

Board of Zoning Appeals
December 19th, 2019
Minutes

Mr. Zeiher called the meeting to order at 4:32pm. The following members were present: Mr. Feick (recused) Dr. Semans, Mr. Delahunt, Mr. Zeiher, and Mr. Matthews. Mr. Thomas Horsman represented the Planning Department.

Mr. Delahunt motioned to approve the minutes from the November 21st, 2019 meeting. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Mr. Zeiher stated that the only item on the agenda is for 1215 Cedar Point Road. John Feick, as an authorized agent of Joseph and Victoria Radican, has submitted an application to construct an attached garage in a R1-75 Single-Family Residential zoning district. The appellant is seeking a variance for relief from the strict application of the following section of the Sandusky Codified Ordinances:

- Section 1129.14, which states that the minimum side yard width in a R1-75 zoning district must not be less than five feet and the appellant is proposing one foot.

Mr. Zeiher swore in those giving testimony.

Mr. Feick then stated that the Cedar Point Peninsula was originally all laid out in blocks for small cottages. This property is three blocks deep. Next to each set of blocks is a common area to be able to get from the street to the back. He stated that the house was built in 1919 and he is not sure when all three blocks became one parcel, but it was some time before that. When the house and garage were built, they were built one foot over onto the neighbor's property. At that time there was no neighbor there, so there was no issue. The driveway is about 1.8 feet onto the neighbor's property. In 2003, the previous owner came to the city to get permission to connect the house and the garage with a breezeway, and that was approved. The garage ended up being rebuilt to tie everything together, and it was still one foot over into the neighbor's property. When the current owners bought the house, they were not aware of the encroachment issue. They were made aware when the neighbor told them afterwards. According to the neighbor, who is present today, there is a three foot easement filed. With the high water this past summer, the rear yard and the garage was under water. The owner wants the rear yard brought up 18 inches to prevent being under water again, as well as raise the floor and roof of the garage. Mr. Feick said he proposed to the owner to take the garage down to have easier access to the back yard and then rebuild the garage, but they would not be able to rebuild on the neighbor's property. The owners were fine with this idea, but want to keep the two car garage, which needs a variance. If the variance is allowed, it will not affect the appearance or character of the neighborhood because the garage will look the same, it will just be two foot narrower. If the variance is not granted, they could still build a new garage, but it will have to be just a one car garage instead of two.

The neighbor, Michael Baker, of 1211 Cedar Point Road, stated that their home is in his wife's name, but she was not able to attend the meeting, so he came to speak on her behalf. He asked how high they were going to raise the garage.

Mr. Feick stated that they want to raise the garage approximately two feet.

Mr. Baker stated that their concern is that if the elevation is too high, that it will push the water onto their home, which is a ranch style home. He then gave Mr. Feick some paperwork on the easement in case he wanted to review it. He stated that the easement is behind the garage, which is getting referred to as getting filled in.

Mr. Delahunt asked Mr. Baker if the wall behind the garage is adjacent to his property.

Mr. Baker said that was correct.

Mr. Delahunt asked how high the wall is currently.

Mr. Baker stated he would guess it is approximately ten feet. He asked Mr. Feick if they wanted to raise the wall.

Mr. Feick stated that was correct.

Mr. Baker asked how high they would raise the wall.

Mr. Feick said one foot.

Mr. Baker asked if he realized that wall is a part of his wife's property.

Mr. Feick stated that yes he is aware of that and that he is aware he would need to get his wife's permission to do so.

Mr. Delahunt stated that he does not believe Mr. Baker's property would see any runoff of water from the applicant doing what they want to do. He asked Mr. Baker if him and his wife would be more comfortable with the garage being off their property than how it is now.

Mr. Baker stated that he doesn't believe where the garage is currently is a relevant problem, but he needs to check the language in the trust and the deed regarding the easement. He then asked Mr. Feick how far back they are going with the driveway.

Mr. Feick stated that the driveway is getting fully replaced, but there is three feet of height difference from the Radican's property at the garage, in the first 15 feet towards Mrs. Baker's house. They are going to raise it up two feet. There will still be some fall from Mrs. Baker's property to the Radican's property. The garage will raise up accordingly to match that.

Mr. Baker asked where that will direct the water to go.

Mr. Feick stated that will direct the water to go down the hill and into the bay.

Mr. Baker stated that there are currently drain pipes and a pump in the wall and asked if Mr. Feick is going to remove those or bury those and add a pump station.

Mr. Feick stated that is not necessary.

Mr. Baker asked if the garage is going to be two feet narrower, will the driveway also be narrower.

Mr. Feick stated that yes the driveway will also be narrower and off of his property along with the garage.

Mr. Baker stated that he thinks he got all of his questions answered, and will just have to review the deed paperwork.

Mr. Zeiher stated that is not the Board of Zoning Appeal's consideration as that is something that takes place through the recorder's office. Once the work takes place and everything is off Mrs. Baker's property, they may need to have a new description written up as well as the Radican's.

Mr. Baker stated that there are costs involved in all of that.

Mr. Zeiher stated that is correct, but a benefit is that they will no longer have someone else's driveway and garage on their land.

Mr. Delahunt stated that he is not sure they would have to have a new deed prepared.

Mr. Baker stated that he would like to have it reviewed anyways and have some time to talk things over with his wife.

Mr. Horsman stated that staff did agree that there is a practical difficulty existing and therefore support the variance. He said that he just wants to reiterate that the variance request is solely for the side yard setback for the garage. While it seems there are other issues at hand, for this application, the side yard setback for the garage is the only thing that needs to be voted on for today.

Dr. Semans stated that it seems that since this project would be removing the encroachment off of Mrs. Baker's property, he doesn't see why there is a need to wait for the variance to start removing the garage and the driveway, as that does not affect this commission. He then made a motion to allow the variance.

Mr. Delahunt seconded the motion.

With no further discussion, all members voted in favor of the motion, and the request was granted.

Mr. Horsman stated that as for the First Street application that was postponed in last month's meeting, the Board may want to make a motion to postpone it again formally.

Mr. Delahunt made a motion to postpone the First Street application until the next meeting on January 16th.

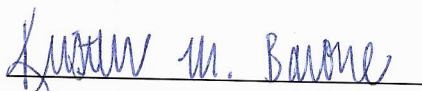
Mr. Matthews seconded the motion.

All members were in favor to postpone the First Street application.

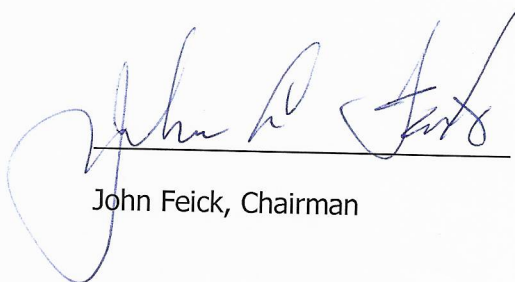
Mr. Horsman stated that he did update the Board of Zoning Appeals application and it is now on the City's website in a fillable format to make it easier for people to fill out.

Mr. Delahunt moved to adjourn the meeting; Dr. Semans seconded the motion.
The meeting was adjourned at 5:00pm.

APPROVED:



Kristen Barone, Clerk



John Feick, Chairman