

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
February 10, 2025 Regular Meeting – 5:30p.m.

Chairman Frank Kath, called the regular meeting to order at 5:30 p.m. on Monday, February 10, 2025, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnne Boston, Scott Slocum, and Tom Harris. Absent: Lisa Brady. Also in attendance, Planning & Zoning Manager, Christine Gibboney and Zoning Inspector, Alec Romick.

Mr. Kath reviewed the protocol and format of the meeting and public hearings. He explained that anyone wishing to provide testimony will be sworn in and asked that audience members come up to the podium when speaking.

Mr. Kath referenced the minutes for approval.

Approval of Minutes (1-13-25)

Motion by Mr. Slocum to approve the minutes of 1-13-25, as printed and received. Motion seconded by Ms. Boston. Roll call on the motion:

Yeas: Harris, Boston, Kath, Slocum (4)

Nays: (0)

Abstain: (0)

With majority in favor, minutes approved.

Mr. Kath recognized Mr. Jim Shaffer in attendance, explaining Mr. Shaffer served on the BZA Board from 2008-2024. Chairman Kath and members of the BZA thanked Mr. Shaffer for his years of service on board, his dedication, and commitment. Ms. Boston further added that that she appreciated his dedication, preparation for each case and the knowledge he had shared with her and other members. Mr. Shaffer thanked members and staff for their contributions to the board.

Verification of Notifications

Mr. Kath asked for verification that notices had been mailed. Ms. Gibboney confirmed that notices were mailed on January 31, 2025.

Mr. Kath asked that phones be turned off, and swore in those in attendance wishing to testify before the Board on the case(s) appearing on the agenda.

New Business

206 First Street

Zoning District: R-1

Parcel No.: 42-01144.000

Existing Land Use:

Single Family Residence

Flood Zone: X, Rear of Property AE

Property Size:

0.00 Acres 44' x 200'

Project Description- Area Variance-Front and Side Yard Setback Variances

The applicant/owner is proposing a rear yard addition to the first floor, rear and north side addition to the second floors, and a new third floor addition. The existing 2 -story home was built in 1950. The

home is pre-existing/non-conforming to the code and will require area variances for the proposed additions. The front yard setback, based on an average of the two abutting neighbors, would allow for relief of the 30' required setback, down to 23', with the minimum setback in the code specified at 10'. The existing front setback is 10'-7", this will remain the same and will require a variance.

As proposed, the following variances are required:

- 12' - 5" Front Yard Setback Variance
- 7' Side Yard Setback (north) and 5'-6" Side Yard Setback (south)

Mr. Kath called the public hearing to order at 5:34 p.m. and introduced the case for front and side setback variances for a pre-existing/nonconforming home.

Ms. Gibboney referenced changes in ownership in recent years, explaining the owners are intending a full remodel and additions. She referenced the details of the proposed project which include: a new rear yard addition, addition to the second floor, and a new third floor addition, noting there are no changes proposed to the front or side footprint of the existing house. She referenced the map, noting the parcel is an unusual shape, very narrow, and as existing it does not meet frontage requirements of 75', or the side yard setback requirements. Reading from the staff report: The front setback for the existing porch just meets the minimum, however, it too is pre-existing/nonconforming as it does not appear to be based on the average of the two neighbors. She referenced staff consulted with the Fire Department on the site plan for any comments/concerns and they advised of no safety issues as the existing footprint of the side setbacks are not changing, the additions are to the second and third floor additions. Ms. Gibboney referenced the rear yard of the parcel abuts a Coastal Floodplain (AE), triggering a 30' riparian buffer requirement area that they had to stay out of, noting this is reflected on their site plan and compliant. She referenced the proposed height of the home will be at the 35' max. and would comply with the code as proposed (from current grade to peak). She recapped the current setbacks of the home, noting the front and side setbacks are not changing, they will remain the same:

Front SB	North SB	South SB	Rear SB (Compliant)
10'-7"	1'	6'-6"	95'

Ms. Gibboney noted, as proposed, the following variances are required:

- 12' - 5" Front Yard Setback Variance
- 7' Side Yard Setback (north) and 5'-6" Side Yard Setback (south)

Ms. Gibboney advised no statements from neighbors were received by the department.

Applicant/Owner Statements: John Feick, 224 E. Water Street, Feick Design Group, Architect for the owners, DB & B Property Holdings, LLC.

