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## Board of Zoning Appeals

240 Columbus Ave  
Sandusky, Ohio 44870

419.627.5715

[www.cityofsandusky.com](http://www.cityofsandusky.com)

### Agenda

July 21, 2022

4:30 pm

Virtual Meeting via Microsoft Teams and  
Live Streamed on [www.Youtube.com/CityofSanduskyOH](https://www.Youtube.com/CityofSanduskyOH)

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1. Meeting called to order – Roll Call
2. Review of minutes from the June 16, 2022 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
  - **412 Putnam St.**  
A variance to zoning code section 1145.15 to expand an existing detached garage in the side yard.
5. Other Business
6. Adjournment

**Next Meeting: August 18, 2022**

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

## **Board of Zoning Appeals**

June 16, 2022

### **Minutes**

#### **Meeting called to order:**

Vice Chairman Bill Semans called the meeting to order. The following voting members were present: Bill Semans, Dan Delahunt, Walt Matthews, and Gregg Peugeot. Alec Ochs represented the Community Development Department and Brendan Heil represented the Law Department. City Commission Liaison Dave Waddington, Community Development Intern Darsh Shah, and clerk Kristen Barone were also present.

#### **Review of minutes from May 18, 2022:**

Mr. Peugeot made a motion to approve the minutes as submitted and Mr. Matthews seconded. All voting members were in favor of the motion.

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

Dr. Semans swore in everyone wishing to do so.

#### **Adjudication Hearing:**

##### **1) 623 Bennett Avenue**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1145.16C (1) in order to expand the existing front porch an additional 3 feet into the required front yard setback. The front yard setback of the house is currently a legal non-conforming setback. The zoning code requires a minimum 25 foot setback from the front property line. The house at is setback approximately 18 feet. The existing porch is setback approximately 13 feet. A front porch can project up to 8 feet into the required front yard, allowing a 17 foot front yard setback from the porch to the front property line in R1-40 zoning. The applicant's porch as proposed would be 10 feet from the front property line, resulting in 7 foot encroachment to the minimum front porch setback requirement. The applicant is asking for a 7 foot relief variance. The house is one of the southernmost parcels on this block. It would not interfere with sightlines from adjacent properties or pedestrians looking north towards the lake. The porch would be approximately 20 feet from the edge of the street if public right-of-way is included in the measurement. Planning staff supports the requested variance and suggests the following conditions upon approval: 1) All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction. Kippie Loughlin, 623 Bennett Avenue, owner of the property, stated that he is actually only extending the porch out 2 ½ feet. The porch is currently 5 ½ feet and he wants to build it out to 8 feet. He said he wants to put railings on to make it safe. He said that the porch is way far back off the road. He said that the parcel map is a little crazy because there is about 7 feet of his property in his neighbor's yard. In order to add the hand railings, which is a necessity, he would need at least an additional foot. Mr. Delahunt asked the applicant if he would be ripping out the existing concrete or adding to it. Mr. Loughlin said he is going to add what is currently there. Dr. Semans asked if there will a little roof area over the porch. Mr. Loughlin said that that there will be a small overhang, probably a few feet. Dr. Semans stated that he just wanted to make sure it was not an enclosed porch. Mr. Loughlin stated that no that is not what he will be doing. Mr. Delahunt made a motion to

approve the variance request subject to staff's conditions and Mr. Matthews seconded. All voting members were in favor of the motion.

