



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

May 18, 2023

4:30 pm

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

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1. Meeting called to order – Roll Call
 2. Review of minutes from the April 20, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **704 W. Adams St.**
A variance to Zoning Code Section 1145.17 (g) to allow construction of a fence six feet tall in the side yards, whereas the code states that fences may not be more than four feet tall in side yards.
 5. Other Business
 6. Adjournment Next Meeting: June 15, 2023

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

**Board of Zoning Appeals
April 20, 2023
Meeting Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:30pm. The following voting members were present: Mr. Delahunt, Mr. Matthews, Dr. Semans, and Mr. Peugeot. 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 March 16, 2023 Meeting:

Chair Feick called for a motion on the minutes for the March 16th meeting. Mr. Delahunt moved to approve the minutes as presented and Mr. Matthews seconded the motion. All voting members were in favor of the motion and the minutes were approved, as presented.

Adjudication Hearing:

1. 2227 Cleveland Road-

An area variance to Zoning Code Section 1143.09 (g)(1) to allow the construction of a pylon sign in the required 15' front setback from the public right-of-way.

Chair Feick swore in all parties and asked Staff to present the application. Mr. Ochs stated the applicant was proposing to install a pylon sign at 2227 Cleveland Road. The proposed 24' tall and roughly 13' wide sign would be double sided and externally illuminated. The variance requested is to place the sign 10 feet into the required 15 foot front yard setback. The sign would be out of the right-of-way and not impede driver safety or negatively impact the surrounding properties. Due to the semi-permanent nature of the sign and the sufficient distance from the roadway, Staff would be in support of approval of the application with the following conditions: (1) all applicable permits would be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency prior to construction, (2) the sign shall not interfere with the line of sight for any vehicle. Chair Feick asked if there was anyone to speak for or against the request. Mr. Nathan Glass of Brady Signs was present on behalf of the request. Chair Feick asked if there was anyone to speak against the request. There was no comment. Chair Feick asked if the Board had any questions. Dr. Semans asked if this sign location would interfere with the proposed relocation of utilities and Mr. Ochs stated the Public Works Department was not concerned with the location. Dr. Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Matthews. A vote was called and the motion was approved unanimously.

2. 936 W. Market Street-

An area variance to Zoning Code Sections 1145.10 & 1145.17(g) to allow the construction of a 4-foot fence in the required side yard setback. The code only permits a decorative fence in the front and side yard setbacks for a corner lot. Decorative fences are to be a maximum of 3 feet in height.

Board of Zoning Appeals
April 20, 2023
Meeting Minutes

Mr. Feick asked Staff to present the application. Mr. Ochs stated the applicant would like to install a 4-ft decorative aluminum fence in the required side yard setback of the corner lot at 936 W. Market Street for their dogs. Decorative 4 foot fences are typically permitted in a side yard, but not in the required setback of a corner lot. Staff recommended approval of the application by the Board with the following conditions: (1) all necessary permits are obtained through all applicable agencies, prior to construction, (2) the fence is included landscaping along the setback from the sidewalk, (3) the fence has a minimum setback of a foot from the side yard property line. Chair Feick asked if there was anyone to speak for or against the request. Mr. Corso, the applicant, spoke on behalf of the application; stating they needed a place for their pets to go outside. Mr. Delahunt made a motion to approve the application with Staff conditions. The motion was seconded by Dr. Semans. A vote was called, and the motion was approved unanimously.

Other Business:

There was no other business.

Adjournment:

Mr. Delahunt moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 4:45 pm.

Next meeting:

May 18, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 6 FT. FENCE IN THE SIDE YARDS AT
704 W. ADAMS ST.
PARCEL (59-00294.000)

Reference Number: PVAR23-0005

Date of Report: May 4, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Ashley Warner
704 W. Adams St.
Sandusky, OH 44870

Site Location: 704 W. Adams St.
Sandusky, OH 44870

Zoning: R2F- Two-Family Residential

Surrounding Zoning: North: R2F- Two-Family Residential
East: R2F- Two-Family Residential
South: R2F- Two-Family Residential
West: R2F- Two-Family Residential

