

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
June 10, 2024 Regular Meeting – 5:30p.m.

Chair Frank Kath, called the regular meeting to order at 5:30 p.m. on Monday, June 10, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Scott Slocum, Lisa Brady, and Jim Shaffer. Also in attendance: Administrative Assistant Christine Gibboney, and Zoning Inspector Alec Romick.

Approval of Minutes N/A

Verification of Notifications

Mr. Kath asked for verification that notices had been mailed, Ms. Gibboney confirmed that notices were mailed on May 31, 2024.

Mr. Kath explained the meeting format and protocol, swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda, and asked that audience members turn off cell phones.

New Business

1138 By the Shores Drive Zoning District: R-1 Parcel No.: 42-00611.000

Project Description- Area Variances- Proposed Rear Yard Decks

The applicant is proposing multi-level decks and patios in the rear yard. As proposed, the decks will require the following variances: Rear Yard, Side Yards, and a variance to exceed the max rear yard build out of 35%. The applicant notes the rear yard is sloped to the lake and cannot be safely accessed.

Mr. Kath called the public hearing to order at 5:34 p.m.

Ms. Gibboney referenced the R-1 Zoning District and reviewed the proposed application for multi-level decks and patios in the rear yard. The existing home is pre-existing/non-conforming to side yard setbacks, the applicant has advised the rear yard is sloped to the lake and is proposing 1,411sf of multi-level decks. According to the application, the total rear yard area is 2,715sf, the proposed deck area 1,411sf would be at 52% for the rear yard build out.

Ms. Gibboney referenced the code section, 1123.01, and the four (4) variances that are required as proposed:

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

It was noted that two emailed statements were received from neighbors today opposing the variance request and these had been provided to members. Ms. Gibboney commented that the owner/applicant and some neighbors are in attendance.

Applicant/Owner Statements: Joe Lair, Owner.

Mr. Lair noted he would answer any questions members may have. Ms. Boston thanked Mr. Lair for the detail provided in the plans. Mr. Lair referenced the pictures of the existing rear yard, the slope, and the narrow retaining wall areas that do not provide even enough room for chairs.

Ms. Boston noted the variances being requested seem substantial to her, specifically to the total percentage of rear yard build out. She noted she understands the request, but questioned whether the total area could be reduced because it is excessive. Mr. Lair responded that he worked with his architect to design this for this lakefront home adding that they cannot get into an area of sunlight without coming out away from the home, and wanted an area to entertain properly. Ms. Boston asked if he had spoken to any of the neighbors, Mr. Lair replied he had not. Ms. Boston referenced the statements received by neighbors and suggested that perhaps time can be given to Mr. Lair to read through the statements and his case can be paused to allow for this. Members asked Mr. Lair if he would agree to table the hearing temporarily to allow him time to read the statements and the board will go on to hear the next case and then come back to this hearing. Mr. Lair agreed. **Mr. Kath temporarily closed this public hearing at 5:41pm. and moved on to the next case. Mr. Kath re-opened this Public Hearing at 5:47pm.**

Mr. Lair noted he had reviewed the letters of opposition and commented that he understands why someone would not want to see change, but noted he is not altering the line of site because it will be at the same level as the current structure is today, so it will not change that. He referenced the side yards, noting the home is not currently compliant with the code for side yard setbacks. He noted that on the east side, there is already a sidewalk all the way down the east side of the home, so basically, he is just continuing this and to the west the existing setback of the home is not compliant. He added that he may be able to pull this (west side) in a bit, but on the east side, there is already a sidewalk in place, so he does not believe this side to be an issue. Ms. Boston noted sidewalks are not a permanent structure, but noted her concern is more for the total rear yard build out overall. Mr. Kath noted the request is substantial, asking if the owner can shrink the rear yard setback, asking if he needs to go out that far. Mr. Lair referenced that the placement is to provide an area in the sun. Mr. Kath referenced that he believes the consensus is concern over the total rear yard square footage.

Mr. Kath asked the owner if he was willing to have the case tabled to allow time for him to revise the plans. Discussion ensued between the owner and the members as to options and revisions. Mr. Lair commented if he lined up the west side with the existing home this would probably reduce 300sf or so, and on the left side, he may be able to slide that over. Ms. Brady referenced the challenge she has is the overall square footage and how much of the rear yard is developed.

Mr. Kath asked Mr. Lair if he was part of the Beachwood Cove Association. Mr. Lair replied he was not sure, but does not believe so and does not pay HOA fees.

Kath referenced the letter from neighbor, Bob Mack, regarding concern for the ability to repair the shoreline wall. Mr. Lair stated that he did not believe his proposed deck would have anything to

do with that, noting that he does not like the stones that are there and would like to remove them rather than maintain them. Mr. Kath asked for clarification on the decking, Mr. Lair explained the decking is a stepped deck, 3 steps, the lower part of the design plan is a patio. Mr. Lair commented he would like to pave the area of the rocks as well. BZA members referenced that the patios are not an issue.

Mr. Kath noted the statements of opposition have to do with access for repairs of the seawall. Mr. Lair noted this area could only be accessible from the water, he noted that there is no room for an excavator to get back there.

Audience Comments:

Tom Mack, co-owner of 1136 By the Shores. Mr. Mack noted his mother resides in the home which the family has owned since 1980 and it is part of Beachwood Shores Corporation, and believes the cut off is Newport Drive. Mr. Mack advised there was an association in this area, owners paid dues and did improvements including seawall maintenance. He expressed his concerns relative to shoreline maintenance and referenced the HOA documents that he had included with this letter, pointing out that the document speaks to an easement for seawall maintenance, wondering if this is legally binding. He noted he does not like the rocks there either, but notes that they have had heavy equipment down there at least x2 since 1980 to do repairs. He stated he believes this to be the best way to access the area and that water access is an issue as you must have the proper depth for the barge and proper equipment needed to reach the area. The spoke of the harsh lake conditions and attempts that he and another neighbor have been looking into regarding securing contractors for seawall repairs, noting contractors are looking out 2-5 years. He stated the last time this wall was repaired was in 1998. He spoke to the storm damage sustained to these areas including the Lairs' property, and noted the rock serves a utilitarian purpose. He referenced the small narrow lots in the neighborhood referencing the side setbacks are of concern. He noted that anything beyond the existing structure side setbacks he would be opposed to. He acknowledged the beautiful improvements the Lairs' have done to the property already, adding he hopes they can work within the limits of the code.

Ms. Boston made note that HOA documents do not affect the BZA decision making which is based on the city code only relative to the variance request, and recommended that property owners research this on their own and seek legal counsel about the defunct association. Ms. Boston noted the BZA is not to consider the HOA documents. Mr. Mack replied he believes what is relevant is the original intent of having the need to maintain the seawall, historical work that has been done and the existing right of way areas to get down to the lake to do this maintenance. He expressed concern for any improvements Mr. Lair may make as they may be damaged when seawall maintenance is needed.

Mr. Lair noted the decks that are requiring variances have nothing to do with the seawall maintenance issues. He noted he did have Shoreline Construction come out to inspect the seawall and noted it is in perfect shape and does not require any work.

Mr. Lair stated in terms of the size, the east side already has a sidewalk and this is where he will have a grill area, and will be a concrete pad, he could have the plans revised and building lines straight. Members expressed their desire with reductions to the side yard setbacks to line up with the current home setbacks. Members and Mr. Lair reviewed the site plans, clarifying the deck vs

patio areas and the proposed revisions. Mr. Lair agreed to have the case tabled to allow him time to revise the plans and come back to the next meeting.

Jim Consolo, representing Dr. Lucille Ford, at 1134 By the Shores. Mr. Consolo, explained Ms. Ford would want to welcome the Lairs to the neighborhood and cited various improvements she has made to her home. He noted the question Ms. Ford had was: does the total square footage of the rear yard include the heavy gravel area up to the steel breakwall? He noted they do not care for the stone either, but referenced the damage that storms can do in this area. He stated Ms. Ford agrees with the comments made by Mr. Mack and cautioned the Lairs on the severity of damage caused from the lake that this area is prone to. He stated he believes homeowners in the area paid \$ 8,000- \$10,000 each in 2021 for repairs after a storm.

Ms. Boston stated that with two owners now referencing the need for access to the lake, this causes her concern. Mr. Lair stated the access being referenced has nothing to do with his variance request and does not understand why this keeps being discussed. Mr. Kath commented that what neighbors are saying is the patio could be damaged when shoreline maintenance needs to be done. Mr. Lair noted again this has nothing to do with his variance request which is specific to the deck.

Members discussed the option of tabling the case to allow Mr. Lair to revise the plans and return to the next regular meeting.

Motion by Ms. Brady to table the case until the next regular meeting to allow the applicant/owner time to revise his site plan.

Motion seconded by Mr. Slocum. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, Brady, Slocum (5)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the case tabled until the next regular meeting.

102 Sandusky Ave

Current Zoning District: R-1

Parcel No.: 45-00027.000, 45-

00025.000, 45-00026.000, 45-00028.000, 45-00029.000

Project Description- Area Variances

Applicant is seeking to demolish an existing residence constructed in 1964, and rebuild in relatively the same location except for the rear yard, as the parcel is prone to flooding. The rear yard setback will be increased from the existing (current rear yard setback is 15', proposed rear yard setback 23'), but will still require a variance to the rear yard setback regulations. Applicant is in the process of combining the lots.

Mr. Kath called the public hearing to order at 5:41p.m.

Ms. Gibboney referenced the application, reviewing Zoning District and applicable codes, noting that the applicant is seeking to demolish the existing home, rebuilding in relatively the same location except for the rear yard as this area is prone to flooding. Ms. Gibboney referenced the site is comprised of multiple parcels, noted the home is pre-existing/non-conforming for the rear yard

setback which is currently at 15' from the property line. The proposed rear yard setback is 23', an improvement, but still requires a rear setback variance: As proposed, the new home will require:

- Rear Yard Setback of 23' (30' Required)- Rear Yard Setback Variance of 7'

It was noted that one letter of support was received and provided to members at their places and referenced the Owner/Applicant was in attendance.

Applicant/Owner Statements: Ken Verlie, Owner.

Mr. Verlie noted his new home will be built up, explaining he has been flooded out six times in the 36 years he has been there. Ms. Gibboney referenced the multiple lots, noting that Mr. Verlie is working on combining these. Mr. Verlie confirmed that this was finalized at this time.

Ms. Boston noted she was familiar with the site and understands the situation, appreciates the fact that he has combined lots and the fact he is keeping the character of the neighborhood. Ms. Brady agreed.

Audience Comments: None

With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:46 p.m.

Motion by Ms. Boston to approve the variance as requested, citing:

- *The variance is not substantial.*
- *The essential character of the neighborhood would not be substantially altered and/or the adjoining properties would not suffer a substantial detriment because of the variance.*
- *The variance would not adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
- *The property owner'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.*

Motion seconded by Mr. Slocum. Roll call on the motion:

Yeas: Shaffer, Boston, Kath, Brady, Slocum (5)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the variance request approved as submitted.

1708 Sawmill Parkway

Current Zoning District: I-2

Parcel No.: 42-02023.000

Project Description- Area Variances

Applicant is proposing new construction of 100, 20 x 50 Storage Units on this 6-acre industrial lot. As proposed, the side setbacks, while compliant with Section 1125.05 for I-2 Zoning, does not comply with

1126.15 Self-Storage and Mini Storage. Applicant is seeking consideration for side yard setback variances.

Mr. Kath recused himself from discussion/vote on the case. Ms. Boston assumed the role of Chair and **called the public hearing to order at 6:20 p.m.**

Ms. Gibboney reviewed the project details and explained the parcel is located within an I-2 Zoning District, adding that the zoning district information was provided to the applicant during early discussions. Ms. Gibboney explained that during plan review for their application to the Planning Commission/DRB; it was discovered that there are two (2) applicable, but conflicting, code sections. The parcel is zoned I-2 and complies with the I-2 setbacks and regulations, but there is a separate code, not referenced in I-2 uses, (1126.15 Self-Storage & Mini Storage) that has conflicting setbacks and regulations for this use.

