

Board of Zoning Appeals
April 20, 2017
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Mr. Kevin Zeiher, Dr. William Semans and Chairman John Feick. Casey Sparks and Angela Byington represented the Planning Department; Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from Community Development.

Mr. Zeiher moved to approve the meeting minutes from the April 6, 2017 meeting as written. Dr. Semans seconded the motion. With no discussion, the motion carried unanimously.

Chairman Feick swore in audience members and staff that wished to speak on any of the applications on the agenda.

Dr. John Davenport, 2818 N. Coho Drive, Port Clinton has applied for a use variance for the property located at 805 Wayne Street. He and his partner, Shawn Patrick Thomas Daley are proposing to use this property as a listening room and recording studio.

Dr. Davenport stated that the former church at 805 Wayne Street will serve as a music/sound recording studio, taking advantage of a large available building with excellent acoustics. In conjunction with the studio, we propose a live listening room venue similar to the one operated in Port Clinton's Our Guest Inn on Perry Street. Tickets will be sold and seating will be provided for up to 100 people to enjoy live entertainment from the local area. The music studio will support music and sound production for local and regional musicians and corporations desiring to record voice-overs, commercials, and audio books.

Most day-to-day operations within the church enterprise will occur in the evenings from 5:00PM – 11:00PM. The music studio has the potential to operate 7 days per week, based on schedules and client demands.

Now abandoned by the Methodist Church, a new use must be found to keep the building viable and to prevent it from becoming an eyesore. Vacant buildings could be subject to vandalism, invasion, and other illegal uses. We hope to place a music studio on the premise, taking wonderful advantage on the large open spaces inside and the excellent acoustical qualities of the vintage stone building. Except for a handicap-access ramp that will be constructed on the north side entrance of the building, no external changes will be made. This business opportunity fits in perfectly with the revitalized downtown area of Sandusky.

There is an option to close off some of the sound to the outside by building shutters to fit over the stained glass windows. There is a contractor working on this project now to make the window area soundproof when these shutters are closed.

Parking will be a challenge. There is a neighbor that said they could use their parking after 5:00PM and on the weekends.

Ms. Byington stated that Dr. Davenport has applied for a use variance to allow for a music studio/listening room and a residence. Currently the property is zoned as Public Facility, which

does not permit any of those uses. The property contains the church and a single family dwelling on one lot. The church stands vacant, but the residence is currently being rented. The single family dwelling will be utilized by Mr. Daley, partner in the project. There seating capacity of the church was approximately 120 seats and the music studio/listening room will have 100 seats, which is slightly below its prior use. Current zoning code requires 1 parking space per 4 seats for places of assembly; therefore, 30 parking spaces would be required. A parking plan was submitted with 18 spaces to be provided on a lot owned by Gundlach Sheet Metal. Upon review, this plan utilizes stacking of parking places, which is not permitted by our Zoning Code. Staff feels that 12 spaces would fit on that property. A contract must be submitted granting permission to use the off street parking lot provided by Gundlach Sheet Metal.

Staff recommended approval of the use variance with the following conditions:

1. Based on the 12 parking spaces provided by a nearby lot and 8 on-street parking spaces, the maximum occupancy would be 80. If applicant could provide more parking, the occupancy could be increased upon Staff's review and approval.
2. Applicant shall provide a contract for the proposed parking according to Section 1109.06(c).
3. Applicant shall provide sound proofing to the most possible extent.
4. Applicant shall provide a revised parking plan with dimensions for Staff approval.
5. Applicant shall install temporary parking blocks in the proposed off-street parking area.

Chairman Feick asked if anyone in the audience wished to speak in favor of the request. He swore in additional audience members that arrived late.

Eric Wobser, 221 E. Jefferson St resides in close proximity to the proposed project. He stated that he has seen firsthand how non-conforming uses within residential neighborhoods that have been left without adaptive re-use places a drain on the neighborhood. When you get a potential re-use for these types of buildings, and the applicant has a solid plan with a good track record and can follow zoning conditions, these are the types of projects that can give a second life to a vacant building without negative impact. The positive impact would be the exposure to a beautiful section of Sandusky that this project will bring to people from out of the area.

Scott Schell, 714 Wayne Street, ½ block from the proposed project. He stated that he is in favor of this application and feels it is a terrific re-use of this property. While parking may be a concern at this time, he feels confident that the applicants are looking for solutions. He would love to see this project and he stated that this would be a terrific asset to this neighborhood.

Chairman Feick asked if anyone in the audience wished to speak against the request.

Kelly Stewart, 730 E. Park Street stated that she owns the house and a business behind the proposed project property. She stated that she is not necessarily against the project, but at this time, she stated that there is a lot of noise and commotion on the corner of Wayne and Reece Street where the police have already been called out. Parking is a concern for her because she feels that since she resides in the area, she should be able to park in front of her house. She stated that with the amount of people already in the area, along with the trouble

that is in the area on surrounding streets, opening a business in the area now would just add to the congestion and she foresees that to be an issue.

Rob Van Fosen stated that he owns the commercial property at the end of Reece Street. He stated that parking is currently an issue and that he feels that this project would add to the problem that they are already dealing with. He is also concerned about the noise since the new use would be open from 5:00PM – 11:00PM. He stated that his opinion is that there is not a solution that would rectify the parking and noise concerns.

