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## Board of Zoning Appeals

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5715

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

### **Agenda August 20, 2020 4:30 pm**

**Meeting via Microsoft Teams & Live Streamed on  
[www.Youtube.com/CityofSanduskyOH](https://www.Youtube.com/CityofSanduskyOH)**

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1. Meeting called to order – Roll Call
2. Review of minutes from the July 16, 2020 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items

**Adjudication hearings to consider the following:**

**1) 520 Tiffin Ave.– Area Variance**

A variance to the Zoning Code Section 1145.17(d)(2) to allow a pool along the lot line whereas the code requires at least a 3 foot setback from the lot line. The property is located in a R2F Two-family zoning district.

**2) 512 Tiffin Ave. – Use Variance**

A variance to the Zoning Code Section 1129.03 to allow an accessory structure of a two-family dwelling to be used as a single-family dwelling in a R2F Two-Family zoning district.

4. Other Business
5. Adjournment

Next Meeting: September 17, 2020

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

Board of Zoning Appeals  
June 18th, 2020  
Minutes

**Meeting called to order:**

Chairman Mr. Feick called the meeting to order at 4:30pm. The following voting members were present: Mr. Feick, Dr. Semans, Mr. Delahunt, and Mr. Zeiher. Mr. Matthews was not able to join the remote meeting. Mr. Thomas Horsman represented the Planning Department and Mr. Josh Snyder represented the Engineering Division. City Commission liaison Dave Waddington and clerk for the Planning Department Kristen Barone were also present.

**Review of minutes from June 18th, 2020:**

Mr. Delahunt moved to approve the minutes and Dr. Semans seconded the motion. All members were in favor of the motion and the minutes were approved.

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

Mr. Feick swore in everyone wishing to do so.

**1<sup>st</sup> application:**

Mr. Feick stated that the first application on the agenda is for an area variance for 250 East Market St. The applicant is applying for a variance to the Zoning Code Section 1143.08(c) to allow a marque sign that is 55 square feet whereas the Zoning Code permits 30.75 square feet. The property is in the DBD Downtown Business District zoning district.

Mr. Horsman stated that the variance is only required due to the reduction in allowable signage sizes in the Design Review District. Were this building outside the district, the sign would be well under the requirements. The intent of the Design Review District requirements is to ensure that signs do not dominate the facades of the building and are at a pedestrian scale. In staff's opinion, the size of the Falcon Point Lofts Building ensures that the sign would not be out of scale. Also, if all wall frontage were calculated together (combining the eastern and northern facades), the sign would fit within the allowable space. Staff believes this building is a unique situation and staff supports granting the variance. Mr. Horsman then said that he has received two comments from the public regarding this application. The first one comes from Debbie Neil and Jackie Sennish, at 279 Market St, whom stated that they would appreciate if the request would be denied and that they stick to the current zoning code. They said the building is already too large for the space it was built upon and a larger sign will only make the building look more out of place. Also, when you say marque, is it illuminated? They said they may have a smaller building, but had to comply with the zoning code, so they do not understand why the BGSU building would not have to comply as well. Mr. Horsman stated that the next public comment comes from John Hoty, who owns the property at 422 Market St. Mr. Hoty said that he has no objection of this request and offers full support of this project.

Mr. Feick asked Mr. Horsman for clarification on what the zoning code allows is based on.

Mr. Horsman explained that it is based on the building frontage along the street, but it does not take into account the height of the building.

Ryan Brady with Brady Signs clarified that the sign is not illuminated, and there is no digital component.

Mr. Zeiher made a motion to approve the variance and Mr. Delahunt seconded the motion. Mr. Feick abstained from voting on this application, but the rest of the voting members were in favor of the motion, and the variance was approved.

**2nd application:**

Mr. Feick stated that the second application on the agenda is for a floodplain variance for 831 Cedar Point Road. The applicant is applying for a variance to the Zoning Code Section 1157.04(e)(2) to allow construction of an addition to a garage at 0.82 feet above the base flood elevation whereas the zoning code requires 2 feet.

Mr. Snyder explained that in order to comply with the ordinance, the applicant would either have to raise the floor elevation to that addition or add flood vents and he has chosen to do neither of those options, which is why he is requesting a variance.

Brent Gardner, homeowner of 831 Cedar Point Rd stated that his concern is that in order to get in and out of the garage addition and in and out of the house is at the bottom of a stairwell, which will empty into the garage. In order to comply with the elevation rules, there would be no fire safety exit at the bottom of that stairwell.

John Hancock stated that the existing house has been exempt from flood insurance requirements and has already had a removal by FEMA from the flood zone. The garage addition has been designed to comply with FEMA's regulations also. According to FEMA's regulations on needing flood venting, this property would not be required to add that.

Dr. Semans made a motion to approve the variance and Mr. Delahunt seconded the motion. All voting members were in favor of the motion and the variance was approved.

**Old business:**

Mr. Feick asked Mr. Horsman if he could explain what happened with the parking situation for the old Cardinal Grocery Store that was on last month's agenda.

Mr. Horsman explained that the applicant for that property went to Planning Commission last month for site plan approval. He said that there is a section in the site plan zoning code that allows for the Planning Commission to make modifications to parking requirements based off of on street and public parking, so that is what they did.

Mr. Feick asked if they could get a copy of what was approved.

Mr. Horsman said he could send that out to them.

**Next meeting:**

Mr. Horseman stated that he has received two applications for next month's meeting which is scheduled for August 20<sup>th</sup>, 2020.

**Adjournment:**

Mr. Delahunt moved to adjourn the meeting and Mr. Zeiher seconded the motion. The meeting ended at 5:00pm.

**APPROVED:**

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Kristen Barone, Clerk

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John Feick, Chairman

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR AN AREA VARIANCE TO ALLOW  
A POOL ALONG THE LOT LINE IN A TWO-FAMILY  
RESIDENTIAL ZONING DISTRICT AT 520 TIFFIN  
AVE.

Reference Number: PVAR20-0017

Date of Report: August 12, 2020

Report Author: Thomas Horsman, Assistant Planner



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

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### BACKGROUND INFORMATION

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Applicant/Owner: Cynthia Fisk  
520 Tiffin Ave.  
Sandusky, OH 44870

Site Location: 520 Tiffin Ave.  
Sandusky, OH 44870

Zoning: R2F – Two-Family Residential

Surrounding Zoning: North: RRB – Residential Business  
South, East, & West : R2F – Two-Family Residential

Surrounding Uses: Residential. Laundromat & Bar across the street to the north.

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.17(d)(2)

Variance Requested: 1) A variance allow a pool along the lot line  
whereas the code requires at least a 3-foot setback from  
the lot line.

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## SITE DESCRIPTION

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### Subject Property Outlined in Blue

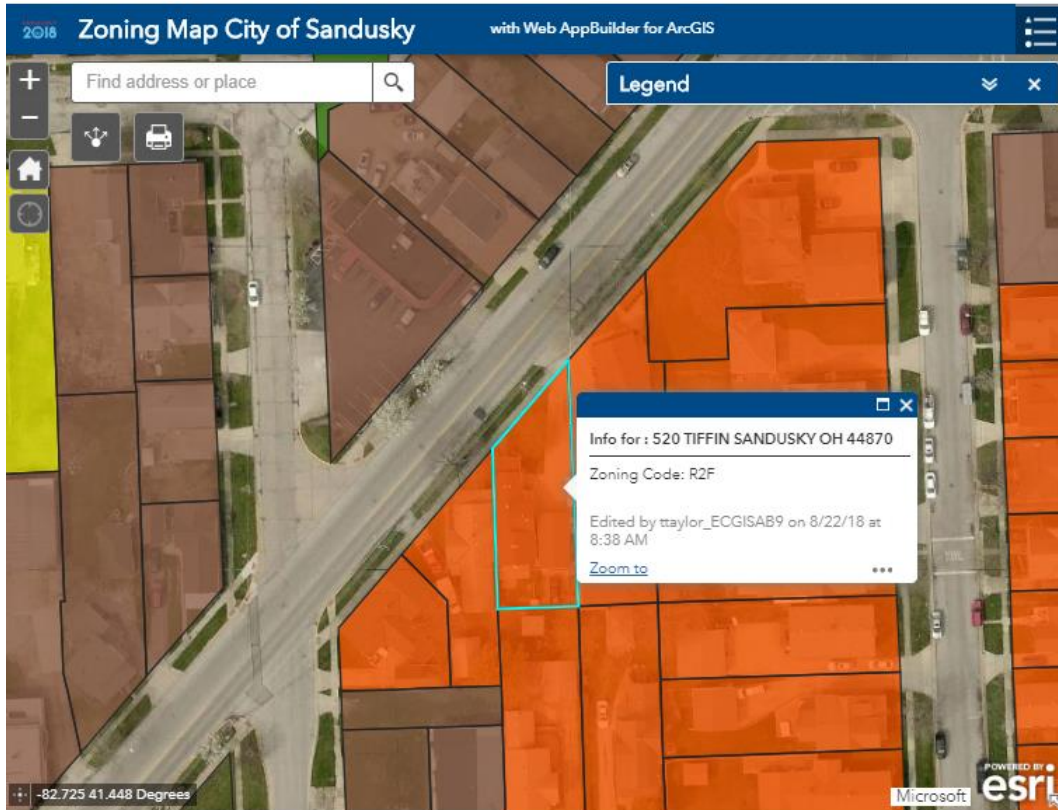
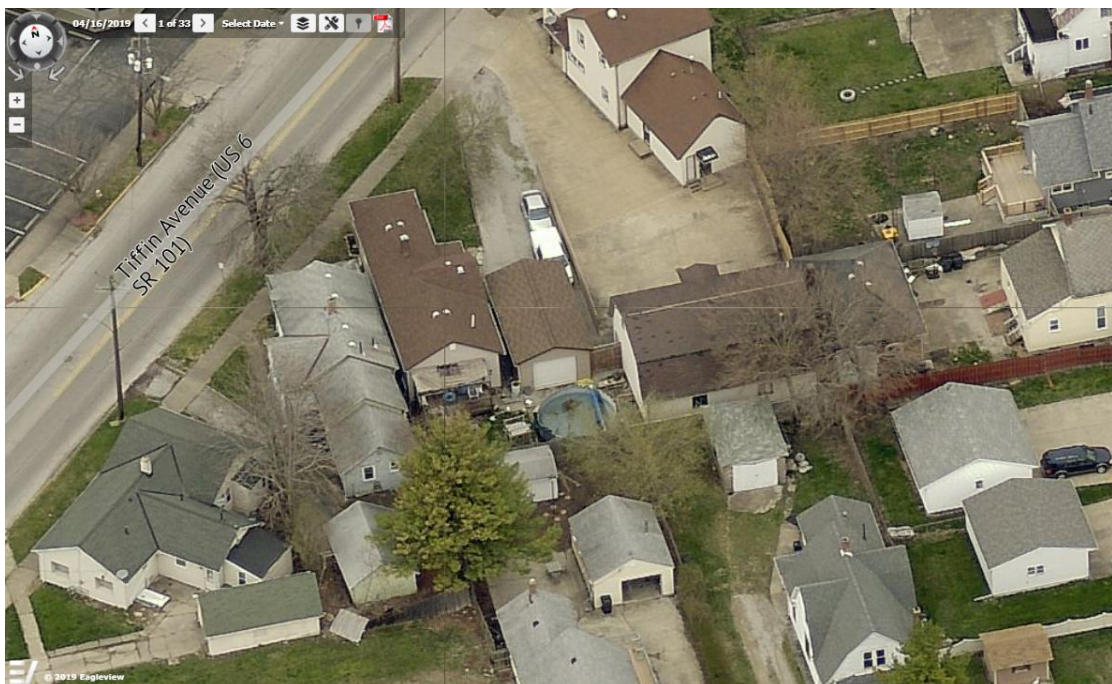




Photo of the Property from Google Street View





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**DEPARTMENT OF PLANNING COMMENTS**

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The applicant purchased this property in 2011 and received a variance from the BZA in 2014 to construct an attached garage in the required side yard. The required setback was 5 feet, and the Board granted the variance so that the garage could encroach 4-5 feet into the required side yard. Staff also supported this variance.

The current variance request is to allow for a pool within 3-feet of the rear lot line. The Zoning Code states pools must be at least 3 feet from the lot line and that they must be surrounded by a fence at least 4 feet high. Pools must also be located in the rear or side yard. The rear yard at 520 Tiffin is currently surrounded by a fence and there is currently a pool in this location.

The rear yard of this property is legally non-conforming as it is a lot of record, meaning, the length of the rear yard is substantially shorter than what would normally be required by the Zoning Code in this district. The small size of the yard was a factor in granting the variance for the garage in 2014.

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 only for a 3-foot encroachment into the required setback. The other requirements as it pertains to the pools would be satisfied.

**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 proposed variance would not appear to substantially alter the character of the neighborhood as the pool is surrounded by a fence and abuts against the rear yard of the adjoining property.

**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 reduce the size of the pool to comply with the setback.

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

The spirit and intent of the Zoning Code is the following (Section 1105.03 of the Zoning Code):

This Zoning Code is intended, among other purposes:

- (a) To protect the character and values of residential, business, commercial, manufacturing, institutional and public uses, and to insure their orderly and beneficial development;
- (b) To provide adequate open spaces for light and air; to prevent overcrowding of the land; to prevent excessive concentration of population; and, on the other hand, to prevent sparse and uncoordinated development;
- (c) To locate buildings and uses in relation to streets; according to City plans, in a way that will cause the least interference with, and be damaged least by traffic movements, and will lessen street congestion and improve public safety;
- (d) To establish zoning patterns that insure economical extensions for sewers, water supply and other public utilities as well as developments for recreation, schools, and other public facilities;
- (e) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with a comprehensive plan; and
- (f) To accomplish the intents and goals set forth in the introduction to the respective districts or groups of districts.

The following intent sections for the residential districts (Section 1129.01) would be the most relevant to the requested variance:

- (e) Regulation of the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot, as is appropriate for each district;
- (f) Protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences;
- (g) Provision for the proper location of community facilities so as to increase the general convenience, safety and amenities;
- (h) Regulation of the density and distribution of population in scale with community services, and to avoid further congestion;
- (i) Promotion of the most desirable and beneficial use of the land, promotion of stability, protection of the character of existing residential development, enhancement of land value, and conservation of the values of buildings, and bringing about the eventual conformity with a well-considered community plan.

It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the comprehensive plan.

**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 could 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.**

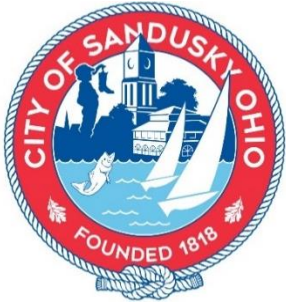
It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan

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**CONCLUSION/RECOMMENDATION**

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In conclusion, Planning staff has no objection to the requested variance. As of the time of the writing of this report, staff has not received any comments from abutting property owners.



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## Board of Zoning Appeals

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5715

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

### Agenda

August 20, 2020

4:30 pm

Meeting via Microsoft Teams & Live Streamed on

[www.Youtube.com/CityofSanduskyOH](https://www.Youtube.com/CityofSanduskyOH)

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1. Meeting called to order – Roll Call
2. Review of minutes from the July 16, 2020 meeting
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A variance to the Zoning Code Section 1145.17(d)(2) to allow a pool along the lot line whereas the code requires at least a 3 foot setback from the lot line. The property is located in a R2F Two-family zoning district.

**2) 512 Tiffin Ave. – Use Variance**

A variance to the Zoning Code Section 1129.03 to allow an accessory structure of a two-family dwelling to be used as a single-family dwelling in a R2F Two-Family zoning district.

4. Other Business
5. Adjournment

Next Meeting: September 17, 2020

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

## Application for Board of Zoning Appeals

### STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 59-00770-000

Name of Property Owner: Fisk Cynthia J

Mailing Address of Property Owner: 590 Tiffin Ave

City: Sandusky State: Oh Zip: 44870

Telephone #: 419.357.1182 Email: Cynthia.Fisk@hotmail.com

If same as above check here ☒

Name of Applicant: \_\_\_\_\_

Mailing Address of Applicant: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

Description of Proposal: Residential

Variance Requested: 3' foot

Section(s) of Zoning Code: \_\_\_\_\_

  
Signature of Property Owner

6.16.20  
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? *medicine*
- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance? *no*
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? *no*
- 4) Was the property purchased with the knowledge of the zoning restrictions? *yes*
- 5) Can the property owner's predicament be resolved through some method other than a variance? *no*
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance? *yes*
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance? *no*
- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

## UNNECESSARY HARDSHIP

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

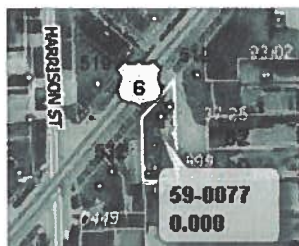
According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 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*
- 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? *no*
- 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*

## Data For Parcel 5900770000

## Base Data

**Parcel:** 59-00770.000  
**Owner:** FISK CYNTHIA J  
**Address:** 520 TIFFIN SANDUSKY OH 44870



[+] Map this property.

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

**Mailing Name:** FISK CYNTHIA J  
**Address:** 520 TIFFIN AVE  
**City State Zip:** SANDUSKY OH 44870

## Geographic

**City:** SANDUSKY CITY  
**Township:**  
**School District:** SANDUSKY SD

## Legal Tax Year 2019 Payable 2020

<b>Legal Acres:</b>	0	<b>Homestead Reduction:</b>	NO
<b>Legal Description:</b>	10 TIFFIN AVENUE WH	<b>2.5% Reduction</b>	YES
<b>Land Use:</b> Download descriptions.	510 - SINGLE FAMILY RESIDENCE	<b>Foreclosure:</b>	NO
<b>Neighborhood:</b>	5955909	<b>Board of Revision:</b>	NO
<b>Number Of Cards:</b>	1	<b>New Construction:</b>	NO
<b>Annual Tax (Does not include delinquencies.):</b>	\$856.56	<b>Divided Property:</b>	NO

## Notes

**Notes:** MAP NUMBER: 16  
 PERSONAL PROPERTY DISTRICT: 22-0320

Report Discrepancy

*GIS parcel shapefile last updated 7/10/2020 10:12:42 PM.*

*The CAMA data presented on this website is current as of 7/12/2020 9:02:30 PM.*



222 Meigs Street  
Sandusky, Ohio 44870  
Phone 419/627-5873  
Fax 419/627-5933

March 21, 2014

Ms. Cynthia Fisk  
520 Tiffin Avenue  
Sandusky, Ohio 44870

**RE: Application for Variance –520 TIFFIN AVENUE (BZA- 04-14)**

This will confirm that the above application was considered by the Board of Zoning Appeals at their meeting on March 20, 2014. After reviewing the application, and considering the factors enumerated in the Code, the Board resolved to approve the following variance:

**VARIANCE APPROVED:**

1. Side yard variance of 5' for the (east side) side yard for the construction of an attached garage. This will allow for the construction of a new 16'x24' attached garage as submitted and described in your Board of Zoning Appeals application & report.

**Please ensure you contact the Building Department for all necessary permits prior to construction of the attached garage**

Should you require any further information on this file, please contact the Department of Development at (419) 627-5873.

