



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

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**August 17, 2017**

**4:30 p.m.**

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

### **AGENDA**

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**Review of minutes from the July 20, 2017 Meeting**

**Adjudication hearing to consider the following:**

1. Dan McGookey has filed an application for a variance to allow a monument sign to be 5' from the property line at 223 Meigs Street. Section 1143.09(d) requires all monument signs to be a minimum of 15' or one half of the required front yard setback, whichever is greater.
2. Alison Thompson, on behalf of Susan Haas, has filed an application for a 2' variance to allow the construction of a 6' high fence within the side yard at 4306 Venice Road.
3. Brad Clark with Janotta & Herner, on behalf of Jan Bucholz, has submitted an application for a 13' rear yard variance to allow a residential addition to the property located at 2231 Karl Ann Drive.
4. Gundlach Sheet Metal Works has submitted an application for a 37' side and rear yard variance to allow for the construction of a building at 118 Division Street.
5. Firelands Habitat for Humanity has submitted an application for a 10' front yard variance to allow for the construction of a single family residence at 506 Meigs Street.

**Next Meeting: September 21, 2017**

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

Board of Zoning Appeals  
July 20, 2017  
Minutes

Mr. Zeiher called the meeting to order at 4:30 PM. The following members were present: Mr. Dan Delahunt, Mr. Kevin Zeiher and Mr. Walt Matthews. Ms. Casey Sparks represented the Planning Department; Mr. Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from Community Development. Dr. Semans arrived before the agenda items were presented and Chairman Feick was excused.

Mr. Matthews moved to approve the meeting minutes from the June 15, 2017 meeting as written. Mr. Delahunt seconded the motion. With no discussion, the motion carried with a 3/0 vote.

Upon Dr. Semans arrival, there were 4 voting members for the following agenda items.

Ms. Sparks reported that Sarah Porter had submitted an application for a use variance to allow for a commercial use on the first floor at **332 Lawrence Street**. The existing building is zoned as R2F which would permit two residential units, the applicant is proposing commercial on the first floor and three units on the second floor. The applicant has applied for a Special Residential Permit through the Planning Commission for approval of the third unit. The applicant has indicated that the building has been vacant for two years. The first floor consists of approximately 714 square feet, this spaces was previously utilized for commercial use. There were previous correspondence with planning staff dating back to 1997 regarding the use of the building as a commercial use and three apartments, however since it has been vacant for more than a year the applicant is required to receive a variance and a special residential permit for the use of the building. The application indicates the proposed uses to be office in general, attorney, office, accountant, or similar use. Section 1149.05 would require three parking spaces for this use; however the existing site is non-conforming and does not offer any off-street parking for either the apartment or business. Staff recognizes that these types of uses would generally not require a large amount of parking. Staff does not believe that an office type use would be a negative impact to the surrounding property. Staff would recommend the approval of the variance with the condition that the space is utilized for one of the following uses, insurance office, attorney, tax preparation, or similar use.

Mr. Zeiher asked what the last use of the commercial office was. Ms. Sparks stated that there was a file that indicated that the space has been vacant since June of 1996. Mr. Zeiher asked if Ms. Porter planned on operating her own business out of this space or will she lease the space to an outside entity. Ms. Sparks stated that the applicant would lease the space and that it was her understanding that it would be a tax preparation office.

Mr. Matthews asked if the applicant was in the audience today. Ms. Sparks stated that the applicant was informed of the meeting and it was her understanding that the applicant would be present to answer questions.

Ms. Sparks stated that the Planning Commission will deal with any parking requirements; however, the use that is proposed should not have any issues with on street parking.

Dr. Semans stated that there were 5 electric meters and asked if there were 2 office spaces previously on the first floor. Ms. Sparks stated that her files did not indicate that but that the space is large enough to possibly have had 2 offices in the past.

Mr. Matthews stated that any application that is heard before the Board Members should have the applicant present to answer questions. It was indicated that this is not a requirement in the application process, but it would be helpful.

Ms. Sparks stated that she received a letter from Robert and Maryann Fritz, stating that Staff did not indicate what the use would be in the surrounding property notifications. They stated that there is a difference between a bar and a beauty shop. Ms. Sparks stated that she recommended that the space be limited to office space.

Mr. Zeiher asked if it is limited to what could actually go in there. Could a beauty shop go in there? Ms. Sparks stated that with a professional office space, there would not be customers in and out all day long, whereas a beauty shop may have more customers in and out throughout the day and that would not be a recommended use for this space.

Mr. Delahunt moved to grant the variance as recommended by the Staff. Dr. Semans seconded the motion. Mr. Hayberger clarified that this motion included the condition of office use as Staff indicated in the recommendation. With no further discussion, the motion carried with a 3/1 vote. Mr. Matthews opposed.

Ms. Sparks stated that Sandusky City Schools had filed an application for variances for the proposed 3<sup>rd</sup>– 6<sup>th</sup> grade elementary school building at **2020 Hayes Avenue**. There are three portions of the building along Buchanan Street that do not meet the required 75' side yard setback required for educational facilities located within a public facility zoning district. The proposed variances to the side yard include 4'-6", 10'-4", 50'-5". Staff recognizes that this site is difficult to fit a building of the size that will accommodate the needs to the district and still meet the required setbacks. The setbacks will not affect surrounding property owners and the adjacent uses are also public facilities. Staff recommends approval of the variances; the education facility will greatly benefit the neighborhood and the community. This project will also be heard at Planning Commission.

Mr. Zeiher swore in Robert Glasford, who is present on behalf of the applicants.

Robert Glasford, 27955 Clemons Rd, Westlake stated that he is the architect for the applicant. He pointed out that the major variance is on the angled piece of the proposed building. This is a two-story classroom wing. The district wanted a significant amount of play area in the back, so it kept the building toward the front of the street. The architects thought that tilting that wing would relate it to the High School and would run parallel and perpendicular to Hayes Avenue. The other condition that the district desired was to have an outdoor classroom area and the front area between the angled portion and straight portion is a proposed outdoor classroom area.

Mr. Matthews asked what the cost of the project would be. Mr. Glasford stated that the State of Ohio is co-funding the project per the number of students. The number of students determines the square footage and there is a cost per square foot. The design cannot be outside the range determined by the state. The budget is 30 million.

Mr. Delahunt asked if the fire and police departments had any concerns with having the outdoor classroom in the front toward Hayes Avenue. Ms. Sparks stated that they have seen the plan as part of the site plan review and have no concerns. She added that the Public Facility District setbacks for the City are pretty extreme. They were created many years ago and set for buildings like a courthouse where the building is in the middle of the parcel. Mr. Glasford added that the outdoor classroom would be completely fenced in.

Mr. Zeiher asked where the gates would be. Mr. Glasford indicated that the gates would be in the center.

Mr. Delahunt asked where the main entrance would be. Mr. Glasford indicated that the main entrance is off of Buchanan Street to keep the bus and car traffic separate.

Dr. Semans moved to approve the application. Mr. Matthews seconded the motion, which carried unanimously.

Ms. Sparks announced that there is an Open House at the State Theatre at 6:00pm tonight and all members are invited to attend.

The next regularly scheduled meeting will be August 17, 2017.

With no further business, the meeting was adjourned at 4:50pm.

APPROVED:

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Debi Eversole, Clerk

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Kevin Zeiher, acting Chair

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR VARIANCE TO ALLOW A  
MONUMENT SIGN TO BE FIVE FOOT FROM  
THE PROPERTY LINE AT 223 MEIGS STREET.

DAN MCGOOKEY

Reference Number: BZA-22-17

Date of Report: August 9, 2017

Report Author: Casey Sparks, Chief Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Dan McGookey has filed an application for a variance to allow a monument sign to be five feet from the property line at 223 Meigs Street. Section 1143.09(d) requires all monument signs to be a minimum of 15' or one half of the required front yard setback, whichever is greater. The following information is relevant to this application:

Applicant: McGookey Properties  
225 Meigs Street  
Sandusky, Ohio 44870

Site Location: 225 Meigs Street  
Sandusky, Ohio 44870

Zoning: "DBD"/ Downtown Business District

Existing Use: Vacant

Proposed Use: Brew Pub

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1143.09(d)

Variance Requested: 1) A variance of 10' to the front property line.

Variance Proposed: 2) The applicant proposes a monument sign to be placed 5' from the front property line whereas the code requires 15' front yard setback.

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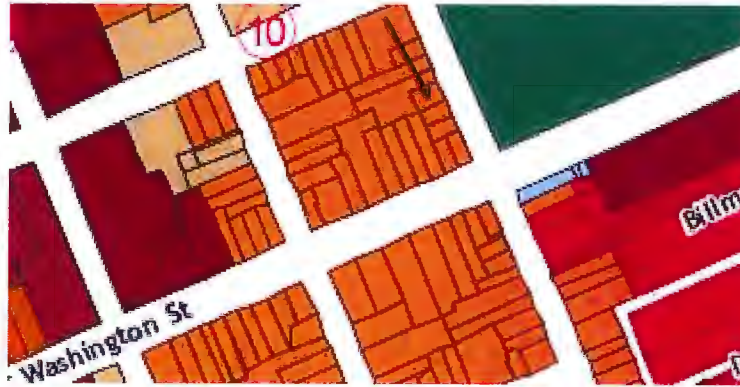
### SITE DESCRIPTION

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The subject property is located on Meigs Street in the "DBD" Downtown Business District. The subject property is surrounded by single-family, office and commercial uses. A location map of the subject property is found below and the parcel of the subject property is pointed out. The map has not been updated and does not reflect the previously approved rezoned parcels within the block.



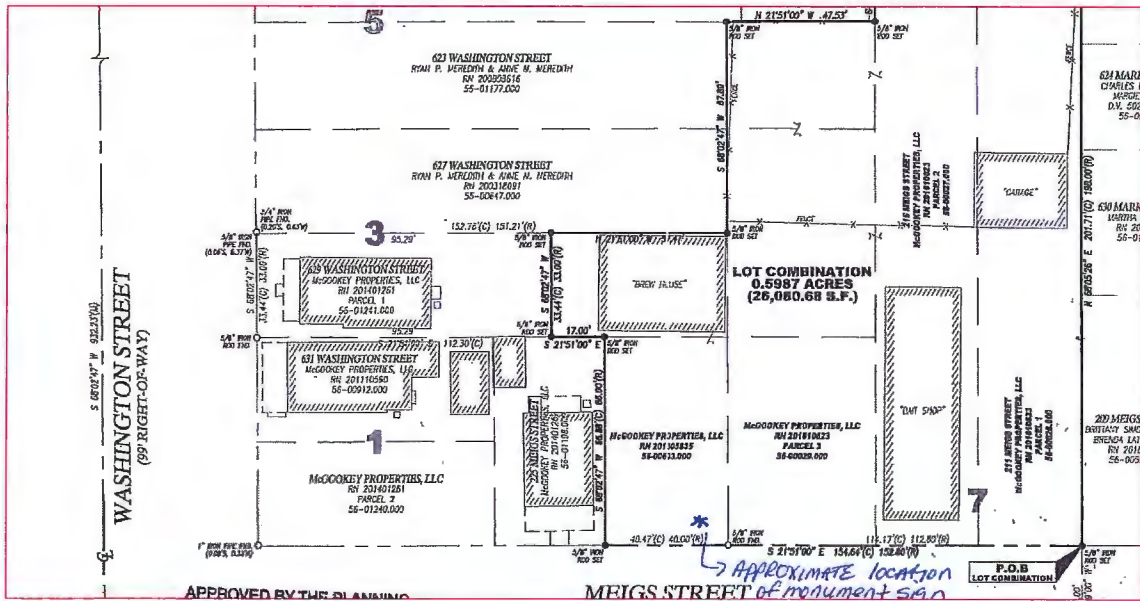
## 223 Meigs Street



	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
	AG AGRICULTURAL						NO REQUIRED SETBACK IN FEET



## Proposed Site Location



## Existing Sign Location





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**DIVISION OF PLANNING COMMENTS**

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The applicant, McGookey Properties, LLC has proposed to place a monument sign 5' from the front property line. The monument sign will be less than 27 square feet and will identify the Bait House Brewery. The applicant has indicated that the variance is being requested to increase visibility of the sign to vehicular traffic.

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

*“Due to the narrow lot widths and the closeness of the buildings located at 225 Meigs Street (McGookey Law Offices) and Herb’s Bait Shop (formerly 215 Meigs Street) to the right of way, a sign located 15’ from the right of way would have its visibility to motorist (especially from the south) severely obstructed. The intention is to place a new sign at the minimum height required under the code. Therefore, not only is the requested variance necessary for the motoring public to find the Brewery, it actually proposes public safety by preventing motorist from sudden stops.”*

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 proposed variance is not substantial as the existing sign does not meet the current setback requirements and the sign would not create a line of site issue for vehicular traffic.

**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 proposed monument sign will not substantially alter the adjoining properties as the applicant has indicated that the sign will meet the size requirements of the zoning code and will not create a line of site issue.

- 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, as it 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;**

It appears the property owner was aware of the zoning restrictions, however the applicant wishes to place the sign within a different location to increase visibility.

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

The applicant's predicament can be resolved through either a variance or placing the sign fifteen feet from the front property line, however staff does recognize that this may appear awkward on 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 the proposed variances would be in keeping with the spirit and intent of the Zoning.

- 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 due to the existing dwelling on the subject property.

- 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.**

Granting of the variance would not be contrary to the general purpose, intent and objective 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 variances requested arise from a unique condition, due to the narrowness of the lot and the location of the building the approved sign location would not be as visible as if the sign were to be located closer to the front property line.

- 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 the variances will not adversely affect the rights of adjacent property owners or residents. As stated, there is an existing sign on the site which appears to be within the public right-of-way.

**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 application of the zoning code would result in the signage being placed further into the site making it difficult for vehicles to see until they were in close proximity of 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.

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

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

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#### CONCLUSION/RECOMMENDATION

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As stated, the existing sign appears to be located within the right-of-way, staff believes that any improvements to the existing location would be an improvement to the site. In conclusion, Staff recommends the approval of the 10' variance to allow for the monument sign to be located 5' from the front property line with the condition that the sign meets all zoning requirements in regarding to area and height.



**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: McGOOKEY PROPERTIES, LLC

Property Owner Address: 223 MEIGS STREET  
SANDUSKY, OHIO 44870

Property Owner Telephone: 419-271-5094 ☒ Check if okay to Text

Email: dmcgoockey@mcgoockeylaw.com

Contact Person: DANIEL L. MCGOOCKEY

Authorized Agent Name: DANIEL L. MCGOOCKEY

Authorized Agent Address: 225 MEIGS STREET  
SANDUSKY, OHIO 44870

Authorized Agent Telephone: 419-271-5094 ☒ Check if okay to Text

Email: dmcgoockey@mcgoockeylaw.com

Contact Person: DANIEL L. MCGOOCKEY

Meeting with Staff: DANIEL L. MCGOOCKEY

**LOCATION AND DESCRIPTION OF PROPERTY:**

Municipal Street Address: 223 MEIGS STREET, SANDUSKY OHIO 44870

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

SEE ATTACHED Exhibit "A"

Permanent Parcel Number: 56-0063.000, 56-00029.000 & 56-00027.000

Zoning District: Downtown Business

**VARIANCE INFORMATION:**

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

SECTION 1143.09(d)

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

PLACEMENT of monument sign 5' from  
Right of way as shown in Exhibit "B"



DETAILED SITE INFORMATION: *THIS INFORMATION WILL BE PROVIDED AS SOON AS IT IS AVAILABLE FROM APPLICANT'S SURVEYOR*

Land Area of Property: \_\_\_\_\_ (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): \_\_\_\_\_

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

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

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

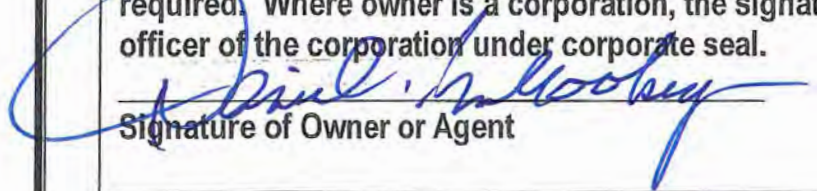
*THE PROPOSED VARIANCE CONSISTS OF PLACEMENT OF A  
MONUMENT SIGN OF LESS THAN 27-SQ.FT WHICH WILL IDENTIFY  
THE BAIT HOUSE BREWERY PROPERTY TO THE GENERAL PUBLIC.  
A SKETCH OF THE SIGN WILL BE PROVIDED. AS INDICATED IN  
NUMEROUS FILINGS WITH THE CITY, THE BREWERY WILL BE  
THE FIRST PHASE OF DEVELOPMENT. AFTER OPENING THE  
BREWERY, WE INTEND TO CONVERT THE FORMER HERB'S  
BAIT SHOP INTO A BREWPUB OPERATING AS THE "BAIT HOUSE  
BREW PUB".*

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 ATTACHED

APPLICATION AUTHORIZATION:

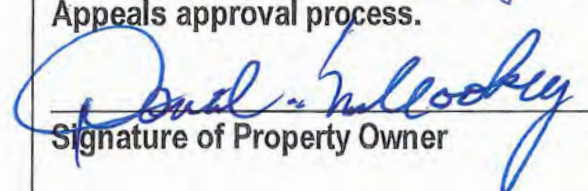
If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

  
Signature of Owner or Agent

7/20/17  
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

  
Signature of Property Owner

7/20/17  
Date

#### NECESSITY OF VARIANCE:

Due to the narrow lot widths and the closeness of the buildings located at 225 Meigs Street (McGookey Law Offices) and Herb's Bait Shop (formerly 215 Meigs Street) to the right of way, a sign located 15' from the right of way would have its visibility to motorists (especially from the south) severely obstructed. The intention is to place a new sign at the minimum height required under the code. Therefore, not only is the requested variance necessary for the motoring public to find the Brewery, it actually promotes public safety by preventing motorists from sudden stops.

**REQUIRED SUBMITTALS:**

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

*SEE CURRENT SITE PLAN ATTACHED AS EXHIBIT "B"  
AN UPDATED PLAN WILL BE SUBMITTED*

- 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



# Exhibit 'A'

## LEGAL DESCRIPTION FOR LOT COMBINATION

### 223 MEIGS STREET

Situate in the State of Ohio, County of Erie, City of Sandusky, Ward 1, and being part of Lots 1, 3 and 5 Washington Street and part of Lot 7 Meigs Street, also being all of that parcel of McGookey Properties LLC described in RN 201605835, and all of those three parcels described in RN 201610623 and being more particularly bounded and described as follows:

Beginning, for reference, at an iron pin in a monument box found at the intersection of centerlines of E. Water Street and Meigs Street as shown on the Old Town Plat of the City of Sandusky; thence, S 21°51'00" E with the centerline of Meigs Street, a distance of 719.30 feet to a point, passing at 544.30 feet the intersection of centerlines of E. Market Street (82.5 feet in width) and Meigs Street (66 feet in width); thence, S 68°09'00" W, a distance of 33.00 feet to a 5/8" iron rod set at the northeasterly corner of Lot 7 Meigs Street and the **TRUE POINT OF BEGINNING** for this description;

Thence S 21°51'00" E with the westerly right of way line of Meigs Street and the aforementioned lands of McGookey Properties LLC in Lot 7 Meigs Street and in Lot 1 Washington Street, a distance of 154.64 feet to a 5/8" iron rod set;

Thence, S 68°02'47" W with lands of McGookey Properties LLC, RN 201401262, a distance of 66.88 feet to a 5/8 inch iron rod set;

Thence, S 21°51'00" E with said lands, a distance of 17.00 feet to a 5/8" iron rod set;

Thence, S 68°02'47" W with remaining lands of McGookey Properties LLC, RN 201401261, a distance of 33.44 feet to a 5/8" iron rod set;

Thence, N 21°51'00" W with lands of Ryan P. Meredith and Anne M. Meredith, RN 200318091, a distance of 57.47 feet to a 5/8" iron rod set;

Thence, S 68°02'47" W with said lands and with lands of Ryan P. Meredith and Anne M. Meredith, RN 200808616, a distance of 67.89 to a 5/8" iron rod set;

Thence, N 21°51'00" W with lands of Laura J. Mears, O.R. 332, Pg. 112 and lands of John S. and Juanita M. Fenton, RN 200802650, a distance of 47.53 feet to a 5/8" iron rod set;

Thence, S 68°05'26" W with said lands of Fenton, a distance of 33.50 feet to a 5/8" iron rod set;



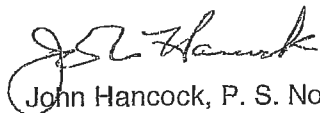
McGookey Properties LLC  
Lot Combination  
April 21, 2017  
Page two of two

Thence, N 21°51'00" W with lands of Martha A. Bertsch, Successor Tr., RN 201503658, a distance of 66.77 feet to a 5/8" iron rod set;

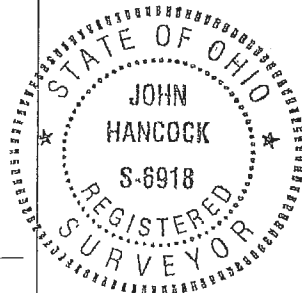
Thence, N 68°05'26" E with lands of Gregory J. Schoewe and Nancy Schoewe, O.R. 381, Pg. 889, Charles Lee Kaman and Margie Kaman, D.V. 502, Pg. 1055, Martha A. Roesch, RN 200214600, and Brittany Simone Jeter and Brenda Latoya Jeter, RN 201605248, a distance of 201.71 feet to the point of beginning for this description, containing 0.5987 acres of land, more or less, subject to easements and rights of way of record.

This description was prepared by John Hancock, P.S. No. 6918 from a survey conducted in July 2015. Bearings herein are based on the centerline of Meigs Street south of E. Water Street bearing S 21°51'00" E.

John Hancock and Associates, Inc.

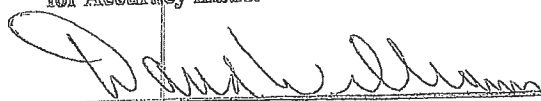
  
John Hancock, P. S. No. 6918

Date: APRIL 24, 2017



file: 1646lotcombo41217

APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
Administrative Code only. No Field Verifications  
for Accuracy made.

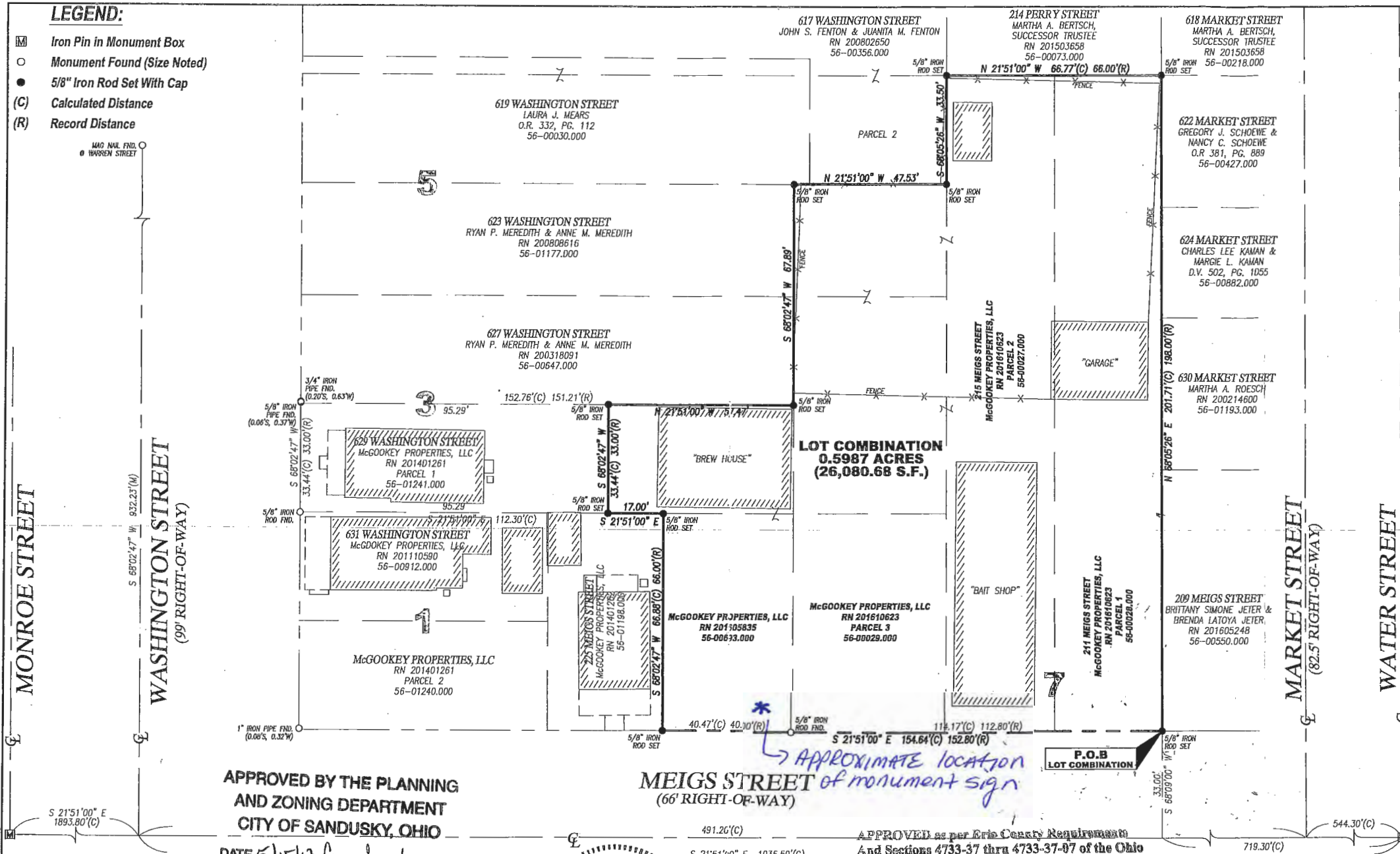
  
Erie County Engineer 04/24/17  
DATE

APPROVED BY THE PLANNING  
AND ZONING DEPARTMENT  
CITY OF SANDUSKY, OHIO  
DATE 5/15/17 *Lacey Jacobs*

Exhibit 'B'

LEGEND:

- Iron Pin in Monument Box
- Monument Found (Size Noted)
- 5/8" Iron Rod Set With Cap
- (C) Calculated Distance
- (R) Record Distance



APPROVED BY THE PLANNING AND ZONING DEPARTMENT  
CITY OF SANDUSKY, OHIO

DATE 5/15/17 Casey Sparks

Bearings herein are based on the centerline of Meigs Street bearing S 21°51'00" E as contained in the plat of East Battery dated 4/01/1936.

I hereby certify that this plat was prepared from an actual field survey of the premises conducted by me pursuant to chapter 4733-37 of the Ohio Administrative Code.

JOHN HANCOCK, P.S.  
OHIO R.L.S. 6918

DATE: APRIL 24, 2017



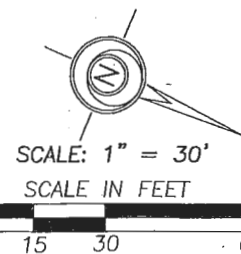
MEIGS STREET (66' RIGHT-OF-WAY)

APPROVED as per Erie County Requirements And Sections 4733-37 thru 4733-37-07 of the Ohio Administrative Code only. No Field Verifications for Accuracy made.

Eric County Engineer

NOTE:

Lots have been prorated based upon centerline monuments found and shown on this survey.



REVISED:

John Hancock & Associates  
INCORPORATED  
ENGINEERS - SURVEYORS  
305 E. MARKET ST., SANDUSKY, OHIO 44870  
(419) 625-7836

**LOT COMBINATION SURVEY**  
FOR MCGOOKEY PROPERTIES, LLC  
PART OF LOTS 1, 3 & 5 ON WASHINGTON STREET  
AND PART OF LOT 7 MEIGS STREET  
WARD 1, CITY OF SANDUSKY, ERIE COUNTY, OHIO

JOB NO.:	164608
DRN BY:	DMN
FILE NO.:	1646-COMB
DATE:	4/24/17
SCALE:	1" = 30'
SHEET NO.:	1

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A VARIANCE OF 2' FOR  
CONSTRUCTION OF A SIX FENCE WITHIN  
THE SIDE YARD AT 4306 VENICE ROAD

Reference Number: BZA-23-17

Date of Report: August 8, 2017

Report Author: Casey Sparks, Chief Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Alison Thompson, on behalf of Susan Haas, has filed an application for a 2' variance to allow the construction of a six foot high fence within the side yard at 4306 Venice Road. The following information is relevant to this application:

Applicant/ Owner: Susan Haas  
4630 Pinewood #225  
Sandusky, Ohio 44870

Agent: Alison Thompson  
4306 Venice Road  
Sandusky, Ohio 44870

Site Location: 4306 Venice Road

Zoning: "R1-75"/Single Family Residential

Existing Use: Single Family Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17(d)

Variance Requested: 1) A 2' variance for a fence within the side yard

Variance Proposed: 2) The applicant proposes a 6' side yard fence, Section 1145.17 of the City of Sandusky Zoning Code prohibits a fence to exceed 4' within the side yard.

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### SITE DESCRIPTION

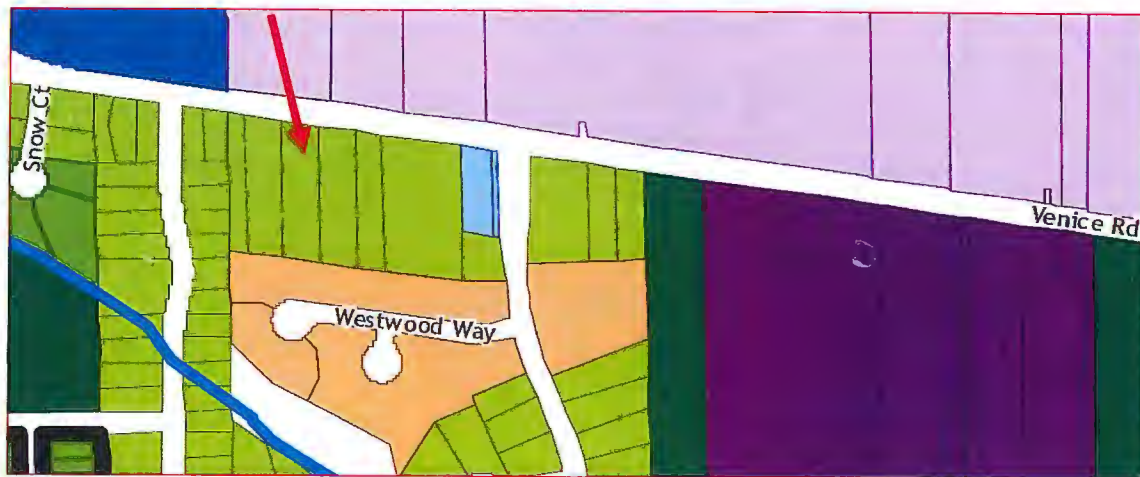
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The subject property is located at 4306 Venice Road; within the "R1-75" Single Family Zoning District.



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:

### 4306 Venice Road



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			NO. REQUIRED SETBACK IN FEET







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#### DIVISION OF PLANNING COMMENTS

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The applicant has proposed to construct a six foot high fence within the side yard on the property located at 4306 Venice Road. The applicant has a substantial sized lot and would like to place the fence on the western side yard of the property. The applicant intends to fence the entire rear and sides of the property.

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

*"Our house is on .9 acres. There is 40ft from the house to the property line and another 40' to the neighbor's house. Fence will be 50' from the road. This causes no obstruction of sight. We would like a 6' fence so that we can use our side yard, access water hoses, access wood pile, and constrain compost piles while maintaining our privacy. A 4' fence would allow anyone from our high traffic road to see our entire backyard giving us no privacy"*

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 setback variance sought in this case is 2' which is not substantial, as the fence would be located within the side yard and the Board has previously approved 6' fences within the side yard.

**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 location of the proposed fence would not substantially alter or be a detriment to the essential character of the neighborhood. The lots within the area are larger and the home is setback from the street as such a 6' high side yard fence will not be a detriment to the neighborhood. It is also important to note that Venice Road has several business along this corridor, it is not a primary residential neighborhood.

**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 property owner was aware of the proposed setback requirements, however the applicant has requested for a higher fence within this area as they would like to have additional privacy and better access to their lawn equipment.

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

The only way the owners predicament can be resolved through another method other than a variance is by the installation of a 4' high fence within the side yard or to begin the 6' fence behind the home.

**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 intent behind the zoning requirement would be observed as the fence does not create a line of site issues and other similar variance requests have been granted.

- 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 a six foot fence within the side yard.

- 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 variance 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 request for the variance is created by the actions of the property owner regarding the proposed location of the fence, however the applicants are requesting a 6' high fence for additional privacy and this cannot occur without a variance.

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

Staff does not believe that the sign will adversely affect the surrounding property owners. As stated, the surrounding lots are larger in size and some of the properties are businesses, as such it will not be a detriment to surrounding properties.

- C. 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 strict application of the Zoning Code would permit the applicant to construct a four foot fence within this area.

- D. 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.

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

The proposed variance 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 recommends approval of the 2' variance for the proposed six foot high fence within the side yard of 4306 Venice Road. Staff does not believe it would be detriment to surrounding property owners and similar variances have been approved.

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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:

Susan Haas

Property Owner Address:

4630 Pinewood # 225

Sandusky OH 44870

Property Owner Telephone:

419 357 5441

Contact Person:

Alison Thompson

Authorized Agent Name:

Alison Thompson

Authorized Agent Address:

4306 Venice Rd

Sandusky OH

Authorized Agent Telephone:

419 602 9202

Contact Person:

\_\_\_\_\_



LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 4306 Venice Rd

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

24-6-A 26 West Pt of 4.83A .9076A

Zoning District: 510 Platted SFR R1-75 SFR

VARIANCE INFORMATION:

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

Ord 05-159 "Fences and walls may ~~not~~ be permitted  
along the lines of a side yard to a height of not  
more than four feet above grade"

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

we would like to install a 6' fence along our  
side yard as opposed to the 4' requirement

DETAILED SITE INFORMATION:

Land Area of Property: .91 acres (sq. ft. or acres)

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

Building #1: 1,084 sq ft (in sq. ft.) Building #2: 1,196

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

Total Building Coverage (as % of lot area): approx 6.7%

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

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

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

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

We would like to construct a 6' fence from  
the front of our house on the west side to our  
property line and from there all the way around  
our backyard. Also a 6' gate on the north  
facing section of the fence on the east side.

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):

Our house is on .9 acres. There is 40 ft from the  
house to the property line and another 40' to the neighbors  
house. Fence will be 50' from the road. This causes  
no obstruction of sight. ~~the~~  
We would like a 6' fence so that we can use our side  
yard, access water hoses, access wood pile, and constrain  
compost piles while maintaining our privacy. A 4' fence  
would allow anyone from our high traffic road to see  
our entire backyard giving us no privacy.

#### 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

7/4/17

Date

#### PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 4306 Venice Rd (municipal street address of property,  
I hereby authorize Alison Thompson to act on my behalf during  
the Board of Zoning Appeals approval process.



Signature of Property Owner

6/28/17

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: \_\_\_\_\_

Alison Thompson has my permission  
to act on my behalf in all matters  
pertaining to the fence variance at  
4306 Venice Rd in Sandusky.

Dusan Blas 6/28/17



Venice Rd

Driveway

House

Garage

Google

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A 13' VARIANCE TO  
ALLOW FOR THE CONSTRUCTION OF A  
RESIDENTIAL ADDITION AT 2231 KARL ANN  
DRIVE.

Reference Number: BZA-24-17

Date of Report: August 9, 2017

Report Author: Casey Sparks, Chief Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Brad Clark with Janotta & Herner, on behalf of Jan Bucholz, has submitted an application for a 13' rear yard variance to allow a residential addition to property located at 2231 Karl Ann Drive. The following information is relevant to this application:

Applicant/

Property Owner: Jan Bucholz  
2232 Stahlwood Drive  
Sandusky, Ohio 44870

Site Location: 2231 Karl Ann Dive  
Sandusky, Ohio 44870

Zoning: "R1-50" Single Family Dwelling

Existing Use: Residential Use

Proposed Use: Residential use

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.13(e) Schedule of Permitted Building and Uses:

Variance Requested: 1) A variance of 13' for a residential addition within the rear yard of 2231 Karl Ann Drive

Variance Proposed: 2) The applicant proposes a 12'- 8" rear yard setback for a residential addition at 2231 Karl Ann Drive.

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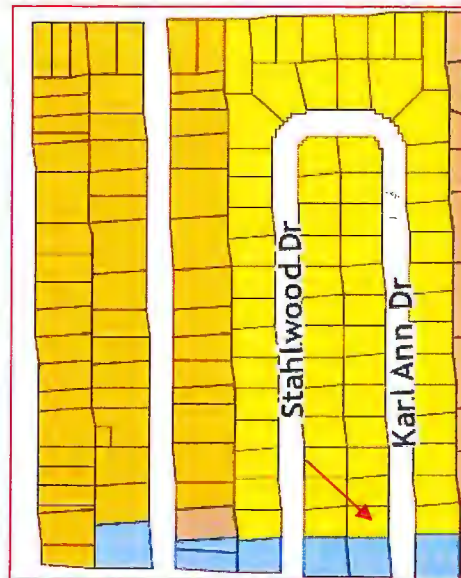
### SITE DESCRIPTION























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The subject property is currently located within the "R1-50" Single Family Residential District. The subject property is adjacent to single family residential district. The parcel of the subject property is pointed out:



2231 Karl Ann Drive



	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



#### DIVISION OF PLANNING COMMENTS

The applicant is requesting a variance for a 30' x 14' residential addition within the rear yard of the property at 2231 Karl Ann Drive. The applicant is proposing a setback of 12' 8". The code requires a rear yard setback of 30' or 30% of the total depth of the lot whichever is less. The applicant would be required to provide a 25' 8" setback. The property owner currently owns this parcel as well as the adjacent rear parcel, as such there would be little impact to the immediately adjacent properties. The applicant is utilizing both properties for residential use, the applicant's husband currently has dementia and will be using both properties for living quarters.

**"Based on the 30% of the total lot depth for the required rear yard setback, which equals 25'-8", we are requesting a variance of 13' or 12'- 8" setback".**



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, however it is important to note that the applicant owns the lot that is directly behind this property. In addition, the existing overhang has a rear yard setback of approximately 14' and the rear yard setback for the existing residential structure is approximately 23'.

**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 proposed residential addition will not substantially alter the character of the adjoining properties as the existing property owner owns one of the adjacent lots and there are no changes to the existing side yard setbacks.

**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 was aware of the existing zoning code requirements, however there is limited area within the rear of the lot to expand.

**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 as the applicant is requesting to add onto the existing non-conforming structure.

- 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 intent behind the zoning code would be observed by granting 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**

The property would still yield a reasonable rate of 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.**

It does appear that the proposed variance would 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 current rear yard setback is non-conforming, as such a residential addition would not be able to conform to the current setback requirements of Section 1129.13.

- 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 the variance would not be a detriment to surrounding property owners as the existing side yard setbacks will not be altered and the property owns the adjacent property directly behind this lot.

**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 a residential addition on the property.

**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.

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

Granting this variance does appear to be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

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**CONCLUSION/RECOMMENDATION**

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Staff recognizes that the rear yard setback for the structure and the existing overhang is currently non-conforming and the applicant is not proposing to alter the existing side yard setbacks. Staff recommends approval of the variance with the condition that all building permits are obtained by the applicant.



**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:** Jan Bucholz

**Property Owner Address:** 2232 Stahlwood Drive  
Sandusky, OH 44857

**Property Owner Telephone:** 419-656-0680 ☒ Check if okay to Text

**Email** jwbucholz@steinhospice.org

**Contact Person:** Brad Clark

**Authorized Agent Name:** Janotta & Herner

**Authorized Agent Address:** 309 Monroe Street  
Monroeville, OH 44847

**Authorized Agent Telephone:** 419-681-5735 ☒ Check if okay to Text

**Email** brad.clark@janottaherner.com

**Contact Person:** Brad Clark

**Meeting with Staff**

**LOCATION AND DESCRIPTION OF PROPERTY:**

**Municipal Street Address:** 2231 Karl Ann Drive

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

See Attached

**Permanent Parcel Number:** 58-02689.000

**Zoning District:** R1-50

**VARIANCE INFORMATION:**

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

1129.13 Area, Yard and Height Regulations (e)

1129.14 Schedule of Area, Yard and Height Requirements

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

We are requesting a 13' Variance of the required 25'-8" rear yard  
setback. This gets us the 30% required.



**DETAILED SITE INFORMATION:**

Land Area of Property: 5,176.8 SF (sq. ft. or acres)

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

Building #1: 1,381 (in sq. ft.) Building #2: \_\_\_\_\_

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

Total Building Coverage (as % of lot area): 27%

Proposed Building Height (for any new construction): 11'-7"

Number of Dwelling Units (if applicable): 2

Number of Accessory Buildings: 0

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

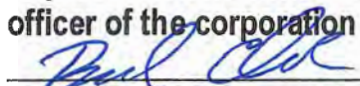
We are proposing to construct a 30' x 14' Addition onto the rear of  
the house. This Addition is a Sunroom for the Bucholz Family to  
enjoy. By doing the Addition, it puts us within the limits of the  
rear yard setback.

**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):

Based on the 30% of the total lot depth for the required rear yard setback, which equals 25'-8", we are requesting a Variance of 13' or 12'-8" setback.

**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

8-2-17  
Date

**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of 2231 Karl Ann Dr. (municipal street address of property, I hereby authorize Brad Clark to act on my behalf during the Board of Zoning Appeals approval process.

  
Signature of Property Owner

8/3/2017  
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

<b>Transferred</b>	
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code	
FEE \$	
Exempt: <input checked="" type="checkbox"/>	
R.E. TRANSFER:	
S.	
Richard H. Jeffrey Erie County Auditor	
Trans. Fees: \$	50
Date: 10/27/16	By: [Signature]

Per O.R. 319.203  
Erie County Auditor/Engineer  
10/27/16  
Date

[Signature]

## SURVIVORSHIP QUIT-CLAIM DEED

**ROBIN L. RINGLEY, UNMARRIED**, of Erie County, Ohio, for valuable consideration paid, grants to **ROBIN L. RINGLEY AND JAN BUCHOLZ**, for their joint lives, remainder to the survivor, whose tax mailing address is 2231 Karl Ann Drive, Sandusky, Ohio 44870, the following real property:

Situated in the City of Sandusky, County of Erie and State of Ohio: Lot Number Thirty-five (35) in the Amended Riedel-Stahl Subdivision in the City of Sandusky, Erie County, Ohio, as per plat recorded in Volume 13 of Plats, Page 43, Erie County, Ohio Records. *und*

Permanent Parcel No.: 58-02689.000  
Prior Deed Reference: RN201400796  
Erie County, Ohio Official Records

HARTUNG TITLE ORDER # E 37458 ACCOM

EXECUTED this 14<sup>th</sup> day of October

2016.

Robin L. Ringley  
Robin L. Ringley

STATE OF OHIO, COUNTY OF ERIE: ss

**BEFORE ME**, a Notary Public in and for said County and State, personally appeared the above-named **ROBIN L. RINGLEY, UNMARRIED**, who represented to me to be said person and who signed the foregoing instrument and acknowledged the same as her voluntary act and deed.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and official seal at Sandusky, Ohio, this 14<sup>th</sup> day of October, 2016.



MARY-BETH WINDAU  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES  
JUNE 5, 2018

Mary-Beth Windau  
Notary Public

Prepared by the Law Firm of **TONE, GRUBBE, McGORY & VERMEEREN**, 1401 Cleveland Road, Sandusky, OH 44870; Telephone: (419) 626-0055.

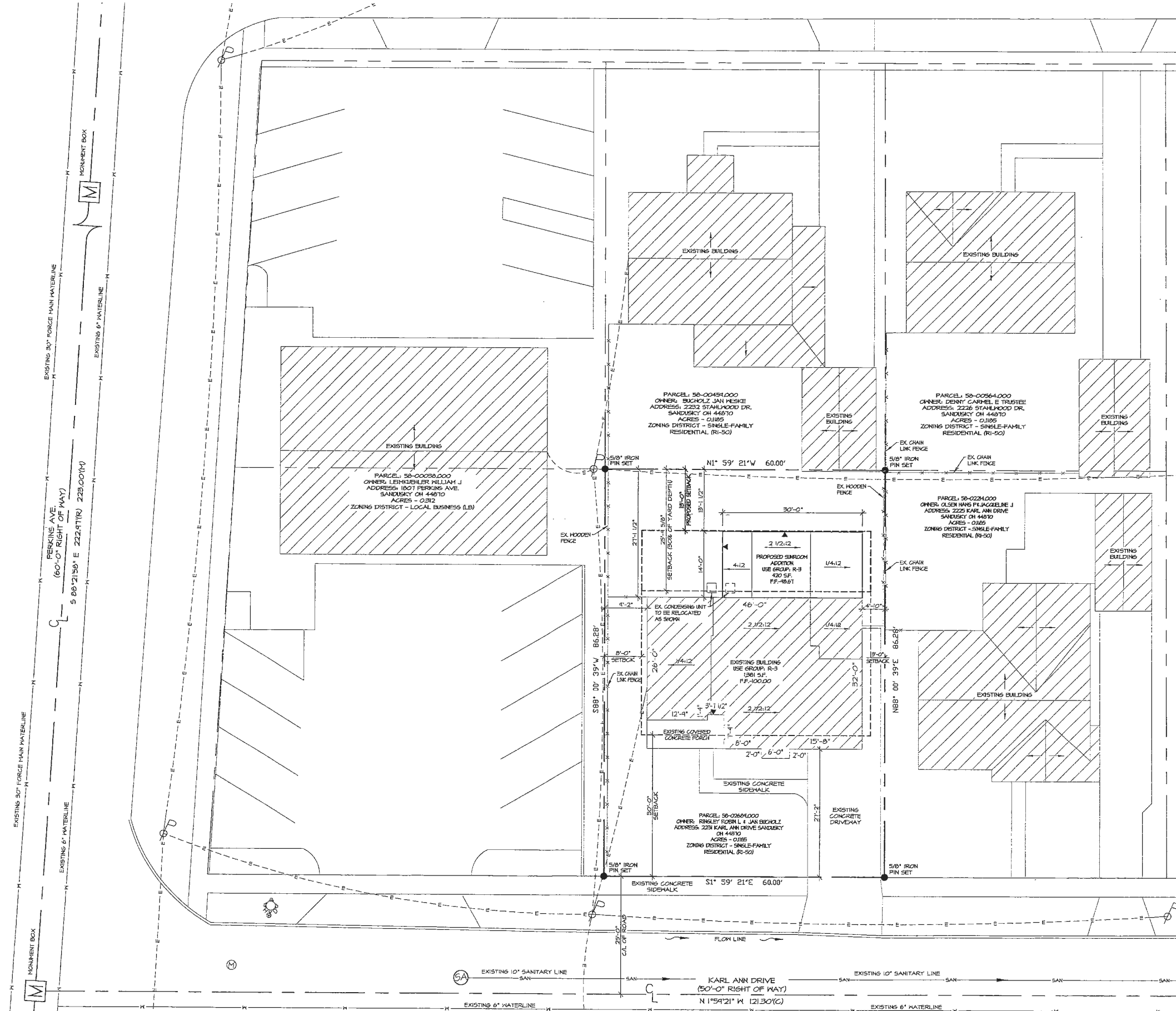
Printed By: janotta&herner  
Print Date: 08/02/17 11:21 AM

Number of Items: 1

Other Products	Price
DEED 201609377 All	\$0.10
<b>Grand Total</b>	<b>\$0.10</b>



ALL BIDDING AND CONTRACT DOCUMENTS PROVIDED OR FORWARDED BY JANOTTA & HERNER ARE AND SHALL REMAIN THE SOLE AND EXCLUSIVE PROPERTY OF JANOTTA & HERNER. CONSTITUTE A VALUABLE TRADE SECRET OF JANOTTA & HERNER, AND ARE NOT TO BE REPRODUCED, COPIED, OR USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT, WITHOUT THE WRITTEN CONSENT OF JANOTTA & HERNER. ANY VIOLATION OF THIS NOTICE SHALL BE CONSIDERED AS A CRIMINAL OFFENSE.



SITE LEGEND	
---	EXISTING SANITARY SEWER LINE
---	EXISTING STORM SEWER LINE
---	EXISTING GAS LINE
---	EXISTING WATER LINE
---	EXISTING TELEPHONE LINE
---	EXISTING UNDERGROUND ELECTRICAL LINE
---	EXISTING OVERHEAD ELECTRICAL LINE
---	EXISTING TO BE REMOVED
---	CENTERLINE OF ROAD / STREET
---	PROPERTY / RIGHT-OF-WAY LINE
---	EXISTING BUILDING OUTLINE
---	NEW BUILDING OUTLINE
---	BUILDING SETBACK LINE
---	EXISTING FENCE LINE

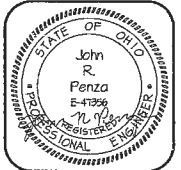
ZONING DATA	
DISTRICT	RI-50
USE	R-3 SINGLE FAMILY
TOTAL LOT AREA	0.1189 A.
EXISTING BUILDING AREA	1281 S.F.
NEW BUILDING AREA	420 S.F.
PARKING/DRIVE AREA	626 S.F.
MIN. LOT AREA	8,000 S.F.
MIN. FRONTAGE	30'
MIN. FRONT YARD SETBACK	30'
MIN. SIDE YARD SETBACKS	3' (TOTAL = 11')
MIN. REAR YARD SETBACK	40' OR 30%
BUILDING HEIGHT	11'-7"
MAX. BUILDING HEIGHT	30'

\* REQUESTING A REAR YARD SETBACK VARIANCE OF 13'-0". CITY OF SANDUSKY ZONING ORDINANCE 124.13 (4) REQUIRES A REAR YARD OF A ZONING LOT FOR MAIN BUILDINGS SHALL NOT BE LESS THAN 30% OF THE DEPTH OF LOT OR DEPTH SET FOURTH IN SECTION 124.14 (40').

**SITE PLAN**  
1" = 10'



REVISIONS	
date	description
8/2/17	PLANNING CONGRESSION



**Janotta & Herner**  
A JHI GROUP COMPANY  
308 Monroe St. Monroeville, Ohio 44137  
www.janottaherner.com Ph: (419) 485-4611 Fax: (419) 485-2888

A BUILDING ADDITION FOR:  
**JAN BUCHHOLZ**  
2231 KARL ANN DRIVE  
SANDUSKY, OHIO 44870

**SITE PLAN**

drawn by:  
KAH

JHI job no.  
2017-167

sheet:  
**C-1.1**

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A 37' SIDE AND REAR  
YARD VARIANCE TO ALLOW THE  
CONSTRUCTION OF A BUILDING AT 118  
DIVISION STREET.

Reference Number: BZA-25-17

Date of Report: August 9, 2017

Report Author: Casey Sparks, Chief Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Gundlach Sheet Metal Works has submitted an application for a 37' side and rear yard variance to allow for the construction of a building at 118 Division Street. The following information is relevant to this application:

Applicant/

Property Owner: Gundlach Sheet Metal Works, Inc.  
910 Columbus Ave  
Sandusky, Ohio 44870

Site Location: 506 Meigs Street  
Sandusky, Ohio 44870

Zoning: "R2F" Residential Two Family/ currently being rezoned to Commercial Service

Existing Use: Vacant

Proposed Use: Commercial Building

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1137.08 Yard Regulations:

Variance Requested: 1) A side and rear yard variance of 37' for the construction of a commercial building.

Variance Proposed: 2) The applicant proposes a 3' side and rear yard setback for a commercial warehouse building, whereas the code requires a 40' when adjoining a residential district.

