

BOARD OF ZONING APPEALS
Meeting Minutes of December 9, 2025

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

Roll Call: Bob Voltz, Derek Lundy, Pete Bahner, Liz Phillips
Attendees: 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 December 9, 2025, to order.

APPROVAL OF MEETING MINUTES:

P. Bahner MOVED; D. Lundy seconded to approve the meeting minutes of October 28, 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:

-*D.J. Schilling*– 1440 Claus Road; PPN: 0100021000061 (*RI- Estate Residence District*)
.C.O.V. 1270.02(i)(1) – *Minimum Square Feet of a Dwelling Unit Permitted – 1200 Square Feet; Proposed – 616 Square Feet; Variance Requested – 584 Square Feet*
.C.O.V. 1270.02(e)(3)C – *Side Yard Required – 20’; Proposed – 10’; Variance Requested – 10’*

Don Schilling of 1440 Claus Road said he was requesting to build a small house at 616 square feet and he is also requesting a 10-foot variance on the side yard for aesthetics. It is backing up to the woods and to the neighbor’s property, on the other side of the woods is a small pond. There is a barn on the property that he built which is about 6,000 square feet. P. Bahner said behind the barn it looks like there is a shed or house that he is using now with a grill. D. Schilling answered that it is a hang out spot, there is no electricity or running water there. P. Bahner asked if that would remain the same. D. Schilling answered yes, it will remain a hang out spot, it was an old corn crib.

B. Voltz said, forgetting the size of the structure for a moment and given the commentary on the size and acreage of the lot, what is the hardship of requesting the side yard variance of the extra 10 feet? D. Schilling answered aesthetics. B. Voltz asked the reason for the size of the home. D. Schilling answered he is a single guy with no kids or family. There is no bathroom or running water on the property currently, and he will be living within his means. P. Bahner asked if it would be a primary residence. D. Schilling answered not right now, he owns a house in town at 604 Main

Street. P. Bahner said there is a rule that there is supposed to be a primary residence with the barn, so this would actually bring it to code which would be a good thing.

D. Lundy asked if the home would be a permanent structure with a foundation. D. Schilling answered yes, with running water and a toilet and a sink. L. Phillips asked if this would become his primary residence. D. Schilling said he hadn't figured that part out yet but right now it would be a second home. The property is paid off; he doesn't have a loan on it.

P. Bahner asked if the barn would continue to be residential or if it would become commercial. D. Schilling answered the previous owners tried to make it into a wedding venue and it was denied becoming commercial. It will be permanently residential.

B. Voltz asked how far the proposed structure and installation is from the septic tank on the property. D. Schilling said he would estimate it is about 100 feet. There is a river that runs through the back of the property which is an aeration system, it is a little different than a typical septic tank. There are different heads for the aeration system itself.

B. Voltz MOVED; P. Bahner seconded to approve the variance requests as submitted and cited above under C.O.V. 1270.02(i)(1) – Minimum Square Feet of a Dwelling Unit Permitted – 1200 Square Feet; Proposed – 616 Square Feet; Variance Requested – 584 Square Feet and C.O.V. 1270.02(e)(3)C – Side Yard Required – 20'; Proposed – 10'; Variance Requested – 10'. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

*-Dan Lachowyn – 833 State Street; PPN: 18-00196.000 (R-4 Urban Residence District)
C.O.V. 1270.05(e)(3)C – Side Yard Setback Required – 8'; Proposed – 3'; Variance Requested – 5'*

Dan Lachowyn of 833 State Street said his variance is for an offset for his shed from the side property line. The last time he was here, his variance was approved for 2 feet from his back fence but not the side property line. Since then, the neighbors have moved their fence to the property line, and he has moved the shed over a foot from the fence. His request is for 3 feet because he has a couple trees and bushes there that make it hard to move and it is on a little hill so it is hard to keep it level, but he thinks he can get 3 feet out of it.

