

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
August 12, 2024 Regular Meeting – 5:30p.m.

Vice Chair Joanne Boston, called the regular meeting to order at 5:30 p.m. on Monday, August 12, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Scott Slocum, and Jim Shaffer. Members absent: Frank Kath and Lisa Brady. Also in attendance: Administrative Assistant, Christine Gibboney.

Approval of Minutes (5-13-24, 5-21-24, 6-10-24, 7-15-24)

Motion by Mr. Slocum to approve the minutes of 5-13-24, 5-21-24, 6-10-24, 7-15-24 as submitted. Motion was seconded by Mr. Shaffer. All in favor, minutes approved.

Verification of Notifications

Ms. Boston asked for verification that notices had been mailed. Ms. Gibboney confirmed that notices were mailed out on August 2, 2024.

Ms. Boston asked that anyone in the audience wishing to speak this evening to stand to be sworn in. Ms. Boston 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.

Ms. Boston reviewed the meeting format and protocol. Ms. Boston made an announcement to applicants that two of the five members of the board were absent; explaining that three (3) votes are required for a variance to pass. She explained that each applicant will be given the opportunity to have their case tabled for a special meeting on August 19, 2024 when the full body would be in attendance if they preferred. She advised applicants to voice their preference when their case is introduced.

New Business

712 Cleveland Road E PPN42-65009.000 Zoning: R-1 Area Variance
Commercial Signage for Huron Sports Academy.

Project Description- Area Variance-

Applicant is seeking a variance to allow for commercial/business signage within a Residential Zoning District. Huron Sports Academy had proposed various wall, window/door, and a ground sign for their property to be in place for their opening on August 14, 2024. The Planning Commission/DRB reviewed the proposed site and design plans, applying standards within their purview, and amended what was proposed, reducing the number of overall signage, conditionally approving the following signage:

- 1) School Name- Brick Wall Front of Building (existing location of Shawnee School Block Lettering)*
- 2) Metal Signage- Near Entrance- Brick Wall Front of Building (existing location of Shawnee Metal Sign)*

- 3) *Door Signage- Front Doors –reduction to proposed full panels.*
- 4) *Monument/Ground Sign- 32sf sign area, 6' in height, internally illuminated, with landscaped base. (location of the previous digital sign).*

Ms. Boston called the public hearing to order at 5:33 p.m.

Ms. Gibboney noted representatives of Huron Sports Academy are in attendance via Teams. She noted that all schools in the city are in R-1 (Residential) Zoning Districts and the signage code does not acknowledge/allow for commercial signage within residential districts. She noted that the standard process entails applicants going to both the BZA and the Planning Commission/Design Review Board for respective reviews and approvals. She explained that due to the timing of the school opening soon, this case was taken to the Planning Commission and Design Review Board on July 17, 2024, where plans were reviewed and amended to reduce the number of signs they were proposing from 9 to 4, and conditionally approving these signs pending BZA granting the variance to allow for signage in an R-1 District. Ms. Gibboney referenced one (1) statement received from a neighbor at 705 Ottawa Drive with questions/concerns as to the ground sign lighting and the size of the school's name lettering on the wall sign. Ms. Gibboney reviewed the (4) signs that were conditionally approved, noting that three of the four were to be installed in the location of the previous signs for Shawnee School. She noted the lettering of the school's name looks to be slightly larger than the previous block lettering but the wall frontage ample. It was noted the ground sign in front of the school would not be a digital sign, it will be internally illuminated. Ms. Gibboney noted the ground sign would be 2500 lumens and the sign appears to be the same size as the previous sign.

Ms. Boston stated that she understands that the purpose of the BZA in this case is that the Residential Zoning simply does not recognize/allow for commercial signage in these districts and therefore a variance is required. Ms. Gibboney noted that this is correct.

Audience Comments: Dave Braeunig, 705 Ottawa Drive. Mr. Braeunig stated he lives directly across from the school and noted the effect the previous digital ground sign lights had on them as it was shining into two windows of his home. He referenced the zoning being residential and his concern with both signage and lighting allowed in residentially zoned areas. He referenced the previous block letters of the school's name and how tasteful that looked vs the proposed wall sign with the white background, multiple colors, and larger size. Mr. Kath asked Mr. Braeunig about the previous ground sign. Mr. Braeunig noted the previous digital sign was very bright, was allowed to be on all night, and was not functioning properly.

Ms. Boston noted that she shared Mr. Braeunig concerns on lighting, as she is familiar with lighting in her employment, explaining that 2500 lumens would be reasonable, and is likely the least number of lumens for a commercial sign. She provided examples of lumens for bright industrial lighting. Mr. Slocum noted that Huron City Schools have been granted signage on all their buildings and they are in R-1 Districts. Mr. Braeunig stated it cannot be expanded, stating it is more obtrusive now and is concerned with the sign design and size. He noted the previous block letters were very subtle as opposed to what is being proposed.

Ms. Boston asked if there was any consideration for block lettering on the wall sign versus the proposed solid design sign.

Applicant/Owner Statements:

Dr. Carr noted that they proposed wall signage for the school name to be in the same location as the existing sign and this was approved by the Planning Commission. Ms. Boston commented the sign they are speaking about with the school name on it being backlit. Ms. Gibboney noted the proposed wall sign on the building is not illuminated. Mr. Carr verified that the wall sign is not illuminated. Ms. Gibboney tried to clarify the two issues that were brought up:

- 1) The wall sign with the Huron Sports Academy name. The sign is a solid image on a white background vs the previous block letter. The concern expressed was for the appearance and larger size of this sign.
- 2) The proposed ground sign will be internally lit- it is not going to be digital.

Mr. Carr commented if the ground sign is what is affecting the neighbor, perhaps they can turn this off. It was noted the neighbor is referencing the previous digital ground sign that was shining in his window, noting that the proposed ground sign is not digital. Ms. Gibboney noted that perhaps the cabinet lighting could be limited to a specified time. She referenced the site plan and design plan criteria was vetted through the Planning Commission and Design Review Board.

With no further questions or discussion, Ms. Boston closed the public hearing at 5:48 p.m.

Motion by Mr. Slocum to approve an area variance to Chapter 1129 to allow for commercial signage within an R-1 District at Huron Sports Academy, 712 Cleveland Road E as proposed, meeting the following criteria, as the variance:

- 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
- The spirit and intent behind the zoning requirement would be observed, substantial justice done by granting the variance.

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

Yeas: Boston, Shaffer, Slocum (3)

Nays: (0)

Abstain: (0)

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

825 Seneca Ave PPN49-00032.000 Zoning: R-1 Area Variance
Rear Yard Setback variance for new deck.

Project Description- Area Variance-

Applicant is seeking to replace a 128-sf rear yard deck with a new a 160sf deck. As existing, the rear yard deck is pre-existing/non-conforming with a rear yard setback of 12' (30' required). As proposed, the rear yard setback for the new deck would remain the same at 12', requiring a rear yard setback variance of 18'.

Ms. Boston called the public hearing to order at 5:50 p.m.

Ms. Gibboney advised the applicant is seeking to replace an existing rear yard deck, the new deck will be enlarged lengthwise, but the depth into the rear yard will remain the same as the existing. The rear yard setback will remain the same at 12', and will require an 18' rear yard setback variance. Members reviewed the power point presentation of the existing site plan vs the proposed. She noted that no statements from neighbors have been received.

Applicant/Owner Statements: James and Jane Delahunt

Mr. Delahunt referenced they were here about 30 years ago for the existing deck. He referenced the poor condition of the deck and noted due to this, they could not use the exiting footers, so the existing deck needs to be removed. He noted the rear yard setback will remain unchanged, but will need the 18' rear yard setback variance.

Ms. Boston asked the applicant their desire to move forward or to table. Mr. Delahunt noted that they would like to continue and have BZA make their decision this evening.

Audience Comments: None

With no further questions or discussion, Ms. Boston closed the public hearing at 5:54 p.m.

Motion by Mr. Shaffer to approve the 18' rear yard setback variance as presented. Motion seconded by Mr. Slocum. Roll call on the motion:

Yeas: Boston, Shaffer, Slocum (3)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, motion passes and the 18' rear yard setback variance approved as submitted.

25 Cincinnati Ave PPN45-00505.000 Zoning: R-1 Area Variance
Rear, Side Yard Setback variances, rear yard build out variance, for new deck.

Project Description- Area Variance-

The applicant is proposing a new 288sf rear yard deck with steps to the side yard. As proposed, the deck would have side yard setbacks of 3' and 11'-6" (20' total/8'min required) and a 7'-8" rear yard setback (30' required). As proposed, the deck would require the following variances

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|----|-----------------------------|---------------|
| 1) | Rear Yard Build Out%: | 1.5% variance |
| 2) | Rear Yard Setback Variance: | 22'-4" |
| 3) | Side Yard Setback Variance: | 5' |

Ms. Boston called the public hearing to order at 5:55 p.m.

Ms. Gibboney referenced the R-1 Zoning District and the applicant's proposal to add a rear yard deck with steps down to the side yard. She reviewed the application details: the deck would have side yard setbacks of 3' and 11'-6" and a 7'-8" rear yard setback. She referenced the site plan reflecting the rear yard area of 792sq.ft. noting the 35% build out max would allow for a max of 275'-4" deck; the proposed deck is 288sq.ft. and would exceed the rear yard build out allowed. She noted as proposed the deck would require three variances:

- 1) Rear Yard Build Out%: 1.5% variance
- 2) Rear Yard Setback Variance: 22'-4"
- 3) Side Yard Setback Variance: 5'

Ms. Gibboney referenced the staff report and code section that provides for access; Section 1137.04, which does provide for an uncovered staircase and landing that can project at a distance not to exceed 6' and is not counted into setbacks. This is allowed by the code for access from an exterior door. Ms. Gibboney noted that one statement of support was received from a neighbor directly behind at 104 Woodside Drive.

Applicant/Owner Statements: Property Owner, Jamie Lawrence, and her daughter/trustee Colby Ardire. Ms. Lawrence noted she had built the home and would like to be able to walk out onto a deck to enjoy the yard. She noted that Barnes is waiting for the deck to be built before starting a landscaping plan and referenced having drain pipes that will be buried at that time and the project finished. Ms. Ardire noted that they are trying to keep the character of the neighborhood and referenced the support of the neighbor behind. She commented that in the past you could build up to your property line, and understands variances are now required, acknowledging that they want to do things the right way. She noted the home was built for ADA accessibility for both her mother and herself due to health conditions.

Mr. Kath reviewed the site plan and the three variances that are required as proposed. Members noted the deck size is approx. 11sq. ft. over the allowed for the 35% rear yard build out. Ms. Boston referenced the health conditions and clarified that the BZA will base their decision on the criteria relating to the parcel itself.

Audience Comments: Bob Jones, brother of Terry Jones, owners of 23 Cincinnati Ave.

Mr. Jones addressed the board, presenting photos of the property at 25 Cincinnati Ave, noting that a variance was applied for and multiple neighbors objected, when the home was being built. He stated that the concerns raised at the time related to the home and elevation creating drainage problems. He noted the concerns were realized because the home was built, downspouts come off the front of the house and the water expels immediately to the side of the house. He noted this flooded the crawlspace of his house causing black mold issues and they are about \$30,000 into the repair. He noted the issue was brought to the City Engineer and Service Director, and the Building Official John Zimmerman came out to inspect the property. He noted a Code Violation and Order to Correct was issued by the City on March 9, 2023 and the issue has yet to be corrected. He stated they are very concerned about this board approving an additional variance when the variance that was approved for the home being built still has not been.... there were no site plans or drainage plans in the original plans and what they were afraid would happen, did happen. He noted they have reached out to the homeowner, builder, builders

insurance company and have been told that the water was on their side of the line and was their problem. He noted his grandparents lived in this home for 30 years, sold it, and he bought it back, and his sister has lived in the home for the past 5 years. He stated the elevation at 25 Cincinnati Ave is about 3' higher and dumping water onto their property, noting there were never water issues prior. He reviewed the repairs he has had done: perimeter drain added, taking the access surface water from the neighbor's property and their property to a sump. He noted the City Engineer and Service Director are going to revisit this as the corrective action has not taken place. He stated the neighbors did put a PVC pipe to take the water from the front of the house out to the street, which now directs the water to the front of his house, and the water off the back of the house runs back to a break wall which then goes down to his property as well. Mr. Jones stated the only way to correct this is to direct the drainage into their sump pump over the break wall. He referenced the site plan submitted with this application questioning the side property line accuracy and if the deck come out 11'-6" it will be crossing the property line. He noted the three variances now being requested.

Ms. Boston asked if variances were approved for the home and when. Ms. Gibboney noted that she believes BZA did grant a variance, but not sure of the year. Mr. Jones advised that site plan and drainage plans are needed going forward and need to be reviewed for compliance. Ms. Ardire referenced they have a drainage plan; providing a copy to the Board. She noted that Barnes is waiting on the deck to complete the plan. She noted that they were given an extension by the city. Ms. Lawrence noted the water is coming down the street affecting all properties. She stated that Mr. Jones did sue her mother and the insurance company found water was coming down from the entire street, not just coming from their house. Mr. Slocum asked if the exposed pipes will be buried, the owners replied they would and will be directed into the swell in the plan.

Mr. Jones clarified that there was never a suit filed, that they did not want to do so, but had spoken to owners, builders, and the insurance companies. Mr. Jones acknowledged that there always has been water coming down the street, but his home did not have any water issues for all the years prior. Ms. Lawrence commented that the previous owner of 23 Cincinnati did have water issues.

Contractor, Bryan Westcott, noted he has no information on the history of this drainage issue, but did want to say that he could reduce the size of the deck if this would help with the variance request and could then eliminate the need for the rear yard build out variance. He also noted that he did not believe adding footers for a deck would cause or have any effect on the current drainage issues. Discussion ensued about potential revisions to the proposed plan.

