

BOARD OF ZONING APPEALS

February 22, 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, Guy LeBlanc, Bob Voltz, Lori Barauskas

*Attendees:* Frank Steigerwald (Property Maintenance 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 February 22, 2022 to order.

**APPROVAL OF MEETING MINUTES:**

**G. LeBlanc MOVED,** B. Voltz seconded to approve the meeting minutes of January 25, 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.

**NEW BUSINESS:**

**(B2) 5760 Liberty Avenue – PP#: 18-01559.000 – Applicant: Patrick Duffy (Detached Garage – Rear Yard Variance)**

*Applicable City code section(s) cited:*

*1272.11(B) – Detached garage rear yard not less than 10’ – Proposed =4’ – Variance Request – 6’*

Patrick Duffy of 5760 Liberty Avenue explained they recently purchased the Captain Bell House in October and the previous owner had intended to put up a garage for extra storage on the property. There is a clear spot on the back property where he intended to build. He received a variance 10 years ago. Since purchase, they would like to revise the idea of putting a garage up in this spot for storage of cars and a golf cart. They presented before the Historic Design & Review Board and received favorable approval on a gable type garage. He was advised the setback is on the northern line and there would be a 10’ setback, and on the westerly line there is no setback requirement. As required, if you’re five feet or less, you must have a special fire rated sheeting, so he is working through this with the building department to see if the current contractor can accommodate. If they can, he proposed the setting as submitted. If not, he will have to back it off, so he is five feet away.

D. Phillips asked for confirmation that the previous owner received an approved variance 10 years ago. P. Duffy said yes, and F. Steigerwald of the building department confirmed with a nod. P. Duffy mentioned he spoke with the neighbor who has the common property line, and they are fine with this. G. LeBlanc asked if that neighbor was west or north of the property. P. Duffy said it would be north.

D. Phillips asked the building inspector if a side yard variance was required. F. Steigerwald said a side yard variance is not required in this district (B2).

B. Voltz asked if the fire rating is required. F. Steigerwald said it is required on two sides (north and west side). B. Voltz asked if this is from the line or from the adjacent structure. F. Steigerwald said it is the property line.

D. Phillips asked if the garage door will come off of Perry Street. P. Duffy said yes – there will be two garage doors as designed coming off and facing Perry Street. The gable will be similar to the cottage in front facing south. L. Barauskas asked if the overhang that extends another foot is part of the historical requirement. P. Duffy said they did not require this as it is part of the building design. The contractor told him it is actually 10”, so he was going to keep it at 12” to be safe.

G. LeBlanc thought because it was a corner lot he thought there was no back yard, but two side yards, or two back yards – whatever the case he thought the same would apply to both. F. Steigerwald said in his research and talking over this with T. Valerius – this will be the back yard because the front yard would stop at the back corner of the house, so the garage itself would be in the back yard – it will be in the side yard on the west side. He said the address is on Liberty Avenue. D. Phillips said technically the access comes off of Perry Street. F. Steigerwald said there is a drive off Liberty too.

**G. LeBlanc MOVED;** D. Phillips seconded to grant the rear yard variance request for 6’ as discussed and in accordance with *applicable city code section(s) as cited above*. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

**[RS] 243 Guilford Road -Applicant: Amato Homes I, LLC (Rear/side yard variance)**

*Applicable City code section(s) cited:*

*1270.09 (E) (2) (B) – Rear Yard not less than 30’ – Proposed = 23.33’ –Variance Request – 6.67’*

*1270.09 (E) (2) (C) – Side Yard total combine 16’ with not less than 7’ – Proposed = 6.4’ – Variance Request – 0.6’*

Tyler with Amato Homes, 7140 Walton Road, Walton Hills, Ohio said they are proposing to build a single-family home and in order to facilitate this structure they are proposing a 6.67’ variance for a rear yard setback.

D. Phillips asked if a home had already been on this property that was torn down. Maria Pettet of Integrity Home Group said she is representing Amato Homes and the

owners. She explained there was a home on the property prior and the owners had it taken down years ago, so they will build in that same location. D. Phillips asked if the home will be going on the same footprint of the old house. Maria Pettet did not believe so. The owner from the audience said it is going on the property of one of the old cabins. Maria Pettet said the rear yard setback is 30', and the topo as provided shows 23.33' and the variance request is 6.67'.

D. Phillips asked the building inspector what the setback is for the front yard. F. Steigerwald believed it was 30'. G. LeBlanc said if he is saying it's a 30' setback in the front and it is 16' for the end of the garage, they don't need a variance. F. Steigerwald said they are okay because the existing house – the neighbor's house is 12.7', so they can actually go that far. G. LeBlanc asked with this being the case it does not need a variance. F. Steigerwald said no.

B. Voltz noted the variance request was revised for the side yard setback. F. Steigerwald said with the total you can have 15' but not less than 7' on one side, and that is 6.4', so this would still be considered in the whole footprint of side yards.

**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 5 YEAS. **MOTION CARRIED**.

### **Adjournment:**

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

*Next Meeting: Tuesday, March 22, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio.*

Transcribed by Gwen Fisher, Certified Municipal Clerk