



CITY OF SANDUSKY BOARD OF ZONING APPEALS MEETING

**February 16, 2017
4:30 p.m.
1ST FLOOR CONFERENCE ROOM, CITY BUILDING
AGENDA**

Review of minutes from January 19th, 2016

Adjudication hearing to consider the following:

1. Windau Holdings, Ltd has applied for a variance to allow for residential use on the first floor within the downtown business district at 219 and 221 E. Water Street.
2. Michael Meinzer has applied for a variance to allow for transient rental use at the property located at 745 Sycamore Street.

NEXT MEETING: March 16, 2017

**Please notify staff at least 2 days in advance of the meeting if you cannot attend.
Thank you.**

Board of Zoning Appeals
January 19, 2017
Minutes

Vice Chairman Semans called the meeting to order at 4:30 PM. The following members were present: Dr. William Semans, Mr. Kevin Zeiher, Mr. John Mears, Chairman John Feick and Mr. Walt Matthews. Also present were Ms. Casey Sparks from the Planning Department, Mr. Justin Harris from the Law Department and Debi Eversole as Clerk from Community Development.

There were four voting members present. Chairman Feick stated he would be abstaining from tonight's vote.

Mr. Mears moved to approve the minutes from the November 17, 2016 meeting. Mr. Feick seconded the motion. The motion carried with a unanimous vote.

Vice Chairman Semans swore in audience and staff members that wished to speak for or against the agenda item.

Ms. Sparks stated that The Boeckling Historic Properties, LLC had submitted an application for a variance of 15' to the required front yard setback for a monument sign to be located at **614 Columbus Ave.** The applicant is proposing a 0' front yard setback for a sign. As the board is aware the applicant submitted an application in November and at that time the Board denied the variance request and moved to approve a variance of 7' from the front property line. The applicant indicated that there are existing utility lines along the property which would not permit a sign on either side of the property. Staff recommendation does not change from the previous application. Staff recognizes that this sign will be an improvement to this site and will provide adequate signage for the proposed use. Staff does believe that it would be difficult for a sign to be located 7' from the front property line and the location approved by the Board of Zoning Appeals would restrict visibility. Staff would recommend approval of the 15' variance for a sign located at 614 Columbus Ave.

Mr. Zeiher asked if Staff had a chance to check traffic patterns entering and leaving the property to see if there would be any obstruction from the north or south. Ms. Sparks stated that she did drive to the property and entered and exited the driveway to see if there were obstructions. She did not see any.

Thomas Bodner with Boeckling Properties stated that he is the applicant. His intent is to restore the building and keep the use as it has been, a banquet hall with office space above. He has been approved through Economic Development for a grant for signage. He then received approval through Landmarks Commission for his repairs and signage. He has worked with Planning Staff on the proposed signage. He stated that the current sign is unattractive and he is trying to improve the appearance of the property. Further, he stated that he does not believe that the approved 7' variance would provide proper visibility. There are utilities to the north and south that would prevent him from placing the sign in those areas. He is also concerned for pedestrian safety if the sign is not placed correctly.

Gene Goff, 610 Columbus Ave wondered if there would be removable letters similar to the existing sign. He also wondered if an agreement is not made, could the existing sign have to

stay. Ms. Sparks stated that there is documentation of approval for the existing sign and it could stay if an agreement is not made.

Rosanne Bodner, 4211 Maple Ave, Castalia stated that the restoration of the Boeckling Building would be a wonderful addition to the economy in Sandusky. She stated that the monument sign would make the building look more professional and will not pose a safety hazard for traffic or pedestrians.

Loretta Riddle, tenant of the building stated that she is in support of the effort and money that Mr. Bodner has put into the building. She sees the work and progress being done every day.

Vice Chairman Semans asked if there was anyone in the audience that wished to speak against the application. There was no one present to speak against the application.

Mr. Harris indicated that the Planning Department had received a letter from Mrs. Jean T.S. Feick stating her opposition with the request.

Vice Chairman Semans asked for clarification of Section 1111.05 of the Codified Ordinances, which was referenced in the letter. Mr. Harris explained that Staff believed that there was a substantial difference in the application from the standpoint that Mr. Bodner offered testimony, and attempted to honor the two wishes of the Commission from the last meeting. He did survey the areas that the Commission suggested and brought back his findings.

