



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

**May 17th, 2018
4:30 pm
1ST FLOOR CONFERENCE ROOM, CITY BUILDING
AGENDA**

Meeting called to order – Roll Call

Review of minutes from the April 19th, 2018 meeting

Swear in audience and staff members that will offer testimony on any agenda items

Adjudication hearings to consider the following:

1. John Hancock & Associates, on behalf of Cedar Point Park LLC has filed an application for side and rear yard variance for 2064 & 2066 First Street.
2. Jonatta & Herner, on behalf of Jan Bucholtz has applied for a front yard variance of 3.6' to allow for a front porch addition at 2232 Stahlwood Drive
3. Anthony J. Muscioni, Jr, on behalf of Sandusky Star Lanes has filed an application for a variance to place a billboard at the following parcels: #57-00242.00, #57-00421.000.
4. Elizabeth Solwekie has filed an application for a side yard variance of 6' to construction of a fence at 828 Tyler Street.
5. William and Denise Forman have filed an application for a 9' variance to allow the construction of a detached pavilion 1' away from the existing single family dwelling at 630 Harbourside Drive.
THIS ITEM WAS TABLED AT A PREVIOUS MEETING
6. Tim Ali has filed an application for a variance to place an accessory building within a front yard at 811 Cedar Point Road.
THIS ITEM WAS TABLED AT A PREVIOUS MEETING

Other Business

Next Meeting: June 21st, 2018

Adjournment

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

Board of Zoning Appeals
April 19, 2018
Minutes

The Chairman called the meeting to order at 3:02PM. The following members were present: Mr. Dan Delahunt, Mr. Kevin Zeiher and Chairman John Feick. Dr. Semans and Mr. Matthews were excused. Mr. Jeff Keefe represented the Public Works Department; Ms. Casey Sparks, Ms. Angie Byington and Mr. Greg Voltz represented the Planning Department; Mr. Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from the Community Development.

Mr. Zeiher moved to approve the minutes from the March 15, 2018 meeting as written. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

The Chairman swore in staff and audience members that wished to speak on any agenda items.

Ms. Sparks presented that Joseph Hayberger, on behalf of Martha Ebner had applied for several variances to the properties of 1401 Camp Street and 1412 Sandusky Street. The property is currently zoned R2F. The applicant currently owns both properties but is looking to sell 1401 Camp Street. Mrs. Ebner currently utilizes the garage and has an indefinite easement that allows her access. The buyer is looking to split the garage off of the Camp Street property and combine it with the Sandusky Street property. This would result in the necessity of the following variances.

1. A variance of 773.42' to allow the creation of a non-conforming lot at 1401 Camp Street. This variance would also take the 1412 Sandusky Street property from a non-conforming status to a conforming status.
2. A variance of 2.2' to allow an existing accessory structure on 1412 Sandusky Street to be 12.8' from the dwelling at 1401 Camp Street.
3. A variance to allow an accessory structure to be located within the side yard on 1412 Sandusky Street.

Staff recognized that the lot split/ combination will create a non-conforming lot on 1401 Camp Street, however the result will create a conforming lot at 1412 Sandusky Street.

Staff also recognizes that this is a unique situation in which property owner does have an access easement to the garage and property which could make selling the property difficult.

Staff recommended approval of the variances with the following conditions:

1. All building and zoning permits are to be obtained
2. All federal and state laws are to be observed

Joseph Hayberger, 4308 Westwind Way stated that he is the realtor of this property and that he had spoken to the a Title Agency that told him that he could not get Title Insurance for the 2 family home with the easement in place.

Mr. Delehunt asked where the ingress and egress is. Mr. Hayberger stated that it is currently on the Sandusky Street property.

Mr. Zeiher asked if there would be any parking difficulties on the Camp Street property. Ms. Sparks stated that there is off street parking for this property. She added that the garage had almost always operated with the property on Sandusky Street.

Mr. Delehunt asked if there were any neighbor's concerns with the lot split. Ms. Sparks stated that the surrounding neighbors within 300' were notified and she had not heard anything.

Mr. Zeiher asked if there were any legal issues that needed to be addressed. The applicant stated that there were none.

Mr. Zeiher moved to approve all of the variances as submitted. Mr. Delahunt seconded the motion, which carried with a unanimous vote.

Ms. Sparks stated that Cedar Point LLC had submitted an application for a variance to allow commercial structures within a special flood hazard area at One Cedar Point Drive. They were presented separately by Mr. Jeff Keefe, representing the Public Works Department.

- The Chick-Fil-A Building Improvements: The applicant proposed to use the existing structure within the Flood Plain and below the Flood Protection Elevation. The floor is above the Base Flood Elevation but it is not feasible to raise the floor elevation or equipment to be above flood protection elevation. This structure will not be used in the event of flooding, as the entire park would be closed during that event. Engineering Staff recommends approval of this variance as Staff and Cedar Point have been coordinating on this and future projects so that if required, they will submit for variances earlier in the process to facilitate approval, construction and occupancy requirements.

Mr. Zeiher moved to approve the variance application for the Chick-Fil-A improvements. Mr. Delahunt seconded the motion. With no further discussion, the motion carried with a unanimous vote.

- Sagebrush Addition: The applicant proposed to use the existing structure within the Flood Plain and below the Base Flood Elevation and the Flood Protection Elevation. The existing structure will be a Coke Refresh Station, the floor is below the Base Flood Elevation, but it is not feasible to raise the floor elevation or equipment to be above the Flood Protection Elevation. This structure will not be used in the event of flooding, as the entire park would be closed during that event. Engineering Staff recommends approval of this variance as Staff and Cedar Point have been coordinating on this and future projects so that if required, they will submit for variances earlier in the process to facilitate approval, construction and occupancy requirements.

Mr. Delahunt moved to approve the variance application for the Sagebrush addition. Mr. Zeiher seconded the motion. With no further discussion, the motion carried with a unanimous vote.

- Lighthouse Point Housekeeping Restroom: The applicant proposed to use the structure within the Flood Plain and below the Flood Protection Elevation. The proposed structure will be housekeeping and restroom facility, the floor is above the Base Flood Elevation, but it is not feasible to raise the floor elevation or equipment to be above the Flood Protection Elevation. This structure will not be used in the event of flooding, as the entire park would be closed during that event. Engineering Staff recommends approval of this variance as Staff and Cedar Point have been coordinating on this and future projects so that if required, they will submit for variances earlier in the process to facilitate approval, construction and occupancy requirements.

Mr. Zeiher moved to approve the variance application for the Lighthouse Point Housekeeping Restroom. Mr. Delahunt seconded the motion. With no further discussion, the motion carried with a unanimous vote.

- Beach Bar Improvements: The applicant proposed to use the structure within the Flood Plain and below the Flood Protection Elevation. The proposed structure will be beach bar facility, the floor is above the Base Flood Elevation, but it is not feasible to raise the floor elevation or equipment to be above the Flood Protection Elevation. This structure will not be used in the event of flooding, as the entire park would be closed during that event. Engineering Staff recommends approval of this variance as Staff and Cedar Point have been coordinating on this and future projects so that if

required, they will submit for variances earlier in the process to facilitate approval, construction and occupancy requirements.

Mr. Delahunt moved to approve the variance application for the Beach Bar Improvements. Mr. Zeiher seconded the motion. With no further discussion, the motion carried with a unanimous vote.

Mr. Voltz presented that Tim Ali had submitted an application to place an accessory building in the front yard at 811 Cedar Point Road. The zoning code permits accessory buildings within the side and rear yards, however, the applicant proposed the accessory building on the north side of Cedar Point Road. The proposed structure is 720 square feet and 14' 3" in height. This structure is one of the largest enclosed structures that have been proposed on the north side of the road.

