

# Board of Zoning Appeals

## July 13, 2023

**Members present:** Phil Rooney, Chairman; Blaine Wells; and Scott Brecheisen.

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-19-2023-64011**

**Address: 1200 1st Street**

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

Filed by Brittini Capozzi, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a proposed privacy fence at 1200 1st Street. The applicant has proposed to construct a 6-foot high vinyl fence which will be at 0-feet from the unimproved Williams Street right-of-way. This section requires a 30-foot setback from the right-of-way.

The owner has an unimproved, open Williams Street abutting their property. With the right-of-way still being classified as open, this property has two front yards. If the right-of-way was

The city will not oppose the decision the board makes.

Simone Habershaw, roommate of owner at 1200 1<sup>st</sup> Street, representing the owner, was sworn in. She stated if they had to build the fence per the ordinance, the fence would not be solid panels, and they are concerned their small dogs would slip through it. The housing development behind their house goes into that road area so it would not be possible to build a road through there.

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

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

Mr. Wells made a motion to approve the variance as requested pending the permit be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested pending the permit be obtained within 60 days, 3-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-20-2023-64026**

**Address: 1319 S. West Street**

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

Filed by Tamarack Construction LLC, regarding a variance from section 1122.07(A) of the City of Findlay Zoning Ordinance for proposed dwelling at 1319 S. West Street. The applicant is proposing to

construct a new dwelling with 1100-square feet of living area. This section requires the dwelling to have 1300-square feet of living area.

This property is situated inside an older neighborhood and multiple dwellings would not meet a 5-foot setback, due to additions and how the original building was constructed. The owner is proposing to construct an open framed carport, that will be attached to the dwelling. Had the owner construct a detached carport, the request would only be relief from a 3-foot setback.

The city will not oppose the decision the board makes.

Mr. Chad Oman, co-owner of Tamarack Construction, LLC, was sworn in. He stated they are looking to build a house that fits within that neighborhood.

Mr. Wells asked what the intent is, will it be a spec house or are they going to sell it?

Mr. Oman stated they are flexible.

Mr. Nick Soloman, 1317 S. West Street, was sworn in. He stated he lives next door to this property. He wants to know what the intent is, is it to rent it out? He stated when most people build, they know what they want to do with it.

Mr. Oman stated they were open.

Mr. Soloman asked why he wasn't sure what the intent is?

Mr. Oman stated it depends on the market, etc. He asked Mr. Soloman if he was opposed one way or another?

Mr. Soloman stated potentially yes. He stated there is a concern of what kind of people will be coming into the neighborhood.

Mr. Oman stated they would do a full back-ground check and rent to a professional, not a college student.

Mr. Rooney stated it is not within their privy to say what they do with the house.

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

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

Mr. Adkins stated he has never received any calls with complaints about any of these builder's properties.

Mr. Wells made a motion to approve the variance as requested pending the permit be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested pending the permit be obtained within 60 days, 3-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-21-2023-64042 & BZA-22-2023-64043**

**Address: 1800 Tiffin Avenue (Address TBD)**

**Zone: C-2 General Commercial**

Filed by Giant Eagle INC, regarding a variance from section 1161.11.4(A)(2) of the City of Findlay Zoning Ordinance for a new development at the southeast corner of 1800 Tiffin Avenue. The applicant is proposing to construct a new parking lot which is 7-feet from the right-of-way. This section requires the parking lot to be a minimum of 10-feet from the right-of-way.

The owner filed an additional request regarding a variance from section 1135.04(D) of the City of Findlay Zoning Ordinance for a new development at the southeast corner of 1800 Tiffin Avenue. The applicant is proposing to construct a new building that will be 20-feet from the rear property line. This section requires the building to be 30-feet from the rear property line.

This project already went through City Planning Commission in May, and received conditional approval based off the outcome of the variance request.

For the first request, currently the mall has a sea of pavement and any improvement to the front is good for the area. The owner originally proposed little to no green space in front, but has since been able to gain 7-feet of green area.

The city does not see an issue with this request due to the improvement to the impervious area that currently exist.

The city will not oppose the decision the board makes.

The second request goes hand and hand with the first request. In order to gain green area in the front, the building needed to be shifted back. The city does not have an issue with this request either.

The city is supportive of the request and will not oppose the decision the board makes.

Mr. Lee May, owner of Giant Eagle, 101 Kappa Dr., Pittsburg, PA 15238, was sworn in. He passed out presentation. Proposed 1.5-acre lot. Went back as far as the landlord could allow them to go because other tenants have leases. No residential parcels nearby. All are zoned C2. Giant Eagle has a lot more produce and fresh foods. Explained and discussed packet handed out. Height of building is about 17 ½-feet.

Mr. Wells asked for confirmation that it is fully conditionally approved by City Planning Commission?

Mr. Adkins stated, yes; and the owner of the property is fully supportive of this.

Ms. Robin Cichra, Key Bank, 1100 Main Street, Wakeman, Ohio, was sworn in. She stated she is the property manager for the Key Bank in Findlay. She stated that since they did not receive a site plan, they are concerned with the line of sight for customers, depending on which way they are coming from. She stated they are asking for a site plan for Corporate real estate team can review it to make sure it adheres to the conditions that Key Bank likes to have when they are leasing a property. (She was given a handout packet).

Mr. Rooney explained to Ms. Cichra that the variance they are requesting to push the building back farther will help them.

Mr. Larry Ball, 1921 Tiffin Avenue, was sworn in. He owns property caddy-corner from this site. He stated the goal for the mall was to get to the 10-foot setback, now they are pulling back on that. What does that mean 10 years from now? He is concerned about the setbacks and the long-term plan.

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

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

Mr. Wells stated the City Planning Commission took these concerns and plans for long term growth into consideration.

Mr. Adkins stated that CPC has looked at improvements, including adding shrubbery, etc.... They have made that decision.

Mr. May will walk through the plan with Ms. Cichra. He stated it is a drive out, not parking.

**Case #: BZA-21-2023-64042 (7' parking lot setback instead of required 10')**

Mr. Wells made a motion to approve the variance as requested pending the permit be obtained within 120 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested pending the permit be obtained within 120 days, 3-0.

**Case #: BZA-22-2023-64043 (19' rear setback instead of required 30')**

Mr. Wells made a motion to approve the variance as requested pending the permit be obtained within 120 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested pending the permit be obtained within 120 days, 3-0.

The June 08, 2023 meeting minutes were approved.

The meeting was adjourned.

  
Chairman

  
Secretary