



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

May 16th, 2019

4:30 pm

1ST FLOOR CONFERENCE ROOM, CITY BUILDING

AGENDA

Meeting called to order – Roll Call

Review of minutes from the May 2nd, 2019 meeting

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

Adjudication hearings to consider the following:

1. Dan Asensio has submitted an application to construct a 6' fence along a lot line in a side yard in a R1-40 Single Family Residential zoning district at 703 Lane Street. The applicant is seeking relief from Section 1145.17(g) which states that the height of a fence may not exceed four feet above grade in a side yard.
2. Matt Swan has submitted an application to construct a 1,200 square foot addition to the primary building on the lot in a CS Commercial Service zoning district at 1750 Fifth Street. The applicant is seeking relief from Section 1137.08(a) which states the yard of the a building in a CS district shall not be less than 40 feet in width when adjacent to a residential district, the applicant is proposing five feet.
3. Jeffrey Krabil has submitted an application to operate a sign fabrication business in a RRB Residential/Business District at 1030 Hayes Avenue. The applicant is seeking relief from Section 1129.03 which does not permit sign fabrication use in a RRB zoning district.
4. Robert Fox has submitted an application to construct a 6' fence along a lot line in a side yard in a R1-75 Single Family Residential zoning district at 712 Thorpe Street. The applicant is seeking relief from Section 1145.17 (g) which states that the height of a fence may not exceed four feet above grade.
5. Daniel McGookey has submitted an application to operate a transient rental property in a R1-40 Single Family Residential Zoning at 2309 Columbus Ave. The applicant is seeking relief from Section 1129.03 which does not permit transient rental in a R1-40 district.

Other Business

Next Meeting: June 20th, 2019

Adjournment

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

Board of Zoning Appeals
May 2nd, 2019
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Mr. Kevin Zeiher, Mr. Feick, Mr. Delahunt, and Mr. Walter Matthews. Mr. Tom Horsman, and Greg Voltz represented the Planning Department.

Mr. Zeiher moved to approve the minutes from the March 21st, 2019 meeting as written. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Mr. Feick swore in those giving testimony.

Mr. Horsman stated that David Huff has submitted an application for a 3' variance from the requirement that accessory structures shall not be located less than 3' feet from the side lot line.

Mr. Horsman stated that the applicant proposes demolishing their garage and reconstructing it in the same location. The new structure will be about 40 square feet larger and 4 ½ feet taller than the current garage. The existing setbacks do not conform to the current zoning regulations. Mr. Horsman indicated that the neighbor to the south submitted a letter stating that they have no objection to the variance. Staff is recommending approval of the variance.

David Huff, 2010 Campbell Street, stated that they are looking to remove the existing garage and construct a new one.

Mr. Feick stated that he is concerned about the location of the garage. Mr. Feick stated that he utilized the County Auditors site and it appears that the existing garage is close to the property line. Mr. Feick is concerned that the proposed overhangs will be on the adjacent property. Mr. Feick stated that in order to be sure of the exact location of the property lines a survey would need to be completed.

Mr. Feick ask if there was a survey completed when they placed the fence on the property.

Mrs. Huff stated that there was a survey done in the past for the property.

Mr. Feick stated that assuming they are telling the truth about the survey and there is enough space to not allow the overhang onto the adjacent property he is in favor of the variance.

Mr. Zeiher moved to approve the 3' variance from the side lot line; Mr. Delahunt seconded the motion. With no further discussion the motion passed unanimously.

Mr. Zeiher moved to adjourn the meeting; Mr. Matthews seconded the motion.

The meeting was adjourned at 4:45pm.

APPROVED:

Casey Sparks, Clerk

John Feick, Chairman

CITY OF SANDUSKY, OHIO
PLANNING DEPARTMENT

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CONSTRUCT A FENCE AT 703 LANE STREET

Reference Number: BZA-4-19

Date of Report: May 7, 2019

Report Author: Tom Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Dan Asensio, as an authorized agent of Lane Street Realty Ltd, has submitted an application to construct a 6" fence along a lot line in a side yard in a R1-40 Single Family Residential zoning district. The following information is relevant to this application:

Applicant: Dan Asensio
224 E Water St
Sandusky, Ohio 44870

Owner: Lane Street Realty, LTD.
706 Lane St.
Sandusky, Ohio 44870

Site Location: 703 Lane St. (Parcel 57-01439.000)
Sandusky, Ohio 44870

Zoning: "R1-40"- Single-Family Residential

Surrounding Zoning: North: "RRB" - Residential/Business
East, South: "LM" – Limited Manufacturing
West: "R1-40"- Single-Family Residential

Surrounding Uses: North, South: Parking
West: Single-Family Residential
East: Industrial

Existing Use: Parking Lot

Proposed Use: Parking Lot

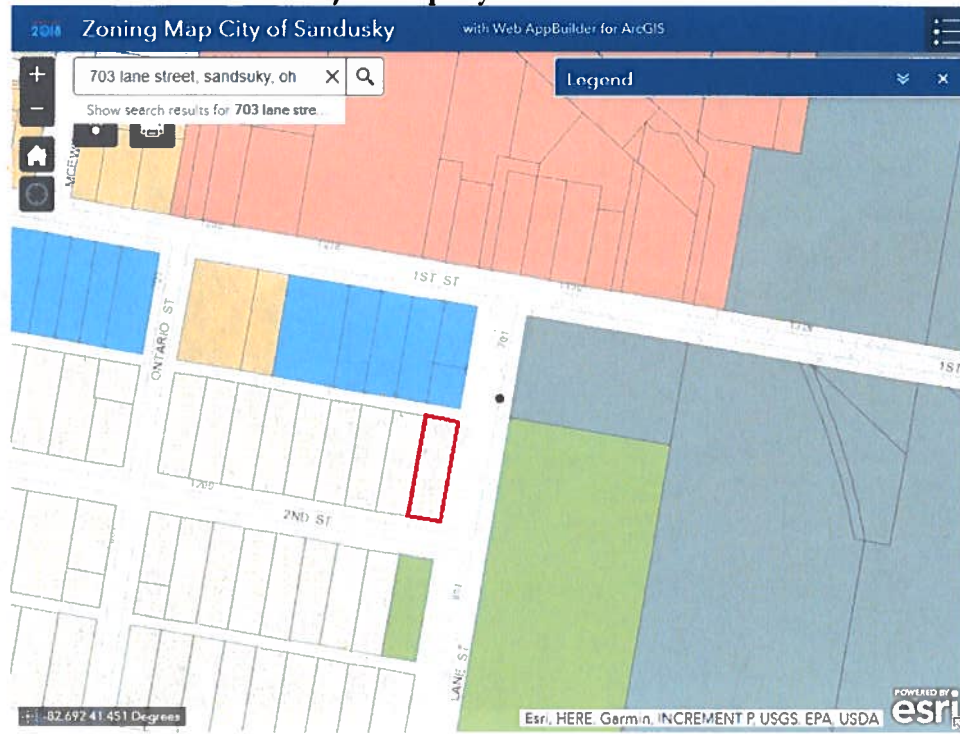
Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17(g)(1) Fences

Variance Requested: 1) A variance to allow a 6 foot fence along the side yard where the Zoning Code allows for a maximum of 4 feet.

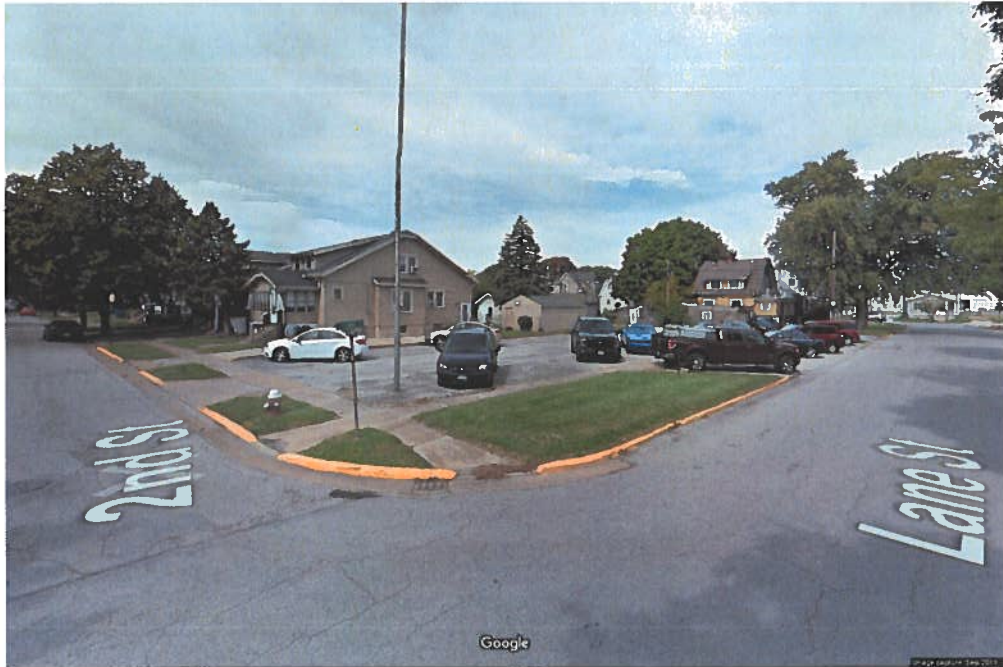
Variance Proposed: 1) The applicant proposes to build a screened 6-foot fence along the west side of the parking lot.

SITE DESCRIPTION

Subject Property Outlined in Red



Street View



Aerial View



PLANNING DEPARTMENT COMMENTS

The subject parcel is located in a residential zoning district, however, it is currently being used as a parking lot for Lewco across the street. The zoning regulations for side yards in residential districts were written to regulate fences between residential structures. This situation is unique in that the lot is being used as a parking lot and not for a residence. The applicant states that this is being installed to protect the adjacent property owners in that it would shield the headlines from cars and trucks using the property.

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:
Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial.

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 variance would not substantially alter the character of the neighborhood, nor would adjoining property suffer a substantial detriment. The applicant says the fence would match an existing fence in the adjacent parking area.

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

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

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

The applicant states that the property was not purchased with the knowledge of the zoning restriction.

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

The predicament is not that of the property owner, but the applicant is seeking the variance in order to be beneficial to the neighboring property owner.

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

The variance would not violate the spirit and intent behind the zoning requirement, as this parcel is unique among the adjoining residentially zoned properties.

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

The property can still yield a reasonable return without a 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 granting of the variance will not be contrary to the general purpose, intent and objective of the zoning code, nor the comprehensive plan.

CONCLUSION/RECOMMENDATION

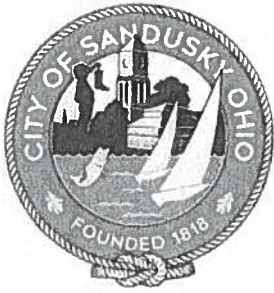
Due to the fact that the subject property is immediately adjacent to a residential property, and that the parcel is unique in that it is a parking lot in a residential district, staff believes that the strict application of the zoning code requirements for side yard fences would lead to a practical difficulty. A six-foot fence along the lot would be of benefit to the neighboring property owners and residents. Staff supports the granting of the variance with the following recommendations and conditions:

Recommendation:

- 1) The fence be constructed of a wooden privacy fence.

Condition:

- 1) The fence be setback to allow for clear site vision for the adjacent residential driveway.



CITY OF SANDUSKY

PLANNING DEPARTMENT

222 Meigs St., Sandusky, Ohio 44870

Phone 419-627-5891

APPLICATION FOR BOARD OF ZONING APPEALS

Address of Subject Property: LOT 67 2ND STREET, & 703 LANE STREET

Applicant Name: DAN ASENSIO

Applicant Address: 224 E WATER ST SANDUSKY

Applicant Phone: 419 625 2554

Applicant Email: DASENSIO@BEX.NET

Property Owner Name: LANE STREET REALTY LTD

Property Owner Address: 706 LANE STREET SANDUSKY

Property Owner Phone: 419 625 4014

Property Owner Email: _____

VARIANCE INFORMATION:

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

1145.17 (g)(1) FENCES

Variance(s) Requested:

INSTALL A SIX FOOT FENCE WHERE FOUR FOOT IS PERMITTED.
BY THE ZONING CODE

Description of Proposal:

NEW SCREENED CHAIN LINK FENCE ALONG EXISTING
PARKING AREA

PRACTICAL DIFFICULTIES (for ALL variance requests):

According to Chapter 1111.06(c)(1) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that a "practical difficulty" exists in order to approve a variance. The Board must consider the following factors. Please completely fill out all sections:

- 1) Would the variance be substantial?

