

**BOARD OF ZONING APPEALS - Minutes of December 3, 2019**

7:00 pm ★ Municipal Complex (687 Decatur) *Courtroom* ★ Vermilion, Ohio

*Roll Call:* Bob Voltz, Dave Chrulski, Guy LeBlanc, Jerry Schrenk. *Absent:* Dan Phillips

*Attendees:* Bill DiFucci, Building Inspector; Barb Brady, Council Rep., Mayor Forthofer

**NOTE: OFFICIAL ACTION REQUIRES 3 AFFIRMATIVE VOTES, See COV 1264.02(b); Therefore, \*Motions will be stated in the positive (e.g., To Grant... / To Waive... / To Determine...); and a member=s >Yes= vote means Agree and a >No= vote means Disagree.**

Bob Voltz, Vice Chairman called the December 3, 2019 meeting to order.

**APPROVAL OF MINUTES:**

**J. Schrenk MOVED;** B. Voltz seconded to approve the meeting minutes of October 22, 2019. Roll Call Vote 3 YEAS; 1 ABSTENTION (LeBlanc). **MOTION CARRIED.**

An *Oath* of truthfulness was administered to those in attendance who planned to speak during these proceedings. *Bob Voltz* described how meetings are conducted, explained the avenue of recourse available when a variance request or appeal might be denied, and gave a reminder that it takes 3 affirmative votes for an action (motion\*) to pass.

**NEW BUSINESS:**

[A-2] 2160 Vermilion Road – Applicant: Thomas Tansey (Side Yard Setback for Pole Barn)

*Applicable City code section(s) cited:*

*1270.01 (e) (3) (c) Side yards not less than 25’ – proposed = 10’ – variance request of 15’*

Thomas Tansey explained he is requesting to build a 24’-0” x 26’-0” barn closer to the lot line than the zoning district requires. The A-1 Agriculture district requires a 25’-0” side yard setback and they would like to build 10’-0” from the lot line. B. Voltz asked him if he had a hardship that requires him to build the 10’ distance from the lot line. T. Tansey said he would like to back straight into the building without making a 90’ turn behind his existing garage. He talked to his neighbor on the south side a year ago and he had no problems with his proposal. J. Schrenk asked if his intention is to have a stone or concrete driveway and T. Tansey said it will just be stone.

**G. LeBlanc MOVED;** D. Chrulski seconded to approve the variance request of 15’ as submitted. Roll Call Vote 4 YEAS. **MOTION CARRIED**

[B-3] 4800 Pin Oak – Applicant: Joe Antonio (Side Yard Setbacks – Utility Building)

*Applicable City code section(s) cited:*

*1272.12 (b) Utility buildings to be located in rear yard – proposed = side yard – variance request to allow side yard.*

*1272.13 (e) (2) (c) Side yard not less than 15’ – proposed = 5’ – variance request of 10’*

G. LeBlanc clarified that the side yard comes into play because he's not past the back line. B. DiFucci said the location is in the side yard (between front corner/rear corner) and the code calls for behind the rear corner of the building. D. Chrulski asked if this is right behind the neighbor's garage that is on Vermilion Road. J. Antonio said yes and he has room in the back. However, this is a duplex and he would like to keep everything that is his on one side. All their windows and doors are also on the west side. He said it's in the back and nobody can see it. There is a shopping center back there. J. Schrenk asked if he owned the duplex and J. Antonio stated yes. G. LeBlanc asked if he had any communication with his neighbors. J. Antonio said no as the neighbor on the east side is an apartment building and the west side is commercial real estate.

**D. Chrulski MOVED**; J. Schrenk seconded to approve the variance requests as cited on the application and noted above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

[R-S] 225 Woodside – Applicant: John Damron (Home Occupation)

*1271.00 – Allow Home Occupation use for automotive repair – variance request to allow use*

John Damron explained he used to work for L&M for 17 years and decided to stay at home working to see how it went by repairing cars for family and friends. He noted this is his livelihood as he has many health issues. He doesn't perceive himself as a business and he doesn't have a sign advertising a business, but he pays taxes. He said he has about five cars in the driveway, so it looks like he has a business, but he only works on one or two cars at a time.

B. Voltz asked if he notified nine of his neighbors and received feedback. J. Damron said he got his neighbors to sign off on this, so he's covered all around him.

G. LeBlanc asked what would be required if he wanted to put a sign up. B. DiFucci said depending on the classification whether it's a major or minor home occupation, a home automobile repair is not listed in either because it's specifically in the definitions as a not permitted home occupation, so they would have to look at the traffic if it's for a minor. For a major, then he would have signage regulations to meet in a residential district with home occupation. J. Damron said he doesn't advertise, and his repairs are by word of mouth. B. DiFucci said with a minor home occupation you're not allowed to have signs and with a major he can have a sign. He said the board should make the determination whether he will operate as a minor or major home occupation.

D. Chrulski clarified that if he is granted the home occupation permit, does it stay with the address if the resident were to move or sell. B. DiFucci said no it's his.

B. Voltz asked if he did oil changes. J. Damron said he might change a motor or transmission and change oil, but he takes the oil to businesses that can properly handle them. B. Voltz asked how long he has been practicing the automobile repairs out of his home. J. Damron said even when he worked with L&M, he would perform side jobs at home to make extra money. B. DiFucci said another issue that arose pertained to car parking down at the park at the end of Woodside. J. Damron said he has advised people to not block the street. B. DiFucci said this is something they will monitor moving forward, but he wanted to make sure the applicant is aware that all activity must stay on his property and cannot overflow on the adjoining properties. He noted that he cannot have more than one employee and no signage can be part of the minor home occupation.

