

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
February 13, 2023 Regular Meeting – 5:30p.m.

Chairman Frank Kath called the regular meeting to order at 5:30 p.m. on Monday February 13, 2023, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Scott Slocum, Jim Shaffer, JoAnne Boston. Members absent: Lisa Brady.

Also in attendance: Erik Engle, Planning Director and Christine Gibboney, Administrative Assistant.

**Approval of Minutes: (12-12-22 & 1-9-23)**

**Motion by Mr. Shaffer .to approve the minutes of 12-12-22 as printed and received. Motion seconded by Ms. Boston. All in favor, motion passed and minutes approved.**

**Motion by Ms. Boston to approve the minutes of 1-9-23 as printed and received. Motion seconded by Mr. Shaffer. All in favor, motion passed and minutes approved.**

**Verification of Required Notice Period**

In response to a question by Mr. Kath, Mr. Engle confirmed that notices were mailed to all affected property owners within 100' of the properties appearing on the agenda as required.

Mr. Kath reviewed the meeting protocol and process.

**Swearing In:** Mr. Kath reviewed the format of the meeting and swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda.

**New Business**

**430 Wyandot Place    Current Zoning District: R-1            Parcel No.: 48-00020.000**

***Project Description- Area Variance***

*The applicant is proposing a new covered front porch, addition to include an expansion of the existing kitchen, family room and garage on the first floor and a second-story addition to include two bedrooms and two bathrooms. The applicant is proposing a new covered front porch that has a 15' front yard setback, a side setback of 2'-5"; 3'-10" (total 6'-3") and a rear yard setback of 16'-10". The applicant is also proposing to expand the second story of the structure and must meet the 35'-0" maximum height, which appears to be met based on the elevations presented. As proposed, the following variances would be required:*

- *Side Yard Setback variance total of 13'-9"*
- *Rear Yard Setback variance of 13'- 2"*

***Mr. Kath called the public hearing to order at 5:31p.m.***

Mr. Engle reviewed the application noting the home is pre-existing, non-conforming built in 1955. He referenced the proposed additions/expansion and the applicant's explanation of hardships: not being ADA friendly, they plan on retiring and the home would be their forever home, narrow galley kitchen, multiple first floor levels, narrow doorways, inadequate size bathrooms and a one-car garage. Mr. Engle reviewed the existing home setbacks:

Front Setback 21'-2"

Required: 15'-0" reduced average front setback modification

Side Setbacks 2'-5" & 7'-3" (9'-8") Required: 8' min./12' total 20'  
Rear Setback <30' Required: 30'

Mr. Engle recapped the new proposed addition setbacks:

- New Attached Covered Front Porch- would be allowed at the 15' setback as proposed due to the average front yard setback modification allowed.
- Side Yard Setbacks of 2'-5" and 3'-10" (Total 6'-3")
- Rear Yard Setback of 16'-10"
- Applicant is proposing to expand the second story and must meet the 35' height max which it appears in the elevations that they will.

Mr. Engle noted the variances that are required as proposed:

- Total side yard setback variance of 13'-9"
- Rear yard setback variance of 13'-2".

Mr. Engle also noted that he did an analysis of the block from Ottawa to Delaware for the average setbacks of the sides which he determined to be 15', noting a range of 2' to 42'; and the rear yard setback average is around 26' with a range 15' to 32'. Lastly, Mr. Engle referenced the three letters of support that were included in the packet.

Members referenced and reviewed the legal plat of the parcel.

**Applicant/Owner Statements: Kristen & David Sciarappa, 430 Wyandot Place.**

Ms. Sciarappa explained that she purchased the home when she was single, she noted they are recently married and are looking to live in this home permanently. She referenced dynamics that have changed, medical history and their desire to remain in the home, noting the home is just not conducive for that. She referenced multi levels in the home, large steps, narrow doorways, noting they want it to be a home that they can age in and as it exists it would not work. Mr. Kath explained that the variance has to be for the lot, not for people in the home, as the variance remains with the property. He noted he understands ADA requirements and as people age the issues, but the lot itself is not different, most are narrow and long in the area. He commented typically, a variance consideration is when a lot is irregular shaped, a corner lot, sloping yard, something different from others in the neighborhood. He added that if the board were to approve something like this, the board would be hard put not to have the next applicant do the same, and next thing all homes are squished together and no longer have the 35% back yard that is required per the code. He noted the board tries to be flexible and work with applicants to provide suggestions if possible.

Mr. Boston commented that she understands the applicant's situation as she herself has the same situation with her own home and has tried to figure out how to get around this without coming before the variance board. She noted this is very challenging, and noted that she supports investments in the community. She noted she has yet to resolve her own circumstances, but at the same time appreciates the investments in the community. Ms. Boston noted she is struggling with the extra 8' of the garage in the rear yard, stating that she understands why it's being proposed for storage and other things, but can it be reduced to line up with the proposed family room, noting that this would be more palatable in her opinion. She noted this would reduce the rear yard

variance needed. Ms. Sciarappa stated that they were trying to have a 2-car garage and some storage; Mr. Sciarappa added without having to put a shed back up as they would have to come back for this. Ms. Boston noted that it is a pretty substantial variance in the rear yard. Mr. Slocum asked the applicant if any alternative designs were considered that would not be so substantial. The owners asked what the variance would look like as far as scaling it down. Mr. Kath replied it wouldn't be so substantial, there is a lot of square footage for the small lot. Mr. Kath advised that if the applicant would consider revising the site plan, suggesting reducing the size, so the variances are not so substantial.

Ms. Boston read the factors that BZA must consider when reviewing these cases, adding her opinions:

Is the need for the variance self-imposed? Ms. Boston stated: Meaning that, by the design that has been chosen, it has been self-imposed.

Can it be feasibly obviated through some method other than a variance? Ms. Boston stated: Is there a way to accomplish the same design intent without having to come before the board for variances.

Will it adversely affect the public health safety and welfare? Ms. Boston stated that she believes it will not

Will it alter the essential character of the neighborhood? Ms. Boston noted she believes it is a large variance and does change the essential essence of the character of the neighborhood.

Will it cause a hazard or nuisance to the public?

Will it be contrary to public interest?

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

Ms. Boston stated if they table this, it would allow owners to go back and revisit the design and come to something that could be more palatable.

Ms. Sciarappa noted she has lived in Huron a very long time, always wanted to live in the beach area, but with the dynamics that have changed and the fact that they are looking at staying in this home as they age, they are trying to keep it one level and have larger bathrooms to move around in. Ms. Sciarappa noted she understands it is a land hardship and not one that is personal. Ms. Boston noted that she is in the same predicament with her home, but has not yet come up with options for her situation. Ms. Boston added that if they reconfigure the design, the board may be more open.

Mr. Kath stated that five variances being requested as presented and asked if the owners were willing to consider scaling these down, not as substantial. Mr. Kath noted there is nothing unusual with the lot. Ms. Boston advised owners that a vote can be taken as proposed, or the matter could be tabled if they would agree to revise plans and then there would be no re-

application fee. Mr. Kath noted that if the vote is taken and denied, the applicant would have to re-apply and change the design.

Ms. Sciarappa asked for specifics with regard to what the board is seeking for them to reduce, the size or the number of variances? Discussion ensued on the proposed porch, side setbacks and rear setbacks and variances required. Mr. Engle clarified that there is no variance being requested for the proposed porch, as it meets the front setback with the average of neighbors. Mr. Engle confirmed there are three variances being requested: the two sides and the rear. He noted that as proposed, the additions would require side yard setback variances on each side (total of 13'-9") and a rear yard setback variance (13'-2"). Mr. Engle advised the BZA that they could consider only approving the side yard setback variances and can then table the rear yard setback variance if that is desired. Members discussed the options.

Ms. Boston asked the applicants if they were willing to eliminate 8' of rear of the proposed garage addition, which would reduce the variance needed to 4'-8". Discussion ensued between members and the owners regarding the rear yard portion of the garage. The owners advised that there is a shed there and they planned to get rid of the shed and that is why the garage extends in the rear as proposed. Ms. Sciarappa asked for clarification of what the board is asking: The site plan was presented, members demonstrated that they were suggesting eliminating 8' of the rear yard garage section which would then bring the entire structure to 25'-4" from the rear property line which would then reduce the rear yard setback variance to 4'-8". The variance would not be as substantial.

Mr. Shaffer asked about the existing shed. Mr. Engle explained the setback regulations for a shed if the shed were to be replaced: 6' from the home, and 5' from side and rear property line and the 35% rear yard build out regulation would apply. Owners noted that the shed location is currently noncompliant with setbacks. Mr. Engle advised that if the shed were to be replaced, it would then be subject to the regulations he referred to and that may require them to come back to the BZA if they are not able to comply. Ms. Sciarappa noted that the shed is falling apart. Mr. Engle and Mr. Kath noted depending on how much work you need to put into it, Mr. Kath commented he thought 60-80% has to be dilapidated, but that could be discussed at the time.

Members reiterated that they are suggesting that the rear yard exterior wall be straight across at 25'-4" from the rear property line, which will require a 4'-8" rear yard setback variance, instead of the 13'-2" variance as proposed. A review of the site plan reviewed the site plan demonstrating the removal of the garage bump out area.

Discussion on the shed resumed, Mr. Engle recapped the setback regulations. Mr. Engle noted it can be repaired and remain where it is. Mr. Kath reiterated that the shed can be repaired, but if it is removed then the setback regulations would apply.

Mr. Kath advised that the board consider the side and rear setback variances separately.

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 6:07p.m.**

**Motion by Ms. Boston to approve the side yard setback variance of 13'-9" at 430 Wyandot Place as submitted, citing the testimony presented in this public hearing has shown that the granting of this variance is not significant, will not adversely affect the public health, safety, or welfare; will not alter the essential character of the neighborhood; will not cause a hazard or a nuisance to the public; and will serve the spirit and intent of the zoning regulations. Motion seconded by Mr. Shaffer.**

**Yeas: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the area variance for a 13'-9" total side yard setback variance approved as submitted.**

**Motion by Ms. Boston to approve the rear yard setback variance of 4'-8" at 430 Wyandot Place, as testimony presented and what was agreed upon in this public hearing, will not alter the essential character of the neighborhood and will not cause a hazard or a nuisance to the public. Motion seconded by Mr. Shaffer.**

**Yeas: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the area variance for a 4'-8" rear yard setback variance approved as discussed.**

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**638 Taylor Ave**

**Current Zoning District: R-1**

**Parcel No.: 42-00759.000**

***Project Description- Area Variance***

*The applicant is proposing a two-story bathroom and kitchen addition to be approximately 20 ft. from the front lot line. The house was constructed in 1910 predating any modern zoning ordinance. As it exists currently, the house is only 23'-0" from the Wilbur Ave. property line with a nonconforming garage situated only 10'-0" from the property line. It should be noted the addition will be not adversely visually impact the incongruous nonconforming setbacks as none of the front setbacks meet the 30'-0" requirement. As proposed, the following variance would be required:*

- *Front Yard Setback variance of 2'-0"*

***Mr. Kath called the public hearing to order at 6:11p.m.***

Mr. Engle reviewed the application for a two-story addition, referencing the home, built in 1910, is located in an R-1 district, is pre-existing/nonconforming and on a corner lot. He reviewed the current footprint of the two-story home and detached garage noting the home is currently 23' from the Wilbur Ave property line and the detached garage is 10' from this property line. Mr. Engle referenced that neighboring properties setbacks do not meet the 30' setback requirements

and based on the average, the modified reduced setback is around 22', therefore, as proposed, the applicant will need a 2'-0" front yard setback variance for the addition. Mr. Engle noted that the Wilbur Ave front setback range is about 0' to 25', with the majority meeting the 22' average. Mr. Kath asked if the small addition in the back was going to be demolished, Ms. Seip replied it would not.

**Applicant/Owner Statements: Jessica Seip, 447 Gary Drive, Huron, OH 44839**

Ms. Seip provided overview of the proposed 2-story addition, noting the first floor bump out area will come out 3' past the current exterior wall on the Wilbur Ave side. Discussion ensued on the second story portion of the addition, and Ms. Seip confirmed that the 3' bump out is only on the first floor. Members and Ms. Seip reviewed the elevations and site plan. Ms. Seip advised that there will be no site line obstruction created as proposed. She further explained that she bought the property from the Sheriffs Auction in May, sight unseen, and the first time they were able to get into the home was in September. She added that it was listed as a 3 bedroom, 2 bath, but found 2 of the 3 bedrooms are so small they don't meet the Ohio code and one did not have a closet, and the second bathroom was in the kitchen and doesn't have room for a sink. She noted that this is why they are doing the changes and bringing the home up to code. She advised they have replaced broken windows that were in the garage and will continue with improvements to the property.

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 6:19p.m.**

**Motion by Ms. Boston to approved the 2' front yard setback variance at 638 Taylor Ave as presented, citing the testimony presented in this public hearing has shown that the granting of this variance is not significant, will not adversely affect the public health, safety, or welfare; will not alter the essential character of the neighborhood; will not cause a hazard or a nuisance to the public; and will serve the spirit and intent of the zoning regulations. Motion seconded by Mr. Slocum.**

**Yeas: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the area variance for a 2' front yard setback variance approved as submitted.**

**Staff Report**

Mr. Kath referenced the notification from the Law Director of an appeal that has been filed and the fact that he had also mentioned the importance for members to specify on the record the reasoning behind decisions on each case. Mr. Kath noted that members must include the reasoning when making motions on each case.

Mr. Engle noted that in the event that someone does appeal, it is important to have the reasoning on the record. Ms. Boston noted she appreciates the information included in the agenda packets.

With no further business, motion by Mr. Shaffer to adjourn. Motion seconded by Ms. Boston. All in favor, meeting adjourned at 6:23 p.m.



Jim Shaffer  
Board of Building and Zoning Appeals Secretary



ADOPTED: 3/20/23  
JS/cmg