

**BOARD OF ZONING APPEALS - Minutes of February 26, 2019**  
7:00 pm ★ Municipal Complex (687 Decatur) *Courtroom* ★ Vermilion, Ohio

*Roll Call: Dan Phillips, David Chrulski, Bob Voltz, Guy LeBlanc, Jerry Schrenk*

*Attendees: Bill DiFucci, Building Inspector; 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.**

D. Phillips, Chairman called the meeting to order.

**APPROVAL OF MINUTES:**

**B. Voltz MOVED;** D. Chrulski seconded to approve the minutes of January 29, 2019. 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:**

[B-3] 2815 Liberty Avenue – David Prince (Sign Variance)

**G. LeBlanc MOVED;** J. Schrenk seconded to table this variance request as the applicant wasn't in attendance. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

[R-S] 1201 State Street – Jason Tucker (Side Yard Variance)

*Applicable City code section(s) cited:*

*1270.09 (e) (2) (C) – Side Yard not less than seven feet; proposed = four feet; variance request – 3'*

Jason Tucker explained he is requesting a 3' side yard variance as he would like to build a lean to structure off the back of his existing garage. D. Phillips said as he drove by the property he noticed he had already started putting something up. J. Tucker said he started on the north side because he figured that would get approved and he needed to get some items covered. The variance would be for the east side of the garage. The board did a review of his drawings and had minimal discussion.

**J. Schrenk MOVED;** B. Voltz seconded to approve the 3' side yard variance request to allow the lean to as submitted. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

[R-3] 691 Arlington – Douglas & Amanda Stewart (Front Yard Variance)

*Applicable City code section(s) cited:*

*1270.04 (e)(3)(A) – Front yards not less than 30'; proposed = 13'; variance request 17'*

Ken Cassell explained this is a fenced yard and it's a corner lot, so it's a side yard meaning there is two front yard setbacks; 30' on each. He said they would like to put a bedroom addition on the home which requires a 17' variance because it requires 30' in total. There will still be 13' leftover inside the fence. D. Phillips said the diagram is deceiving and when he drove by the house it looked as though the whole back of the house is fenced in, so will the addition be on the inside of the fenced in area or the outside. Douglas Stewart said it would be the inside. J. Schrenk asked if the west part of the fence will be moved because right now the fence goes to the back of the building, so when they put the addition on will they move the west fence. D. Stewart said the fence line that runs to the house from the road will connect to the new addition, so that portion where the gate is on the fence will no longer be there. The addition will be where that fence is. J. Schrenk asked if the new addition will not be behind the fence line but protruding out into the lot. D. Stewart said this is correct as it will be off the side of the house as is. K. Cassell said the fence on the front of the house ties into the side of the existing house, so all they are doing is moving it 17', which will still tie into the side of the house. G. LeBlanc asked what the purpose was in going this way versus going straight east; aesthetics or traffic flow inside the house? D. Stewart explained the house is a bi-level, so to go east he would need to make additional transitional steps to get into a ground level addition. The whole idea is to make an addition on the ground level, so they can remain in the house through retirement. J. Schrenk asked if the roofline will be the same height of the existing and D. Stewart said the new addition roofline will be offset by a foot from the existing roofline.

**G. LeBlanc MOVED;** J. Schrenk seconded to approve the 17' front yard variance request as submitted. Roll Call Vote 4 YEAS; 1 NAY (Schrenk). **MOTION CARRIED.**

[R-S] 5273 W. Shoreline – Pete Murphy & Rosemary Haggerty (Front Yard/Side Yard Variances)

*Applicable City code section(s) cited:*

*1270.09 (e) (2) (C) – Side yards not less than 6'; proposed 5' 3' (east side); variance request – 9'*

Bill DiFucci explained this variance request has been modified to a proposed 3'; variance request 3'.

*1270.09 (e)(2)(C) – Side yards not less than 6'; proposed = 5' (west side); variance request 1'*

Bill DiFucci said they are striking the 1' side yard variance request as submitted.

*1270.09 (e)(2)(A) – Front yards not less than 30'; proposed = 27' 6"; variance request 2' 6"*

Jill said the window is 14% of the new wall area, so if that's required to be fire-rated they wouldn't need the variance for the window. G. LeBlanc asked about the east/west wall; is there a door there too. B. DiFucci said it's perpendicular so it doesn't count. Jill Brandt said in addition to requesting the side yard setbacks they would like to request the variance to add the east wall because they would be fire-rating less than 7 lineal feet of the wall adjacent to 40' – two stories of unrated wall and as she doesn't feel fire-rating that small area would have a meaningful impact, so they would like to request that variance. The existing wall isn't fire-rated, and they are only adding a 7' one-story wall inline with the existing cottage. G. LeBlanc asked if the hardship concern is cost. Jill Brandt said it's an added cost that she thinks has little to no impact.

B. DiFucci said there is an additional variance request for the east wall for (R-S) RCO302.1 – walls less than 5’ must be fire-rated for one hour. He said J. Brandt is requesting the board to waive this requirement on the fire-rated wall.

J. Schrenk asked if Ohio Edison is going to remove all the lines that almost drag on the roof over the garage. J. Brandt said this will be taken care of.

**B. Voltz MOVED**; D. Chrulski seconded to approve the side yard variance (east side) request of 3’ as revised and the 2’ 6” front yard variance request as submitted. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

D. Phillips said they need to talk about the fire wall as he understands 40’ is existing, but there is a 10’ gap in between the neighbors, so personally he would prefer for them to put in a fire wall. B. Voltz asked if the siding is changing. J. Brandt said they are keeping the same siding; matching shingles, matching windows, new garage and entry doors.

Sarah Schale, Linwood resident for 70 years said Linwood is a firetrap. She made a special effort to come to this meeting because she wanted to remind the board that she is totally against any variance not granting a firewall. She loves the Murphy’s and the Haggerty’s and would hate for any of them to be injured due to fire. She would hate that an ambulance or policeman couldn’t get through because they granted a variance.

George Flick of the Linwood Park Board said the Linwood Park Company doesn’t support granting the variance to waive firewalls. They believe the firewalls are essential because of the conditions that exist in Linwood Park.

**G. LeBlanc MOVED**; B. Voltz seconded to approve waiving the requirement on the firewall variance request as submitted. Roll Call Vote 5 NAYS. **MOTION FAILED**.

**Adjournment:**

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

2018 MEETINGS:

4<sup>th</sup> Tuesday monthly (except December) - Next: **March 26, 2019 @ 7:00pm**  
*Municipal Complex Courtroom, 687 Decatur, Vermilion*

*Gwen Fisher, Certified Municipal Clerk*