



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

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**November 16, 2017**

**4:30 p.m.**

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

### **AGENDA**

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- 1. Meeting called to order – Roll Call**
- 2. Review of minutes from the October 19, 2017 meeting**
- 3. Adjudication hearing to consider the following:**
- 4. Rose Green has submitted an application for a variance of 28 square feet to allow for a wall sign to be sign to be located at 136 East Market Street**
- 5. Thomas and Barbara Slattery have filed an application for a variance to construct a shed within the side yard 1' from the side property line at 131 Greenbrier Lane**
- 6. Don Schultz, on behalf of Debora Edwards has submitted an application for a use variance for a repair business for lawn and garden equipment out of the garage and accessory structure located at 5707 McCartney Road.**

- Next Meeting: December 21, 2017**

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

Board of Zoning Appeals  
October 19, 2017  
Minutes  
"draft"

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

Mr. Zeiher moved to approve the meeting minutes from the September 13, 2017 meeting as written. Mr. Matthews seconded the motion. With no discussion, the motion carried with a unanimous vote.

Chairman Feick swore in audience and staff members that wish to testify for or against any of the agenda items.

Ms. Sparks presented that Pamela and William Campbell had filed an application for a 1' variance to allow the construction of a 4' high fence within the front yard at **1024 Tyler Street**. This property sits on the corner of Tyler and Stone Street. The Zoning Code states that the shortest frontage facing a public right of way will be considered the front yard. The front door is on Tyler Street but the shortest frontage is on Stone Street. Code requires a maximum of 3' and decorative in nature for front yard fences. The applicant stated that a 3' high fence will not be sufficient for his dog. Staff recommended approval of the application.

Billy Campbell, 1024 Tyler Street stated that there was a fence there before and they decided to take it down prior to getting a dog. Now that they have a dog, they need the fence to contain it. He stated that if the style of fence that he has chosen is not acceptable, he would be willing to change it.

Mr. Zeiher moved to approve the request for this parcel only due to the unique shape of the lot. Mr. Matthews seconded the motion. With no further discussion, the motion carried with a unanimous vote.

Ms. Sparks presented that Sandusky City School District had submitted an application for several variances for the construction of a new elementary school to serve Pre K – K students at **2314 Hancock Street**. The variances requested are:

- A variance of 46' 2" to the required north side yard setback. The applicant has proposed 28' 10" north side yard setback; the code requires 75'.
- A variance of 46'-5" to the south side yard setback. The applicant is proposing a 28' 7" south side yard setback; the code requires 75'.
- A variance to the maximum amount of lot coverage, the applicant is requesting 34.5% lot coverage of the site, the code requires 30%.
- A variance of 5.42' to the required distance from the property line to the access drive; Section 1123.04 requires 6' between the property line and access drive.

- A variance of 5' to the required minimum aisle width. The applicant has revised the parking to be 60 degree parking which increased the aisle width to 25'. Not requiring a variance.

The presentation showed an arrow on the eastern portion of the site that is adjacent to the multi-family units. There was a resident of those units that expressed concern with the lack of screening. The applicant has proposed additional screening to the site. The site is small and a lot of the variances requested are due to the State regulations for new construction. Ms. Sparks added that the Public Hearing was for the variances only and that Site Plan approval will follow at a Planning Commission meeting next Wednesday, October 25, 2017 at 4:30pm. Chairman Feick stated that he will be abstaining from the vote but agreed with Ms. Sparks that the meeting is for the approval or denial for variances only.

Ken Dunn, Lesko and Associates in Westlake, Ohio stated that they have been faced with some serious challenges. It is a large building on a small site. The Ohio Facilities Construction Commission recommends 10 acres for an elementary school plus 1 acre for every 100 students. Going by these regulations, they would need a 14 acre site where the current site is just under 4 acres. Buses will pull off on Hancock so that they are not circulating onsite. There is a parent drop off area on the east side of the building. It is a one-way loop for the drop off, circling the building.

Jim McGookey, 311 46<sup>th</sup> stated that he currently has water problems in his back yard. The proposed plan would bring the paving right up to his lot line. There will be less area to absorb water. The current paving is about 6" above his grade. There will be paving, parking and traffic right up to his lot line. Chairman Feick stated that there is a 4' easement on that lot and asked the architect if he would like to address Mr. McGookey's concerns.

Mr. Dunn stated that there will be concrete curbs along the property. All storm water will be managed onsite. There will be no parking along the area in which Mr. McGookey is referring. He added that there is currently paving right up to the fenced area so it will be a similar condition if approved.

Mark Smith, 2305 Milan Rd stated that he felt that the building will come right to his back yard. His concern is the same as Mr. McGookey's. There is a drainage problem. He added that there is an apartment building that was allowed to build a parking lot in the middle of the block which drains into the surrounding neighbor's yards. He is afraid that this will be the same situation. He stated that the curbs will not contain the water.

Mr. Dunn stated that nothing will move forward without the City Engineer's approval. As for pavement, there will be less pavement than there is currently. He added that they must manage storm water onsite and it must be released slowly into the system.

Chairman Feick stated that the drainage issues will be handled through staff and addressed in a Planning Commission meeting. The meeting with the Board of Zoning Appeals is for approval of variances on the property. The public concerns will be noted and passed to the Planning Commission.

Dr. Semans asked how many classrooms will be at the facility. Mr. Dunn answered approximately 20. Dr. Semans asked why the plan now exceeds 30% with only Pre-K – K when the school used to serve grades 1 – 6. Rob Blatchford of Lesko Architects indicated that the current buildings do not currently serve all of the Pre-K population right now. They added 5

classrooms to the building to accommodate all of the Pre-K population. That is one of the major differences.

Dr. Semans asked how much closer the driveways will be to the property lines than the building is currently. Mr. Blatchford stated that it will not be any closer than the building currently is. There is now a driveway, but it will be no closer. The reason for the driveway is to get improve the traffic circulation. The parents will come into the site to the back of the property so that they are not lined up on the street. Faculty will also be parked in the back. Front parking is for visitors only.

Dr. Semans asked if bumping out the section of Hancock will be enough to accommodate the buses that need to come in and out throughout the day. Mr. Blatchford stated that bumping out Hancock Street will improve the traffic flow. Mr. Matthews asked how many buses will come in at one time. The applicant stated that at least 4 buses will access the drive at one time.

Dr. Semans and Mr. Matthews both mentioned that it would be easier to vote on this application when all of the Engineering questions had been answered. And since these are not questions that would affect the decisions on the variances, Chairman Feick asked the Law Department if the board could table the application until the Engineering and Planning Commission hear and address all of the concerns of the surrounding neighbors. Mr. Blatchford stated that it would not impact the timing because the bids will not go out until February or March.

Mr. Zeiher moved to table the application until the Applicant and Engineering Department can review and assess the project. Mr. Matthews seconded the motion. With no further discussion, the motion carried to table the application with a 3/0 vote, Chairman Feick abstained.

Ms. Sparks presented that Sandusky City Schools had applied for a 6' variance to allow an access drive to be located 0' from the property line at the north and south of the property located at **924 Ontario Street**. The school will serve 1<sup>st</sup> and 2<sup>nd</sup> graders. Ms. Sparks stated that some of the access drives are being used by surrounding property owners. A title search showed that the school owns the property and has agreed to continue to provide access to these property owners. The bus entrance will go along Arthur Street and car circulation will occur on the northern end of the site. The southern end will be utilized by staff and service vehicles within that area.

Ms. Sparks added that the Planning Department heard from a number of residents. Their concerns included:

- Access to the rear of the property, both north and south will be maintained as part of an easement agreement. The applicant had put that in writing for the file
- Improve circulation by relocating the drop off area from the front of the school to the north side of the site, which will allow for additional queuing area and reduce back up on Ontario Street
- There is not enough room from the southern access drives to get some of the residents' boats, RV's etc. off of their property. Staff recommended to the applicant to move the sidewalk to the north to add additional room for the residents.

- There were several concerns regarding the trees that were proposed to be planted along the access drive along the southern portion of the site. There is a utility easement along there that staff had communicated to the applicant and proposed low lined landscaping.

The meeting this evening is only for the variances to the access drives on the northern and southern portions of the property. The rest of the site plan will be reviewed at Wednesday's Planning Commission meeting at 4:30pm.

Ken Dunn, Westlake, Ohio stated that the only variance that was requested is a 6' setback for driveways and parking. There is an existing condition where residents of Fifth Street and Third Streets have access to their garages via short driveways that lead from the school property. The school fully intends to maintain this access. The paving would come up to the property lines so that it can connect to the residential drives. He added that they could accommodate the landscaping request by either moving the landscaping or making it low lined. Also, to move the sidewalk would require the owner's approval. This would involve more pavement and more cost.

Tim Stookey, 1307 Fifth Street stated that he is one of the residents that is concerned with planting trees. He would like there to be no trees planted behind his house. He stated this is for security reasons. He claimed that people are jumping his fence now and if there is heavy landscaping, he will not be able to see and protect his property. He asked if the architect checked the grade elevation of the retention pond. He stated that since he's owned the property, he's installed 2 sump pumps and a 6' perimeter drain around the property and still has problems draining water. He added that he believed that the problem is the grade elevation. He stated that if the grade elevation were reversed, the water would run to the bay and not toward Fifth Street. With a proposed 0' variance, there is nothing to absorb the water. He wondered why will there be a retention pond if the water will not run to it.

Chairman Feick stated again that drainage issues will be discussed with Engineering and with Planning Commission.

Sharon Johnson, 1139 Fifth Street is concerned with the swing around to get a recreational vehicle out of a rear yard if the proposed application will run up to the lot line. She felt that nobody should be building right on a lot line. She stated that maybe the proposed plan can be moved over or if it needed every inch of land. She stated that the applicant should be concerned about the current drainage situation.

Mr. Zeiher moved to table the application until after the Planning Commission meeting. Dr. Semans seconded the motion. The motion carried with a 3/0 vote, Mr. Feick abstained.

Ms. Sparks presented that Jan Bucholz had submitted an application for a 14.5' variance to the rear yard and 3.5' variance to the side yard **623 46<sup>th</sup> Street** to construct a residential addition. The front yard is defined as the shortest frontage that abuts a street. In this case, it would be the Milan Road frontage. The proposed addition would be in line with the existing home that currently does not meet the side yard setback. The purpose of the construction would be to bring the home into modern day standards. Within the side of the property, the addition would be in line with the current home and the remainder of the addition will be within the rear yard and will be adjacent to the next door neighbor.

Mark Smith, 2305 Milan Road stated that this property adjoins his property and in fact, the overhang is on his property 6" from his property is where the applicant is proposed to build. This would block the light to his yard and prohibit emergency vehicles from getting to the property. The downspout from the applicant's house already points and drains into his backyard. Mr. Smith approached the board members and discussed photos that he had taken of the properties. He stated that if the addition were approved, it would take up over 85% of the parcel. He stated that he understood that changing zoning for a property required a hardship for the property owner. He stated that he believed that he had a bigger hardship as the addition would be 6" from the property line.

Ron Rogers, 613 46<sup>th</sup> Street stated that his house abuts where the applicant wanted to build the addition. He stated that if the addition was approved, it would only leave 14.5'. With the drainage situation as it is, there will continue to be a water issue. He stated that with the overhang included, there might be 10' between properties and his concern is how an emergency vehicle would get in there if needed. He asked what the addition would be for.

Ms. Byington stated that unfortunately, the applicant was not present but she would try to clarify the application to Mr. Rogers. She stated that the application proposed a 25.5' setback to his driveway as opposed to the required 40' setback. Mr. Rogers stated that he understands now and that this does not change his opinion. He is still opposed to the application.

Jackie Smith stated from the audience that the notification letter stated 14.5'. Dr. Semans stated that 14.5' variance request is the difference between the 40' required setback and the 25.5' proposed setback. Ms. Smith stated that she understood.

Chairman Feick stated that he cannot support a variance that would allow someone to build onto another person's property.

Dr. Semans moved to deny the two variances requested. Mr. Matthews seconded the motion. Chairman Feick reminded the board that a yes vote would be to deny the application and a no vote would be to deny the motion. With no further discussion, the motion carried to deny the application with a unanimous vote.

Dr. Semans moved to adjourn the meeting. Mr. Matthews seconded the motion. The meeting adjourned at 5:35pm.

APPROVED:

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Debi Eversole, Clerk

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John Feick, Chairman

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR VARIANCE TO THE  
ALLOWABLE SIZE FOR A SIGN LOCATED AT  
136 EAST MARKET STREET.

Reference Number: BZA-32-17

Date of Report: November 8<sup>th</sup>, 2017

Report Author: Greg Voltz, Assistant Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Rose Green has submitted an application for a variance of 28 square foot to allow for a wall sign to be sign to be located at 136 East Market Street. The following information is relevant to this application:

Applicant: Rose Greene  
181-D Yorkshire Glen  
Bellevue, OH 44811

Site Location: 136 East Market Street  
Sandusky, Ohio 44870

Zoning: "DBD"/ Downtown Business

Existing Use: Retail/Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1143.08(c)  
Specific Sign Requirements

Variance Requested: 1) A 28' variance to the allowable size of a wall sign

Variance Proposed: 2) The applicant proposes a 48' square foot wall sign located on the front façade of 136 East Market Street; whereas the zoning code allows no greater than a 20' square foot wall sign.

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### SITE DESCRIPTION

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The proposed subject property is located along East Market Stret and is zoned "DBD" Downtown Business and is surrounded by "DBD" Downtown Business.

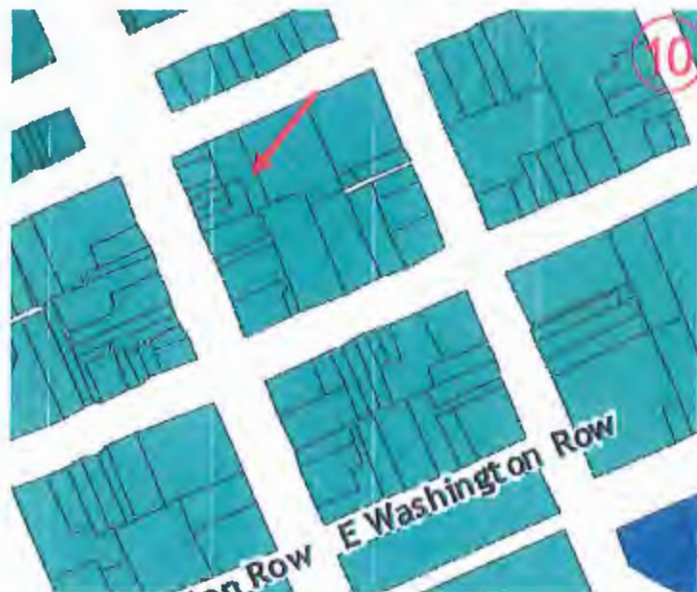






















A picture of the property along with a location map are found below.

### 136 East Market Street



### Zone Map – Parcels



 HISTORIC DISTRICT	 HISTORIC DISTRICT	 HISTORIC DISTRICT	 HISTORIC DISTRICT
 HISTORIC DISTRICT	 HISTORIC DISTRICT	 HISTORIC DISTRICT	 HISTORIC DISTRICT
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#### DIVISION OF PLANNING COMMENTS

The applicant originally applied for a Certificate of Appropriateness for the design of a new wall sign on 9-4-2017. During this process staff had discussed with the applicant that the size of sign being proposed would not be allowable, however staff did approve the conceptual design of the sign, making note that it will have to be the appropriate size. The applicant then applied for a building permit application for the sign, at that time it came to Staff's attention that the proposed sign would

not meet the allowable size. Staff encouraged the applicant to reduce the size of the sign multiple times, however the applicant decided to move forward with a applying for a variance.

In the application, the applicant did not provide the necessity of the variance.

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 size variance sought in this case is 28 square foot which is substantial.

**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 sign would not substantially alter or be a detriment to the essential character of the neighborhood. There was a sign in the same place of the proposed location however it was of a lesser size than the proposed sign.

**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 is aware of the zoning restrictions however she believes it is important to have a sign the size that she is requesting.

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

The applicant could reduce the size of the wall sign.

**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 not observed as the proposed sign would occupy a overly large space of a building façade.



- 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 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 sign would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan. Throughout the Comprehensive and Strategic planning process many residents stated they would like to see an increased focus on our local historic architecture, and an oversized sign may detract from this.

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 business owner regarding the proposed size of the sign.

- 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.

- 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 not permit the applicant to construct a wall sign of this size at this location, thus limiting the applicant on the allowable size of signage for the property.

- 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.**

It does appear that the sign 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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Staff would recommend denial of the 28 square foot variance to allow a 48 square foot wall sign located at 136 East Market Street.



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: HT INVESTMENTS

Property Owner Address: PO Box 1371  
SANDUSKY, OH 44870

Property Owner Telephone: 419-656-0046 ☐ Check if okay to Text

Email \_\_\_\_\_

Contact Person: ROSE GREENE

Authorized Agent Name: ROSE GREENE

Authorized Agent Address: 181-D YORKSHIRE GLEN  
BELLEVUE, OH 44811

Authorized Agent Telephone: 419-217-6183 ☒ Check if okay to Text

Email ROSEGREENE44@OUTLOOK.COM

Contact Person: ROSE GREENE

Meeting with Staff " "

**LOCATION AND DESCRIPTION OF PROPERTY:**

Municipal Street Address: 136 E. MARKET ST, SANDUSKY

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

Permanent Parcel Number: 56-00400-002

Zoning District: DOWNTOWN BUSINESS DISTRICT

**VARIANCE INFORMATION:**

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

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

Request to enlargement of storefront  
sign. Increase from max. 24 sq. ft.  
to 48 sq. ft. sign. Appropriate to  
size of building facade.

**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): \_\_\_\_\_

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

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

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

N/A



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):

none

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]  
Signature of Owner or Agent

10-28-17  
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 136 E Market St. (municipal street address of property, I hereby authorize Rose Greene to act on my behalf during the Board of Zoning Appeals approval process.

[Signature]  
Signature of Property Owner

10-28-17  
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:** \_\_\_\_\_

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



**36X192**

Google Maps 133 E Market St

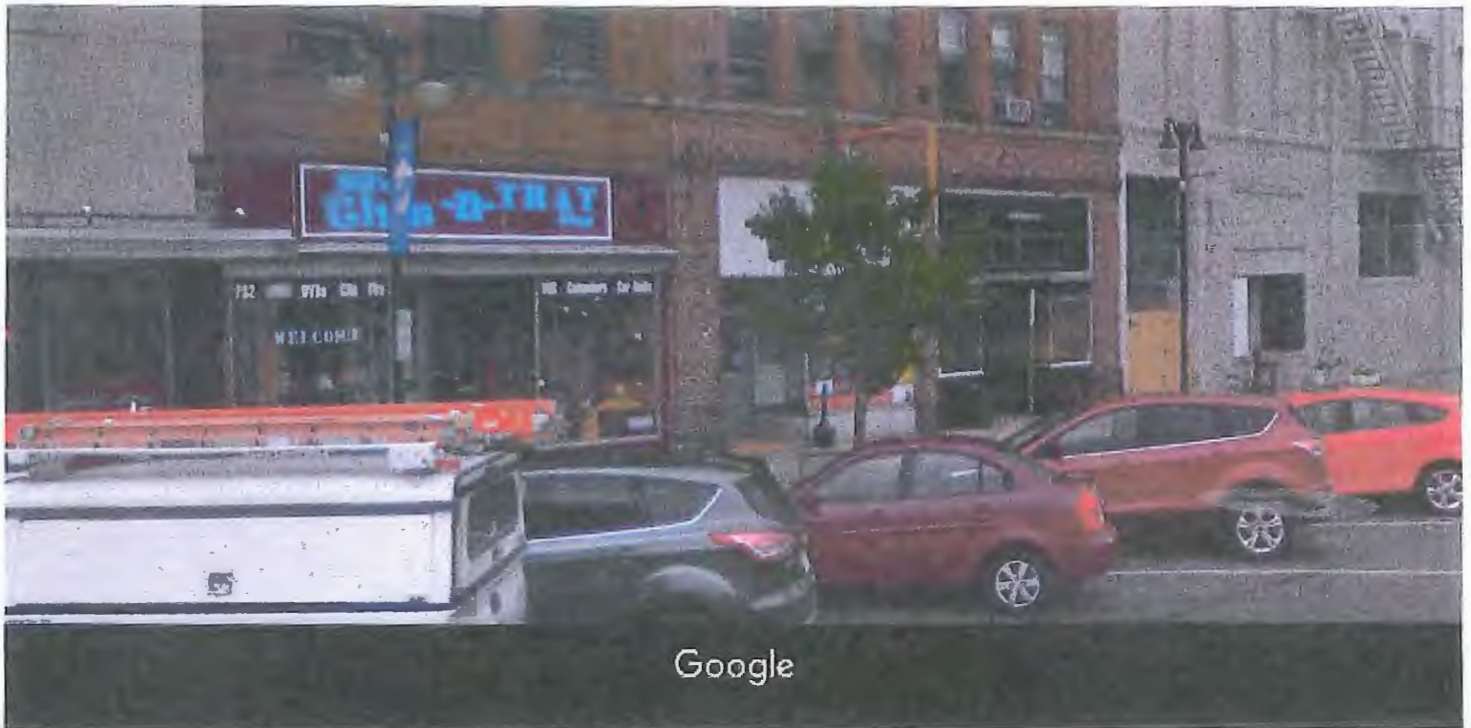


Image capture: Sep 2016 © 2017 Google United States

Sandusky, Ohio

Street View - Sep 2016





*Coming Soon!*  
  
**BAY  
POPCORN  
COMPANY**

136

20'

12'

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 SHED 1' FROM THE SIDE YARD AT 131 GREENBRIER LANE

Reference Number: BZA-33-17

Date of Report: November 8, 2017

Report Author: Greg Voltz, Assistant Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Thomas and Barbara Slattery have filed an application for a variance to construct a shed within the side yard 1' from the side property line at 131 Greenbrier Lane. Section 1145.15 indicates that sheds should not project into a front or side yard and shall be located not less than three feet from the lot line:

Applicant/ Owner: Thomas & Barbara Slattery  
131 Greenbrier Lane  
Sandusky, Ohio 44870

Site Location: 131 Greenbrier Lane

Zoning: "R1-75"/Single Family Residential

Existing Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.15(a) – Yards for Accessory Buildings

Variance Requested: 1) A variance of 2'

Variance Proposed: 1) The applicant proposes a shed to be located 1' away from the side yard lot line.

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### SITE DESCRIPTION

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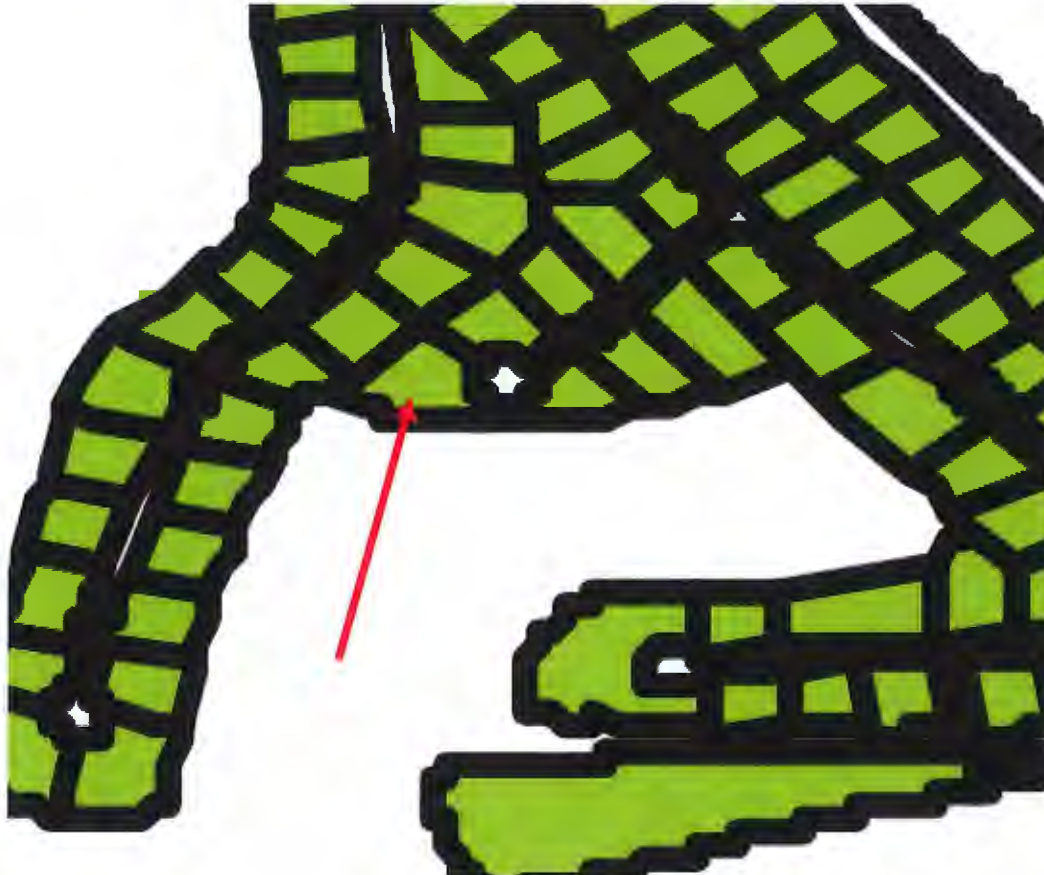
The subject property is located at 131 Greenbrier Lane; within the "R1- 75" Single Family Residential Zoning District which permits the following uses:























- One- family dwelling
- Public facilities as a conditional use: governmental, civic, educational, religious, welfare, recreational, and transportation as set forth in Section 1123.02.



Below are the zoning map and aerial image indicating the subject property:

### 131 Greenbrier Lane



 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 constructed a shed within the side yard of 131 Greenbrier Lane. The applicant has an irregular shaped lot that limits his ability to place a shed within the limitations of our zoning code. When it was brought to the applicant's attention that the shed did not meet set back requirements he offered to apply for a variance.

Section 1145.15(a) states that an accessory building shall be either attached to the main building by walls or roof, or located not less than 10 feet from the main building and shall not project into a front or side yard, it also states that it may be located in a rear yard but not less than 3 feet from a rear or side lot line. The existing residence and lot are uniquely shaped, per this definition the rear of the building is the furthest rear wall, creating a limited rear yard for the lot. The applicant has screened the eastern edge of his side yard with plants.

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

*"Due to several restrictions including a First Energy 'Guy' Wire, building overhang placement, irregular lot, the shed is less than 3 feet from property line. Both neighbors to either side of my property (Bob Mathews & Brock Walls) have agreed to the proposed change. The shed is to be used for the safe storage of fuel for PWC, lawn equipment, and generator."*

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 would be substantial as it would be a 2' variance, however it is important to note the irregular lot shape and placement of structures on the lot.

**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 is already a nearby structure as well as plants being used as screening.

**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 not aware of this zoning restriction, however he has received variances for this property in the past.

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

Due to uniqueness of the lot and the structure, the current location of the shed would be one of the few locations on the lot for the shed.

**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 fence 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 structure on the lot does limit the rear yard area. The applicant indicated that outbuildings and additions have been constructed years ago, creating the unique shape to the structure and limiting yard area.

**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 stated there is adequate screening already in place through the use of plants.

**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 require the applicant to place the shed in a different location on the property. The applicant believes this would be difficult to do, due to the irregular shape of the lot.

**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 recommends approval of the variance requested to allow a shed 1' from the side yard at 131 Greenbrier Lane.

CITY OF SANDUSKY  
APPLICATION FOR BOARD OF ZONING APPEALS  
APPROVAL

X

Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Thomas & Barbara Slattery

Property Owner Address: 131 Greenbrier Lane, Sandusky, OH 44870

Property Owner Telephone: 419-239-6852 (Tom Slattery Cell)

Contact Person: Tom Slattery (Property Owner)

Authorized Agent Name: N/A

Authorized Agent Address: N/A

Authorized Agent Telephone: N/A

Contact Person: N/A

TaSlattery@yahoo.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 131 Greenbrier Lane, Sandusky, OH 44870

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

60 CEDAR COVE ALLOT EX NE TRI 59 SW COR & SW TRI

See EXHIBIT "A" attached for Full/Complete Legal Description

Zoning District: R1-75 - Single Family Residential

VARIANCE INFORMATION:

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

1145.15 A

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

Shed is less than 3 feet from property line due to several physical

restrictions including but not limited to a First Energy Corp. Utility

'Guy' wire and building overhang limiting final placement.



DETAILED SITE INFORMATION:

Land Area of Property: 0.2001 percent of Acre (sq. ft. or acres)

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

Building #1: 2400 (in sq. ft.) Building #2: \_\_\_\_\_

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

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

Proposed Building Height (for any new construction): 7' 5"

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

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

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

Simple Plastic shed from Menards - approximately 8' x 8.5 or 70 Sqft.

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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 several restrictions including a First Energy 'Guy' Wire,  
building overhang placement, irregular lot, the shed is less than 3 feet  
from property line. Both neighbors to either side of my property  
(Bob Mathews & Brock Walls) have agreed to the proposed change.  
The shed is to be used for the safe storage of fuel for PWC, Lawn  
equipment, and generator.

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.

Thomas A. Slattery

10/11/2017

Signature of Owner or Agent

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

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

\_\_\_\_\_  
Date



**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: \_\_\_\_\_

## EXHIBIT "A"

Situated in the City of Sandusky, County of Erie and State of Ohio:

PARCEL 1: Lot No. 60 in Cedar Cove Allotment as recorded in Volume 15, Page 32, Erie County Ohio Plat Records, together with the fee in Greenbrier Lane and the abutting lagoon, to the centerlines thereof and together with riparian rights to the low water line of Sandusky Bay.

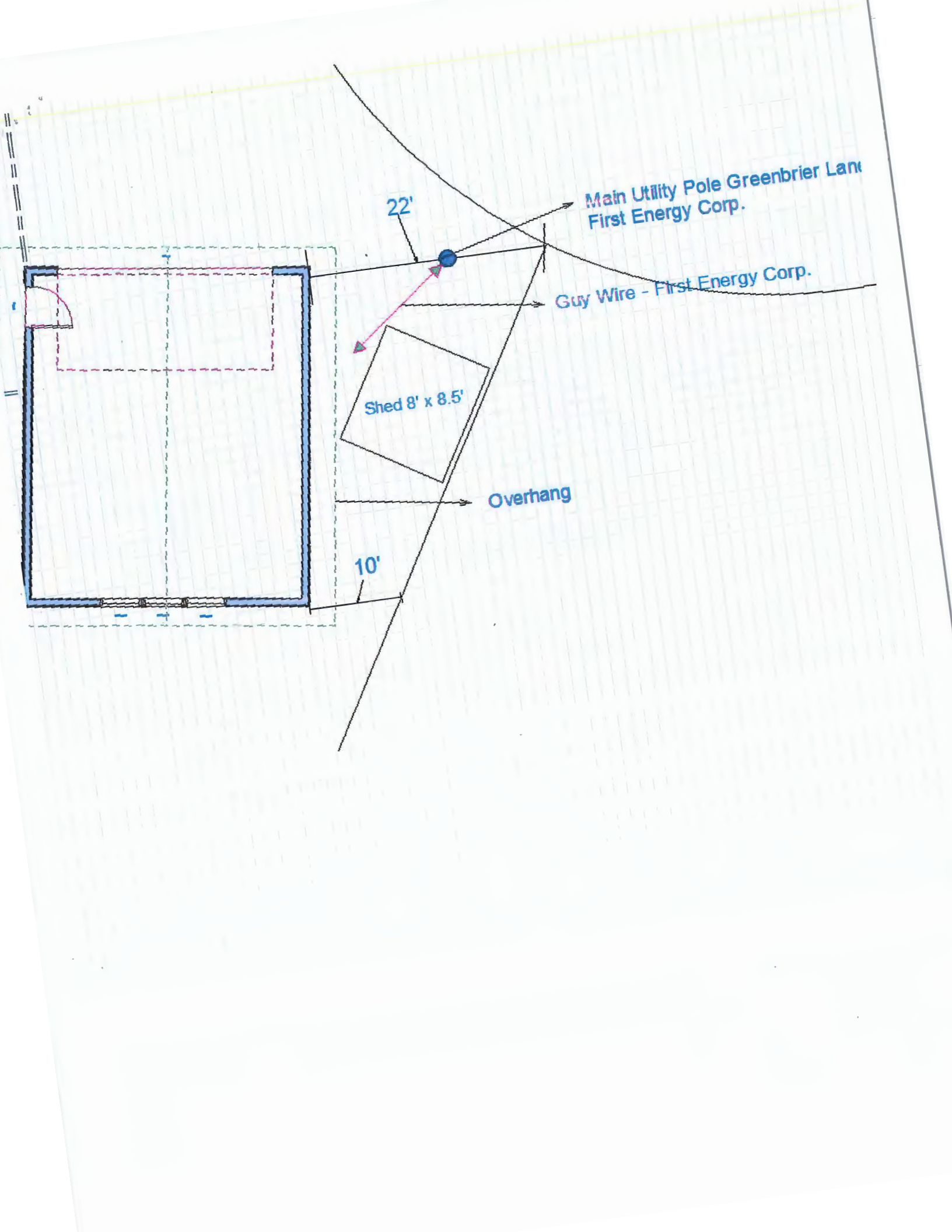
EXCEPTING THEREFROM that part of Lot 60 within the following described triangular parcel: Beginning at the radius point of a 40 foot radius circle at the southwesterly end of Greenbrier Lane; thence North 42 deg. 46' west along the lot line between Lot 60 and Lot 61, a distance of 133.82 feet to the northwesterly line of Lot 60, the same being the centerline of a lagoon; thence South 40 deg. 48' west along the last mentioned line, 27.21 feet to a point; thence South 54 deg. 27' east, 133.54 feet to the place of beginning, said exception being more fully described in Deed Book 313, Page 131, Recorder's Office, Erie County Ohio.

