

BOARD OF ZONING APPEALS - Minutes of November 28, 2017
7:00 pm ❖ Municipal Complex (687 Decatur) Courtroom ❖ Vermilion, Ohio

Roll Call: Vice Chair, Jerry Schrenk; Greg Fiegelist, Robert Voltz, Guy LeBlanc. Not present: Chairman Kevin Sorrell

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; B. Voltz seconded to approve the minutes from the meeting held on October 24, 2017. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

An *Oath* of truthfulness was administered to those in attendance who planned to speak during these proceedings. Jerry Schrenk 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:

BZA17-032 [R-S] 4861 Shoreline Way – Dan & Lisa Dobinson – (Side yard setback)

Applicable City code section(s) cited:

1272.12 (c) – Side yard setback not less than 6'; proposed = 1' 10" – variance requested 4' 2"

Dan Dobinson of 4861 Shoreline Way explained his plan is to erect a small shed on the side yard as shown per his sketch as submitted. He would like to keep garden/lawn tools in the shed to keep his property tidy. Lisa Dobinson said they used to keep their tools and equipment in another shed on his neighbor's property but that has all been moved. They are looking at a molded shed that will be placed on a concrete pad. The size of the shed would be closer to 8' x 7' rather than the 8' x 8' as shown on the sketch. J. Schrenk asked if the shed would be attached to the house or is it a separate free standing shed. D. Dobinson said it will be separate. J. Schrenk asked how much room is between the existing structure and the shed. D. Dobinson said about 2½". The plan is to use stainless steel hardware anchors that will go into the concrete pad. The floor of the shed comes with a molded floor that interlocks along with the panels then the floor is anchored to the concrete pad.

G. LaBlanc noticed the form which gives the property owner the ability to notify neighboring property owners wasn't fill out or signed and wondered if they notified their neighbors. Lisa Dobinson they notified everyone. Dan Dobinson said they had conversations with a few people.

Anne Maiden of 406 Minnie Wa Wa said she is building a house across from the Dobinson's and she did talk with the Dobinson's about putting a shed in and she did voice her concerns with them since the lots are small and tight. She thinks it's really not necessary because they have a three-car garage. The closeness of the homes in that area doesn't seem to fit with another outside structure. G. LaBlanc asked if it is also a view thing with her as well, or is it just because it's crowded. Anne Maiden said it's a view issue as well and she would like to see them keep some open space in the area because of how tight it is. G. LaBlanc asked if there was any consideration as far as a view point to come up with another configuration on the south side of the home, such as a 5' x 10' or something. A. Maiden said they don't have any space and they probably needed a variance to get on the spot that they are on. She doesn't see the hardship as it relates to Chapter 1264.03 of the code. It shouldn't be a substantial detriment to adjacent or nearby properties, and she does see it as a detriment. G. LaBlanc said the board does hear all these individual cases, but at the same time they do consider other variances that have been granted in this area in similar nature, so they try to be consistent. L. Dobinson said when they purchased their home it was just a cottage and the hardship then was the fact they needed their garage space, and now the hardship is that they have been able to use the neighbor's shed for many years and now they don't have that luxury, and they have nowhere to put lawn mowers and furniture. She said they keep their property very neat and organized. She said they could put a boat on the concrete pad that would still block the view. J. Schrenk asked the building inspector if they could put a boat on the concrete pad. B. DiFucci said legally they can park on the concrete pad because it's considered a side yard.

B. Voltz MOVED; G. Fiegelist seconded to approve the side yard variance as requested and cited above. Roll Call Vote 3 YEAS; 1 NAY (Schrenk). **MOTION CARRIED.**

BZA17-033 [R-1] 3890 Jerusalem Road – Gregory Tuttle – (Driveway, garage height, garage square footage)

Applicable City code section(s) cited:

1270.02 (i) (3) Driveways shall be hard-surfaced from garage entrance to street; proposed = gravel. Variance requested – allow gravel driveway.

1272.11 (c) Maximum height not to exceed 15'; proposed = 17' 8". Variance requested - 2' 8"

1272.11 (e) Maximum square footage not to exceed 768 square feet; proposed = 2400 square feet. Variance requested 1632 square ft. variance.

Gregory Tuttle of 3890 Jerusalem Road explained his intent is to build a pole barn in the rear property of approximately two acres. To get back there it will be nearly 300 feet of driveway and to pave that it would be a substantial amount of money which is out of his means. He said the area is considered in the country and at least half of the driveways in that area are gravel. As far as the pole barn height, it needs to accommodate the ability to store his boat. B. DiFucci noted the property owner has no problem fitting the barn within his required setbacks.

The neighbor across the street was present and had no problems with the variances as requested.

G. LeBlanc MOVED; B. Voltz seconded to approve the three separate variance requests as cited above. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

BZA17-034 [B-3] – Damond Mathis – 4615 Liberty (Like Use Variance)

Applicable City code section(s) cited:

1270.13 (b) (1) – Permitted Uses - variance – building is of a like use. Variance – allow Fitness/Training Center.

Damond Mathis of 3604 Portside Drive said currently he has a family-owned facility in Amherst, Ohio, and they would like to relocate to Vermilion as they are entrenched in the community. They have a huge senior demographic they will be bringing with them. He does sports specific training across the board. They are not a gym but are an actual training facility. G. Fisher noted that Damond has trained her boys and has done very well. J. Schrenk asked if the building will remain the same and Damond said yes. G. LeBlanc asked the building inspector if there is any reason why a facility like this would have been left off the permitted use list in the code. G. Fisher said the codes were written in the 60s and they probably need to be revisited and updated. B. DiFucci said there is already another Fitness Center in the district but it's just not on the list of permitted uses which is in the same zoning district.

G. Fiegelist MOVED; B. Voltz seconded to approve the variance request to allow the Fitness/Training Center as requested. Roll Call Vote 3 YEAS; 1 ABSTENTION (Schrenk). **MOTION CARRIED.**

Adjournment:

J. Schrenk adjourned the meeting after no further business was entertained.

2017 MEETINGS:
4th Tuesday monthly (except December)
Next: **January 23, 2018** @ 7:00pm
Municipal Complex Courtroom, 687 Decatur, Vermilion

Gwen Fisher, Certified Municipal Clerk
Boards and Commissions