



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

December 16, 2021

4:30 pm

Virtual Meeting via Microsoft Teams and
Live Streamed on www.Youtube.com/CityofSanduskyOH

1. Meeting called to order – Roll Call
2. Review of minutes from the November 18, 2021 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - 216 Decatur St- Use Variance
 - 310 W. Monroe St- Area Variance
5. Other Business
6. Adjournment

Next Meeting: January 20, 2022

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

Board of Zoning Appeals
November 18, 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 Gregg Peugeot. Alec Ochs represented the Community Development Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from October 21, 2021:

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

Adjudication Hearing:

1) 1030 Sloane St. – Area Variance

Mr. Feick stated that this application was tabled at the last meeting and asked if staff could go through the report again since Mr. Peugeot was not at the last meeting. Mr. Ochs explained 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. 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. 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. At the last meeting the board requested the applicant to provide a drawing of where the fence would be and where the easement is, and the applicant did provide a drawing before the meeting and a copy was passed out to all of the board members to review. Given the unique circumstances of the two properties, staff does not have any objection to the variance request. Barry Vermeeren, attorney for the applicant's neighbor Stan Fisher, said that when you consider the reasons to allow variances, there is no way the board can approve it. There are no special conditions, there is no hardship to the owner, Mr. Fisher believes the 6 foot fence would cause harm to him, there are no unique circumstances, and nothing in the zoning creates the hardship. He stated that a four foot fence would be fine, but if you go out to Stan's house, you will notice that there is window where that six foot fence would go. Mr. Feick stated that he think the circumstance is unique since the houses are offset from one another and because the property line is right at the edge of Mr. Fisher's brick home and so his overhang and gutters do enter into Mr. Santana's property. Mr. Feick also let Mr. Peugeot know that at the last meeting there was a neighbor that came to the meeting that also expressed concerns with the fence mainly because he says that

Mr. Santana keeps a bunch of stuff in his yard so he wants a high fence to hide all of that. Mr. Peugeot asked Mr. Santana what a six foot fence would do for him that a four foot fence would not. Mr. Santana stated that he would like more privacy because his neighbor Mr. Fisher causes a lot of problems for him and is always watching him when he has people over. Dr. Semans made a motion to deny a six foot fence in the side yard, but would allow a four foot fence, and would also allow a four foot fence in the front yard. Mr. Peugeot seconded the motion. All voting members were in favor of the motion.

2) 2701 Cleveland Rd. – Height Variance

Mr. Ochs stated that this application is for a variance to allow construction of a building at the Cedar Point Indoor Sports Center that exceeds the 40 ft. height limit requirement and the two story height limit, in accordance with Section 1137.09 of the code. 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. 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. Nick Bradac, project architect with OSports stated that the height variance would only be for a little over a third of the building, the rest of the building would be two stories and under the 40 feet height limit. Mr. Feick asked if they would be adding any more parking. Mr. Bradac said that they would be adding more parking but does not have those numbers with him today. Mr. Ochs stated that the parking plan was approved this past summer by Planning Commission. Dr. Semans stated that he does think this is a substantial difference but made a motion to approve the variance and Mr. Peugeot seconded. All voting members were in favor.

3) 1225 Cedar Point Rd. – Floodplain Variance

Mr. Ochs stated that this application is for a variance to allow construction of an addition to a garage at 8 in. above the base flood elevation whereas the zoning code requires two feet. The applicant has stated that they want to increase the height of the current 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. The applicant's proposal is legally conforming 30 days after the November 8th, 2021 City Commission meeting, where City Commission voted to waive the two feet requirement. However, the applicant has stated the several weeks until then are important to getting the project started and wished to keep the application in consideration. Dr. Semans stated that as long as they do not see any liability for floodwater flowing through his property, he would make a motion to approve the variance. Mr. Peugeot seconded

Adjournment:

Dr. Semans motioned to adjourn and Mr. Peugeot seconded. The meeting ended at 4:58pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE OF USE REGULATIONS AT 216 DECATUR ST.

Reference Number: PVAR21-0014

Date of Report: December 7, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Spencer Farrar
212 Decatur St.
Sandusky, OH 44870

Site Location: 216 Decatur St.
Sandusky, OH 44870

Zoning: DBD – Downtown Business District

Surrounding Zoning: DBD – Downtown Business District
PF – Public Facilities
GB – General Business

Surrounding Uses: Residential
Public Facilities – Fire Station

Existing Use: Residential

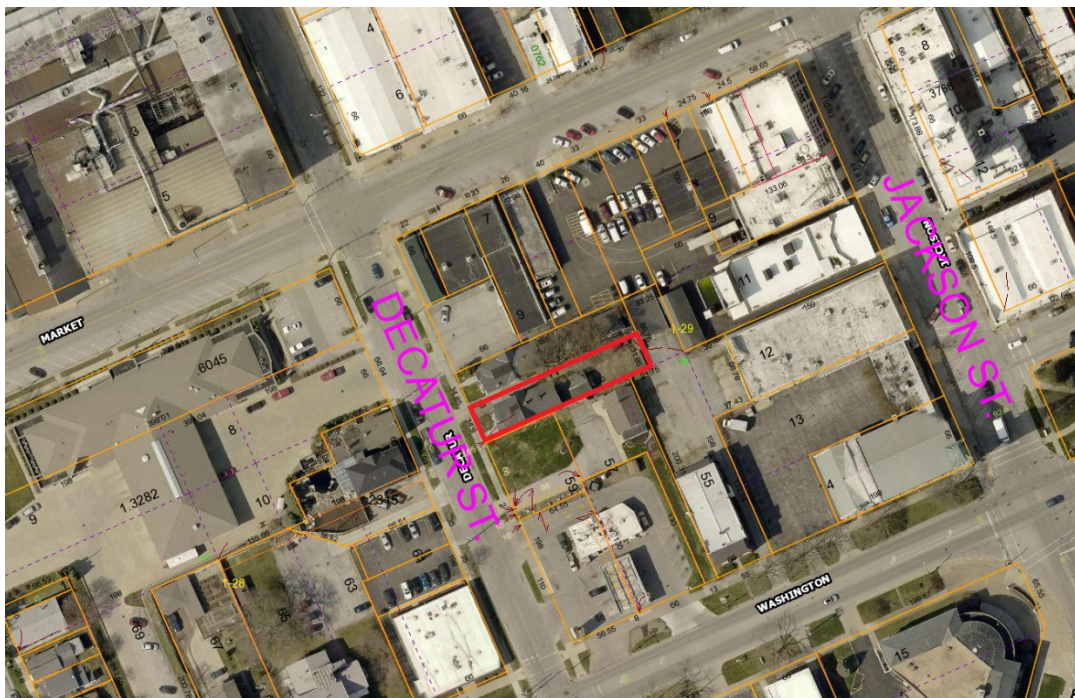
Proposed Use: Residential on the first floor in DBD zoning

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1133.08(a)(1)

Variance Requested: 1) A variance to allow residential use on the first floor of a residential home. The code currently does not permit this in the DBD - Downtown Business District.

SITE DESCRIPTION

Subject Property Outlined in Blue





The site is zoned “DBD”/ Downtown Business District by the Sandusky Zoning Code which permits single, two, and multi-family residential uses above the first floor, all stores and services permitted in the General Business District, and public uses: governmental, civic, educational, religious, welfare, recreational, and transportation as set forth in section 1123.02 of the Zoning Code.

The applicant wished to make this into a 3-unit transient rental property. The applicant has stated that he needs to make the bottom floor into a residential unit in order to meet this need.

DEPARTMENT OF PLANNING COMMENTS

The applicant proposes to allow a residential use on the first floor of their building in the Downtown Business District (DBD). The DBD prohibits residential use on the first floor with the intent to create active first floor uses in the downtown. However, this property is not in a prominent commercial storefront area and is one of the few remaining single family style homes in this district.

In the application, the applicants state the following as to the necessity of the variance:

“Having a unit downstairs will allow me to have a 3-unit air bnb. The property must be split onto 3 units for me to make my return on investment.”

It should be noted that a residential use will create less traffic and parking needs than additional office/business space would. The proposed use would also complement the remaining residential character of this block.

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case would allow for a residential use on the first floor of the building. It is on the outskirts of this district. This part of the code was intended for the high density downtown—and it’s expansion. Given the circumstances, staff does not feel this is a substantial request.

- 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 residential use would substantially alter the character of the neighborhood nor substantially impact adjoining properties. The single-family homes across the street have residential uses on the first floor.

- 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, as the proposed residential use would not impact a right-of-way, utility line or block access for emergency vehicles.

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

The applicant told staff that they were not aware of the zoning restriction.

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

The applicant would not be able to use the first floor of the property without a variance, with the exception of rezoning the property.

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

It is the opinion of the Planning staff that the residential use would be in keeping with the spirit and intent of the Zoning Code as many of the surrounding properties on this block in the zoning district have residences on the first floor.

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

In this instance, there could still be beneficial use of the property without a variance, however, the amount of residential space available would be significantly limited without it.

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

It does not appear that the proposed use would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

- A. That the variance requested 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 by an action or actions of the property owner or the applicant;**

The structure on the subject property appears to have been originally constructed as a single-family residential building. The property is also unique in that it sits at the edge of the Downtown Business District and is in close proximity to multi-family and two-family uses, as well as being immediately adjacent to properties that have residential use on the first floor.

- B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**

In Planning Staff's opinion, the first-floor residential use will not adversely affect the rights of adjacent property owners or residents.

- C. That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

Staff does believe that strict application of the code would create unnecessary hardships for the applicant. Adhering to the current code would significantly restrict the amount of space usable for residential purposes.

That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

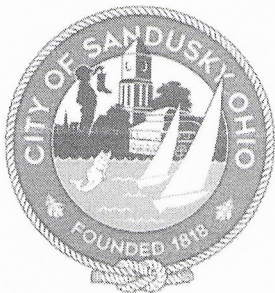
- D. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

It does not appear that the residential use would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

Given the unique circumstances of this property, Planning staff supports the requested variance with the following conditions:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments – including a transient occupancy permit.



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: 216 Decatur St.

Name of Property Owner: Spencer Farrar

Mailing Address of Property Owner: 212 Decatur St.

City: Sandusky State: Ohio Zip: 44870

Telephone #: 4193570067 Email: S.c.farrar@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

I would like make 216 Decatur a 3 unit home. → putting a unit on the first floor

Variance Requested:

use variance

Section(s) of Zoning Code:

133.08 Permitted buildings + uses; Downtown Business District

(a) Main Buildings + Uses

(1) Single, two and multi-family residential uses above first floor



Signature of Property Owner

11/9/21

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 process to split this home will consist of closing 3 interior door ways and adding one exterior door with and egress.

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

I live next door, my neighbor on the other side lives at his house part time in the summer and Air BnB the other times, and Benny who lives across the street does not object

- 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, I had the understanding that the way the property was zoned, I would be able to be split without any zoning issues.

- 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?

The property must be split in 3 in order for me to return the property to be used again.

- 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 the property is a single family dwelling and the new use would be 3 family dwelling

- 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.

Granting this variance will be a part of a bigger plan to keep our community and my family (living next door) safe

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

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
CONSTRUCTION OF A STAIRWAY 6" INTO THE
REQUIRED 3' SIDE YARD AT 310 W. MONROE ST.

Reference Number: PVAR21-0013

Date of Report: December 8, 2021

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Dakota Day / Kristen Barone
618 W. Monroe St.
Sandusky, OH 44870

Site Location: 310 W. Monroe St.
Sandusky, OH 44870

Zoning: R2F - Two Family Residential

Surrounding Zoning: R2F - Two Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: A stairway 6" into the required 3' side yard at 310 W. Monroe St.

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.16 (c)(2)

Variance Requested: 1) A variance to allow construction of a stairway 6" into the required 3' side yard at 310 W. Monroe St.

SITE DESCRIPTION

Subject Property Outlined in Blue



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





DEPARTMENT OF PLANNING COMMENTS

The owner of 310 W. Monroe St. has applied for an area variance for a second story entrance encroaching in the required side yard setback. The minimum required side yard setback is 3 ft. The stairs the applicant is proposing has a 2' 6" setback—therefore encroaching 6".

The applicant wishes to build entry steps to the top floor of this 2-family residential home. It is stated that this is a replacement of what was there but removed by the previous owner. The applicant also said the current location and layout matches where the stairs were before they bought the property. There is currently no other exterior entryway to the second floor.

Staff from the fire and building departments went to the site previously to inspect a better entrance to avoid a variance. Their conclusion is that the proposed entrance in this application is the only course of entry.

The immediate neighbor to the west (314 W. Monroe St) verbally expressed that they had no concern of the variance.

A. Whether the variance is substantial;

No, 6" is not substantial.

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

No, these steps have always been in the same location. It would not alter the character of the neighborhood at all. The steps have always been along the side of the driveway.

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, as the proposed residential use would not impact a right-of-way, utility line or block access for emergency vehicles.

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

The applicant told staff that they were not aware of the zoning restriction.

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

The applicant stated that there is no other place to put the steps. City fire and building departments confirmed this statement.

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

It is the opinion of the Planning staff that the residential use would be in keeping with the spirit and intent of the Zoning Code.

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

In this instance, there could still be beneficial use of the property without a variance, however, the amount of residential space available would be significantly limited without it.

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

It does not appear that the proposed use would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

A. That the variance requested 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 by an action or actions of the property owner or the applicant;

The small dimensions of the parcel and the close proximity to the left property line is unique and not ordinarily found in new construction. The old nature of the building is creating a unique situation based on the zoning code.

B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;

The neighbors have no opposition.

C. That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;

Staff does believe that strict application of the code would create unnecessary hardship for the applicant. Adhering to the current code would significantly restrict the amount of space usable (the entire upper level--1 of 2 units) for residential purposes. The code allows 2 units at this site.

That the variance desired will not adversely affect the public health, safety, morals or general welfare; and

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

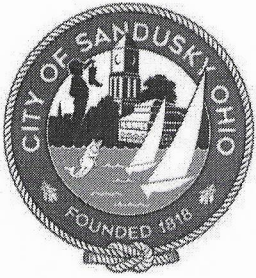
D. That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.

It does not appear that the residential use would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

Based on the facts presented, Planning staff supports the requested variance with the following conditions:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments.



BOARD of ZONING APPEALS

Application for a Zoning Variance

Department of Planning
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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: 310 West Monroe Street

Name of Property Owner: Dakota Day / Kristen Barone

Mailing Address of Property Owner: 618 West Monroe Street

City: Sandusky State: OH Zip: 44870

Telephone #: 419-680-2663 Email: dmday14@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Rebuilding entry steps on the west side of the home to allow entry into the upstairs unit. Steps were originally there but torn out by previous owners. No change in original location-


Variance Requested:

Allow variance for steps to be 31 inches or roughly 2ft 6inches off the neighboring properties westside lot line.

Section(s) of Zoning Code:

1145.16 PROJECTIONS INTO YARDS

A fire escape or enclosed stairway and landing leading to the second floor of a converted building may project 4 feet into a required side yard or rear yard, provided the projection is at least 3 feet from any side lot line, and provided it is approved by the Commission.



Signature of Property Owner

11/17/21

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?
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, these steps have always been in this same location. Would not alter the character of the neighborhood at all. Steps have always been right along the side of the neighbor's driveway.
- 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. The previous owner tore the steps out and we thought we could just rebuild them in the same location.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
No. There is no other place to put the steps.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
The zoning variance is the only way to allow access to the upstairs unit.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
Without this zoning variance, there would be no access to the upstairs unit so no beneficial use to the property without it.
- 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?

It is not unique to find attached structures (porches, steps, etc) to homes that are not within the zoning restriction. However, these property owners don't have to request a variance because they are existing structures. To make any changes or rebuild these structures would be the only time a variance would be needed.

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

The steps that we are attempting to rebuild have always been in this same location. They have never adversely affected the rights of the adjacent property owners or residents.

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

Yes, this zoning code is precluding me from rebuilding steps that are the only access into the upstairs unit. I cannot renovate or rent this unit without access.

