

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
July 12, 2021 Regular Meeting – 6:30p.m.

Chairman Frank Kath called the regular meeting to order at 6:30 p.m. on Monday, July 12, 2021, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnne Boston, Lisa Brady, and Jenine von Krumreig. Absent: Jim Shaffer.

Also in attendance: Erik Engle, Planning and Zoning Manager and Christine Gibboney, Administrative Assistant. Mike Spafford, Assistant to the City Manager joined the meeting in progress.

Chairman Kath welcomed those in attendance and reviewed the meeting format.

Adoption of Minutes: (6-14-21)

Motion by Ms. von Krumreig to approve the minutes of June 14, 2021 as presented. Motion seconded by Ms. Brady. All in favor, motion passes and 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 property appearing on the agenda on July 2, 2021.

Swearing In: Mr. Kath swore in those in attendance wishing to testify before the Board on the case appearing on the agenda and reviewed meeting format. He asked for cell phones to be turned off.

New Business

320 Ironwood - Parcel No.: 45-00210.000 Front yard setback variance for the replacement and expansion of an existing non-conforming front porch.

Project Description: The applicant is seeking to construct a new front porch in order to add curb appeal and enhance the character of the house. As proposed, the project would require one variance, pursuant to setback regulations in Section 1137.03 Yard Modifications: 3'-0" front setback variance (22'-0" proposed setback; required 25'-0" per Section 1137.03)

Mr. Kath called the public hearing to order at 6:33pm.

Staff Statement

Mr. Engle reviewed the application for the replacement/expansion of a front porch, noting Section 1137.03 was applied and the setback required was reduced accordingly. He explained that as proposed with the reduction allowable pursuant to the code, a front yard setback variance of 3' is required. He noted the setback is comparable to neighbors and confirmed that no statements were received from any neighboring properties.

Applicant/Owner Statements

Mr. Michael Keller, 320 Ironwood was present and replied to a question from Ms. Brady as to neighbor’s input. Mr. Keller replied no issues were conveyed and that he wants to improve the appearance of the property.

Mr. Kath closed the public hearing at 6:35pm.

Motion(s)

Motion by Ms. von Krumreig to approve the 3’ front yard setback variance as presented. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Boston, Kath, Brady, von Krumreig (4)

Nays: (0)

With three or more votes in the affirmative, the motion passes, and 3’ front yard setback variance approved as presented.

111 Ohio Street - Parcel No.: 42-01131.000 Use variance in the side yard and side setback variance for a proposed accessory structure. Public hearing to order at 6:35p.m.

Project Description The applicant is seeking to construct a new detached accessory structure in order to allow for full use of the existing attached garage for vehicular parking.: As proposed, the project would require a total of two variances, pursuant to use and setback regulations in Section 1123.02: 1) Use variance in the side yard 2) 2’-9” side setback variance (required 5 ft for R-2 Zone).

Staff Statement

Mr. Engle reviewed the application and noted the orientation of the home on the property- the house faces the lake, but fronts Ohio Street, the location of the shed as proposed is considered to be in the side yard in this case. He reviewed the variances required for the shed in the proposed location: 2’-9” side setback variance and a use variance due to placement in a side yard.

Applicant/Owner Statements

Steve Irwin, 111 Ohio Street was present. Mr. Kath inquired about the options available to move the location of the shed. Mr. Engle referenced that this was discussed with applicant as there are other placement options available for the shed. Mr. Irwin distributed pictures to the board and noted that his neighbor doesn’t mind the proposed location and explained that by moving the shed to one of the optional locations would affect the neighbors landscaping and area that they use for games. Members reviewed pictures Mr. Irwin had distributed of the yard. Ms. von Krumreig noted her concern in granting a variance when there are choices available that do not require a variance. She noted that other areas are available regardless of the neighbor’s landscape and areas utilized for games and noted this does not reflect a hardship. Mr. Irwin referenced the use of the shed relative to parking, explaining that he can get his vehicles off the street and into the garage and stated the neighbor that would be most impacted doesn’t mind the proposed location. Mr. Kath asked about moving the shed closer to the home by 2’-9”. Mr. Irwin referenced an obstruction in that area. Mr. Irwin stated the proposed placement goes much nicer with the neighborhood. Mr. Kath explained the reasons for needing a variance and how a request is based on the property/lot. Mr. Kath noted that this is a corner property which may be unique, however, one variance can be eliminated by just moving the shed. Ms. Boston commented that getting vehicles off the street would be an improvement, noting the city encouragement of activity and

parking in this area. She noted she is struggling with the use variance. Mr. Irwin explained the intent is to have the shed tucked away rather than being placed in a location in his yard that would be near the neighbor's landscape and game area. Ms. von Krumreig noted a true hardship has to be shown. Ms. Brady agreed in that no hardship has been shown. Mr. Irwin stated that it's just much nicer where proposed and he hasn't discussed other options with his neighbor. It was noted the neighbor's opinion regarding the choices of locations on the applicant's property would not be an issue for the BZA to consider. Members continued offering options available for the location of the shed that would either reduce the number of variances or require no variances, the suggestions of placing the shed behind arborvitae bushes was proposed. The applicant said he would not want to put the shed there. Members reviewed photos again, noting no hardship has been shown, and explained actual cases where hardships have existed with no other options available. A discussion about moving the shed over toward the lake ensued- Mr. Engle noted he would have to review the code relative to that location. Mr. Kath suggested tabling the case, if the applicant was agreeable to allow time for him to consider the options that were discussed. Mr. Irwin agreed to table the matter.

Motion(s)

Motion by Ms. Boston to table the case until the next regular meeting. Motion seconded by Ms. Brady. Roll call on the motion:

Yeas: Boston, Kath, Brady (3)
Nays: von Krumreig (1)

With three or more votes in the affirmative, the motion passes, and case tabled until the next regular meeting.

22 Surf Drive-Parcel No.: 43-00192.000. Rear yard setback variance for a proposed primary structure. Public Hearing to order at 6:56p.m.

Project Description The applicant is seeking to demolish an existing nonconforming cottage in order to construct a new house on site. The existing cottage is right on the rear property line and in an effort to make the new structure more compliant the new proposal calls for a 6'-0" setback. The applicant claims the proposal will not cause detriment to the character of the neighborhood, especially since the new construction will be more compliant than what has existed on site. As proposed, the new construction would require a rear setback variance, pursuant to setback regulations in Section 1123.02: 9 ft rear setback variance (6 ft proposed; required 15 ft for R-1A Zone)

Staff Statement

Mr. Engle reviewed the application, referencing the current cottage on the property was constructed in 1958 and will be demolished. He noted as currently existing, the cottage has no rear setback. He explained that as proposed, the location of the new home would require a 9' rear setback variance.

Applicant/Owner Statements

Dave Oster, 22 Surf Drive. Mr. Oster distributed larger site plans and reviewed the proposed location with members and noted that he narrowed the house down as much as possible. Ms. von

Krumreig referenced her site visit, noting it was very difficult to tell the proposed location as the area was not staked but noted the enlarged plans help.
Mr. Kath closed the public hearing at 7:03pm.

Motion(s)

Motion by Ms. Boston to approval the 9ft rear setback variance as presented. Motion seconded by Ms. von Krumreig. Roll call on the motion:

Yeas: Boston, Kath, Brady, von Krumreig (4)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and 9' rear setback variance approved as presented.

38 Richland- Parcel No.: 43-00377.000 Public Hearing to order at 7:04p.m.

***Project Description:** Applicant is seeking to add a front deck to the existing house in order to afford a view of the lake. She would also like to construct the detached garage because an attached garage would cover the only windows in the master bedroom and bathroom. As proposed, the improvements would require a total of four variances, pursuant to use and setback regulations in Section 1123.02: 1) Use variance for the accessory garage structure in a front yard (through lot) 2)7'-6" front setback variance for proposed front porch extension (required 15 ft for R-1A Zone) 3)Potential side/rear setbacks for accessory garage structure, since they are unknown (required 5' for both side/rear)4) Potential height variance for the accessory garage structure since it is unknown (max. height 15')*

Mr. Kath called the public hearing to order at 7:04pm.

Staff Statement

Mr. Engle reviewed the application, noting this property is unique in that it has two (2) frontages, so the rear yard is actually considered a front yard as well. He reviewed the variances required for the accessory building (garage) in a front yard which would require a use variance and possibly height and side setback variances as these are unknown. He also referenced the proposed front porch and setback variances required.

Ms. Brady and Ms. von Krumreig noted the need to abstain from voting due to a conflict. Mr. Kath explained that there would allow enough voting members to approve, therefore the applicant has a right to table the case. The applicant acknowledged the need to table.
Mr. Kath closed the public hearing at 7:09pm.

Motion(s)

Motion by Ms. Brady to table the case. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Boston, Kath, Brady, von Krumreig (4)
Nays: (0)

With three or more votes in the affirmative, the motion passes and case tabled. Ms. Boston offered to entertain a special meeting to hear the case. Members discussed options to hold a special meeting. Zoning Department to coordinate.

816 Crescent- Parcel No.: 49-00031.000 Public Hearing to order at 7:11p.m.

Project Description: *The applicant is seeking to minimally expand the footprint of a rear addition and the front porch. Extensive exterior alterations are planned for the exterior facades. As proposed, the addition would require a total of two variances, pursuant to setback regulations in Section 1123.01: 1) 12'-11" total side setback variance (4' and 3'-1" split proposed) 2) 6'-7" rear setback variance.*

Mr. Kath called the public hearing to order at 7:11pm.

Staff Statement

Mr. Engle reviewed the application noting the tight dimensions of the lot and the proposed expansion of this pre-existing, non-conforming to include a second story front porch addition and a two-story rear addition. He reviewed the variances that would be require: 12'-11" total side setback variance (4' and 3'-1" split) and a rear setback variance of 6'-7".

Applicant/Owner Statements

Ms. Kelly Hunt, owner of 816 Crescent. Ms. Hunt referenced past plans for these improvements from 4-5 years ago, explaining that they did start the permitting process, but then her husband passed away unexpectedly and the costs of the project were out of the budget at the time. She explained that she has a new designer, Hurst Designs who has redesigned the improvements. She noted the proposed front porch will be widened but not going beyond the existing structure. Mr. Engle referenced 1137.03 and noted they are within the code and no variance is needed for this.

Audience Comments

- Jill Hautzenroader, 818 Crescent- spoke to the length of time she has known the Hunt's, spoke highly of the family, referenced they have renovated their other home and are experienced with construction. She expressed support for the improvements and variances being requested and supported the selected design/build contractor whom she believes will take care during the building process. Mr. Kath noted the variance request will be based on the lot, explaining that granting a request is not based on the owner. Ms. von Krumreig inquired as to the existing and proposed square footage. Mr. Hurst noted the existing home is approximately 1440sf and as proposed will be 3400sf. Members reviewed proposed plans. Mr. Kath noted the trapezoidal shape of the lot, Ms. von Krumreig noted the proposed expansion of the home is huge. Ms. Brady asked if there was a way to accomplish all the additions without the rear yard setback variance.
- Patrick Hurst, Hurst Design- Mr. Hurst explained he was looking at the best way to get easier access to the back yard and to get the storage the owners are looking for. He reviewed items that were originally in the plan, like the shed and a basement that have now been removed. Mr. Kath inquired about the height, noting that it can't exceed 35'. Mr. Hurst noted that they confirmed the max height with the Building Department, and will not exceed. Members talked about the ridge height as it appears taller than 35', Mr. Hurst noted the height will not exceed the code max.

- Woody Barron, 814 Crescent. Mr. Barron noted he has lived next door for 34 years and referenced all the construction in the neighborhood and his concern for damage to his property with the contractors working on the project. He referenced flower gardens on his property that he does
- Patrick Hurst referenced talking with Mr. Barron previously and noted that most access will be on the left side where the driveway is and that they will protect neighboring properties during the construction. He noted they will do their best to protect gardens but noted there will be noise and dust during the process. Ms. Hautzenroader advised they have given their permission to remove fencing temporarily for access during construction as well.
- Lori Brown, 810 Mohawk. Spoke in support of the improvement and variances and has confidence in the builder.

Mr. Kath closed the public hearing at 7:35pm. Ms. von Krumreig noted she would like to see height of the building confirmed. Mr. Hurst replied that as designed, the height would not exceed the code.

Motion(s)

Motion by Ms. Brady to approve the 12'-11" total side setback variance as presented. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Boston, Kath, Brady, von Krumreig (4)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and the 12'-11" total side setback variance approved as presented.

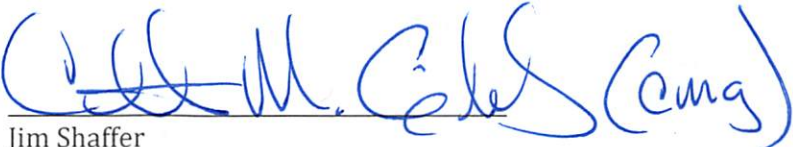
Motion by Ms. Brady to approve the 6'-7" rear setback variance as presented. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Boston, Kath, Brady, von Krumreig (4)
Nays: (0)

With three or more votes in the affirmative, the motion passes, and the 6'-7" rear setback variance approved as presented.

Ms. von Krumreig stated for the record that the home should not exceed 35'.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Ms. Brady. All in favor, meeting adjourned at 7:40p.m.



Jim Shaffer
Board of Building and Zoning Appeals Secretary

ADOPTED: Oct. 11, 2021

JS/cmg