NO

- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?

NO, FENCE WOULD MATCH EXISTING FENCE / IN ADJACENT
PARKING AREA

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?

NO

- 4) Was the property purchased with the knowledge of the zoning restrictions?

NO

- 5) Can the property owner's predicament be resolved through some method other than a variance?

THE FENCE WOULD BENEFIT THE NEIGHBOR BY
SHIELDING HEADLIGHTS FROM CARS & SEMI TRUCKS

- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?

YES, THE FENCE IS MORE FOR THE NEIGHBOR THAN THE PROPERTY
OWNER

- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?

YES

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

NO

UNNECESSARY HARDSHIP (for USE variance requests only):

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) 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 be an action or actions of the property owner or the applicant.

VARIANCE IS UNIQUE FOR THIS SITUATION

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

THE GRANTING OF THE VARIANCE IS FOR THE BENEFIT
OF THE ADJACENT PROPERTY OWNER.

- 3) That the strict application of the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or the applicant.

YES, - NOISE, DUST, LIGHTS COMPLAINTS WILL BE REDUCED
WITH A 6' FENCE

- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

VARIANCE WILL NOT ADVERSELY AFFECT PUBLIC HEALTH, SAFETY, MORALS
OR GENERAL WELFARE

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

VARIANCE WILL NOT

APPLICATION AUTHORIZATION:

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


Signature of Owner or Agent

4/18/19
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 706 LANE ST (municipal street address of property), I hereby authorize DAN ASPENSIO to act on my behalf during the Board of Zoning Appeals approval process.


Signature of Property Owner

4/21/19
Date

REQUIRED SUBMITTALS:

- 1) Application submitted either as hard copy or electronic copy
- 2) \$100 filing fee
- 3) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - 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) Elevation drawings for height variances
 - g) Setbacks from lot lines for existing & proposed construction
 - h) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

DATE	REVISIONS
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FIRST & LANE STREET SANDUSKY, OHIO

DATE MARCH 28, 2019

DROWN BY

CHANGED BY

SHEET NUMBER

15

PROJECT NO. 01B-118

CITY OF SANDUSKY, OHIO
PLANNING DEPARTMENT

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A COMMERCIAL BUILDING
ADDITION WITHOUT THE REQUIRED SIDE
YARD AT 1750 FIFTH STREET

Reference Number: BZA-6-19

Date of Report: May 7, 2019

Report Author: Tom Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Matt Swan, as an authorized agent of Lionheart, LLC, has submitted an application to construct a 1,200 square foot addition to the primary building on the lot in a CS Commercial Service zoning district. The following information is relevant to this application:

Applicant: Matt Swan
1750 Fifth St.
Sandusky, Ohio 44870

Owner: Lionheart, LLC
1750 Fifth St.
Sandusky, Ohio 44870

Site Location: 1750 Fifth St.
Sandusky, Ohio 44870

Zoning: "CS"- Commercial Service

Surrounding Zoning: North, West: "CS"- Commercial Service
East, South: "R1-50"- Single-Family Residential

Surrounding Uses: North, West: Commercial
East, South: Single-Family Residential

Existing Use: Commercial

Proposed Use: Commercial

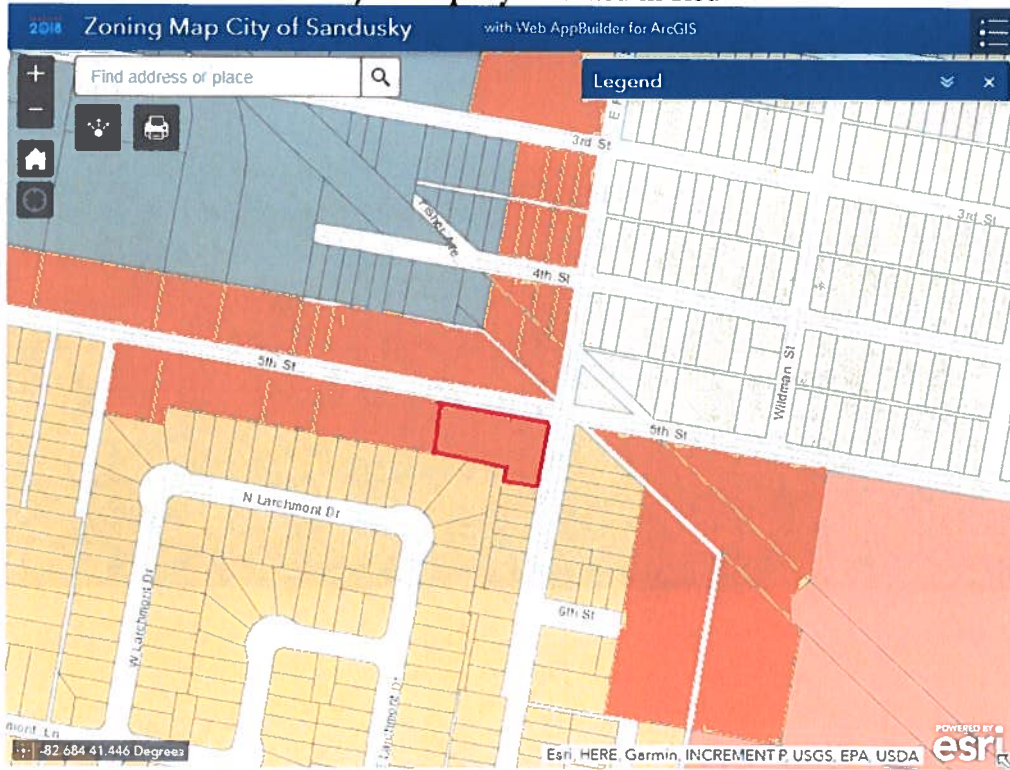
Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1137.08(a) Yard
Regulations in a Commercial District

Variance Requested: 1) A variance to allow construction of a building addition
with a side yard of 5 feet when 40 feet is required by the
Zoning Code.

Variance Proposed: 1) The applicant proposes to construct a 1,200 square foot
addition.

SITE DESCRIPTION

Subject Property Outlined in Red



Aerial View



PLANNING DEPARTMENT COMMENTS

The applicant is propose to construct a 1,200 square foot addition to the south of the structure at 1750 Fifth Street, which houses American Quality Stripping. The zoning code requires a commercial building to have a side yard of no less than 40 feet when the adjoining property is residentially zoned. The parcel on which this building is located is zoned Commercial Service, but the parcel immediately to the west is zoned R1-50 single-family residential. The proposed addition would sit five feet off the lot line, however, it would be over 100 feet away from the residential structure on that lot. The existing commercial structure sits directly on the lot line and already directly abuts multiple parcels in the R1-50 zoning district. According to the Erie County Auditor's site, the building was constructed in 1946, which was before the current zoning regulations were adopted.

The applicant states the owner of the adjacent residential property has expressed no issues with the proposed expansion and variance, however, as of the time this report was written, staff has not received and documentation supporting this.

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include: Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial, however the new building would be further set back from the lot line than the existing building is and would still be more than 100 feet away from the residential structure.

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 variance would not substantially alter the character of the neighborhood, nor would adjoining property suffer a substantial detriment.

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.

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

The applicant stated the property owner was aware of the zoning restriction.

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

In order for the property owner to expand the building, a variance must be granted.

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

The spirit and intent behind the zoning requirement would be observed if the variance were 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

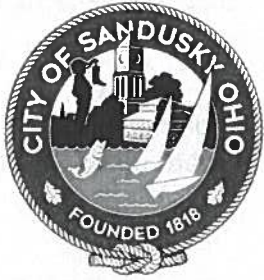
The property can still yield a reasonable return without a variance.

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 granting of the variance will not be contrary to the general purpose, intent and objective of the zoning code, nor the comprehensive plan.

CONCLUSION/RECOMMENDATION

Staff believes that the strict application of the zoning regulation creates a practical difficulty for the applicant as it would prohibit the expansion of the facility. The facility is located in a properly-zoned district, and the residential property in question to the west is set back enough that the expansion would likely not be detrimental to the residents. Also, the existing building is set along the lot lines abutting residential parcels, and this addition would be set back five feet. Considering those factors, staff recommends the approval of the variance.



CITY OF SANDUSKY

PLANNING DEPARTMENT

222 Meigs St., Sandusky, Ohio 44870

Phone 419-627-5891

APPLICATION FOR BOARD OF ZONING APPEALS

Address of Subject Property: 1750 Fifth St., Sandusky Oh., 44870

Applicant Name: Matt Swan

Applicant Address: 1750 Fifth St., Sandusky Oh., 44870

Applicant Phone: 419-625-6288

Applicant Email: MattSwan@AmericanQualityStripping.com

Property Owner Name: Lionheart LLC

Property Owner Address: 1750 Fifth St., Sandusky Oh. 44870

Property Owner Phone: 419-625-6288

Property Owner Email: R.Finneran@AmericanQualityStripping.com

VARIANCE INFORMATION:

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

1137.08 A

Variance(s) Requested:

Change 40' Set Back to 5' along West property line bordering
Edna Walker property

Description of Proposal:

Construct addition to East end of building 20 ft. wide and 60 ft. long
(1200 sq. ft.) beginning 5 ft. East of property line and terminating at
South East corner of existing building.

PRACTICAL DIFFICULTIES (for ALL variance requests):

According to Chapter 1111.06(c)(1) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that a "practical difficulty" exists in order to approve a variance. The Board must consider the following factors. Please completely fill out all sections:

- 1) Would the variance be substantial?

No

- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?

No

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?

No

- 4) Was the property purchased with the knowledge of the zoning restrictions?

Yes

- 5) Can the property owner's predicament be resolved through some method other than a variance?

No

- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?

Yes

- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?

No

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

No

UNNECESSARY HARDSHIP (for USE variance requests only):

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) 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 be an action or actions of the property owner or the applicant.

The 40 Foot Set-back prevents any physical expansion of the facility.

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

The only effected adjacent property owner, Edrina Walker, does not have any objection to the proposed plant expansion.

- 3) That the strict application of the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or the applicant.

Strict application of the Zoning Code prevents any reasonable expansion of the facility which shuts down nearly all future growth.

- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

It will not.

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

It does not.

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.

Math S
Signature of Owner or Agent

5-1-19
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 1750 Fifth St. (municipal street address of property), I hereby authorize Matthew Swan to act on my behalf during the Board of Zoning Appeals approval process.

