

CITY OF HURON
BOARD OF BUILDING AND ZONING APPEALS
June 9, 2025, Regular Meeting – 5:30p.m.

Chairman Frank Kath, called the regular meeting to order at 5:30p.m. on Monday, June 9, 2025, in the Council Chambers of the City Building, 417 Main Street Huron, Ohio. Members in attendance: JoAnne Boston, Tom Harris, Scott Slocum, Chris Harlan. Also in attendance, Planning & Zoning Manager, Christine Gibboney and Planning & Zoning Secretary, Carolyn Boger.

Approval of Minutes

N/A

Verification of Notifications

Mr. Kath asked for verification of the notices that had been mailed. Ms. Gibboney confirmed that notices were mailed on May 30, 2025.

Mr. Kath explained that the board treats each variance case as its own separate public hearing; Ms. Gibboney reads the specifics of the variance case, then applicant and any interested parties may come forward give their name and address for the record and make statements, there is a question answer session, and then the hearing is closed with the gavel. After the hearing is closed and the board makes their decision to approve or deny the variance. Mr. Kath then swore in the audience members who wished to make statements.

Then Mr. Kath asked the audience to please turn off their phones.

New Business

225 Williams Zoning: R-2 Parcel No.: 42-00884.000

Existing Land Use: First Presbyterian Church Flood Zone: X

Property Size: Property is comprised of 6 separate parcels

Traffic Considerations: Cleveland Road West, Center Street, Williams Street

Project Description- Area Variance-Variance to Section 1123.03

The applicant is proposing a walk-in cooler to be installed in the kitchen area of the structure. The cooler/freezer will store bulk foods and donations for the Christ Community Kitchen which serves the needy in the community. Access to this cooler will be from the inside of the kitchen, however, the unit will be an addition to the exterior. The cooler addition will be setback 9'-8" from the side property line.

As proposed the following variances are required:

- *10'-4" variance to Section 1123.03 (a) requirement of a 20' setback.*

Mr. Kath called the public hearing to order at 5:32 p.m. and introduced the case for a side setback variance for pre-existing/nonconforming to the required 20' distance required outdoor walk-in cooler.

Ms. Gibboney read from the staff report, noting that the applicant, Christ Community Meal operates out of the First Presbyterian Church, serving meals as Christ Community Kitchen. The Church property is comprised of 6 separate parcels all R districts, some R-2 and others R-3. The cooler entrance will be located inside of the kitchen as this is the logical placement for it, there will only be interior access only and no access from the exterior. R-2 zoning has its own setback distinction for

Churches and places of worship it cannot be located less than 20' from any other lot in any R District. Which is deviates from the standard R-2 setbacks which only requires a 7' setback from the side or rear. The existing Church and structures on this parcel are pre-existing/nonconforming to the required 20' distance requirement currently. They propose to be 9'8" from the side property line, which abuts residential rear yard properties on Williams and Center. They will need a 10'4" variance to section 1123.03 to put the cooler in this location.

Ms. Gibboney reported that no statements from neighbors had been received.

Applicant/Owner Statements:

Owner/Applicant not in attendance.

Audience Comments:

Cynthia Brown Matthews, Church member: Explained the proposed cooler is a very generous donation from a member who has benefited from Christ Community meal. The intended purposed of the proposed cooler is for additional food storage for all the food needed for the Christ Community meal which serves over 300 people per month. She also added that this cooler would be a great benefit for the community. Mr. Slocum inquired if there were any other available places that the church could place the cooler. Cynthia advised that while she did not know the exact reasons why, she knew that the placement requested the most cost effective and efficient placement for the kitchen and that other placement would likely run into the similar variance requests. Mr. Harlan raised the question about the noise level of the new cooler. Ms. Gibboney interjected that she had been advised by the cooler designer that it would be a similar volume to a standard residential refrigerator. Mr. Kath asked about the cooler location and if it could be placed in the parking lot. Ms. Gibboney stated that she had spoken to the applicant and posed that same question and had been told that the parking lot was not a viable location. Mr. Harlan asked for clarification of the location of the new proposed cooler, Ms. Matthews explained that it would be adjacent to the boy scout shed. Ms. Gibboney also told the board that this project because it is commercial, if granted the variance it will still need to go to planning commission for approval and they will be proposing arborvitae as a buffer. Mr. Kath mentioned that his main concern would have been decibel level of the condenser that sits on top of the cooler but that issue was already alleviated. He then raised the question of the height of the cooler. Christine stated that it had been highlighted on the color copies that went out, but her current copy was in black and white so she was unsure of the exact height, but the height was under the requirements for an accessory structure. Another church member in attendance for another hearing stated that she would be willing to answer any additional questions that the board has.