- 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

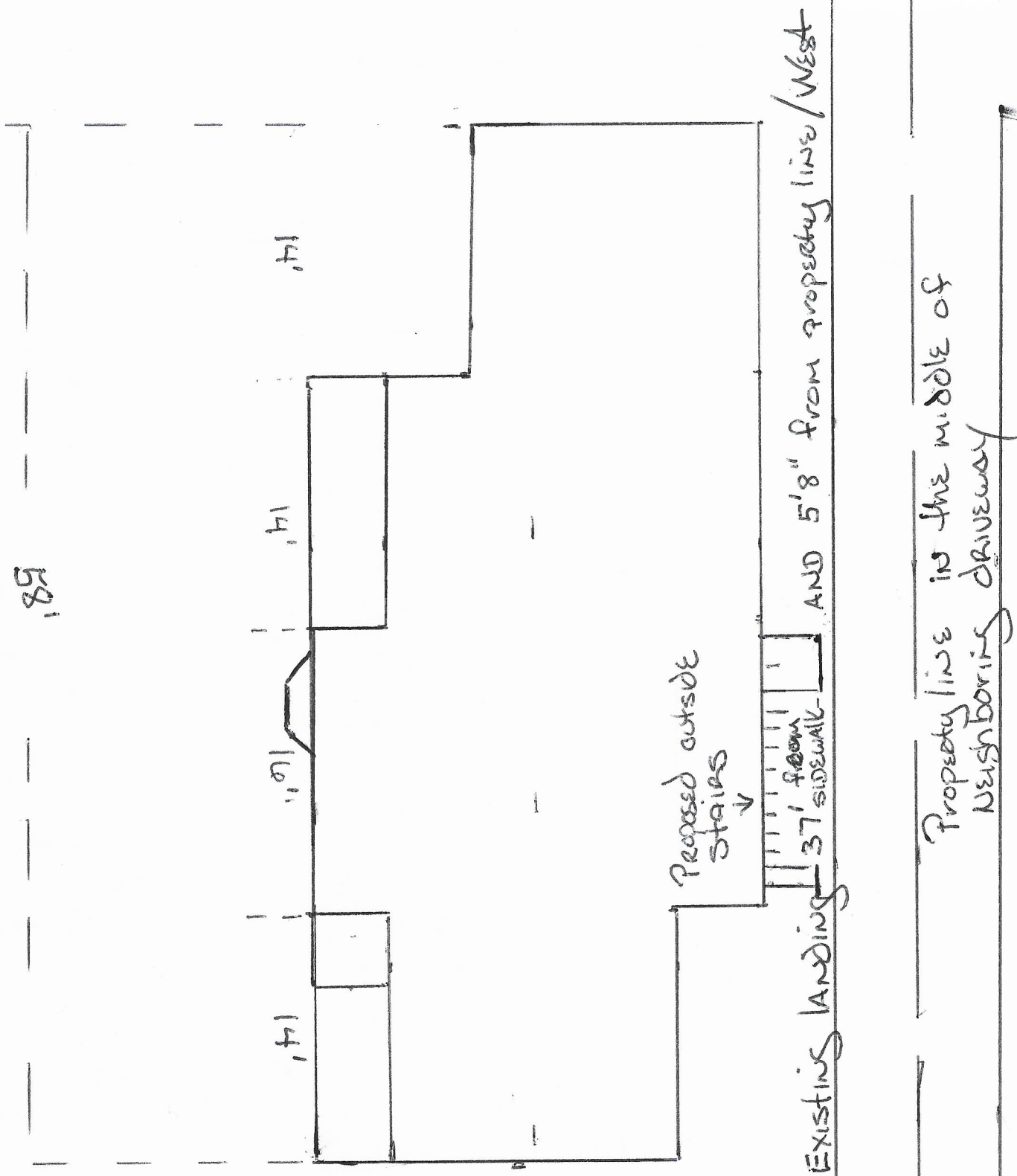
No

1/8 SCALE

310 MONROE ST.

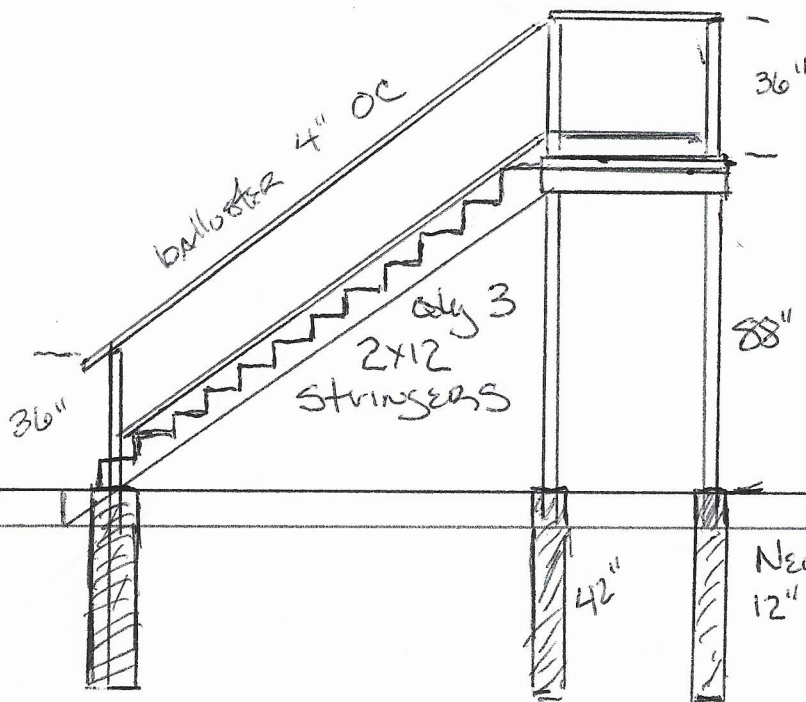
Property Line

SIDEWALK



310 MONROE ST.

All treated
wood



Existing Landing
& post w/new
footings

New footings
12" diameter

1/4 SCALE