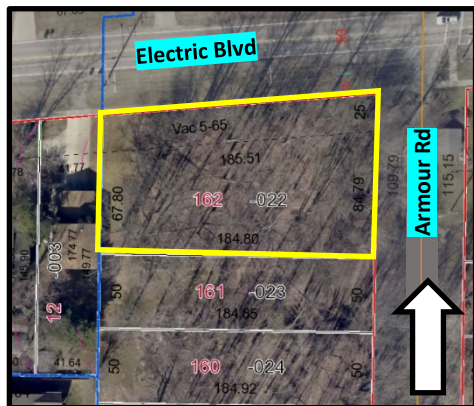


Figure 1: Lorain County Auditor GIS – Spring 2023

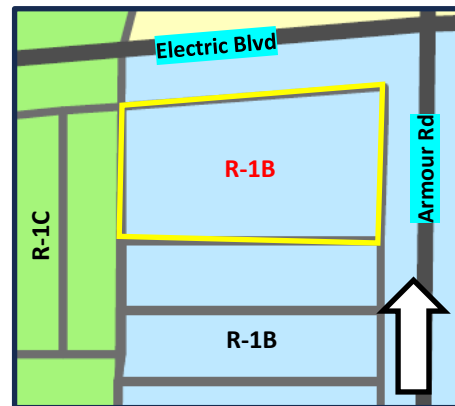


Figure 2: City of Avon Lake Zoning Map - 2022

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.

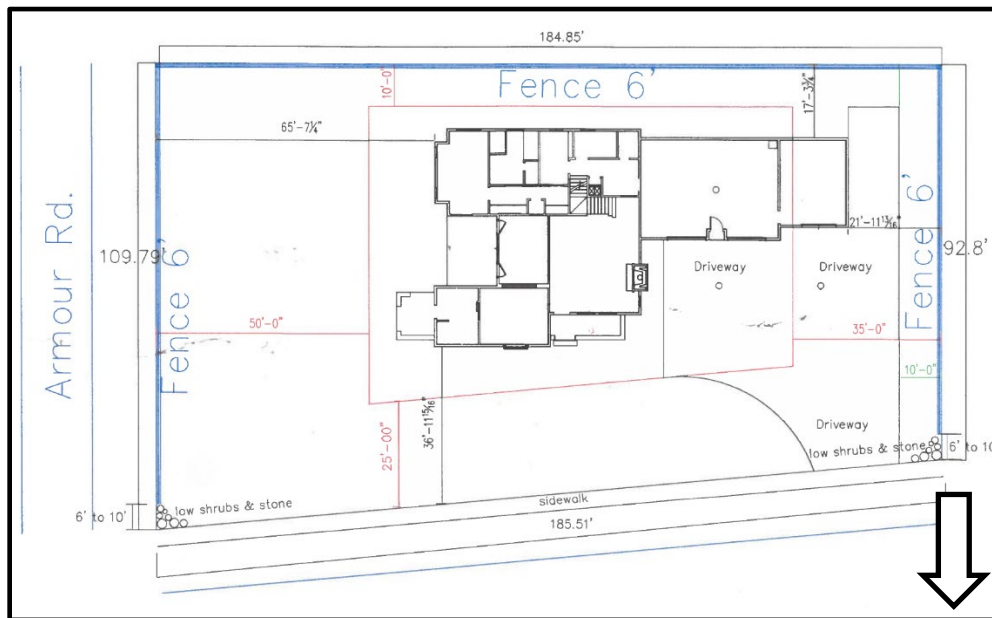


Figure 3: Site Plan - Applicant

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

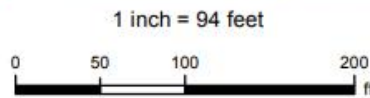
Parcel – 04-00-018-146-022



March 22, 2024 2:07:16 PM

Legend

- Boundaries
 - - - Dashed Lot Line
 - 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-24-9

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 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

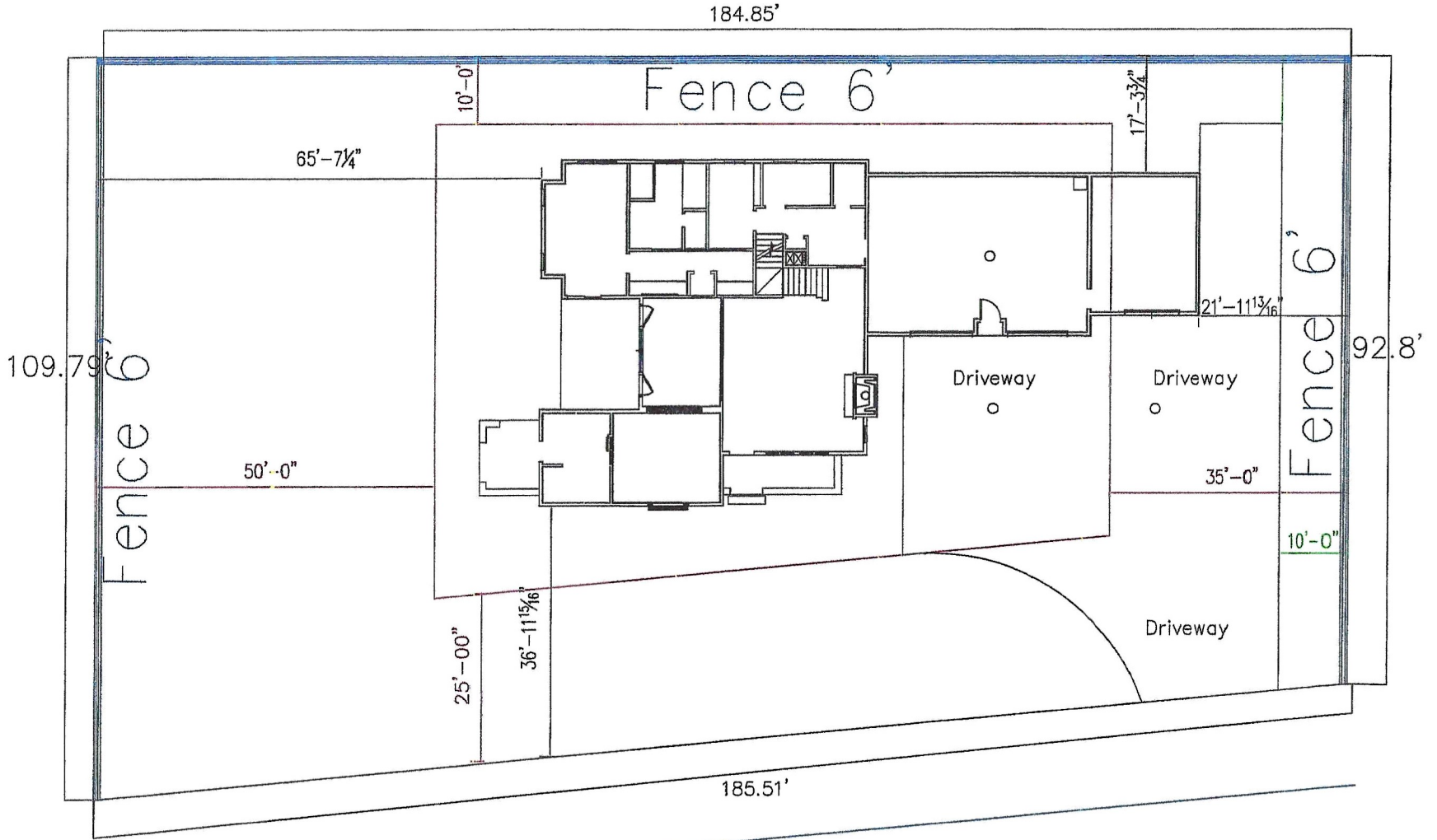
J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.*

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.

Armour Rd.



C/L Electric C/L

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

New Cases



REPORT – ZBA CASE 24-16

TO: Members, Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 24-16 (AREA VARIANCE – 634 Parkside Drive)
MEETING: April 24, 2024

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

DISCUSSION:

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

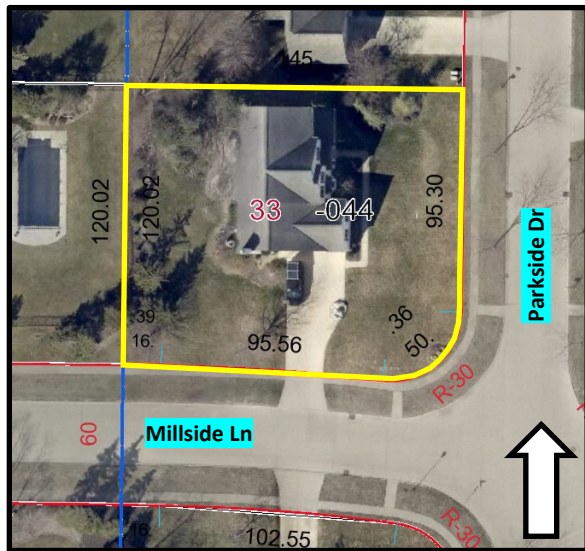


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

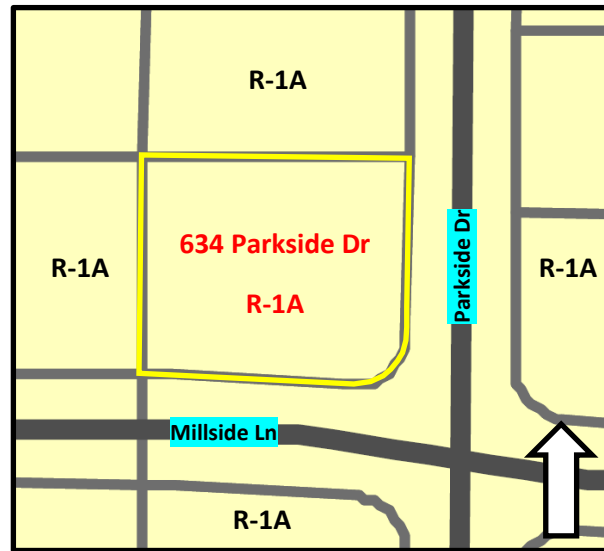


Figure 2: City of Avon Lake Zoning Map - 2022

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

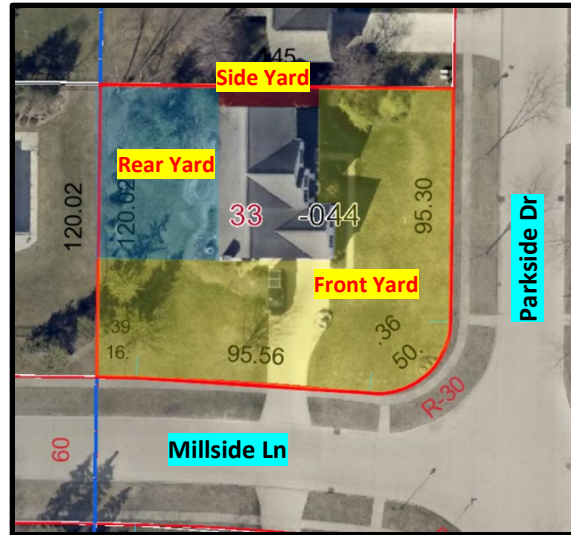


Figure 3: Lorain County Auditor GIS – Spring 2023 Aerial - Yards

The applicant is proposing a 4' tall black ornamental aluminum fence to enclose their rear yard and portion of the front yard along Millside Lane. Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* states that maximum height of a fence in a rear yard is 4' and 3' in a front yard. The proposed rear yard fencing is code compliant while the front yard fencing extends one foot over the maximum permitted height. The proposed fencing encroaches 40' into the front yard along Millside Lane.

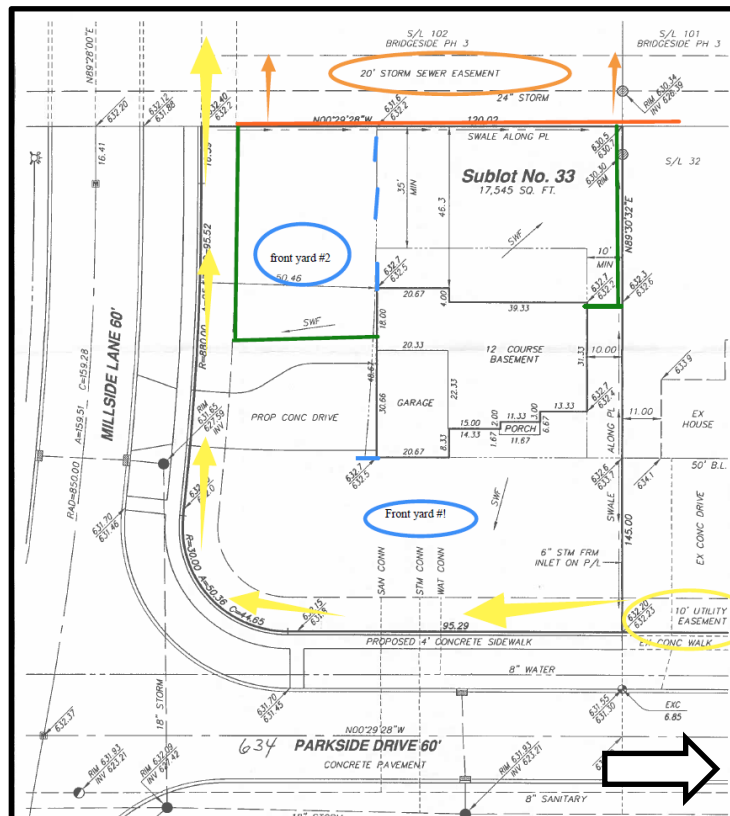


Figure 4: Applicant Provided Site Plan - 2024

The applicants applied for a variance via case CAV 24-5, and were denied at the February 28, 2024, Zoning Board Meeting. The fence was proposed inside of the 10' utility easement. With this request, the fence has been moved entirely outside of the easement and does not impact the easement in any way.

VARIANCE REQUESTED:

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

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

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

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

POTENTIAL MOTION:

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

I move to approve/deny ZBA Application, CAV 24-16, 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 to encroach 40' in the front yard along Millside Lane at 634 Parkside Drive, as depicted.

Please state any conditions (if any).

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and an updated 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 634 Parkside Drive.

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

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
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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.

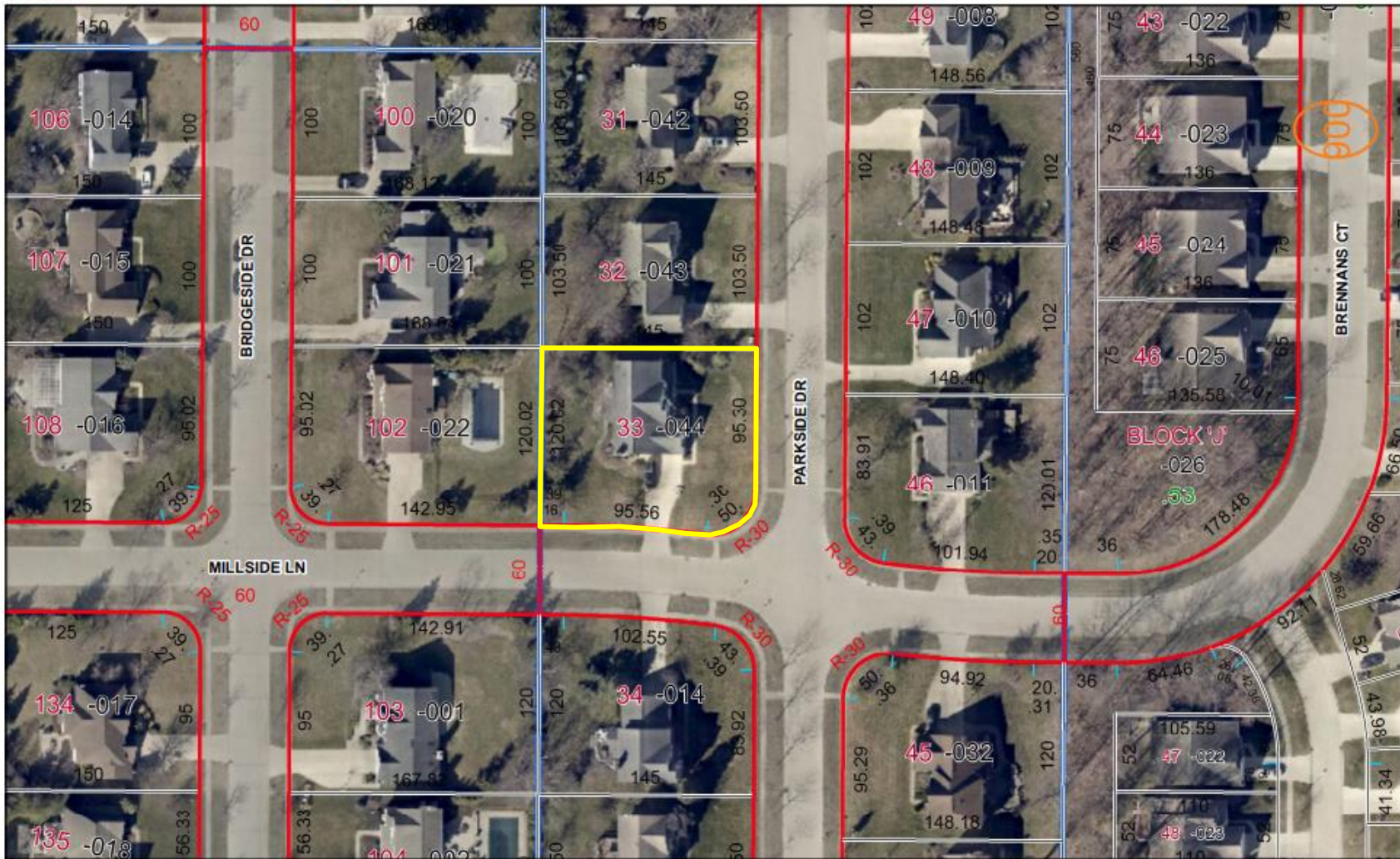
- (1) Temporary fences shall be maintained in good condition and shall not require a zoning permit.
- (2) No temporary fencing material shall be used for permanent fencing.

(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 634 PARKSIDE DR AVON LAKE, OH 44012
Lorain County Auditor



February 23, 2024 8:08:35 AM

1 inch = 94 feet

Legend

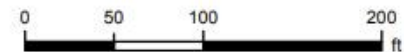
Boundaries

- Sublot Line
- Right-of-way Line

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

- Parcels_Black
- Red: Red
- Green: Green

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





CAV-24-16

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/21/2024

Primary Location

634 PARKSIDE DR
AVON LAKE, OH 44012

Owner

UHLE AMANDA & UHLE RYAN
634 PARKSIDE DR AVON
LAKE, OH 44012

Applicant

Ryan Uhle

440-452-7726

ryan.amanda2615@gmail.com

634 Parkside Dr.
Avon Lake, OH 44012

Applicant Information

Applicant Role*

Homeowner

Name*

Ryan Uhle

Address*

634 Parkside Dr.

City*

Avon Lake

State*

Ohio

Zip*

44012

Telephone*

4404527726

Email Address*

ryan.amanda2615@gmail.com


Property Owner Information

Same as Applicant



Request Information

 Code Section(s)

 # of Variance Requested

—

Specific Details of Variance Request*

We would like to install a 4 foot black aluminum fence that will be within 5 feet of the sidewalk. This fence is being installed to keep our dog in the yard during the day and allow our children to safely play outside without getting near the road. This fence will line up with our neighbors identical fence

Signature

Applicant Signature*

 Ryan Uhle
Mar 21, 2024

Authorization for Property Access

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

Grant

Signature*

 Ryan Uhle
Jan 25, 2024

Any dog(s) on property?*

Yes

Daytime Phone Number*

4404527726

Factors Used to Determine Practical Difficulty of an Area Variance

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

Not applicable

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;*

We are seeking the variance as an added layer of safety for our backyard. We want to keep the dog in the yard and keep our kids away from the street.

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

We believe this is the minimum necessary to make the fenced in portion of the yard useable and accessible for kids and pets.

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 neighborhood will not be altered. Additionally, our neighbors have allowed us to connect into their fence which we are matching.

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

This will not impact any governmental services.

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);*

Not applicable.

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

Our dog is a breed we believe could not be contained by an electric fence. For the safety of our neighbors and dog, we want to have a fence put in.

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

We will be working with a reputable company to install the fence who will follow the variance guidelines

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*

Not applicable

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.*

There are other properties in our neighborhood that have fences similar to the one we would like to install.

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

We want to keep our children safe in the yard, want to keep our dog contained for the safety of the dog and our neighbors. Additionally, we have larger trees that prevent us from putting the fence further away from the sidewalk.

PLOT PLAN

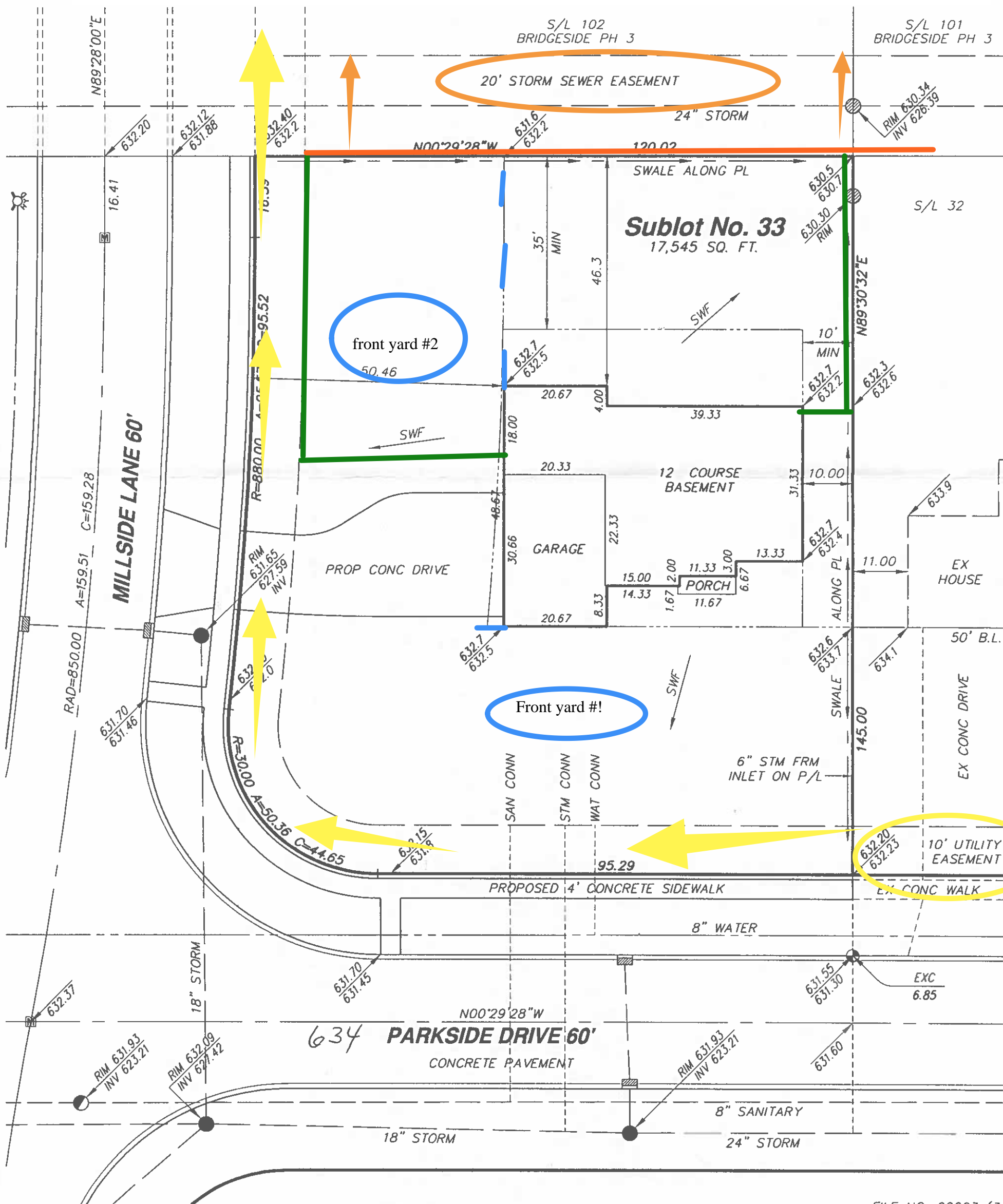
Orange on the neighbors lot indicates storm sewer easements, Those can be built into
 Yellow indicates the utility easement that can not be built 36' near any underground line
 permission from owner of utility is needed ahead of city appeal process.

IRON PIN.
 ALL LOT
 OF HOUS.

R
 RICHARD
 P.S. 6256

Because you are considered a double front yard lot, The city appeals would be for the -
 increase in height from 3' to 4' coming past the front line of the home (noted with blue -
 dash)

NORTH



FILE NO. 00003 (33)

R.M. KOLE & ASSOC., INC.

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



REPORT – ZBA CASE 24-17

TO: Members, Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 24-17 (AREA VARIANCE – Parcel 04-00-018-146-022)
MEETING: April 24, 2024

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request an area variance to Planning & Zoning Code Section 1238 - *Subdivision Design Standards* at parcel 04-00-018-146-022, located at the southwest corner of Electric Blvd and Armour Road (vacant property).

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.

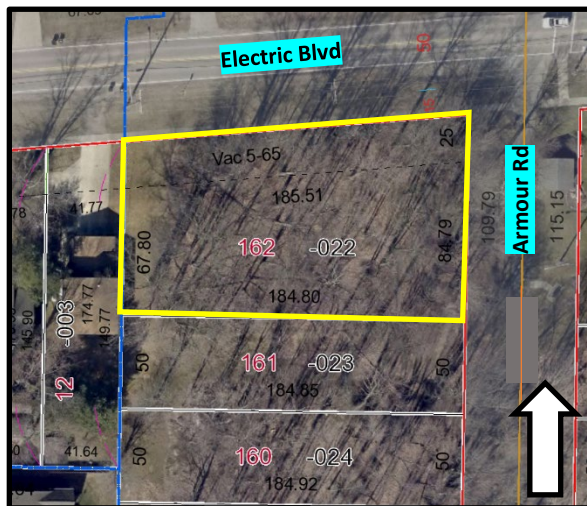


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

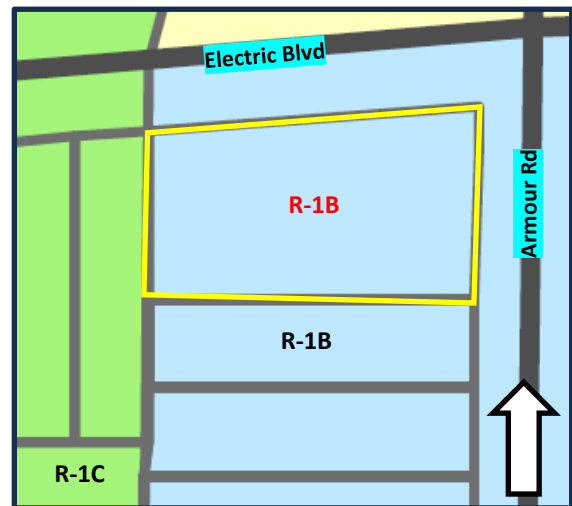


Figure 2: City of Avon Lake Zoning Map - 2022

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 an entrance to the Kopf Reservation, which is 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.

The proposed home complies to all setbacks except for the rear setback, for which the applicant is seeking an area variance to reduce from 35' to 10'. The setback area variance is not a part of this request and shall be reviewed and discussed with area variance application CAV 24-18. This request deals with the development of the lot requiring utility and infrastucure improvements along the property frontage on Armour Road. Below is the applicant-provided site plan depicting a single-family home and its setbacks.

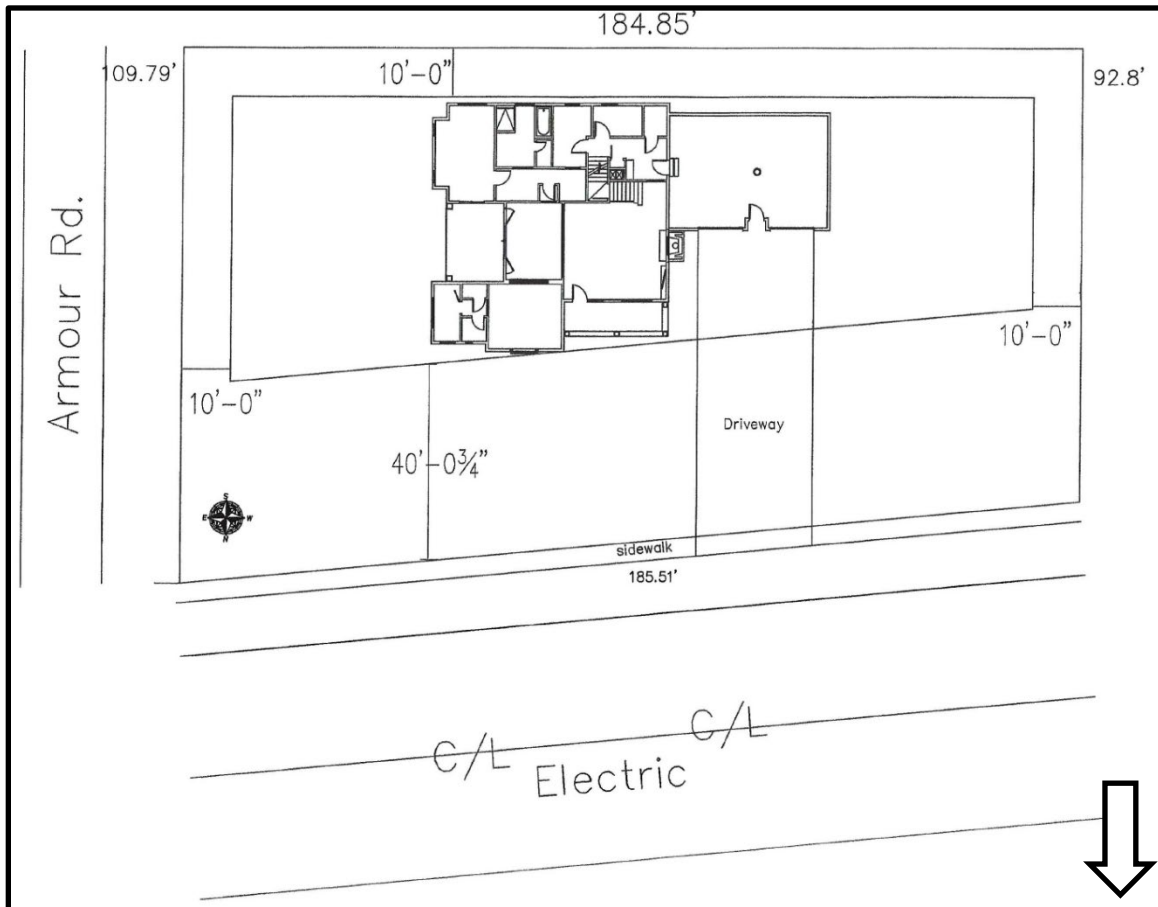


Figure 3: Site Plan - Applicant

IMPROVEMENTS:

As previously referenced, the subject property is located directly west of an entrance for the Kopf Reservation. Inside the reservation, the majority of the lots are owned by the Lorain County Metro Parks, while others are still privately owned. The paved trail is located inside of Avon Lake Right-of-Way (Armour Road). Three properties south of the subject property are privately owned. Four lots on the east side of Armour are owned by First Energy.

The subject property is considered a corner lot in the practical sense as it abuts two publicly owned rights-of-way. However, based on the Planning & Zoning Code, Armour Road is not an improved street and is not applicable to the "corner lot" criteria. This does not waive any public improvements and utility improvements that would be required.

The property owner is required to extend sewer, water, sanitary, roadway, and a sidewalk to the southernmost edge of the property on Armour Road. The Planning & Zoning Code Code requires this action (1238.02), but then requires it more specifically as it calls for a decision to be made on the situation by the City Engineer, as outlined below.

On April 2, 2024, Chris Howard, Ted Esborn – Community Development Director and Austin Page – Planning & Zoning Manager, met with the applicants (Rodney and Karen Williams) where these improvement requirements were deemed necessary and required. Besides the current Planning & Zoning Code Language, this decision was also based on past practices in the city of Avon Lake and is considered best practice.

Planning & Zoning Code Section 1238.02 *Subdivision Design Standards – Applicability*, states that, “*The developer of a subdivision, or any development that requires public improvements or rights-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Avon Lake.*”

The applicants shall be responsible for their own utility and infrastructure extensions to serve the property. This proposed development also triggers the need to make improvements in the Armour Road right-of-way in the form of utilities, roadway, and sidewalk extensions, as mandated by Planning & Zoning Code Section 1238.07(b), and the City Engineer.

Planning & Zoning Code Section 1238.07(b) *Subdivision Design Standards – Projection of Improvements*, states that, “*Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the City Engineer or engineering consultant to the city. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.*”

Because of the adjacent private ownership (south), utility and roady improvements should be extended to the edge of the property on Armour Road. This would provide the private lots to the south the opportunity to establish connections and develop their property. If any development would occur on those properties, they would also be required to extend the same utilities and improvements to the southernmost edge of their prpoerty.

Chris Howard, City Engineer, has provided a memo and is included in the packet. The memo references the above Code Sections and the applicants responsibility to extend these infrastructure improvements.

An additional memo has been provided by Rob Munro, the Chief Utilities Executive for Avon Lake Regional Water (ALRW). The memo states their opposition to this request and that granting relief to this specific applicant could potentially burden ALRW and provide an unfair advantage compared to other developers that have come before them. Their entire memo is included in the packet.

VARIANCE REQUESTED:

The applicant requests one area variance to Planning & Zoning Code Section 1238 - *Subdivision Design Standards* at parcel 04-00-018-146-022 (vacant property). The request would waive the requirement to extend utilities, sidewalk, and roadway to the southernmost edge of the property on Armour Road.

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 24-17, an area variance to Planning & Zoning Code Section 1238 - *Subdivision Design Standards*, waiving the requirement to extend utilities, sidewalk, and roadway to the southernmost edge of parcel 04-00-018-146-022 property line, on Armour Road.

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, 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
5. Additional Applicant Materials
6. ALRW Memo
7. Engineering Memo

Chapter 1238: Subdivision Design Standards

1238.01 Purpose

The purpose of this chapter is to further the overall purpose of this code and additionally, to:

- (a) Establish standard requirements, conditions, and procedures for the design and review of subdivisions;
- (b) Provide for the orderly subdivision of land;
- (c) Encourage the wise use and management of land and natural resources throughout the City;
- (d) Ensure that adequate public infrastructure, facilities and services are available concurrent with development;
- (e) Encourage a beneficial relationship between the uses of land and circulation of all forms of traffic throughout the City, and to provide for the proper location and design of streets; and
- (f) Provide adequate utility systems to support the future needs of the systems; and
- (g) Promote efficient and logical placement of utility structures so as to promote the purpose of this code.

1238.02 Applicability

The developer of a subdivision, or any development that requires public improvements or rights-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Avon Lake.

1238.03 Conformity with Plans and Regulations

- (a) The arrangement, character, extent, width, grade and location of all streets shall conform to the City's thoroughfare plan, comprehensive land use plan, or other adopted plans and policies, and shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such streets. Where not shown on the Master Thoroughfare Plan, the arrangement and other design standards of streets shall conform to this chapter.
- (b) Any plans or documents submitted for subdivision or development approval shall comply with the City's standard drawings and specifications and subsequent amendments, as adopted by City Council, on file in the office of the Code Administrator.
- (c) The engineering details and standards of streets and other public improvements are subject to such modification as the Code Administrator may deem necessary to the public interest or maintenance of established standards.

1238.04 Sale of Land in Subdivisions; Start of Construction

- (a) No owner, or authorized agent, of any land located within a subdivision shall transfer, sell, or agree to sell any land by reference to, by exhibition of, or by the use of, a plan or plat of a subdivision, nor proceed with any construction work before such plan or plat has been approved and recorded in the manner prescribed in these regulations. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the provisions of these regulations.
- (b) The Code Administrator shall not issue zoning permits for any structure or activity on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed in these regulations.

(b) Projection of Improvements

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the Code Administrator. Such arrangements shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

(c) Topography, Floodplain Areas, Wetlands, and Natural Areas

- (1) Natural amenities (including views, mature trees, creeks, riparian corridors, rock outcrops, and similar features) shall be preserved and incorporated into proposed development to the greatest extent feasible.
- (2) All subdivisions of land and installation of public improvements involving areas subject to flooding, as defined by National Flood Insurance Program Maps and Data, shall conform to all applicable floodplain regulations and the requirements of adopted regulations involving the City's participation in the National Flood Insurance Program.
- (3) Land which is determined by the Planning Commission to be unsuitable for subdivision or development due to flooding, the presence of Federal Jurisdiction Wetlands, or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless methods adequate to resolve the problems are formulated by the developer and approved by Council, upon recommendation by the Planning Commission and upon advice of the Code Administrator.
- (4) The natural topography shall be retained wherever possible in order to reduce excessive runoff onto adjoining property and to avoid extensive regrading of the site.

(d) Creeks, Ditches, and Waterways

- (1) Where a major watercourse, as defined and mapped by the Code Administrator, exists within a proposed subdivision, the developer thereof shall grant unto the City an easement for necessary maintenance and shall also grant unto the City an easement to provide access to the watercourse. The width of the dominant maintenance easement shall be determined by the Code Administrator, and the width and precise location of the subservient access easement shall be determined by the Code Administrator in consultation with the developer, with due regard for the preservation of natural features of such area.
- (2) No permanently attached or unmovable fixture or structure, except for a footbridge or the like, as necessary to join sections of the same property, shall be permitted within the maintenance easement or access easement. A footbridge or similar structure shall be approved by the Code Administrator and shall not be constructed and placed within said maintenance easement without the appropriate approval of the Code Administrator. Any construction in areas designated as floodways by the Federal Management Agency (FEMA) shall be subject to the regulations of that agency.
- (3) In the event that there are special circumstances or conditions affecting a property owner which deprive the property owner of the use of that property pursuant to the factors as considered by the ZBA in the granting of an area variance, a property owner may appeal an administration decision denying the use of the property pursuant to an easement created by this chapter and request a hearing by the ZBA.



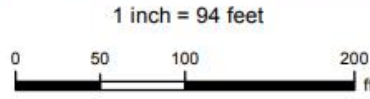
J. Craig Snodgrass, CPA, CGFM
Lorain County Auditor

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





CAV-24-17

Area Variance Application
(ZBA)

Status: Active

Submitted On: 4/3/2024

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*

Owner (under contract)

Name*

Rodney Williams

Address*

31831 Lake Rd

City*

Avon Lake

State*

Ohio

Zip*

44012

Telephone*

4402255600

Email Address*

uskwil@gmail.com

Property Owner Information

Same as Applicant

Name*

Peggy Peters (deceased); transfered to
Holly Wilburn and Mark Peters

Address*

915 Osborn Avenue

City*

Lorain

State*

Ohio

Zip*

44052

Telephone*

440-327-7006

Email Address*

holly_wilburn@yahoo.com

Request Information

 **Code Section(s)**

 **# of Variance Requested**


—

Specific Details of Variance Request*

Relief from Zoning Code 1238.02, which would require improvement of Armour Road. Mr/Mrs Williams intend to build a home on this corner lot which fronts both Armour Road (currently a paper street) and Electric Blvd. We were made aware of Subdivision Code 1238.02 that would require Armour Road to be improved with utilities and a two-lane concrete street, in order to build on lot. We request a variance that would give relief from that code section, and allow Electric Blvd. to become the primary frontage of lot.

Signature

Applicant Signature*

 Rodney Williams
Apr 3, 2024

Authorization for Property Access

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

Grant

Signature*

Rodney Williams

Apr 3, 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;*

Armour Rd is currently a paper street, heavily utilized by Metro Parks visitors as a pedestrian and bike path. By enforcing code and requiring M/M Williams to improve Armour Rd. along their property line would severely affect the community. It would require installation of a 110' long and 30' wide concrete paved street, replacing what is only a 10' wide asphalt path. It would require moving the park entrance from current location at sidewalk, south 110'. This potentially could lead to a parking situation along the Armour Rd, as people would park there to use the path. It would also require shutting down this area to pedestrian traffic for an unknown time (potentially up to many months) as utilities are installed and street is paved.

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, significant disruption to the community would be inevitable and likely - see reasons above.

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 and is very reasonable to allow use of land. M/M Williams would prefer to utilize Electric Blvd. as the front of lot, including entrance/exit. This is the best outcome for both the property owners and the community.

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;*

Situation is quite the contrary. The character of the neighborhood would be substantially altered without the variance.

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

Variance would not adversely affect government services. The opposite would be so - without the variance, government services would be adversely affected.

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

None.

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;*

Most likely this specific zoning requirement was not written with "paper streets" and adjoining parks in mind. The remainder of zoning requirements would be met and in line with spirit and intent.

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.*

No.

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

It is our intent to embrace the community and surrounding area. We wish to build a charming home that blends in with the park setting, not disrupt the public use. By granting this variance, the use of Armour Rd would remain and continue to be used by the public without disruption.

Armour Rd.

109.79'

184.85'

92.8'

10'-0"

10'-0"

40'-0³/₄"

10'-0"



Driveway

sidewalk

185.51'

C/L Electric C/L

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



**Avon Lake
Regional Water**

Serving the region,
protecting our resource.

Avon Lake Regional Water
MEMORANDUM

To: Austin Page, Planning & Zoning Manager

From: Rob Munro, Chief Utilities Executive 

Subject: **Area Variance Application CAV-24-17**

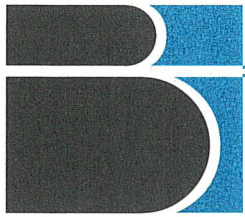
Date: April 15, 2024

Regarding the above Area Variance Application, Avon Lake Regional Water (ALRW) opposes granting the requested variance. Granting of this variance would provide an undue hardship to the public utility and its ratepayers. Zoning Code 1238.02 exists to ensure that **all** utilities are installed by a developer at no cost to the public. Once the utilities are installed by a developer they are then turned over to the appropriate utility for operation and maintenance.

With granting relief to this specific applicant not only would the burden of establishing water and sanitary utilities on a platted street fall solely on ALRW, it would also provide an unfair advantage to this applicant compared to other developers that have come before them. With several parcels immediately south of the subject parcel, that have frontage on Armour Road, the intent of Zoning Code 1238.02 is to provide adequate utilities to an undeveloped street when such time as it is developed. By approving this application request, the City of Avon Lake, and ALRW, could be exposed to costly litigation brought on by previous developers that have been required to install utilities on an undeveloped platted street in Avon Lake when developing and possibly other property owners to the immediate south of the subject parcel.

Based on the aforementioned items, I strongly urge the Zoning Board of Appeals to deny this application for an area variance.

Cc: Mayor Mark Spaetzel
Ted Esborn, Community Development Director
Gary Ebert, Law Director
Jack Gaydar, P.E., P.S., Engineering Services Manager (ALRW)
Chris Howard, P.E., CPESC, City Engineer (City of Avon Lake)
File



BRAMHALL
ENGINEERING &
SURVEYING COMPANY

April 18, 2024

Mr. Austin Page
Planning and Zoning Manager
Community Development Department
150 Avon Belden Road
Avon Lake, Ohio 44012

Reference: Zoning Board of Appeals
Application Case #CAV-24-17

Dear Mr. Page:

The Applicant for Case #CAV-24-17 is requesting a Variance to not install the Public Improvements along Armour Road. The subject Parcel #04-00-018-146-022 is located at the southwest intersection of Electric Boulevard and Armour Road, with Armour Road being an unimproved paper street. Per the Lorain County Auditors site there are three (3) parcels to the south of the subject parcel, owned by Others, along with the Lorain County Metroparks and Cleveland Electric Illuminating Co. owning parcels along the unimproved paper street.

The City of Avon Lake Planning and Zoning Code, Section 1238.02, under Subdivision Design Standards, states the following:

The developer of a subdivision, or any development that requires public improvements or right-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Avon Lake.

In addition, Section 1238.07(b), states the following:

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the City Engineer or engineering consultant to the City. Such arrangement shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

Page 2 of 2
Zoning Board of Appeals
Applicant Case #CAV-24-17
April 18, 2024

Based on the above referenced Code Sections the Applicant shall be required to extend the required public infrastructure improvements, (i.e. roadway, sanitary sewer, storm sewer and water) along Armour Road, to their southern property line.

If you have any questions, please call.

Sincerely,

BRAMHALL ENGINEERING & SURVEYING CO.
City of Avon Lake Consulting Engineers



Christopher L. Howard, P.E., CPESC
City Engineer



REPORT – ZBA CASE 24-18

TO: Members, Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 24-18 (AREA VARIANCE – Parcel 04-00-018-146-022)
MEETING: April 24, 2024

Rodney and Karen Williams (on behalf of Mark Peters and Holly Wilburn) request 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).

A similar request was tabled at the March 27, 2024, meeting. Since then, the applicants submitted a new plan for a single-family home. The home layout has changed, resulting in only needing to waive the rear setback requirement. City staff instructed the applicants to submit a new variance application (CAV 24-18) for the April meeting. At this meeting, staff recommended that the Board un-table the previous case (CAV 24-9) and withdraw the application as it was no longer applicable.

This is the second variance request pertaining to this property. The first variance, CAV 24-17, seeks to waive the code requirement for extending utilities, public roadway, and a sidewalk to the southernmost edge of the property along Armour Road. Those improvements are not a part of this request.

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 located on a corner with frontages onto Electric Blvd and the Armour Road right-of-way. The property is zoned R-1B, Single-Family Residence and properties to the east and south share this same zoning. Properties across the street are zoned R-1A, while the property directly west is zoned R-1C. These zoning designations are all for single-family residences.

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 area is an entrance to the Kopf Reservation, managed by the Lorain County Metro Parks.

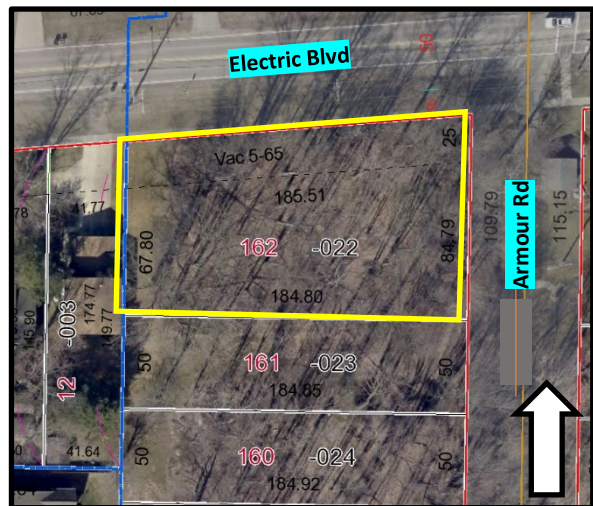


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

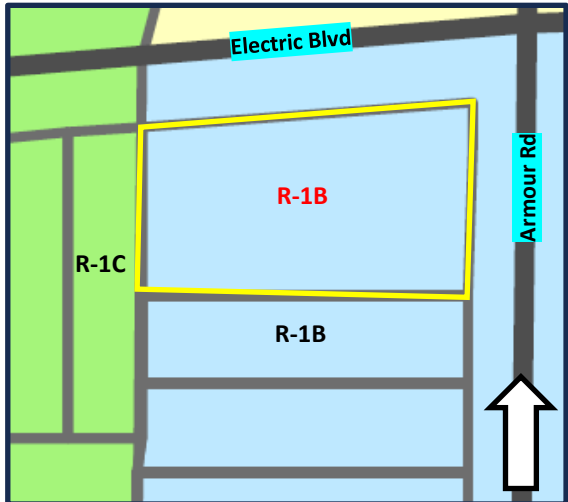


Figure 2: City of Avon Lake Zoning Map - 2022

The property is considered a corner lot in the practical sense as it abuts two city rights-of-way. However, based on the Planning & Zoning Code, Armour Road is not an improved street and is not applicable to the “corner lot” criteria. This does not waive any public improvements that may be required. As previously stated, right-of-way improvements are not included in this request. Please refer to CAV 24-17.

The applicant is proposing a single-family dwelling, that would front onto Electric Blvd. A driveway onto Electric Blvd is shown towards the northwestern corner of the property and shall be the primary access (only access) for the property.

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 minimum 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.”

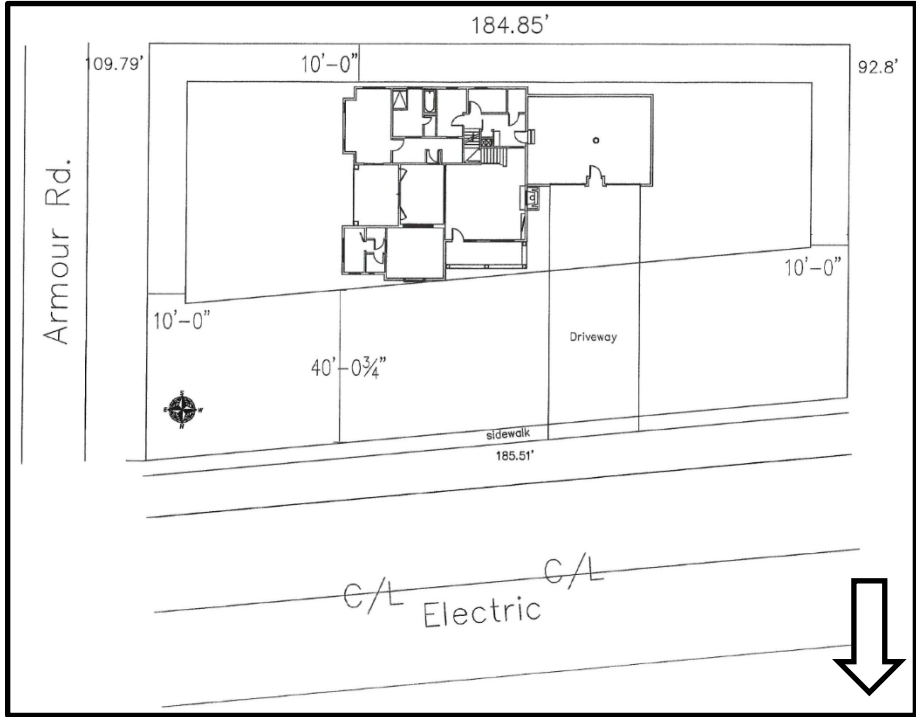


Figure 3: Site Plan - Applicant

The subject property is located in the Avon Vineyard Subdivision (listed in Table 1226-6) that was platted in 1925. This table states that the minimum front yard setback shall be measured 80’ from the centerline of the street. The Electric Blvd right-of-way is 80’ and would make a front setback of 40’. This is 10’ less than what the R-1B district usually requires. Copy of the code sections are provided in the packet.

The applicant is able to meet the minimum front yard and side yard setbacks. The rear setback is shown as 10', seeking a 25' waiver from the 35' minimum rear yard setback requirement.

VARIANCE REQUESTED:

The applicant requests one 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 (vacant property). The request would reduce 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 24-18, 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.

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
5. Additional Applicant Materials
6. ALRW Memo
7. Engineering Memo

(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.

TABLE 1226-5: MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS					
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.

TABLE 1226-6: MINIMUM FRONT YARD SETBACKS FOR ESTABLISHED SUBDIVISIONS IN THE R-1B DISTRICT	
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

TABLE 1226-7: MINIMUM SETBACK REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS						
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	35	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

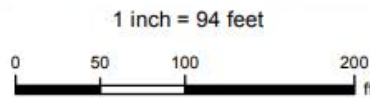
Parcel – 04-00-018-146-022



March 22, 2024 2:07:16 PM

Legend

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





CAV-24-18

Area Variance Application
(ZBA)

Status: Active

Submitted On: 4/3/2024

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*

Owner (under contract)

Name*

Rodney Williams

Address*

31831 Lake Rd.

City*

Avon Lake

State*

Ohio

Zip*

44012

Telephone*

440-225-5600

Email Address*

uskwil@gmail.com

Property Owner Information

Same as Applicant

Name*

Peggy Peters (deceased). TOD - Holly
Wilburn and Mark Peters

Address*

915 Osborn Avenue

City*

Lorain

State*

Ohio

Zip*

44052

Telephone*

440-327-7006

Email Address*

holly_wilburn@yahoo.com

Request Information

 **Code Section(s)**

 **# of Variance Requested**


—

Specific Details of Variance Request*

Setback variance. Requesting a rear yard setback of 10'.

Signature

Applicant Signature*


 Rodney Williams
Apr 3, 2024

Authorization for Property Access

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

Grant

Signature*

 Rodney Williams
Apr 3, 2024

Any dog(s) on property?*

Daytime Phone Number*

No

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;*

Mr/Mrs Williams are requesting a rear yard setback change from 35' to 10'; due to narrowness of lot which is only 92'. It would be extremely difficult to utilize the lot without a rear setback variance. Without a variance, after front and rear setbacks - buildable space would only be 17'. All other setbacks requirements can be met.

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 a rear setback variance, lot would be extremely difficult to place a reasonable sized home.

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 all other setback requirements can be met.

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 rear setback variance would not be visible to the street and there are no adjoining neighbors to the rear.

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);*

This is a corner lot - and primary frontage has been requested to be Electric Blvd.

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*

Neighboring properties (R1C) have similar reduced setbacks.

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.*

None.

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

It is our intent to embrace the community and surrounding area. We wish to build a charming home that blends in with the park setting, not disrupt neighbors. A reduced rear setback will allow us to build that charming home that enhances the neighborhood.

Armour Rd.

109.79'

184.85'

92.8'

10'-0"

10'-0"

40'-0³/₄"

10'-0"



Driveway

sidewalk

185.51'

C/L Electric C/L

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



**Avon Lake
Regional Water**

Serving the region,
protecting our resource.

Avon Lake Regional Water
MEMORANDUM

To: Austin Page, Planning & Zoning Manager

From: Rob Munro, Chief Utilities Executive 

Subject: **Area Variance Application CAV-24-17**

Date: April 15, 2024

Regarding the above Area Variance Application, Avon Lake Regional Water (ALRW) opposes granting the requested variance. Granting of this variance would provide an undue hardship to the public utility and its ratepayers. Zoning Code 1238.02 exists to ensure that **all** utilities are installed by a developer at no cost to the public. Once the utilities are installed by a developer they are then turned over to the appropriate utility for operation and maintenance.

With granting relief to this specific applicant not only would the burden of establishing water and sanitary utilities on a platted street fall solely on ALRW, it would also provide an unfair advantage to this applicant compared to other developers that have come before them. With several parcels immediately south of the subject parcel, that have frontage on Armour Road, the intent of Zoning Code 1238.02 is to provide adequate utilities to an undeveloped street when such time as it is developed. By approving this application request, the City of Avon Lake, and ALRW, could be exposed to costly litigation brought on by previous developers that have been required to install utilities on an undeveloped platted street in Avon Lake when developing and possibly other property owners to the immediate south of the subject parcel.

Based on the aforementioned items, I strongly urge the Zoning Board of Appeals to deny this application for an area variance.

Cc: Mayor Mark Spaetzel
Ted Esborn, Community Development Director
Gary Ebert, Law Director
Jack Gaydar, P.E., P.S., Engineering Services Manager (ALRW)
Chris Howard, P.E., CPESC, City Engineer (City of Avon Lake)
File



April 18, 2024

Mr. Austin Page
Planning and Zoning Manager
Community Development Department
150 Avon Belden Road
Avon Lake, Ohio 44012

Reference: Zoning Board of Appeals
Application Case #CAV-24-17

Dear Mr. Page:

The Applicant for Case #CAV-24-17 is requesting a Variance to not install the Public Improvements along Armour Road. The subject Parcel #04-00-018-146-022 is located at the southwest intersection of Electric Boulevard and Armour Road, with Armour Road being an unimproved paper street. Per the Lorain County Auditors site there are three (3) parcels to the south of the subject parcel, owned by Others, along with the Lorain County Metroparks and Cleveland Electric Illuminating Co. owning parcels along the unimproved paper street.

The City of Avon Lake Planning and Zoning Code, Section 1238.02, under Subdivision Design Standards, states the following:

The developer of a subdivision, or any development that requires public improvements or right-of-way, shall dedicate all land required for rights-of-way, and shall furnish and install all required improvements serving the subdivision or development. All improvements shall be extended to the boundary of the subdivision or development in order to provide a complete and coordinated system of streets and utilities in accordance with all applicable plans or policies of the City of Avon Lake.

In addition, Section 1238.07(b), states the following:

Where adjoining areas are not subdivided or developed, the arrangement of streets and utilities in new subdivisions shall make provision for the proper projection of streets (i.e., provide for temporary dead-end streets and utilities where street connections can be made to the adjacent land) as required by the City Engineer or engineering consultant to the City. Such arrangement shall be made to the subdivision boundary or up to the edge of the phase of buildable lots.

Page 2 of 2
Zoning Board of Appeals
Applicant Case #CAV-24-17
April 18, 2024

Based on the above referenced Code Sections the Applicant shall be required to extend the required public infrastructure improvements, (i.e. roadway, sanitary sewer, storm sewer and water) along Armour Road, to their southern property line.

If you have any questions, please call.

Sincerely,

BRAMHALL ENGINEERING & SURVEYING CO.
City of Avon Lake Consulting Engineers



Christopher L. Howard, P.E., CPESC
City Engineer



REPORT – ZBA CASE 24-19

TO: Members, Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 24-19 (AREA VARIANCE – 33350 Ambleside Drive)
MEETING: April 24, 2024

Josh Osterhout requests an area variance to Planning & Zoning Code Section 1220.03(a) *Planned Unit Developments (PUD) – Changes to Approved PUDs* at 33350 Ambleside Drive (Single-family residence).

DISCUSSION:

33350 Ambleside Drive is a single-family residence located in the Waterside Crossing South Subdivision. The property is a corner lot, with the home fronting directly onto the corner rather than on Ambleside Drive or Crossings Way.

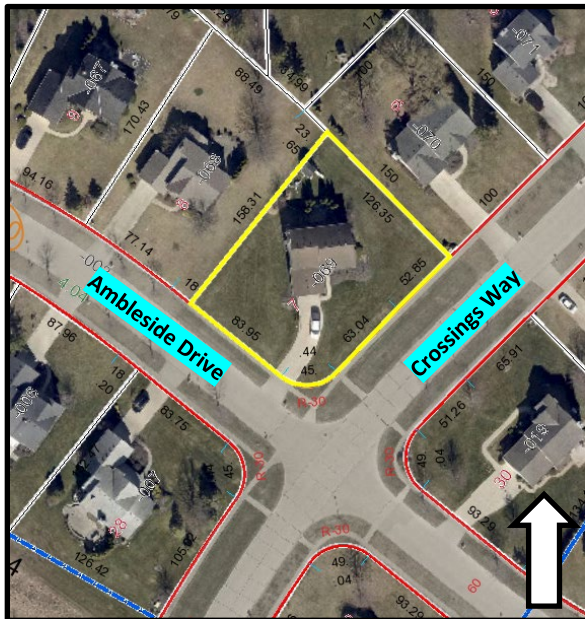


Figure 1: Lorain County Auditor GIS – Spring 2023 Aerial

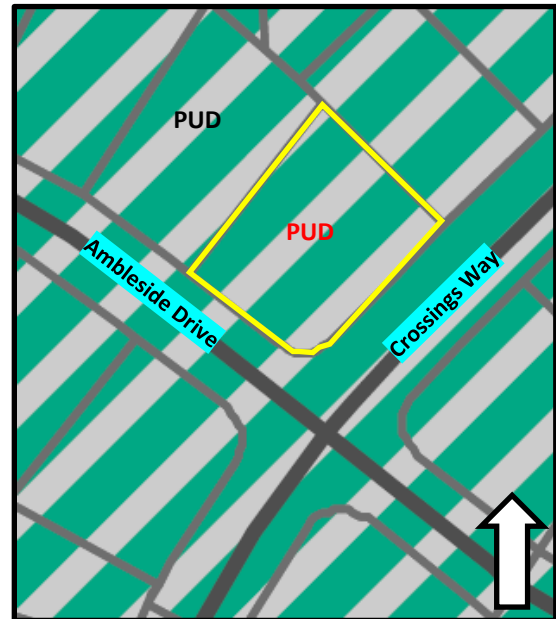


Figure 2: City of Avon Lake Zoning Map - 2022

The property is zoned a residential PUD (planned unit development), and all adjacent properties share the same PUD zoning. Prior to the creation of the PUD in 1998, the property was zoned R-1 (now R-1A) and would have required a 50' front yard setback. With the PUD approval, the front setback was reduced to 45' along Crossings Way and the 50' front setback remained along Ambleside Drive. A copy of the final plat has been provided in the packet.

The applicant is seeking an addition to the southeast corner of the home, adjacent to Ambleside Drive. At its southern end (front), the addition is 18.7' wide and only 10.7' wide at the northern end (rear).

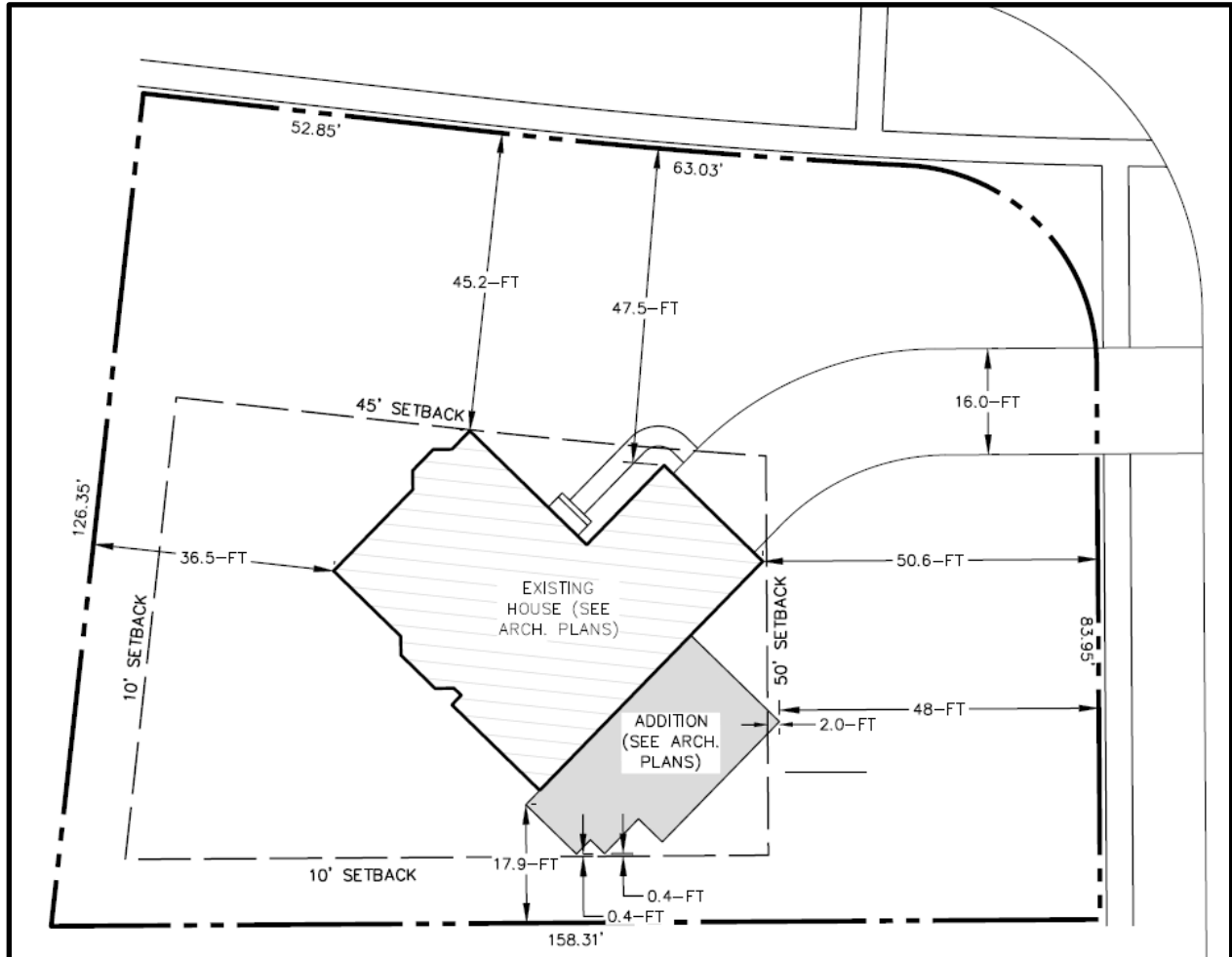


Figure 3: Site Plan - Applicant

In total, the addition is 35.7' in length. The proposed addition encroaches approximately 1.9' into front setback, reducing the front setback from 50' to 48.1'. No other setbacks are impacted by this request.

The height of the addition is compliant and not a part of this variance request.

VARIANCE REQUESTED:

The applicant requests one area variance to Planning & Zoning Code Section 1220.03(a) *Planned Unit Developments (PUD) – Changes to Approved PUDs* at 33350 Ambleside Drive (Single-Family Residence). The request would permit an addition to encroach 1.9' into the Ambleside Drive facing front setback, reducing the setback from 50' to 48.1'.

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 24-19, an area variance to Planning & Zoning Code Section 1220.03(a) *Planned Unit Developments (PUD) – Changes to Approved PUDs*, permitting an addition to encroach 1.9' into the 50' front setback along Ambleside Drive, at 33350 Ambleside Drive.

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, 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 Final Plat
4. Copy of ZBA Application
5. Copy of Site Plan
6. Copy of Additional Plans

Chapter 1220: Planned Unit Developments (PUD)

1220.01 Purpose

The purpose of the PUD District is to protect all PUDs that were approved by the City of Avon Lake prior to January 1, 2022. It is the purpose of this chapter to allow for the continuance of previously approved PUDs in accordance with approved plans in a manner that the approved PUDs will be considered conforming with this code and will not be deemed nonconforming. Furthermore, the purpose of this chapter is to provide some guidance for future modifications of these PUDs and the establishment of accessory uses and structures that may not have been addressed by previous plan approvals.

1220.02 Applicability

- (a) This chapter will apply to all PUDs identified on the zoning map that were approved prior to the date established in Section [1220.01](#) above.
- (b) After such date, no new PUD Districts may be established. As an alternative, applicants may seek approval of a residential planned development under [Chapter 1222: Residential Planned Development District \(RPD\)](#).

1220.03 Changes to Approved PUDs

- (a) Where a property owner on a lot in an PUD seeks a variance from the approved plan for an individual property that will not apply to any other property in the PUD, the property owner shall request such variance in accordance with Section [1214.09: Variances](#).
- (b) Any request to change or otherwise modify an approved PUD after January 1, 2022, as it applies to more than one property owner, shall be reviewed based on whether the change is considered major or minor, in accordance with this subsection.

(1) Major Change Reviewed by Planning Commission and City Council

Where an applicant proposes any of the following, the applicant shall submit a revised plan that conforms with the review requirements for an RPD in Section [1222.03\(c\): RPD Submission and Review Procedure](#):

- A. Expansion of an existing PUD beyond the limits of the approved PUD (only the new expansion will be subject to review); or
- B. Proposed changes to the uses or density that will result in an increase in residential dwelling units of more than five percent of the total dwelling units approved as part of the original PUD.

(2) Major Change Reviewed by Planning Commission Only

The following changes shall require approval by the Planning Commission following a public hearing unless the Code Administrator determines that changes are not significant enough to substantially alter the originally approved plan:

- A. Changes in the development plan relative to the arrangement of lots, the layout of streets or circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the PUD; and
- B. Amendments to the conditions that were attached to the PUD approval.

(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.

TABLE 1226-5: MINIMUM SETBACK REQUIREMENTS FOR RESIDENTIAL DISTRICTS					
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.

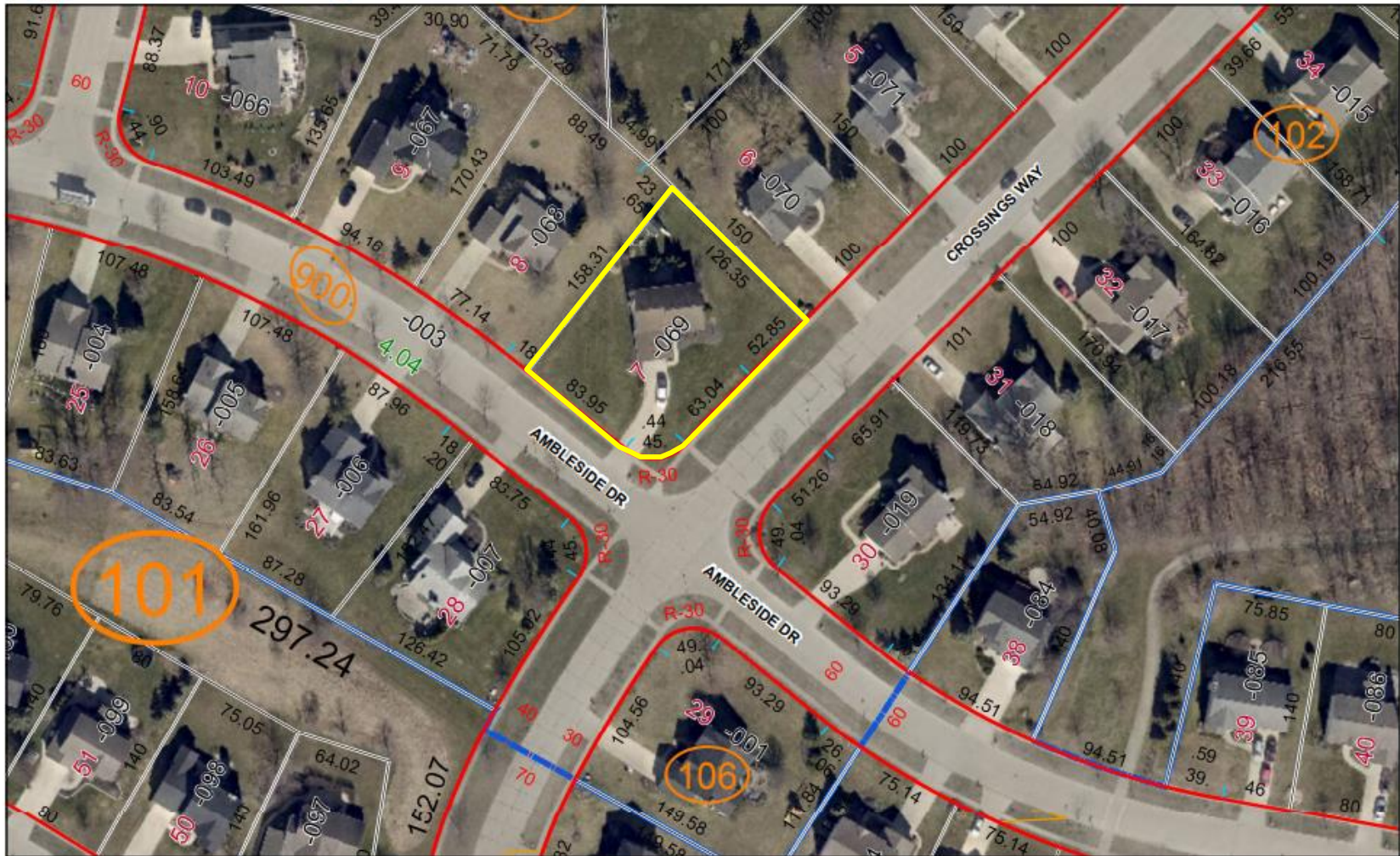
[4] In areas where the prevailing side yard setbacks are smaller than the minimum required according to this table, then the minimum side yard setback shall not be less than the average of the four nearest lots on the same block face. See [Figure 1226-A](#).

[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.



J. Craig Snodgrass, CPA, CGFM
Lorain County Auditor

33350 AMBLESIDE DR AVON LAKE, OH 44012



April 16, 2024 2:18:05 PM

Legend

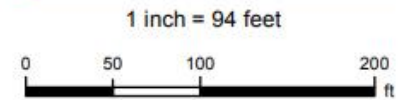
Boundaries

- Sublot Line
- Right-of-way Line

- Right-of-way Parcel Line
- Road Centerlines

- Subdivisions/...
- Right of Ways
- Parcels_Black

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



WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 PLAT

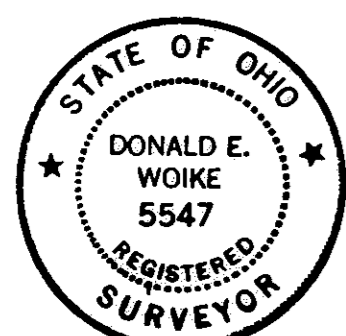
SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT AT THE REQUEST OF THE OWNERS, WATERSIDE CROSSINGS LTD., I HAVE SURVEYED AND PLATTED WATERSIDE CROSSINGS SOUTH SUBDIVISION NO. 1 AS SHOWN HEREON AND CONTAINING 22.4318 ACRES IN AVON TOWNSHIP SECTION NO. 8, NOW IN THE CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO.

AT ALL POINTS INDICATED ● 1" CAPPED IRON PIN MONUMENTS WERE FOUND OR WERE SET. AT ALL POINTS INDICATED ○ 5/8" CAPPED (REITZ ENG.) IRON PINS WERE SET.

MEASUREMENTS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF. BEARINGS SHOWN ARE ASSUMED AND FOR THE PURPOSE OF DESCRIBING ANGLES ONLY. THE PLAN REPRESENTS A SURVEY IN WHICH THE TRAVERSE OF THE EXTERIOR BOUNDARIES OF THE TRACT AND OF EACH BLOCK WHEN COMPUTED FROM FIELD MEASUREMENTS OF THE GROUND CLOSED WITHIN A LIMIT OF ERROR OF ONE (1) FOOT TO TEN THOUSAND (10,000) FEET OF THE PERIMETER BEFORE BALANCING THE SURVEY. THE SURVEY MEETS THE MINIMUM STANDARDS FOR LAND SURVEYS, IN SECTION 4733-37 OF THE OHIO ADMINISTRATIVE CODE AND ADJACENT PROPERTY DESCRIPTIONS HAVE BEEN CONSIDERED IN PERFORMING THIS SURVEY. ALL OF WHICH I CERTIFY TO BE CORRECT.

JANUARY, 1999



ACREAGE IN 37 LOTS 13.9400 AC.
ACREAGE IN 1 BLOCK 4.4559 AC.
ACREAGE IN STREETS 4.0359 AC.

TOTAL 22.4318 AC.

Donald E. Woike
DONALD E. WOIKE, REGISTERED SURVEYOR NO. 5547

OWNERS CERTIFICATE

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

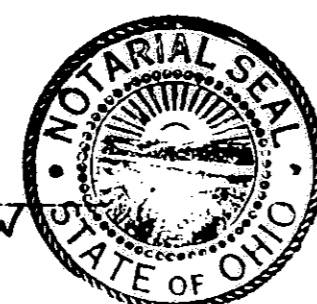
WATERSIDE CROSSINGS, LTD.

BY *H.R. Kopf*
Managing Member

NOTARY PUBLIC

COUNTY OF LORAIN)
STATE OF OHIO) SS
THIS IS TO CERTIFY THAT BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR WATERSIDE CROSSINGS, LTD. BY: H.R. Kopf WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 AND THAT THE SAME WAS THEIR FREE ACT AND DEED AND THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 15TH DAY OF MARCH, 19 99



Sharon L. Britton
NOTARY PUBLIC SHARON L. BRITTON

MY COMMISSION EXPIRES 3-29-00

10' UTILITY EASEMENT

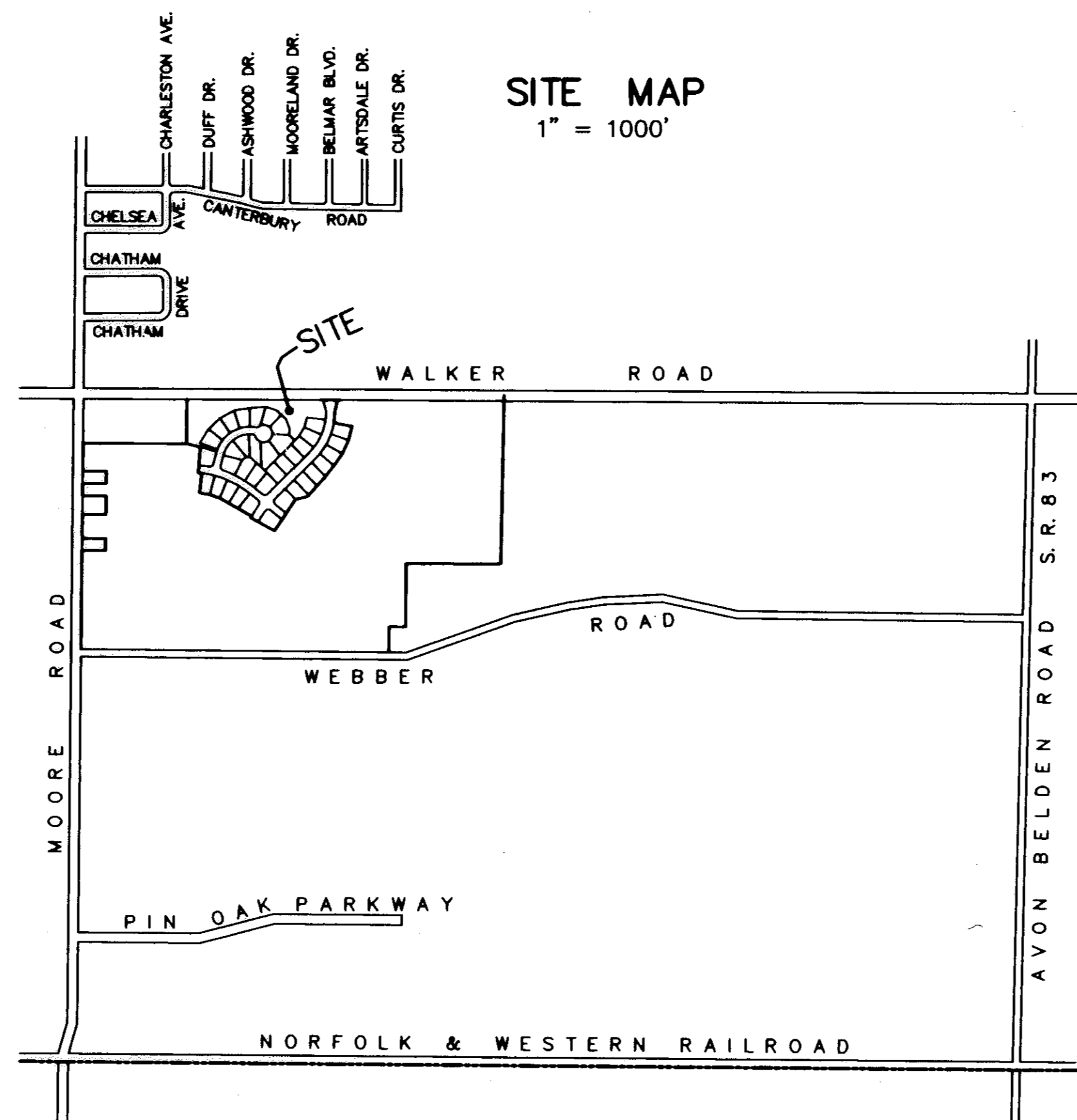
WATERSIDE CROSSINGS, LTD., THE OWNERS OF THE WITHIN PLATTED LAND DO HEREBY GRANT UNTO THE ILLUMINATING COMPANY, CENTURYTEL COMPANY OF OHIO, AND CATV FACILITIES, THEIR SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS THE "GRANTEES"), A PERMANENT RIGHT OF WAY EASEMENT TEN FEET (10') IN WIDTH OVER, UNDER AND THROUGH ALL SUBLOTS AND ALL LANDS SHOWN HEREON AND PARALLEL WITH ALL STREETS LINES TO CONSTRUCT, PLACE, OPERATE, MAINTAIN, REPAIR, RECONSTRUCT AND RELOCATE SURFACE, UNDERGROUND ELECTRIC, AND COMMUNICATIONS CABLES, DUCTS, CONDUITS, SURFACE OR BELOW GROUND, MOUNTED TRANSFORMERS AND PEDESTALS, CONCRETE PADS AND OTHER FACILITIES AS ARE NECESSARY AND CONVENIENT FOR THE GRANTEEES TO DISTRIBUTE AND TRANSMIT ELECTRICITY, AND COMMUNICATIONS SIGNALS FOR PUBLIC AND PRIVATE USE A SUCH LOCATIONS AS GRANTEEES MAY DETERMINE UPON, WITHIN AND ACROSS THE EASEMENT PREMISES. SAID EASEMENT SHALL INCLUDE THE RIGHT TO INSTALL, MAINTAIN, REPAIR AND AUGMENT ELECTRIC AND COMMUNICATION FACILITIES OUTSIDE THE ABOVE DESCRIBED PREMISES AND SHALL ALSO INCLUDE THE RIGHT OF ACCESS, INGRESS AND EGRESS TO AND FROM ANY OF THE WITHIN DESCRIBED PREMISES FOR THE PURPOSE OF EXERCISING ANY OF THE EASEMENTS RIGHTS INDICATED HEREIN. GRANTEEES SHALL AT THEIR EXPENSE RESTORE THE LAND TO ITS CONDITION AS IT EXISTED IMMEDIATELY PRIOR TO THE WORK PERFORMED BY GRANTEEES, EXCEPT GRANTEEES SHALL NOT BE RESPONSIBLE FOR REPLACING OR REPAIRING ANY PERMANENT STRUCTURES, TREES OR SHRUBS WHICH ARE LOCATED WITHIN THE EASEMENT BOUNDARIES AND ARE DAMAGED OR REMOVED AS A RESULT OF WORK PERFORMED AS PROVIDED FOR HEREIN BY GRANTEEES. THE SUBLOTS SHALL BE RESTRICTED TO UNDERGROUND UTILITY SERVICE.

WATERSIDE CROSSINGS, LTD.

BY *H.R. Kopf*

BEING PART OF
AVON TOWNSHIP SECTION NO. 8
CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO

LOTS ARE SUBJECT TO HOMEOWNER'S ASSOCIATION. MAINTENANCE OF ENTRY ISLAND AND BLOCK "A" IS TO BE PROVIDED FOR BY THE ASSOCIATION. (DOCUMENTS ON FILE AT CITY AND TO BE RECORDED SIMULTANEOUSLY AT COUNTY.)



SITE MAP
1" = 1000'

MORTGAGEE'S CERTIFICATE

THIS IS TO CERTIFY THAT HUNTINGTON NATIONAL BANK, MORTGAGEE OF LANDS CONTAINED WITHIN THIS PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 AS SHOWN HEREON AND REPRESENTED BY THE UNDERSIGNED, DOES HEREBY CONSENT TO THE RECORDING OF SAID PLAT AND HEREBY RELEASES THE LAND COMPRISING CROSSINGS WAY, AMBLESIDE DRIVE AND WATERFORD COURT, AS SHOWN HEREON, FROM THE LIEN AND OPERATION OF ITS MORTGAGE.

Huntington National Bank
BY: *J. P. Buck, V.P.*

NOTARY PUBLIC

COUNTY OF LORAIN)
STATE OF OHIO) SS
THIS IS TO CERTIFY THAT BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR HUNTINGTON NATIONAL BANK BY: Gerald A. Buck WHO ACKNOWLEDGED THE SIGNING OF THE FOREGOING PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 AND THAT THE SAME WAS THEIR FREE ACT AND DEED AND THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS 16TH DAY OF March, 19 99

Sharon L. Britton
NOTARY PUBLIC SHARON L. BRITTON



MY COMMISSION EXPIRES 3-29-00

3/4/99	REVISED PER SUMMARY OF STAFF COMMENTS DATED 2/23/99

WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 PLAT

THE HENRY G. REITZ ENGINEERING COMPANY
4214 ROCKY RIVER DRIVE
CLEVELAND, OHIO 44135
PHONE: (216) 251-3033

1
3
JANUARY 1999

ENGINEER'S CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE, AND FIND THE MONUMENTS SET ARE SUFFICIENT TO DEFINE THE STREETS AS SHOWN HEREON.

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

CITY COUNCIL

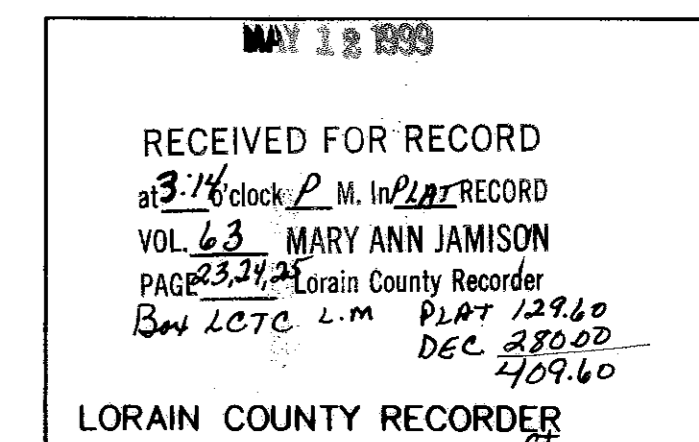
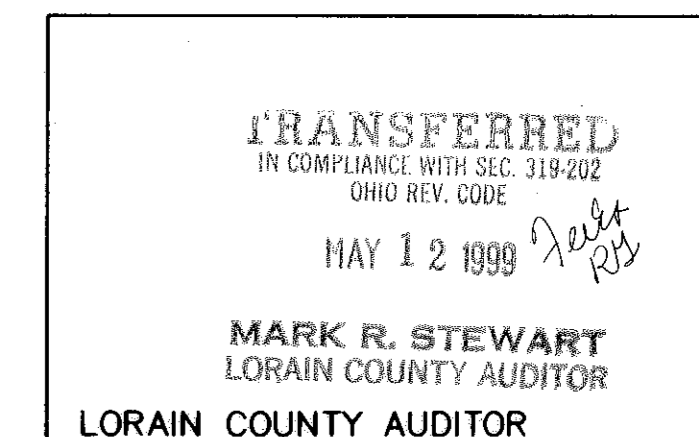
THIS IS TO CERTIFY THAT THIS PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 HAS BEEN ACCEPTED BY THE COUNCIL OF THE CITY OF AVON LAKE, LORAIN COUNTY, OHIO BY ORDINANCE NO. 81-99 PASSED THE 12 DAY OF April, 19 99.

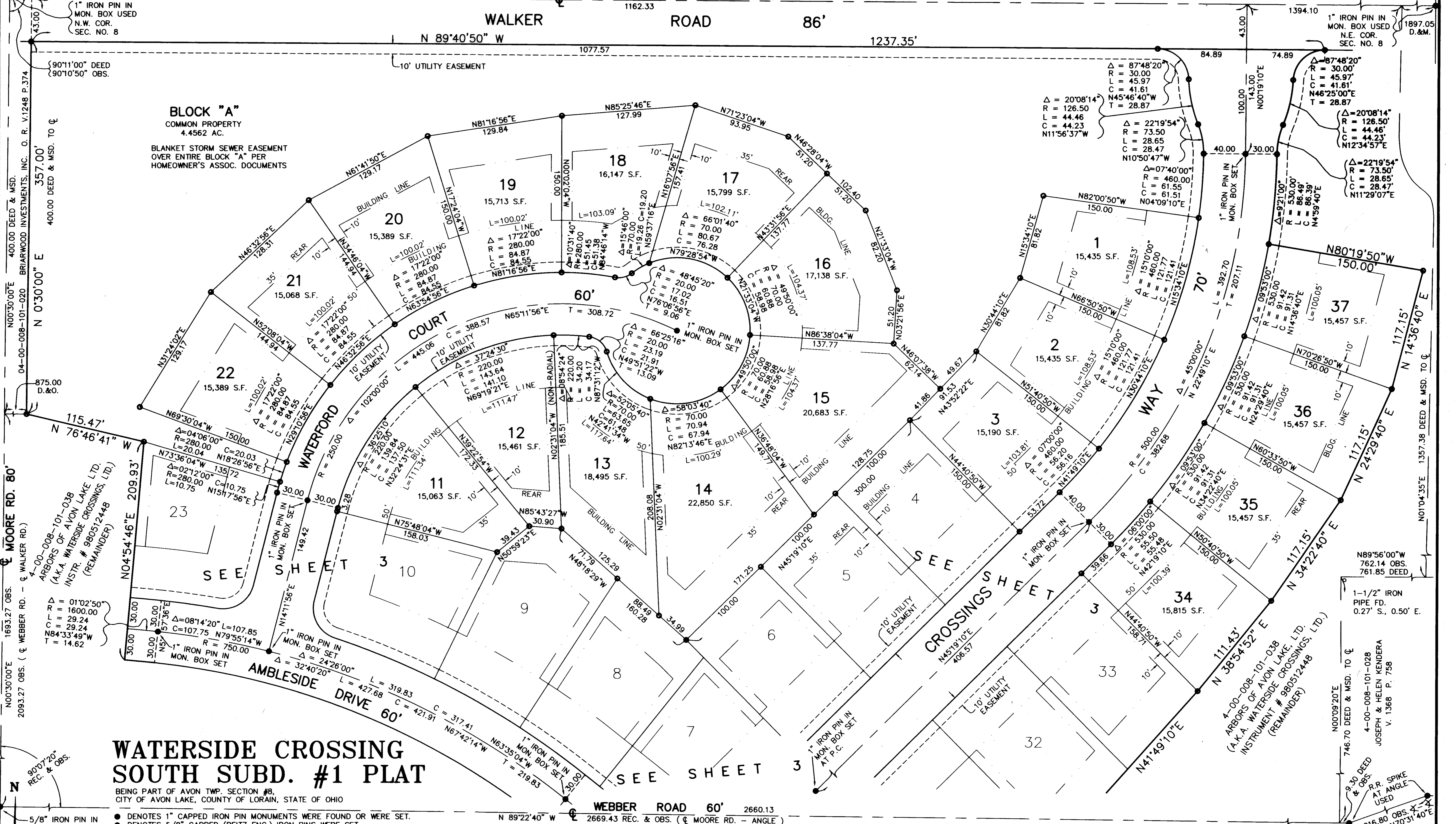
Vincent M. Urdin
MAYOR
VINCENT M. URDIN
Kathleen Lynch
CLERK OF COUNCIL
KATHLEEN LYNCH

LAW DIRECTOR

THIS IS TO CERTIFY THAT I HAVE EXAMINED THIS PLAT OF WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 AND FIND THE SAME TO BE PREPARED IN ACCORDANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF AVON LAKE.

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





WATERSIDE CROSSING SOUTH SUBD. #1 PLAT

BEING PART OF AVON TWP. SECTION #8, CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO

- DENOTES 1" CAPPED IRON PIN MONUMENTS WERE FOUND OR WERE SET.
- DENOTES 5/8" CAPPED (REITZ ENG.) IRON PINS WERE SET.

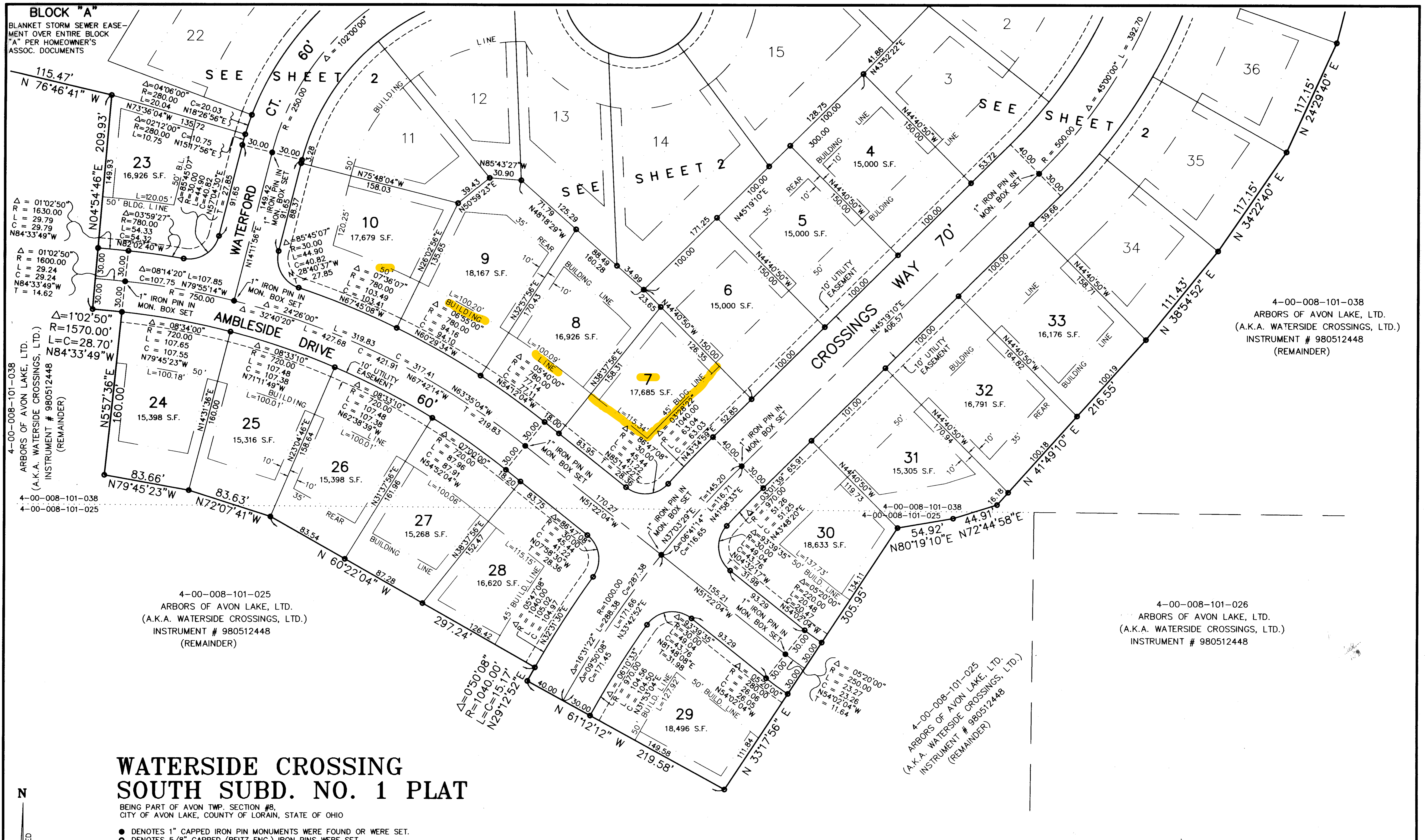
ACREAGE IN 37 LOTS	13.9400 AC.
ACREAGE IN 1 BLOCK	4.4559 AC.
ACREAGE IN STREETS	4.0359 AC.
TOTAL	22.4318 AC.

REVISIONS	DATE	DESCRIPTION
3/4/99	REVISED PER SUMMARY OF STAFF COMMENTS DATED 2/23/99	

WATERSIDE CROSSING SOUTH SUBDIVISION NO. 1 PLAT

THE HENRY G. REITZ ENGINEERING COMPANY
 4214 ROCKY RIVER DRIVE
 CLEVELAND, OHIO 44135
 PHONE: (216) 251-3033

2
3
JANUARY 1999



BLOCK "A"
 BLANKET STORM SEWER EASEMENT OVER ENTIRE BLOCK "A" PER HOMEOWNER'S ASSOC. DOCUMENTS

4-00-008-101-038
 ARBORS OF AVON LAKE, LTD.
 (A.K.A. WATERSIDE CROSSINGS, LTD.)
 INSTRUMENT # 980512448
 (REMAINDER)

4-00-008-101-025
 ARBORS OF AVON LAKE, LTD.
 (A.K.A. WATERSIDE CROSSINGS, LTD.)
 INSTRUMENT # 980512448
 (REMAINDER)

4-00-008-101-026
 ARBORS OF AVON LAKE, LTD.
 (A.K.A. WATERSIDE CROSSINGS, LTD.)
 INSTRUMENT # 980512448

4-00-008-101-038
 ARBORS OF AVON LAKE, LTD.
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WATERSIDE CROSSING SOUTH SUBD. NO. 1 PLAT

BEING PART OF AVON TWP. SECTION #8, CITY OF AVON LAKE, COUNTY OF LORAIN, STATE OF OHIO

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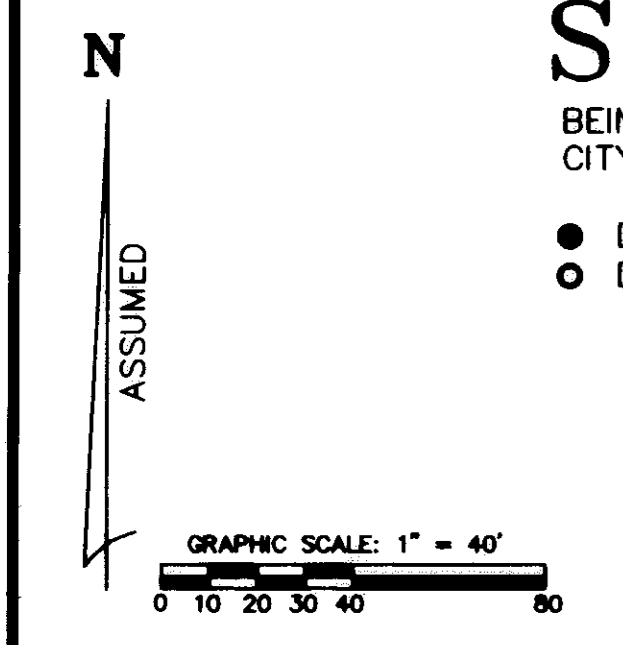
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REVISIONS	3/4/99	REVISED PER SUMMARY OF STAFF COMMENTS DATED 2/23/99

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THE HENRY G. REITZ ENGINEERING COMPANY
 4214 ROCKY RIVER DRIVE
 CLEVELAND, OHIO 44135
 PHONE: (216) 251-3033

3
 3
 JANUARY 1999





CAV-24-19

Area Variance Application
(ZBA)

Status: Active

Submitted On: 4/9/2024

Primary Location

33350 AMBLESIDE DR
AVON LAKE, OH 44012

Owner

OSTERHOUT JOSHUA
33350 AMBLESIDE DR AVON
LAKE, OH 44012

Applicant

Josh Osterhout
 440-799-7291
joshua.osterhout@gmail.com
 33350 Ambleside Drive
Avon Lake, OH 44012

Applicant Information

Applicant Role*

Owner

Name*

Josh Osterhout

Address*

33350 Ambleside Drive

City*

Avon Lake

State*

OH

Zip*

44012

Telephone*

440-799-7291

Email Address*

joshua.osterhout@gmail.com

Property Owner Information

Same as Applicant



Request Information

 Code Section(s)

 # of Variance Requested


—

Specific Details of Variance Request*

We are looking to put a master suite addition onto the west side of the existing home. We are seeking a variance for the front setback along Ambleside Drive. The addition is over the setback line by about 2'. The house is positioned so it is facing the intersection and not a street frontage. This causes the property to have 2 front setbacks; a 45' setback along Crossings Way and a 50' setback along Ambleside. The remaining two setbacks are 10' on the sides of the house, with no rear setback. Due to the fact there are 2 front setbacks and the way the existing house is oriented, it leaves very limited options for constructing the addition within the setbacks. We have looked at various layouts to keep the addition within the setbacks, but the existing room line of the garage causes issues with those layouts and the architecture of the addition doesn't look uniform with the existing structure. Because of this, we are requesting a variance for portion of the addition over the Ambleside setback line.

Signature

Applicant Signature*

 Joshua B. Osterhout
Apr 9, 2024

Authorization for Property Access

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

Grant

Signature*

✓ Joshua B. Osterhout
Apr 9, 2024

Any dog(s) on property?*

Yes

Daytime Phone Number*

440-799-7291

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;*

The property has two front setbacks since it is on the corner, and they setbacks are different. The one along Crossings Way is 45' and the one along Ambleside is 50'. The house is also oriented toward the intersection and not a road right-of-way. Because of these factors, there is limited buildable area on the lot that is outside of the building setbacks.

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;*

Having the variance increases the addition footprint, in particular for the bathroom, which will have a higher yield of return if the structure is ever sold.

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

The architect oriented the floor plan to minimize the setback encroachment, limiting it to 2'.

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 architect design the floor plan, roof lines, and elevations so that the character of the existing building and neighborhood are kept intact and that the addition does not hinder such.

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

The variance does not hinder the delivery of any of these services. Water and sewer connections are on the opposite side of the house.

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 as a result of our actions.

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

Without the variance, the character of the existing structure is compromised.

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

Yes it would be. The front setbacks of both neighboring properties is 50'. However, the developer created a 45' setback along Crossings Way and left a 50' setback along Ambleside for the subject property. The variance would not hinder the spirit or intent of the zoning setbacks.

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*

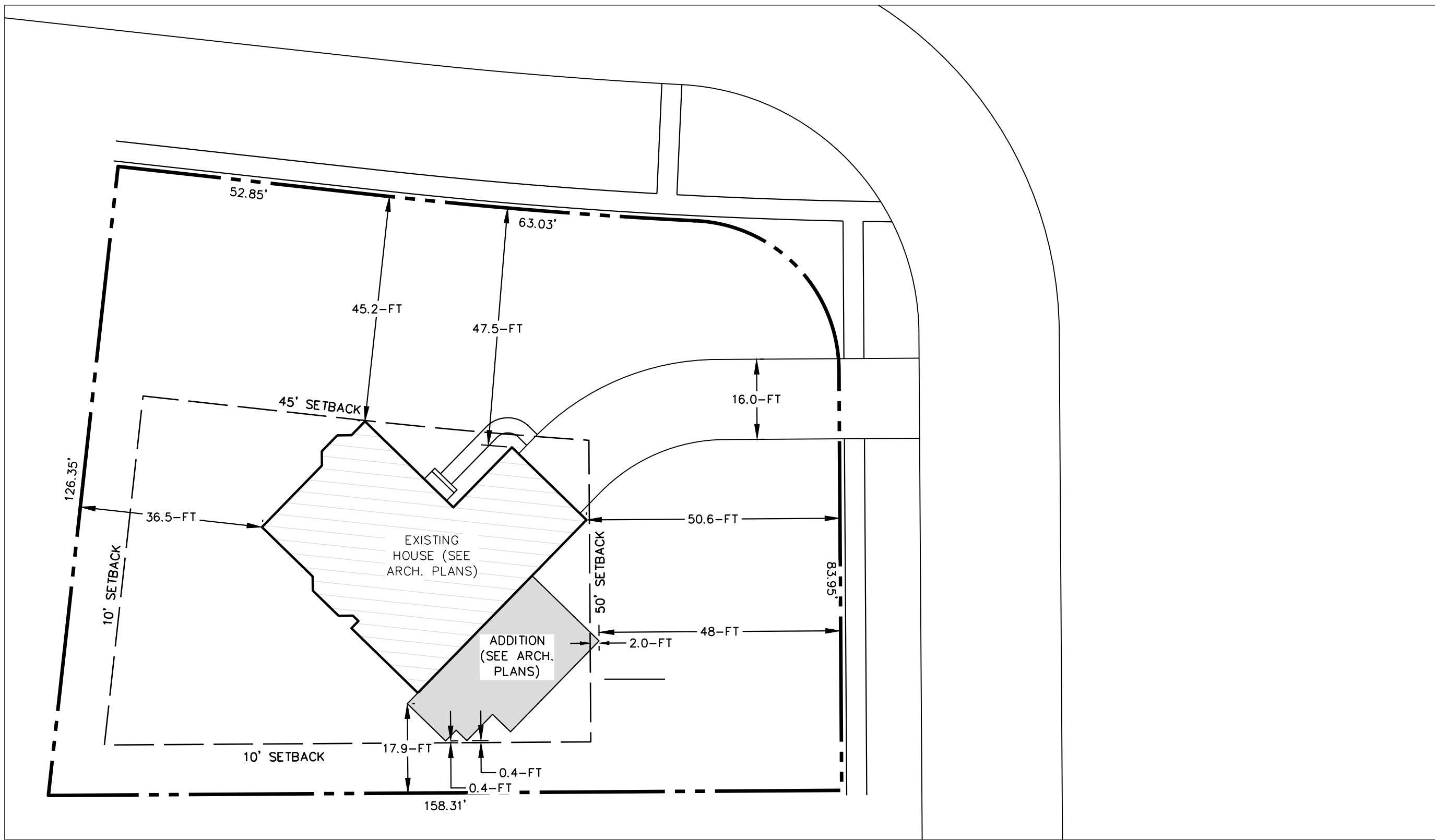
None to my knowledge.

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.*

If the variance is not granted, the addition becomes unfeasible, primarily because of the orientation of the house. If the house was facing a street like other structures in the neighborhood, a variance would not be needed as there would be enough room for the addition.

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

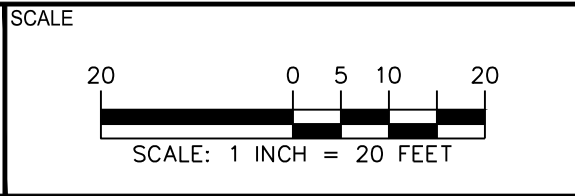
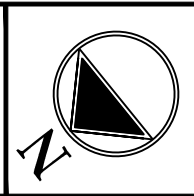
I don't believe so.



36225 DETROIT ROAD
 UNIT 475
 AVON, OH 44011
 T: 440.799.7291
 WWW.CDG-ENG.COM

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CLIENT
JOSH OSTERHOUT



DRAWN BY
 JBO

CHECKED BY
 JBO

PROJECT NO.
 1

DATE
 04/09/2024



PROJECT
OSTERHOUT RESIDENT ADDITION

SHEET TITLE
SITE PLAN

SHEET NO.
C01



SOJOURN
ARCHITECTS | ENGINEERS
DESIGNERS

SOJOURN ARCHITECTS, LLC
4302 JOHN AVENUE
CLEVELAND, OH 44113
216-396-4395
www.sojournarchitects.com

Project Team

CLIENT

JOSH OSTERHOUT
33350 AMBLESIDE DRIVE
AVON LAKE, OH 44012

Project No.

Revisions

Project

OSTERHOUT RESIDENCE
AVON LAKE, OHIO

Client

JOSH OSTERHOUT

Date Issued

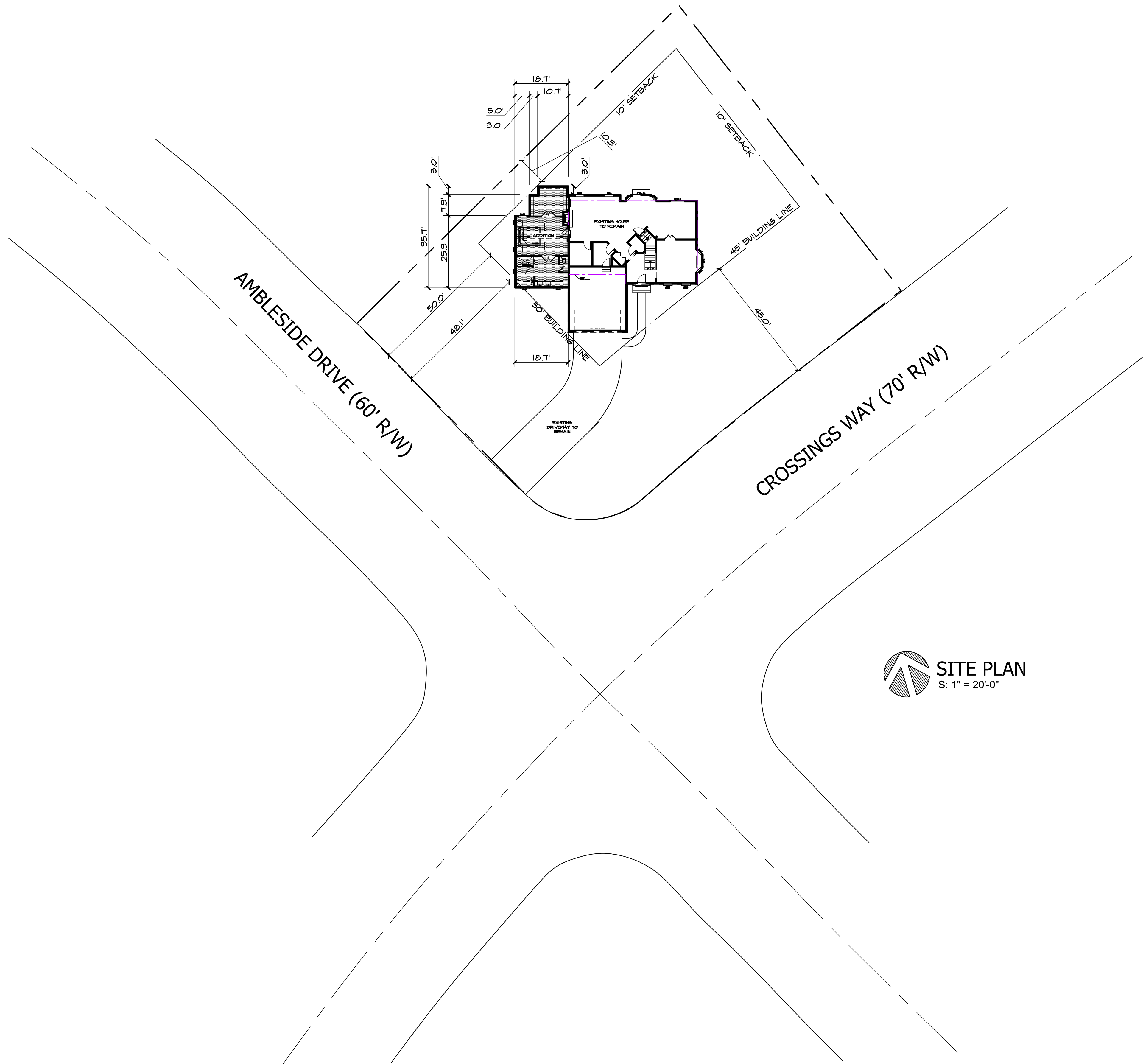
2024.04.09

SITE PLAN

S101

Sheet No.

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SITE PLAN
S: 1" = 20'-0"



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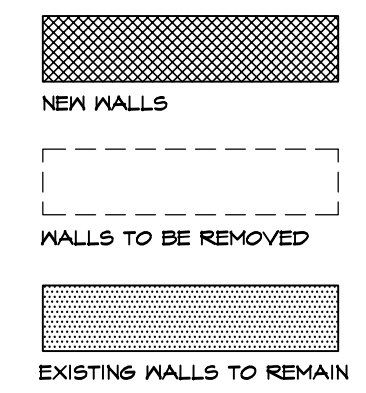
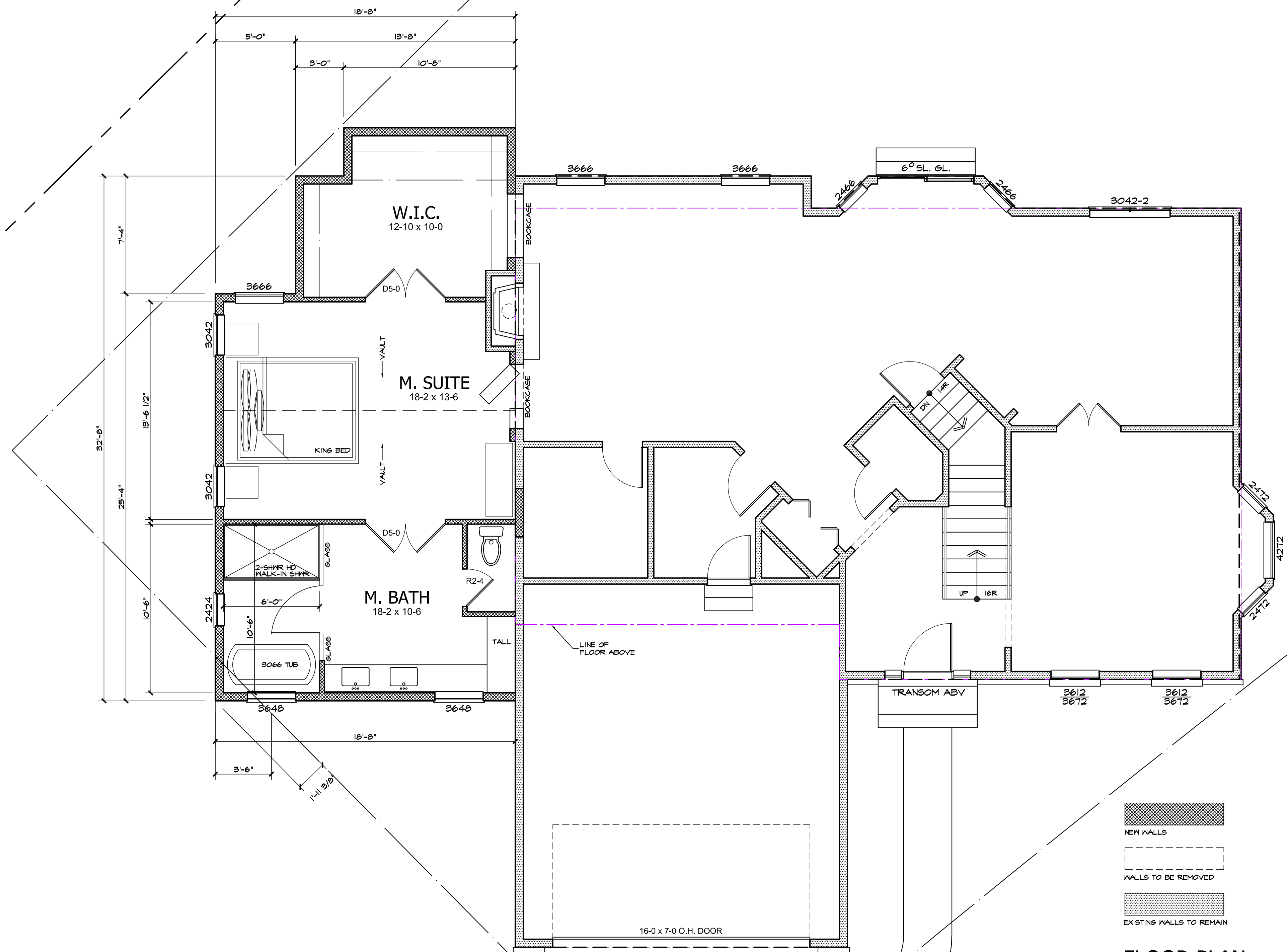
2024.04.09

FIRST FLOOR
PLAN

A101

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596.38



FLOOR PLAN
S: 1/4" = 1'-0"



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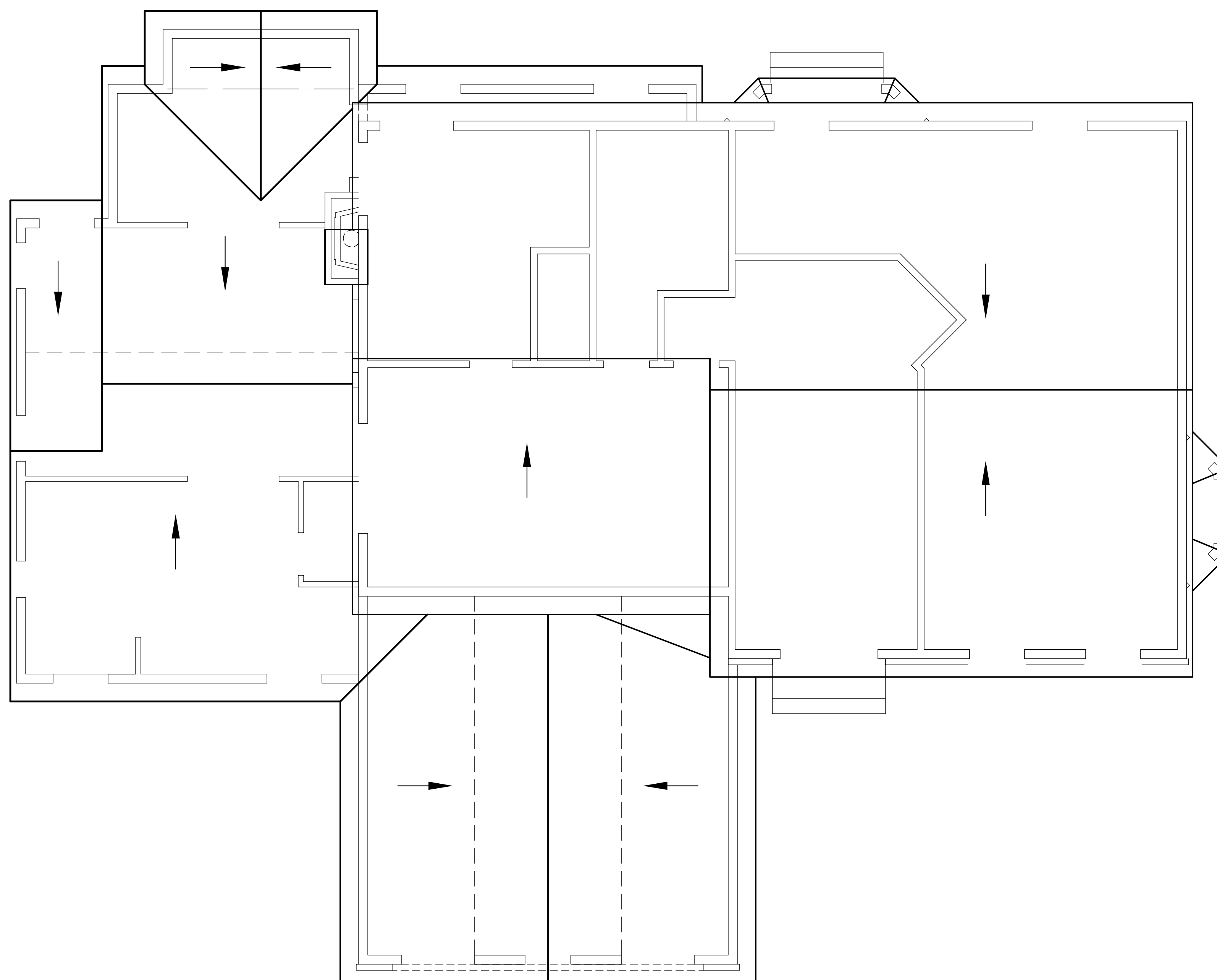
2024.04.09

**ROOF PLAN & TYP.
WALL SECTION**

A105

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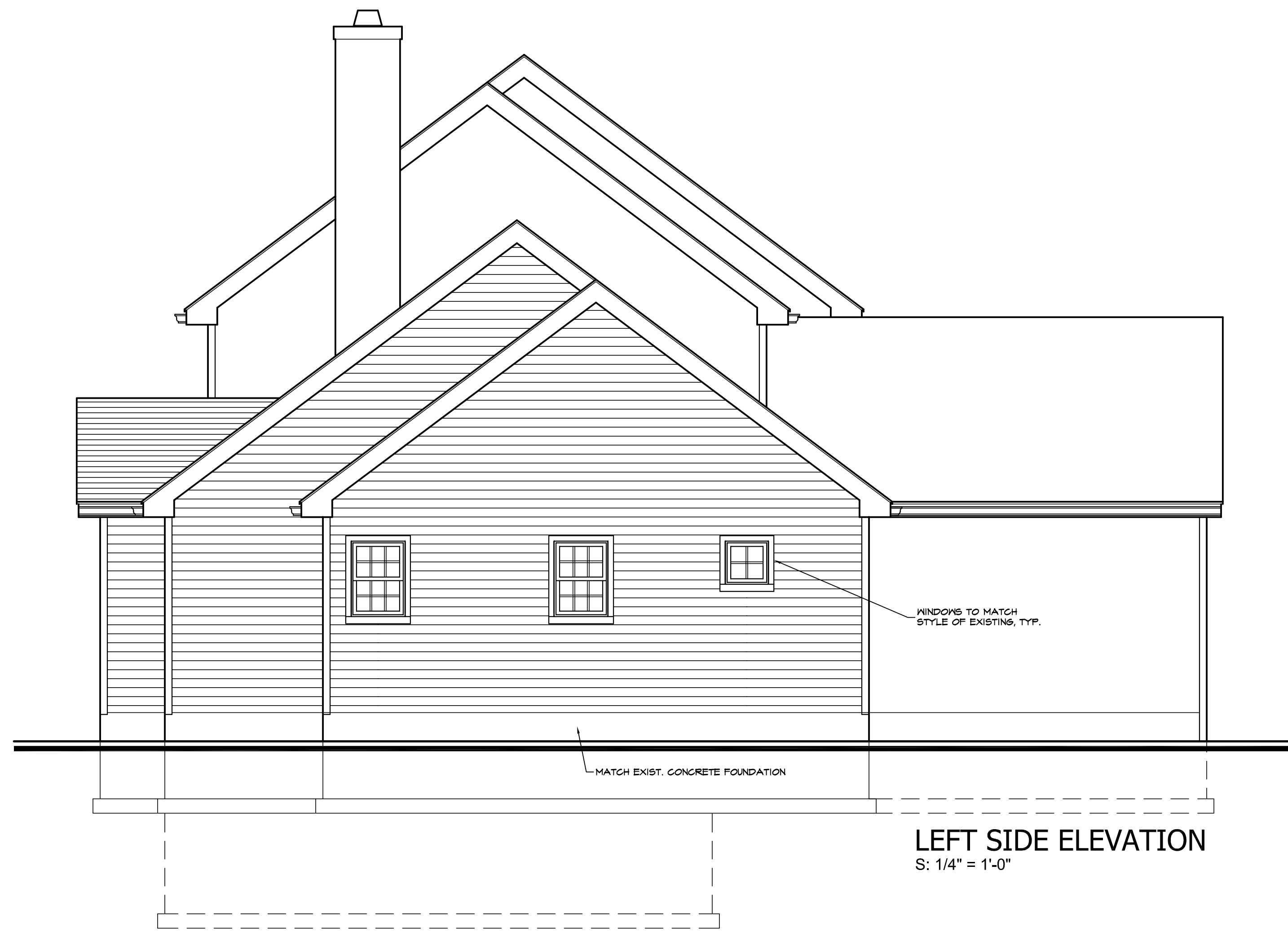
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EXTERIOR
ELEVATIONS

A201

Sheet No.

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LEFT SIDE ELEVATION
S: 1/4" = 1'-0"



FRONT ELEVATION
S: 1/4" = 1'-0"



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**EXTERIOR
ELEVATIONS**

A202

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