



CITY OF AVON LAKE ZONING BOARD OF APPEALS

**MARCH 26, 2025
COUNCIL CHAMBERS – 150 AVON BELDEN ROAD
7:00 PM**

VOTING ORDER:

Mr. Drew Renacci
Mrs. Nicole Slivinski
Mr. Jim Shook
Mr. David Updegraff
Mr. John Kilgore

AGENDA

A. OATH OF OFFICE

Swearing in of new Member, John Kilgore with term expiring December 31, 2029

B. ROLL CALL

Mr. Renacci, Mrs. Slivinski, Chairman Shook, Mr. Updegraff, Mr. Kilgore Assistant Law Director Graves, and Planning & Zoning Manager Page.

C. APPROVAL OF THE JANUARY 22, 2025, MEETING MINUTES. THE FEBRUARY 26th MINUTES WILL BE ON THE NEXT MEETING AGENDA.

D. GENERAL CORRESPONDENCE/ANNOUNCEMENTS

E. 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.

F. ADMINISTRATION OF OATH

G. TABLED CASES

1. CAV 25-2

Tricia Knapp requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* at 252 Avon Belden Road (single-family residence)

AREA VARIANCE

WARD III

R-1A

The applicant requests 6' tall garden fencing in the secondary front yard along Glenview Drive.

H. NEW CASES

1. CAV 25-3

Roger Sweeney requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* at 33128 Lake Road (vacant lot).

AREA VARIANCE

WARD III

R-1A

2. CAV 25-4

Mark Ieropoli requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* at 32407 Lake Road (single-family residence).

AREA VARIANCE

WARD II

R-1C

3. CAV 25-5

Nate Ploskonka requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 603 South Port Drive (single-family residence).

AREA VARIANCE

WARD I

PUD

4. CAV 25-8

Andrew Mitro requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 31952 Hidden Cove (single-family residence).

AREA VARIANCE

WARD I

PUD

I. COMMENTS FROM THE AUDIENCE

J. COMMENTS FROM BOARD MEMBERS

K. DISCUSSION

L. ADJOURN

The next regular meeting of the Zoning Board of Appeals will be on April 23, 2025.

STATE OF OHIO }
}
LORAIN COUNTY }

OATH OF OFFICE

I, John Kilgore, a member appointed to the Zoning Board of Appeals of the City of Avon Lake, Ohio, do solemnly swear that I have been a resident and a qualified elector of said City for more than two (2) years immediately prior to my appointment to office; and

I further swear that I will support the Constitution of the United States and the Constitution of the State of Ohio, and that I will faithfully, honestly, and impartially discharge the duties of the office of member of the Zoning Board of Appeals of the City of Avon Lake, Ohio during my continuance in said office of an appointive term expiring December 31, 2029.

JOHN KILGORE

Sworn to before me and subscribed in my presence this 26th day of March 2024.

ATTORNEY
MY COMMISSION HAS NO EXPIRATION DATE
147.03 R.C.

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD JANUARY 22, 2025**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on January 22, 2025, at 7:00 P.M. in Council Chambers with Chairperson Shook presiding.

ROLL CALL

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

ELECTION OF A CHAIRPERSON FOR 2025

Mr. Updegraff nominated Mr. Shook and Mr. Renacci seconded.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

Ms. Slivinski moved to close nominations and Mr. Updegraff seconded.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

Mr. Shook was elected the ZBA Chairperson for 2025.

APPROVAL OF MINUTES

The minutes of December 11, 2024, were approved.

READING OF GENERAL COORESPONDENCE

Planning and Zoning Manager Page stated that the city has received lots of interest regarding the vacant seat on this Zoning Board of Appeals. The vacancy is a mayoral appointment, and Mayor Spaetzel is in the process of reviewing resumes and scheduling interviews. Mr. Page expects the vacant seat to be filled by the February or March meeting.

COMMENTS FROM THE DIRECTOR OF LAW

Assistant Law Director Graves described the procedures to be followed in the conduct of the meeting. Mr. Ebert 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 Director of Law to all members of the audience speaking at this meeting.

CASE CAV 24-41
REQUEST FOR A VARIANCE AT 256 CHERRY LANE - GRANTED

Andrew Barnes requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) General Development Standards – Lot and Principal Building Regulations at 256 Cherry Lane (Single-family residence).

The applicant proposed a 28'x30' addition to the southern end of the home that encroached into the front yard setback along Cherry Lane and Division Road. The Division Road setback shall be reduced to 38'5" and 42'11" along Cherry Lane. Based on the R-1A zoning, The Planning & Zoning code requires a 50' front setback.

Andrew Barnes was present along with his contractor, Nick Yarharm (Northern Hammerworks). Mr. Yarharm stated that Mr. Barnes is looking to provide more space for their growing family. He stated that the existing home front setback is nonconforming as it was constructed decades prior. The existing home is positioned in the northwestern portion of the lot with an existing front setback along Division that exceeds the front setback requirement by 18'. Mr. Yarharm also stated that they went to the adjacent neighbors and there were no issues with the proposed addition.

Ms. Slivinski asked for confirmation that the home being situated on a corner lot results in two front yards.

Mr. Page confirmed the two front yards.

Ms. Slivinski asked if the proposed addition is one-story or two-story.

Mr. Yarham stated the addition would be one-story.

Mr. Renacci asked if the variance is really one variance request or multiple as the rear yard is non-conforming.

Mr. Page stated that there are technically three variances as the addition impacts two front yard setbacks and the existing rear yard setback which is legally nonconforming. Even though there are three variances, it is one ask as you cannot approve one without the others.

Mr. Renacci asked if anybody had been granted a variance in the neighborhood and if there would be any sight issues.

Mr. Page stated that he is not aware of any variances during his tenure and would not expect any sight issues as the proposed addition is setback 38' from Division Road and 42' from Cherry Lane.

Ms. Slivinski asked if there had been any consideration to reduce the proposed addition.

Mr. Yarharm stated that to fit the Barnes need this is the minimum. Also stated that besides the 38' to the property line, there is another 15' when accounting for the sidewalk and tree lawn to the edge of the street.

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

Mr. Renacci stated that the practical difficulty has been met, and that the addition is minimally intrusive. Given the complexities with the lot and the large, required setbacks, Mr. Renacci found the variance to be acceptable.

Mr. Updegraff agreed with Mr. Renacci and had no additional comments.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

CASE CAV 24-42

REQUEST FOR A VARIANCE AT 32661 GREENWOOD DR - GRANTED

Douglas Means requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) General Development Standards – Lot and Principal Building Regulations at 32661 Greenwood Drive (Single-family residence).

The applicant proposed a 12'x24' addition to the western side of the home, which encroaches the side yard setback. Based on the R-1A zoning, the Planning & Zoning code requires a 10' side yard setback. The existing side setback is 19'10.6" and the addition reduces that setback to 7'10.6".

Douglas Means was present to explain his application. Mr. Means stated that he wishes to expand on his current garage.

Mr. Shook asked about the use of the barn in the rear of the property.

Mr. Means stated that it is not a barn and only a shed.

Mr. Page stated that the shed appears to comply with the setback requirements.

Mr. Shook stated that he wanted to make sure there was enough room to maneuver around the side of the garage to the rear of the property.

Mr. Means stated that he could always place a gate on the other side of the property but would not be concerned about not having enough room.

Mr. Page stated that the applicant would still have almost 8' from the exterior wall of the garage addition to the westernmost property line.

Ms. Slivinski asked the applicant if he considered reducing the garage by 2' to not require a variance.

The applicant stated that he has a classic car and requires a lift that needs additional space to properly fit inside of the garage. Without the variance he would not have a usable lift.

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

Mr. Shook stated that practical difficulty has been met to place the vehicle lift.

Mr. Updegraff states that this is a reasonable request.

AYES: Shook, Updegraff, Renacci, Slivinski

NAYES: None

COMMENTS FROM THE AUDIENCE

None.

COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Page stated that the next meeting will be on February 26, 2025.

No other comments.

ADJOURN

Ms. Slivinski moved to adjourn the meeting at 7:40 P.M. Mr. Updegraff seconded the motion.

AYES: Shook, Updegraff, Renacci, Slivinski

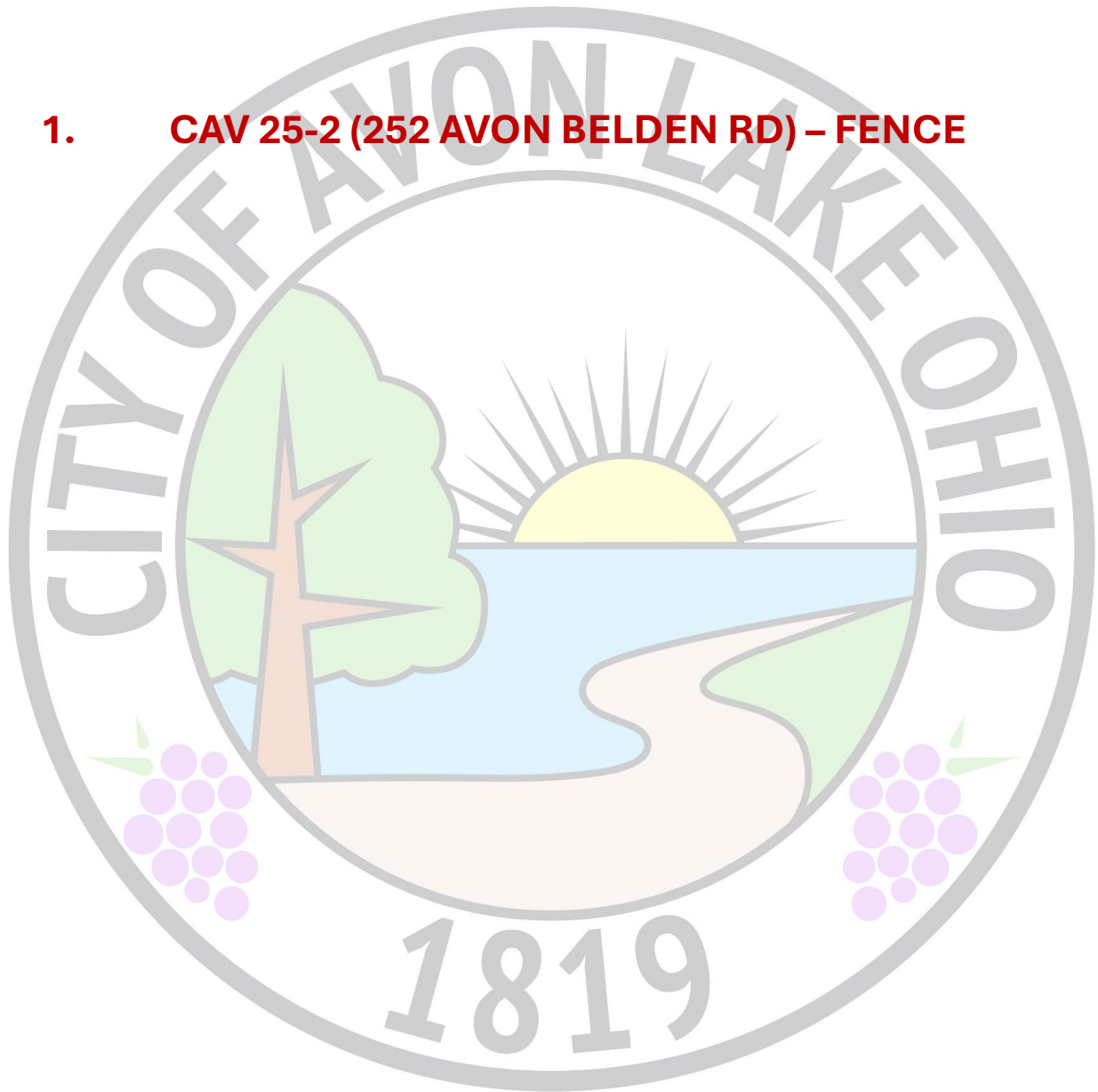
NAYES: None

Zoning Board of Appeals
Chairperson Shook

Planning & Zoning Manager
Austin Page

TABLED CASES

- 1. CAV 25-2 (252 AVON BELDEN RD) – FENCE**



REPORT – ZBA CASE 25-2



TO: Avon Lake Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 25-2 (AREA VARIANCE – 252 Avon Belden Road)
MEETING: February 26, 2025

Tricia Knapp requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* at 252 Avon Belden Rd (single-family residence).

PROPERTY DESCRIPTION:

252 Avon Belden Road is a single-family home located at the southwest corner of the Avon Belden Road and Glenview Drive intersection.

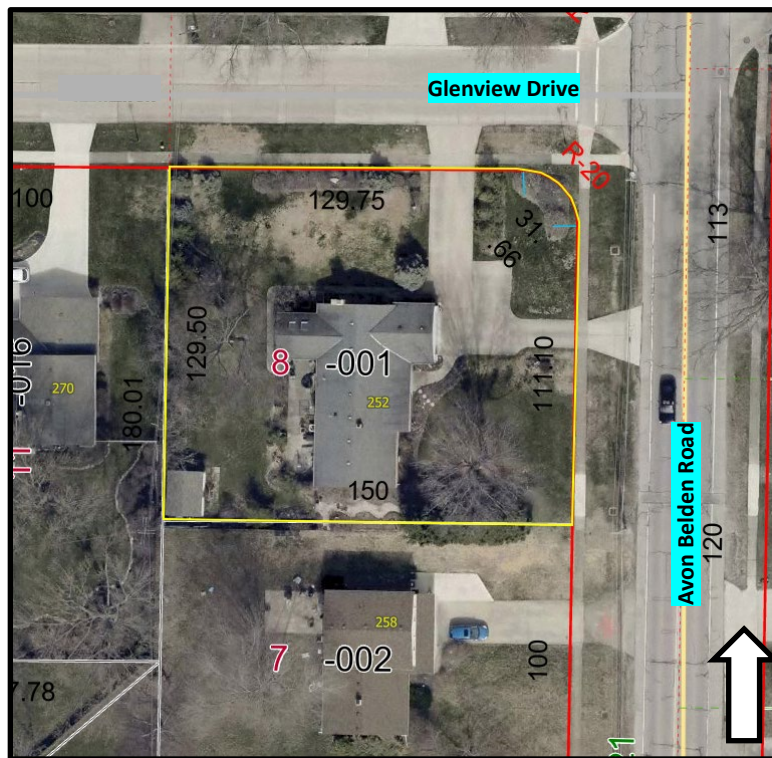


Figure 1: Lorain County Auditor GIS – Spring 2024 Aerial

The property is zoned R-1A, Single-Family Residence. All surrounding properties share the same R-1A zoning.

VARIANCE REQUESTED:

The applicant requests one area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* at 252 Avon Belden Road (single-family residence). The

request would permit permanent garden fencing in the front yard that exceeds the 3' maximum height requirement.

ANAYLSIS & DISCUSSION:

The property is a corner lot and has two front yards. The primary frontage is along Avon Belden Road and the secondary frontage is along Glenview Drive. Because of the R-1A zoning, the property is required to have a minimum 50' front yard setbacks. All the existing setbacks conform to current requirements of the Planning & Zoning Code.

As it exists, there is no fencing on the property. The applicant has a row of mature vegetation along Glenview Drive, which is a couple of feet off the back of the sidewalk (image below). In this area between the north side of the home and vegetation line, the applicant is proposing to install a new 26'x40' garden.



Figure 2: Google Street View – Facing South – July 2023

The applicant is proposing fencing to enclose the garden but has not specified a style, design, or color of the fence. Code requires a height maximum of 3' for permanent front yard fencing. In the application, the applicant stated that a fence taller than 6' is needed but has not established the desired height of the fence. The maximum allowed fence height on a property is a 6' and that is in a rear yard only. Depending on the applicants' desired fence height, the variance would at a minimum, double what is currently permitted in a front yard.

Temporary fencing is permitted for deer, snow and construction but should NOT use fencing materials used for permanent fencing or installed in a way making the fencing permanent. Temporary fencing also has a limited duration and still needs to adhere to height restrictions and requirements.

Below is a site plan depicting the proposed garden and fencing location.

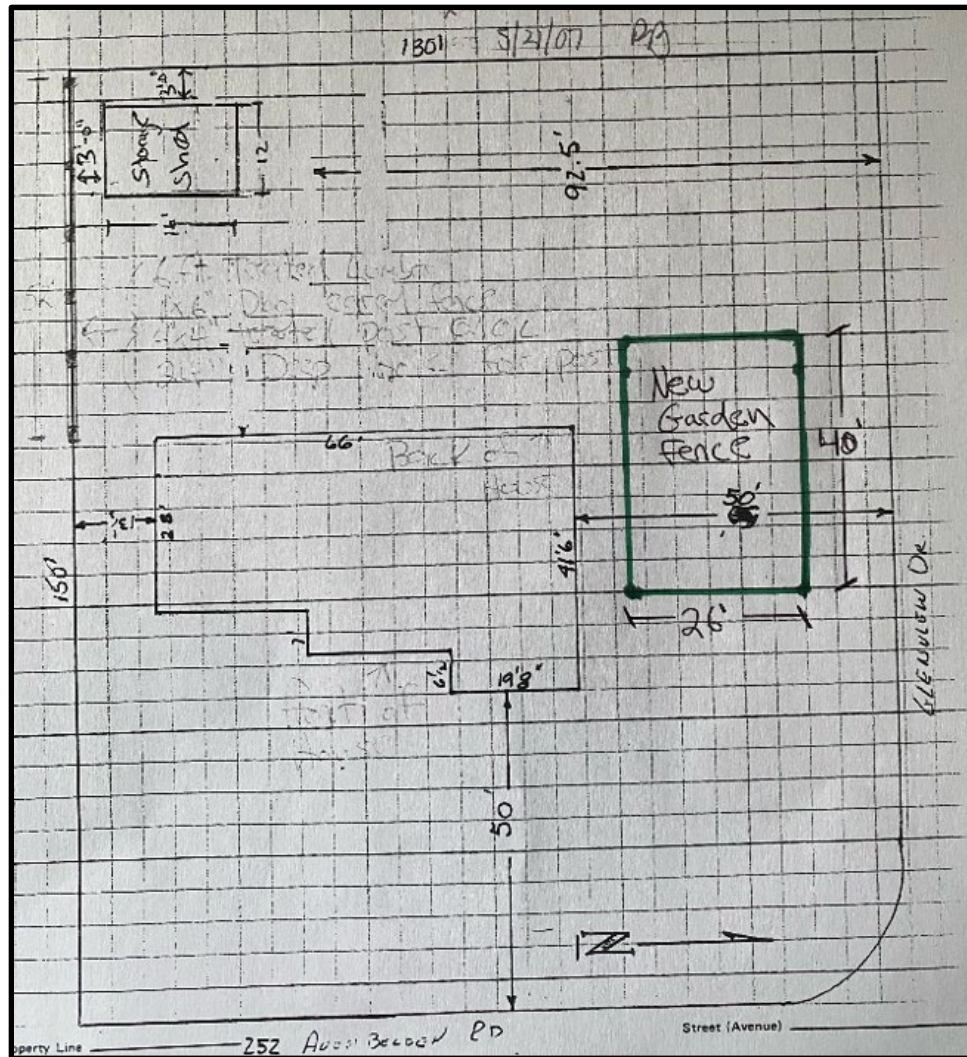


Figure 3: Site Plan – Applicant Provided

As stated above, the applicant has not indicated a style, design, color, or height of the proposed garden fencing. City staff reached out to the applicant and had not received a response as of February 21, 2025. At the meeting, the applicant will be expected to specify their plan for the fence, so the Board is able to carefully review and make a decision.

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.

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 25-2, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls*, permitting front yard garden fencing to exceed the 3' height requirement (as depicted and stated) at 252 Avon Belden Road.

Please state any conditions.

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and various plans. 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.

ATTACHMENTS:

1. Copy of Code Section(s)
2. Aerial Views of the Property
3. Copy of ZBA Application
4. Copy of Plans

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

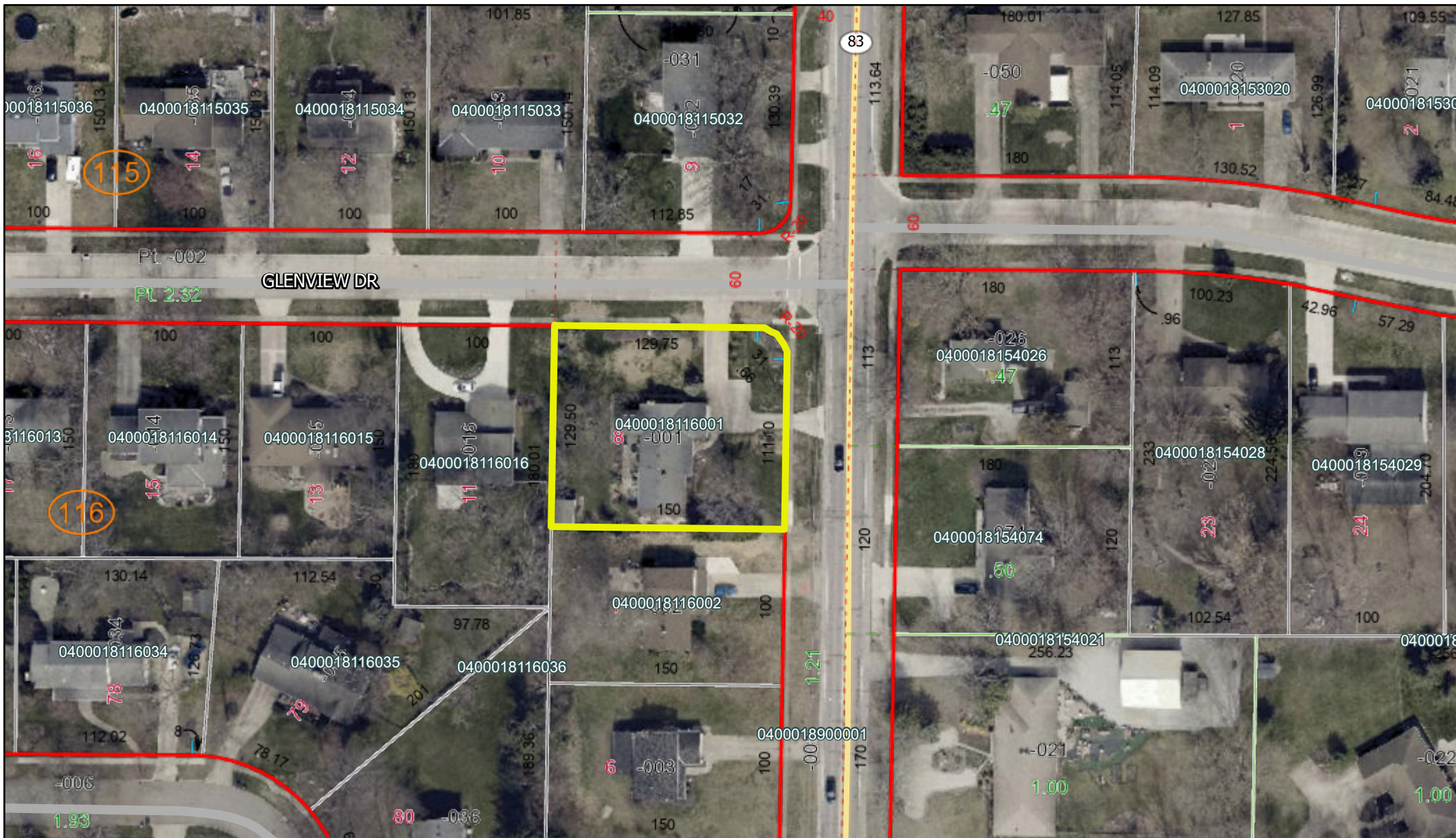
Fences erected for a specific function and limited time duration, including deer, snow, or construction fencing, are permitted as follows and in compliance with the following requirements.

