

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
September 9, 2024 Regular Meeting – 5:30p.m.

Chair, Frank Kath, called the regular meeting to order at 5:34 p.m. on Monday, September 9, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnne Boston, and Scott Slocum. Also in attendance: Administrative Assistant, Christine Gibboney, and Zoning Inspector, Alec Romick. Mr. Kath advised that two board members are absent: Ms. Brady and Mr. Shaffer. (Ms. Brady later arrived at 5:48pm)

Mr. Kath advised the applicants and audience members that each case is treated as a separate public hearing and that with only three members in attendance, the board gives the applicant/owners an opportunity to table to the next meeting for a full body. He explained the case could be heard at the next regular meeting or the board can hold a special meeting date. Ms. Boston added that approvals by the BZA require three (3) "yes" votes for passage, and this is why, as Mr. Kath explained, that the choice to table is being provided to applicants/owners. It was noted the next regular meeting would be October 14, 2024, but a special meeting could be called pending confirmation from all members for an earlier date. It was noted that both Ms. Brady and Mr. Shaffer had confirmed they would be in attendance, so perhaps they are just running late. Ms. Gibboney existed the meeting to try to contact members. Discussion between Mr. Kath, Ms. Boston and applicant Ted Mahl ensued regarding the process if he were to have the case heard tonight, and if it was denied. Mr. Kath and Ms. Boston noted that if a request is denied, that decision is final, and the applicant could not re-submit the application as proposed, the applicant would have to have a revised site plan. Ms. Gibboney rejoined the meeting, noting that Ms. Brady is anticipated to arrive shortly.

Ms. Brady arrived at 5:48pm. Ms. Brady apologized for the delay. Mr. Kath welcomed all to the meeting and re-introduced the members present and asked that cell phones be turned off. Mr. Kath advised that anyone who wished to address the board will sign in and provide their name and address for the record. He reviewed the format of the hearings.

**Approval of Minutes (8-12-24)**

Motion by Ms. Boston to approve the minutes of 8-12-24 as submitted. Motion was seconded by Mr. Slocum. Ms. Brady abstained. All remaining members in favor, minutes approved.

**Verification of Notifications**

Mr. Kath asked for verification that notices had been mailed. Ms. Gibboney confirmed that notices were mailed out on August 30, 2024.

Mr. Kath swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda.

**New Business**

**829 Superior Drive**

**Zoning District: R-1**

**Parcel No.: 42-01051.000**

**Project Description- Area Variance**

*Applicant is proposing an inground pool in the side yard to the west of the existing home. The home is on a corner lot Superior Drive/Huronia Beach Dr.; being on a corner lot, these are considered two front yards. The rear yard of the home abuts the lake and the applicant has advised and provided*

*pictures of neighboring properties that have experienced flooding issues and damage in the rear yard area and is seeking to have the pool placed in the side yard for this reason. The rear yard near the shoreline on the parcel designated as FEMA Flood Zone (AE); and would trigger a 30' buffer area per the city code.*

*As proposed, the following area variances would be required:*

- 1) A Variance to the rear yard requirement, to allow the placement of an accessory structure (pool) in the side yard abutting Huronia Beach Drive.*
- 2) An 18'-10" Front Yard Setback Variance from Huronia Beach Drive (corner lot- front yard setback applies)*

**Mr. Kath called the public hearing to order at 5:50 p.m. and introduced the case.**

Ms. Gibboney recapped the application for area variances at 829 Superior Drive, R-1 Zoning District, and reviewed the power point presentation. Applicant is proposing an inground pool in the side yard to the west of the existing home, home is on a corner lot Superior Drive/Huronia Beach, and would be subject to the two front yard setback regulation. Ms. Gibboney recapped the applicable code sections: the rear yard of the home abuts the lake and is partially in a flood zone area. Per the code, there is a required 30' buffer area from the flood zone demarcation line that would apply; pools are considered accessory structures and are limited to rear yards only —a variance is needed to allow for a pool to be located in the side yard; on corner lots front yard setbacks apply to both sides of the property, therefore a 30' front yard setback would be required. Ms. Gibboney recapped the variances required as proposed:

- 1) A Variance to the rear yard requirement, to allow the placement of an accessory structure (pool) in the side yard abutting Huronia Beach Drive.
- 2) A Front Yard Setback Variance from Huronia Beach Drive (corner lot- front yard setback applies)

Ms. Gibboney made note of a discrepancy in the measurement totals, noting that the applicant/owner can address this, which may be a typo/calculation error in the dimensions on the site plan. Ms. Gibboney referenced the site plan: Site plan shows: 11'-2" from the pool to the side property line, the pool itself is 12' wide, and 21' from the pool to the house which totals 44', but the dimension reflected on the plan for the total distance from the house to the property line is only showing 39', so this would need to be verified by the applicant/owner and may be a typo in one of the measurements. Ms. Gibboney reviewed the remaining site plan dimensions which were compliant as reflected: front yard setback from Superior Drive, rear yard setback, and distance from the buffer area.

Ms. Gibboney noted that one (1) letter from a neighbor at 824 Superior Drive opposing the variance request was received and previously provided to BZA members. She acknowledged the applicant/owner is in attendance as are several neighbors.

**Applicant/Owner Statements: Mary Beth White applicant/owner. Bo Loeffler, Attorney**

Ms. White referenced the parcel being a double lot and addressed the measurement discrepancy, stating that she did the measuring herself and believes the measurement of 39' is incorrect and it would be the total of the 21', 12' and 11'-2" - that would be the correct distance of the area from house to the property line.

She explained she does not believe a pool would disrupt the character of the neighborhood, would be private and not viewable from any of the neighbor's homes. She noted she visited neighbors, spoke to some, and took some pictures from their front porches to where the pool would be, noting the pool would not be visible from their homes. She noted trees and bushes also shield the area where the pool would be. She referenced other pools in the area and stated that she spoke to the neighbor to the east and they were grateful that the pool would not be in the rear as it would disrupt their views of the lake, adding that the location would not interrupt any views or access to the lake. She referenced the pictures she included from the damage to the pool in the rear yard of her neighbor to the west, noting this is another reason for not putting the pool in the rear yard.

Ms. Boston stated she did not have the supplemental document to the application with her. Mr. Romick provided Ms. Boston a copy of the letter from Attorney Bo Loeffler which was included in the agenda packet. Ms. Boston referenced one of the statements made: not getting the variance would not allow the property to yield a reasonable return and asked if that was his statement. Mr. Loeffler replied that the pool would make the property more valuable, enhance the tax base, and within the spirit of the first criteria, dealing with property yielding a reasonable return, and in relation to not having it granted deals with the value issue related to the property by installing the pool and permitting that to be done. Ms. Boston noted she would challenge that, referencing the fact that the property sold in 2022, and stating that whether the variance is approved or not would not affect the reasonable return on the property. She noted she has an issue with the variance being substantial and significant, and has an issue with pools in side and front yards. Mr. Loeffler stated he disagreed with Ms. Boston's previous statement, commenting- look at the development of the property, and the fact of how private it is, the parcel having two lots and dealing with the westerly lot which is virtually a vacant lot. Ms. Boston asked for verification that the lots are combined- this is one parcel. Mr. Loeffler noted he was looking at the legal description, parcel is comprised of two lots. It was noted this is one parcel. He referenced the Duncan Factors, stating it is not substantial to this lot and property, and it is not blocking any access or blocking site lines for the neighbors. He noted they worked with the pool contractor to establish placement that would have the least amount of impact to the neighbors. Ms. Boston noted she appreciates the efforts with regard to location considerations, but explained it sets precedent in terms of zoning, adding that it is not just about this lot and subdivision it is about the code for the city. She referenced the board denying a similar request recently. Ms. Boston noted it makes logical sense as to why the owner would want to place the pool there, but stated she could not support it. Ms. White asked Ms. Boston if she was aware that are two other pools on the block that are in similar locations? Ms. Boston replied she was aware, but stated these were not cases she was involved in and cannot speak to those. Ms. White stated she wished she had a better understanding of the BZA role and the city code and did not believe this would be considered substantial. She stated she would be allowed to put in an enclosed pool or above ground, so it hard to understand how this is more intrusive. Mr. Kath noted these could not be in the side or front yard and believes the variance request is too substantial, adding if you were putting this in the backyard and needed a 3' rear yard variance, okay, I know you have issues back there but you knew that when you bought it. Mr. Loeffler asked if the issue is with location or just the fact that

it is in the side yard? Mr. Kath replied it was both. Mr. Loeffler asked if the board could suggest another location or options that would be more acceptable? Mr. Kath replied the back of the house. Mr. Loeffler noted they would be prevented to place the pool in the rear yard due to the flood plain issue and this is why variances are an option. Mr. Kath reiterated that this is a substantial variance. Ms. White asked, substantial to who? Ms. Brady noted she struggles with the side yard location as well, and while she appreciates what the owner is trying to do, the side/front yard placement is an issue. Mr. Loeffler asked if the board has taken into consideration that Huronia Drive extended to the lake is just a paver road. He stated that there is no activity to be impeded by this request.

**Audience Comments:**

Jeff Wilson, 919 Superior Drive, representing his mother-in-law who is a neighbor of the owner. Mr. Wilson referenced his month-in-law having an 80' pier which is chained off and a sign to stay off, but noting that guests staying at this property are constantly going out on the dock. He noted the trash cans are always overloaded, there are loud parties, and with the addition of a pool -it will make it worse. He noted the proposed location of the pool would be taking out off-street parking spaces noting that this is another issue. He referenced the lake conditions noting the effects that the lake has on existing rear yards.

Bryce Collins, 824 Superior Drive. Mr. Collins noted he had submitted the written statement that the board was provided. He noted that while he appreciates the fact that owners are trying to buffer the pool with trees/shrubs, he notes that the landscaping is already sprawling onto Huronia Street Drive. He referenced this public access down to the waterfront that neighbors use on Huronia Beach and agreed with Mr. Wilson that a pool will further contribute to issues as there are issues now with parking of guests. He noted he struggles with the term personal use because this is a transient rental property. Ms. Brady noted the use of the property as a Transient Rental is not something this board would weigh in on. Mr. Collins stated he believes the request is substantial.

Cheryl Zimmerman, 920 Superior Drive.

Ms. Zimmerman expressed her concerns about transient rentals within the community. She commented the home is always lit up late at night, and understands guests are there to enjoy it, but now wanting to put a pool in ... and having to ask for a variance to do it because there is no room for it. She commented that everyone must watch this issue, as residents do not want Huron to be a Put-In-Bay and they do not want these rentals to take over the nice quiet neighborhoods in the community. She stated this is like having a hotel in their neighborhood. If people are asking for a variance, it should be for a good reason and stated she does not believe this is a good reason.

Joe Catri, 902 Superior Drive.

Mr. Catri noted he has been fighting for Huronia Beach for years. He noted this is a 40' street and both sides have encroached on this public access. He questioned the site plan, specifically the setback, noting there is no way they can get 11' to the property line, and as far as improving the property- he questioned the liability the property owners would have for having a pool.

**With no further questions or discussion, Mr. Kath closed the public hearing at 6:18 p.m.**

**Motion by Ms. Boston to deny the request for the area variance at 829 Superior Drive to the rear yard requirement allowing the placement of a pool in the side yard abutting Huronia Beach, in that:**

- The property in question would yield a reasonable return and would have beneficial use without the variance.
- The variance is substantial.

**Motion seconded by Ms. Brady. 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 area variance denied.**

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**27 Oakwood Ave      Zoning District: R-1A      Parcel No.: 43-00388.000**

**Project Description- Area Variance**

*Applicant is proposing a complete renovation of a home and detached garage. The home and detached garage are pre-existing/nonconforming. The applicant is proposing to combine the two structures into one by adding a small addition connecting them on the front of the property abutting Oakwood Ave; the remaining front and sides of the existing home and garage will remain unchanged. A section of the rear of the existing home will be demolished. As proposed, the following variance is required: A front yard setback variance of 9'-7" is required.*

**Mr. Kath called the public hearing to order at 6:19 p.m.**

Ms. Gibboney referenced the property is in an R-1A Zoning District, and is pre-existing/non-conforming. She reviewed the application and proposed addition which would connect the existing home and detached garage, and noted a portion of the home to the rear would be demolished. The front and side setbacks of the existing home and garage would remain the same at 5", the addition which will connect the two will line up with the existing front setback, and will require a variance as the required front yard setback in R-1A is 15'. She reviewed the average of the front setbacks of neighboring properties which is 2"; noting that per 1137.03 the min. front yard setback average required 10', therefore a front yard setback variance of 9'-7" is required.

**Applicant/Owner Statements: Property Owner, Ted Mahl.**

Mr. Mahl explained the home had been unoccupied for about a year and had not been maintained for some time. He explained that his intent is to renovate and then sell the property. He explained that he would like to make this into a marketable home and in rough shape. Mr. Kath commented that he would not be encroaching beyond any setbacks that are there today- members agreed. Clarify how the rear setback gets improved- Mr. Mahl noted an area in the rear of the home will be removed- improving the rear yard setback when this is removed. Mr. Mahl discussed the plans for the interior.

**Audience Comments: None**

With no further questions or discussion, Mr. Kath closed the public hearing at 6:24 p.m.

Motion by Ms. Brady to approve the request for the area variance at 27 Oakwood for a 9'-7" front yard setback variance as submitted as the testimony has shown that:

- 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.

Motion seconded by Ms. Boston. 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 variance approved as submitted.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Ms. Brady. All in favor, meeting adjourned at 6:25 p.m.

  
Jim Shaffer  
Board of Building and Zoning Appeals  
Secretary

ADOPTED: Oct. 14, 2024

JS/cmg