



Board of Zoning Appeals

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

Agenda
February 17, 2022
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 January 20, 2022 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - 1211 Central Avenue- Area Variance (tabled at last meeting)
5. Other Business
6. Adjournment

Next Meeting: March 17, 2022

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

Board of Zoning Appeals
January 20, 2022
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 5:21pm. The following voting members were present: Bill Semans and Dan Delahunt. Alec Ochs represented the Community Development Department. Brendan Heil represented the Law Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Election of Officers:

Mr. Delahunt made a motion to elect Mr. Feick for Chairman and Dr. Semans seconded. All voting members were in favor of the motion. Mr. Delahunt made a motion to elect Dr. Semans for Vice Chairman and Dr. Semans seconded. All voting members were in favor of the motion.

Review of minutes from December 16, 2021:

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

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) 521 East Adams Street Area Variance

Mr. Ochs explained that the applicant had a medical emergency today and therefore would not be able to attend. He stated that the applicant would like to construct a semi-permanent carport in the existing front yard and the code does not allow for accessory structures in the front yard. The property is zoned R2F Two Family Residential and surrounding zoning is Two Family Residential. The existing use is boat storage/personal storage and the proposed use is the same. The proposal is 3 feet off of the side yard setback and ten feet from the garage. The garage was constructed in 1990. At the time of construction two residential structures existed, one per parcel (521 & 525). The garage is currently a legal non-conforming structure. The proposed car port is far behind the front yard requirements of the pre-existing home and the R2F zoning (roughly 50 feet). The zoning code does not allow a car port to be detached from a feature or building. Due to the fact that the proposed structure is only semi-permanent, aligned with the legal non-conforming garage use on the site and by other legal non-conforming commercial uses despite the R2F zoning, staff believes the accessory structure addition would not bring a negative impact to the surrounding properties. Staff does not oppose the granting the variance with the following conditions: the height at the pitch of the roof does not exceed 15 feet, all required setbacks are met of code section: 1145.15, and all applicable permits are obtained. Mr. Feick asked what the applicant and staff mean when they say semi-permanent. Mr. Ochs said that the code does not give a definition, but the way staff interprets it is that if the use of the site were to change, is the structure easily removed and

not have to go through a demolition process. Mr. Feick stated that his concern is that if this is approved and then a year from now the applicant decides he wants to put sides on the carport, that would be different. Mr. Ochs stated that if that is a concern, the board could make a motion approving the structure with a condition that they cannot enclose it. Mr. Heil stated that the board could also make a motion to approve the structure as proposed and further changes would need further approval from the board. Dr. Semans asked if there was any discussion on rezoning the parcel. Mr. Ochs stated that there was but staff did not want to create an island affect since the surrounding zoning is Two Family Residential. Mr. Delahunt made a motion to approve the application with staff's recommendations and the additional condition that if the applicant would like to make changes to the carport they would need to come back to the board for approval. Dr. Semans seconded the motion. All voting members were in favor and the motion passed.

2) 1211 Central Avenue Area Variance

Mr. Ochs explained that the applicant would like to construct a back deck entrance feature within the required two foot side yard setback. The combination side yard setback of both sides would be over ten feet, exceeding the combined requirement. The house currently has a one foot setback on the south side and ten feet on the north side. This exceeds the 10 foot minimum combination requirement. Because the house was built prior to 1980 the house is grandfathered in and the one foot setback is legally non-conforming. However, the Planning Code prohibits the expansion of a legal nonconforming use. For this reason the code requires the three foot setback requirement to be met, unless a variance is obtained. The code requires a combined 10 feet of setback from the side property lines and a minimum three foot setback for any individual side yard setback. Also, an entry feature is allowed to encroach on required setbacks as long as the projection is at least two feet from the side lot line. In this instance, the applicant is requesting an estimated two feet relief for the existing requirement of two feet for a single property line set back for an entrance feature resulting in a setback up to the applicants existing fence. The applicant has stated the fence may be on or just inside the property line, no specific number was given. Mr. Feick asked if the pool already exists. Mr. Feick stated that it does and that was approved this past summer. Mr. Delahunt stated that he drove by and it looked like the deck was already there. Mr. Ochs stated that he is not sure and the applicant is not present to confirm or deny that. Dr. Semans made a motion to table the applicant until next month's meeting so that they applicant can come and answer any questions the board members have. Mr. Delahunt seconded the motion. All voting members were in favor of the motion.

Adjournment:

Mr. Delahunt made a motion to adjourn and Dr. Semans. The meeting ended at 5:36pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A DECK IN MINIMUM SIDE SETBACK
AT 1211 CENTRAL AVE (PARCEL 58-01080.000).

Reference Number: PVAR21-0017

Date of Report: January 12, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Nicole Lunato
1211 Central Ave.
Sandusky, OH 44870

Site Location: 1211 Central Ave.
Sandusky, OH 44870

Zoning: R2F – Two Family Residential

Surrounding Zoning: R2F– Two Family Residential, R1-40 – Single Family Residential

Surrounding Uses: Residential

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 a back deck (entrance feature) within the required 2-foot side yard setback. The combination side yard setback of both sides would be over 10 feet, exceeding the combined requirement.

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



Photo of the Property (10/2013)



DEPARTMENT OF PLANNING COMMENTS

The applicant wishes to build a new attached deck on the west side of the home in the backyard. The house currently has a 1 foot setback on the south side and 10 foot on the north side. This exceeds the 10 foot minimum combination requirement. Because the house was built prior to 1980 the house is grandfathered in and the 1 foot setback is legally non-conforming (Code section 1151.05 (b.)--Nonconforming Structures. However, the Planning Code prohibits the expansion of a legal nonconforming use. For this reason--the code requires the 3 foot setback requirement to be met, unless a variance is obtained.

The code requires a combined 10 feet of setback from the side property lines and a minimum 3 foot setback for any individual side yard setback. Also, an entry feature is allowed to encroach on required setbacks as long as the projection is at least 2 feet from the side lot line. In this instance, the applicant is requesting an estimated 2 foot relief for the existing requirement of 2 feet for a single property line set back for an entrance feature--resulting in a setback up to the applicants existing fence. The applicant has stated the fence may be on or just inside the property line. No specific number was given.

Relevant Code Sections:

1145.16 PROJECTIONS INTO YARDS.

(c) Entrance Features.

(1) A platform landing, steps, terrace, or other features not extending above the first floor level of a building, may project not more than 8 feet into a required front yard, and not more than 3 feet into a required side yard, provided the projection is at least 2 feet from any side lot line.

(2) 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.

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)

1. Whether the variance is substantial;

- i. The variance sought in this case is not substantial as it is similar to the existing side yard setback of the house.

2. 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;

- i. It would appear that the proposed garage would not substantially alter the character of the neighborhood.

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

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

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

- i. The owners were not aware of these restrictions.

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

- i. The owners would need a variance to resolve the predicament.

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

- i. The granting of the variance would not violate the spirit and intent behind the zoning requirement.
- ii.

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

- i. The property has a small backyard and can't yield a reasonable return without a variance.

8. 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.

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

CONCLUSION/RECOMMENDATION

Staff believes the deck addition would not bring a negative impact to the surrounding properties at 1211 Central Ave. (Parcel 58-01080.000), staff recommends the granting of the variance with the following conditions:

1. All applicable permits are obtained through the Building Department, Engineering Department, Planning Department and any other applicable agency.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1211 Central Ave

Name of Property Owner: Nicole Lunato

Mailing Address of Property Owner: 1211 Central Ave

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-357-0746 Email: nlunato85@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

To amend 3ft minimum set back from property line with deck addition.

Variance Requested:

Allow new deck to border 6ft vinyl fence which sits right inside property line.

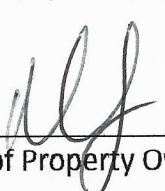
Section(s) of Zoning Code:

1129.13

Residential area, yard and height regulations.

1111.06

Sandusky City Ordinances



Signature of Property Owner

12-22-21

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. The ammendment to variance would be less than 2 feet.

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

In no way will this affect neighborhood or adjoining property.

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

The proposed ammendment would not affect any services.

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

Property purchased 25 years ago. At that time owner was not aware of zoning restrictions.

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

No. The deck additon running up to 6ft fence would be substantially safer than leaving a gap between the two.

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

Yes, in this particular instance.

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

Without variance it would be wasted and unused space.

- 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?

A variace would allow complete use of person's property without affecting adjoining property.

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?

This proposal is for a deck in back yard. May not be a unique situation.

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

This ammendment in NO way woul affect adjacent 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?

In the sense of property owner being able to have complete use of limited back yard space.

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

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

No. The opposite. The very spirit of a variance is to allow property owners ammendments to better their property.

Hello,

I thought I would add a few words to this application;

I have owned my property for 25 years and paid my taxes, rental registration fees as well as permits for all projects.

During this span I have taken action to improve the exterior of my home such as:

New vinyl siding

New windows

New roof

New garage

Trim painted and repaired

Please consider my application for a variance so I can use my limited backyard space to the fullest. I do believe a space between deck and fence may cause an unsafe space. The backyard is fenced in with a gate to deter unsafe entrance. The deck will have rail surrounding it as well as a gate.

Thank you,


Nicole Lunato

John Hancock & Associates

ENGINEERS • SURVEYORS

121 East Shoreline Dr. • Sandusky, OH 44870 • (419) 625-7838

A67040e

1211 CENTRAL, SANDUSKY, OHIO
LOT 10 ON CENTRAL AVE.

P.V. 2
PG. 30



42.4'

MAIN ELECTRIC-ON LINE

CELLAR DOORS

GARAGE
WOOD SIDING
FRAME CONST
ASPHALT SHINGLES ROOF

2 STORY HOUSE
ALUMINUM SIDING
ASPHALT SHINGLES ROOF

LOT 11

132'

132'

LOT 9

N. LINE TYLER ST.

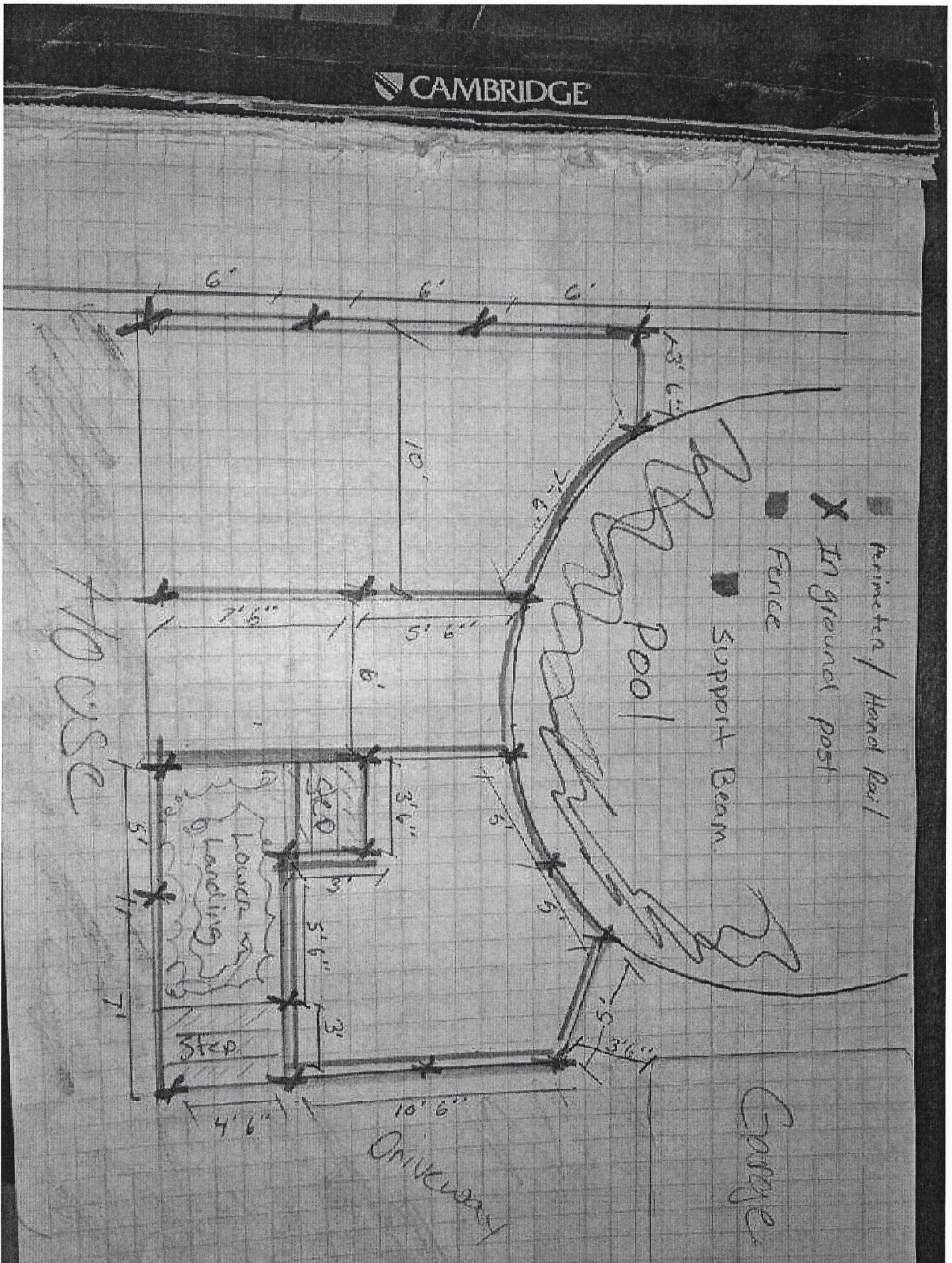
COVERED PORCH

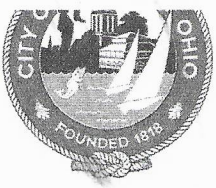
JOINT DRIVEWAY - AGREEMENT D.V. 531 PG. 192
DRIVEWAY ENCLOSES
ON N. ADJOINER

136.6'

42.4'

PK NAIL END





240 Columbus Avenue
Sandusky, Ohio 44870

Paid By

NICOLE LUNATO
1211 CENTRAL AVE
SANDUSKY, OH 44870

Date Paid: 11/30/2021

Transaction	Record Type	Record #	Description	Amount
Property Address			Invoice Number	
00087223	Permit	PB21-0289	Deck or Porch - Add or Repair	\$ 97.00
1211 CENTRAL AVE			00088926	
00087223	Permit	PB21-0289	Res - Building of Boarding Standards Fee	\$ 0.97
1211 CENTRAL AVE			00088926	

Total	\$ 97.97
Cash	\$ 97.97
Check	
Check #	
Credit	
Tendered	\$ 97.97
Change	\$ 0.00

Payments made using a credit card or debit card will incur a 2.5% processing fee (minimum of \$2.00), assessed by Point and Pay, the city's electronic payment processing vendor.



Res Pool/Spa/Hot tub Permit

PERMIT #: PPO21-0008

ISSUED: 06/15/2021

EXPIRES: 12/12/2021

LOCATION:	OWNER:	CONTRACTOR:
1211 CENTRAL AVE 5801080000 Zoning: R2F Const. Value: \$6,000	NICOLE LUNATO 1211 CENTRAL AVE SANDUSKY OH 44870 Phone: (419) 609-9237	Phone:

Work Description: 21' X 54" ABOVE GROUND POOL

Stipulations:

INSURANCE EXPIRED

Fee Description	Fee Category	Quantity	Item Total
Swimming Pools, Spas, Hot Tubs	Permit Fee - Residential	1.00	60.00
Res - Building of Boarding Standards Fee	BBS Fee - Residential (1%)	60.00	0.60

Approved By:


Chief Building Official

Fee Total: \$60.60
Amount Paid: \$60.60
Balance Due: \$0.00

Approved construction documents must be retained on the job and a copy of this approval kept posted until final inspection has been made. A certificate of occupancy is required and shall be issued after final inspection has been approved. This approval is void if work is not started within twelve months or if work is suspended for more than six months. This approval is issued provided that the information submitted by the applicant is true and accurate.

Inspections:

Either the homeowner or contractor doing the work should contact our office to schedule any necessary inspections required for your project. We ask that you contact our office at least twenty-four hours in advance. Please allow a half hour window before and after the scheduled time for inspection. The inspectors strive to arrive at the scheduled appointment on time, but sometimes unforeseen situations arise.

You may contact the inspectors directly or the permitting office at (419) 627-5940 to schedule your inspection.

Office/Inspector Hours 7:00 a.m. - 4:00 p.m.

Steven C. Brown, Inspector - Cell: (419) 656-9477
Commercial Building, Plumbing, HVAC, Hydronic, Refrigeration, Medical Gas
Greg Capucini, Inspector - (419) 656-9685
Electrical
Earl Mullins, Inspector - (419) 975-2221
Residential Building



Res Fence Permit

PERMIT #: PF21-0045

ISSUED: 06/15/2021

EXPIRES: 12/12/2021

LOCATION:	OWNER:	CONTRACTOR:
1211 CENTRAL AVE 5801080000 Zoning: R2F	NICOLE LUNATO 1211 CENTRAL AVE SANDUSKY OH 44870 Phone: (419) 609-9237	Phone:


Work Description: VINYL FENCING ENCLOSING YARD WHERE HOUSE & GARAGE ARE NOT

Stipulations: PER CODE.

PER MFG INSTALLATION INSTRUCTIONS.

Fee Description	Fee Category	Quantity	Item Total
Res - Fence Fee	Standard Item	1.00	20.00

Approved By: _____


Zoning Administrator

Fee Total: \$20.00
Amount Paid: \$20.00
Balance Due: \$0.00

Approved construction documents must be retained on the job and a copy of this approval kept posted until final inspection has been made. A certificate of occupancy is required and shall be issued after final inspection has been approved. This approval is void if work is not started within twelve months or if work is suspended for more than six months. This approval is issued provided that the information submitted by the applicant is true and accurate.

Inspections:

Either the homeowner or contractor doing the work should contact our office to schedule any necessary inspections required for your project. We ask that you contact our office at least twenty-four hours in advance. Please allow a half hour window before and after the scheduled time for inspection. The inspectors strive to arrive at the scheduled appointment on time, but sometimes unforeseen situations arise.

Office/Inspector Hours 7:00 a.m. - 4:00 p.m.