

BOARD OF ZONING APPEALS - Minutes of April 27, 2021

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

Roll Call: Philip Laurien, Dave Chrulski, Guy LeBlanc, Dan Phillips, Bob Voltz

Attendees: Bill DiFucci, Building Inspector; Steve Holovacs, City Council Representative

Guests: 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 meeting of April 27, 2021 to order.

APPROVAL OF MEETING MINUTES:

G. LeBlanc MOVED, B. Voltz seconded to approve the meeting minutes of March 23, 2021. Roll Call Vote 4 YEAS. 1 ABSTENTION (Phillips). 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:

5312-1/2 Liberty Avenue - Applicant: Mercedes Mitchell (Allow proposed use – psychic readings)

*Applicable City code section(s) cited:*

1270.19 (b) and (c) – See permitted and conditional use list – proposed = psychic readings – variance request – allow proposed use

D. Phillips said the BZA board approved her proposed use last year. B. DiFucci mentioned that she was changing locations from the B-3 zoning district to the B-2 zoning district.

Mercedes Mitchell of 6406 Milan Road, Sandusky, Ohio explained this is a better location for her business as Corona put a dent on her face-to-face business.

D. Phillips MOVED, D. Chrulski seconded to approve the variance request as submitted. Roll Call Vote 5 YEAS. MOTION CARRIED.

[R-S] 3753 Edgewater Drive – Applicant: Zebulan Kozar (Allow 262 sq. ft. to build a garage)

D. Phillips tabled this application until the May 25 meeting due to no representation on the variance request.

[R-3] 500 Sunnyside Road - Applicant: Wally Grobelny (Allow gravel; No sidewalks along Liberty)

*Applicable City code section(s) cited:*

1270.04 (i) (3) – Driveways shall be hard surfaced with a minimum width of 10' – proposed = gravel – variance request – to allow gravel.

1024.01 – Sidewalks required – proposed = no sidewalks along Liberty – variance request – no sidewalks along Liberty.

Wally Grobelny of 500 Sunnyside Road said his first request is to allow him to install a partial gravel driveway. They want to hard surface the apron (22' at the street/sidewalk) and to hard surface in front of the garage (30' x 45'). The second variance request is to allow no sidewalk along Liberty Avenue, but they will maintain the Sunnyside Road sidewalk, and as the plot plan shows they will connect it to their neighbors to the south. He said they would like to keep a forest landscape because the style of their house is a log home, and it lends itself to a natural wooded look and they feel the gravel would fit into that concept and it also allows less water runoff and water to be absorbed into the environment. He said it is rare seeing anyone ride or walk on the south side of Liberty in that location as they use the sidewalk on the north side of Liberty. The Liberty Road sidewalk would fall short on the intersection on both roads. They would like to make improvements to beautify the Sunnyside Road frontage. He provided pictures to the board of how they would like to make it look.

D. Phillips said the board has a copy of their building plans that were approved by the city engineer and when they built the house, they knew their corner lot would require sidewalks on both sides, and they agreed to the concrete sidewalk on Liberty Avenue and to a concrete driveway. Colleen Grobelny said this is true but with the log home they thought it would warrant not putting in a hard-surfaced driveway completely to keep the aesthetics of the log home.

Mayor Forthofer said he was big on sidewalks on Liberty Avenue, and he thinks Sunnyside has been adhering to the sidewalks, so this is a given, but if some consideration could be given by the board to the driveway with a concrete apron and concrete in front of the garage – there is no public traffic on it, so if a variance could be considered for the driveway, then it might leave resources to do the sidewalk.

G. LeBlanc said with regards to the Liberty Avenue sidewalk the practice is that when adjoining properties on either side are improved that it would put them into this requirement also regardless of anything the board would approve. B. DiFucci said the corner lot is not owned by them and in the event, they are required to put sidewalks in that abut the lot, then this property owner would be notified that is required now for them to put in the sidewalk on the corner as well. It would not be the Grobelny's responsibility to put sidewalks on the corner lot, but they would need to install them up to the portion they own.