Staff recommended denial of the application due to the proposed size of the structure could block views for adjoining property owners and that the proposed enclosed structure is one of the largest that had been proposed. Staff would recommend approval of a 25' width structure with the following conditions:

1. The height of the building shall meet all current zoning regulations
2. The applicant provides the setback of the accessory building from the property line
3. The applicant shall apply for all building and zoning permits
4. Assure that all deed and HOA requirements are met
5. The applicant speaks to Cedar Point representatives about future road projects

Mr. Voltz added that there was an approval of a 28' accessory building on a smaller lot just a few months ago.

Mr. Keefe added that this would also need a flood plain permit.

Tim Ali, 811 Cedar Point Road stated that the reason for the request is that the traffic on the road has become impossible. He added that when Cedar Point widens the road, the traffic will get worse. He stated that during walks along the beach, he would speak to the neighbors who stated that they wished they had built their cabanas bigger. He stated that at 1325 Cedar Point Road there is a 28.5' wide and another 20'-25' of concrete on one side and the other is a walkway. The other property also has a shed that is about 12' wide. Mr. Ali proposed the 40' building to combine the cabana and storage in one building.

Mr. Zeiher asked if Mr. Ali had spoken with Cedar Point about their street plans. Mr. Ali stated that he had the plan and that he should have sufficient room to build what is proposed. Mr. Zeiher reminded him about the current rainfall and lake levels. Mr. Ali stated that his contractor could build what is needed to withstand the weather.

Mr. Delahunt asked if he knew his lot size. Mr. Ali stated that his lot is 75' wide. Mr. Delahunt was concerned that he is proposing a 40' wide building with an existing deck. Mr. Ali stated that he may have an 8' deck. Mr. Delahunt stated that it almost appeared that he was building another home on the north side of the street. The proposed structure would have a living area, restroom and kitchen. Mr. Ali stated that when you are at the beach, you must constantly fight with the traffic to get to the home to use the restroom or get something from the kitchen. Mr. Delahunt stated that he spoke with Cedar Point and they had said that the reason for the massive increase in traffic in the last few years is that people are using phone apps that tell them that this is the quicker way to go.

Mr. Zeiher agreed stating that the height and width seem too big for this lot size. Mr. Ali asked what would be appropriate. Mr. Zeiher stated that he is only looking at what was submitted and that he and staff should work on what might be appropriate for the lot size. Mr. Ali stated that he would like to run the utilities before the road project began. He stated that if he had to start over, this would not be possible.

Chairman Feick asked the staff how the front yard was determined. Does the applicant have 2 front yards? Ms. Sparks stated that these properties have very unique situations where the portions of the lots that face the right of way are the front yard, thus having 2 front yards. Chairman Feick stated that if the structure is built only 3' away from that traffic, it could be very dangerous. He added that aside from not having a bedroom, this structure is almost more like a home, having a bathroom, kitchen and living area. Ms. Sparks stated that because the application stated that the proposed structure was an accessory building, the Zoning Code states that the structure must be 3' from the property line. That was how the other applicants along Cedar Point Road had applied for their variances. This structure is much larger than the other applications and it would be difficult to just throw out a size or number without seeing a drawing. She recommended the board table the application until the applicant came back with a revised drawing.

Mr. Ali stated that since another application was approved down the street from him at 28.5', could he build at 30'? Chairman Feick stated that every situation is unique. The lots are all different widths and just because one was approved, it does not mean all others will be approved.

Mr. Delahunt stated that the main difference is the size of the lot versus the size of the building that you are putting on the lot. There would be site line issues, it would be obtrusive.

Chairman Feick asked the applicant if he would like the board to table the application until revised drawings are turned in to staff. Mr. Ali asked what width would be approved. Chairman Feick stated that he could not answer that without seeing drawings of how the structure would be laid out. He stated that before the board would review anything, staff would review and offer their recommendation.

Mr. Zeiher moved to table the request until the applicant provided another drawing. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Ms. Sparks presented that Eric Green had applied for a variance to place an accessory building within the side yard at 1607 W. Monroe Street. The property is zoned as residential business and is currently being used for a retail business. The purpose for the request is to add additional space for storage for overflow and to move some items in from the building that he rents across the street. Ms. Sparks stated that this is a unique lot where the front yard is defined by the shortest width, which would be on Clinton Street and the side yard would be on W. Monroe Street. The front of the building is on W. Monroe Street, so the accessory building is proposed to be located behind the front entrance but technically in the side yard area.

The first variance would be to place an accessory building within the side yard. The applicant had also applied for a variance of 10' to allow the proposed accessory structure to be 0' from the main structure. The applicant has proposed to construct an approximate 360 square foot building within the side yard. The applicant would like to utilize a storage container for excess merchandise. The storage container is proposed to be 7.17' from the side property line, the code requires 3' from the rear and side lot line.

Staff recommended approval of the variances for the proposed accessory structure with the following conditions:

1. Appropriate building permits shall be obtained.
2. Accessory structure shall be a minimum of 3' from any side or rear lot line.
3. All federal and state laws shall be observed.

Eric Green, 1607 W. Monroe Street stated that he turned the building from a video rental to a resale shop. He stated that he sells anything from furniture to vehicles. He stated that he needed more room to expand his business. He stated that he would like to place a shipping container on the property for additional storage.

Mr. Delahunt moved to approve the variance as submitted by staff. Mr. Zeiher seconded the motion. Mr. Feick asked staff what a shipping container would be considered. Ms. Sparks stated that the applicant would

have to speak with the building department regarding permits. She added that anything less than 200' would not require a building permit. This is proposed to be 320' so the applicant must obtain a building permit for the structure as a condition of approval. With no further discussion, the motion carried with a unanimous vote.

Ms. Sparks stated that she had not heard anything from the applicants of the tabled agenda item. She stated that she will reach out to see if they would like to proceed with the application.

Ms. Sparks stated that the next meeting would be on May 17th at 4:30PM.

Mr. Delahunt moved to adjourn the meeting. Mr. Zeiher seconded the motion. The meeting was adjourned at 3:55PM.

APPROVED:

Debi Eversole, Clerk

John Feick, Chairman

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A SIDE AND A REAR YARD VARIANCE FOR 2064 & 2066 FIRST STREET

Reference Number: BZA-13-18

Date of Report: May 7th, 2018

Report Author: Casey Sparks, Chief Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

John Hancock & Associates, Inc. has filed for a side and rear yard variance for the proposed new dorms adjacent to both third and Fourth Street. The dorms are addressed as 2064 & 2066 First Street, these addresses were given along First Street as all of the dorms are currently addressed off First Street. The following information is relevant to this application:

Applicant: John Hancock & Associates, Inc.
326 E. Market Street
Sandusky, Ohio 44870

Property Owner: Cedar Point Park, LLC
1 Cedar Point Drive
Sandusky, Ohio 448470

Site Location: 2064 & 2066 First Street

Existing Zoning: Currently: "CR" Commercial Recreation & "R1-40" Residential Single Family
North: R1-40- Single Residential Family
South: CR- Commercial Recreation
East: R1-40 Single Family Residential
West: R1-40 Single Family Residential

Proposed Zoning: "CR" Commercial Recreation for parcels: #57-02669.000, #57-01065.000, #57-01067.000, and #57-04776.000

Existing Use: Vacant Property

Applicable Regulations: City of Sandusky Zoning Code Sections 1137.08

Variances Requested:

1. A variance of 30' variance to the rear yard for the proposed building at 2064 First Street, whereas the code requires a 40' side yard setback when adjacent to residential.
2. A variance of 20' to the side yard setback for the proposed building at 2066 First Street, whereas the code requires a 40' side yard setback when adjacent to residential.