- (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

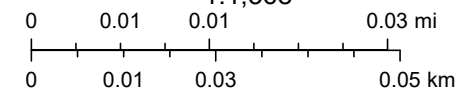
- A. Snow fencing shall be permitted between November 1 of any year and April 1 of the following year.
- B. Snow fencing shall not exceed four feet in height.
- C. Fencing materials shall be limited to burlap, plastic mesh fabric of a neutral or dark color, any clear plastic material or wood slat fencing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

252 Avon Belden Rd



2/21/2025, 2:42:56 PM

1:1,368



CAV-25-2

Area Variance Application (ZBA)

Status: Active

Submitted On: 2/17/2025



Primary Location

252 AVON BELDEN RD
AVON LAKE, OH 44012

Owner

KNAPP GREGORY M PATRICIA E
AVON BELDEN RD 252 AVON LAKE, OH
44012

Applicant

 Tricia Knapp
 440-308-7453
 triciaknapp01@gmail.com
 252 Avon Belden Rd
Avon Lake, OH 44012

Applicant Information

Applicant Role*

Homeowners

Name*

Tricia & Greg Knapp

Address*

252 Avon Belden Rd

City*

Avon Lake

State*

Ohio

Zip*

44012

Telephone*

440 308 7453

Email Address*

Triciaknapp01@gmail.com

Property Owner Information

Same as Applicant



Request Information

Code Section(s)

of Variance Requested

—

Specific Details of Variance Request*

Requesting fence height above 6 ft for a garden fence

Signature

Applicant Signature*

✓ Patricia E Knapp
Feb 14, 2025

Authorization for Property Access

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

Grant

Signature*

✓ Patricia E Knapp
Feb 14, 2025

Any dog(s) on property?*

No

Daytime Phone Number*

4403087453

Factors Used to Determine Practical Difficulty of an Area Variance

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

No, there are no special conditions or circumstances that make this property fundamentally different from others in the zoning district. However, the request for a taller fence is based on the practical need to protect a garden from deer, which is a common issue in the area. The variance is not sought due to irregular land features but rather to allow for the reasonable use of the property in a way that aligns with typical residential enjoyment

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

Without the variance, the property owner cannot reasonably use the garden space as intended, since deer will continue to enter and damage plants. The inability to maintain a garden limits the intended and beneficial use of the land

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

The requested variance is the minimum necessary to effectively deter deer while maintaining an attractive and functional garden. A fence taller than six feet is required because deer are known to clear that height. The request does not seek an excessive height, only what is necessary to achieve the intended protection.

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 taller fence will not substantially alter the character of the neighborhood. Many properties use fencing or landscaping to deter wildlife, and the proposed fence is in line with that common practice. Additionally, the design will be aesthetically pleasing and compatible with the neighborhood's appearance.

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

The fence will not interfere with water, sewer, or trash services, as it will be placed entirely within the property lines and will not obstruct access for municipal 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);*

The special circumstances are not a result of the applicant's actions but rather the natural presence of deer in the area and the property's exposure due to its corner lot placement.

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

There are no reasonable alternatives that would effectively keep deer out. Other deterrents, such as repellents and netting, are unreliable or require constant maintenance. A taller fence is the most effective and sustainable solution.

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

Granting the variance aligns with the intent of zoning regulations, which aim to balance property use with neighborhood aesthetics. The fence will be designed to maintain neighborhood harmony while allowing reasonable use of the applicant's land.

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*

The variance does not grant a special privilege. Other properties with similar deer concerns and garden spaces could also request similar variances, ensuring fairness in the application of the zoning code.

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.*

A strict interpretation of the zoning code would unfairly deprive the applicant of the ability to maintain a garden, a common right enjoyed by others in the district. Given the property's unique exposure and the deer issue, allowing the taller fence ensures equitable treatment.

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

Attachments



Plot Plan Drawn to Scale

garden fence.png

Uploaded by Tricia Knapp on Feb 17, 2025 at 3:59 PM

REQUIRED

PLOT PLAN TO BE DRAWN TO SCALE IN INK:

Give distances from building to lot and street lines, and other buildings on same lot, also to buildings within 10 feet on adjacent lots.

Show all lot lines and all lot dimensions.

Show all streets and alleys bounding property.

NOTICE (For Dwellings) A drainage plan must be shown before a Building Permit will be issued.

Finish grade above crown of roadft.....in.

Grade of adjacent property on both sides: NORTH or EASTft.....in.

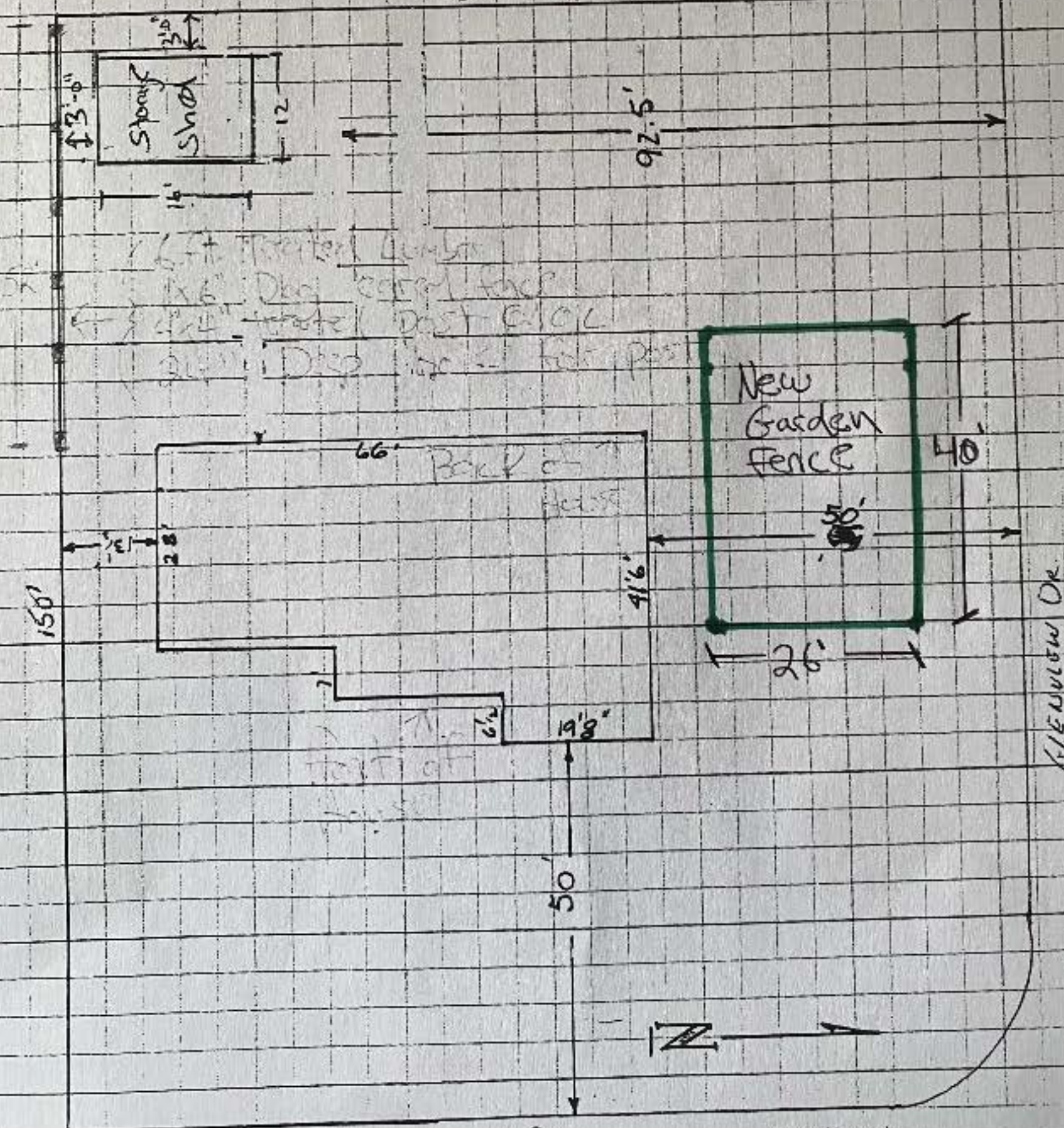
SOUTH or WESTft.....in.

OFFICE OF ZONING ADMINISTRATOR

1301

5/21/07

PP



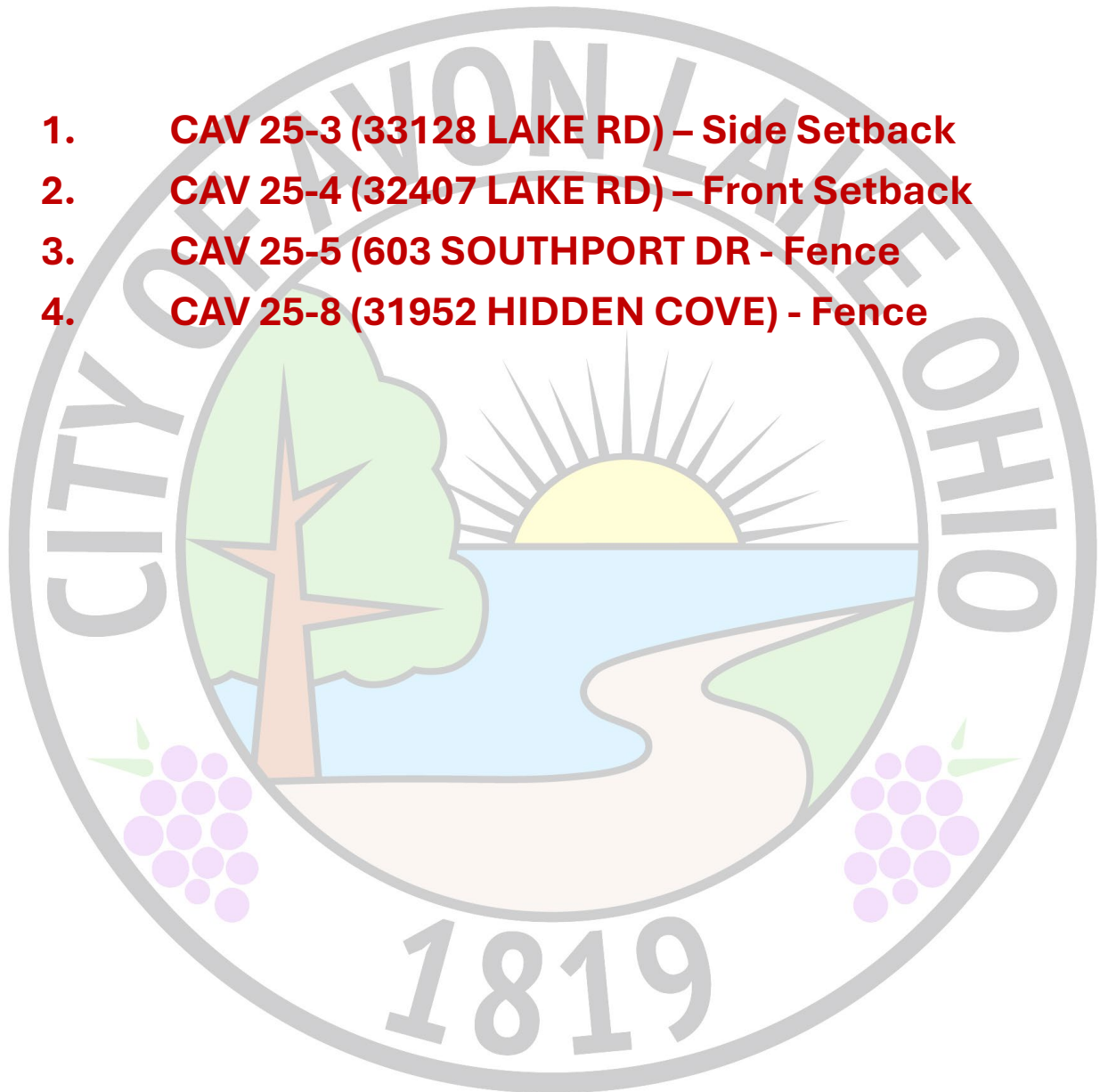
Property Line

252 Ave. Beacon Rd

Street (Avenue)

NEW CASES

1. CAV 25-3 (33128 LAKE RD) – Side Setback
2. CAV 25-4 (32407 LAKE RD) – Front Setback
3. CAV 25-5 (603 SOUTHPORT DR - Fence
4. CAV 25-8 (31952 HIDDEN COVE) - Fence



REPORT – ZBA CASE 25-3



TO: Avon Lake Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 25-3 (AREA VARIANCE – 33128 Lake Rd)
MEETING: March 26, 2025

Roger Sweeney requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* at 33128 Lake Road (vacant lot).

PROPERTY DESCRIPTION:

33128 Lake Road is a vacant lot on the north side of Lake Road, located between the Moorewood Avenue and Curtis Drive intersections at Lake Road.



Figure 1: Lorain County Auditor GIS – Spring 2024 Aerial

The property is zoned R-1A, Single-Family Residence and all surrounding properties share the same zoning, while Lake Erie is directly north.

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 33128 Lake Road (vacant lot). The request would permit the reduction of the westernmost side yard setback (10' to 5') for a new single-family dwelling.

ANAYLSIS & DISCUSSION:

The subject property is a vacant lot and zoned for a single-family residence. Previously, the property had a home but was demolished in 2017. The property is 100' wide but has a depth of 425.19'. There is a 30' storm easement on the eastern side of the property that the home and/or any other types of structures are not permitted to encroach.

Because of the easement, the applicant is proposing the construction of a new single-family residence that would reduce the westernmost side yard setback from 10' to 5'. With the R-1A zoning, code requires a 50' front setback, 35' rear setback and 10' side yard setbacks. The front, rear, and easternmost side yard setback adheres to code and are not impacted by this variance request.

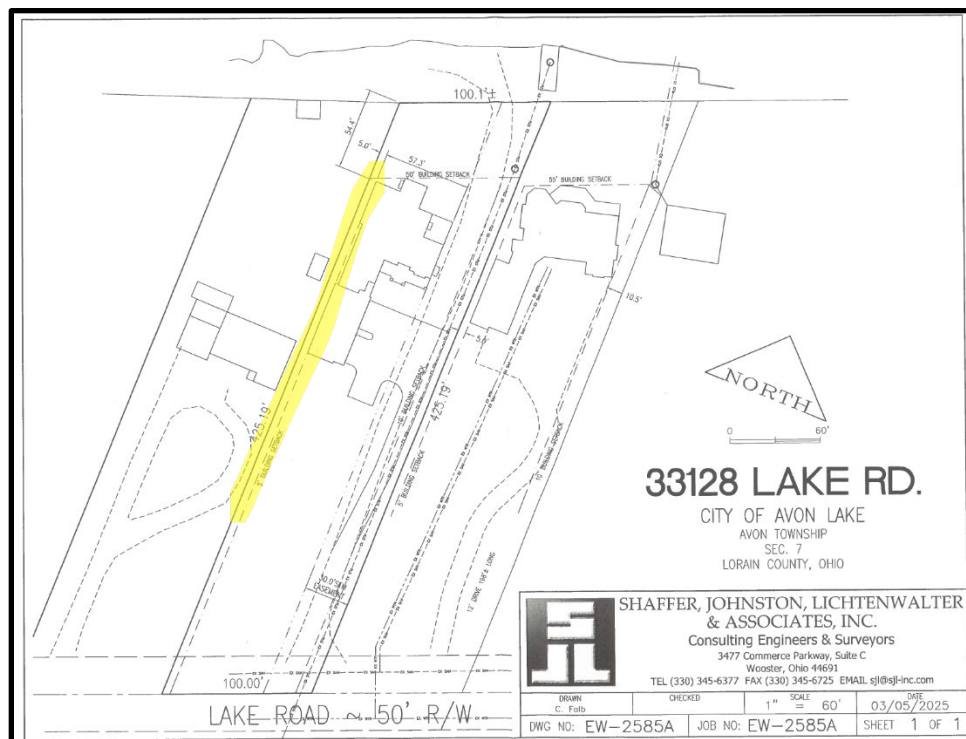


Figure 2: Applicant Provided Site Plan – CAV 25-3

There are no issues or concerns with the height or façade of the proposed home.

The driveway is depicted inside of the 30' easement. Driveways are not typically an issue if placed an appropriate distance from the storm sewer. Prior to the previous home demolition, a driveway encroached into the easement and was not located over the storm sewer. Please know this will be reviewed at the time of permitting and not with this variance request.

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.

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 25-3, an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations*, reducing the westernmost side yard setback (as depicted or modified) at 33128 Lake Road.

Please state any conditions.

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and various plans. 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.

ATTACHMENTS:

1. Copy of Code Section(s)
2. Aerial Views of the Property
3. Copy of ZBA Application
4. Copy of Plans

(11) Minimum Setback Requirements

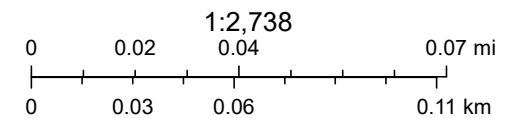
- A. Setbacks required for accessory uses are established in Section [1224.01: Accessory Uses and Structures](#).
- B. Tables [Table 1226-5](#), [Table 1226-6](#), and [Table 1226-7](#) establish the minimum setback requirements for principal buildings in the residential zoning districts.

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]
<p>NOTES:</p> <p>[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.</p> <p>[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.</p> <p>[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.</p> <p>[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.</p> <p>[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.</p>					

Lake Erie



3/13/2025, 8:09:42 AM





APPLICATION FORM

City of Avon Lake --- Zoning Board of Appeals

Please Note: APPLICANT MUST BE THE OWNER OF RECORD OF THE SUBJECT PROPERTY IN THIS REQUEST OR THE APPLICANT MUST SUBMIT WRITTEN AUTHORIZATION FROM THE LEGAL PROPERTY OWNER AT THE TIME APPLICATION IS SUBMITTED.

OWNER / AUTHORIZED APPLICANT MUST APPEAR AT THE BOARD MEETING.

Applicant's Name: ROGER K. SWEENEY

Company Name: N/A

Address: 33128 LAKE ROAD AVON LAKE OH. 44012

Telephone: 440-554-1377

Email address: ROGER.K.SWEENEY@GMAIL.COM

Property Owner's Name: ROGER K. SWEENEY

Address: 33128 LAKE RD AVON LAKE OH 44012

Telephone: 440-554-1377

Email Address: ROGER.K.SWEENEY@GMAIL.COM

LOCATION OF PROPERTY

Property Address: 33128 LAKE ROAD AVON LAKE OH 44012

Permanent Parcel Number: 04-00-007-104-020 Zoning District: R1A

REQUEST

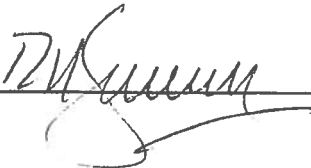
Code Section(s) 1214.09 (C)(1)

Specific Details of Variance Request: RESPECTFULLY REQUESTING 5' VARIANCE ALONG WEST SIDE OF PROPERTY, BECAUSE OF A 30' EASEMENT ON EAST SIDE OF PROPERTY, NEIGHBOR APPROVAL LETTER IS ENCLOSED.

Applicant's Signature: [Signature] Date: 3/3/25

AUTHORIZATION FOR PROPERTY ACCESS

By signing this form, I authorize members of the City's Zoning Department and Zoning Board of Appeals access to the subject property for the limited purposes of photographing and/or viewing the area affected by the variance requested in this application and verification of project dimensions.

Signature:  Date: 3/3/25

Any dog(s) on property? YES X NO

Please Print or Type: _____

Applicant / Agent Name: ROGER K. SWEENEY / H & H CUSTOM HOMES LLC

Property Address: 33128 LAKE RD AVON LAKE OH 44012

Daytime Phone Number 440-554-1377 419-994-4070
ROGER SWEENEY: CELL H & H. CUSTOM HOMES LLC

PLEASE SEE ATTACHED;

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;

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;

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

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

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

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);

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

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

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

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.

- A) BECAUSE OF AN EXISTING 30' EASEMENT ON THE EAST SIDE OF THE PROPERTY, THE NARROWNESS OF THE LOT WOULD ALLOW ONLY A 57.46 WIDTH OF HOUSE.
- B) IF THERE WAS NO EASEMENT THEN RE-DESIGN OF HOME WOULD NOT BE NECESSARY, AND NO NEED FOR VARIANCE
- C) THIS IS THE MINIMUM NECESSARY TO MAKE REASONABLE USE OF THE PROPERTY
- D) NEIGHBORHOOD WOULD NOT BE IMPACTED - ADJOINING PROPERTY WOULD NOT SUFFER ANY DETRIMENT - (APPROVAL LETTER FROM NEIGHBOR ATTACHED)
- E) DOES NOT AFFECT GOVERNMENT SERVICES
- F) NO SPECIAL CONDITIONS OR CIRCUMSTANCES EXIST
- G) BECAUSE OF THE EASEMENT, NO OTHER HOUSE PLAN WOULD BE FEASIBLE WITH THOSE DIMENSIONS -
- H) I BELIEVE IT IS IN LINE WITH THE SPIRIT AND INTENT OF THE ZONING REQUIREMENT
- I) NO SPECIAL PRIVILEGES -

OVER

April 15, 2022

City of Avon Lake, Ohio
150 Avon Belden Road
Avon Lake, Ohio 44012

RE: 33128 Lake Road, Avon Lake, Ohio

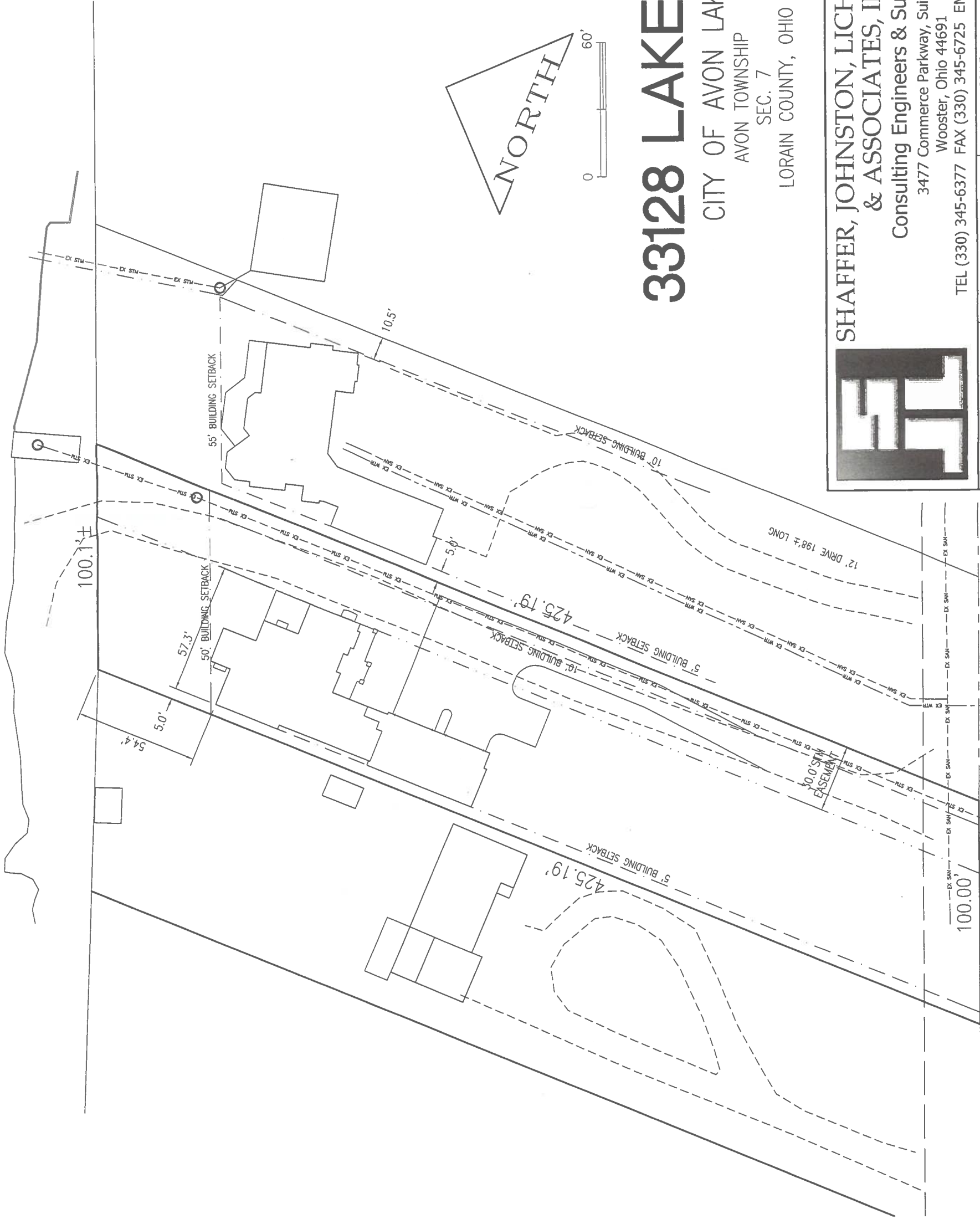
To Whom It May Concern:

I own the property situated at 33134 Lake Road, Avon Lake, Ohio. My property is adjacent to the west of the property owned by Roger Sweeney, 33128 Lake Road, Avon Lake, Ohio. It is my understanding that Roger Sweeney is seeking a 5' side yard variance along the westerly side of his property in order to construct a residence. I have reviewed the site plan and I am in favor of the City of Avon Lake granting the variance.

Sincerely,

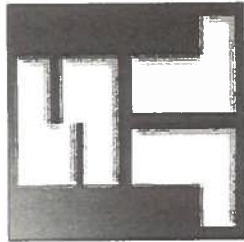


Nicholas P. Mayer, Jr.



33128 LAKE RD.

CITY OF AVON LAKE
AVON TOWNSHIP
SEC. 7
LORAIN COUNTY, OHIO



SHAFFER, JOHNSTON, LICHTENWALTER
& ASSOCIATES, INC.
Consulting Engineers & Surveyors
3477 Commerce Parkway, Suite C
Wooster, Ohio 44691
TEL (330) 345-6377 FAX (330) 345-6725 EMAIL sjl@sjl-inc.com

DWG NO: EW-2585A	CHECKED	SCALE 1" = 60'	DATE 03/05/2025
DRAWN C. Falt		JOB NO: EW-2585A	SHEET 1 OF 1

LAKE ROAD 50' R/W



Design Vision, Inc.

4503 state road
cleveland, ohio 44109
440-735-2600
designvisions.com

Sheet 1 elevations

Sheet 2 elevations

Wheel 3 garage elevations

Sheet 4 foundation plan

Sheet 4B: Key foundation plan

sheet 5 main floor plan

sheet SB key main floor plan

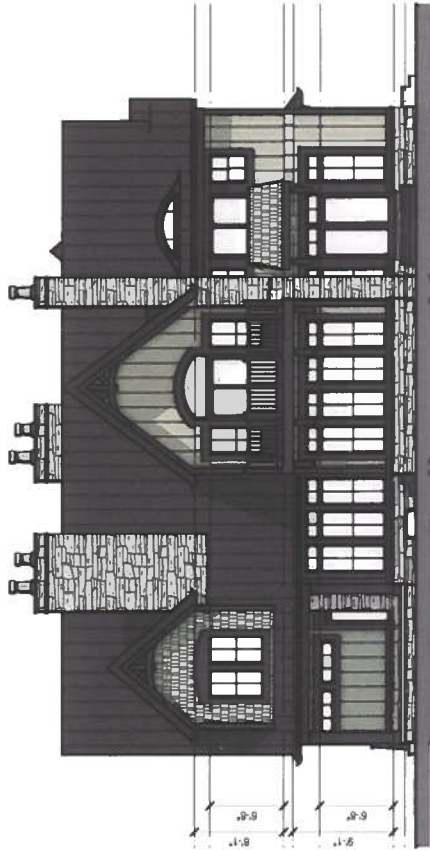
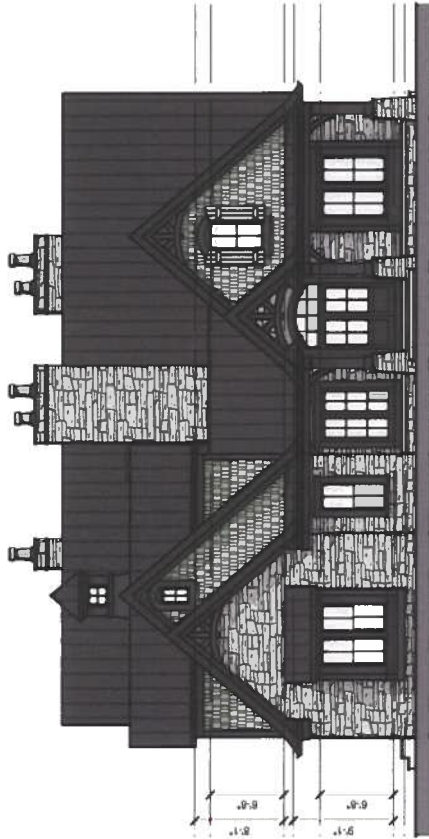
sheet & upper floor plan

sheet 68 key upper floor plan.

colica:

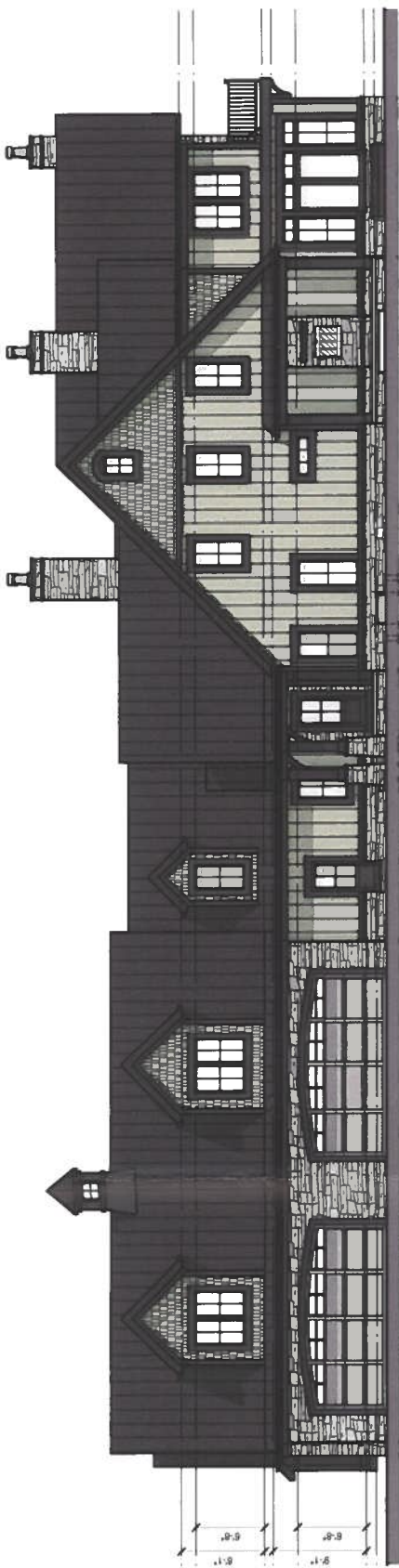
front elevation

scale 1/8" = 1'-0"



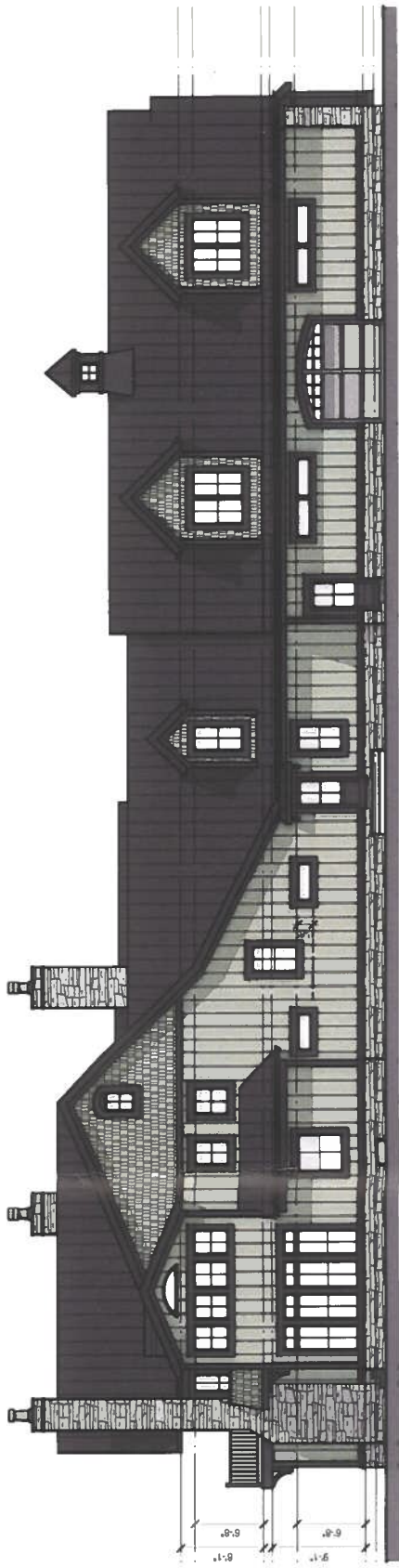
rear elevation

scale 1/8" = 1'-0"



right side elevation

scale 1/8" = 1'-0"



left side elevation

scale 1/8" = 1'-0"

Copyright: _____
The use of this plan is limited to a specific project of the purchaser and for the construction of one building only. It is not to be used for any other purpose. The purchaser of this plan is granted limited license to reproduce these plans for the construction of one building only. No other reproduction or reproduction without written permission is allowed. Violation is subject to penalty.

Issued: 11/19/24
First draft
progress
design review
bid estimates
permit
not for construction
approval
revised: 12/05/24
revised: 12/11/24
revised: 01/29/25
revised: 02/05/25
revised: 02/13/25
revised: 02/18/25

4077

2

33128 lake road, avon lake, ohio

Sweeney residence
33128 lake road, avon lake, ohio

REPORT – ZBA CASE 25-4



TO: Avon Lake Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 25-4 (AREA VARIANCE – 32407 LAKE RD)
MEETING: March 26, 2025

Mark Ieropoli requests an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* at 32407 Lake Road (single-family residence).

PROPERTY DESCRIPTION:

32407 Lake Road is a single-family property located at the southeastern corner of the Lake Road and Sunset Road intersection.

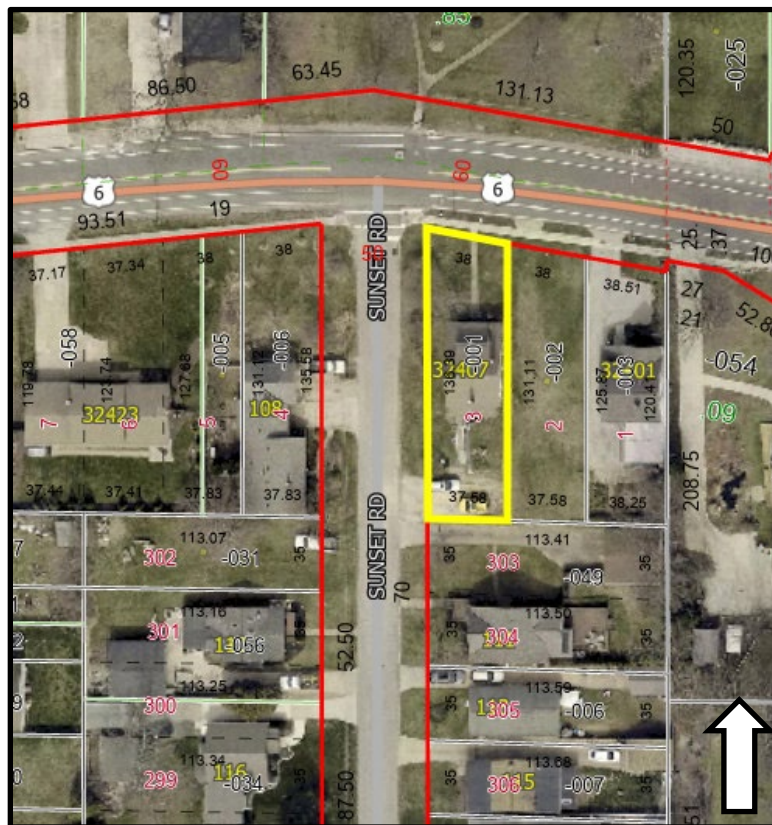
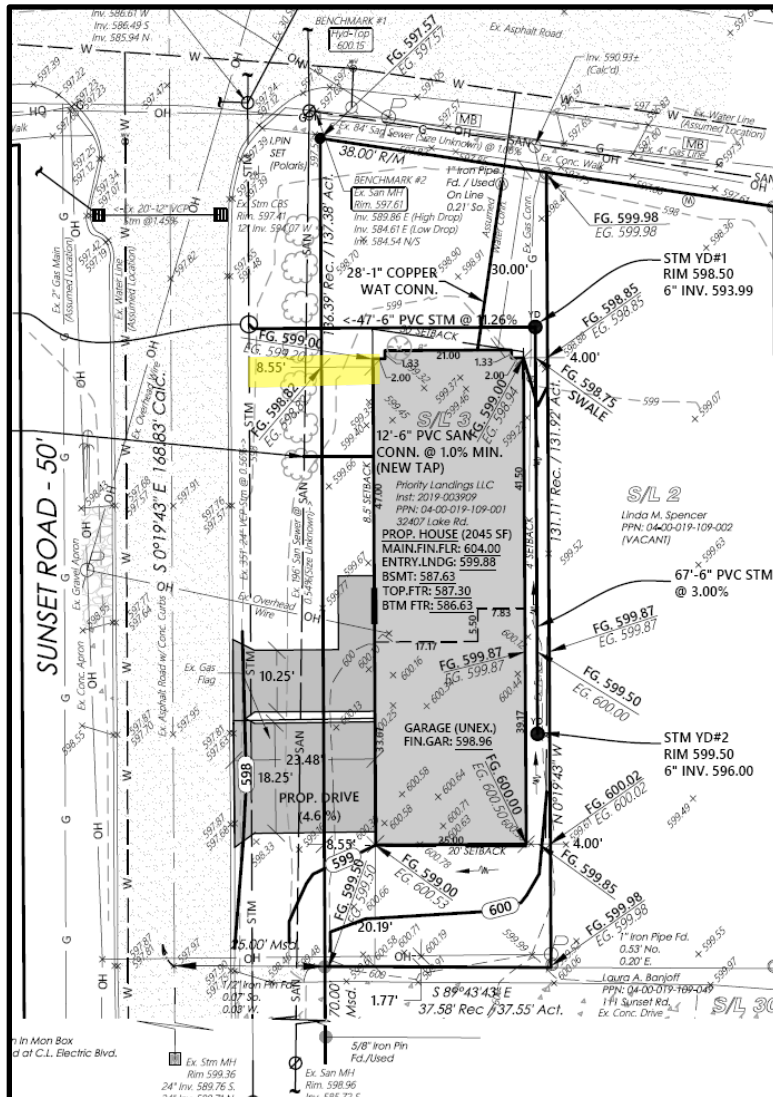


Figure 1: Lorain County Auditor GIS – Spring 2024 Aerial

The property is zoned R-1C, Single-Family Residence. Properties to the west, south and east all share the same zoning. The properties across the street on Lake Road (north) are zoned R-1A, Single-Family Residence.

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 32407 Lake Road (single-family residence). The request would permit the reduction of the front setback (Sunset Road) from 20' to 8.5 for a new single-family dwelling.



ANAYLSIS & DISCUSSION:

The property is a corner lot and has two front yards. Code identifies corner lots as a lot having street frontage on two intersecting streets (1226.01(e)(6)). The existing home has a Lake Road address, and its primary frontage is along Lake Road. The secondary frontage is along Sunset Road. Because of the two front yards, the rear yard directly abuts the front yard along Sunset Road

There is an existing home on the property that the property owner plans to demolish. A demolition permit has been submitted and approved by the applicable city departments. The applicant is then proposing the construction of a new single-family dwelling.

Figure 2: Applicant Provided Site Plan – CAV 25-4

The applicant is seeking a variance to reduce the above referenced front setback from 20' to 8.5'. The lot is extremely narrow at 38' wide. With the 20' front setback requirement along Sunset Road and 4' side yard setback along the eastern property line, you are left with a buildable width of 14'. This buildable width is not suitable for any type of home and any type of new construction would require a variance.

The proposed driveway is shown on Sunset Road and set back an adequate distance from the Lake Road intersection. This driveway location is preferred by the city.

There are no issues with the proposed height or façade of the home.

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.

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 25-4, an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations*, reducing the front setback along Sunset Road (as depicted or modified) at 32407 Lake Road.

Please state any conditions.

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and various plans. 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.

ATTACHMENTS:

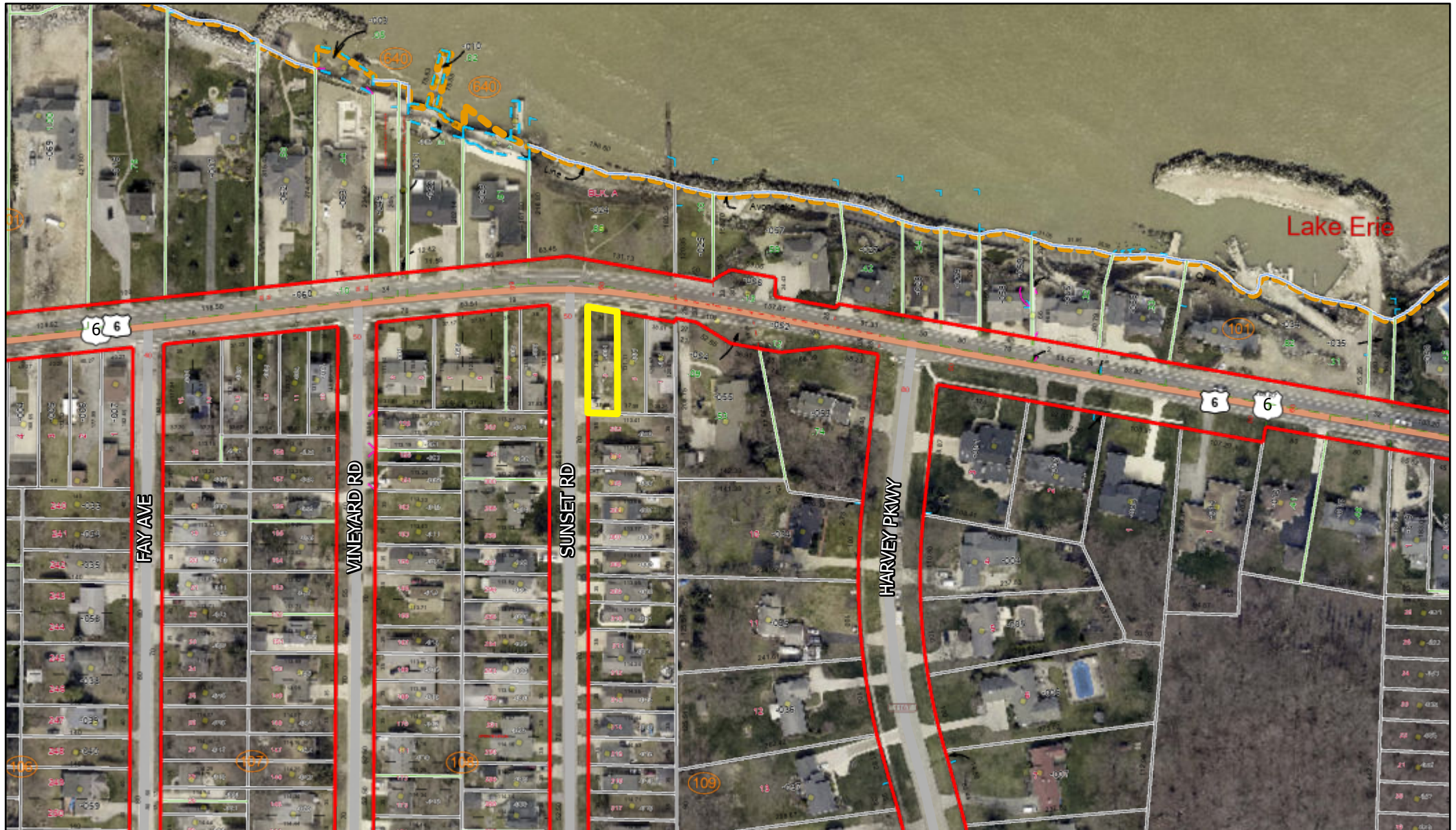
1. Copy of Code Section(s)
2. Aerial Views of the Property
3. Copy of ZBA Application
4. Copy of Plans

(11) Minimum Setback Requirements

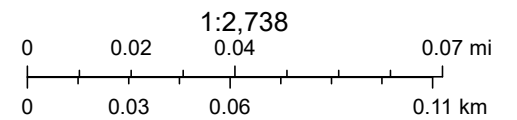
- A. Setbacks required for accessory uses are established in Section [1224.01: Accessory Uses and Structures](#).
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<p>NOTES:</p> <p>[1] For corner lots in the R-1B District, the minimum front yard setback from the street to the side of the principal structure may be reduced to 15 feet provided it does not reduce the buildable width of the lot to less than 25 feet.</p> <p>[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.</p> <p>[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.</p> <p>[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.</p> <p>[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.</p>					

32407 Lake Rd



3/20/2025, 3:11:52 PM





CAV-25-4

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/10/2025


Primary Location

32407 LAKE RD
AVON LAKE, OH 44012

Owner

PRIORITY LANDINGS LLC
23471 LAKE RD 32610 diamondhead drive
AVON LAKE, OH 44012

Applicant

 Mark Ieropoli
 216-406-8210
 mconstruct03@gmail.com
 32610 diamondhead drive
avon lake, OH 44012

Applicant Information

Applicant Role*

property owner

Name*

Mark Ieropoli

Address*

32407 lake rd

City*

avon lake

State*

ohio

Zip*

44012

Telephone*

2164068210

Email Address*

mconstruct03@gmail.com

Property Owner Information

Same as Applicant



Request Information

 Code Section(s)

 # of Variance Requested

—

Specific Details of Variance Request*

Front yard setback I have 2 front yards and need it looked at as the only front yard faces north

Signature

Applicant Signature*

✓ Mark Ieropoli
Mar 5, 2025

Authorization for Property Access

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

Grant

Signature*

✓ Mark Ieropoli
Mar 5, 2025

Any dog(s) on property?*

No

Daytime Phone Number*

2164068210

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;*

New home on property the lot is 38' wide and it has 2 front yards

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;*

you cant build a home 11 feet wide

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

you cant build a home 11 ft wide

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;*

it would not have detriment to adjoining properties

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

It will improve government 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);*

the special conditions is that it is a corner lot saying it has 2 front yards

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

there is no other method

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

The zoning official Austin page has approved the zoning variance.

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

It does not confer

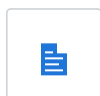
J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.*

The property would be not be buildable

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

The home was designed to improve the property and to comply with the proper setbacks as if it where not a corner lot

Attachments



Plot Plan Drawn to Scale

01-32407 Lake Rd Site Plan (2.9.21) (1).pdf

Uploaded by Mark Ieropoli on Mar 5, 2025 at 12:06 PM

REQUIRED

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

32407 lake rd home plans.pdf

Uploaded by Mark Ieropoli on Mar 5, 2025 at 12:10 PM

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

20250305_123146.jpg

Uploaded by Mark Ieropoli on Mar 5, 2025 at 1:00 PM

**20250305_123200.jpg**

20250305_123200.jpg

Uploaded by Mark Ieropoli on Mar 5, 2025 at 1:01 PM

**ENGINEERING REVIEW LETTER FOR IEROPOLI.pdf**

ENGINEERING REVIEW LETTER FOR IEROPOLI.pdf

Uploaded by Mark Ieropoli on Mar 9, 2025 at 7:27 AM





LAKE RD

32407



March 7, 2025

Mr. Jonah Bok
Streamline Designs.
33489 Lake Road
Upstairs Loft 5
Avon Lake, OH 44012
jonah@streamlinedesigns.us

**Re: Structural Engineering Services Summary for
Smitek Construction for Ieropoli Residence at
32407 Lake Road, Avon Lake, Ohio, 44012**

Dear Mr. Bok:

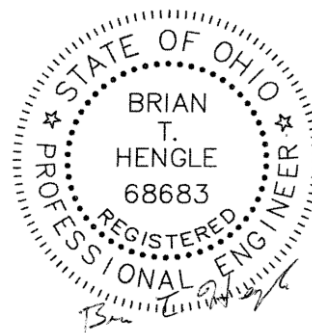
Per your request, Pro-E Design, LLC ("Pro-E") had the opportunity to provide structural engineering services for the proposed new residence at the above address. Part of the structural engineering services provided included sizing foundations, sizing LVL and steel beams, sizing wood or steel jambs and posts, checking floor joist spans, and providing wall bracing design for the fully sheathed structure. Please note that the set of drawings dated released for "revision" dated 03/07/25 reflects all the proper structural engineering related information that was previously provided to you by Pro-E.

Please let me know if you have any questions regarding the above or if you need anything further.

Sincerely,

PRO-E DESIGN, LLC

Brian T. Hengle, P.E.
Structural Engineer



SYMBOL LEGEND	
● Ex. Clean Out	→ Guy Wire
▨ Ex. Catch Basin	⦿ Power Pole
■ Prop. Catch Basin	⦿ Light Power Pole
▨ Ex. Curb Inlet	⦿ Light Pole
⦿ Prop. Curb Inlet	⦿ Traffic Signal Pole
⦿ Ex. Yard Drain	⦿ Traffic Signal Box
○ Ex. Manhole	⦿ Cable TV Box
○ Ex. Sanitary Manhole	⦿ Electrical Box
○ Prop. Sanitary Manhole	⦿ Telephone (SAC) Box
○ Ex. Storm Manhole	⦿ Tree
○ Prop. Storm Manhole	⦿ Pine Tree
● Storm Inlet MH	⦿ Bush
W Ex. Water Valve	⦿ Yard Light
⊗ Prop. WL Valve	⦿ Gasline Marker
⦿ Water Meter	⦿ Power Transformer
⦿ Ex. Fire Hydrant	⦿ 1/2" SCB Sprinkler Control Box
⦿ Prop. Hydrant	⦿ SH Sprinkler Head
⦿ Well	⦿ Sign
GV Gas Valve	⦿ Test Bore
⦿ Gas Meter	⦿ Guard Post
MB Mailbox	

NOTE:
ANYONE USING ELEVATIONS ASSOCIATED WITH THIS PLAN SHALL UTILIZE & CHECK INTO BOTH BENCHMARKS FOR VERTICAL CONTROL. POLARIS SHALL BE NOTIFIED IMMEDIATELY OF ANY IRREGULARITIES.

GRAPHIC
SCALE



(IN FEET)
1 INCH = 20 FEET



O.U.P.S. REFERENCE
A-924-601-181
2 WORKING DAYS BEFORE YOU DIG CALL 8-1-1
OHIO UTILITIES PROTECTION SERVICE NON-MEMBERS
MUST BE CALLED DIRECT

EXISTING UNDERGROUND UTILITIES NOTE:
THE SIZE AND LOCATION, BOTH HORIZONTAL AND VERTICAL OF THE UNDERGROUND UTILITIES SHOWN HEREON, HAVE BEEN OBTAINED BY A SEARCH OF AVAILABLE RECORDS. THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED HEREON. VERIFICATION BY FIELD OBSERVATION HAS BEEN CONDUCTED, WHERE PRACTICAL. HOWEVER, POLARIS ENGINEERING & SURVEYING, INC. DOES NOT GUARANTEE THE COMPLETENESS NOR ACCURACY THEREOF.

NOTE: THIS SURVEY SUBJECT TO CHANGE UPON RECEIPT OF ANY ADDITIONAL AVAILABLE UNDERGROUND UTILITY INFORMATION.

CALCULATED SANITARY SEWER

INVERT = 584.7± AT PROPOSED TAP LOCATION. CONTRACTOR TO

CONFIRM ELEVATION & SIZE OF SEWER AND CONFIRM THAT GRAVITY BASEMENT SERVICE CAN BE PROVIDED. IF BUILDING

ELEVATIONS NEED TO BE MODIFIED CONTRACTOR SHALL NOTIFY POLARIS AND THE CITY.

CALL AVON LAKE REGIONAL WATER FOR LATERAL LOCATION

CITY OF AVON LAKE NOTES:

- THE CITY OF AVON LAKE PUBLIC WORKS DEPARTMENT (ENGINEERING) MUST BE NOTIFIED TWENTY FOUR (24) HOURS IN ADVANCE FOR ALL REQUIRED INSPECTIONS.
- BOTTOM OF FOOTER GRADE IS THE MINIMUM GRADE FOR FROST PROTECTION ONLY. ACTUAL BOTTOM OF FOOTER GRADE TO BE DETERMINED BY BUILDER. CONSULTATION WITH A GEOTECHNICAL ENGINEER IS RECOMMENDED.
- PRIOR TO CONSTRUCTION, BASEMENT AND FOOTER ELEVATIONS ARE TO BE VERIFIED BY THE BUILDER/CONTRACTOR AND IF A DISCREPANCY EXISTS BETWEEN THE HOUSE PLANS AND THIS PLOT PLAN, THE CITY OF AVON LAKE AND POLARIS ENGINEERING & SURVEYING SHALL BE NOTIFIED.
- CONTRACTOR TO UNCOVER AND CHECK INVERT ELEVATION AND LOCATION OF SEWER CONNECTIONS BEFORE FOOTER EXCAVATION TO ENSURE GRAVITY FLOW.
- IF FOOTER DRAINS ARE UTILIZED, A SUMP PUMP IS REQUIRED UNLESS A GRAVITY STORM CONNECTION IS AVAILABLE. USE MINIMUM 1.0% SLOPE TO STORM SEWER.
- ALL PERTINENT EROSION CONTROL BMP'S WILL BE FOLLOWED THROUGHOUT CONSTRUCTION. I ACKNOWLEDGE THAT MY BUILDER HAS REVIEWED THIS PLOT PLAN WITH ME PRIOR TO ITS SUBMISSION TO THE CITY OF AVON LAKE.

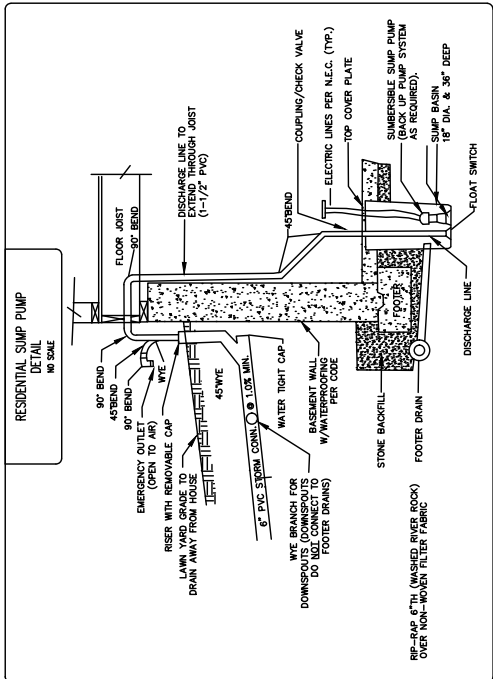


TOPOGRAPHIC CERTIFICATION:

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS TOPOGRAPHY, INDICATED BY 1" CONTOURS, AND ELEVATIONS SHOWN HEREON, REPRESENT AN ACTUAL FIELD SURVEY MADE BY ME ON THE 19TH DAY OF SEPTEMBER, 2019, AND THAT THE ELEVATIONS WERE TAKEN AT APPROPRIATE INTERVALS AND THAT AS OF THAT DATE THEY EXISTED AS INDICATED HEREON. VERTICAL DATUM IS BASED ON NAVD88.

Richard A. Thompson, Jr.

RICHARD A. THOMPSON, JR., P. S. #7388



● Ex. Clean Out	→ Guy Wire
▨ Ex. Catch Basin	⦿ Power Pole
■ Prop. Catch Basin	⦿ Light Power Pole
▨ Ex. Curb Inlet	⦿ Light Pole
⦿ Prop. Curb Inlet	⦿ Traffic Signal Pole
⦿ Ex. Yard Drain	⦿ Traffic Signal Box
○ Ex. Manhole	⦿ Cable TV Box
○ Ex. Sanitary Manhole	⦿ Electrical Box
○ Prop. Sanitary Manhole	⦿ Telephone (SAC) Box
○ Ex. Storm Manhole	⦿ Tree
○ Prop. Storm Manhole	⦿ Pine Tree
● Storm Inlet MH	⦿ Bush
W Ex. Water Valve	⦿ Yard Light
⊗ Prop. WL Valve	⦿ Gasline Marker
⦿ Water Meter	⦿ Power Transformer
⦿ Ex. Fire Hydrant	⦿ 1/2" SCB Sprinkler Control Box
⦿ Prop. Hydrant	⦿ SH Sprinkler Head
⦿ Well	⦿ Sign
GV Gas Valve	⦿ Test Bore
⦿ Gas Meter	⦿ Guard Post
MB Mailbox	

HOMEOWNER SIGNATURE

DATE



POLARIS ENGINEERING & SURVEYING, INC.
34600 CHARDON ROAD
SUITE D
WILLOUGHBY HILLS, OH 44094
(440) 944 - 4433
(440) 944 - 3722 (Fax)
www.polaris-es.com

DATE: 2/9/21
SCALE: 1"=20'
FOLDER: DWG/Site Plans
FILENAME: Site Plan
TAB: 01-Site Plan
DRAWN: RPF

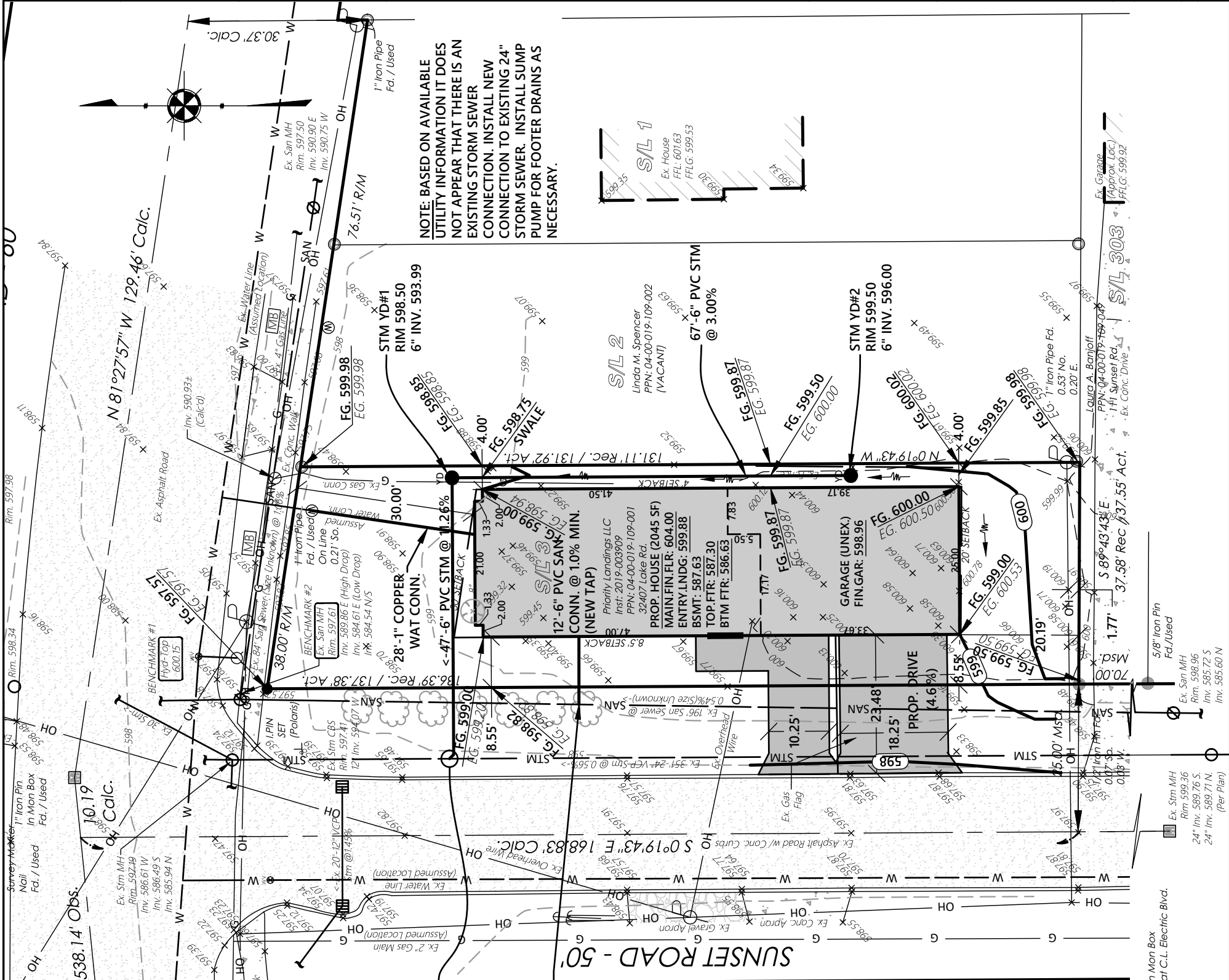
32407 LAKE ROAD
SL 3
VINEYARD BEACH SUBDIVISION
CITY OF AVON LAKE - LORAIN COUNTY - OHIO

SITE PLAN FOR:

PREPARED FOR:
MARK IEROPOLI
PHONE: (216) 406-8210
EMAIL: mconstruct03@gmail.com

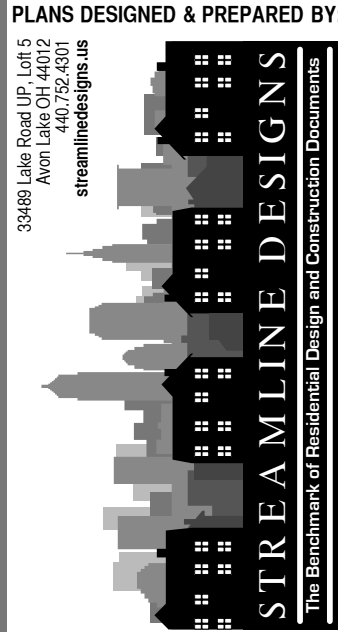


CONTRACT NO.
19176
SHEET **1** OF **1**



Ieropoli Residence

32407 Lake Rd.
Avon Lake, Ohio
44012



Ieropoli Residence

PLANS DESIGNED & PREPARED BY:
32407 Lake Rd. (UP) Lot 1
Avon Lake, OH 44012
streamlinedesigns.com
STREAMLINE DESIGNS
This is a preliminary design document.

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JOB NUMBER
5233

PRELIMINARY DESIGN
third draft 01/27/2020

DOCUMENTS	
permits	09/14/2020
construction	09/14/2020
engineered	
revisions (2)	11/04/2020

SHEET

drawing index

- A-1 cover sheet
- A-2 elevations
- A-3 elevations
- A-4 foundation plan / basement plan
- A-5 main floor plan / middle floor plan
- A-6 upper floor plan / roof plan
- A-7 section
- A-8 typical section / details
- E-1 electrical/mechanical

code summary & design criteria

2019 residential code of ohio (ROC)
2018 international enegy conservation code (IECC)
2017 national electric code (NED)

Design Snow Load:
section 301 design criteria
figure 301.2(5) ground snow loads
roof snow load = 20 psf

Design Wind Load:
table 301.2(2) component and cladding loads for a building
with a mean roof height of 30 feet located in exposure b
90 mph (3 second gust)

building infomation

Square Foot (Finished/Living)	
Basement	0
Main Floor	1143
Middle Floor	2045
Upper Floor	2045
Total	5233

Concrete	
Basement	1317
Garage	852

general notes

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do not scale drawings, written dimensions govern.

if a discrepancy or conflict between code requirements, drawings details, specifications, engineering data, manufactures recommendations, or owner provided information becomes know to the contractor, he or she shall promptly report to the conflict or discreprency in writing to the architect or owner's representative for clarification and corrected action, in addition, any work installed in conflict with requirements identified herein, without proper notification shall be corrected by the contractor at this or her expense, and at no cost to the architect, engineer, occupant, or building owner.

all exterior dimensions are from face of masonry to face of masonry, or face of sheathing unless otherwise noted. verify all dimensions prior to beginning work.

all interior dimensions are from the face of rough framing to face of rough framing unless otherwise noted. verify all dimensions prior to beginning work.

sub-contractor shall determine erection procedure and sequencing and provide whatever bracing that may be required to complete the work.

verify all rough openings with manufacturer prior to framing.

each sub-contractor shall obtain and pay for required permits and schedule at inspections and coordinate all trades.

the contractor and sub-contractors shall be solely responsible for complying with all federal, state and local safety requirements together with exercising precautions at all times for the protection of all persons including employees and property. it is the sole responsibility of the contractor and subcontractors to initiate, maintain and supervise all safety requirements, precautions and programs in connection with the work.

draftstopping shall be provided in all attic areas exceeding 3,000 sq. ft. in area

firestopping shall be installed in all concealed spaces of stud walls and partitions including furred or studded off spaces of masonry or concrete walls, and at the ceiling and floor or roof levels. firestopping shall be installed at the interconnections between vertical and horizontal spaced such as occurring at soffits over cabinets, drop ceilings, cove ceiling and etc.

symbols and abbreviations used on these drawings are considered to be construction standards. if the contractor has questions regarding abbreviations or symbols as to their exact meaning, the designer shall be notified at once for clarification.

