

**CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS**

April 15, 2024 Regular Meeting – 5:30p.m.

Chairman Frank Kath called the regular meeting to order at 5:30 p.m. on Monday, April 15, 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.

Approval of Minutes (2-12-24 & 3-11-24)

Motion by Mr. Slocum to approve the minutes of 2-12-24 and 3-11-24 as submitted. Motion seconded by Mr. Shaffer. All in favor, minutes approved.

Verification of Notifications

Mr. Kath asked for verification that notices had been sent to properties within 150' of those on the agenda. Mr. Engle confirmed that notices had been sent.

New Business

PPN 45-00346.000 24 Dayton Ave Zoning: R-1 Area Variance – Allowing an accessory structure in side yard, side setback and distance to the home setback variances.

Project Description- Area Variance

Applicant is proposing the addition of an 8' x 19' spa/lap pool in the side yard of the property. As proposed, the spa/lap pool would be in the side yard of the property, 3'-6" from both the side property line and the home, and 8' from the rear property line.

Mr. Kath called the public hearing to order at 5:32 p.m.

Mr. Engle referenced the Zoning District being R-1, Single Family Residential, recapped the size of the lot, and reviewed the application for a proposed spa/lap pool in the side yard of the home. Mr. Engle reviewed the proposed location of the 8' x 19' spa pool on the site, noting the setbacks of 3'-6" from both the side property line and the home, and a rear yard setback of 8'. Mr. Engle referenced the limited rear yard area and the history of variances previously issued for the home. Mr. Engle noted that the applicant's application is strictly for the pool, there is no deck being proposed. He reviewed the code for Accessory Structures which specifies rear yard placement only, 5' side and rear setbacks, 6' setback from structures, and a 35% rear yard build out max. Mr. Engle reviewed the three (3) variances being requested:

- 1) A Variance to the rear yard requirement, allowing the placement of the spa/lap pool in the side yard.
- 2) A side yard setback variance of 1'-6" to the property line. (3'-6" proposed, 5' required)
- 3) A setback variance of 2'-6" to the house. (3'-6" proposed, 6' required)

Mr. Engle reviewed a power point presentation of the site plan and design plans for the pool.

Applicant/Owner Statements: Property owner, Doug Masterson.

Mr. Masterson noted when he was designing the house, he was struggling with the overall structure placement on the property and acknowledged the Board in granting the variances for the home. He noted he had always envisioned having a water feature included and contacted many companies to try and find smaller size pools. He said he found a slightly smaller one. He referenced the privacy fence and landscaping that he would be adding to shield the area as he is trying to be considerate of neighbors, would not be seen by neighbors nor would it interfere with any utilities. Mr. Masterson referenced that there would not be a deck around the pool and reviewed the site plan with members.

Mr. Kath noted that it is a substantial ask to seek side yard placement, adding that this is not a unique lot. Ms. Boston complimented Mr. Masterson on the house, but also noted that placement of the pool in the side yard is an issue for her. She acknowledged the struggles with older neighborhoods and owners trying to make improvements.

Audience Comments: None

With no further comments or discussion, Mr. Kath closed the Public Hearing at 5:41 p.m.

Motion by Ms. Boston to deny the variances as requested, as presented, citing the variance is substantial in that the pool would be in the side yard. 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 denied.

Other Matters

BZA Rules

Mr. Engle referenced the draft Rules that members were provided for review/comment and noted the legal recommendations that were included. Review and discussion ensued. Staff reiterated to members, that these are their rules, pursuant to the Charter, and staff only created the draft as a starting point for their discussion/edits. **Items of note:**

- Ms. Boston inquired about the language that members are not to hold any other city office or employment, noting that there are some serving on other boards. Staff advised that this is language within the Charter Section 7.02 and there should not anyone serving on other boards.
- Ms. Boston expressed that she feels the Chairman position should not be one that changes annually, that there should be more consistency in that role, perhaps they serve 3-year terms. Vice Chair and Secretary positions should change annually to give others the opportunity to serve.
- Attendance: Add trigger language for absences: 3 consecutive meetings or 5 total (non-consecutive) in a year.

- Minutes & Records: Minutes shall be signed by the Secretary of the Board and filed with the City.

Ms. Boston referenced an article in the Columbus Dispatch that she would distribute to members regarding the proposed changes to the Zoning Code there, allowing zero parking spaces, taking away voter's rights for referendums. Mr. Engle thanked her for sharing this information.

- Mr. Kath inquired about the 150' notification mentioned. Staff noted that this is the new distance pursuant to the code amendment adopted recently.
- Members discussed the suggestions made by Ms. Boston with regard to annual elections.
- Mr. Kath asked about the language in 7.02 regarding members not serving on another board. Mr. Kath noted he sees several names reappearing on the Boards/Commissions list. Staff asked if he meant members of the BZA, he said no. Staff noted that 7.02 is speaking only to the BZA. Mr. Slocum mentioned that he may be on another board. Staff advised him to contact the Clerk of Council.

Mr. Kath asked if there were any other edits/questions; there was no further discussion.


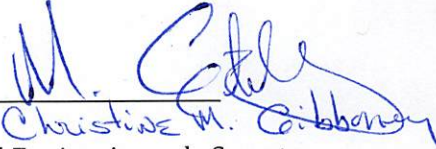
Motion by Ms. Boston to approve the draft Rules of the BZA with the changes discussed.

Motion seconded by Mr. Shaffer. All in favor, motion passed. Staff to incorporate the changes and bring back the final version of the BZA Rules for adoption at next meeting.

Mr. Engle explained that he believes City Council has requested that the Law Department provide a training session for members; the date they have suggested is Tuesday, May 21st, time to be determined-maybe 5:30pm? Staff to send out an email giving members time to check schedules and confirm.

Mr. Engle reported he had completed an analysis of all the decisions that the BZA has made in the last 4 years to support proposed amendments to Residential and Business codes. Mr. Kath commented that this is to eliminate the need for some of the repetitive variance requests. Mr. Engle confirmed this, explaining that based on the data, he will be making recommendations to ease some of the current requirements associated with common case factors. He noted these will go before the planning commission for review in the near future.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Shaffer. All in favor, meeting adjourned at 6:01 p.m.


Jim Shaffer

Christine M. Gibbons
Board of Building and Zoning Appeals Secretary

ADOPTED: May 13, 2024
JS/cmg