**B. Voltz MOVED;** J. Schrenk seconded to approve the variance request to allow his home occupation for automobile repair and to classify it as a *minor* home occupation only. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

[A-1] 1822 North Ridge Road – Applicant: William Spangler (Side & Rear Yard Setbacks)

*Applicable city code section(s) cited:*

*1272.12 (a) Utility building not larger than 900.0 sq. ft. – proposed = 1408.95 – variance request of 508.05 sq. ft.*

*1272.12 (c) Rear yard not less than 5’ – proposed = 4.1’ – variance request of .9 ft.*

*1272.12 (c) Side yard not less than 25’ – proposed = 15.1 – variance request of 9.9’*

William Spangler explained he needs more space for his four cars and motorcycle, and he has lived in his house for 21 years and his lawn care equipment has gotten bigger, so he would like to add a 16’ x 30’ addition to the rear of his pole barn on the north side for additional storage. He said he has talked with his neighbors who are all fine with this addition.

**G. LeBlanc MOVED;** D. Chruski seconded to approve the variance requests as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

[R-S] 4758 Frederick – Applicant: Jim Pajk (Pole Barn Size & Height)

*Applicable City code section(s) cited:*

*1272.11 (e) max square feet = 768 – proposed = 2,016 – variance request of 1,248 square feet*

*1272.11 (c) max height = 15’ – proposed = 16’ 6” – variance request of 1’ 6”*

Jim Pajk stated he is requesting a size variance for a pole barn as he would like to use it as storage for his boats and lawn equipment for personal use. B. DiFucci pointed out that he is allowed a gravel driveway in a residential district. J. Pajk said he has talked with the neighbors on both sides and they are fine with this.

**B. Voltz MOVED;** J. Schrenk seconded to approve the variance requests as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

[R-S] 435 Ash – Applicant: Ben & Val Cabel (Side Yard Setback to Build Shed)

*Applicable City code section(s) cited:*

*1270.09 (e) (2) (c) side yards not less than 7’ – proposed = 3’ 8” – variance request of 3’ 4”*

Jill Brandt of Brandt Architecture, LLC was present on behalf of the applicants and explained they are proposing a 14’ x 18’ carport with deck attached to an existing cottage. The variance fits with the Linwood Park setbacks, but not with the City of Vermilion’s. The property to the north is an unbuildable lot and it’s currently used for parking. She noted this variance has been reviewed

with the Linwood Park Board and has received full support. B. DiFucci confirmed he received an email from the Linwood Park Company saying they had no issue with the variance request.

B. Voltz asked if there were any construction material requirements with the open lot next door. J. Brandt didn't feel it had any fire-rating issues since it was an open structure. G. LeBlanc asked the building department to confirm that no fire codes come into play since it's open. B. DiFucci said anything closer than 5' of the property line has to be fire rated, so maybe they need to design it, so it is fire rated. J. Brandt asked if they used treated 6 x 6 posts would it constitute as fire rated. B. DiFucci said no because it's still fire-rated material. He said there are materials that can be used to meet the fire-rated issues. It was determined that because the property is next to an unbuildable lot, they wouldn't need fire-rated material, but if the neighbor to the east bought the unbuildable lot and combined it, then fire-rating would come into play. Val Cabel said there is an original cistern underneath the gravel of this lot, and nothing can ever be built on this empty lot, and it's only used for parking.

**J. Schrenk MOVED**; D. Chrulski seconded to approve the variance request as cited above and noted there is no requirement for fire-rated material. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

[I-1] 1080 Douglas Street – Applicant: Cliff Parsons Lumberlands LTD (Front, Side & Rear Setbacks, Gravel Drive, Parking and Buffering for a new storage building)

Applicable city code section(s) cited:

- 1270.15 (e) (2) (A) Front yards not less than 75' – proposed = 58.4' – variance request of 16.6'
- 1270.15 (e) (2) (B) Side yards not less than 25' – proposed = north side = 18.5' – variance request of 6.5'
- 1270.15 (e) (2) (C) Rear yards not less than 100' – proposed = 21.3' – variance request of 78.7'
- 1276.03 (c) (6) Drive to be concrete or asphalt – proposed = gravel – variance request to allow gravel
- 1276.02 (k) (Industrial) Parking required 15 spaces – proposed = 6 – variance request to allow 5 spaces
- 1284.04 (c) (1) Buffering width of not less than 30' – proposed = 21.3' - variance request of 8.7'
- 1284.04 (c) (4) Buffering opacity not less than 80% opacity in summer and not less than 60% opacity in winter – proposed = existing trees and woods as well as fence meet buffering requirements - variance request to allow existing trees & fence to meet buffering requirements

Cliff Parsons said he is requesting multiple variances for building a new storage building that will store boats. The board reviewed the plans submitted extensively with Cliff Parsons.

**B. Voltz MOVED**; G. LeBlanc seconded to approve the variance requests as submitted and cited above for front, side, and rear yard setbacks. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**G. LeBlanc MOVED**; B. Voltz seconded to approve the variance requests as submitted and cited above to allow a gravel driveway with the stipulation that within two years there would be a concrete apron at both entrances, and to allow the parking variances of 5 spaces. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**B. LeBlanc MOVED**; B. Voltz seconded to approve the variance requests as submitted and cited above for a variance of 8.7' for the buffer zone and to allow the remaining trees and fence to meet

the opacity requirements, with the stipulation to have a slated fence on the chain-link fence. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**Adjournment:**

B. Voltz adjourned the meeting after no further business was entertained.

2018 MEETINGS:

4<sup>th</sup> Tuesday monthly (except December) - Next: **January 28, 2020** @ 7:00pm  
*Municipal Complex Courtroom, 687 Decatur, Vermilion*  
*Gwen Fisher, Certified Municipal Clerk*