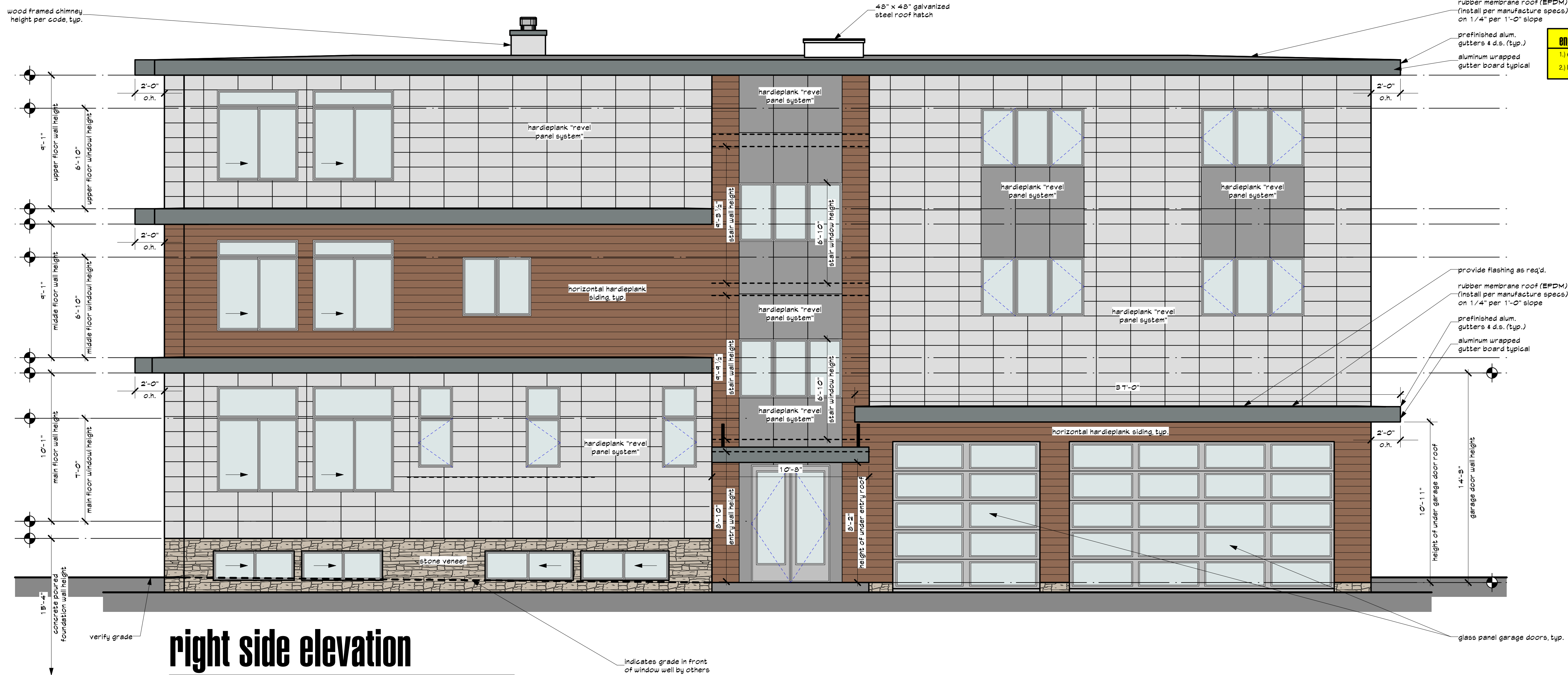


engineer notes:

- 1.) engineered roof truss and engineered floor system, delegated by other
- 2.) lateral/shear wall design, delegated by other

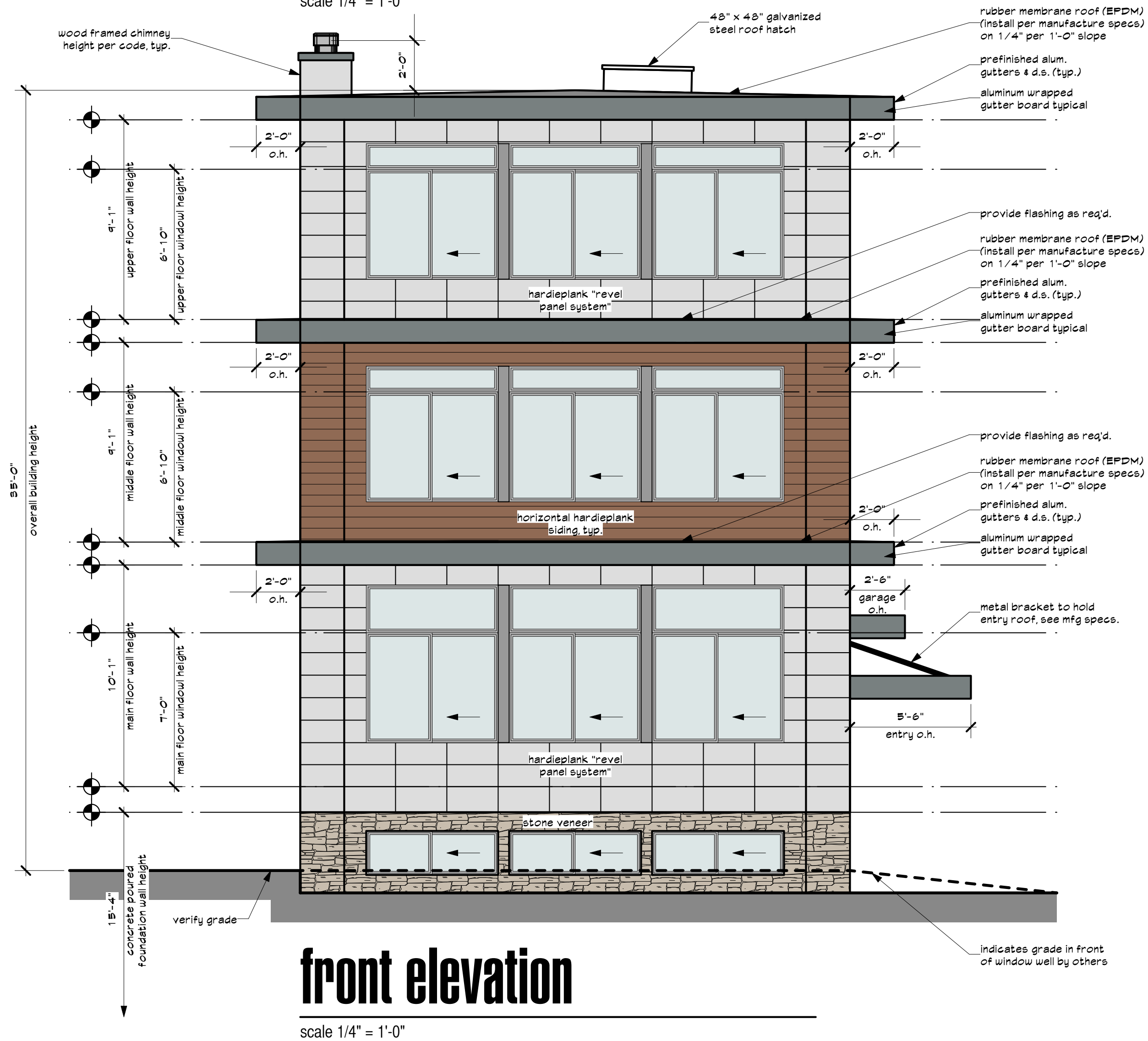
baseline structural criteria & design information

Framing Lumber (Minimum): E = 1,600,000 psi Fb = 1400 psi Fv = 105 psi	Microlam (LVL): E = 1,900,000 psi Fb = 2600 psi Fv = 285 psi	Parallam (PSL): E = 2,000,000 psi Fb = 2900 psi Fv = 290 psi	Steel: ASTM A-36 E = 29,000,000 psi Fb = 22 ksi Fv = 14.5 ksi	Wind Speed (design) 120 MPH. ASD / 115 MPH ULT exposer B	Concrete: Interior = 3000 psi Exterior = 4000 psi (air)	Soil Bearing Capacity (Min.): 2000 psf assumed geotechnical engineering to verify for existing foundation	Live Loads: Roof = 30 psf Floor = 40 psf Ceilings = 20 psf Attic = 10 psf (no storage) Attic = 20 psf (limited storage) Decks = 40 psf Balconies (Exterior) = 40 psf	Dead Loads: Roof = 15 psf Ceilings = 10 psf Floor = 12 psf	Allowable Deflection: Rafters = L/180 Ceilings = L/240 Floors = L/360 Beams & Headers = L/360 Lintels for Masonry= L/600 (L = Span Length)	Truss Data (Min.): Top Chord: LL= 25 psf DL= 10 psf Bottom Chord: LL= 10 psf (no storage) DL= 5 psf	Seismic Category D	Engineered Products LVL's , PSL's, TJL's by Truss Joist Weyerhaeuser
--	--	--	---	--	--	---	--	--	---	---	------------------------------	--



right side elevation

scale 1/4" = 1'-0"



front elevation

scale 1/4" = 1'-0"

engineer notes:
1) engineered roof truss and engineered floor system, delegated by other
2) lateral/shear wall design, delegated by other

PLANS DESIGNED & PREPARED BY:
STREAMLINE DESIGNS
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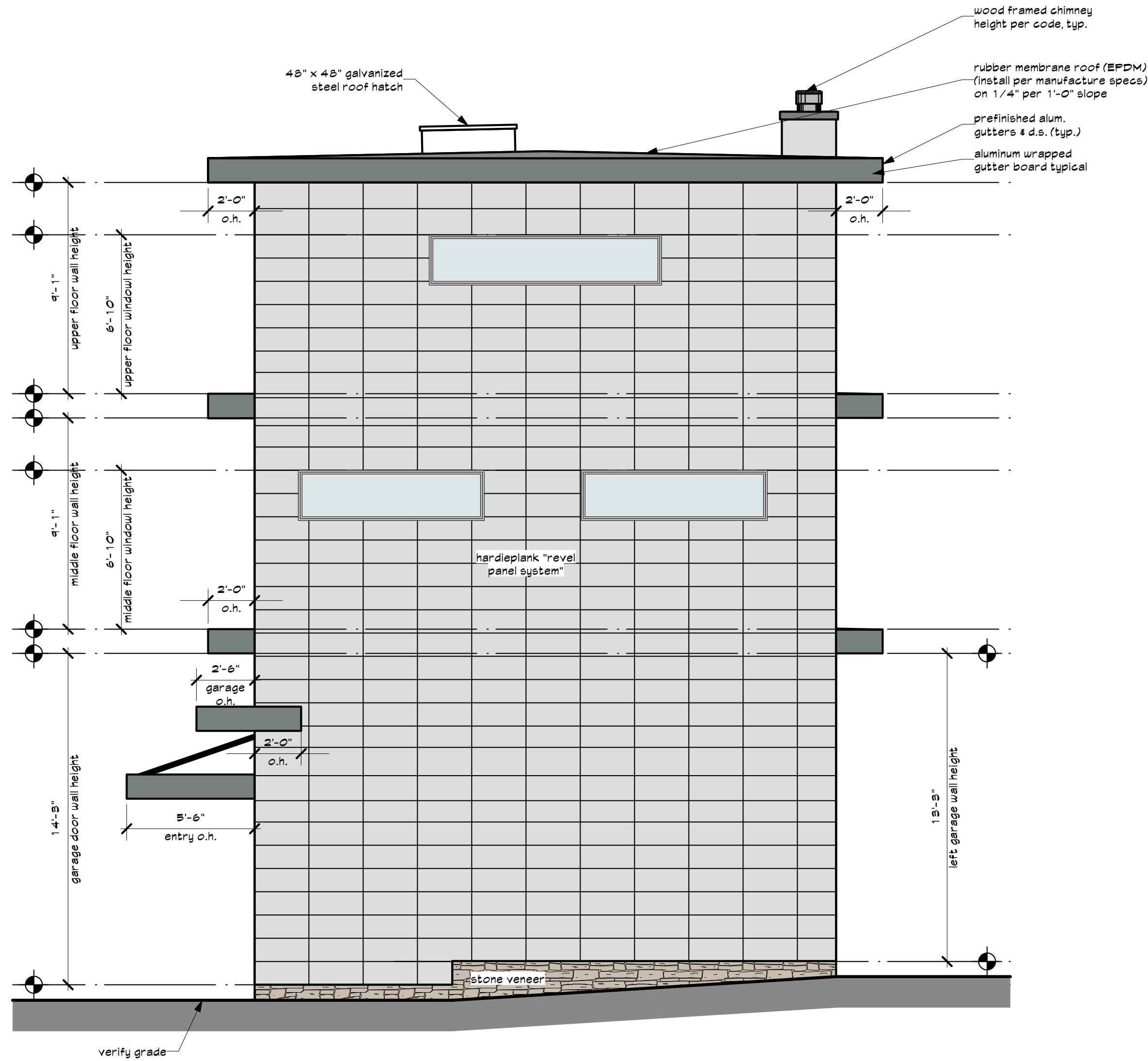
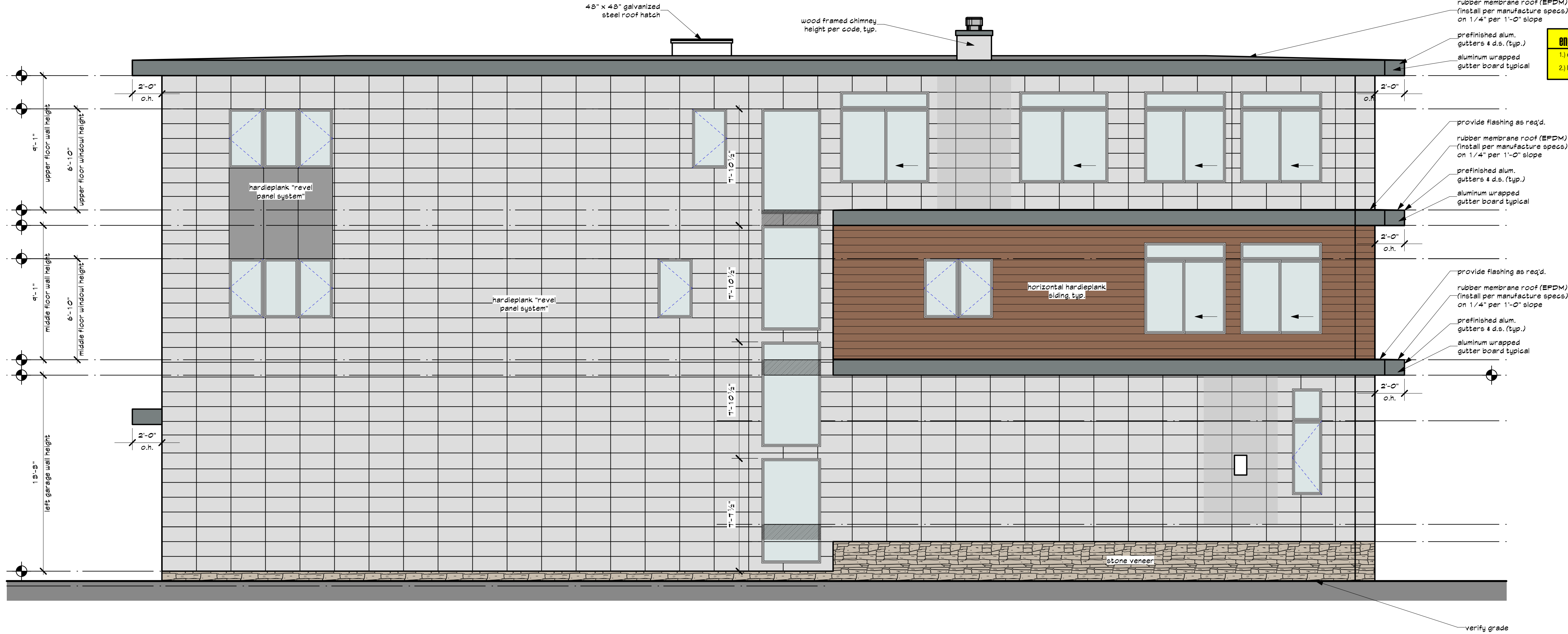
DOCUMENTS
permits 09/14/2020
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leropoli Residence

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SHEET

engineer notes:

1.) engineered roof truss and engineered floor system, delegated by other

2.) lateral/shear wall design, delegated by other

window size designation note

window sizes are designated in feet and inches.

Indicates the size of window
3600 = 3'-0" x 6'-0"

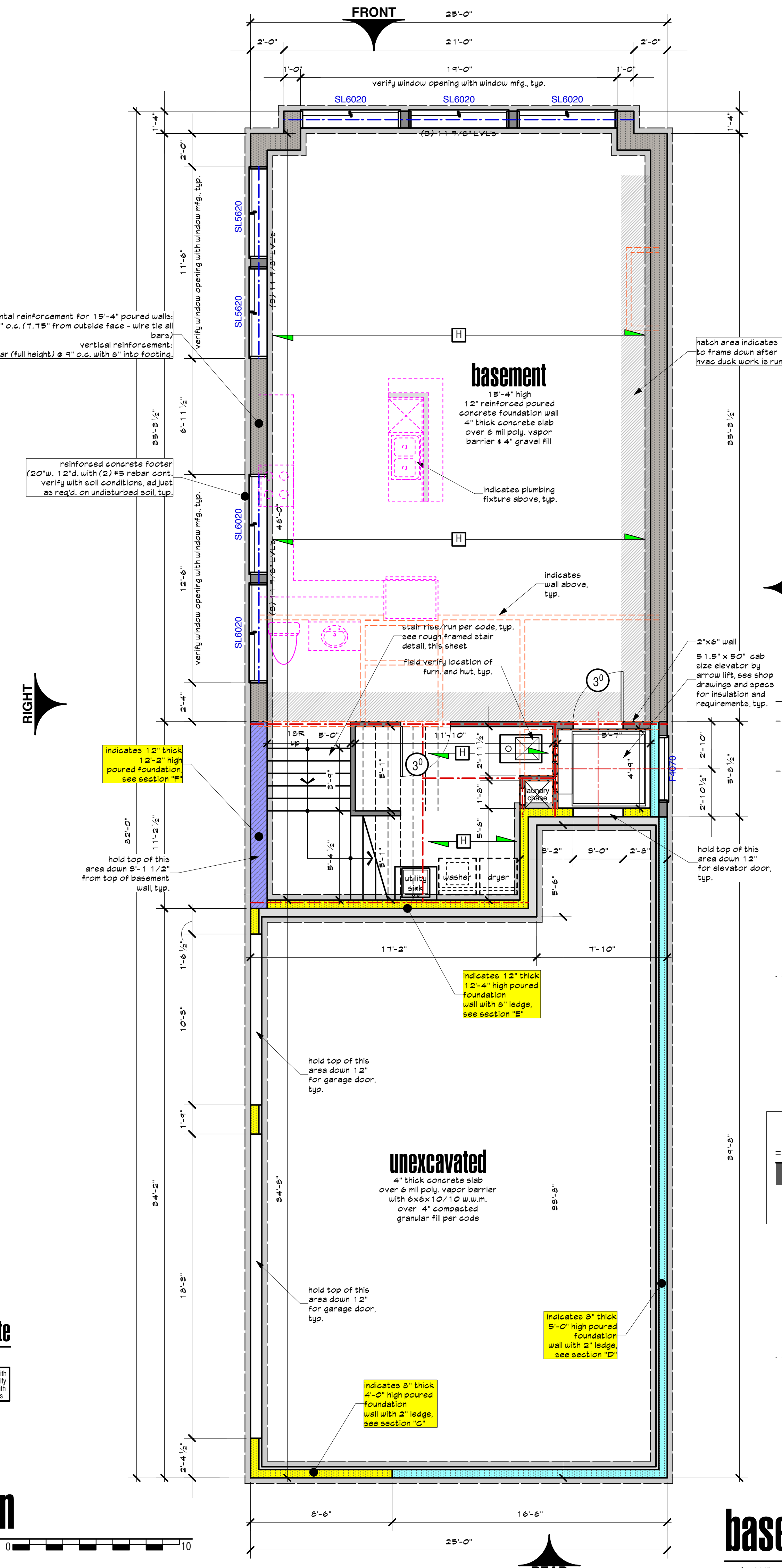
Indicates what type of window
SH - single hung
DH - double hung
AWN - awning
C - casement
F - fixed

Indicates the operation of window
(E) - egress
(T) - tempered glass

verify window sizes with manufacturer and verify code requirements with local building officials.

foundation plan

scale 1/4" = 1'-0"



section "C"

scale 1/4" = 1'-0"

section "D"

scale 1/4" = 1'-0"

section "E"

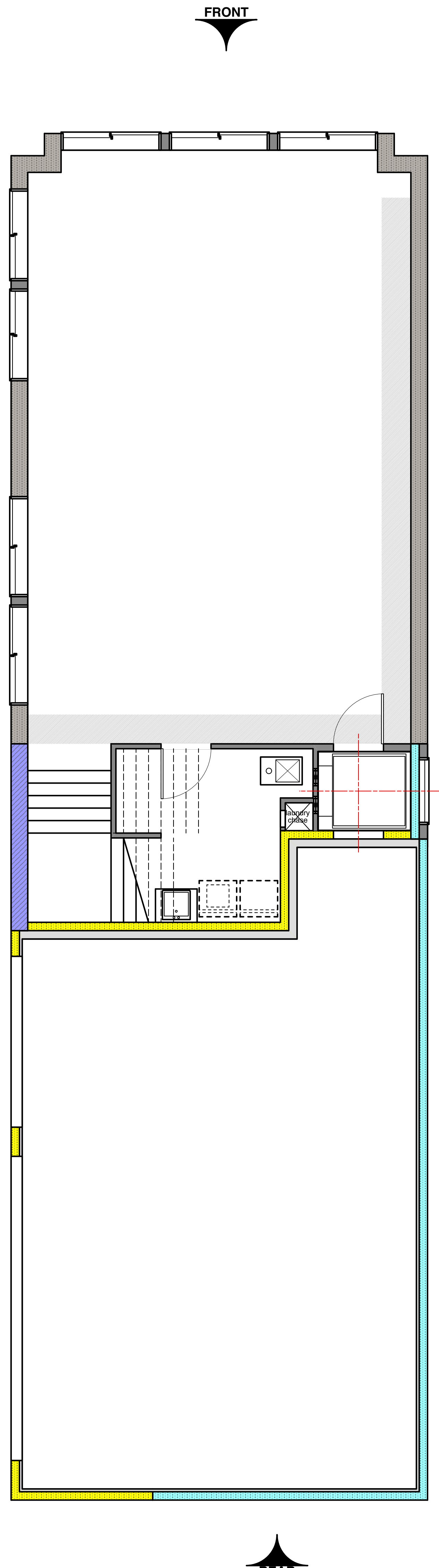
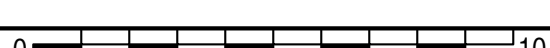
scale 1/4" = 1'-0"

section "F"

scale 1/4" = 1'-0"

basement plan

scale 1/4" = 1'-0"



foundation notes (poured walls)

- 1) 15'-4" H x 12" W REINFORCED SOLID CONCRETE WALL. PROVIDE (1) #4 VERTICAL STEEL REINFORCING BARS (FULL HEIGHT) @ 9' O.C. WITH 6" INTO FOOTING. PROVIDE MIN. OF (1) #5 REBAR HORIZONTALLY @ 12' O.C. (BARS 7.75" FROM OUTSIDE WALL FACE - WIRE TIE ALL BARS)
- 2) TYPICAL FOOTING. SUPPORTING FOOTING - 12" H x 20" W. REINF. CONCRETE W/ (2) #4 REBARS CONTINUOUS. VERIFY SOIL CLASS AND CONDITIONS, ADJUST AS REQUIRED
- 3) PROVIDE MIN. 5" FOR BEAM BEARING & (2) #6 VERT. STEEL REINF. BARS FULL HT. @ ALL BEAM BEARING LOCATIONS
- 4) ALL DIMENSIONS ARE TO BE TAKEN FROM THE FACE CONCRETE FOUNDATION WALL OR ROUGH FRAMING
- 5) SEE TOPO FOR ALL GRADES AND SPOT ELEVATIONS
- 6) STEP FOOTINGS AS REQ'D TO MAINTAIN 3'-6" MIN. FROST DEPTH
- 7) DOUBLE JOISTS UNDER PARALLEL WALLS ABOVE
- 8) PROVIDE SOLID BLOCKING BETWEEN JOISTS TO FOUND. WALL OR BEAM UNDER ALL POINT LOADS FROM ABOVE
- 9) PROVIDE SIMPSON 1HW OR EQUAL BEAM HANGERS @ ALL UPSET WOOD BEAM HANGER CONDITIONS

floor joist schedule

- Ohio Residential Building Code 2013 RS202.2(12)
Lumber Species: Pine-Fir-Spr. #2 or equal, unless noted otherwise.
Refer to TJI floor joist shop drawings for layout and spacing of joist.
- H 14" TJI floor joists @ 12" o.c. with bracing per mfg. shop drawings. (series 560)
 - J 14" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 560)
 - K 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 560)
 - L 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 360)
 - M 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 230)
 - N 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 210)
 - O 2X12 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required.
 - P 2X12 floor joists @ 16" o.c. double every other joist with 'x' bracing @ midspan or as required.
 - Q (2) 2X12 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required.
 - R 2X10 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required.
 - S 2X10 floor joists @ 16" o.c. double every other joist with 'x' bracing @ midspan or as required.
 - T (2) 2X10 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required.
 - U 2X10 treated floor joists @ 16" o.c. with 'x' bracing @ midspan or as required.

column schedule

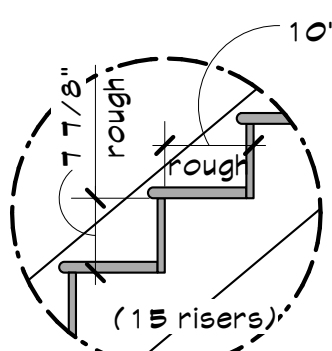
- C1 (3)2x4
 - C2 (4)2x4
 - C3 (5)2x4
 - C4 (6)2x4
 - C5 4x4
 - C6 (3)2x6
 - C7 (4)2x6
 - C8 (5)2x6
 - C9 (6)2x6
 - C10 6x6
 - C11 3 1/2" x 5 1/4" PSL
 - C12 5 1/4" x 5 1/4" PSL
 - C13 3" dia. adjust. 11 gauge steel column with 1/4" bearing plate bolted to sound bearing
 - C14 3" dia. adjust. schd. 40 steel column with 1/2" bearing plate bolted to sound bearing
- all columns to be laterally braced full length
- * 2"x4" framed walls: all header bearings to min (2)2x4, unless noted otherwise.
- * 2"x6" framed walls: all header bearings to min (2)2x6, unless noted otherwise.

steel column & footing schedule

- W 3" o schedule 40 adjustable steel column standard weight (7.6 pfl) over 48"x48"x18" deep conc. footing with (5)#5 bars each way at bottom
- X 3" o schedule 40 adjustable steel column standard weight (7.6 pfl) over 30x30"x12" deep conc. footing with (4)#5 bars each way at bottom
- Y 30x30"x12" deep conc. footing with (4)#5 bars each way at bottom
- Z 48x48"x18" deep conc. footing with (5)#5 bars each way at bottom

post & footing schedule

- P1 4x4 treated wood post with post base and post cap on 16" dia. x 48" deep conc. footing on undisturbed soil
- P2 6x6 treated wood post with post base and post cap on 20" dia. x 48" deep conc. footing on undisturbed soil
- P3 8x8 treated wood post with post base and post cap on 32" dia. x 48" deep conc. footing on undisturbed soil



rough framed stairs

basement to main floor
floor to floor = 9'-10"

- 1.) engineered roof truss and engineered floor system, delegated by other
- 2.) lateral/shear wall design, delegated by other

Diagram illustrating a rough staircase layout. The layout shows a circular path with 16 risers, a rough stringer, and a rough tread. The diagram is labeled with "rough", "10", and "(16 risers)".

main floor to upper floor	reference only
floor to floor = 9'-11"	

window sizes are designated in feet and inches

The diagram illustrates the components of a window specification. It starts with a large specification '3060 x 3'-0" x 6'-0" DH3060(E)' and branches out to explain each part:

- Size:** '3060' indicates the size of window.
- Type:** 'DH' indicates what type of window (SH - single hung, DH - double hung, AWN - awning, C - casement, F - fixed).
- Operation:** '(E)' indicates the operation of window (E - egress, T - tempered glass).

A separate box notes: 'verify window sizes with manufacturer and verify code requirements with local building officials'.

scale 1/4" = 1'-0" 0 10

1143 sq/ft

scale $\frac{1}{4}" = 1'-0"$

2045 sq/ft

1) EXTERIOR WALLS ARE DIMENSIONED AT 6" TO THE OUTSIDE
(1/2" SHEATHING WITH 5 1/2" ROUGH, UNLESS OTHERWISE NOTED)
INTERIOR WOOD FRAMED WALLS ARE DIMENSIONED AT 3 1/2"
ROUGH

- 2) BUILDING CONTRACTOR MUST VERIFY ALL SITE CONDITIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- 3) ALL WALL ANGLES ARE 45 DEGREES UNLESS OTHERWISE NOTED.
- 4) FIELD VERIFY ALL WINDOW LOCATIONS & ROUGH OPENINGS AS REQUIRED WITH WINDOW MANUFACTURERS SPECIFICATIONS.
- 5) PROVIDE SAFETY GLASS FOR WINDOW GLAZING < 18" A.F.F. OR AS REQUIRED BY LOCAL CODES.
- 6) STRUCTURAL, AND FRAMING MEMBERS INDICATED ARE SIZED AND SHOWN ON SPECIES OF LUMBER THAT SATISFY THE BRAG.
- 7) BUILDER TO VERIFY THAT ALL ROOF TRUSS BRACING AND BEAM ON LOAD BEARING WALLS WHICH ALIGN AS SHOWN AND TERMINATE AT FOUNDATION AND BE SUPPORTED BY THICKENED SLAB GRADE BEAM OR FOOTING.
- 8) TREATED WOOD NOTICE: ALL ANCHORS, CONNECTORS, FASTENERS, BRACING OR MATERIAL, TO BE SUBMITTED TO REACTION OR CORROSION WITH THE TREATED LUMBER. CONSULT WITH TREATED LUMBER OR MATERIAL SUPPLIER FOR PROPER FASTENERS REQUIRED.

Ohio Residential Building Code 2013 RS502.21(2)
Lumber Spruce-Pine-Fir (SPF) #2 or equal, unless noted otherwise
Refer to roof truss shop drawings for layout and spacing of joist.

- | | |
|-----------|---|
| A | 2X10 rafters @ 16" o.c. |
| B | 2X8 rafters @ 16" o.c. |
| C | 2X6 rafters @ 16" o.c. |
| D | 2X10 ceiling joists @ 16" o.c.
Douglas fir select structural |
| E | 2X10 ceiling joists @ 16" o.c. |
| F | 2X8 ceiling joists @ 16" o.c. |
| G | 2X6 ceiling joists @ 16" o.c. |
| T1 | pre-engineered roof truss system
refer to mfg. shop drawings |
| T2 | pre-engineered roof truss system
attic type refer to mfg. shop drawings |
| T3 | pre-engineered roof truss system
scissor type OR modified
refer to mfg. shop drawings |
| TC | pre-engineered girder truss
refer to mfg. shop drawings |

Ohio Residential Building Code 2013 RS502.21(2)
Lumber Spruce-Pine-Fir (SPF) #2 or equal, unless noted otherwise
Refer to TJ floor joist shop drawings for layout and spacing of joists

- | | |
|----------|--|
| H | 14" TJI floor joists @ 12" o.c. with bracing per mfg. shop drawings. (series 560) |
| J | 14" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 560) |
| K | 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 560) |
| L | 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 360) |
| M | 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 230) |
| N | 11 7/8" TJI floor joists @ 16" o.c. with bracing per mfg. shop drawings. (series 210) |
| O | 2X12 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required. |
| P | 2X12 floor joists @ 16" o.c. double every other joist with 'x' bracing @ midspan or as required. |
| Q | (2) 2X12 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required. |
| R | 2X10 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required. |
| S | 2X10 floor joists @ 16" o.c. double every other joist with 'x' bracing @ midspan or as required. |
| T | (2) 2X10 floor joists @ 16" o.c. with 'x' bracing @ midspan or as required. |
| U | 2X10 treated floor joists @ 16" o.c. with 'x' bracing @ midspan or as required. |















* LV's denote laminated veneer lumber sections with section depths indicated on plan.

- * all lv's are 1 3/4" wide typical.
- * all lv's are flush with floor framing u.n.o

typical header u.n.o

- * (2) 2"x10" with 1/2" plywood spacer for 2"x4" walls.
- * (3) 2"x10" with 1/2" plywood spacer for 2"x6" walls.

* unless noted otherwise, 4'-0" openings shall have 1 jamb & 1 king stud each side. openings over 4"-0" shall have 2 jamb & 2 king studs each side.

- block all posts & multi stud posts to solid support below. multi stud posts shall be glued & nailed.
- * all columns to be laterally braced full length.
- | | | | |
|---|-------|---|---|
|  | 3/2x4 |  | 5/2x6 |
|  | 4/2x4 |  | 6/2x6 |
|  | 5/2x4 |  | 6x6 |
|  | 6/2x4 |  | 3 1/2" x 5 1/4" PSL |
|  | 4x4 |  | 5 1/4" x 5 1/4" PSL |
|  | 3/2x6 |  | 1" dia. adjust. 11 gauge steel column with 1/2" bearing plate bolted to sound bearing |
|  | 4/2x6 |  | 3" dia. adjust. schd. 40 steel column with 1/2" bearing plate bolted to sound bearing |

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STREAMLINE DESIGNS

The Benchmark of Residential Design and Construction Documents

leropoli Residence

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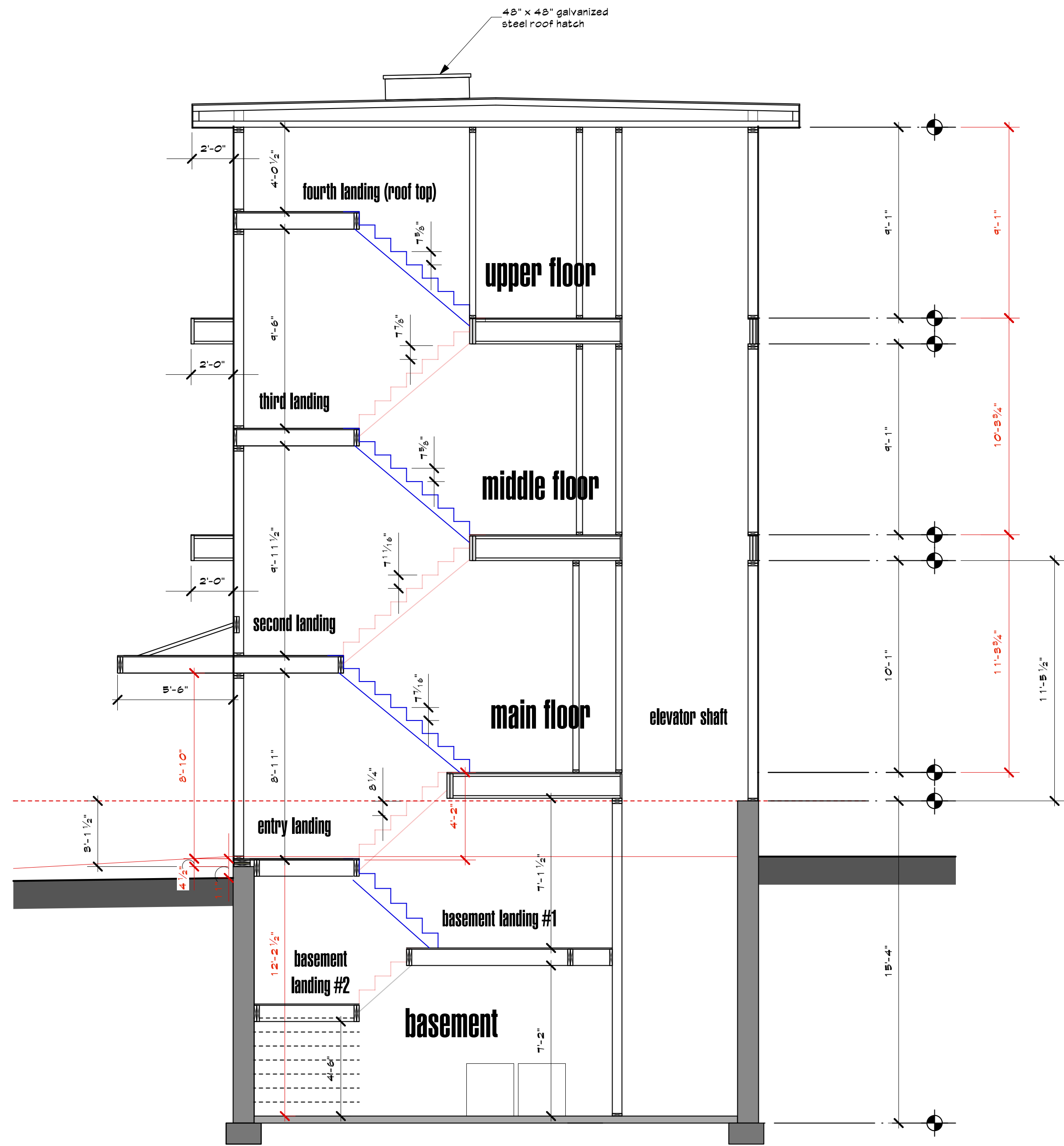
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SHEET

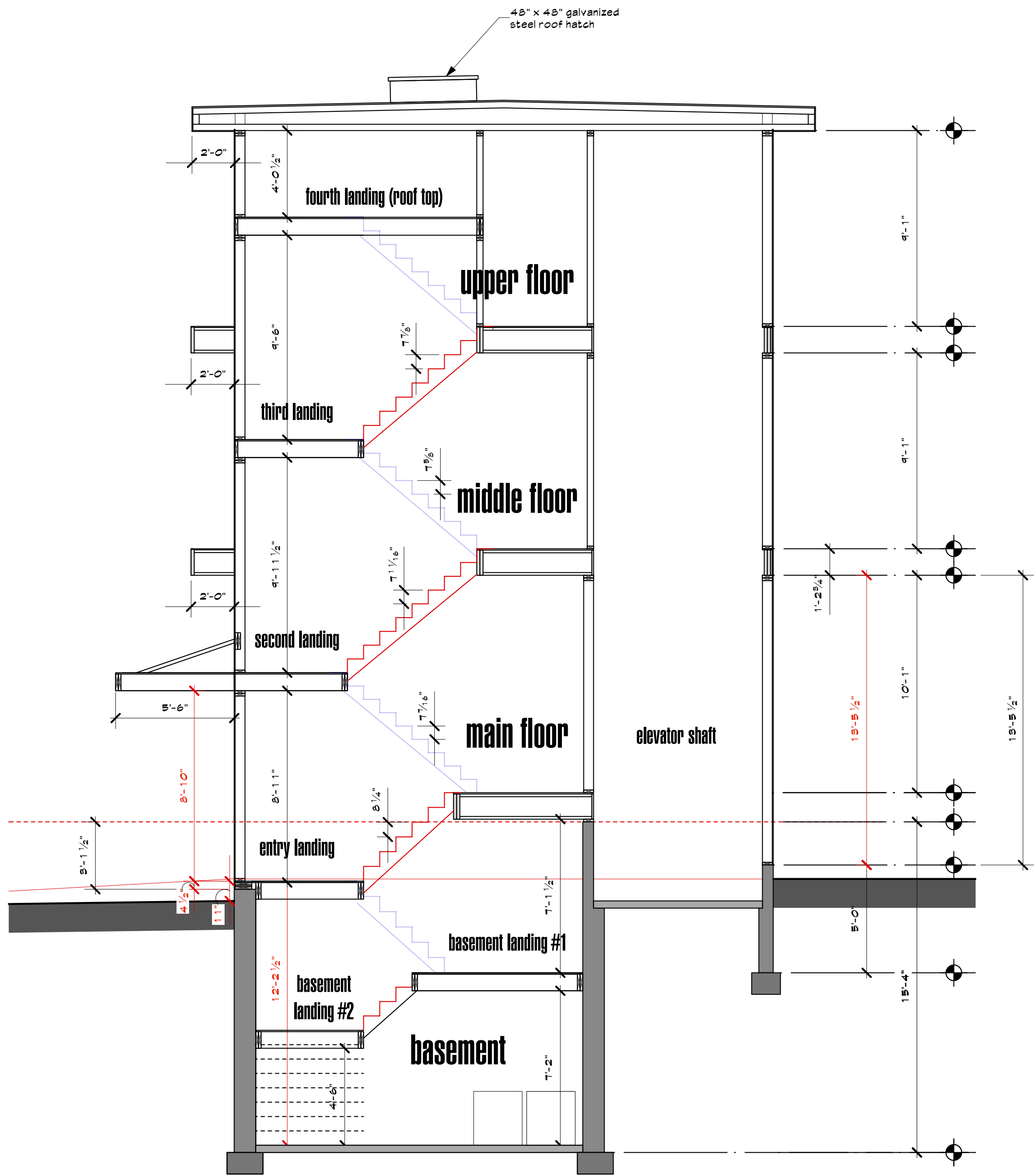
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A-5



section "A"

scale 1/4" = 1'-0"

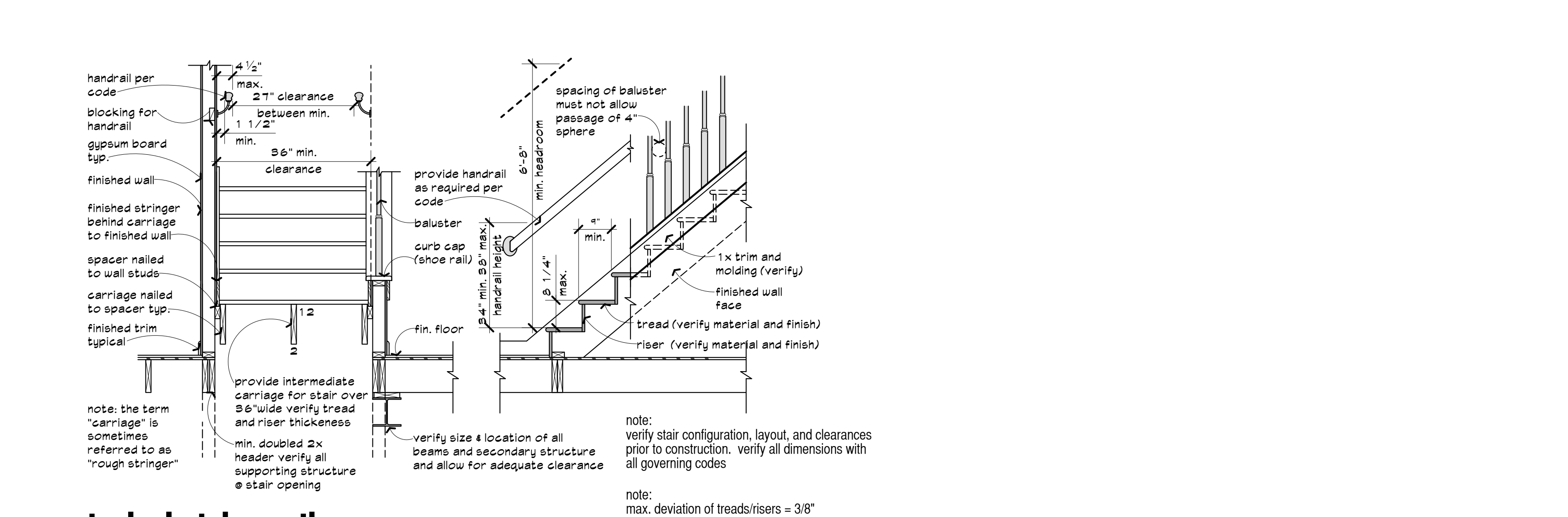


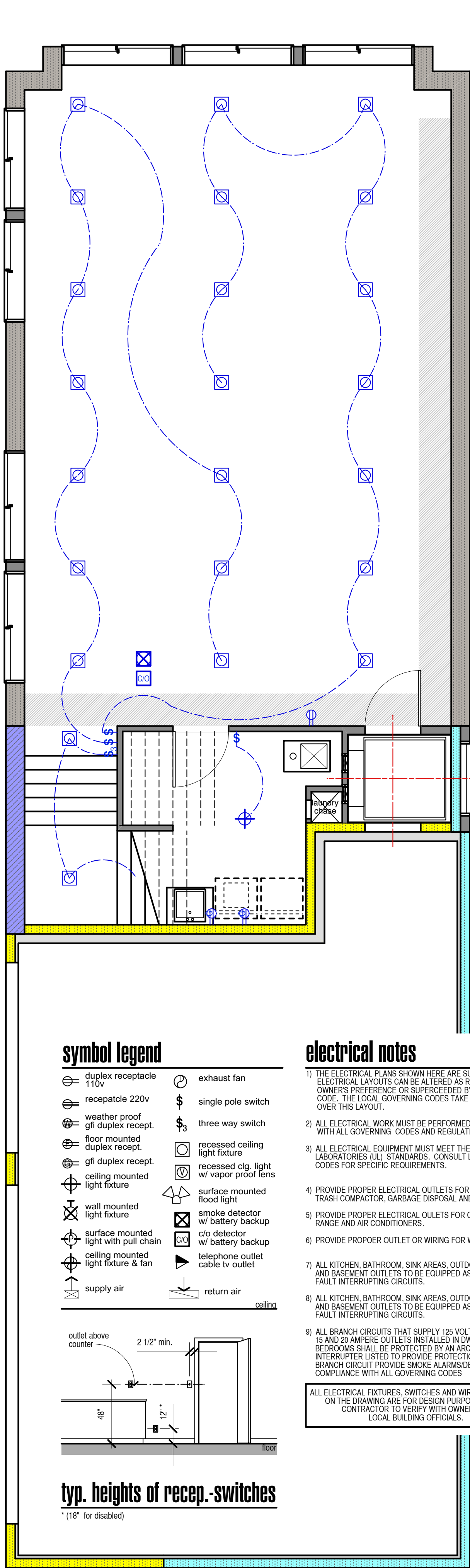
section "B"

scale 1/4" = 1'-0"