P. Laurien asked if the sidewalk is required at the time of the occupancy permit. B. DiFucci said the building codes speak about the structure itself being safer occupancy, so nothing on the property can withhold them from occupying the structure, so if the structure passes all the requirements of the Residential Code of Ohio, then he cannot hold up their occupancy based on sidewalks. P. Laurien asked when the sidewalks are required to be constructed. B. DiFucci said there is not necessarily a timeline set in the code. This is something the building department would notice that is not installed, so they would send notice to the property owner and would give them 'x' amount of time to allow for sidewalk construction, and then if it does not happen, they would

escalate it with certified letters and then to the prosecutor. P. Laurien said to be clear the sidewalks are required, but they do not have to be built today – is that correct? D. Phillips said he would say yes. Colleen Grobelny asked if they would get an extension because they do currently have one until September 1. P. Laurien said the building inspector said they will be required to build a sidewalk at such time as the city notifies them of the time to build them. B. DiFucci said for example they would give them 30 days and if it is not done in 30 days, then the city can install the sidewalk and then assess the property for the sidewalk installation. B. DiFucci explained their sidewalk on Sunnyside would abut the sidewalk that already exists, and they have agreed to installing it. P. Laurien said the Liberty Avenue sidewalk is required unless they get a variance, but the city's standing is that they want it built at such time as they tell them it is appropriate to do so, which means they do not have to build the sidewalk today, but they might have to build it within a month, six months, or a year if something would attach. D. Phillips said it is up to the building department to make that determination. B. DiFucci said they already issued a timeline of September to the property owners, but if there is a plan in place then they can work with them. C. Grobelny asked if it was possible to get another year's extension. D. Phillips said this would be determined through the building inspector.

Mayor Forthofer said if they have a commitment that the sidewalks will go in and they can be flexible – they are not out to make it hard for people. D. Phillips said if they do their sidewalk on Sunnyside and show good faith, then he thinks they can work with the administration on a date.

D. Phillips MOVED, P. Laurien seconded to approve the variance request to allow gravel in the driveway contingent upon putting hard surface concrete at the driveway apron to the sidewalk and at the garage entrance with regards to the measurements as stated above, and to leave 160' of gravel in the driveway with at least a minimum width of 10'. Roll Call Vote 4 YEAS, 1 NAY (Chrulski). MOTION CARRIED.

D. Phillips MOVED, G. LeBlanc seconded to approve the variance request for no sidewalks along Liberty Avenue. Roll Call Vote 5 NAYS. MOTION FAILED.

[R-4] 1442 Sanford Street - Applicant: James Walczak (Side yard setback)

*Applicable City code section(s) cited:*

*1270.05 (e) (3) (C.) – Side yard not less than eight feet – proposed = six feet – variance request – two feet*

James Walczak of 1442 Sanford Street explained he is requesting a side yard setback for a shed as he will be removing his old shed as it was built on the ground and the yards in the neighborhood hold water, and the siding and structure is in the ground and it is rotten.

D. Phillips asked why he was not putting the new shed in the same location as the old shed. James Walczak said he wants to be able to have some place to put the contents in and get it out of the middle of the yard. So, he would like to put the new shed up and put the contents in it and then tear down the old shed. He wants to be able to get it away from the house. B. Voltz asked what the hardship is in that he cannot meet the eight-foot requirement. It appears he can still put it eight foot and build the new shed adjacent to the old one. Part of their role is to understand what the hardship is prior to asking for this requirement. James Walczak said it is plotted out now and the space from the existing shed to the property line is like only 19', so to put a 12' shed in there that is two foot off the existing shed and five foot from the property line. B. Voltz clarified the proposed would be six feet, not five feet.

G. LeBlanc MOVED, D. Phillips seconded to approve the variance request of two feet as submitted. Roll Call Vote 5 YEAS. MOTION CARRIED.

[B-3] 4490 Liberty Avenue - Applicant: Michael Wood (Allow sweepstakes closer than 1000' to others)

*Applicable City code section(s) cited:*

878.11 (e) – No sweepstakes within 1000' of another – proposed = 548' to another/827' to another – variance request to allow sweepstakes closer than 1000' to others.

