



Agenda for the Board of Building and Zoning Appeals  
Regular Meeting- Huron City Hall – Council Chambers  
July 15, 2024 5:30p.m. (RESCHEDULED MEETING)

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes ( 5-13-24, 5-21-24, 6-10-24)**
- IV. Verification of Notifications**
- 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. Old Business** (Tabled on 6-10-24)  
  
42-00611.000                      1138 By The Shores Drive                      Area Variance- Rear  
Yard Setback variance for proposed rear yard decks.
- VII. Other Matters**  
Review/approve final draft of the BZA Rules
- VIII. Adjournment**



**TO:** Chairman Kath and Board Members  
**FROM:** Christine Gibboney, Administrative Assistant  
**RE:** 1138 By-the-Shores- **REVISED SITE PLAN**  
**DATE:** JULY 15,2024

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**Current Zoning District:** R-1      **Parcel No.:** 42-00611.000

**Existing Land Use:** Single-Family Residential

**Property Size:** 0.1848 acres

**Traffic Considerations:** By The Shores Drive

**Project Description- Area Variances- Proposed Rear Yard Decks**

This case was tabled at the June 10<sup>th</sup> meeting to provide the applicant time to revise the site plan pursuant to discussion at the meeting.

The revised site plan before you reflects a reduction in the overall size of the decks, is now in compliance with the rear yard build out threshold of 35%, and side yard setbacks. As proposed, the deck will have a rear yard setback of 16'; requiring a rear yard setback variance of 14'.

**RECAP OF ORIGINAL SITE PLAN REQUEST:**

<b>Proposed</b>		<b>Required</b>	<b>Variance Needed</b>
Rear Yard Build out	52%	Max Build Out 35%	17% Variance to the Max Rear Yard
Lot Coverage			
Rear Yard Setback	16'	30'	14' Rear Yard Setback Variance
West Side Setback	2'	8'	6' Side Yard Setback Variance
East Side Setback	4'	12'	8' Side Yard Setback Variance

**REVISED SITE PLAN REQUEST**

<b>Proposed</b>		<b>Required</b>	<b>Variance Needed</b>
Rear Yard Build out	35%	35%	NONE/COMPLIANT
Rear Yard Setback	16'	30'	14' Rear Yard Setback Variance
West Side Setback	8'	8'	NONE/COMPLIANT
East Side Setback	12'	12'	NONE/COMPLAINT

***Since the proposed variance falls under the "area variance" category, the following criteria should be examined 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 because 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:**

The applicant has revised the plans, reducing the overall size of the decks to 963sf. According to the application, the total rear yard area is 2,715sf, the proposed deck area is 963sf, making it compliant with the rear yard build out threshold of 35%. The side setbacks have been revised to be compliant with the code for the 8' min/12' setbacks. The proposed rear yard setback is at 16'; therefore a 14' rear yard setback variance

#### **Applicable Codes:**

1123.01 R-1 ONE-FAMILY RESIDENCE DISTRICT.

(e) Lot Area, Frontage and Yard Requirements. The following minimum requirements shall be observed, except as otherwise provided in this Zoning Ordinance:

<u>Dwelling</u> (stories)	<u>Lot Area</u> (sq. ft.)	<u>Lot Frontage</u> (ft.)	<u>Front Yard Depth</u> (ft.)	<u>Side Yards</u>	
				<u>Least Width</u> (ft.)	<u>Sum of Width</u> (ft.)
1	9,000	75	30	7	15
2	9,000	75	30	8	20

As proposed the decks will require the following variances:

<b>Proposed</b>		<b>Required</b>	<b>Variance Needed</b>
Rear Yard Setback	16'	30'	14' Rear Yard Setback Variance

As the testimony presented in this public hearing has shown that the area variance for 1138 By-the-Shores Drive meets the following criteria ***(Choose one or more appropriate finding(s) and specific items based on the seven-way test)***

- ***The property in question would not yield a reasonable return or would not have any beneficial use without the variance.***

- *The variance is not substantial.*
- *The essential character of the neighborhood would not be substantially altered and/or the adjoining properties would not suffer a substantial detriment because of the variance.*
- *The variance would not adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
- *The property owner purchased the property without the knowledge of the zoning restriction and/or the need for the variance is not "self-imposed." (The owner did not create the situation)*
- *The property owner's predicament feasibly cannot be obviated through some method other than a variance.*
- *The spirit and intent behind the zoning requirement would be observed, substantial justice done by granting the variance.*

OR

Motion to **DENY** the variance request:

I make the motion to **deny** the request for area variance at 1138 By The Shores Drive as submitted, 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....

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

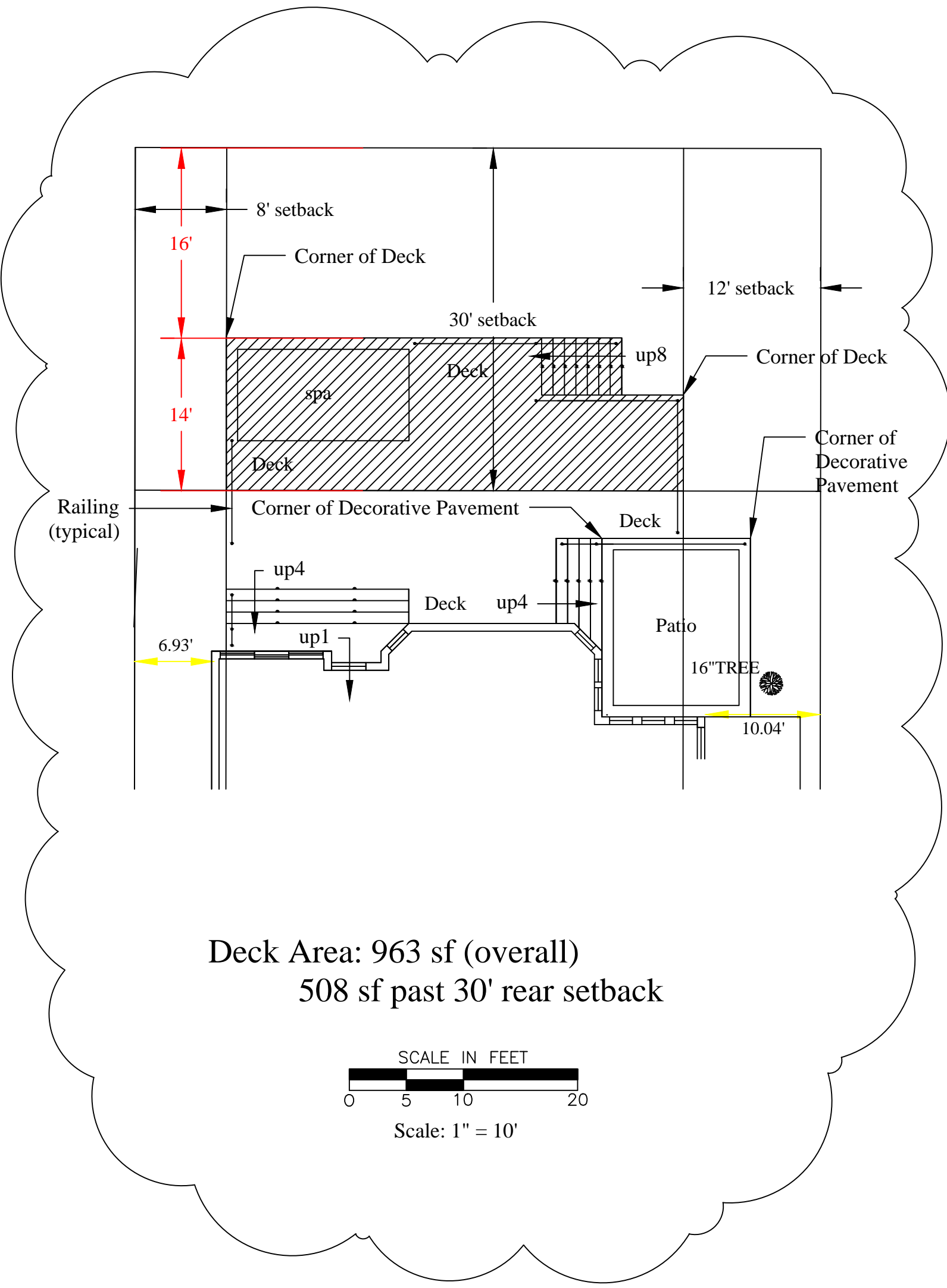
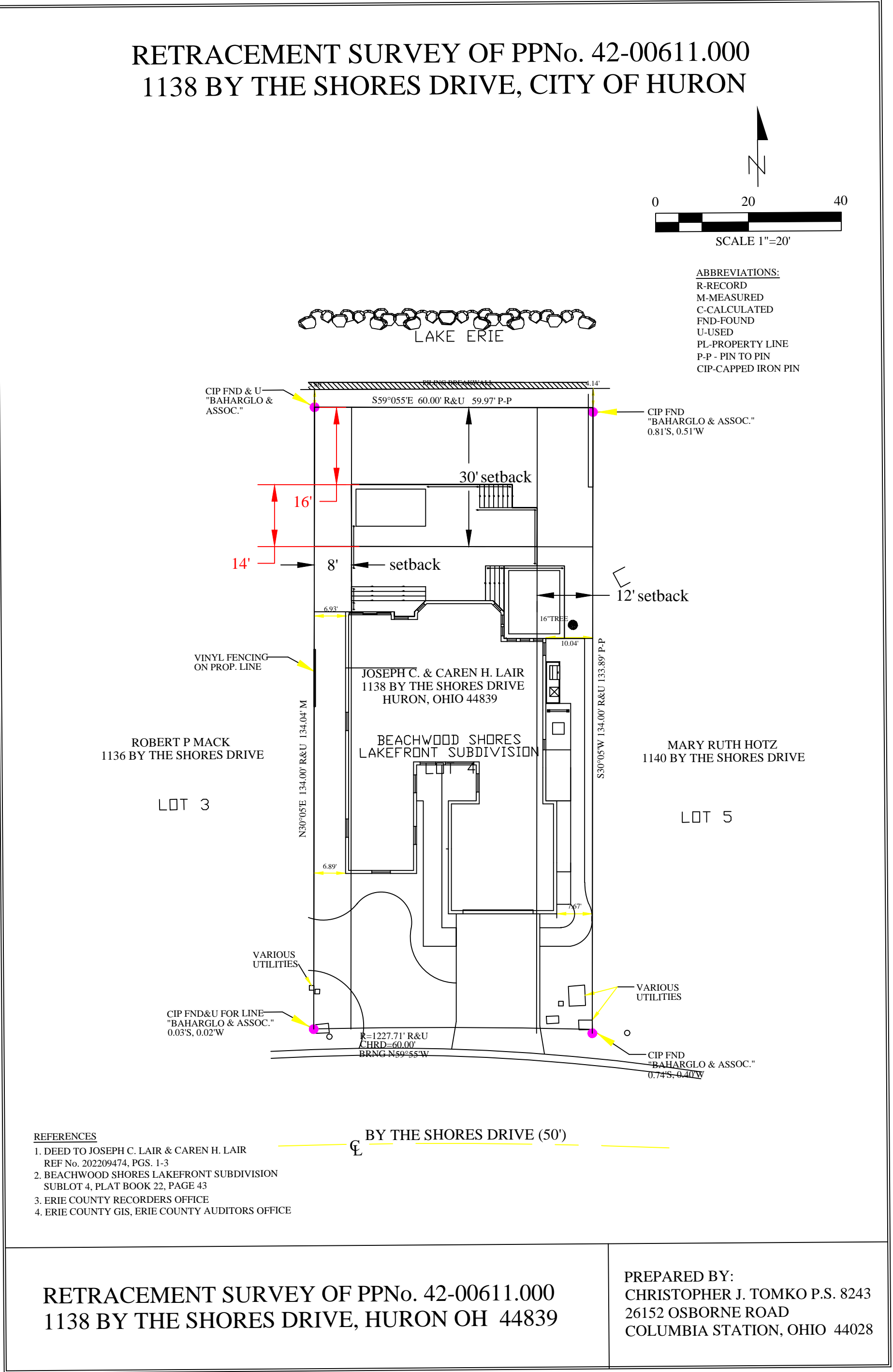
- *The property in question would yield a reasonable return and/or would have beneficial use without the variance.*
- *The variance is substantial.*
- *The essential character of the neighborhood would be substantially altered and/or the adjoining properties would suffer a substantial detriment because of the variance.*
- *The variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
- *The property owner purchased the property with the knowledge of the zoning restriction and/or the need for the variance is "self-imposed." (The owner created the situation)*
- *The property owner's predicament feasibly cannot be obviated through some method other than a variance.*
- *The spirit and intent behind the zoning requirement would not be observed, substantial justice would not be done by granting the variance.*

REVISIONS	BY
March 8, 2024	ETB
March 11, 2024	ETB
April 15, 2024	ETB
June 14, 2024	ETB
June 18, 2024	ETB
June 24, 2024	ETB



LANDSCAPE PLAN FOR  
**THE LAIR RESIDENCE**  
1138 By the Shores Drive  
Huron, Ohio

DRAWN ETBRUBECK
CHECKED ETBRUBECK
DATE March 2024
SCALE As Noted
JOB No.



*Hardscape Plan*