

**CITY OF HURON**  
**BOARD OF BUILDING AND ZONING APPEALS**  
March 11, 2024 Regular Meeting – 5:30p.m.

Chairman Frank Kath called the regular meeting to order at 5:30 p.m. on Monday, March 11, 2024, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: Jim Shaffer, JoAnne Boston, and Scott Slocum. Members absent: Lisa Brady.

Also in attendance: Erik Engle, Planning Director and Christine Gibboney, Administrative Assistant.

Mr. Kath explained the meeting format and protocol and swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda. He also asked for verification that notices had been sent to properties within 100' of those on the agenda. Mr. Engle confirmed that notices had been sent.

**New Business**

**PPN45-00262.000                      111 Cincinnati Ave                      Area Variance -Rear Yard Setback**  
**Variance for an addition to garage.**

***Project Description***

*The applicant is proposing to build a 20' x 10' addition to extend the rear (west) facing side of his existing attached garage to create a workspace. The proposed placement creates no change to the north side as it lines up with the existing exterior of the garage. The proposed addition will be at 26' from the rear property line, therefore it will require a 4' rear yard setback variance.*

***Mr. Kath called the public hearing to order at 5:33 p.m.***

Mr. Engle referenced the Zoning District being R-1, Single Family Residential and reviewed the application for a proposed 20 x 10 addition to the existing garage. Mr. Engle reviewed the site plan with members and noted, as proposed, the addition would require a 4' rear yard setback variance. Ms. Boston asked if the city had received any comments from neighbors; Mr. Engle noted that no comments/statements were received.

**Applicant/Owner Statements:** Myron Halczuk. Mr. Halczuk explained that the addition would be used as a hobby workshop. Mr. Slocum asked about the gable. Mr. Halczuk stated he would be coming off the existing and tied in. Mr. Engle advised that this is an area variance and members would apply the seven-way test criteria.

**Audience Comments:** None.

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:36 p.m.**

**Motion by Ms. Boston to grant the 4' rear yard setback variance for an addition to the rear of the existing garage as presented, 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
- 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: Shaffer, Boston, Kath, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

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

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**PPN43-00061.000**

**32 Middle Ave**

**Area Variance-Read Yard Setback**

**Variance for a garage and mudroom addition.**

***Project Description***

*The applicant is proposing to expand the north side of the house and add an attached mudroom and new garage to the south side of the existing house. A portion of the covered porch will also be added. Overall, the existing house, built in 1925, is legally non-conforming predating current zoning codes. Pursuant to the requirements for a R-1A zone, the required rear yard setback is 15'-0". The overall rear setback proposed aligned with the current structure is 7'-0".*

***Mr. Kath called the public hearing to order at 5:38p.m.***

Mr. Engle referenced the Zoning District being R-1A- Single Family Residential, and reviewed the application for an attached mudroom and new garage. Mr. Engle noted that the property is comprised of three separate parcels, which will need to be combined. He reviewed the site plan, explaining the applicant will expand the north side of the house and add an attached mudroom and new garage to the south side of the existing house. A portion of the covered porch will also be added. Pursuant to the requirements for a R-1A zone, the required rear yard setback is 15'-0". The overall rear setback proposed aligned with the current structure is 7'-0", noting that an 8' rear yard setback variance will be required. Mr. Engle pointed out surrounding properties and the existing rear yard setbacks of neighboring properties range from 0'- 9'. He recommended that if the Board were to grant the variance to consider a condition to combine these before permits are to be issued. Mr. Engle reviewed the site plans and aerials with members.

**Applicant/Owner Statements:** Dan Frederick, Architect, on behalf of owner Dianne St. Clair, who was also in attendance.

Mr. Frederick reviewed the proposed project noting that this will be a positive improvement in the community and a year-round home for the owners. He explained that the project will provide much needed storage for lawn equipment and seasonal furniture; noting that parking is a premium in this area. The addition of the garage will provide for parking in front of it. Mr. Frederick acknowledged and agreed that the lots should be combined. Mr. Kath asked if the

additions line up with the existing rear house. Mr. Frederick noted that it is actually 1' less than the existing rear house.

**Audience Comments:** None.

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:43p.m.**

**Motion by Mr. Shaffer to grant the 8' rear yard setback variance for a garage and mudroom addition, with the condition that the three separate parcels be combined before permits are issued, citing:**

- The property in question would not yield a reasonable return or would not have any beneficial use without the variance.
- 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 spirit and intent behind the zoning requirement would be observed, substantial justice done by granting the variance.

**Motion seconded by Ms. Boston. Roll call on the motion:**

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

**Nays:** (0)

**Abstain:** (0)

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

PPN45-00309.000

315 Firwood Ave

Area Variance- Front Yard

Setback Variance for a covered front porch.

***Project Description***

*The applicant is proposing to replace the current front porch with a covered front porch of the same size. By adding a roof over the porch, this becomes an addition which would then need to adhere to the 30' or average of neighboring properties within 100' front yard setback. As proposed, the porch setback is 21', which would require a front yard setback variance of 9'.*

***Mr. Kath called the public hearing to order at 5:45. p.m.***

Mr. Engle referenced the Zoning District being R-1A- Single Family Residential, and reviewed the application which proposes to replace the existing stoop with a covered front porch. Mr. Engle noted that the average front yard setback of the neighbors was calculated at 23', the applicant is proposing a front yard setback of 21', therefore a 2' Front Yard Setback variance will be required. Mr. Engle reviewed the aerials and example photo the applicant provided as to the look of the covered porch.

**Applicant/Owner Statements: Owners Geordie & Bettylu DePasquale, 315 Firwood Road were in attendance.**

Mr. Kath inquired as to allowable overhang area. Mr. Engle noted that 2' overhang is allowed. Ms. Boston asked for clarification on the variance distance. Mr. Engle reiterated a 2' variance is needed.

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:48. p.m.**

**Motion by Ms. Boston to approve the 2' front yard setback variance for a covered porch as submitted, 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 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, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

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

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**PPN 48-00233.000                      210 Tecumseh                      Area Variance-Rear & Side Yard  
Setbacks to replace an existing shed.**

***Project Description***

*The applicant is proposing to replace an existing 10x12 (120 sf) shed to be placed in existing location.*

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

Mr. Engle referenced the Zoning District being R-1A- Single Family Residential, and reviewed the application for a new 10 x 12 shed to replace a pre-existing/non-conforming shed in the same footprint. He referenced it appears the shed is 1' from the rear property line and 2' from the side property line, noting the code requires 5' setbacks from both rear and side property lines and at least 6' between the accessory structure and the primary structure. Mr. Engle noted that a review of the parcel area looks like there would be 11' of space available between the shed and the house to be able to shift the shed to meet the setback regulations. He noted that as proposed, the shed will require a 4' rear yard setback variance and a 3' side yard setback variance. Mr. Engle

referenced neighboring parcels and pointed them out on the aerials. he advised the site plan submitted does not show distances. Mr. Slocum asked if there was a concrete pad under the current shed.

**Applicant/Owner Statements: David & Leslie Zimmerman, 210 Tecumseh Place.**

Owners noted that there is not a concrete pad currently, but they plan to have one with the new shed. Mr. Kath asked if the shed location could be revised so that no variances are required. Mr. & Mrs. Zimmerman replied they could not as it would be right in the middle of the walkway, would not be aesthetically pleasing and the open yard would be gone. Mr. Kath referenced the 35% rear yard build out threshold. Mr. Engle noted that no statements from neighbors were received. Owners pointed out that most neighbors have the same situation. Mr. Zimmerman noted that they have a one-car garage and the shed provides storage for lawn equipment and other items. Mr. Kath referenced the ongoing discussion of code amendments relative to these preexisting nonconforming neighborhoods and noted the small size of this lot which limits the positioning of the shed.

**Audience Comments: None.**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:55. p.m.**

**Motion by Ms. Boston to approve the 4' rear yard and 3' side yard setback variances for an accessory structure as submitted, 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 (for example, water, sewer, garbage).**
- **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, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

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

PPN 49-00088.000

826 Lakeway Drive

Area Variance-Side Yard Setback

Variance for a garage addition and driveway.

***Project Description***

*The applicant is proposing major renovations to the property including expansion of the upper floors of the house. Included in the scope is a proposed new garage addition to the front. The proposal consists of maintaining existing non-conforming setbacks.*

**Mr. Kath called the public hearing to order at 5:57p.m.**

Mr. Engle referenced the Zoning District being R-1- Single Family Residential, and the home is currently legally non-conforming. He reviewed the application for renovations and expansion of the upper floors and the addition of a new garage and driveway. The garage addition on the west side of the house is approximately 8" from the property line, aligned with the existing home. As proposed, the garage will require a side yard setback variance of 7'-4". Mr. Engle reviewed the site plan and elevations with members. He noted the home is on a corner lot (Wasta/Lakeway) and referenced that the front setback is met with the average of the two neighbors. He reviewed the overall site plan and renderings with the Board. Mr. Engle referenced the several letters of support of the variance from neighbors.

**Applicant/Owner Statements: Bob Howell, Architect, representing the owners.**

Mr. Howell explained that the biggest issue is with parking in this area. He referenced the traffic issues with being so close to the beach; explaining that having the garage will help with the parking issues. He referenced the support letters of all the immediate neighbors. Mr. Kath asked the distance to the neighboring property. Mr. Howell thought at least 15'-25'; and reviewed aerial. Mr. Howell noted the lot is very narrow- 34' at Lakeway, noting there is no other place for a garage. He also referenced the code requirement of having garages. Mr. Shaffer asked if there would be an issue with entering/existing. Mr. Howell stated there would not be, as there will be 22'-9" to swing out onto Lakeway. A brief discussion ensued on issues with hedges and fencing on Lakeway. Mr. Howell also noted that the driveway will require a setback variance of 1'-6" as proposed. Members reviewed the site plan.

**Audience Comments: None**

**With no further comments or discussion, Mr. Kath closed the Public Hearing at 6:05p.m.**

**Motion by Ms. Boston to approve the 1'-6" side yard setback variance for the driveway and 7'-4" side yard setback variance for the garage, 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 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, Slocum (4)**

**Nays: (0)**

**Abstain: (0)**

**With three or more votes in the affirmative, motion passes and the variances approved as discussed**

**Other Matters**

Mr. Engle mentioned the recent passing of Zoning Inspector, Jeff Fantozzi, and the loss felt in the department. Members expressed their condolences.

Mr. Engle reported on the following:

Draft Rules of the BZA- can be reviewed at the next meeting

He reviewed the revised BZA Application- created to include the recent code amendments: 150' distance for notifications, and yard signs to be placed on the applicant's property. Staff will be having these signs made. Discussion ensued about applicants needing to follow instructions and stake out the additions.

Sign Code Amendments- PC approved the amendments, and referred them to City Council. The amendments will be placed on Council agendas for three readings. Members asked about the Route 2 Corridor code and if the PC recommended to keep this in the code. Mr. Engle noted that the PC recommended it remain in the code, however, the map area was revised to just along Route 2.

Stride Mobility Appeal Case-. Both the Appeal and TRO cases were dismissed by the courts. Members discussed the appeal process. Staff advised that the only recourse following the BZA is an appeal through the Erie County Common Pleas Court.

Mr. Engle referenced an email that he had sent to members, relative to a City Council inquiry regarding why other cities have staff include recommendations on their staff reports to BZA. He explained legal has done research, outlining, and providing case law on the matter. Mr. Engle noted legal is leaning more conservatively, but noted that if Administration wants staff to include recommendations, then he would do so. He noted he is leaving it up to Administration. Mr. Engle added that if staff is going to be required to provide a recommendation, that it would simply be that, a recommendation, and the BZA should proceed with their process of applying the seven-way test to determine their decisions.

Ms. Boston referenced a recent article in the *Columbus Dispatch*; relative to the Building Industry Association of Columbus working to overturn Townships' ability to have a referendum for multi-family housing. She explained that in Upper Arlington recently, they had a referendum, and denied something that was currently zoned for multi-family. Developers are now looking to move to Townships for development. She noted she would forward information to all members.

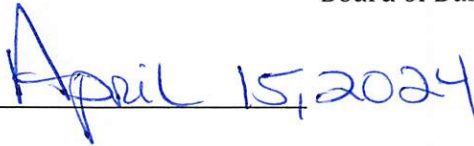
Ms. Boston referenced that she had reached out to Mr. Engle regarding if the city had any code regulations relative to residential exterior lighting regulations. She shared her experience of staying at a home on the east side of town and a neighboring home had at least 9 exterior lighting fixtures that were very bright and causing issues to neighboring properties. It was noted the city does not currently have any code relative to residential lighting. Mr. Engle noted that he met with Administration and HPD and explained her concerns. He noted that enforcement of something like this will be an issue, and if considered would have to be something that the Police Department would have to enforce as Zoning Staff is not working at night. It was noted without an ordinance in place, the city has no teeth and cannot require any action. He added the only thing the city can

do is issue a courtesy letter, but no follow up will be done. He noted he is open to investigate this further. Mr. Shaffer mentioned similar issue with neighboring lighting shining directly at his home, noting that a simple downward positioning would help, but the neighbor was not willing to discuss the matter. Mr. Kath referenced shields on lighting, suggesting maybe something like this can be done. Mr. Engle referenced that the department can only issue Courtesy Letters which will sometimes help mitigate the situation, but at this time, there is nothing the city can do enforcement wise. He referenced the Residential Code and noted that he can bring up the matter to the Planning Commission as well and get their opinion. Ms. Boston noted she would be willing to serve on a sub-committee as she believes this is important to look in to. Mr. Kath noted he had some information that he could distribute to members too.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Slocum. All in favor, meeting adjourned at 6:30 p.m.

  
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Jim Shaffer  
Board of Building and Zoning Appeals Secretary

ADOPTED:  
JS/cmg

  
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April 15, 2024