

MINUTES OF VERMILION MUNICIPAL PLANNING COMMISSION on January 8, 2020
7:00 pm ~ Municipal Complex, 687 Decatur Street, Vermilion

PRESENT: Jim Chapple, Heather Shirley, Joe Williams. ABSENT: Heidi Strickler

In ATTENDANCE: Bill DiFucci, Building Inspector; Barb Brady, Council Representative

GUESTS: Mayor Forthofer

Call to Order:

Gwen Fisher, Certified Municipal Clerk called the Wednesday, January 8, 2020 meeting to order.

Election of Chairman/Vice Chairman:

G. Fisher entertained a motion to appoint a Chairman for 2020:

J. Chapple MOVED; H. Shirley seconded to appoint Joe Williams as Chairman for 2020. Roll Call Vote 3 YEAS. MOTION CARRIED.

J. Williams MOVED; H. Shirley seconded to appoint Jim Chapple as Vice Chairman for 2020. Roll Call Vote 3 YEAS. MOTION CARRIED.

Approval of Minutes:

H. Shirley MOVED; J. Chapple seconded to approve the minutes of the December 4, 2019 meeting. Roll Call Vote 3 YEAS. MOTION CARRIED.

NEW BUSINESS:

Zacharia Safos – 2075 Liberty Avenue (Land Use Variance)

James Gemelas with Smith, Illner & Gemelas Co. LPA was present to represent Zach Safos. He explained that Mr. Safos purchased the property at 2075 Liberty Avenue over ten (10) years ago. The property is zoned light industrial and there is a home on the property with a large barn and two-car garage. Mr. Safos would like to reside at the property, but as it stands currently, he is not allowed to reside in the home, and he is living in a camper behind the home. He has no other home that he calls his residence and he would like to be able to live in the home, so he's trying to get an electrical permit in order to fix the house to make it habitable. There have been no other changes to the property, but the hardship is that the property owner doesn't plan on using the property for any other use. He uses the storage for cars that he works on. J. Chapple asked if the home has ever been used as a residence. Attorney Gemelas believed it had as it was the old Bachman farm from his understanding. He said it's about five acres and its fenced in. Unfortunately, he can't reside in the home according to the zoning.

H. Shirley asked Mr. Safos if he has used the property for any type of business. Z. Safos said no as his cars are a hobby. J. Chapple asked if it was recreational car restoration and Attorney Gemelas replied yes.

Bill DiFucci explained that this is a residential house that was in existent before the code went into effect, so it's a non-conforming structure. Non-conforming structures can exist in the zoning districts if it's not vacant for more than one year. The property has sat vacant for years with no water service, which makes it uninhabitable, but it's been vacant, so it lost its non-conforming status. The property owner is trying to utilize the property as a residence as it was, before losing its non-conforming status. He conveyed that Mr. Safos went before the Board of Zoning Appeals years ago for the vehicle storage and he was granted a variance for the vehicles for his own personal use. The vehicle count has escalated, so they want to make sure that it's clear they only have personal vehicles, as they don't want it turning into a storage yard. It will be for residential use in an industrial district, but they don't want to see a storage yard for vehicles. All the vehicles are to be owned by him and on the property. J. Chapple asked if the vehicles were currently stored in the garage or on the property. B. DiFucci stated they were on the property, which is fenced in. However, aerial photos of the property have shown the vehicles increase from 15 to 44, and now 62-67 at this point. So, it will be a residential use in an industrial district, but it's still bound by residential guidelines.

H. Shirley asked what steps need to be taken to make the house habitable. B. DiFucci said he has not been in the home to see the condition of the property, but water service will need to be turned on in order to make it habitable. H. Shirley asked if the building department would perform an inspection. B. DiFucci said the property owner made mention of making improvements (painting, electrical, etc.) to make it livable again.

B. Brady asked if the property owner would need to show title to all the cars to verify ownership. Attorney Gemelas said this would not be a problem. B. DiFucci said this has been a concern of the building department the last year or so because of the increase of cars. He noted the property owner did receive approval from BZA for the cars and it was stated at the time of approval that these cars were to be his. He said it looks like an auto collection that is increasing and it doesn't seem like any of them are being fixed, restored, or used. Attorney Gemelas said he represented Mr. Safos on the first go-around and their concern was whether the cars could be seen from the road, but nothing can be seen from the road as they are located behind the buildings and there is a 6' fence. He said the neighbors also had wrote letters on his behalf when they came to BZA for a variance, and they were fine with Mr. Safos. Mr. Safos said the fence is locked and nobody can walk around. Attorney Gemelas said it's not an attractive nuisance for children as nobody is allowed on the property. He would like to get the electric on in order to have security lighting. Mr. Safos said he has security lights, but he needs electricity to the house because it runs everything. He said he has a generator now so he can see.

Attorney Gemelas asked that if the variance is granted will they be changing the use at this point, or will it still be zoned industrial. B. DiFucci said yes it would as this isn't a rezoning. Attorney Gemelas said the hardship is that he won't have a place to live and realistically the place is set up as a home, so it's not a giant warehouse of any sort. It looks like a single-family home with a barn and two-car garage behind it, so he doesn't think it will be out of place in the neighborhood.

G. Fisher explained that the Planning Commission's role for a 1240.02 Land Use Variance is to make a recommendation to the Vermilion City Council to have legislation prepared and City Council would make the final approval.

J. Williams asked that if he was to sell the property, would it be sold as only light industrial. B. DiFucci said this is correct as the only use allowed is light industrial for the property. J. Williams explained that somebody would have to come in and appeal again to live in the home. B. DiFucci said this was correct as Mr. Safos is proposing to use the property for a use that's not permitted in the light industrial district, so if the property were to be sold to someone who wanted to use it another manner, then they would be in the same position to come back before Planning Commission.

H. Shirley asked if there was a concern with fuel leakage from any of the vehicles. B. DiFucci said not from the building department's end because they have been there for so long – it's not like they're fresh vehicles coming in. He isn't aware of any EPA concerns or questions.

J. Williams asked if all neighboring properties are light industrial. Mr. Safos noted that Herk Excavating is right next door. B. DiFucci said there are a lot of non-conforming properties in this area – across the street is residential; industrial zoned, but most of the street is non-conforming once you get back towards Lucy Idol and Herk Excavating.

J. Chapple MOVED; H. Shirley seconded to make a favorable recommendation to the Vermilion Council to prepare legislation for a 1240.02 Land Use Variance for 2075 Liberty Avenue. Roll Call Vote 3 YEAS. MOTION CARRIED.

G. Fisher explained to the property owner that a first reading of the ordinance to approve the 1240.02 Land Use Variance will be on the Council agenda on February 3. The ordinance will need a Public Hearing and three readings of the ordinance. Additionally, the ordinance cannot be passed by emergency. Therefore, the ordinance if approved, would not go into effect until 30 days after passage. It could possibly be March until it goes into effect, but she would relay this information to them upon approval of the legislation.

Adjournment:

J. Chapple MOVED; H. Shirley seconded to adjourn the meeting after no further discussion came before the commission.

Next Meeting:

The next meeting has been scheduled for Wednesday, February 5, 2020 at 7:00 p.m.

Gwen Fisher, Certified Municipal Clerk