



## **CITY OF SANDUSKY BOARD OF ZONING APPEALS MEETING**

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**April 20, 2017**

**4:30 p.m.**

**1ST FLOOR CONFERENCE ROOM, CITY BUILDING**

### **AGENDA**

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#### **Review of minutes from April 6, 2017 Special Meeting**

#### **Adjudication hearing to consider the following:**

1. John Davenport, has submitted an application for a use variance to allow for a music and listening room for the property located at 805 Wayne Street.
2. John Davenport, has submitted an application for a 28' rear yard setback for the church and a 40.5' side yard setback to allow for a lot split at 805 Wayne Street.
3. 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 Single Family Dwelling which would require a 25' front yard setback and a 40' rear yard setback.

**Next Meeting: May 18, 2017**

**Please notify staff at least 2 days in advance of the meeting if you cannot attend.  
Thank you.**

Board of Zoning Appeals  
April 6, 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 Feick and Mr. Walt Matthews. Also present were Ms. Casey Sparks from the Planning Department, Mr. Trevor Hayberger from the Law Department, Mr. Jeff Keefe, Engineering Department, Commissioner Dick Brady and Debi Eversole as Clerk from Community Development.

There were four voting members present.

Mr. Zeiher moved to approve the minutes from the March 16, 2017 meeting. Dr. Semans seconded the motion, adding a correction to page 2. The motion carried with a unanimous vote.

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

Ms. Sparks presented that George Poulos, on behalf of George Ruta, had filed an application for a 38' variance to allow for a 12' rear yard setback for a residential addition within the rear yard at **1313 Cedar Point Road**. Section 1129.14 requires a 50' rear yard setback or 30% of the depth of the lot, whichever is less. Due to the size of the lot and the fact that the homeowner wishes to connect the structure to the main portion of the home, the required setback would be 50'.

A recent storm damaged the existing garage forcing the property owner to reconstruct the structure, the owner would like to attach the garage to the existing home and construct living space above the garage. Staff does recognize that with the current configuration of the property it is difficult to meet the 50' required setback. The previous garage was located on the adjacent property. Due to the current configuration of the lot and the fact that there was previously a garage located on this site, and the proposed addition does meet the required side yard setbacks staff recommends approval of the requested variance.

George Poulos, 1717 E. Perkins Ave stated that all other properties are in line and it appeared that the surveyor went around a boat ramp to survey the property. The 50' setback will always be maintained.

Mr. Zeiher asked if there were any objections from neighbors. Ms. Sparks stated that she did receive a call from an adjoining neighbor and they had no objection with the addition.

Dr. Semans moved to approve the variance due to unique circumstance of the irregular shoreline. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks presented that Brady Sign Co, on behalf of Cedar Point Park, LLC. had filed an application for a 175' variance to allow for two freestanding signs to be 75' apart at **1201 Cedar Point Drive**. Section 1143.08(c) 2 (C) states that lots containing more than 500 feet of frontage are permitted to have two freestanding signs, with the understanding that they will be 250 feet apart. The current zoning of the property is CR Commercial Recreation. The applicant

would like to erect a new photo-op sign structure on the front of the parcel closest to Cedar Point Drive. The applicant has stated that placing the sign more than 250' apart would be very difficult as the sign would not be in a viable location to either be safely erected or take advantage of the purpose of the sign

Staff recognizes that if the sign were to be placed in a location that meets the zoning requirements it may create a line of site issue and it could not be utilized for a photo opportunity as the background would not be the hotel, as such staff recommends approval.

Ryan Brady, 1721 Hancock Street stated that if the sign was placed within Zoning Code regulations it would cause a line of site issue and it may block someone from entering or exiting the parking lot. If signs were placed within Zoning Code regulations, it may also take away from necessary parking spaces for the hotel.

Rob Decker, 1 Cedar Point Drive presented a rendering of the sign to the Board. The purpose of the sign is for a photo opportunity. This sign will include topiary characters of 1 Snoopy and 3 Woodstock characters. This is continuing the common theme throughout the drive to Cedar Point, beginning at Cleveland Road all the way to the entrance to the park. Placement of this sign would let families staying at the hotel safely take pictures in front of the sign.

Mr. Feick asked what the hardship for the sign placement is since there is so much land that goes with this property. Mr. Decker stated that the land to the north is the fire station and to the south is a vacant lot. The photo-op would be best right in front of the hotel. If the sign were moved either north or south, it may not be perceived that it is for the hotel. Especially if it were placed on the vacant lot.

Dr. Semans suggested keeping the sign as close to the main entrance as possible for safety purposes. The less people are walking through the parking lot, the better.

Mr. Zeiher moved to approve the variance request. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks presented that Jeff Parentau, on behalf of Chris Corso, had filed an application for a 7.8' variance to allow for a residential building addition within the front yard at **2137 Cedar Point Road**. Section 1120.14 requires a 35' front yard setback, the applicant is proposing a 27.2' front yard setback. The applicant would like to construct a residential addition along the front of the property at 2137 Cedar Point Road. Planning staff recognizes the hardship the property owner has due to the current configuration of the existing dwelling. Staff does not believe the residential addition will impact the surrounding property owners and would recommend approval with the condition that the applicant submit an elevation drawing indicating the height of the addition during the building permit process.

Ms. Sparks stated that the applicant is currently out of town.

Mr. Zeiher moved to approve the variance with the condition that the applicant provide an elevation drawing prior to acquiring a building permit. Dr. Semans seconded the motion. The motion carried with a unanimous vote.

McDonald's had submitted a variance application for the renovation/construction of McDonald's restaurant (commercial) structure at **2102 River Avenue**. The location of the existing/new structure is within the 100 year Flood Zone based on the current FEMA Firm Map (Issue Date of 2008). COS Ordinance Chapter 1157 Flood Damage Reduction, as this new structure and its renovation is within the Flood Zone and not able to be constructed above the Flood Protection Elevation (currently 2' above the BFE - Base flood elevation) a variance is required to construct this structure.

Mr. Jeff Keefe, Engineering Department stated that the request is for renovations to the existing property. They are not changing the finished floor elevation of the restaurant. There will be a small addition to one of the drive through windows. There is some other site improvements for concrete work to handicap parking spots. The finished floor elevation is slightly above the 100 year flood elevation. Per the ordinance, there is a 2' freeboard requirement. That is the purpose of the variance request, so that the finished floor would match the existing floor is.

Mr. Jim Ptacek with Larson Architects 12506 Edgewater Drive, Lakewood stated that the same building has been there since 1983. There is only a small modification to the cash booth so that traffic can move easier. The hardship is that they can't raise the building to meet the requirement. There have been no flooding issues.

Dr. Semans moved to approve the variance request. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks stated that there will be an April 20<sup>th</sup> meeting. There are two application to be heard.

Dr. Semans moved to adjourn. Mr. Matthews seconded the motion.

The meeting adjourned at 4:50 PM.

Approved:

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Debi Eversole, Clerk

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John Feick, Chairman



CITY OF SANDUSKY  
PLANNING DIVISION  
APPLICATION FOR BOARD OF ZONING APPEALS  
APPROVAL

☒ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: DR. JOHN M. DAVENPORT

Property Owner Address: 2818 N. COHO DRIVE  
PORT CHARLOTTE 13452

Property Owner Telephone: 419-349-6177 ☒ Check if okay to Text

Email: COLONELCRASH@YAHOO.COM

Contact Person: JOHN DAVENPORT

Authorized Agent Name: SAME

Authorized Agent Address: \_\_\_\_\_

Authorized Agent Telephone: \_\_\_\_\_ ☐ Check if okay to Text

Email: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Meeting with Staff: 23 march 2017



LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 845 WAYNE ST Soudusky OH 44870

Legal Description of Property (check property deed for description):

60E. 165' OFS 1/2 \* LOT 62E 165'

Permanent Parcel Number: # 57-68415.000 / 57-4439.444

Zoning District: map #4 PERSONAL PROP DIST. 22-0320  
PARCEL # 57-68415

VARIANCE INFORMATION:

Section(s) of Zoning Code under which a variance is requested:

USE VARIANCE FOR CHURCH

LOT SIZE VARIANCE FOR HOUSE (RECTORY)

Variance(s) Requested (Proposed vs. Required):

**DETAILED SITE INFORMATION:**

Land Area of Property: 0.2046 ACRES (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 3165 (in sq. ft.) Building #2: /

Building #3: 832 Additional: /

Total Building Coverage (as % of lot area):                     

Proposed Building Height (for any new construction): N/A

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 0

**DESCRIPTION OF DEVELOPMENT PROPOSAL (Describe your development plans in as much detail as possible):**

SEE ATTACHMENT

**NECESSITY OF VARIANCE** (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

SEE ATTACHMENT

**APPLICATION AUTHORIZATION:**

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Signature of Owner or Agent

Date

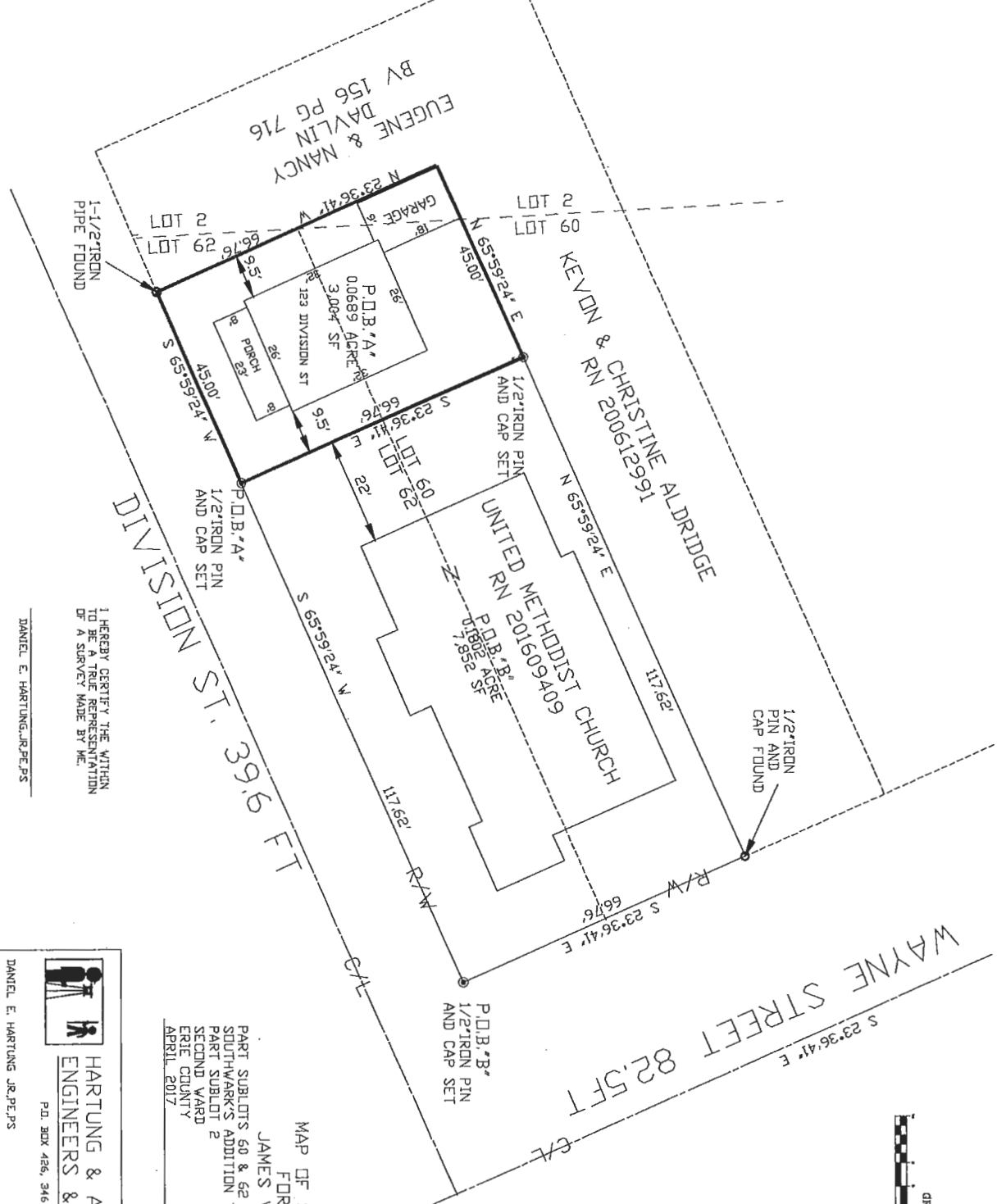
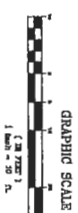
**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of \_\_\_\_\_ (municipal street address of property, I hereby authorize \_\_\_\_\_ to act on my behalf during the Board of Zoning Appeals approval process.

Signature of Property Owner

Date





I HEREBY CERTIFY THE WITHIN  
TO BE A TRUE REPRESENTATION  
OF A SURVEY MADE BY ME.

DANIEL E. HARTUNG, JR., P.E., P.S.



HARTUNG & ASSOCIATES  
ENGINEERS & SURVEYOR

DANIEL E. HARTUNG, JR., P.E., P.S.

P.O. BOX 426, 346 NORTH MAIN ST., JEROME, ID 83401  
(208) 438-4321 FAX

MAP OF SURVEY  
FOR  
JAMES WEST  
PART SUBLOTS 60 & 62 SCANTON'S SUR  
SOUTH-WARREN'S ADDITION TO CITY OF SANDU  
PART SUBLOT 2 JUS. DARLING SUR  
SECOND WARD CITY OF SANDU  
ERIE COUNTY STATE OF  
APRIL 2017 SCALE 1

**Erie County Planning Commission**

**Application for Board of Zoning Appeals Approval**

**805 Wayne Street, Sandusky, OH**

**Attachment: Proposed Development**

**Proposed Use:** The 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 120 people to enjoy live entertainment from the local area. The church currently has 15 pews, each providing seating for around 8 people. Although the pews will be removed for more intimate seating arrangements, the maximum number of people we should have would be 120 people based on the pew count. 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.

**Size of Building:** The building has 3,165 sq. ft. of floor space. Only **1,457 sq. ft.** will be utilized for retail activities. The remaining square footage will encompass offices, storage, and music equipment.

**Hours of Operation:** Most day-to-day operations within the church enterprise will occur in the evenings from 5:00 – 11:00 PM. The principle owner of the studio is a full-time employee of the Huron County Veterans Administration Office during the day. Since most bands perform on weekends, they have non-productive times after hours and during the week to record music and perform live in a listening room environment.

**Days of Operation:** The music studio has the potential to operate 7 days per week, based on schedules and client demands.

**Seating Capacity:** Although, based on former use as a church, the seating capacity is around 120, the studio/listening room will normally seat only **100 people** at a time.

**Other:** This is a "Change of Use in Existing Building". No changes are currently planned to the existing landscaping. There are no designated parking areas on the proposed lot.

Dr John M. Davenport

23 March, 2017

**Erie County Planning Commission**  
**Application for Board of Zoning Appeals Approval**

**805 Wayne Street, Sandusky, OH**

**Attachment: Proposed Development**

**Necessity of Variance:** This church was constructed at its current location in 1913 and has been utilized as a church since 1848. 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 with its booming new construction. Renovating the church as a music studio/listening room will help to expand the downtown area and help revitalize a section of Sandusky that needs a little attention. Since we will no longer conduct church services in the church, we require a variance to allow us to create a viable music production business with all of the potential uses that go with the listening room concept.

**Building Access:** There are currently no entrances that enable wheelchair-bound patrons to enter the church. We will construct a pathway and ramp that will allow access to everyone, regardless of mobility. We have attached plans for this ramp. The only bathrooms (they must be completely renovated) are in the basement. There is no wheelchair access to the basement. We

propose installing the required plumbing and structure needed to install two new bathrooms on the first floor. One of these two unisex bathrooms will be constructed to meet handicapped-access code. Details of both of these projects are pending purchase closure and complete access to the structure. Rough sketches of the interior and external ramp alterations are included.



Ramp to be  
built up to  
this platform





MUST BUILD ANOTHER  
6" BAMP OVER DOOR  
SILL

—N—



WALKWAY FROM  
CURB TO RAMP  
ALONG THIS  
PART.



? ARCH PRODUCTS - FIRE ESCAPE

? INFO @ FIREESCAPE SERVICES .COM

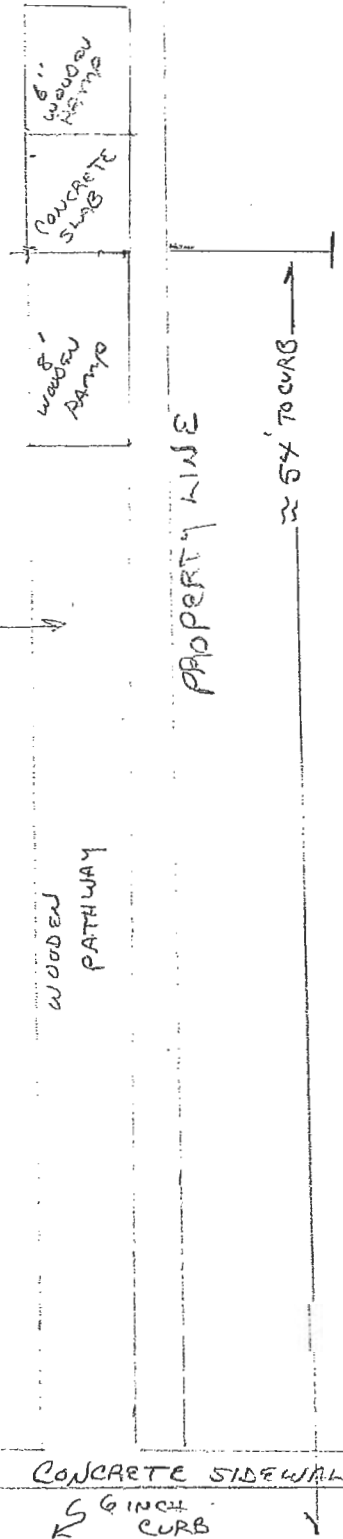
- ① REPAIR FIRE ESCAPE - ADD LADDER
- ② PRUNE TREES
- ③ REMOVE PAVERS
- ④ ADD GRAVEL BASE FOR DRAINAGE
- ⑤ BUILD WOODEN WALK WAY

SIDEWALK → CHURCH

— N —

23 MAR '17

1" = 8'



WAYNE STREET

# REAR ENTRANCE

## A HANDICAP ACCESS

6" STEP INTO CHURCH

RAILING

FIRE ESCAPE  
40" WIDE  
6' OFF GND.

6 STEPS  
X 7" RISERS  
42" RISE

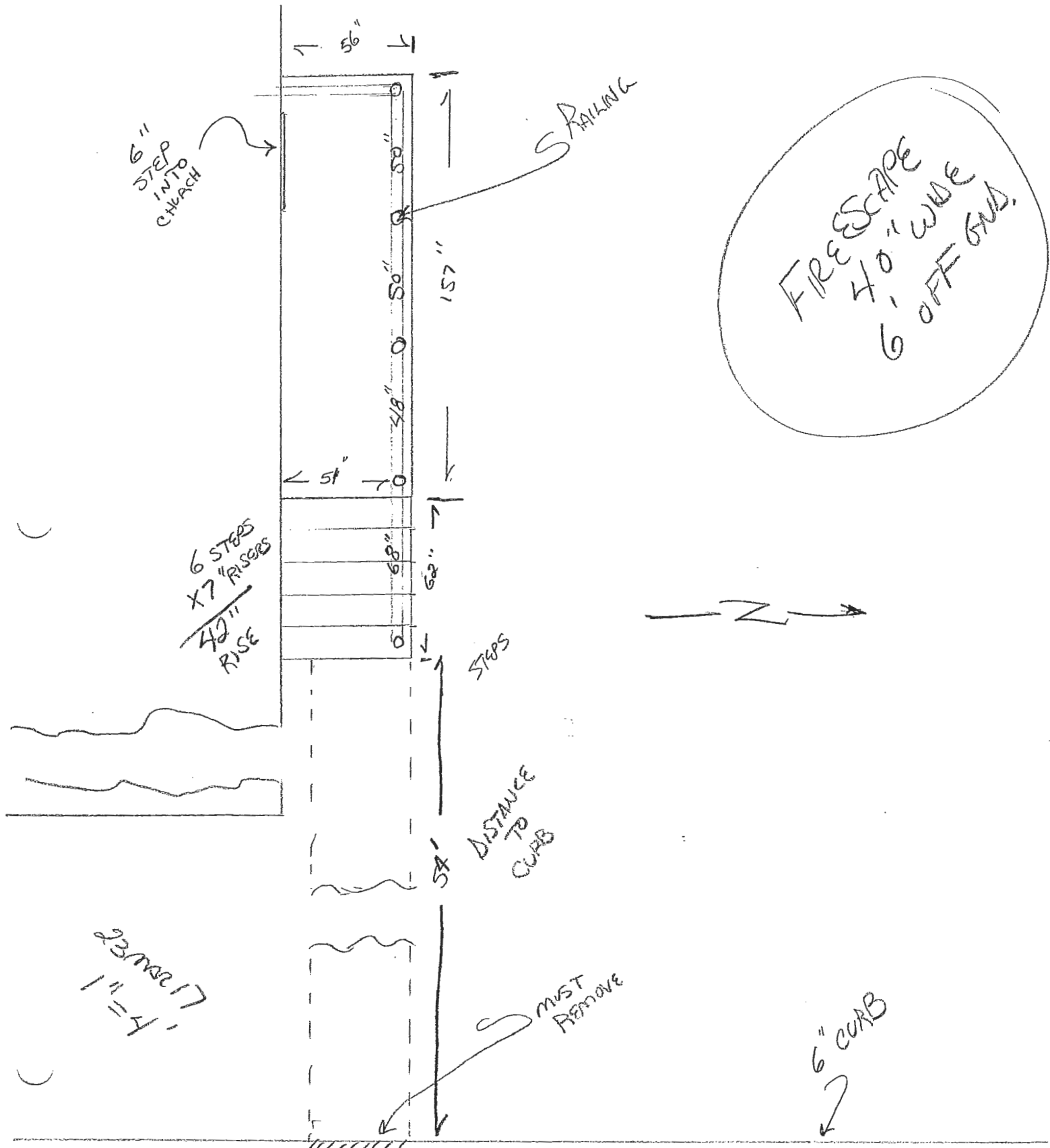
STEPS

DISTANCE TO CURB

MUST REMOVE

6" CURB

23 MAR 17  
1" = 4'



CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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## APPLICATION FOR USE VARIANCE TO ALLOW FOR A MUSIC STUDIO AND LISTENING ROOM AT 805 WAYNE STREET

Reference Number: BZA-12-17

Date of Report: April 12<sup>th</sup>, 2017

Report Author: Casey Sparks, Assistant Planner





# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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John Davenport, has submitted an application for a use variance to allow for a music and listening room for the property located at 805 Wayne Street. The following information is relevant to this application:

Applicant: Dr. John M. Davenport  
2818 N. Ocho Drive  
Port Clinton, Ohio 43452

Property Owner: East Ohio Conference of the United Methodist Church  
8800 Cleveland Ave NW  
North Canton, Ohio 44720

Site Location: 805 Wayne Street  
Sandusky, Ohio 44870

Zoning: "PF" Public Facility

Existing Use: Vacant

Proposed Use: Music studio and listening room

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.03 Schedule of Permitted Building and Uses:

Variance Requested: A variance to permit music studio and listening room within the "PF" Public Facility zoning district

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### SITE DESCRIPTION

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The subject property is currently located within the "PF" Public Facility. The subject property is adjacent to both "CS" Commercial Service and "R2F" Residential two family. The parcel of the subject property is pointed out:

805 Wayne Street



	PF PUBLIC FACILITY		R1-40 SINGLE-FAMILY RESIDENTIAL		LB LOCAL BUSINESS		DBB DOWNTOWN BUSINESS
	RS RESIDENTIAL SUBURBAN		R2F TWO-FAMILY RESIDENTIAL		RB ROADSIDE BUSINESS		CS COMMERCIAL SERVICE
	R1-75 SINGLE-FAMILY RESIDENTIAL		RMF MULTI-FAMILY RESIDENTIAL		GB GENERAL BUSINESS		LM LIMITED MANUFACTURING
	R1-60 SINGLE-FAMILY RESIDENTIAL		RHB RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		GM GENERAL MANUFACTURING
	R1-50 SINGLE-FAMILY RESIDENTIAL		P AUTO PARKING		CR COMMERCIAL RECREATION		PUD PLANNED UNIT DEVELOPMENT
	AC AGRICULTURAL						REQUIRED SETBACK IN FEET

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## DIVISION OF PLANNING COMMENTS

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The applicant has made an offer on the property located at 805 Wayne Street. The lot contains both a church and a single family dwelling that was previously utilized to house the pastor or clergymen of the church, currently it is utilized as a rental property. The applicant has applied for a use variance to utilize the church as a music studio and a listening room. The applicant has also applied to split the current lot and place the residential home and the church on separate lots. The Board of Zoning Appeals will also be reviewing this variance application. The application states that the single family dwelling will be utilized for the individual that will be operating the music studio and the listening room. The applicant has stated that the operation will be open seven days a week, with hours of operation being 5PM- 11PM. The principle owner of the studio is a full- time employee of the Huron County Veteran Administration Office during the day as such most business will occur in the evening. The applicant has also indicated that the listening room and studio will normally seat 100 people at a time, the former seating capacity was 120. A parking plan was submitted indicating that 18 parking spaces on an adjacent lot, currently owned by Gundlach Sheet Metal, to be utilized. Section 1149.06 would require the applicant have a contract with the current property owner of the lot. The contract will need to specify the timeframe in which the lot will be utilized and address if the lot should incur any changes or be discontinued that required spaces for the use will be provided elsewhere.

In the application, the applicant state the following as to the necessity of the variance:

**“See attached document included in application.”**

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

### Section 1111.06(c)(1)

#### A. Whether the variance is substantial;

The variance sought in this case is substantial, as the applicant is requesting an assembly use within a mostly residential neighborhood, however it is important to note that the former use of the building was a church, the applicant is proposing to reduce the capacity of the building from 120 to 100 for the proposed use.



- B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;**

The immediate adjacent properties are zoned as “R2F” Two Family Residential and “CS” Commercial Service. The proposed use could have an effect on the surrounding properties as it relates to issues of noise and parking; however as stated the previous use of this building was a church. Based on the number of seats that are proposed for this use Section 1149.05 would require one space per four seats, which would require 30 spaces. The applicant has proposed to utilize the adjacent parking area owned by Gundlach Sheet Metal Works for parking. The parking plan provided shows a total of 18 spaces. To assure that parking requirements per 1149.13 are met staff will require a revised dimensioned parking plan as only twelve spaces would fit on this lot. Staff does believe that a total of 8 on street parking spaces could be utilized. This would give the applicant a total of 20 spaces, which would permit an occupancy of eighty people. Planning staff would recommend limiting the occupancy until the applicant can show additional parking for the site.

Planning Staff does recognize that a music studio and a listening room will generate noise, staff would suggest the applicant look into sound proofing the ability to the extent possible.

- C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**

The proposed use variance would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

- D. Whether the property owner purchased the property with the knowledge of the zoning restriction;**

The applicant is currently under contract. It is staff's understanding that the applicant was not fully aware of the uses permitted on the site. The applicant assumed that this use would be permitted as it was a church and assembly use previously.

- E. Whether the property owner's predicament can be resolved through some method other than a variance;**

A variance is the only way to resolve the owner's predicament and operate the proposed uses within the site.

- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that allowing a use variance to allow for a music studio and listening room will still observe the spirit and intent of the zoning code as the previous use was an assembly related use.

**G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

The property has been for sale for some time, staff believes that the property could yield a reasonable rate of return without the variance however it is important to note that some sort of assembly use is necessary to make the property viable.

**H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.**

It does appear that the proposed variance would not be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

**A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**

The site proposes a unique condition as the property is located within a residential area with no off-street parking available on site. The use was utilized for an assembly use and it operated using on-street parking. Planning staff does recognize that the former assembly use was generally only conducted one day a week and the proposed use is for seven days a week in the evening, however the applicant has provided alternative parking solutions for the use.

**B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

In Planning Staff's opinion, permitting a use variance for this use would not adversely affect the adjacent property owners. The applicant has indicated that improvements to the exterior and the interior of both the church and the single family dwelling will be made. Staff believes that renovating and occupying these two structures will have a positive impact on the neighborhood. The applicant has proposed to make an investment in the property and made an effort to address any noise and parking concerns within the neighborhood.

**That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**



The applicant has communicated that without the use variance the applicant would not move forward with purchasing the property, as he could not move forward with his proposed business plan.

**That the variance desired will not adversely affect the public health, safety, morals or general welfare; and**

The proposed use variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood. The applicant has indicated that the use variance would assist him in bringing this property back to a condition that would benefit the neighborhood.

**C. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

Granting a use variance for this property does appear to be contrary to the the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan, as it is similar to the previous assemble use.

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**CONCLUSION/RECOMMENDATION**

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Staff does recognize that the structures are located within a residential area, however for the building to be occupied it will need to be some form of an assembly use. The applicant has indicated effort to address the parking needs of the area by providing a parking area adjacent to the structure. Staff would recommend that the use variance be granted with the following conditions:

1. Based on the parking spaces provided, the maximum occupancy shall be 80. If the applicant can provide additional parking areas the occupancy can increase, these areas shall be approved by staff.
2. The applicant shall provide a contract for the proposed parking area as required in Section 1109.06 (c).
3. The applicant shall provide sound proofing within the structure for the extent possible.
4. The applicant shall submit a revised parking plan with dimensions for staff approval
5. The applicant shall install temporary parking blocks in the parking area.

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR VARIANCES TO THE  
REQUIRED REAR AND SIDEYARD SETBACK  
REQUIREMENTS AT 805 WAYNE STREET

Reference Number: BZA-13-17

Date of Report: April 12<sup>th</sup>, 2017

Report Author: Angie Byington, Planning Director



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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John Davenport, has submitted an application for a 28' rear yard setback for the church and a 40.5' side yard setback to allow for a lot split at 805 Wayne Street. The following information is relevant to this application:

Applicant: Dr. John M. Davenport  
2818 N. Ocho Drive  
Port Clinton, Ohio 43452

Property Owner: East Ohio Conference of the United Methodist Church  
8800 Cleveland Ave NW  
North Canton, Ohio 44720

Site Location: 805 Wayne Street  
Sandusky, Ohio 44870

Zoning: "PF" Public Facility

Existing Use: Vacant

Proposed Use: Music studio and listening room

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1123.04 Front Yard Regulations:

Variance Requested: A rear yard variance for a 22' setback versus 50' and a 9.5' side yard versus 50' within the "PF" Public Facility zoning district at 805 Wayne Street.

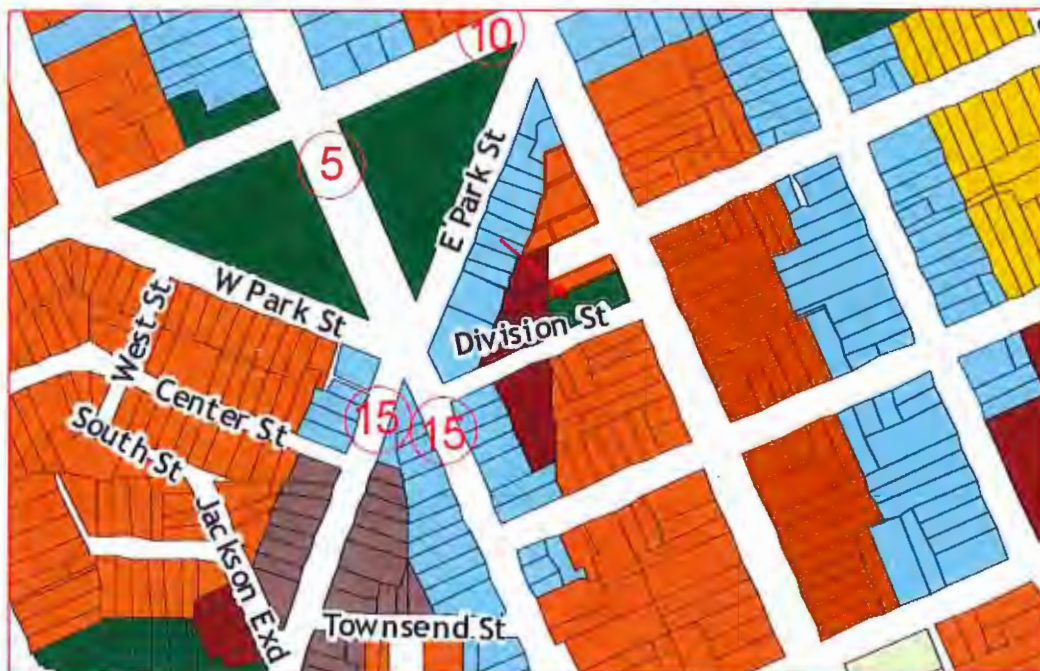
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





















### SITE DESCRIPTION

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The subject property is currently located within the "PF" Public Facility. The subject property is adjacent to both "CS" Commercial Service and "R2F" Residential two family. The parcel of the subject property is pointed out:

805 Wayne Street



	PF PUBLIC FACILITY		R1-40 SINGLE-FAMILY RESIDENTIAL		LB LOCAL BUSINESS		DBD DOWNTOWN BUSINESS
	RS RESIDENTIAL SUBURBAN		R2F TWO-FAMILY RESIDENTIAL		RB ROADSIDE BUSINESS		CS COMMERCIAL SERVICE
	R1-75 SINGLE-FAMILY RESIDENTIAL		RMF MULTI-FAMILY RESIDENTIAL		GB GENERAL BUSINESS		LM LIMITED MANUFACTURING
	R1-60 SINGLE-FAMILY RESIDENTIAL		RRB RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		GM GENERAL MANUFACTURING
	R1-50 SINGLE-FAMILY RESIDENTIAL		P AUTO PARKING		CR COMMERCIAL RECREATION		PUD PLANNED UNIT DEVELOPMENT
	AC AGRICULTURAL						REQUIRED SETBACK IN FEET

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## DIVISION OF PLANNING COMMENTS

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The applicant has made an offer to purchase the property located at 805 Wayne Street. The lot contains both a church and a single family dwelling that was previously utilized to house the pastor or clergymen of the church. Currently, it is utilized as a single family dwelling. The applicant has applied for a use variance to utilize the church as a music studio and a listening room. The applicant has also applied to split the current lot and place the residential home and the church on separate lots. The application states that the single family dwelling will be utilized for the individual that will be operating the music studio and the listening room. The current zoning of the property is "PF" Public Facility. The Public Facility zoning district does not have a specific size requirements for lots. Section 1123.03 states the minimum lot area of a public facility shall be not less than required to provide a proper site for the main and accessory buildings, off-street parking, and other accessory uses, sufficient yards and open spaces to maintain the character of the neighborhood. Due to the fact that the existing church and house are already located on the lots, staff believes that this is adequate space to service both uses. Staff recognizes that the church did not previously have off-street parking available for the site and the single family dwelling does have a driveway to serve as off-street parking.

In the application, the applicant states the following as to the necessity of the variance:

**"See attached document included in application."**

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

### Section 1111.06(c)(1)

**A. Whether the variance is substantial;**

The variance sought in this case is not substantial as the single family dwelling and the church have been established within these locations, the applicant is not proposing to alter the physical presence of the site. The application is simply proposing to create two separate lots.



- B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;**

As stated the physical presence of these buildings will not be altered, the applicant is purposing to split the lots, which would not be an impact to the surrounding property owners.

- C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**

The proposed variances would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

- D. Whether the property owner purchased the property with the knowledge of the zoning restriction;**

The applicant is currently under contract for the purchase of the property. It is staff's understanding that the applicant had planned to split the lot as part of the purchase process, however staff does not believe the applicant knew the required setbacks for the Public Facility zoning district.

- E. Whether the property owner's predicament can be resolved through some method other than a variance;**

A variance is the only way to resolve the owner's predicament and split the lot as requested.

- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that the setback variances will still observe the spirit and intent of the zoning code as the dimensions of the existing structures will not be altered, limiting the impact to the surrounding property owners.

- G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

The property has been for sale for some time, staff believes that the property could yield a reasonable rate of return without the variance, however the applicant has stated that the purchase of the property is dependent of the ability to split these into two parcels.

- H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.**

It does appear that the proposed variances would not be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

- A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**

The site proposes a unique condition as the buildings are currently on the property, as such there is no change to the number of off-street parking spaces available, or amount of open space. Planning recognizes that if the applicant were looking to add to any of the existing structures that it may alter the presence in the neighborhood however the applicant is simply splitting the lot.

- B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

As stated, in Planning Staff's opinion the splitting of these two lots will not impact the surrounding property owners or residents, as there will be no changes to the existing buildings.

**That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

The applicant has communicated that without the use variance the applicant would not move forward with purchasing the property.

**That the variance desired will not adversely affect the public health, safety, morals or general welfare; and**

The proposed variances would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood. The applicant has indicated that the use variance would assist him in bringing this property back to a condition that would benefit the neighborhood.

- C. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

Granting the variances for this property does appear to be contrary to the to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan, as it is similar to the previous assemble use.

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### CONCLUSION/RECOMMENDATION

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Staff recommends the approval of the 28' rear yard setback for the church and a 40.5' side yard setback to allow for a lot split at 805 Wayne Street. This will create a rear yard setback of 22' and a side yard setback of 9.5'.

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR VARIANCES TO THE  
REQUIRED FRONT AND REAR YARD  
SETBACK REQUIREMENTS AT 1919 W.  
JEFFERSON STREET

Reference Number: BZA-14-17

Date of Report: April 12<sup>th</sup>, 2017

Report Author: Casey Sparks, Planning Director



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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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 Single Family Dwelling which would require a 25' front yard setback and a 40' rear yard setback. The following information is relevant to this application:

Applicant: Andre Grant  
1919 W. Jefferson Street  
Sandusky, Ohio 44870

Property Owner: Andre Grant  
1919 W. Jefferson Street  
Sandusky, Ohio 44870

Site Location: 1919 W. Jefferson Street  
Sandusky, Ohio 44870

Zoning: "R1-40" Single Family Dwelling

Existing Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1151.05(d)  
Nonconforming Structures:

Variance Requested: A front yard variance of 12.5' for a 12.5' setback and a 34' rear yard variance for a 6' setback within the "R1-40" Single Family zoning district at 1919 W. Jefferson Street.

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### SITE DESCRIPTION

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The subject property is currently located within the "R1-40" Single Family Dwelling. The subject property is adjacent to "R1-40" Single Family Dwelling. The subject property is pointed out:



1919 W. Jefferson Street



The current lots are not indicated as combined on the current zoning map but are combined per County Auditor's website.

