



Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5973

www.cityofsandusky.com

Agenda
Special Meeting
February 28, 2024
4:30 pm
Virtual Meeting via Microsoft Teams and
Live Streamed on [www.Youtube.com/CityofSanduskyOH](https://www.youtube.com/CityofSanduskyOH)

-
1. Meeting called to order – Roll Call
 2. Review of minutes from:
 - January 18, 2024 Meeting
 3. Swear in audience and staff members that will offer testimony on any agenda items.
 4. Adjudication hearing to consider the following:
 - **515 Cedar Pt. Rd.**
An area variance to Zoning Code Section 1145.15 (a) to allow the construction of an accessory structure in the “front yard” and allow setbacks of less than three feet in a R1-75 – Single Family Zoning District.
 - **1412 E. Farwell St.**
An area variance to Zoning Code Section 1145.15 (a) to allow the construction of an accessory structure in the “side yard” in a R1-50 – Single Family Zoning District.
 5. Other Business
 6. Adjournment Next Meeting: March 21, 2023

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

**Board of Zoning Appeals
January 18, 2024
Special Meeting Minutes**

Meeting called to order:

Chair Feick called the meeting to order at 4:30 pm. The following voting members were present: Mr. Delahunt, Chair Feick, Mr. Peugeot, and Mr. Semans. Ms. Vargo, Commission Liaison, was also present. Alec Ochs represented the Community Development Department, Stewart Hastings represented the Law Department, and clerk Cathy Myers was present, as well. Chair Feick announced that Mr. Walt Matthews, fellow board member, recently passed away. He extended sympathies to family and friends of Mr. Matthews and stated how grateful they were for his many years of service to the City.

Election of Officers:

Chair Feick called for nominations of officers. Mr. Delahunt made a motion to keep the officers the same as last year. The motion was seconded by Mr. Peugeot. Chair Feick called for a vote and the motion to keep Mr. Feick as Chair and Mr. Semans as Vice Chair passed unanimously.

Review of Minutes from October 19, 2023 & December 21, 2023 Meeting:

Chair Feick called for a motion on the minutes from the October meeting. Mr. Peugeot 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 called for a motion on the minutes from the December meeting. Mr. Peugeot moved to approve the minutes as presented. Mr. Delahunt 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 item.

Adjudication Hearing:

1. 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

Chair Feick introduced the application and asked for Staff report. Mr. Ochs stated The applicant sought a use variance to allow an illuminated wall sign in an RRB – Residential Business Zoning District. The Zoning Code explicitly outlined that illuminated signs were only permitted in non-residential Zoning Districts. The sign would be placed along the Hayes Avenue façade. The applicant had not mentioned any timeframes for when the sign would be lit or unlit. Staff was concerned with the sign's brightness and how it would impact the property to the north as it is a residential use. Staff suggested, if the Board of Zoning appeals grants the variance, that they also considered designating the hours of operation permitted, or to give

**Board of Zoning Appeals
January 18, 2024
Special Meeting Minutes**

Planning Staff the authority to reduce the brightness, if it caused any negative impacts to surrounding residential uses. Mr. Ochs continued if the Board did not wish to grant the variance as presented, an alternative to internally illuminated signage was to allow external light fixtures shielded down onto the sign. This approach would control the direction of the light, which would ensure the light shown down onto the sign and not into the neighborhood. Staff were not opposed to the requested variance at 1030 Hayes Avenue (57-04721.000) for an illuminated sign but requested the Board of Zoning Appeals considered the Staff concerns. Mr. Ochs stated that if an illuminated sign was approved, Staff suggested the following conditions upon approval, all applicable permits were obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency, and the light sources should not be of excessive brightness or cause a glare hazardous to pedestrians, auto drivers, or objectionable in an adjacent residential district. Chair Feick asked if there were any questions. Mr. Delahunt asked if the applicant had been contacted about Staff suggestions. Mr. Ochs stated they had received the Staff report twice and he had not received any feedback regarding suggested conditions. Vice Chair Semans asked if Mr. Ochs knew what type of signs were at the corner of Tyler and Hayes in the small shopping center. Mr. Ochs used his phone to look at the property and stated the pictures he was able to view were all during daylight hours and he could not confirm if the signs were internally illuminated but they did appear to be illuminated.

Vice Chair Semans asked if the applicant needed a variance for a non-internally illuminated sign. Mr. Ochs answered they would not need variance for that because the applicant had already been approved for a conditional use permit to allow the size of the sign. Mr. Peugeot asked if the property owner to the north had any comments or complaints. Mr. Ochs stated he did not receive any feedback from surrounding properties.

Chair Feick called for a motion. Vice Chair Semans made a motion to deny the application. Chair Feick called for a second but there was none.

Mr. Delahunt made a motion to limit the hours of illumination of the sign from 6 am to 9 pm. The motion was seconded by Mr. Peugeot. A vote was called and the motion to approve the application passed with (3) members in favor and Chair Feick, who abstained from the vote.

Other Business:

There was no other business.

Adjournment:

Vice Chair Semans moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 4:41 pm.

**Board of Zoning Appeals
January 18, 2024
Special Meeting Minutes**

Next meeting:

February 15, 2024

APPROVED:

Clerk

Chair/ Vice Chair

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
THE CONSTRUCTION OF AN ACCESSORY
STRUCTURE IN THE FRONT YARD AND TO ALLOW
AN ACCESSORY STRUCTURE TO BE LESS THAN 3
FEET FROM THE PROPERTY LINES AT
515 CEDAR POINT RD. PARCEL (55-00129.000)

AMENDED

Reference Number: PVAR24-0001

Date of Report: February 6, 2024

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: 515 Cedar Point Road, LLC
PO Box 128
Avon Lake, OH 44012

Site Location: 515 Cedar Point Rd.
Sandusky, OH 44870

Current Zoning: R1-75 - Single Family Residential

Surrounding Zoning:

North: R1-75 - Single Family Residential
South: R1-75 - Single Family Residential
East: R1-75 - Single Family Residential
West: R1-75 - Single Family Residential

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.15 (a)

Variances Requested:

1. To allow an accessory structure in the "front yard."
2. To allow an accessory structure to be located less than 3 feet from the property lines.

SITE DESCRIPTION

(Subject Property Outlined in yellow)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay



Zoning

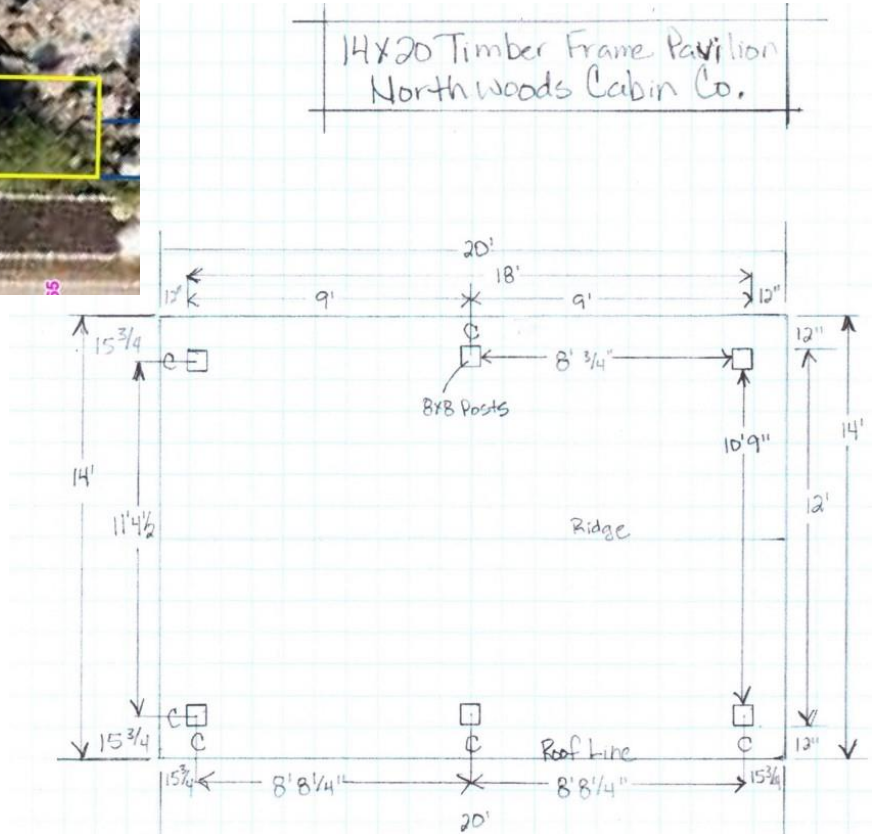
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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)



