

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
October 12, 2020 Regular Meeting

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday, October 12, 2020, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Tom Sprunk, Jenine von Krumreig, and JoAnne Boston. Members absent: Jim Shaffer.

Also in attendance: Doug Green- City Engineer/Zoning Inspector and Christine Gibboney, Administrative Assistant.

**Adoption of Minutes:** (August 10, 2020)

**Motion by Ms. Boston to approve the minutes of August 10, 2020 as printed and received. Motion seconded by Mr. Sprunk.** 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 October 1, 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**

**1101 Rye Beach Road, Parcel #42-67003.000 Commercial Signage Size Variance**

*Project description from staff summary: Mucci Farms (applicant) is planning on installing signage for their facility as part of their second phase buildout. The proposed signage will be located on the Eastern side of their parcel along Rye Beach Road where their parking area and office is located. The proposed signage will consist of the following:*

- *A single monument sign for the facility. This sign will be a 20' tall by 8' wide, 160sf pillar that will contain Mucci Farms' logo and text designating it as an entrance. The sign will be internally illuminated so that the logo and lettering can be seen at night. Schedule 1129.05(d) of the signage code regulates that within a B-3 district one permanent ground sign is allowed with a maximum height of 12' and a maximum sign area of 40sf. The proposed ground sign will require a height variance of 8' (12' allowed, 20' proposed) and a size variance of 120sf (40sf allowed, 160sf proposed)*
- *A single ground sign designating the employee entrance to the facility. The sign will be 5'-6" tall by 4' wide (22sf) and contain the Mucci logo and text designating the employee entrance. The sign will be internally illuminated so that the logo and lettering can be seen at night. Schedule 1129.05(d) of the signage code regulates that within a B-3 district a maximum of two entrance/exit signs are allowed with a maximum height of 3' and a maximum area of 6sf. The proposed sign will require a height variance of 2'-6" (3' allowed, 5'-6" proposed) and a size variance of 16sf (6sf allowed, 22sf proposed)*

**Mr. Kath called the public hearing to order at 6:34p.m.**

Mr. Green reviewed the application for exterior signage and noted if approved, the applicant will have to go to the Planning Commission/DRB as well. Review of the type of signage, size, locations and design ensued. It was noted that these signs will not be illuminated. Mr. Green noted the code allows for one monument sign and two entrance/exit signs and reviewed the code requirements for size of signage. Members reviewed the proposed signage placement on the property. Mr. Green noted a setback of 7' off the property line would be required for the signage.

**Property Owner/Applicant Comments**

Dave Loewen of Mucci Farms explained the signage design is consistent with that of corporate in Canada and believes the proposed size fits the proportion of the building and the tank. Mr. Sprunk asked if there were any statements submitted by neighbors. Mr. Green noted that no statements were received.

**Audience Comments-** None.

**With no further discussion, Mr. Kath closed the public hearing at 6:40p.m.**

**Motion by Mr. Sprunk to approve the 20' monument ground sign as presented based on the size of the project as it is not obtrusive and is necessary. Ms. Boston seconded the motion.**

Roll call on the motion:

**Yeas: Boston, Kath, Sprunk, von Krumreig (4)**

**Nays: None (0)**

With three or more votes in favor, the motion passes and monumental ground signage approved as presented.

**Motion by Ms. von Krumreig to approve the single ground sign as presented. Ms. Boston seconded the motion.** Roll call on the motion:

**Yeas: Boston, Kath, Sprunk, von Krumreig (4)**

**Nays: None (0)**

With three or more votes in favor, the motion passes and single ground signage approved as presented.

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**511 River Road, #42-00590.000 Lot Split**

*Project description from staff summary: The applicant currently operates a short-term rental business on the parcel involving several small vacation cottages in the rear of the deep parcel closer to the riverfront. The applicant is working with a potential buyer who would like to purchase the front (Eastern) portion of the parcel, including a building that would be used as a kayak/canoe rental business serving customers that want to paddle on the Huron River. The existing driveway on the parcel would be used by both parties through a shared driveway/access easement.*

*The current parcel only has 40' of frontage along River Rd. and the proposed lot split would further reduce that by splitting the frontage to give the rear parcel 15' of frontage to avoid creating a landlocked parcel.*

*Section 1125.04(g) specifies that all parcels within an I-1 district must have at least 30' of frontage. It also specifies that all buildings must have a 25' front setback, 30' rear setback. (no side setbacks are required) the Proposed lot split will satisfy the setback requirements as the Western line of the split will be at least 30' behind the existing structure but the split will cause both parcels to be substandard in*

terms of frontage as the existing 40' of frontage will be divided with 25' going to the front parcel and 15' going to the rear parcel requiring variances of 5' and 15' respectively.

