



Planning Commission

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5973

www.cityofsandusky.com

Agenda

April 28, 2021

5:00 pm

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. **Approval of minutes from March 24, 2021 meeting**
3. **Old Business**
 - An amendment to the City of Sandusky Planning & Zoning Code Chapter 1157 (Floodplain Administration).
4. **New Business**
 - LS Architects, on behalf of Sandusky Properties LLC, has submitted a Site Plan Application for 534 Columbus Avenue.
 - Sean Sprouse, on behalf of Views on Venice, LLC, has submitted an application for a substitution of a non-conforming use for the property at 3712 Venice Road. The property is currently in use as a motel and the applicant is proposing to use it as apartments for rentals lasting longer than 30 days.
5. **Other Business**
 - Public Comments received before the meeting
6. **Adjournment**

NEXT MEETING: May 26, 2021 at 5:00pm.

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

**Planning Commission
March 24th, 2021
Meeting Minutes**

Meeting called to order:

Chairman Dennis Murray called the meeting to order at 5:02pm. The meeting took place virtually via Microsoft Teams. The following members were present: Pete McGory, Mike Zuilhof, Jim Jackson, Conor Whelan, Jade Castile and David Miller. Thomas Horsman and Jonathan Holody represented the Community Development Department, Brendan Heil represented the Law Department, and Josh Snyder represented the Engineering Department. Also present were: City Commission President Richard Brady, City Manager Eric Wobser, and clerk Kristen Barone.

Approval of minutes from the February 24, 2021 meeting:

Mr. Zuilhof said that he would like it added to the minutes the reason of why he abstained from voting on the application on this agenda. He then made a motion to approve the minutes with that amendment. Mr. McGory seconded the motion. All voting members were in favor of the motion.

Message from City Commission President Richard Brady:

Mr. Brady stated that he and the City Manager Eric Wobser met with representatives of the Corso family, Chad Corso and Fritz Mueller. Those representatives asked Mr. Brady to inform the Planning Commission of their decision to withdraw the three applications that are on tonight's agenda for 2211 Mills Street. They have also asked to reserve the right to resubmit the applications for this location or any other potential locations, at a later date.

Swearing in of audience and staff that will offer testimony on the adjudication hearing:

Mr. Murray swore in those wishing to do so.

Adjudication Hearing:

1. *Robert A. Reisig Investments 2 LLC, has applied for a Conditional Use Permit to allow for a "R1-40" – Residential Use at 2620 West Monroe Street.*

Mr. Horsman stated that the subject property is located on Monroe Street and zoned General Manufacturing (GM), and it is surrounded by other GM zoned parcels. Residential use is not permitted in GM districts unless the Planning Commission grants a Conditional Use Permit (CUP). Approved residential uses in GM districts must follow the regulations of an R1-40 residential zoning district. The standard for granting the CUP requires that "the construction of a new dwelling or accessory building, will not unduly interfere with the assembly of land for industrial development." The business on the adjacent parcel is also owned by the applicant. The application states that the purpose of the dwelling is to be a place where the owner can reside when in Sandusky. Mr. Zuilhof made a motion to approve the application and Mr. Miller seconded the motion. All voting members were in favor of the motion.

2. *An amendment to the City of Sandusky Planning & Zoning Code Chapter 1157 (Floodplain Administration).*

Mr. Snyder stated that there are many changes to chapter 1157 that are being proposed regarding the terminology and definitions to coincide with FEMA's model floodplain ordinance, as well as the removal of the 2-foot "freeboard" requirement above FEMA's floodplain levels. He said that since 2016, there have been 14 variance applications submitted to the Board of Zoning Appeals to waive the 2-foot "freeboard" requirement above FEMA's floodplain levels. 13 of those applications were approved, zero were denied, and one was withdrawn. However, when these variance applications get approved, not only do these applicants get to waive the City's floodplain levels, but they also get to waive FEMA's floodplain regulations, leaving no floodplain elevations at all. Mr. Zuilhof stated that he would like to have more time to look into the freeboard requirement part of these changes and also see what the county is doing regarding this. He then made a motion to table this application until the next meeting and Mr. Miller seconded. All voting members were in favor of the motion.

Director's Report:

Mr. Holody stated that the Community Development Department had previously scheduled a phone call discussion with a couple of neighborhoods regarding two proposed Transient Rental Overlay Districts and that discussion has been postponed until the hire of additional staff to take that on. He said that until then, he has talked with a few of the residents that were interested in this about their options within the zoning code to petition the Planning Commission at locations desired. Staff also continue to do some outreach to area businesses and residents on the Designated Outdoor Refreshment Area in the downtown area and will have more updates on that soon. He then shared with the commission that Transit has received a \$30,000.00 grant to start a study to see what other opportunities the transit system could take advantage of as transit has grown over the years, and will talk with the commission more about that as things develop.

Meeting Adjourned:

Mr. McGory made a motion to adjourn the meeting and the meeting ended at 5:43pm.

Next Meeting:

April 28, 2021

Approved:

Kristen Barone, Clerk

Dennis Murray, Chairman

Additional Information from Surrounding Communities Re: Floodplain Freeboard Requirements

Village of Oak Harbor: 2' freeboard requirement, no lakefront properties, riverine (Portage river) flood zones only within municipal limits.

City of Fremont: 1' freeboard requirement, no lakefront properties, riverine (Sandusky river) flood zones only within municipal limits.

City of Vermillion: No Freeboard requirement, Removed Freeboard from their March FEMA FIRM mapping update

City of Norwalk: No Freeboard requirement, no lakefront properties, riverine (Norwalk Creek) flood zones only within municipal limits.

Erie County (unincorporated areas): 1.5' Freeboard requirement, staff looking to recommend eliminating this "additional" requirement as well, viewed as arbitrary.

City of Lorain: 2' Freeboard requirement, easily met there as their topography drops 20-30' (via cliff) along lake frontage parcels, per their Floodplain Administrator. Very little privately owned property along water, most parks/public property-facilities.

Elyria and Port Clinton were non-responsive.



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: City of Sandusky Planning Commission

From: Joshua R. Snyder, P.E., Assistant City Engineer

Date: March 17, 2021

Subject: **Commission Agenda Item – Updating sections of ordinance 1157**

ITEM FOR CONSIDERATION: Legislation approving updates to the Floodplain Damage Reduction section of the Codified Ordinance, Chapter 1157.

BACKGROUND INFORMATION:

Due to Sandusky's proximity to Lake Erie and Sandusky Bay and being home to multiple creeks feeding into these large bodies of water, the City of Sandusky has special flood hazard (SFH) areas, scientifically identified/mapped by the Federal Emergency Management Agency (FEMA). These areas are subject to likely periodic inundation (flooding) which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

Regulation of the flood zone is handed from FEMA to ODNR, Floodplain Management Program, Division of Water Resources and then delegated to each local government that chooses to participate in the National Flood Insurance Program. The City of Sandusky has been a participant in the National Flood Insurance Program (NFIP) since 1977, which discounts property insurance rates, because City staff regulates development within the affected Special Flood Hazard (SFH) Areas within the City. Furthermore, as a member of the NFIP, the flood insurance cost for a given property stays uniform from insurer to insurer, so flood insurance "shopping" is not necessary. The last update to this ordinance was in 2008.

Primary drivers of this update, include that:

1. Our 2008 Ordinance primarily needs terminology and definitions updated to coincide with FEMA's current model Floodplain Ordinance. Due to updated mapping and survey technologies along with the feedback gained about our geographic area, an updated map is forthcoming with newly designated zones in areas of the City.
2. One of the most impactful changes within this ordinance, is the removal of the (City imposed) "freeboard" requirement, which is a set elevation the previous Ordinance required, above and beyond the FEMA designated Flood Protection Elevation for a 1% annual chance (formerly called 100-year) flood event. Although seemingly conservative, this additional elevation was unreasonable-to-impossible to meet reasonably in most parts of the Special Flood Hazard Area, creating aesthetic, access and general grading issues, particularly on smaller lots. 12 of 13 (1 withdrew) variances sought to vary from our freeboard-added elevation requirement were approved in the last 4 years. Even ODNR Floodplain Management staff has even recommended,

as a best practice, that “if freeboard elevations are not being enforced (even by an appeals board) then we shouldn’t have one”. Additionally, and maybe more importantly, granting variances from our freeboard elevation, also allows development below the FEMA established elevation, putting structures at a greater risk, than simply following the FEMA elevation in the first place.

ACTION REQUESTED: It is recommended that Planning commission approve the incorporated changes and updates to the floodplain ordinance and recommend approval of said changes to the City Commission.

Respectfully,

Joshua R. Snyder, PE, CPSWQ
Assistant City Engineer

PLANNING COMMISSION APPLICATION

**PROPOSED AMENDMENT TO CHAPTER 1157
(FLOODPLAIN ADMINISTRATION)**



PLANNING COMMISSION

Application for Approval

Department of Planning

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

TYPE OF APPLICATION:

☐ Conditional Use Permit

☐ Similar Main Use

☐ Flood Plain Variance

☐ Front Yard Fence

☒ Other Ordinance Amendment - Chap. 1157

APPLICANT/AGENT INFORMATION:

Property Owner Name: City of Sandusky

Property Owner Address: 240 Columbus Ave.

Property Owner Telephone: _____

Property Owner Email: _____

Authorized Agent Name: City of Sandusky - Public Works Dept.

Authorized Agent Address: _____

Authorized Agent Telephone: 419-627-5875

Authorized Agent Email: _____

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: N/A - City-wide floodplain areas

Legal Description of Property (check property deed for description):

Parcel Number: _____ Zoning District: _____

DETAILED SITE INFORMATION:

Land Area of Property: _____ (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: _____ (in sq. ft.)

Building #2: _____

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): _____

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

Proposed Building Height (for any new construction): _____

Number of Dwelling Units (if applicable): _____

Number of Off-Street Parking Spaces Provided: _____

Parking Area Coverage (including driveways): _____ (in sq. ft.)

Landscaped Area: _____ (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

- ☐ New Construction (new building(s))
☐ Addition to Existing Building(s)
☐ Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

Update and amend Chapter 1157 of City Ordinances

See attached communication to City

Commission.

