



## Board of Zoning Appeals

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5715

[www.cityofsandusky.com](http://www.cityofsandusky.com)

**February 20<sup>th</sup>, 2020**  
**4:30 pm**  
**City Commission Chamber**  
**Agenda**

1. Meeting called to order – Roll Call
2. Review of minutes from the December 17, 2019 meeting
3. Election of Board of Zoning Appeals Officers
4. Swear in audience and staff members that will offer testimony on any agenda items

**Adjudication hearings to consider the following:**

**1) 1403 Clinton Street**

James and Camelia Easton have submitted an application to construct an addition to the dwelling at 1403 Clinton Street in a R1-40 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 minimum side yard width in a R1-40 zoning district must not be less than 3 feet and the appellant is proposing 2 feet.

**2) 1202 Washington Street**

Derek Brennan, as an authorized agent of William and Annette Johnson, has submitted an application to paint a 550 square foot sign (mural) on the western wall of 1202 Washington Street in a RB Roadside Business zoning district. The appellant is seeking a variance for relief from the strict application of the following section of the Sandusky Codified Ordinances:

- Section 1140.08(c)(1) which states that the maximum square footage at this location in a RB zoning district must not be more than 165 square feet and the appellant is proposing 550 square feet.

**3) 749 Park Street**

Daniel McGookey, as an authorized agent of KMOH, LLC c/o Ronald Brooks, has submitted an application to rent tourists' rooms at 749 Park Street in a R2F Two-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 1129.06 (e) which states that renting of tourists' rooms by a resident family in a residential zoning district is only permitted on lots abutting a state highway and this property

5. Other Business
6. Adjournment

Next Meeting: March 19<sup>th</sup>, 2020

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

Board of Zoning Appeals  
December 19<sup>th</sup>, 2019  
Minutes

Mr. Zeiher called the meeting to order at 4:32pm. The following members were present: Mr. Feick (recused) Dr. Semans, Mr. Delahunt, Mr. Zeiher, and Mr. Matthews. Mr. Thomas Horsman represented the Planning Department.

Mr. Delahunt motioned to approve the minutes from the November 21<sup>st</sup>, 2019 meeting. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Mr. Zeiher stated that the only item on the agenda is for 1215 Cedar Point Road. John Feick, as an authorized agent of Joseph and Victoria Radican, has submitted an application to construct an attached garage 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 minimum side yard width in a R1-75 zoning district must not be less than five feet and the appellant is proposing one foot.

Mr. Zeiher swore in those giving testimony.

Mr. Feick then stated that the Cedar Point Peninsula was originally all laid out in blocks for small cottages. This property is three blocks deep. Next to each set of blocks is a common area to be able to get from the street to the back. He stated that the house was built in 1919 and he is not sure when all three blocks became one parcel, but it was some time before that. When the house and garage were built, they were built one foot over onto the neighbor's property. At that time there was no neighbor there, so there was no issue. The driveway is about 1.8 feet onto the neighbor's property. In 2003, the previous owner came to the city to get permission to connect the house and the garage with a breezeway, and that was approved. The garage ended up being rebuilt to tie everything together, and it was still one foot over into the neighbor's property. When the current owners bought the house, they were not aware of the encroachment issue. They were made aware when the neighbor told them afterwards. According to the neighbor, who is present today, there is a three foot easement filed. With the high water this past summer, the rear yard and the garage was under water. The owner wants the rear yard brought up 18 inches to prevent being under water again, as well as raise the floor and roof of the garage. Mr. Feick said he proposed to the owner to take the garage down to have easier access to the back yard and then rebuild the garage, but they would not be able to rebuild on the neighbor's property. The owners were fine with this idea, but want to keep the two car garage, which needs a variance. If the variance is allowed, it will not affect the appearance or character of the neighborhood because the garage will look the same, it will just be two foot narrower. If the variance is not granted, they could still build a new garage, but it will have to be just a one car garage instead of two.

The neighbor, Michael Baker, of 1211 Cedar Point Road, stated that their home is in his wife's name, but she was not able to attend the meeting, so he came to speak on her behalf. He asked how high they were going to raise the garage.

Mr. Feick stated that they want to raise the garage approximately two feet.

Mr. Baker stated that their concern is that if the elevation is too high, that it will push the water onto their home, which is a ranch style home. He then gave Mr. Feick some paperwork on the easement in case he wanted to review it. He stated that the easement is behind the garage, which is getting referred to as getting filled in.

Mr. Delahunt asked Mr. Baker if the wall behind the garage is adjacent to his property.

Mr. Baker said that was correct.

Mr. Delahunt asked how high the wall is currently.

Mr. Baker stated he would guess it is approximately ten feet. He asked Mr. Feick if they wanted to raise the wall.

Mr. Feick stated that was correct.

Mr. Baker asked how high they would raise the wall.

Mr. Feick said one foot.

Mr. Baker asked if he realized that wall is a part of his wife's property.

Mr. Feick stated that yes he is aware of that and that he is aware he would need to get his wife's permission to do so.

Mr. Delahunt stated that he does not believe Mr. Baker's property would see any runoff of water from the applicant doing what they want to do. He asked Mr. Baker if him and his wife would be more comfortable with the garage being off their property than how it is now.

Mr. Baker stated that he doesn't believe where the garage is currently is a relevant problem, but he needs to check the language in the trust and the deed regarding the easement. He then asked Mr. Feick how far back they are going with the driveway.

Mr. Feick stated that the driveway is getting fully replaced, but there is three feet of height difference from the Radican's property at the garage, in the first 15 feet towards Mrs. Baker's house. They are going to raise it up two feet. There will still be some fall from Mrs. Baker's property to the Radican's property. The garage will raise up accordingly to match that.

Mr. Baker asked where that will direct the water to go.

Mr. Feick stated that will direct the water to go down the hill and into the bay.

Mr. Baker stated that there are currently drain pipes and a pump in the wall and asked if Mr. Feick is going to remove those or bury those and add a pump station.

Mr. Feick stated that is not necessary.

Mr. Baker asked if the garage is going to be two feet narrower, will the driveway also be narrower.

Mr. Feick stated that yes the driveway will also be narrower and off of his property along with the garage.

Mr. Baker stated that he thinks he got all of his questions answered, and will just have to review the deed paperwork.

Mr. Zeiher stated that is not the Board of Zoning Appeal's consideration as that is something that takes place through the recorder's office. Once the work takes place and everything is off Mrs. Baker's property, they may need to have a new description written up as well as the Radican's.

Mr. Baker stated that there are costs involved in all of that.

Mr. Zeiher stated that is correct, but a benefit is that they will no longer have someone else's driveway and garage on their land.

Mr. Delahunt stated that he is not sure they would have to have a new deed prepared.

Mr. Baker stated that he would like to have it reviewed anyways and have some time to talk things over with his wife.

Mr. Horsman stated that staff did agree that there is a practical difficulty existing and therefore support the variance. He said that he just wants to reiterate that the variance request is solely for the side yard setback for the garage. While it seems there are other issues at hand, for this application, the side yard setback for the garage is the only thing that needs to be voted on for today.

Dr. Semans stated that it seems that since this project would be removing the encroachment off of Mrs. Baker's property, he doesn't see why there is a need to wait for the variance to start removing the garage and the driveway, as that does not affect this commission. He then made a motion to allow the variance.

Mr. Delahunt seconded the motion.

With no further discussion, all members voted in favor of the motion, and the request was granted.

Mr. Horsman stated that as for the First Street application that was postponed in last month's meeting, the Board may want to make a motion to postpone it again formally.

Mr. Delahunt made a motion to postpone the First Street application until the next meeting on January 16<sup>th</sup>.

Mr. Matthews seconded the motion.

All members were in favor to postpone the First Street application.

Mr. Horsman stated that he did update the Board of Zoning Appeals application and it is now on the City's website in a fillable format to make it easier for people to fill out.

Mr. Delahunt moved to adjourn the meeting; Dr. Semans seconded the motion.  
The meeting was adjourned at 5:00pm.

APPROVED:

---

Kristen Barone, Clerk

---

John Feick, Chairman

# BOARD OF ZONING APPEALS REPORT

---

APPLICATION FOR AN AREA VARIANCE TO  
CONSTRUCT AN ADDITION TO THE DWELLING AT  
1403 CLINTON STREET

Reference Number: PVAR20-0003

Date of Report: February 10, 2020

Report Author: Thomas Horsman, Assistant Planner



## City of Sandusky, Ohio Board of Zoning Appeals Report

---

### BACKGROUND INFORMATION

---

John Henley, as an authorized agent of James and Camelia Easton, has submitted an application to construct an addition to the dwelling at 1403 Clinton in a R1-40 Single-Family Residential zoning district. The following information is relevant to this application:

Applicant: John Henley  
1108 Columbus Ave.  
Sandusky, OH 44870

Owner: James and Camelia Easton  
11950 Avalon Preserve Blvd.  
Fort Myers, FL 33908

Site Location: 1403 Clinton St.  
Sandusky, OH 44870

Zoning: R1-40 Single-Family Residential

Surrounding Zoning: R1-40 Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.14

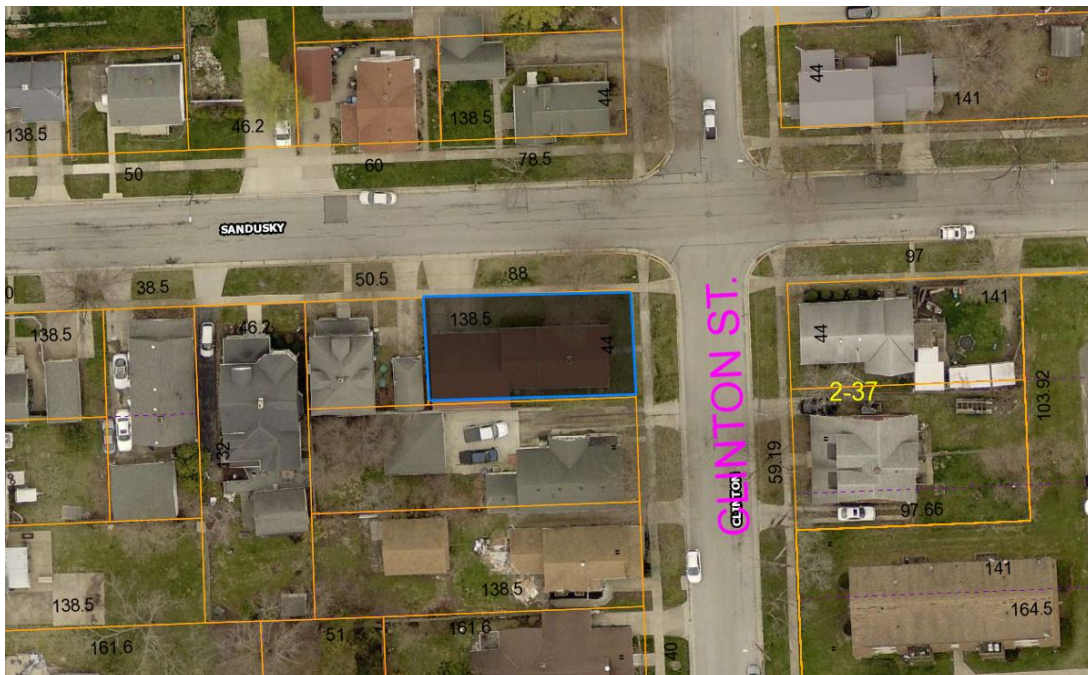
Variance Requested: 1) A variance to allow a 2-foot side yard setback where the Zoning Code requires 3 feet.

---

## SITE DESCRIPTION

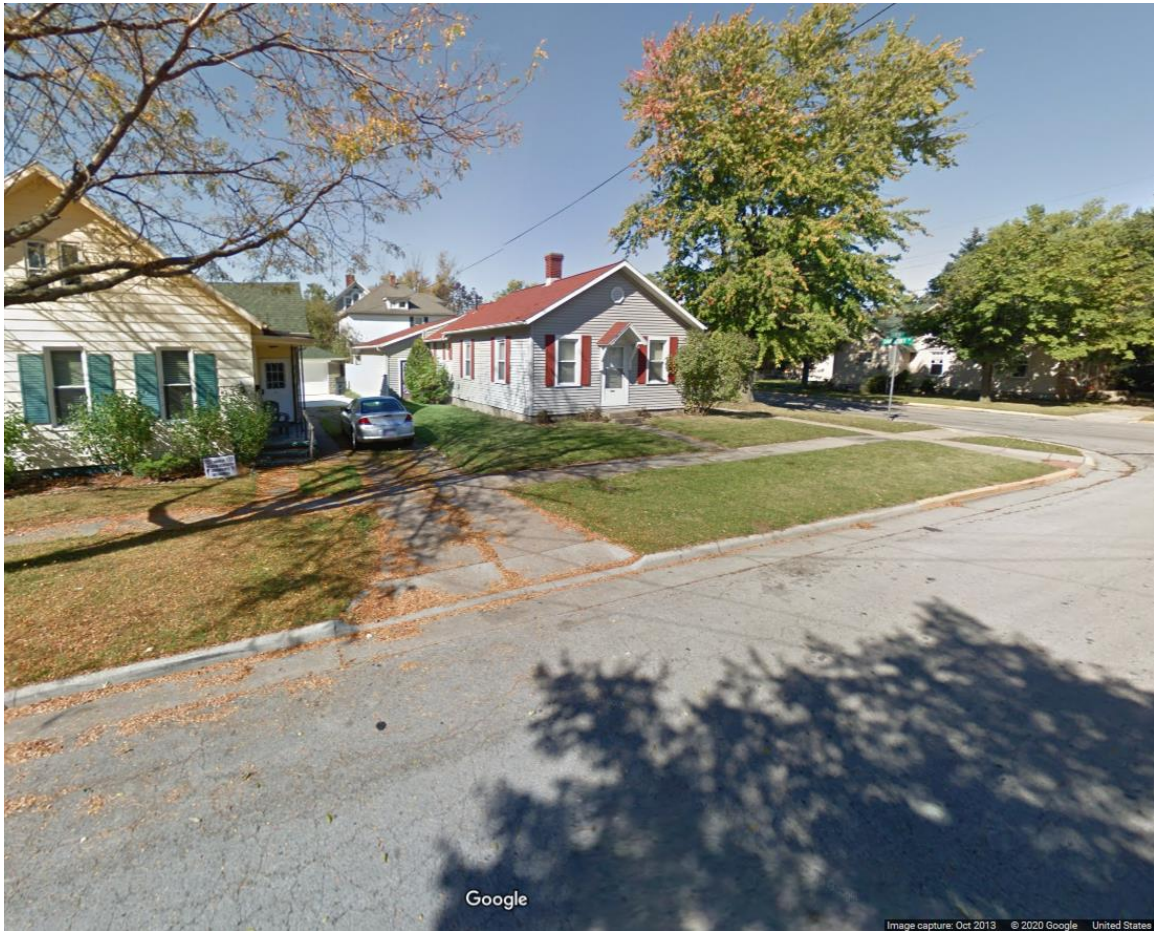
---

### Subject Property Outlined in Blue





**Photo of the Property from Google Street View**



---

**DEPARTMENT OF PLANNING COMMENTS**

---

The owners of the property recently purchased it on January 30, 2020 and they have stated they intend to make it their residence. In their application, they stated that the intent of the addition is to expand the bedroom space and that the current square footage is “unrealistic for modern living.” According to the Erie County Auditor, the house was built in 1900 and the total finished living area is 1,098 square feet. The owners are proposing an addition that will be approximately 330 square feet in size.

The owners have stated the southern wall of the new addition will run in line with the southern wall of the existing garage. Because of that, the addition would encroach into the required side yard by one foot, necessitating the need for a variance.



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

Section 1111.06(c)(1)

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

The variance sought in this case is not substantial as it encroaches into the required side yard by only one foot.

**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 numerous surrounding dwellings do not appear to conform to the side yard setback requirements. Also, the owner's current garage currently encroaches into the required side yard.

**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 owners were aware of the zoning restriction.

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

The owner would have to decrease the square footage of the proposed addition in order to avoid a variance.

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

The granting of the variance would not violate the spirit and intent behind the zoning requirement as the proposed addition would still be setback from the

adjoining property line by 2 feet and it does not appear it would be detrimental to the neighboring property.

**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, however, increasing the square footage of a property that was originally constructed in 1900 would make it more likely to yield a reasonable return.

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

The granting of the variance would not be contrary to the intent and objective of the Zoning Code.

---

**CONCLUSION/RECOMMENDATION**

---

The Sandusky Bicentennial Comprehensive Plan targeted this area of the city for “residential stabilization and infill” and staff believes undertaking a renovation and expansion project for this property will help contribute to the effort of increasing the quality of the housing stock in the area. Staff also believes the variance is not substantial and that the property is uniquely situated due to the fact that it sits on a corner lot and that the dwelling was constructed before the adoption of the Zoning Code. Staff believes the strict application of the Zoning Code would constitute a practical difficulty and supports the variance request.

## Application for Board of Zoning Appeals

### STAFF USE ONLY:

Filing Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Reference Number: \_\_\_\_\_

Address of Property (or parcel number) for Variance Request: 1403 Clinton St.  
58-01872.000

Name of Property Owner: James L Easton and Camelia G Easton

Mailing Address of Property Owner: 11950 Avalon Preserve Blvd

City: Fort Myers State: FL Zip: 33908

Telephone #: 419-260-4038 Email: amerabelljc@sbcglobal.net

If same as above check here ☒

Name of Applicant: John Henley

Mailing Address of Applicant: 1108 Columbus Ave

City: Sandusky State: OH Zip: 44870

Telephone #: 419-656-3323 Email: brutus8881@sbcglobal.net

### Description of Proposal:

We are asking for a variance so we can make the house comfortable for anyone or us living in the undersized bedrooms in the century old home. We are hoping to add a 8'D x x 41.7' L addition running adjacent to the existing garage. Currently the bedrooms are 8' x 9.5'. Also the home has only 1 closet at about 3'x 4', making the house unrealistic for today's modern living.

### Variance Requested:

8' in Depth going to the South side and 41'7" going east/west.

The addition will have all updated mechanical services, as the entire home will have new heating, cooling, doors, windows, insulation.

### Section(s) of Zoning Code:

Camelia G Easton 2/3/19  
Signature of Property Owner Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date

## **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 minimal , Because of the angle of the actual property line it will vary between 12"- 6" needed

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

Not that we would think as there is currently a fence there that has been there for many years that is outside the the addition line

- 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, because of the garage location and the existing fence it appeared as though there would be easily 3-4' of footage on beyond the planned addition

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

We are not sure

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

Yes to make the home more comfortable and definitely more desirable for resale value.

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

We do not think so because of the un realistic room sizes

- 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?

We don't think so

## **UNNECESSARY HARDSHIP**

**(ONLY for variance requests involving a use of the property that is not permitted by the Zoning Code)**

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) Does the variance request 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?

Yes we do believe it is unique as we would like to add the addition off the existing garage wall going out the same depth east/west direction 41' 7 "

- 2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents?

Our property line runs right along with the adjacent property owners driveway side of their house.

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

Our property is unrealistically small and lacks closet space making the home way behind in standards of even a comfortable small home.

- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.  
no

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

We definitely think this addition and all the other upgrades we are planning for this house would only benefit the neighborhood that has currently a number of homes that are a blight to the neighborhood and we hope to contribute to positive change in my old neighborhood I grew up in.

# Data For Parcel 58-01872.000

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

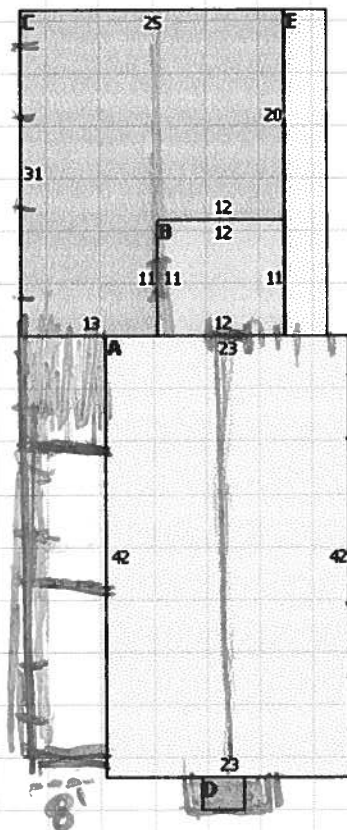
Parcel: 58-01872.000  
Owner: FINLEY FORESTER & LOLA M  
Address: 1403 CLINTON SANDUSKY OH 44870



[+] Map this property.

## Sketch

Card: 1



Grid Scale: 5ft

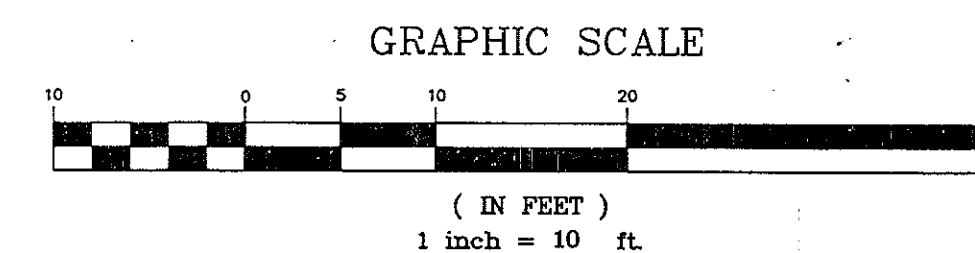
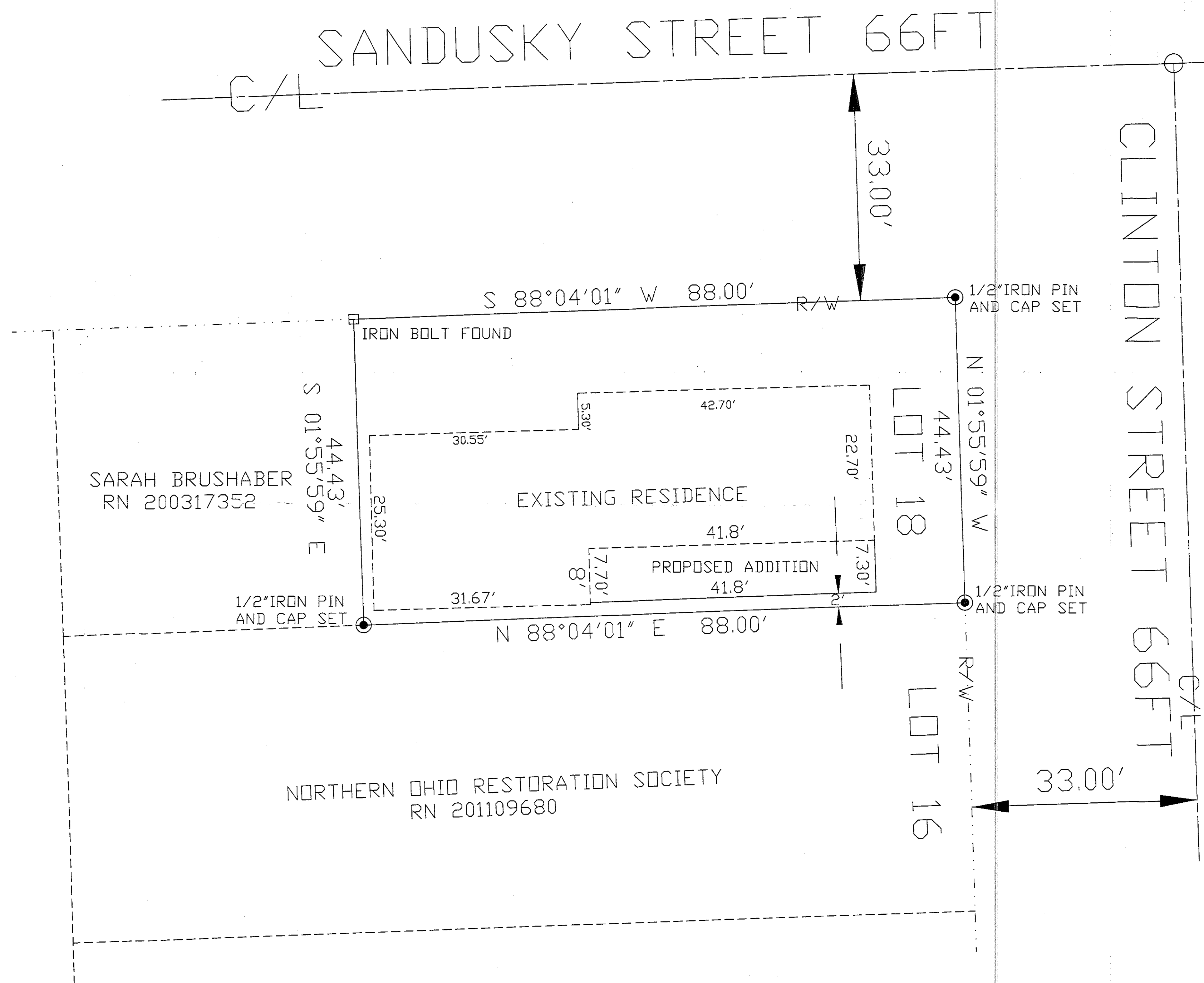
A	1 s Fr/B
B	1 s Fr
C	FRGAR
D	COVER
E	OH

Report Discrepancy

GIS parcel shapefile last updated 12/10/2019 10:12:06 PM.

The CAMA data presented on this website is current as of 12/10/2019 9:02:48 PM.

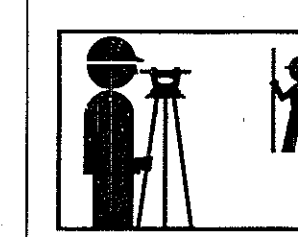
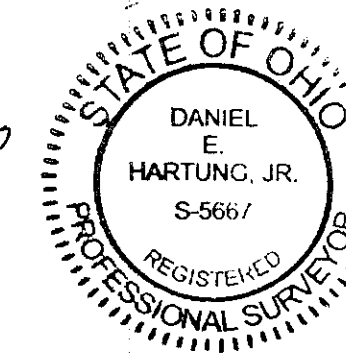




MAP OF SURVEY  
FOR  
JIM & CAM EASTON  
SUBLOT 18, WESTERN LIBERTIES ADDITION  
PV 2 PG 1 THIRD WARD CITY OF SANDUSKY  
ERIE COUNTY STATE OF OHIO  
JANUARY 30, 2020 SCALE 1"=10'

I HEREBY CERTIFY THE WITHIN  
TO BE A TRUE REPRESENTATION  
OF A SURVEY MADE BY ME.

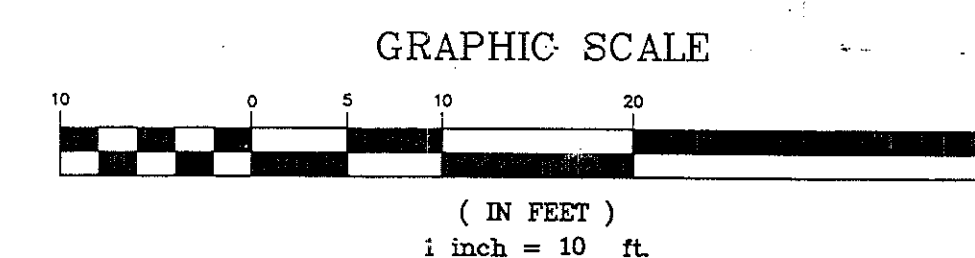
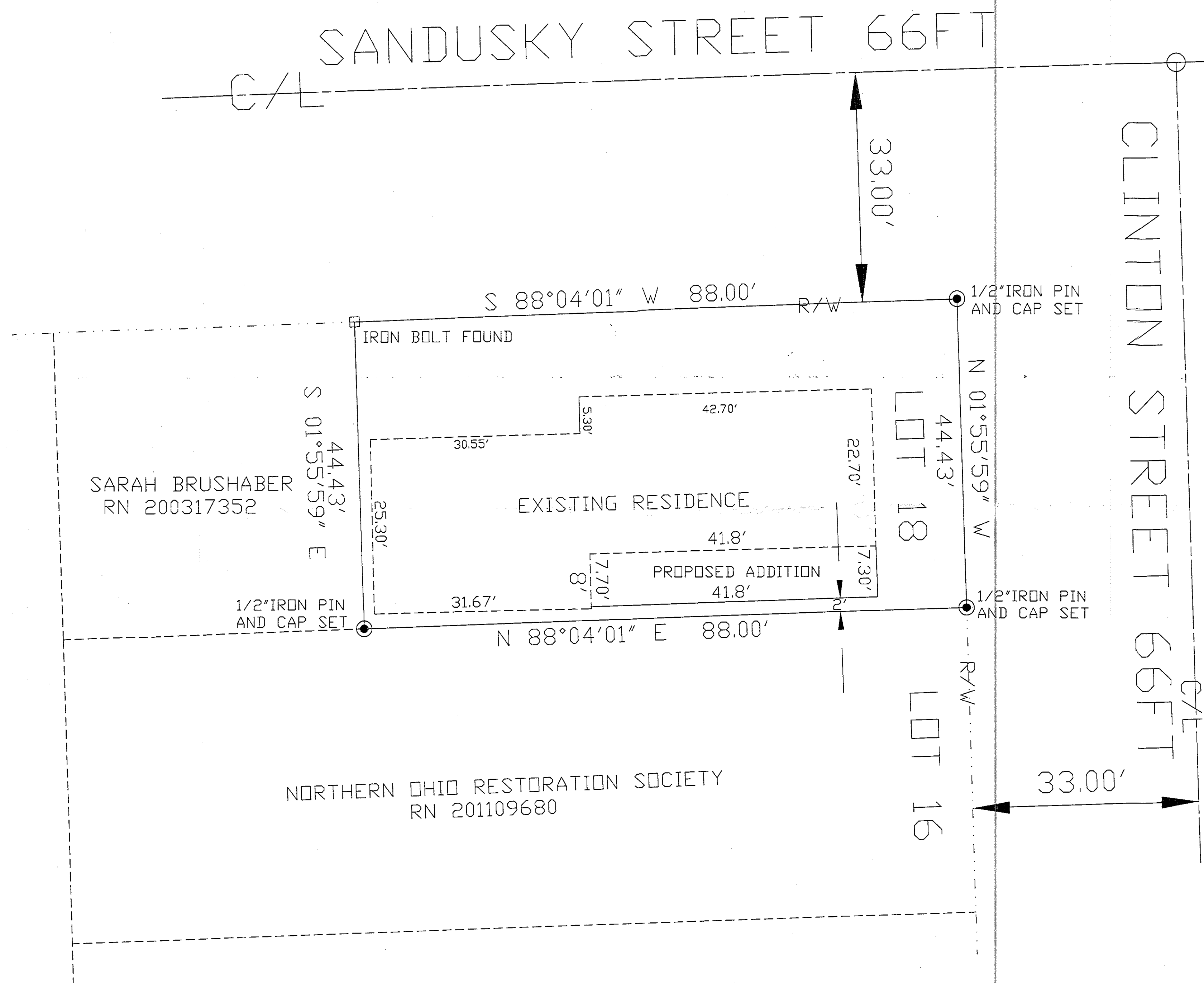
*Daniel E. Hartung, Jr.* 1/30/2020  
DANIEL E. HARTUNG, JR., P.E., P.S.



HARTUNG & ASSOCIATES  
ENGINEERS & SURVEYORS

P.O. BOX 426, 346 NORTH MAIN ST., HURON, OH 44839-0426  
(419) 433-4321 FAX (419) 433-7879

DANIEL E. HARTUNG JR., P.E., P.S.

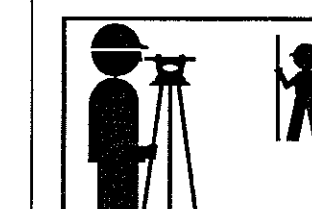
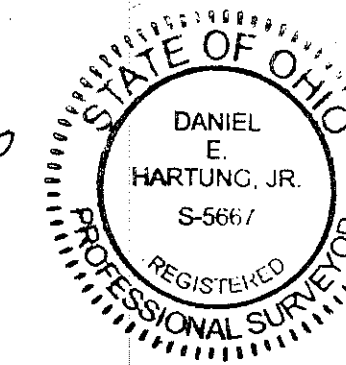


# MAP OF SURVEY FOR JIM & CAM EASTON

SUBLOT 18, WESTERN LIBERTIES ADDITION  
PV 2 PG 1 THIRD WARD CITY OF SANDUSKY  
ERIE COUNTY STATE OF OHIO  
JANUARY 30, 2020 SCALE 1"=10'

I HEREBY CERTIFY THE WITHIN  
TO BE A TRUE REPRESENTATION  
OF A SURVEY MADE BY ME.

*Daniel E. Hartung Jr.* 1/30/2020  
DANIEL E. HARTUNG, JR., P.E., P.S.

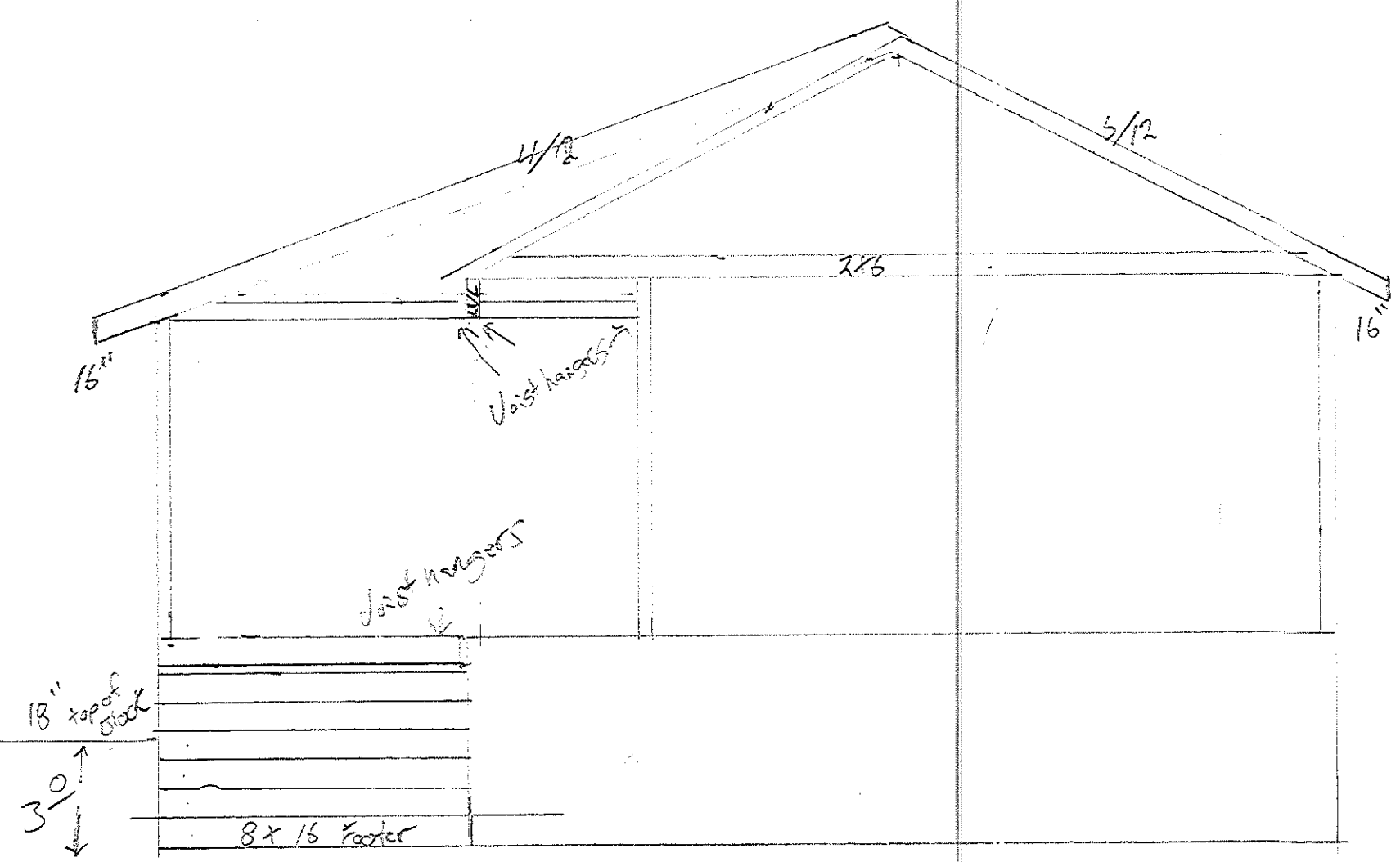
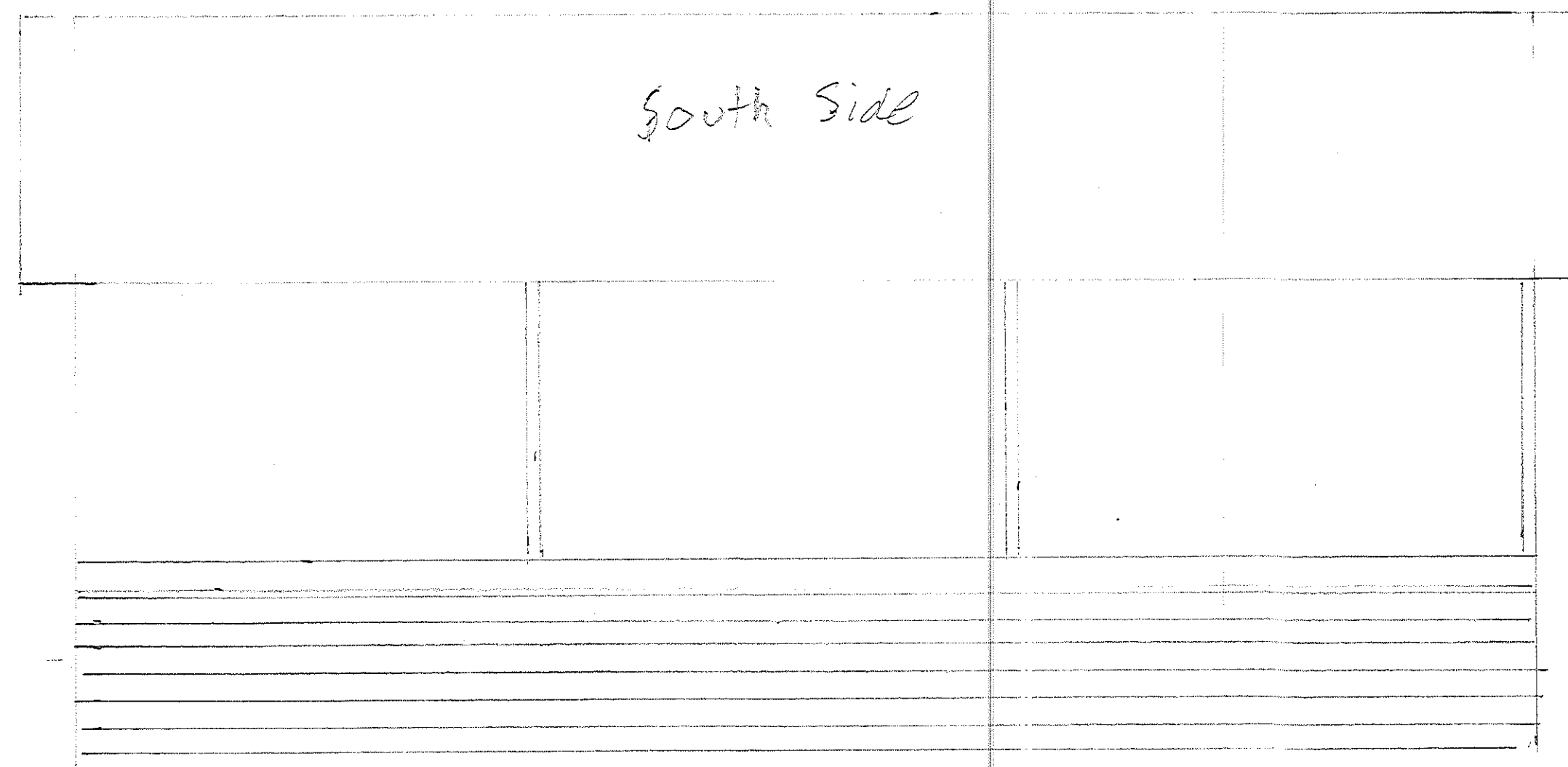


HARTUNG & ASSOCIATES  
ENGINEERS & SURVEYORS

P.O. BOX 426, 346 NORTH MAIN ST., HURON, OH 44839-0426  
(419) 433-4321 FAX (419) 433-7879

DANIEL E. HARTUNG JR., P.E., P.S.

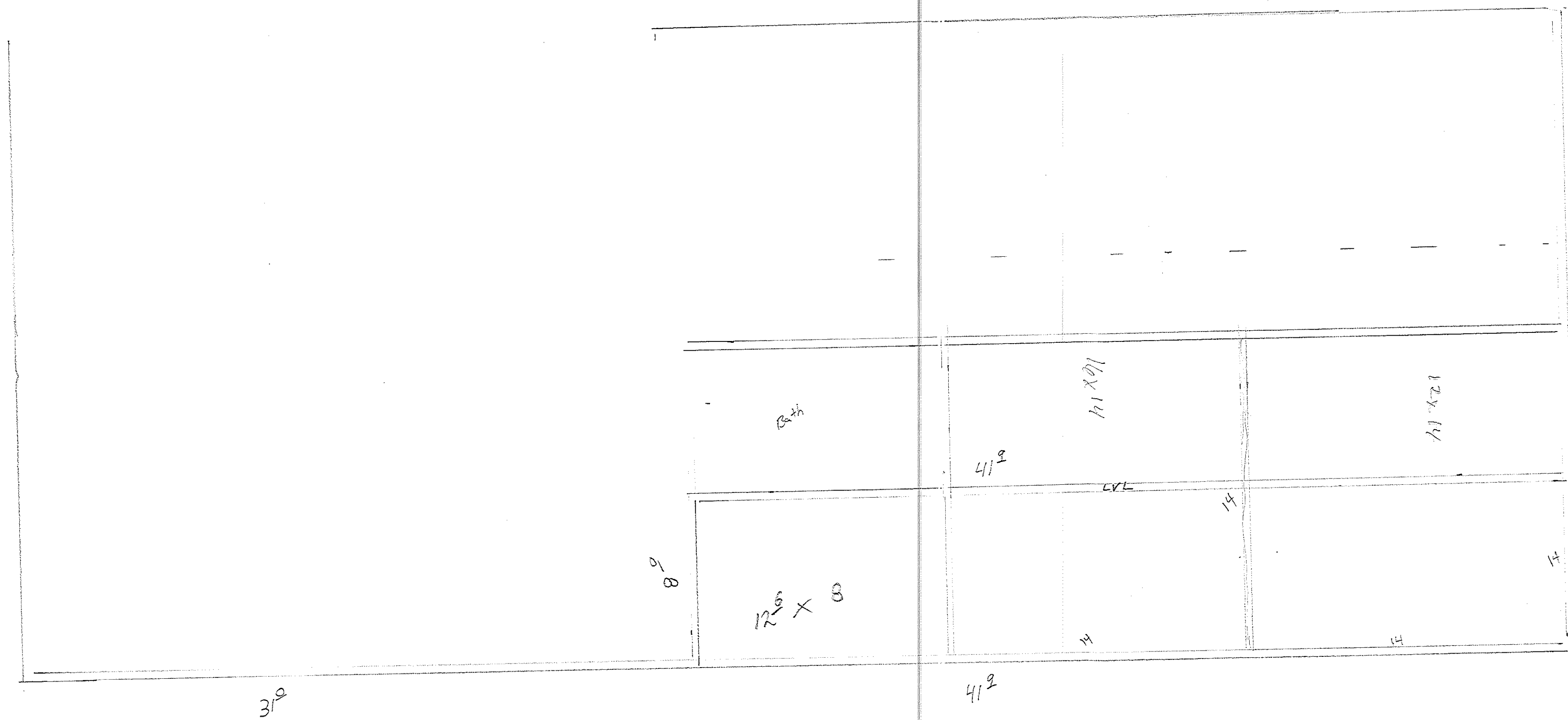
1504  
30  
183 8' block



- 5/8 Roof Sheathing
- 2x4 ceiling Joist
- 2x6 Rafters
- 2x8 treated Sill
- 7/4 Sill seal
- 8" Block
- 2x8 Joist
- 32" x 60" windows

11/4 LVL

Front



2x4 walls



# BOARD OF ZONING APPEALS REPORT

---

## APPLICATION FOR AN AREA VARIANCE TO PERMIT A MURAL AT 1202 WEST WASHINGTON STREET

Reference Number: PVAR20-000\_

Date of Report: February 10, 2020

Report Author: Thomas Horsman, Assistant Planner



## City of Sandusky, Ohio Board of Zoning Appeals Report

---

### BACKGROUND INFORMATION

---

Derek Brennan, as an authorized agent of William and Annette Johnson, has submitted an application to paint a 550 square foot sign (mural) on the western wall of 1202 Washington Street in a RB Roadside Business zoning district. The following information is relevant to this application:

Applicant: Derek Brennan  
3877 W. 160<sup>th</sup> St.  
Cleveland, OH 44111

Owner: William and Annette Johnson  
723 Garfield Ave.  
Sandusky, OH 44870

Site Location: 1202 West Washington St.  
Sandusky, OH 44870

Zoning: GB General Business

Surrounding Zoning: GB General Business

Surrounding Uses: North: Commercial; East: Commercial; South: Residential; West: Vacant land

Existing Use: Commercial

Proposed Use: No Change in Use

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1140.08(c)(1)

Variance Requested: 1) A variance to allow a 550 square foot mural where the Zoning Code only allows a maximum of 165 square feet.

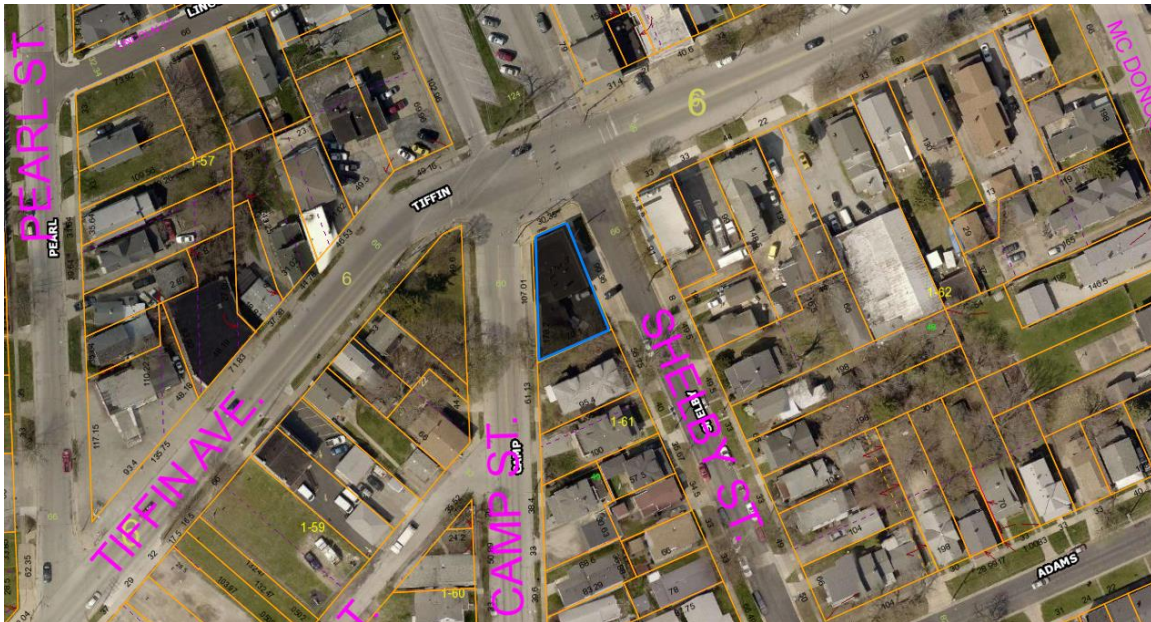
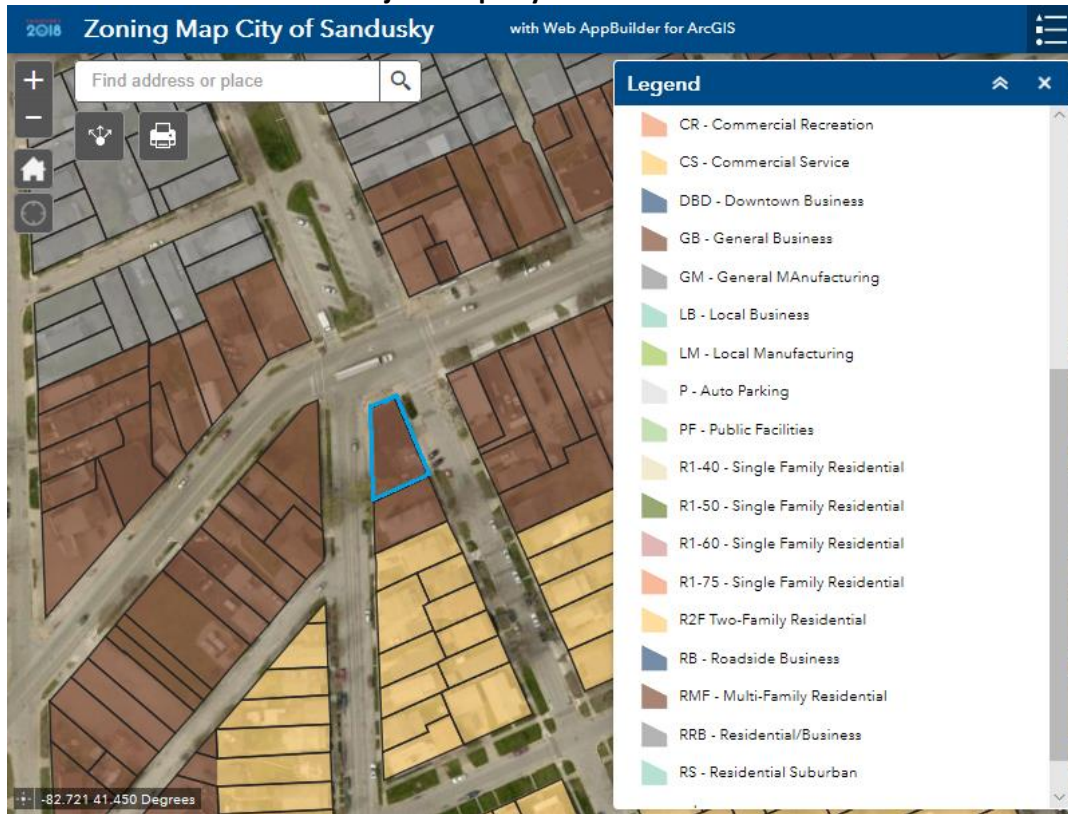


---

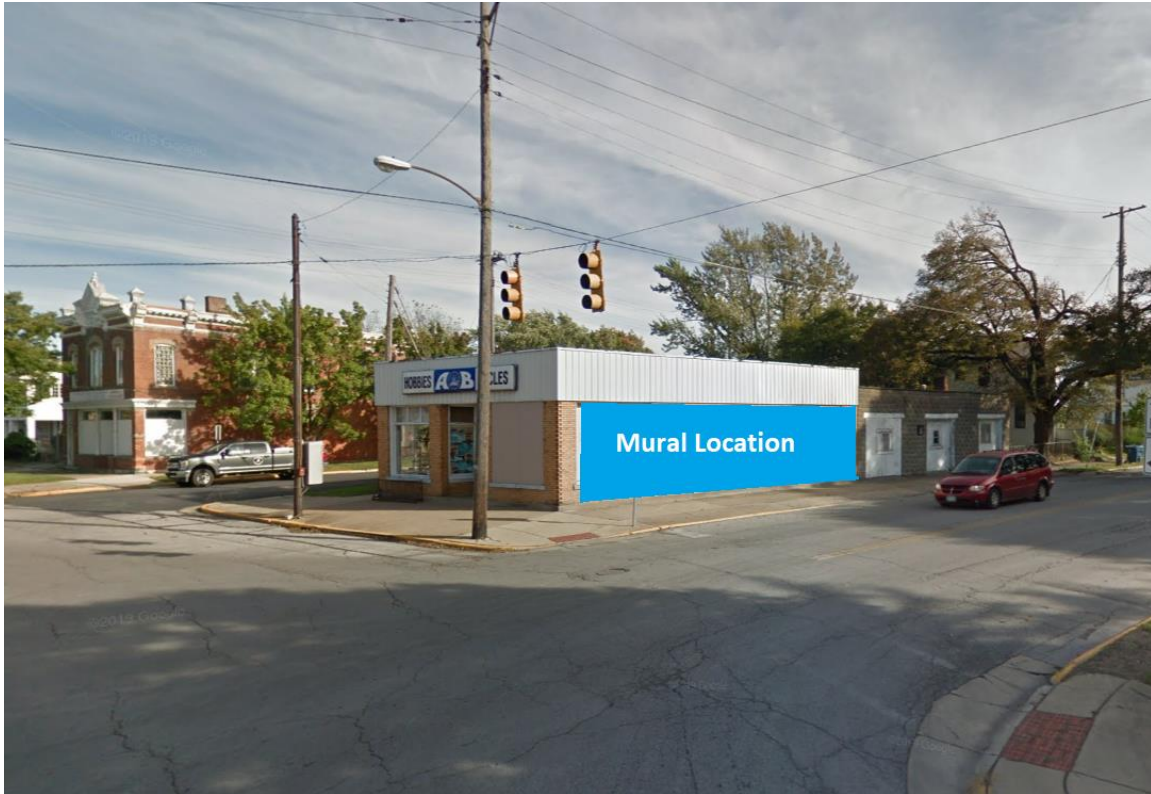
## SITE DESCRIPTION

---

### Subject Property Outlined in Blue



**Photo of the Property from Google Street View (Mural Location in Blue)**



---

**DEPARTMENT OF PLANNING COMMENTS**

---

The applicant has applied for a variance for a mural to be located on the western side of the building located at 1202 West Washington Street. The size of the mural will be 11 feet x 50 feet, for a total 550 square feet. The mural is a project of the Sandusky Youth Commission as part of their Going Green Initiative.

The Bicentennial Vision Plan emphasizes activating spaces with public art and the Bicentennial Comprehensive Plan pointed out this intersection as a place for investment in creating a gateway into the downtown area. The Zoning Code defines murals as any decorative pictorial that is painted on a wall surface of a building or structure, however the existing Zone Code does not exempt murals as artwork that is separate from signage, and as such they are currently required to follow the zoning regulations set forth in Chapter 1143.

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 variance arises from the fact that the zoning code currently does not exempt murals, as such the mural is considered a sign and is required to meet the signage requirements set forth in Section 1143.08

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

The essential character of the neighborhood would not be altered, the mural will be painted on an existing wall that is already painted.

**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 owners were aware of the zoning restriction.

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

The owner would have to decrease the square footage of the proposed addition in order to avoid a variance.

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

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

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

In this instance, the property can still yield a reasonable return without the variance.

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

The proposed mural will not be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City. The Bicentennial Vision Plan emphasizes activating spaces with public art, and this would be part of that effort.

---

**CONCLUSION/RECOMMENDATION**

---

In conclusion, Staff recognizes that this variance application is unique in the fact that the mural meets the definition of the sign, however it is not an advertisement for the applicant or any surrounding businesses. The Board would not be setting a precedent with the variance as staff has intentions, with approval of City Commission and the Planning Commission, to propose amending the Zoning Code to exempt artistic murals. Planning Staff believes that this project is a vital project for the efforts of expanding art in public spaces as described in the Bicentennial Vision Plan. Planning Staff recommends approval of the proposed variance.



