



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

June 18th, 2020

4:30 pm

Meeting via Microsoft Teams & Live Streamed on

www.Youtube.com/CityofSanduskyOH

1. Meeting called to order – Roll Call
2. Review of minutes from the March 19, 2020 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items

Adjudication hearings to consider the following:

1) 1 Cedar Point Drive – Area Variance

A variance to the Zoning Code Section 1157.04(e)(2) to allow construction of a building at Cedar Point at 0.8 feet above the base flood elevation whereas the Zoning Code requires 2 feet.

2) 731 Perry Street – Area Variance

A variance to the Zoning Code Section 1145.16(d) to allow a carport to project 10 feet into the rear yard whereas the Zoning Code permits 0 feet. The property is in a R2F Two-Family Residential zoning district.

3) 606 Wayne Street – Area Variance

A variance to the Zoning Code Section 1145.17(g)(1) to allow a 4-foot fence in the front yard whereas the Zoning Code permits 3 feet. The property is in a R2F Two-Family Residential zoning district.

4) 317 E. Washington Street – Area Variance

A variance to the Zoning Code Section 1149.05 to allow for a reduction in the required amount of off-street parking spaces to 47 spaces whereas the Zoning Code requires 91 spaces. The property is in a DBD Downtown Business zoning district.

5) 609 Perkins Avenue – Area Variance

A variance to the Zoning Code Section 1149.05 to allow for a reduction in the required amount of off-street parking spaces to 13 spaces whereas the Zoning Code requires 18 spaces. Also, a variance to the Zoning Code Section 1149.09 to allow for the lack of a 3-foot landscape buffer on the east side of the property. The property is in a GB General Business zoning district.

6) 327 Shelby Street – Use Variance

A variance to the Zoning Code Section 1129.03 to allow the property to be used for transient rental whereas the Zoning Code does not permit transient rental as an allowable use. The property is in a R2F Two-Family Residential zoning district.

4. Other Business

5. Adjournment

Next Meeting: July 16, 2020

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

Board of Zoning Appeals
March 19th, 2020
Minutes

Meeting called to order:

Mr. Feick called the meeting to order at 4:30pm. The following voting members were present: Mr. Feick, Dr. Semans, Mr. Delahunt, and Mr. Matthews. Mr. Thomas Horsman represented the Planning Department. City Commission liaison Dave Waddington was also present.

Review of minutes from February 20th, 2020:

Mr. Delahunt motioned to approve the minutes from the February 20th, 2020 meeting. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

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

Mr. Feick swore in everyone wishing to do so.

1st application:

Mr. Feick stated that the first application on the agenda is for parcel 57-00771.00 on the northeast corner of Cleveland Rd and Cedar Point Drive, and parcel 57-00779.000 located on Cedar Point Drive north of First Street. The application was submitted by Albert Haddad of Ellet Sign Company, as an authorized agent of Cedar Point, to construct two replacement off-premise signs (defined as billboards) for Cedar Point Park in a CR Commercial Recreation zoning district. The appellant is seeking variance for relief from the strict application of the following sections of the Sandusky Codified Ordinances: 1) Section 1143.09 (b)(1) which states that billboards are only permitted in Manufacturing Districts and the appellant is proposing a billboard in a Commercial District, and 2) Section 1143.09 (b)(6&7) which states that there shall be a 30-foot minimum setback from the front and side property lines and the appellant is proposing less than 30 feet.

Mr. Horsman stated that the one sign would need a variance for a 10-foot side yard setback. The second sign is on Cedar Point's property and does meet the setback requirements, it is just reconstructing an off-premise sign.

Dr. Semans motioned to approve the application. Mr. Matthews seconded the motion. All voting members were in favor of the motion.

Adjournment:

Mr. Delahunt moved to adjourn the meeting; Mr. Matthews seconded the motion. All members were in favor to adjourn.

The meeting was adjourned at 4:35pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

Application for a Floodplain Variance

STAFF USE ONLY:

Filing Date: _____ Hearing Date: _____ Reference Number: _____

Address of Property (or parcel number) for Variance Request: One Cedar Point Dr. Parcel # 55-00068
Legal Description of the Property: See attached first page of deed
Name of Property Owner: Cedar Point Park LLC
Mailing Address of Property Owner: One Cedar Point Dr.
City: Sandusky State: OH Zip: 44870
Telephone #: 419-609-5965 Email: adam.pooch@cedarpoint.com

If same as above check here ☒

Name of Applicant: _____
Mailing Address of Applicant: _____
City: _____ State: _____ Zip: _____
Telephone #: _____ Email: _____

Description of Existing Use: Built in the 1960's Restaurant/Foods Building (Now demolished)

Description of Proposed Use: The Corral Restaurant/Foods Building (under construction)

Variance Requested: Construct The Corral building at 0.8 feet above the base flood elevation, rather than the full 2.0' above as required by Section 1157.04(e)(2) of the City Zoning Code.

Reason for Variance: Existing midway grade and surrounding features prohibit raising the proposed building any higher. Due to ADA slope requirements, pedestrian traffic, accessibility of carts with supplies & trash to/from building, an increased slope to the code requirement level would also increase the potential for slips, trips, and accidents.

[Signature]
Signature of Property Owner

3/18/20
Date

Signature of Authorized Agent

Date

Please answer all of the following questions:

- 1) What is the estimated cost of the improvement?

\$1,000,000

- 2) What is the unnecessary hardship that would be created by strict enforcement of the regulations?

The existing Coral building could not be replaced with a new building under the elevation regulation. This building is located strategically to provide food & beverages to guests. The majority of the Midway is within the flood zone and a different location would have the same challenge. The midway has the most pedestrian traffic and will provide the exposure needed for this restaurant to be successful. Catch basins exist in the midway and raising this building would cause drainage problems elsewhere.

- 3) Why can't the City Elevation for the Finished Floor Elevation (FFE) be met?

Sloping up from the midway and surrounding features to meet the City Elevation FFE would be too extreme and cause a safety hazard of slips, trips, and potential accidents. Pushing heavy carts up and down the slope would also cause a potential safety hazard for employees. Please note that many structures in this vicinity are built below the City FFE requirement. Also, the proposed building is located 600+ feet from the flooding source of Lake Erie.

- 4) Is the mechanical (e.g. AC units, furnaces, water tanks) and electrical (e.g. outlets, switches, circuit breakers, etc) equipment "flood-proofed" above the city City-required elevation?

No, some kitchen equipment and the hot water tank are below the City-required elevation and are not flood-proofed.

Please note that per FEMA regulations, this building is elevated sufficiently above the base flood elevation and would not be required to have flood insurance.

- 5) Are crawl spaces or basements (of the proposed new addition/construction) below the City Elevation equipped with flood vents, floodgates, flood ports, or another mechanical or passive device to reduce structural damage? ☐ YES ☐ NO ☒ (N/A) No basement or crawl space

If YES, please list the types, along with the dimensions and quantity:

If NO, please explain why:

N/A - no basement or crawl space

**CITY OF SANDUSKY
FLOOD DAMAGE PREVENTION DEVELOPMENT PERMIT
CODIFIED ORDINANCE CHAPTER 1157**

Application must include site-specific plans submitted in duplicate containing the following information:

A scaled drawing indicating the development area, showing nature, location, dimensions, existing and proposed contours and elevations of the area in question; existing or proposed structure, proposed fill materials; drainage facilities and location of the foregoing.

Fill material must be clean and free of decay material. No asphalt material is permitted. Concrete material shall be crushed and free of any structural material.

The following information is also required in accordance with Sandusky City Code 1157.16:

- Elevation in relation to mean sea level, of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source.
- Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed in accordance with Section 1157.21 (b) where base flood elevation data are utilized from any source;
- Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 1157.21b;
- Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished; and
- Certification **submitted upon completion** by a registered professional engineer, architect or surveyor of the structures as-built lowest floor or flood proofed elevation.

A filing fee is required at the time of submittal, please check designation:			
<input checked="" type="checkbox"/> Non/Residential - \$500.00 Per Site and/or Structure		<input type="checkbox"/> Residential - \$100.00 Per Lot	
Description of Work (check appropriate boxes) <input type="checkbox"/> Excavation/Fill <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Alteration			
Exact Address of Proposed Project:		1870 Cedar Point Boulevard	
Applicant Name:		Paul Waltz, AIA, NCARB	Phone 330.659.3161 x242
Relationship to Owner:		<input type="checkbox"/> Self <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Other (fill in)	
Applicant's Address: 2138 N Cleveland Massillon Rd, Akron, OH 44333			
Property Owner: (if other than applicant)		Cedar Fair Entertainment Co. (Dustin Radloff)	Phone 419-609-2032
Owner's Address: 1 Cedar Point Drive			
1.	Elevation of lowest floor (including basement) of all structures:		577.80
2.	Elevation of Non-Residential structure that floodproofing has been proposed:		
3.	Flood proofed structure needing Certification:		
Estimated Market Value of Existing Structure: (Attach copy of tax duplicate or other documentation)		\$	Year structure was built: TBD
Cost of Improvement of Addition or Alteration:		\$	

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE. I AGREE TO ABIDE BY ALL THE TERMS AS IN CITY OF SANDUSKY'S CODIFIED ORDINANCE, CHAPTER 1157, FLOOD CONTROL.

Paul Waltz

Digitally signed by Paul Waltz
DN: C=US, E=pwaltz@landparchitecture.com, O=Land
ARCHITECTURE, CN=Paul Waltz
Date: 2019.11.27 16:46:21 -0500

27 November 2019

Applicant Signature

Date

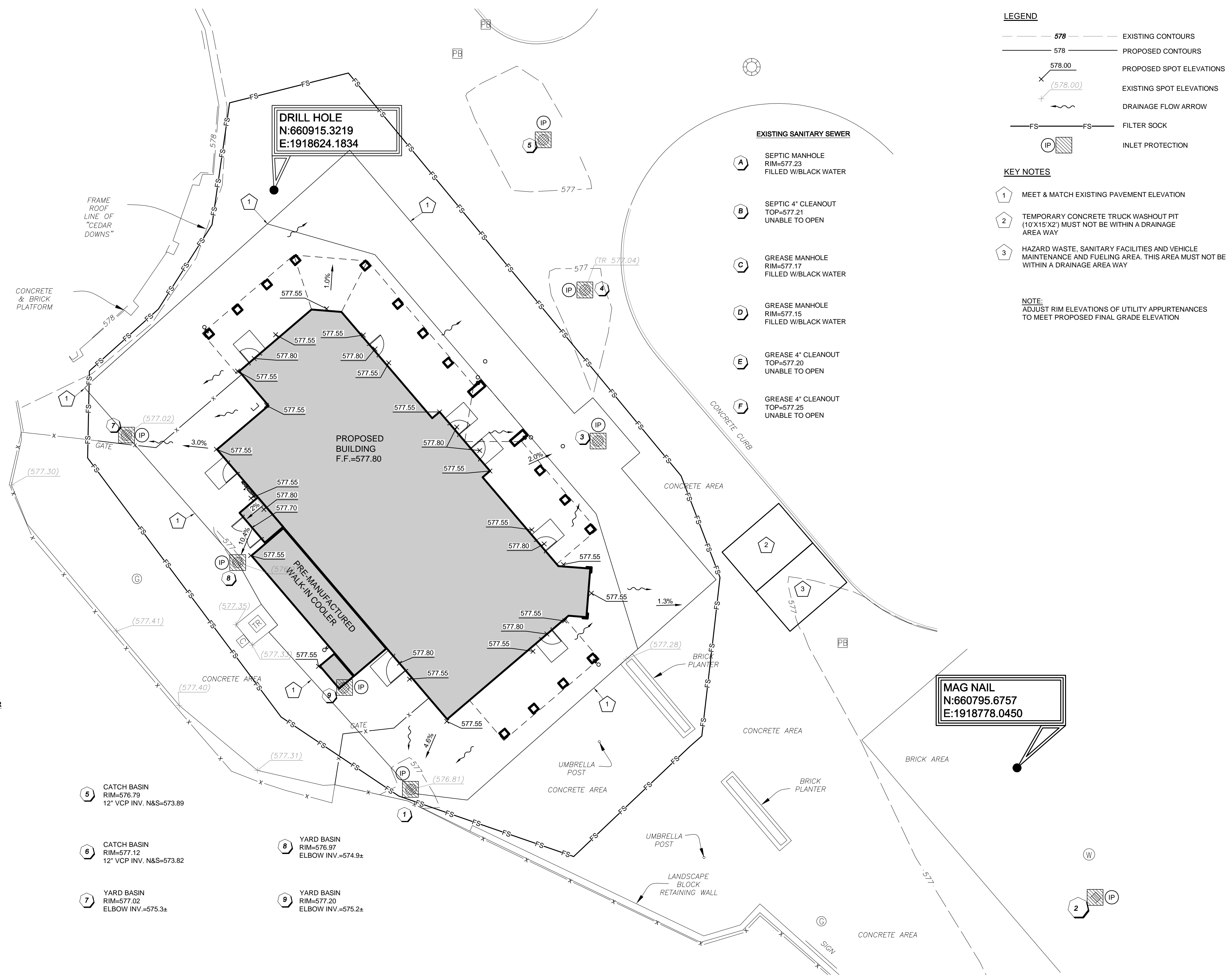
FOR OFFICE USE ONLY

In accordance with the plans and applications submitted, the proposed project ☐ does or ☒ does not comply with the minimum requirements of the Sandusky City Code Chapter 1157 and is therefore:

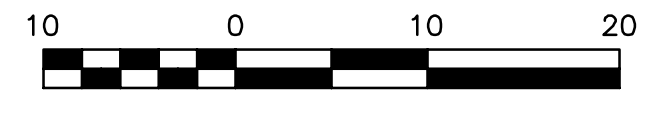
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Disapproved (comments attached)	Permit Number	
Approved by:			
Signature:		Date:	
Title:			

Reviewed by CNE. See Attached

PROJECT NO.:	12215
DRAWN BY:	TBA
CHECKED BY:	TBA
ISSUED DATE:	10.11.19
ISSUED REVISIONS:	
▲	
▲	
▲	BULLETIN 3 11.26.19
▲	
▲	
▲	
▲	



GRADING PLAN
1" = 10'



2 WORKING DAYS
BEFORE YOU DIG
CALL TOLL FREE: 800-362-2764
OHIO UTILITIES PROTECTION SERVICE

TBA
Thorson Baker + Associates
CONSULTING ENGINEERS
3030 West Streetsboro Road
Richfield, Ohio 44296
(330) 659-6688 Ph.
(330) 659-6675 Fax

M E M O

To: **Aaron Klein, P.E.**

From: **Bret Keller, P.E.**

Date: **December 23, 2019**

Project Number: **19211**

Regarding: **12235 CP The Corral – Flood Plain Review**

The following items have been noted regarding the “Flood Damage Prevention Development Permit” for the proposed alterations at 12235 CP The Corral:

- The proposed improvements are located within Zone AE (BFE 577.0) on the effective and preliminary FIRM. The proposed lowest floor elevation is 577.8. As proposed, the improvements do not meet compliance with Code Item 1157.04(e)(2), for non-residential structures to be constructed to the level of the flood protection elevation (base flood elevation plus two (2) feet of freeboard). The options available to meet compliance are as follows:
 - Obtain a variance for construction of the structure at 0.8’ above the base flood elevation, rather than the full 2.0’ above as required by code.
 - Raise the proposed lowest elevation of the Pavilion to or above 579.0.
 - Construct the Pavilion at 577.80 as proposed, while meeting all of the following standards in regards to construction of the structure:
 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Items (1) and (2) above.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A CARPORT PROJECTING INTO THE
REQUIRED REAR YARD AT 731 PERRY STREET

Reference Number: PVAR20-0013

Date of Report: June 11, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Delia MacDonald
731 Perry Street
Sandusky, OH 44870

Site Location: 731 Perry Street
Sandusky, OH 44870

Zoning: R2F – Two-Family Residential

Surrounding Zoning: North: R2F – Two-Family Residential
East: R1-40 – Single-Family Residential
South: R1-40 – Single-Family Residential
West: R2F – Two-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.16(d)

Variance Requested: 1) A variance to allow a carport to project 10 feet into the rear yard whereas the Zoning Code permits 0 feet

SITE DESCRIPTION

Subject Property Outlined in Blue

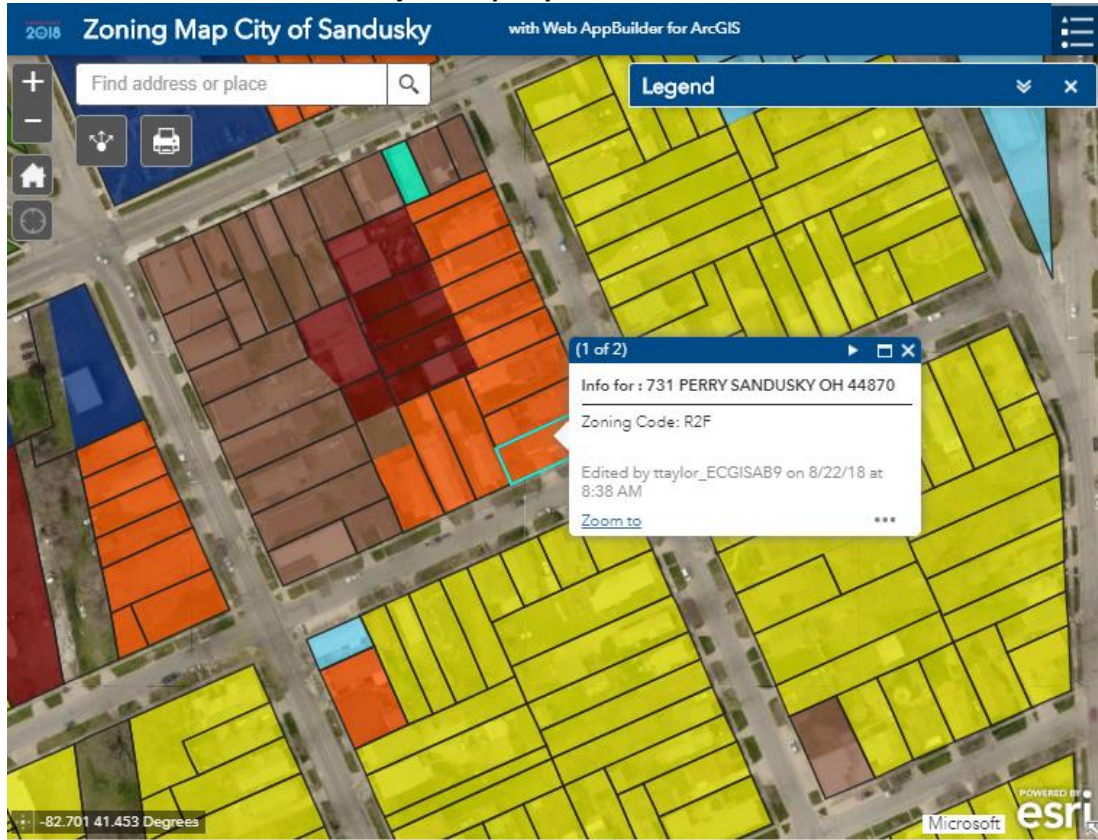


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

The applicant is proposing to build a carport that would be attached to the west end of their garage and thus project 10 feet into the required back yard. The Zoning Code does not allow an attached carport to protrude into the required yard. The applicant has stated that they chose a carport option instead of a shed because it was more cost effective and structurally safer. If the carport were an accessory structure instead of attached to the house, it would conform with the accessory structure zoning requirements.

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 the carport structure would conform with the zoning setbacks if it were a separate accessory 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 likely substantially alter the character of the neighborhood.

