

# Board of Zoning Appeals

## September 10, 2020

**Members present:** Chairman, Phil Rooney; Kerry Trombley; Brett Gies; and Sarah Gillespie.

Mr. Rooney called the meeting to order at 6:00 p.m.; introduced the members to the audience and the general rules were reviewed.

Mr. Trombley made a motion to remove the case from the table.

Ms. Gillespie seconded the motion.

Case removed from the table, 4-0.

The following was introduced by Mr. Adkins:

**Case Numbers: TABLED 8/13 - 60036-BA-20**

**Address: 708 G Street**

**Zone: R2 – Single Family, Medium Density**

Filed by Virgil Schlachter, regarding a variance from section 1122.05(A) of the City of Findlay Zoning Ordinance concerning a proposed addition at 708 G Street. The applicant is proposing an 8' X 13' addition to the front of the dwelling that will be 7.2-feet from the G Street right-of-way. This section states that the addition must meet a 25-foot front yard setback.

The property to the north sits in line with the front building line of 708 G Street, and the property to the south has a roofed porch that is in line with the current concrete pad at 708 G Street. The roofline of the neighboring property to the south and the concrete pad at 708 G Street, sit approximately 5-feet from each dwelling. If the addition were to be even with an established building line, the proposal would be in harmony with the neighboring property, but with at least an extra 3-foot extension into the setback, harmony in the neighborhood would no longer exist.

Mr. Adkins explains they can come out 4' from the front of their house to be in line with the neighboring properties. It was determined it is 15.5' from the property line to the house.

Mr. Rooney explains the variance is to come out 8' from the front of the house instead of the 4'. He explained at the last meeting, Mr. Blaine Wells' idea was to see if it only came out as far as the neighboring properties, would it still be a functional use for the owners.

Mr. Ryan Cordell, representing the owner, was sworn in. He stated the description that Mr. Adkins gave sums it all up. He asked if the new zoning classification changes would impact this property.

Mr. Adkins explained even though the property would change from an R2 to an R3, it is already an established neighborhood, so there is a provision in our code that uses the average setback of the neighboring properties. If it was a whole new development it would be at 10', but since it is not, the average of the neighbor's setbacks gives the building line for this property.

Mr. Rooney asked what size from the front of the house would still be functional.

Mr. Cordell stated the home owners indicated that anything under 5' would be too small.

Mr. Rooney asked if there are any new communications on this case.

Mr. Adkins stated there are no new communications on this case.

Mr. Trombley stated the intent of the code is to keep the houses in a straight line, so if they have to keep it within the 4', are they even interested in building?

Mr. Cordell stated no, not at 4'.

Mr. Trombley made a motion to deny the requested 8' variance.

Ms. Gillespie seconded the motion.

Motion to deny the variance as requested, 4-0.

Mr. Adkins explained to Mr. Cordell that a letter of the denial will be sent to the home owner (and to him) and they have the right to appeal the decision within 30 days of the letter.

The following was introduced by Mr. Adkins:

**Case Number: 60156-BA-20**  
**Address: 806 Bright Road**  
**Zone: M-2**

Filed by Findlay Preservation Owner LLC, regarding a variance from section 1126.05(C) of the City of Findlay Zoning Ordinance concerning lot coverage at 806 Bright Road. The applicant is proposing to add additional ADA parking on site, which will total 43.9-percent impervious surface. This section states that lot may not be covered with more than 40-percent of impervious surface.

The amount of impervious surface being added to the site for ADA parking is minimal, and being the site was already over the allowable coverage area, the city does not see an issue with this request.

Mr. Adkins stated it got the Administrative Approval through City Planning Commission and they were fine with-it pending the variance approval.

Mr. Trombley stated it says increasing to 46.3, not 43.9. 43.9 is what is currently existing.

Mr. Jeff Plautz, with Neff and Associates, was sworn in. He stated Mr. Adkins laid out all the facts in his description and the numbers are off of the application.

Mr. Trombley asked if they were adding ADA parking. There is existing ADA parking on the East side, is that going away?

Mr. Plautz stated the existing ADA parking stalls don't meet the ADA code, so they will become standard stalls, or they have to redo them and they will lose a significant number of stalls, so they will be adding additional parking on that side.

Mr. Gies asked what does not meet current ADA standards?

Mr. Plautz stated the widths are not standard 8' width and 5' striping and the slopes have to be under 2% in every direction to make them accessible.

Mr. Gies asked if it is correct that not all of them need to be van accessible?

Mr. Plautz stated that is correct.

Mr. Gies stated he noticed a lot of inefficiencies in the existing parking lot so was wondering if it had been studied to create additional parking beyond that instead of looking for a variance.

Mr. Plautz stated they did do some layouts for the existing lot and restriping; however, its not just a new restriping project. To get them all to code, it becomes a massive parking lot reconstruction program. Needing 16' total for van accessible, you still need the 5, so you loose space over the course of a row of parking.

Mr. Trombley asked what other options have they looked at to try to stay within the existing 43.9 that they have?

Mr. Plautz stated the ADA spaces need to be in close proximity to the entrance to best be used.

Mr. Trombley asked if there is a parking shortage out there?

Mr. Plautz stated that by code they have enough, but based on the use, they would like more. Not every resident has a space.

Ms. Gillespie asked if each resident gets a spot.

Mr. Plautz stated he believes they have to apply for parking spots, but is not familiar with their operations.

Mr. Rooney asked if there are any communications on this case.

Mr. Adkins stated there are no communications on this case. He stated the correct number is 46.3. They are at 43.9 and are asking for 46.3 for the record.

Mr. Trombley made a motion to approve the requested variance since it is very minor and it does not change the character of the area. He stated it is a reasonable request, adding, Permits must be obtained within 60 days.

Ms. Gillespie seconded the motion.

Motion to approve requested variance, 4-0.

Mr. Adkins stated the Parking Lot Permit must be obtained within 60days.

The following was introduced by Mr. Adkins:

**Case Numbers: 60180-BA-20**

**Address: 525 Davis Street**

**Zone: R2 – Single Family, Medium Density (Proposed to go to M2 – Multifamily, High Density)**

Filed by Mark Snyder, regarding a variance from section 1126.05(B), 1126.06(A) and 1126.06(B) of the City of Findlay Zoning Ordinance concerning a proposed zoning change to M2 – Multifamily, high density at 525 Davis Street. The applicant is seeking relief from the minimum lot requirements of size, frontage, and side yard setbacks, for the proposed district. These sections require 21,000 square feet of lot size, 125 feet of lot frontage, and a 25-foot side yard setback.

The owners request is so minimal, the city does not have an issue with the request if City Council approves the zoning change. If approved, the condition should be placed in the motion that variances are only in place if and only if the Council approves the change after the third reading.

Mr. Rooney asked if the zoning change is not granted, he cannot do this?

Mr. Adkins stated that is correct.

Mr. Rooney asked if this is going to change under the new proposed zoning changes?

Mr. Adkins stated this property is not going to change.

Mark Snyder was sworn in. He stated he wants to build a third duplex on the property that would be parallel to the alley in the back. The first two variance, they do not have any control over, the size of the lot and the frontage. The third variance is for a 17' side yard setback. There are currently two one story duplexes and they want to build a third one that will be in uniform with the other two. They have spoken to the neighbors and they prefer the one-story instead of him building up and making them two-story.

Mr. Gies asked if he has considered rotating each half of the buildings 90 degrees which would compact them and the side yard setback would be greater than 17'?

Mr. Snyder stated it would fit, going the same direction as the two existing ones, but thinks there would be so much more green space/usable space if it were parallel to the back alley. The existing ones are around 10' from each side yard, so this one would be even less than that. He stated they would add a sidewalk in the center that would also line up with the existing sidewalk.

Mr. Rooney clarified the building is 28' deep and by rotating, it would make the building 56' (East and West) x 33' (North and South). This would pick up 5' of setback on each side of the building. However, this would still require a request for variance.

Mr. Rooney asked if there are any communications?

Mr. Adkins stated there were no communications on this case.

Mr. Trombley stated that if the property zoning change to an M2 is successful, this is the intent for a denser residential zoning district, for apartments, etc., so he thinks the requests are small and he would be in favor of them if the rezoning is successful.

Ms. Gillespie stated she agrees with that.

Mr. Gies asked if multiple motions are required on this case?

Mr. Adkins stated there should be one motion for the lot dimensions and one motion for the setbacks.

Mr. Gies made a motion to approve the requested variance for the lot dimensions with the width and the length, contingent on the zoning change approval from City Council

Mr. Trombley seconded the motion.

Motion to approve the variance as requested for the lot dimensions for the width and the length, contingent upon the zoning change approval from City Council, 4-0.

Mr. Gies made a motion to approve the requested variance for setbacks, contingent on the zoning change approval from City Council.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested for the setbacks, contingent upon the zoning change approval from City Council, 4-0.

Mr. Adkins explained to Mr. Snyder, after the third reading with City Council, he must supply proof from the county recorder that the lots have been combined, he will need to get the building permits.

The following was introduced by Mr. Adkins:

**Case Numbers: 60197-BA-20**  
**Address: 2721 N. Main Street**  
**Zone: C-2, General Commercial**

Filed by Dana Fairchild, on behalf of Dollar General, regarding a variance from section 1161.12.8(C)(1) of the City of Findlay Zoning Ordinance concerning a proposed sign at 2721 N. Main Street. The applicant is proposing to replace a non-conforming sign that is proposed to be placed at the same location. This section requires a 10-foot setback from all property lines.

The bracketing for the sign completely rotted apart at the base of the existing sign. An instance like this, allows the city to have a non-conforming sign be replaced by a conforming sign. The city understands the hardship with moving the base of the sign back to 10-feet from the N. Main right-of-way, and would be ok with the proposed variance request, if the sign was replaced with a low-profile sign. If not, the city would oppose the request, and would like to see the sign conform to the code.

Dana Fairchild, was sworn in. He stated the sign has fallen down and they want to put the sign up on the same post as its original height. The parking lot is small and has just been repaved. If they put a low profile sign up, the cars would be right up next to it and with the trees, the sign would not be seen. If they put it back 10', it will be in the way of the cars coming through the parking lot.

Mr. Trombley asked if they want to have the same size of 56 square feet, in the same place?

Mr. Fairchild stated yes.

Mr. Trombley stated that the city has very generous signage codes, especially with wall signage on a building, so the city is trying to get those noncompliance signs into compliance. He asked Mr. Fairchild between the low-profile sign or the 10' setback, which would the owner prefer?

Mr. Fairchild stated that if they lower the sign, it has to be at least high enough to clear the top of the cars, and he could live with that.

Mr. Trombley stated the existing sign is at 16'.

Mr. Fairchild stated that by moving it back further, he has concern about truck traffic going through could bang into the sign.

Mr. Trombley asked if it is currently right at the property line?

Mr. Fairchild stated it is.

Mr. Trombley stated by moving it back 10' he could have a 30' high, 200 square foot sign, per the code, and that would be a big enough sign to overcome any issues.

Mr. Fairchild stated a low-profile sign just won't work there.

Mr. Trombley stated that ultimately it is not the boards role to solve the problem, it is to address the requested variance. He stated he finds it hard to believe this is the only location for the sign and there are businesses all along that street that can meet the code. He asked Mr. Fairchild how much space would be needed over the top of a car?

Mr. Fairchild stated at least 5', preferable 6'.

Mr. Trombley stated he could go with that if they are removing the 3' panel at the bottom, giving him 10', making the sign smaller, allowing the advertising they need, coming closer to code, allows them to stay on existing foundation. He stated this is as far as he would go with this.

Mr. Rooney clarified Mr. Trombley's perspective of a 4' high sign, 10' in the air, less than 200 square feet, low profile sign. He stated he would be alright with this.

Mr. Fairchild clarified his understanding that as long as he goes under 10', he can make that work.

Mr. Rooney asked is there were any communications?

Mr. Adkins stated there were no communications on this case.

Mr. Trombley made a motion to approve a variance to allow a low-profile sign in the existing location with a maximum height of 10 feet.

Ms. Gillespie seconded the motion.

Motion to approve modified variance to allow a low-profile sign in the existing location with a maximum height of 10 feet, 4-0.

Mr. Adkins stated the Zoning Permit must be obtained within 60 days.

The following was introduced by Mr. Adkins:

**Case Numbers: 60199-BA-20**  
**Address: 2303 N. Main Street**  
**Zone: C2 – General Commercial**

Filed by William Piasecki, regarding a variance from section 1135.04(A) of the City of Findlay Zoning Ordinance concerning a new carport at 2303 N. Main Street. The applicant is proposing a 22 X 21 structure that will sit within the required setback. This section requires a 30-foot front yard setback for the proposed structure.

The neighboring dwellings on the north side of Santee Avenue all sit approximately 10-feet from the right-of-way. If the owner were planning to put a solid structure within 1-foot from the property line, it would not be in harmony with the neighborhood and cause visibility issues at the alley. Proposing an open-framed structure, would give better vision at the alleyway. The City understands that meeting a 30-foot setback at the lot is impossible.

Mr. William Piasecki was sworn in. He stated he wants to put up a car port due to the large amount of bird droppings. There is a cell tower that is the path of birds and they leave a large amount of dropping on the vehicles, etc. He has attempted to contact the owner of the cell tower. His employees park in the street because they do not want to park by the cell tower and deal with the large amount of bird droppings. He has done research that shows there is also a health risk. The carport would look nice and would not cause a visibility issue. He stated he has spoken to some neighbors about it and he has a letter from a next-door neighbor he would like to submit.

Ms. Gillespie stated she would be concerned about the birds making a new home in the carport.

Mr. Piasecki stated the walls would be 7' high, the peak would be 9' high, and there would not be any doors. He would manage that himself. This will be protection from the bird droppings.

Mr. Gies asked what if the cell tower went away?

Mr. Piasecki stated he does not own the cell tower, so he has no control over it. It has T-Mobile, AT&T, etc. on it, on probably would never be allowed in the city again, so he suspects the tower will never go away.

Mr. Trombley asked if there were any other spots on the lot the employees could park?

Mr. Piasecki stated based on the number of patients he sees, there are no other spots available for the employees, so they park on the road so they don't have to deal with the bird droppings.

Mr. Rooney asked if there are any communications on this case?

Mr. Adkins stated no communications were received on this case. He read into record the letter Mr. Piasecki submitted from his neighbor. The letter is from Mr. and Mrs. Bryan Montgomery, of 128 Santee Street, stating they give permission for the carport to be built.

Mr. Rooney stated it would not be hurting visibility.

Mr. Trombley told Mr. Piasecki he appreciates him reaching out to his neighbors.

Mr. Trombley made a motion to approve the requested variance.

Ms. Gillespie seconded the motion.

Motion to approve the requested variance, 4-0.

Mr. Adkins informed Mr. Piasecki he needed to obtain the Zoning permit within 60 days.

The July 09, 2020 meeting minutes were approved.


The August 13, 2020 meeting minutes were tabled until October 08, 2020 meeting.

The meeting was adjourned.



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Chairman



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Secretary