



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

March 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 February 16, 2023 meeting & February 23, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **1115 Filmore St.**
An area variance to Zoning Code Section 1129.14 to allow the creation of three parcels that do not meet the minimum area requirements for a lot in a R1-40 – Single Family Residential Zoning District.
 5. Other Business
 6. Adjournment Next Meeting: April 20, 2023

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

**Board of Zoning Appeals
February 16, 2023
Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:30 pm. The following voting members were present: Vice Chair Semans and Mr. Matthews. Mr. Delahunt and Mr. Peugeot were absent and both had notified Staff about their absences in advance. Mr. Alec Ochs 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 November 17, 2022:

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

Adjudication Hearing:

- 1. 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 Avenue in a Residential Zoning District.**

Mr. Ochs explained that the Board did not have a quorum to vote on the application because Chair Feick's involvement with the project and moved on to present the next application.

- 2. 223 Meigs Street- 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 the R2F- Two Family Residential Zoning District. An area variance to Zoning Code Section 11.33.11 (c)(2) to allow a structure to encroach up to 9.9 feet into the minimum 15 side yard setback of a Downtown Business Zoning District that adjoins a residentially zoned parcel.**

Chair Feick swore in the applicant and his representative in. Mr. Ochs presented the application for 223 Meigs Street, also known as the Baithouse Brewery. The application would change the lot sizes for multiple parcels: Lot "A" would be reduced to 3003 square feet, Lot "B" would be reduced to 3003 square feet and lot C would be reduced to 2904 square feet. The applicant was also requesting to allow the creation of one parcel that does not meet the backyard setback requirements for the existing residential structure of 26.94 feet and was proposing a backyard setback of 20.25 feet. The next request was 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. Chair Feick asked anyone to speak on behalf of the project to come forward. Mr. Dan McGookey, the applicant, and Mr. John Hancock, the applicant's

engineer, came forward to speak on behalf of the project. Mr. McGookey explained these variance requests would facilitate in the expansion of the brew house by allowing them to build a bigger kitchen, adding more seating, landscaping, and parking. Chairman Feick voiced his concern of changing lots that met lot size requirements of the zoning code and turning them into non-conforming lots. Mr. McGookey stated the lots currently exceeded the zoning code requirement and that other contiguous properties were much smaller and used to meet the historical requirements for lot size. The reduction in lot sizes would fit more appropriately with surrounding properties and historical City lot sizes. Chair Feick called for a motion for Lot "A." Vice Chair Semans made a motion to approve the variance requests for Lot "A" with staff conditions and the motion was seconded by Mr. Matthews. The vote resulted in unanimous approval of the requests for Lot "A." Vice Chair Semans made a motion to approve the variance requests for Lot "B" with staff conditions and the motion was seconded by Mr. Matthews. The vote resulted in unanimous approval of the requests for Lot "B." Vice Chair Semans made a motion to approve the variance requests for Lot "C" with staff conditions and the motion was seconded by Mr. Matthews. The vote resulted in unanimous approval of the requests for Lot "C."

Other Business:

Mr. Ochs stated that an agreement between the City and the applicant of 630 Coldcreek had been completed that met the Zoning Code Requirements. No further variance is needed.

Mr. Ochs added that the variance application for 1502 Hayes Avenue was not needed and would not be brought before the Board.

Adjournment:

Vice Chair Semans moved to adjourn the meeting and Mr. Matthews seconded the motion. All members approved of the motion, and the meeting ended at 5:06 pm.

Next meeting:

March 16, 2023

APPROVED:

Clerk

Chair/ Vice Chair

**Board of Zoning Appeals
February 23, 2023
Special Meeting Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:00 pm. The following voting members were present: Mr. Matthews, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt was absent and had notified Staff about his absence in advance. Mr. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department; also present were City Commission Liaison Dave Waddington and clerk Quinn Rambo.

