

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
December 14, 2020 Regular Meeting

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday, December 14, 2020, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Tom Sprunk, Jenine von Krumreig, JoAnne Boston and Jim Shaffer.

Also in attendance: Doug Green- City Engineer/Zoning Inspector, Mike Spafford -Assistant to the City Manager, and Christine Gibboney, Zoning Administrative Assistant.

Adoption of Minutes: (October 12, 2020)

Chairman Kath referenced that minutes were not included in the hard copy packets, they were only in the emailed packet and due to their length, he suggested to allow members time to read through these and consider adoption at the next meeting. Members agreed to consider the minutes at the next meeting.

Verification of Required Notice Period

In response to a question by Mr. Kath, Mr. Green confirmed that notices were mailed to all affected property owners within 100' of the property appearing on the agenda on December 4, 2020.

Mr. Kath explained the process/format of the meeting and asked that those in attendance 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.

New Business

25 Cincinnati Ave, Parcel #45-00505.000: rear setback variance for the reconstruction of an existing non-conforming home.

Project description from staff summary: The applicant has previously received BZA approval for a 2-story addition to an existing single-story home at the regular meeting of May 13th, 2019.

In the previous approval (agenda and minutes are attached) The proposed addition would extend the existing South wall of the home which was only 4'-4" from the southern property line (12' required for a two-story home) in addition to adding a second floor onto the existing home. Also, in the previous plan, the rear wall of the existing home was only 21'-2" from the rear property line (30' required) but no variance for the rear setback was required because the structure was considered an existing non-conforming structure. A variance to allow for the extension of the Southern wall at 4'-4" from the side property line was unanimously approved.

While preparing for construction, the applicant's contractor has determined that the existing walls and foundation of the current home will not be adequate to support the two stories as planned and the existing home will need to be removed and re-built from the foundations up.

The revised plans of the new home are nearly identical to the previously approved plan. The only exception is the home is no longer an addition to an existing home as it is now a completely new home. Per section 1121.07(g), a building loses its existing non-conforming status once more than 50% of its value is replaced which applies in this case. And as such the home would require, in addition to the

*previously approved side setback variance, a rear setback variance of 8'-10" (30 required, 21'-2" proposed)
The northern side setback (11'-1" proposed, 8' required) and front setback (20'-4" proposed, 20'-3" required) and height of the structure (31'-5" proposed, 35' max required) all meet the code requirements of section 1123.01 for an R-1 district.*

Mr. Green referenced the previous application and approval from the BZA in 2019 for a two-story addition and explained that while preparing for the construction, the contractor determined the existing structures (walls and foundation) are not in the condition to support the construction as originally planned. Mr. Green referenced the proposed plans, noting they are basically the same as far as the design goes, with the exception that the structure will be 3' taller. Mr. Green explained that at the time of the previous variance approval, a rear yard variance was not needed, but a building loses its existing non-conforming status once more than 50% of its value is replaced which now applies in this case because it will no longer be an addition, it will now be construction of a new home, and in addition to the previous variance, would now require a rear setback variance.

Property Owner/Representative: Contractor Tom Lahetta, Lahetta Builders, South Amherst, OH. Mr. Lahetta referenced the discovery of the poor condition of the block foundation and noted the explanation provided by Mr. Green was accurate. A brief explanation regarding window placement and the slope of the roof ensued.

Mr. Green referenced one (1) emailed statement from a neighbor that was in support of the request and noted no other statements were received.

Mr. Lahetta expressed his thanks to Mr. Green for his assistance throughout the process.

Motion by Ms. Boston acknowledging the previously granted variance and approving the rear setback variance of 8' – 10" as proposed. Motion seconded by Mr. Sprunk. Roll call on the motion:

**Yeas: Shaffer, Boston, Kath, Sprunk, von Krumreig (5)
Nays: 0**

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

A brief exchange between Ms. Boston and Mr. Lahetta regarding the design of the window and sliding glass door placement ensued.

With no further business, motion by Mr. Sprunk to adjourn, motion seconded by Mr. Shaffer. All in favor, motion passes and meeting adjourned at 6:40p.m.


Jim Shaffer
Board of Building and Zoning Appeals Secretary

JS/cmg

ADOPTED: JAN 11, 2021