

Board of Zoning Appeals  
October 19, 2017  
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Dr. William Semans, Mr. Kevin Zeiher, Chairman John Feick, and Mr. Walt Matthews. Ms. Casey Sparks and Ms. Angie Byington represented the Planning Department, Mr. Trevor Hayberger represented the Law Department, and Mr. Jeff Keefe represented the Engineering Department and Debi Eversole, Clerk from Community Development. There were 4 voting members present. Mr. Dan Delahunt was excused from the meeting.

Mr. Zeiher moved to approve the meeting minutes from the September 13, 2017 meeting as written. Mr. Matthews seconded the motion. With no discussion, the motion carried with a unanimous vote.

Chairman Feick swore in audience and staff members that wish to testify for or against any of the agenda items.

Ms. Sparks presented that Pamela and William Campbell had filed an application for a 1' variance to allow the construction of a 4' high fence within the front yard at **1024 Tyler Street**. This property sits on the corner of Tyler and Stone Street. The Zoning Code states that the shortest frontage facing a public right of way will be considered the front yard. The front door is on Tyler Street but the shortest frontage is on Stone Street. Code requires a maximum of 3' and decorative in nature for front yard fences. The applicant stated that a 3' high fence will not be sufficient for his dog. Staff recommended approval of the application.

Billy Campbell, 1024 Tyler Street stated that there was a fence there before and they decided to take it down prior to getting a dog. Now that they have a dog, they need the fence to contain it. He stated that if the style of fence that he has chosen is not acceptable, he would be willing to change it.

Mr. Zeiher moved to approve the request for this parcel only due to the unique shape of the lot. Mr. Matthews seconded the motion. With no further discussion, the motion carried with a unanimous vote.

Ms. Sparks presented that Sandusky City School District had submitted an application for several variances for the construction of a new elementary school to serve Pre K – K students at **2314 Hancock Street**. The variances requested are:

- A variance of 46' 2" to the required north side yard setback. The applicant has proposed 28' 10" north side yard setback; the code requires 75'.
- A variance of 46'-5" to the south side yard setback. The applicant is proposing a 28' 7" south side yard setback; the code requires 75'.
- A variance to the maximum amount of lot coverage, the applicant is requesting 34.5% lot coverage of the site, the code requires 30%.
- A variance of 5.42' to the required distance from the property line to the access drive; Section 1123.04 requires 6' between the property line and access drive.

- A variance of 5' to the required minimum aisle width. The applicant has revised the parking to be 60 degree parking which increased the aisle width to 25'. Not requiring a variance.

The presentation showed an arrow on the eastern portion of the site that is adjacent to the multi-family units. There was a resident of those units that expressed concern with the lack of screening. The applicant has proposed additional screening to the site. The site is small and a lot of the variances requested are due to the State regulations for new construction. Ms. Sparks added that the Public Hearing was for the variances only and that Site Plan approval will follow at a Planning Commission meeting next Wednesday, October 25, 2017 at 4:30pm. Chairman Feick stated that he will be abstaining from the vote but agreed with Ms. Sparks that the meeting is for the approval or denial for variances only.

Ken Dunn, Lesko and Associates in Westlake, Ohio stated that they have been faced with some serious challenges. It is a large building on a small site. The Ohio Facilities Construction Commission recommends 10 acres for an elementary school plus 1 acre for every 100 students. Going by these regulations, they would need a 14 acre site where the current site is just under 4 acres. Buses will pull off on Hancock so that they are not circulating onsite. There is a parent drop off area on the east side of the building. It is a one-way loop for the drop off, circling the building.

Jim McGookey, 311 46<sup>th</sup> stated that he currently has water problems in his back yard. The proposed plan would bring the paving right up to his lot line. There will be less area to absorb water. The current paving is about 6" above his grade. There will be paving, parking and traffic right up to his lot line. Chairman Feick stated that there is a 4' easement on that lot and asked the architect if he would like to address Mr. McGookey's concerns.

Mr. ~~Dunn~~ stated that there will be concrete curbs along the property. All storm water will be managed onsite. There will be no parking along the area in which Mr. McGookey is referring. He added that there is currently paving right up to the fenced area so it will be a similar condition if approved.

Mark Smith, 2305 Milan Rd stated that he felt that the building will come right to his back yard. His concern is the same as Mr. McGookey's. There is a drainage problem. He added that there is an apartment building that was allowed to build a parking lot in the middle of the block which drains into the surrounding neighbor's yards. He is afraid that this will be the same situation. He stated that the curbs will not contain the water.

Mr. ~~Dunn~~ stated that nothing will move forward without the City Engineer's approval. As for pavement, there will be less pavement than there is currently. He added that they must manage storm water onsite and it must be released slowly into the system.

Chairman Feick stated that the drainage issues will be handled through staff and addressed in a Planning Commission meeting. The meeting with the Board of Zoning Appeals is for approval of variances on the property. The public concerns will be noted and passed to the Planning Commission.

Dr. Semans asked how many classrooms will be at the facility. Mr. ~~Dunn~~ answered approximately 20. Dr. Semans asked why the plan now exceeds 30% with only Pre-K – K when the school used to serve grades 1 – 6. Rob Blatchford of Lesko Architects indicated that the current buildings do not currently serve all of the Pre-K population right now. They added 5

classrooms to the building to accommodate all of the Pre-K population. That is one of the major differences.

Dr. Semans asked how much closer the driveways will be to the property lines than the building is currently. Mr. Blatchford stated that it will not be any closer than the building currently is. There is now a driveway, but it will be no closer. The reason for the driveway is to get improve the traffic circulation. The parents will come into the site to the back of the property so that they are not lined up on the street. Faculty will also be parked in the back. Front parking is for visitors only.

Dr. Semans asked if bumping out the section of Hancock will be enough to accommodate the buses that need to come in and out throughout the day. Mr. Blatchford stated that bumping out Hancock Street will improve the traffic flow. Mr. Matthews asked how many buses will come in at one time. The applicant stated that at least 4 buses will access the drive at one time.

Dr. Semans and Mr. Matthews both mentioned that it would be easier to vote on this application when all of the Engineering questions had been answered. And since these are not questions that would affect the decisions on the variances, Chairman Feick asked the Law Department if the board could table the application until the Engineering and Planning Commission hear and address all of the concerns of the surrounding neighbors. Mr. Blatchford stated that it would not impact the timing because the bids will not go out until February or March.

Mr. Zeiher moved to table the application until the Applicant and Engineering Department can review and assess the project. Mr. Matthews seconded the motion. With no further discussion, the motion carried to table the application with a 3/0 vote, Chairman Feick abstained.

Ms. Sparks presented that Sandusky City Schools had applied for a 6' variance to allow an access drive to be located 0' from the property line at the north and south of the property located at **924 Ontario Street**. The school will serve 1<sup>st</sup> and 2<sup>nd</sup> graders. Ms. Sparks stated that some of the access drives are being used by surrounding property owners. A title search showed that the school owns the property and has agreed to continue to provide access to these property owners. The bus entrance will go along Arthur Street and car circulation will occur on the northern end of the site. The southern end will be utilized by staff and service vehicles within that area.

Ms. Sparks added that the Planning Department heard from a number of residents. Their concerns included:

- Access to the rear of the property, both north and south will be maintained as part of an easement agreement. The applicant had put that in writing for the file
- Improve circulation by relocating the drop off area from the front of the school to the north side of the site, which will allow for additional queuing area and reduce back up on Ontario Street
- There is not enough room from the southern access drives to get some of the residents' boats, RV's etc. off of their property. Staff recommended to the applicant to move the sidewalk to the north to add additional room for the residents.

- There were several concerns regarding the trees that were proposed to be planted along the access drive along the southern portion of the site. There is a utility easement along there that staff had communicated to the applicant and proposed low lined landscaping.

The meeting this evening is only for the variances to the access drives on the northern and southern portions of the property. The rest of the site plan will be reviewed at Wednesday's Planning Commission meeting at 4:30pm.

Ken Dunn, Westlake, Ohio stated that the only variance that was requested is a 6' setback for driveways and parking. There is an existing condition where residents of Fifth Street and Third Streets have access to their garages via short driveways that lead from the school property. The school fully intends to maintain this access. The paving would come up to the property lines so that it can connect to the residential drives. He added that they could accommodate the landscaping request by either moving the landscaping or making it low lined. Also, to move the sidewalk would require the owner's approval. This would involve more pavement and more cost.

Tim Stookey, 1307 Fifth Street stated that he is one of the residents that is concerned with planting trees. He would like there to be no trees planted behind his house. He stated this is for security reasons. He claimed that people are jumping his fence now and if there is heavy landscaping, he will not be able to see and protect his property. He asked if the architect checked the grade elevation of the retention pond. He stated that since he's owned the property, he's installed 2 sump pumps and a 6' perimeter drain around the property and still has problems draining water. He added that he believed that the problem is the grade elevation. He stated that if the grade elevation were reversed, the water would run to the bay and not toward Fifth Street. With a proposed 0' variance, there is nothing to absorb the water. He wondered why will there be a retention pond if the water will not run to it.

Chairman Feick stated again that drainage issues will be discussed with Engineering and with Planning Commission.

Sharon Johnson, 1139 Fifth Street is concerned with the swing around to get a recreational vehicle out of a rear yard if the proposed application will run up to the lot line. She felt that nobody should be building right on a lot line. She stated that maybe the proposed plan can be moved over or if it needed every inch of land. She stated that the applicant should be concerned about the current drainage situation.

Mr. Zeiher moved to table the application until after the Planning Commission meeting. Dr. Semans seconded the motion. The motion carried with a 3/0 vote, Mr. Feick abstained.

Ms. Sparks presented that Jan Bucholz had submitted an application for a 14.5' variance to the rear yard and 3.5' variance to the side yard **623 46<sup>th</sup> Street** to construct a residential addition. The front yard is defined as the shortest frontage that abuts a street. In this case, it would be the Milan Road frontage. The proposed addition would be in line with the existing home that currently does not meet the side yard setback. The purpose of the construction would be to bring the home into modern day standards. Within the side of the property, the addition would be in line with the current home and the remainder of the addition will be within the rear yard and will be adjacent to the next door neighbor.

Mark Smith, 2305 Milan Road stated that this property adjoins his property and in fact, the overhang is on his property 6" from his property is where the applicant is proposed to build. This would block the light to his yard and prohibit emergency vehicles from getting to the property. The downspout from the applicant's house already points and drains into his backyard. Mr. Smith approached the board members and discussed photos that he had taken of the properties. He stated that if the addition were approved, it would take up over 85% of the parcel. He stated that he understood that changing zoning for a property required a hardship for the property owner. He stated that he believed that he had a bigger hardship as the addition would be 6" from the property line.

Ron Rogers, 613 46<sup>th</sup> Street stated that his house abuts where the applicant wanted to build the addition. He stated that if the addition was approved, it would only leave 14.5'. With the drainage situation as it is, there will continue to be a water issue. He stated that with the overhang included, there might be 10' between properties and his concern is how an emergency vehicle would get in there if needed. He asked what the addition would be for.

Ms. Byington stated that unfortunately, the applicant was not present but she would try to clarify the application to Mr. Rogers. She stated that the application proposed a 25.5' setback to his driveway as opposed to the required 40' setback. Mr. Rogers stated that he understands now and that this does not change his opinion. He is still opposed to the application.

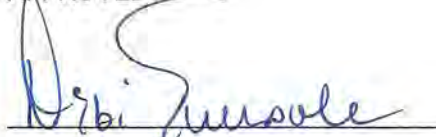
Jackie Smith stated from the audience that the notification letter stated 14.5'. Dr. Semans stated that 14.5' variance request is the difference between the 40' required setback and the 25.5' proposed setback. Ms. Smith stated that she understood.

Chairman Feick stated that he cannot support a variance that would allow someone to build onto another person's property.

Dr. Semans moved to deny the two variances requested. Mr. Matthews seconded the motion. Chairman Feick reminded the board that a yes vote would be to deny the application and a no vote would be to deny the motion. With no further discussion, the motion carried to deny the application with a unanimous vote.

Dr. Semans moved to adjourn the meeting. Mr. Matthews seconded the motion. The meeting adjourned at 5:35pm.

APPROVED:



Debi Eversole, Clerk



John Feick, Chairman