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 owner claims that they were 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 use the structure as an accessory structure and not attach it to the garage.

- 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,

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

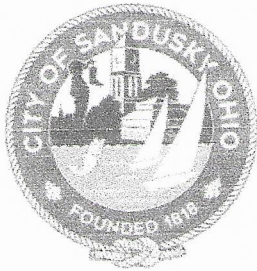
The property can still yield a reasonable return without a variance.

- 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

Staff believes that the strict application of the Zoning Code would constitute a practical difficulty and recommends the approval of the variance. The carport would not be detrimental to adjoining property owners and meets all the setbacks that would be required if it were separated as an accessory structure.



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: 731 Perry St Sandusky OHIO 44870

Applicant Name: Debra MacDonald

Applicant Address: 731 Perry St

Applicant Phone: 419-625-9996

Applicant Email: Jdmacdonald12@yahoo.com

Property Owner Name: John and Del MacDonald

Property Owner Address: 1422 Avondale St Sandusky

Property Owner Phone: 419-625-9996

Property Owner Email: Jdmacdonald12@yahoo.com

VARIANCE INFORMATION:

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

1145.16 Projections into yards

Variance(s) Requested:

Permission to add a Car Port next to garage

Description of Proposal:

Attach a carport to the existing garage. This would project another 10 feet into the backyard. Would then enclose the carport with a locking door to store seasonal equipment.

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, my family owned the property since 1973, no real knowledge.

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

A pre-made 10x15 shed was considered, but attaching to existing garage was determined to be more cost effective & safer structurally.

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

Yes, John & Del McDonald have done substantial improvements to the property, and this attached carport enhances the beauty of the neighborhood.

- 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.

731 Perry St is a corner lot this is closer to rectangular than square. The "backyard" is the location of the proposed enclosed carport, and is not an intrusion or violation of the spirit of the zoning code, nor will it impact either neighbors property rights.

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

The height of the structure is less than that of adjacent garage, and will not impact neighbors views, sunlight received, etc.

- 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.

Additional storage is badly needed to allow full use of existing 2 Car Garage for ~~the~~ parking 2 vehicles inside.

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

No Adverse Effects.

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

It is not a violation of the spirit of the Zoning as there is no detrimental effect to the neighborhood.

APPLICATION AUTHORIZATION:

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


Signature of Owner or Agent

5/26/2020
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:

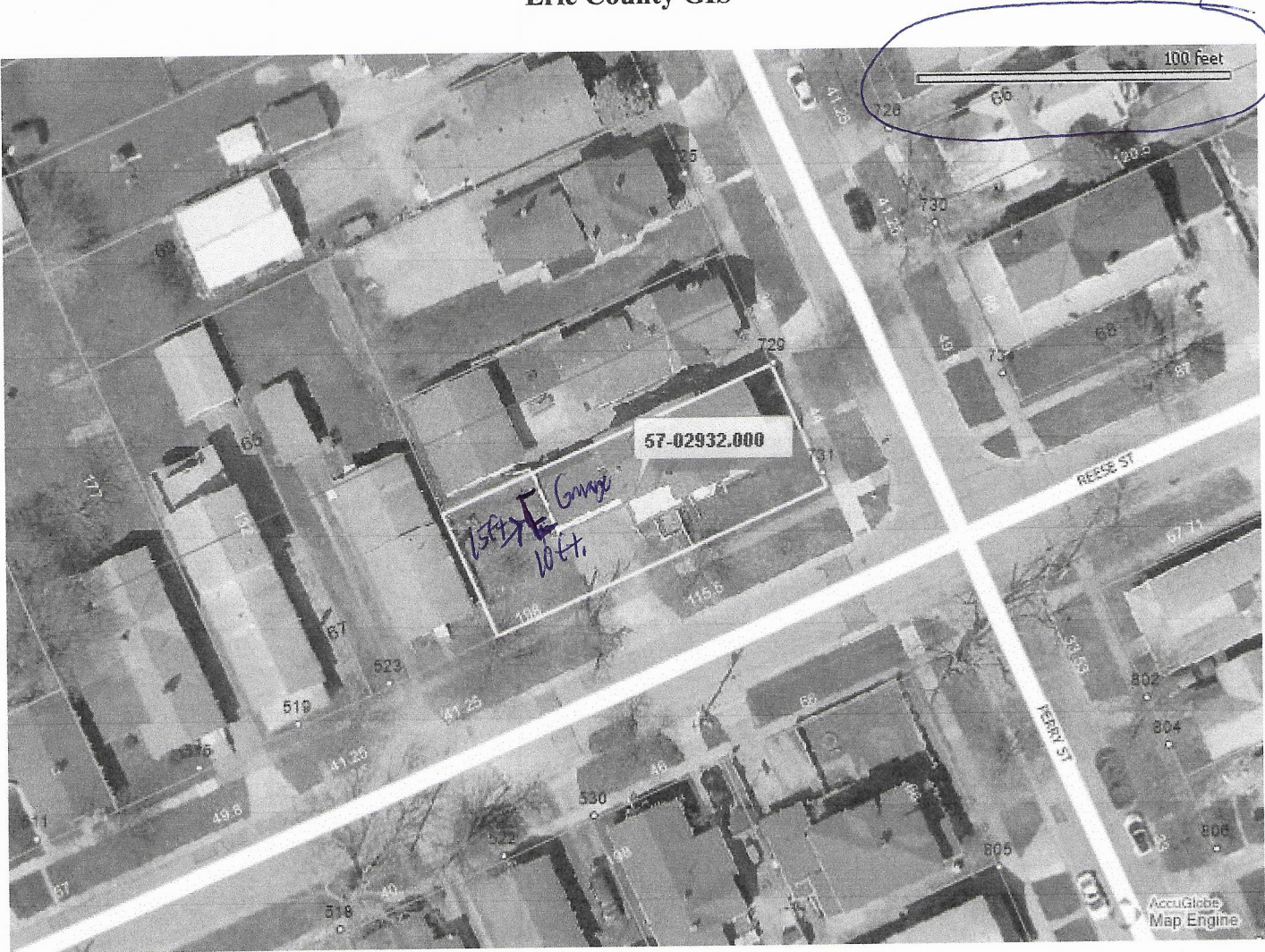
- 1) Application submitted either as hard copy or electronic copy
- 2) \$100 filing fee
- 3) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - a) Property boundary lines
 - b) Building(s) location
 - c) Driveway and parking area locations
 - d) Location 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:

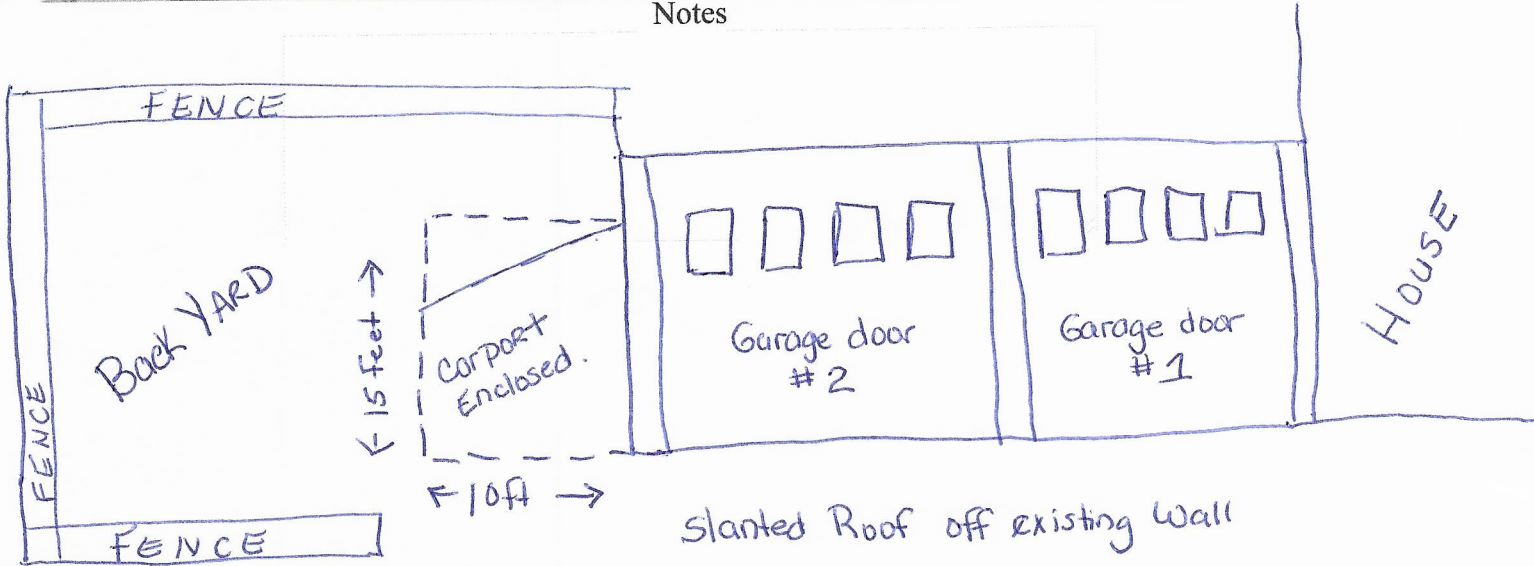
Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

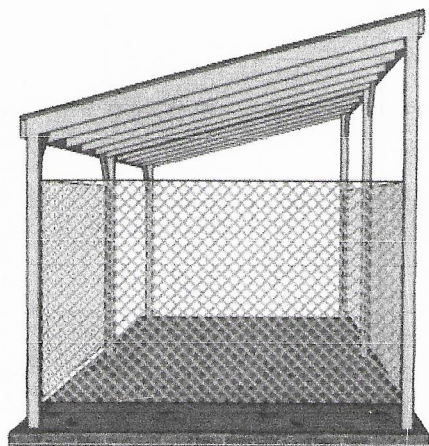
Erie County GIS



Notes



- ^ The carport seen from one side. Fitting lattice panels to the sides would be a great way to protect your car from the elements.



Building a lean to carport

The carport is seen from the front. As you can notice, the structure is open on the front.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 4-FOOT FENCE IN THE FRONT YARD
AT 606 WAYNE STREET

Reference Number: PVAR20-0013

Date of Report: June 11, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Aaron Jacobs
606 Wayne Street
Sandusky, OH 44870

Site Location: 606 Wayne Street
Sandusky, OH 44870

Zoning: R2F – Two-Family Residential

Surrounding Zoning: R2F – Two-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

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

Variance Requested: 1) A variance to allow a 4-foot fence in the front yard
whereas the Zoning Code permits 3 feet.

SITE DESCRIPTION

Subject Property Outlined in Blue

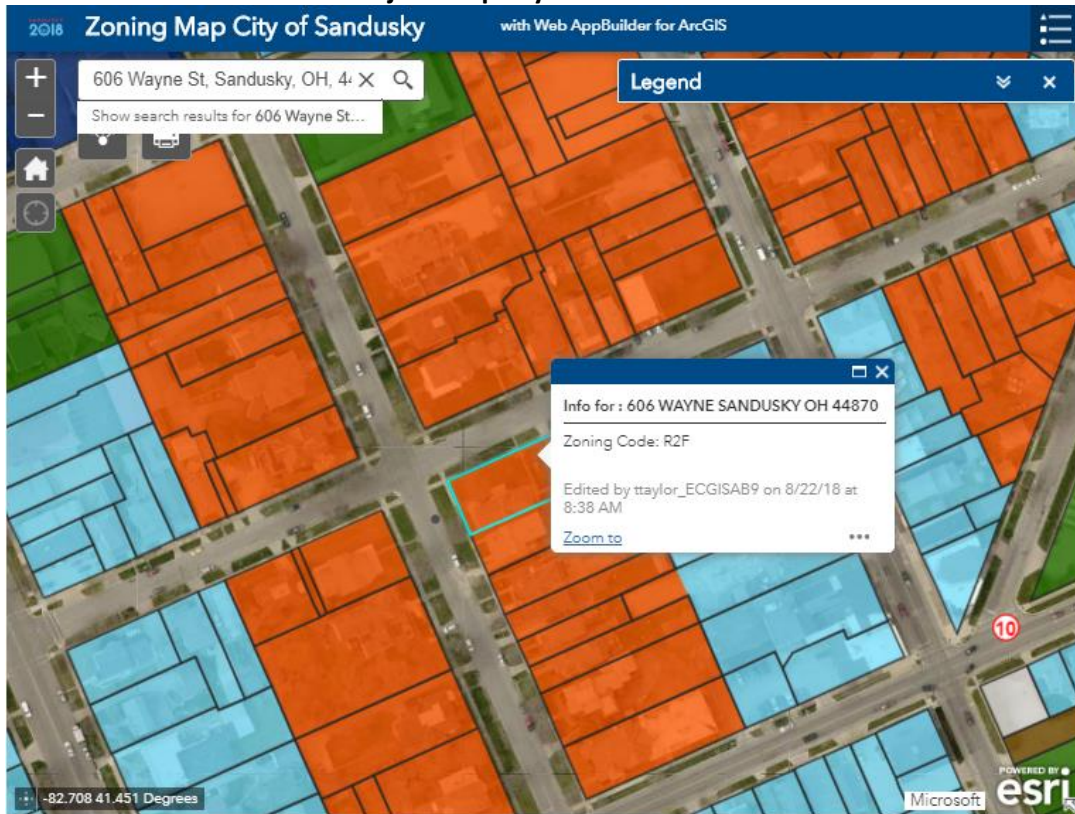


Photo of the Property (6/11/2020)



DEPARTMENT OF PLANNING COMMENTS

The applicant recently demolished a dwelling that was immediately adjacent to the south of the dwelling at 606 Wayne Street. The applicant intends to use the vacant portion of the lot as part of their yard and intends to extend the fence that currently exists on the north side of the property. The fence would extend from its current line and will then run along the front yard of the vacant portion of the lot. The applicant received a height variance for their current fence in 2015 and staff recommended in favor of the 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 is only a 1-foot variation, and it will be a continuation of a 4-foot fence that already exists and had received a variance.

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

It would not appear that the proposed fencing would substantially alter the character of the neighborhood nor have substantial impact on adjoining properties. The surrounding properties have a variation of 3' and 4' fences located within the front 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;

Yes, the owners were aware of the restriction.

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

The owner would have to build a 3-foot fence, which would be inconsistent with the fence that currently exists on the property.

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 fence is decorative and the proposal would lead to a visual consistency with the existing conditions.

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

As the Board of Zoning Appeals granted a variance for the existing fence at 606 Wayne Street in 2015, and this proposed fence would be an extension of that fence, staff recommends the granting of the 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: 606 Wayne Street, Sandusky Ohio

Name of Property Owner: Aaron Jacobs

Mailing Address of Property Owner: 606 Wayne Street

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-612-5840 Email: ajskier@hotmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

To extend the existing fence to encompass an additional lot acquired after the initial fence was erected.

Variance Requested:

Requesting a variance to allow the new portion of the fence to stand 4ft above grade in the front yard so that it is consistent with the existing fence.

Section(s) of Zoning Code:

1145.17(G)(1)


Signature of Property Owner

04/17/2020
Date

Signature of Authorized Agent

Date

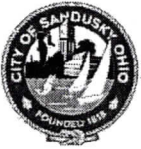
APPLICATION #BZA-001

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?
Property owner does not believe the variance would be substantial as the 4ft increase along the front is only a foot higher than code permits.
- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?
Property owner does not believe this would alter the character of the neighborhood as it would be consistent with the existing fence currently on the property. The adjoining property owner would not suffer a detriment- *this wouldn't face their property.*
- 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?
Yes, however we previously obtained a variance permitting a 4 ft above grade fence along the front yard and are now just seeking to expand as we acquired the adjacent lot & combined parcels.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
No. Absent a variance permit, the fence would be inconsistent.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
Property owner believes this request is consistent with the spirit & intent behind the zoning requirement.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
Not permitting the variance would result in either the property only being partially enclosed or having fence of inconsistent heights, both of which would impact the value of the property. A partial enclosure would further limit the beneficial use of the property.
- 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?
Property owner does not believe granting the variance would be contrary to the items listed.



APPLICATION FOR ZONING PERMIT

City of Sandusky, Department of Community Development, Division of Planning & Zoning

PRINT LEGIBLY and use BLUE or BLACK ink to complete application. All sections must be completed or the application may be returned to you. Complete sections 1 – 9 of the application and submit to the office for approval. A plot or site plan must be attached which shows the location of the fence or shed and its dimensions. The type of fence must also be listed. An example is shown on the reverse side.

1	Type of Work (check all that apply)	<input checked="" type="checkbox"/> Fence <input type="checkbox"/> Shed <input type="checkbox"/> Other:		
2	Exact Address of Project:	1606 Wayne Street Sandusky, MI		Type of Occupancy: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial/Industrial
3	Property Owner of Record:	Auron Jacobs		Daytime Telephone: 419.706.0514
	Street Address City, State, Zip:	1606 Wayne St Sandusky, MI		E-mail: cmjacobs@man.law offices.com
4	Submitter Name: (Contractor: list Company Name & Contact Name)	Auron Jacobs		Daytime Telephone: 419.706.0514
	Street Address City, State, Zip:			E-mail:
5	Work will be done by: <input checked="" type="checkbox"/> Owner/Occupant <input type="checkbox"/> Contractor			
6	Is this project/building located in a Flood Plain? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, has the flood plan administrator been contacted for requirements? <input type="checkbox"/> No <input type="checkbox"/> Yes			
7	List any and all Contractors or Sub-Contractors working on this project not listed above:			
8	Describe the proposed work to be done in sufficient detail to determine compliance with the City of Sandusky's Planning and Zoning Code. Use additional sheet(s) if necessary. A drawing showing the location of your fence and/or shed is required. For fences: list the type and height of the fence. For sheds show the square footage and dimensions. See the back of this form for examples. We currently have a fence that runs 4ft high along our property. Since creating that fence, we have acquired the neighboring lot and want to fully enclose the property. We would like it to be 4ft coming off the front of the porch & along the side yard. It would be vinyl picket consistent with what is currently up.			
9	I hereby certify that I am the (select one) <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Agent for the Owner	And all information contained in this application is true, accurate and complete to the best of my knowledge. I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent and we agree to all applicable laws of this jurisdiction.		
	Signature	Date	Print or type the name of signer	
		04/17/2020	Auron Jacobs	
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.				
The fee for a fence permit is \$20.00 and the fee for a residential shed (under 200 square foot) is \$35.00 Please make checks payable to the City of Sandusky.				
Office Use Below This Line				
Parcel #:		Lot #:	Zoning:	CPA #:
Submittal Date:		<input type="checkbox"/> Walk-in	<input type="checkbox"/> Mail	<input type="checkbox"/> Fax or email

Erie County GIS



Notes

fence would come off the front of the existing porch & run along the side yard at the current set back requirement. We would like it to be 4ft. to be consistent with the current fence

this garage is going to be torn down & a new one built in the back corner when the lot is located (approx.) so we would extend the current fence to reach the new garage structure.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO REDUCE
THE AMOUNT OF REQUIRED OFF-STREET PARKING
SPACES AT 317 EAST WASHINGTON STREET

Reference Number: PVAR20-0007

Date of Report: June 11, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant:	Jeff Foster Payto Architects 1220 West 6 th St, Suite 405 Cleveland, OH 44113
Owner:	Market Street Collective Attn: Rahul Paliwal 1505 7 th Street, Unit 201 Santa Monica, CA 90401
Site Location:	317 East Washington Street Sandusky, OH 44870
Zoning:	DBD – Downtown Business
Surrounding Zoning:	North, East, West: DBD – Downtown Business South: R2F – Two-Family Residential
Surrounding Uses:	North and East: Commercial West and South: Residential
Existing Use:	Vacant (Former grocery store)
Proposed Use:	Multi-tenant food hall
Applicable Plans & Regulations:	City of Sandusky Zoning Code Section 1149.05
Variance Requested:	1) A variance to allow for a reduction in the required amount of off-street parking spaces to 47 spaces whereas the Zoning Code requires 91 space

SITE DESCRIPTION

Subject Property Outlined in Blue

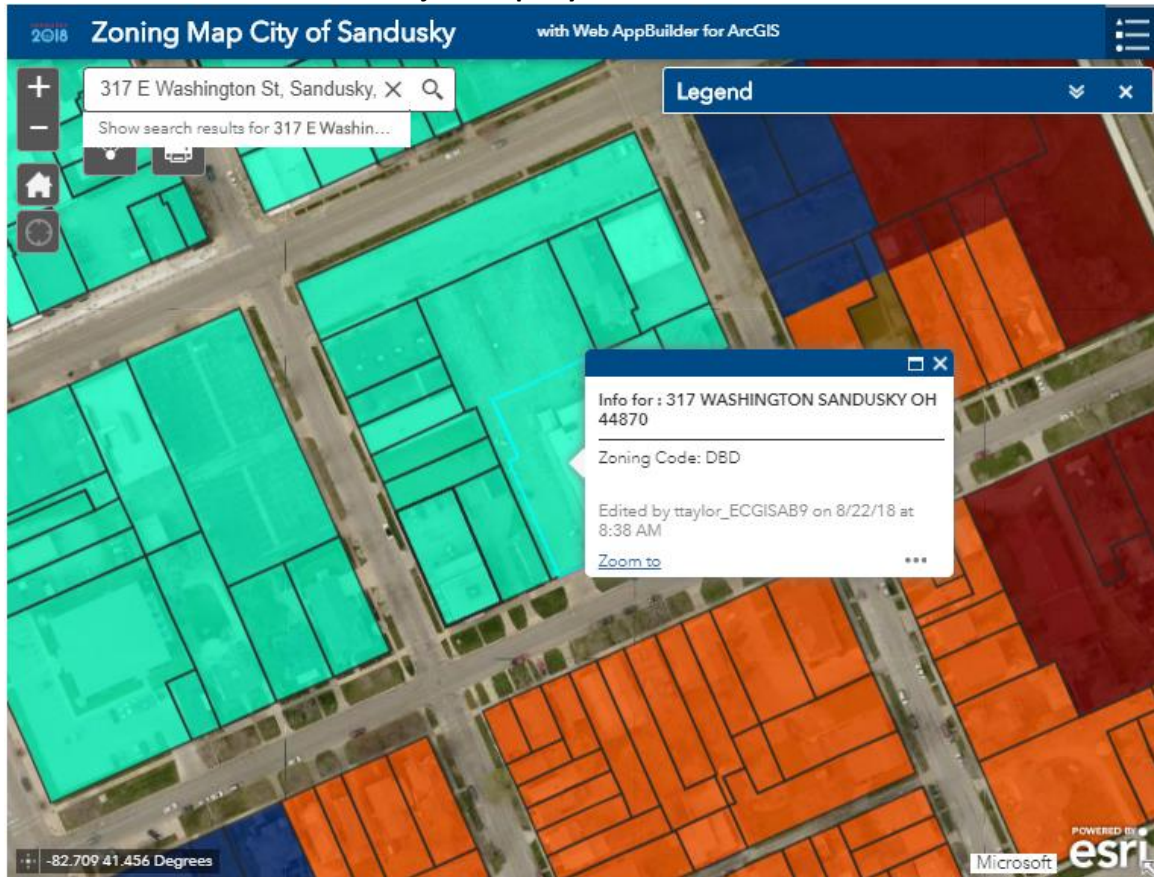


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

The owners of this property purchased it in August 2019 with the intent of transforming the old Cardinal Grocery building into a multi-tenant food hall. Plans also call for closing the driveway and parking area adjacent to the west side of the building to turn it into a pedestrian walkway and seating area. Due to the square footage and uses inside the building, staff determined that the required amount of parking spaces are 91 spaces. The applicant is proposing 47. This property is located in the Downtown Business District zoning district, but it is three parcels outside the eastern boundary of the Central Business District, which does not have any parking requirements.

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 in number, however, staff does not believe it is substantial in a practical sense.

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

It is unlikely that the essential character of the surrounding neighborhood would be substantially altered, nor would adjoining property suffer 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 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 owners were 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 would have to decrease the usable square footage of the building substantially to reduce the required parking.

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 behind the zoning requirement would be observed as the proposed use of the building (food hall) is not one that is specifically mentioned in the parking schedule in the Zoning Code and staff believes the proposed parking is adequate to serve the needs.

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

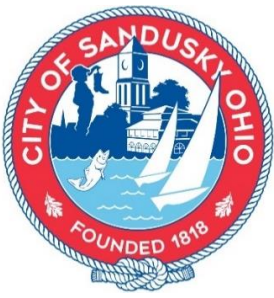
The proposed use of the property would not likely be able to yield a reasonable return without a variance.

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

This property is located in the DBD zoning district and is less than one block away from the Central Business District, which does not require off-street parking. Due to its proximity to the core of downtown, as well as large off-street public parking lots and plentiful on-street parking, staff believes the proposed off-street parking plan is sufficient to meet the needs of the facility. And due to the unique nature of the proposed use of the facility, staff believes that the strict application of the Zoning Code would constitute an unnecessary hardship on the applicant and supports the granting of the variance.



BOARD of ZONING APPEALS

Application for a Zoning Variance

Department of Planning

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

Instructions to Applicants

MEETINGS: 3rd Thursday of each month at 4:30 P.M.* – City Commission Chamber, First Floor of City Hall.

**Meeting dates are subject to change. Please check www.cityofsandusky.com/BZA for an updated schedule.*

DUE DATE FOR SUBMITTALS: Applications are due by 5:00 P.M. on the date of the preceding month's Board of Zoning Appeals meeting.

WHO MUST ATTEND: The property owner, or the authorized agent of the owner, must be present at the BZA meeting for all variance requests.

APPLICATION FEE: \$100

SUBMISSION REQUIREMENTS: Please provide either a hard copy or electronic copy of the following:

- 1) Completed application
- 2) 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.)

Please note that the granting of a variance is not a Building Permit. A separate Building Permit must be issued prior to all construction.

Submit application and materials to:

City of Sandusky
Department of Planning
240 Columbus Ave.
Sandusky, OH 44870

Contact Thomas Horsman, Assistant Planner, at 419-627-5715 or thorsman@ci.sandusky.oh.us with any questions

Application for Board of Zoning Appeals

STAFF USE ONLY:

Filing Date: _____ Hearing Date: _____ Reference Number: _____

Address of Property (or parcel number) for Variance Request: 317 East Washington Street
Name of Property Owner: The Market Street Collective, Attn: Rahul Paliwal
Mailing Address of Property Owner: 1507 7th Street, Unit 201
City: Santa Monica State: CA Zip: 90401
Telephone #: 855-955-1041x701 Email: rp@pacificcollective.com

If same as above check here ☐

Name of Applicant: Payto Architects, Attn: Jeff Foster
Mailing Address of Applicant: 1220 West 6th St. Suite 405
City: Cleveland State: OH Zip: 44113
Telephone #: 216-241-6800 Email: jfoster@paytoarchitects.com

Description of Proposal:

The project is the conversion of the former Kriemes Cardinal Grocery into a Food Hall. Modifications are proposed to the exterior parking areas of the property in addition to building interior and exterior work.

Variance Requested:

Leniency on the required number of on site parking spaces

Section(s) of Zoning Code:

1149.05 Requirements for offstreet parking



Signature of Property Owner

12/03/20
Date

Jeffery D Foster
Digitally signed by Jeffery D Foster
DN: cn=Jeffery D Foster, o=Payto Architects, ou,
email=jfoster@paytoarchitects.com, c=US
Date: 2020.03.12 10:37:40 -0400

Signature of Authorized Agent

3/12/2020
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?

By number yes, but not in a practical sense.

- 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 character of the surrounding neighborhood would not be altered.

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

No. These are not changed in any way.

- 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?

The spirit of the zoning requirement would be maintained.

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

Not for the proposed use.

- 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. It enhances the master plan's goal by creating a diversity of uses throughout downtown.

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?

This same condition would apply to the adaptive re-use of any of the surrounding properties in the zoning district. The requirements for on site parking are onerous and contradictory to the spirit of the City's master plan.

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

No.

- 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?

Yes.

- 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 will not.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO REDUCE
THE AMOUNT OF REQUIRED OFF-STREET PARKING
SPACES AT 609 EAST PERKINS AVENUE

Reference Number: PVAR20-0012

Date of Report: June 11, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant:	Jason Tusing Tusing Builders 2596 US Route 20 East Monroeville, OH 44847
Owner:	609 E. Perkins, LLC 17552 Lake Edge Trail Chagrin Falls, OH 44023
Site Location:	609 E. Perkins Ave. Sandusky, OH 44870
Zoning:	GB – General Business
Surrounding Zoning:	North: R1-60 Single-Family Residential West/East: GB – General Business South: Perkins Township
Surrounding Uses:	West, South and East: Commercial North: Residential
Existing Use:	Vacant (Former check cashing/loan business)
Proposed Use:	Pizza Hut
Applicable Plans & Regulations:	City of Sandusky Zoning Code Sections 1149.05 & 1149.09
Variance Requested:	1) A variance to allow for a reduction in the required amount of off-street parking spaces to 12 spaces whereas the Zoning Code requires 18 spaces. 2) A variance to allow for the lack of a 3-foot landscape buffer on the east side of the property.

SITE DESCRIPTION

Subject Property Outlined in Blue

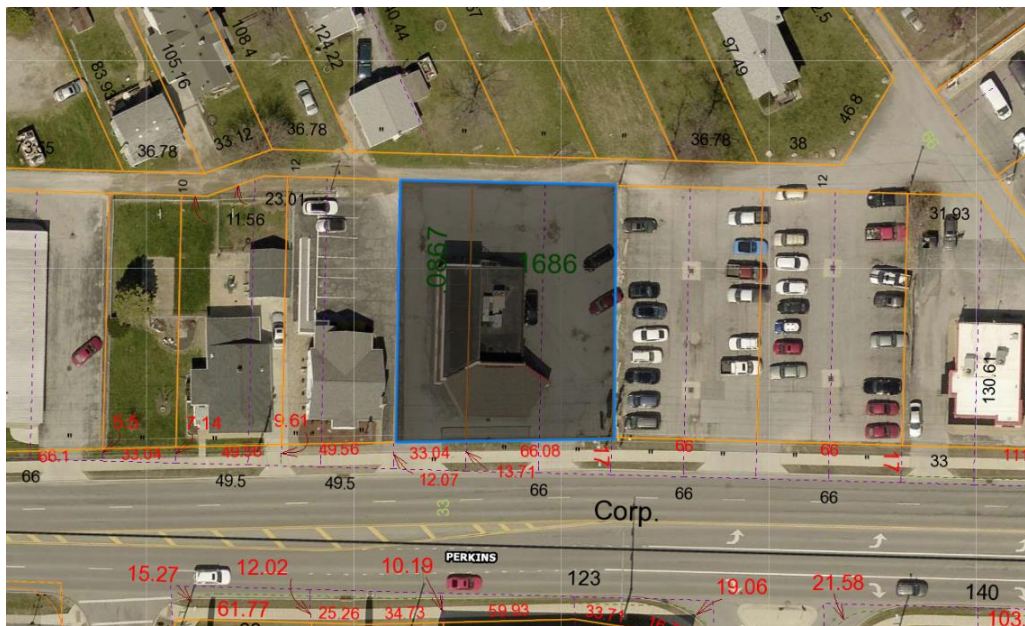


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

This property was purchased in March 2020 with the intent to turn it into a takeout Pizza Hut restaurant. Due to the space constraints on the site, the applicant has asked for a variance to the parking requirements, as well as for the required 3-foot landscape buffer between the pavement and property line on the east side of the property. The restaurant would be takeout only, and thus the parking would be for employees and customers coming to pick up their order, thus necessitating fewer parking spots than would be needed for a dine-in facility.

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 the variation between the proposal and the requirement is not significant.

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.

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 said 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;

Without a variance, the owner would need to reduce the square footage of the building or increase the size of the parking lot, both of which would be difficult to do.

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 Zoning Code does not specifically outline parking requirements for take-out only restaurants.

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

It is unlikely the property would be able to 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 space constraints on the site and the take-out only nature of the restaurant, staff believes the proposed parking and site plan will meet the spirit of Section 1149 and that the strict application of the Zoning Code would constitute a practical difficulty. Staff supports 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: 609 Perkins Avenue

Applicant Name: Jason Tusing - Tusing Builders

Applicant Address: 2596 U.S. Rt. 20 East, Monroeville, Ohio 44847

Applicant Phone: (419) 465-3100

Applicant Email: jtusing@trusttusing.com

Property Owner Name: Jason Tusing - Tusing Builders

Property Owner Address: 2596 U.S. Rt. 20 East, Monroeville, Ohio 44847

Property Owner Phone: (419) 465-3100

Property Owner Email: jtusing@trusttusing.com

VARIANCE INFORMATION:

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

1149.05, 1149.09

Variance(s) Requested:

Required Number of Parking Spaces, 3' Landscape Buffer between pavement and property line on east side of property and pick-up window

Description of Proposal:

To renovate an existing vacant building and rehabilitate an existing parking lot.

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 variances requested will not be substantial and are minor in relation to the proposed site use.
- 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 variances would not alter the neighborhood or adjoining property owners due to being in a general business district.
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
The variances will not adversely affect the delivery of government services.
- 4) Was the property purchased with the knowledge of the zoning restrictions?
Yes the property was purchased with the knowledge of the zoning restrictions.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
The proposed business will need these variances for the proposed use of the property.
- 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?
With out the minor requested variances to the existing building and site, the proposed business will not go in and the site will remain unoccupied until another potential business is interested in the site.
- 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?
Granting the variances will not be contrary to the general purpose, intent and objective of the zoning coded or other adopted plans of the City.

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.

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

- 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.

- 4) That the variance desired will not adversely affect the 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

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]
Signature of Owner or Agent

5-19-20
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:

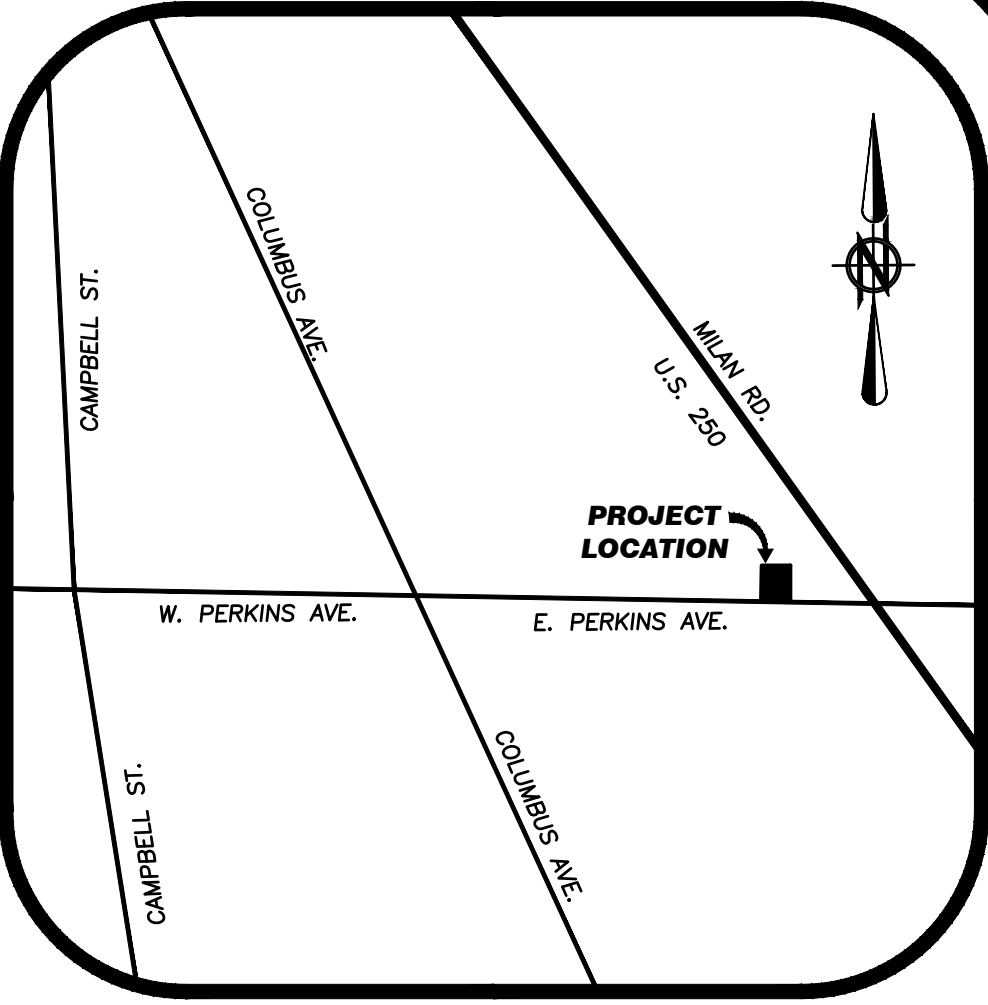
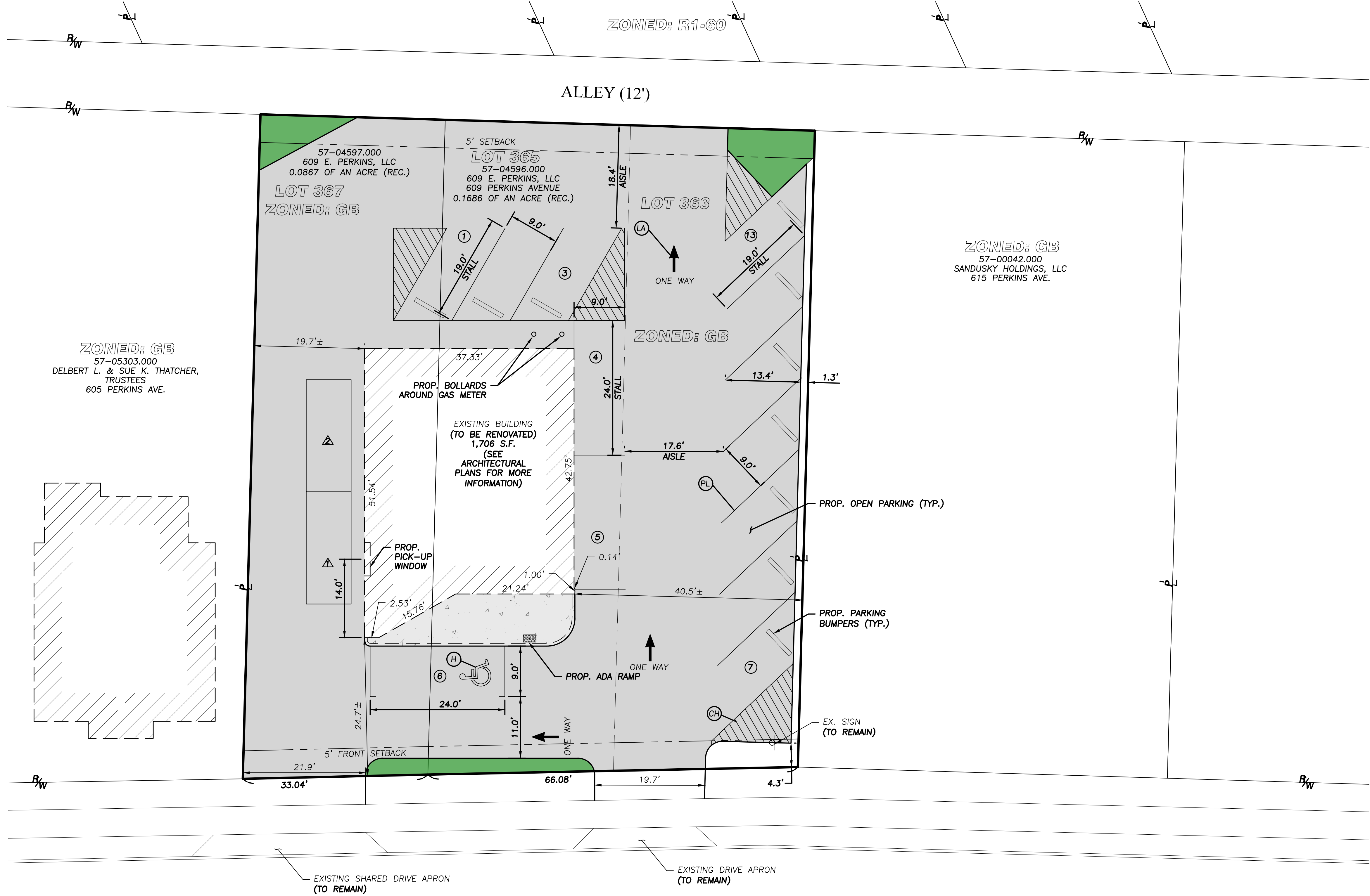
- 1) Application submitted either as hard copy or electronic copy
- 2) \$100 filing fee
- 3) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - a) Property boundary lines
 - b) Building(s) location
 - c) Driveway and parking area locations
 - d) Location 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: _____

1/20/2028 Tusing Builders 609 Perkins Ave. Sandusky/CRAWN/GS/2020-04-18 Concept Plan Dwg. Plotted: May 20, 2020 - 7:48am



LOCATION MAP
-NOT TO SCALE-

LEGEND

1. LOT AREA:	0.2553 OF AN ACRE (REC.)
2. BUILDING COVERAGE:	15.3%
3. TOTAL FLOOR AREA:	EXISTING BUILDING S.F.: 2,278 S.F. RENOVATED BUILDING S.F.: 1,706 S.F.
4. AREA OF ADDITION:	N/A
5. BUILDING HEIGHT:	21.33'
6. LANDSCAPE AREA:	320 S.F.
7. NUMBER OF PARKING SPACES PROVIDED:	13

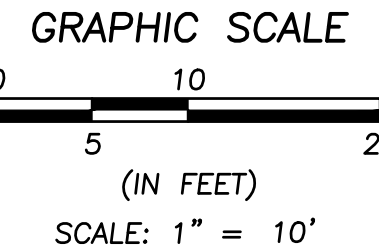
SURVEY NOTE:

A BOUNDARY SURVEY PURSUANT TO CHAPTER 4733-37 OF THE OHIO ADMINISTRATIVE CODE HAS NOT BEEN PERFORMED BY BRAMHALL ENGINEERING & SURVEYING COMPANY, INC. THIS PLAN IS BASED UPON AVAILABLE COUNTY INFORMATION.

LEGEND:

	PICK UP WINDOW STACKING SPACES
	PARKING SPACES
	PROP. CONCRETE WALK
	EX. ASPHALT PAVEMENT
	PROP. LANDSCAPED AREAS

PAVEMENT MARKING LEGEND
PROPOSED:
- PARKING LOT STALL MARKING
- CHANNELIZING LINE
- HANDICAP SYMBOL
- LANE ARROW



E. PERKINS AVENUE (VARIES)

REVISION	DATE	BY	DESCRIPTION
	05-18-2020	CLH	ISSUE TO CLIENT FOR REVIEW
	05-20-2020	CLH	ISSUE TO BZA REVIEW

DRAWN BY:
SIM

CHECKED BY:
CLH

BRAMHALL
ENGINEERING AND SURVEYING COMPANY
801 MOORE ROAD AVON, OHIO 44011
(440) 934 - 7878 (440) 934 - 7879 FAX

PREPARED FOR:

TUSING BUILDERS
2596 U.S. ROUTE 20 EAST
MONROEVILLE, OHIO 44847

SITE PLAN
609 PERKINS AVENUE
CITY OF SANDUSKY, COUNTY OF ERIE, STATE OF OHIO

SHEET
1 OF 1
JOB NO.
20-5288

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A USE VARIANCE TO ALLOW
FOR TRANSIENT RENTAL USE IN A RESIDENTIAL
ZONING DISTRICT AT 327 SHELBY STREEY

Reference Number: PVAR20-0011

Date of Report: June 11, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Jody Randall
125 St. Claire St.
Saint Paris, OH 43072

Site Location: 327 Shelby St.
Sandusky, OH 44870

Zoning: GB – General Business

Surrounding Zoning: R2F – Two-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Transient Rental

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

Variance Requested: 1) A variance to allow the property to be used for transient rental whereas the Zoning Code does not permit transient rental as an allowable use.



Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

The applicant purchased this property in December 2019 and stated in her application that she had intended to live there part time and rent it out for transient rental while she is not residing there. However, transient rental is not an allowed use in residential zoning districts, unless the property is part of a transient rental overlay district, which this property is not. This property sits 5 parcels south of the General Business zoning district along Washington Street, which would allow transient rental.

In addition to the application, the applicant has also submitted letters of support from neighboring residents.

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial, as the proposed variance would allow a prohibited use within this residential area.

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

The immediate adjacent properties are zoned as R1-40 Single Family Residential, allowing this one property to have transient rental may alter the character of the neighborhood. At this point, only the Cove District Transient Overlay Zone allows for transient rentals in a residential district.

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

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

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

The applicant stated she was not aware of the current zoning regulations.

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

The owner could apply for a zone map amendment to create a transient rental overlay district.

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

It is the opinion of the Planning staff that allowing a use variance for one specific property could cause a precedent to be set. It could possibly open the door for approval of other use variances in areas in which a transient rental uses would not be appropriate, although the applicant has support from nearby property owners and residents. Staff does not believe that granting a special use variance for one property is in keeping with the spirit and intent of the Zoning Code.

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

The property can be used as a single-family dwelling, as would be allowed by the zoning.

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

It does appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan. As stated allowing a single property within a neighborhood, and away from a main corridor, or other zoning districts that permit transient rental, to operate as a transient rental use could set a precedent for other properties.

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

Section 1111.06(c)(2):

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

The variance does not arise from a unique situation.

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 property can be adequately used as single-family dwelling.

- 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. However, the Comprehensive Plan does speak to reinvesting in housing stock, as a way to stabilize a neighborhood, the applicant has stated that granting of the variance would increase his ability to invest in the property.

CONCLUSION/RECOMMENDATION

This property is not unique among others in the R2F zoning district as it was constructed to serve as a single-family dwelling. The strict application of the Zoning Code would not constitute an unnecessary hardship and staff does not recommend granting the 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: 327 Shelby St.

Name of Property Owner: Jody Randall

Mailing Address of Property Owner: 125 St Claire St.

City: Saint Paris State: OHIO Zip: 43072

Telephone #: 937-689-4564 Email: jlsrdh@hotmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Zoning consideration

Variance Requested:

Short term rental

Section(s) of Zoning Code:

I'd K, you tell me.
I am learning as I go...

Jody L Randall 5-1-2020

Signature of Property Owner

Date

Signature of Authorized Agent

Date

APPLICATION #BZA-001

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?
Was not told of the zoning issues. I spent a lot of money furnishing this house for short term rental (and I've been unemployed for months due to COVID-19 + my wage)
- 2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents?
No, they also want me to stay & use the property as intended. Please see attached signatures. They are more worried →
- 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?
YES!! I am a single woman. I am not a real estate person. I bought the property to help me live in Sandusky PT but this is causing me to lose money
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
It has + will continue to lift the community. The neighbors have been so complimentary and nice. I intend to continue these neighbor relations. Is a hardship paying my bills!!
- 5) That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance
I understand that some cases are not in the best interest of the Sandusky community but my case is not that case. Anyone could read my past FB posts and see how much I love this town, how I post my summer visits (for many years). Please allow me to

maintain my ownership → I am an investment in the tourism of downtown Sandusky.

Continued

2) about the bad looking rental properties (long term) and alleged drug traffic at the opposite end of the street where the police have been called. Do we want to clean up the area? I do, I want to live here full-time at retirement. I walk these streets to the Half Day Cafe, to the Hardware Store, to the bike shop, giving all of them my business. I feel safe but the properties need improvement. Is that the intent of the City Planning Commission? I am looking forward to it! ☺

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 changes in existing property
- only property usage (Zoning issues)

- 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 neighborhood has gained since this property has been purchased. My property has great curb →

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

N/A - No changes in property construction

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

NO

And no advisement to the seller was given.

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

Unsure, I need the zoning approval to all I know right now.

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

If allowed short term renting then I will be able to afford more improvements on this property in the future.

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

I can long term rent but then I cannot use the property myself which was the plan. I love Sandusky and want to spend time there.

- 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?

Not to mention downtown parking!
I don't think so. I think people want to visit downtown Sandusky but want to be within walking distance. There is a limited amount of taxi + uber service. Does the city want visitors to enjoy the amenities that the city has to offer? Drinking + driving is not an option, so why not let someone stay close to downtown + walk?

(cont)

2) Since I purchased the property. I enjoy the people of the neighborhood & want to continue that relationship. The homeowners like having a "safe" person buy in this area who is looking out for the neighborhood. I am not simply wanting to "rent short term" to make money. I am wanting this to be my vacation home + then my retirement home. At this time, I can only afford it if I rent along with personal use.