And also the following described premises being part of Lot No. 59 in Cedar Cove Allotment as recorded in Volume 15, Page 32, Erie County Ohio Plat Records, together with the fee in Greenbrier Lane to the centerline thereof and together with riparian rights to the low water line of Sandusky Bay, which part of Lot No. 59 is more particularly described as being that part of Lot No 59 included within the following described triangular parcel: Beginning at the radius point of a 40 foot radius circle at the southwesterly end of Greenbrier Lane; thence South 49 deg. 30' west along the line between Lot 60 and Lot 59, a distance of 100.00 feet to the shore of Sandusky Bay (Cedar Cove); thence South 76 deg. 17' east along last mentioned line, 36.30 feet to a point; thence North 29 deg. 00' east, 84.10 feet to the place of beginning.

PARCEL 2: Being that part of Lot 59, Cedar Cove Allotment, First Ward, City of Sandusky, Erie County Ohio as recorded in Volume 15, Page 32, Erie County Plat Records, as follows: Beginning at the radius point of a 40 feet radius circle at the southwesterly end of Greenbrier Lane; thence South 29 deg. 00' west along the southeasterly line of a small parcel previously conveyed out of said Lot 59, a distance of 84.10 feet to the shore of Sandusky Bay (Cedar Cove); thence South 76 deg. 17' east along last mentioned line, 12.00 feet to a point; thence North 21 deg. 10' east, 81.70 feet to the place of beginning.







22'

Main Utility Pole Greenbrier Lane  
First Energy Corp.

Guy Wire - First Energy Corp.

Shed 8' x 8.5'

Overhang

10'





→ 131 Greenbrier ←



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

**Erie County GIS**



Notes

# BOARD OF ZONING APPEALS REPORT

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## APPLICATION FOR USE VARIANCE TO ALLOW FOR A REPAIR BUSINESS AT 5707 MCCARTNEY ROAD

Reference Number: BZA-33-17

Date of Report: November 9<sup>th</sup>, 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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Don Schultz, on behalf of Debora Edwards, has submitted an application for a use variance to for a repair business for lawn and garden equipment out of the garage and accessory structure located at 5707 McCartney Road. The following information is relevant to this application:

Applicant: Don Schultz  
5707 McCartney Road  
Sandusky, Ohio 44870

Property Owner: Debora Edwards  
5707 McCartney Road  
Sandusky, Ohio 44870

Site Location: 5707 McCartney  
Sandusky, Ohio 44870

Zoning: "RS" Residential Suburban

Existing Use: Single Family Residential

Proposed Use: Repair business within the garage

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

Variance Requested: A variance to permit a lawn mower and garden equipment repair business out of the garage located 5707 McCartney Road.

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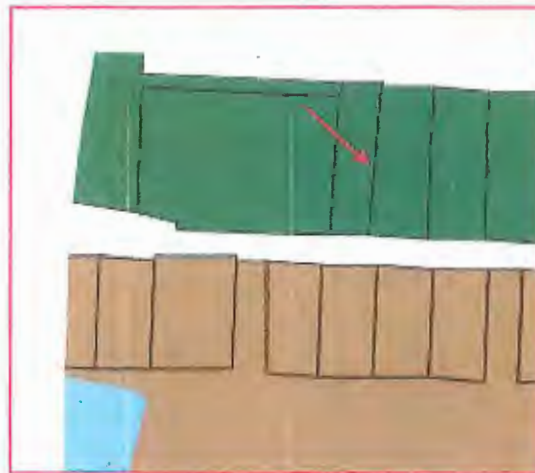
### SITE DESCRIPTION

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The subject property is currently located within the "RS" Residential Suburban. The subject property is adjacent to both "RS" Residential Suburban and "RMF" Residential Multi-Family. The parcel of the subject property is pointed out:



# 5707 McCartney Road



	PT PUBLIC FACILITY		R1-40 SINGLE-FAMILY RESIDENTIAL		LB LOCAL BUSINESS		PS PUBLIC SERVICE
	R5 RESIDENTIAL SUBURBAN		R2F TWO-FAMILY RESIDENTIAL		RD ROADSIDE BUSINESS		CS COMMERCIAL SERVICE
	R' 75 SINGLE-FAMILY RESIDENTIAL		RMF MULT-FAMILY RESIDENTIAL		CD CENTRAL BUSINESS		LV LOW VOLUME DEVELOPMENT
	R' 60 SINGLE-FAMILY RESIDENTIAL		RHB RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		DM DENSE MEDIUM-DENSITY
	R' 50 SINGLE-FAMILY RESIDENTIAL		P AU/O PARKING		CR COMMERCIAL RECREATION		PLC 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 requested to operate a business out of the garage located at 5707 McCartney Road. The applicant has indicated that he would like to repair lawn and garden equipment. His intent is to not stay at this location, he would eventually like to lease spaces elsewhere. The hours of operation of the business include Monday – Friday (8AM-5PM) and Saturday 9AM-1PM). The applicant has indicated that he had a similar business in Oak Harbor. The applicant has indicated that the business will operate out of the garage attached to the home as well as the recently constructed accessory building within the rear yard. It is important to note that the applicant did not obtain any permits for the garage within the rear yard. The building department is currently working with the applicant to obtain permits for this structure. The Planning Department has received a complaint from a surrounding property owner regarding the proposed use as well as the recently constructed accessory dwelling.

