

Board of Zoning Appeals
June 18th, 2020
Minutes

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Meeting called to order:

Chairman Mr. Feick called the meeting to order at 4:37pm. The following voting members were present: Mr. Feick, Dr. Semans (joined during the 4th adjudication hearing), Mr. Delahunt, and Mr. Matthews. Mr. Thomas Horsman represented the Planning Department. Mr. Josh Snyder with the Engineering Division was also present. City Commission liaison Dave Waddington was also present.

Review of minutes from March 19th, 2020:

Mr. Matthews motioned to approve the minutes from the March 19th, 2020 meeting and Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Swear in of audience and staff members that will offer testimony on any agenda items:

Mr. Feick swore in everyone wishing to do so.

1st application:

Mr. Feick stated that the first application on the agenda is for an area variance for 1 Cedar Point Drive. The applicant is requesting a variance to the Zoning Code Section 1157.04(e)(2) to allow construction of a building at Cedar Point at 0.8 feet above the base flood elevation whereas the Zoning Code requires 2 feet.

Mr. Feick stated that he believes there is a base flood elevation that the government establishes and the City of Sandusky establishes a buffer of two feet above that. Cedar Point is above the FEMA regulations, but they are below the two feet buffer. He asked Mr. Snyder if that was correct.

Mr. Snyder replied that was correct.

Mr. Feick stated that in the past these requests have been approved for Cedar Point as everything is already established there and they are aware of the issues.

Mr. Delahunt motioned to approve the variance request and Mr. Matthews seconded the motion. All voting members were in favor of the motion.

2nd application:

Mr. Feick stated that the second application on the agenda is for an area variance for 731 Perry Street. The applicant is requesting a variance to the Zoning Code Section 1145.16(d) to allow a carport to project 10 feet into the rear yard whereas the Zoning Code permits 0 feet. The property is in a R2F Two-Family Residential zoning district.

Mr. Horsman stated that if the carport were detached from the garage, it would meet all of the required setbacks, but since it is attached to the garage it is determined to be a part of the structure. Staff does recommend approval of the request.

Mr. Delahunt asked if staff have received any feedback from the neighbors regarding this request.

Mr. Horsman stated that there has not been any feedback received.

Mr. Matthews motioned to approve the request, and Mr. Delahunt seconded the request. All voting members were in favor of the motion.

3rd application:

Mr. Feick stated that the third application on the agenda is for an area variance for 606 Wayne Street. The applicant is requesting a variance to the Zoning Code Section 1145.17(g)(1) to allow a 4-foot fence in the front yard whereas the Zoning Code permits 3 feet. The property is in a R2F Two-Family Residential zoning district.

Mr. Horsman explained that there was a house next door to this property that was recently demolished and the applicant has since purchased that property and combined it with hers. The applicant would like to enclose the other portion of the yard with the same height fence. He said that based on the past variance approval, staff does recommend approval of this request. Mr. Delahunt motioned to accept the variance request and Mr. Matthews seconded the motion. All voting members were in favor of the motion.

4th application:

Mr. Feick stated that the fourth application on the agenda is for an area variance for 317 E. Washington Street. A variance to the Zoning Code Section 1149.05 to allow for a reduction in the required amount of off-street parking spaces to 47 spaces whereas the Zoning Code requires 91 spaces. The property is in a DBD Downtown Business zoning district.

Mr. Horsman stated that this is the old Cardinal Grocery and the current owners purchased the property with the intention to transform it into a multi-tenant food hall. The property is located one block away from the Central Business District, which does not require off-street parking. Due to its proximity to the core of downtown, as well as large off-street public parking lots, and plentiful on-street parking, staff believe the proposed parking plan is sufficient to meet the needs of the facility. Also, due to the unique nature of the proposed use of the facility, staff believe that the strict application of the Zoning Code would constitute an unnecessary hardship on the applicant and supports granting of the variance. He then stated that he did receive two comments via email from neighbors. The first one comes from Mr. Dave Bowie at 320 E. Washington St. Mr. Bowie stated that this food hall is directly across the street from his residence and is in full support of the parking requirement variance. Due to the close proximity of the BGSU college apartments, the Sandusky Bay Pathway, and downtown in general, there will be a ton of walk-up business. To the extent that parking becomes an issue on East Washington for residents on the south side of Washington Street, I am sure that the City will entertain residential parking permits. Mr. Horsman stated that the other comment comes from Donna Mineo at 403 E. Washington Street, who called in yesterday. Ms. Mineo stated that her concern is that any potential noise that any outdoor seating area would create. Ms. Mineo did not state any concerns regarding parking.

Mr. Feick stated that if the facility can occupy up to 275 people that the proposed parking does not seem like nearly enough.

Jeff Foster, authorized agent for the applicant stated that while they have 48 parking spaces being proposed, in the surrounding two blocks there are 147 on street spaces, and again, they believe there will be a lot of walk-up business.

Mr. Feick asked where the on street parking spaces are located that he is talking about.

Mr. Foster replied that those spaces are along East Market between Hancock and Franklin and then between Franklin and Warren.

Mr. Feick stated that his concern is the proximity of this facility to the BGSU building, which appears to not have any parking available and asked Mr. Horsman if he knows if the BGSU building will have any parking.