Mr. Feick referenced the owners are contractors and their desire is to improve the house greatly, adding that to do so, they will need to gut the interior, install all new plumbing, electric, and

heating systems, as all were either in the basement, under water or up above and due to mold will need to be torn out. He referenced seeing the pictures of the home when the current owners first purchased it, referencing the condition was atrocious. Mr. Feick referenced several meetings on-site with City Officials and the Building Official. He stated Mr. Zimmerman advised what they need to do and what he would be looking for. He explained the city advised the first step before anything else, was to seek variance approval for the improvements as proposed. He referenced the narrow shape/size of the lot, and the house not being aligned to either property line, it is angled which causes other problems. He noted the desire is to take the existing footprint and go up with the additions, not go any bigger width wise, just go on top of what is there. He noted when completed, there will be a lot of money invested, but result in a nice property when completed. He referenced if they were to tear down and start over, there is not enough square footage in the setbacks to even build another house. Mr. Kath inquired, so you are basically staying in the same footprint? Mr. Feick stated that was correct. Mr. Harris asked about the back yard as well. Mr. Feick stated that the rear will have an addition, but the addition will stay inside the required setbacks. Ms. Boston commented that this is why the BZA exists, is to deal with situations like this, stating she has no concerns. Mr. Feick referenced the property is rather unique, and the reason they are going up is the views out the back to the water. The big windows and porch will be in the back, but the two sides will be limited on the windows because of the closeness, referencing the building code requirements of one-hour wall and fire protected windows.

Audience Comments:

Jim Schwiefert, 210 First Street, property to the south of 206 First Street. Mr. Schwiefert stated concerns with the plan, as he believes in the future this will be a transient rental and referenced the limited parking of one space on the parcel and one on the street. His other concern was the proximity to his property, and construction access. He stated he will not grant access or an easement from his property for this construction. He also expressed concerned for the long-term maintenance of the home and property, and how one will be able to do this- access and equipment wise-without being on his property. He stated he already has a permit to put in a fence and will be putting this in. He stated he knows the home needs major renovation, and believes with having paid \$45,000, it's sufficient to just remodel the existing building. He stated his motion would be to deny the variance request. Mr. Kath advised of similar concern regarding access on another case, and mentioned there is no trespassing on others property. Mr. Harris commented that the side setbacks are remaining the same as they are now and asked if there have been issues. Mr. Schwiefert acknowledged the current setbacks and said that the past owner had a landscape contractor that drove a mower which would turn around in his yard, so in the past there were issues with this, but stated there have not been issues with current owners as they have used a push mower. Mr. Schwiefert reiterated his concern with access to the rear yard of the property for yard maintenance wondering how someone will be able get equipment around any AC unit that may be on the side to get to the rear yard.

Mr. Larry Strugalski, 209 First Street. Mr. Strugalski, noted his agreement with the concerns expressed by Mr. Schwiefert, adding that he is very concerned and will fight if this property is to become a VRBO. He referenced the other transient rental down the street and the problems it is

causing in this neighborhood. He referenced parking and trespassing issues with guests; noting the neighborhood is no longer the quiet one they moved into. He stated if this was going to be a single-family home, he would have no issues, but does not want this to become a transient rental. He noted if the height of home complies, that's fine. He agrees with concerns of how construction equipment would access the parcel without access through another property. He stated the home is a blight; advising the city should have taken action previously. Unknown audience members commented the home is infested. He commented that he understands something needs to be done, but reiterated his stance on transient rentals and the lack of parking.

Mr. Kath asked Mr. Feick about parking. Mr. Feick replied that there is a one-car garage- it was turned into part of the house (left side of the home), they will be turning it back into a 1 car garage, so there will be parking for two cars on the parcel. Unidentified audience members noted this is not reflected in the plans. Mr. Feick noted these are preliminary plans. Inaudible discussion ensued between unidentified audience members and applicant/owners. Ms. Gibboney asked that those speaking please come to the podium in order to have comments recorded.

Property Owner, Chris Biechele, 302 Wayne Street, Sandusky OH, partner in DB & B Property Holdings. Mr. Biechele read from a prepared statement adding additional comments:

This property came to our attention in June of 2023. The current owner was looking for a quick turnaround. We inspected this property and knew this was a massive undertaking. The said property was going to be placed on the open market within days. We told the owner, we would be willing to purchase the property if, and only if the property was cleared up. He noted whoever owned it prior was a hoarder. He stated they knew the current owner purchased the property for \$30,000 and he came up with a price of \$45,000 and this would have been a turn around of two weeks. After the owner cleared out all the junk located inside DB & B Property Holdings did an arm's length transaction to secure said property.

Shortly after our purchase, we asked for a Property Valuation Reduction from the County Auditor. The value was \$104,000 and stated he couldn't see paying taxes on that amount in the condition the property was in. After the Auditors Inspector saw the said property, he agreed the valuation reduction, but informed us that the school board would have a final say. As the school could have fought the valuation. At that time, we told the inspector to inform the school board that our intention was to improve the said property in the future and then sell the property on the open market with an increased tax valuation. The Erie County Auditor Board of Revision and Review, along with the Huron School Board Agreed with our valuation of the said property and took the Valuation From \$104,530.00 to \$45,000.00 a Taxable Valuation reduction of \$59,530.

Our intention is and always was to bring this property up to the standards of the current neighborhood and then to sell the said property while making a profit from our current investments.

We started this project with talking to Zoning Inspector, Jeff Fantozzi, then Jeff passed away, then another Zoning Official took over but they did not receive responses to inquiries, and now we are here with Alec Romick and the Building Official. He commented the Building Official

has been out to inspect the property. Mr. Biechele noted it has taken more time than they originally thought, but now they are working with Alec Romick and Architect John Feick from Fieck Design Group. Our intentions have never changed as to what we have envisioned, and John Fieck has placed that vision on paper for your consideration. We would like to thank you for your time.

Mr. Biechele referenced market research he and his partner, Brad, have done. He noted they that they currently have 35-40 units, open land for development in different areas, and this is the first property they have purchased in Huron. He referenced past discussions with Zoning Inspector, Jeff Fantozzi, relating to property maintenance issues, reading the emails between he and the city to address the concerns and reflect the clean-up efforts taken.

Mr. Biechele reviewed market research of property valuations in this neighborhood:

	2020	2024
206 First	\$104,530	\$ 45,000
202 First	\$300,000	\$389,000
807 Superior	\$540,000	\$983,000
819 Superior	\$324,000	1.129 mil

He stated he doesn't know when any of these properties were improved, but he assumes something was done as the values are up. He also referenced a market condition summary report for sales in the city over the last year: 76 properties sold, in the past 7-12months the average is \$339,750 and the last three months \$350,000. Subject Property Comparison report was pulled, for the top 20 properties within the city, produced results of \$440,000 to \$600,000, then he noted he took various pictures of homes in the area to show other similar homes. He noted he would leave all information for the board.

Mr. Kath asked about the attached one-car garage that was mentioned, as it does not show on the elevations. Mr. Feick referenced preliminary drawings, noting that they did a sketch going straight up with additions, and since then in talking with the city, it was noted that parking is a concern. He noted the home had a one-car garage on the north of the house (left side), which is currently part of the house, they will have to rebuild it back to a one-car garage. Mr. Feick pointed out the location on the elevation. Unknown audience member commented to applicant you are keeping the same basement and foundation right? In audible dialogue ensued.

Mr. Harris asked if it is the intention of the owners to sell the house. Mr. Biechele replied yes, that is their intention. Mr. Harris, addressing the concerns raised about transient rentals, pointed out that Transient Rentals are not something the BZA is involved with, that is a City Council issue. He stated there is a set number of transient rentals allowed in the city, but that has nothing to do with this BZA case. Unknown audience member stated- owner just said he will do a VRBO. Mr. Harris stated the owner just stated on the record that he will be selling. Mr. Harris commented that he has a transient rental next door to his home, and deals with some of the same issues, but the BZA is limited to the application for variances. Mr. Biechele referenced he is in the rental business, but they are all long -term rentals. He stated the turnaround time with transients are ridiculous and would not be doing this, they do enough work as it is.

Mr. Kath asked if the plans should be resubmitted to show the driveway and the garage. Ms. Gibboney replied, that the board is looking at the footprint/setbacks for the front and side of the home related to the variances being requested. Mr. Harris stated the case is about re-affirming what is there already. Audience members speaking over members, inaudible.

Mr. Biechele refers to the market data, noting the similar homes in the city. Mr. Kath reiterated that the board will be focused on the variances being sought after and noting that there have been other cases similar where improvements are proposed staying within the same footprint and as for the height, as long as the 35' max is compliant, that is not an issue.

Mr. Slocum commented, while not a concern of the BZA, he is curious about the construction and how they will deal with access. Owners noted there is small enough equipment that is used, stating they will not interfere with other properties. Unknown audience member references the porch on the back and its poor condition, stated members needed to go on site, walk the property, and then have the owners explain how they are going to get construction equipment back there, he also stated that there is no foundation on the side of the house by the garage. Another member in the audience began referencing the distance to her home. Ms. Gibboney asked that audience members wishing to speak please come to the podium in order to have comments recorded.

Mr. Kath swore in Andree Niswander.

Scott and Andree Niswander, 204 First Street. Mr. Niswander acknowledged they would like to see something done with the house; however, they feel the application is incomplete as the elevations don't reflect the final plans. He referenced the Duncan Factors criteria, stating there are already existing variances on the house and now they asking for two more variances to make it larger in back. He noted he doesn't believe the application passes the test noting:

- They can get a favorable return on a \$45,000 and still comply with the existing structure.
- Adding a third floor will substantially change the nature of his property, will have a negative impact on his property, and changes the site lines for all properties surrounding it.
- He noted concerns for issues relative to flood issues, noting his house is 52" away from their north border. Ms. Niswander noted that is not from the property line, their house is 52" from this house, and that doesn't include the AC unit which make it about a foot and a half to two feet.
- Variances are substantial – changing the nature of the property and the way it sticks out and the front elevation changing and its setback is impacted as well.

Mr. Harris asked Ms. Gibboney if the front setback is changing. Ms. Gibboney stated it is not, the front and side setbacks as they currently exist are not changing, but because they are going up with additions, they require variances. Ms. Niswander stated there is a substantial addition off the back. Mr. Harris noted they do not need a variance for the rear yard addition. Ms. Niswander questioned the process going forward. Ms. Boston stated this board is only dealing with one thing, and noted she appreciated the research they did on the Duncan rules, but added they are confusing things a little bit. Ms. Niswander referenced the BZA packet and proceeded to explain the process the BZA needs to follow when considering this case. Ms. Boston acknowledged that she is familiar with this. Ms. Boston stated the BZA process is only to deal with the lot and the

current circumstances that he is looking at today, and as far as the next step... Ms. Niswander interrupted- you are not looking at the 3 stories, or whether he elevates his land or not, or the drainage? Ms. Boston and Mr. Harris noted the BZA is here about the variance request for the property and nothing more. Ms. Boston stated, if the variances are granted, they would be required to take the next step to go to Building and Zoning authority to be processed to make sure the concerns raised would be addressed. Ms. Niswander inquired about meetings. Ms. Gibboney stated that the applications and construction plans are submitted to the Planning and Zoning Department for plan reviews for zoning compliance and then... Ms. Niswander interrupted, questioned how they can be compliant when they are already pre-existing/noncompliant. She inquired about the next step/meeting they could attend to express that they are not okay with reconstruction of this home as it shouldn't be permitted. She stated reconstruction should not be permitted; they should only be allowed to renovate what currently exists because they are already existing on a variance. She referenced the claim that they knew nothing of this on the application; questioning how they could say they didn't know what they were dealing with. She alleged the owners also lied about the clean-up, stating she has pictures to prove the house was cleaned out before the previous owners bought it.

Mr. Harris explained again the board is here to address the two variances being requested, other issues that are being mentioned, are not items for this board. Mr. Harris noted the home is pre-existing/nonconforming, nothing is being changed, the city cannot tell them to bulldoze the house, the board is here to address the variances which already exist. Ms. Niswander stated that what is being proposed, is ripping out a basement, putting in a new foundation, new basement, and new construction and this is not allowable.

Mr. Kath explained the majority of cases before the BZA involves pre-existing/nonconforming homes, again, the setbacks of the home are not changing, the proposed height of 35' meets the code. Ms. Niswander noted they are not supposed to be allowed to do new construction per the code, they are going to dig out the basement and put in a new foundation. Ms. Niswander stated they can go up and renovate, but no new construction. Mr. Harris noted the city has heard her point of view, and respects it, and asked if anyone else wished to speak. Ms. Niswander noted she heard each member affirm his plans, and noted Ms. Boston stated she had no issues early on, stating that the board should have heard from all in attendance first before giving an opinion. Ms. Boston confirmed she did make the statement that she had no problem with this. Mr. Harris noted the board has not yet voted in the matter and noted again, the setbacks are not changing. Ms. Niswander stated this is an additional variance, Mr. Harris noted this is not an additional variance. Mr. Kath stated the variance they are looking for is to build on the existing footprint and not encroach.... Ms. Niswander interrupted stated they are doing that because they are not supposed to be able to build new construction because its nonconforming.

