

Board of Zoning Appeals

December 08, 2022

Members present: Chairman, Phil Rooney; Blaine Wells; Kerry Trombley; Sarah Nowak; Scott Brecheisen 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-23-2022-63392

Address: 3861 Ventura Drive

Zone: I-1 Light Industrial

Filed by Findlay Cartage Company, regarding a variance from section 1141.04(B)(1) and 1141.04(C)(1) of the City of Findlay Zoning Ordinance for a lot split at 3861 Ventura Drive. The applicant is splitting off the existing storage units from the parcel, which will leave a non-conformity due the southern structure having side yard setback of 5-feet and a rear yard setback of 10-feet. This section requires that the side and rear yards both meet a 30-foot setback.

The owner is in the process of finalizing a sale to separate the storage units from the main parcel. This separation will create a non-conforming structure at the southeast corner of the most southern storage unit building. The building will only sit 5-foot from the southern property line, and 10-foot from the eastern property line. The other three buildings will be conforming with approval of variance.

In order to keep from having a non-conforming structure, relief is needed from the code. In granting a variance for this location, those building that are along the east property line will become conforming with the granting of the variance for the rear yard setback.

The city will support the boards' decision on this case.

Mr. Chase Hatfield, with Findlay Warehousing Company, representing the owner, was sworn in. He stated there is a potential buyer looking to purchase the storage units that is currently on the same parcel as the building, so they want to divide the parcel to allow them to just sell the storage units to the potential buyer.

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 request subject to obtaining the required permits within 60 days.

Mr. Adkins amended the motion as this request will work with HRPC stamping for the lot split; and there will not be any permits, we just need to see the final documentation.

Mr. Trombley seconded the motion.

Motion to approve the requested variance, 5 – 0. (Mr. Rooney abstained. Mr. Treece voted in place of Mr. Rooney).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-24-2022-63400

Address: 1295 Fostoria Avenue

Zone: C-2 General Commercial

Filed by Brian Whitta, regarding a variance from section 1161.01.3(D)(2) of the City of Findlay Zoning Ordinance for a new shed at 1295 Fostoria Avenue. The applicant is looking to construct a new shed that will be 5-feet from the rear property line. This section requires a 10-foot setback from the rear property line.

The owner is looking to construct a new shed for storage on-site. The proposed structure will be 10-feet from the east property line, which abuts a residential lot, and it will be 5-feet from the south property line, which abuts a commercial property.

This office was a converted dwelling, which if it was still a dwelling, a variance would not be needed.

The city does not oppose this request.

Mr. Brian Whitta, owner of said property, was sworn in. He stated the rear setback is the issue. The shed will be used for storage of signs on the property, getting them on site instead of at multiple locations, with the purpose of doing business more efficiently.

Mr. Trombley asked how big the shed will be?

Mr. Whitta stated the largest it would be is 10' x 12', but most likely it would be an 8' x 10' and it would be a pre-fab shed.

Ms. Selina Mosley, owner of 1301 Fostoria Avenue, was sworn in. She stated her only issue with the shed is that when his business uses the snow plow, both his business and Auto Zone put the snow on the back boarder and if there is a shed blocking that, she is afraid the snow will be pushed onto her property, and then have a big pool of melting snow later.

Mr. Rooney asked if her property is the one to the East?

Ms. Mosley stated, yes.

Mr. Whitta stated he would have his contractor put the snow elsewhere, or it would be removed.

Ms. Mosley stated there is no where else to put it. To the West is an insurance agency and it has parking barriers blocking so no one can drive thru, so there is no where else to put it except her property.

Mr. Rooney stated the back of the property is approximately 47' wide.

Ms. Mosley stated that there is a big trash receptacle there that would block most of that area.

Mr. Whitta stated the dumpster is on wheels and can be moved to the side if a large snow comes or the dumpster can be removed; the dumpster was really only there for the construction on the building. He stated they may not even keep it. There will be room in the shed to put a rolling trash container and they could get rid of the dumpster.

Mr. Trombley asked if the concern with meeting the rear setback would be because they would lose parking space?

Mr. Whitta stated yes, they would like to not lose parking spots.

Mr. Rooney explained that even if they deny the variance, they could still put the shed there, it would just be a few feet back farther.

Ms. Mosley asked why then is he asking for a variance?

Mr. Rooney stated so he doesn't lose parking spots.

Ms. Mosley stated she disagrees.

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

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

Mr. Brecheisen made a motion to approve the requested variance subject to obtaining the required permits within 60 days.

Ms. Nowak (Gillespie) seconded the motion.

Motion to approve the requested variance, 5 – 0. (Mr. Rooney abstained. Mr. Treece voted in place of Mr. Rooney).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-25-2022-63427

Address: 526 S. Main Street

Zone: C-3 Downtown Commercial

Filed by Trivium Argyle LLC, regarding a variance from section 1161.11.1(G) of the City of Findlay Zoning Ordinance for a new parking lot at 526 S. Main Street. The applicant proposing a new residential development at this location, with a proposed parking lot with 22-foot wide parking aisles. This section requires an aisle width of 24-feet.

The downtown district does not require parking, and the developer is putting in a parking lot to service their residential use of the development, which is being proposed as a mixed-use.

Being the parking is not required for the C-3 district, and the developer is including all parking on-site, the city is not opposed to this request.

Mr. Todd Jenkins, of Peterman Associates, representing the owner, was sworn in. He stated the owner is proposing to do a mix use building with commercial on the first floor, along with some amenities for the residential units which would be on the second, third and fourth floors; they are proposing 24 units. Given the width of the lot and the proximity of the adjoining buildings, they are proposing to use 22-foot access isles which is less than 10% of the requirement to get enough on site for the 24 units. There are 26 spaces shown, one being an Ada spot and 25 regular spots. They are trying to provide on site parking for the residents so they do not have to seek parking somewhere else downtown.

Mr. Trombley asked if they were to meet code, what does that do for the number of spots you could provide?

Mr. Jenkins stated they would lose seven (7) parking spots, which would put them at 19 spots. He stated they looked at angle parking and they still would lose like four or five spots. Either way, there would not be enough to service the building and it would put further burden on downtown parking.

Mr. Trombley asked what the plan is for people that have two (2) cars?

Mr. Jenkins stated there would be one spot per unit, so they would have to seek parking elsewhere. The intended target on these are not believed to have two vehicles but if they did, they would have to park somewhere else.

Mr. Trombley asked if they ran car turns and truck turns to make sure the vehicles can egress?

Mr. Jenkins stated cars are fine but pickup trucks would be a little bit tight. There is an isle along the back of the building for deliveries and loading.

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

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

Mr. Trombley made a motion to approve the requested variance subject to obtaining the required permits within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, 5 – 0.

Mr. Adkins stated the Mr. Jenkins has requested an extension from the usual 60 days to obtain the permits to 180 days to obtain permits.

Mr. Jenkins stated this is because the developer has not yet engaged the architect for construction documents. His schedule is to complete and get approval from Wood County late first quarter or early second quarter next year; and to start construction the second quarter of next year.

Mr. Trombley made a motion to amend the motion to obtain permits within 180 days.

Mr. Brecheisen seconded the motion.

Motion to amend the approval of the requested variance, to obtain permits within 180 days, 5 – 0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-26-2022-63428

Address: 824 S. Main Street

Zone: R-2 Medium Lot Residential

Filed by Scott Bassinger, regarding a variance from section 1162.05(B) of the City of Findlay Zoning Ordinance for the rebuild of a dwelling at 824 S. Main Street. The applicant is looking to rebuild their non-conforming fire damaged dwelling that is built 3.2-feet from the north property line. This section requires that when the damage of the structure exceeds 75-percent of the Actual Cash Value (ACV) of the property, the structure must be rebuilt to the current zoning code standards.

The owner is looking to re-construct the second floor of the dwelling that was completely destroyed during the fire in May. The cost for rehabbing the property exceeds the damage allowability for by a substantial amount, and would require all zoning codes be met with a new build. The only code that is not able to be met is the setback on the north side of the structure. The code requires a 5-foot setback and the structure sits at 3.2-feet.

The city wants to see this site cleaned up. It has sat in a dilapidated state for 7 months, and is unsafe in its current state. If the owner progresses with cleanup and rebuild, as promised, the city would not oppose the ability to rebuild.

Mr. Reed Ponx, representing the owners, was sworn in. He stated they are just trying to rebuild what was already there, since they had a fire. They have been working with the City on timelines and working with St. Mark's Church next door. The church sent an email to Mr. Adkins stating they have no issue with the setback.

Mr. Trombley asked what the timeline is for the rebuilding?

Mr. Ponx stated they have done the clean up as much as they can so far. They will get the Zoning Permit next week after it has been approved, then continue to rip off the remaining fire damage area and start construction. They are looking at 30 days, weather pending, getting the roof on, etc; then they can start focusing on the inside of the house.

Mr. Trombley stated a concern is to grant a variance then find out later the building is getting demo'd and still maintain the variance. He wants to say if it would end up being demo'd or delayed, the variance would expire.

Mr. Adkins stated that for some reason, if something like that would happen, our Safety Service Director would proceed to move with the demolition order. He stated we have been very clear and open about that with the individuals.

Mr. Rooney stated the if the building were to go away, so would the variance.

Mr. Trombley stated the variance is tied to the building, not the land.

Mr. Adkins stated the timeline for completion of the rebuild is projected to be August 2023.

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

Mr. Adkins read an email letter he received on this case, into record. The letter is from Linda Whetstone, Church Treasurer, St. Mark's United Methodist Church, stating they approve of the variance request.

Mr. Wells made a motion to approve the requested variance subject to obtaining the required permits within 60 days.

Mr. Trombley seconded the motion.

Motion to approve the requested variance, 5 – 0.

UPDATE – JAN. 11, 2023: APPLICANT HAS DECIDED TO DEMOLISH THE ENTIRE DWELLING, THUS MAKING THIS APPROVED VARIANCE REQUEST VOID.

The November 10, 2022 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary