



Agenda for the Board of Building and Zoning Appeals  
Regular Meeting- Huron City Hall – Council Chambers  
Monday, January 9, 2023 6:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes** N/A
- IV. Verification of Required Notice Period**

Notices were mailed to all affected property owners (within 100') on December 30, 2022
- 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 45-00342.000 R-1 202 Cleveland Ave**

Area Variance- Rear yard setback variance for an addition.
- VII. Staff Report**
- VIII. Adjournment**



**TO:** Chairman Kath and Board Members  
**FROM:** Erik Engle, Planning Director  
**RE:** 202 Cleveland Ave  
**DATE:** January 9, 2023

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**Current Zoning District:** R-1      **Parcel No.:** 45-00342.000

**Existing Land Use:** Pre-Existing/Nonconforming Residential- Two Family Dwellings in an R-1

**Property Size:** +/- 0.186

**Traffic Considerations:** Dead end street to the lake.

**Project Description- Area Variance**

The applicant is proposing to demolish the existing/nonconforming guest house and the detached shed on the property. The existing main home is to remain with a proposed one-story addition to the south which will align with the current footprint.

The demolition of the guest house brings the parcel into compliance as a Single-Family Residential use. The one-story addition to the southeast corner of the home does not extend closer than the existing house toward the east property line (rear yard), but will require a setback variance since the current home is non-conforming to the rear yard setback.

***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:**

As noted, the property is pre-existing/nonconforming, with regard to two residential dwellings existing on PPN 45-00342.000. The Main home is also noncompliant to setbacks as existing.

The applicant is proposing to demo the guest home, which will bring the property into compliance with regard to the zoning R-1 single family residential and they will demo the shed as well. They are proposing a one-story addition to the main home on the southeast corner which will be in alignment with the existing home, but will require a rear yard setback variance as the current structure as existing is not compliant with the setback.

As proposed, a 12'-1" rear yard setback variance will be required for the addition.

**Motion Examples**

Motion to **APPROVE** the variance request:

I make the motion to **approve** the request for an area variance at 202 Cleveland Ave, granting a 12'-1" rear yard setback variance to allow for a one-story addition. 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 202 Cleveland Ave, for a 12'-1" rear yard setback variance for a one-story addition. 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.

## 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



**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: JEFFERY ; SARAH MAJESTIC

Address: 115 MARION AVENUE

City, State, Zip: HURON OH 44839

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

Email: jefferymajestic@yahoo.com

**Location of Project:**

Lot/Parcel #: 45-00342.000 Zoning District: R-1

Address: 202 CLEVELAND AVENUE Huron, OH 44839.

Year purchased: 2019 Year the existing structure was constructed: 1923

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

Provide a brief summary of your proposed project:

DEMOLISH EXISTING NON-CONFORMING GUESTHOUSE COMPLETE, (+/- 1,000 SF)  
REMOVE EXISTING DETACHED SHED, (200 SF)  
EXISTING MAIN HOUSE TO REMAIN WITH PROPOSED ADDITIONS  
NOTE: ONE- STORY SOUTH ADDITION TO ALIGN WITH EXISTING HOUSE

**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 )

12'-1" REAR YARD SETBACK VARIANCE (SEE PLAN)

### 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:  
THIS NON-CONFORMING PROPERTY WILL BENEFIT FROM THIS PROJECT IN MULTIPLE WAYS - THE DEMOLITION OF THE EXISTING GUEST HOUSE AND REMOVAL OF EXISTING SUEDE, AND THE PROPOSED ADDITION ALLOWS IT TO BE A SINGLE-FAMILY RESIDENCE PROPERTY.
2. The variance is [substantial/insubstantial] because:  
THE ADDITION IN QUESTION (SOUTHEAST CORNER) ALIGNS WITH THE EXISTING HOUSE AND DOES NOT EXTEND CLOSER THAN THE EXISTING HOUSE TOWARD THE EAST PROPERTY LINE (REAR YARD) VIEWS REMAIN THE SAME.
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:  
THE ADDITION ALIGNS WITH THE EXISTING HOUSE, NO CHANGE WILL OCCUR TO THE ONLY NEIGHBOR EFFECTED (VIEWS). THE NEIGHBORHOOD WILL BENEFIT BY THE DEMOLITION OF THE 2ND HOUSE ON THE PROPERTY AND THE UPDATED NEW DESIGN OF THE RESIDENCE
4. The variance [ would/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)  
- ACCESS TO THE MAIN HOUSE DOES NOT CHANGE
5. The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased: 2019 . Year the structure(s) was constructed: 1923 .

