

Board of Zoning Appeals

May 19, 2022

Minutes

Meeting called to order:

Chairman John Feick called the meeting to order. The following voting members were present: John Feick, Dr. Bill Semans, Dan Delahunt, and Gregg Peugeot. Arin Blair and Alec Ochs represented the Community Development Department. Brendan Heil represented the Law Department (attended virtually). City Commission Liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from April 21, 2022:

Dr. Semans stated that in the minutes there is an extra roll call on the motion for agenda item two. Mr. Delahunt moved to approve the minutes with that correction and Mr. Peugeot seconded. All voting members were in favor of the motion.

Swearing in of audience and staff members offering testimony on any agenda items:

Mr. Feick swore in everyone wishing to do so.

Adjudication Hearing:

1) 305 East Water Street

Ms. Blair stated that Ryan Whaley, owner of the building, is requesting a variance to allow a sign that surpasses the mass factor requirements. He proposes to place an approximately 75' by 17' mural on the western facing building façade. The code has a maximum mass factor standard of 80 sq. ft. for exterior wall signage on the façade. At approximately 75'x17', the mural would encompass nearly the entire side of the building that faces Hancock Street. The mural would cover a maximum of 1,275 square feet. Total coverage depends on the amount of painted surface versus remaining exposed brick. The applicant stated the intention of adding a mural to this location is to bring attention to the outdoor activities and active lifestyle visitors and locals have in Sandusky, while giving off the summer and island vibes found inside Paddle & Climb and Paddle Bar. Staff has determined the proposed mural is appropriate to this structure, in this location, based on the following analysis: 1) The building is non-contributing and has been drastically altered, 2) The secondary elevation on which the mural is proposed is not significant to the character of the building itself, 3) In the time period of our historic district, side walls of buildings would have been covered by attached neighboring structures. When sidewalls were exposed, it was common to paint them with large signage/mural style imagery, 4) For the style and setting of the building, the mural is appropriate and would contribute to the overall character and vibrancy of Downtown Sandusky, 5) The proposed paint is appropriate for the masonry and the long-term health of the building. Staff's interpretation of the sign regulations dictates a mural facing the public right-of-way falls under the definition of "wall sign" and is therefore regulated by the sign requirements for wall signs in chapter 1143 of the zoning code. Planning staff strongly support this proposal for creating a new piece of public art in the city and recommends approval of the requested variance with the following conditions: 1) All necessary permits are obtained through the Building, Engineering, and Planning departments and 2) A Certificate of Appropriateness is granted by the Landmark Commission. Ms. Blair stated that the Landmark Commission did grant approval of the mural at last night's Landmark Commission meeting. Mr. Feick stated that a mural was approved a couple of years ago that went on the

State Theater building and asked what the size comparison is between the two murals. Ms. Blair said she does not have those dimensions on hand but would guess that those murals would be similar in size. Mr. Feick then asked if they are approving size or content of the mural. Ms. Blair responded that they are approving the size. Ryan Whaley, 316 East Water Street, stated that the sign that was on the back of the State Theater received a lot of attention with people taking photos next to it and posting the photos on social media, and he thinks that is good for Sandusky. He said that he spoke with the neighboring residents and they have all communicated that they were in support of the mural and those residents have also communicated that to City staff. Tim Schwanger, 362 Sheffield Way, stated he was not going to speak in favor or against any of the items on the agenda, but wanted to express his concern that five or six months ago, all of a sudden the public is getting a different agenda compared to what the board members are getting. He said that the agenda that is online does not give any explanation of what the properties are doing and the public should know what is going on. Dr. Semans asked if there was a ruling from BZA on the mural at A&B Cycles. Mr. Feick stated that he does not recall but he remembers the State Theater one and the one on a garage on West Monroe Street. Ms. Blair stated that she wanted to confirm what Mr. Whaley stated when he said that staff had received letters of support from others regarding this project. She said there were two letters and three calls of support and there were no negative comments received. Also, said that the A&B Cycles mural did come to BZA for approval as staff reviewed that staff report and used it as a guide for typing up this report. Dr. Semans made a motion to approve the variance and Mr. Peugeot seconded. All voting members were in favor of the motion and the variance was approved.

2) 3230 West Monroe Street

Mr. Ochs stated that applicant Jack Muirhead, is requesting a variance to allow an accessory structure on more than 30% of the rear yard. He proposes to build a 40' x 50' garage, totaling 2,000 sq. ft. in the backyard. The garage would accumulate roughly 61.5 % of the backyard. Staff is not opposed to storage uses on a residential property. However, a 2,000 sq. ft. first floor building footprint is larger than many single family homes in the City limits. The existing home on this lot is approximately 50'x26', which measures approximately 1,300 square feet. Staff would favor a plan for the garage that is more in scale with the existing home. The concrete pad for the total floor coverage of the expected garage appears to have already been placed on the property. It is staff's understanding that neighbor concerns brought the applicant to pursue the variance process. There was a permit application submitted in 2020, but a permit was never issued. A neighbor saw movement on the site and then a stop work order was issued. Staff does not believe that the strict implementation of the zoning code would create a practical difficulty for this property and thus is not able to give a recommendation for the variance. In the case of an approved variance request, staff would like to see the following conditions: 1) All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction, 2) The structure needs to be a minimum of 10' from the existing residential structure, including the existing attached single car garage, prior to construction and 3) The height is to not exceed an average height of 15'. Jeff Wagner, 1018 Lasalle Street, stated that his property is kiddie corner to 3230 West Monroe Street. He asked if anyone had measured what the height is of what is at the property currently because he thinks the property owner has exceeded the 15 feet height limit. Mr. Ochs stated that no drawings were given to staff so he

