

## **Board of Zoning Appeals**

June 16, 2022

### **Minutes**

#### **Meeting called to order:**

Vice Chairman Bill Semans called the meeting to order. The following voting members were present: Bill Semans, Dan Delahunt, Walt Matthews, and Gregg Peugeot. Alec Ochs represented the Community Development Department and Brendan Heil represented the Law Department. City Commission Liaison Dave Waddington, Community Development Intern Darsh Shah, and clerk Kristen Barone were also present.

#### **Review of minutes from May 18, 2022:**

Mr. Peugeot made a motion to approve the minutes as submitted and Mr. Matthews seconded. All voting members were in favor of the motion.

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

Dr. Semans swore in everyone wishing to do so.

#### **Adjudication Hearing:**

##### **1) 623 Bennett Avenue**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1145.16C (1) in order to expand the existing front porch an additional 3 feet into the required front yard setback. The front yard setback of the house is currently a legal non-conforming setback. The zoning code requires a minimum 25 foot setback from the front property line. The house at is setback approximately 18 feet. The existing porch is setback approximately 13 feet. A front porch can project up to 8 feet into the required front yard, allowing a 17 foot front yard setback from the porch to the front property line in R1-40 zoning. The applicant's porch as proposed would be 10 feet from the front property line, resulting in 7 foot encroachment to the minimum front porch setback requirement. The applicant is asking for a 7 foot relief variance. The house is one of the southernmost parcels on this block. It would not interfere with sightlines from adjacent properties or pedestrians looking north towards the lake. The porch would be approximately 20 feet from the edge of the street if public right-of-way is included in the measurement. 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. Kippie Loughlin, 623 Bennett Avenue, owner of the property, stated that he is actually only extending the porch out 2 ½ feet. The porch is currently 5 ½ feet and he wants to build it out to 8 feet. He said he wants to put railings on to make it safe. He said that the porch is way far back off the road. He said that the parcel map is a little crazy because there is about 7 feet of his property in his neighbor's yard. In order to add the hand railings, which is a necessity, he would need at least an additional foot. Mr. Delahunt asked the applicant if he would be ripping out the existing concrete or adding to it. Mr. Loughlin said he is going to add what is currently there. Dr. Semans asked if there will a little roof area over the porch. Mr. Loughlin said that that there will be a small overhang, probably a few feet. Dr. Semans stated that he just wanted to make sure it was not an enclosed porch. Mr. Loughlin stated that no that is not what he will be doing. Mr. Delahunt made a motion to

approve the variance request subject to staff's conditions and Mr. Matthews seconded. All voting members were in favor of the motion.

**2) Parcel 57-05212.000 on Hancock Street**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1129.14 to allow 1.7 feet (1 foot 8.4 inches) of encroachment into the minimum combined side yard setback. The applicant wishes to build a 31 feet wide house. The current width of the parcel is 39.3'. The code states that there should be a minimum 10 foot combined side yard setbacks from the side property lines for a structure in a "R2F" – Two Family Residential zone. The applicant needs a relief of 1.7 feet (1 foot 8.4 inches) to meet the criteria of the zoning code. The parcel is 194 feet x 39.3 feet, totaling approximately 7,624 sq. feet of parcel area. The applicant owns the house to the north of this parcel. The parcel meets the minimum lot size requirements and minimum width requirements. Historic development in Sandusky has minimal setbacks between the structures if any at all. These old developments have been functional for decades. This proposal will exceed these historic development requirements. There is 8 feet and 3.6 inches of useable side setbacks as proposed. The minimum is 3 feet on one side. Staff supports new residential development in the city and is happy to see the applicant's investment proposal. The proposal will not substantially impact this neighborhood and is appropriate. 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. Dr. Semans asked if the alley is in use that is adjacent to the property. Mr. Ochs responded that technically it is a public right-of-way that is there so there is no access point. He then explained that the applicant could apply to vacate that public right-of-way if he would like to. Dr. Semans stated that is what he was wondering, is if this area was vacated then he probably would not need the variance? Mr. Ochs stated that is correct, however, the vacation process is a pretty extensive process and more expensive, so staff thought this might be a route the applicant would rather take. Piaj Hunter, 1817 Hancock Street, owner of the property, stated that in the right-of-way there are trees growing in there and he maintains that area. Mr. Delahunt asked if there is a reason Mr. Hunter could not build the house within range of what the zoning code allows. Mr. Hunter stated that the package of the prints he bought exceeds what is allowed. Mr. Delahunt stated that when he drove by there. Mr. Hunter stated that everything there is his personal belongings. Mr. Matthews asked the applicant if he will live in the house once it is built or if he would rent it out. Mr. Hunter stated that is undetermined at this time. Mr. Matthews made a motion to approve the variance request subject to staff's conditions and Mr. Delahunt seconded. All voting members were in favor of the motion.