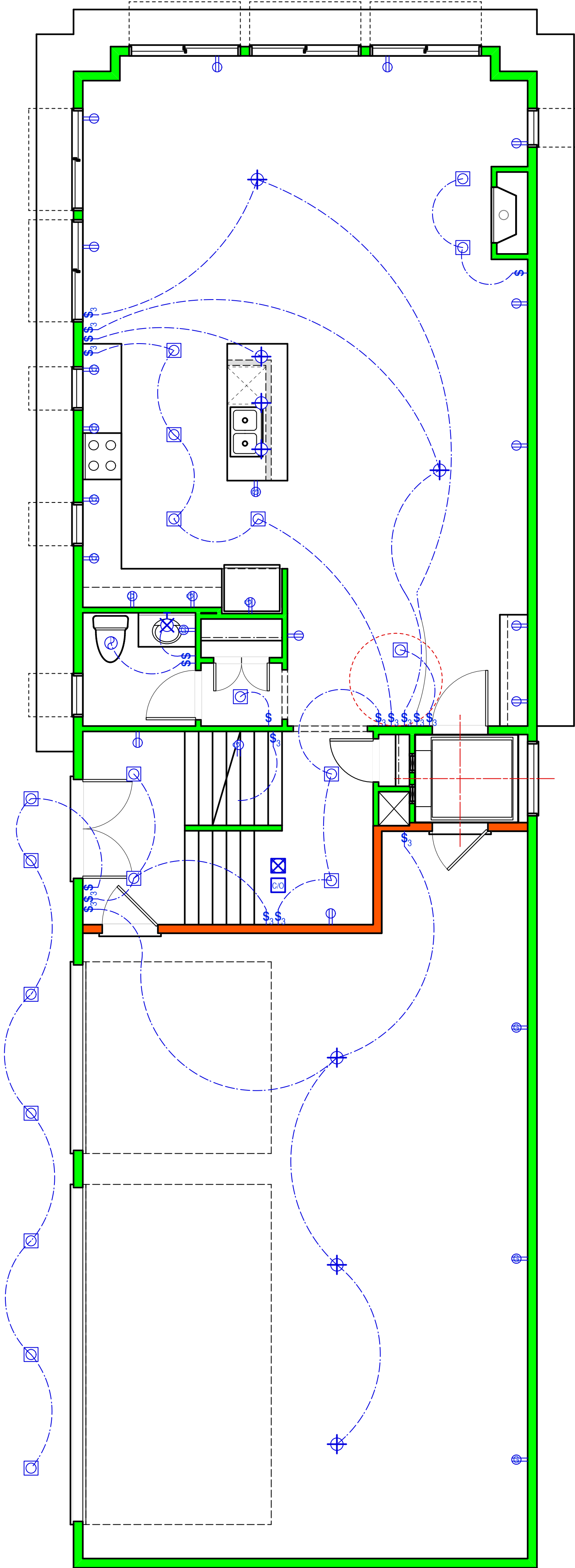
Ieropoli Residence





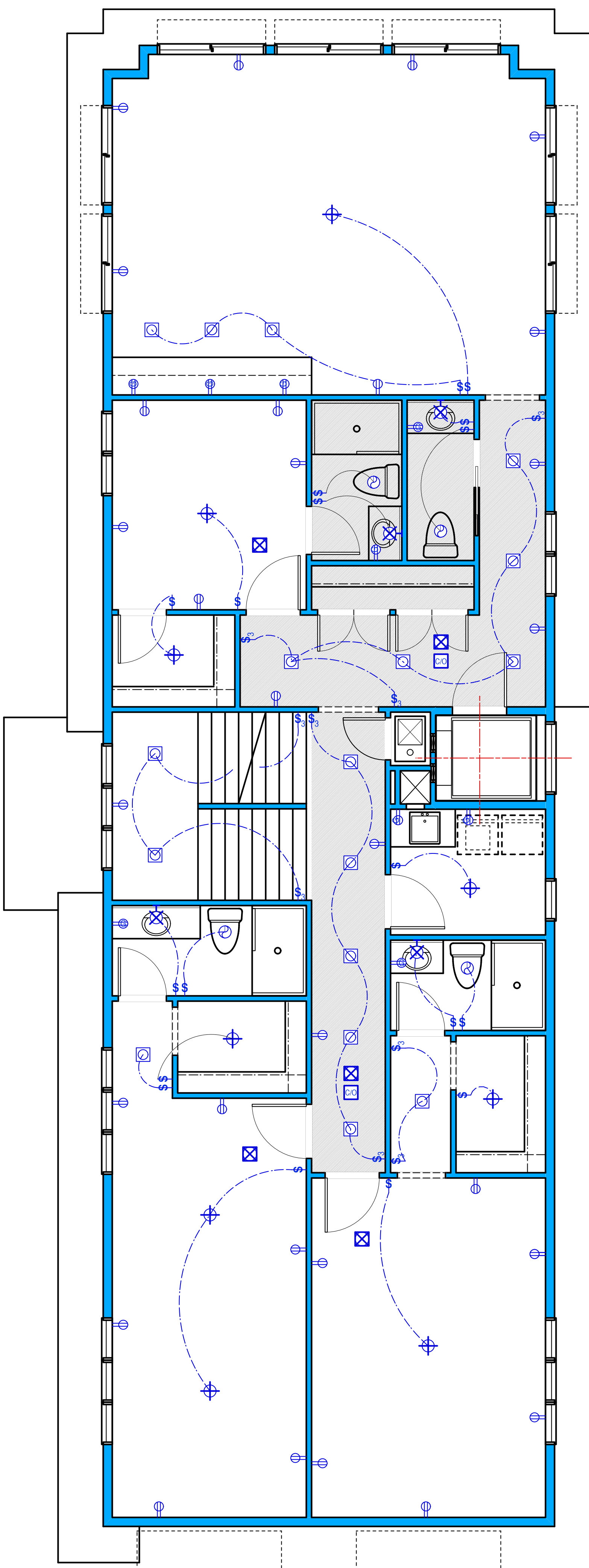
basement electrical plan

scale 1/4" = 1'-0"



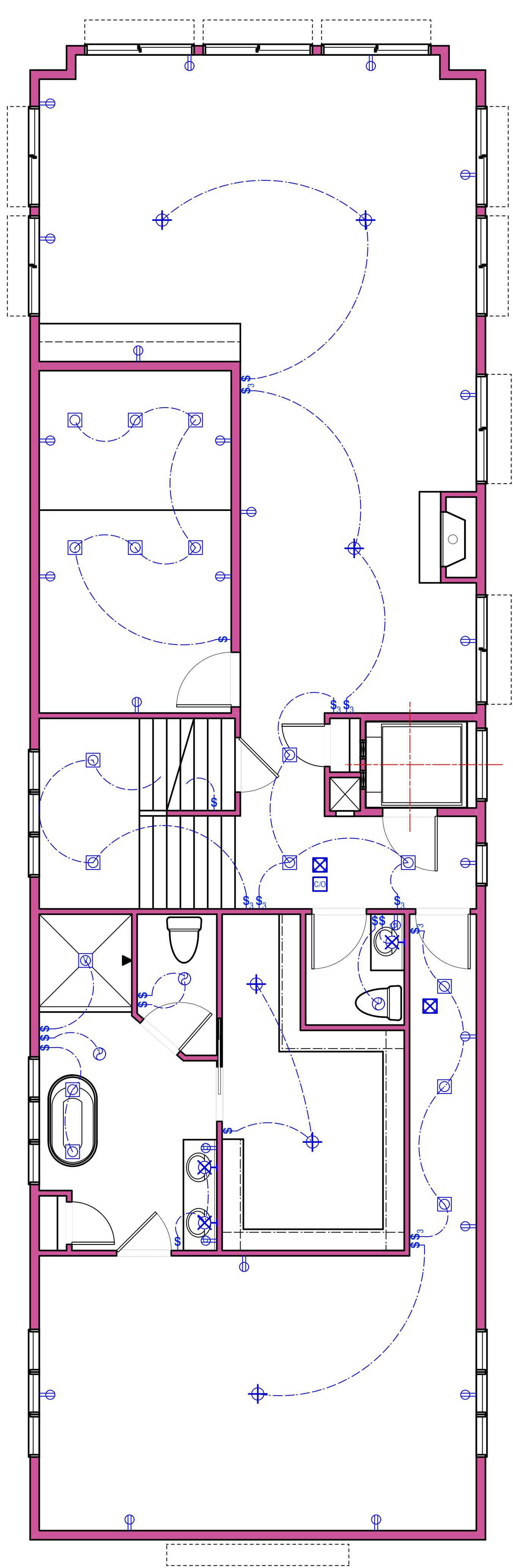
main floor electrical plan

scale 1/4" = 1'-0"



middle floor electrical plan

scale 1/4" = 1'-0"



upper floor electrical plan

scale 1/4" = 1'-0"

REPORT – ZBA CASE 25-5



TO: Avon Lake Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 25-5 (AREA VARIANCE – 603 SOUTH PORT DR)
MEETING: March 26, 2025

Nate Ploskonka requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 603 South Port Drive (single-family residence).

PROPERTY DESCRIPTION:

603 South Port Drive is a single-family home located at the northeast corner of the South Port Drive and Millside Lane intersection. The property is located towards the southeasternmost section of the South Port Development, south of Walker Road.



Figure 1: Lorain County Auditor GIS – Spring 2024 Aerial

The property is zoned PUD, and all surrounding properties contain (or will contain) single-family homes. The properties to the north, south, and west share the same PUD zoning. Properties to the east are zoned R-1A single-family residence.

VARIANCE REQUESTED:

The applicant requests one area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* at 603 South Port Drive (single-family residence). The request would permit permanent 4' tall fencing to encroach the front yard along Millside Lane.

ANAYLSIS & DISCUSSION:

The property is a corner lot and has two front yards. Code identifies corner lots as a lot having street frontage on two intersecting streets (1226.01(e)(6)). The primary frontage is along South Port Drive, and the secondary frontage is along Millside Lane. Because of the two front yards, the rear yard directly abuts the front yard along Millside Lane.

The applicant is proposing a 4' tall black ornamental aluminum fence to enclose their rear yard, side yard, and a 39.5'x61.35' 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 front yard as 3', 4' in a side yard, and 6' in a rear yard.

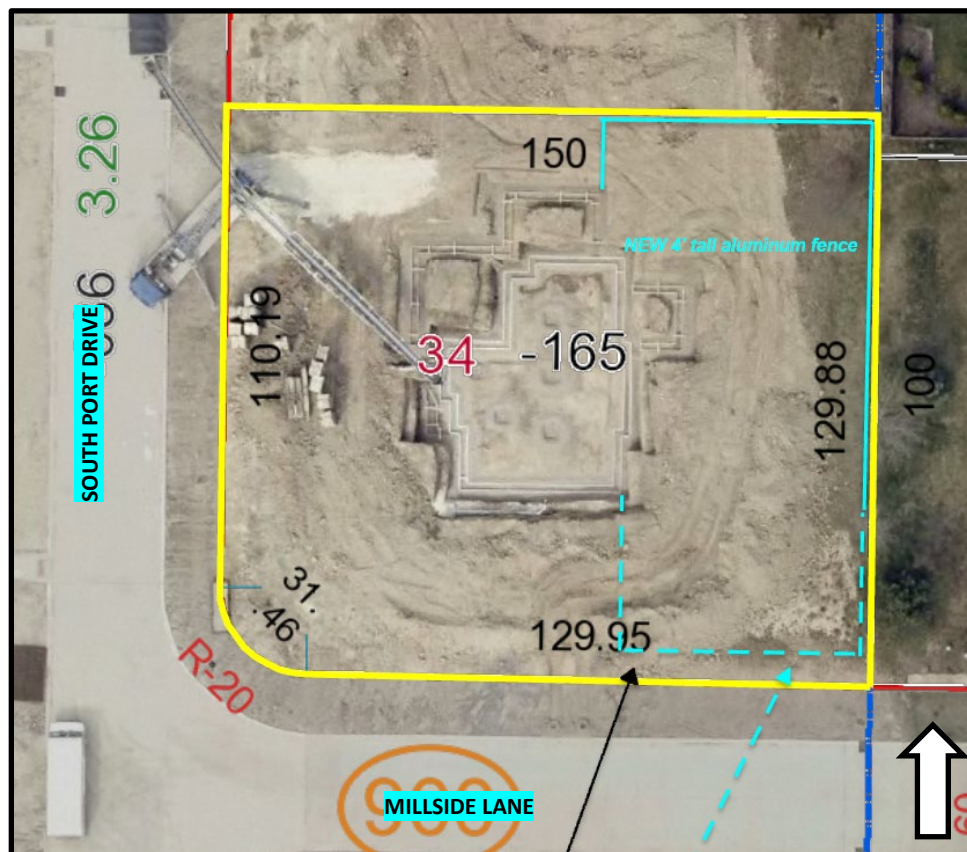


Figure 2: Site Plan – Applicant Provided – CAV 25-5

The proposed fence is shown one foot off the sidewalk. It is normal to have fences placed at least 2' off the sidewalk to provide adequate usage and spacing for pedestrians on the sidewalk. Placing the fence this close to the sidewalk may create an issue and provide for unsafe situations or conditions. The fencing is compliant in the side and rear yard but exceeds the maximum height requirement in the front yard by

one foot. The Community Development recommends that if the Board decides to grant the variance, they do so with the condition that the applicant adjust the fence to be at least 2' off the back of the sidewalk.

On there property, there is a 12' utility easement granted to the Illuminating Company, Columbia Gas of Ohio, Centurylink of ohio, CATV Facilities, their successors and are assigned as the grantees of the easement. This is not an easement granted to the city of Avon Lake. This easement is located on both fronts of the property. The easement starts at the back of the sidewalk, which is the front property line and extends 12' into the property. This easement is extended throughout the entire subdivision and is not unique to this individual property.

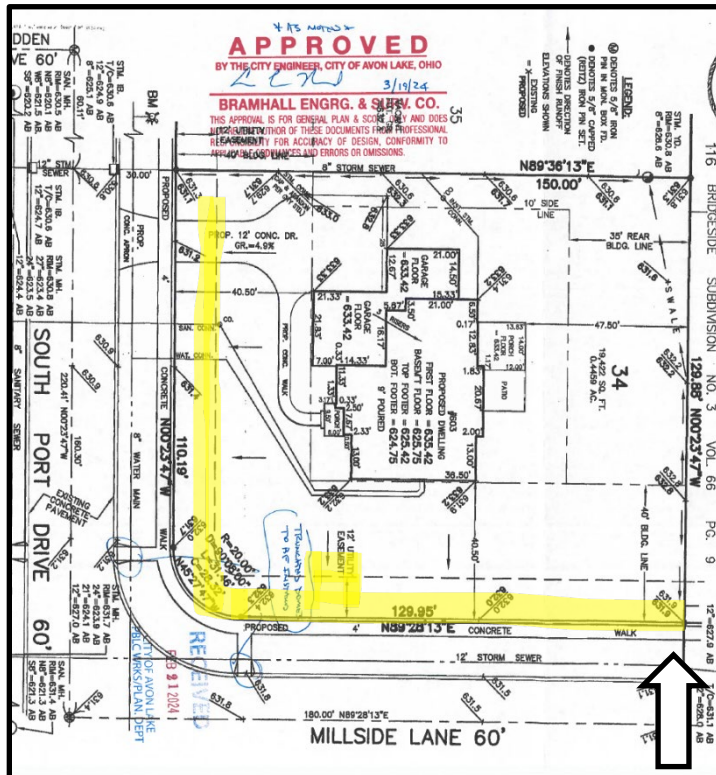


Figure 2: Topo – Approved Grading Permit – 026-24

The applicant proposes the fencing to encroach 11' into the easement. The easement note on the final plat does not prohibit landscaping or structures from being in the easement. However, the easement language puts the responsibility and the liability on the property owner if anything is damaged, needs moved, etc., for any maintenance inside of the easement. The city cannot permit the installation of the fence in the easement without the written permission of the easement grantees (per 1226.03(b)(9)). The Community Development recommends that if the Board decides to grant the variance, they do so with the condition that the applicant obtains the proper approvals from the applicable grantees of the easement to permit the fence encroachment into the 12' utility easement.

The Community Development Department has looked at the proposed fence location for sight line impacts at both sides of the intersection. The proposed fence is of an open-style design and runs south off the southeastern corner of the home. Because of this there is no expected visual impairments for vehicles turning left onto Millside Lane. There is also a stop sign for vehicles heading west and the fence would not have any implications.

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. As mentioned above, the applicant shall coordinate with the proper utility providers and Ohio 811 ("Call Before You Dig") to confirm that the fencing does directly impact any underground utilities.

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 25-5, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls*, permitting 4' tall fencing to encroach the front yard along Millside Lane (as depicted and/or amended) at 603 South Port Drive.

Please state any conditions.

POTENTIAL CONDITIONS OF APPROVAL:

1. The 4' tall fencing along Millside Lane should be setback at a minimum of 2' from the back of the sidewalk.
2. In order for the fence to encroach into the 12' utility easement along Millside Lane, the applicant shall obtain written approvals from the applicable grantees of the easement permitting the encroachment. This approval shall be provided at the time of a Building Permit application.

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and various plans. 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.

ATTACHMENTS:

1. Copy of Code Section(s)
2. Aerial Views of the Property
3. Copy of ZBA Application
4. Copy of Plans

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.~~

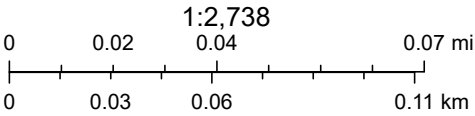
~~(3) Snow Fencing~~

- ~~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.~~

603 SOUTHPORT DRIVE



3/21/2025, 10:59:45 AM





CAV-25-5

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/11/2025





Primary Location

603 SOUTH PORT DR
AVON LAKE, OH 44012

Owner

SKUGGEN THOMAS G & SKUGGEN
BRIDGET S
603 SOUTH PORT DR AVON LAKE, OH
44012

Applicant

 Nate Ploskonka
 216-714-3337
 nate@wiler.org
 10228 Station Rd
Columbia Station, Ohio 44028

Applicant Information

Applicant Role*

Contractor

Name*

Wiler Fence Company

Address*

10228 Station Rd

City*

Columbia Station

State*

OH

Zip*

44028

Telephone*

2167143337

Email Address*

nate@wiler.org

Property Owner Information

Same as Applicant

☐

Name*

Tom Skuggen

Address*

603 South Port Dr

City*

Avon Lake

State*

Ohio

Zip*

44012

Telephone*

440-541-6552

Email Address*

tskuggen55@gmail.com

Request Information

 Code Section(s)

 # of Variance Requested


—

Specific Details of Variance Request*

Owner requests variance to install a 4' tall ornamental aluminum fence in side/front yard up to sidewalk (1' variance for height of fence). Side/front yards are only allowed to have a 3' tall fence, but owner has dogs and kids currently (4' is necessary for safety etc) and potentially a pool in the future. So, they request a variance to install the 4' tall fence.

Signature

Applicant Signature*


 Nate Ploskonka
Mar 11, 2025

Authorization for Property Access

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

Grant

Signature*

 Tom Skuggen
Mar 11, 2025

Any dog(s) on property?*

Yes

Daytime Phone Number*

440-541-6552

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;*

Corner lot - requirements for height of fence and location

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;*

usable yard space will be drastically reduced if a fence with proper 4' height is not allowed

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

1' variance is a minimal request

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;*

character of neighborhood would not be altered.

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

would not affect 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);*

na

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

not alleviated without the variance

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

na

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*

na

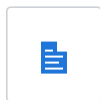
J. Whether a literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.*

other corner lots have been granted similar variance

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

Thank you for your service.

Attachments



Plot Plan Drawn to Scale

Fence Site Plan - 603 South Port.pdf

Uploaded by Nate Ploskonka on Mar 11, 2025 at 12:58 PM

REQUIRED



Elevations of Proposed Construction (if applicable)

EFF-20 Black 4 ft tall.jpg

Uploaded by Nate Ploskonka on Mar 11, 2025 at 12:59 PM





J.Craig Snodgrass, CPA, CGFM

Lorain County Auditor



Basic Search ▼

Advanced Search ▼

Select

Sales

Layers

More...



Fence 1' from sidewalk

Dashed lines represent area 1' height variance needed



40ft

[Click here for Legal Disclaimer](#)

HIDDEN
COVE 60'
APPROVED
BY THE CITY ENGINEER, CITY OF AVON LAKE, OHIO
3/19/24

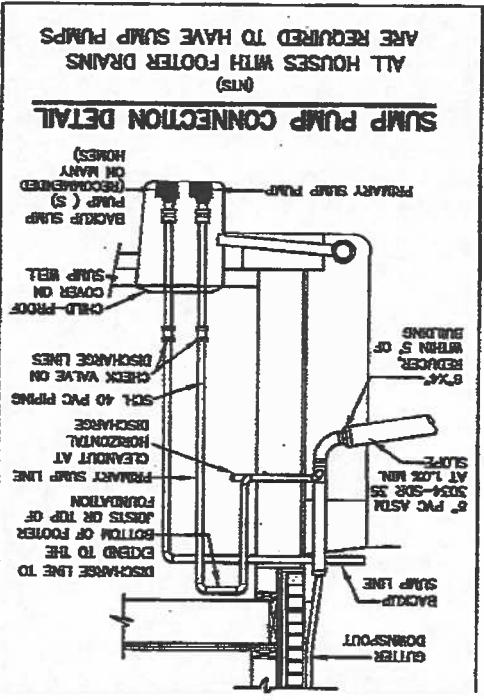
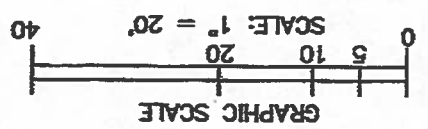
BRAMHALL ENGRG. & SURV. CO.
THIS APPROVAL IS FOR GENERAL PLAN & SCOPE ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THESE DOCUMENTS FOR PROFESSIONAL REASONING FOR ACCURACY OF DESIGN, CONFORMANCE TO APPLICABLE CODES AND STANDARDS OR OMISSIONS.

