

BOARD OF ZONING APPEALS
August 24, 2021

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

Roll Call: Philip Laurien, Bob Voltz, Dan Phillips. Absent: Dave Chrulski, Guy LeBlanc
Attendees: Bill DiFucci, Building Inspector; Steve Hologacs, City Council Representative
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 meeting of August 24, 2021 to order.

APPROVAL OF MEETING MINUTES:

B. Voltz MOVED, P. Laurien seconded to approve the meeting minutes of July 27, 2021. 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.

NEW BUSINESS:

(B-3) 4620 Liberty Avenue – Applicant: Steve Kudej (Allow Sign with 0’ setback)

Applicable City code section(s) cited:

1274.12 (h) (2) Freestanding sign no closer than 20’ on the height of the sign, whichever is great – proposed = 0’ setback – variance requested – allow sign with 0’ setback

Steve Kudej of 3975 Higley Road, Rocky River was present to represent property located at 4620 Liberty Avenue. He explained to the board that he would like to replace the existing sign as it has 0’ setback. D. Phillips asked if the sign would go at the same location and S. Kudej replied yes. D. Phillips asked the dimensions on the old sign. S. Kudej believed the old sign was 16’ high, but he did not measure the width. D. Phillips asked if the new sign would be lower. S. Kudej said the new sign will be 10’ high and 8’ wide.

P. Laurien said in observation the board does not have a site plan that shows the setback line, but they do have a rendering which shows a nice-looking sign. He said it is a ground sign which is appropriate. He said if they do not know where the setback line is, then they have some responsibility to make sure there is adequate

site distance, and if the sign is given a reduced setback, then it is not going to block safe site distance for people pulling in or pulling out. For example, the previous sign was a pole sign, and you could see under the sign and around the pole, and he thinks the applicant has done an accurate job of showing the location of the new sign exactly where the other one was. It appears to be directly under the power line, which would typically be the right of way line, so this is an appropriate placement if you were at a zero setback. The question is – will this block safe site distance for people pulling in and out. He said the person that has the total responsibility and power for this is the police department – it is their authority to do that. The Planning Commission would normally look at this as a site plan issue, but the ultimate authority over blocking site distance in intersections is the police department.

D. Phillips asked what is directly east to this sign. S. Kudej said the Rite Aid is right next to it.

P. Laurien thought the potential problem is for the people who are trying to exit from Crystal Plaza and maybe behind the side and traffic coming past will not see that. D. Phillips said to an extent you can see where the car can come up to the sidewalk there and you can see where they will have visibility, and someone should be able to see them too. Mayor Forthofer said he knew the sign was coming and the first car in line out of there could easily see past where it is supposed to be. He said the second car may have to edge up. D. Phillips said they have to stop no matter what, so if you're the second car, by law, you have to stop and look. He said he has no problem with the variance request because it is replacing an old existing sign, and he is all for helping the businesses market their square, and he was sure the local businesses in there appreciate this sign too.

B. Voltz MOVED; D. Phillips seconded to grant the variance as requested to allow the sign with a 0' setback. Call Vote 3 YEAS. **MOTION CARRIED.**

[B-3] 2813 Liberty Avenue -Applicant: Vintage Crossing (Allow Sign with 0' Setback)

Applicable City code section(s) cited:

1274.12 (h) (2) Freestanding sign no closer than 20' on the height of the sign, whichever is greater – proposed = 0' setback – variance requested to allow sign with 0' setback.

Tim Olney of 416 Milan Avenue, Amherst, Ohio said he would like to install a freestanding sign in front of his business.

D. Phillips said he went to the property to take a look and compared to the Farm Market sign it seems pretty much in line with the that. Tim Olney said exactly. D. Phillips asked what the dimensions are of the sign. T. Olney said it is 14' high and 11' wide. P. Laurien asked if it is a pole sign or ground sign. T. Olney said it is freestanding pole sign that is going in the ground. P. Laurien asked what the distance is from the bottom of the sign to the ground. T. Olney said it touches flush on the ground. P. Laurien asked if he had a rendering of the sign to show the board.