Matthew Swan
Signature of Property Owner

5-1-19
Date

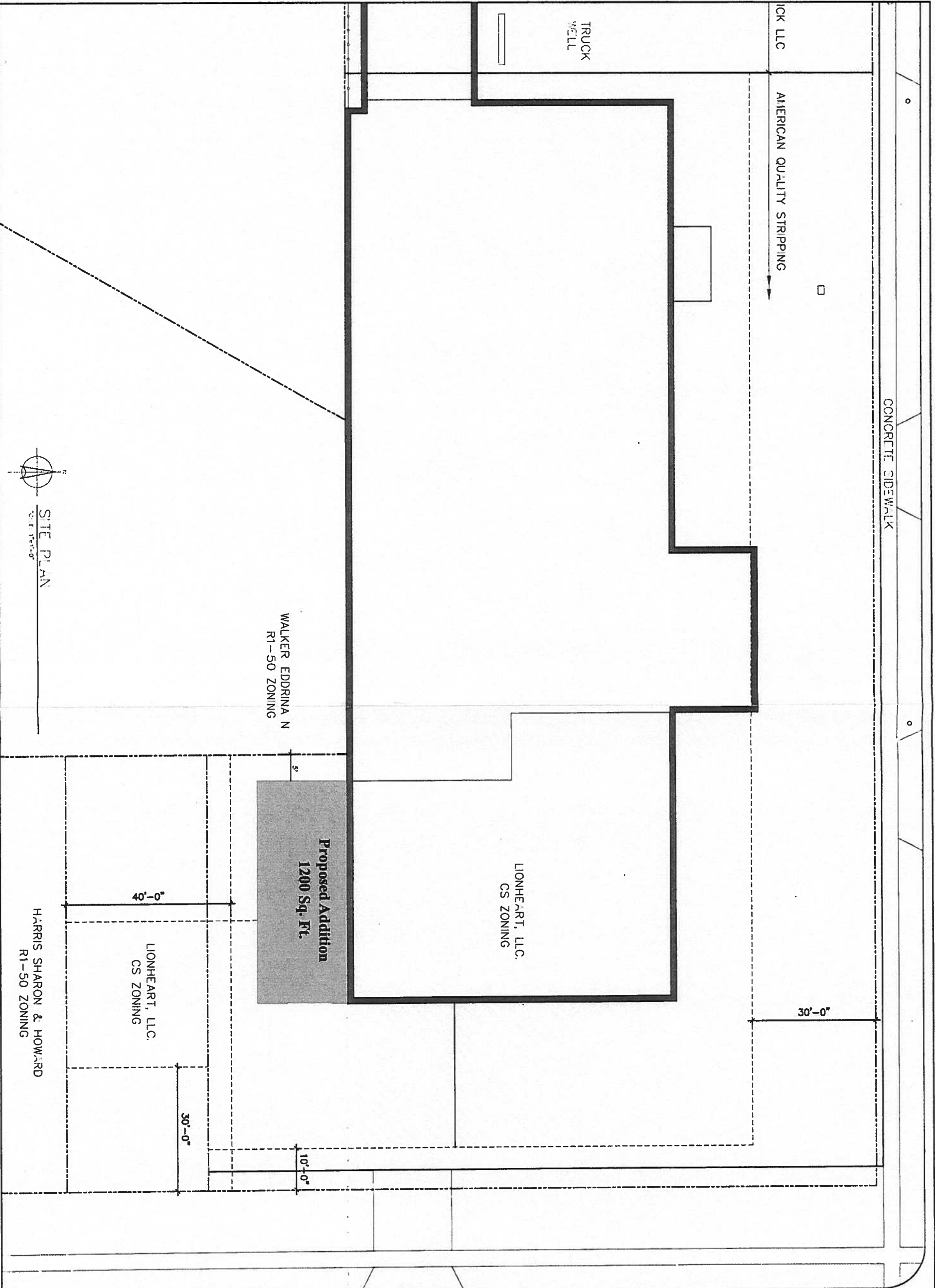
REQUIRED SUBMITTALS:

- 1) Application submitted either as hard copy or electronic copy
- 2) \$100 filing fee
- 3) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - 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) Elevation drawings for height variances
 - g) Setbacks from lot lines for existing & proposed construction
 - h) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____



DATE		REVISIONS	
DRAWN BY			
CHECKED BY			
SHEET NUMBER			
PROJECT NO.			
SITE PLAN			
NEW ADDITION FOR American Quality Stripping 1750 FIFTH STREET, SANDUSKY, OH 44870			
116. 00. 0			

CITY OF SANDUSKY, OHIO
PLANNING DEPARTMENT

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A USE VARIANCE TO
OPERATE A SIGN FABRICATION BUSINESS
AT 1030 HAYES AVE.

Reference Number: BZA-6-19

Date of Report: May 7, 2019

Report Author: Tom Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

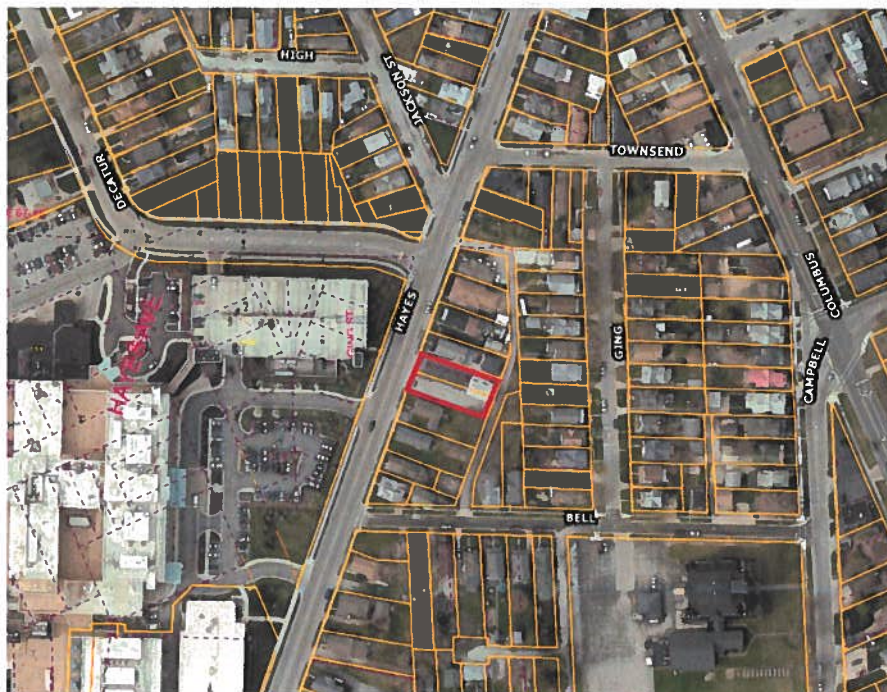
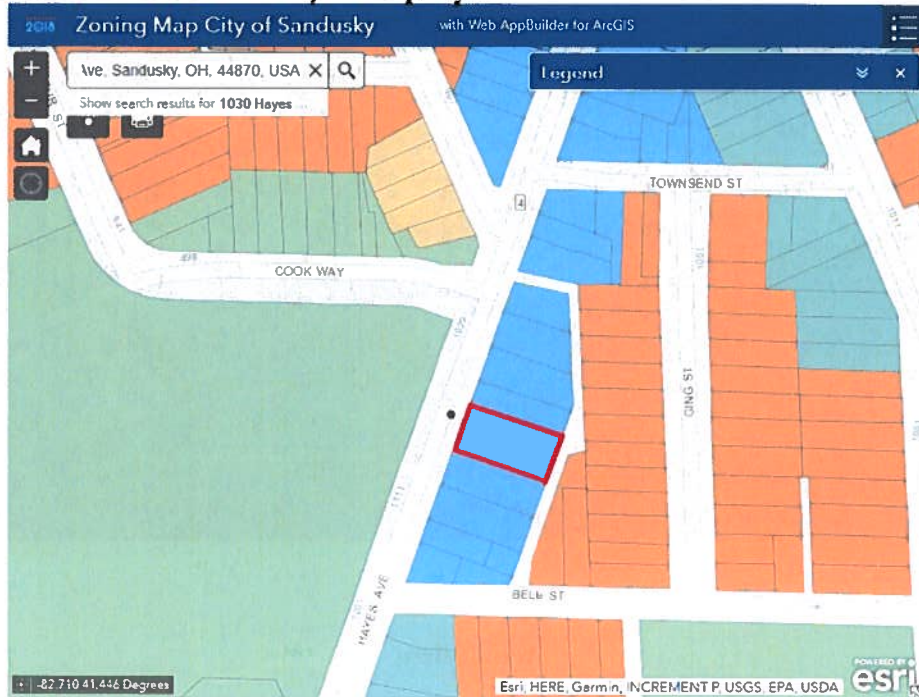
BACKGROUND INFORMATION

Jeffrey Krabill of Custom Sign & Design, LLC, as an authorized agent of Rosemary Romick, has submitted an application to operate a sign fabrication business in a RRB Residential/Business zoning district. The following information is relevant to this application:

Applicant:	Jeffrey Krabill Custom Sign & Design, LLC 300 E Water St. Sandusky, Ohio 44870
Owner:	Rosemary Romick 905 Bogart Rd. Sandusky, Ohio 44870
Site Location:	1030 Hayes Ave. (Parcels 57-04721.000 & 57-04722.000) Sandusky, Ohio 44870
Zoning:	"RRB"- Residential/Business
Surrounding Zoning:	North, South: "RRB" - Residential/Business East: "R2F" – Two-Family Residential West: "PF" – Public Facilities
Surrounding Uses:	North, East, South: Single-family and two-family residential West: Hospital
Existing Use:	Vacant. Former appliance repair facility.
Proposed Use:	Sign fabrication facility.
Applicable Plans & Regulations:	City of Sandusky Zoning Code Section 1129.03 Schedule of Permitted Buildings and Uses in Residential Districts
Variance Requested:	1) A use variance to allow a sign fabrication business to operate in a RRB district.
Variance Proposed:	1) The applicant proposes to operate a sign fabrication business at 1030 Hayes Ave.

SITE DESCRIPTION

Subject Property Outlined in Red



Street View



Aerial View



PLANNING DEPARTMENT COMMENTS

This property received a conditional use permit in 2001 to operate as a service dispatch location for a restaurant equipment repair shop. RRB zoning districts allow for some select stores and services as conditional uses. The Zoning Code explicitly outlines the uses that would be allowed, and those uses are ones typically catered toward residents in the nearby neighborhood, such as barber shops, drug stores, dry cleaning, florists, and others. Sign manufacturing is not a permitted use in RRB districts, but it is explicitly allowed in other districts, such as Commercial Services.

Custom Sign & Design, LLC uses a CNC router to fabricate the signs and states that all work would be done inside the building and that all noise would be maintained inside the walls. The applicant has proposed to renovate the building and parking lot area and states that they anticipate only 1-2 deliveries per week.

Staff visited the current facility on Superior Street on April 12th to view the production space.

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include: Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial as it would allow for a use not permitted in that zoning district. However, while primarily residential, the zoning district does allow for other stores and services as conditional uses and the hospital is located across Hayes Avenue.

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 existing building will be utilized so the physical character of the neighborhood will not be altered. The previous use was also not residential, and consisted of light appliance repair.

The process of fabricating signs via a CNC router is a low intensity process relative to other manufacturing processes, and so it would likely not substantially alter the character of the neighborhood. The site is situated on Hayes Ave, which is a busy commercial and residential corridor.

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.

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

The applicant's purchase of the property is contingent on the granting of the variance, and thus is aware of the zoning restriction.

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

There are multiple uses allowed at this site under the zoning regulations.

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

The intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

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

The property can still yield a reasonable return without a 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 intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

Other conditions that the Zoning Board of Appeals must determine have been met for use variances 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 does not arise from a unique situation, as this property could be used in multiple different ways as permitted by the zoning code. However, the applicant states that the process the use to fabricate signs is not substantially different from activities in uses that are permitted in RRB districts.

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

The granting of the variance could adversely affect the rights of adjacent property owners if noise is not contained. However, this operation produces minimal noise.

- 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;**

Because the applicant has not yet purchased the property, staff cannot conclude that the strict application of the Zoning Code would constitute an unnecessary hardship on the applicant.

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

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

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

The intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

CONCLUSION/RECOMMENDATION

Staff recognizes that the process of fabricating signs via a CNC router is not a high intensity manufacturing activity and not significantly dissimilar from activities permitted in a RRB district. However, the Zoning Code is explicit in that sign manufacturing is permitted in some districts, but is not permitted in an RRB district. The applicant has stated that there would be significant efforts made to ensure their activities at the property would not be detrimental to surrounding residents. However, because staff believes that not all the conditions in Section 1111.06(c)(2) of the Zoning Code have been absolutely met, staff is unable to recommend approval of the variance.

If the Board does grant the variance, staff recommends the following conditions be placed on the variance:

- 1) The proposed development goes for site plan approval before Planning Commission.
- 2) No more than two CNC routers be used at the facility.
- 3) All production activities and storage must take place inside the building.
- 4) The building must be insulated to ensure noise does not escape the building.
- 5) Signage shall be erected within the parking area that indicates exiting onto Hayes Ave is prohibited and all traffic shall exit from the one-way alley located at the rear of the property.