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property

Application Fee:

Conditional Use Permit: \$100.00

Similar Main Use: \$100.00

Flood Plan Variance: \$100.00

Front Yard Fence: no charge

Other: check with staff for fee

APPLICATION MUST BE COMPLETELY FILLED OUT

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Signature of Owner or Agent

Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of _____ (municipal street address of property), I hereby authorize _____ to act on my behalf during the Planning Commission approval process.

Signature of Property Owner

Date

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

**COMMUNICATION TO
CITY COMMISSION
GIVING EXPLANATION
OF CHANGES TO
CHAPTER 1157**



DEPARTMENT OF PUBLIC WORKS

240 Columbus Avenue
Sandusky, Ohio 44870
419.627.5829
www.ci.sandusky.oh.us

To: Eric Wobser, City Manager

From: Joshua R. Snyder, P.E., Assistant City Engineer

Date: January ~~26~~5, 2021

Subject: Commission Agenda Item – Updating sections of ordinance 1157

ITEM FOR CONSIDERATION: Legislation approving updates to the Floodplain Damage Reduction section of the Codified Ordinance, Chapter 1157.

BACKGROUND INFORMATION:

Due to Sandusky's proximity to Lake Erie and Sandusky Bay and being home to multiple creeks feeding into these large bodies of water, the City of Sandusky has special flood hazard (SFH) areas, scientifically identified by the Federal Emergency Management Agency (FEMA). These areas are subject to likely periodic inundation (flooding) which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

The City of Sandusky has been a participant in the National Flood Insurance Program (NFIP) since 1977, which discounts property insurance rates, because staff regulates development within the affected Special Flood Hazard (SFH) Areas within the City. Furthermore, as a member of the NFIP, the flood insurance cost for a given property stays uniform from insurer to insurer, so flood insurance "shopping" is not necessary. The last update to this ordinance was in 2008.

Driving this update more specifically, is that our 2008 Ordinance primarily needs terminology and definitions updated to coincide with FEMA's current model Floodplain Ordinance. Due to updated mapping and survey technologies along with the feedback gained about our geographic area, an updated map is forthcoming with newly designated zones in areas of the City. One of the most impactful changes within this ordinance, is the removal of the "freeboard" requirement, which is a set elevation the previous Ordinance required, above and beyond the FEMA designated Flood Protection Elevation for a 1% annual chance (formerly called 100-year) flood event. Although seemingly conservative, this additional elevation was tough-to-impossible to meet reasonably in most parts of the Special Flood Hazard Area, and costly to conform to. Additionally, there was no additional discount to flood insurance rates, having or meeting this "higher" standard.

BUDGETARY INFORMATION: There are no fees associated with making these administrative changes.

ACTION REQUESTED: It is recommended that proper legislation be prepared and approved to allow the new building regulations, particularly the “Flood Protection Elevation” change, to take effect early in the 2021 calendar year, to minimize the amount of new development applicants that need to try for variances from our existing Flood Protection Elevation. Ultimately these changes will help expedite developments, otherwise meeting our codes in the Special Flood Hazard Area, and keep our Ordinance in line with FEMA regulations.

I concur with this recommendation:

Eric Wobser
City Manager

Aaron Klein, PE
Director, City Engineer

cc: M. Spriggs, Commission Clerk; M. Reeder, Finance Director; B. Heil, Law Director

CURRENT ORDINANCE 1157 MARKUP

ORDINANCE NO. _____

AN ORDINANCE AMENDING PART ELEVEN (PLANNING AND ZONING CODE), TITLE FIVE (ADDITIONAL ZONING REQUIREMENTS), CHAPTER 1157 (FLOOD DAMAGE REDUCTION) OF THE CODIFIED ORDINANCES OF THE CITY OF SANDUSKY IN THE MANNER AND WAY SPECIFICALLY SET FORTH HEREINBELOW.

WHEREAS, the City Commission adopted Chapter 1157 (Flood Damage Reduction) by Ordinance No. 08-064, passed on July 28, 2008, which reflected the model ordinance provided by the Ohio Department of Natural Resources in order to meet all the requirements for the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program (NFIP); and

WHEREAS, the proposed amendments are primarily to update terminology and definitions to coincide with FEMA's current model Floodplain Ordinance; and

WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of Municipal Departments of the City of Sandusky, Ohio and, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. Part Eleven (Planning and Zoning Code), Title Five (Additional Zoning Requirements), Chapter 1157 (Flood Damage Reduction) of the Codified Ordinances of the City of Sandusky is hereby amended as follows:

**NEW LANGUAGE APPEARS IN BOLD PRINT
LANGUAGE TO BE STRICKEN APPEARS WITH A STRIKE THROUGH IT
LANGUAGE TO REMAIN UNCHANGED APPEARS IN REGULAR PRINT**

**CHAPTER 1157
FLOOD DAMAGE REDUCTION**

- 1157.01 General Provisions.
- 1157.02 Definitions.
- 1157.03 Administration.
- 1157.04 Use And Development Standards For Flood Hazard Reduction.
- 1157.05 Appeals and Variances.
- 1157.06 Enforcement.

CROSS REFERENCES

Flood control bonds; public capital improvement - see Ohio Const., Art. VIII, Sec. 21
National Insurance Program Compliance - see Ohio R.C. 307.37
County Commission flood control aid to governmental units - see Ohio R.C. 307.77
Levees - see Ohio R.C. 717.01
Participation in National Flood Insurance Program - see Ohio R.C. 1506.04
Construction permits and prohibitions for dams, dikes and levees - see Ohio R.C. 1521.06
Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09
Floodplain management - see Ohio R.C. 1521.13

Review of flood plain management ordinances - see Ohio R.C. 1521.18
Manufactured home parks - see Ohio R.C. 4781.26
Notification of flood - see Ohio R.C. 4781.33
Compliance with Flood Plain Management Rules - see Ohio R.C. 4781.29
Recreation vehicle parks - see Ohio R.C. 3729.04
Health, Safety and Sanitation - see GEN. OFF. Ch. 521

1157.01 GENERAL PROVISIONS.

(a) Statutory Authorization. ARTICLE XVIII, Section 7, Home Rule and ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Commission of Sandusky, State of Ohio, does ordain as follows:

(b) Findings of Fact. The City of Sandusky has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

(c) Statement of Purpose. It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

(d) Methods of Reducing Flood Loss. In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

(e) Lands to Which These Regulations Apply. These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Sandusky as identified in Section 1157.01(f), including any additional areas of special flood hazard annexed by City of Sandusky.

(f) Basis for Establishing the Areas of Special Flood Hazard. For the purposes of these regulations, the following studies and / or maps are adopted:

- (1) *Flood Insurance Study Erie County, Ohio and Incorporated Areas and Flood Insurance Rate Map (FIRM) Erie County, Ohio and Incorporated Areas* both effective August 28, 2008.
- (2) Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- (3) Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio, which has been approved by the City of Sandusky as required by Section 1157.04(c) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the office of the Director of Engineering Services, ~~222 Meigs Street~~ **240 Columbus Avenue**, Sandusky, Ohio 44870.

(g) Abrogation and Greater Restrictions. These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to

such interests shall also be governed by the regulations.

(h) Interpretation. In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

(i) Warning and Disclaimer of Liability. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Sandusky, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

(j) Severability. Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

(a) Accessory Structure: A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) Appeal: A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

(c) Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

(d) Base (100-Year) Flood Elevation (BFE): The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

(e) Basement: Any area of the building having its floor subgrade (below

ground level) on all sides.

(f) **Breakaway Wall**: means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(g) **Coastal High Hazard Area**: means an area of special flood hazard, as identified by the federal emergency management agency, along the open coast at Lake Erie and any other area subject to high velocity wave action from storms or seismic sources along Lake Erie and its bays.

(h) **Development**: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(i) **Enclosure Below the Lowest Floor**: See "Lowest Floor."

(j) **Executive Order 11988 (Floodplain Management)**: Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

(k) **Federal Emergency Management Agency (FEMA)**: The agency with the overall responsibility for administering the National Flood Insurance Program.

(l) **Fill**: A deposit of earth material placed by artificial means.

(m) **Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(n) **Flood Hazard Boundary Map (FHBM)**: Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

(o) **Flood Insurance Rate Map (FIRM)**: An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

(p) **Flood Insurance Risk Zones**: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- (1) **Zone A**: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- (2) **Zones A1-30 and Zone AE**: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

- (3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.
- (4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.
- (5) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
- (6) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.
- (7) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- (8) **Zone V: Coastal special flood hazard area subject to a 100-year flood from velocity hazard (wave action); base flood elevations are not determined.**
- (9) **Zone VE: and V1-30: Coastal special flood hazard area subject to a 100-year from velocity hazard (wave action); base flood elevations are determined.**

(q) Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

(r) **Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.**

(s) Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation ~~plus two (2) feet of freeboard~~. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

(t) Floodway: A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

(u) Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

(v) Historic Structure: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
- (4) Individually listed on the inventory of historic places maintained by City of Sandusky's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

(w) Hydrologic and Hydraulic Engineering Analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

(x) Letter of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

- (1) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.
- (3) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or

Flood Insurance Studies.

(y) Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

(z) Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter ~~3733~~ **4781** of the Ohio Revised Code.

(aa) Manufactured Home Park: As specified in the Ohio Administrative Code ~~3701-27-01~~ **4781-12-01(K)**, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. **Manufactured home park does not include any tract of land used solely for the storage or display for sale of manufactured homes.**

(bb) National Flood Insurance Program (NFIP): The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

(cc) New Construction: Structures for which the "start of construction" commenced on or after the initial effective date of the City of Sandusky Flood Insurance Rate Map, July 5, 1977, and includes any subsequent improvements to such structures. **For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM July 5, 1977, and includes any subsequent improvements to such structures.**

(dd) Person: Includes any individual or group of individuals, corporation,

partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 **(A)(2)** as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(ee) Recreational Vehicle: A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(ff) Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

(gg) Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.

(hh) Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

(ii) Special Flood Hazard Area: Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, ~~and~~ A99, or V, VE. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

(jj) Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(kk) Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(ll) Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(mm) Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- ~~(1) Any improvement to a structure that is considered "new construction,"~~
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

(nn) Variance: A grant of relief from the standards of these regulations ~~consistent with the variance conditions herein.~~

(oo) Violation: The failure of a structure or other development to be fully compliant with these regulations.
~~{Ord. 08-064. Passed 7-28-08.}~~

1157.03 ADMINISTRATION.

(a) Designation of the Floodplain Administrator. The Director of Engineering Services is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

(b) Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (1) Evaluate applications for permits to develop in special flood hazard areas.
- (2) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (3) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- (4) Inspect buildings and lands to determine whether any violations of

these regulations have been committed.

