

Board of Zoning Appeals
February 16, 2017
Minutes

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

There were three voting members present.

Mr. Mears moved to approve the minutes from the January 19, 2017 meeting. Mr. Matthews 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 items.

Ms. Sparks stated that Windau Holdings, Ltd. has submitted an application for a variance to allow residential on the first floor within the downtown business district at **219 & 221 E. Water Street**. The applicant is proposing to construct a residential unit with residential use on first floor. Although these locations will be presented together, they will need to be separate when voting.

The applicant proposes to rehabilitate his existing building with a residential unit on the second floor and 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 regulation is to ensure active use of the building frontage at the street level. The proposed lobby for 219 E. Water Street is to be 15' x 18' which would limit the area for a commercial use. The 15' x 18' area in which the applicant is proposing for the residential lobby would not be conducive for commercial uses, as such staff recommends approval.

In regards to the property at 221 E. Water the building depth is 80' in length, 60' of this is proposed to be occupied by a garage that would 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 remaining area would be very limited for a commercial use. Staff did research the surrounding properties and it appears a variance to allow residential uses on the first floor was approved in 2006 for the property located at 212 E. Water Street.

Staff recognizes that a request for accessory residential uses on the first floor may not be appropriate for all locations within the downtown business district, however staff is in support of the variance for these sites understanding that after the proposed renovations for the first floor there would be limited space for a commercial storefront business. It is also important to note that while the code encourages storefronts within the first floor, the comprehensive plan does call for further residential development within the downtown area.

Ed Windau, 420 Bay Breeze Dr. stated that he has a unique situation. He and his brother have never discussed the locations to be commercial. They have always wanted the property to be residential so that they can move to Sandusky. He added that he has 2 different first floor

elevations. The garage is on Shoreline and the entranceway is on Water. You will have to go up 7 steps to get to the habitable living area. Or, if you go down 7 steps, you will go to the garage, laundry room, mechanic room and ½ bath. He stated that all other properties have one elevation on the first floor. Ohio Business Code states that foyers are not considered habitable living areas.

Mr. Mears moved to approve the application at 219 E. Water Street. Mr. Matthews seconded the motion which carried unanimously.

Mr. Mears moved to approve the application at 221 E. Water Street. Mr. Matthews seconded the motion which carried unanimously.

Ms. Sparks stated that Michael Meinzer has submitted application for a use variance to allow for transient rental uses at the property located at **745 Sycamore Street**. The subject property is zoned R1-40 single family residential. The applicant has recently purchased the property and is in the midst of remodeling the home. 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 into the market. 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. As recently as yesterday, staff held a public meeting regarding this topic. 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. However, staff is unable to recommend approval as it could set a precedent for approving this use on a property by property basis. If the board were to consider approval of the application it would be important to note the reasoning why transient rental is appropriate within this neighborhood, understanding it may not be appropriate in all residential areas.

Dr. Semans asked if Staff could comment on the process of the overlay district. Ms. Sparks stated that it would be a public process in which every property owner within 300' of a proposed overlay district would be notified. It would go through Planning Commission with final approval at City Commission. Staff would take consideration to the proximity to downtown, ability to improve housing stock, and the ability to improve surrounding property values. If there was an overlay district proposed, there would be a three month process, similar to a zoning code change. There is no timeline as to when any transient rental overlay might be established.

Mike Meinzer, 413 Cove Street asked that the Board consider approval of his request for a zoning variance. This variance would be used for a vacation rental home next to his permanent residence. He purchased the property in an attempt to preserve the integrity of the neighborhood. He stated that there are vacation rental properties within his neighborhood and that his experiences have all been positive. In comparison to absentee owned rental properties,

property values have increased, there's no significant increase in traffic, no nuisance complaints, no increase in hazard from fire, there's no increase in public expenditures for safety responses, don't impair public health, safety, comfort, morals or general welfare of the City of Sandusky. Mr. Meinzer says that he has potential renters already that want to visit downtown.

Mr. Matthews asked how many families would rent the house at one time. Mr. Meinzer stated that there are two suites where there will be a limit of 6 people. He added that if there is ever any trouble, they live right next door and the renters would be asked to leave immediately. This will be summer rental only.

John Arnold, Curren Street stated that Mr. Meinzer would have ample parking behind the property that will hold four to five cars. He added that there are five duplexes within very close proximity. He feels that this would be great for the area. He has had personal experiences where he had friends and family from out of town that rent his properties and end up buying their own properties. They spend money when they're here so it's a benefit to the community.

Ed Windau stated that he rides his bicycle through the neighborhood all summer. Mike and his wife lived in Perkins Township, as Mr. Windau and they made the conscious decision to move into Sandusky because that's where their hearts are. He understands that this would not be a good fit for every neighborhood, but this neighborhood would be perfect. He is in full support of the request.


Commissioner Brady stated that as a Commission, they are in the process of creating a solution to this issue. This process will take time and time is an impediment to the applicant. Timing could make it financially unworkable. This neighborhood has figured out how to make this work successfully.


Mr. Mears moved to accept the variance. Mr. Matthews seconded the motion and the motion carried with a unanimous vote.

Dr. Semans commented that from a timing standpoint, he does not want to see this project held up. Each application is dealt with on a case by case basis, and not necessarily on precedence. He feels this works for this neighborhood.

Mr. Matthews moved to adjourn. Dr. Semans adjourned the meeting at 5:00 PM.

Approved:


Debi Eversole, Clerk


Dr. William Semans, Vice Chairman