



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

June 21st, 2018

4:30 pm

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

Meeting called to order – Roll Call

Review of minutes from the May 17th, 2018 meeting

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

Adjudication hearings to consider the following:

1. Chris Andrews has filed an application for a 2' variance to allow an 8' high fence within the side yard at 1801 George Street.
2. Donald Frost III has submitted an application for a variance of 9' to allow the construction of an accessory structure at 519 Bardshar Road.
3. Jeff Schmid, on behalf of Jim Preston has submitted an application for 1' variance to allow the construction of a 4' high fence within the front yard, and a 2' variance to allow the construction of a 6' high fence within the side yard.
4. David Makkos has submitted an application for a use variance to allow for a transient rental use at the property located at 1113 4th Street.
5. Geoff Aiken, on behalf of Cedar Point Park LLC has submitted an application for a variance to allow construction of a 50' high building on Parcel 57-01824.004.
6. Tim Ali has filed an application for a variance to place an accessory building within the front yard at 811 Cedar Point Road.

THIS ITEM WAS TABLED AT A PREVIOUS MEETING

7. 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

Other Business

Next Meeting: July 19th, 2018

Adjournment

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

Board of Zoning Appeals
May 17, 2018
Minutes
"draft"

The Chairman called the meeting to order at 4:30PM. The following members were present: Dr. William Semans, Mr. Dan Delahunt, Mr. Kevin Zeiher, Chairman John Feick and Mr. Walter Matthews. 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 April 19, 2018 meeting as written. Mr. Matthews 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.

Mr. Voltz presented that John Hancock, on behalf of Cedar Point LLC had submitted an application for side and rear yard variances for **2064 and 2066 First Street** for proposed new dorms adjacent to both Third and Fourth Street. Portions of the property are zoned both "CR" Commercial Recreation and "R1-40" Residential Single Family. Staff recently approved a lot combination of all the referenced parcels. The applicant had also applied for a zoning amendment for the remaining parcels and site plan approval. The applicant proposed to construct two 9,702 SF buildings for dorms to house Cedar Point employees. The lots are fronting Fourth Street and are addressed on First Street. Section 1138.09 requires a 40' side and rear yard setback when adjacent to residential parcels. The applicant proposed a **10'** rear yard setback adjacent to parcel # 57-04601.000 and a **20'** side yard setback adjacent to parcel # 57-00521.000. The lot adjacent to the requested side yard variance is vacant. There is a 10' alley adjacent to the proposed rear yard variance. Additional lots were added to development to create additional screening/ buffer area. Staff recognized that the existing lot is uniquely shaped and surrounded by existing dorms and residential property.

Staff recommended approval of the side and rear yard variance for 2066 & 2064 First Street 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.

John Hancock, 326 E. Market Street stated that the rezoning of the lots does not affect the project nor is it required for the project.

Bonita Lofties, 2105 Sherman Street asked what the height of the buildings would be and if the height would affect any future residential construction. Mr. Hancock stated that the buildings are proposed to be identical to the existing buildings, which are 3 stories and within regulations.

Sonia McCarty, 617 Cold Creek Drive asked the applicant if the project would only affect Fourth Street or will it go into Second Street. Chairman Feick stated that the existing dorms are backed up to Second Street and the proposed new dorms will be between Third and Fourth Streets.

Mr. Zeiher moved to approve both variances with the conditions recommended by staff. Mr. Matthews seconded the motion, which carried with a unanimous vote.

Mr. Voltz presented that Janotta & Herner, on behalf of Jan Bucholz had submitted an application for a front yard variance of 3.6' for the property located at **2232 Stahlwood Drive**. The property is currently zoned as R1-60 Single Family Residential and is surrounded by business and residential uses. The applicant proposed a

393 SF covered porch addition across the house. The applicant also proposed a 17' front yard setback from the porch structure and a 13'6" setback from the stairs. Section 1145.16 (c) (d) states that any platform landing, steps, etc. shall not project more than 8' into the required front yard. City's past policy is to indicate the setback from the existing structure. As such the required setback would be 17.1' and the applicant proposed a 13' 6" setback. Planning Staff recognizes that the existing home is currently legally non-conforming and does not meet the front yard setback and there currently is a front porch on the structure.

Staff recommended approval with the following conditions:

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

Andy Miller representing Janotta & Herner, 309 Monroe Street stated that the proposed porch will be a covered porch, 8' wide that wrap around to meet both doors.

Dr. Semans stated that the project looked like it was already stated. Mr. Miller stated that the home was remodeled but they waited on the porch. Chairman Feick reminded the applicant that some of the projects that were already in progress would need permits. He added that this particular home sits ahead of others now and he doesn't want it to project out anymore.

Mr. Voltz stated that it was the steps that required the variance and how much they will project from the front porch. It was his understanding that there was once a porch that had been removed. Ms. Byington stated that the proposed porch can extend into a required setback 8' and that the setback is measured from the front of the house. The porch is within the requirements. It would only be the steps that will encroach into the required setback.

Dr. Semans moved to approve the variance with the staff's conditions. Mr. Delahunt seconded the motion, which carried with a unanimous vote.

Mr. Voltz presented that Anythony J. Muscioni Jr. had applied for variances to place a billboard on two parcels on Cleveland Road (**57-00242.00 & 57-00421.00**). The property is currently zoned as RB Roadside Business and is currently surrounded by legally non-conforming residential and commercial properties. The applicant proposed a 5' by 8' billboard in the center of two vacant Roadside Business parcels on Cleveland Rd. Billboards are currently only permitted in manufacturing districts per 1143.09 (b) (1). The applicant is also proposing a 150' variance to the required setback for the proposed billboard. Section 1143.09(b)(9) requires a minimum setback of 200' from a residence.

Staff recommended denial of the requested variances due to the fact that these parcels are zoned RB and this could create a precedent for billboards to be located in other RB parcels, as well the significant variance requested for the setback requirement.

Tony Muscioni, owner of Air 1 Airboats stated that he received permission from the owner of the property to place his sign on their vacant property. He stated that they would also like to advertise on their own property. He is a seasonal business and would do whatever is required to come into compliance to place their billboard on this property. He stated that he brings a lot of businesses into the town and he did not see any problem with what he intended to do.

Mr. Delahunt asked if the owners of the property had the zoning changed and if staff had any suggestions that would help Mr. Muscioni out. Ms. Byington stated that the only possible solution would be a temporary sign for the owner's business. This would not be a solution for Mr. Muscioni because off-premise signs are not permitted. She added that staff could not recommend approval without setting a precedent for future business owners.

Mr. Delahunt asked if there were a way to designate the request as a temporary sign. Ms. Byington stated that the variance would have to be for the definition of a temporary sign. The time limit is no more than 30 calendar days. Mr. Delahunt stated that although he would like to go against the recommendation, he understood that empty lots could start filling up all over the city with off-premise signage and billboards. Mr. Delahunt moved to accept staff's recommendation of denial of the variance application. Dr. Semans seconded the motion to deny, which carried with a unanimous vote. Dr. Semans added that he would like the board and the staff to work toward allowing some means of this type of advertising without setting a precedent. Mr. Delahunt agreed that it was with regret that the application had to be denied.

Mr. Voltz presented that Elisabeth Sowecke had applied for a variance to the maximum permitted side yard fence height requirement to permit the construction of a 6 ft high side yard fence at the property located at **828 Tyler Street**. The property is currently zoned R2F Two-Family Residential and is currently a single-family residence. The applicant proposed to replace a current chain link fence with a 6' fence along the western side yard. The unique size of the lot and placement of the house on the lot leave very little rear yard, and construction of a 6' fence would not affect the usability of adjacent properties.

Staff recommended approval of the variance request.

Elisabeth Sowecke, homeowner at 828 Tyler Street stated that when she purchased the home, she was not aware of the current zoning regulation that restricts 6' high fencing in the side yard. She stated that she had a very active son that loved to climb and she feared that he will get over the 4' fence. The fence will add protection and increase the beauty of the property.

Dr. Semans moved to approve the variance. Mr. Zeiher seconded the motion, which carried with a unanimous vote.

Mr. Voltz stated that the tabled item for **811 Cedar Point Road** should return at the June meeting. He added that he had not heard anything from the applicant at **630 Harbourside Drive** that was previously tabled. He stated that he would reach out to the applicant to see what their intentions were.

Mr. Voltz stated that the next meeting would be on June 21st at 4:30PM.

Mr. Zeiher moved to adjourn the meeting. Mr. Delahunt seconded the motion. The meeting was adjourned at 5:25PM.

APPROVED:

Debi Eversole, Clerk

John Feick, Chairman

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO
REQUIRED FENCE HEIGHT AT 1801 GEORGE
STREET

Reference Number: BZA-17-18

Date of Report: June 5, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

Chris Andrews has submitted an application for a variance to the maximum permitted fence height requirement in order to permit the construction of an 8 ft. high side yard fence at 1801 George Street. The following information is relevant to this application:

Applicant: Chris Andrews
806 Marshall Ave.
Sandusky, Ohio 44870

Property Owner: Chris Andrews
806 Marshall Ave.
Sandusky, Ohio 44870

Site Location: 1801 George Street
Sandusky, Ohio 44870

Zoning: "GM"/ General Manufacturing

Existing Use: Truck Repair and Sales

Proposed Use: Truck Repair and Sales

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1139.06(i)(1)
Performance Standards

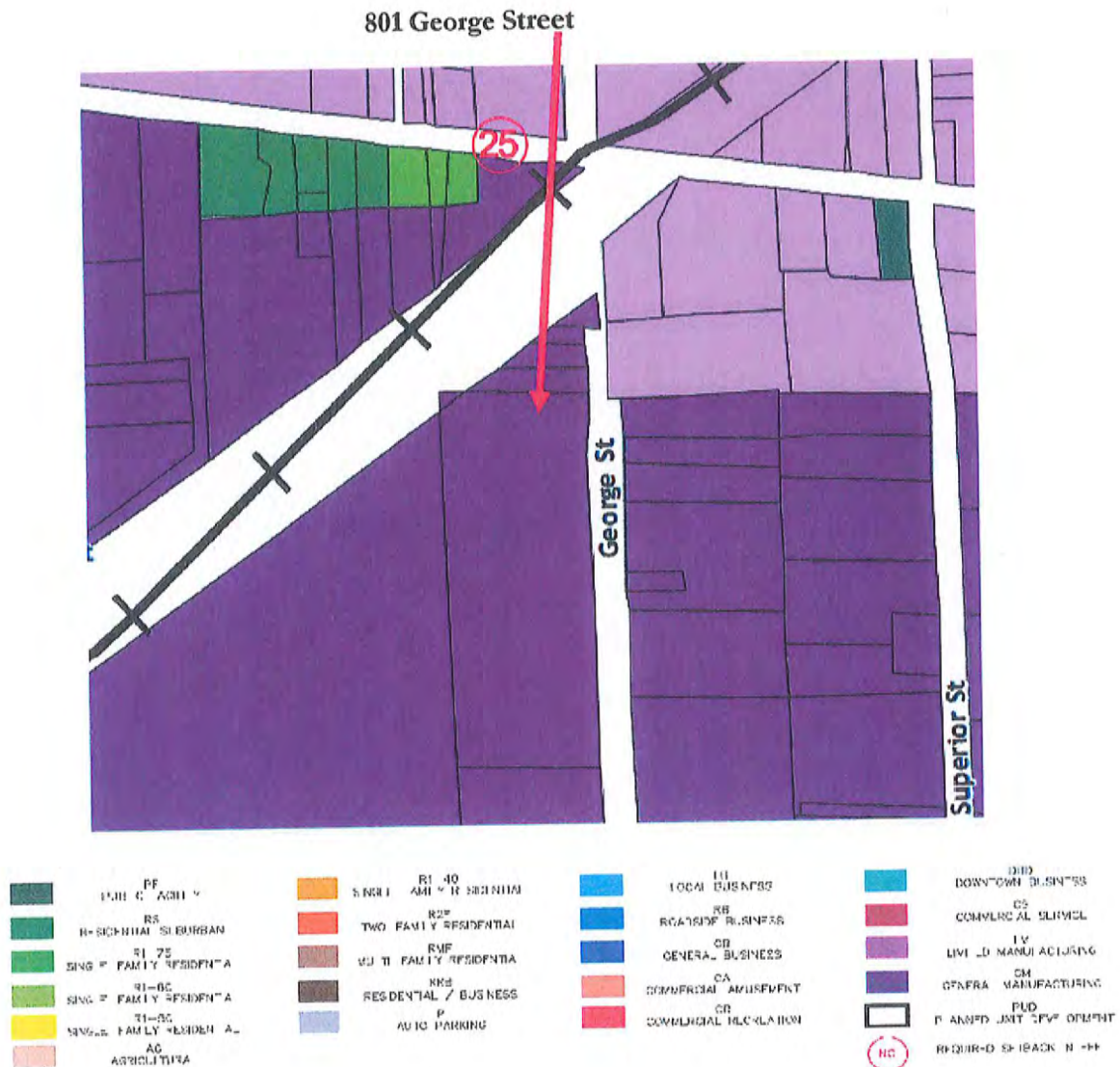
Variance Requested: 1) To exceed the maximum permitted fence height requirements for general manufacturing districts.

Variance Proposed: 2) The applicant proposes a side yard fence height of 8.0 ft. whereas the Zoning Code permits a maximum side yard fence height of 6.0 ft.

SITE DESCRIPTION

The subject property is located within the "GM" general manufacturing district. It is currently developed with a truck repair and sales business. The subject property is surrounded by other

manufacturing and light manufacturing uses. A location map of the subject property is found below. The parcel of the subject property is pointed out:





The site is zoned "GM"/ General Manufacturing by the Sandusky Zoning Code which permits manufacturing, storage, retail, office and wholesale uses.

DIVISION OF PLANNING COMMENTS

The applicant proposes to place an 8' wrought iron fence along the eastern side yard of the property. This would be visible along the frontage facing George Street.

A eight (8) ft. high fence would not comply with the fence height requirements of the Zoning Code. Section 1139.06(i)(1)) of the Sandusky Zoning Code permits a maximum height of 6.0 ft. for fences in manufacturing districts.

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

"Need teller fencing for security."

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 variance is substantial due to the fact that the property has a great amount of frontage that this

would be visible from. However, the applicant has stated that they will be using a decorative wrought iron fence, which will allow visibility through the site.

- 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 6 ft. fence on the property will not provide enough security for their business. The applicants could not install 8.0 ft. high fencing in the front and 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 8 ft. fence would not be in keeping with the spirit and intent of the Zoning Code although it would provide for a more secure area for the business, while also adding an attractive decorative fence. This would also reduce the need for barbed wire on a shorter fence which would require approval from the Planning Commission.

- 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 buildings on the subject property. However, the applicant could probably speak to the actual benefit derived from the security that an 8 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 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 manufacturing, the applicant has proposed to construct an 8' fence along the east side to allow for more security for the business located at this property. The need for an 8' wrought iron fence was not created by an issue of the zoning code, instead by the applicant's desire for more security around their business.

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 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 strict application of the zoning code would not create unnecessary hardship upon the property owner.

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

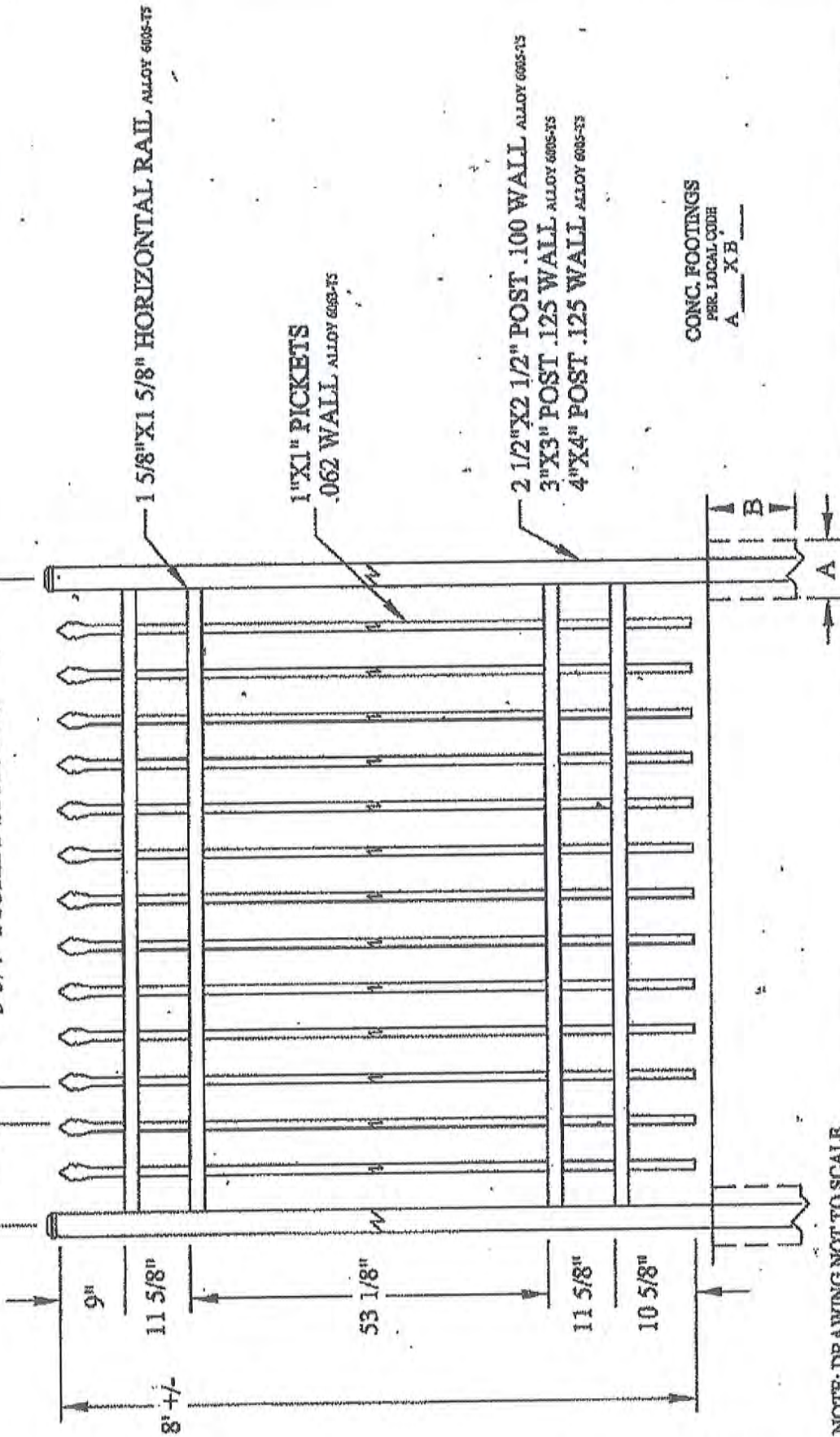
CONCLUSION/RECOMMENDATION

In conclusion, although the business at the property has a great amount of valuable equipment stored on the property and the proposed 8' wrought iron fence is meant to be a security measure, while also being of an attractive and uniform design, planning staff recommends denial of the requested variance because permitting an 8' fence along a right of way would set a precedent.



8'- 1 1/2" w/ 2 1/2" POST
8'- 1" w/ 3" POST

3 3/4" PICKET SPACING



NOTE: DRAWING NOT TO SCALE.

EFS-10
INDUSTRIAL

COLOR

PROJECT

OWNER/CONTRACTOR

DATE



CITY OF SANDUSKY
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL

_____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Andrews Real Estate

Property Owner Address: 806 Marshall Ave

Sandusky, OH 44870

Property Owner Telephone: 419-656-3568

Contact Person: Chris Andrews

Authorized Agent Name: _____

Authorized Agent Address: _____

Authorized Agent Telephone: _____

Contact Person: _____

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1801 George Street Sndusky, 6-ft

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

Zoning District:

VARIANCE INFORMATION:

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

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

8 ft wrought iron fence

DETAILED SITE INFORMATION:

Land Area of Property: 8.8587 (sq. ft. or acres)

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

Building #1: 19,200 (in sq. ft.) Building #2: 3,000

Building #3: _____ Additional: _____

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

Proposed Building Height (for any new construction): 8ft

Number of Dwelling Units (if applicable): _____

Number of Accessory Buildings: _____

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

Install 8 ft tall wrought iron

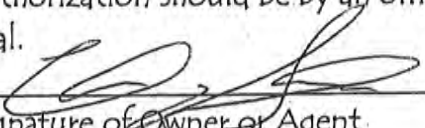
fencing along frontage.

