

BOARD OF ZONING APPEALS

May 24, 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. Absent: 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 May 24, 2022, to order.

APPROVAL OF MEETING MINUTES:

G. LeBlanc MOVED: D. Phillips seconded to approve the meeting minutes of April 26, 2022. Roll Call Vote 3 YEAS; 1 ABSENTION (LeBlanc). **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:

(B-3) 1863 Liberty Avenue – PP#: 01-00-006-102-022 – Applicant: Emma White (Akers Signs) (Sign)

Applicable City code section(s) cited:

COV 1274.12 (2)(B) – No sign shall not exceed 65 sq. ft. in an area – proposed – approximately 95 sq. ft. – variance requested – 30 sq. ft.

J. Kamms, Executive Director of Road to Hope was present to discuss the variance request relative to their proposed sign at 1863 Liberty Avenue. The sign exceeds the square footage per city code. He said they spent a lot of money expanding and improving the property, and originally it was asked if they could make the front of the property look nice. When they looked at the sign requirements, they were thinking it was specifically the sign and not the structures to the sign. The brick pillars and brick surrounding the sign is what put them outside of the square footage

requirements. With the variance being granted it will not impair any lighting issues at night. It has an automatic dimmer that adjusts when it gets darker. It will not cause traffic congestion along Liberty Avenue, and it will not create a nuisance. The sign has a FEMA alert so when there is severe weather or Amber Alerts, it will automatically get displayed on the sign before going back to their daily messages.

D. Phillips said they are looking at a sign that is 12'-4" and 9'-9" high, and 2'-6" wide. G. LeBlanc asked if the sign is 75' from the right of way. J. Kamms noted this was correct and said they added about 5' extra. D. Phillips asked if this sign will be comparable to every other sign on Liberty Avenue from the right of way. F. Steigerwald said yes. J. Kamms said it is a little further back than what they're used to seeing when driving Liberty Avenue as the frontage is at a weird angle, so it depends on what side of the property you're on. He said the sign is on the west side of the property, so they made sure they are far enough back on either side of the property.

Mayor Forthofer said they have done a tremendous restoration to this property, and he didn't believe there are any other signs near this location that they can compare to, and it is not like it is blocking anything.

D. Phillips said what they did out there is incredible, and he hopes this is the beginning of many good things that is happening in this corridor.

D. Phillips MOVED; B. Voltz seconded to grant the variance as discussed and in accordance with *applicable city code section(s) as cited* above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

(R-1) 3610 Jerusalem Road -Applicant: Kevin Sochacki – PP#: 01-00-030-000-017 (Utility Structure)

Applicable City code section(s) cited:

COV 1270.02(C)(2) No building or structure, except principal structure shall be built or erected on vacant lot – Proposed utility structure (Variance Requested - Utility Structure)

COV 1272.12(A) Not to exceed 320sq. ft. – Proposed 3000sqft (Variance Requested 2680sq. ft.)

COV 1272.12(A) Not to exceed 12 ft in height – Proposed 18 feet (Variance Request – 6 feet)

Kevin Sochacki explained his intent is to put up a storage facility (50' x 60') for personal use. D. Phillips said the board granted this last month and he voted for this last month, but he really doesn't like to put up a structure on a piece of property that doesn't have a residential home there. He asked if there was a purchase agreement for this property. K. Sochacki confirmed he is now the official owner of the property. D. Phillips said he was concerned they were going to approve another

variance for a piece of property that somebody else was going to turn into a bidding war.

G. LeBlanc asked if there was an adjoining property with a residence on it. K. Sochacki said it is a vacant lot and there are no homes on this property. D. Phillips asked if he had any intention of putting a home on this property in the future. K. Sochacki said yes once this structure is built, he has plans to put a home on the property in the future. D. Phillips said he doesn't like putting pole barns up on empty lots without a home, but this isn't a very desirable piece of property and to look at it you would almost think it is industrial or business owned. K. Sochacki confirmed he has no intention to run a business out of this structure, as it is for his own personal use. D. Phillips asked if he intended to put in a concrete driveway. K. Sochacki said at this point he is just going to use gravel. G. LeBlanc asked if this meets the zoning requirements in terms of driveway surface. F. Steigerwald said the driveway shall be hard surfaced. K. Sochacki said he is not going to argue this requirement.

G. LeBlanc 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 4 YEAS. **MOTION CARRIED**.

(A-1) 20185 Claus Road – PP#: 01-00-037-103-003 – Applicant: Andrew & Cheryl Baker (Variance Requested – 880 sq. ft. / 15')

Applicable City code section(s) cited:

COV 1272.12(A) Not to exceed 320sq. ft. – Proposed 1200sq. ft. (Variance requested – 880sq. ft.)

COV 1272.12(C) Side yard setback required 25' – Proposed 10 feet (Variance requested – 15 feet)

COV 1272.12 (A) Not to exceed 12' in height – Proposed 14' – (Variance requested – 2')

Cheryl Baker said she is requesting a variance so she can build a barn that is not 25' from her neighbor but is 10'. D. Phillips asked what they are planning to use the barn for. C. Baker said for their two cars, tractor, motorcycle, and a small boat. They are tearing down the existing garage, which isn't attached, but it is falling. B. Voltz asked if the current foundation is for the current garage according to the sketch. C. Baker said the garage is behind the house. B. Voltz asked what the hardship/reason is to not meet the side yard setback requirement and wanting the 15' variance. C. Baker said she wants to be able to look out the back window.

G. LeBlanc asked the status on their notifications to surrounding property owners. C. Baker said she talked to Fred and the gentleman on the other side, and they didn't have a problem with this.

Daniel White said he lives next to the Baker's on the north side and doesn't have a problem with the 10' at all.

G. LeBlanc MOVED, D. Phillips seconded to grant the variance as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

(R-4) 1241 Sanford Street – Applicant: Susan Johnson & Joseph Piper (Fence Height in Front Yard)

Applicable City code section(s) cited:
COV 1272.09(1) No fence shall exceed three and one-half feet in height in front yard – Proposed – 6' (Variance requested – 2'- 6")

Joe Piper said they are requesting a variance to redo their fence and move it out one panel to cover the garage can area and to give them more room around their pool.

D. Phillips said he went to the property and talked with the neighbor who was fine with this but wanted to make sure the fence didn't stick out too far. He asked how much further out he will be going to Northview Court. J. Piper said it will be 10' further than where the fence line is now, and it will be about 4' back from the front of the house. D. Phillips confirmed he wasn't going south towards the chain link fence. J. Piper said he is not replacing this – it's just a wooden structure and it is a privacy fence for the pool, so they need for it to be at least 6'. D. Phillips confirmed this is a corner lot.

D. Phillips MOVED, G. LeBlanc seconded to grant the variance as requested and in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

(R-4) 1381 Rolling Meadows – PP#: 01-027-113-049 – Applicant: Heather & David Noftz (Side yard setback)

Applicable City code section(s) cited:
COV 1270.05(E)(3)(C) Side yard not less than 16 feet and neither side not less than 8 feet – Proposed – 7'-2" (Variance requested – 10")

Heather and David Noftz said they are requesting a side setback variance of 10' to build an addition for a third bedroom and bonus room on the side of their house.

D. Phillips said he stopped at the property and said currently they have a fence there, and the fence goes out further than the proposed addition. He asked what their hardship would be. H. Noftz said they bought the home in October and the housing market was crazy, so they ended up taking this house to get out of the house they were in. This house has two bedrooms, and they have two children, so their daughter is in the corner of their huge master bedroom currently, so the third bedroom would become her bedroom. The bonus room will be more like the dog's room. D. Phillips asked if they talked with all their neighbors. H. Noftz said they have talked with all their neighbors and they're fine with this. D. Phillips reminded the board they are only talking about 10".

B. Voltz asked if there is an existing home nearby where they must meet fire rating requirements. F. Steigerwald confirmed they were fine.

G. LeBlanc MOVED, B. Voltz seconded to grant the variance as requested in accordance with the *applicable city code section(s)* as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

(RS) 225 Woodside - Applicant: John Damron – (Fence)

Applicable City code section(s) cited:

On January 25, 2022, Home Occupation was granted contingent upon the applicant installing a solid fence by June 1, 2022 – Proposed – extension of 30-60 days (Variance requested – extension 30-60 days)

D. Phillips said John Damron is no longer on the agenda as his fence is up and he called for an inspection. F. Steigerwald said he was at the property today and all is good.

(R-4) Sandusky/Liberty – PP#: 18-01418.000 – Applicant: David Szafranski & Zimmerman Pole Barns & Decks (Side yard setback – Utility structure on vacant lot)

Applicable City code section(s) cited:

COV 1270.05(E)(3)(C) Sum of side yard not less than 16 feet & neither side less than 8 feet – Proposed 5 feet (Variance requested – 3')

COV 1270.05(C)(2) No building or structure shall be built or erected on any vacant lot – Proposed - Utility Structure (Variance requested – Utility Structure on vacant lot)

COV 1272.12 Utility Building shall not exceed 320sq. ft. -Proposed - 1024sq. ft. (Variance requested – 704 sq. ft.)

David Szafranski said he is requesting a variance for a pole structure on the lot without a house, but it is a little deceiving because the lot was split into two, so he does have a house there, but it is on the lake front, so this would be the lot that is off the lake. There is an existing basketball court on this lot. D. Phillips asked if he had any intention of combining the lots again. D. Szafranski said he has not considered this and wasn't certain if it was beneficial to him.

G. LeBlanc asked if the proposed use is for a garage. D. Szafranski said it is mostly for storage of jet skis in the winter and lawnmowers.

D. Phillips asked if his proposed structure is 32' x 32'. D. Szafranski confirmed. D. Phillips agreed his driveway was quite full, so he sees the need for more space. There was additional discussion about the trees on the property, which didn't hinder the variance request. The board reviewed the proposed plans.

D. Phillips MOVED, G. Leblanc seconded to grant the variances as requested and in accordance with the *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, June 28, 2022 – 7:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, Ohio

Transcribed by Gwen Fisher, Certified Municipal Clerk