

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
February 14, 2022 Regular Meeting – 6:30p.m.

Acting Chair JoAnne Boston called the regular meeting to order at 6:30 p.m. on Monday February 14, 2022, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, Lisa Brady, and Scott Slocum. Members absent: Frank Kath.

Also in attendance: Erik Engle, Planning & Zoning Manager and Christine Gibboney, Zoning Administrative Assistant.

Approval of Minutes (12-13-21 & 1-10-22)

Motion by Ms. Brady to approve the minutes of 12-13-21 and 1-10-22 as printed and received. Motion seconded by Mr. Shaffer. Mr. Slocum abstained. All other members voted in favor; minutes approved.

Swearing In: Ms. Boston reviewed the format of the meeting and asked those in attendance to turn off cell phones. She swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda.

Verification of Required Notice Period

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

Old Business

PPN# 45-00304.000, 45-00303.000, 104 Canton Ave - Rear Yard Placement Variance for a detached garage, Front Setback Variance for an accessory structure. (Tabled on 12-13-21)

Project description from summary:

A public hearing on this case was held on 12-13-21 at which time the case was tabled. The applicant has submitted revised plans reducing the size of the detached garage to 24' x 24' with a height to the peak of 15'. Because the size has been reduced, the structure is more appropriately scaled to the site.

Furthermore, the revised proposal is more in compliance with the 60'-0" front setback requirement for accessory structures; approximately 45'-0" from the front property line.

Ms. Boston called the public hearing to order at 6:32pm. Mr. Engle reviewed the application noting the case was previously heard and tabled on 12-13-21. He referenced the applicant has revised the plans, reducing the size of the garage to 24' x24' and conforming to the 15' height to the peak. Mr. Engle referenced the home was built in the 1940's, predates the zoning code, and fronts the lake. He referenced the only location for a garage is on the side of the home and would require two variances: rear yard placement variance and a 15' front setback variance.

Applicant/Owner Statements: Owner- Franklin Schreck

Mr. Schreck reviewed the revised plans for the reduced size of the garage and provided pictures of several neighboring lakefront properties with garages on the side or front of their properties. He

also distributed elevations of the proposed garage and referenced discussions with a neighbor to the rear of the property, Mr. Meeker, who has suggested a 10' rear setback. Mr. Engle advised the board was provided the statement that Mr. Meeker had submitted regarding his suggestion that a 10' rear setback be required. Mr. Engle referenced that this would require a 20' front setback variance. Mr. Schreck noted that he would not be opposed to having to move the garage to have a 10' rear yard setback if that is the desired by the board.

Ms. Boston asked if there were any audience comments. There being none, Ms. Boston closed the public hearing at 6:40p.m.

Motion by Ms. Brady to approve the - rear yard placement variance to allow the garage in the side yard and a 15' front setback variance for an accessory structure as submitted.

Motion seconded by Mr. Slocum. Roll call on the motion:

Yeas: Shaffer, Boston, Brady, Slocum (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the rear yard placement variance to allow the garage in the side yard and a 15' front setback variance for an accessory structure, are approved as submitted.

New Business

Parcel# 42-01188.000 McKinley St-NP Cottage #7 Nonconforming Area variance

Project description from summary: *The applicant is proposing the replacement and 5' extension of a front porch awning to his cottage located within the Nickel Plate Cottage Association. The current awning is flat and applicant is proposing to match the roofline and extend out an additional 5' to the end of the concrete pad. The applicant has received approval from the Nickel Plate Association. There are 27 cottages located on this parcel and the entire parcel is considered a nonconforming area; any improvements to a structure on this property requires the approval by the BZA.*

Ms. Boston called the public hearing to order at 6:41pm. Mr. Engle explained Nickel Plate Cottages are zoned R-2 and a nonconforming area. He explained staff research on the cottages discovered that any modifications to the cottages have had to go through the BZA. Mr. Engle read through the criteria that the Building Official provided for regulations on these cottages. Mr. Engle reviewed the application for the replacement and extension of an awning noting the applicant is proposing to match the roofline of the cottage and extend the roof out 5'. He referenced the Nickel Plate Association has approved the proposed improvement pending the city approval and added that staff has no issue either.

Applicant/Owner Statements: Owner- Richard Nardecchia

Mr. Nardecchia, 1120 Arrowhead Drive, Vermilion, OH reviewed the details of the proposed removal of the current awning and replacement with a roof to match the cottage roofline and

extend out an additional 5'. He noted he has owned the cottage since 1956 and several of the cottages have the same type of open area porch and roofline.

Ms. Boston asked if there were any audience comments. There being none, Ms. Boston closed the public hearing at 6:45p.m.

Motion by Mr. Shaffer to approve the area variance to allow for the replacement and expansion of an awning/roofline as submitted. Motion seconded by Ms. Brady. Roll call on the motion:

Yeas: Shaffer, Boston, Brady, Slocum (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the area variance for the replacement and expansion of an awning/roofline are approved as submitted.

Parcel# 46-00045.000 202 Ashland Ave Front & Rear yard setback variances

Project description from summary: The applicant is proposing the demolition and rebuild of a pre-existing, nonconforming home built in 1906. As proposed, the rebuild would be similar in size to the existing home and have the same or in some cases improved setbacks to what is currently existing. The following variances would be required as proposed: Front Yard Setback variance of 20' (30' required, 10' as existing & proposed). Rear Yard Setback variance of 27' (30' required, 2'-10" as existing, 3' as proposed)

Ms. Boston called the public hearing to order at 6:47pm. Mr. Engle reviewed the application for the proposed demolition of a pre-existing, nonconforming home and rebuild to be similar in size with same or improved setbacks. Mr. Engle referenced the odd shape lot and explained of a change to the front setback variance: the required front setback is 30' but the average of the neighbors front setbacks is 12', therefore as allowed by the code with the consideration of the neighboring setbacks, the front yard setback variance needed will only be 2'.

Applicant/Owner Statements: Owner- Jonathon Zmistowski, 204 Ashland Ave.

Mr. Zmistowski explained the home was built in 1909 and they had considered a rehab, however, it was not practical. He noted they will be bringing the electrical and plumbing up to date and will be using the home for guests.

Architect, Dan Frederick, reviewed the lot dimension and referenced the site plan which shows the actual buildable area. He explained they are proposing to rebuild close to the existing footprint or better with regard to setbacks. Members discussed the unusual shape of the lot and size.

Ms. Boston asked if there were any audience comments. There being none, Ms. Boston closed the public hearing at 6:53p.m.

Motion by Ms. Brady to approve the front yard setback variance of 2’ and the rear yard setback variance of 27’ as presented. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Shaffer, Boston, Brady, Slocum (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the 2’ front yard setback and 27’ rear yard setback variances are approved as presented.

Parcel#42-01273.000 202 Cleveland Use Variance

Project description from summary: Applicant is seeking a Use Variance to permit the occupancy of an Esthetician to operate within the Huron Professional Building located at 202 Cleveland Road. The property is located within an R-3 District (refer to Section 1123.04) which does not recognize this as a Principal or Conditional permitted use. As proposed, the following variance would be required: Use variance to allow for the operation of an Esthetician Office to be located at 202 Cleveland Road.

Ms. Boston called the public hearing to order at 6:54pm. Mr. Engle reviewed the application for a use variance to allow for an esthetician to operate within the Huron Professional Building which is in an R-3 district. He explained that the R-3 District does not recognize this use as a principal or a conditional use. He reviewed the criteria for use variance consideration basis. He advised there are two buildings on the parcel that share a parking lot with approximately 10 spaces. Mr. Engle noted that in the R-3 code, “Professional Office” is listed as a conditional use, however there is no definition in the code for what is considered a “professional office”. Mr. Engle went on to explain that an esthetician is a licensed skin care specialist. She would be seeing one (1) client at a time and there would be two (2) dedicated parking spaces for her customers. He also advised she would be replacing a tenant who has moved out. Mr. Engle referenced the email from Mr. Wright with more detail about the office spaces and photos. Mr. Shaffer inquired if approving the use would change the whole building and he expressed concern with creating basically a new law. Ms. Boston commented that the board could approve with conditions. Mr. Engle advised that approving with conditions is fine. Ms. Brady commented that the BZA is not reclassifying the zoning, the BZA is only making a conditional use allowance. Mr. Engle explained that if the Esthetician closes shop and another tenant comes in that isn’t identified as a professional office, they would have come back to BZA for approval. Members referenced the medical office existing on the property, Mr. Engle read the code relative to the principal and conditional uses in the 1123.04. Mr. Engle explained this is another area of the zoning code that needs to be amended to clarify.

Applicant/Owner Statements Owner- Kyle Wright, NDD Holdings LLC

Mr. Wright introduced Esthetician Stephanie Gill who would be the tenant if the use variance is granted. He explained the proposed office space has a separate entrance and referenced the previous tenant has vacated and is working remotely. He advised that it has been difficult to fill spaces at this time due to more business working remotely. He confirmed that Ms. Gill would be

seeing one client at a time and referenced the lack of definition in the code relative to “professional offices”. Ms. Gill explained that she had been looking for an office space for some time and explained that the state board requires a private entrance and a restroom for the business. She explained the types of service that she provides, including facials and skin care treatments.

Ms. Boston asked if there were any audience comments. There being none, Ms. Boston closed the public hearing at 7:04p.m.

Motion by Ms. Brady to approve the use variance to allow for the operation of an Esthetician Office to be located at 202 Cleveland Road as presented. Motion seconded by Mr. Slocum. Roll call on the motion:

Yeas: Shaffer, Boston, Brady, Slocum (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes to approve the use variance to allow for the operation of an Esthetician Office to be located at 202 Cleveland Road. as presented.

With no further business, motion by Mr. Shaffer to adjourn. Motion seconded by Mr. Slocum. All in favor, meeting adjourned at 7:05p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: March 14, 2022
JS/cmg