With no further questions or discussion, Mr. Kath closed the public hearing at 5:40 p.m.

Motion by Mr. Harris to approve the request for area variances at 225 Williams ST for the following setback variances:

- ***10'-4" variance to Section 1123.03 (a) requirement of a 20' setback.***

Citing:

- ***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 spirit and intent behind the zoning requirement would not be observed, substantial justice done by granting the variance.***

Motion seconded by Mr. Harlan. Roll call on the motion:

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

Nays: (0)
Abstain: (0)

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

1142 Mudbrook Zoning: R-1 Parcel No.: 42-00664.006

Existing Land Use: Single Family Residential Flood Zone: X

Property Size: 75 x 282

Traffic Considerations: n/a

Project Description- Area Variance-Side Yard Setback

Applicant is seeking to replace an existing rear yard deck. The current deck is old and will need new frame, decking and railings. The 1,440sq. ft. deck spans the length of the single-story home, the home and deck are pre-existing/non-conforming to right side yard setback, at 4'. The applicant is seeking to reconstruct the deck in the same footprint.

As proposed the following variances are required:

- A 3' right side yard setback variance to allow the deck to be rebuilt in the same footprint.*

Mr. Kath called the public hearing to order at 5:41p.m. and introduced the case for side yard setback variances for a pre-existing/nonconforming replacement deck on a single-family residential home.

Ms. Gibboney read from the staff report, noting that the home is located on Mudbrook road, zoned R-1 and an existing 1,440 sq deck spans the length of the existing home. It is pre-existing/nonconforming on the right side; it is at 4' from the property line and the applicant is seeking to replace the deck in the same footprint it is currently in. When the Zoning dept. reviewed the project and looked at the aerial of homes in the area, they all have front yard setbacks that exceed the 50' max for front yards and, do not have side yard setbacks that are in compliance with R-1. Staff can only assume that this area may have been a part of Hidden Valley or had their own setback regulations as part of a Planned Unit Development at the time, however, no documents have been found. That being said, the applicant is going to need a 3' side yard setback variance to allow the deck to be built in the same footprint.

Ms. Gibboney reported that no statements from neighbors had been received.

Applicant/Owner Statements:

Mr. Slocum asked if there was a variance granted when the home and deck were initially built. Ms. Gibboney remarked that she was not able to find any such variance as records were not kept as well in the past.

Susan Lange, property owner 1142 Mudbrook: Stated that the deck was built in the fall of 1999 as it stands the deck follows the back of the house and the structural integrity along with the decking is in disrepair. Mr. Harlan asked if the deck is being replaced exactly as it is now. Ms. Lange explained that yes, the deck is going back into the same footprint as existing. Mr. Harlan asked if the fencing around the deck is new and if it is going to stay and Ms. Lange stated that no, the privacy fencing has always been there and that they will be replacing that as well exactly as it is. Ms. Boston raised

questions on the height of the fence built on the deck and if it exceeds the height requirements to which Mr. Kath clarified it is not subject to the ground level fence regulations because it is built on the deck so it is considered part of the structure. Mr. Slocum asked if Ms. Lange recalled whether the deck was brought before a board for a variance when it was initially constructed to which Ms. Lange stated she did not recall, her late husband and herself were simply dating at the time and it was his house.

Audience Comments:

Cynthia Brown Matthews, neighbor at 1146 Mudbrook: Stated that she had no objections to the deck project.

Thomas Sprunk, neighbor at 1138 Mudbrook: Stated that he had no objects to the project as submitted.

With no further questions or discussion, Mr. Kath closed the public hearing at 5:46p.m.

Motion by Mr. Halan to approve the request for an area variance at 1142 Mudbrook RD for the following setback variances:

- **A 3' right side yard setback variance to allow the deck to be rebuilt in the same footprint.**

Citing:

- *The variance is not substantial.*
- *The variance would not adversely affect the delivery of governmental services (for example, water, sewer, garbage).*

Motion seconded by Mr. Harris. Roll call on the motion:

Yeas: Harris, Boston, Kath, Slocum, Harlan **(5)**

Nays: **(0)**

Abstain: **(0)**

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

401 Berlin Road Zoning: R-2 Parcel No.: 42-01147.000

Existing Land Use: Single Family Residential Flood Zone: X

Property Size: 66 x135

Traffic Considerations: Corner Lot- Berlin Road/A Street

Project Description- Area Variance- Setbacks

Applicants are seeking to add a breezeway addition from the existing home to the existing detached garage. Adding a breezeway makes the detached garage become an attached garage, which then has the yard requirements of the dwelling. As proposed, adding the breezeway will make the structures non-compliant to the side and rear yard setback regulations.

