

BOARD OF ZONING APPEALS

June 28, 2022

7:00 p.m.

Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

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

Roll Call: Dan Phillips, Ryan Barnes, Bob Voltz, Guy LeBlanc, Lori Barauskas
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 June 28, 2022, to order.

APPROVAL OF MEETING MINUTES:

B. Voltz MOVED; G. LeBlanc seconded to approve the meeting minutes of May 24, 2022. Roll Call Vote 5 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:

G. LeBlanc mentioned a variance the board approved in the past for a home occupation and asked the building inspector if there was any business the board needed to address on this matter. D. Phillips noted for the record the variance in question is the home business on Woodside and the owner was supposed to put up a fence, which he did recently. F. Steigerwald confirmed the installation of the fence was completed before the property owner's deadline. D. Phillips asked G. LeBlanc if he received another complaint at this location. G. LeBlanc said he would need to go back and look. He asked if the board received correspondence after this or was it leading up to it. F. Steigerwald said it was about parking extra vehicles and he did go down to address this with the property owner and they have been removed. G. LeBlanc noted the board initially never addressed the noise and the parking.

NEW BUSINESS:

David K. Poulos – Property Location: 4692 Frederick Drive – PPN: 22-00141.000 (RS)

Applicable city code section(s) cited:

COV 1272.12(A) Utility building to not exceed 320 sq. ft.– propose 1080 sq. ft. (Variance Requested – 760 sq. ft.); COV 1272.12(A) Not exceed 12' maximum height or height of primary structure – propose 20' (Variance Requested – 8'); COV 1272.12(c) Rear yard minimum setback 5' – propose property line (Variance Requested – 5'); RCO 302.1(1) Minimum fire separation not less than 5' from property line – propose 0' (Variance Requested – 5')

David Poulos of 4692 Frederick Drive explained he is applying for a pole barn structure/extra garage structure in the rear of his property. He mentioned he was previously approved by the board for a structure (30' x 36'), but the variance ran out, so he reapplied and included some more variance requests for the height because they want to add some storage at the top of the structure. He is also requesting a rear yard setback as he would like to put it back to the rear - right on the line. They are in front of a spot near the creek and where the railroad has 20' or so on his property that they maintain. He said it would need to be fire-proofed because it is right on the property line.

D. Phillips said he walked the property and noticed orange spray painted lines, which he thought is where they were putting the structure, which didn't match what was presented in the variance. D. Poulos explained his son had a birthday party and it was for their Wiffleball field. D. Phillips addressed the rear property line. D. Poulos said it is about 25' from the rear property line to the edge of the creek where it starts to go down into the creek, which is the railroad property. On the left side of his property, it is a little less because it angles towards the left side, so it is about 20' there but it is the access part that he maintains to the creek, and then the railroad tracks are high up.

R. Barnes asked D. Poulos if he contacted his neighbors Greg Drew and Dale Parsons to discuss these proposed variances. D. Poulos said he did, and they initially had no issue with it, however, he understood they could show up at the meeting and have an issue with it. G. Fisher said as a point of clarification, Greg Drew is the City Council representative to the Board of Zoning Appeals, so if he had a statement to this issue, then he would need to remove himself during this portion of the meeting as council representative and function as the adjoining property owner if he had questions or comments. Greg Drew removed himself as the City Council representative to the Board of Zoning Appeals for this matter. He identified himself as resident Greg Drew of 4670 Frederick Drive and stated he lives right next to D. Poulos and had no objections to what he would like to do. B. Voltz asked Greg if he was to the east or west of Mr. Poulos' property and G. Drew replied to the east. D. Phillips asked if he was right next to where Mr. Poulos' wanted to put the structure. G. Drew said yes, and the closest part of his structure would be on his side at about 10' or 15', but he was uncertain of the exact measurements, but either way he was okay with this. He said the tracks behind their homes go up about 20' – at least 15' the elevation compared to their back yards. D. Phillips questioned if the railroad

maintains their property at this location. G. Drew said all the residents on the street maintain the 20' property that is behind all their yards. D. Phillips asked if anything was buildable in the back and G. Drew said no.

G. LeBlanc asked what the side setback was. F. Steigerwald said the property is in the RS zoning district so he can go 5'. G. LeBlanc asked D. Poulos what the intended use of the structure would be used for. D. Poulos said it will be for his trailer and garage use for his two trucks and car, and his 14-year-old will be driving not too much longer, so they want to be able to just put things away. Eventually, they will fence it in. G. LeBlanc wanted to make sure this was not a home occupation and D. Poulos said no as he just wants to put things away as he also has a little front-end loader, which has been sitting outside rusting.

B. Voltz MOVED; D. Phillips seconded to grant the variances as discussed and in accordance with *applicable city code section(s) as cited* above. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

Elliot Lewis – Property Location: 4110 Brownhelm Station Road – PPN: 01-00-015-000-91 (R-1)

Applicable city code section(s) cited:

COV 1270.02(3)(c) Side yard sum not less than 40' & neither side not less than 20' – propose 12' (Variance Requested – 8'); 1272.12(A) Utility building shall not exceed 320 sq. ft. - propose 1380 sq. ft. (Variance Requested – 1060 sq. ft.)

Elliot Lewis of 818 Valley Drive, Amherst, Ohio said he hopefully soon will be living at 4110 Brownhelm Station Road. He explained he needs a variance for a steel building he is putting up, which is 30' x 46' and it exceeds the height because he has a Regal Commodore Boat that he wants to store in the winter.

D. Phillips asked if the structure was just for his boat. E. Lewis said he has a 1969 GTO, a tractor, golf carts, and farm equipment he would like to store. L. Barauskas asked if this would be his second home since he lives in Amherst. E. Lewis said they sold their home in Amherst and are closing tonight, and they are building a home at 4110 Brownhelm Station Road.

B. Voltz asked if there is any reason not to move the building the other 8' to keep it off the property line with the need not to request the additional variance for the side yard setback. F. Steigerwald said in the side yard he is asking 12' and he needs to be 20'. E. Lewis said there is a secondary for the septic tank. B. Voltz asked if he would be approaching that tile for the septic to the west. E. Lewis said yes.

D. Phillips asked the property owner if he would have a concrete drive to the house and gravel all the way back to the steel building. E. Lewis said yes. D. Phillips

confirmed with the building inspector he can have gravel and F. Steigerwald said yes.

L. Barauskas asked if this variance was contingent on the purchase of the property and E. Lewis said no.

D. Phillips MOVED; G. LeBlanc seconded to grant the variances as discussed and in accordance with *applicable city code section(s) as cited above*. Roll Call Vote 5 YEAS.
MOTION CARRIED.

Justin Isaacs – Property Location: Vermilion Road – PPN: 22-00153 Erie (RL-1)

Applicable city code section(s) cited:

COV 1270.10(E)(2) Depth of front yard not less than 20’ – propose 10’ (Variance Requested – 10’); COV 1270.10(D) No building shall exceed 35’ in height – propose 75’ (Variance Requested – 45’)

Justin Isaacs of 954 Vermilion Road introduced his architect David Maddocks and explained they are before the board to request a variance for a home he wants to build at the address noted. He said if you look at the property it has its challenges as they are trying to build on the side of a cliff with a flat portion up top and then Riverside Drive down below. They do not have a fully final plan for this home and what he presented on the application is a close concept of what they’re hoping to build, but with the difficulty of this site there were some things that need to fall in line before he spends the full costs of getting the architect to design everything to the end. Some of those items were to make sure the hill is stable, so they did a geo-technical analysis (soil) to make sure the hill is stable for their foundation. At this point in time, they need to obtain variances for the setbacks and the height of the house because in the RL-1 district if they fall within those setbacks there is basically no buildable space on the lot, so therefore they are asking for a setback variance on the front for 10’. On the sides they have plenty of room and then on the back there was some confusion but he thinks it has been squared away because the way they have frontage on Riverside Drive and Vermilion Road, they both are treated as fronts, which would be a 20’ setback, so if this indeed is the case, then he thinks they have confirmed they are good on the back, but they really need the front setback and the height variance. He thought in the application there was a little bit of confusion of what the height was based off. He believes it should be Vermilion Road and not Riverside Drive, so this is where the discrepancy came from, so in the RL-1 district, the height limit is 30’ and he said the variance paperwork stated 35’. F. Steigerwald confirmed it is 35’. J. Isaacs asked if it were 35’ would they even need a height variance. F. Steigerwald said the height variance is for the Riverside side – because it is considered a front yard. J. Issacs asked if they would still need it on both sides. F. Steigerwald said they do not need a height variance for the Vermilion Road side, but they would need a height variance from the road down on Riverside

Drive and it will be roughly 70' to 75' up. G. LeBlanc asked if it matters where their address is. F. Steigerwald said no. B. Voltz confirmed the address is irrelevant and F. Steigerwald said this is correct. B. Voltz said if they were a half a mile south down the road or something where there is no road, then they would not be discussing this. F. Steigerwald said yes.

