

Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

June 15, 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 May 18, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **1030 Hayes Ave.**
A use variance to Zoning Code Section 1129.03 to allow a physical therapy office as a main-use at 1030 Hayes Ave. This is not a permitted main-use at this location.
 - **1019 Sloan St.**
An area variance to Zoning Code Section 1137.08 (a) to allow a minimum front yard setback up to 2 feet. The Zoning Code requires a 30 foot front yard setback in a Commercial Zoning District.
 - **1214 & 1218 Farwell St.**
An area variance to Zoning Code Section 1129.14 to allow the creation of two parcels which do not meet the minimum area and yard requirements. The minimum of width of a parcel in an R1-50 Single Family Zoning District is 50 feet. The applicant is proposing to create two parcels which are both 45 feet wide.
 - **533 Shelby St.**
An area variance to Zoning Code Sections 1145.10 and 1145.15 (a) (b) to allow an extension to an existing legally non-conforming garage within the side yard and required side yard setback for a corner lot. Accessory structures are not permitted in a side yard or within the required side yard setback of a corner lot.
 5. Other Business

6. Adjournment Next Meeting: July 20, 2023

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

**Board of Zoning Appeals
May 18, 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, Chair Feick, Vice Chair Semans, and Mr. Peugeot. Mr. Matthews was absent and had let Staff know he was unable to attend. 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. Vice Chair Semans moved to approve the minutes as presented and Mr. Peugeot seconded the motion. All voting members were in favor of the motion and the minutes were approved, as presented.

Adjudication Hearing:

1. 704 W. Adams Street-

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.

Chair Feick swore in all parties and asked Staff to present the application. Mr. Ochs stated the applicant wished to build a 6' privacy fence into both side yards to let her dogs out. Chair Feick asked if there was anyone to speak for or against the request. Ms. Ashley Warner, the property owner, was present on behalf of the request. Chair Feick asked if there was anyone to speak against the request. Ms. Jerralina Shafrath, an adjacent property owner, stated she was not opposed to the request but would like to get a survey before the new fence is installed. Mr. Don Corley, another adjacent property owner, stated that he was not opposed to the request if he could access the back of his property and had already discussed and had come to an agreement with Ms. Warner. Chair Feick stated if the Board approved the request, the approval would not include putting a fence on any other property. Chair Feick questioned why the applicant needed a six-foot fence. Ms. Warner stated for privacy, keeping her dogs on her property, and from people jumping the fence, which was a common occurrence. Chair Feick asked if any other members had questions of the applicant. There were none.

Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Delahunt. A vote was called, and the motion was approved unanimously.

Other Business:

There was no other business.

**Board of Zoning Appeals
May 18, 2023
Meeting Minutes**

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:

June 15, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A USE VARIANCE TO OPERATE A
PHYSICAL THERAPY OFFICE AT 1030 HAYES AVE.
PARCEL (57-04721.000)

Reference Number: PVAR23-0006

Date of Report: June 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Jeff Krabill
300 E. Water St.
Sandusky, OH 44870

Authorized Agent: Jeffrey Krabill FBO GHH Properties, LLC (PT Link Physical Therapy)
3488 Section Rd.
Lambertville, MI 48144

Site Location: 1030 Hayes Ave.
Sandusky, OH 44870

Current Zoning: RRB – Residential Business

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

Existing Use: Business

Proposed Use: Business

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.03

Description of proposal: 1. The applicant is proposing to operate a physical therapy office at 1030 Hayes Ave.

SITE DESCRIPTION

(Subject Property Outlined in red)



Zone Map Setbacks



PUD - Planned Unit Development













Parcels




TRO - Transient Rental Overlay

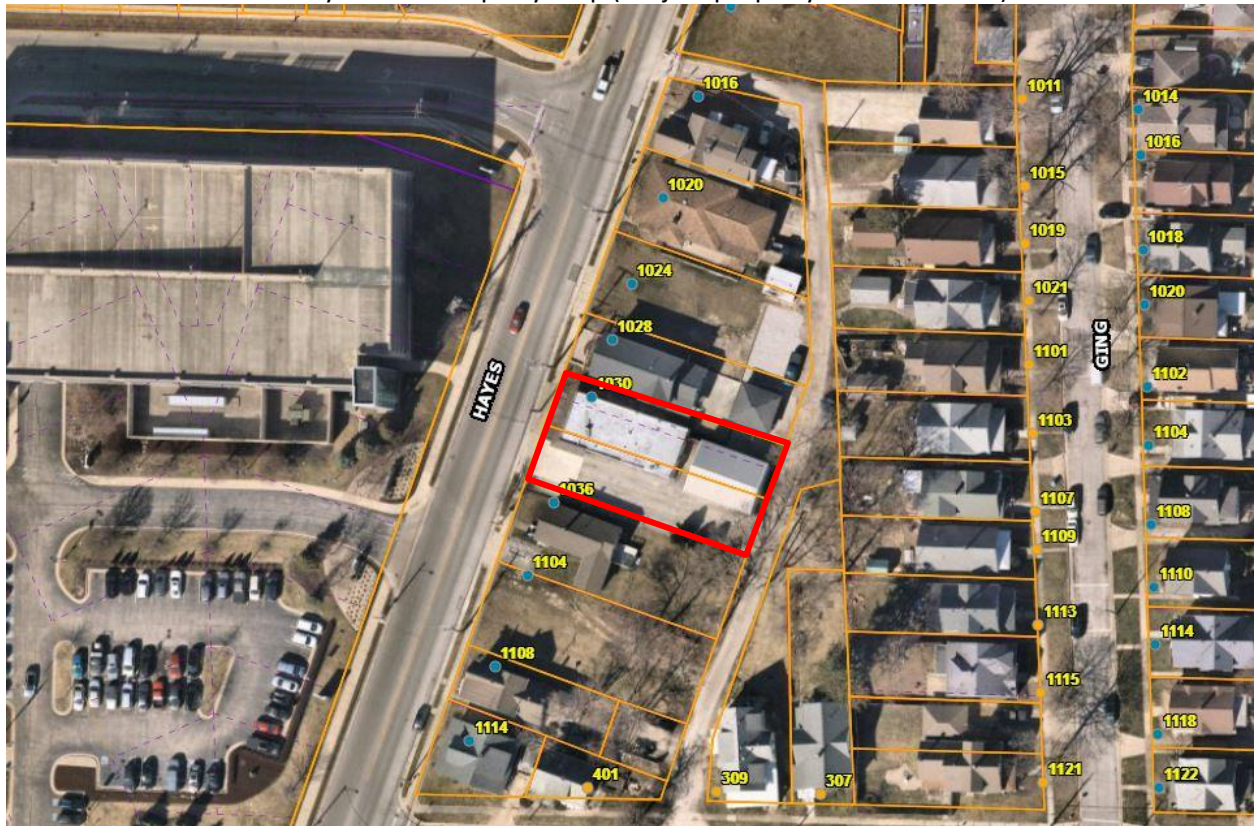


Zoning

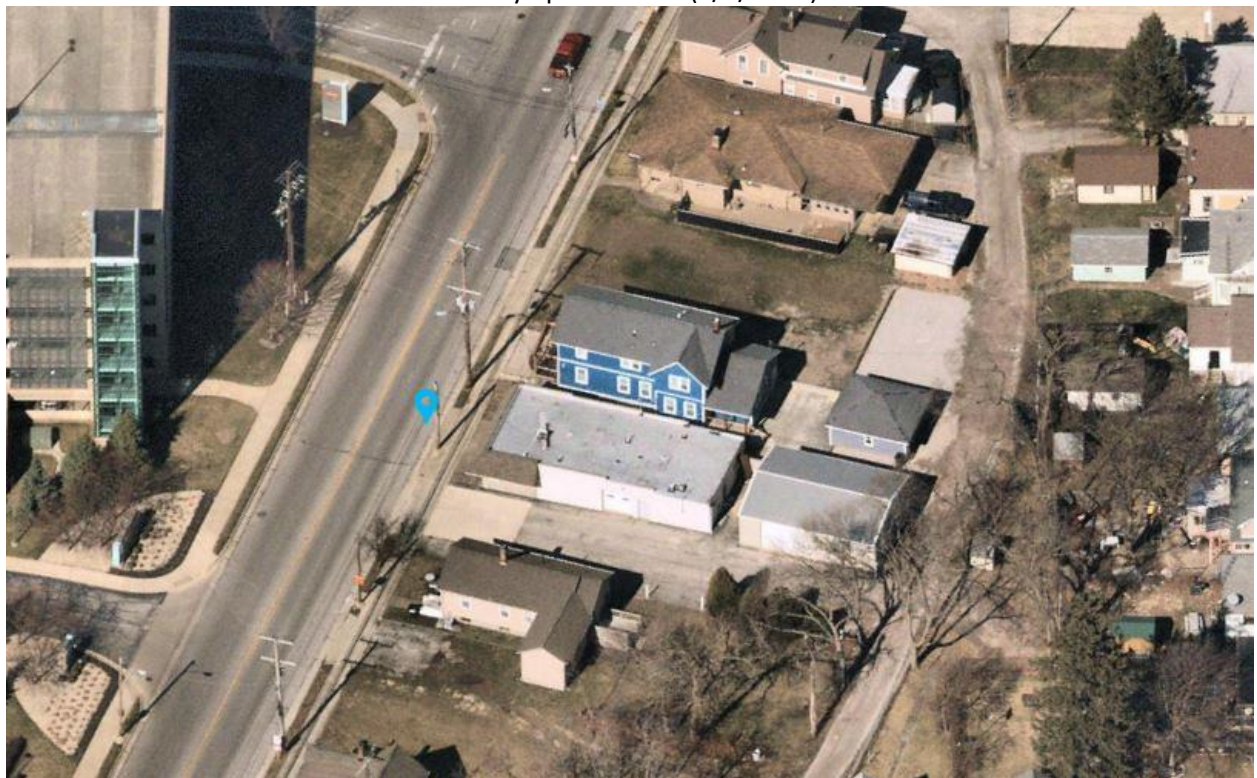
-  AG - Agriculture
-  CA - Commercial Amusement
-  CR - Commercial Recreation
-  CS - Commercial Service
-  DBD - Downtown Business
-  GB - General Business
-  GM - General MANufacturing
-  LB - Local Business
-  LM - Local Manufacturing
-  P - Auto Parking

-  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

County Auditor Property Map (subject property outlined in red)



Bird eye photo from (3/7/2023)





PROJECT DESCRIPTION

The applicant is seeking a use variance to allow a physical therapy practice in an RRB – Residential Business Zoning District. The Zoning Code explicitly outlines the uses that would be allowed and those uses are ones typically catered toward residents in the nearby neighborhood, such as barber shops, drug stores, dry cleaning, florists, etc. Medical offices / clinics is not an explicitly permitted use at this location, but it's allowed in other districts, such as LB – Local Business and GB – General Business.

There is approximately 4,000 sq. ft. of off street parking space. There is one main building on the site with a detached accessory building. The main building is approximately 2,000 sq. ft. and the accessory building is approximately 1,200 sq. ft.

The zoning code calls for 1 space per 200 sq. ft. of building space used for medical offices and clinics. Depending on the uses of these two buildings, the maximum required parking spaces for both buildings used as a medical office / clinic would be 16 spaces. Staff estimates that 13 one sided 90 degree parking spaces could fit on the site per Zoning Code section 1149.13.

RELEVANT CODE SECTIONS

CHAPTER 1129 **Residential Districts**

1129.03 SCHEDULE OF PERMITTED BUILDINGS AND USES

RRB	Uses permitted in RMF District.	Accessory uses permitted in RMF District.
	All home offices and occupations.	Accessory (without fee) off-street parking areas.
	Apartment hotels, rooming houses.	
	Stores and services as a conditional use:	Accessory uses clearly incident to the main uses.
	Local retail stores to serve the immediate neighborhood to the following extent, for the sale of:	
	Confectionery drugs.	
	Delicatessen, baked goods, dairy products, groceries, fruits, meats, vegetables, excluding supermarkets.	
	Florists, gifts, periodicals, books.	
	Services to the following limited extent:	
	Beauty and barber shops.	
	Cabinet-making, locksmith, repair of appliances, radios, and televisions.	
	Dry cleaning or laundry agency, clothes pressing, shoe and hat repair.	
	Art school, music conservatory.	
	Business college, trade school.	
	Funeral homes.	
	(Ord. 03-112. Passed 7-14-03.)	

CHAPTER 1129

Site Plan Review and Off-Street Parking

1149.13 OFF-STREET PARKING CHART.

TABLE OF DIMENSIONS (IN FEET)

O	S	P	A	B	C	D	E*	F	G	H	J
0°	9.0	24.0	0.0	24.0	9.0	9.0	11.0		0.0	0.0	29.0
	9.0	26.0	0.0	26.0	9.0	9.0	10.0		0.0	0.0	28.0
30°	9.0	19.0	30.0	18.0	17.3	13.4	9.0		13.5	6.0	43.6
45°	9.0	19.0	19.8	12.7	19.8	16.6	10.0	16.0	6.4	9.0	49.6
	9.5	19.0	20.1	13.4	20.1	16.7	9.5	16.5	6.7	8.5	49.7
	10.0	19.0	20.5	14.1	20.4	16.9	9.0	17.0	7.0	8.0	49.8
60°	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0	2.6	12.0	59.0
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0	2.8	11.5	58.1
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0	2.9	11.0	57.0
90°	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0	0.0	0.0	63.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0	0.0	0.0	62.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0	0.0	0.0	61.0

Note: O Parking angle

S Parking space width

P Parking space length

B Curb length of parking space width

A Curb length of parking space depth

C Perpendicular Length of Stall (against wall) (1980 Code 151.93)

D Perpendicular length of stall (overlap)

E Aisle width

F Turnaround aisle width

G Overhang of curb length at periphery

H Setback

J Wall to Wall dimension

CHAPTER 1111

Board of Zoning Appeals

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:

1. Whether the variance is substantial;

- i. The variance sought in this case is not substantial, but it would allow for a use not permitted in the zoning district. However, while primarily residential, the zoning district does allow for other stores and services as a conditional use. And the hospital is located across the street.

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. The existing building will be utilized so the physical character of the neighborhood will not be altered. The previous use was not residential, and consisted of a sign fabrication facility.

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

- i. No, the proposed use 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. The applicants purchase of this property is contingent on the granting of the variance, with all parties aware of the zoning restrictions.

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

- i. The predicament could be resolved with a re-zoning, but re-zoning is not requested at this time due to the time it would take to work through the process.

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 use would not be contrary to the character or value of the property. Noise or use wouldn't be a factor.

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 could still yield a reasonable return without the 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.

1111.06(c)(2)

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

The applicant has stated:

1. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant;

- i. No.

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

- i. No.

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

- i. Yes, with a large, regional hospital directly across the street, this proposed use would be in-line with other medical related services currently provided in the area.

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

- i. The variance would 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.

- i. The granting of the variance desired will not be in opposition to the general spirit and intent of the Zoning Ordinance.

DIVISION OF PLANNING COMMENTS

This property received a variance in 2019 to allow a sign fabrication facility to operate at this location. Staff has determined that a physical therapy practice a low intensity use and is a better suited use for this site and the surrounding neighborhood. The Hospital is across the street and small, low intensity uses are throughout the Hayes Ave. corridor. Staff has determined this is an appropriate use for this site.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1030 Hayes Ave. (57-04721.000) 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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1030 Hayes Avenue

Name of Property Owner: Jeffrey Krabill

Mailing Address of Property Owner: 300 E. Water Street

City: Sandusky State: OH Zip: 44870

Telephone #: (419) 621-6600 Email: krabilljeff@gmail.com

If same as above check here ☐

Name of Applicant: Jeffrey Krabil FBO GHH Properties LLC (PT Link Physical Therapy)

Mailing Address of Applicant: 3488 Section Road

City: Lambertville State: MI Zip: 48144

Telephone #: (419) 356-5600 Email: john.healey@svn.com (Agent for GHH)

Description of Proposal:

Allow for the subject property to be used for a "physical therapy" practice.

Variance Requested:

A use variance to allow for a physical therapy practice to operate in a RRB district.

Section(s) of Zoning Code:

City of Sandusky Conditional Uses Section 1129 Residential District

X Jeffrey N. Krabill 5.18.23
Signature of Property Owner Date

N/A _____
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?

The variance sought in this case is not substantial, but it would allow for a use not permitted in the zoning district. However, while primarily residential, the zoning district does allow for other stores and services as conditional uses and the hospital is located across 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 existing building will be utilized so the physical character of the neighborhood will not be altered. The previous use was not residential, and consisted of a sign fabrication facility.

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

No, the proposed use variance would not affect the delivery of government services.

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

The applicant's purchase of the property is contingent on the granting of the variance, with all parties aware of the zoning restriction.

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

The predicament could be resolved by rezoning the property, but rezoning is not requested at this time due to the time it would take to work through the process.

- 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 use would not be contrary to character or value of the property. Noise or use would not be a factor.

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

The property could still yield a reasonable return without the 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?

No.

UNNECESSARY HARDSHIP

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

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

No.

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

No.

- 3) Does the strict application of the Zoning Code of which the variance is requested constitute unnecessary hardship upon the property owner or the applicant?

Yes, with a large, regional hospital directly across the street, this prosed use would be in-line with other medical related services currently provided in the area.

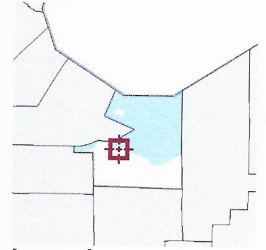
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
The variance would not adversely affect the public health, safety, morals or general welfare.

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

The granting of the variance desired will not be in opposition to the general spirit and intent of the Zoning Ordinance.



Overview



Legend

- Parcels
- Parcel Dimensions
- Parcel Dimensions (Original)
- Lot Lines
- Lot Line Labels
- Streets
- Addresses
 - 0
 - 1
 - <all other values>

Date created: 5/18/2023
Last Data Uploaded: 5/18/2023 4:06:00 AM

Developed by Schneider
GEOSPATIAL



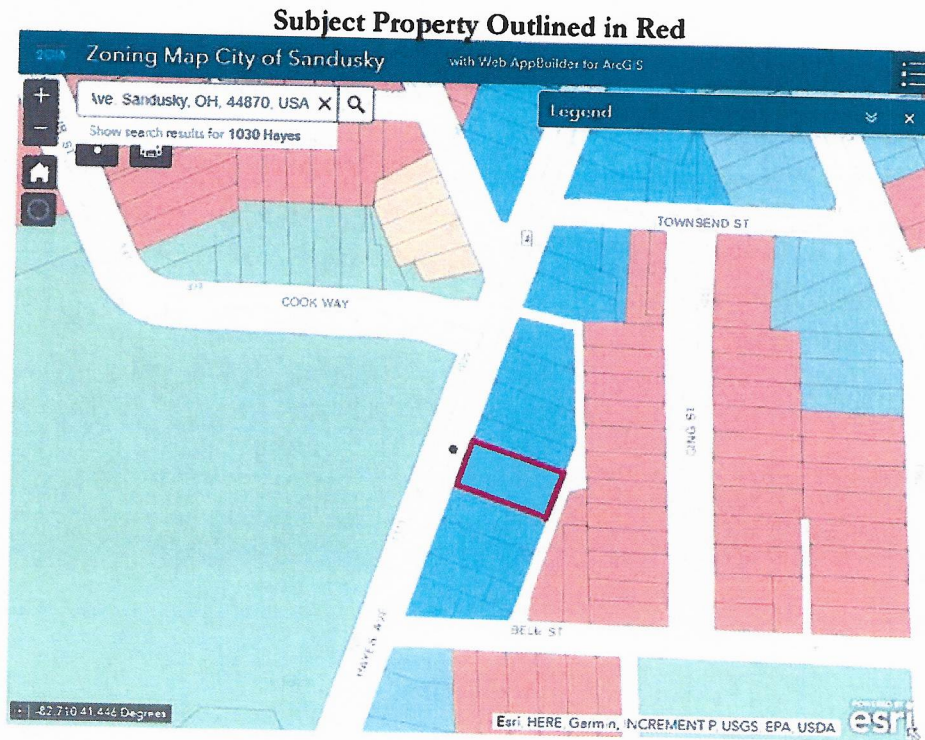
City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

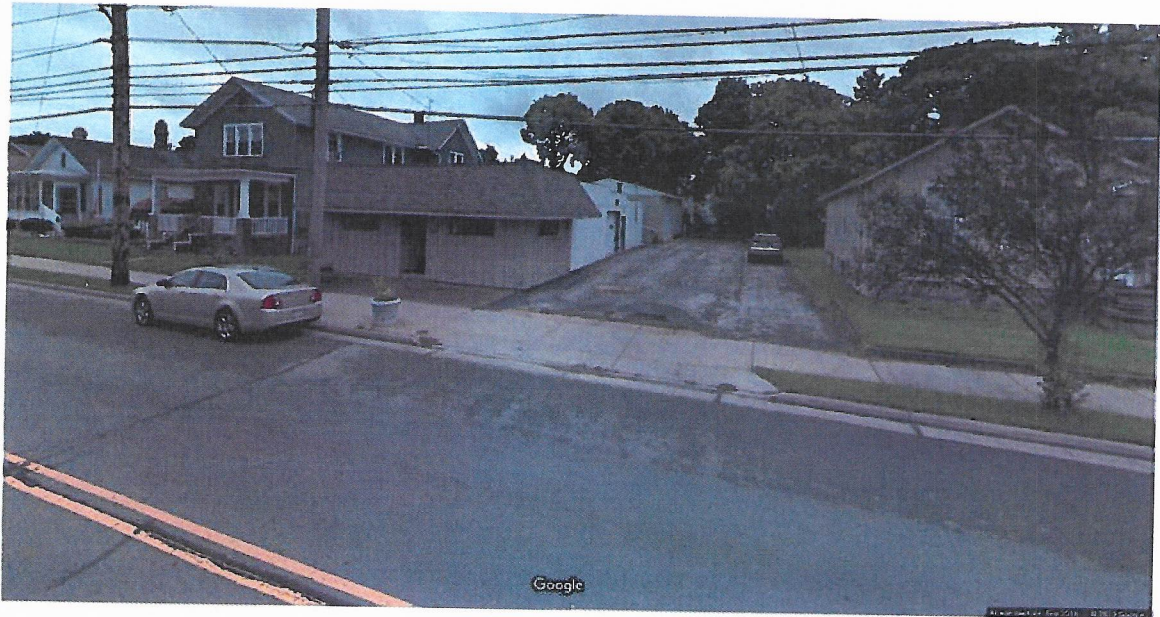
Jeffrey Krabill of Custom Sign & Design, LLC, as an authorized agent of Rosemary Romick, has submitted an application to operate a sign fabrication business in a RRB Residential/Business zoning district. The following information is relevant to this application:

- Applicant: Jeffrey Krabill
Custom Sign & Design, LLC
300 E Water St.
Sandusky, Ohio 44870
- Owner: Rosemary Romick
905 Bogart Rd.
Sandusky, Ohio 44870
- Site Location: 1030 Hayes Ave. (Parcels 57-04721.000 & 57-04722.000)
Sandusky, Ohio 44870
- Zoning: "RRB"- Residential/Business
- Surrounding Zoning: North, South: "RRB" - Residential/Business
East: "R2F" – Two-Family Residential
West: "PF" – Public Facilities
- Surrounding Uses: North, East, South: Single-family and two-family residential
West: Hospital
- Existing Use: Vacant. Former appliance repair facility.
- Proposed Use: Sign fabrication facility.
- Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1129.03 Schedule of Permitted Buildings and Uses in Residential Districts
- Variance Requested: 1) A use variance to allow a sign fabrication business to operate in a RRB district.
- Variance Proposed: 1) The applicant proposes to operate a sign fabrication business at 1030 Hayes Ave.

SITE DESCRIPTION



Street View



Aerial View



PLANNING DEPARTMENT COMMENTS

This property received a conditional use permit in 2001 to operate as a service dispatch location for a restaurant equipment repair shop. RRB zoning districts allow for some select stores and services as conditional uses. The Zoning Code explicitly outlines the uses that would be allowed, and those uses are ones typically catered toward residents in the nearby neighborhood, such as barber shops, drug stores, dry cleaning, florists, and others. Sign manufacturing is not a permitted use in RRB districts, but it is explicitly allowed in other districts, such as Commercial Services.

Custom Sign & Design, LLC uses a CNC router to fabricate the signs and states that all work would be done inside the building and that all noise would be maintained inside the walls. The applicant has proposed to renovate the building and parking lot area and states that they anticipate only 1-2 deliveries per week.

Staff visited the current facility on Superior Street on April 12th to view the production space.

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)

A. Whether the variance is substantial;

The variance sought in this case is substantial as it would allow for a use not permitted in that zoning district. However, while primarily residential, the zoning district does allow for other stores and services as conditional uses and the hospital is located across Hayes Avenue.

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 existing building will be utilized so the physical character of the neighborhood will not be altered. The previous use was also not residential, and consisted of light appliance repair.

The process of fabricating signs via a CNC router is a low intensity process relative to other manufacturing processes, and so it would likely not substantially alter the character of the neighborhood. The site is situated on Hayes Ave, which is a busy commercial and residential corridor.

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

The proposed use variance would not affect the delivery of government services.

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

The applicant's purchase of the property is contingent on the granting of the variance, and thus is aware of the zoning restriction.

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

There are multiple uses allowed at this site under the zoning regulations.

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

The intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

- 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 property can still yield a reasonable return without a variance.

- 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 intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

Other conditions that the Zoning Board of Appeals must determine have been met for use variances 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 variance does not arise from a unique situation, as this property could be used in multiple different ways as permitted by the zoning code. However, the applicant states that the process the use to fabricate signs is not substantially different from activities in uses that are permitted in RRB districts.

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

The granting of the variance could adversely affect the rights of adjacent property owners if noise is not contained. However, this operation produces minimal noise.

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

Because the applicant has not yet purchased the property, staff cannot conclude that the strict application of the Zoning Code would constitute an unnecessary hardship on the applicant.

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

The single proposed use variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

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

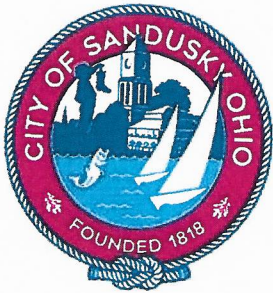
The intent of the Zoning Code, in summary, is to protect the character and value of property, to locate buildings with regard to streets, traffic, and utilities, and to promote and protect health, safety, convenience, and general welfare of the community. This use should not be contrary to the spirit and intent if noise and operations can be kept inside the structure

CONCLUSION/RECOMMENDATION

Staff recognizes that the process of fabricating signs via a CNC router is not a high intensity manufacturing activity and not significantly dissimilar from activities permitted in a RRB district. However, the Zoning Code is explicit in that sign manufacturing is permitted in some districts, but is not permitted in an RRB district. The applicant has stated that there would be significant efforts made to ensure their activities at the property would not be detrimental to surrounding residents. However, because staff believes that not all the conditions in Section 1111.06(c)(2) of the Zoning Code have been absolutely met, staff is unable to recommend approval of the variance.

If the Board does grant the variance, staff recommends the following conditions be placed on the variance:

- 1) The proposed development goes for site plan approval before Planning Commission.
- 2) No more than two CNC routers be used at the facility.
- 3) All production activities and storage must take place inside the building.
- 4) The building must be insulated to ensure noise does not escape the building.
- 5) Signage shall be erected within the parking area that indicates exiting onto Hayes Ave is prohibited and all traffic shall exit from the one-way alley located at the rear of the property.



**CITY OF SANDUSKY
PLANNING DIVISION
APPLICATION FOR BOARD OF ZONING
APPEALS APPROVAL**

 Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Custom Sign & Design, LLC

Property Owner Address: 300 E Water Street

Sandusky, Ohio 44870

Property Owner Telephone: 419-621-6600 ☒ Check if okay to Text

Email jeff@customsignanddesign.com

Contact Person: Jeff Krabill

Authorized Agent Name: n/a

Authorized Agent Address: n/a

n/a

Authorized Agent Telephone: n/a ☐ Check if okay to Text

Email n/a

Contact Person: Jeff Krabill

Meeting with Staff 4/12/19: Eric Wobser, Angie Byington, John Storey, Tom Horsman

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 1030 Hayes Avenue (Sandusky)

Legal Description of Property (check property deed for description):

36 HAYES AVE WH EX N 35' & 38 WH ANNEX EX S 32'

38 HAYES AVE S 32'

Permanent Parcel Number: 57-04721.000 & 57-04722.000

Zoning District: RRB

VARIANCE INFORMATION:

Section(s) of Zoning Code under which a variance is requested:

1129.03 - Schedule of Permitted Buildings and Uses in a RRB District.

Variance(s) Requested (Proposed vs. Required):

Use Variance:

Proposed: Allow CSD's fabrication of vinyl on metal blank & routed HDPE signs. This does NOT include a change to the zoning, rather it merely allows CSD's particular business activity during the period of time it uses the building.

Required: RRB allows businesses which support residents that reside there.

DETAILED SITE INFORMATION:

Land Area of Property: .1962 acres (8,546 sq ft) (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 2,620 sq ft (in sq. ft.) **Building #2:** 480 sq ft
Building #3: _____ **Additional:** _____

Total Building Coverage (as % of lot area): ~36%

Proposed Building Height (for any new construction): n/a

Number of Dwelling Units (if applicable): n/a

Number of Accessory Buildings: n/a

DESCRIPTION OF DEVELOPMENT PROPOSAL (Describe your development plans in as much detail as possible):

CSD hand-applies vinyl to metal sign blanks and uses a CNC router to fabricate signage from recycled HDPE for ODNR, metro parks and similar select businesses. All of this work is done inside our building, nothing outdoors. All material storage will be indoors. Any noise created by the router or vacuum system will be maintained inside the walls. The only item outside would be a dumpster. In order to make this happen, CSD proposes to do the following:

- Repair the driveway & parking area.
- Seal and stripe the parking area.
- Enclose the breezeway between the two buildings.
- Paint the outside of the buildings to create a cohesive overall look.
- Bring 3-phase power into the building.
- Update the interior of the work area.

CSD fully respects the purpose for RRB zoning and will do nothing to cause any problems for our new neighbors. The high visibility of the Hayes Avenue location will make CSD easier to find for deliveries, though we only anticipate 1-2 deliveries each week. Our customers only rarely ever visit our office. The only traffic would be our employees' cars in the parking area.

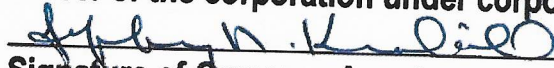
NECESSITY OF VARIANCE (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

CSD has been searching for a new location for a number of months, until now without much success. This use variance is critical for the following reasons:

- We must vacate our current location, 1 Superior Street. This location is now owned by the Erie County Department of Health and is operated as their opiate abuse recovery facility for women. They need the space and have asked that we leave as soon as possible.
- Denial of this use variance further delays CSD's departure. If delayed too long (we must leave Superior Street by August 1), we could well be out of business.
- The Hayes Ave location is a plus, both for ease of material deliveries and for general visibility.
- We are trying to remain in Sandusky and keep jobs here, but time is short.
- Nothing about CSD or our operations will be any noticeably different than the prior business which was located there (restaurant equipment repair). We may actually be better!

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.


Signature of Owner or Agent

4-15-19
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of n/a (municipal street address of property, I hereby authorize
n/a to act on my behalf during the Board of Zoning Appeals
approval process.

n/a
Signature of Property Owner

n/a
Date

REQUIRED SUBMITTALS:

10 copies of a site plan (drawn to scale and dimensioned) which shows the following items:

- 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) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

\$100.00 filing fee

APPLICATION MUST BE COMPLETELY FILLED OUT!

NOTE: Applicants and/or their authorized agents are strongly encouraged to attend Board of Zoning Appeals meetings.

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

Board of Zoning Appeals File Number: _____

City Of Sandusky
Planning Division
222 Meigs St. Sandusky, Ohio 44870
419.627.5873

Applicant's Responses to the Elements of the Applicable Zoning Code

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The variance requested is not substantial. It is narrowly framed asking only that their business operate within the four walls of the building, using nothing outside the building except for parking and a dumpster (currently allowed). Further, applicant is willing to accommodate any concerns of the BZA or neighbors.

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;

There is no anticipated impact on either the immediate neighbors or the neighborhood more generally. Applicant is committed to maintain a good relationship with its neighbors.

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

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

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

Applicant is aware of the restriction and has worked diligently to familiarize City officials with both the nature of their business, the lack of any impacts it would have and its willingness to cooperate in way reasonably possible. To this end, City officials were invited to and attended a meeting at applicant's current location off Superior Street. Current operations and future plans were discussed, along with questions being asked and answered.

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

While some might argue that the applicant could move, that is overly simplistic and seems to be a more extreme solution than the circumstances require. Given that there is no impact on the essential nature of the neighborhood, a use variance that applies only to the applicant and no future owner of the property seems a more reasonable solution.

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

Applicant is absolutely committed to the spirit of the zoning requirement, both in its spirit and application. Applicant remains open to any suggestions as well.

G. Whether the property will yield a reasonable return, whether there can be a beneficial use of the property without a variance; and in this instance, the property can still yield a reasonable rate of return without the variance.

It isn't clear to the applicant how this is applicable to this circumstance. Without the variance, applicant cannot operate at the proposed location on Hayes, so "reasonable return" is moot.

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.

Applicant believes that the "general purpose, intent and objective" of the Zoning Code is to permit residents in the neighborhood to enjoy the use of their residences without interference from

adjacent businesses. As applicant has demonstrated in person to City officials through us of a decibel meter and those officials' personal experience, there is no impact on neighboring residences other than improvements to the property.

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 applicant's business is slightly different from those specifically called out for RRB zoning, though the tools of applicant's business do not substantially differ from acceptable businesses. Examples include vacuum or compression pumps which might well be used either by wood working or appliance repair shops. Similarly, wood working very often requires the use of routers, both manual and fixed station which again are used by the applicant. Applicant's business uses no stamping of metal, welding, cutting or any other technique that might incur undue noise for surrounding residents.

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

Applicant has consistently demonstrated no adverse impact on adjacent properties or residents.

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

As addressed elsewhere, applicant is in urgent need of a new location. Applicant secured the assistance of a realtor (Hoty Enterprises) to help locate suitable options. To date, 1030 Hayes Avenue is the best of only a few options available. The current lessor requires applicant's departure before August 1. Given the relatively short period of time applicant would have to find an alternative location, applicant could conceivably be left without a viable location should this use variance be denied.

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

The proposed variance would in no way affect any of these.

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

Applicant recognizes the spirit and intent of the Zoning Ordinances of the City. This variance in no way is contrary to either the spirit or intent of those ordinances.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO BUILD A
NEW HOUSE WITHIN THE MINIMUM FRONT YARD
SETBACK AT 1019 SLOANE ST.
PARCEL (58-02909.000)

Reference Number: PVAR23-0007

Date of Report: June 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Kimberly J. Go
PO Box 1939
Sandusky, OH 44870

Site Location: 1019 Sloan St.
Sandusky, OH 44870

Current Zoning: CS – Commercial Service

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

Existing Use: Residential

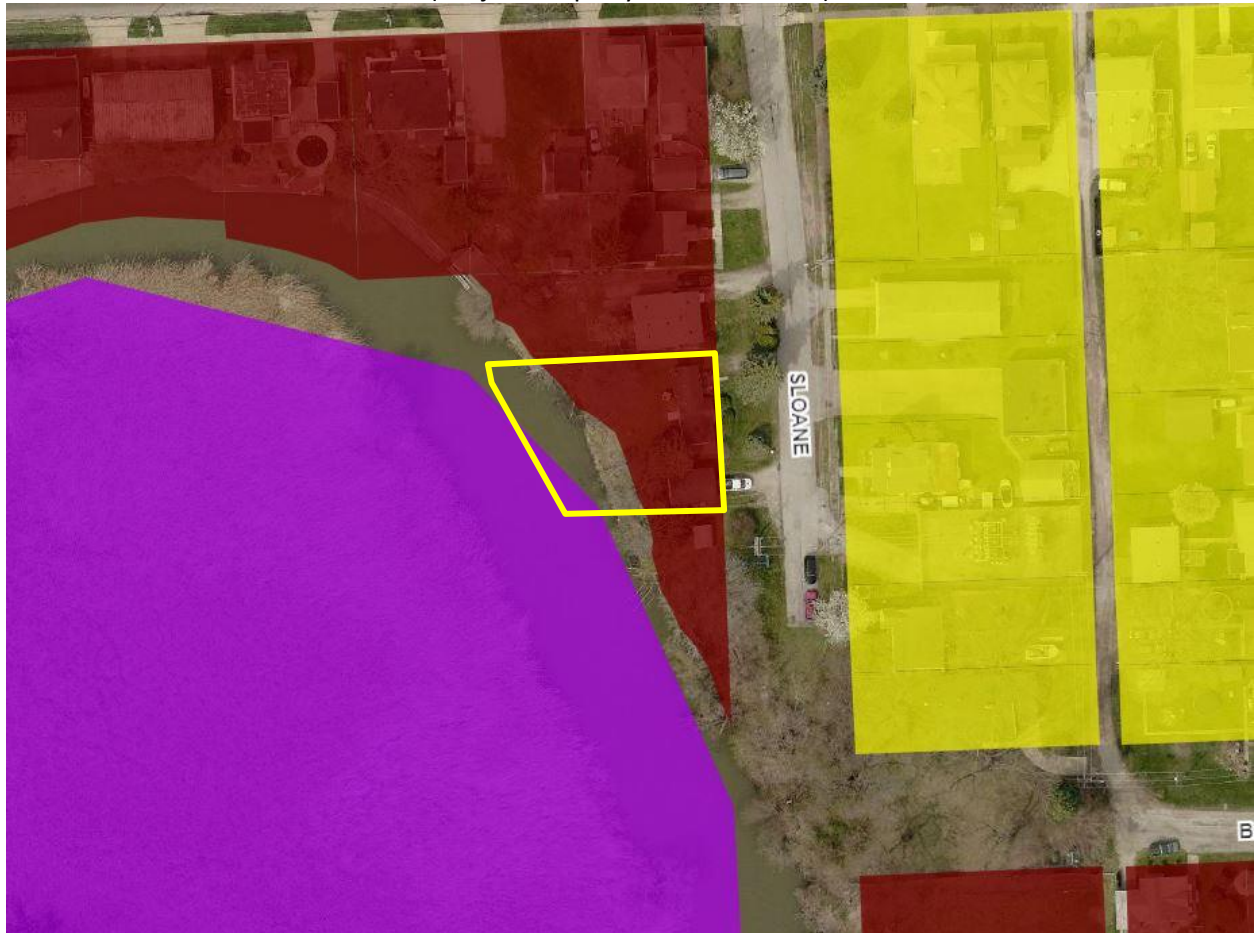
Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1137.08

Description of proposal: 1. The applicant is proposing to build a new house within the minimum front yard setback.

SITE DESCRIPTION

(Subject Property Outlined in red)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning



AG - Agriculture



CA - Commercial Amusement



CR - Commercial Recreation



CS - Commercial Service



DBD - Downtown Business



GB - General Business



GM - General MANufacturing



LB - Local Business



LM - Local Manufacturing



P - Auto Parking



PF - Public Facilities



R1-40 - Single Family Residential



R1-50 - Single Family Residential



R1-60 - Single Family Residential



R1-75 - Single Family Residential



R2F Two-Family Residential



RB - Roadside Business



RMF - Multi-Family Residential



RRB - Residential/Business

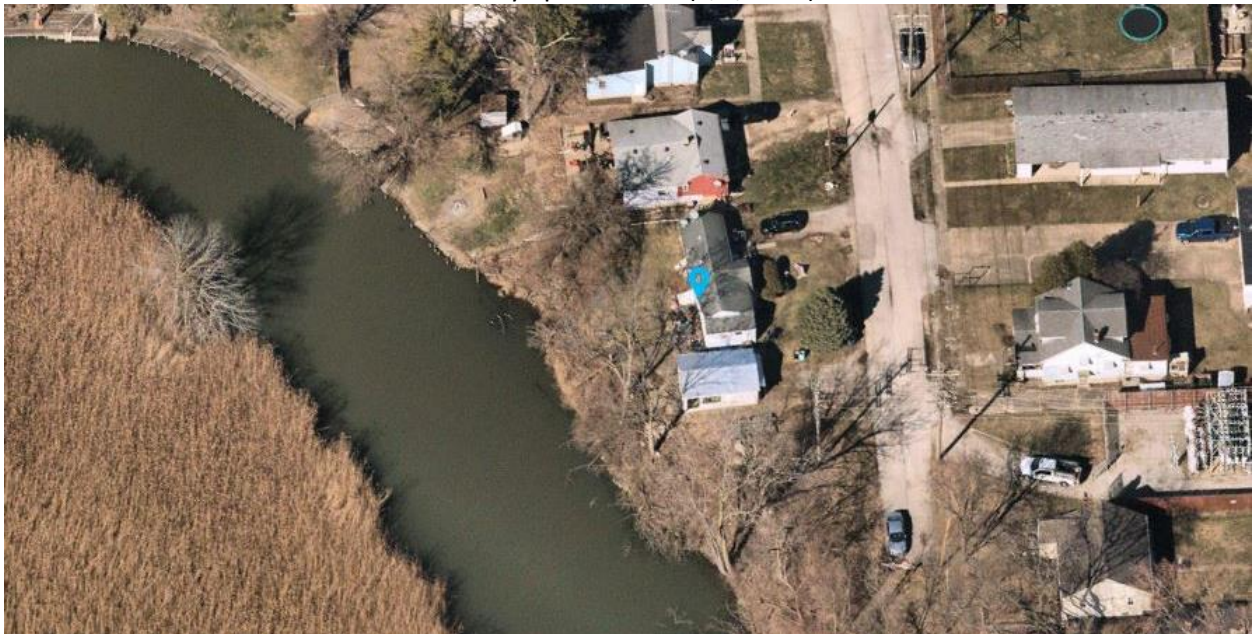


RS - Residential Suburban

County Auditor Property Map (subject property outlined in red)



Bird eye photo from (3/7/2023)





PROJECT DESCRIPTION

The applicant proposes to construct a new, single family home, in the same footprint of the existing home on the site. The front yard set back of the existing house is legal non-conforming setback. The zoning code requires a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The house at 1019 Sloane St. is setback approximately 2 feet. The new home will remain in the same footprint of the existing house and will be 72 feet wide. While the existing and proposed replacement house is set back only 2 feet from the parcel line and public right of way, it is 35 feet from the existing roadway.

The applicant is proposing to match the existing front yard setback of the existing front yard setback and are requesting a variance for up to a 2 foot front yard setback = a 28 foot variance.

RELEVANT CODE SECTIONS

CHAPTER 1137

Commercial Districts

1137.03 PERMITTED BUILDINGS AND USES, COMMERCIAL RECREATION DISTRICTS.

(a) Main Buildings and Uses.

(1) One- and two-family dwellings, boathouses, motels; (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.

1137.08 YARD REGULATIONS.

For every main or accessory building in a commercial district, the following minimum yard shall be provided:

- (a) Front Yards. There shall be a setback of not less than 30 feet in depth, and on corner lots, the setback shall be not less than 10 feet on a secondary street, unless shown otherwise on the Zone Map.

CHAPTER 1151

Nonconforming Structures and Uses

1151.05 NONCONFORMING STRUCTURES.

Where, at the time of adoption of the Zoning Code and designation of zoning districts, a lawful structure exists which does not meet the requirements imposed by the existing Zoning Code, such structure may be continued so long as the structure meets the following conditions:

- (a) A nonconforming structure may continue to be used, maintained, repaired and structural parts replaced when required to restore to a safe condition. A residential nonconforming building may be modernized to improve interior livability.
- (b) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof, may be altered to decrease its nonconformity;
- (c) Should such structure be moved for any reason or distance, it shall thereafter conform to the regulations for the district in which it is located;
- (d) A nonconforming structure may be added to, provided the additions are made to conform to the yard and height regulations of the district in which it is located;
- (e) Restoration of Damaged Structures:
 - (1) Any structure on a lot existing on or before the effective date of this Code and which does not conform to the provisions of this Code for the district in which it is located, and which has been or may hereafter be damaged by fire or other causes to the extent of less than sixty percent (60%) of its replacement value at the time of damage may be restored, provided that such structure, when completed, will not differ in location or size from the previously existing structure (except to the extent that such difference may be in greater conformity with this Code) and provided such repairs or reconstruction are completed within one (1) year of the date of the damage. However, when the damage or destruction to the structure is to the extent of sixty percent (60%) or more of its replacement value at the time of destruction or damage, it shall not be restored except in conformity with the regulations of the district in which the structure is situated.
 - (2) Determination of the replacement value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the City, and the third to be selected by mutual consent of the two (2) parties.

(Ord. 02-191. Passed 12-9-02.)

CHAPTER 1111

Board of Zoning Appeals

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:

1. Whether the variance is substantial;

- i. No. This footprint already exists.

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 home we are creating will enhance and greatly improve the value of the neighborhood. 1019 Sloane St. is the last home on this side of a dead end street.

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

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

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

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

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

- i. No, the predicament cannot be resolved through another method other than a variance due to the uniqueness of the property that borders Mills Creek, with approximately 1/3 of the parcel under water, we are limited in building space.

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 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 keep the existing footprint along Sloane St.

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

- i. No. the lot is not buildable 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. There is a large Public right-of-way setback that is our “front yard” which acts as a natural front yard setback.

DIVISION OF PLANNING COMMENTS

The parcel at 1019 Sloane is unique in the fact that about 1/3 of the parcel is a part of Mills Creek, and therefor is not buildable land. The lot is also on a decline towards Mills Creek, creating a further challenge to build. A significant percentage of the parcel is submerged in the regulatory floodway. The building current footprint is just outside of the regulatory floodway. It is unclear if the proposed new home is expected to encroach into the flood plain. Staff suggests the applicant have a full understanding of the implications of building within a flood plain if the structure is to encroach and follow any and all necessary or recommended precautions for construction in that condition.

The Western part of Sloane St. is a historically commercial node, now with residential uses in recent decades. Sloane St. is not a through St. and does not continue much further past the applicant’s property. The average width of a residential side street public right-of-way is approximately 50 feet. However, the current public right-of-way on this section of Sloane St. matches the active commercial corridor width of Monroe St. to the North at 65 feet wide. This extra 15 feet of right-of-way further restrains the applicant’s buildable area.

A single family home is a permitted main use in the CS – Commercial Service District.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1019 Sloane St. (58-02909.000) 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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1019 Sloane St., Sandusky

Name of Property Owner: Kimberly J. Go

Mailing Address of Property Owner: PO Box 1939

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-677-6919 Email: GoFamilyMail@gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

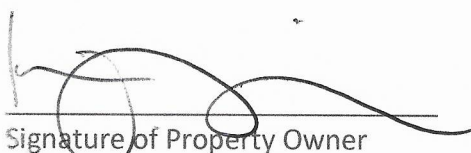
Description of Proposal:

We are planning to remodel the single story home at 1019 Sloane Street, using the existing foundation and footprint from the home. The proposed new home will remain 72 feet wide and will not extend on the street-facing side beyond that of the existing structure with the exception of a freestanding carport. This will include adding a slab foundation/addition at the rear of the home to house a master bedroom, as well as extending the foundation between the current ☒ Variance Requested:

We are requesting a setback variance to allow us to utilize and expand upon the existing foundation. The existing home is built in non-compliance to the below-mentioned code.

Section(s) of Zoning Code:

Zoning Code CS
1137.08

 5-18-23
Signature of Property Owner 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?

No.

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

No. The home we are creating will enhance and greatly improve the value of the neighborhood. 1019 Sloane is the last home on this side of a dead end street.

- 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. Given the uniqueness of the property that borders Mills Creek, with approximately 1/3 of the parcel under water, we are limited in building space.

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

Yes.

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

No.

- 8) Would the granting of the variance be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City?

No.

UNNECESSARY HARDSHIP

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

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an "unnecessary hardship" exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

No.

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

No.

- 3) Does the strict application of the Zoning Code of which the variance is requested constitute unnecessary hardship upon the property owner or the applicant?

Yes.

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

No.

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

No.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CREATE
TWO PARCELS THAT DO NOT MEET THE MINIMUM
LOT SIZE REQUIREMENTS AT
1214 / 1218 FARWELL ST. (PARCEL 57-04311.000)

Reference Number: PVAR23-0008

Date of Report: June 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Charles Seaver II
1430 E. Parish St.
Sandusky, OH 44870

Site Location: 1214 / 1218 Farwell St.
Sandusky, OH 44870

Current Zoning: R1-50 – Single Family Residential

Adjacent Zoning: North: R1-50 – Single Family Residential
East: CS – Commercial Service
West: R1-50 – Single Family Residential
South: R1-50 – Single Family Residential

Existing Use: Residential

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 width standards for a buildable lot in an R1-50 – Single Family Residential Zoning district

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



Historic Plat Layout



PROJECT DESCRIPTION

The applicant is proposing to split two lots along their original platted parcel lines, creating 2 parcels which do not meet the minimum width standards for a buildable lot in the current zoning, R1-50 – Single Family Residential Zoning district

Minimum lot width requirement for a new lot in an R1-50 – Single Family Residential District: 50'

Lot 1 – 1214 Farwell St.

- Width of 45' - Variance of 5'

Lot 2 – 1218 Farwell St.

- Width of 45' - Variance of 5'

The lot is currently one large parcel. Per historic tax map records, the proposed lot split resembles the historic parcel layouts of the site. Each parcel would have 1 residential unit on it. The applicant wishes to split these parcels in order to simplify the process of granting the properties to two separate individuals in their will.

Due to all setbacks being met in the historic plat proposed, the two structures would comply with R1-50 zoning requirements if this were a new development, but a variance within the existing zoning is the minimum intervention to meet the request of the applicant.

This lot split will also amend a current condition of nonconformance—two residential structures on one parcel is not permitted within any single family zoning district.

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	
R1-50	1 Fam. Dw.	6,000	50	30	3	11	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:

1. Whether the variance is substantial;

- i. 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 eastern lots on the street. Only 5 feet from each parcel is being requested.

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. 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.

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

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

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

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

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

- i. No, the owner's predicament cannot be resolved through another method other than a variance due to leaving them for two different people in their will.

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 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.

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 lots desired to be split would not yield a reasonable return or provide beneficial use without a variance as it could not be passed on the will and would continue to supplement an illegal use of the land.

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.

Granting the variance would not be contrary to the zoning code or the adopted plans of the city because at one point they were already separated. Minimal houses on this street have a 50' width.

DIVISION OF PLANNING COMMENTS

The variance requests are not substantial and will restore the parcels back to its historical footprint and back to legal conforming use. The current use with two residential dwellings on one zoning parcel contradicts our zoning requirements. In a Single-Family Residential Zoning District, only one residential dwelling is permitted per parcel. Currently there are two residential structures on one lot, resulting in a two-family use.

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1214 / 1218 Farwell St. (Parcel 57-04311.000) in order to get the use back to a legal conformity 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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1218/1214 E. Farwell St

Name of Property Owner: Charles Seaver #

Mailing Address of Property Owner: 1430 E. parish St

City: Sandusky State: OHIO Zip: 44870

Telephone #: 567 623 3516 Email: _____

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

I would like to separate the 2 parcels of land with 1 house on each.

Variance Requested:

Section(s) of Zoning Code:

Charles J. Seaver

Signature of Property Owner

5-25-23

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 just 5ft from each property

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 each house & plot would be the same

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

no nothing would transfer w/ government / by Rates / utilities

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 I need the houses to be separated to leave them to 2 different

family members in my will

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?

no but w/ then separate the city could charge more in taxes so it benefits you.

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 at one point they were already separated.

my few houses on this street have 50 ft of frontage w/ most of them having 40-45 ft that's all I want to do is split the

APPLICATION #BZA-001

UPDATED 12/2/2019

2 plots 2 to 45 ft

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO EXTEND
AN EXISTING GARAGE FOOTPRINT IN A SIDE YARD
AND WITHIN THE MINIMUM SIDE YARD SETBACK
AT 533 SHELBY ST.
PARCEL (59-01299.000)

Reference Number: PVAR23-0009

Date of Report: June 1, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Robert Kurtz
533 Shelby St.
Sandusky, OH 44870

Site Location: 533 Shelby St.
Sandusky, OH 44870

Current Zoning: R2F – Two Family Residential

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

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.10 and 1145.15 (a) (b)

Description of proposal: 1. The applicant is proposing to extend an existing garage footprint in a side yard and within the minimum side yard setback.

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

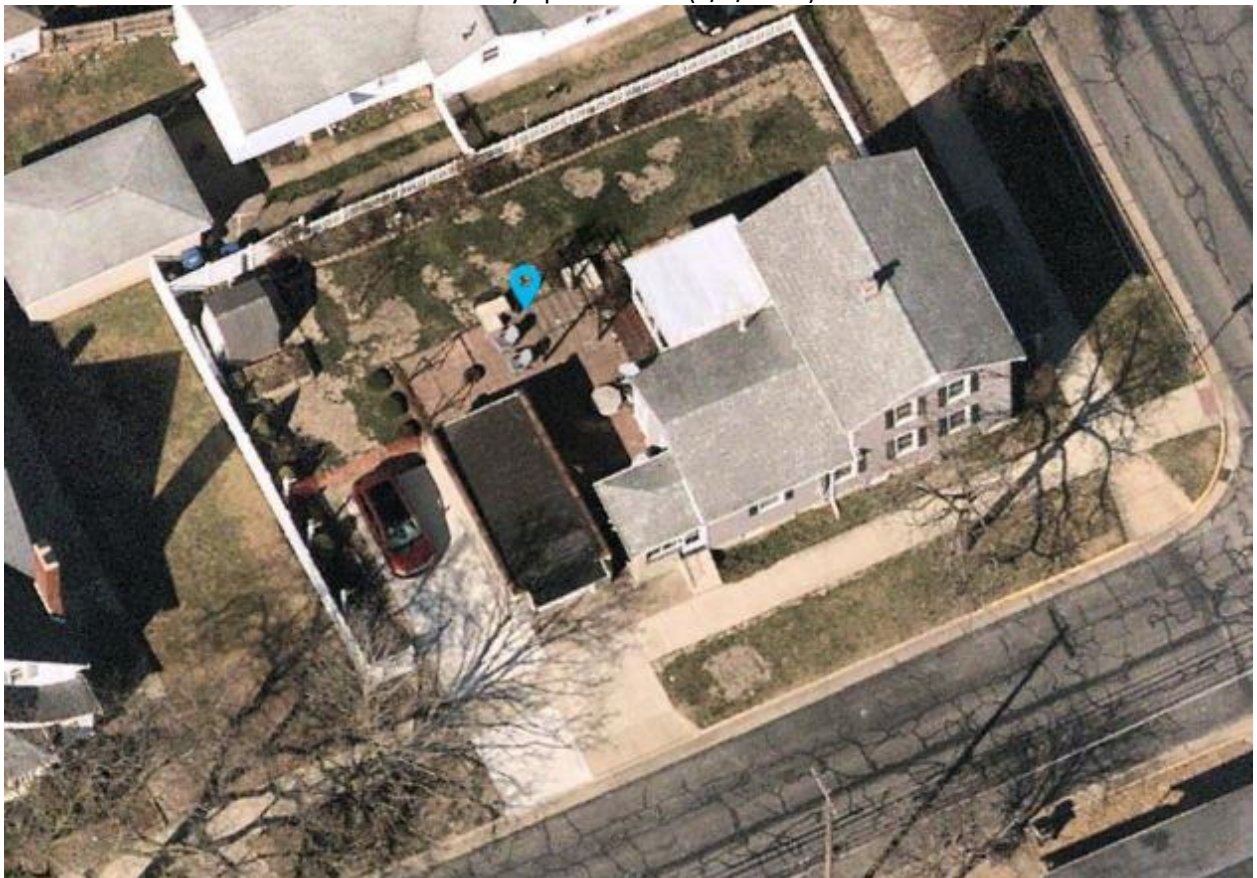
PF - Public Facilities

-  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 red)



Bird eye photo from (3/7/2023)



PROJECT DESCRIPTION

The set backs and placement of the existing garage are legally non-conforming. The zoning code requires a minimum 12.5 foot side yard setback from the side property line in a Residential Zoning District. An accessory structure must not be in the side yard and must be 12.5 feet from the front property line plus an additional 5 feet, totaling 17.5 feet from the side property line in this case.

Existing garage is setback 4 feet.

Proposed garage is to match this 4 foot setback and extend paralel to the street by approximetely 11 feet.

The applicant is requesting 2 variances:

1. To allow an accesory structure in a side yard.
2. A 13.5 foot relief to the 17.5 feet side yard setback requirement = 4 foot setback.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.10 YARDS ON CORNER LOTS.

The depth of the front yard on a corner lot shall be not less than the required setback from the front lot line as defined in Section 1107.01. The width of the side yard on the side street shall be not less than one-half of the depth of the front yard required from the adjoining lot which abuts on the side street; except, for lots of record, the side yard along the side street may be not less than one-fourth of the depth required for the adjoining front yards, unless shown otherwise on the Zone Map. The interior side yard shall be not less than the minimum width required for a single side yard of an interior lot.

(1980 Code 151.31)

1145.15 YARDS FOR ACCESSORY BUILDINGS.

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

In addition to the above regulations, accessory buildings not classified as sheds must not cover more than thirty percent (30%) of the rear yard of a lot and shall be located no less than ten feet from the main structure.

(b) On a corner lot, an accessory building shall be set back from the side street line not less than required for the adjacent main building on the butt lot, plus an additional five feet.

(Ord. 05-158. Passed 11-14-05.)

CHAPTER 1111

Board of Zoning Appeals

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:

1. Whether the variance is substantial;

- i. No. Is in backyard
- b. Staff's response: This structure is in fact in the side yard.

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, it would totally enhance; neighbor next door is encouraging this project.

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

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

- i. No, City said to utilize or improve at my discretion
- b. Staff's response: We believe the applicant meant discretion and if this is the case, there is no documentation of this on file in the Planning Division.

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

- i. No, the predicament cannot be resolved through another method other than a variance

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

- i. Completely justified.

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. Due to parking in the neighborhood, would mean 1 less car on the street.

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. In the spirit of making our City a better place to live for everyone.

DIVISION OF PLANNING COMMENTS

The applicant has installed a new parking pad next to the garage to create an additional off street parking space on the property. The applicant is having continuous issues with water intrusion of the existing garage. The applicant has stated that numerous repairs have been made to mitigate the issue to no avail. This project will install a new gable style roofing system over the existing garage and extend the roofing system over the concrete pad and enclose this area on two sides, creating a shelter for vehicle parking next to the existing garage.

CONCLUSION/RECOMMENDATION

Planning staff does not oppose the requested variance at 533 Shelby St. parcel (59-01299.000) 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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: parcel ID. 59-01299.000

Name of Property Owner: Robert K. Kurtz

Mailing Address of Property Owner: 533 Shelby st.

City: Sandusky State: OH Zip: 44870

Telephone #: 419-626-6902 Email: hotpeppers 58@yahoo.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

carport attach to garage via new double wide roof.

Variance Requested:

to install:

Section(s) of Zoning Code:

Robert K. Kurtz
Signature of Property Owner

5/31/2023
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?

No. is in backyard

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

it would totally enhance; neighbor next door encourage this project.

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

Not at all, is over land empty from all utilities

previous land bank property.

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

No, city said to utilize or improve at my discretion

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

Yes, because communication in city departments could be better with structure procedures.

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

completely justified

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

due to parking in neighborhood would mean 1 less vehicle on the street

- 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?

In the spirit of making our city a better place to live for everyone

UNNECESSARY HARDSHIP

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

According to Chapter 1111.06(c)(2) of the Sandusky Code of Ordinances, the Board of Zoning Appeals must determine that an “unnecessary hardship” exists in order to approve a use variance. The Board must determine that ALL of the following conditions have been met. Please completely fill out all sections:

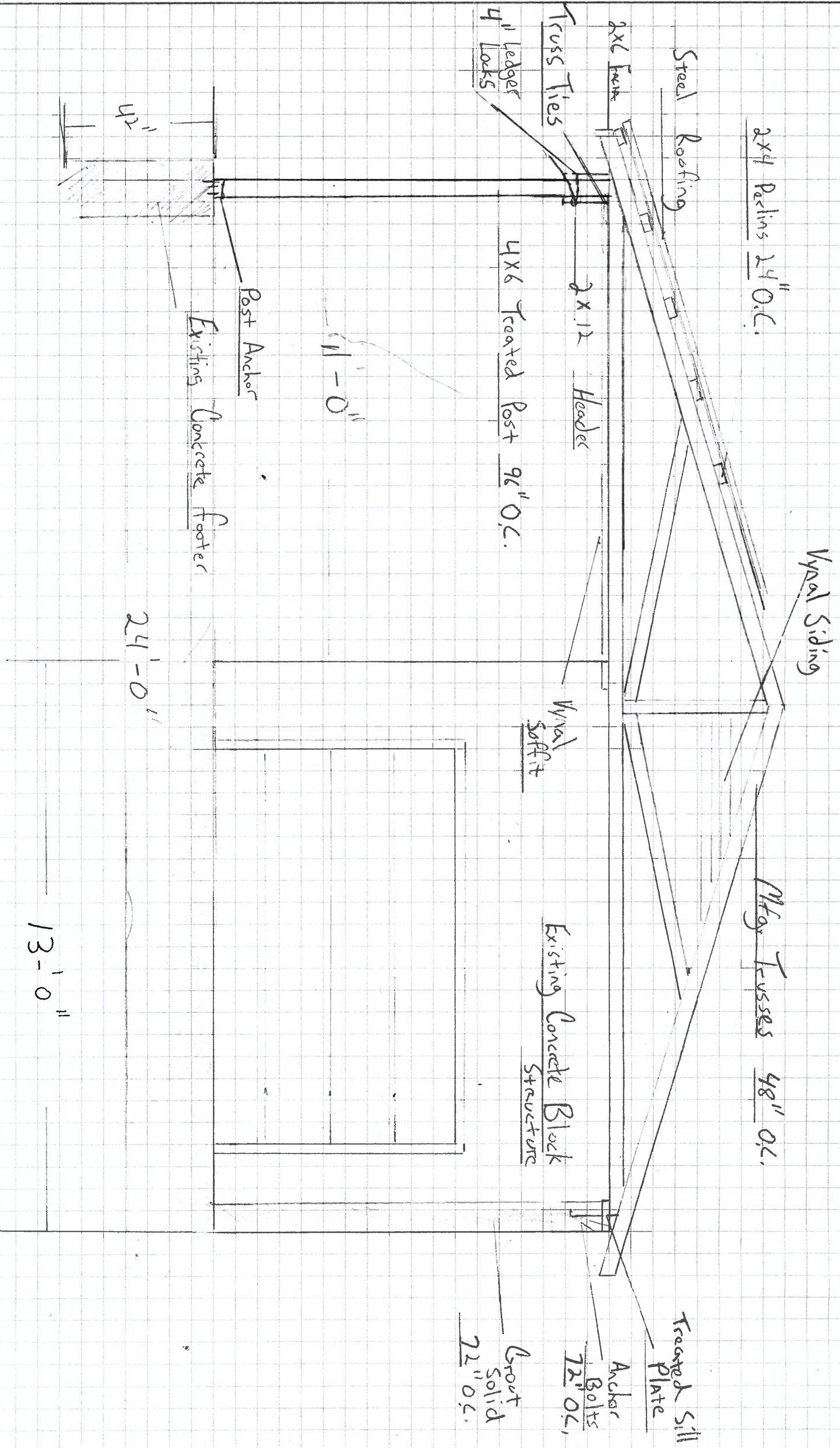
- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

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

- 3) Does the strict application of the Zoning Code of which the variance is requested constitute unnecessary hardship upon the property owner or the applicant?

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

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



2x4 Rafters 24" O.C.

Vinyl Siding

4x8 Trusses 48" O.C.

Steel Roofing

2x6 Furr

2x12 Header

Truss Ties

4x6 Ledger 4x6s

4x6 Treated Post 96" O.C.

Vinyl Soffit

Existing Concrete Block Structure

Treated Sill Plate

Anchor Bolts 72" O.C.

6x8 Post Solid 72" O.C.

Post Anchor

Existing Concrete footer

11'-0"

24'-0"

13'-0"