



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

- I. Call to Order**
- II. Roll Call**
- III. Adoption of the Minutes (n/a)**
- IV. Verification of Notifications**
- V. Swearing in of those testifying before the Board**  
\*When testifying before the board, please step to the podium, **sign in**, and state your name and address for the record.
- VI. New Business**  
1238 Riverside Drive      PPN 42-00223.000      Area Variance- side and front yard setback variances for proposed 2 story attached garage.  
  
Motion to adopt The Rules of the BZA  
  
Appointment of BZA Secretary
- VII. Other Matters**  
Meeting Reminder- April 14, 2025
- VIII. Adjournment**



**TO:** Chairman Kath and Board Members  
**FROM:** Christine Gibboney, Planning & Zoning Manager  
**RE:** 1238 Riverside Drive  
**DATE:** March 10, 2025

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**1238 Riverside Drive                      Zoning R-1                      Parcel No.: 42-00223.000**

**Existing Land Use:                      Single Family Residence                      Flood Zone: X**

**Property Size:                      70 x 211**

**Traffic Considerations:                      n/a**

**Project Description- Area Variance- Setbacks**

The applicant/owner is proposing the removal of the existing attached carport and construction of an attached 32' x 42' two- story garage in its place. The height of the garage will be 25' .

The home is pre-existing/nonconforming to the lot for the left side setback and front setback. As proposed, this garage will require variances for the front yard setback and the left side yard setback.

**Applicable Code Sections/Specifications**

**1123.01- R-1 Single Family Residential**

				<u>Side Yards</u>		
<u>Dwelling</u> <u>(stories)</u>	<u>Lot Area</u> <u>(sq. ft.)</u>	<u>Lot Frontage</u> <u>(ft.)</u>	<u>Front</u> <u>Yard</u> <u>Depth</u> <u>(ft.)</u>	<u>Least</u> <u>Width</u> <u>(ft.)</u>	<u>Sum of</u> <u>Width</u> <u>(ft.)</u>	<u>Rear</u> <u>Yard</u> <u>Depth</u> <u>(ft.)</u>
1	9,000	75	30	7	15	30
2	9,000	75	30	8	20	30

**1137.03 YARD MODIFICATIONS.**

(a) Average Depth of Front Yards. The required minimum front yard depth of any lot in any R District shall be modified to be at least equal to the average front yard depth of lots immediately adjoining it and within the same block front. Such modification will be made only if such average front yard depth is not equal to the required minimum front yard depth. The modified required minimum front yard depth of such lot shall be at least ten feet and not exceed fifty feet. If any immediately adjoining lot is vacant, then the front yard depth of such immediately adjoining lot will be presumed to be the required minimum front yard depth. (Ord. 2024-47)

(d) Height Regulations. No principal structure shall exceed thirty-five feet in height, and no detached accessory structure shall exceed one story or fifteen feet in height, except as provided in Section 1137.02.

***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 current home with attached carport is pre-existing/noncompliant to the code for the left side yard setback and the front yard setback. The existing home and carport are positioned in an angle on the lot. **Current setbacks:**

<b>Front Yard</b> (noncompliant)	<b>Side yard- R</b>	<b>Side Yard- L</b> (noncompliant)	<b>Rear Yard</b>
93.5’	16.89’	7’-2”	69.5’

The applicant/owner is proposing to remove the existing attached carport and construct an attached two-story garage in its place. The owner wishes to place the garage on an angle to align with the existing home, which, due to the angle, makes the garage closer to the left property line than the existing home is currently. The size of the garage will decrease the current front yard setback, although still would not meet the max. front yard setback of the code.

#### **As proposed:**

<b>Front Yard</b> (noncompliant)	<b>Side Yard R</b>	<b>Side Yard L</b> (noncompliant)	<b>Rear Yard</b>
82’ -1 1/32”	16.89’	5’-3”	69.5’

The majority of homes on this side of Riverside Drive have front yard setbacks that exceed the code maximum of 50’ and vary anywhere from 70’- 190’. Staff uses the Auditor website to get an estimate of these setbacks. The home adjacent on the left side appears to be roughly 96’7”, there is no home to the right as this parcel is actually Wheeler Drive with the home facing Wheeler. A rough estimate of the two neighbors to the left produce an average of 83’. Considering the maximum

front setback is 50', a variance will be required. The right side yard setback and the rear setback of the existing home are not changing and are compliant. The proposed height of the garage at 25' would be compliant.