Mr. Bodner asked to address item #2 of Mrs. Feick's letter. He stated that he had applied for the building/sign permit prior to starting construction. When he checked back, he was told that the plan review was approved and he needed paperwork back from the planning office and all indications beforehand were that there would not be an issue with his request. He then started the work but stopped the work after the last meeting. It was never his intention to bypass the process.

Mr. Zeiher moved to approve the application for the 15' variance to the required setback for placement of a sign. Mr. Matthews seconded the motion. Chairman Feick abstained from the vote and the motion carried with a vote of 4/0.

As of this date, there are no applications for a February meeting.

Vice Chairman Semans adjourned the meeting at 5:05PM.

Approved:

Debi Eversole, Clerk

Dr. William Semans, Vice Chairman

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO ALLOW
FOR RESIDENTIAL ON THE FIRST FLOOR
WITHIN THE DOWNTOWN BUSINESS
DISTRICT AT 219 E. WATER STREET

Reference Number: BZA-02-17

Date of Report: February 9, 2017

Report Author: Casey Sparks, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Windau Holdings, Ltd. has submitted an application for a variance to allow residential on the first floor within the “DBD” Downtown Business District at 219 E. Water Street. The applicant is proposing to construct a residential unit with residential uses on the first floor. The following information is relevant to this application:

Applicant: Windau Holdings, Ltd.
221 E. Water Street
Sandusky, Ohio 44870

Property Owner: Windau Holdings, Ltd.
221 E. Water Street
Sandusky, Ohio 44870

Site Location: 219 E. Water Street
Sandusky, Ohio 44870

Zoning: “DBD” Downtown Business District

Existing Use: Business

Proposed Use: Residential Development

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1133.08 Permitted Building and Uses: Downtown Business District

Variance Requested: 1) A variance to permit residential uses on the first floor

Variance Proposed: 2) The applicant proposes residential uses within the first floor for a proposed residential development.

SITE DESCRIPTION

The subject property is currently located within the “DBD” Downtown Business District. The subject property is surrounded by downtown business districts. The parcel of the subject property is pointed out:

221/219 E. Water Street



| | | | | | | | |
|--|-----------------------------------|--|------------------------------------|--|-----------------------------|--|---------------------------------|
| | PF PUBLIC FACILITY | | R1-40 SINGLE-FAMILY RESIDENTIAL | | LB LOCAL BUSINESS | | CBD DOWNTOWN BUSINESS |
| | R5 RESIDENTIAL SUBURBAN | | R20 TWO-FAMILY RESIDENTIAL | | RB ROADSIDE BUSINESS | | CS COMMERCIAL SERVICE |
| | R-75 SINGLE-FAMILY RESIDENTIAL | | RMF MULTI-FAMILY RESIDENTIAL | | CB CENTRAL BUSINESS | | LM LIMITED MANUFACTURING |
| | R-80 SINGLE-FAMILY RESIDENTIAL | | RRB RESIDENTIAL / BUSINESS | | CA COMMERCIAL AMUSEMENT | | GM GENERAL MANUFACTURING |
| | R-90 SINGLE-FAMILY RESIDENTIAL | | P AUO PARKING | | CR COMMERCIAL RECREATION | | PUR PLANNED UNIT DEVELOPMENT |
| | AG AGRICULTURAL | | | | | | NO REQUIRED SETBACK IN FEET |

DIVISION OF PLANNING COMMENTS

The applicant proposes to rehabilitate his existing building with residential units on the second floor and a residential lobby on the first floor. Section 1133.08 permits single, two and multi-family residential uses above the first floor. The purpose of this section of the code is to ensure active use of the building frontage at the street level. The only use on the first floor will be a residential lobby.

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial, as there are surrounding residential uses within the area, including some that have a similar residential lobby on the first floor.

B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;

It would not appear that the proposed variance to allow residential uses would substantially alter the character of the neighborhood nor substantially impact adjoining properties. The storefronts surrounding this property include restaurants, some vacant and occupied office, and a residential lobby/ garage across the street.

C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);

The proposed variance would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

D. Whether the property owner purchased the property with the knowledge of the zoning restriction;

The applicant did receive a copy of the zoning regulations, the applicant is only proposing a lobby within the first floor of the building, the main living area will be located on the second floor. The lobby area proposed for this building is 15'x 18' which would limit the area for a commercial use.

E. Whether the property owner's predicament can be resolved through some method other than a variance;

In order to provide the desired layout proposed by the applicant the owner's predicament can only be resolved through a variance.

- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that allowing residential on the first floor would be in keeping with the spirit and intent of the Zoning Code, as the buildings surrounding the property contain residential areas on the first floor that are similar in nature. Planning Staff also recognizes that this area is limited in space which would make it difficult to create adequate space for a commercial use. Further, this variance will allow residential on the upper floors to occur which is a city priority.

- G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

In this instance, the applicant has stated that without this variance he would be unable to do the proposed renovations to the building.

Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

- A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**

The site proposes a unique condition as the space would limit any office or commercial use within this area.

- B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

In Planning Staff's opinion, permitting a residential lobby on the first floor will not adversely affect the rights of adjacent property owners or residents.

- C. That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

The applicant has communicated to construct the proposed renovations the variance would be necessary.

That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

D. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

It does not appear that residential uses on the first floor would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

Staff recognizes that a request for accessory residential uses on the first floor may not be appropriate for other locations within the downtown business district, however staff is in support of the variance for this site. The 15' x18' area in which the applicant is proposing for the residential lobby would not be conducive for other commercial uses, as such staff recommends approval.

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

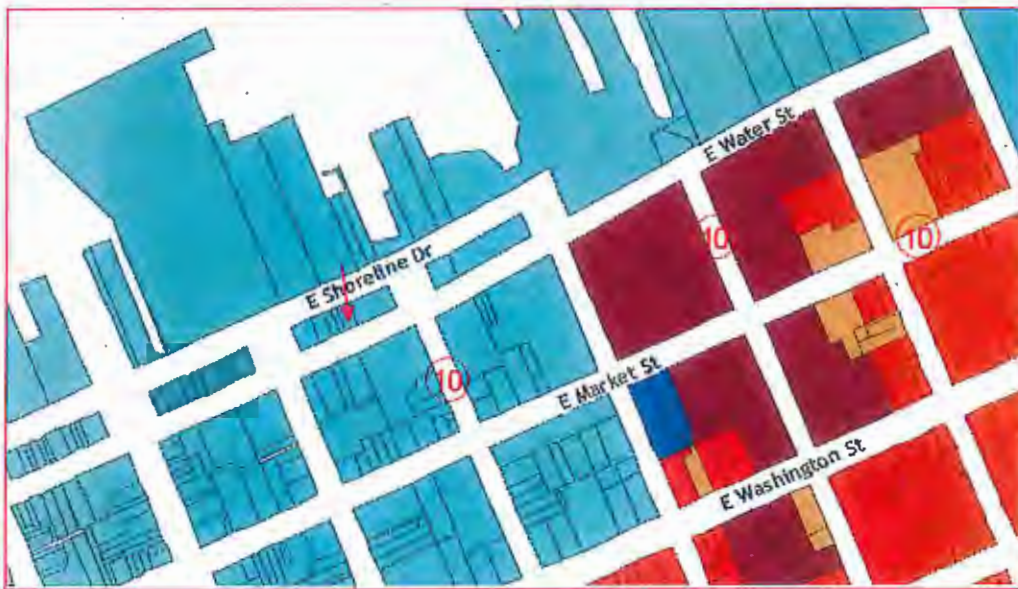
APPLICATION FOR VARIANCE TO ALLOW
FOR RESIDENTIAL ON THE FIRST FLOOR
WITHIN THE DOWNTOWN BUSINESS
DISTRICT AT 221 E. WATER STREET

Reference Number: BZA-03-17

Date of Report: February 9, 2017

Report Author: Casey Sparks, Assistant Planner

221 E. Water Street



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|--|-----------------------------------|--|------------------------------------|--|-----------------------------|--|---------------------------------|
| | PT PUBLIC FACILITY | | R1-40 SINGLE-FAMILY RESIDENTIAL | | LB LOCAL BUSINESS | | EBD DOWNTOWN BUSINESS |
| | RS RESIDENTIAL SUBSIDIARY | | R2F TWO-FAMILY RESIDENTIAL | | RD ROADSIDE BUSINESS | | CS COMMERCIAL SERVICE |
| | R-75 SINGLE-FAMILY RESIDENTIAL | | RMF MULTI-FAMILY RESIDENTIAL | | CD GENERAL BUSINESS | | LK LOW-LEVEL MANUFACTURING |
| | R-60 SINGLE-FAMILY RESIDENTIAL | | HRB RESIDENTIAL / BUSINESS | | CA COMMERCIAL AMUSEMENT | | GM GENERAL MANUFACTURING |
| | R-50 SINGLE-FAMILY RESIDENTIAL | | P AUO PARKING | | CR COMMERCIAL RECREATION | | PLD PLANNED UNIT DEVELOPMENT |
| | AG AGRICULTURAL | | | | | | NO REQUIRED SETBACK IN FEET |

DIVISION OF PLANNING COMMENTS

The applicant proposes to rehabilitate his existing building a residential development with residential units on the second floor and a residential lobby and on-site parking on the first floor. Section 1133.08 permits single, two and multi- family residential uses above the first floor. The purpose of this section of the code is to ensure active use of the building frontage at the street level. The applicant is to only use the first floor for a residential lobby.

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial, as there are surrounding residential uses within the area, including some that have residential on the first floor.

B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;

It would not appear that the proposed variance to allow residential uses would substantially alter the character of the neighborhood nor substantially impact adjoining properties.

C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);

The proposed variance would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

D. Whether the property owner purchased the property with the knowledge of the zoning restriction;

The applicant did receive a copy of the zoning regulations, however the applicant was made aware of the necessity of the variance through a meeting with staff regarding the proposed renovations.

- E. **Whether the property owner's predicament can be resolved through some method other than a variance;**

In order to provide the desired layout proposed by the applicant the owner's predicament can only be resolved through a variance.

- F. **Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that allowing residential on the first floor would be in keeping with the spirit and intent of the Zoning Code, as the buildings surrounding the property contain restaurants, vacant and occupied office, and a residential lobby similar in nature. Further, this variance will allow residential on the upper floors to occur which is a city priority.

- G. **Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

In this instance, the applicant has communicated that the proposed renovations would not be possible without the variance.

Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

- A. **That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**

The site proposes a unique condition as the applicant is proposing to renovate the building to allow for two upper floor residential units. The applicant has indicated that the building depth is 80' in length, 60' of this will be occupied by a garage that they will serve the two units. This would leave 20' of building depth to construct stairs for both of the units and a residential lobby area. Planning Staff believes that with the proposed construction of the garage and stairs for each of the units the area remaining would be limited for a commercial use. Staff also researched the surrounding properties and a variance to allow residential on the first floor was granted for 212 E. Water in 2006. This property contains a similar residential lobby and garage use on the first floor.

- B. **That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

In Planning Staff's opinion, permitting residential on the first floor will not adversely affect the rights of adjacent property owners or residents as there are similar uses located within the neighborhood.

- C. That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

The applicant has communicated to construct the proposed layout the variance would be necessary.

That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

- D. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

It does not appear that residential uses on the first floor would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

Staff recognizes that a request for residential on the first floor may not be appropriate for other locations within the downtown business district, however staff is in support of the variance for this site as the proposed renovations to the first floor would leave limited area for a commercial use. The Board of Zoning Appeals also permitted a similar variance in 2006 to the property across the street. It is important to note that while the code encourage storefronts within the first floor, the comprehensive plan does call for further residential development within our downtown area.



CITY OF SANDUSKY
PLANNING DIVISION
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL

____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: WINDAM HOLDINGS LTD

Property Owner Address: 821 E WATER ST.
SANDUSKY OHIO

Property Owner Telephone: 419-515-8407 ☐ Check if okay to Text

Email CC BAY BREEZE @ BEX.NET

Contact Person: ED WINDAM

Authorized Agent Name: _____

Authorized Agent Address: _____

Authorized Agent Telephone: _____ ☐ Check if okay to Text

Email _____

Contact Person: _____

Meeting with Staff MEET ON 1-17-17 WITH STAFF

NECESSITY OF VARIANCE (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Signature of Owner or Agent

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 221 / 219 WATKINS (municipal street address of property, I hereby authorize _____ to act on my behalf during the Board of Zoning Appeals approval process.