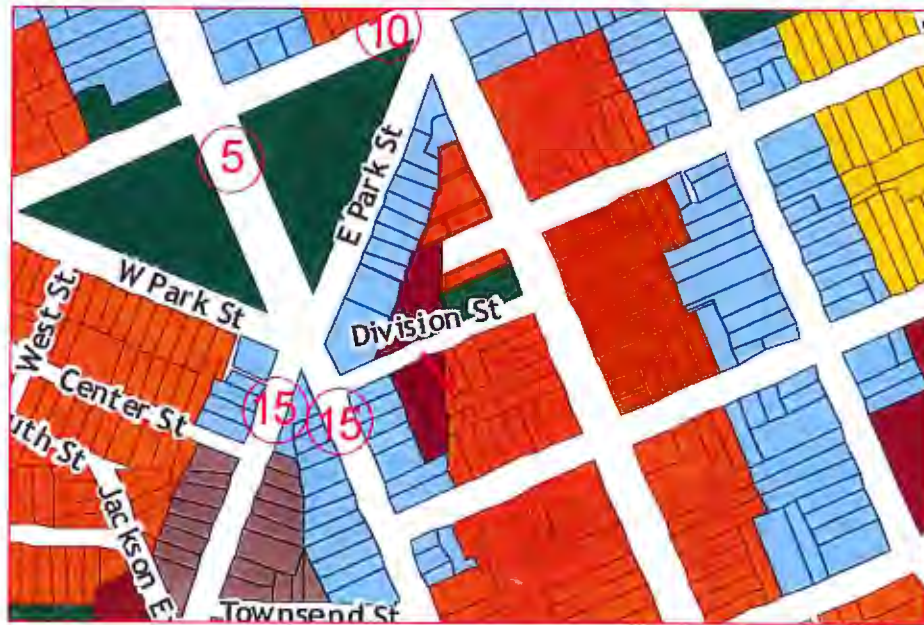
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### SITE DESCRIPTION

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The subject property is currently located within the "R2F" Residential Two Zoning District, however is in the process of being rezoned to CS Commercial Service. The subject property is adjacent to residential two family zoning district. The parcel of the subject property is pointed out:

# 118 Division Street



<ul style="list-style-type: none"> <li>PF PUBLIC FACILITY</li> <li>RS RESIDENTIAL SUBURBAN</li> <li>R1-75 SINGLE-FAMILY RESIDENTIAL</li> <li>R1-60 SINGLE-FAMILY RESIDENTIAL</li> <li>R1-50 SINGLE-FAMILY RESIDENTIAL</li> <li>AG AGRICULTURAL</li> </ul>	<ul style="list-style-type: none"> <li>R1-40 SINGLE-FAMILY RESIDENTIAL</li> <li>R2F TWO-FAMILY RESIDENTIAL</li> <li>RMF MULT-FAMILY RESIDENTIAL</li> <li>RRB RESIDENTIAL / BUSINESS</li> <li>P AUTO PARKING</li> </ul>	<ul style="list-style-type: none"> <li>LB LOCAL BUSINESS</li> <li>RB ROADSIDE BUSINESS</li> <li>GB GENERAL BUSINESS</li> <li>CA COMMERCIAL AMUSEMENT</li> <li>CR COMMERCIAL RECREATION</li> </ul>	<ul style="list-style-type: none"> <li>DBO DOWNTOWN BUSINESS</li> <li>CS COMMERCIAL SERVICE</li> <li>LM LIMITED MANUFACTURING</li> <li>GM GENERAL MANUFACTURING</li> <li>PUD PLANNED UNIT DEVELOPMENT</li> <li>NO REQUIRED SETBACK IN FEET</li> </ul>
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#### DIVISION OF PLANNING COMMENTS

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The applicant is requesting a variance to construct a commercial building at 118 Division Street. The applicant is proposing several site improvements to accommodate an office and storage expansion as well as improve the existing site's circulation. The site is currently zoned as R2F Residential Two Family the applicant has applied to rezone the area to CS Commercial Service. The rezoning application and will be heard by City Commission at the September 25<sup>th</sup> meeting. The applicant is planning on demolishing two vacant structures to construct the proposed commercial building. The commercial building is proposed to have a 3' side yard setback at the closest point and a 3' rear yard setback. Section 1137.08 requires a 40' rear and side yard setback when adjacent to a residential district. The applicant has indicated that they would install a 6' privacy fence in order to provide screening. The applicant has worked over the past several years to purchase several of the surrounding lots in order to accommodate the proposed business expansion. The business has been within this location for many years and is a fabric of the neighborhood, they have made a commitment to stay within the city and are making a great effort to assure this site accommodates the neighborhood and their business needs.

**"The purpose of the variance is to allow Gundlach to construct a facility to house the parts and inventory that currently clogs our production floor, as well as create a dedicated shipping and receiving area. By bringing all of our deliveries internal to the facility, we can eliminate major safety hazards, not only to our employees but to the general public. We currently take deliveries on Columbus Ave in the street or on Division St. which occasionally requires us to move material via tow motor on the sidewalks. By requiring semis to unload in our yard, we will also be able to control the truck traffic in residential area surrounding our facility as a result of our operations. The most important issue this variance will allow us to address our need for expansion. If we are unable to expand our current location, the longest Sandusky family- owned company and a staple of local small business, will be restricted on our ability to continue to grow and provide a safe environment and control truck traffic. The**



**variance is required to build an appropriate sized facility addressing the above mentioned situations.”**

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, however it is important to note that the business has been a fabric of the neighborhood for many years and the applicant has made efforts to screen the building from the adjacent property owners.

**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;**

Staff recognizes that the building will be close to the side and rear property lines, however the building will be utilized as a dedicated shipping and receiving area. The business currently uses the area along Columbus Ave for shipping and receiving. The applicant is hoping to resolve some of the traffic issues through construction of this building and altering the site's traffic circulation.

**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 was aware of the existing zoning code requirements, however due to the size of the lot and the nature of what the applicant is trying to accomplish on the site meeting the required setbacks are not possible.

**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 as the size of the lot would not allow the applicant to meet their business needs and both rear and side yard setback requirements.

- 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 intent behind the zoning code would be observed by granting 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**

If the variance is not granted the business would not be able to accomplish their expansion needs and would more than likely look elsewhere for property. As stated, the business is a fabric of the neighborhood, it would be difficult to find an alternative business for this location.

- 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 not appear that the proposed variance would 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 business has been at this site for quite some time and has become an integral part of the neighborhood. The business is need of expanding and they are making efforts to accomplish this while staying within the same area, however the area does have size limitations. The applicant has made a great deal of effort to improve the site for the surrounding property owners while trying to accomplish the needs of the business. This can be seen through the proposed screening to adjacent property owners and the efforts to improve the traffic circulation on the site owners.

- 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 the variance would not be a detriment to surrounding property owners as the applicant has made commitments to screening and improving the overall site.

**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 variance the applicant would not be able to construct the expansion to their business.

**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 variance does not appear to be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

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**CONCLUSION/RECOMMENDATION**

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Staff recognizes that the existing site does have size constraints, however the applicant has made an effort to not only clear blighted property but has committed to improving a long standing business within the city. Staff would recommend that the variance be approved with the following conditions:

1. A six foot fence be constructed to screen the proposed building
2. The applicant obtain all building permits before construction.
3. The building shall not exceed 30' in height so as to not be an impact to residential properties.

7/21 BUILDING COMPLETE



**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:** Gundlach Sheet Metal Works, Inc.

**Property Owner Address:** 910 Columbus Ave  
Sandusky, Ohio 44870

**Property Owner Telephone:** 419-626-4525 ☐ Check if okay to Text

**Email** rgundlach@gundlach-hvac.com

**Contact Person:** Roger Gundlach

**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:** 118 Division St., Sandusky, Ohio 44870\*\*

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

64-W 16.35' & 66W PT OF N1/2WAYNE 6-OLDIV SUB ETC & PT L 66 WAYNE ST\*\*

**Permanent Parcel Number:** 57-05532.000\*\*

**Zoning District:** Currently Residential Family\*\*

**VARIANCE INFORMATION:**

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

1137.08

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

37' side yard (adjacent to Waldock's 57-00393.000) 57-04969.001

7' rear yard (57-00129.000, ~~57-04969.001~~, and 57-00130.000)

\*\*The current property at 118 Division St. (57-05532.000) will be combined with 57-00129.001 and portions of 57-01871.000 and 57-01878.00. Rezoning of all Residential Family property owned by Gundlach, adjacent to their currently zoned Commercial Service property, has been approved by the zoning commission to be rezoned as Commercial Service and will be read at the Sept. 25th City Commission meeting



**DETAILED SITE INFORMATION:**

Land Area of Property: \_\_\_\_\_ (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): 20'8"

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

Number of Accessory Buildings: 0

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

Gundlach Sheet Metal has worked to obtain blighted properties surrounding the current facility in order  
to allow for future expansion and further beautification. The company has demolished and will be  
demolishing these blighted structures. Due to substantial growth of the company, it is necessary to  
construct an additional facility, adjacent to our existing facility, to be used as a shipping and receiving  
hub as well as storage. The intention is to construct an appoximately 7500 sqaure foot warehouse on the  
previously mentioned properties. The facility will be of steel frame construction with appealing steel siding.  
With the addition of the facility, we can direct truck traffic away from the residential areas.

**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):**

The purpose of the variance is to allow Gundlach to construct a facility to house the parts and inventory that currently clogs our production floor, as well as create a dedicated shipping and receiving area. By bringing all of our deliveries internal to the facility, we can eliminate major safety hazards, not only to our employees, but to the general public. We currently take deliveries on Columbus Ave in the street or on Division St. which occasionally requires us to move material via towmotor on the sidewalks. By requiring semis to unload in our yard, we will also be able to control the truck traffic when entering and exiting our facility, thus eliminating semi traffic in residential area surrounding our facility as a result of our operations. The most important issue this variance will allow us to address is our need for expansion. If we are unable to expand our current location, the longest, Sandusky family-owned company, and a staple of local small business, will be restricted on our ability to continue growth, provide a safe environment and control truck traffic. The variance is required to build an appropriate sized facility, addressing the above mentioned situations.

**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.

*Boye M. Gundlach*  
Signature of Owner or Agent

08/04/2017

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

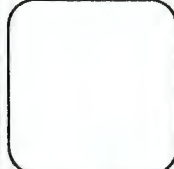


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A NEW BUILDING FOR:  
**GUNDLACH SHEET METAL**  
910 COLUMBUS AVE  
SANDUSKY, OHIO

**SITE PLAN**

drawn by:	TJK
JHI Job no.	ESTIMATE
NUCOR Job no.	ESTIMATE
sheet:	C-1.1

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A 10' FRONT YARD  
VARIANCE TO ALLOW FOR THE  
CONSTRUCTION OF A SINGLE FAMILY  
DWELLING AT 506 MEIGS STREET.

Reference Number: BZA-26-17

Date of Report: August 9, 2017

Report Author: Casey Sparks, Chief Planner





# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Firelands Habitat for Humanity has submitted an application for a 10' front yard variance to allow for the construction single family residence at 506 Meigs Street. The following information is relevant to this application:

Applicant: Firelands Habitat for Humanity  
7602 Milan Road  
Sandusky, Ohio 44870

Property Owner: City of Sandusky  
222 Meigs Street  
Sandusky, Ohio 44870

Site Location: 506 Meigs Street  
Sandusky, Ohio 44870

Zoning: "R2F" Residential Two Family

Existing Use: Vacant

Proposed Use: Residential use

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.14 Schedule of Area, Yard, and Height Requirements:

Variance Requested: 1) A front yard variance of 10' for a single family dwelling at 506 Meigs Street.

Variance Proposed: 2) The applicant proposes a 15' front yard setback for a single family dwelling, whereas the code requires a 25' front yard setback.

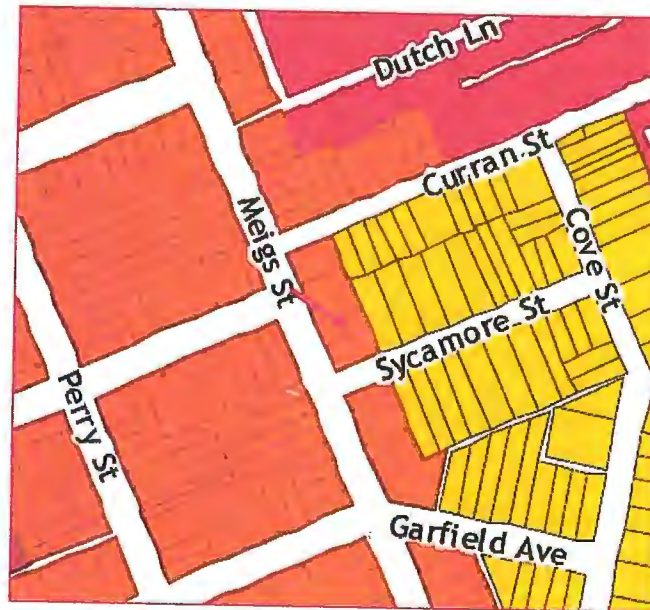
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### SITE DESCRIPTION

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The subject property is currently located within the "R2F" Residential Two Zoning District. The subject property is adjacent to single family residential district. The parcel of the subject property is pointed out:

# 506 Meigs 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			NO REQUIRED SETBACK IN FEET





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#### DIVISION OF PLANNING COMMENTS

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The applicant is requesting a variance to construct a single family dwelling at 506 Meigs Street. The City of Sandusky currently owns the property, Firelands Habitat for Humanity has requested to purchase the lot for the construction of single family dwelling. City Commission will review the sale of the lot at the August 14<sup>th</sup> City Commission meeting. City staff has worked with Firelands Habitat for Humanity to create an alternative model for this area, as this is one of the target areas for the Neighborhood Initiative. City staff encouraged Firelands Habitat for Humanity to consider a product that offers different material types and different architectural features than the standard habitat home. The applicant has proposed a home for this site that offers not only alternative building materials but also architectural features that will be a benefit for the surrounding properties. The proposed home is a three bedroom single family dwelling with an attached garaged and covered front porch.

**“Firelands Habitat for Humanity would like to be the same distance from Meigs Street as the dwelling next door, if not granted the proposed new home would lose 10’ of backyard space”.**

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, however it is important to note that the majority of homes within the area do not meet the required front yard setback. The applicant is proposing to place the single family dwelling in line with the surrounding properties.

**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 proposed residential addition will not substantially alter the character of the adjoining properties as they appear to have a similar front yard setback.

**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 was aware of the existing zoning code requirements, however their intent is to be in line with the other adjacent properties and due to the size of the lot the applicant would not be able to meet both front and rear yard setbacks with the proposed size of home they are constructing.

**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 as the size of the lot would not allow the applicant to meet both front and rear yard setback requirements with the structure they are proposing.

**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 intent behind the zoning code would be observed by granting 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**

If the variance is not granted Firelands Habitat for Humanity would not be able to build on this particular lot and would need to seek alternative lots.

- 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 not appear that the proposed variance would 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 existing size of the lot makes it difficult to meet the existing zoning requirements and the adjacent properties do not meet current setback requirements.

- 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 the variance would not be a detriment to surrounding property owners as the surrounding homes have similar front yard setbacks.

**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 variance the applicant would not be able to construct a residential addition on the property.

**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 variance does appear to be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.



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### CONCLUSION/RECOMMENDATION

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Staff recognizes that the existing lot does make it difficult to conform to the existing setbacks and the surrounding residential structures have similar front yard setbacks. Staff did encourage the applicant to propose an alternative design to the standard Habitat home design which they did, staff would recommend that the building design of the home **not** change in order to accommodate the setback requirements. Staff would recommend the 10' front yard variance with the condition that all building permits are obtained by the applicant.

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: City of Sandusky

Property Owner Address: 227 Meigs St  
Sandusky, Ohio 44870

Property Owner Telephone: \_\_\_\_\_

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

Authorized Agent Name: FIRELANDS HABITAT FOR HUMANITY

Authorized Agent Address: 7602 MILAN ROAD  
SANDUSKY, OH 44870

Authorized Agent Telephone: 419-621-7818 x 204

Contact Person: PATRICK JORSKI

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 502 MCIGS STREET

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

56-00766.000

Zoning District: R140

VARIANCE INFORMATION:

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

SECTION 1129.14

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

RZF TO MOVE THE PROPOSED NEW  
HOME 10 FEET CLOSER TO MCIGS  
STREET TO BE IN ALIGNMENT WITH  
EXISTING HOMES

DETAILED SITE INFORMATION:

Land Area of Property: 5148 (sq. ft. or acres)

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

Building #1: 1196 (in sq. ft.) Building #2: 330

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

Additional: 120

ATTACHED  
GARAGE  
ATTACHED  
FRONT  
PORCH

Total Building Coverage (as % of lot area): 32%

Proposed Building Height (for any new construction): 20 FEET MAX

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):

BUILDING NEW THREE BEDROOM SINGLE

FAMILY RESIDENCE WITH ATTACHED

GARAGE AND COVERED FRONT PORCH

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):

FIRELANDS WOULD LIKE FOR HUMANITY WOULD LIKE  
TO BE THE SAME DISTANCE FROM MAIN  
STREET AS THE DWELLING NEXT DOOR.  
IF NOT GRANTED THE PROPOSED NEW  
HOME WOULD LOSE 10 FEET OF  
BACKYARD SPACE.

#### 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.

Mike McCall, Executive Director  
Signature of Owner or Agent

8/4/17  
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]  
Signature of Property Owner

[Signature]  
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: \_\_\_\_\_

Meigs Street

