

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
August 9, 2021 Regular Meeting – 6:30p.m.

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday August 9, 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, JoAnne Boston, Jenine von Krumreig. Members absent: Lisa Brady

Also in attendance: Erik Engle, Planning & Zoning Manager.

There were no minutes available for approval.

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 on August 2, 2021.

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

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

Old Business

111 Ohio Street-PPN: 42-01131.000, Use & Side yard setback variance for an accessory structure. (Tabled on 7-12-21)

Mr. Engle advised that since the last meeting, the applicant has withdrawn his application and no further action needed by the board at this time.

New Business

804 Lakeway -Parcel # 49-00062.000 Side yard setback for a proposed entry addition, rear yard setback and length variance for a second story uncovered balcony.

Project description:

*Applicant is proposing an entry addition and a second-floor uncovered balcony to a pre-existing, non-conforming home. **Entry Addition:** The applicant is proposing an addition to the front of the home for a new entry. As proposed this new addition meets the required front yard setback of 30', however the side yard setback as proposed is 6' which would require a variance of 6' pursuant to Section 1123.01 (e) 2- Story homes require a total side setback of 20ft with the least width being 8ft. Note: The entry does not extend further than the side setback of the existing home **Uncovered 2nd Story balcony:** The applicant is proposing a rear yard variance for a proposed second story balcony which will extend out from the home 4' and extend the full width of the rear of the home. While Section 1123.01 (e) – requires a rear yard setback of 30'; Section 1137.04 (a)(5) provides allowances for projections of Architectural Features: balconies may project a distance not exceeding three feet provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall in which they are located.*

- 1) *The Entry Addition would require a side yard setback variance of 6'.*
- 2) *The 2nd Floor Balcony would require:*
 - *1' foot rear yard setback variance*

- *24'-0" length variance of the balcony to span the entire width of the home where code only allows for 1/3 (12 ft.) of the length*

Mr. Kath called the public hearing to order at 6:34pm and reviewed the variances being requested. Mr. Engle referenced the parcel is located within an R-1A zoning district and is preexisting, non-conforming. He explained that as proposed this new addition meets the required front yard setback of 30', however the side yard setback as proposed is 6' which would require a variance of 6' pursuant to Section 1123.01 (e) 2- Story homes require a total side setback of 20ft with the least width being 8ft. He explained the proposed second story balcony will extend out from the home 4' and extend the full width of the rear of the home. He referenced Section 1123.01 (e) – which requires a rear yard setback of 30'; Section 1137.04 (a)(5) provides allowances for projections of Architectural Features: balconies may project a distance not exceeding three feet provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall in which they are located. Mr. Engle noted the exterior staircase being proposed would not require any variances as it meets code requirements. Mr. Engle noted the variances that will be required for the proposed improvements:

- 1) The Entry Addition would require a side yard setback variance of 6'.
- 2) The 2nd Floor Balcony would require: 1' foot rear yard setback variance; 24'-0" length variance of the balcony to span the entire width of the home where code only allows for 1/3 (12 ft.) of the length

Mr. Kath referenced that Mr. Shaffer would be recusing himself due to personal conflicts on the case. Mr. Shaffer then exited the room.

Applicant/Owner Statements

Robert Howell, architect for the owners, John and Kerri Kenning. Mr. Howell asked if there was quorum, Ms. Boston replied there was. Mr. Howell noted the Kenning's were also in attendance. Mr. Howell reviewed the proposed improvements for the entry and noted he and the zoning department disagree on the side setback variance distance required. He argued that his interpretation of the code with regard to side setbacks would only require a 2' side yard setback variance as opposed to the 6' variance. He referenced the proposed side setbacks on the east and west sides and explained he interprets the code to only require a 2' variance and stated this is the way the zoning department has interpreted this code in the past. He reviewed the details of the proposed balcony.

Ms. von Krumreig noted the house is in keeping with the theme of the neighborhood. Mr. Howell also referenced the support letter of the neighbor. Mr. Kenning spoke of the design features being proposed.

Mr. Kath asked for clarification on the 24' length variance. Mr. Engle referenced the code, which allows for the balcony to span 1/3 the length of the home, which would be 12', but the balcony will be spanning the entire width of the home requiring a variance of 24'.

With no further discussion, Mr. Kath closed the public hearing at 6:42pm

Motion by Ms. von Krumreig to approve the 6' side yard setback variance as submitted. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Boston, Kath, von Krumreig (3)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and the 6' side yard setback variance approved as submitted.

Motion by Ms. Boston to approve the 1' rear yard setback variance for the balcony as submitted. Motion seconded by Ms. von Krumreig. Roll call on the motion:

Yeas: von Krumreig, Kath, Boston (3)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and the 1' rear yard setback variance approved as submitted.

Motion by Ms. von Krumreig to approve the 24'-0" length variance of the balcony to span the entire width of the home where the code only allows for 1/3 (12 ft.) of the length as submitted. Motion seconded by Mr. Boston. Roll call on the motion:

Yeas: Boston, Kath, von Krumreig (3)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and 24' length variance for the balcony approved as submitted.

Mr. Shaffer returned to the meeting.

Staff Report

N/A

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Ms. von Krumreig. All in favor, meeting adjourned at 6:44p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: Oct 11, 2021

JS/cmg

Minutes prepared from audio