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

Need taller fencing for security.

APPLICATION AUTHORIZATION:

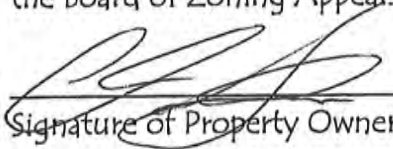
If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.


Signature of Owner or Agent

5-4-18
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 1801 George Street (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

5-4-18
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: _____

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A VARIANCE OF 9' TO
ALLOW FOR THE CONSTRUCTION AN
ACCESSORY STRUCTURE AT 519 BARDSHAR
ROAD

Reference Number: BZA-18-18

Date of Report: June 6, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Donald Frost III has submitted an application to construct an accessory structure to be used for storage of recreational vehicles. The applicant has proposed an accessory structure within the rear yard that would be a total of 28' in height.

The following information is relevant to this application:

Applicant:	Donald Frost III 519 Bardshar Road Sandusky, Ohio 44870
Site Location:	519 Bardshar Road
Zoning:	"RS"/ Residential Suburban District
Existing Use:	Single-Family Dwelling
Proposed Use:	Single-Family Dwelling
Applicable Plans & Regulations:	City of Sandusky Zoning Code Section 1123.14 Area, Yard, and Height Requirements; 1129.13(f)
Variance Requested:	1) To the required maximum height requirements for an accessory structure.
Variance Proposed:	2) The applicant proposes a 9' variance to add an accessory structure within the rear yard 24' in height at the property located at 519 Bardshar Road.

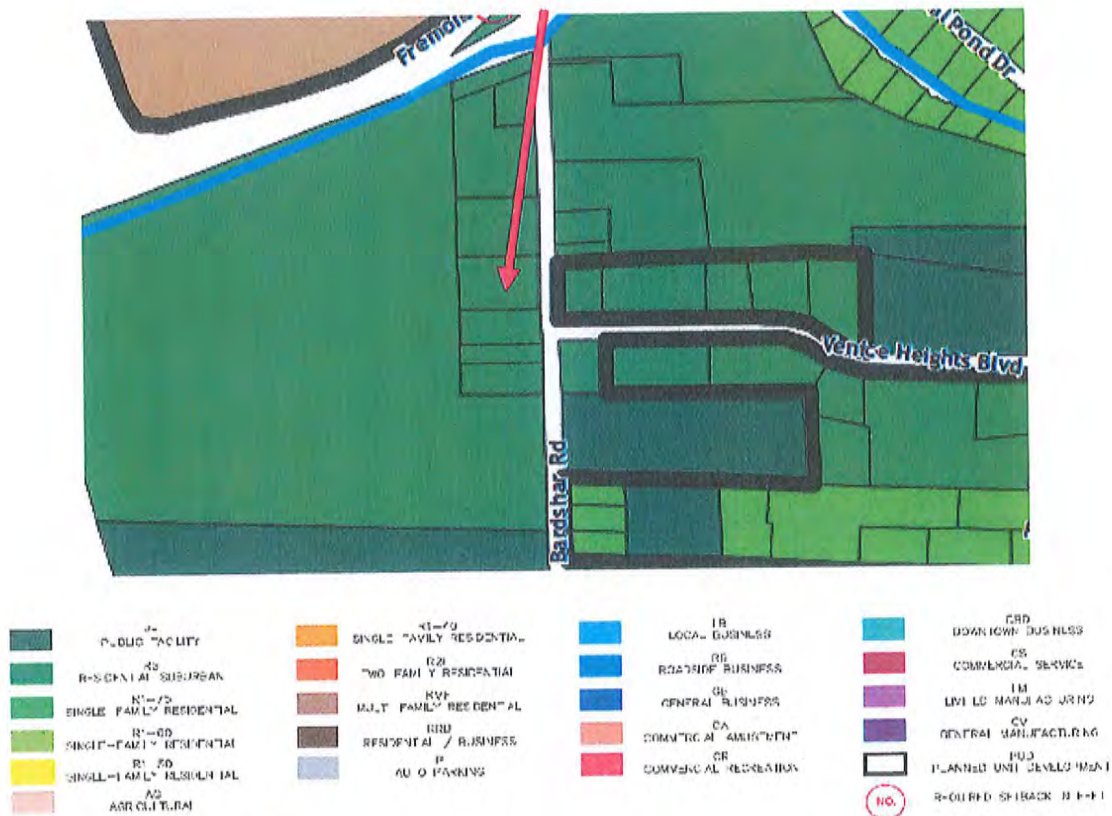
SITE DESCRIPTION

The subject property is located on Bardshar Road in the "RS"/Residential Suburban District. It is currently developed as a single-family dwelling. The subject property is surrounded by single-family and multi-family homes.

The site is zoned "RS"/Residential Suburban District by the Sandusky Zoning Code which permits one-family residential uses, 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. Accessory buildings and uses: Private garages or parking area; storage of boats, private garden and recreation uses, structures, pools, fences, walls, home offices, group A home occupations.

A zoning map of the subject property is found below and the parcel of the subject property is pointed out:

519 Bardshar Road



DIVISION OF PLANNING COMMENTS

The applicant has proposed building an accessory structure in the rear yard that would meet the required setbacks and maximum lot coverage, however the proposed height of the building is 24'. The zoning code only permits a maximum height of 15' for accessory structures, as such a 9' height variance is requested. A view of property is shown in pictures below:



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

"I have multiple vehicles all requiring 14' door opening to fit inside."

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 applicant is requesting an accessory structure that meets the proposed setbacks and maximum lot coverage, however a nine foot variance for the height of the building is substantial understanding the proximity of the adjoining residential 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;

Staff believes that the essential character of the neighborhood would not be substantially altered, nor would an adjoining property owner suffer a substantial detriment as a result of the variance due to the size of the lot and adjacent lots.

- 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 did not address this within the application, however the applicant did proactively contact planning department to make sure he was meeting zoning requirements and that is when it was discovered he would need the height variance.

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

It has been brought to staff's attention that the garage will be used to store taller recreational vehicles which require a higher garage opening, understanding this Staff can assume that the required height needed for this use can only be resolved through 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 due to the property owner wanting to store his recreational indoors, rather than outdoors the spirit and intent of the zoning code would be observed with granting of the variance at the requested size, as it would internally store recreational vehicles on an improved surface.

- 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 accessory building. Staff does recognize that this item may increase the property value, however the property will still yield a reasonable 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.**

Staff does believe that granting a substantial variance; however, it is not necessarily contrary to the intent and objectives of the zoning code, because of the large lot area.

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;**

Staff does recognize that this lot is very large, however the variance does arise from the property owners intentions to construct a large enough garage bay to store recreation vehicles.

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

As stated previously, the proposed garage does not adversely affect the adjoining 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 applicant has indicated that strict enforcement of the Code does create a hardship as it would not permit additional area that the applicant can utilize for storage, exercise room, or the third garage bay.

- 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 not appear that the proposed garage would oppose the general spirit and intent of the zoning ordinance. The request is a substantial variance, however the applicant has stated that it will allow for interior storage of large recreational vehicles, rather than exterior storage.

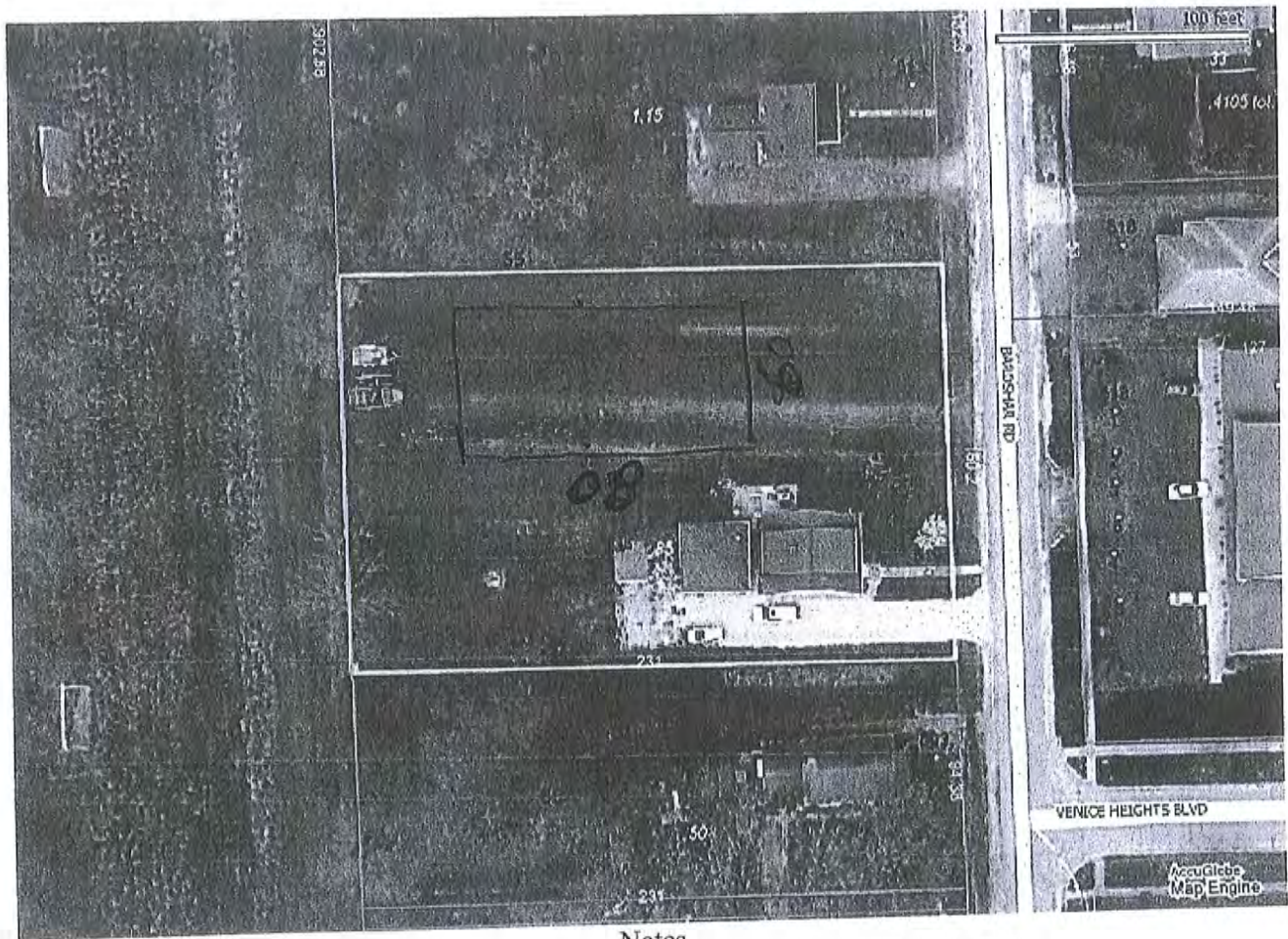
CONCLUSION/RECOMMENDATION

In conclusion, planning staff recommends approval of the 9' variance for the proposed 25' high accessory structure within the rear yard of 519 Bardshar Road with the below conditions. Staff does not believe it would be detriment to surrounding property owners and allow for a more formal storage of recreational vehicles.

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

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

Erie County GIS



Notes

Midwest Manufacturing
5311 Kane Road
Eau Claire, WI 54703

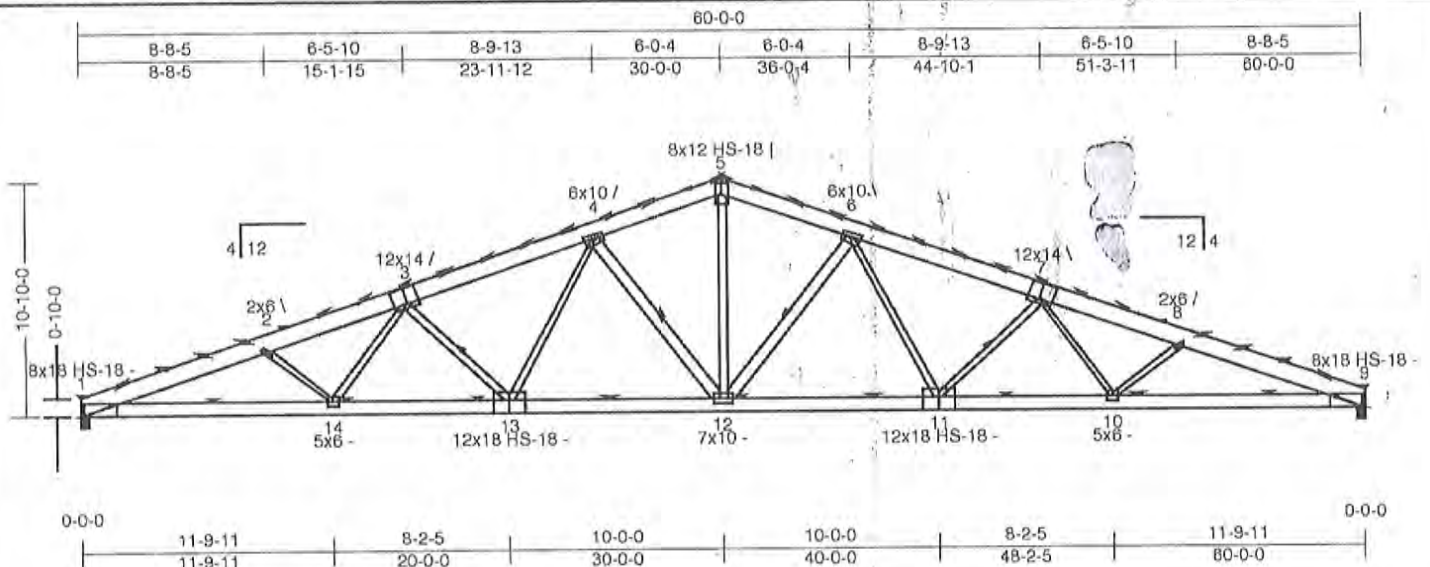
Truss: P60NEW

JobName: PF STOCK

Date: 03/22/17 13:10:39

Page: 1 of 2

SPAN	PITCH	QTY	OHL	OHR	CANT L	CANT R	PLYS	SPACING	WGT/PLY
60-0-0	4/12	1	0-0-0	0-0-0	0-0-0	0-0-0	1	96 in	549 lbs



All plates shown to be Eagle 20 unless otherwise noted.

Loading (psf)	General	CSI	Deflection	L/	(loc)	Allowed
TCLL: TABLE	Bldg Code: IBC 2015/	TC: 0.97 (1-2)	Vert TL: 1.59 in	L/445	(11-12)	L/120
TCDL: 4(rake)	TPI 1-2014	BC: 1.00 (14-1)	Vert LL: 1.35 in	L/523	12	L/180
BCLL: 0	Rep Mbr Increase No	Web: 0.80 (6-12)	Horz TL: 0.57 in		9	
BCDL: 1	Lumber D.O.L.: 125 %					

Reaction

JT	Brg Combo	Brg Width	Rqd Brg Width	Max React	Max Grav Uplift	Max Wind Uplift	Max Uplift	Max Horiz
1	1	5.5 in	7.00 in	8,452 lbs		-1,544 lbs	-1,544 lbs	-173 lbs
9	1	5.5 in	7.00 in	8,452 lbs		-1,544 lbs	-1,544 lbs	

THIS TRUSS ANALYZED FOR THE FOLLOWING LOADING CONDITIONS:

GSL (PSF)	TCLL (PSF)	TCDL (PSF)	BCDL (PSF)	TOTAL (PSF)	(MAX.) O.C. Spacing	B.C. Purlin Spacing
40	24	4	1	29	9'-0"	Sheathed or Purlins at 10'-0", Purlin design by Others.
50	30	4	1	35	8'-0"	Sheathed or Purlins at 10'-0", Purlin design by Others.
70	40	4	1	45	6'-0"	Sheathed or Purlins at 10'-0", Purlin design by Others.

Material

TC: SYP 2400/2.0 2 x 10
BC: SYP 2400/2.0 2 x 8
Web: SFF #2 2 x 4 except:
SFF Stud 2 x 4: 2-14, 3-14, 7-10, 8-10
SYP 2400/2.0 2 x 6: 4-12, 5-12, 6-12

Bracing

TC: Purlins at 24" OC, Purlin design by Others.
BC: Sheathed or Purlins at 6'-0", Purlin design by Others.
Web: One Midpoint Row: 3-13, 4-12, 6-12, 7-11

Loads

- This truss has been designed for the effects of balanced (28.4 psf) and unbalanced sloped roof snow loads in accordance with ASCE7 - 10 with the following user defined input: TABLE psf GSL, Terrain C, Exposure (Ce = 0.9), Risk Category I (I = 0.80), Thermal (Ct = 1.20), DOL = 1.15. Unventilated. Unobstructed slippery surface. If the roof configuration differs from hip/gable, Building Designer shall verify snow loads.
- This truss has been designed for the effects of wind loads in accordance with ASCE7 - 10 with the following user defined input: 105 mph (Factored), Exposure C, Enclosed, Gable/Hip, Risk Category I, h = 15 ft, Not End Zone Truss, Both end webs considered. DOL = 1.60
- Minimum storage attic loading has not been applied in accordance with IBC 1607.1
- In accordance with IBC 1607.1, minimum BCLL's do not apply.
- This truss is designed as an agricultural truss which for the purposes of this program is defined as a structure that represents a low hazard to people and property. See BCSE-10 for installation and temporary bracing.

ALL PERSONS FABRICATING, HANDLING, ERECTING OR INSTALLING ANY TRUSS BASED UPON THIS TRUSS DESIGN DRAWING ARE INSTRUCTED TO REFER TO ALL OF THE INSTRUCTIONS, LIMITATIONS AND QUALIFICATIONS SET FORTH IN THE EAGLE METAL PRODUCTS DESIGN NOTES ISSUED WITH THIS DESIGN AND AVAILABLE FROM EAGLE UPON REQUEST. DESIGN VALID ONLY WHEN EAGLE METAL CONNECTORS ARE USED.

TrueBuild® Software v5.5.2.270
Eagle Metal Products
Dallas, TX 75234



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:

DONALD FROST ~~III~~

Property Owner Address:

519 BANDSHAM RD

Property Owner Telephone:

419 357-0913



Check if okay to Text

Email

SALES@FRNPERFORMANCE.COM

Contact Person:

SKIP FROST

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: 519 BARPSHAK RD

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

510

Permanent Parcel Number: 60-06502,000

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: .85 ACRES (sq. ft. or acres)

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

Building #1: 800 (in sq. ft.) Building #2: 576

Building #3: _____ Additional: _____

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

Proposed Building Height (for any new construction): 18'

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 2

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



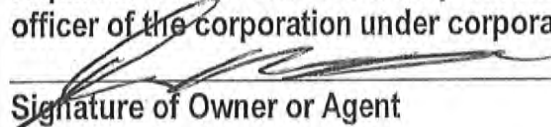
POLE BARN 60X80

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

I HAVE MULTIPLE VEHICLES ALL REQUIRING
14' DOOR OPENING TO PAT INSIDE.

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

5/20/18
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

Greg Voltz

From: Skip Frost <sales@fknperformance.com>
Sent: Friday, June 1, 2018 3:20 PM
To: Greg Voltz
Subject: Re: Height of Accessory building

Greg,

The reason for the height variance is. I have lost my storage for my personal motor-home's, enclosed trailers and personal equipment. Therefore I need the height to accommodate all my personal vehicles. I don't want to have all these vehicles sitting in my side yard making the property look unkempt. I appreciate your assistance in this matter.