B. Voltz asked if it was currently 3 feet from the fence. D. Lachowyn answered no, it is at about a foot right now. B. Voltz asked if the neighbor's fence was not on the property line. D. Lachowyn answered no, since the last meeting the neighbors moved their fence, it was about 2 feet onto their side of the property line, and they moved it up to the property line. When the shed was built, the property line was unknown, so he hired a surveyor to do a boundary survey, and they found out where the line was. B. Voltz said now the shed is 1 foot from the property line, so the proposal is for a 1-foot setback. D. Lachowyn said no, he thinks he can move it another 2 feet to make it 3 feet from the property line. D. Lundy stated the shed had not moved since the last meeting; the fence had moved closer to the shed. D. Lachowyn said at the last meeting, the shed was about 2 inches over the property line and he had moved it about a foot since then, otherwise he wouldn't have been able to move his fence to the property line. P. Bahner asked if now he wants to move it 2 more feet. D. Lachowyn answered yes.

D. Lundy asked if his drawing was the proposal after he moves his shed, the drawing shows 2 feet. D. Lachowyn said that is the drawing he used the first time, so he just updated it to 3 feet. T. Valerius said the applicant had asked for a side setback a couple months ago and it failed. Since that failed, he would have to move the shed to 8 feet so the Building Department let him know he

would need to move his shed or reapply for another variance which is why he is here today. Technically, he should be moving the shed to meet the code, but he came back to apply for this variance. D. Lachowyn said the hardship is the hill and bushes and things like that.

Debbie Sobieski of 851 State Street said she has been there for 52 years along with her husband John. The way D. Lachowyn has the shed set up is they see the black paper on their side, and he keeps talking about trees and bushes but when he put that shed up, he had no problem with the trees or bushes and she told him he was too close and his reply was that he is not moving it. It is way too close to their property line and when they put their fence in, they had dirt half-way up their fence. B. Voltz asked if they moved their fence to the property line. D. Sobieski answered yes. The bushes and trees did not stop him at all from putting the shed on the little hill. John Sobieski said he can hardly squeeze between the new fence and the building and 3 feet will not make much of a difference. D. Lundy asked if he was referring to his fence and the applicant's shed. J. Sobieski answered yes. D. Lundy asked their position on the shed. D. Sobieski answered they want it to be gone, it is too close to the property line, and they think 8 feet is reasonable. When he put it up the trees and bushes didn't bother him one bit and they existed when he put it up. D. Lundy asked if they have grown since then. D. Sobieski answered not by much, she just wants the building away from her property; it is way too close.

D. Lachowyn said the shed is near the back of their garage behind the garage and they can't even see it unless they walk behind the garage and look at it. He is not sure why they are talking about squeezing between the shed and the fence because that is his property. There was some dirt there, but he never complained until they got into the meeting. When he built the shed there was no survey and they didn't know where the line was and it cost him \$3,000 for the survey and he realized he was a couple inches over the line, so he moved it. B. Voltz asked if the trees were there prior to building the shed. D. Lachowyn answered yes. B. Voltz asked the distance from the shed to the tree. D. Lachowyn answered it is about a foot away from either side.

B. Voltz MOVED; D. Lundy seconded to approve the variance requests as submitted and cited above under C.O.V. 1270.05(e)(3)C – Side Yard Setback Required – 8'; Proposed – 3'; Variance Requested – 5'. Roll Call Vote 1 YEA; 3 NAYS (Bahner, Phillips, Voltz). **MOTION FAILED**.

-Gregory & Linda Epperly – 406 Nicholson Road; PPN: 0100006103028 (I-2 Heavy Industrial District) .C.O.V. 1280.02 – A Nonconforming Use of a Structure Shall Not Be Extended or Enlarged; Variance Requested – Waive Requirement

Linda Epperly of 406 Nicholson Road said they are requesting a variance to waive the requirement. They are trying to add a 16x18 living room to their home and because they live in a I-2 Heavy Industrial District, they are not allowed to add onto their house. The house has been there since 1928 and is 850 square feet and they need a bigger living room. Also, a couple years ago they were here and at the time their property consisted of three separate parcels, and the city wanted them to combine them before they built on so they combined the parcels which cost about \$3500. They are on the corner, and they are 50 feet from Nicholson and 130 feet from Liberty Avenue, which gives plenty of room. B. Voltz asked if the 130 feet will be after the addition is added. L. Epperly answered yes. B. Voltz said the hardship is that it is currently non-conforming because of being zoned Industrial. T. Valerius answered it is legal non-conforming because residential is not permitted in the I-2 District but there are 5 houses there.

P. Bahner MOVED; B. Voltz seconded to approve the variance request as submitted and cited above under C.O.V. 1280.02 – A Nonconforming Use of a Structure Shall Not Be Extended or

Enlarged; Variance Requested – Waive Requirement. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

-Dustin & Megan Wisenbaler – 321 Aldrich Road; PPN: 0100002105094 (RS Special Residence District)
.C.O.V. 1270.09(e)(2)B – Rear Yard Setback Required – 30’; Proposed – 26’; Variance Requested – 4’
.C.O.V. 1270.09(e)(2)C – Side Yard Setback Required – 7’; Proposed – 5’; Variance Requested – 2’

Dustin Wisenbaler of 321 Aldrich Road said they are requesting a variance of 4 feet, they are supposed to have a rear yard setback of 30 feet, and it is going to be 26 feet from the property line to the back of the house after they build the addition. On the side of the house, they will need 2 feet, they weren’t aware they needed a variance until they got the paperwork. There is not a whole lot of room to build on the side. They are staying at the back of the house that exists already.

D. Lundy stated the side yard of the existing house was either already granted a variance or was non-conforming prior. D. Wisenbaler answered yes, they are just staying with where the back already is. B. Voltz asked if they received any feedback from neighbors. D. Wisenbaler said they notified everyone around them and there were no issues.

B. Voltz asked if their rear fence was on the property line. D. Wisenbaler answered the property line is between the fence and the neighbor’s house so there may be several inches between the fence and the property line.

D. Lundy MOVED; B. Voltz seconded to approve the variance request as submitted and cited above under C.O.V. 1270.09(e)(2)B – Rear Yard Setback Required – 30’; Proposed – 26’; Variance Requested – 4’ and C.O.V. 1270.09(e)(2)C – Side Yard Setback Required – 7’; Proposed – 5’; Variance Requested – 2’. Roll Call Vote 4 YEAS. **MOTION CARRIED.**

-David M. Miller – 3460 Jerusalem Road; (R-1 Estate Residence District)
.C.O.V. 1270.02 (i)(3) – Driveways Shall Be Hard Surfaced; Variance Requested – Gravel Driveway
.C.O.V. 1024.01 – Sidewalks Required; Variance Requested – Waive Requirement

David Miller of 3460 Jerusalem Road stated he is developing this property as a primary residence with a barn structure on it that they will primarily use to store a large RV. The variance request would be to waive the hard surface driveway and to be able to have a gravel driveway along with waving the sidewalk requirement. The driveway will need to be wider to accommodate the larger vehicles, and they are worried about settling and the weight. Esthetically, since they are doing a barndominium, Jerusalem where they are sitting near the on ramp to Route 2 is a pretty rural area. For the sidewalk, where the property is located is the eastbound entrance to State Route 2 which is in his back yard and he does not have neighbors across the street, or to the east or west of him. You would have to go to the east 8 houses until you find someone with a sidewalk. Just to the east of him there is a property with a barn really close to the road which would probably be in the way of the sidewalks. Also with the location, he is not sure that sidewalks would ever be utilized there.

B. Voltz asked the size of the vehicles he will be storing. D. Miller answered he has a 41-foot RV he will be storing which weighs 50,000 pounds, and then on top of that they will have tow vehicles and things they use behind it which is a lot of weight and is part of the reason for the location they chose with the on ramp right there behind them.

