



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5973

www.cityofsandusky.com

Special Meeting Agenda

November 1, 2023

4:30 pm

Live Streamed on [www.Youtube.com/CityofSanduskyOH](https://www.youtube.com/CityofSanduskyOH)

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1. Meeting called to order – Roll Call
 2. Swear in audience and staff members that will offer testimony on any agenda items
 3. Adjudication hearing to consider the following:
 - **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.
 4. Other Business
 5. 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
October 19, 2023
Meeting Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:30pm. The following voting members were present: Chair Feick, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt, Mr. Matthews, and Mr. Waddington were absent. Alec Ochs represented the Community Development Department, Sarah Chiappone represented the Law Department, and clerk Quinn Rambo was also present. Mr. Waddington notified Staff in advance that he was unable to attend the meeting.

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

Review of Minutes from September 21, 2023, Meeting:

Chair Feick called for a motion on the minutes from the September 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.

Adjudication Hearing:

- 1. 122 Greenbrier Lane- 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.**

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant was 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 required a minimum 15 foot combined sideyard setback. The proposed combined sideyard setback is 12 feet 7 inches. The west side of the home would have a 5 foot setback and the easterly side will remain at a 7 foot 7 inch setback. The applicant was seeking a variance of 2 feet 5 inches for a combined sideyard setback of 12 feet 7 inches. Staff recommend approving the variance 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 on behalf of the application. Mr. Sharrah, the property owner, was present to answer any questions the Board may have for him. Chair Feick asked if Mr. Sharrah had spoken to his neighbor that would be impacted by this request. Mr. Sharrah stated he had spoken to the neighbor and there was no issue with that neighbor about the request. Chair Feick asked if Staff had been contacted by any concerned citizens. Mr. Ochs stated there had been no inquiries regarding the application. Chair Feick asked if the homeowner association in the Cove had approved of the project. Mr. Sharrah stated they were good with the project. Mr. Peugeot asked if there was a way to accomplish this project and stay within the original setbacks. Mr. Sharrah stated it would be less than 3 feet to stay within the

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original setbacks and the storage would not be usable. Chair Feick asked if there was anyone present to speak on behalf of the request, there was no response.

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

2. 1015 Buchanan Street- An area and use variance to Zoning Code Section 1129.03 to allow an accessory structure and use without a main structure and use on a parcel in an RMF Multi-Family Zoning District.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant proposed to place a 10-foot x 16 foot shed as the main structure and use of this parcel. The proposed shed would be in the northeast corner, three feet from the side and rear property line and approximately 145 feet from the front property line. The applicant was seeking two variances: (1) to allow an accessory structure without a main structure, and (2) to allow an accessory use without a main use. The property currently functioned as one parcel but was split in two. Staff observed that the shed, as proposed, would be permitted if the home on this lot had not been removed. All other zoning code standards for an accessory structure besides the requirements in this report were met. The shed could be placed on this lot if the church lot and the vacant lot were combined. Staff investigated this approach, but the vacant lot was zoned multi-family and would be 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. Combination of the vacant/ buildable RMF - Residential Multi-Family lot with the adjacent parcel reduced the ability to serve as a potential location for residential infill development, and Staff recommended the applicant keep the property as a separate parcel. Staff was not opposed to the requested variances at 1015 Buchanan St. parcel (58-01563.000) and suggested the following conditions if approved, that all necessary permits were obtained through the Building, Engineering, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone present to speak on behalf of the application. Mr. Matthews, the applicant's representative, was present to speak on behalf of the application. Chair Feick asked the applicant that the church was not going to build a house on the site and that they might expand the parking lot onto this parcel. Mr. Matthews stated that was correct. Chair Feick asked if there was anyone present to speak for or against the request, and no one came forward. Vice Chair Semans asked why Staff chose to keep the parcel separate. Mr. Ochs stated that because of the study, Staff would like to keep buildable parcels separate because future developmental trends could change, and this site could be a viable site for development in the future. Chair Feick stated that he would rather see the lots combined. Mr. Ochs stated that although there was an influx of properties a shift in the market may increase demand for development and this site would be a viable option for such development if it is kept separate.

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

3. 918 W. Monroe Street- 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.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant wished to build a 6 foot privacy gate into the eastern side yard at 918 W. Monroe St. The zoning code restricted “fences, walls and yard structures” to a height of 4’ along the sideyard of a house. The reason for the 6’ gate in the sideyard would be to provide privacy and restrict access onto the property from pedestrians. The fence would be setback an estimated 60’ from the front property line. Staff determined that the fence placement would not negatively impact the neighboring property. The applicant stated that pedestrians had walked up his driveway to the rear of the house while they had been working outside. These instances caused privacy and safety concerns for the owner. Due to the large setback of the proposed gate from the front property line, Staff supported the requested variance at 918 W. Monroe St. parcel (58-01405.000) and suggested the following conditions upon approval. That all necessary permits were obtained through the Building, Engineering, and Planning departments prior to construction. Chair Feick asked if there was anyone to speak for or against the application and no one came forward. Chair Feick stated he had driven past the property on multiple occasions and where the applicant was proposing the fence and gate would not be readily visible from the street. Mr. Ochs stated that was correct, the fence would be approximately 60 feet from the front property line. Chair Semans asked if there would be anything extending into the front yard. Mr. Ochs stated that there would not be anything extending north from the proposed location of the gate, per the applicant’s drawing.

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

4. 433 Anderson Street- 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.

Chair Feick introduced the application and let Staff know that he could not vote on this application. Mr. Ochs stated the item would have to be tabled. Ms. Chiappone confirmed that the codified ordinances that regulate the Board of Zoning Appeals stated that three members constituted a quorum, but all three members must vote in favor of an application to grant a variance. Chair Feick asked the homeowners to table the application and called for a motion. Vice Chair Semans made a motion to table the application and the motion was seconded by Mr. Peugeot. A vote was called the application was tabled, unanimously. Mr. Ochs stated the Staff

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would look into scheduling a special meeting (2) weeks out. The Board agreed with this sentiment.

Other Business:

There was no other business.

Adjournment:

Mr. Peugeot 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:

November 1, 2023

APPROVED:

Clerk

Chair/ Vice Chair

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

County Auditor Property Map (subject property outlined in red)



Bird eye photo from (3/7/2023)



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:

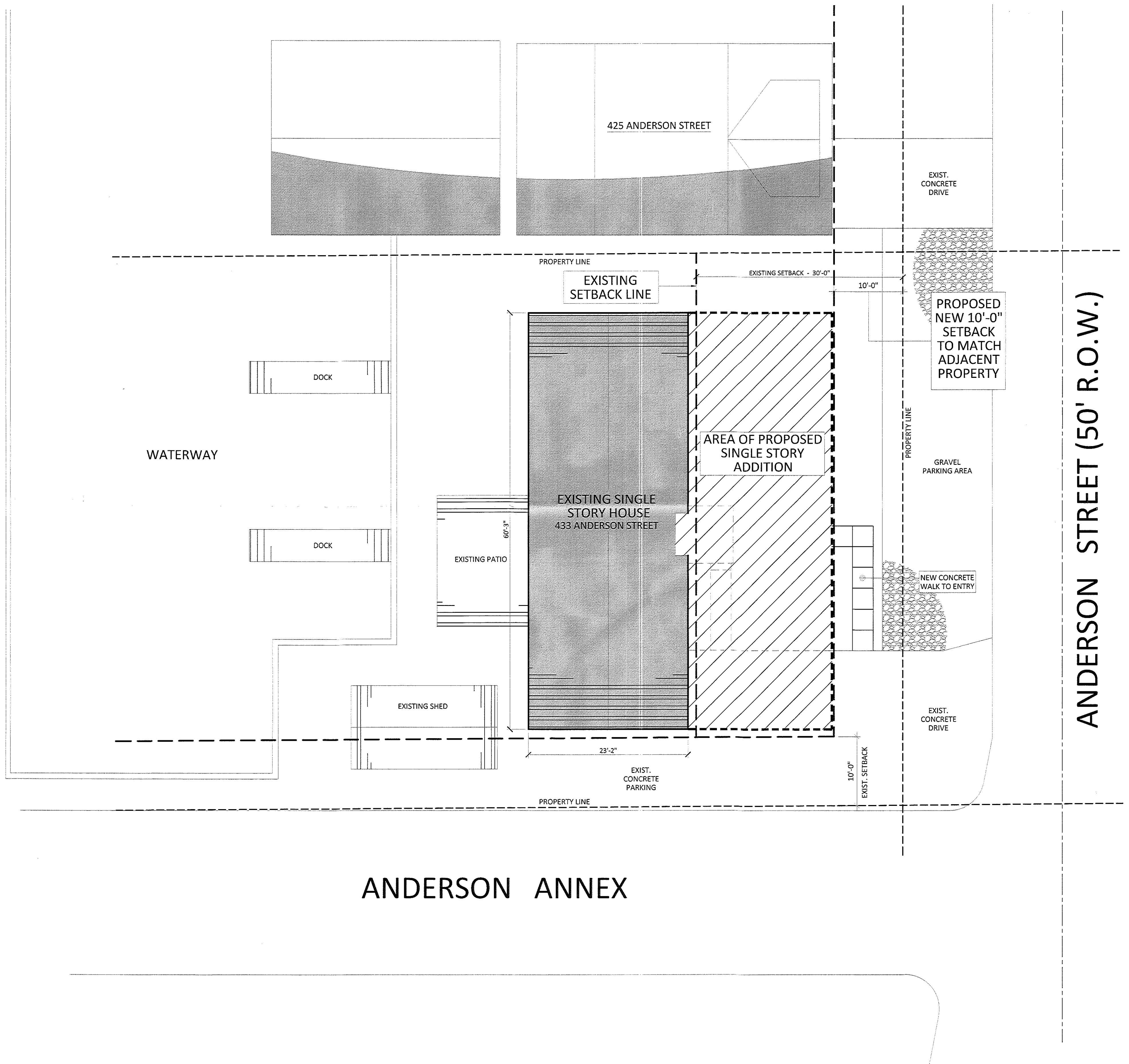
- 1) Does the variance request arises from such a condition which is unique and which is not ordinarily found in the same zoning district; and is created by the Zoning Code and not be an action or actions of the property owner or the applicant?

- 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?

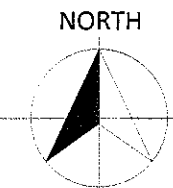
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.

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



ANDERSON ANNEX

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



REVISIONS	
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TITLE:

KASER RESIDENCE ADDITION
433 ANDERSON STREET SANDUSKY, OHIO 44870

SITE PLAN

DATE: SEPT 14, 2023

PROJ. NO. 4023

SHEET

SP-1