Don Frost

On 6/1/2018 11:47 AM, Greg Voltz wrote:

Good Morning Mr. Frost,

What is the total height of the proposed structure? Both at the Peak and at the eaves? IF you have a elevation drawing that would be helpful.

Thank you!



Greg Voltz | *Assistant Planner*
Planning Department
222 Meigs Street | Sandusky, OH 44870
T: 419.627.5973
www.ci.sandusky.oh.us



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than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege.
Thank you. Law Department, City of Sandusky, Ohio.

--

Owner: Skip Frost
FKN Performance
419-357-5395

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A FRONT AND SIDE
YARD FENCE HEIGHT VARIANCE AT 1621
COLUMBUS AVE

Reference Number: BZA-19-18

Date of Report: June 6, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Jeff Schmid, on behalf of Jim Preston has submitted application for a 1' variance to allow the construction of a four foot high fence within the front yard, and a 2' variance to allow the construction of a six foot high fence in the side yard at 1621 Columbus Ave. The following information is relevant to this application.

The following information is relevant to this application:

Applicant/ Owner: Jim Preston
1621 Columbus Ave
Sandusky, Ohio 44870

Agent: Jeff Schmid
4115 Bardshar Rd.
Sandusky, Ohio 44870

Site Location: 1621 Columbus Ave.

Zoning: "R2F"/ Two-Family Residential

Existing Use: Single-Family Dwelling

Proposed Use: Single-Family Dwelling

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

Variance Requested:

- 1) A 1' variance for a fence within the front yard
- 2) A 2' variance for a fence within the side yard

Variance Proposed:

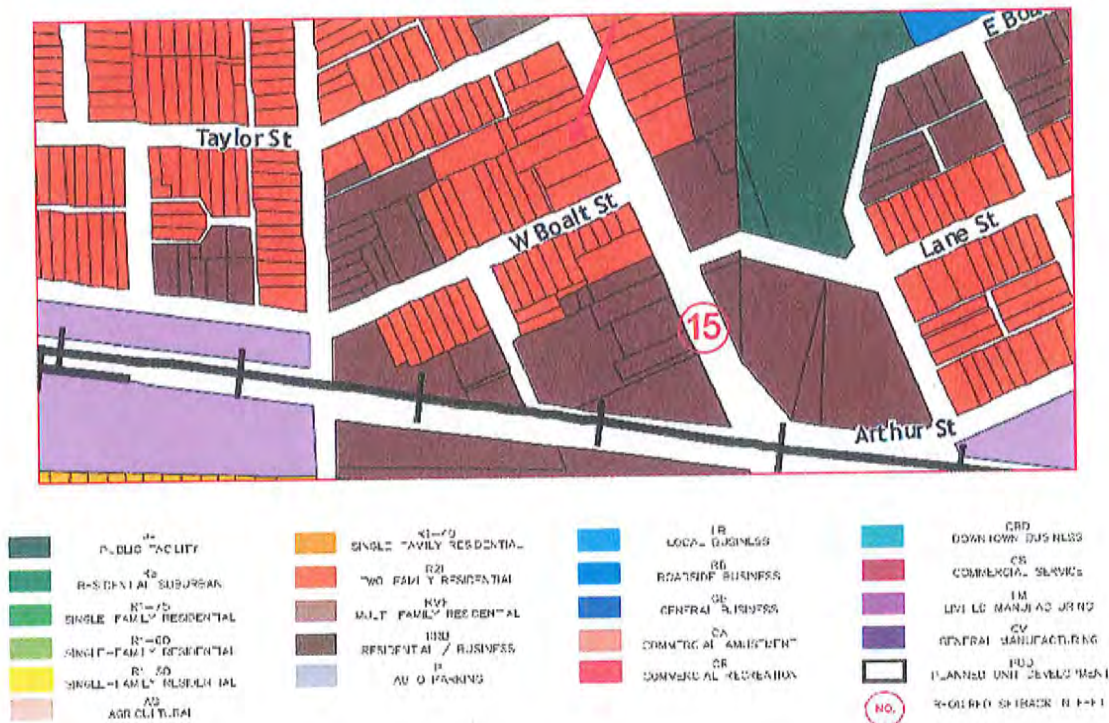
- 1) The applicant proposes a 4' front yard fence, Section 1145.17 of the City of Sandusky Zoning Code prohibits a fence to exceed 3' within the front yard;
- 2) and a 6' side yard fence, Section 1145.17 of the City of Sandusky Zoning Code prohibits a fence to exceed 4' within the side yard.

SITE DESCRIPTION

The subject property is located on Columbus Ave in the "R2F"/ Two-Family Residential District. It is currently developed as a single-family dwelling. The subject property is surrounded by single-family and multi-family homes.

A zoning map of the subject property is found below and the parcel of the subject property is pointed out:

1621 Columbus Ave





DIVISION OF PLANNING COMMENTS

The applicant has proposed to construct a 4 foot high fence within a small portion of the front yard of the property located at 1621 Columbus Avenue. The applicant is also proposing to construct a 6 foot high fence within the side yard of the property. The applicant is proposing this to reduce the unauthorized car traffic that is going into the applicant's private driveway. The applicant also states that there is a sidewalk on the neighboring property that is elevated about 8", and the variances will bring the fence to a height that will increase privacy for the applicant.

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

"Without the variance, our private property value and resale potential would be greatly harmed."

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 variances sought in this case is 1' and 2' higher than permitted. The height requested for the side yard is a standard fence height for a rear yard, and the four foot high fence in a portion of the front yard would be a standard side yard

fence height. Staff does not believe that the variance is substantial due to the unique elevation changes between the applicant's property and the neighbors.

- 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, however it may impact the adjoining multi-family property.

- 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;**

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 owners predicament can be resolved through another method other than the variances by installing the allowable fence heights.

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

It is the opinion of the Planning staff that the intent behind the zoning requirement would be observed as the fence does not create a line of site issues due to the large front yard and boulevard, and other similar variance requests have been granted.

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

In this instance, the property can still yield a reasonable return without a four foot fence within the front yard and six foot in the side yard.

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

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

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

Section 1111.06(c)(2):

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

The subject property is located adjacent to other residential development, the applicant has proposed to construct a 6' and 4' fence along the north side to allow their property to increase safety and security. The need for a 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 due to the elevation change between two properties.

- 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 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

In conclusion, planning staff recommends approval of the 1' variance to the front yard, and 2' variance to the side yard to allow for the construction of a 3 foot, 4 foot, and 6 foot high fence along the north side of 1621 Columbus Avenue. Staff does not believe it would be detriment to surrounding property owners.

Date:	04-30-2018	A-1
Proj. No.	1821-2018	
Sheet		

DRIVEWAY PLAN
SCALE: 1/8"=1'-0"

Zoning Board of Appeals

222 Meigs Street

Sandusky, Ohio 44870

May 17, 2018

Dear Zoning Board of Appeals:

I am seeking a variance for the fence that I wish to place between my driveway at 1621 Columbus Avenue and the adjacent apartment building at 1615 Columbus Avenue. I have owned my single-family home at Parcel 57-03207.600 since 1981. My driveway is located at the northern border of our lot separating my property and the aforementioned apartment building. For 37 years we have generously allowed the occupants of the southern portion of the apartment building to utilize our driveway to facilitate dropping off packages, groceries, etc in case of rain or other inclement weather. Invariably the occupants begin to utilize the driveway as though it were their own and have frequently parked their vehicles in our driveway for hours and several times even over night blocking our driveway exit to the street. I must say that the present owner of the building, Tony Kowalski, is very kind and always helps us to find the offending vehicle owner and requires them to move. But this unpleasant event occurs pretty much every week. We now must replace the asphalt driveway due to aging and deterioration. We decided that since we were replacing the asphalt driveway with concrete, we would place a fence up to block this unwanted traffic from the apartment building. I have discussed this with Tony Kowalski and he was understanding and felt we should protect the use and value of our property.

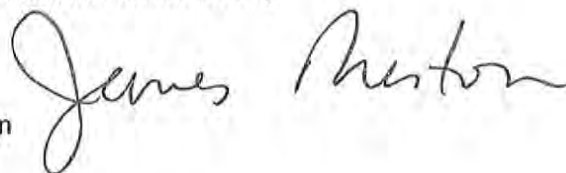
Our concern is the height of the sidewalk alongside the apartment building is 8 inches above the level of our driveway. Current rules limit the height of a fence in this area to four feet. If one measures the height of the fence from the sidewalk, it would be three feet, four inches. This would not discourage folks from the apartments from simply stepping over the fence to access the apartment building. Not only would the reason for the fence be defeated, the fence would rapidly be damaged from this activity and be destroyed. We would like to use 54" height fence (as measured from driveway) to line the 96 feet of driveway. This would end at the front of the apartment building. From there we would use the four foot high fence.

Also at the rear of the apartment building there are collections of unused furniture, numerous bicycles in disrepair, and this creates an eyesore. I would like to extend a six foot fence from the back line of my house for a distance of five feet so that the rear of the apartment building does not detract from my home. I have included several photographs to assist the Zoning Board to in visualizing my requests.

I appreciate your kind consideration,

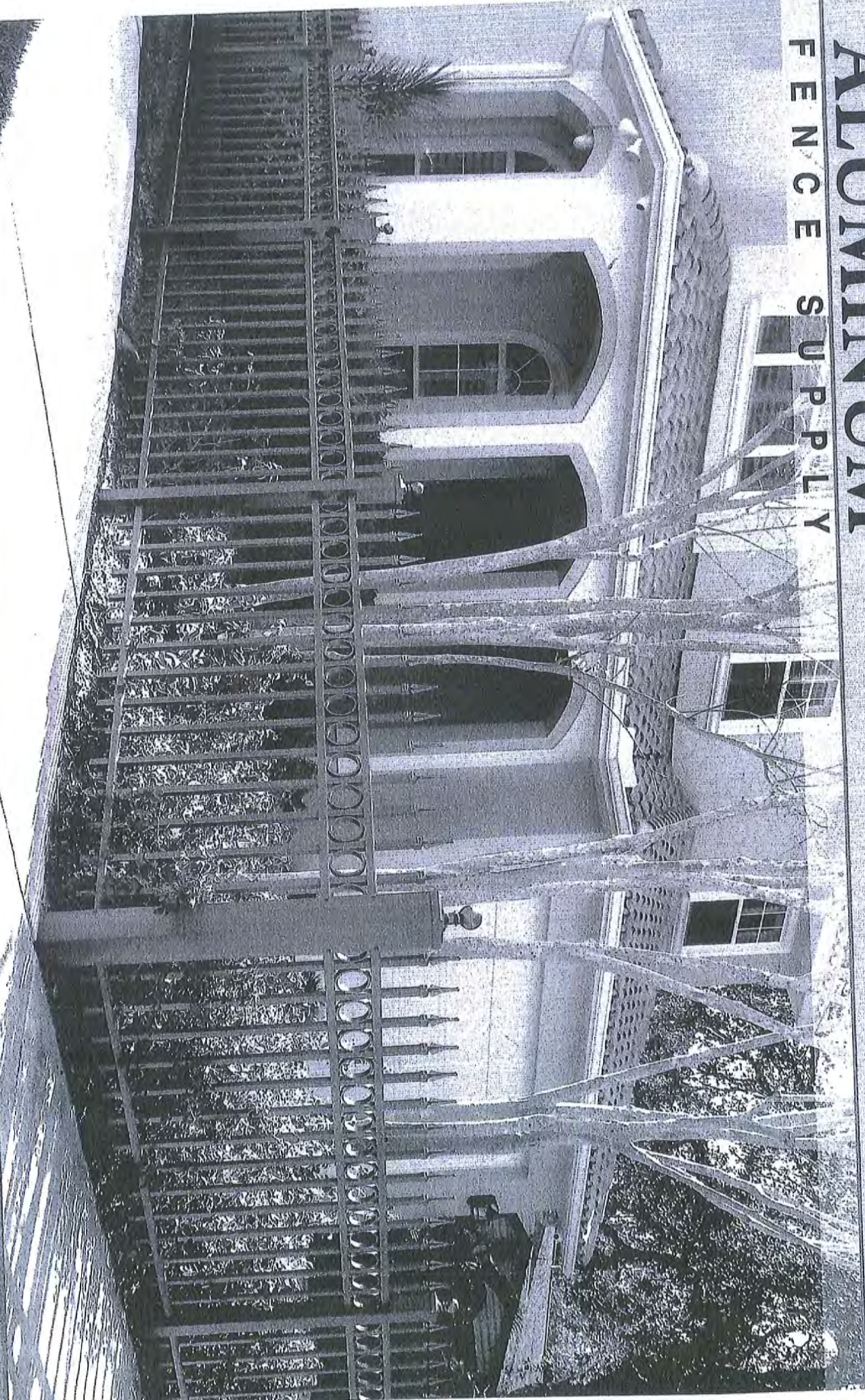
Sincerely,

James Preston

A handwritten signature in cursive script that reads "James Preston". The signature is written in dark ink and is positioned to the right of the printed name "James Preston".

ALUMINUM FENCE SUPPLY

The Superior Alternative

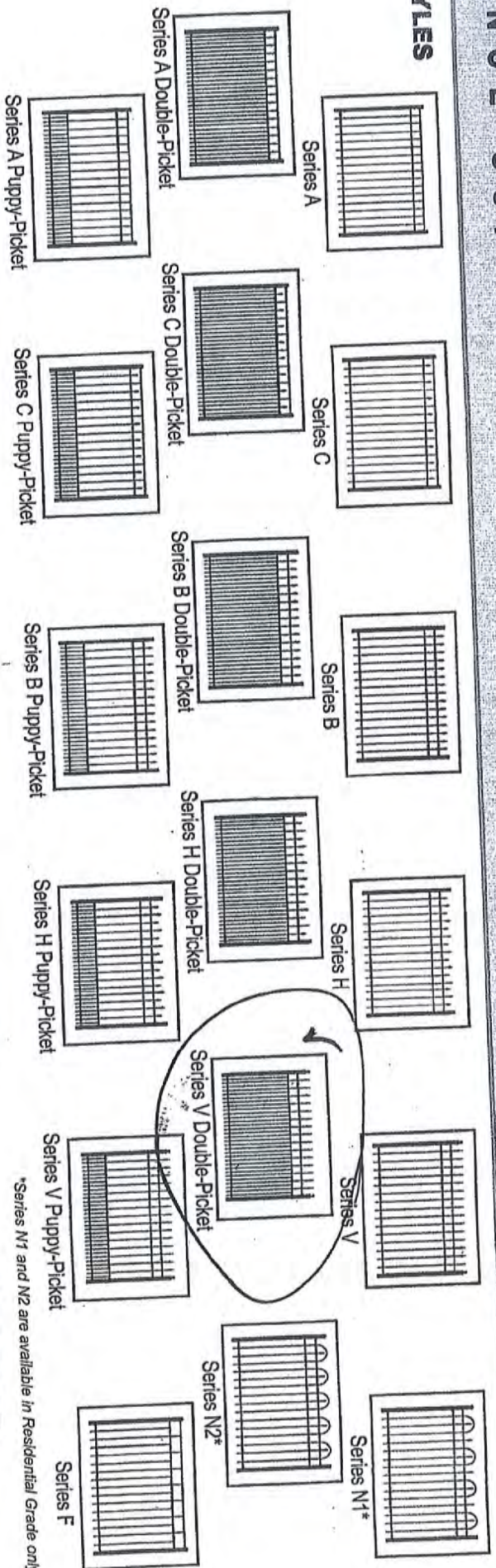


Classic Series

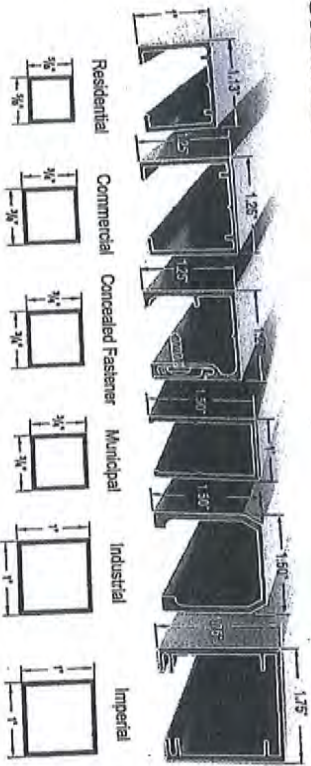
ALUMINUM FENCE SUPPLY

The Superior Alternative

STYLES



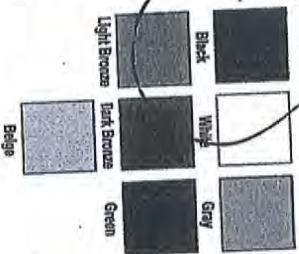
GRADES: CHANNELS & PICKETS



POST SIZES

Post Width (Inches)	Post Height (Feet)	Post Size
2"	2'	2" x 2" x .062"
2"	2'	2" x 2" x .093"
2"	2'	2" x 2" x .125"
2 1/2"	2 1/2'	2 1/2" x 2 1/2" x .075"
2 1/2"	2 1/2'	2 1/2" x 2 1/2" x .125"
3"	3'	3" x 3" x .125"
4"	4'	4" x 4" x .125"
4"	4'	4" x 4" x .250"
6"	6'	6" x 6" x .125"
6"	6'	6" x 6" x .250"

COLORS



HARDWARE

Featuring Strong and Durable Boerboel® Hardware
Multiple options are available for all gates
In addition to the selection shown below



ADORNMENTS



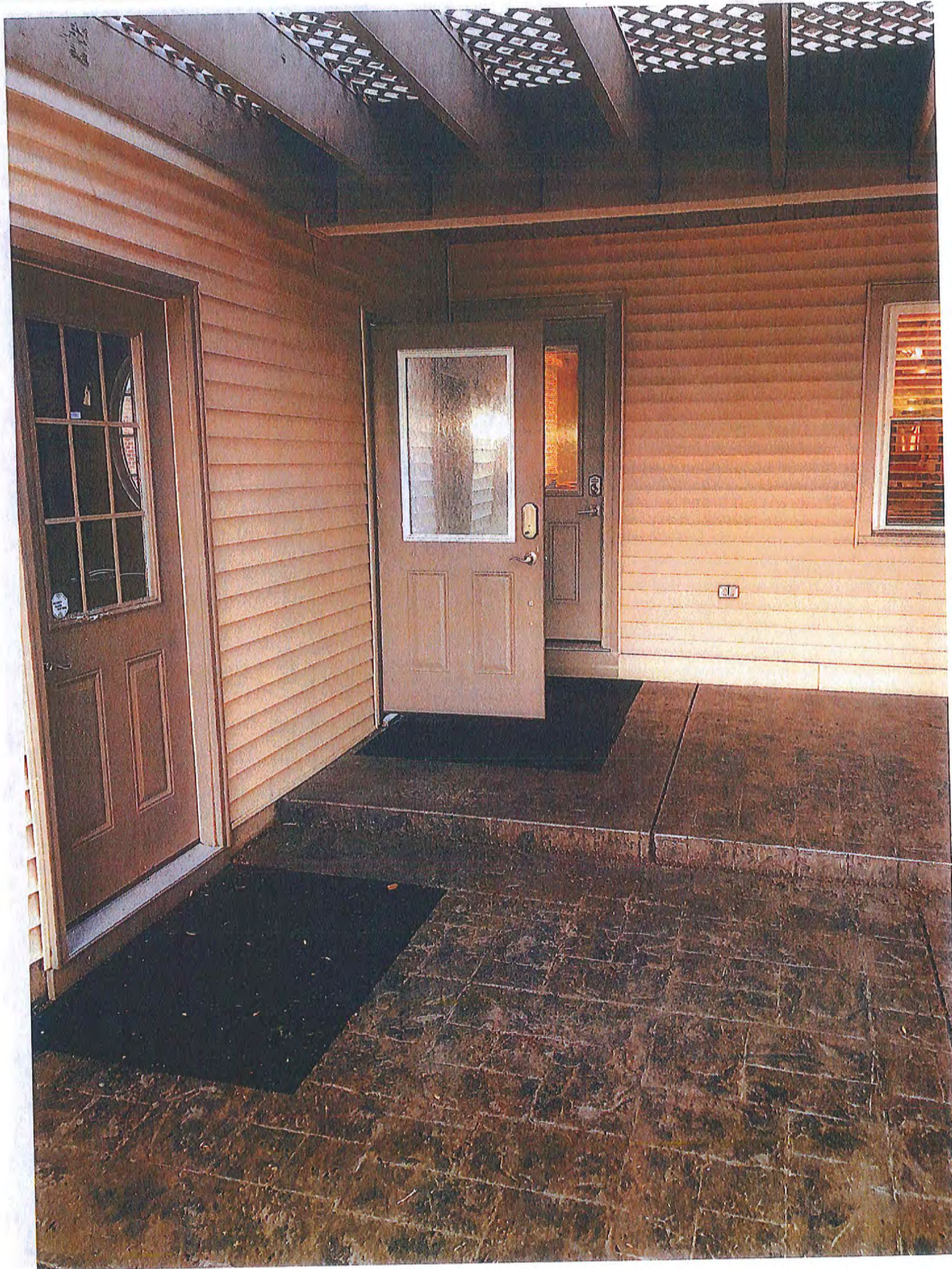
Your Local Authorized Aluminum Fence Supply Dealer.

