

Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870
419.627.5715
www.cityofsandusky.com

Agenda

July 20, 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 June 15, 2023 meeting
3. Swear in audience and staff members that will offer testimony on any agenda items
4. Adjudication hearing to consider the following:
 - **1636 Hayes Ave.**
An area variance to Zoning Code Section 1139.08 to allow a new storage building within the minimum front yard setback in a Limited Manufacturing District.
 - **325 W. Perkins Ave.**
An area variance to Zoning Code Section 1143.09 to allow construction of a pylon sign within the required 15' setback in a General Business District.
 - **Parcel 56-000983.001**
An area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within the minimum front yard setback in a Commercial Service District.
 - **Parcel 56-000983.003**
An area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within the minimum front yard setback in a Commercial Service District.
 - **Parcel 56-000983.002**
An area variance to Zoning Code Sections 1137.08 (a) & (b) to allow a new residential building within the minimum front yard, secondary street, and combined setbacks of a corner lot and in a Commercial Service District.
5. Other Business

6. Adjournment Next Meeting: August 17, 2023

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

Board of Zoning Appeals
June 15, 2023
Meeting Minutes

Meeting called to order:

Chair Feick called the meeting to order at 4:30pm. The following voting members were present: Chair Feick, Mr. Matthews, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt was absent. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department; also present were City Commission Liaison, Dave Waddington, and clerk Cathy Myers.

Review of Minutes from May 18, 2023 Meeting:

Chair Feick called for a motion on the minutes for the May 18th meeting. Mr. Matthews 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 unanimously, as presented.

Chair Feick swore in all parties that were present to speak about adjudication agenda items.

Adjudication Hearing:

1. 1030 Hayes Avenue- A use variance to Zoning Code Section 1129.03 to allow a physical therapy office as a main- use at this location.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant was seeking a variance to allow a physical therapy practice in an RRB – Residential Business Zoning District. The Zoning Code explicitly outlined the uses that would be allowed and those uses were typically catered toward residents in the nearby neighborhood, such as barber shops, drug stores, dry cleaning, florists, etc. Medical offices / clinics was not an explicitly permitted use at this location, but was allowed in other districts, such as LB – Local Business and GB – General Business. Planning staff were in support of the requested variance at 1030 Hayes Ave. (57-04721.000) and asks that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Lehrer- real estate agent, Mr. Krabill- owner/ seller, and Mr. Healy- tenant/ buyer were present to speak on behalf of the project. Chair Feick asked if any other members had questions of the representatives. There were none.

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

2. 1019 Sloane Street- 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 ft. front yard setback in a Commercial Zoning District.

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to construct a new, single family home, in the same footprint as the current home on the site. The

Board of Zoning Appeals
June 15, 2023
Meeting Minutes

front yard set back of the existing house was a legal non-conforming setback. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The house at 1019 Sloane Street was setback approximately 2 feet. The new home would remain in the same footprint of the existing house and would be 72 feet wide. The existing and proposed replacement house were set back only 2 feet from the parcel line and public right of way, which was 35 feet from the existing roadway. The applicant proposed to match the existing front yard setback of the existing front yard setback and requested a variance for up to a 2 foot front yard setback = a 28 foot variance. Planning staff support the requested variance at 1019 Sloane St. (58-02909.000) and asked that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mrs. Kimberly Go- the homeowner, was present to speak on behalf of the request. Chair Feick asked if any other members had questions of the applicant. Chair Feick asked if the floodplain review would be done by the City. Mr. Ochs stated there would be a floodplain review.

Vice Chair 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.

- 3. 1214 & 1218 Farwell Street- An area variance to Zoning Code Section 1129.14 to allow the creation of (2) parcels which do not meet the minimum area and yard requirements. The minimum of width of a parcel in a R1-50 Single Family Zoning District is 50 ft. The applicant is proposing to create (2) parcels which are both 45 ft. wide.**

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was proposing to split (2) 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. The variance requests would restore the parcels back to a historical footprint and back to a legal conforming use. The current use of two residential dwellings on one zoning parcel contradicted our zoning requirements. Planning staff were in support of the requested variance at 1214 / 1218 Farwell St. (Parcel 57-04311.000) to get the use back to a legal conformity and suggested the following conditions be imposed, upon approval: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Seavers- the property owner, was present to speak on behalf of the request. Chair Feick asked if any other members had questions of the applicant. There were none.

Mr. Matthews made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called, and the motion was approved unanimously.

**Board of Zoning Appeals
June 15, 2023
Meeting Minutes**

- 4. 533 Shelby Street- 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 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.**

Chair Feick asked Staff to present the application. Mr. Ochs disclosed in this request that the set backs and placement of the existing garage were legally non-conforming. The zoning code required a minimum 12.5 foot side yard setback from the side property line in a Residential Zoning District. The existing garage was setback 4 feet and the new garage proposed to match this 4 foot setback and extend parallel to the street by approximately 11 feet. The applicant was asking for (2) variances: (1) to allow an accessory structure in a side yard. (2) to allow a 13.5 foot relief to the 17.5 feet side yard setback requirement = 4 foot setback. The applicant installed a new parking pad next to the garage to create additional off-street parking on the property. The applicant has had continuous issues with water intrusion to the existing garage. The applicant 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. Planning staff does not oppose the requested variance at 533 Shelby St. parcel (59-01299.000) and asked that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Kurtz- the homeowner was present to speak on behalf of the request. Mr. Smith and Mrs. Hoffer, neighbors of Mr. Kurtz, spoke on behalf of the request and were in favor of the project. Chair Feick asked if the applicant wanted to enclose the carport would that be allowed. Mr. Ochs stated that the request was for setbacks, so enclosing the space would not be impacted. Chair Feick asked if there were any other questions. There were none.

Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called, Mr. Matthews abstained from the vote and the motion was approved by the remaining Committee members.

Other Business:

There was no other business.

Adjournment:

Vice Chair Semans moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 5:10 pm.

**Board of Zoning Appeals
June 15, 2023
Meeting Minutes**

Next meeting:
July 20, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO BUILD A
NEW STORAGE BUILDING WITHIN THE MINIMUM
FRONT YARD SETBACK IN A LIMITED
MANUFACTURING DISTRICT AT 1636 HAYES AVE.
PARCEL (57-05666.000)

Reference Number: PVAR23-0010

Date of Report: June 28, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Ruff Bros, LLC
1031 Perry St.
Sandusky, OH 44870

Site Location: 1636 Hayes Ave.
Sandusky, OH 44870

Current Zoning: LM – Limited Manufacturing

Adjacent Zoning: North: RRB – Residential Business
East: Limited Manufacturing
West: Limited Manufacturing
South: Limited Manufacturing

Existing Use: Vacant

Surrounding Uses: Residential, Commercial

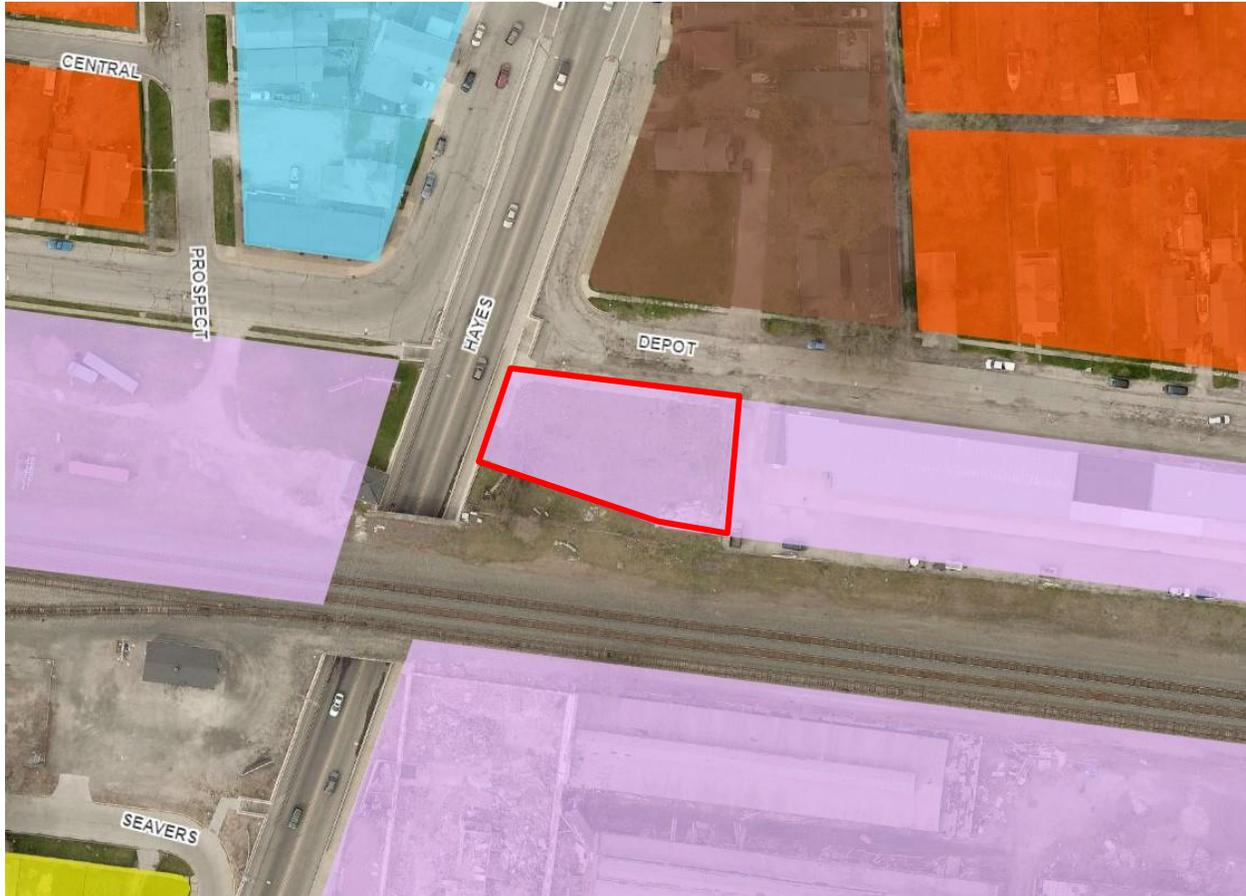
Proposed Use: Commercial

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1139.08

Description of proposal: 1. The applicant is proposing to build a new storage building within the minimum front yard setback in a Limited Manufacturing District

SITE DESCRIPTION

(Subject Property Outlined in red)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

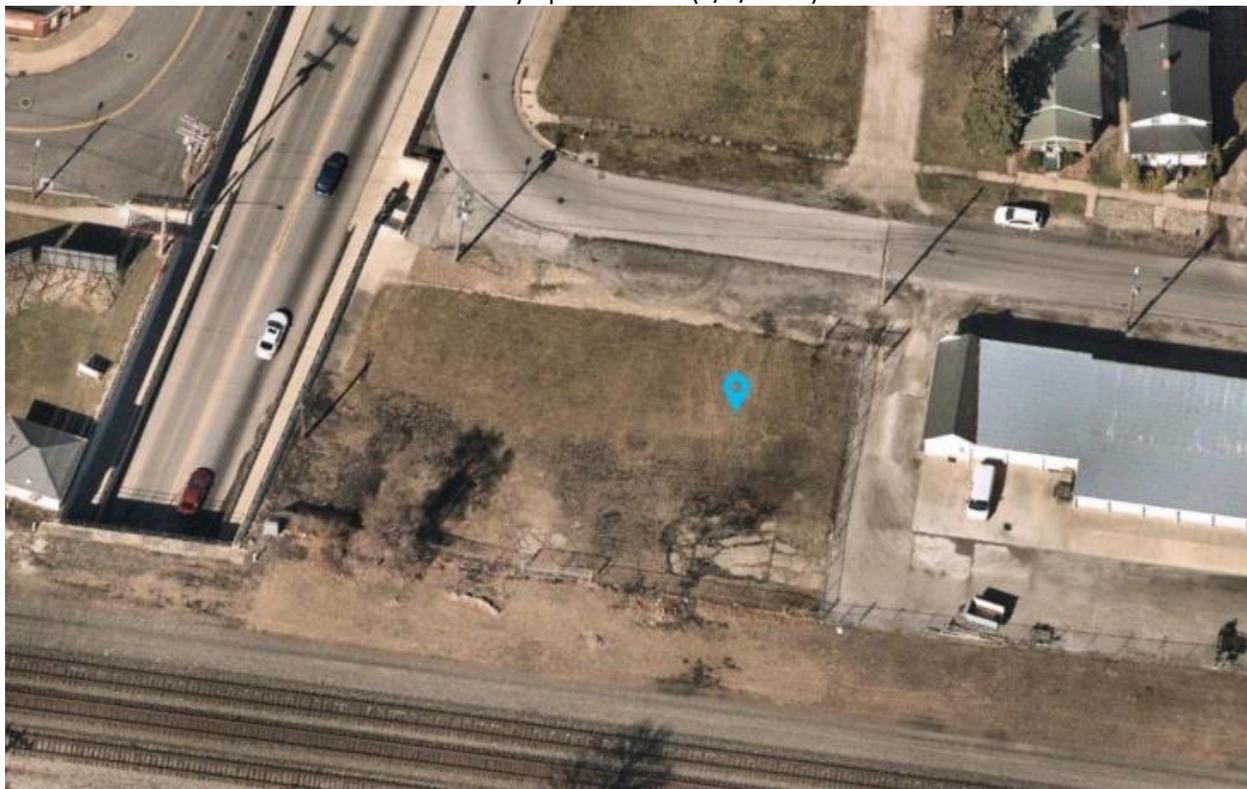
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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

Aerial photo from (Spring/2023)



Birds eye photo from (3/7/2023)



The site in 2013



PROJECT DESCRIPTION

The applicant proposes to construct a new, storage building on this property. The applicant is seeking a 5 foot front yard setback to match the setback of the existing building to the east. The required front yard setback is 30 feet.

The variance requested is a 5 foot setback = a 25 foot relief.

RELEVANT CODE SECTIONS

CHAPTER 1139

Manufacturing Districts

1139.03 PERMITTED BUILDINGS AND USES; LIMITED MANUFACTURING DISTRICTS.

(a) Main Buildings and Uses.

(4) Wholesale business, services, and storage and manufacturing uses as permitted in Commercial Service Districts;

1139.08 YARD REGULATIONS.

For every main or accessory building, the following minimum yards shall be provided:

- (a) Front Yard. There shall be a setback of not less than 30 feet in depth, unless shown otherwise on the Zone Map;

CHAPTER 1137

Commercial Districts

1137.05 PERMITTED MAIN BUILDINGS AND USES; COMMERCIAL SERVICES DISTRICT.

(...)

- I. Warehouses, storage and wholesale establishments, freight yards and stations, excluding storage of explosive and flammable gases, solids, or liquids;

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. Yes.

Staff believes the applicant meant to put no here.

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.

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

- i. No.

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

5.

- i. The property was not purchased with the knowledge of zoning restrictions.

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

- i. No.

Staff has determined that this answer is not factual. Storage can still be used on the site if all set backs are met. It would just push the development further from the street and potentially limit the amount of units that the site can accommodate.

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

i. No.

Staff believes the applicant meant to put yes here.

8. 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.

Staff has determined that this answer is not factual. The site can still yield a “reasonable return” if the variance is denied, but less of a return.

9. 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.

DIVISION OF PLANNING COMMENTS

The owner of the proposed parcel also owns the parcel/storage units directly east. The parcel in this proposal is small and not squared, giving the applicant building restraints. The applicant has stated that the front setback requirements would limit the amount of storage units that would fit on the site.

This site has been vacant for over a decade. Prior to the current owners oversight of the property, it has full of dumped rubble, overgrown weeds, and abandoned cars/boat. Since then, the applicant has cleaned up the site and continues to do so with this project.

A storage business is a permitted use at this site.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 1636 Hayes Ave. parcel (57-05666.000) 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 and a site plan review by the Planning Commission.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1636 HAYES AVE

Name of Property Owner: RUFF BROS LLC STEVE + MATT RUFF

Mailing Address of Property Owner: 1031 PERRY ST

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419 656-0535 Email: LE SNACKS @ SBL GLOBAL.NET

If same as above check here

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal: WE PURCHASED PROPERTY WITH THE INTENT OF BUILDING MORE STORAGE. BUT SINCE WE CAN ONLY USE 50% OF PROPERTY WE NEED THE VARIANCE TO BUILD THE NUMBER OF UNITS TO BE PROFITABLE AND TO ACCESS FRONT AND BACK OF UNITS

Variance Requested:

5' SETBACK FROM FRONT PROPERTY LINE

Section(s) of Zoning Code:

1139.08

Steve Ruff
Signature of Property Owner

6/15/23
Date

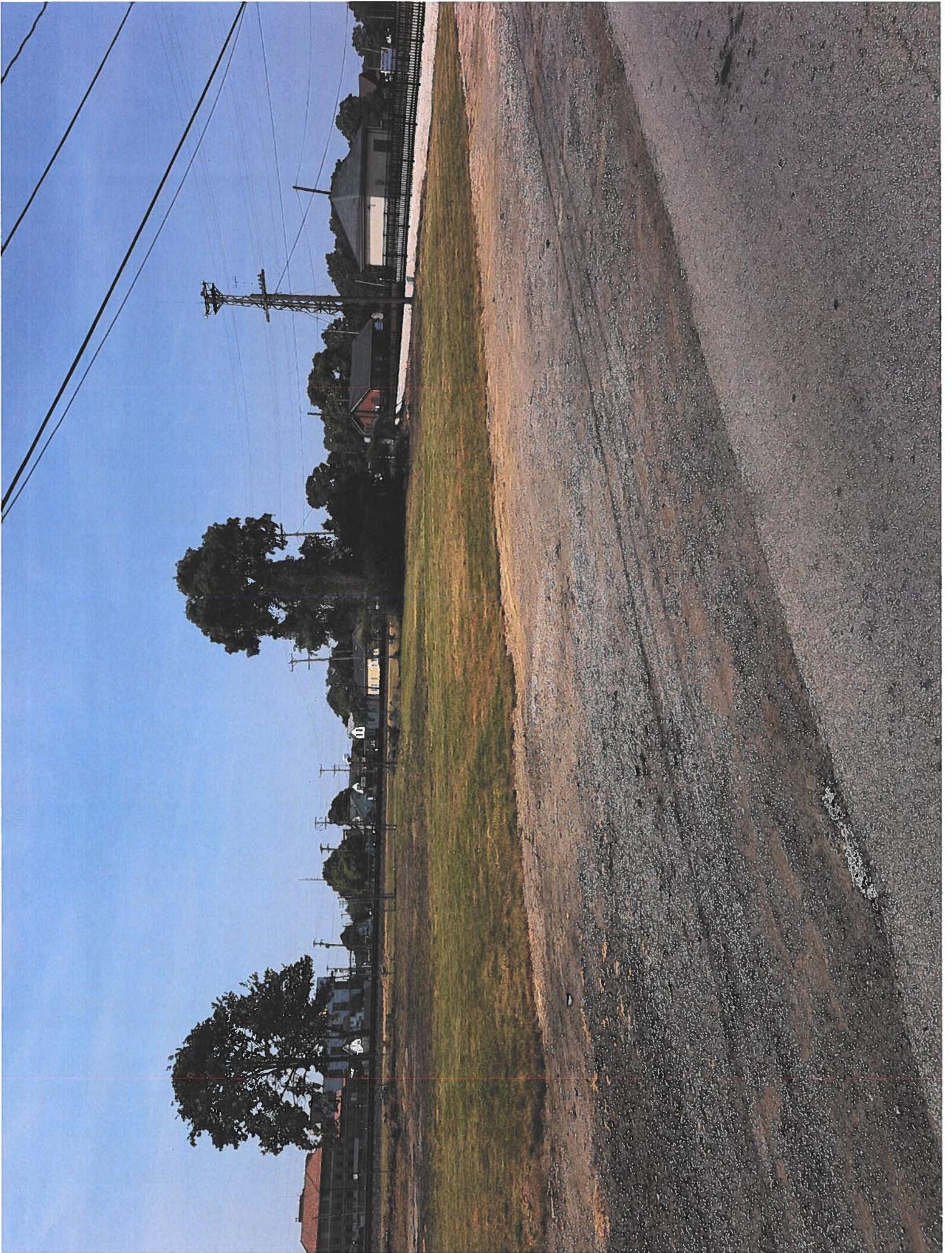
Signature of Authorized Agent Date

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*
- 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*
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance? *NO*
- 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*



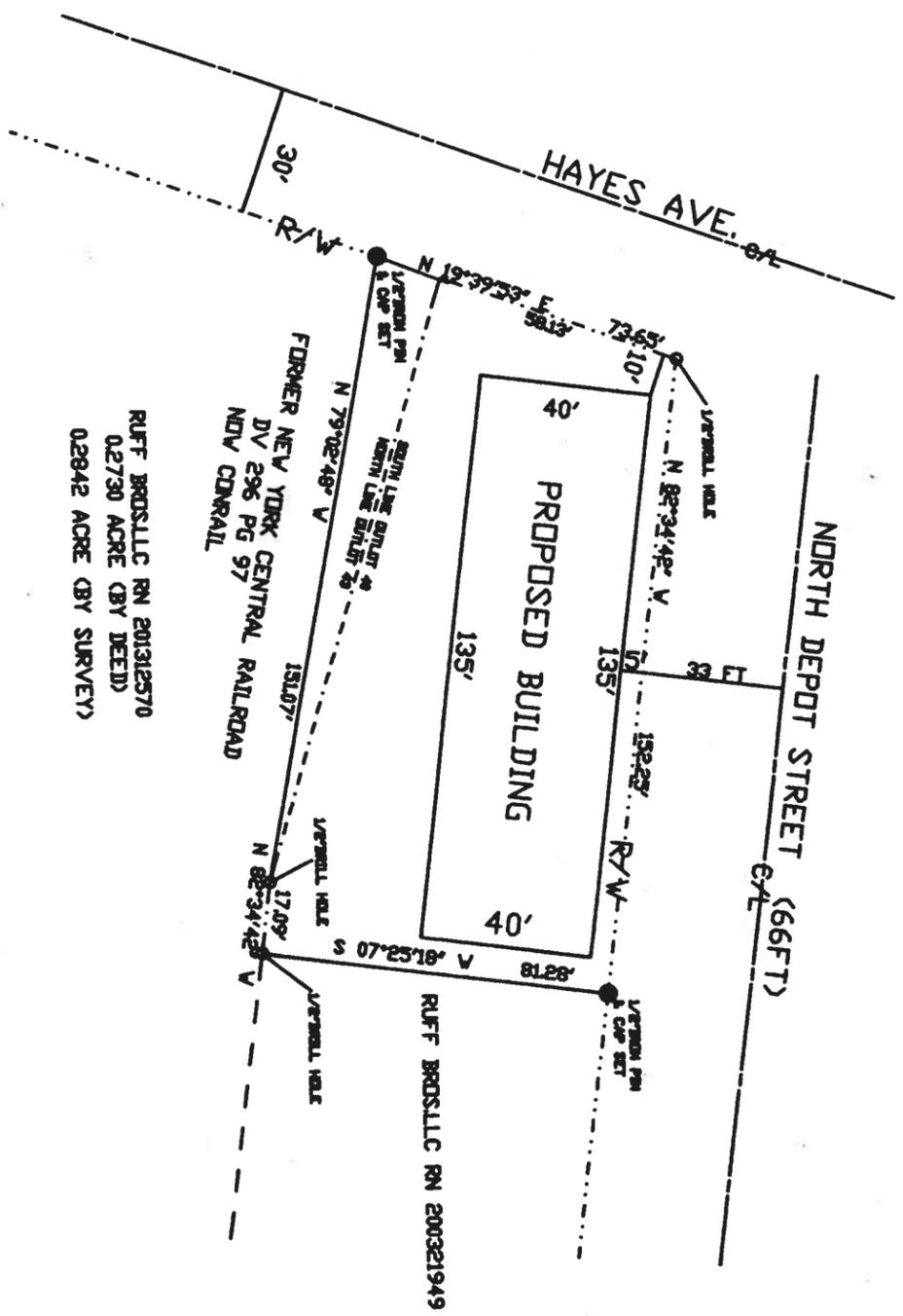




I HEREBY CERTIFY THE WITHIN
 TO BE A TRUE REPRESENTATION
 OF A SURVEY MADE BY ME.

DANIEL E. HARTUNG, JR., P.E., P.S.

MAP OF SURVEY
 FOR
 RUFF BRDS.LLC
 PART OUTLOT 40 & 43 SECOND WARD
 CITY OF SANDUSKY ERIE COUNTY, OHIO
 MAY 2013
 SCALE 1"=20'



RUFF BRDS.LLC RN 201312570
 0.2730 ACRE (BY DEED)
 0.2842 ACRE (BY SURVEY)



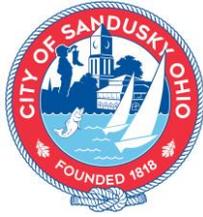
BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A PYLON SIGN IN THE REQUIRED
FRONT SETBACK AT
325 W. PERKINS AVE. CLEVELAND RD. (PARCEL
57-02499.000).

Reference Number: PVAR23-0011

Date of Report: June 27, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant: Brady Signs Co.
1721 Hancock St.
Sandusky, OH 44870

Owner: Firelands Federal Credit Union
P.O. Box 8005
Bellevue, OH 44811

Site Location: 325 W. Perkins Ave.
Sandusky, OH 44870

Current Zoning: GB - General Business

Adjacent Zoning: North: GB - General Business
East: GB - General Business
South: I1 – Light Industrial (Perkins Township)
West: GB - General Business

Surrounding Uses: Business, Light Industrial

Existing Use: Vacant Lot

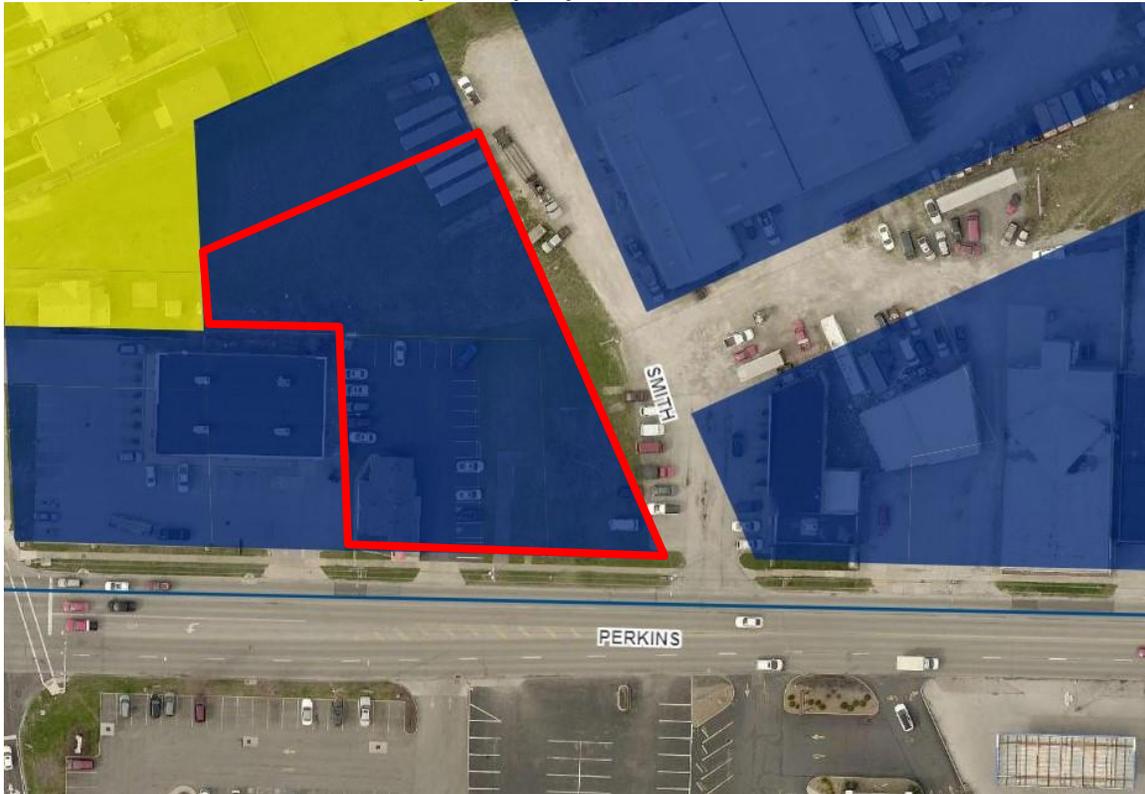
Proposed Use: Bank

Applicable Plans & Regulations: City of Sandusky Zoning Code Section: 1133 Business Districts, 1143 Sign Regulations

Variance Requested: 1) An area variance to allow construction of a pylon sign within the required 15' front setback from the front property line.

SITE DESCRIPTION

Subject Property Outlined in Blue



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

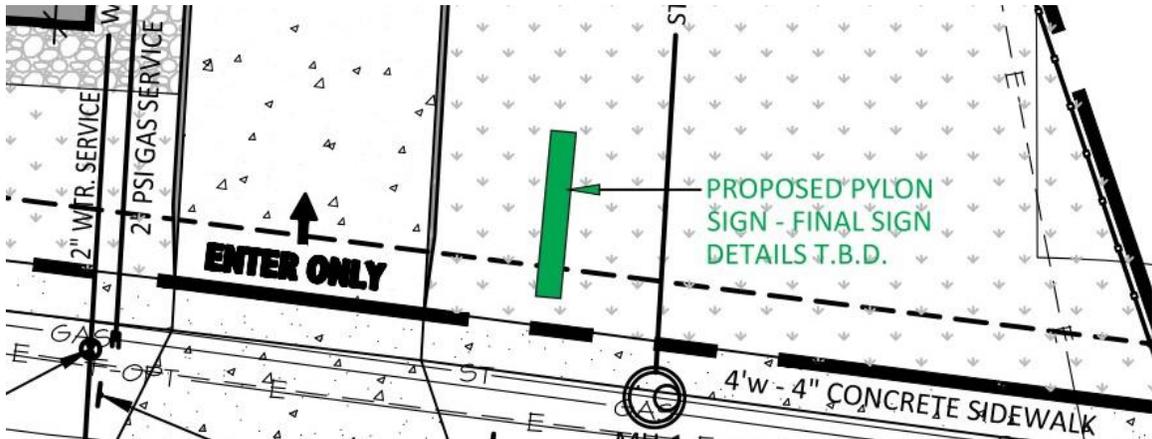
Aerial Photo of the Property (Spring/2023)



Bird's Eye Photo of the Property (3/2023)



Street view of the Property (11/2021)



PROJECT DESCRIPTION

The applicant is proposing to install a pylon sign at 325 W. Perkins Ave. The sign will be double sided extruded aluminum cabinet signage. The installation will be the main signage to attract drivers off of Perkins Ave. The sign will be 17' 2" tall and roughly 13' 4" wide. The sign is out of the right-of-way and is being placed in a proposed grass area.

The variance being requested is:

1. a 13 foot allowance into the minimum 15 foot front setback = 2 foot setback.

DIVISION OF PLANNING COMMENTS

Planning staff talked with Brady signs about the possibility of moving the sign back further, but there is concern that the sign would be set too far back from the street.

All other zoning code requirements are met.

RELEVANT CODE SECTIONS

CHAPTER 1143

Sign Regulations

1143.08 ALLOWABLE SIGNAGE.

(c) Business and Commercial Districts.

(...) C. Regardless of the number of businesses or structures on a single parcel, one freestanding sign shall be permitted if the lot frontage is less than 500 feet. If the lot frontage is 500 feet or more, two freestanding signs shall be permitted provided the signs are at least 250 feet apart.

1143.09 SPECIFIC SIGN REQUIREMENTS.

(g) Pylon Signs.

- (1) Shall not be located closer than fifteen feet to any right-of-way.
- (2) Shall have a minimum clearance of 8½ feet above grade.
- (3) Shall not be over thirty (30) feet in height

CHAPTER 1111

Board of Zoning Appeals

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

Section 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;

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;

No, neighboring businesses have free standing signs with 0' setbacks.

3. 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.

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

No.

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

No. If we kept the sign 15' back from the right-of-way, the District Tires building to the East would block the sign.

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

Yes.

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

Yes, the property would yield a reasonable return but having the sign closer to the road will make it more visible to the public and safer for traffic entering and exiting the bank.

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.

No.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 325 W. Perkins Ave. (parcel 57-02499.000) with the following conditions:

1. All applicable permits are obtained through the Building Department, Engineering Department, and any other applicable agency prior to construction.
2. Shall not interfere with the line of sight for any vehicle.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 325 W Perkins Ave

Name of Property Owner: Firelands Federal Credit Union

Mailing Address of Property Owner: PO Box 8005

City: Belleuve State: OH Zip: 44811

Telephone #: 800-276-5775 Email: kgere@firelandsfcu.org

If same as above check here

Name of Applicant: Brady Signs Co.

Mailing Address of Applicant: 1721 Hancock St.

City: SANDUSKY State: OH Zip: 44870

Telephone #: 419-626-5112 Email: monica@bradysigns.com

Description of Proposal:

Pylon Sign Installation: Install (1) 5'-4" H x 13'-4" Double sided extruded aluminum cabinet w/ push thru graphics on each side. DWG 73257A

Variance Requested:

2 ft setback - 13 ft variance from Code

Section(s) of Zoning Code:

1143.09 (G)

[Signature] President/Co. 5/31/23
Signature of Property Owner Date

[Signature] 5/30/23
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. No neighboring businesses have freestanding signs with zero foot setbacks

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? No

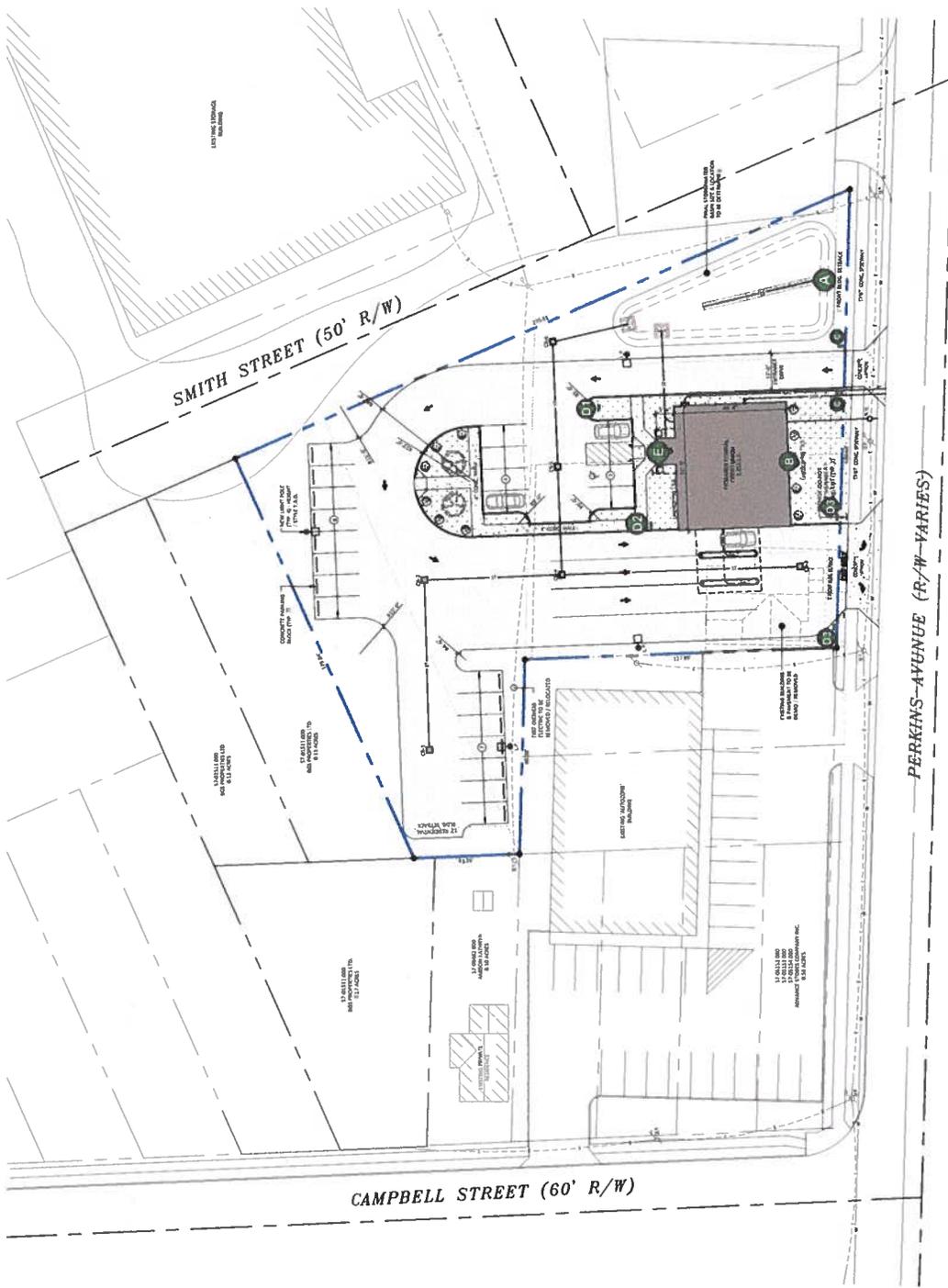
- 4) Was the property purchased with the knowledge of the zoning restrictions? No

- 5) Can the property owner's predicament be resolved through some method other than a variance? No. If the sign was kept 15' back, the District Times Building to the east would block the sign

- 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? Yes, the property would yield a reasonable return but having the sign closer to the road will make it more visible to public and safer for traffic entering and exiting the credit union.

- 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



- A** PylonSign (Setback 5' from Perkins Ave. ROW)
- B** Building Channel Letters
- C** D/F Entrance Wayfinding Sign
- D1** S/F Wayfinding Sign
- D2** S/F Wayfinding Sign
- D3** S/F Entrance Wayfinding Sign
- E** Address Numerals

This drawing is not to be used as an exact representation of color. Colors shown represent design intent only for customer's consideration. Copyright © 2022 Brady Signs

<p>Customer: Firelands Federal Credit Union</p> <p>Location: 325 W Perkins Ave. Sandusky, OH 44870</p> <p>Client Approval: _____</p>	<p>Date: 02/26/2023</p> <p>File Name: Dwg73257A</p> <p>Title: _____</p> <p>Date: _____</p>
--------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------

These drawings are the exclusive property of Brady Signs. They represent chargeable time spent. They are submitted for your personal use under the agreement that the use of the design is in its entirety or any part will not be reproduced, copied, lent or used for any purpose without written consent from Brady Signs.


BRADY
S I G N S

1721 Hancock Street
 Sandusky, OH 44870
 Phone: 419-626-5112
 www.brady-signs.com

SIGN A
DETAILS



SIGN CABINET:
Double-sided, 24" deep fabricated aluminum construction with aluminum skin painted MP Brushed Aluminum Metallic. Internally illuminated with white LEDs. Cabinet setup for a single pole saddle mount install. Build includes top cap and bottom aluminum decorative reveals painted dark gray. Graphics are to be routed from face with 3/4" thick clear push thru logo and letter forms to protrude 1/2" past cabinet face. All graphics to be translucent vinyl applied first surface to push thru acrylic.

POLE SKIRT:
All aluminum construction decorative pole skirt. Sized at 30" W x 142" H x 16" D. Fabricated as three-sided pole skirt to saddle or wrap around single piece of structure.

- PAINT COLORS:**
- MP41342SP Brushed Aluminum, Matte
 - MP41306SP Dark Gray (verify), Satin

- VINYL COLORS:**
- Translucent Vinyl 3M 3630-33 Red
 - Translucent Vinyl 3M 3630-20 Black
 - Perforated Dual-Color Vinyl 3M 3635-222 Black (day) / White (night)
 - Digital Print
 - Translucent White Vinyl

This drawing is not to be used as an exact representation of color. Colors shown represent design intent only for customer's consideration. Copyright © 2022 Brady Signs

Customer: Firelands Federal Credit Union	Date: 02/26/2023
Location: 325 W Perkins Ave. Sandusky, OH 44870	File Name: Dwg73257A
Client Approval: _____	Title: _____
Date: _____	

These drawings are the exclusive property of Brady Signs. They represent chargeable time spent. They are submitted for your personal use under the agreement that the use of the design is in its entirety or any part will not be reproduced, copied, lent or used for any purpose without written consent from Brady Signs.

BRADY SIGNS
1721 Hancock Street
Sandusky, OH 44870
Phone: 419-626-5112
www.brady signs.com



OWNER CONSENT FOR SIGN INSTALLATION & PERMITS

Business Name Firelands Federal Credit Union

Job Site Address 325 W. Perkins Ave.

Sandusky, OH 44870

Date: May 4, 2023

Customer Name: Firelands Federal Credit Union

Phone Number: 419-483-4180 ext. 1020 or 567-214-4451

Email Address: hagere@firelandsfcu.org

Relating to the above reference job and as of this date, I acknowledge that Brady Signs has my authorization to:

- Complete sign installation
- Apply for and receive permits on behalf of my business
- Other _____

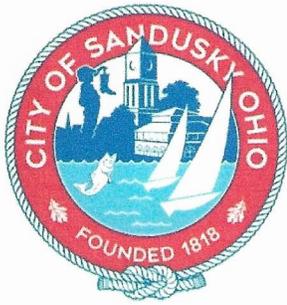
Production of new signage will not commence until full permit approval is granted at which time the estimated lead time for project completion noted on the estimate will begin.

Brett D. Montague, President/CEO
Customer Signature

Firelands Federal Credit Union by Brett D. Montague
Customer Name (printed)

1721 Hancock Street • Sandusky, OH 44870
p: 419.626.5112 • f: 419.625.5985

BRADYSIGNS.COM



COMMUNITY DEVELOPMENT

Division of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891

To: Board of Zoning Appeals
From: Arin Blair, AICP, Chief Planner
Date: July 7, 2023
Subject: 15-foot front setback requests for 500 block of East Market Street, parcels 56-00983.001, 56-00983.002, and 56-00983.003

Items for Consideration: Three variance requests for 15-foot front setbacks on neighboring residential properties in a Commercial Services District on the 500 block of East Market Street. The corner lot case includes a variance request for an 8-foot side setback from Warren Street.

Background: Following are three cases with identical requests for a 15-foot front yard setback in a Commercial Services district. The applicants have been directed by the Community Development Department to seek this unified setback in order to establish an orderly development of this neighborhood along the 500 block of East Market Street.

When parceling off the lots for sale, the lots were imposed with an access easement of 18 feet at the rear lot lines to enable rear access to the new residential properties. This is similar to the condition of the prior city-sold lots along the 400 block of East Market Street. However, the lots in the following three cases are significantly more narrow and shorter than those in the 400 block. Additionally, the built out residential properties on the 500 block of East Market Street are generally aligned with a 15-foot (or shorter) setback, as are most of the properties on the built out blocks in the neighborhood. The new residential lots and the recommended design configuration (rear access, narrowed front and side setbacks) are aligned with the Bicentennial Comprehensive Plan and the Downtown Master Plan vision for this neighborhood.

Recommendation: For these reasons, Community Development strongly supports the granting of the following setback variance requests for parcels 56-00983.001, 56-00983.002, and 56-00983.003.

Arin Blair, AICP
Chief Planner

I concur with this recommendation,

Colleen Gilson
Interim Community Development Director

CITY OF SANDUSKY, OHIO
DEPARTMENT OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A MINIMUM FRONT YARD SETBACK OF 15 FEET AT
PARCEL (56-00983.001)

Date of Report: June 29, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Daniel & Kathleen Singler
6134 Jeffrey Ln.
Sylvania, OH 43560

Site Location: Parcel # (56-00983.001)
Sandusky, OH 44870

Current Zoning: CS – Commercial Service

Adjacent Zoning: North: CS – Commercial Service
East: RMF – Residential Multi-Family
CS – Commercial Service
West: CS – Commercial Service
South: CS – Commercial Service

Existing Use: Vacant Land

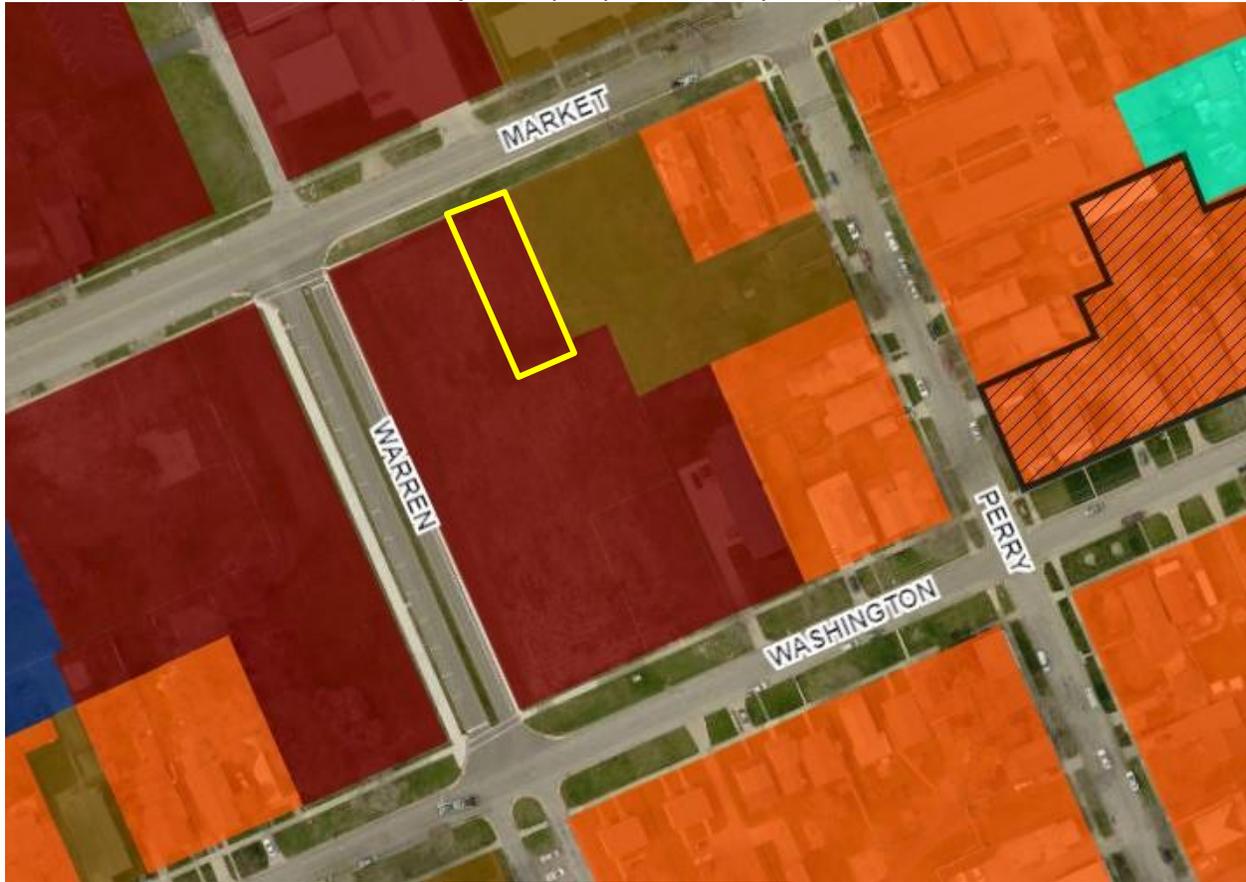
Proposed Use: Residential

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

Description of proposal: 1. The applicant is requesting a 15 foot relief to the 30 foot front yard setback for construction of a new single family home.

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



PROJECT DESCRIPTION

The applicant is in the process of pre-development of a single family home for the site. The zoning code requires a minimum 30 foot setback from the front property line in a Commercial Service Zoning District.

The applicant is seeking a variance of 15 feet to allow a 15 foot front yard setback.

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 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, the 15 foot front setback would be consistent with the existing homes in the neighborhood.

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 two new lot owners to the west of us are in agreement to match the 15' front setback of our adjacent properties.

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. Yes.

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

- i. No, because of the limited lot width (7 and ½' side setback) and length of the lot, including the 18 foot alleyway that was stipulated by the City of Sandusky, and there is to be no egress at the north side of the property off of E. Market St.

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.

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 is now part of a neighborhood and a variance is necessary to build an acceptable single family home.

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.

DIVISION OF PLANNING COMMENTS

The City acquired this land in 2009 and had maintained ownership until 2023. The City is requiring an 18 foot access agreement on the south end of the 3 parcels on the 500 block that face E. Market St. which is not buildable.

Zoning Code section *1145.08 Front Yards of Partially Built Up Blocks* does not apply to this application, but if so would allow a 15 foot setback minimum.

Staff has determined that the proposed request better suits the setbacks of the homes to the east and more closely match the historic standards of E. Market St. for residential development.

Staff is happy to see development at this site which has been vacant for along 2 decades.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at parcel (56-00983.001) and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 500 Block of East Market St. Lot C
Name of Property Owner: Daniel and Kathleen Singler ~~parcel #~~ 56-00983.001
Mailing Address of Property Owner: 6134 Jeffrey Lane
City: Sylvania State: OH Zip: 43560
Telephone #: 419-344-4232 Email: ksingler@bex.net

If same as above check here

Name of Applicant: _____
Mailing Address of Applicant: _____
City: _____ State: _____ Zip: _____
Telephone #: _____ Email: _____

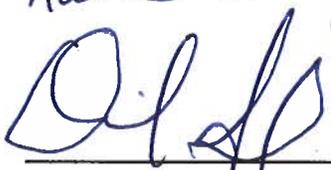
Description of Proposal:

As we are building a home at the above address, along with two other neighbor builders, we request a revised front setback of 10 to 15 feet from the property line. The three neighbors are in agreement that this will be the optimal distance for a front setback

Variance Requested:

We request a 10 - 15 feet front set back instead of the 30 foot front setback for commercial property.

Section(s) of Zoning Code:

Signature of Property Owner

06-21-2023

06-21-2023

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, the 15 foot front setback would be consistent with the existing homes in the neighborhood.
- 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 the two new lot owners to the west of us are in agreement to match the 15 ' front setback of our adjacent properties.
- 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?
Yes.
- 5) Can the property owner's predicament be resolved through some method other than a variance?
No, because of the limited lot width (7 and 1/2 ' side setback) and length of the lot, including the 18 foot alleyway that was stipulated by the City of Sandusky, and that there is to be no egress at the north side of the property off of E. Market St, we believe the variance is
- 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?
The property is now part of a neighborhood and a variance is necessary to build an acceptable single family home.
- 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.

18'

ALLEY EASEMENT

7.5' SETBACK

7.5' SETBACK

LOT SIZE
INCD ALLEY
55' x 151' APPROX

SINGLER
RESIDENCE
LOT C

133'

40'

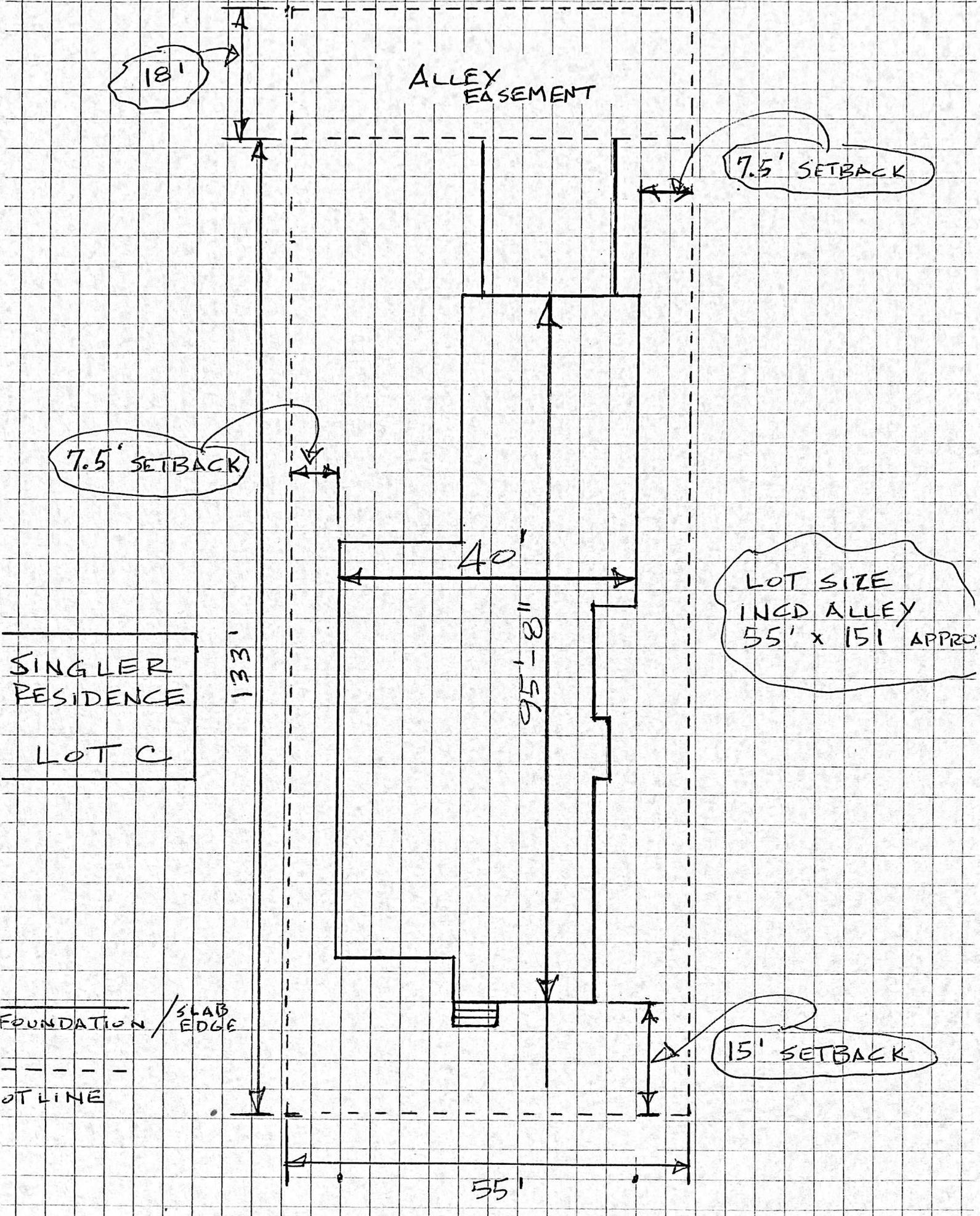
95'-8"

FOUNDATION / SLAB
EDGE

LOT LINE

15' SETBACK

55'



CITY OF SANDUSKY, OHIO
DEPARTMENT OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A MINIMUM FRONT YARD SETBACK OF 15 FEET AT
PARCEL (56-00983.003)

Date of Report: June 29, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Christine & David Mack
118 Greenbrier Ln.
Sandusky, OH 44870

Site Location: Parcel # (56-00983.003)
Sandusky, OH 44870

Current Zoning: CS – Commercial Service

Adjacent Zoning: North: CS – Commercial Service
East: CS – Commercial Service
West: CS – Commercial Service
South: CS – Commercial Service

Existing Use: Vacant Land

Proposed Use: Residential

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

Description of proposal: 1. The applicant is requesting a 15 foot relief to the 30 foot front yard setback for construction of a new single family home.

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

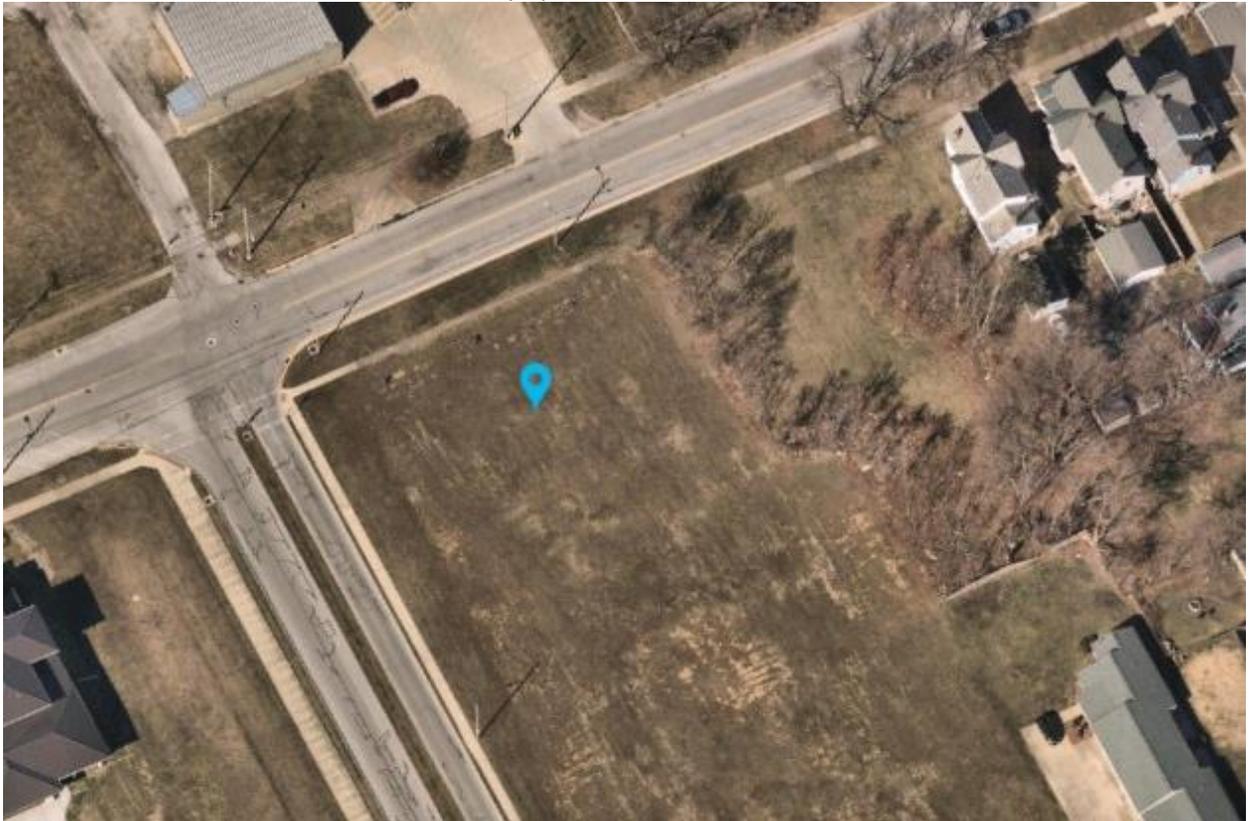
Zoning

- 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 in the process of pre-development of a single family home for the site. The zoning code requires a minimum 30 foot setback from the front property line in a Commercial Service Zoning District.

The applicant is seeking a variance of 15 feet to allow a 15 foot front yard setback.

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 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 relieves the setback by 50 percent.

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

- i. No, the variance aligns the property with the easterly neighbors on the adjacent block who 0-5' setbacks and the homes on the same block have 10'-12' setbacks.

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. Yes.

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

- i. No.

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

- i. Yes.

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 variance allows for better use of the lot as the City is requiring a rear- access which reduces the buildable area on the lot. These lots are significantly shorter than the neighboring new construction to the west. Building would be difficult 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.

DIVISION OF PLANNING COMMENTS

The City acquired this land in 2009 and had maintained ownership until 2023. The City is requiring an 18 foot access agreement on the south end of the 3 parcels on the 500 block that face E. Market St. which is not buildable.

Zoning Code section *1145.08 Front Yards of Partially Built Up Blocks* does not apply to this application, but if so would allow a 15 foot setback minimum.

Staff has determined that the proposed request better suits the setbacks of the homes to the east and more closely match the historic standards of E. Market St. for residential development.

Staff is happy to see development at this site which has been vacant for along 2 decades.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at parcel (56-00983.003) and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 56-00983.003

Name of Property Owner: Christine and David Mack

Mailing Address of Property Owner: 118 Greenbrier Lane

City: Sandusky State: OH Zip: 44870

Telephone #: 419-303-0653 Email: david@bradysigns.com

If same as above check here

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

15 foot setback to build on property

Variance Requested:

15 of relief from the present 30-foot requirement on this property

Section(s) of Zoning Code:

1137.08 (a)

Christine Mack
David Mack

6/27/23

6/27/23

Signature of Property Owner

Date

Signature of Authorized Agent

Date

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 relieves the setback by 50 percent.

- 2) Would the variance substantially alter the character of the neighborhood or would adjoining property owners suffer a substantial detriment because of the variance?
No. The variance aligns this property with the easterly neighbors on the adjacent block who have 0-5 setbacks and those on the same block with 10-12 setbacks.

- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
No. The property has rear-access, which would be enhanced by the reduced front setback.

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

- 5) Can the property owner's predicament be resolved through some method other than a variance?
No.

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

- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
This variance allows for better use of the lot as the city requires rear-access, which reduces the buildable area on the lot. These lots are significantly shorter than neighboring new construction to the west. Building would be difficult without this 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 arise from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

The lot is significantly shorter than the new construction to the west, rendering less buildable space because of the city's requirement for rear-access. This variance would allow for building of the residential structure, driveway and parking areas and outdoor and backyard space.

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

No. It better aligns with the current setbacks on this block and the next that are 10-12 and 0-5, respectively.

- 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?

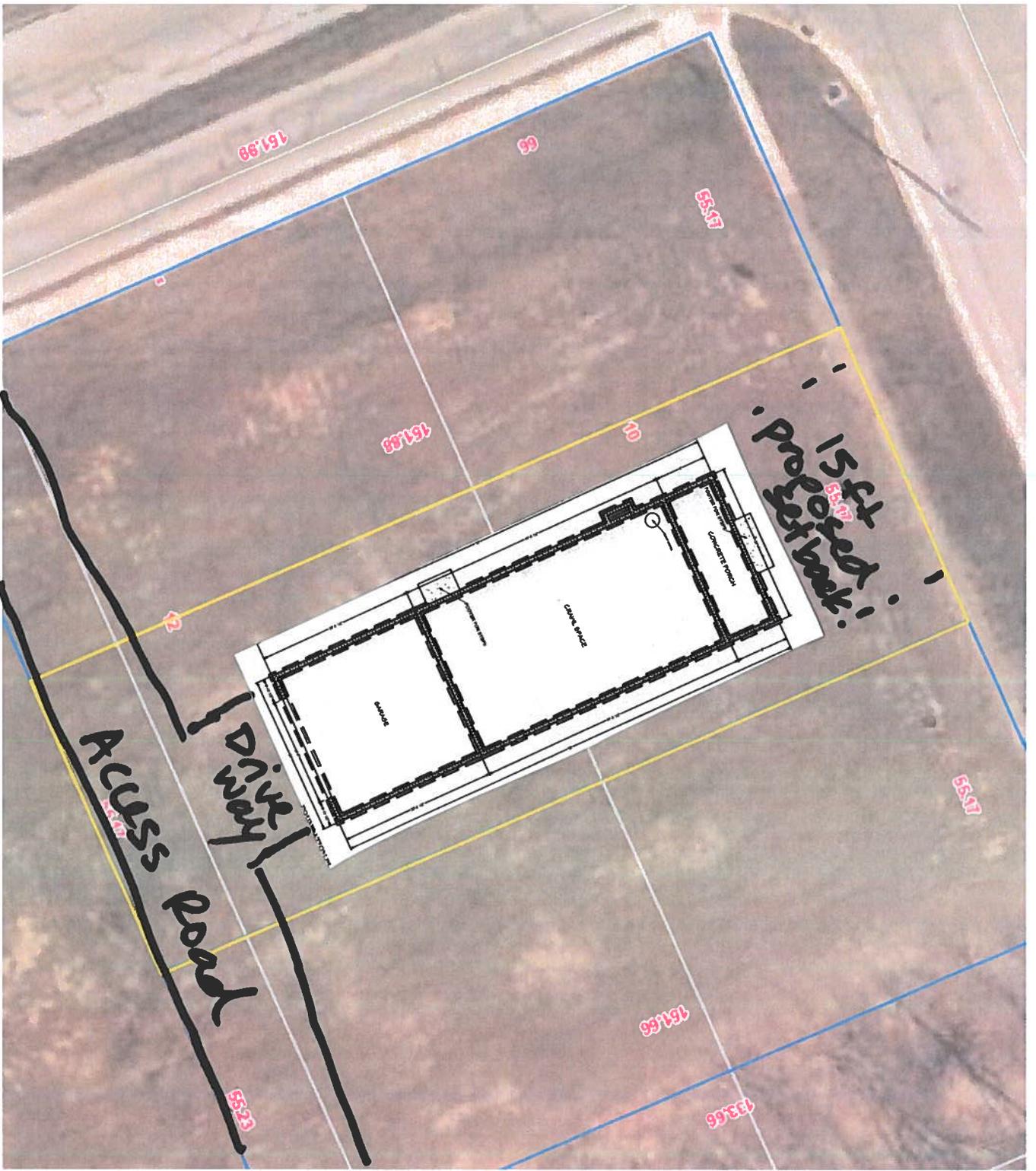
Yes. This setback would allow for little to no outdoor space in the rear of the residential structure.

- 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.

MACK HOME



SKETCH OF HOUSE SITE PLAN

DATE: 06-29-23

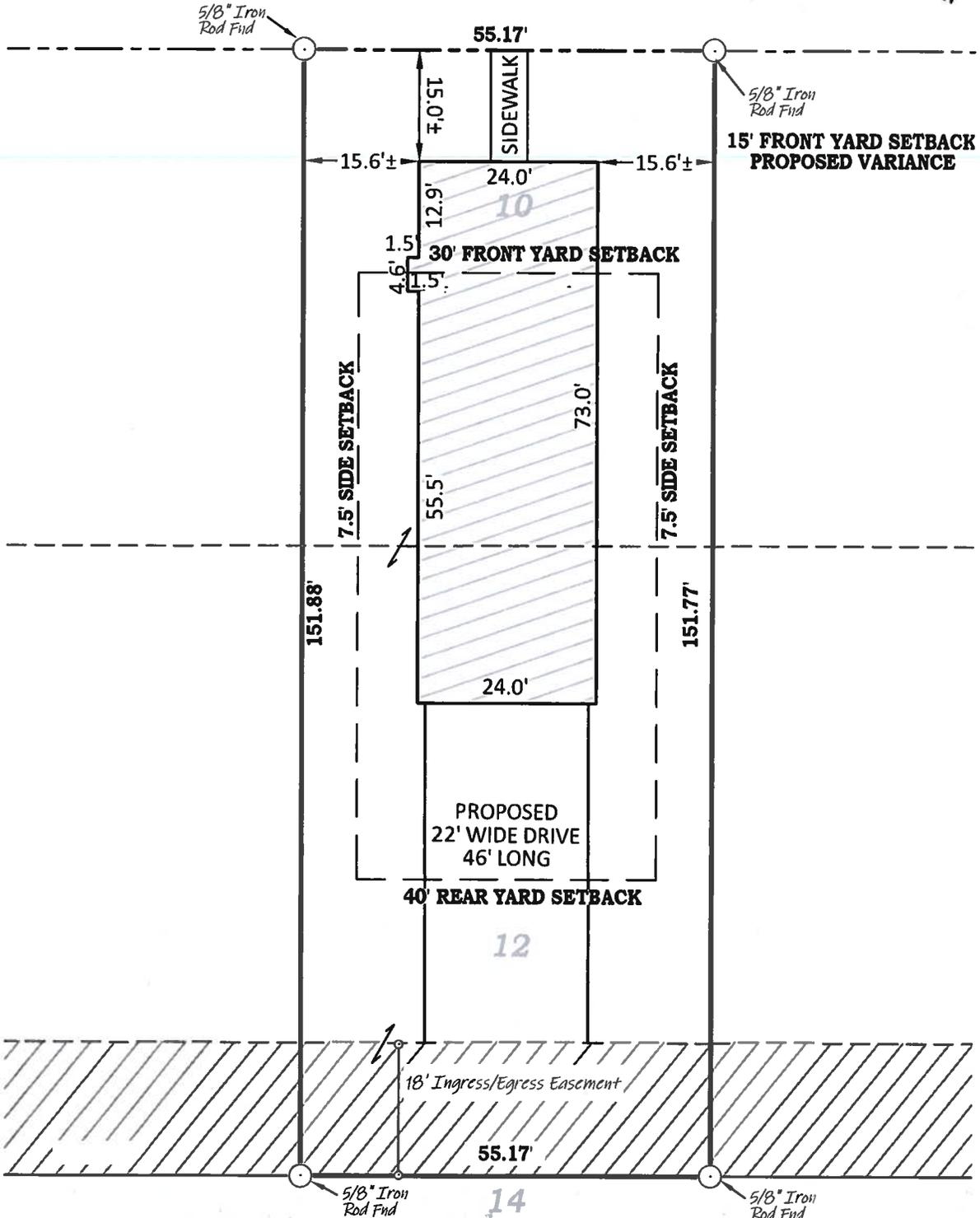
SCALE: 1" = 20' 20'

JOB NO. 23-394

ORDER NO.:

BEING PART OF LOT NUMBERS 10, 12 & 14
ON WARREN STREET, ALSO KNOWN AS LOT SPLIT "B" ON THE SOUTH SIDE OF
MARKET STREET, CITY OF SANDUSKY, ERIE COUNTY, OHIO

MARKET STREET (82.5' R/W)



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A MINIMUM FRONT YARD SETBACK OF 15 FEET, A
CORNER LOT SIDE YARD SETBACK OF 8 FEET AND
A COMBINED SIDE YARD SETBACK OF 15 FEET AT
PARCEL (56-00983.002)

Date of Report: June 29, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Aaron Cornell & Sunny Nixon
936 Lakeside Ave.
Cleveland, OH 44113

Site Location: Parcel # (56-00983.002)
Sandusky, OH 44870

Current Zoning: CS – Commercial Service

Adjacent Zoning: North: CS – Commercial Service
East: CS – Commercial Service
West: CS – Commercial Service
South: CS – Commercial Service

Existing Use: Vacant Land

Proposed Use: Residential

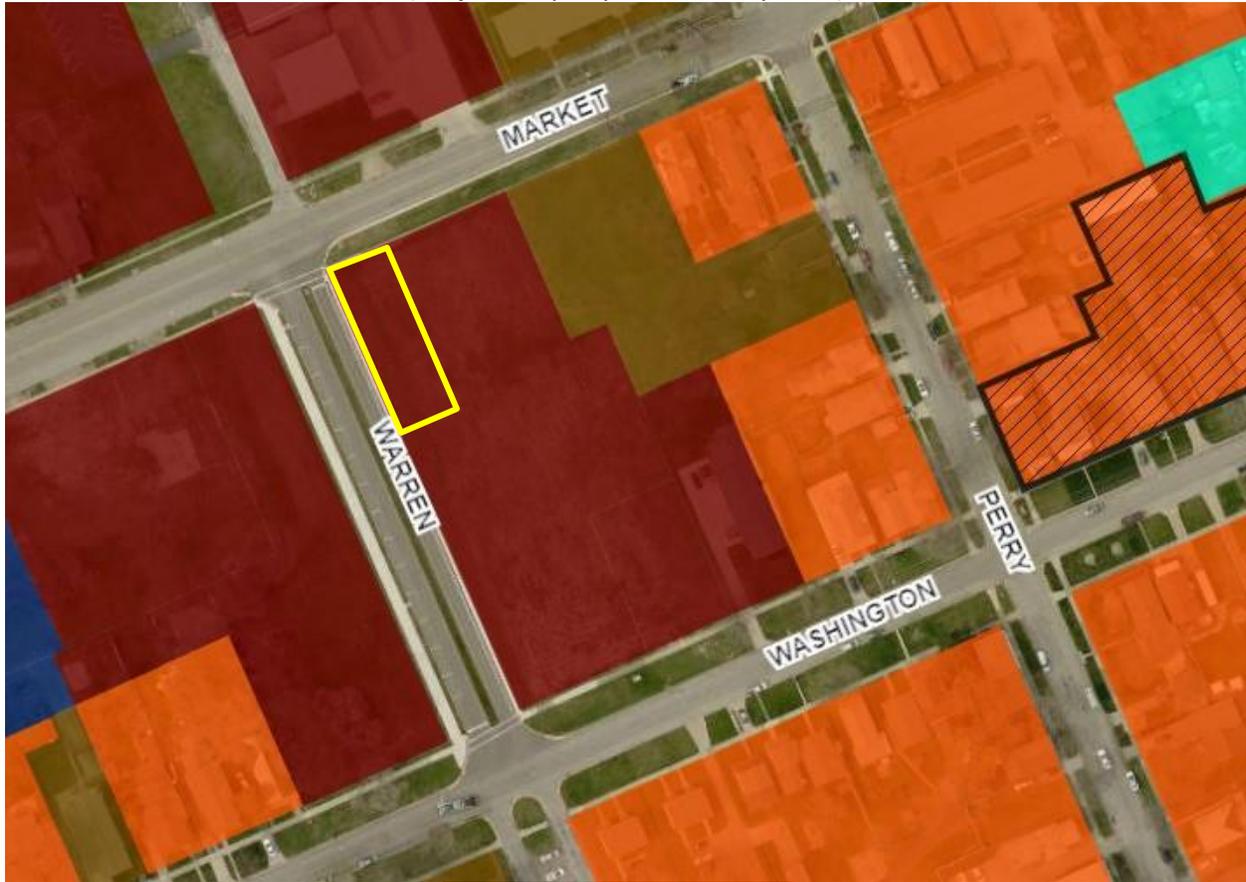
Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1137.08 (a), 1137.08 (b)

Variances Requested:

1. Description of proposal: Front yard setback – A relief of 15 feet to allow a 15 foot front yard setback
2. Side yard setback – A relief of 2 feet to allow an 8 foot side yard setback
3. Combined side yard setback – A relief of 4 feet to allow an 11 foot combined side yard setback

SITE DESCRIPTION

(Subject Property Outlined in yellow)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

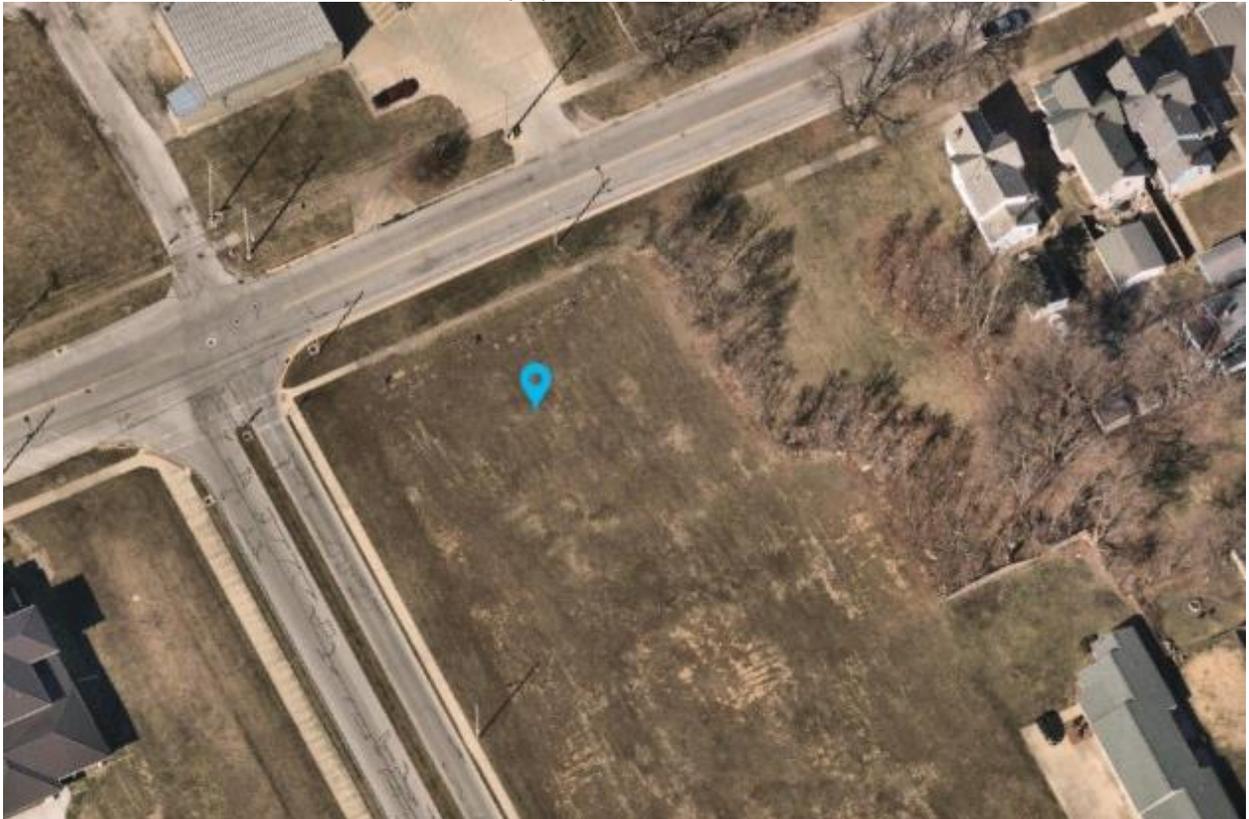
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MANufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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 applicant is in the process of pre-development of a single family home for the site. The zoning code requires a minimum 30 foot setback from the front property line and a combined side yard setback of 15 feet.

This yard is on a corner lot. Side yards on a corner lot require a minimum of 10 feet in a Commercial Zoning District, the combined side yard setbacks must be a minimum of 15 feet.

The applicant is seeking 3 variances:

1. Front yard setback – A relief of 15 feet to allow a 15 foot front yard setback
2. Side yard setback – A relief of 2 feet to allow an 8 foot side yard setback
3. Combined side yard setback – A relief of 4 feet to allow an 11 foot combined side yard setback

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; I 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.

(1111) For every main or accessory building in a commercial district, the following minimum yard shall be provide 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 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)

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, a 15 ft. front setback is already present w/ other built residential blocks in neighborhood. For height we would stay under 40 ft.

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, because of similar conditions in surrounding neighborhoods & houses across Warren St.

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. Yes.

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

- i. The requirement of rear access drive imposed by the City in fact shortens the overall buildable length of the property in order to have adequate space for garage and driveway.

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.

Staff believes the applicant meant to put yes.

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 would lose the ability to have a private backyard which could become an issue if the owner were to resell.

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.

DIVISION OF PLANNING COMMENTS

The City acquired this land in 2009 and had maintained ownership until 2023. The City is requiring an 18 foot access agreement on the south end of the 3 parcels on the 500 block that face E. Market St. which is not buildable.

Zoning Code section *1145.08 Front Yards of Partially Built Up Blocks* does not apply to this application, but if so would allow a 15 foot setback minimum.

Staff has determined that the proposed front yard setback request better suits the setbacks of the homes to the east and more closely match the historic standards of E. Market St. for residential development.

A corner lot has more restrictive setback requirements than an interior lot, further restraining buildable area for the applicant. The current code permits side yards for corner lots to be a minimum of 10 feet in

along the secondary street of a Commercial Zoning District. The side setback at 8 feet is close to the minimum requirement outlined in the code.

Staff is happy to see development at this site which has been vacant for almost 2 decades.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at parcel (56-00983.002) and suggests the following conditions upon approval:

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

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 56 - 00983.002

Name of Property Owner: AARON CORNELL & SUNNY NIXON

Mailing Address of Property Owner: 936 LAKESIDE AVE. #601

City: CLEVELAND State: OH Zip: 44113

Telephone #: AARON: 216.797.9957 Email: AARON: Aaron@cornell-consulting.com
SUNNY: skn@sunnynixon.com

If same as above check here

Name of Applicant: BRIAN KAUFFMAN

Mailing Address of Applicant: 14394 DETROIT AVE

City: LAKEWOOD State: OH Zip: 44107

Telephone #: 440.258.5378 Email: bk@aodkinc.com

CURRENT ZONING : CS (COMMERCIAL SERVICE)

Description of Proposal:

CONSTRUCTION OF NEW (2) STORY HOME w/ ROOFTOP PATIO ACCESS & SMALL ROOFTOP INTERIOR SPACE. ENCLOSED COURTYARD w/ POOL & DETACHED (3) CAR GARAGE & SEPERATE DWELLING UNIT. DRIVEWAY OFF ALLEY @ REAR OF LOT

Variance Requested:

	<u>ZONING CODE</u>	<u>PROPOSING</u>
<u>FRONTYARD:</u>	<u>30 FT</u>	<u>15 FT</u>
<u>SIDE YARD :</u>	<u>TOTAL OF 15 FT</u>	<u>EAST SIDEYARD - 3FT WEST - 10 FT</u>
<u>HEIGHT :</u>	<u>40 FT - 2 STORIES</u>	<u>TOTAL OF 13 FT</u>
		<u>↳ 40 FT - 3 STORIES</u>

Section(s) of Zoning Code:

1137.08 YARD REGULATIONS
1137.09 HEIGHT REGULATIONS

[Signature]
Signature of Property Owner
June 30, 2023
Date

[Signature]
Signature of Authorized Agent
06.30.2023
Date

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, A 15 FT FRONT SETBACK IS ALREADY PRESENT W/ OTHER BUILT RESIDENTIAL BLOCKS IN NEIGHBORHOOD. FOR HEIGHT WE WOULD STILL STAY UNDER 40FT.

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, BECAUSE OF SIMILAR CONDITIONS IN SURROUNDING NEIGHBORHOODS & HOUSES ACROSS WARREN ST.

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?

YES

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

THE REQUIREMENT OF REAR ACCESS DRIVE IMPOSED BY THE CITY IN FACT SHORTENS THE OVERALL BUILDABLE LENGTH OF THE PROPERTY IN ORDER TO HAVE ADEQUATE SPACE FOR GARAGE & DRIVEWAY

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

NO

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

THE PROPERTY WOULD LOSE THE ABILITY TO HAVE A PRIVATE BACKYARD WHICH COULD BECOME AN ISSUE IF THE OWNER WERE TO WANT TO RESELL.

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 arise 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?

YES, THE REAR ACCESS DRIVE & SHARED ALLEY DO IMPOSE THE ISSUE OF SHORTENING THE OVERALL BUILDABLE LENGTH / PRIVATE OUTSIDE SPACE OF THE PROPERTY

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

NO, THERE ARE ADJACENT PROPERTIES ON E. MARKET THAT HAVE A SIMILAR PROXIMITY TO THE STREET

- 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?

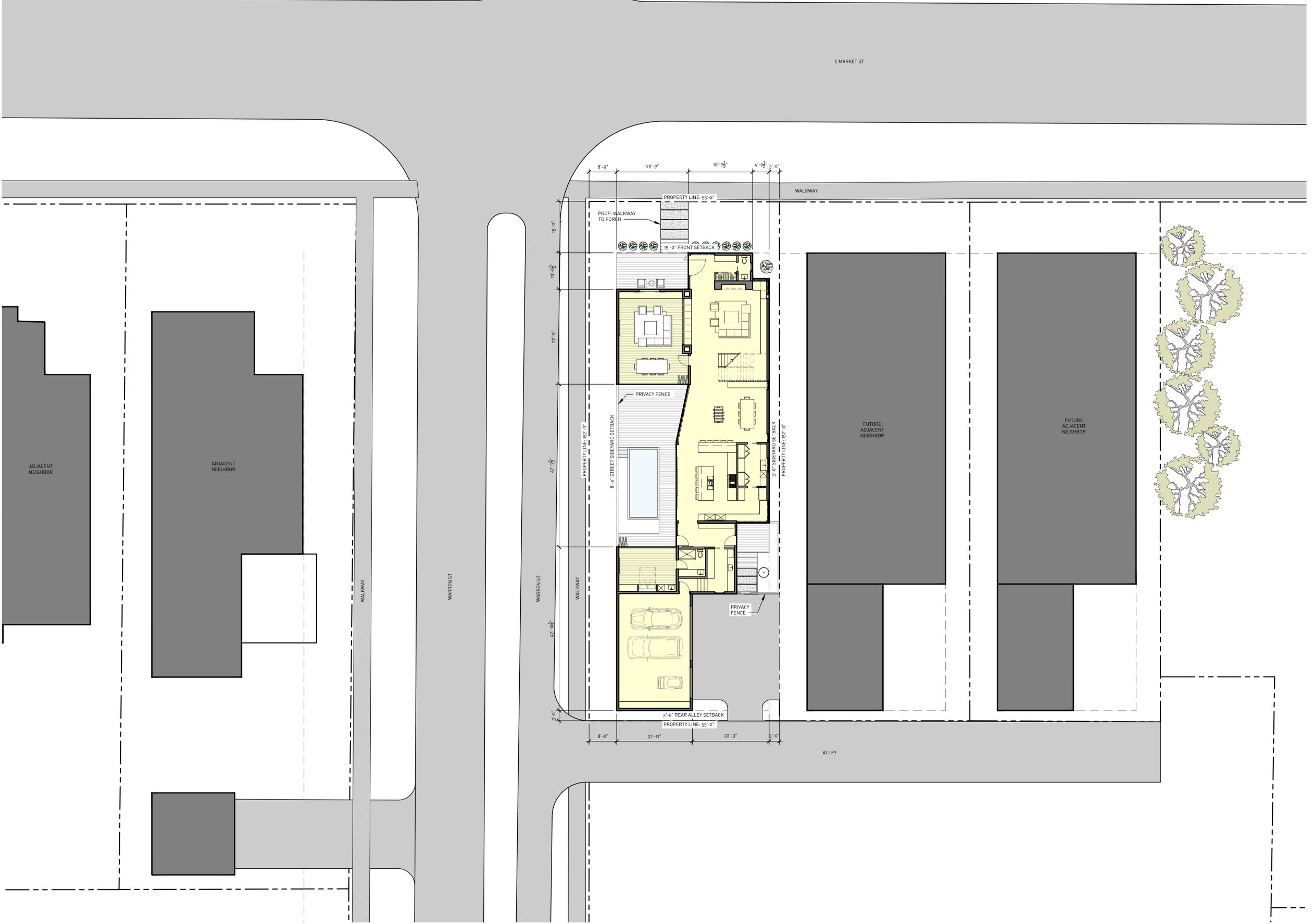
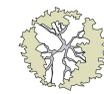
YES, AN ADDITION 15 FT OF LENGTH & ADDITIONAL BUILDABLE WIDTH OF THE LOT WOULD PROVIDE FOR ENOUGH SPACE FOR AN ADEQUATE PRIVATE OUTDOOR SPACE.

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

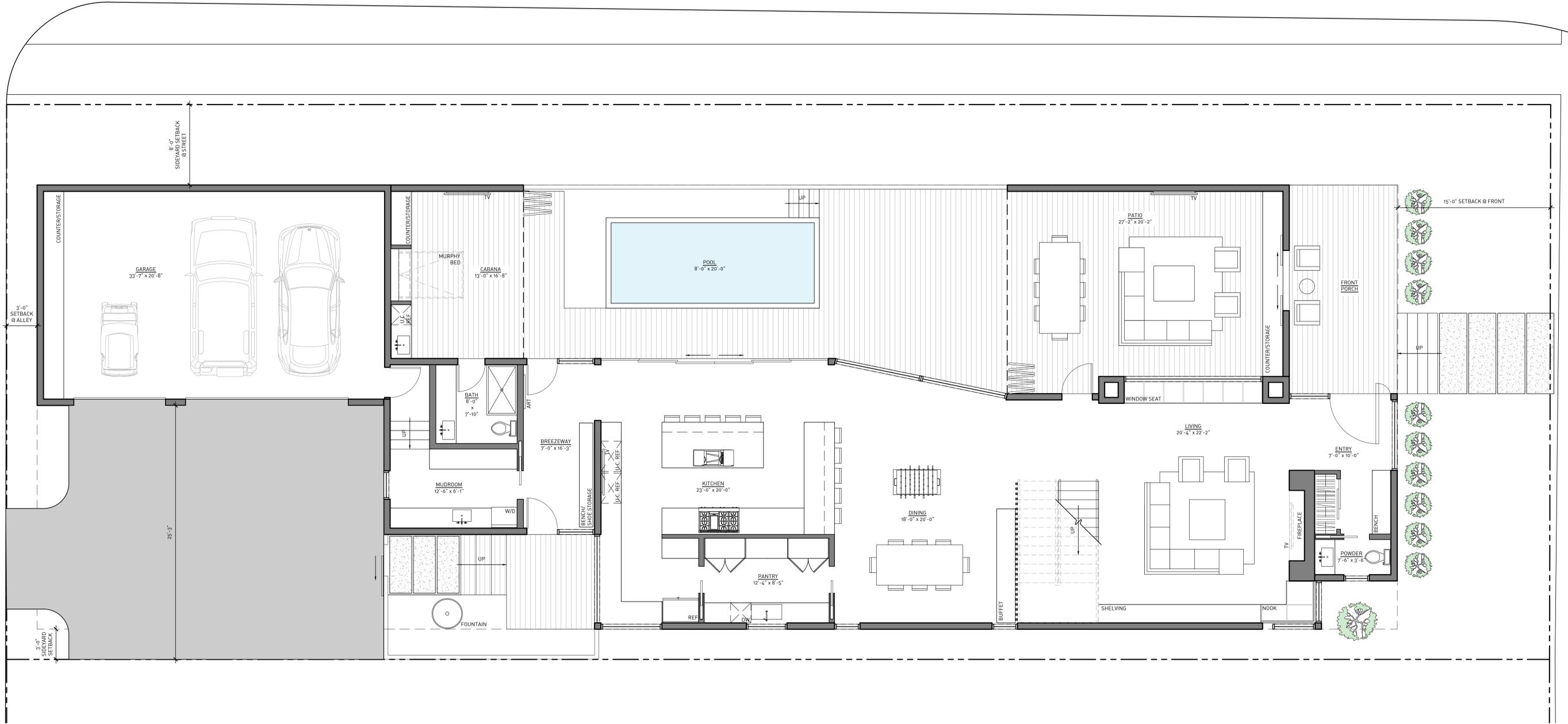
NO

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

NO



WARREN ST



1
a2.1

GROUND FLOOR PLAN
SCALE: 1/4" = 1'-0"

GROUND FLOOR..... 2,318 SF
PATIO/CABANA..... 1,322 SF

NORTH



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, July 20th 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. However, your attendance is not mandatory.

1) 1636 Hayes Ave.

An area variance to Zoning Code Section 1139.08 to allow a new storage building within the minimum front yard setback in a Limited Manufacturing District.

2) 325 W. Perkins Ave.

An area variance to Zoning Code Section 1143.09 to allow construction of a pylon sign within the required 15' front yard setback from the front property line in a General Business Zoning District.

3) Parcel 56-000983.001

An area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within the minimum front yard setback in a Commercial Service District.

4) Parcel 56-000983.003

An area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within the minimum front yard setback in a Commercial Service District.

5) Parcel 56-000983.002

An area variance to Zoning Code Sections 1137.08 (a) & (b) to allow a new residential building within the minimum front yard, secondary street, and combined setbacks of a corner lot and in a Commercial Service District.

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.**