D. Lundy asked if they had future plans to pave the driveway, settling makes sense to him. D. Miller answered yes, he just didn’t want to be held to it until it did. What they would have now is an 8-

inch aggregate base and they currently have 57s on top that are settling while the construction takes place now. Then they will make it aesthetically pleasing with some crushed limestone and wait over a year or two to go through a few of the freeze and thaw cycles. They currently have an RV stored at a storage unit where the whole top is cracked from everyone driving in. P. Bahner asked if they gave a variance of two years, would the 50,000-pound vehicle destroy the concrete? D. Miller answered he doesn't think it would destroy it, they are just worried about settling cracks. They have to do 6-inch concrete and there is a pretty large expense to that too. The neighbors on either side with the red barn have a crushed gravel driveway and being close to the outside of the city limits and farms on the south side he didn't think it would look out of ordinary with crushed limestone and then they wouldn't have to worry about settling cracks. B. Voltz said he did notice a good number of concrete and blacktop driveways in the immediate neighborhood. D. Lundy asked if a variance of 30 months would be appropriate because two years will bring them back to winter and pouring concrete in December is not recommended.

P. Bahner MOVED; D. Lundy seconded to approve the variance request and allowing 30 months of gravel driveway before it shall be hard surfaced and cited above under C.O.V. 1270.02 (i)(3) – Driveways Shall Be Hard Surfaced; Variance Requested – Gravel Driveway. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

P. Bahner MOVED; B. Voltz seconded to approve the variance request as submitted and cited above under C.O.V. 1024.01 – Sidewalks Required; Variance Requested – Waive Requirement. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

*-Jeremy Crawford (Bowl Thyme) – 4855 Liberty Avenue; (B-3 Highway Commercial District)
.C.O.V. 1270.13(c)(2)A – Front Yard Setback Required – 75'; Proposed – 57'; Variance Requested – 18'*

Jeremy Crawford, owner of Bowl Thyme stated they are looking to extend the patio in front of Bowl Thyme. They purchased a liquor license and have had it in house for about two months now and haven't launched it to the public yet. They proposed their patio plan through the Planning Commission, and they proposed a variance due to some structures, and they will be within the 75-foot setback. B. Voltz asked if the 75-foot setback was to the physical structure that is proposed. J. Crawford answered yes, it is 18 feet to the front curb and they wouldn't extend any further into the grass easement. The fence will start there along with the patio.

P. Bahner said they are going to put the propane tanks much closer and they will also have a patio out there, so the 57-feet is to the corner with the greenhouse. T. Valerius answered yes and stated that Mr. Crawford did go to the Planning Commission and they approved the improvements contingent upon the passage of this variance. J. Crawford said in addition, they asked him to reach out to the Fire Department and he has had about four meetings with the Fire Marshall since then along with a propane company who came out to see where they wanted to place it. On the proposed plan is an ASME 125 tank which is a smaller upright tank and after talking with the propane company, they believed it would be safer to have more of a belly tank for stability and the Fire Department requested a fence be put around it in addition to a fire extinguisher inside the cage with crash balusters at all corners and nothing exceeding the 4-foot gap.

P. Bahner asked if the food truck would be permanent. J. Crawford answered yes, they don't plan on taking it anywhere, but they will still have the ability to move it, if need be, which is why they have the flex hose going to the front of the truck. They want to make sure it is set back from the drive through area so it doesn't impede the barrier, and they are not exceeding anything on the fence in front of the building so they are only going to the curb and will have the grass frontage.

D. Lundy asked if they would be eliminating the parking spaces up front. J. Crawford answered yes, with the request from the City Engineer, they moved the handicap spaces closer to the building where there are currently ramps which makes it easier to push uphill from where they are now. P. Bahner asked if the patio would be used seasonally or year-round. J. Crawford said it would be weather dependent, but they would like to use it as long as they can. D. Lundy asked if the drivable space would remain in front of the patio. J. Crawford said they will be blocking off the front drivable space and there will be a fence that goes from the front of the building to the curb line, and then it comes to the entrance off Liberty and that connects to the landscaping in the front of the building. D. Lundy asked if the only two exits would be on the Vermilion Road side and then the drive through. J. Crawford answered yes, they will have signs put up as well. D. Lundy asked if the drive through would be eliminated. J. Crawford answered no, they are planning on keeping it. Right now, about 93% of their business is drive through, to go, door dash or carry-out so bringing in the liquor license they are hoping it helps keep people in the building and the parking lot a little fuller.