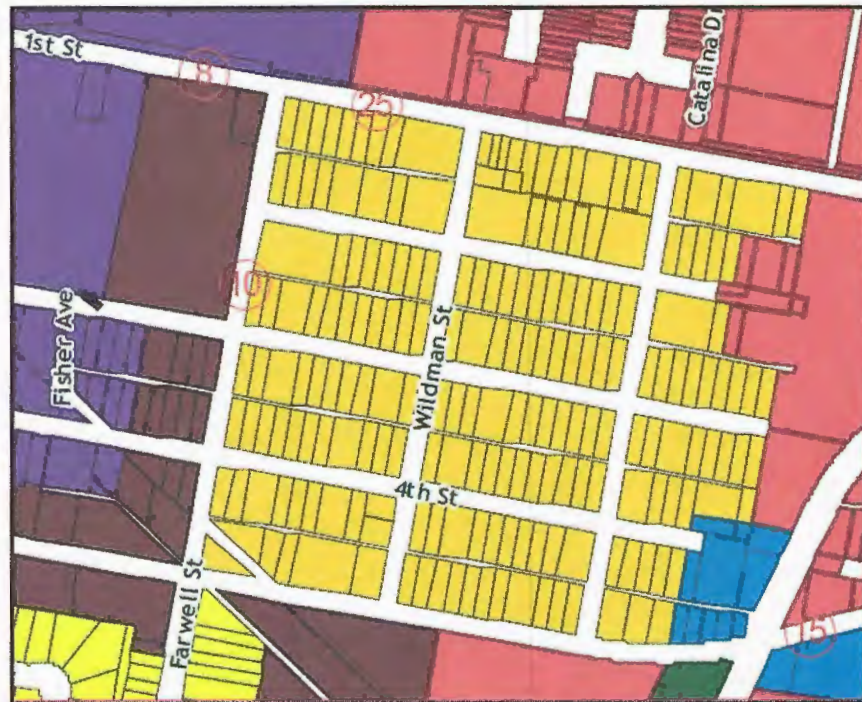
SITE DESCRIPTION

The subject property is adjacent to Third and Fourth Street. Planning Staff recently approved a lot combination of all the parcels, as stated the Engineering Department has issued an address along First Street. The applicant is also proposing a zoning amendment through Planning Commission for several parcels within the proposed area, the applicant has requested to rezone the property to CR Commercial Recreation. In 2016 several parcels were rezoned from "R1-40" Single Family Residential to "CR" Commercial Recreation.

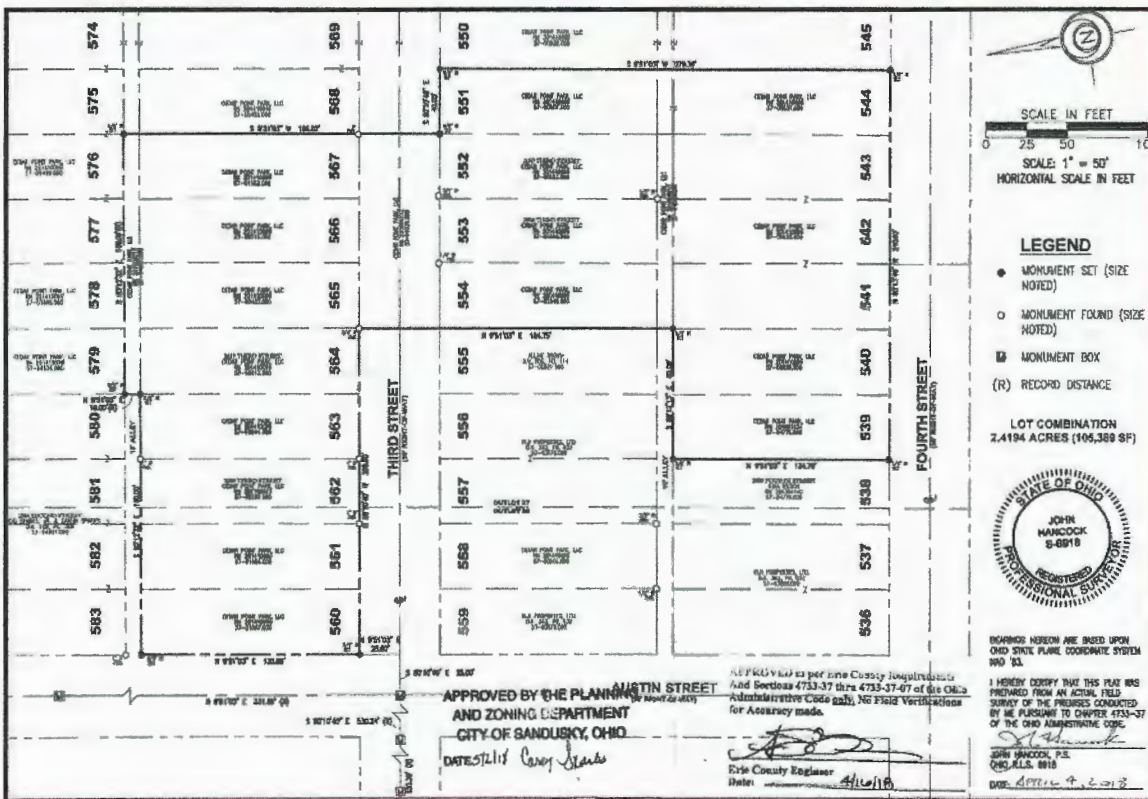
Below is the zoning map and aerial image of the subject property. Additional images are provided to indicate the newly created lot and the proposed site plan.

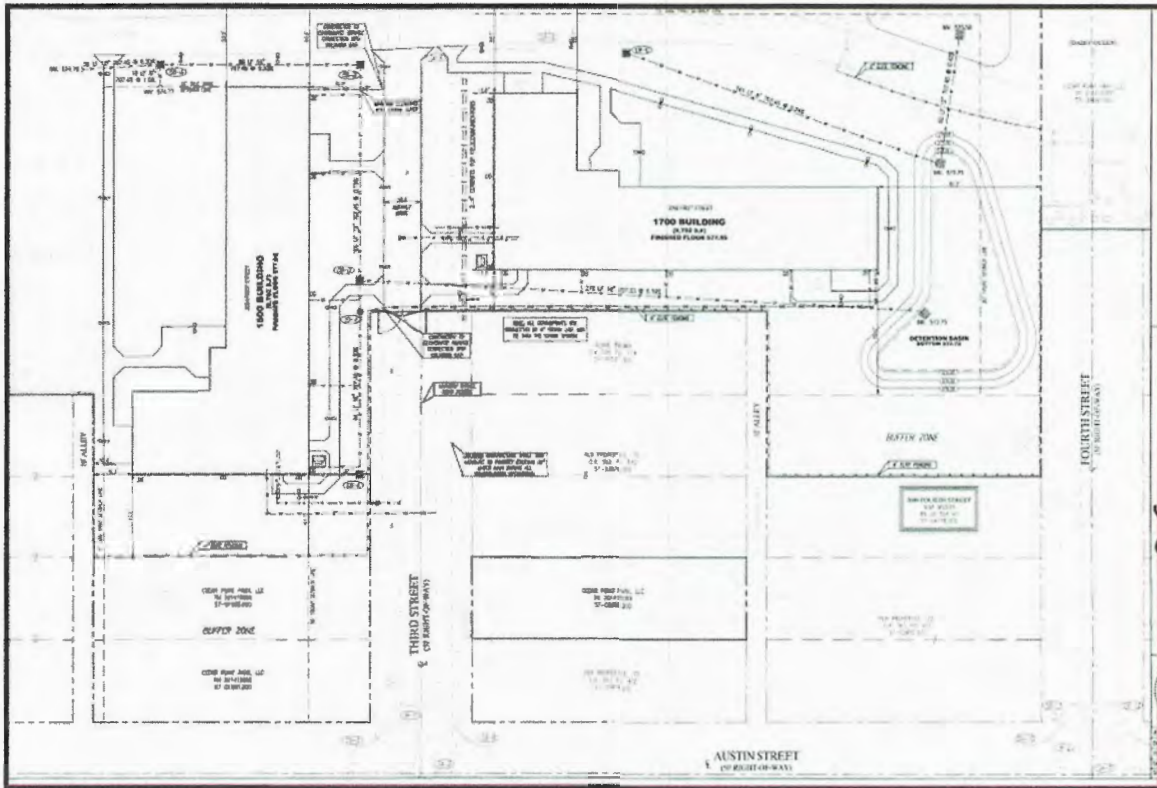
2066 & 2064 First Street

- *The zoning map does not represent residential properties previously rezoned from Residential R1-40 to CR Commercial Recreation.*



