

# Board of Zoning Appeals

## September 08, 2022

**Members present:** Chairman, Phil Rooney; Kerry Trombley; Blaine Wells, Scott Brecheisen and Brody Yingling.

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-11-2022-63134**

**Address: 1223 Hummingbird Way**

**Zone: R-2 Medium Lot Residential**

Filed by Dana Babcock, regarding a variance from section 1122.05(C) of the City of Findlay Zoning Ordinance for a new roofed porch at 1223 Hummingbird Way. The applicant is proposing to build a 12x20 roofed patio addition to the rear of the dwelling that will be 20-feet from the rear property line. This section requires the addition be a minimum of 30-feet from the rear property line.

Due to the fact that the neighboring property to the east, had a permit for a deck but not a roofed patio, and was closed out improperly by the City of Findlay Zoning Department. There is a precedent set in this immediate area.

The neighbor's addition was originally permitted as a deck and their contractor knowingly or not, built a roof on it, which created an encroachment into the setback. Unlike the contractor for the neighbor, CT Construction did their due diligence, and now the home owner asking for relief to match the harmony of the neighbors' backyard.

The city is not opposed to this request.

Mr. Dana & Mrs. Sharon Babcock were present, but did not wish to speak unless the Board Members have any questions for them.

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

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

Mr. Trombley asked who owns the property in the rear between this property and the neighbor's house?

Mr. Adkins stated it is a utility easement back there. It is believed to be a drainage swale.

Mr. Wells made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-12-2022-63159**  
**Address: 1215 Hummingbird Way**  
**Zone: CD Condominium**

Filed by Ann Wight, regarding a variance from section 1127.05(C) of the City of Findlay Zoning Ordinance for a constructed roofed patio addition at 1215 Hummingbird Way. The prior owner built a 12x20 roofed patio addition to the rear of the dwelling that was 20-feet from the rear property line. This section requires the addition be a minimum of 30-feet from the rear property line.

This address was discovered to have had an addition built onto the rear of the property, by a prior owner, when the owners of 1225 Hummingbird Way applied for their variance request. Just like the neighbor to the east of 1225 Hummingbird Way, this addition was built by the same contractor, but in this case without a permit. The new home owner has been understanding in the fault of the prior owner, and just wants to be in compliance to the city.

If case BZA-11-2022-63134 gets approved, the city does not oppose this case receiving approval as well.

Mr. Yingling recused himself from this case.

Ms. Ann Wight was present, but did not wish to speak unless the Board Members have any questions for her.

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

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

Mr. Trombley made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 4-0; (Mr. Yingling recused himself from this case).

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-13-2022-63163**  
**Address: 1200 Glen Meadow Drive**  
**Zone: R-1 Large Lot Residential**

Filed by Jordan Kolhoff, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a proposed 6-foot high privacy fence at 1200 Glen Meadow Drive. The applicant is proposing to build a 6-foot high privacy fence that will be built at the Heather Drive right-of-way. This section allows for a 4-foot high fence, that must be 50-percent open for the average setback of 32.5-feet from the Heather Drive right-of-way.

Mr. Joe Warner was present, but did not wish to speak unless the Board Members have any questions for him.

Mr. Wells asked if it was 8' along Drake Avenue and across the rear?

Mr. Adkins stated he could have 8' along the rear property line because it butts up against a major thoroughfare; it's the side along Drake Avenue that is the issue. Mr. Adkins stated we did attempt to vacate that section of Drake Avenue, and he had all three (3) abutting owners sign a petition, but HRPC thought it was better to go the route of a variance.

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

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

Mr. Brecheisen made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Yingling seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-15-2022-63201**

**Address: 738 E. Lincoln Street**

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

Filed by Robin McCrary, regarding a variance from section 1161.01(D)(2) of the City of Findlay Zoning Ordinance for an addition to accessory structure at 738 E. Lincoln Street. The applicant is proposing to build a 24x24 addition to the existing accessory structure that will be 3-feet from the rear property line. This section requires a 5-foot setback from the rear property line.

This lot is a triangle shaped lot, which abuts the rear yards of lots on South Street. Due to that, the zoning department treated the diagonal property line as a rear property line instead of side property line. That being said, if the line was treated as a side property line, the request would not have been needed, being it was proposed at 3-feet, the setback required for a side yard.

The city does not oppose the request.

Ms. Robin McCrary, owner of 738 E. Lincoln Street, was sworn in. She stated it is not the whole back of the building, it is just the corner, so she had the neighbor write a letter in favor of her request.

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

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

Mr. Trombley made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-16-2022-63205**

**Address: 121 Fairlawn Place**

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

Filed by Jason Greer, regarding a variance from section 1122.05(E) of the City of Findlay Zoning Ordinance for a constructed roofed entryway at 121 Fairlawn Place. The applicant has constructed a new 6x8 roofed entryway that is 28-feet from the front property line. This section requires an average front yard setback of 38-feet from the front property line.

This property sits within an old neighborhood area, across from Jefferson Elementary School. This is another case of contractors' negligence in which the contractor did not call the city zoning department to determine if a permit was needed or not. There are multiple houses in the surrounding vicinity that sit just as close to the city right-of-way as this one.

Prior to the zoning code change that happened during the map update in December 2020, the owner would only be seeking a 2-foot variance. However, due to the change, the owner is now seeking a 10-foot variance from the code due to the averaging of the neighboring properties' front yard setbacks.

After reviewing the immediate area, the city will be supportive of any decision the Board makes in regards to this request.

Mr. Trombley asked for confirmation that the average setback of the neighboring properties would require a 10' variance?

Mr. Adkins stated that was correct. Prior to the addition, he had a 34' original front entryway.

Mr. Trombley asked what this one is now? How close?

Mr. Adkins stated it is 28'.

Mr. Trombley stated, so it moved 6' closer.

Mr. Adkins stated, yes.

Mr. Trombley asked if it is extending 8' further than the neighboring properties?

Mr. Adkins stated, 10' total.

Mr. Jason & Mrs. Melissa Greer, owners of 121 Fairlawn Place, were sworn in.

Mr. Trombley asked if the addition they did was the steps and the brick work or just the covered portion of it?

Mrs. Greer responded, just the covered portion.

Mr. Trombley asked if previously it was completely uncovered?

The Greer's responded, yes.

Mr. Greer stated they went around and got some signatures from their neighbors.

Mrs. Greer stated they had them sign stating they were in favor of the variance.

Mr. Trombley asked if they were next door?

Mrs. Greer stated they are on either side and one house over and on the corner.

Mr. Yingling asked, if in the one picture, it looks like their porch extends from the roof line, is that the case?

Mrs. Greer stated, yes, it does extend out further.

Mr. Greer stated it's just the porch, they do not have a roof on the porch.

Mr. Yingling asked if that was the neighbor right next door? Did they speak to them about this?

Mrs. Greer stated, no, it is the neighbor two doors over; and they signed the paper.

Conversation took place between Mr. Yingling and the Greer's in regards to the neighbor's front porch.

Mr. Rooney asked if this would be open, no walls around it?

The Greer's answered, it would be open. Mrs. Greer stated it would have a top with pillars. Mr. Greer stated they would be getting railings for up the stairs.

Mrs. Greer stated there is a picture of what it will look like when it's done, proposed image.

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

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

Mr. Trombley stated in that area, the roof over the walk way is pretty common, it's no enclosed, and it's a nice addition. He made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-17-2022-63206**

**Address: 3200 N. Main Street**

**Zone: C-2 General Commercial**

Filed by Daniel Stone, regarding a variance from section 1161.12.8(C) of the City of Findlay Zoning Ordinance for a new low-profile sign at 3200 N. Main Street. The applicant is proposing to replace an existing sign with a new low-profile sign in the same location which is 2.8-feet from the front property line. This section requires the sign is 10-feet from all property lines.

Due to the owner bringing the pylon sign height down to a low-profile sign, and after reviewing the ODOT documents that were supplied, the city is not opposed to the request.

Mr. Daniel Stone, of Vanhorn Hoover, was sworn in.

