



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

October 15, 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 August 20, 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 1145.15 to allow for the construction of an accessory structure that is 4.5 feet away from the main structure whereas the Code requires 10 feet. The property is located in a R2F Two-family zoning district.

2) 1107 Cedar Point Rd. – Area Variance and Floodplain Variance

A variance to the Zoning Code Section 1157.04(e)(2) to allow an accessory structure to be built with a finished floor elevation that is 0.2 feet above the base flood elevation, whereas the Code requires 2 feet. An additional variance to Section 1129.03 to allow an accessory structure as the main building on a lot, whereas the Code requires a single-family dwelling to be the main structure. The property is located in a R1-75 Single-Family zoning district.

3) 1304 C St.– Area Variance

A variance to the Zoning Code Section 1145.17(G)(1) to allow a 6-foot fence in a side yard in a R1-40 Single-Family Residential zoning district.

4. Other Business
5. Adjournment

Next Meeting: November 19, 2020

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

Board of Zoning Appeals
August 20, 2020
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:30pm. The following voting members were present: Mr. John Feick, Mr. Dan Delahunt, and Mr. Kevin Zeiher. Mr. Thomas Horsman represented the Planning Department and served as clerk for the meeting. City Commission liaison Dave Waddington was also present.

Review of minutes from July 16, 2020:

Mr. Zeiher moved to approve the minutes and Mr. Delahunt 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.

1st application:

Mr. Horsman introduced the first application on the agenda which was an area variance for 520 Tiffin Ave. The applicant was applying for 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

Mr. Horsman said this property received a variance in the past to allow for a garage to encroach into the required side yard and that the lot is legally non-conforming, as the rear yard is smaller than what would be allowed by the Zoning Code. He stated that due to this fact, the staff is not opposed to the variance request.

Mr. Horsman stated that two emails had been received from the adjoining property owner and resident regarding this variance. First, John and Diane McCord, the owners of the property at 1717 W. Madison St, who live at 1938 Atlantic Ave, submitted a statement encouraging the variance to be denied due to the fact that the current pool at 520 Tiffin Ave is right up next to the fence dividing their properties, and it causes a lot of noise and a lack of privacy. The next statement came from the resident of the property at 1717 W. Madison St., Kerri Welser, who also stated she opposed the variance due to the noise and commotion that is often present at the pool at 520 Tiffin Ave.

The applicant and property owner at 520 Tiffin Ave, Cynthia Fisk, then spoke to indicate the variance that she had actually intended to seek would be to have an accessory structure covering the pool. Mr. Horsman stated that an enclosed pool would need additional variances in addition to the 3-foot setback variance.

Ms. Fisk said she intended to build an in-ground pool for personal use. Mr. Feick asked if there would be any issues with safety services reaching the property if a building were constructed. After discussion, Mr. Zeiher made a motion to table the application until the applicant can come back with more information related to the proposed pool enclosure. Mr. Delahunt seconded the motion. The motion passed unanimously.

2nd application:

Mr. Horsman introduced the second application on the agenda which was a use variance at 512 Tiffin Ave. The applicant was applying for a variance to 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. Mr. Horsman explained the property at 512 Tiffin has a two-dwelling house on the lot, as well as a garage with living quarters on the second floor, and that due to the Zoning Code regulations in two-family zoning districts, the accessory garage could not be used as a dwelling unit. Mr. Horsman stated that allowing a residential use in the accessory structure would not be detrimental to the neighborhood, in staff's opinion, and that increasing housing options is something the city supports, however, staff could not argue that an unnecessary hardship exists and was not able to support the variance request. The applicant and owner of 512 Tiffin Ave, Mr. Kenneth Balogh, then gave testimony in support of the variance. Mr. Balogh stated that he recently purchased the property and said he was told when he purchased the property that the third unit could possibly be used as an additional rental. Mr. Balogh said the unit is 1,200 square feet and is well built.

Mr. Feick stated that he had asked Mr. Horsman earlier in the day if there was a building permit on file for the garage structure, and Mr. Horsman had responded that he had not located one in the system and that there he only found an electrical permit.

After discussion, Mr. Zeiher made a motion to approve the variance application, conditioned on the confirmation that a building permit exists, or if not, that the Building Division inspect the structure and issue a building permit. Mr. Delahunt seconded the motion. The motion passed unanimously.

Next meeting:

Mr. Horsman has stated that no applications had yet received any applications for the September BZA meeting.

Adjournment:

Mr. Zeiher moved to adjourn the meeting and Mr. Delahunt seconded the motion. The meeting ended at 4:57pm.

APPROVED:

Thomas Horsman, Acting Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
AN ACCESSORY STRUCTURE IN THE REAR YARD IN
A TWO-FAMILY RESIDENTIAL ZONING DISTRICT AT
520 TIFFIN AVE.

Reference Number: PVAR20-0017

Date of Report: October 7, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

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 1145.15.
Variance Requested:	1) A variance to the Zoning Code Section 1145.15 to allow for the construction of an accessory structure that is 4.5 feet away from the main structure whereas the Code requires 10 feet.

SITE DESCRIPTION

Subject Property Outlined in Blue

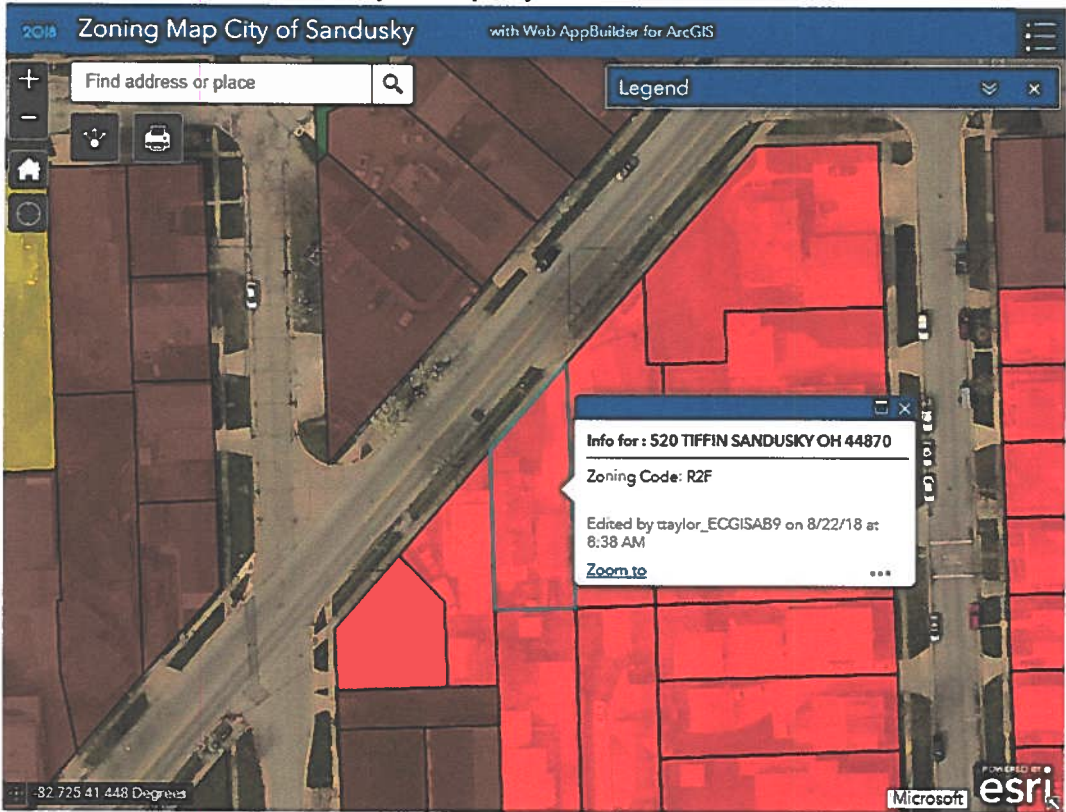


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

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 applicant applied for a variance in August 2020 to build an in-ground pool within 3 feet of the required setback from the lot line. The Board tabled this request to get more information from the applicant, and the applicant subsequently withdrew her application and submitted a new application. The new application was to build an in-ground pool covered by an accessory structure. The accessory structure would conform with the setback and lot coverage requirements, but it needs a variance because it would not meet the requirement that accessory structures be set back 10+ feet from the main dwelling.

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 5 ½ foot variance to the requirement that accessory structures be 10 feet or more from the main dwelling. The other requirements as it pertains to the pools and accessory structures 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 structure would be 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. The Fire Marshall has given an opinion that this would not cause issues with fire department access.

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;

Due to the nature of the rear yard, it would not be possible to build an accessory structure without a variance.

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

The 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

CONCLUSION/RECOMMENDATION

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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 520 Tiffin Ave

Name of Property Owner: Cynthia Fisk

Mailing Address of Property Owner: 520 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: Cynthia Fisk

Mailing Address of Applicant: 520 Tiffin Ave

City: Sandusky State: Ohio Zip: 44870

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

Description of Proposal:

Building a structure in the rear yard to enclose an in-ground pool

Variance Requested:

A variance to allow an accessory structure within 4.5 feet of the main structure

Section(s) of Zoning Code:

1145.15

Cynthia Fisk Digitally signed by Cynthia Fisk
Date: 2020.10.07 20:22:20 -0400

10/07/2020

Signature of Property Owner

Date _____

Signature of Authorized Agent

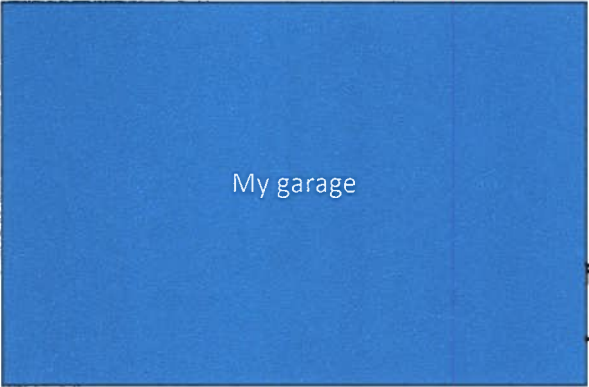
Date _____

APPLICATION #BZA-001

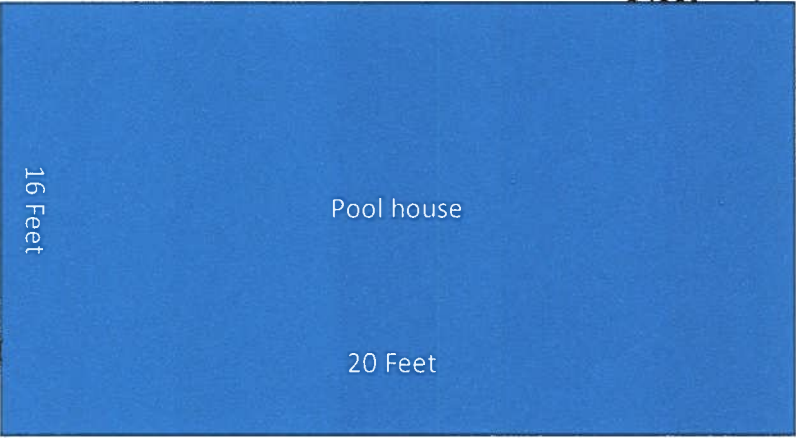
UPDATED 12/2/2019



Neighbor's garage



My garage



16 Feet

Pool house

20 Feet

5 foot



My house



4.5 from my house



4'



Property line and fence

I would be four feet away





Attica Lumber Quotation Package



QUOTATION FOR:

Cynthia Fisk22X21
Customer Address Not Provided
Sandusky, OH 44870
419-357-1182

CONTACT:

Jim Wilhelm
PO Box 486
Attica , OH 44807
1-800-334-0947

CONSTRUCTION:
DIMENSIONS:

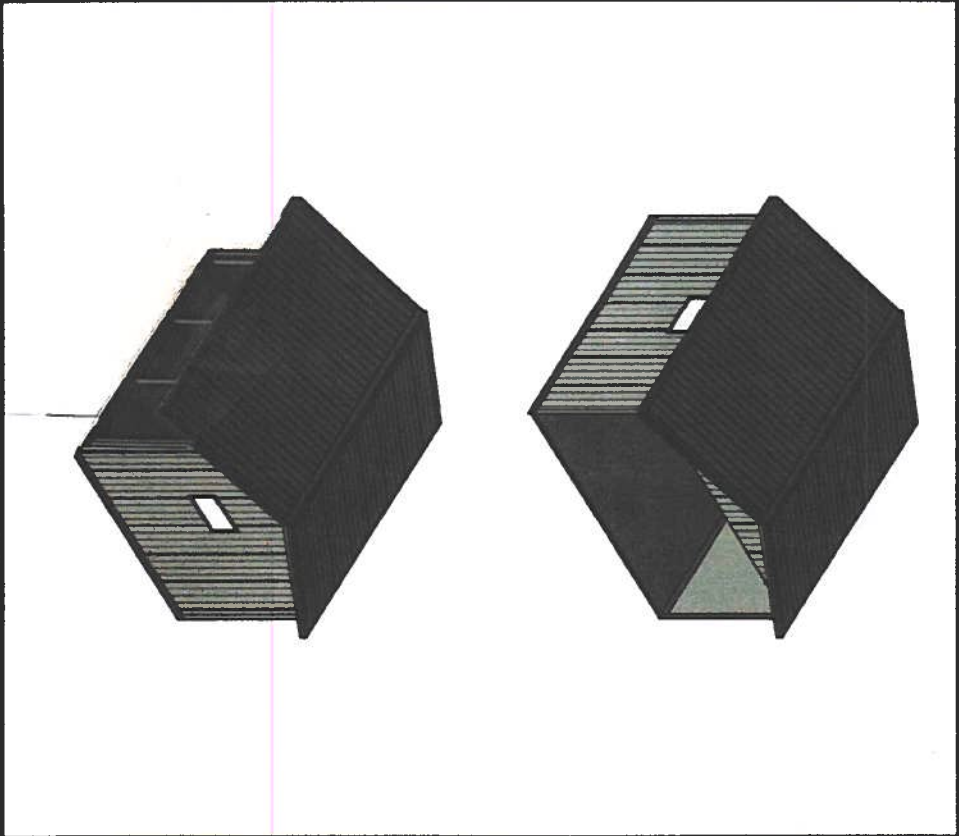
Post Frame
22' X 21' X 9'

SPECIFICATIONS FOR 22' X 21' X 9' POST FRAME PACKAGE:

- MATERIAL PACKAGE
 - Pre-Engineered Wood Trusses (4/12 Pitch, 4' O/C)
 - 4 x 6 Treated Eave Posts (8' O/C)
 - 4 x 6 Treated Gable Posts (8' O/C)
 - 2 x 10 Treated Skirt Boards (1 Row)
 - 2 x 4 Wall Girts (24" O/C)
 - 2 x 4 Roof Purlins (24" O/C)
 - 2 x 8 Double Top Girt Truss Carrier
 - Vapor Barrier On Roof
 - 29 Gauge Painted Galvalume Steel Siding and Roofing
 - Housewrap on Sidelwall
 - One Concrete Pad per Post Hole
- DOORS & WINDOWS
 - Open Wall On Gable1
 - Three 6' 2" X 6' 10" General Openings
 - Two White Vinyl Stationary Windows 4' x 2'
- 12" OVERHANG ON ALL SIDES W/ VENTED VINYL SOFFIT
- FASTENERS
 - All Necessary Fasteners

Built on Your Level Site

\$10,900.00



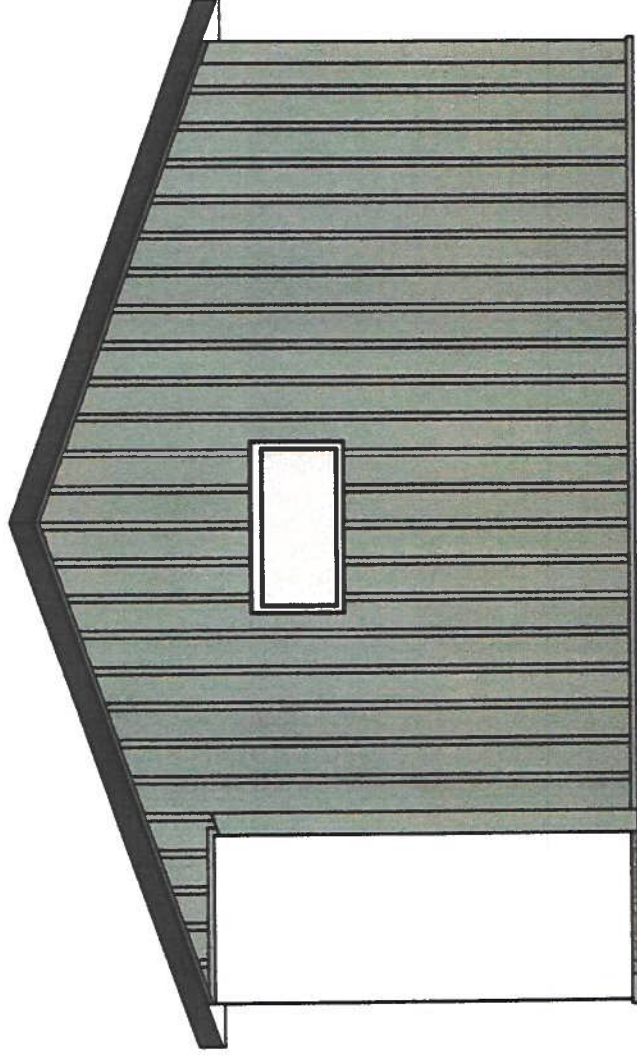
QUOTATION DATE: 9/1/2020

ESTIMATE NUMBER: 6778

Prices are good for 10 days

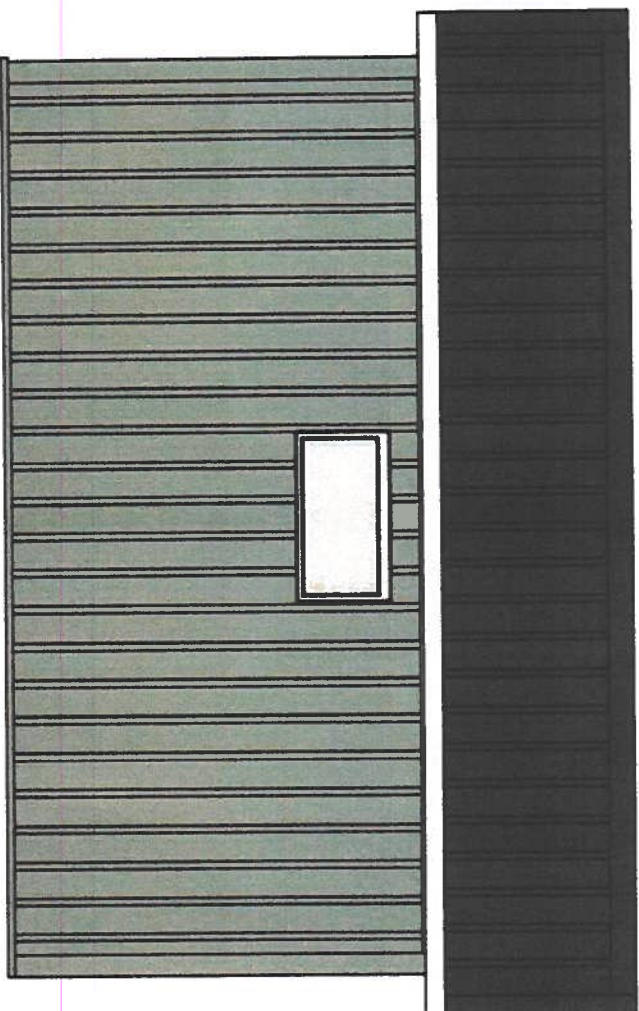


WEST SIDE-GABLE SIDE 2 ELEVATION



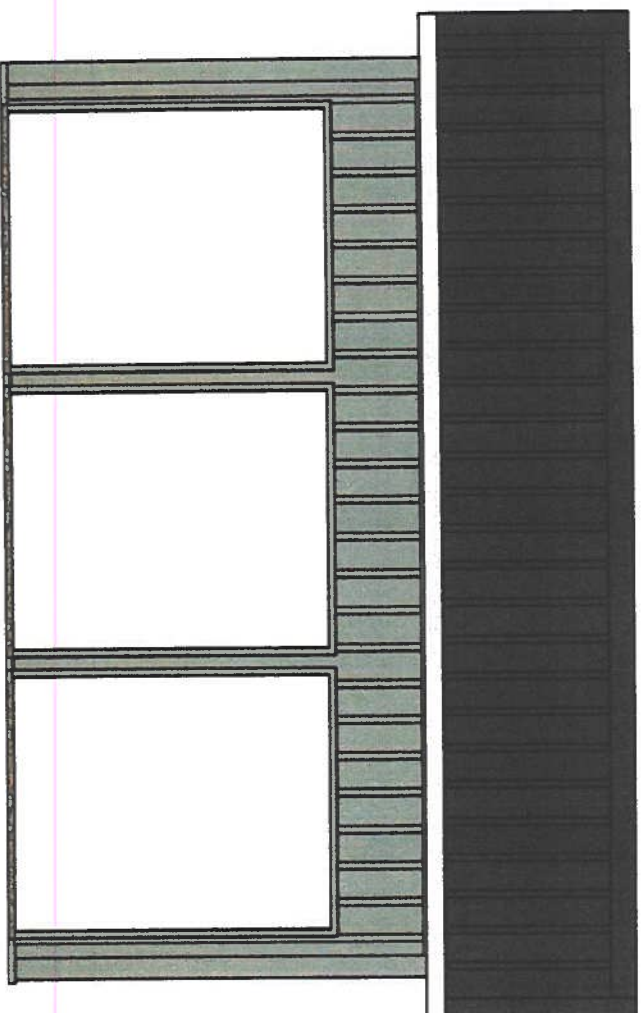


SOUTH SIDE-EAVE SIDE 1 ELEVATION





NORTH SIDE-EAVE SIDE 2 ELEVATION

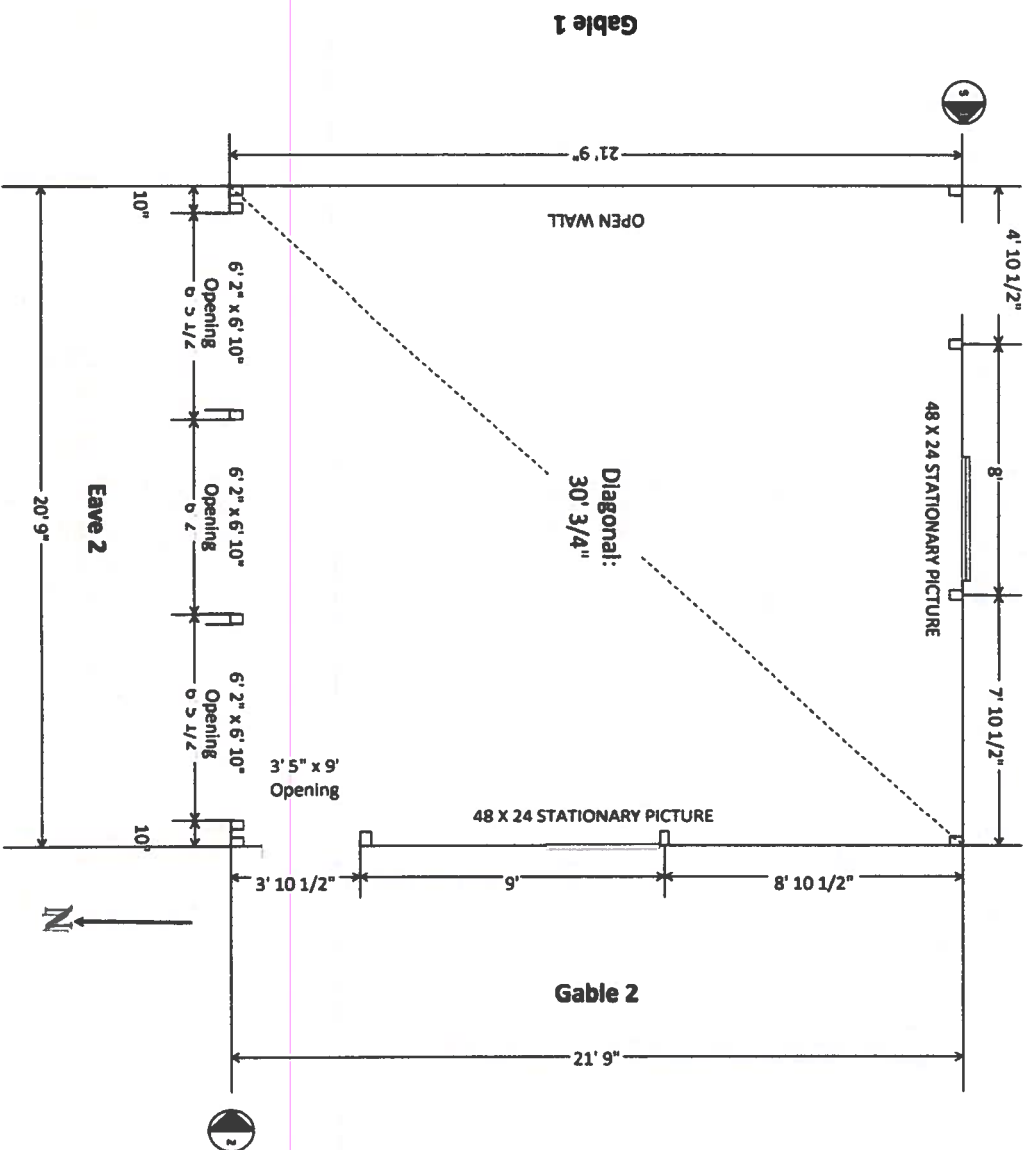




POLE LAYOUT
Residential Use, 462 sq. ft.



Eave 1



Thomas Horsman

From: Stephen Rucker
Sent: Wednesday, August 26, 2020 2:42 PM
To: Greg Voltz; Thomas Horsman
Cc: Cynthia.fisk@hotmail.com
Subject: 520 Tiffin

Good afternoon,
In reviewing the potential construction project at the above address through a site visit. Our department has no issues as it pertains to access to the rear of the address for emergency response purposes. Any further questions can be referred to my office.
Thanks



Steve Rucker | *Fire Marshal*
SANDUSKY FIRE DEPARTMENT
600 W. Market Street | Sandusky, OH 44870
T: 419.627.5823 | F: 419.627.5820
srucker@ci.sandusky.oh.us
www.ci.sandusky.oh.us

8-7-20

To whom it may concern -

Cindy is my next door neighbor, we live at 532 Tylor Ave Sandusky, Cindy and I have a peton Aurore times of her interest in putting in a pool.

I have no issues with Cindy putting in a pool, I think it will be a great for property values in our neighborhood, Any improvement that anyone makes is a welcome, I am not concerned about noise, we live on a busy street, with noise all the time, My Auro neighbors have a big deep that back all the time.

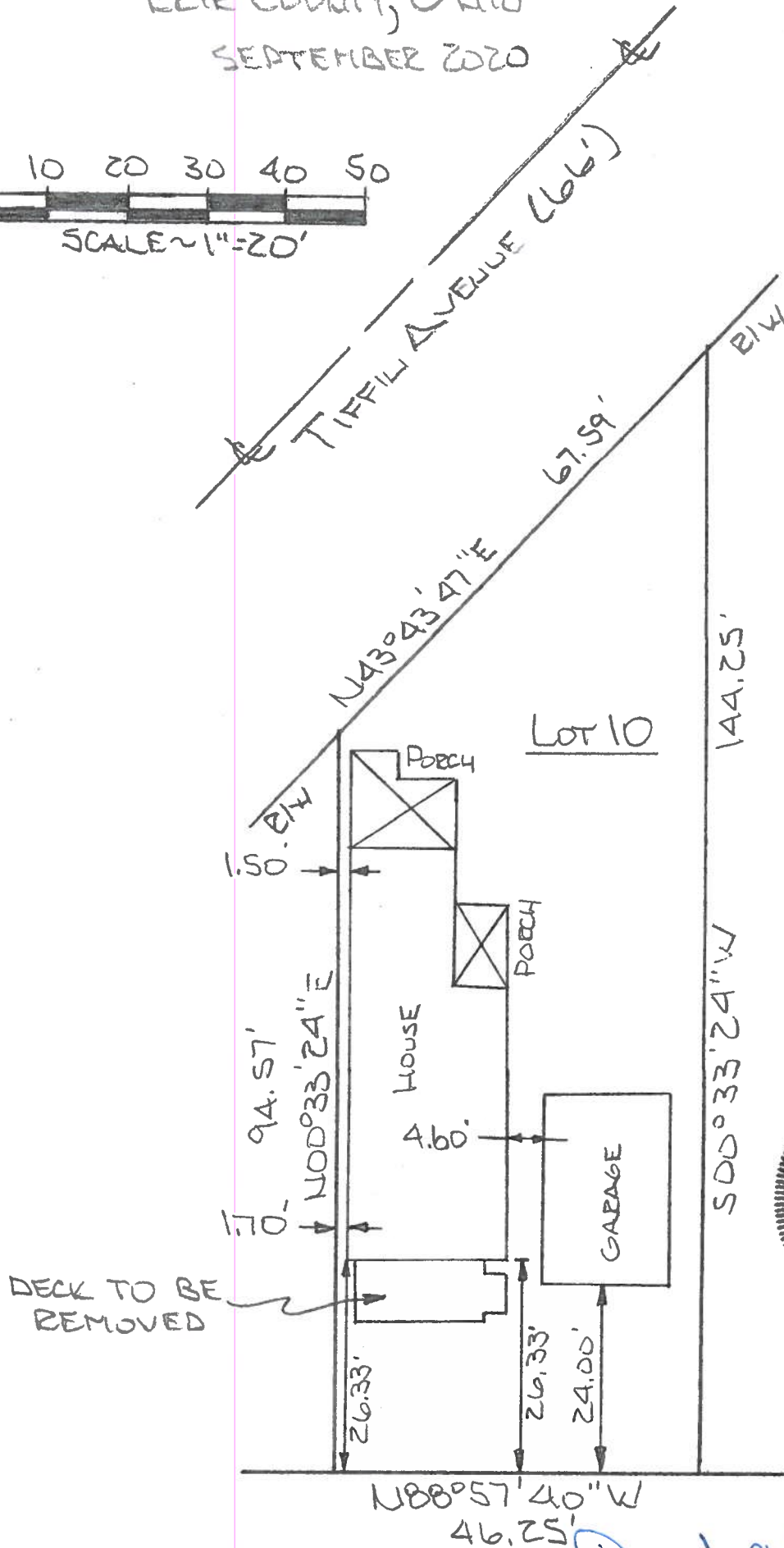
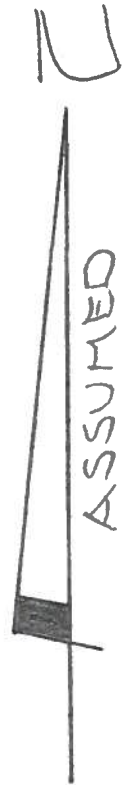
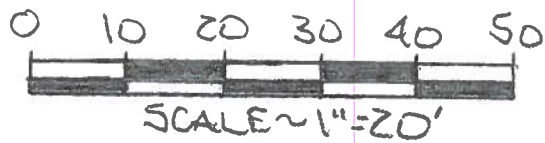
Cindy is one of the best neighbors we ever had, she has my support and hope that she can make the improvements.

If I can help in you have any other questions please call me - 419-515-9366.

Best a Righter

PLOT PLAN

BEING LOT NO. 10 ON TIFFIN AVE.
IN THE OLD FIFTH WARD NOW
IN FOURTH WARD CITY OF SANDUSKY
ERIE COUNTY, OHIO
SEPTEMBER 2020



David A. Williams
DAVID A. WILLIAMS
REG. SURVEYOR # 7166

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
AN ACCESSORY STRUCTURE TO BE BUILT ON A LOT
WITHOUT A MAIN STRUCTURE AND A
FLOODPLAIN VARIANCE TO ALLOW AN ACCESSORY
STRUCTURE TO BE BUILT BELOW THE FLOOD
PROTECTION ELEVATION

Reference Number: PVAR20-0019

Date of Report: October 7, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: David Jesse
1107 Cedar Point Rd.
Sandusky, OH 44870

Site Location: 1107 Cedar Point Rd. and Parcel 55-00168.000
Sandusky, OH 44870

Zoning: R1-75 – Single-Family Residential

Surrounding Zoning: R1-75 – Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.03 and 1157.04(e)(2)

Variances Requested:

- 1) A variance to allow an accessory structure to be built with a finished floor elevation that is 0.2 feet above the base flood elevation, whereas the Code requires 2 feet.
- 2) A variance to allow an accessory structure as the main building on a lot, whereas the Code requires a single-family dwelling to be the main structure.

SITE DESCRIPTION

Subject Property Outlined in Blue

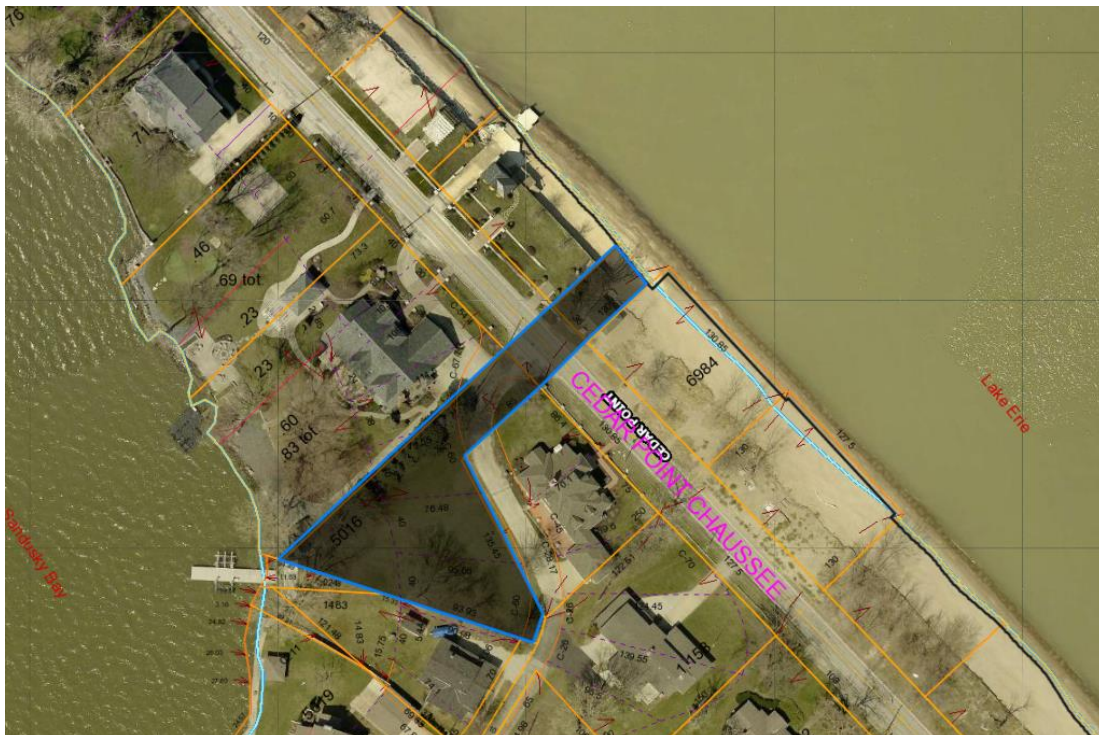
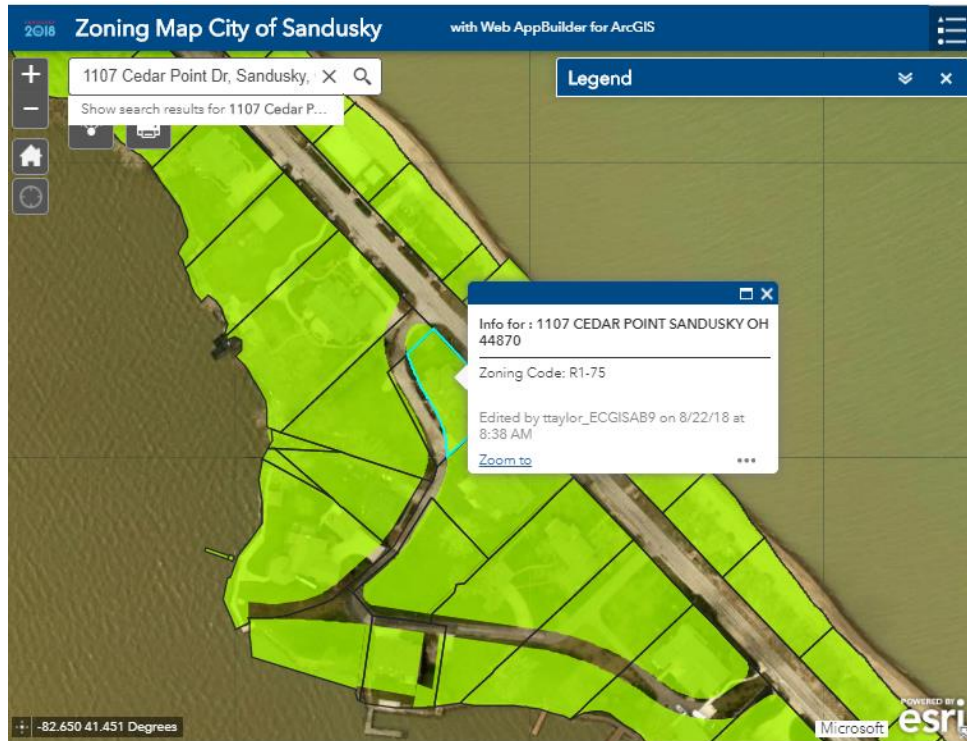
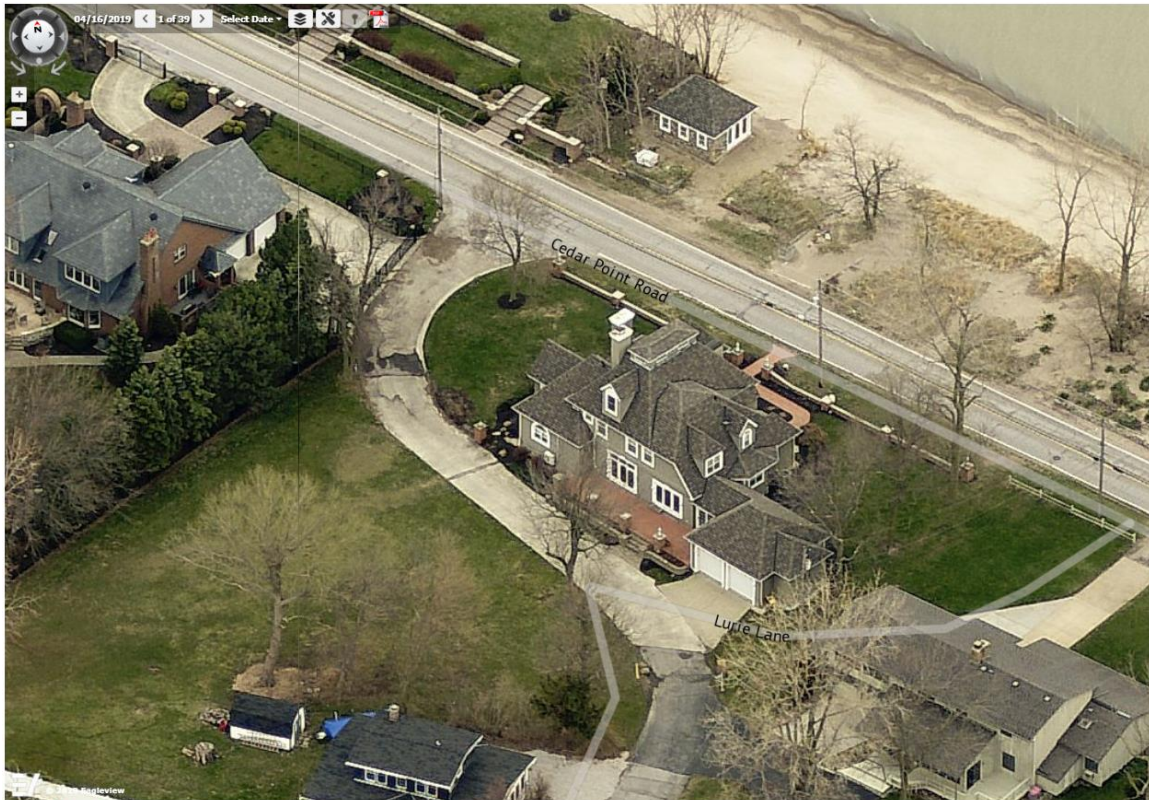


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

The applicant owns both 1107 Cedar Point Rd and the subject parcel 55-00168.000. Together, they in essence form one large property. There is a street that runs through the owner's main parcel, Lurie Lane, that the property owner stated is there via an easement. This property received a variance in February 2018 to allow for the construction of the beach house structure, as it was an accessory structure located in the front yard. The beach house and the proposed garage in this application would be on the same parcel.

The garage would be constructed above the FEMA base flood elevation of 577 feet, but the Zoning Code requires buildings to have a finished floor elevation 2 feet above the base flood elevation (BFE). This structure would only be 0.2 feet above the BFE and thus would need a variance. Also, because the garage would be built on a separate parcel from the main dwelling, it needs a variance as the Code requires the main structure on a zoning lot in a R1-75 district to be a single-family dwelling.

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 variances sought in this case are not substantial.

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

The proposed variance would not appear to substantially alter the character of the neighborhood, nor be a detriment to the adjoining property owners.

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 property owner could build the structure to be above the BFE and could combine the two lots, which would negate the need for the variances.

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

CONCLUSION/RECOMMENDATION

Staff has communicated to the applicant that staff's preference would to have the parcels combined, since the one parcel contains the accessory structures to the main structure on the other parcel. However, staff does not believe that there would be a substantial detriment caused if the variances were granted. Also, an accessory structure had already been approved to be built on this parcel in 2018.

Application for a Floodplain Variance

Address of Property (or parcel number) for Variance Request: 1107 Cedar Point Road

Legal Description of the Property: _____

Name of Property Owner: David and Norma Jesse

Mailing Address of Property Owner: 1107 Cedar Point Road

City: Sandusky State: Ohio Zip: 44870

Telephone #: 330 618-8685 Email: zen0414@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Existing Use: the back yard of single family home

Description of Proposed Use: Addition of a detached garage in the backyard

Variance Requested: Allow a Garage finished floor elevation of 577.2 feet

Reason for Variance: The current physical characteristics the area have an elevation of ~ 575.2 feet, this is also the general elevation of the property and neighborhood. Building up the elevation of the proposed area over 4 feet would not be compatible and negatively impact the aesthetics of the neighborhood. The proposed finished floor elevation of 577.2 would be compatible with the elevation of the existing attached garage, the 100 year flood plan level and the neighborhood.

David Jesse
Signature of Property Owner

9/24/2020
Date

Signature of Authorized Agent

Date

Please answer all of the following questions:

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

~\$100,000

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

The unnecessary hardship would be the impact to the effect of the aesthetics of the neighborhood. The property is part of the Lurie Lane neighborhood on Cedar point road. Building up the elevation in the area over 4 feet to meet the current regulation would not be compatible with the existing land and the properties in the neighborhood. It would also increase the rate of rise of the area which could increase the potential flooding of the private road.

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

The elevation probably could be met. However, if we were to raise the area the full 4 feet required to meet current finished floor elevation it would not be compatible with the area and very negatively effect the aesthetics of the property and neighborhood.

- 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?

Yes. The garage will not have any mechanicals below the city required elevation.

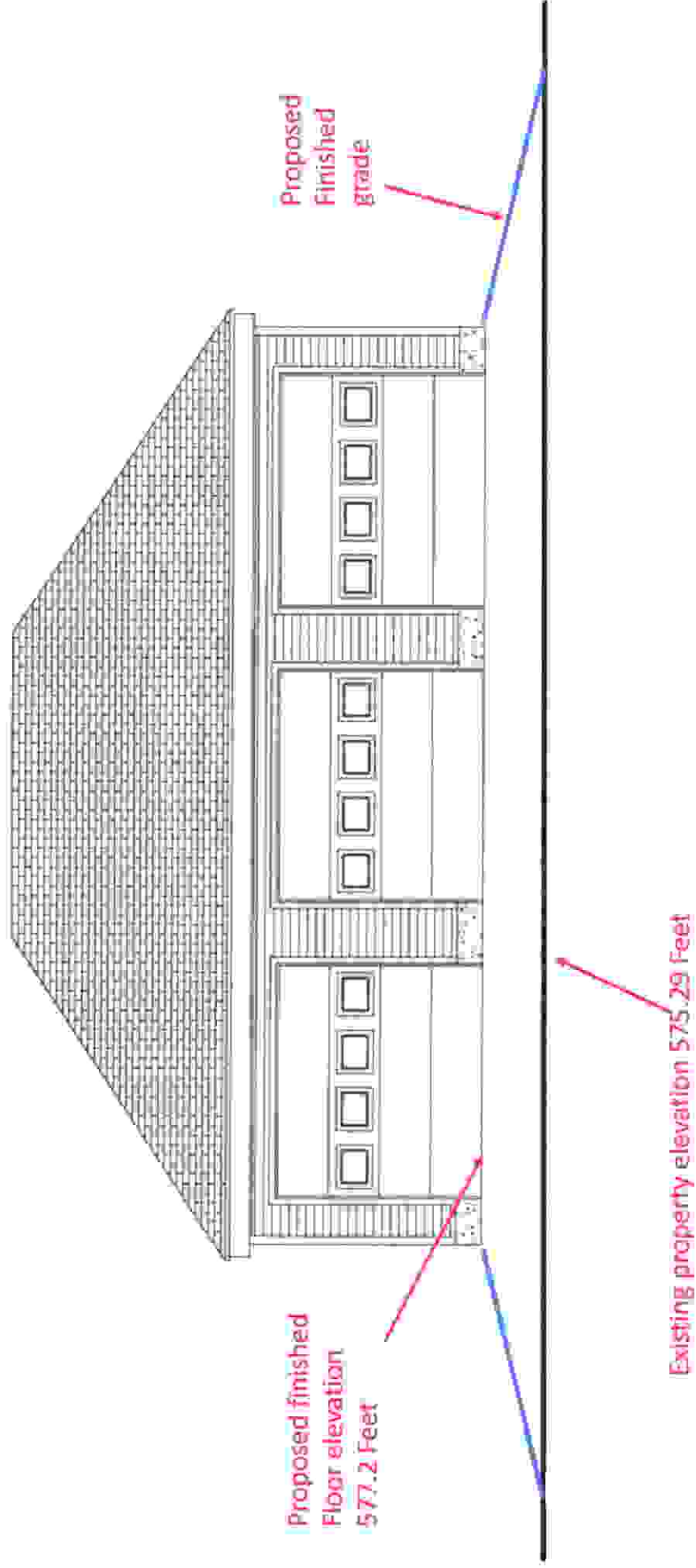
- 5) Are crawl spaces or basements (of the proposed new addition/construction) below the City Elevation equipped with flood vents, floodgates, flood ports, or another mechanical or passive device to reduce structural damage? ☐ YES ☒ NO

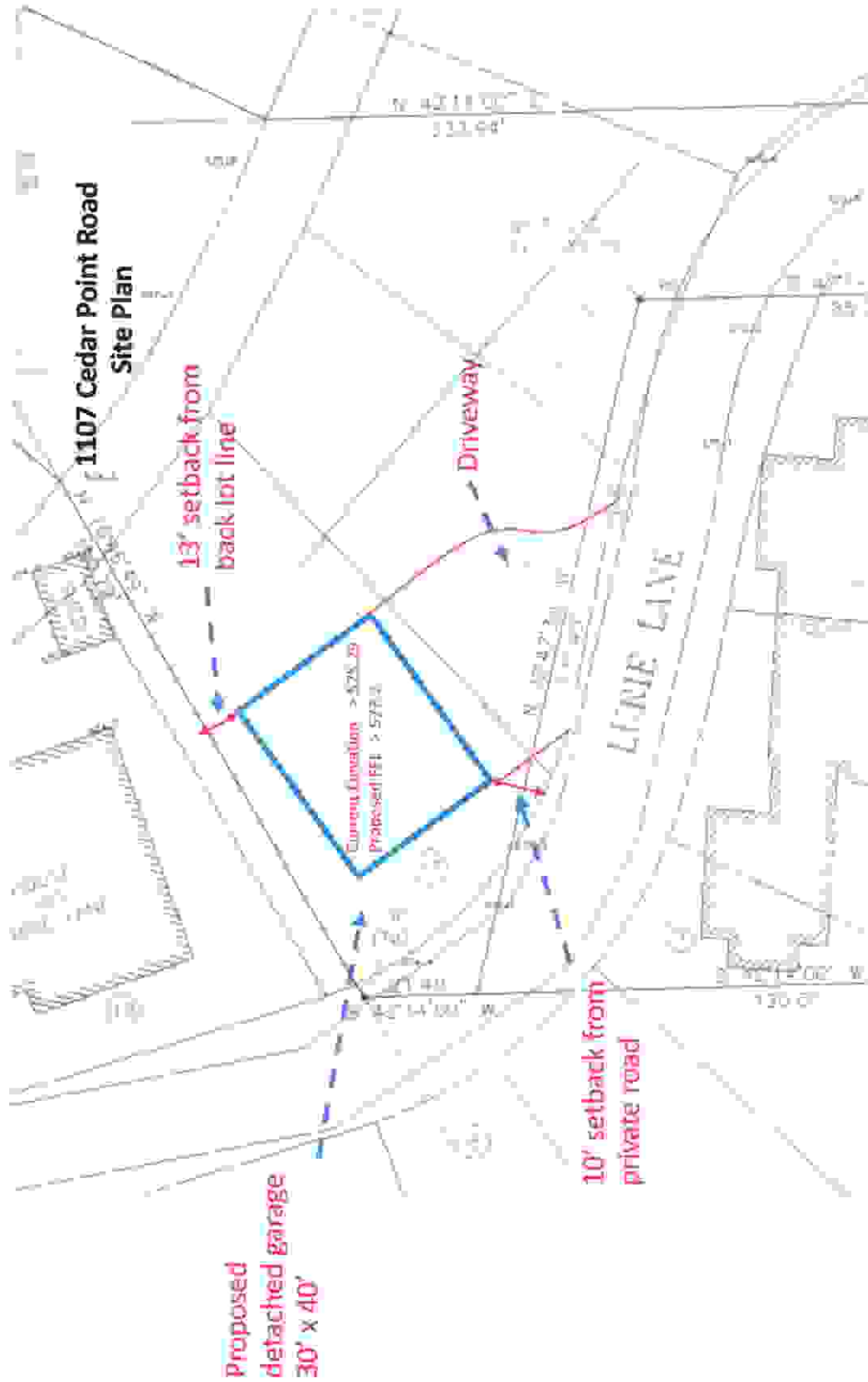
If YES, please list the types, along with the dimensions and quantity:

If NO, please explain why:

The request is for a detached garage with a slab floor.

1107 Cedar point Road
Elevation plan





Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1107 Cedar Point Road

Name of Property Owner: David Jesse

Mailing Address of Property Owner: 1107 Cedar Point Raod

City: Sandusky State: Ohio Zip: 44870

Telephone #: 330 618 8685 Email: zen0414@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Requesting approval to build a detached garage on parcel 55-00168.000.

Variance Requested:

Approval to build a second accessory building on parcel 55-00168.000. The Main building is on adjacent parcel 55-00168.001. Main Building and Detached garage will be ~50 feet from each other.

Section(s) of Zoning Code:

Section 1145.01

David Jesse 10/5/20
Signature of Property Owner Date

Signature of Authorized Agent Date

APPLICATION #BZA-001

UPDATED 12/2/2019

PRACTICAL DIFFICULTIES
(For ALL variance requests)

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

- 1) Would the variance be substantial?

No, I don't believe so especially given a very similar variance was previously approved on this parcel.

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

This would have no impact on the neighborhood.

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

The variance would have no adverse affect on the delivery of government services.

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

No. I can't say I was aware of this restriction when we purchased the property.

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

Yes. The parcels could be combined but doing so adds no value given the area and situation.

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

Yes, I believe it would be observed as won't be seen as a standalone building. It will be built using the same exterior materials and colors as the main building.

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

Adding the garage to the property will increase the overall value of the area and neighborhood.

- 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. The building will not appear to be separate from the overall property.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A 6-FOOT FENCE IN THE SIDE YARD AT 1304 C ST.
IN A R1-40 SINGLE-FAMILY RESIDENTIAL ZONING
DISTRICT

Reference Number: PVAR20-0018

Date of Report: October 7, 2020

Report Author: Thomas Horsman, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Lynne Weaver
1304 C St.
Sandusky, OH 44870

Site Location: 1304 C St.
Sandusky, OH 44870

Zoning: R1-40 – Single-Family Residential

Surrounding Zoning: R1-40 – Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.17(G)(1).

Variance Requested: 1) A variance to allow a 6-foot fence in a side yard in a R1-40 Single-Family Residential zoning district whereas the Code only allows 4 feet.

SITE DESCRIPTION

Subject Property Outlined in Blue

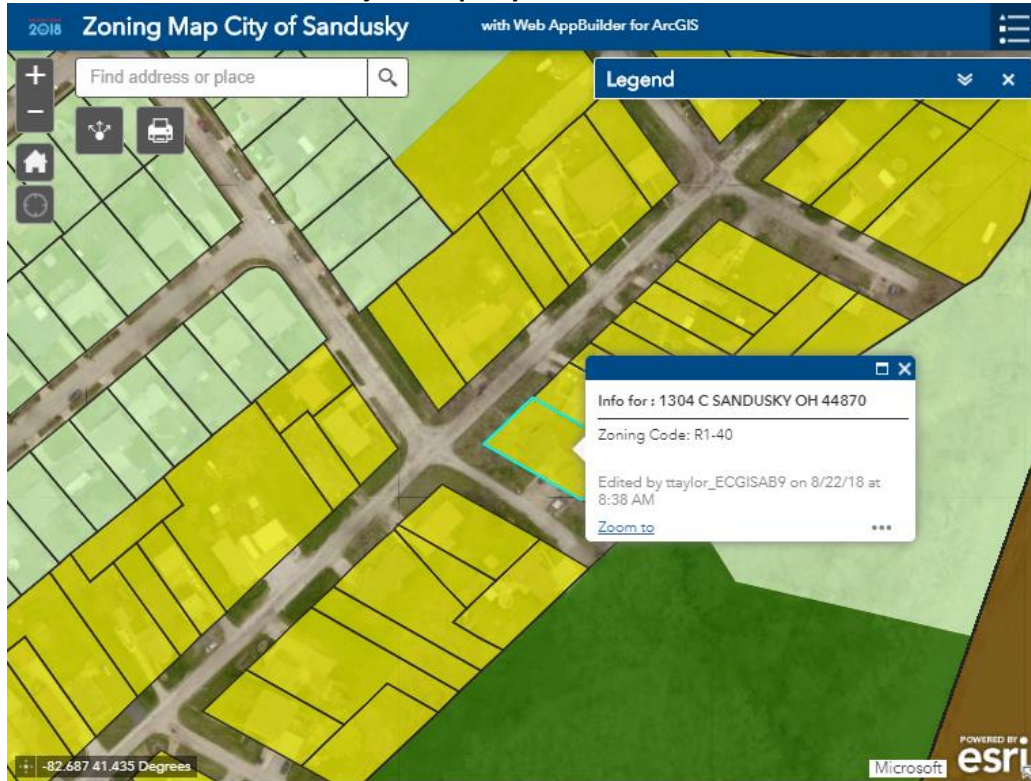


Photo of the Property from Google Street View



DEPARTMENT OF PLANNING COMMENTS

The applicant is proposing to build a 6-foot fence along the side yard of their property. The applicant's neighbor recently installed a fence along the property lines in the rear yard, and the applicant's fence would continue from where the neighbor's fence ends. The applicant submitted a drawing showing the location of the proposed fence. They stated the reason for the fence is provide privacy. The variance is necessary because the Zoning Code only allows fences of up to 4 feet in the side yard.

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 would only be for 2 feet above what is allowed by the Code.

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. The proposed fence would not likely cause substantial detriment to the adjoining property owner.

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 property owner's alternative would be constructing a 4-foot fence, in line with the Code regulations.

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

The 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

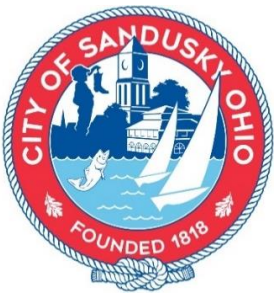
The property could yield a reasonable return without a variance.

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

CONCLUSION/RECOMMENDATION

In conclusion, Planning staff has no objection to the requested 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: _____

Name of Property Owner: _____

Mailing Address of Property Owner: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

If same as above check here ☐

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Variance Requested:

Section(s) of Zoning Code:

Signature of Property Owner

Date

Signature of Authorized Agent

Date

PRACTICAL DIFFICULTIES

(For ALL variance requests)

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

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

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

- 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?

- 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

