



Agenda for the Board of Building and Zoning Appeals  
Regular Meeting- Huron City Hall – Council Chambers  
February 12, 2024 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes- 12-11-23**
- IV. 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.
- V. New Business**  
PPN49-00046.000 807 Garden Drive Area Variance-rear yard setback  
variance for an addition to the home.  
  
PPN42-0125.000 304 Bogart Road Area Variance- Reduction to the frontage  
requirement for a proposed lot split.
- VI. Other Matters**  
Review/discussion of meeting process material  
  
Review/discussion of Draft BZA Rules
- VII. Adjournment**



**TO:** Chairman Kath and Board Members  
**FROM:** Erik Engle, Planning Director  
**RE:** 807 Garden Drive  
**DATE:** February 12, 2024

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**Current Zoning District:** R-1      **Parcel No.:** 49-00046.000

**Existing Land Use:** Single Family Residential

**Property Size:** 0.15 acres

**Traffic Considerations:** Corner lot Garden Dr./Winona Ave in Chaska Beach

**Project Description- Addition to existing home.**

The applicant is proposing to construct a 304sf, 1-story sun room addition, in place of the current 100sf sun room, on the east end home. The existing home is pre-existing/nonconforming to the code, lot is undersized, odd shape, and on a corner lot. As proposed the addition will require a rear yard setback variance of 17'-9".

***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 current home was built in 1949, as is pre-existing/non-confirming. The parcel is unique in that not only does it not meet the min. lot size of 9,000sf, the lot shape itself is odd, and it is also on a corner lot (Garden Drive/Winona Ave). The current sunroom on the east side of the home would be

expanded to a 16' x 19' sunroom in the same location. The front setback from Garden Drive would remain the same at 18'-8", the front setback from Winona Drive would be 26'-8". There would be no front setback variance required due to the relief that can be provided with the average of the neighboring properties front yard setbacks pursuant to Section 1137.03 (a). All other setback and regulations for R-1 Zoning are met for the project as proposed.

The rear of the addition will be 12'-3" from the rear property line and will require a rear yard setback variance of 17'-9" to Section 1123.01 (e) Lot Area, Frontage and Yard Requirements.

### **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 to Section 1123.01 (e) Lot Area, Frontage and Yard Requirements, for a 17'-9" rear yard setback variance at 807 Garden Drive for an addition 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 an area variance to Section 1123.01 (e) Lot Area, Frontage and Yard Requirements, for a 17'-9" rear yard setback variance at 807 Garden Drive for an addition, 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 Mark Claus  
Property Owners' Name: Harkelroad Family Trust - Amy Claus, Trustee  
Address: 807 Garden Dr.  
City, State, Zip: Huron, OH 44839  
Phone Number 419-370-9044  
Email: mjclaus39@gmail.com

**Location of Project:**

Lot/Parcel #: 49-00046.000 Zoning District: R-1  
Address: 807 Garden Dr. Huron, OH 44839.  
Year purchased: 1968 Year the existing structure was constructed: 1949  
Single Story Home:      Two Story Home: X

Provide a brief summary of your proposed project:

We are looking add a 1 story addition on to the East side of the current  
residence. The current room is too small to be functional and we  
propose to expand this room to 16' x 19' requiring a set back variance.

**Type:**

- **Area Variance:** Subdivision Regulations      Parking      Setbacks X  
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 )*

We are requesting a 17.7' Rear setback variance for a proposed single story sunroom addition.

The proposed 1-Story Sun room addition is 304 sf in place of existing 100 sf sun room. Maximum height is approximately 18'.

### **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:  
Current R-1 zoning setback requirements would not allow for even the minimum SF house requirement for the lot in question. See Site plan for illustration.
2. The variance is [ substantial/insubstantial ] because:  
Because this house was built on smaller than "modern day" lot size and well before the current zoning standards were in place. Current R-1 minimum lot size is 9,000 sf. This lot is only 6,743 SF and is an odd-shaped corner lot.
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 requested setback is still much greater than that of the adjacent property to the north.  
We will be improving the character/value of our home which will indirectly increase the value of surrounding homes.  
We have spoken to the neighbors directly North and they have no concerns with our plans.
4. The variance [ would/would not ] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)  
There would be no affect on the delivery of any governmental services.
5. The applicant purchased the property [ with/without ] knowledge of the zoning restriction. Year the property was purchased: 1968. Year the structure(s) was constructed: 1949.



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 [~~I would~~/would not] be observed and substantial justice [~~I done~~/not done] by granting the variance because  
As noted above, and as you can see from the site plan, applying current R-1 zoning requirements to this lot is not logical. I feel that with this set back variance request, we will be in compliance with the  
"intent" of the zoning requirements.
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*)

This corner lot that is 25% smaller than the current minimum R-1 lot size and the odd triangular shape is not conducive to rectilinear residential housing construction. Applying current R-1 zoning setback standards to this small odd-shaped lot clearly creates a hardship for this property that would not have existed when this house (or this neighborhood) was built in 1949. We feel that this is a realistic ask that is well within the intent behind the zoning requirements. See Site plan illustration.

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: 1/9/23 Signed Applicant Mark Claus

Date: 1/9/23 Signed Property Owner Amy Claus, Trustee, Harkelroad Family Trust

(REQUIRED)

\*\*\*\*\*

**ZONING DEPT. USE ONLY**

Date received: 1-9-24 Application Complete ✓

\$150 filing fee received: ✓

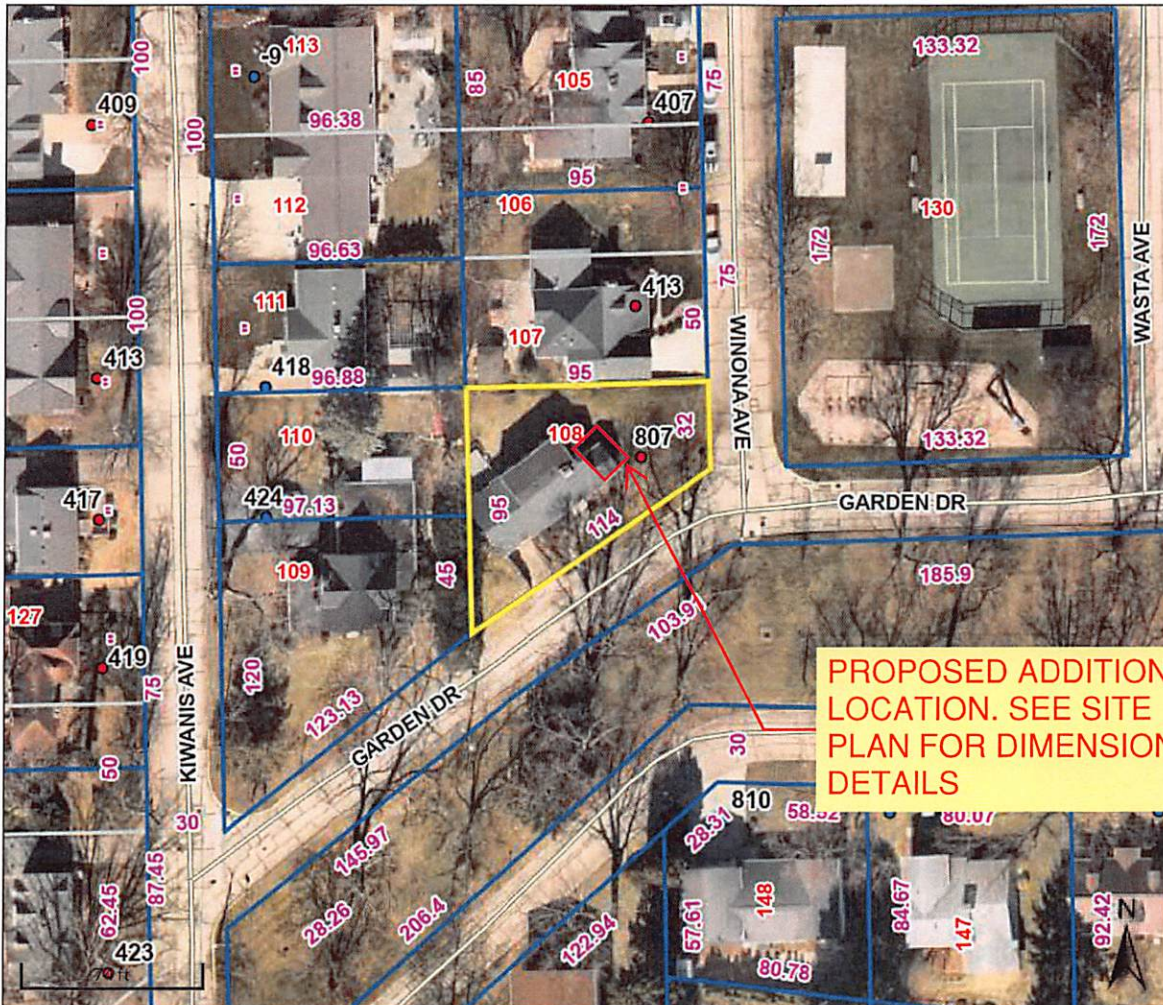
Comments \_\_\_\_\_ Hearing Date 2-12-24



