

**BOARD OF ZONING APPEALS - Minutes of October 24, 2017**

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

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

*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. Fiegelist MOVED;** B. Voltz seconded to approve the minutes from the meeting held on September 26, 2017. Roll Call Vote 3 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:***

**BZA17-028 [R-S] 611 Perry Street – Richard & Lynn Gigliotti – (Rear/Side Yard Variance)**

*Applicable City code section(s) cited:*

*1272.11 – Rear yard not less than 10’; proposed = 0’ – variance requested 10’.*

*1270.09 (e) (2) (C) – Side yard not less than 7’; proposed = 0’ – variance requested 7’*

Lynn Gigliotti explained that the existing garage is 12’ x 15’ and it will not fit a vehicle, and it’s close to the existing south and east wall of the garage which will pretty much stay the same. The change would be coming out a little further west and north. They are considering 21’ x 18’; possibly not 21’ because it’s an entry door on the side and they don’t necessarily know if they are going to do that entry door. She said what wasn’t included in the members existing packet was pictures of the existing garage which is real cute and she would hate to tear it down, but it will not fit a car and they would like to get one car in the garage. Also, in March of 2010 they had a variance approved for side/rear yard and percentage of lot coverage. There were plans submitted with the original construction/remodel of the home and their needs changed and they don’t need to do that. Therefore, this is less of a request for the variance that was approved in 2010. The replacement of the project will be similar in appearance. They want some storage up above and the first floor is about 10’ – 11’ high, so there isn’t much storage. Therefore, the overall height won’t change too much.

B. Voltz asked if they have a shared driveway. L. Gigliotti said it is shared and they just received a building permit to re-asphalt the driveway which was completed two weeks ago. The portion they are asking for would fall strictly on their property. B. Voltz asked if the neighbors were aware of their intentions and L. Gigliotti said yes. J. Schrenk asked if the 6’ access easement has anything to do with the shared driveway. L. Gigliotti said it’s their neighbor’s driveway and they have an access easement until you get 30’ or 40’ back, and then the driveway starts to cut over, and then it’s all on their property. On the survey drawing, the property line, driveway, and entrance falls mainly on the neighbor’s property and the access easement allows them to get back to their portion of the driveway. The garage will be within their property lines according to their full pin survey.

**G. Fiegelist MOVED;** J. Schrenk seconded to approve the rear and side yard variances as requested and cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

**BZA17-029 [R-4] 1321 Sanford Street – Carrie & Brian Grim – (privacy fence height variance)**

*Applicable City code section(s) cited:*

*1272.09 Along the street line and to the front line of the building located nearest to such street, no fence shall exceed three and one-half feet in height. Required = 42’ – proposed = 72”. Variance requested 30”.*

Carrie Grim explained she has two little dogs and her plan is to get another big dog, plus they have a pool so the fence will serve as privacy. She stated it does not block the view from Pineview to Sanford or any of the above. The measurements they went by were from the title office and they are way off as it says they are only 34' from the road to the house and it is 45'. Because the house is a corner lot the property abuts the street and it's considered frontage and they have two front yards. B. Grim said they plan on coming from the curb up into the yard 20' so it's nowhere near the road whatsoever. B. Difucci said the fence extends beyond what they would consider to be a side yard, but the side building line of the house; the fence extends beyond that side into the new front yard because it abuts the street. C. Grim asked what would happen if they did not go past the back of the house. B. Voltz said then they wouldn't be before the board. B. Difucci said the height of the rear yard can go up to 7'. C. Grim said she spoke with both neighbors and the lady across the street and they all were fine with this proposal.

**G. Fiegelist MOVED;** J. Schrenk seconded to approve the privacy fence height variance of 30" as requested. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

**BZA17-030 [R-S] – 1226 Adams Street – Barb Shelton – (Fence/Front Yard Variance)**

*Applicable City code section(s) cited:*

*1272.04 – Fence height in front yard not to exceed 42" in height. Proposed = 60" – variance requested – 18".*

B. Shelton explained she is trying to contain her small dog from jumping the fence so they would like to extend the height of the fence. The fence is see through and sits far enough back off the road, and it doesn't obstruct anything. Her neighbors are all fine with their proposal. The reason they didn't put the fence out back of the house is because they have no back door and they wouldn't be able to see or hear their dog.

**J. Schrenk;** B. Voltz seconded to fence height in the front yard of 18" as requested. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

**BZA17-031 [R-S] – 482 Walnut – Christian & Melanie Schlachter – (Rear/Side/ Front Yard Setbacks)**

*Applicable City code section(s) cited:*

*1270.09 (e) (2) B – Depth of rear yard not less than 30'. Proposed = 8' 10" – variance requested - 21' 2"*

*1270.01 (e) (2) C – Side yards not less than 7'. Proposed = 3' – variance requested – 4'.*

*Added: 1270.09 (e) (2) A – Front side setback. Proposed = 31' – variance requested – 27.8'*

Jill Brandt of Brandt Architecture, Rocky River, Ohio and Jess Oster of Oster Services, Lakewood, Ohio were in attendance on behalf of Christian & Melanie Schlachter, 1734 W. Carmen Avenue, Chicago, IL. J. Brandt explained the original scope of this project is to rebuild second floor walls that are originally 5' side walls with slope ceilings. The original scope of work is to raise it up to allow for an 8' ceiling and a new roof, and interior renovations. As they began the process, nothing was level and it didn't make sense to build new onto bad, so the scope changed to a complete rebuild of the project. They are keeping within the original footprint of the original cottage and rebuilding to look in like-kind to what was there; with exceptions to minor changes to windows and the roof. This has put them in a position where there were no existing conditions to have the original setbacks. Per Linwood Park where they typically have 3' on the side yard and 5' in the front and 6' in the back, they are keeping well within that, so they are asking for a variance to build exactly what was there beforehand. She pointed out they are not required to fire rate the south and east walls as they are over 10' from any adjacent structure.

B. Voltz asked at what point the scope changed because the letter to the Linwood Park Company was in August and they approved the original request October 5. J. Brandt said they were not allowed to start construction until after the season end. Jess Oster said this was an ongoing process and they found out there was really no foundation to deal with so they started with a new foundation and crawl space. B. Voltz asked if the property to the northwest encroaches at all to any of the concerns of fire rating. B. DiFucci noted they have 8' 10" to the west and 13' 7" to the north so they meet the fire separation. B. DiFucci also noted the existing porch has come down and has been removed, so they will be adding another variance request for a front yard setback –

Zoning District R-S – 1270.09 (e) (2) A – Front yard is not less than 30'. Proposing = 2' 4" – variance request of 27' 8".

Gere Flick of 5160 6<sup>th</sup> Street, Linwood Park, member of the Board of Directors of the Linwood Park Company had a few questions as a resident and board member. When the board was informed of the changes back in September due to the foundation issues, they were informed it was going to be a remodel. Therefore, there was no variance request made to the Park Company for setbacks. This has now turned into a new build and according to their regulations a variance has to be requested and approved from the Linwood Park Company for the front setback. In addition, he noticed they are putting in a sump into the crawl space. Again, one of their concerns is the discharge of the sump with a 3' setback on the side lot and water runoff from the roof going into that same area. They are concerned about runoff from the property onto other properties; especially when you add the load from the sump pump. The other concern is they have not seen a survey of the actual lot that shows the new site. They want to make sure the new construction does remain within. He asked if a survey was done of the old foundation so when the new one is set they will know it will be in the exact same location. He asked if there has been a survey of the property and J. Oster said not by him.

B. DiFucci said the sump pump is going to be discharged onto the property. They cannot create an accumulation of water on adjoining properties; same thing with downspouts and gutters. They are allowed to be discharged onto the property; they just cannot create puddling or pooling or water on adjacent properties, so the setback dimensions of the street poses some concern. There should be no puddling because it's towards the street both to the east and to the south. J. Schrenk said the runoff should be the same if the building is the same, and if it hasn't been an issue before. J. Oster said the sump pump discharge is in the parking area between the home and adjacent property, and there is a double parking area. They were going to stay in the center of that on their side and discharge to that private area. G. Flick noted there has been a historical problem in that area with drainage onto an adjacent property from that lot. He was under the impression that the sump pump discharge was going out the south side of the foundation. J. Oster asked if his preference was the south side. G. Flick felt the south side would be the best place to put the sump pump because the adjacent property is a gravel road. J. Brandt said they are willing to work with the Linwood Park Company to figure out the best location for the sump pump. She said as far as the location of the foundation on the site, when they do site inspections this would verify everything according to the site plan.

G. Fiegelist said it seems as though the property owners will need approval from the Linwood Park Company. J. Brandt said the board did approve previous drawings as submitted. However, since they were submitted the porch was taken down and now the board considers it new construction, and they have to review it differently, which they found out today. Therefore, they would like to propose that the Zoning Board grant the variances as submitted, and then they will submit that to the Linwood Park Company for review and unanimous approval. G. Fisher stated the Zoning Board could approve the variances contingent upon the Linwood Park approval. B. DiFucci said the Linwood Park approval has nothing to do with the Zoning Board approval as it's an independent and private matter. The Zoning Board is saying they are allowing this structure to be built against the city's codes for the setbacks they grant. Whatever the property owners and Linwood Park Company decide is a private matter between them. J. Schrenk asked for confirmation that the board doesn't have to give contingent approval and B. DiFucci concurred.

**B. Voltz;** Jerry Schrenk seconded to approve the rear/side yard variance requests as submitted. Roll Call Vote 3 YEAS. **MOTION CARRIED.**

**J. Schrenk MOVED;** G. Fiegelist seconded to approve the front yard variance request of 27' 8" as added this evening.

**Adjournment:**

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

2017 MEETINGS:  
4<sup>th</sup> Tuesday monthly (except December)  
Next: **November 28, 2017 @ 7:00pm**  
Municipal Complex Courtroom, 687 Decatur, Vermilion

*Gwen Fisher, Certified Municipal Clerk  
Boards and Commissions*