	PF PUBLIC FACILITY		R1-40 SINGLE-FAMILY RESIDENTIAL		LB LOCAL BUSINESS		DBD DOWNTOWN BUSINESS
	RS RESIDENTIAL SUBURBAN		R2F TWO-FAMILY RESIDENTIAL		RB ROADSIDE BUSINESS		CS COMMERCIAL SERVICE
	R1-75 SINGLE-FAMILY RESIDENTIAL		RMF MULTI-FAMILY RESIDENTIAL		GB GENERAL BUSINESS		LM LIMITED MANUFACTURING
	R1-60 SINGLE-FAMILY RESIDENTIAL		RRB RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		GM GENERAL MANUFACTURING
	R1-50 SINGLE-FAMILY RESIDENTIAL		P AUTO PARKING		CR COMMERCIAL RECREATION		PUD PLANNED UNIT DEVELOPMENT
	AG AGRICULTURAL						REQUIRED SETBACK IN FEET

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## DIVISION OF PLANNING COMMENTS

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The applicant recently purchased the lot that was adjacent to his home at 1919 W. Jefferson. The applicant then combined the lots and demolished the home that was on the adjacent lot. The applicant purchased and demolished the home with the intention of constructing a garage addition to his home. The existing residence located at 1919 W. Jefferson does not currently meet the setback requirements of the R1-40 Single Family Residential district, as such the applicant will be expanding a nonconforming structure. The applicant has stated that he is proposing the garage addition within the side and front yard as he would like to utilize the existing driveway and his rear yard already contains other accessory structures.

In the application, the applicant state the following as to the necessity of the variance:

**“This variance is necessary for us to build a structure that will help to improve our neighborhood and it is replacing a structure that was dilapidated and uninhabitable. If this variance is not approved we will not be able to improve our property and the time and money that we have put into the purchase and demolition of the prior structure will be a total loss.”**

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

### Section 1111.06(c)(1)

#### A. Whether the variance is substantial;

The variance sought in this case is not substantial as the single family dwelling does not currently meet the required front yard setback. The garage addition is proposed to be in line with the existing single family dwelling on the lot and the single family dwelling on the adjacent property.

- B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;**

It is the opinion of Planning staff that the garage addition will not be a determinant to the neighborhood. The applicant demolished an existing dilapidated building to construct a new structure that will be in line with the existing and adjacent structures.

- C. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**

The proposed variances would not affect the delivery of government services, and would not impact a right-of-way, utility line or block access for emergency vehicles.

- D. Whether the property owner purchased the property with the knowledge of the zoning restriction;**

Staff is not certain that he was aware of these regulations when he purchased the property, however the applicant had discussed with the staff his intentions regarding the garage addition. He was aware of the variances that would be required to place an accessory structure or addition within this location.

- E. Whether the property owner's predicament can be resolved through some method other than a variance;**

A variance is the only way to resolve the owner's predicament and construct the garage addition. The applicant could chose to not attach the accessory structure to the single family dwelling, however a variance would still be required to allow the accessory use within the front yard.

- F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

It is the opinion of the Planning staff that the setback variances will still observe the spirit and intent of the zoning code. The previous lot was a smaller sized lot, making it difficult to construct anything within this area. Planning Staff believes that the applicant made a substantial effort to improve the neighborhood by demolishing a dilapidated structure and proposing to construct a garage.

- G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**

The property could yield a reasonable rate of return however the applicant purchased the lot with the intention of constructing a new garage.

**Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.**

It does appear that the proposed variances would not be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

- A. **That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**

As stated the lot that the applicant purchased was initially smaller in size, once combined with their property the lot dimensions make it difficult to achieve the required rear or front yard setbacks for any construction within that location. As stated, if the applicant chose to not attach the garage to the main structure a variance would still be required as accessory structures are not permitted within the front yard.

- B. **That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

As stated, in Planning Staff's opinion the variances will not impact the surrounding property owners or residents. The garage will be in line with the adjacent structures.

**That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

The applicant has communicated that without the use variance the applicant would not be able to construct the garage addition, which was the initial purpose of purchasing the lot.

**That the variance desired will not adversely affect the public health, safety, morals or general welfare; and**

The proposed variances would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood. The applicant has indicated that the variances would assist him in bringing this property back to a condition that would benefit the neighborhood.

- C. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

Granting the variances for this property does appear to be contrary to the to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan, as it is similar to the previous assemble use.

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#### CONCLUSION/RECOMMENDATION

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Staff recommends the approval 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 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.





CITY OF SANDUSKY  
PLANNING DIVISION  
APPLICATION FOR BOARD OF ZONING APPEALS  
APPROVAL

\_\_\_\_\_ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Andre + TERESA GRANT

Property Owner Address: 1919 West Jefferson Street  
Sandusky, Ohio 44870

Property Owner Telephone: 419-625-0217 ☐ Check if okay to Text

Email: adretata@yahoo.com

Contact Person: Andre GRANT

Authorized Agent Name: \_\_\_\_\_

Authorized Agent Address: \_\_\_\_\_

Authorized Agent Telephone: \_\_\_\_\_ ☐ Check if okay to Text

Email: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Meeting with Staff: \_\_\_\_\_

**LOCATION AND DESCRIPTION OF PROPERTY:**

Municipal Street Address: 1919 West Jefferson Street

Legal Description of Property (check property deed for description):  
\_\_\_\_\_  
\_\_\_\_\_

Permanent Parcel Number: 59-01342.000

Zoning District: R1-40

**VARIANCE INFORMATION:**

Section(s) of Zoning Code under which a variance is requested:

AG  
115105 - Expansion of a nonconforming use  
within a residential area.

Variance(s) Requested (Proposed vs. Required):

Currently our property does not meet the set back  
requirements. We are requesting a 12.5 foot set back for  
the front of the new garage + a 6 foot set back for  
the rear of the new garage.

**DETAILED SITE INFORMATION:**

Land Area of Property: \_\_\_\_\_ (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 120 (shed) (in sq. ft.) Building #2: 140 (shed)

Building #3: \_\_\_\_\_ Additional: \_\_\_\_\_

Total Building Coverage (as % of lot area): \_\_\_\_\_

Proposed Building Height (for any new construction): 19' 10"

Number of Dwelling Units (if applicable): \_\_\_\_\_

Number of Accessory Buildings: \_\_\_\_\_

**DESCRIPTION OF DEVELOPMENT PROPOSAL (Describe your development plans in as much detail as possible):**

The plan is to build a metal pole barn/garage  
with two garage doors and an attached breezeway  
to our house.

**NECESSITY OF VARIANCE** (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

*This VARIANCE IS NECESSARY FOR US TO BUILD A STRUCTURE THAT WILL HELP TO IMPROVE OUR NEIGHBORHOOD AND IS REPLACING A STRUCTURE THAT WAS DELAPATEDED AND UNINHABITABLE. IF THIS VARIANCE IS NOT APPROVED WE WILL NOT BE ABLE TO IMPROVE OUR PROPERTY AND THE TIME AND MONEY THAT WE HAVE PUT INTO THE PURCHASE AND DEMOLITION OF THE PRIOR STRUCTURE WILL BE A TOTAL LOSS.*

**APPLICATION AUTHORIZATION:**

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

  
Signature of Owner or Agent

4-3-17  
Date

**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of \_\_\_\_\_ (municipal street address of property, I hereby authorize \_\_\_\_\_ to act on my behalf during the Board of Zoning Appeals approval process.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

**REQUIRED SUBMITTALS:**

10 copies of a site plan (drawn to scale and dimensioned) which shows the following items:

- a) Property boundary lines
- b) Building(s) location
- c) Driveway and parking area locations
- d) Location of fences, walls, retaining walls
- e) Proposed development (additions, fences, buildings, etc.)
- f) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

\$100.00 filing fee

**APPLICATION MUST BE COMPLETELY FILLED OUT!**

**NOTE:** Applicants and/or their authorized agents are strongly encouraged to attend Board of Zoning Appeals meetings.

**STAFF USE ONLY:**

Date Application Accepted: \_\_\_\_\_ Permit Number: \_\_\_\_\_

Date of Board of Zoning Appeals Meeting: \_\_\_\_\_

Board of Zoning Appeals File Number: \_\_\_\_\_

City Of Sandusky  
Planning Division  
222 Meigs St. Sandusky, Ohio 44870  
419.627.5873





## Country Metals LLC. Quotation Package



### QUOTATION FOR:

PKJ- Andre Grant  
419-606-1933

### CONTACT:

Don Davies  
19 Free Rd.  
Shiloh, OH 44878  
419-895-0040

### CONSTRUCTION:

Post Frame  
DIMENSIONS: 36' X 48' X 13' 6"

### SPECIFICATIONS FOR 36' X 48' X 13' 6" POST FRAME PACKAGE:

#### • MATERIAL PACKAGE

- Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
- 4.5 x 5.25 Richland Laminated Columns 3 Ply Eave Posts (8' O/C)
- 4.5 x 5.25 Richland Laminated Columns 3 Ply Gable Posts (9' O/C)
- 2 x 8 Treated T&G Skirt Boards (2 Rows)
- 2 x 4 Wall Girts (24" O/C) and Roof Purlins (24" O/C)
- 2 x 10 Double Top Girt Truss Carrier
- Single Bubble Barrier Insulation on Roof
- R30 Cellulose Blow In Ceiling Insulation
- Brite White Select Panel Steel Siding w/ 40 -Year Paint Warranty
- Charcoal Select Panel Steel Roof w/ 40 -Year Paint Warranty
- Painted Steel Ceiling Liner w/ 40 -Year Paint Warranty
- One Concrete Pad per Post Hole

#### • DOORS & WINDOWS

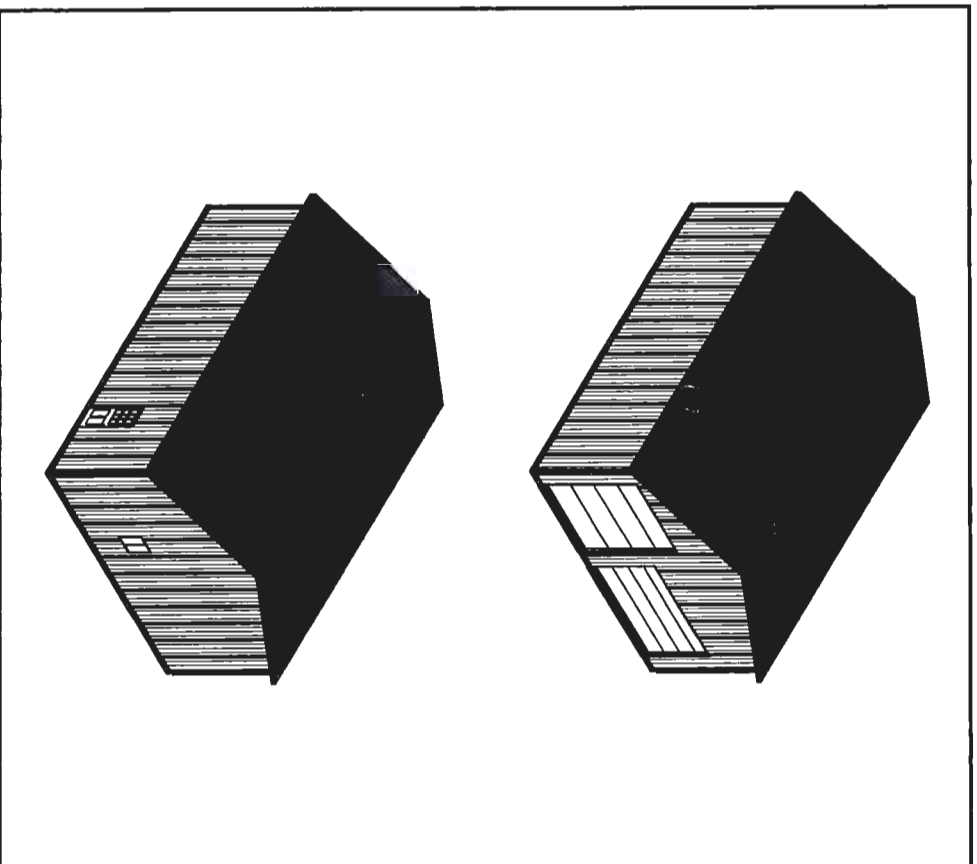
- One 12 X 12 Overhead Door (Not Included)
- One 16 X 8 Overhead Door (Not Included)
- One 3' Fiberglass 9 Lite Entry Door
- One Silverline 3' x 3' Slider Window

#### • 12" OVERHANG ON ALL SIDES W/ VENTED VINYL SOFFIT

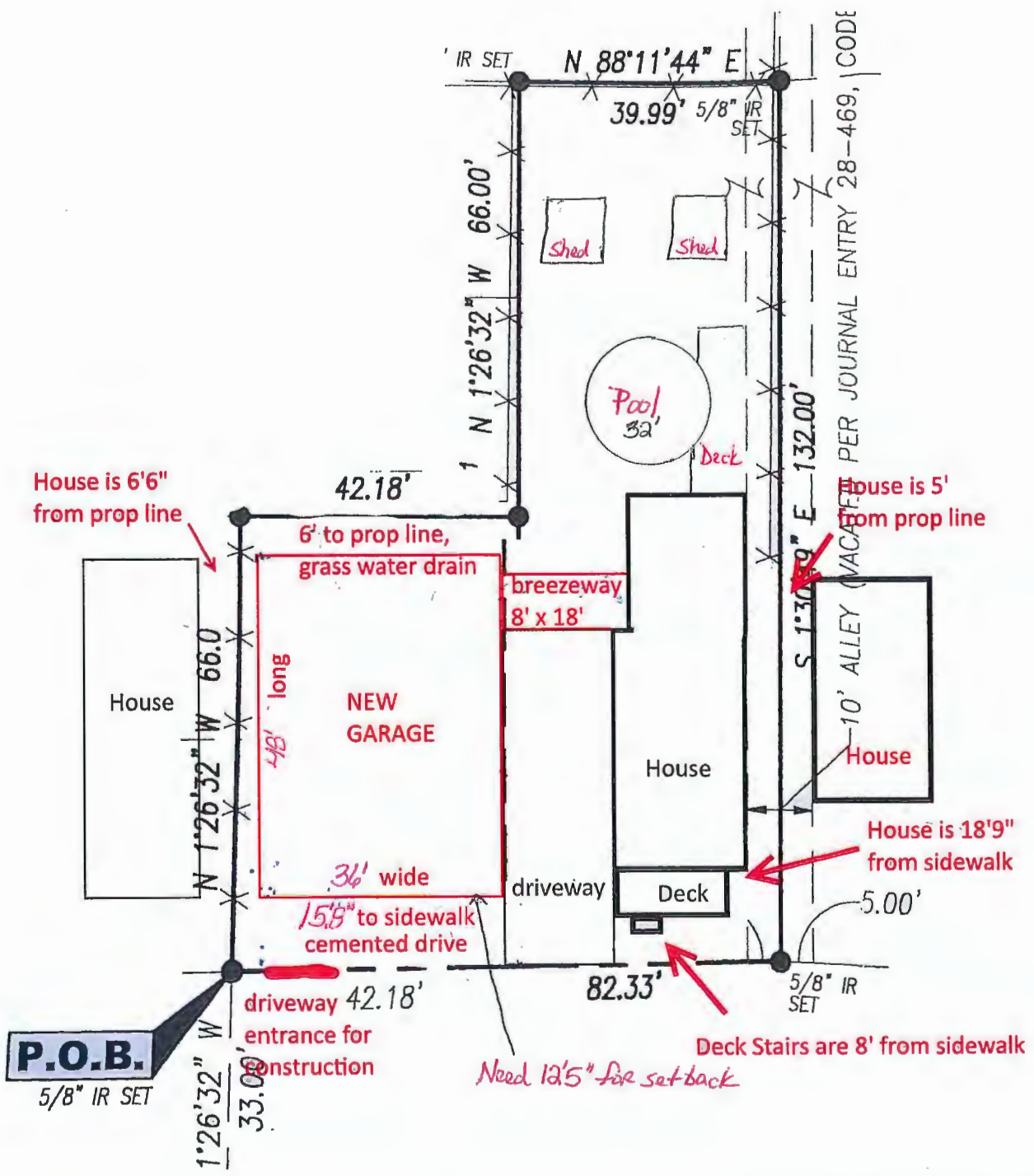
#### • FASTENERS

- 1 In. Metal To Wood Screws for Steel Wall Panel
- 1 1/2 In. Metal To Wood Screws for Steel Roof Panel
- 4 In. Gk Screws (400Cnt.) for Truss Carrier
- 4 In. Pole Barn Nails for Skirt Board
- Galvanized Steel Framing Nails

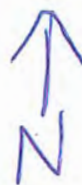
#### • DETAILED BUILDING PLANS



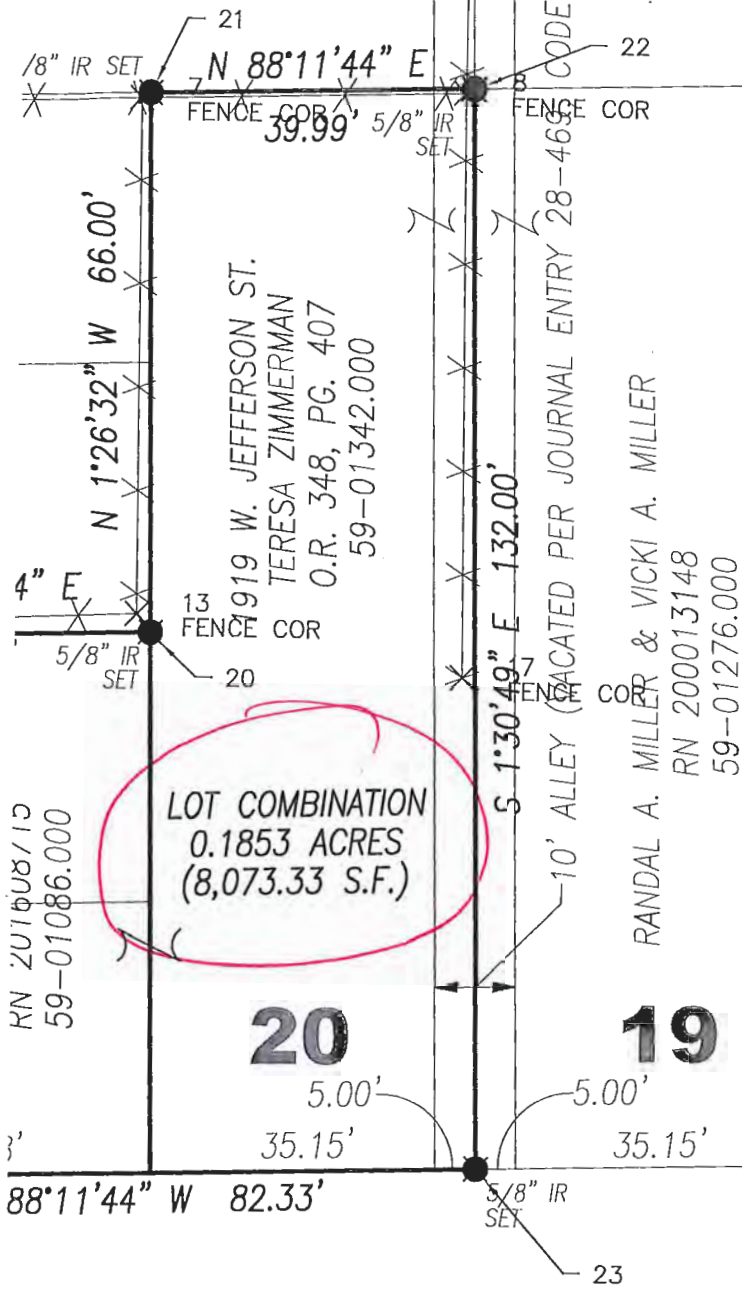




#2504-pin sets



RICARDO R. & DOLORES C. DUENEZ  
D.V. 567, PG. 547  
59-00063.000

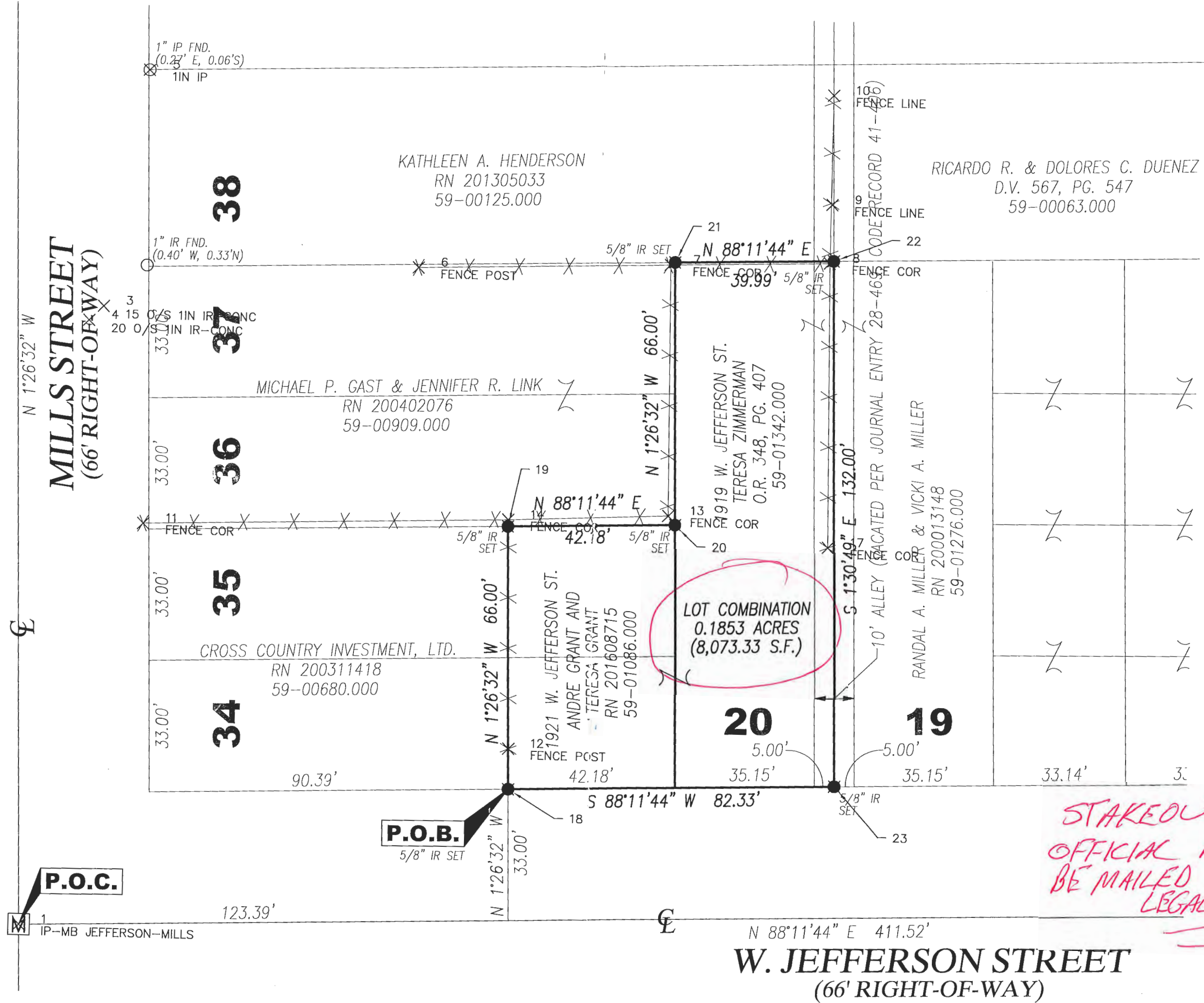
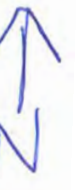


STAKEOUT DRAWING  
OFFICIAL PLAT WILL  
BE MAILED WITH  
LEGAL DESCRIPTIONS

N 88°11'44" E 411.52'  
**W. JEFFERSON STREET**  
(66' RIGHT-OF-WAY)



#2504-pin sets



STAKEOUT DRAWING  
OFFICIAL PLAT WILL  
BE MAILED WITH  
LEGAL DESCRIPTIONS