



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

September 19th, 2019 4:30 pm City Commission Chamber Agenda

1. Meeting called to order – Roll Call
2. Review of minutes from the August 22nd, 2019 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items

Adjudication hearings to consider the following:

1) 122 Greenbrier Lane

Raymond J. Schaefer, Inc, on behalf of Don and Jeanne Sharrah, has submitted an application to construct an addition to the garage at 122 Greenbrier Lane in a R1-75 Single-Family Residential zoning district. The appellant is seeking a variance for relief from the strict application of the following section of the Sandusky Codified Ordinances:

Section 1129.14 which states that the depth of a front yard in a R1-75 zoning district must not be less than 35 feet and the owner is proposing 27 feet.

4. Other Business
5. Adjournment

Next Meeting: October 17th, 2019

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

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT AN ADDITION TO THE DWELLING AT
122 GREENBRIER LANE THAT PROJECTS INTO THE
REQUIRED FRONT YARD

Reference Number: PVAR19-0013

Date of Report: September 12, 2019

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Raymond J. Schaefer, Inc, on behalf of Don and Jeanne Sharrah, has submitted an application to construct an addition to the garage at 122 Greenbrier Lane in a R1-75 Single-Family Residential zoning district. The following information is relevant to this application:

Applicant: Raymond J. Schaefer, Inc.
1437 Sycamore Line
Sandusky, OH 44870

Owner: Don and Jeanne Sharrah
122 Greenbrier Lane
Sandusky, OH 44870

Site Location: 122 Greenbrier Lane
Sandusky, OH 44870

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

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

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Addition to the garage

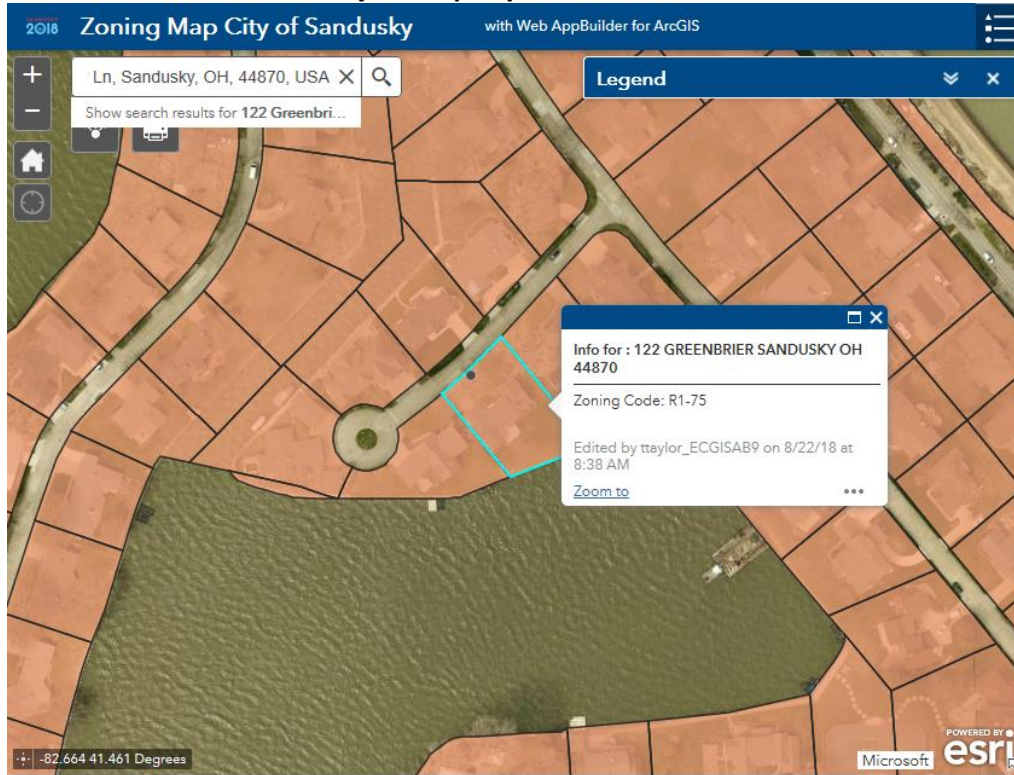
Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.03

Variance Requested: 1) A variance to allow an addition to the dwelling to extend 8 feet into the required front yard.

Variance Proposed: 1) The applicant proposes to construct an addition to the garage.

SITE DESCRIPTION

Subject Property Outlined in Blue



Aerial View (Proposed garage addition location in red)



DEPARTMENT OF PLANNING COMMENTS

The applicant is proposing to construct additions to the dwelling at 122 Greenbrier Lane, including expanding the garage to accommodate more vehicles. The addition to the garage would project into the required front yard. The required front yard setback in a R1-75 zoning district is 35 feet, and the front line of the proposed garage addition would only be set back 27 feet. The property is also located in a flood zone, and before construction of an addition begins, the owner would need to receive a permit from the City's Division of Engineering. The applicant has also applied for a variance for relief from the City's flood plain regulations, and that request is currently under review from the Division of Engineering.

The location of this property is unique compared to most properties in R1-75 zoning districts in the city. Greenbrier Lane extends down a small peninsula off the Cedar Point Chaussee. The back end of the rear yard of the subject property abuts the Sandusky Bay. The dwelling currently conforms to the 35-foot setback requirement although many of the surrounding dwellings are built up much closer to the lot line and do not conform to the 35-foot setback requirement.

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 likely substantially alter the character of the neighborhood, as many surrounding houses are built much closer to the lot line than what the owner is proposing.

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 stated that the owner was not aware of the zoning restriction.

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

The property owner would need a variance to construct the proposed addition.

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.

- 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 would not be contrary to the intent and objective of the Zoning Code.

CONCLUSION/RECOMMENDATION

Due to the fact that this lot is uniquely situated along the Sandusky Bay, the lot depth is shorter than typically found in R1-75 zoning districts, and that many surrounding dwellings project into the required front yard, staff believes that strict application of the Zoning Code would present a practical difficulty for the owner and thus staff supports the variance request. Staff also notes that construction of the addition cannot commence until the owner receives clearance from the Division of Engineering to build in a flood zone or receives a variance from the flood plain regulations from the Board of Zoning Appeals.



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:	122 Greenbrier
Applicant Name:	Raymond J. Shaefer, Inc.
Applicant Address:	1437 Sycamore Lane
Applicant Phone:	(419) 625-2668
Applicant Email:	info@rjschaeferinc.com
Property Owner Name:	Don & Jeanne Shaefer
Property Owner Address:	122 Greenbrier
Property Owner Phone:	
Property Owner Email:	dajps2000@yahoo.com

VARIANCE INFORMATION:

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

Variance(s) Requested: Flood Plain - Elevation

Front Setback

Description of Proposal:

Existing Finish Floor is at 577.35. City requires 579.30. This affects 2 proposed additions

Existing front setback is 35'. Garage Addition would be an additional 8'

PRACTICAL DIFFICULTIES (for ALL variance reuquests):

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 - We are just requesting to maintain/match existing floor height
No - We are asking for 8' over the front setbacks
- 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 - the existing/proposed floor height have no affect on neighbors
No - it would not obstruct anyone's view of the lake
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
Has no affect
- 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?
No - it is not feasible/cost effective to lift house up
No - it is not possible to change location of garage
- 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 future additions would be possible if floor heights are to low
- No - the garage is not large enough for mid-size/large vehicles
- 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
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 garage is not big enough to park vehicles in it. This will become a permanent residence if the harsh winters on CP Road. Keeping vehicles inside is important. The other addition general remodeling allow the owner to have 3' doors for wheel chair access.
- 2) That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents.
- The floor heights have no effect on the neighbors
- The 8' garage addition will not affect anyone's lake view
- 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.
- Without the elevation variance, the homeowners will not be able to remodel & enlarge openings for wheel chair access.
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
It has no effect on any of the noted items - 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
It would not be opposed to the general spirit or intent of the zoning ordinance.

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 122 Leysbridge (municipal street address of property), I hereby authorize Eric Schaeffer to act on my behalf during the Board of Zoning Appeals approval process.

