



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

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**June 15, 2017  
4:30 p.m.  
1ST FLOOR CONFERENCE ROOM, CITY BUILDING  
AGENDA**

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### **Review of minutes from the May 18, 2017 Meeting**

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

1. Kelly Dete has filed an application for 5' variance to the front yard setback to allow the construction of a residential addition at 1915 Cedar Point Road.
2. DuWayne G. Rapp has filed an application for a 10 x 8 shed in the rear yard of the property located at 430 Lawrence Street. The applicant is requesting a 3.4' variance to allow the shed to be 6.6' from the main structure, a variance to exceed 30% of the rear yard with accessory structures, and a variance of 22' to allow the shed to be located 8' from the side property line.
3. James Matthews has filed an application for a six foot chain link fence within the side yard and a 3' chain link fence in the front yard on parcel 58-00501.001, this lot is adjacent to 1215 Ransom Street.

**Next Meeting: July 20, 2017**

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

Board of Zoning Appeals  
May 18, 2017  
Minutes

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

Mr. Zeiher moved to approve the meeting minutes from the April 20, 2017 meeting as written. Mr. Matthews 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 during the adjudication hearing.

Cedar Point Park, LLC has submitted an application for variances to allow a commercial structure within a special flood hazard area at **One Cedar Point Drive**. Mr. Keefe stated that the four buildings are all within the new Cedar Point Shores waterpark area. This is a creation of a midway, going from one section to the other underneath the Magnum. The elevations are above the 100 year flood elevation, but they are below the 2' flood protection elevation that is in addition to the flood zone. This application is similar to the application that came through in August 2016 at Cedar Point Park.

Chairman Feick asked if there was anyone in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Mr. Zeiher moved to approve the requested variances. Mr. Matthews seconded the motion. With no further discussion, the motion was approved by unanimous vote.

Lori Rickenbaugh, on behalf of the Board of County Commissioners of Erie County has filed an application for a variance of 15' to the required front yard setback for a monument sign within the front yard at **503 Washington Street**. The applicant is proposing a 0' front yard setback for a 5' x 6' monument sign. Currently there is no advertisement for the building and many individuals are finding it difficult to locate the facility. The site also has limited area for signage that is outside the right-of-way. There are also signs located in similar locations within this area. Staff would recommend approval of the 15' variance at 503 Washington Street with the condition that the applicant apply for all necessary permits.

Judge Roger Binette, 323 Columbus Ave, Erie County Common Pleas Court stated that this is the former Columbia Gas building which is now the Adult Probation Department. In the past, there were letters put on the windows stating the name of the building. Unfortunately, defendants are claiming they cannot find the building and for that reason are failing to report to their Probation Officers. This creates a warrant for their arrest and they are put in jail.

Judge Binette stated that the Erie County Sheriff's office obtained their sign from EHOVE so he contacted EHOVE to create a similar sign. Looking at signs within the area, he has a similar design and will add post covers that look like brick.

Marilyn Grey, 512 W. Washington St asked how close to the corner the sign would be. Judge Binette replied that it would be from the edge of the building to the sidewalk. It will only be between the sidewalk and the building on Decatur Street. Ms. Grey asked if there would be any blocked vision of traffic. Judge Binette stated that there should be no blocked traffic.

Chairman Feick asked if the sign would be placed diagonally to be seen from Washington and Decatur Streets. Judge Binette stated that the sign is going to be placed straight for people to view from both sides of Washington Street. The sign placement will be behind the tree lawn and not in the boulevard.

Chairman Feick asked if there was anyone else in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Mr. Zeiher asked to confirm that there are no sightline issues as far as traffic coming from Decatur Street. Ms. Sparks said that Staff believed that there would be no line of site issues because it would be behind the other side of the sidewalk.

Mr. Delahunt moved to accept Staff's recommendation to approve the variance application. Mr. Matthews seconded the motion. With no further discussion, the motion was approved by a 3/0 vote. Mr. Feick abstained.

Conor Whelan has filed for an application for a 3' variance to the required side yard setback to allow construction of a residential addition at **1524 Central Ave**. The property is zoned as R2F Two Family Residential. The applicant has indicated that there is a dilapidated accessory building on the property. The applicant would like to demolish the existing accessory structure and reconstruct a residential addition that will serve as a garage and an exercise room. Both the accessory structure and the main building are located very close to the property line as the lot is very narrow. The applicant will be connecting the addition via breezeway, therefore it is considered a residential addition. Staff would recommend approval of the 3' variance to the side yard with the condition that the applicant apply for all necessary permits.

Conor Whelan, 1524 Central Ave stated that he just wants to add the addition to where the current structure is, connecting it with a breezeway. He stated that he spoke with his neighbor regarding his plans and his neighbor had no objections.

Mr. Matthews wondered when the building would begin. Mr. Whelan stated that he would work on this in the summer, since he is a teacher.

Mr. Hayberger stated that he is a close neighbor and stated that Mr. Whelan bought the property when it was in rough shape and he has fixed it up nicely. Mr. Hayberger stated that

speaking as a neighbor of Mr. Whelan, he felt that this project would be great for the community and is all for the improvement.

Chairman Feick asked if there was anyone else in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Chairman Feick asked if the garage was right on the property line. Mr. Whelan answered yes and that the garage overhang hangs over into the neighbor's property, as it does now.

Mr. Zeiher moved to approve the variance application. Mr. Delahunt seconded the motion. With no further discussion, the motion was approved with a unanimous vote.

Ms. Sparks stated that there are applications for a June meeting and to please notify Staff if you are unable to attend to assure there is a quorum.

Ms. Sparks also stated that there will be a public meeting regarding the East Bay planning process at the Central Fire Station this evening from 6:00 PM – 8:00 PM.

Mr. Delahunt moved to adjourn the meeting. Mr. Zeiher seconded the motion, which was approved through unanimous vote.

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, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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## APPLICATION FOR A VARIANCE TO PERMIT A RESIDENTIAL ADDTION AT 1915 CEDAR POINT ROAD

Reference Number: BZA-17-17

Date of Report: June 7, 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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Kelly Dete has filed an application for 5' variance to the front yard setback to allow the construction of a residential addition at 1915 Cedar Point Road. The following information is relevant to this application:

Applicant: Kelly E. Bleile Dete  
1915 Cedar Point Road  
Sandusky, Ohio 44870

Site Location: 1915 Cedar Point Road

Zoning: "R1-75"/Residential Single Family

Existing Use: Residential Single Family Dwelling

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.14 & 1151.05(b)

Variance Requested: 1) A variance of 5'

Variance Proposed: 2) The applicant proposes a 30' front yard setback versus the required 35' for the proposed residential addition.

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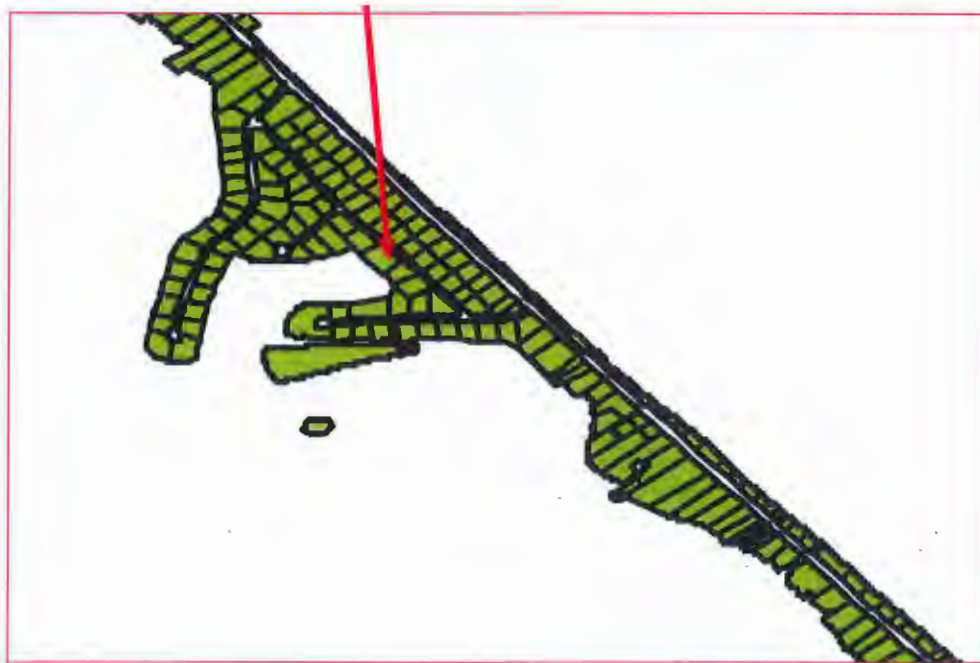
### SITE DESCRIPTION

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The subject property is located at 1215 Cedar Point Road; within the "R1-75" Residential Single-Family Zoning District. It is currently being utilized as a residential property.

Below is the zoning map and aerial image of the subject property is found below and the parcel of the subject property is pointed out:

# 1915 Cedar Point Road



PF PUBLIC FACILITY	R1-40 SINGLE-FAMILY RESIDENTIAL	LB LOCAL BUSINESS	D9D 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
AO AGRICULTURAL			NO. REQUIRED SETBACK IN FEET





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#### DIVISION OF PLANNING COMMENTS

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The applicant has proposed to raze the existing detached garage and build an attached garage with a second floor master bedroom suite. The applicant has indicated that the addition will be located



within the front yard and it will not extend past the existing front plain of the current residential structure. The current home has an existing residential setback of 30'. Other than the front yard setbacks, the proposed residential addition will meet all other required setbacks per Section 1129.14.

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

*“Due to the extreme lakefront conditions, a side entry garage is most practical. This variance is necessary in order to allow us to build a new attached side entry garage with a front setback matching our existing home. Matching this setback, we can preserve the character of our 1920’s cottage home but most importantly, we will maximize the utility and privacy of the greenspace of our backyard. Since our proposed construction will not diminish the value of any surrounding properties, nor will it have any negative impact on our neighborhoods or road, we hope you approve this variance request.”*

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 proposed addition will be in line with the existing residential structure and maintain the existing front yard setback.

**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 essential character of the neighborhood would not be altered, the applicant has indicated that the proposed addition is configured to preserve the appearance of the 1920’s cottage style home.

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

The proposed variance would not affect the delivery of government services.

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

Staff is not certain if the applicant was aware of the zoning restrictions, however once the applicant was made aware of these regulations they applied for the variance.

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

The applicant does have the ability to meet the 35' front yard setback, however staff does believe that ascetically the single family dwelling would benefit from the garage being constructed within the same plain of the residential structure.

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

Staff believes that the spirit and intent of the zoning code would be observed with granting of the variance.

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

In this instance, the property can still yield a reasonable return without the variance.

- 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.**

The proposed building addition will not be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

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 variance requested does arise form a unique condition, as the many of the residential structures within this area currently non-conforming as they do not meet the required setbacks. The applicant is trying to preserve the existing character of the home. The Board will recall, there have been similar variance cases within this area in which the Board has approved.

- 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, granting the variance will not adversely affect the rights of the adjacent property owners or residents.

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

Strict enforcement of the Code would not permit the construction of the residential addition in the proposed location and would force the applicant to lose additional greenspace in their rear yard.

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

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

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

The addition will not oppose the general spirit and intent of the zoning ordinance.

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#### CONCLUSION/RECOMMENDATION

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In conclusion, planning staff recognizes that the Board of Zoning Appeals has recommended approval of similar cases within this area and the applicant is proposing to uphold the character of the home and neighborhood by constructing the residential addition within the same plain of the existing single family dwelling. Staff would recommend approval of the 5' variance with the condition that all building permits are obtained and the residential addition does not exceed the required height of 30'.

CITY OF SANDUSKY  
APPLICATION FOR BOARD OF ZONING APPEALS  
APPROVAL

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

APPLICANT/AGENT INFORMATION:

Property Owner Name: Kelly E. Bleile Dete

Property Owner Address: 1915 Cedar Point Road

Sandusky, OH 44870

Property Owner Telephone: 419-627-2050

Contact Person: Kelly or JJ Dete

Authorized Agent Name: Stephen P. Zigo

Authorized Agent Address: 48 Benedict Avenue

Norwalk, OH 44857

Authorized Agent Telephone: 419-668-1900

Contact Person: —

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1915 Cedar Point Road

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

180' x 300', Parcel # 55-00111-000

Zoning District: R-175

VARIANCE INFORMATION:

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

1129.14 c. 1151.05(b)

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

reduction in front setback

requirement from 35' to 30'

DETAILED SITE INFORMATION:

Land Area of Property: 1.2397 acres (sq. ft. or acres)

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

Building #1: 1819 (in sq. ft.) Building #2: 1206

Building #3: — Additional: —

Total Building Coverage (as % of lot area): 5.74%

Proposed Building Height (for any new construction): match existing  
not to exceed 30'

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 1

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

Raise existing detached garage and

build an attached garage with a second

floor master bedroom suite



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):

Due to extreme lakefront conditions, a side entry garage is most practical. This variance is necessary in order to allow us to build a new attached side entry garage with front setback matching our existing home. Matching this setback, we can preserve the character of our 1920's cottage home but most importantly, we will maximize the utility and privacy of the greenspace of our backyard. Since our proposed construction will not diminish the value of any surrounding properties, nor will it have any negative impact on our neighborhood or roads, we hope you will approve this variance request.

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.

Kelly Bleile Deto 5/18/17  
Signature of Owner or Agent Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 1915 Cedar Point Rd (municipal street address of property, I hereby authorize Stephen P. Zigo to act on my behalf during the Board of Zoning Appeals approval process.

Kelly Bleile Deto 5/18/17  
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 Check # 2762

**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, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A VARIANCE TO PERMIT  
10 X 18 SHED WITH THE REAR YARD AT 430  
LAWRENCE STREET.

Reference Number: BZA-18-17

Date of Report: June 7, 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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Duwarne G. Rapp has filed an application for a 10 x 8 shed in the rear yard of the property located at 430 Lawrence Street. The applicant is requesting two variances, as listed below. The following information is relevant to this application:

Applicant: Duwayne G. Rapp  
430 Lawrence Street  
Sandusky, Ohio 44870

Site Location: 430 Lawrence Street

Zoning: "R2F"/Public Facilities Zoning District

Existing Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.15(a) and 1145.15(b)

Variances Requested:

1. A setback of 6.6' between the proposed shed and main structure, whereas the code requires 10'
2. A side yard setback along a secondary street of 8' versus the code requirement of 30'.