Michael Wood of 1038 Cleveland Road West, Sandusky, Ohio said he is requesting a variance on the 1000' distance between sweepstakes cafes on Liberty Avenue as listed in the proposed above. He explained he want to operate a small 60 seat adult sweepstakes.

D. Phillips said the code says you cannot have sweepstakes within 1000' of another. He asked when this code was enacted. G. Fisher said it was in 2010. D. Phillips said the other two sweepstakes were within walking distance of another. Mayor Forthofer asked where the proposed sweepstakes would be placed. M. Wood said it will be between the Verizon and the Sun Lab Salon in the plaza. Mayor Forthofer thought parking was one of the considerations. D. Phillips said he drove by several times and noticed a lot of cars in this parking lot, so he had concerns with sufficient parking with the existing businesses.

D. Phillips MOVED, G. LeBlanc seconded to approve the variance request to allow sweepstakes closer than 1000' to others. Roll Call Vote 5 NAYS. MOTION FAILED.

[B-3] 3330 Liberty Avenue - Applicant: John Clifford German (Allow placement of second freestanding sign that was existing and allow sign location to match existing.

D. Phillips tabled this application until the May 25 meeting due to no representation on the variance request.

[RL-1] 1027 Riverside Drive - Applicant: Jerilynn Morotto (Rear and side yard setbacks/ Maximum height).

*Applicable City code section(s) cited:*

1270.10 (e) (2) (B) – Rear yards not less than 30' – proposed – 27' 8" – variance request – 2' 4"

1270.10 (e) (2) (C) – Side yards not less than 10% of lot width. Average = 3.7 – proposed = 2' 4"/1' 9" – variance request – 1.3'/1.8'

1270.10 (d) – Maximum height = 30' – proposed = 33' 6" – variance request – 3' 6"

Jerilynn Morotto of 902 Farnham Way, Hudson, Ohio explained they have an existing cottage, and they want to add a second story, so basically, they want to go a little wider towards the front. The house was already built too close to the setback on the side. Ron Morotto said in essence they are tearing the existing cottage down to the piers and building a new house. The plan is to leave the piers as the engineer has said they are fine.

D. Phillips asked if the intent was to go wider on the sides. R. Morotto said currently the house is 24' wide and it has a four-foot walkway with a full roof, so they are not going any wider than the roof line. The second half of the house that is closest to the street they want to make wider. There

is more setback room there as the property is pie shape. G. LeBlanc confirmed the extension on the second floor is the front and the back, and not the sides.

D. Phillips said he received questions from some of the neighbors in the area and asked if they will build any closer to the east side with the vacant lot. J. Morotto said the roofline will end up being further out. R. Morotto said the roof extends – the overhang is large, and the new overhand will not even be near that.

B. DiFucci said they do not need a front yard setback because they have the ability to match the existing on the street and they are proposing 18' 6", so they are at or further back from what is existing.

P. Laurien asked if the property was in the Floodway. B. DiFucci said this would go through the Floodplain Administrator because he does not review this. P. Laurien asked if the property is in the Floodway or the Flood Fringe. B. DiFucci said he was not certain. R. Morotto said if he were to guess he would have to say Floodway. P. Laurien asked what the code says about expanding a non-conforming structure in a Floodway because typically the National Flood Insurance Program does not want houses built in the Floodway. He said this area floods frequently. J. Morotto said the neighbor on one side just built a 4,000 sq. ft. house. P. Laurien said having been an administrator himself in several communities going back 40 years – this is a big deal to take a structure that is already in the Floodway. Is this something the city wants to do to allow them to expand. This is an area of high-volume fast-moving water and there will be debris and ice hitting those pylons. This is not what the Flood Insurance Program intended. B. DiFucci said this program has recently undergone changes this calendar year, so this review process will go through the Floodplain Administrator who is the city engineer. P. Laurien felt this should be reviewed prior to voting on this variance. This is a critical piece of information. D. Phillips said if the house is already existing does this change anything. P. Laurien said it was a non-conforming structure and it was built in a time when there were no floodplain regulations adopted by the city. Currently since there are, then they are asking for an expansion of a non-conforming structure in the Floodway. He explained part of the Flood Insurance is to use federal tax dollars that they all pay. You subsidize flood insurance so if they have a loss who will effectively help to pay for this – they all will. The Flood Insurance Program was designed with the intention of getting structures out of the Floodway and remove them over time as they deteriorate. D. Chrulski asked the year on when the house was built. R. Morotto said it was built in 1972.

