

BOARD OF ZONING APPEALS
December 7, 2021

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

Roll Call: Dan Phillips, Dave Chrulski, Guy LeBlanc. Absent: Bob Voltz
Attendees: Frank Steigerwald (Property Maintenance Inspector); Steve Holovacs (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 December 7, 2021 to order.

APPROVAL OF MEETING MINUTES:

G. LeBlanc MOVED, D. Chrulski seconded to approve the meeting minutes of October 26, 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:

(R-4) 858 Tappan Circle – Applicants: Peter & Sarah Spears (Fence Height/Allow Front Yard Placement)

Applicable City code section(s) cited:

1272.09 (a) (1) – Fence height not to exceed 42’ – Front yard – proposed = 72” – variance request – 30”

1272.12 (b) – Utility buildings to be located in the rear yard – proposed = front yard – variance request – allow front yard placement

Neil Akers of 14807 Kneisel Road was present to represent Peter and Sarah Spears on a fence and storage area. He explained they are locating it in the right of way for the setback and it would be 16’ off the road and 5’ off the setbacks. He noted the property is a corner lot, so it has two front yards, so it makes it difficult on figuring out where they need to set it. They were trying to set it all the way to the back of the property as far as they could, but still allowing enough so the neighbors could see through.

D. Phillips asked if the fence height will be 6’. N. Akers said yes. D. Phillips said technically if this was not a corner lot, they would not have a problem. If they wanted a 4’ on that side, he could probably do a 4’ for the front. F. Steigerwald said

code is 42" for a front yard. N. Akers said there is a 6' fence existing there already. D. Phillips asked how far they were moving this up. N. Akers said they will be moving it out about 25' from the original fence. D. Phillips asked how far they would be off from the sidewalk. N. Akers said it is 5' off the sidewalk if there was a sidewalk there. D. Phillips noted there is a fire hydrant there too. N. Akers said it is actually on the setback line, so it is 5' beyond that fire hydrant. G. LeBlanc asked if it is 5' off the sidewalk and not 5' off the street. N. Akers confirmed it is 5' off the sidewalk. It is 11' to the back side of the sidewalk and 5' beyond that to the edge of the building (the storage facility).

G. LeBlanc asked why they wanted the easement on the shed position. N. Akers said it gives them a little more storage. G. LeBlanc asked how he meant storage – a shed is a shed. N. Akers said they have a garage existing on the house now and they're looking for more storage, so this is what the shed is for. G. LeBlanc said he is asking about the placement of the shed – why do they need to place it as such for needing a variance. N. Akers said there is actually one there now and if they move it more towards the street, then they would have to relocate it. It just gives them a little bit more yard. D. Chrulski asked if the shed itself would be a continuance of the fence line as opposed to being inside. N. Akers said yes, and if the fence needed to run down along the side of it, they would just move it back a foot or so in order to make it work. They want to leave enough room so they can maintain it.

D. Phillips said the Spears were here a month ago for putting a garage there. N. Akers said they could not shrink the garage down anymore and get a car in it, so they went to this plan instead to accommodate the neighbors and give them the storage they are looking for. D. Phillips said what works for them in a sense is that they are on a dead-end and it will not prevent anybody from sights from that direction.

G. LeBlanc asked if the park land is city property there. N. Akers said it is the metro parks land. G. LeBlanc asked if the northeast corner of the property was evaluated for the placement of the shed. N. Akers showed the members on the map, but really did not know. They were just trying to keep it out of the view of the park itself.

Greg and Brenda Shay of 845 Bryant Drive said they saw the BZA variance sign out there two weeks and ago and tried finding information about this, and it was mentioned in the Photojournal about the fence height and front yard placement. He received a drawing from City Hall, but nobody knew if they were putting a gate there – another extension of the fence that is running north and south. Which side is this gate going to be on and how far will it be from Bryant Street? Is it a 4' or 8' man gate? D. Phillips said it appears the gate is facing off Tappan Circle. G. LeBlanc said it is on the north side. D. Phillips advised the Shays that the gate would not be facing them. G. Shay asked how far from Bryant the gate would be and the size of it. N. Akers said it is a 3' gate and they will center it to the fence, so it will be 12 ½' more – 28' off Bryant. G. Shay asked if the fence height will be 42' or 6'. N. Akers said it is 6'. G. Shay said the existing fence is 6' – was this the legal size of that fence when it was installed and was there a permit for the fence at that time. D. Phillips said he does not have those records. G. Shay said he talked with the building inspector on the shed, but he was vague on certain issues. The shed was not mentioned in the

