

BOARD OF ZONING APPEALS
Meeting Minutes of September 23, 2025

Minutes posted on the City Website @ www.cityofvermillionohio.gov (Council Activity – Agendas, Minutes and Meeting Videos link)

Roll Call: Bob Voltz, Derek Lundy, Pete Bahner, Liz Phillips

Attendees: Mayor Forthofer; Tony Valerius, Service Director; Melanie Wood, Clerk of Council

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.

CALL TO ORDER:

Vice Chair Bob Voltz called the meeting of September 23, 2025, to order.

APPROVAL OF MEETING MINUTES:

D. Lundy MOVED; P. Bahner seconded to approve the meeting minutes of August 26, 2025. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

CORRESPONDENCE: None.

An *Oath* of truthfulness was administered to those in attendance who planned to speak during these proceedings. *Chair L. Barauskas* 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 three affirmative votes for an action (motion*) to pass.

OLD BUSINESS: None.

NEW BUSINESS:

*-Eagleview Townhomes, LLC– Behind 3701 Liberty Ave; PPN: 01-00-003-139-072 & Part of 01-00-003-139-012 (R-5 Apartment Residence District)
.C.O.V. 1270.07(b)(2)A – Cluster Subdivisions are a conditional use which must be permitted by the Board of Zoning Appeals; Variance Requested – Approval of Cluster Subdivision*

Brent Anderson with Rafter A Land Surveying and Engineering represented Eagleview Townhomes, LLC. He stated the plan before the board was approved last night at the City Council meeting for a zoning change to R-5 Residential. Their client is looking to do a cluster overlay over the R-5 District which requires the Zoning Board’s approval. He said the plan the board has is a conceptual plan at this point, there is still a lot of due diligence and engineering and planning that will have to move forward but this is the general plan they are presenting at this time. Everything they are looking to do is inside the City of Vermilion Code Chapter 1278 Cluster Subdivision Regulations.

B. Voltz asked when he said there could be changes, he presumes it is not changes to the area affected but more details. B. Anderson answered yes, full engineering planning, traffic studies, wetland studies, any of those types of things that would need to move forward from that standpoint to prepare full detailed plans to go before the City Engineer. D. Lundy asked, as far as placement and number of homes will remain the same? B. Anderson answered yes, that is what is

laid out in front of them right now and they do understand the density does not change with a cluster overlay. Right now, the allowed density is 39 units, and they are showing 36 units. The main thing they will be taking advantage of is the 20% reduction in yard setbacks that is allowed in a cluster subdivision regulation.

P. Bahner MOVED; D. Lundy seconded to approve the variance requests as submitted and cited above under C.O.V. 1270.07(b)(2)A – Cluster Subdivisions are a conditional use which must be permitted by the Board of Zoning Appeals; Variance Requested – Approval of Cluster Subdivision. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

-Zaremba Group, LLC – Vacant Land East of 3409 Liberty Ave; PPN: 0100004116003 (B-3 Highway Commercial District)

.C.O.V. 1276.02 – Required Parking Spaces – 56; Proposed – 35; Variance Requested – 21 Spaces

.C.O.V. 1276.03(d)(1) – Minimum Size for Parking Spaces – 10’x20’; Proposed – 9’x20’; Variance Requested – 1’ in Width

Tom Michaels with Zaremba Group introduced himself and said he is the developer for the project and introduced Mike Wohlwend with Wohlwend Engineering Group who produced the site plans they have before them. He stated the proposed development is on Liberty Avenue on the east side of town and it is across the street from German’s Villa. They are proposing a Dollar General that is fully compliant with the exception of two things they are asking the board’s consideration. The first is for a reduction in the number of parking spaces from 56 to 35 and also a reduction in the width of the parking spaces from the 10 feet the code requires to 9 feet. Both the dimensions and number of spaces are sufficient for their proposed use and typical retail uses of their size if they installed more parking spaces, quite frankly it would be a sea of surfaces that would go unused. Their simple request is to consider 35 9-foot parking spaces.

B. Voltz said one item he had a question about, and asked Tony Valerius earlier was on the parking spaces he knows the drawings do note the 200 square foot of floor area plus employee parking. For his own curiosity he asked if it was for the entire structure or just public space and T. Valerius told him it was for the entire structure which explains where that requirement came from. He said he noticed the proposed access easement to the east and asked if there was anything specific planned there. T. Michaels answered no, when they first reviewed with the city and the Planning Commission – eventually there will be a future use that is still not known at this point. They are splitting off just their portion of the larger parcel and the owner who is keeping the rest requested and they also discussed with the Planning Commission that they will provide a shared access for whatever the future use is to minimize the number of curb cuts later.

D. Lundy asked based off their estimates and occupants in the building and average peak times would 35 spaces include a little bit of buffer, is it on the high side or low side? T. Michaels answered 35 is still on the high side quite frankly, even at peak times they would have 20-25 cars maximum. D. Lundy asked if the proposed width of 9-foot with the variance of 1-foot requested is based on the math of having 35 spaces. M. Wohlwend said the city code requires 200 square feet, which generally is a 10x20 foot stall. Most places they go, 9x18, is typical so they are asking for a variance to go down to a typical 9-foot-wide parking space. They are asking for the variance to get closer to what the city code requires for the total parking count. If they went 10 feet wide, they would have spaces in the lower 30s, so they are shrinking the width down to standard to get a few more parking spaces on the site. D. Lundy said in treating the requests separate, if the width were to stay at the required 10-foot that would bring them to the lower 30s and asked if it would still be sufficient for the traffic they project. M. Wohlwend said they have done a lot of Dollar Generals

around Ohio and Tom has across the country and they are in the low to mid 30s for parking spaces for most Dollar Generals so they are right in the sweet spot. T. Michaels said for this particular square footage, if Dollar General came into a community with no zoning at all, they would require them to install 35 spaces for that size store.

P. Bahner asked if the handicap spots would still be 9 feet and if it would be enough space for a van. M. Wohlwend said the code for handicap is a little bit different, they are allowed to go down to 8 feet wide for a handicap parking stall for a van with an 8-foot wide striped area in the middle which is what this plan shows and is code compliant with the ADA parking code as well as the building codes that follow that.

Alec Bonawit of 3927 Brownhelm Station Road, said as far as the number of parking spots that they are requesting, he has no objection to that whatsoever. He does question the downsizing of the parking space. A fair portion of Vermilion is older people and a foot of parking space for those who are older is 6-inches per side which makes a pretty good difference for those who aren't so limber to get in and out of their vehicles. Also, a young mother with children trying to get doors open to get kids in and out of the vehicle again that extra foot between the two vehicles basically would make a significant difference in ease for them. When he goes places, he tends to park away from next to people and sure they can bring that fact up that you can do that but not in inclement weather or when it is rainy and slippery and you want to be as close to the building as you can. He is asking the board to reconsider the variance and keep it at 10 feet instead of going to 9 feet. He would also like to know if it would be setting a precedence. Does that mean any other commercial company that came into town would then say, "you gave Dollar General a 9-foot, so why won't you give us 9-foot?". Those are his concerns and his requests.

B. Voltz said in response to the last comment as noted they are not based on previous decisions or similar things so that doesn't bind the board to making the same consideration in the future to anyone else as a certainty.

L. Phillips said she did a little research before this because she was concerned about the width of the parking spaces as well. The average width of an average truck is 6 feet 7 inches wide, so she was concerned about the spacing as well. The average width of a car is 5 feet 8 inches wide. She was more concerned about trucks being that there are a lot of trucks in this area and she didn't think that there was a whole lot of room to get out. B. Voltz said he also looked into that and from most standards 8.5-9 feet is very common. Over the past week in a number of various businesses he saw almost all of them be 9-feet other than a Costco or someplace else that had many more parking spaces. He wanted to give feedback, not trying to say one is better than the other.

P. Bahner asked if there were any 9-foot parking spaces in the city currently. T. Valerius answered he was sure there were but did not know which businesses. P. Bahner said the 9-foot seems to be standard in most places. M. Wohlwend said it is pretty standard in their industry – 9x18.

D. Lundy asked if there were any drawings or variations of this with the 10-foot-wide spaces? M. Wohlwend replied they will not be able to get 35 spaces and meet the 10-foot-wide spaces so they shrunk them to 9 feet to get to 35 so increasing them will cause less parking spaces. They do not have plans that include the 10-foot-wide stalls. It would put them in the low 30s and that is a little less than they would want at the store. D. Lundy asked if that would cause delays because Dollar General requires 35 as the number of spaces. T. Michaels answered yes there are two things that would be hardships the first is the site they have available and the other thing to consider is the parcel is split zoning, and the southern 50 feet of the parcel is still zoned residentially which backs

up against the incoming nature preserve. The commercial development is compliant so long as they stay in the commercial portion and they are leaving the southern 50 feet as a green buffer space between the use and the nature preserve and the house to the southwest of them. In reality their site is smaller than meets the eye because of that.

