

BOARD OF ZONING APPEALS

April 26, 2022

6:00 p.m. – Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

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

*Roll Call: Dan Phillips, Ryan Barnes, Bob Voltz, Lori Barauskas. Absent: Guy LeBlanc*

*Attendees: Frank Steigerwald (Building Inspector); Greg Drew (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 26, 2022 to order.

**APPROVAL OF MEETING MINUTES:**

**L. Barauskas MOVED,** D. Phillips seconded to approve the meeting minutes of February 22, 2022. Roll Call Vote 4 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:**

**(R4) Bluebird Beach – PP#: 19-00021.000 – Applicant: John Knapp (Utility Building – Vacant Lot and Side Yard Variance)**

*Applicable City code section(s) cited:*

*COV 1270.05 (C)(2) No Building or Structure except principal residence built on Vacant Lot – proposed utility building*

*COV 1270.05(E)(3)(C) – Sum of side yard not less than 16’, neither side less than 8’ – proposed 5’ side setback*

John Knapp of 811 Blissful Rd. asked that the Board would consider the variance request of putting a utility shed on the vacant lot behind his property and can be viewed from the aerial photo submitted. He stated the location where he would like to put the shed would leave 5’ on either side to the neighbor’s garage or the fence to the other neighbor. After speaking to the Building Inspector, he learned that it has to be fire rated so the intention would be to have steel siding on the outside and the inside of the structure.

D. Phillips asked when looking at the submitted photo, which lot his house was on. J. Knapp responded his house sits on lot 19 and 20 and then the extension is his back yard. B. Voltz asked if it would be located on the north or south end. J. Knapp responded it would be on the southwest side, it would be tucked away and would not be visible to either neighbor or the street. He hoped to tuck it into that area so that he could still maintain some of his backyard. D. Phillips stated one of the concerns he had was the rules on greenspace and drainage and asked F. Steigerwald if that would be a problem where the building is proposed. F. Steigerwald responded it would not be a problem.

L. Barauskas asked if the shed would be 10' x 32' because in the drawings provided the shed appears to be closer to 10' x 10'. J. Knapp replied that he was showing the roof line, but it would be an elongated version. The entry doors will be on the narrow side of the shed roof and he would be sure that any water run off would stay on his property. He shares the property with his mother, and they would like to get as many things stored there including bikes and kayaks so they can safely park in their garage.

D. Phillips asked if he has talked with any of his neighbors. J. Knapp said yes, his mother has, and the neighbors did not have any comments on it. D. Phillips asked if all four walls of the shed would be fire rated. J. Knapp replied yes because that is the requirement, and it will be on the inside and outside. He will do steel all the way around, a steel roof and the inside would be lined in steel as well.

**D. Phillips MOVED;** B. Voltz seconded to grant the variance as discussed and in accordance with *applicable city code section(s) as cited* above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**(R1) 1535 Sunnyside Rd. -Applicant: Kimberlee McCray (MRP Woods LLC) (Barn on Vacant Lot, Size of Barn, Front/Side Yard Variance)**

*Applicable City code section(s) cited:*

*COV 1270.02(C)(2) No building or structure built on vacant lot – proposed barn*

*COV 1272.12(A) Utility Building shall not exceed 320sqft – Proposed 1200sqf*

*COV 1272.12(B) Utility buildings in rear yard – proposed front or side based on future house location*

Kimberlee McCray of 1535 Sunnyside Rd stated they would like to build a barn on their vacant lot. D. Phillips asked if the plan was to eventually build a house there. K. McCray replied yes. D. Phillips said that he did drive on the property and asked in comparison to the driveway and trailer that is currently there where the barn would be located. K. McCray replied that the barn would be built approximately where the trailer is currently located. D. Phillips asked if they knew where they wanted to put the house at. K. McCray replied that they wanted to get to know the property first and they have been clearing the land to get a better look to determine what they

would like to do in the future. D. Phillips asked how many acres make up the lot. K. McCray replied 31 acres, it was three separate lots, but they were reconsolidated earlier this month into one lot.

