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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**  
**October 21, 2021**  
**4:30 pm**  
**Virtual Meeting via Microsoft Teams and**  
**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 June 17, 2021 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
  - 1030 Sloane St- Area Variance
  - 635 E. Market St- Area Variance
5. Other Business
6. Adjournment

**Next Meeting: November 18, 2021**

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

Board of Zoning Appeals  
June 17, 2021  
Minutes

**Meeting called to order:**

Vice Chairman Dan Delahunt called the meeting to order at 4:35pm. The following voting members were present: Bill Semans, and Gregg Peugeot. Thomas Horsman and Alec Ochs represented the Community Development Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

**Review of minutes from May 20, 2021:**

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

**Swearing in of audience and staff members offering testimony on any agenda items:**

Mr. Delahunt swore in everyone wishing to do so.

**Adjudication Hearing:**

**1) 208 & 214 Perry St. – Area Variance**

Mr. Ochs stated that the owner at this address is requesting 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. The applicant states that the proposed work is to provide safety and privacy to the residents. Staff believes that visual consistency and a welcoming residential atmosphere is important. Furthermore, 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. Applicant Ziad Lababidi shared an email with the board that he sent to staff and the clerk read it allowed for those that were participating in the meeting virtually. The email stated “I have been dealing with a lot of issues with this property since I took over the buildings are open in the front and the back and it’s an invitation to all proper and nonproper acting individuals to say the least to walk through or run away from some kind of improper act not to get into details. I am afraid to say sir that the good and decent people in those buildings need to feel safe and secure walking in the court yard at night without having to deal with a bunch of strangers who are crossing through or an individual who is possibly trying to market something unregulated. I would really appreciate it if the City would reconsider the installation of the fence I proposed. I am sure it is for the benefit of everybody.” Mr. Peugeot stated that he feels that the height that is permitted by code should be able to accomplish a good separation between the street and the property and meet the owner’s goals. Mr. Lababidi stated that he agrees, but if the fence were 6 feet on all sides, people would not be able to see behind it and people would not be able to jump over it, so it would create a little more protection for the people living there. Dr. Semans said that he gets Mr. Lababidi’s points, but he also wants the place to have an inviting feel and a six foot fence would impede on any view residence on the first floor may have now, especially if it is a privacy fence that you cannot see through. He then asked the other board members what they think about allowing a four foot fence. Mr. Peugeot stated that he would feel comfortable with a four foot fence all around, but

asked the applicant to clarify if the fence he wants to put up is indeed a privacy fence that would not be see through. Mr. Lababidi replied that yes he wants to put in a privacy fence that you would not be able to see though, and it would be white. Mr. Delahunt stated that he agrees that a six foot fence in the front would be too obtrusive, but would be fine with the four foot fence. Mr. Horsman stated that if the applicant wanted to move the front yard fence line to be in line with the buildings, staff would be more supportive of a six foot fence in that case. Mr. Peugeot stated that would then limit the amount of fenced in yard they would have to play in though if kids want to kick a ball around in that front yard. Dr. Semans made a motion to approve a four foot fence in the front and a six foot fence on the sides. Mr. Peugeot seconded the motion. All voting members were in favor.

**2) 715 Dorn Dr. – Area Variance**

Mr. Ochs stated that the owner at this address is requesting 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. Staff does not believe the garage addition would bring a negative impact to the surrounding properties, so staff recommends granting of the variance. Dr. Semans made a motion to approve the variance and Mr. Peugeot seconded. All voting members were in favor of the motion.

**Adjournment:**

Dr. Semans motioned to adjourn and Mr. Peugeot seconded. The meeting ended at 5:05pm.

**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  
CONSTRUCTION OF A 6 FOOT FENCE IN THE  
FRONT YARD AT 1030 SLOANE ST.

