

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
May 21, 2024 Work Session Meeting (Training) – 5:30p.m.

The work session meeting of the BZA was called to order by Law Director Todd Schrader at 5:30p.m. on May 21, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Frank Kath, JoAnne Boston, Scott Slocum, Lisa Brady, and Jim Shaffer.

Staff in attendance: Planning Director Erik Engle, Legal Counsel Todd Schrader, Gary Ebert.

Mr. Schrader noted members are doing well on summarizing in their decisions as reflected in the minutes and referenced the appeals cases that the city has won to date. He noted he gives the board credit for the many pre-existing/nonconforming cases that they are hearing.

Mr. Schrader noted that Mr. Ebert will be sharing some information on recommendations to codify language to assist the BZA.

Items of Note:

Mr. Schrader

- Consistency is important in applying the factors for decisions
- Case by Case- apply the same criteria to each case. A decision in a case does not set precedence.
- Most important: continue to verbalize the factors ***on the record*** when making the decision.
- BZA is a quasi-judicial board; the decision the BZA makes is final. The only course of action for the applicant following a BZA decision is an appeal to the Court of Common Pleas.

Mr. Ebert

- Referenced the Charter Review Commission and proposed changes to be considered by the public. He noted the community is growing, the landscape of Huron is changing and suggested that changes to the ordinances may be beneficial going forward.
- Read the Charter section **BZA- SEC. 7.02. BOARD OF BUILDING AND ZONING APPEALS.** *There shall be a board of building and zoning appeals consisting of five members who shall be citizens who hold no other city office or employment, selected by the council one each year for overlapping terms of five years. The board shall adopt its own rules and elect its own officers annually. It shall have all the power and authority conferred upon boards of zoning appeals by state law and such other duties as may be imposed upon it by ordinance. Its members shall serve without compensation.* Nothing in Charter provides members with any direction on instructions as to the process
- *Referenced and read 1337.07 VARIANCES The Board of Building and Zoning Appeals may permit a variance from the applicable sections of this chapter when, upon appeal, it clearly appears by reason of special conditions that undue hardship would result from a literal application of any section of this chapter.*
- Discussed that these sections do not provide the BZA with any procedural guidance on decision making on cases or any other information and perhaps code amendments to include this type of information would be helpful. Amendments will be drafted for City Council consideration.

- Provided examples of code language from other municipalities that the city may wish to consider.
- Discussion on pre-existing/nonconforming neighborhoods ensued and how these create continual cases at the BZA for very similar issues. Mr. Engle advised that this discussion has taken place at BZA and PC levels and this is why updating the code to relax some of the setbacks in these types of areas has been proposed. Mr. Engle noted that internal discussions with Fire and/or Police are held when proposing changes that require safety oversight. Mr. Schrader and Mr. Ebert agreed and noted that they are familiar with seeing this type of amendment.
- Mr. Slocum inquired about precedent setting using the Stride Mobility signage as an example. Mr. Schrader recapped the issues with the current signage code and noted most municipalities are re-writing their signage code due to fist amendment issues. Mr. Schrader was referencing the most recent BZA case of Stride Mobility for the request of adding off premises signage to the sign, noting the Judge in the case found in the city's favor. It was recommended by legal that going forward, the BZA could include language to reiterate that no off-premises signage will be allowed on such signs. Mr. Slocum clarified that he was looking at how the original variance was granted for the signage. Members discussed the original request for the multiple variances for size, height, etc. pondering how these variances were approved. Mr. Engle noted, in the end, the board's decision was to grant the variance requests.
- Mr. Engle noted the signage code has been updated and has been approved by the Planning Commission and referred to City Council. He added that most language has been kept in the Route 6 Corridor section with regard to signage in that area. Members were glad to know that the Planning Commission agreed.
- Discussion ensued on the origins of the community being a cottage town, the growth being seen as these cottages are being converted into full time homes, the many neighborhoods that are pre-existing/non-conforming that are contributing to the volume of cases coming before the BZA.

With no further discussion, the meeting was adjourned at 6:29pm.


 Jim Shaffer
 Board of Building and Zoning Appeals Secretary



ADOPTED: August 12, 2024
 JS/cmng