

Board of Zoning Appeals
December 21, 2017
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Mr. Delahunt, Mr. Zeiher, Mr. Feick and Dr. Semans. Ms. Casey Sparks, Mr. Greg Voltz and Ms. Angela Byington represented the Planning Department; Mr. Jeff Keefe represented the Engineering Department and Debi Eversole, Clerk from the Community Development Department. Mr. Matthews was absent.

Mr. Zeiher moved to approve the minutes from the 11/16/17 meeting. Mr. Delahunt seconded the motion. With no further discussion, the motion carried with a unanimous vote.

The Chairman stated that Latasha Prophet had applied for a use variance to operate a business out of a building located at 1400 Taylor Street to operate a child daycare center. Mr. Voltz stated that Ms. Prophet was not in attendance at this time. The Chairman moved the item to the end of the agenda.

Item #2 of the agenda had been withdrawn by the applicant, Mr. Jeff Krabill.

Ms. Sparks presented that Jan Bucholz had applied for a rear yard variance of 14.5' for a 375 sq. ft. residential addition to the south west side of the existing structure at **623 46th Street**. She stated that this application was before the Board of Zoning Appeals in October which was denied. The applicant had made substantial changes to the application to be heard tonight. The applicant is proposing to go up 2 stories with the addition to meet the side yard setback and is requesting a 14.5' variance to the rear yard setback. The applicant wished to bring the home to a more modern layout. Staff recommended approval to the rear yard variance.

Brad Clark with Janotta & Herner spoke in favor of the request stating that he would be doing the construction on the addition. The request is to modernize the house and there would be no drainage issues.

The Chairman swore in audience and staff members that wished to speak on any agenda item.

Jackie Smith, 2305 Milan Road stated that she lives 2 houses behind the applicant. She stated that one of her and another neighbors concern is the rain runoff. If a structure is built, there will not be as much grass to absorb the rain. She added that she already gets flooding from the north side of her property and now she anticipated flooding from the south as well. She stated that she was not aware that the structure was to be a multi-level. She wondered what her recourse would be if there was flooding on her property.

Chairman Feick asked Mr. Clark if there were any way to change the downspouts and deal with the water coming from the applicant's property. Mr. Clark stated that they have a drafting department that will assess the rain water situation and probably tie into the storm drains. Chairman Feick also added that any plans that will be turned in will go through the Engineering Department for approval of such.

Mr. Delahunt confirmed with the contractor that the drainage issues will be dealt with. Mr. Clark stated that yes, it will be addressed.

Dr. Semans moved to approve the application as submitted. Mr. Zeiher seconded the motion. Without further discussion, the motion carried with a 3/0 vote, Chairman Feick abstained from the vote.

Ms. Sparks presented that Sandusky City School District had submitted an application for several variances regarding lot coverage, side yard setbacks and location of the size of the access drives to allow the construction of a new Pre-K – K building to be located at **2314 Hancock Street**. This item was previously tabled to wait for Planning Commission's findings. Planning Commission approved a revised site plan on 12/5/17.

Mr. Zeiher moved to take the application off of the table. Dr. Semans seconded the motion. The motion carried.

Ken Damm, Lesko Architects stated that this is a single story building. Due to safety reasons, the structure must remain single story for the Pre-K – K students. They have done everything they can to fit this structure onto the property. They must request the variances to do so.

Dr. Semans moved to approve the application subject to the conditions in the staff report. Mr. Zeiher seconded the motion. With no further discussion, the motion carried with a 3/0 vote, Chairman Feick abstained from the vote.

Ms. Sparks presented that Sandusky City School District had submitted an application for a 6' variance to allow an access drive to be located directly adjacent to the existing property lines at **924 Ontario Street**. This application had been tabled in a prior meeting.

Dr. Semans moved to take the application off of the table. Mr. Zeiher seconded the motion. The motion carried.

Ms. Sparks stated that there were several questions from surrounding property owners. She stated that the 6' access drive will be paved and will go all the way to the property lines. This will give property owners on Fifth Street access from the rear of their property. Other questions were confirming access to garages and whether accessory buildings would to be removed. Planning Commission approved the revised site plan on 12/5/17.

Ken Damm, Lesko Architects stated that if properties on Third Street and Fifth Street currently have access to their properties, they will retain access. There is not a plan to add additional access, only properties with current access will retain access. He added that any current fencing within the specific area will be replaced.

Tim Stookey, 1307 Fifth Street asked if all of the fencing will be replaced. Mr. Damm corrected his previous statement to say that the south side fences will remain in place. The north and east side fences will be replaced. Mr. Stookey stated that the fencing in the rear of the properties should be fenced. He stated that even the properties that don't currently have fencing, should be fenced for the safety of children.

