

Board of Zoning Appeals

August 12, 2021

Members present Chairman, Phil Rooney; Blaine Wells; Kerry Trombley; Sarah Gillespie; and Scott Brecheisen.

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

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-13-2021-61107

Address: 916 Park Street

Zone: R-2 Medium Lot Residential

Filed by Christie Ranzau, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance regarding the height of a proposed fence at 916 Park Street. The applicant is proposing to construct a new six (6) foot tall vinyl privacy fence in line with neighboring fence, which is five (5) feet from the property line. This section allows for a maximum height of four (4) feet and must be fifty (50) percent open.

The neighboring property to the south received a variance in August of 2018, case number 57489-BA-18, to allow for a five (5) foot front yard setback for a six (6) foot high vinyl fence. This proposed fence will ultimately be an extension of the neighboring property's fence, which is also owned by the applicant. Being there is a clear precedent for this type of request in this immediate vicinity, the city does not oppose the request for approval.

Ms. Christie Ranzau, 430 First Street, was sworn in. She asked the Board to approve her request for the variance.

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

Mr. Adkins stated he received an email from Cathy Weygandt; and read it into record. She stated she is against the variance request.

Mr. Trombley stated that the fence next door matches this setback and is not going across the entire front yard so he does not see this as a major concern. He made a motion to approve the requested variance with the stipulation that the necessary permit is obtained within 60 days.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, with the stipulation that the necessary permit is obtained within 60 days, 3-0. Mr. Rooney and Mr. Wells abstained from voting.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-16-2021-61386

Address: 113 W. Meade Avenue

Zone: M-2 Multifamily High Density

Filed by Schlumbohm-Siefer Construction, regarding a variance from section 1126.05(B) and 1126.06(B) of the City of Findlay Zoning Ordinance regarding a parcel split at 113 West Meade Avenue. The applicant is proposing to split the existing parcel in half to allow for a separate gas meter to be installed for the second duplex. Each new parcel will have approximately a 10-foot setback from the side yard property line, and the south parcel will not have the required frontage. This requires a 25-foot side yard setback and 125-feet of lot frontage.

The applicant has been denied by the utility company to allow for a second meter to be installed at the second unit which led them to this option. HRPC and zoning looked at allowing for a flag lot option, but agreed that seeking a variance is the only option the owner may have to allow for a second meter to be installed. The city will support the board's decision to approve or deny.

Mr. John Schlumbohm, 200 Ohio Avenue, Pandora, Ohio was sworn in. He stated he asked for the variance to split the lot so the gas company would give them different meter settings on each building because they are getting rid of the electric heat and putting in gas.

Mr. Trombley stated his concern is that the property does not get used in the future to make the property denser than it is now by putting on additional buildings.

Mr. Schlumbohm stated there is no room for additional buildings and that is not the intention.

Mr. Trombley asked if this would create a non-conformity for the side yard setback and the lot frontage?

Mr. Adkins stated that was correct. He stated that Mr. Nye is putting together some language to create an easement.

Mr. Wells confirmed there is a private drive along the east side, not a dedicated street or alley.

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

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

Mr. Trombley stated his two (2) concerns would be the access and the future plans for the parcel; and both of these have been addressed.

Mr. Wells stated that with an easement in place, if the rear property ever gets sold, there is access there.

Mr. Adkins stated we will need to see the access agreement in place and recorded instead of getting a permit.

Mr. Wells made a motion to approve the requested variance pending the review of proper recording of the easement.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested, with the condition the easement be put in place with proper recording of the easement within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-14-2021-61328

Address: 509 Kirk Drive

Zone: R-1 Large Lot Residential

Filed by Blain Maag, regarding a variance from section 1161.01.1(C)(2) of the City of Findlay Zoning Ordinance regarding an accessory structure with a porch addition at 509 Kirk Drive. The applicant has constructed a permitted 864 square foot accessory structure with an additional non-permitted 108 square foot porch, which cause the building to exceed the allowable maximum floor area for the property. This section allows for a maximum of 900 square feet of floor area per property.

In the immediate area, there was a variance granted in October 2020 for a much larger request, which was approximately 828 square feet. The constructed accessory structure exceeds the allowable floor area by 72 square feet. The city is not opposed to this minimal request being a variance was granted at a nearby property for a much larger request.

The owner was not present.

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

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

Mr. Wells asked Mr. Adkins if the covered porch was in the original plan for the building?

Mr. Adkins stated that the original plan was for the building only and was permitted. The porch was added later.

Mr. Wells stated this is so small and he made a motion to approve the variance as requested with the stipulation that required permit be obtained within 60 days.

Mr. Adkins stated this jumps into the next price bracket so will have to get a new permit and being that it was built without a permit, it will be a triple fee.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, with the stipulation that the necessary permit is obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-15-2021-61382

Address: 417 Kirk Drive

Zone: R-1 Large Lot Residential

Filed by Terry Hardwick, regarding a variance from section 1161.01.1(C)(2) of the City of Findlay Zoning Ordinance concerning the maximum accessory floor area at 417 Kirk Drive. The applicant has constructed a new 36 X 48 detached garage, which received a variance to exceed the allowable maximum floor area for the property in October 2020. The owner added an additional 288 square feet of building area not covered by the original request. This section allows for a maximum of 900 square feet of floor area per property.

In October 2020, the board granted a variance request of 828 square feet, which was granted by the board. The city is, as it was then, opposed to the large request. With what was approved in October 2020, plus an extra 288 square feet of floor area, makes the request hypothetically for 1116 square feet.

Mr. Terry Hardwick, 417 Kirk Drive, and Troy Greer, 1001 Fishlock Avenue, were sworn in.

Mr. Hardwick stated that they put a porch on and he did not think that putting a porch on added square feet to the building.

Mr. Greer stated it was done during construction when Mr. Hardwick's wife requested a porch. He did not think anything about the square footage.

Mr. Hardwick and Mr. Greer explain that the lot is a double lot that backs up to the edge of the country and the porch overlooks the house and makes the building look a lot nicer, not so agricultural.

Mr. Trombley stated he recalls the discussion on this lot back in October and recalls they thought it was a lot, what was being asked for. What does this do to the lot coverage ratio?

Mr. Hardwick stated he thinks it would be around 45 percent (%).

Mr. Trombley reviewed the permit and stated that it even is noted on the permit that the porch cannot be roofed; so, he would like help understanding how this was added.

Mr. Greer stated he was not involved with the permit.

Mr. Wells asked what the purpose of the porch is, just to make the building look better?

Mr. Hardwick stated they have patio furniture underneath it. It is concreted and the columns are wrapped and it makes it look better.

Mr. Trombley asked if he had photos of what it looks like? He stated that he was under the impression that the garage would match the house.

Mr. Hardwick stated he got a new phone so he lost all of his pictures. He stated he does have one (1); and he passed the phone around so the board members could see the photo.

Mr. Wells stated that he is struggling with this one because the original permit specifically says the porch cannot be roofed and the permit was not followed.

Mr. Rooney asked Mr. Adkins if this moves him up to the next price bracket: does he need a new permit?

Mr. Adkins stated he would have to get a new permit for the 288 square foot roofed porch at a triple fee.

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

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

Ms. Gillespie stated it is not closed in and is open and it does make it look a lot nicer so she made a motion to approve the requested variance.

Mr. Brecheisen seconded the motion with the stipulation of getting a permit with a triple fee charge added.

All in favor votes include Mr. Rooney, Ms. Gillespie, and Mr. Brecheisen.

All opposed votes include Mr. Wells and Mr. Trombley.

Motion to approve the variance as requested, with the stipulation of getting a permit with a triple fee charge added, within 60 days, 3-2.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-17-2021-61390

Address: 1600 Logan Avenue

Zone: R-3 Small Lot Residential

Filed by Melissa Heath, regarding a variance from section 1123.05(E)(1) of the City of Findlay Zoning Ordinance regarding an addition to the dwelling at 1600 Logan Avenue. The applicant is proposing to construct a new 6 X 9 addition, which is 8.9-feet from the property line. This section requires an average setback of the neighboring properties which is approximately 13.5-feet.

In August 2019, a variance was approved to allow the applicant to build a garage at 10-feet from the front yard property line. Approval was based off of the possibility of this area being rezoned from R-1 to R-3. Since then, in December of 2020, counsel approved the map to update the proposed change, however, HRPC included legislation in regards to the front yard setback being the average of the neighboring properties. Being that this property is on a corner lot that leads in to a dead end, the city would be in favor of a variance matching the prior approval of 10-feet made in August 2019.

Mr. Rooney asked Mr. Adkins what part is being added on?

Mr. Adkins stated the little stoop on the survey is being closed in; where it says 24.3. The house sits approximately 15.5-feet from the property line.

Mr. Rooney stated that would put them at 9 or a little less than 9.

Mr. James Davidson and Melissa Heath, 1600 Logan Avenue, were sworn in. Ms. Heath stated all they want to do is put a porch on the front of the house. All it has is a small concrete porch with no roof and it is in really bad condition. They want to put a wooden porch on and it would look really good. She stated she did bring pictures.

Mr. Trombley asked if the porch would be off of Logan?

Ms. Heath stated it would be off of Morriscal.

Mr. Davidson stated the roof would not even pass the corner of the building that they got the variance for before.

Ms. Heath showed and explained the photos to the board members.

Mr. Trombley asked if the garage was at a 10-foot setback?

Mr. Adkins stated "Yes."

Mr. Trombley asked how deep the porch would be?

Mr. Davidson stated approximately 6.6-feet finished.

Mr. Wells asked if they were proposing 8.9-feet from the line? A 10-foot variance was granted back in 2019; so, to match the 10-foot, it means you would have to shorten the 6.6-foot by one (1) foot. The porch roof would extend roughly 5.5-feet.

Mr. Davidson stated the porch is 5-foot right now and they just wanted it deeper because it is so narrow.

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

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

Mr. Wells made a motion to approve a variance of 10-foot, matching the variance granted in 2019 pending required permits are obtained within 60 days.

Mr. Adkins explained they can have a 2-foot overhang on the roof encroaching into the setback.

Mr. Trombley seconded the motion.

Motion of amended variance to 10-feet, matching the variance granted in 2019 pending required permits are obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-18-2021-61391
Address: 306 Osborn Avenue
Zone: R-3 Small Lot Residential

Filed by Chris Aller, regarding a variance from section 1161.01.1(C)(1) of the City of Findlay Zoning Ordinance an accessory structure at 306 Osborn Avenue. The applicant has recently demoed a dilapidated dwelling on the parcel leaving a non-conforming accessory structure. This section requires a primary structure must be established on a parcel to allow for accessory structures to be on a parcel.

The City of Findlay zoning code gives an owner in this situation a year upon demolition of a dwelling to re-establish a living unit on the parcel. The owners of this property appeared to have every intention to do so and were planning to convert the pole barn into a dwelling. However, after the dwelling was demoed the idea to convert the building was brought to the zoning department, it was determined the conversion would be a substantial improvement. Due to the fact they were located within the 100-year floodplain, the property would have needed to be flood proofed.

After that discussion, the owners reached out to a professional surveyor, and were able to be removed from the floodplain. Within the time period of demoing the property, and getting removed from the floodplain, COVID-19 happened and the cost of building materials increased drastically.

This is a unique situation that may never happen again, but we do not want to set a precedent in the city being there are many lots that are in the city with just a building on it. The code was designed to prevent that from happening in the future, however, there is a hardship displayed with the cost of building materials. The city will support the board's decision to approve or deny.

Mr. Chris Aller, 306 Osborn Avenue, was sworn in. He stated that they bought the property as an investment of either a rental or a flip. When they got into the house, it was really bad and they would never get the money they put into fixing it up back out of it. They made the financial decision to tear it down. They have looked at other options, like converting the morton building, a new build in front of the building, bringing in a manufactured home, bringing in an existing house onto the property, but none of these worked out financially. He stated after talking to a realtor, that neighborhood does not suppose a new build on that would be a loss. He stated they

did look at converting the morton building but the costs were pre-pandemic; and during the pandemic, those cost got worse.