## Application for Board of Zoning Appeals

### STAFF USE ONLY:

Filing Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Reference Number: \_\_\_\_\_

Address of Property (or parcel number) for Variance Request: 1202 Washington St

Name of Property Owner: William & Annette Johnson

Mailing Address of Property Owner: 723 Garfield

City: Sandusky State: OH Zip: 44870

Telephone #: (419) 625-4242 Email: katghurl@aol.com

If same as above check here ☐

Name of Applicant: Derek Brennan

Mailing Address of Applicant: 3877 W. 160th St.

City: Cleveland State: OH Zip: 44111

Telephone #: (419) 202-4298 Email: derekbstudios@gmail.com

### Description of Proposal:

Painted 550sf mural along the west wall of A&B Cycles building at 1202 Washington Street.

### Variance Requested:

A variance to allow a 550 square foot sign (mural) where as only 165 square feet would be allowed.

### Section(s) of Zoning Code:

1143.08(c)(1) - Allowable Signage in Business and Commercial Districts

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

\_\_\_\_\_  
Date

 2/13/2020  
Signature of Authorized Agent Date

APPLICATION #BZA-001

UPDATED 12/2/2019

## **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?

The variance is substantial, but it arises because the Zoning Code doesn't make exceptions for artistic murals.

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

The mural will be painted on an existing wall and will not substantially alter the character of the neighborhood, & will not cause adjoining property owners to suffer a substantial detriment

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

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

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

It is unknown if the property was purchased with knowledge of the zoning restrictions

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

The mural could not be painted without receiving a variance, unless it were substantially reduced in size, which would compromise the imagery of the mural.

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

Yes, allowing a mural of this size would not be contrary to the intent of the Zoning Code, as it would not be serving as a commercial sign.

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

Yes, the property could still yield a reasonable return.

- 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?

The granting of the variance would not be contrary to the general purpose, intent, and objective of the Zoning Code. It would be in line with the Bicentennial Vision Plan which calls for activating spaces with public art.



## Rendering of the Mural



Note: This is provided for context. The BZA is not ruling on the content of the mural.

# BOARD OF ZONING APPEALS REPORT

---

APPLICATION FOR A USE VARIANCE TO PERMIT  
RENTING OF TOURISTS' ROOMS AT 749 PARK ST.

Reference Number: PVAR20-0001

Date of Report: February 10, 2020

Report Author: Thomas Horsman, Assistant Planner



## City of Sandusky, Ohio Board of Zoning Appeals Report

---

### BACKGROUND INFORMATION

---

Daniel McGookey, as an authorized agent of KMOH, LLC c/o Ronald Brooks, has submitted an application to rent tourists' rooms at 749 Park Street in a R2F Two-Family Residential zoning district. The following information is relevant to this application:

**Applicant:** Daniel McGookey  
225 Meigs St.  
Sandusky, OH 44870

**Owner:** KMOH, LLC  
C/o Ronald Brooks  
6545 Market Ave. N.  
Suite 100  
North Canton, OH 44721

**Site Location:** 749 Park St.  
Sandusky, OH 44870

**Zoning:** R2F Two-Family Residential

**Surrounding Zoning:** North: Public Facility; East: Local Business; South: R2F; West: R2F

**Surrounding Uses:** North: Park; East: Commercial; South: Residential; West: Residential

**Existing Use:** Residential

**Proposed Use:** Renting of tourist's rooms by a resident family

**Applicable Plans & Regulations:** City of Sandusky Zoning Code Section 1129.06(e)

**Variance Requested:** 1) A variance to allow the renting of tourists' rooms by a resident family on a property that does not abut a state highway in a residential zoning district





**Photo of the Property from Google Street View**



---

**DEPARTMENT OF PLANNING COMMENTS**

---

Section 1129.06(e) of the Sandusky Codified Ordinances permits a resident family to rent rooms to tourists in a residentially zoned district if the property abuts a state highway. No more than three rooms can be rented and adequate parking must be provided. There must be a resident family that lives on site. This property is one parcel removed from abutting a state highway, specifically Ohio Route 4 (i.e. Columbus Ave), and thus renting of rooms to tourists is not permitted by the Zoning Code. The R2F Two-Family Zoning district the property sits in would allow for this dwelling to be used as either a single or two-family residence.

According to the City's Division of Code Compliance, the entire dwelling (all four bedrooms) at this property has been listed on Airbnb and VRBO for transient rental since June 2019. There is currently an ongoing court case in Sandusky Municipal Court involving zoning violations with this 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 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 not aware of the zoning restriction.

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

The owner could initiate the process of creating a Transient Rental Overlay District, which would need City Commission approval. Otherwise, only a variance could allow for the renting of tourists' rooms.

**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 and renting of tourists' rooms in residential zoning districts, and even though this property is



only parcel away from abutting a state highway, it is difficult to ascertain where to draw the line if exceptions are made.

**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 can be used as a single or two-family residence. There is no unique characteristic of this property that prevents it from being used in such a manner.

**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;**

This property is not unique from other properties in the zoning district.

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

It is unlikely that the variance would 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 strict application of the Zoning Code would **not** constitute an unnecessary hardship on the property owner because the dwelling and property are perfectly suited for use as a single or two-family residence, as is allowed by the Zoning Code.

**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 that may also get approval to rent rooms to tourists' 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.**

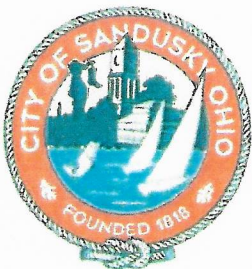
Granting a use variance for one specific property does appear to be contrary to the general spirit, intent or objectives of the Zoning Code.

---

**CONCLUSION/RECOMMENDATION**

---

Staff acknowledges that this property is only one parcel removed from a state highway, and if it were abutting a state highway, renting of rooms to tourists by a resident family would be permitted by the Zoning Code. However, staff does not believe that the strict application of the Zoning Code would constitute an unnecessary hardship on the owner and staff does not believe the very high standard for a use variance has been met in this case. Staff is also concerned about making exceptions to the stipulation that properties must abut a state highway, because it would not be clear at what point a line should be drawn as to when it stops becoming acceptable. This would set a difficult precedent to adhere to. As such, staff does not support the granting 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: 749 Park St, Sandusky, Oh 44870

Applicant Name: Daniel L. McGookey

Applicant Address: 225 Meigs St, Sandusky, Oh 44870

Applicant Phone: 419-271-5094

Applicant Email: dmcgookey@mcgookeylaw.com

Property Owner Name: KMOH, LLC, c/o Ronald Brooks

Property Owner Address: 6545 Market Ave N, Suite 100, North Canton, Oh 44721

Property Owner Phone: 757-477-2030

Property Owner Email: Kmohllc@gmail.com

### VARIANCE INFORMATION:

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

§ 111.06. There are five off street parking spaces available

Variance(s) Requested:

Change of from R2F use under § 1129.06(e) to allow renting of tourist by a resident family of not more than 3 rooms

Description of Proposal:

The owner bought the property and invested a substantial sum in improving it in the expectation of using it as a vacation rental. He has a family to live on site, and act as property manager.



**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. The subject property lies only one parcel away from State Rt 4. IF it were on Rt 4, no variance would be needed. See attached map.
- 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?  
No
- 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.

Yes. The fact is that this lot is only one lot away from a state highway; otherwise a variance would not be needed.

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

No.

- 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.

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

No

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

No.



**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

1/6/20  
Date

**PERMISSION TO ACT AS AUTHORIZED AGENT:**

As owner of 749 W Park St (municipal street address of property), I hereby authorize Dan McGookey Law to act on my behalf during the Board of Zoning Appeals approval process.

  
Signature of Property Owner

01/07/2020

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 *see attached map*
- 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: \_\_\_\_\_



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

## Erie County GIS



Notes

There are five off street parking spaces available. There is a driveway on the west side of the property and a joint alleyway leading to the garage to the east of the property