T. Valerius suggested it would be better to vote on the second variance request first that way if there were an issue it would allow the applicant to possibly amend the number of spaces.

P. Bahner said with 9 feet being the standard in the industry, he understands what our code says but maybe it is time to look at the city's code does it make sense to keep that size, especially when looking at smaller spaces. M. Wohlwend said as you make parking spaces bigger, it adds stormwater runoff and is less green space so they are trying to be as green as they can. P. Bahner asked if 9 feet is the standard all over. M. Wohlwend answered yes, they have done 150 stores, and he would say 95% of them are 9x18 per code. D. Lundy noted vehicles are not getting any smaller and he doesn't foresee them getting smaller in the future and there is something to be said for that too. T. Michaels said he understands the comments but with the modern passenger there is sufficient room to open the door and still have room to get around it. This isn't a Costco or a Home Depot where people are trying to get 2x4s into their vehicles. Some of the larger stores need more space for what they are selling but most folks here are carrying a few shopping bags.

B. Voltz MOVED; P. Bahner seconded to approve the variance requests as submitted and cited above under C.O.V. 1276.03(d)(1) – Minimum Size for Parking Spaces – 10'x20'; Proposed – 9'x20'; Variance Requested – 1' in Width. Roll Call Vote 2 YEAS; 2 NAYS (Phillips, Lundy). **MOTION FAILED**.

T. Valerius asked if the applicant is able to get 35 spots or if they would like to amend their variance request. T. Michaels said with the width, that does not carry and the site plan they presented has 35 9-foot spaces and he believes they will at a minimum revise the plan. T. Valerius asked if he knew how many parking spaces he could get if they were 10 feet wide. T. Michaels said they would lose approximately 5 spaces and asked if they could modify it and come back with a final site plan to meet it. M. Wohlwend said they will try to fit as many parking spaces as they can but if they could request a variance for 30 parking spaces they would amend the request. B. Voltz answered they could amend the request to 30 spaces and if they achieve more, it would be appropriate. D. Lundy asked if they had to approve the exact number of spaces. B. Voltz said they could have more. M. Wohlwend said they would like to be closer to 35 spaces, and they will try to get as many as they can. T. Valerius noted the variance requested would now be 26 spaces.

P. Bahner MOVED; D. Lundy seconded to approve the variance requests as amended and cited above under C.O.V. 1276.02 – Required Parking Spaces – 56; Proposed – 30; Variance Requested – 26 Spaces. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

-**Megan Elwell** – 5951 Cape Hatteras; PPN: 18-00338.006 (R-4 Urban Residence District)
.C.O.V. 1272.09(a)(1) – Maximum Height of Fence in Front Yard – 3.5'; Proposed – 6'; Variance Requested – 2.5'

Megan Elwell of 5951 Cape Hatteras said they just built their house, and they are on a corner lot and are proposing a variance to have a 6-foot fence all the way around and the Building Department told them they had to get a 2.5-foot variance because the front yard requirement can only be 3.5 feet. They have three large dogs, and a 3.5-foot fence would not keep them in. They would come 8 feet off the back of their house and run to the back of the property line. It would be 63 feet in distance, which would be quite a way away from the corner where the stop sign is. They are also

on the opposite side of the street from the stop sign so she does not believe the fence would obstruct any type of traffic. They would also have a decent amount of space off of the sidewalk as well. There is a sidewalk easement and a utility easement at the back of their property.

D. Lundy asked if the variance request for the height of the fence was for the portion of fence that runs parallel to Conneaut Light. M. Elwell answered yes. D. Lundy said his question was answered regarding the visibility of the stop sign.

B. Voltz asked if the fence would be 70 feet from the corner. M. Elwell answered yes. B. Voltz asked if the space behind her lot was a utility easement. M. Elwell answered there is a utility box that is partially on their property that is in the easement, there is a 10-foot utility easement on each side and the property goes on their property somewhat so they have to come 2 feet off of that which means they had to come off the sidewalk a little more because they had to account for that box as well.

D. Lundy MOVED; L. Phillips seconded to approve the variance request as submitted and cited above under C.O.V. 1272.09(a)(1) – Maximum Height of Fence in Front Yard – 3.5’; Proposed – 6’; **Variance Requested** – 2.5’. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

Adjournment:

B. Voltz adjourned the meeting after no further business.

Next Meeting: Tuesday, October 28, 2025 – 6:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, OH.

Transcribed by: Melanie Wood, Clerk of Council September 24, 2025