

Board of Zoning Appeals

March 16, 2023

Members present: Phil Rooney, Chairman; Kerry Trombley; and Blaine Wells.

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-04-2023-63572
Address: 1028 W. Main Cross Street
Zone: C-2 General Commercial

Filed by Moose Lodge 698, regarding a variance from section 1135.04(B)(2) of the City of Findlay Zoning Ordinance for an addition to the existing commercial building at 1028 W. Main Cross Street. The applicant has proposed to construct an addition to the eastern side of the property that will be 10-feet from the property line. This section requires a 25-foot setback from the side property line when abutting a residential zone.

The expansion does abut single family dwellings to the east, and with the addition, the building line will be 15-feet closer to the R-3 properties. With that being stated, there is a need for better screening, which may be required during City Planning Commission upon approval.

The city will trust the board's decision, but would have preferred the expansion to have happened towards the south as discussed with the city in the past.

Mr. Dan Stone of Van Horn, Hoover & Associates, 3200 N. Main Street, representing the owner was sworn in. He stated they have not gone to Planning Commission yet. They wanted to address the Board of Zoning Appeals before they went through the full architectural designs and civil designs and planning submittals, etc.

They want to expand the East side of the building, pushing it within 10 feet of the property line. By doing so, this will remove the parking lot and the drive out that is there. The applicant is okay with doing landscaping, repairing or replacing the fence to help soften any of the noise that would be there. By adding the building there and taking away the actual parking and drive out, it will take some of the noise away. They are trying to keep the front of the building lined up to get the square footage they need for how this whole area will set up. Introducing additional jogs in the building creates pockets and they are trying to expand a room and want to avoid pockets where you are out of line with the sight and the sound as well.

Mr. Steve Rettig, 1912 Lippincott Avenue, was sworn in. He stated we are in the need of growth. They found out the building is more conducive to expanding left to right instead of out at the front as previously thought. Due to membership growth, they need more space and this is the most prudent way to go. This would also cut down on the noise transmission from the Beer Garden and the traffic. The building would create a natural block to the noise coming from the back and would eliminate all traffic on that side of the building.

Mr. Trombley asked Mr. Reddick to walk us through why it was not feasible to expand to the South, or in an area that would not require a variance.

Mr. Craig Spoon, 10993 County Road 26, was sworn in. He stated that the expansion to the South would block people in the Social Room due to the electrical, sprinkler, etc, and people would be around a corner and not be involved in what is going on. If they go to the North, they again would be completely out of sight because of the bar location, coolers, etc. They are trying to keep the flow so everyone feels like they are in the same room, somewhat. They will still be some blocks, but they will be very minor. That's the main reason they want to go this route.

Mr. Wells asked, "How about West?"

Mr. Spoon stated the West is a Banquet Room separated by restrooms and it would not be adding to the Social area, it would be adding to the Banquet area and they are not connected. It would be massively costly due to reinstalling a new bar, coolers, plus electricity location, etc. This would also eliminate a tremendous number of parking spaces; more than they would be losing on the East side, they would actually gain 12 parking spaces.

Mr. Stone stated they would add additional parking spaces to the West.

Mr. Trombley stated that the current screening of vegetation and a small fence is not that significant, so what kind of screening are they proposing?

Mr. Rettig stated they would be looking at a 6-foot or an 8-foot solid fence. Depending on what would be required, probably an 8-foot vinyl fence. The fence that is there is in disarray and they would do that when the addition is complete.

Mr. Trombley asked if the fence is on their side or the neighbors behind?

Mr. Rettig stated it is their fence. Going by where there is a chain link fence further back on the property, it is offset where one fence jogs over to the next, transition where you leave the lodge portion of the property and you go to the Beer Garden portion of the property, you can see the off set they utilized. The new fence would be 8-foot, solid and would be more substantial than what is there currently.

Mr. Trombley asked if that would run the length of the property line?

Mr. Rettig stated currently it runs the East property line to the South corner and runs all the way West over to the drive. If they replaced one part, they would replace it all.

Mr. Trombley asked, so the intention is to go the entire East property line and then the South property line up to the drive?

Mr. Rettig stated, correct.

Mr. Steve Russell, owner of 132 Durrell Street, was sworn in. He stated he has a rental and has spoken to his neighbors and they all agree they are worried about the water and the trash. He doesn't want any more trash. He stated, if they push that closer, they are afraid the water will infringe on theirs. Mr. Russell went on to state that it sounds like the Engineers did a poor job designing this to begin with when they went out the front. He stated he was against it and thinks all of the neighbors are against it. He stated he does not want them any closer to him. They don't want more water.

Mr. Trombley stated the parking lot is not curbed right now, and that's why water is sheet flowing off.

Several people started talking in the audience (inaudible). Mr. Rooney advised them that if they wanted to speak, they had to come up and get sworn in.

Mr. Glen Robinson, mother lives at 128 Durrell Street, was sworn in. He stated there is a drain back there and they pumped the water out of everybody's back yards, the full block, during the flood. There won't be a drain there if they add on, so he's wondering where their going to put the water?

Mr. Rooney asked if this was standing water in the back yard?

Mr. Robinson stated yes.

Mr. Wells asked if this was during the '07 flood?

Mr. Robinson stated yes. He just wondered if they cover that drain up, where is that water going to go when the standing water gets stuck in everybody's back yard, and it is how many feet deep?

Mr. Adkins asked if there was any standing water in the back yards in 2017?

Mr. Robinson stated there is always standing water back there, somewhat, but nothing like in 2007. He is wondering how high the fence will go? He stated the fence back there now has been run into so many times from trailer hitches on the back of pickups and they just drive right through it. That and the garbage that comes over the fence, which has gotten a lot better in the last few years, is his main concerns.

Mr. Trombley asked Mr. Robinson, they are proposing an 8-foot tall vinyl fence, if that was included as a requirement for them, would you be okay with them moving closer, or would you still not want to deal with the issue?

Mr. Robinson replied he is still concerned about the flooding. There is no place to put the water. He stated he grew up in this house, 128 Durrell Street, and back then there was nothing back there, including I-75, and they never had problems with water back then. Then things started getting built up, and there is just no where for the water to go.

Mr. Wells asked if the applicant is able to speak to the intentions of what will be done with the existing drain with the new building?

Mr. Stone stated they know there is a storm sewer catch basin there, but he cannot speak to the standing water in the back yards. Anything outside the building expansion going East, all of the pavement will be taken out and will introduce grass. Any water in that grass area will be picked up in the storm sewer and routed back into the system. The building itself will have downspouts that will be collected in the storm sewer system. Water collected underground will be taken to its initial point where it goes today. The grass will help water infiltrate back into the ground. The fence is in disrepair and the new fence will create a better barrier than what is there today. The 8-foot high fence will also be a deterrent for the trash. There will be no parking or traffic on that side either, so people will be less apt to throw trash over the fence. This will also help be a noise barrier.

Mr. Trombley asked if there is curbing on that side?

Mr. Stone stated no, there will not be any curbing there. There is no parking or drive isles there so they won't need the curb. The existing pavement is bold so it will go down to the catch basin in the middle and anything that is there will stay on their site. The down spouts and roof collection will not go onto the ground, it will go sub-surface and stay in the storm sewer so that will have less tendency to drain across the surface and into their back yards.

Mr. Wells asked if the proposed building will cover where the existing catch basin is at?

Mr. Stone replied it will a little bit but they have the ability to re-route that storm sewer and set up a catch basin. (Mr. Stone approach the Board Members to point this out on the plan and explained it to them, including the swale). He stated they want to make sure they do not negatively impact any of the neighbors.

Mr. Wells asked if the existing gutters on the building currently go below ground?

Mr. Stone stated that is correct, yes.

Mr. Russell stated, "I'm still against this." He stated the whole East side is parking lot. He asked Mr. Stone if they were going to get rid of the parking lot behind the building on the East side?

Mr. Rooney explained to Mr. Russell that he needed to direct his questions to the Board Members.

Mr. Russell stated that it appears that he (Mr. Stone) is being deceptive. They are going to get rid of the ones where they are expanding the building out. All the other ones will stay; so, they'll still have to deal with trash, and a plastic fence still is not going to stop trailer hitches. He stated it would be one thing if they didn't have property somewhere else they could build on. They are choosing to go to the East and infringe on the neighbors. He stated, if it were any of the Board Members properties, they'd have the same opinion as he does.

Mr. Trombley asked for clarification from Mr. Russell, since they are putting the larger privacy fence in, is he still against it?

Mr. Russell stated he is still against it. He stated if you push something that way, you're going to push water that way, eventually. He stated they are so much higher than them and they just become a pool.

Mrs. Becky Phillips, 120 Durrell Street, was sworn in. She stated the wind blows all of the trash under the fence, along with them throwing it over the fence. She asked if there is a possibility to bring the fence down to the ground?

Mr. Stone stated fences are constructed with a small air gap underneath there and it does block the flow of water. He stated fences are usually at grass level and they don't want to have a 6-inch barrier or something like that. He stated since the fence would not be a block to the flow, keeping it close to grass level would be a good solution and that is how fences are typically done.

Mr. Wells had questions regarding the interior design that proposed an addition to the West side that is crossed out on the plan. He asked if doing the addition on the West would accomplish the same thing as doing the addition on the East?

Mr. Spoon stated the West end of the building is the Ball Room and they strive for is a large open space. (He approached the Board Members to point out and explain the plans.) (Inaudible.)