 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





DIVISION OF PLANNING COMMENTS

The applicant has proposed to construct two 9702 sf buildings for dorms to house Cedar Point employees. As stated, planning staff recently approved a lot combination for the parcels involved. The applicant has proposed the two buildings on the newly formed lot. The lots frontage is located along Fourth Street, the proposed structures do not meet the required side and rear yard setbacks. Section 1138.09 of the Planning & Zoning Code requires a 40' side and rear yard setback when adjacent to residential, the applicant is proposing a 10' rear yard setback adjacent to parcel # 57-04601.000 and a 20' side yard setback adjacent to parcel # 57-00521.000. The applicant is also seeking a request for a zoning amendment and site plan through Planning Commission.

The application states state the following as to the necessity of the variance:

"Side yard variance is requested because the adjoining properties are vacant lots. A previous variance for the Rec Center was granted along Lot 580 Second Street. Building 1800 setback would be 20' including the 10' unimproved alley between Second St. and Third St. The 20' request for Building 1700 with the adjacent lot on unimproved Third St. is also consistent with previous variance."

It is important to note that planning staff was unable to verify a variance approval for the Rec Center, however we do indicate that Planning Commission approved the site plan application for the Rec Center in 2000 and an addition to the recreation building in 2013.

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 variances sought in this case are not substantial. The side yard variance requested for the building addressed 2066 First Street (building 1700 Building) is proposed to be 20'. The Planning & Zoning Code requires a 40' setback when commercial structures are adjacent to residential uses, however it is important to keep in mind that the building will be utilized for dorms which is not a typical commercial use and the adjacent residential lot is currently vacant.

The rear yard variance requested for 2064 First Street (Building 1800) is proposed to be 10', however it is important to note that an additional 10' alley is directly behind the proposed building. Parcel # 57-04601.000 is the residential lot adjacent to this proposed building, the primary building will be a total of 29' from the property. The proposed 10' setback is due to a proposed stairway on the rear of the building.

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, staff recognizes that there are residential homes within the area however it is important to note that the applicant is simply expanding the existing dormitory campus already established within the area.

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

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

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

The applicant was aware of the regulations as there are existing dormitories within the area. In 2016 Cedar Point received approval for a zoning amendment within the area, within this time the applicant also received approval to vacate a portion of Third Street in preparation for development within these parcels. As the proposed development has come into fruition the applicant met with our office and applied for the variance.

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

Due to the current configuration of the lots and the size of the buildings, the applicant has proposed these locations to assist in creating a buffer/screen for many of the residential properties within the area.

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 variances.

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 will yield little return as many of the surrounding parcels have been zoned as CR Commercial Recreation and the applicant has vacated a portion of Third Street.

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 buildings 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 the unique condition as the buildings are designed to be located on the newly formed lot which spans the area of both Third and Fourth Street, and is adjacent to several residential properties. To stay within the parameters of the site and meet the size requirements for the buildings the applicant is forced to apply for the variances.

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 as the property owner has designed the buildings in a way to buffer the adjacent residential properties.

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

Strict enforcement of the Code would not permit the construction of the proposed dorms, or construct with a loss of rooms.

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.

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

The proposed locations of the buildings will not oppose the general spirit and intent of the zoning ordinance.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff recognizes that although the proposed buildings will be less than 40' from any residential zoned properties the existing lot is a uniquely shaped lot and it is surrounded by both existing dorms and residential property. Staff also recognizes that the requested 20' variance for 2066 First Street is adjacent to a vacant lot. The 30' variance requested for 2064 First Street does have an additional 10' alley separating the proposed dorms and the rear yard of parcel # 57-04601.000. Staff would recommend approval of the requested variances with the following conditions:

1. The proposed site plan and zoning amendment applications are approved by Planning Commission.
2. All appropriate building and zoning permits shall be obtained.
3. All federal and state laws shall be observed.

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: Cedar Point Park, LLC

Property Owner Address: 1 Cedar Point Drive

Sandusky, OH 44870

Property Owner Telephone: (419) 609-2032

Contact Person: Dustin Radloff

Authorized Agent Name: John Hancock & Associates, Inc.

Authorized Agent Address: 326 E. Market Street

Sandusky, OH 44870

Authorized Agent Telephone: (419) 625-7838

Contact Person: John Hancock

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 2064 and 2066 First Street

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

See legal description attached

Zoning District: CR

VARIANCE INFORMATION:

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

1137.08 Sideyard requirement in commercial district adjoining a residential district

1157.04 Flood protection elevation, 577.2 required, 577.95 finished floor provided

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

Sideyard between alley north of Lot 563 and 1800 Building (2064 First St.) 10' proposed, 40' required

Sideyard between Lot 555 Third St. and 1700 Building (2066 First St.) 20' proposed, 40' required

Finished floor elevation of 577.95 for Buildings 1700 and 1800 consistent with previous variance granted

for dormitory buildings on Cedar Point Drive (2048 and 2068 First Street). Flood protection elevation is 577.2

DETAILED SITE INFORMATION:

Land Area of Property: 2.4194 acres (sq. ft. or acres)

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

Building #1: _____ (in sq. ft.) Building #2: _____

Building #3: _____ Additional: 19,404 SF

Total Building Coverage (as % of lot area): 18.41%

Proposed Building Height (for any new construction): 32'

Number of Dwelling Units (if applicable): 178 rooms

Number of Accessory Buildings: none

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

Two dormitory buildings or 9702 SF each constructed west of the dorms on Cedar Point Dr. (2048 and 2068

First St. addresses. 178 total rooms for employees housing.

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):

Sideyard variance is requested because the adjoining properties are vacant lots. A previous variance

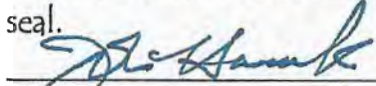
for the Rec Center was granted along Lot 580 Second St. Building 1800 setback would be 20' including the

10' unimproved alley between Second St. and Third St. The 20' request for Building 1700 with the

adjacent lot on unimproved Third St. is also consistent with previous variances.

APPLICATION AUTHORIZATION:

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


Signature of Owner or Agent

4-19-18
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

4-19-18
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.

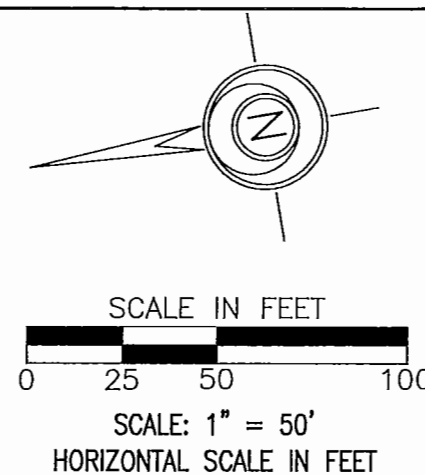
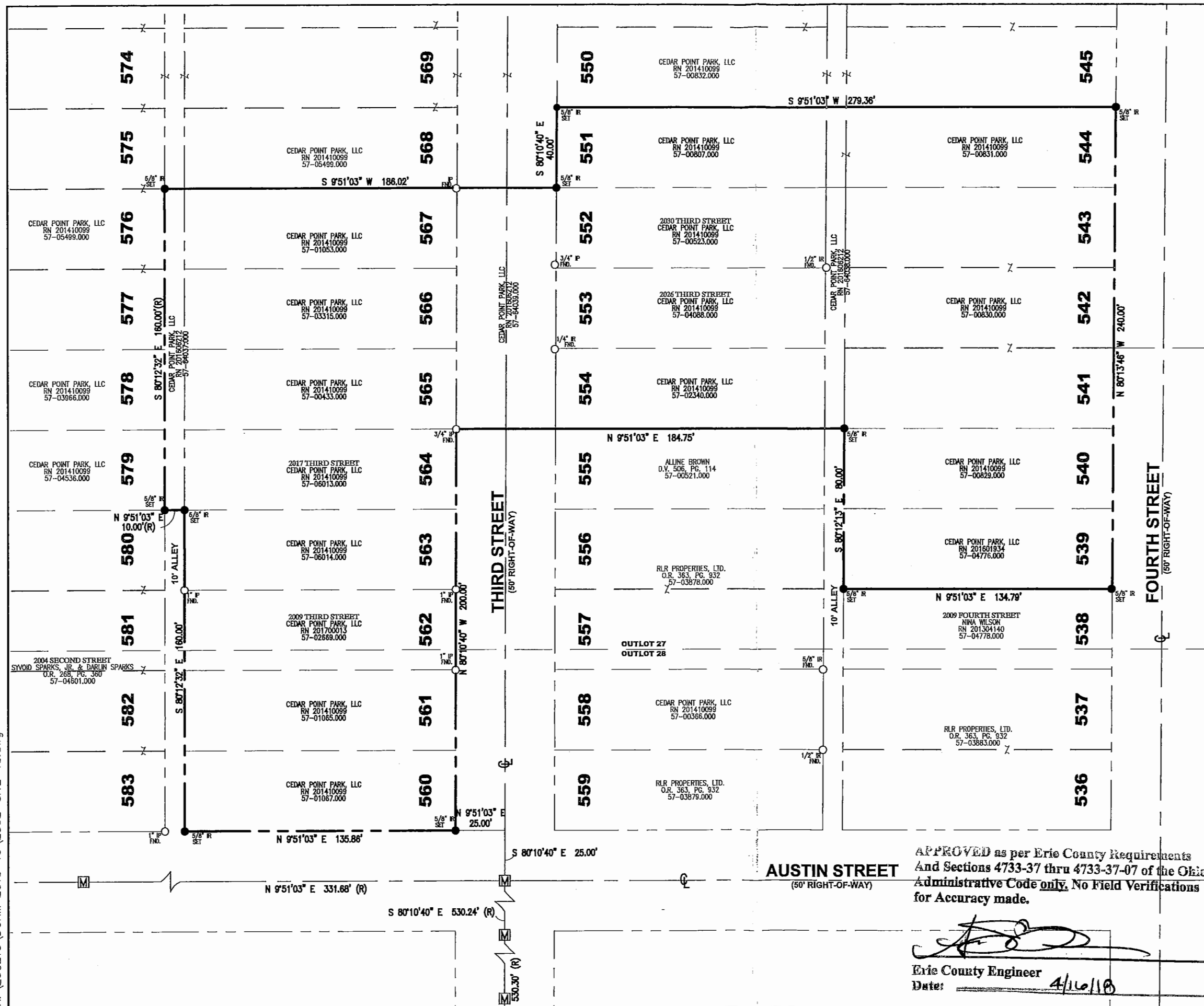
STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

Board of Zoning Appeals File Number: _____

X:\230215\DOM 2018-19\2302-SITE-18.dwg



LEGEND

- MONUMENT SET (SIZE NOTED)
- MONUMENT FOUND (SIZE NOTED)
- ▣ MONUMENT BOX
- (R) RECORD DISTANCE

LOT COMBINATION
2.4194 ACRES (105,389 SF)



BEARINGS HEREON ARE BASED UPON
OHIO STATE PLANE COORDINATE SYSTEM
NAD '83.

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.

[Signature]
JOHN HANCOCK, P.S.
OHIO R.L.S. 6918
DATE: APRIL 4, 2018

REVISED:

John Hancock & Associates, Inc.
ENGINEERS • SURVEYORS
326 E. Market St. • Sandusky, Ohio 44870 • (419) 625-7838

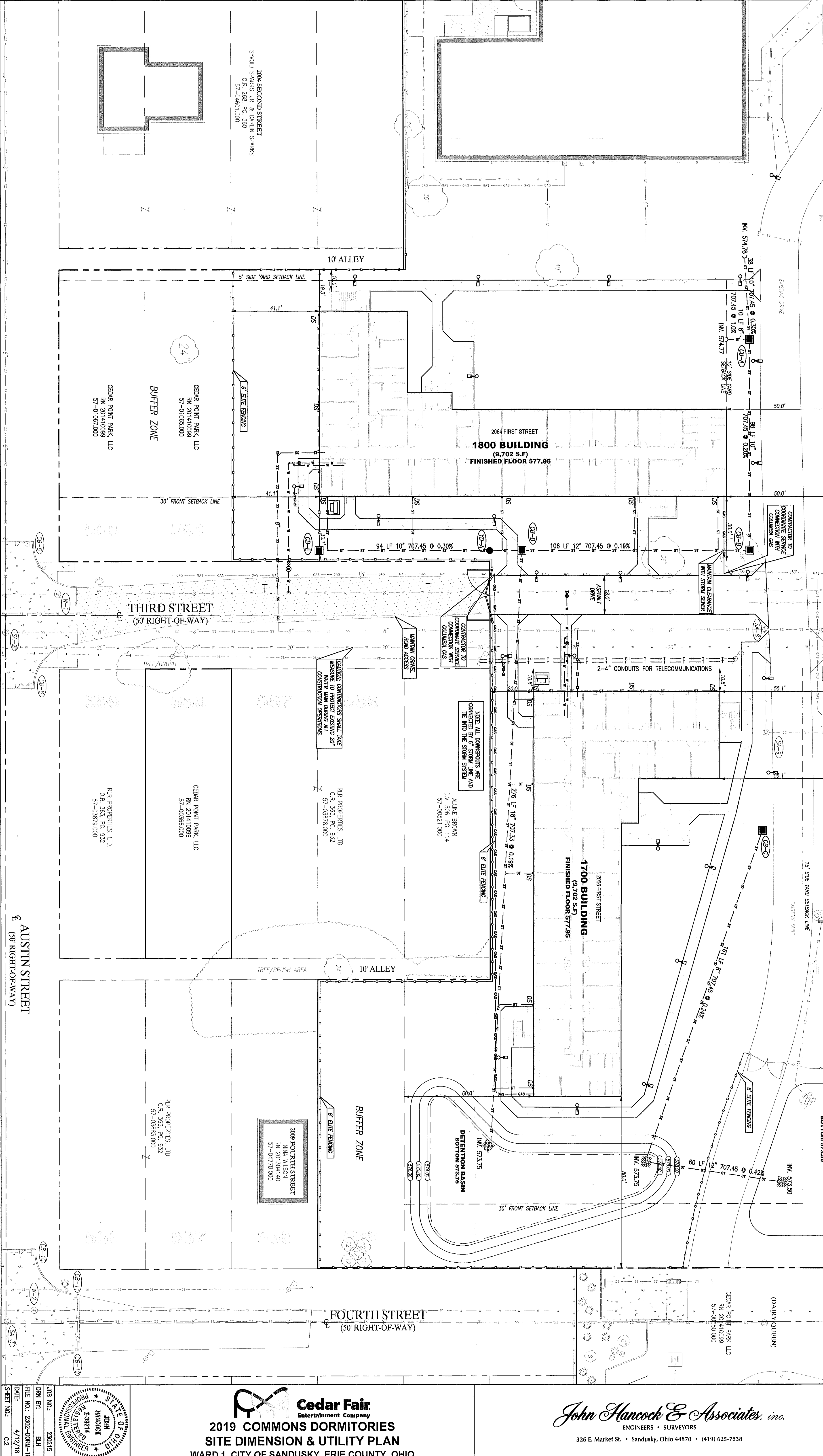
PLAT OF SURVEY LOT COMBINATION

OUTLOT 27 & 28, SANDUSKY BUSINESSMEN'S ASSOCIATION
LOCKWOOD SUBDIVISION, P.V. 6, PG. 37-38
WARD 2, CITY OF SANDUSKY, ERIE COUNTY, OHIO

