

## THE BOARD OF BUILDING AND ZONING APPEALS

### APPLICATION PACKET 2023

The Board of Building and Zoning Appeals (BZA) of the City of Huron meets on the 2nd Monday of the month at 6:30p.m. in the Council Chambers of City Hall located at 417 Main Street, Huron, OH 44839

A complete application packet with required documents, plans, and fees must be submitted to the Zoning Department, 417 Main Street, Huron, OH 44839 by 4:00pm of the deadline date (See deadline dates below) **Applicant must have set an appointment and met with the Zoning Department for a preliminary review prior to application submission.**

The information required to be submitted by the deadline:

- A completed and signed Appeals application.
- A legal survey or plat of the property.
- A complete plot plan of the subject property drawn to scale on an 8.5” x 11” paper, showing the location of all *existing and proposed* buildings and structures on the property, the distances between each and their distances to all property lines.
- Note the total square footage and height of any proposed additions.
- Aerial photo of the property. (You can get this from the County Auditor’s Site)
- Photos of the existing property and sketch or elevations of the proposed project.
- **Proposed area for any structures/additions must be staked out for site visit.**
- A complete listing of property owners and addresses within 100’ of the parcel.
- \$150.00 non-refundable filing fee made payable to the City of Huron.

**Incomplete application packets will not be accepted.** Please note, the city is required to prepare and mail notifications to neighboring properties located within 100’ of the parcel to inform them of the application and meeting information. Applicant and/or Property owner must be in attendance to testify at the public hearing.

#### 2023 BZA Meeting Dates

#### Application Deadline

January 9	December 13, 2022
February 13	January 10
March 13	February 14
April 10	March 13
May 8	April 11
June 12	May 9
July 10	June 13
August 14	July 11
September 11	August 15
October 9	September 12
November 13	October 10
December 11	November 14

**INFORMATION FOR THE APPLICANT**  
**PLEASE REVIEW BEFORE COMPLETING THE APPLICATION- YOUR**  
**ANSWERS ON THE APPLICATION SHOULD BE BASED ON THE LEGAL**  
**DEFINITIONS AS EXPLAINED BELOW**

OHIO PLANNING AND ZONING LAW AND THE CITY OF HURON ZONING CODE

This information is used by the Board of Appeals in consideration of each request.

***Use Variance and Area Variance Distinguished***

A use variance permits land uses for purposes other than those permitted in the district, for example, a commercial use in a residential district. An area variance involves structural or lot restrictions; for example, the relaxation of setback lines.

The standards for granting a variance differ based on whether the variance sought is a use variance or an area variance.

The standard for a variance that relates solely to area requirements should be a lesser standard than that applied to variances that relate to use. An application for an area variance need not establish unnecessary hardship; it is sufficient that the application show practical difficulties. The lesser, practical difficulties standard applies in all area variance cases.

**Practical Difficulties**

A property owner seeking an area variance **must** establish practical difficulties in the use of his property. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of his property include, but are not limited to:

(The Seven (7) Way Test-Duncan vs The Village of Middlefield)

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
4. Whether the variance would adversely affect the delivery of governmental services (*for example, water, sewer, garbage*).
5. Whether the property owner purchased the property with knowledge of the zoning restriction or if the need for the variance is “self-imposed”. (The owner created the situation)
6. Whether the property owner’s predicament feasibly can be obviated through some method other than a variance.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

### **Unnecessary Hardship**

The enabling act is specific in authorizing a variance only where, owing to special conditions, a literal enforcement of the zoning resolution will result in unnecessary hardship. Under these acts, variance must be based upon evidence that literal application of zoning regulations on a specific parcel of property will result in an unnecessary hardship unique **to that property**, and that the granting of a variance would serve the spirit of the zoning regulations

Through an extensive series of court cases, a set of tests has evolved to determine the presence of unnecessary hardships. These are the kinds of standards that ought to be incorporated into any zoning resolution dealing with variances.

1. The courts have ruled that the required use must remove all profitable use from the land, or in other words, the applicant's supposed hardship cannot be one of economics alone.
2. The hardship must result from circumstances affecting a particular and unique piece of land, and **not from a general condition throughout the neighborhood.** The application should be denied on the basis that any hardship is common to the entire area and not just to the applicant's property. The hardship must be unique and not general. In this case, proper remedy was a rezoning through the regular amendment procedure.
3. A variance must not alter the essential character of a neighborhood.
4. It is not enough to show that the effects of a variance would be harmless. Real, unnecessary hardship must still be established by the applicant.
5. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions. For instance, a variance request is properly denied when the applicant knowingly bought a piece of land too small for his intended use of the land or he created the situation.
6. A variance must not be contrary to the public interest, even if a hardship can be established

### **Conditionally Permitted Uses**

Zoning Districts reference certain types of Uses that require approval by the Board of Zoning & Building Appeals (BZA) Conditionally Permitted Uses are those uses identified within Zoning Districts as uses that shall be permitted only if expressly authorized by the Board of Zoning & Building Appeals in accordance with the provisions of Section 1139.02.

If your proposed Use for the property is listed as a Conditionally Permitted Use within your property's zoning district, you are required to submit application to the BZA for approval.



**CITY OF HURON**  
**Planning & Zoning Department**  
**417 MAIN STREET, HURON, OH 44839**

**THE BOARD OF BUILDING AND ZONING APPEALS APPLICATION**  
**Completion of all applicable sections required. Incomplete applications will not be accepted.**

We, the undersigned represent that we are the title owners of the following described property situated in the City of Huron, OH:

Applicant's Name \_\_\_\_\_

Property Owners' Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Phone Number \_\_\_\_\_

Email: \_\_\_\_\_

**Location of Project:**

Lot/Parcel #: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Address: \_\_\_\_\_ Huron, OH 44839.

Year purchased: \_\_\_\_\_. Year the existing structure was constructed: \_\_\_\_\_

Single Story Home: \_\_\_\_ Two Story Home: \_\_\_\_

Provide a brief summary of your proposed project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Type:**

- **Area Variance:** Subdivision Regulations \_\_\_\_ Parking \_\_\_\_ Setbacks \_\_\_\_  
Height \_\_\_\_ Size \_\_\_\_ Flood Plain \_\_\_\_
- **Use Variance:** \_\_\_\_

**Conditionally Permitted Use:** \_\_\_\_

We request a Hearing before the Board of Building and Zoning Appeals of the City of Huron, Ohio, on the following question: *(State the specific details of the variance being requested. Example: Area variance- 1' side setback variance is required for the proposed addition; Use Variance- State the type of use; or Conditionally Permitted Use approval )*

---

---

---

**Conditionally Permitted Use Approval**

The following uses shall be permitted only if authorized by the Board of Building & Zoning Appeals in accordance with the provisions of Section 1139.02. State the type of use being proposed and the applicable code section:

---

Code Section: \_\_\_\_\_

(skip to Page 7, Sign and Date Application)

**Use and/or Area Variance Questionnaire**

1. The property in question [ will/will not] yield a reasonable return and there [ can/ cannot] be a beneficial use of the property without the variance because:

---

---

---

2. The variance is [substantial/insubstantial] because:

---

---

---

3. The essential character of the neighborhood [would/would not] be substantially altered or adjoining properties [would/would not] suffer a substantial detriment as a result of the variance because:

---

---

---

4. The variance [ would/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)

---

---

5. The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased:\_\_\_\_\_. Year the structure(s) was constructed:\_\_\_\_\_.

- 6. The applicant's predicament feasibly [can/cannot] be resolved through some method other than a variance.
- 7. The spirit and intent behind the zoning requirement [ would/would not] be observed and substantial justice [ done/not done] by granting the variance because  
 \_\_\_\_\_  
 \_\_\_\_\_
- 8. We believe the request should be granted due to the following hardship which is created by the property: (explain the hardship that exists *pursuant to the code*)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby certify that I am the owner of record of the named property or that the proposed work is authorized by the owner of record and/or I have been authorized to make this application as an authorized agent and agree to conform to all applicable laws, regulations, and ordinances of the city. I certify all information contained within this application and supplemental documents are true and accurate to the best of my knowledge and belief.

In addition, I, the undersigned responsible party (owner, occupant, tenant, or agent for the property owner) of the property described herein, do hereby consent to entry upon said property, at a reasonable time and to the extent necessary, by the City of Huron and its officers, employees, and/or agents for the purpose of inspecting said property for compliance with the City's Zoning and/or Building Codes. I further certify that I have authority to grant access to said property.

Date: \_\_\_\_\_ Signed Applicant \_\_\_\_\_

Date: \_\_\_\_\_ Signed Property Owner \_\_\_\_\_

**(REQUIRED)**

\*\*\*\*\*

**ZONING DEPT. USE ONLY**

Date received: \_\_\_\_\_ Application Complete \_\_\_\_\_

\$150 filing fee received: \_\_\_\_\_

Comments \_\_\_\_\_ Hearing Date \_\_\_\_\_