

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
November 30, 2020 Special Meeting

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

Also in attendance: Mike Spafford, Assistant to the City Manager, and Christine Gibboney, Administrative Assistant. Council members in attendance: Monty Tapp.

There were no minutes for approval.

Chairman Kath explained the protocol and format of the meeting to those in attendance and asked that cell phones be turned off during the meeting.

**Verification of Required Notice Period**

In response to a question by Mr. Kath, Mr. Spafford and Ms. Gibboney confirmed that notices were mailed to all affected property owners within 100' of the properties appearing on the agenda on November 18, 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.

---

**New Business**

**819 Superior Drive Parcel #42-00128.000- Front Yard Setback Variance**

***Project description from staff summary:***

*The applicant has demolished the existing home located at 819 Superior Dr. and is building a new home. The applicant received a zoning permit on 10/12/20 for the construction of the new home and has begun construction and at present has completed the foundations for the new home.*

*During inspection of the foundations, the building official contacted the zoning department to make note of the location of the front of the new home relative to the front property line. Zoning noted that the permit was issued because the proposed front setback of 31'-10" meets the minimum front setback requirement in section 1123.01 of 30' for a home within an R-1 district.*

*During further review of the City zoning code by the Law Director, an issue was found relative to section 1137.03 which relates to front yard setback modifications. This section of the code has historically been used to reduce the front setback requirement for a home by allowing the setback to be reduced up to the average of the two immediately adjacent neighboring homes. This section has been referenced in previous applications to this board many times and historically as a reduction of the normally required setback. In review of this zoning permit, the initial analysis indicated no such reduction in the minimum front setback was required as the proposed home meets the normal 30' front setback requirement. However, as confirmed with the Law Director and in light of the content of Chapter 1137.03(a), this section requires a modification in the required setback in the event two existing front yards on lots within 100 feet of the lot in question is lesser or greater than the least front yard depth otherwise required by the Ordinances (the two adjacent homes are further back than the normal setback requirement). Given the requirements of Chapter 1137.03(a), the proposed home should have had a required minimum 50' front setback as both of*

*the adjacent existing homes is more than 50' back from their front property lines. Once the requirements of the Code were confirmed, the zoning department immediately contacted the applicant and told them that although their permit was issued and work has already begun on the home, that BZA approval would be required and to stop all further work on the home until a decision could be made by the BZA. It should be noted that per section 1137.03(a), the City cannot require a setback of more than 50' although one could be permitted by the City if the adjacent homes had an average setback of over 50'. Based on code section 1137.03(a), the home would require a front setback variance of 18'-2" (50' minimally required vs. 31'-10" proposed)*

Mr. Spafford thanked the members of the board for accommodating the special meeting and noted the purpose of the special meeting is for consideration of a front setback variance request. He noted that as he understood it, this was a previously existing home that was demolished with the intent to build a new structure as reflected in the plans that are included in the packet. He referenced the unique situation of this case, stating that due to a zoning permit that was issued in non-conformance of the zoning code, construction commenced at the site which was later stopped once the error was realized on the city's behalf. He referenced the construction has stopped in anticipation of this meeting.

Mr. Spafford referenced the specifics of Section 1137.03 – Yard Modification, of the Zoning Code noting the typical setbacks within a residential district being 30' or they can be modified in the instance that two adjoining properties within 100' do not either exceed or come in under the maximum or minimum requirement of the zoning district. He explained, in this case both adjoining neighbors within 100', have setbacks that exceed the minimum requirement of 30' and therefore this additional yard modification section should have been applied. Pursuant to this code, the average of the two adjoining properties are taken into account to calculate the front setbacks of the property in question. In addition, the code caps the setback at not exceeding 50' and cannot go below 10' regardless of the two neighboring properties. He referenced the special circumstances of the case in that the project has commenced, however, he advised members not to take the circumstances into account in their decision making of the variance request.

Mr. Kath referenced the letter from a neighbor that was received via email. Mr. Kath read the email statement from Linda and Karl Ziegler 813 Superior Drive in support of the variance request. A brief discussion of the location of this neighboring property ensued, it was noted this property is the neighbor directly to the east (attached and made part of the minutes). It was noted this is the only statement received.

### **Audience Comments**

Mr. Jeff Wilson, 919 Superior Drive. Mr. Wilson noted he was speaking on behalf of his mother Betty Slayzack who is the adjoining property owner at 821 Superior Drive. He noted that upon explaining the variance request details with his mother, she has no objection to the variance request. He did note however, that he had a couple concerns to express, one related to this property and the other to the city. Mr. Kath advised to continue with statement relative to this property. Mr. Wilson noted that while he understands the contractor is not finished, there are concerns relative to elevations and grading. He noted his mother-in-law spoke to the contractor about the grading concern and was advised that the ground will settle. He shared some pictures of the area and expressed concern with drainage to his mother's property. Mr. Kath advised to contact the Zoning Official, Doug Green on this matter, noting that new construction can't create drainage problems and this would have to be mitigated. Mr. Wilson stated he also needed to talk to the board relative to another issue, Mr. Kath and other members of the board attempted to ask Mr. Wilson the nature of his comment and/or inquiry but other than not being about the variance,

he referenced it was a city question relative to the property. Mr. Kath asked that the case at hand continue and then they would come back to Mr. Wilson.

**Property Owner/Applicant Comments**

Greg and Dana Mueller, 819 Superior Drive. Mr. Mueller read a prepared statement providing a history of the purchase of the home in 2011, building and zoning permitting submissions and approval, and the commencement of construction. He noted that over a month into the construction, their contractor was contacted by Mr. Green and notified of the error in zoning approval, notified of a stop work order, and asked to prepare a BZA application for a variance. He referenced the lost time and construction and the weather conditions He noted they were not allowed to do any work on the house besides some grading for the 10 working days while waiting for this meeting. He noted the favorable weather days that have been missed and the upcoming colder weather and noted that his contractor had to re-direct some of his workers. He explained the concern he and his wife had as they had done everything required throughout the permitting process. He referenced a call and conversation with Mr. Green on November 20; noting Mr. Green apologized and acknowledged the error on the city's behalf. Mr. Mueller stated that he asked Mr. Green if they could pour the basement floors as the weather conditions were conducive, but Mr. Green advised they could not. Mr. Mueller referenced the aerial map noting that roughly two-thirds of the houses on the street have setbacks of less the 30' and stated that they are just asking to be part of the majority.

Mr. Kath asked if members had any questions. In response to questions by Mr. Shaffer, it was clarified that the houses directly east and west both are at about a 50' setback and it was confirmed that the address of 813 Superior was the direct next door neighbor's home and have no objections to the variance. Members then began referencing various homes and garages on the street and their varying setbacks.

Mr. Mueller also noted the R-1 setback reference sheet on the city website references the 30' setback requirement, but does not reference Section 1137.03.

Mr. Sprunk stated he has served on this board for 20 years and has never had this come up. Mr. Kath commented that he has been on for 15 years and the way this code was used was always applied to a reduction in a setback. Mr. Sprunk noted this section is in an entirely different place in the code. Mr. Kath noted that during his time on the board, this code has never been applied in this manner. Mr. Kath reviewed the site plan provided and noted the fact that the home meets all setbacks. Ms. Boston commented that she appreciated the aerial map that Mr. Green had included in the packet.

With no further discussion, Mr. Kath closed the public hearing at 6:51p.m.

**Motion by Mr. Sprunk to approve the front setback variance as presented. Ms. Boston seconded the motion.** Ms. von Krumreig abstained and left the meeting during the roll call. Roll call on the motion:

**Yeas: Sprunk, Shaffer, Boston, Kath (4)**

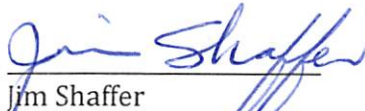
**Nays: None (0)**

**Abstain: Jenine von Krumreig (1)**

With three or more votes in favor, the motion passes and front setback variance approved as submitted. Ms. von Krumreig returned to the meeting.

Mr. Kath asked Mr. Spafford if he had any other matters for discussion, Mr. Spafford noted he did not. Mr. Sprunk addressed Mr. Wilson about his mention of a city related question and asked if he could ask his question after the meeting explaining that this was a special meeting of the BZA for the purpose of a variance. Members suggested that the meeting be adjourned.

Motion by Mr. Sprunk to adjourn. Motion seconded by Ms. von Krumreig. All in favor, motion passes and meeting adjourned at 6:53p.m.

  
Jim Shaffer  
Board of Building and Zoning Appeals Secretary

JS/cmg

ADOPTED: Jan 11, 2021

**From:** [Doug Green](#)  
**To:** [sprunklaw@sbcglobal.net](#); [Frank Kath](#); [jbbmarketing@bex.net](#); [James Shaffer](#)  
**Cc:** [City of Huron Zoning Department](#)  
**Subject:** FW: Zoning Variance request-819 Superior Dr  
**Date:** Sunday, November 29, 2020 12:52:49 PM

---

To All,

I am going through my emails from last week and saw I received the message below from a neighbor of 819 Superior.

,Doug Green

**DOUG GREEN** | OHM Advisors®  
PROJECT ENGINEER

C (440) 258-7799 O (216) 865-1335

[doug.green@ohm-advisors.com](mailto:doug.green@ohm-advisors.com) | [OHM-Advisors.com](http://OHM-Advisors.com)

**From:** Linda Ziegler <[ziegler@bex.net](mailto:ziegler@bex.net)>  
**Sent:** Wednesday, November 25, 2020 10:01 AM  
**To:** Doug Green <[doug.green@huronohio.us](mailto:doug.green@huronohio.us)>  
**Subject:** Zoning Variance request-819 Superior Dr

Hello Mr. Green –

Please confirm your receipt of this email.

Re: Zoning variance request for 819 Superior Drive

We received the notice of a hearing to consider our next-door neighbors' request for a zoning variance on the front setback for their new home.

This email is to let the Board know that we do not object to the zoning variance they are requesting and look forward to seeing their new home built.

We note that their setback seems consistent with almost all of the homes on the north side of Superior Dr and all the homes on First Street.

Thank you for the opportunity to comment. Please let us know if you have any questions.

Linda & Karl Ziegler  
813 Superior Drive

[ziegler@bex.net](mailto:ziegler@bex.net)