Mr. Zeiher moved to approve the application. Mr. Delahunt seconded the motion. Dr. Semans stated that even through the fencing has nothing to do with the variance request, the Board will take Mr. Stookey's comments regarding the fencing seriously to maintain the safety of the properties. Chairman Feick suggested that if some of the proposed new fencing is not needed on the north and east sides, maybe the school can use the unused portion for the south side. Mr. Damm stated that could be a possibility. With no further discussion, the motion was carried with a 3/0 vote. The Chairman abstained from the vote.

Mr. Voltz presented that Latasha Prophet had applied for a use variance to operate a business out of a building located at **1400 Taylor Street** to operate a child daycare center. The structure is zoned Public Facility and previously operated as a church. Staff recommended approval with the condition that the property be used as a daycare facility or similar use and that a parking plan is submitted. Staff believed that there was sufficient parking at the facility.

DeAndre Fuller at 1601 Larchmont Drive was sworn in and represented the applicant. He stated that the structure operated as a church. He added that that his mother received state approval from the state to operate a daycare but that the zoning was not appropriate for this location. Mr. Voltz added that staff recommended approval based on the fact that "Public Facility" allows for similar use such as nursing or convalescing homes and institutes for children and the aged.

Scott Davis, 1539 Camp Street stated that the side of his house faces this facility. He stated that there is an unstable neighbor very close by that brings children into his home with popsicles. He approached the landlord

of the neighboring house to say that along with luring children, there are prostitutes and drug users that visit the home at all hours of the night. He stated that this is public record through the police reports. He stated that he had woken people up from using drugs and knows that the applicant had found needles in the yard. He added that there is no fencing by the railroad tracks. He stated that the church is no longer there because the neighbor was threatening the people at the church. They move to another facility. He added that he and his wife had seen too much danger in the area and are afraid for the safety of the children.

Chairman Feick wondered if the applicant could table the application for one month to allow staff to speak to police. Mr. Fuller stated that the process has been ongoing for a year and each calendar year the rules may change and applicants have to pay the \$500 fee again.

The applicant responded to Mr. Davis' comments by stating that the building was open for 2 years prior to moving in. They met with the gentleman when they were cleaning the building out. He was asking general questions about plans for the building and told the applicant about the neighbor in front of the church. The applicant contacted the owner, who approved fencing if necessary and recommended a security system, which since had been installed. He added that he spoke with the neighbor in front as well as the landlord and the landlord stated that he had told the tenant not to have people over and if there are any complaints from the daycare regarding the safety of the children, there will be in immediate eviction. The applicant stated that when he contacted the church as to why they moved from the building, the pastor stated that the church outgrew the building and that they purchased their own church.

Chairman Feick stated that unfortunately, the Board of Zoning Appeals cannot put conditions on what the neighbors are allowed to do or not do. That is for the landlord to determine. They are here to review a variance to the building's use.

Mr. Davis asked what will happen at night time. The applicant stated that they have taken extra precautions to protect the children by putting in the security system that faces both driveways, the railroad tracks and the back of the building, as well as inside a vehicle.

Dr. Semans asked if the applicant foresees the need for a fence. The applicant stated that yes; there will be a fence as they will take the children outside in the warmer weather.

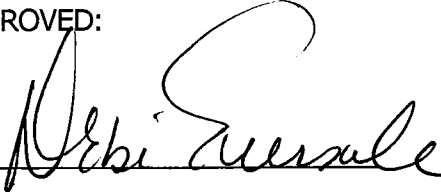
Mr. Zeiher stated that it seemed that there was a police issue and that he appreciated the suggestion that it be monitored. He also stated that the applicant will need to be vigilant in protecting the children while in their care. Maybe with the new business, the police will be monitoring more closely.

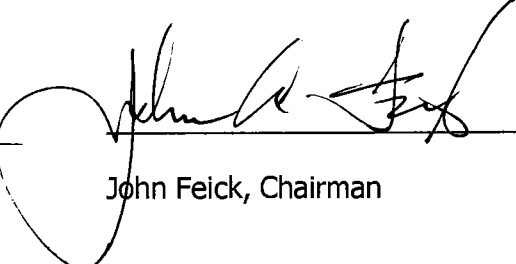
Dr. Semans moved to approve the variance and would recommend fencing and subject to the staff's conditions. Mr. Zeiher seconded the motion. With no further discussion, the motion carried with a 3/0 vote. Chairman Feick abstained from the vote.

Ms. Sparks stated that there is one application received for a January 18th meeting.

Mr. Delahunt moved to adjourn the meeting. Mr. Zeiher seconded the motion. The meeting was adjourned at 5:15PM.

APPROVED:


Debi Eversole, Clerk


John Feick, Chairman