

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
March 14, 2022 Regular Meeting – 6:30p.m.

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday March 14, 2022, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, JoAnne Boston, Lisa Brady, and Scott Slocum.

Also in attendance: Erik Engle, Planning Director.

Approval of Minutes (2-14-22 & 2-24-22)

Motion by Ms. Boston to approve the minutes of 2-14-22 & 2-24-22 as printed and received. Motion seconded by Mr. Shaffer. All other members voted in favor; minutes approved.

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 properties appearing on the agenda as required.

Swearing In: Mr. Kath reviewed the format of the meeting and swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda. Mr. Kath explained the meeting format.

New Business

Parcel# 42-01015.000 Breakwater Cottages- #G-4 Nonconforming Area variance

Project description from summary:

The applicant is proposing to demolish and rebuild Cottage #G-4 within Breakwater Cottages, as the cottage has flooded multiple times and has a mold infestation from being built too close to the ground. The applicant has received approval from Breakwater Cottages There are 50 cottages located on this parcel and the entire parcel is considered a nonconforming area; any improvements to a structure on this property requires the approval by the BZA.

Mr. Kath called the public hearing to order at 6:32pm. Mr. Engle explained that applicant is proposing a demolition and rebuild of a cottage G-4 at Breakwater Cottages. Mr. Engle explained the owner is proposing a demolition and rebuild within the same footprint, noting the property has had flooding issues over the years and is located within the flood plain. The owners came into the office to discuss their options with zoning & building staff. Mr. Engle recapped the need for an area variance due to the cottages being zoned R-2, making them a nonconforming area with approximately 50 cottages on the parcel. He referenced Section 1121.07(b) which specifies that no structure that is a non-conforming use may be enlarged or structurally altered, unless approved by the BZA. Mr. Engle referenced the staff report and read the criteria that was explained to the applicant with regard to the construction specifications that will be required on the rebuild should his area variance be approved.

Applicant/Owner Statements: Owner- Gregory Sierputowski & Christine Porochowski

Ms. Porochowski noted she and her husband bought the cottage about 3 years ago and referenced water damage and flooding that continues to occur which has led to rotting underneath the cottage. She explained they would like to demolish and rebuild the cottage. Mr. Kath swore in Mr. Sierputowski. Mr. Sierputowski explained he discovered another roof underneath the exterior roofing and reiterated the issues with flooding and the floor rotting. Mr. Kath inquired about any mold issues. Mr. Sierputowski confirmed that there is black mold-in the cottage that has been discovered and noted he is unsure about the existence/construction/condition of the foundation. He referenced the new cottage would be post and beam construction and reviewed the plans for the rebuild. Mr. Kath noted as per the building construction criteria, no loft for sleeping would be allowed. Mr. Sierputowski acknowledged this and reviewed other design details.

Ms. Boston referenced the seven criteria the board must use to base their decisions on. She stated in her opinion, the variance requests meet two of these criteria to support the request, referencing the mold situation and that the owners are proposing rebuild in the existing footprint. She referenced the criteria supporting her decision: 1) without the variance the applicant wouldn't be able to have beneficial use of the property 2) the matter cannot be obviated through any other method, noting she is in support of the variance request.

With no further discussion, Mr. Kath closed the public hearing at 6:41p.m.

Motion by Ms. Boston to approve the area variance to allow for the demolition and rebuild of Cottage G-4 as submitted. Motion seconded by Ms. Brady. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, Brady, Slocum (5)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the area variance for the demolition and rebuild of Breakwater Cottage G-4 approved as submitted.

Other Matters

Mr. Slocum mentioned that he had an inquiry about the notices that are issued and inquired about the time frame. Mr. Kath referenced he believed 7-10 days prior to meeting. Mr. Engle confirmed the code requires notices to be mailed to properties within 100' and it was noted notices are generally issued about 10 days prior. Discussion ensued about the content of notices, distance of properties that receive notices, and information on meetings. Mr. Kath commented that the agenda packets are on the city website. Mr. Engle referenced he is used to posting signage on the property when applying for a variance and this can be an option. Mr. Engle noted he would get the board information regarding the content of the notices.

Ms. Boston asked if she sufficiently presented information on her reasons in supporting the variance request pursuant to the training session. Mr. Engle replied in his opinion, her explanation did provide the recommended on the record statement that was recommended by legal. Members revisited some of the suggestions and recommendations of the recent training. Members discussed non-conforming areas throughout the city and the recommendation of rezoning these. Mr. Engle noted that he would like to have these areas rezoned and would be working with the Planning Commission. A discussion about signage code amendments ensued.

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: April 11, 2022
JS/cmg