**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: Custom Sign & Design, LLC

Property Owner Address: 300 E Water Street

Sandusky, Ohio 44870

Property Owner Telephone: 419-621-6600

☒ Check if okay to Text

Email jeff@customsignanddesign.com

Contact Person: Jeff Krabill

Authorized Agent Name: n/a

Authorized Agent Address: n/a

n/a

Authorized Agent Telephone: n/a

Check if okay to Text

Email n/a

Contact Person: Jeff Krabill

Meeting with Staff 4/12/19: Eric Wobser, Angie Byington, John Storey, Tom Horsman

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1030 Hayes Avenue (Sandusky)

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

36 HAYES AVE WH EX N 35' & 38 WH ANNEX EX S 32'

38 HAYES AVE S 32'

Permanent Parcel Number: 57-04721.000 & 57-04722.000

Zoning District: RRB

VARIANCE INFORMATION:

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

1129.03 - Schedule of Permitted Buildings and Uses in a RRB District.

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

Use Variance:

Proposed: Allow CSD's fabrication of vinyl on metal blank & routed HDPE signs. This does NOT include a change to the zoning, rather it merely allows CSD's particular business activity during the period of time it uses the building.

Required: RRB allows businesses which support residents that reside there.

DETAILED SITE INFORMATION:

Land Area of Property: .1962 acres (8,546 sq ft) (sq. ft. or acres)

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

Building #1: 2,620 sq ft (in sq. ft.) **Building #2:** 480 sq ft

Building #3: _____ **Additional:** _____

Total Building Coverage (as % of lot area): ~36%

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

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

Number of Accessory Buildings: n/a

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

CSD hand-applies vinyl to metal sign blanks and uses a CNC router to fabricate signage from recycled HDPE for ODNR, metro parks and similar select businesses. All of this work is done inside our building, nothing outdoors. All material storage will be indoors. Any noise created by the router or vacuum system will be maintained inside the walls. The only item outside would be a dumpster. In order to make this happen, CSD proposes to do the following:

- Repair the driveway & parking area.
- Seal and stripe the parking area.
- Enclose the breezeway between the two buildings.
- Paint the outside of the buildings to create a cohesive overall look.
- Bring 3-phase power into the building.
- Update the interior of the work area.

CSD fully respects the purpose for RRB zoning and will do nothing to cause any problems for our new neighbors. The high visibility of the Hayes Avenue location will make CSD easier to find for deliveries, though we only anticipate 1-2 deliveries each week. Our customers only rarely ever visit our office. The only traffic would be our employees' cars in the parking area.



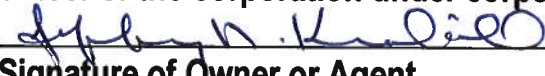
NECESSITY OF VARIANCE (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

CSD has been searching for a new location for a number of months, until now without much success. This use variance is critical for the following reasons:

- We must vacate our current location, 1 Superior Street. This location is now owned by the Erie County Department of Health and is operated as their opiate abuse recovery facility for women. They need the space and have asked that we leave as soon as possible.
- Denial of this use variance further delays CSD's departure. If delayed too long (we must leave Superior Street by August 1), we could well be out of business.
- The Hayes Ave location is a plus, both for ease of material deliveries and for general visibility.
- We are trying to remain in Sandusky and keep jobs here, but time is short.
- Nothing about CSD or our operations will be any noticeably different than the prior business which was located there (restaurant equipment repair). We may actually be better!

APPLICATION AUTHORIZATION:

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



Signature of Owner or Agent

4-15-19

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

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

n/a

Signature of Property Owner

n/a

Date

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

$$\frac{dx}{dt} = f(x, y, z), \quad \frac{dy}{dt} = g(x, y, z), \quad \frac{dz}{dt} = h(x, y, z),$$

where f, g, h are continuous functions of x, y, z and satisfy certain conditions.

2. In the second part, we consider the case where the functions f, g, h are linear in x, y, z .

3. The third part is devoted to the study of the stability of the solutions of the system.

4. Finally, in the fourth part, we consider the case where the functions f, g, h are periodic in t .

5. The fifth part is devoted to the study of the bifurcation of solutions.

6. The sixth part is devoted to the study of the asymptotic behavior of the solutions.

7. The seventh part is devoted to the study of the qualitative properties of the solutions.

8. The eighth part is devoted to the study of the global properties of the solutions.

9. The ninth part is devoted to the study of the topological properties of the solutions.

10. The tenth part is devoted to the study of the dynamical properties of the solutions.

11. The eleventh part is devoted to the study of the ergodic properties of the solutions.

12. The twelfth part is devoted to the study of the measure-theoretic properties of the solutions.

13. The thirteenth part is devoted to the study of the probabilistic properties of the solutions.

14. The fourteenth part is devoted to the study of the stochastic properties of the solutions.

15. The fifteenth part is devoted to the study of the chaotic properties of the solutions.

16. The sixteenth part is devoted to the study of the fractal properties of the solutions.

17. The seventeenth part is devoted to the study of the complex properties of the solutions.

18. The eighteenth part is devoted to the study of the quantum properties of the solutions.

19. The nineteenth part is devoted to the study of the relativistic properties of the solutions.

20. The twentieth part is devoted to the study of the cosmological properties of the solutions.

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

Applicant's Responses to the Elements of the Applicable Zoning Code

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance requested is not substantial. It is narrowly framed asking only that their business operate within the four walls of the building, using nothing outside the building except for parking and a dumpster (currently allowed). Further, applicant is willing to accommodate any concerns of the BZA or 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;

There is no anticipated impact on either the immediate neighbors or the neighborhood more generally. Applicant is committed to maintain a good relationship with its neighbors.

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;

Applicant is aware of the restriction and has worked diligently to familiarize City officials with both the nature of their business, the lack of any impacts it would have and its willingness to cooperate in way reasonably possible. To this end, City officials were invited to and attended a meeting at applicant's current location off Superior Street. Current operations and future plans were discussed, along with questions being asked and answered.

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

While some might argue that the applicant could move, that is overly simplistic and seems to be a more extreme solution than the circumstances require. Given that there is no impact on the essential nature of the neighborhood, a use variance that applies only to the applicant and no future owner of the property seems a more reasonable solution.

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

Applicant is absolutely committed to the spirit of the zoning requirement, both in its spirit and application. Applicant remains open to any suggestions as well.

G. Whether the property will yield a reasonable return, whether there can be a beneficial use of the property without a variance; and in this instance, the property can still yield a reasonable rate of return without the variance.

It isn't clear to the applicant how this is applicable to this circumstance. Without the variance, applicant cannot operate at the proposed location on Hayes, so "reasonable return" is moot.

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.

Applicant believes that the "general purpose, intent and objective" of the Zoning Code is to permit residents in the neighborhood to enjoy the use of their residences without interference from

adjacent businesses. As applicant has demonstrated in person to City officials through us of a decibel meter and those officials' personal experience, there is no impact on neighboring residences other than improvements to the property.

Section 1111.06(c)(2)

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

The applicant's business is slightly different from those specifically called out for RRB zoning, though the tools of applicant's business do not substantially differ from acceptable businesses. Examples include vacuum or compression pumps which might well be used either by wood working or appliance repair shops. Similarly, wood working very often requires the use of routers, both manual and fixed station which again are used by the applicant. Applicant's business uses no stamping of metal, welding, cutting or any other technique that might incur undue noise for surrounding residents.

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

Applicant has consistently demonstrated no adverse impact on adjacent properties 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;

As addressed elsewhere, applicant is in urgent need of a new location. Applicant secured the assistance of a realtor (Hoty Enterprises) to help locate suitable options. To date, 1030 Hayes Avenue is the best of only a few options available. The current lessor requires applicant's departure before August 1. Given the relatively short period of time applicant would have to find an alternative location, applicant could conceivably be left without a viable location should this use variance be denied.

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

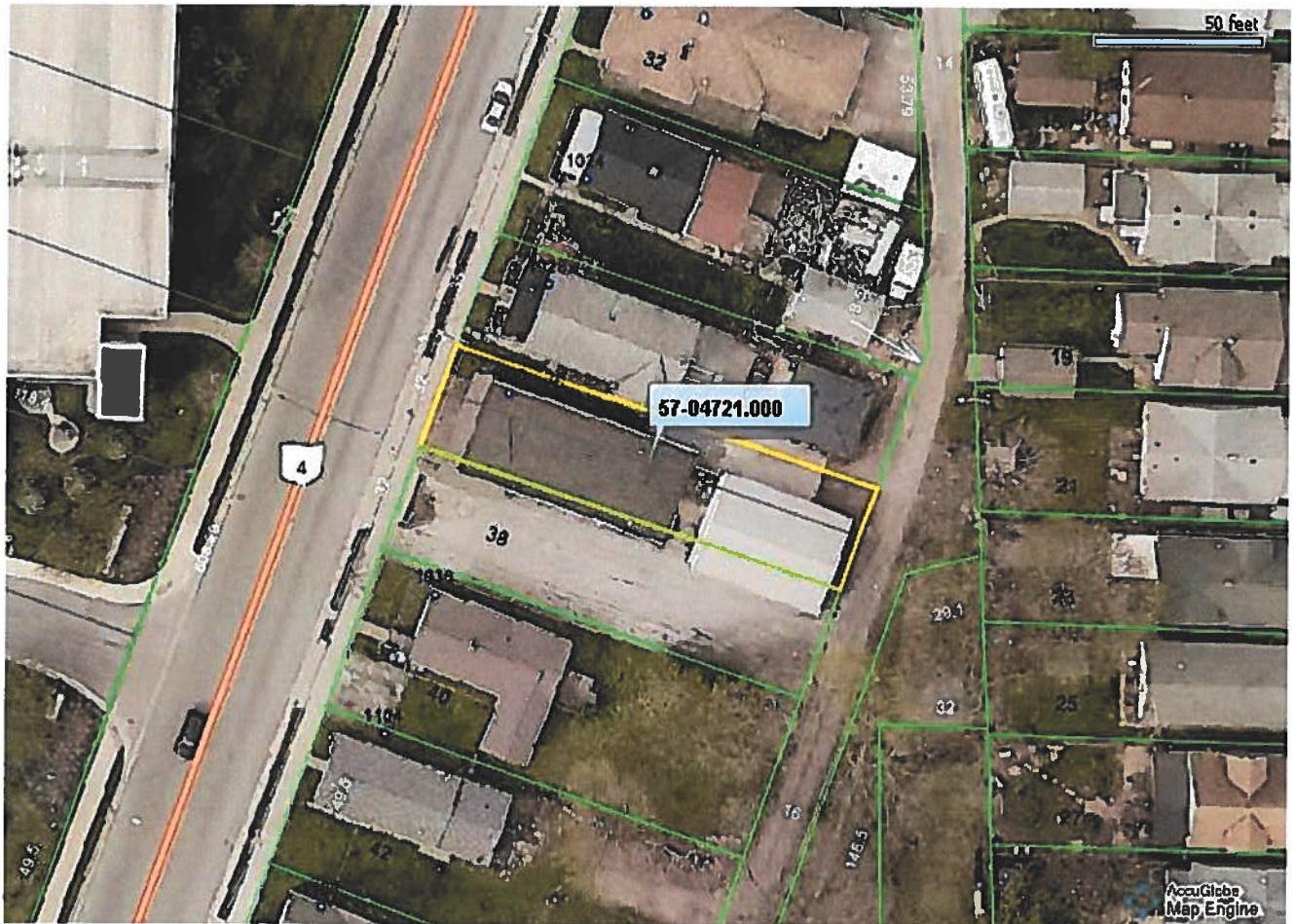
The proposed variance would in no way affect any of these.

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

Applicant recognizes the spirit and intent of the Zoning Ordinances of the City. This variance in no way is contrary to either the spirit or intent of those ordinances.

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

Erie County GIS



Notes

THE END

THE END

THE END



April 15, 2019

Angela Byington
City of Sandusky
222 Meigs Street
Sandusky Ohio 44870

Dear Ms. Byington:

Jeff Krabill is authorized by me to act as "agent" for the purpose of Custom Sign and Design's use variance application request to the City of Sandusky's Board of Zoning Appeals for my property located at 1030 Hayes Avenue...

Please contact me if you have any questions. My phone number is 419 656 0192.