- (5) Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, **VE zone construction certifications**, variances, and records of enforcement actions taken for violations of these regulations.
- (6) Enforce the provisions of these regulations.
- (7) Provide information, testimony, or other evidence as needed during variance hearings.
- (8) Coordinate map maintenance activities and FEMA follow-up.
- (9) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

(c) Floodplain Development Permits. It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1157.01(f), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

(d) Application Required. An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- (1) Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- (2) Elevation of the existing, natural ground where structures are proposed.
- (3) Elevation of the lowest floor, including basement, of all proposed structures.
- (4) Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.

professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.

- B. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
- C. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Sandusky specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
- D. The applicant shall meet the requirements to submit technical data in Section 1157.03(kj)(1)(A)(3) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

(4) Development Standards for Coastal High Hazard Areas [and MoWA Areas]. The requirements of Section 1157.03 (k) apply to development in coastal high hazard areas designated zone V or VE on the community's effective FIRM [and when designated on a preliminary or final FIRM issued by FEMA under the circumstances provided in Section 1157.03(k)]. *[OPTIONAL: The requirements of Section 1157.03 (k) also apply to development in Moderate Wave Action areas, within zone AE between a Limit of Moderate Wave Action and the landward limit of zone V or VE designated on the community's effective FIRM, or between a Limit of Moderate Wave Action and the offshore limit of the community's jurisdiction where zone V or VE is not designated on the community's effective FIRM.]*

- A. All new construction and substantial improvements shall be elevated on pilings or columns that may be armored as necessary to withstand Lake Erie ice forces so that:
 - 1. The bottom of the lowest horizontal structural member supporting the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation, and
 - 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
 - a. Water loading values shall be those associated with the base flood.
 - b. Wind loading values shall be those defined according to American Society of Civil Engineers

7-13 Minimum design loads and associated criteria for buildings and other structures, or current version adopted by Ohio Board of Building Standards.

- c. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Section 1157.03 (k)(1) (A).
- B. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
 - 1. For the purpose of Section 1157.03 (k)(1)(A), a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot.
 - 2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 *Minimum design loads and associated criteria for buildings and other structures*, or equivalent standard.
 - 3. All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking of vehicles, building access, or storage.
- C. The use of fill or redistributed existing fill, placed after the initial identification of Zones V, VE or V1-30 on the

community's FIRM, for structural support of buildings is prohibited.

- D. Alteration of sand dunes that will increase potential flood damage is prohibited.
- E. Placement or substantial improvement of manufactured homes must comply with Section 1157.04 (d).
- F. Recreational vehicles must either:
 - 1. Be on site for fewer than 180 consecutive days;
 - 2. Be fully licensed and ready for highway use; or
 - 3. Comply with Section 1157.04 (d).

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.05 APPEALS AND VARIANCES.

(a) Appeals Board Established.

- (1) The City of Sandusky Board of Zoning Appeals established under Chapter 1111 of the Codified Ordinances of the City of Sandusky is hereby appointed to serve as the Appeals Board for these regulations.
- (2) Records of the Appeals Board shall be maintained by the Clerk of the Board of Zoning Appeals. A copy of the records of any appeal regarding this Chapter 1157 shall also be maintained in the Office of the Floodplain Administrator.

(b) Powers and Duties.

- (1) The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- (2) Authorize variances in accordance with Section 1157.05(d) of these regulations.

(c) Appeal From Any Notice and Order, or Other Official Action of the Floodplain Administrator.

- (1) Any person adversely affected by any notice, order or other official action of the Floodplain Administrator may request a hearing on the matter before the Appeals Board provided that such person shall file, within 21 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit a report including any and all necessary pertinent information on which the Floodplain Administrator's decision was made to the Clerk of the Appeals Board.
- (2) Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal hearing, give notice in writing to parties in interest, and decide the appeal within a reasonable time

after the hearing.

(d) Variances. Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

(1) Application for a Variance.

- A. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the application for a variance shall transmit it to the Clerk of the Appeals Board.
- B. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.
- C. All applications for variance shall be accompanied by a variance application fee set in the schedule of fees adopted by the City of Sandusky.

(2) Public Hearing for a Variance. At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

- A. The danger that materials may be swept onto other lands to the injury of others.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- D. The importance of the services provided by the proposed facility to the community.
- E. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
- F. The necessity to the facility of a waterfront location, where applicable.
- G. The compatibility of the proposed use with existing and anticipated development.
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- J. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variances shall only be issued upon:

- L. A showing of good and sufficient cause.
- M. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
- N. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
- O. A determination that the structure or other development is protected by methods to minimize flood damages.
- P. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

(3) Other Conditions for Variances.

- A. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section ~~5.4(B)(1) to (11)~~ **1157.05(d)(2)(A) to (K)** have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- C. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(e) Appeal to the Court. Those aggrieved by the decision of the Appeals Board may appeal such decision to the Erie County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

~~(Ord. 08-064. Passed 7-28-08.)~~

1157.06 ENFORCEMENT.

(a) Compliance Required.

- (1) No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 1157.03(i).
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 1157.06(c).
- (3) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 1157.06(c).

(b) Notice of Violation.

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he or she shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- (1) Be put in writing on an appropriate form;
- (2) Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- (3) Specify a reasonable time for performance;
- (4) Advise the owner, operator, or occupant of the right to appeal;
- (5) Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

(c) Violations and Penalties.

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a first degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Sandusky. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sandusky from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Sandusky shall prosecute any violation of

these regulations in accordance with the penalties stated herein.
(~~Ord. 08-064. Passed 7-28-08.~~)

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance shall take effect at the earliest time allowed by Law.

RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION

ATTEST: _____
MCKENZIE E. SPRIGGS
CLERK OF THE CITY COMMISSION

Passed:

**STATISTICS ON
FLOODPLAIN
VARIANCES SOUGHT
(SINCE 2016)**

2016

#	DATE	ADDRESS	VARIANCE TYPE	RESULT		
18-16	18-Aug	1 CP Drive	Floodplain Variance	Approved		
07-16	21-Apr	3115 Cleveland Rd. Sports Force Park	Floodplain Variance	Approved		

Floodplain
 Variance
 Applications
 Sought (since 16)

14

Approved

13

Denied

0

Withdrawn

1

2017

DATE ADDRESS VARIANCE TYPE RESULT

11-17	6-Apr	2102 River Rd	Flood Zone Variance	Approved		
14-17	18-May	One Cedar Point Drive	Flood Zone Variance	Approved		

2018

#	DATE	ADDRESS	VARIANCE TYPE	RESULT	
07-18	19-Apr	One Cedar Point Drive	Flood Protection Waiver	Approved	
08-18	19-Apr	One Cedar Point Drive	Flood Protection Waiver	Approved	
09-18	19-Apr	One Cedar Point Drive	Flood Protection Waiver	Approved	
10-18	19-Apr	One Cedar Point Drive	Flood Protection Waiver	Approved	

2019

#

DATE _____

ADDRESS**VARIANCE TYPE**

RESULT

OWNER[illegible]

2020

#	DATE	ADDRESS	VARIANCE TYPE	RESULT	OWNER	
PVAR20-00	7/14/2020	1 CEDAR POINT DR	Variance - Flood Plain	Approved	CEDAR POINT PARK LLC	
PVAR20-00	7/17/2020	831 CEDAR POINT RD	Variance - Flood Plain	Approved	GARDNER BRENT A & TAMI J COTRUSTEES	
	18-Jun	1 CEDAR POINT DR.	Variance - Flood Plain	Approved	CEDAR POINT PARK LLC	
	10/15/2020	1107 CEDAR POINT RD	Variance - Flood Plain	Approved	DAVID JESSE	

2021

#

DATE _____

ADDRESS**VARIANCE TYPE**

RESULT

OWNER

[illegible]

**FEEDBACK ON
CURRENT ORDINANCE
FROM AFFECTED
PARTIES**

Josh Snyder

From: John A. Feick <feickja@aol.com>
Sent: Friday, February 12, 2021 8:52 AM
To: Josh Snyder
Subject: Re: Planned changes to Codified Ordinance Chapter 1157 (Floodplain).

THIS EMAIL IS FROM AN EXTERNAL SOURCE. PLEASE DO NOT CLICK ON ANY LINKS OR ATTACHMENTS IF YOU ARE NOT EXPECTING THEM OR UNLESS YOU KNOW THEM TO BE SAFE

There is no benefit for this 2' of freeboard. Everyone from Cedar Point to my boathouse clients object and apply for a variance to this requirement.

Please note my new email address

JOHN A. FEICK, AIA, NCARB, LEED AP

224 East Water Street

Sandusky, Ohio 44870

419-625-2554 (w)

419-656-3017 (c)

feickja3@gmail.com

-----Original Message-----

From: Josh Snyder <jsnyder1@ci.sandusky.oh.us>

To: Megan Stookey <mstookey@ci.sandusky.oh.us>

Cc: Greg Voltz <gvoltz@ci.sandusky.oh.us>

Sent: Thu, Feb 11, 2021 3:48 pm

Subject: Planned changes to Codified Ordinance Chapter 1157 (Floodplain).

All,

You have come across my emails as someone who has dealt with the City's floodplain ordinance in 2019 or 2020. This email is to generate feedback on the City's existing 2' freeboard (additional building height) requirement for new construction. Please take 20 seconds to read and check. Any additional commentary is appreciated.

DO YOU BELIEVE YOU HAVE BEEN INVOLVED IN A PROJECT(S) WHERE THE 2' FREEBOARD HAS BEEN A BENEFIT?

Any additional feedback on this ordinance is appreciated.

Thanks in advance!

Joshua R. Snyder, PE, CPSWQ | Assistant City Engineer

Public Works

Engineering

240 Columbus Ave. | Sandusky, OH 44870

T: 419.627.5875

www.ci.sandusky.oh.us

Josh Snyder

From: Alex Etchill <alex@contractorsdesigneng.com>
Sent: Friday, February 12, 2021 12:54 PM
To: Josh Snyder
Cc: Megan Stookey; Greg Voltz
Subject: Re: Planned changes to Codified Ordinance Chapter 1157 (Floodplain).

THIS EMAIL IS FROM AN EXTERNAL SOURCE. PLEASE DO NOT CLICK ON ANY LINKS OR ATTACHMENTS IF YOU ARE NOT EXPECTING THEM OR UNLESS YOU KNOW THEM TO BE SAFE

Josh & Greg,

I do not recall a project that the additional 2' freeboard was beneficial to a project. In most cases it has caused undue hardship. I believe the adjacent grade next to a building is the key factor, which FEMA uses. Flood waters will not begin to damage a building until it rises to the lowest grade around the building. FEMA sets a good standard and I think that would be sufficient. You may want to call Ottawa County Regional Planning to review their policy. They have a lot of development along Lake Erie and have to deal with this often. I know they only have a 0' freeboard too.

Adam Weaver in our office thinks that FEMA may have a 1' freeboard requirement when building within a flood zone buried somewhere in one of their manuals. I have never come across it but that would be another thing to investigate.

That's my 2 cents, thanks for reaching out! You all have a great weekend and good job at the gym this morning Megan & Greg!

-Alex

Alexander B. Etchill, P.E., P.S.
Contractors Design Engineering, Ltd.
1623 Old State Road
Norwalk, OH 44857

o: (419)-663-0885
f: (419)663-2805

On Thu, Feb 11, 2021 at 3:48 PM Josh Snyder <jsnyder1@ci.sandusky.oh.us> wrote:

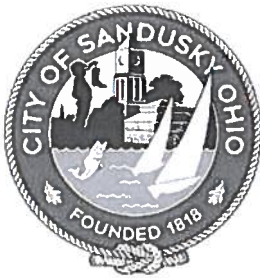
All,

You have come across my emails as someone who has dealt with the City's floodplain ordinance in 2019 or 2020. This email is to generate feedback on the City's existing 2' freeboard (additional building height) requirement for new construction. Please take 20 seconds to read and check. Any additional commentary is appreciated.

DO YOU BELIEVE YOU HAVE BEEN INVOLVED IN A PROJECT(S) WHERE THE 2' FREEBOARD HAS BEEN A BENEFIT?

Any additional feedback on this ordinance is appreciated.

Thanks in advance!



Joshua R. Snyder, PE, CPSWQ | Assistant City Engineer
Public Works

Engineering
240 Columbus Ave. | Sandusky, OH 44870
T: 419.627.5875
www.ci.sandusky.oh.us



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Josh Snyder

From: Erline Trsek <cppoa@buckeye-express.com>
Sent: Monday, February 15, 2021 11:03 AM
To: Josh Snyder
Cc: apeugeot@bex.net; gantho@gmail.com; sprout1419@aol.com
Subject: Re: Flood plane - Cedar Point Road

THIS EMAIL IS FROM AN EXTERNAL SOURCE. PLEASE DO NOT CLICK ON ANY LINKS OR ATTACHMENTS IF YOU ARE NOT EXPECTING THEM OR UNLESS YOU KNOW THEM TO BE SAFE

Thanks Josh - Sounds like the City is doing what it can in the best interests of our homeowners at this time which we do appreciate. If in the future, any further matters of concern come up with these regulations, please don't hesitate to notify or contact the Cedar Point Property Owners Association if we can be of any assistance. The email is CPPOA@bex.net

Thank you, Erline
c 440-665-0034

On Sun, 14 Feb, 2021 at 9:02 PM, Josh Snyder <jsnyder1@ci.sandusky.oh.us> wrote:

To: erline trsek
Cc: apeugeot@bex.net; sprout1419@aol.com; gantho@gmail.com

Currently engineering staff is looking to do away with the 2-foot freebies currently in City Ordinances, above and beyond FEMA's regulation. That was my recent inquiry, City commission has shown concern for removal of this additional 2' requirement. Digging further 12/13 (1 was withdrawn) variances from this requirement have been granted since 2016, so it appears its not as important to the Board of Zoning appeals, either. On a side but related note, due to response from vested homeowners, FEMA has delayed the "new mapping" and its planned effective date. This is postponed indefinitely to the City's knowledge.

Thanks, Josh

Get Outlook for iOS

From: Erline Trsek <cppoa@buckeye-express.com>
Sent: Saturday, February 13, 2021 12:50:13 PM
To: Josh Snyder <jsnyder1@ci.sandusky.oh.us>
Cc: apeugeot@bex.net <apeugeot@bex.net>; sprout1419@aol.com <sprout1419@aol.com>; gantho@gmail.com <gantho@gmail.com>
Subject: Flood plane - Cedar Point Road

THIS EMAIL IS FROM AN EXTERNAL SOURCE. PLEASE DO NOT CLICK ON ANY LINKS OR ATTACHMENTS IF YOU ARE NOT EXPECTING THEM OR UNLESS YOU KNOW THEM TO BE SAFE

Hello Mr. Snyder - I am secretary for the Cedar Point Property Owners Association and was contacted by Georgia Anthony about a FEMA change to the flood plane along the Cedar Point Chaussee lakefront/Bay area.

As this 2 foot flood depth change is something that would affect many of our property owners, I would appreciate it if you could share the details of the current effort with FEMA. If there is anything that the CPPOA can do to support your effort, we would like to do that.

Thanks,

Erline Trsek, CPPOA Secretary/Treasurer
440-665-0034

p.s. I have copied Al Peugeot who the current CPPOA President along with another Board member Mike Prout who lives on the Chaussee and owns the vacant lot next to the Anthony property.

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Ken Heiberger
8394 W. Bowling Green Ln
Lancaster, Ohio 43130

March 30, 2021

Re: 1225 Lakehouse, LLC
1225 Cedar Point Road
City of Sandusky Floodplain Ordinance

Dear Mr. Voltz,

We have owned the residence at 1225 Cedar Point Road for 45 years. This year, we are planning a major remodeling project that has been stifled by this ordinance.

The main floor of our 80 year old house is 3'10" above the FEMA flood plain elevation. The floor in our proposed garage addition would be 10" above the FEMA regulations, but would be below the current "two feet above" City of Sandusky Ordinance.

Removal of the ordinance would allow us to maintain the architectural integrity of our new design and eliminate the need to request a flood plain variance.

Please consider its removal.

Sincerely,



Ken Heiberger

614-206-0895

DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

CITY OF SANDUSKY, OHIO

PLANNING COMMISSION REPORT

APPLICATION FOR SITE PLAN APPROVAL FOR
534 COLUMBUS AVE.

Reference Number: PSPOS21-0003

Date of Report: April 22, 2021

Report Author: Tom Horsman



City of Sandusky, Ohio Planning Commission Report

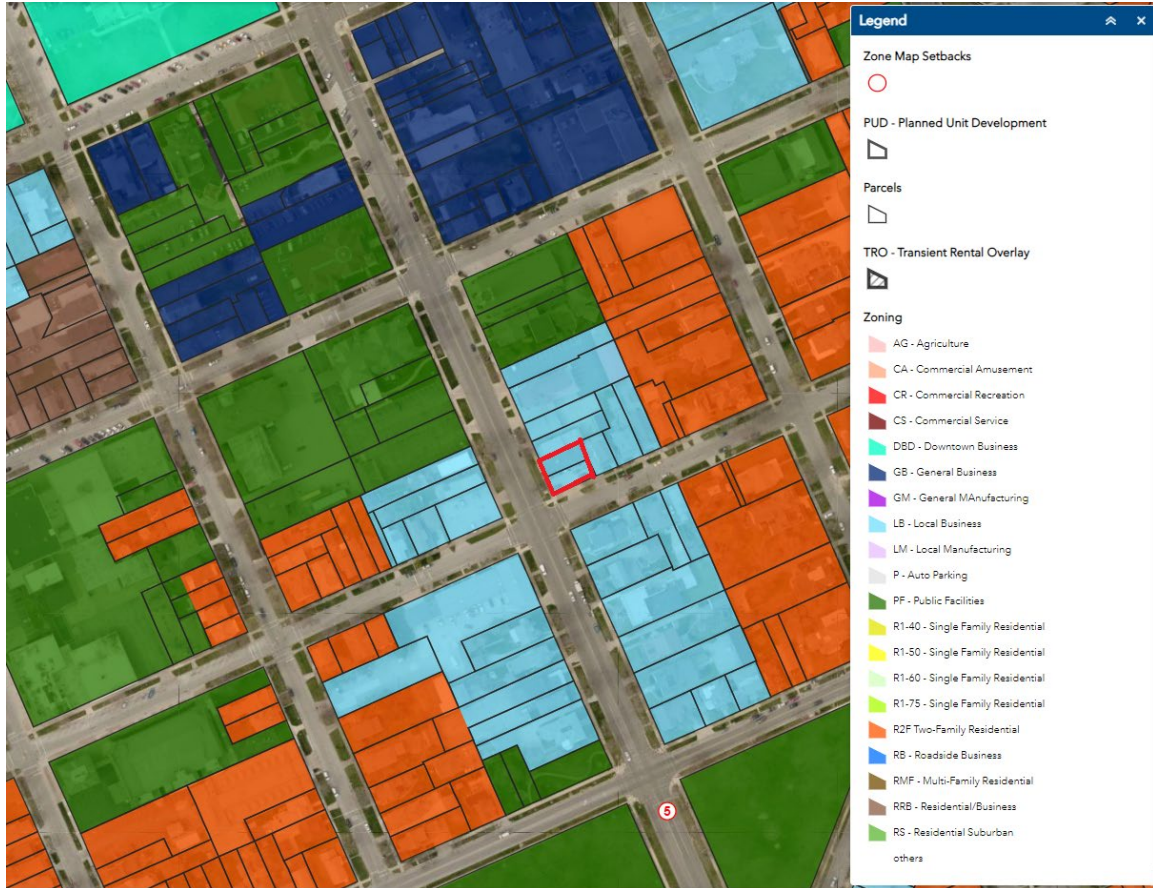
BACKGROUND INFORMATION

Applicant:	Leon Sampat 22082 Lorain Rd. Fairview Park, Ohio 44126
Property Owner:	Sandusky Properties, LLC 200 South Wayne St. Fremont, Ohio 43420
Site Location:	534 Columbus Ave.
Current Zoning:	"LB" – Local Business
Adjacent Zoning:	"LB" – Local Business
Existing Use:	Dental Office
Proposed Use:	Expansion of the Dental Office
Applicable Plans & Regulations:	1149 Site Plan Review and Off-Street Parking 1133 Business Districts

SITE DESCRIPTION

The property at 534 Columbus Ave. is zoned LB—Local Business, and it is surrounded on all sides by properties also zoned LB. The property directly to the east contains a two-family residential dwelling, and the property to the north is a vacant lot.

Zoning Map (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)



Aerial Photo (taken April 2019)



PLANNING DEPARTMENT COMMENTS

This property contains a one-story 2,563 square foot building that is in use as a dental office. The proposed improvements to the building include adding a second floor on the rear of the building and renovating portions of the façade of the building using a stone veneer material. The proposed height of the building, including the new addition, will be 25 feet, 7 inches.

According to the requirements in Section 1149.05 of the Zoning Code, dental offices must provide one parking space per 200 square feet of floor area. The proposed building will have 3,234 square feet and thus requires 17 off-street parking spaces. On the plans submitted, five parking spaces are shown on their current parking lot adjacent to the building. New parking block will be installed as part of the renovation, which are currently not present. There are 18 off-street parking spaces in a lot directly across the street, owned by the Diocese of Toledo. The applicant has a shared parking agreement in place with the Diocese that allows use of this parking lot. This shared agreement was approved by the Planning Commission in February 2018. Additionally, there are on-street parking spaces on both Columbus Ave. and Madison St.

ENGINEERING STAFF COMMENTS

No comments have been received as of the writing of this report

BUILDING STAFF COMMENTS

No comments have been received as of the writing of this report

POLICE DEPARTMENT COMMENTS

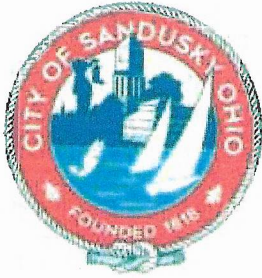
No comments have been received as of the writing of this report

FIRE DEPARTMENT COMMENTS

The Fire Marshall has reviewed the application and has no objections.

CONCLUSION/RECOMMENDATION

Staff recommends the approval of the proposed site plan.



PLANNING COMMISSION

Application for Site Plan Approval

Department of Planning

240 Columbus Ave

Sandusky, Ohio 44870

419.627.5891

www.cityofsandusky.com

APPLICANT/AGENT INFORMATION:

Property Owner Name:

Sandusky Properties, LLC

Property Owner Address:

200 South Wayne St.
Freemont, OH 43420

Property Owner Telephone:

734-218-1775

Property Owner Email:

dr.arruda@arrudaortho.com

Authorized Agent Name:

Leon Samfat

Authorized Agent Address:

22082 Lorain Rd

Fairview pk, OH 44126

Authorized Agent Telephone:

216-403-9654

Authorized Agent Email:

leon@LSArchitectInc.com

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 534 Columbus Ave.

Legal Description of Property (check property deed for description):

28 Columbus Ave N. 33' of W 78' Right To
Drive 33x78

Parcel Number: 56-00150,000 Zoning District: _____

DETAILED SITE INFORMATION:

Land Area of Property: .12 Acre's (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 2563 (in sq. ft.)

Building #2: N/A

Building #3: ↓

Additional: ↓

Total Building Coverage (as % of lot area): existing - 50%

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses - for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

2563 Dental office

Proposed Building Height (for any new construction): 25'7"

Number of Dwelling Units (if applicable): N/A

Number of Off-Street Parking Spaces Provided: 23

Parking Area Coverage (including driveways): 50% (in sq. ft.)

Landscaped Area: Ø (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

- ☐ New Construction (new building(s))
☒ Addition to Existing Building(s)
☐ Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

See attached correspondence.

existing business to
run as is.

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property

Application Fee:

Similar Main Use: \$100.00

Front Yard Fence: no charge

Conditional Use Permit: \$100.00

Flood Plan Variance: \$100.00

Other: check with staff for fee

APPLICATION MUST BE COMPLETELY FILLED OUT

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Signature of Owner or Agent

3-1-2021
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of Sandusky Properties (municipal street address of property), I hereby authorize LS Architects to act on my behalf during the Planning Commission approval process.

Signature of Property Owner

3-2-2021
Date

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

APPLICATION #PC-002

UPDATED 7/23/2019

Page 4 of 8



2021
PLANNING COMMISSION
MEETING DATES AND FILING DEADLINES

	FILING DEADLINE	MEETING DATE
JANUARY	12/21	1/27
FEBRUARY	1/27	2/24
MARCH	2/24	3/24
APRIL	3/24	4/28
MAY	4/28	5/26
JUNE	5/26	6/23
JULY	6/23	7/28
AUGUST	7/28	8/25
SEPTEMBER	8/25	9/22
OCTOBER	9/22	10/27
NOVEMBER	10/27	11/24
DECEMBER	11/24	12/22

The Planning Commission will typically meet on the fourth Wednesday of every month. The meetings are held in the City Commission Chamber, 240 Columbus Ave at 4:30 p.m. Meeting times, locations, and dates are subject to change with prior notice. Any changes will be posted to the City website.



TENANT AREA = FIRST FLOOR (2561 SQ. FT.) + SECOND FLOOR (671 SQ. FT.) = 3,234 SQ. FT.

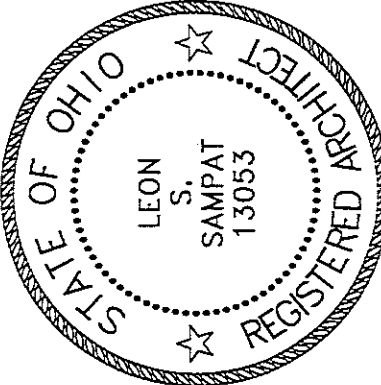
PARKING:
(IN ACCORDANCE W/ SCHEDULE 1149.05)
MEDICAL AND DENTAL OFFICES AND CLINICS PARKING REQUIRED 1 SPACE PER 200 SQ. FT. OF FLOOR AREA
= 3,234 SQ. FT. = 17 SPACES REQUIRED

EXISTING PARKING SPACES ON PLOT: 5 SPACES
EXISTING PARKING SPACES ON SHARED PARKING: 18 SPACES
TOTAL PARKING SPACES PROVIDED: 23 PARKING SPACES

SITE PLAN
SCALE: 3/32" = 1'-0"

REV.	DATE

LS ARCHITECTS
22082 LORAIN ROAD
FAIRVIEW PARK, OH 44126
PHONE 264-403-8654 FAX 440-76-8637

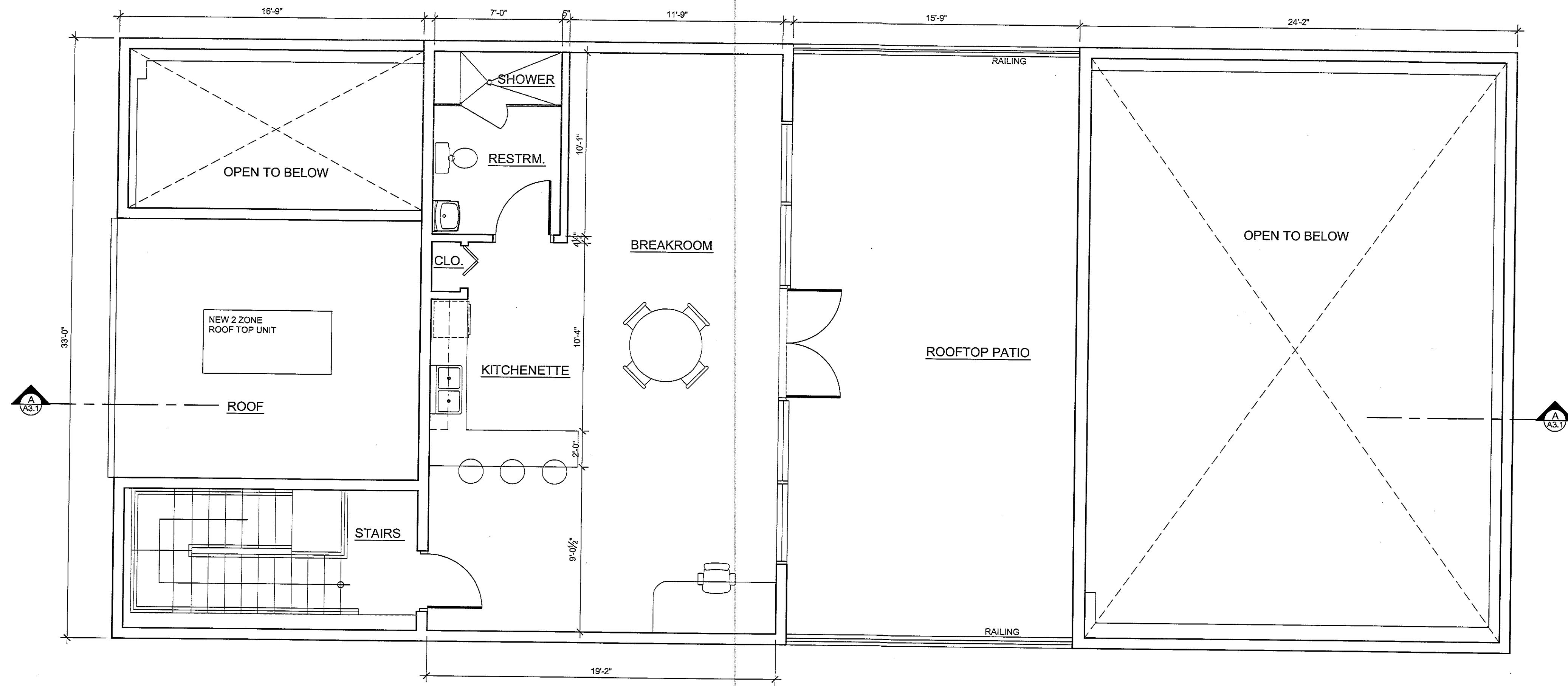


LEON S. SAMPAT
LICENSE # 13053
EXPIRATION DATE 12/31/2021

ALTERATIONS FOR:
SANDUSKY ORTHODONTICS
534 COLUMBUS AVE.
SANDUSKY, OH 44870

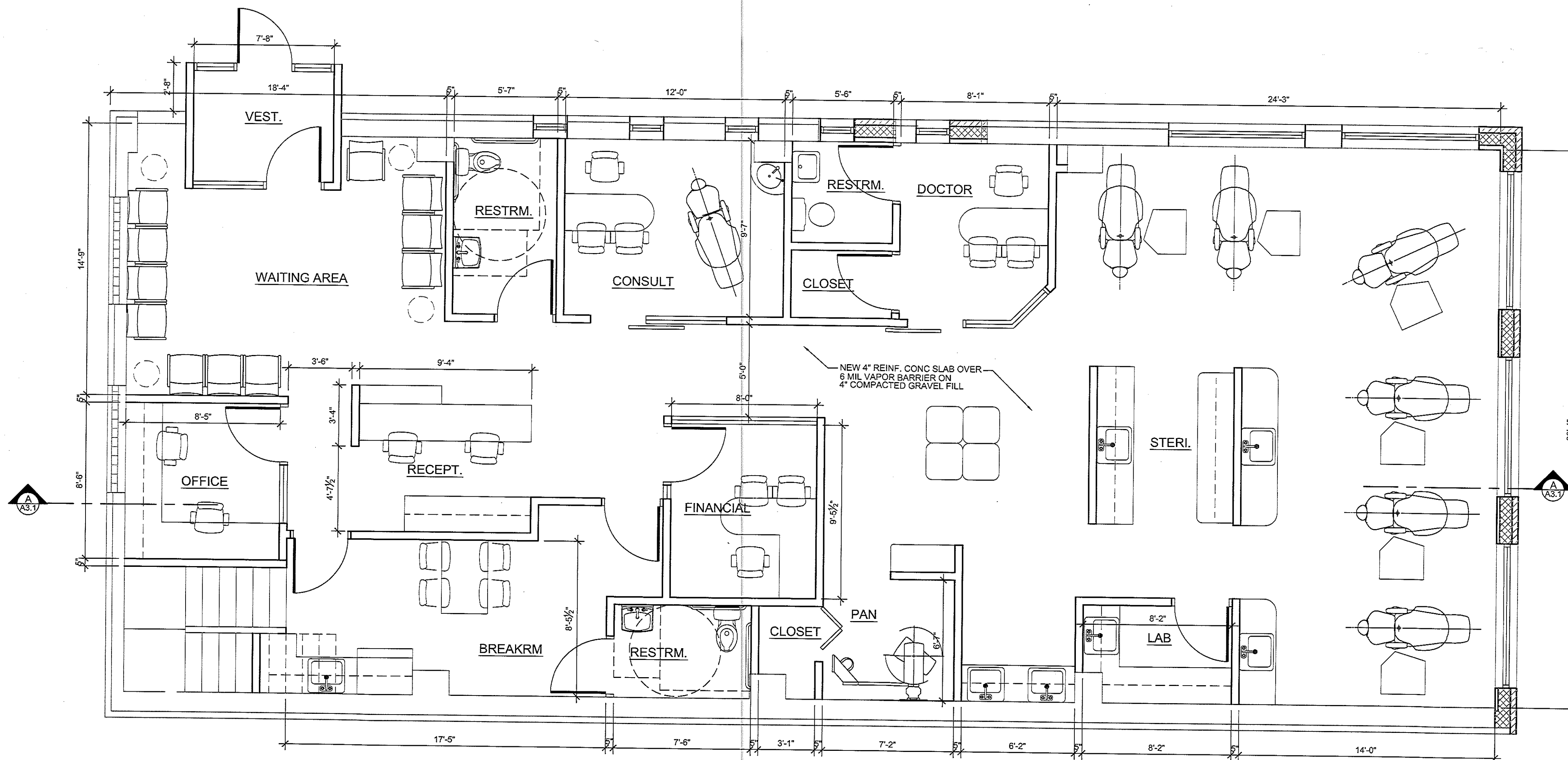
JOB NO: 20-111
DATE: 03.02.2021
ISSUE:

SHEET:
SP.1



SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0" 817 SQ. FT.

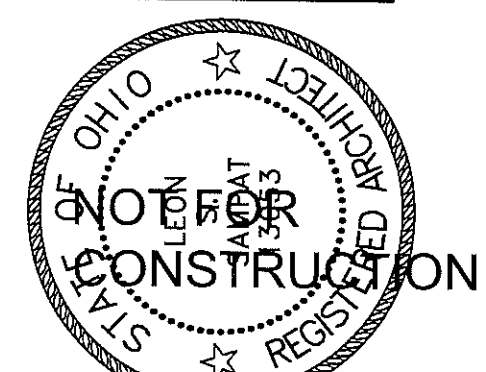


PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0" 2,963 SQ. FT.

REV.	DATE

LS ARCHITECTS
 22082 LORAN ROAD
 FAIRVIEW PARK, OHIO 44126
 PHONE 26-403-9854 FAX 440-76-8837



ALTERATIONS FOR:
SANDUSKY ORTHODONTICS
 534 COLUMBUS AVE.
 SANDUSKY, OH 44870

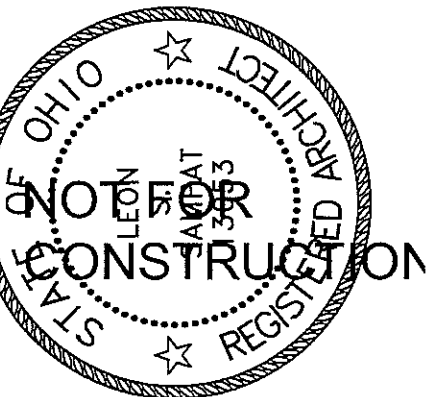
JOB NO:	20-111
DATE:	10.5.2020
ISSUE:	
SHEET:	A1.1

REV.	DATE

US

ARCHITECTS

22082 LORAN ROAD
FAIRVIEW PARK, OHIO 44126
PHONE 26-403-9894 FAX 440-76-8837

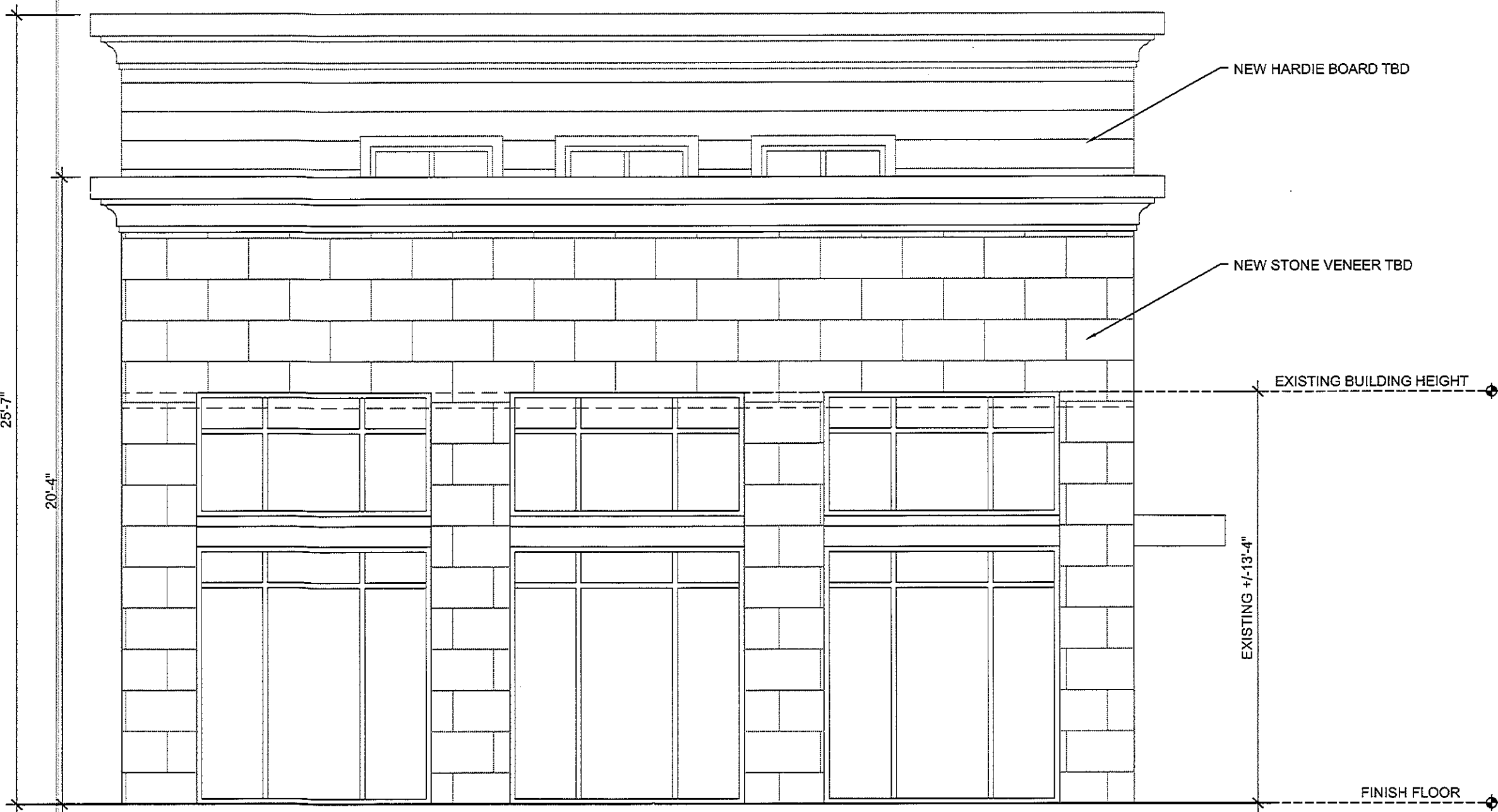


ALTERATIONS FOR:
SANDUSKY ORTHODONTICS
534 COLUMBUS AVE.
SANDUSKY, OH 44870

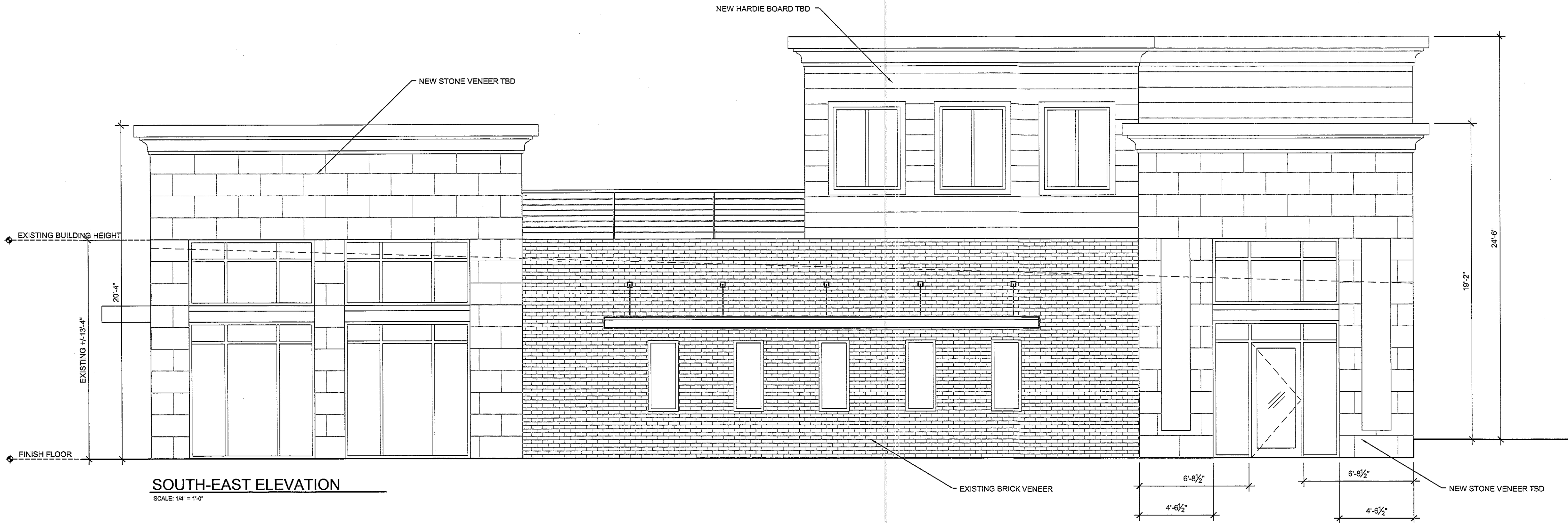
LEON S. SAMPAT
LICENSER 13053
EXPIRATION DATE 12/31/2021

JOB NO:	20-111
DATE:	10.5.2020
ISSUE:	
SHEET:	

A2.1



SOUTH-WEST ELEVATION
SCALE: 1/4" = 1'-0"

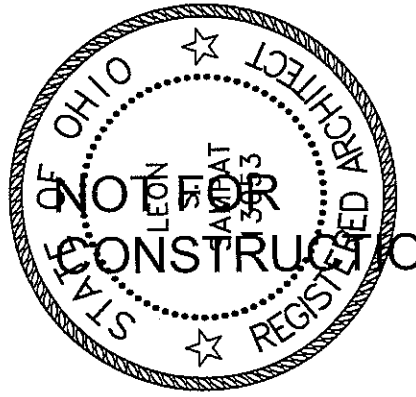


SOUTH-EAST ELEVATION
SCALE: 1/4" = 1'-0"

REV.	DATE

US ARCHITECTS

22082 LORAIN ROAD
FAIRVIEW PARK, OHIO 44126
PHONE 26-403-9654 FAX 440-76-8837



LEON S. SAMPAT

LICENSE# 13053

EXPIRATION DATE 12/31/2021

ALTERATIONS FOR:

SANDUSKY ORTHODONTICS

534 COLUMBUS AVE.

SANDUSKY, OH 44870

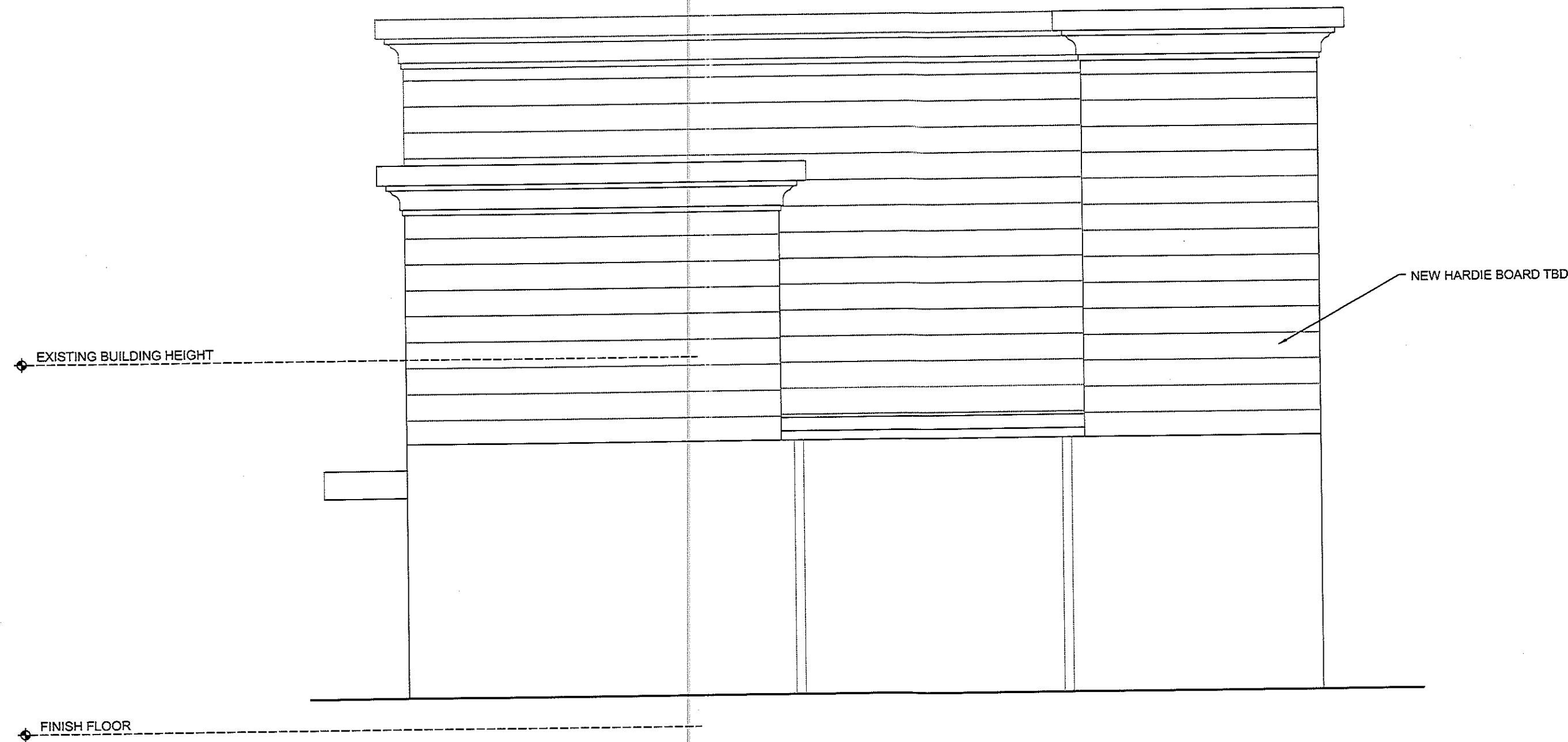
JOB NO: 20-111

DATE: 10.5.2020

ISSUE:

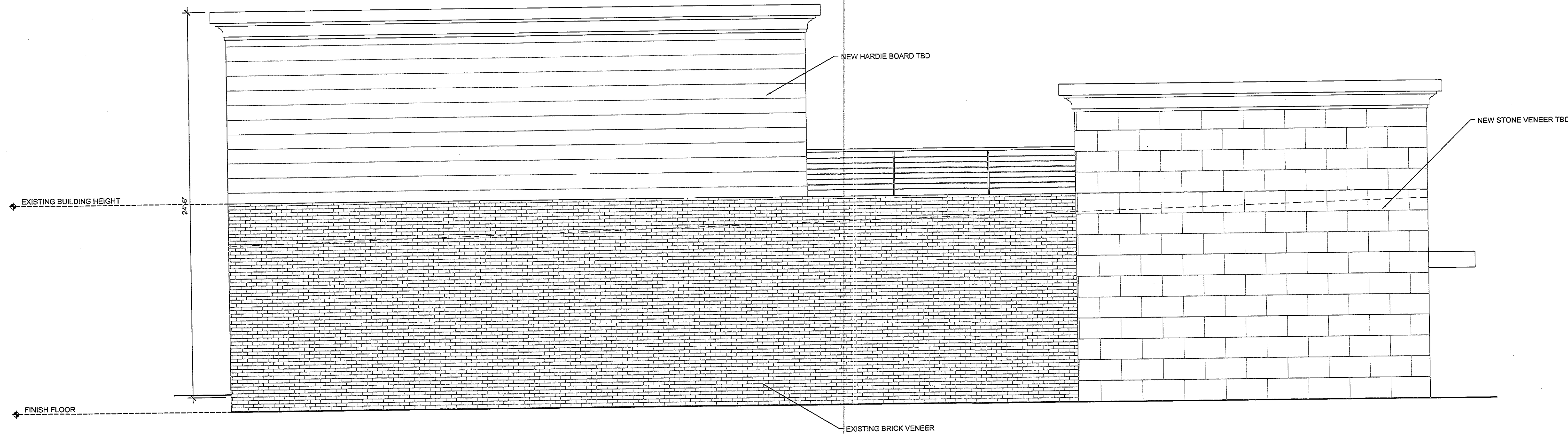
SHEET:

A2.2



NORTH-EAST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH-WEST ELEVATION

SCALE: 1/4" = 1'-0"

CITY OF SANDUSKY, OHIO
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF PLANNING

PLANNING COMMISSION REPORT

APPLICATION FOR SUBSTITUTION OF NON-
CONFORMING USE AT 3712 VENICE RD.

Reference Number: PCONDU21-0003

Date of Report: April 22, 2021

Report Author: Tom Horsman



City of Sandusky, Ohio Planning Commission Report

BACKGROUND INFORMATION

Applicant/Owner: Sean Sprouse
Views on Venice, LLC
301 46th St.
Sandusky, Ohio 44870

Site Location: 3712 Venice Rd.

