



Agenda for the Board of Building and Zoning Appeals
Regular Meeting- Huron City Hall – Council Chambers
November 10, 2025 5:30p.m.

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the minutes (10-13-25)**
- IV. Verification of Noticing**
- V. New Business**
 - 1114 Mudbrook Zoning R-2 PPN 42-00635.000**
Area Variance- Fence height/corner lot
- VI. Other Matters**
 - Meeting Reminder- December 8, 2025
- VII. Adjournment**



TO: Chairman Kath and Board Members
FROM: Christine Gibboney, Planning & Zoning Manager
RE: Area Variance: 1114 Mudbrook - Fence Height Variance
DATE: November 10, 2025

1114 Mudbrook Zoning: R-2 Parcel No.: 42-00635.000

Existing Land Use: Single Family Residential Flood Zone: X

Property Size: 88 x 162

Traffic Considerations: Corner Lot- Mudbrook/Hidden Valley Drive

Project Description- Area Variance-Fence Height

Applicant is proposing 6' privacy fencing to the side and rear yards of his home in anticipation of adding a pool to the rear yard in the future. The home is located on a corner lot (Mudbrook Rd and Hidden Valley Drive) making Mudbrook and Hidden Valley "front yards" per the code. The code regulates fence heights of 4' max in front yards, therefore, as proposed, the 6' fencing along Hidden Valley Drive would require a 2' height variance.

Applicable Code Sections/Specifications

1121.06 EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

(y) Corner and Double Frontage Lots. Corner and double frontage lots shall comply with the minimum front yard depths on both streets.

1137.04 YARD PROJECTIONS

(b) Fences, Walks and Hedges. May be located in required yards as follows:

(1) If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, they may be located in any yard;

(2) If not exceeding at any point six feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear or side yard.

(Ord. 1990-20. Passed 11-26-90.)

Since the proposed variance falls under the "area variance" category, the following criteria should be examined to establish if there are practical difficulties in the use of the property (The Seven (7) Way Test-Duncan vs The Village of Middlefield) MEMBERS SHOULD REVIEW AND APPLY THIS CRITERIA ON THE RECORD:

- 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.***
- 2. Whether the variance is substantial.***
- 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.***

4. *Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
5. *Whether the property owner purchased the property with knowledge of the zoning restriction or if the need for the variance is "self-imposed." (The owner created the situation)*
6. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance.*
7. *Whether the spirit and intent behind the zoning requirement would be observed substantial justice done by granting the variance.*

Staff Analysis

The parcel is located on a corner lot, which the code defines as being comprised of two front yards. In this case, the fence section along Hidden Valley Drive would require a variance of 2' in height. Staff does not see any issues with site line obstructions as proposed. The variance required:

As proposed, the fence will require the following variance:

- **2' height variance**

Motion Examples

[PLEASE STATE WHY YOU ARE APPROVING OR DENYING FOR THE RECORD, USING THE SEVEN WAY TEST CRITERIA]

Motion to **APPROVE** the variance request:

I make the motion to **approve** the request for an area variance at 1114 Mudbrook Rd for a 2' height variance to allow for a 6' high fence in the side yard along Hidden Valley Drive, as submitted, as the testimony presented in this public hearing has shown that *(Choose one or more appropriate finding(s) and specific items based on the seven-way test)*

- *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 as a result of the variance.*
- *The variance would not adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
- *The property owner purchased the property without the knowledge of the zoning restriction and/or the need for the variance is not "self-imposed." (The owner did not create the situation)*
- *The property owner's predicament feasibly cannot be obviated through some method other than a variance.*
- *The spirit and intent behind the zoning requirement would be observed, substantial justice done by granting the variance.*

OR

Motion to **DENY** the variance request:

I make the motion to **deny** the request for an area variance at 1114 Mudbrook Rd for a 2' height variance to allow for a 6' high fence in the side yard along Hidden Valley Drive, as sufficient testimony has **not** been presented in this public hearing that the requested variance meets the criteria set forth in the seven-way test as the:

(Choose one or more appropriate finding(s) and specific items based on the seven-way test)

- *The property in question would yield a reasonable return and/or would have beneficial use without the variance.*
- *The variance is substantial.*
- *The essential character of the neighborhood would be substantially altered and/or the adjoining properties would suffer a substantial detriment as a result of the variance.*
- *The variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).*
- *The property owner purchased the property with the knowledge of the zoning restriction and/or the need for the variance is "self-imposed." (The owner created the situation)*
- *The property owner's predicament feasibly cannot be obviated through some method other than a variance.*
- *The spirit and intent behind the zoning requirement would not be observed, substantial justice would not be done by granting the variance.*

Show search results for 42-...

HIDDEN VALLEY DR

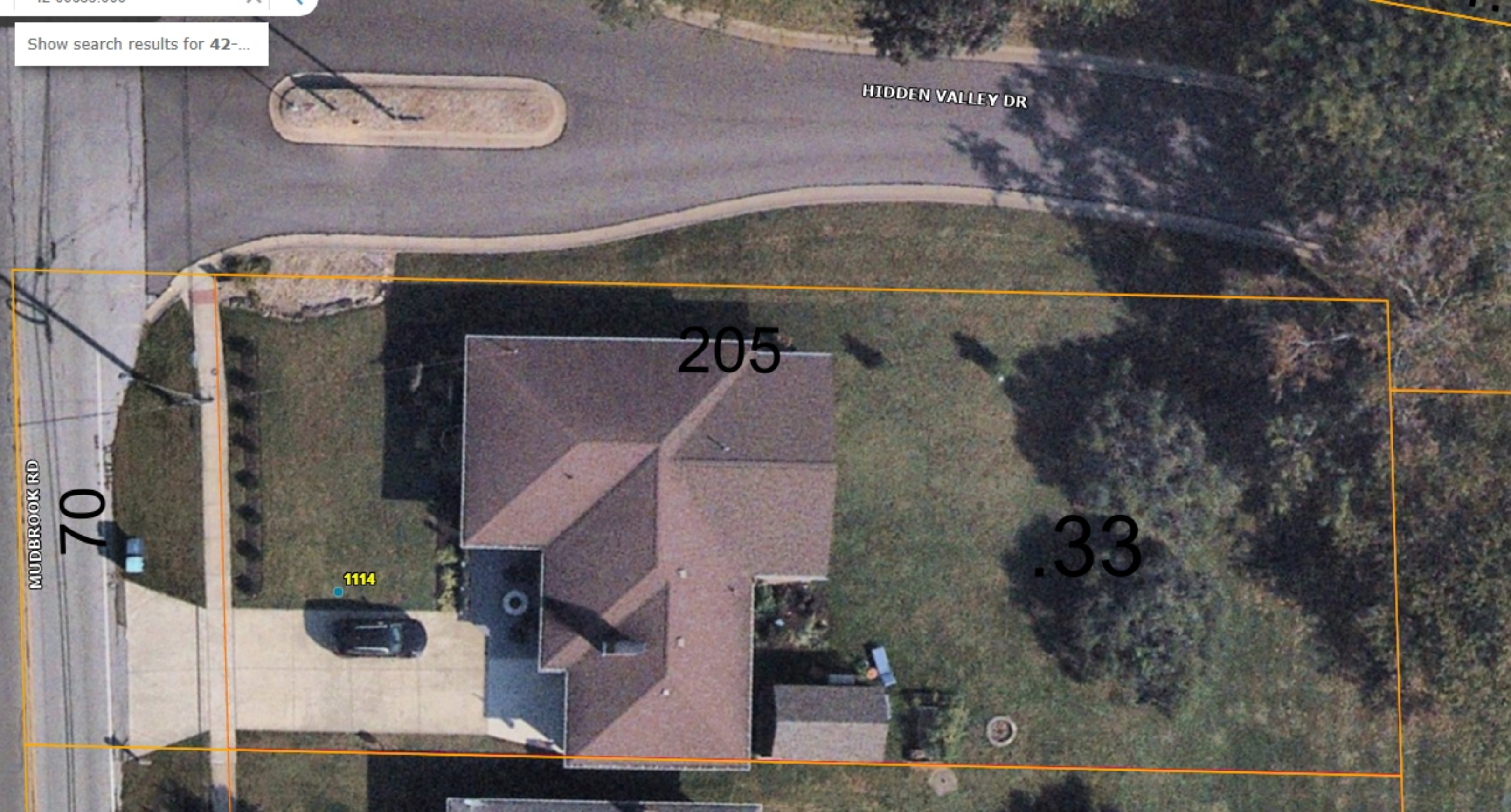
205

.33

1114

70

MUDBROOK RD





CITY OF HURON
Planning & Zoning Department
417 MAIN STREET, HURON, OH 44839

THE BOARD OF BUILDING AND ZONING APPEALS APPLICATION
Completion of all applicable sections required. Incomplete applications will not be accepted.

We, the undersigned represent that we are the title owners of the following described property situated in the City of Huron, OH:

Applicant's Name Benjamin Dennis

Property Owners' Name: Benjamin Dennis

Address: 1114 Mudbrook Rd

City, State, Zip: Huron OH 44839

Phone Number 419-217-1005

Email: cadprayer@gmail.com

Location of Project:

Lot/Parcel #: 42-00635.000 Zoning District: _____

Address: 1114 Mudbrook Rd Huron, OH 44839.

Year purchased: 2024. Year the existing structure was constructed: 1960

Single Story Home: ☒ Two Story Home: ☐

Provide a brief summary of your proposed project:

Fence for backyard/pool area

Type:

• Area Variance: Subdivision Regulations _____ Parking _____ Setbacks _____

Height ☒ Size _____ Flood Plain _____ Sign Regulations _____

• Use Variance: _____

• Conditionally Permitted Use: _____

We request a Hearing before the Board of Building and Zoning Appeals of the City of Huron, Ohio, on the following question: *(State the specific details of the variance being requested. Example: Area variance- 1' side setback variance is required for the proposed addition; Use Variance- State the type of use; or Conditionally Permitted Use approval)*

Requesting 6' fence height for back yard located
on corner lot to enclose pool area

Conditionally Permitted Use Approval

The following uses shall be permitted only if authorized by the Board of Building & Zoning Appeals in accordance with the provisions of Section 1139.02. State the type of use being proposed and the applicable code section:

Code Section: _____

(skip to Page 7, Sign and Date Application)

Use and/or Area Variance Questionnaire

1. The property in question [will / will not] yield a reasonable return and there [can / cannot] be a beneficial use of the property without the variance because:
Fence surrounding pool area with no visible
road obstruction or driver impairment.
2. The variance is [substantial / insubstantial] because:
past precedent for neighboring property across
private drive
3. The essential character of the neighborhood [would / would not] be substantially altered or adjoining properties [would / would not] suffer a substantial detriment as a result of the variance because:
Existing fence height across Hidden Valley Dr would
be equal. Privacy for all parties improved due to
declining slope from main house to property line
4. The variance [would / would not] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)
Does not affect front of property.
5. The applicant purchased the property [with / without] knowledge of the zoning restriction. Year the property was purchased: 2024. Year the structure(s) was constructed: 1960.

6. The applicant's predicament feasibly [~~can~~ cannot] be resolved through some method other than a variance.
7. The spirit and intent behind the zoning requirement [~~would~~ would not] be observed and substantial justice [~~done~~ not done] by granting the variance because Symmetry will be maintained at entrance to HKCandos entrance with equal fence heights. House not originally on corner lot and lacks corner aesthetic.
8. We believe the request should be granted due to the following hardship which is created by the property: (explain the hardship that exists **pursuant to the code**)
Due to the slope of the property declining to the east, A 3" fence is in essence a 1' fence as you look up toward the back of the house eliminating the privacy the fence is meant to provide

Note: If granted, Use or Area variances will expire within one (1) year from the date of approval. Refer to Section 1139.04 (e) for specifics to timeline regulations for commencement of construction or Use continuation.

I hereby certify that I am the owner of record of the named property or that the proposed work is authorized by the owner of record and/or I have been authorized to make this application as an authorized agent and agree to conform to all applicable laws, regulations, and ordinances of the city. I certify all information contained within this application and supplemental documents are true and accurate to the best of my knowledge and belief.

In addition, I, the undersigned responsible party (owner, occupant, tenant, or agent for the property owner) of the property described herein, do hereby consent to entry upon said property, at a reasonable time and to the extent necessary, by the City of Huron and its officers, employees, and/or agents for the purpose of inspecting said property for compliance with the City's Zoning and/or Building Codes. I further certify that I have authority to grant access to said property.

Date: 10/8/25 Signed Applicant

Date: 10/8/25 Signed Property Owner

(REQUIRED)

ZONING DEPT. USE ONLY

Date received: 10/9/25 Application Complete

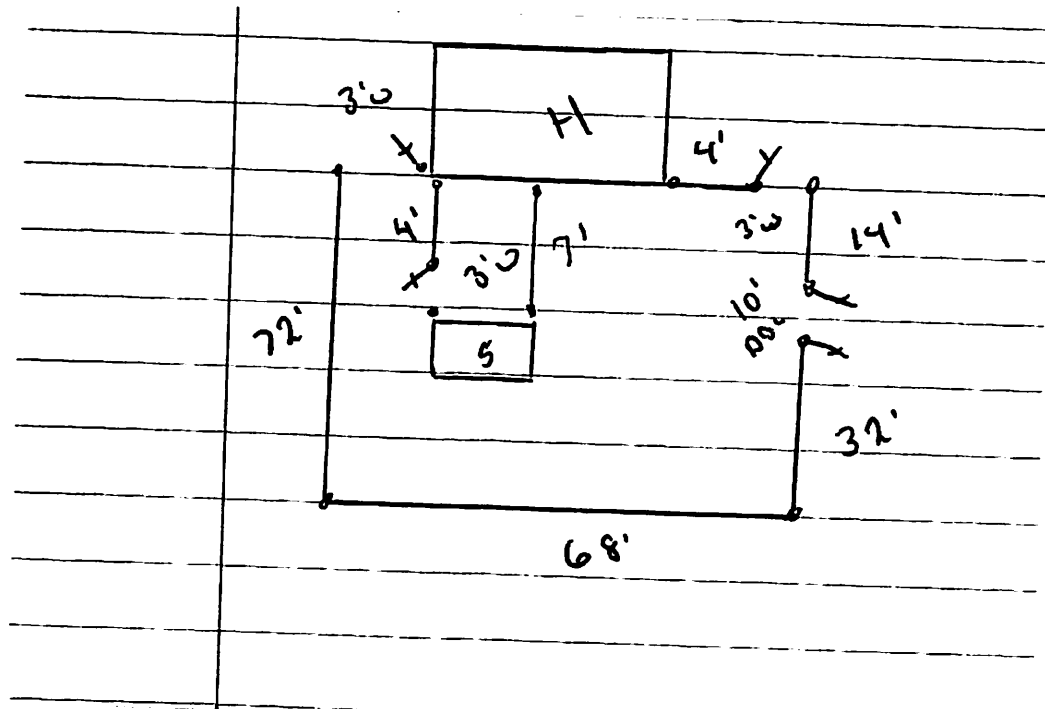
\$150 filing fee received: yes

Comments chk # 2043

Hearing Date 11/10/25



Fence in direct line from back of house to property line. 7' to the North / 13' to the South.



CUSTOMERS RESPONSIBILITIES

1. Property lines must be clearly marked and grade discussed with workers.
2. **Fremont Fence will call OUPS to have all public underground lines marked.**
3. **CUSTOMER IS RESPONSIBLE FOR MARKING ANY PRIVATE LINES, TILES, SEPTIC AND LEACH BED LINES.**
4. Owner must have lines cleared of any objects that would interfere with fence lines, such as trees, bushes, etc.
5. Owner must obtain any necessary permits for fence installation.
6. Dirt from holes will be left in piles. Unless arranged at an additional cost to be picked up and hauled away.
7. If there is hand digging or an air compressor or spud bar is needed to dig holes, there will be an additional charge.
8. **THERE IS A 25% RESTOCKING FEE ON CANCELED OR RETURNED POLYVINYL OR ALUMINUM ORDERS!**

FREMONT FENCE WILL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE OR REPAIR THAT COULD OCCUR TO ANY GAS, ELECTRIC, WATER, CABLE, PHONE LINES OR TILING.

