

Minutes of the City of Vandalia Board of Zoning Appeals
April 23, 2025

Agenda Items

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 Appeal Minutes: April 9, 2025
6. Communications
7. Adjournment

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

1. Call to Order

Mr. Flannery called the meeting to order at 6:01 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council would make the final decision on all appeal and variance requests but will not hold its own public hearing. He noted that City Council would hear the request at its May 19, 2025, regular meeting.

2. Attendance

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

3. Old Business

Mr. Hammes confirmed that there was no old business.

4. New Business

a. BZA 25-0005 – Total Accessory Structure Area – 221 North American Blvd.

Mr. Hammes presented the staff report for Case BZA 25-0005, a request for a Total Accessory Structure Area variance on a residential property in the RSF-3 district. He stated that the applicant had constructed a 640 square foot shed on his property at 221 North American Blvd. Based on the size of the lot and the footprint of the existing home, the applicant is entitled to 512 square feet of accessory structures. With the existing 160 square foot shed, the new shed would bring the total accessory structure area to 800 square feet – 288 more than would otherwise be permitted.

Mr. Hammes displayed a photograph of the new accessory structure. He explained that the applicant, Mr. Tory Elrich, had purchased the 16' x 40' structure and had it delivered before learning that a permit and zoning approval would be required. After meeting with Zoning & Planning Coordinator Graham and Chief Building Official Mastrino, Mr. Elrich submitted a variance application.

Mr. Hammes referred to the applicant's site plan, showing the locations of the new and old accessory structures. He noted that the new shed would need to be moved forward 2 feet to account for the required setback and the utility easement.

Mr. Hammes reported that Staff recommended approval with one condition. The applicant would be required to secure a building permit and follow all recommendation of the Chief Building Official.

Mr. Stefanidis questioned whether the new structure could be moved forward, since it would have been anchored into concrete. Mr. Hammes replied that the applicant had not actually anchored the shed. Since there had been no building permit, the requirements for a building permit had not been followed. If the variance were approved, the applicant would need to move the shed and properly anchor it as part of that permit.

Mr. Stefanidis inquired about the utility easements at the rear of the property. Mr. Hammes explained that there is a five-foot utility easement along the rear property line.

Mr. Tory Elrich, of 221 North American Blvd., addressed the Board as the applicant. He referred to the letter he had submitted to the Board and confirmed that he had not known about the City's permit requirements prior to purchasing the shed. He explained that there were sewer lines behind his home, but that the new shed would not interfere with those utilities.

A discussion ensued regarding the setbacks and easements that determine placement of the new structure. Mr. Hammes confirmed that the new structure must be 5 feet away from any property line, but that that distance would be higher if the utility easement were larger than 5 feet.

Mr. Elrich, referring to his letter, noted that he had all utilities located before the shed was delivered.

Mr. Flannery replied, stating his concern about making sure that the applicant obtained a permit. He asked the applicant if there would be any problem with obtaining a permit. Mr. Elrich replied that he would have no problem getting a permit.

Mr. Wolfe asked if there were concerns from neighbors regarding the size of the structure. Mr. Elrich replied that the neighbors had complimented the structure and appreciated the upgrade to his property.

Mr. Hammes added that his office had not received any comments in favor of or against the application from the public.

Mr. Stefanidis asked if the applicant was willing to move the shed. Mr. Elrich replied that he and his father would be able to move the shed. A company in Indiana would be providing a quote for the appropriate anchoring system.

Mr. Stefanidis asked if there would or would not be a concrete pad. Mr. Elrich replied that there would be no concrete pad. Mr. Hammes added that official, certified and stamped drawings for the proposed anchoring system would be submitted to the Chief Building Official, who would compare those drawings to the Ohio Building Code to make sure that the system – whatever it involves – conforms to our standards. Mr. Hammes added that the anchoring system would need to be properly installed once approved.

Mr. Stefanidis asked if the shed had a floor. Mr. Elrich replied that there was a floor with 4x4 runners and other standard structures. He added that he and his father had a plan for moving the shed with a tractor.

Mr. Hammes reported that the proposed condition was not specific about steps required to comply with our building standards – only that the applicant comply with those standards. In essence, the applicant was being directed to do whatever the Chief Building Official says to do.

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

Variance Criteria

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, given the proportion of accessory to primary structures.

- (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 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;

BZA Comment: The Board agreed that the intent behind the zoning code would be 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, in the event that the requested variance is approved, a building permit would still be required.

Mr. Flannery reported that Staff recommends 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.

Mr. Hammes added that 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.

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(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., and that the recommendation include the proposed condition as articulated by Staff.

Mr. Johnston 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 May 5, 2025, at 5:30 p.m. and the City Council Meeting on May 19, 2025, at 7:00 p.m.

5. Approval of Minutes

a. Board of Zoning Appeal Minutes: April 9, 2025

Mr. Johnston made a motion to approve the April 9, 2025, Meeting Minutes. Mr. Wolfe seconded the motion. The motion passed 4-0.

6. Communications

Mr. Stefanidis made a motion to excuse Mr. Larger. Mr. Wolfe seconded the motion. The motion passed 4-0.

Mr. Hammes reported there would be a meeting on May 14, 2025. The Board will review a variance request for minimum lot frontage for a property on Pool Avenue.

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

7. Adjournment

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

The meeting was adjourned at 6:32 p.m.

Mike Johnston
Vice Chair