G. LeBlanc asked if the review by the Floodplain Administrator occurs regardless of their approval. B. DiFucci said the applicant is before the board for a zoning variance for the location of the property on the lot and not a floodplain variance against the Floodplain code, so this will go for zoning approval, floodplain approval, and building approval.

R. Morotto said his neighbor built a 4,000 sq. ft. house just two years ago, so he would assume he went through the same floodplain approval process. B. DiFucci said absolutely and noted the requirements have recently changed and they have become a little more stringent this past year, but they are not asking for a variance in the floodplain requirements, but for a zoning variance in this location.

D. Phillips MOVED, G. LeBlanc seconded to approve the variances as requested as cited above per the application. Roll Call Vote 4 YEAS, 1 NAY (Laurien). MOTION CARRIED.

[B-3] PP#: 0100003139015 – Overlook Road - Applicant: Louis Douzos (Allow permitted use for climate-controlled boat storage for B-3)

*Applicable City code section(s) cited:*

1270.13 (b) (1) – Permitted uses = see list – proposed = climate-controlled boat storage – variance request – allow use.

Louis Douzos of 10694 Baumhart Road said he is requesting a variance to allow climate-controlled Boat/RV storage in a B-3 zoning district. He provided the board members with a drawing of his proposed plan. He said the proposal is to place two buildings directly behind the Nest Restaurant and directly to the east of NAPA. D. Phillips asked what the distance would be between the two buildings. L. Douzos said 50'. D. Phillips asked how many units would be in the front. L. Douzos said they have 14 proposed, but he has a couple different ideas, as last time he was here, Mayor Forthofer was talking about an ice-cream stand there.

D. Phillips explained that in the B-3 zoning there are a lot of businesses that are permitted, so he could have an animal hospital, antique shop, new/used automotive sales, automotive service stations, automobile repair-accessory sales, bar and taverns, boat and marine sales, bowling alleys, etc. He said Mr. Douzos is looking to put in boat storage. L. Douzos said large units that an individual could rent to put their boat or RV in. D. Phillips said technically he could put in a boat and marine sales – a showroom. L. Douzos said a building will probably go up either way, but he does plan on renting them. He also plans on putting something in the corner – an office or an ice-cream shop possibly. The idea is to build the first one as Phase 1 to see how it goes and then the second one will be Phase 2.

Rachel Wilson of 600 Guilford Road read a statement into the record that is attached hereto and incorporated herein as the official record of proceedings.

Michelle Cooper of 625 Guilford Road said she has lived back there for over 20 years and for what she has seen this neighborhood go through in the years she has been there, and she has had to fight for this neighborhood to get people to let them have the residential area, and it has been ridiculous. They had a paper street back there that became somebody's driveway, and they had no knowledge of it, but it happened. Now they have this variance and what she hears today is not - I definitely want this as my plan – she hears, well maybe we will do this, or maybe we will do that, or we will start out with maybe 11 units or maybe 14 units. What is the definition of B-3 and what are they going to allow? You have the entire neighborhood back there (Highbridge and Guilford). She gets this is his property, but they have an entire neighborhood back there – taxpaying citizens who like their neighborhood, and this will destroy it. We have already seen this with the logging over the past two years. She said nobody has mentioned anything about the wetlands and Cassell dedicated property back there for the wetlands. This property abuts part of the Cassell property, and nobody has paid attention to this. He still got to do his logging – and she gets he can do that, but where is the environmental study that says this is wetlands and they are not allowed to do this. She is confused and asked for a true definition of what he is looking at back there because she has not heard it yet – well maybe this and maybe that – maybe an ice-cream store, maybe an office to the side – she has not heard anything that is concrete. What is concrete in her head is they are destroying a neighborhood and it breaks her heart. She said she came to Vermilion from Lorain because she thought it was a better place to live and now, they are just interested in revenue which is hard for her to swallow.

Kenneth B. Kirby, III of 612 Guilford Road said he moved into this neighborhood back in 1988 and when he first moved in it was all wooded behind them, and he was told it was wetlands and could not be built on. He bought the house from Robert Baker who is now the building inspector for the township, and he is the one who told him it was wetlands, and it could not be built on, so he never worried about anything being back there. He said L. Douzos bought the property, and he did not even know it went up for sale – the actual sale of the property was a hush-hush, and they were told it was owned by a conglomerate group, trust, or something like that and it could not be bought. He said he and his neighbor would have bought the sections behind their houses, but they did not even have a chance to bid on the property with the real estate agent that sold the property. He said Louis bought the property and the Amish came in and tore the trees down and when they left, it looked like a tornado or a bomb went off, and then it laid there for a long time. He can literally go fishing in his back yard after a rain because that is how much water they have standing now. They cut down every single tree down on the lot and left one behind his house and it goes into his maple tree, which is rubbing the branches causing more branches to fall in his yard every single storm. There is no break as the woods stopped the weather and he received a quote for \$5,000 to take both trees down. He stated that he wants to see what the plans are and not ifs, maybes, or buts. He wants to see what the definite plans are. He would like to see a privacy mound and if he could put up a 10' or 15' or so many feet wide privacy mound first with grass and trees, and then start building, then this will be fine. His other concern is that when L. Douzos does this storage, will there be fencing and what kind. Will they be looking at a chain link fence with barbed wire, so it looks like a prison? Will there be outside storage because he mentioned a detailer – will the detailer be working out of this storage unit or will he be storing stuff there? He said people who have boat condominiums have air tools and fisherman are out there all times of the night, so when will people be working there? They are worried about the noise and years ago when he moved there Mr. Cassell wanted to build around his neighborhood and he met privately with them at the old Lake Elementary School and the neighbors told him their concerns and he withdrew and built beautiful homes in their cul-de-sac, so he wants to see the plans as these are all his concerns.

Bill McCourt of 4135 Menlo Park Lane said he has no problem with businesses being developed in Vermilion. The way the Codified Ordinances read – the zoning definitions in the B-3 Highway Commercial is the law unless they want to change the definition. To help clarify, he stated he represents a group called 'Vermilion Call to Action' that has begun an initiative petition to prohibit storage units in residential and business commercial zoned areas to help define and deal with this issue. They have a community with a lot of boating activity, and they know they want to have places for boats to be stored, but they feel the way the ordinance is written on the books today, it does not clearly define what you do with storage units. So far, the initiative petition has taken two different roads – one is an actual petition to put an ordinance on the ballot so the entire city can vote on this. This has been presented to City Council in a good faith effort to allow Council to deal with this as an ordinance as opposed to having it go to the electorate in November for a vote. Where they stand currently is they have a substantial number of signers in excess of 100 that are opposed to storage units in residential and business commercial areas. He said City Council has agreed to put this on the agenda for discussion – he is not saying they are approving or disapproving this, but it is on the legislative agenda for the upcoming committee meeting next month. Council will be discussing this and may choose to table it for further discussion, or they may choose not to agree with it, or they may choose to agree with it. The point is, City Council will have an opportunity to discuss this to give clarification to the definition of storage units. At this point, unless the Zoning Board of Appeals board is willing to totally deny this, he recommended they would consider tabling it until there is further action by City Council and keep in mind that if Council does not act, then it will be on the ballot in November.

