

Board of Zoning Appeals

February 09, 2023

Members present: Acting Chairman, Kerry Trombley; Blaine Wells and Scott Brecheisen.

Mr. Trombley 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-02-2023-63464

Address: 318 Locust Street

Zone: R-2 Medium Lot Residential

Filed by Jackson Betscher, regarding a variance from section 1161.01 (D)(2) of the City of Findlay Zoning Ordinance for a new detached garage at 318 Locust Street. The applicant is proposing to demolish and rebuild an existing detached garage in the same location which is approximately one-foot from the rear property line, and abuts the side property line. This section requires a rear yard setback of five-feet, and a side yard setback of three-feet.

The owner has proposed to replace his old, dilapidated detached garage and rebuild the same size structure in its place. Being that the non-conforming structure is being replaced by another non-conforming structure, a variance is needed.

If approved, the city would request that an as-built location survey be submitted upon construction of the garage to ensure the location is within the property lines.

The city does not oppose the request as long as the conditions are included and met.

Mr. Betscher, 1120 Hurd Avenue, owner of 318 Locust Street, was sworn in and stated it is a dilapidated garage as it was described. The foundation that it sits on is cracked and you can't get a car in there because it sits so low. He got letters from the neighbors to the North and the East stating they have no problem with the new garage. He stated he would pay for any damages to the property to the East if there is any due to the construction. He would like to build the new garage the exact dimensions to what is existing, although it currently has a flat roof and there will be a pitched roof on the new garage. He stated there will be an overhang onto the East neighbor's property, of the soffit, and the letter submitted from that neighbor states he has no problem with that.

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

Mr. Adkins stated there were only the two communications on this case and the letters are included in the packets.

Mr. Wells asked why the County Auditor's Office has the dimensions at 21' deep and Mr. Betscher has over 22' deep; is he going larger?

Mr. Betscher stated that with the measurements from his builder, he believes the Auditor's measurements are not accurate.

Mr. Brecheisen asked Mr. Adkins if the overhang onto the neighbor's problem was a problem.

Mr. Adkins stated it should stop at the property line but the owner would have to sign off on it.

Mr. Trombley asked how much it will overhang?

Mr. Betscher stated approximately 6 inches.

Mr. Trombley asked if there was a way he could modify it to not hang over?

Mr. Betscher stated that could be arranged.

Mr. Wells stated he would agree that it should not hang over onto the neighbor's property. This would prevent having to go through any recorded encroachments and could prevent problems if the neighbor decided to sell his property.

Mr. Betscher asked Mr. Adkins to clarify him needing another survey before and after.

Mr. Adkins stated he would just need one after, to verify the new garage is not over the property line.

Mr. Brecheisen stated a better approach may be to get the location checked prior to pouring the concrete at the same time that Zoning would come out and do a footer inspection, the surveyor could confirm it is not over the property line.

Discussion took place about the survey to verify the garage is on Mr. Betscher's property and not over the property line, onto the neighbor's property.

Mr. Wells made a motion to approve the variance, as long as all of the structure is within the property lines, no overhang or encroachment onto the neighbor's property, a new survey is done ensuring the complete structure is within the property lines, and subject to obtaining the required permits within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance, contingent upon all of the structure is within the property lines, no overhang or encroachment onto the neighbor's property, a new survey is done ensuring the complete structure is within the property lines, and subject to obtaining the required permits within 60 days, 3 – 0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-03-2023-63533

Address: 3640 Marathon Way

Zone: I-1 Light Industrial

Filed by Nickolas XVI LLC, regarding a variance from section 1161.15(M)(2)(b) of the City of Findlay Zoning Ordinance for required screening for an outdoor storage area at 3640 Marathon Way. The applicant has proposed to construct landscape mounding in lieu of required fencing for an unpaved outdoor storage area. This section requires a fence to be constructed around an unpaved outdoor storage area.

The city had a meeting with the owner and came to an agreement with the proposal that is requested. Being that there is a high-powered gas line that runs through the property, a fence could not be installed due to restriction put in place by the gas company.

The city is supportive of this request. This case went to City Planning Commission this morning and got approved.

Mr. Dan Stone, of Van Horn Hoover, representing the owner, was sworn in. He stated they have met with Administration a few times. This will be the gateway into the Cube, as well as Miracle Field. They are doing a solid row of trees that will be placed on a 3-foot high mound. At installation, the trees will be around 6 -8 feet tall, so you gain the height of 9 – 11 feet, the typical height of trailers or busses are 10 – 11 feet, so at the time of installation, the majority of this area will be screened more than with a 6 or 8- foot high fence. They are working with the City to put a way-finding sign that would direct people to Miracle Field. They are just asking to do a landscape screening instead of a fence screening.

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

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

Mr. Wells asked what the gas company's restrictions are?

Mr. Stone stated this is a smaller owned gas company and they will not allow anything to be built within their easements.

Mr. Wells asked what the max growth of the trees are.

Mr. Stone stated probably around 14 to 15 feet.

Mr. Wells voiced his concern about the trees being maintained along with the landscaping.

Mr. Akins stated it is a Conditional Use for outdoor storage so it will have to be maintained and look nice.

Mr. Stone stated they are working with the city to create a safer access for the motels around that area to the Cube and Miracle Field and it will be a focal point so it will be maintained.

Mr. Wells made a motion to approve the requested variance pending proper permits pulled within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance subject to obtaining the required permits within 60 days, 3 – 0.

The January 12, 2023 meeting minutes were tabled.

The meeting was adjourned.



Chairman



Secretary