

Board of Zoning Appeals  
July 19, 2007  
Minutes

The Chairman called the meeting to order at 4:30 p.m. The following members were present: John Feick, Kevin Zeiher, John Mears and Bill Semans. Walt Matthews was excused. Carrie Handy and Scott Schell were present to represent the Department of Development.

The first order of business was to approve the minutes from the previous meeting, June 21, 2007. Mr. Zeiher moved to approve the minutes; Dr. Semans seconded the motion, which carried unanimously.

Chairman Feick stated that anyone who wished to speak needed to be sworn in and he proceeded to swear them in.

**Under Old Business, the first item was an application for a variance to the maximum building height for the property located at 529 E. Water Street, filed by Mark Gacka on behalf of the Sandusky Yacht Club.** This application had been tabled at the previous month's meeting. Mr. Zeiher moved to bring the application back to the table, Dr. Semans seconded that motion, which carried unanimously.

Mark Gacka updated the Board on what had transpired since the last meeting. He stated that the Yacht Club had spoken with developer John Eymann and had a meeting with him to discuss the differences and any possible agreements. As a result of that meeting, the City officials asked the Yacht Club to give Mr. Eymann some proposals in writing, which they had done so about ten days ago. The Yacht Club had not heard back yet, but to summarize the proposals, some had to do with parking, others with water access and the two that primarily affected the Board was that the Yacht Club made two offers to Mr. Eymann on revenue sharing, one was regarding a building that may possibly be constructed where the wave action pool property was and the second offer was a revenue sharing program based on a building constructed on Sandusky Yacht Club property. The SYC hasn't heard back from them and they intended to wait a few more days to see if Mr. Eymann responded.

Mr. Gacka stated that the second thing that they came across the City ordinance that dealt with the East Shoreline Drive Extension and the wording on the ordinance was a little vague, but he interpreted it to be that there was a fairly good section of the Yacht Club property that wasn't zoned at the 45 foot height. It was zoned at a much higher height. It would have to be surveyed out but on a preliminary basis, there was a 12 story building for the elderly nearby and the footprint of that building would fit very well onto the area that was already zoned

for a higher height. Mr. Gacka stated that there needed to be some investigation on that ordinance and they would have to wait for Mr. Eymann to respond. He commented that it wasn't quite as cut and dried as it was the last time, however, if Mr. Eymann told the SYC no, then the Board would need to make a decision as to whether they wanted to extend the height restrictions farther out onto the property or not to, and then the Yacht Club would have a decision as to where they wanted to locate the building. He asked Mrs. Handy if that was a fair statement.

Mrs. Handy commented that the wording of the ordinance was fairly vague when it came to the Yacht Club's property because Shoreline Drive would cut right through the middle of their property. She stated that she needed to get a legal clarification since there was apparently never a map that delineated exactly where that height restriction was supposed to be and while it might have been obvious at the time it was decided, there was nothing in writing that spelled out exactly where the height restriction was placed. Mrs. Handy stated that she needed to get a legal opinion on how that should be interpreted, whether it meant any property intersecting with Shoreline Drive or just the property to the north of the Shoreline Drive right-of-way or where the centerline of the right-of-way was.

Mrs. Handy stated that she had spoken with Gary Packan before the meeting and John Eymann as well and they wanted this matter to be tabled one more month until there was time to work out more issues with the Yacht Club. Mr. Gacka stated they were willing to table one more month. Mr. Zeiher commented that it sounded like if the issues were resolved in the Yacht Club's favor, then they might not need a variance and the Board wouldn't need to act.

Mr. Zeiher moved to table the variance for another month at the Yacht Club's request and staff's recommendation.

Mr. Gacka commented that they may request a variance for another 50 feet or so back on the property for aesthetics for City purposes.

Dr. Semans seconded the motion, which carried unanimously.

Mr. Mears stated that at the Planning Commission discussion on this, they did not consider Shoreline extension, they considered at the end of Shoreline when it got into Water Street, then Water Street was the line and that was their interpretation, they considered Water Street, not an imaginary line. Mr. Gacka stated that wasn't the way he read it, and Mr. Mears stated that he wasn't saying Mr. Gacka was wrong, he was saying that was Planning Commission's interpretation of what it was supposed to be, they didn't want to have an

imaginary line, they just rounded it off to Water Street because was where they wanted the line to be.

**Under New Business, the first item was an application for a variance to the permitted use of a building for the property located at 300-310 E. Water Street, filed by Jeff Krabill of K-T Property Development & Management.**

Chairman Feick asked if anyone wished to speak in favor of this request. Jeff Krabil, the applicant, stated that the staff report was very thorough and he asked if the Board had any questions. Chairman Feick commented that it was relatively straightforward. There were no questions from the Board.

No one spoke against the request. Dr. Semans moved to approve the variance, Mr. Mears seconded the motion, which carried 3 – 0 with John Feick abstaining.

**The next item on the agenda was an application for a variance to the maximum fence height for the property located at 1403 Winnebago Avenue, filed by Anthony Vassallo.**

No one in the audience spoke either for or against this variance. Chairman Feick commented he wasn't clear about the survey that had been submitted and he wanted to know if the south property line was in line with the Polk Street right-of-way. He stated there was a large tree there. Mrs. Handy believed that the tree was in the City right-of-way.

Dr. Semans asked what were the Code requirements for fencing in a pool. Mrs. Handy stated that the Building Code required a 4 foot high fence for around pools.

Mr. Mears moved to approve the variance, Mr. Zeiher seconded the motion, which carried 4 – 0.

**Next was an application for a variance to the required yard setbacks for the property located at 536 E. Monroe Street, filed by John Yingling.**

John Yingling, the property owner, stated that he wanted to put up a garage to keep his 3 cars and yard equipment in. It would go on the southwest corner of the building. He commented that he had done a lot of improvements to the original building.

No one spoke against the request.

Chairman Feick commented that he had spoken with the neighbor whose property adjoined this property to the rear. That neighbor was in favor of this variance because there was a lot of theft in the area. Mr. Mears commented that it appeared that there was an alley behind the property and it was too bad that Mr. Yingling couldn't use that. Mr. Yingling stated that it wasn't a City alley, it was owned by the person behind him.

Mr. Zeiher moved to approve the variance, Dr. Semans seconded the motion, which carried 4 – 0.

**The next item was an application for a variance to the maximum permitted fence height for the property located at 1811 Campbell Street, filed by Julie Busco.**

Julie Busco, the applicant spoke in favor and she stated that she had large dogs and she wanted to contain them and expand her useable yard. She commented that there had been multiple complaints by the neighbors on the dogs barking and this fence would help cut down on the barking.

Chairman Feick asked how far away from the sidewalk the fence would be. Ms. Busco stated it would be several feet off the sidewalk, whatever was required.

Chairman Feick asked if anyone wished to speak against the request. Mr. & Mrs. Carl Augustus, 1805 Campbell Street, stated that they had made several complaints about the dogs to the Health Department, the Police Department and the Code Enforcement office with regards to the barking, the odor and the feces lying about. They didn't want the fence to come into the front yard of their house. Chairman Feick showed the Augustus' exactly where the fence would be located and they didn't have a problem with the location as long as it didn't go into the front yard on Campbell Street and cut off their visibility from their driveway.

The Augustus' were more concerned with Ms. Busco keeping her property cleaned up of dog feces so that they didn't have to smell the odor. Ms. Busco commented that she was there for a height variance and that the other discussion was not relevant.

Dr. Semans moved to approve the variance request with the condition that the fence be located 2 feet off the sidewalk on Pierce Street, Mr. Zeiher seconded the motion, which carried unanimously.

**The application for a variance for 1021 Tiffin Avenue had been withdrawn by the applicant.**

**The last item on the agenda was an application for a variance to the required yard setbacks for the property located at 229 Cedar Point Road, filed by Doug & Mark Ebner.**

Doug Ebner spoke and stated that he wanted to turn the cottage into a full time residence on the same footprint as the existing cottage.

David Ebner stated that he owned the property adjacent to this and it wouldn't be detrimental to the neighborhood. They would be bringing it up to current standards. There was discussion with regards to moving the house forward and providing more of a rear yard, but it was pointed out that the other houses in that immediate area were all at the same distance from the road.

Chairman Feick commented that the first floor would be on the existing footprint but he wanted to know how far over the second story would be. Mr. Ebner stated that there were cantilevers that would stick out 8 feet, but that would be to the side and they had plenty of room to ensure that they met the required side yard setbacks.

Mr. Zeiher moved to approve the variances, Dr. Semans seconded the motion, which carried 4 – 0.

Chairman Feick asked Mrs. Handy to furnish the Board members with a copy of the ordinance pertaining to the height regulations on the waterfront before the next meeting.

There was no further business before the Board, and the meeting was adjourned at 5:17 p.m.

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Mary L. Grendow, Clerk

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John Feick, Chairman