Photojournal, or the drawing, and the building inspector told him the variance is not the shed itself, but the location on the property. He asked what kind of door will be on the shed. N. Akers said he guesses it will be an overhead door facing the yard. D. Phillips told him they would not be able to see it from their house. G. Shay asked if the shed would be sitting on a concrete slab with a footer. N. Akers said it will be on a slab with a footer. G. Shay asked if there were concerns about making this into a garage when you have a footer. D. Phillips said no. He asked the size of the shed. N. Akers said it is 12' x 16'.

G. Shay said the building inspector told him the fence would be 16' from the berm. He said some people seem like they want variations for everything. D. Phillips said this is why the board is here – if something doesn't fit, then they come to the board for permission. This is the purpose of the board.

B. Shay said they live on Bryant and asked if the fence will be moved 25' from where the shed will start from their back yard. N. Akers said it is 16' off Bryant.

G. LeBlanc MOVED; D. Phillips seconded to grant the variances as submitted and outlined above in the *applicable city code section(s) cited*. Roll Call Vote 3 YEAS.
MOTION CARRIED.

[I-1] Douglas Street – PP#: 18-00835.001 -Applicant: John Reyes (Front Yard Setback)

Applicable City code section(s) cited:

1270.15 (e) (2) (A) – Front yards not less than 75' / proposed = 47.51' west side – Variance request of 27.29'

John Reyes of 46405 Telegraph Road, Amherst, said he is the architect representing the client. He explained they are seeking a variance from the front yard setback for a building, and they are requesting a 27.49' variance. He said this is on a corner lot, so they have front yards on both ends, so they are restricted to which direction to go. They tried to keep the building as far back to the back property as they can, and they are trying to keep it back from Devon Drive as possible. This building will be utilized for boat storage. They will be clearing the shrubs and trees along Devon Drive that pretty much go up to the stop sign, which will provide better clearance to the road.

G Fisher noted that the applicant received preliminary site plan approval from the Planning Commission who did address landscaping as well. If BZA approval is given, then the applicant is required to go back to the Planning Commission for final site plan approval.

D. Phillips said he walked the property and noticed Gross Brothers is 50' off the road and the ambulance garage is 75', and the new fire station is 63' and 45' on the side. However, there is another building near the tracks that is closer than what this applicant is requesting.

G. LeBlanc asked if the notification to the surrounding property owners included LifeCare EMS. J. Reyes said all the neighbors within 100'.

D. Phillips asked if they need to fill in to bring the elevation up. J. Reyes said they will, but they have not done the final engineering, but yes they will need to increase the fill for the east side of the property. D. Phillips asked if they would have two entrances. J. Reyes said yes. He said it will be boat storage and there will be required parking, but nobody else will really be parked on the site. D. Phillips asked how many boats they are planning on storing. J. Reyes said it will be seven from all one family.

D. Phillips asked the clerk if this interferes with the moratorium on boat storage. G. Fisher said no because the property is zoned industrial. Mayor Forthofer said it is only in the residential and business areas. D. Phillips said he wanted to make sure the record reflected this.

G. LeBlanc said it doesn't look like it will create a blind spot for the EMS coming out of their driveway. D. Phillips agreed and thought it was the best thing to have there because it will have low traffic next to the EMS and the fire department.

D. Chruski MOVED, G. LeBlanc seconded to grant the variance as requested and outlined above in the *applicable city code section(s) cited*. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

Adjournment:

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

Next Meeting: Tuesday, January 25, 2022 – 7:00 p.m. @ Vermilion Municipal Complex, 687 Decatur Street, Vermilion, Ohio.

Transcribed by Gwen Fisher, Certified Municipal Clerk