Signature of Property Owner

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:

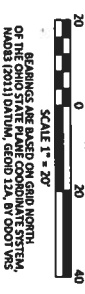
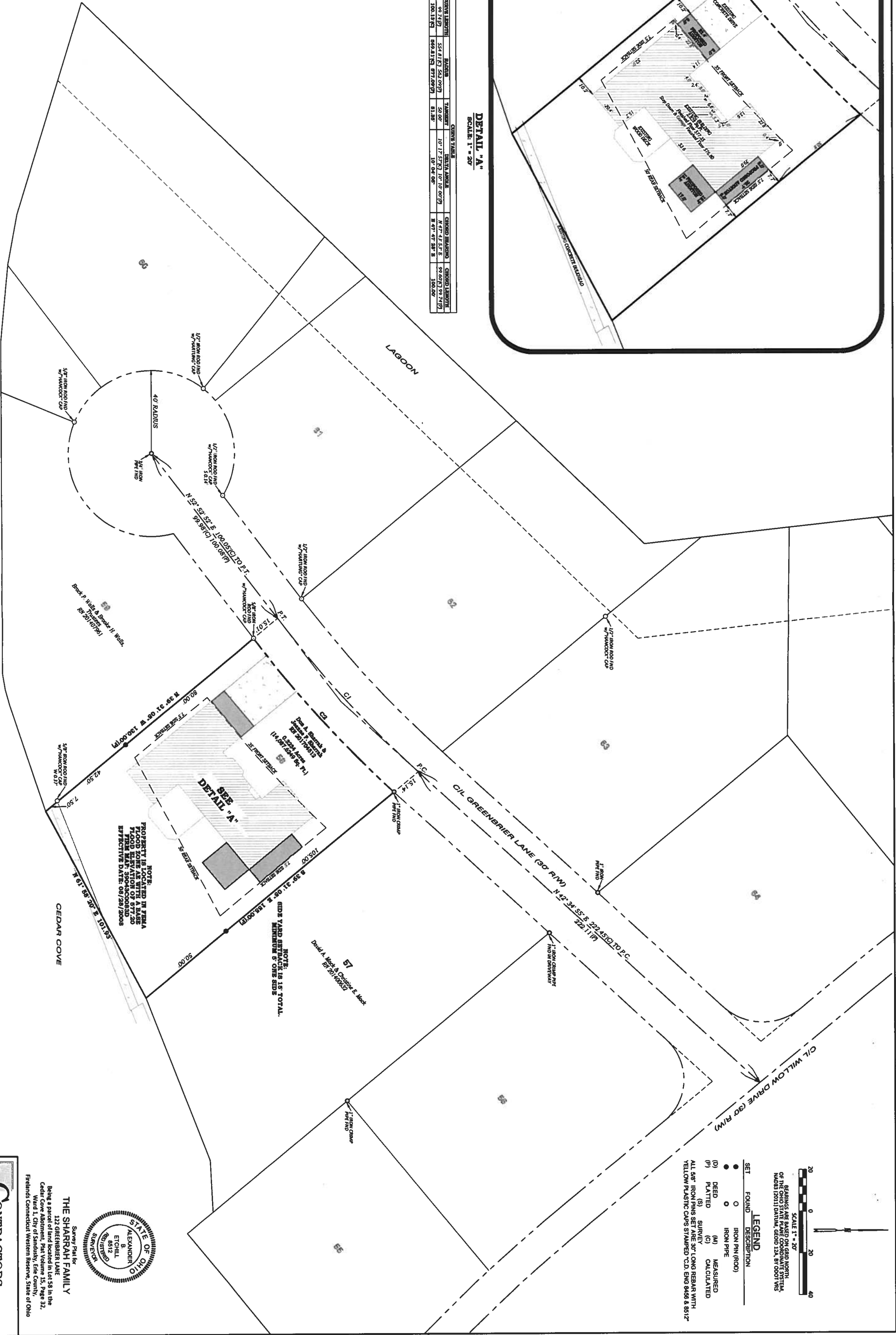
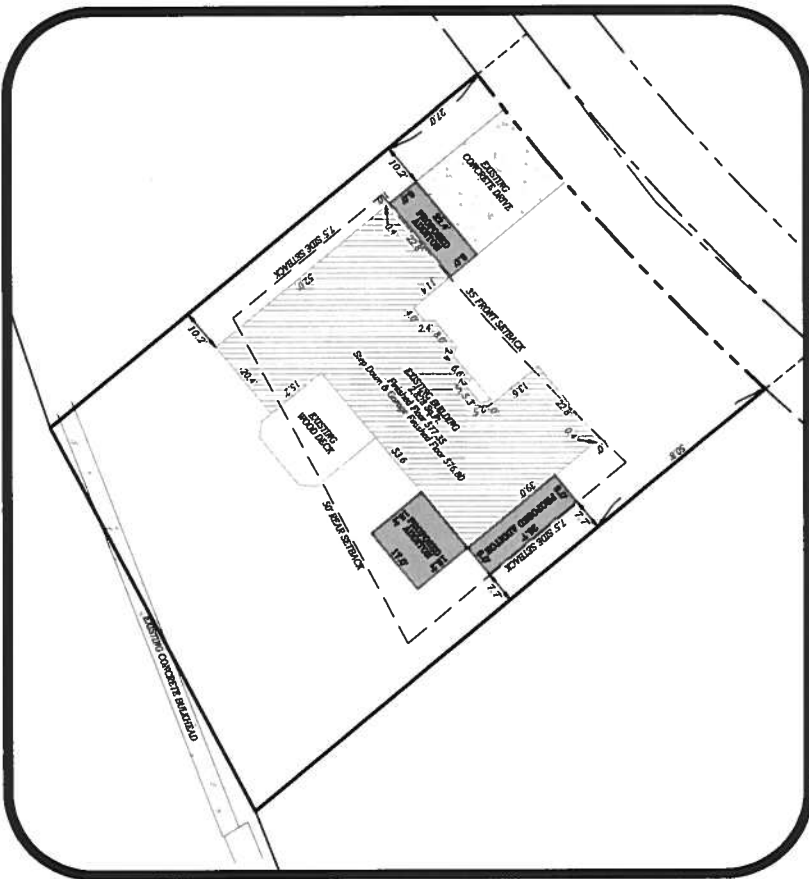
Date Application Accepted: Permit Number:

Date of Board of Zoning Appeals Meeting:

CURVE TABLE					
CURVE	CURVE LENGTH	BEARING	TANGENT	DATA ANGLES	CURVED BEARING
C1	90.74 (7)	S54°11'0" E 262.00 (7)	50.00'	10°17'57" E 10°10'00" (7)	N 47°42'54" E 99.50 (7) 50.74 (7)
C2	100.18 (3)	S69°43'10" E 277.00 (3)	81.30'	10°04'00" E	N 47°47'28" E 100.00'

DETAIL "A"

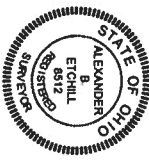
SCALE: 1" = 20'



SCALE 1" = 20'
OF THE OHIO STATE PLANE COORDINATE SYSTEM,
NAD83 (2011) DATUM, GEOID 12A, BY DDOT VMS

LEGEND

SET	FOUND	DESCRIPTION
●	○	IRON PIN (ROD)
●	○	IRON PIPE
(D)	(M)	DEED MEASURED
(P)	(C)	PLATTED CALCULATED
(S)	(S)	SURVEY
ALL 5/8" IRON PINS SET ARE 30" LONG REBAR WITH YELLOW PLASTIC CAPS STAMPED "C.D. ENG 8456 & 8517"		



Surveyed for
THE SHARRAH FAMILY
122 GREENBRIER LANE
Being a parcel of land located in lot 58 in the
Cedar Cove Addition, Plat Volume 15, Page 32,
and Lot 1, City of Western Reserve, State of Ohio,
Frederick Connected Western Reserve, State of Ohio

CONTRACTORS
DESIGN ENGINEERING
CONSULTING ENGINEERS & SURVEYORS
NORWALK, OHIO

DATE: APRIL, 2015
BY: DMH

PROJECT NO.
19-295

REFERENCES:
Plat Volume 15, Page 32
Five County Deed Records
Volume and Pages as indicated

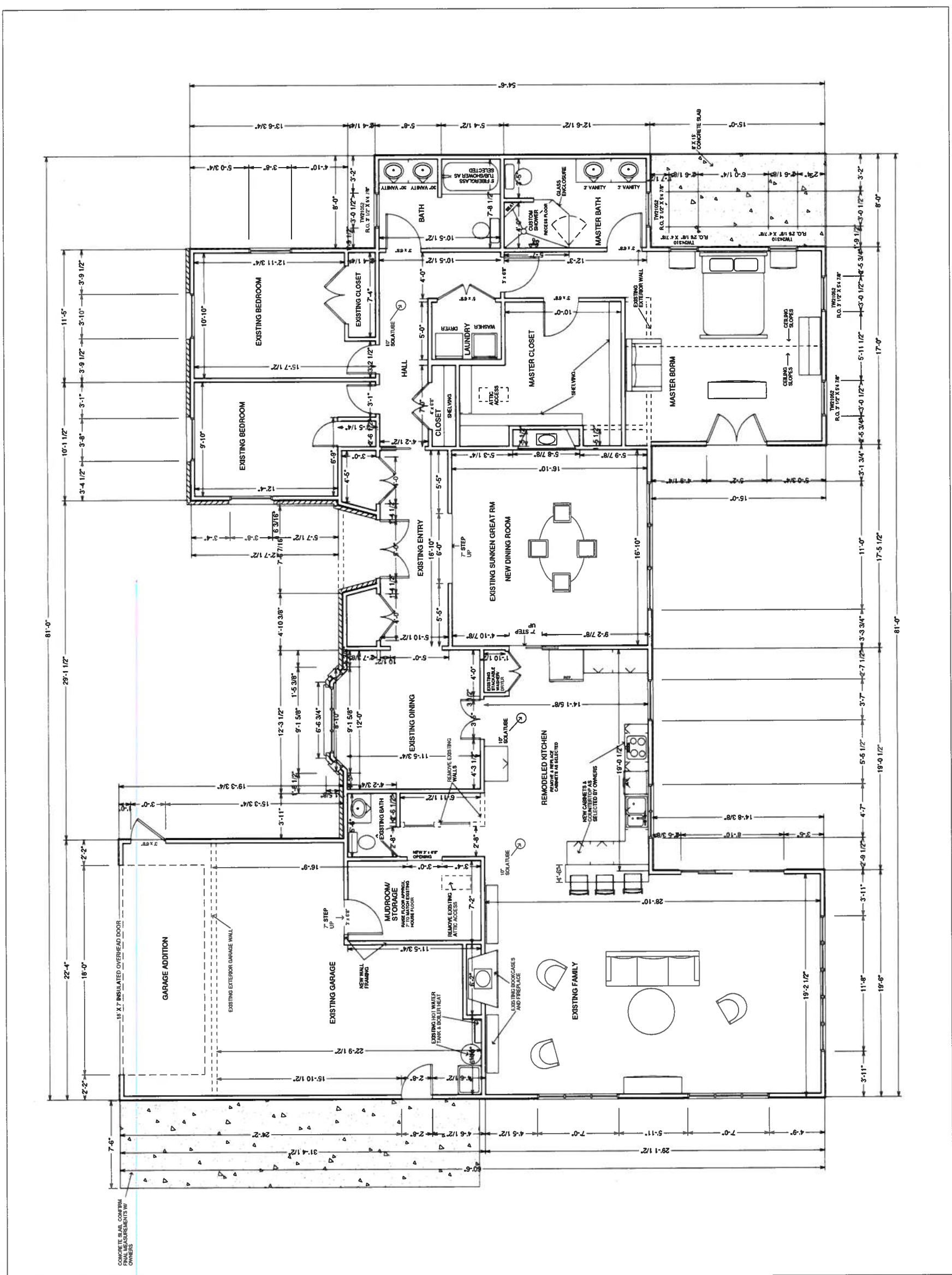
RAYMOND J. SCHAEFER, INC.
GENERAL BUILDING CONTRACTOR
1437 SYCAMORE LINE SANDUSKY, OHIO 44870
PH:(419)625-2668 FAX:(419)625-2468