PLEASE SIGN AND RETURN ONE COPY WITH SIGNED CONTRACT AND KEEP ONE COPY FOR YOUR RECORDS. THANK YOU!

SIGNATURE: _____ DATE: _____

Fremont Fence and Guard Rail Co.

316 North Street • Fremont, Ohio 43420

DISTRIBUTORS and ERECTORS

RESIDENTIAL • INDUSTRIAL

Phone (419) 332-8913 1-800-291-8568 FAX (419) 332-9194

www.fremontfenceco.com • e-mail: fremontfence1@yahoo.com

TELEPHONE NO. 419-217-0770 DATE OF PROPOSAL June 2, 2025

NAME Cassandra Dennis

STREET 1114 Mudbrook Rd. CITY Huron, OH 44839

Email: cadprayer@gmail.com

Install 201' of 6' High White Tri-Max II Polyvinyl Solid Privacy Fence With (3) 3' Wide Gates and (1) 10' Wide Double Gate With Removable Center Post. **All Dirt To Be Left By Holes.

27 6' High x 8' Wide Panels

10 5" x 9' End Posts

2 5" x 9' Corner Posts

20 5" x 9' Line Posts

2 5" x 9' Blank Posts

5 Aluminum Post Stiffeners

1 Removable Center Post

35 5" Flat Post Caps

3 6' High x 3' Wide Gates

1 6' High x 10' Wide Double Gate

5 Black Hinge Sets

5 Black Latch Sets

2 Black Drop Rods

All Posts Set In Concrete

Total Installed Price: \$12,125.00

Add \$2,300.00 To Total Price For Superior Style Fence and Gates Instead Of Tri-Max II.

****NOTE: We Are Out Into Late Summer For Any New Projects.**

**SEE ATTACHED DIAGRAM & CUSTOMER RESPONSIBILITIES
PRICE BASED ON NORMAL DIRT DIGGING**

**If accepted, please sign and return white copy and Customer
Responsibilities along with your down payment. Thank you!**

Materials Total	_____
Sales Tax	_____
Install. Charge	_____
TOTAL	_____
Deposit	_____
Balance	_____

Customer Sign Off Completion:

Employee Initials:

TERMS 1/2 Down, Balance on Completion

Accepted By: _____

By Bob Metter

Date of Acceptance _____

KLF

We Are Not Responsible For Any Type Of Underground Wiring, Cabling, Or Tile. Owner To Obtain Any Necessary Permits.
A FINANCE CHARGE OF 11/2% per month, which is an ANNUAL PERCENTAGE rate of 18%, will be added to all unpaid bills.

All agreements must be in writing. All contracts are subject to strikes or causes beyond our control. Extra charge will be made where there is abnormal digging or necessary removal of existing fence, bushes, trees, etc. Owner to provide survey or to mark grade and boundary lines; we are not responsible for errors in survey or in marking grade and boundary lines,

Upon acceptance by the owner, a binding contract is created which cannot be countermanded by the owner without forfeiture of 20% of the total purchase price, and cannot be altered in any way except by mutual consent of the parties. "We guarantee for one year against defects due to material furnished by us or our workmanship."

Title To The Goods Sold In Accordance With This Contract Shall Remain With Fremont Fence And Guard Rail Co. Until Contract Price Is Fully Paid.
Upon Default In Any Payment By Purchaser, Fremont Fence And Guard Rail Co. May Enter Upon Purchaser's Premises And Remove Said Goods.
Owner To Do Any Grading Before And After Fence Work. All Quotes only good for 30 days from date of proposal.