Sincerely,

Rebecca Corrigan  
Chief Planner

cc: file

CONNECTEXPLORER



map: Auto (Ortho)

Apr 2019 - Apr 2019

image 1 of 3

04/16/2019





# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A USE VARIANCE ALLOW AN  
ACCESSORY STRUCTURE OF A TWO-FAMILY  
DWELLING TO BE USED AS A SINGLE-FAMILY  
DWELLING IN A R2F TWO-FAMILY ZONING  
DISTRICT AT 512 TIFFIN AVE.

Reference Number: PVAR20-0016

Date of Report: August 12, 2020

Report Author: Thomas Horsman, Assistant Planner



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

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### BACKGROUND INFORMATION

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Applicant/Owner: Kenneth Balogh  
401 W. Shoreline Dr., #309  
Sandusky, OH 44870

Site Location: 512 Tiffin Ave.  
Sandusky, OH 44870

Zoning: R2F – Two-Family Residential

Surrounding Zoning: North: RRB – Residential Business  
South, East, & West : R2F – Two-Family Residential

Surrounding Uses: Residential. Laundromat & Bar across the street to the north.

Existing Use: Two-Family Residential

Proposed Use: Accessory structure to be used as a single-family dwelling

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

Variance Requested: 1) A variance allow to allow an accessory structure of a two-family dwelling to be used as a single-family dwelling

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## SITE DESCRIPTION

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### Subject Property Outlined in Blue

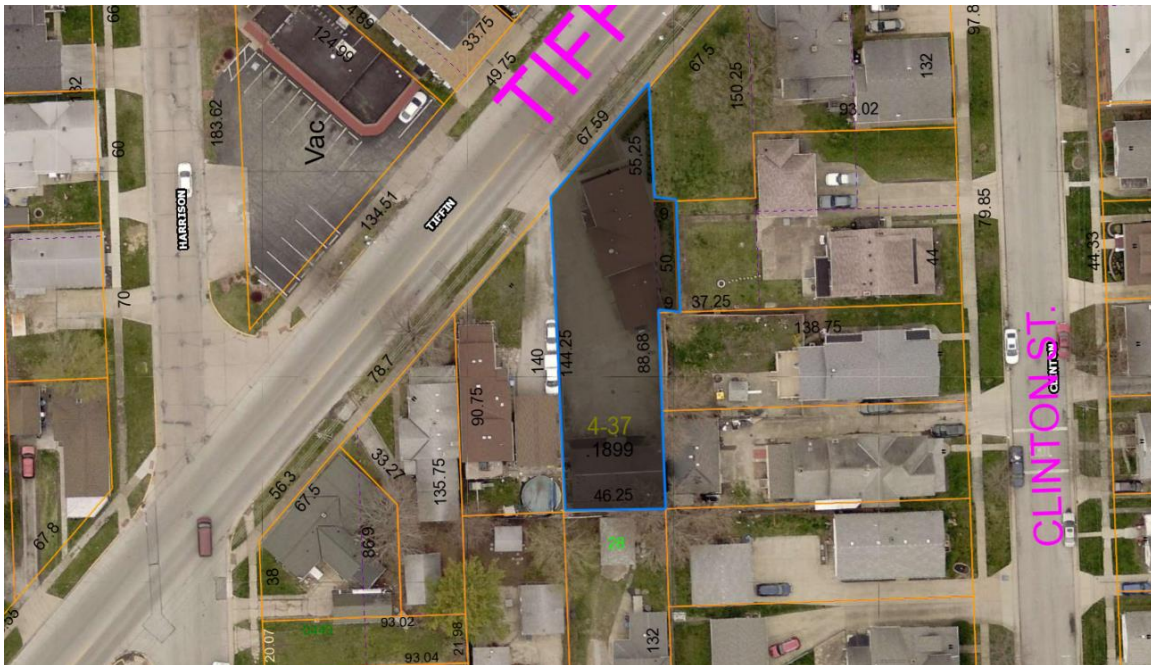
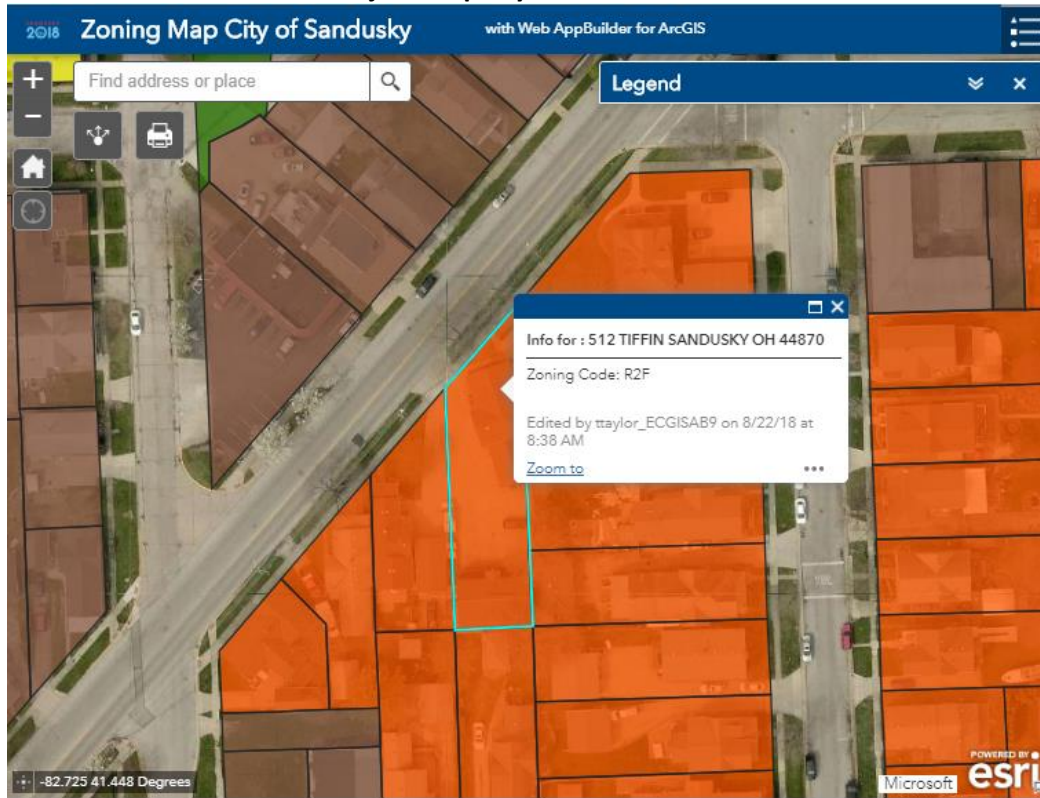
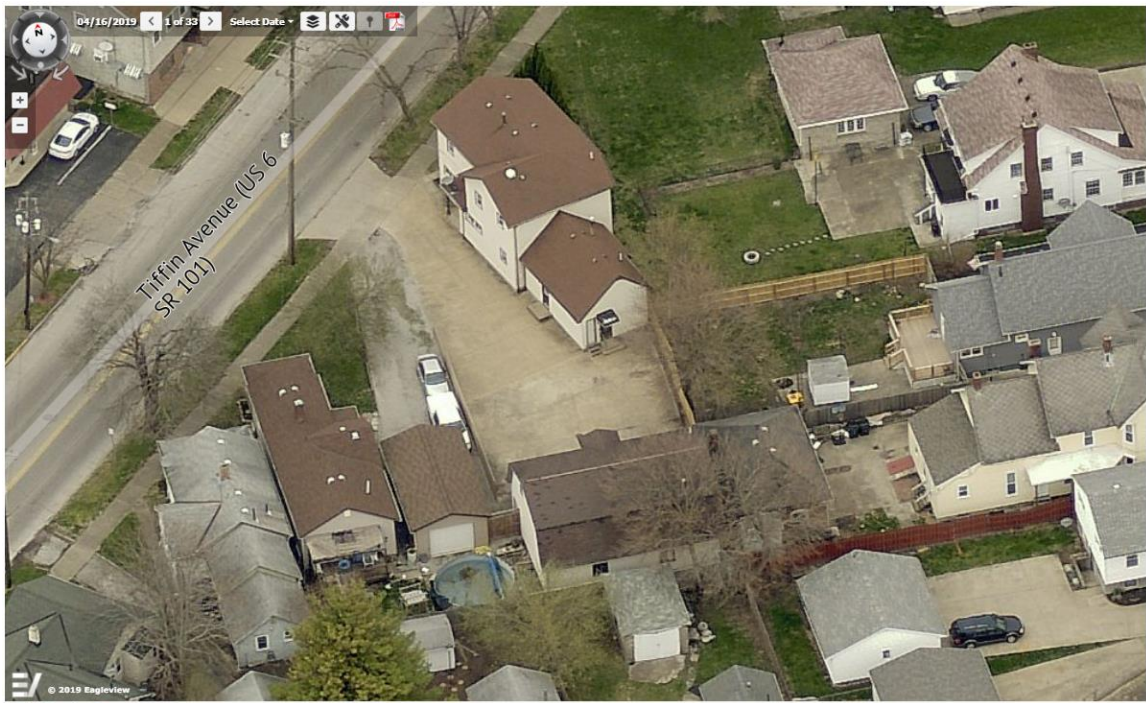




Photo of the Property from Google Street View





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**DEPARTMENT OF PLANNING COMMENTS**

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The applicant purchased this property in May 2019 and has stated that he was told that the accessory structure on the property could be used as a dwelling unit and that that factored into his decision to purchase the property. According to the Erie County Auditor, the accessory structure was constructed in 1988, and according to the applicant, contains all the necessary components to be considered a dwelling unit per the Zoning Code. (“comprising living, dining, and sleeping room or rooms, storage closets, as well as space and equipment for bathing and toilet facilities, all used by only one family.”) Due to the size of the driveway and the presence of the garage facilities within the accessory structure, it appears that there would be sufficient off-street parking to satisfy the parking requirements for three dwelling units on this property.