Mr. Niswander stated when the BZA goes through the criteria and evaluates each of the items, it does not meet the criteria of the variances. He noted he objects and thinks that granting the variances sets the tone for new construction and that new construction would never be permitted on the property. Mr. Harris commented if they tore it down and started brand new. Mr. & Mrs. Niswander stated they are going to have to substantially tear down what is there considering

what is being proposed. Mr. Niswander stated the owners should have done due diligence before they bought the property, neighbors will all be paying the price, and the owners are asking the board for the variances on a non-confirming property to allow them to build and he does not believe this is the nature of the test within the Duncan Factors and he does not believe this complies.

Ms. Gibboney asked Chairman Kath if she could ask a question to the applicant/owners for confirmation. Mr. Kath agreed. Ms. Gibboney asked the owners and Mr. Feick to clarify/verify if they are planning demolition of the home, as the application references additions and renovations and not demolition. Mr. Feick confirmed they want to use the footprint that is there, and go up from the basement that is existing, it is going to be reused although not like it was in the past, there are things they have to do to keep water out of the basement, and stated they are not tearing the house down, they are building on top of what is there. He did note that they will be removing the rear porch and will have to have a foundation there as this is a building code requirement. He assured all that the Building Official will be scrutinizing this project. He reiterated, it is not their intent to demolish this house and rebuild. Mr. Harris reiterated this is not a complete tear down and rebuild. Mr. Feick confirmed this is correct. Ms. Niswander argued this is not what has been said and argued with the owners and Mr. Feick over what she says that they said previously. Ms. Niswander referenced drainage rights and raising the land. Unknown person(s) in the audience states the members need to do a site visit and if they don't, they are negligent. Mr. Harris noted he was there, and Mr. Slocum noted he was there as well. Mr. Harris noted again, if the variances are approved, the setbacks remain the same. The unknown audience member states, there is no variance to the front or side? Mr. Harris said these variances already exist, they are being re-affirmed because they are going up with additions, the front and side wall locations stay where they are and the rear addition does not require a variance. Mr. Kath noted, the front and sides are not encroaching further beyond what is there.

Mr. Harris noted that they are not changing the footprint. Ms. Boston stated for the record, her reason for her support, is that nothing is changing by the paper, on the documents, showing the footprint.

Unidentified audience member stated look at the left side of the print, there is nothing there now. Members disagreed stating there is structure there, unidentified audience members disagreed, but then acknowledged a structure being there, but noted the small size of it and stating it doesn't even come up to the front and doesn't know how far in the back it goes, so how can the BZA say it's on the same footprint. Mr. Kath stated it is being built as not to encroach further from where the footprint is today. Audience member asked: the footprint of the house or footprint of the property? Mr. Kath stated the footprint of where they are building. Mr. Kath attempted to explain this requires a variance because its nonconforming, he referenced 90% of the homes in the city are pre-existing/nonconforming, (audience member interrupts) and it is part of the code that the board has to go by, the other issues that were brought up were not related to the BZA. Audience member states don't approve the variances until you get all the information. Mr. Harris stated he would like to make a motion.

Mr. Kath closed the public hearing at 6:23. p.m.

Motion by Mr. Harris to approve these variances as written, based on the fact they are not changing the footprint of the actual building as is. Ms. Boston stated she would suggest that there needs to be a special condition that a garage is a requirement for any structure that would be approved as is required by current code. Mr. Harris cited his basis: noting the request doesn't change anything, and the property owner's predicament feasibly cannot be obviated through some method other than a variance. Mr. Kath referenced the Fire Department input and comments of no issues with regard to safety as noted in the staff report. Ms. Boston cited her basis: the spirit and intent behind the zoning requirement would be observed. Motion seconded by Ms. Boston.