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  
THE PROPOSED ADDITION ALIGNS WITH THE EXISTING HOUSE AND DOES NOT  
EXTEND CLOSER THAN THE EXISTING HOUSE. EXISTING VIEWS WILL  
REMAIN THE SAME
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*)  
THE EXISTING HOUSE SITS (4'-15'-6") OVER THE CURRENT 30' REAR  
YARD SETBACK AT ITS CLOSEST POINT TO THE EAST PROPERTY  
LINE. WE ARE ASKING FOR A SMALL PORTION OF THE PROPOSED SOUTH  
ADDITION TO ALIGN WITH THE EXISTING HOUSE

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: 12/12/22 Signed Applicant 

Date: 12/12/22 Signed Property Owner Sarah Majestic

(REQUIRED)

\*\*\*\*\*

#### ZONING DEPT. USE ONLY

Date received: 12-13-22 Application Complete X

\$150 filing fee receipted: 12-13-22, check

Comments \_\_\_\_\_ Hearing Date 1-9-23

PROPERTY OWNERS WITHIN 100' OF:

\* 202 CLEVELAND AVENUE, HURON OH  
JEFFERY ; SARAH MAJESTIC

- 206 CLEVELAND AVENUE  
DEAN ; BETTY LAPP

- 209 TOLEDO AVENUE  
SCOTT ; FRANCES RICHTER

- 1325 CLEVELAND ROAD WEST  
KRD HURON LLC (APARTMENTS)

→ 9565 MIDWEST AVENUE  
GARFIELD HTS. OH 44125

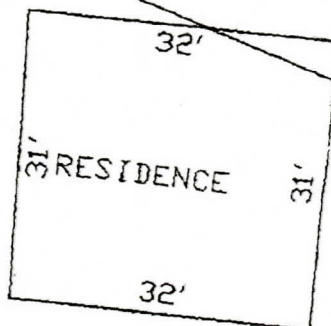


LAKE ERIE

0.11 ACRE BEACH AREA

CLEVELAND AVE. 30FT

OVERHEAD UTILITIES



RESIDENCE

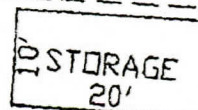
454

0.18 ACRE LOT AREA



BALCONY

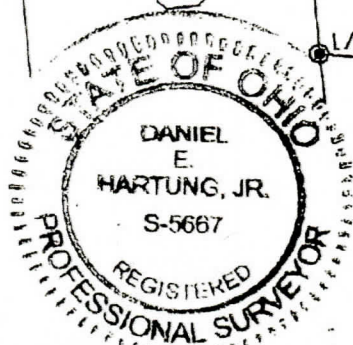
RESIDENCE



STORAGE

1/2" IRON PIN FD

100.00'



*Daniel E. Hartung, Jr.*  
REGISTERED SURVEYOR #5667

THESE PREMISES WERE INSPECTED AND  
FOUND TO EXIST AS SHOWN ON THIS  
SKETCH.

MADE FOR AND AT THE INSTANCE OF:

HARTUNG TITLE AGENCY, INC. &

LENDIS, LLC

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.

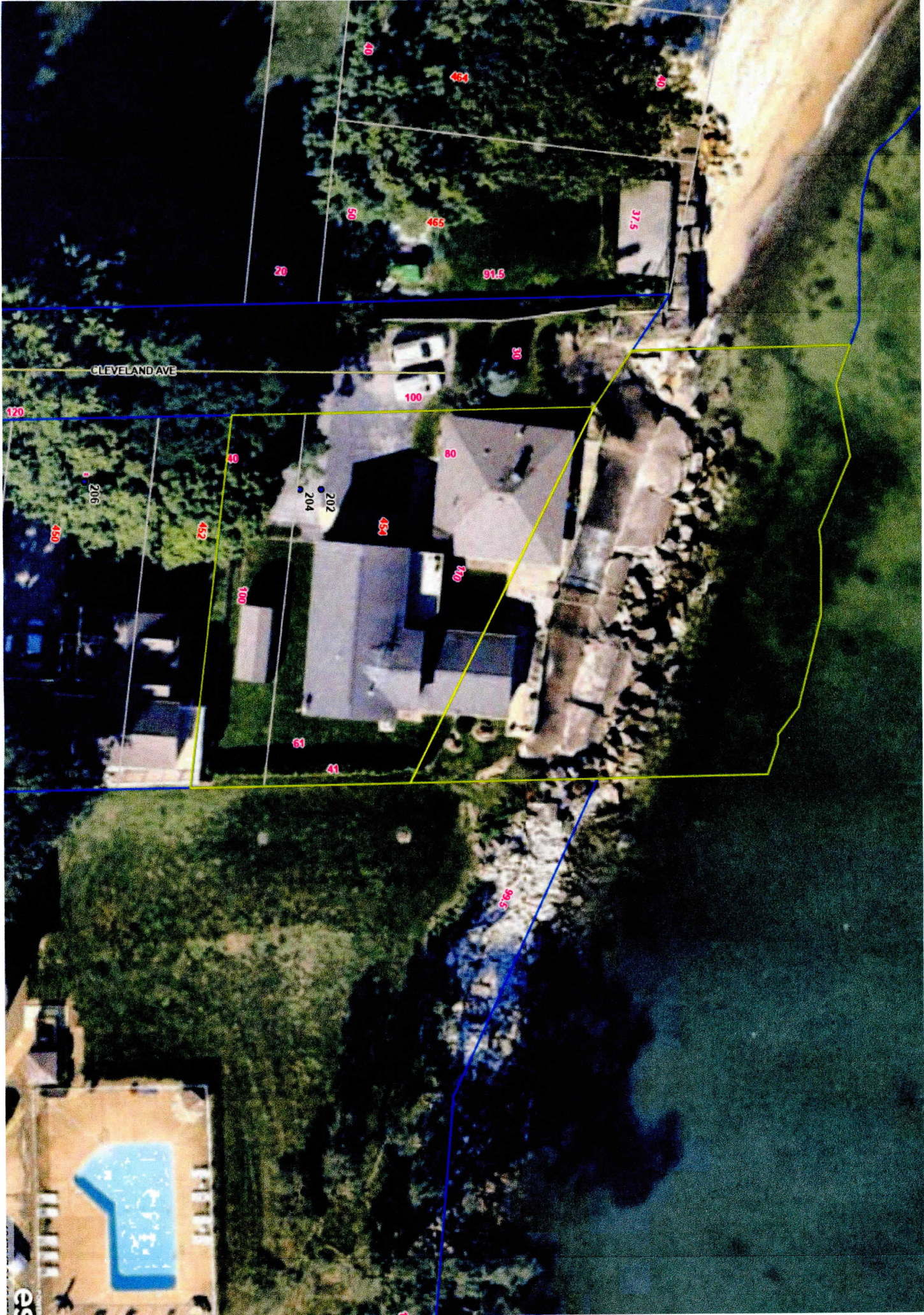
Identification Survey of LOT No. 454,  
THE NORTH 1/2 LOT 452 AND THE BANK &

BEACH NORTH OF LOT 454, GRAND FOREST

BEACH (PV & PLS), CITY OF HURON, ERIE CO.,

NOTE: THIS DOES NOT REPRESENT





CLEVELAND AVE

120

206

450

452

40

100

202  
204

454

110

61

41

89.5

30

100

80

40

465

91.5

37.5

40

40

464

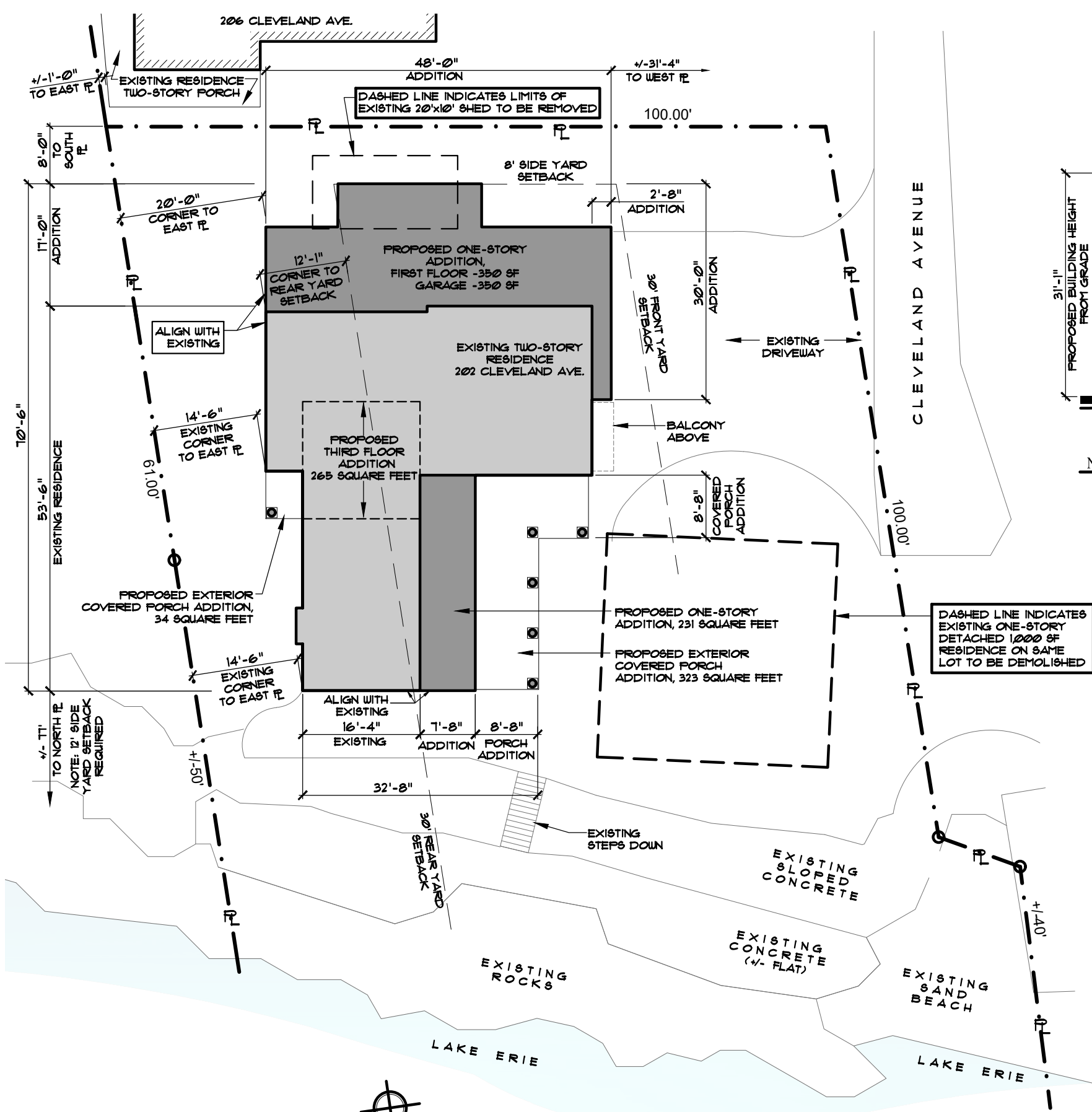
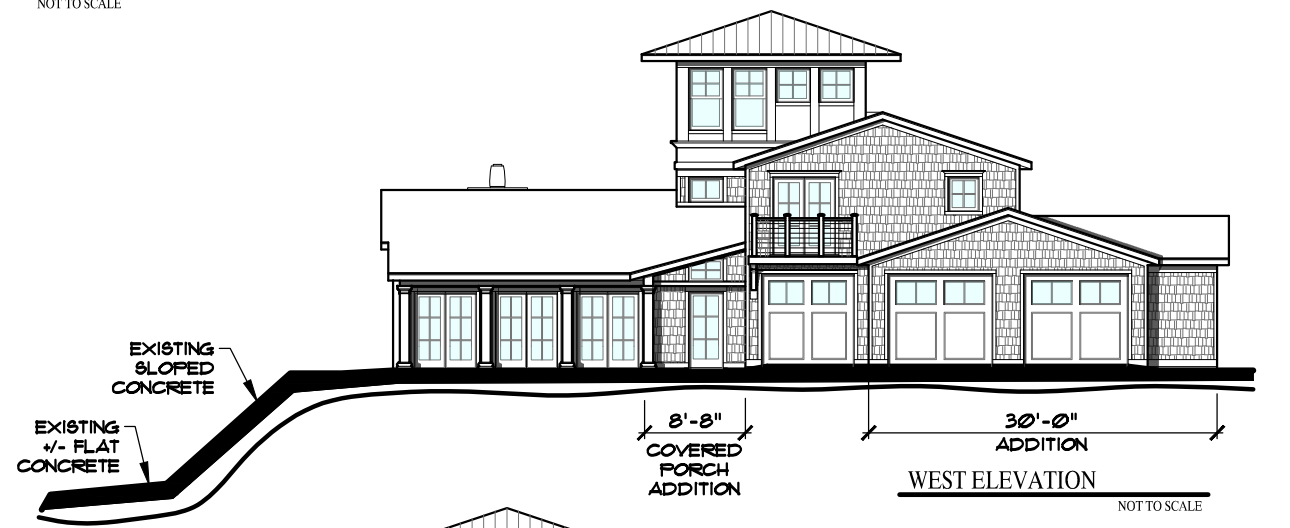
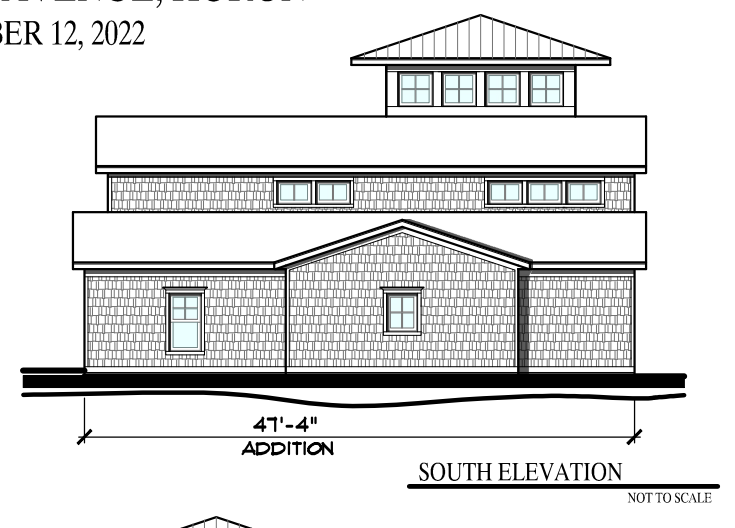
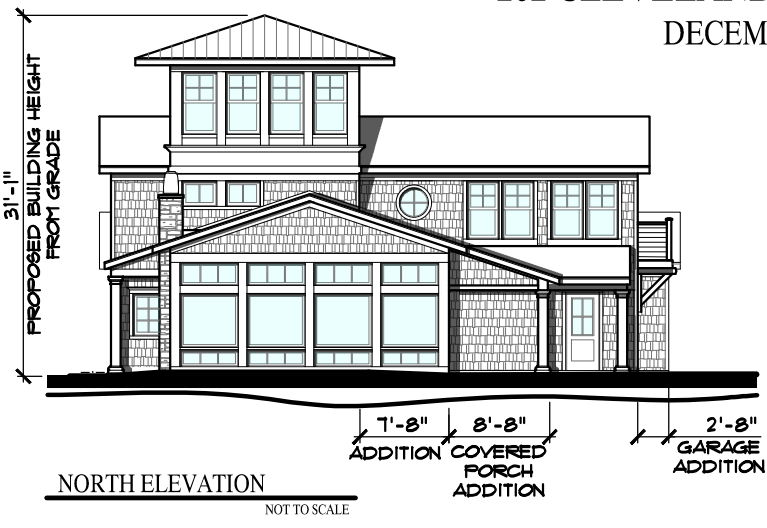
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# MAJESTIC RESIDENCE

202 CLEVELAND AVENUE, HURON  
DECEMBER 12, 2022



**LOT INFORMATION:**  
PARCEL # 45-00342.000  
0.368 ACRES  
17,345 TOTAL LOT SQUARE FEET  
2,628 SQUARE FEET, TOTAL BUILDING COVERAGE  
  
R-1 ZONING  
FRONT YARD SETBACK - 30'  
REAR YARD SETBACK - 30'  
SIDE YARD SETBACK - 20' TOTAL (8' MIN.)  
BUILDING HEIGHT - 35' MAXIMUM



**SITE PLAN**  
NOT TO SCALE

**NOTE:**  
THIS SITE LAYOUT IS BASED ON INFORMATION PROVIDED IN A PLAT SURVEY BY DANIEL E. HARTUNG, JR. P.S. #S-5667 AND IS INTENDED TO DETERMINE ZONING COMPLIANCE ONLY.