**3) 3712 Venice Road**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1145.06 in order to allow dwelling units smaller than the minimum dwelling area requirements. The applicant would like to turn the old Bayview motel into apartments. The motel rooms do not meet the minimum dwelling size of a RMF – Residential Multi-Family District. The applicant is seeking a variance for the minimum dwelling size allowed in the least restrictive contiguous



district in the zoning code. There are five 1 bedroom apartments ranging in size from 390-403 sq. feet. The applicant is seeking a 10 sq. ft. relief for the units that are below 400 sq. ft. There are two studio apartment efficiency units at 198 sq. ft. The applicant is seeking a 202 sq. ft. relief for these units. Staff has determined a variance to allow the minimum dwelling size to be below the zoning code standard would not interfere with the spirit and intent of the zoning code. The pre-existing use had a higher volume of traffic, turnover of occupants and negative correlation among City residents. Staff see's this proposal as a more restrictive use and better fits the existing residential character of adjacent uses more than a motel. The building department did confirm that this proposal does not exceed state or federal building code requirements for minimum sq. ft. per dwelling. An additional process through Planning Commission is required for full approval. The applicant needs approval at the June 16<sup>th</sup> BZA meeting in order to move forward in the process. Staff has determined the parcel is too small and has too much residential surrounding uses to be used for manufacturing. Mr. Ochs also added that the room sizes to exceed state and federal requirements. 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. Matthews asked staff what exactly the Planning Commission needs to approve for this project. Mr. Ochs stated that the Planning Commission will need to review the substitution of use from a motel to apartments. Mr. Matthews asked if that is something that should be done first before a variance is requested from the Board of Zoning Appeals. Mr. Ochs stated that the applicant originally did that and the Planning Commission asked him to get this variance request first. Mr. Delahunt asked if there are certain requirements that the Fire Department will require for this project. Mr. Heil stated that the applicant would need to get building permits through the Building Department that would require inspections and in order to rent the apartments they would need to get inspected from the Code Compliance Department as well for the rental registration process. Sean Sprouse, 6691 Highland Lakes Place, Westerville OH, owner of the property, stated that he has done this in a number of communities before, and they make sure that they walls are fire safe, there has to be fire ratings, they will need to update the smoke detectors to be hardwired. He said that affordable housing is a need everywhere right now. He said that he owns ten other apartments in town and he can't list one for a day without getting 20 applicants, so there is definitely a need in Sandusky. With inflation, every cost is a concern, and this would be a way to be able to help people with managing costs. Mr. Peugeot stated that he drove by and noticed worked being done and asked what kind of work was taking place currently. Mr. Sprouse replied that they needed to get rid of the furniture and bugs that were there, and have started doing cosmetic work such as removing all of the layers of flooring, installing dry wall, and painting. Mr. Delahunt asked if the area in the middle is an open area. Mr. Sprouse stated that yes, the middle area will be a laundry area. Mr. Sprouse added that he has talked with the neighboring properties and they all seem happy that the use of the property is being proposed to be a more restrictive use. Dr. Semans asked the applicant if he considered combining the two smallest rooms to create one large apartment. Mr. Sprouse stated that they did consider that, but that would mean they would need to knock down a wall and do more work and spend more money. He said that it is really tough finding people to do this kind of work and materials needed to do the work and again, having the smaller rooms will help create more affordable housing. Mr. Delahunt asked how many people could live in the two smallest apartments. Mr.

Sprouse replied that two people could live in each of those. Mr. Delahunt made a motion to approve the variance request subject to staff's conditions and Mr. Peugeot seconded. All voting members were in favor of the motion.

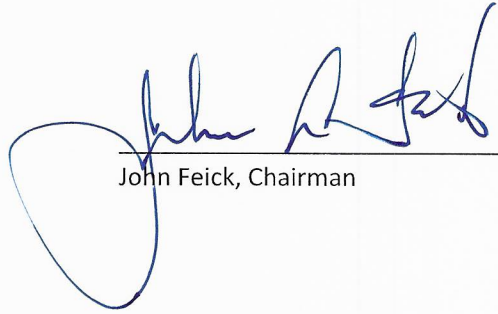
**Adjournment:**

Mr. Delahunt moved to adjourn the meeting and Mr. Peugeot seconded. The meeting ended at 5:00pm.

APPROVED:



Kristen Barone, Clerk



John Feick, Chairman