

Board of Zoning Appeals  
November 17, 2016  
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Chairman John Feick, Mr. Walt Matthews, Mr. John Mears and Dr. William Semans. Also present were Ms. Casey Sparks from the Planning Department, Mr. Justin Harris from the Law Department and Debi Eversole as Clerk from Community Development. Mr. Kevin Zeiher was excused from the meeting.

There were four voting members present.

Mr. Mears moved to approve the minutes from the Oct 20, 2016 meeting. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Chairman Feick swore in audience and Staff members that wished to speak for or against any agenda items.

Chairman Feick requested to move the order of the agenda items as he will be abstaining from voting on the 2<sup>nd</sup> agenda item. It will be read last.

Ms. Sparks stated that Richard Bates has applied for a variance to the required side yard setback for an accessory structure located at **2102 Monroe Street**. The applicant is proposing a 16' side yard setback for an accessory building located on Parcel # 58-01696.000. The applicant has recently purchased parcels 58-01696.001 & 58-0696.000. When purchasing these properties, Mr. Bates was informed by the realtor that he could place a garage on the vacant parcel behind the rear of the home. When the applicant reached out to Staff to begin the construction process, he was informed that per section 1145.15(b) the accessory building shall be setback from the side street line not less than required for the adjacent main building on the butt lot, plus an additional five feet. In this case the required setback would be 30'. Staff does not believe the proposed accessory building will be an impact to the surrounding property owners as the proposed garage will be located behind the front plane of the adjacent property. The adjacent home located along Jay Street is located 6' from the front property line, the applicant is meeting the intent of the code by placing the accessory dwelling more than five feet from the existing front plane of the home. Staff would recommend approval of the proposed variance with the condition that the height of accessory dwelling shall not exceed 15'.

Mr. Mears moved to approve the variance as conditioned by Staff. Mr. Matthews seconded the motion. Roll was called and the motion carried with a unanimous vote.

Ms. Sparks stated that Stephanie Livas has submitted an application for a variance of 1'4" to the required height of a fence located within the side yard a **224 Scott Street**. The applicant is proposing a 5'4" fence within the side yard, the maximum permitted height is 4'. The applicant residence is located on 224 Scott Street, they purchased the adjacent lot and plans to combine the parcels. The applicant would like to create a fenced area for their child. Staff recognizes that that similar variance for fences have been granted, Staff also recognizes that this fence is located adjacent to an alley as such Staff would recommend that the fence be located 4' within the property line to assure that there are no line of site issues.

Dominic Livis, 224 Scott Street stated that the front of the fence will be even with the rest of the fence and is decorative.

Mr. Mears moved to approve the variance with the stipulation of the fence being placed 4' off the property line. Mr. Matthews seconded the motion. With no further comments, roll was called and the motion carried with a unanimous vote.

Ms. Sparks stated that the Erie County General Health District has submitted an application for variances to both side and rear yards of the property located at **420 Superior Street** for construction of the new rehabilitation health facility. The applicant is proposing a 16.5' north side yard setback whereas the code requires 200' side yard setback and the applicant is also proposing a 97.88' rear yard setback; whereas the code requires 200' rear yard setback. The current Health Department offers many services out of their existing facility, however the Health Department is looking to construct this addition to their campus to better serve the needs to the area. The proposed building addition will be located at the northeast portion of the lot. The existing public facility zoning regulations are reflective of setbacks normally seen for Court Houses, Hospitals, City Hall, etc. These uses are historically located in the middle of larger tracks of land, which makes it difficult for construction on many local sites. The Health Department has communicated that they believe they could accommodate the needs of this use better within this location. Staff believes that the applicant has placed effort into locating the facility away from residential properties and would recommend approval of the proposed variances with the condition that substantial landscaping is installed along the north side yard setback to assure proper buffering within this area.

Chairman Feick stated that the property was not previously zoned Public Facility. Ms. Sparks stated that the property was previously zoned as Local Manufacturing and rezoned approximately one year ago. Chairman Feick stated that the only residential properties are to the south.

Ms. Sparks stated that she received one phone call from a resident and once the application was clarified, that resident had no problem with the application.

Pete Schade, 420 Superior Street stated that the site plan shows an existing storage facility that will come down. He stated that he has spoken with some neighbors and they seem gracious of the upcoming changes. The existing fence will also come down and be placed at the true property line.

Dr. Semans moved to approve the application. Mr. Mears seconded the motion. With no further comments, roll was called and the motion passed unanimously.

