



Board of Zoning Appeals

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

Agenda
November 18, 2021
4:30 pm
Virtual Meeting via Microsoft Teams and
Live Streamed on [www.Youtube.com/CityofSanduskyOH](https://www.youtube.com/CityofSanduskyOH)

1. Meeting called to order – Roll Call
2. Review of minutes from the October 21st 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 (tabled at last meeting)
 - 2701 Cleveland Rd- Height Variance
 - 1225 Cedar Point Rd- Floodplain Variance
5. Other Business
6. Adjournment

Next Meeting: December 22, 2021

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

Board of Zoning Appeals
October 21, 2021
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:30pm. The following voting members were present: Bill Semans and Dan Delahunt. Alec Ochs represented the Community Development Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from June 17, 2021:

Mr. Delahunt moved to approve the minutes as submitted and Dr. Semans 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. Feick swore in everyone wishing to do so.

Adjudication Hearing:

1) 1030 Sloane St. – Area Variance

Mr. Feick stated that the applicant at 1030 Sloane St. has applied for a variance to zoning code section 1145.17 (g) to allow a 6 ft. fence along the southern property line in the front and side yard. The code requires a fence be no more than 4 ft. in side yards and 3 ft. decorated fences in the front yard. Mr. Ochs stated that the applicant has stated that he would like to increase his level of privacy from his neighbor to the south by installing a 6 ft. fence. He said that this property is unique in fact that the applicant's back yard is the neighbor to the south's front yard. The neighbor to the south has expressed concerns to staff about allowing a 6 ft. fence, as this would cause him difficulty in doing regular maintenance on his house such as cleaning out his gutter. The neighbor said he does have an easement agreement between the two property owners for him to be able to do this, but staff does not have the information on this easement. The neighbor was not able to make it to today's meeting, but has sent someone to speak on his behalf today regarding his concerns. Mr. Ochs stated that due to the unique circumstances of the two properties, staff does not have any objection to the variance request. Dante Hernandez of 2220 W. Monroe St, stated that he took down the previous 4 ft. chain link fence for the applicant and would be putting up the new one for him. He said that the applicant would like the higher fence for more privacy and to try to stop the harassment from his neighbor. He also said that the neighbor has gutter guards on his gutters so he does not ever clean them out. Dan Levell Jr. at 1014 Sloane Street, said that he was present to speak on behalf of Stan Fisher, who resides at 1034 Sloane Street, and is not able to make it to the meeting today. Mr. Levell then read aloud a letter that Mr. Fisher had emailed to staff regarding his concerns with this application (see attached email). Mr. Levell then stated that when Mr. Santana was having his garage floor poured, there were some trees and shrubbery in the backyard, that he had a construction company take up, and then he dumped the trees and shrubbery behind 1026 Sloane Street. He said that is a small area owned by Ohio Edison and that Mr. Santana was also charged not too long ago for littering on the street. Mr. Levell then said that regarding the sofa that was mentioned in Mr. Fisher's email, he said that he also witnessed Mr. Santana and his

sons loading that sofa into a truck and also later saw that sofa on Olds Street. Mr. Levell then said that he has also been a witness to verbal abuse and gestures to Mr. Fisher and others. He said any time a woman is outside with her 7 year old granddaughter and a man pulls up in his vehicle and flips you off in front of a 7 year old child, that is a serious issue. Mr. Delahunt asked staff if they are aware of any of the charges that Mr. Fisher or Mr. Levell had mentioned. Mr. Ochs stated that he is not as he wrote the staff report based off of the zoning code. Mr. Delahunt then asked Mr. Santana if he has received some violations in the past for trash, boats, and other items mentioned. Mr. Santana stated that he did get asked to fix his boat and move his vehicles and so he did that. He said that he has not gotten any violations for trash. Mr. Delahunt then asked if there is an easement like Mr. Fisher is stating. Mr. Santana said that there is a 3 ½ foot easement agreement that he let Mr. Fisher have. Mr. Delahunt asked Mr. Santana if the fence that he wants to put up would be a continuation of the fence that is there currently or would it be closer to his house or closer to Mr. Fisher's house. Mr. Santana said that it would be closer to Mr. Fisher's home. Mr. Delahunt then asked if Mr. Santana could clarify if Mr. Fisher's home is already encroaching on his property. Mr. Santana replied that yes Mr. Fisher's overhang is over his property by 3 ½ feet. Mr. Feick stated that when he was out there, he saw survey pins in the ground and the survey pins line up with edge of Mr. Fisher's home. Mr. Feick stated that he is not sure what the easement says, but he would think that Mr. Santana can put the fence up where he is legally allowed, but the Board of Zoning Appeals is to make a decision on the variance request. The Board of Zoning Appeals wants to make sure that the fence is at the easement line. If the board wants to allow the six foot fence, it needs to be 3 ½ feet from the property line. He said that the chain link fence that was there before he does not believe was 3 ½ feet from the property line. Mr. Feick said that it sounds like a six foot fence may help the situation between the neighbors. Dr. Semans stated that on the other hand, he does not want the six foot fence to help the applicant hide trash. Mr. Hernandez added that even if the fence were to be six feet high, he believes Mr. Fisher would still be able to see over the fence and into Mr. Santana's back yard from the inside of his house because his windows go about 8 feet up off the ground. Mr. Feick said that it would cost some money, but he would like a surveyor to go survey the property and be provided a copy of the survey with the easement and mark where the fence can go. Dr. Semans stated that he would also like to see that. Dr. Semans then made a motion to table the application until the board is able to see that drawing. Mr. Delahunt seconded the motion. Mr. Feick asked Mr. Santana if he is able to provide a copy of the easement to the City. Mr. Santana said he is not sure if he has a copy but can look. He said that 20 years ago there was a survey done. Mr. Feick said that he did see pins in the yard and it would be easy to put a stake on each pin, put a string all the way through, and if the easement says that the fence must be 3 ½ feet off the property line, measure 3 ½ feet off, and stick the fence there. Mr. Delahunt said he would like to see that drawing. All voting members were in favor of the motion and the motion passed.

2) 635 E. Market St. – Area Variance

Mr. Feick stated that the applicant at 635 E. Market St. has applied for a variance to allow construction of an attached garage with a three foot side yard setback on both sides. The

permitted allowance is a combination of ten feet. The combination side yard setback of both sides would be six feet. The variance would also allow for a 12 foot encroachment to the 27 feet of required backyard. The back setback would be 15 feet. Mr. Ochs stated that this address is located in a "R2F" Two Family Residential zoning district. He said that staff does not believe that the garage addition would bring a negative impact to the surrounding properties and an accessory parking area is required in this district. Therefore, staff recommends granting of the variance. Applicant Steve May of 3119 Joti Ave in Huron, OH, stated that the house formerly belonged to his wife's mother who passed a couple of months ago. He said that his wife Linda, and sister-in-law Barbara, would like to keep the home in the family. He said that him and his wife would like to move in there, but they would like to have a garage if they were to live there. Barbara Ott, said that she is trustee of her mother's estate, and she confirmed that she would like to keep the property in the family and added that her sister and brother-in-law would take very good care of the property. Mr. Delahunt asked staff if there are any height issues of the garage. Mr. Ochs stated that since it is an attached garage, it would have to meet the height requirements of the house, so there are no height issues in this case. Mr. Delahunt moved to approve the variance and Dr. Semans seconded. All voting members were in favor of the motion and the motion passed.

Adjournment:

Dr. Semans motioned to adjourn and the meeting ended at 5:02 pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

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

BACKGROUND INFORMATION

Applicant/Owner: Salvador Santana
1130 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

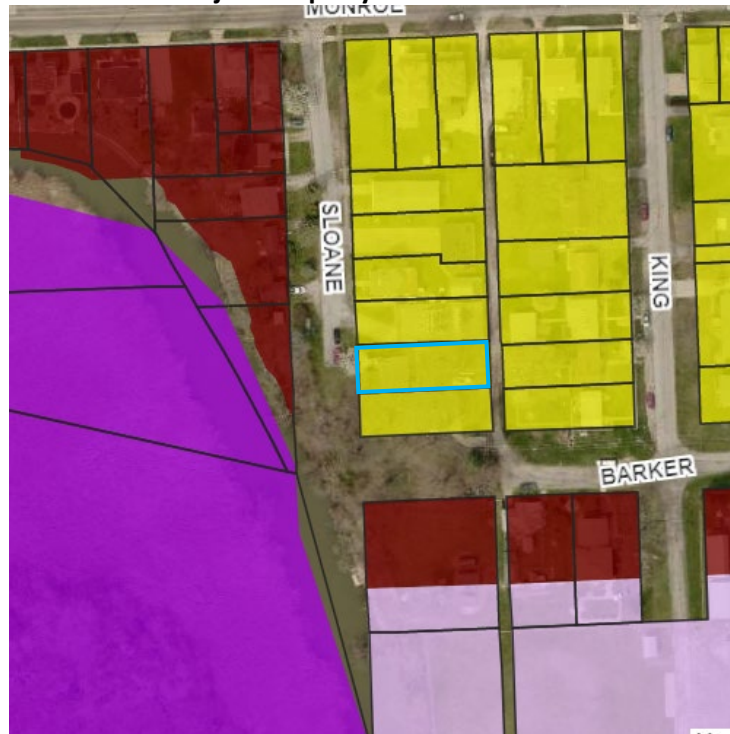
Proposed Use: 6 foot fence in front / side yard

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.

SITE DESCRIPTION

Subject Property Outlined in Blue



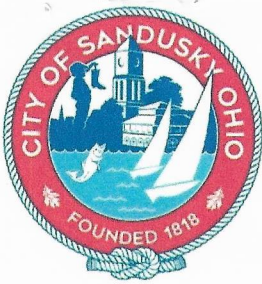
DEPARTMENT OF PLANNING COMMENTS

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.

CONCLUSION/RECOMMENDATION

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

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: 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

APPLICATION FOR AN AREA VARIANCE TO ALLOW
CONSTRUCTION OF A BUILDING THAT EXCEEDS
THE 40 FT. HEIGHT LIMIT BY 22 FT. AND THE 2
STORY LIMIT TO 4 STORIES AT 2701 CLEVELAND
RD.

Reference Number: PVAR21-0011

Date of Report: November 9, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant:	OSPORTS / Osborn Engineering 1100 Superior Ave. Suite 300 Cleveland, OH 44114
Owner:	Cedar Point Park, LLC One Cedar Point Drive Sandusky, OH 44870
Site Location:	2701 Cleveland Rd. (Parcel 59-00868.041) Sandusky, OH 44870
Zoning:	CR - Commercial Recreation
Surrounding Zoning:	R1-40 Single Family Residential
Surrounding Uses:	North: Wooded lot East: Wooded lot / farmland South: Residential / Park West: Wooded lot
Existing Use:	Indoor Sports Center
Proposed Use:	Indoor eSports Center & Dormitory Expansion
Applicable Plans & Regulations:	City of Sandusky Zoning Code Sections 1129.03 & 1137.09
Variance Requested:	1) A variance to allow construction of a building that exceeds the 40 ft. height limit requirement and the two story height limit, in accordance with Section 1137.09

SITE DESCRIPTION

Subject Property Outlined in Blue



Zone Map Setbacks



PUD - Planned Unit Development























Parcels



TRO - Transient Rental Overlay



Zoning

	AG - Agriculture		PF - Public Facilities
	CA - Commercial Amusement		R1-40 - Single Family Residential
	CR - Commercial Recreation		R1-50 - Single Family Residential
	CS - Commercial Service		R1-60 - Single Family Residential
	DBD - Downtown Business		R1-75 - Single Family Residential
	GB - General Business		R2F Two-Family Residential
	GM - General MAnufacturing		RB - Roadside Business
	LB - Local Business		RMF - Multi-Family Residential
	LM - Local Manufacturing		RRB - Residential/Business
	P - Auto Parking		RS - Residential Suburban



Aerial View



DEPARTMENT OF PLANNING COMMENTS

The proposed development consists of a 1,500 seat multi-purpose e-sports arena with gaming hub, locker rooms, and food court area on the first floor. The 2nd floor of the building would include a restaurant with outdoor terrace, a film studio space, and an ancillary office area. The 3rd and 4th floors are to be for dormitory rooms for transient stays by esports camp attendees.

The applicants are proposing to build a four story building totaling 62 ft. in height. The code limits the height to 40 ft. or two stories. The applicant is seeking a relief of 22 ft. past the height limit and two additional stories past the 2 story limit.

The site is currently at full capacity to meet other requirements such as parking and landscaping. The vertical expansion is necessary to meet the applicant's needs.

1137.09 HEIGHT REGULATIONS.

The height of any main or accessory building in a commercial district shall not exceed 2 stories or 40 feet in height, except that chimneys, flagpoles, towers, water tanks, and other mechanical appurtenances located upon or constructed in connection with a building may be erected above maximum height specified.

Staff feels that the variance is not substantial and would not be a substantial alteration to the character of the neighborhood. A variance is the only method to resolve the predicament. The spirit and intent of the zoning code would be satisfied with the granting of the variance. The variance does not go against the general purpose of the code.

The situation is unique and does create unnecessary hardship for the applicant. The proposal will not negatively impact public health, safety or general welfare.

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: 2701 Cleveland Road

Name of Property Owner: Cedar Point Park, LLC

Mailing Address of Property Owner: One Cedar Point Drive

City: Sandusky State: OH Zip: 44870

Telephone #: 419-609-5929 Email: lisa.brady@cedarfair.com

If same as above check here ☐

Name of Applicant: OSPORTS / Osborn Engineering

Mailing Address of Applicant: 1100 Superior Ave. Suite 300

City: Cleveland State: OH Zip: 44114

Telephone #: 216-861-2020 Email: nick.bradac@osportsarch.com

Description of Proposal:

The proposed development consists of a 1,500 seat multi-purpose esports arena with gaming hub, locker rooms, and food court area on the first floor. The 2nd floor of the arena space will include a restaurant with outdoor terrace, a film studio space, and an ancillary office area. The 3rd and 4th floors are to be dormitory rooms for transient stays by esports camp attendees.

Variance Requested:

Seeking relief from the listed maximum building height of 40 feet and 2 stories in the Commercial Recreational District. Requesting a variance to grant a maximum building height of 62 feet and 4 stories.

Section(s) of Zoning Code:

1137.09



Signature of Property Owner

10.04.21

Date



Signature of Authorized Agent

10.18.21

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?
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?
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?

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?

Yes

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

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

It will not.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A FLOODPLAIN VARIANCE TO BUILD A GARAGE ADDITION IN A FLOODPLAIN

Reference Number: PVAR21-0010

Date of Report: November 10, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Ken Heiberger
8394 W. Bowling Green Ln
Lancaster, OH 43130

Site Location: 1225 Cedar Point Rd.

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 Section 11570.4(e)(2)

Variance Requested: 1) A variance to allow construction of an addition to a garage at 8 in. above the base flood elevation whereas the Zoning Code requires 2 feet.

SITE DESCRIPTION

Subject Property Outlined in Red



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General Manufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- PF - Public Facilities
- R1-40 - Single Family Residential
- R1-50 - Single Family Residential
- R1-60 - Single Family Residential
- R1-75 - Single Family Residential
- R2F Two-Family Residential
- RB - Roadside Business
- RMF - Multi-Family Residential
- RRB - Residential/Business
- RS - Residential Suburban



Aerial Photo of the Property



DEPARTMENT OF PLANNING COMMENTS

The applicant's proposal is legally conforming 30 days after the 11/8/2021 City Commission meeting. The applicant has stated these several weeks are important to getting the project started and wished to keep the application in consideration

The applicant is proposing to build a garage addition along the side of their house that will be at a flood elevation of 578.02 feet, 8" above the flood elevation. The FEMA base flood elevation (BFE) is 577.2 feet and Section 1157.04(e)(2) of the Sandusky Code of Ordinances requires an additional 2 feet above the BFE.

The applicant has stated that they want to increase the height of the garage to accommodate larger vehicles. In order to maintain consistent eave height levels, the new garage floor must be lower than the existing house floor elevation.

CONCLUSION/RECOMMENDATION.

Based on the City Commission's 11/8/2021 approval, staff recommends the granting of the variance.



BOARD of ZONING APPEALS

Application for a Floodplain 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.* in the 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 with floodplain location
 - 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.)

A Flood Plain Permit application must be submitted before applying for a variance. Please contact the Division of Engineering Services before submitting this application.

Submit application, materials and payment to:

City of Sandusky
Department of Planning
240 Columbus Ave.
Sandusky, OH 44870

Contact Megan Stookey, Project Coordinator, at 419-627-5878 mstookey@ci.sandusky.oh.us with any questions.

Application for a Floodplain Variance

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1225 Cedar Point Road

Legal Description of the Property: PP#55-00159.000

Name of Property Owner: 1225 Lakehouse, LLC

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 Existing Use: Single Family Residence

Description of Proposed Use: Single Family Residence

Variance Requested: for the elevation of a proposed non-living area garage floor to be .67' above flood level instead of 2' above flood

Reason for Variance: A new taller than normal garage is proposed to accomodate larger vehicles to be parked inside instead of outside. In order to maintain consistant eave height levels, the new garage floor must be lower than the existing house floor elevation. City of Sandusky requires 2' above flood. Our finish garage floor will be 8" above flood.

Ken Heiberger 10/19/21
Signature of Property Owner Date

KEN HEIBERGER
BZA Floodplain Application

Kyle Heiberger 10-26-21
Signature of Authorized Agent Date
KYLE HEIBERGER

Please answer all of the following questions:

1) What is the estimated cost of the improvement?