Ms. Gibboney explained that upon learning of the two sections, staff reached out to the legal department for review and recommendation and the Fire Department was consulted with regarding to any setback concerns. The Fire Department advised that if in an Industrial District, setbacks can be that of the Industrial regulations, if outside the Industrial District they would want to maintain the setbacks in Section 1126.15 and noted their main concern is based on access to all sides of the buildings. Ms. Gibboney referenced the existing businesses on Sawmill Parkway and that the I-2 Zoning setbacks and regulations would have been applied to these businesses.

Ms. Gibboney noted legislation is on the Council agenda for June 11 for a 1st reading of 3, to amend Section 1126.15 to refer to the setbacks of 1125.05 when this use is within an I-2 District. Ms. Gibboney noted the legislation and Council action should not affect the BZA decision, as members will apply the standard criteria applicable for area variances.

As proposed, the build would be compliant with both the sections, except for the side yard setbacks, which are not compliant with 1126.15. Side yard setbacks within an I-2 are zero, but Section 1126.15 has a 15' side yard setback. As proposed, the buildings have a 5' side setback and would require 10' side yard setback variances on both sides.

Applicant/Owner Statements: Joshua Fox, Fox Architectural Group

Mr. Fox noted they received the I-2 Zoning information for the parcel and designed the plans accordingly, stating he is not blaming anyone as mistakes happen. He noted he designed the plans with a 5' side setback to give themselves some buffer area behind the buildings, knowing that the side setback in I-2 was zero. Referencing when the city contacted them, he noted that they had two options: 1) Seek a variance or 2) Change the plans affecting the parking areas. He referenced the buildings being 50' deep and explained that a boat trailer, motorhome, etc. would be difficult to maneuver in a narrow driveway and that is the reason they are seeking the variances. Mr. Fox explained the driveways are 61' and still pretty tight to maneuver a vehicle into the storage space. He noted they are not seeking a zero setback as the I-2 allows, they will be keeping the 5' setback. He referenced they are compliant with the rear and front setbacks. He added they have already applied for the PC/DRB and have had to wait for that meeting, causing the project to now be a month behind.

Ms. Brady inquired as to what would it cost to redraw the plans, and asked if they had to meet the setbacks in 1126.15, are the plans feasible. Mr. Fox explained the additional cost would be a mix between the civil engineer and his cost to re-design the plan, but did not have an amount. To apply the setbacks of 1126.15 would require them to lose a half of a building somewhere and would reduce the driveway area to 40'. He confirmed, yes, it would cost more, the amount unknown and referenced the size of the proposed buildings and driveways in relation to the vehicles and boats that would need to be maneuvering.

Mr. Kath inquired about the legislation before City Council and what spurred the amendment. Ms. Gibboney replied that Legal was advised of the two conflicting sections of code discovered during plan review of this application.

Audience Comments: None

With no further comments or discussion, Ms. Boston closed the Public Hearing at 6:28 p.m.

Motion by Ms. Brady to approve the variances as requested, citing:

- The essential character of the neighborhood would not be substantially altered and/or the adjoining properties would not suffer a substantial detriment because of the variance.
- The variance would not adversely affect the delivery of governmental services.

Ms. Brady added that not doing so creates a financial hardship. Motion seconded by Mr. Shaffer. Roll call on the motion:

Yeas: Shaffer, Boston, Brady, Slocum (4)

Nays: (0)


Abstain: (1) Kath

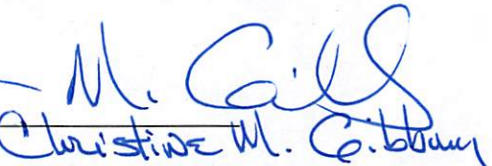
With three or more votes in the affirmative, motion passes and the variance request approved as submitted.

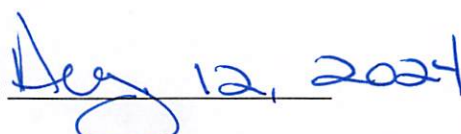
Other Matters

BZA Rules- Members decided to wait until the next meeting to finalize.

With no further business, motion by Mr. Shaffer to adjourn. Motion seconded by Ms. Boston. All in favor, meeting adjourned at 6:36 p.m.


Jim Shaffer
Board of Building and Zoning Appeals
Secretary


Christine M. Gibboney

ADOPTED: 
JS/cmg