

Agenda for the Board of Building and Zoning Appeals Regular Meeting- Huron City Hall – Council Chambers September 9, 2024 5:30p.m.

- I. Call to Order
- II. Roll Call
- III. Adoption of the Minutes (8-12-24)
- 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. New Business
 - **829 Superior Drive** Zoning: R-1 PPN 42-01051.000
 Area Variance- allowing an accessory structure (pool) in the side yard; front year setback variance (corner lot)

27 Oakwood Ave Zoning: R-1A PPN 43-00388.000

Area Variance- front yard setback variance for an addition connecting the home and detached garage.

- VII. Other Matters
- VIII. Adjournment



TO: Chairman Kath and Board Members

FROM: Christine Gibboney, Administrative Assistant

RE: 829 Superior Drive **DATE:** September 9, 2024

829 Superior Drive Zoning District: R-1 Parcel No.: 42-01051.000

Existing Land Use: Single Family Residence

Property Size: 0.00 acres

Traffic Considerations: Superior Drive/Huronia Beach Drive (corner lot)

Project Description- Area Variance

Applicant is proposing an inground pool in the side yard to the west of the existing home. The home is on a corner lot Superior Drive/Huronia Beach Dr.; being on a corner lot, these are considered two front yards.

The rear yard of the home abuts the lake and the applicant has advised and provided pictures of neighboring properties that have experienced flooding issues and damage in the rear yard area and is seeking to have the pool placed in the side yard for this reason. The rear yard near the shoreline on the parcel designated as FEMA Flood Zone (AE); and would trigger a 30' buffer area per the city code.

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) MEMBERS SHOULD REVIEW AND APPLY THIS CRITERIA ON THE RECORD:

- 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:

The applicant is seeking area variances to allow for a proposed pool in the side yard (area west of the existing home). The parcel is considered a corner lot abutting Superior Drive and Huronia Beach, therefore the side yard is also considered a "front yard" and would need to comply with the min. front yard setback. Pools are considered Accessory Uses/Structures per the code and are limited to placement in the rear yard.

The rear yard of this parcel has an area along the shoreline that is within a designated flood zone, (AE). Section 1135.04 requires a 30' Riparian Buffer Area from the delineation line which, in this case, would encompass most of the rear yard behind the home. The applicant has noted the rear yard area can be affected by flooding and has included pictures of damage to a neighbor's rear yard and pool.

Applicable Code Sections

1123.01- R-1 Single Family Residential

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

1123.01 - R-1 One Family Residence District (c) Accessory Uses

- (c) Accessory Uses. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established, erected or constructed, provided that such accessory uses do not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity, or any billboard, sign or poster other than hereinafter authorized, and not including the boarding of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:
- (4) Swimming pools, exclusively for the use of residents and their guests provided that such pool or premises or part thereof whereon such pool is located shall be completely enclosed by a protective fence, wall, or other enclosure, not less than four feet in height.

1121.06 - Accessory Uses in R Districts.

(g) An accessory building may be erected detached from the principal building or it may be erected as an integral part of the principal building. Except as provided in Section 1137.03, no detached accessory building shall be erected in any required yard or court except a rear yard, and shall not occupy more than thirty-five percent (35%) of the rear yard. Detached accessory buildings shall be distant at least six feet from any dwelling situated on the same lot, unless an integral part thereof, at least six feet from any other accessory building and at least five feet from all lot lines of adjoining lots which are within any R District.

1121.06 EFFECTS OF DISTRICTING AND GENERAL REGULATIONS.

(y) <u>Corner and Double Frontage Lots.</u> Corner and double frontage lots shall comply with the minimum front yard depths on both streets.

In this case, both Superior Drive and Huronia Beach are considered front yards and have a 30' front yard setback.

1135.04 USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION.

(k) <u>Riparian Buffer</u>. For the purposes of flood damage prevention, erosion control, and stormwater management, a riparian buffer of a minimum of thirty (30) feet shall be maintained for all waterways identified as Special Flood Hazard Areas. The Riparian Buffer shall be preserved to the best extent possible by maintaining or improving the native vegetative landscape with little to no soil compaction.

As reflected on the applicant's site plan, the proposed location of the pool would be outside the 30' riparian buffer area by 6'.

As proposed, the pool would be located on the west side of the home, adjacent to Huronia Beach Drive which is considered the side yard, but with it being a corner lot, the front yard setbacks will apply.

As submitted the pool will be:

• 11'-2" from the side property line along Huronia Beach (30' Required-Corner Lot -front yard setback applies- Non Compliant)

111' from Superior Drive (30' required- compliant)
 67' from the rear property line (30' required- compliant)

• 21' from the existing home. (When in rear yard-Accessory Structures require

min. 6' from the home)

• 36' from the Riparian Buffer (30' Buffer area required, compliant)

As proposed, the following area variances would be required:

- 1) A Variance to the rear yard requirement, to allow the placement of an accessory structure (pool) in the side yard abutting Huronia Beach Drive.
- 2) A 18'-10" Front Yard Setback Variance from Huronia Beach Drive (corner lot-front yard setback applies)

Motion Examples

[PLEASE STATE WHY YOU ARE APPROVING OR DENYING FOR THE RECORD, USING THE SEVEN WAY TEST CRITERIA]

Motion to **APPROVE** the variance request:

I make the motion to **approve** the request for the following area variances at 829 Superior Drive: A variance to the rear yard requirement, to allow the placement of a pool in the side yard abutting Huronia Beach and a 18'-10" front yard setback variance from Huronia Beach Drive as submitted. The testimony presented in this public hearing has shown that *(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 as a result 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 the following area variances at 829 Superior Drive: A variance to the rear yard requirement, to allow the placement of a pool in the side yard abutting Huronia Beach and a 18'-10" front yard setback variance from Huronia Beach Drive, 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 as a result 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.



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
Property Owners' Name:
Address:
City, State, Zip:
Phone Number
Email:
Location of Project:
Lot/Parcel #:Zoning District:
Address: Huron, OH 44839.
Year purchased: Year the existing structure was constructed:
Single Story Home:Two Story Home:
Provide a brief summary of your proposed project:
Type:
• Area Variance: Subdivision Regulations Parking Setbacks
Height SizeFlood PlainSign Regulations
Use Variance:

Huro reque	equest a Hearing before the Board of Building and Zoning Appeals of the City of n, Ohio, on the following question: (State the specific details of the variance being ested. Example: Area variance- 1' side setback variance is required for the proposed tion; Use Variance- State the type of use; or Conditionally Permitted Use approval)
Zonin	Conditionally Permitted Use Approval ollowing uses shall be permitted only if authorized by the Board of Building & g Appeals in accordance with the provisions of Section 1139.02. State the type of use proposed and the applicable code section:
Code	Section: (skip to Page 7, Sign and Date Application)
1.	Use and/or Area Variance Questionnaire 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:
2.	The variance is [substantial/insubstantial] because:
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:
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: Year the structure(s) was constructed:

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
8.	We believe the request should be granted due to the following hardship which is created by the property: (explain the hardship that exists <i>pursuant to the code</i>)
app and sup In a the said its con	ereby certify that I am the owner of record of the named property or that the proposed rk is authorized by the owner of record and/or I have been authorized to make this dication as an authorized agent and agree to conform to all applicable laws, regulations ordinances of the city. I certify all information contained within this application and plemental documents are true and accurate to the best of my knowledge and belief. Indication, I, the undersigned responsible party (owner, occupant, tenant, or agent for property owner) of the property described herein, do hereby consent to entry upon all property, at a reasonable time and to the extent necessary, by the City of Huron and officers, employees, and/or agents for the purpose of inspecting said property for appliance with the City's Zoning and/or Building Codes. I further certify that I have nority to grant access to said property.
Date	e:Signed Applicant
Date	e:Signed Property Owner
	(REQUIRED)

	ZONING DEPT. USE ONLY
Date	e received:Application Complete
\$15	0 filing fee receipted:
Con	nmentsHearing Date

THE LOEFFLER LAW FIRM, LLC D. BOWEN LOEFFLER, ESQ.

Attorney At Law
Asset Protection, Business Planning, Elder Law, Estate Planning

Telephone (419) 732-1041 Telecopier (419)-734-0089 122 N. Adams Street Port Clinton, Ohio 43452

email: pclaw@thirdplanet.net website: www.loefflerlawfirm.com

215 W. Washington Row Sandusky, OH 44870

8/30/2024

Christine M. Gibboney

Administrative Assistant- Planning & Zoning Dept. of Huron 419-433-5000 ext. 1302 zoning@huronohio.us 417 Main St. Huron, OH 44839

Re: BZA Variance Request re: 829 Superior LLC aka 829 Superior Huron LLC

Hi Christine:

As I believe you are aware, I am legal counsel to 829 Superior Huron LLC. Mary Beth White ("Applicant") has requested my assistance involving this Variance request that she has filed with your office. There are a couple of updates to the Application that I will be referencing in this letter which I would like to be added to the Application and considered part of the Application.

The Property Owner's Name is officially: 829 Superior Huron LLC.

Updates to the Use and/or Area Variance Questionnaire

Paragraph 1. is to be additionally updated as follows:

The Property in question <u>will not</u> yield a reasonable return and there <u>cannot</u> be a beneficial use of the property without the variance being granted permitting the installation of the in-ground pool.

Paragraph 2. is to be additionally updated as follows: The variance is insubstantial because there would essentially be a small reduction in the setback requirements and with the addition of the pool being installed, the integrity, condition and character of the property and neighborhood will again essentially be unchanged and will still be preserved.

Thanks again for all of your assistance in this matter. If you any questions, please feel free to contact me

Best.

Bo Loeffler 419-732-1041

Transferred In Compliance with sections 319-202 and 322-02 of the Ohio Revised Code. FEE\$_ Exempt: R.E. TRANSFER: Richard H. Jeffrey Erie County Auditor Trans. Fees: Date:

Barbara A. Sessler County Recorder, Erie County OH

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Danyo, Ltd., an Ohio Limited Liability Company, ("Grantor") for valuable consideration paid, Grants with General Warranty Covenants. except as noted below to 829 SUPERIOR HURON LLC, an Ohio Limited Liability Company ("Grantees"), whose TAX MAILING ADDRESS is: 5 48/ the following described property:

See Exhibit A attached hereto and incorporated by reference herein.