D. Phillips said the board will decide on whether L. Douzos can use this land, but the questions he hears from everybody on what is going to go there, will go through the Planning Commission, and they will hold his feet to the fire when he presents what he wants to do. Every concern the residents have will be addressed at Planning Commission when it goes to this board. G. LeBlanc asked if Planning Commission will address the buffer zone issue. B. DiFucci said buffer will go through the Planning Commission whether it is existing buffering they will reutilize or if they are required to create a buffer area. D. Phillips clarified that whenever L. Douzos decides to build this is when the residents should come forward and say they want a buffer between them – mounds, grass, etc. This is when the Planning Commission and the administration work together. B. DiFucci explained the buffering is required to be met within 12 months of the installation. It specifically speaks of a timeline in the code. G. LeBlanc asked if the wetlands are a Planning Commission issue. It was noted the engineer would need to investigate this. D. Phillips showed the list of permitted uses currently allowed on that property to the residents in the audience.

P. Laurien asked if the condominiums have been approved or is this just a proposal. B. DiFucci said this is a use – this is an approval by the board to say this is of a 'like' use. He is simply trying to get the use approved by BZA so he can have drawings constructed and make application to the Planning Commission to meet all the requirements of the code. P. Laurien said he was talking about condominiums. B. DiFucci said if he is referring to residences, they are not addressing any of that. G. LeBlanc said it is all speculation at this point. L. Douzos said it is a concept they have been working on with the surveyors to see what is feasible.

Cory Christner of 613 Guilford Road said he has been in this neighborhood since 1998 as he dated his wife there. He moved into the same house that his wife lived in 2017. When he got there, he could hear crickets and it was peaceful. He said the biggest concern is property values going down and on top of that the noise level, light pollution, and sound pollution. If they are going to put up a sound barrier or a hill and they can keep the majority of that stuff out, then it will be acceptable to him. He said nobody in the neighborhood expected for the trees to come down and none of the residents even knew this property had gone up for sale, and now all sudden everything is going on.

D. Phillips said everyone is making good solid points, and the point was made that L. Douzos bought the property and it his land, but there are permitted uses in the B-3 zoning district that he can do right now without BZA approval. B. Voltz said it would still need to go before the Planning Commission.

C. Christner asked how this property got zoned B-3 and questioned when it was rezoned. G. Fisher did not believe this property was rezoned. P. Laurien said the city first initiated zoning in 1966 and it is very possible that this property was zoned in 1966 and has been zoned since that time. D. Phillips told the residents who have lived in that neighborhood for 30+ years that if there was a rezoning, they would have known about it. G. Fisher clarified that all residents within 300' of a rezoning are notified and a public hearing is scheduled. C. Christner said if he did not hear from his neighbors, he would have not heard about this meeting. G. Fisher explained all meeting agendas and minutes are posted on the city website and they are listed in the Vermilion Photojournal, and they can always contact her for more information.

Louis Douzos said he understands everyone's concerns and out of courtesy he has been speaking with the building inspector and engineer, and he has been concerned about the neighbors on how it will look back there, and how it will look behind his place too. He has been trying to clean it up to make it look nicer. He has been working with the weather and the pandemic. He is not going to put some crap up and he does not want a bunch of people out there. He does not want to put a



bunch of mechanics and cars because it is not something he wants to look at either. He understands the resident concerns and knows the trees are nice, but unfortunately, he bought the property, and he has a plan for it, and plans on going before the Planning Commission to talk to them. He does not plan on slapping something up – it is not little storage units and people will not be in and out. They are talking ll big units, which is something a lot nicer than the big ones in front of Carter Lumber.

B. DiFucci said the board's job is to determine if this fits within the B-3 zoning district. D. Phillips said he used to be on city council and there were times where an issue never left committee. The members on the committee had to recommend it to Council and then four members of Council would have to vote on it. Just because this issue is going to be discussed in committee, it does not mean it will go anywhere, but they can still try to put it on the ballot in November.

Judy Kirby of 612 Guilford made a point about the current permitted use list as it is very unlikely these uses will go in, but storage units are completely different and if he did get approval to build them, then nothing will stop him from adding to them. They will have lights and 24-hour access. This is not something they should plan. They can see straight through to Liberty Avenue now.

