



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

June 17, 2021

4:30 pm

City Commission Chamber

Live Streamed on www.Youtube.com/CityofSanduskyOH

1. Meeting called to order – Roll Call
2. Review of minutes from the May 20, 2021 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - a. **208 & 214 Perry St. - Area Variance**
A variance to allow construction of a 6-foot fence in the front and side yards. The code only permits up to 4 feet in side yards and 3 feet in front yards.
 - b. **715 Dorn Dr. – Area Variance**
A variance to allow construction of an attached garage with a 3-foot side yard setback. The combination side yard setback of both sides would be 9 feet, whereas the code requires 15 feet.
5. Other Business
6. Adjournment

Next Meeting: July 15, 2021

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

Board of Zoning Appeals
May 20, 2021
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:37pm. The meeting took place virtually via Microsoft Teams. The following voting members were present: Dan Delahunt, Bill Semans, and Gregg Peugeot. Thomas Horsman represented the Community Development Department. Brendan Heil represented the Law Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from April 15, 2021:

Mr. Peugeot moved to approve the minutes as submitted and Dr. Semans seconded. 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.

Adjudication Hearing:

1) 412 Bay Breeze Drive (tabled at last meeting)

Mr. Feick stated that the applicant has asked for a variance to Zoning Code Section 1129.03 to allow construction of a single-family home that encroaches into the required rear yard on an irregular lot, in accordance with Section 1145.13. The property is located in a RMF Multi-Family zoning district. At the last meeting the board asked the applicant to have the builder put stakes into the yard with the home squared up to the back property line as that would require less of a variance. The builder restaked the yard and the applicant submitted to staff a new drawing and that was shown during the meeting. Dr. Semans made a motion to accept the proposed dimensions in the second site plan submitted and Mr. Delahunt seconded. All voting members were in favor of the motion.

2) 505 McDonough Street

Mr. Feick stated that the applicant has asked for variance to Zoning Code Section 1129.14 to allow construction of a single-family home that encroaches into the required rear yard. The proposed rear yard setback is 13 feet, whereas the code requires 30 feet. The property is located in a R2F Two-Family residential zoning district. Mr. Horsman stated that staff did not receive any public comments for or against the proposal. Since the proposal is more conforming than the current home, staff is supportive of the proposal. David Hummel, who currently lives at 508 McDonough Street, across the street from 505 McDonough Street, said that there is too many things that would need fixed at this house, that he would rather just build a new house. Mr. Delahunt made a motion to approve the application and Dr. Semans seconded. All voting members were in favor of the motion.

Adjournment:

Dr. Semans motioned to adjourn and the meeting ended at 4:55pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 6 FT. FENCE IN THE FRONT & SIDE
YARDS AT 208 & 214 PERRY ST.

Reference Number: PVAR21-0005

Date of Report: June 9, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Ziad Lababidi – Perry Sandusky LLC
208 & 214 Perry St.
Sandusky, OH 44870

Site Location: 208 & 214 Perry St.
Sandusky, OH 44870

Zoning: RF-2 – Two-Family Residential

Surrounding Zoning: RF-2 – Two-Family Residential, DBD – Downtown Business, RMF – Multi-Family Residential

