

BOARD OF ZONING APPEALS

August 23, 2022

7:00 p.m.

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

Minutes 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: Tony Valerius (Service Director)*

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 23, 2022, to order.

**APPROVAL OF MEETING MINUTES:**

**L. Barauskas MOVED;** D. Phillips seconded to approve the meeting minutes of July 26, 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 three affirmative votes for an action (motion\*) to pass.

**NEW BUSINESS:**

***Herman Fisher – Property Location: 264 Woodside – PPN:0100004105007 (Accessory Structure on Vacant Parcel)***

*Applicable city code section(s) cited:*

*Zoning District RS – COV 1270.09 (c)(2) No building or structure except principal residence shall be built or erected on any vacant lot – proposed utility structure on vacant lot (Variance Requested – Utility structure on vacant lot); COV 1270.09(E)(2)(C) Side yard shall not be less than 7ft – proposed 5ft (Variance Requested – 2 ft)*

Herman Fisher of 264 Woodside explained he purchased three lots and a small cottage on the corner of Woodside and Elyria Drive. They rent out the cottage but at the first of November they plan to retire and move to this property. They would like to put up an outbuilding/shed on the third lot located on Elyria Avenue. He said because this is an empty lot without a home on it, then he believed he needed a variance. He said the plan for the outbuilding is to use it as his workshop and an art studio for his wife.

D. Phillips asked what presently was on the lot. H. Fisher said they have a gravel driveway and a small shed they keep their lawnmower in. D. Phillips asked if he had any intention of combining the lots in the future. H. Fisher said he is just learning the process and it is something he should have looked into prior to coming before the board, but yes, he would like to combine the lots. D. Phillips said he did receive questions about putting pole barns and garages on vacant lots, especially if the lot next door is the home and why aren't the homeowners combining the lots. H. Fisher said he is new at this, and he did not know the procedure.

R. Barnes said in terms of the art studio, is this going to be a home occupation? Will there be foot traffic or is this an art studio for personal use? H. Fisher said it is for personal use.

L. Barauskas asked the applicant if he sent a copy of this to his neighbors. H. Fisher said anybody he could not get a hold of he put the paper in their front door. However, he spoke personally to the neighbor lady directly behind them on Elyria Avenue and she assured him it was fine with her.

D. Phillips said if the board were going to consider this, would he be willing to combine the lots if they made a motion contingent upon this request. H. Fisher said he would agree to this contingency. B. Voltz said his only hesitation to this is whether the applicant is only asking for the two adjacent lots because he did not know if he would want to commit to necessarily all three lots. H. Fisher said he would commit to all three as they are talking to a builder about putting an addition on to the cottage. T. Valerius said if the applicant is planning to put an addition on the house, then it will encroach into the vacant parcel to the north, and he would be required to go to Planning Commission for a lot combination.

R. Barnes asked if a hard-surfaced or gravel driveway makes a difference in this area. T. Valerius said it does not make a difference in this zoning district.

**D. Phillips MOVED**; R. Barnes seconded to grant a utility structure on a vacant lot, and to grant a side yard variance of 2' contingent upon the applicant appearing before the Planning Commission to combine all three lots. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

Dreama Fisher asked if they were allowed to put up a shed or do they have to go through the approval process. D. Phillips advised her they need to go through the Planning Commission approval process to combine all three lots. D. Fisher asked when the next Planning Commission is. G. Fisher explained the deadline for submitting their application for the September 7 meeting is August 24. If they cannot get all their paperwork in, then they will have to submit for the October 5 meeting.

*APPLICATION WITHDRAWN - Prete Builders Inc. – Property Location: 403 Ash St. –*

*PPN: 20-00007.000- Zoning District RS –Nature /Purpose of Appeal – Side yard setbacks and rear yard setbacks for new home.*

***Gerald Anderson – Property Location: Overlook Rd. – PPN: 0100003118001 (02)(03)(04)(05) five parcels- Zoning District B3 –Nature /Purpose of Appeal – Front and rear setback, and parking lot.***

*Applicable city code section(s) cited:*

*Zoning District B3 – COV 1270.13 (E)(1) – Not less than 1 acre of land/ proposed .5628 – (Variance requested - .4372 Acre)– COV 1272.13 (E)(2)(A) Front yard setback 75'/proposed 40' – (Variance requested – 35') – COV 1270.13 (E)(2)(B) Rear yard setback 40'/proposed 20' (Variance requested – 20'); COV 1276.02 (Commercial) (4) 1 parking space for each 500 sf, 3200 sf = 7 spaces + 2 employee spaces/proposed 5 standard and one handicap space – (Variance requested – 3 less parking spaces)*

Gerald Anderson of 4130 Menlo Park was present to represent his unsigned contract on property located on Overlook Road. If he receives his variance, he will contact the title company to proceed with signing. He explained he is looking for a variance for the front and rear yards, as well as a parking variance. There are five lots which equate to about half of an acre, which is less than what it needs to be for a B-3 zoned property, so he needs variances. He does not need a side variance because it is 250' wide. If the variances get approved, he will need to combine all the lots because they are only 50' wide.

D. Phillips said he went to the property and everybody that drove by asked him what was going on the property. He said everyone was in support of this concept. G. Anderson said he has someone interested in renting part of the building for a one-man show car detail shop. L. Barauskas asked if the remaining part of the building would be for his personal use. G. Anderson said yes.

B. Voltz asked if there were any restrictions on this type of commercial business in this zoning district. T. Valerius said no as this is exactly what should be going on this property. B. Voltz asked about the remainder of the building being used for personal space. T. Valerius said this is a question for Planning or the building department in the future. He asked what the plan is for the remaining half of the building because personal storage is not a permitted use in the B-3 zoning district. If he puts businesses on both sides of the building, then it is not a problem. G. Anderson said he just retired, so he is thinking about putting machines in on the other side, as he was toolmaker, or he can try to put something else on the other part of the building. D. Phillips said he had this conversation with Gerry and suggested getting a boat detailer in there because this job is weather permitted and they cannot wax or detail in the rain, and people are looking for places to rent for a couple of months so they can bring in boats on trailers to detail. G. Anderson said his plan is to give the person who wants to detail a 20' x 40' or 40' x 30' section and the other end he wants to put in a big garage door so they can put bigger things in there. L. Barauskas said it

sounds like a bay rental.

D. Phillips said it was mentioned to him why he could not push the building back a little bit, so it is not so close to the street. G. Anderson said he would not have any problem with pushing it back further. D. Phillips said it would change the front yard setback. R. Barnes said it would make them more equal.

R. Barnes asked if there were any requirements for handicap spaces given the lot size. D. Phillips said it says one handicap space.

Susan Franko of 311 Fairfax wondered if this was going to be a business. D. Phillips said it must be a business in the B-3 zoning district. S. Franko said she did not know what B-3 meant. D. Phillips said it is the business district. G. Anderson provided her with a copy of the permitted uses in the B-3 district. S. Franko had concerns with traffic going in and out of VOL. D. Phillips imagined it would have very little foot traffic as it will be just car detailing. B. Voltz explained it will be the size of the building that is to the south. L. Barauskas told S. Franko she had fair questions and felt this would be light traffic.

Upon reconfiguring the setbacks to push the building back, T. Valerius said it would change the proposed from 25' to 40' for the front yard, with a variance of 35' rather than 50', and for the rear yard proposed it would be 20' rather than 35', with a variance request of 20' rather than 15'.

T. Valerius noted that a comment by Councilwoman Barb Brady is worth mentioning. When the process comes for the applicant to build the building and submit the plans and drawings to the building department for review by the city engineer, there will need to be some stormwater best management practices (BMP). Hopefully, there is enough room to allow for stormwater management on this property. G. Anderson said if the property is 250' wide and he is only using 80' of it, then there should be room for a swale. D. Phillips advised the applicant this is conversation he will need to have with the city engineer, so he does not get blindsided. B. Brady noted there can be no exterior boat storage either. D. Phillips said this is an entrance into a residential neighborhood, so he needs to remember the residents there too.

T. Valerius said there may be buffer requirements between commercial and residential districts, and he is uncertain if the properties behind him are zoned business or residential. G. Anderson said behind him is the cell phone tower, and north is the railroad tracks. D. Phillips said the city engineer will look into this as well.

R. Barnes said the applicant's sale is contingent upon the variance getting approved, but with meeting stormwater management and buffers – if this does not go through will he be stuck with the property. T. Valerius said before he can build, he must go

through the Planning Commission. R. Barnes said if he gets to the closing table and signs the contract and then finds out he cannot move forward because of the stormwater management, then he wanted to let him know ahead of time the possibilities. D. Phillips thought he could advise the realtor he received zoning board approval, but before he buys, he wants to be able to talk to the Planning Commission and the city engineer to make sure this is okay. R. Barnes said personally as a realtor he just wanted to advise him of the fact that he needs to go to Planning Commission and makes sure he conforms to the stormwater management. G. Anderson said they were going to close in a week. D. Phillips suggested he contact them to advise they made it through Zoning. R. Barnes suggested he make the sale contingent upon the approval of the Planning Commission. G. Fisher said the deadline for planning commission applications is due tomorrow for the September 7 meeting, so he may not be able to get it in until October's meeting. T. Valerius said if he complies, has a legitimate business, and gets approved for stormwater management then Planning Commission pretty much must approve anything. B. Voltz thought his risk would be minimal.

**D. Phillips MOVED**; L. Barauskas seconded to amend the applicant's submitted variance requests for the front and rear yard setbacks as described above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

**R. Barnes MOVED**; D. Phillips seconded to grant the variances as amended and in accordance with 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, September 27, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

Transcribed by Gwen Fisher, Certified Municipal Clerk