Mr. Trombley asked what the plans are for the property?

Mr. Aller stated the plan is to fix the two (2) existing buildings and have them for personal storage, while they continue to maintain the property. They would love to put a residence on the property, but financially, it just doesn't make sense and they cannot do it.

Mr. Wells stated he was struggling with, when the original intent was to renovate, which would be a significant renovation project and cost, how could that money not be transitioned over to renovate the existing morton building into a living structure?

Mr. Aller stated the whole back of the house would have had to come off and the house needed to be raised to put a new foundation under it because it was crumbling; then they smelled mold, etc.

Mr. Trombley confirmed they worked with a professional surveyor and had it removed from the flood plain and can build a house there?

Mr. Aller stated they could.

Ms. Gillespie asked if they bought this sight unseen or did they just not know what they were getting into?

Mr. Aller stated they should have looked at it better because they are not contractors. Once they got into it, they saw more things that were a mess.

Mr. Trombley stated it is in an R3 District for residential and there is a housing shortage within the city that we should be trying to facilitate houses being built. It is not intended to be used for personal storage for an individual. He stated he can understand the hardship with the prices going up do to Covid and would be willing to give an extension on that year if he had a plan to get a house in there or some kind of housing. He stated he struggles on the intent to keep using it as personal storage when it is an R3 District; or any residential district.

Mr. Aller stated that neighborhood does not support a new build. They would lose money.

Mr. Wells stated he struggles because they are being asked to allow something that is completely against the R3 District. Yes, prices skyrocketed but prices will come back down. How low, no-one knows.

Mr. Aller stated they just can't do it.

Mr. Trombley stated that the only other option is to remove the building and sell the lot.

Ms. Gillespie asked if they have looked into selling it as is?

Mr. Aller stated they have not because of this hanging over their head.

Ms. Gillespie asked how it would work with the city if he sold it as is?

Mr. Wells stated they would have to disclose the Zoning violation and the new owner would have to deal with it.

Mr. Rooney stated they would sell it to an adjoining land owner and they could add it to their parcel.

Mr. Aller stated they have a neighbor that has shown interest, but he doesn't have interest for what they have in the property.

Mr. Trombley stated he would be okay with giving additional time. He asked Mr. Aller how much time he thought he would need to figure out what to do with it that is compliant with the Zoning code?

Mr. Aller stated whenever the construction prices come down. They have exhausted every avenue.

Further discussion took place in regards to an extension to figure out what to do with the property.

Ms. Gillespie asked if any contractors have looked at the morton building to give them ideas or given them the costs?

Mr. Aller stated they have and originally to convert the morton building was around \$120,000. He stated they talked to an appraiser and was told they have nothing to compare it to, so it would be hard to appraise.

Mr. Trombley asked Mr. Aller what he was asking the board members to grant a variance for?

Mr. Aller stated it is to be able to leave the accessory structures on the property as is.

Mr. Trombley stated he will vote no for an indefinite time frame but if he sets a time frame, he could be agreeable to that.

Mr. Aller stated he can ask for the extension, but he will be back here in a year or two and be in the same boat.

Mr. Wells said we would have two (2) years of circumstance that could change to be positive or negative. He stated he is 100% on board with Mr. Trombley. He cannot go indefinitely on this.

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

Mr. Adkins stated there are no communications on this case. He explained that he thinks giving a time limit would be considered a 'Use' variance.

Mr. Rooney agreed. He stated they cannot give a 'Use' variance.

Mr. Brecheisen asked if there was power to the building?

Mr. Aller stated there was not.

Mr. Brecheisen asked how many estimates he got on the building?

Mr. Aller stated just one (1).

Mr. Brecheisen stated in his experience, he thinks he should get a couple more estimates.

Mr. Wells made a motion to deny the request for variance.

Ms. Gillespie seconded the motion.

Motion to deny the variance as requested, 5-0.

The May 13, 2021 meeting minutes were approval.

The July 15, 2021 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary