

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
December 13, 2021 Regular Meeting – 6:30p.m.

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday December 13, 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnn Boston, and Jim Shaffer. Members absent: Lisa Brady and Jenine von Krumreig.

Chairman Kath advised applicants of the option of tabling cases until the next regular meeting on January 10, 2022 due to the absence of two BZA members. He also explained the protocol and format of the meeting.

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

Approval of Minutes (11-1-21 & 11-8-21)

Motion by Ms. Boston to approve the minutes of 11-1-21 and 11-8-21 as printed and received. Motion seconded by Mr. Shaffer. All in favor, motion passes 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.

Swearing In: Mr. Kath swore in those in attendance wishing to testify before the Board on the case appearing on the agenda.

New Business

PPN# 45-0049.000, 26 Cincinnati Ave- Rear Yard Setback Variance for an attached garage.

Project description from summary:

Applicant is proposing a garage addition in the rear of an existing home. The current footprint of the home is pre-existing and nonconforming to the code. As proposed, the addition will be in line with the existing structure which will be 1'-8" from the rear property line. Pursuant to the code for R-1 Districts, a 30' rear yard setback is required, therefore a rear yard setback variance of 28'-4" would be required.

Mr. Kath called the public hearing to order at 6:32pm. Mr. Engle reviewed the application for the rear garage addition, noting the home is pre-existing/non-conforming as it was built in 1952 and pre-dates the zoning code. He referenced the expansion of the rear of the home is for additional living space and the addition would be in line with the existing structure. He referenced the letter of support included with the application and an additional statement of support that was receive. He noted, as proposed, a 28'-4" rear yard setback variance would be required.

Applicant/Owner Statements

Kathy Allen: Ms. Allen referenced the current home’s close proximity to the property line and noted they are proposing the addition to be in line with the existing structure. Members noted the proposed addition was not staked out for viewing and proceeded to review the parcel and proposed placement.

Ms. Boston referenced a 28’-4” rear yard variance would normally be a concern, but commented that the addition would be lining up with the existing structure, no neighbors are being blocked and noted the two letters of support.

With no further discussion, Mr. Kath closed the public hearing at 6:38pm.

Motion by Ms. Boston to approve the 28’-4” rear yard setback variance as submitted.

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

Yeas: Shaffer, Boston, Kath (3)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes and rear yard variance of 28’-4” approved as submitted.

PPN# 42-01123.011, 404 Sail Away Drive- Side Setback Variance for an addition

Project description from summary:

The applicant is proposing a front porch and an addition to a free-standing condominium home. The parcel contains two separate condominium homes as allowable within the R-2 Zoning District. The house in question is currently conforming to the minimum 12’-0” side setback. As proposed, the front porch would be roughly 9’ from the property line, where the required minimum is 12’, therefore a 3’ side yard setback variance would be required.

Mr. Kath called the public hearing to order at 6:38pm. Mr. Engle reviewed the application, noting the proposed porch will be 9’ from the property line, 12’ is required. He noted the porch could be reconfigured to fit without the need for a variance. He referenced the uniqueness of the property with regard to the odd shape of the parcel and the property containing two condominiums. He noted following the research, this property is considered a “Dwelling Group” pursuant to the definition in the code. He noted as proposed, the porch will require a 3’ side yard setback variance. Mr. Kath inquired about a reduction to the size of the porch.

Applicant/Owner Statements

Todd Netkowicz, 404 Sail Away explained that the porch size could be reduced, however, he explained the unique look they are proposing wouldn’t be accomplished. He added that if the variance is not approved, he would not do the improvement. Ben Rogers, designer/draftsman commented on the uniqueness of the property and referenced an initial conversation in which 7’ was understood to be acceptable. The odd shape of the lot was noted and owner advised that as proposed, there are no safety issues as the area can be accessed without issue. Ms. Boston and Mr. Kath both commented on the unique situation and lot challenges.

With no further discussion, Mr. Kath closed the public hearing at 6:44p.m.

Motion by Mr. Shaffer to approve the 3' side yard setback variance for the porch as presented. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Shaffer, Boston, Kath (3)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes and the 3' side yard setback variance approved as presented.

PPN# 42-00664.032, 1108 Mudbrook Road- Height Variance for fence on a corner lot.

Project description from summary:

Applicant is proposing 6' privacy fencing to the side and rear yards of his home in order to provide a secured area for their dogs. The home is located on a corner lot (Mudbrook and Hidden Valley Drive) making both the Mudbrook and Hidden Valley "front yards" per the code. The code regulates fence heights of 4' max in front yards, therefore, as proposed, the 6' fencing along Hidden Valley Drive would require a 2' height variance.

Mr. Kath called the public hearing to order at 6:44pm. Mr. Engle reviewed the application explaining the applicant is seeking a 6' privacy fence to the side and rear of his home for his dogs. He noted the property is on a corner lot (Mudbrook/Hidden Valley) which the code sees as two front yards thus requiring a 2' height variance for the area along Hidden Valley Drive. Members reviewed the placement of the fencing, parcel location and suggested a more detailed site plan.

Applicant/Owner Statements

Josh Dekam, 1108 Mudbrook. Mr. Dekam reviewed the location of the proposed fence on the parcel. With no further discussion, Mr. Kath closed the public hearing at 6:50pm.

Motion by Ms. Boston to approve the 2' height variance for the fence as submitted pending submission of a clearer site plan with permit application. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Shaffer, Boston, Kath (3)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes and 2' height variance for the fence approved pending site plan submission to zoning department.

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.

Project description from summary:

Applicant is proposing to locate a detached accessory garage in his side yard. The principal structure is located at the terminus of Canton. According to the auditor site, the lot is around 0.26 acres with a depth of 74'-0". The proposal calls for an 840-sf detached prefab garage to be located at the south of the property as to not obstruct views of the water. The garage will adhere to the front setback of 30'-0" for a principal structure; in line with the rest of the structures on the block.

Mr. Kath called the public hearing to order at 6:51pm. Mr. Engle reviewed the application for the proposed detached accessory structure. He referenced the lot size and the orientation of the existing home noting the owner is proposing the garage so as not to obstruct lake view. He explained that as proposed the garage meets all side and rear setback requirements and the height is 15'. Mr. Engle referenced the home was built in the 1940's, so it is pre-existing/non-conforming and noted there is only 6.5' of backyard as existing. He reviewed the variances required:

Accessory structures require a 60' front setback and are required to be in the rear yard. He noted the lot itself is only 74' in depth and referenced neighboring properties average about 45'. As proposed the garage would need a rear yard placement variance and a 30' front yard setback variance. Mr. Kath commented if the garage were to be attached to the home, this may have made the variance requests even worse. Mr. Engle agreed it would have only worsened the situation.

Applicant/Owner Statements

Property owner, Frank Schreck, 104 Canton Ave. Mr. Schreck stated the home faces the lake but the address is on Canton Ave. To put a garage behind the house, on the lake side, there is only 7'. He reviewed the proposed placement, noting that the garage is 35' from the front property line. He referenced neighboring properties and their garages in the front/side yards as well. Mr. Kath commented that the owner considers the lakeside to be the front, but commented the backyard is on the lakeside but only has about 6' available.

Ms. Boston referenced that the board had received a letter from a neighbor with concerns about the variance as proposed relative to blocking views. Mr. Kath stated the letter also contained concerns relative to ground water run-off and noted this is not a matter for the BZA to consider on the case.

Mr. Schreck noted he is proposing placement of the garage 35' from the street, not proposing to block any views and noted what is being proposed doesn't block the view any more than the existing house does. Mr. Kath referenced the neighbor's letter does reflect concerns with views of the lake being blocked due to the depth of the garage. Mr. Schreck noted he has spoken to neighbors and knew of no complaints. He referenced the years he has been planning for this and noted that he has designed improvements so as not to block views as much as possible and noted he meets side setbacks. Mr. Kath asked for clarification that the issue here is the front setback and that the garage is being proposed in the side yard.

Mr. Engle clarified per the code, a garage (accessory structure) must be in a rear yard and has a 60' front yard setback. Mr. Schreck noted his watershed runs to the lake. Mr. Kath commented that surveys/grading as part of any concerns would be part of the permitting process. Mr. Engle noted that any drainage questions could be raised with the engineer when zoning is reviewing applications.

Mr. Kath suggested consideration of a smaller garage, maybe 24 x 24. He noted that as proposed this is a big footprint on a small lot.

Mr. Schreck advised a 24 x24 will only hold two cars and nothing else, referencing there would be no room for any other items and there is no basement. Mr. Kath noted this is not an issue with the lot, this would be considered a desire. Mr. Schreck noted this was not mentioned in past years conversations with the zoning official at the time. when he was planning the project.

Audience Comments

Karen Wennes, 109 Findley Ave. Ms. Wennes questioned the appearance and size of the proposed garage, and referenced concerns with the space for a large garage. She referenced a property maintenance concern of a vehicle filled with items that had been parked on the property for years and reported to the city, but she noted nothing was done. A lengthy discussion ensues between Ms. Wennes and Mr. Schreck on the proposed exterior of the garage, history of the property and improvements. Mr. Kath interjected to return to the discussion relative to the variance and then reiterated his previous statement regarding the option to table in order to have other members present. Mr. Schreck referenced his timeline, and desire to get the building up before the ground freezes and commented that the pre-fab building came in ahead of schedule and was dropped off at the site already. Mr. Kath again advised of the option to table, noting that this is a non-conforming lot, a substantial variance with a large building being proposed. Ms. Boston further explained that members were offering him the option to have all members present to give him a broader audience to hear the case if he so chooses. She also mentioned that she would be willing to accommodate a special meeting. Ms. Boston also referenced the concerns from the neighbors and the substantial variance being asked.

Mr. Schreck then addresses and approaches the board to demonstrate where Ms. Wennes resides. Members and Mr. Schreck review the map. Mr. Kath references the Duncan Factors that board needs to apply. Ms. Wennes interjects from the audience stating the statement to proposed garage will block views and is too large. Mr. Kath notes the proposed garage cannot be any higher than 15' to the peak as this is as high as he can go per the code. Mr. Engle re-iterated the 15' to peak height max. Mr. Schreck commented that its 15' to eaves, stating this is what he had been proposing, Mr. Engle apologized for any misunderstanding, noting it is 15' to peak. Mr. Schreck said to table as this has been a misunderstanding for along time on this and now, he has had the building delivered.

With no further discussion, Mr. Kath closed the public hearing at 7:19p.m.

Motion by Ms. Boston to table the case for a future meeting. Motion seconded by Mr. Shaffer. Roll call on the motion:

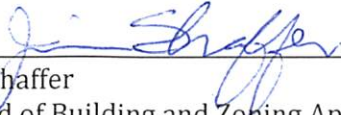
Yeas: Shaffer, Boston, Kath (3)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, the motion passes and case tabled for a future meeting.

With no further business, motion by Mr. Shaffer to adjourn. Motion seconded by Ms. Boston. All in favor, meeting adjourned at 7:21p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: 2-14-22

JS/cmg