

**MINUTES OF A MEETING OF THE
AVON LAKE ZONING BOARD OF APPEALS
HELD AUGUST 27, 2025**

A regular meeting of the Avon Lake Zoning Board of Appeals was called to order on August 27, 2025, at 7:00 P.M. in Council Chambers with Chairperson Shook presiding.

ROLL CALL

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

One member was absent: Mr. Updegraff

Mrs. Slivinski moved to excuse Mr. Updegraff. Second by Mr. Renacci.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

Motion to excuse Mr. Updegraff was granted.

APPROVAL OF MINUTES

The minutes of June 25, 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 25-13

REQUEST FOR AN AREA VARIANCE AT 254 YODER BLVD - TABLED

Gerald Brown requested an area variance to Planning & Zoning Code Section 1226.03 (d)(2) General Development Standards – Fences and Walls in Residential Districts at 254 Yoder Blvd (single-family residence).

Mr. Page stated that this application was tabled at the July meeting, and the applicants are seeking a variance to permit 6' tall fencing in both side yards. Mr. Page stated that the applicants are not present and asked that the Board decide what they wish to do with the application prior to re-outlining the case.

Mr. Graves stated that the Board will need to un-table the case before any action is taken. They will then have three options. Option one is to hear the case based on the application and written materials provided.

Option two would table the application to the next scheduled meeting. Or a third option would withdraw the application forfeiting all application fees, requiring the applicant to submit a new application if they wished to pursue this request.

Mrs. Slivinski moved to un-table case CAV 25-13. Second by Mr. Renacci.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

The case was un-tabled.

Mr. Shook moved to table case CAV 25-13 to the next scheduled meeting on September 24, 2025. Second by Mr. Renacci.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

The case was tabled to the September 24, 2025, meeting.

CASE CAV 25-14

REQUEST FOR AN AREA VARIANCE AT 767 LEAR RD - GRANTED

Joelle Magyar requested an area variance to Planning & Zoning Code Section 1234.21 (a) Parking, Access, and Mobility Standards - Maintenance at 767 Lear Rd (single-family residence).

Mr. Page stated that this application was tabled at the July meeting and will need to be un-tabled.

Mr. Renacci moved to un-table case CAV 25-14. Second by Mr. Kilgore

AYES: Renacci, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

RECUSED: Slivinski

The case was un-tabled.

Mr. Page outlined the case. The subject property is a corner lot with frontage on both Lear Rd and Krebs Rd. There is a new home under construction, previously approved and approaching completion. The applicant is seeking an area variance to waive the sidewalk requirement along the frontage on Lear Road and Krebs Road. The board did see this property waive the front setback requirement along Krebs Road to 25'. The city does not have an active sidewalk program to install sidewalks on existing properties. Sidewalks are fixed if they are damaged and the program is complaint based. These types of infill developments are where the city looks to install new sidewalks and add to the network.

Mr. Page noted that Community Development Director, Ted Esborn, is in attendance and would like to provide additional information.

Mrs. Slivinski recused herself from hearing this application as she works for Avon Lake City Schools.

Mr. Esborn stated he was sworn in. Mr. Esborn spoke with the applicant to explain what the variance would do and would not do. The variance would provide relief from the language of the Planning & Zoning Code. There are two things the variance would not do. The approved grading plan has sidewalks on them. The variance would not change those approved plans. The applicant would need to revise those plans and resubmit them to the city for approval. The second thing, the variance would not provide relief from any of Section 1010 in the city's ordinances. Section 1010 has a lot of information about sidewalks.

Mr. Esborn further stated that the applicant has been made aware that this section outside of the Planning and Zoning Code exists and deals with sidewalks. Variance only pertains to the planning and zoning code.

Mr. Shook stated that based on this discussion, is there any reason to go any further with this case?

Mr. Graves stated that Section 1010 really talks about the standards and specifications, building standards, specifications for a sidewalk. It does not really come right out and require it.

Mr. Graves stated that board would be within their authority to go ahead and hear the case.

Mr. Renacci asked if there is a possibility that the city could come back and still require sidewalks?

Mr. Graves responded, saying it is possible, but that decision has not been made.

Mr. Kilgore stated that if this were granted, what impact would this have on any future sidewalk program that might take place on Lear and Krebs. What can happen is that there will be an assessment on the frontage of the properties that are on a particular street that would help pay for a sidewalk to be put in on the entire street. If this were granted, I would want to be assured that in the future that the applicant will not come back and say because of the variance, I do not have to pay an assessment.

Mr. Shook stated that there is a crosswalk, lights, etc. There are sidewalks on the other side of the street. It is already made for the future for people to walk in this area and should weigh a little bit into the discussion. Even if we approve the variance, things could change in the future once there are interpretations made of 1010.

Mr. Shook asked Mr. Graves to confirm.

Mr. Graves confirmed.

Mr. Graves also stated that the Board requires three votes to take any action. We have four members tonight but one had to recuse herself. So, any decision would have to be unanimous. If it is a two to one vote, it gets tabled to next month. You can proceed with three members or ask that it be tabled to next month where hopefully four members would be present.

Mr. Shook asked Mr. Page if there was anything else to add on the city's behalf.

Mr. Page stated the crosswalk was mentioned and Mr. Esborn provided additional information. The city does look for sidewalk installations with any sort of infill or new development. In relation to the area, the city has received a Planning Commission application for the larger parcel directly east of this property. It is for a residential subdivision that will require sidewalks and connect into this property, roughly 710' of sidewalks.

The applicant, Joelle Magyar, was present and stated she was sworn in. The property is currently under construction and is not occupied. If she were to install sidewalks, they would not connect to anything. There are no sidewalks to the north of the property, quarter mile up Lear Road and not for a third of a mile east, down Krebs. If the development next door goes in, there will still not be a connection on Lear. There are three houses or so in between that property and my property that do not have sidewalks.

Ms. Magyar stated that there really is no benefit to the community. Even though there is a crosswalk, it leads to nowhere. The cost of putting the sidewalks in was substantial. The cost quoted by the builder was \$18,000 to put that kind of sidewalk in because of the property size and was not included in the original purchase price of the property.

Ms. Magyar stated that the hardship is not only financial but also the fact that there would be sidewalks that would provide no benefit to the community.

Ms. Magyar stated that being the superintendent for this school district, everyone knows this is my house. Access to my house is very important to me and to maintain my privacy as a private citizen living in Avon Lake.

Ms. Magyar asked her builder to come up and talk about the grading, which is still a requirement.

Mr. Phil Markowski, of Coblenz Homes was present and stated he was sworn in. He is the general contractor of the project. He stated they would still adhere to the approved topo but agree to resubmit without sidewalks, if approved. Grading would still happen in lieu of sidewalks.

Mr. Shook asked if the variance is allowed and if you install a driveway, do any changes happen to the driveway?

Mr. Markowski stated that no changes would happen to the driveway. The plan is to follow the topo and in the future the sidewalks could be tied in.

Mr. Shook stated that his next question would be for Mr. Graves or Mr. Page. So, let us suppose we allow this variance and section 1010 kicks in later. Would they be required to put in sidewalks if that occurs?

Mr. Graves stated that if you are asking if Section 1010 requires sidewalks, that decision has not been made yet. This would be something that the city would review.

Mr. Graves stated that as we sit here today, that section just pertains to specifications and standards for the construction of a sidewalk. It does not explicitly require a sidewalk. And whatever occurred, it would apply to anybody that lived along that street.

Mr. Shook asked if there were any more questions from the Board. No comments were made.

Mr. Markowski stated that while they were going through the permitting process, there were several site plans submitted and rejected for various reasons. The final plan was when the city said we needed to add sidewalks. None of the previous revisions depicted sidewalks. The contract did not have additional money for the sidewalks, which is why the hardship exists in the first place.

Mr. Shook asked if there were any questions from the audience.

Mrs. Jane Sheard, 31930 Krebs Road, was present and confirmed she was sworn in. Mrs. Sheard stated she lives down the street from the subject property. She has seen so many accidents near pedestrians and children and has been wanting sidewalks for years. She stated that she would've put them in but thought it may be too dangerous to weave in and out of sidewalks. She stated that when she moved to her property, Krebs Road was a gravel road. Now you have all these developments along Krebs and getting from here on a bike, running, or walking is dangerous.

Mrs. Sheard stated that it is a matter of a time with the development proposed besides us, that sidewalks would be approved and hopefully be approved. She asked how long she must wait before sidewalks are installed.

Mrs. Sheard stated that she agrees with her new neighbor. Going north on Lear Road, there is not any connection. However, if we went straight down Krebs, people could cross right over Lear and go into Country Club, etc.

Mr. Shook asked if there were any other comments from the Audience or Board. No comments were made.

Mr. Shook stated that as the chair, he would entertain a motion.

Mr. Renacci moved to approve case CAV 25-14. Mr. Shook asked if there was a second.

Mr. Kilgore stated that he is struggling with this because he was not aware of the proposed development to the east. He stated that he is inclined to modify this.

Mr. Shook stated that the Boards need a motion the floor before any modifications can occur.

Motion was second by Mr. Kilgore.

Mr. Renacci stated that while looking at the factors for the review criteria. One being whether the essential character of the neighborhood would be altered or whether adjoining property would suffer substantial detriment because of the variance. None of the adjoining properties have a sidewalk on those sides of the street. The variance would not adversely affect the delivery of government services.

Mr. Renacci stated that as a Board, we must look at the property in question itself when looking to determine a variance. He noted the potential development, but it has not been approved. We are strictly looking at the property in question when deciding.

Mr. Kilgore stated that he agrees with everything Mr. Renacci stated. The potential development could also result in a variance, and we would have no sidewalks in this area until city acts or creates legislation.

AYES: Renacci, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

RECUSED: Slivinski

The area variance was granted waving the Planning & Zoning Code requirement to install sidewalks along the property frontage on Lear Road and Walker Road.

CASE CAV 25-16

REQUEST FOR AN AREA VARIANCE AT 31960 HIDDEN COVE - GRANTED

James Saylor requested an area variance to Planning & Zoning Code Section 1220.03 (a) Planned Unit Developments (PUD) – Changes to Approved PUDs at 31960 Hidden Cove (single-family residence).

Mr. Page outlined the case. As it currently exists, there is an occupied single-family home on the property. The home was approved in October 2023, and all setbacks were compliant. Final occupancy was issued in September 2024. In late April 2025, the applicant—who also served as the engineer for the South Port subdivision—contacted Community Development Director Ted Esborn regarding a potential issue with the covered porch along the southeastern front of the property. In early May 2025, it was determined that the covered front porch, located on the southeast corner of the home, encroaches 4.8' into the required 10' side yard setback. In addition, the property contains a 10' sewer easement along the easternmost property line.

At its furthest, the porch encroaches 4.8' (5.2' from property line. Per code, the porch is considered an unenclosed structure. Because it is unenclosed, a 3' encroachment into the side yard setback is permitted. This reduces the variance needed from 4.8' to 1.8.'

Mr. Page then asked the applicant, Mr. Saylor, to come up to provide any additional information.

Mr. Saylor was present and stated that this is an unfortunate situation. To best of his knowledge, it was difficult to trace the exact sequence of events that led to this as it was not discovered until year later. An initial layout was created and later amended to extend the front porch along the side of the house. Plans were revised and the house was pushed back on the plans to account for this change. An accident occurred and staking may have occurred based on the previous plan.

Mr. Saylor stated that he has been in contact with the city about finding a solution. It was decided that variance made the most sense to leave the porch as it is. The wraparound porch is an attractive feature on the home but is a little closer to the property line.

Mr. Saylor stated that this is a PUD subdivision and when approved, under the old code, there is no side yard setback. It called for 20' between buildings. The recorded plans depicted 10' side yard setbacks which was an additional restriction, beyond the code that the builder provided for this subdivision.

Mr. Saylor stated that the homeowner is not at fault with this. Obtaining relief eases the process in the future if the property is sold, etc. If approved a new deed would be created outlining the variance.

Mr. Shook asked if there were any comments from the audience. None were made.

Mr. Shook asked if there were any other questions from the Board.

Mr. Kilgore asked the applicant if there had been any discussions with the Public Works Department regarding the easement issue.

Mr. Saylor responded. Talks had occurred. We started with Mr. Esborn and Mr. Page regarding the zoning issue but also discussed it with Public Works Director and City Engineer regarding the issue. Although not an ideal situation, there was no major concern.

Mrs. Slivinski stated that in the application, it is stated that the city has agreed to approve the encroachment into the storm sewer easement.

Mr. Page stated that no opposition has been expressed, and Mr. Saylor had outlined his discussions with Public Works. Mr. Page asked if Mr. Esborn has any additional information to provide.

Mr. Esborn stated there was a good amount of conversation regarding this issue. The final plan to move forward was to have an agreement address the storm sewer side of the issue and the variance to addressing the zoning side of the issue. The plan is to have a finalized agreement addressing the storm sewer encroachment.

Mrs. Slivinski moved to approve case CAV 25-16. Second by Mr. Kilgore

Mrs. Slivinski stated that the request is minimal at only 1.8.' There was an error made but the overall request is minimal.

No other comments.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

The area variance was granted permitting the porch encroachment as depicted.

CASE CAV 25-17

REQUEST FOR AN AREA VARIANCE AT 87 GRA GULL DR - GRANTED

Jeffrey and Laurie Kidwell request an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) General Development Standards – Lot and Principal Building Regulations at 87 Gra Gull Drive (vacant property).

Mr. Page outlined the case. The property is currently vacant and adheres to the code requirements regarding lot width and lot size. The applicant is seeking an area variance to reduce the front and rear setbacks from 20' to 16.6', for a new single-family dwelling. The side yard setbacks are not impacted.

Mr. Page stated that this a resubmittal. The Board granted the same variance on January 24, 2024, under application CAV 24-2. The approval was valid for one year and expired on January 24, 2025. No extension was requested or granted prior to expiration.

The applicant, Jeffrey Kidwell, was present and confirmed he was sworn in. He purchased the property three years ago with his wife and spent about a year finding a house plan based on the size of the lot. He stated they did receive variance last year. After the variance approval, they found out his wife would be entering her final year of teaching and decided to wait to build during that year. This is why the variance has lapsed.

Mr. Shook asked if there were any comments from the Board. None were made.

Mr. Shook asked if there were any comments from the audience. None were made.

Mr. Shook asked if part of the plan was to fix the damaged sidewalk in front of the property.

Mr. Kidwell stated the sidewalk would be fixed.

Mr. Kilgore moved to approve case CAV 25-17. Second by Mrs. Slivinski.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None

ABSENT: Updegraff

The area variance was granted permitting the porch encroachment as depicted.

CASE CAV 25-19

REQUEST FOR AN AREA VARIANCE AT 115 OAKWOOD DR - WITHDRAWN

Karen Avellone requested an area variance to Planning & Zoning Code Section 1226.03 (b)(3) General Development Standards – Fences and Walls in Residential Districts at 115 Oakwood Drive (single-family residence).

Mr. Graves stated that the city met to discuss the case the day before and a decision was made based on section 1010 and not permitting obstructions in the right-of-way. Even if the applicant were to get a variance, the streets and utilities section of the code would still disallow it. Seeking a variance would be a minuet point. This was discussed with the applicant and recommended that the application be withdrawn and formally dismissed.

Mr. Kilgore moved to withdraw and dismiss case CAV 25-19. Second by Mrs. Slivinski.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None
ABSENT: Updegraff

The area variance was dismissed.

COMMENTS FROM THE AUDIENCE

No comments.

COMMENTS FROM BOARD MEMBERS AND STAFF

Mrs. Slivinski stated that she may have work conflict with the September 24th meeting. She stated that she will be in contact with staff.

DISCUSSION

Mr. Shook stated that the next meeting will be held September 24, 2025.

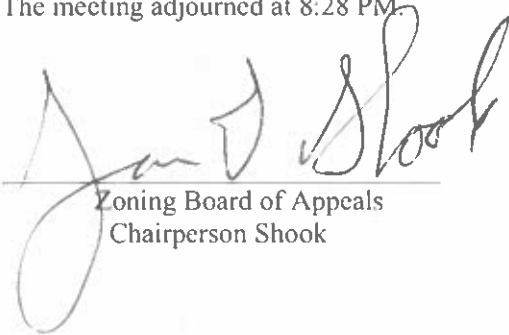
ADJOURN

Mr. Renacci moved to adjourn. Second by Mr. Kilgore.

AYES: Renacci, Slivinski, Shook, Kilgore

NAYES: None
ABSENT: Updegraff

The meeting adjourned at 8:28 PM.



Zoning Board of Appeals
Chairperson Shook



Planning & Zoning Manager
Austin Page