

Board of Zoning Appeals  
August 22nd, 2019  
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Mr. Feick, Dr. Semans, and Mr. Delahunt. Angela Byington represented the Planning Department.

Mr. Feick motioned to approve meeting minutes from July 18<sup>th</sup>, 2019. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Mr. Feick swore in those giving testimony.

1<sup>st</sup> application on agenda: Steven B. Truax submitted an application to construct a 192 sq. ft. wood shed on the vacant lot at 320 Cement Ave in a "R1-40" Single-Family Residential zoning district. The owner is seeking variance for relief from the strict application of the following section of the Sandusky Codified Ordinances:

-Section 1129.03, which states that the main building on a lot in a R1-40 zoning district must be a single-family dwelling and the owner is proposing to build only an accessory building. Mr. Truax, who lives at 2473 Whitney Ave in Ontario, OH., bought property in 2013 with intention to build vacation/retirement home. Property was a foreclosure and more dilapidated than he thought. Ended up destroying the home, leveling out the property, putting up a fence (which does have a permit). Steve is back and forth frequently maintaining the property, and each time he comes up he has to bring all of his equipment. In negotiations with a builder currently. Hoping board will grant variance so that he can keep his equipment in the city and not have to haul it back and forth a few times a month. Explained where he would like to put shed. Intends to build residence in 12-18 months. Would be receptive to a temporary variance, to remove shed and take back to his property in Ontario, if building permit plans submitted to city for permanent dwelling in reasonable time. Would like shed to have a gravel base in case it needs to be moved. Dr. Semans made motion to allow variance under stipulation that primary residence begun within 24 months. Mr. Feick added that the shed is to be a temporary structure and that if the building of the primary structure does not begin within 24 months, then the shed is to be removed. Mr. Delahunt seconded motion. All in agreement to approve variance with time stipulations.

2<sup>nd</sup> application on agenda: Justin Harris, as an authorized agent of Christopher Romick and Mary Mischler, has submitted an application to construct a 12-foot fence in the rear yard of 416 Columbus Ave in a "GB" General Business zoning district. The owner is seeking a variance for relief from the strict application of the following section of the Sandusky Codified Ordinances:

-Section 1133.14, which states that the height of fences in business districts cannot exceed 6 feet and the owner is proposing to build to a height of 12 feet.

Mr. Feick asked if there was anything that needed to be added to report.

Ms. Byington stated that the applicant is asking for permission to maintain an already constructed 12 foot fence on property, which is on the side yard of 416 Columbus Ave. The property is being used for transient rentals. Owner is making request to prevent homeless from accessing property and to use property as an Airbnb. Fence is 63 feet in length. Staff does not recommend approval, as the strict code does not give practical difficulty for the property owner and the owner's concerns could be resolved with a 6 foot fence, which would be permitted by the zoning code.

Mr. Harris, whose professional address is 237 West Washington Row, Suite 200, stated that he has photos of the property north of Columbus Ave, which has been vacant since 2016. He said that the door is left open, people can walk in and out of it, and there has been some criminal activity that has taken place there. There is a property to the east and Mr. Harris has asked the owner of that property if he has an issue with the fence and he claims that he does not. He stated that the owner would not be able to enjoy his property with a 6 foot fence given the circumstances that take place in the vacant property to the north. He stated that there is no obstruction of views with the 12 foot fence and there are ways to look into Mr. Romick's property to make sure

he is not engaging in illegal activity. He also stated that anyone could easily hop a 6 foot fence. As long as the dilapidated property is as it currently is, owner feels that he has the right to have a 12 foot fence in place, but if someone were to buy property and abide by standards that we hold to others in the city, he would remove the fence. He stated that Matt Lasko has tried helping him find who owns the dilapidated property and nobody seems to know.

Ms. Byington confirmed that building is condemned, but we do not yet know the date it is scheduled to be demolished.

Mr. Romick, of 416 Columbus Ave, explained that they have only built the current fence where it would not construct anyone else's views, but him and his wife would like to carry the fence around the building as well to protect their property.

Mr. Harris claims that this circumstance is different than the typical case due to the condemned building being the way it is since 2016 and cannot seem to get any answers on when he is scheduled for demo.

Justin stated that they would have done things differently if they could have. However, they wanted the board to hear the immediate need to for health and safety reasons.

Mr. Feick stated that they are coming in and asking for a permit after the work has already been done, when they could have asked for a 6 foot fence and then asked for a 12 foot variance.

Mr. Delahunt accepted application. Dr. Seman's seconded motion. Mr. Feick does not accept. Variance is approved.

No applications yet for next month, next month's meeting may be cancelled.

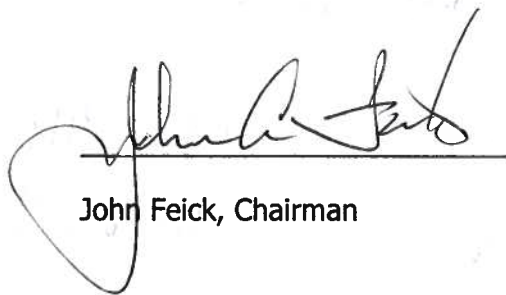
Dr. Seman's motioned to adjourn, Mr. Delahunt seconded. All in favor to adjourn.

The meeting was adjourned at 5:10pm.

APPROVED:



Kristen Barone, Clerk



John Feick, Chairman