



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5715
www.cityofsandusky.com

Agenda
February 18, 2021
4:30 pm
Virtual Meeting via Microsoft Teams and
Live Streamed on www.Youtube.com/CityofSanduskyOH

1. Meeting called to order – Roll Call
2. Review of minutes from the January 21, 2021 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - 1225 Cedar Point Rd- Area Variance
A variance allow an addition to a single-family house with a 5.97 foot side yard setback whereas the Code requires 7.63 feet.
5. Other Business
6. Adjournment

Next Meeting: March 18, 2021

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

Board of Zoning Appeals
January 21, 2021
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:39pm. The meeting took place virtually via Microsoft Teams. The following voting members were present: Mr. John Feick, Dr. William Semans and Mr. Gregg Peugeot. Mr. Thomas Horsman represented the Planning Department. Mr. Josh Snyder represented the Engineering Division. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from October 21, 2020:

Dr. Semans moved to approve the minutes with the correction of the spelling of his name. Mr. Peugeot seconded the motion. All members were in favor of the motion and the minutes were approved.

Election of officers:

Dr. Semans nominated Mr. Feick for chairman and Mr. Delahunt for vice chairman. Mr. Peugeot seconded the nomination. All members were in favor of the nominations.

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

Mr. Feick swore in everyone wishing to do so.

Adjudication Hearing:

Mr. Horsman introduced to the board an application for a floodplain variance for 142 Sunset Drive. The applicant requested a variance to the Zoning Code Section 1157.04 (e) (2) to allow an addition to a single-family house to be built with a finished floor elevation that is 0.4 feet above the base flood elevation, whereas the code requires two feet. The property is located in a R1-75 Single-Family Zoning District. He then explained that notifications were sent to surrounding property owners and no comments were received back. Dr. Semans made a motion to approve the variance and Mr. Peugeot seconded the motion. Mr. Feick abstained from the vote. Dr. Semans and Mr. Peugeot voted for the motion. The motion passed.

Other Business:

Mr. Horsman explained that the City Commission has asked for the various boards and commissions to examine meeting times in order to make it easier for the public and also those on the boards and commissions who work, to make it to the meetings. He stated that the Planning Commission recently agreed to try a start time of 5:00 to align with the City Commission meetings. Dr. Semans stated that he would be fine with keeping the current start time or moving to 5:00pm. Mr. Peugeot and Mr. Feick said that they prefer the current start time of 4:30pm, but could probably make it work to start at 5:00pm. Mr. Horsman said he would take this information back to the City Commission and be in touch on a start time for future meetings.

Adjournment:

Dr. Semans moved to adjourn the meeting and Mr. Peugeot seconded the motion. The meeting was adjourned. At 4:50pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
CONSTRUCTION OF AN ATTACHED GARAGE IN THE
REQUIRED SIDE YARD AT 1225 CEDAR POINT RD.

Reference Number: PVAR21-0001

Date of Report: February 11, 2021

Report Author: Thomas Horsman



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: 1225 Lakehouse, LLC
Ken Heiberger, Managing Member
8394 W. Bowling Green Ln.
Lancaster, OH 43130

Site Location: 1225 Cedar Point Rd.
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 with addition of attached garage

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

Variance Requested: 1) A variance allow an addition to a single-family house with a 5.97 foot side yard setback whereas the Code requires 7.63 feet.

SITE DESCRIPTION

Subject Property Outlined in Blue

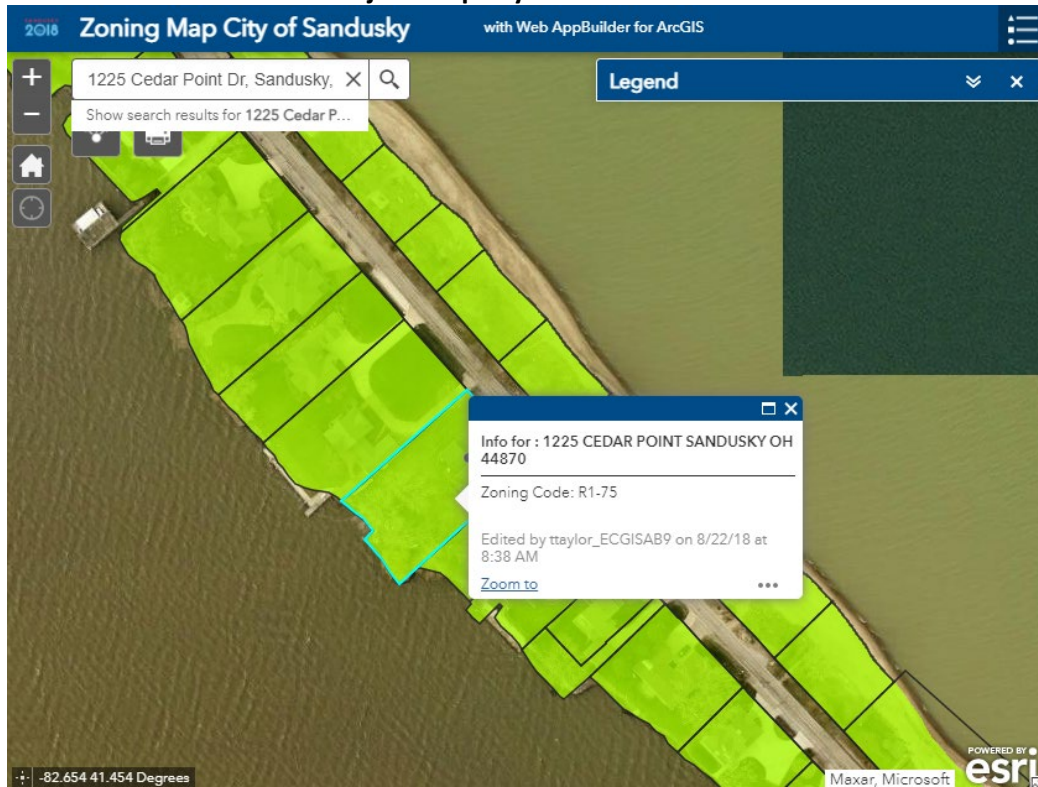


Photo of the Property from Google Street View



Aerial View of the Property from April 2019



DEPARTMENT OF PLANNING COMMENTS

According to the Erie County Auditor, the property at 1225 Cedar Point Rd. was originally constructed in 1940. The current owner is proposing to construct an addition to the house that would contain a new attached garage. The proposed garage would be 26 feet in width, which according to the owner's application, is necessary in order to store larger vehicles and boats inside the garage.

In this R1-75 zoning district, the combined total of both side yards must be no less than 15 feet, with no individual side yard less than 5 feet in length. The side yard setback on the side of the house opposite the proposed addition is 7.37 feet. The Code requires the side yard adjacent to the new addition to be no less than 7.63 feet. The applicant is proposing 5.97 feet.

The house on the adjacent property at 1229 Cedar Point Rd is set back further than that applicant's house, and the attached garage encroaches into the required side yard. The applicant's proposed garage would sit mostly next to the neighbor's driveway.

The applicant also proposed constructing a new asphalt driveway to access the new garage, and plans to remove the current driveway and renovate the existing garage space.

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 1.66 foot encroachment into the required side yard setback. The other zoning requirements 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 dwelling on the adjacent property seems to be situated similarly to what the applicant is proposing.

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

The proposed use variance would not appear to 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 aware of the current zoning regulations and stated the property has been owned by the family for 45 years.

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

The owner could reduce the length of the garage, however the owner has stated the proposed length is necessary to adequately store their vehicles.

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

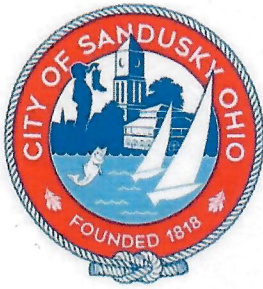
The property could yield a reasonable return without a variance.

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 adjacent property owners.



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: 1225 Cedar Point Road, Sandusky

Name of Property Owner: 1225 Lakehouse, LLC. Ken Heiberger, Mg Member

Mailing Address of Property Owner: 8394 W. Bowling Green Ln

City: Lancaster State: Ohio Zip: 43130

Telephone #: 614-206-0895 Email: Ken@HeibergerPaving.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

To allow for a 26' wide new garage construction instead of the drawn 24' wide proposed construction. Remodeling start date target is August 2021.

Variance Requested:

The north side (right side) of the proposed garage would be extended 2' into the existing 7.97' of building offset as per the attached plan. The remaining distance to the North property line will still be more than the 5' minimum requirement.

Section(s) of Zoning Code:

Section 1129.14 Intent; 1229.06.a.2.B Accessory Uses/Vehicles/Recreational Vehicles,Boats

 2/2/21
Signature of Property Owner Date

 2/2/21
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. The additional 2' (closer to the property line) along the garage is adjacent to a very large open front yard of the neighboring property. It will not cause the new garage to be closer to the neighboring buildings.
- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?
Not at all. The variance will enhance the neighboring properties. The wider garage will allow our large vehicles to be parked out of view from the street. We suffered a Notice of Violation in Summer 2020. I want to avoid that type of infraction in the future.
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
None what so ever.
- 4) Was the property purchased with the knowledge of the zoning restrictions?
Yes. In our family for 45 years.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
Not really. Interior space dimensions are the problem. A wider garage would make indoor storage of larger vehicles/boats possible.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
Absolutely. One intent of the offset is to keep distance between structures. There are no adjacent structures along this length of garage. Visually, no naked eye would detect a 2' variance.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
The benefits would be greatly reduced without a variance. The house is close to the road and large vehicles would be in front of the garage.
- 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. Protecting the neighboring property and structures is a major purpose of the Zoning Code. There is an open "field" along the entire length on the proposed garage. No neighboring building structures.

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?

N/A

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

N/A

- 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?

N/A

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

N/A

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

N/A

1129.01 INTENT.

Residential districts and their regulations are established in order to achieve, among others, the following purposes:

- (a) 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;
- (b) Protection from noxious fumes, odors, dust, excessive noises, invasion of abnormal vehicular traffic, and other objectionable influences;
- (c) Provision for the proper location of community facilities so as to increase the general convenience, safety, and amenities;
- (d) Regulation of the density and distribution of population in scale with community services, and to avoid further congestion;
- (e) 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. (1980 Code 151.10)

1129.06 ACCESSORY USES.**(a) Vehicles in Residential Districts.**

(1) Provision of parking facilities. Private or storage garages or open off-street parking areas are required for all residential types, in accordance with the standards set forth in Chapter 1149 .

(2) Placement, parking, or storing of motor vehicles and trailers. The placement, parking, or storage of motor vehicles, trailers or other vehicles as defined in Chapter 301 of the Traffic Code shall be subject to the following restrictions on residentially zoned property:

A. Vehicles or trailers of any kind without current license plates or current validation stickers on their rear license plates thereof or inoperable vehicles (i.e. vehicles unable to move under their own power) shall not be stored on residentially zoned property except in a completely enclosed garage or other completely enclosed permanent structure.

B. Recreational vehicles including campers, motor homes, boats and boat trailers, personal watercraft and personal watercraft trailers, and buses converted for recreational use shall not be parked between the right of way and the front of the main structure on residentially zoned property. On corner lots, recreational vehicles shall also not be parked in the side yard adjacent to the right of way. A minimum setback of three feet in width shall be maintained between recreational vehicles and the lot line of any side yard or rear yard.

C. Buses as defined in Chapter 301 shall not be parked, stored, or placed on residentially zoned property.



KEN HEIDERGER, M.C. MEMBER
E14-206-0895

