

**Landmark Commission  
February 17, 2021  
Remote Meeting  
Minutes**

**Meeting called to order:**

Chairman Dr. Berkey called the meeting to order at 4:34pm. The following members were present: Mr. Jon Lawrence, Commissioner Mike Meinzer (joined after the first meeting), Mr. Alan Griffiths, Mr. Joe Galea (left after the first meeting), Mr. Ryan Nagel, and Mr. Ryan Whaley. Mr. Thomas Horsman represented the Planning Department and Mr. Brendan Heil represented the Law Department. Clerk Kristen Barone, Community Development Director Jonathan Holody, and City Manager Eric Wobser were also present

**Review of minutes from January 20, 2021:**

Mr. Griffiths made a motion to approve the minutes as submitted and Mr. Whaley seconded the motion. All members were in favor of the motion and the minutes were approved.

**Applications for a Certificate of Appropriateness:**

**1) 216 East Water Street**

Mr. Horsman stated that this application is for the Maca Root Juice Bar & Eatery, which is relocating from the Paddle and Climb building to this location. Maca Root would like to move their awning and sign that was previously approved from the Commission, from their current location to 216 E. Water Street. They would also like to replace the metal siding above and below the windows with wood panels painted black. He stated that staff believe the proposed changes are in line with the Design Guidelines and recommends approval with the condition that the applicant provide specific specifications of the replacement material be submitted to staff for final approval before installation. Mr. Lawrence made a motion to approve the application as recommended by staff and Mr. Nagel seconded the motion. All members were in favor of the motion except for Mr. Whaley, who abstained from the vote. The application was approved.

**2) 101 & 109 East Water Street**

Mr. Horsman stated that this application proposes to use the vacant lot at 109 East Market Street for an outdoor dining facility for Landmark Kitchen and Bar, which is the adjacent building at 101 E. Water Street. The owner has stated in the application that this proposal is intended to be a temporary use of the land and it is in the longer term plans to eventually construct a building on this lot. He stated that staff strongly believes it is important for a new structure to be built on this parcel that follows a similar built form to the adjacent buildings on the block. However, staff believes this is an appropriate short-term use for the parcel, as it has been vacant since 2015. Staff believes that the proposal is in line with the Sandusky Preservation Design Guidelines and recommends approval of the Certificate of Appropriateness. Dr. Berkey stated that he is in disagreement that the application is in line with the Preservation Design Guidelines, as the guidelines say "a property should be used for it's historic purpose or be placed in new use that requires minimal change to the defining characteristics of the building, its site, and its environment. He said that he believes that the proposed use for this lot goes against this standard. While he wants to see the applicant's business continue to grow and see this parcel cleaned up and used, the Landmark Commission's interest is to preserve, protect, and enhance historic properties within the historic district. In order to create a situation where everyone wins (the owners, the City, and the Landmark Commission), a thought he had, would be to approve a temporary Certificate of Appropriateness for a period of two years, where upon the owners could reapply. He said that even that proposal is not in line with the guidelines, but would give the owners some time to generate some income and use the space. Dr. Berkey said he thinks there will be a lot of good changes over the next two years, with the plan to put apartment units in the Feick building, the Cedar Point Sports Complex

expanding, the BGSU school downtown, etc. Mr. Foster stated that they did take into consideration the Landmark Commission's interests and preserving the character of the surrounding properties. He said that is why they pulled the structures back from the street edge and proposed everything in way that is able to be easily reversed. Mr. Whaley stated that he agrees with Dr. Berkey that there should be a timeframe on the temporary Certificate of Appropriateness but that two years does not sound like enough time to him, particularly in the business world. He also mentioned that he has seen in historic districts in other cities where they have used empty lots for temporary food truck use, so he thinks this would be a great way to continue to stimulate the economy and downtown during the COVID-19 Pandemic. Mr. Griffiths stated that he would be in support of this, but agrees with Mr. Whaley that two years may not be a sufficient amount of time for the temporary certificate and would propose five years. He then asked if the owners have a time frame in mind on when they would like to build and also if the law director is able to comment on whether or not a time limit is able to set by the commission and enforced. David Bier and Dawson Foster, owners of the property stated that they are not comfortable giving a timeframe on when they would start to build, given the impact that the Pandemic has had on their business, and the uncertainty of what is yet to come, and how expensive building materials are currently. Furthermore, they are not sure if they will even build the temporary outdoor dining if they have to get it reapproved every so often. He said that they do not want to spend hundreds of thousands of dollars to build this to be told a few years from now that they can't do it anymore. Dr. Berkey stated that he believes the commission would be negligent if they did not give a timeframe, and just because a timeframe is given does not mean the Certificate of Appropriateness would end at that timeframe, it just means that they will have a meeting to discuss progress and determine if the certificate could be reapproved or not. City Manager Eric Wobser stated that while he looks forward to a building going up in this location, he does not want to rush that and get a building that is less than what this location deserves. He said that he is not sure what the timeframe should be for the temporary outdoor dining facility but does want to give the owners time to recoup their investment and to prepare for the long term plan. Commissioner Meinzer stated that he likes the idea of a two year timeframe, but is not sure the owners could recoup their costs in two years. He asked if the law director was able to comment on whether or not the commission can enforce a set time frame. Law Director Brendan Heil stated that he would like to look further into this and get back with the commission. Jeff Foster of Payto Architects, authorized agent for the owners, asked what exactly is the hesitation in regards to this application, because there are several other outdoor dining patios and decks in downtown Sandusky. Dr. Berkey stated that the difference in this case is that a building used to be in that location, and in order to stay within the guidelines, he believes a building needs to go back. Mr. Griffiths asked the owners if there was a timeline that they would feel comfortable with. David Bier and Dawson Foster stated that they did not come prepared to answer that question today but if they have to throw out a number they would say 10-15 years. Mr. Griffiths then moved to approve the Certificate of Appropriateness, subject to it being reviewed 10 years from now and subsequently every 5 years thereafter, and during those reviews a vote will be needed to disapprove the application in order to end the Certificate of Appropriateness, all of which is subject to review by the law director and City Commission. Mr. Lawrence seconded the motion. All voting members were in favor of the motion.

#### **Staff updates:**

Mr. Horsman stated that there were no staff approvals to inform the commission about since the last meeting. Dr. Berkey then stated that at the last meeting it was mentioned that the City Commissioners wanted all boards and commissions to consider starting at a later time in order to give the public and those on the boards and commissions who work, time to get off work and get to the meetings in time. He stated that Mr. Nagel said it would be easier for him to make the 5:00 meetings when/if in person meetings resume due to him working in Cleveland. Mr. Meinzer then made a motion to change the start time of the meetings to 5:00pm moving forward. Mr. Whaley seconded the motion. All voting members were in favor of the motion.



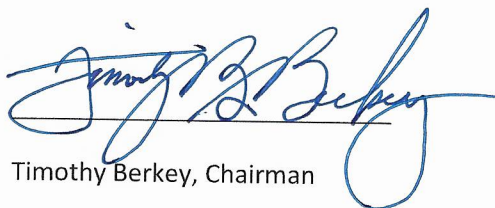
**Meeting adjourned:**

Mr. Meinzer made a motion to adjourn and Mr. Griffiths seconded the motion. The meeting ended at 6:08pm.

**Approved by:**

A handwritten signature in blue ink, appearing to read "Kristen M. Barone", written over a horizontal line.

Kristen Barone, Clerk

A handwritten signature in blue ink, appearing to read "Timothy Berkey", written over a horizontal line.

Timothy Berkey, Chairman