Sincerely,


Rosemary Romick

RE/MAX Quality Realty
1919 Sandusky Mall Blvd. • Sandusky, OH 44870
Phone: (419) 627-1996 • Fax: (419) 627-1998

Each Re/Max office is independently owned and operated





Financial Administration
1111 Hayes Avenue
Sandusky, Ohio 44870
(ofc) 419-557-7793
(fax) 419-557-7778
www.firelands.com

April 22, 2019

Ms. Angie Byington
City of Sandusky
222 Meigs Street
Sandusky, Ohio 44870

Dear Ms. Byington:

I recently learned that Custom Sign & Design is seeking a use variance for the commercial property at 1030 Hayes Avenue. From the standpoint of Firelands Regional Health System, this is a positive development for our neighborhood. As you know, we have purchased and cleared a number of properties along the Hayes Avenue corridor and see this variance request as a continued enhancement in helping to maintain or improve the overall quality of the properties along Hayes Avenue. We are supportive of this variance request.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Moncher". The signature is fluid and cursive, with the first name "Daniel" and last name "Moncher" clearly legible.

Daniel J. Moncher
Executive Vice President & CFO

CITY OF SANDUSKY, OHIO
PLANNING DEPARTMENT

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A SIX FOOT FENCE ALONG
THE SIDE YARD AT 712 THORPE DRIVE

Reference Number: BZA-6-19

Date of Report: May 7, 2019

Report Author: Tom Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Robert Fox, Jr. has submitted an application to construct a 6-foot fence along a lot line in a side yard in a R1-75 Single Family Residential zoning district. The following information is relevant to this application:

Applicant: Robert Fox, Jr.
712 Thorpe Dr.
Sandusky, Ohio 44870

Site Location: 712 Thorpe Dr.
Sandusky, Ohio 44870

Zoning: "R1-75"- Single-Family Residential

Surrounding Zoning: "R1-75"- Single-Family Residential

Surrounding Uses: Single-Family Residential

Existing Use: Single-Family Residential

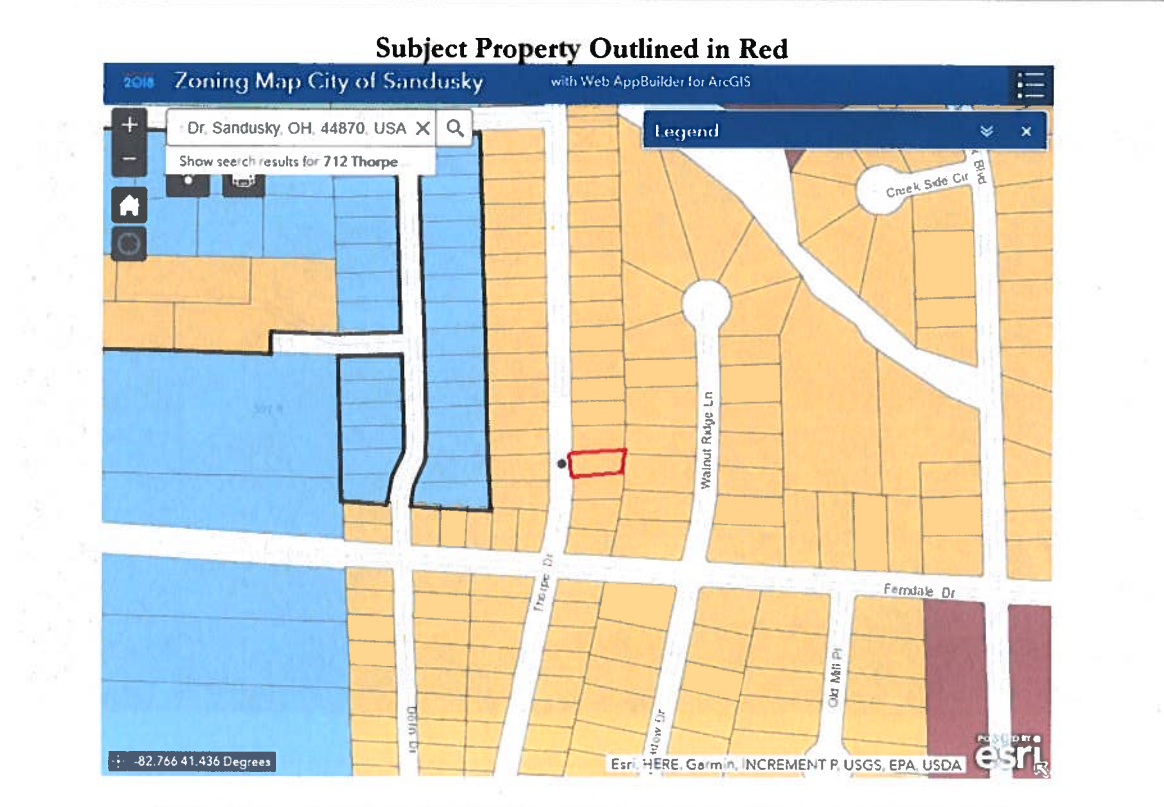
Proposed Use: Single-Family Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17 Fences

Variance Requested: 1) A variance to allow construction of a 6-foot fence along the side yard where only four feet is allowed.

Variance Proposed: 1) The applicant proposes to construct a 6-foot fence along the side yard.

SITE DESCRIPTION



Aerial View



PLANNING DEPARTMENT COMMENTS

The applicant proposed building a six foot fence along the south side lot line in the side yard. The fencing section of the Sandusky Zoning Code only allows for a maximum of four feet in the side yard. As to the necessity of the variance, the applicant stated:

"I Robert Fox and my neighbors (Doug and Joyce Mullins) do not get along, I feel this variance will end any debate we have towards one another and help ease tensions."

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include: Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial.

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 variance would not substantially alter the character of the neighborhood, nor would adjoining property suffer a substantial detriment.

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.

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

Unknown.

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

The reason given by the property owner is due to a dispute with the neighbors, which could conceivably be resolved by a different method.

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

The granting of the variance would not significantly violate the spirit and intent behind the zoning requirement. The subject property is located in a R1-65 zoning district, meaning that the yard widths and substantially wider than in other residential districts, thus mitigating the effects of taller fences.

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

The property can still yield a reasonable return without a 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 granting of the variance will not be contrary to the general purpose, intent and objective of the zoning code, nor the comprehensive plan.

CONCLUSION/RECOMMENDATION

Staff does not believe that the variance being requested is substantial, however, the reason for the variance does not demonstrate that a practical difficulty exists due to the fact that the issue at hand is a neighbor dispute. For that reason, staff would not recommend approval of the variance.



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

_____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name:

Robert Fox JR.

Property Owner Address:

712 Thorpe

Property Owner Telephone:

419-609-9194

☐ Check if okay to Text

Email

N/A

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: 712 Thorpe Drive

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

Being Sublot 98 in The Venice Heights ALLOTMENT

Permanent Parcel Number: _____

Zoning District: _____

VARIANCE INFORMATION:

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

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

24.8' - 0 FT Fence (From back of House to front)

DETAILED SITE INFORMATION:

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

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

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

Building #3: _____ Additional: _____

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

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): _____

Number of Accessory Buildings: _____

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

Would EXTEND Existing 6FT Fence to front of
home, then 4FT TO SIDEWALK

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):

(Lot 98) I Robert Fox AND my neighbors (Lot 97) (Doug & Joyce Mullins) do not get along, I feel this variance will end any debate we have towards one another and help ease tensions.

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.

Robert Fox Jr
Signature of Owner or Agent

4-5-2019
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

SKETCH OF IDENTIFICATION CERTIFICATE

DATE 06/08/06

SCALE 1" = 30' 30'

JOB NO. FAS06-045 (33260)

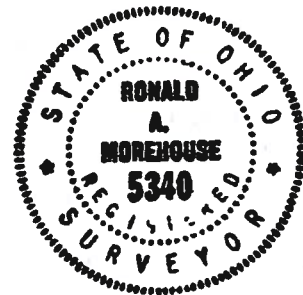
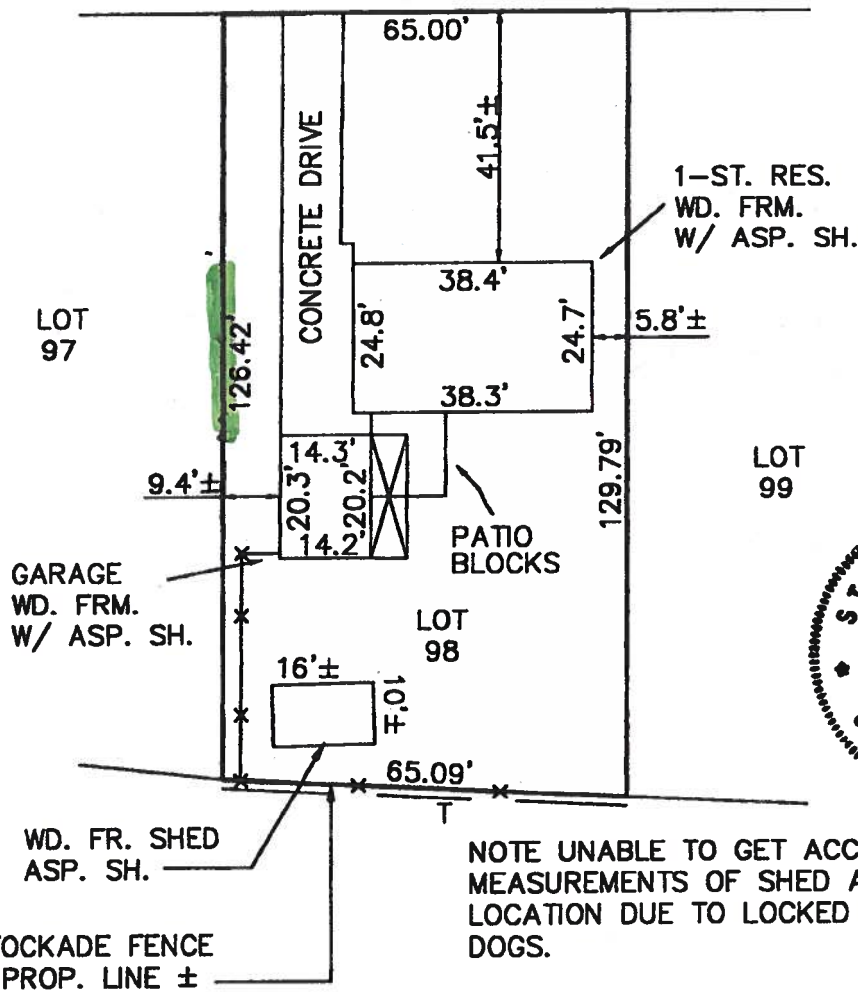
ORDER NO.: 1202567

BEING SUBLT 98 IN THE VENICE HEIGHTS ALLOTMENT
CITY OF SANDUSKY, ERIE COUNTY, OHIO



THORPE DRIVE 60' R/W

E



NOTE UNABLE TO GET ACCURATE
MEASUREMENTS OF SHED AND SHED
LOCATION DUE TO LOCKED FENCE
DOGS.

[33260.DWG] GSC
06-09-06 7:59AM

☒ NOTE: SUBJECT BUILDING IS LOCATED IN ZONE C
OUTSIDE THE 100 YEAR FLOOD PLAIN.
COMMUNITY PANEL NO. 390156 B
EFFECTIVE DATE 05-JULY-77

☐ NOTE: FLOOD PLAIN INFORMATION
NOT AVAILABLE.

CERTIFICATION: We hereby certify that the foregoing Mortgage Location Survey was prepared from actual field measurements in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to chapter 4733-37 of said code.