Adjudication Hearing:

- 1. 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 Avenue in a Residential Zoning District.**

Chair Feick swore in the applicant. Mr. Ochs presented the application to the Board. The applicant would like build an accessory structure in the back yard that exceeds the maximum height requirement. The plans were to build a garage with a 2nd floor storage space. The applicant planned to turn the second floor into a play area for his children in the future. No utilities except for air conditioning and heat would be added. Staff recommended approval of the application with the following conditions, that all necessary permits were obtained through the Building, Engineering, and Planning departments, prior to construction. Mr. Will, the applicant, spoke on behalf of his project and he believed that it would add curb appeal to his property, and expressed his family's desire to live and grow in Sandusky. Chair Feick asked if the board had any questions for the applicant. There were none. Chair Feick called for a motion. Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. All voting members were in favor of the motion and the application was approved. Chair Feick abstained from the vote due to his involvement in the project.

Other Business:

There was no other business.

Adjournment:

Vice Chair Semans moved to adjourn the meeting and Mr. Matthews seconded the motion. All members approved of the motion, and the meeting ended at 4:05 pm.

Next meeting:

March 16, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CREATE
THREE PARCELS THAT DO NOT MEET THE
MINIMUM LOT SIZE REQUIREMENTS AT
1115 FILMORE ST. (PARCEL 58-01997.000)

Reference Number: PVAR23-0001

Date of Report: March 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Aleck Speer
9610 River View Dr.
Huron, OH 44839

Site Location: 1115 Filmore St.
Sandusky, OH 44870

Current Zoning: R1-40 – Single Family Residential

Adjacent Zoning: North: R1-40 – Single Family Residential
East: R1-40 – Single Family Residential
West: CS – Commercial Service
South: CS – Commercial Service

Existing Use: Residential / Vacant

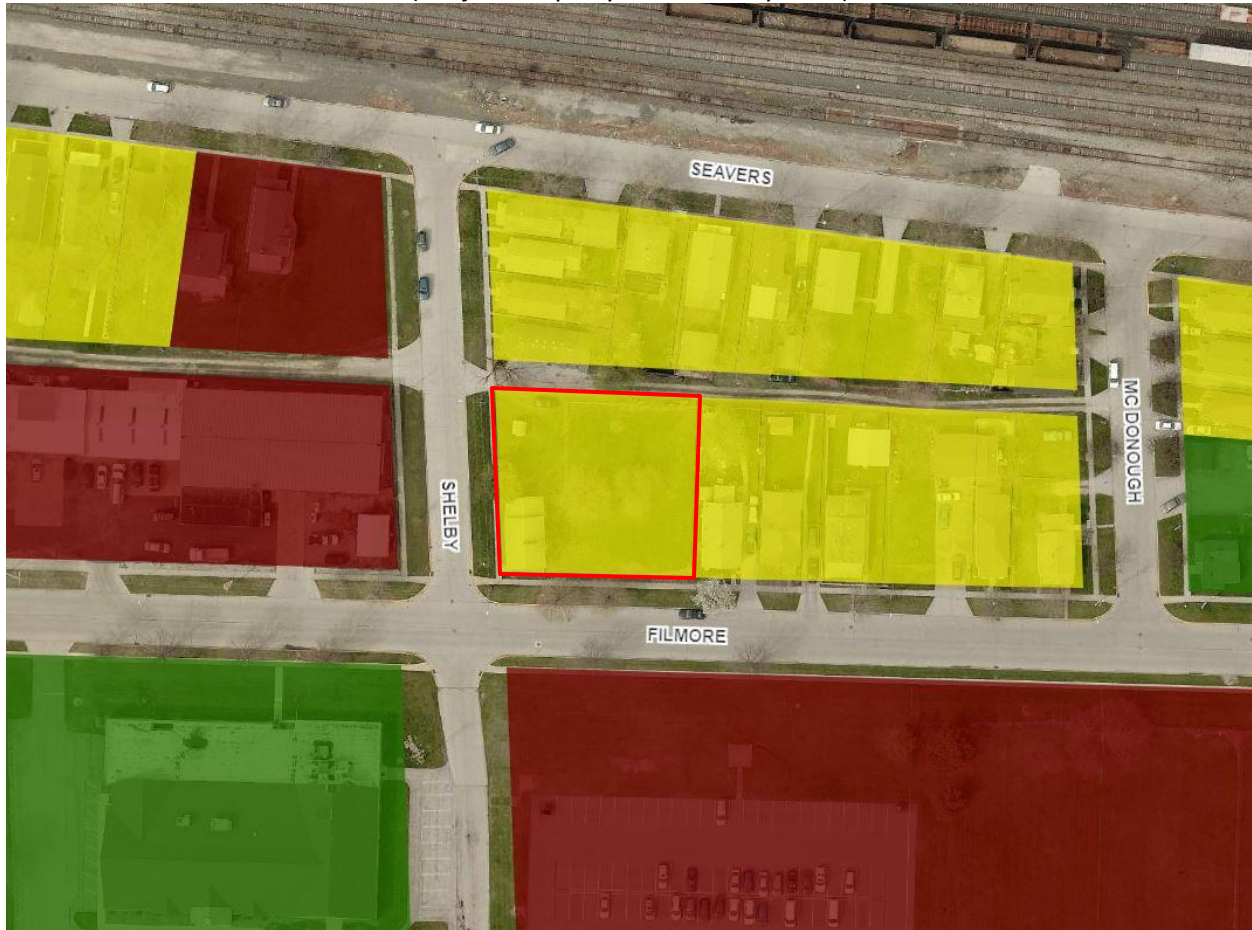
Proposed Use: Residential

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

Description of proposal: 1. The applicant is proposing to create 2 parcels which do not meet the minimum lot size standards and 3 parcels which do not meet the minimum width standards for a buildable lot in an R1-40 – Single Family Residential Zoning district

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

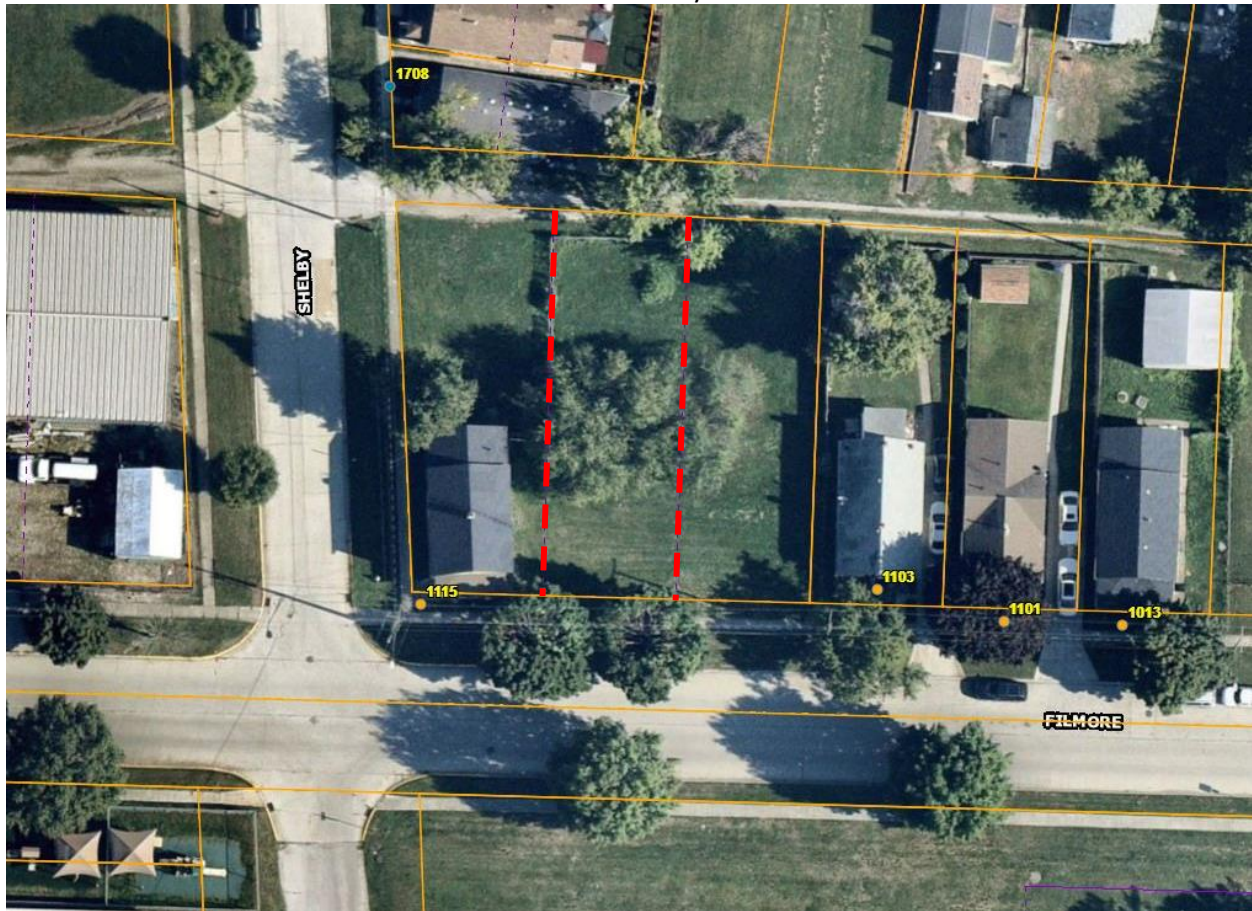
County Auditor Property Map (subject property outlined in yellow)



Bird eye photo from (3/17/2022)



Historic Plat Layout



PROJECT DESCRIPTION

The applicant is proposing to create 2 parcels which do not meet the minimum lot size standards and create 3 parcels which do not meet the minimum width standards for a buildable lot in an R1-40 – Single Family Residential Zoning district

Minimum lot width requirement for a new lot in an R1-40 – Single Family Residential District: 40'

Minimum lot area requirement for a new lot in an R1-40 – Single Family Residential District: 4,800 sq. ft.

Lot 1:

- Width of 46.84' on the northern parcel line and 39.73' on the southern property line - Variance of 3.24"
- Area of 4,975 sq. ft. – No variance required

Lot 2:

- Width of 39.74' on the northern parcel line and 39.73' on the southern property line. - Variance of 3.24"
- Area of 4,525 sq. ft. – Variance of 275 sq. ft.

Lot 3:

- Width of 39.74' on the northern parcel line and 39.73' on the southern property line - Variance of 3.24"
- Area of 4,525 sq. ft. – Variance of 275 sq. ft.

The lot is currently one large parcel. Per historic tax map records, the proposed lot split resembles the historic parcel layouts of the site. The applicant wishes to split these parcels in order to build one home on each of the two empty parcels created by the proposal.

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 Front building depth line		Side Width		Rear Depth	Main Building	
R1-40	1 Fam. Dw	4,800	40	25	3	10	40	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 has stated:

A. Whether the variance is substantial;

The variance would not be substantial as it reverts the plots back to their historical form and size, along with it becoming uniform with the rest of the lots on the street.

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

The variance would alter the character of the neighborhood by increasing the value of the surrounding properties and making the street lots uniform. No detriments would be incurred by any party.

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

The variance would not adversely affect the delivery of public government services

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

The property was not purchased with the knowledge of zoning restrictions. The only knowledge of the zoning restrictions was gained during the variance process.

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

No, the owner's predicament cannot be resolved through another method other than a variance due to the plots and plans to build on the land.

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

Yes, the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because of the owner's plans to return the lots back to their historical sizes, as well as the plans for building on the new lots.

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 lots desired to be split would not yield a reasonable return or provide beneficial use without a variance as it could not be monetized or built upon.

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.

Granting the variance would not be contrary to the zoning code or the adopted plans of the city because of the owner's plans to build on the lots and help Sandusky.

DIVISION OF PLANNING COMMENTS

Staff talked to the applicant about the feasibility of only creating two parcels at this site the site to avoid variance requirements, but after discussion, the applicant wishes to proceed with creating three parcels. The variance requests are not substantial and will create the opportunity for two new homes to be built in the neighborhood.

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1115 Filmore St. (Parcels 58-01997.000) and suggests the following conditions upon approval:

1. All applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency prior to construction.



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 aochs@ci.sandusky.oh.us with any questions.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1115 Filmore St. Sandusky, OH 44870

Name of Property Owner: Aleck Speer

Mailing Address of Property Owner: 9610 River View Drive

City: Huron State: OH Zip: 44839

Telephone #: (419) 656-0185 Email: aleckspeer@outlook.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Proposal for lot split variance approval of 1115 Filmore St.

Variance Requested:

Variance requested is for the minimum lot size requirement of the District R1-40 property 1115 Filmore St. to allow 3 split lots on said property to make for additional properties to be built to support the regentrification of Sandusky. The properties built on those lots plan to be under R2F district which has a lower minimum lot size requirement.

Section(s) of Zoning Code:

1129.14 - minimum lot size

Aleck Speer 1-27-23
Signature of Property Owner 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?

The variance would not be substantial as it reverts the plots back to their historical form and size, along with it becoming uniform with the rest of the lots on the street.

- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?

The variance would alter the character of the neighborhood by increasing the value of the surrounding properties and making the streets lots uniform. No detriments would be incurred by any party.

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

The variance would not adversely affect the delivery of government services.

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

The property was not purchase with knowledge of the zoning restrictions. The only knowledge of the zoning restrictions was gained during this variance process.

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

No, the owner's predicament cannot be resolved through another method other than a variance due to the plots and plans to build on the land.

- 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 spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance because of the owners plans to return the lots back to their historical sizes, as well as the plans for building on the new lots.

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

The lots desired to be split would not yield a reasonable return or provide beneficial use without a variance as it cannot be monetized or built upon.

- 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?

Granting the variance would not be contrary to the zoning code or the adopted plans of the City because of the owners plans to build on the lots and help regentrify Sandusky.

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?

The variance request is unique because of the size of lots of the surrounding homes. This property is the outlier and if the variance is approved, the subject property and its lots would be back in their historical size and the neighborhood lots would be uniform and similar.

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

The granting of the variance would not adversely affect the rights of the adjacent property owners. The only property owner next to the lots has an existing tall fenced in yard.

- 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?

It constitutes unnecessary hardship upon the property owner because if the variance is not approved, the owner is unable to split the lots to build on. The new lots would support the city's plans to regentrify Sandusky and add more living quarters for residents. An unapproved variance would also cause monetary obstacles for the owner as I would be unable to monetize the land as is

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

The variance will not adversely affect 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

Granting the variance will not be opposed to the general spirit and intent of the zoning ordinance as the variance would provide a plethora of benefits to the relevant stakeholders and the city.

1115 Filmore Street Site Plan

2 story, 3 bedrooms, 1.5 bath

~962 sq. ft.

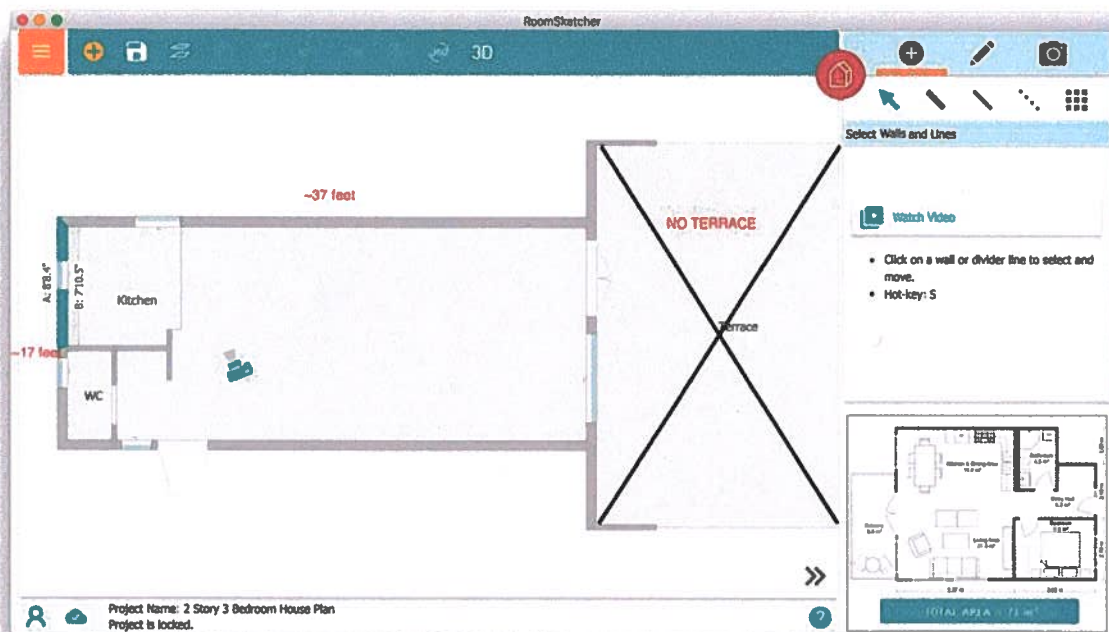
~17 feet wide by ~37 feet deep

no terrace

first floor wall height = 94.5"

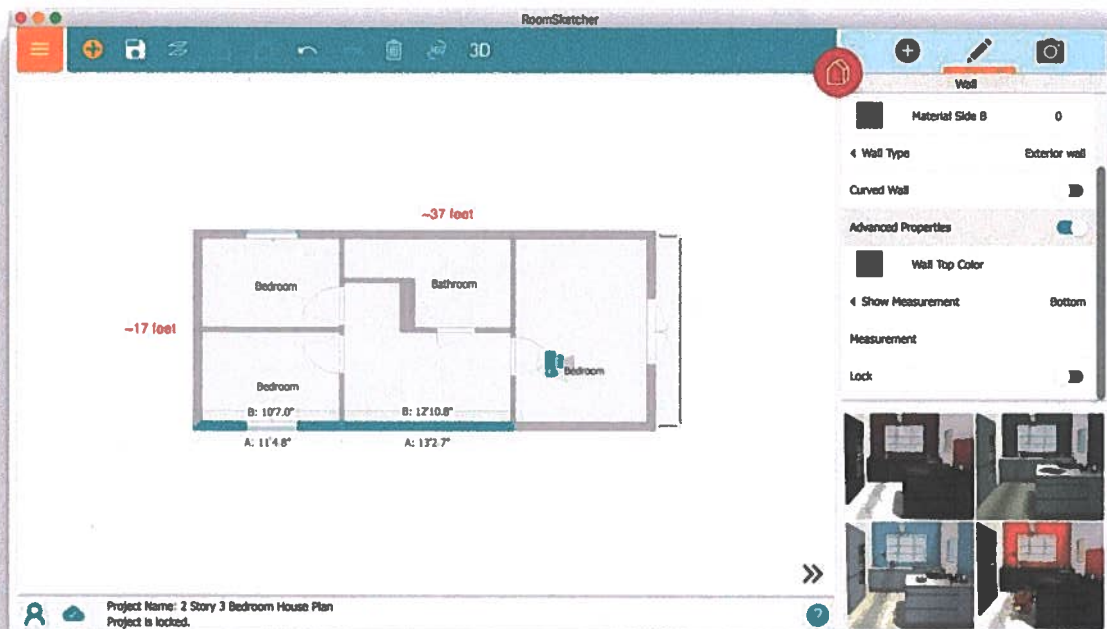
second floor wall height = 94.5"

First Floor:

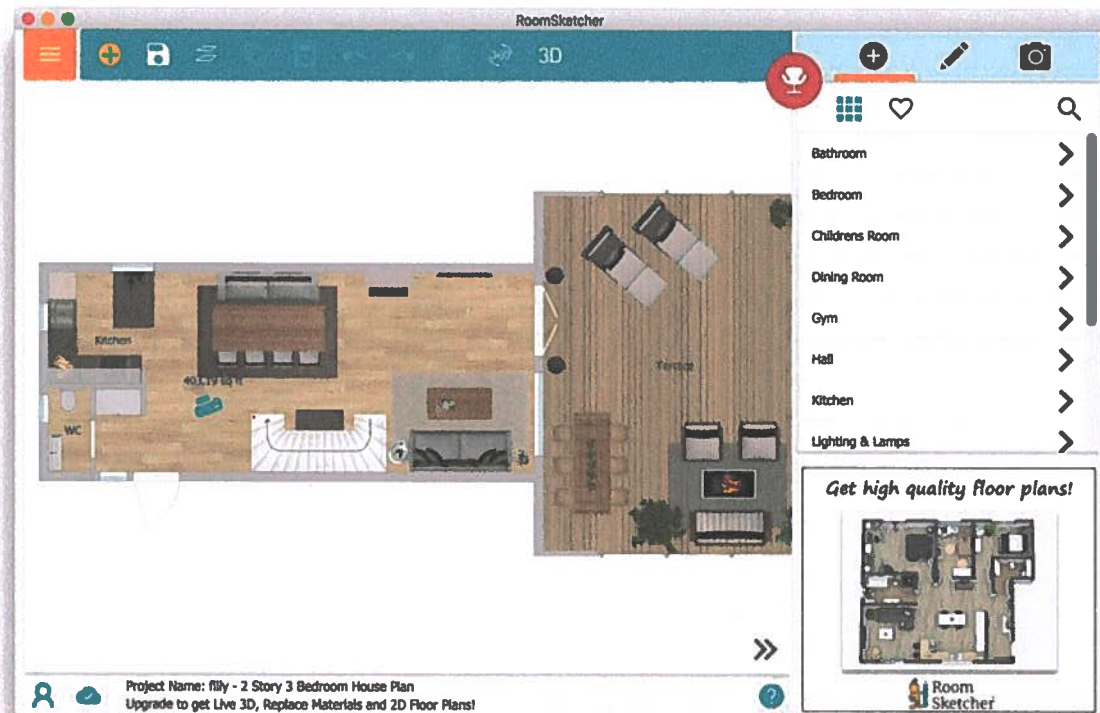


1115 Filmore Street Site Plan

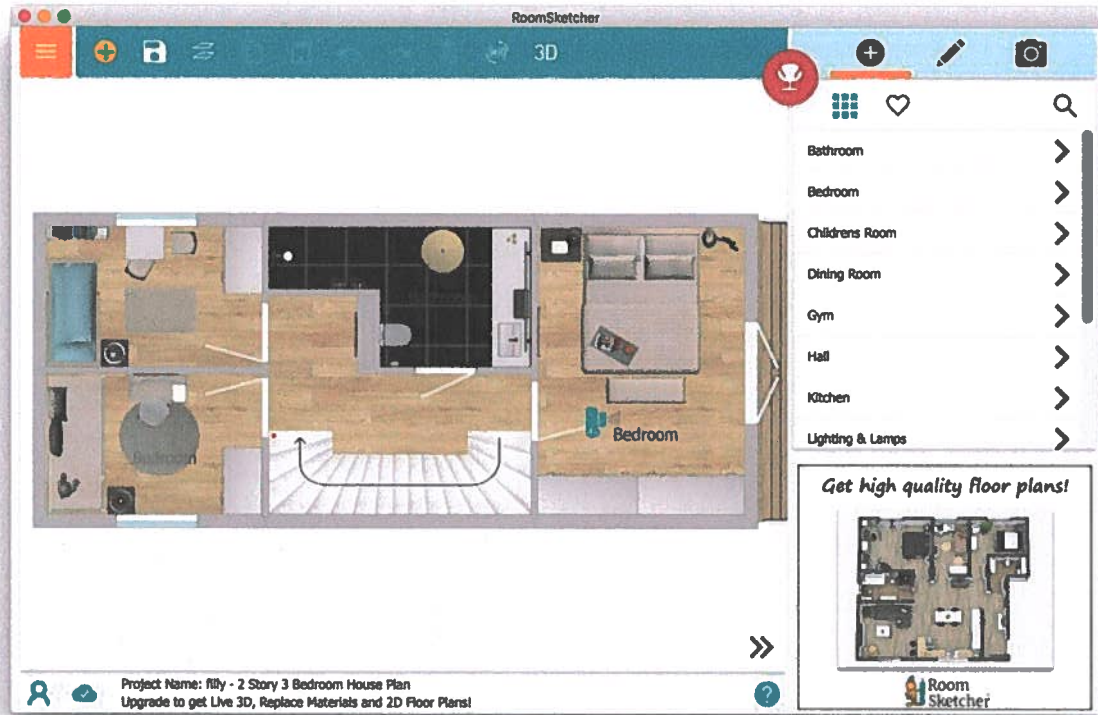
Second Floor:



3d models:



1115 Filmore Street Site Plan



1115 Filmore Street Site Plan



This map was found on Erie County Auditor Website:

[Beacon - Erie County, OH - Report: 58-01997.000 \(schneidercorp.com\)](#)

Lot size layout done by surveyor:

129 = 39.73 ft x 113.49 ft

131 = 39.73 ft x 112.74 ft

With site plans for build being ~17 feet wide by ~37 feet deep:

- leaves ~11 feet on each side of the build
- with house built at least 12.5 feet off the property line, this leaves ~62.5 feet behind the build
 - o 12.5' minimum is the built-up block standard, so if the build is 12.5' off the property line, it will be in line with the rest of the neighborhood

1115 Filmore Street Site Plan

Area behind the house must be 30% of parcel length which equals:

- 129 = 34.047 ft
- 131 = 33.822 ft



As shown above, with the current site plan there is sufficient space for the creation of 2 lots to withhold 2 home builds on them while staying compliant with zoning requirements.

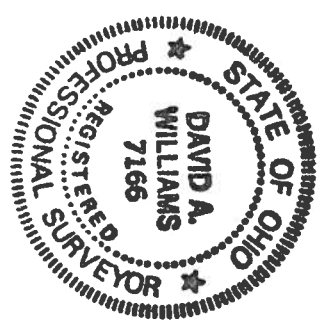
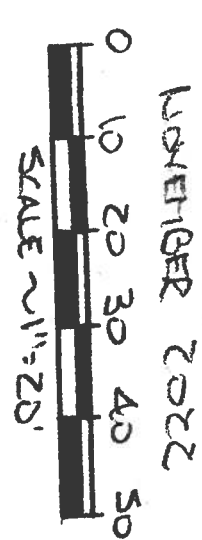
1115 Filmore Street Site Plan

Comparison to rest of street:



PLAT OF A SURVEY

BEING ALL OF LOT NUMBER 129
AND ALL OF LOT NUMBER 131
IN H. DEL COCKE'S SUBDIVISION
PLAT VOL 2 PG. 23
TOWN OF CANTON CITY OF OHIO
ERIE COUNTY, OHIO



David A. Williams
DAVID A. WILLIAMS
REG. SURVEYOR #7166

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37 of the Ohio
Administrative Code only. No Field Notes
for Accuracy made.

Michael J. Turner
Engineer/Surveyor: Erie County Engineer's
Date: 11-21-2022

- LEGEND
- MON BOX PD
 - 5/8" I.P. SET

