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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

January 19, 2023

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. Election of Officers
  3. Review of minutes from the November 17, 2022 meeting
  4. Swear in audience and staff members that will offer testimony on any agenda items
  5. Adjudication hearing to consider the following:
    - **1430 Columbus Ave.**  
A variance to Zoning Code Sections 1107 (l) & 1129.13 (f) to construct an accessory structure above the height limit at 1430 Columbus Ave. in a Residential Zoning District.
  6. Other Business
  7. Adjournment Next Meeting: February 16, 2023

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

## **Board of Zoning Appeals**

November 17, 2022

### **Minutes**

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

Chair Feick called the meeting to order at 4:33 pm. The following voting members were present: Mr. Delahunt, Chair Feick, and Vice Chair Semans. Mr. Matthews and Mr. Peugeot were absent. Arin Blair represented the Community Development Department and Sarah Chiappone represented the Law Department; also present were City Commission Liaison Dave Waddington, and clerk Quinn Rambo.

#### **Review of minutes from July 21, 2022:**

Chair Feick called for a motion on the minutes. Mr. Delahunt moved to approve the minutes as presented and Vice Chair Semans 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, spoke on behalf of the request. There was concern among the Board members about the sign only being 5 foot off the sidewalk. Dr. Semans motioned to approve the variance with the condition that the sign be in line with the Lion's Park Sign, approximately 8' off instead of the 5' requested. The motion was seconded by Mr. Delahunt. All voting members were in favor of the motion and the application was approved as amended.

- 2) 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 updated status of the application. Staff met with the applicant on October 26, 2022 and discussed issues with the application. Ms. Blair stated applicant was asked to provide how they would like to proceed after meeting with Staff. Staff did not hear from applicant about plans prior to the meeting. Mr. Bill Murray- an attorney friend of the applicant, Mr. Eric Mingus- the applicant's father, spoke on behalf of the request. Chair Feick stated that the board could not approve the variance as requested because the structure is built on the property line, not 1 foot 10 inches off the property line, which was the request of the application. He suggested the applicant make a formal request to the City with various options they would be willing to implement to rectify the situation. The applicant's father, Mr. Eric Mingus, asked the application to be tabled. Mr. Delahunt made a motion to table the application until a formal request was made to the City, and a formal response received by the applicant. The motion was seconded by Dr. Semans. All voting members were in favor of the motion and the application was tabled.

- 3) 1502 Hayes Avenue- 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.**

Staff presented the application for approval with the conditions that all applicable permits be obtained prior to construction. Ms. Blair stated the property belongs to the Landbank Program and if the variance is

granted the site plan would need Planning Commission approval. The applicant was not present to speak on behalf of the application. Mr. Roger Chambers, Ms. Yvette Darden, and Mr. Patrick Joreski, neighboring property owners, spoke about their concerns that parking could be an issue but supported the property being developed. Ms. Blair stated that parking requirements and review would be part of the site plan review process at Planning Commission. Dr. Semans made a motion to approve the variance and the motion was seconded by Mr. Delahunt. Chair Feick stated he would have liked to see a site plan or gotten to speak with the applicant. Ms. Blair stated the applicant was out of town for the meeting, noted a site plan was included in the BZA packet but that site plan review was the authority of the Planning Commission, and that Staff had advised the applicant to ask for the variance before going any further in the process because if the variance was not granted the applicant would not proceed with the purchase of the property. Dr. Semans withdrew his original motion and changed the motion to table the application. The motion was seconded by Mr. Delahunt. All voting members were in favor of the motion and the application was tabled.

**Other Business:**

There was no other business.

**Adjournment:**

Chair Feick moved to adjourn the meeting, all members approved of the motion, and the meeting ended at 5:28pm.

**Next meeting:**

December 15, 2022

APPROVED:

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Clerk

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Chair/ Vice Chair

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR AN AREA VARIANCE TO CONSTRUCT  
AN ACCESSORY STRUCTURE ABOVE THE HEIGHT LIMIT  
AT 1430 COLUMBUS AVE.  
PARCEL (57-02458.000)

Reference Number: PVAR22-0025

Date of Report: January 10, 2023

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: Dominic & Abigail Will  
1430 Columbus Ave.  
Sandusky, OH 44870

Site Location: 1430 Columbus Ave.  
Sandusky, OH 44870

Zoning: R1-60 – Single-Family Residential

Surrounding Zoning: North: R1-60 – Single-Family Residential  
East: R1-60 – Single-Family Residential  
South: R1-60 – Single-Family Residential  
West: R1-60 – Single-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1107(l), 1129.13(f)

Variance Requested: 1) An area variance to construct an accessory structure above the average maximum height limit.

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## SITE DESCRIPTION

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(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



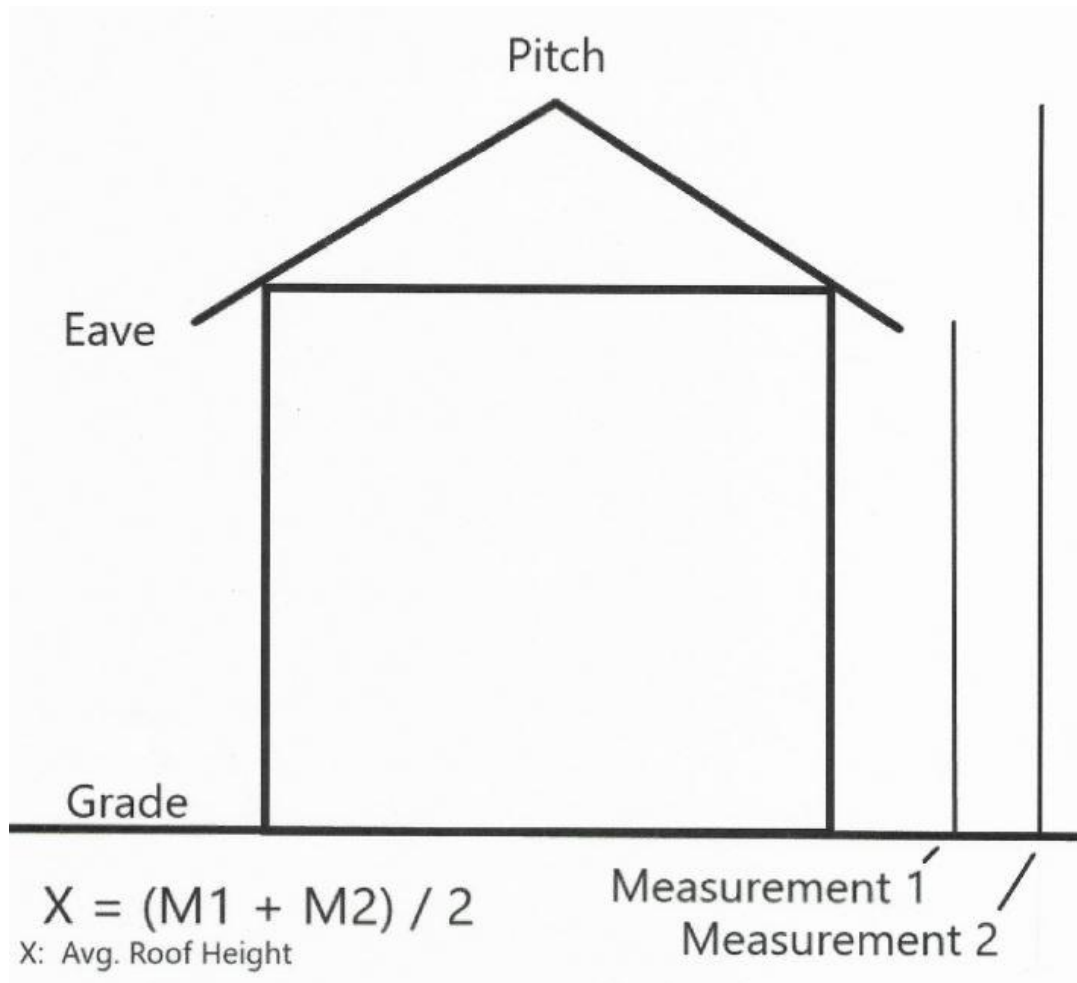
RS - Residential Suburban





Bird eye photo from (3/14/2021)





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#### PROJECT DESCRIPTION

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The applicant would like to construct an accessory structure in the back yard of 1430 Columbus Ave. that exceeds the average maximum height limit of an accessory structure.

The zoning code restricts the height of an accessory structure to an average height of 15 feet. The proposed accessory structure has an average height of 16 feet. The applicant is seeking a variance of 1 foot over the average accessory structure height. The proposed height from grade to roof pitch is approximately 23 feet.

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#### DEPARTMENT OF PLANNING COMMENTS

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The back yard is large at 1430 Columbus Ave. providing ample space for the garage. The applicant has stated the upstairs will be for storage in the near future but there are plans to later create a play area on the second floor for their kids.

It was common for historic streets such as Columbus Ave. to have a carriage house style garage in the back yard in the late 19<sup>th</sup> / early 20<sup>th</sup> centuries. Staff has determined the size and architecture of the



accessory structure blend into the historic character along this stretch of Columbus Ave. and is an appropriate size.

The applicant has stated there will be no utilities on the top floor for living quarters. Heat and air conditioning may be added in the future.

All setback, use, and yard area requirements are met.

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#### RELEVANT CODE SECTIONS

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### CHAPTER 1107

#### Definitions

##### 1107.01 DEFINITIONS.

(..)

(l) "Height of building" means the vertical distance measured from the highest point of the coping of a flat roof, or the distance measured from the mean level between the eaves and ridge of a pitched roof, each of which is measured to the average finished grade across the front of the building.

### CHAPTER 1129

#### Residential Districts

##### 1129.13 AREA, YARD, AND HEIGHT REGULATIONS.

(f) The height of a main building permitted on a zoning lot shall not exceed the number of stories or height in feet, whichever is the lesser, as set forth in Section [1129.14](#), for the district in which it is located, except as modified in Section [1145.18](#). The height of permitted accessory buildings and store or service shops shall not exceed 1 story or 15 feet in height.

##### 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. Not too much higher than code

**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 the variance should add curb appeal to what is a prominent straight of passage in the City. The garage we replaced was an eye sore. The love the City and hope to continue investing in our property value.
- 3. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**
  - i. No. Not at all.
- 4. Whether the property owner purchased the property with the knowledge of the zoning restriction;**
  - i. No.
- 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, the difference is not substantial.
- 7. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and**
  - i. The design was chosen to maximize curb appeal. The variance is best for the City and us.
- 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. Our motives are aligned.

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#### CONCLUSION/RECOMMENDATION

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Planning staff supports the requested variance at 1430 Columbus Ave. parcel (57-02458.000) 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: 1430 Columbus Avenue

Name of Property Owner: Dominic & Abigail Will

Mailing Address of Property Owner: 1430 Columbus Avenue

City: Sandusky State: OH Zip: 44870

Telephone #: 419 202 1939 Email: docwill47@gmail.com

If same as above check here ☒

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

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

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

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

### Description of Proposal:


We would like to build a two-story accessory garage that will have a second story loft. Initially, the space will be used for storage space (due to our four kids we quickly run out of space. We would turn the loft into recreational space at some point.

### Variance Requested:

Variance to install garage that has a median roof height larger than the coded height for an accessory building.

### Section(s) of Zoning Code:

Unknown.



Signature of Property Owner

12/15/22

Date

Signature of Authorized Agent

Date

APPLICATION #BZA-001

UPDATED 12/2/2019

## PRACTICAL DIFFICULTIES

(For ALL variance requests)

According to Chapter 1111.06(c)(1) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that a "practical difficulty" exists in order to approve a variance. The Board must consider the following factors. Please completely fill out all sections:

- 1) Would the variance be substantial?

No. Not too much higher than code.

- 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. The variance should add curb appeal to what is a prominent strait of passage in the City. The garage we replaced was an eye sore.

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

No, not at all.

We love the city and hope to continue investing in our property value.

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

No.

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

No.

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

Yes, the difference is not substantial.

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

Yes. The design was chosen specifically to maximize curb appeal.

In this way the variance is what is best for the city & us.

- 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. Our motives are aligned.

## 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?

Not necessarily.

- 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.

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.