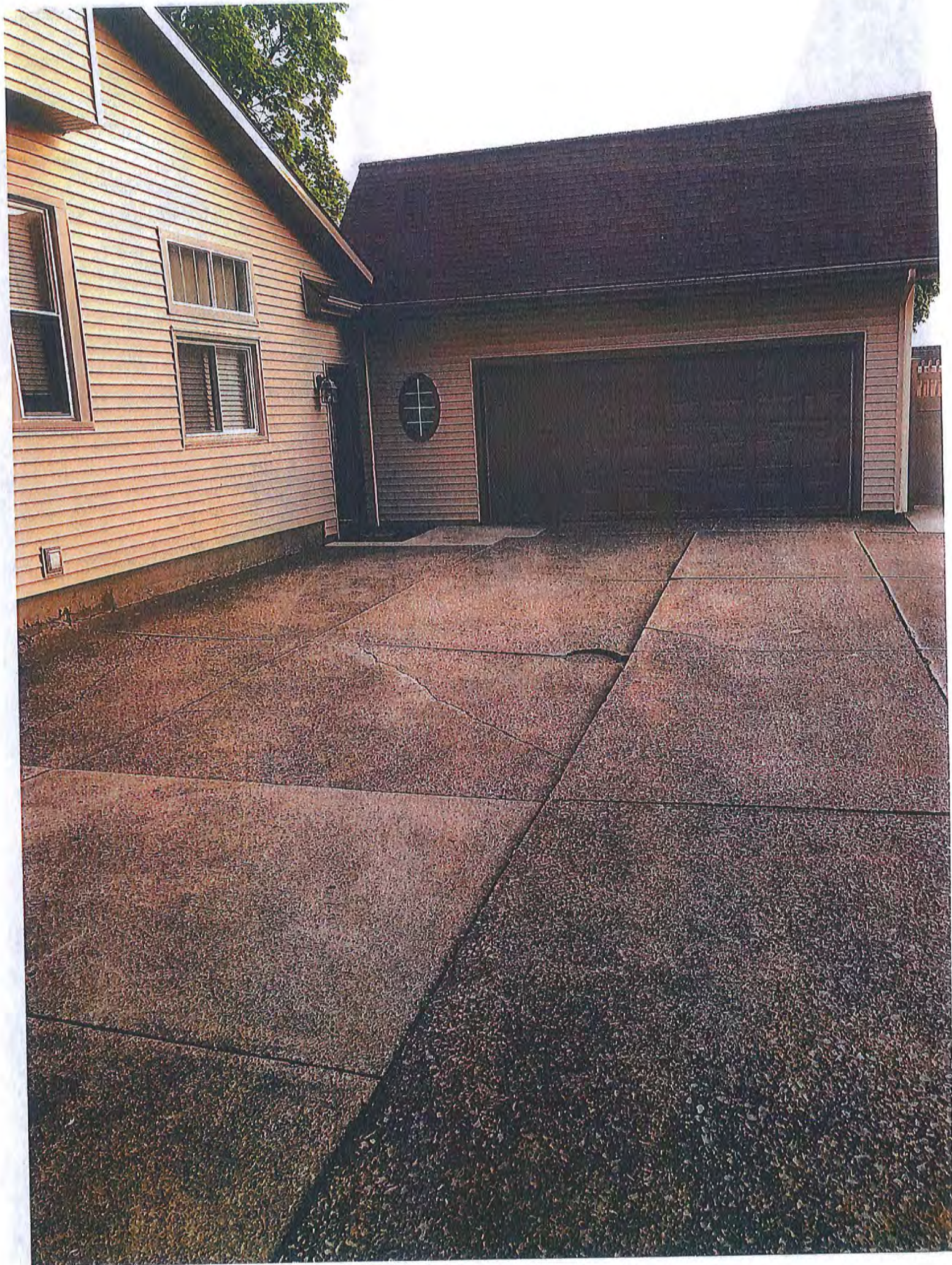
www.AluminumFenceSupply.com

Classic Series

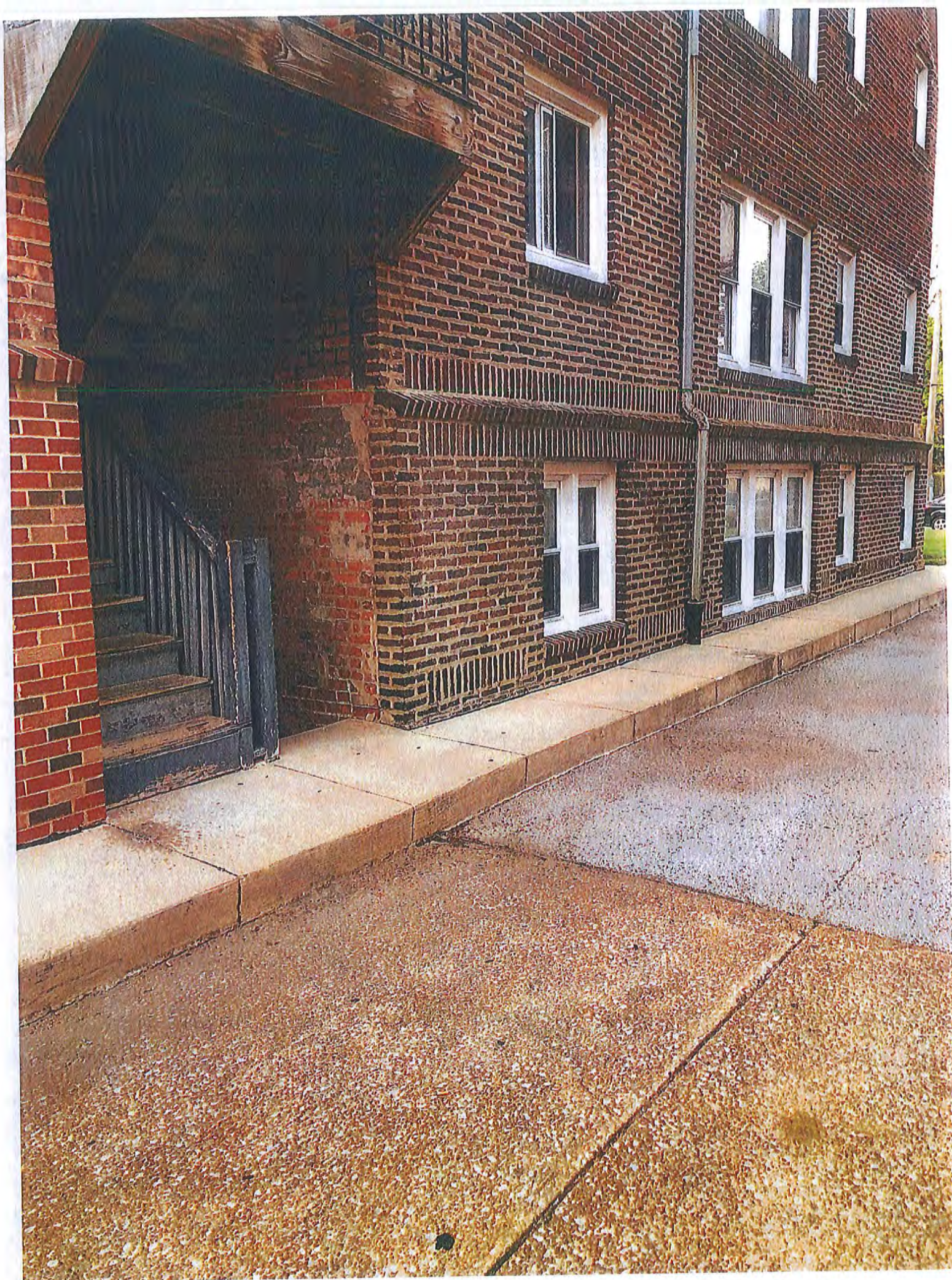


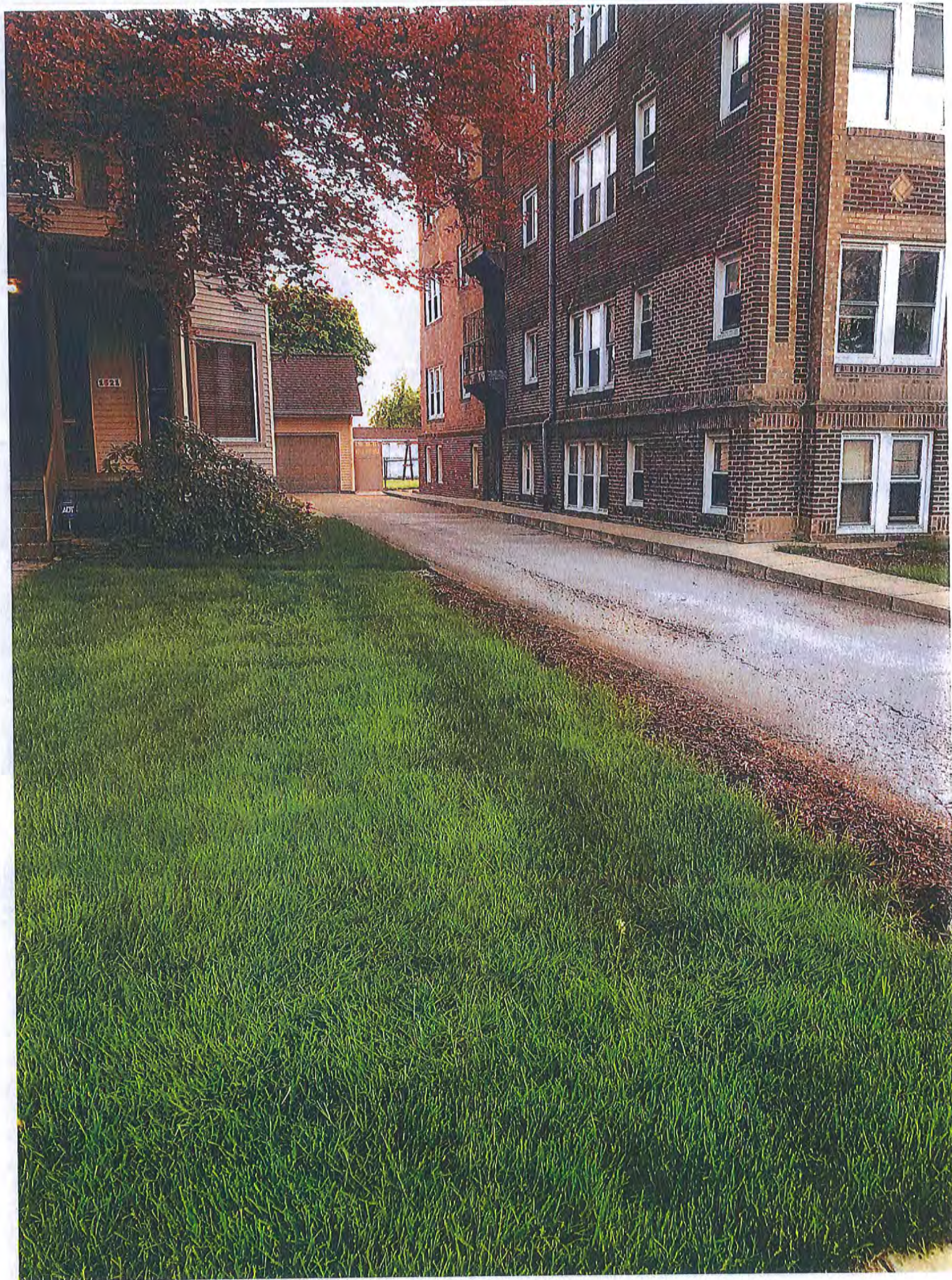


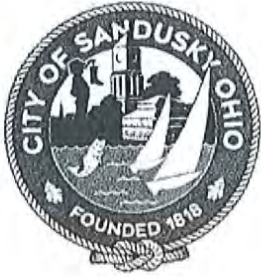












CITY OF SANDUSKY
PLANNING DIVISION
APPLICATION FOR BOARD OF ZONING
APPEALS APPROVAL

Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Jim Preston

Property Owner Address: 1621 Columbus Ave
Sandusky Ohio

Property Owner Telephone: 419-239-9321 ☒ Check if okay to Text

Email: jpreston@steinhospice.org

Contact Person: James Preston

Authorized Agent Name: Jeff Schmid

Authorized Agent Address: 4115 Bordschar Rd
Castalia

Authorized Agent Telephone: 419-206-7306 ☒ Check if okay to Text

Email: JSCHEMID@BEX.NET

Contact Person: JEFF SCHMID

Meeting with Staff _____

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):

Without the variance, our private property value and resale potential would be greatly harmed.

APPLICATION AUTHORIZATION:

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

James Thurbon
Signature of Owner or Agent

5-16-18
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

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1621 COLUMBUS AVE SANDUSKY OH 44870

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

138 COLUMBUS AVE WH 31 BOALT STREET N 66'

Permanent Parcel Number: 57-03207.000

Zoning District: SANDUSKY SD

VARIANCE INFORMATION:

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

1145.17 (c)(1)

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

- ① 5' variance side yard from back line of house
variance requested for 6' height fence.
- ② 9' variance from 6' height fence to front sidewalk
of apartment building. Variance request for 54"
height fence.

DETAILED SITE INFORMATION:

Land Area of Property: 0.3788 (~~sq. ft.~~ 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):

In an effort to stop unauthorized car
traffic in our private driveway, we want to
redo our complete driveway including an
aluminium ornamental fence. The apartment
sidewalk along our driveway is 8" higher than
our driveway. A four foot fence would not
inhibit people stepping over the fence if
they are on sidewalk 8" higher.

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

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A USE VARIANCE TO
OPERATE A TRANSIENT RENTAL AT 1119 4TH
STREET.

Reference Number: BZA-20-18

Date of Report: June 6, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

David Makkos, has submitted an application for a use variance to allow for transient rental use at the property located at 1113 4th Street.

The following information is relevant to this application:

Applicant:	David Makkos 1113 4 th Street Sandusky, Ohio 44870
Site Location:	1113 4 th Street
Zoning:	"R1-40"/ Single-Family Residential District
Existing Use:	Single-Family Dwelling
Proposed Use:	Transient Rental
Applicable Plans & Regulations:	City of Sandusky Zoning Code Section 1129.03 Schedule of Permitted Building and Uses:
Variance Requested:	1) A variance to permit transient rental within the R1-40 zoning district.
Variance Proposed:	2) The applicant proposes transient rental at 1113 4 th Street.

SITE DESCRIPTION

The subject property is currently located within the "R1-40" Single Family Residential District. The subject property is adjacent to single family residential district. The parcel of the subject property is pointed out:

1113 4th Street

	PUBLIC FACILITY		SINGLE FAMILY RESIDENTIAL		IR LOCAL BUSINESS		INDUSTRIAL BUSINESS
	RESIDENTIAL SUBURBAN		TWO FAMILY RESIDENTIAL		RB REGIONAL BUSINESS		CS COMMERCIAL SERVICE
	R ¹ -FD SINGLE FAMILY RESIDENTIAL		MFT MULTI FAMILY RESIDENTIAL		BR GENERAL BUSINESS		IM LIGHT MANUFACTURING
	R ¹ -CO SINGLE-FAMILY RESIDENTIAL		RM RESIDENTIAL / BUSINESS		CA COMMERCIAL AMUSEMENT		CV GENERAL MANUFACTURING
	R ¹ -FD SINGLE-FAMILY RESIDENTIAL		P AUTO PARKING		CR COMMERCIAL RECREATION		PUD PLANNED UNIT DEVELOPMENT
	A2 AGRICULTURAL						NO REQUIRED SHARED HIGHWAY



DIVISION OF PLANNING COMMENTS

The applicant has recently remodeled and invested in the three (3) bedroom home and has requested a variance for a special use variance to allow for transient rental at this site. The applicant has also received support from surrounding property owners. Staff believes it is important to note that according to the Sandusky Neighborhood Initiative the rental occupancy in this neighborhood is

roughly 24%. The City of Sandusky's current transient rental rules would allow for nine (9) occupants, and the site does have parking on site.

With the discussion of the proposed Cove District transient overlay district, staff has seen an increasing amount of interest from property owners nearby the Cove District who are interested in transient rental. Below you will find an image of the location of the property in relation to the Cove District:



Section 1129.03 only permits single family dwellings by right as the primary use within the R1-40 Single Family Dwelling District.

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

"In preparation to rent as a transient rental I invested an additional \$7-8,000.00 to furnish the home and make it suitable for this. Between that investment and lost rent I stand to lose over \$15,000.00 if not approved. If I have to cancel all reservation from before the cease and desist was sent I stand to lose another \$8,000.00, but more importantly I will ruin several families' vacation plans."

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 proposed variance would change the permitted uses within this residential area. However, it is important to note that there is a proposed transient rental overlay district in an adjacent neighborhood.

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

The immediate adjacent properties are zoned as R1-40 Single Family Residential, allowing this one property to have transient rental may alter the character of the neighborhood. It is important to note that the Cove area does currently have active transient rental units and is currently in the process of enacting a proposed transient overlay district, and it appears to be a welcomed use within the nearby neighborhood.

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

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

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

The applicant was not aware of the current zoning regulations, however has communicated that he became aware of the issue have notification from Code Enforcement.

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 as a transient rental.

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 for one specific property could cause a precedent to be set. It could possibly open the door for approval of other use variances in areas in which a transient rental uses would not

be appropriate, while also taking into consideration the applicant having support from nearby property owners and residents. Staff does not believe that granting a special use variance for one property is in keeping with the spirit and intent of the Zoning Code.

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 applicant has indicated that the existing property would not be able to yield a reasonable rate of return if the use variance is not granted. The applicant has stated that there is substantial renovation cost associated with the property, the cancelling of family vacations and rentals would be a significant financial issue to the property owner. The applicant has also stated that granting of the variance would also incentivize him to invest further into the property.

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

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 stated allowing a single property within a neighborhood, and away from a main corridor, to operate as a transient rental use could set a precedent for other 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 site proposes a unique condition as the immediately adjacent properties are zoned as R1-40 and are utilized as single family dwellings, many properties a neighborhood away, in the Cove District, are already beginning to be utilized for transient rentals. It appears the majority of the adjacent neighborhood is in favor of these type of uses.

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 one single property could adversely affect the rights of adjacent property owners or residents.

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 communicated that without the use variance it would be difficult to recoup the cost to make the renovations, and furnish the property, which would

make it difficult for the applicant to continue to upgrade and invest further in the property.

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

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

E. 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 one specific property does appear to be contrary to the general spirit, intent or objectives of the Zoning Code. However, the Comprehensive Plan does speak to reinvesting in housing stock, as a way to stabilize a neighborhood, the applicant has stated that granting of the variance would increase his ability to invest in the property.

