



CITY OF SANDUSKY BOARD OF ZONING APPEALS MEETING

**January 19, 2017
4:30 p.m.
1ST FLOOR CONFERENCE ROOM, CITY BUILDING
AGENDA**

Review of minutes from November 17th, 2016

Adjudication hearing to consider the following:

1. Boeckling Historic Properties, LLC has applied for a variance to the required front yard setback for a sign located at 614 Columbus Ave.

NEXT MEETING: February 16, 2017

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

Board of Zoning Appeals
November 17, 2016
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Chairman John Feick, Mr. Walt Matthews, Mr. John Mears and Dr. William Semans. Also present were Ms. Casey Sparks from the Planning Department, Mr. Justin Harris from the Law Department and Debi Eversole as Clerk from Community Development. Mr. Kevin Zeiher was excused from the meeting.

There were four voting members present.

Mr. Mears moved to approve the minutes from the Oct 20, 2016 meeting. Mr. Matthews seconded the motion. The motion carried with a unanimous vote.

Chairman Feick swore in audience and Staff members that wished to speak for or against any agenda items.

Chairman Feick requested to move the order of the agenda items as he will be abstaining from voting on the 2nd agenda item. It will be read last.

Ms. Sparks stated that Richard Bates has applied for a variance to the required side yard setback for an accessory structure located at **2102 Monroe Street**. The applicant is proposing a 16' side yard setback for an accessory building located on Parcel # 58-01696.000. The applicant has recently purchased parcels 58-01696.001 & 58-0696.000. When purchasing these properties, Mr. Bates was informed by the realtor that he could place a garage on the vacant parcel behind the rear of the home. When the applicant reached out to Staff to begin the construction process, he was informed that per section 1145.15(b) the accessory building shall be setback from the side street line not less than required for the adjacent main building on the butt lot, plus an additional five feet. In this case the required setback would be 30'. Staff does not believe the proposed accessory building will be an impact to the surrounding property owners as the proposed garage will be located behind the front plane of the adjacent property. The adjacent home located along Jay Street is located 6' from the front property line, the applicant is meeting the intent of the code by placing the accessory dwelling more than five feet from the existing front plane of the home. Staff would recommend approval of the proposed variance with the condition that the height of accessory dwelling shall not exceed 15'.

Mr. Mears moved to approve the variance as conditioned by Staff. Mr. Matthews seconded the motion. Roll was called and the motion carried with a unanimous vote.

Ms. Sparks stated that Stephanie Livas has submitted an application for a variance of 1'4" to the required height of a fence located within the side yard a **224 Scott Street**. The applicant is proposing a 5'4" fence within the side yard, the maximum permitted height is 4'. The applicant residence is located on 224 Scott Street, they purchased the adjacent lot and plans to combine the parcels. The applicant would like to create a fenced area for their child. Staff recognizes that that similar variance for fences have been granted, Staff also recognizes that this fence is located adjacent to an alley as such Staff would recommend that the fence be located 4' within the property line to assure that there are no line of site issues.

Dominic Livis, 224 Scott Street stated that the front of the fence will be even with the rest of the fence and is decorative.

Mr. Mears moved to approve the variance with the stipulation of the fence being placed 4' off the property line. Mr. Matthews seconded the motion. With no further comments, roll was called and the motion carried with a unanimous vote.

Ms. Sparks stated that the Erie County General Health District has submitted an application for variances to both side and rear yards of the property located at **420 Superior Street** for construction of the new rehabilitation health facility. The applicant is proposing a 16.5' north side yard setback whereas the code requires 200' side yard setback and the applicant is also proposing a 97.88' rear yard setback; whereas the code requires 200' rear yard setback. The current Health Department offers many services out of their existing facility, however the Health Department is looking to construct this addition to their campus to better serve the needs to the area. The proposed building addition will be located at the northeast portion of the lot. The existing public facility zoning regulations are reflective of setbacks normally seen for Court Houses, Hospitals, City Hall, etc. These uses are historically located in the middle of larger tracks of land, which makes it difficult for construction on many local sites. The Health Department has communicated that they believe they could accommodate the needs of this use better within this location. Staff believes that the applicant has placed effort into locating the facility away from residential properties and would recommend approval of the proposed variances with the condition that substantial landscaping is installed along the north side yard setback to assure proper buffering within this area.

Chairman Feick stated that the property was not previously zoned Public Facility. Ms. Sparks stated that the property was previously zoned as Local Manufacturing and rezoned approximately one year ago. Chairman Feick stated that the only residential properties are to the south.

Ms. Sparks stated that she received one phone call from a resident and once the application was clarified, that resident had no problem with the application.

Pete Schade, 420 Superior Street stated that the site plan shows an existing storage facility that will come down. He stated that he has spoken with some neighbors and they seem gracious of the upcoming changes. The existing fence will also come down and be placed at the true property line.

Dr. Semans moved to approve the application. Mr. Mears seconded the motion. With no further comments, roll was called and the motion passed unanimously.

Ms. Sparks stated that Boeckling Historic Properties, LLC has submitted an application for a variance of 15' to the required front yard setback for a monument sign to be located at **614 Columbus Ave.** The applicant is proposing a 0' front yard setback for a sign. Several months ago the applicant received grant funding, through the Economic Development Department, for façade improvements to the building as well as a new sign. After receiving approval from the Economic Development Committee, the applicant applied for a building permit application for the sign, at that time it came to Staff's attention that the proposed sign would not meet the required front yard setback. Currently on site, there is a changeable copy sign that was

approved by the Planning Department several years ago. Staff is encouraged that the applicant is making an effort to remove the existing signage. The proposed design is more permanent in nature. Staff has indicated support for this sign with the condition that the Board of Zoning Appeals approve the proposed variance. Planning staff recognizes that this sign will be an improvement to this site and will provide adequate signage for the proposed use. Staff believes that the proposed location, although not meeting existing setbacks is most aesthetically pleasing for the site. Similar variances for signs have been granted for signage that does not affect the line of site. Staff would recommend approval of the 15' variance for a sign located at 614 Columbus Ave.

Tom Bodner, 614 Columbus Avenue stated that he is doing a historic restoration of the building. Mr. Bodner offered the members photos of signage in the area similar to his proposal. He stated that the photos represent signage that is in the tree line or even on the sidewalk. He understands that when most of these buildings were built, zoning laws were not in effect. He added that there is really no place on this property that will both comply with the zoning code and be visible by the public.

Gene Goff, 610 Columbus Avenue has been a neighbor since 2003. He stated that the temporary sign has been there as long as he can remember. He feels that it would be a great improvement to put in a permanent sign.

Chairman Feick stated that he lives across the street and that he offered his suggestion in a letter that he sent to Staff. The board members asked for the letter to be entered into the meeting minutes.

November 15, 2016

Dear Mrs. Sparks

I do not have a problem with the sign or what it looks like, only where it is being placed. A large masonry post right off the edge of the sidewalk is not acceptable. It is my opinion that the sign should be placed as far off the sidewalk as possible.

There is room for the sign, behind the Owner's sidewalk, in the grass area either to the south or north. In either of these locations the sign would be visible from well over a block away.

See attached sketch.

Pfeil Funeral Home at 617 Columbus Avenue, directly across the street, placed a V-shaped sign in their front yard to keep the sign off the sidewalk.

First Congregational Church at 431 Columbus Avenue, the most recent request for a sign on Columbus Avenue, placed their sign back to almost touching their building.

Respectfully,
John A. Feick, AIA, CSI, LEAD AP
629 Columbus Avenue

Due to this conflict, Chairman Feick will abstain from the vote. The sketch that Chairman Feick provided was not the 15' but it is still visible from both directions of traffic from about a block away.

Mr. Bodner stated that there were underground utilities and that he didn't believe that Chairman Feick's suggestion would work for this space. He indicated that the sewer is on one side and water on the other. He would not like a sign placed over top of either of these utilities. Chairman Feick suggested placing the sign a couple of feet on either side of the underground utilities. Mr. Bodner stated that this would also create a site issue for the sidewalk when backing out of the driveway.

Dr. Semans asked how high the sign is. Mr. Bodner stated that the signs are approximately the same height. Dr. Semans added that he agreed about setting the sign back a little, as others have had to move back. Mr. Bodner showed the board members approximately where the utilities ran underground. Dr. Semans stated that he would prefer the sign be placed further back.

Dr. Semans asked Chairman Feick what his thoughts were. Mr. Harris suggested that since Chairman Feick has the conflict that he should refrain from commenting further. His thoughts were expressed through the letter.

Dr. Semans moved to approve the variance. Mr. Matthews seconded the motion. With no further discussion, roll was called and the motion failed 1 vote yes, 2 votes no. Chairman Feick abstained, Mr. Matthews yes, Mr. Mears no and Dr. Semans no.

Mr. Mears moved to amend the motion to approve the variance with a 7' setback as opposed to a 0' setback. Dr. Semans seconded the motion. With no further discussion, the motion carried with a 3/0 vote, Chairman Feick abstained from the vote.

Ms. Sparks reminded the board members that the City will host several neighborhood meetings as a part of the Sandusky Neighborhood Initiative. These meetings will occur the first and second weeks in December. She encouraged the members to join any or all of the sessions.

As of this date, there are no applications for a December meeting.

Mr. Mears moved to adjourn the meeting. Dr. Semans seconded the motion and the meeting adjourned at 5:13pm.

Approved:

Debi Eversole, Clerk

John Feick, Chairman

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR VARIANCE TO THE
REQUIRED FRONT YARD SETBACK FOR A
SIGN LOCATED AT 614 COLUMBUS AVE.

Reference Number: BZA-1-17

Date of Report: January 12, 2017

Report Author: Casey Sparks, Assistant Planner



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Boeckling Historic Properties, LLC has submitted a revised application for a variance of 15' to the required front yard setback for a monument sign to be located at 614 Columbus Ave. The following information is relevant to this application:

Applicant: Boeckling Historic Properties, LLC
614 Columbus Ave
Sandusky, Ohio 44870

Site Location: 614 Columbus Ave
Sandusky, Ohio 44870

Zoning: "LB"/ Local Business

Existing Use: Single Family Dwelling

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1143.09(d)
Specific Sign Requirements

Variance Requested: 1) A 15' variance to the required front yard setback for a monument sign

Variance Proposed: 2) The applicant proposes a 0' front yard setback for a sign located within the front yard at 614 Columbus Ave; whereas the zoning code requires a 15' front yard setback.

SITE DESCRIPTION

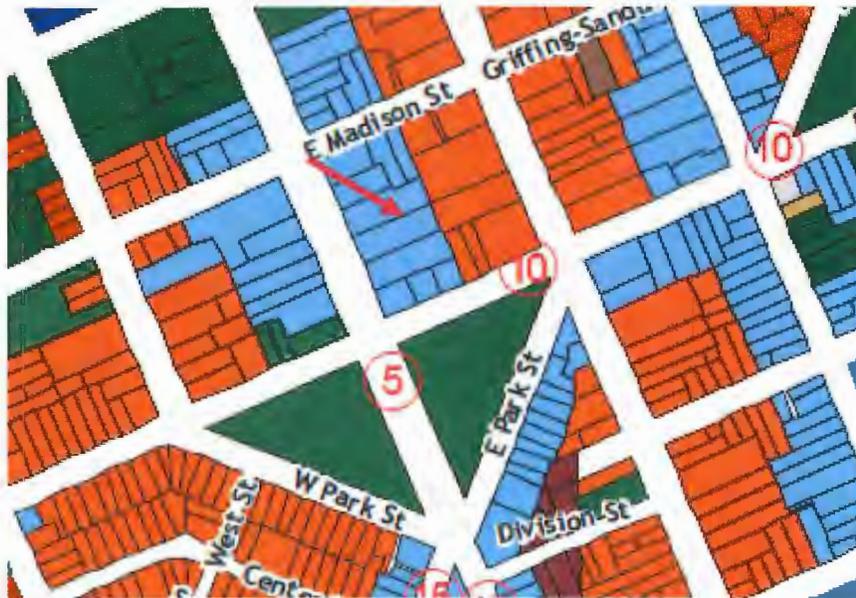
The proposed subject property is located along Columbus Ave and is zoned "LB" Local Business and is surrounded by "GB" General Business.

A picture of the property along with a location map are found below.

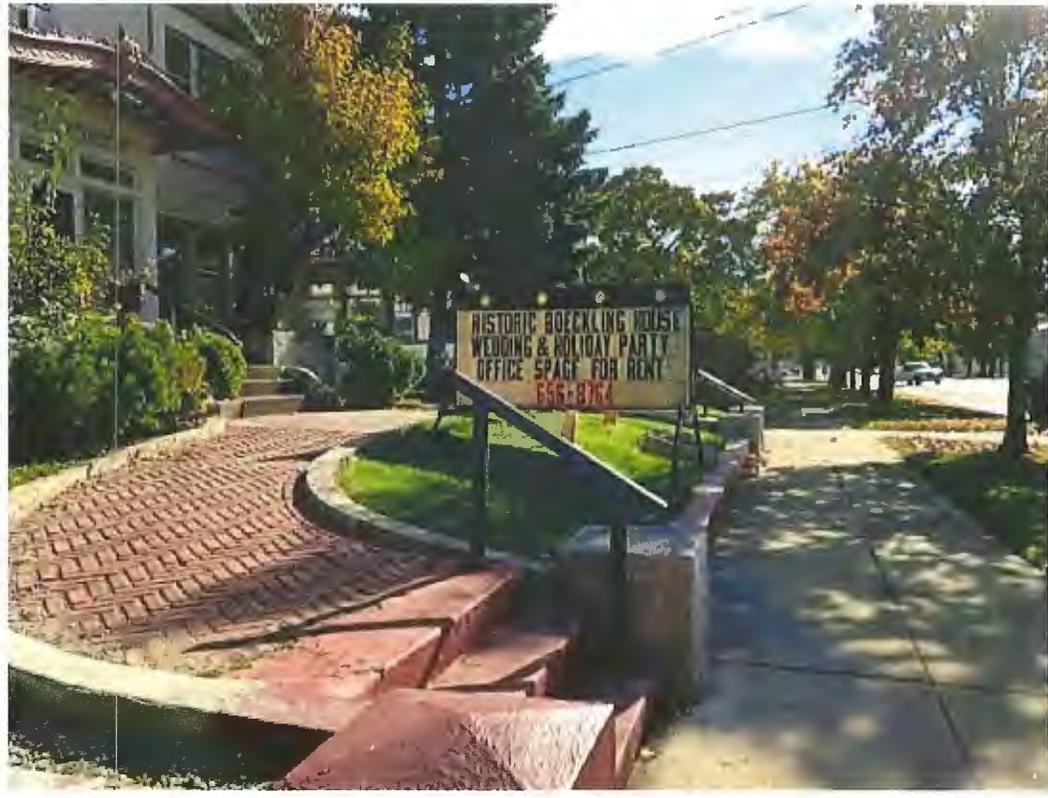
614 Columbus Ave



Zone Map – Parcels



P-1 PUBLIC UTILITY	M-1 SINGLE-FAMILY RESIDENTIAL	B-1 FARM BUSINESS	M-2 MEDIUM-DENSITY RESIDENTIAL
R-2 RESIDENTIAL SUBURBAN	M-2 MEDIUM-DENSITY RESIDENTIAL	B-2 HOUSING BUSINESS	C-1 COMMERCIAL DISTRICT
R-3 SINGLE-FAMILY RESIDENTIAL	M-3 MULTI-FAMILY RESIDENTIAL	B-3 OFFICE BUSINESS	M-3 MEDIUM-DENSITY RESIDENTIAL
M-4 SINGLE-FAMILY RESIDENTIAL	M-4 MULTI-FAMILY RESIDENTIAL	C-2 COMMERCIAL AMUSEMENT	M-4 MEDIUM-DENSITY RESIDENTIAL
M-5 SINGLE-FAMILY RESIDENTIAL	M-5 MULTI-FAMILY RESIDENTIAL	C-3 COMMERCIAL DISTRICT	P-1 PLANNED UNIT DEVELOPMENT
A-1 AGRICULTURAL	A-1 AGRICULTURAL		NO REQUIRED SIDEWALK BUFFER



DIVISION OF PLANNING COMMENTS

In December the Board of Zoning Appeals met to review the application for a 15' variance to allow a monument sign to be located adjacent to the front property line. The Board of Zoning Appeals denied the request, however a motion to approve a variance of 7' for the front yard setback for a monument sign was approved. Since the December meeting the applicant has communicated to Staff that there are several utility lines along the property which would not permit a sign on the north or south side of the property. The applicant has also stated that if located on the either the north or south side of the property the sign would restrict vision from both driveways, the application states that he would like a sign to properly market the building. A site plan indicating the proposed location of the utility lines is provided within your packet.

Section 1111.05 states that if an application is considered by the Board and denied, the same application shall not be considered within 24 months of the date of the denial or withdrawal. The Law Department has met with the applicant and stated that the information provided by the applicant appropriate to be resubmitted and reviewed by the Board of Zoning Appeals.

In the application, the applicant provide the necessity of the variance: “ A 7’ setback as previously approved would not work for several reasons:

- If located at center of property the sign would need to be parallel to the street and be less readable.
- North side of the property has too many existing utilities
- South side of the property has existing utilities and handicap ramp
- Sign at either north or south side would restrict vision form both driveways”

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

Section 1111.06(c)(1)

A. Whether the variance is substantial;

The setback variance sought in this case is 15’ which is substantial, however due to current layout and existing utility locations on the property it would be difficult for the sign to meet the required setbacks.

B. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance;

The location of the proposed sign would not substantially alter or be a detriment to the essential character of the neighborhood. There is an existing sign in the same place of the proposed location. As stated, the proposed sign is more permanent in nature and would be an aesthetic improvement to the area. Within the area there are signs located within the public right-of-way and signs closer to the front property line than the required 15’ setback.

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

The proposed variance would not affect the delivery of government services, as the proposed signage would not impact a right-of-way, utility line or block access for emergency vehicles and it does not impede vehicles on pedestrian circulation.

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

The applicant stated that he was aware of the existing zoning regulations but has indicated that there is limited area to place the sign to assure that it is visible and outside the area of the existing utility lines.

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

Due to the location of the circular drive and existing utility lines it would be difficult to meet the required setbacks. The applicant does have an option for a wall sign, however Staff would not encourage this as the building is on the National Register and staff would like to see the integrity of the building remain.

F. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by the granting of the variance;

It is the opinion of the Planning staff that the intent behind the zoning requirement would be observed as the proposed sign does not create a line of site issue and another similar variance requests have been granted.

G. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without a variance; and

In this instance, the property can still yield a reasonable rate of return, however the applicant has indicated that a sign would be required for the type of business he is proposing for this location.

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

It does not appear that the proposed sign would be contrary to the general purpose, intent or objectives of the Zoning Code or the Comprehensive Plan.

Other conditions that the Zoning Board of Appeals must determine have been met include the following:

Section 1111.06(c)(2):

A. That the variance requested arises from such a condition which is unique and which is not ordinarily found in the same zoning district and is created by the Zoning Code and not by an action or actions of the property owner or the applicant;

The request for the variance is created by the actions of the property owner regarding the proposed location of the sign, however there is a very limited area for a monument sign on this property.

B. That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;

Staff does not believe that the sign will adversely affect the surrounding property owners. As stated, the sign will be more aesthetically pleasing and should not create a line of site issues within this area.

- C. **That the strict application of the Zoning Code of which the variance requested will constitute unnecessary hardship upon the property owner or the applicant;**

The strict application of the Zoning Code would not permit the applicant to construct the monument sign at this location, thus limiting the applicant on the amount of signage for the property.

- D. **That the variance desired will not adversely affect the public health, safety, morals or general welfare; and**

The proposed variance would not appear to adversely affect the public health, safety, morals or general welfare of the neighborhood.

- E. **That the granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Ordinance.**

It does not appear that the sign would be contrary to the general spirit, intent or objectives of the Zoning Code or the Comprehensive Plan.

CONCLUSION/RECOMMENDATION

In conclusion, planning staff's recommendation does not change from the previous application. Staff recognizes that this sign will be an improvement to this site and will provide adequate signage for the proposed use. Planning Staff believes that based on the additional information provided by the applicant it would be difficult for a sign to be located 7' from the front property line and would restrict visibility. Staff would recommend approval of the 15' variance for a sign located at 614 Columbus Ave.

CITY OF SANDUSKY
APPLICATION FOR BOARD OF ZONING APPEALS
APPROVAL

_____ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: BOCKLING HISTORIC PROPERTIES LK

Property Owner Address: 4211 MAPLE AVENUE
CASTALIA, OHIO 44824

Property Owner Telephone: 419 656-8764

Contact Person: THOMAS BODNER

Authorized Agent Name: N.A.

Authorized Agent Address: ~

Authorized Agent Telephone: ~

Contact Person: ~

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: 614 COLUMBUS AVENUE

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

Zoning District: 56-00982.000

VARIANCE INFORMATION:

Section(s) of Zoning Code under which a variance is requested:

1143.09 FRONT YARD SETBACK REQUIREMENT
OF GREATER OF 7' (PER PREVIOUS VARIANCE) OR
1/2 OF FRONT YARD SETBACK

Variance(s) Requested (Proposed vs. Required):

- PROPOSED - 8" TO STREET SIDE OF PROPOSED BKKK
COLUMN VS. 7'-0" (PREVIOUS VARIANCE)
- PROPERTY SIDE OF SIDEWALK IS ASSUMED TO BE
19" FROM PROPERTY LINE SINCE 614 COLUMBUS SIDEWALK
EXTENDS 19" FURTHER ONTO 614 COLUMBUS PROPERTY

THAN NEIGHBOR'S SIDEWALK.

DETAILED SITE INFORMATION:

Land Area of Property: 14,136 +/- (sq. ft. or acres)

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

Building #1: 5594 (in sq. ft.) Building #2: 69

Building #3: _____ Additional: _____

Total Building Coverage (as % of lot area): 40 %

Proposed Building Height (for any new construction): N.A.

Number of Dwelling Units (if applicable): 0

Number of Accessory Buildings: (1) EXIST.

DESCRIPTION OF DEVELOPMENT PROPOSAL (Describe your development plans in as much detail as possible):

WE ARE UPGRADING THE BUILDING WITH LONG
OVERDUE MAINTENANCE. USE WILL BE THE SAME
AS IT HAS BEEN FOR THE LAST 70+ YEARS - OFFICES,
RENTAL HALL, CATERING KITCHEN, FOOD SERVICE,
CLUB WITH BAR. KNIGHTS OF COLUMBUS HAD BLDG
SINCE 1945. OUR PURCHASE & DEVELOPMENT STARTED
2+ YEARS AGO. WE DESIRE A SIGN TO PROPERLY

MARKET THE BLDG AS A HISTORIC BUILDING AND
UPSCALE BUILDING THAT CAN READILY BE VIEWED
FROM BOTH DIRECTIONS ON A BUSY COLUMBUS AVE,
A MAJOR THROUGH FARE IN SANDUSKY

- PROPOSED SIGN HAS BEEN SUBMITTED TO, AND BEEN
APPROVED BY SANDUSKY LANDMARKS COMMISSION,
WHO HAS AT MINIMUM 2 PROFESSIONALS. COMMISSION
HAS REVIEWED SIGN TO BE APPROPRIATE, IMPROVE AESTHETICS,
AND ECONOMIC STABILITY, AND PROVIDE FOR GENERAL WELFARE
OF THE PEOPLE OF SANDUSKY.

NECESSITY OF VARIANCE (Describe why not obtaining this variance would cause you hardship or practical difficulty and what unique circumstances have caused you to file for a variance):

- A 7' SETBACK, AS PREVIOUSLY APPROVED WOULD NOT

WORK FOR SEVERAL REASONS

• IF LOCATED AT CORNER OF PROPERTY SIGN WOULD NEED

TO BE PARALLEL TO STREET & BE LESS READABLE

- NORTH SIDE OF PROPERTY HAS TOO MANY EXIST UTILITIES

- SOUTH SIDE OF PROPERTY HAS EXIST UTILITIES & TRAMP. CONSIDERATIONS

- SIGN AT EITHER W OR S. SIDE WOULD RESTRICT

APPLICATION AUTHORIZATION: VISION FROM BOTH DIRECTIONWAYS.

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.

Thomas Bodnar

Signature of Owner or Agent

12-20-2014

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 Board of Zoning Appeals approval process.

Signature of Property Owner

Date

REQUIRED SUBMITTALS:

10 copies of a site plan (drawn to scale and dimensioned) which shows the following items:

- a) Property boundary lines
- b) Building(s) location
- c) Driveway and parking area locations
- d) Location of fences, walls, retaining walls
- e) Proposed development (additions, fences, buildings, etc.)
- f) Location of other pertinent items (signs, outdoor storage areas, gasoline pump islands, etc.)

\$100.00 filing fee

APPLICATION MUST BE COMPLETELY FILLED OUT!

NOTE: Applicants and/or their authorized agents are strongly encouraged to attend Board of Zoning Appeals meetings.

STAFF USE ONLY:

Date Application Accepted: _____ Permit Number: _____

Date of Board of Zoning Appeals Meeting: _____

Board of Zoning Appeals File Number: _____

EXISTING SERVICE DRIVE

ADJACENT NEIGHBOR'S DRIVE

EXISTING GAS SERVICE

WINDOW BOXES W/ ANNUALS
GAS METER
SEWER
WATER
GRASS
CU-1
CU-2
UPRIGHT HICKSI TAXUS - 60" HGT.
MULCH
PINK DRIFT ROSE - 30" HGT.

RECONSTRUCTED PORCH

PROPOSED RAMP

LANDING

PROPOSED HANDICAPPED ENTRANCE SIDEWALK

PROPOSED HANDICAPPED ENTRANCE SIDEWALK

EXISTING FLAG POLE

CODE SPECIFIED 15' SETBACK

GRASS

EXIST BRICK WALK TO BE CLEANED AND POINTED

COMBINED SEWER

EXIST BRICK WALK TO BE CLEANED AND POINTED

GRASS

PROPOSED HISTORICAL MARKER

PROPOSED BUILDING SIGN

VARIANCE ALLOWED 7' SETBACK

BLUE RUG JUNIPER GROUNDCOVER - (8" HGT)

GRASS

GRASS

GRASS

EXISTING SIDEWALK

LANDSCAPE PLAN
3/16"=1'



ALL PLANTINGS ARE DESIGNATED AS MATURE SIZES AND HEIGHTS.

Boeckling House Proposed Signage



View from Neighbor's Drive with Existing Sign Location. Good Sightlines of Pedestrians From North are Provided.



View From Neighbor's Drive with Sign at 7'-15' Setback from Right of Way. Sightlines of Pedestrians are Greatly Reduced.



Photo Shows Difference in Grade between Two Properties. Vehicle in Adjacent Drive is Substantially Lower Affecting Sightlines of Pedestrians. Driver's View Is Further Reduced by Existing Tall Concrete Wall..



View of Existing and Previously Proposed Signs Shows Both are Visible from The South. Previously Proposed Sign must be Raised to be fully Visible From Vehicles on Columbus Avenue.