

BOARD OF ZONING APPEALS - Minutes of July 24, 2018

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

Roll Call: Bob Voltz, Dan Phillips, Guy LeBlanc. Absent: Kevin Sorrell, Jerry Schrenk

Attendees: Bill DiFucci, Building Inspector; Barb Brady, Council Representative

NOTE: OFFICIAL ACTION REQUIRES 3 AFFIRMATIVE VOTES, See COV 1264.02(b); Therefore, *Motions will be stated in the positive (eg., To Grant... / To Waive... / To Determine...); and a member=s >Yes= vote means Agree and a >No= vote means Disagree.

Approval of Minutes:

G. LeBlanc MOVED; D. Phillips seconded to approve the minutes from the meeting held on June 26, 2018. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

An **Oath** of truthfulness was administered to those in attendance who planned to speak during these proceedings. *Bob Voltz* 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-S] 236 Rowland Road – William J. Barnes – (Detached Garage)

Applicable City code section(s) cited:

1270.09 (C) (2) No building or structure, except a principle residence, shall be built or erected on any vacant lot within the district. Variance – to allow a detached garage

William J. Barnes of 236 Rowland Road was present to request a variance directly across from his primary residence as he recently inherited collector cars from his father’s estate. He looked into building an addition on the back of his garage, but expense wise it was astronomical, plus with the size of his lot he would never get the value back out of his home. His plan is to make the detached garage look nice and it will be well-maintained just as his primary residence. He noted there is an existing detached garage to the north of his property with a vacant lot next to it. He thought it went to the house behind it as that person passed away. The lot to the south of his property has a building on it as well. He said erecting a detached garage is cost effective and he has two children attending college and he isn’t trying to break the bank. The cars have been promised to him since he was young and he wants to store them. He will take pride in the property as his house is well-maintained and he noted he loves his neighbors. He really doesn’t want to move and leave Vermilion as he built their home in 1994. He actually moved to Vermilion in 1989 when he got out of the service. He is a long-life resident and has raised two children in Vermilion and has never been in trouble. He doesn’t want an eyesore and he doesn’t want to build a house on this property and be a landlord, and be worried about somebody destroying his property. He wants to continue with the contour of the neighborhood.

B. Voltz asked if the detached garage will be put on two parcels and W. Barnes said yes as he purchased both parcels. He said the garage will go over one foot onto the second parcel to the south. He is staying 6’ away from the northern border. There is a chain-link fence around the entire property. The person he bought the property from had the property fenced in and it’s well-

maintained. The chain-link fence is 2' back from the north side and 2' back from the east side property line.

D. Phillips asked if he owns the entire property within the fence. W. Barnes said there is a third section to the south with a driveway that he doesn't own. There is a shed located on the property as well that is owned by the individual he purchased the two parcels from. D. Phillips said he drove by the property and the vacant lot looks very nice. He said to the north of the parcels there are some lots with detached garages too. W. Barnes thought the detached garage to the north of his parcels belonged to the property behind it, but he found out this garage is in a separate probate because she remarried and her husband passed away, so it's actually in two probates. D. Phillips said there is another structure as well, so it seems half the road has existing structures on it.

B. Voltz said according to the application it appears the applicant has notified a number of the neighboring property owners and asked if there was any feedback from them. W. Barnes said no, but there is one neighbor directly located behind his parcels that had a concern about losing her flower bed which is now on his property. He advised her that he is not causing waves and told her she can keep the flower beds. He doesn't want to destroy the area and wants to make sure everyone is happy. He explained his intent to the neighbors and showed them his drawings.

B. Brady asked if they knew whether these structures were all built when the adjacent property was owned by the person that built the structure. She said if a person owns the adjacent structure they can put a garage on it. B. DiFucci said they would have to do a lot combination before the permit can be issued because if not, it would be an accessory building on a vacant lot, so who is to say when they were put on. There is no exemption for being adjacent because it's still a separate parcel. They have the right to combine it.