Roll call on the motion:

Yeas: Harris, Boston, Kath, Slocum (4)

Nays: (0)

Abstain: (0)

With three or more votes in the affirmative, Mr. Kath noted the motion passes and the two area variances granted with special condition of the garage.

- 12'- 5" Front Yard Setback Variance
- 7' Side Yard Setback (north) and 5'-6" Side Yard Setback (south)

201 Ashland Ave Zoning District: R-1 Parcel No.: 46-00018.000

Existing Land Use: Single Family Residence Flood Zone: X

Property Size: 0.00 Acres 29' x 61' Irregular Lot shape

Traffic Considerations: Last home on the lake off Ashland Ave

Project Description- Area Variance-Setbacks to Front, Sides, Rear

The applicant/owner is proposing expansion of the existing second floor of the home. Per the application, the existing second floor is half attic space currently. The proposed project would result in a full second story addition using the existing footprint of the home. The home is pre-existing/non-conforming to the code and will require area variances to the setbacks for the proposed addition. It is important to note, the existing footprint of the home will not change, the setbacks all remain as reflected. The existing roofline and second story exterior will change.

As proposed, the following variances are required:

- 3'- 9 ½" front yard setback
- 6'- 5" side yard setback on the North (lake side)
- 1'- 7" side yard setback
- 22'- 10" rear yard setback

Mr. Kath called the public hearing to order at 6:26 p.m. and introduced the case.

Ms. Gibboney read from the staff report, noting this home pre-existing, nonconforming, built in the 1906, parcel is unusual in shape and the location and the existing 2-story home is positioned on an angle on the parcel. Ms. Gibboney noted trying to label the front, side, rear was challenging due to the positioning and parcel shape, Exhibit A was prepared to clarify the positions. She noted as existing the parcel does not meet the frontage requirement, or front, side, or rear setbacks. The existing and proposed height is compliant. She noted the existing footprint of the home is not changing, the only change will be an addition to the second floor. So, all four variances needed are relative to the existing setbacks. Mr. Hillis clarified that on the Exterior Front Elevation in the application, the front is depicted as the one facing the lake, he just wanted to clarify this for the record. Ms. Gibboney reported that three (3) statements from neighbors had been received and distributed to members:

- 203 Ashland Ave- concern for construction access, asked for elevations, concerns for her views and property values.
- 205 Ashland- in support of the variances as proposed.
- 202 Erie- in support of the variances as proposed.

Applicant/Owner Statements: Dan Hillis, Hillis Construction

Mr. Kath asked if there was a garage. Mr. Hillis noted that there is no garage, there is the existing driveway and that is not changing. He referenced the common area at the end of the street, and how the house is tucked away at the end of the street.

He explained that the owners are now down in Florida, in December 2023, there was water damage which flooded the entire house and currently the house is gutted. The house was originally in the family from 1906 and passed along through generations. He referenced he understands personal health issues are not criteria to be considered, but wished to explain that due to health reasons in the family, having the second-floor addition will allow for a more open first floor to accommodate mobility access. He also noted that on the east and south side there are small first floor bump outs, they are not part of the second story addition, it is just the existing main part of the home that would be getting the second story.

Mr. Harris asked about the resident who had mentioned her view and where that house is located. Staff pulled up the aerial. Mr. Hillis stated it would be the home with the blue roof, and believes there will still be a clear view. Mr. Hillis noted he has met with the Building Official on this a couple of times already to go over the improvement and he had no issues.

Audience Comments: None

With no further questions or discussion, Mr. Kath closed the public hearing at 6:35 p.m.

Motion by Ms. Boston to approve the request for the area variances at 201 Ashland Ave for

- 3'- 9 ½" front yard setback
- 6'- 5" side yard setback on the North (lake side)
- 1'- 7" side yard setback
- 22'- 10" rear yard setback

as proposed 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 as a result 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. Harris.

Roll call on the motion:

Yeas: Harris, Boston, Kath, Slocum (4)

Nays: (0)

Abstain: (0)

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

312 Wyandot

Zoning District: R-1

Parcel No.: 48-00052.000

Existing Land Use:

Single Family Residence

Flood Zone: X

Property Size:

0.00 Acres

Traffic Considerations:

Project Description- Area Variance-Parking Regulations

The applicant/owner came before the BZA in March of 2021 seeking area variances for the construction of a new 2 story home. The project included demolition of the existing non-conforming home, which had no garage, and construction of a new 2-story home with no garage. The variances for the rebuild were granted as submitted. What was not proposed or addressed at the time by applicant, staff, or BZA, was the requirement of off-street parking. As proposed, the plan does not include the required one (1) enclosed space of off-street parking. Per the site plan, the driveway can accommodate four (4) off-street parking spaces, exceeding the required overall minimum of two (2) off street parking spaces. As proposed, the following variances are required:

- *A variance to Section 1133.03, to waive the requirement of (1) enclosed space of off-street parking.*

Mr. Kath called the public hearing to order at 6:37 p.m. and introduced the case.

