

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
March 18, 2021 Special Meeting – 6:30p.m.

Chairman Frank Kath called the special meeting to order at 6:30 p.m. on Thursday March 18, 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, JoAnne Boston, Lisa Brady and Jenine von Krumreig.

Also in attendance: Mike Spafford, Assistant to the City Manager and Christine Gibboney, Administrative Assistant.

Chairman Kath reviewed the meeting protocol and format and asked that all in attendance turn cell phones off.

Adoption of Minutes: N/A

Verification of Required Notice Period

In response to a question by Mr. Kath, Mr. Spafford confirmed that notices were mailed to all affected property owners within 100' of the property appearing on the agenda on 3-10-21.

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

New Business

107 North Port Parcel #42-00666.011: Side Yard Variance for new home construction in the North Port PUD.

Project description from staff summary:

The applicant is seeking a 2' side yard setback variance to allow for the construction of a new home within the North Port PUD. As proposed, the home meets the remaining setback requirements of the PUD.

Mr. Spafford explained the property is located within the North Port Subdivision which is an R-1-PUD and as a PUD established its own setback requirements.:

Front setback: 25'

Rear setback: 15'

Side setback: 6'

He reviewed the application, noting the applicant is seeking a 2' east side yard setback variance as they are proposing an east side yard setback of 4'. He referenced the location of the applicant's property to the adjacent property to the east which contains a retention pond and would not be a buildable property.

Mr. Kath called the public hearing to order at 6:34p.m.

Applicant/Owner Statements

Valjean Thaxton explained that they bought the adjacent property on which the retention pond exists, however, it is being re-surveyed and going through the process to be deeded over to them. She referenced that they had considered trying to alter the building plans, but noted that they had already finalized the loan process, therefore, the option of a variance request was decided upon. She asked for consideration of a 2' side setback variance as proposed. The size of the home and the distance between the next-door neighbor (west) was discussed. It was noted the next structure is 100 ft away. Mr. Kath inquired if there would be any issues with pond ownership. Mr. Spafford replied that there would be no issues from the city standpoint as the pond would be privately owned.

Audience Comments

Greg Bauman, 105 North Port – Mr. Bauman engaged in a conversation with the applicant, Ms. Thaxton, seeking clarification as to which side of the property she was seeking a variance on. Ms. Thaxton noted this would be on the side of the retention pond property. Mr. Bauman noted, he had no issue with this.

Mr. Kath closed the public hearing at 6:40p.m.

Motion by Ms. von Krumreig to approve the 2' east side yard setback as presented. Motion seconded by Ms. Boston.

Yeas: Shaffer, Boston, Kath, Brady, von Krumreig (5)
Nays: None (0)

With three or more in favor, the motion passes and the 2' east side yard setback approved as presented.

319 Wyandot Place - Parcel # 48-00288.000: Front, Rear and Side Yard Variances for the addition of an attached garage to an existing non-conforming home.

Project description from staff summary:

The zoning ordinance treats corner lots that abut public rights-of-way as having two front yards. As such, the area between the home and the P/L on both Wyandot and Delaware are both considered front yards and subject to the front-yard setback requirements of the R-1 district. Section 1123.01 sets the setback for front-yards at 30'. This can be reduced to the average of an adjacent property. On corner lots, we treat each front-yard separately and reduce it the distance of the immediately adjacent home on each block. The front setback on the Wyandot side can be reduced to 15' 9", which is the measurement of the home to the north. The front setback on Delaware is not eligible to be reduced, as the adjacent property is over 30' from the property line. For the purposes of side and rear yard calculations, staff utilized Wyandot as the true front, meaning the area to the west is the rear yard and the area to the north is the side yard. The code does not permit for any reductions of the side and rear yards, and as such the home is subject to both of those setbacks, which are 30' for rear yards and 7' for side yards.

Because the home is existing and built prior to the zoning code, it is legally existing as a nonconforming structure. Therefore, the existing home is permitted to continue in its existing footprint. The proposed additions and modifications, however, will need the following variances:

- **Porch extension:** *There is currently a porch on the Wyandot side of the home. The project proposed extending the porch (continued at the existing 4' depth) the entire width of the existing home). This would require a reduction of the front-yard setback on Wyandot a distance of 4', as the current home's foundation is at the permitted reduced front-yard on Wyandot.*
- **Roof Overhangs:** *The code permits various items to extend into the setbacks, such as chimneys, escapes, bay windows, etc. The code allows architectural roof extensions of 2'6". The proposed plan requests the ability to extend certain portions of the roof to 4', an extension of 1' 6".*
- **Attached Garage:** *The current home does not have a garage on the property. There is currently an existing nonconforming shed. The project would propose the demolition of the shed, which is beyond repair, in favor of adding on to the existing home to build a 1-car garage. The garage would be built to both the rear and side setback established by the existing shed and the front setback of the current existing home. The proposed garage would be approx. 1' 3" off the rear property line (same as the current shed) and 3' 6" off the side property line (matching the existing home). While these match existing setbacks of structures on the site, it is an expansion of the allowance of those setbacks beyond the current footprint of the structure. In addition, the garage would require front yard setback reduction as the front setback on Delaware is 30 ft.*

Mr. Kath called the public hearing to order at 6:41p.m. Mr. Spafford reviewed the application, referencing the agenda packet, the parcel being on a corner lot, the buildable area of the parcel, and recapping the front, side and rear yard variances that will be required for the project as proposed. He explained the averaging of adjacent property relative to front-yard setback requirements of the R-1 district and reviewed each of the variances required as proposed:

- Front-yard setback variance on Wyandot of 4' for the covered porch
- Front-yard setback variance on Delaware of 15' for the garage
- Rear-yard setback variance (area to the west of the home) of 28' for the garage.
- Side-yard setback variance (area north of the home to the P/L) of 3'6" for the garage.
- Extend overhangs from 2'6 to 4' (increase beyond what's permitted by 1'6")

Applicant/Owner Statements

Bob Howell, Architect representing the property owner: Mr. Howell recapped the application and variances required and also referenced the existing covered porches which have been 4' all this time. He commented that the code requires garages now and referenced the hardship statement provided with the application. Mr. Howell referenced the additional statements of support from neighbors that were distributed tonight to members. He referenced the discretion that BZA members have relative to decisions on variances.

Mr. Kath referenced the close proximity to the neighbors. Mr. Howell referenced this being a beach community and commenting on discussions relative to the issue that most lots do not comply with the code. Mr. Howell also noted the existing shed has been in place for 50 years. Ms. von Krumreig replied to Mr. Howell 's statement relative to discretion by the BZA, noting that BZA decisions must be based on proven hardships that pertain to the lot.

Angela Savino, property owner. Ms. Savino commented that her family has spent more time at the property and referenced the safety factors to be considered. She explained this is a very busy neighborhood with many children and much traffic. She commented that the variance is not only

for the convenience of having a garage, but also for the safety of children, asking that the board consider the safety factor of the request. She referenced the investment in the community and noted that neighbors are supportive. She noted her appreciation of consideration by the board.

Mr. Kath referenced the substantial variance with regard to building up to property line. Ms. Boston inquired about the proposed elevation, asking if the plan was reflecting a breezeway area between the garage and house. Mr. Howell replied there was no breezeway, confirming this was an attached garage, but noted there was space for a potential outdoor shower. Ms. Boston suggested perhaps eliminating this space. Mr. Howell commented, perhaps a reduction to a 10' garage could be considered.

Ms. Boston noted that traffic in the area is an ongoing concern and will continue regardless of having off-street parking. Ms. von Krumreig agreed, noting that traffic flow would not be a criteria factor for a decision by the BZA.

Mr. Kath advised the board to consider each variance request separately when making motions.

Mr. Kath closed the public hearing at 7:02pm.

Motion by Ms. Brady to approve the 4' front yard setback variance for the covered porch as presented. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, von Krumreig, Brady (5)

Nays: None (0)

With three or more in favor, the motion passes and 4' front yard setback for the covered porch approved.

Motion by Ms. Brady to approve the 15' front yard setback variance on Delaware for the garage as presented. Motion seconded by Ms. von Krumreig. Roll call on the motion:

Yeas: None (0)

Nays: Shaffer, Boston, Kath, von Krumreig, Brady (5)

With less than three or more votes in favor, the motion fails and variance denied. A brief discussion ensued regarding the option to table the case if the applicant desired to do so to allow an opportunity to reduce the width. Mr. Howell commented he could re-design a 10' garage to be in alignment of the house. A brief discussion about tabling or resubmitting an application ensued.

Motion by Ms. Brady to approve the rear yard setback variance for the garage as presented. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: None (0)

Nays: Shaffer, Boston, Kath, von Krumreig, Brady (5)

With less than three or more votes in favor, the motion fails and variance denied.

Motion by Ms. Boston to approve the side yard setback of 3'-6" for the garage as presented. Motion seconded by Ms. von Krumreig. Roll call on the motion:

Yeas: None (0)

Nays: Shaffer, Boston, Kath, von Krumreig, Brady (5)

With less than three or more votes in favor, the motion fails and variance denied.

Motion by Ms. von Krumreig to approve the extended overhangs (all inclusive- 3 overhangs) as presented. Motion seconded by Ms. Boston. Roll call on the motion:

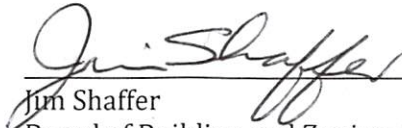
Yeas: Shaffer, Boston, Kath, von Krumreig, Brady (5)

Nays: None (0)

With three or more in favor, the motion passes and three (3) sets of extended overhangs approved as submitted.

A brief discussion ensued, Mr. Howell noted he would be revising the application and would re-apply.

With no further business, the meeting was adjourned at 7:11p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: May 10, 2021

JS/cmg