



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

## Agenda December 21, 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 November 16, 2023 meeting
- 3. Swear in audience and staff members that will offer testimony on any agenda items
- 4. Adjudication hearing to consider the following:
  - 602 W. Osborne St.

An area variance to Zoning Code Sections 1129.14 & 1145.10 to allow the construction of a new residential structure which creates a combined side yard setback of less than the required 10 feet and which creates a side street setback of less than the required 12  $\frac{1}{2}$  feet in an R2F – Two Family Residential Zoning District.

• 1030 Hayes Ave.

An area variance to Zoning Code Section 1143.03 (g) to allow the placement of a permanent illuminated sign in a Residential Zoning District, RRB – Residential Business District.

- 5. Other Business
- 6. Adjournment Next Meeting: January 18, 2023

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

#### Board of Zoning Appeals November 1, 2023 Special Meeting Minutes

#### Meeting called to order:

Chair Feick called the meeting to order at 4:34pm. The following voting members were present: Mr. Delahunt, Chair Feick, Mr. Peugeot, and Vice Chair Semans. Mr. Waddington, Commission Liaison was also present. Alec Ochs represented the Community Development Department, Sarah Chiappone represented the Law Department, and clerk Quinn Rambo was present, as well. Mr. Matthews was absent and had notified Staff in advance that he was unable to attend.

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

#### **Adjudication Hearing:**

 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 stated the application was tabled at the last meeting. Mr. Ochs asked Ms. Chiappone if the Board had to take the application off the table before proceeding with the adjudication hearing. Ms. Chiappone confirmed that to be safe the Board should make that motion. Chair Feick asked for a motion to untable the application. Vice Chair Semans made a motion to untable the application and the motion was seconded by Mr. Delahunt. A vote was called, and the motion was approved, unanimously. Mr. Ochs presented the Staff report and stated that the applicant requested a 20-foot relief to the 30-foot front yard setback for construction of a single-family home addition. The applicant was 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 stated to Staff that the setback being proposed would align with the buildings to the north. Staff asked the applicant why they were not proposing to expand in the rear of the house, which would not require a variance. The applicant stated the expansion was for additional bedrooms and the owner did not want more bedrooms that close to the water. Staff supported the requested variance at 433 Anderson St. parcel (56-00004.000) and suggested the following conditions if approved, 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 present to speak in favor of the request. Mr. Tim Kaser, the applicant, was present to speak on behalf of the request and said he would answer any questions. Mr. Peugeot asked how the project would align with the surrounding properties. Mr. Kaser said the addition would align with the properties to the North. Mr. Delahunt asked if there would be any off-street parking. The applicant stated that there was parking in front of the property and along the side of the property. Chair Feick asked if the driveway was staying. Mr. Kaser stated that part of the driveway would remain. Chair Feick asked Staff if a parking place was a requirement for this application. Mr. Ochs stated that the parking requirement was not changing because the use of

#### Board of Zoning Appeals November 1, 2023 Special Meeting Minutes

single-family use was not changing and that the current requirement was 2 parking spaces. Staff would work with the applicant to ensure that the requirements were met. Chair Feick asked if there were any further questions. There were none.

Chair Feick called for a motion. Mr. Delahunt made a motion to accept the submitted application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called and the motion to approve was passed unanimously.

#### **Other Business:**

There was no other business.

#### **Adjournment:**

Vice Chair Semans moved to adjourn the meeting and Mr. Delahunt seconded the motion. All members approved the motion, and the meeting ended at 4:44 pm.

Next meeting:		
November 16, 2023		
APPROVED:		
 Clerk	Chair/ Vice Chair	

# BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW THE CONSTRUCTION OF A NEW RESIDENTIAL STRUCTURE WHICH CREATES A COMBINED SIDE YARD SETBACK AND A SIDE YARD SETBACK OF LESS THAN THE REQUIREMENS AT 602 W. OSBORNE ST. PARCEL (57-02834.000)

Reference Number: PVAR23-0026

Date of Report: December 12, 2023

Report Author: Alec Ochs, Assistant Planner



## City of Sandusky, Ohio Board of Zoning Appeals Report

#### **BACKGROUND INFORMATION**

Property Owner: Mildred Yvette Darden

602 W. Osborne St. Sandusky, OH 44870

Site Location: 602 W. Osborne St.

Sandusky, OH 44870

Current Zoning: R2F – Two Family Residential

Surrounding Zoning:

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

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.14 & 1145.10

#### Variances Requested:

- 1. Combined side yard setback of less than the required 10 feet.
- 2. Side yard on side street setback requirement of one-half of the front yard setback 12.5 feet.

#### SITE DESCRIPTION

(Subject Property Outlined in yellow)

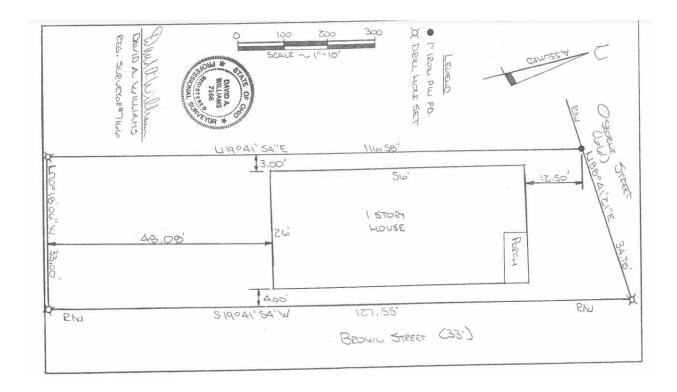
OSBORNE

OSBORNE









#### PROJECT DESCRIPTION

The applicant is in the pre-process of rebuilding a single family residential home. The original home was determined a total loss from a fire. The applicant is planning on placing manufactured home on the site. Due to the narrow parcel on a corner lot, the manufactured home layout that meets the applicants needs does not comply with the setbacks requirements.

The owner is looking to rebuild in a swfit timeframe. A variance must be obtainted before they seek any permits.

Staff notes that the proposed structure would have a 2-foot larger setback from Brown Street than the original home, so would be closer to adhering to the zoning district setback.

The zoning code requires a minimum 10 foot combined sideyard setback. The proposed combined sideyard setback is 7 feet. The west side of the home will have a 3 foot setback and the side yard on side street setback will be 4 feet.

#### Variances Requested:

- 1. A 3 foot combined side yard setback relief for a total of 7 feet.
- 2. An 8 ½ side yard on side street setback relief for a total of a 4-foot setback.

#### **RELEVANT CODE SECTIONS**

#### 1129.14 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

		Minimum lot size			Minimumyard 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.
R2F	1 Fam. Dw. 2 Fam. Dw.	4,300 2,750	33 40	25 25	3	10	40	2	30 30

## CHAPTER 1145 Supplemental Area and Height Regulations

#### 1145.10 YARDS ON CORNER LOTS.

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

## CHAPTER 1147 Manufactured Homes

#### 1147.01 DEFINITIONS.

"Manufactured home" means a factory-built structure that is manufactured or constructed under the authority of 42 United States Code Section 540 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this Zoning Code, a "mobile home" is not considered to be a "manufactured home."

#### (1980 Code 151.31)

#### **CHAPTER 1111**

#### **Board of Zoning Appeals**

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.06(c)(1)

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

The applicant has stated:

- 1. Whether the variance is substantial;
  - i. Yes Staff believes the applicant meant to put 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, the property was built over 100 years ago, which was prior to the current zoning restrictions.
- 5. Whether the property owner's predicament can be resolved through some method other than a variance;
  - i. No, the property was destroyed by a fire which resulted in a total loss and the variance is necessary to allow construction on a lot that was designated over 100 years ago when parcels were more narrow than the current code allows.
- 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. No, the property was destroyed in a fire resulting in a total loss and the variance is necessary to rebuild on the narrow parcel (lot was designated over 100 years ago).
- 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 setback relief sought for this property would result in a built condition that fits within the neighborhood and would enable the family to continue to live in the neighborhood despite losing their former home.

#### CONCLUSION/RECOMMENDATION

Planning staff supports the variance request at 602 W. Osborne St. parcel (57-02834.000) 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

Filing Date:	_ Hearing Date:	Reference Nu	ımber:
Address of Property (or parcel nu	umber) for Variance Re	<sub>auest:</sub> 602 West Osbo	rne Street
Name of Property Owner: Mildi		1	
Mailing Address of Property Ow	<sub>ner:</sub> 602 West Osb	orne Street	
- Sanducky			Zip: 44870
Telephone #: <u></u> 419-673-6773; 607-2	229-3021 Email: <sup>9V</sup>	ydarden@gmail.com; parkslo	ppework@gmail.com
f same as above check here			
Name of Applicant:			
Mailing Address of Applicant:			
City:		State:	7in:
Telephone #:	Fmail:		Zip
Description of Proposal: Fo be able to build a house or which was a total loss. Due to	a narrow corner lot	, a variance is requested	d to rebuild a house
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#### **PRACTICAL DIFFICULTIES**

(For ALL variance requests)

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

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

  No.
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)?
  No.
- 4) Was the property purchased with the knowledge of the zoning restrictions?

  No; the property was built over 100 years ago, which was prior to the current zoning restrictions.
- 5) Can the property owner's predicament be resolved through some method other than a variance? No; the property was destroyed by a fire which resulted in a total loss and the variance is necessary to allow construction on a lot that was designated over 100 years ago when parcels were more narrow than the current code allows.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?

  Yes.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
  - No. The property was destroyed in a fire resulting in a total loss and the variance is necessary to rebuild on the narrow parcel (lot was designated over 100 years ago).
- 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 variance request arises as a result of a total loss of a home constructed on a lot

Yes; the variance request arises as a result of a total loss of a home constructed on a lot which was designated over 100 years ago when parcel designation was more narrow than current code allows.

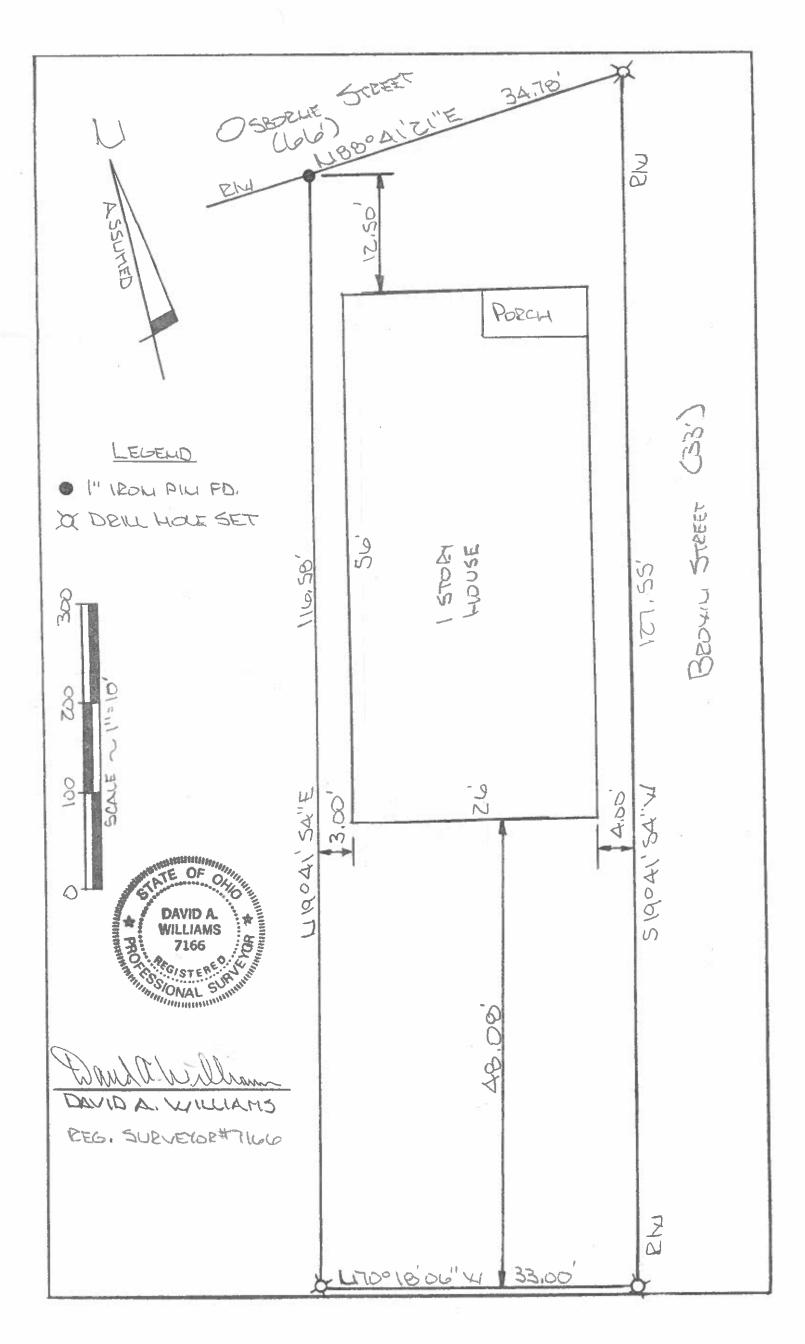
2) Would the granting of the variance will adversely affect the rights of the adjacent property owners or residents?

No.

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

  Yes.
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare. No, it will not adversely affect these criterion.
- 5) That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance

No, the variance will not oppose the general spirit or intent of the Zoning Ordinance.



# BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW AN ILLUMINATED SIGN IN A RESIDENTIAL ZONING DISTRICT AT 1030 HAYES AVE.

PARCEL (57-04721.000)

Reference Number: PVAR23-0027

Date of Report: December 12, 2023

Report Author: Alec Ochs, Assistant Planner



### City of Sandusky, Ohio Board of Zoning Appeals Report

#### **BACKGROUND INFORMATION**

Property Owner: GHH Properties

3488 Section Rd.

Lambertville, MI 48144

Authorized Agent: Brian Heil - Toledo Sign

2021 Adams St. Toledo, OH 43604

Site Location: 1030 Hayes Ave.

Sandusky, OH 44870

Current Zoning: RRB – Residential Business

Adjacent Zoning: North: RRB – Residential Business

East: R2F - Two Family Residential

West: PF – Public Facilities

South: RRB – Residential Business

Existing Use: Business

Proposed Use: Business

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1143.03 (g)

Description of proposal: 1. The applicant is proposing to install an illuminated wall sign in a

Residential Zoning District.

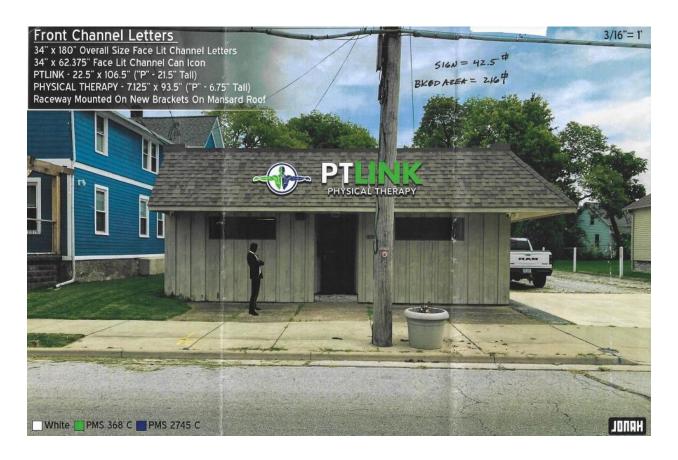
#### SITE DESCRIPTION













#### PROJECT DESCRIPTION

The applicant is seeking a use variance to allow an illuminated wall sign in an RRB – Residential Business Zoning District. The Zoning Code explicity outlines that illuminated signs are only permitted in non-residential Zoning Districts.

The sign will be placed along the Hayes Ave. façade. The appilcant has not mentioned any timeframes for when the internal illumination on the sign would be lit or unlit.

#### **RELEVANT CODE SECTIONS**

## CHAPTER 1143 Sign Regulations

#### 1143.03 GENERAL PROVISIONS

(g) Illumination: All permanent signs in non-residential zoning districts may be illuminated. If signs are illuminated, their light sources shall not be of excessive brightness, or cause a glare hazardous to

pedestrians or auto drivers or objectionable in an adjacent residential district. (Ord. 03-112. Passed 7-14-03.)

#### **CHAPTER 1111**

#### **Board of Zoning Appeals**

1111.06 POWERS OF THE BOARD OF ZONING APPEALS.

1111.061(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, very minimal
- 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, directly across the street is a large parking garage that is internally illuminated sign, along the street on either side of the parking garage.
- 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. ? Staff assumes the applicant was not aware of these restrictions
- 5. Whether the property owner's predicament can be resolved through some method other than a variance;
  - i. No.
- 6. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;
  - i. Yes.

- 7. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and
  - i. This is a new business to the area. The business would greatly benefit by having a lighted sign. Customers would be able to identify the business easier and possibly alleviate traffic concerns.
- 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**

Staff has concerns with the sign's brightness and how it may impact the property to the north as it is a residential use.

Staff suggests if the Board of Zoning appeals grants the variance, they also consider designating the hours of operation permitted, or to give Planning staff the authority to ask for the brightness to be reduced if it causes any negtative impacts to surrounding residential uses. For example, the board could add a third condition specifying something like the following: Illumination shall be limited to hours of operation, no earlier than 6am nor later than 9pm.

If the Board does not wish to grant the variance as presented, an alternative to internally illuminated signage is to allow external light fixtures sheilded down onto the sign. This approach would control the direction in which the light travels, ensuring light shine down onto the sign and not out into the neighborhood. Please see example below from a LB – Local Business zoned property on Columbus Ave.

#### Example:



#### CONCLUSION/RECOMMENDATION

Planning staff is not opposed the requested area variance at 1030 Hayes Ave. (57-04721.000) for an illuminated sign. However, staff requests the Board of Zoning Appeals to consider the staff comments above. If an illuminated sign is approved, staff suggests the following conditions upon approval:

### **Application for Board of Zoning Appeals**

STAFF USE ONLY:			
Filing Date: H	earing Date:	Reference Nu	mber:
Address of Property (or parcel num	ber) for Variance Requ	est: 1030 N H	WES AVE.
Name of Property Owner: GH h	PROPERTIES	LLC	
Mailing Address of Property Owne	r: 3488 SECTION	n RD.	
		State: Mr	
Telephone #: <u>4/9</u> 343 - 344	? Email: <i>C</i>	GRAM @ DECA H	EALTH COM
If same as above check here Name of Applicant: 10150	Cu . C . /20	i H-i	
	A		
Mailing Address of Applicant: 24	-	<del> </del>	4.5
City:		State: OH RIANE TOLEDOS	
elephone II.	Lillali.	100 / 42200	
Description of Proposal:			
ariance Requested:			1
TO ALLOW INTERNAL MOUNTED ON FRONT D		of channel	LETTERS
ection(s) of Zoning Code:			
		Bran Heil	11-22-23
ignature of Property Owner	Date	Signature of Authoriz	ed Agent Date
APPLICATION #BZA-001			UPDATED 12/2/2019

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?
- 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. DIRECTLY ACCROSS THE STREET IS A LARGE PARKING GARAGE

  THAT HAS INTERNALLY ILLUMINATED SIGNS, ALONG THE STREET ON EITHER SIDE OF THE PARKING GARAGE
- 3) Would the variance adversely affect the delivery of government services (e.g. water, sewer, fire, police)? **N6**
- 4) Was the property purchased with the knowledge of the zoning restrictions?
  - ?
- 5) Can the property owner's predicament be resolved through some method other than a variance?
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance? THIS IS A NEW BUSINESS TO THE AREA. THE BUSINESS WOULD GREATLY BENEFIT BY HAVING A LIGHTED SIGN. CUSTOMERS WOULD BE ABLE TO IDENTIFY THE BUSINESS EASIER AND POSSIBLY ALEVINTE TRAFFIC CONSERNS
- 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
- 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?
- 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 it will Not

- 1. All applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency.
- 2. Light sources shall not be of excessive brightness or cause a glare hazardous to pedestrians or auto drivers or objectionable in an adjacent residential district.

