

Minutes of the Meeting of the Avon Township Planning Commission

February 26, 2025

Avon Township Hall (16881 Queens Road, Avon 56310)

Call to Order: Chair Yurczyk called to order the meeting of the Avon Township Planning Commission (PC) at 7:00 PM in the Main Chamber of the Town Hall. The meeting was available via Zoom at the URL: <https://us02web.zoom.us/j/8325486945> (PIN: AvonTown).

Pledge: The Pledge of Allegiance was recited.

Roll Call: Present – Craig Blonigen, Rich Sanoski, Andrew Wensmann, and Lori Yurczyk (*Chair*). Absent – Stephen Saupe. There was a quorum. Also present – Marion Gondringer (*Acting Clerk*), LeRoy Gondringer & Kelly Martini.

Approval of Agenda: Sanoski moved to approve the agenda as presented. Blonigen second. All in favor. Motion carried.

Minutes: Sanoski moved to approve the minutes from the January 29, 2025 meeting as presented. Blonigen second. All in favor. Motion carried.

Public Hearings: Anstine Variance Public Hearing. Chair Yurczyk opened a public hearing at 7:15 PM to consider a request by Brian Anstine, 37020 Sara Lane (PID 03.01474.0010), for a variance from Section 9.8.9.A(3) of Avon Township Ordinance No 6. The intended use that does not comply with the ordinance(s) is to construct a 30 x 70 shed 55 feet from the center of Sara Lane in the RT zoning district. This will require a variance of 38 feet. Mr. Anstine, who attended the meeting via Zoom, said he wants to build the shed closer to Sara Lane because a large pond occupies about half of the property, which makes it difficult to find a buildable location. He also said the back of the property slopes toward the pond, which complicates finding a suitable building location. Mr. Anstine said he couldn't put the shed in the back of the property because of the need to site the septic system and home. The cattails from the pond are already near the driveway. He wants to build behind the pines along the road so that they will serve as visual barrier. These trees would not be cut down, but the ones near the pond might be removed if necessary.

Mr. Anstine said the home would be two floors, each about 1200 square feet. The parcel is about 2.4 acres. Mr. Anstine said that he attempted to visit all of his neighbors to share his building plan, but only about half were home. He said the proposed shed would have 12-foot doors which would require about 14-foot sidewalls, though 10-foot doors could work. The shed would be used to store trailers and other items.

Brad Boulton (37008 Sara Lane) said that he preferred to not have that large of a shed in the neighborhood. He also stated that in the past at least one other person had tried to put a shed close to the road, but was not permitted to do so by the Township.

Wayne Smith (37019 Sara Lane) said that when he bought his home, he knew what he could do with the property and when Mr. Anstine bought the property he should have also known.

Russ Wolker (37023 Sara Lane) said that the neighborhood, St. Anna Estates, was originally planned for small, single-family homes. There are covenants that were designed to maintain the ambiance of the neighborhood. He said that the proposed shed, which is larger than his house, would not comply with the original covenants. He also noted that a previous Board of Supervisors denied a resident request to build a 2-car garage in the road right-of-way. He also said that he likes the small family atmosphere of the neighborhood and watching wildlife by the pond. He doesn't think that the proposed shed fits in the neighborhood.

When Mr. Anstine inquired if anyone else was prohibiting from building in the road ROW, Mr. Aaron Tschida (37014 Sara Lane), said that he was denied a 30x36 building because it would be too close to the road.

A person (unidentified) wondered if the pond is larger than the original footprint. Yurczyk mentioned that the wetland delineation should figure that out. Mr. Anstine said *GoogleEarth* records show that the pond was dug deeper but not larger, and that rules say that he could fill-in about 100 square feet of the pond.

LeRoy Gondringer reminded everyone that the Township only has jurisdiction regarding the location (road setback) of the building, but no jurisdiction over the size of the structure, which must adhere to County rules.

A person (unidentified) at the hearing said that he was concerned about the precedent that it would set if this shed was approved, because he doesn't want to see more sheds in the neighborhood that are so close to the road.

Another resident (unidentified) said that the covenants and general philosophy of the neighborhood is to match the outbuilding to the main residence (*i.e.*, same shingles). It is not clear if the proposed shed will match the proposed residence.

When asked if he knew about the covenants when he purchased the property, Mr. Anstine said he knew about some of them (*i.e.*, asphalt shingles, match house and outbuilding so they are not out of character).

Hearing no more public comments, Blonigen moved to close the public hearing. Sanoski second. All in favor. Motion carried.

The PC went through the Findings of Facts and decided that:

- The proposed use is allowed in the zoning district in which the subject property is located (4 YES votes).
- The variance is not in harmony with the general purpose and intent of the applicable ordinance(s) (3 NO, 1 YES).
- The terms of the variance are not consistent with the comprehensive plan (4 NO).
- The property owner does not propose to use the property in a reasonable manner (4 NO; primarily due to the size of the proposed structure).
- The plight of the landowner is due to circumstances unique to the property and not created by the property owner or a previous owner (3 YES /1 NO; the problem was created by the property owner a smaller shed could be built on the backside of the pond).
- The variance, if granted, will not alter the essential character of the locality. (/)
- The need for the variance involves more than economic hardship (4 YES)

Mr. Anstine asked if he could get a variance for a smaller building with shorter sidewalls. He was concerned that if he couldn't even get a variance for a smaller building, that it would mean that nearly the entire property is non-buildable.

Sanoski moved to recommend to the Supervisors to deny a variance from Section 9.8.9.A(3) of Avon Township Ordinance No 6 for Brian Anstine (37020 Sara Lane; PID 03.01474.0010), to construct a 30 x 70 shed 38 feet closer to the road than is currently permitted because the building would not be in character with the neighborhood, there is a precedent in which the Supervisors denied a similar request, if approved would create concerns for future projects, and it detracts from the neighborhood view. Wensmann second. All in favor. Motion carried.

Mr. Anstine asked if this was the final decision and whether or not residents will be alerted to the Supervisors meeting. He was told that this is only a recommendation and that the Supervisors make the final decision. No additional notifications will be sent to residents. At their upcoming meeting, Mr. Anstine was told that the

Supervisors could agree with the PC recommendation, disagree with it, or ask to hold another public hearing.

Public Comments: *none*

Business:

1. ***The Store*** – is considering a larger sign (about 100 sq ft). The County will handle the permitting and any public hearings. There are two options, both of which would require Township input: (a) rezone the parcel from RT to Commercial in which a larger sign is permitted; or (b) request a variance for a larger sign. The general consensus is that the PC doesn't support rezoning the property to Commercial because it would be spot zoning and is near the Church. However, Blonigen stated he was not completely opposed to rezoning.

There are apparently multiple signs on the property. At least one sign is apparently not functioning properly. *The Store* owners are apparently considering removing some of the existing signs and putting up a single sign with approximately the same square footage. The PC generally agreed that there wouldn't be a problem with one sign that would be equal to the cumulative size of the existing ones, and that the existing signs would be removed. No recommendation was made to the Supervisors.

2. **Annual Meeting Agenda** – Sanoski suggested to keep the agenda much the same as in the past. A moderator, such as Will Huston, will be needed. The Clerk will prepare drafts of required reports to be edited. The committee agreed that a Fire Department report is essential, especially because of the increase in levy for the new Fire Hall addition (about \$70,000) and for service (about \$110,000). The total Fire levy (\$180,000) is equal to roughly \$200 per household in the Township. It was noted that some In-Kind donations were received for the Fire Hall project.
3. **Permit or other oversight regarding non-utility work in the Township ROW** – Recent requests and decisions have raised the questions of whether residents who do work in the road ROW should be required to get a permit. Blonigen said unless they are cutting into the shoulder of the road, there wouldn't be any significant issues. Wensmann said if someone does damage to the road they are still liable according to state law. Yurczyk and Sanoski aren't in favor of another permit. Wensmann didn't see the need for it, but perhaps wanted to hear more reasons for the need. One option is that someone must first notify the Township before doing work. It was suggested that a note could be added to the website that would say: A residence must first notify the Township before doing work in the ROW. The general consensus was that another permit is not required.
4. **Planning Commission Policies** – Supervisor Rassier was concerned that Planning Commission policies were not being followed in reappointing Planning Commission members. Specifically, the deadline to alert the Clerk that they were interested in being reappointed was missed. Supervisor Rassier's position is that the positions are now open and requested the Clerk to advertise for PC members. Yurczyk said she was unsuccessful in trying to discuss the situation with Supervisor Rassier.

The PC discussed the current policy, which was created several years ago and has served as a guideline. It has come to light that there are some conflicting sections that should be clarified. For example, the PC usually discusses renewal of terms at the February meeting, but the policy says the Supervisors must be alerted by their February meeting, which occurs earlier in the month.

Blonigen moved to recommend to the Supervisors, working with the Clerk, to modify the process in place for reappointment of PC members. Wensmann second. All in favor. Motion carried. The PC noted that a performance review is required of PC members, but this can be difficult for the Supervisors to do because they do not attend the meetings.

Reports/Announcements:

1. **Vacating Parkwood Court** – An inquiry was received about the possibility of the Township vacating Parkwood Court. They were provided with information on how to initiate the process (petition the Board, vote at Annual Meeting).

2. **Joint Planning Meeting** – There will be a meeting of the City / Township Joint Planning Board on March 4, 2025 at 7 PM in the Town Hall. The meeting will discuss approval of a provisional use permit for a short-term rental property on Shorewood Drive. The applicant originally requested approval from the Township, but because the property is in the Orderly Annexation Area (OAA), the Joint Planning Board is the proper authority. This was an oversight by Township during the original discussions. It was suggested that a zoning map might be of assistance; an updated one is required. The JPB meeting will also feature an update on renewal of the OAA and whether another meeting is required in April.

3. **Shady’s County Planning Commission Hearing** – will be held tomorrow night to consider a CUP for outdoor events. The Supervisors authorized Gondringer and a Planning Commission member to attend. Blonigen will join Gondringer. At least 9 residents have sent letters to the County regarding the hearing. Gondringer said he has talked to at least three County Commissioners and that some are for it and others against. He has also talked to Shady’s owner, Chris Schiffler, who told Gondringer that they only plan one event a month and perhaps a bigger one on the Fourth of July, though at the hearing last month they requested permission for 20 events. No matter what the Commissioners decide about the CUP, Shady’s is still required to obtain an Avon Township noise permit for any activity that might violate the Noise Ordinance.

Next Meeting: The next PC meeting is March 26, 2025 at 7:00 PM (see ‘Call to Order’ for the Zoom log-in).

Other Meetings: Other upcoming meetings/events include (see ‘Call to Order’ for the Zoom log-in):

- Joint Planning Commission meeting – March 4, 2025
- Town Hall open to accept absentee ballots – March 8, 2025; 10 AM – 12 PM
- Public Accuracy Test of electronic election equipment – March 8, 2025; 10:15 AM
- Township Election – March 11, 2025; 2-8 PM
- Annual Meeting – March 11, 2025; 8:15 PM
- Board of Canvass Meeting – March 11, 2025 (9 PM)
- Qualification Meeting – March 19, 2025; 7 PM
- Local Board of Appeals & Equalization Meeting – Wednesday, April 16; 6 PM

Adjournment: Sanoski moved to adjourn the meeting at about 9:00 PM. Meeting adjourned.

Respectfully submitted,
Stephen G. Saupe, Clerk

date: March 2, 2025

Approval:

Lori Yurczyk, *Planning Commission Chair – signature*

date: _____