Surrounding Uses: Residential, vacant land

Existing Use: Residential

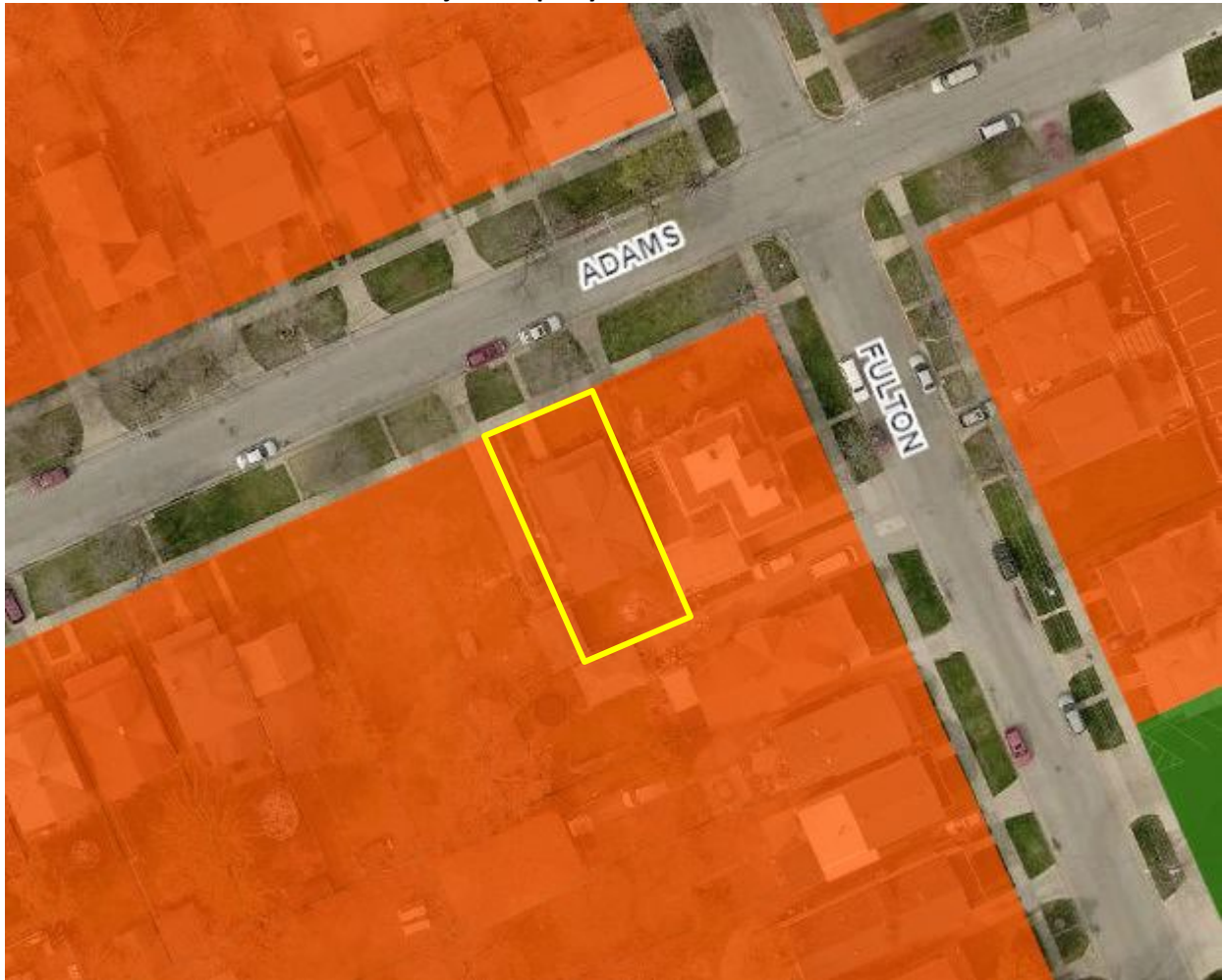
Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17(g)

Variance Requested: 1) A variance to allow construction of a 6-foot fence in the side yards. The code permits fences only up to 4 feet in side yards.

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

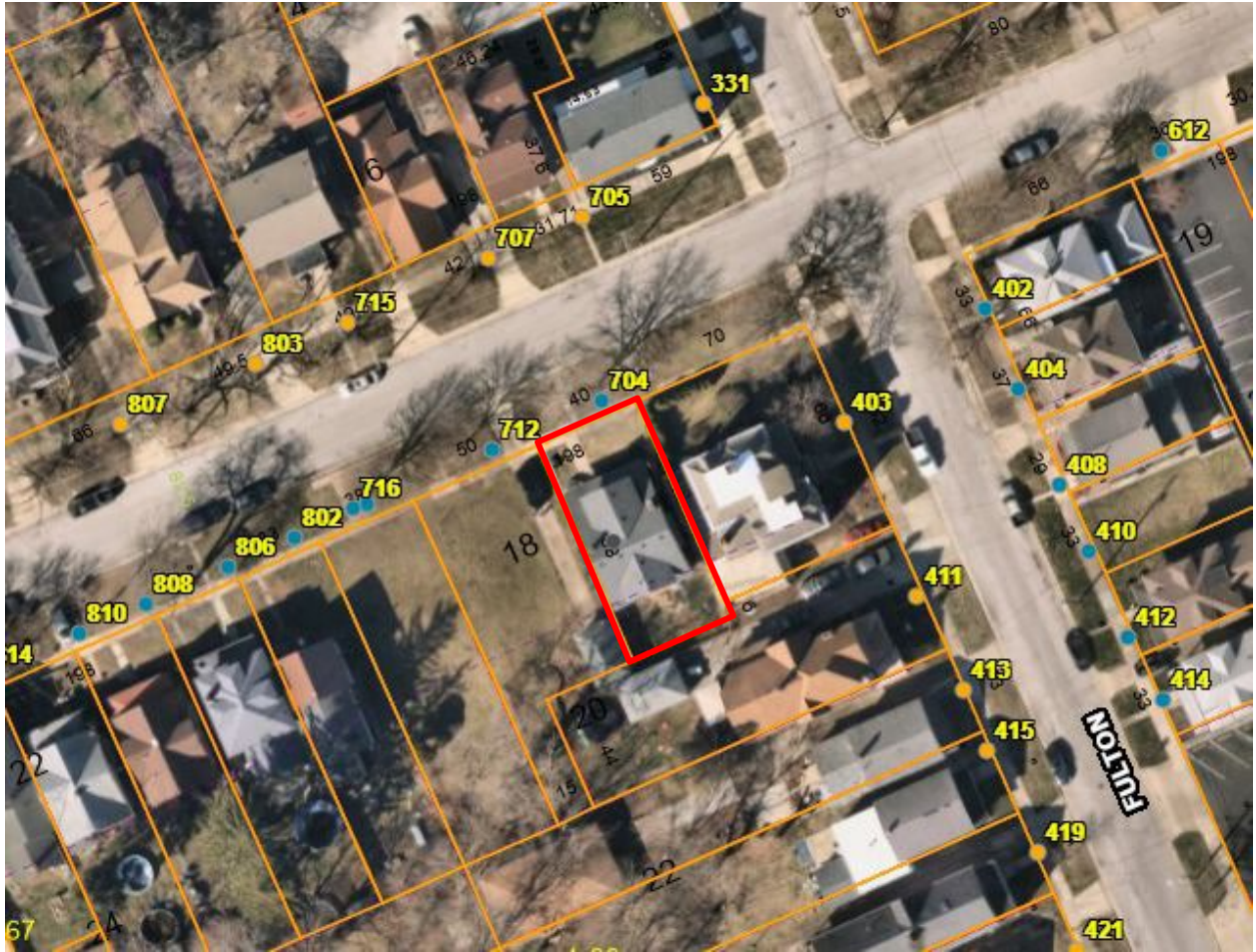


Photo of the Property (6/2019)



PROJECT DESCRIPTION

The applicant wishes to build a 6' privacy fence into both side yards at 704 W. Adams St. The zoning code restricts fences to a height of 4' along the sideyard of a house (see example above). The reason for the 6' fence in the sideyard is to have the home's side door entrance be inside of the 6 foot fence to allow the applicants to let their dogs out from their side door into the fenced in area. The edge of the fence would be setback an estimated 47' from the front property line.

DEPARTMENT OF PLANNING COMMENTS

West side yard: The property to the west is vacant land. Staff has determined that the fence placement on the Westside would not negatively impact that neighboring property.

East side yard: The site plan proposes the fence to be placed up to the neighboring structure which appears to fall on the property line. This disconnects the neighboring property from access to the rear of their structure which abuts the property line. However, it appears that an existing chain link fence is in place today which creates the same condition, so granting of this variance would not change the existing conditions. In the interest of both parties, a maintenance access agreement could be a solution for this.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.17 LANDSCAPE FEATURES AND YARD STRUCTURES.

(g) Fences and Walls.

- (1) Fences and walls may be permitted along the lines of a side yard to a height of not more than four feet above grade and along the lines of a rear yard to a height of not more than six feet above grade, provided that any fence shall be of uniform design, painted and otherwise well maintained. Fences located adjacent to alleys or public rights of way shall be approved by the Director of Planning.
- (2) No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district except where required for public uses.
- (3) On all corner lots, fences and walls proposed for construction within any setback adjacent to a public street shall be submitted to the Director of Planning for approval.
- (4) Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the most restrictive provisions shall apply where the fence would interfere with visibility from a driveway.
- (5) Fences shall be permitted in the front yard only as a decorative feature or along a side lot line when adjoining a less restrictive use with approval of the Commission.
- (6) Permanent swimming pools over three feet in depth require a building permit and pool areas or yards shall be fenced to a height of not less than four feet according to the requirements of Section 1305.08 of the Building Code.
- (7) Notwithstanding subsection (g)(1) hereof, the regulations for fences in the Residential Business District may be altered with the approval of the Commission when these properties are developed for

commercial or business purposes when in the opinion of the Commission, the fence will not adversely affect the adjacent properties.

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:

Section 1111.06(c)(1)

The applicant stated:

- 1. Whether the variance is substantial;**
 - i. Yes (staff believes the applicant meant no).
- 2. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;**
 - i. No, they would not suffer due to it being an empty lot next to a driveway.
- 3. Whether the variance would adversely affect the delivery of government services (i.e. water, sewer, garbage, fire, police or other);**
 - i. The proposed variance would not affect the delivery of government services.
- 4. Whether the property owner purchased the property with the knowledge of the zoning restriction;**
 - i. No, the owners were not aware of the restriction.
- 5. Whether the property owner's predicament can be resolved through some method other than a variance;**
 - i. No, because a 6 ft. fence is needed to the entry of the side door to let the dogs out.
- 6. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;**

- i. No, because there is a large setback from the front property line.

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 property can still yield a reasonable return without a variance.

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

- i. No, the zoning code is for pedestrian safety, this fence will help in that area. The fence is also setback from the road.

CONCLUSION/RECOMMENDATION

Due to the large setback of the proposed fence from the front property line, Planning staff supports the requested variance at 704 W. Adams St. (parcel 59-00294.000) and suggests the following conditions upon approval:

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



DEPARTMENT of COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5973
www.cityofsandusky.com

BOARD OF ZONING APPEALS NOTICE OF HEARING

Dear Sandusky Resident/Property Owner,

The Sandusky Board of Zoning Appeals will be holding its monthly meeting on **Thursday, May 18th at 4:30 PM.** The applications for variances that will be heard at the meeting are listed below. You are receiving notice of this meeting because the City is required to notify all property owners within 300 feet of a property requesting a variance. Because of this, you have the right to enter testimony into the record regarding the variance request for that is within a 300 foot proximity to your property.

1) 704 W. Adams St.

A variance to Zoning Code Section 1145.17 (g) to allow construction of a fence six feet tall in the side yards, whereas the code states that fences may not be more than four feet tall in side yards.

This meeting will be held in the City Commission Chamber at Sandusky City Hall, 240 Columbus Ave. All city meetings are also live streamed at www.YouTube.com/CityofSanduskyOH. Applications and staff reports will be posted online at www.cityofsandusky.com/bza the week before the meeting. **If you have any comments regarding the above cases, you will have the opportunity to speak before the board at the meeting. If you have any questions you can contact Alec Ochs at aochs@cityofsandusky.com or 419-627-5973.**

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 704 West Adams St.

Name of Property Owner: Ashley A. Warner

Mailing Address of Property Owner: 704 West Adams Street

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419.366.2634 Email: AshAsh4588@gmail.com

If same as above check here ☒

Name of Applicant: Ashley A. Warner

Mailing Address of Applicant: 704 W. Adams St.

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419.366.2634 Email: ashash4588@gmail.com

Description of Proposal:

To take down 4ft chainlink fencing (existing) and to put up 6ft privacy fencing (Wood) also extend fence (6ft) up to back door stairs.

Variance Requested:

To increase the height of the side yard fence from 4ft to 6ft.

Section(s) of Zoning Code:

Ashley Warner
Signature of Property Owner

4.
Date

Signature of Authorized Agent

Date

APPLICATION #BZA-001

PRACTICAL DIFFICULTIES

(For ALL variance requests)

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

- 1) Would the variance be substantial? *Yes*
- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance? *No they would not suffer due to it being an empty lot next to a driveway.*
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? *No.*
- 4) Was the property purchased with the knowledge of the zoning restrictions? *No*
- 5) Can the property owner's predicament be resolved through some method other than a variance? *No because needed 6 ft fence to the entry of side door to let dogs out.*
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance? *No because there is a large set back from the front of the house.*
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance? *Yes to be able to let the dogs out and also for our safety.*
- 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 Code is for safety and is set back from road. This will help in that area.*

