

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD JUNE 25, 2025**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on June 25, 2025, at 7:00 P.M. in Council Chambers with Chairperson Shook presiding.

ROLL CALL

Present for the call were Mr. Shook, Mr. Updegraff, Mr. Kilgore, Assistant Law Director Graves, and Planning & Zoning Manager Page.

Two members were absent: Mr. Renacci and Mrs. Slivinski.

Mr. Updegraff moved to excuse Mr. Renacci and Mrs. Slivinski. Seconded by Mr. Kilgore.

AYES: Updegraff, Kilgore, Shook

NAYES: None

ABSENT: Renacci, Slivinski

Motion to excuse was granted.

APPROVAL OF MINUTES

The minutes of April 30, 2025, were approved.

READING OF GENERAL CORRESPONDENCE

None

COMMENTS FROM THE DIRECTOR OF LAW

Assistant Law Director Graves described the procedures to be followed in the conduct of the meeting. Mr. Graves noted that it is the applicant's burden to establish what is called "practical difficulty" when seeking an area variance. In addition, all who testify are legally bound by any representations, in word or print, made to the Board.

OATH ADMINISTERED

As provided in Article IV (5)(a)(4) of the Zoning Board Rules, an oath was administered by the Assistant Director of Law to all members of the audience speaking at this meeting.

CASE CAV 25-12

REQUEST FOR A VARIANCE AT 154 NORMAN AVE - GRANTED

Ann Walters requested an area variance to Planning & Zoning Code Section 1224.01 (f)(5) Accessory and Temporary Use Regulations – Accessory Uses and Structures at 154 Norman Avenue (single-family residence).

Mr. Page outlined the case. single-family home, and a detached shed located in the rear yard. The lot is narrow at 40' wide. A paved driveway provides access to the property; however, there is no garage.

The existing home is approximately 28' wide, with the remaining 12' of lot width allocated to side yard setbacks, approximately 8' on the north side and 4' on the south.

The applicant proposes a 10'x15' carport over a portion of the existing driveway, approximately 6.5' from the northeastern corner of the home. The carport will be open on all four sides and will not extend beyond the north edge of the driveway, maintaining the driveway setback of 3'. The carport is height-complaint and shall be served by a paved driveway.

The applicant Ann Walters was present. She explained how she recently installed a new driveway and has been making improvements around the property to enhance the curb appeal of the home. She does not currently have a garage and is not able to do a detached carport or garage in the rear yard as the side setback does not allow a vehicle to pass through. Attaching a garage to the front of the home would impact the front yard setback.

Mr. Kilgore asked if the carport, if the structure is premanufactured or if there is something that would be installed.

Ms. Walters stated that the carport is a prefabricated metal structure that will be permanently installed and anchored.

Mr. Kilgore asked Mr. Page to confirm that at permitting the structure would be reviewed by the building department.

Mr. Page stated that Community Development reviews the aesthetic, height, and setbacks of the structure while Building will review how the structure is installed and anchored.

Mr. Kilgore moved to grant case CAV 25-12. Seconded by Mr. Updegraff.

No additional comments were made by Mr. Kilgore or Mr. Updegraff.

Mr. Shook stated that he has no issues with the request.

AYES: Updegraff, Kilgore, Shook

NAYES: None

ABSENT: Renacci, Slivinski

The area variance was granted.

COMMENTS FROM THE AUDIENCE

Deborah Beard, 197 Miller Road, (Avon Lake, OH 44012) stated she was sworn in. Mrs. Beard stated that she came before the Board on July 26, 2023, to discuss Case 23-14, in relation to the fence request at 139 Moore Road (Avon Lake, OH 44012). She informed the Board, at that time, that there were inconsistencies with what that property owner had said regarding his application. The fence variance was granted and the Chairman, at the time, called this a spite fence. On December 6, 2023, Mrs. Beard came back to the ZBA to inform them that the fence was being installed incorrectly. Pictures were provided to Law Director Ebert (Assistant Law Director Graves was absent) and she was informed this was an enforcement issue and not a ZBA issue.

Mrs. Beard asked the Commission if they did research on property before they looked at variance application. And if not, why not? Does the Chairman verify that a granted variance is done correctly? And if not, why not? Mrs. Beard continued, and if you are assuming that it was done correctly, there are issues. She stated that she has been fighting this for a long time. She further stated that the fence exceeds the 6' height variance that was granted.

