

Board of Zoning Appeals

May 11, 2023

Members present: Phil Rooney, Chairman; Kerry Trombley; 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-11-2023-63695

Address: 908 S. Main Street

Zone: R-2 Medium Lot Residential

Filed by Timothy Lauth, regarding a variance from section 1161.01.1(F) of the City of Findlay Zoning Ordinance for the height of a proposed detached garage at 908 S. Main Street. The applicant has proposed to construct a detached garage which will exceed the maximum allowable height of the building by 5-feet. This section allows for the maximum height of 18-feet for an accessory structure.

The owner has received his permit for the project, but prior to construction, he had determined that in order to build his garage to look historic, it would exceed 18-feet in height. Throughout the nearby neighborhoods, there are many garages that exceed the 18-foot maximum height due to their historical nature.

The city prefers the zoning code is abided by due to the possibility of living area being established, but the city will be supportive of the decision the board makes.

Mr. Timothy Lauth, 908 S. Main Street, was sworn in. He stated he would like to stay with the historical architectural structure of the house, it's a Queen Ann Victorian, 1888. They have owned it since 1998 and have put a lot of money into restoring it. He would like to maintain the 12/12 pitch of the roof and simple geometry tells him he has to go above 18-feet. He is requesting to go above the 18-feet to maintain the historic architecture in line with the original house that was built.

Mr. Trombley asked Mr. Lauth if the loft area is intended to be a living space?

Mr. Lauth stated, no.

Mr. Trombley asked what the pitch is?

Mr. Lauth stated, 12/12. He is just matching the pitch that is on the main gable going East West.

Mr. Brecheisen asked what the wall height on the first floor?

Mr. Lauth stated he is not sure. Standard garage, probably 10-feet.

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

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

Mr. Trombley made a motion to approve the requested variance.

Mr. Brecheisen seconded the motion.

Motion to approved variance as requested, 3-0.

Mr. Adkins informed Mr. Lauth that he could come up to Zoning on Monday and we would amend his current permit per the Board's approval of the variance.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-12-2023-63788

Address: 801 Selby Street

Zone: R-3 Small Lot Residential

Case Number: BZA-13-2023-63789

Address: 801 Selby Street

Zone: R-3 Small Lot Residential

Filed by Rick Perkins, regarding a variance from section 1161.01(C)(3)(D) of the City of Findlay Zoning Ordinance for constructed shed at 801 Selby Street. The applicant has constructed a shed over the northern property line and has proposed to move it to be 0-feet from the property line. This section requires a 10-foot setback from the front property line.

The owner filed an additional request regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a constructed privacy fence at 801 Selby Street. The applicant has constructed a privacy fence at 0-feet from the northern property line. This section requires a 10-foot setback from the front property line.

At the time of investigating a complaint, it was discovered that the owner had constructed a shed within the city right-of-way, and a privacy fence that is at the property line.

The shed will need to be moved back on to the owner's property. The owner has proposed to move it back to the property line. The current dwelling sits 9-feet +/- from the property line, and the city would like to see more than a 0-foot setback be met.

The fence is in line with the fairgrounds existing chain-link fence, and it crosses a mapped alleyway that is unimproved. Being that the fence lines up with the county fairgrounds chain-link, and this request has more harmony with the neighborhood than the shed request.

The city opposes a 0-foot setback for the shed and would like to see at minimum a 5-foot setback be met due to the orientation of the neighborhood.

The city does not oppose the variance as requested for the fence, but would like to see the applicant either remove it from the alleyway, or seek to vacate the alleyway.

Mr. Rick Perkins, owner of 801 Selby Street, was sworn in. He stated he put the shed and fence up in 2020 and knew he did wrong by putting it up without permits, but he already had it ordered and coming. He stated his driveway is all cement so he dropped the shed on the concrete. He stated it had a chain link fence when he moved in, and it lined up with the fair fence. He replaced the chain link

fence with the new fence in the same location. He found out in the spring that he is not in compliance with the ordinance. He obtained his permits, and found out the shed is over the property line. If he pushed the shed back to the property line, it puts it at his back garage door. He doesn't want to come out of the garage door and run right into the shed. He wants to flip the shed so it is in line with the fair fence so the front of the shed is still located on the concrete. He stated he has a bunch more signatures to add to the signatures he already turned in.