BAHAROGLU & ASSOCIATES, INC. NORWALK, OHIO

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN USE VARIANCE TO OPERATE A TRANSIENT RENTAL PROPERTY AT 2309 COLUMBUS AVE

Reference Number: BZA-8-19

Date of Report: May 7, 2019

Report Author: Tom Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Daniel McGookey, as an authorized agent of Theodore & Debra Peters, has submitted an application to operate a transient rental property in a R1-40 Single Family Residential zoning district. The following information is relevant to this application:

Applicant: Daniel McGookey
225 Meigs St.
Sandusky, Ohio 44870

Owner: Theodore & Debra Peters
2315 Columbus Ave.
Sandusky, Ohio 44870

Site Location: 2309 Columbus Ave.
Sandusky, Ohio 44870

Zoning: "R1-40"- Single-Family Residential

Surrounding Zoning: North, East, South: "R1-40"- Single-Family Residential
West: "R1-60"- Single-Family Residential

Surrounding Uses: Single-Family Residential

Existing Use: Vacant

Proposed Use: Transient Rental Property

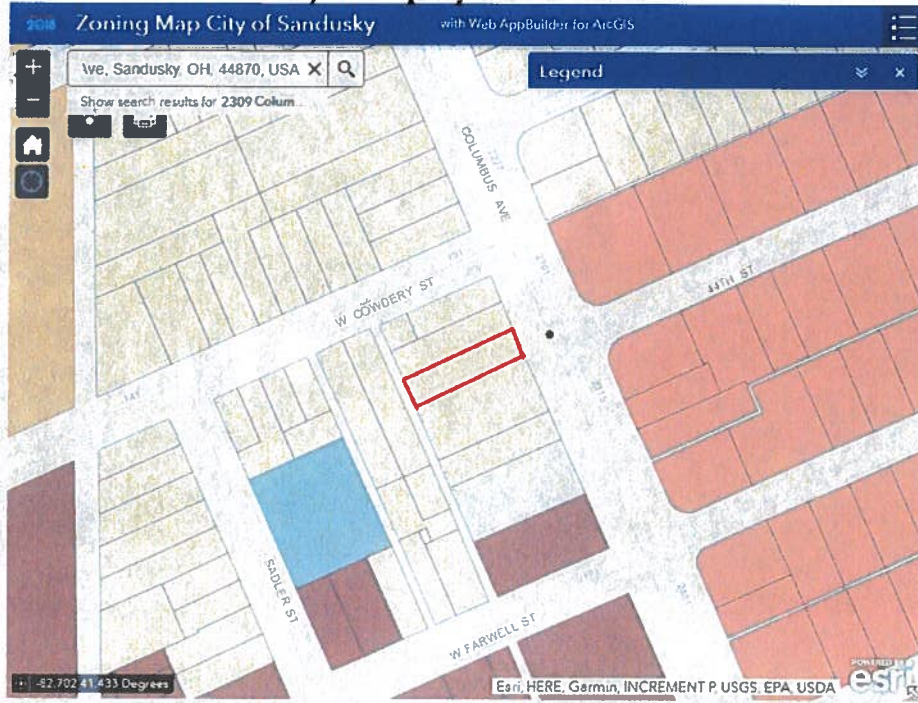
Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.03 Schedule of Permitted Buildings and Uses in a Residential District

Variance Requested: 1) A variance to allow a transient rental use in a residential zoning district.

Variance Proposed: 1) The applicant proposes to operate the property as a transient rental.

SITE DESCRIPTION

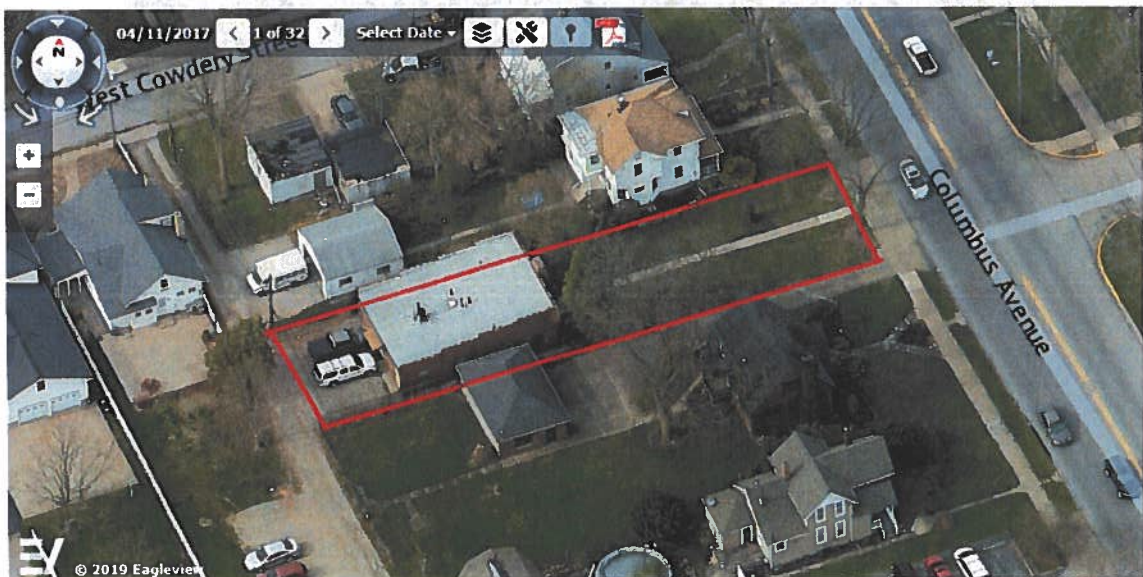
Subject Property Outlined in Red



Street View



Aerial View



PLANNING DEPARTMENT COMMENTS

The applicant is requesting a use variance to allow for transient rental at the above referenced property. The applicant is proposing to renovate the structure to include five bedrooms, 2 ½ bathrooms, a kitchen, and family room. The applicant states that the building is not suitable for a single-family residence. The applicant states that the building was built in 1939 as a fish hatchery and has most recently been used as a podiatry office. It has previously been utilized for office, however the building has been vacant for more than one year as such it will have to comply with existing zoning regulations which would not permit an office use. As stated the current zoning is "R1-40" Single Family Residential which would permit single family dwellings. In 2016, the Planning Commission approved office and storage use for this property, but the development did not move forward.

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 it would allow for a use that is not permitted in the zoning district.

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

The variance would likely not substantially alter the character of the neighborhood, nor would adjoining property suffer a substantial detriment.

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.

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

The applicant stated that the property owner was aware of the zoning restriction.

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

The property received approval from the Planning Commission to be used for office and storage in 2016. The applicant could either return to Planning Commission and request approval for a new office or storage use or utilize the building as a single family dwelling after renovation.

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

The Zoning Code is explicit in prohibiting transient rental use in residential districts, unless in a transient overlay district.

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

The property can still yield a reasonable return without a variance, as it was approved to be used for office in 2016 and could utilize the structure as a single family residence after renovation.

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 granting of the variance would be contrary to the general purpose, intent and objective of the zoning code.

Other conditions that the Zoning Board of Appeals must determine have been met for use variances 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 condition with this property is unique in that it was built as and has operated as a commercial building in a residential district, although it has been vacant for a few years. The building lends itself to a nonresidential use.

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

In Planning Staff's opinion, permitting a use variance for 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 purchased the property with knowledge of the zoning restrictions and it was allowed to operate as an office and storage. The applicant stated that the lot would not be suitable for a new residence to be built if this structure were demolished, however, the lot is standard size for a R1-40 district and could support a new residential structure.

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

The single proposed use variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood. However, by setting a precedent, additional homes in the area may convert to transient rental could change the character 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.

Granting a use variance for one specific property does appear to be contrary to the general spirit, intent or objectives of the Zoning Code.

CONCLUSION/RECOMMENDATION

Staff acknowledges that this structure is unique in the residential zoning district, and does not lend itself to residential use without renovation, however, staff believes there are viable uses for it as a single family residence (if renovations were completed as proposed for transient use) or as an office, as was approved by Planning Commission in 2016. The Zoning Code makes it clear that transient rentals are not permitted in residential districts, unless in a transient overlay district. Because staff does not believe that all the conditions in Section 1111.06(c)(2) of the Zoning Code have been satisfied, staff does not recommend the approval of the use variance.



CITY OF SANDUSKY
PLANNING DEPARTMENT
222 Meigs St., Sandusky, Ohio 44870
Phone 419-627-5891

APPLICATION FOR BOARD OF ZONING APPEALS

Address of Subject Property: 2309 Columbus Ave, Sand, Oh 44870
Applicant Name: Theodore Peters
C/O Daniel L. McGookey
Applicant Address: 225 Meigs St, Sand, Oh 44870
Applicant Phone: 419-271-5094
Applicant Email: dmcgookey@mcgookeylaw.com
Property Owner Name: Theodore + Debra Peters
Property Owner Address: 2315 Columbus Ave, Sand, Oh 44870
Property Owner Phone: 419-656-0817
Property Owner Email: Kaybachru@gmail.com

VARIANCE INFORMATION:

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

§ 1111.06 (c) of Ch. 11

Variance(s) Requested:

To allow transient rentals in
conformity with the Regulations governing
such rentals.

Description of Proposal:

(see attached)

PRACTICAL DIFFICULTIES (for ALL variance requests):

According to Chapter 1111.06(c)(1) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that a "practical difficulty" exists in order to approve a variance. The Board must consider the following factors. Please completely fill out all sections:

- 1) Would the variance be substantial?

(see attached)

- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?

(see attached)

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?

(see attached)

- 4) Was the property purchased with the knowledge of the zoning restrictions?

(see attached)

- 5) Can the property owner's predicament be resolved through some method other than a variance?

(see attached)

- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?

(see attached)

- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?

(see attached)

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

(see attached)

UNNECESSARY HARDSHIP (for USE variance requests only):

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) 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 be an action or actions of the property owner or the applicant.

(see attached)

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

(see attached)

- 3) That the strict application of the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or the applicant.

(see attached)

- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

(see attached)

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

(see attached)

APPLICATION AUTHORIZATION:

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

Daniel McGee
Signature of Owner or Agent

4/24/19
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of 2309 Columbus Ave. (municipal street address of property), I hereby authorize Daniel McGee to act on my behalf during the Board of Zoning Appeals approval process.

Lawrence R. Peters
Signature of Property Owner

4/24/19
Date

REQUIRED SUBMITTALS:

- 1) Application submitted either as hard copy or electronic copy
- 2) \$100 filing fee
- 3) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - 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) Elevation drawings for height variances
 - g) Setbacks from lot lines for existing & proposed construction
 - h) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

**ATTACHMENT TO APPLICATION OF THEODORE & DEBRA PETERS TO THE
SANDUSKY BOARD OF ZONING APPEALS FOR A USE VARIANCE FOR THE
RESIDENTIAL PROPERTY LOCATED AT 2309 COLUMBUS AVE, SANDUKY, OHIO**

VARIANCE INFORMATION:

Description of Proposal: This application is brought on behalf of Theodore and Debra Peters, lifelong residents of Sandusky, reside at 2315 Columbus Ave, Sandusky, next door to the premises (2309) for which the variance is sought. The building was built in 1939 as a fish hatchery. More recently, it was used by Dr. Robert Fidler, deceased, for many years as his podiatry office. It has always been used for a commercial purpose, and never as a principal residence. In fact, it is not functional for that purpose, given the shape and size of the building and the lot it sits on. Attached hereto are printouts of materials from the Erie County Auditor's website. They show that the lot is 40' x 165', being .1516 acre. The building is 36' x 50', for a total of 1800 sq. ft. Also attached are pictures of the outside and inside of the building. These confirm the building unsuitability for conversion into a single family residence. Even if the building were torn down, it couldn't be replaced given the setback requirements of the Code. The Peters propose to convert the building into a short term rental for out of town visitors and tourists. The proposed layout is attached. There would be five bedrooms, 2 ½ bathrooms, kitchen and family room. Subcontractors will be licensed. There are four parking spaces available directly behind the building (to the west), with another five spaces off the alley running behind the building. As evidenced by the attached signed statement all adjoining neighbors heartily support this proposal, including one who has resided in his home for 59 years (He would like to have his out of town children stay there while visiting).

PRACTICAL DIFICULTIES:

1) Q. Would the variance be substantial?

A. No. In actuality, the proposed use would be actually be less intensive than it has been previously.

2) Q. Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?

A. No.

3) Q. Would the variance adversely affect the delivery of government services?

A. No.

4) Q. Was the property purchased with the knowledge of the zoning restrictions?

A. Yes. However, it was also understood that the building could be used as professional offices, under the Local Business or General Business zoning ordinances.

5) Q. Can the property owner's predicament be resolved through some other method other than a variance?

A. No.

6) Q. Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

A. Yes.

7) Q. Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?

A. No.

8) Q. Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

A. No.

UNNECESSARY HARDSHIP:

1) Q. 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 be an action or actions of the property owner or applicant.

