

**BOARD OF ZONING APPEALS - Minutes of September 26, 2017**  
7:00 pm ★ Municipal Complex (687 Decatur) *Courtroom* ★ Vermilion, Ohio

*Roll Call:* Greg Fiegelist, Guy LeBlanc, Robert Voltz. *Not present:* Chairman K. Sorrell; Vice Chair, 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 (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 August 22, 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. *Guy LeBlanc* 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:***

**BZA17-025 [R-4A] 828/832 Breezewood Lane – Cassell Realty Company – (Side Yard Variance)**

*Applicable City code section(s) cited:*

*1270.06(e) (2) (B) – Side yards – each two family residence shall have two side yards. The sum at the side yards shall not be less than 35’ and neither shall be less than 15’; proposed = 2.98’.*

Ken Cassell of 5425 Liberty Avenue stated this was an oversight on his part as they used two 15’ plus side yards on the side of the building, but the code says differently and you must have 35’ total. He said the code was written in 1966 and wondered if it was time to recommend to council to amend some of these codes. He said in R-4A zoning he can build single family or duplex. If you’re building a duplex it must be a minimum of 35’ so in this case he was almost 3’ short of meeting the code. However, if he builds the single family homes on the adjacent lots it calls for 8’ and 8’. Therefore, he questioned why they need 35’ and the purpose for this size. The clerk noted that the building inspector and city engineer can review the code and make a recommendation to city council as well.

William Davies of 3995 Hilltop asked if this variance would change the property line and his property rights. B. DiFucci said it will not change the property line. W. Davies said there are three mature pine trees close to the property line and if this variance is granted will they stay on his side. B. DiFucci said absolutely as those trees are on his property and the property line is the division between his property and Mr. Cassell’s property.

John Strittmather was present to represent his father Jack Strittmather of 3999 Hilltop due to health reasons. However, he noted his dad is not opposed to this but wanted his aggravation noted because the ordinance has been in place since 1966 and K. Cassell has been building in town all that time. He felt it was a shame at this point in the stage that the house was already built and a mistake like this was uncovered.

**B. Voltz MOVED;** G. Fiegelist seconded to approve the 2.98’ variance as proposed according to Chapter 1270.06 (e) (2) (B). Roll Call Vote 3 YEAS. **MOTION CARRIED.**

**BZA17-026 [R-S] 4867 Shoreline Way (Front Street) – Tina Swinehart – (rear yard, side yard, front yard variances)**

*Applicable City code section(s) cited:*

*1270.09 (e) (2) B Rear yards not less than 30’; proposed = 9’; variance = 21’*

*1270.09 (e) (2) C Side yards – sum at side yards may be reduced to 12’ with an attached garage. 5’6” + 3’6” = 9’; variance = 3’*

*1270.09 (e) (2) A Front yards not less than 30’; proposed = 25.2’; variance = 4.8’*

Anne Maiden was present on behalf of her sister Tina Swinehart. G. LeBlanc asked if this was a new structure. A. Maiden said it's an addition on an existing structure on the back of the house. There is a garage over the basement and there will be a bedroom above the garage on the second floor. G. LeBlanc asked where the driveway will be. A. Maiden said she owns the property next door and her sister will access her garage from her driveway. Further discussion ensued.

**G. Fiegelist MOVED**; B. Voltz seconded to approve the three variances as cited above. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

**BZA17-027 [R-4] – 5116 Devon Drive – Douglas Bodde – (Porch/Garage)**

*Applicable City code section(s) cited:*

*1272.11 (e) – No garage may be constructed that is more than 768 square feet; proposed = 960; variance = 192 square feet.*

Doug Bodde of 5116 Devon Drive stated he is putting up a barn in the back yard which is exceeding the maximum size and he wants to put an 8' x 24' porch on the side of the barn. The porch will face the back of his house. He noted he spoke with his neighbors who showed no objection.

**G. LeBlanc MOVED**; B. Voltz seconded to grant the 192 sq. ft. variance as requested. Roll Call Vote 3 YEAS. **MOTION CARRIED**.

**Adjournment:**

**G. LeBlanc MOVED**; B. Voltz seconded to adjourn the meeting. Vote 3 YEAS. **MOTION CARRIED**.

2017 MEETINGS:  
4<sup>th</sup> Tuesday monthly (except December)  
Next: **October 24, 2017 @ 7:00pm**  
Municipal Complex Courtroom, 687 Decatur, Vermilion

*Gwen Fisher, Boards and Commissions*