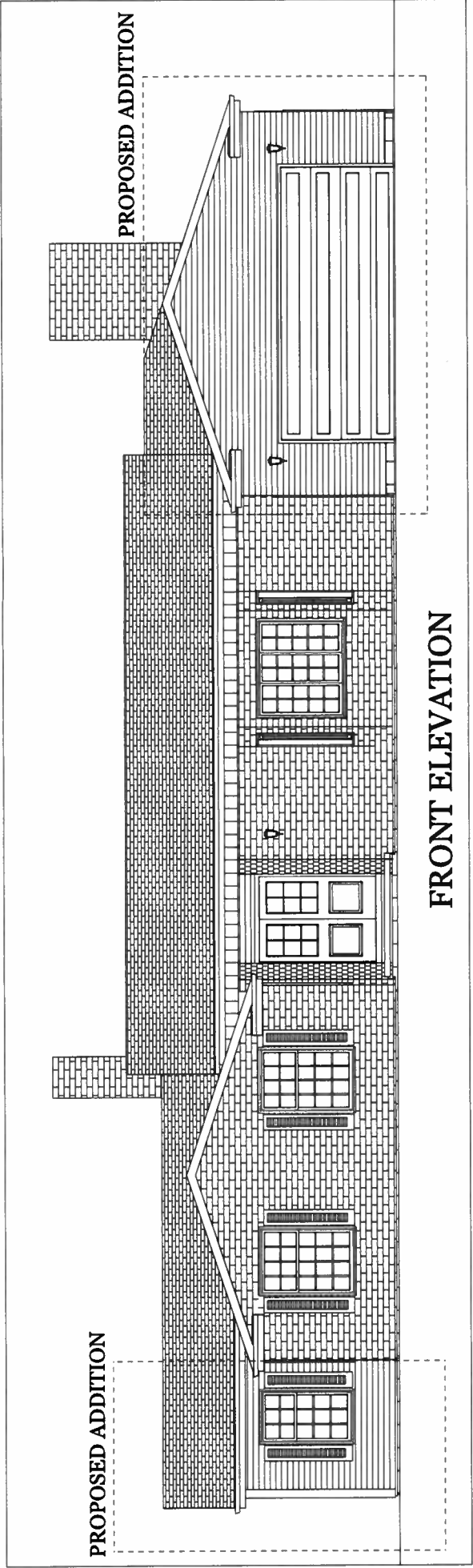
REVISIONS:
6/10/19
8/21/19

HOUSE FOR:
DON & JEANNE SHARRAH
122 GREENBRIER
SANDUSKY, OHIO 44870

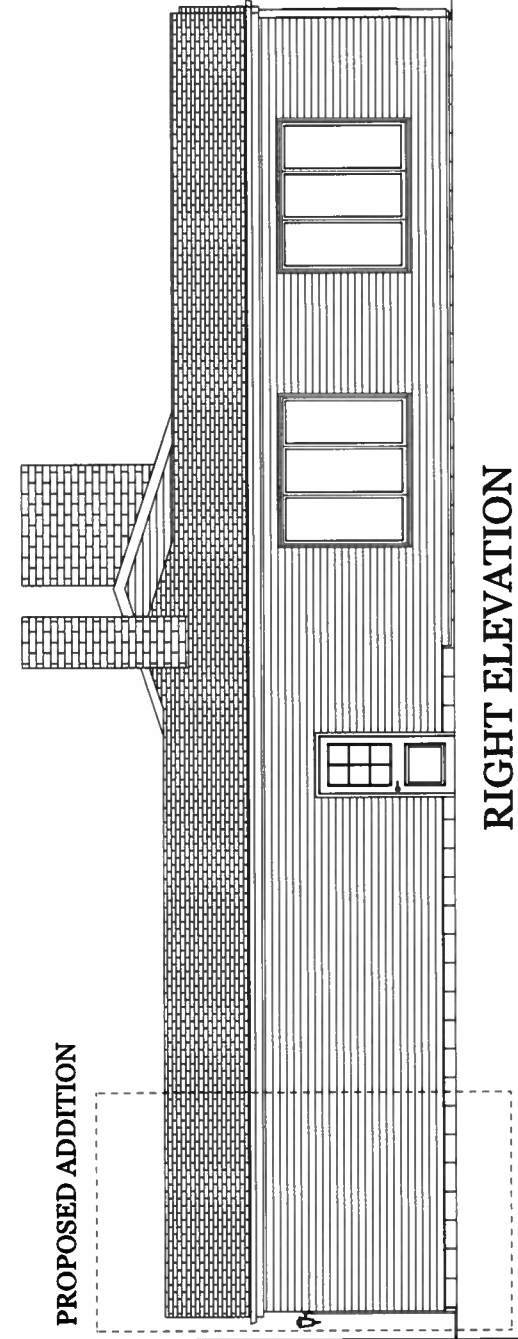
DATE: 5/17/19
DRAWN BY:
GAS JR.
SHEET #: 2
SCALE: 1/4" = 1'