Mr. Horsman stated that there is 35 off street parking spots for the BGSU building. Staff are currently working with BGSU to make sure there is parking available for their staff and residents, using the East Market Street public lot and then also making sure that there is enough parking for the food hall facility. Staff also continue to look for where more parking can be added.

Mr. Feick stated that the parking lot on East Market Street as well as the parking along that street always seem full already, so when the BGSU building and the food hall facility open he is concerned that will not be enough parking spaces. He said that he would prefer at the next meeting for staff to show what the requirements on parking are for BGSU, the food hall, and the gym on East Market and show where all of those parking spots are.

Mr. Horsman stated that he does not believe that the current zoning requirements take into consideration the use of the building as the use of the building is unique. Regardless, staff are still actively working on adding more parking spaces to the area.

Mr. Delahunt stated that he would also like to see staff come back with some comments on what the parking requirements are and where the residents and staff at BGSU are supposed to park. He then made a motion to table the application until the next meeting to see what the City says regarding parking in that general area. Mr. Matthews seconded the motion. All voting members were in favor of the motion.

Mr. Horsman stated that Dr. Semans was now in the meeting.

Mr. Feick asked if he had heard enough of the fourth agenda item in order to vote.

Dr. Semans stated that he did and he would also vote in favor of the motion to table the application.

5th application:

Mr. Feick stated that the fifth application on the agenda is for an area variance for 609 E. Perkins Avenue. The applicant is requesting a variance to the Zoning Code Section 1149.05 to allow for a reduction in the required amount of off-street parking spaces to 13 spaces whereas the Zoning Code requires 18 spaces. Also, a variance to the Zoning Code Section 1148.09 to allow for the lack of a 3-foot landscape buffer on the east side of the property. The property is in a GB General Business zoning district.

Mr. Horsman stated that there has been a slight revision in the proposed site plan that the property owner submitted. The proposed number of parking spaces is now 11. Staff believe that since the parking requirements for this property are based on a dine-in restaurant and the

applicant is proposing a carry-out restaurant, that the variance is appropriate and recommends approval. He also stated that staff did not receive any input from any neighbors of this property.

Rod Staiger, Pizza Hut franchisee, added that 60% of their business comes from those who order for delivery, so most of their business will not ever visit the property.

Dr. Semans moved to approve the variance request and Mr. Matthews seconded the motion. All voting members were in favor of the motion.

6th application:

Mr. Feick stated that the last application on the agenda is for a use variance for 327 Shelby St. The applicant has requested a variance to the Zoning Code Section 1129.03 to allow the property to be used for transient rental whereas the Zoning Code does not permit transient rental as an allowable use. The property is in a R2F Two-Family Residential zoning district.

Mr. Horsman stated that the applicant did submit additional information with her application that was included in the staff report, but staff did not receive any comments from neighbors after sending out the notice. Staff did not believe there is an unnecessary hardship due to the strict application to the zoning code and in order to be consistent with past applications received, staff do not recommend approval of the request.

The applicant Jody Randall stated that her permanent residence is not located in Sandusky, but she visits Sandusky often. She said that she has noticed there are not many places to stay downtown so she wanted to buy a place to stay at when she visits and then be able to let others do the same when she is not using the home. Ms. Randall said that during the process of purchasing the home, the bank and the realtor all knew of her intentions with the home and nobody told her that she should check the zoning. She stated that she has put \$25,000 into the home and now has to pay for two homes with one income, so she believes that this is a hardship for her. Ms. Randall stated that if she rents the home out long term she would not be able to use the home herself and that is why she bought the place. She then added that the neighbors to this property did not have a problem with her having a transient rental and that those documents are included in what she submitted with the application.

Mr. Delahunt stated that he is opposed to approving transient rentals outside of where they are currently permitted due to the reasons Mr. Horsman already mentioned. He advised Ms. Randall to work with her neighbors to create an overlay district so that she can be permitted to have a transient rental there.

Mr. Horsman stated that in order to make this area an overlay district so that Ms. Randall can be permitted to have this property be a transient rental, she would need to submit a rezoning application and get approval from the Planning Commission and then City Commission, which could take a few months. Staff are actively looking at what other potential neighborhoods this would make sense for and how many to allow in each neighborhood. Staff like to make sure surrounding neighbors are okay with the request and that it makes sense for that neighborhood.

Mr. Delahunt made a motion to deny the variance and Mr. Matthews seconded the motion. There was three votes for the motion and one vote against the motion, so the variance was denied.

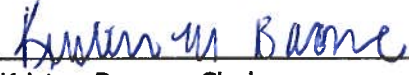
Next meeting:

July 16th, 2020

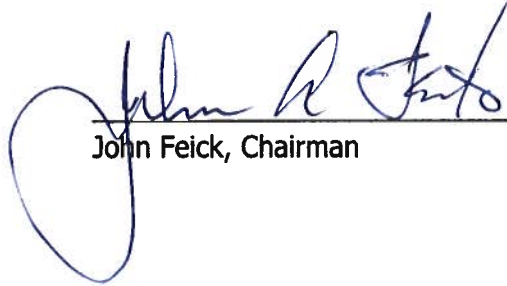
Adjournment:

Mr. Matthews moved to adjourn the meeting and Mr. Delahunt seconded the motion. All members were in favor, and the meeting adjourned at 5:41pm.

APPROVED:



Kristen Barone, Clerk



John Feick, Chairman