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

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

Mr. Wells made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Trombley seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-18-2022-63211**

**Address: 524 N. Cory Street**

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

Filed by Daniel Stone on behalf Habitat for Humanity, regarding a variance from section 1123.06(B) of the City of Findlay Zoning Ordinance for a lot split at 524 N. Cory Street. The applicant is proposing to split the parcel in which the rear lot will not have any frontage along a public street. This section requires a minimum of 35-feet of frontage along a public street.

This parcel once had a duplex on it prior to the city deeming it a dilapidated structure and demoing it. Now, under new ownership of Habitat for Humanity, they are seeking to split the lot and build two separate dwellings on each new parcel that will be created.

There is only one other property to the city's knowledge that does not have any required frontage, and has frontage from an alleyway. That location is 908 Adam Street Rear, which is an apartment complex.

Though we are in need of housing throughout the city, and Habitat for Humanity has been doing great things for our community, the city is opposed to the approval of the request. Approval could lead to a precedent being set within the city for more lot splits and houses not having any public street frontage.

Mr. Trombley asked if the two alleys are both public?

Mr. Adkins stated it is a public entryway into the park parking area.

Mr. Daniel Stone, of Vanhorn Hoover, representing Habitat for Humanity, still sworn in. He stated this is a unique lot, it is a Habitat lot. They typically build on 50 x 100' lots, this one is 50 x 175. They do have the ability to get two units on here and make them two individual lots, but with the rear being an access off of a plated alley, it's not a typical 16' alley where you have residential homes on the West side. This is an open park, parking lot and it is used as a roadway with the pavement itself being 22' wide, and there is a gravel berm on the West side which is about 2', so in actuality you have about 24' of maneuverability, which is a typical width of a roadway. It's wide enough where you can have two vehicles pass one another without having any issues. The buildings could be set back far enough to have parking outside of the alley right of way, just it would be if it were a public road. Habitat will still build one home if this does not go through, but it would be nice to be able to build two. Lots are hard to find right now.

This would be somewhat consistent with the area, smaller homes and tighter lots. This is a unique situation but the alley is already being used as a two-way roadway. The width is there, there are no residents behind it, and there are no conflicting traffic patterns of people backing out. The whole West side has the wooden telephone posts that are driven into the ground three or four feet off of the ground so they can't back into the parking lot. It would be as it would if it were actually a roadway.

Mr. Trombley asked, when you do the lot split, it will meet all setback requirements?

Mr. Stone answered, correct.

Mr. Brecheisen asked if the sewer line is going to go to Cory Street?

Mr. Stone stated they would have to set up easements and there would be two separate services, two separate ownerships, etc. There would be two separate addresses off of Cory Street.

Mr. Adkins stated this is a weird dynamic because North West Street stops and goes into this alley way.

Mr. Stone stated he did not see any vacation to make North West Street turn into an alley. Even Google Maps calls it out as North West Street, it doesn't call it out as an alley.

Mr. Trombley stated, talking about parking, there is 20' between the alley and the house?

Mr. Stone stated 20' is the depth required for you to pull into a parking space. There will be a garage and a little bit wider driveway for one parking in front and one in the garage, so it does meet the code in that aspect.

Mr. Wells commented he agrees there is tons of room on that alleyway.

Mr. Stone stated they could try to work with administration and continue the roadway up and call it North West Street rather than an alley. Then they could name the address, example, 524 North West Street, or whatever, instead of a rear address.

Mr. Rooney stated it is like that on Cherry Street, down by the tracks.

Mr. Stone stated it is considered a public way whether it is an alley or a roadway. It is publicly owned and maintained, especially with it being so close to the park.

Mr. Trombley asked if the 16 ½' alley is the actual right of way?

Mr. Stone stated, yes.

Mr. Trombley asked if the pavement extends into the park?

Mr. Stone stated that is correct.

Conversation took place regarding considering making these condos and how that does not work well with Habitat structure.

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

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

Mr. Wells made a motion to approve the requested variance, contingent on required permits be obtained within 60 days.

Mr. Yingling seconded the motion.

Motion to approve the requested variance, contingent on required permits be obtained within 60 days, 5-0.


The March 10, 2022 meeting minutes were tabled.

The August 11, 2022 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary