



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

May 19, 2022

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 April 21, 2022 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - 305 East Water Street
 - 3230 West Monroe Street
 - 623 Bennett Avenue
 - 1022 Camp Street
 - 2901 West Monroe Street
5. Other Business
6. Adjournment

Next Meeting: June 16, 2022

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

Board of Zoning Appeals

April 21, 2022

Minutes

Meeting called to order:

Chairman John Feick called the meeting to order. The following voting members were present: John Feick, Dr. Bill Semans, Dan Delahunt, Walt Matthews, Gregg Peugeot. Alec Ochs represented the Community Development Department. Sarah Chiappone represented the Law Department. City Commission Liaison Dave Waddington and interim clerk Tom Horsman were also present.

Review of minutes from March 17, 2022:

Mr. Matthews 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) 243 East Market Street Use Variance

Mr. Ochs explained this is for a use variance to allow a residential use on the first floor of a downtown business zoning. The parcel is zoned downtown business. Surrounding uses are residential and retail. Surrounding zoning is also downtown business. The existing use is unknown, however, the applicant is present and can speak further if the commission has further questions. Mr. Ochs went on to add that based on the Sandusky Zoning Code 1133.08, residential use on the first floor in a downtown building is not permitted. The applicant wishes to make the first floor as usable as possible and would like to use it for residential use. He continued that the applicant stated that it would enhance the marketability of the ground floor by permitting a prospective tenant to have the option of residing on the ground floor. The downtown business district prohibits residential use on the first floor and tend to create a more active street scene with pedestrians and a storefront atmosphere. However, this property is on the edge of what staff considers to be a thriving commercial part of the downtown business district. In the application the applicant stated the following in relevance to this variance and that residential use will create less traffic and parking needs than additional office and business retail would use and also the proposed use would complement the remaining residential character of this block. That being considered and given the unique circumstances of this property, staff supports the requested variance at 243 East Market Street with the following conditions and if any changes were to happen to the inside and any permits would be necessary that they are obtained from the building, engineering, and planning departments. Also, if transient occupancy is to be a use that the applicant goes for as well, they are to get the necessary permits. Mr. Feick asked if anyone was in the audience who wanted to speak in favor of the request. Mike Zuilhof, 243 E. Market Street, indicated he is the authorized agent for the owner and would like to speak in favor of the request. Mr. Zuilhof added that he thinks the application speaks for itself. He went on to share that his wife and he have resided at the address in question for 20 years or so. The ground floor is currently not occupied and they do not know what will transpire while working on marketing and doing something with the ground floor. They are looking for flexibility in particular as it lends itself to an artist or other business of

the workspace meaning an apartment in the back. The exact configuration is unknown. He added that some combination of the use on the ground floor would be both commercial and residential. Mr. Zuilhof shared that adding this option would enhance marketability. He emphasized that adjoining properties have similar ground floor residential uses, in particular the one next door is a non-conforming use and has been residential for a long time before the downtown business category existed. Apartments are across the street so there is heavy residential use there. He added that most of the storefronts are not really used for storefronts. He went on to add that of all of the properties on the street, the two ends you have the quilt shop and subway and a travel agency next door. Additional storefronts include the Power Squadron and it is not open for business. Mr. Zuilhof added that he can't envision a storefront there or a business or a retail being inside, so they are looking for additional flexibility. He added that the flexibility may also give them the option to have an apartment on the ground floor as the building does not lend itself to an elevator. Mr. Zuilhof concluded his remarks and Mr. Feick asked if anyone else would like to speak favor of or against the request, to which there were none. Mr. Feick opened up the floor to questions from the board. Mr. Delahunt asked about the entrance to the apartment. He stated he assumed the door on the west side is the entrance to the apartment upstairs and into the unit on the first floor. Mr. Zuilhof shared that the building is interesting as it has an entrance at the front of the building and one at the rear. He added it's a tunnel as they used to drive through there as the building was a Model T dealership at one point. He added that he believed the building was expanded at one point over the alley where the entrance is and they continued to drive through it. He went on to share that the 3rd floor is a large apartment and the second floor is another rather large apartment, each about 2,300 sq. ft. Mr. Matthews asked if they were putting people in those apartments to which Mr. Zuilhof responded that he currently lives there and the 2nd floor is not currently for rent as they currently use it for a guest house. He added that it could become part of a commercial property as the ground floor could be its own commercial property because it would be consistent with the zoning. Mr. Peugeot asked if the property to the left (that looks more like a house/residential) of the property in question has first floor residential. Mr. Zuilhof shared that there is a travel agency on the ground floor so a commercial use and there is an apartment on the second floor. The door in the center of the building goes to the commercial space and the other door goes to the upstairs apartment. Mr. Zuilhof added that the building to the right of his was commercial at one time but is now all residential. The conversion to residential was long before the downtown zoning prohibited the residential use. Mr. Zuilhof added that they would be willing to make the storefront more storefront-like with windows if that is what a prospective tenant wanted. However, right now they are more residential looking windows. Mr. Feick asked if there was first floor residential across the street to which Mr. Zuilhof responded no, but it is heavy residential with about 47 apartments. Mr. Feick added that there is nothing else in that block that he is aware of that is residential on the first floor. Mr. Zuilhof shared that he believes that there is residential on a property where it used to have the Drinkery in it. Mr. Delahunt asked if there was residential on the ground floor next door, to which it was confirmed that the brick building next door does have residential on the first floor. Mr. Zuilhof added that there's a property on Market Street (unsure of the address) that does have residential on the ground floor and he feels it is relevant as it touches at the corner. Mr. Delahunt asked if there was another instance of residential on the ground floor. Mr. Zuilhof confirmed that there is another

one on Market Street (unsure of the address) but it is immediately behind the apartments at 247. He went on to add that the block surrounded by four streets has accessory uses to residential use garage and probably vestibule. He believes that part of that ground floor is also used for residential use. He went on to say that it is on the edge of the commercial district and it is not a foreign idea. Mr. Feick asked if Mr. Zuilhof has someone that wants to buy or rent to move in there. Mr. Zuilhof answered that they do not have anything specific but they are talking to people, which is one of the reasons they brought the application to the commission. Mr. Feick asked if it would be just as easy to wait until they had someone. Mr. Zuilhof said yes, but would like to do it anyway as they currently live on the third floor, which will not continue to be an option for them forever. This would give them an option for an apartment in the back and storefront in the front. Mr. Feick added that they could come back at that time and apply for that zoning change. Mr. Zuilhof agreed that they could, but that keeps them from moving forward with their plans. Mr. Feick added that they don't have a plan. Mr. Zuilhof answered that they do not have a specific plan to share right now. Mr. Feick asked for additional questions. Alec Ochs asked if there was any preference on commercial versus residential tenants on the first floor. He went on to ask if there was a commercial tenant interested would you allow them to reside here or do you have preference for a residential use. Mr. Zuilhof answered that the strongest preference is for it to be economically viable and there is a lot of commercial space going for begging and a lot of demand for residential. He added that he is not terribly interested in transient but it could happen. Mr. Zuilhof added that he sees the benefit of having a lively downtown and does not want to exclude that but is just asking for the option. It could be commercial on the second floor and residential on the ground floor or partially. He does not envision the entire ground floor being residential, but is just asking for the option because other properties have that and he feels that it is justified in this case. Mr. Delahunt added that it seems Mr. Zuilhof is talking about mixing use on the first floor as an example of something they may do. Mr. Delahunt asked if the commission were to approve this today as residential on the first floor and Mr. Zuilhof chooses to do mixed use on the first floor does he have to come back to this commission. Mr. Zuilhof shared that were seeing a neo movement toward live-work spaces as it's on the international building code. Artists live-work in particular are popular as they manage to populate empty buildings in Cleveland by creating an overlay district for artists live work spaces that wouldn't normally allow residential at all and in his opinion has been very successful. Mr. Delahunt clarified his question that if Mr. Zuilhof chooses to put a tenant in front portion of the ground floor that is commercial and an apartment behind it, if the commission approves this today, would Mr. Zuilhof have to come back again. Mr. Feick said no as the commission would be approving that Mr. Zuilhof could use it as residential on the first floor, not that he has cases. Mr. Delahunt asked what happens if there's a mixed use on the first floor. Mr. Feick responded that he would need a building permit to allow it but if approved today Mr. Zuilhof could have a commercial use in the front and an apartment in the back. Mr. Feick asked for a motion. **Dr. Semans made a motion to approve the requested variance. Mr. Delahunt seconded the motion. Roll call on the motion: Mr. Feick, no; Dr. Semans, yes; Mr. Matthews, no; Mr. Delahunt, yes; Mr. Peugeot, no. The variance was not approved.**

2) 3708 Venice Road Area Variance

Mr. Feick informed the commission that this request is to allow a shed in the front yard. Mr. Ochs added that the property in question is 3708 Venice Road. It is currently zoned general manufacturing. The surrounding zonings to the north are local manufacturing. To the east, south, and west are also general manufacturing. Surrounding uses are residential and business. Existing use of the property is residential and the proposed use is staying residential. Code section 1145.15 restricts sheds in the front yard. This is a manufacturing district, so it is regulated by the R1-40 single-family residential and manufacturing districts. This use is permitted as far as residential use. Since it's following the R1-40 residential use, all yard regulations apply here so that is why the shed would not be permitted without a variance. The applicant is proposing to place a 10 x 20 and roughly 12 foot eight inch high shed in the front yard of their property. The shed would be 13 feet six inches from the house. Alec shared that he spoke with the applicant after the presentation was written and it is not 10 feet it is 13 feet six inches. Four feet from the side property, not three feet six inches. And roughly 20 feet from the property line towards the street. Staff has observed that this property has a significant setback for its use as it is 50 feet from the front property line where the requirement is 25 feet. Because of this, it has created a small backyard for the applicant. Staff believe that roughly measuring the backyard is 25 feet so if this would have followed the minimum requirements the backyard would have been more or less double the size. This has given the applicant a lot of constraints on putting accessory structures in their back property. Part of the code is you cannot have more than 30% of your backyard covered by accessory structures. Based on the aerial photos and aerial analysis, it does seem to have several back there already which is giving them constraints and more or less having them wish to put it in the front yard. Based on the constraints and unique circumstances to this property, staff is not opposed to the requested variance at 3708 Venice as long as they follow the one condition of getting all permits through the building, engineering and planning departments as needed. Mr. Feick asked if anyone was in the audience who wished to speak in favor of the request. Victoria Taylor, 3708 Venice Road, shared that they would like the Amish to build this shed as it is needed for storage. Mr. Feick asked how big the shed was, to which Ms. Taylor responded that it is a 10 x 20. Mr. Feick shared that it will require a building permit. Mr. Feick asked what was in the backyard that prohibited the shed from going back there. Ms. Taylor shared there is not enough room as they already have one shed back there along with a patio and a raised garden bed. Mr. Feick asked if she was good friends with her neighbor to the west as it is a residential also. Ms. Taylor said she knows him pretty well. She did speak with him and he was willing to write a letter to recommend the shed. He has not done it yet, but she went on to share that if it would help to see the letter – both her asking him and a letter from him (he has been too busy to write one). Ms. Taylor asked him to write his name, address and whether he was for or against this. She shared that the neighbor was not against. Mr. Feick confirmed a letter had not been received from the neighbor. Mr. Feick went on to say that since the commission has not received anything he assumes the neighbor is not upset about the shed. Mr. Feick asked what was going to be stored in the shed. Ms. Taylor shared that they planned on storing a lawnmower, snow blower, and pots for potting. Mr. Delahunt asked if the property was a duplex. Ms. Taylor confirmed that it is a triplex. Mr. Delahunt asked if they owned the property behind them. Ms. Taylor said they do not but have tried to purchase it but the owner does not want to sell. Mr. Delahunt asked if there

were any easements or anything from the state with Route 6 that would encroach into the property. Mr. Ochs shared that is not aware of any easements. Mr. Delahunt went on to share that he drove out there and nothing else pops out in front on the road along there and there is residential to the west. He went on to add that he understands the plight. Ms. Taylor added that the shed would sit far enough back with it being 10 feet off the house as required. Ms. Taylor added that last year they were under the assumption they could do so as long as they stayed under that. However, she came into find out all of the requirements and Alec explained all of the steps. Mr. Delahunt asked if she could access her backyard. Ms. Taylor said there is a three foot path to the left of the house. Mr. Delahunt asked how far off the house is the property line to the east. He went on to ask if the stairs were not there could they get a car around the back. Ms. Taylor shared that half of the drive is his that you can drive through there. Mr. Matthews asked how many families lived there. Ms. Taylor said two because the third floor tenant had destroyed the space, which is why they had to come in and get a permit to bring the starts around the front. The tenant had broke out the windows, burned the carpet, tore out the plumbing. They are in the process of fixing it. Mr. Feick shared that his concern is that it is a triplex and if there are three families there, there could be six vehicles. Ms. Taylor said all of the vehicles are pictured. Mr. Feick clarified that if there were three families, there could be two cars per family for a total of six cars that would need to park. Ms. Taylor said no, you only need three to four and you could park in front of the shed. Mr. Feick asked what the parking requirement was. Mr. Ochs shared that he believed it was by dwelling units. So in this case, it would be three dwelling units so three parking spaces would be required. Mr. Ochs added that he would need to double check the parking requirements. Ms. Taylor added that there is plenty of room to park four across and you are able to park behind another vehicle. Mr. Delahunt confirmed that the truck to the left was on Ms. Taylor's property. Mr. Peugeot asked if approved if Ms. Taylor could safely park six cars. Ms. Taylor said yes, as long as they are parked behind each other. Mr. Peugeot asked but not six cars that could independently get in and out without having to have one car move to get another one out. Ms. Taylor confirmed that one car would have to be moved to get another one out. Mr. Feick asked if there were any other questions. Dr. Semans asked if the neighbor owns the two lots. Ms. Taylor confirmed that the house to the west owns the lots. Mr. Ochs added that parking is one and one half per dwelling unit so in this instance 4 and a half spaces would be required. Mr. Ochs added there is a 50 foot setback from the property line and there is another feet of right-of-way on top of that to the street itself so there is upwards of 50 to 60 feet of usable parking space. Mr. Ochs included that from a staff perspective they feel that's enough to satisfy the four and a half parking spaces required. Mr. Feick added if is you applied for this the requirement would be that you would have to have five cars across and you couldn't double stack them so everyone has access to get out. Dr. Semans asked if it would be feasible to take out the large shed behind the house and put in a larger more efficient shed to get the needed storage. Ms. Taylor said she would not like to take the shed out as it stores different items for the apartment, extra plumbing and items purchased in advance to update the apartments. Mr. Fieck shared that he understands what Ms. Taylor is trying to do, but is reluctant to put a shed in the front yard. Ms. Taylor added that it will sit far enough back that you will be able to see both ways when trying to exit the driveway. Mr. Feick asked if there were any other questions or comments. Mr. Ochs asked if this were to be approved tonight if the opening of the she would be towards the home or the street. Ms. Taylor

said the street is preferred, but could have it either way. Mr. Feick shared that a motion was in order. Due to a lack of motion, Mr. Feick added that the easier thing is to make a motion and then vote and concerns can be recognized. **Dr. Semans made a motion to deny the variance. Mr. Delahunt seconded the motion. Roll call on the motion: Mr. Feick, no; Dr. Semans, yes; Mr. Matthews, no; Mr. Delahunt, yes; Mr. Peugeot, no. The variance was not approved. Mr. Feick confirmed a yes vote is to deny the variance. Roll Call: Mr. Feick, yes; Dr. Semans, yes; Mr. Matthews, yes; Mr. Delahunt, yes; Mr. Peugeot, yes. The motion is approved which is to deny the variance.**

Adjournment:

Mr. Matthews made a motion to adjourn and Dr. Semans seconded the motion. The meeting was adjourned.

APPROVED:

Thomas Horsman, Interim Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO PERMIT
A MURAL FACING THE PUBLIC RIGHT-OF-WAY AT
305 E. WATER ST., PARCEL (56-01322.000)

Reference Number: PVAR22-0006

Date of Report: May 9, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Ryan Whaley
316 E. Water St.
Sandusky, OH 44870

Authorized Agent: n/a

Site Location: 305 E. Water St.
Sandusky, OH 44870

Zoning: DDB – Downtown Business District

Surrounding Zoning:

North: DDB – Downtown Business District

East: DDB – Downtown Business District

South: DDB – Downtown Business District

West: DDB – Downtown Business District

Surrounding Uses: Residential, Business

Existing Use: Business

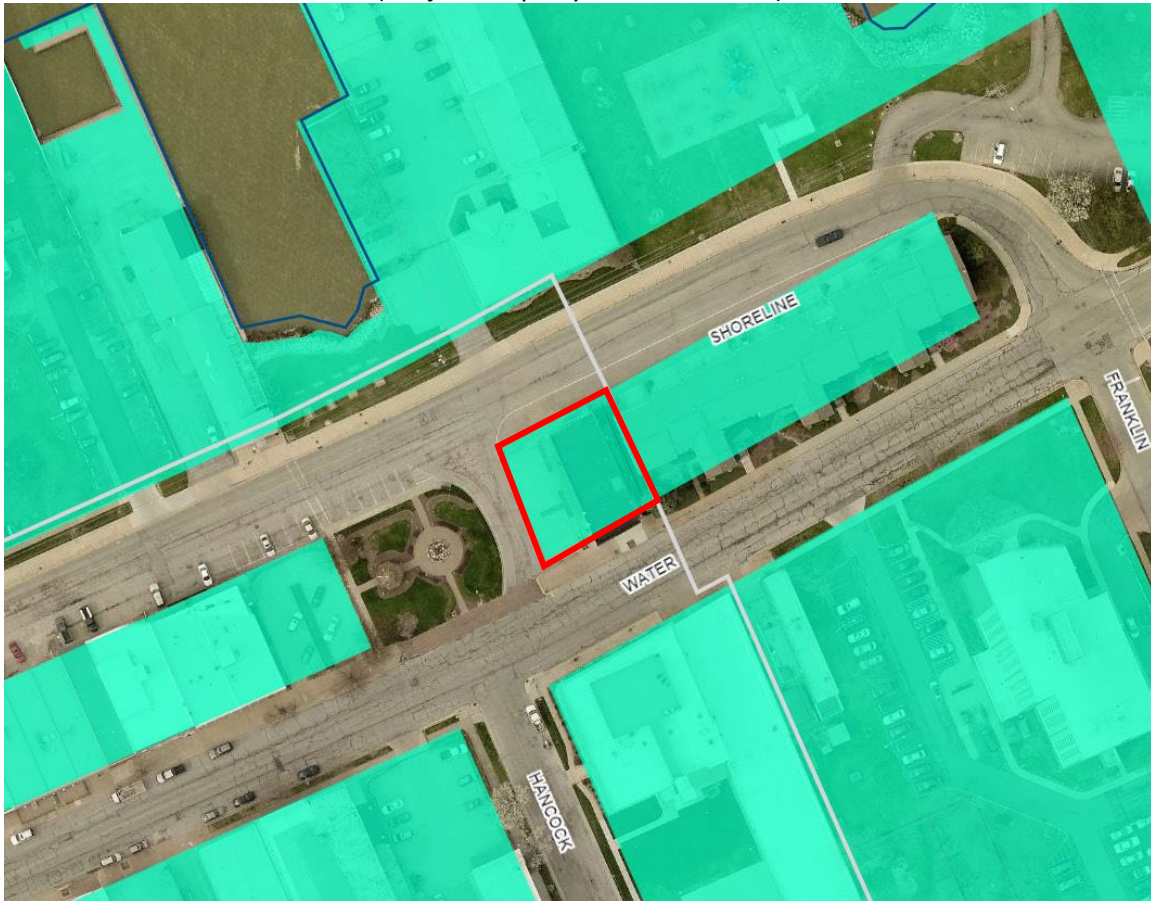
Proposed Use: Business

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1143.08(c)(1)

Variance Requested: 1) A variance to allow a sign that surpasses the mass factor requirements

SITE DESCRIPTION

(Subject Property Outlined in Red)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



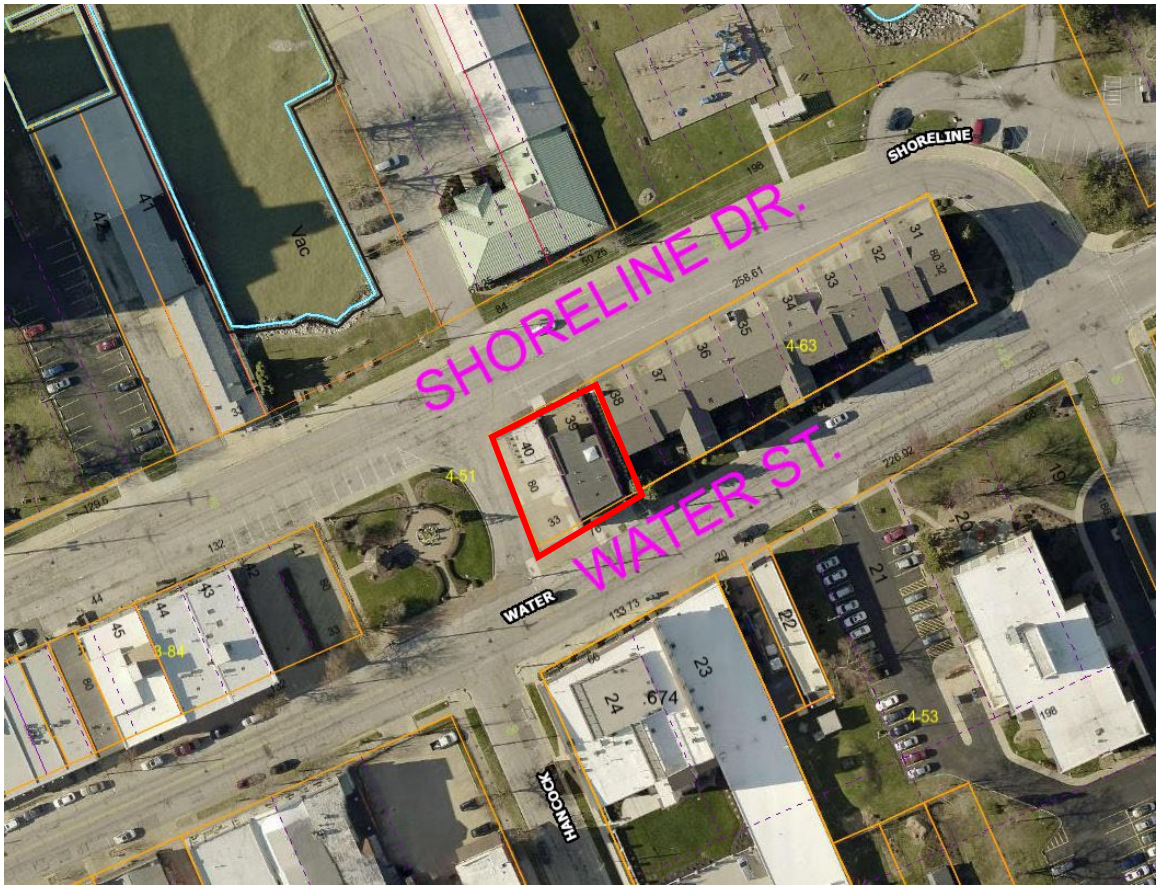
TRO - Transient Rental Overlay



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





Proposed Project Area



PROJECT DESCRIPTION

The applicant proposes to place an approximately 75' x 17' mural on the western facing building façade.

The applicant stated the intention of adding a mural to this location is to bring attention to the outdoor activities and active lifestyle visitors and locals have in Sandusky, while giving off the summer and island vibes found inside Paddle & Climb and Paddle Bar.

PLANNING DIVISION COMMENTS

The code has a maximum mass factor standard of 80 sq. ft. for exterior wall signage on this façade. At approximately 75'x17', the mural would encompass nearly the entire side of the building that faces Hancock Street. The mural would cover a maximum of 1,275 square feet. Total coverage depends on the amount of painted surface versus remaining exposed brick.

The building is located within the Downtown Historic District and is defined as a noncontributing structure that has been drastically altered from its historic character. The applicant also submitted an application for a Certificate of Appropriateness from the Landmarks Commission, to discussed as an agenda item at their regularly scheduled meeting on May 18, 2022. Staff is recommending the Landmarks Commission approve the project as appropriate to this location and structure as proposed, and strongly supports the mural as piece of public art to be enjoyed by all and contribute to the character and vibrancy of Downtown Sandusky.

Planning Division comments to the Landmark Commission include:

“Staff has determined the proposed mural is appropriate to this structure, in this location, based on the following analysis:

- The building is non-contributing and has been drastically altered.
- The secondary elevation on which the mural is proposed is not significant to the character of the building itself.
- In the time period of our historic district, side walls of buildings would have been covered by attached neighboring structures. When sidewalls were exposed, it was common to paint them with large signage/mural style imagery.
- For the style and setting of the building, the mural is appropriate and would contribute to the overall character and vibrancy of Downtown Sandusky.
- The proposed paint is appropriate for the masonry and the long-term health of the building.”

Staff interpretation of the sign regulations dictates a mural facing the public right-of-way falls under the definition of “wall sign” and is therefore regulated by the sign requirements for wall signs in chapter 1143 of the zoning code.

RELEVANT CODE SECTIONS

CHAPTER.1143
Sign Regulations

1143.02 Definitions

Building or Structure Murals. Any decorative pictorial that is painted on a wall surface of a building or structure.

Wall Sign. A sign that is in any manner affixed to any exterior wall of a building or structure that projects not more than 12 inches from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed.

1143.08 ALLOWABLE SIGNAGE.

(c) Business and Commercial Districts.

(1) Wall signage per building wall facing a public right-of-way based on the following chart:

Speed limit on street	Mass factor
<u>25 mph</u>	<u>1.00</u>
35 mph, single lane	1.65
35 mph, multi lane or 45 mph single lane	1.75
45 mph, multi lane or single lane greater than 45 mph	2.00
Downtown Design Review District	1.00

80' façade * 1.00 mass factor = 80 sq. ft.

CHAPTER 1111
Board of Zoning Appeals

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

(1) 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;

By city code, a variance to the sign code is the only way to permit a building mural that faces a public right of way. The variance is not substantial for this purpose.

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;

The mural would positively contribute to the essential character of the neighborhood. It is expected that the value of adjoining property would increase as a result of the variance.

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

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

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

The applicant was not aware of the zoning restriction.

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

No. While the sign code includes a definition for murals, it contains no specific provisions for murals. Therefore, any proposed mural that faces a public right of way falls under the requirements of the "wall sign" definition.

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

The inclusion of public art in this case observes 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

Due to its location as a corner parcel, there are no available side walls for mural placement on this structure that do not face the public right of way.

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

The proposed mural placement would not be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan. Permitting new murals in the city have been stated as high importance in the adopted 2018 Public Art Plan and 2022 Public Art Work Plan, and are aligned with goals and recommendations in the 2021 Downtown Master Plan.

CONCLUSION/RECOMMENDATION

Planning staff strongly support this proposal for creating a new piece of public art in the city and recommends approval of the requested variance at 305 E. Water St., parcel (56-01322.000) with the following conditions:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments.
2. A Certificate of Appropriateness is granted by the Landmarks Commission.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 305 E. Water Street

Name of Property Owner: Ryan Whaley

Mailing Address of Property Owner: 316 E. Water Street

City: Sandusky State: OH Zip: 44870

Telephone #: 970.485.0670 Email: ryan@paddleandclimb.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

The proposal is for high quality mural to be produced on the west side of the Paddle & Climb building. The mural will draw attention to the outdoor activities and active lifestyle visitors and locals have in Sandusky, while giving off the summer and island vibes found inside Paddle & Climb and Paddle Bar.

Variance Requested:

Variance for permitting a "sign" larger than is permitted in the city's sign code

Section(s) of Zoning Code:

Chapter 1143 - Sign Regulation

Signature of Property Owner

APPLICATION #BZA-001

Date

Signature of Authorized Agent

Date



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE
RESTRICTING ACCESSORY STRUCTURE COVERAGE
TO NO MORE THAN 30 PERCENT IN A BACKYARD
AT 3230 W. MONROE ST.
PARCEL (58-01019.000)

Reference Number: PVAR22-0007

Date of Report: May 11, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Jack Muirhead
3230 W. Monroe St.
Sandusky, OH 44870

Site Location: 3230 W. Monroe St.
Sandusky, OH 44870

Zoning: R1-40 – Single-Family Residential

Surrounding Zoning: North: R2F – Two Family Residential
East: R1-40 – Single-Family Residential
South: R1-40 – Single-Family Residential
West: R1-40 – Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.15(a)

Variance Requested: 1) A variance to allow accessory structures on more than 30% of the rear yard.

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

Hand-drawn site plan showing a house, an existing garage to be torn down, and a large rectangular area with dimensions. The house is on the left, the garage is below it, and the large area is to the right. Dimensions include 20' 8" for the house width, 40' for the large area width, 50' for the large area height, and 3 1/2' 8" for a small section on the right. Arrows indicate measurements.

The applicant wishes to build a 40' x 50' garage, totaling 2,000 sq. ft. in the backyard of 3230 W. Monroe St. The back yard of the applicant is approximately 3,250 sq ft. The garage would accumulate roughly: 61.5 % of the backyard.

Staff is not opposed to storage uses on a residential property. However, a 2,000 sq. ft. first floor building footprint is larger than many single family homes in the City limits. The existing home on this lot is approximately 50'x26', which measures approximately 1,300 square feet. Staff would favor a plan for the garage that is more in scale with the existing home.

5

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.15 YARDS FOR ACCESSORY BUILDINGS.

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

In addition to the above regulations, accessory buildings not classified as sheds must not cover more than thirty percent (30%) of the rear yard of a lot and shall be located no less than ten feet from the main structure.

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.06(c)(1)

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:

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is substantial as it is a significant increase from the 30% allowable building coverage.

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

It would appear that the proposed garage would substantially alter the character of the neighborhood. The surrounding properties would be looking at a very large structure.

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

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

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

No, the owners were not aware of the restriction.

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

No.

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

No, the reason for the 30% requirement is for visual consistency and an open, low-density residential footprint. A large garage taking up a majority of the backyard would not meet this.

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

The property can still yield a reasonable return without a large garage.

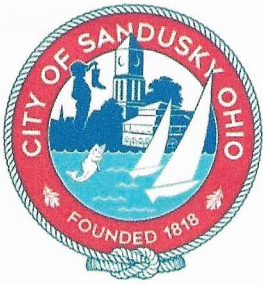
H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

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

CONCLUSION/RECOMMENDATION

Staff does not believe that the strict implementation of the zoning code would create a practical difficulty for this property and thus is not able to give a recommendation for the variance. In the case of an approved variance request, staff would like to see the following conditions:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction
2. The structure needs to be a minimum of 10' from the existing residential structure, including the existing attached single car garage, prior to construction.
3. The height is to not exceed an average height of 15'



BOARD of ZONING APPEALS

Application for a Zoning Variance

Department of Community Development
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 Community Development
240 Columbus Ave.
Sandusky, OH 44870

Contact Alec Ochs, Assistant Planner, at 419-627-5973 or auchs@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: 3230 W Monroe St

Name of Property Owner: Jack Mischel

Mailing Address of Property Owner: 3230 W Monroe St

City: Sandusky State: OH Zip: 44870

Telephone #: 419 320 7422 Email: jmischel1@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

40x50 garage

Variance Requested:

Section(s) of Zoning Code:

Signature of Property Owner

11-11-22
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 current garage is too small and not enough space to put on side of house

- 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 since construction of parcel will not
allow for what I need otherwise

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

no

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

yes

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

no

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

no

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 6 FT. FENCE IN THE SIDE YARDS AT
623 BENNETT AVE.
PARCEL (60-00475.000)

Reference Number: PVAR22-0008

Date of Report: May 6, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Charles Loughlin
623 Bennett Ave.
Sandusky, OH 44870

Site Location: 623 Bennett Ave.
Sandusky, OH 44870

Zoning: R1-40 – Single-Family Residential

Surrounding Zoning: North: R1-40 – Single-Family Residential
East: R1-40 – Single-Family Residential
South: R1-40 – Single-Family Residential
West: R1-40 – Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

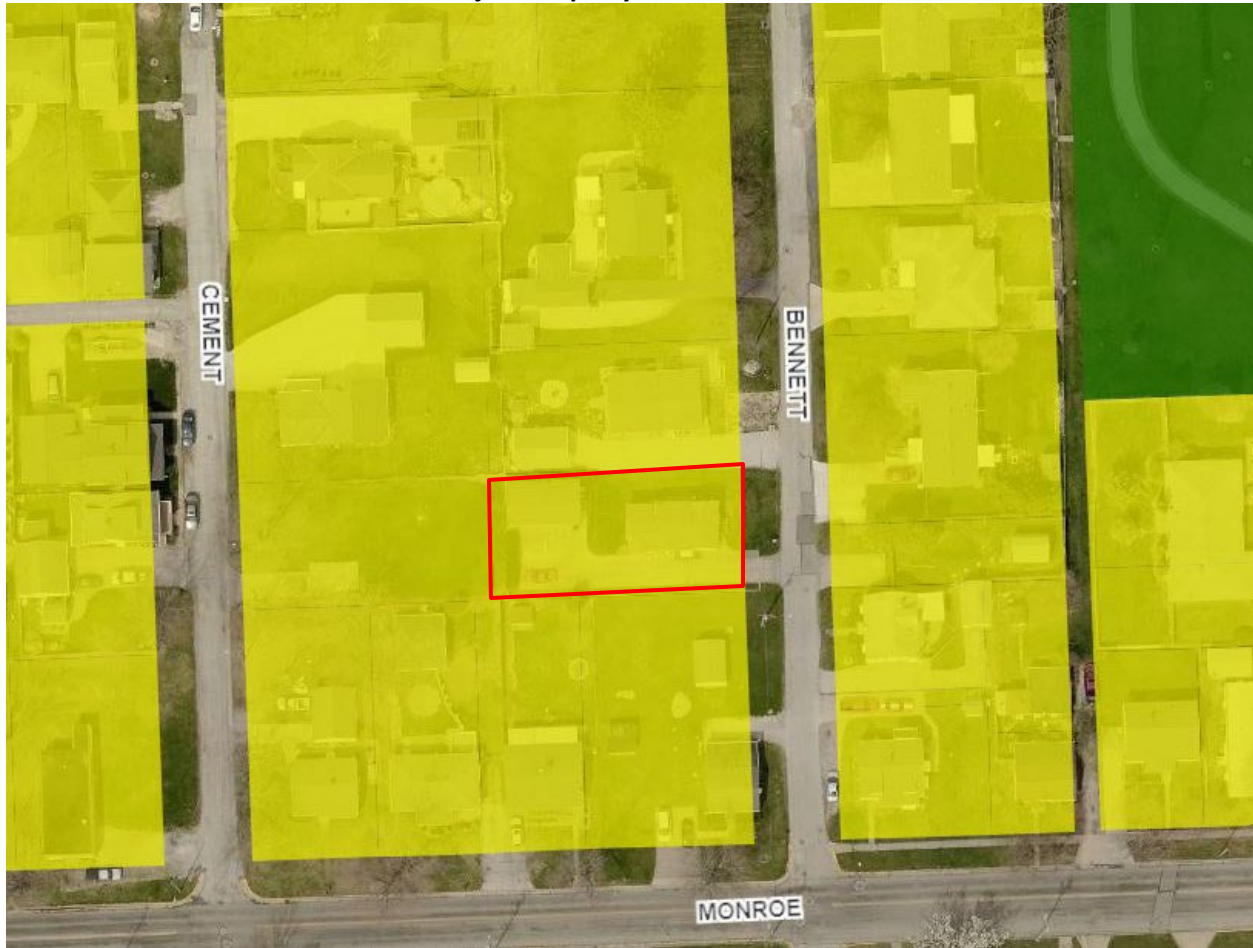
Proposed Use: Residential

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

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

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

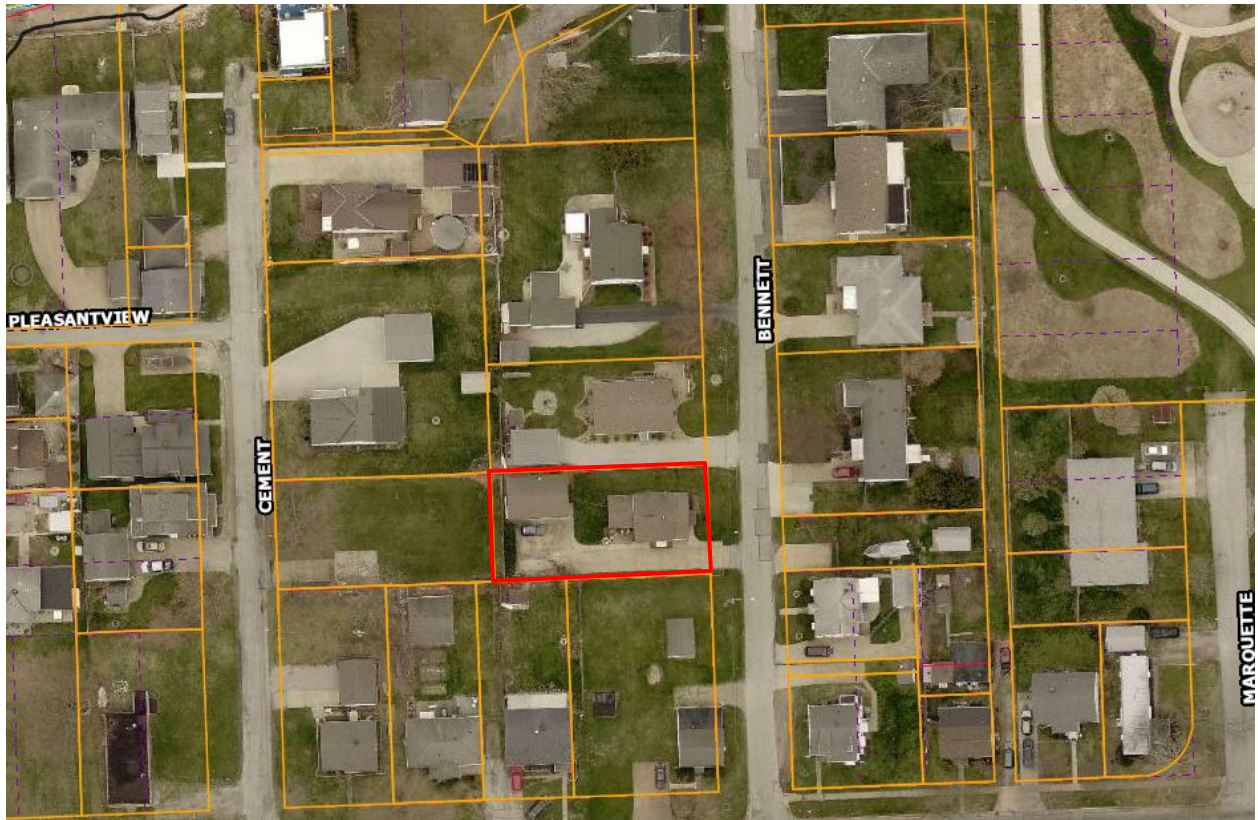
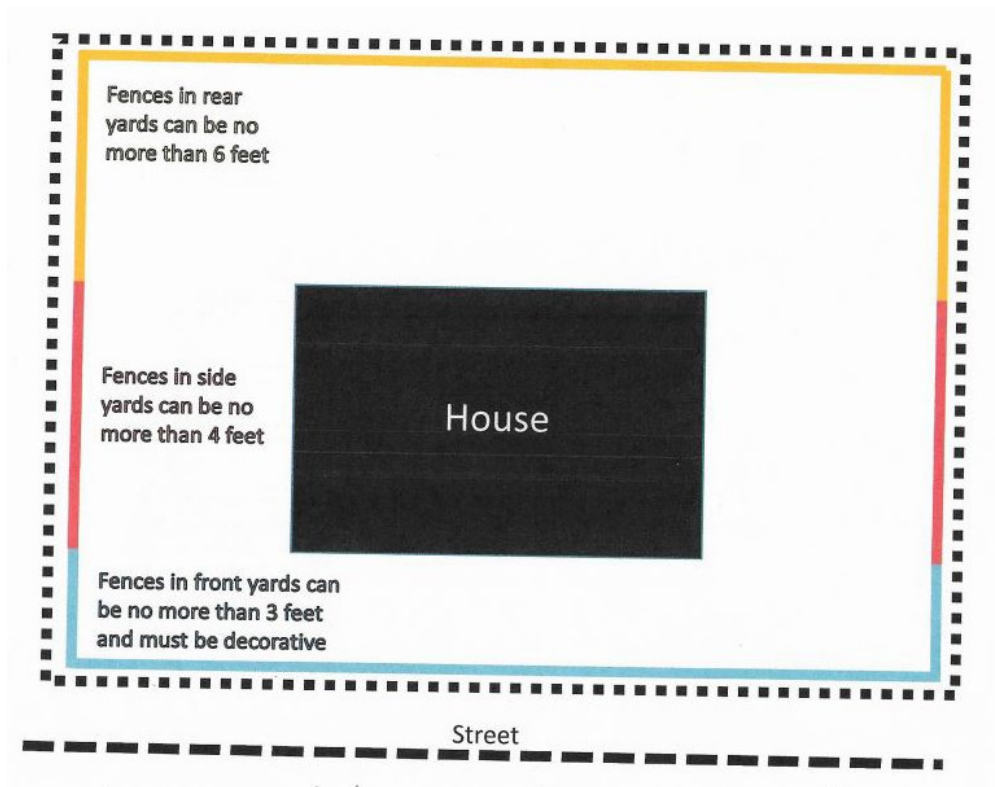


Photo of the Property (6/11/2020)





PROJECT DESCRIPTION

The applicant wishes to build a 6' privacy fence into both side yards at 623 Bennett Ave. The zoning code restricts fences to a height of 4' along the sideyard of a house (see above rendering). The reason for the 6' fence in the sideyard was not expressed in the application. The edge of the fence would be setback an estimated 18' from the front property line.

DEPARTMENT OF PLANNING COMMENTS

Staff notes that the south fence proposal would be along the backyard of the southern neighbor. A 6 ft. fence would be permitted to be constructed if the neighbor at 3501 was the applicant.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.17 LANDSCAPE FEATURES AND YARD STRUCTURES.

(g) Fences and Walls.

- (1) Fences and walls may be permitted along the lines of a side yard to a height of not more than four feet above grade and along the lines of a rear yard to a height of not more than six feet above grade, provided that any fence shall be of uniform design, painted and otherwise well maintained. Fences located adjacent to alleys or public rights of way shall be approved by the Director of Planning.
- (2) No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district except where required for public uses.
- (3) On all corner lots, fences and walls proposed for construction within any setback adjacent to a public street shall be submitted to the Director of Planning for approval.
- (4) Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the most restrictive provisions shall apply where the fence would interfere with visibility from a driveway.
- (5) Fences shall be permitted in the front yard only as a decorative feature or along a side lot line when adjoining a less restrictive use with approval of the Commission.
- (6) Permanent swimming pools over three feet in depth require a building permit and pool areas or yards shall be fenced to a height of not less than four feet according to the requirements of Section 1305.08 of the Building Code.
- (7) Notwithstanding subsection (g)(1) hereof, the regulations for fences in the Residential Business District may be altered with the approval of the Commission when these properties are developed for commercial or business purposes when in the opinion of the Commission, the fence will not adversely affect the adjacent properties.

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.06(c)(1)

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance sought in this case is not substantial because there is no house immediately adjacent to the applicant's home where the south side yard fence is proposed.

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

It would appear that the proposed 6' fencing would not substantially alter the character of the neighborhood.

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

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

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

No, the owners were not aware of the restriction.

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

The owner would have to build a 4-foot fence. If it stayed as presented, a variance is the only resolution.

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

A 6 foot fence in the side yard would impose on these requirements.

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

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

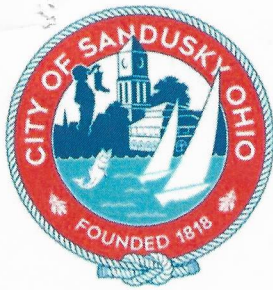
- H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.**

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 623 Bennett Ave. (parcel 60-00475.000) and suggests the following conditions upon approval:

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



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: 623 Bennett

Name of Property Owner: Charles Loughlin

Mailing Address of Property Owner: 623 Bennett Ave.

City: Sandusky State: OH Zip: 44870

Telephone #: 720 385 9377 Email: loughlin.charles@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Building a Privacy fence
6ft Variance on North
and South Property line -
will not come past house.

Variance Requested:

6ft
variance

Section(s) of Zoning Code:

.17



Signature of Property Owner

4/14/22

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?

Yes

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

NO

UNNECESSARY HARDSHIP

(ONLY for variance requests involving a use of the property that is not permitted by the Zoning Code)

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

No

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

No

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

Yes!! \$100 !!

- 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 lift
spirits !!

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 6 FT. FENCE IN THE SIDE YARD AT
1022 CAMP ST.
PARCEL (58-02875.000)

Reference Number: PVAR22-0009

Date of Report: May 6, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Nicole Vannucci
1022 Camp St.
Sandusky, OH 44870

Site Location: 1022 Camp St.
Sandusky, OH 44870

Zoning: R1-40 – Single-Family Residential

Surrounding Zoning: North: R2F – Two Family Residential

East: R1-40 – Single-Family Residential
R2F – Two Family Residential
South: R2F – Two Family Residential
West: R2F – Two Family Residential
RRB – Residential Business

Surrounding Uses: Residential

Existing Use: Residential

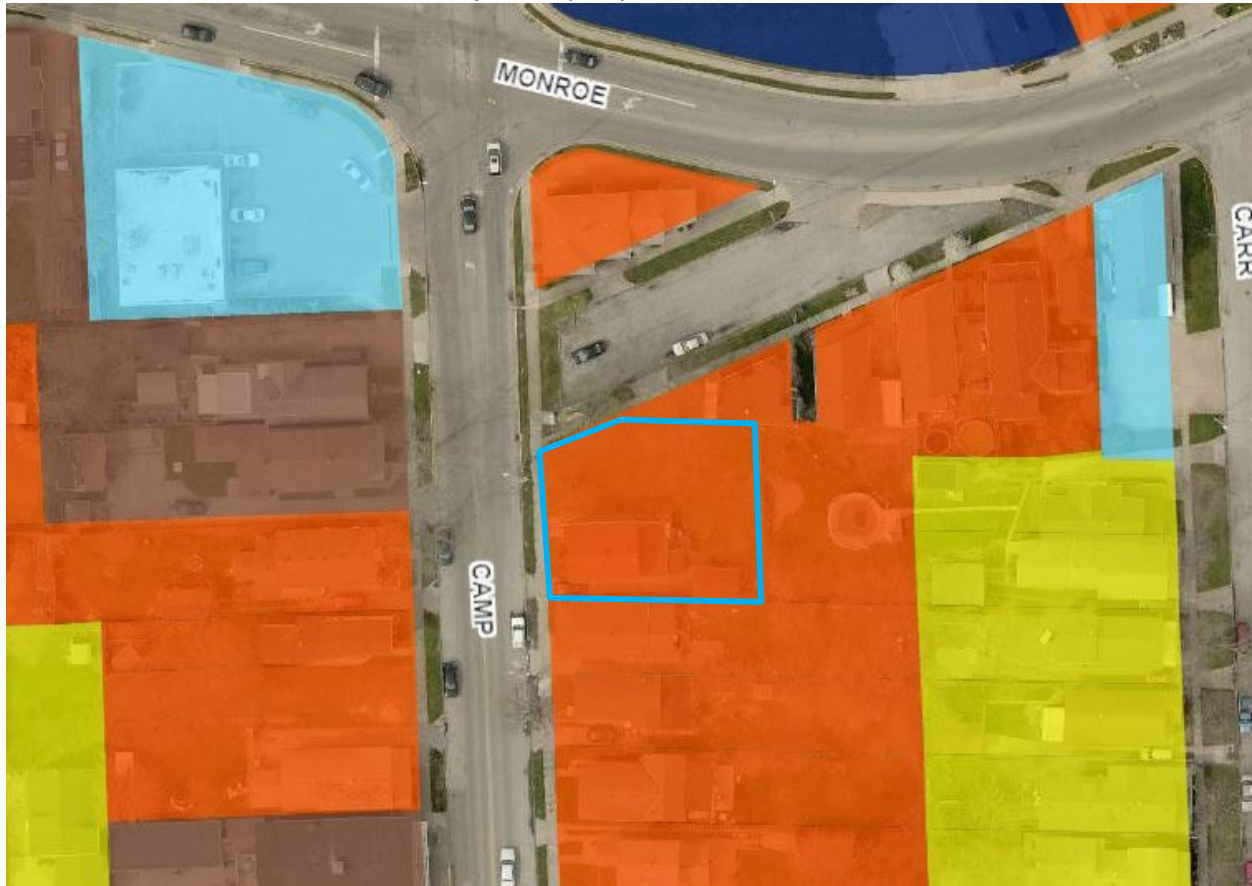
Proposed Use: Residential

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

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

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

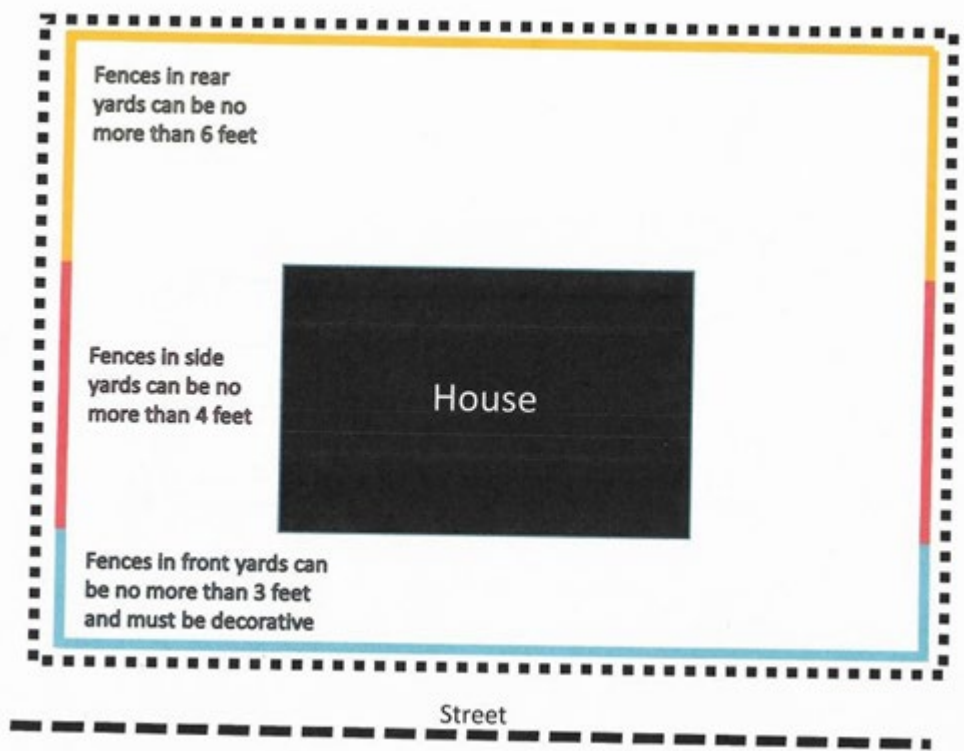


RS - Residential Suburban



Bird eye photo from (3/14/2021)





The applicant would like to install fences to a height of 4' along the lot over the phone that she proposed

D

The parcel is unique and does not. Instead, a side street connecting to Monroe St. exists, which is used exclusively as residential parking and access to neighboring properties. Staff does not consider this lot to be a corner lot because the street does not extend onto Camp St.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.17 LANDSCAPE FEATURES AND YARD STRUCTURES.

(g) Fences and Walls.

- (1) Fences and walls may be permitted along the lines of a side yard to a height of not more than four feet above grade and along the lines of a rear yard to a height of not more than six feet above grade, provided that any fence shall be of uniform design, painted and otherwise well maintained. Fences located adjacent to alleys or public rights of way shall be approved by the Director of Planning.
- (2) No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district except where required for public uses.
- (3) On all corner lots, fences and walls proposed for construction within any setback adjacent to a public street shall be submitted to the Director of Planning for approval.
- (4) Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the most restrictive provisions shall apply where the fence would interfere with visibility from a driveway.
- (5) Fences shall be permitted in the front yard only as a decorative feature or along a side lot line when adjoining a less restrictive use with approval of the Commission.
- (6) Permanent swimming pools over three feet in depth require a building permit and pool areas or yards shall be fenced to a height of not less than four feet according to the requirements of Section 1305.08 of the Building Code.
- (7) Notwithstanding subsection (g)(1) hereof, the regulations for fences in the Residential Business District may be altered with the approval of the Commission when these properties are developed for commercial or business purposes when in the opinion of the Commission, the fence will not adversely affect the adjacent properties.

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.06(c)(1)

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:

A. Whether the variance is substantial;

The variance sought in this case is not substantial because there is no house immediately adjacent to the applicant's home where the side yard fence is proposed.

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

It would appear that the proposed 6' fencing would not substantially alter the character of the neighborhood.

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

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

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

No, the owners were not aware of the restriction.

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

The owner would have to build a 4-foot fence. If it stayed as presented, a variance is the only resolution.

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

A 6 foot fence in the side yard would impose on these requirements.

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

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

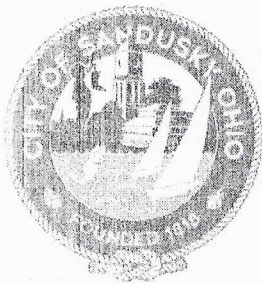
H. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1022 Camp St. (parcel 58-02875.000) and suggests the following conditions upon approval:

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



BOARD of ZONING APPEALS

Application for a Zoning Variance

Department of Community Development

240 Columbus Ave Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

Instructions to Applicants

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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):
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 - 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 Community Development
240 Columbus Ave.
Sandusky, OH 44870

Contact Alec Ochs, Assistant Planner, at 419-627-5973 or aechs@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: 1022 camp st

Name of Property Owner: Nicole Vannucci

Mailing Address of Property Owner: 1022 camp st

City: Sandusky State: OH Zip: 44780

Telephone #: 440-409-8831 Email: Nvannucci10@yahoo.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 to get a 6ft fence installed around my property (side and backyard) due to safety.

Variance Requested: 6ft fence side to back yard.

