

Vermilion Planning Commission  
Meeting 11/6/19

Board Members,  
Pertaining to the Zoning Certificate request from Matthew Thompson for Parcel #0100006102048, which is located off Nicholson Drive, I offer the following comments.

The Building Department had no knowledge this building was constructed. It was built without any type of an approval from the City, no plans were submitted, and no inspections were conducted to ensure compliance with the Ohio Building Code.

Mr. Thompson continues to insist this building is for an agricultural use, therefore it is exempt from building and zoning. However, he has provided no evidence to justify this claim. There is nothing at this site to suggest what he is claiming to be true. One cannot just state the building is for agricultural uses to circumvent the law.

Ohio Revised Code §3781.061 states, "*Whenever a county zoning inspector under section 303.16 of the Revised Code, or a township zoning inspector under section 519.16 of the Revised Code, issues a zoning certificate that declares a specific building or structure is to be used in agriculture, such building is not subject to sections 3781.06 to 3781.20, 3781.40 or 3791.04 of the Revised Code.*" [these sections pertain to the building code, welding standards, and submission of plans/required approvals for construction, respectively]. This law specifically refers to counties & townships and makes no mention of municipalities/incorporated areas. Furthermore, I checked Title 7 'Municipal Corporations' of the Revised Code and did not find any similar language so I'm not even sure an agricultural exemption would apply as per zoning in the City and zoning permits/approvals may have been required before any construction occurred. This may be a question for the Law Department, however, no one from the City has determined this building to be for agricultural use.

The Health Department has issued a septic permit for this site. The contract says it is for two bathrooms and a kitchen, but the system could handle a two bedroom dwelling.

The contractors that constructed the building are in violation of COV §1444.02 'Registration Required'. Even if the building was exempt from the requirements of the building code the contractor is not exempt from the requirements of registering with the City. The Building Department will be pursuing legal action against the contractors involved.

In my opinion there are still too many questions surrounding this matter that need to be answered before any decisions can be made. I can't help but think a lot of these issues could have been avoided had Mr. Thompson contacted the Building Department before performing any improvements to this property.

Robert Kurtz  
Building Official