CONCLUSION/RECOMMENDATION

Staff recognizes that the property is located within a unique area in which transient rental is not necessarily thought of as a way to stimulate investment in the housing stock, but is within very close proximity to the Cove District, a location that has welcomed transient rental and seen its advantages. However, the permitted uses within the R1-40 Single Family District are limited to single family dwellings and as stated, Staff is concerned that granting a use variance for one specific property could set a precedent for other properties in which transient rental may not be appropriate. For this reason staff is recommending denial of the use variance. However, if the board should choose to approve the use variance staff recommends the following conditions:

1. All appropriate building and zoning permits shall be obtained
2. All federal and state laws shall be observed
3. The applicant files for a transient rental permit and all rules and regulations are strictly adhered to.

It is important to note that an overlay district for the Cove area will be going to commission approval within the next month. This is in close proximity to the property discussed in this application. Staff does believe that transient rental within this area could spur investment in the existing housing stock and it would benefit from the proximity to the downtown area.



**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:

David Makkos

Property Owner Address:

1113 4th St.

Sandusky, Ohio 44870

Property Owner Telephone:

419-624-0383

Cell - 419-202-8523



Check if okay to Text

Email

Pike33@bex.net

Contact Person:

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: 1119 4th St. Sandusky, OH. 44870

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

Single Family Residence

Permanent Parcel Number: 57-03205,000

Zoning District: Single Family Residential (R1-40)

VARIANCE INFORMATION:

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

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

Applying to operate a transient rental
outside of a permitted zoning district.

DETAILED SITE INFORMATION:

Land Area of Property: 7252 sq. ft. (sq. ft. or acres)

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

Building #1: 1456 (in sq. ft.) Building #2: 64 - shed

Building #3: _____ Additional: _____

Total Building Coverage (as % of lot area): 20.5%

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): 1

Number of Accessory Buildings: 1 shed

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

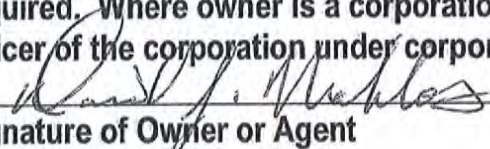
Please see attached statement

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):

In preparation to rent as a transient rental I invested an additional \$7-8,000 to furnish the home & make it suitable for this. Between that investment & lost rent I stand to lose over \$15,000 if not approved. If I have to cancel all reservation from before the cease & desist was sent I stand to lose another \$8000, but more importantly I will ruin several families vacation plans.

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

5-15-18
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

Neighborhood petition of support for
David Makkos to operate a transient rental
at 1119 4th St. in Sandusky Ohio.

1. Randy Stewart 920 Ontario St
Sandusky Ohio 44870
2. Ted Tigge 1109 4th St Ted Tigge
Sandusky Oh 44870
3. Derrick Groh 1118 4th St.
Sandusky Oh. 44870
4. Justin + Nicki Kaezel 1102 4th St
5. Dustin Smith 1114 4th St Dusti Smith
6. STEVE KEMEN 913 ONTARIO
7. Tara Webb 1110 4th St Tara Webb
8. Walter Bauman 1130 4th St Walter Bauman
9. Don Kinsley 1126 4th St Don Kinsley
10. Lisa Edmon 1122 4th Lisa Edmon
11. Kristina 1127 4th St

I am applying for a zoning variance for my rental property located at 1119 4th St. in Sandusky.

I moved into this neighborhood almost 10 years ago. I take great pride in my neighborhood and the properties I own there. I have made it a point to know my neighbors, and to do everything I can to keep our neighborhood safe and friendly as it should be.

I never planned to purchase rental properties, but over the last few years there were a couple rental properties in my neighborhood that had basically become eyesores to the neighborhood. They had owners that apparently didn't care who they rented to or how the property looked. It got to the point for me that I decided if these properties came for sale I was going to try to purchase them and clean them up in all aspects to help improve the neighborhood and keep this a nice place to live. The properties had gotten very run down in just a few years. At one of the properties police visits became a regular thing due to the renters, and the other was next door to me and very neglected.

Last year I was fortunate enough to purchase both properties. Doing 95% of the work myself I completely cleaned up the properties and remodeled them inside and out. In June the first home was finished and I rented to a nice family who just signed a lease for another year. All of the neighbors have expressed to me how happy they are to have good neighbors again.

and how nice the properties look now.

The second home which is right next door to my house was finished and ready to rent in December 2017, at which time I had planned to rent it as a standard rental.

My fiance and I enjoy traveling and in recent years we began to utilize AirBnB to rent entire homes if traveling in the U.S. so we could come back to an actual home each night, and have a neighborhood we could walk our dogs in. In December around the time the house next door was ready to rent we earned an invitation to the AKC Nationals with one of our dogs for dock jumping in Orlando Florida so we booked a home there through AirBnB for the trip. Anyone who does this knows how nice it is to be on vacation and be able to come back to a home each day in a quiet neighborhood while on vacation, far exceed a hotel room.

While renting the home in Orlando I realized that I had an opportunity to offer what I enjoy so much to others with the house I had ready to rent next to mine. At that point I checked online and could not find anything on the city site about transient rentals so I registered it as another rental and moved forward with the very costly step of furnishing a 3 bedroom house so I could rent it as a vacation rental. I was later informed by Amanda McClain that there was nothing online

about it, that I would have had to call them.

I am specifically directing this to be a family vacation rental for families visiting Cedar Point and the Cedar Point Sports Force Complex. Most reservations so far are families with children. I have very specific rules as far as no loud noise or parties that all guests must agree to. It is also very specifically noted in the listing and gone over with all guests that this is not a party house. I screen all potential guests, and have already denied several groups that did not meet these guidelines. I live right next door and plan to closely monitor the property to ensure that there are no issues. The last thing I want is noise and partying going on next door to me. I have been working for almost 10 years to improve my neighborhood and certainly would not be doing this if I felt it would have a negative effect on that.

The house would be occupied approximately 21 days per month May-September, with only very scattered bookings the remainder of the year. I do not stand to make any great financial gain over what I would make renting it monthly, maybe a couple thousand more per year due to the fact the rental would be seasonal. My main objective as stated earlier is to offer families a much more family friendly, relaxing way to vacation.

Most of the reservations I have gotten so far, the guests have stated that what I am offering is just what they were searching for, an entire home in a quiet neighborhood, somewhere they can feel at home in the evenings while on vacation, not a condo, or the busy downtown area. They want a yard for the kids to play, somewhere out of the hustle and bustle. Somewhere to cook on the grill in the back yard and then sit out on the deck and relax. That is what I am trying to offer.

All of my neighbors on the entire block of 4th St are aware of my intentions to hopefully utilize this property as a transient rental and they have all stated their approval. I am submitting a petition of support signed by every neighbor on this block supporting this.

The home also has a large driveway which can accommodate 4-5 vehicles so there will be no parking issue created.

I opened the house for reservations the beginning of April and have a fair amount of reservations. Approximately May 8th I received a cease and desist order from the city and I immediately called. I was blindsided by the order and very surprised. I got in touch with Amanda McClain who sent the order and have complied with everything she requested while going through this process. I immediately blocked all days still available

for rent on the property for all of May and June awaiting the result of this request, which unfortunately will result in a substantial loss of income on the property in lost bookings.

I feel the transient rentals are the way of the future for family vacationing, and could help bring more tourism to our area. Most people would prefer this type of lodging while on vacation, and of these a large percentage are looking for what I am offering which is a home in a quiet area which is family friendly. Not everyone wants to stay in a busy, loud downtown setting. So many have expressed this to me.

I really want to work with the city on this to find a result that works for everyone. If this can help draw more tourism and commerce to our area than an amicable resolution needs to be found, as this can be a winning situation for all parties involved. Not only will my property and others like it help bring tourism here, they will also create jobs cleaning and maintaining them.

I do realize there are locations that for different reasons transient rentals are not suitable, and I also realize there are certain areas where the neighbors do not want this, but I feel in cases such as mine it is ideal. Every single neighbor on my block backs me doing it and I live right next door to supervise the property. The home is also ideally located less than 2 miles from downtown Sandusky and Cedar Point, and very close to the Cedar Point Sports Force Complex.











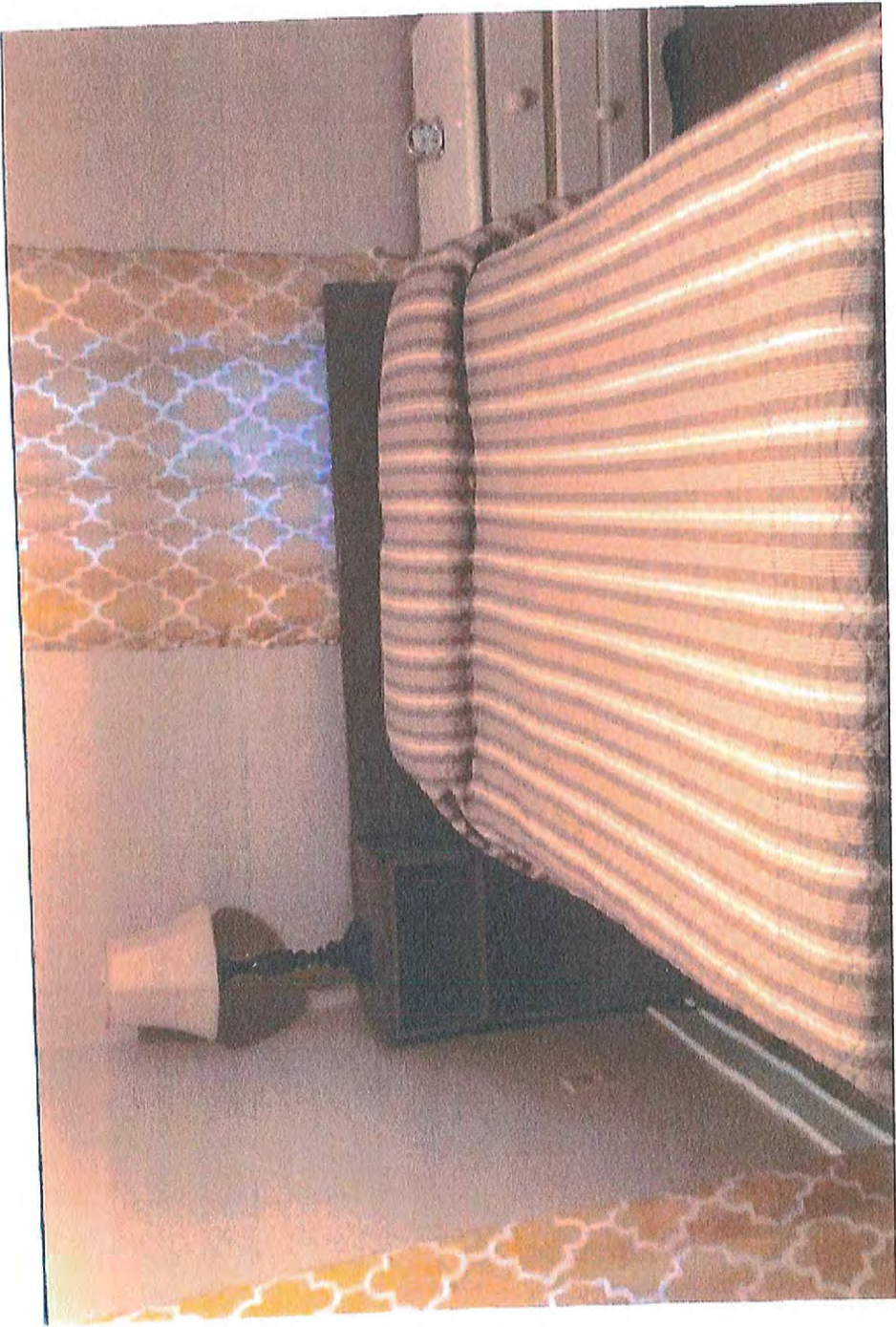


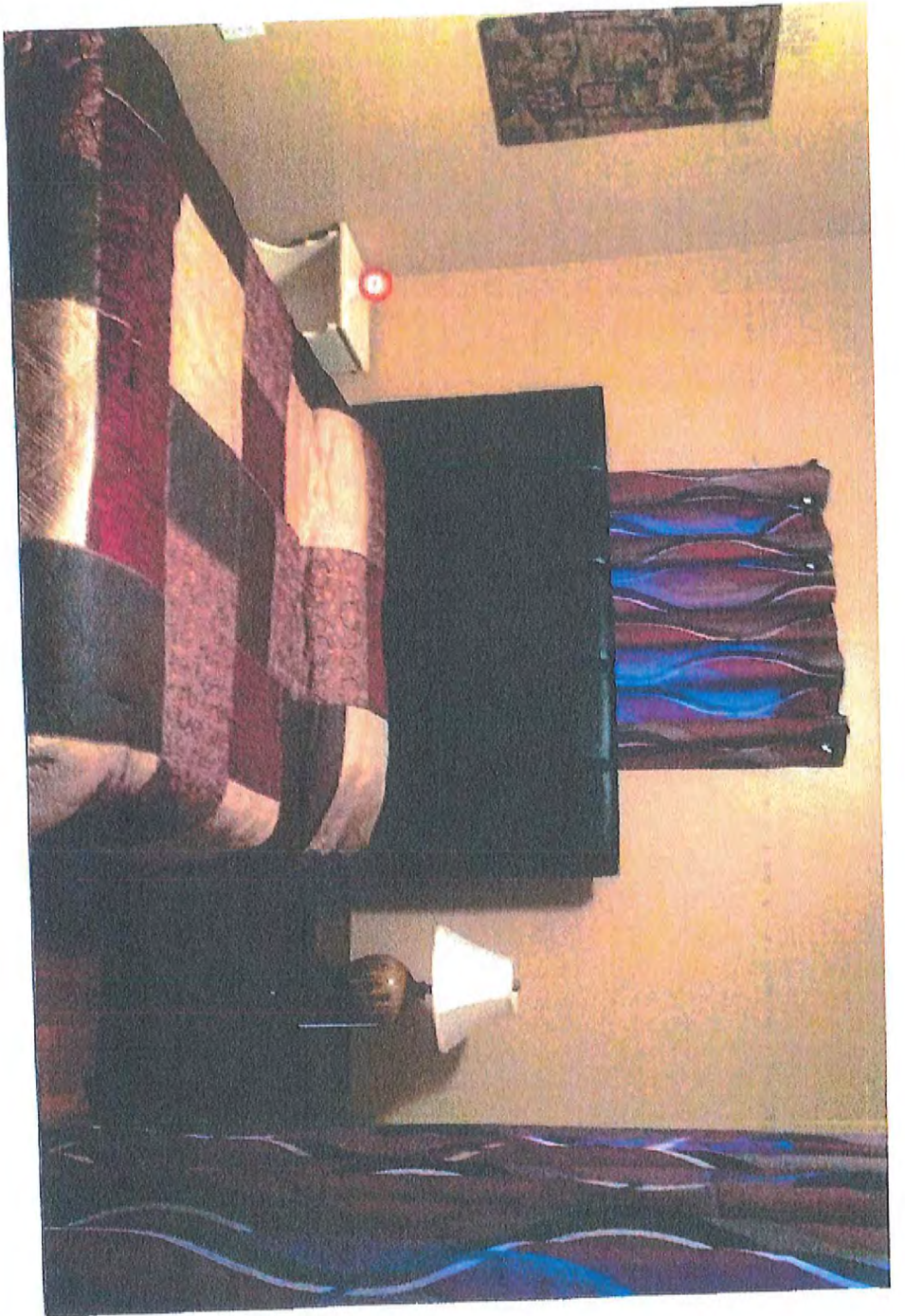


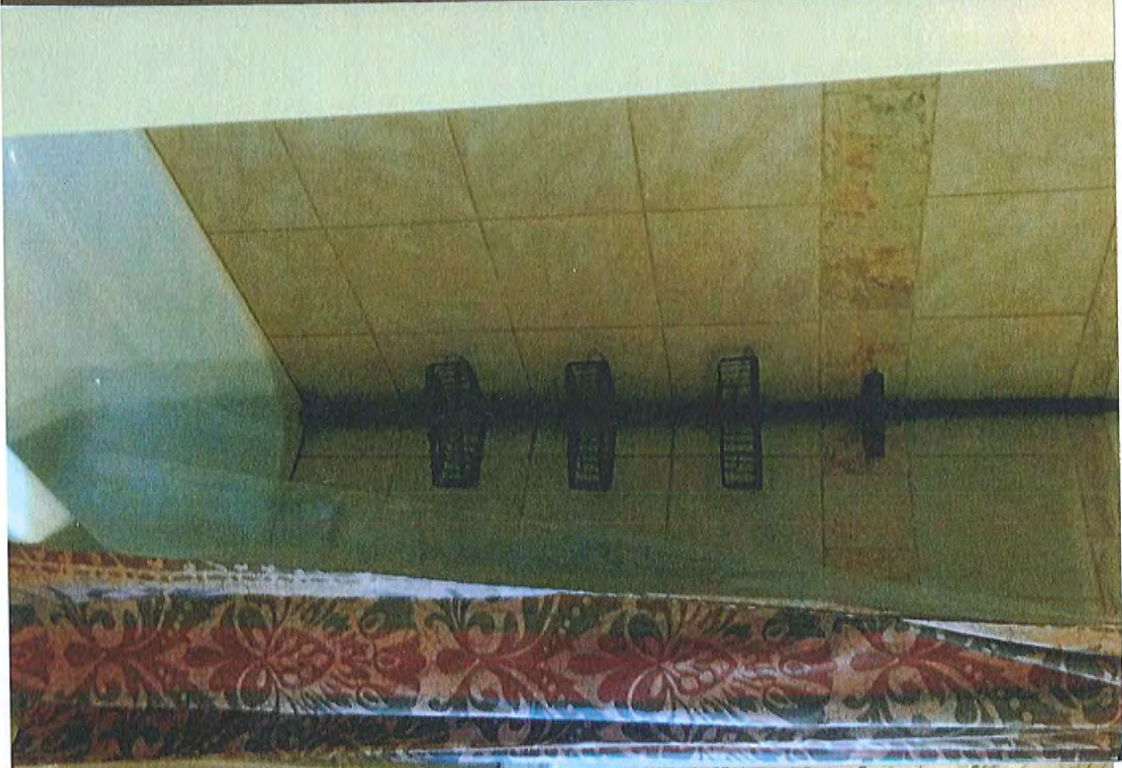


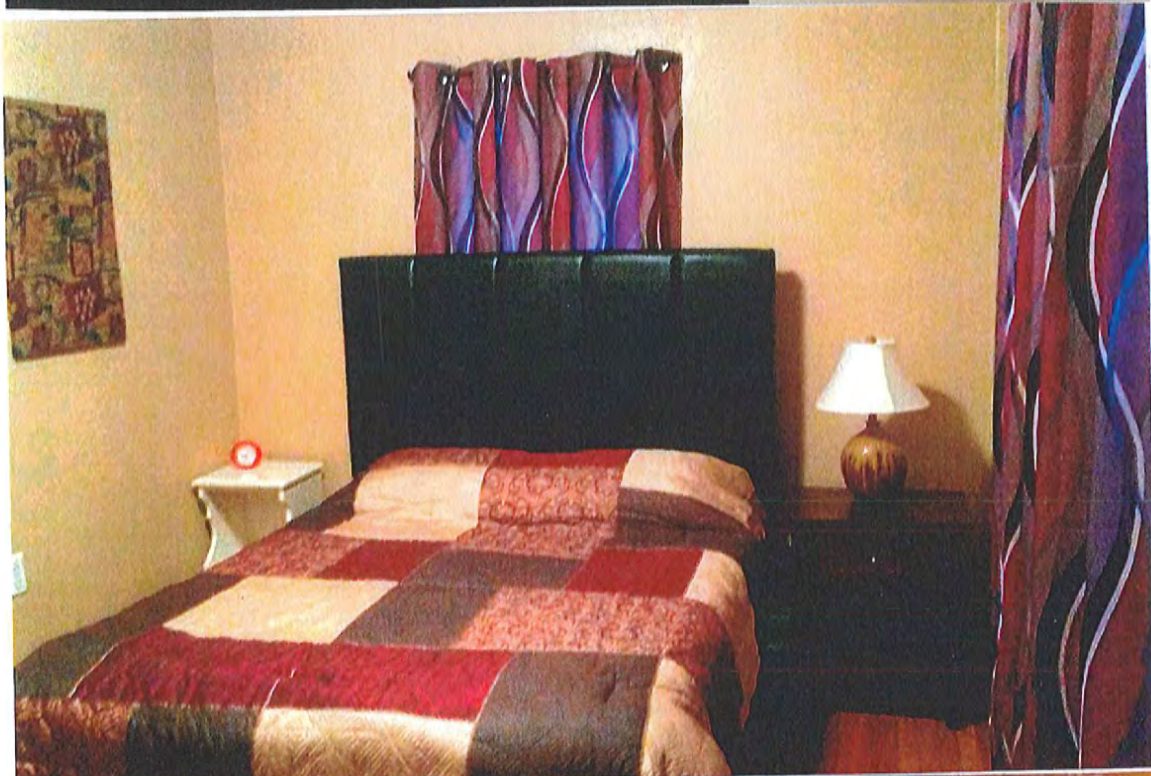
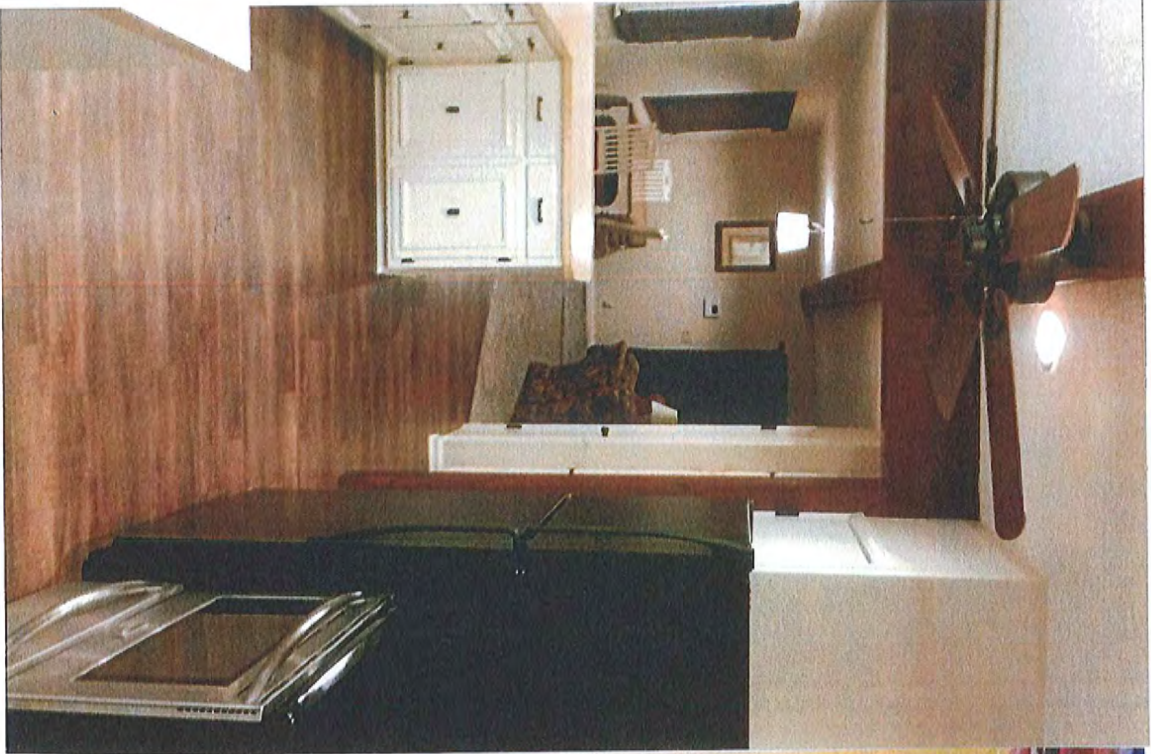




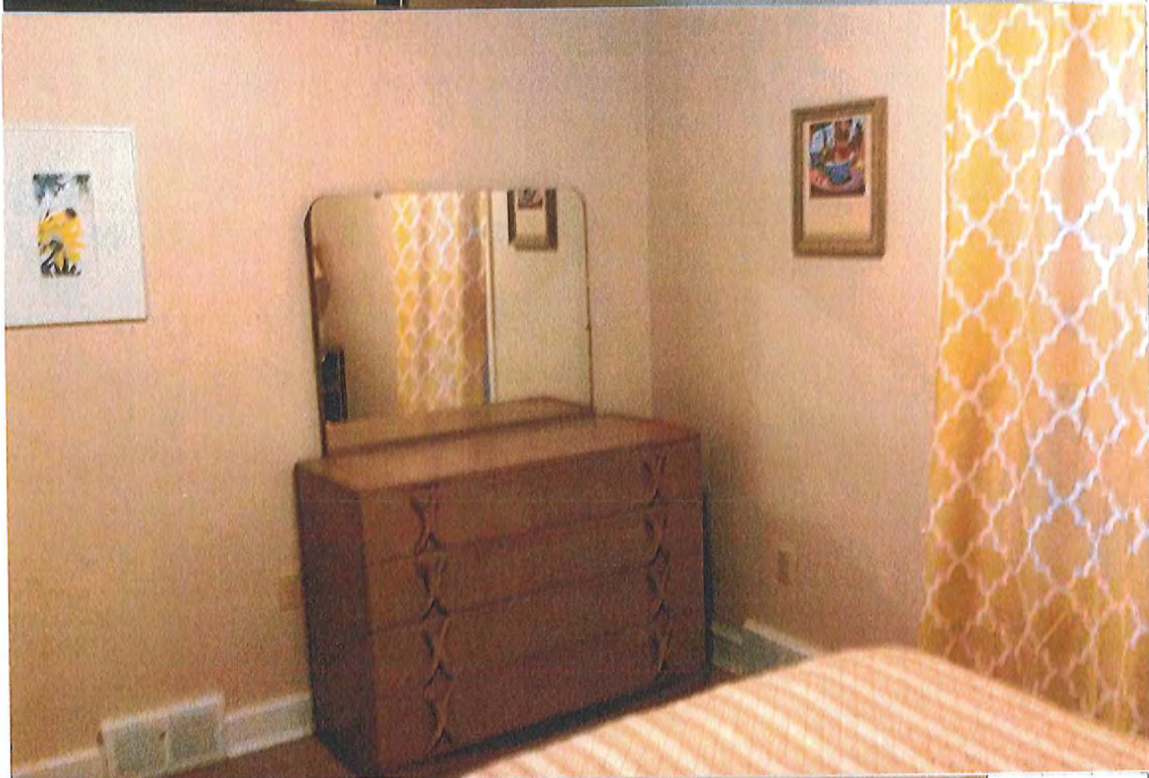
















CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR 10' VARIANCE TO
CONSTRUCT AN INDOOR MULTI- USE
SPORTS FACILITY WITH A HEIGHT OF 50' AT
PARCEL # 57-01824.004.

Reference Number: BZA-21-18

Date of Report: June 5, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

Geoff Aiken, on behalf of Cedar Point Park LLC, has submitted an application for a variance to the maximum height requirement in order to permit the construction of a 50 ft. high building at 57-01824.004. The following information is relevant to this application:

Applicant: OSports
Attn: Geoff Aiken
1100 Superior Ave.
Suite 300
Cleveland, OH 44114

Property Owner: Cedar Point Park LLC
Attn: Duff Milkie
One Cedar Point Rd.
Sandusky, Ohio 44870

Site Location: Parcel #57-01824.004
Sandusky, Ohio 44870

Zoning: "CR"/ Commercial Recreation

Existing Use: Vacant

Proposed Use: Multi-use sports facility

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1137.09
Height Regulations

Variance Requested: 1) To exceed the maximum permitted height requirements for main building in a commercial district.

Variance Proposed: 2) The applicant proposes a variance of 10.0 ft. to permit the construction of a building with a height of 50.0 ft. whereas the Zoning Code permits a maximum height of 40.0 ft.

The subject property is located within the “CR” Commercial Recreation district. It was formerly the site of a portion of the Griffing Sandusky Airport and is now currently vacant. The subject property is surrounded by other commercial recreation uses. A location map of the subject property is found below. The parcel of the subject property is pointed out:

	DE PUB C FAMI Y		DE WFO F-FAMILY RESIDENTIAL		DE GCA BUSINESS		DE DOWN-TOWN BUSINESS
	DE BUSINESS/IND. SUBURBAN		DE WFO F-FAMILY RESIDENTIAL		DE ROADSIDE BUSINESS		DE DOWN-TOWN SERVICE
	DE SING F FAMI Y RESIDENTIAL		DE WFO F FAMI Y RESIDENTIAL		DE GCA BUSINESS		DE LIVE LOW RENTAL APARTMENT
	DE SING F FAMI Y RESIDENTIAL		DE WFO F FAMI Y RESIDENTIAL		DE COMPOSITE AMUSEMENT		DE GENERAL MANUFACTURING
	DE SING F FAMI Y RESIDENTIAL		DE WFO F FAMI Y RESIDENTIAL		DE COMPOSITE AMUSEMENT		DE PLANNED UNIT DEVELOPMENT
	DE SING F FAMI Y RESIDENTIAL		DE WFO F FAMI Y RESIDENTIAL		DE COMPOSITE AMUSEMENT		DE REQUIRED SETBACK IN FEET



3

DIVISION OF PLANNING COMMENTS

The applicant proposes to construct a 160,583 Square Feet multi-use sports facility with a maximum height of 50'. The applicant is proposing a substantial investment to create an indoor sports facility adjacent to the current outdoor sports facility.

A 50 ft. high structure would not comply with the maximum allowable height requirements of the Zoning Code. Section 1137.09 of the Sandusky Zoning Code permits a maximum height of 40.0 ft. for main use buildings in "CR" district.

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

"The largest use of the proposed sports complex is to hold tournaments attracting out of town athletes for multiple indoors sports over multiple competition levels. To facilitate these types of events a minimum of 30 foot clear over the performance areas is required. Providing this minimum clearance plus the depth of the required structure to span nearly 300-feet necessitates the increased building height of 50-feet. Reducing the clear height over the performance areas will detract from the athletes experience in the facility and be less attractive to out-of-town athletes and high profile."

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 10' higher than permitted. The variance is not substantial due to the fact that the property is very large and set back from the road as well as adjacent properties. The applicant has also stated that the requested height is partially due to the proposed use 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;

It would not appear that the proposed structure 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 structure 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 aware of the zoning restriction and discussed with staff proactively during planning for the building. 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 constructing a building shorter than the one proposed would not be an option. Therefore, the owner's predicament can only be resolved through granting of the 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 50 ft. building would be in keeping with the spirit and intent of the Zoning Code as it would provide for an indoor athletic facility that would garner an economic benefit to local businesses, as well as offer an indoor recreational option for local residents.

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 would not yield a reasonable return, nor be as beneficial of a use without the granting of the variance. As state previously, the applicant is requesting the variance to host athletic tournaments of multiple skill levels and a taller ceiling would allow this to be accomplished.

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 building would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan. The Bicentennial Vision plan also calls for support and leveraging of the Sports Force development to maximize tourist attracting and local recreation opportunities.

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;

Staff believes that the variance request does arise from the unique nature of the proposed development. The need for a 50' building was not created by an issue of the zoning code, instead by the applicant's desire for a taller structure to offer a greater guest experience for their business.

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 structure will not adversely affect the rights of adjacent property owners or residents. The requested variance will 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 strict application of the zoning code could create unnecessary hardship upon the property owner, due to the necessity of the ceiling height for the proposed use.

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 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

In conclusion, understanding that the proposed building at this property will be used for athletic competition which requires higher ceilings, and larger open areas to increase the visitor and local experience within the property. Planning staff recommends 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.
3. Planning Commission site plan approval.

CITY OF SANDUSKY
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL

_____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Cedar Point Park LLC

Property Owner Address: One Cedar Point Rd

Sandusky, Ohio 44870

Property Owner Telephone: (419)609-5770

Contact Person: Duff Milkie

Authorized Agent Name: OSports

Authorized Agent Address: 1100 Superior Ave. Suite 300

Cleveland Ohio 44114

Authorized Agent Telephone: (216)861-2020

Contact Person: Geoff Aiken

LOCATION AND DESCRIPTION OF PROPERTY:

Address is Pending
Municipal Street Address: Parcel #57-01824.004

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

OL 1 DAR SURVEY N SIDE CLEVELAND RD REAR LAND 18.5960A

Zoning District: CR - Commercial Recreational

VARIANCE INFORMATION:

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

Section 1137.09 Height Regulations

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

Seeking relief from the listed maximum height of 40-feet per Section 1137.09.

Requesting a variance to grant a maximum height of 50-feet.

DETAILED SITE INFORMATION:

Land Area of Property: 810,042 sq. ft. (sq. ft. or acres)

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

Building #1: 179,000 sq. ft. (in sq. ft.) Building #2:

Building #3: Additional:

Total Building Coverage (as % of lot area): 22%

Proposed Building Height (for any new construction): 48-Feet

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):

The proposed development consists of 160,583 square feet multi-use sports facility, 45,267 square feet of medical office space for sports medicine and recovery, and 28,000 square feet of shelved

space for future fitness and recreation programming. The proposed development will be utilized 7-days a week with the peak activity occurring during tournament events at the multi-use sports

facility on that are anticipated for the majority of weekends throughout the year. The sports facility will be primarily open in the afternoon and evening hours during the week and all day on the

weekends. The sports medical center will primarily be occupied from 8-5 on the weekdays.

The anticipated occupants on the site are driven by the multi-use sports center and at peak use

could be approximately 1200 people. Site improvement include parking, landscaping and storm water control features.

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 largest use of the proposed sports complex is to hold tournaments attracting out of town athletes for multiple indoors sports over multiple competition levels. To facilitate these types of

events a minimum of 30-foot clear over the performance areas is required. Providing this minimum clearance plus the depth of the required structure to span nearly 300-feet necessitates

the increased building height of 50-feet. Reducing the clear height over the performance areas will detract from the athletes experience in the facility and be less attractive to out-of-town

athletes and high profile tournaments.

APPLICATION AUTHORIZATION:

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

Signature of Owner or Agent

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

Signature of Property Owner

Date

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: _____

ELEVATIONS

DATE: 05/24/18

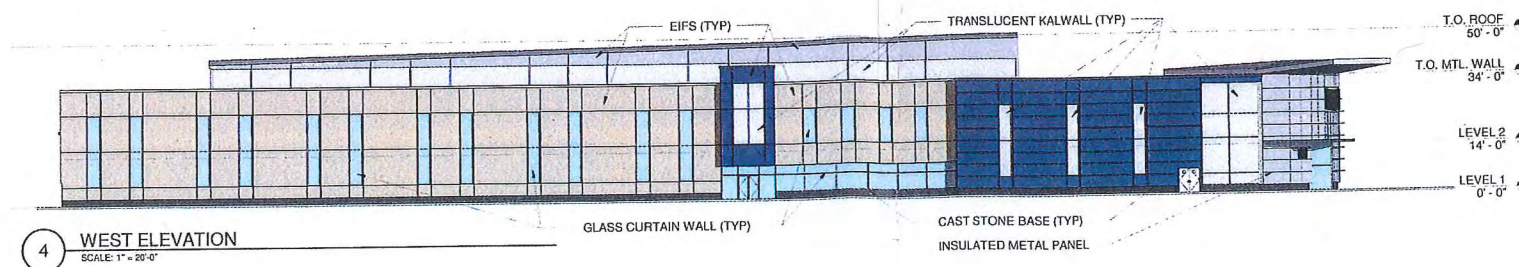
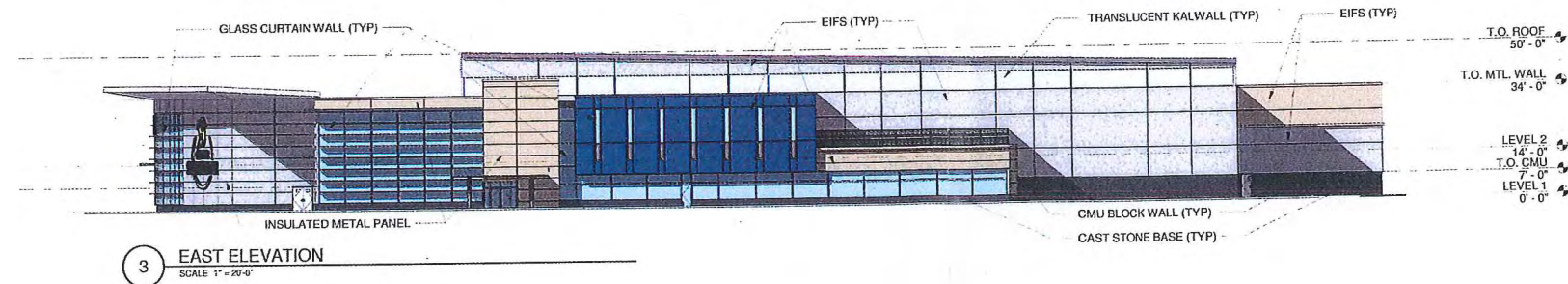
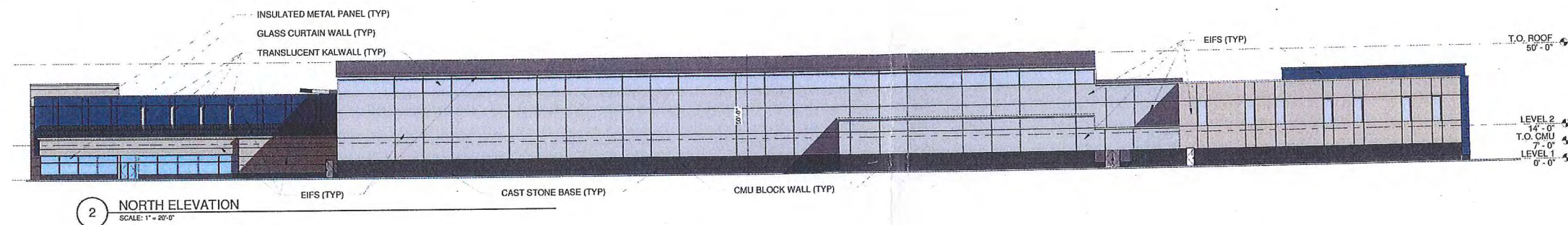
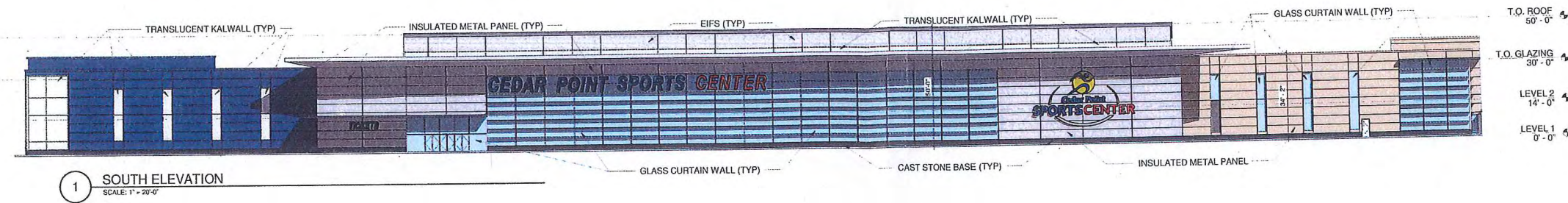