**2) Parcel 57-05212.000 on Hancock Street**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1129.14 to allow 1.7 feet (1 foot 8.4 inches) of encroachment into the minimum combined side yard setback. The applicant wishes to build a 31 feet wide house. The current width of the parcel is 39.3'. The code states that there should be a minimum 10 foot combined side yard setbacks from the side property lines for a structure in a "R2F" – Two Family Residential zone. The applicant needs a relief of 1.7 feet (1 foot 8.4 inches) to meet the criteria of the zoning code. The parcel is 194 feet x 39.3 feet, totaling approximately 7,624 sq. feet of parcel area. The applicant owns the house to the north of this parcel. The parcel meets the minimum lot size requirements and minimum width requirements. Historic development in Sandusky has minimal setbacks between the structures if any at all. These old developments have been functional for decades. This proposal will exceed these historic development requirements. There is 8 feet and 3.6 inches of useable side setbacks as proposed. The minimum is 3 feet on one side. Staff supports new residential development in the city and is happy to see the applicant's investment proposal. The proposal will not substantially impact this neighborhood and is appropriate. Planning staff supports the requested variance and suggests the following conditions upon approval: 1) All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction. Dr. Semans asked if the alley is in use that is adjacent to the property. Mr. Ochs responded that technically it is a public right-of-way that is there so there is no access point. He then explained that the applicant could apply to vacate that public right-of-way if he would like to. Dr. Semans stated that is what he was wondering, is if this area was vacated then he probably would not need the variance? Mr. Ochs stated that is correct, however, the vacation process is a pretty extensive process and more expensive, so staff thought this might be a route the applicant would rather take. Piaj Hunter, 1817 Hancock Street, owner of the property, stated that in the right-of-way there are trees growing in there and he maintains that area. Mr. Delahunt asked if there is a reason Mr. Hunter could not build the house within range of what the zoning code allows. Mr. Hunter stated that the package of the prints he bought exceeds what is allowed. Mr. Delahunt stated that when he drove by there. Mr. Hunter stated that everything there is his personal belongings. Mr. Matthews asked the applicant if he will live in the house once it is built or if he would rent it out. Mr. Hunter stated that is undetermined at this time. Mr. Matthews made a motion to approve the variance request subject to staff's conditions and Mr. Delahunt seconded. All voting members were in favor of the motion.

**3) 3712 Venice Road**

Mr. Ochs stated that the owner of this address has requested a variance to zoning code section 1145.06 in order to allow dwelling units smaller than the minimum dwelling area requirements. The applicant would like to turn the old Bayview motel into apartments. The motel rooms do not meet the minimum dwelling size of a RMF – Residential Multi-Family District. The applicant is seeking a variance for the minimum dwelling size allowed in the least restrictive contiguous

district in the zoning code. There are five 1 bedroom apartments ranging in size from 390-403 sq. feet. The applicant is seeking a 10 sq. ft. relief for the units that are below 400 sq. ft. There are two studio apartment efficiency units at 198 sq. ft. The applicant is seeking a 202 sq. ft. relief for these units. Staff has determined a variance to allow the minimum dwelling size to be below the zoning code standard would not interfere with the spirit and intent of the zoning code. The pre-existing use had a higher volume of traffic, turnover of occupants and negative correlation among City residents. Staff see's this proposal as a more restrictive use and better fits the existing residential character of adjacent uses more than a motel. The building department did confirm that this proposal does not exceed state or federal building code requirements for minimum sq. ft. per dwelling. An additional process through Planning Commission is required for full approval. The applicant needs approval at the June 16<sup>th</sup> BZA meeting in order to move forward in the process. Staff has determined the parcel is too small and has too much residential surrounding uses to be used for manufacturing. Mr. Ochs also added that the room sizes to exceed state and federal requirements. Planning staff supports the requested variance and suggests the following conditions upon approval: 1) All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction. Mr. Matthews asked staff what exactly the Planning Commission needs to approve for this project. Mr. Ochs stated that the Planning Commission will need to review the substitution of use from a motel to apartments. Mr. Matthews asked if that is something that should be done first before a variance is requested from the Board of Zoning Appeals. Mr. Ochs stated that the applicant originally did that and the Planning Commission asked him to get this variance request first. Mr. Delahunt asked if there are certain requirements that the Fire Department will require for this project. Mr. Heil stated that the applicant would need to get building permits through the Building Department that would require inspections and in order to rent the apartments they would need to get inspected from the Code Compliance Department as well for the rental registration process. Sean Sprouse, 6691 Highland Lakes Place, Westerville OH, owner of the property, stated that he has done this in a number of communities before, and they make sure that they walls are fire safe, there has to be fire ratings, they will need to update the smoke detectors to be hardwired. He said that affordable housing is a need everywhere right now. He said that he owns ten other apartments in town and he can't list one for a day without getting 20 applicants, so there is definitely a need in Sandusky. With inflation, every cost is a concern, and this would be a way to be able to help people with managing costs. Mr. Peugeot stated that he drove by and noticed worked being done and asked what kind of work was taking place currently. Mr. Sprouse replied that they needed to get rid of the furniture and bugs that were there, and have started doing cosmetic work such as removing all of the layers of flooring, installing dry wall, and painting. Mr. Delahunt asked if the area in the middle is an open area. Mr. Sprouse stated that yes, the middle area will be a laundry area. Mr. Sprouse added that he has talked with the neighboring properties and they all seem happy that the use of the property is being proposed to be a more restrictive use. Dr. Semans asked the applicant if he considered combining the two smallest rooms to create one large apartment. Mr. Sprouse stated that they did consider that, but that would mean they would need to knock down a wall and do more work and spend more money. He said that it is really tough finding people to do this kind of work and materials needed to do the work and again, having the smaller rooms will help create more affordable housing. Mr. Delahunt asked how many people could live in the two smallest apartments. Mr.

Sprouse replied that two people could live in each of those. Mr. Delahunt made a motion to approve the variance request subject to staff's conditions and Mr. Peugeot seconded. All voting members were in favor of the motion.

**Adjournment:**

Mr. Delahunt moved to adjourn the meeting and Mr. Peugeot seconded. The meeting ended at 5:00pm.

APPROVED:

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Kristen Barone, Clerk

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John Feick, Chairman

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR AN AREA VARIANCE  
RESTRICTING AN ACCESSORY STRUCTURE IN A  
SIDE YARD AT 412 PUTNAM ST.  
(59-00458.000)

Reference Number: PVAR22-0014

Date of Report: July 11, 2022

Report Author: Alec Ochs, Assistant Planner



# City of Sandusky, Ohio

## Board of Zoning Appeals Report

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### BACKGROUND INFORMATION

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Applicant/Owner: Tom Loan  
412 Putnam St.  
Sandusky, OH 44870

Authorized Agent: n/a

Site Location: 412 Putnam St.  
Sandusky, OH 44870

Zoning: R1-40 Single Family Residential

Surrounding Zoning:

North: R1-40 Single Family Residential

East: PF – Public Facilities

South: R1-40 Single Family Residential

West: R1-40 Single Family Residential

Surrounding Uses: Residential, Cemetery

Existing Use: Residential

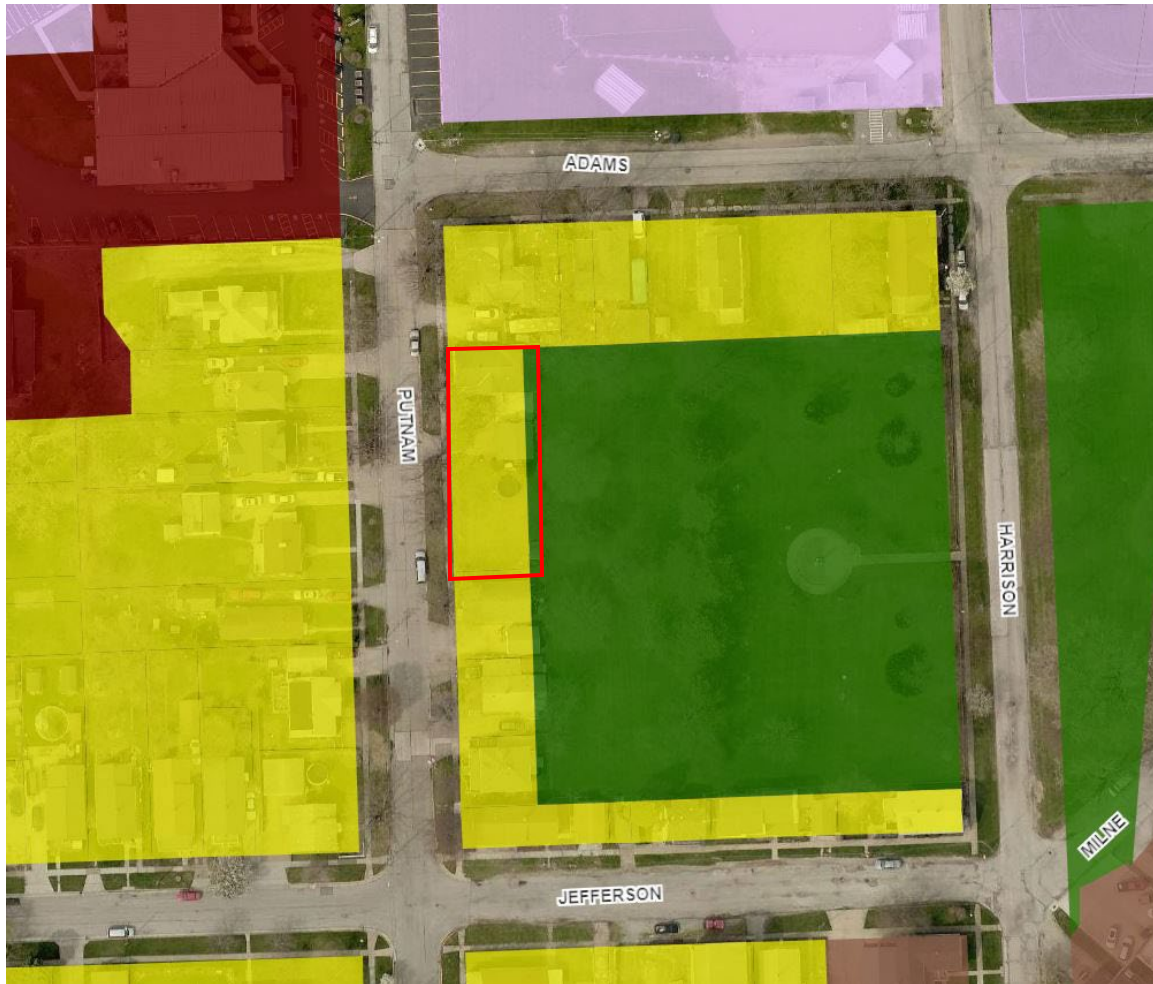
Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.15

Variance Requested: 1) A variance to expand the area of a legal non-conforming garage in the side 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

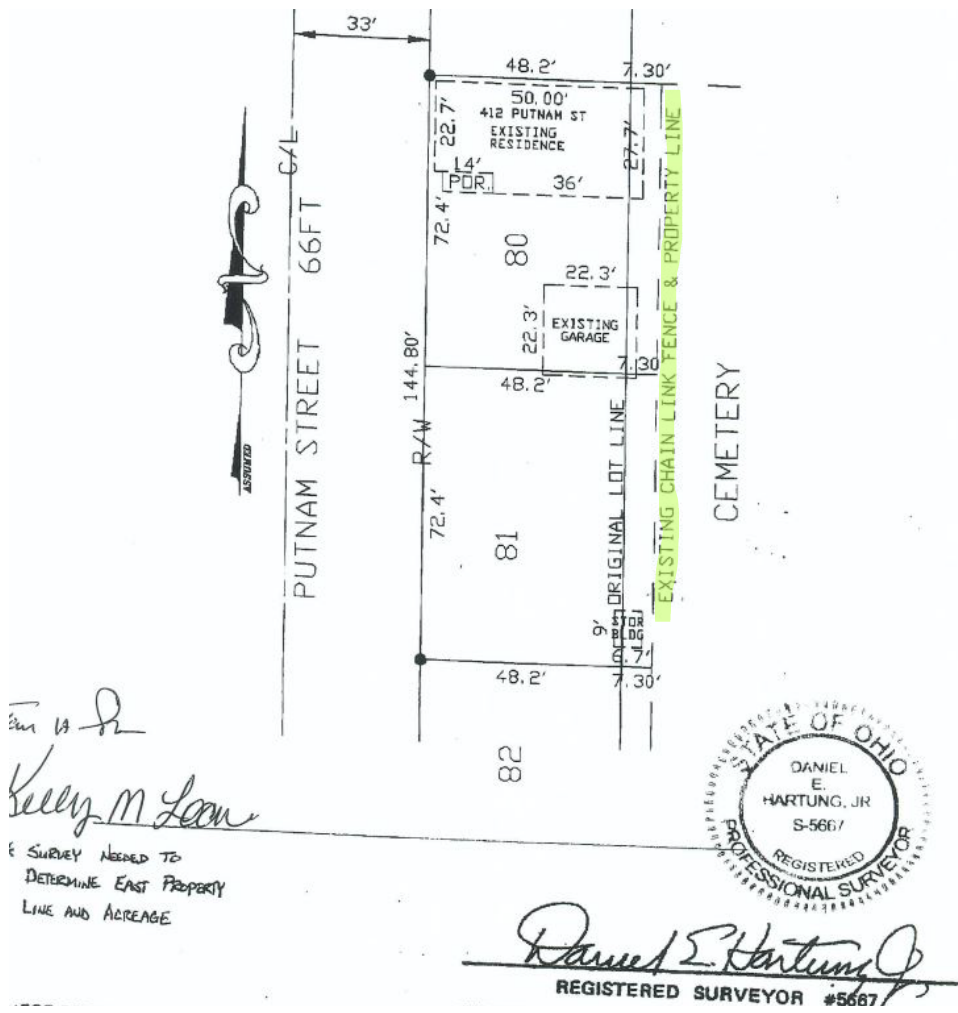
#### PF - Public Facilities

- 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









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### PROJECT DESCRIPTION

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The applicant proposes to expand their current garage from 22.3' x 22.3' to 58' x 22.3'. The proposed height is 17'. The applicant is seeking a variance to allow the expansion of a legal nonconforming placement of the detached garage in the side yard. The applicant has stated he proposed to expand his garage to allow storage for his extra cars.

An additional permitting process will be required prior to construction.

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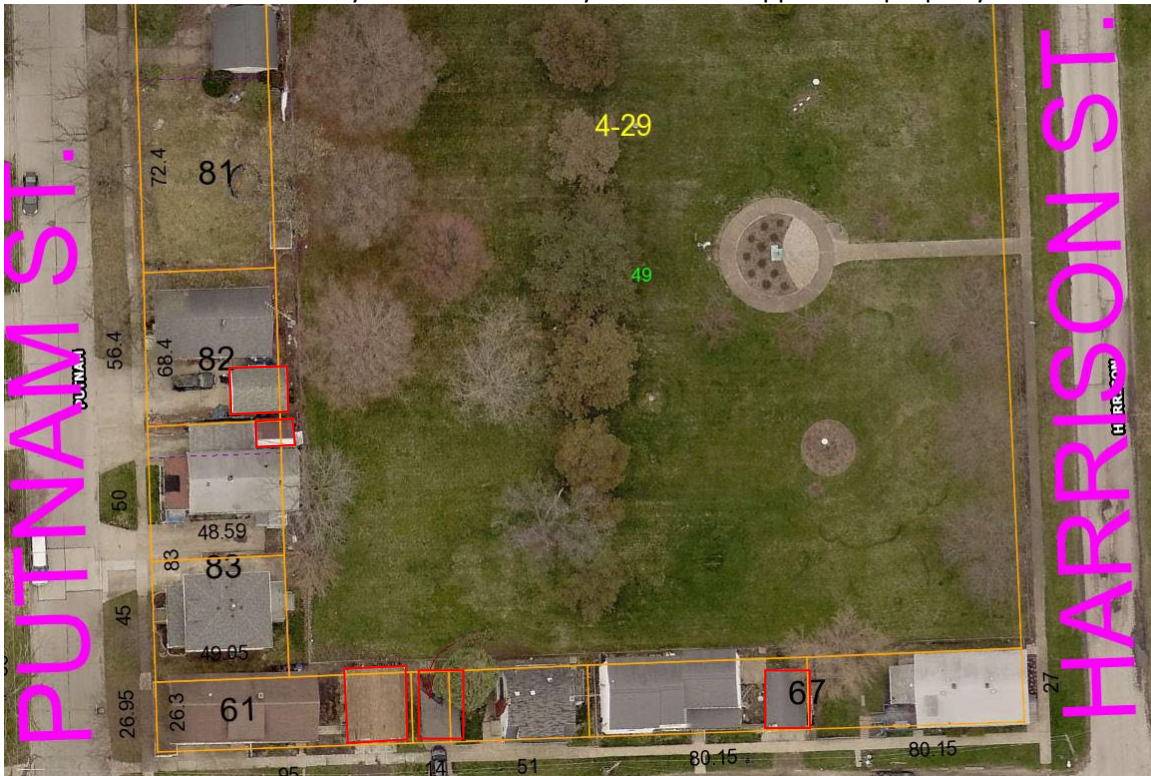
### PLANNING DIVISION COMMENTS

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Staff has observed that the property is unique in the fact that it has a small backyard and has 144.8' of frontage. The current residential structure has a 3' setback to the back property line and the existing garage is set back 5'. Due to this abnormal parcel shape, the applicant has no choice for garage expansion but to expand his current garage further into the side yard.

The surrounding properties have similarly shaped parcels, and some also have detached accessory structures in their side yards, see image below.

Other accessory structures in side yard near the applicant's property



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**RELEVANT CODE SECTIONS**

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**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.

(Ord. 05-158. Passed 11-14-05.)

**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;**

The variance sought in this case would allow for a gar to be placed in a side yard. Given the fact that the garage would be 30' away from the road it is not believed to be substantial.

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

It would not appear that the garage would drastically alter the character of the neighborhood due to its large setback and neighboring properties with similar conditions.

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

The proposed variance would not affect the delivery of government services, as the proposed garage use would not impact a right-of-way, utility line or block access for emergency vehicles.

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

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

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

No, the applicant would not be able to put the garage in the backyard due to a lack of backyard space.

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

It is the opinion of the Planning staff that the residential use would be in keeping with the spirit and intent of the Zoning Code as many of the surrounding properties on this block also have garages in their side yards.

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

No, there is not a large enough back yard to use it for this request.

- 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 shape of the parcel created limited space for a backyard which is not commonly seen in the zoning district.

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

No, the garage would be significantly set back from the front property line.

**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;**

Strict application of the code would create unnecessary hardships for the applicant. In case, the parcel is fairly large, but the majority of the area is in what is considered the side yard.

**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.

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**CONCLUSION/RECOMMENDATION**

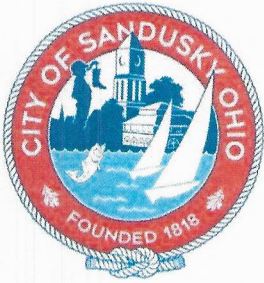
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Given the unique circumstances of this property, Planning staff supports the requested variance at 412 Putnam St. (59-00458.000)

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.
2. The backyard area standards apply to the side yard
  - a. The area coverage does not exceed 30% of the side yard.





## **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](http://www.cityofsandusky.com)

### **Instructions to Applicants**

**MEETINGS:** 3<sup>rd</sup> Thursday of each month at 4:30 P.M.\* – City Commission Chamber, First Floor of City Hall.  
*\*Meeting dates are subject to change. Please check [www.cityofsandusky.com/BZA](http://www.cityofsandusky.com/BZA) for an updated schedule.*

**DUE DATE FOR SUBMITTALS:** Applications are due by 5:00 P.M. on the date of the preceding month's Board of Zoning Appeals meeting.

**WHO MUST ATTEND:** The property owner, or the authorized agent of the owner, must be present at the BZA meeting for all variance requests.

**APPLICATION FEE:** \$100

**SUBMISSION REQUIREMENTS:** Please provide either a hard copy or electronic copy of the following:

- 1) Completed application
- 2) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
  - a) Property boundary lines
  - b) Building(s) location
  - c) Driveway and parking area locations
  - d) Location of fences, walls, retaining walls
  - e) Proposed development (additions, fences, buildings, etc.)
  - f) Elevation drawings for height variances
  - g) Setbacks from lot lines for existing & proposed construction
  - h) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

**Please note that the granting of a variance is not a Building Permit. A separate Building Permit must be issued prior to all construction.**

Submit application and materials to:

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

Contact Alec Ochs, Assistant Planner, at 419-627-5973 or [aochs@ci.sandusky.oh.us](mailto:aochs@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: 412 PUTNAM ST.

Name of Property Owner: Tom Loan

Mailing Address of Property Owner: 412 PUTNAM ST.

City: Sandusky State: OH Zip: 44870

Telephone #: 419-366-8425 Email: TomLoan77@gmail.com

If same as above check here ☒

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

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

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

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

Description of Proposal: Addition To South side of existing garage.  
Expand current garage By 58'L and 20'H

Variance Requested: Variance Needed AS the Build site is considered a side  
yard. Lot is Abnormal with no Backyard, And  
145' of frontage.

Section(s) of Zoning Code:

Tom H Loan  
Signature of Property Owner

6-29-2022  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Date



## 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?

NO

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

Unknown

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

NO

## UNNECESSARY HARDSHIP

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

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

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

- 2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents? *NO SETBACK IS STILL BEYOND REQUIREMENTS.*

- 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 ONLY LOCATE TO BUILD IS SIDE YARD.*

- 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

*Does NOT EXCEED REQUIREMENT BY  
ALOT.*

← 145' → E

← 22' →

← 58' →

Patio

Garage

Proposed  
Garage Plan

House

Back  
Yard

Driveway

Expanded  
Driveway

Side Yard

48' S

↓