35
34
116
BRIDGE
SUBDIVISION NO. 3
VOL. 66
PG. 9
129.88' N0023.47' W
129.95' N0023.47' W
110.19' N0023.47' W
60' SOUTH PORT DRIVE
60' SANITARY SEWER
8" WATER MAIN
PROPOSED
CONCRETE
WALK
4' NB92813'E
12' STORM SEWER
180.00' NB92813'E
MILLSIDE LANE 60'

LEGEND:
● PIN IN MON. BOX FD.
○ DENOTES 5/8" IRON
● DENOTES 5/8" CAPED
(REITZ) IRON PIN SET.
→ DENOTES DIRECTION
OF FINISH RUNOFF
ELEVATIONS SHOWN
= X EXISTING
PROPOSED



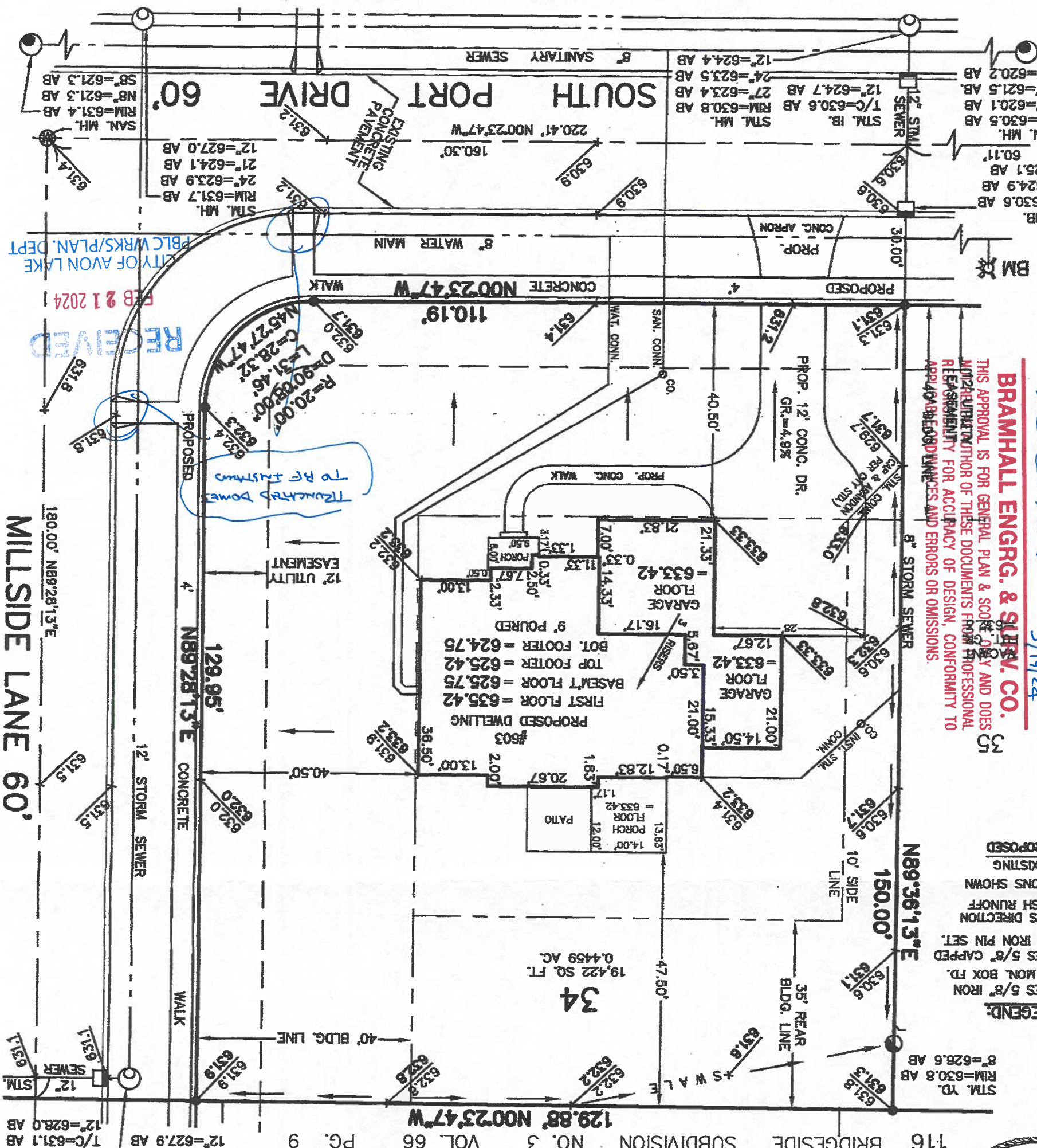
SCALE 1" = 20'
BY
PRES.
THE HENRY G. REITZ ENGINEERING CO.
4214 ROCKY RIVER DR., CLEVELAND OH. 44135
PH: (216) 251-3033 EMAIL: REITZ@REITZENG.COM
BY
KOPF BUILDERS
#420 AVON BELDEN RD.
AVON LAKE, OHIO 44012
PHONE (440) 933-6908
RECORDED IN VOL. 112, PG. 62-64
IN
SOUTH PORT SUBDIVISION NO. 2
#603 SOUTH PORT DRIVE
P.P.N. 04-00-029-101-165
SUBLOT NO. 34
OF
SOUTH PORT SUBDIVISION NO. 2



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

CONTRACTOR TO
INSTALL SUMP PUMP
AND GRINDER PUMP.
2% SWALES USED WHEN
POSSIBLE FOR LOT.

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



RECEIVED
FEB 21 2024
CITY OF AVON LAKE
PUBLIC WORKS/PLAN. DEPT.

REPORT – ZBA CASE 25-8



TO: Avon Lake Zoning Board of Appeals
FROM: Austin Page, Planning & Zoning Manager
SUBJECT: CAV 25-5 (AREA VARIANCE – 31952 HIDDEN COVE)
MEETING: March 26, 2025

Andrew Mitro requests an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* at 31952 Hidden Cove (single-family residence).

PROPERTY DESCRIPTION:

31952 Hidden Cove is a single-family home located at the northwest corner of the Hidden Cove and South Port Drive intersection. The property is located towards the southeasternmost section of the South Port Development, south of Walker Road.



Figure 1: Lorain County Auditor GIS – Spring 2024 Aerial

The property is zoned PUD. All of the surrounding properties share the same PUD zoning and contain (or will contain) single-family homes.

VARIANCE REQUESTED:

The applicant requests one area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls* at 31952 Hidden Cove (single-family residence). The request would permit permanent 4' tall fencing to encroach the front yard along Hidden Cove

ANAYLSIS & DISCUSSION:

The property is a corner lot and has two front yards. Code identifies corner lots as a lot having street frontage on two intersecting streets (1226.01(e)(6)). Even though the home has a Hidden Cove address, the home fronts South Port Drive where it has its primary frontage. The secondary frontage is along Hidden Cove. Because of the two front yards, the rear yard directly abuts the front yard along Hidden Cove.

The applicant is proposing a 4' tall black ornamental aluminum fence to enclose their rear yard, side yard, and a 32'x74' portion of the front yard along Hidden Cove. Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls in Residential Districts* states that maximum height of a fence in front yard as 3', 4' in a side yard, and 6' in a rear yard.

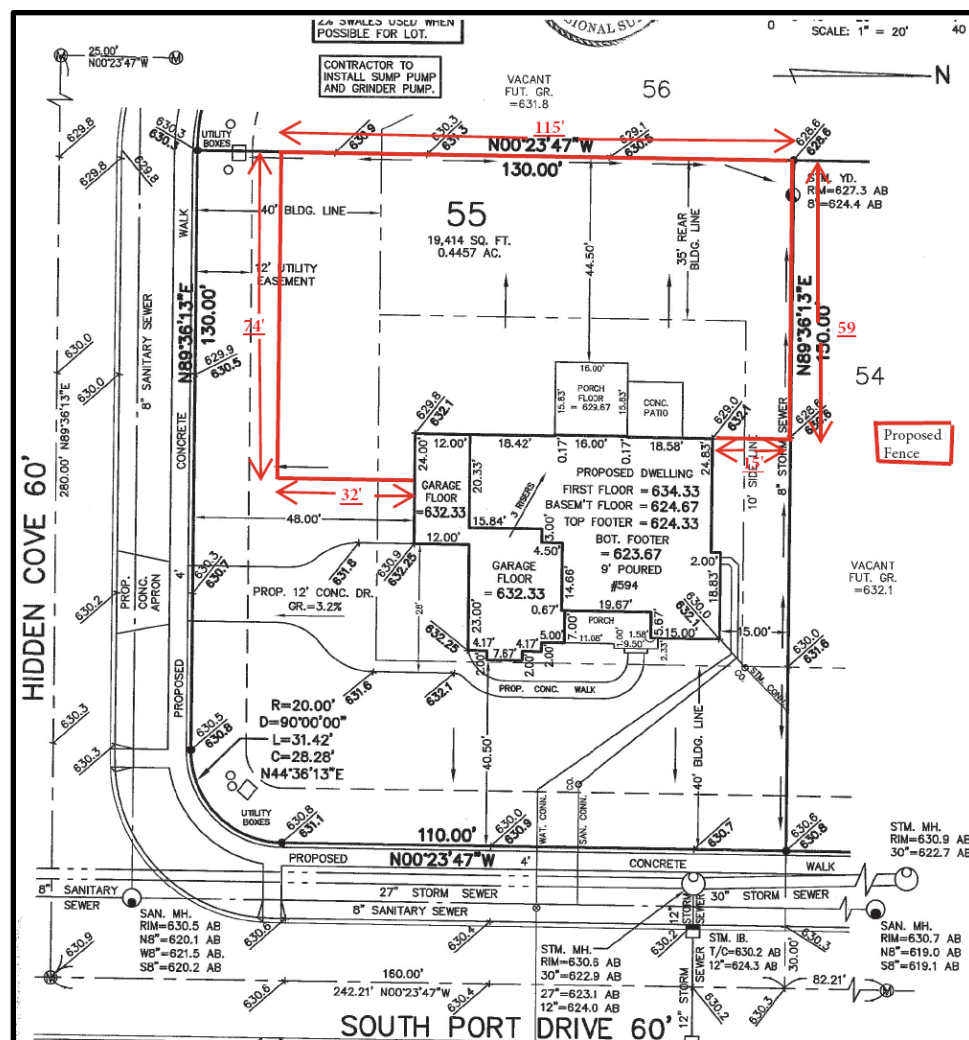


Figure 2: Site Plan – Applicant Provided – CAV 25-8

The proposed fence is planned to encroach 32' into the front yard along Hidden Cove and will be setback approximately 16' from the front property line (back of sidewalk). The fencing is compliant in the side and rear yard but exceeds the maximum height requirement in the front yard by one foot.

Staff has looked at the proposed fence location for any potential sight line issues. The proposed fence is of an open-style design and runs south off the southwestern corner of the home. The fence is setback approximately 16' from the front property line. At both sides of the intersection, the fence is setback enough to not cause for concern for motorists or pedestrians.

There is a 12' utility easement along the front of the eproperty that is not impacted by this variance request.

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.

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 25-8, an area variance to Planning & Zoning Code Section 1226.03 (d)(2) *General Development Standards – Fences and Walls*, permitting 4' tall fencing to encroach the front yard along Hidden Cove (as depicted and/or amended) at 31952 Hidden Cove.

Please state any conditions.

ADDITIONAL INFORMATION:

The applicant has supplied written responses to the Area Variance Review Criteria and various plans. 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.

ATTACHMENTS:

1. Copy of Code Section(s)
2. Aerial Views of the Property
3. Copy of ZBA Application
4. Copy of Plans

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.

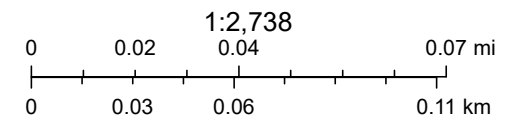
(3) Snow Fencing

- 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.

31952 HIDDEN COVE



3/21/2025, 11:04:30 AM





CAV-25-8

Area Variance Application (ZBA)

Status: Active

Submitted On: 3/11/2025





Primary Location

31952 HIDDEN COVE
AVON LAKE, OH 44012

Owner

MITRO ANDREW & MITRO GOLDENSE
31952 HIDDEN COVE AVON LAKE, OH
44012

Applicant

 Andrew Mitro
 440-666-3889
 amitro59@gmail.com
 31952 HIDDEN COVE
Avon Lake, OH 44012

Applicant Information

Applicant Role*

Home Owner

Name*

Andrew Mitro

Address*

31952 HIDDEN COVE

City*

Avon Lake

State*

OH

Zip*

44012

Telephone*

4406663889

Email Address*

amitro59@gmail.com

Property Owner Information

Same as Applicant



Request Information

 Code Section(s)

 # of Variance Requested

—

Specific Details of Variance Request*

I live at 31952 Hidden Cove within the South Port subdivision. My lot is on the northwest corner of South Port Drive and Hidden Cove, with Hidden Cove being a cul-de-sac with eight homes. As my house is on a corner, I was informed that for zoning purposes I have two front yards, and I am limited to a three-foot tall fence within the area designated as my second front yard that is along the side and back of my house along Hidden Cove. I am respectfully requesting an area variance that would allow me to place a fence that is four feet tall in my side yard, which is currently considered a front yard. The supporting reasons for my request include:

1. Lot/Yard Utilization: This variance would allow me to fully utilize my back and side yards bordering Hidden Cove. My plan is to extend my fence from my back yard into my side yard, adding 74 feet of fence along Hidden Cove and adding approximately 2,300 square feet of usable yard within the fenced in area. We currently have a large patio in the back of the house that spans a bit into the side yard on Hidden Cove, this variance would also allow us to more properly fence in the yard for the utilization of the patio.

2. Family Safety: Approving this area variance request allows me to put in the four-foot-high fence around my entire back yard, keeping my dog and young child within my yard safely. I am afraid that if I were to use a three-foot high fence in the side yard (which is currently designated as a front yard) they could more easily get over the fence and out of our yard. Additionally, I have a retention pond to the northwest of my lot and this consistent four-foot fence height will allow me to keep both my dog and child safely in my yard and away from the pond.

3. Neighborhood Safety: The fence I am proposing does not add any danger to my neighbors walking or operating a motor vehicle on South Port Drive or Hidden Cove. The proposed fence will not be in the front yard of my home that borders South Port Drive and will start at least 75 feet away from the intersection of South Port Drive and Hidden Cove, allowing for anyone turning from Hidden Cove to South Port (or vice-versa) to be able to safely turn without any visual obstruction from my proposed fence. The fence I am proposing is in compliance with all easements on my property as well. The utility easement is 12 feet from my sidewalk on Hidden Cove. The fence I am proposing will stop 16 feet from the sidewalk, keeping the fence off of the easement.

4. Future Plans: My wife and I plan to put a pool in our yard at some point in time and would like to create as big of a fenced-in yard as possible when installing the fence this spring.

5. Prior Neighborhood Variance Approval: Two of my fellow neighbors within the South Port subdivision have been approved for the same area variance request that I am making today. The addresses of my neighbors are 31951 Hidden Cove (directly across the street from my home) and 31933 Bimini Ct.

Thank you very much for your time and consideration of my Area Variance request. I am happy to answer any questions you may have and/or provide any further information you may need while considering my request.

Signature

Applicant Signature*

✓ Andrew Mitro
Mar 11, 2025

Authorization for Property Access

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

Grant

Signature*

✓ Andrew Mitro
Mar 11, 2025

Any dog(s) on property?*

Yes

Daytime Phone Number*

4406663889

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;*

I believe that my lot being a corner lot and designated to have two "front" yards is a special circumstance that is peculiar to my lot and not applicable generally when compared to my neighbors. The area for which I am requesting the variance would be considered a "side" or "back" yard for many of my neighbors and would not be subject to the "front" yard fence height restriction. The area I am requesting the variance for is separated from the front of my house by the driveway, creating a clear separating line from the "front" yard bordering South Port Drive and my "back" and "side" yard that border the Hidden Cove cul-de-sac.

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 my usable, fenced in yard will be significantly reduced and lower the return on my home value. Additionally, future plans my family has for our back yard - such as adding a pool, space to play for my child and dog, and the safety of keeping everyone in the yard via the fence - would all be negatively impacted.

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

I believe that the requested variance is the minimum necessary to make possible the reasonable use of the land and structures. This variance would allow me to fully utilize my back and side yards bordering Hidden Cove in a similar way to how my neighbors use their back and side yards. My plan is to extend my fence from my back yard into my side yard, adding 74 feet of fence along Hidden Cove and adding approximately 2,300 square feet of usable yard within the fenced in area. We currently have a large patio in the back of the house that spans a bit into the side yard on Hidden Cove, this variance would also allow us to more properly fence in the yard for the utilization of the patio.

Approving this area variance request also allows me to put in the four-foot-high fence around my entire back yard, keeping my dog and young child within my yard safely. I am afraid that if I were to use a three-foot high fence in the side yard (which is currently designated as a front yard) they could more easily get over the fence and out of our yard. Additionally, I have a retention pond to the northwest of my lot and this consistent fence height will allow me to keep both my dog and child safely in my yard and away from the pond.

Lastly, my wife and I plan to put a pool in our yard at some point in time and would like to create as big of a fenced-in yard as possible when installing the fence this spring.

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;*

I do not believe that the essential character of the neighborhood would be substantially altered or that any adjoining properties would suffer substantial detriment as a result of the variance. My HOA governs which type of fence is acceptable and my fence would be in compliance with all HOA guidelines. Additionally, two of my neighbors have requested the same area variance and have been approved. Approving my area variance request keeps me in-line with the character of their properties. The addresses of my neighbors are 31951 Hidden Cove (directly across the street from my home) and 31933 Bimini Ct.

The fence I am proposing also does not add any danger to my neighbors walking or operating a motor vehicle on South Port Drive or Hidden Cove. The proposed fence will not be in the front yard of my home that borders South Port Drive and will start at least 75 feet away from the intersection of South Port Drive and Hidden Cove, allowing for anyone turning from Hidden Cove to South Port (or vice-versa) to be able to safely turn without any visual obstruction from my proposed fence. The fence I am proposing is in compliance with all easements on my property as well. The utility easement is 12 feet from my sidewalk on Hidden Cove. The fence I am proposing will stop 16 feet from the sidewalk, keeping the fence off of the easement.

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

I do not believe the requested area variance would adversely affect the delivery of governmental services such as water, sewer, or trash pickup. The fence I am proposing is in compliance with all easements on my property. The utility easement is 12 feet from my sidewalk on Hidden Cove. The fence I am proposing will stop 16 feet from the sidewalk, keeping the fence off of the easement.

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

I do not believe there are any special conditions or circumstances that exist as a result of my actions.

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

I do not believe that the predicament can be obviated through some method other than a variance. Without the variance we cannot fully utilize our yard and will lose the safe usage of a large portion of our lot due to a lack of a fence of an appropriate height.

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

I believe that the spirit and intent behind the zoning requirement will be observed, and substantial justice done, by granting the requested area variance. I will not be putting any fence in the front yard of my home, which is in-line with the spirit and intent of the zoning requirement. My lot is unique in that it has two "front" yards due to being on a corner. The area in which I am requesting the area variance would be considered a "back" or "side" yard for any of my neighbors, which would allow for a four-foot-high fence.

I believe that the variance I am requesting also is in-line with the safety targets of the current zoning. The fence I am proposing does not add any danger to my neighbors walking or operating a motor vehicle on South Port Drive or Hidden Cove. The proposed fence will not be in the front yard of my home that borders South Port Drive and will start at least 75 feet away from the intersection of South Port Drive and Hidden Cove, allowing for anyone turning from Hidden Cove to South Port (or vice-versa) to be able to safely turn without any visual obstruction from my proposed fence. The fence I am proposing is in compliance with the HOA requirements and all easements on my property as well. The utility easement is 12 feet from my sidewalk on Hidden Cove. The fence I am proposing will stop 16 feet from the sidewalk, keeping the fence off of the easement.

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*

The granting of the variance will not confer any special privilege to my family that is denied by this regulation to other lands, structures, or buildings in the same district. Two of my fellow neighbors within the South Port subdivision have been approved for the same area variance request that I am making today. The addresses of my neighbors are 31951 Hidden Cove (directly across the street from my home) and 31933 Bimini Ct. I believe that denying my variance request would negatively impact my lot when compared to my neighbors' lots and would give my neighbors a special privilege as they were granted this request.





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.*

I believe that the literal interpretation of the provisions of this code would deprive me of rights commonly enjoyed by other properties in the same subdivision under the terms of this code. My lot being a corner lot and designated to have two "front" yards instead of a "front" and "side" yard is not applicable generally when compared to my neighbors. The area for which I am requesting the variance would be considered a "side" or "back" yard for many of my neighbors and would not be subject to the "front" yard fence height restriction. The area I am requesting the variance for is separated from the front of my house by the driveway, creating a clear separating line from the "front" yard bordering South Port Drive and my "back" and "side" yard that border the Hidden Cove cul-de-sac.

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

Thank you very much for your time and consideration of my request. If approved, my family will have our fence installed and completed within the first two weeks of April, allowing us to plant the remainder of our yard and complete our landscaping before the end of April. I believe that fencing in my yard will provide the optimal use of my yard for my family and allow us to positively add to the aesthetic of the neighborhood through finishing the yard. I greatly appreciate your review and look forward to answering any questions you may have.

Attachments

	Plot Plan Drawn to Scale Mitro - Fence Proposal Site Map - March 2025.pdf Uploaded by Andrew Mitro on Mar 11, 2025 at 9:11 PM	REQUIRED
	Photographs of the Property and the Area Affected by the Variance Mitro - View of Side Yard Looking West - March 2025.jpg Uploaded by Andrew Mitro on Mar 11, 2025 at 9:11 PM	
	Mitro - Fence Proposal with Gates - March 2025.pdf Mitro - Fence Proposal with Gates - March 2025.pdf Uploaded by Andrew Mitro on Mar 11, 2025 at 9:12 PM	
	Mitro - View of Side Yard Looking East - March 2025.jpg Mitro - View of Side Yard Looking East - March 2025.jpg Uploaded by Andrew Mitro on Mar 11, 2025 at 9:12 PM	

2" SWALES USED WHEN POSSIBLE FOR LOT.

CONTRACTOR TO INSTALL SUMP PUMP AND GRINDER PUMP.

VACANT FUT. GR. = 631.8

SCALE: 1" = 20' 40

HIDDEN COVE 60'

