

Board of Zoning Appeals

March 10, 2022

Members present Chairman, Phil Rooney; Sarah Gillespie; and Alex Treece.

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-01-2022-62506

Address: 1501 N. Main Street

Zone: C-2 General Commercial

Filed by Rite Aid, regarding a variance from section 1161.12.12(A)(3) of the City of Findlay Zoning Ordinance for a new (EMC) electronic message center on an existing pylon sign at 1501 N. Main Street. The applicant is proposing to replace an existing static reader-board with a new EMC of the same size, on a pylon sign that is 29-feet tall. This section limits a signs maximum height of 15-feet in order to have an EMC attached to the sign.

The owner is proposing to convert a static message reader into an EMC, but the sign is considered non-conforming, when the requirements are applied. The sign does meet the required setback and the allowable sign area; however, it exceeds the maximum height allowed for a sign with an EMC center. Being that the sign is existing, a whole new sign would need to be constructed in order to meet the requirement. Additionally, the applicant can replace the existing cabinet with a sign with the same footprint, but it would require a fixed message of 15 minutes.

This case was held over from February 10, 2022 meeting due to Board Members voted 2-2.

This case was removed from the table.

An email was sent to Mr. Adkins on Monday, March 07, 2022 from Barb Fisk stating they would like to cancel their request for variance.

This case is 'WITHDRAWN' for a request for variance.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-02-2022-62531

Address: 719 East Street

Zone: R-2 – Medium Lot Residential

Filed by Christy Hicks, regarding a variance from section 1122 of the City of Findlay Zoning Ordinance for a new single-family dwelling at 719 East Street. The applicant is proposing to construct a new single-family dwelling utilizing the building standards for an R-3 parcel, which requires; a side yard setback of 3-feet, a rear yard setback of 15-percent of lot depth, and an

allowable lot coverage of 50-percent. This parcel is currently zoned R-2, which requires; a side yard setback of 5-feet, a rear yard setback of 30-feet, and an allowable lot coverage of 33-percent.

The owner has chosen to seek a variance for the R-3– Small Lot Residential standards, rather than getting the zoning changed from R-2 – Medium Lot Residential to R-3 – Small Lot Residential, due to the amount of time it takes to get through the process. This lot should have been changed to R-3 – Small Lot Residential during the map update, but due to it being in the sheriff's auction, there was not an owner to accept or deny the request of the change.

Since the lot fits an R-3 – Small Lot Residential zoning classification, the city would not oppose the proposal, but would have rather seen it go through the zoning change, that way a precedence is not set.

Mr. Rooney stated they he was looking at the proposed drawing and it looks like the rear setback is the only problem?

Mr. Adkins stated the coverage was an issue.

Mr. Rooney stated the coverage says it's 26-percent.

Mr. Scott Brecheisen, 1700 Fostoria Avenue, Findlay, contractor representing the owner, Christy Hicks, was sworn in.

Mr. Rooney asked what the lot coverage is? It looks like just the back-yard is the problem.

Mr. Adkins stated the lot size is 2500 square feet. He asked Mr. Brecheisen what the building footprint is?

Mr. Brecheisen stated it is 25-feet x 30-feet which equals 750.

Mr. Adkins stated he thinks the idea was in case she wanted to put a shed up, she wouldn't be able to, because it's really pushing it. She would be allowed a 900 square feet accessory structure but would be over it.

Mr. Brecheisen stated he did not believe there is room for an accessory structure on the lot after the building is built. He stated that under the one balcony, there is actually a shed underneath it.

Mr. Adkins stated that Tony Scanlon had given him a copy that was bigger than Mr. Rooney has.

Mr. Brecheisen stated that under the balcony, there will be fence panels that will create a shed.

Mr. Rooney stated he doesn't think they can state they can use a different zoning area. He thinks they should only consider the rear yard setback for a variance. It is a very small lot and has lots of reasons it needs that.

Mr. Brecheisen stated it should have been zoned an R3 and if there had been an owner at the time of the map update, he wouldn't even be here, it would have been changed to the correct zoning. Secondly, he has no problem going through the zoning change process, it is more about getting the variance so he can start on the project sooner, rather than waiting on the whole process to get it rezoned.

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

Mr. Rooney made a motion to approve a variance for the rear yard setback to be 7 ½ feet, because it is a unique lot being 50-feet x 50-feet; and it will make the lot look better than it does now.

Ms. Gillespie seconded the motion.

Motion to approve a variance for the rear yard setback to be 7 ½ feet, 3-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-03-2022-62532

Address: 11915 TR 145

Zone: C-2 General Commercial Changing to M-2 – Multi-Family, High Density

Filed by Provision Living, regarding a variance from section 1126.06(A) of the City of Findlay Zoning Ordinance for a future multi-family development at 11915 TR 145. The applicant is proposing to construct a multi-family facility which will have a total of 104 units on a 336,000-square feet lot. This section limits a total of 96 units on a 336,000-square feet lot.

Case Number: BZA-04-2022-62533

Address: 11915 TR 145

Zone: C-2 General Commercial Changing to M-2 – Multi-Family, High Density

Filed by Provision Living, regarding a variance from section 1126.06(C) of the City of Findlay Zoning Ordinance for a future multi-family development at 11915 TR 145. The applicant is proposing to construct a multi-family facility which is proposing to have an impervious surface lot coverage of 44.7-percent. This section allows for a maximum of 40-percent impervious surface lot coverage.

The request of 8 additional units in case BZA-03, is a minimal request with in regards of the structures being built on site. Most of the units will be located within the proposed multi-unit facility, and the other units being developed in villas throughout the additional community. The city does not oppose this minimal request.

In addition, the owner is requesting in case BZA-04, the allowable impervious area to be a total of 44.7-percent coverage. Though it exceeds 40-percent, it still does not exceed 50-percent. We have had a case or two over the previous 4 years with a similar proposal, and since the surface area remains under 45-percent, the city sat down the developer and eliminated a lot more impervious area, and would be supportive of this request.

Mr. Rooney asked if this has gone to City Planning?

Mr. Adkins stated it will in the future, but has not gone yet.

Mr. David Baylis (Provision Living), #2, Greenbrier, St. Louis, Missouri, was sworn in. He stated the core reason for these two requests comes down to need in the community and the available land with the pipeline going through it, which has created some complexities. Being experienced owners and operators in assisted living and independent living, he feels this is the right unit mix and the right use.

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

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

Mr. Rooney stated with the pipeline right of way running through it, that makes it a unique circumstance and situation. The request is pretty small compared to the whole project.

Mr. Adkins stated we do have some precedence set; when Covington Greens came in three years ago; and Horizon apartments came in two years ago.

Case #: BZA-03-2022-62532:

Ms. Gillespie made a motion to approve the requested variance for the additional 8 units subject to obtaining the required permits within 30 days after the approval of City Planning Commission.

Mr. Treece seconded the motion.

Motion to approve the requested variance for the additional 8 units subject to obtaining the required permits within 30 days after the approval of City Planning Commission., 3-0.

Case #: BZA-04-2022-62533:

Mr. Treece made a motion to approve the requested variance to increase the impervious coverage from 40 percent to 44.7 percent coverage, subject to obtaining the required permits within 30 days after the approval of City Planning Commission.

Ms. Gillespie seconded the motion.

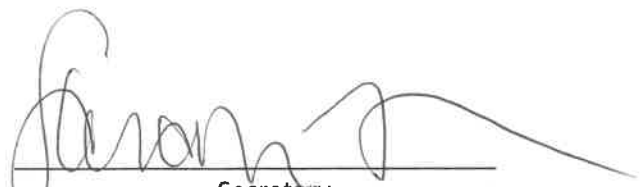
Motion to approve the requested variance to increase the impervious coverage from 40 percent to 44.7 percent coverage, subject to obtaining the required permits within 30 days after the approval of City Planning Commission, 3-0.

The February 10, 2022 meeting minutes were tabled.

The meeting was adjourned.



Chairman



Secretary