

RESOLUTION NO. 003-18R

**A RESOLUTION DENYING THE SANDUSKY LIBRARY AND FOLLETT MUSEUM FOUNDATION'S APPEAL OF THE SANDUSKY LANDMARK COMMISSION DECISION TO DENY THE CERTIFICATE OF APPROPRIATENESS FOR THE DEMOLITION OF 417 COLUMBUS AVENUE; AND DECLARING THAT THIS RESOLUTION SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.**

**WHEREAS**, the Sandusky Library and the Follett Museum Foundation applied for a Certificate of Appropriateness for the demolition of 417 Columbus Avenue, Sandusky, Ohio; and

**WHEREAS**, on November 15th, 2017 the City of Sandusky's Landmark Commission heard testimony and reviewed materials that were presented and denied the application for the Certificate of Appropriateness; and

**WHEREAS**, pursuant to Section 1161.10 of the Codified Ordinances of the City of Sandusky, the Landmark Commission has presented the City Commission with its Findings of Fact and the City Commission shall consider findings of fact and either Grant or Deny the Sandusky Library and Follett Museum Foundation's Appeal; and

**WHEREAS**, while the Sandusky Library asked for delay in hearing this appeal due to scheduling conflicts, this Resolution should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to comply with time requirements of Section 1161.10; and

**WHEREAS**, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Planning, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio, finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Resolution** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. This City Commission has received the findings of fact from the Sandusky Landmark Commission (a copy of which is attached to this Resolution marked as Exhibit "A" and incorporated herein) and does hereby DENY the appeal of the Sandusky Library and Follett Museum Foundation regarding the City of Sandusky's Landmark Commission's decision to deny the Certificate of Appropriateness for the Demolition of 417 Columbus Avenue, Sandusky, Ohio.

Section 2. If any section, phrase, sentence, or portion of this Resolution is for any reason held invalid or unconstitutional by any Court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Resolution were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



\_\_\_\_\_  
DENNIS E. MURRAY, JR.  
PRESIDENT OF THE CITY COMMISSION

ATTEST:



\_\_\_\_\_  
KELLY L. KRESSER  
CLERK OF THE CITY COMMISSION

Passed: January 22, 2018

**CITY OF SANDUSKY LANDMARK COMMISSION**  
**FINDINGS OF FACT**

This matter came before the City of Sandusky Landmark Commission on November 15<sup>th</sup>, 2017, upon the application submitted by the Sandusky Library and Follett House Museum for a Certificate of Appropriateness for the demolition of 417 Columbus Avenue.

**Findings of Fact:**

The Landmark Commission having heard all of the testimony presented and having reviewed all other materials presented finds the following:

1. That the building in question was built in approximately 1854 and is currently on the National Register of Historic Places.
2. That the Secretary of Interior Standards for Rehabilitation shall be used when reviewing applications for Certificates of Appropriateness.
3. That the purpose of the Secretary of Interior Standards is to encourage preservation of buildings that are located on the National Register of Historic Places.
4. That the Secretary of Interior Standards state that the historic character of a property shall be retained and preserved and that the removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
5. That the building is a unique Italianate Victorian architectural design and the wrought iron porch is one of only two similar designs in all of Sandusky.
6. That the historical significance of the building is that Leonard B. Johnson once owned and resided in the building.
7. That Leonard B. Johnson was the owner of Johnson's Island which was a prison camp which held the Confederate officers during the Civil War.
8. That the Sandusky Library purchased the property in 1999.
9. That in 2001 the property was remodeled and five apartments were rented out of the building until 2012 when the Library Foundation thought the building was both no longer fit for habitation and that the cost to rehabilitate was not feasible.
10. That the Library and Follett Museum Foundation indicated that they have three Nationally Registered Historic Places (this building, the Library, and the Follett House) which total about \$2 million dollars of renovation and they have this building as the least prioritized historic building of the three.