**As proposed, the following variances are required:**

- **2' -9" side yard setback variance to the left side yard.**
- **32' front yard setback variance to the 50' required max setback.**

### **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 area variances at 1238 Riverside Drive for the following setback variances:

- **2' -9" side yard setback variance to the left side yard.**
- **32' front yard setback variance to the 50' required max setback.**

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 area variances at 1238 Riverside Drive for the following setback variances:

- **2' -9" side yard setback variance to the left side yard.**
- **32' front yard setback variance to the 50' required max setback.**

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.***



**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 Paul Elli

Property Owners' Name: Paul Elli

Address: 1238 Riverside Dr

City, State, Zip: Huron OH 44839

Phone Number 585-746-6100

Email: prelli5@outlook.com

**Location of Project:**

Lot/Parcel #: 42-00223.000 Zoning District: Huron City

Address: 1238 Riverside Dr Huron, OH 44839.

Year purchased: 2013. Year the existing structure was constructed: 1968

Single Story Home: X Two Story Home:     

Provide a brief summary of your proposed project:

remove existing carport and add a garage that attaches to the house.

The attachment point will add a much needed foyer SPACE.

The attachment point will allow for a pantry, a larger bathroom and closet space.

**Type:**

- Area Variance: Subdivision Regulations      Parking      Setbacks X  
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)*  
The house was built with a variance. Currently sits approximately 7.5 feet from 1  
The addition will include a garage, entryway, pantry, master bath & closet.

### 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:  
The variance allows for better use of space and makes the addition less choppy.
2. The variance is [substantial/insubstantial] because:  
It eliminates a poorly built car port, adds an entryway that is easier for entry/exit of elderly and adds a full bathroom in the main floor.
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:  
The addition will be architecturally pleasing.
4. The variance [ would/~~would not~~] adversely affect the delivery of governmental services, (e.g., water, sewer, garbage)  
no governmental services impacted
5. The applicant purchased the property [with/~~without~~] knowledge of the zoning restriction. Year the property was purchased: 2012. Year the structure(s) was constructed: 1968.



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  
The house was build requiring a variance because of placement.  
We are asking to continue what was already allowed.
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*)  
It allows space needed into the house that is needed.

**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: 05/02/25 Signed Applicant Paul Elli  
Paul Elli (Feb 5, 2025 15:52 EST)

Date: 05/02/25 Signed Property Owner Paul Elli  
Paul Elli (Feb 5, 2025 15:52 EST)

**(REQUIRED)**

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**ZONING DEPT. USE ONLY**

Date received: 2-10-25 Application Complete

\$150 filing fee receipted: X

Comments \_\_\_\_\_ Hearing Date 3-10-25








# Paul Elli BZA App - signed edited

Final Audit Report

2025-02-05

Created:	2025-02-04
By:	Dave Burkholder (dave@neilcollc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvHkZG5u6he20S8YnZCFUlnHuZ7HtK5nT

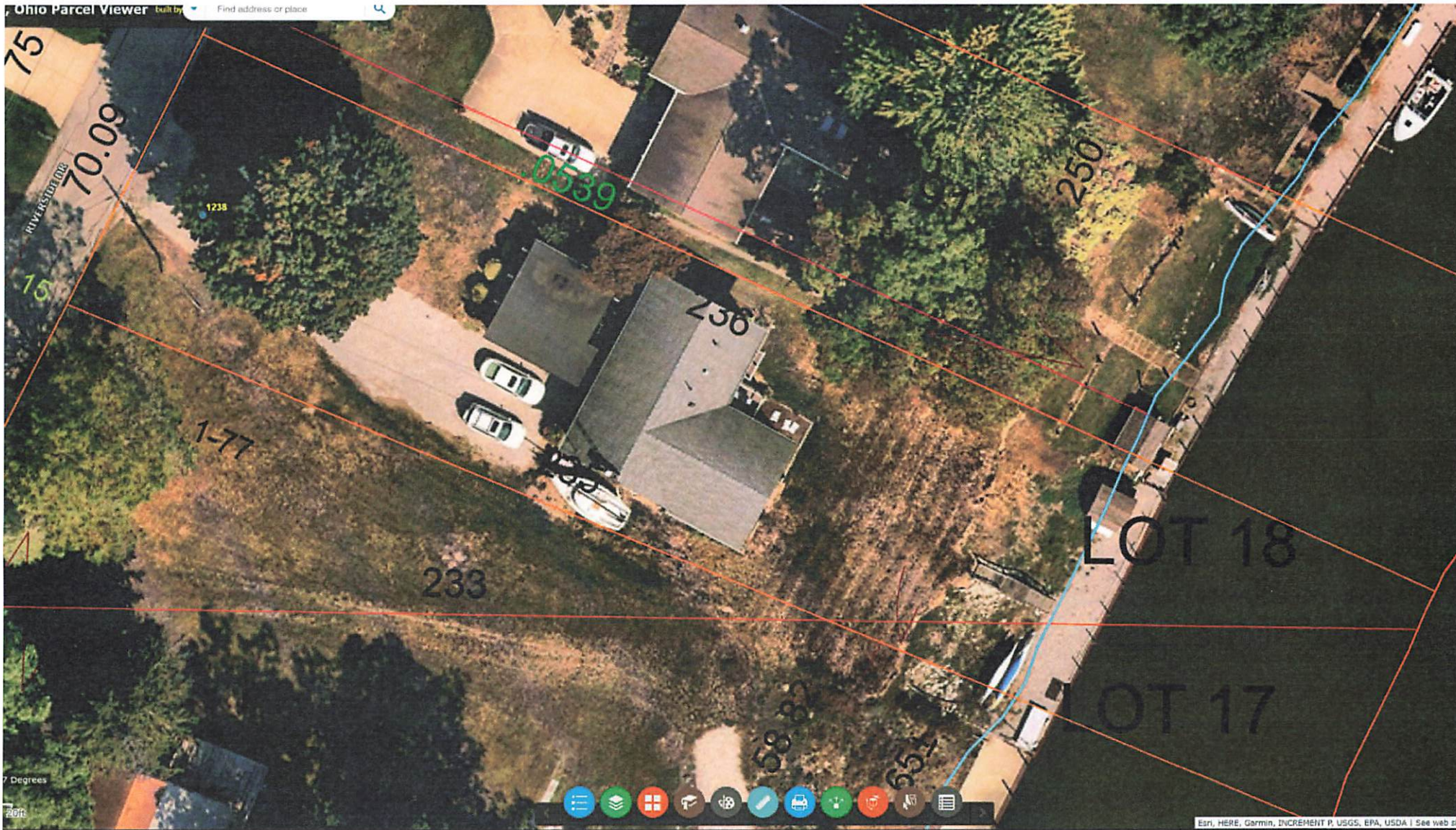
## "Paul Elli BZA App - signed edited" History

-  Document created by Dave Burkholder (dave@neilcollc.com)  
2025-02-04 - 9:31:24 PM GMT
-  Document emailed to Paul Elli (prelli5@outlook.com) for signature  
2025-02-04 - 9:31:32 PM GMT
-  Email viewed by Paul Elli (prelli5@outlook.com)  
2025-02-05 - 8:49:46 PM GMT
-  Document e-signed by Paul Elli (prelli5@outlook.com)  
Signature Date: 2025-02-05 - 8:52:35 PM GMT - Time Source: server
-  Agreement completed.  
2025-02-05 - 8:52:35 PM GMT



Adobe Acrobat Sign



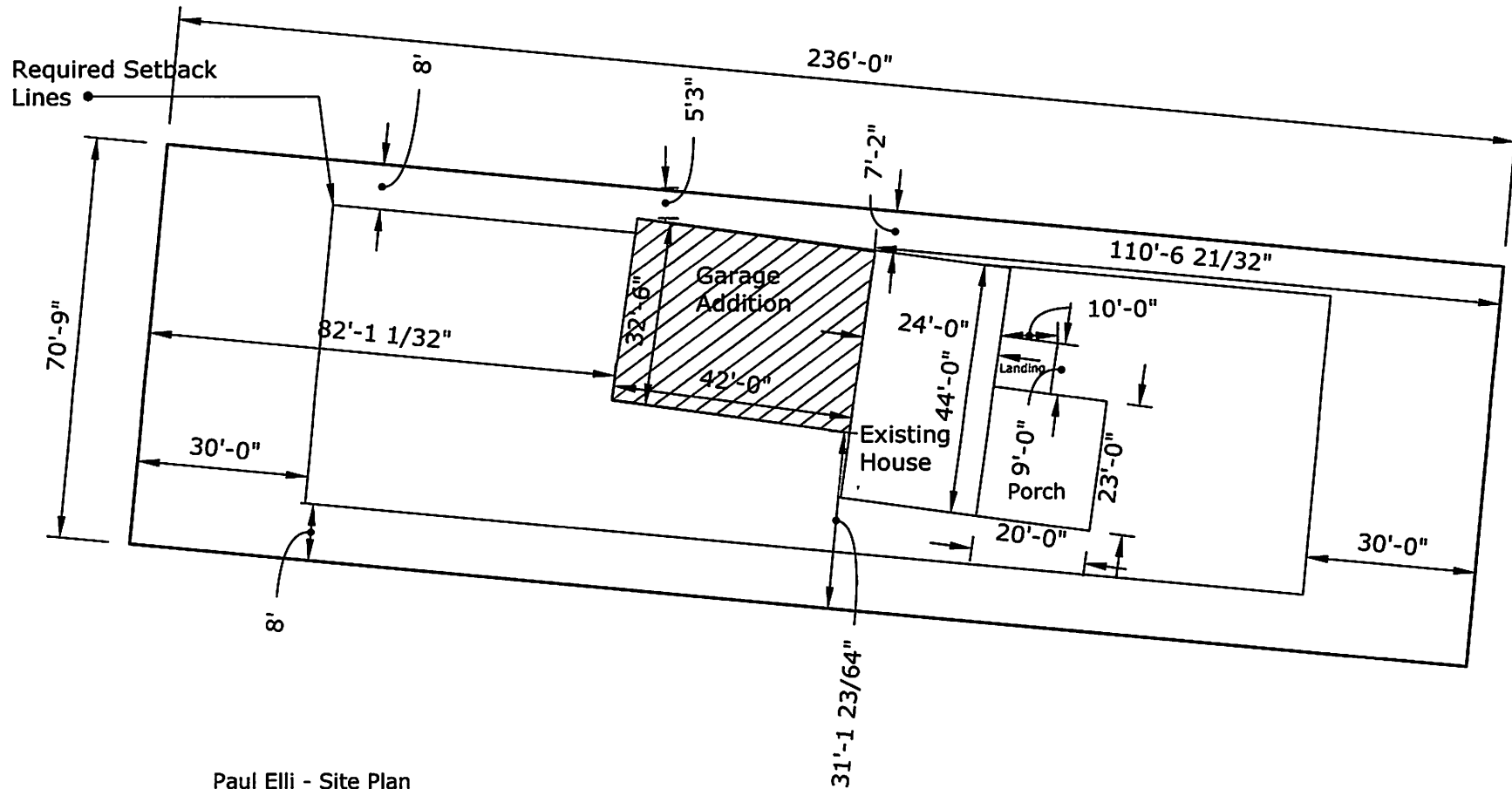


## 1.



DATE 17 May 2012
BY RAYcng
PROJ.
C-1
SHEET No.

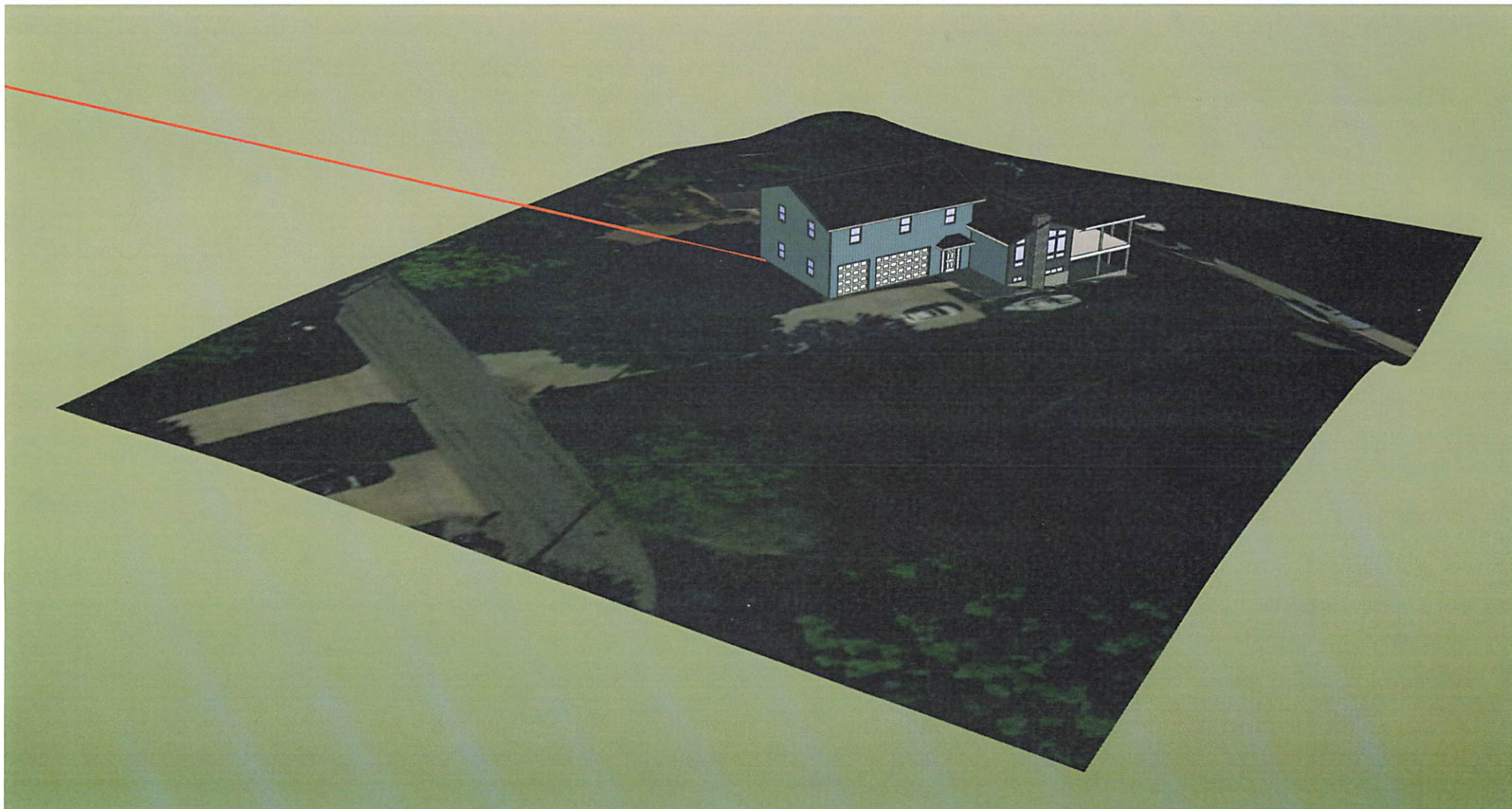
# PROPOSED SITE PLAN



Paul Elli - Site Plan  
1238 Riverside Dr  
Huron OH 44839  
530-512-0000









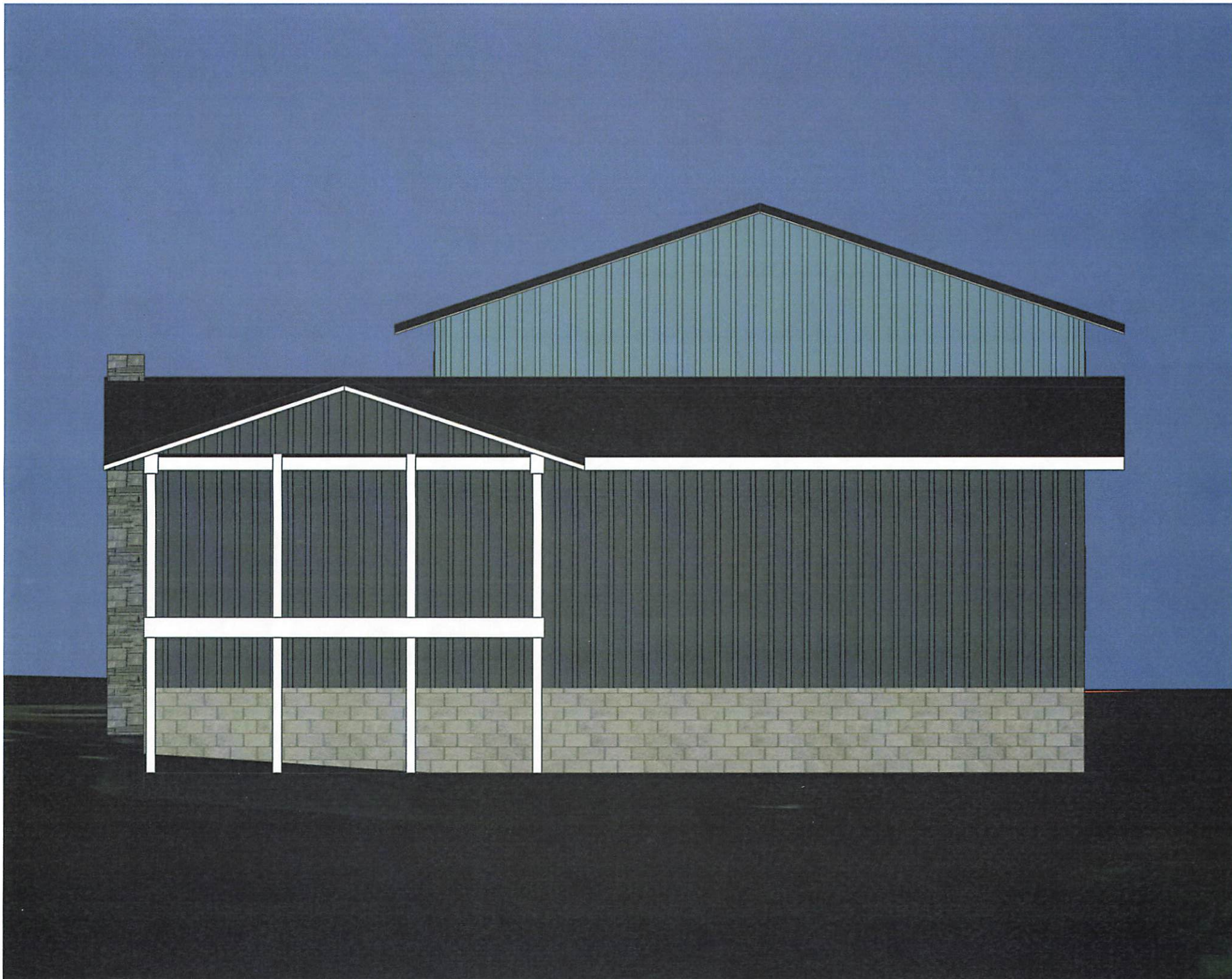












Property Owners within 150' of Paul Elli 1238 Riverside Dr, Huron Oh 44839

1. Edele Jones – 1232 Riverside Dr, Huron OH 44839
2. Stephen & Margaret Moorman – 1234 Riverside Dr, Huron OH 44839
3. Sally J Tommas – 1236 Riverside Dr, Huron OH 44839
4. Mark & Margaret Homyak – 1244 Riverside Dr, Huron OH 44839
5. Frederick and Geraldine Fox – 1246 Riverside Dr, Huron OH 44839
6. Liam Galvin & Zachary Blodgett – 302 Riverside Dr, Huron OH 44839
7. John & Judith Trushel – 1243 Riverside Dr, Huron OH 44839
8. Mark & Cynthia Allen – 1241 Riverside Dr, Huron OH 44839
9. Nancy Hartley – 1237 Riverside Dr, Huron OH 44839
10. Russell Wikel – 1235 Riverside Dr, Huron OH 44839
11. Ronald & Susan Muth – 1233 Riverside Dr, Huron OH 44839