Reference Number: PVAR21-0008

Date of Report: October 13, 2021

Report Author: Alec Ochs, Assistant Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Applicant/Owner: Salvador Santana  
1030 Sloane St.  
Sandusky, OH 44870

Site Location: 1030 Sloane St.  
Sandusky, OH 44870

Zoning: R1-40 Single Family Residential

Surrounding Zoning: R1-40 Single Family Residential  
CS Commercial Service

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: 6 foot fence in front / side yard

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

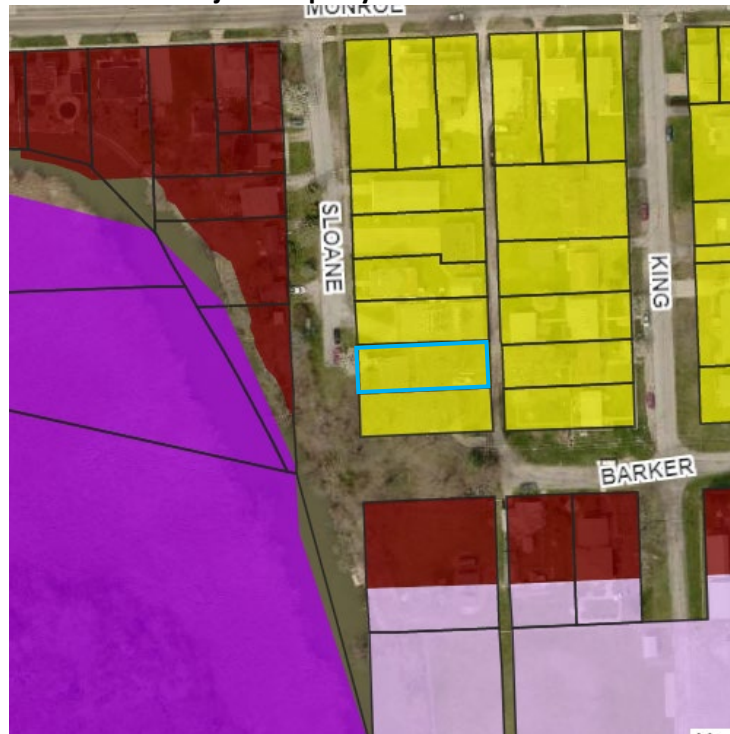
Variance Requested: 1) A variance to allow construction of a 6 foot fence in the front / side yard. The Code requires fences to be no more than 4 feet in side yards and a 3 decorative fence in the front.

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## SITE DESCRIPTION

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**Subject Property Outlined in Blue**



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**DEPARTMENT OF PLANNING COMMENTS**

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The owner of 1030 Sloane St. has applied for an area variance for a 6-foot fence in the front and side yards. There is currently a 3-foot decorative fence in the front yard and no fencing in the front / back. The homes of the applicant and the direct neighbor to the south (1034 Sloane St) are only several feet from each other and the applicant wishes to increase privacy. These properties are unique in the fact that they have opposite front / back yards to one another. Therefore, a legal 6-foot fence could be put up by the applicant in the neighbor's front yard and vice versa.

The immediate neighbor to the south (1034 Sloane St) expressed concern that installing a 6-foot fence would prohibit him access to his home for regular maintenance such as gutter cleaning. He also mentioned concern a fence could violate an existing easement agreement between the two properties but did not provide detailed information to staff on the location or nature of the easement.

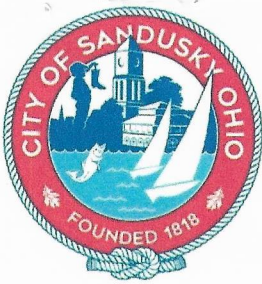
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**CONCLUSION/RECOMMENDATION**

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Given the unique circumstances of this property, 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](http://www.cityofsandusky.com)

### **Instructions to Applicants**

**MEETINGS:** 3<sup>rd</sup> 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](http://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](mailto: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: 1030 SLOANE ST.

Name of Property Owner: SALVADOR SANTANA

Mailing Address of Property Owner: 1030 SLOANE ST.

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419-627-0806 Email: \_\_\_\_\_

If same as above check here ☒

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

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

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

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

### Description of Proposal:

6' privacy fence in applicant front/side yard along side property line.

### Variance Requested:

Area Variance

### Section(s) of Zoning Code:

1145.17 Landscape features and yard structures  
(g) Fences and walls  
(1)

Salvador Santana

Signature of Property Owner

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? *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? *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*

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR AN AREA VARIANCE TO  
CONSTRUCT AN ATTACHED GARAGE IN THE BACK  
/SIDE YARD AT 635 E. MARKET ST.

Reference Number: PVAR21-0009

Date of Report: October 7, 2021

Report Author: Alec Ochs, Assistant Planner



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

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### BACKGROUND INFORMATION

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Applicant/Owner: Steve and Linda May  
3119 Joti Ave.  
Huron, OH 44839

Site Location: 635 E. Market St.  
Sandusky, OH 44870

Zoning: R2F – Two Family Residential

Surrounding Zoning: North: R2F – Two Family Residential  
East – DBD – Downtown Business District  
South – R2F – Two Family Residential  
West - R2F – Two Family Residential

Surrounding Uses: North: R2F – Residential  
East – DBD – Parking lot / Tennis Courts  
South – R2F – Residential  
West - R2F – Vacant Lot

Existing Use: Residential

Proposed Use: Residential

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

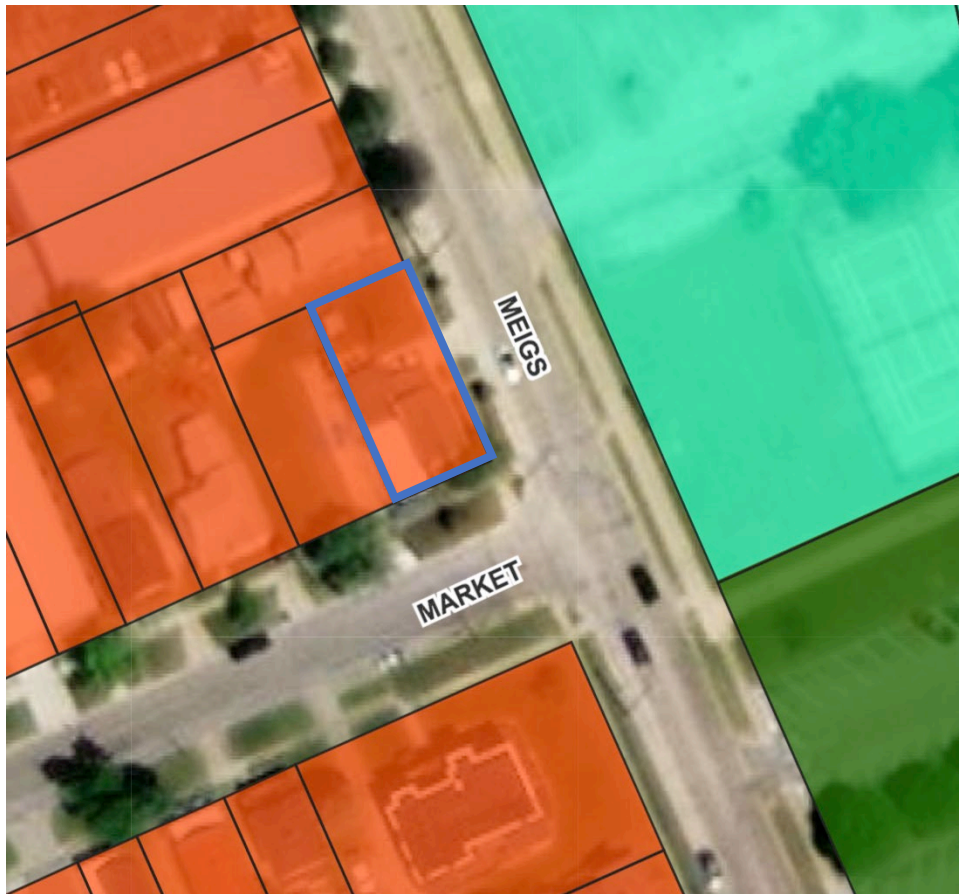
Variance Requested: 1) A variance to allow construction of an attached garage with a 3-ft side yard setback on both sides. The permitted allowance is a combination of 10-ft. The combination side yard setback of both sides would be 6-ft. The variance would also allow for a 12-ft. Encroachment to the 27-ft. of required backyard. The back setback would be 15-ft.

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SITE DESCRIPTION

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**Subject Property Outlined in Blue**









**Photo of the Property (6/11/2020)**

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**DEPARTMENT OF PLANNING COMMENTS**

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The applicant wishes to build a new attached garage on the north side of the home. The property does not currently have a garage on the property.

The code requires a combined 10 ft. offset for both side property lines and a minimum 3 ft. offset for any individual property line. The back yard has a 27-ft. setback requirement.

The applicant is asking for a 4-ft. relief from the existing 10-ft. requirement for a combined property line offset, resulting in a 6-ft. offset.

The applicant is also asking for a 12-ft. relief from the existing 27-ft. backyard setback requirement, resulting in a 15-ft. setback from the back property line.

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 side setback sought in this case is not substantial as it matches the side yard setback from the previous porch. The backyard setback is not substantial either. 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 and a 15-ft. setback from the neighbor's side yard due to the layout of the corner parcel. The applicant's backyard abuts the neighbor's side yard. The typical side yard setback in a R2F is 3– 10 ft.

**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;**

Unknown

**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. The lot is on a corner, is a small parcel, and the property currently does not have a garage. Per the code, a garage or accessory parking area is required for all residential types.

**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](#).

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**CONCLUSION/RECOMMENDATION**

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Staff does not believe the garage addition would bring a negative impact to the surrounding properties and an accessory parking area is required in this district, 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: 635 E Market Street

Name of Property Owner: Elizabeth A Ott, Trustee (deceased) Barbara A. Ott, Successor Trustee/Executor

Mailing Address of Property Owner: 635 E Market Street

City: Sandusky State: OH Zip: 44870

Telephone #: 419-271-4541 Email: misso410@aol.com

If same as above check here ☐

Name of Applicant: Steve and Linda May

Mailing Address of Applicant: 3119 Joti Avenue

City: Huron State: OH Zip: 44839

Telephone #: 419-341-0650 Email: smay@cicclub.com

### Description of Proposal:

Mrs. Ott passed away August 30th and her daughter Linda (Ott) May and her husband Steve May would like to purchase the house but would like to add a garage and put a roof over the two existing porches on the side and front of the house:

### Variance Requested:

Combined side yard: 6' vs. 10'

Rear yard: 15' vs. 40'

Total lot coverage: 66% vs. 40%

### Section(s) of Zoning Code:

1129.14 Area yard and height requirements in residential districts

Barbara A Ott  
Signature of Property Owner

Successor/Trustee  
Date 9/23/21

Steven A May  
Signature of Authorized Agent

9/23/21  
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?

Side yard variance not substantial but rear yard and lot coverage probably are

- 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 . . . adjoining property to north and west is the Maritime Museum which is "commercial" and have high lot coverages themselves

- 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?

Property has not yet been purchased pending the decision of the Board to permit garage

- 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?

I believe so, a garage and covered porches are pretty standard for a residence

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

I believe a lack of a garage for a single family home is a pretty substantial detriment to its functionality as well as market value

- 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?

I don't believe so . . . I would think whenever the City can encourage investment in residential properties downtown it is to its benefit to do so.



## 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?

These lots were platted at a time where garages were not as prevalent and desired as they are to day. The lot sizes do not really provide enough space for a reasonable size single family home and a garage.

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

I actually believe what we plan on investing in this home if we are able to add a garage would be an enhancement to the neighborhood and certainly should not adversely affect any adjoining property owners.

- 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?

I believe it does, I believe not having the ability to have a garage given our severe winters definitely represents a hardship

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

I cannot imagine this would adversely impact any of the above; it would actually reduce the need for on-street parking which which in my opinion is always a benefit.

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

I do not believe it would.



# Erie County, Ohio - Property Record Card

## Parcel: 56-00836.000 Card: 1

### GENERAL PARCEL INFORMATION

**Owner**  
 OTT ELIZABETH A TRUSTEE  
 635 MARKET SANDUSKY OH 44870  
 635 EAST MARKET STREET  
**Land Use**  
 510 - SINGLE FAMILY RESIDENCE  
**Legal Description**  
 3 MEIGS ST 44' OF S 24' 4 MEIGS ST EAST 44'  
**Neighborhood**  
 5655603 -  
 SANDUSKY SD  
**MAP NUMBER:** 7