11. That the Library and the Follett Museum Foundation feel that it is critical to retain the land on which the building sits for purposes of possible expansion, for access to parking for the Library, and possibly a reading garden.

12. That the Library has estimates that the rehabilitation of the building would be approximately \$761,917.50 to \$1,069,132.50.

13. That the Library and the Follett Museum Foundation are willing to sell the building as long as the purchaser agrees to move the building, but they are not willing to sell the underlying property.

14. That the Follett Museum Foundation believes that there is no clear purpose for the building and that there are insufficient funds to restore the property.

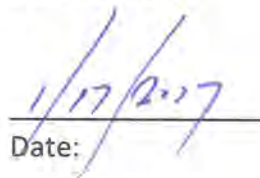
15. That there was considerable discussion and debate among the members of the Landmark Commission weighing the historical and architectural significance of the building versus the alleged hardship of the applicants if not allowed to demolish the building.

16. That a motion to approve the application for certificate of appropriateness was moved and seconded.

17. That a roll call vote was taken with three yes votes and three no votes and one abstention.

18. That, in this case, because of the tie the motion to approve is lost and therefore this is the same as a majority vote in the opposition (to deny the application).

  
Michael Zuilhof, Chairman

  
Date:



THE SANDUSKY LIBRARY &  
FOLLETT HOUSE MUSEUM  
FOUNDATION

November 21, 2017



**Foundation Board**

**President**

**M. L. McDermond, Jr.**, *Member*  
*Sandusky Library Board of Directors*

**Vice President**

**H. John Hildebrandt**  
*Retired Vice President and General*  
*Manager, Cedar Point*

**Secretary-Treasurer**

**Molly Carver**, *Executive Director*  
*Sandusky Library*

**Darlene Crooks**

*President, Label Aid Inc.*

**Anthony Cummings**, *Member*

*Sandusky Library Board of Directors*

**Ron Guerra**

*President, LEWCO, Inc.*

**Peter Hanley**

*South Shore Transportation*

**Sarah Prout**, *Member*

*Sandusky Library Board of Directors*

**Linda Reichenbach**, *Member*

*Sandusky Library Board of Directors*

**Emeritus Members**

**Dr. Robert Kromer**

**John Manion**

**James E. McGookey**

**James O. Miller**

**Ann Murray**

**Cable Steinemann**, CPU

**Carol Steuk**

**Dr. William Zucker**

**Library Staff**

**Joel Mazza**, *Fiscal Officer*

Kelly Kresser  
City Commission Clerk  
Sandusky City Commission  
222 Meigs Street  
Sandusky, OH 44870

**HAND DELIVERY**

Re: The Sandusky Library and Follett House Museum Foundation

Dear Ms. Kresser:

Please accept this letter as The Sandusky Library and Follett House Museum Foundation's Notice of Appeal of the failure of the Sandusky Landmarks Commission to approve the Foundation's application for a Certificate of Appropriateness for the demolition of the building at 417 Columbus Avenue, Sandusky, Ohio.

Given the approaching holiday season and the travel plans of our board members, we request this appeal not be scheduled until approximately the middle of January, 2018. I would be happy to discuss the specific date at your convenience. You may reach me at 419-502-8399 (home) or 419-656-0297 (cell). My email address is [lmcderrmond@bex.net](mailto:lmcderrmond@bex.net).

Thank you for your assistance.

Yours very truly,

M.L. McDermond, Jr., President  
The Sandusky Library and Follett House Museum Foundation

RECEIVED: November 21, 2017

By

**CHAPTER 1161**  
**Landmark Preservation**

- 1161.01 Intent.**
- 1161.02 Definitions.**
- 1161.03 Establishment of Landmark Commission.**
- 1161.04 Powers and duties of Landmark Commission.**
- 1161.05 Approval process for designation of landmarks.**
- 1161.06 Criteria for designation of landmarks.**
- 1161.07 Certificate of appropriateness.**
- 1161.08 National register process.**
- 1161.09 Enforcement and penalties.**
- 1161.10 Appeals procedures.**
- 1161.11 Minimum maintenance requirements.**

**1161.01 INTENT.**

The intent of this Chapter is to: (1) to designate, preserve, protect, and enhance current and future Landmark properties within the City of Sandusky; (2) to foster civic pride in and consistent with established long term goals and policies of the City; (3) to stabilize or improve the aesthetic and economic vitality and values of Landmark sites; (4) to protect and enhance the City's attraction to tourist and visitors; and (5) to promote the use of these sites for the improvements and objects for the education, invigoration, and welfare of the people of the City.