T. Olney showed the board a copy of the sign. P. Laurien said it is a ground sign and it shows he is 32' back from the road, so he is he saying from the edge of the pavement of the road. T. Olney said this is correct. P. Laurien asked if he is saying that Route 6 is paved right up to its edge. D. Phillips thinks he is saying he is 32' from the edge of the road, which is not the right of way. T. Olney said he was 0' from the right of way, not over it. He is saying that is 32' and their sign is 14', so it cannot fall into the highway at all. If it were to fall it would only fall 15', so there is plenty of room on that side. P. Laurien said he is 32' off the paved surface. B. DiFucci said his property line extends into Liberty because the way it was plotted, so the right of way absorbs some of his property, so the sign would be placed right at the edge of the right of way line, which is in line with the Farm Market sign. He said the sign is set back far enough and if it were to fall it would not fall into the street in his opinion.

Mayor Forthofer said the sign is attractive and so little has been done down at this end of town, and Vintage Lighting has invested in this property, and they are having trouble drawing in people from the road and this sign would help a lot. D. Phillips agreed and asked T. Olney what they do. T. Olney said they sell all types of lighting and décor. D. Phillips said he did not know he was there, so he would be in favor of a sign as he always wants to help the business guy.

D. Phillips MOVED, P. Laurien seconded to grant the variance as requested to allow the sign with a 0' setback. Call Vote 3 YEAS. **MOTION CARRIED**.

[R-S] 5055 Elm - Applicant: Prete Builders, Inc. (Front/Rear Yard Setbacks)

Applicable City code section(s) cited:

1270.09 (e) (2) (A) – Front yards not less than 30' – proposed = North = 5' (platted street Elm) – variance requested – 25'

1270.09 (e) (2) (A) West = 3' (Cherry) – variance requested – 27'

1270.09(e) (2) (B) Rear yard not less than 30' – proposed = 6' – variance requested 24'

Paul Prete of 829 Crosstree Lane, Sandusky, Ohio explained he was before the board for a demolition and rebuild of a home in Linwood Park. He said they are looking for a front and rear yard setback.

D. Phillips said he understands he is tearing the house down, but where are they moving the house – closer to the road or are they putting it on the same old structure? P. Prete said it is not on the same spot, but it is pretty close to the same spot on the western side. D. Phillips asked if they need a variance for the west side. B. DiFucci said yes they will need a 27' variance. P. Prete said the existing is 2.18' from the property line on the west and currently they are pushing it 3'.

B. Voltz asked if the road encroaches on the property. B. DiFucci said the road is actually a paper street. D. Phillips said on the east side there is a basketball court and asked if this is public. P. Prete said this is the homeowner's property now. D. Phillips confirmed nobody is next to them and P. Prete said this is correct.

Gerald Monroe of 20831 Stratford Avenue, Rocky River and 5067 Elm Street, Vermilion, Ohio said he was not exactly clear on what was happening with the foundation. He asked if the foundation is actually moving farther away from the street. P. Prete said 9" maybe. G. Monroe asked if the northern most extent of any structure (porch, concrete, pavers) is moving closer to the lake, and if so, by how much? P. Prete said it will end up 5' on the north side from the property line and currently it is 1.16'. G. Monroe asked if it is taking up more space to the north than it used to. P. Prete said no it is moving south. G. Monroe said so it is moving south and east, but it is moving over the existing line in the back a little bit. P. Prete said it is half a foot.

D. Phillips MOVED, B. Voltz seconded to approve the variance requests as submitted. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

Adjournment:

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

Next Meeting: Tuesday, September 28, 2021 – 7:00 p.m. @ Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.

Transcribed by Gwen Fisher, Certified Municipal Clerk