

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
March 20, 2023 Regular Meeting – 5:30p.m.

Chairman Frank Kath called the regular meeting to order at 5:30 p.m. on Monday March 20, 2023, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Lisa Brady, Scott Slocum, Jim Shaffer, and JoAnne Boston.

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

**Approval of Minutes: (2-13-23)**

**Motion by Ms. Boston to approve the minutes of 2-13-23 as printed and received. Motion seconded by Ms. Brady. 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**

**710 Cleveland Road W                      Current Zoning District: R-3                      Parcel No.: 42-65006.000**

***Project Description- Area Variance***

*The applicant is proposing the complete replacement of the existing ground sign. As existing the sign exceeds maximums for size and allowance of an electronic message board component. The proposed replacement signage will also exceed code regulations for an R-3 District.*

*Proposed dimensions/setbacks of New Sign (Exhibit B):*

|  |                                      |
|--|--------------------------------------|
| <i>43.125 sf area- Noncompliant</i>          | <i>1129.05 (d)</i>                   |
| <i>8'-7" Height- Noncompliant</i>            | <i>1129.05 (d)</i>                   |
| <i>5' from the ROW- Noncompliant</i>         | <i>1129.05 (d)</i>                   |
| <i>Side Setbacks at 35' and 60'</i>          | <i>Compliant</i>                     |
| <i>Electronic Message Area- Noncompliant</i> | <i>1129.05 (d) (6) &amp; 1129.07</i> |

*As proposed, the following variances would be required:*

- 31.125 sq.ft. variance to the max sf area*
- 7" variance for height*
- 2' variance for ROW setback*
- Electronic Message Board- Allow electronic message portion, variance to portion % of 26.6%, allow LED's, allow in a residential area.*

***Mr. Kath called the public hearing to order at 5:33p.m.***

Mr. Engle reviewed the application noting the zoning of the parcel as R-3, but the use of the parcel as institutional. He explained the current signage in place exceeds the code requirements and most likely would have received BZA approval, but staff could not locate the files. He explained that the applicant is seeking to replace the current signage in the same footprint, but slightly larger in scale, because this is a complete replacement and changes in size, BZA approval of variances is required. Mr. Engle reviewed the current signage for size and setbacks and the proposed new sign dimensions and setbacks:

- *31.125 sq.ft. variance to the max sf area*
- *7" variance for height*
- *2' variance for ROW setback*
- *Electronic Message Board- Allow electronic message portion, variance to portion %, of 26.6%, allow LED's, allow in a residential area.*

Mr. Kath commented that he believed the current signage was approved by the BZA in 2010.

**Applicant/Owner Statements: Albert Haddad, Ellet Signs.**

Mr. Haddad verified the proposed dimensions of the new sign, noting the new sign is slightly larger than the existing, and noted that there will be no rolling/scrolling. He advised that the electronic message board portion of the sign will comply with the code for all regulations. He advised that the new sign will be in the exact location of the present sign and they will be using the same footer and power. Ms. Brady asked if there was any way to reduce the proposed height of the sign. Mr. Haddad confirmed that they could.

Mr. James Tatman, Huron City Schools Superintendent explained that the existing sign is not working properly and is not repairable. He noted the current sign did have scrolling text but they want to have more fixed content. Mr. Haddad referenced the technology changes with regard to the message boards, full color displays, auto dim features. In response to questions about dimming, Mr. Haddad confirmed that the sign will dim automatically during the day and the night. Ms. Brady suggested reduction to the height to match the existing signage height. Mr. Kath agreed. Discussion by members on existing signs within the city, to which Mr. Engle replied that all existing school signs are within residential zoning districts. Members discussed the fact that the previous variances granted should have been with the property deed and that perhaps adding a special consideration to the motion to address these technology concerns with regard to being in a residential area but being a public institutional use. Mr. Kath did not believe this was necessary and noted that he is sure there was a variance given in the past. Mr. Kath was questioning whether or not variances again required. Mr. Engle advised that there are some changes being made to the new sign and would require approval. Members discussed the variances required and Ms. Brady reiterated the recommendation to lower the height from 8'-7" to 8'-6", a decrease of 1" to match the existing height and thus reducing the height variance to 6".

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:48p.m.**

**Motion by Ms. Brady to approve the area variances as submitted, except for the height variance which was reduced to a 6" variance as discussed, reducing the height of the sign to the existing height which was previously approved because it matches the footprint of the prior variance provided and allows for static messaging across the two lines versus scrolling messaging and 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. Motion seconded by Mr. Slocum.**

**Yeas: Shaffer, Boston, Kath, Brady, Slocum**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the area variance for signage approved as submitted with the exception of the height variance which was reduced to 6".**

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**315 Laurel Ave**

**Current Zoning District: R-1**

**Parcel No.: 45-00181.000**

***Project Description- Area Variance***

*The applicant is proposing to construct an accessory structure (Pool House/Storage) in the rear yard of his property. The existing accessory structure on the parcel will be demolished, the new accessory structure will be 3520sf with a proposed height of 23'.*

*1126.06 (g) Accessory Uses in R Districts. An accessory building may be erected detached from the principal building or it may be erected as an integral part of the principal building. Except as provided in Section 1137.03, no detached accessory building shall be erected in any required yard or court except a rear yard, and shall not occupy more than thirty-five percent (35%) of the rear yard. Detached accessory buildings shall be distant at least six feet from any dwelling situated on the same lot, unless an integral part thereof, at least six feet from any other accessory building and at least five feet from all lot lines of adjoining lots which are within any R District.*

*1123.01 (d) Height Regulations. No principal structure shall exceed thirty-five feet in height, and no detached accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.*

*As proposed, the following variances would be required:*

- 8' height variance for an accessory structure.*

***Mr. Kath called the public hearing to order at 5:51p.m.***

Mr. Engle reviewed the application noting the property is zoned R-1, the applicant will be demolishing the existing accessory structure and is proposing a new 3520sf accessory structure to be used as a pool house/storage with a height of 23'. He noted, as proposed the structure complies with side and rear setbacks, rear yard buildout, but exceeds the max height allowed for an accessory structure which is 15', therefore, an 8' height variance would be required as proposed.

**Applicant/Owner Statements: Steve West, 315 Laurel Road**

Mr. Kath noted the size of the proposed structure is quite large.

Mr. West advised that as proposed the wall are 16' in height and would need a 23' ridge to achieve that. He noted that the structure will look good. Mr. Kath explained that a variance is not based on a person's needs, as the variance stays with the property forever. Mr., Kath asked if the owner would consider lowering the height. Mr. West said he would prefer not to and noted that the structure will not overshadow anything next to him. Mr. Kath referenced setting precedence if allowed and others who would seek the same consideration and large pole barns would be everywhere. Mr. Kath noted he does not believe this is the intent of the code to have an accessory structure of this height, but noted that if Mr. West were to attach the structure to the home, the height would then be allowed to be up to 35'. Mr. West explained that he would be demolishing the existing structure and wants to do this the right way, but doesn't see this variance bothering anyone. He noted the building will not be an eyesore. Member discussed similar cases in the past that were denied. Mr. West noted that he has woods behind him and would not be affecting anyone. Mr. Kath asked if there were any statements from neighbors. Mr. Engle noted that no statements were received. Members then reviewed all the parcels owned by Mr. West behind the parcel and to the south and discussed same. Members and Mr. Engle reviewed surrounding properties and vacant lots. Mr. Engle noted several are unbuildable lots and believes they are located within wetlands.

Mr. Kath commented in light of the acres Mr. West owns and the unbuildable lots surrounding him, is there a way to specify within the motion the circumstances so that the granting of the variance would not open the door to all. Ms. Boston agreed and discussion ensued on possible language. Mr. Engle noted that ultimately, this is a case-by-case basis and ultimately the board does not have to worry about precedence, but base decision on the factors. Members again reviewed the surrounding parcels and lots.

Mr. Kath reviewed the criteria factors noting that he believes the variance request would not adversely affect the public health, safety, or alter the essential character of the neighborhood, and will not cause a hazard or a nuisance to the public; but noted that it is a significant variance. Ms. Boston added she believes the spirit and intent behind the zoning requirements is observed, but it is true that the variance is substantial. Mr. Slocum noted the proposed location is lower, so it may not seem as significant, but height wise still asking for a lot. Mr. Kath asked the owner again if there was any way to make it a shorter gable. Mr. West replied, according to his builder, with a 16' wall, you need at least a 23' ridge. Mr. Kath inquired to the owner why a 16' wall is needed, for boats? Mr. West stated that he is putting a volleyball system in and needs that requirement. Mr. Kath again noted the criteria basis for variances. Ms. Boston asked if there were any concerns or statements from neighbors. Mr. Engle noted there were not any statements received. Members again reviewed location and surrounding lots, unbuildable areas, acreage owned by Mr. West. Ms. Boston believes this makes for a unique situation. Mr. Kath noted this is a large residential lot compared to others. Ms. Boston agreed, noting the size of the parcel being unusual due to its larger size as compared to others. Ms. Brady noted parcels surrounding could be sold at some point, to which other members agreed, but it was also noted that some of these parcels are wetlands and unbuildable.

**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 request for an area variance at 315 Laurel, granting an 8' height variance for an accessory structure; citing the testimony presented in this public hearing, 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, and due to the fact that conditions exist with the parcels to the rear, making them unbuildable and those lots are within a wetland. Motion seconded by Ms. Brady.**

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

**Nays: Kath (1)**


**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the 8' height variance for an accessory structure approved as submitted.**

### **Staff Report**

Ms. Gibboney advised members that the Codified Ordinances have been updated with replacement pages to incorporate all amendments from last year and state changes, these are posted to the city website. Members were advised if they are using hard copies rather than the online version, they need to replace these with the current version. Ms. Gibboney to provide updated hard copies to members.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Shaffer. All in favor, meeting adjourned at 6:15 p.m.

  
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Jim Shaffer  
Board of Building and Zoning Appeals Secretary

ADOPTED:  
JS/cmg

April 10, 2023