JOB NO.:	230215
DRN BY:	BLH,NJC
FILE NO.:	2302-SITE-18
DATE:	4/3/18
SHEET NO.:	1 OF 1

The site plan illustrates the layout of the Detention Basin. Key features include:

- EXISTING CB** (Catchbasin) located at the top right, with dimensions 10' x 25' 6" and an area of 10' x 25' 6" = 4'.
- PROPOSED CB** (Catchbasin) located at the bottom right, with dimensions 10' x 25' 6" and an area of 10' x 25' 6" = 4'.
- DETENTION BASIN** (large rectangular area) with dimensions 10' x 25' 6" and an area of 10' x 25' 6" = 4'.
- SCALE** in feet: 0, 10, 20, 40.
- SCALE** 1" = 20'.
- HORIZONTAL SCALE** in feet.
- NOTE**: DETENTION CATCHBASIN IS TO BE ADDED TO ACCOUNT FOR FUTURE PROPOSED WORK.
- REVISIONS** table at the bottom right.



CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A 3.6' FRONT YARD VARIANCE TO ALLOW FOR CONSTRUCTION OF A FRONT PORCH ADDITION.

Reference Number: BZA-14-18

Date of Report: May 8th, 2018

Report Author: Casey Sparks, Chief Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Janotta & Herner, on behalf of Jan Bucholz has filed an application for a 3.6' front yard variance for construction of a front porch at 2232 Stahlwood Drive. The following information is relevant to this application:

Applicant: Janotta & Herner
309 Monroe St.
Monroeville, Ohio 44847

Property Owner: Jan Bucholz
2231 Karl Ann Drive
Sandusky, Ohio 44870

Site Location: 2232 Stahlwood Drive

Zoning: "R1-60" Single Family Residential/ Residential Use
North: R1-50- Residential Single Family/ Residential Use
South: LB Local Business/ Business Use
East: R1-50 Residential Single Family/ Residential Use
West: R1-50 Residential Single Family/ Residential Use

Existing Use: Single Family Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.16 & 1129.14

Variances Requested:

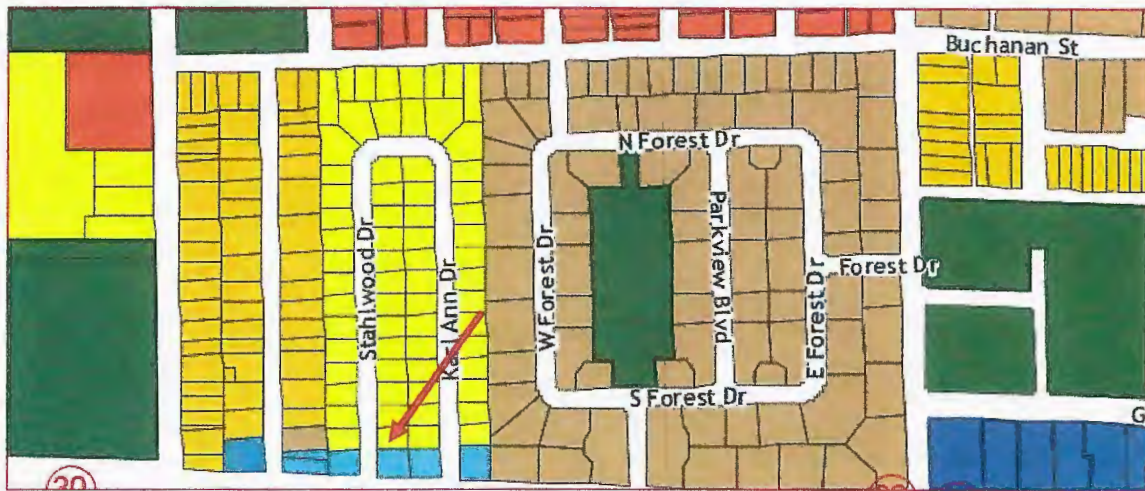
1. A variance of 3.6' to the front yard for the construction of a front porch, whereas the required front yard setback for this property is 17.1'.

SITE DESCRIPTION

The subject property is located at 2232 Stahlwood Drive, within the "R1-60" Single Family District. Both properties are being utilized for residential uses.

Below is the zoning map and aerial image of the subject property. The subject is pointed out:

2232 Stahlwood Drive



P-UBIC FACILITY	SINGLE FAMILY RESIDENTIAL	LOCAL BUSINESS	DOWNTOWN BUSINESS
R-SCHOLAR SUBURBAN	TWO FAMILY RESIDENTIAL	ROADSIDE BUSINESS	COMMERCIAL SERVICE
K-1/2 SINGLE FAMILY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	GENERAL BUSINESS	LIMITED MANUFACTURING
R-1/2 SINGLE FAMILY RESIDENTIAL	RESIDENTIAL / BUSINESS	COMMERCIAL AMUSEMENT	GENERAL MANUFACTURING
R-1/2 SINGLE FAMILY RESIDENTIAL	AUTO PARKING	COMMERCIAL RECREATION	PLANNED UNIT DEVELOPMENT
AGRICULTURAL			REQUIRED SETBACK FRONT



DIVISION OF PLANNING COMMENTS

The applicant has proposed a 393 SF covered porch addition across the front of the house and return along the north side of the house. The front yard setback from the proposed porch structure is approximately 17', the setback from the stairs is 13' 6". Section 1145.16 (c) (d) states that any platform landing, steps, terrace, or other features shall not project more than 8' into the required front yard. The City's past policy regarding lots with legal non-conforming setbacks indicate that the setback shall be taken from the existing structures setbacks. As such, the required setback for the entrance feature for this structure would be 17.1'. There appears to be an existing entrance feature that is approximately 14' from front property line, however this will be removed and a larger structure will be constructed.

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

"The necessity of this variance is to help with the modernizing of the existing home."

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 requested is not substantial, the existing home currently has an entrance feature that currently encroaches within the front yard setback. The proposed entrance feature will encroach within the same 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 essential character of the neighborhood would not be altered, as stated the proposed porch addition will encroach within the same area of the existing entrance feature.

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

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

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

Staff believes the applicant was aware of the regulations, the proposed unenclosed porch addition will meet the required setbacks, however the steps are what is encroaching within the setbacks.

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

Due to the current size of the lot and the non-conforming status the applicant can only resolve this issue by applying for a variance.

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

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

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 however, the applicant has stated that they are constructing the addition to modernize the home to today's standards.

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

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

Section 1111.06(c)(2):

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

The variance requested does arise from the unique condition that the existing residential dwelling and the front porch does not meet current front yard setback requirements.

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 as there is currently a front porch on the property.

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

Strict enforcement of the Code would not permit the construction of the proposed front porch addition.

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.

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

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

CONCLUSION/RECOMMENDATION

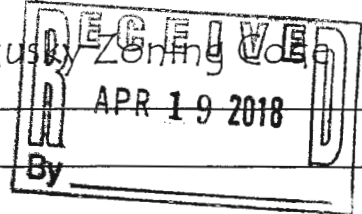
In conclusion, planning staff recognizes that the existing home currently does not meet the front yard setback as required by Section 1129.14 as such the property is a legal non-conforming structure. Staff also recognizes that there is an existing front porch addition that also does not meet the required setbacks. Understanding the proposed porch addition will meet the required setback, the steps will be the only portion that encroaches within the required setbacks staff recommends approval of the 3.6' variance to the front yard. Staff would recommend approval of the requested variance with the following conditions:

1. All appropriate building and zoning permits shall be obtained.
2. All federal and state laws shall be observed.

CITY OF SANDUSKY
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL

1

Variance to Regulations of the City of Sandusky Zoning Code



APPLICANT/AGENT INFORMATION:

Property Owner Name: Jan Bucholz

Property Owner Address: 2231 Karl Ann Drive

Sandusky OH 44870

Property Owner Telephone: 419-656-0680

Contact Person: Jan Bucholz

Authorized Agent Name: Janotta & Herner

Authorized Agent Address: 309 Monroe St. Monroeville OH
44847

Authorized Agent Telephone: 419-465-4617

Contact Person: Brad Clark

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 2232 Stahlwood Dr.

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

See Attached

Zoning District: R1-60

VARIANCE INFORMATION:

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

1129.13 & 1129.14

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

Front Yard - Proposed 13'-6", 30'-0" Required

DETAILED SITE INFORMATION:

Land Area of Property: 0.1185 (sq. ft. or acres)

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

Building #1: 1299 (in sq. ft.) Building #2: 280

Building #3: _____ Additional: _____

Total Building Coverage (as % of lot area): 31%

Proposed Building Height (for any new construction): 10'-9"

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 1

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

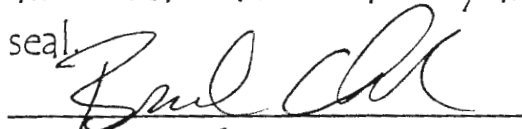
A 393 SF covered porch addition across the front of the
house and return along the north side of the house back to the
existing enclosed porch.

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):

The necessity of this variance is to help with the modernizing of the existing house.

APPLICATION AUTHORIZATION:

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


Signature of Owner or Agent

4/19/18
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 2232 Stahlwood 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

4/19/18
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: _____

Ohio Utilities Protection Service
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before you dig

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCES TO PLACE A
BILLBOARD ON A LOT ZONED AS
ROADSIDE BUSINESS ON PARCELS #57-
00242.000 AND #57-00241.000.

Reference Number: BZA-16-18

Date of Report: May 8, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Anthony J Muscioni Jr. has filed an application on behalf of Sandusky Start Lanes for variances to place a billboard on a lot currently zoned Roadside Business (RB). The applicant is proposing to place a billboard on a vacant lot along Cleveland Rd. The following information is relevant to this application:

Applicant: Anthony J Muscioni Jr.
2317 Sadler Street
Sandusky, Ohio 44870

Property Owner: Sandusky Start Lanes
2097 Cleveland Rd.
Sandusky, Ohio 44870

Site Location: Parcels #57-00242.000 and #57-00241.000

Zoning: "RB" Roadside Business

Existing Use: Vacant Land

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

Variances Requested:

1. To permit a billboard on parcel #57-00242.000 and #57-00241.000 currently zoned Roadside Business (RB). Section 1143.09(b)(1) states that billboards are permitted in Manufacturing Districts with a conditional use permit.
2. A 150' variance to the setback for the proposed billboard on parcels #57-00242.000 and #57-00241.000. Section 1143.09(b)(9) requires a minimum setback of 200 feet from a residence.

SITE DESCRIPTION

The subject property is located on Cleveland Road on parcels #57-00242.000 and #57-000241.00; within the "RB" Roadside Business Zoning District. The parcels are currently vacant.

Below is the zoning map and aerial image of the subject property. The subject property is pointed out:

#57-00242.000 and #57-000241.00



PUBLIC FACILITY	SINGLE-FAMILY RESIDENTIAL	LOCAL BUSINESS	DOWNTOWN BUSINESS
R-SUBURBAN	TWO-FAMILY RESIDENTIAL	ROADSIDE BUSINESS	COMMERCIAL SERVICE
SINGLE-FAMILY RESIDENTIAL	MULTIFAMILY RESIDENTIAL	GENERAL BUSINESS	LIMITED MANUFACTURING
SINGLE-FAMILY RESIDENTIAL	RESIDENTIAL / BUSINESS	COMMERCIAL AMUSEMENT	GENERAL MANUFACTURING
SINGLE-FAMILY RESIDENTIAL	AUTO PARKING	COMMERCIAL RECREATION	PLANNED UNIT DEVELOPMENT
AGRICULTURAL			REQUIRED SETBACK IN FEET



DIVISION OF PLANNING COMMENTS

The applicant has proposed to construct a billboard within two lots that are currently zoned Roadside Business (RB). The applicant has stated that this sign would help attract clients to his business as it has great visibility along Cleveland Road, however billboards are currently restricted to manufacturing districts and must require a sizable setback from nearby residents. A billboard would also require a conditional use permit through the Planning Commission as well as a landscaping plan also approved by the Planning Commission.

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

"We are a small established business in Sandusky, OH. Providing a service to the community by providing tourism and growth for other businesses in the community. Also bringing revenue into the City of Sandusky. We are frequently asked about food, lodging and things to see and do in the Sandusky area."

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, due to the fact that billboards are currently restricted to manufacturing districts with a conditional use permit. However, there are currently a few other examples of billboards along Cleveland Rd.

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 may be altered, as there currently sits a residence just to the West of the proposed location of the billboard. This is a unique portion of Cleveland Road with a unique mix of residential and business uses.

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

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

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

Staff is unaware if the owner had knowledge of the regulations, however once the applicant was made aware that a billboard could not be placed on this property he began looking into the possibility of obtaining variances.

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

The applicant would not be able to construct a billboard without the requested variances, even then the applicant would be required to obtain a conditional use permit through Planning Commission, as well as submit a landscape plan to Planning Commission for approval.

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 not be observed with granting of the variance as a billboard at this location would alter the character of the area and possibly effect the residents nearby.

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 billboard will 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 variances requested does not arise from the Zoning Code. The applicant has been aware that a billboard is not able to be constructed at this site as it is not zoned for manufacturing.

- 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 variances, for the billboard, could adversely affect the rights of the adjacent property owners or residents.

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

Strict enforcement of the Code would not permit the construction of any billboard at the proposed location.

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

The proposed variances, for a billboard, may 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.**

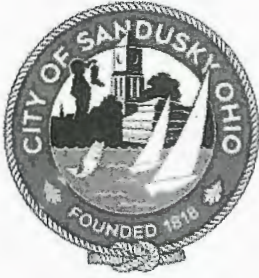
The proposed billboard may be opposed to the general spirit and intent of the zoning ordinance.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff recognizes that the proposed billboard, while relatively small, could open the door for an increased amount of offsite signage in other locations throughout the City. This billboard is also proposed to be located 50' from a nearby resident, which is substantially closer than the 200' required. As such Staff would recommend denial of the requested variance for the following reasons:

1. Allowing for a billboard on a lot zoned Roadside Business, could create a precedent for billboards to be located in other areas of the city that are nearby residential areas.

2. The applicant is requesting a 150' variance to the setback required for a billboard to be located from a residence. This is significant and could adversely affect the nearby properties.



