

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
July 26, 2021 Special Meeting – 6:32p.m.

Chairman Frank Kath called the special meeting to order at 6:32 p.m. on Monday July 26., 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnne Boston, Lisa Brady, and Jim Shaffer. Members absent: Jenine von Krumreig.

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

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 property appearing on the agenda.

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

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

Old Business

38 Richland. Parcel # 43-00377.000

Project description from staff summary: *Per the applicant, she is seeking to add a front deck to the existing house in order to afford a view of the lake. She would also like to construct the detached garage because an attached garage would cover the only windows in the master bedroom and bathroom. She also indicated that if she would proceed with an attached garage, old growth trees would need to be removed. It is her wish to maintain the existing vegetation. Variances required for the project as proposed:*

Garage:

- Use variance for the accessory garage structure in a front yard (through lot)

Front Porch Extension

- 7'-6" front setback variance for proposed front porch extension (required 15 ft for R-1A Zone); the average front setback of adjacent parcels is roughly 9'-0". Note, front yards should be at least 10'-0" per Section 1137.03.

Mr. Kath called the public hearing to order at 6:34pm. Mr. Engle referenced the case was previously tabled and that staff met with the applicant to review the application to secure additional information regarding the proposed improvements. At that time, the applicant advised that the height of the proposed garage would comply with the code. Mr. Engle reviewed the application, noting the two variances that would be required: 1) Use Variance relative to the proposed detached garage considered to be in the front yard as this is a through lot. He noted the garage as proposed would meet all setback requirements. 2) 7' 6" Front setback variance for the proposed front porch extension. Mr. Engle referenced the required 15' front yard setback required for the R-1A Zoning, noting that the average setbacks of the adjacent parcels is roughly 9'; Section 1137.03 requires a minimum of 10'.

Applicant/Owner Statements

Melanie Hartman, 38 Richland Ave. Ms. Hartman explained that there was not a way to attach a garage to the home as the placement would block windows, require the air conditioning to be moved, and would require the removal of a large 100-year-old tree. She explained the deck being proposed would not exceed the setback of the home next door.

Mr. Kath inquired as to if there would be a driveway and were. Ms. Hartman replied there would be a driveway off of Surf Drive. It was noted Surf Drive is a private street. Mr. Kath inquired as to if an unpaved private road would have to adhere to the code. Mr. Engle noted the code still applies, adding that the code doesn't differentiate between public and private streets. Mr. Kath asked about setbacks of neighbors; Mr. Engle stated the home next door on Richland is 5'.

Ms. Boston asked if the city had received any statements from neighbors; Mr. Engle replied that no statements were received. Ms. Boston asked if HOA's are always notified, Mr. Engle noted he believes the notices go to addresses within the 100' distance. Ms. Hartman advised that Mr. Majoy who is in attendance is a member of the HOA.

Audience Comments

Mark Majoy, 37 Silvern. Mr. Majoy referenced his property being behind and abutting Surf Drive. He noted he had no objections to the improvements as proposed. Mr. Majoy inquired about regulations on Surf Drive as the properties on Silvern have backyards on Surf. A lengthy discussion on Surf Drive, its condition, narrowness, and the alley ways in this area.

In response to a comment by Ms. Boston relative to streets/ alleys; Mr. Engle explained the code doesn't speak to a difference with respect to code regulations. Ms. Boston noted her feeling on granting use variances and the 7 factors to be applied in making the decision. Mr. Kath referenced the uniqueness of the lot: 1) being a through lot and 2) being a trapezoid shape in the back.

Mr. Majoy noted that Surf Drive is paved about 45' and once it intersects with the alley (Cuyahoga), its just a stone road. He commented that there are many questions and issues that this roadway creates.

With no further questions or comments, Mr. Kath closed the public hearing at 6:48p.m.

Motion by Ms. Boston to approve the front yard setback variance as submitted. Motion seconded by Mr. Shaffer. Ms. Brady advised she had a conflict and would abstain from voting on the case. Roll call on the motion:

Yeas: Boston, Shaffer, Kath (3)

Nays: (0)

Abstain: Brady (1)

With three or more votes in the affirmative, the motion passes, and approved as submitted.

Ms. Boston asked for a moment to review the code and hardship definitions.

Motion by Ms. Boston to reject the use variance request as presented. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Boston, Shaffer, Kath (3)

Nays: (0)

Abstain: Brady (1)

With three or more votes in the affirmative, the motion passes, and the use variance denied.

Ms. Boston apologized to the applicant, commenting that she understands the improvement the applicant would like to make, but noted the standards were not met. Mr. Kath added that decisions made could set precedence.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Shaffer. All in favor, meeting adjourned at 6:53p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: Oct 11, 2021

JS/cmg