(Ord. 15-161. Passed 11-23-15.)

**1161.02 DEFINITIONS.**

(a) "Alteration" means any act or process that changes one or more of the exterior architecture features of a building or structure; including, but not limited to, the erection, construction, reconstruction, or removal of the building or structure.

(b) "Addition" means any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

(c) "Archaeological/Historic Landmark Site" means a single site, including the associated buildings, structures, and plant life, which is considered to have historic and/ or prehistoric significance due to its association with past events of historical, cultural, architectural, and/or archeological value.

(d) "Building" means a structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open spaces or lot lines, and used as a shelter or enclosure for persons, animals, or property. "Building" shall be used synonymously with "structure" unless otherwise noted and shall be construed as if followed by the words "part or parts thereof".

(e) "Landmark Certificate of Appropriateness" means a certificate issued by the Sandusky Landmark Commission indicating that a proposed change, alteration, or demolition of a historic building or structure within a historic site, district, or on the National Registry of historic buildings is in accordance with the provisions of this Chapter and local design guidelines.

(f) "Change" means any exterior alteration, demolition, removal or construction involving any property subject to the provisions of this Chapter.

(g) "Construction" means the act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(h) "Demolition" means any act or process that destroys in part or in whole any building or structure

(i) "Historic District" means any area designated by ordinance of the City Commission which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.

(j) "Landmark Commission" means the Commission established under the provisions of the enabling legislation.

(k) "Historic Structure" means any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this Chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation may be achieved in several ways:

- (1) Association with broad pattern of our history, events, activities, or patterns;
- (2) Association with important persons;
- (3) Distinctive physical characteristics of design, construction, or form;
- (4) Potential to yield information important in history or prehistory (archaeology);

(l) "Landmark" means any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the City or Commission, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

(m) "Owner" means the owner or owners of record.

(n) "Preservation" means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

(o) "Reconstruction" means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(p) "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values.

(q) "Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(Ord. 15-161. Passed 11-23-15.)

### **1161.03 ESTABLISHMENT OF LANDMARK COMMISSION.**

(a) The hereby established City of Sandusky Landmark Commission shall consist of seven (7) members serving two (2) year staggered terms. The first year of the creation of the Sandusky Landmark Commission four (4) members shall serve three (3) year terms, three (3) members shall serve two (2) year terms. Thereafter, each member shall serve two (2) year staggered terms. City Commission shall appoint Landmark Commission members.

(b) The Sandusky Landmark Commission shall meet as needed.

(c) The Sandusky Landmark Commission meetings shall comply with Federal and State laws dealing with public meetings and meeting notices.

(d) The Sandusky Landmark Commission members shall be subject to the provisions of the City Charter and these Codified Ordinances regarding conflict of interest and ethics. In addition, The Sandusky Landmark Commission members shall be subject to related provisions of the Ohio Revised Code.

(e) The Sandusky Landmark Commission, designated City Staff, or others shall prepare a written report at least once a year, for submission to the City Manager and City Commission that

summarizes the Sandusky Landmark Commission activities, cases, and recommendations. Such reports shall be available for public inspections.

(f) At a minimum two members shall be professionals or expertise in the following disciplines need to be represented: architecture, history, planning, archaeology, or related disciplines, to the extent available within the community.

(g) To the extent possible, the Sandusky Landmark Commission should regularly complete annual training regarding historic preservation provided by Staff.

(h) The Sandusky Landmark Commission shall meet at least 4 times per year, meetings shall be held in a public place, advertised, and open to the public.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.04 POWERS AND DUTIES OF LANDMARK COMMISSION.**

(a) To recommend to City Commission legislation for designation of individual properties and historic districts that would serve to beautify, protect, preserve, restore, and develop the City.

(b) To study problems and determine the needs of the City in restoring and preserving historic landmarks, areas, and neighborhoods.

(c) To review and act on all applications for Certificates of Appropriateness as required and utilize Roberts Rules of Order for this action.

(d) Review applications for renovations for existing landmark buildings within the City.

(e) Work to erect historic markers to denote landmark buildings within the City.

(f) Act as a liaison on behalf of the City of Sandusky to individuals and organizations concerned with historic preservation; educate citizens regarding historic preservation issues and concerns.

(g) The Sandusky Landmark Commission and City Planning Staff shall maintain a surveyed inventory for historic and cultural resources within the City. The inventory will detail designated districts, sites, and/or structures. This inventory will be submitted to the State Historic Preservation Office and open to the public. The inventory shall be updated periodically to reflect changes, alterations, and demolitions.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.05 APPROVAL PROCESS FOR DESIGNATION OF LANDMARKS.**

The Sandusky Landmark Commission shall review all landmark designation applications and make a recommendation of approval or denial based on the Criteria for Designation of Landmark found in section 1161.06. Sandusky City Commission shall have final approval on the application. All applications shall be reviewed by Sandusky Landmark Commission within forty-five (45) days after a completed application is submitted. Applications must include owners or majority of owners consent in order to be considered complete. All meetings shall be available to the public, and agendas shall be publically advertised. A written notification of the Sandusky Landmark Commission's recommendation will also be sent to each applicant by regular mail. Detailed minutes of the meeting and decision rendered by the Sandusky Landmark Commission shall be kept on file and available for public inspection.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.06 CRITERIA FOR DESIGNATION OF LANDMARKS.**

An object, site or building, which is at least fifty (50) years old, may be designated for preservation as a landmark site or landmark district if it has significant character, interest or value as part of the development, heritage, or cultural characteristics of the City, state, or nation, if it has integrity, or the ability to convey its significance, and if it falls into one of the following categories:

(a) It is in the location of, or is associated in a significant way with, a historic event with a significant effect upon the community, city, state, or nation; or



- (b) It is associated in a significant way with the life of a person important in the history of the city, state, or nation; or
- (c) It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, city, state or nation; or
- (d) It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction; or
- (e) It is an outstanding work of a designer or builder; or
- (f) Because of its prominence of spatial location, contrasts of siting, age, or scale it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City.
- (g) The Secretary of Interior Standards for Rehabilitation shall be utilized when applications for Certificates of Appropriateness.
- (h) The property owner shall indicate consent for the Landmark designation.
- (i) Sixty percent of the affected property owners must consent to proposed Landmark designation. (Ord. 15-161. Passed 11-23-15.)

#### **1161.07 CERTIFICATE OF APPROPRIATENESS.**

- (a) Certificate of Appropriateness shall be required for all renovations, alterations, and demolition to existing landmark buildings.
- (b) The Sandusky Landmark Commission shall prepare an application form and a list of the procedures necessary for obtaining Certificates of Appropriateness, which shall be made available to the general public. All applicants must submit applications to the Sandusky Planning Department.
- (c) All applications shall be reviewed by Landmark Commission within forty-five (45) days after a completed application is submitted. The applicant shall be given written notice of the meeting at which his or her application will be considered. All Certificate of Appropriateness applications shall be reviewed utilizing the preservation design guidelines on file at the Department of Community Development which are the Secretary of Interior Standards for Rehabilitation. A written notification of the Sandusky Landmark Commission's decision will also be sent to each applicant by regular mail.  
(Ord. 15-161. Passed 11-23-15.)

