



CITY OF SANDUSKY BOARD OF ZONING APPEALS MEETING

**August 18, 2016
4:30 p.m.
1ST FLOOR CONFERENCE ROOM, CITY BUILDING
AGENDA**

Review of minutes from July 21, 2016

Adjudication hearing to consider the following:

1. Cedar Point Park LLC has filed a variance application to the required floodplain at 1 Cedar Point Drive, the variance would allow maintenance on a building constructed in 2009 and located within the Millennium Force roller coasters ride perimeter, the building has been remodeled in to a haunted house in 2015.

NEXT MEETING: September 15, 2016

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

Board of Zoning Appeals
July 21, 2016
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Dr. William Semans, Mr. John Mears, Chairman John Feick and Mr. Walt Mathews. Also present were Commissioner Richard Brady, Ms. Casey Sparks and Ms. Angie Byington from the Planning Department, Mr. Trevor Hayberger from the Law Department and Debi Eversole as Clerk. Mr. Zeiher was excused.

There were four voting members present.

Mr. Mears moved to approve the minutes from the June 16, 2016 meeting. Dr. Semans seconded the motion. The motion passed, all in favor.

Chairman Feick swore in audience and staff members that wished to speak for or against any application.

Ms. Sparks briefed the room that Cesare Avallone is requesting a front and side yard variance for his home at **402 46th Street**. The variance requested is to permit a 4' to 5' high fence within the front yard and a 5' high fence within the side yard. The applicant was approved through the Board of Zoning Appeals for a 6' vinyl fence within the side yard of the home. However, this application is different from the last request as the property owner is requesting to place the fence adjacent to the sidewalk, the previously approved variance permitted the fence to be placed in line with the front of his home. The applicant has stated that he is constructing the fence for his son and he would like him to be able to utilize as much of the yard as possible. The applicant is proposing a wrought iron fence for the front and side yards. Staff recommends a variance of 1' to construct a 5' high fence within the side yard and a 1' variance to construct a 4' fence within the front yard. The Board of Zoning Appeals has approved other 4' decorative fences within the front yard.

Mr. Cesare Avallone, 402 46th Street was sworn in. He explained that the original application was for a 6' fence attached to the house and that he believes that a 4' decorative fence would serve the same security and safety for his autistic child. This would also have a more decorative look to the property.

Mr. Mears asked if Mr. Avallone is aware of Project Lifesaver. Mr. Avallone stated that his son is involved with the program and currently wears an ankle monitor because he has a tendency to wander off of the property.

Mr. Avallone added that the decorative fence is an aluminum material that has the appearance of wrought iron.

There was no participation to speak against this request.

Mr. Mathews moved to approve the application as recommended by Staff. Mr. Mears seconded the motion. Roll was called and the motion passed, all in favor.

Ms. Sparks briefed the room that Jason Hemmer has applied for a variance to permit 6' fence within the side yard of his property located at **1207 Vine Street**. The applicant had an existing 6' fence within the rear and side yard area that had been constructed several years ago. The applicant applied to replace the fence, staff approved the permit after mistakenly interpreting the rear yard. Section 1107.01 states the rear yard to mean the yard extending from the rear wall, this lot is uniquely shaped and is very limited in regards to a rear yard. After the permit was approved the surrounding property owner expressed concern regarding the proposed location. After discussions with the property owner it was determined that the fence would need to be located further into the side yard to accommodate a drainage pipe. The additional area that the applicant would like to extend the fence is approximately 12".

This property does reflect a hardship from its unique shape, Staff recognizes that the majority of the side yard has functioned as the rear yard for years. Staff does not believe that the extension of 12" will be a great impact to the surrounding neighbor and the remaining 6' fence has been at this location for quite some time. For these reasons staff recommends approval of the variance requested.

Chairman Feick asked the applicant whether he has spoken to the neighbor that complained. Mr. Hemmer stated that he had spoken with the neighbor and that he feels that the neighbor is more worried that this fence will go up against his fence. Mr. Feick asked if Staff had heard from the neighbor. Ms. Sparks stated that she has had several conversations with a neighbor and feels that the neighbor's not against having the 6' fence, but rather when they look at their chain-link fence, there is a higher vinyl fence behind it. Ms. Sparks stated that this was a minimal area, approximately 12" where the vinyl fence will show.

There was no participation to speak against the request.

Dr. Semans moved to approve the application as written. Mr. Mathews seconded the motion. Roll was called and the motion passed, all in favor.

Mr. Sparks briefed the room that Ryan Brady, on behalf of Tier III LLC has proposed to construct a 42.7 square foot wall sign at **223 W. Water Street**. The code permits a maximum of 25 square feet at this location. The sign will serve the bar area of Mosley's, which will encompass the rear deck of the 223 W. Water Street and the adjacent building. The applicant has indicated that the large sign will better represent the actual layout of the deck and will be more visible from Jackson Street Pier and the Sandusky Bay.

Staff recommends the approval of the variance to permit the 42.7 square foot sign at 223 W. Water. Staff believes that the property is unique as it will service the deck area for the two buildings. Staff also believes that as this area continues to develop, it would be beneficial to begin discussions regarding increasing the sign area for Shoreline Drive to assure visibility from the Sandusky Bay and the Jackson Street Pier.

Ms. Sparks stated that the sign will serve both buildings but only be for one building. This is why a variance is needed. The two buildings are connected but the sign be at one building.

Ryan Whaley, 316 E. Water Street stated that this will be on the Shoreline Drive side of the Hotel Kilbourne and will help activate that side of the building, which is visible from the Jackson Street Pier and the Sandusky Bay.

There was no participation to speak against the request.

Mr. Mears moved to approve the variance. Mr. Mathews seconded the motion. Roll was called and the motion passed, all in favor.

The next meeting is scheduled for August 18, 2016.

With a motion from Dr. Semans and second from Mr. Mathews, the meeting was adjourned at 4:50 PM.

APPROVED:

Debi Eversole, Clerk

John Feick, Chairman

CITY OF SANDUSKY, OHIO
DEPARTMENT OF DEVELOPMENT
DIVISION OF PLANNING

BOARD OF ZONING APPEALS REPORT

APPLICATION FOR A VARIANCE TO ALLOW
A COMMERCIAL STRUCTURE WITHIN A
SPECIAL FLOOD HAZARD AREA

“SLAUGHTER HOUSE BUILDING”
ONE CLEVELAND DRIVE
CEDAR POINT PARK LLC

Reference Number: BZA-18-16

Date of Report: August 12, 2016

Report Author: Jeff Keefe, P.E., Assistant City Engineer



City of Sandusky, Ohio

Board of Zoning Appeals Report

BACKGROUND INFORMATION

Cedar Point Park LLC, has submitted a variance application for the existing (commercial) structure at the One Cedar Point Drive (Cedar Point Amusement Park). Parcel 55-00076.000. The location of the structure is within the current 100 year Flood Zone based on the current FEMA Firm Map (Issue Date of 2008), and below the Base Flood Elevation. COS Ordinance Chapter 1157 Flood Damage Reduction, requires a variance for new structures within the Flood Zone (in this case the existing storage structure has been renovated to an attraction space, for use only during the Halloweekends and will not be open is the event of a flood event as the park will be closed. The existing structure and was not constructed above the Flood Protection Elevation (currently 2' above the BFE - Base flood elevation) during the initial construction.

The following information is relevant to this application:

Applicant: Cedar Point Park LLC
One Cedar Point Drive
Sandusky, Ohio 44870

Site Location: One Cedar Point Drive

Zoning: Commercial Amusement

Applicable Plans & Regulations: City of Sandusky Zoning Code Section 1157 – Flood Damage Reduction

Variance Requested: 1) To allow for the use of the existing structure (constructed 2009) that is below the Base flood elevation (floor elevation 576.94 - BFE 577.00) and flood protection elevation to be used as an attraction during Halloweekends.

Variance Proposed: 2) The applicant proposes to use the existing structure within the Flood Plain and below the Flood Protection Elevation. The proposed structure was originally constructed as a storage building (2009), it is not feasible to raise the floor elevation (576.94) to be above the base flood elevation (577) or flood protection elevation (579). This structure will not be used in the event of flooding, as the entire park would be close during that event.

SITE DESCRIPTION

Cedar Point Park LLC has filed a variance application to the required floodplain at One Cedar Point Drive, for the existing structure (2000) which was originally used for storage, and now used for the Halloweekends Slaughterhouse Attraction. Due to the existing structure being below the 100 year floodplain elevation (576.94), our Floodplain Ordinance (Chapter 1157) requires a variance be granted prior to building below the Flood Protection Elevation. In this case the structure is existing and there is a change in use.

Based on the provided information, and our review of the current elevations, we recommend that this variance be approved.

DIVISION OF ENGINEERING COMMENTS

The applicant has proposed this variance for the Board to review. Staff has reviewed this request and based on this being an existing structure, and the park not being open if there is a flooding event and the raising of the existing floor is not feasible. We do not anticipate any impact to the Base Flood Elevation based on this additional structure.

We request that this item be granted a variance which would allow its current new use.

CONCLUSION/RECOMMENDATION

In conclusion, engineering staff recommends approval of this variance. Staff and Cedar Point have been coordinating on this and future projects so that, if required, we will submit for variances earlier in the process to facilitate the approval, construction and occupancy requirements.

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: Cedar Point Park LLC

Property Owner Address: One Cedar Point Drive

Sandusky, OH 44870

Property Owner Telephone: (419) 609-5965

Contact Person: Adam Pooch

Authorized Agent Name: _____

Authorized Agent Address: _____

Authorized Agent Telephone: _____

Contact Person: _____

LOCATION AND DESCRIPTION OF PROPERTY:

Municipal Street Address: One Cedar Point Drive

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

Parcel # 55-00076.000 (see attached map)

Cover page of deed attached, remaining 41 pages available upon request

Zoning District: Commercial Amusement (CA)

VARIANCE INFORMATION:

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

115.7.04 (e) (3)

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

Slaughter House Building floor elevation = 576.94

required = 579.00

DETAILED SITE INFORMATION:

Land Area of Property: 144.83 acres (sq. ft. or acres) ^{in parcel} 55-00076.000

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

Building #1: _____ (in sq. ft.) Building #2: _____

Building #3: _____ Additional: _____

Many buildings in the amusement park

Total Building Coverage (as % of lot area): 3,200 S.F. building

Proposed Building Height (for any new construction): 19'-4" Existing

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

Number of Accessory Buildings: _____

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

Existing maintenance building constructed in
2009 has been remodeled into the "Slaughter
House" haunted house in 2015. The finished
floor elevation of 576.94 has remained
the same.

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):

The existing building^s within the Millennium Force roller coaster's ride perimeter. It would not be conducive to elevate the building due to existing grade topography.

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.

Alex Rich 7/7/16
Signature of Owner or Agent Date

PERMISSION TO ACT AS AUTHORIZED AGENT:

As owner of Cedar Point (municipal street address of property, I hereby authorize Alex Rich to act on my behalf during the Board of Zoning Appeals approval process.

Alex Rich 7/7/16
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: _____

***** ALL ELEVATIONS ARE TO BE BASED ON NAVD88 DATUM*****

**CITY OF SANDUSKY
FLOOD DAMAGE PREVENTION DEVELOPMENT PERMIT
CODIFIED ORDINANCE CHAPTER 1157**

Application must include site-specific plans submitted in duplicate containing the following information:
A scaled drawing indicating the development area, showing nature, location, dimensions, existing and proposed contours and elevations of the area in question; existing or proposed structure, proposed fill materials; drainage facilities and location of the foregoing.

Fill material must be clean and free of decay material. No asphalt material is permitted. Concrete material shall be crushed and free of any structural material.

The following information is also required in accordance with Sandusky City Code 1157.16:

- a) Elevation in relation to mean sea level, of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;
- b) Elevation in relation to mean sea level to which any nonresidential structure will be flood proofed in accordance with Section 1157.21 (b) where base flood elevation data are utilized from any source;
- c) Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 1157.21b;
- d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished; and
- e) Certification submitted upon completion by a registered professional engineer, architect or surveyor of the structures as-built lowest floor or flood proofed elevation.

A filing fee is required at the time of submittal, please check designation:			
<input checked="" type="checkbox"/> Non/Residential - \$500.00 Per Site and/or Structure		<input type="checkbox"/> Residential - \$100.00 Per Lot	
Description of Work (check appropriate boxes)			
<input type="checkbox"/> Excavation/Fill		<input checked="" type="checkbox"/> New Construction	
<input type="checkbox"/> Addition		<input type="checkbox"/> Alteration	
Exact Address of Proposed Project:		Slaughter House One Cedar Point Drive, Sandusky, Ohio 44870	Parcel No 55-00076.000
Applicant Name:	Adam Pooch	Phone	(419)609-5965
Relationship to Owner:	<input type="checkbox"/> Self <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Other (fill in)		
Applicant's Address: One Cedar Point Drive, Sandusky, Ohio 44870			
Property Owner: (if other than applicant)	Cedar Point	Phone	(419)609-5965
Owner's Address: One Cedar Point Drive, Sandusky, Ohio 44870			
1.	Elevation of lowest floor (including basement) of all structures:	576.94	
2.	Elevation of Non-Residential structure that floodproofing has been proposed:	N/A	
3.	Flood proofed structure needing Certification:		
Estimated Market Value of Existing Structure: (Attach copy of tax duplicate or other documentation)		\$ 250,000	Year structure was built: 2009 Original
Cost of Improvement of Addition or Alteration:		\$ 100,000	2015 Remodeled

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED AND DRAWINGS ATTACHED ARE TO THE BEST OF MY KNOWLEDGE TRUTHFUL AND ACCURATE. I AGREE TO ABIDE BY ALL THE TERMS AS IN CITY OF SANDUSKY'S CODIFIED ORDINANCE, CHAPTER 1157, FLOOD CONTROL.

Adam Pooch
Applicant Signature _____ Date 7/7/16

FOR OFFICE USE ONLY			
In accordance with the plans and applications submitted, the proposed project <input type="checkbox"/> does or <input checked="" type="checkbox"/> does not comply with the minimum requirements of the Sandusky City Code Chapter 1157 and is therefore:			
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Disapproved (comments attached)	Permit Number	
Approved by:			
Signature:	<i>Affrey R Keefe</i>	Date:	7-19-2016
Title:	<i>ASSIST City Engineer</i>		

This existing structure will need to go to the ZEA for approval of a variance. jek

[Print](#) | [Back](#)

Erie County GIS

Slaughter House Building



Notes

Slaughter House Building
F.F. 576.94

[Print](#) | [Back](#)

Erie County GIS



Notes

Cedar Point Park LLC

Transferred	
In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code.	
FEE \$	
Exempt: <input checked="" type="checkbox"/>	
R.E. TRANSFER:	
\$	
Richard H. Jeffrey Erie County Auditor	
Trans. Fees: \$	3.50
Date: 12/2/14	By: [Signature]

Per O.R.C. 319.203
 [Signature]
 Erie County Auditor/Engineer
 Date: 12/2/14

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Cedar Fair, L.P., a Delaware limited partnership, and Magnum Management Corporation, an Ohio corporation ("Grantors"), for good and valuable consideration paid, grants to, with general warranty covenants, Cedar Point Park LLC, a Delaware limited liability company, whose tax mailing address is C/O Property Tax Service Company, P.O. Box 543185, Dallas, TX 75354-3185, certain real property located in the City of Sandusky, County of Erie, State of Ohio, and more fully described in Exhibit "A" attached hereto.

See Exhibit "A" attached hereto for Permanent Parcel Numbers and Prior Instrument References.

Dated: December 1, 2014

WARNING# E-260099@ccom

IN WITNESS WHEREOF, Grantors have executed this instrument effective as of the date set forth above.

Cedar Fair, L.P.

By: Cedar Fair Management, Inc.,
Its General Partner

By: B. Witherow
Brian C. Witherow
Executive VP & Chief Financial Officer

Magnum Management Corporation

By: B. Witherow
Brian C. Witherow
Executive VP & Chief Financial Officer

STATE OF OHIO)
) SS:
COUNTY OF ERIE)

The foregoing instrument was acknowledged before me on Nov. 21, 2014, by Brian C. Witherow, the Executive VP & Chief Financial Officer of Magnum Management Corporation, an Ohio corporation, and the Executive VP & Chief Financial Officer of Cedar Fair Management, Inc., the general partner of Cedar Fair, L.P., a Delaware limited partnership, on behalf of such corporation and limited partnership, respectively.

Melissa L. Johnson
Notary Public

This instrument prepared by:

Squire Patton Boggs (US) LLP
4900 Key Tower
127 Public Square
Cleveland, OH 44114-1304



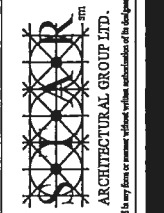
MELISSA L. JOHNSON
NOTARY PUBLIC
STATE OF OHIO
My Commission Expires
January 21, 2018



FOOTING SCHEDULE		
TYPE	SIZE (LxWxH)	REINFORCING
F-1	4'-0" x 4'-0" x 1'-0"	(7) #5 EN AT 8" O.C.
F-2	3'-0" x 3'-0" x 1'-0"	(5) #5 EN AT 8" O.C.

PIER SCHEDULE		
TYPE	SIZE (LxWxH)	REINFORCING
P-1	2'-0" x 2'-0" x 4'-0"	(4) #5 VERT W/ #4 HORIZ REB AT 8" O.C.

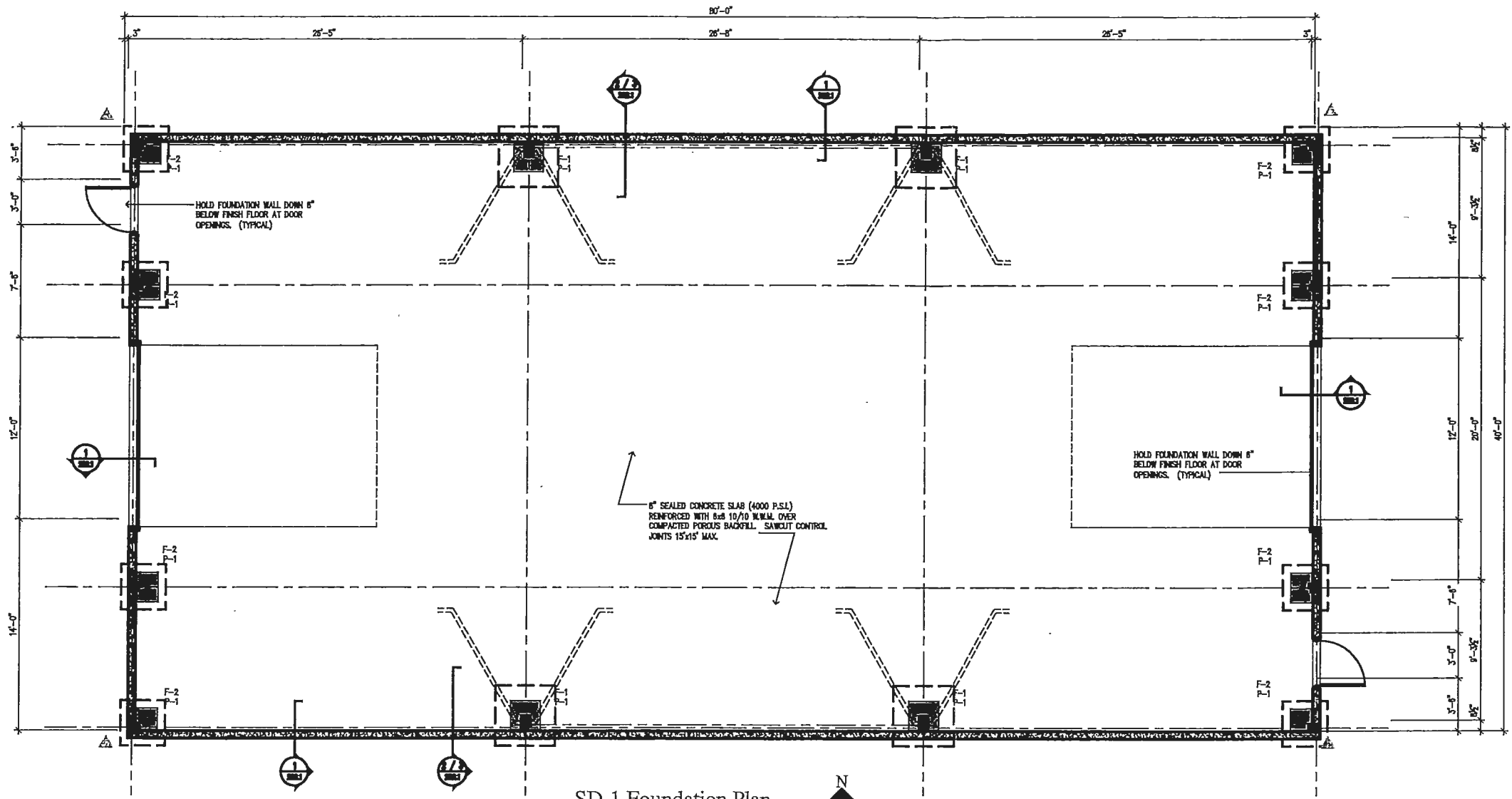
Project No.	103009
Date	
Issued For	Permit
Scale	



Cedar Point
2010 Float Building SD-1
One Cedar Point Drive Sandusky, Ohio 44870

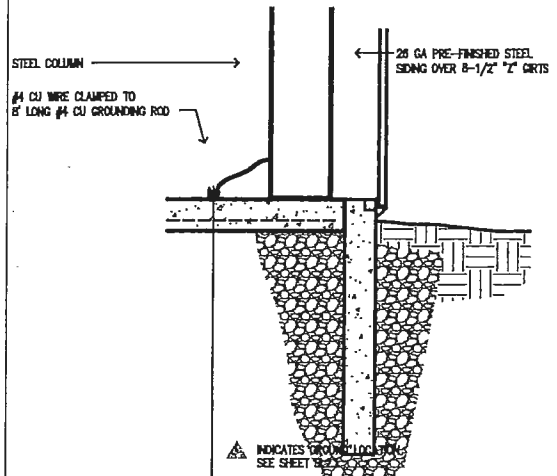
Sheet Title	SD-1 Foundation Plan
Architect	JR
Designer	JDS
Project Number	09-000
Date	10/30/09

1S2.1

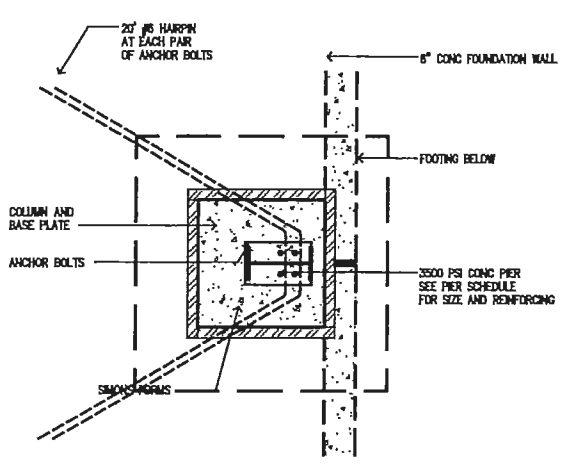


SD-1 Foundation Plan
1/4"=1'-0"

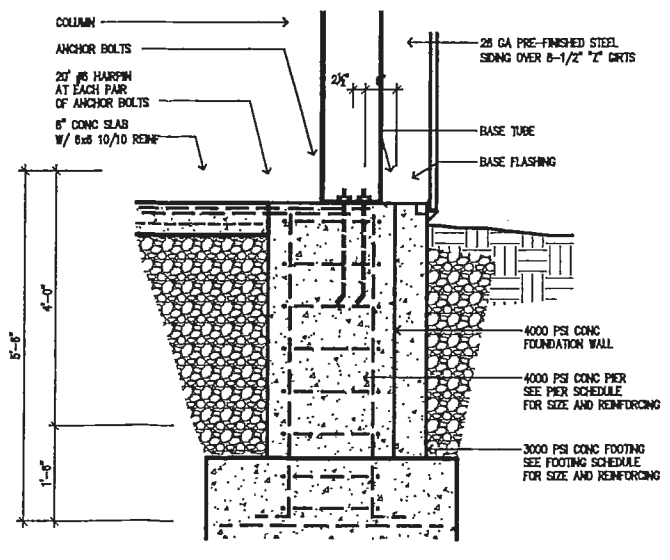
NOTE:
SEE ANCHOR BOLT DRAWING FOR ACTUAL SIZE AND LOCATION OF STRUCTURAL COLUMNS.
▲ INDICATES GROUND LOCATION SEE DETAIL THIS SHEET



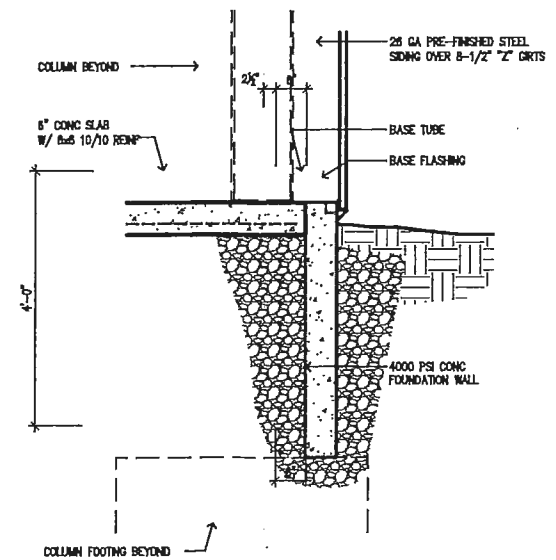
TYPICAL GROUNDING DETAIL ④
3/4"=1'-0"



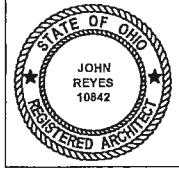
TYPICAL COLUMN PIER ③
3/4"=1'-0"



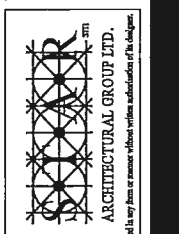
TYPICAL COLUMN FOOTING ②
3/4"=1'-0"



TYPICAL WALL FOOTING ①
3/4"=1'-0"



Project No.	103009
Issue No.	
Issue Date	
Issued For Permit	
Drawn By	
Checked By	



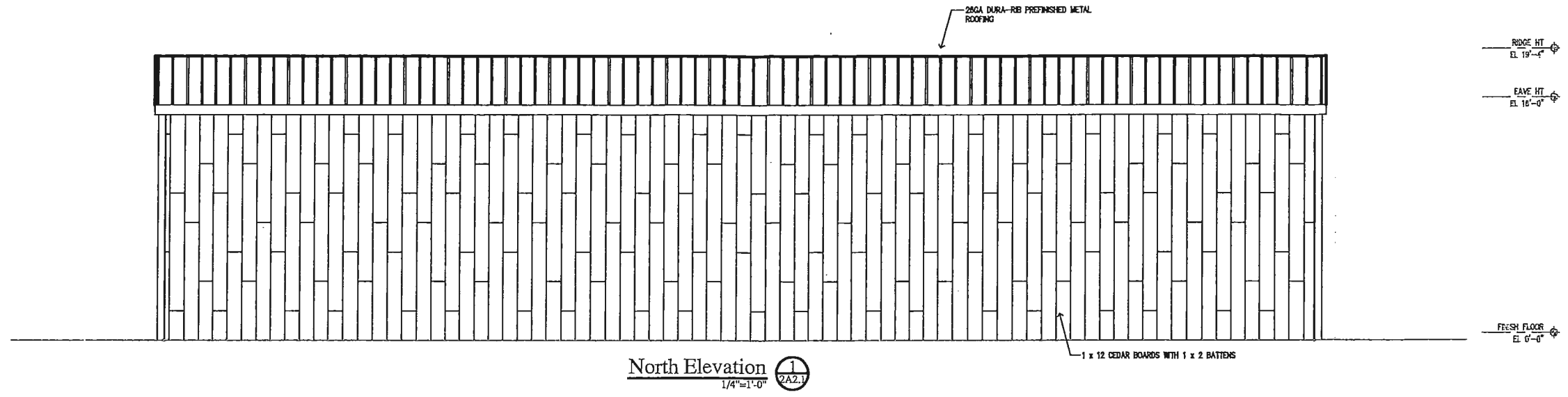
10100 10th St.
 Jackson, Ohio 45012-0107
 Phone: (614) 885-1000
 Fax: (614) 885-1001
 http://www.stararch.com



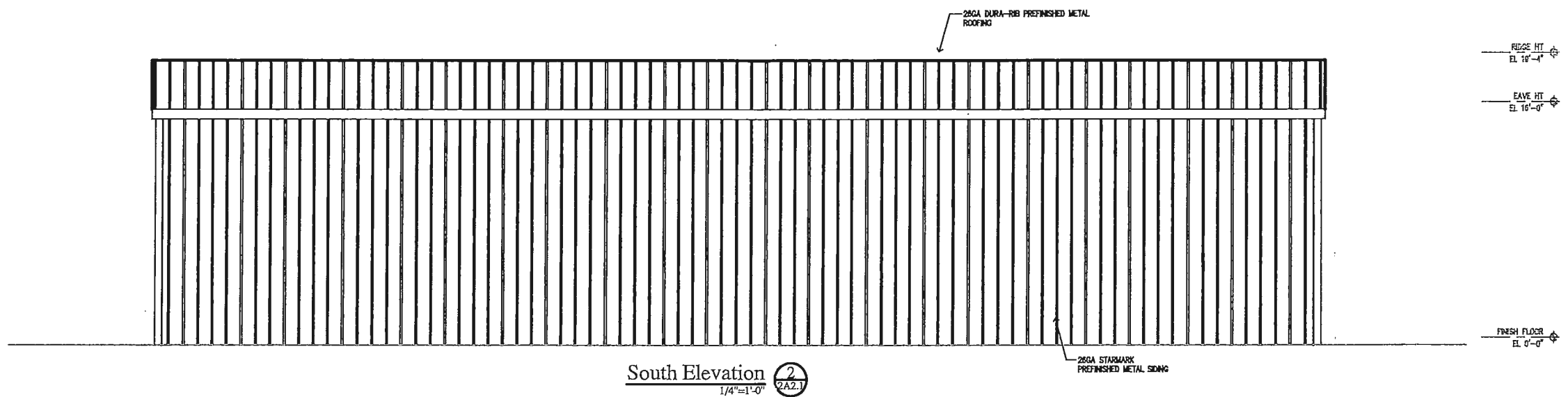
These documents and design concepts contained herein are the sole property of Star Architectural Group Ltd. and shall not be copied or modified in any form or manner without written authorization of the designer.

Cedar Point
 2010 Float Building SD-1
 One Cedar Point Drive Sandusky, Ohio 44870

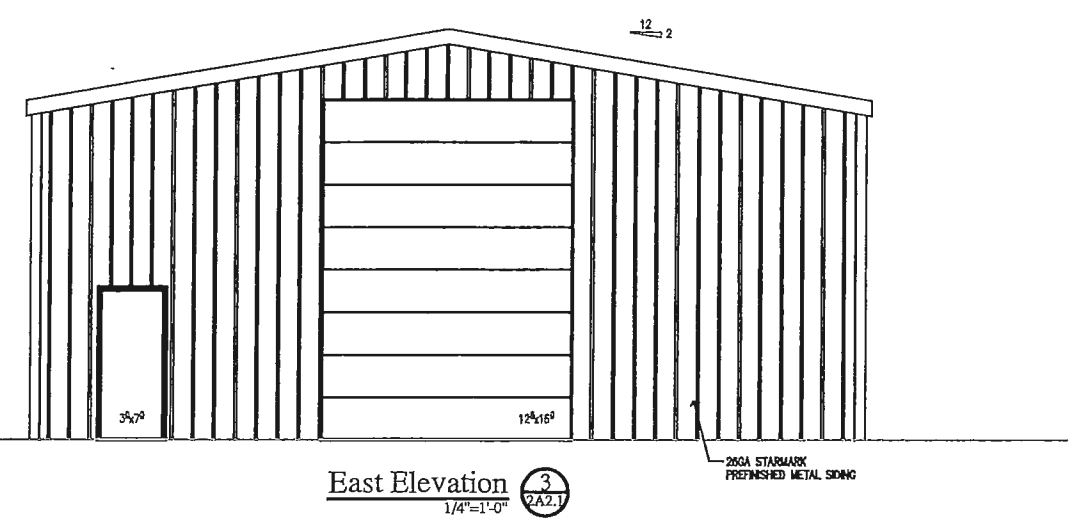
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Author	JR
Designer	JDS
Project Number	09-009
Date	10/30/09



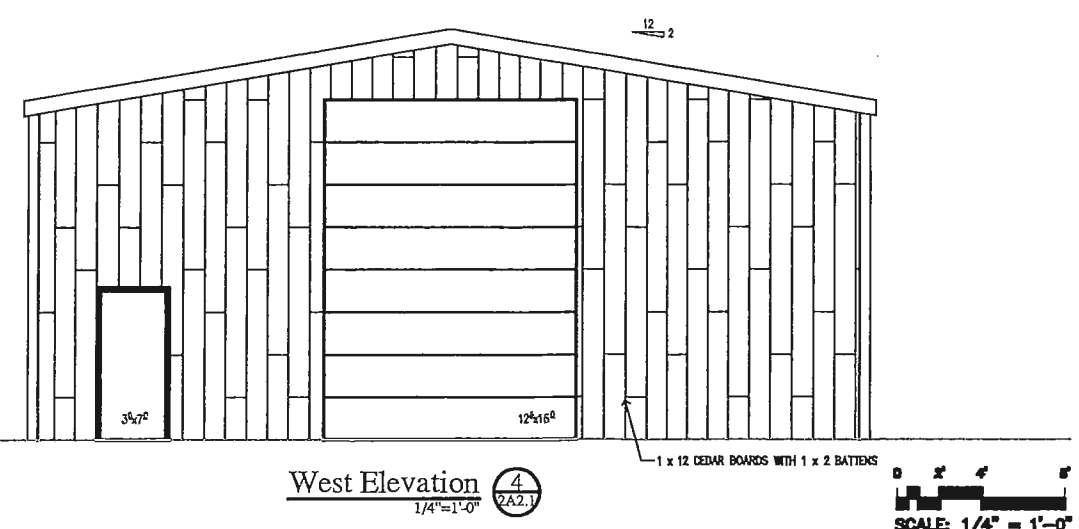
North Elevation ①
 1/4"=1'-0" (2A2.1)



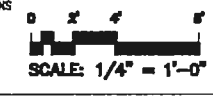
South Elevation ②
 1/4"=1'-0" (2A2.1)



East Elevation ③
 1/4"=1'-0" (2A2.1)



West Elevation ④
 1/4"=1'-0" (2A2.1)



1A1.1