Surrounding Uses: Residential, Business

Existing Use: Residential

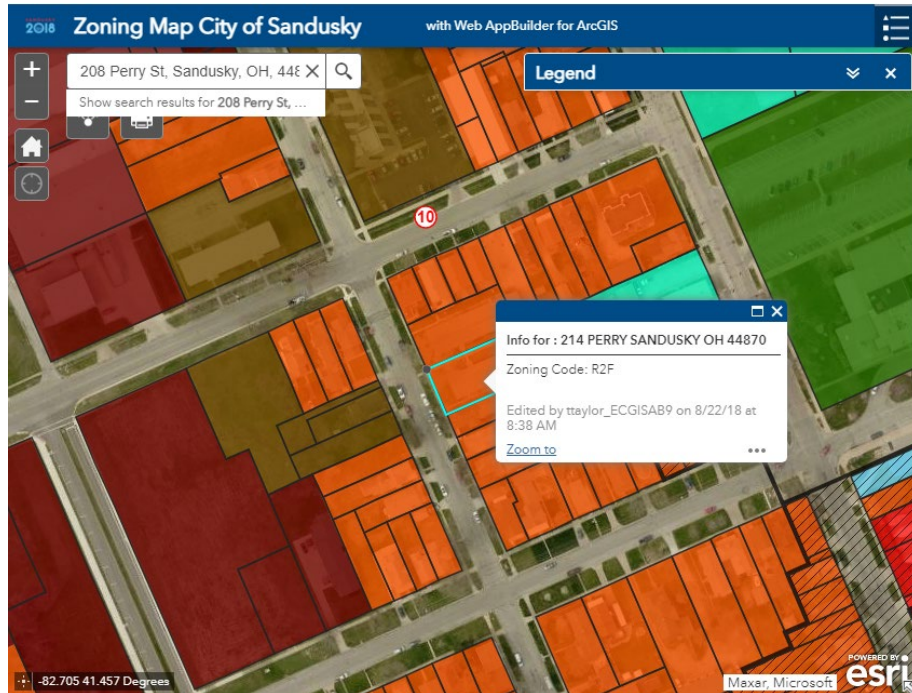
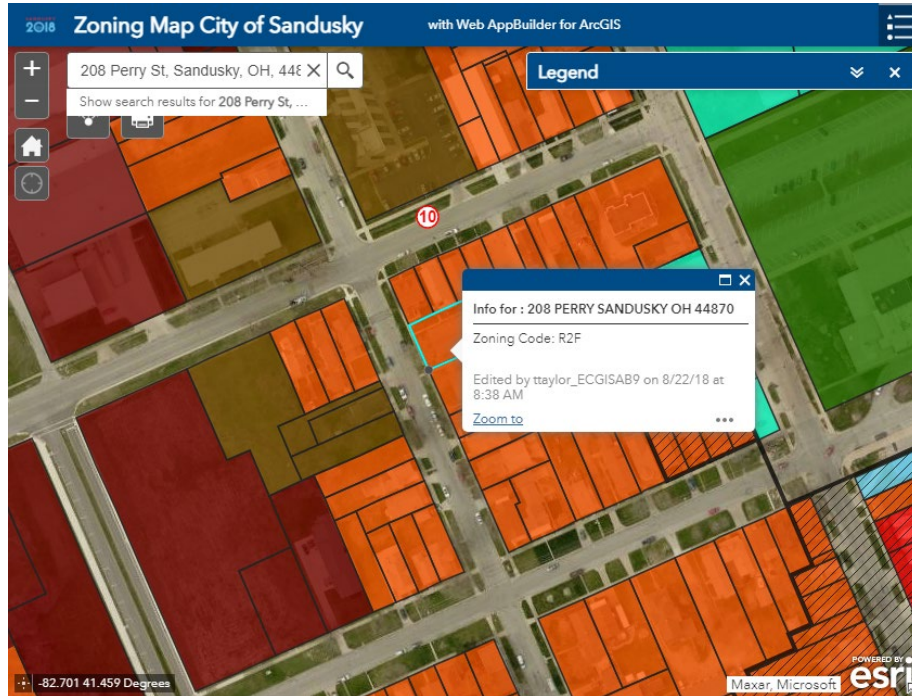
Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1149.17

Variance Requested: 1) A variance to allow construction of a 6-foot fence in the front and side yards. The code only permits up to 4 feet in side yards and 3 feet in front yards.

SITE DESCRIPTION

Subject Property Outlined in Blue



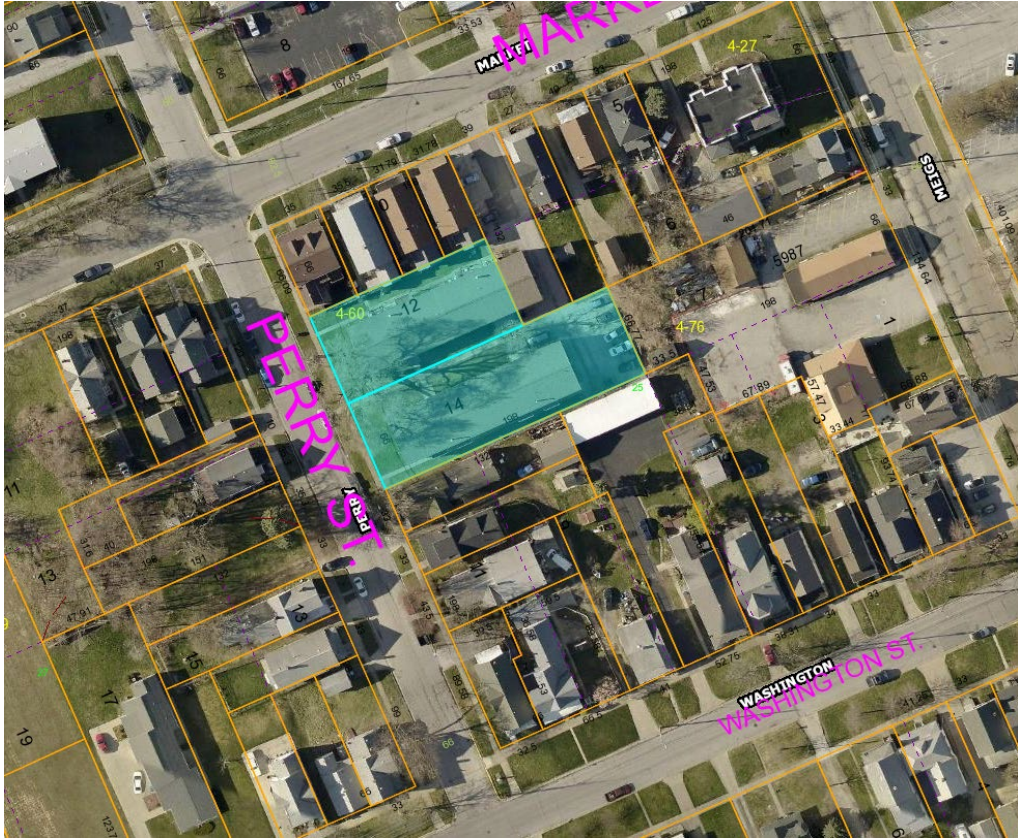


Photo of the Property (6/11/2020)



DEPARTMENT OF PLANNING COMMENTS

The applicant wishes to build a new six foot fence with gates and a camera system in the front and side yards of the buildings on 208 & 214 Perry St. The current property has zero fencing between the buildings. The applicant states the proposed work is to provide safety and privacy to the residents.

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial as it is significant variation in the front yard, as only 3 foot decorative fences are permitted.

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

It would appear that the proposed 6' fencing would substantially alter the character of the neighborhood. The surrounding properties have a variation of 3' located within the front yard.

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

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

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

Yes, the owners were aware of the restriction.

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

The owner would have to build a 3-foot fence. If it stayed as presented, a variance is the only resolution.

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

No, the reason for the 3 foot fence is for visual consistency and a welcoming residential atmosphere. A 6 foot fence in the front yard could impose on these requirements.

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

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

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

The granting of the variance would be contrary to the intent and objective of the Zoning Code.

CONCLUSION/RECOMMENDATION

Staff does not believe that the strict implementation of the zoning code would create a practical difficulty for this property and thus is not able to give a recommendation for the variance.

Application for Board of Zoning Appeals

STAFF USE ONLY:

Filing Date: 5/15/2021 Hearing Date: _____ Reference Number: _____

Address of Property (or parcel number) for Variance Request: 208 & 214 perry st

Name of Property Owner: Ziad Lababidi

Mailing Address of Property Owner: 214 perry st. #17

City: Sandusky State: OHIO Zip: 44870

Telephone #: 603-969-1438 Email: 208perrySandusky@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal: installing a 6' fence on the property

Variance Requested:

Installation of 6' Fence

Section(s) of Zoning Code:

[Signature]
Signature of Property Owner

5/15/21
Date

Signature of Authorized Agent

Date

PRACTICAL DIFFICULTIES

(For ALL variance requests)

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

- 1) Would the variance be substantial?

no

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

no

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

no

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

no

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

no

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

yes

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

N/A

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

no

UNNECESSARY HARDSHIP

(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?

no

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

no

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

yes

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

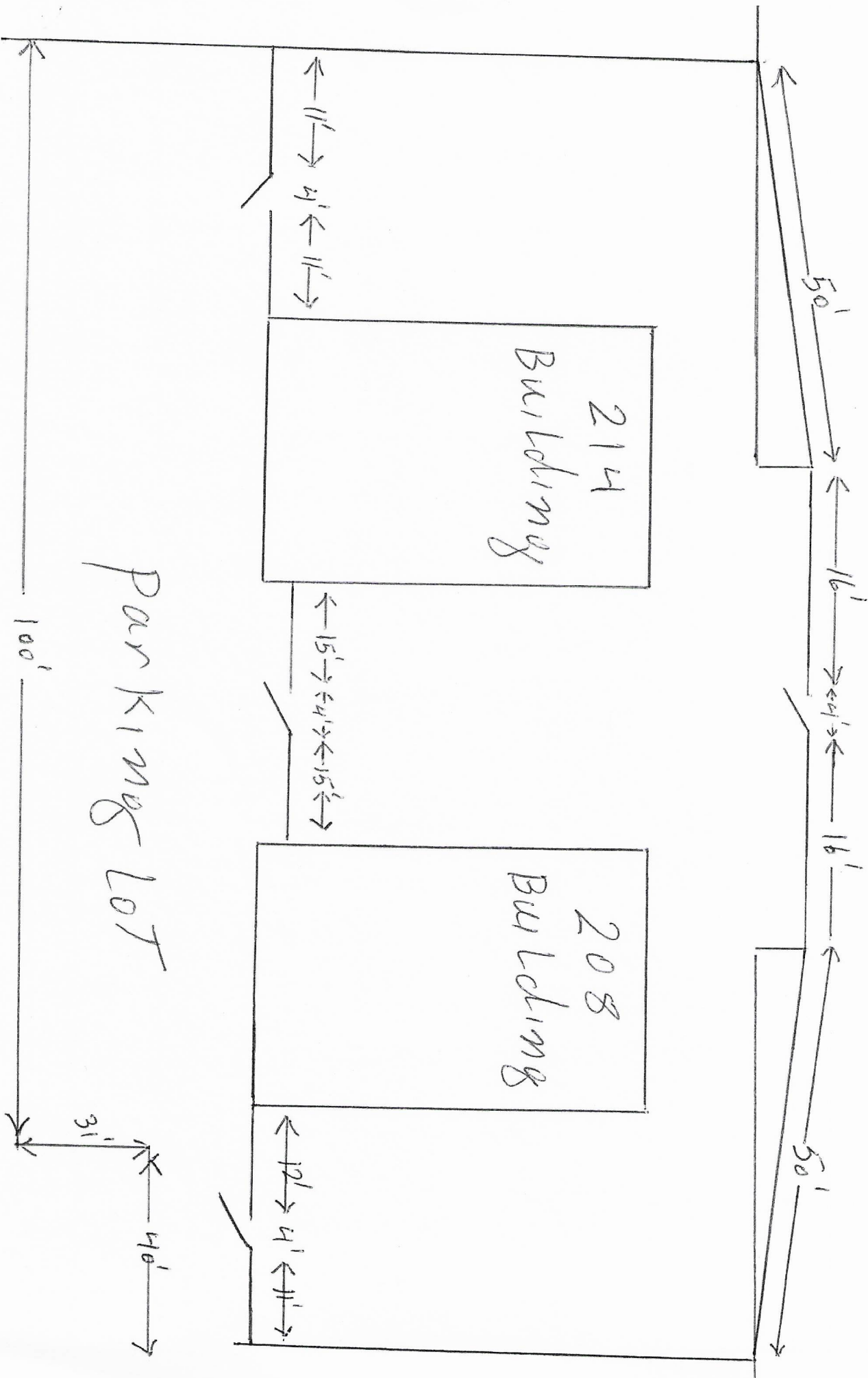
no

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

no

6' Fence

Perry St.



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT AN ATTACHED GARAGE IN THE SIDE
YARD AT 715 DORN DRIVE

Reference Number: PVAR21-0006

Date of Report: June 9, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Jeffrey Grondin
715 Dorn
Sandusky, OH 44870

Site Location: 715 Dorn Dr.
Sandusky, OH 44870

Zoning: R1-75 – Single Family Residential

Surrounding Zoning: R1-75 – Single Family Residential, RS – Residential Suburban

Surrounding Uses: Residential, Agriculture

Existing Use: Residential

Proposed Use: Residential

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

Variance Requested: 1) A variance to allow construction of an attached garage with a 3-foot side yard setback. The combination side yard setback of both sides would be 9 feet, whereas the code requires 15 feet.

SITE DESCRIPTION

Subject Property Outlined in Blue

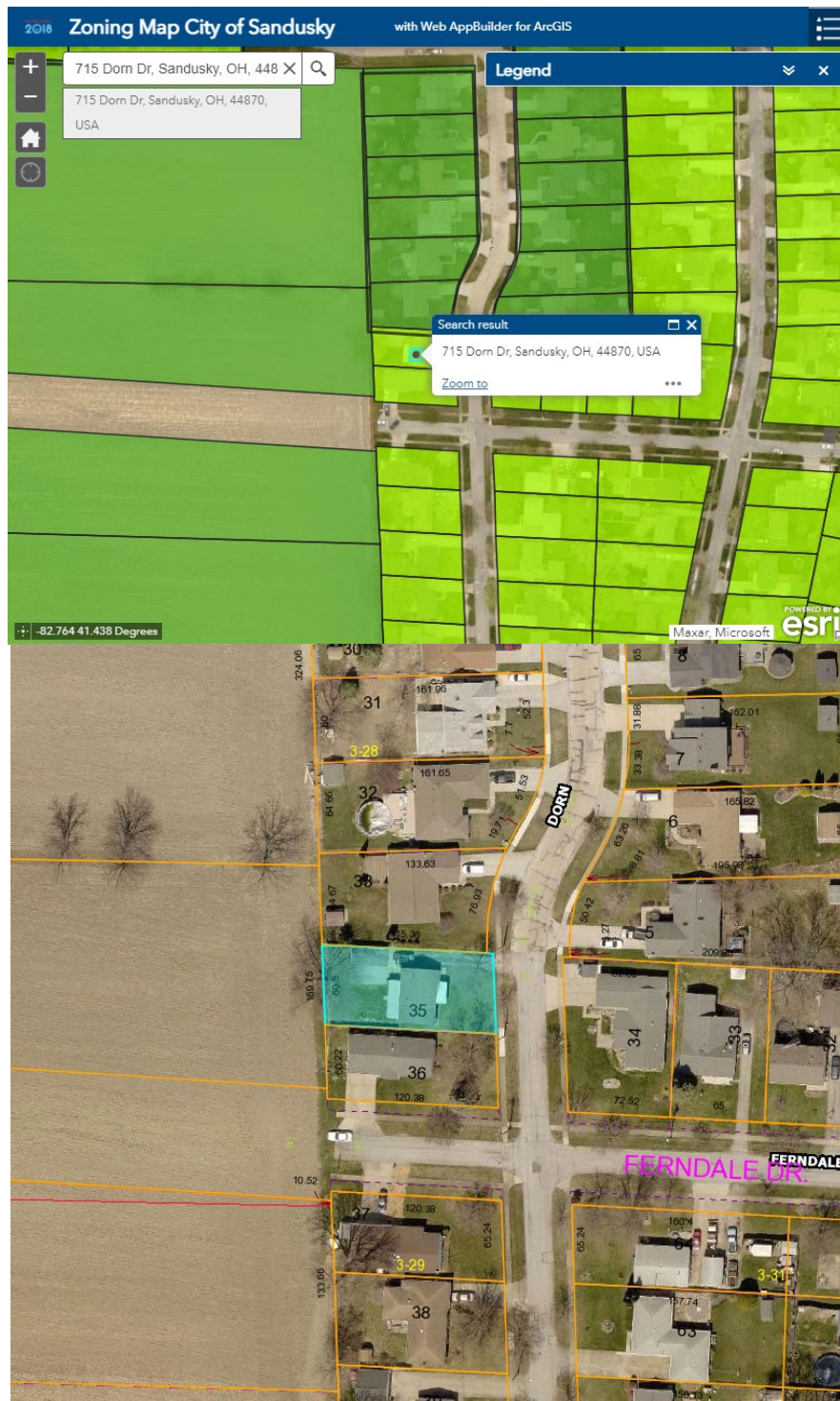


Photo of the Property (6/11/2020)



DEPARTMENT OF PLANNING COMMENTS

The applicant wishes to build a new on car attached garage on the north side of the home. The old 2-car garage was torn down due to poor structural integrity. The original garage had a three foot side yard setback. The new garage would have the same offset. The code requires a combined fifteen feet off for both property lines and a minimum 5 foot offset for any individual offset. The applicant is asking for a two foot relief for the existing requirement of five feet for a single property line offset, resulting in a three foot offset and a relief of six feet of the total fifteen feet offset requirement for two property lines.

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial as it matches the side yard setback from the previous garage along an adjoining residential parcel. The garage will not be in close proximity of the house to the north nor intruding on their side yard.

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

It would not appear that the proposed garage would substantially alter the character of the neighborhood nor have substantial impact on adjoining properties. The property to the north would have the same amount of side yard with approx. ten feet.

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

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

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

Yes, the owners were aware of the restriction.

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

No, the owners would need a variance to resolve the predicament.

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

The granting of the variance would not violate the spirit and intent behind the zoning requirement as the garage does not impede on the neighbor's property.

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

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

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

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

CONCLUSION/RECOMMENDATION

Staff does not believe the garage addition would bring a negative impact to the surrounding properties, staff recommends the granting of the variance.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 715 Dorn Drive, Sandusky, OH 44870

Name of Property Owner: Jeffrey M. Grondin

Mailing Address of Property Owner: 715 Dron Drive

City: Sandusky State: OH Zip: 44870

Telephone #: 419-202-8651 Email: grondo23@gmail.com

419-239-6498 - POC Grondin - Jeff's father
If same as above check here ☒ - call for any questions

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Construct a one car attached garage on the north side of home at above address to replace a two-car detached garage that was torn down due to questionable structural integrity. The garage that was removed had a three foot offset for the property line to the north. The proposed new attached garage would have the same offset as the removed garage.

Variance Requested:

Zoning code requires a combined fifteen feet offset for both property lines as well as a minimum five foot offset for any individual offset. The proposed offset would be a combined offset of nine feet (six feet on the south property line and three feet on the north property line). The request is for relief from both the fifteen foot combined offset and the five foot individual offset.

Section(s) of Zoning Code:

Residential Districts, Section 1129. Setbacks per table 1129.14.


Signature of Property Owner

5/12/21
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?

The variance would be for relief of two feet for the existing requirement of five feet for a single property line offset resulting in a three foot offset and a relief of six feet of the total fifteen feet offset for two property lines.

- 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. Numerous homeowners have built similar one car attached garages onto their homes. Additionally, this improvement will be accompanied by replacing the aluminum siding with new vinyl siding, a newly paved driveway and approach.

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

No.

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

No.

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

No.

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

Yes.

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

This is an owner-occupied home. The owner intends to continue occupying the home after completion of the addition. Denial of the variance would actually negatively impact the property value, particularly in light of the additional improvements the owner is pursuing.

- 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 addition of the attached garage would improve the appearance, livability, function, and value of the property which is generally the intent of zoning regulations. The granting of the variance would improve the value of this property as well as the adjoining properties.

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?

The owner believed that replacing the deteriorating detached garage with a new, attached single car garage with the same property setbacks would not be an issue. Since the setback for the old garage was three feet, it stands to reason that the new garage would not be constructed to a stricter standard.

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

No since the removed structure had a three foot setback, which is the same setback as the proposed new garage.

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

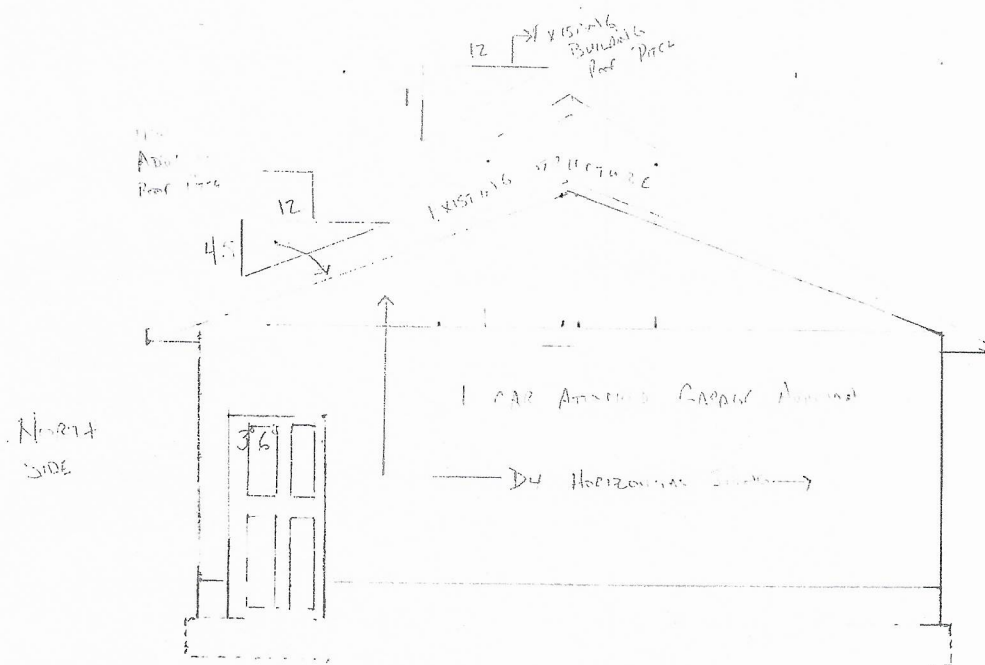
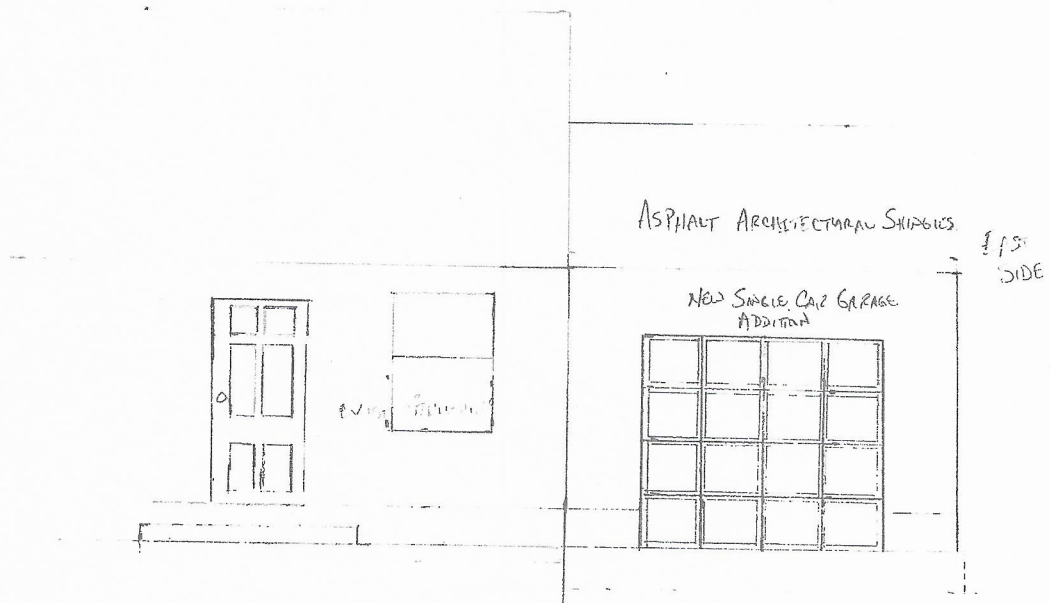
Yes. It is a more stringent setback than that which already existed with the removed garage.

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

No, approval of the variance will not affect 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

Granting this variance will be a positive for the homeowner and the neighborhood in general and will not be contrary to the spirit and intent of the zoning ordinance.



ELEVATIONS

$\frac{1}{4}'' = 1'-0''$

300 Granite
115 1000 1000
1000 1000
1000 1000

SHEET 4
OF 1

