

BOARD OF ZONING APPEALS - Minutes of March 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; Barb Brady, Council Representative

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 March 26, 2019 meeting to order.

APPROVAL OF MINUTES:

G. LeBlanc MOVED; B. Voltz seconded to approve the minutes of February 26, 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.

OLD BUSINESS:

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

David Prince of 2815 Liberty Avenue explained he has a small temporary sign in front of his new business, but he would like a bigger sign as it's hard to see his temporary sign when you're driving by. He said he's following the building inspector's direction on how and where to put this sign. The height of the temporary sign is about 8' and it will probably remain the same. B. DiFucci said the height of the sign is important because the setback is based on the height of the sign. It's 20', or the height of the sign, whichever is greater, so if the sign is going to be 8' high than an 8' setback would make sense. He clarified the variance request should be 12' and not 17'. He said the sign can be up to 65 square feet if he chooses. D. Prince said he would like to continue working with the building department on a distance and height that is applicable to the community and the code. G. LeBlanc said he would like for D. Prince to come back to the board with the sign dimensions at the April 23 meeting, so they can review this variance request further.

NEW BUSINESS:

[B-3] 4415 Liberty Avenue – International Tastes Inc., James M. Trinter (Sign Square Footage)

Applicable City code section(s) cited:

1274.12 (h) (4) – Accessory sign may be approved by BZA – variance request is to allow accessory sign

1274.12 (h) (2) – Max Freestanding sign not to exceed 65 sq. ft., existing 63.5 & Accessory 32 = 95.5 – variance request for 30.5 sq. ft.

James Trinter of 4415 Liberty Avenue said they are requesting a variance for a 4' x 8' digital message media sign, so he can put his menu out. D. Phillips asked him if it would be about the same size that he had at his former location and J. Trinter replied yes. He is requesting this size

due to the setback off the road as well as the four lanes of traffic, and the speed in which motorists travel along the road. D. Chrulski asked how many feet the sign is across from edge to edge. B. DiFucci said the overall sign width is 127” and the height is 72”. The message sign will be smaller than the Martino’s sign. The existing sign is the advertisement section, which is the Martino’s and all the verbiage.

J. Schrenk MOVED; B. Voltz seconded to approve the variance request to allow the accessory sign. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

J. Schrenk MOVED; B. Voltz seconded to approve the variance request of 30.5 square feet as submitted. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

[R-S] 403 Minnie Wa Wa – Mark & Michelle Budka (Side Yard Setback)

B. DiFucci conveyed this application was withdrawn.

[R-S] 636 Decatur Street – Tony & Amy Kemnic (Rear Yard Variance)

Applicable City code section(s) cited:

1270.09 (e) (2) (B) – Rear yards not less than 30’/ proposed = 2.5’ – variance request of 5’

Tony & Amy Kemnic of 636 Decatur Street explained they wish to demolish their 30+ year old “L” shaped deck and replace it with an 8’x16’ existing deck footprint with a new screen porch addition 10’x16’. D. Phillips said he grew up in this area and anything to improve the neighborhood is worthwhile and he encourages this.

B. Voltz MOVED; G. LeBlanc seconded to approve the variance request as submitted. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

[R-S] 5212 6th Street – Jan & Marie Horbaly (Rear/Side Yard Setbacks & Allow Eave Projection)

Applicable City code section(s) cited:

1270.09 (e)(2)(B) – Rear yards not less than 30’ – proposed = 1’ 6” – variance requested: 28’ 6”

1270.09 (e)(2)(C) – Side yards not less than 7’ – proposed = 3’ (east side); 3’ 6” (west side) – variance requested: 4’ and 3’ 6”

1274.14 (c) – Eaves shall be at least 5’ from any lot line – proposed = E – 0”; W-7”; N-6” – variance requested: Allow eave projection

Jill Brandt of Brandt Architecture, 19440 Riverwood Avenue, Rocky River was present to represent the property owners. D. Phillips said the board just received their revision today and because this has become a frequent occurrence, he would request that she submit any revisions at least one week in advance prior to the meeting date, so the board can have the opportunity to review any revisions. J. Brandt understood and said the struggle is getting the information from the Linwood Park Board as sometimes they have changes that need to be made. She approached the board with her plans and proceeded to go over the plans explaining the variance requests as submitted. She noted they will fire rate all walls and the eaves. George Flock representing the Linwood Park Company stated the board supports the variance requests as submitted. Upon review by the board, the following motion was entertained.

G. LeBlanc MOVED; B. Voltz seconded to approve the variance request of 28’ 6”. Roll Call Vote 5 YEAS. **MOTION CARRIED.**

G. LeBlanc MOVED; J. Schrenk seconded to approve the variance request of 4' and 3' 6" as submitted. Roll Call Vote 5 YEAS. **MOTION CARRIED**.

G. LeBlanc MOVED; B. Voltz seconded to approve the variance request to allow the eave projection. Roll Call Vote 4 YEAS; 1 NAY (Schrenk). **MOTION CARRIED**.

Adjournment:

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

2018 MEETINGS:

4th Tuesday monthly (except December) - Next: ***April 23, 2019*** @ 7:00pm
Municipal Complex Courtroom, 687 Decatur, Vermilion

Gwen Fisher, Certified Municipal Clerk