Mr. Trombley asked if there is a foundation for the shed when he flips it?

Mr. Perkins stated, no there are just 4 x 4's under it.

Mr. Trombley asked Mr. Perkins if his fence lines up with the fair ground chain link fence and crosses the alley?

Mr. Perkins stated yes, no-one knew there was an alley there. He stated right next door there is a 30-foot pine tree right in the middle where they say there is an alley. Then the next house has a garage built right where you come off of Lima Street. He stated they want to try to get the alley vacated.

Mr. Trombley asked if there is a fence in the back-yard that also crosses the alley?

Mr. Perkins stated just the front fence.

Communications took place with Grant Russell, from the audience, that was inaudible.

Mr. Perkins stated if he has to put the shed back to the 10-foot setback, he will have no back-yard. He stated from the city street to his fence there is 16-feet. He stated when he took down the chain link fence, he had kids cutting through his back yard. He stated he does not want to be responsible for his dog biting someone, and he deserves his privacy.

Mr. Darrell Baird, 1017 E. Sandusky Street, Hancock County Fair Board, was sworn in. He stated they are not opposed to the fence or the shed lining up with their fence. He stated he did not know there was an alley there until tonight. He will take the alley way up with the board to see about the city vacating it.

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

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

Mr. Rooney stated that he does not think the fence causes any problem, if the alley gets vacated.

Mr. Trombley stated his only concern is if the alley does not get vacated, then you have a fence crossing a city right of way.

Additional communications took place with Grant Russell, from the audience, that was inaudible.

Mr. Rooney stated, per Grant Russell, the city will get the alley vacated.

Case Number: BZA-13-2023-63789 – Fence:

Mr. Rooney made a motion to grant the variance as requested.

Mr. Brecheisen seconded the motion.

Motion to grant the requested variance for the fence, 3-0.

Case Number: BZA-12-2023-63788 – Shed:

Mr. Rooney stated if needs to be moved out of the city right of way. He stated he has no problem with it sitting at the lot line because it's mostly a dead-end street, 48 weeks out of the year. He stated he doesn't think it's a big deal.

Mr. Trombley asked Mr. Adkins what the side yard setback is?

Mr. Adkins stated it is a side street yard in an R3 so it is 10-feet.

Mr. Trombley asked what a typical side yard setback would be?

Mr. Adkins stated it is 3-feet.

Conversation took place that was inaudible due to microphones cutting out.

Mr. Trombley stated Mr. Adkins suggested 5-foot setback.

Mr. Perkins stated that puts his door into the grass then.

Mr. Adkins asked how wide his shed is?

Mr. Perkins stated it is 12-feet.

Mr. Trombley asked if there is a smaller distance than 10 and more than 0 that would work for the applicant?

Mr. Rooney stated that part of the concrete drive is in the city right of way.

Additional conversation took place about the concrete and the shed location (inaudible).

Mr. Adkins stated the distance from the garage to the property line is 14.8-feet.

Additional conversation took place about the concrete and the shed location (inaudible).

Mr. Rooney stated it is 16-feet off of the road, so he doesn't see a problem with it.

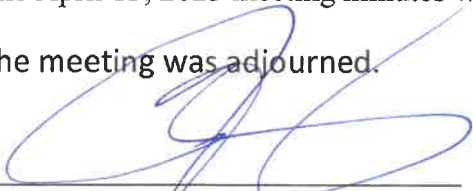
Mr. Trombley made a motion to approve the variance at a 1-foot setback.

Mr. Brecheisen seconded the motion.


Motion to approve the variance at a 1-foot setback, 3-0.

The April 13, 2023 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary