



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5715

www.cityofsandusky.com

Agenda

October 19, 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 September 21, 2023 meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items
 4. Adjudication hearing to consider the following:
 - **122 Greenbrier Ln.**
An area variance to Zoning Code Section 1129.14 to allow the construction of a new attached lean-to on the southwesterly side façade of the house which creates a combined side yard setback of less than the required 15 feet in an R1-75 - Single Family Zoning District.
 - **1015 Buchanan St.**
An area variance and use variance to Zoning Code Section 1129.03 to allow the placement of allow an accessory structure and use without a main structure and use on a parcel in an RMF – Multi-Family Zoning District.
 - **918 W. Monroe St.**
An area variance to Zoning Code Section 1145.17 (d) & (g) to allow the placement of a 6 foot tall fence / gate in a side yard in an R2F – Two Family Residential District.
 - **433 Anderson St.**
An area variance to Zoning Code Section 1137.08 (a) to allow a residential building addition within the minimum front yard setback in a Commercial Recreation District.
 5. Other Business
 6. Adjournment Next Meeting: November 16, 2023

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

**Board of Zoning Appeals
September 21, 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, and Vice Chair Semans. Mr. Matthews and Mr. Peugeot were absent. Alec Ochs represented the Community Development Department, Sarah Chiappone represented the Law Department; also present were City Commission Liaison, Dave Waddington, and clerk Quinn Rambo. Mr. Peugeot notified Staff in advance that he was unable to attend the meeting.

Review of Minutes from August 24, 2023, Meeting:

Chair Feick called for a motion on the minutes from the August 24th meeting. Mr. Delahunt moved to approve the minutes as presented. Vice Chair Semans 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. 612 Anderson Street- an area variance to Zoning Code Section 1145.15 (a) to allow the construction of a new detached garage (in replacement of the previous detached garage) within the minimum setback from the main structure in a R1-40 Single Family Zoning District.**

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant was in the process of re-building a garage which was lost to a fire. The garage will be placed in the same location as the previous and to the same dimensions. The zoning code required a minimum 10 foot setback between an accessory structure and the main structure. The setback proposed was 5 feet. The applicant was seeking a variance of 5 feet to allow a 5 foot setback between the accessory structure and the main structure. Planning Staff determined the variance request was appropriate due to the severity of the hardship. Planning Staff supported the variance request at 612 Anderson St. parcel (57-00169.000) and suggests the following conditions upon approval, that 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 about the request. Mr. Brian Notestine of 617 Lockwood spoke about the application. He was not opposed to the applicants building a garage but wanted the Board to be aware that the alley was very narrow and did not want the structure built to the property line. Chair Feick informed Mr. Notestine that was not the variance being requested of the Board. Mr. Ochs stated the proposed garage did meet the rear setback requirements of the zoning code. Ashley Glorioso, the applicant, spoke on behalf of the application and stated they just wanted to build the garage on the foundation from the structure damaged by the fire because the insurance company would not pay for the foundation to be redone.

**Board of Zoning Appeals
September 21, 2023
Meeting Minutes**

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

Other Business:

There was no other business.

Adjournment:

Mr. Delahunt moved to adjourn the meeting and Vice Chair Semans seconded the motion. All members approved the motion, and the meeting ended at 4:43 pm.

Next meeting:

October 19, 2023

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
THE CONSTRUCTION OF AN ATTACHED ADDITION
ON THE SIDE OF THE HOUSE WHICH CREATES A
COMBINED SIDE YARD SETBACK OF LESS THAN
THE REQUIRED 15 FEET AT 122 GREENBRIER LN.
PARCEL (55-00372.000)

Date of Report: October 9, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Don and Jeanne Sharrah
122 Greenbrier Ln.
Sandusky, OH 44870

Site Location: 122 Greenbrier Ln.
Sandusky, OH 44870

Current Zoning: R1-75 – Single Family Residential

Surrounding Zoning:
North: R1-75 – Single Family Residential
South: N/A
East: R1-75 – Single Family Residential
West: R1-75 – Single Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: 1129.14 Schedule of Area, Yard, and Height Requirements

Variances Requested:

1. Combined side yard setback of less than the required 15 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

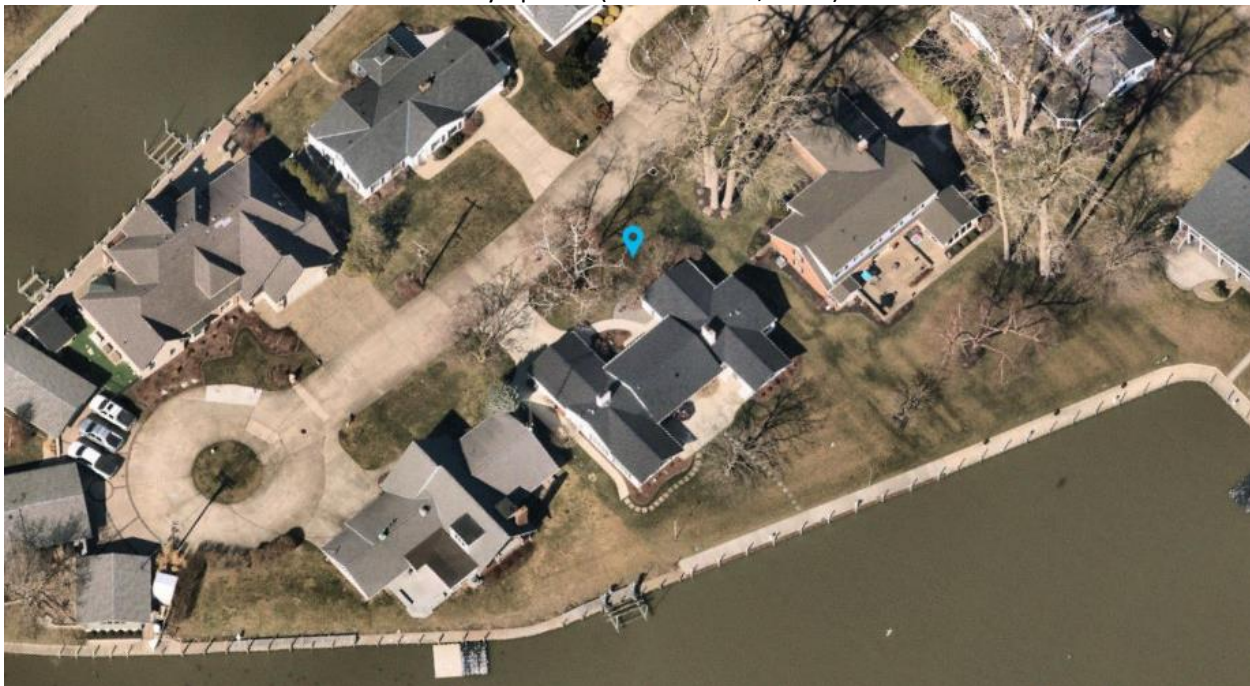


RS - Residential Suburban

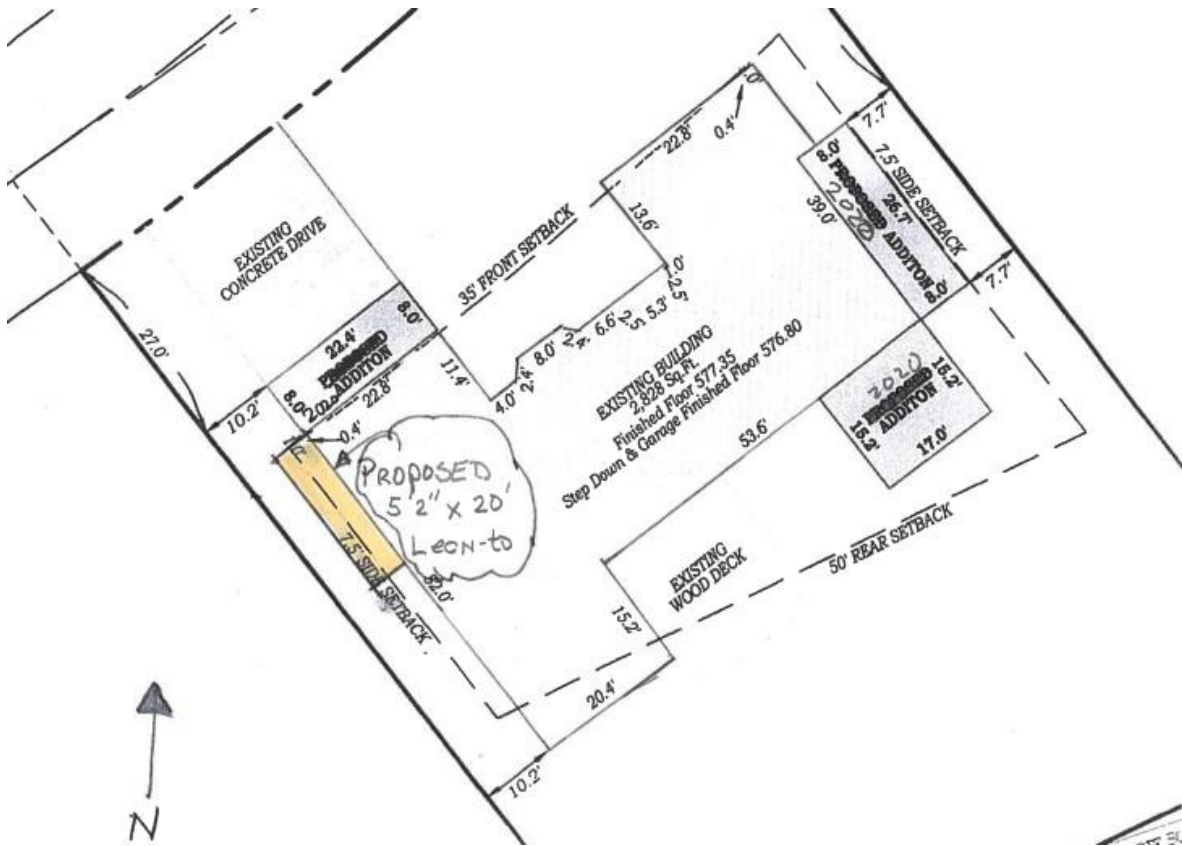
County Auditor Property Map (subject property outlined in red)



Bird eye photo (taken March, 2023)



Street Perspective



PROJECT DESCRIPTION

The applicant is in the process of building an attached enclosed storage space on the west side of the existing garage. The west side of the home currently has a 10 foot 2 inch setback and the easterly side has a 7 foot 7 inch setback.

The zoning code requires a minimum 15 foot combined sideyard setback. The proposed combined sideyard setback is 12 feet 7 inches. The west side of the home will have a 5 foot setback and the easterly side will remain at a 7 foot 7 inch setback.

The applicant is seeking a variance of 2 feet 5 inches for a combined sideyard setback of 12 feet 7 inches.

RELEVANT CODE SECTIONS

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	
District	Dwelling or building type	Area per unit (sq. ft.)	(ft.)	(ft.)	Single (ft.)	Total (ft.)	30% or (ft.)	Story	Ft.
R1-75	1 Fam. Dw.	12,000	75	35	5	15	50	2	30

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.

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. No.

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

i. No, the HOA prohibits standalone storage sheds. IF we request an HOA variance for a standalone storage shed it would not be granted.

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. Added storage space is highly desirable for future buyers.

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 has stated to staff that stand alone sheds are not permitted by the neighborhoods HOA and therefor this is the only way forward to obtain additional storage space.

Planning Staff has determined this variance request is appropriate as both side yards meet or exceed the minimum side yard setbacks for the R1 – 75 Single Family Residential District.

CONCLUSION/RECOMMENDATION

Planning Staff supports the variance request at 122 Greenbrier Ln. parcel (55-00372.000) 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: 122 Greenbrier Lane

Name of Property Owner: Don and Jeanne Sharrah

Mailing Address of Property Owner: 122 Greenbrier Lane

City: Sandusky State: Oh Zip: 44870

Telephone #: 419 504 9464 Email: DASJPS2000@yahoo.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Construct a 5' 2" x 20' lean-to to the west side of garage

Variance Requested:

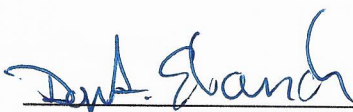
Relief of side yards combined 15' setbacks.

Current side yard setbacks -- East - 7' 7" West 10' 2"

Requested side yard setbacks -- East - 7' 7" West 5'

Section(s) of Zoning Code:

Zoning Code Section 1145.15 Yards for accessory buildings



Signature of Property Owner

20 Sep 22

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

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

No. The HOA prohibit stand alone storage sheds. If we requested a HOA variance for a standalone storage shed it would not be granted.

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

Yes

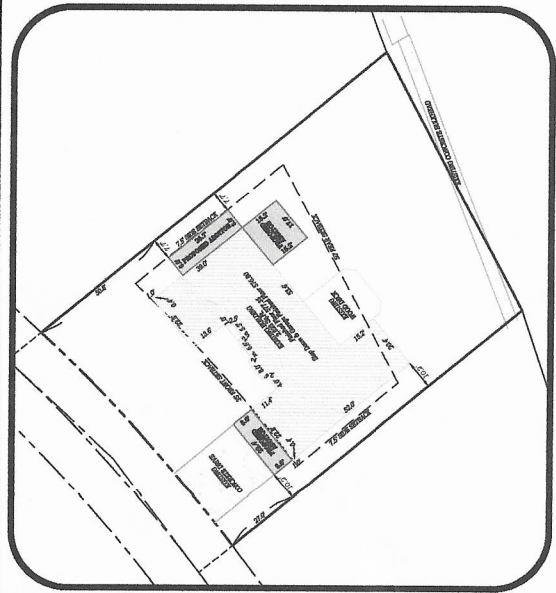
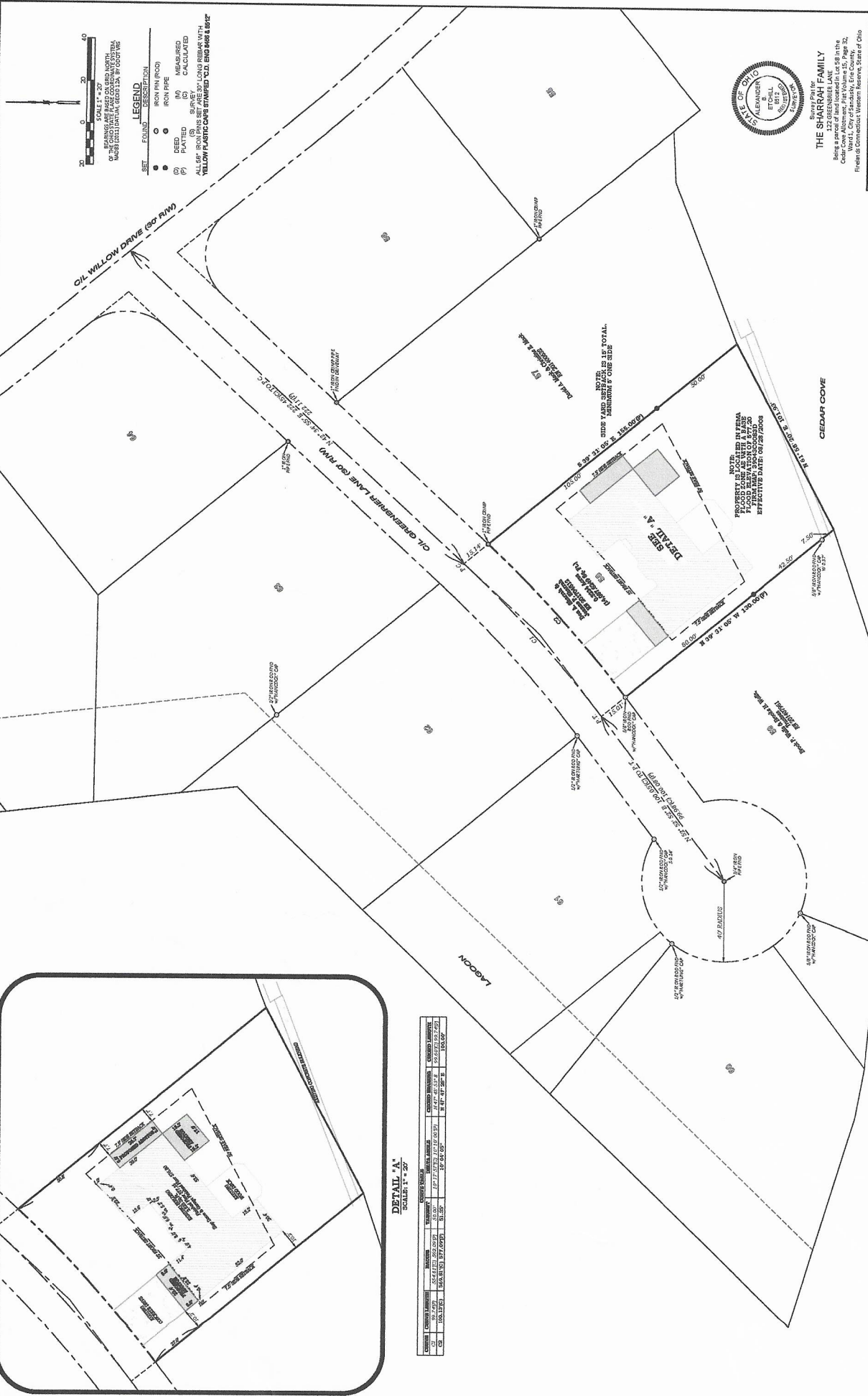
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?

Added storage space is highly desirable for future buyers.

- 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





DETAILED
SCALE: 1" = 20'

NO.	DESCRIPTION	DATE	BY	CHECKED
1	1.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
2	2.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
3	3.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
4	4.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
5	5.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
6	6.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
7	7.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
8	8.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
9	9.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.
10	10.00' WIDE EASEMENT	12/12/11	J. J. J.	J. J. J.



THE SHARRAH FAMILY
122 GREENBERG LANE
Cedar Cove, Ohio 44129
Phone: 440.285.1234
Fax: 440.285.1235
Email: info@sharrahfamily.com
Website: www.sharrahfamily.com

CONTRACTORS
DESIGN ENGINEERING
CONSULTING ENGINEERS & SURVEYORS
NORWALK, OHIO

REFERENCE:
File Volume 15, Page 32
Engineering Order No. 15-0000000000
Volume and Pages as Indicated

DATE: APRIL 2013
BY: J. J. J.
CHECKED: J. J. J.
APPROVED: J. J. J.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AREA AND USE VARIANCES TO
ALLOW AN ACCESSORY STRUCTURE AND USE
WITHOUT A MAIN STRUCTURE AND USE AT 1015
BUCHANAN ST. PARCEL (58-01563.000)

Reference Number: PVAR23-0022

Date of Report: October 10, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: New Jerusalem Baptist Church
1920 Eddy Henry Way
Sandusky, OH 44870

Authorized Agent: n/a

Site Location: 1015 Buchanan St.
Sandusky, OH 44870

Zoning: RMF – Residential Multi-Family

Surrounding Zoning:

North: PF – Public Facilities

East: PF – Public Facilities

South: RMF – Residential Multi-Family

West: RMF – Residential Multi-Family

Surrounding Uses: Residential, Business

Existing Use: Vacant lot

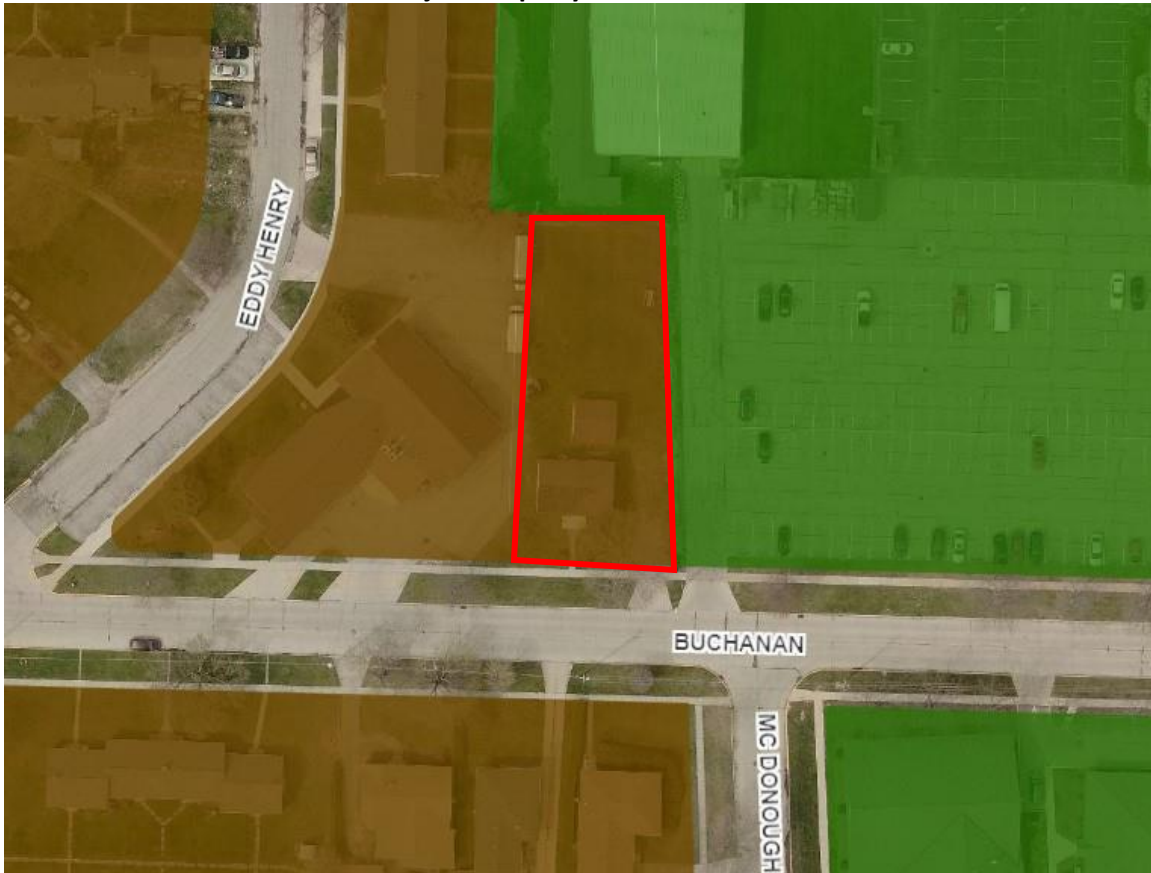
Proposed Use: Vacant lot with shed as main structure and use

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

Variance Requested: 1) A variance to allow an accessory structure without a main structure.
2) A variance to allow an accessory use without a main use.

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



PROJECT DESCRIPTION

The applicant proposes to place a 10 foot x 16 foot shed as the main structure and use of this parcel. The proposed shed will be in the northeast corner, 3 feet from the side and rear property line and approximately 145 feet from the front property line.

The applicant is seeking 2 variances:

1. To allow an accessory structure without a main structure.
2. To allow an accessory use without a main use.

PLANNING DIVISION COMMENTS

The property currently functions as one parcel but is split in two. Staff has observed that the shed as proposed would be permitted if the home on this lot was not removed. It meets all other zoning code standards for an accessory structure besides the requirements in this report.

The shed could be placed on this lot if the church lot and the vacant lot were combined. Staff looked into this approach. However, the vacant lot is zoned multi-family and is buildable per zoning code section 1129.14. A recent study by Firelands Forward Workforce Development discovered that Erie County is 1,637 units below the housing needs of the region. Combining the

vacant and buildable RMF - Residential Multi-Family lot with the adjacent parcel would reduce its ability to serve as a potential location for residential infill development, and staff recommended the applicant keep the property as a separate parcel.

RELEVANT CODE SECTIONS

1129.03 SCHEDULE OF PERMITTED BUILDINGS AND USES.

District	<u>Main Buildings and Uses</u>	<u>Accessory Buildings and Uses</u>
RS	<p>One-family dwellings</p> <p>Public facilities as a conditional use: governmental, civic, educational, religious, welfare, recreational, and transportation as set forth in Section 1123.02.</p> <p>Public utility substations as a conditional use.</p>	<p>Private garages or parking area; storage of boats</p> <p>Private garden and recreation uses, structures, pools, fences, walls.</p> <p>Home offices, group A and home occupations, group A.</p> <p>Renting of rooms, accessory living accommodations.</p> <p>Accessory uses for public facilities, Section 1123.02.</p> <p>Agricultural uses as set forth in Section 1129.06(f).</p>
R1-75	Uses permitted in RS District.	Accessory uses permitted in RS District, except agricultural uses.
R1-60	Uses permitted in R1-75 District.	Accessory uses permitted in R1-75 District, and rental of one garage space.
R1-50		
R1-40	Manufactured homes.	Accessory uses permitted in R1-60 District.
R2F	<p>Uses permitted in RS District.</p> <p>Two-family dwellings</p> <p>Manufactured homes.</p>	<p>Home offices, group A & B, and home occupations, group A & B</p> <p>Rooms for tourists.</p> <p>Storage garages and parking areas accessory to two-family and multi-family dwellings.</p>
RMF	<p>Uses permitted in R2F District.</p> <p>Apartments and row houses.</p>	Accessory uses permitted in R2F District.

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 shed is for storage.

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, adjoining property is a parking lot.

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

- i. No, all work above ground. Only a solid base needed.

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

- i. No, church has owned property for years.

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

- i. Yes, but with a great cost.

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, we are not seeking to dilute the zoning codes.

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.

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.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

The applicant has stated:

1. **That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;**
 - i. Yes, the property as is residential, previously has a house and garage on it 8 months ago.
2. **That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;**
 - i. No.
3. **That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**
 - i. Yes, there would be added cost to project.
4. **That the variance desired will not adversely affect the public health, safety, morals or general welfare; and**
 - i. True, should not affect the public.
5. **That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**
 - i. There would be no harm to any ordinance or to the spirit of all others.

CONCLUSION/RECOMMENDATION

Given the unique circumstances of this property, Planning staff does not oppose the requested variances at 1015 Buchanan St. parcel (58-01563.000) and suggests the following conditions upon approval:

1. All necessary permits are obtained through the Building, Engineering, 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: 1015 Buchanan ST

Name of Property Owner: New Jerusalem Baptist Church

Mailing Address of Property Owner: 1920 Eddy Henry Way

City: Sandusky State: OHIO Zip: 44870

Telephone #: 419-626-1642 Email: newjerusalem.mbchurch@yahoo.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Install 10'x16'x10.6' shed

Variance Requested:

Accessory structure on lot without main structure

Section(s) of Zoning Code: 1109.03

Signature of Property Owner

Date

Rev. James B. Matthews 9/13/2023
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 shed for storage

- 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 adjoining property is a parking lot.

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

No all work above ground. Only a solid base needed.

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

No church has owned property for years

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

yes but with a great cost

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

yes we are not seeking to dilute the zoning codes

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

No

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

No

UNNECESSARY HARDSHIP

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

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

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

yes the property as is residential, previous~~x~~ had a house and garage on it 8 months ago

- 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, there would be add cost to project

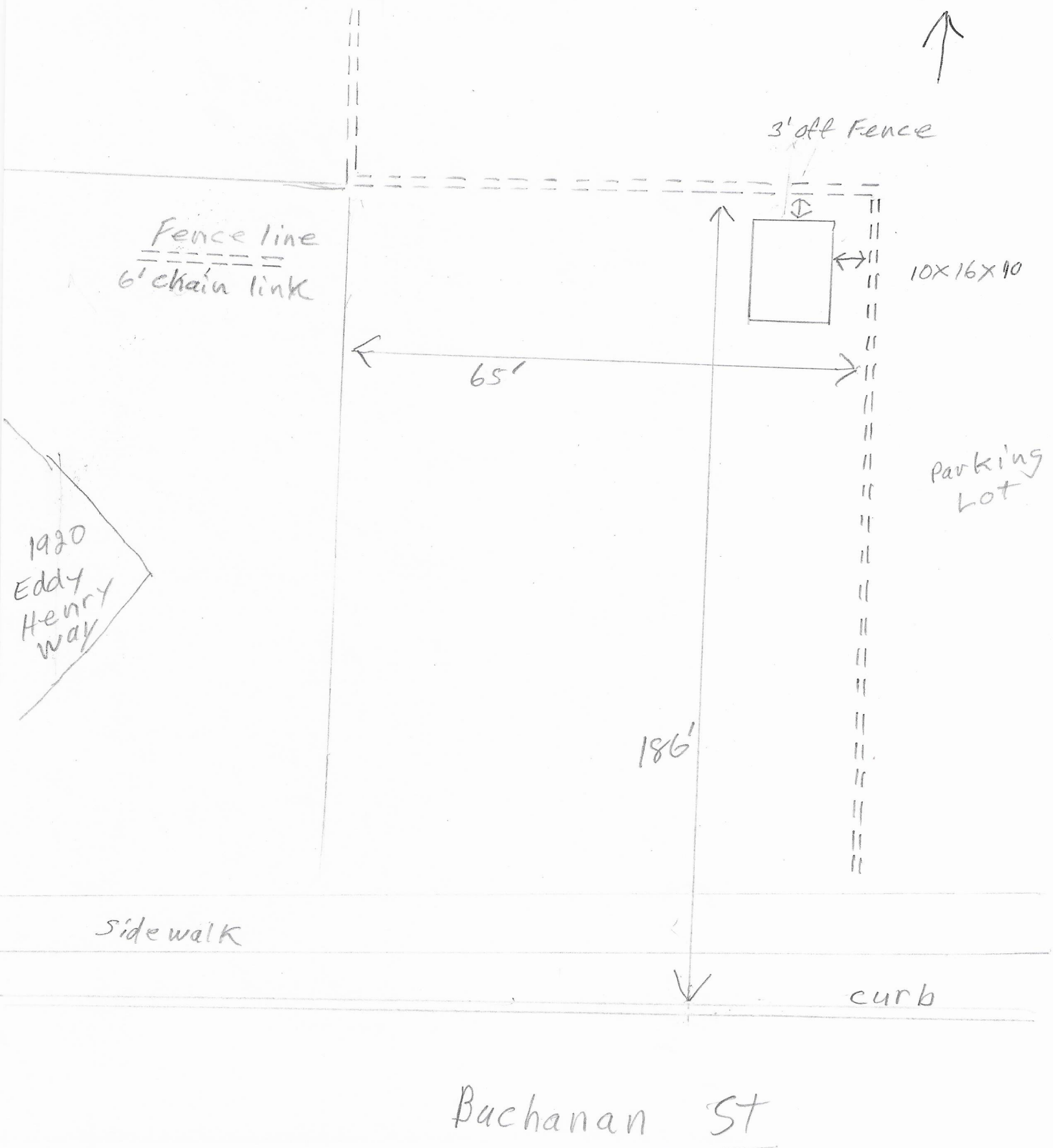
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

True should not affect the public

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

There would be no harm to any ordinance or to the spirit of all ~~the~~ others

1015 Buchanan St



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO
CONSTRUCT A 6 FT. GATE IN THE SIDE YARD AT
918 W. MONROE ST.
PARCEL (58-01405.000)

Reference Number: PVAR23-0020

Date of Report: October 10, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Applicant/Owner: Tim Schultz
918 W. Monroe St.
Sandusky, OH 44870

Site Location: 918 W. Monroe St.
Sandusky, OH 44870

Zoning: R2F- Two-Family Residential

Surrounding Zoning: North: R2F- Two-Family Residential
East: R2F- Two-Family Residential
South: R1 – 40 Single Family Residential
West: R2F- Two-Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1145.17 (d)(1) & (g)(1)

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

SITE DESCRIPTION

Subject Property Outlined in Blue



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

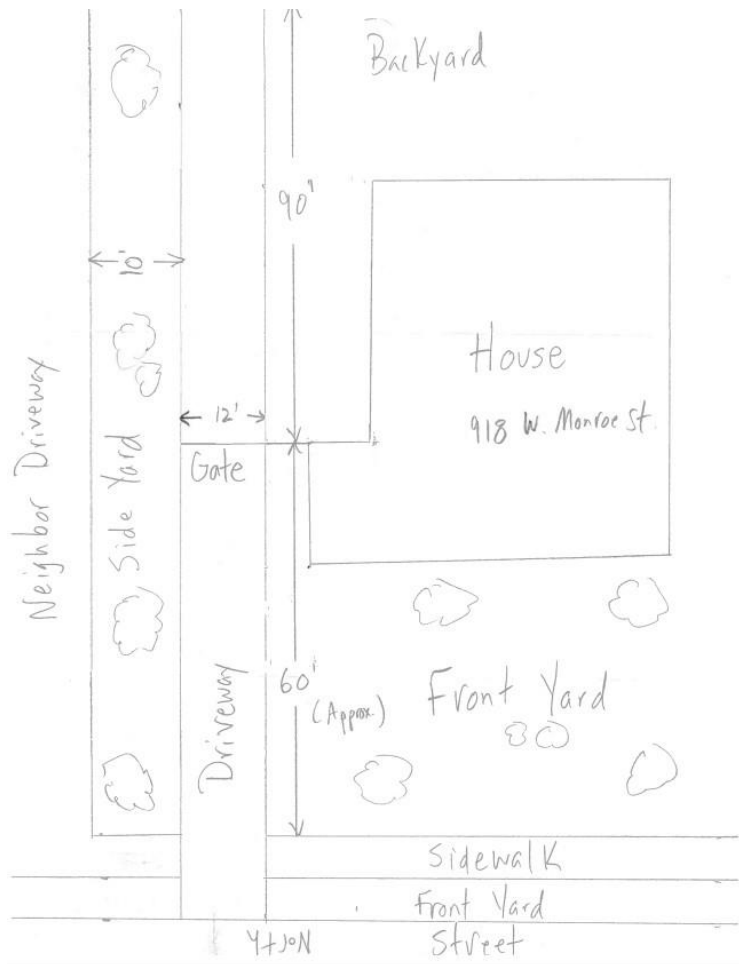
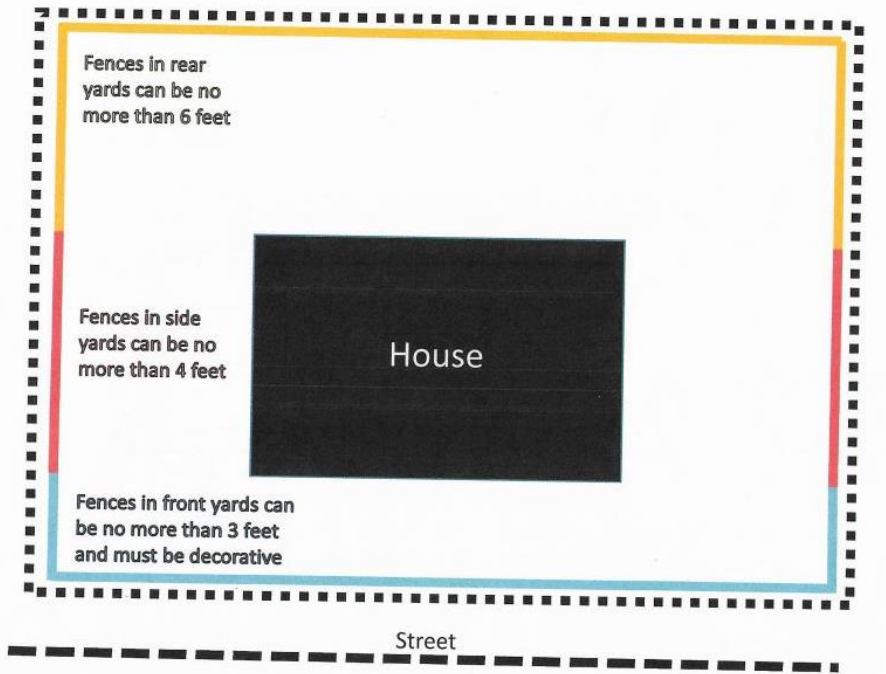
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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

An aerial photograph of a residential neighborhood with property lines overlaid in orange. A red rectangle highlights a specific property. The map includes street names 'MONROE ST.' and 'VINE ST.' in pink. Various lot numbers and dimensions are labeled throughout the area.

view of the Property (September 2016)





PROJECT DESCRIPTION

The applicant wishes to build a 6 foot privacy gate into the eastern side yard at 918 W. Monroe St. The zoning code restricts “fences, walls and yard structures” to a height of 4’ along the sideyard of a house (see example above). The reason for the 6’ gate in the sideyard is to provide privacy and restrict access onto the property from pedestrians. The fence would be setback an estimated 60’ from the front property line.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.17 LANDSCAPE FEATURES AND YARD STRUCTURES.

(d) Side and Rear yards.

(1) All landscape features and yard structures enumerated above are permitted in a rear yard. Tool sheds and other enclosed structures shall conform to the yard regulations for accessory buildings, set forth in Section 1145.15 . Fences, walls, or hedges may be permitted along the lines of a side yard to a height of not more than 4 feet above grade, and along the lines of a rear yard to a height of not more than 6 feet above grade, provided that any fence shall be of uniform design, painted, and otherwise well maintained.

(g) Fences and Walls.

(1) Fences and walls may be permitted along the lines of a side yard to a height of not more than four feet above grade and along the lines of a rear yard to a height of not more than six feet above grade, provided that any fence shall be of uniform design, painted and otherwise well maintained. Fences located adjacent to alleys or public rights of way shall be approved by the Director of Planning.

(2) No barbed wire, spike tips or electrically charged fences shall be permitted in any residential district except where required for public uses.

(3) On all corner lots, fences and walls proposed for construction within any setback adjacent to a public street shall be submitted to the Director of Planning for approval.

(4) Where adjacent property lines, due to the configuration of the lots, have different provisions regulating the construction of fencing or walls, the most restrictive provisions shall apply where the fence would interfere with visibility from a driveway.

(5) Fences shall be permitted in the front yard only as a decorative feature or along a side lot line when adjoining a less restrictive use with approval of the Commission.

(6) Permanent swimming pools over three feet in depth require a building permit and pool areas or yards shall be fenced to a height of not less than four feet according to the requirements of Section 1305.08 of the Building Code.

(7) Notwithstanding subsection (g)(1) hereof, the regulations for fences in the Residential Business District may be altered with the approval of the Commission when these properties are developed for commercial or business purposes when in the opinion of the Commission, the fence will not adversely affect the adjacent properties.

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.06(c)(1)

The Code states that no variance to the provision or requirements of the Zoning Code shall be granted by the Board unless the Board has determined that a practical difficulty does exist or will result from the literal enforcement of the Zoning Code. The factors to be considered and weighed by the Board in determining whether a property owner has proved practical difficulty include:

Section 1111.06(c)(1)

The applicant stated:

1. Whether the variance is substantial;

- i. No, I do not believe so.

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

- i. No, it would not.

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

- i. No, it would not.

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

- i. didn't really think of a gate at the time.

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

- i. I do not think so.

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. I believe so.

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. I think I need a variance to be granted.

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, I do not feel the variance would harm the intent or integrity of the Zoning Code.

DEPARTMENT OF PLANNING COMMENTS

The property to the east is a residential structure. Staff has determined that the fence placement would approximately be placed in the neighbor's backyard and would not negatively impact that neighboring property.

The applicant has addressed to staff that pedestrians have walked up his driveway to the rear of the house while they have been working outside. These instances have caused privacy and safety concerns by the owner.

CONCLUSION/RECOMMENDATION

Due to the large setback of the proposed gate from the front property line, Planning staff supports the requested variance at 918 W. Monroe St. parcel (58-01405.000) and suggests the following conditions upon approval:

1. All necessary permits are obtained through the Building, Engineering, and Planning departments prior to 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: 918 W. Monroe St.

Name of Property Owner: Tim Schultz

Mailing Address of Property Owner: 918 W. Monroe St.

City: Sandusky State: OH Zip: 44870

Telephone #: 419-515-9675 Email: TimS888888@GMAIL.COM

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Having a 6' high x 12' wide Chainlink Double Gate with black P.V.T. privacy slates installed in driveway.

Variance Requested:

Location on my property is considered a side yard. So I'm asking for a variance.

Section(s) of Zoning Code:

Think section 1145.17 (G) (1).

Timothy CSg

Signature of Property Owner

9/21/23

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?

No I do not believe so.

- 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 it would not.

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

No it would not.

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

I didn't really think of a gate at the time.

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

I do not think so.

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

Yes I believe so.

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

I think I need a variance to be granted.

- 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 do not feel the variance would harm the intent or integrity of the Zoning Code.

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?

Not sure if it's unique - maybe? Would like the gate for security and privacy.

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

No, not at all. No affect whatsoever. Thanks.

- 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?

No, no real hardship. Asking for a variance to help prevent loss of property + security.

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

No, The variance will not adversely affect anything.

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

The variance will not affect the general spirit + intent of the Zoning Ordinance

Thanks! - Tim

Fremont Fence and Guard Rail Co.

316 North Street • Fremont, Ohio 43420

DISTRIBUTORS and ERECTORS

RESIDENTIAL • INDUSTRIAL

Phone (419) 332-8913 1-800-291-8568 FAX (419) 332-9194

www.fremontfenceco.com • e-mail: fremontfence1@yahoo.com

TELEPHONE NO. 419-515-9675 DATE OF PROPOSAL September 15, 2023
NAME Tim Schultz
STREET 918 W. Monroe St. CITY Sandusky, OH 44870

Email: tims888888@gmail.com

Bid I: Install (1) 6' High x 12' Wide Chainlink Double Gate With Black P.V.T. Privacy Slats (70%- 75% Coverage, Bottom Lock).

2 3" x 9' x SCH40 Posts & Post Caps, Set In Concrete

1 6' High x 12' Wide Chainlink Double Gate W/P.V.T. Privacy Slats

Total Installed Price: \$1,298.00To Be Done When In The Area****

Bid II: Install (1) 6' High x 12' Wide White Superior Polyvinyl Double Gate With Removable Center Post.

2 5" x 9' Blank Posts

3 5" Flat Post Caps

2 Aluminum Post Stiffeners

1 Removable Center Post

1 6' High x 12' Wide White Superior Polyvinyl Double Gate

2 Black SS Hinge Sets

2 Black SS Latch Sets

All Posts Set In Concrete

Total Installed Price: \$2,150.00To Be Done When In The Area****

**SEE ATTACHED DIAGRAM & CUSTOMER RESPONSIBILITIES
PRICES BASED ON NORMAL DIRT DIGGING**

**If accepted, please sign and return white copy and Customer
Responsibilities along with your down payment. Thank you!**

Materials Total	_____
Sales Tax	_____
Install. Charge	_____
TOTAL	_____
Deposit	_____
Balance	_____

Customer Sign Off Completion: _____

Employee Initials: _____

TERMS 1/2 Down, Balance on Completion

Accepted By: _____

By Bob Metter

Date of Acceptance: _____

KLF

We Are Not Responsible For Any Type Of Underground Wiring, Cabling, Or Tile. Owner To Obtain Any Necessary Permits.

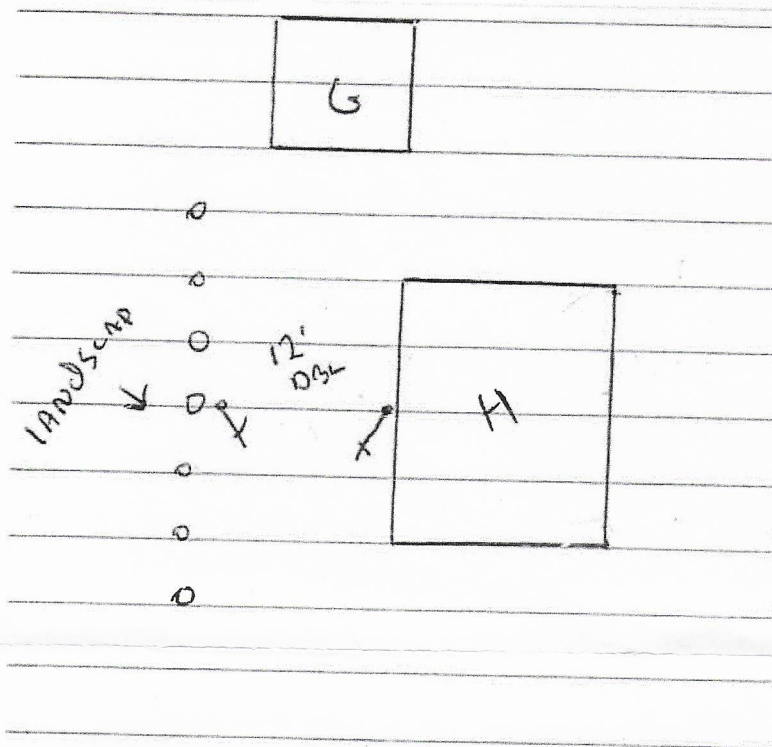
A FINANCE CHARGE OF 11 1/2% per month, which is an ANNUAL PERCENTAGE rate of 18%, will be added to all unpaid bills.

All agreements must be in writing. All contracts are subject to strikes or causes beyond our control. Extra charge will be made where there is abnormal digging or necessary removal of existing fence, bushes, trees, etc. Owner to provide survey or to mark grade and boundary lines; we are not responsible for errors in survey or in marking grade and boundary lines,

Upon acceptance by the owner, a binding contract is created which cannot be countermanded by the owner without forfeiture of 20% of the total purchase price, and cannot be altered in any way except by mutual consent of the parties. "We guarantee for one year against defects due to material furnished by us or our workmanship."

Title To The Goods Sold In Accordance With This Contract Shall Remain With Fremont Fence And Guard Rail Co. Until Contract Price Is Fully Paid. Upon Default In Any Payment By Purchaser, Fremont Fence And Guard Rail Co. May Enter Upon Purchaser's Premises And Remove Said Goods.

Owner To Do Any Grading Before And After Fence Work. All Quotes only good for 30 days from date of proposal.



Fremont Fence Drawing

CUSTOMERS RESPONSIBILITIES

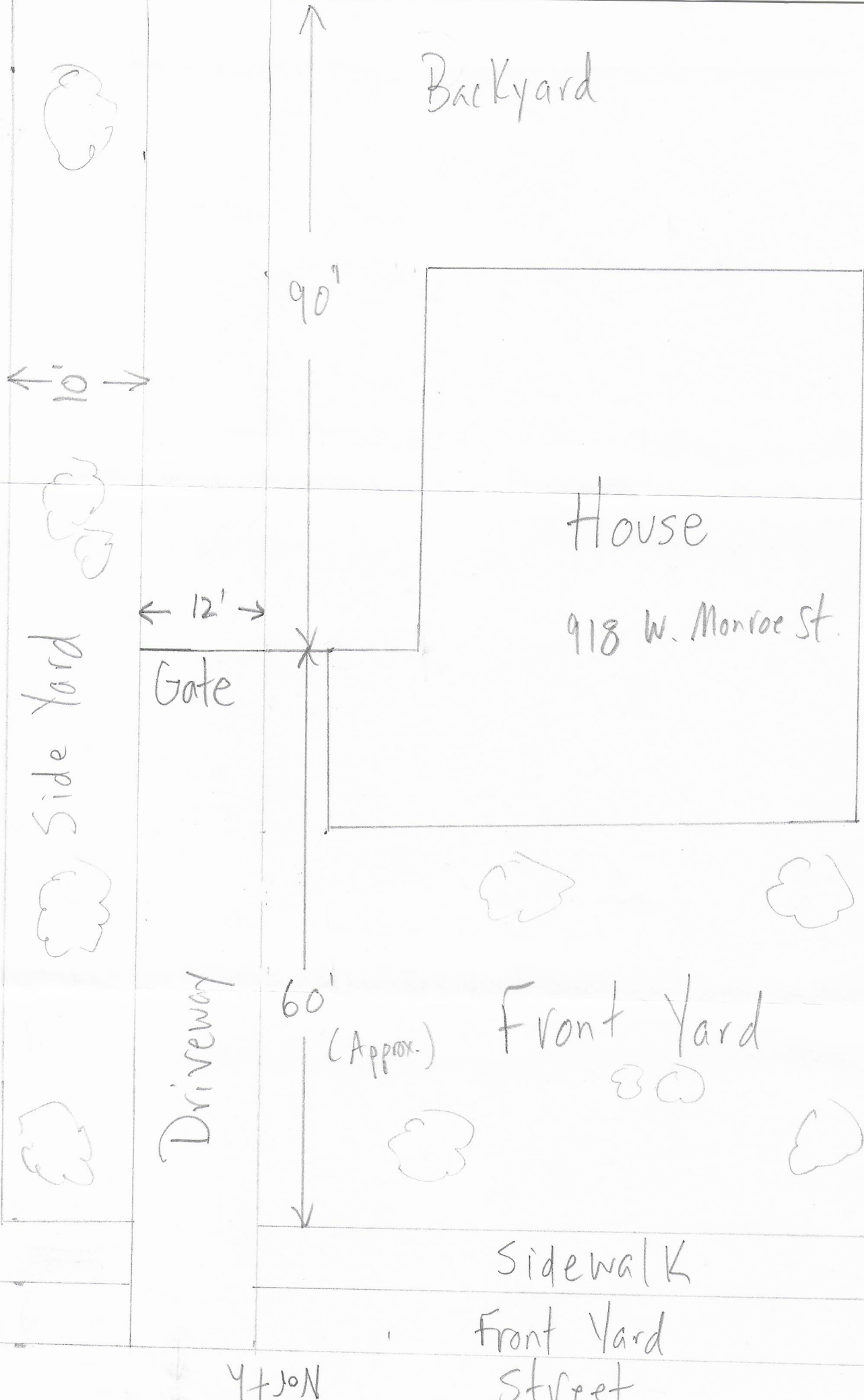
1. Property lines must be clearly marked and grade discussed with workers.
2. **Fremont Fence will call OUPS to have all public underground lines marked.**
3. CUSTOMER IS RESPONSIBLE FOR MARKING ANY PRIVATE LINES, TILES, SEPTIC AND LEACH BED LINES.
4. Owner must have lines cleared of any objects that would interfere with fence lines, such as trees, bushes, etc.
5. Owner must obtain any necessary permits for fence installation.
6. Dirt from holes will be left in piles. Unless arranged at an additional cost to be picked up and hauled away.
7. If there is hand digging or an air compressor or spud bar is needed to dig holes, there will be an extra charge of \$15.00 per hole.
8. THERE IS A 25% RESTOCKING FEE ON CANCELED OR RETURNED POLYVINYL OR ALUMINUM ORDERS!

FREMONT FENCE WILL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE OR REPAIR THAT COULD OCCUR TO ANY GAS, ELECTRIC, WATER, CABLE, PHONE LINES OR TILING.

PLEASE SIGN AND RETURN ONE COPY WITH SIGNED CONTRACT AND KEEP ONE COPY FOR YOUR RECORDS. THANK YOU!

SIGNATURE: _____ DATE: _____

Neighbor Driveway



Backyard

90'

10'

12'

Gate

House

918 W. Monroe St.

Side Yard

Driveway

60'

(Approx.)

Front Yard

Sidewalk

Front Yard

Street

Y+JON

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
A MINIMUM FRONT YARD SETBACK OF 10 FEET AT
433 ANDERSON ST. PARCEL (56-00004.000)

Date of Report: October 10, 2023

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Tim & Beth Kaser
433 Anderson St.
Sandusky, OH 44870

Site Location: 433 Anderson St.
Sandusky, OH 44870

Current Zoning: CR – Commercial Recreation

Adjacent Zoning: North: CR – Commercial Recreation
East: CR – Commercial Recreation
West: CR – Commercial Recreation
South: CR – Commercial Recreation

Existing Use: Residential

Proposed Use: Residential

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

Description of proposal: 1. The applicant is requesting a 20 foot relief to the 30 foot front yard setback for construction of a single family home addition.

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

This aerial map displays a residential neighborhood with property lines, lot numbers, and street names. A red rectangle highlights a specific property labeled '1-01'. Other properties are labeled with numbers like '2-33', '1-02', and '56'. The map shows a grid of lots with various dimensions and street names like '10th St' and '11th St'.

An aerial photograph of a residential neighborhood. A blue location pin is placed on a road intersection. The area includes several houses with different roof colors (grey, red, blue, white), a large white building, and a body of water on the left side. A black car is visible on the road near the pin.

Street view photo taken September, 2021



PROJECT DESCRIPTION

The applicant is in the process of pre-development for an addition onto a single family home at 433 Anderson St. 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 20 feet to allow a 10 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 request is limited to the east side of the property.

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 approval of the variance would allow for the new construction to align with the three structures to the north providing uniformity to the neighborhood.

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

- i. All conditions for services would be unaffected.

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

- i. The format of the property restrictions were adequate for the owners need at the time of purchase. Current needs dictate additional space.

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

- i. Alternative solutions would require extreme, unneeded, and costly interior alterations. These changes would make the home plan less desirable.

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

- i. Granting the variance would better establish design uniformity on the streetscape.

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 would permit the construction of a new attractive façade to the residence. This would enhance the neighborhood.

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. Granting the variance will bring consistency to the current varied front setback line.

DIVISION OF PLANNING COMMENTS

The applicant has stated to staff that the setback is being requested as proposed to align with the buildings to the north. Staff asked the applicant why they are not proposing to expand in the rear if the house, as it would have a low probability of requiring a variance. The applicant stated the expansion is for additional bedrooms and the owner does not want more bedrooms close to the water.

CONCLUSION/RECOMMENDATION

Planning staff supports the requested variance at 433 Anderson St. parcel (56-00004.000) 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: 433 Anderson Street

Name of Property Owner: Tim & Beth Kaser

Mailing Address of Property Owner: 433 Anderson Street

City: Sandusky State: Ohio Zip: 44870

Telephone #: 419-370-9067 Email: tim.kaser5750@gmail.com

If same as above check here ☐

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal:

Property owner wishes to enlarge existing single-story home by constructing an addition towards the street. This will provide an opportunity to significantly modernize the facade of the home with appropriate architectural features. The addition will not exceed the current established setback of the adjacent property.

Variance Requested:

Reduction of Front Yard Setback from 30'-0" to 10'-0"

Section(s) of Zoning Code:

1129.14

Tim Kaser
Mary Beth Kaser 9.13.2023

Signature of Property Owner

Date

Signature of Authorized Agent

Date

APPLICATION #BZA-001

PRACTICAL DIFFICULTIES

(For ALL variance requests)

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

- 1) Would the variance be substantial?

The request is limited to the east side of the property.

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

The approval of the variance would allow for the new construction to align with the three structures to the north providing uniformity to the neighborhood.

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

All conditions for services would be unaffected.

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

The format of the property restrictions were adequate for the owners need at time of purchase. Current needs dictate additional space.

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

Alternatives solutions would require extreme, unneeded, and costly interior alterations. These changes would make the home plan less desirable.

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

Granting the variance would better establish design uniformity on the streetscape.

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

The variance would permit the construction of a new attractive facade to the residence. This would enhance the neighborhood.

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

Granting the variance will bring consistency to the current varied front setback line.

UNNECESSARY HARDSHIP

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

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

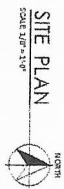
- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?


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

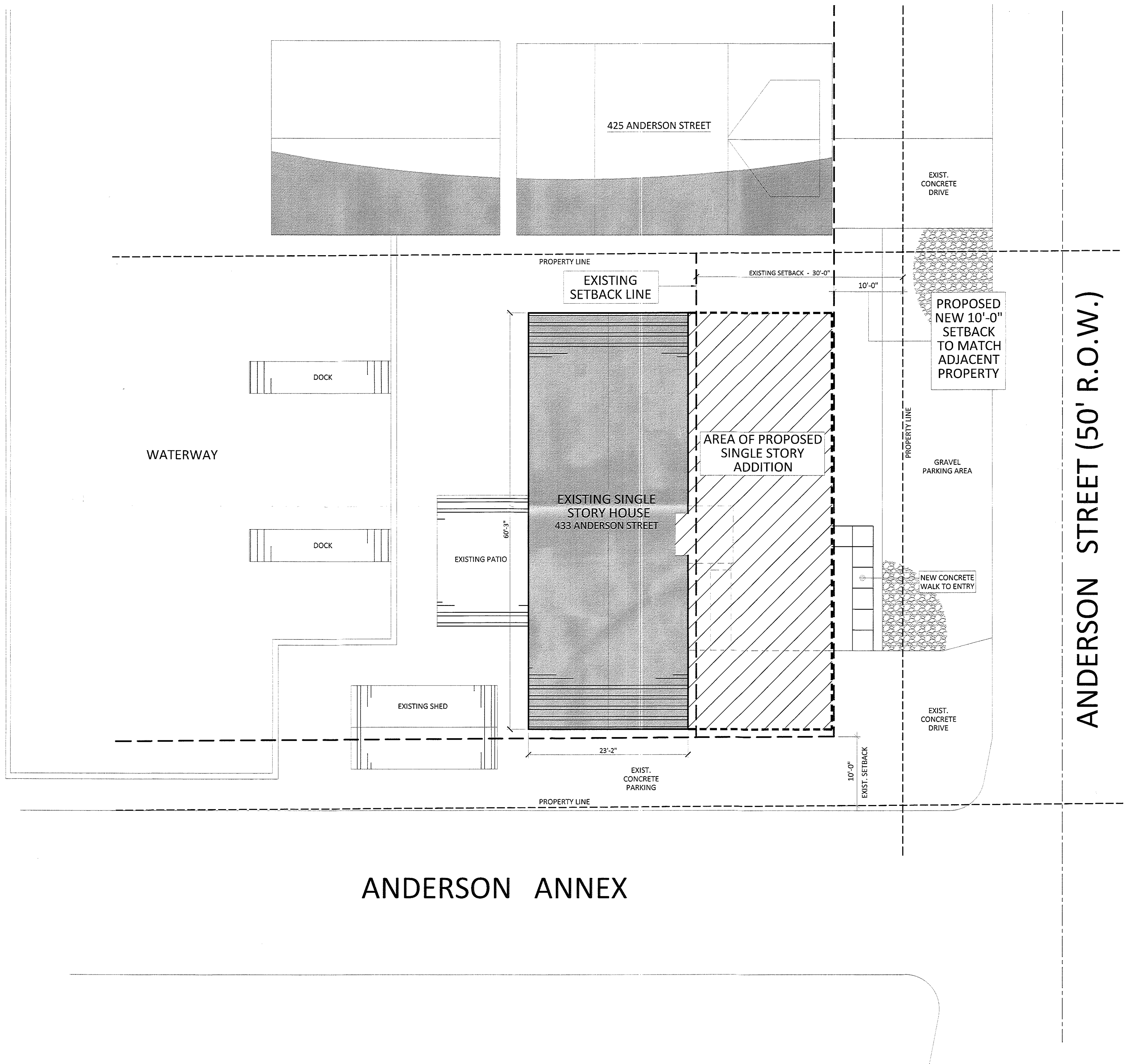
- 3) Does the strict application of the Zoning Code of which the variance is requested constitute unnecessary hardship upon the property owner or the applicant?

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

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

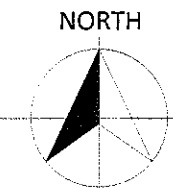


SITE PLAN	
DATE: SEPT 14, 2023	
PROJ. NO. 4235	
SHEET	



ANDERSON ANNEX

SITE PLAN
SCALE: 1/8" = 1'-0"



REVISIONS	
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formerly Poulos + Schmid Design Group
422 COLUMBUS AVE. SANDUSKY, OHIO 44870
www.schmidarchitects.com 419-625-0009

TITLE:

KASER RESIDENCE ADDITION
433 ANDERSON STREET SANDUSKY, OHIO 44870

SITE PLAN

DATE: SEPT 14, 2023
PROJ. NO. 4023
SHEET

SP-1