Section(s) of Zoning Code: _____



Signature of Property Owner

5-3-22

Date

Signature of Authorized Agent

Date

APPLICATION #BZA-001

UPDATED 12/2/2019

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?

yes

- 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 don't believe so because it's a corner lot.

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? no, they are always welcomed with whatever service they have to do.

- 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 because most of my yard is on the side of my house.

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City? I'm not sure.

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? I'm not sure.

2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents? no its a corner lot and the property next to me is on a dead end road.

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, some examples are, the first month we were here a gentleman got tackled and arrested in our side yard. The neighbor kid constantly taunting our dogs. Had a random guy walk to ~~our back yard~~ ~~our back yard~~

4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
no 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 I'm not sure

our back yard to ~~our back yard~~ (find a remote) and tried opening our garage and back door to see if they were unlocked. its a very busy street and i have a small child in the residence.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE
RESTRICTING BUILDING COVERAGE TO NO MORE
THAN 50 PERCENT AT
2901 W. MONROE ST.
PARCEL (59-00360.001)

Reference Number: PVAR22-0010

Date of Report: May 11, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: MRK Real Estate, LLC – Kevin Flanigan
PO Box 26
Grafton, OH 44044

Authorized Agent: RheTech Colors – Craig Dunaway

Site Location: 2901 W. Monroe St.
Sandusky, OH 44870

Zoning: GM – General Manufacturing

Surrounding Zoning:

North: GM – General Manufacturing
RMF – Residential Multi-Family
East: GM – General Manufacturing
South: GM – General Manufacturing
West: LB – Local Business
R2F – Two Family Residential

Surrounding Uses: Residential

Existing Use: Manufacturing

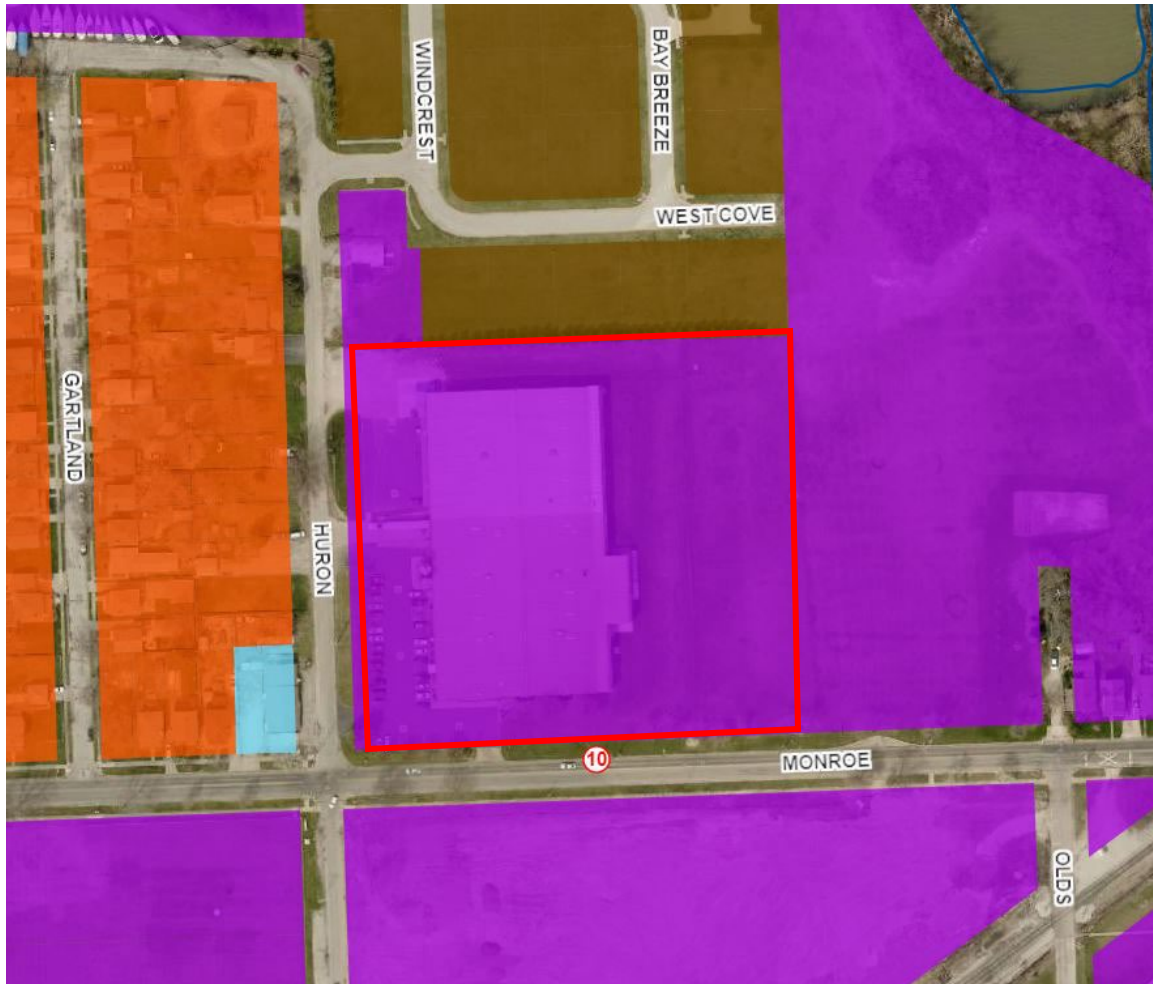
Proposed Use: Manufacturing

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1139.07 (a)

Variance Requested: 1) A variance to allow building coverage over 50%

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



South Façade

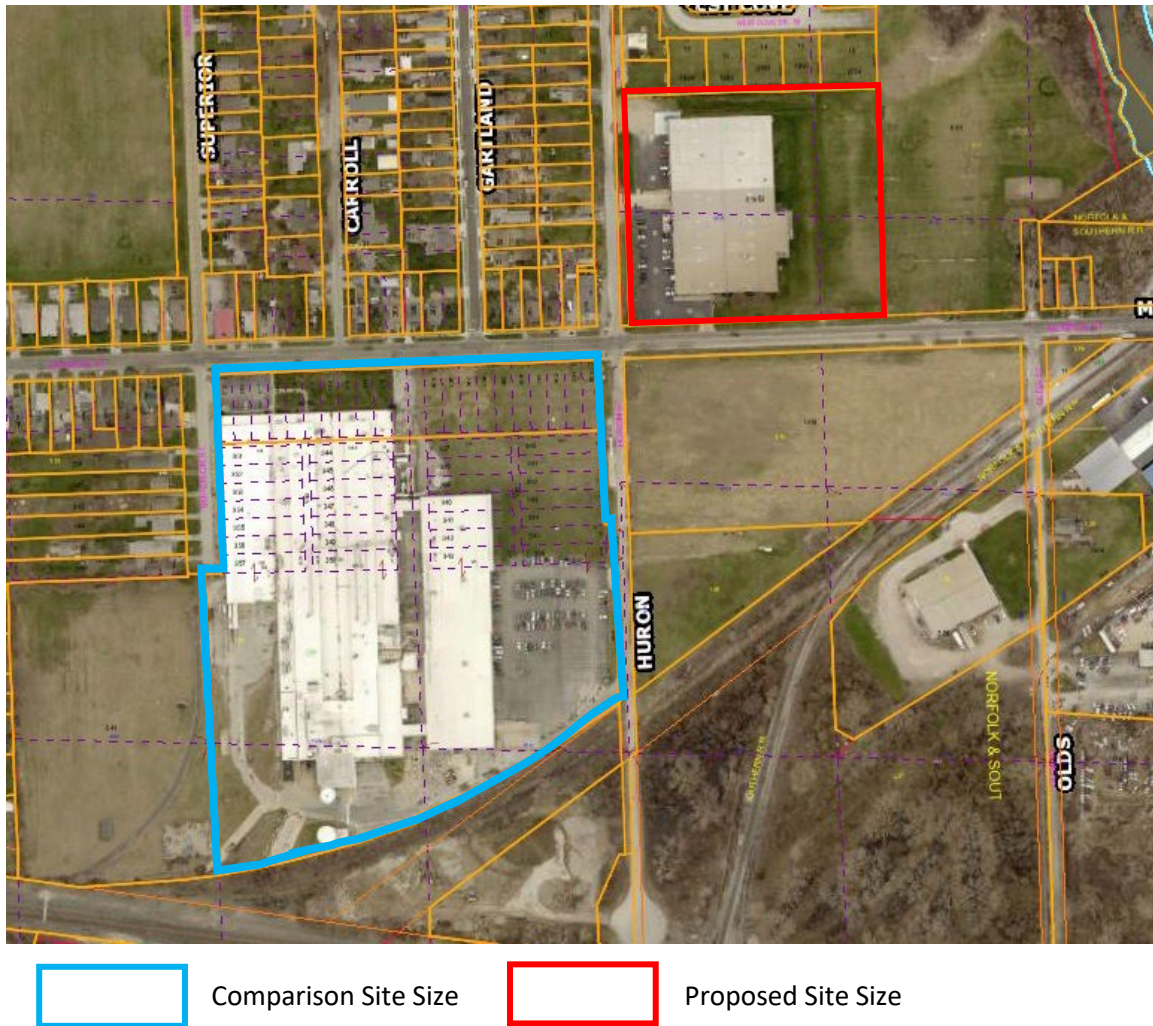


West Façade





Staff notes that there is no height requirement in a manufacturing zone. The applicant was also aware of this during pre-planning meetings between City staff and the applicant. The applicant is proposing to “build-out” rather than “build-up” in order to not conflict with surrounding residential uses and to avoid causing significant shading on surrounding residential parcels. Staff supports this approach.



RELEVANT CODE SECTIONS

CHAPTER.1139 Manufacturing Districts

1139.07 AREA REGULATIONS.

(a) The area for every parcel for a manufacturing operation shall be not less than necessary to provide the required yards and off-street parking, and not more than 50% of the lot area shall be covered with buildings.

(1980 Code 151.77)

CHAPTER 1111
Board of Zoning Appeals

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

(1) 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;

No, the parcel is below average in size compared to surrounding parcels.

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. Adding structure covering a larger percentage of the parcel is advantageous in this case over the alternative of adding height to the existing building, due to the one and two story character of surrounding single family residential neighborhoods.

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

No, Staff does not have any concerns.

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;

No, the applicant would not be able to expand as needed with the restriction.

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 expansion of this active business 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

No, the company needs this expansion to keep operating.

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 is a relatively small manufacturing parcel.

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

They are building out, not up – in order to not conflict with 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 determined 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 expansion.

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

Planning staff supports the requested variance at 2901 W. Monroe St. (parcel 59-00360.001) and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY

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

Address of Property (or parcel number) for Variance Request: 2901 W. Monroe Street

Name of Property Owner: MRK Real Estate, LLC / Kevin Flanigan

Mailing Address of Property Owner: PO Box 26

City: Grafton State: OH Zip: 44044

Telephone #: 440-596-6009 Email: kflanigan@generalplug.com

If same as above check here ☐

Name of Applicant: RheTech Colors / Craig Dunaway

Mailing Address of Applicant: 2901 W. Monroe Street

City: Sandusky State: OH Zip: 44870

Telephone #: 419-656-2735 Email: cdunaway@rhetechn.com

Description of Proposal:

Phase 1 is the construction of a 45,000 square foot warehouse on the east side of current building with two covered connections for forklift access between buildings.

Phase 2 is the construction of a 6,800 square foot addition to northwest corner of existing building for warehouse and storage.

Variance Requested:

The variance is to allow more than 50% of the parcel to be covered by building. The additional construction on the parcel will be 53.9%, but we are asking for a variance to allow 55%.

Section(s) of Zoning Code:

1139.07(a) Area Regulations

K. St

Signature of Property Owner

4/20/22

Date

[Signature]

Signature of Authorized Agent

4/20/2022

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?
Yes, but we are trying to achieve the maximum building size to accommodate our growth.
- 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?

N/A, the property is zoned General Manufacturing.

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

N/A, the property is zoned General Manufacturing.

- 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?

N/A, the property is zoned General Manufacturing.

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

N/A, the property is zoned General Manufacturing.

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

N/A, the property is zoned General Manufacturing.

[illegible]

DRAWN BY: JLT
CHECKED BY: AMK



ENGINEERING AND SURVEYING COMPANY
801 MOORE ROAD AVON, OHIO 44011
(440) 934 - 7878 (440) 934 - 7879 FAX

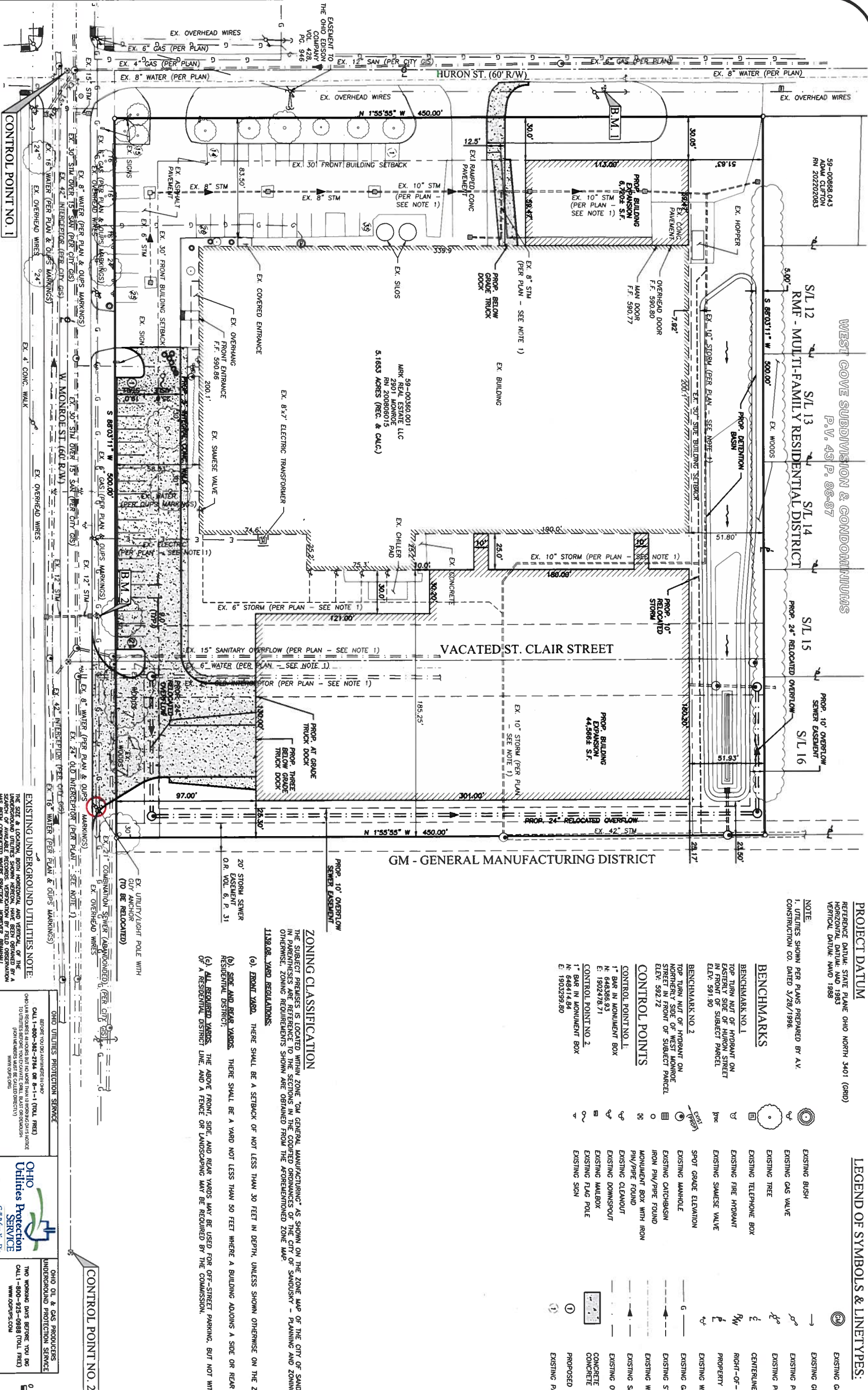
RheTech
2901 W. MONROE ST.
SANDUSKY, OHIO 44870

SITE PLAN - ALTERNATE NO. 1
CITY OF SANDUSKY, COUNTY OF ERIE, STATE OF OHIO

RheTech

SITE PLAN - ALTERNATE NO. 1

JOB NO
22-5730



PROJECT DATUM

NOTE:
1. UTILITIES SHOWN PER PLANS PREPARED BY A.V.
CONSTRUCTION CO. DATED 3/28/1996.

BENCHMARKS

BENCHMARK NO. 1
TOP TURN NUT OF HYDRANT ON
EASTERLY SIDE OF HURON STREET
IN FRONT OF SUBJECT PARCEL
ELEV: 591.90

BENCHMARK NO. 2































TOP TURN NUI OF HYOKNI ON
NORTHERLY SIDE OF WEST MONROE
STREET IN FRONT OF SUBJECT PARCEL
ELEV. 592.72

CONTROL POINTS

CONTROL POINT NO. 1:
1" BAR IN MONUMENT BO
N: 648386.93
E: 1902478.71

1" BAR IN MONUMENT BOX
N: 648414.84
E: 1903299.80

LEGEND OF SYMBOLS & LINETYPES:

	EXISTING BUSH		EXISTING GUY ANCHOR
	EXISTING GAS VALVE		EXISTING POWER POLE
	EXISTING TREE		EXISTING POWER AND LIGHT POLE
	EXISTING TELEPHONE BOX		CENTERLINE
	EXISTING FIRE HYDRANT		RIGHT-OF-WAY
	EXISTING SAMESEE VALVE		PROPERTY LINE
	SPOT GRADE ELEVATION		EXISTING WATER VALVE
	EXISTING MANHOLE		EXISTING GAS
	EXISTING CATCHBASIN		EXISTING STORM
	IRON PIN/PIPE FOUND		EXISTING WATER
	MONUMENT BOX WITH IRON PIN/PIPE FOUND		EXISTING SANITARY
	EXISTING CLEANOUT		EXISTING OVERHEAD WIRES
	EXISTING DOWNSPOUT		CONCRETE PARENT/ CONCRETE WALKS
	EXISTING FLAG POLE		PROPOSED PARKING SPACES
	EXISTING SIGN		PROPOSED PARKING SPACES