P. Laurien asked what is being requested – is the conditional use being requested or is a use change that is not permitted being requested by variance. B. DiFucci said the request is to allow the use – under the permitted use section the determination by the Board of Zoning Appeals. P. Laurien said, “Since when are they zoning by variance? This is not appropriate and if they want change then you go through the zoning process – you do not do it by variance. If this were the listed conditional use, which it is not – they could vote on it as conditional use. If what they are asked to do is to make a non-permitted use permitted by variance, then they do not have the power to do that in his opinion. B. DiFucci said they are not asking to add this use to the permitted use list. P. Laurien questioned what the board is being asked to do then. B. DiFucci said a determination that it is of general character. B. Voltz referred to the Section 1270.13 where it says – Any other retail business or service establishment or use which is determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses. D. Phillips said the board is looking to see if there are similar uses – a like-use. He asked how many B-3's have storage facilities in that area. B. DiFucci said he did not have a count, but a few had been mentioned. Robert Green said there are three of them and they are all zoned B-3, plus the one at Alco which is in-material.

L. Douzos said the concept is Boat and RV storage – he gets the idea of people putting their household stuff in storage units, but this is not his concept.

D. Chrulski MOVED, G. LeBlanc seconded to allow the permitted use for a climate-controlled boat storage. Roll Call Vote 2 YEAS (LeBlanc, Chrulski), 2 NAYS (Laurien, Voltz), 1 ABSTENTION (Phillips). MOTION FAILED.

Adjournment:

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

2021 MEETINGS:

*Next: Tuesday, May 25, 2021 – 7:00 p.m. @ Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.*

Transcribed by Gwen Fisher, Certified Municipal Clerk

My family and I moved to Vermilion in 2003. We purchased our current house because of the neighborhood as well as the quiet, private backyard. We inquired about the area behind us as to any building, we were informed it was wetlands and unable to be build upon. In 2017 the area behind our house was purchased for \$30,000. In the fall of 2018 the new owner Lou Douzos, began to clear the land. The company that was in charge of such task basically topped the trees taking the good logs from the area and leaving behind a mess of brush and rotten wood. This area remained this way for over a year. The view of our backyard resembled that of debris left in the wake of a tornado. This should not have been acceptable practice by the land owner nor the city. Especially considering Chapter 1284 section 4 of the Vermilion City Code general provisions which specifically states

"buffering width on land devoted to a class 3 4 or 5 use shall not be less than 30 feet when bordering or abutting a class 1, 2, or 3 use. Plant material and screening shall be distributed within the buffer area so as to provide the desired opacity and visual screening."  
Currently you can see clearly to Liberty Ave from my patio and vice versa

Since, the area has been cleared, the negative effects to our property, as well as neighboring properties, include increased water in our yards, sink holes, increased noise from Liberty Ave. bright lights that shine in the West facing bedrooms at night. We currently have concerns about what is happening under our foundations, considering the sink holes we see in the yards are quite drastic and continue to get larger. Furthermore, it is likely that the potential value of our property has decreased due to these changes.

I am in opposition of the requested variance from Mr. Douzos. As a property owner who will be directly affected by this proposal these are my concerns,

My first concern is the aforementioned decrease in the property value of my home due to the eye sore that a storage unit would create.

Second I am concerned with how the lighting on a storage building of this size would affect the west bedrooms of my house considering the light pollution from liberty avenue has already proven to be an issue.

Third this is not the type of business that should border two residential neighborhoods.

Fourth, the noise and constant traffic ~~of a~~ storage facility that has 24 hour access would bring.

Fifth, the possible increase in crime that a storage unit could bring.

*Sixth, no public viewing of proposal*

The zoning map in Vermilion was created with the intention to benefit and protect business and residence alike. This was not a use for the current parcel for that reason, and I believe that this committee would be doing a disservice to the property owners in this subdivision if you vote to grant this variance. I will close by quoting Mr. Laurien in a previous variance meeting that discussed 1270.13 (b) permitted and conditional uses: proposed storage variance request to allow storage use.

"you cannot see, hear it, or smell it, so see no evil, hear no evil, or speak no evil" as I have clearly stated above both myself and my neighbors would be able to see, hear, and smell it.

*Rachel Wilson  
600 Gullford*