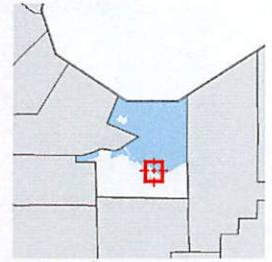


# Richard H. Jeffrey

ERIE COUNTY AUDITOR | ERIE COUNTY, OHIO



## Overview



## Legend

- Parcels
- Parcel Dimensions
- Parcel Dimensions (Original)
- Lot Lines
- Lot Line Labels
- Streets
- Addresses
  - 0
  - 1
  - <all other values>

PROPOSED ADDITION  
LOCATION. SEE SITE  
PLAN FOR DIMENSION  
DETAILS

Parcel ID	49-00046.000	Acreage	n/a	Last 2 Date	Price	Vol/Page
Owner	HARKELROAD JOHN M & SHARON R CO TRUSTEES (Owner Address)			Sales	8/22/2013	201309019
	HARKELROAD JOHN M & SHARON R CO TRUSTEES (Tax Payer Address)				1/1/1987	/
Property Address	807 GARDEN HURON					

Date created: 9/11/2023  
Last Data Uploaded: 9/11/2023 3:14:54 AM

Developed by Schneider  
GEOSPATIAL



Map

Satellite

Lot lines

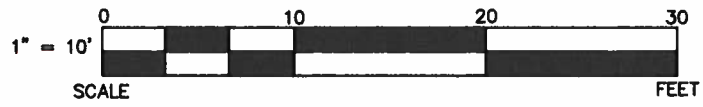
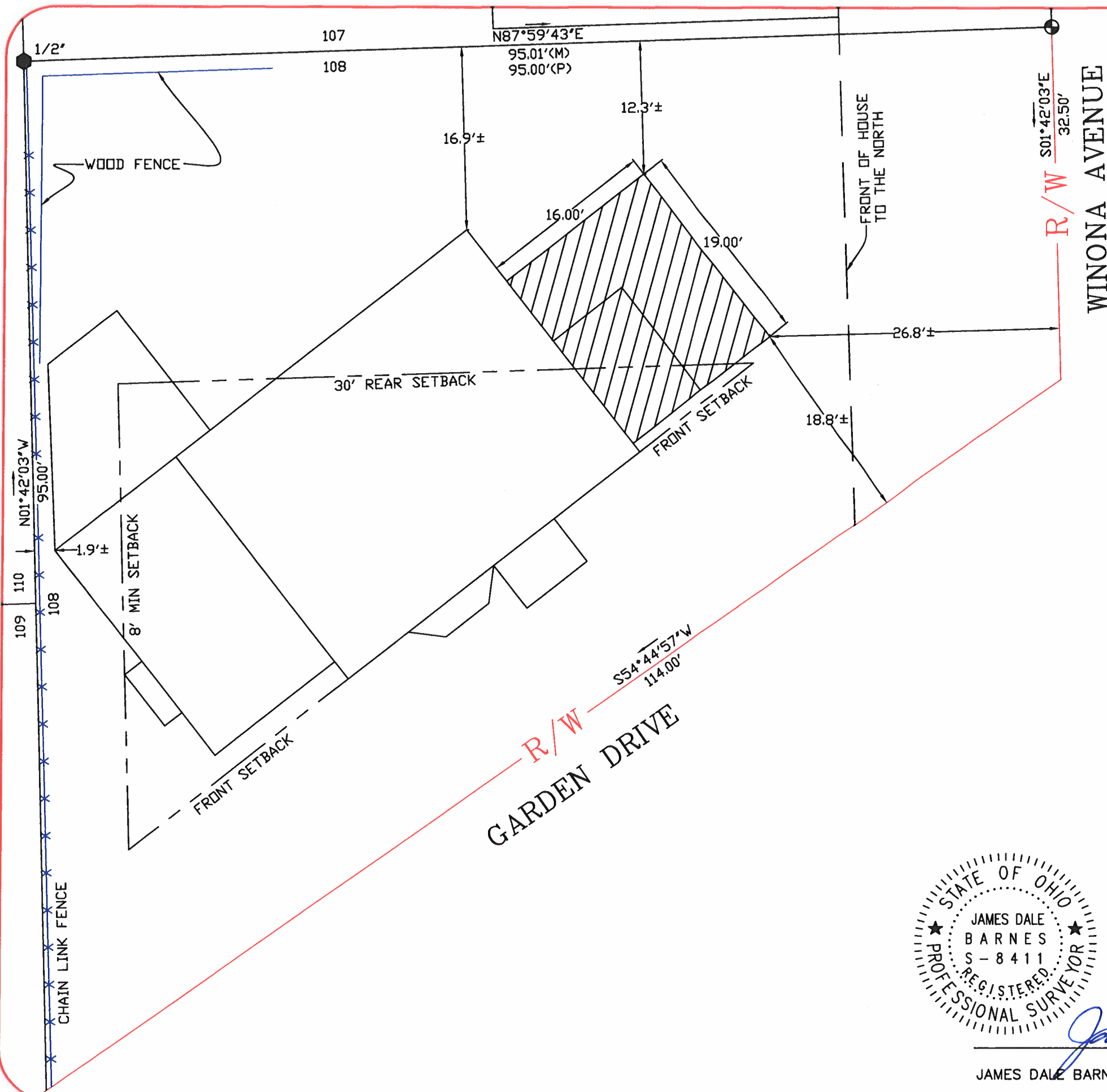
Back to Map











LEGEND

SET	FOUND	DESCRIPTION
⊕	⊕	MONUMENT
⊕	⊕	RAILROAD SPIKE
⊕	⊕	P.K. NAIL
⊕	⊕	IRON PIPE
⊕	⊕	DRILL HOLE
⊕	⊕	5/8"Øx30" IRON ROD
⊕	⊕	IRON ROD
⊕	⊕	FENCE POST
⊕	⊕	STONE
⊕	⊕	MONUMENT BOX
D		DEED
P		PLAT
M		MEASURED
C		CALCULATED
Ø		OUTSIDE DIAMETER
SR		SURVEY RECORD
		PROPOSED ADDITION

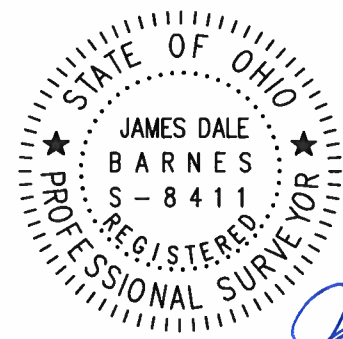


REFERENCES

DEED VOLUMES AND PAGES AS SHOWN  
PLAT VOLUME 9, PAGE 15

THIS SURVEY DOES NOT INCLUDE A TITLE SEARCH. ALL EASEMENTS OR OTHER ENCUMBRANCES ON OR OVER THE LAND ARE NOT SHOWN ON THIS SURVEY. PLEASE FURNISH ALL INFORMATION IF THESE ARE REQUIRED ON THIS PLAT. ALL FOUND SURVEY MONUMENTS WERE AT GRADE OR PAVEMENT SURFACE AND IN GOOD CONDITION, UNLESS OTHERWISE NOTED.

I HEREBY DECLARE THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY DURING JANUARY, 2024  
AS PER LEGAL DESCRIPTION FURNISHED TO ME. THIS SURVEY IS SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS, RESTRICTIONS, LEASES OF RECORD AND OF RECORDS IN RESPECTIVE UTILITY OFFICES. THE BEARINGS REFERRED TO HEREON ARE BASED ON THE OHIO NORTH STATE PLANE COORDINATE SYSTEM.



*James Dale Barnes* 1/6/24  
JAMES DALE BARNES, P.S. 8411 DATE

S I T E P L A N F O R : M A R K C L A U S

SITUATED IN LOT 108 OF THE CHASKA BEACH SUBDIVISION (P.V. 9, Pg. 15)  
IN THE CITY OF HURON, ERIE COUNTY, OHIO

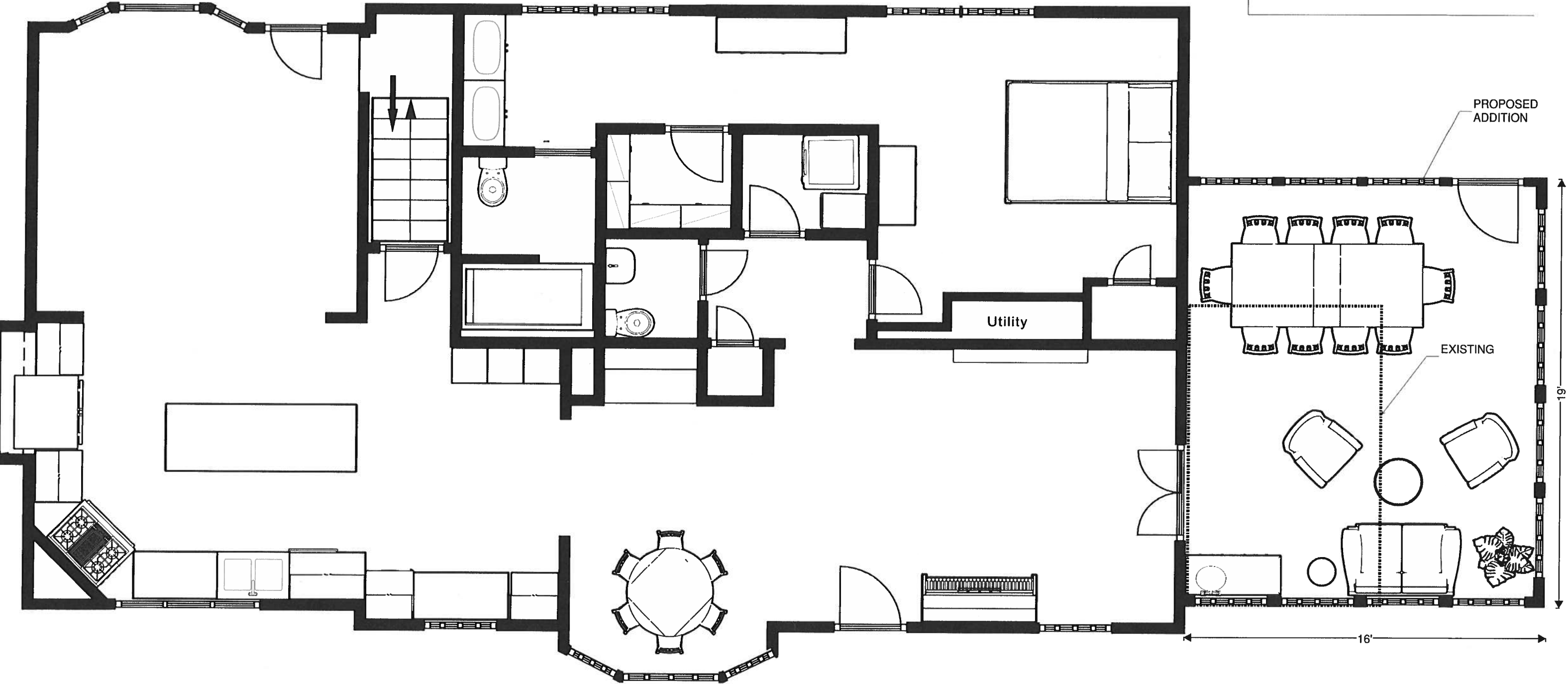
BARNES SURVEYING  
10312 MASON ROAD, CASTALIA, OHIO 44824-9218  
OFFICE: (419) 684-7742 CELL: (419) 871-1780

1' 9 1/2" 3' 11 3/4" 4' 8" 3' 2 5/8" 10' 3/4" 7' 1 1/2" 12' 7 3/4"

807 GARDEN DR

PROPOSED LAYOUT

SCALE : 1/4" = 1'-0"



2' 3 5/8" 10' 8 3/8" 8' 1" 2' 2 3/4" 4' 1 5/8" - 1' 10 5/8"

64' 11 3/8"



Residences within 100' of 807 Garden Dr.

Mike and Deborah Lavelle

413 Winona Ave

Huron, OH 44839

Joel & Jenny Hagy

407 Winona Ave

Huron, OH 44839

Robert Howell

424 Kiwanis Ave

Huron, OH 44839

Benham Trust

418 Kiwanis Ave

Huron, OH 44839

Lisa Bloor

410 Kiwanis Ave

Huron, OH 44839

Chaska Beach Lot Owners Association

c/o Murrie Isphording

PO Box 212

Huron, OH 44839

**Christine Gibboney**

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**From:** Michael Lavelle <mdlavelle@gmail.com>  
**Sent:** Wednesday, January 10, 2024 4:58 PM  
**To:** Christine Gibboney  
**Cc:** Mark J Claus  
**Subject:** BZA Variance Application – 807 Garden Dr.

Dear Christine Gibboney,

We are writing to you to offer our support and our approval for the requested zoning variance proposed by Mark and Amy Claus. We live next door at 413 Winona Ave. and we have no objection to their remodel and addition at 807 Garden Drive. Let us know if you need any additional information or any formal documentation to support this request. We will be in Huron the week of January 15th and can come into your office to attest to our support and approval of their variance request.

Thank you.

**Michael Lavelle & Debra Lavelle**  
**413 Winona Ave**  
**Huron OH 44839**  
**330-714-1846**  
**mdlavelle@gmail.com**

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Issue	Date
Issued for building permit	1.22.24

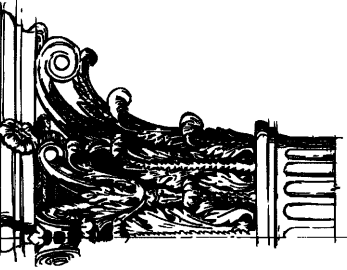
TERRY L. ROSS

ARCHITECT

1127 SHELTERED BROOK DRIVE

HURON, OHIO 44839

419.366.9568

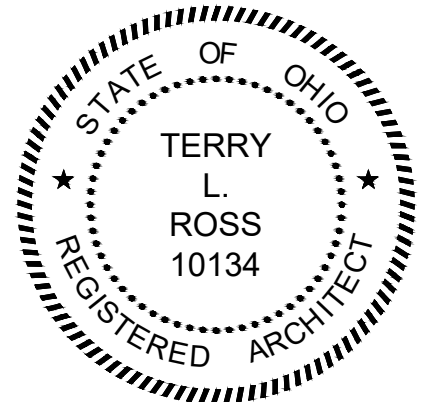


ADDITION & RENOVATION

CLAUS RESIDENCE

807 GARDEN DRIVE

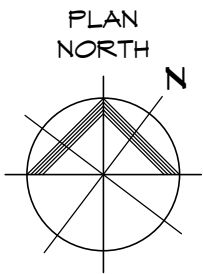
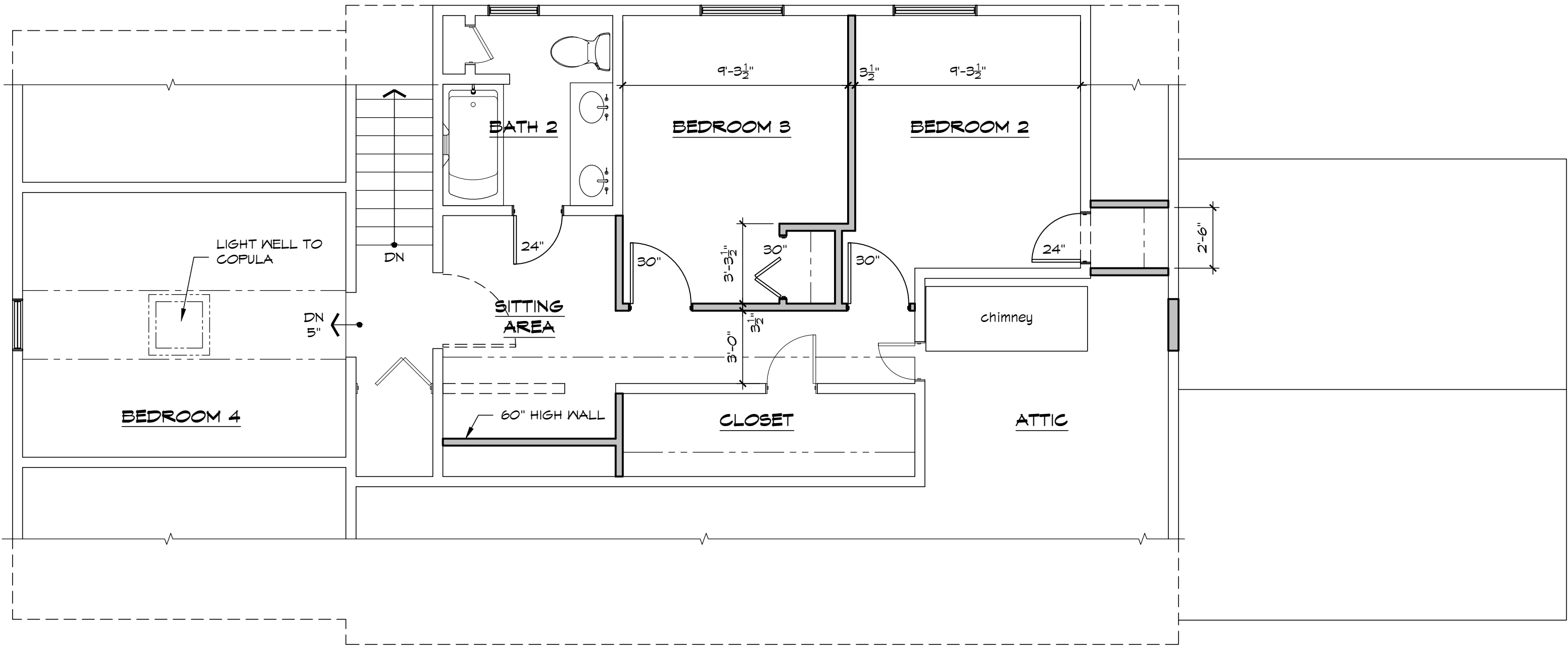
HURON, OHIO 44839



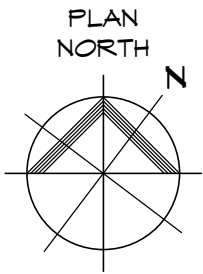
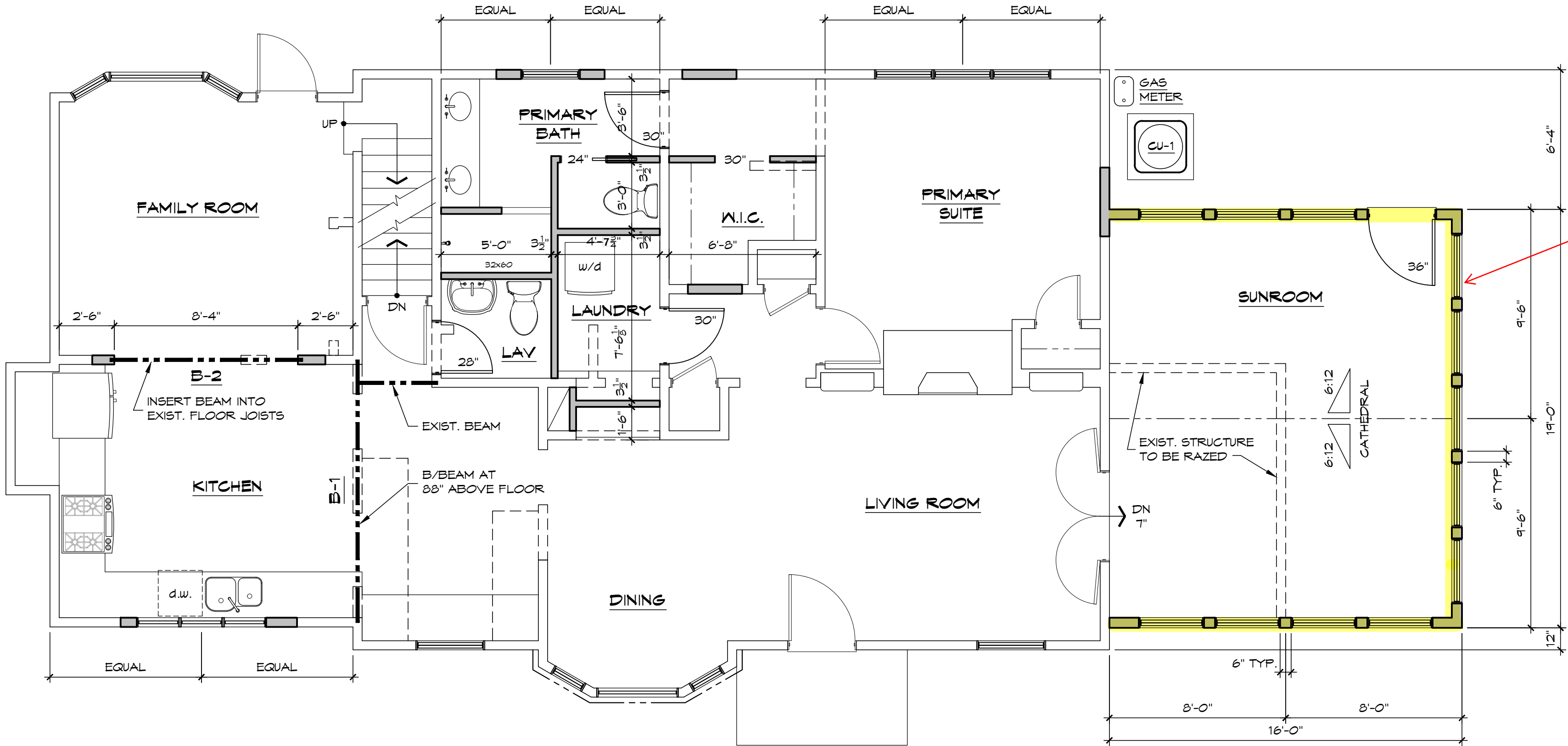
OHIO LICENSE #10134 EXPIRES 12/31/25

Date:	1.22.24
Sheet Number:	A-1
Project No.	204

FIRST & SECOND FLOOR PLANS



SECOND FLOOR PLAN  
SCALE: 1/4"=1'-0"



FIRST FLOOR PLAN  
SCALE: 1/4"=1'-0"

BUILDING DATA

RESIDENTIAL CODE OF OHIO  
EXISTING SINGLE FAMILY DWELLING  
SCOPE OF WORK: ADDITION AND ALTERATION

AREA  
ADDITION: 304 S.F.

DESIGN LOADS:  
ASSUMED SOIL BEARING PRESSURE 2000 PSF  
ISOLATED COLUMN FOOTING 2500 PSF  
FLOOR LIVE LOAD = 40 PSF  
FLOOR DEAD LOAD = 10 PSF  
SLAB ON GRADE: 100 PSF  
ROOF LIVE LOAD = 20 PSF  
ROOF DEAD LOAD = 15 PSF  
ROOF SNOW LOAD = 25 PSF  
GROUND SNOW LOAD = 20 PSF  
WIND LOAD = 20 PSF 90 MPH EXPOSURE: B  
COLLATERAL LOAD = 10 PSF

GENERAL NOTES

- All work shall be constructed under HURON TOWNSHIP inspection. Materials and construction for storm & sanitary sewage, water and highway improvements shall meet all state and local codes. Building materials and construction shall meet Local Building and Zoning Codes and the Residential Code of Ohio.
- All Proper permits must be obtained for all construction work (which has been approved by proper departments) prior to any construction. It shall be the responsibility of each individual contractor to secure and pay for all the required State and Local permits.
- All materials to be new or unused quality; installed and finished per manufacturer specifications and industry standards.
- All Contractors shall visit the site and familiarize themselves with existing physical conditions. Before and during construction, contractors will verify all dimensions, elevations and conditions. Any discrepancies or unknowns found will be brought to the owner's representative before proceeding with work.
- Materials and arrangements neither shown nor noted, but obviously necessary to complete the work for proper performance and use, usually included in work of similar character, shall be furnished and installed without additional cost to the Owner.
- Any materials and/or equipment to be removed by contractors will be offered to the Owner after removal. Materials and/or equipment not wanted by the Owner shall be disposed of by the Contractor off the site.
- It is the Contractor's sole responsibility to follow all applicable safety codes and regulations during construction. Contractors will provide all necessary construction barriers to maintain Owner's safety.

WALL LEGEND

- WALL, WINDOW OR DOOR TO BE REMOVED
- EXISTING WALL TO REMAIN
- FRAME IN OPENING; PATCH ALL FINISHES TO MATCH EXISTING
- NEW 2X STUD WALL
- CONCRETE BLOCK
- CONCRETE

UNDERGROUND UTILITIES

CONTACT BOTH SERVICES  
TWO WORKING DAYS  
**BEFORE YOU DIG**



CALL  
**800-362-2764**  
(TOLL FREE)



OHIO UTILITY PROTECTION SERVICE  
NON-MEMBERS MUST BE CALLED DIRECTLY

OIL & GAS PRODUCERS UNDERGROUND  
PROTECTION SERVICE **800-925-0988**



**TO:** Chairman Kath and Board Members  
**FROM:** Erik Engle, Planning Director  
**RE:** 304 Bogart  
**DATE:** February 12, 2024

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**Current Zoning District:** R-1      **Parcel No.:** 42-0125.000

**Existing Land Use:** Single Family Residential

**Property Size:** 2.59 Acres

**Traffic Considerations:** Parcel frontage on Bogart Road.

**Project Description- Non-Compliant Lot Split Request**

The applicant is proposing a lot split of his property located at 304 Bogart Road. As proposed, the lot does not meet the minimum regulation for the minimum lot frontage within an R-1 Zoning District. The applicant/owner advises that there was a 50' right of way access easement to this parcel along Forest Hills Drive and when this right of way was vacated, it eliminated the access from Forest Hills Drive to this portion of his parcel. He is seeking consideration for a variance to Section 1123.01 for the lot frontage.

***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) 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 current parcel at 304 Bogart Road is large, 2.5+ acres and contains a single-family residence. The applicant/owner wishes to split off the eastern portion of his property as a separate parcel. The only frontage to the property is along Bogart Road. As the owner referenced, there was once a 50' Right of Way in between two homes on Forest Hills Drive. Staff researched and pulled the Plat (attached) which appears to show that originally there was 50' right of way to perhaps connect Center Street to Forest Hills Drive. This 50' right of way was vacated in 2010 (Ordinance 2010-2, adopted 1-12-2010) upon petition of the neighboring property owners at the time. Once vacated, the property was then split between the two property owners on Forest Hills Drive. The Service Department confirmed that this was not a utility easement.

**Section 1123.01- R-1 Zoning**

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

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

The shape of the portion of land that the owner wishes to split off is considered a "flagpole" lot; meaning, a long driveway access leading to property in the rear. The owner is proposing a total lot area of 0.7174 acres, more than fulfilling the Lot Area sq.ft. required. (Refer to site plan) The owner is proposing a total of 30' of frontage along Bogart Road; the minimum lot frontage required is 75'.

As proposed, the lot split does not comply with Section 1123.01 for Lot Frontage; a variance of 45' to the lot frontage would be required. If the BZA rules in favor of the variance request, staff would strongly recommend that a condition be included relative to the front yard setback. Due to the shape of the proposed lot, a 30' front yard setback would allow for a home to be constructed effectively right on the property line adjacent to the rear yard of the neighboring property at 214 Bogart Road. Staff recommends a minimum buffer of 15'-0" from the adjacent property owner's rear yard.

**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 to Section 1123.01, granting a 45' Lot Frontage variance for 304 Bogart Road to allow for a lot split 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 an area variance to Section 1123.01, for a 45' Lot Frontage variance at 304 Bogart Road to allow for a lot split as submitted. 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.*
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- *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 GERALD J. WEYER + BETTY J. WEYER

Property Owners' Name: TIMOTHY J. WEYER, TRUSTEE

Address: 304 BOGART RD

City, State, Zip: HURON, OH 44839

Phone Number 419-503-3700 H: 419-433-2340

Email: JWEYER@BEX.NET

**Location of Project:**

Lot/Parcel #: 42-0125.000 Zoning District: R-1

Address: 304 BOGART RD Huron, OH 44839.

Year purchased: 1976+  
1986 Year the existing structure was constructed: 1977

Single Story Home: ☒ Two Story Home: ☐

Provide a brief summary of your proposed project:

DUE TO THE VACATED RIGHT-OF-WAY TO FOREST HILLS DR.

WE ARE FORCED TO USE AN UNPLANNED PORTION OF OUR

PROPERTY WHICH WE EXTENSIVELY LANDSCAPED TO

BEAUTIFY THIS PROPERTY.

Type:

• Area Variance: Subdivision Regulations ☒ Parking ☐ Setbacks ☐

Height ☐ Size ☐ Flood Plain ☐ Sign Regulations ☐

• Use Variance: LOT SPLIT • 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 )

DUE TO THE UNPLANNED CLOSING OF OUR LEGAL RIGHT-OF-WAY  
WE ARE FORCED TO USE AN UNPLANNED PORTION  
OF OUR PROPERTY TO SELL THIS AREA.

### 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:

NOT APPLICABLE

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:  
LIMITED ACCESS
2. The variance is [substantial/insubstantial] because:  
A HANDSHAKE WAS CREATED BY THE CLOSING  
OF A GRANTED LIGHT-OF-WAY
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:  
WISH TO MAINTAIN CURRENT PROPERTY  
APPEARANCE IN THE NEIGHBORHOOD
4. The variance [ would/would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)  
NO EFFECT
5. The applicant purchased the property [with/without] knowledge of the zoning restriction. Year the property was purchased: 1976. Year the structure(s) was constructed: 1977 + 1986



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  
MAJOR HARSHIP BY DELETING ACCESS  
TO EXISTING SUBDIVISION
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*)  
AS NOTED ABOVE IN #7

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: 1-8-24 Signed Applicant Gerald J. & Betty J. Weyer  
Date: 1/8/2024 Signed Property Owner Jenny J. Weyer, TTEE  
(REQUIRED)

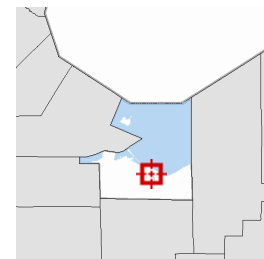
\*\*\*\*\*

**ZONING DEPT. USE ONLY**

Date received: 1/9/24 Application Complete ✓

\$150 filing fee received: ✓

Comments \_\_\_\_\_ Hearing Date 2-12-24



### Legend

- Parcels
  - Parcel Dimensions
  - Parcel Dimensions (Original)
- Lot Lines
  - Lot Line Labels
- Streets
- Addresses
  - 0
  - 1
  - <all other values>

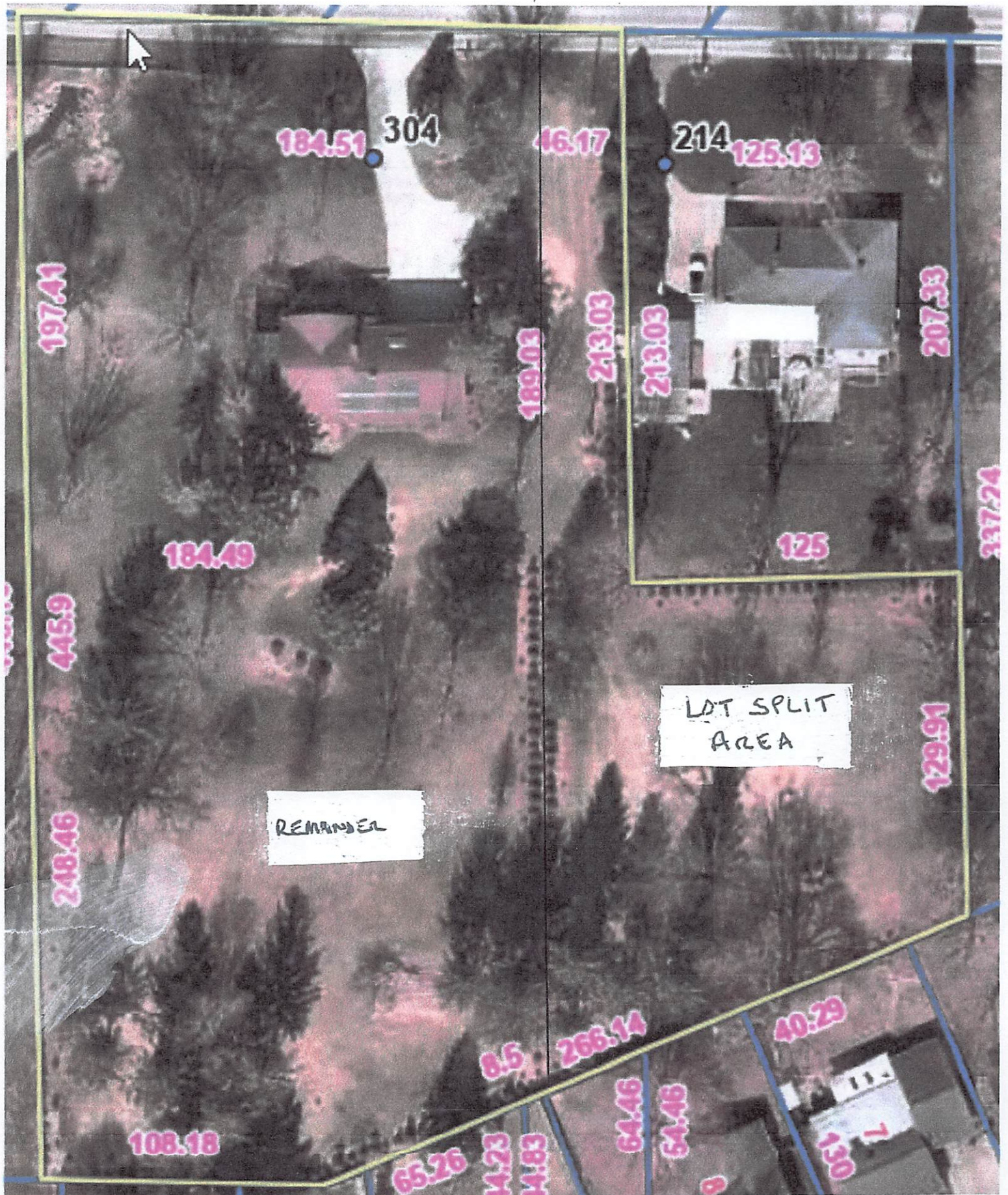
Parcel ID	42-01750.000	Acreage	2.59	Last 2 Sales	Date	Price	Vol/Page
Owner	WEYER TIMOTHY J TRUSTEE (Owner Address)				6/28/2019		201905149 /
	WEYER TIMOTHY J TRUSTEE (Tax Payer Address)				6/8/2016		201604780 /
Property Address	304 BOGART HURON						

Date created: 1/12/2024

Last Data Uploaded: 1/12/2024 6:03:16 AM

Developed by  **Schneider**  
GEOSPATIAL

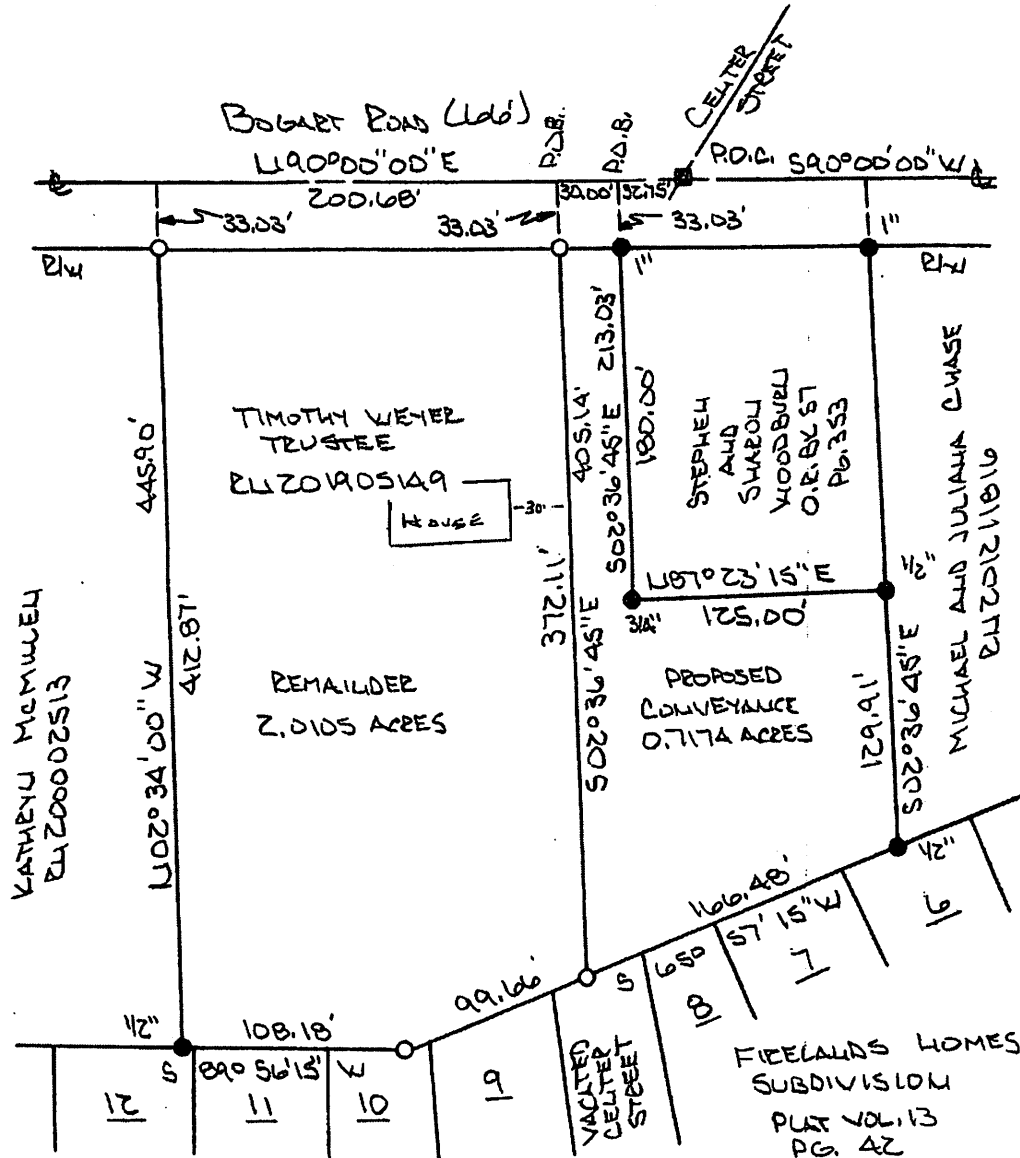






N

ASSUMED



# PLAT OF A SURVEY

BEING PART OF SUBLOT NO. 1  
 IN ORIGINAL LOT NO. 28  
 CITY OF HURON  
 SECTION 1 HURON TWP.  
 ERIE COUNTY, OHIO

JANUARY 2024  
 0 25 50 75 100  
 SCALE 1"=60'

## LEGEND

- MON. BOX FD.
- 120L PIN FD (SIZE NOTED)
- 5/8" 120L PIN SET



*David A. Williams*  
 DAVID A. WILLIAMS  
 REG. SURVEYOR #7166

APPROVED as per Erie County Requirements  
 And Sections 4733-37 thru 4733-37-07 of the Ohio  
 Administrative Code only. No Field Verifications  
 for Accuracy made.

*Michael T. Farrell*  
 Engineer/Surveyor: Erie County Engineer's  
 Date: 1-3-2024

12

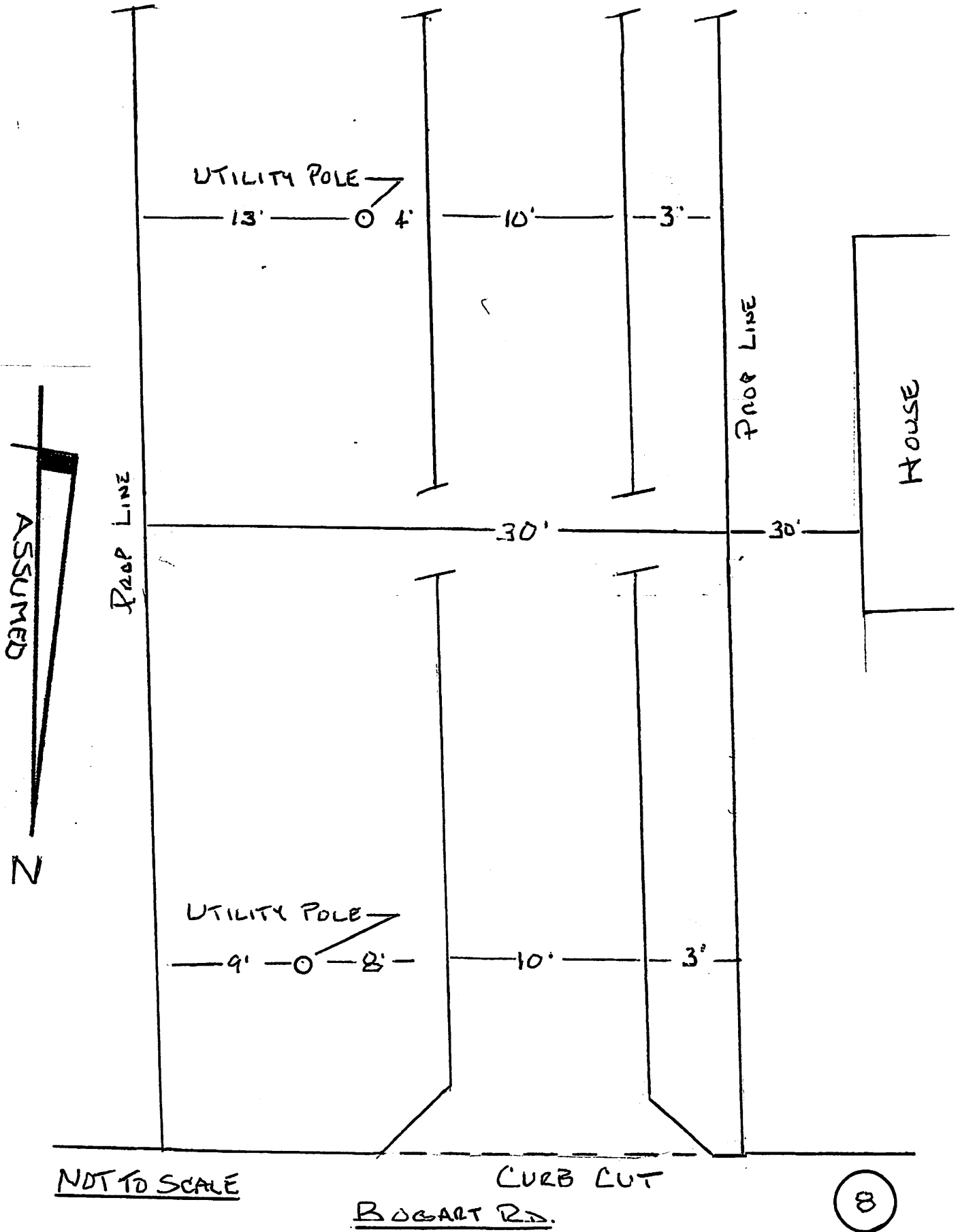




4

↑  
— LOT SPLIT LOCATION  
304 BOGART RD.

PROPOSED DRIVE-WAY



NOT TO SCALE

CURB CUT

BOGART RD.

8

### LOT SPLIT DESCRIPTION

Situated in part of Sublot Number 1 in Original Lot Numbers 28, City of, Huron, Section 1, Huron Township, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin in a monument box found at the intersection of the centerline of Bogart with the centerline of Center Street;

Thence South 90°-00'-00" West, along the centerline of Bogart, a distance of 32.75 feet to a point at the northwesterly corner of a parcel of land now or formerly owned by Stephen and Sharon Woodburn as per deed recorded in O.R. Book 57 Page 353 of the Erie County Records, said point being the principal place of beginning for this description;

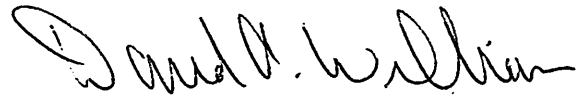
1. Thence South 02°-36'-45" East, along the westerly line of said Woodburn parcel, and passing through an iron pin found at a distance of 33.03 feet, a total distance of 213.03 feet to an iron pin found at the southwesterly corner of said Woodburn parcel;
2. Thence North 87°-23'-15" East, along the southerly line of said Woodburn parcel, a distance of 125.00 feet to an iron pin found at the southeasterly corner of said Woodburn parcel, said point being on the westerly line of a parcel of land now or formerly owned by Michael and Juliana Chase as per deed recorded in RN201211816 of the Erie County Records;
3. Thence South 02°-36'-45" East, along the westerly line of said Chase parcel, a distance of 129.91 feet to an iron pin found on the northwesterly line of Lot Number 6 in Firelands Homes Subdivision as per plat recorded in Volume 13 Page 42 of the Erie County Records;
4. Thence South 65°-57'15" West, along the northwesterly line of said Lot Number 6, Lot Number 7, Lot Number 8 and vacated Center Street in said Firelands Homes Subdivision, a distance of 166.48 feet to an iron pin set;
5. Thence North 02°-36'-45" West, and passing through an iron pin set at a distance of 372.11 feet, a total distance of 405.14 feet to a point on the centerline of Bogart Road;
6. Thence North 90°-00'-00" East, along the centerline of Bogart Road, a distance of 30.00 feet to the place of beginning and containing 0.7174 acres of land, but subject to all legal highway, easements and restrictions of record

In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

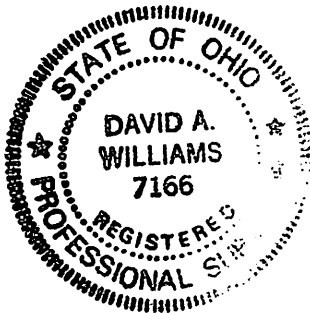
Grantors herein claim title by instrument recorded in RN201905149 of the Deed Records of Erie County, Ohio.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from matters of record and an actual field survey performed on January 2, 2024.

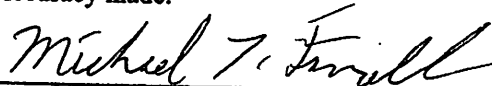
David A. Williams



Registered Surveyor No. 7166



APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
Administrative Code only. No Field Verifications  
for Accuracy made.



Engineer/Surveyor: Erie County Engineer's

Date: 1-3-2024

**DEED RESTRICTIONS:**

- 1.) THE PENDING DRIVEWAY LOCATION IS LIMITED TO THE EXTREME EASTERLY SIDE OF THE DESCRIBED PROPERTY, BUT WITHIN 4 FEET ON THE WESTERLY SIDE OF THE EXISTING UTILITY POLES. DRIVEWAY WIDTH IS LIMITED TO TEN FEET WIDE.
- 2.) INSTALLATION OF UNDERGROUND WATER, GAS, AND ETC., IS LIMITED TO THE AREA BETWEEN THE EAST SIDE OF THE DRIVEWAY AND THE WEST SIDE OF THE EXISTING UTILITY POLES. (APPROXIMATELY 4 FEET IN WIDTH) EXISTING SEWER LINE PASSES THROUGH THE INSIDE OF THIS PROPERTY ALONG THE WESTERLY PROPERTY LINE.
- 3.) THERE SHALL BE NO INSTALLION OF A FENCE, TREES OR LANDSCAPEING WHATSOEVER ON THE WEST SIDE OF THE DRIVEWAY.
- 4.) THE UNDER GROUND SPRINKLER SYSTEM AND MAINTENANCE OF THE SYSTEM, AND MOWING AND MAINTENANCE OF THE GRASS WEST OF THE DRIVEWAY, SHALL BE THE OBLIGATION OF THE PROPERTY OWNERS LOCATED AT 304 BOGART ROAD.
- 5.) THE TYPE AND DESIGN OF THE PROPOSED BUILDING OF A HOME ON THIS PROPERTY MUST BE PREAPPROVED IN-WRITING, BY THE OWNER OF THE PROPERTY LOCATED AT 304 BOGART, BEFORE A BUILDING PERMIT CAN BE APPLIED FOR, GRANTED AND CONSTRUCTION BEGINS ON THIS PROPERTY.



### REMAINDER DESCRIPTION

Situated in part of Sublot Number 1 in Original Lot Numbers 28, City of, Huron, Section 1, Huron Township, Erie County, Ohio, and being more particularly described as follows;

Commencing at an iron pin in a monument box found at the intersection of the centerline of Bogart with the centerline of Center Street;

Thence South 90°-00'-00" West, along the centerline of Bogart, a distance of 62.75 feet to a point, said point being the principal place of beginning for this description;

1. Thence South 02°-36'-45" East, and passing through an iron pin set at a distance of 33.03 feet, a total distance of 405.14 feet to an iron pin set on the northwesterly line of vacated Center Street in Firelands Homes Subdivision as per plat recorded in Volume 13 Page 42 of the Erie County Records;

2. Thence South 65°-57'-15" West, along the northwesterly line of said vacated Center Street, Lot Number 9 and Lot Number 10 in said Firelands Homes Subdivision, a distance of 99.66 feet to an iron pin set;

3. Thence South 89°-56'-15" West, continuing along the northerly line of said Lot Number 10, Lot Number 11 and Lot Number 12 in said Firelands Homes Subdivision, a distance of 108.18 feet to an iron pin found at the southeasterly corner of a parcel of land now or formerly owned by Kathryn McMillen as per deed recorded in RN200002513 of the Erie County Records;

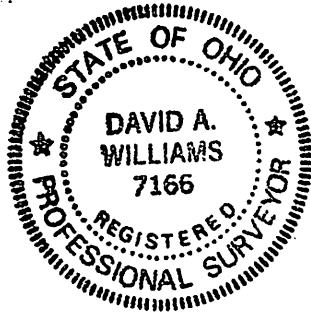
4. Thence North 02°-34'-00" West, along the easterly line of said McMillen parcel, and passing through an iron pin set at a distance of 412.87 feet, a total distance of 445.90 feet to a point on the centerline of Bogart Road;

5. Thence North 90°-00'-00" East, along the centerline of Bogart Road, a distance of 200.68 feet to the place of beginning and containing 2.0105 acres of land, but subject to all legal highway, easements and restrictions of record.

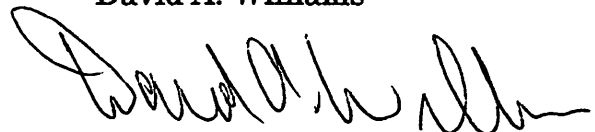
In the above description the courses were referred to a meridian assumed for the purpose of indicating angles only.

Grantors herein claim title by instrument recorded in RN201905149 of the Deed Records of Erie County, Ohio.

This description was prepared by David A. Williams, Registered Surveyor No. 7166 and was taken from matters of record and an actual field survey performed on January 2, 2024.



David A. Williams

  
Registered Surveyor No. 7166

APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Oh  
Administrative Code only. No Field Verifications  
for Accuracy made.

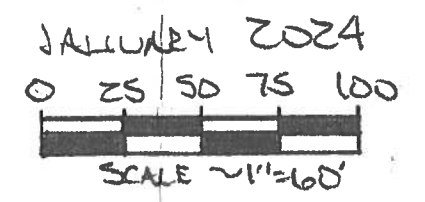
  
Engineer/Surveyor: Erie County Engineer's

Date: 1-3-2024



# PLAT OF A SURVEY

BEING PART OF SUBLOT NO. 1  
IN ORIGINAL LOT NO. 28  
CITY OF HUDON  
SECTION 1 HUDON TWP.  
ERIE COUNTY, OHIO



## LEGEND

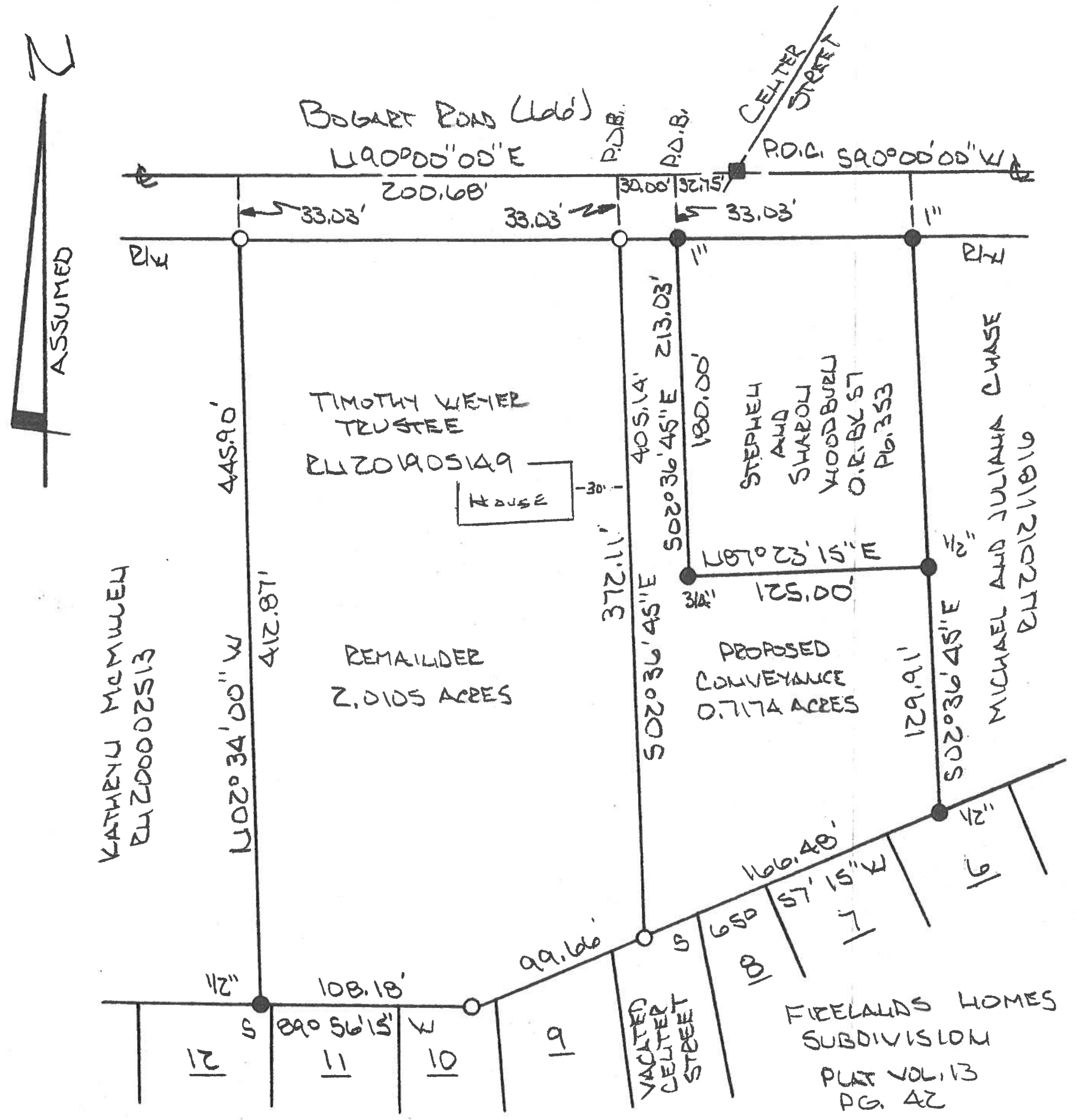
- MON. BOX FD.
- IRON PIN FD (SIZE NOTED)
- 5/8" IRON PIN SET



*David A. Williams*  
DAVID A. WILLIAMS  
REG. SURVEYOR #7166

APPROVED as per Erie County Requirements  
And Sections 4733-37 thru 4733-37-07 of the Ohio  
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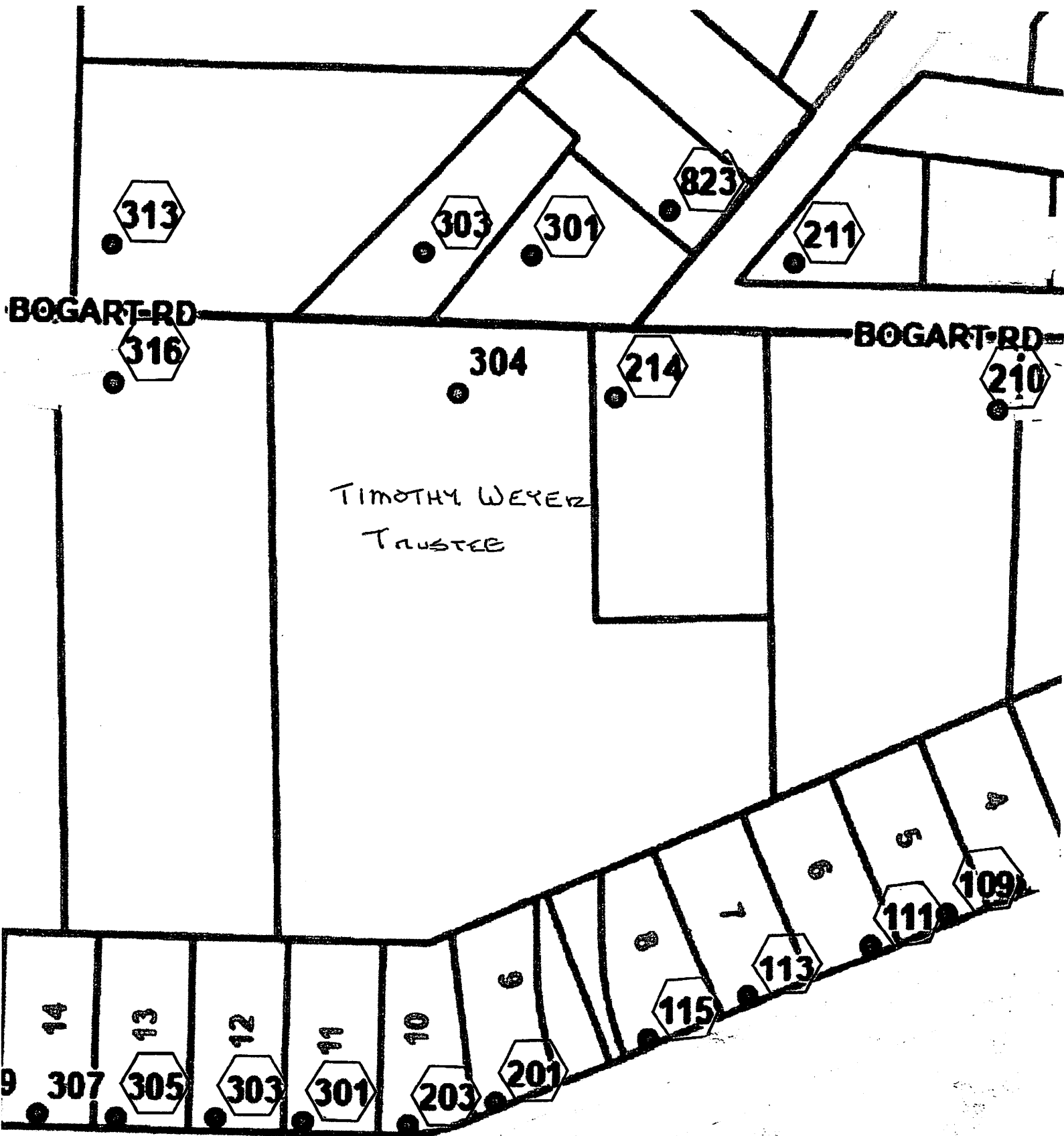
*Michael J. Farrell*  
Engineer/Surveyor: Erie County Engineer's  
Date: 1-3-2024 12



KATHRYN MCWILLEN  
PL200002513

**LIST  
OF PROPERTY  
OWNERS WITHIN  
100' OF PROPOSED  
LOT SPLIT**





**Parcel ID - 42-01642.000**  
**Alt Id - 42193152002**  
**Address - 210 BOGART**  
**Owner - MOREFIELD**  
**MICHAEL J & JULIANA M**  
**CHASE MOREFIELD (Owner**  
**Address)**  
**MOREFIELD MICHAEL J &**  
**JULIANA M CHASE**  
**MOREFIELD (Tax Payer**

**Parcel ID - 42-00605.000**

**Alt Id - 42193104006**

**Address - 211 BOGART**

**Owner - SPAULDING RYAN C**

**(Owner Address)**

**SPAULDING RYAN C (Tax**

**Payer Address)**



**Parcel ID - 42-00983.000**

**Alt Id - 42193152001**

**Address - 214 BOGART**

**Owner - WOODBURN**

**STEPHEN T & SHARON K**

**(Owner Address)**

**WOODBURN STEPHEN T &**

**SHARON K (Tax Payer**

**Address)**

**Parcel ID - 42-00606.000**  
**Alt Id - 42193103015000**  
**Address - 301 BOGART**  
**Owner - WOOD LAMAR G &**  
**CATHY A (Owner Address)**  
**WOOD LAMAR & CATHY (Tax**  
**Payer Address)**

- - -

**Parcel ID - 42-01850.000**

**Alt Id - 42193103010**

**Address - 303 BOGART**

**Owner - SCHAFFTER KIM D**

**(Owner Address)**

**SCHAFFTER KIM D (Tax Payer  
Address)**



**Parcel ID - 42-00239.000**

**Alt Id - 42193103009**

**Address - 313 BOGART**

**Owner - MYERS MARK A**

**(Owner Address)**

**MYERS MARK A (Tax Payer  
Address)**

**Parcel ID - 42-00220.000**

**Alt Id - 42193105007**

**Address - 316 BOGART**

**Owner - MCMILLEN**

**KATHRYN A (Owner Address)**

**MCMILLEN KATHRYN A (Tax**

**Parcel ID - 42-01851.000**  
**Alt Id - 42193103014**  
**Address - 823 CENTER**  
**Owner - THATCHER**  
**MICHAEL R & SHERRY L**  
**(Owner Address)**  
**THATCHER MICHAEL R &**  
**SHERRY L (Tax Payer Address)**



**Parcel ID - 42-00021.000**  
**Alt Id - 42193152010**  
**Address - 109 FOREST HILLS**  
**Owner - ANDERSON**  
**MARGARET EA & KENNETH L**  
**(Owner Address)**  
**ANDERSON MARGARET EA &**  
**KENNETH L (Tax Payer**  
**Address)**

**Parcel ID - 42-00361.000**

**Alt Id - 42193152009**

**Address - 111 FOREST HILLS**

**Owner - BRUTSCHE ROBIN**

**MARIE & GARRETT AUSTIN**

**CUNNINGHAM (Owner**

**Address)**

**BRUTSCHE ROBIN MARIE &**

**GARRETT AUSTIN**

**CUNNINGHAM (Tax Payer**

**Address)**

**Parcel ID - 42-01369.000**

**Alt Id - 42193152008**

**Address - 113 FOREST HILLS**

**Owner - PAREDES LYDIA M**  
**(Owner Address)**

**PAREDES LYDIA M (Tax Payer**  
**Address)**

**Parcel ID - 42-04055.000**

**Alt Id - 42193152020**

**115 - FOREST HILLS**

**Owner - KESSLER TAYLOR L &  
RILEY GARRETT RUSSELL**

**(Owner Address)**

**KESSLER TAYLOR L & RILEY  
GARRETT RUSSELL (Tax Payer  
Address)**



**Parcel ID - 42-01135.000**

**Alt Id - 42193105018**

**Address - 201 FOREST HILLS**

**Owner - CUTCHER JUSTIN G  
& CATHERINE J (Owner  
Address)**

**CUTCHER JUSTIN &  
CATHERINE (Tax Payer  
Address)**

**Parcel ID - 42-01563.000**

**Alt Id - 42193105017**

**Address - 203 FOREST HILLS**

**Owner - GARCIA SYDNEY P**

**(Owner Address)**

**GARCIA SYDNEY P (Tax Payer  
Address)**

**Parcel ID - 42-01223.000**

**Alt Id - 42193105016**

**Address - 301 FOREST HILLS**

**Owner - BOYES WENDI L**

**(Owner Address)**

**BOYES WENDI L (Tax Payer  
Address)**

**Parcel ID - 42-01172.000**  
**Alt Id - 42193105015**  
**Address - 303 FOREST HILLS**  
**Owner - ZADELL JOHN A &**  
**KIMBERLY A (Owner Address)**  
**ZADELL JOHN A & KIMBERLY**  
**A (Tax Payer Address)**



**Parcel ID - 42-00528.000**  
**Alt Id - 42193105014**  
**Address - 305 FOREST HILLS**  
**Owner - PERRY ROSS W**  
**(Owner Address)**  
**PERRY ROSS W (Tax Payer**  
**Address)**