

Board of Zoning Appeals

240 Columbus Ave
Sandusky, Ohio 44870

419.627.5973

www.cityofsandusky.com

Agenda

April 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. Review of minutes from:
 - March 21, 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.
 - **1104 W. Market St.**
An area variance to Zoning Code Section 1129.14 to allow the construction of a 1 Family Dwelling that encroaches into the required rear yard setback of 40 feet or 30% in an RRB – Residential Business Zoning District.
 5. Other Business
 6. Adjournment Next Meeting: May 16, 2024

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

**Board of Zoning Appeals
March 21, 2024
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, Vice Chair Semans, and Commission Liaison Kate Vargo. Alec Ochs represented the Community Development Department, Stewart Hastings represented the Law Department, and clerk Cathy Myers was present, as well. Board member, Blake Harris, notified Staff in advance that he was unable to attend the meeting.

Review of Minutes from January 18, 2024:

Chair Feick called for a motion on the minutes from the February 28th meeting. Mr. Delahunt 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.

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

Adjudication Hearing:

- 1. 426 Huron Avenue- A use variance to Zoning Code Section 1129.03 to allow the retail stores and service use of the LB- Local Business Zoning District as regulated by zoning code section 1133.04 (a)(2) in an R2F-Two Family Zoning District.**

Chair Feick introduced the application and asked for Staff report. Mr. Ochs stated the applicant sought a use variance to allow the retail stores and services of the LB – Local Business Zoning District. As part of the code, any retail store or service must also be conducted wholly within an enclosed building. The Zoning Code explicitly outlined the uses that were allowed, and those uses were typically catered toward residents in the nearby neighborhoods, such as beauty shops, sale of art, hardware store, florists, etc. The storefront had previously been a legal non-conforming use. The space has been voluntarily vacant for more than a one-year period and thus lost its legal non-conforming status. The space was not usable at this time, unless the existing residential units were expanded because the number of units exceeded the zoning code standards. Staff believed this was a legal non-conforming number of residential units and had no concerns. There were approximately five off street parking spaces for the entire building. Supplemental parking spaces can be found directly across the street. The building consisted of one empty storefront, and three long term residential units. Staff determined that the site had historically functioned without additional parking since prior to 2008 (earliest found evidence of a business use at this location). Staff reached out to Chief Oliver to determine if there were previous parking complaints at this site. Chief Oliver had stated there have been no issues since he's been on the police force. The most strenuous parking standard for the requested use required 13 off-street parking spaces. The least strenuous parking standard for the requested use required 3 off-street parking spaces. Staff estimated that the existing parking areas would suffice for the applicant's needs and have determined that no additional off-street parking be required. The closest Business Zoning

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District to this site was zoned LB – Local Business. Staff used this proximity and the fact that was the most restrictive business district to determine appropriate uses for this variance request. Staff determined this was an appropriate use variance for this site. Planning Staff supported the requested variance at 426 Huron Ave. parcel (56-00255.000) and suggested the following conditions upon approval that all applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency.

Chair Feick asked if there was anyone present to speak about the request. Mr. Jonathan Sherer, the applicant and chief operating officer of the LLC that owned the building, came forward to speak about the request. The LLC bought the building with the understanding that could be renovated and rented out. There were no other people present to speak on the request.

Chair Feick called for a motion. Mr. Delahunt made motion to approve the variance with staff conditions. The motion was seconded by Vice Chair Semans. A vote was called and the motion to approve the application passed unanimously.

Chair Feick stated the Board would discuss the fourth item on the agenda next.

2. 1403 McDonough Street- An area variance to Zoning Code Section 1145.15 (a) to allow the construction of an accessory structure in the “side yard” and to allow an accessory structure to exceed the 30% maximum cover area in a R1-40- Single Family Zoning District.

Chair Feick introduced the application and asked for Staff report. Mr. Ochs stated The zoning code required that all accessory structures were permitted only in the rear yard. The applicant was in the pre-process of adding a 20’ x 91’ accessory structure partially in the side yard of the existing main structure. The proposed structure expected to encroach approximately 55’ into the side yard and would have a 36’ setback from the front property line. Accessory structures placed in the rear yard must also not exceed 30% of the rear yard area. The rear yard allowance is approximately 1,050 sq. ft. for an accessory structure. The proposed structure was 1,820 sq. ft. The applicant sought a relief of 770 sq. ft. The variances requested were to allow an accessory structure in the “side yard, “and to allow an accessory structure that exceeded the 30% rear yard area. The site in the past operated as a church use, which was a non-conforming use in this zoning district. Staff asked the applicant to supply documentation of the most recent use of the structure to determine the non-conforming status. A letter explaining the continuation of a church use at 1412 E. Farwell St. was given to Staff. Staff also asked the applicant to update their preliminary site plan to provide clearer, more legible information on March 5th, 2024. An updated site plan was delivered to Staff on March 8th, 2024. Engineering Staff were concerned about water runoff from the accessory structure and discussed with Planning Staff. Planning Staff were not opposed to the variance requested at 1403 McDonough St. (parcel 58-68012.000) and suggested the following conditions upon approval that all applicable permits must be obtained through the Building Department,

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Engineering Department, Division of Planning, and any other applicable agency prior to any construction, and that the water runoff onto the neighboring properties was avoided.

Chair Feick asked if there was anyone present to speak about the request. Ms. Sandy Miller, the property owner and applicant, came forward to speak on behalf of the request. Ms. Miller explained that the building would have eight garage doors and planned to have community events offered in the structure and store her equipment for restoration of the property. Chair Feick asked if there were any other to speak about the request. Mr. Peugeot asked how the neighbors felt about the structure. Ms. Denise Holoman, the property owner to the south of the property came forward and stated she had no issue with the building if she could wash her windows. Chair Feick added he had received a letter from Ms. Caroline Springer and Ms. Joyce Crosby, in favor of the structure. Vice Chair Semans asked about the current usage of the site. Mr. Ochs answered if anything were to expand beyond the allowed uses of the Public Facilities District a use variance would need to be requested. Chair Feick asked about the setbacks being requested and being sure to obtain the 15 feet from the house and the property lines, and there were two options for the Board to consider (1) was to require a larger setback on the south property line, or (2) would be to add a third variance request for this property and Mr. Ochs would review the applicable zoning code with the Board, and the Board could consider the additional one for approval with the original requested variances. Chair Feick stated he would prefer to stay with the 15 feet setback. Mr. Delahunt wanted clarification as to whether the Chair was asking for 10 feet to be added to the 5 feet shown. Chair Feick stated he wanted 15 feet from the house. There was discussion among the Board on what was shown on the site plan whether it would meet the requirements of zoning code.

Vice Chair Semans made a motion to approve the application as presented with Staff conditions and that all zoning codes were met. The motion was seconded by Mr. Peugeot. A vote was called and the motion to approve the application with conditions passed unanimously.

3. 1137 Cedar Point Road- an area variance to Zoning Code section 1145.15 (a) to allow the construction of an accessory structure in the “side yard” of a R1-75- Single Family Zoning District.

Chair Feick explained that he was representing the applicant and recused himself from the Board for this vote. Vice Chair Semans introduced the application, stated there was no one present in the audience to speak about this application, and asked for Staff report. Mr. Ochs stated The applicant was in the pre-process of replacing an existing structure in the side yard. The proposed structure would be an accessory structure in the side yard. The existing structure was being rebuilt slightly larger and placed further into the side yard to meet floodplain requirements. The zoning code required that all accessory structures were permitted only in the rear yard. The variance being requested was to allow an accessory structure in the “side yard.” The variances sought for this property would result in a built condition that fit the large character of the parcel. The side yard of the residential structure, where the accessory structure

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is proposed to be built, has a 75 foot side yard setback. A two-story structure is appropriate in this case, as it closely matches the height of the existing home and did not impede on the lakefront views on the north side of Cedar Point Rd. The backyard was over 11,500 sqft. allowing 3,450 sqft. for an accessory structure. Staff supported the requested variance at 1137 Cedar Point Road (parcel 55-00108.000) and suggested the following conditions upon approval, that all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction. Chair Feick added the garage on site was below floodplain and the applicant would like to tear down the garage and replace it with an additional one car garage and the whole structure be similar style to the main house. Mr. Ochs wanted to clarify information in the Staff report the 75-foot side yard setback is from the main structure and the yard was long and narrow and would restrict any accessory structures from being built in the backyard and the side yard would be an appropriate placement for an accessory structure.

Vice Chair Semans called for a motion. Mr. Delahunt made a motion to approve the application as presented. The motion was seconded by Mr. Peugeot. A vote was called and the motion to approve the application with conditions passed with votes from all Board Members, except for Chair Feick, who abstained from the vote.

4. 1137 Cedar Point Road- an area variance to Zoning Code section 1145.15 (a) to allow the construction of an accessory structure in the “front yard” of a R1-75- Single Family Zoning District.

Vice Chair Semans introduced the application and asked for Staff report. Mr. Ochs stated The applicant was in the pre-process of replacing a lakefront accessory structure. Cedar Point Road separated the secondary part of the parcel from the main part of the parcel. The proposed structure would be a 26' x 31' beach house on the lakefront / secondary parcel. It was a proposed one-story structure with an average height below 15 feet. The zoning code required that all accessory structures were permitted only in the rear yard. Accessory structures that were permitted in a rear yard must also comply with a 3-foot setback from the side and rear property lines. The variance being requested was to allow an accessory structure in the “front yard. The variances sought for this property would result in a built condition that fits within the neighborhood. Staff observed half dozen files from previous cases on Cedar Point Road like this from historic files. All the single-story structures in the historic files were approved. Given the large parcel and setbacks, Staff did not request a survey to confirm the location of the property lines. Planning staff supported the requested variance at 1137 Cedar Point Road (parcel 55-00108.000) and suggested the following condition upon approval that all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction.

Vice Chair Semans asked were any questions from the Board of Staff or Mr. Feick. The Board discussed prior applications and what the applicant intended and that the project would require utilities to be run underground.

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Vice Chair Semans called for a motion. Mr. Peugeot made a motion to approve the application as proposed. The motion was seconded by Mr. Delahunt. A vote was called and the motion to approve the application as proposed passed with votes from all Board Members, except for Chair Feick, who abstained from the vote.

Other Business:

There was no other business.

Adjournment:

Mr. Delahunt moved to adjourn the meeting. Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 5:12 pm.

Next meeting:

April 18, 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)

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

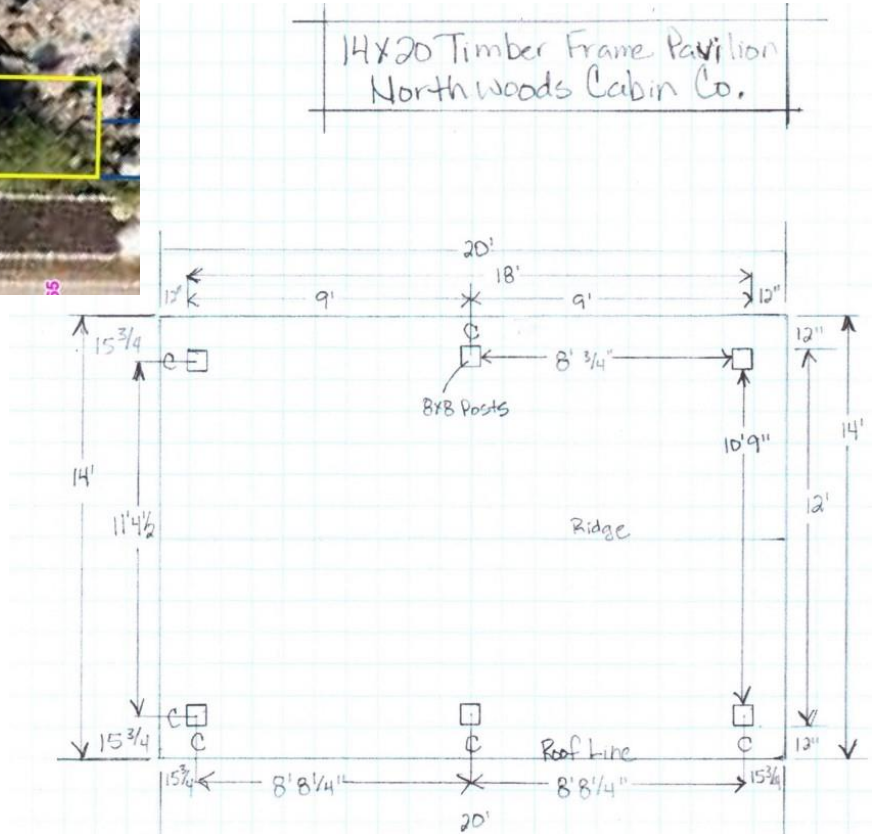
- AG - Agriculture
- CA - Commercial Amusement
- CR - Commercial Recreation
- CS - Commercial Service
- DBD - Downtown Business
- GB - General Business
- GM - General MAnufacturing
- LB - Local Business
- LM - Local Manufacturing
- P - Auto Parking

- 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.

CONCLUSION/RECOMMENDATION

Planning staff supports the variances requested at 515 Cedar Point Rd. parcel (55-00129.000) 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.
2. 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.
3. Before permits are issued, a survey is provided to staff showing that the structure is not encroaching onto Cedar Point Rd. or surrounding properties.

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".

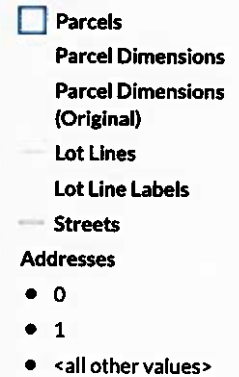
Deborah L. Beck, P.E.
Assistant Chief

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



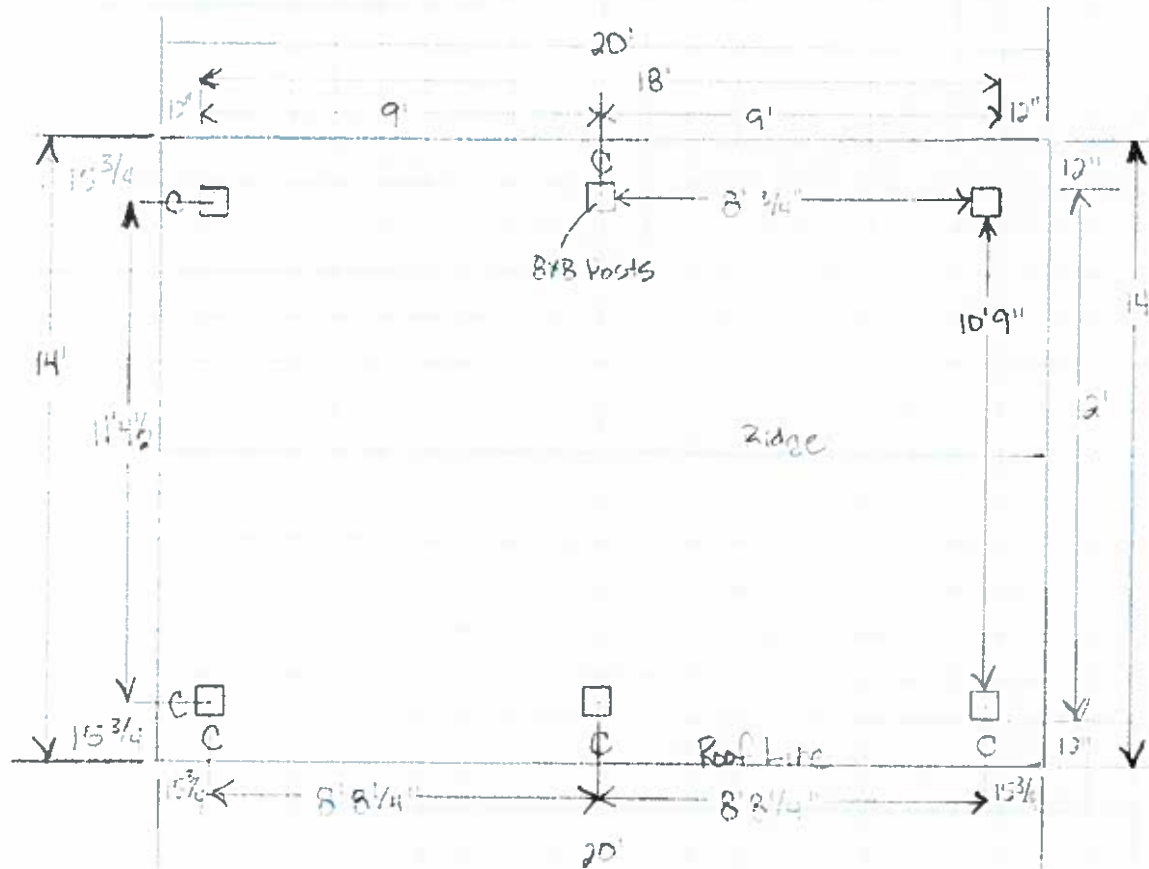
Date created: 12/6/2023
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Developed by  **Schneider**
GEOSPATIAL

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Office of Coastal Management
SUB-0935-ER

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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.

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ASSURED

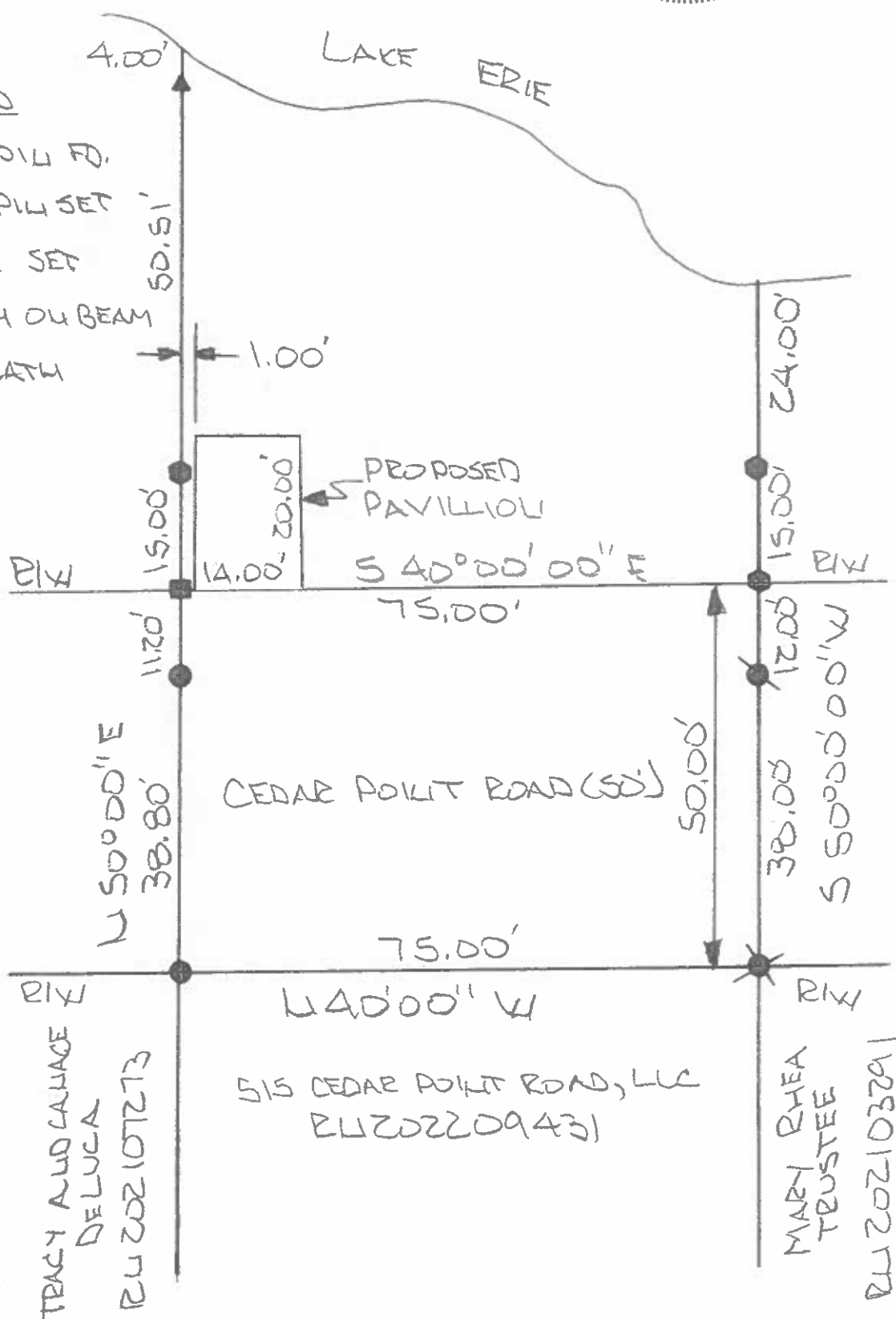
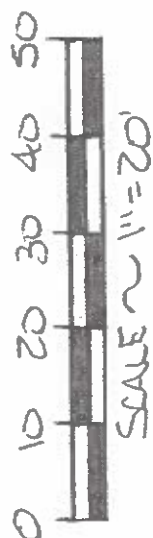
MARCH 2024

DAVID A. WILLIAMS

REG. SURVEYOR # 7160



- 5/8" IRON PILE FD.
- 5/8" IRON PILE SET
- DRILL HOLE SET
- PAINT & LATH ON BEAM
- PAINT & LATH
- ▲ LATH



BOARD OF ZONING APPEALS REPORT

APPLICATION FOR AN AREA VARIANCE TO ALLOW
THE CONSTRUCTION OF A NEW RESIDENTIAL
STRUCTURE WHICH CREATES A REAR YARD
SETBACK OF LESS THAN THE REQUIREMENTS AT
1102 – 1104 W. MARKET ST. PARCELS (59-
00185.000, 59-00186.000)

Reference Number: PVAR24-0008

Date of Report: April 9, 2024

Report Author: Alec Ochs, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Property Owner: City of Sandusky
240 Columbus Ave.
Sandusky, OH 44870

Site Location: 1102 – 1104 W. Market St.
Sandusky, OH 44870

Current Zoning: RRB – Residential Business

Surrounding Zoning:
North: RRB – Residential Business
South: RRB – Residential Business
East: RRB – Residential Business
West: RRB – Residential Business

Surrounding Uses: Residential

Existing Use: Residential

Proposed Use: Residential

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

Variances Requested:
1. Rear yard setback of less than the required 20 feet.

SITE DESCRIPTION

(Subject Property Outlined in yellow)



Zone Map Setbacks



PUD - Planned Unit Development



Parcels



TRO - Transient Rental Overlay

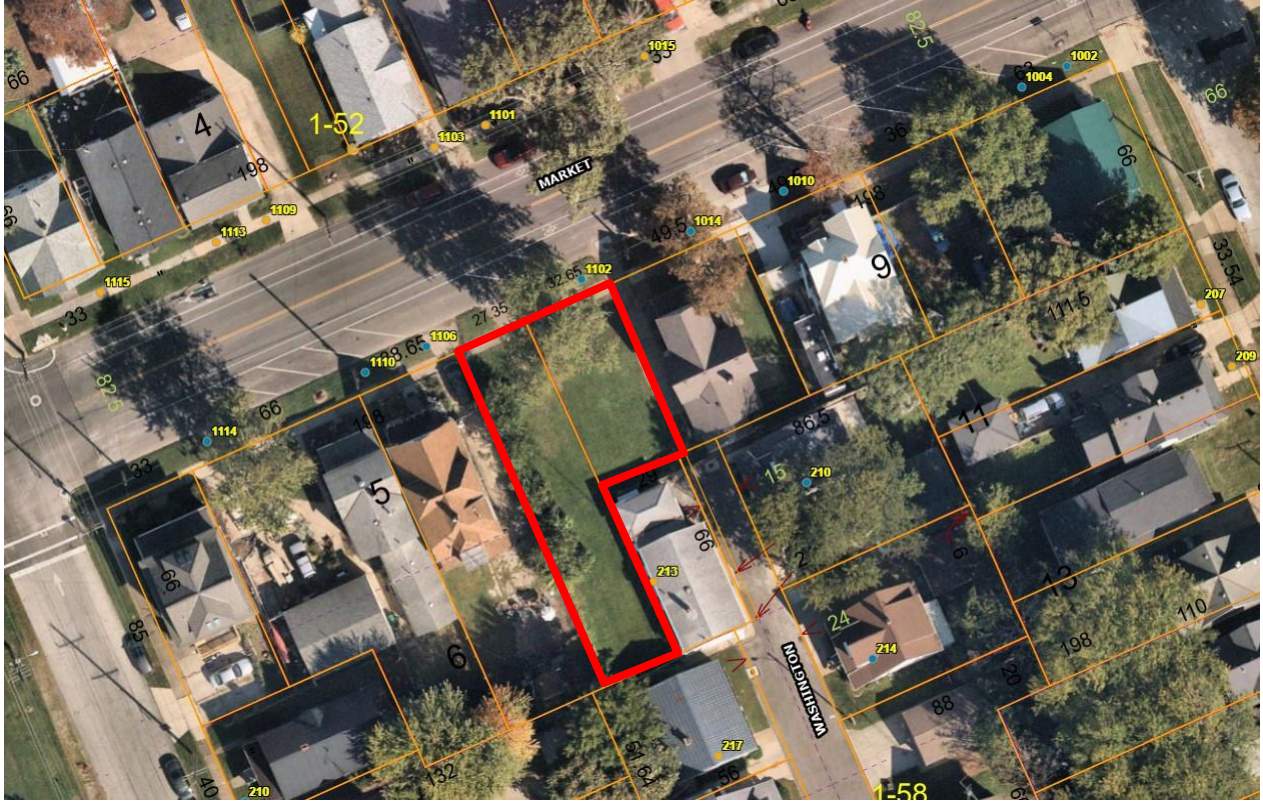


Zoning

- 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 building a single family residential home. The lots proposed are currently owned by the City of Sandusky and are both in the Land Bank program. The lots have been vacant prior to 2013.

Due to the shallow depth of the 1102 W. Market St. lot and the narrow width of the 1104 W. Market St. lot, the lots have been determined to be unbuildable as separate parcels without a variance. However, even when combined, the shallow lot depth will make building without a variance extremely challenging. The lots will be combined as part of the regular Sandusky Land Bank process.

Staff notes that the older, surrounding structures also have a rear yard setback that would not meet the current zoning standards.

By using the 30% standard, the zoning code requires a minimum 20 foot rear yard setback. The proposed rear yard setback is 10 feet.

Variances Requested:

1. A 10 foot rear yard setback relief for a total of 10 foot setback.

RELEVANT CODE SECTIONS

1129.14 SCHEDULE OF AREA, YARD, AND HEIGHT REQUIREMENTS.

District	Dwelling or building type	Minimum lot size			Minimum yard dimensions			Max. Height	
		Area per unit (sq. ft.)	Width at Front building depth line		Side Width		Rear Depth	Main Building	
			(ft.)	(ft.)	Single (ft.)	Total (ft.)		Story	Ft.
RMF	1 Fam. Dw.	4,300	33	25	3	10	30% or (ft.) 40	2	30
	2 Fam. Dw.	2,500	33	25	3	10	40	2	30
	Row House	2,250	66	25	**	**	40	2	30
	Apartment	2,000	66	25	**	**	40	6	75

Dwellings Same as for RMF above									
RRB	Local Stores and Services	5,200	40	10	3	10	40	1	15

(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.

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. Yes. (property is not yet purchased)

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

i. No. The two lots are small and different in size. They are not buildable when sperate. That variance will allow the new property owner to have an attached garage with a parking pad for vehicles to allow for off street parking and still allow for ample rear parking space.

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. The property intent would follow the vision of the Housing and Development program of the downtown area. The property would no longer be vacant and would improve the neighborhood with new construction.

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 size of the lot is small and not buildable on its own. By combining this lot with the lot at 1104 W. Market St., the new residents can build a home accommodating to their needs with the variance. The lot restrictions do not allow for the best use of the property.

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. The variance would allow for new residence to the city to build a home that they can live in through retirement. This build would follow the City's plans to develop the downtown area.

DIVISION OF PLANNING COMMENTS

For the past several months, Staff has been working with the applicant to create a site plan that limits the variances needed at this location.

Staff has determined the setback relief sought for this property would result in a built condition that fits within the existing neighborhood.

CONCLUSION/RECOMMENDATION

Planning staff supports the variance request at 1102 – 1104 W. Market St. parcels (59-00185.000, 59-00186.000) 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: 1102 W Market St & 1104 W Market StName of Property Owner: City of Sandusky - Land BankMailing Address of Property Owner: 222 Meigs StCity: Sandusky State: OH Zip: 44870Telephone #: 4196262030 Email: becky@skrinak.netIf same as above check here ☐Name of Applicant: Rebecca Skrinak & Daniel MartinezMailing Address of Applicant: 9656 River view DrCity: Huron State: OH Zip: 44857Telephone #: 4196262030 Email: becky@skrinak.net**Description of Proposal:**

New Construction build on a vacant lots since 2018. Current application with the City of Sandusky Land Bank with the intent to build a new owner occupied home for new residents to the City. The new property owners will combine lots at 1102 and 1104 W Market St in order for the lot to be buildable for the new home, once the variance is granted to allow for a parking pad at the entrance to the attached garage for off street parking.

Variance Requested:

Rear yard variance of 10 feet on parcel 59-00185.000 with combining parcel 59-00186.000.

Section(s) of Zoning Code:

1129.14

Daniel Martinez
Rebecca Skrinak 3-15-24

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?
Yes
- 5) Can the property owner's predicament be resolved through some method other than a variance?
No. The 2 lots are small and different in size. They are not buildable when separate. The variance will allow the new property owner to have an attached garage with a parking pad for vehicles to allow for off street parking and still allow for ample rear yard space.
- 6) Would the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance?
Yes. The property intent would follow the vision of the Housing and Deveopement program of the downtown area. The property would no longer be vacant and would improve the neighborhood with new construction.
- 7) Would the property yield a reasonable return or can there be a beneficial use of the property without a variance?
No. The size of the It is small and not buildable on is own. By combining this lot with the lot at 1104 W Market, the new residence can build a home accomidating to their needs with the variance. The lot restrictions do not allow for the best use of the property.
- 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. The variance would allow for new residence to the city to build a home that they can live in through reirement. This build would follow the City's plans to develop the downtown area.

