



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

August 18, 2022

4:30 pm

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

1. Meeting called to order – Roll Call
2. Review of minutes from the July 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:
 - **842 North Depot Street**
A variance to Zoning Code Section 1139.06 (i)(1) to construct a 10 foot high fence in a Manufacturing Zoning District.
5. Other Business
6. Adjournment

Next Meeting: September 15, 2022

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

Board of Zoning Appeals

July 21, 2022

Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:30pm. The following voting members were present: Dan Delahunt, Walt Matthews, and Gregg Peugeot. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department. Also present was City Commission Liaison Dave Waddington, Community Development Intern Darsh Shah, and clerk Kristen Barone.

Review of minutes from June 16, 2022:

Mr. Delahunt moved to approve the minutes as submitted and Mr. Peugeot 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) 412 Putnam Street- area variance to zoning code section 1145.15 to allow a garage to be expanded in the side yard.

Mr. Ochs presented the staff report to the committee members, which they all received before the meeting and was posted on the City's website for the public. Mr. Ochs ended his remarks stating that staff does not oppose the variance request with the following conditions: 1) All necessary permits are obtained through the Building, Engineering, and Planning Departments prior to any structure being expanded or built and 2) The backyard area standards apply to the side yard, which is that the area coverage does not exceed 30% of the side yard. Mr. Feick asked Mr. Ochs if he has calculated what that number would be and how does that affect the variance request. Mr. Ochs stated that would be looked at later during another process, this meeting is to determine if the expansion into the side yard will be permitted or not. Tom Loan, owner of 412 Putnam Street stated that he needs the additional room for storage and he does not have any back yard at all due to the cemetery being there so this is his only option for adding on. Mr. Delahunt asked Mr. Loan if there were to be any commercial use taking place at this address. Mr. Loan replied no, there is no commercial use at this address. Mr. Matthews asked Mr. Loan how many vehicles he has. Mr. Loan responded that he has two cars, a truck, and a motorcycle. Mr. Feick asked if the garage would be used for storage only or would he work on vehicles in the garage also. Mr. Loan said that he has a little workshop in there. He said he just works on his personal vehicles, there is no commercial use. Mr. Feick asked if the property is comprised of two parcels or just one. Mr. Ochs stated that the property is all one parcel. Mr. Delahunt made a motion to approve the variance subject to staff's conditions and Mr. Peugeot seconded. All voting members were in favor of the motion.

Adjournment:

Mr. Matthews moved to adjourn the meeting and Mr. Delahunt seconded. The meeting ended at 4:38pm.

APPROVED:

Kristen Barone, Clerk

John Feick, Chairman

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A FENCE OVER THE HEIGHT LIMIT AT 842 DEPOT
ST. (58-02959.000)

Reference Number: PVAR22-0015

Date of Report: August 8, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Thomas and Lisa Billman
1621 Central Ave.
Sandusky, OH 44870

Authorized Agent: n/a

Site Location: 842 Depot St.
Sandusky, OH 44870

Zoning: LM – Limited Manufacturing

Surrounding Zoning:

North: R2F – Two Family Residential

CS – Commercial Service

LB – Local Business

East: LM – Limited Manufacturing

South: R1-40 Single Family Residential

PF – Public Facilities

West: PF – Public Facilities

Surrounding Uses: Residential, Commercial, Business

Existing Use: Vacant Land

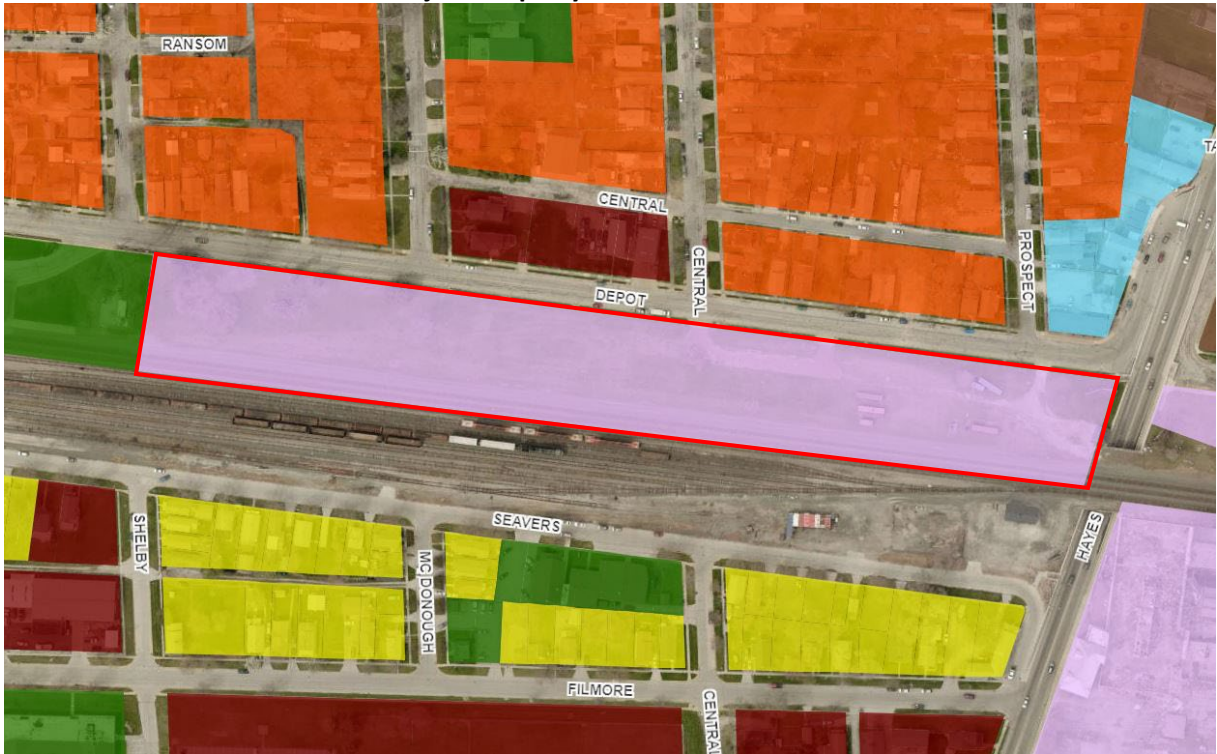
Proposed Use: Impound Lot

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1139.06

Variance Requested: 1) A variance to allow a fence above the height limit in a manufacturing zone.

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

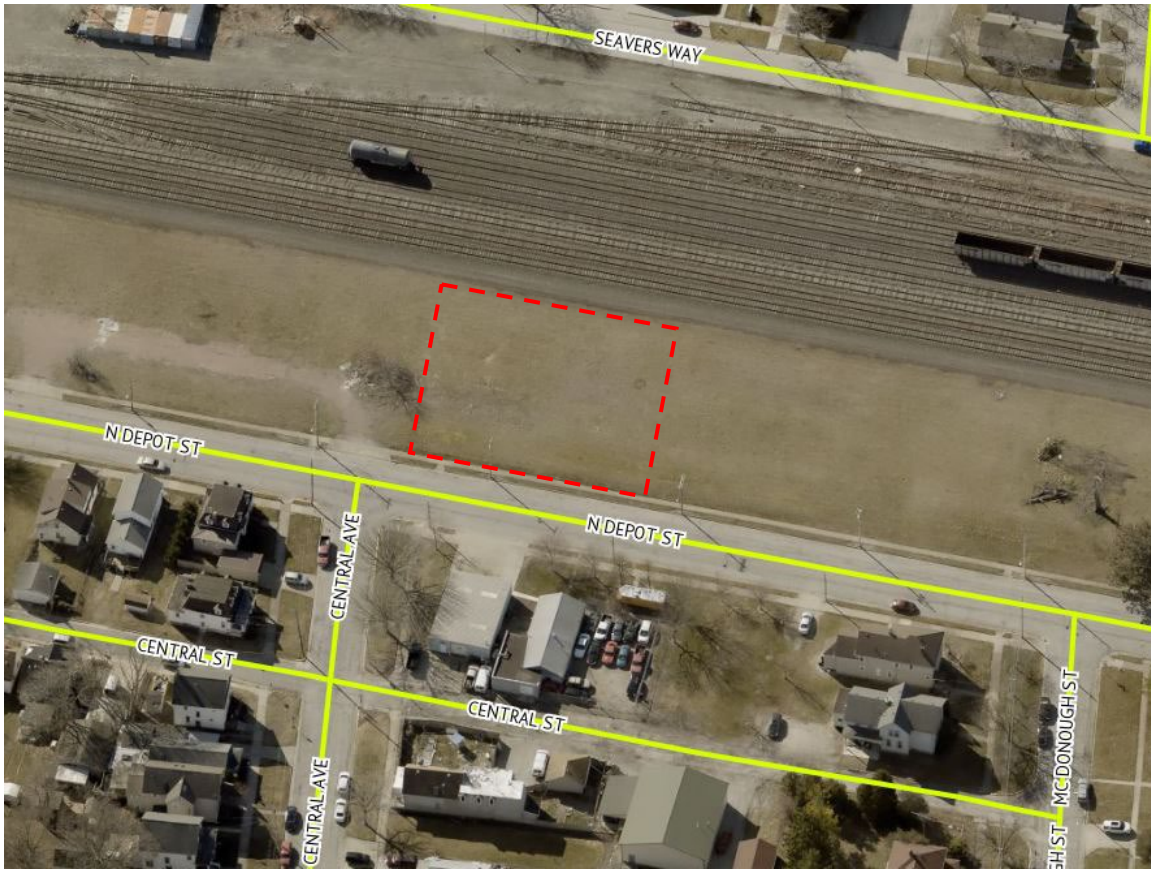


RRB - Residential/Business



RS - Residential Suburban





Approximate location of fence

PROJECT DESCRIPTION

The applicant has constructed a 10' fence with barbed wire for an overflow impound lot. The applicant owns a towing business across the street at 1621 Central Ave and this lot would be for overflow and large vehicle parking.

An additional fence permitting process will be required.

Towing and repair business across the street at 1621 Central Ave.

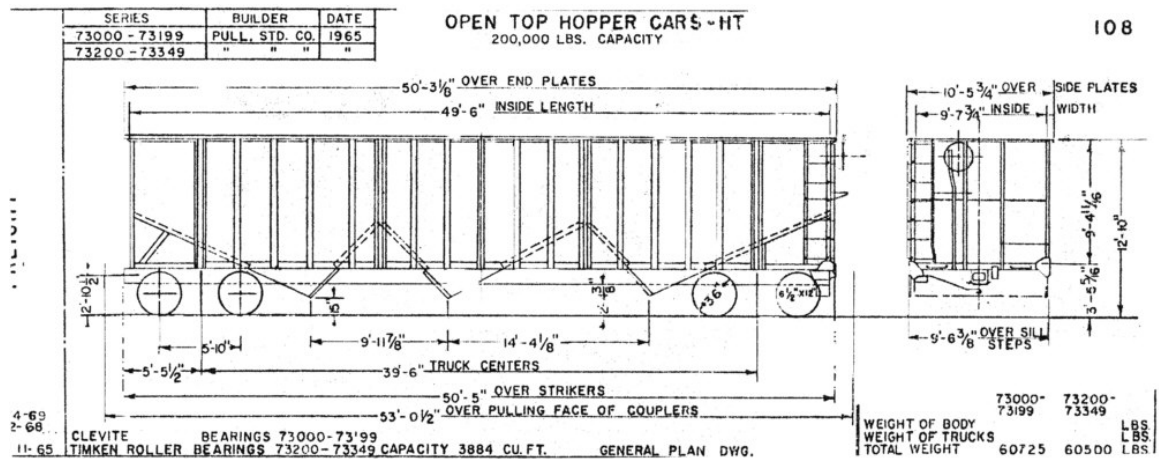


PLANNING DIVISION COMMENTS

The fence is currently built at 10 feet tall with barbed wire on top reaching heights of approximately 11 ½ feet tall. There is a high density of residential homes in close proximity to this site.

The applicant has stated the six foot height of his main impound lot is not tall enough and he has had vandalism issues in the past. The applicant has also stated he was not aware of the fence height requirement or the fence application process. No fence permit has been applied for or issued by staff. Staff observed the fence during a trip to the neighborhood transit station and spoke with the owner, who was attentive to getting the fence into compliance with the City. Staff advised the owner that he could first seek a variance for the height, and if that were approved, then obtain a fence permit.

The railroad tracks are considered a public right-of-way and an industrial use. The fence would be between approximately 8 railroad tracks to the south and Commercial Zoning directly to the North. According to CSX, a standard boxcar height is between 10'- 12' in height. The "open top hopper" cars are most common in Sandusky, due to the CSX Coal Docks. The standard "open top hopper" is approximately 12 feet in height. Specifications were not found on CSX's website, however a diagram was found from another company. The proposed fence will be equivalent to the height of these freight cars.



RELEVANT CODE SECTIONS

CHAPTER 1139

Manufacturing Districts

1139.06 PERFORMANCE STANDARDS.

(i) (1) Fences in manufacturing Districts shall be **limited to a height of six feet** and be of sturdy construction, of uniform design, painted and otherwise well maintained.

(2) Front yard, corner lot: Fences and landscape features may be located within a triangle formed by lines drawn between points on the front line and the side lot line of a corner lot twenty-five feet from their intersection, providing the normal "sight lines" within a vertical height band of two and one-half feet to six feet above curb level are not substantially obstructed.

(3) Barbed wire may be used on security fencing in manufacturing districts, but shall be limited to three strands; shall not project beyond the property line and may not be used less than six feet from grade. The use of razor ribbon on fencing and the use of barbed wire less than six feet above grade shall be permitted with approval of the Commission.

(4) Fences shall require a zoning permit prior to erection. (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 fence to be granted 4 feet above the height limit of 6 feet.

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 essential character of the neighborhood in this case is a broad mix of vacant land, railroad tracks, commercial structures, and residential homes. The presence of a 10' fence alters the character of the land more towards an industrial character.

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

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

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

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

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

No, the only solution is through obtaining a variance.

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

The intent of the zoning code fence height limitation is to maintain visibility along public roadways for vehicle safety and deter nuisance structures. The site location is zoned Limited Manufacturing, across from a commercial service district, within visible proximity to residential districts east and west.

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

Yes, other uses are permitted in this zone to allow a reasonable return.

- 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.**

Constructing a fence in a limited manufacturing zone is aligned with the purpose of the zoning code, which states that a fence should be surrounding a manufacturing zone.

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 situation is unique in the fact that the applicant has had vandalism problems in the past.

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

The fence height does not affect the property rights of adjacent property owners.

- 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;**

The applicant states that the strict implementation of the zoning code has resulted in vandalism to the property and vehicles within the fence.

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

The fence is proposed to protect the general health and welfare of the property owners property kept within the fence.

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

Fencing property within a manufacturing district in not opposed to the intent of the zoning ordinance.

CONCLUSION/RECOMMENDATION

Given the unique location of this property, Planning staff supports a variance at 842 Depot St. (58-02959.000). Staff recommends one of the following two options for the Board of Zoning Appeals to Consider rather than the variance as proposed by the applicant:

1. The fence remains at 10 feet but the barbed wire is removed.
2. The fence is lowered to a maximum height of 8 feet and the barbed wire remains

and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 58-02959.000

Name of Property Owner: THOMAS + LISA Billman

Mailing Address of Property Owner: 1601 CENTRAL AVE

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419-271-0145 Email: centralautomotive1@ATT.NET

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

REQUESTING 10 FT FENCE W/ BARBED WIRE

Variance Requested:

REQUESTING 10 FT FROM 6 FT

Section(s) of Zoning Code:

1139.06


Signature of Property Owner

7-22-2002
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?

IT WOULD BE COSTLY

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

YES - INDUSTRIAL PROPERTY IN POOR NEIGHBORHOOD

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

YES - 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?

YES - VANDALISM - THEFT

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

NO

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

NO

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

NO

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

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