



Agenda for the Board of Building and Zoning Appeals  
Regular Meeting- Huron City Hall – Council Chambers  
Monday, April 10, 2023 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes (3-20-23)**
- IV. Verification of Required Notice Period**

Notices were mailed to all affected property owners (within 100') on March 31, 2023
- V. Swearing in of those testifying before the Board**

\*When testifying before the board, please step to the podium, **sign in**, and state your name and address for the record.
- VI. New Business**
  - 1) PPN 48-00233.000      R-1      210 Tecumseh Pl- Area Variance**

(Side & Rear Yard Setback variances for a two-story addition and attached garage)
- VII. Staff Report**
- VIII. Adjournment**



**TO:** Chairman Kath and Board Members  
**FROM:** Erik Engle, Planning Director  
**RE:** 210 Tecumseh- Side setback variance for a remodel  
**DATE:** April 10, 2023

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**Current Zoning District: R-1**      **Parcel No.: 48-00233.000**

**Existing Land Use: Single Family Residential**

**Property Size: 0 Acres, 40' Frontage, Depth 105'**

**Traffic Considerations:**

**Project Description- Area Variance**

The applicant is proposing to construct a two-story residence on the same footprint as the existing one-story home with a garage addition. Citing the lot width of 40', the 20' total side setback needed for a two-story home would not be possible, therefore, the applicant is seeking to retain the current footprint of the home which will require a side setback variance total of 5'-4".

***Since the proposed variance falls under the "area variance" category, the following criteria should be examined in order to establish if there are practical difficulties in the use of the property (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 substantial justice done by granting the variance.***

**Staff Analysis:**

Existing home was built in the 1960's and pre-existing/non-conforming to the code. One-story homes within an R-1, require a total of 15' (7' min.). The current side setbacks of the one-story home are 2'-8" on the north side and 11'-4" on the south side; a total of 14'. The applicant is

proposing a second story addition and an attached garage which will be constructed within this existing footprint. Two-story homes within an R-1 require a 20' total side setback (8' min.). The architect has confirmed the height from grade to peak will be 29', this will be verified upon receipt and review of zoning and building applications and plans.

As proposed, the following variances are required:

- 6' total side setback variance to allow for a two-story addition and attached garage. (5'4" variance for the north side setback/8" variance for the south side setback)
- 4'-2" rear yard setback.

### **Motion Examples**

#### **[PLEASE STATE WHY YOU ARE APPROVING OR DENYING FOR THE RECORD]**

Motion to **APPROVE** the variance request:

I make the motion to **approve** the request for an area variance at 210 Tecumseh Pl, to allow for a 6' total side setback variance and 4'-2" rear yard setback for a second story addition and attached garage. The testimony presented in this public hearing has shown that the granting of this variance is not significant, will not adversely affect the public health, safety, or welfare; will not alter the essential character of the neighborhood; will not cause a hazard or a nuisance to the public; and will serve the spirit and intent of the zoning regulations.

OR

Motion to **DENY** the variance request:

I make the motion to **deny** the request for an area variance at 210 Tecumseh Pl, for a 6' total side setback variance and 4'-2" rear yard setback for a second story addition and attached garage. Sufficient testimony has **not** been presented in this public hearing that the requested variance meets the criteria set forth in the seven-way test as the project:

***(Choose one or more appropriate finding(s) and specific items based on the seven-way test)***

- Variance hardship is self-imposed
- Can be feasibly obviated through some other method other than a variance(s)
- Will adversely affect the public health, safety, and welfare.
- Will alter the essential character of the neighborhood.
- Will cause a hazard or a nuisance to the public.
- Will be contrary to the public interest.



**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 DANIEL FREDERICK  
Property Owners' Name: DAVID + LESLIE ZIMMERMAN  
Address: 566 SNOW EGRET DRIVE  
City, State, Zip: HURON OH 44839  
Phone Number 419.656.8387  
Email: DAVEZIMMERMAN419@EMAIL.COM

**Location of Project:**

Lot/Parcel #: 48.00233 Zoning District: R-1

Address: 210 TECUMSEH PLACE Huron, OH 44839.

Year purchased: 2011 Year the existing structure was constructed: 1960

Single Story Home: EXISTING Two Story Home: PROPOSED

Provide a brief summary of your proposed project:

RE-CONSTRUCT A TWO STORY RESIDENCE ON  
SAME FOOTPRINT AS EXISTING ONE STORY HOUSE  
WITH A GARAGE ADDITION

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 )

5'-4" SIDE YARD VARIANCE REQUESTED

### 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:

N/A

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

(skip to Page 7, Sign and Date Application)

### Use and/or Area Variance Questionnaire

1. The property in question [~~with~~/will not] yield a reasonable return and there [~~can~~/cannot] be a beneficial use of the property without the variance because:  
STRICT APPLICATION OF 20' TOTAL SIDEYARD SETBACKS ON A 40' WIDE LOT WILL NOT ALLOW FOR A REASONABLE SIZE RESIDENCE
2. The variance is [~~substantial~~/insubstantial] because:  
MATCHING EXISTING SETBACK OF EXISTING RESIDENCE, RE-BUILDING RESIDENCE ON SAME FOOTPRINT WITH GARAGE ADDITION.
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:  
RE-BUILDING HOUSE ON EXISTING FOOTPRINT AND PROPOSED GARAGE ADDITION TO MATCH EXISTING SIDEYARD SETBACK.
4. The variance [~~would~~/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)  
NO CHANGE
5. The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased: 2011. Year the structure(s) was constructed: 1960.

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  
ALLOWS FOR CONTINUED USE OF PROPERTY AS A SINGLE FAMILY RESIDENCE OF SIMILAR SIZE WITHIN NEIGHBORHOOD

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)

REQUIRED SETBACKS ARE EXTREME LEAVING A BASICALLY UNBUILDABLE LOT. PROPOSED VARIANCE WILL ALLOW FOR CONSTRUCTION OF A GARAGE NEEDED FOR YEAR ROUND LIVING AND EASING STREET PARKING NEEDS

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: 3/13/23 Signed Applicant

Date: 3/17/23 Signed Property Owner

(REQUIRED)

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#### ZONING DEPT. USE ONLY

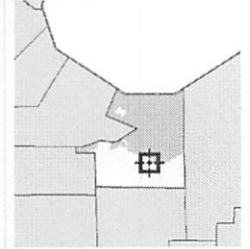
Date received: 3/17/23 Application Complete

(Emailed Applicant for info)

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

Comments \_\_\_\_\_

Hearing Date 4-10-23



- Parcels
  - Parcel Dimensions
  - Parcel Dimensions (Original)
- Lot Lines
  - Lot Line Labels
- Streets
- Addresses
  - 0
  - 1
  - <all other values>

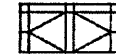
Developed by  **Schneider**  
GEOSPATIAL



# ZIMMERMAN RESIDENCE

210 TECUMSEH PLACE, HURON

MARCH 15, 2023



DANIEL FREDERICK ARCHITECTS, LLC

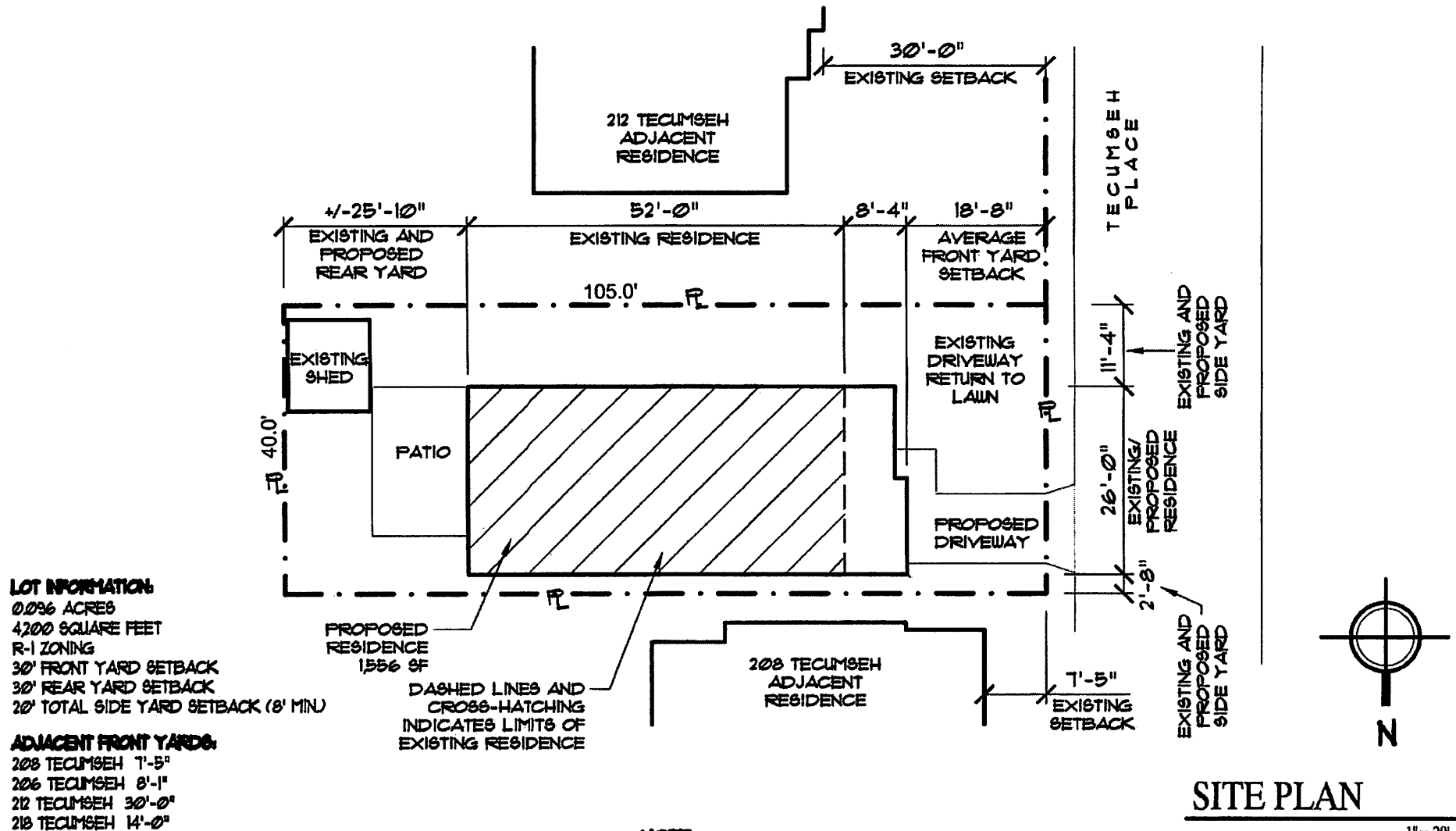
30 PARK STREET • ON THE SQUARE

POST OFFICE BOX 10

MILAN, OHIO 44846

TEL: 419.499.3242 • FAX: 419.499.2213

www.danieldfrederickarchitects.com





# ZIMMERMAN RESIDENCE

210 TECUMSEH PLACE, HURON

MARCH 15, 2023



DANIEL FREDERICK ARCHITECTS, LLC

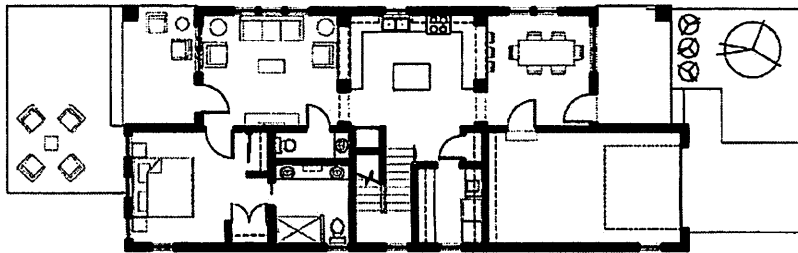
30 PARK STREET • ON THE SQUARE

POST OFFICE BOX 10

MILAN, OHIO 44846

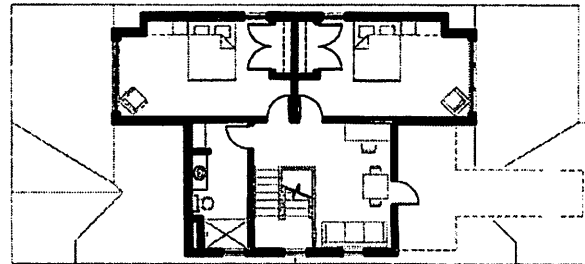
TEL: 419.499.3242 • FAX: 419.499.2213

[www.fredrickarchitects.com](http://www.fredrickarchitects.com)



FIRST FLOOR PLAN

NOT TO SCALE



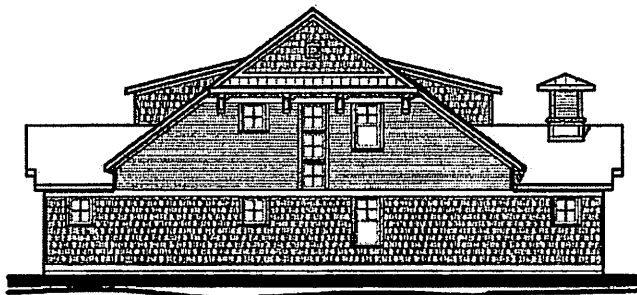
SECOND FLOOR PLAN

NOT TO SCALE



WEST ELEVATION

NOT TO SCALE



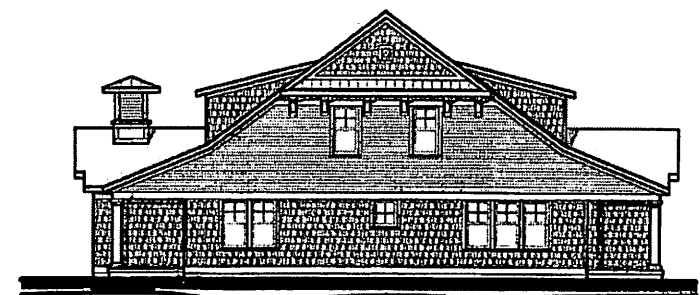
NORTH ELEVATION

NOT TO SCALE



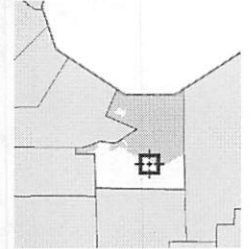
EAST ELEVATION

NOT TO SCALE



SOUTH ELEVATION

NOT TO SCALE



- ☐ Parcels
  - Parcel Dimensions
  - Parcel Dimensions (Original)
- ☐ Lot Lines
  - Lot Line Labels
- ☐ Streets
- Addresses
  - 0
  - 1
  - <all other values>

Developed by  **Schneider**  
GEOSPATIAL