does not know what is currently there or what is being proposed as far as height. Mr. Wagner then asked if there were setbacks for constructing next to existing structures. He said that this area is prone to standing water and then showed a picture of such from 2018. He said his wife had started a petition to try to get some catch basins put in back there, but did not get much support from the neighbors because they would all need to pitch in. Mr. Ochs stated that there is a 15 foot requirement from the closest point of an accessory structure to a neighboring main structure. An accessory structure would not fall under this standard. Mr. Wagner then asked if the property would need to be zoned commercial for commercial activity to take place at that location. Mr. Ochs responded that is a little bit of a gray area, but usually yes. Dr. Semans asked what size building the owner could build without needing a variance. Mr. Ochs stated just under 1,000 ft. and that would involve demolishing the current garage. Dr. Semans moved to deny the variance and Mr. Delahunt seconded. All voting members were in favor of the motion and the variance was denied.

3) 623 Bennett Avenue

Mr. Ochs stated that applicant Charles Loughlin is requesting a variance to construct a six foot fence in the side yards. The code only permits fences up to four feet in the side yards. The applicant did not state the reasoning for wanting the six foot fence. Staff notes that the south fence proposal would be along the backyard of the southern neighbor. A 6 ft. fence would be permitted to be constructed if the neighbor at 3501 was the applicant. Planning staff supports the requested variance and suggests the following conditions upon approval: 1. All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction. Mr. Delahunt stated that he thinks there has to be a reason why the rule is a four foot fence on the side yards and it seems that a six foot fence on both sides would be obtrusive. Mr. Delahunt made a motion to deny the variance and Mr. Peugeot seconded. All voting members were in favor of the motion and the variance was denied.

4) 1022 Camp Street

Mr. Ochs stated that applicant Nicole Vannucci is requesting a variance to construct a six foot fence in the side yard. The code only permits fences up to four feet in the side yards. The applicant states they would like the six foot fence for privacy and to increase safety as sometimes they have issues with neighbors and get people walking through their yard often. This property is unique and it does not have a neighboring structure to the north. In what is defined as the applicant's side yard, there is a side street, which is used for residential parking and access to neighboring properties. Staff does not consider this lot to be a corner lot because the street does not extend onto Camp Street. The applicant stated the fence would be constructed about 20 feet from the front sidewalk. Staff supports the requested variance and suggests the following conditions upon approval: 1) All necessary permits are obtained through the Building, Engineering, and Planning Departments prior to construction. Nicole Vannucci, owner of 1022 Camp Street, stated that the 7-Eleven is a neighboring business that has a lot of traffic and often has problems. She said that one time an officer tackled someone in their yard that was trying to run away from them, so safety is a big concern and reason why they want a six foot fence. Dr. Semans asked the applicant what type of fence she would like to put in. Ms. Vannucci responded a wooden privacy fence. She said that the fence would be about two to

three feet off of the sidewalk that is parallel to the Monroe Street extension. She said that there is already a chain link fence at the back of her property that her fence would then run up to. Mr. Delahunt made a motion to approve the variance as presented and Dr. Semans seconded. All voting members were in favor of the motion and the variance was approved.

5) 2901 West Monroe Street

Mr. Ochs stated that the applicant MRK Real Estate, LLC is requesting a variance to allow building coverage of over 50 percent. RheTech is currently the manufacturing company at this location. They would like to expand the current manufacturing, storage, and warehousing operations at this location by approximately 51,800 square feet. The addition will put the total site coverage at nearly 53.9%, which is 3.9% over the maximum amount allowed. The applicant is seeking a 5% relief to the requirement, which is an extra 1.1% to what is proposed, as a safeguard, in case plans change and more square footage is needed. Staff observed that the parcel is slightly below average in size compared to other general manufacturing parcels. The total parcel is 225,000 sq. ft., only half of which is buildable by the current code requirements. There is no height requirement in a manufacturing zone. The applicant was also aware of this during pre-planning meetings between City staff and the applicant. The applicant is proposing to "build-out" rather than "build-up" in order to not conflict with surrounding residential uses and to avoid causing significant shading on surrounding residential parcels. Staff supports the requested variance and suggests the following conditions upon approval: All necessary permits are obtained through the Building, Engineering, and Planning departments, and any other applicable agency prior to construction. Mr. Feick asked what the current height of the building is. Craig Dunaway, 2901 West Monroe Street, responded that the current height is about 24 feet. Mr. Dunaway stated that they current lease this building, but if the variance gets approved they plan on purchasing the building. Dr. Semans said he wants to make sure the design of the detention basin is adequate for what is needed there. Mr. Ochs stated that the Engineering Department has been involved in the conversations of this addition and most of their concerns have been addressed or will be addressed, as the applicant also needs site plan approval from the Planning Commission at their meeting next week. Mr. Feick stated that when a project affects more than an acre, they would be required to do a storm water pollution protection plan and submit to the City and the EPA. Dr. Semans asked if there has been any comments received from the surrounding properties. Mr. Ochs stated that there have not. Dr. Semans motioned to approve the requested variance as presented and Mr. Peugeot seconded. All voting members were in favor of the motion and the variance was approved.

Other Business:

Ms. Blair stated that she wanted to let everyone know that the full agenda that that the board members received is available for the public to view on the City's website.

Adjournment:

Dr. Semans motioned to adjourn and Mr. Peugeot seconded. The meeting ended at 5:17pm.

APPROVED:

Kristen Barone

Kristen Barone, Clerk

John Feick

John Feick, Chairman

Dr. Semans, Vice Chairman