



City of Vandalia Board of Zoning Appeals

Regular Meeting Agenda

April 23, 2025

Council Chambers

<https://us02web.zoom.us/j/7206872780?omn=89298680042>

6:00 p.m.

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. **BZA 25-0005 – Total Accessory Structure Area – 221 North American Blvd.**
5. Approval of Minutes
 - a. **Board of Zoning Appeals Minutes: April 9, 2025**
6. Communications
7. Adjournment

Next Scheduled Meeting – Wednesday, **May 14, 2025** – 6:00 p.m.

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Michael Hammes, AICP, City Planner
DATE: April 16, 2025
SUBJECT: **BZA 25-0005** – 221 North American - Variance from City Code Section 1224.01(b)(9)(C) “Total Accessory Structure Area”

General Information

Applicant: Tory S. Elrich
221 North American Blvd.
Vandalia, Ohio 45377

Zoning: Residential Single-Family (RSF-3)

Location: 221 North American Blvd.

Related Case(s): None

Requested Action: Recommendation to City Council

Exhibits: 1 – Site Plan
2 – Criteria Responses

Background

The Applicant, Tory Elrich, has requested a variance to permit the construction of a 640 square foot shed that would cause the total area of all accessory structures to exceed 40% of the principal building footprint. City Code Section 1224.01(b)(9)(C) provides that any lot in a residential zoning district, regardless of size, shall be permitted to have structures allowed in Table 1224-1 that have an aggregate square footage of 600 square feet or a square footage equal to 40 percent of the footprint of the principal building, whichever is less.¹

The Applicant has proposed constructing a new 640 (16' x 40') square foot storage building in the rear yard. There is an existing 160 square foot (10' x 16') shed on the west side of the property. Based on the footprint of the existing house (1,279 square feet), the applicant is entitled to 512 square feet of accessory structures. The combination of the new and existing accessory structures would result in 800 square feet of total accessory structure area – 288 square feet more than would otherwise be permitted.

¹ Swimming Pools are the lone exception to this standard. See also Section 1224.01(b)(9)(C).

In the Letter of Justification, the Applicant describes the structure as a “well built and aesthetically pleasing” Amish-built structure with a long-lasting metal roof.

Staff notes that the structure was installed in Mid-March 2025, after which the applicant was advised of the need for permits and a variance. This application was filed shortly thereafter.

Variance Criteria

In determining whether a property owner has suffered practical difficulties, the Board of Zoning Appeals and City Council shall weigh the following factors: provided however, an applicant need not satisfy all of the factors and no single factor shall be determinative, to determine the following:

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

Applicant Response: With this structure, the intended use is an indoor batting cage and gym for my children ages 10 and 14 as well as their school friends to practice and work out. This structure being placed on my property will increase the home value and provide a safe place for local neighborhood kids to practice and hang out. This structure will be powered by generator only and will not have hard power ran to it. Without this variance, the structure cannot be altered because it was prefabricated, resulting in a complete removal of the structure.

Staff Comment: Staff feels the property in question will yield a reasonable return and the property has a beneficial use without granting of the variance.

- (2) Whether the variance is substantial;

Applicant Response: Unknown to myself, the maximum square footage of additional structures for my property is around 570 sq ft. I previously had a landscaping shed that is 10'x16' (160 sq ft) prior to the 16'x40' shed. The total square footage of the two combined is 800 sq ft which is roughly 230 sq ft over the allowed structure. Neither building results in a detriment to neighbors, or property functionality. The overall impact of this variance requested is low.

Staff Comment: Staff feels the variance is somewhat substantial, given the proportion of accessory to primary structures.

Review Criteria (Cont'd)

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

Applicant Response: There is no impact to other surrounding neighbors with the emplacement of this structure on the property. My property is already surrounded entirely by privacy fencing so visibility of the new structure is just the roofline. The structure is Amish built, well built and aesthetically pleasing. It has a metal roof that will last a very long time and will not deteriorate or need replacement or become an eye sore for surrounding neighbors. Overall, the impact of this structure is very minimal and does not impact the neighborhood at all.

Staff Comment: Staff does not feel that granting the variance would substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

Applicant Response: As stated in paragraph 1 above, before emplacement of the structure, underground sewage, water lines, cable, and aerial utilities were all deconfllcted. This structure does not effect the overall ability for government services to be worked on or serviced.

Staff Comment: Staff does not feel the variance would adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

Applicant Response: I purchased my home in November 2019 and have lived in this home with the exception of September 2022-July 2023 when I was deployed to Syria. I have never known about the zoning restrictions imposed for my property for additional structures. I should have ensured with the city prior to purchasing the structure, but I had no reason to believe that there was a limitation on maximum number of square feet were authorized per residential property.

Staff Comment: Staff believes the property owner did not have knowledge of the zoning restriction before purchasing the property.

Review Criteria (Cont'd)

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

Applicant Response: Unfortunately, with the building being paid for in full, and already emplaced on the property, a variance is the only way to move forward without causing significant financial hardship for myself and my family.

Staff Comment: Staff feels the owner's predicament cannot be obviated without a variance due to the size of the primary structure and the design of the lot.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

Applicant Response: With this structure, it will increase the property value which benefits the city as well for property taxes, etc. Additionally, the promotion of community welfare of being able to use the building for other local kids is a large benefit for the children within the community. The structure does not provide any negativity to the neighborhood, or city and still aligns with the overall zoning goal. Regarding substantial justice, the variance being granted would not harm the public interest and will not violate any rights of others surrounding the property, or within the city. The granting of this variance is actually a benefit to the greater good of the community and is in line with promoting our city and supporting our Youth.

Staff Comment: Staff feels that the intent behind the zoning code would be observed by granting the variance.

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief.

Applicant Response: Both neighbors to my left and right have fully supported this structure being emplaced. I am always happy to assist others in the neighborhood with household projects, landscaping, and provide an ear for local gossip. Overall, everyone in my neighborhood has complimented me with how much nicer the property has gotten since I moved into my home in 2019. This structure being added to my property is no different as it offers increased home value, which increases the surrounding homes values as well. With the structure being behind a privacy fence, it is not an eye sore for anyone, and the roof/siding that is visible is aesthetically pleasing to the eye.

Staff Comment: In the event that the requested variance is approved, Staff notes that a building permit will still be required.

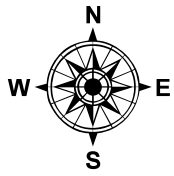
Recommendation

Staff's recommendation is that the Board of Zoning Appeals recommend **approval** of the requested variance from City Code Section 1224.01(b)(9)(C) for the purpose of allowing accessory structures with a combined Total Accessory Structure Area of 800 square feet at 221 North American Blvd.

Staff further recommends that the following condition be included with any recommendation of approval:

1. The applicant must obtain a building permit and comply with all standards and requirements associated with that permit, as directed by the Chief Building Official.

The recommendation of the Board of Zoning Appeals will be forwarded to City Council for their review.



1 inch = 29 feet



City of Vandalia Board of Zoning Appeals

221 North American Boulevard

BZA 25-0005 Total Accessory Structure Area



10' x 40' shed

- 3' from rear property line
- 2.5' from left side of other shed
- 10' away from underground sewage line
- power lines /pole on opposite side of fence

10x16' Shed

- 3' away from Rear fence line
- 10' away from left property line

underground sewage to City Main

Aerial Power and Cable

WATER MAIN
INTO HOUSE

217

225

229

N American Blvd

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OHIO ARMY NATIONAL GUARD
HEADQUARTERS AND HEADQUARTERS COMPANY
216TH ENGINEER BATTALION
10050 WOODLAWN BLVD
CINCINNATI, OHIO 45215

NGOH-ENB-HHC

26 March 2025

MEMORANDUM FOR THE CITY OF VANDALIA ZONING OFFICE

SUBJECT: Requested Variance for 221 North American Blvd Vandalia, OH 45377

1. The purpose of this memorandum is to request an official variance to my property located a 221 North American Blvd. The variance requested is additional square footage of additional structures on my property totaling 640 sq ft in the structure of a 16' x 40' detached shed. This structure has already been emplaced, and I was unaware of the square footage limitations of additional structures on the property until I spoke with Mr. Graham and the inspector, Mr. Mastrino on 24 March 2025. Prior to emplacement, I ensured the building did not obstruct water lines, sewage, or any other utilities that may be underground or aerial on the property. I paid cash for this structure in the amount of \$13,360 so removing this building from my property would cause a large financial loss for myself and my family. The below (8) Criteria listed in the variance request outlines the details of this variance request.

a. **Reasonable Return**: With this structure, the intended use is an indoor batting cage and gym for my children ages 10 and 14 as well as their school friends to practice and work out. This structure being placed on my property will increase the home value and provide a safe place for local neighborhood kids to practice and hang out. This structure will be powered by generator only and will not have hard power ran to it. Without this variance, the structure cannot be altered because it was prefabricated, resulting in a complete removal of the structure.

b. **Is the Variance Substantial**: Unknown to myself, the maximum square footage of additional structures for my property is around 570 sq ft. I previously had a landscaping shed that is 10'x16' (160 sq ft) prior to the 16'x40' shed. The total square footage of the two combined is 800 sq ft which is roughly 230 sq ft over the allowed structure. Neither building results in a detriment to neighbors, or property functionality. The overall impact of this variance requested is low.

c. **Character of Neighborhood**: There is no impact to other surrounding neighbors with the emplacement of this structure on the property. My property is already surrounded entirely by privacy fencing so visibility of the new structure is just the roofline. The structure is Amish built, well built and aesthetically pleasing. It has a metal roof that will last a very long time and will not deteriorate or need replacement or become an eye sore for surrounding neighbors. Overall, the impact of this structure is very minimal and does not impact the neighborhood at all.

d. **Delivery of Government Services**: As stated in paragraph 1 above, before emplacement of the structure, underground sewage, water lines, cable, and aerial

NGOH-ENB-HHC

SUBJECT: Requested Variance for 221 North American Blvd Vandalia, OH 45377

utilities were all deconflicted. This structure does not effect the overall ability for government services to be worked on or serviced.

e. Zoning Restriction Knowledge: I purchased my home in November 2019 and have lived in this home with the exception of September 2022-July 2023 when I was deployed to Syria. I have never known about the zoning restrictions imposed for my property for additional structures. I should have ensured with the city prior to purchasing the structure, but I had no reason to believe that there was a limitation on maximum number of square feet were authorized per residential property.

f. Ways to Avoid without Variance: Unfortunately, with the building being paid for in full, and already emplaced on the property, a variance is the only way to move forward without causing significant financial hardship for myself and my family.

g. Spirit and Intent: With this structure, it will increase the property value which benefits the city as well for property taxes, etc. Additionally, the promotion of community welfare of being able to use the building for other local kids is a large benefit for the children within the community. The structure does not provide any negativity to the neighborhood, or city and still aligns with the overall zoning goal. Regarding substantial justice, the variance being granted would not harm the public interest and will not violate any rights of others surrounding the property, or within the city. The granting of this variance is actually a benefit to the greater good of the community and is in line with promoting our city and supporting our Youth.

h. Other Relevant Factors: Both neighbors to my left and right have fully supported this structure being emplaced. I am always happy to assist others in the neighborhood with household projects, landscaping, and provide an ear for local gossip. Overall, everyone in my neighborhood has complimented me with how much nicer the property has gotten since I moved into my home in 2019. This structure being added to my property is no different as it offers increased home value, which increases the surrounding homes values as well. With the structure being behind a privacy fence, it is not an eye sore for anyone, and the roof/siding that is visible is aesthetically pleasing to the eye.

2. I ask that this variance request be approved with all of the above mentioned facts of the structure. I do apologize for not being up to date on the additional structures part of the zoning code and have most definitely learned my lesson to consult with Mr. Graham in any future needs. I would also like to thank Mr. Graham and Mr. Mastrino for their time and knowledge explaining everything to me when I met with them. The city of Vandalia has two very good employees that I would consider extremely knowledgeable and friendly.

NGOH-ENB-HHC

SUBJECT: Requested Variance for 221 North American Blvd Vandalia, OH 45377

5. Point of contact for this correspondence is Tory Elrich at toryelrich@icloud.com or by phone at 937-776-6912.

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TORY S. ELRICH
SFC, USA
Operations NCO

DRAFT
Minutes of the City of Vandalia Board of Zoning Appeals
April 09, 2025

Agenda Items

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. BZA 25-0004 Rear Deck Setback – 1200 Wilhelmina Drive
5. Approval of Minutes
 - a. Board of Zoning Appeal Minutes: March 12, 2025
6. Communications
7. Adjournment

Members Present:	Mr. Mike Flannery, Mr. Mike Johnston, Mr. Kevin Larger, and Mr. Robert Wolfe
Members Absent:	Mr. Steve Stefanidis
Staff Present:	Mr. Michael Hammes, City Planner
Others Present:	Mr. Michael Mayhill, Mr. Brandon Dosch

1. Call to Order

Mr. Flannery called the meeting to order at 6:03 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. She noted that City Council would hear the request at the meeting on April 21, 2025, at 7:00 p.m.

2. Attendance

Four of the members were in attendance. Mr. Stefanidis was absent.

3. Old Business

Mr. Hammes confirmed that there was no old business.

4. New Business

a. BZA 25-0004 Rear Deck Setback – 1200 Wilhelmina Drive

Mr. Hammes presented the staff report for Case BZA 25-0004, a request for a Rear Yard Setback variance on a residential property in the RSF-3 district. He stated that the applicant wished to construct a 13' deck at the rear of their house located at 1200 Wilhelmina Drive. The minimum rear yard setback is 35 feet. The house is currently setback at 18 feet from the property line and is already encroaching 17 feet into the rear yard setback. The proposed deck would encroach an additional 13 feet into the rear yard setback, causing the overall setback to be 5 feet from the property line.

Mr. Hammes added that the deck must meet the rear setback because the proposed deck is wider than 25% the width of the house.

Mr. Hammes noted that the property is a corner lot, and thus the orientation of the home and its placement on the lot resulted in a smaller rear yard than usual.

Mr. Hammes presented maps included with the staff memo, including aerial photographs of the site and a rendering of the proposed deck.

Mr. Larger asked about any comments from neighbors. Mr. Hammes replied that his office had received no comments in favor of or against the variance, and added that there were no members of the public present at the meeting.

Mr. Flannery invited the Applicant to address the Board.

Mr. Brandon Dosch of 1200 Wilhelmina Drive addressed the Board. He identified himself as the property owner and explained that he and his wife would like to have a deck. The deck is intended as a "back-yard sanctuary" for his family.

Hearing no further comments from the public, Mr. Flannery closed the public portion of the meeting.

Mr. Flannery then proceeded to the variance review criteria.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

BZA Comment: The Board agreed the property in question will yield a reasonable return and that the property has a beneficial use without granting the variance.

Variance Criteria (Cont'd)

- (2) Whether the variance is substantial;

BZA Comment: The Board agreed that the variance is somewhat substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

BZA Comment: The Board agreed that granting the variance with the proposed condition would not substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

BZA Comment: The Board agreed that the variance would not adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

BZA Comment: The Board agreed that the property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

BZA Comment: The Board agreed that the owner's predicament cannot be obviated without a variance because the existing house is already encroaching 17 feet into the rear yard setback requirement. Any new addition or deck, regardless of size would need a variance to further encroach into the rear yard setback.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

BZA Comment: The Board agreed that substantial justice would be done, but that the intent behind the zoning code would not be strictly observed by granting the variance.

Variance Criteria (Cont'd)

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

BZA Comment: The Board agreed that the current house layout is legal nonconforming, with a rear yard setback of 18 feet, whereas the code requires a minimum of 35 feet.

Mr. Flannery reported that Staff recommends that the Board of Zoning Appeals recommend **approval** of the requested variance from City Code Section 1224.01(e)(17)(B)(i) for the purpose of allowing a deck to be placed 5 feet from the rear property line at 1200 Wilhelmina Drive.

Hearing no questions, Mr. Flannery called for a motion.

Mr. Wolfe made the motion to recommend **approval** of the requested variance from City Code Section 1224.01(e)(17)(B)(i) for the purpose of allowing a deck to be placed 5 feet from the rear property line at 1200 Wilhelmina Drive.

Mr. Larger seconded the motion. The motion passed 4-0.

Mr. Flannery advised the applicant that it would be in his best interest to attend the City Council Study Session on April 21, 2025, at 6:00 p.m. and the City Council Meeting on April 7, 2025, at 7:00 p.m.

Mr. Dosch thanked the Board for its recommendation.

5. Approval of Minutes

a. Board of Zoning Appeal Minutes: March 12, 2025

Mr. Johnston made a motion to approve the March 12, 2025, Meeting Minutes. Mr. Larger seconded the motion. The motion passed 4-0.

6. Communications

Mr. Hammes reported there would be a meeting on April 23rd, 2025.

Mr. Hammes noted that there had been discussion about a potential training session for the Board of Zoning Appeals. Such training may be scheduled for a summer meeting.

Mr. Hammes asked the members to notify his office if they would be unable to attend a scheduled meeting.

Mr. Hammes noted that a motion to excuse Mr. Stefanidis would be in order at this time. Mr. Larger made a motion to excuse Mr. Stefanidis. Mr. Johnston seconded the motion. The motion passed 4-0.

Mr. Flannery asked about the date for the first meeting in May. Mr. Hammes replied that the first meeting in May would take place on Wednesday, May 14th. Mr. Flannery reported that he might not be able to attend that meeting.

7. Adjournment

Mr. Wolfe made a motion for adjournment. Mr. Larger seconded the motion. The motion passed 4-0.

The meeting was adjourned at 6:21 p.m.

Mike Flannery
Chair