

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS

March 9, 2020 -Regular Meeting

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday, March 9, 2020, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jenine Porter, Tom Sprunk, JoAnne Boston, and Jim Shaffer.

Also in attendance: Doug Green- City Engineer/Zoning Inspector and Christine Gibboney, Administrative Assistant.

Adoption of Minutes

**Motion by Ms. Boston that the minutes of January 13, 2020 be approved as presented.
Motion seconded by Ms. Porter. Roll call on the motion:**

Yeas: Shaffer, Boston, Kath, Sprunk, Porter (5)

Nays: None (0)

With a majority vote in favor of the motion, motion passes and minutes approved.

Verification of Required Notice Period

In response to a question by Mr. Kath, Mr. Green confirmed that notices were mailed on 2-5-20 to all affected property owners within 100' of the properties appearing on the agenda.

Swearing In: Mr. Kath swore in those in attendance wishing to testify before the Board on any of the cases appearing on the agenda. Mr. Kath reviewed the process/protocol of the meeting format with those in attendance.

New Business

401 Winona Ave, Parcel Number: 49-00056.000

Project Description from staff summary: The applicant is requesting a variance for the installation of a raised deck. The applicant is proposing to install a new 6' x 22' raised paver deck which will replace an existing raised wooden deck that is similar in size and location. The applicant wishes to replace an existing wood deck that was originally installed in the 1970's and is at the end of its usable life and in disrepair. The materials of the proposed deck will be of the same size and color of pavers that the applicant has installed at ground level adjacent to the proposed deck.

Due to the nature of the applicant's parcel being a corner lot, the Southern property line is considered a rear yard. Per section 1123.01 the required rear yard setback is 30'. The proposed deck (and the existing deck) will come within 4' of this property line which would require a rear yard setback variance of 26'.

Mr. Kath called the Public Hearing to order at 6:31p.m. Mr. Green reviewed the application and summary related to the proposed replacement of a 6' x 22' raised wooden deck with a raised paver deck which would require a rear yard setback variance of 26'. He recognized property owner, Mr.

Larry Johnson, who was in attendance and referenced an email from a neighbor who expressed opposition to the variance request. He also referenced the photos supplied by the property owner.

Applicant/Property Owner comments: Larry Johnson, 401 Winona Ave. In response to questions by members, Mr. Johnson confirmed that the proposed replacement deck would be the same size as the existing deck, but would be 1' lower than the current height. Mr. Johnson also confirmed that he would be bringing the grade up with dirt and then adding pavers. Members received clarification from Mr. Green that by Mr. Johnson adding dirt to grade- this would not make it an at-grade patio. Mr. Sprunk raised the question as to if this should be considered as a special exception specific to the 6' x 22' section of deck. Mr. Johnson noted the current deck has been in existence for 43 years and also referenced a variance granted at the time the house was built. Mr. Green clarified that the variance granted at that time was for the home only and not the deck.

Audience Comments: None.

With no further comments, Mr. Kath closed the public hearing and returned to the regular meeting at 6:37p.m.

Motion by Mr. Sprunk that the variance be approved as presented as a special exception. Motion seconded by Ms. Porter. Roll call on the motion:

YEAS: Shaffer, Boston, Kath, Sprunk, Porter (5)

NAYS: 0

With three votes or more in favor, the motion passes and variance approved as submitted as a special exception.

507 Adams Ave, Parcel Number: 42-00142.000

Project Description from staff summary: The applicant is requesting a Use Variance to allow commercial gardening. The applicant's residence is 507 Adams Ave. The applicant also owns the existing landlocked parcel behind their home. The applicant operates a small local flower truck business and would like to utilize the landlocked parcel for the purposes of growing flowers that can be sold off-site via their flower truck. The existing landlocked parcel is listed as 0.81 acres in size and is mostly lawn area with the exception of several large trees. The applicant's flower growing would consist of several individual areas for different types of flowers with a total area of roughly 0.25 acres on the parcel.

The zoning code allows for gardening on residential properties within the City and even allows the sale of produce via roadside stands as long as the produce is grown on site. The zoning code also allows for general farming on residentially zoned parcels but limits agricultural use to sites of 5 acres or larger. The applicants parcel is relatively small (0.81ac) and the flowers will be grown with the intention of sale off-premises. This would require a use variance to allow for the commercial usage of a parcel within an R-1 district.

Mr. Kath called the Public Hearing to order at 6:38pm. Mr. Green reviewed the application and summary, noting the request is for a use variance and referenced that R-1 districts allow

agricultural uses but requires a 5-acre area. He noted the parcel is just shy of an acre and the owners would like to use a ¼ acre for several flower gardens. Flowers will then be cut by hand and sold. Mr. Green referenced discussion with the Law Director regarding this request and noted the following: 1) hardship as the parcel is landlocked and unbuildable 2) recommendation that if granted, the variance should be limited to current ownership and specified for use as a flower garden.

Applicant/Property Owner comments: Philip & Sarah Gilbert, 507 Adams Ave. Mr. and Mrs. Gilbert responded to members questions:

- Gilberts advised they are currently purchasing flowers and selling.
- Mr. Green advised that R-1 does allow for gardens and produce for sale on-site.
- Gilberts advised they would be fencing in the flower garden area and provided background on their flower business, the purchase of the separate parcel, and noted they understood the parcel was not buildable when they purchased it.

Audience Comments: John Urban, 409 Adams Ave. Mr. Urban expressed concern with run off of pesticides from the parcel to the ditch and also expressed concern with fence appearance.

The Gilberts noted that no commercial pesticides will be used in the flower garden; standard residential garden weed barrier products. Mr. Green referenced the code allowance of a 6' fence.

With no further comments, Mr. Kath closed the public hearing and returned to the regular meeting at 6:47p.m.

Motion by Ms. Porter to approve the variance request as written, with the following restrictions: 1) Variance granted only to the current owner, not with the land. 2) variance only for use as a flower garden. Motion seconded by Ms. Boston. Roll call on the motion:

YEAS: Shaffer, Boston, Kath, Sprunk, Porter (5)

NAYS: 0

With three votes or more in favor, the motion passes and variance granted as noted.

407 Sail Away Drive, Parcel Number: 42-01123.005

Project Description from staff summary: *The applicant is requesting a side setback variance for an addition. The applicant is proposing to construct a sunroom addition onto the East side of their existing home. The applicant's home was originally designed to include this addition but it was not planned at the time the home was constructed. The addition will be a single-story room projecting a total of 5' beyond the East wall of the home with a framed glass canopy on its roof. Section 1123.03 requires side setbacks of 8' and 12' for a two-story home within an R-2 district. The Western Property line meets the 12' setback requirement. The property line on the East side of the home is not parallel to the wall of the home and the addition would project, at most, 8" into the required side setback of 8'. This would require a side setback variance of 8" on the Eastern property line.*

Mr. Kath called the Public Hearing to order at 6:49pm. Mr. Green reviewed the application and summary, and referenced that the home was originally designed with the proposed sunroom but had not been constructed at the time the home was built. He referenced the position of the home

which is on an angle and the sunroom addition, as proposed, would require an 8" variance. Mr. Green referenced two email comments from neighbors, neither objecting to the variance.

Applicant/Property Owner comments: John Helmkamp, 407 Sail Away Drive. Mr. Helmkamp reiterated that the sunroom was included in the original approved plans for the home and reviewed the shape of the parcel and the placement of the home on the parcel which is on an angle. Members asked Mr. Helmkamp if the neighbor living on the side affected by the variance had any objections. Mr. Green noted this neighbor, Mr. White was one of the neighbors who submitted the email with no objections.

Audience Comments: None.

With no further comments, Mr. Kath closed the public hearing and returned to the regular meeting at 6:53p.m.


Motion by Ms. Boston to accept the variance request a presented. Motion seconded by Ms. Porter. Mr. Sprunk questioned the need to specify the variance being only for the 12' section, noting that technically if the variance is granted to the side setback then the entire home could be widened. Discussion by members and Mr. Green ensued on this topic; Mr. Green and Mr. Kath concluded that by specifying that the variance be approved as presented, this addresses the issue as it pertains to the proposed addition only. **Mr. Kath referred to the motion made by Ms. Boston and noted the motion was to approve as presented; asking for a second motion. Motion by Mr. Shaffer to second the motion. Roll call on the motion:**

YEAS: Shaffer, Boston, Kath, Sprunk, Porter (5)

NAYS: 0

With three votes or more in favor, the motion passes and the 8" side setback variance approved as presented.

There being no further business before the Board, Mr. Sprunk moved to adjourn; motion seconded by Ms. Boston. The motion carried and the meeting was adjourned at 6:55p.m.


Jim Shaffer
Board of Building and Zoning Appeals Secretary

JS/cmg