Ed Wondew / [Signature]
Signature of Property Owner

1-27-17
Date



CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

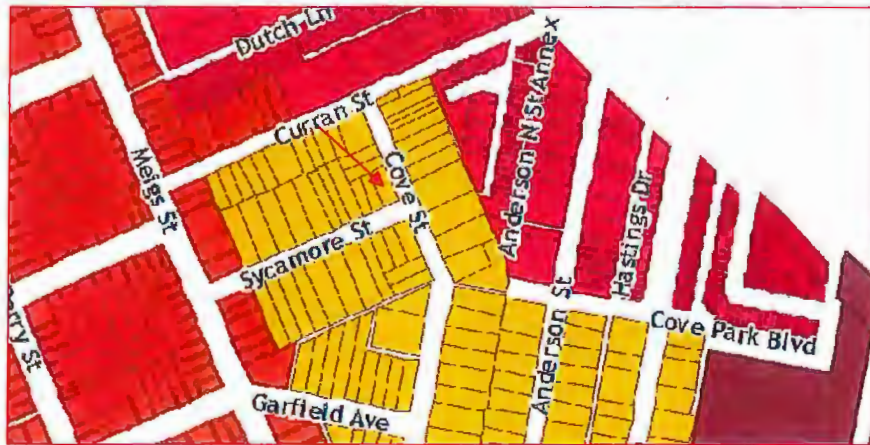
APPLICATION FOR USE VARIANCE TO
ALLOW FOR TRANSIENT RENTAL USE AT
THE PROPERTY LOCATED AT 745 SYCAMORE
STREET

Reference Number: BZA-04-17

Date of Report: February 9, 2017

Report Author: Casey Sparks, Assistant Planner

745 Sycamore Street



| | | | | | | | |
|--|----------------------------------|--|------------------------------------|--|-----------------------------|--|---------------------------------|
| | PF PUBLIC FACILITY | | R1-40 SINGLE-FAMILY RESIDENTIAL | | LB LOCAL BUSINESS | | EBD DOWNTOWN BUSINESS |
| | R5 RESIDENTIAL SUBURBAN | | R2F TWO-FAMILY RESIDENTIAL | | RD ROADSIDE BUSINESS | | CS COMMERCIAL SERVICE |
| | R7S SINGLE-FAMILY RESIDENTIAL | | RMF MULTI-FAMILY RESIDENTIAL | | CB CENTRAL BUSINESS | | LM LOW MANUFACTURING |
| | R7C SINGLE-FAMILY RESIDENTIAL | | RRE RESIDENTIAL / BUSINESS | | CA COMMERCIAL AMUSEMENT | | GM GENERAL MANUFACTURING |
| | R7C SINGLE-FAMILY RESIDENTIAL | | P AU & PARKING | | CK COMMERCIAL RECREATION | | PUD PLANNED UNIT DEVELOPMENT |
| | AG AGRICULTURAL | | | | | | NO REQUIRED SETBACK IN FEET |

DIVISION OF PLANNING COMMENTS

The applicant has recently purchased the home located at 745 Sycamore Street. The applicant is in the midst of remodeling the home and has requested a variance for a special use variance to allow for transient rental at this site. Section 1129.03 only permits single family dwellings by right as the primary use within the R1-40 Single Family Dwelling District.

In the application, the applicant state the following as to the necessity of the variance:

“Currently I cannot compete with the rent young people are paying for the slab on grade rental units that are being erected in Perkins township. Especially if consideration is given to the amount of renovation that is needed.

The one opportunity that I see is to make it a summer vacation rental just like the homes around the corner on Curran Street. These summer homes have attracted visitors near our neighborhood who have in turn purchased run down homes and completely renovated them. What were once houses we called the “cat ladies house” or were known drug houses are now owned by successful out of town business people that own factories, small businesses and were chief officers in publically traded companies. This has happed because they visited the neighborhood one weekend and enjoyed the proximity to downtown events, restaurants, and of course Sandusky Bay. They currently use these homes only on summer weekends. Maybe one day they will invest more into our community or better yet bring their businesses here.

To get the commercial construction loan, I will need to obtain the variance. The commercial loan will be based on projected revenue. This house will not comp favorably as a residential unit with a residential mortgage with that amount of investment.”

