

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

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

ROLL CALL

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

APPROVAL OF MINUTES

The minutes of August 27, 2025, were approved.

READING OF GENERAL CORRESPONDENCE

Assistant Law Director Graves presented the request for clarification regarding the previously issues area variance for Joelle Magyar, 767 Lear Road (single-family residence).

The applicant, Joelle Magyar, was present. She stated that she was also sworn in for the record at the August (2025) meeting. Ms. Magyar stated that she went through the process of filling out the application, paying the fee, followed the rules set forth by the Board to file a variance to not put sidewalks in. The rationale for that is that the sidewalks lead to nowhere. There is no benefit to the community as there are no sidewalks for .33 miles to the north of her property and no sidewalks for .25 miles east.

Ms. Magyar stated that the variance was previously granted with no conditions. On September 20th (2025), she received a personal phone call from the Mayor and the Law Director. According to Ms. Magyar, the conversation started with a comment regarding the validity and duration of the variance. She stated the variance was granted and no timeline was ever given. She recalled an earlier conversation from July (2025) regarding this request being unprecedented, as nobody has ever filed a variance for not putting in sidewalks.

Ms. Magyar stated that she was never given appropriate notice for the clarification at the September 24th (2025) meeting. She further stated that again, she is here on eight days' notice after she received a phone call. Nothing in her mailbox stated that this meeting had taken place, and she believes she should have been given thirty days' notice.

Ms. Magyar stated, respectfully, that she has followed all the rules and procedures set forth by the Board and City. Because she is the first person who filed and was granted a variance to waive the sidewalk requirement, she stated that she feels she is being singled out by the city. Because of the relationship she has with the city, which is very good, between the small school district and city, she does not feel that she should be used as an example.

Ms. Magyar further stated that the city does not have a comprehensive sidewalk plan. So, until the city is willing to put that plan together and require every household in Avon Lake that does not have sidewalks to install. This includes new construction along Lake Road and stated she can cite six or seven properties. She should not be required to have a timeline until every other resident in the city is also on a timeline to put in city sidewalks.

Mr. Graves stated that the plans submitted for new home construction were contingent upon her granting the city easements for sidewalks and the installation of sidewalks. Also, the contemporary conditional

occupancy that she has right now would also be contingent on the sidewalk installation. All of this comes from our Building and Engineering Departments.

Ms. Magyar stated that she asked that specific question during the September 20th (2025) phone call with the Mayor and Law Director. She recalled asking if the permanent occupancy might be held up because of the sidewalks and the answer she received was no.

Ms. Magyar stated that she does not know if the Mayor and Law Director are actually speaking to the city departments because that was the conversation and that the Mayor, personally, said that they would not hold up occupancy because of the sidewalks and I don't know if they could, since you (the Board) granted the variance.

Mr. Page asked the applicant to confirm that the conversation mentioned was from September 20th (2025).

Ms. Magyar confirmed and Mr. Page stated that staff would follow up on those comments.

Mr. Graves stated that what she (applicant) has now is temporary conditional occupancy, not permanent.

Mr. Shook asked if there were any comments from the audience and none were given.

Mr. Shook stated that he would like to have a motion from the Board that would conditionally allow variance to last one year. The purpose of this is to formally have a beginning and an end.

Mr. Graves stated that he has one last point. Member Slivinski shall abstain from this motion because of a personal conflict, as does member Updegraff, as he was not present for original vote at the August (2025) meeting.

Mr. Shook moved to grant the clarification stating that the previously approved area variance shall be valid for one calendar year and at that time, the applicant is expected to install sidewalks along the property's frontage on Krebs Road and Lear Road. Second by Mr. Kilgore.

Mr. Kilgore stated that he has a question. Does the motion in fact have a specific timeframe or can it be contingent upon an action of the city that requires a sidewalk without having a timeframe.

Mr. Graves asked for clarification on what was meant by action by the city.

Mr. Kilgore stated an action by the city passing legislation requiring sidewalks on Lear Road and Krebs Road where they do not currently exist or some type of sidewalk program.

Mr. Graves stated that there is already an ordinance indicating sidewalk requirements.

Mr. Kilgore stated that this is to only provide a timeframe for where she does not have to install sidewalks and that after the time expires, she (applicant) will be required to install sidewalks.

Mr. Shook stated that Mr. Kilgore's comments are correct.

Mr. Renacci stated that he has questions regarding the applicant's comments with respect to notice period and whether there is a thirty-day notice requirement.

Mr. graves stated that this is an unusual circumstance and not a new application. The Board is not rehearing the case. All the notice requirements pertain to a filing, so then the applicant filed for the variance, all the notice requirements were met. The city needs clarification on the Boards prior

ruling. To reiterate, Mr. Graves stated that the Board is not rehearing the case or changing the vote. Only clarifying what it was that you (the Board) determined.

Mr. Renacci stated that in the previously approved minutes, he asked if there was a possibility of the city coming back and still requiring sidewalks. The discussion stated it was possible. Mr. Renacci asked if it is the city's position that without this clarification, the variance could run indefinitely and trump city action.

Mr. Graves stated that the discussion in reference is regarding section 1010, which is the streets, driveways, and utilities section of the city's code of ordinance. This outlines the standards and specifications for the installation of sidewalks, but it is very vague on whether that code section requires sidewalks. However, the sidewalk requirement is clearly stated in the Planning and Zoning Code (Section 1200). Regarding 1010, at the time of that discussion, the interpretation had not yet been made.

Mr. Graves stated that there is enough ambiguity in the discussion about the decision to the Board of the variance. The Board needs to state whether it was their intent, which is an infinite variance or whether it was the intent that it be temporary, thinking the city could require them at some point in the future. If so, what was the timeframe the Board felt to be appropriate.

Mr. Shook stated that we (the Board) are putting a timeframe on the variance by making this motion.

Mr. Shook asked if there were any other comments or need for discussion.

Mr. Page stated that he would like to ask one question to the applicant regarding the notices. The clarification was mentioned at the September 24th (2025) meeting and how it was going to be discussed at this meeting. Mr. Page asked the applicant if she knew of that prior to his meeting.

Ms. Magyar stated she was not aware.

Mr. Graves stated she (the applicant) was provided with a request prior to the September meeting and that the request was hand delivered.

Ms. Magyar stated that on September 20th (2025), the Mayor and Law Director called her and stated that something was to be delivered to her office. She was unsure of what was being delivered. She further stated that she was told by the Community Development Director, eight days ago, about this meeting and that it was tabled in September (2025) because of no notice.

Mr. Graves stated that there is confusion amongst two issues. There is notice that the request for clarification had been made and notice of the meeting at which it was to be heard. The applicant knew of the request for clarification but was unsure of the meeting.

Ms. Magyar asked about the ambiguity of one-year versus two years or five years. She stated that there is nothing that stipulates this timeframe right now. She expressed concerns with establishing a random timeframe to put in sidewalks even though a variance was granted to not put in sidewalks.

Mr. Graves stated that one year is appropriate because that is the standard variance approval timeframe to comply with the variance by submitting permits and beginning construction. The one year is not an arbitrary number.

Mr. Shook asked for confirmation that since there are only three members present; any vote would have to be unanimous.

Mr. Graves confirmed.

AYES: Kilgore, Renacci, Shook

NAYES: None

ABSTAIN: Updegraff

RECUSED: Slivinski

The request for clarification was granted, stating that previously issued variance shall be valid for one year.

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 - REMOVED

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, August, and September meetings. The applicants were seeking a variance to permit 6' tall fencing in both side yards. Mr. Page stated that the applicants are not present.

Mr. Grave stated that Under Article Five, Section One, of the Boards rules, when an applicant fails to appear, the Board may proceed to hear case, table the case to the next meeting, or remove the case from the agenda.

Mr. Graves stated that this matter has been tabled several times.

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

Mrs. Slivinski stated that this is the second time the applicant has not shown.

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

The application was removed from the agenda. If the applicant wishes to pursue this variance again, a new application shall be submitted.

CASE CAV 25-22

REQUEST FOR AN AREA VARIANCE AT 32376 LAKE RD - GRANTED

Thomas Liggett (on behalf of Mary Jayne Reedy) requested area variances to Code Section 1226.01 (e)(11)(B) General Development Standards – Lot and Principal Building Regulations at 32376 Lake Road (single-family residence).

Mr. Page outlined the case. The existing home was constructed in 1948, and additions have occurred over the years. The property is considered legally nonconforming as it does not meet the current code requirements for minimum lot width, front yard setback or westernmost side yard setback. The applicant is seeking area variances to construct a new single-family home. Because the existing home is considered legally nonconforming, tearing down the home erases all the existing nonconformities and requires anything new to adhere to the current code. The proposed home matches the setbacks of the existing home but pushed the westernmost side of the home back, further off Lake Road, to accommodate a more usable driveway.

Dave Maddux, architect representing the property owners, was present and confirmed he was sworn in. Thomas Liggett and Mary Jane Reedey were also present and confirmed they were sworn in.

Mr. Maddux stated the existing home is close to Lake Road. Because of the size of the lot and location, there is not a large buildable area and that is why many homes in this area are so close to Lake Road. They are proposing to maintain the same front and side setbacks that currently exist but will be pulling the garage further back (north) to have a more usable driveway.

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

Mr. Kilgore asked if the owner is going to demo part of the home or build new.

Mr. Maddux stated the plan is to build new.

Mr. Page stated that when he met with the applicants, the amount of demolition to make an addition to existing home would void the existing nonconformities on the property and require it to conform to current code. Because of this, they started to explore the options of building new, which would require the same variance but may make more sense to really build what you want.

Mr. Kilgore asked about keeping the larger easternmost side yard setback.

Mrs. Reedy stated that when she purchased the property in 1989 and there were only 15' behind their homes. The larger side setback to the east on the property allowed herself and neighbors, over the years, to bring in equipment, etc. to work on the shore.

Mr. Maddux stated that maintaining the existing setbacks was important to allow for equipment to get into the backyard if needed.

Mr. Shook asked if there were any comments from the audience and none were given.

Mrs. Slivinski moved to approve case CAV 25-22. Second by Mr. Updegraff

AYES: Updegraff, Kilgore, Renacci, Slivinski, Shook

NAYES: None

The area variance was granted reducing the minimum lot width, front yard setback and westernmost side yard setback, as depicted in the application.

CASE CAV 25-23

REQUEST FOR AN AREA VARIANCE AT 32403 LAKE RD - GRANTED

Michael Busta requested an area variance to Planning & Zoning Code Section 1226.01 (e)(11)(B) General Development Standards – Lot and Principal Building Regulations at 32403 Lake Road (vacant property).

Mr. Page outlined the case. The property is on the south side of Lake Road and just to west of Sunset Road. The property directly west is under construction, and a variance was granted there earlier this year. A home was demolished in 2018, leaving the property now vacant. The applicants are seeking to construct a new single-family home. Because a home did exist prior, the property does not adhere to the nonconformity section of the code, meaning anything new shall need to comply with the current development regulations, such as lot width and lot size. Mr. Page further stated that the proposed single-family home would comply with all applicable development standards such as setbacks and building height.

The applicants Michael and Linda Busta were present and confirmed they were sworn in.

Mr. Busta stated that the cottage was demolished in 2018 and was only four feet from the rear property line. Medical issues put the new construction on hold for years until now. Mr. Busta stated they always knew that variance would be needed as the small property does not adhere to the lot width and lot size requirements.

Mrs. Busta stated that there are smaller lots and cottages in this area and they are excited to potentially construct their home on the property. Mrs. Busta further stated that since the previous home was demolished, they have always maintained the property by cutting the grass, amongst other things.

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

Mrs. Slivinski asked if the code language pertaining to lot size would have been different in 2018 compared to what it requires now.

Mr. Page stated that in 2018, there would have been issues with the overall lot size and lot width.

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

Mike Bommer, resident of Avon Lake, approached the podium and confirmed that he was sworn in. Mr. Bommer asked if this were to be a primary residence or if this would be a rental.

Mrs. Busta stated that this would be their primary residence.

Mr. Kilgore moved to approve case CAV 25-23. Second by Mr. Updegraff

Mr. Kilgore stated that this would be an outstanding addition to Avon Lake and sees no objection to this peculiar lot configuration.

Mr. Updegraff stated that practical difficulty has been proven.

Mr. Shook stated that the practical difficulty has been met and that a variance is the only viable way for this lot to be developed.

AYES: Updegraff, Kilgore, Renacci, Slivinski, Shook

NAYES: None

The area variance was granted, reducing the minimum requirements for lot size and lot width, for a new single-family dwelling.

CASE CAV 25-24

REQUEST FOR AN AREA VARIANCE AT 32404 STONEY BROOK DR - GRANTED

Daniel Wise requested an area variance to Planning & Zoning Code Section 1224.01 (e) Accessory and Temporary Use Regulations – Accessory Uses and Structures at 32404 Stoney Brook Drive (single-family residence).

Mr. Page outlined the case. The applicant is proposing a 10' x 12' shed in the easternmost side yard of the property. Code permits accessory structures only in the rear yard. The proposed shed will not extend beyond the front of the home or encroach into the front yard. It is proposed to be placed behind an existing row of trees and vegetation, none of which will be impacted or removed as a result of the structure.

The applicant, Daniel Wise, was present and confirmed he was sworn in. Mr. Wise stated that he and his wife purchased the home in 2016 and, with two children and a third on the way, they need additional storage space. He explained that the backyard is exceptionally landscaped with boulders and vegetation, making the rear yard an infeasible location for a shed. He stated that placing the shed in the rear yard would require heavy machinery, removal of fencing and trees, and significant disturbance to the existing boulders. Mr. Wise added that the shed is planned to match the design of the house.

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

Mrs. Slivinski asked about the reference photo provided with raised beds and asked if the intent was to place the shed up to the house.

Mr. Wise stated it would be within a few feet of the easternmost side of the home.

Mr. Wise displayed photos of the backyard on the overhead projector. He pointed out the numerous boulders located in the corners and along the sides of the yard, noting that many are partially buried. He explained that placing the shed in the middle of the yard would look out of place, and building a platform over the boulders would also appear unnatural while potentially inviting animals to shelter beneath the structure.

Mr. Kilgore stated that only one place to have the shed in the rear yard would be the southeasternmost corner but would require removing a couple of the spruce trees.

Mr. Shook asked if there were any comments from the audience and none were given.

Mr. Shook moved to approve case CAV 25-24. Second by Mr. Renacci.

Mr. Shook stated that this is the best location to place the shed. The applicant has expressed matching the shed to the existing home which should help the structure blend in.

AYES: Updegraff, Kilgore, Renacci, Slivinski, Shook

NAYES: None

The area variance was granted, permitting a detached accessory structure (shed) in the easternmost side yard, as depicted.

CASE CAV 25-25

REQUEST FOR AN AREA VARIANCE AT 747 SAWMILL DR - GRANTED

Alan Thornton requested an area variance to Planning & Zoning Code Section 1224.01 (e) Accessory and Temporary Use Regulations – Accessory Uses and Structures at 747 Sawmill Drive (single-family residence).

Mr. Page outlined the case. The applicant is seeking an area variance to permit an addition to the southside of the existing rear yard detached garage. The existing detached garage is 500-sf and is code complaint. Code requires a maximum size of 500-sf. The proposed 14'x20' addition exceeds the maximum square

footage allowance by 280, bringing the total square footage to 780-sf. The addition matches the rear setback of the existing structure and adheres to the three-foot setback requirement to the south.

The applicant, Alan Thornton, was present and confirmed he was sworn in. Mr. Thornton stated that when they first moved into the house, they constructed the detached garage that exists there today. They had four vehicles. Now with six grandsons, they have acquired a few more vehicles. The addition has been planned for years but medical issues have put this addition on hold. Mr. Thornton stated that he is the primary care giver for his wife and it was their plan to have this addition completed.

Mr. Thornton stated that his contractor was supposed to be here tonight to discuss the construction side of the project but did not show up.

Mr. Thornton stated that addition will have the same siding to match the rest of the garage and the height will match as well. He discussed the plans with neighbors and there were no issues.

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

Mrs. Slivinski stated that the applicant could build a secondary accessory structure and you would be permitted to go up to 500-sf.

Mr. Thornton stated that an addition would be most appropriate and they only needed the square footage they proposed.

Mr. Shook asked Mr. Page if all the Board is looking at is the additional 280-sf and that all proposed setbacks are compliant.

Mr. Page confirmed.

Mr. Renacci asked for confirmation that if the proposal were detached from the existing detached garage that no variance would be needed.

Mr. Page stated that technically that is correct if there was more space to comply with the required setbacks, but the square footage would be compliant. There is not enough space to push the addition south, off the existing structure as it would impact the three-foot setback requirement.

Mrs. Slivinski stated that the way it is proposed now, it is right at the setback requirement.

Mr. Page confirmed and stated that if the structure were placed to the north of the existing garage, it would not be vehicle accessible.

Mr. Shook asked if there were any comments from the audience and none were given.

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

Mrs. Slivinski stated that the applicant had the opportunity to place a larger secondary structure elsewhere on the property but believed it would make the property look awkward and potentially look out of place in the neighborhood. By doing the addition, this would be detached three car garage that you do see in neighborhoods and the less intrusive way to gain additional space.

Mr. Updegraff stated that Mrs. Slivinski has covered the reasoning.

AYES: Updegraff, Kilgore, Slivinski, Shook

NAYES: Renacci

The area variance was granted, permitting an addition to the existing rear yard detached garage.

COMMENTS FROM THE AUDIENCE

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

An audience member approached the podium and stated that she did not plan to speak and had not been sworn in.

Mr. Graves administered the oath to the audience member.

Diane Newcomb, Avon Lake resident on Surrey Lane, confirmed she was sworn in. She stated that she has lived in Avon Lake all her life and remembers a time when Electric Blvd was cinder and gravel.

Ms. Newcomb asked the Board about the house construction at the corner of Sunset Road and Lake Road (32407 Lake Road). She stated that it (the house) is awful. She planned to ask zoning (Community Development) but thinks this should be before the Board. The house is huge and sits on a tiny lot. Ms. Newcomb states that she has not spoken to one person who has said the house looks good. Ms. Newcomb further stated that people are questioning the Boards and city thought process. She realizes that the people who were just here (Michael and Linda Busta – CAV 25-23), and that she knew the previous owner of the little house that is now gone. Ms. Newcomb stated that she sees why their plan would go through because the “big thing” on the corner went through.

Ms. Newcomb asked the Board what they were thinking and what was their reason. She stated that it looks horrible and does not fit in the neighborhood. She stated that she does not understand what is going on as you are making somebody jump through hoops for a shed, but you put the awful house there on the corner. Ms. Newcomb states that she just wants an answer when people ask her how did this get through zoning. Mrs. Newcomb further stated that she wanted to come here to ask zoning.

Mr. Page stated that people with concerns should contact the Community development Department and can specifically ask to speak with me. Mr. Page stated that he has spoken to at least twenty-five people about this property.

Ms. Newcomb asked if the people said this was good idea.

Mr. Page stated that the Board heard this case in March (2025). The area variance that was sought out, and approved, only modified the front setback requirement along Sunset Road and the lot size. Since this property is a corner lot, and has two front yards, the buildable footprint was narrow. The applicant did provide conceptual elevations. The drawings were not tied to the approval, only the setback and lot size.

Mr. Page stated flexibility in what could be done, as long as the code is met. Mr. Page stated that the maximum permitted height in this zoning classification is 35’ and the home is under that. Mr. Page stated that the design of the home and surrounding properties do make the home look taller. The home is around 33.5’ tall.

Mr. Page stated that the Board only looked at the setbacks and lot size.

Mr. Graves stated that this is minute point. This item has already been voted on, constructed and you had your chance to file an appeal.

Ms. Newcomb stated that she did not know until it (the home) was already up.

Mr. Graves asked if Ms. Newcomb was an affected property owner or neighboring property owner.

Ms. Newcomb stated that she is not.

Mr. Graves said that she would not have had standing to even file an appeal.

Ms. Newcomb stated that you used to have so much land in between houses.

Mr. Graves stated that you may speak to your council representative about amending the Planning and Zoning Code. Mr. Graves stated that you (Ms. Newcomb) do not agree with current code.

Ms. Newcomb stated that it (the code) has changed.

Mr. Page stated the current zoning calls for a four-foot side yard setback. It is eight feet in between houses.

Ms. Newcomb stated that where she lives (Surrey Lane) there are twelve and twenty-four feet between houses.

Mr. Page stated that you (Ms. Newcomb) live on Surrey Lane, where the zoning classification is R-1A. This is our (the city) largest single-family zoning classification and the subject property is zoned R-1C, which is the second smallest and closer to cottage style sized lots.

Ms. Newcomb stated that the house is not a cottage.

Mr. graves Stated that we are talking about the zoning classification, not the style and design of homes.

Mr. Shook stated that it meets code.

Ms. Newcomb stated that she is very sad about what has happened.

Mr. Shook stated that we (the Board) respect that and thanked her (Ms. Newcomb) for coming this evening.

Lastly, Mr. Page stated that if anybody ever has any questions to please contact his department.

COMMENTS FROM BOARD MEMBERS AND STAFF

No comments.

DISCUSSION

Mr. Shook stated that the next meeting will be on December 10, 2025.

ADJOURN

Mr. Updegraff moved to adjourn. Second by Mrs. Slivinski

AYES: Updegraff, Kilgore, Renacci, Slivinski, Shook

NAYES: None

The meeting adjourned at 8:17PM.



Zoning Board of Appeals
Chairperson Shook



Planning & Zoning Manager
Austin Page