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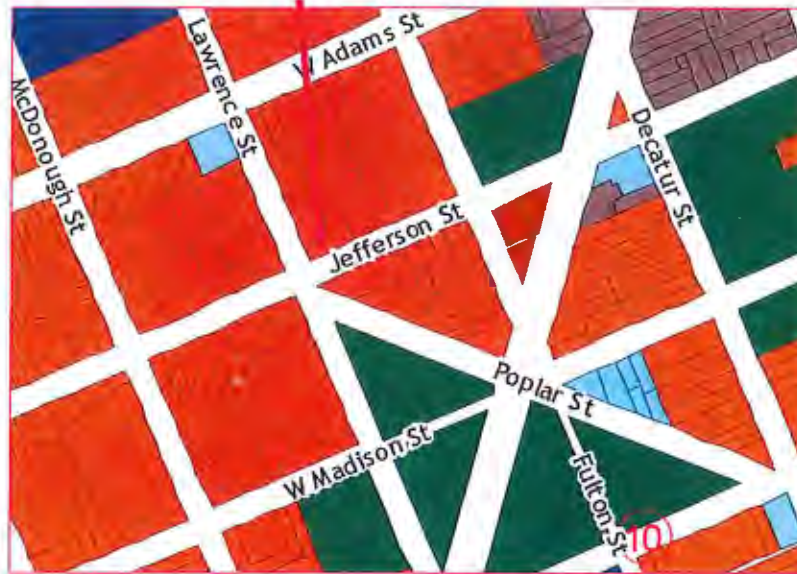
### SITE DESCRIPTION

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The subject property is located at 430 Lawrence Street; within the "R2F" Residential Two- Family Zoning District. It is currently being utilized as a residential property.

Below is the zoning map and aerial image of the subject property is found below and the parcel of the subject property is pointed out:

### 430 Lawrence 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		CM GENERAL MANUFACTURING
	R1-50 SINGLE-FAMILY RESIDENTIAL		P AUTO PARKING		CR COMMERCIAL RECREATION		PUD PLANNED UNIT DEVELOPMENT
	AG AGRICULTURAL						NO. REQUIRED SETBACK IN FEET







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#### DIVISION OF PLANNING COMMENTS

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The applicant has proposed to construct a 10' x 8' shed within the rear of the property at 430 Lawrence. The property is located on a corner lot as such the code would require the shed to be setback from the side street line not less than required for the adjacent main building on the butt lot, plus an additional five feet. The applicant has also proposed the shed to be located closer than 10' from the main structure.

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

*"Need shed to store lawn equipment, lawn mower, etc. to do yard work. My shed will not be extending out past the existing neighbor and the garage is existing."*

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 there are several variances requested, however staff does recognize the hardship of the location of the lot as well as the size.

**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 essential character of the neighborhood would not be altered.

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

The proposed variance would not affect the delivery of government services.

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

The applicant was not aware of the zoning restrictions when applying for the zoning permit, once the applicant was made aware of these regulations he applied for the variance.

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

Due to size of the lot and location of the lot the shed could only be constructed with the granting of a variance.

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

Staff believes that the spirit and intent of the zoning code would be observed with granting of the variance.

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

In this instance, the property can still yield a reasonable return without the variance.

**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.**

The proposed shed will not be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

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 variance requested does arise from a unique condition as the property is on a corner lot with limited area due to the size of the lot and the existing 21' x 10' garage on the site.

- 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, granting the variance will not adversely affect the rights of the adjacent property owners or residents; as the shed will be located in the rear yard adjacent to the property owners garage.

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

Strict enforcement of the Code would not permit the construction of the shed.

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

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

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

The shed will not oppose the general spirit and intent of the zoning ordinance.

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#### CONCLUSION/RECOMMENDATION

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In conclusion, planning staff recognizes that due to the size of the lot there is limited area for the proposed shed to meet the setback requirements. Staff recommends approval of the variance requested to allow a 10'x 8' shed with the following conditions:

1. The applicant receive a zoning permit for the shed.



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: Douglas G. Rapp

Property Owner Address: 430 LAWRENCE ST.  
SANDUSKY, OHIO 44870

Property Owner Telephone: 419-621-8336 ☐ Check if okay to Text

Email: N/A

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

Authorized Agent Name: N/A

Authorized Agent Address: N/A

Authorized Agent Telephone: N/A ☐ Check if okay to Text

Email: N/A

Contact Person: N/A

Meeting with Staff: N/A

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 430 LAWRENCE ST.

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

Permanent Parcel Number: 59-00255.006

Zoning District: R2F

VARIANCE INFORMATION:

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

1145.15 BA + B  
\_\_\_\_\_  
\_\_\_\_\_

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

- ① Distance from House 6' 6" 3.4 VARIANCE  
② PERCENTAGE of lot coverage in REAR YARD  
③ Distance of setback on corner Lot  
Asking 18' VARIANCE

DETAILED SITE INFORMATION:

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

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

Building #1: 210 (in sq. ft.) Building #2: 80

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

Total Building Coverage (as % of lot area): over 30% in REAR YARD

Proposed Building Height (for any new construction): \_\_\_\_\_

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

Number of Accessory Buildings: 2 proposed

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

Build shed (not a permanent structure)

10x8 shed in REAR YARD

CAN'T sit SHED back further because  
garage is there.

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):

NEED SHED TO STORE LAWN EQUIPMENT - LAWN MOWER ETC TO DO YARD WORK.

my shed will not be extending out PASSED EXISTING NEIGHBOR THE GARAGE IS EXISTING.

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.

D. Wayne G. Ruff  
Signature of Owner or Agent

5/8/17  
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

[Print](#) | [Back](#)

Erie County GIS



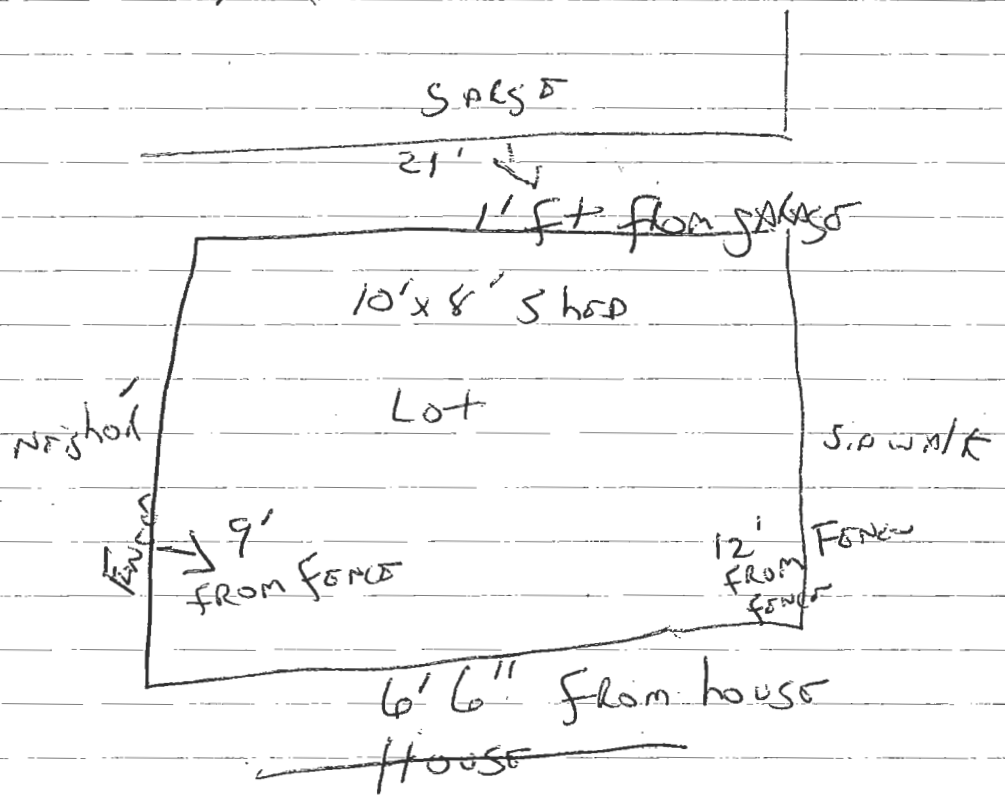
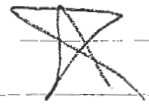
Notes

430 Lawrence

$$909.51 \times .30 = 272.85$$

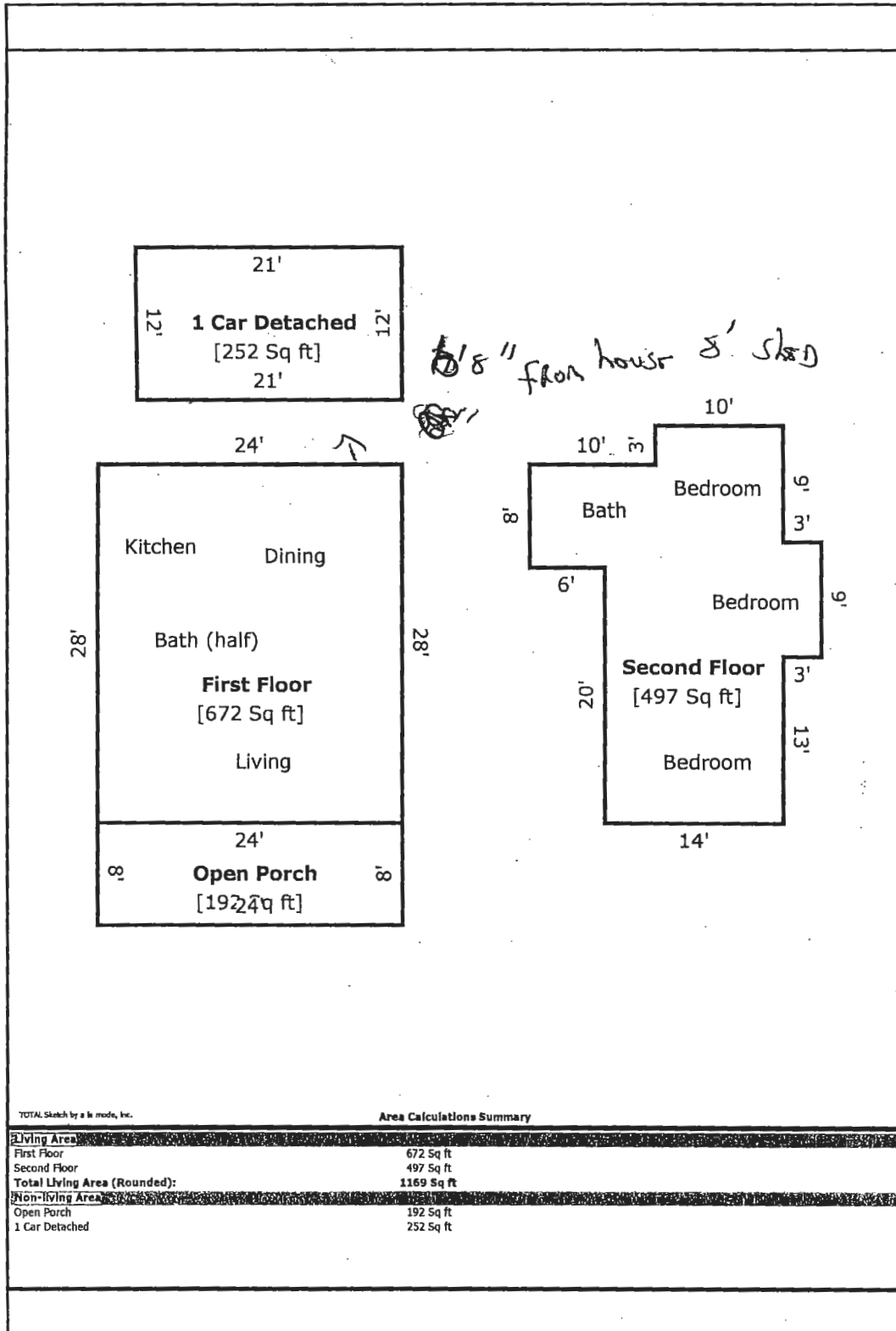
$$\begin{array}{r} 210 - \text{Garage} \\ 80 \\ \hline 290 \end{array}$$

set



## Building Sketch

Borrower/Client	N/A		
Property Address	430 Lawrence St		
City	Sandusky	County	Erie
State	OH	Zip Code	44870
Lender	MATT MARTIN REAL ESTATE MANAGEMENT		



CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A VARIANCE TO PERMIT  
A SIX FOOT HIGH CHAIN LINK FENCE  
WITHIN THE SIDE YARD AND A 3' CHAIN  
LINK FENCE WITHIN THE FRONT YARD ON  
PARCEL 58-00501.001- 1215 RANSOM STREET

Reference Number: BZA-19-17

Date of Report: June 7, 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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James Matthews has filed an application for a six foot chain link fence within the side yard and a 3' chain link fence on parcel 58-00501.001, this lot is adjacent to 1215 Ransom Street. This parcel was purchased by James and Patricia Matthews of 1215 Ransom through the land bank, in July 2013. The purchase and sale agreement state that the lots do not need to be combined; however, if the property owner were to sell, both lots must be sold together, per the deed. Section 1145.17(g) prohibits fences located in the side yard to exceed four foot in height. Section 1145.17(g)(5) states that fences located in the front yard shall be decorative in nature. The following information is relevant to this application:

Applicant: James Matthews  
1215 Ransom Street  
Sandusky, Ohio 44870

Site Location: Parcel 58-00501.001 adjacent to 1215 Ransom

Zoning: "R2F"/Public Facilities Zoning District

Existing Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.17(g)

Variance Requested: 1) A variance of 2', variance to allow a non-decorative fence.

Variance Proposed: 2) The applicant proposes a 6' chain link fence to be located within the side yard and a 3' chain link fence to be located in the front yard.

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### SITE DESCRIPTION

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The subject property is located on parcel 58-00501.001 adjacent to 1215 Ransom Street; within the "R2F" Residential Two- Family Zoning District. It is currently being utilized as a residential property.



Below is the zoning map and aerial image of the subject property is found below and the parcel of the subject property is pointed out:

### 1215 Ransom Street



	PF PUBLIC FACILITY		R1-40 SINGLE-FAMILY RESIDENTIAL		LB LOCAL BUSINESS		D90 DOWNTOWN BUSINESS
	RS RESIDENTIAL SUBURBAN		R2F TWO-FAMILY RESIDENTIAL		RB ROADSIDE BUSINESS		CS COMMERCIAL SERVICE
	R1-75 SINGLE-FAMILY RESIDENTIAL		R4F MULTI-FAMILY RESIDENTIAL		GB GENERAL BUSINESS		LM LIMITED MANUFACTURING
	R1-60 SINGLE-FAMILY RESIDENTIAL		RRB RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		CM 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 has proposed to construct a 6' fence within the side yard. As stated the applicant has purchased the adjacent lot in July 2013 from the city land bank. Through the purchase and sale agreement the two parcels are tied together. The applicant is proposing a 3' chain link fence within the front yard, a 6' chain link fence within the side yard, and a 6' chain link fence within the rear yard along the alley. Section 1145.17(d) prohibits fences to exceed 4' within the side yard and 6' within the rear yard. Section 1145.17(g) requires that fences shall be uniform in design and if located in the front they must be decorative. The Board of Zoning Appeals has previously approved 6' high fences within the side yard and fences within the front yard, however in general these fences have been decorative in nature.

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

*"I really need this, having problems with renters, their kids, dogs, they are driving vehicles on my property. Also torn down my fence, just need private property in fence work."*

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 there already appears to be a six foot fence within the side yard area. This fence appears to be the fence of an adjacent property owner.

**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 essential character of the neighborhood would not be altered, as there are already other fences within this area. The applicant has also indicated that the six foot fence would begin behind the front plain of the adjacent residential structure.

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

The proposed variance would not affect the delivery of government services.

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

Staff is not certain if the applicant aware of the zoning restrictions when applying for the fencing permit, once the applicant was made aware of these regulations he applied for the variance.

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

The applicant has indicated that a six foot fence is necessary to resolve safety issues they are currently having on the property. The applicant's predicament can be resolved through reducing the height of the fence located within the side yard and proposing a decorative front yard fence.

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

Staff believes that the spirit and intent of the zoning code would be observed with granting of the variance of the 6' fence within the side yard but the code would not be observed by a non-decorative fence within the front yard.

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

In this instance, the property can still yield a reasonable return without the variance.

**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.**

The proposed side yard fence would not be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City. The non-decorative fence within the front yard would be contrary to the general intent of the zoning code.

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 variance requested for the side yard does arise from a unique condition, however the applicant has indicated that the need for the six foot fence is for safety concerns they are having with the property and surrounding area. The front yard variance requested does not arise from a unique condition, as the applicant could construct a decorative fence.

**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, granting the side yard variance will not adversely affect the rights of the adjacent property owners or residents, however a non-decorative front yard fence may have an impact to surrounding residents.

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

Strict enforcement of the Code would not permit the construction of the 6' fence in the side yard or the chain link fence within the front yard as it is not decorative, however the code also encourages a uniformed design as such the applicant has proposed chain link fencing for both the front and the side.

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

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

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

The shed will not oppose the general spirit and intent of the zoning ordinance.

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#### CONCLUSION/RECOMMENDATION

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In conclusion, planning staff recognizes that the Board of Zoning Appeals has recommended approval of other 6' high fences within the side yard and the applicant is proposing to begin the 6' fence behind the front plain of the adjacent residential property; as such staff would recommend approval of the side yard fence. Planning staff would recommend denial of the non-decorative fence within the front yard as the code does require a uniform design amongst fences. Planning Staff does recognize that if a decorative fence is utilized within the front yard of the property, this would create a situation in which three different fencing types are on the property. As the Board is aware the code encourages a uniform design in fencing types.



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: James A. Matthews

Property Owner Address: 1215 Ransom ST  
Sandusky, OH 44870

Property Owner Telephone: (419) 626-2750 ☐ Check if okay to Text

Email: n/a

Contact Person: James A. Matthews

Authorized Agent Name: n/a

Authorized Agent Address: n/a

Authorized Agent Telephone: n/a ☐ Check if okay to Text

Email: n/a

Contact Person: n/a

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

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1215 Ransom St.

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

30 Ransom St. E. 15.5 X 124' 041A

Permanent Parcel Number: 58-00501, 58-01022

Zoning District: R2F

VARIANCE INFORMATION:

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

1145.17(a)

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

I need 6' chainlink between lots,  
3' chainlink across Front and  
6' chainlink at back alley of  
property



DETAILED SITE INFORMATION:

Land Area of Property: 0.0441 (sq. ft. or acres)

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

Building #1: \_\_\_\_\_ (in sq. ft.) Building #2: \_\_\_\_\_

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

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

Proposed Building Height (for any new construction): NA

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 1

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

Request approval for 6' chain fence  
on west side of property, and  
3' chain link fence across front,  
and 6' rear by alley

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):

*I really need this, having problems with renters, their kids, dog, they are driving vehicles on my property. also torn down my fence, just need private property in fence work*

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.

James A. Mattler  
Signature of Owner or Agent

5/16/17  
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: \_\_\_\_\_**

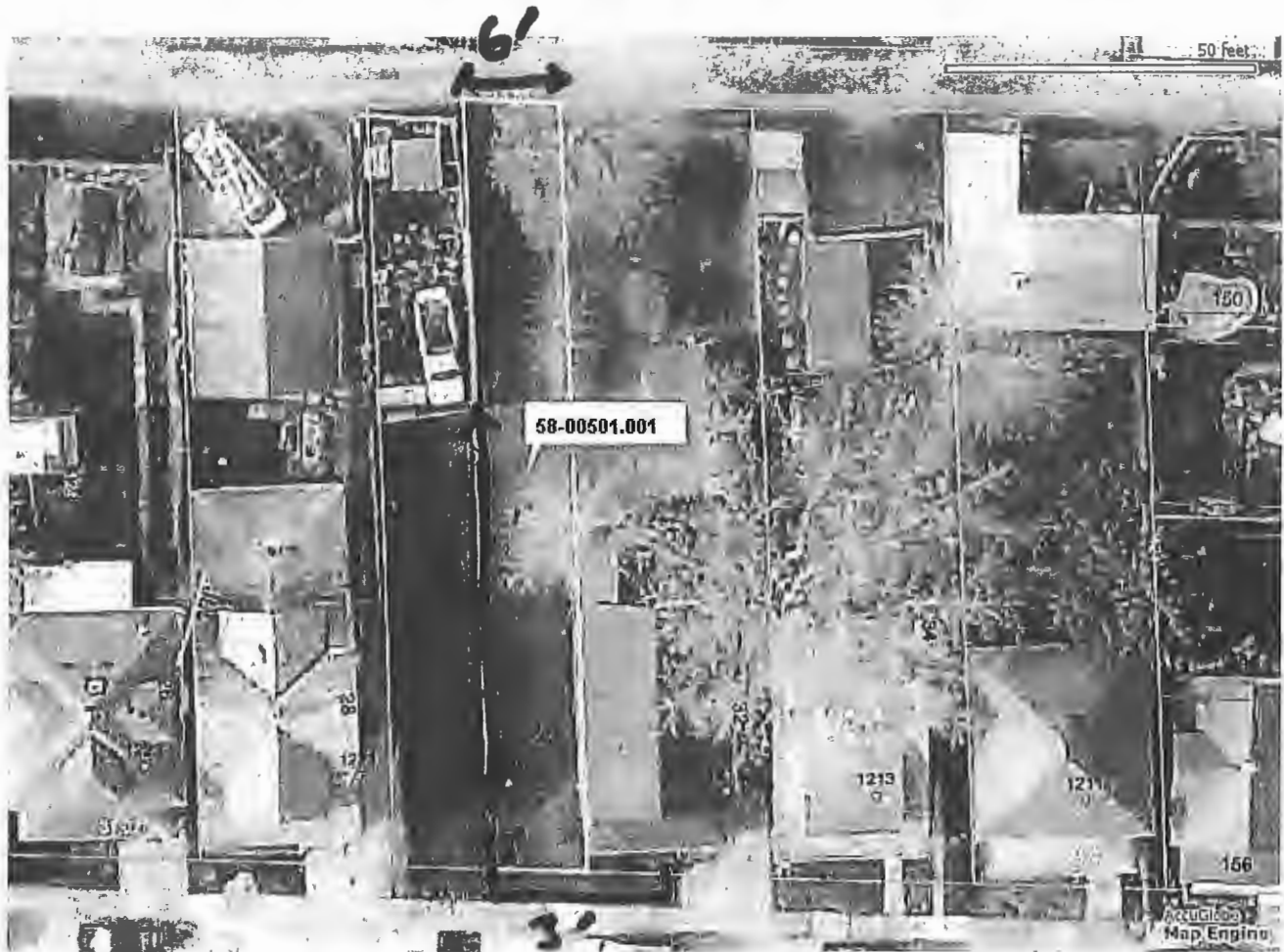
**Date of Board of Zoning Appeals Meeting: \_\_\_\_\_**

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

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

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Erie County GIS



Notes

1215 Ransom

chain link



## PSE Drawing Worksheet - Fencing (Complete and Fax to Installer)

Customer: JAMES MATTHEWS Store: 77  
 Phone (home): 419 626-2750 Phone (cell): \_\_\_\_\_ Phone (other): \_\_\_\_\_  
 Install Address: 1215 RANSOM ST SANDUSKY OHIO 44870

### Directions:

1. Walk the fence line after discussing property boundaries with the customer – indicate any obstructions as you measure
2. Imagine what the fence looks like from a "bird's eye" view
3. Sketch the fence with these details:
  - Mark where the fence abuts, attaches to or is built around any structure or obstacle
  - Mark where gates will be located as well as gate type (drive or walk gate)
  - Mark best access route from material drop-off point to construction area