Ms. Sparks stated that Boeckling Historic Properties, LLC has submitted an application for a variance of 15' to the required front yard setback for a monument sign to be located at **614 Columbus Ave.** The applicant is proposing a 0' front yard setback for a sign. Several months ago the applicant received grant funding, through the Economic Development Department, for façade improvements to the building as well as a new sign. After receiving approval from the Economic Development Committee, the applicant applied for a building permit application for the sign, at that time it came to Staff's attention that the proposed sign would not meet the required front yard setback. Currently on site, there is a changeable copy sign that was

approved by the Planning Department several years ago. Staff is encouraged that the applicant is making an effort to remove the existing signage. The proposed design is more permanent in nature. Staff has indicated support for this sign with the condition that the Board of Zoning Appeals approve the proposed variance. Planning staff recognizes that this sign will be an improvement to this site and will provide adequate signage for the proposed use. Staff believes that the proposed location, although not meeting existing setbacks is most aesthetically pleasing for the site. Similar variances for signs have been granted for signage that does not affect the line of site. Staff would recommend approval of the 15' variance for a sign located at 614 Columbus Ave.

Tom Bodner, 614 Columbus Avenue stated that he is doing a historic restoration of the building. Mr. Bodner offered the members photos of signage in the area similar to his proposal. He stated that the photos represent signage that is in the tree line or even on the sidewalk. He understands that when most of these buildings were built, zoning laws were not in effect. He added that there is really no place on this property that will both comply with the zoning code and be visible by the public.

Gene Goff, 610 Columbus Avenue has been a neighbor since 2003. He stated that the temporary sign has been there as long as he can remember. He feels that it would be a great improvement to put in a permanent sign.

Chairman Feick stated that he lives across the street and that he offered his suggestion in a letter that he sent to Staff. The board members asked for the letter to be entered into the meeting minutes.

November 15, 2016

Dear Mrs. Sparks

I do not have a problem with the sign or what it looks like, only where it is being placed. A large masonry post right off the edge of the sidewalk is not acceptable. It is my opinion that the sign should be placed as far off the sidewalk as possible.

There is room for the sign, behind the Owner's sidewalk, in the grass area either to the south or north. In either of these locations the sign would be visible from well over a block away.  
See attached sketch.

Pfeil Funeral Home at 617 Columbus Avenue, directly across the street, placed a V-shaped sign in their front yard to keep the sign off the sidewalk.

First Congregational Church at 431 Columbus Avenue, the most recent request for a sign on Columbus Avenue, placed their sign back to almost touching their building.

Respectfully,  
John A. Feick, AIA, CSI, LEAD AP  
629 Columbus Avenue

Due to this conflict, Chairman Feick will abstain from the vote. The sketch that Chairman Feick provided was not the 15' but it is still visible from both directions of traffic from about a block away.

Mr. Bodner stated that there were underground utilities and that he didn't believe that Chairman Feick's suggestion would work for this space. He indicated that the sewer is on one side and water on the other. He would not like a sign placed over top of either of these utilities. Chairman Feick suggested placing the sign a couple of feet on either side of the underground utilities. Mr. Bodner stated that this would also create a site issue for the sidewalk when backing out of the driveway.

Dr. Semans asked how high the sign is. Mr. Bodner stated that the signs are approximately the same height. Dr. Semans added that he agreed about setting the sign back a little, as others have had to move back. Mr. Bodner showed the board members approximately where the utilities ran underground. Dr. Semans stated that he would prefer the sign be placed further back.

Dr. Semans asked Chairman Feick what his thoughts were. Mr. Harris suggested that since Chairman Feick has the conflict that he should refrain from commenting further. His thoughts were expressed through the letter.

Dr. Semans moved to approve the variance. Mr. Matthews seconded the motion. With no further discussion, roll was called and the motion failed 1 vote yes, 2 votes no. Chairman Feick abstained, Mr. Matthews yes, Mr. Mears no and Dr. Semans no.

Mr. Mears moved to amend the motion to approve the variance with a 7' setback as opposed to a 0' setback. Dr. Semans seconded the motion. With no further discussion, the motion carried with a 3/0 vote, Chairman Feick abstained from the vote.

Ms. Sparks reminded the board members that the City will host several neighborhood meetings as a part of the Sandusky Neighborhood Initiative. These meetings will occur the first and second weeks in December. She encouraged the members to join any or all of the sessions.

As of this date, there are no applications for a December meeting.

Mr. Mears moved to adjourn the meeting. Dr. Semans seconded the motion and the meeting adjourned at 5:13pm.

Approved: *Approved on January 19, 2017*

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Debi Eversole, Clerk

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John Feick, Chairman