D. Phillips said he brought this question up because he received a call about this as residents were concerned about them building a 75' high house on Vermilion Road. He advised the caller he believed they were talking about the height from down on Riverside Drive to above. L. Barauskas said if they are on Vermilion Road and they are looking at the property once it is built, it will not look like two stories at best. D. Phillips confirmed.

D. Phillips asked if they wanted the variances before they proceed with the plans. J. Isaacs said correct. D. Phillips said the most important thing would be the 10' front yard variance. He said they really do not know what the height variance will be, so would they be willing to come back later for a height variance when they are done with the final plans to build. D. Maddocks said it would help to have some guidance to make sure they are reasonable for the height variance because at some point they must push along the design since they have a fairly narrow front to back house. They are 20' following the ridge. He said this is a great site and they received the soil borings back and it is actually pretty buildable, but they just need to do it the right way, but to do this they are really limiting their front to back dimension and being able to have a little bit more height will allow them to have a little more freedom for the plan to work out. He said if the board is going to turn them down for this, then they will table the height discussion, but the setback is critical.

D. Phillips said they are building there because of the view of the river, and they do not want to come up to short. J. Isaacs said he is not going to say the view has nothing to do with it, but honestly there are other factors involved as well, one of them being the flooding as they all know that Riverside Drive floods a lot. If they could not get a variance from 35' off Riverside Drive, this would mean the whole two to three stories would be based off that height and they would be right in the flood zone, so they are trying to build up and behind the flood zone for two reasons. He wants to deal with as few flood problems as possible and by placing the home above and behind the flood line, he was planning to get out of having to do all the RL-1 flood development special stuff they have to do for a property down there. Then he would like to stay up on the flatter part of the property and he would like to have the front row be off Vermilion Road instead off Riverside Drive. D. Phillips said hydraulic studies and insurance can get quite expensive in the flood plain. J. Isaacs agreed this was a factor too. D. Phillips said it is a beautiful view looking down the river, but he just didn't know what height they need until they... D. Maddocks said they kind of know where the Vermilion Road height is and they need to establish that in their starting level of the house, so basically they are building a two-story house off

Vermilion Road and then the ability to have a outdoor space on the roof makes it pretty desirable.

B. Voltz said even if they had extremely high ceilings (12' or 15'), you are still only going to be 40' or 50' to get all stories including the access to the roof. He said even if they went 15' it would only be 60', so they would be well within that 75' limit from Vermilion Road. D. Maddocks agreed. B. Voltz expected they would be much less than 75' and J. Isaacs agreed. G. LeBlanc said the height restriction is 35' from Vermilion Road. D. Phillips said they must go from Riverside, so they will need to add another 40', so to build at 35' they can give them a 40' variance.

L. Barauskas asked if the driveway will be on the Vermilion Road side. J. Isaacs said yes.

G. LeBlanc said the setback for 10' is from the property line and then the driveway is going to be in the city easement area. J. Isaacs said part of it – not the parking area, but a turnaround. D. Maddocks said all the houses along Vermilion Road are parked tight to the pavement, and they are actually pulled back a little bit. G. LeBlanc asked what the depth of the easement is. F. Steigerwald said it changes but theirs is about 12' give or take. G. LeBlanc said as far as the front porch, it is not covered, so this is something they do not have to consider in terms of the setback. F. Steigerwald agreed because it is not covered. D. Maddocks said it has no structure on it.

D. Phillips said if you go down Riverside Drive and look at other properties, there are some that are a little closer to the road.

G. LeBlanc said he assumed they were setting a precedence - or are there other houses further north that have about the same setback. F. Steigerwald said he would say so. D. Phillips said there is one house a little closer north. He noted the hardships have been presented to the board.

L. Barauskas clarified the first step of the front yard is where the Vermilion Road side is and the 75' height is for the opposite side. G. LeBlanc said yes. B. Voltz explained they are not asking to exceed 35' on the Vermilion Road side. D. Phillips said if the building should not exceed 35' and he is proposing 75', should not the variance request be 40' instead of 45'. F. Steigerwald concurred this was a math error on the variance paperwork.

D. Phillips MOVED, G. LeBlanc seconded to grant the variances as requested in accordance with the *applicable city code section(s)* as cited above, noting the correction on the height variance to be 40' rather than the 45' mistakenly noted in the variance paperwork. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

Adjournment:

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

*Next Meeting: Tuesday, July 26, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street,
Vermilion, Ohio*

Transcribed by Gwen Fisher, Certified Municipal Clerk