Ms. Gibboney explained the department received zoning and building applications for the demo and new build of a home on the parcel. Variances had been granted in 2021 for this project. The existing home has no garage, a garage was not proposed as part of the BZA application when approvals were granted. She referenced that it is unknown why this wasn't noticed at the time. Ms. Gibboney referenced the code, explaining that when a home is demolished and a new build planned, the requirement of the off-street parking code applies. The code requires two (2) off-street parking spaces, one of which must be enclosed. Staff met with the contractor, who advised

there is not room on the parcel for a garage. She referenced the site plan is showing the driveway will accommodate four vehicles. Mr. Kath inquired about the 2021 variances, wondering whether the new build is in the same footprint or had they had proposed an expansion. Ms. Gibboney referenced the minutes and Finding of Fact from 2021 included in the packet and members reviewed same. Mr. Romick added that the variance is still valid, as that case was held before the new code which currently limits the approval to 1 year. Members reviewed the approved variances from 2021, the fact that the variances are still valid, the garage was most likely an oversight at the time the variances were granted, and as proposed and approved with variances there is no location for a garage.

Ms. Boston asked if the city received any statements from neighbors. Ms. Gibboney replied she did not receive any statements. Mr. Kath referenced that there will be four off street parking spaces on the driveway.

Applicant/Owner Statements: Brian Roberts- Legends General Contractors

Mr. Roberts noted he explored options of a detached garage in the rear, but explained the lot is so small and there are electrical lines and trees in the rear, that an enclosed space is not an option. He referenced there is adequate off-street parking in the driveway.

Ms. Grant, Property Owner. Ms. Grant was sworn in by Mr. Kath. She explained that they would have wanted to start this project sooner, but it was during COVID and with financial issues during that time, could not do so. She noted this property has been their second home for over 20 years, they use the property throughout the year and do not rent the home, nor do they intend to do so. She stated that they intend to make Huron their full-time home upon retirement. She noted the lot is very small, and stated they have been thoughtful in planning when thinking about parking. She noted the current parking area is a small gravel/grassy area.

Mr. Slocum stated he is concerned about the garage, while the board's actions on a case are not precedent setting, he did wish to note the board must be consistent with regard to new construction as compliance with the off-street parking code must be met. He knows that the board has to be consistent but also flexible when unusual situations, and/or lots create an issue. Mr. Kath agreed, referencing the size of the lot in this case. Members discussed the concern, and stated that it seems, in this case, there are several factors, the lot doesn't appear to be able to accommodate a garage and there were no comments from neighbors.

Audience Comments: None

With no further questions or discussion, Mr. Kath closed the public hearing at 6:49 p.m.

Motion by Mr. Slocum to approve the request for the area variance at 312 Wyandot for a variance to Section 1133.03, waiving the one enclosed off street parking space requirement, as proposed, 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 as a result 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. Harris. Roll call on the motion:

Yeas: Harris, Boston, Kath, Brady, Slocum (5)

Nays: (0)

Abstain: (0)

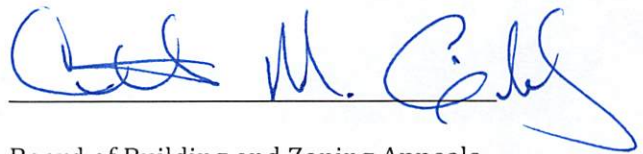
With three or more votes in the affirmative, motion passes and the area variance approved as submitted.

In the absence Ms. Brady, members decided to hold off on action with regard to the BZA Rules and the Appointment of the BZA Secretary until the next meeting.

Other Matters

- Next meeting, March 10, 2025- anticipate one case on the agenda.

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Harris. All in favor, meeting adjourned at 6:53p.m.



Board of Building and Zoning Appeals
Secretary

ADOPTED: April 14, 2025
/cmg