



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

November 17, 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 October 20, 2022 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **3201 West Monroe Street (tabled)**
A variance to Zoning Code Section 1143.08(b) to construct a monument sign which exceeds the maximum sq. ft. requirements and encroaches 10 feet into the required front yard setback in a Residential Zoning District.
 - **630 Cold Creek Boulevard (tabled)**
A variance to Zoning Code Section 1129.14 to allow 3 foot 10 inches of encroachment into the minimum side yard setback in a Residential Zoning District.
 - **1502 Hayes Ave.**
A variance to Zoning Code Section 1129.14 to allow development on a parcel zoned RRB – Residential Business that does not meet the minimum area and yard requirements for a buildable lot.
 5. Other Business
 6. Adjournment Next Meeting: December 15, 2022

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

Board of Zoning Appeals

October 20, 2022

Minutes

Meeting called to order:

Chair Feick called the meeting to order at 4:31 pm. The following voting members were present: Mr. Delahunt, Mr. Matthews, and Mr. Peugeot. Vice Chair Semans was absent. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department. Also present was City Commission Liaison Dave Waddington, and clerk Quinn Rambo.

Review of minutes from July 21, 2022:

Mr. Matthews moved to approve the minutes as presented and Mr. Peugeot seconded the motion. All voting members were in favor of the motion.

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

Chair Feick swore in everyone wishing to do so.

Adjudication Hearing:

- 1) 3201 West Monroe Street- A variance to Zoning Code 1143.08(b) to construct a monument sign which exceeds the maximum square footage requirements and encroaches 10 feet into the required front yard setback in a Residential Zoning District.**

Staff presented the application with recommendation for approval with the conditions that all applicable permits be obtained prior to construction. Mr. Pete Schade, the applicant's representative, and Mr. Nathan Glass of Brady Signs, spoke on behalf of the request. City Commissioner Charles Poole spoke against the request. Mr. Delahunt moved to table the application until a site plan with the location of the sign could be presented. Mr. Matthews seconded the motion. All voting members were in favor of the motion and the application was tabled until a site plan could be provided.

- 2) 615 Anderson Street- A variance to Zoning Code 1145.17(g) to construct a 6 foot high fence in a side yard in a Residential Zoning District.**

Chair Feick excused himself from voting, due to conflict of interest. Mr. Ochs stated all remaining members must vote unanimously for the application to pass without Chair Feick's vote. Staff presented the application with recommendation for approval with the conditions that all applicable permits be obtained prior to construction. Mr. Tom Patterson, the applicant spoke on behalf of the request. Mr. Rex Cole spoke against the request, he stated it would inhibit off street parking of his property and presented the Board with pictures to support his claim. Chair Feick stated they were not voting on the location of the fence but on the height of the fence. Mr. Peugeot moved to approve the application as presented. Mr. Delahunt seconded the motion. All voting members were in favor of the motion and the application was approved as presented.

- 3) 1131 Erie Boulevard- A variance to Zoning Code 1145.10 and 1145.17(g) to expand a 4 foot fence in the required front yard setback in a Residential Zoning District.**

Staff presented the application with recommendation for approval with the conditions that all applicable permits be obtained prior to construction. Mr. Todd Parish, the applicant, spoke on behalf of the request. Mr. Peugeot moved to approve the application as presented. Mr. Matthews seconded the motion. All voting members were in favor of the motion and the application was approved as presented.

- 4) 630 Coldcreek Boulevard- A variance to Zoning Code Section 1129.14 to allow 3 foot 10 inches of encroachment into the minimum side yard setback in a Residential Zoning District.**

Staff presented the application and were opposed to approval. Mr. Gavin Mingus, the applicant, spoke on behalf of the request and presented a survey of the property to the Board. The survey presented showed the house on the property line. Mr. Matthews moved to table the application until the applicant could meet with Staff. Mr. Peugeot seconded the motion. All voting members were in favor of the motion and the application was tabled until the applicant could meet with Staff.

Other Business:

There was no other business.

Adjournment:

Mr. Peugeot moved to adjourn the meeting, Mr. Delahunt seconded, and the meeting ended at 5:28pm.

Next meeting:

November 17, 2022

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT **UPDATE**

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A MONUMENT SIGN IN A RESIDENTIAL
DISTRICT WHICH EXCEEDS THE MAXIMUM SQ. FT.
REQUIREMENTS AND ENCROACHES IN THE FRONT
SETBACK 10 FEET AT 3201 W. MONROE ST.
PARCEL (59-01180.000)

Reference Number: PVAR22-0019

Date of Report: October 11, 2022

Report Author: Alec Ochs, Assistant Planner

Date of Updates: October 31, 2022

(Original content in grey)

(Updated content in black)



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Erie County Board of Health
420 Superior St.
Sandusky, OH 44870

Site Location: 420 Superior St.
Sandusky, OH 44870

Zoning: R1-40 – Single-Family Residential

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

Surrounding Uses: Residential, Business, Health Department

Existing Use: Residential

Proposed Use: Vacant Lot

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1143.08(b), 1129.14

Variance Requested: 1) An area variance to construct a monument sign in a residential district which exceeds the maximum sq. ft. requirements and encroaches in the front setback 10 feet.

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

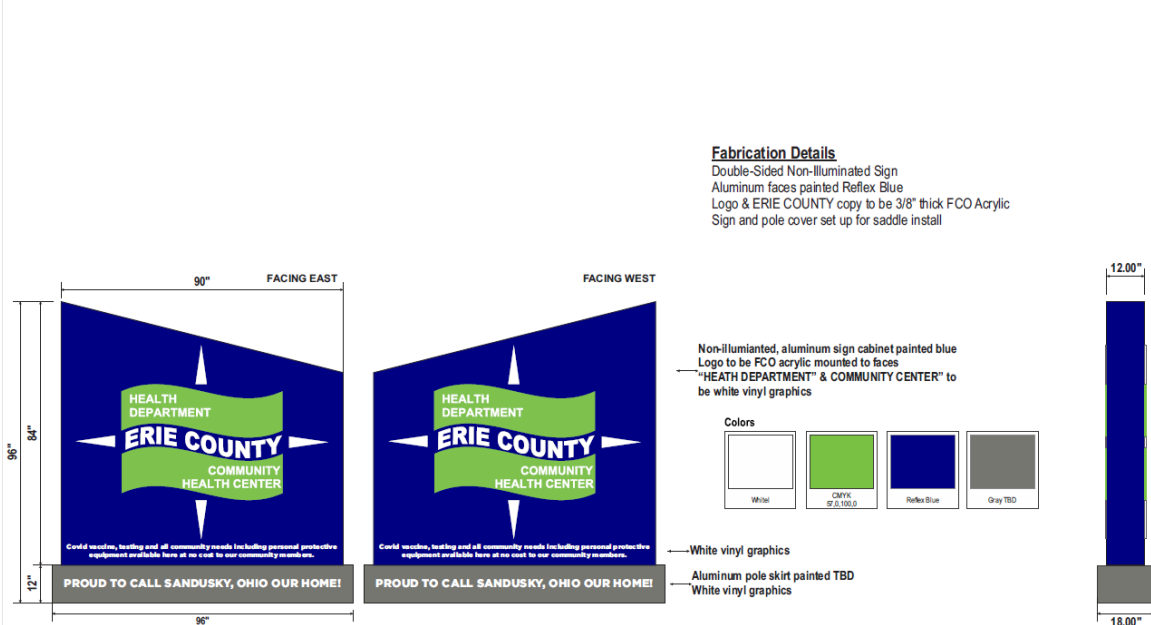
- PF - Public Facilities
- R1-40 - Single Family Residential
- R1-50 - Single Family Residential
- R1-60 - Single Family Residential
- R1-75 - Single Family Residential
- R2F Two-Family Residential
- RB - Roadside Business
- RMF - Multi-Family Residential
- RRB - Residential/Business
- RS - Residential Suburban

[illegible]

Photo from 9/2016



NON-ILLUMINATED, DOUBLE-SIDED MONUMENT SIGN
SIGN 1



PROJECT DESCRIPTION

The applicant would like to construct a monument sign in a residential district which exceeds the maximum sq. ft. requirements for a monument sign in a residential district and encroaches in the minimum front yard setback.

The zoning code restricts monument signs 32 sq. ft. per sign and must not exceed a 15 ft. front yard setback. The proposed sign is for the entrance to the Erie County Board of Health's campus. As proposed the sign will have a 5 foot setback, and will be a 60.5 sq. ft. sign with the sign base included.

The applicant supplied a site plan for the proposed sign location at the recommendation of the board. The sign will not be internally or externally illuminated.

DEPARTMENT OF PLANNING COMMENTS

The parcel the sign is proposed to be placed is zoned R2F – Two family Residential but will be used by a public organization. The Health Department is zoned PF – Public Facilities. This parcel was recently acquired by the city in partnership with Erie County Board of Health, to be leased by the Board of Health and create a gateway to their entrance on Superior Street. The current house on the site is to be removed to put an entrance monument sign and a sidewalk for the Health Department. Part of this parcel was split and is in the process of being dedicated as city Right-of-Way.

RELEVANT CODE SECTIONS

CHAPTER 1143
Sign Regulations

1143.08 ALLOWABLE SIGNAGE

(a) Public Facilities Districts.

(1) For any permitted use in a public facilities district, with the exception of hospitals or health clinics, forty (40) square feet of signage shall be permitted.

A. Any freestanding sign permitted for the above shall not exceed eight and one half (8½) feet in overall height (monument style).

(2) For hospitals or health clinics, signage shall be determined based upon the development due to the necessity for increased signage to facilitate persons in emergency situations.

(b) Residential Districts.

(1) One (1) subdivision development sign per entrance to subdivision. Sign can be located at the entrance to subdivision only, and cannot exceed thirty-two square feet.

(2) A single-family residential subdivision or multiple-family residential complex may be permitted one monument sign per entrance not to exceed thirty-two square feet per sign.

(3) Any freestanding sign permitted in a residential zoning district shall not exceed eight and one half feet in over all height (monument style).

(4) Signage, other than the above mentioned, exceeding nine (9) square feet shall require a conditional use permit.

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 applicant responded:

1. Whether the variance is substantial;

i. No

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

i. No

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

- i. No. The proposed sign would help identify the location / entrance
- 4. **Whether the property owner purchased the property with the knowledge of the zoning restriction;**
 - i. Yes
- 5. **Whether the property owner’s predicament can be resolved through some method other than a variance;**
 - i. No
- 6. **Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**
 - i. Yes
- 7. **Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**
 - i. No
- 8. **Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.**
 - i. No

1111.06(c)(2)

Other variances. The Board may authorize a variance, other than a lot area or setback variance, in specific cases, from the strict application of the Zoning Code; provided that it has considered the factors enumerated in subsections (c)(1)A. through H. hereof and further provided that all the conditions enumerated subsections (c)(2)A. through E. hereof have been met:

The applicant responded:

- 1. **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 be an action or actions of the property owner or the applicant;**
 - i. Property was just acquired and is zoned residential even though the future land use of the property will be public facilities

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

i. No

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

i. Yes

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

i. No, granting a variance should benefit public health and safety – traffic flow

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

i. No

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 3201 Monroe St. (parcel 59-01180.000) and suggests the following conditions upon approval:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments prior to construction.
2. Landscaping is not placed in the public right-of-way

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 420 Superior St.

Name of Property Owner: Eric County Board of Health

Mailing Address of Property Owner: 420 Superior St.

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419-626-5623 Email: _____

If same as above check here ☐

Name of Applicant: Brady Signs Co

Mailing Address of Applicant: 1721 Hancock St.

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419-626-5112 Email: monica@bradysigns.com

Description of Proposal:

To allow for a monument sign at the corner of Monroe and Superior on a recently acquired parcel that is still zoned residential, even though it will be used for commercial purposes.

Variance Requested:

Setback of 5' requested as well as an increase in allowed square footage to 52.5 sq ft or 60.5 sq ft if the monument base is included in the calculation.

Section(s) of Zoning Code:

1134.03

Ben T. Schuler
Signature of Property Owner

09/20/2022
Date

Monica L. Fletcher 9/20/22
Signature of Authorized Agent Date

APPLICATION #BZA-001

UPDATED 12/2/2019

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? *Property just acquired is zoned residential even though the future use of the property will be Commercial.*

- 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. Granting variance should benefit public Health and Safety.

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

No

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. Proposed Sign would help identify the Location / entrance.

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

Yes

- 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?

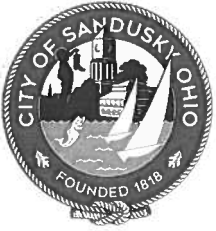
Yes

- 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



City of Sandusky
240 Columbus Avenue
Sandusky, Ohio 44870

EXT. RECEIPT NUMBER

9715

Paid By

ERIE COUNTY HEALTH DEPARTMENT
420 SUPERIOR ST
SANDUSKY, OH 44870

Date Paid: 09/27/2022

Transaction	Record Type	Record #	Description	Amount
Property Address			Invoice Number	
00090749	PZE Process	PVAR22-0019	Variance	\$ 100.00
420 SUPERIOR ST			00091946	

Total	\$ 100.00
Cash	
Check	\$ 100.00
Check #	79338
Credit	
Tendered	\$ 100.00
Change	\$ 0.00

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



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:

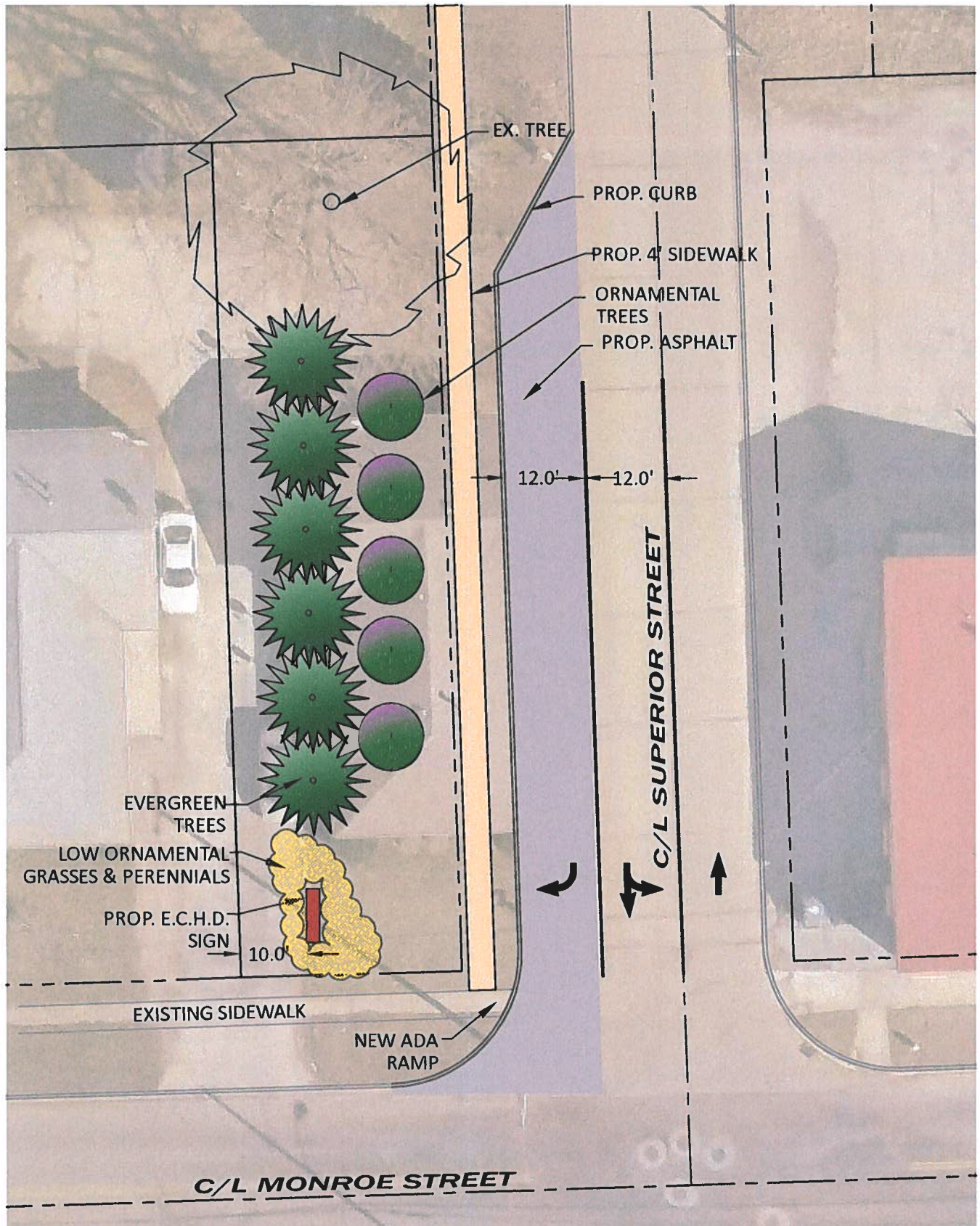
- 1) Completed application
- 2) Copy of a site plan (drawn to scale and dimensioned) which shows the following items (as applicable):
 - a) Property boundary lines
 - b) Building(s) location
 - c) Driveway and parking area locations
 - d) Location of fences, walls, retaining walls
 - e) Proposed development (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 alec.ochs@cityofsandusky.com with any questions.



BOARD OF ZONING APPEALS REPORT **UPDATE**

APPLICATION FOR AN AREA VARIANCE TO ALLOW
3 FOOT 10 INCHES OF ENCROACHMENT INTO THE
MINIMUM SIDE YARD SETBACK AT 630 COLD
CREEK BLVD. PARCEL (60-00043.010)

Reference Number: PVAR22-0016

Date of Report: October 12, 2022

Report Author: Alec Ochs, Assistant Planner

Date of Updates: November 7, 2022

(Original content in grey)

(Updated content in black)



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Gavin Mingus
630 Cold Creek Blvd.
Sandusky, OH 44870

Site Location: 630 Cold Creek Blvd.
Sandusky, OH 44870

Zoning: R1-75 – Single Family Residential

Surrounding Zoning: North: R1-75 – Single Family Residential
East: PF –Public Facilities
South: R1-75 – Single Family Residential
West: R1-75 – Single Family Residential

Surrounding Uses: Residential, agriculture

Existing Use: Residential

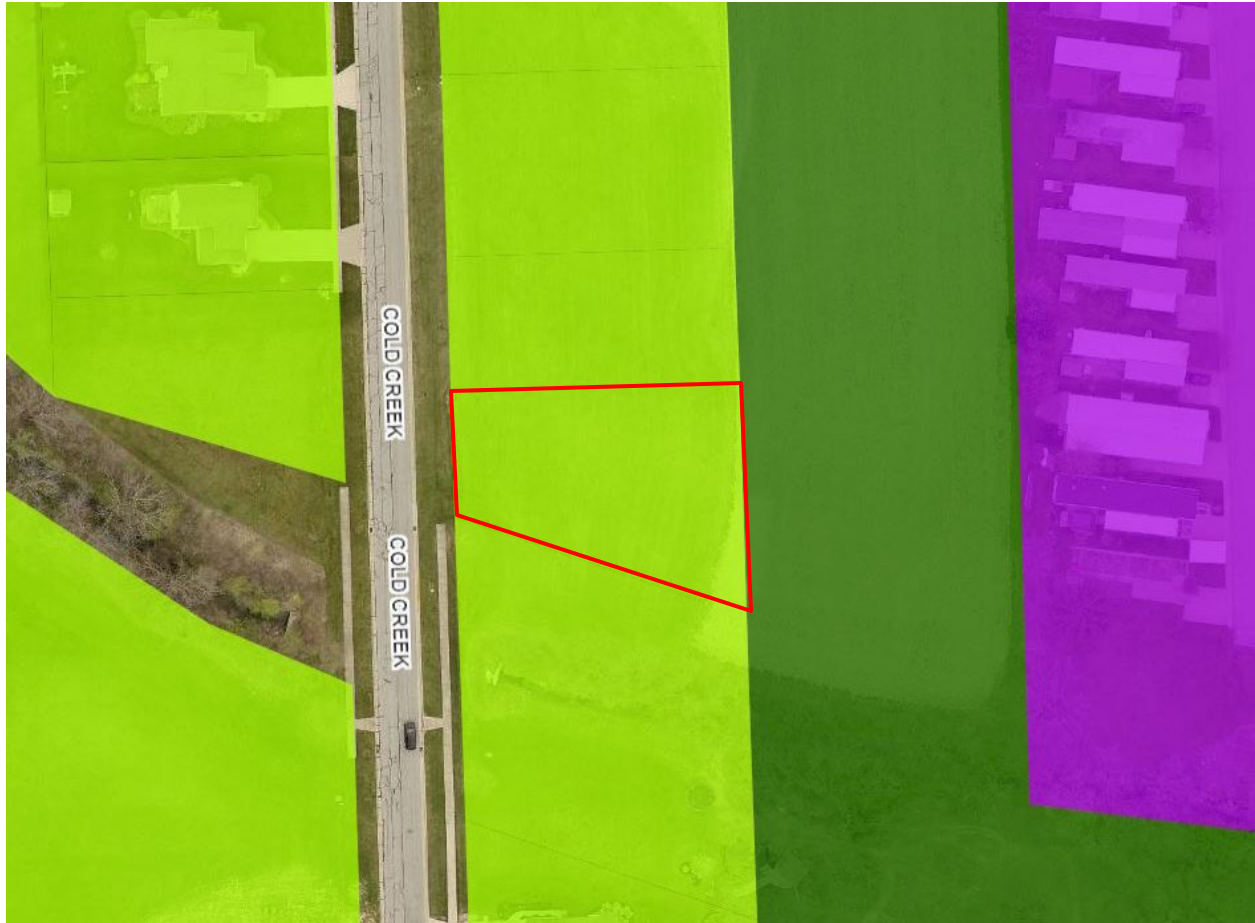
Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.14

Variance Requested: 1) A variance to allow foot 10 inches of encroachment into the minimum side yard setback.

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

1.4699

QF S.L. 2

RVE AREA

1.2755

1.2966

1.3673

1.2755

1.363

1.6139

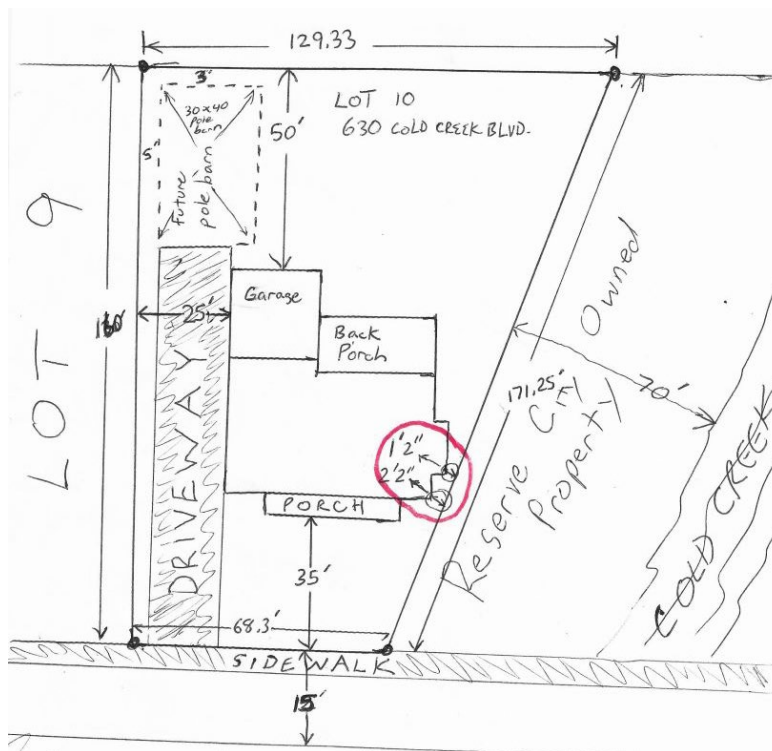
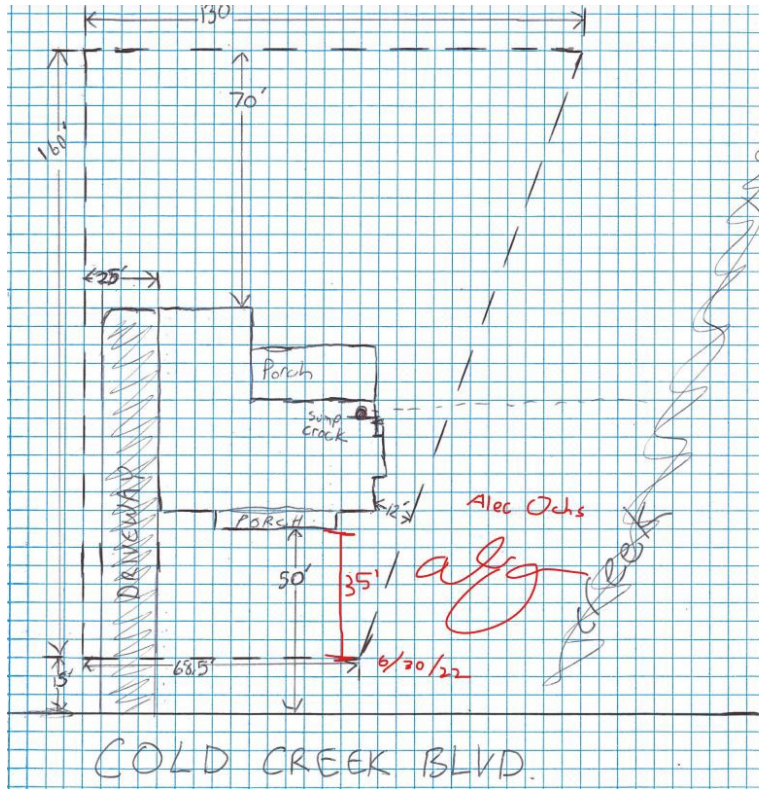
1.452

1.452

COLD CREEK BLVD. 00

S. LNE OF S.L. 3





PROJECT DESCRIPTION

The parcel is located in the Cold Creek Subdivision and is in the process of being developed for a single-family residential home.

The code states that there should a minimum 5 foot side yard setbacks from the side property lines for a structure in a "R1-75" – Single Family Residential zone. The applicant is seeking a relief of 3 foot 10 inches to meet the criteria of the zoning code.

The 6/30/22 approved site plan showed 12 feet of side setback at this location. The variance request shows 1 foot 2 inches of side setback at this location.

The parcel is not squared and is approximately 68 feet wide on the front yard parcel line x 129 feet wide on the back yard parcel line. The parcel length is 160 feet on one side yard and 171 feet on the other. In all, the total sq. feet of the parcel is approximately 16,000 sq. ft.

RELEVANT CODE SECTIONS

Chapter 1129 Residential Districts

1129.13 Area, Yard, and Height Regulations

(a) The area of a zoning lot shall be not less than the area in square feet required for each unit as set forth in the schedule in Section 1129.14, multiplied by the number of units in the building.

(d) (1) Two side yards shall be provided for every dwelling and for the stores and services permitted on the zoning lot in an RRB District. The width of either side yard of a lot shall be not less than the width for a single yard, as set forth in Section 1129.14, and the width of both side yards shall be not less than the total width as set forth in Section 1129.14 for the district in which it is located; except that any side yard containing a driveway shall be not less than 10 feet wide, and the other side yard of the lot shall be not less than the minimum yard width designated. 3-152. Passed 10-14-03.)

1129.14 Schedule of Area, Yard, And Height Requirements

		Minimum lot size			Minimum yard dimensions			Max. Height	
			Width at Front building line	depth	Side Width		Rear Depth	Main Building	
R1-75	1 Fam. Dw.	12,000	75	35	5	15	50	2	30

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 applicant stated:

1. Whether the variance is substantial;

- i. Applicant statement: Yes, we would have to have an architect draw up how to change the integrity of the lot or we would have to move the structure back and lose 20 or more feet in backyard.

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

- i. Applicant statement: No, there is absolutely no difference whatsoever as the adjoining property is city owned, is a reserve property, completely unbuildable with a creek in the center.
- ii. Planning division note: considers public access to the adjoining reserve property an essential characteristic of the Cold Creek neighborhood and would not support any encroachment onto the reserve property now or in the future. This variance request does not encroach on the reserve property but is close to the property line. The applicant has already altered the character of the neighborhood by removing the trees along Cold Creek.

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

- i. Applicant statement: No, this is completely out of the question as there is and can never be anything on this side of the property. Also, there is 65' from the new structure to the creek. There are no problems caused.

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

- i. Applicant statement: No, due to the shape a home plan it is tough to fit and maintain enough back yard to accommodate a possible pole barn in the future.

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

- i. Applicant statement: Purchase of reserve or lot split by city to straighten the lot side line or lot split required corner to maintain the 5' setback.
- ii. Planning division note: Planning division does not support privatization of the reserve area. The foundation can be altered to fit into the parcel.

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

- i. Applicant statement: It would not, it is a lot shaped based problem and other lots are not affected or similar to this case.
- ii. Planning division note: No, The parcel has a large sq. ft. footprint. The house and future pole barn can be placed properly without a variance if the plans were followed. The parcel to the north is approx. 4,800 sq. ft. smaller than the applicants.

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

- i. Applicant statement: No, it is a ranch home on an awkward lot which it serves absolutely no purpose as the angle and use of the property.
- ii. Planning division note: This is a buildable lot according to the zoning code without the requested variance.

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

- i. Applicant statement: No, the shape of the lot is the issue and the granting of the variance hinders or does nothing to the overall of the neighborhood development or property line. We are still on our property line.
- ii. Planning division note: The requested variance is contrary to the general purpose, intent, or objective of the Zoning Code or other adopted plans of the City. Building permits were not issued prior to construction.

DIVISION OF PLANNING COMMENTS

The parcel meets the minimum lot size requirements and minimum width requirements. There is over 25 feet of useable side setbacks as proposed, most of which will be on the northern side yard of the parcel. The minimum is 5 feet on one side and a combination of 15 feet. The approved site plan showed 12 feet of side setback at this location. The variance request shows 1 foot 2 inches of side setback at this

location, while other dimensions on the drawing remain the same. Staff reached out to the application for an explanation of this discrepancy and did not receive an answer.

The parcel is irregularly shaped but the applicant has substantial room to the north (25 foot approved setback – 15 foot required combined side yard setback) and the backyard (70 foot approved setback - 50 foot requirement) to fit a house and pole barn without the variance.

The adjoining parcel to the south is not buildable since it is a natural area reserved for the creek and public access. If this request is approved at 1 foot 2 inches of setback, the home is at risk of access issues if a fence is installed on the property line by the city. Planning staff is also concerned that the proposed building corner that is 1 foot 2 inches from the property line is intended to be a walk out porch. If this is true, the applicant will have a walk door within 2 feet of public land, causing further public access conflicts by the applicant. Staff is concerned about encroachment of the site as it sits. After a staff site visit, it is unclear if the 1 foot 2 inch setback is being met by the current foundation placement.

Planning staff was told by the applicant that the contractor for the foundation messed up the location, requiring a variance to allow the foundation to be so close to the natural area. Planning staff learned from the Building Department that the contractor who poured the foundation was Mingus Builders. The foundation was not placed properly based on the approved site plan by Planning staff.

Trees Removed



Staff met with the applicant on 10/26/22. The discussion included the following:

- Building and fire code concerns
 - o Since the building foundation is shown to be on the property line by the survey submitted into the record by the applicant, this means the planned roof line would extend past the applicant's property. The Chief Building Official advised that it would be in the applicant's interest to alter the structure so this encroachment would not occur.
 - o The Chief Building Official also advised the applicant that any structure within 3 feet of the property line must adhere to elevated fire safety precautions.
- Need for variance
 - o Staff advised the applicant that if the building was altered to give 5 feet of set back from the existing property line, no variance would be needed. If this option were pursued, plans detailing the change would need to be submitted to the building department to receive an updated construction permit.
- Replanting city property
 - o Staff advise the applicant on appropriate trees and native plantings to remedy the clearcut creek bed and agreed to allow them to wait until spring to replant.
- Returning to BZA
 - o Staff advised the applicant that they may request the item be tabled at BZA until they decide how to proceed.

At the end of the meeting the applicant stated he needed time to consider the options City staff talked with him about. Since the meeting the applicant has not reached out to any City staff.

Work on the structure was reported to have continued over the weekend of 10/28/22. A stop work order was issued on the property by the Division of Planning on 10/31/22.

A follow-up phone call was received by the applicant's father, Eric Mingus on 10/2/22. Staff reiterated the building and fire safety concerns by the structure in its current location and encouraged follow-up conversations with the building department to fully understand these implications. Staff also recounted the conversation from the meeting on 10/26, the variance procedure of proving hardship, and the

Several community members have reached out with concerns about the property encroaching on the reserve area, which is valued as a public amenity in the neighborhood.

OTHER DEPARTMENT COMMENTS

Engineering Staff:

No stormwater permit was issued to the applicant prior to:

1. The basement construction
2. Tree removal along Cold Creek - City Codified Ordinances 937.12

The applicant improperly installed the silt fence.

Engineering staff participated in the 10/26/22 meeting and guided the applicant to appropriate replanting for stormwater management and restoration of the reserve property.

Building Staff:

A stop work order was issued by the Building Department on August 11th, 2022 and was closed on October 11, 2022. During this time, work continued to happen on the structure at 630 Cold Creek Blvd. and work continues to happen prior to permits being issued.

The foundation was built without permits issued from the Building Department.

Building staff participated in the 10/26/22 meeting and discussed the fire safety and building code implications of the current structure, and permit alteration procedures if necessary.

CONCLUSION/RECOMMENDATION

(10/12/22) The application fails to provide a sufficient rationale for the granting of the variance. Furthermore, the granting of the variance would have negative impact on the adjacent city owned reserve area. Therefore, Planning staff opposes the requested variance at 630 Cold Creek Blvd. parcel (60-00043.010). If the variance is approved, staff requires the following conditions upon approval:

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

(11/10/22) Given the survey information submitted at the October BZA meeting showing the structure foundation is on the property line and not 1'10" off as stated in the original application, and absent any additional information provided since the last meeting, staff continues to oppose the requested variance at 630 Cold Creek Blvd. parcel (60-00043.010).

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 60-00043.010

Name of Property Owner: Gavin MINGUS

Mailing Address of Property Owner: 708 Cold Creek Blvd.

City: Sandusky State: OH Zip: 44870

Telephone #: 419 366-1503 Email: GMAN708@me.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal: Lot is not square and on an angle. Property next to Lot is unbuildable and considered "reserve" property. This property can never be built on. Due to the angle and depth of lot we would like to request this variance as to maintain as much backyard as possible. Thank you.

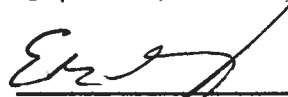
Variance Requested: Side Setback

Section(s) of Zoning Code: _____

Signature of Property Owner

Date

ERIC MINGUS



Signature of Authorized Agent

9/14/22

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?
Yes we would have to have an architect draw up how to change the integrity of the lot or we would have to move structure back and lose 20 or more feet in backyard
- 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. There is absolutely no difference whatsoever as the adjoining property is city owned, is a reserve property, completely unbuildable with a creek in the center.
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? NO, This is completely out of the question as there is, and can never be anything on this side of property. Also There is 65' from new structure to creek. There is no problems caused.
- 4) Was the property purchased with the knowledge of the zoning restrictions?
No due to the shape and home plan it is tough to fit and maintain enough back yard to accommodate a possible pole barn in future.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
Purchase of Reserve or lot split by city to straighten the lot side line or lot split required corner to maintain the 5' setback.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance? It would not, it is a lot shaped based problem and other lots are not affected or similar to this case.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance? No, it is a Ranch home on an Ackward lot which it serves absolutely no purpose as to the angle and use of the property.
- 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, The shape of the lot is the issue and the granting of the variance hinders or does nothing to the overall of the neighborhood, development or property line. We are still in our property line.

UNNECESSARY HARDSHIP

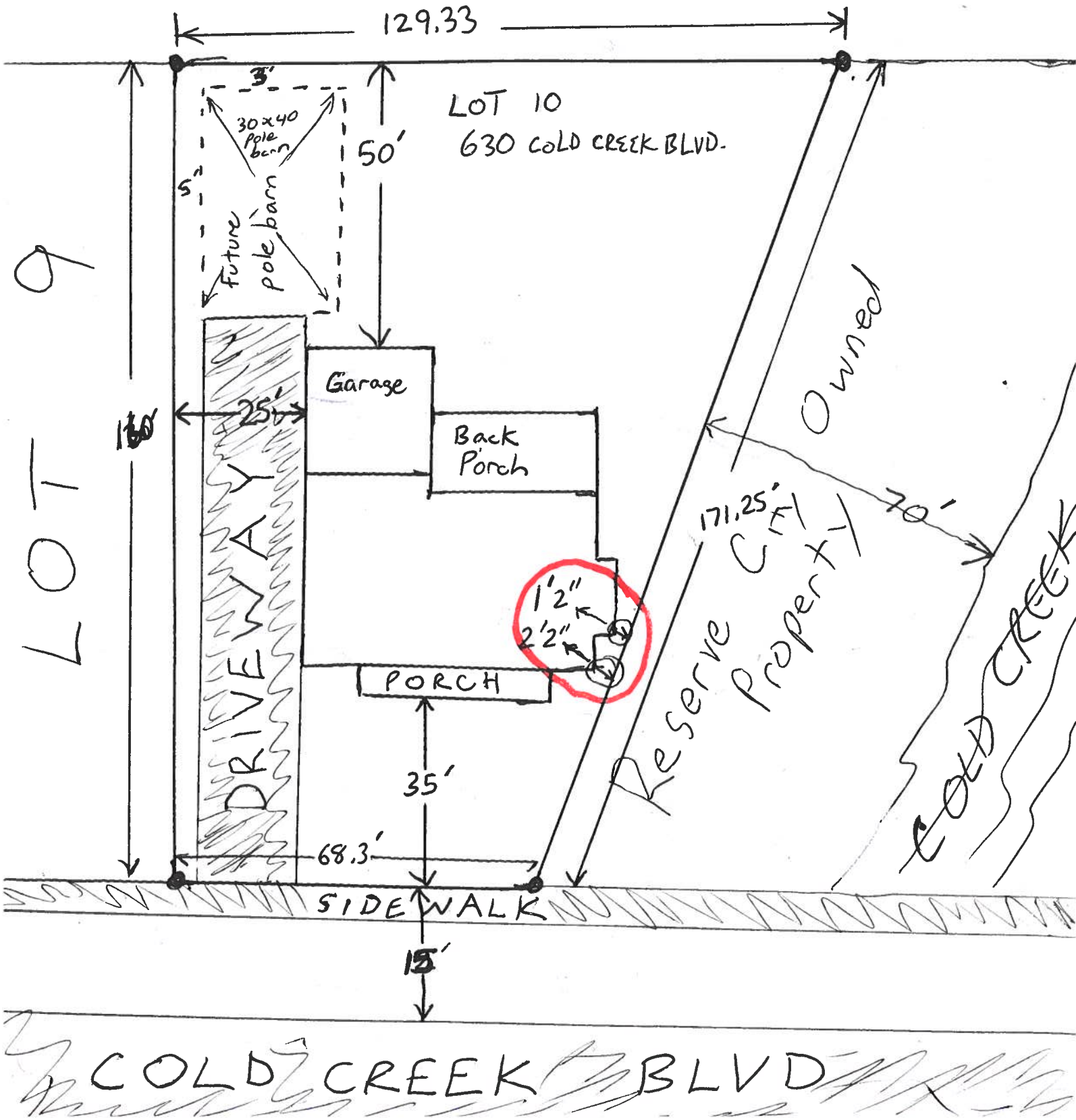
(ONLY for variance requests involving a use of the property that is not permitted by the Zoning Code)

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:

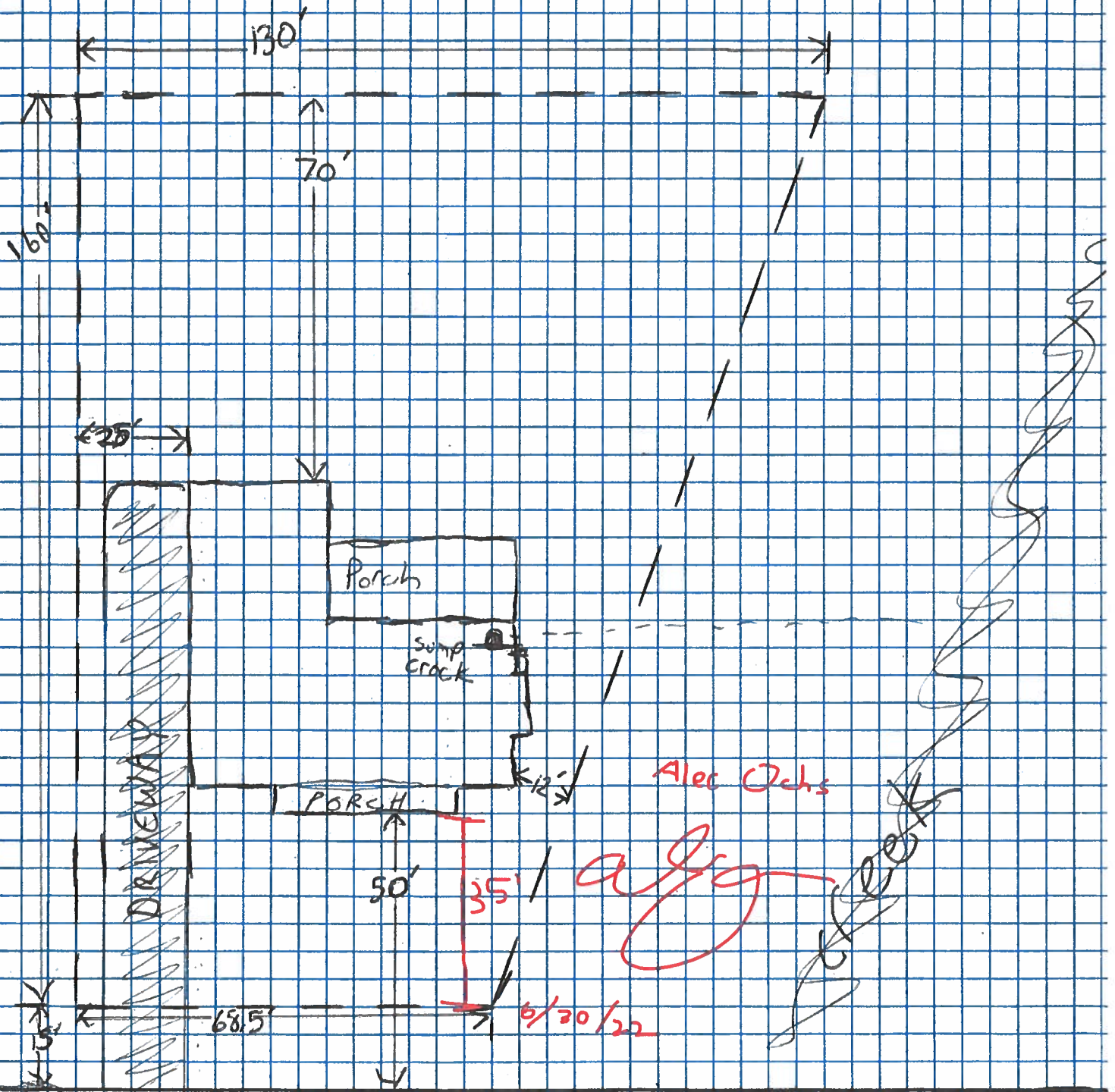
- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?
- 2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents?
- 3) Does the strict application of the Zoning Code of which the variance is requested constitute unnecessary hardship upon the property owner or the applicant?
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
- 5) That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance

GAVIN MINGUS
630 Cold Creek Blvd.

— = Variance request



All storm water to be piped to creek
Downspouts to 8" 3034 to creek



COLD CREEK BLVD.

Gavin MINGUS
Lot 10 cold creek BLVD. Sandusky OH.



City of Sandusky
240 Columbus Avenue
Sandusky, Ohio 44870

EXT. RECEIPT NUMBER

9668

Paid By

ERIC & APRIL MINGUS
708 COLD CREEK BLVD
SANDUSKY, OH 44870

Date Paid: 09/15/2022

Transaction	Record Type	Record #	Description	Amount
Property Address			Invoice Number	
00090679	PZE Process	PVAR22-0016	Variance	\$ 100.00
708 COLD CREEK BLVD			00091823	

Total	\$ 100.00
Cash	\$ 100.00
Check	
Check #	
Credit	
Tendered	\$ 100.00
Change	\$ 0.00

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



STOP WORK ORDER

Issued pursuant to the
Residential Code of Ohio
Section 109 – Stop Work Order

Building Division
240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5940
www.ci.sandusky.oh.us

DATE POSTED: October 31, 2022		COMPLIANCE DATE: November 14, 2022
Project Address:	630 Cold Creek Boulevard, Sandusky, Ohio 44870	PARCEL NO.: 60-00043.010
Owner/Owner's Authorized Agent:	Gavin G. Mingus	
	708 Cold Creek Boulevard, Sandusky, Ohio 44870	

NOTICE OF FAILURE TO OBTAIN PROPER PLAN APPROVAL

On October 31, 2022, it was observed by personnel of this office that work is being performed at the above project address that is not in conformance with property line setback requirements, not positioned as shown on approved plans. It is currently in violation of City of Sandusky zoning regulations and RCO 302.1 exterior walls and overhang projection will be in violation of minimum property line separation as foundation is positioned. Submit revised construction documents (as per RCO 106.1.3) that show conformance with RCO 302.1.

Once approvals have been issued, work may proceed, and appropriate inspections scheduled. **At this time all work shall suspend on your project until approval is obtained from this division.**

You have a right to appeal this decision. If you choose to appeal, this letter is to be used as an adjudication order pursuant to OBC Section 109. Please notify our office of your appeals board request. You have the right to be represented by counsel, present arguments or contentions orally or in writing, and present evidence and examine witnesses appearing for or against you. **In order to appeal, you must file a request within 30 days of the mailing of this notice to:**


The City of Sandusky
Building Code Board of Appeals
240 Columbus Avenue
Sandusky, Ohio 44870
Phone: (419) 627-5940

If an appeal is waived, failure by owner to respond to the order to comply RCO 109.3 may be prosecuted and is subject to a fine of not more than five hundred dollars (\$500.00) as provided for in section 3791.04 of the Ohio Revised Code.

Residential Code of Ohio - Section 109.3.1 Unlawful continuance.

Failure to cease work after receipt of an order to stop work is hereby declared a public nuisance.

By:



Scott T. Thom #2257, Chief Building Official

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO BUILD
ON A PARCEL THAT DOES NOT MEET THE
MINIMUM LOT SIZE AND DIMENSION
REQUIREMENTS AT 1502 HAYES AVE.
PARCEL (57-01272.000)

Reference Number: PVAR22-0011

Date of Report: October 28, 2022

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: City of Sandusky
1502 Hayes Ave.
Sandusky, OH 44870

Site Location: 1502 Hayes Ave.
Sandusky, OH 44870

Zoning: RRB – Residential Business

Surrounding Zoning: North: RRB – Residential Business
East: RRB – Residential Business
South: RRB – Residential Business
West: RRB – Residential Business

Surrounding Uses: Residential / business

Existing Use: Vacant

Proposed Use: Business

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.14

Description of proposal: To build on a parcel that does not meet the Minimum Lot size and dimension 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



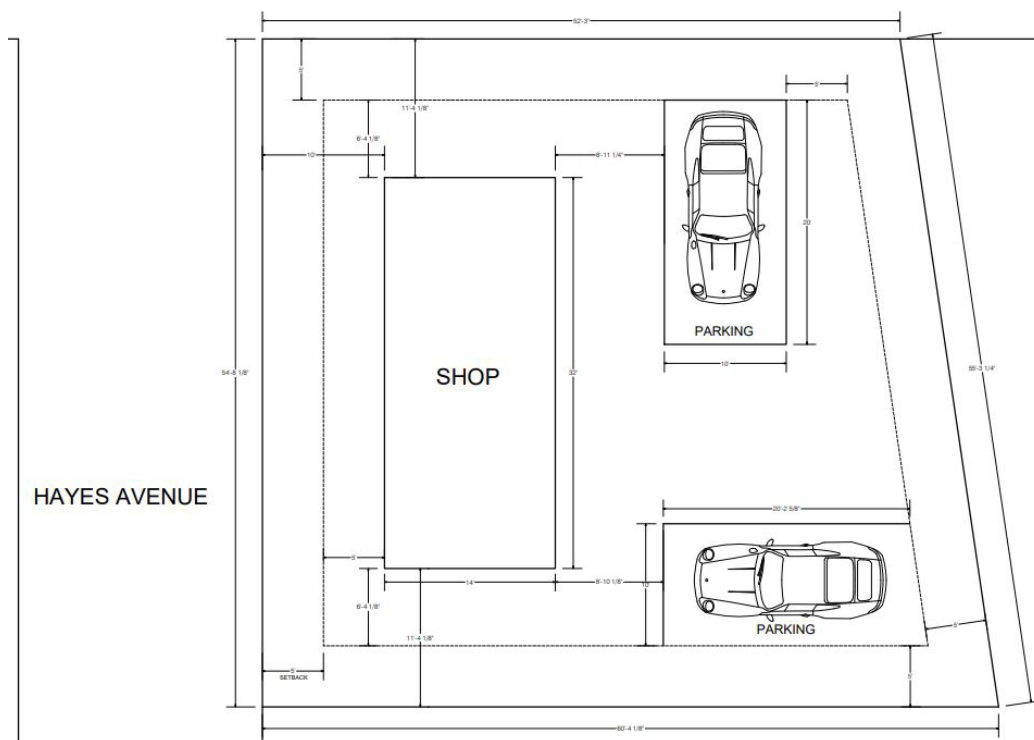
RRB - Residential/Business



RS - Residential Suburban



OSBOURNE STREET



PROJECT DESCRIPTION

The applicant is a local barber and would like to place a structure to operate a barber shop on the lot at 1502 Hayes Ave. The lot is 3,484.8 sq. ft. (0.08 acres) and is currently vacant. The minimum buildable lot in an RRB – Residential District is 5,200 sq. ft.

The lot is in the City’s Land Bank inventory and was acquired by the City in 2015.

The applicant seeking a variance to the minimum parcel area requirements and the minimum backyard requirements to build a barbershop.

RELEVANT CODE SECTIONS

CHAPTER 1129
Residential Districts

1129.03 SCHEDULE OF PERMITTED BUILDINGS AND USES.

RRB	Uses permitted in RMF District.	Accessory uses permitted in RMF District.
	All home offices and occupations.	Accessory (without fee) off-street parking areas.
	Apartment hotels, rooming houses.	
	Stores and services as a conditional use:	Accessory uses clearly incident to the main uses.
	Local retail stores to serve the immediate neighborhood to the following extent, for the sale of:	
	Confectionery drugs.	
	Delicatessen, baked goods, dairy products, groceries, fruits, meats, vegetables, excluding supermarkets.	
	Florists, gifts, periodicals, books.	
	Services to the following limited extent:	
	Beauty and barber shops.	

1129.13 AREA, YARD, AND HEIGHT REGULATIONS.

(a) The area of a zoning lot shall be not less than the area in square feet required for each unit as set forth in the schedule in Section 1129.14, multiplied by the number of units in the building. In an RRB District, the minimum area per unit in the aforesaid schedule may include one dwelling unit with a retail store or service unit on the same lot.

(c) The front yard of a zoning lot shall be not less than the front depth set forth in Section 1129.14, for the type of dwelling or the building permitted in the district in which it is located, where less than 50% of the street frontage between 2 successive intersecting streets was built up prior to the effective date of the Zoning Code; except for the front yard setbacks on main streets and other locations that may be shown on the Zone Map. (1980 Code 151.20)

(d) (1) Two side yards shall be provided for every dwelling and for the stores and services permitted on the zoning lot in an RRB District. The width of either side yard of a lot shall be not less than the width for a single yard, as set forth in Section 1129.14, and the width of both side yards shall be not less than the total width as set forth in Section 1129.14 for the district in which it is located; except that any side yard containing a driveway shall be not less than 10 feet wide, and the other side yard of the lot shall be not less than the minimum yard width designated.

1129.14 Schedule of Area, Yard, And Height Requirements

		Minimum lot size			Minimum yard dimensions			Max. Height	
			Width at Front building depth line		Side Width		Rear Depth	Main Building	
District	Dwelling or building type	Area per unit (sq. ft.)	(ft.)	(ft.)	Single (ft.)	Total (ft.)	30% or (ft.)	Story	Ft.
RRB	Local Stores and Services	5,200	40	10	3	10	40	1	15

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;

No, the site plan is reflective of the existing built character of the surrounding structures.

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, the proposal would fit within 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;

The applicant is in the process of purchasing the property through the City landbank if the variance is obtained.

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

Without the variance, commercial development on the site would not be permissible.

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

Yes, it would put the site back to use on this commercial corridor.

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 commercial use of the site is limited by the zoning setback requirements.

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.

No.

DIVISION OF PLANNING COMMENTS

A site plan approval process will be required through the Planning Commission if a variance is granted.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance to build on a parcel that does not meet the Minimum Lot size and dimension requirements at 1502 Hayes Ave. parcel (57-01272.000) and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1501 Hayes AVE
Name of Property Owner: Victor D. Huston
Mailing Address of Property Owner: 1008 Senvers Way
City: Sandusky State: OH Zip: 44870
Telephone #: 419-984-5225 Email: richuston1@gmail.com

If same as above check here ☒

Name of Applicant: _____
Mailing Address of Applicant: _____
City: _____ State: _____ Zip: _____
Telephone #: _____ Email: _____

Description of Proposal:

Proposal to build on a lot smaller than
Residential/commercial building code

Variance Requested:

Building Foot print of 14x32 on
a lot of 50' x 56'

Section(s) of Zoning Code: 1109.01
RRB 1109.03

V. D. Huston
Signature of Property Owner

11-04-2022
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?

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?

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?

yes

- 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

- 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

- 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.

It will not.

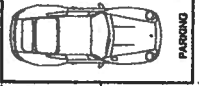
- 5) That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance

It will not oppose

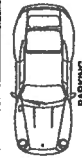


OSBOURNE STREET

HAYES AVENUE



SHOP



PARKING



PROPERTY INFORMATION:

LOCATION: 1902 Hayes Avenue Sandusky Ohio 44870, UNITED STATES
Size (gross): 0.063 ACRES

SCOPE OF WORK

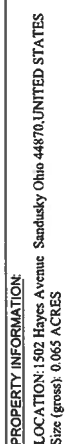
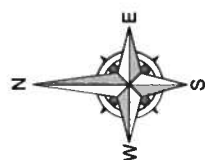
SITE PLAN OF THE PROPERTY
UNDER REVIEW SHOWING THE
PROPOSED SHOP AND PARKING

SCALE 1"=8'

REVISION:

DATE 21/07/2022

1/10/21 July 21/2022



REVISION:

DATE SEP-2022

SCALE 1":8'

SCOPE OF WORK
SITE PLAN OF THE PROPERTY
UNDER REVIEW SHOWING THE
PROPOSED SHOP AND PARKING