



## **CITY OF SANDUSKY BOARD OF ZONING APPEALS MEETING**

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**September 13, 2017  
4:30 p.m.  
1ST FLOOR CONFERENCE ROOM, CITY BUILDING  
AGENDA**

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**Review of minutes from the August 17, 2017 Meeting**

**Adjudication hearing to consider the following:**

1. The Sandusky State Theatre has submitted for a 390 Sq. Ft. variance to allow a mural to be located at 107 Columbus Avenue. Section 1143.08 (c) sets a maximum sign area of 120 Sq. Ft. whereas the applicant proposes a wall sign of 390 Sq. Ft.

**Next Meeting: October 19, 2017**

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

Board of Zoning Appeals  
August 17, 2017  
Minutes

Mr. Zeiher called the meeting to order at 4:30 PM. The following members were present: Mr. Dan Delahunt, Mr. Kevin Zeiher and Mr. Walt Matthews. Ms. Casey Sparks represented the Planning Department and Debi Eversole, Clerk from Community Development. Chairman John Feick was excused. There were 3 voting members present. Dr. William Semans arrived during the second agenda item.

Mr. Matthews moved to approve the meeting minutes from the July 20, 2017 meeting as written. Mr. Delahunt seconded the motion. With no discussion, the motion carried with a unanimous vote.

Mr. Zeiher swore in audience and staff that wished to testify on any of the agenda items.

Ms. Sparks presented that Daniel McGookey had submitted an application for a 10' variance to allow for a ground sign to be placed 5' from the property line at **223 Meigs Street**. The property is zoned as Downtown Business. The applicant had indicated that the proposed location of the 27' square foot sign will improve visibility for vehicular traffic as the current sign appears to be in the right of way. Staff recommended approval of the 10' variance to allow for the monument sign with the condition that the sign meets all zoning requirements for area and height.

Mr. Delahunt moved to accept the recommendation to approve the variance application. Mr. Matthews seconded the motion. The motion was approved with a 3/0 vote in favor.

Dr. Semans arrived as the second agenda item was being presented.

Ms. Sparks presented that Allison Thompson, on behalf of Susan Haas had submitted an application for a 2' variance to construct a 6' high fence around the entire rear and sides of the property located at **4306 Venice Road**. The lot is located about 40' from the street and about 40' from the neighbor. The area is mixed with both residential and businesses. Staff recommends approval as they do not see any detriment to the surrounding neighbors.

Ms. Allison Thompson 4306 Venice Road stated that she is requesting this variance to screen their yard as they are in a high traffic area. They have a garden in the back yard that they would like to be fenced in from the people on foot that travel the area.

Mr. Matthews moved to approve the application. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Brad Clark on behalf of Jan Buckholz had submitted an application for a 13' variance to the rear yard setback for a residential addition at **2231 Karl Ann Drive**. The applicant is proposing a 30' x14' residential addition within the rear yard of the property.

The property located within the rear of this site will be impacted, the applicant owns both properties. The applicant is looking to utilize both properties for living quarters.

Staff recognizes that the rear yard setback for the structure and the existing overhang is currently non-conforming and the applicant is not proposing to alter the existing side yard setbacks. Staff recommends approval of the variance with the condition that all permits are obtained.

Mr. Delahunt asked if the adjoining property faces Stallwood. Ms. Sparks replied yes and that according to the contractor, the applicant intends to use both properties as living quarters.

Mr. Zeiher asked if staff sees any long term issues with the approval of this application. Ms. Sparks stated that if the property sells, both properties would have to be sold together. The property is already in a non-conforming state.

Andrew Miller, Janotta & Herner stated that he is aware that the husband of the applicant has an illness and that this addition would be his living area as it has a lot of windows for him to see outside.

Mr. Delahunt moved to accept staff's recommendation to approve the application. Dr. Semans seconded the motion, which carried with a unanimous vote.

Ms. Sparks presented that Gundlach Sheet Metal Works had submitted an application for a 37' side and rear yard variance to allow for the construction of a building at **118 Division Street**. The applicant plans to construct a storage building that will improve the existing circulation of the site. The deliveries would come off of Columbus, onto Division to unload, and exit onto Neil to Columbus Avenue. The applicant is currently in the rezoning process from R2F to Commercial Service. The applicant is present to answer any questions. Staff added that during the rezoning process, surrounding neighbors came to the meeting and were in full support of this project once they saw the new traffic circulation. Staff recommends approval of the application with the following conditions:

- A 6' fence be constructed to screen the proposed building
- The applicant obtain all building permits before construction
- The building shall not exceed 30' in height so as to not be an impact to residential properties

Mr. Zeiher asked if the residential lot is rezoned. Ms. Sparks stated that yes, several parcels are R2F and were approved through the Planning Commission for rezoning and are now going through City Commission on September 25 for final approval. The lots will also be combined.

Ross Betsch and Andy Gundlach with Gundlach Sheet Metal pointed out to the Board the residential properties on the screen that would need to be rezoned. The building plan is proposed to shrink down 50', keeping it 10' off of the property line to eliminate some of the variance that was requested. The original plan was a "worst case scenario" so that they could keep moving forward with approvals. Mr. Gundlach stated that they are still in negotiations with what the size of the building will actually be. He added that the biggest problem that they have is that semis unload from Columbus Avenue. This project will get them off of the street and on onto Gundlach's property to improve traffic flow on Columbus Avenue.

Dr. Semans confirmed that there are actually 4 lots being rezoned.

Mr. Delahunt asked if this will get delivery traffic off of the street. All traffic for deliveries including UPS deliveries will no longer be on Columbus Avenue. It will be on Gundlach's property. Mr. Delahunt then asked if there were houses on Neil Street where the traffic will be re-routed. Mr. Betsch stated that there are 2 houses currently on Neil that Gundlach has been offered to acquire.

Dr. Semans asked if they were to move the plan to the south, would that be more feasible for the truck traffic. Mr. Betsch stated that they would like to leave the option open for future expansion.

Dr. Semans moved to approve the variances as presented. Mr. Matthews seconded the motion, which carried with a unanimous vote.

Ms. Sparks presented that Firelands Habitat for Humanity had submitted an application for a 10' front yard variance to allow for the construction of a single family residence at **506 Meigs Street**. Section 1129.14 requires a 25' front yard setback. The applicant is proposing an alternative model for this site, as this is the one of the target areas for the Neighborhood Initiative. The applicant has proposed different material types as well as architectural features than the standard Habitat houses. Staff recognizes that the existing lot does make it difficult to conform to the required setbacks based on the size of the home they are proposing. The surrounding residential structures have similar setbacks. Staff recommended the 10' front yard variance with the condition that all permits be obtained by the applicant.

Mr. Matthews asked when the house would be finished.

Mike McCall with Habitat for Humanity stated that time is of the essence. Projects usually start in July and are complete December. Now with a proposed start date of September, the project will not be complete until February. The project will be enclosed by November. The volunteers that support Habitat for Humanity can only build 2 days per week, so it may take a little longer than normal construction of a home.

Mr. Zeiher asked for the size of the lot. Mr. McCall stated that the lot is 52' x 99'. Mr. Delahunt asked how much back yard there would be. Mr. McCall answered 32'. Mr. Delahunt asked if the lot was first offered to the neighbor. Ms. Sparks answered that is generally the procedure but the Housing Manager would answer that best.

Mr. Delahunt asked if the plans were appraised by an appraiser. Mr. McCall stated that when the project is complete, an appraisal will be done. Habitat for Humanity acts as the bank. They put the money in and process a 25 year loan at 0% financing to the new owner.

Mr. Matthews moved to approve the application as written. Dr. Semans seconded the motion, which was approved with a unanimous vote.

Ms. Sparks stated that there are currently no applications for a September meeting but if something comes in, the Board will be advised.

Mr. Delahunt moved to adjourn the meeting. Dr. Semans seconded the motion and the meeting was adjourned at 5:10pm.

APPROVED:

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Debi Eversole, Clerk

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Kevin Zeiher, Acting Chairperson

CITY OF SANDUSKY, OHIO  
DEPARTMENT OF DEVELOPMENT  
DIVISION OF PLANNING

# BOARD OF ZONING APPEALS REPORT

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APPLICATION FOR A VARIANCE TO PERMIT  
A MURAL AT 107 COLUMBUS AVE

Reference Number: BZA-22-17

Date of Report: September 7, 2017

Report Author: Casey Sparks, Chief Planner



# City of Sandusky, Ohio Board of Zoning Appeals Report

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## BACKGROUND INFORMATION

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Sandusky State Theatre has filed an application for a 390 s.f. variance to allow a mural to be located at 107 Columbus Ave. The following information is relevant to this application:

Applicant: Sandusky State Theatre  
107 Columbus Ave  
Sandusky, Ohio 44870

Site Location: 107 Columbus Ave

Zoning: "DBD"/Downtown Business District

Existing Use: State Theatre

Applicable Plans & Regulations: City of Sandusky Zoning Code Sections 1129.14 & 1151.05(b)

Variance Requested: 1) A variance of 390 s.f.

Variance Proposed: 2) The applicant proposes a 510 square foot sign; whereas Section 1143.08 (c) sets a maximum sign area of 120 square feet.

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## SITE DESCRIPTION

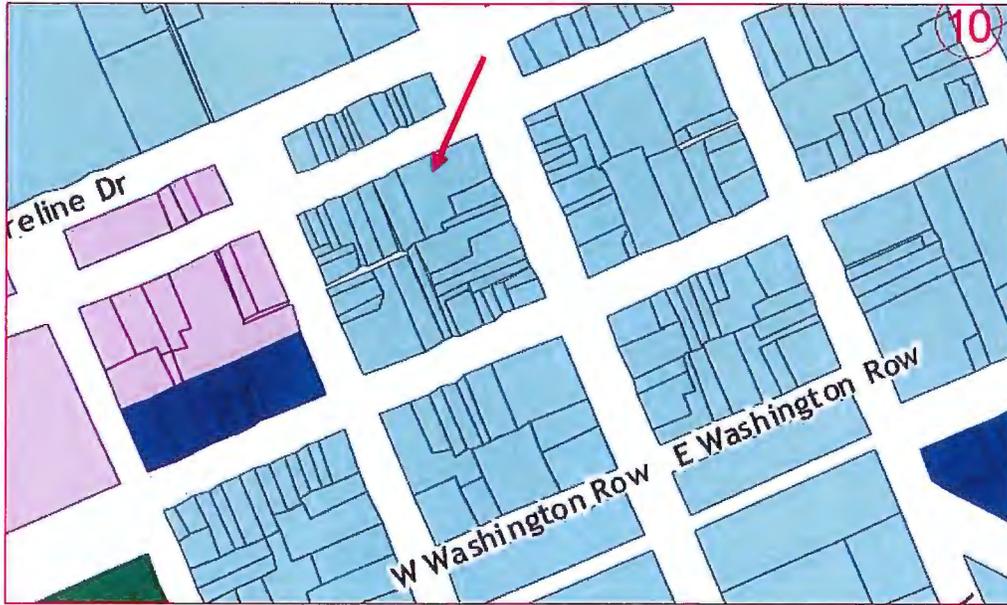
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The subject property is located at 107 Columbus Ave.; within the "DBD" Downtown Business District.

Below is the zoning map and aerial image of the subject property is found below and the parcel of the subject property is pointed out:

### 107 Columbus Ave





PF PUBLIC FACILITY	R1-40 SINGLE-FAMILY RESIDENTIAL	LB LOCAL BUSINESS	DDB DOWNTOWN BUSINESS
RS RESIDENTIAL SUBURBAN	R2F TWO-FAMILY RESIDENTIAL	RB ROADSIDE BUSINESS	CS COMMERCIAL SERVICE
R1-7S SINGLE-FAMILY RESIDENTIAL	RMF MULTI-FAMILY RESIDENTIAL	GB GENERAL BUSINESS	LM LIMITED MANUFACTURING
R1-60 SINGLE-FAMILY RESIDENTIAL	RRB RESIDENTIAL / BUSINESS	CA COMMERCIAL AMUSEMENT	GM GENERAL MANUFACTURING
R1-50 SINGLE-FAMILY RESIDENTIAL	P AUTO PARKING	CR COMMERCIAL RECREATION	PUD PLANNED UNIT DEVELOPMENT
AG AGRICULTURAL			NO. REQUIRED SETBACK IN FEET

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**DIVISION OF PLANNING COMMENTS**

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The applicant has applied for a variance for a mural to be located on the side of the building located at 107 Columbus Ave. The mural will be 17' x 30', as such it will be a total of 510 square feet. A team of artists will be coming to the area to paint the mural at this location. The mural will take approximately a week to ten days to create.

The Bicentennial Vision plan emphasizes activating spaces with public art, this project will be a pilot project for this effort. The zoning code defines murals as any decorative pictorial that is painted on a wall surface of a building or structure, however the existing code does not exempt murals as such they are currently required to follow the zoning regulations set forth in Chapter 1143.

In the application, the applicants state the following as to the necessity of the variance:

*“Current zoning code does not exempt murals. We request a variance to place a public art piece on the south wall. The Bicentennial Vision plan calls for public art and the state theatre is proud to lead this effort.”*

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 variance sought in this case is substantial, however the variance arises from the fact that the zoning code currently does not exempt murals, as such the mural is considered a sign and is required to meet the signage requirements set forth in Section 1143.08. In the near future, planning staff will be proposing an amendment to the zoning code that would exempt murals, as such a precedent will not be set.

**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 essential character of the neighborhood would not be altered, the mural will be painted on an existing wall that is already painted and will have images of Sandusky.

**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.

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

Understanding that this is one of the first murals the city has had for quite some time, both the applicant and staff have been working together on how to address this from a zoning perspective. Once the applicant was aware that this would be classified as a sign the applicant applied for the variance.

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

The existing zoning regulations would not permit the proposed mural without a variance. The applicant does have the ability to reduce the size of the mural however this may compromise the imagery of the mural.

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

Staff believes that the spirit and intent of the zoning code would be observed with granting of the variance; as stated staff will be proposing a zoning amendment that will exempt murals as such this would not be creating a precedent.

- 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 return without the variance.

- 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.**

The proposed mural will not be contrary to the general purpose, intent and objective of the Zoning Code or other adopted plans of the City. The Bicentennial Vision plan emphasizes activating spaces with public art, this project will be a pilot for this effort.

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;**

As stated the existing zoning code would require murals to be considered a sign, however staff will propose an amendment to exempt murals. The existing wall is approximately 7,200 square feet, the 510 square foot mural will be 8 % of the back side of the State Theatre. This mural is also unique as it is not advertising a business, it is simply a piece of art on the wall.

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

In Planning Staff's opinion, granting the variance will not adversely affect the rights of the adjacent property owners or residents.

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

Strict enforcement of the Code would not permit the painting of the mural at this location. The proposed location is vital to the mural, understanding the size and nature of the mural there is limited area in which this could be placed.

**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.

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

The addition will not oppose the general spirit and intent of the zoning ordinance.

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#### CONCLUSION/RECOMMENDATION

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In conclusion, planning staff recognizes that this variance application is very unique in the fact that the mural meets the definition of the sign, however it is not an advertisement for the applicant or any surrounding businesses. The Board would not be setting a precedent with the variance as staff has intentions, with approval of City Commission and the Planning Commission, to propose amending the code to exempt murals. As stated, the mural will only be approximately 8 % of the back side of the State Theatre. Planning Staff believes that this project is a vital project for the efforts of expanding art in public spaces as described in the Bicentennial Vision Plan. Planning Staff recommends approval of the proposed 390' variance for the mural at 107 Columbus Ave.



CITY OF SANDUSKY  
PLANNING DIVISION  
APPLICATION FOR BOARD OF ZONING  
APPEALS APPROVAL

\_\_\_\_\_ Variance to Regulations of the City of Sandusky Zoning Code

APPLICANT/AGENT INFORMATION:

Property Owner Name: Sandusky State Theatre

Property Owner Address: 107 Columbus Ave  
Sandusky OH 44870

Property Owner Telephone: 419 626 1950  Check if okay to Text

Email: chrisp@sanduskystate.com

Contact Person: Chris Parthemore

Authorized Agent Name: Chris Parthemore

Authorized Agent Address: 107 Columbus Ave  
Sandusky OH 44870

Authorized Agent Telephone: 419 626 1950  Check if okay to Text

Email: chrisp@sanduskystate.com

Contact Person: Chris Parthemore

Meeting with Staff \_\_\_\_\_

**LOCATION AND DESCRIPTION OF PROPERTY:**

Municipal Street Address: 107 Columbus Ave

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

Historic Theater

Permanent Parcel Number: \_\_\_\_\_

Zoning District: DBD

**VARIANCE INFORMATION:**

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

1129.14

1151.05b

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

394 sq ft

**DETAILED SITE INFORMATION:**

Land Area of Property: 26 196 sq ft (sq. ft. or acres)

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

Building #1: 19184 (in sq. ft.) Building #2: \_\_\_\_\_

Building #3: \_\_\_\_\_ Additional: \_\_\_\_\_

Total Building Coverage (as % of lot area): \_\_\_\_\_

Proposed Building Height (for any new construction): NA

Number of Dwelling Units (if applicable): 0

Number of Accessory Buildings: 0

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

Mural on SW wall covering appx 8% of the wall



**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: \_\_\_\_\_

City Of Sandusky  
Planning Division  
222 Meigs St. Sandusky, Ohio 44870  
419.627.5873

*Greetings From*

# SEVENTH GRADE