Ms. Boston asked if there was an intention by the owners to enclose/roof this deck in the future? Owners confirmed that they will not be roofing or enclosing the deck.

Ms. Boston advised the owners of the option for the BZA to make the decision on the case tonight or if they wished to have the case tabled and heard at a special meeting on August 19. Applicants were advised that the BZA decision is final with the only appeal being to the Court of Common Pleas within 30 days of the decision. Owner asked for time to consider and then requested that the case be tabled.

Motion by Mr. Shaffer to table the case for a special meeting on August 19, 2024. Motion seconded by Mr. Slocum. All in favor, motion passed and case tabled.

Mr. Westcott stated the owners would like to have him make the change to the size of the deck and eliminate the rear yard build out variance regardless; asking if he would need to submit revised plans or just go over it at the next meeting. Ms. Gibboney advised that a revised site plan will need to be submitted and to double check all the property lines. Mr. Westcott noted that he may have a scheduling conflict for the August 19th meeting. Ms. Boston noted the next regular meeting is on September 9th noting that would be the alternative date. Ms. Ardire then stated they want the BZA to vote tonight.

Ms. Gibboney advised the case was tabled and vote taken; a motion would be needed to remove the case from the table. She asked if the owners were asking that the vote be on the application as presented.

Motion by Mr. Slocum to remove from the table the case of 25 Cincinnati to hear the case this evening. Motion seconded by Mr. Shaffer. All in favor, motion passed and the case of 25 Cincinnati removed from the table to be heard in this meeting.

Ms. Boston asked for a motion on the application as presented.

Motion by Mr. Slocum to approve the area variances at 25 Cincinnati Ave, for a 1.5% Variance to the Rear Yard Build Out, a 22'-4" Rear Yard Setback Variance, and a 5' Side Yard Setback Variance, as it meets the following criteria,

- The Variance is not substantial.
- The character of the neighborhood would not be substantially altered
- The variance would not adversely affect the delivery of governmental services
- The spirit and intent behind the zoning requirement would be observed

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

Yeas: Boston, Shaffer, Slocum (3)

Nays: (0)

Abstain: (0)

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

403 Wexford Dr. PPN42-01195.028 Zoning: R-1 Area Variance
Rear Yard Setback variance for new deck.

Project Description- Area Variance-

Applicant is seeking to replace a 282sf rear yard deck with a new 338sf composite deck. As existing, the rear yard deck is pre-existing/non-conforming with a rear yard setback of 22.75'

(30' required) As proposed, the rear yard setback for the new deck would be 21', requiring a rear yard setback variance of 9'

Ms. Boston called the public hearing to order at 6:23 p.m.

Ms. Gibboney advised of the R-1 Zoning, reviewed the application to replace current nonconforming deck, noting the unusual shape of the lot, and the current rear yard setback being 22.75'. She noted the proposed deck will have a rear yard setback of 21', requiring a rear yard setback variance of 9'. Ms. Gibboney noted no statements were received on this case.

Applicant/Owner Statements: Contractor, Andy Hewitt representing the owner.

He reviewed the depth and footings and basic construction of the new deck, noting it is not much different than what is there now, but the existing deck is deteriorating. He noted he will be raising the deck about 15" to meet the door threshold.

Members reviewed the proposed placement of the new deck and the contractor questioned odd shape lot and determination of what is considered the rear yard.

Ms. Gibboney confirmed that no statements were received.

Audience Comments: None

Ms. Boston advised the applicant of the option for the BZA to make the decision on the case tonight or if they wished to have the case tabled and heard at a special meeting on August 19. The contractor requested that the case be heard this evening.

With no further questions or discussion, Ms. Boston closed the public hearing at 6:28 p.m.

Motion by Mr. Slocum to approve the area variance at 403 Wexford Drive, for a 9' rear yard setback variance for a deck, as the

- Variance is not substantial.
- The essential character of the neighborhood would not be substantially altered.
- The variance would not adversely affect the delivery of governmental services
- The spirit and intent behind the zoning requirement would be observed.

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

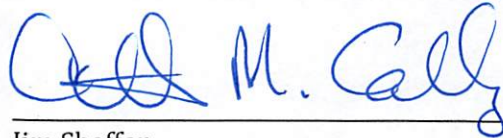
Yeas: Boston, Shaffer, Slocum (3)

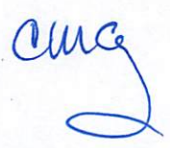
Nays: (0)

Abstain: (0)

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

With no further business, motion by Mr. Shaffer to adjourn. Motion seconded by Mr. Slocum. All in favor, meeting adjourned at 6:29 p.m.


Jim Shaffer
Board of Building and Zoning Appeals
Secretary



ADOPTED: Sep. 9, 2024
JS/cmg