B. DiFucci said they need two additional variances as the applicant is proposing 30'x40' and is asking for a 432 square foot variance. According to Chapter 1272.11 (e) No detached garage shall be constructed that is more than 768 square feet. The other variance is that the side yard must be 7' for the detached garage and the applicant is at 6', so if he wants to stay at 6' they would need a 1' variance. W. Barnes said he could move it over a 1', so a variance was not needed. B. DiFucci said the height of the structure cannot exceed 15' and W. Barnes said he is planning on 12'. B. Brady asked if he would have water or gas on the property and W. Barnes said there is a water and sewer hookup that has been pre-paid by the seller. He will have water and a bathroom and gas heat to keep it warm in the winter so nothing freezes. His intent is to put vinyl siding on the structure.

B. Voltz MOVED; D. Phillips seconded to approve the variance request for Permanent Parcel #: 0100002104105 and 0100002104016 in conjunction with COV 1270.09 (C) (2) to allow a detached garage and to allow a variance request of 432 square feet in conjunction with COV 1271.11 (e). Discussion: G. LeBlanc asked if a hard-surfaced drive is required and B. DiFucci said not in the R-S zoning district. W. Barnes noted he is putting in a concrete drive and downspouts. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

[I-1] 5830 Haber Road – Jason Burge – (Addition to Residential Structure)

Applicable City code section(s) cited:

1280.02 – Enlargement of nonconforming residential use in an industrial zoned district requires board approval for enlargement. Variance requested = allow addition to residential structure

Jason Burge of 5830 Haber Road explained his intent is to be put on a garage addition on the existing house. It will be pole barn style and it will be sided, insulated, have drywall and a roof to match the rest of the structure. He said they put an addition on the original house in 2004 and they are finally getting around to finishing it off by adding a three-car garage.

D. Phillips asked if this is a detached garage and J. Burge said it will be detached with a small breezeway.

B. Voltz said given the area would there be any limitations on the size of this structure. B. DiFucci said because he is attaching it to the house there are no limitations.

G. LeBlanc MOVED; D. Phillips seconded to allow the variance request to allow an addition to the residential structure at 5830 Haber Road. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

[B-2] 5491 Liberty Avenue – Rick Machock (Projecting Wall Sign)

Applicable City code section(s) cited:

1274.12 (d) – Signs may not project over public rights of way. Variance requested – to allow projecting wall sign.

G. Fisher reported the Historic Design & Review Board approved the concept/design of the sign at their July meeting.

G. LeBlanc and D. Phillips asked how big the sign will be. R. Machock believed he quoted it to be 2'6" x 3'4". He said there is new LED lighting that is incorporated into the brackets. He is trying to come up with a sign that will help draw business. He noted he received helpful guidance from the Historic Board as opposed to some things not being so appropriate for attracting attention. G. LeBlanc thought the size may be a little big, but it's the purview of the Historic Board. D. Phillips said he had mixed feelings because he believed there was only one other projecting sign. B. Voltz clarified there are a number of projecting wall signs in the downtown area. B. DiFucci said most of the stores downtown has projecting wall signs in various sizes.

G. Fisher noted the Historic Board did have discussion at their first meeting as he proposed a sign on the building and they were not in agreement with his proposal, so they suggested he attend a sign seminar in Vermilion for guidance. She said during discussions at the Historic meeting it was noted that this business was having a hard time getting noticed during Third Thursday's and other events as people do not tend to walk on Liberty Avenue heading east because they don't think there are any retail businesses.

D. Phillips MOVED; G. LeBlanc seconded to approve the variance request to allow the projecting wall sign at 5491 Liberty Avenue. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

Adjournment:

Bob Voltz adjourned the meeting after no further business was entertained.

4th Tuesday monthly (except December) - *Next: August 28, 2018 @ 7:00pm*
Municipal Complex Courtroom, 687 Decatur, Vermilion

Transcribed:
Gwen Fisher, Certified Municipal Clerk