

**BOARD OF ZONING APPEALS**

**July 26, 2022**

**7:00 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, Guy LeBlanc, Lori Barauskas*

*Attendees: Frank Steigerwald (Building Inspector)*

*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 July 26, 2022, to order.

**APPROVAL OF MEETING MINUTES:**

**G. LeBlanc MOVED;** D. Phillips seconded to approve the meeting minutes of June 28, 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 three affirmative votes for an action (motion\*) to pass.

**NEW BUSINESS:**

***Michael Dover – Property Location: 475 Elberta – PPN: 0100001106074 (B3)***

*Applicable city code section(s) cited:*

*COV 1270.13 (E)(2)(c) When the side yard of a lot in a B3 adjoins a residential district, side yard not less than 25' - propose 10' (Variance Requested – 15'); COV 1272.11 (E) No detached garage more than 768 sq. ft. – propose 912 sq. ft. (Variance Requested – 144 sq. ft.); COV 1280.06 No such nonconforming use shall be enlarged, increased or extended to occupy a greater area of land/propose addition (Addition for nonconforming)*

Michael Dover of 4282 Edgewater Drive said he bought a piece on Elberta, which has a two-car garage. The house was torn down several years ago and he would like to expand and add 18' to the north side of the garage. He has a catering business (Smoking Joe's Country Breeze), and he is running out of room at the store. He has added on and put on a barn from that, so he needs a spot to store his catering van, equipment, deep fryers for the store, and charcoal smoker. He would like to put his

items in storage when not in use.

D. Phillips said this originally came before the board with two variance requests, but they added COV 1280.06 because there is no nonconforming use. He asked when the house was torn down. M. Dover guessed around seven to eight years ago because it was an eyesore. Since he purchased the property, he has put in tile and has reseeded the property. The fence was dilapidated, so he tore it down and put up a new shadow box fence around the property. He has received positive feedback from neighbors.

D. Phillips explained the property is zoned B3 Highway Commercial District and there are a lot of allowed permitted uses, but a garage is not, so this is one of the variances the board will need to review. B. Voltz asked if he was proposing to run his business from this location. M. Dover said no, it's just for storage as described above. D. Phillips said there is a garage already sitting there and he has put money into the property by fixing it up, so right now if the board did nothing, he still has a storage garage on B3 zoned property. He would like to enlarge the garage and he is in a residential neighborhood. If he was a resident in this neighborhood, then he would want the least amount of foot traffic, noise pollution, light pollution, and if he knew an already existing business owner who is established in the community is going to just add an addition onto his garage to be able to store more of his equipment to run his business, then he would think anyone in the neighborhood would know this is a win-win for them. He said there is a lot of permitted uses in the B3, and he would not want to live next to a B3 property.

B. Voltz said from a standpoint of the board's role in understanding what hardship requires him to ask for of a variance, then he would like to know why he is adding to the north and must encroach closer to the residential neighbor versus doing it on the south side where he wouldn't need that piece of the variance request. M. Dover said he could, but the way he has it set up is that he will have an 8' garage door and a 6' garage door. He would like to put two 16' garage doors and space it out, so when he does need stuff, then he will not have to constantly be moving stuff up to get the stuff he needs in the back. Plus, he thinks esthetically it will look nicer. He has talked to his neighbor next door, and she absolutely has no problem with this. B. Voltz said he is confused from the standpoint that if he has the 14' to the north versus adding the 14' to the south. M. Dover said it will be easier. G. LeBlanc asked if the doors will be on the west side of the building. M. Dover said yes. G. LeBlanc asked what the difference would be if he expanded north or south. M. Dover said esthetically he thinks it will look nicer. G. LeBlanc asked what the difference would be esthetically. M. Dover said it will be a lot cheaper for him to add the footer on that side. He said he has about ten years at this property and then he will probably sell the business, so he could take the lot and build a house. B. Voltz said he would then need to rezone the property. M. Dover said there was a house there before.

L. Barauskas asked if the smoker and van are items he currently keeps on the

property. M. Dover said yes, and he keeps his van on the south side of the parking lot, but when they get busy there is no place to park, so it will free up more parking at the store and he can store the van during the winter because they do not do as much catering.

**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.**

*-Joseph & Karen Janesz – Property Location: 6175 Shadyside Drive – PPN: 1900084000*

*Applicable city code section(s) cited:*

*Zoning District RS– COV 1272.12 (c) Rear yard minimum setback 5’ - propose 2’ (Variance Requested – 3’); COV 1272.12 (c) Side yard minimum setback 6’ – propose 2’ (Variance Requested – 4’)*

Joseph & Karen Janesz of 6175 Shadyside Drive said on the southeast corner of the back of the yard, there is an existing 10’ x 12’ shed, which is rotted in areas, and it sits against the fence line on both the south and the east. He would like to tear it out and pull it back inside of the property 2’ and 2’, so he can get around it and work on the fence and work on the other side of the new shed. The shed will be slightly larger (10’ x 16’) with the same height. The two neighbors in the back end have no problem with this. He said the folks at Weaver Barns would perform the work. He said next to it when you’re facing the shed there is only one door with no windows. On the one side he would like to attach a three-season room, which is a high-end aluminum style. They would like to use this as a garden area to grow things and to sit there and read. He said this would go to the north side of the shed.

D. Phillips currently said the doors to the old shed are on the north side, so when he tears it down, the doors will be on the west side. J. Janesz confirmed this statement. D. Phillips asked if the three-season room will have the door on the west side too and J. Janesz said this was correct. He said there will be two doors in case he needs to get larger equipment in there and the three-season room will have an aluminum door. D. Phillips said the fourth wall of the garden will be the north wall of the new shed.

J. Janesz noted for the record that Franklin Sanitation checked to make sure he wasn’t going over any sewer, so they know where all the pipes are now. They do have an old cistern that isn’t being used and he has a huge grinding stone back there and they will keep it in place for posterity.

L. Barauskas asked if the existing shed that is going to be torn down has a variance that he is requesting for the new one. K. Janesz said it is closer to the property line,

then what they would be doing. Theirs will be farther away off the property line. L. Barauskas said for the three-season room and new shed combined, is this part of their review and variance. F. Steigerwald said it is just the setbacks.

B. Voltz said often it has come up about buildings covering a certain percentage of the lot property square footage, so is this an issue. F. Steigerwald said no. D. Phillips said they cannot cover up to 30 percentage.

B. Voltz said on the application it states the three-season room to be 12' x 15', but on the drawing it shows it as 10' x 15', and everything sitting on a 20' x 20' slab, which would not work if he had a 12' x 15'. J. Janesz said it should be 10' x 15'.

G. LeBlanc asked if the height of the replacement shed is going to be the same as the existing shed. J. Janesz said it is 9'. G. LeBlanc asked what the height will be for the three-season room. J. Janesz said it is right below it by about 6" less than the shed.

**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.**

**Adjournment:**

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

*Next Meeting: Tuesday, August 23, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio*

Transcribed by Gwen Fisher, Certified Municipal Clerk