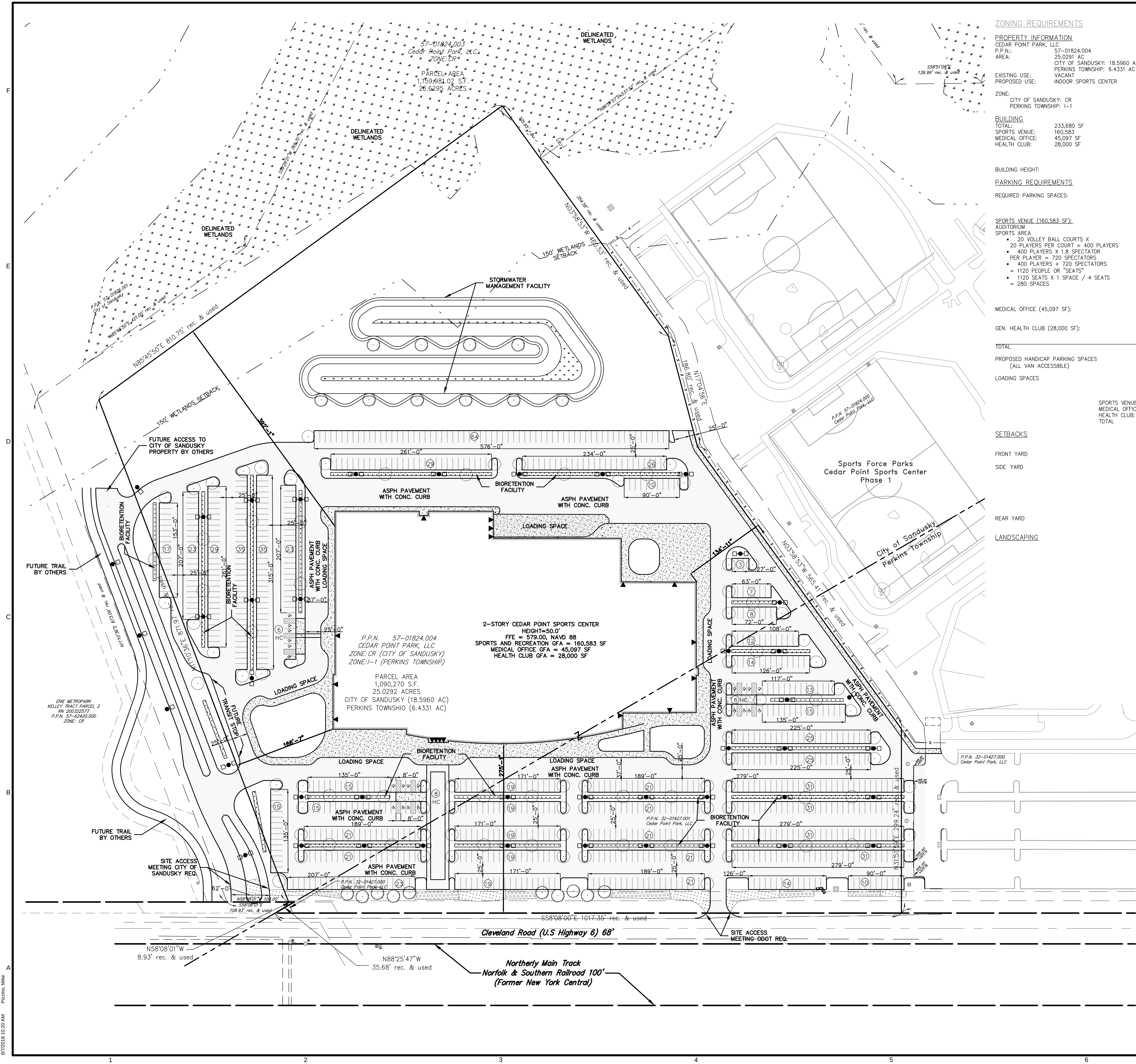
CEDAR POINT SPORTS COMPLEX

CLIENT:
CEDAR FAIR

INFO:
PLANNING COMMISSION

LOCATION:
SANDUSKY, OH





ZONING REQUIREMENTS

PROPERTY INFORMATION
CEDAR POINT PARK, LLC
P.P.N.: 57-01824.004
AREA: 25.0291 AC
CITY OF SANDUSKY: 18.5960 AC
PERKINS TOWNSHIP: 6.4331 AC
VACANT
EXISTING USE:
PROPOSED USE: INDOOR SPORTS CENTER
ZONE:
CITY OF SANDUSKY: CR
PERKINS TOWNSHIP: I-1
BUILDING
TOTAL: 233,680 SF
SPORTS VENUE: 160,583
MEDICAL OFFICE: 45,097 SF
HEALTH CLUB: 28,000 SF

PARKING REQUIREMENTS

REQUIRED PARKING SPACES:

SPORTS VENUE (160,583 SF):
AUDITORIUM
SPORTS AREA
• 20 VOLLEY BALL COURTS X
20 PLAYERS PER COURT = 400 PLAYERS
• 400 PLAYERS X 1.8 SPECTATOR
PER PLAYER = 720 SPECTATORS
• 400 PLAYERS + 720 SPECTATORS
= 1120 PEOPLE OR "SEATS"
• 1120 SEATS X 1 SPACE / 4 SEATS
= 280 SPACES

MEDICAL OFFICE (45,097 SF):

GEN. HEALTH CLUB (28,000 SF):

TOTAL

PROPOSED HANDICAP PARKING SPACES
(ALL VAN ACCESSIBLE)

LOADING SPACES

SETBACKS

FRONT YARD

SIDE YARD

REAR YARD

LANDSCAPING

CITY OF SANDUSKY PERKINS TWP PROVIDED
TWO STORIES OR 40' 40' 50'

CITY OF SANDUSKY PERKINS TWP
1 SP PER 4 SEATS 1 SP PER 4 SEATS

280 SPACES	280 SPACES
1 SP PER 200 SF 226 SPACES	1 SP PER 100 SF 451 SPACES
GEN. BUSINESS 1 SP PER 200 SF 140 SPACES	GEN. BUSINESS 1 SP PER 200 SF 140 SPACES
646	871
871	871

1 SPACE FIRST 40,000 SF,
1 SPACE EACH 50,000 SF
ABOVE 40,000 SF

4 LOADING SPACES
2 LOADING SPACES
1 LOADING SPACES
7 LOADING SPACES

CITY OF SANDUSKY	PERKINS TWP	PROVIDED
30'	60'	275.08'
THE TOTAL WIDTH OF THE TWO SIDE YARDS ON A LOT OR BETWEEN BUILDINGS ON ADJ. LOTS SHALL NOT BE LESS THAN 15'.	20'	EAST -134.92' WEST -166.58'
SAME AS SIDE YARD ABOVE	50'	392.08'

INTERIOR PARKING ISLANDS:
• 1 ISLAND AND 1 TREE / 25 PARKING SPACES
• 871 SPACES X 1 TREE / 25 SPACES = 35 TREES.
• REMAINDER OF PARKING ISLAND IN GROUND COVER AT 18 INCHES ON CENTER.
PARKING ALONG US-6 FRONTAGE:
• CANOPY TREES AT LEAST 2 INCH CALIPER PLANTED 30 FEET ON CENTER. THE SPECIES OF CANOPY TREES SHALL BE APPROVED BY THE CITY OF SANDUSKY DEPARTMENT OF HORTICULTURAL SERVICES.
• HARDY SHRUBS MIN. 12 INCHES IN HEIGHT PLANTED 5 FEET ON CENTER.
• GROUND COVER PLANTED 18 INCHES ON CENTER. LANDSCAPE STRIP SHALL BE AT LEAST THREE FEET WIDE.
• ONLY GRASS IN PUBLIC RIGHTS-OF-WAY
US-6 FRONTAGE LANDSCAPING:
• MINIMUM OF 10 CANOPY TREES AS SHOWN.
• SHRUBS IN LANDSCAPED STRIP AS SHOWN.
• GROUND COVER IN LANDSCAPED STRIP AS SHOWN.
• GRASS ONLY IN PUBLIC RIGHTS OF WAY.

THE FINAL LANDSCAPING PLAN MUST MEET THE ABOVE AND ALL REQUIREMENTS OF THE LOCAL ZONING CODES AND OWNER APPROVAL. LANDSCAPING REQUIRED BY LOCAL ZONING CODES SHALL BE WELL-MAINTAINED AT ALL TIMES.
PROPOSED LANDSCAPING TO MATCH THAT PROVIDED AT PHASE 1 - SPORTS FORCE PARK AT CEDAR POINT SPORTS CENTER.

LEGEND:
• INTERIOR PARKING ISLAND TREE
• EXTERIOR LANDSCAPE STRIP CANOPY TREE
• HARDY SHRUB LANDSCAPE STRIP
• GROUND COVER LANDSCAPE STRIP
• PROPOSED DUAL PARKING LOT LIGHT
• PROPOSED SINGLE PARKING LOT LIGHT

CEDAR POINT SPORTS CENTER

CEDAR FAIR ENTERTAINMENT COMPANY
ONE CEDAR POINT DRIVE
SANDUSKY, OH 44870
(419) 609-5770

TAG	ISSUED	DATE
ZONING SUBMITTAL	05/24/18	
ZONING RESUB.	06/07/18	

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DRAWN BY CES
CHECKED BY JML
CLIENT PROJ. NO.
OSBORN PROJ. NO. 320180134.000

OVERALL SITE PLAN

DRAWING NO. C1-000

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO PLACE AN
ACCESSORY BUILDING WITHIN THE FRONT
YARD AT 811 CEDAR POINT ROAD.

Reference Number: BZA-11-18

Date of Report: June 12, 2018

Report Author: Greg Voltz, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Tim Ali has filed an application for a variance to place an accessory building within a front yard. The applicant is proposing to place an accessory building on the beach side of the chaussee. The following information is relevant to this application:

Applicant: Tim Ali
811 Cedar Point Rd.
Sandusky, Ohio 44870

Site Location: 811 Cedar Point Rd.

Zoning: "R1-75" Residential Single Family
North: R1-75 Residential Single Family
South: R1-75 Residential Single Family
East: R1-75 Residential Single Family

Existing Use: Residential Single Family

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

Variances Requested:

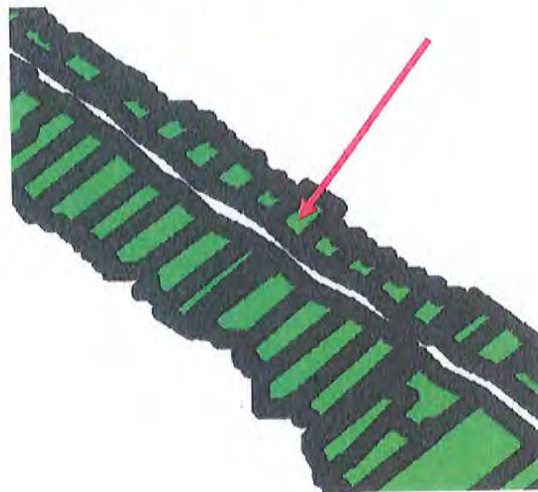
1. A variance to allow an accessory structure within the front yard; whereas the code prohibits accessory buildings to project into the side or front yard.

SITE DESCRIPTION

The subject property is located at 811 Cedar Point Rd.; within the "R1-75" Residential Single-Family Zoning District. It is currently being utilized as a residential property. **This variance application was first submitted at the 4/19/2018.**

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

811 Cedar Point Road



P. EDUC. FACILITY	SINGLE FAMILY RESIDENTIAL	LOCAL BUSINESS	CRO. BUSINESS
R-5.00 SUBURBAN	TWO FAMILY RESIDENTIAL	REGIONAL BUSINESS	COMMERCIAL SERVICE
SINGLE FAMILY RESIDENTIAL	MULT. FAMILY RESIDENTIAL	CENTRAL BUSINESS	LIGHT MANUFACTURING
SINGLE FAMILY RESIDENTIAL	RESIDENTIAL / BUSINESS	COMMERCIAL MANUFACTURING	CENTRAL MANUFACTURING
SINGLE FAMILY RESIDENTIAL	AUTO PARKING	COMMERCIAL RECREATION	PLANNED UNIT DEVELOPMENT
AGRICULTURAL			RE-DEVELOPMENT





DIVISION OF PLANNING COMMENTS

The applicant had proposed on 4/19/2018 to construct a 40' x 18', 720 square foot accessory building within the front yard of the property at 811 Cedar Point Road. The applicant has stated that they would like the accessory building on the beach side of the chaussee. The application does indicate that the building is proposed to be 14'-3" in height (mean level). Staff would recommend a distance of 3' from the property line, similar to the requirements set forth in Section 1145.15 if the structure was located in the rear yard. The site plan provided indicates that there is 25' from the edge of the property line to the center of the road. If the road does get widened, staff would still recommend a 3' setback from the accessory building to the property line. The property owner should be aware that the road may be widened and that if that occurs their structure may not encroach into the right of way of the private road.

The width of the lot is 75.04' along Cedar Point Road, the proposed accessory building is 40' x 18', which will occupy more than 50% of the frontage of the lot. The zoning code only speaks to the lot coverage for accessory buildings within the rear yard, as such there are no regulations but staff believes it is important to point out. Staff acknowledges that this is a high percentage of the lot frontage, but also is aware of similar size structures along Cedar Point Road.

Since the 4/19/2018 meeting, the applicant has resubmitted the proposed accessory structure to be 30' x 18', with a 400 S. F. exterior covered deck. This will be 40% of the frontage of the lot, reduced from the 50% in the previous submission. The application would reduce the overall size and become more consistent with other similarly sized structure along Cedar Point Road.

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

"The street traffic has increased substantially in the past few years and it is dangerous walking across the street to access the beach with pets, children, and beach equipment."

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 proposed size of the structure. However, there are currently a number of accessory buildings located along the beach side of the Cedar Point Road.

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, however as stated there are number of similar structures along Cedar Point Drive and the neighborhood is set up to have access to the beach. The proposed building is being constructed for storage and convenience.

The essential character of the neighborhood is not likely to be altered with the new proposal. With the central placement of the structure, the views from neighboring properties are not as substantially altered and the building will still be able to be used for storage and convenience.

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 applicant had knowledge of the regulations, however once the applicant determined that the accessory structure did not meet the regulations a variance was applied for.

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

In order to take advantage of the beach, the applicant would need to construct on the north side of Cedar Point Road.

- 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 at the requested size.

As previously stated, with the updated proposal the building is similar in size and scale to other building previously approved and built in the neighborhood.

- 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 accessory structure, at the proposed size, 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 many of these property owners own lots across the street that allow them beach access. These lots are considered an extension of their front yard. Many of these lots, along the chaussee, are also limited in size, making accessory buildings difficult on their properties.

- 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, at the requested size, will not adversely affect the rights of the adjacent property owners or residents.

- 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;**

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

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

The proposed variance, at the proposed size, may **not** adversely affect the public health, safety, morals or general welfare of the neighborhood.

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

The accessory building, at the proposed size, may **not** be opposed to the general spirit and intent of the zoning ordinance.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff recognizes that the proposed structure will be similar to other buildings within the area and many of these properties do have limited area in which an accessory building can be located. However, the structure is one of the largest enclosed structures that have been proposed on the north side of the road.

Staff would recommend approval **of a** 30' width structure with the following conditions:

1. The height of the building shall meet all current zoning regulations.
2. The applicant shall provide a minimum 3' 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 project.
6. If the road is widened, the applicant should move the structure as to not encroach w/in the private road right of way.
7. The structure shall not be utilized as a dwelling.

BEACH CABANA STRUCTURE FOR:
TIM ALI
811 CEDAR POINT ROAD
SANDUSKY, OHIO 44870

ARCHITECT :
POULOS + SCHMID
DESIGN GROUP
1717 EAST PERKINS AVENUE, SANDUSKY, OHIO 44870 (419.625.0009)

SITE LOCATION MAP	GENERAL NOTES	DRAWING INDEX				CODE REVIEW	APPROVALS
 KEY PLAN NTS	1. THE DRAWINGS, SPECIFICATIONS AND BID DOCUMENTS ARE TO BE CONSIDERED THE ENTIRE BID PACKAGE AND SHALL MEET ALL CODES, FEDERAL, STATE AND LOCAL CODES. 2. REFER TO BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY OTHERS FOR ALL CIVIL, AND SITE CONDITIONS INCLUDING BUT NOT LIMITED TO UTILITIES, STREETS, EASEMENTS ETC. 3. ALL CONTRACTORS AND TRADES SHALL VISIT THE JOB SITE TO INSPECT AND EVALUATE ALL EXISTING FIELD CONDITIONS RELATING TO THEIR WORK PRIOR TO BIDDING. 4. BEFORE AND DURING CONSTRUCTION, CONTRACTORS WILL VERIFY ALL DIMENSIONS AND ELEVATIONS AND CONDITIONS. ANY DISCREPANCIES OR UNKNOWN CONDITIONS SHALL BE BROUGHT TO THE OWNER'S REPRESENTATIVE BEFORE PROCEEDING WITH THE WORK. 5. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRASH REMOVAL FROM SITE INCLUDING UNUSED MATERIALS. 6. ALL MATERIALS TO BE NEW OR UNUSED QUALITY, INSTALLED & FINISHED PER MANUFACTURERS SPECIFICATION & INDUSTRY STANDARDS. 7. CONTRACTORS SHALL PROVIDE & MAINTAIN A REFUSE CONTAINER FOR ALL CONSTRUCTION DEBRIS. CONTRACTORS WORKING ON THE SITE SHALL CLEAN UP ALL WORK AREAS ON A DAILY BASIS & TO THE SATISFACTION OF THE OWNER. 8. ALL CONSTRUCTION MATERIALS & EQUIPMENT & JOB TRAILERS SHALL BE STORED ONLY IN AREAS DESIGNATED BY THE OWNER. 9. CONTRACTORS SHALL PROVIDE ALL NECESSARY CONSTRUCTION BARRIERS AND DUST-TIGHT ENCLOSURES TO MAINTAIN SAFETY AND CONTROL DUST FOR THE HOME OWNERS. 10. ANY DAMAGE BY CONTRACTORS TO EXISTING SURFACES, MATERIALS, OR EQUIPMENT DURING CONSTRUCTION WILL BE REPAIRED OR REPLACED TO THE OWNERS SATISFACTION BY THE CONTRACTOR.	SHT. NO.	TITLE	SHT. NO.	TITLE	<u>BEACH CABANA BUILDING</u> <i>BEACH BUILDING AND DECK</i> BUILDING = 540 S.F. DECK = 400 S.F. <u>T/CONC FLOOR SLAB SHALL BE A MINIMUM EL. 579.20'</u> <i>SANDUSKY FLOOD PROTECTION ELEVATION = 579.20'</i> <i>BENCHMARK EXISTS SOUTH OF LURIE LANE (T/BM EL. 575.31')</i>	REVISIONS
		T1	TITLE SHEET				
		C1.0	PARTIAL SITE PLAN				
		A1.0	FLOOR PLAN AND WINDOW SCHEDULE				
		A2.0	ELEVATIONS				
		A2.1	ELEVATIONS				

75.04'

EXIST. DECK

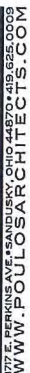
PLEASE REFER TO THE COUNTY MAPS AND BOUNDARY DRAWINGS FOR REFERENCE TO THE EXISTING SITE. THIS SHEET IS SOLELY ISSUED FOR APPROXIMATE LOCATIONS FOR THE NEW STRUCTURE AND SHALL BE VERIFIED BY THE CONTRACTOR WITH ALL PLATS PRIOR TO CONSTRUCTION

SCALE: 1" = 20'-0"