As proposed the following variances are required:

- *2' side yard setback variance for the breezeway addition*
- *21'- 9" rear yard setback variance for the attached garage.*

Mr. Kath called the public hearing to order at 5:47 p.m. and introduced the case for a rear and side setback variance for a breezeway addition to attached the existing home to the existing detached garage.

Ms. Gibboney read from the staff report, noting that this home in R-2 zoning, it is on a corner lot, Berlin Rd and A St, the homeowners would like to add a breezeway between the two structures to connect the existing detached garage to the existing home. Some BZA members may recall, in 2022 the homeowners came before the board proposing an attached garage different than what's being proposed now and they were granted that variance. Then later when they came to the Planning and Zoning department to apply for permits, they changed their plans to a detached garage. The detached garage setbacks were found to be compliant with the zoning code requirements for a detached accessory structure, permits were issued and detached garage built, which is what is there now. The current detached garage is sitting 8' 3" from the rear property line, once attached to the home via the proposed breezeway it becomes part of the primary structure which is subject to a 30' rear yard setback. The breezeway they are proposing to attach the two structures has a setback of 6' to the side property line and the required is 8'. As proposed, they will need two variances a 2' side yard variance for the breezeway addition and a 21'9" rear yard variance for the attached garage.

Ms. Gibboney reported that no statements were received from neighbors.

Applicant/Owner Statements:

Mr. Harris asked for clarification of the rear yard variance, Mr. Kath and Ms. Gibboney explained that due to the property owner now attaching the garage to the primary structure the setback requirements of a primary structure now apply to the pre-existing garage.

Jeffery White, Property owner at 401 Berlin; Gave the background on the original variance project and why it was not built as proposed in 2022. Stating that his original contractor in 2022 took his money and did do the contracted work, then with increased building material prices due to Covid and a decrease in available contractors they were not able to complete the project as planned. With their limited budget they had to scale back on the initial project. They are now asking to attach the garage via a breezeway due to medical hardships as a safety precaution in the winter months.

Mr. Kath asked for some clarification on how the breezeway would line up with the house. Mr. White explained that it aside some a small bump out it aligns with the house. Mr. Kath asked if the breezeway would be an enclosed conditioned space and Mr. White responded that yes, it is intended to be enclosed and fully conditioned. Mr. Harlan noted that he had reviewed the neighborhood and did not see any other structures attached and that far back, he would be the first. Mr. Harlan also asked Mr. White how far back his initial attached garage plans in 2022 were. Mr. White was unsure now because that was a few years ago. Ms. Gibboney interjected that the variance granted in 2022 was a 16' variance. Mr. Harlan noted that now the homeowners are asking for an additional 5' to what was granted before add this breezeway. Mr. White mentioned that he had spoken to his neighbors about the proposed project and they had no objections.

Audience Comments:

None.

With no further questions or discussion, Mr. Kath closed the public hearing at 5:33 p.m.

Motion by Ms. Boston to approve the request for area variances at 401 Berlin RD for the following setback variances:

- **2' side yard setback variance for the breezeway addition**
- **21'- 9" rear yard setback variance for the attached garage.**

Citing:

- *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 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: Harris, Boston, Kath, Slocum, Harlan (5)

Nays: (0)

Abstain: (0)

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

Other Matters

- Meeting Reminder- July 14, 2025
- Ms. Gibboney noted that we already have a couple of applications for the next meeting.
- Ms. Gibboney updated the board to upcoming city projects including the ConAgra development and that it is currently at the planning commission level and will be going to its second planning commission meeting next Wednesday. The board asked some questions regarding the seawall portion of the project.
- Mr. Kath inquired about any progress on the Main St. Townhomes project that was brought before the board last year. Ms. Gibboney stated that the owner decided not to move forward with the project.
- Ms. Boston inquired about variance approval expirations, Ms. Gibboney explained that prior to City Council passing an ordinance there were no expirations on variances but now they have one year from the granting of their variance to start their project.
- Mr. Harris asked for an update on the Two Rivers development. Ms. Gibboney stated that the first permit has been issued and they have started construction. And that they have five years from the PUD agreement date to construct 27 homes.
- Mr. Kath and Ms. Boston inquired about a light trespass ordinance. Ms. Gibboney stated that City Council recently passed an ordinance regarding residential light trespass and that she would send the board that code section.

Adjournment

With no further business, motion by Ms. Boston to adjourn. Motion seconded by Mr. Harris. All in favor, meeting adjourned at 6:06 p.m.

ADOPTED: 7/14/25

/cmb


Board of Building and Zoning Appeals Secretary