L. Barauskas asked if they would keep the barn in place after the home is built on the property - if it was a permanent structure. K. McCray replied yes. D. Phillips asked why they chose to build the barn before the house. K. McCray stated they need to maintain the property and they have a tractor on order to keep the property mowed down and with the supply chain and everything backed up, they need somewhere to store the equipment now. L. Barauskas asked if the house was being built at the same time as the barn, would it need this variance request. K. McCray said that the barn is bigger than what is allowed. D. Phillips said if it was happening at the same time, all they would be giving a variance for would be square footage, because they really don't know where the house is going to go. K. McCray stated they spoke with the neighbor as well and they do not have any concerns.

D. Phillips asked F. Steigerwald if they would be giving out a front and side yard variance since they do not know where the house is being built. F. Steigerwald replied yes, depending on where they decide to build their house. It could be a front yard, or side yard if they build the house next to it.

Don Neiding of 715 Foxwood Dr. asked what the property is zoned. D. Phillips replied R-1.

**B. Voltz MOVED**, D. Phillips seconded to grant the variances as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**(RL-1) 906 Nautical Dr. – PP#: 18-01126.000; PP#: 18-02168.000 – Applicant: Gerald Uebbing (Carport on Vacant Lot)**

*Applicable City code section(s) cited:*

*COV 1270.10(C)(2) No building or structure, except principal residence shall be built or erected on any vacant lot*

Gerald Uebbing of 906 Nautical Dr. said that he lives on the cul-de-sac at the end of Nautical drive and the location that the setback of the carport from the cul-de-sac is 34'. The carport was put there over 5 years ago and the concrete driveway it sets on was poured in 1983. The canopy is used as a picnic area. He stated that he measured the distance from the neighbor that is opposing the variance and it is 140 feet away from the canopy. He did try to reach out to the company that erected the carport because they told him that they had a permit when it was built so he had no issues for many years, however the company is no longer in business. He is just looking to keep the canopy that is there, it is not intrusive you can look right through it, he is in a boating community there are marinas all around him – Key Harbor, Valley Harbor,

and Anchor Point Dr. has a marina at the end. All winter long you see boats with blue wrap around them for winter storage and in the summer you see the boat docks, and people using the docks set up canopies and campfires which have not been a problem.

B. Voltz asked if the lot is buildable. F. Steigerwald replied yes. G. Uebbing stated it is over 6,000sqft and it only has 38' frontage on the cul-de-sac. It would be hard to build down there without being on top of another house. L. Barauskas asked if the lot was not used for that space, there is still a driveway that can be used to park vehicles or boats. G. Uebbing replied he used to have his jet skis parked under there, but he moved them. To give a little history they purchased the property in the 70's, his parents owned the lot that is 906, his brother owned a lot, and he owned the two lots next to that. As time has gone on, he owns the other two lots now. He used to store his boat on that lot, that is why the driveway was poured in 1983, and the original ordinance said that you could store a boat on a vacant lot as long as it was adjacent to a permitted building owned by the same owner. The ordinance was changed, and he had to move the boat. The building inspector at that time told him he could move the boat to the other side of his house. He said since then, he has tried to keep peace in the neighborhood, he stores his corvette and boat at another location and his car and golf cart are parked in his garage, so basically he may park on that driveway occasionally but not inside the canopy, it has been set up that way for 5 years now. G. Voltz asked if this would be an issue if the lots were combined. F. Steigerwald replied no.

Mike Krupienski of 915 Nautical Dr. wanted to address the Board of the construction of the carport. He stated it is used for storage and it is on a vacant lot and was also done without a permit. He stated the lot is adjacent to his and is an eyesore to the neighborhood and visitors passing by. He said they purchased their lot in 2003 and put the addition on the home which faces west. At that time the structure was not there, if it was other designs could have been looked at. The structure is 96' from the view of their addition and they are 300' from the docks of the marina on the other side of the canal. They could see boat traffic and people instead of a storage facility in the summer. Dock boxes which have gas in them next to a propane grill with lights inside the structure is not a very safe practice because it is operated by extension cords. If approved, this starts a precedence allowing structures on vacant lots for example: Anchor Point. If you look at all the photos, the very first photo in 2003 you will see there is no carport, and no addition on 915 either. In 2011 you can see the addition was added to their house and there still was no structure on 906 Nautical. In 2013 there is still no structure, but you can see the boats on the east side of his home. In 2015 there was still no structure on the vacant lot, and in 2019 is when the carport appears. B. Voltz asked why it is an issue now if has been there since 2018 and otherwise things have not changed, why it was not brought forward when the situation originated. M. Krupienski replied in 2019 there was not as much stuff under it and as the summer goes along, more stuff appears.

B. Voltz replied he struggled with the definition of that being storage, it is an open carport and as depicted from his photos it wouldn't look that much different from someone's back deck. L. Barauskas commented even with the carport being gone – the deck boxes, the table, and chairs, all of that can still be set up, that piece wouldn't change. She asked if the sides ever come down, or if it is open air. G. Uebbing replied it is open air, the reason he did not build a solid structure is so that you can look straight across it so that it was unobtrusive. M. Krupienski replied there has been blue tarps that have been dropped down on the side. G. Uebbing said that it would not change if he put a pop-up canopy every weekend with picnic tables underneath it, he can still use the property in the same fashion as it is being used right now. He said it is great in the summertime, he does not make noise, a lot of his neighbors enjoy it, everyone on his side of the street share a common dock with a back walkway on the river, his back yard is on the sunrise lagoon, this is on sunset lagoon so there is water all the way around.

Ken Brady of Nautical Drive stated he lives next door, and it is not a permanent structure, and you can see right through it to the river. He takes outstanding care of his property, there is no mess, it looks great, it is a great addition to what he has going on.

**L. Barauskas MOVED**, B. Voltz seconded to grant the variance as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 3 YEAS(Barnes, Voltz, Barauskas) (D. Phillips abstained). **MOTION CARRIED**.

**(R-4) 5934 Cape Hatteras Dr. – PP#: 18-00336.006 – Applicant: Kent Skrada and Jenna Swineford (Fence Height in Front Yard)**

*Applicable City code section(s) cited:*

*COV 1272.09(A)(1) No fence shall exceed three and one-half feet in height in front yard – Proposed 54"-60" in height*

Kent Skrada of 5934 Cape Hatteras Dr. stated that he is requesting a variance of a 4' fence all the way around the property, because it is an irregular lot, and it will give more room for his dogs to run around. D. Phillips asked if it is because this house is located on a bend, it is not a corner lot. F. Steigerwald replied correct, he has a lot of front yard. D. Phillips asked if the fence will be 4' black aluminum and K. Skrada replied yes. B. Voltz asked based on the drawing, it will be set back more than 20' and fitting to the configuration of the roadways. K. Skrada replied that is correct, on the left side of the house is a partial front yard so that is the reason he is asking for the variance. L. Barauskas asked how many feet from the sidewalk the fence would be. F. Steigerwald replied it would be 20' from the sidewalk. D. Phillips asked if the request was for 6 inches. F. Steigerwald replied yes.

