



Agenda for the Board of Building and Zoning Appeals
Regular Meeting- Huron City Hall – Council Chambers
October 14, 2024 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes (9-9-24)**
- 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**
 - 418 Kiwanis Zoning: R-1 PPN 49-00119.000**
 - Area Variances- side and rear yard setback variances for an addition, partial second story addition, and extension of covered front stoop.
- VII. Other Matters**
 - November Meeting- Date Change to Monday, November 18.
- VIII. Adjournment**



TO: Chairman Kath and Board Members
FROM: Christine Gibboney, Administrative Assistant
RE: 418 Kiwanis Ave
DATE: October 14 2024

418 Kiwanis Ave **Zoning District: R-1** **Parcel No.: 49-00119.000**

Existing Land Use: **Single Family Residence**

Property Size: **0.00acres** **Lot Dimensions 50 x 97**

Traffic Considerations: **n/a**

Project Description- Area Variance

Applicant is proposing a partial second story addition to an existing 1-story home, will be relocating the existing area of a rear yard sunroom/porch to the opposite side of the rear yard to allow for access into the rear yard. Currently there is no access to the rear yard without going through the sunroom or garage. The applicant is proposing to stay within the existing footprint of the home, the garage will also remain in the current footprint. The applicant will also be expanding and reconstructing the covered front stoop.

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.***

Applicable Code Sections

1123.01- R-1 Single Family Residential

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

1121.06 EFFECTS OF DISTRICTING AND GENERAL REGULATIONS.

(g) Accessory Uses in R Districts. 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.

Staff Analysis

The home was built in 1960, is a one-story residential dwelling with an attached garage, there is also a rear yard shed behind the garage- all are pre-existing/nonconforming with regard to setbacks, specifically: rear yard and side yard setbacks. The lot itself is noncompliant to lot area and frontage requirements.

On the front of the home, the applicant is proposing to expand the existing covered front porch from an 8' x 5' to a 10' x 5'- extending the porch to the right, lining up with the exterior wall.

The applicant is proposing to remove the current rear yard sunroom and porch/arbor, which will open access to the rear yard, and will make what is now an attached garage, a detached garage. Note: the current garage footprint will not change, it will remain nonconforming as a detached garage for the side yard setback, but appears it will now be compliant for the rear yard setback for a detached accessory structure (min 5' rear yard setback required). The proposed site plan also shows the addition of a pool; this is compliant with regard to location, setbacks, and 35% rear yard build out max.

The existing sunroom area footprint will move to the left side of the home, creating a larger bedroom. There will be new covered porch and open patio area in the space where the sunroom is now. The rear yard setback will improve with the garage now becoming detached and the arbor being completely removed.

The applicant is also proposing a partial second story addition, this will further change the side yard setback requirements from the 1 story requirements to the 2-story requirements of 8' min./20' total width.

Setbacks	Existing	Proposed	Required
Rear Yard	8' (attached garage/arbor)	25'-8"	30'
Side Yards	L 2' R +/- 2" (attached garage)	L 2'/R10'	Min. 8'/T 20'

As proposed, the following variances are required:

- Rear Yard Setback Variance of 4'-4"
- Side Yard Setback Variance of 8' Total (Left -Side Yard Setback Variance of 6' for the rear yard addition and partial second floor – Right -Side Yard Setback Variance of 2' for the expansion of the front porch)

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 418 Kiwanis Avenue for a 4'-4" rear yard setback variance, and an 8' total side 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 418 Kiwanis Avenue for a 4'-4" rear yard setback variance, and an 8' total side 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 and Zoning Dept.
417 Main St. Huron, Ohio 44839
P: 419-433-5000
F: 419-433-5120



Residential Zoning Permit Application

Property Owner

Name: FRANK BENHAM & DEBRA BENHAM
Address, City, State, Zip: 418 KIWANIS AVE, HURON OH 44839
Phone: 419.347.4900
Email: FRANK@BRS-ATTORNEYS.COM

Contractor (must be registered with the City of Huron)

Name: TO BE DETERMINED BY BID PROCEDURE
Address, City, State, Zip: _____
Phone: _____
Email: _____

Location of Project

Address: 418 KIWANIS County Parcel Number: _____ Lot #: _____

Zoning District & Flood Zone

Zoning District: R-1 (R-1 R-1A R-2 R-3 B-1 B-2 B-3 I-1 I-2 P-1 MU)
Flood Zone: _____ (A AE AO AH X-SHADED X)

Project Information

New Construction: ☐ Deck/Porch: ☐
Addition to Existing Structure: ☒ Swimming Pool: ☐
Detached Garage/Shed/Storage: ☐ Demolition: ☐ Height of Structure: _____
Fence: ☐ Linear Ft.: _____ Other: _____

Description of proposed project: (include complete details, square footage and height)

PARTIAL SECOND FLOOR ADDITION
RELOCATION OF EXISTING REAR SUNROOM/PORCH

ESTIMATED VALUE OF PROPOSED PROJECT: \$ 200,000 N/C (NO CHANGE)

SETBACKS FROM PROPERTY LINES: (Not applicable for Fences or Demolition Projects)

Front Yard Setback: 32' N/C Rear Yard Setback: 25' 8" N/C Height of Structure: 26
Side Yard Setbacks: (Left) 2 N/C (Right) 10 N/C

SITE PLAN: A complete site plan must accompany this application. The site plan must include the following information:

- ☒ Dimensions of the Lot /Property Lines, measurements from the property lines to the foundation
- ☒ Size and Location of the Existing Structure(if applicable)
- ☒ Size, Location and Height of the Proposed Structure
- ☒ Front, Rear, and Side Setbacks of Existing Structure(if applicable)
- ☒ Front, Rear, and Side Setbacks of Proposed Structure
- ☒ Dimensions from existing structures to the Proposed Structure
- ☒ Height of the Proposed Structure or Structure to be demolished. (if applicable)
- ☒ Location of Sidewalks and Driveways (if applicable) **ROW Driveway Application Required**
- ☒ Height of Fence (front yard 4' max; side and rear yards 6' max)

STORMWATER PLAN: Applicable for all additions, new construction. Contact the City Engineer for plan detail required: 440-821-7871 engineer@huronohio.us

- ☒ Site Plan with drainage patterns, flow lines for surface water.
- Location of any temporary stormwater inlets and piping, including discharge points.
- Location and description of measures to prevent stormwater drainage to adjacent properties (Example: silt fence).
- Location of catch basins near property and containment measures planned.
- Concrete washout location and description of containment measures.

POST CONSTRUCTION PERMANENT STORMWATER CONTROLS

- Surface flow(s) of planned stormwater flow.
- Downspout locations and route/piping/discharge points planned for stormwater
- Yard inlets/other drainage items to control stormwater, if applicable.
- Floor elevation of proposed structure and elevation of adjacent streets.



VERIFICATION OF PROPERTY LINES:

- ☒ It is the responsibility of the property owner to verify the location of property lines and reflect these on the required site plan. It is recommended owners refer to their survey map and/or have a survey performed to verify the property lines before applications are submitted.



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 we agree to conform to all applicable laws, regulations, and ordinances. All information contained within this application and supplemental materials is true and accurate to the best of my knowledge and belief.

Incomplete applications will not be accepted, please complete all applicable sections and include all specified plans as listed above.

Applicant Signature:  DANIEL FREDERICK, VCH Host Date: 9/5/2024
Owner Signature:  Deborah L. Barber Date: 9/6/2024

PLEASE NOTE, DO NOT APPLY FOR PERMITS UNLESS YOU ARE READY TO BEGIN YOUR PROJECT WITHIN 6 MONTHS. PERMITS FEES ARE DUE AND PAYABLE AT THE TIME OF ISSUANCE AND ARE NON-REFUNDABLE. ZONING PERMITS EXPIRE 12 MONTHS FROM DATE OF ISSUANCE. IF YOUR PROJECT REQUIRES A BUILDING PERMIT, SUBMIT THE BUILDING PERMIT APPLICATION AND REQUIRED CONSTRUCTION PLANS WITH THIS APPLICATION.

For use by City of Huron Zoning Department:

Date of Submission: _____ Required Plans Included?: _____

Comments/Additional Information requested: _____

Denial date and reason: _____



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, AIA
Property Owners' Name FRANK & DEBRA BENHAM
Address: 418 KIWANIS AVE
City, State, Zip: HURON OH 44839
Phone Number 419.565.7857
Email: FRANK@BRS-ATTORNEYS.COM

Location of Project:

Lot/Parcel #: _____ Zoning District: _____
Address: 418 KIWANIS Huron, OH 44839.
Year purchased: 2023 Year the existing structure was constructed: 1960

Single Story Home: X Two Story Home: _____

Provide a brief summary of your proposed project:

SECOND FLOOR ADDITION
RECONSTRUCT FIRST FLOOR SUNROOM AREA
RENOVATE EXISTING FRONT PORCH

Type:

- Area Variance: Subdivision Regulations _____ Parking _____ Setbacks ☒
Height _____ Size _____ Flood Plain _____ Sign Regulations _____
- 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)

- 6' SIDE SETBACK VARIANCE TO ALLOW CONSTRUCTION OF A SECOND FLOOR ADDITION ON TOP OF EXISTING WALLS
- 5' REAR SETBACK VARIANCE TO ALLOW FOR RELOCATION OF EXISTING SUNROOM ADDITION
- 3' FRONT TO Conditionally Permitted Use Approval ^{UPGRADE PORCH EX.}

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:
CURRENTLY THERE IS NO ACCESS TO REAR YARD WHICH PREVENTS PROPERTY MAINTENANCE AND IS A SAFETY CONCERN
2. The variance is [~~substantial~~/insubstantial] because:
PROPOSED SETBACKS MATCH EXISTING RESIDENCE SETBACKS
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:
IMPROVED AESTHETICS WITH NO CHANGE IN EXISTING SETBACK LIMITS. SIMILAR UPGRADES THROUGHOUT NEIGHBORHOOD.
4. The variance [~~would~~/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)
SIGNIFICANT IMPROVEMENT BY ALLOWING ACCESS TO REAR YARD
5. The applicant purchased the property [~~with~~/without] knowledge of the zoning restriction. Year the property was purchased: 2013 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
NO CHANGE IN EXISTING SETBACKS, IMPROVING ZONING COMPLIANCE FOR EXISTING GARAGE TO BECOME DETACHED ACCESSORY BUILDING.
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*)
PROJECT WILL CREATE ACCESS TO REAR YARD WHILE RESPECTING EXISTING SETBACKS

Note: If granted, Use or Area variances will expire within one (1) year from the date of approval. Refer to Section 1139.04 (e) for specifics to timeline regulations for commencement of construction or Use continuation.

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: 7/6/24 Signed Applicant

Date: 7/6/24 Signed Property Owner

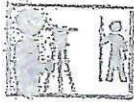
(REQUIRED)

ZONING DEPT. USE ONLY

Date received: _____ Application Complete

\$150 filing fee receipted: _____

LOCATION SERVICE

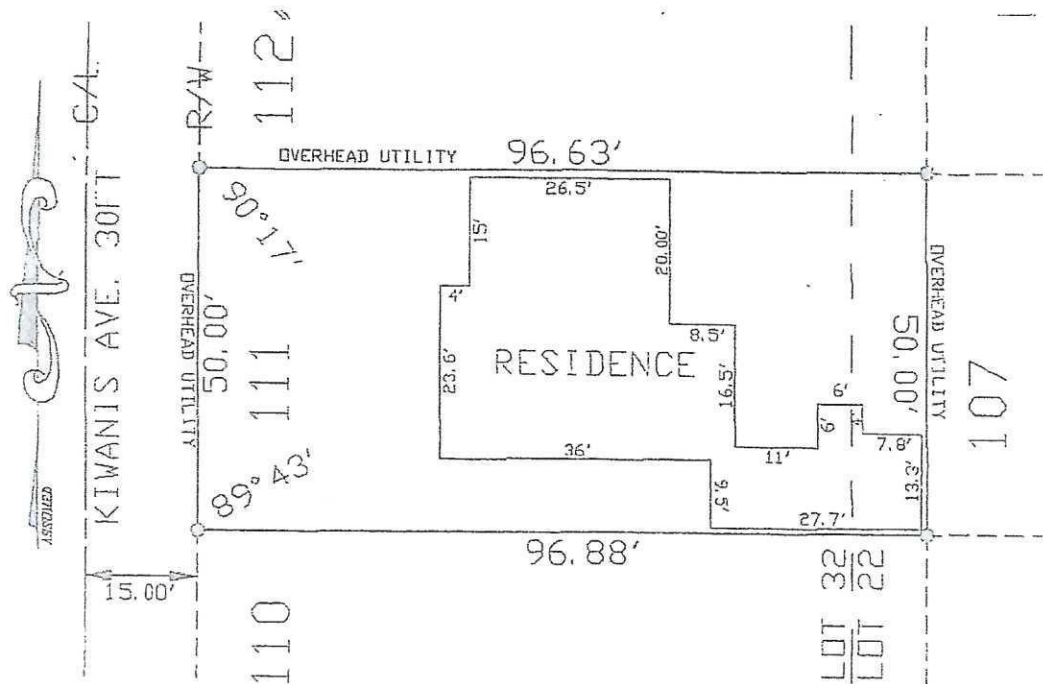


**HARTUNG & ASSOCIATES
ENGINEERS & SURVEYORS**

P.O. BOX 426, 246 N. MAIN ST., HURON, OH 44839-0426
(419) 433-4521 • FAX (419) 433-7875

DANIEL E. HARTUNG JR., PE, ES

JOB NO. E 30485 SC
DATE 2/9/2021
SCALE 1" = 20'



BUYER APPROVED

[Signature]
H. Wayne L. Baker



[Signature]
REGISTERED SURVEYOR S-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. &

PARK NATIONAL BANK

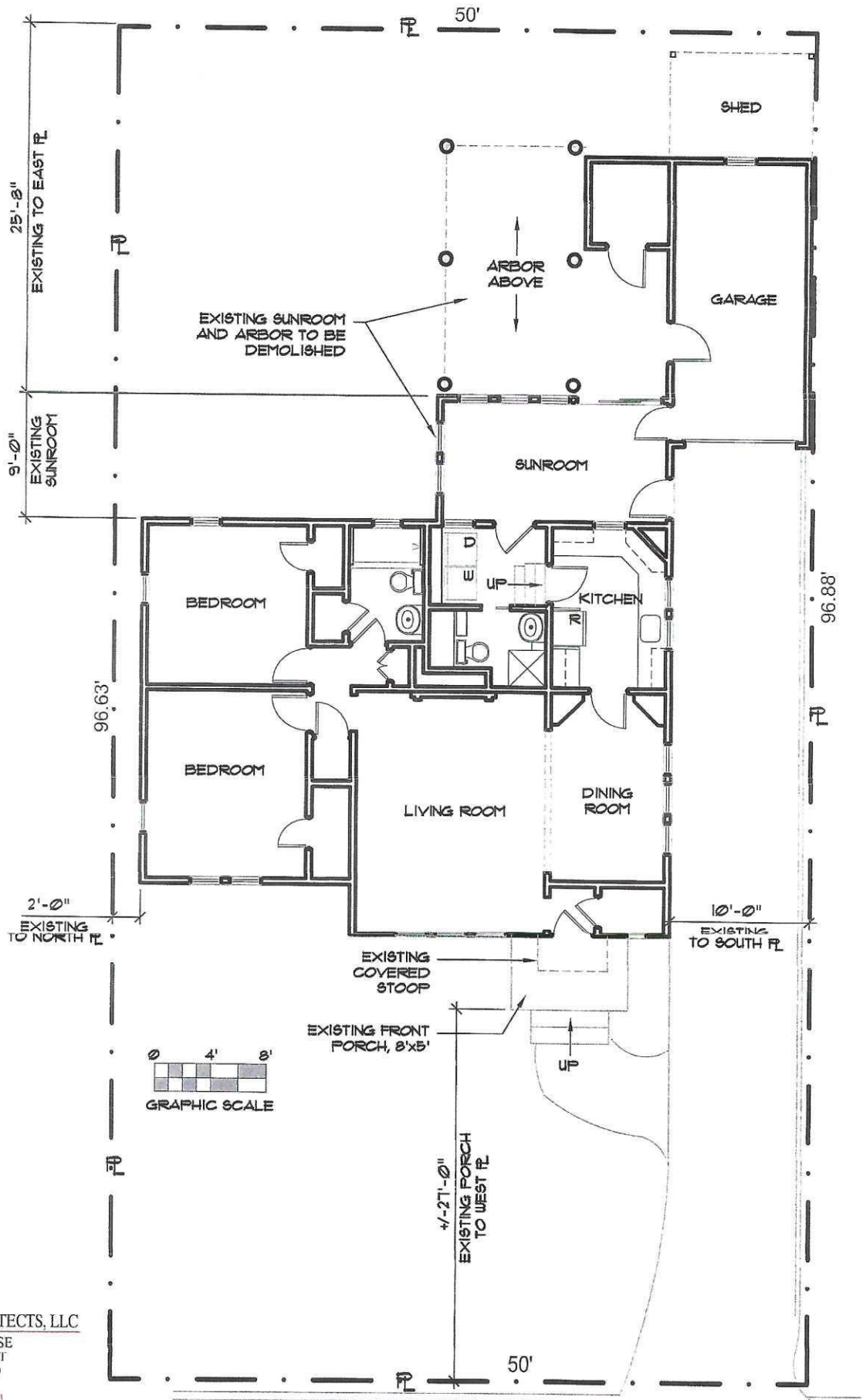
NOTE: THIS DOES NOT REPRESENT
A DETAILED LAND SURVEY.

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. 111
CHASKA BEACH SEC. 24, SUB. (PV 9 PG 15)

CITY OF HURON, ERIE COUNTY, OHIO

418 KIWANIS AVE.



DANIEL FREDERICK ARCHITECTS, LLC

THE HUBBARD HOUSE
134 EAST ADAMS STREET
SANDUSKY, OHIO 44870
419.499.3242
www.danieldf.com

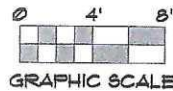
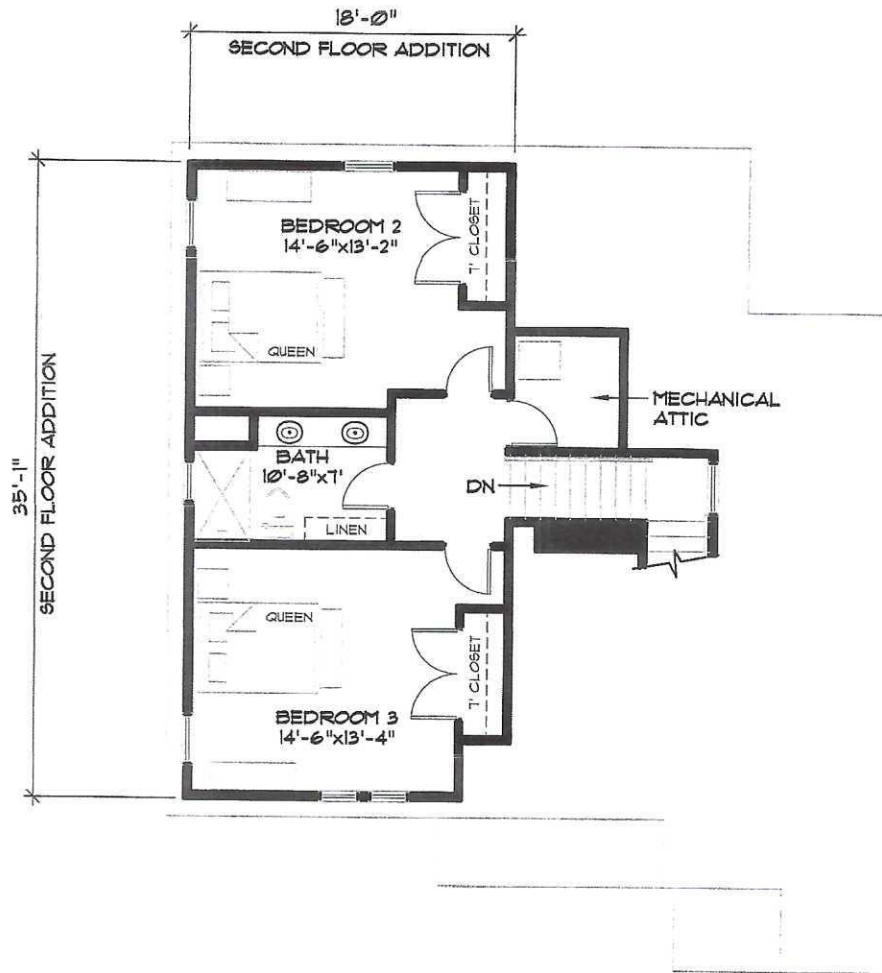
BENHAM COTTAGE

418 KIWANIS AVENUE, HURON
SEPTEMBER 9, 2024



EXISTING FLOOR PLAN

3/32" = 1'



DANIEL FREDERICK ARCHITECTS, LLC

THE HUBBARD HOUSE
134 EAST ADAMS STREET
SANDUSKY, OHIO 44870
419.499.3242
www.fredrickarchitects.com

BENHAM COTTAGE

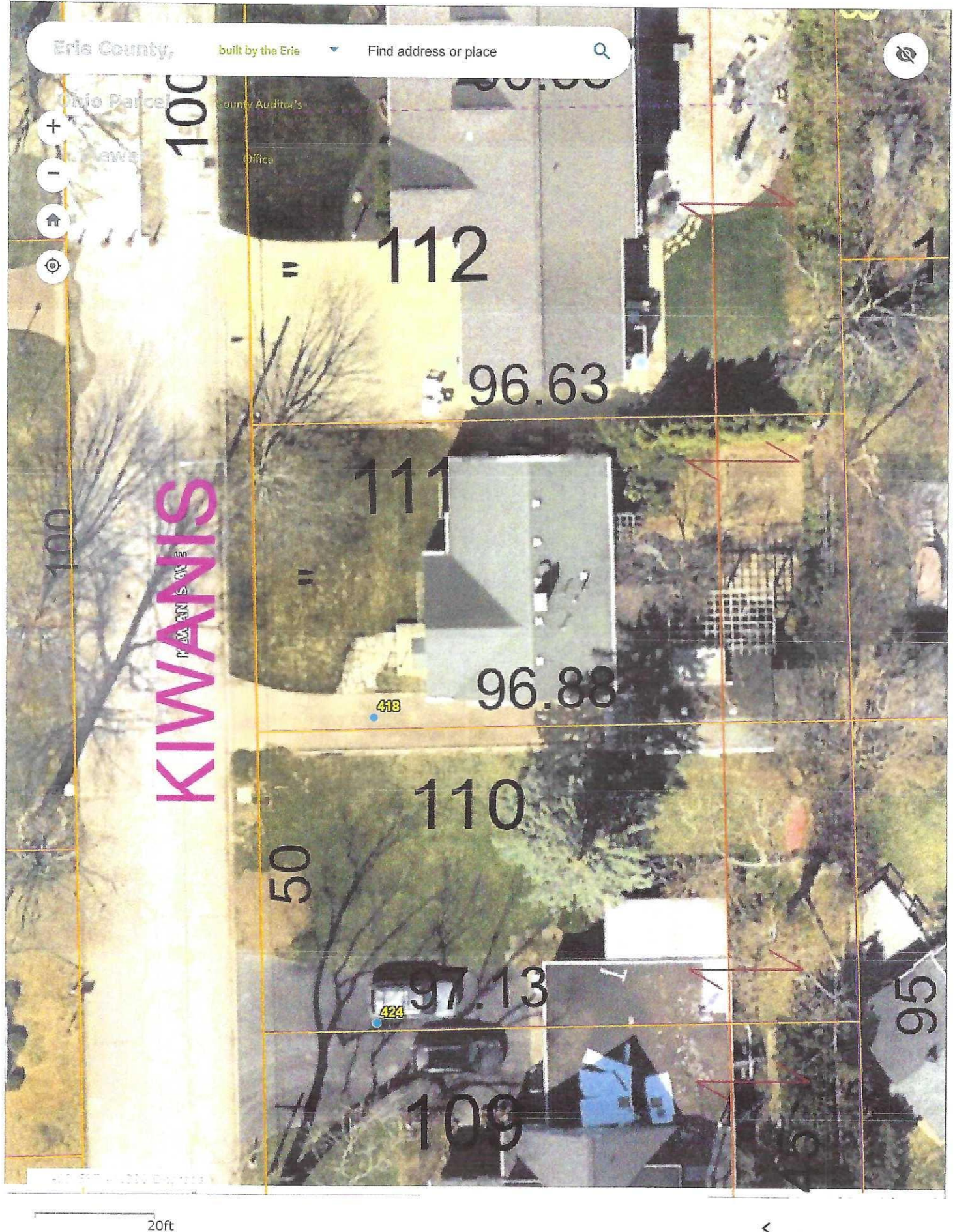
418 KIWANIS AVENUE, HURON
SEPTEMBER 9, 2024



PROPOSED SECOND FLOOR PLAN

SECOND FLOOR ADDITION - 623 SQUARE FEET

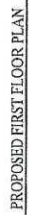
3/32" = 1'





418 KIWANIS AVENUE, HURON

SEPTEMBER 9, 2024



RE: DENTHAM RESIDENCE AT 418 KIWANIS

PROPERTY OWNERS WITHIN 150'

BLOCK, LISA LEE	410 KIWANIS
KREBS, JOHN	408 KIWANIS
HOWELL, ROBERT	424 KIWANIS
HOWELL, ROBERT	424 KIWANIS
SPETTEL, MARREEN	413 KIWANIS
HETTERBERG, THOMAS	409 KIWANIS
SEELIE, JOHN	417 KIWANIS
EDWARDS, DOUGLAS	419 KIWANIS
LAVELLE, DEBRA	413 WINONA
CLAUS, MARK	807 GARDEN
HAGY, JOEL	407 WINONA
SPRINGER, JOHN	403 WINONA