



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

August 17, 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 July 20, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **2035 First St.**
An area variance to Zoning Code Section 1137.08 (a) to allow a new boat storage building within the minimum front yard setback in a Commercial Recreation Zoning District.
 - **412 Fulton St.**
An area variance to Zoning Code Section 1129.14 to allow the creation of a parcel that does not meet the area standards for a new parcel in an R2F - Two-Family Residential Zoning District and does not meet the back yard setbacks standards for an existing building in an R2F Two-Family Residential Zoning District.
 - **123 Division St.**
An area variances to Zoning Code Section 1129.14 to allow the creation of a parcel that does not meet the area standards for a new parcel in an R2F - Two-Family Residential Zoning District and does not meet the front yard /back yard setback standards for an existing building in a potential R2F - Two-Family Residential Zoning District.

An area variance to Zoning Code Section 1133.11 to allow the creation of a parcel that does not meet the side yard setback standards for an existing building in a potential LB – Local Business Zoning District.
 5. Other Business
 6. Adjournment Next Meeting: September 21, 2023

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

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

Meeting called to order:

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

Review of Minutes from June 15, 2023 Meeting:

Chair Feick called for a motion on the minutes from the June 15th meeting. Vice Chair Semans moved to approve the minutes as presented. 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. 1636 Haye Avenue- 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.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant proposed to construct a new, storage building on the property. The applicant was seeking a 5 foot front yard setback to match the setback of the existing building to the east. The required front yard setback was 30 feet. The variance requested was a 5 foot setback = a 25 foot relief. Planning staff supported the requested variance at 1636 Hayes Ave. parcel (57-05666.000) and suggested the following conditions upon approval: 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. Chair Feick asked if there was anyone to speak for or against the request. Mr. Matt Ruff, one of the property owners, spoke on behalf of the application and presented a photo album to the Commission that had pictures of the property, the improvements that had been made so far and presented their plan for a new building with 26 storage units. Chair Feick asked if any Board Members had questions of the applicant. Vice Chair Semans asked if the applicant was keeping the new building in line with existing buildings. The applicant stated it would be 5-feet back from existing structures. Mr. Peugeot asked if there were any concerns from Staff about traffic issues and Mr. Ochs stated the Engineering Department did not have any concerns. Chair Feick asked if the applicant could push the building back any further. The applicant stated there was little room to move the building back further but that would cause issues with rear access to the building.

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

Chair Feick called for a motion. Mr. Delahunt made a motion to approve the application as proposed. The motion was seconded by Vice Chair Semans. A vote was called, and the motion to approve the application, as proposed, was approved unanimously.

2. 325 West Perkins Avenue- 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.

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to install a pylon sign at 325 West Perkins Ave. The sign would be double sided extruded aluminum cabinet signage. The installation would be the main signage to attract drivers off of Perkins Ave. The sign would be approximately 17' 2" tall and roughly 13' 4" wide. The sign would be out of the right-of-way and placed in a proposed grass area. The variance being requested was a 13 foot allowance into the minimum 15 foot front setback = 2 foot setback. Planning Staff supported the requested variance at 325 West Perkins Avenue 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. Chair Feick asked if there was anyone to speak for or against the request. Mr. David Mack of Brady Signs spoke on behalf of the request. He stated the variance was being requested to match the placement of the existing/ nearby business signs. Chair Feick asked if the Board had any questions. Vice Chair Semans asked where the Autozone sign sat on its property. Mr. Ochs stated the Autozone sign was on the property line and the applicant's sign would be further back than the Autozone sign. Chair Feick stated he went out to the property and took pictures this morning and emailed Staff about the existing signs in the area and their status. Staff answered the email that the existing signs were all established before the current standards for signs and were legal nonconforming uses. Chair Feick stated he was reluctant to have the sign that close to the street because of the congested area. Mr. Delahunt asked what happened to nonconforming signs when a business goes out of business. Mr. Ochs stated that after a year of vacancy, Staff could request the sign to be removed. Mr. Delahunt voiced his concern about not getting businesses to change sign placement if the Board was unable to push the signs back from the road. Mr. Delahunt made a motion to table the request for Mr. Mack to return to his client to discuss a request that was 5 feet from the property line. Mr. Mack asked if the Board would approve the 5 feet, so that they didn't have to come back in 30 days, and asked if the client didn't agree, would the client be able to reapply and ask for the additional 2 feet. The Board looked for Staff to answer that question. Mr. Ochs stated that he believed they could reapply but asked the Law Department to confirm. Mr. Heil stated if the application was not denied that there was no waiting period to reapply, the Board had the right to make a motion to grant the 5 feet tonight, and if the applicant reapplied for a different request, that would be handled as a new application.

Board of Zoning Appeals
July 20, 2023
Meeting Minutes

Mr. Delahunt rescinded his initial motion to table the application and made a new motion to approve the application with Staff condition and grant a 10 feet allowance to allow a 5 feet setback. A vote was called, and the motion to approve the application with conditions was approved unanimously.

3. Parcel 56-000983.001- an area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within minimum front yard setback in a Commercial Service District.

Chair Feick asked Staff to present the application and stated he went out to the properties to measure the setback and noted it was consistent to the existing homes to the east. Mr. Ochs asked Ms. Blair to present to the Board. Ms. Blair stated she had provided a memo regarding the next three applications that explained the special circumstances of these lots. Staff supported these requests that would more closely follow the traditional layout of the city. The applicant was in the process of the pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The applicant was seeking a variance of 15 feet to allow a 15 foot front yard setback. Planning Staff supported the variance request at parcel (56-00983.001) and suggested the following conditions upon approval, all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone to speak for or against the request. Mr. Dan Singler, the applicant, was present to speak on behalf of the request. Chair Feick asked if any Board Members had questions for the applicant. There were none.

Vice Chair Semans made a motion to approve the request. The motion was seconded by Mr. Delahunt. A vote was called, and the motion to approve the application passed, unanimously.

4. Parcel 56-000983.003- an area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within minimum front yard setback in a Commercial Service District.

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was in the process of the pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The applicant was seeking a variance of 15 feet to allow a 15 foot front yard setback. Planning Staff supported the requested variance at parcel (56-00983.003) and suggested the following conditions upon approval, all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone to speak for or against the request. Mrs. Christine Mack, the applicant, spoke on behalf of the request. Chair Feick asked if any Board Members had questions for the applicant. There were none.

Vice chair Semans made a motion to approve the variance request. The motion was seconded by Mr. Peugeot. A vote was called, and the motion to approve the application passed, unanimously.

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

5. Parcel 56-000983.002- an area variance to Zoning Code Section 1137.08 (a) & (b) to allow a new residential building within minimum front yard, secondary street, and combined setbacks of a corner lot and in a Commercial Service District.

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was in the process of pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line and a combined side yard setback of 15 feet. This yard was on a corner lot. Side yards of 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. The City acquired this land in 2009 and has maintained ownership until 2023. The City was requiring an 18-foot access agreement on the south end of the 3 parcels on the 500 block that face East Market Street. which was 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 determined that the proposed front yard setback request better suited the setbacks of the homes to the east and would more closely match the historic standards of East Market Street 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 were happy to see development at this site which has been vacant for almost 2 decades. Chair Feick asked if there was anyone to speak for or against the request. Mr. Brian Kauffman, the applicants' architect and builder was present to speak on behalf of the application. Chair Feick asked if any Board Members had questions of the applicant. There were none.

Vice Chair Semans made a motion to approve the variance application. The motion was seconded by Mr. Peugeot. A vote was called, and the motion to approve the application passed, unanimously.

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.

Next meeting:

August 23, 2023

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

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A FRONT YARD SETBACK THAT DOES NOT MEET
THE MINIMUM REQUIREMENTS AT 2035 FIRST ST.
PARCEL (57-02639.000)

Date of Report: August 8, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Hoty Marine Group
5003 Milan Rd.
Sandusky, OH 44870

Authorized Agent: Todd Hart
5003 Milan Rd.
Sandusky, OH 44870

Site Location: 2035 First St.
Sandusky, Ohio 44839

Current Zoning: CR - Commercial Recreation

Surrounding Zoning:
North: CR - Commercial Recreation
South: CR - Commercial Recreation
East: CR - Commercial Recreation
West: CR - Commercial Recreation

Surrounding Uses: Business, Residential

Existing Use: Marina

Proposed Use: Marina

Applicable Plans & Regulations: 1137 Commercial Districts

Variances Requested:

1. Front yard setback – A relief of 14 feet

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

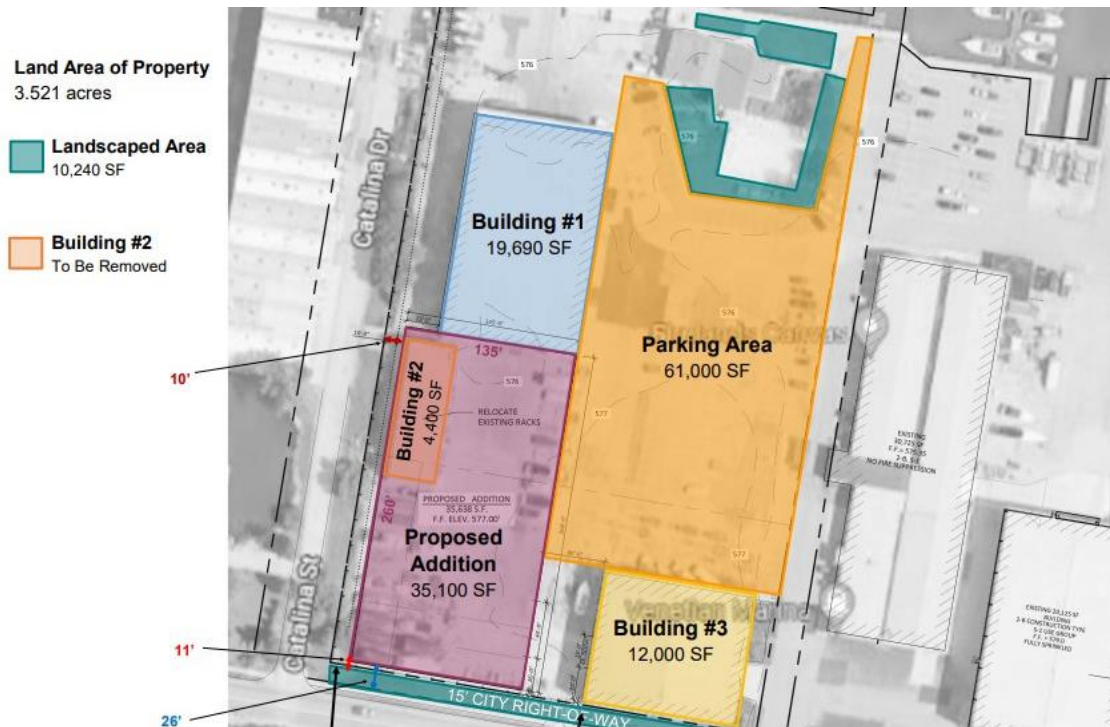
County Auditor Property Map (subject property outlined in red)



Bird eye photo (taken March 2021)



Northwest Facing Perspective



PROJECT DESCRIPTION

The applicant is in the process of pre-development of a boat storage facility on this site. The zoning code requires a minimum 30 foot front yard setback from the front property line in a Commercial Service Zoning District. The front yard set back is subject to change per Zoning Code section 1137.08 (a) " unless shown on otherwise on the Zone Map". The Zone Map indicates a front yard setback allowance of 25 feet at this location.

The applicant is seeking a variance of 14 feet to allow a 11 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, we are requesting a 14' variance to fall in line with the existing building just to the east.

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 building will be constructed in line with an existing building at the site (to the east). Moreover, neighboring 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 government services.

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

- i. The property purchase precedes current zoning restrictions/setbacks, including the City's ownership of the 15/ ROW.

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

- i. No. The building was meant to line up with the existing building to the east.

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. First Street has varying setbacks, down to just 8' and the existing building to the east on the property is setback less than we are requesting.

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. Construction of this building will allow for the addition of three full-time, skilled jobs

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 applicant is working with local resources to propose a mural on the façade of the building facing First St. The mural will add curb appeal to people driving and walking by the site.

CONCLUSION/RECOMMENDATION

Planning staff is not opposed to the requested variance at 2035 First St. parcel (57-02639.000) and suggests the following conditions upon approval:

1. All applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency prior to 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: 2035 First Street

Name of Property Owner: Hoty Marine Group

Mailing Address of Property Owner: 5003 Milan Road

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-609-7000 Email: kula@hoty.com

If same as above check here ☐

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Construction of a 35,100 SF boat/rack storage building at Venetian Marina

Variance Requested:

We are requesting a 14' variance to fall in line with the existing building just to the east

Section(s) of Zoning Code:

1137.08, but see also Zoning Map



Signature of Property Owner

7/20/23

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. We are requesting a 14' variance to fall in line with the existing building just to the east.

- 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 building will be constructed in line with an existing building at the Site (to the east). Moreover, neighboring properties

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

No. The building will be as accessible as all other buildings at the Site.

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

The property purchase precedes current zoning restrictions/setbacks, including the City's ownership of the 15' ROW.

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

No. The building is meant to line up with the existing building to the east.

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

Yes. First Street has varying setbacks, down to just 8' and the existing building to the east on the property is at the same setback we are requesting.

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

Construction of this building will allow for the addition of three full-time, skilled jobs.

- 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?

We believe other buildings on the property predate current zoning setbacks. For operational purposes, we need the building to line up with the existing rack building to the east.

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

No. The closest neighboring property to the east is approximately 520' from the east edge of the building. The west property has a substantial tree line at the road, which blocks visibility of the building.

- 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?

We are seeking to better protect customer boats from the elements during the winter. To be operationally feasible, we need the building to line up with the storage building to the east.

- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
We believe this will actually be more beneficial as it will enclose existing outdoor storage.

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

Setbacks along First Street are as little as 8' feet. Our request allows for at least a 26' setback from the Road.

875226A
Lawyers Title

Know all Men by these Presents, That MARINA BAY LTD., an Ohio limited partnership

RN 123932 OR 404/ 176
ERIE COUNTY OHIO RECORDER
JOHN V. SCHAEFFER 4P
RECORDING FEE: 22.00
CTR Rec. Date 07/01/98 Time 11:45

the Grantor
for the consideration of Ten and 00/100-----Dollars

(\$ 10.00) received to its full satisfaction of
HOTY MARINE GROUP LLC, an Ohio limited liability company, the Grantee

whose TAX MAILING ADDRESS will be 26443 Center Ridge Road, Westlake, OH 44145

do give, grant, bargain, sell and convey unto the said Grantee, its successors and assigns, the following
described premises situated in the City of Sandusky
County of Erie and State of Ohio:

"SEE LEGAL DESCRIPTION ATTACHED"

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.

[Signature]
Erie County Engineer
Date: 10-20-98

Transferred June 30, 1998
Paul A. Strickland
Fee \$2.50

This conveyance has been examined
and the grantor has complied with
sections 319.202 and 322.02 of the
revised code.
FEE \$
EXEMPT ☒
R.E. TRANSFER \$
COUNTY AUDITOR

MICROFILMED

Situated in the City of Sandusky, County of Erie and State of Ohio:

Parcel 1: Being those parts of Outlots Numbers 27 and 28, in Darling's Survey, East of Sycamore Line, as recorded in Supreme Court Chancery Road Volume 2, page 158, Erie County Common Pleas Court, bounded and described as follows: Commencing in the north line of First Street at a point 608.54' easterly from its intersection with the centerline of Wildman Street, as shown on the plat of The Sandusky Business Men's Association Subdivision, recorded in Volume 6 of Plats, pages 37 and 38, Erie County Records, running thence north $8^{\circ}34'$ east, along the east line of the land conveyed to A.G. Cuthbert, by deed dated February 18, 1916 and recorded in Volume 108 of Deeds, page 119, a distance of 180' to a point and the principal place of beginning of the parcel of land herein intended to be conveyed; thence continuing along said east line of land of A.G. Cuthbert, as aforementioned, north $8^{\circ}34'$ east to the low water mark of Sandusky Bay; thence easterly, following the meanderings of the low water mark of Sandusky Bay to the west line of the premises conveyed to Leonard E. Billman, by deed dated July 7, 1947 and recorded in Volume 193 of Deeds, page 308, Erie County Ohio records; thence southerly, along the last mentioned line to a point; said point being 180' northerly from the northerly side line of First Street; thence in a westerly direction on a line parallel with the northerly side line of First Street, approximately 336.94 feet to the place of beginning.

Parcel 2: Being that part of Outlot Number 27 in Darling's Survey, East of Sycamore Line, bounded and described as follows: Beginning at a point in the northerly line of a right of way 30.00' in width conveyed to The New York Railroad Company, by deed dated October 9, 1918 and recorded in Volume 108 of Deeds, page 554, Erie County Ohio Records, said point being at the southwest corner of the plat of Billman Acres, as recorded in Volume 13 of Plats, page 3, Erie County Ohio records; thence north $4^{\circ}00'$ east, along the westerly line of said Billman Acres, same being the easterly line of premises now or formerly owned by Eric J. Aho and Elsie H. Aho, a distance of 700.00', more or less, to the low water mark of Sandusky Bay; thence easterly, following the low water mark of Sandusky Bay to the westerly line of Venetian Drive, as shown on the plat of Billman Acres, as recorded in Volume 13 of Plats, page 3, Erie County Ohio records; thence south $4^{\circ}00'$ west, along the westerly line of Venetian Drive, 700.00', more or less, to the northerly line of the aforementioned right of way; thence north $86^{\circ}04'$ west, along the northerly line of said right of way; a distance of 299.50' to the place of beginning, containing 4.812 acres, more or less, subject to legal highways.

Parcel 3: Beginning at a point marking the southeast corner of a 4.812 acre parcel conveyed to Archie Kalso Lung by Erie County Deed records Volume 275, page 299, the same being the southwest corner of Venetian Drive in Billman Acres Subdivision, as per Erie County Plat Volume 13, page 3; said point being located in the north line of a 30 foot strip of land laying adjacent to the north line of First Street; thence north $86^{\circ}03'20''$ west along the north line of said 30 foot strip, the same being the south line of aforesaid Lung lands, a distance of 279.50 feet to a point; thence south $4^{\circ}00'$ west, a distance of 15.00' to a point; thence south $86^{\circ}03'20''$ east, a distance of 279.50' to a point; thence north $4^{\circ}00'$ east, a distance of 15.00' to the point of beginning, containing .0962 acre, more or less, subject to legal highways.

Parcel 4: Being those parts of Outlots 27 and 28, Darling's Survey, East of Sycamore Line, as recorded in Supreme Chancery Record Volume 2, page 158, Erie County Common Pleas Court, as follows:

Beginning at a point in the northerly line of First Street, south $81^{\circ}30'$ east, 658.54 feet from its intersection with the centerline of Wildman Street, as shown on the plat of The Sandusky Business Men's Association Subdivision, recorded in Volume 6, pages 37 and 38, Plat Records; thence north $8^{\circ}34'$ east, parallel with and 50 feet distant easterly from the easterly line of lands conveyed to A.G. Cuthbert, by deed dated February 18, 1916 and recorded in Volume 108, page 119, Erie County Deed Records, 180.00' to the southerly line of lands now or formerly owned by Andre B. Dietrich, et al; thence south $81^{\circ}30'$ east, along last mentioned line, 286.94 feet to the west line of lands conveyed to Leonard E. Billman, by deed dated July 7, 1947 and recorded in Volume 123, page 302, Erie County Deed Records; thence south $8^{\circ}34'$ west, along last mentioned line, 180.00' to the north line of First Street; thence north $81^{\circ}30'$ west, along the north line of First Street, 286.94' to the place of beginning, excepting therefrom the south one-half (15') of a strip of land 30' in width north of and adjoining the north line of First Street conveyed to the New York Central Company by deed dated October 9, 1918 and recorded in Volume 108, page 554, Erie County Deed Records.

Parcel 5: Being part of Outlot Number 28, in Darling's Survey, East of Sycamore Line, as recorded in Supreme Court Chancery Record Volume 2, page 158, Erie County Common Pleas Court, bounded and described as follows: Beginning at a point in the northerly line of First Street, at a point 608.54 feet easterly from its intersection with the center line of Wildman Street, as shown on the plat of The Sandusky Business Men's Association Subdivision, recorded in Volume 6 of Plats, pages 37 and 38, Erie County Ohio Records, running thence north $08^{\circ}34'$ east, along the east line of the land conveyed to A.G. Cuthbert, by deed dated February 18, 1916 and recorded in Volume 108 of Deeds, page 119, Erie County Ohio Records, a distance of 180.0 feet to a point in the southwest corner of a parcel of land conveyed to Andre E. Dietrich, Shirley S. Dietrich and Anna V. Dietrich, by deed dated March 25, 1963 and recorded in Volume 334 of Deeds, page 478; thence easterly along the southerly line of said parcel of land conveyed to Andre E. Dietrich, et al, by Deed Volume 334, page 478, a distance of approximately 50.0 feet to a point in the northwesterly corner of a parcel of land conveyed to Archie K. Lang and Arline H. Lang, by deed recorded in Volume 431, pages 323 and 325, Erie County Ohio Records; thence south $08^{\circ}34'$ west, along the westerly line of the aforesaid Archie K. Lang and Arline H. Lang parcel of land, a distance of 180.0 feet to the north line of First Street; thence westerly, along the north line of First Street, approximately 50.0 feet to the place of beginning, excepting therefrom the south one-half (15') of a strip of land 30 feet in width north of and adjoining the north line of First Street conveyed to the New York Central Railroad Company, by deed dated October 9, 1918 and recorded in Volume 108, page 554, Erie County Deed Records.

and, that it will WARRANT AND DEFEND said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever except as stated above.

ERIC COUNTY OHIO RECORDER
123432 OR 404/ 177

~~XX~~

~~do hereby certify, attest and true and correct copy of the said Certificate of Successors and Assigns as
xxxxxxxxxxxx right and expediency of awarding the above recited premises~~

In Witness Whereof, I have hereunto set my hand, the 30 day of June, in the year of our Lord one thousand nine hundred and ninety-eight

Signed and acknowledged in the presence of

Comp. Price

LEON J. WIEBER

MARINE BAY LTD

By

~~Nicholas J. Hotz, General Partner~~

Deanna J. Allensworth

STATE OF OHIO

Erie

County } ss.

Before me, a _____ Notary Public

in and for said County and State, personally

appeared the above named Marina Bay Ltd., by Nicholas J. Hoty, General Partner

who acknowledged that he did sign the foregoing instrument and that the same is his free act and deed, and the free act and deed of said partnership.

In testimony whereof, I have hereunto set my hand and official seal, at
Sandusky, Ohio, this 30 day of

, A. D. 1998

NOTARY PUBLIC

This instrument prepared by:

WAGNER & WAGNER
118 E. Adams Street
Sandusky Ohio 44870




DEANNA L. ALLENSWORTH
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION
EXPIRES 4-11-01

3.521 acres

10,240 SF

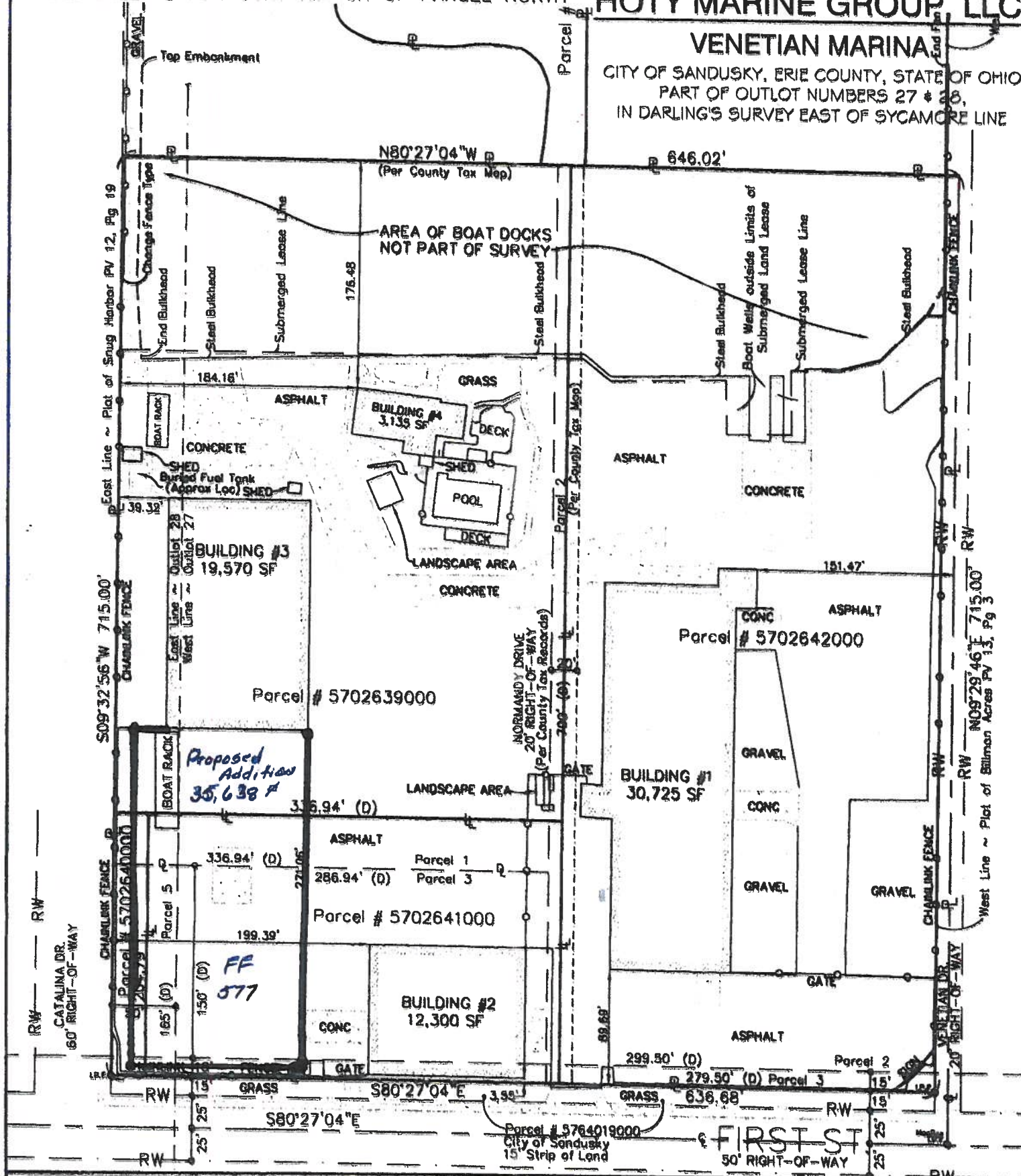
To Be Removed



HOTY MARINE GROUP, LLC

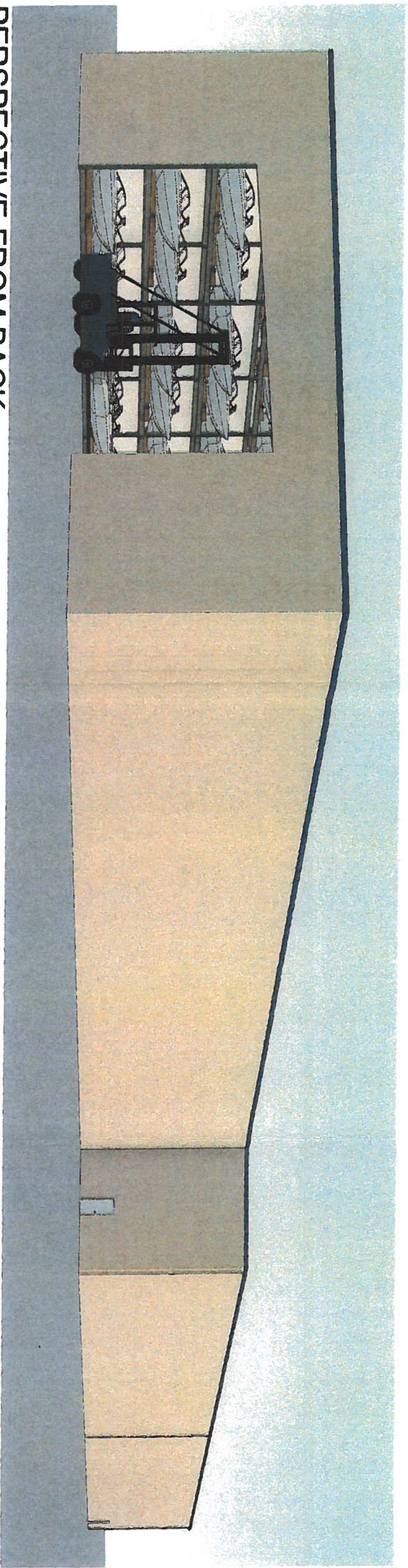
VENETIAN MARINA

CITY OF SANDUSKY, ERIE COUNTY, STATE OF OHIO
PART OF OUTLOT NUMBERS 27 & 28,
IN DARLING'S SURVEY EAST OF SYCAMORE LINE

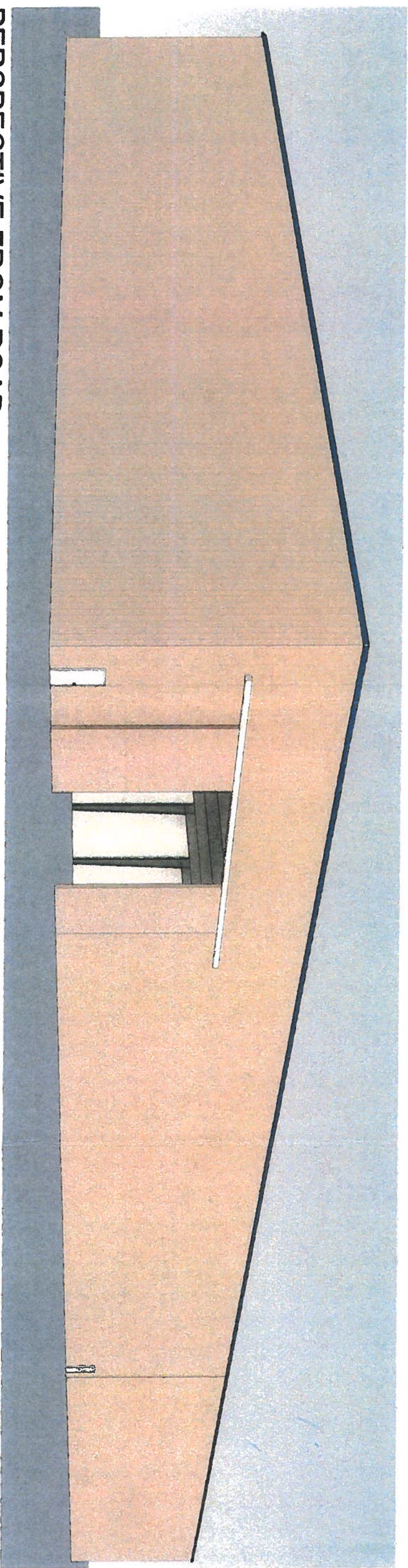


F **FREDERICK & ASSOCIATES**
ENGINEERS - SURVEYORS - PLANNERS
5109 N. SUMMIT STREET TOLEDO, OHIO 43611
419.340.2650 fax 419.726.1995
DFREDERICK@FREDERICKASSOC.COM

MORTGAGE SURVEY



PERSPECTIVE FROM BACK

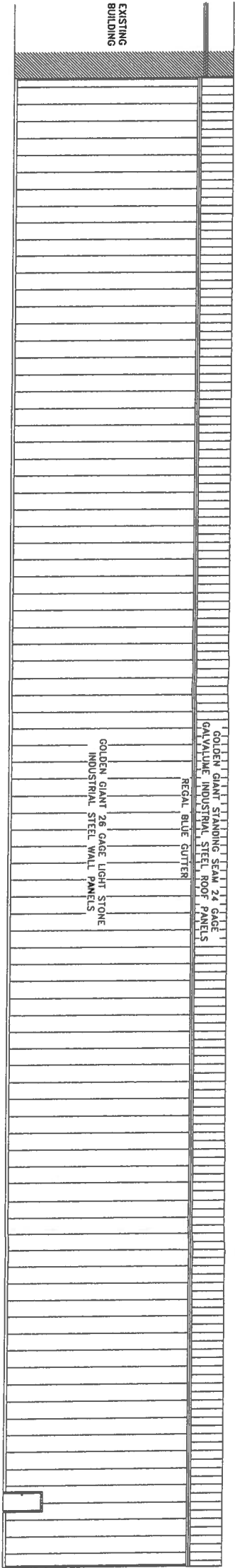


PERSPECTIVE FROM ROAD

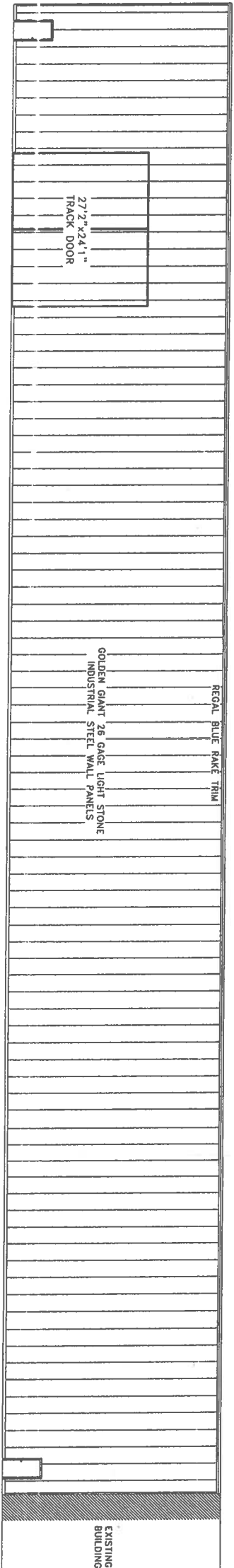
COLORS:
TRIM: REGAL BLUE
WALLS: LIGHT STONE

BUILDING:
135' X 265' X 33' EAVE HEIGHT
1/2:12 ROOF PITCH

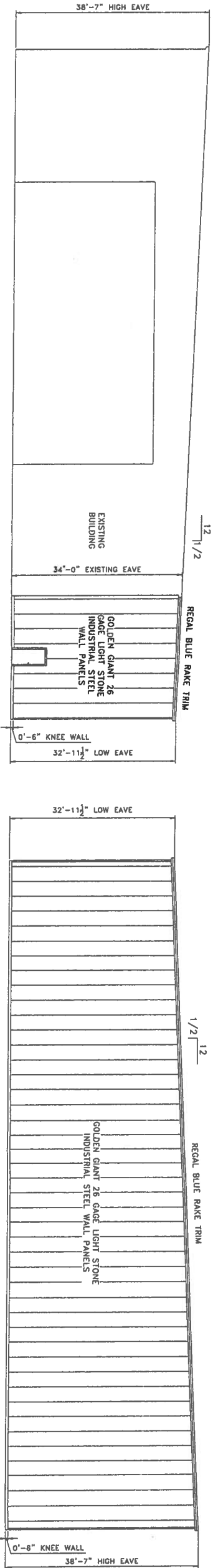
NOT FOR CONSTRUCTION
FOR ILLUSTRATION ONLY



WEST SIDEWALL ELEVATION
SCALE: $\frac{3}{8}$ " = 1'0"

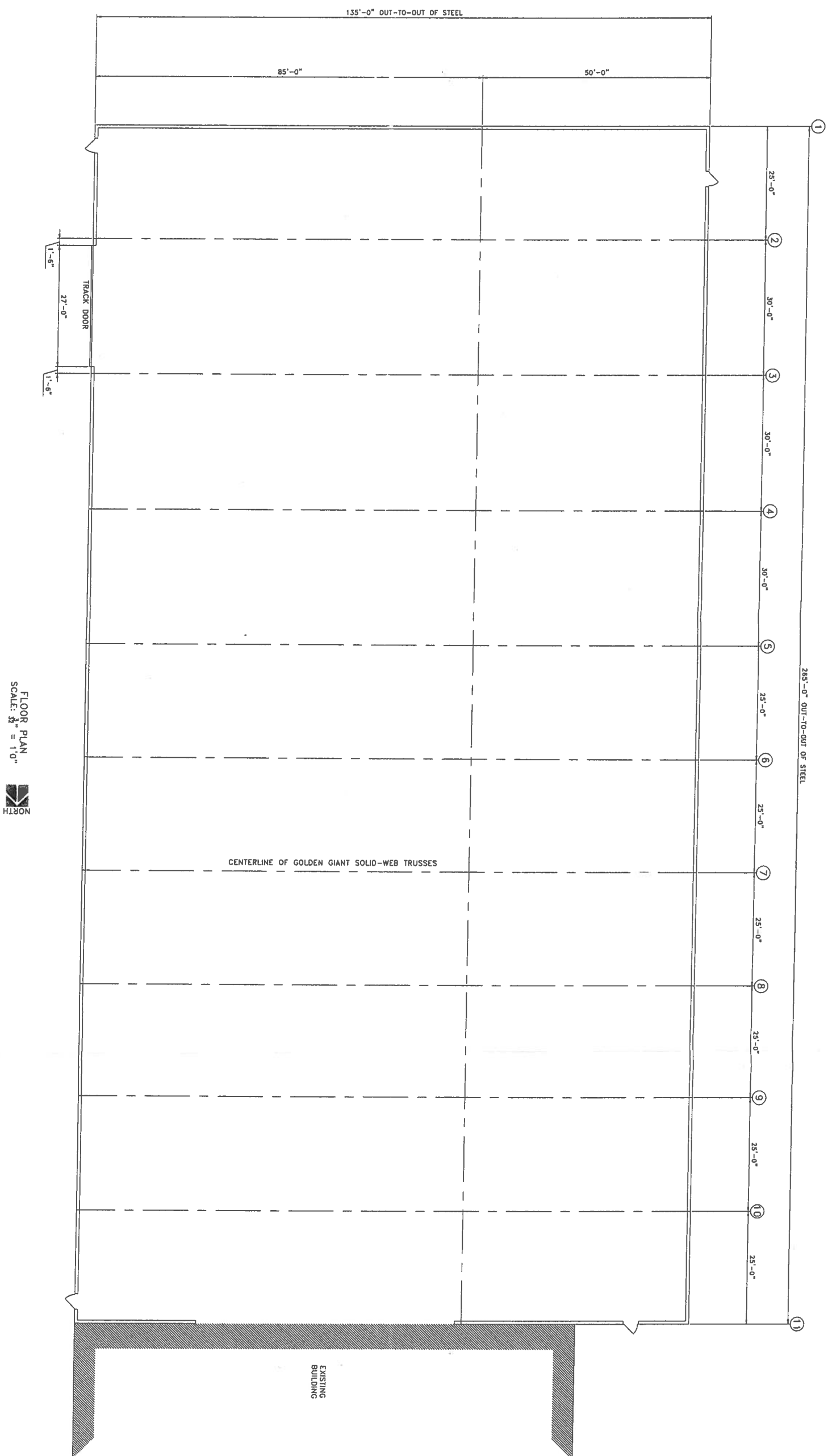


EAST SIDEWALL ELEVATION
SCALE: $\frac{3}{8}$ " = 1'0"



NORTH ENDWALL ELEVATION
SCALE: $\frac{3}{8}$ " = 1'0"

SOUTH ENDWALL ELEVATION
SCALE: $\frac{3}{8}$ " = 1'0"



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CREATE
A NEW PARCEL THAT DOES NOT MEET THE
MINIMUM LOT AREA AND YARD REQUIREMENTS
AT 412 FULTON ST. (PARCEL 59-00563.000)

Reference Number: PVAR23-0012

Date of Report: August 7, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Diocese of Toledo Properties Trust Agreement
429 Central Ave.
Sandusky, OH 44870

Authorized Agent: Reverend Monte J. Hoyles, Trustee
429 Central Ave.
Sandusky, OH 44870

Site Location: 412 Fulton 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 1129.14

Variances Requested:

1. Minimum Area per unit requirement – a relief of 950 sq. ft.
2. Back yard setback – A relief of 14 feet.

SITE DESCRIPTION

(Subject Property Outlined in yellow)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

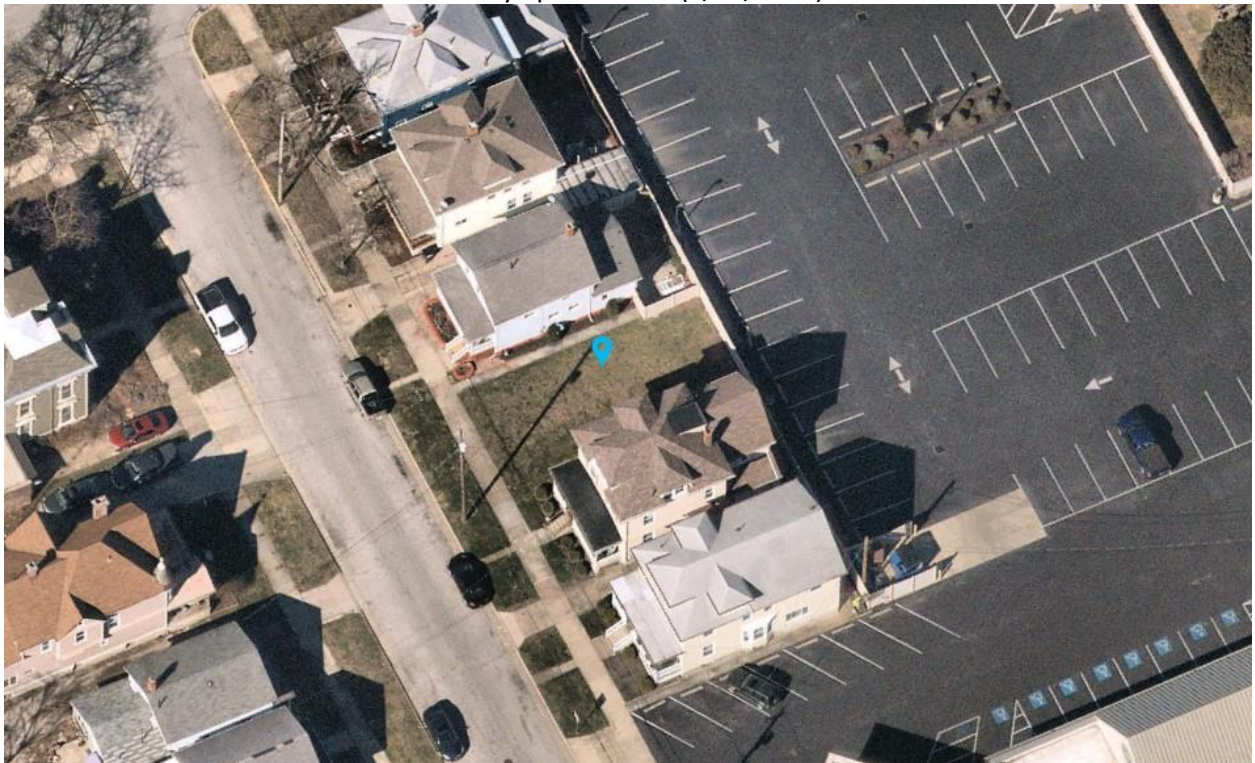
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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)



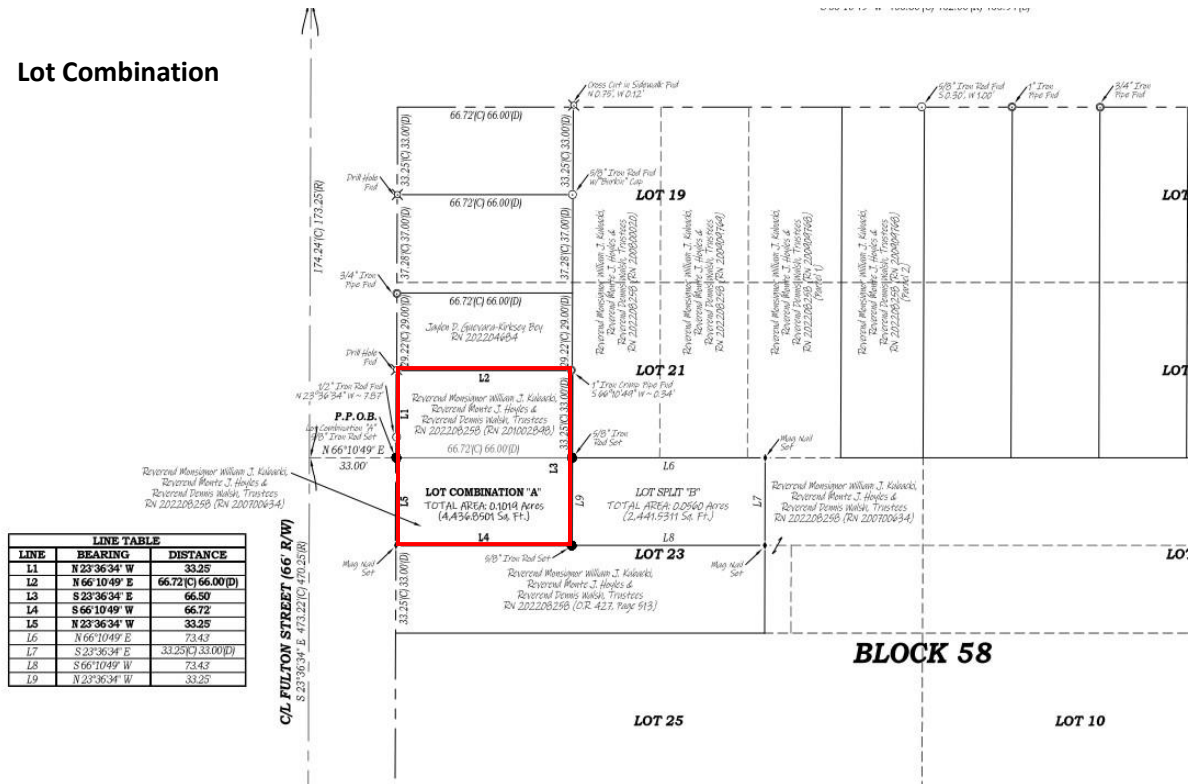
Bird eye photo from (3/17/2022)



A photograph of a row of houses on a street. The house in the foreground is a two-story yellow house with a porch and a black car parked in front. To its left is a white house. The sky is blue with clouds.



Lot Combination



PROJECT DESCRIPTION

The applicant is proposing to split the existing lot at 412 E Fulton St. along the existing rear fence line. The owner plans to combine the split rear end of the existing parcel with the parking lot parcel behind the home. The owner then plans to combine the new 412 Fulton St. parcel with the empty grass lot to the north.

The new parcel created for 412 Fulton St. does not meet the minimum area standards for a new lot in the current zoning, R2F – two Family Residential Zoning District or the yard standards for a rear setback.

The minimum rear setback is 20 feet in this case (30% of parcel length). The proposed rear setback is 7 feet.

Minimum area per unit requirement for a new lot in and a two family use in an R2F – two Family Residential Zoning District: 2,750 sq. ft. per unit for a 2 unit. The structure has historically been a 4 residential unit use according to the applicant. The use is presumed to be a legal non-conforming. The applicant stated that the home has been a 4 unit structure prior to their purchase of the property over 20 years ago. Zoning Code section 1129.14 does not indicate a date that the ordinance was enacted. Because of this, staff has determined the 4-unit is a legal non-conforming use until the structure is vacant voluntarily for more than a 1 year period starting on 8/7/2023.

There are two variances being requested with this application:

1. Minimum Area per unit requirement – a relief of 950 sq. ft.
2. Back yard setback – A relief of 13 feet.

The backyard of the existing lot is cut off by a fence approximately 7 feet behind the house. This proposal will give this residential structure more green space than it currently has.

RELEVANT CODE SECTIONS

CHAPTER 1129
Residential Districts

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 | |
| R2F | 1 Fam. Dw. | 4,300 | 33 | 25 | 3 | 10 | 40 | 2 | 30 |
| | 2 Fam. Dw. | 2,750 | 40 | 25 | 3 | 10 | 40 | 2 | 30 |

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.

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 property usage will not change and the variances will reflect the existing house on 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. This change will not affect either the neighborhood or the adjoining property, as it is bordered by property that is currently owned by the same property owner.

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 have no effect on the delivery of public government services.

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

- i. No, the property was originally purchased with the thought to ultimately raze the structure and expand the church parking lot. Parking lot expansion is no longer needed.

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

- i. It would not be possible to split the parcel without the variance as the current parcel is part of St. Mary's Parish parking lot.

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. Yes, no further changes are contemplated to this parcel split and combination; the property would continue to be used as it currently is.

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.

The property currently operates according to the Zoning Code, and no other changes are contemplated to the existing parcels involved. Therefore, the general purpose, intent and objective of the code will continue to be respected.

DIVISION OF PLANNING COMMENTS

The variance requests are not substantial and will create a green space for the residents at 412 Fulton St. that currently does not exist.

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 412 Fulton St. (parcel 59-00563.000) 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: 412 Fulton Street; Sandusky, OH

Name of Property Owner: Diocese of Toledo Properties Trust Agreement dated November 1, 2017

Mailing Address of Property Owner: 429 Central Avenue

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-625-7465 Email: mhoyles@sanduskycatholic.org

If same as above check here ☐

Name of Applicant: Reverend Monte J. Hoyles, Trustee

Mailing Address of Applicant: 429 Central Avenue

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-625-7465 Email: mhoyles@sanduskycatholic.org

Description of Proposal:

To separate house located at 412 Fulton Street (Parcel No. 59-00563.000) from St. Mary's parking lot, and to combine the aforementioned parcel with the adjacent grass lot located at 410 Fulton Street (Parcel No. 59-00990.000).

Variance Requested:

**Rear Setback of approximately 7-feet (40-feet required)
Minimum lot size of 4,437 s.f. (5,500 s.f. required)**

Section(s) of Zoning Code:

Zoning Code 1129.14.



Signature of Property Owner

07.17.23

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. The property usage will not change and the variances will reflect the existing houses on the street.

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

This change will not affect either the neighborhood or the adjoining property, as it is bordered by property that is currently owned by the same property owner.

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

This variance will have no affect on the delivery of government services.

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

No. Property was originally purchased with the thought to ultimately raze the structure and expand the church parking lot. Parking lot expansion, is no longer needed.

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

It would not be possible to split the parcel without the variance as the current parcel is part of St. Mary's Parish parking lot.

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

Yes. No further changes are contemplated to this parcel split and combination; the property would continue to be used as it is currently.

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

The property would continue to be used as is, but without a variance the property could not be alienated.

- 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?

The property currently operates according to the Zoning Code, and no other changes are contemplated to the existing parcels involved. Therefore, the general purpose, intent and objective of the Code will continue to be respected.

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?
N/A.
- 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



St. Mary's
CATHOLIC CHURCH
est. 1855

To: City of Sandusky Board of Zoning Appeals
From: Reverend Monte J. Hoyles, JCL; Trustee 
Date: 17 July 2023
Re: Application for Board of Zoning Appeals – Name of Property Owner

Please be aware that the full name of the Property Owner for the attached Application is as follows. The space did not leave sufficient room to detail the full name.

Reverend Monsignor William J Kubacki, Reverend Monte J. Hoyles and Reverend Dennis Walsh, Trustees under the Diocese of Toledo Properties Trust Agreement dated November 1, 20217, as may be amended.

**Contractors Design Engineering
Consulting Engineers and Surveyors
1623 Old State Road, Norwalk, Ohio 44857**

**Legal Description For:
Reverend Monsignor William J. Kubacki,
Reverend Monte J. Hoyles &
Reverend Dennis Walsh, Trustees
Lot Split "A"
0.0509 Acres**

Being a parcel of land located in part of Lot 23 on Fulton Street in Block 58, Ward 4, City of Sandusky, Erie County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a 1-1/2" iron pipe in a monument box found at the intersection of the centerlines of Decatur Street (66' R/W) and Adams Street (82.5' R/W); Thence South 66° 10' 49" West, along the centerline of Adams Street, a distance of 466.30 feet to point at the intersection of the centerlines of Adams Street and Fulton Street (66' R/W); Thence South 23° 36' 34" East, along the centerline of Fulton Street, a distance of 174.24 feet to a point; Thence North 66° 10' 49" East, a distance of 33.00 feet to a 5/8" iron rod set at the easterly right-of-way line of Fulton Street and a southwesterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 201002898) of the Erie County Recorder's Office and being the principal place of beginning;

1. Thence continuing North 66° 10' 49" East, along a southerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 201002898) land, a distance of 66.72 feet to a 5/8" iron rod set at a southeasterly corner of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 201002898) land and a southwesterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 200800020) of the Erie County Recorder's Office;
2. Thence South 23° 36' 34" East, a distance of 33.25 feet to a 5/8" iron rod set in a northerly line of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (O.R. 427, Page 513) of the Erie County Recorder's Office;

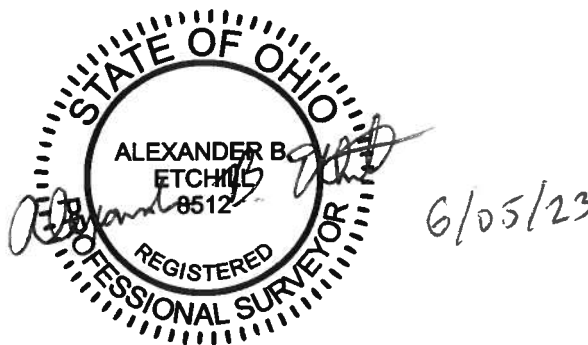
3. Thence South 66° 10' 49" West, along a northerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (O.R. 427, Page 513) land, a distance of 66.72 feet to a mag nail set at the easterly right-of-way line of Fulton Street and a northwesterly corner of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (O.R. 427, Page 513) land;
4. Thence North 23° 36' 34" West, along the easterly right-of-way line of Fulton Street, a distance of 33.25 feet to the principal place of beginning and containing 0.0509 acres (2,218.4251 sq. ft.) of land more or less, but subject to all legal highways, easements and restrictions of record.

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 Datum, Geoid 12A, by ODOT VRS.

Prior Deed Reference: RN 202208258 (RN 200700634)

All 5/8" iron rods set are 30" long rebar with yellow plastic caps stamped "C.D. ENG 8456 & 8512".

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in June 2023 per Alexander B. Etchill, Registered Surveyor No. 8512 from an actual survey performed May, 2023 on the premises by Contractors Design Engineering.



APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only. No Field Verifications
for Accuracy made.

Michael T. Farrell

Engineer/Surveyor: Erie County Engineer's

Date: 6-12-2023

**Contractors Design Engineering
Consulting Engineers and Surveyors
1623 Old State Road, Norwalk, Ohio 44857**

**Legal Description For:
Reverend Monsignor William J. Kubacki,
Reverend Monte J. Hoyles &
Reverend Dennis Walsh, Trustees
Lot Combination "A"
0.1019 Acres**

Being a parcel of land located in part of Lots 21 & 23 on Fulton Street in Block 58, Ward 4, City of Sandusky, Erie County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a 1-1/2" iron pipe in a monument box found at the intersection of the centerlines of Decatur Street (66' R/W) and Adams Street (82.5' R/W); Thence South 66° 10' 49" West, along the centerline of Adams Street, a distance of 466.30 feet to point at the intersection of the centerlines of Adams Street and Fulton Street (66' R/W); Thence South 23° 36' 34" East, along the centerline of Fulton Street, a distance of 174.24 feet to a point; Thence North 66° 10' 49" East, a distance of 33.00 feet to a 5/8" iron rod set at the easterly right-of-way line of Fulton Street and being the principal place of beginning;

1. Thence North 23° 36' 34" West, along the easterly right-of-way line of Fulton Street, a distance of 33.25 feet to a drill hole found at a southwesterly corner of land now or formerly owned by Jaylen D. Guevara-Kirksey Bey as recorded in RN 202204684 of the Erie County Recorder's Office;
2. Thence North 66° 10' 49" East, along a southerly line of said Guevara-Kirksey Bey's land, a distance of 66.72 feet to a point at a southeasterly corner of said Guevara-Kirksey Bey's land and a westerly line of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 200800020) of the Erie County Recorder's Office, referenced by a 1" iron crimp pipe found South 66° 10' 49" West a distance of 0.34 feet;

3. Thence South 23° 36' 34" East, along a westerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 200800020) land and a southerly extension thereof, a distance of 66.50 feet to a 5/8" iron rod set in a northerly line of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (O.R. 427, Page 513) of the Erie County Recorder's Office, passing over a 5/8" iron rod set at a distance of 33.25 feet;
4. Thence South 66° 10' 49" West, along a northerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (O.R. 427, Page 513) land, a distance of 66.72 feet to a mag nail set at the easterly right-of-way line of Fulton Street and a northwesterly corner of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (O.R. 427, Page 513) land;
5. Thence North 23° 36' 34" West, along the easterly right-of-way line of Fulton Street, a distance of 33.25 feet to the principal place of beginning and containing 0.1019 acres (4,436.8501 sq. ft.) of land more or less, but subject to all legal highways, easements and restrictions of record.

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 Datum, Geoid 12A, by ODOT VRS.

Prior Deed Reference: RN 202208258 (RN 200700634)
RN 202208258 (RN 201002898)

All 5/8" iron rods set are 30" long rebar with yellow plastic caps stamped "C.D. ENG 8456 & 8512".

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in June 2023 per Alexander B. Etchill, Registered Surveyor No. 8512 from an actual survey performed May, 2023 on the premises by Contractors Design Engineering.

APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only, No Field Verifications
for Accuracy made.

Michael J. Farrell
Engineer/Surveyor: Erie County Engineer's

Date: 6-12-2023



***Contractors Design Engineering
Consulting Engineers and Surveyors
1623 Old State Road, Norwalk, Ohio 44857***

**Legal Description For:
Reverend Monsignor William J. Kubacki,
Reverend Monte J. Hoyles &
Reverend Dennis Walsh, Trustees
Lot Split "B"
0.0560 Acres**

Being a parcel of land located in part of Lot 23 on Fulton Street in Block 58, Ward 4, City of Sandusky, Erie County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a 1-1/2" iron pipe in a monument box found at the intersection of the centerlines of Decatur Street (66' R/W) and Adams Street (82.5' R/W); Thence South 66° 10' 49" West, along the centerline of Adams Street, a distance of 466.30 feet to point at the intersection of the centerlines of Adams Street and Fulton Street (66' R/W); Thence South 23° 36' 34" East, along the centerline of Fulton Street, a distance of 174.24 feet to a point; Thence North 66° 10' 49" East, a distance of 33.00 feet to a 5/8" iron rod set at the easterly right-of-way line of Fulton Street and a southwesterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 201002898) of the Erie County Recorder's Office; Thence continuing North 66° 10' 49" East, along a southerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 201002898) land, a distance of 66.72 feet to a 5/8" iron rod set at a southeasterly corner of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 201002898) land and a southwesterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 200800020) of the Erie County Recorder's Office and being the principal place of beginning;

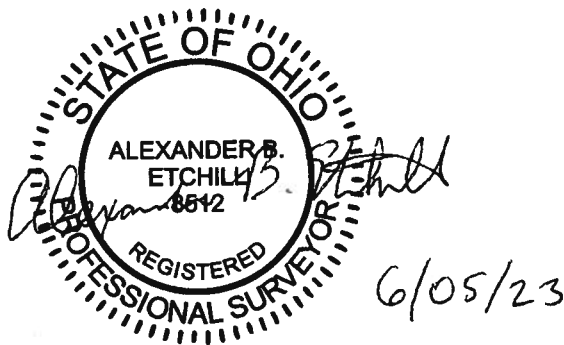
1. Thence continuing North 66° 10' 49" East, along southerly lines of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 200800020) land, land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 200909769) and Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 200909768) (Parcel 1) of the Erie County Recorder's Office, a distance of 73.43 feet to a mag nail set at a northwesterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (RN 20700634);
2. Thence South 23° 36' 34" East, along a westerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (RN 20700634) land; a distance of 33.25 feet to a mag nail set at a northeasterly corner of land now or formerly owned by Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees as recorded in RN 202208258 (O.R. 427, Page 513) of the Erie County Recorder's Office;
3. Thence South 66° 10' 49" West, along a northerly line of said Reverend Monsignor William J. Kubacki, Reverend Monte J. Hoyles & Reverend Dennis Walsh, Trustees' RN 202208258 (O.R. 427, Page 513) land, a distance of 73.43 feet to a 5/8" iron rod set;
4. Thence North 23° 36' 34" West, a distance of 33.25 feet to the principal place of beginning and containing 0.0560 acres (2,441.5311 sq. ft.) of land more or less, but subject to all legal highways, easements and restrictions of record.

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 Datum, Geoid 12A, by ODOT VRS.

Prior Deed Reference: RN 202208258 (RN 200700634)

All 5/8" iron rods set are 30" long rebar with yellow plastic caps stamped "C.D. ENG 8456 & 8512".

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in June 2023 per Alexander B. Etchill, Registered Surveyor No. 8512 from an actual survey performed May, 2023 on the premises by Contractors Design Engineering.

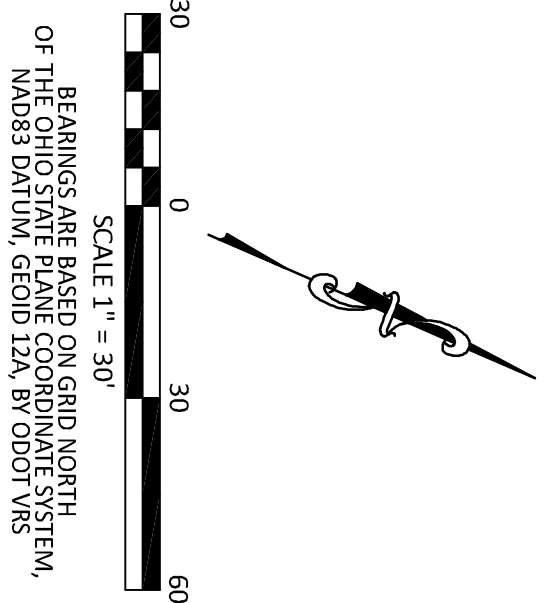


APPROVED as per Erie County Requirements
And Sections 4733-37 thru 4733-37-07 of the Ohio
Administrative Code only, No Field Verifications
for Accuracy made.

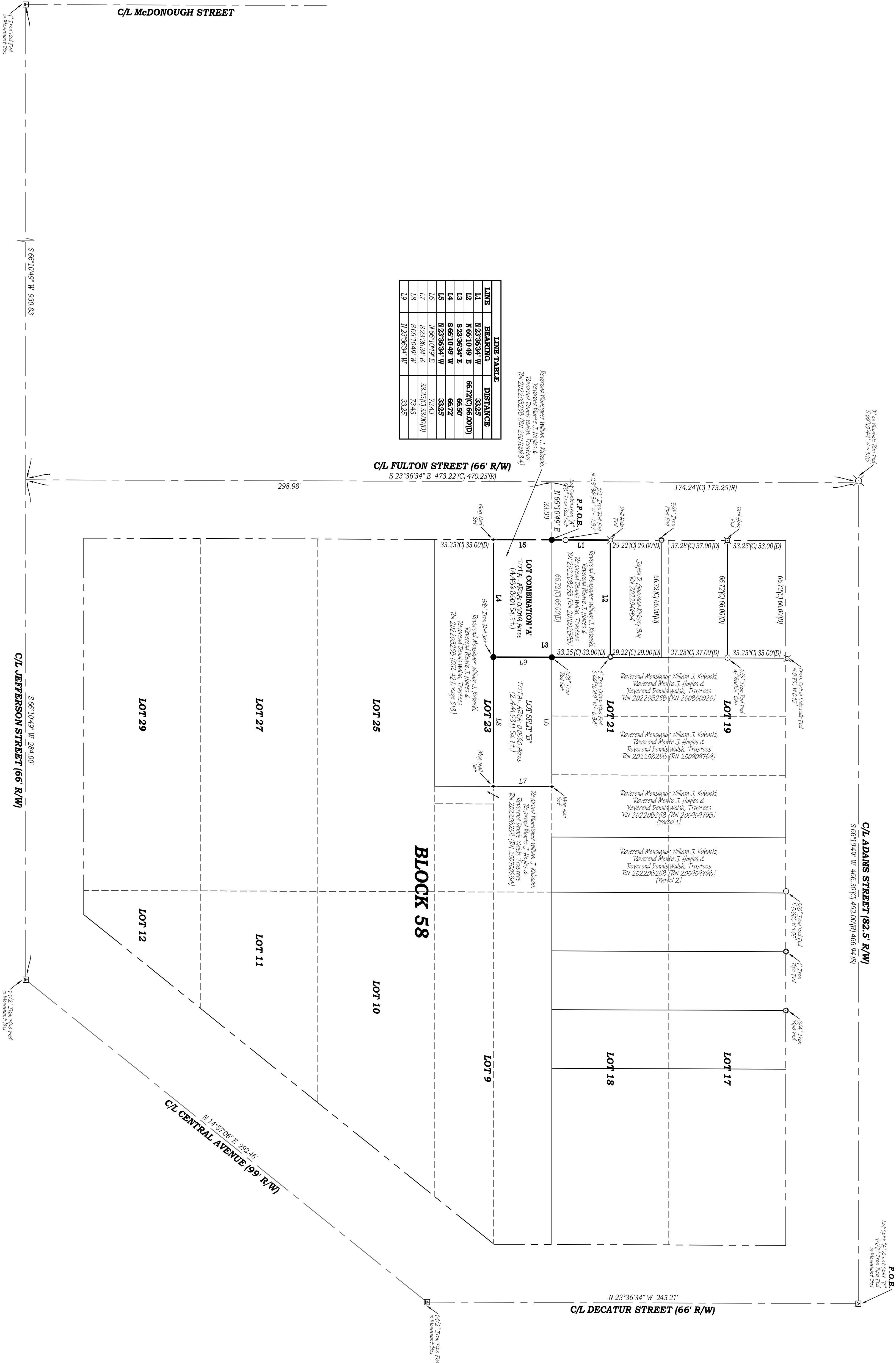
Michael T. Farrell
Engineer/Surveyor: Erie County Engineer's

Date: 6-12-2023

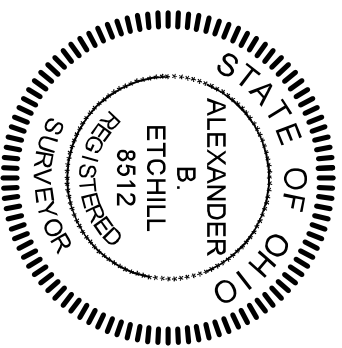
LOT COMBINATION SURVEY PLAT FOR
REVEREND MONSIGNOR WILLIAM J. KUBACKI,
REVEREND MONTE J. HOYLES &
REVEREND DENNIS WALSH, TRUSTEES
Being a parcel of land located in part of Lots 21 & 23 on Fulton Street
in Block 58, Ward 4, City of Sandusky, Erie County,
Firelands Connecticut Western Reserve, State of Ohio



- LEGEND**
- | SET | FOUND | DESCRIPTION |
|-----|-------|----------------|
| ● | ○ | IRON PIN (ROD) |
| • | ◊ | IRON PIPE |
| • | ◊ | MAG NAIL |
| ✕ | ✕ | DRILL HOLE |
| ■ | ■ | MONUMENT BOX |
| (D) | | DEED |
| (P) | | PLATTED |
| (C) | | CALCULATED |
| (M) | | MEASURED |
- ALL SET IRON RODS SET AT ARE 30" CONC BEARS WITH YELLOW PLASTIC CAPS STAMPED "C. D. ENG 8695 & 8612"
- REFERENCE**
- Erie County Survey Records
Survey by John Hancock & Associates
Dated June 1888
Erie County Survey Records
Volumes and Pages as Indicated



| LINE | BEARING | DISTANCE |
|------|---------------|-------------------|
| L1 | N 23°36'34" W | 33.25 |
| L2 | S 66°10'49" E | 66.72(C) 66.00(D) |
| L3 | S 66°10'49" W | 66.72 |
| L4 | S 66°10'49" W | 66.72 |
| L5 | N 23°36'34" W | 33.25 |
| L6 | N 66°10'49" E | 73.43 |
| L7 | S 23°36'34" E | 33.25(C) 33.00(D) |
| L8 | S 66°10'49" W | 73.43 |
| L9 | N 23°36'34" W | 33.25 |



CONTRACTORS

DESIGN ENGINEERING

CONSULTING ENGINEERS & SURVEYORS

NORWALK, OHIO

SCALE: 1" = 30'

DATE: JUNE, 2023

BY: DMM

DATE: JUNE, 2023

BY: ARE

PROJECT NO. 23-326

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO CREATE
ONE PARCEL THAT DOES NOT MEET THE
MINIMUM LOT AREA AND YARD REQUIREMENTS
AND CREATE A SECOND PARCEL THAT DOES NOT
MEET THE MINIMUM YARD REQUIREMENTS AT
123 DIVISION ST. (PARCEL 57-04139.000)

Date of Report: August 7, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Dr. John M. Davenport
2818 N. Coho Dr.
Port Clinton, OH 43452

Site Location: 123 Division St.
Sandusky, OH 44870

Current Zoning: PF – Public Facilities

Proposed Zoning: Parcel 1: R2F – Two Family Residential
Parcel 2: LB – Local Business

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

Existing Use: Residential / Business

Proposed Use: Residential / Business

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.14 & 1133.11

Variances Requested:

Parcel 1:

1. Minimum Area requirement – a relief of 1,296 sq. ft.
2. front yard setback – A relief of 19 feet.

Parcel 2:

3. Side yard setback – a relief of 6 feet.

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)



Street View from 10/2021 looking westward on Division St.



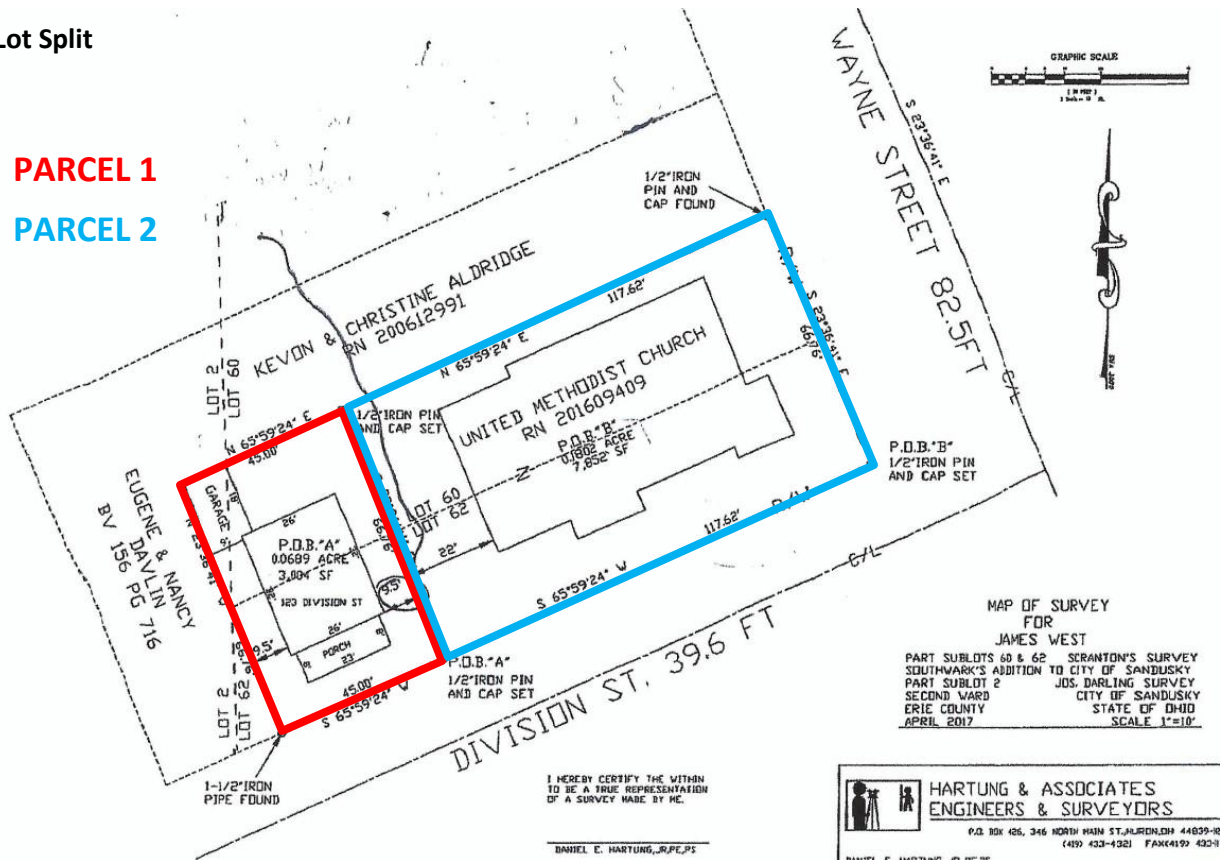
Street View from 10/2021 looking eastward on Division St.



Lot Split

PARCEL 1

PARCEL 2



PROJECT DESCRIPTION

The applicant is proposing to split the existing lot at 123 E. Division St. The owner plans to create two lots, one for the residential structure (parcel 1) and one for the structure housing the *Halo Live* venue (parcel 2). As part of this proposal, the applicant has an application to re-zone both the proposed parcel 1 and parcel 2 at the 8.27.23 Planning Commission meeting. Parcel one is proposed to be re-zoned to R2F – Two Family Residential. Parcel 2 is proposed to be re-zoned to LB – Local Business.

Parcel 1 does not meet the minimum area standards of a new lot for the proposed R2F – two Family Residential Zoning District or the front setback requirements.

Minimum area per unit requirement for a new lot in an R2F – two Family Residential Zoning District: 4,300 sq. ft. for a 1 unit. The structure has historically been a 1 unit residential use according to the applicant. The proposed lot is 3,004 sq. ft.

The existing setback along Division St. is approximately 6 feet. The minimum front setback in this case would be 25 feet.

The new parcel created for parcel 2 does not meet the side yard setback standards for a new lot for the proposed LB – Local Business Zoning District. Buildings in a Business Zoning District, when located on a

lot adjoining a residential district, shall have a side yard of not less than 12 feet on the adjoining side. The existing setback is approximately 6 feet.

There are three variances being requested with this application:

Parcel 1:

1. Minimum Area requirement – a relief of 1,296 sq. ft.
2. front yard setback – A relief of 19 feet.

Parcel 2:

3. Side yard setback – a relief of 6 feet.

RELEVANT CODE SECTIONS

CHAPTER 1129 Residential Districts

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 | |
| R2F | 1 Fam. Dw. | 4,300 | 33 | 25 | 3 | 10 | 40 | 2 | 30 |
| | 2 Fam. Dw. | 2,750 | 40 | 25 | 3 | 10 | 40 | 2 | 30 |

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.

CHAPTER 1133 Business Districts

1133.11 YARD REGULATIONS; BUSINESS DISTRICTS.

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

(c) Side Yards.

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

A. Business buildings, when located on a lot adjoining a residential district, shall have a side yard of not less than 12 feet on the adjoining side; a wall or solid fence, approximately 5-1/2 feet high, may be required by the Commission on the side yard line of the business lot.

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.

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;

i. Yes. We assumed that we had correctly split the two buildings & lots. We believed we passed zoning scrutiny in 2017.

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, right now the house at 123 Division St. sits on a 15' triangular lot. I need to have the ability to sell the house separately in the future.

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 one would buy the properties as they are currently zoned.

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 variances requested are not substantial. This request will bring the residential and business structure closer to overall conformity. The residential structure is currently not able to be split off and sold due to its non-conformity.

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

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variances at 123 Division St. (parcel 57-04139.000) 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.

name

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: _____

Name of Property Owner: DR JOHN M. DAVEYPORT

Mailing Address of Property Owner: 2818 N. COHO DR.

City: PORT CLINTON State: OH Zip: 43452

Telephone #: 419-349-6177 Email: COLONELCRASH@YAHOO.COM

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

123 Division St. lot split

Variance Requested:

- ① Front yard setback
- ② Permitted Area Requirements variance

Section(s) of Zoning Code:

1129, 14

John Davenport
Signature of Property Owner

5-25-23
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

- 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 / YES. WE ASSUMED THAT WE HAD
CORRECTLY SPLIT THE TWO BUILDINGS + LOTS.
WE PASSED ZONING SCRUTINY IN 2017.

- 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 - RIGHT NOW THE HOUSE AT 123 DIVISION ST
SITS ON A 15' TRIANGULAR LOT. I NEED TO
HAVE THE ABILITY TO SELL THE HOUSE SEPARATELY IN THE FUTURE

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

NO - NO ONE WOULD BUY THE PROPERTIES AS THEY
ARE CURRENTLY ZONED

- 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?

YES - WE WERE TOLD THE CHURCH AND
RESIDENCE WOULD BE SPLIT INTO 2 LOTS;
ONE COMMERCIAL, ONE RESIDENTIAL

- 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 - AS THE SITUATION CURRENTLY STANDS,
I CANNOT GET A HOME EQUITY LOAN
FOR PROPERTY IMPROVEMENT OR SELL
TO A POTENTIAL BUYER

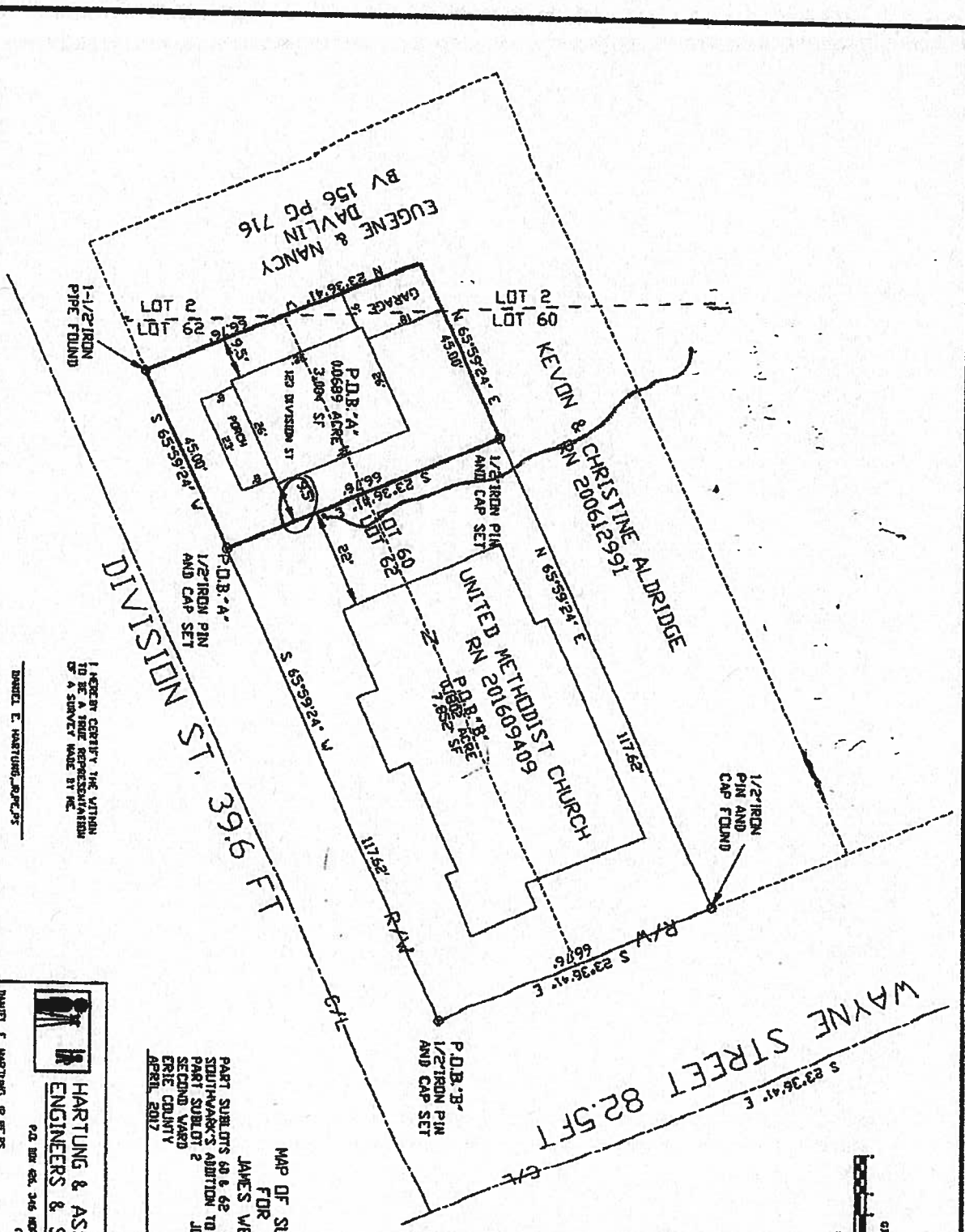
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

YES - WE HAVE BEEN OPERATING AS GOOD
CITIZENS AND BUSINESS SINCE 2017

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

YES

123 Division S



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

DANIEL E. HARTUNG, S.P.C.S.



HARTUNG & ASSOCIATES
ENGINEERS & SURVEYORS

P.O. BOX 426, 346 NORTH MAIN ST., JARVIS, MO 64091-0426
(417) 423-4321 FAX (417) 423-4379

MAP OF SURVEY FOR JAMES WEST PART SUBLOTS 60 & 62 SEANTON'S SURVEY SOUTHWARK'S ADDITION TO CITY OF SANDUSKY PART SUBLOT 2 JES. DARLING SURVEY CITY OF SANDUSKY ERIE COUNTY STATE OF OHIO APRIL, 2012 SCALE 1"=10'