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial, as the proposed variance would change the permitted uses within this residential area. However, it is important to note that there are properties in close proximity to this property that are zoned as Commercial Recreation and do permit and operate as transient rental uses.

- B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;**

The immediate adjacent properties are zoned as R1-40 Single Family Residential, allowing this one property to have transient rental may alter the character of the neighborhood. It is important to note that the Cove area does currently have active transient rental units within the Commercial Recreational district, and it appears to be a welcomed use within the neighborhood.

- C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**

The proposed use variance would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

- D. Whether the property owner purchased the property with the knowledge of the zoning restriction;**

The applicant is aware of the current zoning regulations, however has communicated that the use of transient rental is needed to obtain the loan so he can continue the renovation to the structure and bring the property back to a good condition.

- E. Whether the property owner's predicament can be resolved through some method other than a variance;**

A variance is the only way to resolve the owner's predicament and operate as a transient rental.

- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that allowing a use variance for one specific property could cause a precedent to be set. It could possibly open the door for approval of other use variances in areas in which a transient rental uses would not be appropriate. Staff does not believe that granting a special use variance for one property is in keeping with the spirit and intent of the Zoning Code.

- G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

The applicant has indicated that the existing property would not be able to yield a reasonable rate of return if the use variance is not granted. The applicant has stated that there is substantial renovation cost associated with the property, the rental fee that could be charged for a yearlong rental would not allow the property owner to recoup his investment.

H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

It does appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan. As stated allowing a single property within a neighborhood to operate as a transient rental use could set a precedent for other properties.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;

The site proposes a unique condition as the immediately adjacent properties are zoned as R1-40 and are utilized as single family dwellings, many surrounding properties are already beginning to be utilized for transient rentals. It appears the majority of the neighborhood is in favor of these type of uses. To staff's knowledge the transient rental uses that are currently operating are located within the adjacent Commercial Recreation zoning district and are permitted uses.

B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;

In Planning Staff's opinion, permitting a use variance for one single property could adversely affect the rights of adjacent property owners or residents. The city is currently beginning to review possible zoning amendment for transient rental uses, staff is currently researching the possibility for an overlay district for transient rental in this location.

That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;

The applicant has communicated that without the use variance it would be difficult to receive the construction loan to make the renovations to the property, which would make it difficult for the applicant to bring the property up to a good condition.

That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

The proposed use variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood. The applicant has indicated that the use variance would assist him in bringing this home back to a condition that would benefit the neighborhood.

C. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

Granting a use variance for one specific property does appear to be contrary to the to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan as you are granting one property to vary from the permitted uses within that district.

CONCLUSION/RECOMMENDATION

Staff recognizes that the property is located within a unique area in which transient rental is not only welcomed but has proven to be an avenue for which properties have been revitalized and brought back to the market. However, the permitted uses within the R1-40 Single Family District are limited to single family dwellings and as stated, Staff is concerned that granting a use variance for one specific property could set a precedent for other properties in which transient rental may not be appropriate. For this reason staff is recommending denial of the use variance.

It is important to note that the city is currently taking an in depth look into our transient rental regulations. Staff is considering the option of an overlay district for transient rental. This overlay district would be based on factors such as: proximity to downtown, the ability to improve housing stock, and the ability to improve surrounding property values. One of the possible locations planning staff is considering for the overlay district is the Cove area. Staff does believe that transient rental within this area could spur investment in the existing housing stock and it would benefit from the proximity to the downtown area.



**CITY OF SANDUSKY
PLANNING DIVISION
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL**

_____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: **Michael Meinzer**

Property Owner Address: **413 Cove Street, Sandusky Ohio**

Property Owner Telephone: **419.656.7563** **okay to text**

Email: **Covedwellersnorthcoast@gmail.com**

Contact Person: **Michael Meinzer**

Authorized Agent Name: _____

Authorized Agent Address: _____

Authorized Agent Telephone: _____

Email: _____

Contact Person: _____

Meeting with Staff: _____

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: **745 Sycamore Street**

Legal Description of Property (check property deed for description):

Lot Twenty-seven (27) on Sycamore Street in the H. W. Parsons Allotment as recorded in Plat Volume 6, page 64, Erie County, and the State of Ohio.