POULOS + SCHMID
DESIGN GROUP

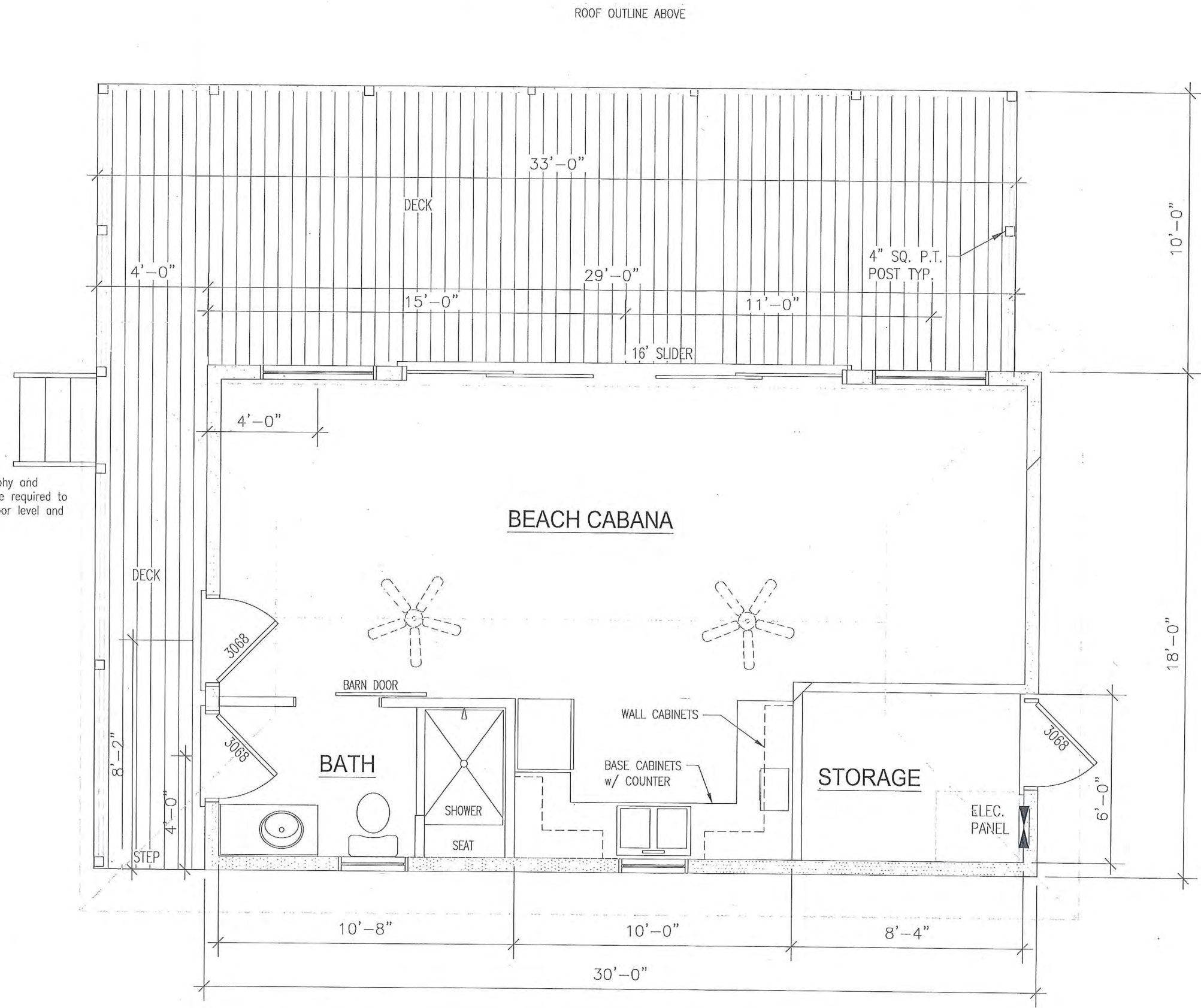
717 E. PERKINS AVE. • SANDUSKY, OHIO 44870 • 815.425.0039
WWW.POULOSARCHITECTS.COM



PROPOSED BEACH HOUSE FOR:
ALI BEACH CABANA
ZIMMERMAN CONSTRUCTION
811 CEDAR POINT ROAD SANDUSKY, OH

C1.0

Site topography and elevations are required to determine floor level and stairs



FLOOR PLAN
SCALE: 1/4" = 1'-0"

REVISIONS	
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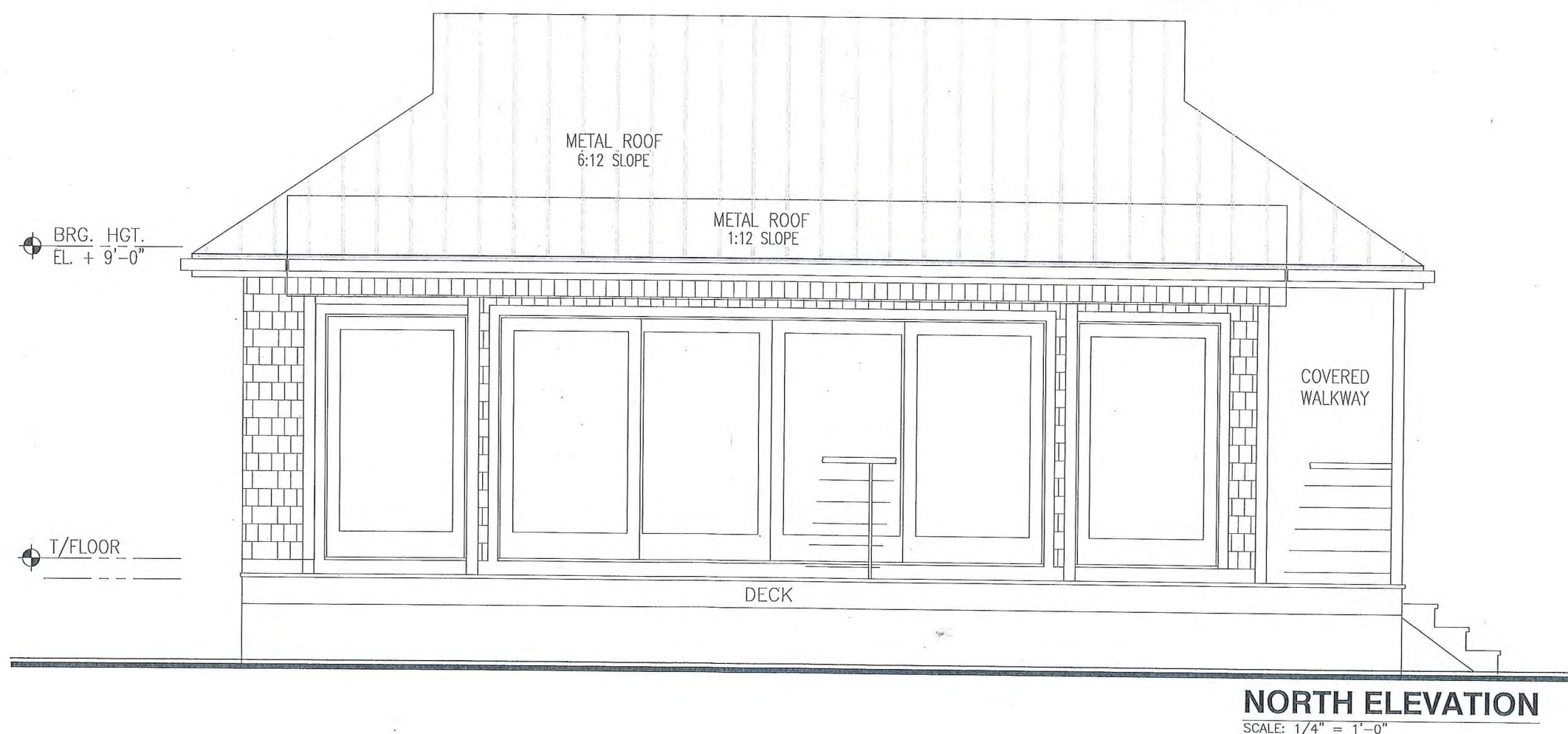
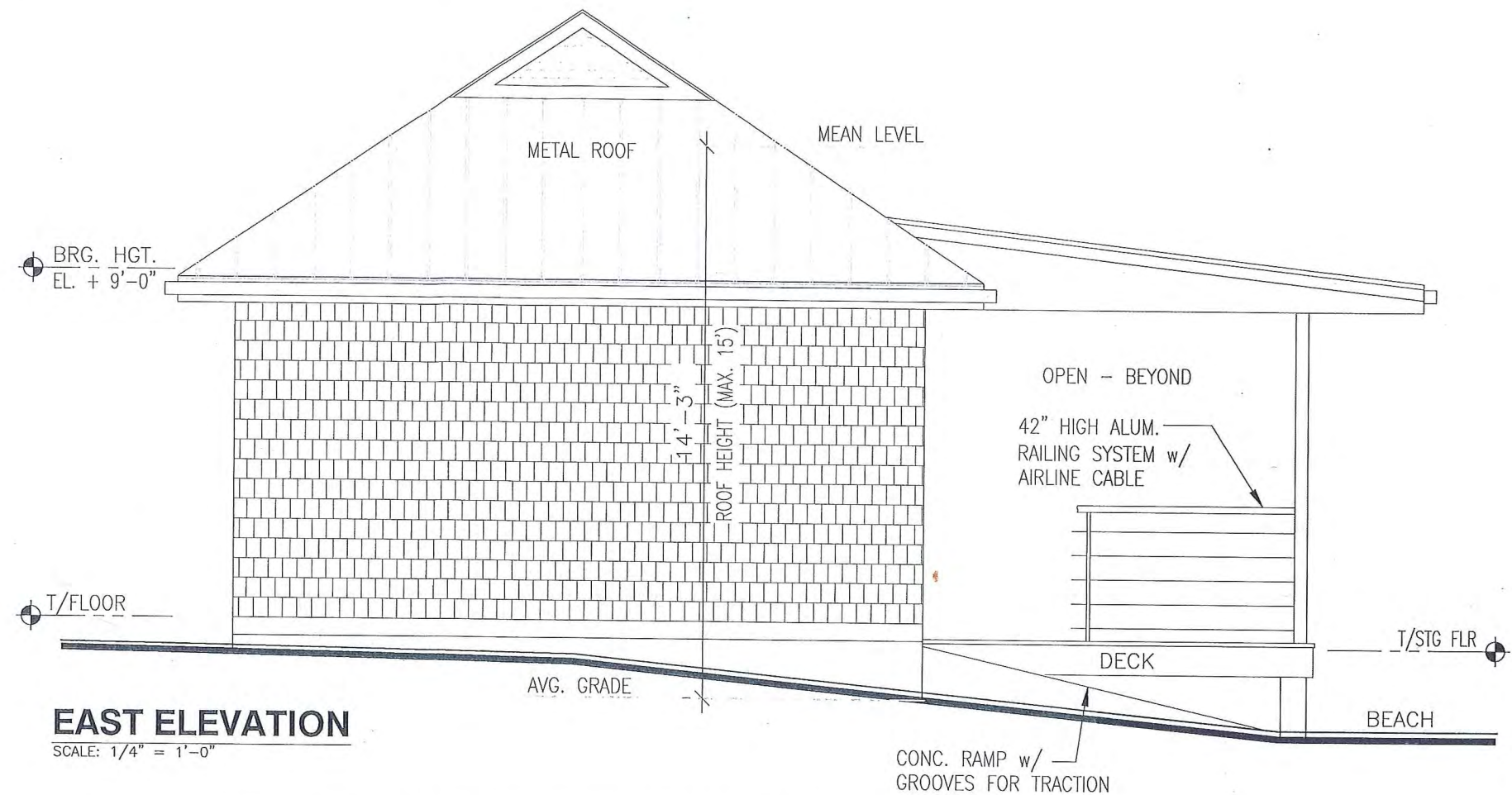
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PS
ARCHITECTURE
ENGINEERING
CONSTRUCTION
MANAGEMENT

TITLE: FLOOR PLAN AND WINDOW SCHEDULE
PROPOSED BEACH HOUSE FOR:
ALI BEACH CABANA
ZIMMERMAN CONSTRUCTION
811 CEDAR POINT ROAD SANDUSKY, OH

(CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS)

DATE: MAY 14, 2018
PROJ. No. 1718
SHEET
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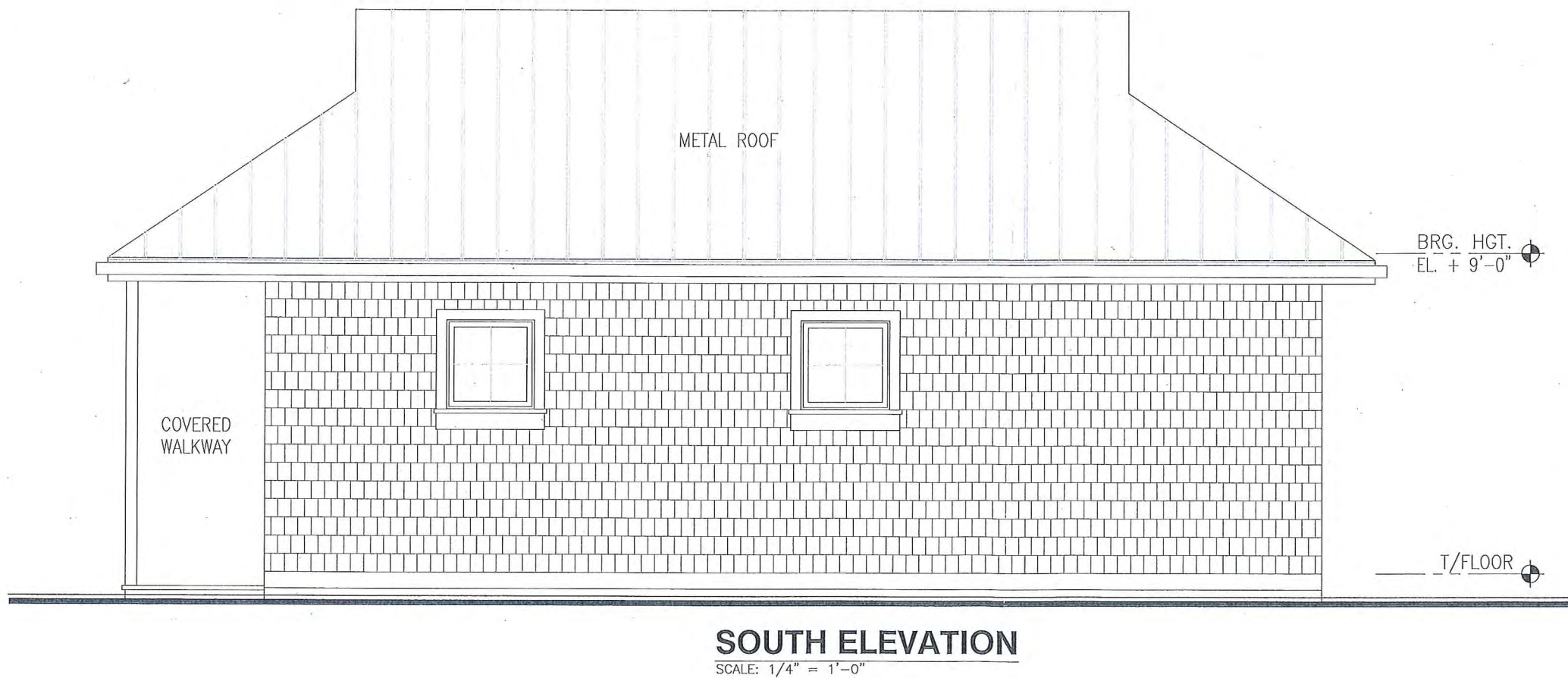
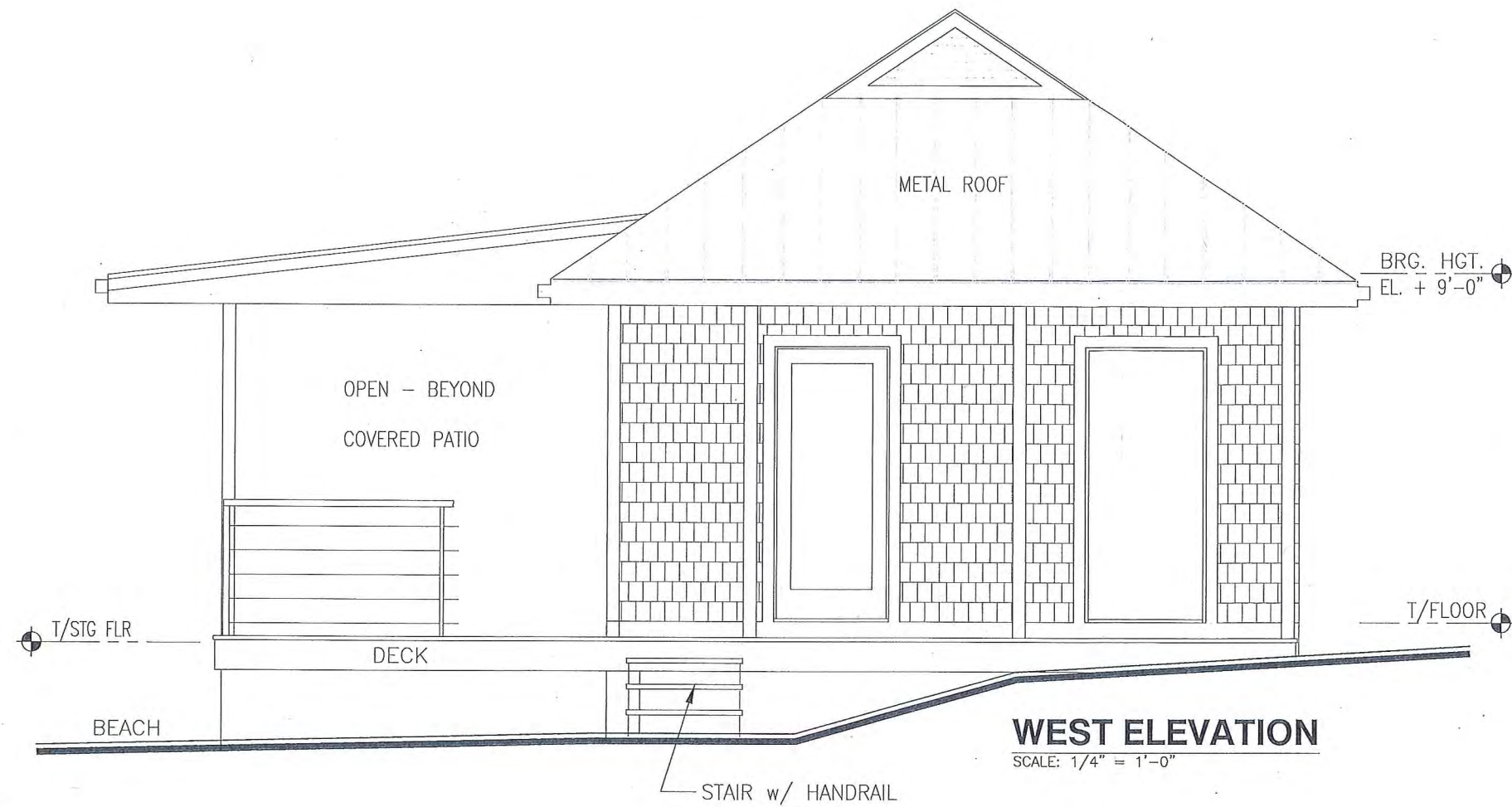
PS
ARCHITECTURE
ENGINEERING
CONSTRUCTION
MANAGEMENT

TITLE: ELEVATIONS

PROPOSED BEACH HOUSE FOR:
ALI BEACH CABANA
ZIMMERMAN CONSTRUCTION
811 CEDAR POINT ROAD SANDUSKY, OH

DATE:	MAY 14, 2018
PROJ. No.	1718
SHEET	A2.0

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TITLE: ELEVATIONS

PROPOSED BEACH HOUSE FOR:
ALI BEACH CABANA
ZIMMERMAN CONSTRUCTION
811 CEDAR POINT ROAD SANDUSKY, OH

(CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS)

DATE: MAY 14, 2018
PROJ. NO. 1718
SHEET

A2.1

ELEVATIONS

DATE: 05/24/18



CEDAR POINT SPORTS COMPLEX

CLIENT:
CEDAR FAIR

INFO:
PLANNING COMMISSION

LOCATION:
SANDUSKY, OH