Street Perspective



PROJECT DESCRIPTION

The applicant is in the pre-process of replacing a lakefront accessory structure. Cedar Point Rd. separates the secondary part of the parcel from the main part of the parcel. The proposed structure would be a 14' x 20' pavilion/deck on the lakefront / secondary parcel.

The zoning code requires that all accessory structures are permitted only in the rear yard. Accessory structures that are permitted in a rear yard must also comply with a 3 foot setback from the side and rear property lines.

Variances Requested:

1. To allow an accessory structure in the "front yard."
2. To allow an accessory structure to be located less than 3 feet from the property lines.

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.15 YARDS FOR ACCESSORY BUILDINGS

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

(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. No, this property has historically had a beach house on its lakeside, but currently has an accessory structure. We are just proposing a new accessory structure and no variance was on file with the city. This was done prior to our ownership.

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 conform to many other variances that were approved on the street.

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

- i. It would have no effect on government services as the entire structure is behind a 6' wall.

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

- i. It was purchased with an accessory structure that had been in place for decades and the understanding that dozens of neighbors has structures on the lake side of Cedar Point Rd.

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. I do not believe the intent of the zoning requirements was meant for this particular situation on this street. The requirements were meant for normal homes without split lots that were located across the street from each other.

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 use is the same as there is currently an accessory structure present.

8. Whether the granting of the variance will be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City.

- i. No.

DIVISION OF PLANNING COMMENTS

The variances sought for this property would result in a built condition that fits within the neighborhood. Staff observed a street perspective from 2011 showing a structure in a similar location to what is proposed. *Staff pulled half a dozen files from previous cases on Cedar Pt. Rd. similar to this from historic files. All of the single story structures in the pulled files were approved.*

It is staff's assumption that the structure would be the same 14 foot width as the parcel's 14 foot width, therefor putting the structure on the western and eastern property lines, but it is not clear. It is also unclear to staff what the northern setback would be, if any.

Staff requested an updated site plan showing the proposed setbacks on 2.6.24. It was further suggested on 2.9.24 by staff that the applicant receive a survey to confirm the location of the property lines.

The requested information has not been given to staff as of 2.21.24.

CONCLUSION/RECOMMENDATION

Planning staff suggest 1 of 2 options:

1. The Board of Zoning Appeals approves the variances requested at 515 Cedar Point Rd. parcel (55-00129.000) with the following conditions upon approval:
 - a. All applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency prior to any construction.
 - b. Before permits are issued, a survey is provided to staff showing that the structure is not encroaching onto Cedar Point Rd. or surrounding properties.
 - c. The foot print does not expand beyond what is proposed nor are other accessory structures built in the front yard unless a separate variance is obtained.
2. The Board of Zoning Appeals tables the application until a survey and site plan are done simultaneously on the same document and brought back to the Board.

Application for Board of Zoning Appeals

STAFF USE ONLY:

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

Address of Property (or parcel number) for Variance Request: 515 Cedar Point Road
Name of Property Owner: 515 Cedar Point Road LLC
Mailing Address of Property Owner: PO Box 128
City: Avon Lake State: Oh Zip: 44012
Telephone #: 216-854-6410 Email: tilleryholdings@aol.com

If same as above check here ☐

Name of Applicant: John Tillery
Mailing Address of Applicant: PO Box 128
City: Avon Lake State: Oh Zip: 44012
Telephone #: 216-854-6410 Email: tilleryholdings@aol.com

Description of Proposal:

Replace existing deck (Former Beachhouse Floor) with a new 14'x20' Pavilion with Deck or Concrete Patio as its base

Variance Requested:

Request a variance for an Accessory Structure in the Front Yard. In this case, it is the property owned on the north side of Cedar Point Road.

Section(s) of Zoning Code:

1145.15 YARDS FOR ACCESSORY BUILDINGS.

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

John Tillery
dotloop verified
12/28/23 12:00 PM EST
UD9H8M5-0UOB-J3AR 12/28/2023

Signature of Property Owner

Date

John Tillery
dotloop verified
12/28/23 12:00 PM EST
HFQI-VOHF-HXUZ-CWOS 12/28/2023

Signature of Authorized Agent

Date

APPLICATION #BZA-001

UPDATED 12/2/2019

PRACTICAL DIFFICULTIES

(For ALL variance requests)

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

- 1) Would the variance be substantial?

No, this property has historically had a beach house on its Lake side, but currently has a accessory structure. We are just proposing a new accessory structure and no variance was on file with the city. This was done prior to our ownership.

- 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 conform to many other variances that were approved on the street.

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

It would have no effect on government services as the entire structure is behind a 6' wall

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

It was purchased with an accessory structure that had been in place for decades and the understanding that dozens of neighbors had structures on the lake side of Cedar Point Road

- 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?

I do not believe the intent of the zoning requirements was meant for this particular situation on this street. The requirements were meant for normal homes without split lots that were located across the street from each other.

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

The use is the same as there is currently a accessory structure present.

- 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?

This is not a unique condition for the street, but is a unique condition for the rest of the city.
This condition was not created by the property owner.

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

No it would not.

- 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, if the existing accessory structure is not grandfathered in, at minimum.

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

- 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 oppose the general spirit of the zoning ordinance.



Ohio Department of Natural Resources

MIKE DEWINE, GOVERNOR

MARY MERTZ, DIRECTOR

December 13, 2023

Via Email

John Tillery
515 Cedar Point Road
Sandusky, Ohio 44870
johntillery@russellrealty.com and johntillery3@gmail.com

Re: Proposed Shoreline Work at 515 Cedar Point Road, Sandusky, Ohio

Dear John Tillery:

Thank you for contacting the ODNR Office of Coastal Management regarding the proposed construction of a gazebo at 515 Cedar Point Road in Sandusky, Ohio. Based on a review of the site plan and design drawings (enclosed) that you provided, the proposed work will not act to control erosion, wave action or flooding and therefore is not within the jurisdiction of the Shore Structure Permitting Authority. Additionally, the project appears to be landward of the area of existing Submerged Lands Lease SUB-0935-ER and therefore will not require prior approval under the Submerged Lands Lease.

If you have any questions, please contact me at (419) 609-4112. Thank you for your cooperation in managing Ohio's Lake Erie coastal resources.

Sincerely,

A handwritten signature in blue ink that reads "Deborah L. Beck".

Deborah L. Beck, P.E.
Assistant Chief

Enclosure

ec: Scudder Macky, Ph.D., Chief, Office of Coastal Management
Deborah L. Beck, P.E., Assistant Chief, Office of Coastal Management
Steve Holland, Federal Consistency Coordinator, Office of Coastal Management

OFFICE OF COASTAL MANAGEMENT

2514 Cleveland Road East, Huron, Ohio 44839 419-626-7980 / (888) 644-6267 coastal.regulatory@dnr.ohio.gov



Richard H. Jeffrey
ERIE COUNTY AUDITOR | ERIE COUNTY, OHIO



Overview



Legend

- Parcels
- Parcel Dimensions
- Parcel Dimensions (Original)
- Lot Lines
- Lot Line Labels
- Streets
- Addresses
 - 0
 - 1
 - <all other values>

Parcel ID	55-00408.000	Acreage	0.0304	Last 2 Sales	Date	Price	Vol/Page
Owner	515 CEDAR POINT ROAD LLC (Owner Address)				5/22/2023		202303596 /
	515 CEDAR POINT ROAD LLC (Tax Payer Address)				n/a		
Property Address	CEDAR POINT RD						
	SANDUSKY						

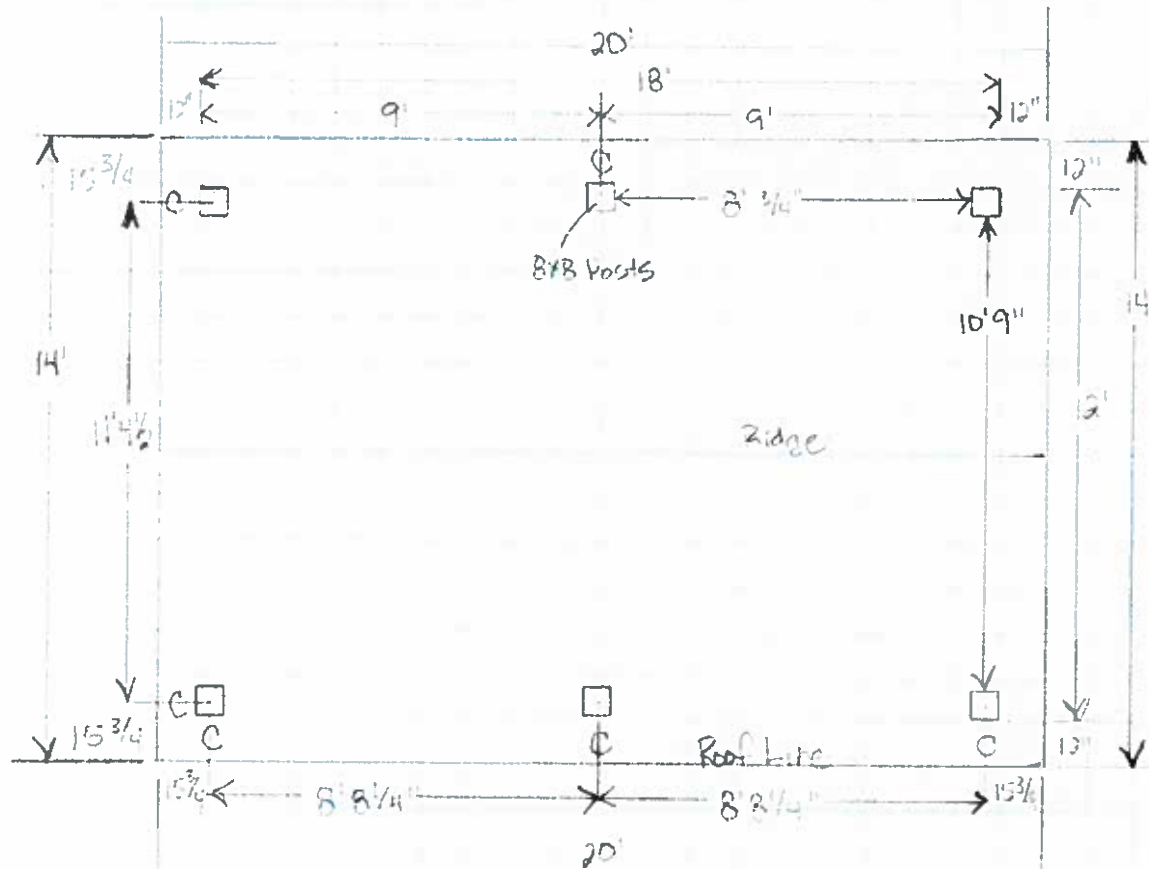
Date created: 12/6/2023
Last Data Uploaded: 12/6/2023 3:21:44 AM
Developed by Schneider
GEOSPATIAL

RECEIVED
Dec 07 2023
Office of Coastal Management
SUB-0935-ER

RECEIVED
Dec 07 2023
Office of Coastal Management
SUB-0935-ER



14x20 Timber Frame Pavilion North Woods Cabin Co.



RECEIVED

Dec 07 2023

Office of Coastal Management

SUB-0935-ER

Drawings are provided
for reference and
concept purposes only.

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
THE CONSTRUCTION OF AN ACCESSORY
STRUCTURE IN THE SIDE YARD AT
1412 E. FARWELL ST. PARCELS (57-68019.000,
57-68018.000, 57-68017.000)

AMENDED

Reference Number: PVAR24-0002

Date of Report: February 6, 2024

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: Thirty Below Investment Group, LLC
1817 Hancock St.
Sandusky, OH 44870

Site Location: 1412 E. Farwell St.
Sandusky, OH 44870

Current Zoning: R1-50 - Single Family Residential

Surrounding Zoning:
North: R1-50 - Single Family Residential
South: R1-50 - Single Family Residential
East: R1-50 - Single Family Residential
West: R1-50 - Single Family Residential

Surrounding Uses: Residential

Existing Use: Church

Proposed Use: Church

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1145.15 (a)

Variances Requested:
1. To allow an accessory structure in the "side yard."

SITE DESCRIPTION

(Subject Property Outlined in yellow)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay

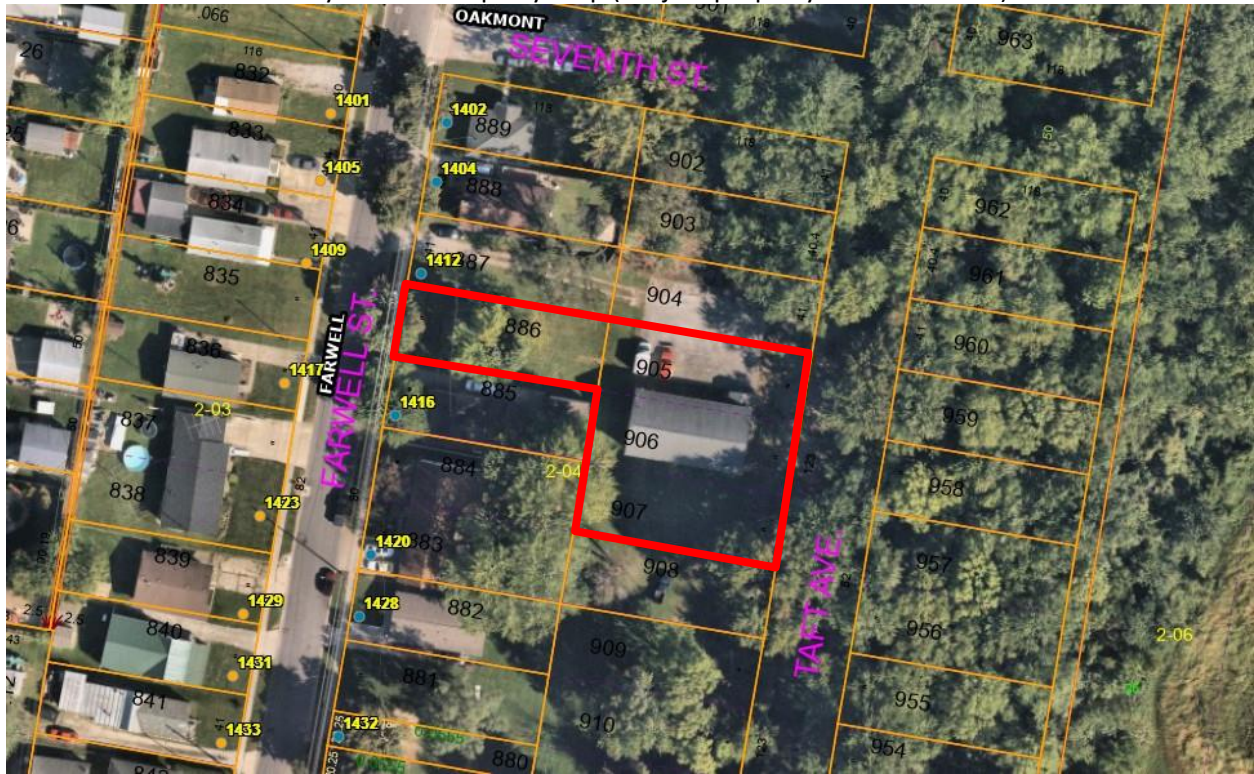


Zoning

- 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

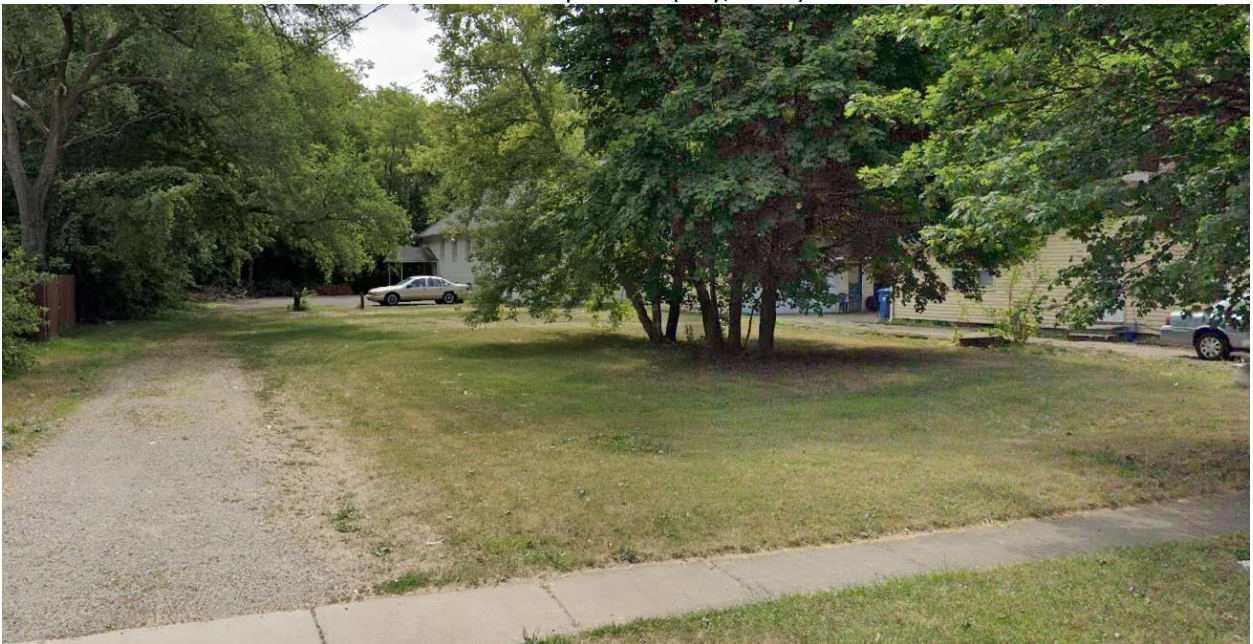
County Auditor Property Map (subject property outlined in red)



Birds eye view (September, 2023)



Street Perspective (July, 2019)



PROJECT DESCRIPTION

The applicant is in the pre-process of adding an accessory structure next to the existing main structure. The proposed structure is expected to be a 14' x 20' garage. Staff has asked the applicant to supply a preliminary site plan in order to make a determination about the case.

The zoning code requires that all accessory structures are permitted only in the rear yard.

Variances Requested:

1. To allow an accessory structure in the "side yard."

RELEVANT CODE SECTIONS

CHAPTER 1145

Supplemental Area and Height Regulations

1145.15 YARDS FOR ACCESSORY BUILDINGS

(a) Sheds permitted in a residential district shall not project into a front or side yard; shall be located not less than three feet from a rear or side lot line, except where abutting an alley and shall be located not less than fifteen feet from any dwelling on an adjacent lot.

(1980 Code 151.31)

CHAPTER 1111

Board of Zoning Appeals

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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.

- 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.

- 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 proposed property is unique in the fact that the main structure is set back 135 feet from E. Farwell St., the property is split into three parcels and the main structure is landlocked on a parcel that fronts an undeveloped road and the site's primary access point is E. Farwell St. even though it is tucked behind homes on other properties. The other two parcels used for access, block the third parcel from fronting E. Farwell St. If the three parcels are combined, the site would be abutting two right-of-ways.

In a strict interpretation of the zoning code, as the site currently sits, the distance between the front property line along the undeveloped Taft Ave. right-of-way (currently overgrown woods) and the nearest façade would be considered the front yard of the main structure. This is because the parcel with the main structure is landlocked and a stand-alone parcel. The frontage with the lowest quantitative amount of right-of-way would become the front yard. If the three lots of this application are combined, the distance between the main structure and E. Farwell St. (135 feet) will become the front yard. The side yard is the same in either scenario and there is no buildable backyard in either scenario.

The site has been operated in the past as a church use, which is a non-conforming use in this zoning district. Staff asked the applicant to supply documentation of the most recent use of the structure in

order to determine the non-conforming status. A letter explaining the continuation of a church use at 1412 E. Farwell St. was given to staff on 2.9.24. The site plan was delivered to staff on 2.12.24.

CONCLUSION/RECOMMENDATION

~~The staff report is inconclusive at this time and included on the agenda because public notices were sent to surrounding property owners. Since the case is awaiting further information, staff recommends the board postpone testimony and extend the hearing to continue onto the next meeting agenda.~~

Planning staff supports the variance requested at 1412 E. Farwell St. 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: 142E Samuel St

Name of Property Owner: Thirty below investment group

Mailing Address of Property Owner: 1817 Hancock St S

City: Sandy State: OH Zip: 44820

Telephone #: 419-975-1526 Email: Big Hong hunter @gmail.com

If same as above check here ☒

Name of Applicant: _____

Mailing Address of Applicant: _____

City: _____ State: _____ Zip: _____

Telephone #: _____ Email: _____

Description of Proposal: To combine lots 57-68018.000 & 57-68019.000 to build an accessory structure in the side yard.

Variance Requested: to Allow an accessory structure to be erected.

Section(s) of Zoning Code: 1145.15

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? 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
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance? ~~NO~~ Yes
- 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

To whom ever this may concern,

The church building located at 1412 E. Farwell Street / Taft is still actually being used as a church as it was in 2022. Thats what the building was purchased for as it remains today. We are a small Islamic congregation that gathers there a couple of times a week to worship and fellowship.

My position is the teacher and mentor.

Sincerely,

Brother Minister

Piaj Hunter

2/8/24

2

ASSUMED

FARWELL STREET (50')

N 12° 00' 00" E
40.00'

S 78° 00' 00" E
12' DRIVEWAY

N 78° 00' 00" W
118.00'

236.00' 3.00'

160.00'

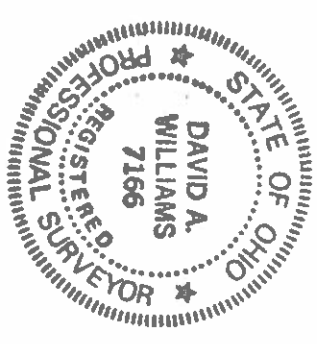
TAFT AVENUE (50')

67.00' EXISTING BUILDING

9' x 20' PAVING (TRP)

PROPOSED BUILDING

David A. Williams
DAVID A. WILLIAMS
CELE. SURVEYOR #7166



LEGEND

0 5/16" 1/20" PU SET



SITE PLAN

BEHIND LOT 110.887, LOT
110.904, LOT 110.905,
LOT 110.906 AND LOT 110.
907 IN SAUBUSKY BUSINESS
MEN'S SUBDIVISION 110.2
PLOT NO. 6 PAGE 39
ZONED VARIO CITY OF SAUBUSKY
ERIE COUNTY, OHIO
JANUARY 2024