



Agenda for the Board of Building and Zoning Appeals
Regular Meeting- Huron City Hall – Council Chambers
Monday, May 8, 2023 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes (4-10-23)**
- IV. Verification of Required Notice Period**

Notices were mailed to all affected property owners (within 100') on April 28, 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 45-0504.000 R-1 210 Fremont Ave- Area Variance**

(Front & Rear Yard Setback variances for a front portico & rear deck & porch overhang)
- VII. Staff Report**
- VIII. Adjournment**



TO: Chairman Kath and Board Members
FROM: Erik Engle, Planning Director
RE: 210 Fremont Ave
DATE: May 8, 2023

Current Zoning District: R-1 **Parcel No.:** 45-00504.000

Existing Land Use: Single Family Residential

Property Size: Frontage 100' Depth 74'

Traffic Considerations: N/A

Project Description- Area Variance

The applicant is proposing renovations to include a front portico, replacement of back steps and adding rear porch overhang (not enclosed). The existing residence was constructed in 1957 and is pre-existing/nonconforming to code for front, rear and side setbacks. The proposed front yard portico, rear yard replacement deck, and rear yard open overhang roof will require area variances.

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 1950's and is pre-existing/non-conforming to the code for setbacks. The R-1 Zoning District requires a 30' front yard and rear yard setback.

The improvements as proposed:

Front Yard Portico:

Proposed setback 22'-3 1/2"

Rear Yard Deck and Roof Over Patio:

Proposed setback(deck) 15'-2"

Proposed setback (roof overhang) 8'-6"

As proposed, the following variances are required:

- Front Yard Setback Variance of 7'-2.5" for the Portico
- Rear Yard Setback Variances of 14'-10" for the deck, and 21'-6" for the roof overhang.

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 Fremont Ave for a Front Yard Setback Variance of 7'-2.5", Rear Yard Setback Variances of 14'-10" and 21'-6" as proposed. 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 Fremont Ave for a Front Yard Setback Variance of 7'-2.5", and Rear Yard Setback Variances of 14'-10" and 21'-6" as 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 JoAnne & Michael Boston

Property Owners' Name: Same

Address: 210 Fremont Ave

City, State, Zip: Huron OH 44839

Phone Number 419 602-7992

Email: Jboston5224@gmail.com

Location of Project:

Lot # 374 & 376
Lot/Parcel #: 4500504000 Zoning District: R1

Address: 210 Fremont Ave Huron, OH 44839.

Year purchased: 1997 Year the existing structure was constructed: 1957

Single Story Home: ☒ Two Story Home: ☐

Provide a brief summary of your proposed project:

Interior renovation including adding front portico,
replacing back steps & adding rear porch
overhang - not enclosed

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)

Area variance:

1. Front - 7'-2.5" variance to accommodate roof overhang-portico
2. Rear - 14'-10" variance to accomodate replace deck steps
3. Rear - 21'-6" variance for open back porch cover/overhang

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:
As is property doesn't allow for MOST beneficial use. Needs updated to be modern/safe. Proposed design eliminates need to go up adding 2nd floor while conforming to character of neighborhood and improves flow & use
2. The variance is [~~substantial~~/insubstantial] because:
Current structure is non-conforming. Any modifications will require variance.
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:
Rear Set back of proposed design in-line with adjoining properties to North & South. 206 Fremont rear is 8'4" 216 Fremont is approx 8'2" & 201 Lima is 8'4". See photos
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: 1997. Year the structure(s) was constructed: 1957.

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
Allow us to improve flow & function w/o adding 2nd floor & is in line w/ the character of 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*)
1- Variance not substantial
2- Character of neighborhood not be altered by 2nd floor addition
3- Govt. services not affected
4- Spirit & intent zoning code observed

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: 4-10-23 Signed Applicant J. Baston

Date: 4-10-23 Signed Property Owner J. Baston
 (REQUIRED)

ZONING DEPT. USE ONLY

Date received: 4-11-23 Application Complete yes

\$150 filing fee receipted: yes

Comments _____ Hearing Date 5-8-23

SKETCH OF IDENTIFICATION CERTIFICATE

07/03/97

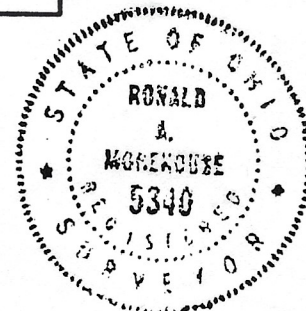
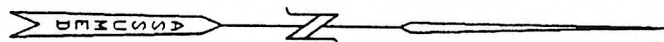
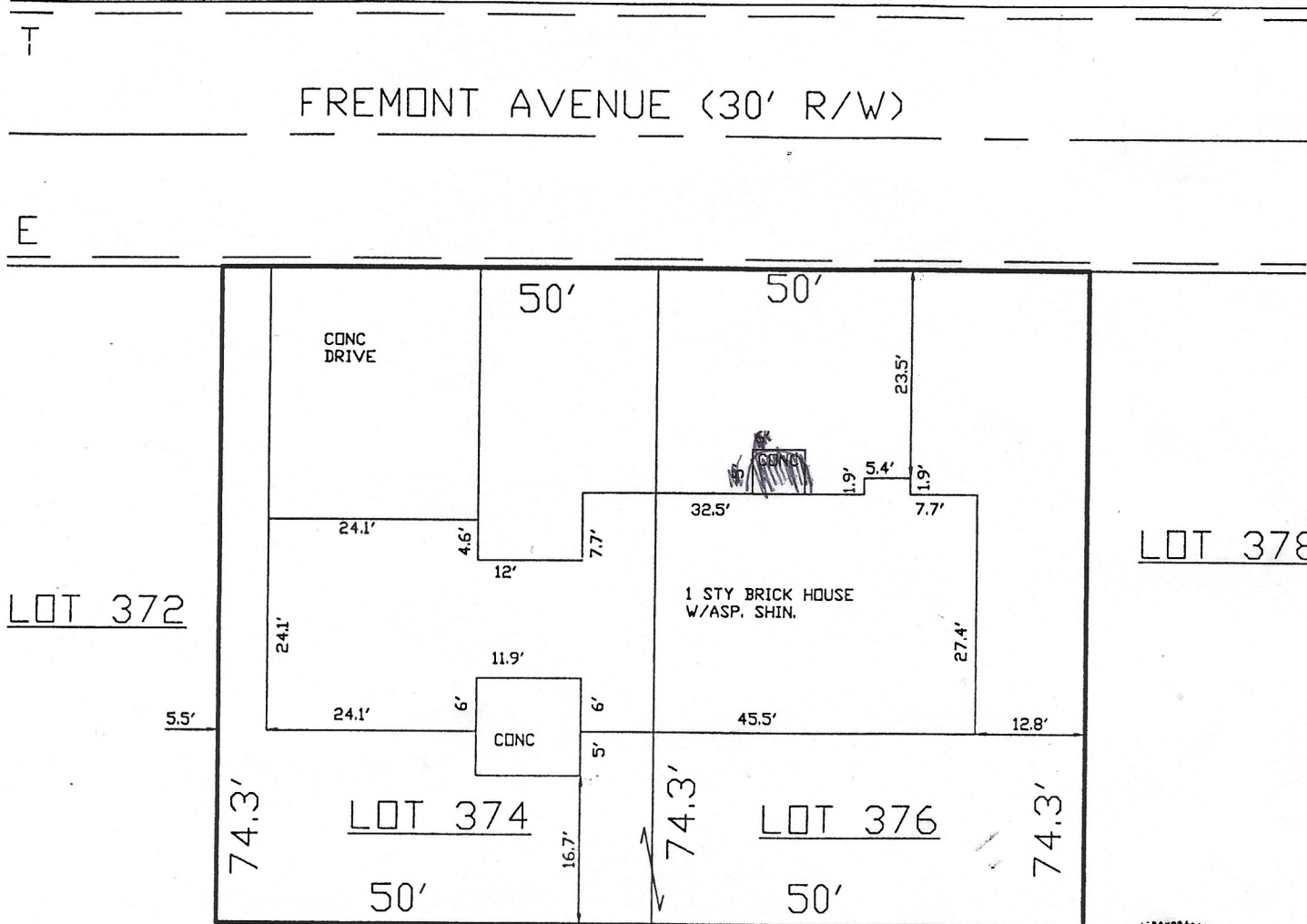
SCALE 1"=20'

20'

JOB NO. LTS 97-179 (21252)

ORDER NO.: 85540e

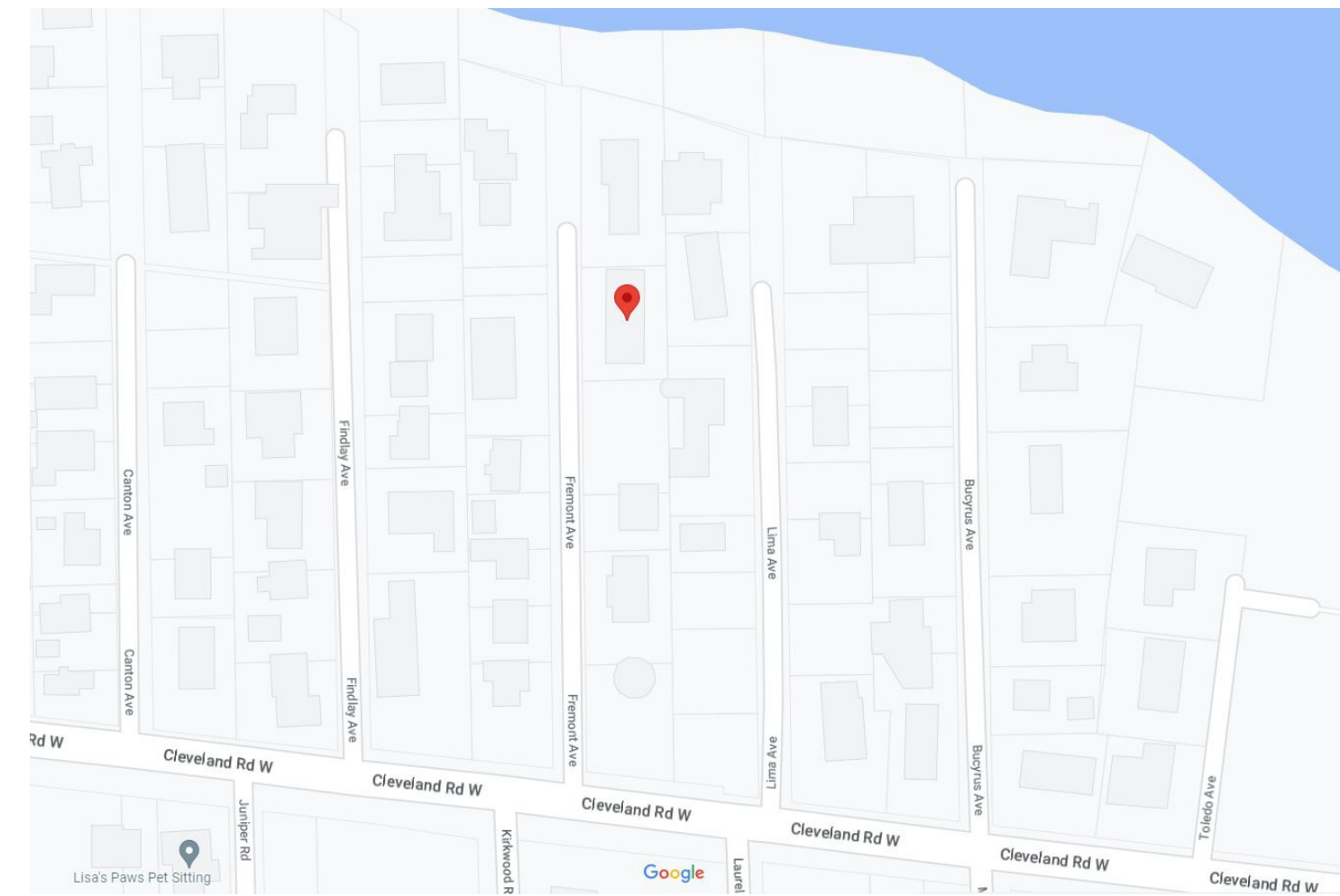
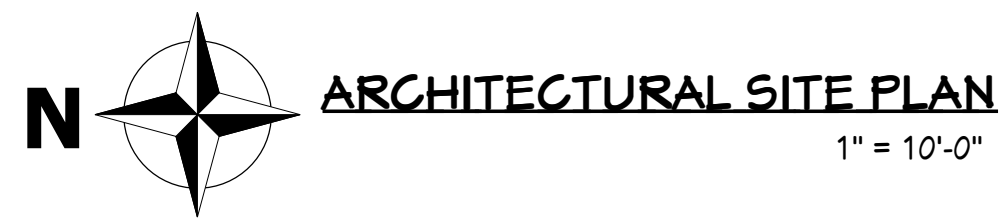
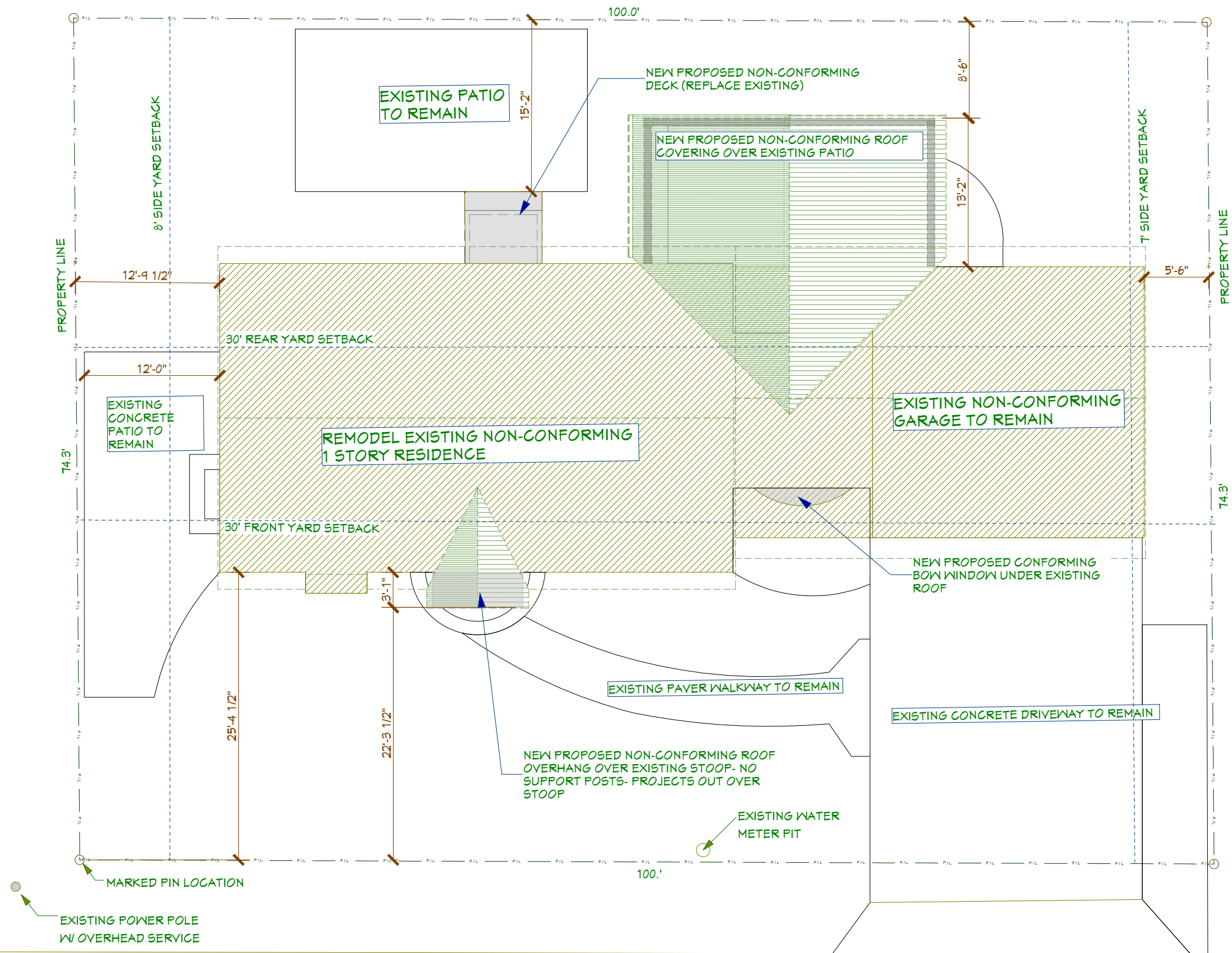
BEING LOTS 374 AND 376, GRAND FOREST BEACH ALLOTMENT
CITY OF HURON, ERIE COUNTY, OHIO



☒ NOTE: SUBJECT BUILDING IS LOCATED IN ZONE C
OUTSIDE THE 100 YEAR FLOOD PLAIN.
COMMUNITY PANEL NO. 390154_0001_B
EFFECTIVE DATE APRIL 3, 1978

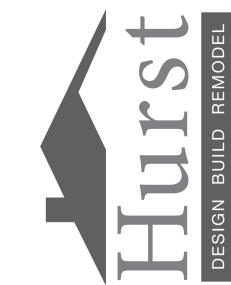
☐ NOTE: FLOOD PLAIN INFORMATION
NOT AVAILABLE.

CERTIFICATION: We hereby certify that the foregoing Mortgage Location Survey was prepared from actual field measurements in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to chapter 4733-37 of said code.



Job #	Print Date
9009	4/11/2023
Design Info	
Design Phase	D# Date
BZA	5.1 4.10.23
Designer	BD
Client Initials	

26185 Center Ridge Road
Westlake, Ohio 44145
440/234-5656 Tele, 440/234-5747 Fax
www.HurstRemodel.com



BOSTON RESIDENCE

Michael & Joanne Boston
210 Fremont Avenue
Huron, OH 44839

These drawings are the proprietary work product and property of Hurst Design-Build-Remodel. Use of these drawings and concepts contained therein without the written permission of Hurst Design-Build-Remodel is prohibited and may subject you to a claim for damages.

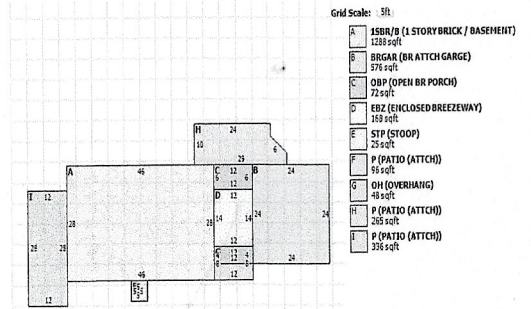
SHEET NO.

A-2

Erie County, Ohio - Property Record Card
Parcel 45-00504.000
Card 1

GENERAL PARCEL INFORMATION

Owner BOSTON MICHAEL K & JOANNE B
Property Address 210 FREMONT
Mailing Address 210 FREMONT AVE
HURON, OH 44839
Land Use RESIDENTIAL - 510-SINGLE FAMILY DWELLING
Deed CURRENT DEED VOLUME/PAGE: /
Legal Description 374 376 FREMONT AVENUE



VALUATION

	Appraised	Assessed
Land Value	\$35,500.00	\$12,430.00
Improvements Value	\$147,540.00	\$51,640.00
CAUV Value	\$0.00	\$0.00
Total Value	\$183,040.00	\$64,070.00
Taxable Value	\$64,070.00	
Net Annual Tax	\$2,781.97	

LAND

Land Type	Acreage	Depth	Frontage	Depth	Value
F - FRONT LOT	0.1699	74	100	71	35500

RESIDENTIAL

Building Style	01-SINGLE FAMILY	Full Baths	1
Year Built	1957	Half Baths	1
Stories	1	Basement	Part
Finished Area	1288	Finished Basement Area	312
First Floor Area	1288	Heating	Central Heat
Half Floor Area	0	Cooling	Central AC
Upper Floor Area	0	Attic	None
Rooms	7	Number of Fireplace Openings	1
Bedrooms	3	Number of Fireplace Stacks	1
Family Rooms	0		

ADDITIONS

Description	Area	Year Built	Value
BRGAR-BR ATTCH	576	1957	13824
OBP-OPEN BR PORCH	72	1957	1584
EBZ-ENCLOSED	168	1957	5040
STP-STOOP	25	1957	450
P-PATIO (ATTCH)	96	1957	1728
OH-OVERHANG	48	1957	864
P-PATIO (ATTCH)	265	1957	4770
P-PATIO (ATTCH)	336	1957	6048

IMPROVEMENTS

AGRICULTURAL

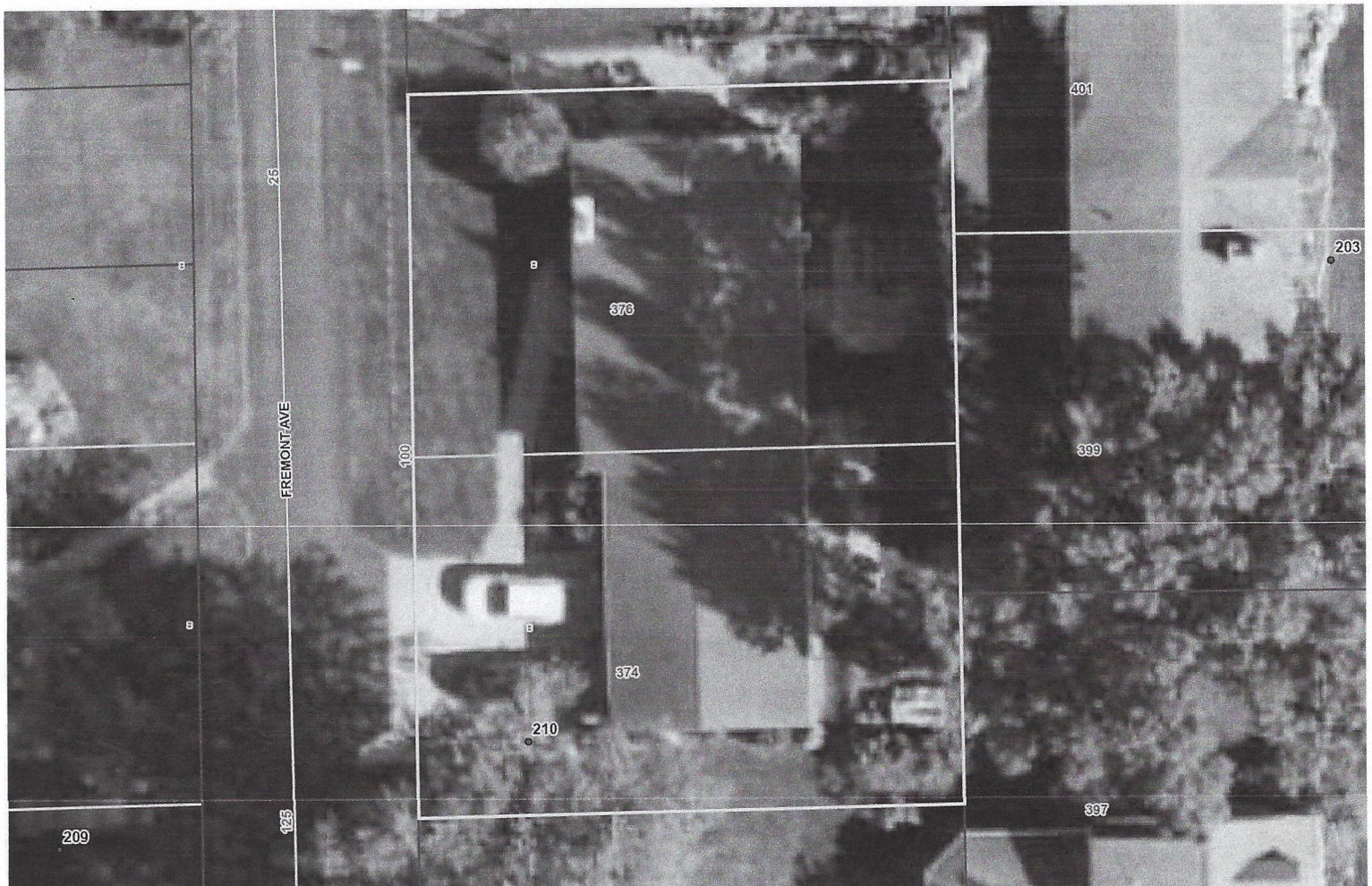
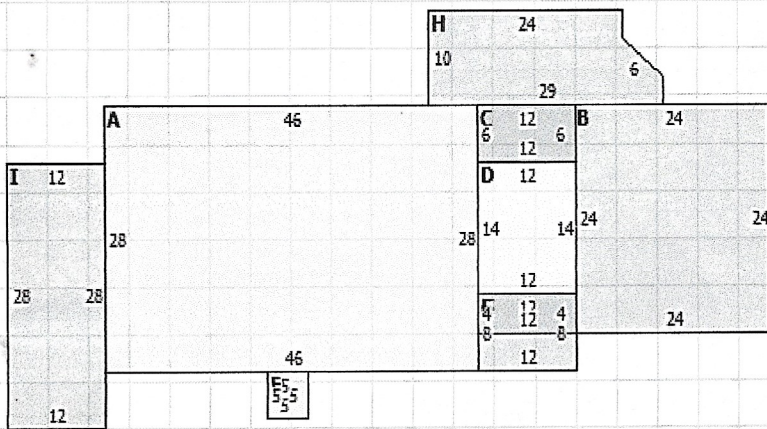
SALES

Date	Buyer	Seller	Price
3/6/2017	BOSTON MICHAEL K &	BOOKER JOANNE	\$0.00
7/22/2002	BOOKER JOANNE	BOOKER JOANNE	\$0.00
10/4/1999	BOOKER JOANNE	BOOKER JOANNE	\$0.00
8/4/1997	BOOKER JOANNE	WRIGHT HAROLD &	\$120,000.00
1/1/1950	WRIGHT HAROLD &	UNKNOWN	\$0.00

COMMERCIAL

Grid Scale: 5ft

- A** 1SBR/B (1 STORY BRICK / BASEMENT)
1288 sqft
- B** BRGAR (BR ATTCH GARGE)
576 sqft
- C** OBP (OPEN BR PORCH)
72 sqft
- D** EBZ (ENCLOSED BREEZEWAY)
168 sqft
- E** STP (STOOP)
25 sqft
- F** P (PATIO (ATTCH))
96 sqft
- G** OH (OVERHANG)
48 sqft
- H** P (PATIO (ATTCH))
265 sqft
- I** P (PATIO (ATTCH))
336 sqft



PROPERTIES NORTH OF 210 FREMONT

REAR SETBACK FOR 206 FREMONT AVE & 201 LIMA AVE



PROPERTY SOUTH OF 210 FREMONT

216 FREMONT AVE REAR SETBACK



210 FREMONT AVE EXISTING BACK DECK/STEP



**210 FREMONT AVE EXISTING BACK PORCH LOCATION OF
PROPOSED PORCH OVERHANG**



Fremont Ave Huron Ohio Residents within 100 ft of 210 Fremont Ave

Name	Address	Mailing Address
Bill & Rida Heilman	206 Fremont Ave	Same
Don & Lynn Gordon	203 Fremont Ave	384 Merriman Rd, Akron, OH 44303
George Mosure	209 Fremont Ave	Same
Beverly & David Poulson	213 Fremont Ave	Same
Will Currie	216 Fremont Ave	Same
Tom & Kathy Kirby	211 Lima Ave	Same
Mark Majoy	203 Lima Ave	631 Berlin Road, Huron, Ohio 44839
Kevin Brouwer	201 Lima Ave	kevin.brouwer@gmail.com