EXCEPT AND SUBJECT TO (A) ANY MORTGAGE ASSUMED BY THE BUYER, (B) SUCH RESTRICTIONS, CONDITIONS, EASEMENTS (HOWEVER CREATED) AND ENCROACHMENTS THAT DO NOT MATERIALLY ADVERSELY AFFECT THE USE OR VALUE OF THE PROPERTY, (C) ZONING ORDINANCES, IF ANY, AND (D) TAXES AND ASSESSMENTS, BOTH GENERAL AND SPECIAL, NOT YET DUE AND PAYABLE.

Prior instrument reference: RN 202108859

Erie County, Ohio Official Records

Tax Parcel: 42-01051.000

Property Address: 829 Superior, Huron, Ohio 44839

Executed this 15 Hday of F66, 2022.

Danyo, Ltd., an Ohio Limited Liability Company

By: Daniel J. White Its: President/Manager

STATE OF OHIO COUNTY OF Free SS

Before me, a Notary Public in and for said County and State, personally appeared the above named **Danyo**, **Ltd.**, **an Ohio Limited Liability Company**, by **Daniel J. White its President/Manager** who acknowledged that **he** did sign the foregoing instrument and that the same is **his** free act and deed and that of the Company.

IN TESTIMONY WHEREOF, Lhave hereunto set my hand and official seal, at

Certify, Ohio, this 15 day of Feb.

This instrument prepared by:
D. Bowen Loeffler, Attorney at Law

Attorney
STATE
STATE

Loeffler Law Firm, LLC Port Clinton, Ohio Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
Sec 147.03 O.R.C.

Title to the real estate described herein has not been examined by D. Bowen Loeffler, Esq. and the Loeffler Law Firm, LLC. D. Bowen Loeffler, Esq. and the Loeffler Law Firm, LLC makes no warranty, representation or opinion (either express or implied) as to the marketability or condition of the title to the subject real estate, the quantity of lands included therein, the location of the boundaries thereof, the existence of liens, unpaid taxes or encumbrances, or conformity of this deed to agreements between the Grantor and Grantee.

EXHIBIT 'A'

LEGAL DESCRIPTION

Situated in the City of Huron, County of Erie, State of Ohio, and is described as follows:

Being Lots Numbers Ten (10) and Eleven (11) in B.E. Taylor's Subdivision of Outlot Number Thirty-four (34) as per plat recorded in Volume 6, Page 6, Erie County Ohio Records.

EXCEPTING THEREFROM THE FOLLOWING: Beginning at the most Southerly corner of said Sublot 10;

Thence North 50 deg. 45' West along the Northeasterly line of Lake Street on said Plat, a distance of 1.18 feet to a point;

Thence North 32 deg. 23' East, 106.32 feet to a point;

Thence South 57 deg. 37' East, 3.03 feet to a point;

Thence South 33 deg. 23' West, 106.48 feet to the place of beginning, together with the vacated Northeasterly 23.50 feet of Lake Street, which is adjacent to the above described lands.

For informational Purposes only:

Property Address: 829 Superior Drive Huron, Ohio 44839

Parcel No.:42-01051.000

Erie County, Ohio - Property Record Carc Parcel 42-01051.000 Card 2

GENERAL PARCEL INFORMATION

Owner

829 SUPERIOR HURON LLC

Property Address

829 SUPERIOR

Mailing Address

5481 AVON BELDON RD

NORTH RIDGEVILLE, OH 44039

Land Use Deed

RESIDENTIAL - 510-SINGLE FAMILY DWELLING CURRENT DEED VOLUME/PAGE: 202108859/

Legal Description

10 11 SUPERIOR DR WH EX S E TRI OF LOT 10

Assessed



PATIO-PATIO/CONCRETE SLAB (DETACH)

2

RESIDENTIAL

Building Style 01-SINGLE FAMILY Full Baths Year Built 1925 Half Baths Stories 2 Basement Part Finished Area 2786 Finished Basement Area 720 First Floor Area 2066 Heating Central Heat Half Floor Area 0 Cooling Central AC Upper Floor Area 720 Part Rooms Number of Fireplace Openings 2 Bedrooms

Family Rooms **ADDITIONS**

IMPROVEMENTS

Number of Fireplace Stacks

Description Year Built Dimension Area Value PATIO-PATIO/ 1956 241 \$2,700.00

COMMERCIAL

VALUATION Appraised

Land Value \$344,590.00 \$120 610.00 Improvements Value \$402,970.00 \$141.040.00

CAUV Value \$0.00 \$0.00 Total Value \$747,560.00 \$261,650.00

Taxable Value \$261,650.00 Net Annual Tax \$11,306.71

LAND

Land Type Depth Frontage Depth Value Acreage H - HOMESITE 0.4054 0 0 100 344590

AGRICULTURAL

SALES

3/8/2022

3/8/2022

8/5/2021

2/23/2007

2/21/2006

4/16/1997

1/1/1950

Date

Buyer 829 SUPERIOR HURON

DANYO LTD

WATERS EDGE

Seller DANYO LTD

ROUTE 20 DEVELOPMENT \$0.00 ROUTE 20 DEVELOPMENT STEWART JEAN M

STEWART JEAN M WATERS EDGE MEADE MARILYN B MEADE MARILYN B MEADE JOHN M & MEADE JOHN M & UNKNOWN

\$799,000.00 \$0.00

\$420,000.00 \$0.00 \$0.00

Price

\$0.00

Erie County, Ohio - Property Record Card Parcel 42-01051.000 Card 1

GENERAL PARCEL INFORMATION

Owner 829 SUPERIOR HURON LLC

Property Address 829 SUPERIOR

Mailing Address 5481 AVON BELDON RD

NORTH RIDGEVILLE, OH 44039

Land Use RESIDENTIAL - 510-SINGLE FAMILY DWELLING
Deed CURRENT DEED VOLUME/PAGE: 202108859/
Legal Description 10 11 SUPERIOR DR WH EX S E TRI OF LOT 10

VA	LŪ	AT	ION	

	Appraised	Assessed	
Land Value	\$344,590.00	\$120,610.00	
Improvements Value	\$402,970.00	\$141,040.00	
CAUV Value	\$0.00	\$0.00	
Total Value	\$747,560.00	\$261,650.00	
Taxable Value	\$261,6	350.00	
Net Annual Tax	\$11.306.71		

LAND						
Land Type	Acreage	Depth	Frontage	Depth	Value	
H - HOMESITE	0.4054	0	0	100	344590	

AGRICULTURAL



[A.]	A/BRG
	532.000
	25FR/8 720.000
C	15FR/8 95.9999
	5TP (51 7.99999
Ξ	EFP (EN 32.0000)
F	COVER, 24 sqft
	P (PATE 148.5 sq
	BRGAR 39.55968
Ī	BRGAR 55.00013
	BRGAR 536 sqft
	A/BRGA 75.99997
	OFP/BR 24.00013
M	BAL/BR 1145qft
14	BRGAR 102 soft
0	15FR (1 1250 sof

A	A/BRGAR (ATTIC / BR ATTCH GARGE) 532,0001 sqft
B	25FR/B (2 STORY FRAME / BASEMENT) 720.0002 sqft
C	1SFR/B (1 STORY FRAME / BASEMENT) 95.99996 soft
D	5TP (STOOP) 7.999996 soft
Ξ	EFP (ENCLOSED FR PORCH) 32.00002 soft
F	COVER/P (COVER / CANOPY / PATIO (ATTCH)) 24 sqft
G	P (PATIO (ATTCH)) 148.5 sqft
H	BRGAR (BR ATTCH GARGE) 39.59968 soft
1	BRGAR (BR ATTCH GARGE) 55.50013 sqft
)	BRGAR (BR ATTCH GARGE) 536 sqft
K	A/BRGAR (ATTIC / BR ATTCH GARGE) 75.9997 sqft
[OFP/BRGAR (OPEN FR PORCH / BR ATTCH GARGE) 24.00013 sqft
M	BAL/BRGAR (BALCONY / BR ATTCH GARGE) 114 sqft
14	BRGAR (BR ATTCH GARGE) 102 sqft
0	15FR (1 STORY FRAME) 1250 sqft

	NTIA	

01-SINGLE FAMILY	Full Baths	3
1925	Half Baths	2
2	Basement	Part
2786	Finished Basement Area	720
2066	Heating	Central Heat
0	Cooling	Central AC
720	Attic	Part
7	Number of Fireplace Openings	2
4	Number of Fireplace Stacks	2
0		
	1925 2 2786 2066 0 720 7	1925 Half Baths 2 Basement 2786 Finished Basement Area 2066 Heating 0 Cooling 720 Attic 7 Number of Fireplace Openings 4 Number of Fireplace Stacks

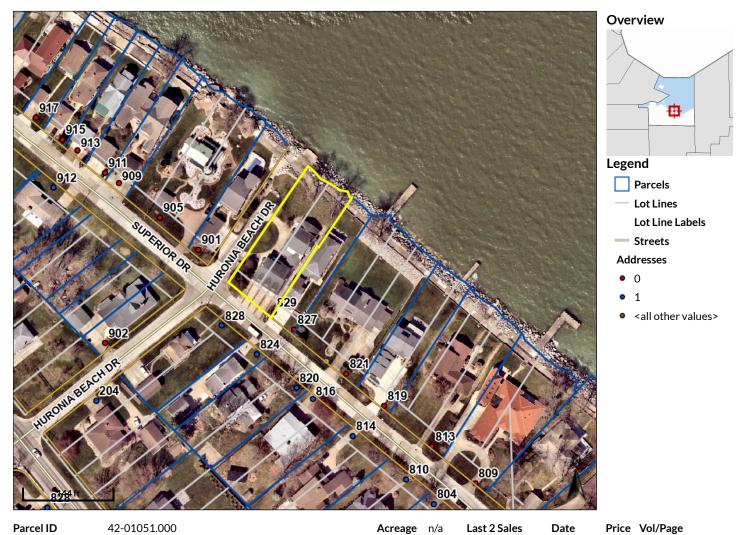
ADDITIONS

Description	Area	Year Built	Value
BRGAR-BR ATTCH	532	1925	19152
BRGAR-BR ATTCH	102	1925	3672
STP-STOOP	8	1925	211
EFP-ENCLOSED FR	32	1925	1344
COVER-COVER / CANOPY	24	1925	277
P-PATIO (ATTCH)	24	1925	634
P-PATIO (ATTCH)	149	1925	3934
BRGAR-BR ATTCH	40	1925	1440
BRGAR-BR ATTCH	56	1925	2016
BRGAR-BR ATTCH	536	1925	19296
SALES			

IMPROVEMENTS

COMMERCIAL

Date Buyer Seller Price 3/8/2022 829 SUPERIOR HURON DANYO LTD \$0.00 3/8/2022 DANYO LTD ROUTE 20 DEVELOPMENT \$0.00 8/5/2021 ROUTE 20 DEVELOPMENT STEWART JEAN M \$799,000.00 2/23/2007 STEWART JEAN M WATERS EDGE \$0.00 2/21/2006 WATERS EDGE MEADE MARILYN B \$420,000.00 4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00 1/1/1950 MEADE JOHN M & UNKNOWN \$0.00	OFTELO			
3/8/2022 DANYO LTD ROUTE 20 DEVELOPMENT \$0.00 8/5/2021 ROUTE 20 DEVELOPMENT STEWART JEAN M \$799,000.00 2/23/2007 STEWART JEAN M WATERS EDGE \$0.00 2/21/2006 WATERS EDGE MEADE MARILYN B \$420,000.00 4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00	Date	Buyer	Seller	Price
8/5/2021 ROUTE 20 DEVELOPMENT STEWART JEAN M \$799,000.00 2/23/2007 STEWART JEAN M WATERS EDGE \$0.00 2/21/2006 WATERS EDGE MEADE MARILYN B \$420,000.00 4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00	3/8/2022	829 SUPERIOR HURON	DANYO LTD	\$0.00
2/23/2007 STEWART JEAN M WATERS EDGE \$0.00 2/21/2006 WATERS EDGE MEADE MARILYN B \$420,000.00 4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00	3/8/2022	DANYO LTD	ROUTE 20 DEVELOPMENT	\$0.00
2/21/2006 WATERS EDGE MEADE MARILYN B \$420,000.00 4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00	8/5/2021	ROUTE 20 DEVELOPMENT	STEWART JEAN M	\$799,000.00
4/16/1997 MEADE MARILYN B MEADE JOHN M & \$0.00	2/23/2007	STEWART JEAN M	WATERS EDGE	\$0.00
**************************************	2/21/2006	WATERS EDGE	MEADE MARILYN B	\$420,000.00
1/1/1950 MEADE JOHN M & UNKNOWN \$0.00	4/16/1997	MEADE MARILYN B	MEADE JOHN M &	\$0.00
	1/1/1950	MEADE JOHN M &	UNKNOWN	\$0.00



3/8/2022

3/8/2022

202202298/

202202297/

Parcel ID 42-01051.000

829 SUPERIOR HURON LLC (Owner Address) Owner

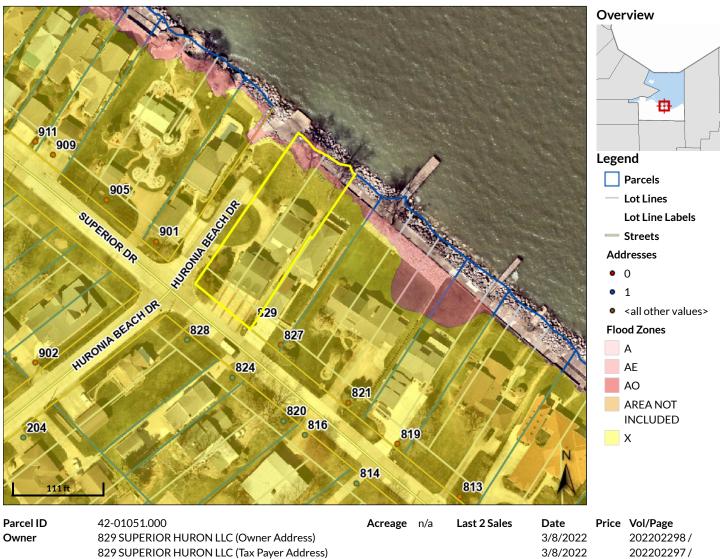
829 SUPERIOR HURON LLC (Tax Payer Address)

Property Address 829 SUPERIOR

HURON

Date created: 5/24/2024 Last Data Uploaded: 5/24/2024 5:18:04 AM

Developed by Schneider



3/8/2022

829 SUPERIOR HURON LLC (Tax Payer Address)

Property Address 829 SUPERIOR

HURON

Date created: 5/24/2024 Last Data Uploaded: 5/24/2024 5:18:04 AM

Developed by Schneider

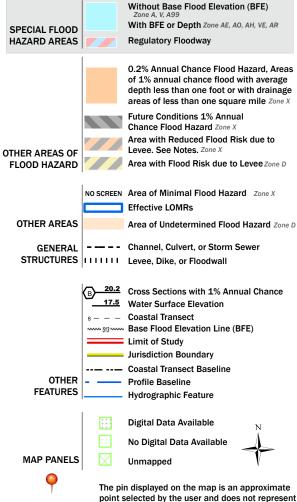
National Flood Hazard Layer FIRMette





Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

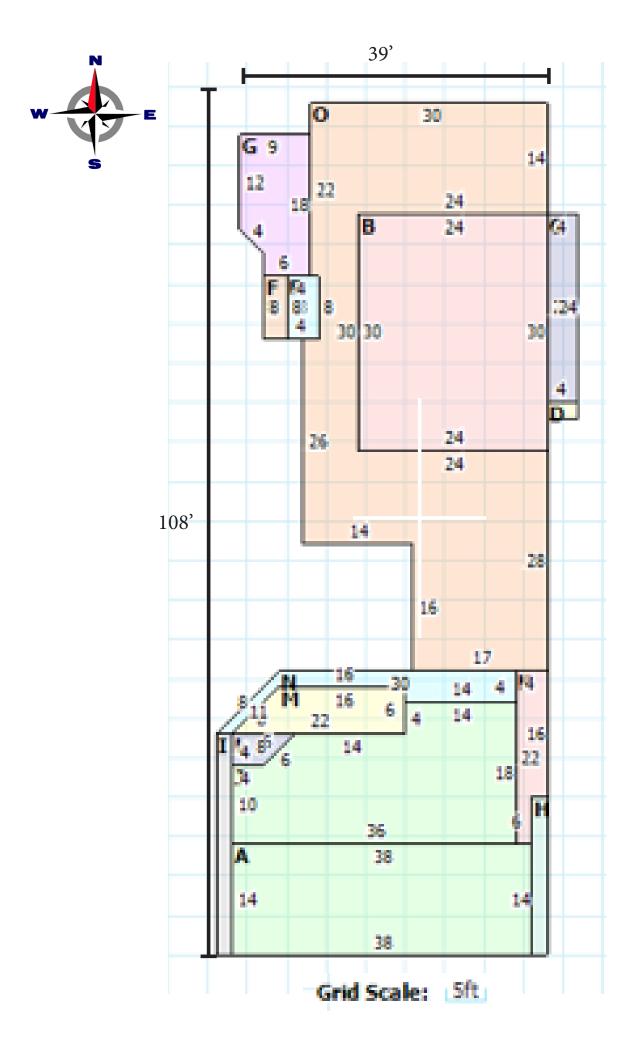


This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

an authoritative property location.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/22/2024 at 3:28 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





Pool 12'x25'

North:

- pool to lot line 67'
- pool to flood plain 36'
- house to lot line 64'

South:

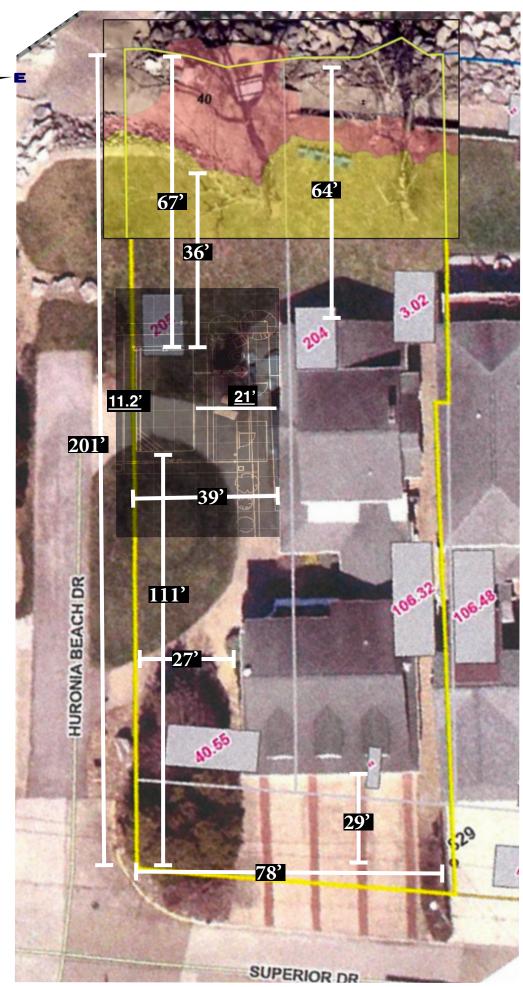
- pool to lot line 111'
- house to lot line 29'

East:

- pool to house 21'

West:

- house to lot line 39'
- house to pool 21'
- pool to lot line 11.2'
- pool to electric line (city lamp posts) 14'
- pool to east edge of Huronia Beach Dr 18.2'





Size: 12' x 25' Gallons: 8,100

Water Surface Area: 264

Fence and concrete 3' perimeter Sq Ft: 240

plat #	Street Address	Owner
42-01651.000	901 Superior	Destiny Vesting LLC
42-01108.000	905 Superior	Michael + Nancy Moyer
42-01434.000	827 Superior	Christy Gehring
42-01535.000	821 Superior	Betty Slelak
42-01535.000	828 Superior	Gary + Ann Dowell
42-01011.000	902 Superior	Joseph + Sherry Catri
42-00182.000	824 Superior	Bryce + Michele Collins
42-01633.00	820 Superior	Albert Santzel + Christine Gachyum









TO: Chairman Kath and Board Members

FROM: Christine Gibboney, Administrative Assistant

RE: 27 Oakwood Ave **DATE:** September 9, 2024

27 Oakwood Ave Zoning District: R-1A Parcel No.: 43-00388.000

Existing Land Use: Single Family Residence

Property Size: 0.00 acres Lot Size is 60' x 66'

Traffic Considerations: Parcel fronts Oakwood Ave, Rear Yard abuts Rye Beach Road

Project Description- Area Variance

Applicant is proposing a complete renovation of a home and detached garage. The home and detached garage are pre-existing/nonconforming. The applicant is proposing to combine the two structures into one by adding a small addition connecting them on the front of the property abutting Oakwood Ave; the remaining front and sides of the existing home and garage will remain unchanged. A section of the rear of the existing home will be demolished.

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) MEMBERS SHOULD REVIEW AND APPLY THIS CRITERIA ON THE RECORD:

- 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:

The applicant purchased this property earlier this year. The existing home and detached garage are pre-existing/nonconforming to the code for lot area and front and rear yard setback requirements. The applicant is proposing to demolish a portion of the home in the rear of the property, which will bring the rear yard setback into compliance. The side yard setbacks remain unchanged and are compliant as existing.

The applicant will maintain the current front and side setbacks of both the house and detached garage but would be adding a small addition to connect the two. This addition is on the front of the home abutting Oakwood Ave, the current front yard setback of the home is 5" from the front property line (required front yard setback is 15'), the neighboring properties abutting the parcel have an average setback of 2', per the code (Section 1137.03) the minimum front yard setback when averaging is 10'.

Applicable Code Sections

1123.02 R-1-A ONE-FAMILY RESIDENCE DISTRICT.

Lot Area	Lot	Front Yard	Side Yards		Rear Yard
(Sq. Ft.)	Frontage (Ft.)	Depth (Ft.)	Least Width (Ft.)	Sum of Width (Ft.)	Depth (Ft.)
4500	60	15	7	15	15

(Ord. 1990-20. Passed 11-26-90.)

As proposed, the renovated home would comply with rear and side yard setbacks. The addition would maintain the current pre-existing/nonconforming front yard setback of 5".

As proposed, the following variance is required:

A front yard setback variance of 9'-7" is required.

Motion Examples [PLEASE STATE WHY YOU ARE APPROVING OR DENYING FOR THE RECORD, USING THE SEVEN WAY TEST CRITERIA]

Motion to **APPROVE** the variance request:

I make the motion to **approve** the request for an area variance at 27 Oakwood Ave for a 9'-7" front yard setback variance as submitted as the testimony presented in this public hearing has shown that **(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 as a result 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 an area variance at 27 Oakwood Ave for a 9'-7" front yard setback variance, 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 as a result 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.



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 Ted Mahl
Property Owners' Name: Ted Mahl
Address: 3560 Jarvis Road
City, State, Zip: Scotts Valley, CA 95066
Phone Number 415 730 2214
Email: tedmahl@yahoo.com
Location of Project:
Lot/Parcel #: 43-00388.000 Zoning District: R1-A
Address: 27 Oakwood Huron, OH 44839.
Year purchased: 2024 Year the existing structure was constructed: c. 1912
Single Story Home: X
Provide a brief summary of your proposed project:
Renovate dilapidated house and separate garage. Combine the two structures into one with a small addition in between that will connect them.
Remove rotted-out later additions that were not built on proper foundations and could not be renovated.
Substantially improve the house and property to be consistent with other recent neighborhood improvements such as 3 Rye Beach Road.
Type:
Area Variance: Subdivision Regulations Parking Setbacks X
Height SizeFlood PlainSign Regulations
Use Variance:

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) A minor addition to unite the existing house with the existing garage will encroach on required setback. Required Front Yard Setback is 15'. The existing setback of the house and all houses to the north, all the way to the lake, is the same 5" +/- distance. The new addition would match the existing setback condition and not encroach further. **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: Dilapidated condition of earlier additions necessitate removal, reducing square footage of house and it's functionality and potential return on investment. 2. The variance is [substantial/insubstantial]because: insubstantial because it is a minor amount of square footage and fits between existing structures, requiring no side yard building encroach The essential character of the neighborhood [would/would not] be substantially 3. altered or adjoining properties [would/would not] suffer a substantial detriment as a result of the variance because: Neighborhood character would not be altered because addition respects sebacks of adjacent house and all those further north. Also, addition is at interior of site and does not decrease separation from neighbors. 4. The variance [would/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage) The changes would not adversely affect demand on services because it will still be a three bedroom house.

The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased: 2024 Year the structure(s)

5.

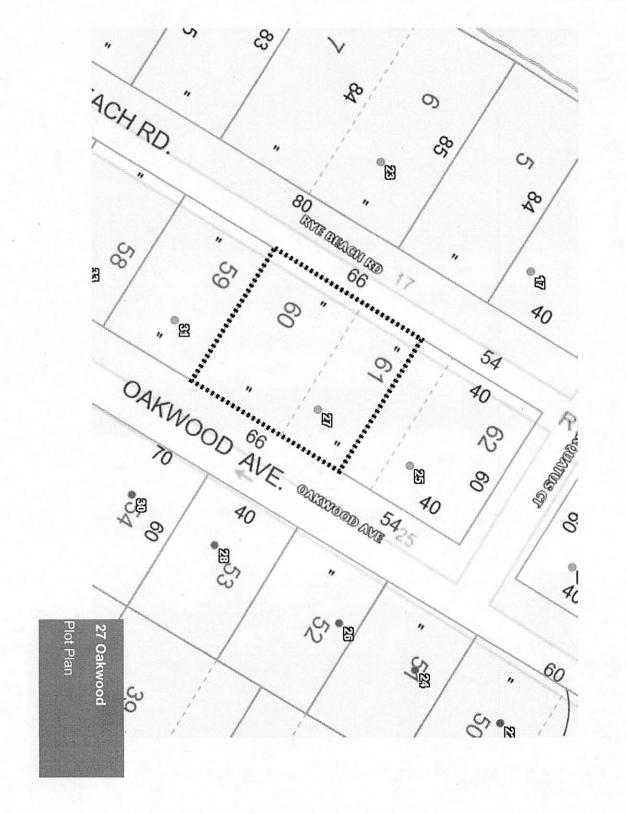
was constructed: c. 1912

The applicant's predicament feasibly [can/cannot] be resolved throsome method other than a variance.	ugh
The spirit and intent behind the zoning requirement [would/would observed and substantial justice [done/not done] by granting the value addition keeps the establish urban building edge in that part of the neighborhood.	l-not] be variance because
We believe the request should be granted due to the following hards created by the property: (explain the hardship that exists <i>pursuant</i> and the state of the property of the	
he code prevents construction in the most logical place to have minimal impact to the neighborhood.	
	-
f approval. Refer to Section 1139.04 (e) for specifics to timeline regular commencement of construction or Use continuation. hereby certify that I am the owner of record of the named property or the vork is authorized by the owner of record and/or I have been authorized application as an authorized agent and agree to conform to all applicable egulations, and ordinances of the city. I certify all information contained application and supplemental documents are true and accurate to the best	at the proposed to make this laws,
nowledge and belief.	
n addition, I, the undersigned responsible party (owner, occupant, tenant roperty owner) of the property described herein, do hereby consent to er roperty, at a reasonable time and to the extent necessary, by the City of fficers, employees, and/or agents for the purpose of inspecting said propompliance with the City's Zoning and/or Building Codes. I further certiful uthority to grant access to said property.	ntry upon said Huron and its perty for
Date: 12aug2024 Signed Applicant	
Date: 12aug2024 Signed Property Owner	
(REQUIRED)	
**************************************	*****
ZONING DEPT. USE ONLY	
Date received: 8 1224 Application Complete	
S150 filing fee receipted:	

Comments

Hearing Date 9-9-24



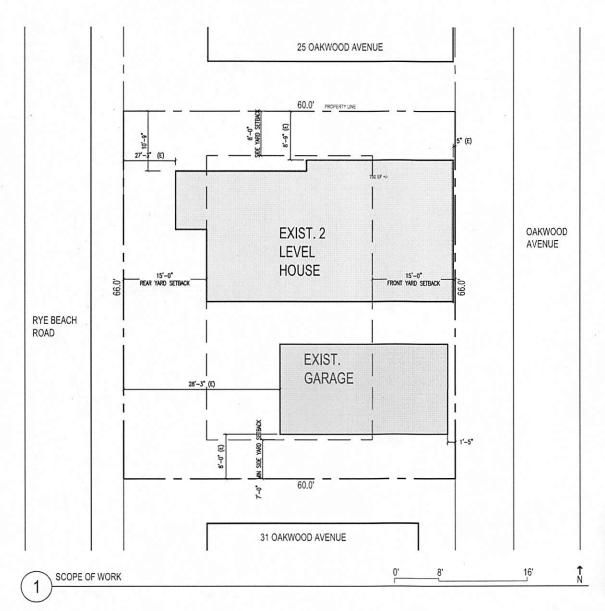




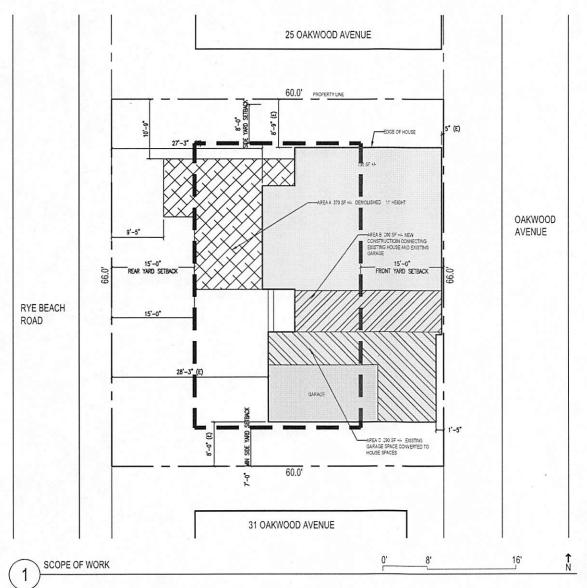
27 Oakwood Aerial View



4300388000 11/21/2023



27 OakwoodExisting Site Plan



PARCEL NUMBER: 43-00388.000

SITE AREA: .09091 ACRES

3,960 SF

PROPOSED BUILDING AREAS, IN

SQ. FT. (+/-)

EXIST. NEW = 1,160 1275 L1 L2 = 490 507 1782 TOTAL = 1650

NOTE:

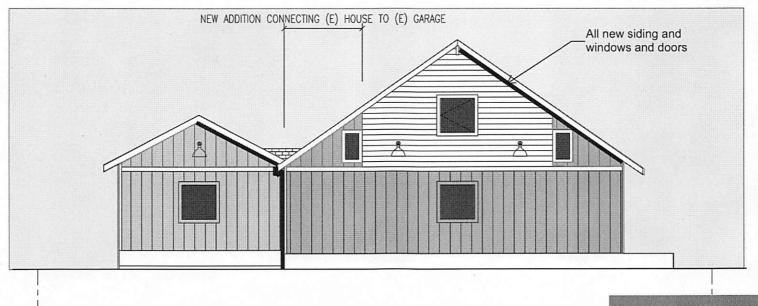
PROPOSED BUILDING AREA INCLUDES ALL CONVERTED GARAGE AREAS BUT DOES NOT INCLUDE CAR PARKING SPACE.

27 Oakwood

Proposed Site Plan







EAST ELEVATION

27 Oakwood

Existing Photos and Prposed Elevation