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

**“It is my only type of income I have. I have a heart problem, can’t work the fast pace of a factory work etc. I had to quit my job at Erie County Street Department because of my health. Working at home I can work at my pace and my speed. County job was hot, I sealed the road in Erie County. 10 hour days up until September 1st.”**

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

### Section 1111.06(c)(1)

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

The variance sought in this case is substantial, as the applicant is requesting to operate a repair business within a residential area. The lot is larger than the average sized lot within Sandusky and is surrounded by vacant land on the north and west sides of the property, however there are several residents within the immediate area.

**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 applicant is proposing to operate a business out of both the garage and accessory building located on the property. The applicant has indicated that there would be approximately three customers per week, however the business would operate within normal business hours. Staff believes that the nature of the repair business may be a detriment to surrounding residential properties and recognizes that allowing this type of use within a residential property may set a precedent for other individuals wanting to operate a business within residential zoned area.

- 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 currently does not own the property, however was aware of the restrictions as such applied for a variance. The applicant has also indicated that it is not his intent to operate at this location permanently, he would like to see if the business is sustainable to relocate to another location.

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

A variance is the only way to resolve the owner's predicament and operate the proposed uses within the site. If the variance is not granted the applicant will need to relocate to another location.

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

It is the opinion of the Planning staff that allowing a use variance would not observe the intent of a residential district.

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

The property has always been a residential use, as such the property can continue to be use for residential and yield a reasonable rate of return.

- 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. As the comprehensive plan calls for preserving residential properties.

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 applicant has indicated that he would like to operate this business within this location to determine if it is successful enough to justify an off-site location. Staff recognizes that the lot is larger than most, however staff does not believe that the variance arises from a unique condition not ordinarily found in the zoning code as the applicant could find a location that would permit this type of use.

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

In Planning Staff's opinion, permitting a use variance for this use would adversely affect the rights of adjacent property owners. The applicant is proposing to use not only the primary garage but a secondary building for the business which generally should not be encouraged within a residential zoned area.

**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 he would not be able to start his business and he has several hardships that prevent him for employment. This business offers him an ability to create income.

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

The proposed use variance could adversely affect the public health, safety, morals or general welfare of the neighborhood. The applicant has indicated that there would be three customers per week, however if the business were to increase this may be an impact to the neighborhood.

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

Granting a use variance for this property does appear to be contrary to the to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan, as the comprehensive plan encourages to sustain residential development.

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### CONCLUSION/RECOMMENDATION

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Staff recognizes that the applicant has indicated that this will not be the permanent location of the business, however the property is zoned as residential and if the business is successful it could have a detriment to the surrounding neighborhood with increase in traffic and noise. Staff also recognizes that this lot is larger and in a less urban area than most of the other homes within the city, however allowing this use variance may set a precedent for other residential properties that could be very detrimental to other neighborhoods. Staff would recommend denial of the use variance for 5707 McCartney Road.





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

X

Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

(Klerim)  
(Klerim)

Property Owner Name:

Deborah EDWARDS

Property Owner Address:

5707 McCartney  
Sandusky OH

Property Owner Telephone:

419-366-1678

☐ Check if okay to Text

Email

edwardsdebbie499@yahoo

Contact Person:

Don Schultz (Boy Friend)

Authorized Agent Name:

Don Schultz

Authorized Agent Address:

5707 McCartney  
SANDUSKY OH

Authorized Agent Telephone:

419-366-6922

☒ Check if okay to Text

Email

don dwschultz61@gmail.com

Contact Person:

Don Schultz

Meeting with Staff

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: \_\_\_\_\_

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

Permanent Parcel Number: \_\_\_\_\_

Zoning District: RS

VARIANCE INFORMATION:

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

1129.03  
\_\_\_\_\_  
\_\_\_\_\_

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

would like to operate a business out  
of my garage, working on lawn + garden  
equipment only, sharpening blades  
GOAL IS NOT to stay here long at  
McCartney. Will rent or lease hopefully in  
the near future. ONLY AVG 3 customers  
PER week NO income cant pay bills

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): \_\_\_\_\_

N/A

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):

I work strictly on lawn + garden Equip  
from 8-5 pm SAT 9-1 pm

I do All my work Inside building

I have A privacy fence, Around building

I had A business In OAK Harbor, called  
Schultz's Small Engine. I want to

EXPAND Someday Into A larger

Facility off of Mc Cartney. But need

TO start here on Mc Cartney First.

My Goal is too Expand, but that <sup>TAKES</sup> time, to  
Establish A business. AND get known.

I work on 4 cycle Equipment

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):

Its my only type of income  
I have. I have A heart problem, cant  
work the fast pace of Factory work etc  
I had to quit my job, AT Erie County  
street dept, because of my health. Working  
AT home I ~~can~~ can work at my pace  
and my speed. County job was hot, I sealed  
the roads in Erie county. 10 hr days up until Sept 15

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.

X Donald Schultz  
Signature of Owner or Agent

10-16-17

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 5707 McCartney (municipal street address of property, I hereby  
authorize DON Schultz to act on my behalf during the Board of Zoning  
Appeals approval process.

X Debbie Edwards  
Signature of Property Owner

10-16-17

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:** \_\_\_\_\_

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