### VALUATION

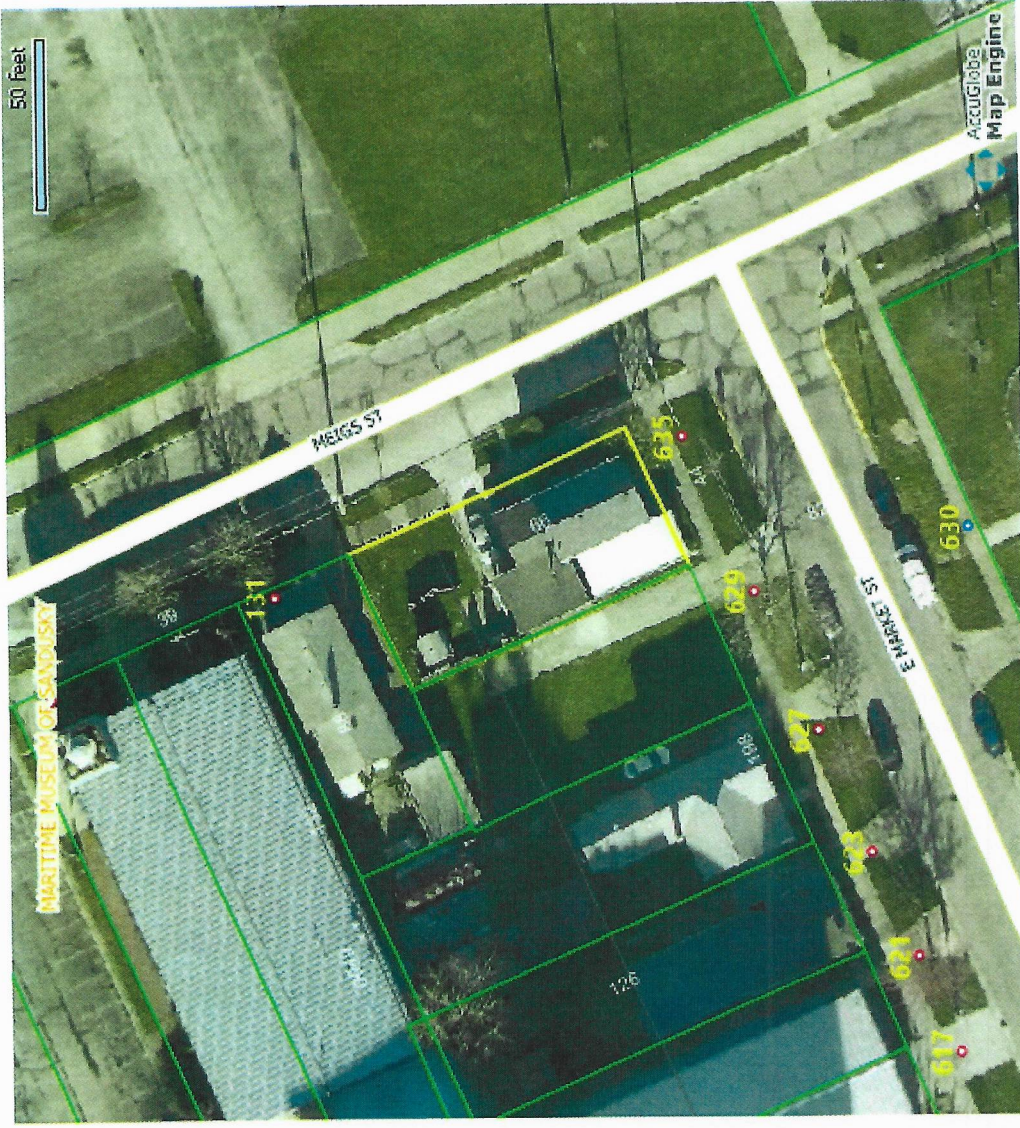
	Appraised	Assessed
Land Value	\$6,780.00	\$2,370.00
Improvements Value	\$53,990.00	\$18,900.00
CAUV Value	\$0.00	\$0.00
Total Value	\$60,770.00	\$21,270.00

### LAND

Land Type	Acreage	Depth	Frontage	Depth	Value
F - FRONT LOT	0.0909	90	44	77	\$6,780.00

### AGRICULTURAL

Land Type	Land Usage	Soil Type	Acres	Value
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### SALES

Date	Buyer	Seller	Price
5/24/2010	OTT ELIZABETH A	OTT ELIZABETH ANN	\$0
4/16/1997	OTT ELIZABETH ANN	OTT WILLIAM R &	\$0



Meigs street