B. Voltz asked if the 57 feet is going to be to the corner of the outdoor bar piece. J. Crawford answered it will be to the greenhouse room and the corner of the building and the patio structure will all fall within the same line.

B. Voltz MOVED; P. Bahner seconded to approve the variance request as submitted and cited above under C.O.V. 1270.13(e)(2)A – Front Yard Setback Required – 75’; Proposed – 57’; Variance Requested – 18’. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

-Amy Sprecher – 3554 Edgewater Drive; PPN: 0100003101058/59 (RS Special Residence District)
.C.O.V. 1272.12 Utility Building Location Required – Rear Yard; Variance Requested – Front Yard Location
.C.O.V. 1270.09(e)(2)A – Front Yard Required – 30’; Proposed – 20.5’; Variance Requested – 9.5’
.C.O.V. 1270.09(e)(2)C – Side Yard Required – 6’; Proposed – 2’; Variance Requested – 4’

Amy Sprecher of 3554 Edgewater Drive said she is here today to request a nice, smaller storage shed in the front of her property. The reason for the location is because anywhere they place it in the back of their property would obstruct their view along with their neighbor’s view. They have talked with both of their neighbors, and they are not concerned with the placement of the shed. The reason for the location on that part of the property is that the neighbors to the west side of their property have a very large garage in the front of their home and aesthetically she thinks it will be nestled in there and much smaller than their garage. B. Voltz asked if it was going to be in the space filled with stone and gravel next to her driveway. A. Sprecher answered yes, it will be a custom-built shed to match the house. P. Bahner asked if fire resistance was required. T. Valerius answered it is not required for a building that size.

D. Lundy MOVED; B. Voltz seconded to approve the variance request as submitted and cited above under C.O.V. 1272.12 Utility Building Location Required – Rear Yard; Variance Requested – Front Yard Location and C.O.V. 1270.09(e)(2)A – Front Yard Required – 30’; Proposed – 20.5’; Variance Requested – 9.5’ and C.O.V. 1270.09(e)(2)C – Side Yard Required – 6’; Proposed – 2’; Variance Requested – 4’. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

-Emily Staveski – 2300 Brownhlem Station Road; (R-1 Estate Residence District)
.C.O.V. 1272.12(a) – Maximum Square Feet – 320; Proposed – 2048 Square Feet; Variance Requested – 1728 Square Feet
.C.O.V. 1272.12(a) – Maximum Height – 12’; Proposed – 19’; Variance Requested – 7’

Mr. Staveski of 2300 Brownhelm Station Road said they are looking to build a pole barn to use as a storage building on this property. D. Lundy asked if they would be running utilities to the building. Mr. Staveski answered no, they may run power to it later, but they would like to build it now to get the things out of the yard and into storage. D. Lundy asked if there would be a concrete pad. Mr. Staveski answered yes. B. Voltz asked if they would be over 100 feet from the next adjacent property. Mr. Staveski answered yes, it is down the hill on a flat spot in the rear yard.

B. Voltz MOVED; D. Lundy seconded to approve the variance request as submitted and cited above under C.O.V. 1272.12(a) – Maximum Square Feet – 320; Proposed – 2048 Square Feet; Variance Requested – 1728 Square Feet and C.O.V. 1272.12(a) – Maximum Height – 12’; Proposed – 19’; Variance Requested – 7’. Roll Call Vote 4 YEAS. **MOTION CARRIED**.

Adjournment:

B. Voltz adjourned the meeting after no further business.

Next Meeting: Tuesday, January 27, 2026 – 6:00 p.m. @ Vermilion Municipal Court Complex, 687 Decatur Street, Vermilion, OH.

Transcribed by: Melanie Wood, Clerk of Council December 16, 2025