



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

February 16, 2023

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 January 19, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. 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.
 - **223 Meigs St.**
An area variance to Zoning Code Section 1129.14 to allow the creation of parcels that do not meet the minimum area and yard requirements for a lot in a R2F – Two Family Residential Zoning District.

An area variance to Zoning Code Section 1133.11 (c)(2) to allow a structure to encroach up to 9.9 feet into the minimum 15 foot side yard setback of a Downtown Business Zoning District that adjoins a residentially zoned parcel.
 5. Other Business
 6. Adjournment Next Meeting: March 16, 2023

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

**Board of Zoning Appeals
January 19, 2023
Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:30 pm. The following voting members were present: Mr. Delahunt, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt and Mr. Matthews were absent. Mr. Delahunt informed Staff in advance that he would be absent. Ms. Arin Blair and Mr. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department; also present were City Commission Liaison Dave Waddington.

Chair Feick announced due to his conflict of interest he would not be able to vote on the adjudication hearing of 1430 Columbus Avenue, and due to the absence of two members there would not be a quorum for the application.

Mr. Alec Ochs discussed having a special meeting to hear this meeting. The Board decided to let Mr. Ochs coordinate a special meeting in the upcoming days.

Ms. Chiappone stated the Board did have a quorum for election of officers and approval of the minutes presented.

Election of Officers:

Chair Feick called for nominations of officers. Vice Chair Semans nominated Mr. Feick to continue as Chair and for Mr. Delahunt for Vice Chair Semans. The motion was seconded by Mr. Peugeot. The vote resulted in all members in favor of the motion to keep Mr. Feick as Chair and Mr. Delahunt becoming Vice Chair.

Review of minutes from November 17, 2022:

Chair Feick called for a motion on the minutes. Dr. Semans moved to approve the minutes as presented and Mr. Peugeot seconded the motion. All voting members were in favor of the motion and minutes were approved as presented.

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 4:41pm.

Next meeting:

February 16, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

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

BACKGROUND INFORMATION

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(I), 1129.13(f)

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

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

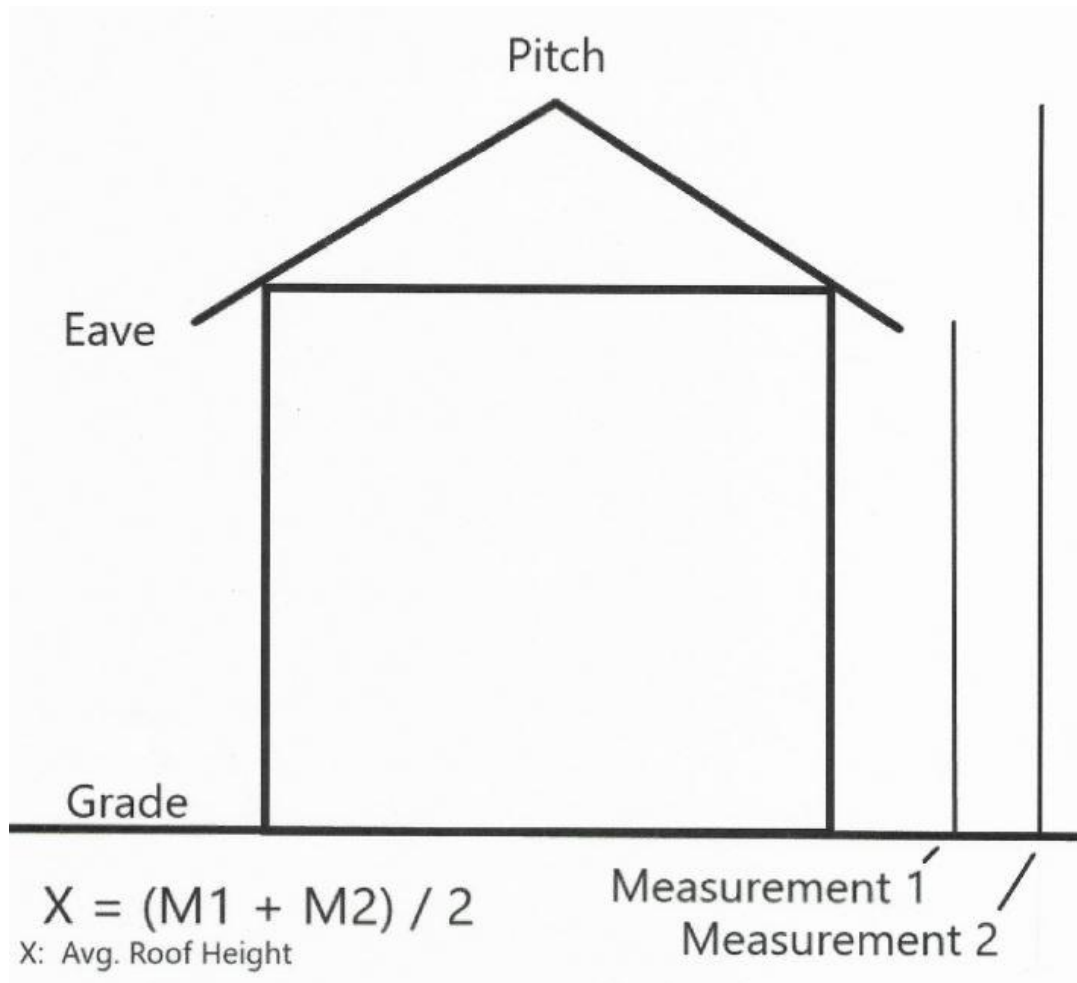


RS - Residential Suburban



Bird eye photo from (3/14/2021)





PROJECT DESCRIPTION

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.

DEPARTMENT OF PLANNING COMMENTS

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 19th / early 20th 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.

RELEVANT CODE SECTIONS

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.

CONCLUSION/RECOMMENDATION

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.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CREATE
THREE PARCELS THAT DOES NOT MEET THE
MINIMUM LOT SIZE AND DIMENSION
REQUIREMENTS AND TO CONSTRUCT A BUILDING
THAT DOES NOT MEET THE MINIMUM SIDEYARD
SETBACK AT
223 MEIGS ST. (PARCELS 57-01320.000, 56-
01241.000, 56-00647.000, 56-01177.000)

Reference Number: PVAR22-0022

Date of Report: February 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: McGooley Properties, LLC
225 Meigs St.
Sandusky, OH 44870

Site Location: 223 Meigs St.
Sandusky, OH 44870

Current Zoning: DBD – Downtown Business District

Adjacent Zoning: North: R2F – Two Family Residential
East: PF – Public Facilities
West: R2F – Two Family Residential
South: R2F – Two Family Residential

Existing Use: Restaurant / Brewery
Proposed Use: Restaurant / Brewery

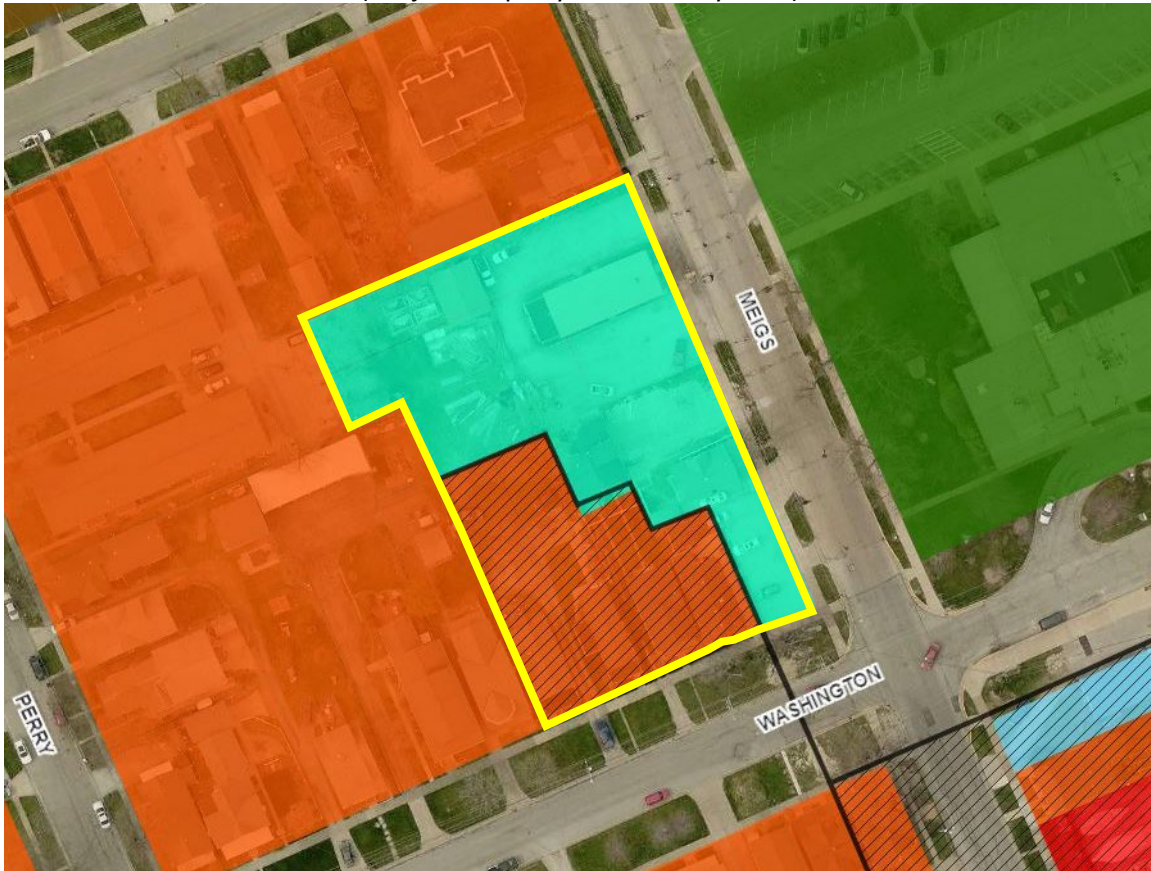
Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.14 & 1133.11 (c)(2)

Description of proposal:

1. To allow the creation of 3 parcels which do not meet the minimum lot size for a new lot in an R2F – Two Family Residential Zoning district. The minimum lot size requirement is 4,300 sq. ft. The proposed lot sizes are lot A: 3,003 sq. ft., lot B: 3,003 sq. ft., lot C: 2,904 sq. ft.
2. To allow the creation of 1 parcel that does not meet the minimum backyard setback requirements for the existing residential structure. The minimum backyard setback requirement is 26.94', the applicant is proposing a backyard of 20.25'.
3. To allow a structure to encroach up to 9.9 feet into the minimum 15 feet side yard setback of a Downtown Business Zoning District that adjoins a residentially zoned parcel.

SITE DESCRIPTION

(Subject Property Outlined in yellow)



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

An aerial photograph of a residential neighborhood. A yellow line runs diagonally across the image, labeled 'MEIGS ST' in yellow text. The street is paved and has several parked cars. To the left of the street, there are several houses with different roof colors (brown, grey, white). A large, long, brown-roofed building is prominent in the center. There are also some bare trees and a grassy area. The overall scene is a typical suburban residential area.

1. To allow the creation of 3 parcels which do not meet the minimum lot size for a new lot in an R2F – Two Family Residential Zoning district. The minimum lot size is requirement is 4,300 sq. ft. The proposed lot sizes are lot A: 3,003 sq. ft., lot B: 3,003 sq. ft., lot C: 2,904 sq. ft.
2. To allow the creation of 1 parcel that does not meet the minimum backyard setback requirements for the existing residential structure. The minimum backyard setback requirement is 26.94', the applicant is proposing a portio of the backyard to have a 20.25' setback.
3. To allow the new buildings to encroach into the minimum 15' side yard setback of a DBD – Downtown Business parcel that is adjacent to Residential parcel. The largest requested encroachment for this project is 9.9'.
 - a. The setbacks proposed are:
 - i. 7.2' = 8.8' encroachment
 - ii. 5.1' = 9.9' encroachment
 - iii. 5.7' = 9.3' encroachment
 - iv. 6.1' = 8.9' encroachment

RELEVANT CODE SECTIONS

CHAPTER 1129 Residential Districts

1129.13 AREA, YARD, AND HEIGHT REGULATIONS.

Land and buildings shall be used in accordance with the lot area regulations; and buildings shall be designed, erected, altered, moved, or maintained in accordance with the yard and building height regulations set forth in the following sections.

(..)

(2) Supplementary regulations for side yards are: insufficient side yards, Section 1145.09; corner lots, Section 1145.10; unit development, Section 1145.11; and multifamily developments, Section 1145.12.

(e) The rear yard of a zoning lot for main buildings shall be not less than 30% of the depth of lot or the depth set forth in Section 1129.14, for the district in which it is located, whichever is the lesser. The lot area occupied by a detached accessory building shall not exceed 30% of the area of the rear yard, and the accessory building shall be located in accord with yard regulations, as set forth in Section 1145.15 hereof.

1129.14 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

		Minimum lot size			Minimum yard dimensions			Max. Height	
			Width at building line	Front depth	Side Width		Rear Depth	Main Building	
R2F	1 Fam. Dw.	4,300	33	25	3	10	40	2	30
	2 Fam. Dw.	2,750	40	25	3	10	40	2	30

CHAPTER 1133
Business Districts

1133.11 YARD REGULATIONS; BUSINESS DISTRICTS.

(c) Side Yards.

(1) Local Business, Roadside Business, General Business Districts.

(..)

(2) Downtown Business District. Buildings when located on a lot adjoining a residentially zoned district, shall have a side yard of not less than fifteen (15) feet on the adjoining side. For every story above the first, an additional two (2) feet of setback shall be required. If the lot is not adjoining a residentially zoned district, the building shall not be closer than five (5) feet from the nearest building.

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:

1. To allow the creation of 3 parcels which do not meet the minimum lot size for a new lot in an R2F – Two Family Residential Zoning district.
2. To allow the creation of 1 parcel that does not meet the minimum backyard setback requirements for the existing residential structure. The minimum backyard setback requirement is 26.94', the applicant is proposing a backyard of 20.25'.
3. To allow a structure to encroach up to 9.9 feet into the minimum 15 feet side yard setback of a Downtown Business Zoning District that adjoins a residentially zoned parcel.

A. Whether the variance is substantial;

Variance 1: Staff has determined - No, because the parcels are still buildable as long as all yard requirements are met.

Variance 2: Staff has determined - No, because only a small portion of the backyard will not be in compliance.

Variance 3: Staff has determined - No, the applicant has proposed to install a privacy fencing along the property lines of the Bait House Brewery.

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;

Variance 1: Staff has determined the uses of the site is not changing, only expanding. The character of the neighborhood will not be detrimentally impacted. The uses are permitted uses.

Variance 2: Staff has determined the parcel not meeting the minimum backyard setback would not suffer a detrimental impact. The business is expanding into the this portion of the backyard, but only because the site layout won't allow the building footprint to function properly in another design.

Variance 3: Staff has determined that the building encroaching into the minimum side yard setback would not negatively impact the neighborhood. The business use is currently taking place in this setback, with outdoor dining in place. The existing building addition is also within the 15' setback by 1 foot per an approved 2016 variance.

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

Variance 1 – Staff has determined, No.

Variance 2 - Staff has determined, No.

Variance 3 - The applicant has stated – No, and that fire protection will actually be expanded with fire sprinklers will be installed and the fire department can now access the kitchen easier on the first floor.

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

Variance 1 – The applicant stated - Yes

Variance 2 – The applicant stated – Yes

Variance 3 – The applicant stated - Yes

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

Variance 1 - Staff has determined, No – to make the site function properly, this is the best way forward.

Variance 2 - Staff has determined, No – to make the site function properly, this is the best way forward.

Variance 3 - Staff has determined, No – to make the site function properly, this is the best way forward.

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

Variance 1 – The applicant stated, yes. The site will be greatly enhanced and fencing will be installed for the surrounding properties privacy. The properties impacted are also all currently owned by the applicant.

Variance 2 - The applicant stated, yes. The site will be greatly enhanced and fencing will be installed for the surrounding properties privacy. The properties impacted are also all currently owned by the applicant.

Variance 3 - The applicant stated, yes. The site will be greatly enhanced and fencing will be installed for the surrounding properties privacy. The properties impacted are also all currently owned by the applicant.

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

Variance 1 - Staff has determined, Yes. However, not granting the variances would prohibit a local business to expand its operations, limiting their returns.

Variance 2 - Staff has determined, Yes. However, not granting the variances would prohibit a local business to expand its operations, limiting their returns.

Variance 3 - Staff has determined, Yes. However, not granting the variances would prohibit a local business to expand its operations, limiting their returns.

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.

Variance 1 – The applicant stated, no. The project is both functional and more aesthetically pleasing. Both uses are permitted uses. The properties impacted are also all currently owned by the applicant.

Variance 2 – The applicant stated, no. The project is both functional and more aesthetically pleasing. Both uses are permitted uses. The properties impacted are also all currently owned by the applicant.

Variance 3– The applicant stated, no. The project is both functional and more aesthetically pleasing. Both uses are permitted uses. The properties impacted are also all currently owned by the applicant.

DIVISION OF PLANNING COMMENTS

Due to the small size and layout of the site, the applicant has chosen to move forward with site plans that would require three variances. Staff talked to the applicant about the feasibility of re-organizing the site to avoid variance requirements, but after further analysis staff agrees the site's size and layout does pose development challenges.

Staff met with the applicant in the 12/6/22 preliminary meeting, at the site to better understand the proposed concept for the addition, pedestrian circulation, parking needs, and site constraints. After review, the proposed site plan configuration is optimal for the flow and placement of the back of house needs – kitchen, staff areas – given the location of the walk-in cooler and the existing dining area.

The applicant currently owns all of the properties in this proposal.

A site plan approval process occurred on 1/25/23 and was approved by the Planning Commission. One of the conditions prior to any construction is to acquire these variances.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variances at 223 Meigs St. (Parcels 57-01320.000, 56-01241.000, 56-00647.000, 56-01177.000)

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: 623, 627, 629 E. Washington St.

Name of Property Owner: McGookey Properties LLC

Mailing Address of Property Owner: 225 Meigs Street

City: Sandusky State: OH Zip: 44870

Telephone #: 419-271-5094 Email: dmcgookey@mcgookeylaw.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

623 Washington, variance for lot size and rear setback

627 Washington, variance for lot size and rear setback

629 Washington, additional variance for lot size and rear setback

Variance Requested:

623 Washington, single family in R2F, 4300 sf req'd, 3093 sf provided, 1207 sf variance.

627 Washington, single family in R2F, 4300 sf req'd, 3003 sf provided, 1297 sf variance.

629 Washington, single family in R2F, 4300 sf req'd, 2905 sf provided, 1114 sf variance

previously granted, additional 281 sf requested. 623, 627, 629 rear setback req'd of 40 feet.

623, 32.39' provided, 7.61' variance; 627, 29' provided, 11' variance; 629, 20.25' provided,

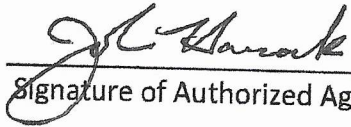
Section(s) of Zoning Code:

previously granted, addit. 4.75' requested.

1129.13 and 1129.14, Residential Districts

 Signature of Property Owner

Date

 Signature of Authorized Agent

Date

APPLICATION #BZA-001

PRACTICAL DIFFICULTIES
(For ALL variance requests)

(see attached)

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?
- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
- 4) Was the property purchased with the knowledge of the zoning restrictions?
- 5) Can the property owner's predicament be resolved through some method other than a variance?
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
- 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?

UNNECESSARY HARDSHIP

N/A

(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

McGookey Properties, LLC Hardship description supporting variance application

The property owned by McGookey Properties, LLC located at 223 Meigs Street, Sandusky, is, and has been since it opened in 2018, occupied by the *Bait House Brewery*. Since opening, the Brewery has steadily grown. However, with the addition of the upstairs kitchen in May 2021, it is fair to say that business really took off. Now, the Brewery is one of the most popular restaurant/bars in the area, winning the prestigious "Best of the Best" Firelands awards for "Best Bar", "Best Craft Brewery" and "Best Happy (or "Hoppy") Hour.

The formula for success has been simple: serve the best quality food and beer, provide the best quality service all while providing the best quality atmosphere. We would respectfully submit that we have accomplished these things (and in fact could not have accomplished them without), by being good a good business citizen of the City and a good neighbor to those who live in the area.

We believe it is also fair to say that the Brewery's success has been, at least in a small way, a success for Sandusky itself. That is because we have "extended" the City's thriving downtown westward to the Battery Park area. Of course, East Market Street is rapidly filling in with homes and new business, continuing the growth in the corridor.

Also, as everyone is well-aware, new upgraded water and sewer lines have just been installed, and curbs and driveways added in the two-block area between East Market Street and East Water Street in anticipation of the remodeling of the Justice Center and the exciting new development to occur at Battery Park. In addition, a new bike path has been added on the east side of Meigs, extending south to Sycamore, and Meigs Street has been entirely resurfaced.

This is truly a testament to the City's commitment to seeing Meigs Street, and particularly Battery Park become one of the premier locations in the entire area for shopping, dining, entertainment and living. A testament as well to the popularity of the Brewery is that it has been able "to weather the storm" caused by restricted access to it caused by the construction for the improvements which started the first week of June 2022 and is just ending now.

The proposed new addition to the Brewery is completely consistent with the above. The bottom line is that there is going to be tremendous expansion of the Meigs Street corridor between Washington and Water Streets in the next few years, and expansion of the Brewery will only serve to enhance the positive impact of the growth for all.

The Janotta & Herner (J & H) overhead drawings and elevations of the proposed new addition, attached as Appendix 1, demonstrate how the addition will meet the Brewery's growth needs, while at the same time complimenting the aesthetics of the neighborhood. The addition will double the size and seating area of the Brewery.

This is desperately needed as with the loss of the "open air" areas (the beer garden & the back patio) in the winter months, as thing currently are, the Brewery simply lacks sufficient space to meet demand. Of course, with the additional capacity, additional staff will need to be

employed in all areas—food and drink preparation and service. The public area of the addition will be largely walled with glass (folding or garage-style doors), so that the open-air feeling, which we feel has been critical to our success, will be maintained. In addition, even though it will be slightly smaller, we will maintain a good-sized outdoor beer garden to allow patrons to enjoy the summer breezes off Sandusky Bay.

Placement of the new addition over the existing building located at 225 Meigs Street, which has been occupied by McGookey Law Offices, will maximize the views of the water and be in keeping with the open-air feel. As an aside, we believe we have a party who will be moving the existing McGookey Law building south on Meigs Street. McGookey Law offices itself will be moved to another nearby location.

Another major component of the addition is the new, much larger and centrally located kitchen, which, as can be seen in the J & H overhead diagram, will occupy the space will now serves as the back patio of the Brewery. The expanded kitchen will allow us to broaden our menu, while also increasing efficiency. Bringing the kitchen down to the ground-level will shorten the “supply line” for our serving staff, meaning faster service and warmer hot food, as running up and down stairs will no longer be necessary.

Also, fire protection will be enhanced for the facility with the addition. That is so as the entire building will have a sprinkler system. Also, fire safety vehicles will be able to access the new downstairs kitchen from the west side of the current Brewery building.

As demonstrated by both the J & H drawings and John Hancock’s site plan, the proposed addition is both functional and aesthetically pleasing. Functional from the standpoint that it blends in perfectly with layout of the current Brewery building and enhances operations. Aesthetically pleasing from the standpoint that it is not only in keeping with the Brewery’s “shack-by-the-sea look” but enhances and beautifies that look.

It should be noted as well that when the initial build-out of the Brewery building was to occur in 2016, the City approved an almost identical request for the two variances sought (area and setback) with respect to the adjoining property located at 629 E. Washington Street. Attached as Appendix 2 are BZA’s Staff Report of May 11, 2016, recommending approval of the variances, and a detailed explanation of the reasoning behind the recommendation and the letter of June 1, 2022, indicating that BZA approved the variances.

Noteworthy in the Staff Report are the following findings:

- The proposed variance is substantial, however there are several lots within the surrounding area that are similar in size
- The nonconforming lot (629 E. Washington) will remain as a residential use
- The proposed variances would not affect the delivery of government services
- The applicant wishes to expand his business plans for the area and variances and zoning amendments are required to accomplish this

- The rezoning application has been approved with the condition that the area and setback variances are approved
- It is the opinion of the Planning staff that the proposed area and setback variances would be in keeping with the spirit and intent of the Zoning.
- In this instance, the property (627 E. Washington St.) can still yield a reasonable return
- The Comprehensive Plan calls for mixed use within this area, granting of the variances would allow for the expansion of mixed uses within this block
- The variances will not adversely affect the rights of adjacent property owners
- The proposed variances would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood

Each point stated above can easily be said to apply here. With respect to the four residences on the north side of Washington Street, going west from the intersection with Meigs Street (623 -631 E. Washington Street), owned by McGookey Properties, all are currently undergoing extensive interior and exterior (painting, roofs) renovations to make way, at least for three of them (including 629 E. Washington Street), for vacation rental which was approved by the City several years ago.

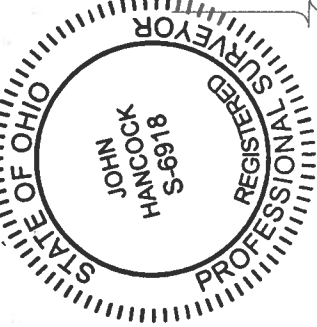
The cost of these renovations is expected to be approximately \$50,000. After the renovations are completed by next Spring, the homes will emerge as "*the Bait House Bungalows*" and will be more attractive than ever. With the completion of the addition, we intend to immediately renovate the old Herb's Bait Shop building into a gift shop emphasizing nautical gifts. Both their past and present actions demonstrate the McGookey family's love of and commitment to the area.

We intend to put a new six foot (6') along the border between the Brewery property and all the Washington Street homes to enhance privacy and security. The rear yards of the Washington Street homes would further be beautified by lush landscaping, including trees, bushes and flowers.

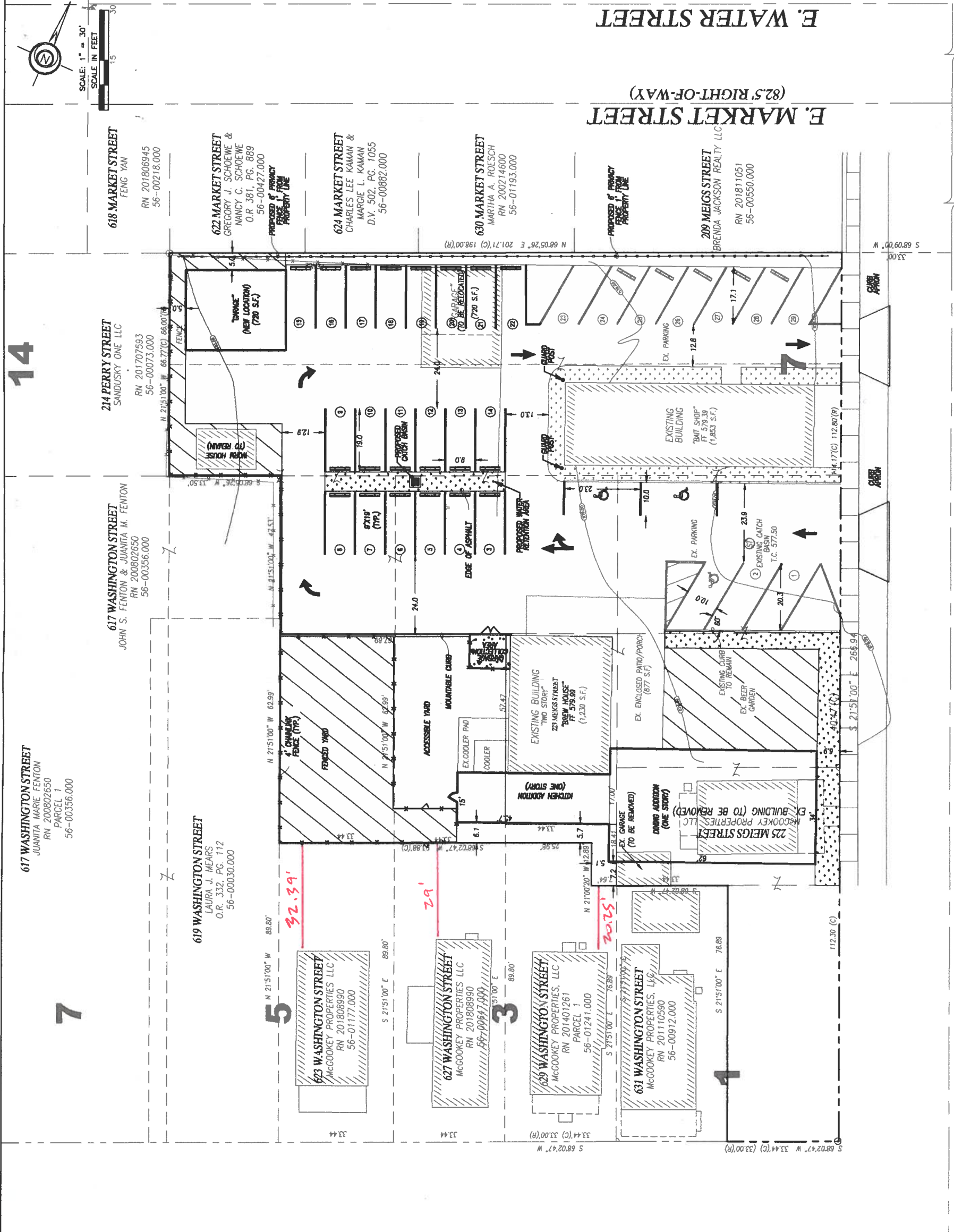
After completed of the addition, we can say with absolute assurance that the area will be greatly enhanced, to the benefit of all. Finally, the Board should also be aware that applications for the necessary lot split/combination, re-zoning and site plan approval have been submitted to the appropriate authorities.

BEARINGS HEREON ARE BASED UPON THE
CENTRINE OF MEIGS STREET BEARING
S 21°51'00" E AS CONTAINED IN THE
PLAN OF EAST BATTERY DATED 4/01/1836
I HEREBY CERTIFY THAT THIS PLAN
WAS PREPARED FROM AN ACTUAL FIELD
SURVEY OF THE PREMISES CONDUCTED
BY ME PURSUANT TO CHAPTER 4733-37
OF THE OHIO ADMINISTRATIVE CODE

JOHN HANCOCK
OHIO R.L.S. 6918
DATE: 11-17-2022



E. MONROE STREET
E. WASHINGTON STREET
(99' RIGHT-OF-WAY)



LEGEND:
MONUMENT BOX
MONUMENT FOUND (SEE NOTED)
MONUMENT SET (SEE NOTED)
CALCULATED DISTANCE
RECORD DISTANCE
GRASS
LANDSCAPING

EXISTING PARCEL
0.7121 ACRES
31,019 S.F.

LOT SPLIT
0.1046 ACRES
4,556 S.F.

LOT COMBINATION
0.8167 ACRES
35,577 S.F.

PRELIMINARY SITE PLAN
McGOOKEY PROPERTIES, LLC
LOT 7 ON MEIGS STREET AND PART OF LOTS 1, 3 & 5
WASHINGTON STREET
WARD 1, CITY OF SANDUSKY, ERIE COUNTY, OHIO

JOB NO.: 164608
DRN BY: JHH
1646-PSP
DATE: 10/28/2022
SCALE: 1" = 30'
SHEET NO.:
1 OF 1

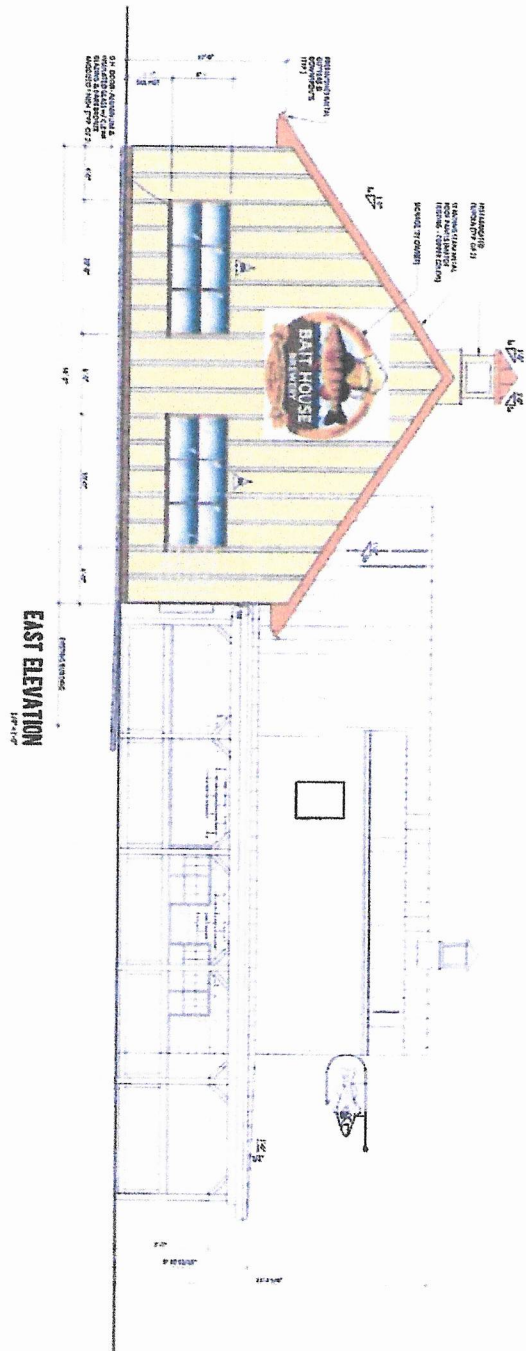
John Hancock & Associates
INCORPORATED
ENGINEERS - SURVEYORS
326 E. MARKET STREET
SANDUSKY, OHIO 44870
(419) 502-1215



ELEVATIONS

509 MONROE STREET MONROEVILLE, OHIO 44847 (419) 465-4011

REVIEWS



A2.2C

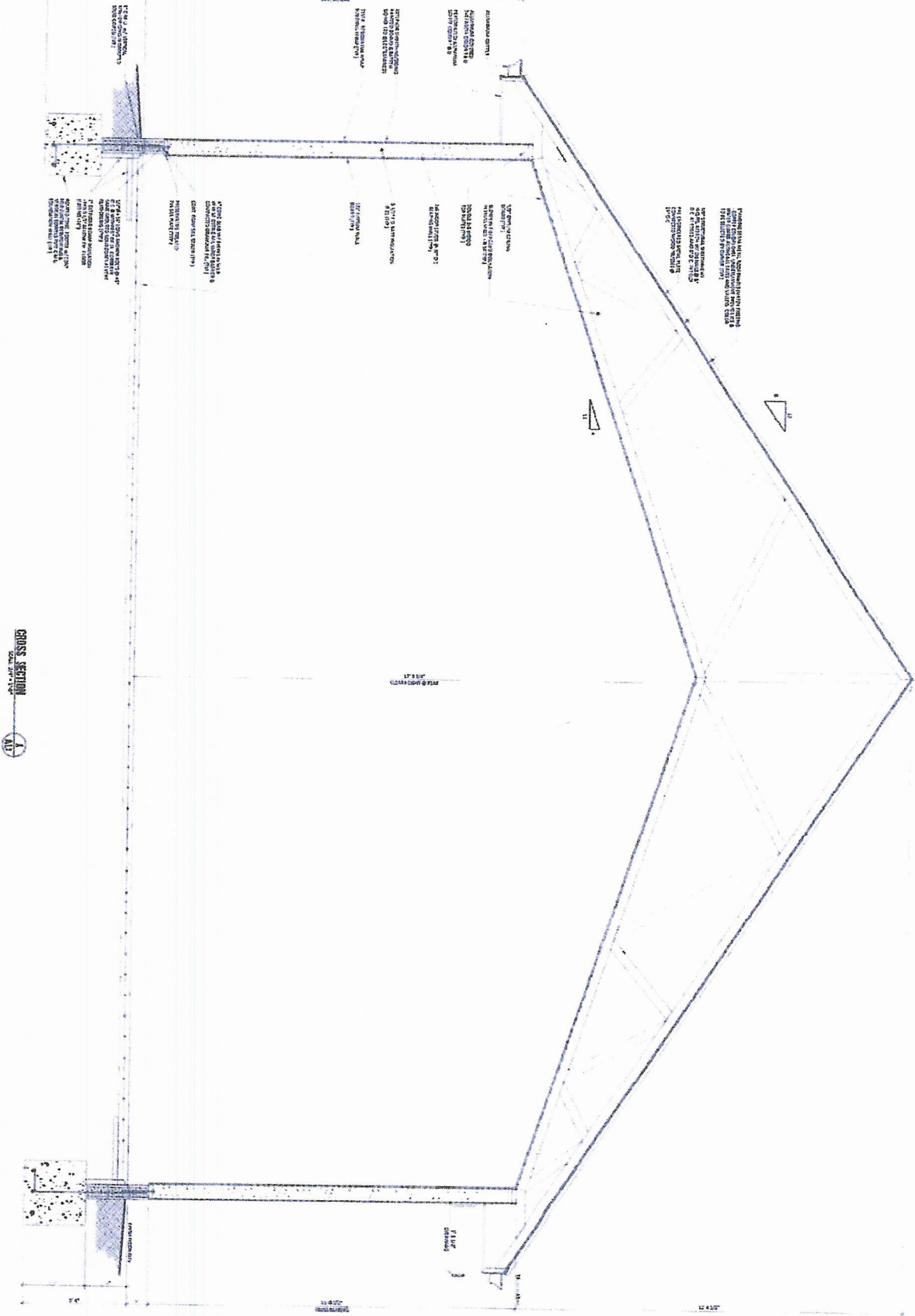
BAIT HOUSE BREWERY
18155 STREET SANDUSKY, OHIO 44870
ELEVATIONS

Janotta & Herner
309 MONROE STREET MONROE, OHIO 44047 (419) 455-4511

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SECTION
A3.1

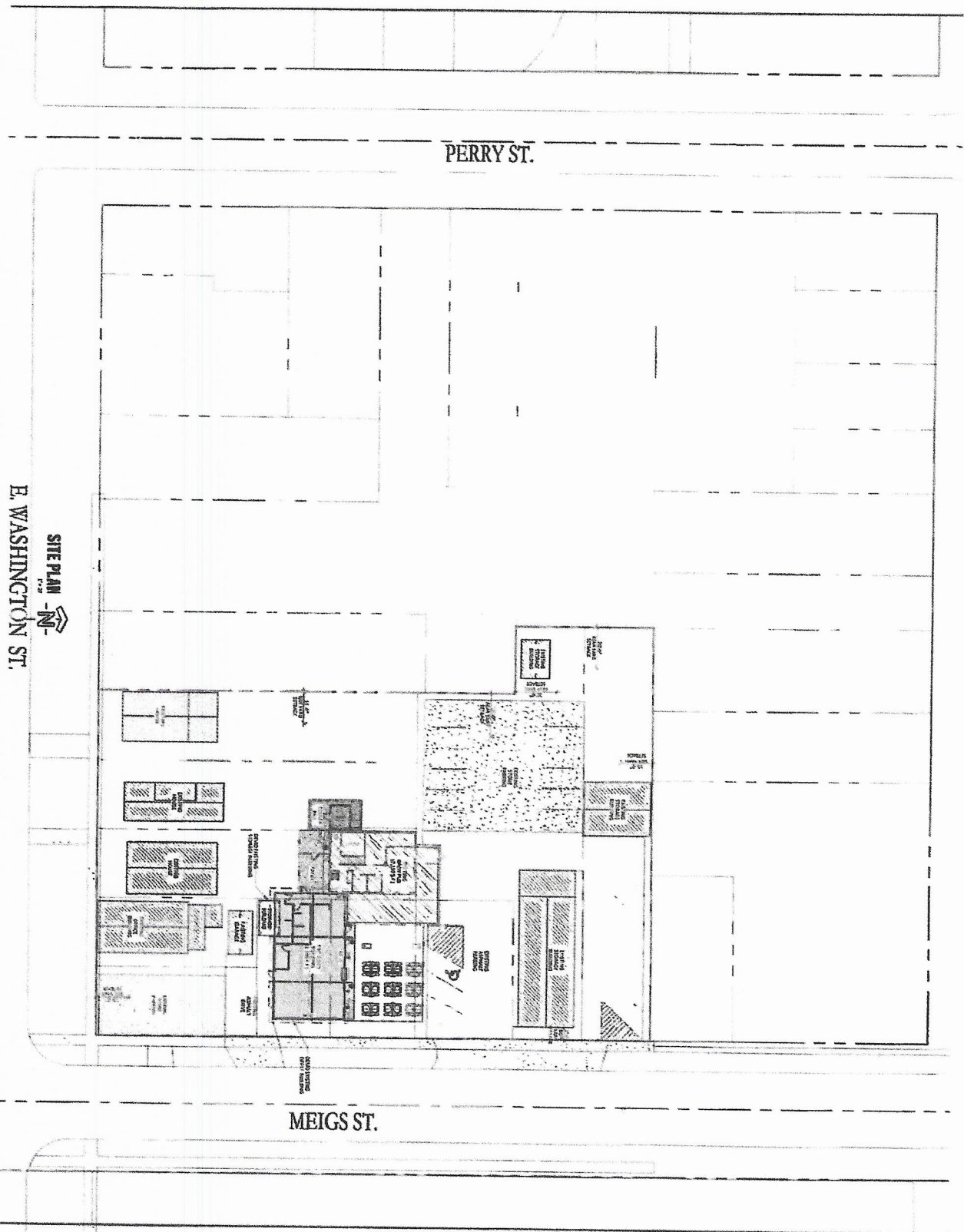
A3.1

BAIT HOUSE BREWERY
MEIGS STREET SANDUSKY, OHIO 44870
SECTIONS

Janotta & Herner
309 MONROE STREET MONROEVILLE, OHIO 44047 (419) 465-4611

DETAILS
ROOF
TRUSS
CONNECTION
2024/08
JH/HN

REVISIONS
2/2024
CONCEPT



SITE PLAN
E. WASHINGTON ST.

MEIGS ST.

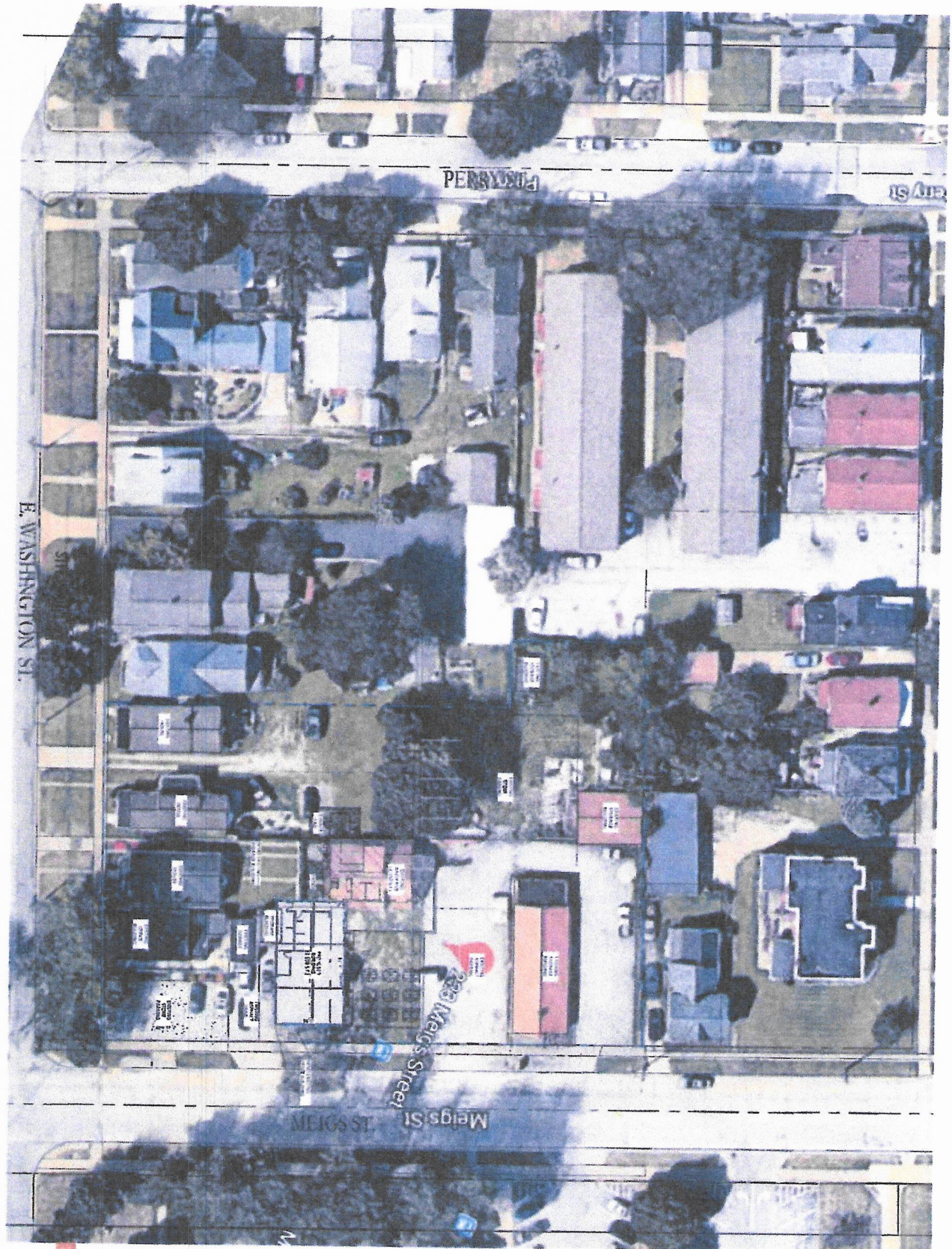
C1.1

BAIT HOUSE BREWERY
 223 MEIGS STREET SANDUSKY, OHIO 44870
SITE PLAN

Janotta & Herner
 309 MONROE STREET MONROEVILLE, OHIO 44137 (419) 455-4511

REMARKS
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
 2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.

REVISIONS
 1. 10/2/21
 2. 10/2/21
 3. 10/2/21
 4. 10/2/21
 5. 10/2/21



C1.2

BAIT HOUSE BREWERY
224 MEIGS STREET SANDUSKY, OHIO 44870
SITE PLAN (w/ AERIAL)

Janotta & Herner
309 MONROE STREET SANDUSKY, OHIO 44870 (419) 465-4911

RELEASE
PROJECT: BAIT HOUSE BREWERY
SHEET: 1 OF 1
DATE: 02/20/20

REVISIONS
NO. DATE BY
1 02/20/20 JAH
2 02/20/20 JAH
3 02/20/20 JAH

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO ALLOW A
NONCONFORMING LOT WITHIN THE "R2F"
TWO- FAMILY RESIDENTIAL ZONING
DISTRICT AND A VARIANCE TO THE SIDE
AND REAR YARD SETBACK WITHIN THE
"DBD" DOWNTOWN BUSINESS DISTRICT.

DAN MCGOOKEY
629 WASHINGTON STREET

Reference Number: BZA-11- 16

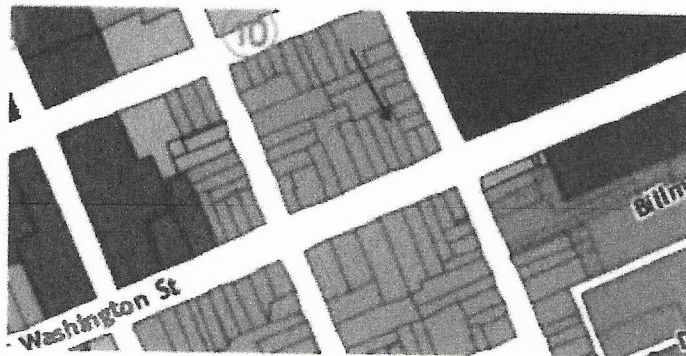
Date of Report: May 11, 2016























Report Author: Casey Sparks, Assistant Planner

SITE DESCRIPTION

The subject property is located on Washington Street in the "R2F" Two-family residential zoning district. The applicant has applied to rezone the northern portion of this site to "DBD" Downtown Business District. The lot is currently developed with a single-family residence and a large accessory building in the rear of the property. The subject property is surrounded by single-family, office, and commercial uses. A location map of the subject property is found below and the parcel of the subject property is pointed out. The map has not been updated and does not reflect the previously approved rezoned parcels within the block.

629 Washington Street View



 PF PUBLIC FACILITY	 R ¹ -40 SINGLE-FAMILY RESIDENTIAL	 LB LOCAL BUSINESS	 DBD DOWNTOWN BUSINESS
 RS RESIDENTIAL SUBURBAN	 R2F TWO-FAMILY RESIDENTIAL	 RB ROADSIDE BUSINESS	 CS COMMERCIAL SERVICE
 R1-75 SINGLE-FAMILY RESIDENTIAL	 RMF MULTI-FAMILY RESIDENTIAL	 GB GENERAL BUSINESS	 LM LIMITED MANUFACTURING
 R1-80 SINGLE-FAMILY RESIDENTIAL	 RRB RESIDENTIAL / BUSINESS	 CA COMMERCIAL AMUSEMENT	 GM GENERAL MANUFACTURING
 R1-50 SINGLE-FAMILY RESIDENTIAL	 P AUTO PARKING	 CR COMMERCIAL RECREATION	 PUD PLANNED UNIT DEVELOPMENT
 AG AGRICULTURAL			 100 REQUIRED SETBACK IN FEET

The site is zoned "R2F"/Two -Family Residential District by the Sandusky Zoning Code which permits one and two family dwellings, public facilities and public utilities as a conditional use. The subject property is surrounded by "R2F" Single- Family Residential District and "DBD" Downtown Business District. The northern portion of the site is proposed to be zoned as "DBD" Downtown Business District to allow for the existing building to be utilized as a tap room.

DIVISION OF PLANNING COMMENTS

The applicant, McGookey Properties, LLC has proposed to rezone a portion of 629 Washington Street, the current property is being utilized as a single- family dwelling. McGookey Properties, LLC is the current property owner of this parcel as well as adjacent parcels. Daniel McGookey, on behalf of McGookey Properties, LLC has stated that he would like to utilize the current structure on the rear of the property for a tap room to service the adjacent proposed brewpub. The surrounding properties are zoned as downtown business and two-family, per the Comprehensive Plan this section of the city is located within the Battery Park area which encourages mixed- use development.

The rezoning application provided by the applicant indicates that northern section of the parcel will be split from parcel 56-01241.000 (629 Washington Street) and combined with adjacent parcel 56-00693.000 (Meigs Street). This lot split and combination will result in the creation of non-conforming lot (629 Washington Street. The remaining lot will be .0732 acres, 3,186.49 square feet. Section 1129.14 requires a minimum lot size of 4,300 square feet for lot within the "R2F" Two-Family Residential Zoning District for lots that contain a single family dwelling use. It does not appear that the applicant will be altering any of the existing parking with the proposed lot split.

This lot split and combination will also create a non-conforming building, as it will not meet the existing side and rear yard requirements within the Downtown Business District. The applicant is proposing a 14ft. side yard setback whereas the code requires a 15 ft. side yard setback. The applicant is also proposing a 5ft. rear yard setback, whereas the code requires a 20 ft. rear yard setback for the building proposed to be a brewpub.

At the March 23rd Planning Commission meeting the Commission recommended approval of the rezoning application with the following conditions:

- A variance application is submitted and approved for the remaining residential lot, prior to City Commission approval
- A variance application is submitted and approved for the side yard setback for the existing building
- Any future use of the existing building shall submit a parking plan for approval through Planning Commission

City Commission tabled the rezoning application until the Board of Zoning Appeals reviews the application, the decision of the Board will be forward to City Commission at their June 13th meeting.

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

The rezoning application has been approved with the condition that the area and setback variances are approved, the owner's development plans can only be accomplished through a variance process.

- 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 proposed area and setback variances would be in keeping with the spirit and intent of the Zoning.

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

In this instance, the property can still yield a reasonable return due to the existing dwelling on the subject property; however the applicant's plans for expanded development on these parcels could not occur without the variances being approved.

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

The Comprehensive Plan calls for mixed use within this area, granting of the variances would allow for the expansion of mixed uses within this block.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

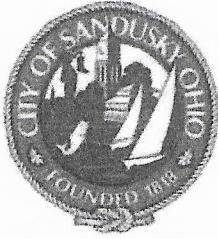
Section 1111.06(c)(2):

- 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 variances requested arise from a unique condition as the applicant is requesting variances for an existing building and a variance for a non-conforming lot that is adjacent to other lots of similar size. The applicant is requesting variance to utilize existing buildings to expand his business.

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

In Planning Staff's opinion the variances will not adversely affect the rights of adjacent property owners or residents. As stated the residential use will remain the same and the proposed brewpub will be a similar use as the adjacent building along Meigs Street.



Department of Planning and Development

Casey Sparks
csparks@ci.sandusky.oh.us

222 Meigs St.
Sandusky, OH 44870
Phone: 419.627.5873
Fax: 419.627.5933
www.ci.sandusky.oh.us

June 1, 2016

McGookey Properties
225 Meigs Street
Sandusky, Ohio 44870

RE: Application of variance Board of Zoning Appeals, City of Sandusky, Ohio, May 19, 2016. 2016- 629 Washington Street BZA 11-16

Mr. McGookey,

This will confirm that the above application was considered by the Board of Zoning Appeals at their meeting on May 19, 2016. After reviewing the application, and considering the factors enumerated in the Code, the Board resolved to approve the following variance:

Variance Approved: A variance to allow a nonconforming lot within the "R2F" Two-Family Residential zoning district, specifically an area variance of 1,114 square feet. The Board also approved a side yard variance of 1ft. and a rear yard variance of 15ft. for an accessory building located on the northern portion of the property. The variances were approved with the following condition:

- The applicant shall provide a 6ft. high privacy fence adjacent to any of the residentially zoned parcels to assist in screening.

Please be sure to apply for all necessary permits. Should you require any further information on this file, please contact the Department of Development at (419) 627-5715.

Sincerely,

Casey Sparks
Assistant Planner