**D. Phillips MOVED**, B. Voltz seconded to grant the variance as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**(R-1) 2775 Jerusalem Rd. – Applicant: Michael & Angela Pasadyn (Fence Height in Front Yard)**

*Applicable City code section(s) cited:*

*COV 1272.09(A)(1) No fence shall exceed three and one-half feet in height in front yard – Proposed 54”-60” in height*

Michael Pasadyn of 2775 Jerusalem Rd. stated they are seeking a variance request for a fence height in the front and side yard. D. Phillips asked what they are using the fence for. M. Pasadyn replied they are fencing in horses. Their neighbors have a two-acre horse pasture directly adjacent to their property line and they would like to move their horses from Oberlin to their home. They have new barn, and they are hoping to put in a professional stable and fence in to go with it. D. Phillips asked how high the neighbor’s fence is. M. Pasadyn replied it averages between 54”-60” so he used that as a baseline, that is the standard protocol for horse containment. B. Voltz asked if it is an open fence to which M. Pasadyn replied yes. D. Phillips asked if the fence would be similar to what their neighbors have. M. Pasadyn replied yes. D. Phillips asked if they are putting in two fences. M. Pasadyn said it will be one for the pasture, and then the other part will be connected to the barn for a high traffic pattern. B. Voltz said the only concern was with the piece coming forward to the road on the west side. M. Pasadyn said they are trying to maximize the space they have. D. Phillips asked if it would be right in line with the neighbor’s fence in the front. M. Pasadyn said yes, if you’re driving by you probably wouldn’t notice there would be two separate fences there. L. Barauskas asked if there were fields across the street. M. Pasadyn replied yes. L. Barauskas said it looks like it will be complimentary, if not match the other property around it.

**D. Phillips MOVED**, B. Voltz seconded to grant the variance as requested not to exceed 18” and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**(R-1) 3610 Jerusalem Rd. – PP#: 01-00030000017 – Applicant: Gerald Anderson (Utility Structure on Vacant Lot, Size and Height)**

*Applicable City code section(s) cited:*

*COV 1270.02(C)(2) No building or structure, except principal structure shall be built or erected on vacant lot – Proposed utility structure*

*COV 1272.12(A) Not to exceed 320sqft – Proposed 2400sqft*

*COV 1272.12(A) Not to exceed 12 ft in height – Proposed 16 feet*

Gerald Anderson of 4130 Menlo Park stated he his interested in purchasing a property on Jerusalem Rd. and would like to put a building on it for personal storage.

He does not own the property yet, it is where the house burned down and he has been talking to the woman who owns it, it is 8 minutes from his house, and he would like to put his boat, car and trailer in it and use it for personal storage. He would like to put the building in the corner to leave the lot a buildable lot, but he is not thinking about building anything additional there at this time.

D. Phillips said in looking at the property, you can see where the house sat and then the property continues west of that. G. Anderson replied yes, it is all the same lot it is pie shaped and he would like to put it back in the corner and then clean the lot up. D. Phillips confirmed that Mr. Anderson is looking at purchasing the property. G. Anderson replied yes he told the owner he would call her tonight if he gets approval. He needs the variance for the height so that he can fit his boat in it and then it needs to be large enough to also fit his trailer and car.

L. Barauskas asked what the relation would be in size to the barn that is on the neighboring lot. G. Anderson answered it will probably be as tall, but it will be smaller and more narrow. He said that barn has been there for a long time, whoever bought it fixed it up and made it look nice. He would like to clean the property up once he buys it, he does not think it is a super desirable lot, but he does want to leave it buildable. D. Phillips agreed stating the back yard is the off ramp for Rt. 2 and the side yard is the ramp to get onto Rt. 2. There are quite a few pole barns on Jerusalem Rd. that he as noticed as well.

Don Neiding of 715 Foxwood Dr. asked if the zoning is R-1. D. Phillips replied yes. D. Neiding asked if the main usage in an R-1 district is residential homes. D. Phillips replied yes. G. Anderson stated he is only looking for personal storage, he will not be renting it out.

**B. Voltz MOVED**, D. Phillips seconded making a statement that he normally would like to see a home built there because it is the residential district, but looking at the circumstances of the lot being surrounded as a highway, agrees to grant the variances as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

### **Adjournment:**

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

*Next Meeting: Tuesday, May 24, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio*

Transcribed by Melanie Wood, Building Clerk