Permanent Parcel Number: **56-00010.000**

Zoning District: _____

VARIANCE INFORMATION:

Section(s) of Zoning Code under which a variance is requested:

Variance(s) Requested (Proposed vs. Required):

DETAILED SITE INFORMATION:

Land Area of Property: 0.0901 (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 1,600 in sq. ft.) Building #2: _____ Building
#3: _____ Additional: _____

Total Building Coverage (as % of lot area): 40%

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): One (1)

Number of Accessory Buildings: One (1) shed

DESCRIPTION OF DEVELOPMENT PROPOSAL (Describe your development plans in as much detail as possible):

This house is next door to my residence and is zoned 1-2 family residential. The current condition is needing major repair. It has been neglected for decades. It is structurally impaired. Supporting posts were removed from load bearing walls. Floor joist were removed to install heating ducts. The furnace was a converted Coal Burner. The floor sloped towards the center of the house by 3" inches. The floors were rotted in the bath and kitchen. The plumbing to the upstairs bath was out of service. There are rodent holes in the rim joist measuring up to 4-5" wide. The exterior has not been painted in years and a large portion of the siding has rotted.

This house was priced at \$50,000. My assessment was that it was about the right price for an absentee landlord to purchase the 4-bedroom house and generate rent and not repair the house. I have applied for a construction loan for over \$100,000 to bring this home back to like new condition

NECESSITY OF VARIANCE (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

Currently I cannot compete with the rent young people are paying for the slab on grade rental units that are being erected in Perkins township. Especially if consideration is given the amount of renovation that is needed.

The one opportunity that I see is to make it a summer vacation rental just like the homes around the corner on Curran Street. These summer homes have attracted visitors near our neighborhood who have in turn purchased run down homes and completely renovated them. What were once houses we called the "cat ladies house" or were known drug houses are now owned by successful out of town business people who own factories, small businesses and were chief officers in publicly traded companies. This has happened because they visited the neighborhood one weekend and enjoyed the proximity to down town events, restaurant's and of course Sandusky Bay. They currently use these homes only on summer weekends. Maybe one day they will invest more into our community or better yet bring their businesses here.

To get the commercial construction loan I will need to obtain the variance. The commercial loan will be based on projected revenue. This house will not comp favorably as a residential unit with a residential mortgage with that amount of investment.

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Signature of Owner or Agent

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of _____ (municipal street address of property, I hereby authorize _____ to act on my behalf during the Board of Zoning Appeals approval process.

Signature of Property Owner

Date

REQUIRED SUBMITTALS:

10 copies of a site plan (drawn to scale and dimensioned) which shows the following items:

- a) Property boundary lines
- b) Building(s) location
- c) Driveway and parking area locations
- d) Location of fences, walls, retaining walls
Proposed development (additions, fences, buildings, etc.)
- f) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

\$100.00 filing fee

APPLICATION MUST BE COMPLETELY FILLED OUT!

NOTE: Applicants and/or their authorized agents are strongly encouraged to attend Board of Zoning Appeals meetings.