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:

SANDUSKY STAR LANES

Property Owner Address:

2097 CLEVELAND RD

SANDUSKY OH 44870

Property Owner Telephone:

419-626-2413

☐

Check if okay to Text

Email

JOLIZ4@ATT.NET

Contact Person:

JOHN LIZZI

Authorized Agent Name:

Anthony J Muscioni Jr

Authorized Agent Address:

2317 Sadler St

SANDUSKY, OH 44870

Authorized Agent Telephone:

419-366-8472

☒

Check if okay to Text

Email

shark1@cox.net

Contact Person:

Anthony J Muscioni Jr

Meeting with Staff

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 2105 CLEVELAND RD SANDUSKY, OH 44870

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

OL 1 N OF CLEVELAND RD PARCEL F, 203A

OL 1 N OF CLEVELAND RD PARCEL G, 182A

Permanent Parcel Number: 57-00242.000 + 57-00244.000

Zoning District: SANDUSKY ERIE COUNTY

VARIANCE INFORMATION:

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

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

We are requesting approval of seasonal sign on
the corner of Cleveland Rd E and Remington Ave.
NW corner of lot

DETAILED SITE INFORMATION:

Land Area of Property: $.203_A + .182_A = .385$ (sq. ft. or acres)

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

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

Building #3: N/A Additional: N/A

Total Building Coverage (as % of lot area): N/A

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

Number of Dwelling Units (if applicable): N/A

Number of Accessory Buildings: N/A

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

We have constructed a 4'x8" vinyl sign professional done by local graphics & sign business. (ML Graphics on Cleveland Rd). The sign is supported by two white vinyl posts. (4'x4" vinyl posts) It was constructed professionally. This is not a permanent structure.

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):

We are a small established business in Sandusky, OH. Providing a service to the community by providing tourism & growth for other businesses in the community. Also bringing revenue into the city of Sandusky. We are frequently asked about food, lodging and things to see & do in the Sandusky area.

APPLICATION AUTHORIZATION:

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

Signature of Owner or Agent

4-16-18

Date

PERMISSION TO ACT AS AUTHORIZED AGENT::

As owner of 2105 CLEVELAND RD (municipal street address of property, I hereby authorize ANTHONY MUSCIONI JR to act on my behalf during the Board of Zoning Appeals approval process.

Signature of Property Owner

4-16-18

Date



CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO REQUIRED SIDE YARD FENCE HEIGHT REQUIREMENTS AT 828 TYLER STREET

Reference Number: BZA-16-18

Date of Report: May 8, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

Elisabeth Sowecke has submitted an application for a variance to the maximum permitted side yard fence height requirement in order to permit the construction of a 6 ft. high side yard fence at 828 Tyler Street. The following information is relevant to this application:

Applicant: Elisabeth Sowecke
828 Tyler Street
Sandusky, Ohio 44870

Property Owner: Elisabeth Sowecke
828 Tyler Street
Sandusky, Ohio 44870

Site Location: 828 Tyler Street
Sandusky, Ohio 44870

Zoning: "R2F" / Two-Family Residential District

Existing Use: Single-family residential

Proposed Use: Single-family residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17(g)(1)
Landscape Features and Yard Structures, Fences and Walls

Variance Requested: 1) To exceed the maximum permitted side yard fence height requirements for residential districts.

Variance Proposed: 2) The applicant proposes a side yard fence height of 6.0 ft. whereas the Zoning Code permits a maximum side yard fence height of 4.0 ft.

SITE DESCRIPTION

The subject property is located within the "R2F" residential two -family zoning district. It is currently developed with a single-family residence. The subject property is surrounded by a church,

single-family residential uses and two-family residential uses. A location map of the subject property is found below. The parcel of the subject property is pointed out:



The site is zoned "R2F"/ Two-Family Residential District by the Sandusky Zoning Code which permits one-family dwellings, public facilities as a conditional use: governmental, civic, educational, religious, welfare, recreational, and transportation as set forth in section 1123.02, public utility substations as a conditional use, two-family dwellings, manufactured homes as Main Buildings.

DIVISION OF PLANNING COMMENTS

The applicant proposes to replace a current chain link fence with a 6' fence along the west side yard of her property. Fence location shown in picture below.



A six (6) ft. high fence would not comply with the side yard fence height requirements of the Zoning Code. Section 1145.17(g)(1) of the Sandusky Zoning Code permits a maximum height of 4.0 ft. for a side yard fence.

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

“We have an active, energetic young boy who would be more safely contained behind a 6 ft fence, and protected from view at a busy intersection in the city.”

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 height variance sought in this case is 2' higher than permitted. The height requested is a standard fence height for a rear yard, but applicants feel that due to their lots lack of a rear yard this will allow for privacy fencing along their side yard and allow it to function more like a rear yard. A 6.0 ft. high fence is permitted in a rear yard in a residential district.

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

It would not appear that the proposed fencing would substantially alter the character of the neighborhood nor substantially impact adjoining properties.

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, as the proposed fencing 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;

Based on conversations with the applicant, they were unaware of the zoning restriction. Staff is unaware if the property owner was aware of the regulations when purchasing the property.

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

The applicant believes that installing a 4 ft. fence on the property will not provide enough protection and privacy for their young boy. The applicants could not install 6.0 ft. high privacy fencing in the side yard of their property without the requested variance.

- 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 6 ft. fence would be in keeping with the spirit and intent of the Zoning Code as it would provide for a private side yard for the applicants, and a safer place for their child to play.

- 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. However, the applicants could probably speak to the actual benefit derived from the privacy that a 6 ft. fence will provide.

- 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 fence 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 subject property is located adjacent to other residential development, the applicant has proposed to construct a 6' fence along the west side to allow their property to have a portion of the yard to function more like a rear yard. The need for a 6' privacy fence was not created by an issue of the zoning code, instead by the size of the existing lot.

- 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 side yard fencing will not adversely affect the rights of adjacent property owners or residents. The fencing should not affect sight lines, scenic views, access to light or air, access to structures for maintenance purposes, etc.

- 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 applicant has stated that the yard of the property would likely be used less as it would be deemed less safe, and less private for their child to play in.

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.

D. 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 the proposed fencing would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

Understanding that the existing home is constructed to take up a great deal of space on the lot leaving little, if any, rear yard, planning staff has no objection to the approval of the requested variance.



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: elizabeth Sowecke

Property Owner Address: 828 Tyler St

Sandusky OH 44870

Property Owner Telephone: 419 357-1147

☒ Check if okay to Text

Email: esowecke@gmail.com

Contact Person: elizabeth Sowecke

Authorized Agent Name: _____

Authorized Agent Address: _____

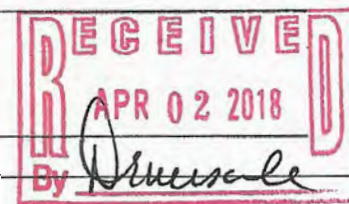
Authorized Agent Telephone: _____

☐ Check if okay to Text

Email: _____

Contact Person: _____

Meeting with Staff: _____



LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 828 Tyler

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

134 136 Central Avenue East 45' ETC

Permanent Parcel Number: 58-02022.000

Zoning District: _____

VARIANCE INFORMATION:

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

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

DETAILED SITE INFORMATION:

Land Area of Property: 2970 (sq. ft. or acres)

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

Building #1: 1168 (in sq. ft.) Building #2: _____

Building #3: _____ Additional: _____

Total Building Coverage (as % of lot area): 40%

Proposed Building Height (for any new construction): n/a

Number of Dwelling Units (if applicable): n/a

Number of Accessory Buildings: 0

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

Our lot has a uniquely positioned yard to the side of the house, near the intersection of Tyler & Central, just a block from the hospital. We wish to build a 6ft wooden fence around the side yard for safety & privacy. Our 4-yr-old can easily climb the current chain link fence and is visible in a high traffic area of the city. A higher fence would eliminate the climbing (for now) and provide privacy for our family. Two sides of the fence would face neighboring ^{back} yards. One side would be visible from the front of our lot, ~20 feet from the ROW.

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):

We have an active, energetic, ^{young} boy who would be more safely contained behind a 6 ft fence and protected from view at a busy intersection in the city.

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

3/29/18
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

Erie County GIS



Notes

Current chain link fence
replaced w/ wood, left



BUILDING INSPECTION REPORT



828 Tyler St
Sandusky, OH 44870

current
chain
link
4ft
replaced
w/ wood
left



800-434-6022

erieinspect.com