A. For the reasons stated above, the Peters submit this situation is unique, and not ordinarily found in the same zoning district. The building was built as a commercial building, has always been used as such. As a practical matter, it is not suitable for a single family residence.

2) Q. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents.

A. No. In fact the neighbors support this Application.

3) Q. That the strict application off the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.

4) A. That the variance desired will not adversely affect the public health, safety, morals or general welfare.

Q. No.

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

A. No.

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

Erie County GIS



Notes

Data For Parcel 57-01486.000

Base Data

Parcel: 57-01486.000
Owner: PETERS THEODORE R & DEBRA A
Address: 2309 COLUMBUS SANDUSKY OH 44870



[+] Map this property.

Tax Mailing Address If you have a mortgage this may be the mortgage company's address

Mailing Name: PETERS THEODORE R
Address: 2315 COLUMBUS AVE
City State Zip: SANDUSKY OH 44870

Geographic

City: SANDUSKY CITY
Township:
School District: SANDUSKY SD

Legal Tax Year 2018 Payable 2019

Legal Acres:	0.1516	Homestead Reduction:	NO
Legal Description:	238 COLUMBUS AVE W 40'X165'	2.5% Reduction	NO
Land Use: Download descriptions.	442 - MEDICAL CLINICS AND/OR OFFICES	Foreclosure:	NO
Neighborhood:	45708	Board of Revision:	NO
Number Of Cards:	1	New Construction:	NO
Annual Tax (Does not include delinquencies.):	\$1,748.20	Divided Property:	NO

Notes

Notes: MAP NUMBER: 31
PERSONAL PROPERTY DISTRICT: 22-0320

Report Discrepancy

*GIS parcel shapefile last updated 4/23/2019 10:11:42 PM.**The CAMA data presented on this website is current as of 4/23/2019 9:02:52 PM.*

Data For Parcel 57-01486.000

Note: Sketch Items labeled **O1** through **O9** are **Other Improvements** and more detail about these items can be found under the **Improvements** tab.
[Click here for Sketch Codes and Descriptions](#)

Sketch Data

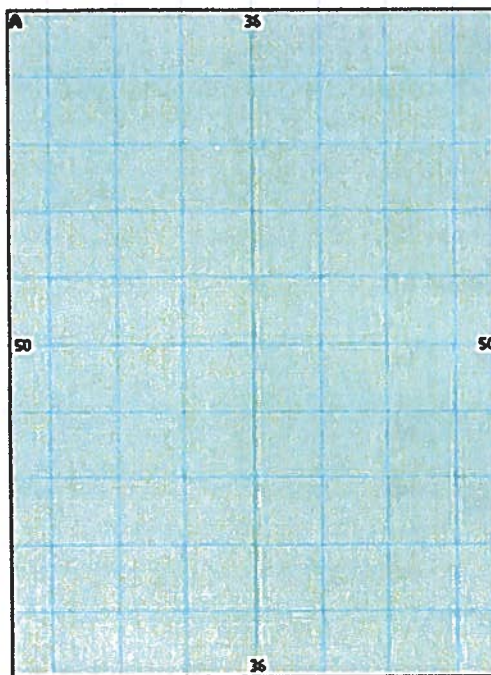
Parcel: 57-01486.000
Owner: PETERS THEODORE R & DEBRA A
Address: 2309 COLUMBUS SANDUSKY OH 44870



[+] Map this property.

Sketch

Card: ▾



Grid Scale:
 1 s Br/Slab
1800 sqft

[Report Discrepancy](#)

*GIS parcel shapefile last updated 4/23/2019 10:11:42 PM.
The CAMA data presented on this website is current as of 4/23/2019 9:02:52 PM.*

Data For Parcel 57-01486.000

Commercial Data

Parcel: 57-01486.000
Owner: PETERS THEODORE R & DEBRA A
Address: 2309 COLUMBUS SANDUSKY OH 44870



[+] Map this property.

Card of 1

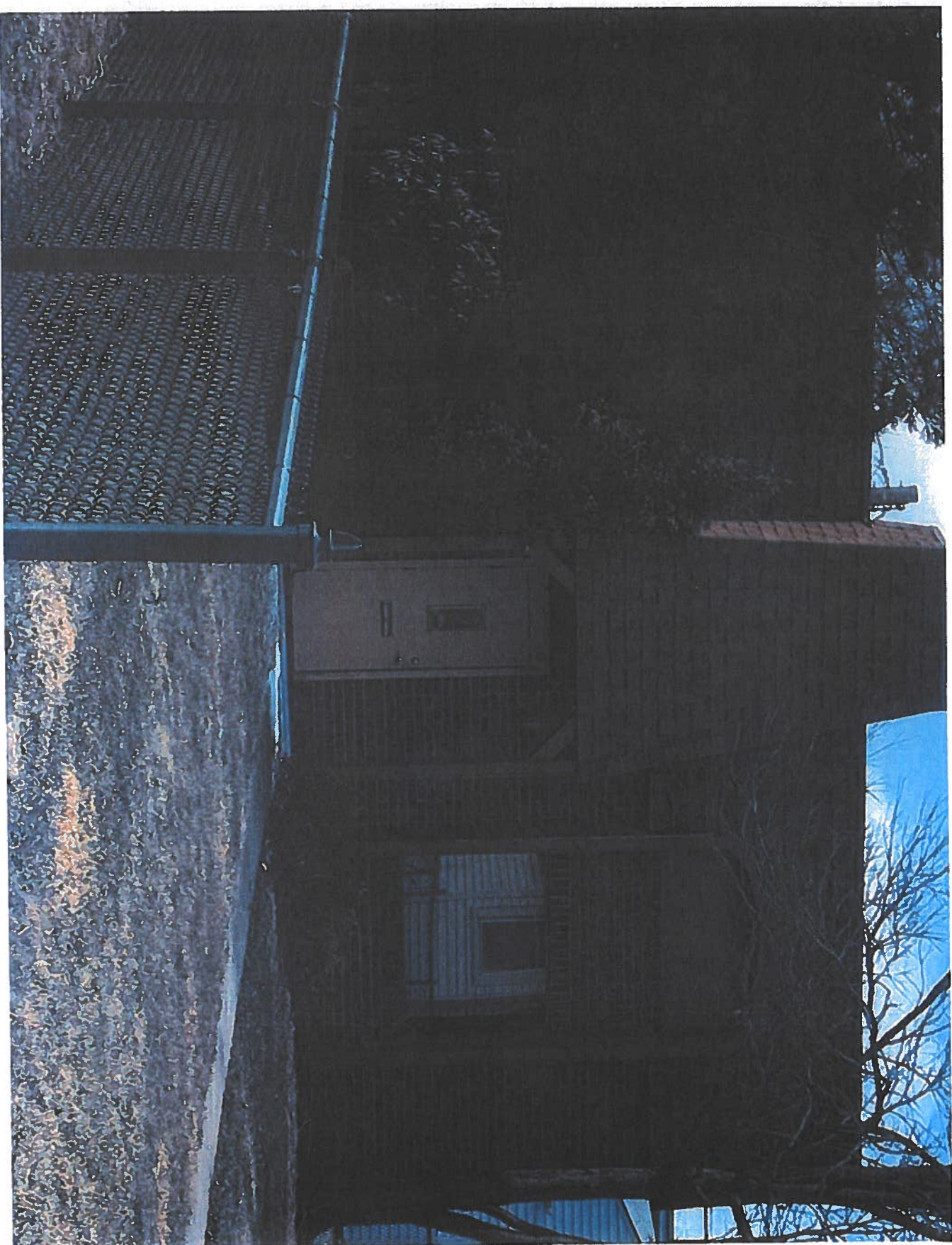
Commercial

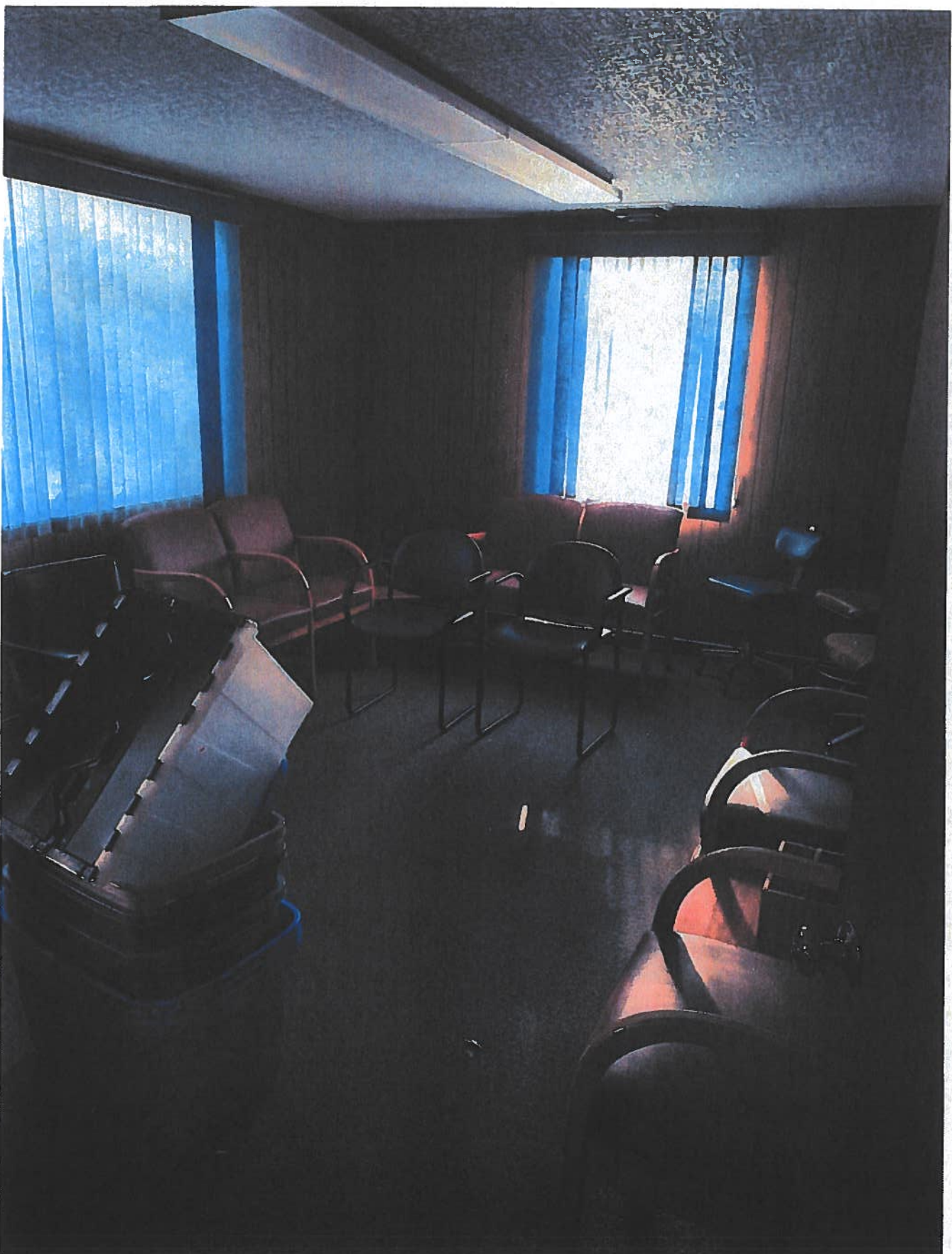
Occupancy Type Code	Description	Year Built	Year Remodeled	Unit Count	Section ID	Section Number	Section Area	Wall Height	Section Story Count
341	Medical Office	1939	0	0	001		1800	12	1

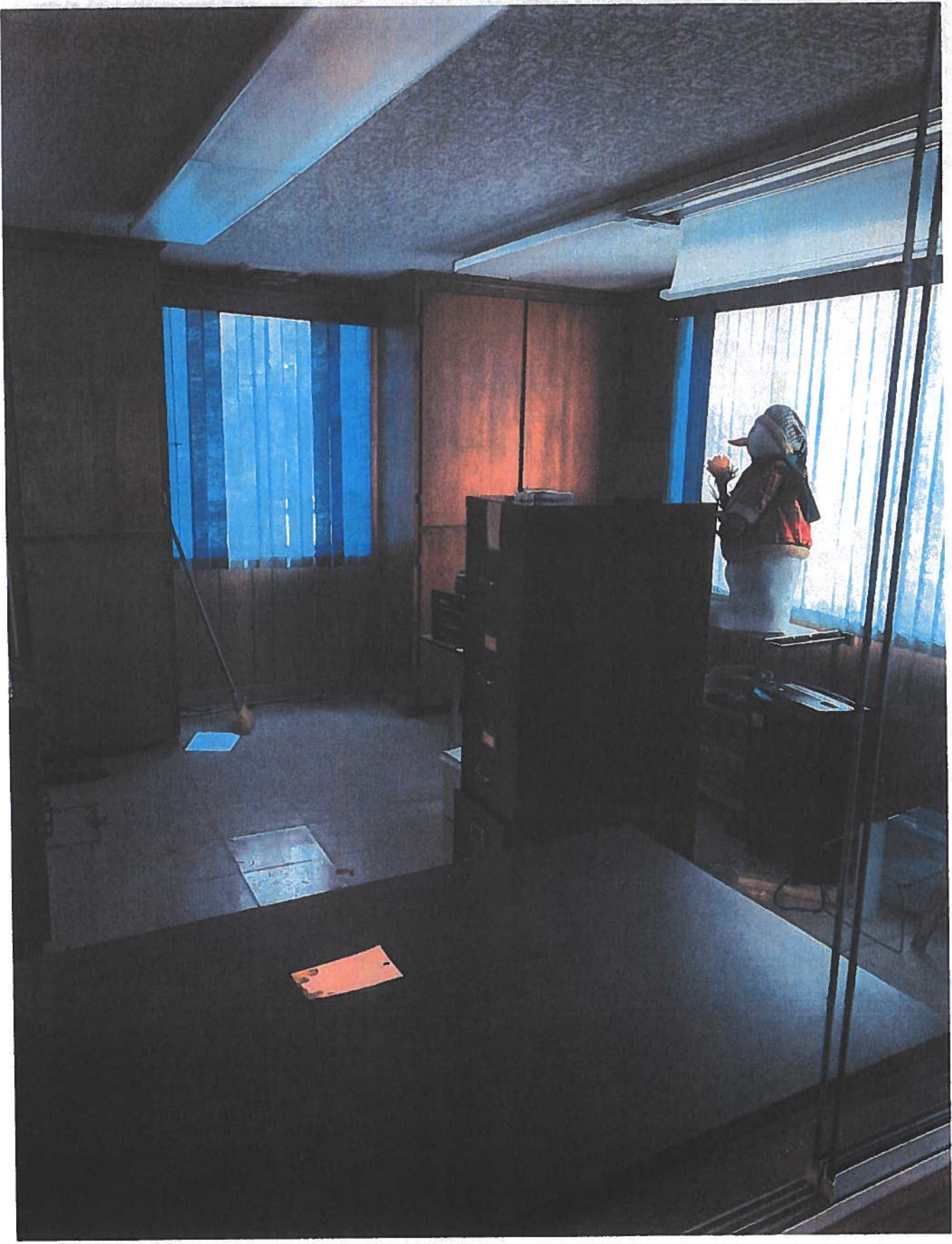
[Report Discrepancy](#)

GIS parcel shapefile last updated 4/23/2019 10:11:42 PM.

The CAMA data presented on this website is current as of 4/23/2019 9:02:52 PM.







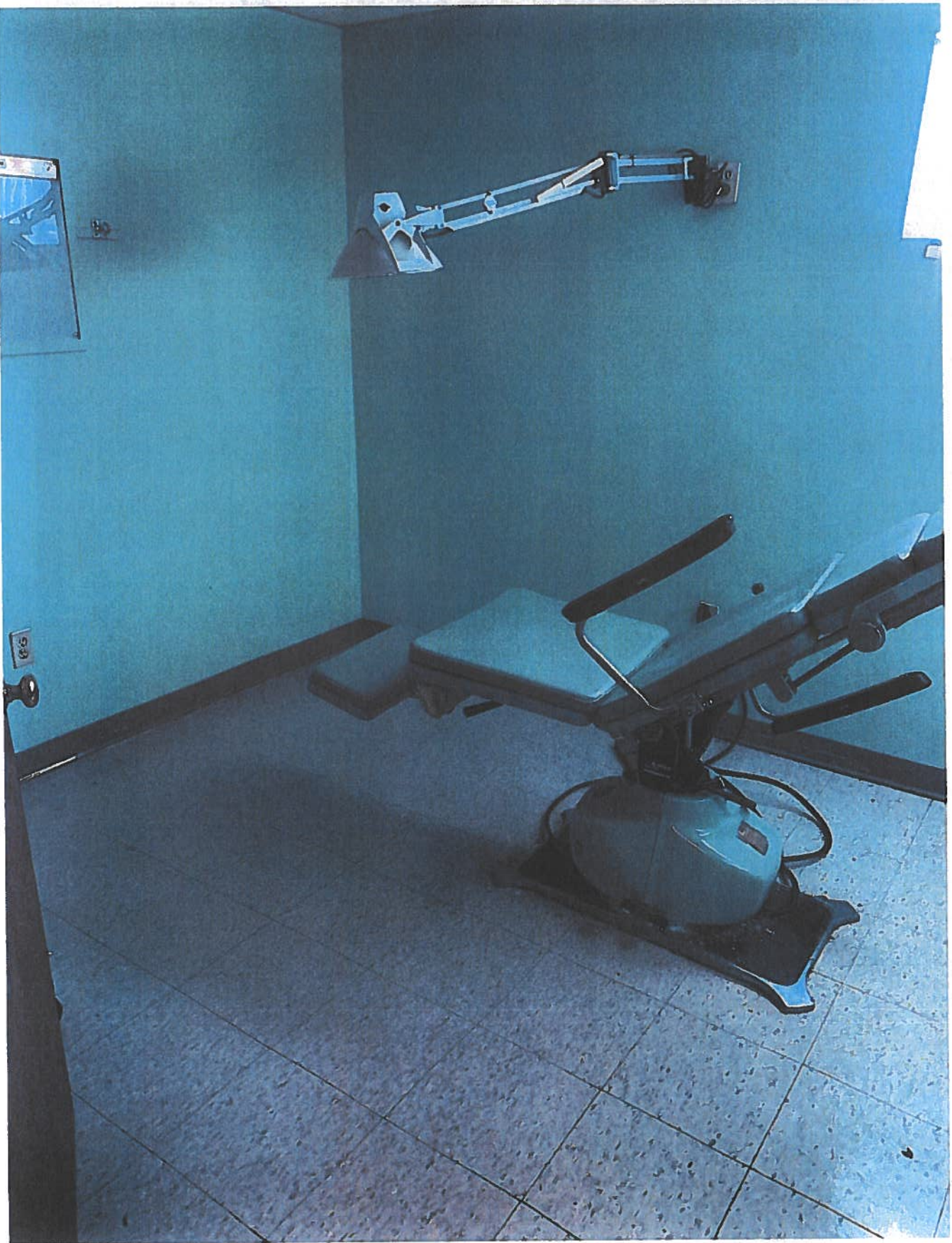




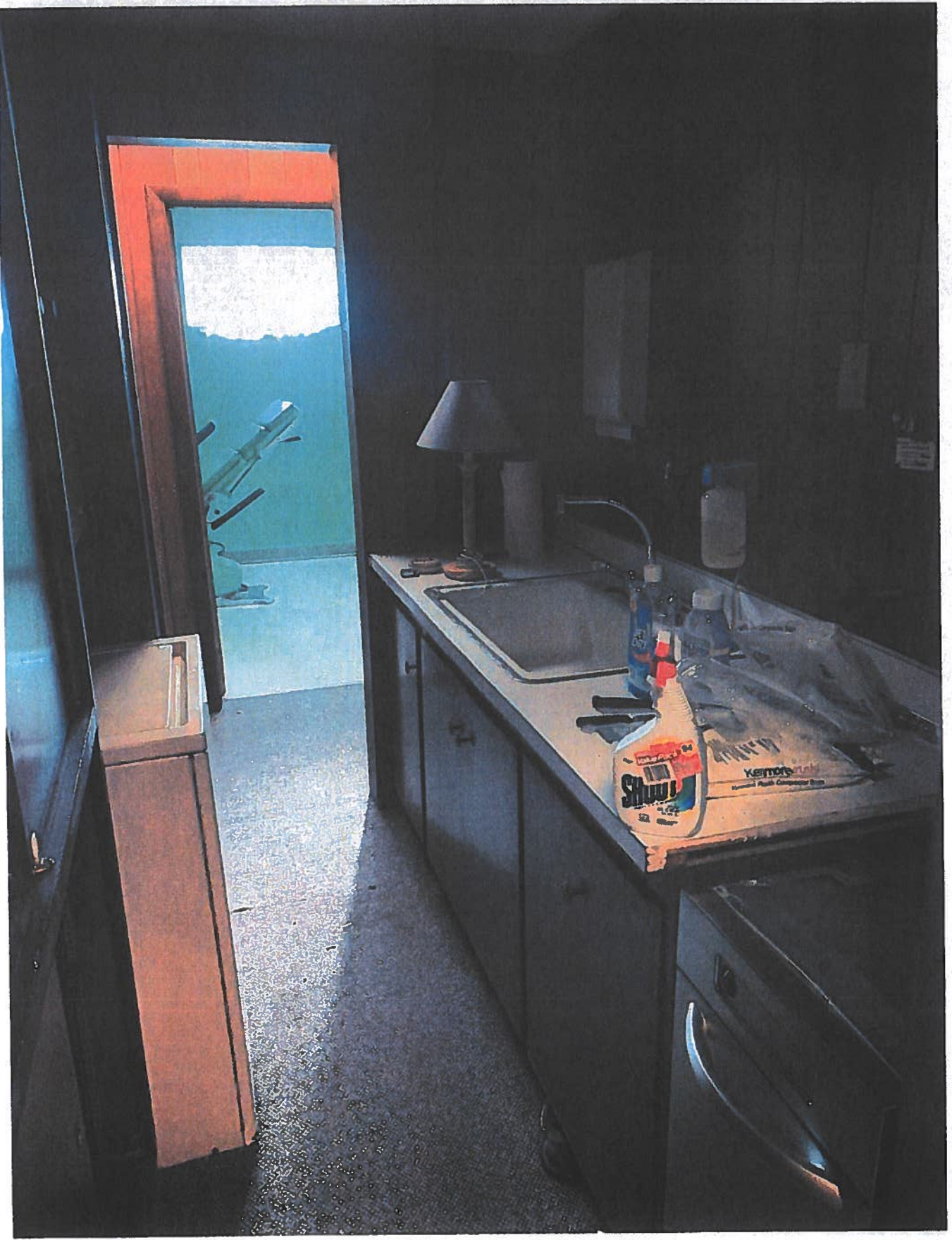












Columbus Ave

2305

2309

2307

E

Front Entrance

GATE

36'

Great Room

L Counter

Full Bath

Full Bath

Bed Room

UTILITY Closet
9'4"

Bed Room

Kitchen

Furnace

STOVE

Refrig

ISLAND 3'X6'

Rear Ent.

Rear Ent.

4-5 Parking Spaces

ALLEY W

N

50'

11'8"

10'

Bed Room

9'

Bed Room

9'

Back Bedroom

9'

TV SITTING Room
9'

7'9"

5'8"

5'2"

13'

15'

4'

8'

COUNTER 5'

4'

3'

6'2"

1/2 Bath

3'6"

16'

15'5"

9'4"

SIDE WALK

As the owners of 2309 Columbus Ave, we, Theodore & Debra Peters of 2315 Columbus Ave. are petitioning our neighbors in support of our efforts to revitalize the former Dr. Robert G. Fidler's office into a family themed vacation rental. Our goal is to respect, protect and improve our neighborhoods integrity and property values through the revitalization of this decaying property.

Address

Signature

2305 Columbus Ave Sarnisky

KAH CB A

2309 Columbus Ave Sarnisky

[Signature]

2319 Columbus Ave Sarnisky

[Signature]

122W Cowdery ST

Theodore / Schaffer
Florence Schaffer

118 W Cowdery St

[Signature]

118 W COWDERY ST

Taylor Kepner