

# Board of Zoning Appeals

## October 14, 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-22-2021-61854**

**Address: 100 Crystal Avenue**

**Zone: C-2 General Commercial**

Filed by Circle K, regarding a variance from section 1161.12.9(E) of the City of Findlay Zoning Ordinance for a sign replacement at 100 Crystal Avenue. The applicant modified their existing sign which has a bottom vision clearance of 5-feet and 2-inches from grade. This section requires a clearance of 8-feet from grade.

Recently, Circle K has rebranded and modified their non-compliant sign cabinets. In modifying the sign cabinets, the sign must meet current code. The only non-compliant criteria that wasn't met was the clearance between the bottom of the sign and the adjacent grade. The city would prefer the 8-foot clearance be met, but will support the members if they choose to approve the request.

Mr. Robert Hall, of Toledo Sign Company, 2021 Adams Street, Toledo, Ohio, was sworn in. He stated when they submitted the paperwork to the City of Findlay Zoning Department, back in March 2021, there was a messaging center on the paperwork and there was no clearance from the bottom of the sign to the ground listed. He stated the person that he spoke with stated it would just be popping sign faces out and swapping them with new ones. He stated it must have been an over sight from the city. He stated once they actually completed the work, Kyle reached out to them stating the sign is against code and it will have to be raised up. The 8-foot minimum height that would go from grade to the bottom of the sign would actually encroach on pricing that was on the existing sign. Were it is now, is actually 18-inches higher than where it originally was.

Mr. Trombley stated that on the proposal drawing, that is the current sign, it shows the Polar Pop sign is 5-feet 2- inches below the ....

Mr. Hall stated they were under the impression they were clear and free to go so that has already been done. What was there before was about 17-inches lower.

Mr. Trombley asked why can't they just pop out the Polar Pop sign?

Mr. Hall stated it was popped out and is gone. Everything was basically raised up.

Mr. Trombley asked what is existing now?

Mr. Hall stated what is to the right is what is existing. Polar Pop is the message center. The screen is just turned off for the time being.

Mr. Trombley asked if removing that would get them into code?

Mr. Hall stated, no, that still would not get them there.

Mr. Wells (inaudible)... 3-feet tall? He stated it is small print and just wants to make sure he is reading that right. He stated that would be 8-feet 2-inches and that would get them within code. If that panel would be removed, problem solved. What's the harm in doing that?

Mr. Hall stated they would have to remove the entire message center and adjust the whole cabinet which has already been built, because they were under the impression it was okay.

Mr. Trombley stated Mr. Hall had mentioned he had gotten an email from Kyle saying everything was .....

Mr. Hall stated it was over the phone but he had an email to Kyle on March 22<sup>nd</sup> saying this was the packet they were sending over.

Mr. Trombley – so, he informed you by email that the sign was to low?

Mr. Hall – recently, that it was to low. This was after it was already done. He actually reached out to Circle K, not Toledo Sign.

Mr. Wells – but as the sign exists today, you were told verbally or email, at some point, that was within the regulations.

Mr. Hall stated that's what led them to this point. They didn't put it up prior to knowing.

Mr. Wells asked, can we speak to how that occurred?

Mr. Adkins stated he cannot answer to Kyle's thought process on that.

Mr. Hall stated he did not think that he was under the impression that it was a message center. He thinks he must have just looked at it and thought it was a face change because there was a Polar Pop there before. He stated it was a laps in judgement in looking at the paperwork.

Mr. Adkins stated it's not very clear on it being an EMC. Typically, EMC's are a little bit bigger in wording and it would say EMC (Electronic Message Center) so it's very clear.

Mr. Hall stated they were just the installing company, they didn't build the sign or do the artwork on it. They also did not include any height, so he doesn't think he thought anything about that.

Mr. Adkins stated that by glancing at it, it looks like panel to panel; but when you go from panel to electronic message center, it's changing the sign itself.

Mr. Brecheisen asked for clarification that the message center that was added is all one unit, it's not modular that you could just take off the Polar Pop?

Mr. Hall stated they all work off of one system, so the entire structure would have to be rebuilt.

Mr. Wells stated that if they were to grant the variance, it is still more clearance than the previous sign.

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

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

Mr. Wells stated that he believes this was done in good faith and therefore would make a motion to approve the variance as requested contingent on obtaining the necessary permits within 60 days.

Mr. Adkins stated they would have to re-apply for that cabinet for the EMC because that was changed in the cabinetry. They had face changes for everything else. That is actually a new sign so he would have to get a permit for that.

Mr. Adkins also stated to Mr. Hall that he needed to make sure Circle K does not animate the EMC, at all.

Mr. Hall asked if there were any time restrictions on that.

Mr. Adkins stated they could talk about that when he comes to apply for the permit.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested, contingent on obtaining the necessary permits within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-23-2021-61987**

**Address: 1815 Brookside Drive**

**Zone: R-1 Large Lot Residential**

Filed by Wanda Ward, regarding a variance from section 1161.12.2(B) of the City of Findlay Zoning Ordinance for a proposed sign at 1815 Brookside Drive. The applicant wants to have a

sign on existing light pole instead of a wall sign on the dwelling for identification purposes. This section allows for a wall sign of 2-square feet.

Mrs. Ward recently went through City Planning Commission for a conditional use for bed and breakfast at this location. The property will be utilized as a retreat for knitters. The owner is looking to have the allowable wall signage be utilized onto her light post at the property. The city would prefer the signage for identification remain on the dwelling.

Ms. Wanda Ward, 905 Greenbrier Drive, Upper Sandusky, Ohio, owner of 1815 Brookside Drive, was sworn in. She stated she is trying to be proactive in case she wants to rent it out in the future. She has put a lot of money into new siding and new windows being done and is trying to make it nice and does not want to put it on the building. It looks nicer for the neighborhood on the post and it would look like it belongs there, rather than a business. She stated it is a small sign (refer to submitted drawing).

Mr. Trombley asked if the pole is existing?

Ms. Ward stated yes, the pole is existing.

Mr. Trombley confirmed she received Planning Commission approval since it is a special use?

Mr. Adkins stated yes, last month.

Ms. Ward confirmed it was last month.

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

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

Mr. Wells confirmed there were no stipulations but got full approval for the Bed and Breakfast, retreat use.

Ms. Ward stated it is NOT a Bed and Breakfast.

Mr. Adkins stated that was just how they had to classify it. They left it up to the BZA of whether she could put it on the post or wall. They did not give any suggestion.

Mr. Rooney stated if he lived there, could he put his name on the light post?

Mr. Adkins stated yes, he would be allowed to do so.

Mr. Rooney made a motion to approve the variance as requested contingent on obtaining the necessary permits within 60 days.

Mr. Adkins stated the BZA could extend the time frame to get the permit because he is not sure when it would be rented out. She will have to get the Permit for the Change/Conditional Use, prior to opening, and a Permit for the Sign before putting the sign up.

Ms. Ward stated it would not be before Spring.

Discussion took place about renting it out to an individual vs. a business; and the uses for the building.

Mr. Adkins informed Ms. Ward to get the Change/Conditional Use Permit at the same time she gets the Sign Permit.

Mr. Rooney amended his motion to approve the variance as requested contingent on obtaining the Change/Conditional Use Permit at the same time that she gets the Sign Permit.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested contingent on obtaining the Change/Conditional Use Permit at the same time that she gets the Sign Permit, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-24-2021-62034**

**Address: 935 Sixth Street**

**Zone: R-1 Large Lot Residential**

Filed by Shannon Clark, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a fence at 935 Sixth Street. The applicant is looking to replace an existing fence with same height of fence which is located in the required front yard. This section requires a 4-foot high fence that is 50-percent open for the first 30-feet from the property line.

The applicant is replacing the existing fence with a new fence in the same exact location. Unfortunately, due to the replacing of a non-conforming fence, the fence needs to meet current zoning code, which would be a 30-foot setback. This requirement would cause the fence to be placed beyond the building line.

Due to the fence location already being establish, with the same height of fence replacing the existing, and the owner reaching out prior to replacing the fence, the city does not oppose the granting of the variance.

Mr. Shannon Clark, 935 Sixth Street, was sworn in. He stated they just want to put up a new fence right where the old one was.

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

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

Mr. Trombley made a motion to approve the variance as requested contingent on obtaining the necessary permits prior to construction.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, contingent on obtaining the necessary permits prior to construction, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-25-2021-62041**

**Address: 620 Western Avenue**

**Zone: I-2 Heavy Industrial**

Filed by Charles Lammers Properties LLC, regarding a variance from section 1143.04(A) of the City of Findlay Zoning Ordinance for a future development at 620 Western Avenue. The applicant is asking for a 50-foot front yard setback from a secondary thoroughfare for a future development. This section requires a 75-foot front yard setback from a secondary thoroughfare.

This request for a future development, which would need to get approval from the City Planning Commission. The setback request remains further than the prior existing building that was on the site. The city does not oppose the request due to the location of other buildings located in the vicinity.

Mr. Dan Stone of Van Horn Hoover, 3200 North Main Street, was sworn in. He stated he is speaking on behalf of the client, Mr. Lammers. He stated this is a 200-foot by 200 feet property that had a building on it that was right on the property line. That building has been taken down and he is trying to redevelop the area. He stated to meet the required setback under the I-2, the lot is essentially unbuildable or it would be really small. The setback would be 50-feet if Western Avenue was not a secondary thoroughfare; and if it were an I-1 it would be 50-feet. They did measure some other properties and the one to the South of Lincoln Street has three (3) buildings on it and two (2) buildings are approximately 26-feet back and the third is approximately 35-feet back from the right of way; so, they would be further back from that.

Mr. Trombley asked what the use would be?

Mr. Stone stated the intent would be for self-storage.

Mr. Trombley asked why not rezone it to I-1 as opposed to going for the variance?

Mr. Stone stated, in discussing the matter, they felt it would be simpler to request the variance.

Mr. Rooney stated this way is a lot quicker.

Mr. Adkins stated they are looking at approximately 3-months if they were to go for the Zoning change, so this is their fastest route.

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

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

Mr. Wells made a motion to approve the variance as requested, pending City Planning Commission approval and contingent on obtaining the necessary permits.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested, pending City Planning Commission approval and contingent on obtaining the necessary permits, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-26-2021-62042**

**Address: 235 Laquineo Street**

**Zone: R-3 Small Lot Residential**

Filed by Shane Swisher, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a fence at 235 Laquineo Street. The applicant is proposing to construct a 6-foot high fence within the required front yard 3.4-feet from the property line. This section requires a 4-foot high fence that is 50-percent open for the first 15-feet from the property line.

The owners' property is adjacent to a heavy industrial property along railroad right-of-way and Lane Avenue. The location of the property and special circumstances that include an approximate 10-foot green boulevard area along Lane Avenue, the city wouldn't oppose the board granting the variance as requested. However, granting of the variance could set a precedence, but because of the location of this property, that may not be the case.

Mr. Shane Swisher, 235 Laquineo Street, was sworn in. He stated they want to provide a safe space and a private space for their family like many other families in their neighborhood are able to enjoy. They have a lot of foot traffic and car traffic down Lane Avenue, along with the trains, so they are asking for the variance which would put their proposed fence 4 to 5-feet inside their property line.

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

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

Mr. Trombley made a motion to approve the variance as requested, contingent on obtaining the necessary permits within 60 days.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, contingent on obtaining the necessary permits within 60 days., 5-0.

The September 09, 2021 meeting minutes were approval.

The meeting was adjourned.



---

Chairman



---

Secretary