

BOARD OF ZONING APPEALS - Minutes of September 22, 2020

7:00 p.m.

Minutes are posted on the City Website @ www.cityofvermilion.com (meetings tab/city meeting minutes)

Roll Call: Dan Phillips, Philip Laurien, Dave Chrulski. Not Present: Bob Voltz, Guy LeBlanc

Attendees: Bill DiFucci, Building Inspector; Steve Holovacs, Council Rep., Guest: 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.

Dan Phillips, Chairman called the September 22, 2020 meeting to order.

APPROVAL OF MINUTES:

D. Chrulski MOVED. P. Laurien seconded to approve the meeting minutes of August 25, 2020. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

An *Oath* of truthfulness was administered to those in attendance who planned to speak during these proceedings. *Dan Phillips* 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.

OLD BUSINESS: None

NEW BUSINESS:

[R-S] 362 Essex Road - Applicant: Randolph & Gracie Dodge (Fence Height)

Applicable City code section(s) cited:

1272.09 (a) (1)– Fence in front yard not to exceed 42” – proposed =48” - variance requested – 6”

Randolph Dodge and Gracie Dodge of 362 Essex Road were present to explain they are requesting to raise their fence due to the neighbor’s puppies for safety purposes. B. DiFucci said he originally had the proposed at 48” but asked the property owners to establish the fence height as he was unable to get ahold of them before the meeting to establish it. G. Dodge said they are aiming for 6 feet. B. DiFucci said they will need to modify their request at a proposed of 72” with a variance request of 30”. D. Phillips said there is already a fence on their side yard. R. Dodge said it was there when they moved in. D. Phillips asked how much further they were going to go towards the street. R. Dodge said they are not planning on going any further. The

chain link will go out further than the stock gate. The board discussed the details of the fence. G. Dodge said they spoke with neighbor with the puppies and he is fine with their proposal.

D. Phillips MOVED, P. Laurien seconded to approve the variance requests as cited above and amended to a variance request of 30". Roll Call Vote 3 YEAS. **MOTION CARRIED**.

[R-S] 381 Essex - Applicant: New Creation Builders/Amish Garage Builders (Rear/Side Yard Setbacks)

Applicable City code section(s) cited:

1272.11 (b)– Rear Yards not less than 10’ – proposed = 3’ – variance requested – 7’

1272.11 (a) – Side Yards not less than 7’ – proposed = 3’ - variance requested – 4’

Diane Bija of New Creation Builders/Amish Garage Builders of 818 East 73rd, Cleveland, Ohio said she is representing the property at 381 Essex Road. Tracy Lucas of 381 Essex was also present representing her property. D. Bija said the city has a rear yard setback requirement of 10’ and they are requesting to be at 3’, which is a 7’ difference, and the side yard setback requirement is 7’ and they are asking for 3’, so they need a 4’ variance. D. Phillips asked the property owner if she is building a garage. T. Lucas said yes. D. Phillips asked if it will be a two-car garage and T. Lucas said yes, 20’ x 20’. T. Lucas said she did speak with both of her neighbors and they were okay with this. She said she has not seen the neighbor behind her to ask her. D. Phillips asked if they meet the 30% ground area criteria. B. DiFucci said yes. D. Phillips asked if the garage needs footers. D. Bija said there will be a 12’ footer and it will be a monolithic pour.

D. Chruski MOVED; D. Phillips seconded to approve the variance requests as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

[R-S] 171 Aldrich Road; Applicant: William & Kimberly Lutz (Side Yard Setback for Garage)

Applicable City code section(s) cited:

1272.11 (a)– Side yards not less than 7’ – proposed = 3’ – variance request – 4’

William Lutz of 171 Aldrich explained they are building a metal garage and he needs to be over 3 feet so he can line up with his driveway, and they need a side yard setback. He spoke with his neighbor as there is a fence on the side of his property and all along he thought this was the property line, but the neighbor informed him

that the fence is actually 7 feet off the property line. So, 6' feet of the driveway is on the neighbor's property. He said the neighbor has the house up for sale, so he must go with a smaller garage to stay within the 3 feet. D. Phillips said he will actually be 9' from the fence, but this isn't his property line. W. Lutz concurred it is 9' from the fence but 3' from the property line. D. Phillips asked if the structure will be 24' x 30' with 6" overhangs and W. Lutz said yes. B. DiFucci said the property owner must meet building code for construction and noted that it is attached by the breeze way, so they do not have square footage issues.

D. Phillips MOVED; P. Laurien seconded to approve the variance request as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

[R-S] 219 Mornington Road; Applicant: Thomas & Kim Dunn (Side Yard Setback for Shed)

Applicable City code section(s) cited:

1272.12 – Utility buildings are to be in the rear yard - proposed = side yard – variance requested – allow side yard placement

Thomas Dunn of 219 Mornington Road said they are putting in a 12' x 16' shed. He said there are three lots there and the house is on two lots and the side yard is another lot. D. Phillips said they cannot put a shed or garage on a vacant lot. T. Dunn said it is not a vacant lot; it is his yard. D. Phillips asked if it is connected and one lot and T. Dunn said yes. T. Dunn said he purchased the house three months ago and found out there was a larger shed on the property, but it was sold when the owners sold the house.

D. Phillips MOVED, D. Chrulski seconded to approve the variance request as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

Adjournment:

D. Phillips adjourned the meeting after no further business was entertained.

2020 MEETINGS:

4th Tuesday monthly (except December) - *Next: October 27, 2020 @ 7:00 p.m.* at the Vermilion Municipal Court, 687 Decatur Street, Vermilion, Ohio

Transcribed by Gwen Fisher, Certified Municipal Clerk