Mr. Rettig stated the bar is sunk down three (3) feet and the other side is basically a rental hall. The only reason they would go out to the West is for storage. They don't want to cut the size of that room. As they develop further, part would be a kitchen expansion. (He approached the Board Members to point out and explain the plans.) (Inaudible.)

Mr. Spoon explained that the trash bins are at the North end of the proposed addition but will be moved to the West edge of the parking.

Mr. Rettig, Mr. Spoon, Mr. Russell and Mrs. Phillips continued comments in regards to the trash on the property blowing into neighbor's yards.

Mr. Rooney advised Mr. Russell to address the Board Members, not the applicant.

Mr. Harry Phillips, 120 Durrell Street, was sworn in. He asked if there will be curbs?

Mr. Stone stated, No, there will not be any curbs.

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

Mr. Adkins stated, just a phone call from Mr. Steve Russell, but he is here.

Mr. Trombley asked the applicant to speak a little bit about the magnitude of it. He stated you have 10-feet up until the setback line, you're going 15-feet beyond that, he asked for him to help him understand why the extra space is needed and what could you do in the existing space without a variance?

Mr. Rooney asked why wouldn't a 10-foot expansion be enough instead of a 35-foot expansion?

Mr. Rettig replied square footage, seating, etc. They would have two-thirds the cost of going less than one-half the amount. It would not give enough gain on the bar side. It wouldn't be worth it. This is what we need as far as square footage. This is all need based. The growth in membership is rapid.

Mr. Wells asked if there is a membership cap?

Mr. Rettig stated, No.

Mr. Rooney asked if there were any Exits on the new East side?

Mr. Stone stated there are no points of egress on the East side. He stated to help address the concern of people walking on the East side of the building, through the grass, they can put up a fence at both the North and South side of the building to keep pedestrians from going from one side of the building to the other side.

Mr. Adkins asked Mr. Stone if the new detention area that was put in the back, capable of holding all of the water from the parking lot as well?

Mr. Stone stated that if this goes forward, they will make sure it is compliant with local and federal drainage codes with regard to detention and floodplain balance, etc.; it will comply.

Mr. Russell asked what is the maximum seating is now?

Mr. Rettig stated Fire code is 480.

Mr. Russell asked Mr. Rettig, you're doing all this for 120 seats, right?

Mr. Rettig stated approximately 150.

Mr. Russell continued to try to ask Mr. Rettig questions but Mr. Rooney interrupted Mr. Russell and again informed Mr. Russell that he cannot ask Mr. Rettig questions. He informed him he is supposed to tell the Board Members why he does not want the variance. Mr. Russell stated he is just trying to find out when it grows more, are they going to infringe more?

Mr. Rooney stated they can't get much closer on that side.

Mr. Trombley stated it is a tough decision. The property is not too small or encumbered in some way which would prohibit an expansion that wouldn't require a variance. He stated the variance is not exceptionally substantial; and the vinyl fence would be a much better screening for the neighbors than the current fence. The trash problem is something the applicant needs to fix regardless of whether the variance is approved or not.

Mr. Rooney agreed with Mr. Trombley. He stated he understands the neighbor's problems, but the problems don't have much to do with if they put that building there or not. He stated it may help the problem if people cannot go on that side of the building or park there. If you look at what we are supposed to do, they have acreage on the other side of the building, so...

Mr. Adkins stated that since it hasn't gone to City Planning Commission yet, they could let them weed out all of the drainage, weed out all of the screening requirements, and table this, then come back to seek the variance for the approval.

Mr. Rooney commented that they could conditional approve it based on City Planning approval.

Mr. Adkins stated if City Planning Commission shoots it down, then it's a No-Go.

Mr. Wells asked if adding a condition to ensure there is an 8-foot privacy fence is within their scope or City Planning's?

Mr. Adkins stated it is for City Planning screening requirements, along with canopy trees, bushes, etc.

Mr. Rooney stated the issues being raised here are development issues, not BZA issues and they cannot make decisions on those issues.

Mr. Adkins stated it was a good thing that they showed up because it gives the applicant a chance to fix these issues before going to City Planning.

Mr. Trombley agreed with Mr. Adkins. He stated that the screening, the water, the trash are issues that can be overcome but the people here are the most effected people by this, and they are not happy with what was purposed so far. Without working that out and making sure those issues are addressed, he has a tough time saying he could support the variance.

Mr. Wells stated the water is the biggest issue. The trash is something the applicant should be dealing with regardless of a variance. The Board does not control the development of where the run off/water goes.

Mr. Trombley stated that putting a building in and taking out some impervious area should help the drainage issue, should the catch basin be sighted properly.

Mr. Wells made a motion to table this case pending City Planning Commission's approval of all of these development issues and then come back and seek the variance.

Mr. Trombley seconded the motion.

Motion to table this case pending City Planning Commission approval, 3-0.

Mr. Rooney explained what this means to the audience.

The January 12, 2023 meeting minutes were approved.

The February 09, 2023 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary