



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5973

www.cityofsandusky.com

Agenda

January 18, 2024

4:30 pm

Virtual Meeting via Microsoft Teams and
Live Streamed on www.Youtube.com/CityofSanduskyOH

-
1. Meeting called to order – Roll Call
 2. Election of Officers
 3. Review of minutes from:
 - a. October 19, 2023 Meeting
 - b. December 21, 2023 Meeting
 4. Swear in audience and staff members that will offer testimony on any agenda items.
 5. Adjudication hearing to consider the following:
 - a. 1030 Hayes Avenue- 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.
 6. Other Business
 7. Adjournment Next Meeting: February 15, 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
December 21, 2023
Special Meeting Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:29 pm. The following voting members were present: Mr. Delahunt, Chair Feick, and Mr. Peugeot. 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. Vice Chair Semans was absent and had notified Staff in advance that he was unable to attend. Mr. Matthews was also absent.

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

Adjudication Hearing:

- 1. 602 W. Osborne Street- 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 to 10 feet and which creates a side street setback of less than the required 12 ½ feet in an R2F- Two Family Residential Zoning District.**

Chair Feick introduced the application and asked for Staff report. Mr. Ochs stated that the applicant was in the pre-process of rebuilding a single family residential home. The original home was determined a total loss from a fire. The applicant planned to place a manufactured home on the site. Due to the narrow parcel on a corner lot, the manufactured home layout that meets the applicants needs did not comply with the setbacks requirements. A variance was required before they seek any permits. Staff noted that the proposed structure would have a 2-foot larger setback from Brown Street than the original home, and would be closer in adherence to the zoning district setback. The zoning code required 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. Chair Feick asked if there was anyone present to speak in favor of the request. The property owner, Mildred Darden, was present on behalf of the application and asked the Board to approve her request as presented by Staff. Chair Feick asked if there were any questions. Mr. Peugeot asked if the garage was still on site. Mr. Ochs stated that the garage would remain and complied to code.

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

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December 21, 2023
Special Meeting Minutes**

2. **1030 Hayes Avenue- An area variance to Zoning Code Sections 1143.03 (g) to allow the placement of a permanent illuminated sign in a Residential Zoning District- Residential Business District.**

Chair Feick stated that the applicant was not present, and he was not able to vote on the application due to a conflict of interest. Mr. Ochs added that he advised the applicant not to attend the meeting because Staff was aware there would not be a quorum for the application, and he planned to schedule a special meeting after the holidays to hear this request. No members of the public were in attendance to give testimony on the case.

Mr. Delahunt made a motion to table the item and the motion was seconded by Mr. Peugeot. A vote was called and passed unanimously to table the application for 1030 Hayes Avenue.

Other Business:

There was no other business.

Adjournment:

Mr. Delahunt moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 4:38 pm.

Next meeting:

January 18, 2023

APPROVED:

Clerk

Chair/ Vice Chair

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

(Subject Property Outlined in red)



Zone Map Setbacks



PUD - Planned Unit Development













Parcels



TRO - Transient Rental Overlay

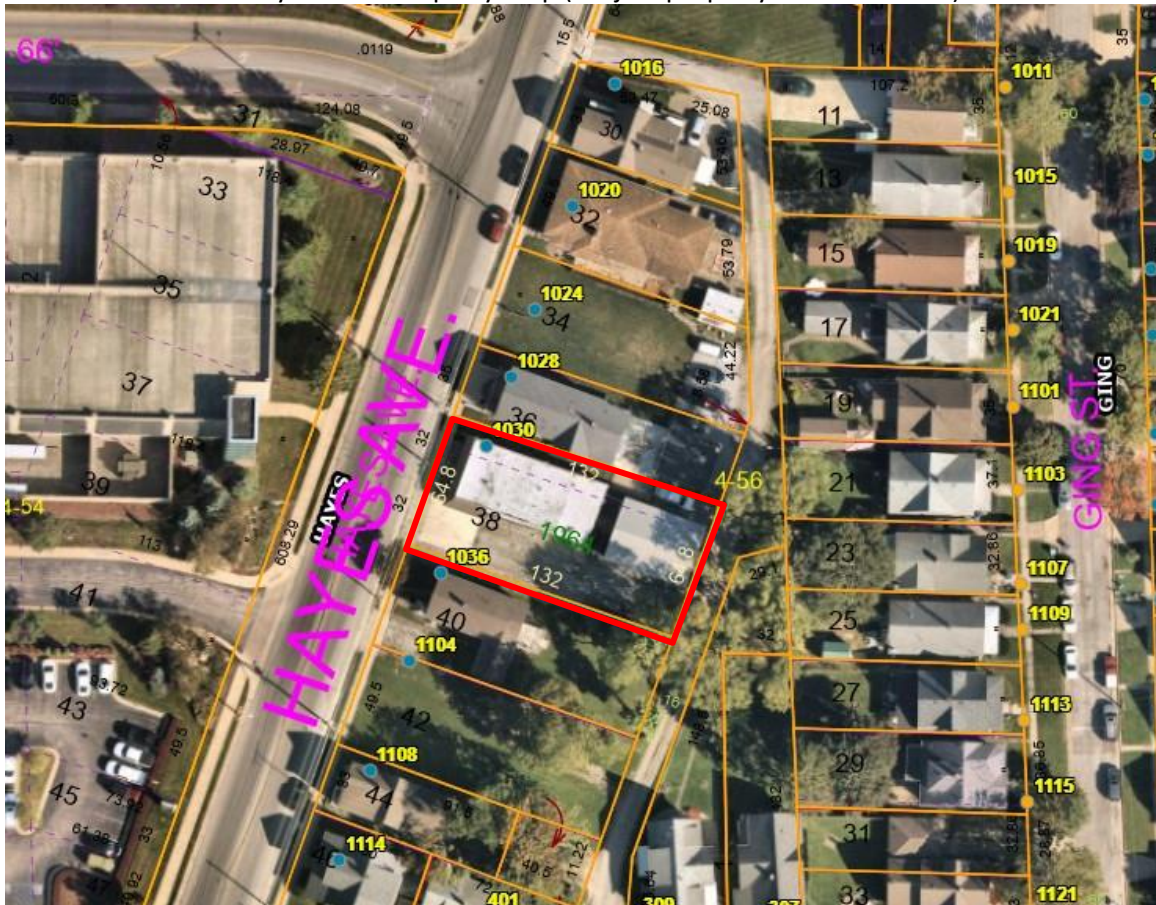


Zoning

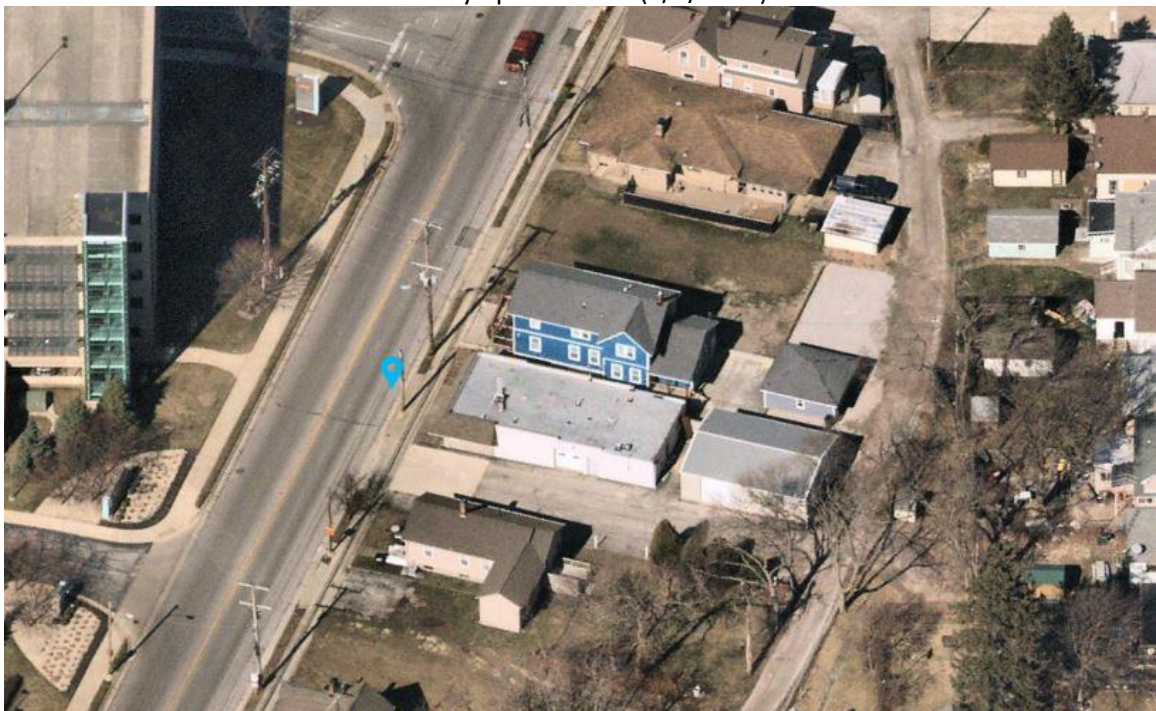
-  AG - Agriculture
-  CA - Commercial Amusement
-  CR - Commercial Recreation
-  CS - Commercial Service
-  DBD - Downtown Business
-  GB - General Business
-  GM - General MANufacturing
-  LB - Local Business
-  LM - Local Manufacturing
-  P - Auto Parking

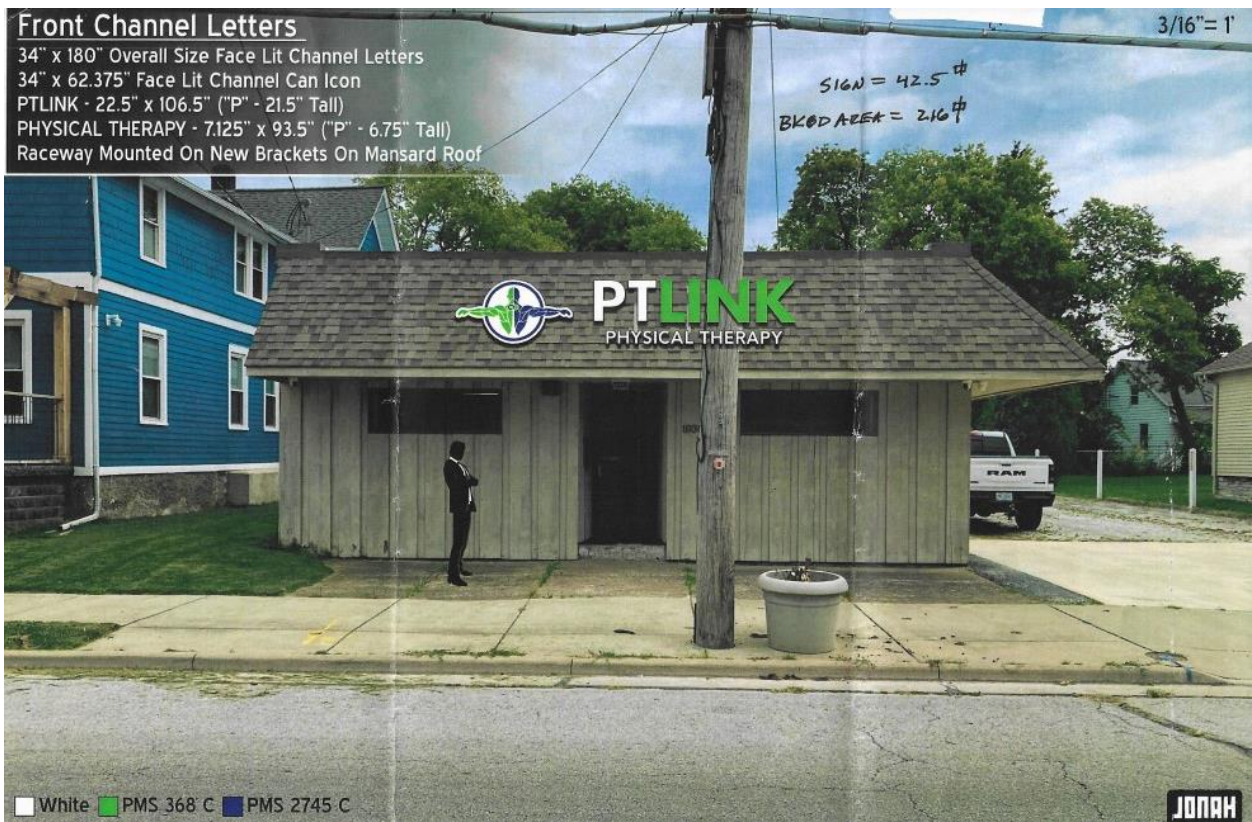
-  PF - Public Facilities
-  R1-40 - Single Family Residential
-  R1-50 - Single Family Residential
-  R1-60 - Single Family Residential
-  R1-75 - Single Family Residential
-  R2F Two-Family Residential
-  RB - Roadside Business
-  RMF - Multi-Family Residential
-  RRB - Residential/Business
-  RS - Residential Suburban

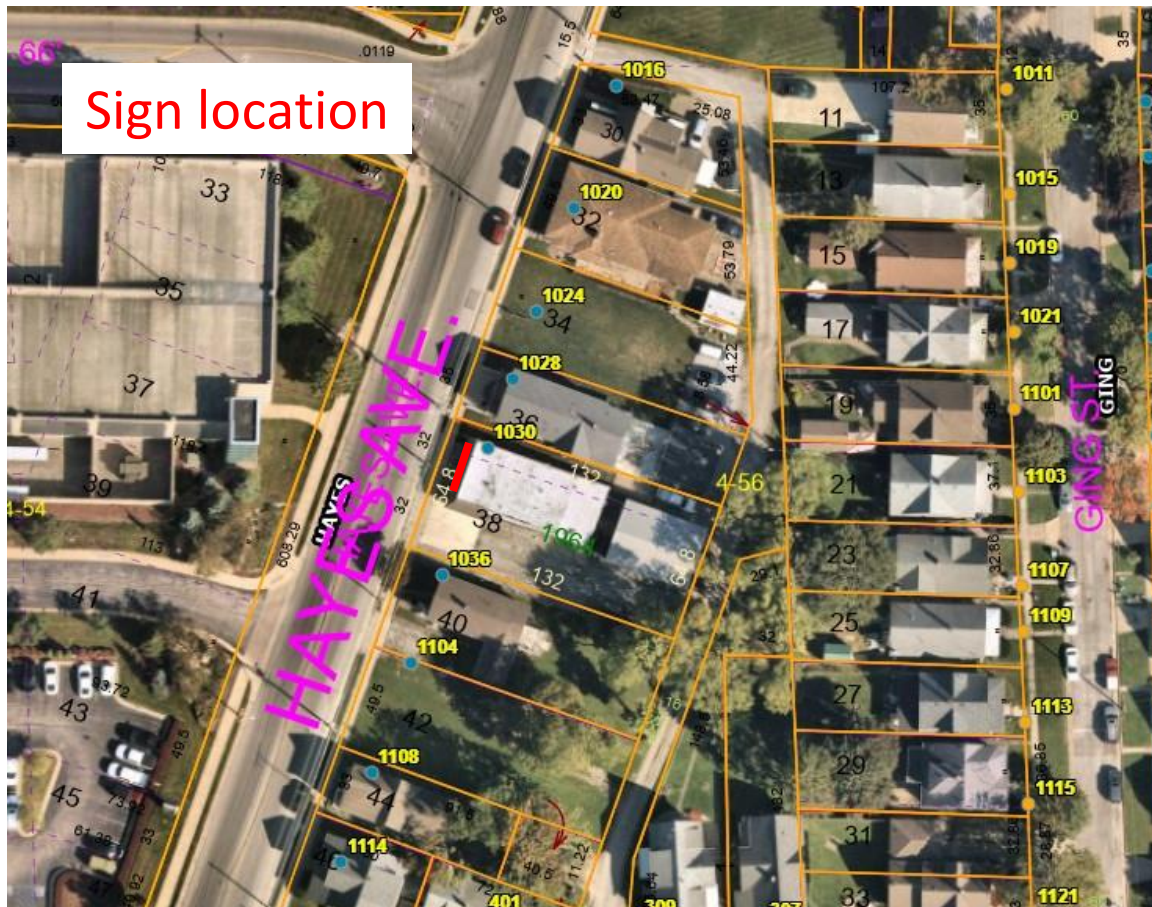
County Auditor Property Map (subject property outlined in red)



Bird eye photo from (3/7/2023)







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 explicitly outlines that illuminated signs are only permitted in non-residential Zoning Districts.

The sign will be placed along the Hayes Ave. façade. The applicant 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.

1111.06I(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 negative 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 shielded 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:

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.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 1030 N HAYES AVE.

Name of Property Owner: GHH PROPERTIES, LLC

Mailing Address of Property Owner: 3488 SECTION RD.

City: LAMBERTVILLE State: MI Zip: 48144

Telephone #: 419 343-3449 Email: CGRAM@DECAHEALTH.COM

If same as above check here ☐

Name of Applicant: TOLEDO SIGN CO. / BRIAN HEIL

Mailing Address of Applicant: 2021 ADAMS ST

City: TOLEDO State: OH Zip: 43604

Telephone #: 419 244-4444 Email: BRIAN@TOLEDOSIGN.COM

Description of Proposal:

Variance Requested:

TO ALLOW INTERNAL ILLUMINATION OF CHANNEL LETTERS
MOUNTED ON FRONT OF BLDG.

Section(s) of Zoning Code:

Signature of Property Owner

Date

Brian Heil

Signature of Authorized Agent

11-22-23

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. VERY MINIMAL

- 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 ACROSS 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)? NO

- 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?

NO.

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

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

THIS 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) 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? **YES**
- 4) That the variance desired will not adversely affect the public health, safety, morals or general welfare.
IT WILL NOT
- 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**

$3/16'' = 1'$

34" x 62.375" Face Lit Channel Can Icon

PHYSICAL THERAPY - 7.125" x 93.5" ("P" - 6.75" Tall)

PT LINK
PHYSICAL THERAPY

White PMS 368 C PMS 2745 C

PMS 368 °C ■ PMS 2745 °C

PMS 2745 C

**TOLEDO
SIGN**

WWW.FORSYTH.CO

PAGE: 1 OF 2 DATE: 09/13/2023

PAGE: 1 OF 2 DATE: 09/13/2023

ID#: 036512- Sandusky Location

ID#: 036512- Sandusky Location

CLIENT
PT Link

CLIENT
PT Link

LOCATION: 1030 Hayes Ave. Sandusky, OH

LOCATION: 1030 Hayes Ave. Sandusky, OH

SALES: Brian J. Heil

SALES: Brian J. Heil

APPROVED BY:

APPROVED BY:

SIGNATURE

SIGNATURE

PRINT DATE

PRINT DATE

Proc. R. Soc. Lond. B: Biol. Sci. 2005, 272, 1239-1246

Proc. R. Soc. Lond. B: Biol. Sci. 2005, 272, 1239-1246