Mr. Zeiher stated that this seems like an aggressive project and wondered if the applicant could conform to the conditions that were recommended by Staff. Dr. Davenport replied yes, and that parking is a known issue and that he is working on a solution. He also stated that he is aware that handicap accessibility is an issue and there are solutions in place to meet the ADA requirements. There will be a wooden ramp built at the back entrance and walls will be removed and reconstructed for wheelchair access. There will also be restroom on the first floor dedicated to handicap accessibility.

Dr. Seman's asked the applicant if he had contacted D&A Auto requesting shared parking and also asked about the lot on the corner which occupies an insurance company. Mr. Wobser stated that the corner business is a renter but Mr. Gundlach is reaching out to the owner of the building to request shared parking.

Chairman Feick asked the applicant if they are doing construction at the site. Dr. Davenport stated that they are removing pews from the church, etc. Mr. Feick cautioned the applicant that he will need a building permit prior to any new construction. He also advised that the applicant would need 2 handicap accessible restrooms. The applicant stated that there are 5 separate rooms behind the alter that would provide more than enough space for 2 handicap accessible restrooms.

Mr. Zeiher stated that he has been to the listening room in Port Clinton. He enjoys seeing new artists and song writers.

Chairman Feick addressed Ms. Stewart to ask about the prior use as a church, wondering if she could hear the church organ play. She said she definitely could hear the songs play at the church during their times of operation. She is concerned with the proposed hours of operation for the listening room. She is concerned that she will hear the noise into the night. She stated that there is a law to keep her dog from barking, there needs to be a law regulating the noise that will come from this building, if the application is approved.

Dr. Davenport stated that he cannot guarantee what type of music will be in there or how loud it may get, but he will certainly do everything he can to please his neighbors. The soundproofing is already being worked out with the shutters being placed over the windows to deaden the sound. He even indicated that the entire basement will be unused with a large kitchen already in place. He welcomes the neighbors to utilize this space for neighborhood meetings, etc.

Ms. Stewart questioned how the noise ordinance would be enforced. Ms. Byington stated that there is a noise ordinance in place, but is unsure if the City is equipped to document things, but

the City could also follow up any complaints through our Division of Code Enforcement. This could be something written in as a condition.

Mr. Wobser stated that there is currently nuisance legislation in force and stated that when the City receives complaints for a particular property a certain number of times within a calendar year, the City is able to fine the property owner.

Dr. Semans moved to approve the application according to Staff's recommendation and conditions. Mr. Zeiher seconded the motion. With no further discussion, roll was called and the motion passed with a 3/0 vote.

Dr. John Davenport has applied for a 28' rear yard setback and 40.5' side yard setback to allow for a lot split at 805 Wayne Street.

Mr. Zeiher moved to approve the application for a 28' rear yard setback and 40.5' side yard setback to allow for a lot split at 805 Wayne Street. Dr. Semans seconded the motion. An audience member stated that the former church tried to do the same thing years ago and wondered why it was not approved back then. Mr. Zeiher stated that this is generally a two step process that involves the City and the County. He is not aware of a previous application. With no further discussion, roll was called and the motion passed with a 3/0 vote.

Andre Grant has submitted a variance application to allow for a front yard setback of 12.5' and a proposed rear yard setback of 6' for a garage addition at 1919 W. Jefferson Ave. The property is zoned as R1-40 which would require a 25' front yard setback and a 40' rear yard setback. The applicant recently purchased the lot that is adjacent to his home and demolished the dilapidated home that was previously on the lot. The applicant purchased the lot and demolished the home with the intention of constructing a garage addition onto his home. The existing home does not meet the existing setbacks as such he is looking to expand the non-conforming use. The applicant has stated that he is proposing to place the garage within the front yard to utilize the existing driveway as his rear yard already contains other accessory structures. Staff recommends the approval of the front yard setback of 12.5' and the proposed rear yard setback of 6' with the conditions:

1. The front plane of the addition does not extend further into the front yard of the existing home nor the home of the adjacent lot.
2. An elevation drawing shall be provided showing the addition to confirm the height and location.

Planning Staff does not have a concern with the proposed height and since the applicant is adding to the existing structure, the project could go up to 30'. Staff recognizes that there was a structure at this location previously and the current configuration of the lot creates a hardship to meet both front and rear yard setbacks at this location.

Chairman Feick asked if anyone in the audience wished to speak in favor of the request.

Andre Grant, 1919 W. Jefferson Street stated that his neighbors could not make it to the meeting tonight, but that he did receive signatures from the neighbors stating they had no issue with his proposed project, which included their addresses. Mr. Grant provided that list to Staff. He also stated that he owns the property across the street and he bought the property at 1919 W. Jefferson because it sat vacant for 8-10 years. He stated that he would like to keep his neighborhood looking nice and that's the reason for purchasing the property.

Chairman Feick asked if anyone in the audience wished to speak against the request. There were none.

Mr. Zeiher moved to approve the application with the conditions listed. Dr. Semans seconded the motion. With no further discussion, roll was called and the motion passed with a 3/0 vote.

Mr. Feick adjourned the meeting at 5:16pm.

APPROVED:

Debi Eversole, Clerk

John Feick, Chairman