

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
July 15, 2024 Regular Meeting – 5:30p.m.

Chair Frank Kath, called the regular meeting to order at 5:30 p.m. on Monday, July 15, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Scott Slocum, Lisa Brady, Joanne Boston. Members absent: Jim Shaffer. Also in attendance: Administrative Assistant Christine Gibboney and Zoning Inspector, Alec Romick.

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.

**Approval of Minutes**

Members advised that they had not had the chance to review the minutes. Ms. Gibboney noted these could be placed on the next agenda.

Mr. Kath 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.

**Verification of Notifications**

Mr. Kath asked for verification that notices had been mailed, noting this case had been tabled previously. Ms. Gibboney confirmed that notices were mailed out on June 28, 2024.

**Old Business**

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

**Project Description- Area Variance- Proposed Rear Yard Decks**

*This case was tabled at the June 10th meeting to provide the applicant time to revise the site plan pursuant to discussion at the meeting.*

*The revised site plan reflects a reduction in the overall size of the decks, is now in compliance with the rear yard build out threshold of 35%, and side yard setbacks. As proposed, the deck will have a rear yard setback of 16'; requiring a rear yard setback variance of 14'.*

***Mr. Kath called the public hearing to order at 5:35 p.m.***

Ms. Gibboney advised that this case was tabled at the June 10<sup>th</sup> and the applicant has now submitted revised plans. She reviewed the staff report: the site plan reflects a reduction in the overall size of the decks, is now compliant with the rear yard build out threshold of 35%, the east and west side yard setbacks are compliant. As proposed, the deck will have a rear yard setback of 16'; 30' is required, so a rear yard setback variance of 14' is needed. She noted this is an area variance, so the standard Duncan Factor criteria is applied. Ms. Gibboney referenced the one (1) emailed statement from neighbors that was received on July 8<sup>th</sup>, which had been forwarded to all members.

**Applicant/Owner Statements: Joe Lair, Owner.**

Mr. Lair noted he made the requested revisions working with his architect to resubmit. He noted there is no longer the need for variances to the side setbacks, or rear yard build out, noting the only request is a rear yard setback of 16' which will need a variance of 14'. He stated the only way to comply with the 35% max build out is to have a rear yard setback variance. He noted he is not infringing on neighbors in any way. He referenced the existing rear yard areas, noting they are only a few feet wide, not wide enough for chairs to fit facing forward and the yard has a 6' drop off. He added the rear yard is not useable as is.

Ms. Boston asked Mr. Lair if he was aware of any shoreline requirements in terms of reaching out to the State or Federal agencies. Mr. Lair stated there is no shoreline work being proposed. Mr. Lair referenced the statements and questions from neighbors at the last meeting about the HOA. He noted he has brought a copy of his title insurance and explained he made a request before buying the property and there is no HOA, there is no variance on the property, and the paperwork that neighbors brought in regarding an HOA is defunct and no longer valid. He noted he had a title search done before buying to validate clear title on the property. Ms. Boston clarified her question asking if he was doing any work to impede upon the existing wall. Mr. Lair said no, he is not coming near the existing wall. Mr. Kath asked if he was going to put concrete or grass where the deck stops referencing the site plan. Mr. Lair clarified the hatched area on the site plan is the deck beyond that is the gravel area. Mr. Lair noted he is aware of the letter from neighbors regarding being in a flood zone, noting that this information is not relevant and again has nothing to do with the area he is proposing. Mr. Lair referenced a letter from the Executive Director of Erie County Regional Planning Commission, Tim King, verifying that home is not within the flood zone AE; that he is in Zone X, and a letter from FEMA stating again, he is in Zone X, not in Flood Zone AE and would be happy to provide copies to the board. He added they do not pay for Flood Zone insurance. Mr. Kath asked the Zoning Inspector if the applicant is not going to impede on the shoreline wall..... Mr. Romick answered the applicant is not asking for anything between the deck and the shore wall. Ms. Boston asked Mr. Lair if he was building over the stone, Mr. Lair replied yes.

Ms. Gibboney referenced this is an area variance request for BZA, noting that if approved, there is a permitting process that follows. Ms. Brady referenced her site visit, commenting there must have been rear yard variances in past for other neighboring properties from what she saw. Ms. Brady commented she appreciates the revisions to the plans; reduction to the original footprint and the adjustments to the side setbacks to comply.

Ms. Boston asked if Safety Services had reviewed the plans. Ms. Gibboney replied there was no review by Safety Services.

**Audience Comments:**

Robert Mack, 30195 Morningside Drive, Perrysburg OH and co-owner of record for 1136 By the Shore Drive. He noted that everything said at the previous meeting of concern would still be

restated even though the application has been modified to a rear yard setback variance. He asked the board to consider this area as somewhat a front yard, noting neighbors purchased the property for the views, thinking the view would be protected, they do not wish the views to be obstructed, and asked the board to respect the setbacks that have been in place. He stated that it seems like a number of neighbors have expressed the same concerns and asked the board to take this into consideration. He noted they are all trying to live within the rules in place when they purchased the property, and they have not attempted to infringe on their neighbors. Mr. Kath asked Mr. Lair if he had any future to enclose the deck making it a sunroom or something, or is this an open deck. Mr. Lair said, yes, open patios/decks. Mr. Lair referred to the original elevations that were provided, noting the footprint is smaller now, but look is the same.

**With no further questions or discussion, Mr. Kath closed the public hearing at 5:51 p.m.**

**Motion by Ms. Brady to approve the 14' rear yard setback variance for 1138 By the Shores, based on the fact that it meets the following criteria, and the variance in its adjusted format,**

- **Is not substantial.**
- **It does not impact the essential character of the neighborhood, 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 spirit and intent behind the zoning requirement would be upheld.**

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

**Yeas: Boston, Kath, Brady, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the 14' rear yard setback variance approved as submitted.**

### **Other Matters**

#### **BZA Rules of Procedure**

**Motion by Ms. Boston to approve the BZA Rules of Procedure as presented. Motion seconded by Mr. Slocum. Roll call on the motion:**

**Yeas: Boston, Kath, Brady, Slocum (4)**

**Nays: (0)**

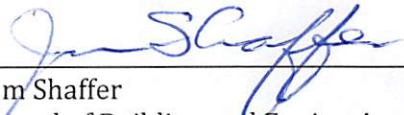
**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the BZA Rules of Procedure adopted.**

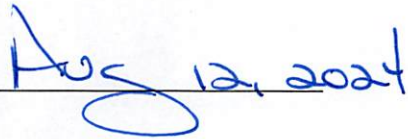
#### **Next Meeting-August 12, 2024**

Ms. Gibboney advised there are 3-4 cases on the agenda for the next regular meeting, one being the signage for the new Huron Sports Academy. She noted this case is coming to BZA because the school is in an R-1 District, no commercial/business signage is recognized or allowed in the Sign Code for any Residential District. Ms. Gibboney explained due to the timeline, the Planning Commission/DRB will be reviewing the site and design plans for the signage and will make a contingent motion pending the BZA decision.

With no further business, motion by Ms. Brady to adjourn. Motion seconded by Ms. Boston. All in favor, meeting adjourned at 5:57 p.m.

  
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Jim Shaffer  
Board of Building and Zoning Appeals  
Secretary

ADOPTED:  
JS/cmg

  
Aug 12, 2024