#### **1161.08 NATIONAL REGISTER PROCESS.**

In accordance with the National Historic Preservation Amendments Act of 1980, the Landmark Commission shall submit a report to the State Historic Preservation Office (SHPO) regarding the eligibility of each property or District proposed for nomination to the National Register within the City. This report shall include the recommendation of the Historic Preservation Commission and the majority of City Commission. A copy of the report prepared by the Commission for SHPO shall be made available for public inspection.

The Landmark Commission will be involved in the National Register process in the following manner:

- (a) The SHPO will forward a copy of completed National Register nominations with a staff review sheet to the Sandusky Landmark Commission for all properties within the City prior to the preliminary review of the nomination unless the Commission itself has initiated or reviewed the nomination prior to submission to the SHPO.
- (b) Following the initial review by Ohio Historic Site Preservation Advisory Board (OHSPAB), the State Review Board, and prior to the final review of the nomination, the Sandusky Landmark Commission shall inform the SHPO and the property owner(s) as to their opinion regarding the eligibility of the property.

(c) If the City Commission recommends that a property not be nominated, the SHPO will so inform the property owner(s), the State Review Board, and the property will not be nominated unless an appeal is filed with the State Historical Preservation Officer under the regulations established for the appeals process which is outlined in 36 CFR (Code of Federal Regulations), Part 60.

(d) If either or both the Sandusky Landmark Commission and the majority of City Commission agree that the property should be nominated, the nomination will be scheduled for final review by the Ohio Historic Site Preservation Advisory Board. If no report is submitted, the nomination will be reviewed within sixty days. The opinion or opinions of the Sandusky Landmark Commission and the majority of City Commission will be presented to OHSPAB for its consideration.

(e) The Ohio Historic Site Preservation Advisory Board after considering all opinions shall make its recommendation to the State Historical Preservation Officer. Either the Sandusky Landmark Commission or the majority of City Commission may appeal the final decision of the SHPO under the aforementioned appeals procedure.

(f) If necessary, the Sandusky Landmark Commission shall seek assistance of academics or others from professional disciplines when considering a National Register nomination.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.09 ENFORCEMENT AND PENALTIES.**

(a) If it is found that any of the provisions of these standards are being violated, a person or a corporation shall be guilty of a misdemeanor of the fourth degree where: any violation of any of the provisions of this zoning code exists in a building or tract of land, and a stop work order or notice of zoning violation has been served on the owner agent, lessee, or tenant of the building or tract of land, or part thereof, or upon the architect, builder, contractor, or any person who commits or assists in any violation, and the person fails to comply with such order within 72 hours of receipt of a stop work order or written notice.

(b) Any persons who fails to comply within the specified time shall be guilty of a misdemeanor of the fourth degree with each day the violation continues being a separate offense.

(c) Filing an appropriate appeal to any order issued pursuant to the provision of [1109.07](#) shall toll the time for compliance with such order until the appeal is ruled upon.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.10 APPEALS PROCEDURES.**

(a) Decisions by the Sandusky Landmark Commission may be appealed in writing to the City Commission within ten (10) days of the Sandusky Landmark Commission hearing. No building permit or other permit required for the activity applied for shall be issued during the ten-day period or while an appeal is pending.

(b) The City Commission shall consider an appeal within thirty (30) days of receipt and shall utilize the written findings of the Sandusky Landmark Commission in rendering their decision. A simple majority vote of the City Commission membership shall be required to overturn or modify a decision of the Sandusky Landmark Commission.

(Ord. 15-161. Passed 11-23-15.)

#### **1161.11 MINIMUM MAINTENANCE REQUIREMENTS.**

No owner of a building or structure in the historic district shall by willful action or willful neglect, fail to provide sufficient and reasonable care in the maintenance and upkeep to assure such building's perpetuation and to prevent its destruction by deterioration. The owner of a protected property shall provide sufficient maintenance to ensure its protection from hazards and to prevent deterioration or destruction.

(Ord. 15-161. Passed 11-23-15.)