(cont)

5) I would be glad to show you my receipt for buying a BIG SPLASH raffle ticket + my LITTLE ERIE plates that I've had for several years. I REALLY CARE

SKETCH ADDENDUM

Borrower/Client Jody L. Randall

Property Address 327 Shelby St

County Erie

State OH

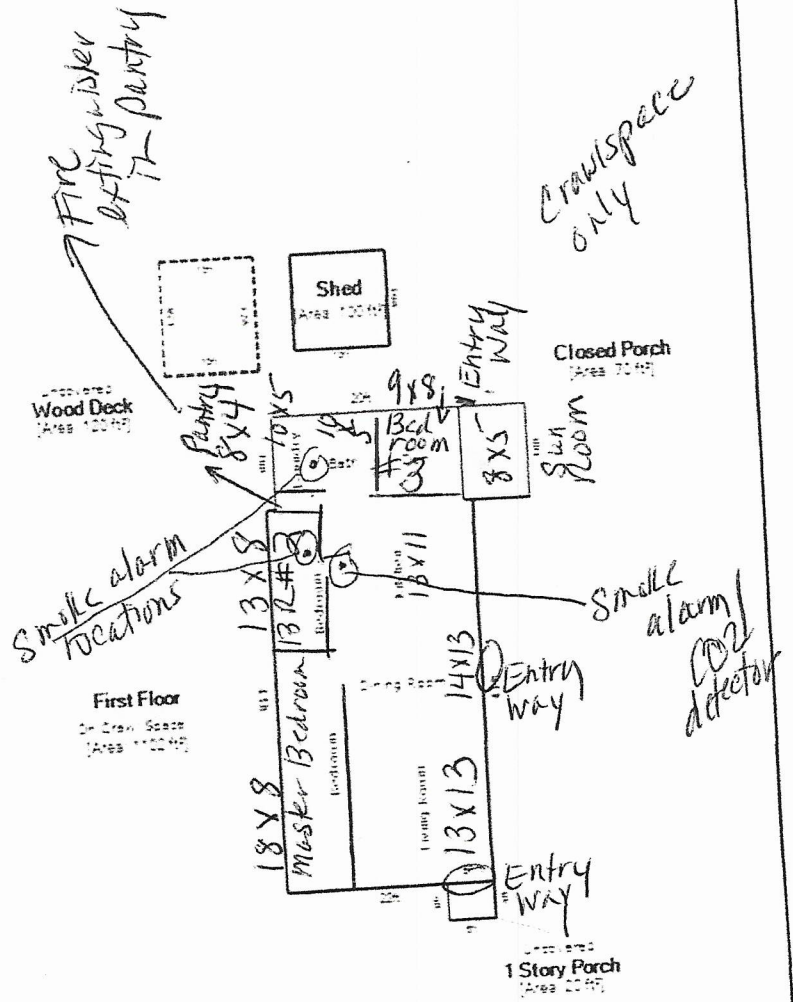
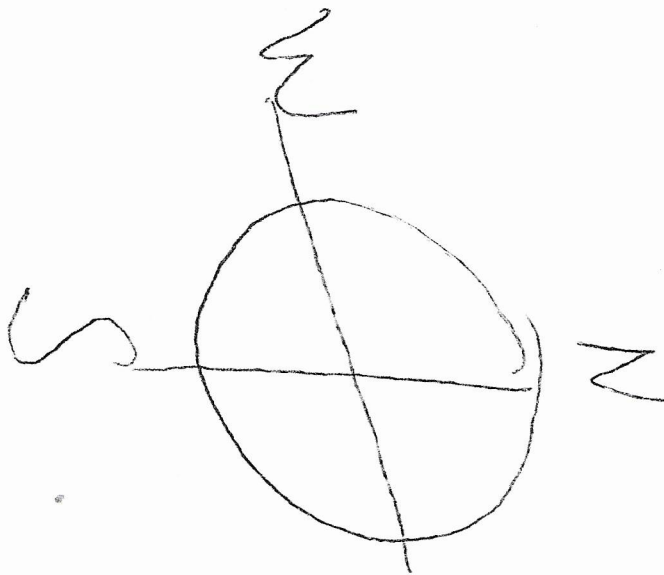
Zip Code 44870

City Sandusky

Lender Fifth Third Bank, National Association

Sketch

Floor Plan



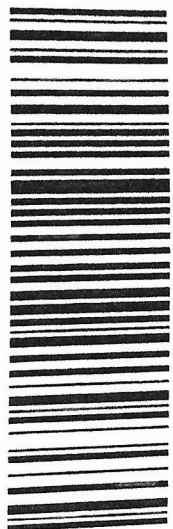
No changes to be made.

Parking

- would be at either Public parking areas on Shelby Street - to the north off of Washington St in the one way section, there is one way ^{public} parking going north on Shelby and ^{public} parking on the one way going south on Shelby. There is also Public parking at the Shelby Street boat launch.

Thank you ☺

CERTIFIED MAIL



7018 3090 0001 4815 2069



City of Sandusky
Attn: Code Compliance
240 Columbus Avenue
Sandusky, Ohio 44870

To:

Jeddy Randall
1925 Saint Claire St.
Saint Pauls, Ohio 43072

1st NOTICE 5-2
2nd NOTICE
RETURNED

spoke with
Kelly Kromer,
she returned
my Transient Rental
permit that was
submitted. I didn't
know the zoning restrictions.

check
self

APPLICATION

"Transient occupancy" means to use, occupy or possess, or the use, occupancy, or possession of a dwelling, living accommodation as defined by Sandusky City Code 1107.01(h) for a period of 30 consecutive calendar days or less.

"Transient rental" means the renting, letting, subletting, leasing or subleasing of a dwelling for a period of 30 consecutive calendar days or less.

The owner of a transient rental is required to obtain an annual Transient Rental Permit for each dwelling unit as a transient rental. A Transient Rental Permit is nontransferable. A transfer of a transient rental shall require the new owner to obtain a new Transient Rental Permit for the transient rental.

Transient Rental Permits are valid for no more than one (1) year, and all Transient Rental Permits expire on 31ST of each year regardless of when issued.

Date of Submittal 4 / 20 / 2020

First Application ☒ Renewal ☐ Certificate of Nonconformity ☐

SUBMITTAL REQUIREMENTS

call
to
schedule

- ☒ 1. Upon submission of this application, an appointment shall be scheduled for an interior inspection of each dwelling with the Division of Code Enforcement. Any violations discovered as a result of the inspection shall be reported to the owner and operator. All violations shall be corrected and an inspection report shall be received from a Code Enforcement Officer stating that the dwelling is not subject to outstanding City Code or State law violations before a Transient Rental Permit shall be issued.
- ☒ 2. A floor plan of the dwelling showing number of bedrooms, points of ingress/egress, rooms, points of exits, and locations of smoke alarms, as well as a parking plan.
- ☒ 3. Proof of property insurance.
- ☒ 4. Proof of payment of all applicable taxes, including real estate taxes, due at the time of submission of the application.
- ☒ 5. Annual Transient Rental Permit Fee of \$500.00 per dwelling.
- ☒ 6. Transient Rental Affidavit of Understanding
- ☒ 7. Proof of nonconformity will be required for any dwelling located in a residential zone. If proof of nonconformity is required, the applicant will need to provide both a letter of nonconformity and a letter of approval from the Planning and Zoning Commission.

(from 11-18-2019)

The attached is a text with my banker.

I hope you can see that I wasn't trying to get into the house in a big hurry. I wasn't buying it to get a renter into it (I could have).

My intent was as stated....

Use it in the summer along with some PT short term renters to help with the cost of the place.

Again, no one advised me about zoning

- not the banker
 - not my Sandusky realtor (Tammy Frazier)
- and they knew the intent of my purchase.

away
the house right
it's winter!

Haha if only the seller
agreed with you and
we'd have all the time
in the world! 🤔

Yep!

The following attached is from 4-20-2020. This is a text from my best friend, Cindy Har-Perfit. Her son Patrick lives in Sardusky and this was the first that I had heard about a permit which I completed and sent the following day. I started the application that day as you can see by papers sent to that office). I called at the end of that week ^(on 4-24-2020) to set up my "house inspection" as was required for the permit. I left a message. I heard back from Kelly Kroner on 4-28-2020. She asked me about my board approval & this is when I found out about the zoning issues. She instructed me to speak with Greg Vottz which I did. He was very nice as I was upset about the situation of hardship I found myself in.

Mon, Apr 20, 5:22 PM

I bet that was a great
way to start your day!!



Patrick just text me
and asked if you
registered your place
as a short term rental
with the city?



iMessage



The following were signed by
my neighbors

I, Judy Randall, am the sole owner of 327
Shelby St, Sardusky, Ohio. I purchased the
property, with the knowledge of the
realtor & bank, as a personal part-time
vacation home and short term rental.
At no time did anyone involved with
the purchase tell me about the
zoning. I cannot afford the home
without renting. I have completely
furnished the home so long term
renting would cause the loss of
my money used to furnish & the
loss of my ability to stay in
Sardusky part of the time. I
am a single woman that has
been off work for 6 wks. ~~due~~
to COVID 19. My neighbors
are (were) aware of my plans
and are signing in support.
Inability to do so (rent part-time)
will not only cause hardship to
me but to the people of Sardusky
that I hired to care for my
property throughout the rental

process. My renters may also give
the area much needed business
(bike rentals at the bike shop, eating at
Better-half Cafe, etc.)

Signatures from my neighbors.

1. William Johnson 1202 Washington (A+B
Hobbes + cycles)
- 2) Sylvan ~~Smith~~ 328 Guelly St
- 3) Notby Clark 324 Shelby St
- 4) Kevin Mayo 318 Guelly St
- 5) Gamm Fithenbergh 312 Shelby St
- 6) Alegra Lopez
- 7) Cynthia Haller Potit
- 8)