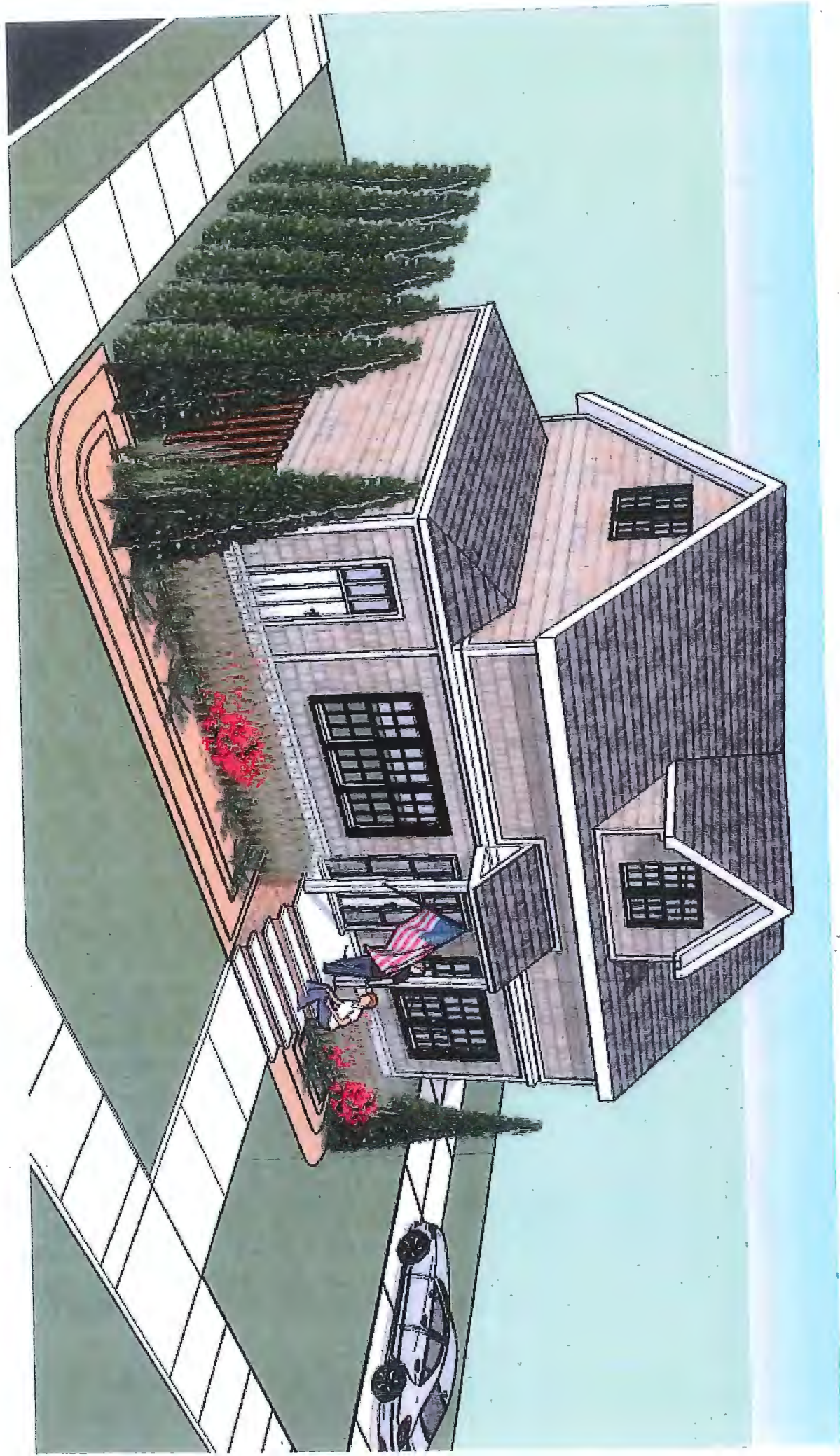
STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

Board of Zoning Appeals File Number: _____

City Of Sandusky
Planning Division
222 Meigs St. Sandusky, Ohio 44870
419,627.5873





Work Hard * Pray Long * Love Much



















Angie Byington

Director of Neighborhood Development & Planning

City of Sandusky

Board of Zoning Appeals

Re: 745 Sycamore St. Variance

Our goal is community improvement through the positive development of real property. Improvements made to the existing housing stock and land of the area will only increase land & home values, drive out slum & blight, and allow our neighborhood to continue to trend in the positive direction that it has over the past decade.

An appropriate and sensible building design and use are of the utmost importance to this work.

Specifically, we are requesting a variance to allow for 745 Sycamore St to operate as a seasonal vacation rental when not in use by owner occupants. Without this variance and building use allowed, the property will not be able to generate the rental incomes required to provide for the substantial improvements needed, thus continuing the cycle of homes falling into disrepair. We are proud of the community that we live in and want to work to make it better for everyone. We are certain with the support of our community and government that this variance will continue to make our neighborhood one of the best neighborhoods in Sandusky to live.

Best Regards,

A handwritten signature in blue ink, appearing to read "Mike & Stephanie Meinzer".

Mike & Stephanie Meinzer

Cove Dwellers Vacation Rentals

413 Cove St. Sandusky, Ohio 44870

covedwellersnorthcoast@gmail.com

<http://www.covedwellersvacationrentals.com/> Tel: [419-656-7563](tel:419-656-7563)