2) What is the unnecessary hardship that would be created by strict enforcement of the regulations?
Estimated cost of remodel and new garage improvement will be around \$350,000.00

Excessive and unnecessary fill dirt and elevation change in the flood plain. The fill area under and around the raised garage would exceed 1,200 tons of fill material and severely alter the existing natural flow of surface water as it is today.

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

It can be met, but drastic elevation changes will alter and displace the water around

the new structure. The lot is a natural drain for the roadway to the bay. This waterway (swale) would be affected and partially obstructed.

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?

The existing furnace and hot water tank are in the existing house but not in the new garage addition plan.

The proposed garage will be unfinished and unheated. All electrical items are at least 3' above floor.

However,

within the remodeling plan, the existing furnace will be replaced with a horizontal mounted furnace, and the hot water tank will be replaced with a whole house insta-hot unit.

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 proposed finish elevation of the garage floor will be 577.87. Flood stage is 577.2. The floor elevation will Not be below flood, but only below City Elevation requirement of 2'.

There will be an 18' wide by 10' high Overhead door in the front and a 10'x10' Overhead door in the rear (for potential flow through?). The top of the block foundation of the garage could be extended up to the City of Sandusky 2' above flood stage requirement..

According to Chapter 1157.05(d) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an unnecessary hardship exists in order to approve a floodplain variance. The Board must consider the following factors.

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

A variance shall only be issued by the Board of Zoning Appeals upon:

- A. A showing of good and sufficient cause.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- D. A determination that the structure or other development is protected by methods to minimize flood damages.
- E. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.



ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name

1225 LAKE HOUSE INC

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

1225 CEDAR POINT ROAD

Company NAIC Number:

City

SANDUSKY

State

Ohio

ZIP Code

☒ 44870

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

PP#55-00159.000

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL

A5. Latitude/Longitude: Lat. 41.455032 Long. -82.652059 Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number 2A ☒

A8. For a building with a crawlspace or enclosure(s):

a) Square footage of crawlspace or enclosure(s) 2,507 sq ft

b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 0

c) Total net area of flood openings in A8.b 0 sq in

d) Engineered flood openings? ☐ Yes ☐ No

A9. For a building with an attached garage:

a) Square footage of attached garage 1040 sq ft

b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0

c) Total net area of flood openings in A9.b N/A sq in

d) Engineered flood openings? ☐ Yes ☐ No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number

ERIE COUNTY 390153

B2. County Name

ERIE COUNTY

B3. State

Ohio

B4. Map/Panel Number

0084

B5. Suffix

D

B6. FIRM Index Date

8/28/2008

B7. FIRM Panel Effective/ Revised Date

8/28/2008

B8. Flood Zone(s)

AE

B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth)

577.00

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9:

☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No

Designation Date: _____ ☐ CBRS ☐ OPA

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. <u>1225 LAKE HOUSE INC</u>			Policy Number:
City <u>SANDUSKY</u>	State <u>OHIO</u>	ZIP Code <u>44870</u>	Company NAIC Number

SECTION C -- BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☒ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations -- Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: GPS EQUIPMENT Vertical Datum: ODOT VRS RTK NETWORK

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

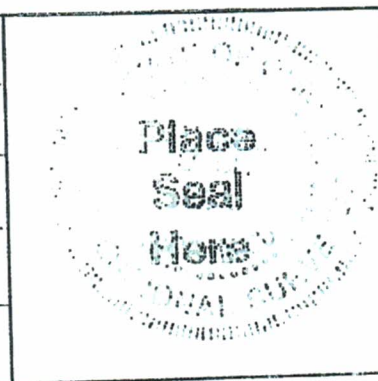
- | | | |
|---|---------------|--|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>574.25</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| b) Top of the next higher floor | <u>580.87</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>577.87</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>576.5</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>577.3</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>578.5</u> | <input type="checkbox"/> feet <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>577.3</u> | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |

SECTION D -- SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.

Certifier's Name <u>STAN R. LOCH</u>	License Number <u>P.S. 8249</u>
Title <u>PROFESSIONAL SURVEYOR</u>	
Company Name <u>AZTECH ENGINEERING & SURVEYING</u>	
Address <u>5425 WARNER ROAD - SUITE 12</u>	
City <u>VALLEY VIEW</u>	State <u>Ohio</u>
	ZIP Code <u>44125</u>
Signature <u>[Signature]</u>	Date <u>2/16/2021</u>
	Telephone <u>440-602-9071</u>
	Ext.



Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

HOT WATER TANK & FURNACE IN BASEMENT