Current Zoning: "GM" – General Manufacturing

Adjacent Zoning: East, West, South: "GM" – General Manufacturing
North: "LM" – Limited Manufacturing

Existing Use: Motel

Proposed Use: Multi-Family Residence

Applicable Plans & Regulations: Zoning Code Section 1151.02 – Nonconforming Uses

SITE DESCRIPTION

The structure on this property is currently operating as a motel and it is located in a General Manufacturing District (GM).

Zoning Map (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

This aerial map shows a commercial area in Edgewater, NJ. The map includes labels for 'VENICE', 'EDGEWATER AVE', 'VENICE RD.', 'SAGANORE', 'MUERTZ', and 'EDGEWATER'. A red outline highlights a specific area of interest, and various lot numbers and dimensions are visible.

View of the Property from Google Streetview (photo taken October 2018)



PLANNING DEPARTMENT COMMENTS

According to the Erie County Auditor, the property at 3712 Venice was built in 1950 as the Bay View Motel. The property was transferred to the current owner on April 8, 2021. The owner intends to use the property as a multi-family residential dwelling, which would include seven units for rent. The current use of the property as a motel allows for transient occupancy, which is defined as rentals lasting less than 30 days. Both properties to the east and to the west of the subject property are used for single-family residential.

Section 1151.92 of the Sandusky Zoning Code allows for the substitution of nonconforming uses. Section (c) states, "A nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification, as determined by the Planning Commission." The applicant claims to have non-conforming rights to operate the property, but seeks to transition the property to the more restrictive classification of multi-family residential. As required by the Code, staff sent notices of this application to all property owners within 300 feet of the subject property.

ENGINEERING STAFF COMMENTS

No comments have been received as of the writing of this report

BUILDING STAFF COMMENTS

No comments have been received as of the writing of this report

POLICE DEPARTMENT COMMENTS

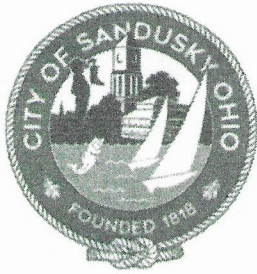
No comments have been received as of the writing of this report

FIRE DEPARTMENT COMMENTS

The Fire Marshall has reviewed the application and has no objections.

CONCLUSION/RECOMMENDATION

Staff recommends approval of the substitution of the nonconforming use. Staff believes that use as a multi-family dwelling is less intensive than a transient motel. If approved, the owner will need to subsequently submit any applicable renovation plans to the Building and Planning Divisions for approval to ensure compliance with residential building and zoning code requirements.



PLANNING COMMISSION

Application for Approval

Department of Planning
240 Columbus Ave
Sandusky, Ohio 44870
419.627.5891
www.cityofsandusky.com

TYPE OF APPLICATION:

☐ Conditional Use Permit
☐ Flood Plain Variance
☒ Other

☐ Similar Main Use
☐ Front Yard Fence

APPLICANT/AGENT INFORMATION:

Property Owner Name: Veivs on Venice, LLC

Property Owner Address: 301 46th St Sandusky OH 44870

Property Owner Telephone: 614-361-0885

Property Owner Email: sean@rentnas.com

Authorized Agent Name: Sean Sprouse

Authorized Agent Address: same

Authorized Agent Telephone: same

Authorized Agent Email: same

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 3712 Venice Rd Sandusky, OH 44870

Legal Description of Property (check property deed for description):
7&8 Venice Rd WH 9&10 WuertzSt 48'

Parcel Number: 60-00018 Zoning District: GM

DETAILED SITE INFORMATION:

Land Area of Property: 14,069 Sq Ft (sq. ft. or acres)

Total Building Coverage (of each existing building on property):

Building #1: 2742 (in sq. ft.)

Building #2: 1292

Building #3: _____

Additional: _____

Total Building Coverage (as % of lot area): @30%

Gross Floor Area of Building(s) on Property (separate out the square footage of different uses – for example, 800 sq. ft. is retail space and 500 sq. ft. is storage space:

2742 sq ft-7 residential units

1292 sq ft-covered porch

Proposed Building Height (for any new construction): NA

Number of Dwelling Units (if applicable): 7

Number of Off-Street Parking Spaces Provided: 14

Parking Area Coverage (including driveways): 4000 (in sq. ft.)

Landscaped Area: 0 (in sq. ft.)

PROPOSED DEVELOPMENT (check those that apply):

- ☐ New Construction (new building(s))
☐ Addition to Existing Building(s)
☒ Change of Use in Existing Building(s)

Description of Proposed Development (Describe in detail your development plans, for example – proposed use, size of building or proposed addition, hours of operation, days of operation, seating capacity, etc.):

No new development. Requesting a substitution of existing non conforming use

under zoning code 1151.02. Currently used as motel apartments of 30 days or less.

Future use to be apartments of 30 days or more. Basic, cosmetic renovations to follow.

REQUIRED SUBMITTALS:

15 copies of a site plan/off-street parking plan for property

Application Fee:

Conditional Use Permit: \$100.00

Similar Main Use: \$100.00

Flood Plan Variance: \$100.00

Front Yard Fence: no charge

Other: check with staff for fee

APPLICATION MUST BE COMPLETELY FILLED OUT

APPLICATION AUTHORIZATION:

If this application is signed by an agent, authorization in writing from the legal owner is required. Where owner is a corporation, the signature of authorization should be by an officer of the corporation under corporate seal.

Sean M. Spivey
Signature of Owner or Agent

4/11/21
Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of _____ (municipal street address of property), I hereby authorize _____ to act on my behalf during the Planning Commission approval process.

Signature of Property Owner

Date

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Planning Commission Meeting: _____

Planning Commission File Number: _____

Erie County, Ohio - Property Record Card
Parcel: 60-00018.000 Card: 2

GENERAL PARCEL INFORMATION	
Owner	SHAH JAYANTILAL & PUSHPA
Property Address	3712 VENICE RD SANDUSKY OH 44870
Mailing Address	3712 VENICE RD
Land Use	410 - MOTELS AND/OR TOURIST CABINS
Legal Description	7 & 8 VENICE RD WH 9 & 10 WUERTZ STREET N 48'
Neighborhood	46002 -
School District	SANDUSKY SD
MAP NUMBER: 31	

VALUATION		
	Appraised	Assessed
Land Value	\$8,080.00	\$2,830.00
Improvements Value	\$105,840.00	\$37,040.00
CAUV Value	\$0.00	\$0.00
Total Value	\$113,920.00	\$39,870.00

LAND					
Land Type	Acreage	Depth	Frontage	Depth	Value
P1 - PRIMARY	0.323	0	0	100	\$8,080.00



AGRICULTURAL				
Land Type	Land Usage	Soil Type	Acres	Value

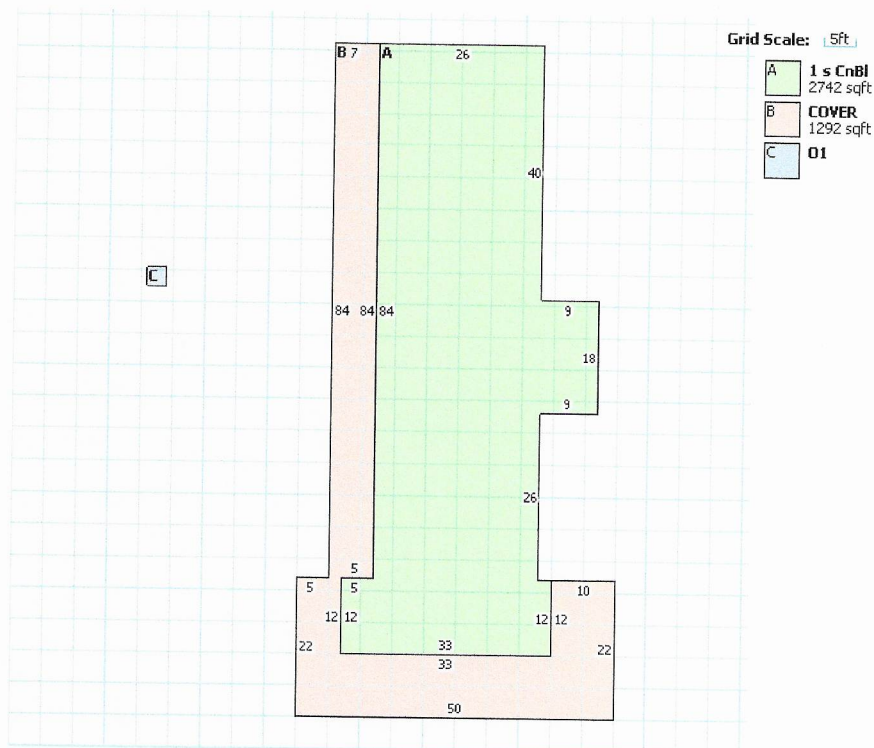
SALES			
Date	Buyer	Seller	Price
5/14/2007	SHAH JAYANTILAL &	MAYHER ELAINE M	\$114,000
8/3/1999	MAYHER ELAINE M	RUSS JERRY B	\$140,000
6/25/1996	RUSS JERRY B	BELDING ETHEL	\$85,000

COMMERCIAL

Description	Motel
Year Built	1950
Year Remodeled	0
Unit Count	0
Section Number	
Section Area	2742
Wall Height	8
Section Story Count	1

ADDITIONS

Description	Area	Year Built	Value
COVER - Cover / Canopy	1292	1950	\$4,550.00



IMPROVEMENTS

Description	Year Built	Dimension	Area	Value
Paving: Asphalt -	1950	0x0	3500	\$890.00

TAX

	1st Half	2nd Half	Total
Charge:	\$1,979.15	\$1,979.15	
Credit:	(\$556.46)	(\$556.46)	
Rollback:	\$0.00	\$0.00	
Reduction:	\$0.00	\$0.00	
Homestead:	\$0.00	\$0.00	
Sales Credit:	\$0.00	\$0.00	
Net Tax:	\$1,422.69	\$1,422.69	
CAUV Recoupment:	\$0.00	\$0.00	
Special Assessments:	\$0.00	\$0.00	
Penalties/Adjustments:	\$0.00	\$0.00	
Delinquencies:	\$0.00	\$0.00	
Net Owed:	\$1,422.69	\$1,422.69	\$2,845.38
Net Paid:	(\$1,422.69)	\$0.00	(\$1,422.69)
Net Due:	\$0.00	\$1,422.69	\$1,422.69