Chairman Shook asked Mr. Page if he would like to address Mrs. Beard or if he should begin.

Mr. Page responded that he could start, and he will provide additional information if needed.

Chairman Shook stated that they the Board does its research. They are given a copy of the case, application, code sections and visit the property before the meeting.

Mr. Page stated that all approved variances are reviewed, checked, and verified. In relation to the fence, it is checked at permitting. The Building Department and inspectors are also notified of the variance.

Assistant Law Director Graves stated that this Board sets parameters. Based on practical difficulty and circumstances, relief from the code is given. It is then applied to the permit and up to the Community Development Department to make sure the proposal is within the boundaries set by the Board.

Mrs. Beard stated that she and Mr. Page disagreed on the fence and asked to whom else she should speak?

Mr. Page responded that she should continue her conversations with the Community Development Director, Ted Esborn.

Mrs. Beard thanked the Board for their time and with a last statement, wanted to let the board know that the fence has been installed incorrectly and exceeds the height of 6'.

KC Zuber, At Large Councilman for the City of Avon Lake, OH, 216 Moore Rd (Avon Lake, OH 44012) confirmed he was sworn in. Mr. Zuber provided the Board with photos of the fence and stated that he has been working with Mrs. Beard on this issue. Mr. Zuber stated that the fence is over the permitted height, has bolts sticking out and is installed incorrectly. The fence has different styles and a gate in the front that was not depicted on the plans.

Mr. Graves asked if either of the audience members are next door neighbors or adjacent property owners.

Mr. Zuber and Mrs. Beard both responded with a no.

Mrs. Beard stated that her husband's family used to own the property. It was the Beard homestead and that this specific parcel was separated from the homestead.

Mr. Graves stated that to have standing for an appeal, you would have an affected property owner. That would be a neighbor, adjacent, etc. You could appeal a decision from the Community Development Department to this Board, but it does not feel like there is any standing.

Mr. Zuber stated that it has been an ongoing issue and there are still outstanding issues to be addressed.

Mr. Page stated Ted Esborn, Dan Hamker (Building Inspector), and himself, met with the property owner, on site, on June 2nd. The outside of the fence matches the inside of the fence, which complies with code. The code only requires so much of the fence and not necessarily the aesthetics or finishes of the fence. Mr. Page stated that the horizontal elements of the fence are compliant and that the gate, although a little different, has the smooth side facing out and is also compliant. Mr. Page stated that the fence could be painted neon green or an unusual color and there is nothing in the code that would prohibit that from occurring.

Mr. Page continued by saying that the issue with the bolts and screws sticking out is not a Planning & Zoning Code issue. However, in a letter from our department, it was to be addressed. On June 2nd, the property owner did verbally confirm that he would take care of the hardware that is sticking out.

Lastly, Mr. Page stated that posts are allowed, per code, to extend an additional six inches above the max fence height.

There was no other follow up comments.

COMMENTS FROM BOARD MEMBERS AND STAFF

Mr. Updegraff stated that he will not be able to attend the July 23, 2025, as he will be out of town.

DISCUSSION

Chairman Shook stated that the next meeting will be held July 23, 2025.

ADJOURN

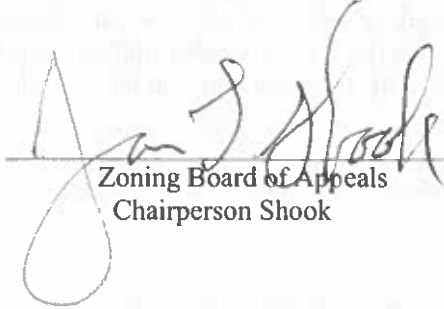
Mr. Updegraff moved to adjourn, and Mr. Kilgore seconded the motion.

AYES: Updegraff, Kilgore, Shook

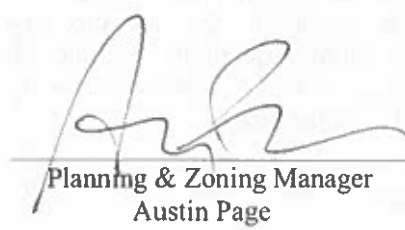
NAYES: None

ABSENT: Renacci, Slivinski

The meeting adjourned at 7:37 PM.



Zoning Board of Appeals
Chairperson Shook



Planning & Zoning Manager
Austin Page