

**BOARD OF ZONING APPEALS - Minutes of January 29, 2019**

7:00 pm ★ Municipal Complex (687 Decatur) *Courtroom* ★ Vermilion, Ohio

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

*Attendees:* Bill DiFucci, Building Inspector

**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.

G. Fisher called the meeting to order and entertained a motion to nominate a Chairman for 2019.

**G. Leblanc MOVED;** D. Chrulski seconded to appoint Dan Phillips as Chairman for 2019. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

G. Fisher entertained a motion to nominate a Vice Chairman for 2019.

**D. Phillips MOVED;** G. LeBlanc seconded to appoint Bob Voltz as Vice Chairman for 2019. 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 3 affirmative votes for an action (motion\*) to pass.

**Approval of Minutes:**

**B. Voltz MOVED;** G. LeBlanc seconded to approve the minutes from the meeting held on November 27, 2018. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**New Business:**

[I-1] 5410 Haley Street –David Loper (Sign Placement Near the Right of Way)

*Applicable City code section(s) cited:*

*1274.12 (H)(2)(A) – Signs not close to public right of ways than 25’ or the height of the sign, whichever is greater – proposed =8’ off east side (Douglas) – variance request – 17’ and proposed = 5’ off south side (Haley)” - variance request – 20’*

David Loper of 5410 Haley Street explained his signage location pursuant to the variance requests as submitted. D. Phillips said his concern was whether the sign was going to go off the building. D. Loper said it will go about 5’ off the building and centered. The center of the sign will be 13’ from the Haley Street property line. D. Phillips said the request is for 5’ off the south side and is asking for a 20’ variance. B. DiFucci explained because it’s a corner lot he has two front yards, so the sign can be no closer to the right of way than 25’ on either side.

**G. LeBlanc MOVED;** B. Voltz seconded to approve the variance request of 17’ off the east side of Douglas and the variance request of 20’ off the south side of Haley. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

[R-3] PP# 0100001103098 – Crystal Cove Condo Assn. (Erect Storage Building on Vacant Lot/ Exceeds Minimum Square Footage)

*Applicable City code section(s) cited:*

*1270.04 (c) (2) – No building or structure, except a principle residence, shall be built or erected on any vacant lot in the district. Variance request – Allow pole barn*

*1272.11 (e) – Maximum square footage not to exceed 768 Square Ft. – variance request – 96 sq. ft.*

Paul Fortner, Building Manager for the Condo Association explained they would like to build a storage building on a piece of the association's vacant lot to consolidate their landscaping equipment, shingles, and siding. He noted the association owns two vacant lots along with 28 acres of land surrounding them. They would like to erect this building on the back lot of one of the two lots they own. G. LeBlanc asked if the association owns the existing small shed. P. Fortner said they would like to get rid of this shed as it's not usable for the things they would like to store. D. Chrulski said as a point of reference where is the exact location of where this storage building would be placed. D. Phillips asked if it would be near the existing garden and P. Fortner said it will be behind the garden. P. Fortner showed the board some plans and explained the exact location they are proposing. D. Phillips asked B. DiFucci what the administration's view is on building storage sheds on vacant lots. B. DiFucci said the code does not allow them, so they must come to the Board of Zoning Appeals for approval. D. Phillips said from his experience serving on Council this topic was a very slippery slope and in his opinion he's nervous about granting a variance because it is a vacant lot. P. Fortner noted the storage building will look like one of the condo garages. He also said they only have one home next to this vacant lot who doesn't have a problem with this.

**G. LeBlanc MOVED;** B. Voltz seconded to approve the variance request to allow the storage building. Roll Call Vote 3 YEAS; 1 NAY (Phillips). **MOTION CARRIED.**

**B. Voltz MOVED;** G. LeBlanc seconded to approve the 96 sq. ft. variance for the storage building on the vacant lot. Roll Call Vote 3 YEAS; 1 NAY (Phillips). **MOTION CARRIED.**

[R-S] 324 Morton Road – Thomas K. Stanley (Rear & Side Yard Setbacks)

*Applicable City code section(s) cited:*

*1272.12 (C) – Minimum rear yard setback for utility buildings shall be 5' – proposed = 0' – variance request – 5'*

*1272.12 (C) -Required 6' side setback – proposed = 4' – variance request – 2'*

Thomas Stanley of 324 Morton Road explained he just bought his home last month and it had an 8' x 12' existing shed behind the house which was in bad shape. He thought about fixing it up, but it was beyond repair, so he tore it down with the intent to put another one back in its place. However, the new shed he is building is 10' x 12' and he found out he was 2' over the property line. He said a resident of the abutting condo's advised him of the property line and said they were planning on moving their fence over onto the property line, so this shut his work down. He can either push the shed over 2' towards his house or he can cut it down to 8' x 12'. He presented the board with a letter from a resident that owns property at 316 Morton Road, north of the property as this resident finds that the proposed building poses no hindrances to her property now or in the foreseeable future.

D. Phillips conveyed the variance request is for 5' off the rear. B. DiFucci explained the resident wants to infringe on the side setback by 2'.

**G. LeBlanc MOVED;** B. Voltz seconded to approve the 5' and 2' variance requests as submitted. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

[R-S] NE Corner of Highbridge and Parkside Reserve – Robert Andrews (Rear Yard Setback for a New Build)

*Applicable City code section(s) cited:*

*1270.09 (e) (2) (B) – Rear yards not less than 30' – proposed = 22' - variance requested – 8'*

Robert Andrews explained he is building a house on the corner of Highbridge and Parkside Reserve and is requesting an 8' rear yard setback. He would be short in building this particular home by about 8' on the back side of his property. This home would be considered to have two front yards. There was minimal discussion by the board.

**B. Voltz MOVED;** D. Chrulski seconded to approve the 8' variance request as cited per the applicable city code section. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

**Adjournment:**

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

2018 MEETINGS:

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

*Gwen Fisher, Certified Municipal Clerk*