**Mr. Kath called the public hearing to order at 6:42p.m.** Mr. Green referenced the odd shape of the parcel which is located in an I-1 district; explaining the code requires a minimum of 30' of frontage and currently they have 40' of frontage on the parcel. He referenced the current use as a short-term rental (on the rear half of the parcel), and reviewed the proposed plans for the lot split and intention to split off a portion (on the front half of the parcel) for the purpose of selling it to a kayak rental business. Mr. Green reviewed the code requirements for an I-1 district relative to frontage, front setbacks and rear setbacks. He also explained the discussion with the applicant over the need for an access agreement so as not to landlock the parcel. Mr. Green noted this will still have to go to the Planning Commission for the commercial lot split as well.

**Property Owner/Applicant Comments**

Mr. Kyle Wright explained the purchase contract for the kayak rental business is contingent upon the variance approval. In response to member questions about having the business put in their own roadway, Mr. Wright noted they could do so, but this is a collaborate effort and they will share the driveway. Mr. Wright also referenced the property surrounding this parcel is owned by the railroad. Members discussed the odd shape of the lot.

**Audience Comments-** None.

**With no further discussion, Mr. Kath closed the public hearing at 6:49p.m.**

**Motion by Mr. Sprunk that due to the strange lot shape and the need for profitable use of the land that the 25' frontage for the front parcel and the 15' frontage of the rear parcel be granted. Ms. Boston seconded the motion. Roll call on the motion:**

**Yeas: Boston, Kath, Sprunk (3)**

**Nays: (0)**

**Abstain: von Krumreig (1)**

With three or more votes in favor, the motion passes and frontage variances of 5' on the front parcel and 15' on the rear parcel approved.

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**106 Miami Place, Parcel #48-00273.000 front setback and height variance for a detached garage.**

*Project description from staff summary: This property was previously before the board on 3/14/16 for setback variances for the purposes of constructing a 24'x38' attached garage addition to the home. The request was denied citing concerns that the addition to the home would extend the existing home South to within 3' of the existing driveway which would take up most of the green space left on the parcel. At the time, the board suggested that the applicant submit an amended application with a smaller addition or a detached garage. No subsequent application was made by the owner at that time.*

*The application presently before you are for a roughly 32'x24' detached garage. The garage meets the requirements of section 1121.06(g) in that it is at least 5' from any side or rear property line as it is 5' from the Western side property line and 17'-6" from the Southern rear property line. It also meets the requirements of section 1121.06(i) in that it is more than 60' from the shorter of the two front property lines for a corner lot as it is 132' from the property line along Oneida view.*

*The front setback for the garage, along the Miami Place property line should be a minimum of 15' per section 1137.03(a) which allows the normal 30' front setback for an R-1 district to be lessened up to the average of the immediately adjacent properties which in this case is the existing home to the South which*

*is at 15' from its front property line. The proposed garage would come within 12' of the property line along Miami Place which would require a front setback variance of 3'.*

*Section 1123.01(d) regulates a maximum height of 15' for all accessory buildings within an R-1 district. The height of the proposed garage is 20' which would require a variance of 5' from the 15' maximum.*

**Mr. Kath called the public hearing to order at 6:51p.m.** Mr. Green referenced the applicant's previous application in 2016 which was unanimously denied and recommendation of the BZA at that time was for the applicant to consider a smaller detached structure. Mr. Green reviewed the variances that would be required for the proposed detached structure, noting the side and rear setback requirements are compliant. Mr. Green reviewed the code sections & requirements in the summary: Section 1137.03 relative to the front setback variance of 3' that would be required, Section 1121.06 (i) requires that an accessory building be at least 60' back from the front property line with the exception of that on a corner lot it can be the shorter of the two property lines; the building is more than 60' back from the Oneida view property. He referenced the gray area of the code with regard to density of the rear yard when it comes to accessory buildings. He explained accessory buildings cannot take up more than 35% of the rear yard, but with a corner lot this becomes tricky as to how to determine which area is considered the rear yard. He noted he spoke and reviewed this with Mr. Howell, in the shorter of the two lot lines being against Oneida that would create the rear property line being against the southern lot line and if that is the case, they would be approximately 3% over the 35% overbuild. Mr. Green recognized Mr. Howell in attendance and referenced the letter of support for the variances signed by four neighbors of the property.

#### **Property Owner/Applicant Comments**

Mr. Robert Howell, Architect for the property owner. Mr. Howell explained the property owners are planning to move into the home full time and have the need for a larger two car garage. He noted he looked at the neighbor's lot to the south which is 15' away and the owners house which has been there for over 60 years and that has always been 9' -9' ft 6" off the property line on Miami. He explained they looked at the other existing structure and we went halfway between the existing house and the next-door neighbor that would put it at a 12' setback and would then allow them to have a 19' driveway versus 16'. Mr. Green advised that the code allows the city to lessen the front setback but it has to be the immediately adjacent house which is the 15' and is why the summary was written as it is.

Mr. Howell explained that as far as the height of the structure, this was done to make it look compatible with the existing house and neighborhood. In response to a question by Mr. Kath relative to the dormers, Mr. Howell noted there is storage above the garage, but no living quarters. He noted the dormers tie into the exterior design of the home. Mr. Howell explained the height would depend on the distance back from the lot line and it can be a little less depending on the setback.

Mr. Kath noted concern with the precedent of the height. Mr. Howell noted the 15' regulation was established long ago, and believes the building would look better and would be in keeping with the look of the neighborhood. Ms. von Krumreig asked Mr. Howell about the height of the house versus the height of the garage. Mr. Kath asked if they need that height to get the right pitch. Mr. Howell replied yes. Mr. Kath referenced no hardship, just a cosmetic desire. Mr. Sprunk referenced frequent variance requests for height like this one and also shared concerns for precedent. Mr. Howell referenced that years ago 15' was used for garages, but now the standard is 20' and perhaps the Planning Commission needs to look at the code. Members acknowledged

the cosmetic aspect of tying together of the house and garage for appearance, but noted the concern with precedent. Members acknowledged the appearance but noted the code restricts the height to 15'.

In addition to the height variance, Mr. Green referenced the front yard setback variance of 3' and a variance to the density of the rear yard. Mr. Green referenced Mr. Howell's calculation with respect to the density requirement; explaining the issue is it is going from the property line along Miami Place to the eastern property line; whereas a rear yard would start after that front setback, so you lose that first 15' so the rear yard is actually a 30' x 26' square starting 15' back from Miami Place as this is the way the code calculates it. The rear yard is then 780sf, the garage takes up 300sf, which comes out to 38% and the code requires 35%.

### **Audience Comments**

- Monty Tapp, 130 McKinley Street, owner of the home to the south side. Mr. Tapp noted he had questions on this application and discussed the matter with the Building Official, John Zimmerman. He expressed concerns related to the 35% rear yard requirement and noted there are constant issues in this area related to parking that are reported to the city. He advised he has received calls about this variance request from others in the neighborhood as well. Mr. Tapp reviewed the distance to the neighbor, referenced the easement with 512 Oneida for the driveway and confirmed that parking is only permitted on the east side of the street. Mr. Tapp referenced the curb cut area that takes away from parking. Mr. Green noted that this existing driveway will have to be removed and referenced the proposed plans reflect this.
- Mr. Howell responded stating the reason for the driveway and the garage would be to accommodate at least two cars in the garage and two or three in the driveway which would take the vehicles off the street.
- Mr. Tapp referenced the curb cut area and the setback from the stop sign which contributes to the parking issues.

Mr. Kath noted that there are three (3) separate variances to be considered: Front setback, backyard area, and height.

**With no further discussion, Mr. Kath closed the public hearing at 7:09p.m.**

Members discussed the order of the variances to be considered.

**Motion by Ms. Boston to approve as presented the 3% backyard area variance.**

**Ms. von Krumreig seconded the motion. Roll call on the motion:**

**Yeas: Boston, Kath (2)**

**Nays: Sprunk, von Krumreig (2)**

With less than the required three votes in favor, the motion fails and variance denied.

Mr. Sprunk asked for review of the front setback; Mr. Green reviewed the location.

**Motion by Mr. Sprunk to approve the 3' front setback variance on Miami Place as presented.**

**Ms. Boston seconded the motion. Roll call on the motion:**

**Yeas: Boston, Kath, Sprunk (3)**

**Nays: von Krumreig (1)**

With three or more votes in favor, the motion passes and the 3' front setback variance approved as submitted.

**Motion by Mr. Sprunk to deny the 5' height variance as proposed. Ms. von Krumreig seconded the motion.** Roll call on the motion:

**Yeas: Boston, Kath, Sprunk, von Krumreig (4)**

**Nays: None (0)**

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

Mr. Kath recapped the variance decisions: height variance denied, front setback variance approved, and the rear overage is denied.

Ms. von Krumreig commented on the fact that the BZA is seeing more and more of these types of applications that would result in the overbuilding of property and contributes to the difficulty of parking and traffic flows. Mr. Kath referenced the precedence that this sets if these variances are allowed and noted that until the Zoning Code is amended, the board must enforce what is currently in the code.

Mr. Howell referenced a difference that should be considered when dealing with a beachfront/cottage community and referenced that the Planning Commission has had discussions about addressing this topic which would require amendments to the code.

Mr. Sprunk referenced discussions in years past and the option of associations creating their own Planned Unit Development (PUD) areas, but at the time the associations were not interested in doing so.

With no further business, motion by Ms. Boston to adjourn, motion seconded by Mr. Sprunk. All in favor, motion passes and meeting adjourned at 7:18p.m.



Jim Shaffer  
Board of Building and Zoning Appeals Secretary

JS/cmg

ADOPTED: Jan. 11, 2021