Directly across the street from this property is a RRB zoning district, which allows multi-family residential use. The Zoning Code does allow for “accessory living accommodations” as an accessory use in R2F districts, however, the Code’s definition of accessory living accommodations states “in which no cooking or similar housekeeping equipment is provided.”

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 an accessory structure in a two-family 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;**

Due to the nature of the size of the lot, and the fact that the accessory structure has been in existence for over 30 years, it is unlikely that allowing residential use in the accessory structure would alter the character of the neighborhood nor make the surrounding 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 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 he 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 continue using the property as a two-family property, or could apply for a Zone Map change.

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

The spirit and intent of the Zoning Code is the following (Section 1105.03 of the Zoning Code):

This Zoning Code is intended, among other purposes:

- (a) To protect the character and values of residential, business, commercial, manufacturing, institutional and public uses, and to insure their orderly and beneficial development;
- (b) To provide adequate open spaces for light and air; to prevent overcrowding of the land; to prevent excessive concentration of population; and, on the other hand, to prevent sparse and uncoordinated development;
- (c) To locate buildings and uses in relation to streets; according to City plans, in a way that will cause the least interference with, and be damaged least by traffic movements, and will lessen street congestion and improve public safety;
- (d) To establish zoning patterns that insure economical extensions for sewers, water supply and other public utilities as well as developments for recreation, schools, and other public facilities;
- (e) To guide the future development of the City so as to bring about the gradual conformity of land and building uses in accordance with a comprehensive plan; and
- (f) To accomplish the intents and goals set forth in the introduction to the respective districts or groups of districts.

The following intent sections for the residential districts (Section 1129.01) would be the most relevant to the requested variance:

- (e) Regulation of the bulk and location of buildings in relation to the land in order to obtain proper light, air, privacy and usable open spaces on each zoning lot, as is appropriate for each district;
- (f) Protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences;
- (g) Provision for the proper location of community facilities so as to increase the general convenience, safety and amenities;
- (h) Regulation of the density and distribution of population in scale with community services, and to avoid further congestion;
- (i) Promotion of the most desirable and beneficial use of the land, promotion of stability, protection of the character of existing residential development, enhancement of land value, and conservation of the values of buildings, and bringing about the eventual conformity with a well-considered community plan.

It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the comprehensive plan.

**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 two-family dwelling, as would be allowed by the zoning and could still yield a reasonable return, in staff's opinion.

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

It does not appear that the proposed variance would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan

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

Section 1111.06(c)(2):

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

The variance does not arise from a unique situation other than that a previous owner constructed a large accessory stature that contains a dwelling unit.

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

In this particular case, the granting of the variance would not appear to adversely affect the rights of the adjacent property owners.

- C. That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

Staff does not believe that the strict application of the Zoning Code would constitute an unnecessary hardship upon the property owner.

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

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

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

Granting a use variance does not appear to be contrary to the general spirit, intent or objectives of the Zoning Code.

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#### CONCLUSION/RECOMMENDATION

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Due to the nature of this property—the size of the lot, the existence of the accessory structure, and the existence of RRB zoning across the street which permits multi-family use—staff does not object to the use of the accessory structure as a dwelling unit and does not believe it would be detrimental to surrounding property owners. However, staff does not give a formal recommendation for approval as it does not believe that the unnecessary hardship qualification has been met.

There appears to be adequate parking on site to accommodate the parking needs of three dwellings. Staff also supports increasing population in the core of the city and supports investment in properties that better the neighborhood, and much of the historic core of the city contains multi-family properties.

If approved, the applicant must meet all city requirements with the Division of Code Compliance for operating rental units.

## Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 512 Tiffin Ave., Sandusky, OH

Name of Property Owner: Kenneth Balogh

Mailing Address of Property Owner: 401 W. Shoreline Dr. #309

City: Sandusky State: OH Zip: 44870

Telephone #: 216-509-5386 Email: kenketo@gmail.com

If same as above check here ☒

Name of Applicant: \_\_\_\_\_

Mailing Address of Applicant: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Email: \_\_\_\_\_

### Description of Proposal:

Seeking approval for a third family unit on my property. I have a 30' x 40' structure on the property that is basically finished interior for a habitable area. I purchased this property with the understanding that this was a rentable unit, per prior owner.

### Variance Requested:

Approval to rent unit.

### Section(s) of Zoning Code:

Open

Kenneth Balogh  
Signature of Property Owner

07/15/20  
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?  
see addendum
  - 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?  
see addendum
  - 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?  
see addendum
  - 4) Was the property purchased with the knowledge of the zoning restrictions?  
see addendum
  - 5) Can the property owner’s predicament be resolved through some method other than a variance?  
see addendum
  - 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?  
see addendum
- 
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?  
see addendum
  - 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?  
see addendum

## **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?

see addendum

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

see addendum

- 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?

see addendum

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

see addendum

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

see addendum

**July 15, 2020**

**ADDENDUM TO VARAINCE APPLICATION**

**512 Tiffin Ave., Sandusky, OH 44870**

**Kenneth Balogh**

**216-509-5386**

**PRACTICAL DIFFICULTY:**

- 1) The variance would not be substantial as the footprint of all structures remains the same. The intended use would continue to be of the original intent when this property was purchased. While apparently not approved, this use has been in place prior to the applicants purchase of the property. While this applicant understands the current zoning limits this intended use it must be noted that the construction of this living quarters above the accessory structure was completed by the prior owner(s) and purported to be a permitted use.
- 2) This variance would not alter the character of the neighborhood. In fact, the applicant has spent considerable funds to improve this property. Both the two family occupancy and the accessory building have been upgraded and the appearance of the immediate neighborhood greatly improved.
- 3) No
- 4) No. In fact, the construction of this occupancy within this accessory structure was presented as an integral component of the property and construction took place prior to the purchase. This construction was undertaken by a previous owner. The presence of this occupancy was considered when financial parameters were debated that related to the potential purchase.
- 5) No
- 6) The spirit and intent of this zoning is understood and appreciated. This reasonable variance would not drastically alter the intent of the two-family environment as local structures continue with this designation. The presence of this additional occupancy found within the applicants accessory structure has been in existence for considerable time without complaint, violation notice or other detrimental issues.
- 7) This property was purchased with the purported benefit of having three rentable units. Our "reasonable return" and investment decisions were based on this intended use. Therefore, the property cannot yield a reasonable return with the absence of 33% of the rentable space.
- 8) No

**July 15, 2020**

**ADDENDUM TO VARAINCE APPLICATION**

**512 Tiffin Ave., Sandusky, OH 44870**

**Kenneth Balogh**

**216-509-5386**

**UNNECESSARY HARDSHIP**

- 1) Many multi-family units adjacent to my property.
- 2) No. The adjacent property owners will attest, once contacted, that they are not opposed to this variance. The improvements made to this property by this applicant have improved the overall appearance and spirit of the immediate neighborhood. This applicant has received numerous compliments regarding the improvements to this property. Neighbors have commented on the demand for affordable rental units and how this property is breathing fresh air into the immediate neighborhood.
- 3) The strict application of the Zoning Code does, in fact, present a hardship upon this applicant. As stated above, the property was purported to represent the three rentable units and this applicant factored these units into the decision related to purchase. This applicant concedes that a buyer does carry some responsibility when purchasing property. However, since the immediate neighborhood has multi-family units and the overall area is represented by similar use, the assumption was reasonable that this property complied with the required zoning.
- 4) This variance will not affect the safety, health or welfare of any adjacent property owners. Recent public comments offered in Sandusky open meetings suggests the opposite is true. There is a documented need for affordable rental units in this thriving area and the local consensus as determined by this applicant shows vast support for the variance.
- 5) I feel that to be correct.

## Erie County GIS



Notes



# Erie County, Ohio - Property Record Card Parcel: 59-00686.000 Card: 1

## GENERAL PARCEL INFORMATION

Owner BALOGH KENNETH  
Property Address 512 TIFFIN SANDUSKY OH 44870  
Mailing Address 401 W SHORELINE DR # 309  
Land Use 520 - TWO FAMILY RESIDENCE  
Legal Description 8, 9 TIFFIN AVE .1899A  
Neighborhood 5955909 -  
School District SANDUSKY SD  
MAP NUMBER: 16

## VALUATION

	Appraised	Assessed
Land Value	\$10,120.00	\$3,540.00
Improvements Value	\$80,640.00	\$28,220.00
CAUV Value	\$0.00	\$0.00
Total Value	\$90,760.00	\$31,760.00

## LAND

Land Type	Acreage	Depth	Frontage	Depth	Value
F - FRONT LOT	0.1742	165	46	105	\$9,660.00
R - REAR LOT	0.0103	50	9	57	\$460.00

## AGRICULTURAL

Land Type	Land Usage	Soil Type	Acres	Value
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## SALES

Date	Buyer	Seller	Price
5/10/2019	BALOGH KENNETH	BURDUE PROPERTIES LLC	\$97,500
11/7/2012	BURDUE PROPERTIES LLC	BURDUE GUY L & PAMELA	\$0
5/27/2011	BURDUE GUY L & PAMELA	FANNIE MAE	\$50,000
12/3/2010	FANNIE MAE	HASSENPLUG KURT J	\$96,479
6/28/2002	HASSENPLUG KURT J	HASSENPLUG GEORGE A	\$0
12/31/1998	HASSENPLUG GEORGE A	TRAUTMAN ROBERT F	\$120,000

