

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
August 10, 2020 Regular Meeting

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday, August 10, 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 and Christine Gibboney, Administrative Assistant.

**Adoption of Minutes:** (March 9, June 8, June 22 and July 13, 2020 minutes)

**Motion by Ms. von Krumreig to approve the minutes of March 9, 2020 as printed and received. Motion seconded by Mr. Sprunk.** All in favor, motion passes and minutes approved.

**Motion by Ms. Boston to approve the minutes of June 8, 2020 as printed and received. Motion seconded by Ms. von Krumreig.** All in favor, motion passes and minutes approved.

**Motion by Mr. Sprunk to approve the minutes of June 22, 2020 as printed and received. Motion seconded by Ms. Boston.** Ms. von Krumreig abstained as she noted she was not in attendance for this meeting. All remaining members voted in favor, motion passes and minutes approved.

**Motion by Mr. Sprunk to approve the minutes of July 13, 2020 as printed and received. Motion seconded by Ms. Boston.** All in favor, 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 to all affected property owners within 100' of the properties appearing on the agenda on July 31, 2020.

**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 explained the process/format of the meeting and asked that those in attendance turn off cell phones.

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**New Business**

**312 Shawnee Place, Parcel #48-00030.000 Side setback variance for a driveway.**

*Project description from staff summary: The applicant is requesting a setback variance for the following: The applicant is planning to construct a 28'x24' detached garage in the rear yard of the parcel. The proposed garage meets all code requirements in terms of setbacks from all lot lines, height and clearances from other structures. The existing home is currently situated on the parcel in such a way that there is only 10' of available space between the South side of the home and the property line to access the detached garage behind the home. Section 1133.15(b) requires that single-family residential driveway must be at least 3' from any side or rear property line unless it is a shared driveway. The South edge of the proposed driveway would be*

*constructed to the South property line which would require a variance of 3' from the above regulation.*

**Mr. Kath called the public hearing to order at 6:36p.m.**

Mr. Green reviewed the application and details of the 3' side setback variance for a new driveway proposed. He explained the proposed garage is not in question as it meets all the city's code requirements. He reviewed the distances from the proposed driveway to the property line, and noted that per the code, a driveway must be 3' from any side property line. He noted that as proposed the right side of the driveway would be at the property line. Mr. Green referenced that there is a pull in parking area right off of Shawnee Place and noted that he has informed the property owner that if the variance is approved, the existing parking area would need to be removed per the code.

Mr. Green recognized the property owner and neighbors in attendance and also referenced receipt of two (2) letters in support of the request, and six (6) letters opposed that were provided to members. He commented that those in opposition to the variance were related to the proximity of the property line and to drainage issues. Mr. Green referenced the only available storm drains at the street are to the north of this parcel and given the existing grading of the rear area if the applicant were to build the garage, he would have to review plans with the applicant and potentially have him tie into the storm drain. Mr. Green referenced the sloping of the applicant's yard and the issue of historical ponding of water in this area that would prompt the suggestion that the drainage be directed to the storm.

**Property Owner/Applicant Comments**

Phillip Downs, 312 Shawnee Place. In response to questions from members, Mr. Downs confirmed that the proposed driveway will be right on the property line, that he has not constructed any additions onto the home since the purchase, and confirmed that all measurements have been checked to confirm accessibility to the proposed new garage.

Ms. von Krumreig referenced the narrowest portion of the driveway near the chimney is only 8'-4" and not 10'. Mr. Green acknowledged same, but noted that this does not affect the variance request.

Mr. Green commented on the slope of this property toward the southern neighbor and explained that if the variance is approved, addressing the drainage issues would be something to address down the road. Ms. von Krumreig commented that all this would need to be considered as the construction is right at the neighbor's property line. In response to a question by Ms. Boston, Mr. Green explained that with a commercial project the code requires drainage plans, but the code does not require this on residential buildings. He noted however, that it is a legal matter as whenever you make improvements on a residential site and you shed water that wasn't currently being shed naturally, you must mitigate this.

Mr. Downs noted it was his intention to correct the wet/standing water areas in the back yard if he were to get the approval to move forward with his plans. Ms. Boston asked if it would be fair to say that the proposed construction could correct the problem. Mr. Green acknowledge this and added that it would fair to say it wouldn't be adding to the problem. Mr. Downs referenced that some of the statements in opposition relative to the drainage issues are not as extensive as indicated in the neighbor's statements. Members discussed the distance from the neighbor's home to the property line and proposed driveway and it was noted that the neighbor to the south (320) is not in support of the variance request. In response to a question by Ms. von Krumreig, Mr. Downs noted that they do not rent out the house, but do have friends that use it a couple times a year.

### **Audience Comments**

Gretchen Pisano, 309 Kiwanis Ave: Ms. Pisano noted her property backs up to the Down's property and referenced the letter she submitted in opposition to the variance request. She reviewed her statements and noted the drainage issues and yearly standing water problems. She referenced that the city may have received an email from a summer resident, Mr. Perneti, and noted that he may have referenced the wrong address, but explained his wife is in attendance and their correct address is 307 Kiwanis, not 306 as submitted. Ms. Pisano noted this flooding is a yearly problem, noting she has lived in there for 40 years. Ms. Pisano commented that the proposed new structure would affect greenspace and the concrete floor in the garage may re-direct water to cause even more problems. She commented that it is unlawful to direct water onto a neighboring property and noted her concerns that the city cannot guarantee that any drainage method would correct the issue. She referenced her neighbors who do get water in their basements currently. Mr. Kath and Mr. Green explained that drainage issues would be something that would have to be mitigated. Ms. Pisano stated that the granting of the variance will add to the issues if approved. She also referenced speaking to the Building Official, John Zimmerman, who explained that the code regulates a percentage of backyard building. Mr. Green and Mr. Kath noted that as proposed the garage would not exceed the 35% threshold in the code. They noted as proposed, the build out would be 25.5%.

Ms. Pisano referenced the additional signatures from neighbors in opposition to the variance and stated this is a project that is just not wanted by neighbors.

Mary Hopwood Perneti. 307 Kiwanis. Ms. Perneti noted she did have pictures of flooding in her side yard and would be happy to share them with members.

Mr. Kath advised that the discussion was getting beyond the actual 3' side setback variance request specific to the driveway. He noted that the issues with drainage and grading would have to be mitigated before permits be issued. Mr. Green advised that if the owner intends on building the garage, the owner will be required to mitigate the flooding issues and will most likely have to be hard piped to the city storm sewer. Mr. Green noted that in this neighborhood there are many people that have drainage holes in the curbs allowing water to drain into the street, but this is no longer allowed.

**With no further discussion, Mr. Kath closed the public hearing at 7:00p.m.**

Motion by Ms. von Krumreig to deny the variance as presented. Mr. Sprunk seconded the motion.

Roll call on the motion:

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

Nays: 0

Ms. Boston commented that it pains her to deny a request when someone is trying to improve a property, however, she noted the concerns with the driveway going right up to the lot line and the drainage issues. Ms. von Krumreig referenced the basis of the BZA decisions and commented that a hardship was not proven. A brief discussion between members and the applicant regarding criteria for hardships ensued with members advising that information is on the application packet.

With three or more votes in favor, the motion passes and variance request denied.

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**432 Seneca Ave, Parcel# 49-00083.000 Front setback variance for a covered porch.**

*Project description from staff summary: The applicant is requesting a front setback variance:*

Section 1137.02(a) states that the front yard setback (30' in an R-1 district) can be reduced up to the average front setback of the two immediately adjacent homes. In this case the average of the two neighboring homes is 25' which allows for a 25' front setback requirement for 432 Seneca Ave. The front wall of the existing home is current at this 25' requirement. The proposed plan consists of two elements along the front of the existing home, first a set of raised steps and a landing located at the front door that is 6' in width and projects 4' from the front wall. The second element is an extension of the existing roof line 4' out from the front of the home that is supported by columns on each end. Section 1137.04(2) allows for canopies and eaves to project into any required setback up to a maximum of 2'-6" (30"). The proposed canopy/roof extension will project 48" into the front setback which would require a setback variance of 18". Section 1137.04(4) allows for an uncovered stair/landing to project up to 6' into the required setback. The proposed steps/landing projects only 4' into the front setback so that if the roof extension is approved the proposed steps are allowable.

**Mr. Kath called the public hearing to order at 7:03p.m.**

Mr. Green reviewed the application, noting that the applicant had been before the board previously with plans for a front porch that was 6' deep and ran the entire length of the house. The plan for the porch has been revised to 4' from the house with a proposed canopy/roof extension that will project 48". The plan as now proposed, would require an 18" variance. Mr. Green recognized the property owner and architect in attendance.

**Property Owner/Applicant Comments**

Architect, Bob Howell explained that he and the property owner took the comments of the BZA members into consideration when revising the proposed plan for the front porch. Members reviewed the plans inquiring about the patio and wall reflected in the sketch. Mr. Howell noted the wall area is 18" high and the patio is at grade.

**With no further discussion, Mr. Kath closed the public hearing at 7:10p.m.**

Motion by Mr. Sprunk to approve the variance request for the eave overhang as presented.

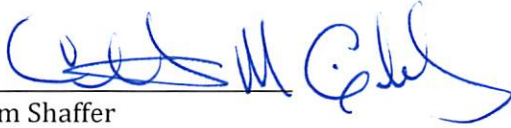
Motion seconded by Ms. Boston. Roll call on the motion:

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

Nays: 0

With three votes or more in favor of the motion, motion passes and variance approved.

With no further business, motion by Ms. Boston to adjourn, motion seconded by Ms. von Krumreig. All in favor, motion passes and meeting adjourned at 7:11p.m.

  
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Jim Shaffer  
Board of Building and Zoning Appeals Secretary

JS/cmg

ADOPTED: 10/12/20