FLOOR PLAN

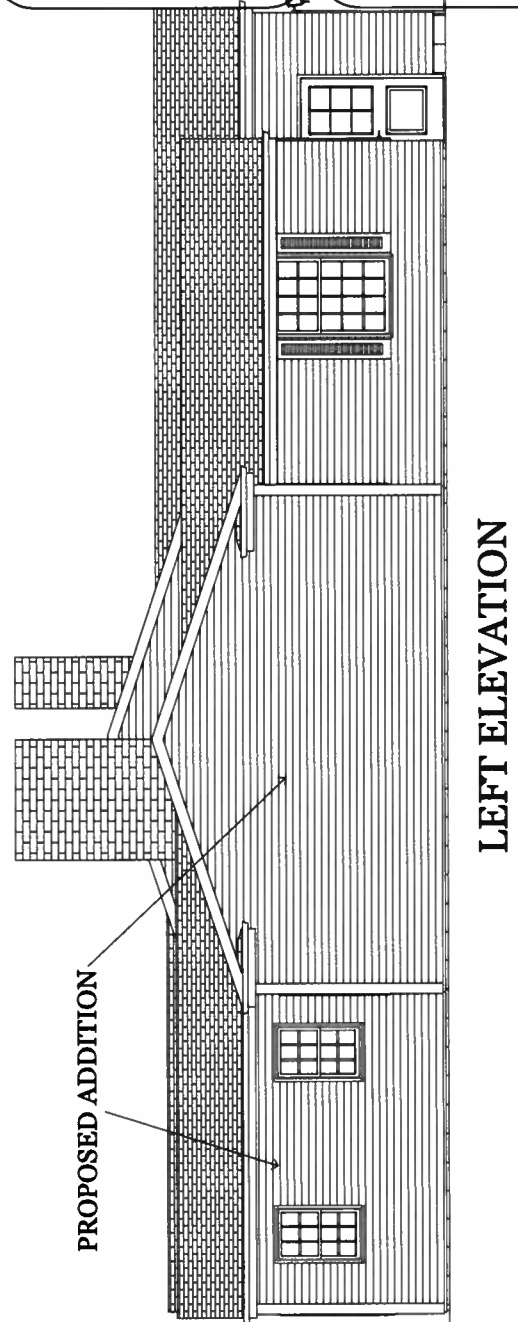




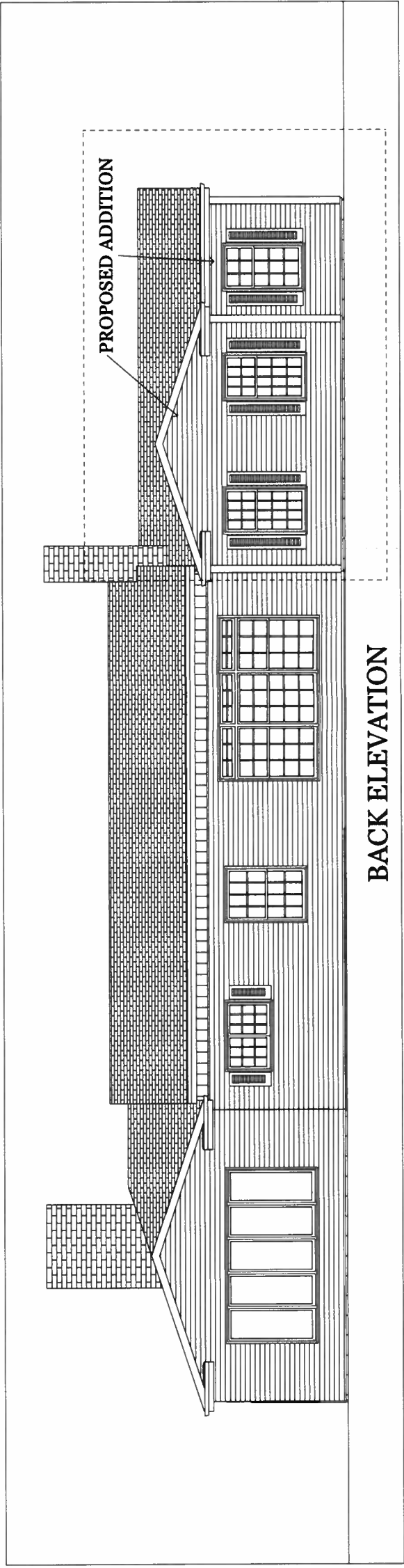
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HOUSE FOR:
DON & JEANNE SHARRAH
122 GREENBRIER
SANDUSKY, OHIO 44870



DATE: 5/17/19
DRAWN BY:
GAS JR.
SHEET #: 3
SCALE: 1/4" = 1'

HOUSE FOR:
DON & JEANNE SHARRAH
122 GREENBRIER
SANDUSKY, OHIO 44870

DATE: 5/17/19
DRAWN BY:
GAS JR.
SHEET #: 4
SCALE: 1/4" = 1'

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REVISIONS:
6/10/19
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