

Board of Zoning Appeals

August 10, 2023

Members present: Phil Rooney, Chairman; Blaine Wells; 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-23-2023-64153
Address: 1800 Tiffin Avenue (Address TBD)
Zone: C-2 General Commercial

Filed by Rocky Three Investments LLC, 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. This project already went through City Planning Commission in May, and received conditional approval based off the outcome of the variance request.

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, which will include landscaping to beautify the area.

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

Mr. Jamie Wells, 1062 Ridge Street, Columbus, Ohio 43215, was sworn in. He stated do to the access drive with Get Go, which will be next to them, they cannot meet the 10 feet front setback requirement, so they are asking for a variance for 7 feet.

Mr. Trombley asked for Mr. Wells to further explain why the neighboring drive isle prevents them from meeting the 10 feet.

Mr. Wells stated they would have to re-do the entire site to get it to the 10 feet drive isle. They tried but it doesn't line up with Get Go and doesn't make it a clear access drive.

Mr. Rooney stated there is a limit on how far the sites can go back without infringing upon the parking of the existing structures.

Mr. Trombley asked what the landscaping plan looks like?

Mr. Wells stated he does not have the plans with him but they are usually very diverse with it.

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

Mr. Adkins stated there was one communication, from the neighboring mall owner about curb lines and they are going to reach out to Raising Cain's; but nothing for or against this case.

Mr. Wells made a motion to approve the requested variance of a 7 feet front setback for the parking lot instead of the required 10 feet setback with the stipulation that the required permits are obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance of a 7 feet front setback for the parking lot instead of the required 10 feet setback with the stipulation that the required permits are obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-24-2023-64158

Address: 508 Trenton Avenue

Zone: C-2 General Commercial

Filed by Findlay OH 508 W Trenton LLC, regarding a variance from section 1161.12.8(C)(1) of the City of Findlay Zoning Ordinance for monument sign at 508 W. Trenton Avenue. The applicant constructed a monument sign that is 9.2-feet from the front property line. This section requires the monument sign is 10-feet from the front property line.

Once the property was fully constructed, the owner had an Alta survey completed, at that point it was discovered that the sign was .4-feet and .8-feet from the property line. This is not a substantial request.

The city will not oppose the decision the board makes.

Mr. Landon Thomas, Insite Real Estate, Oakbrook, Illinois, was sworn in. He stated the sign was constructed in good faith.

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

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

Mr. Trombley made a motion to approve the requested variance on the condition that if the sign is ever modified or moved, it must be moved back to meet the required setback.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance on the condition that if the sign is ever modified or moved, it must be moved back to meet the required setback, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-25-2023-64159

Address: 2908 N. Main Street

Zone: R-2 Medium Lot Residential

Filed by Michael Patterson, regarding a variance from section 1163.12(A)(1) of the City of Findlay Zoning Ordinance for a new swimming pool at 2908 N. Main Street. The applicant is proposing to construct a new swimming pool which is 7-feet from the Waddle Street right-of-way. This section does not allow swimming pools to be located within the required front yard setback.

The owner is looking to replace the existing swimming pool with a slightly bigger swimming pool in the same location. Being that the swimming pool is going back into the same location in which a swimming pool already exist, this request is minimal.

The city will not oppose the decision the board makes.

Mr. Michael Patterson, 2908 N. Main Street, was sworn in.

Mr. Brecheisen asked Mr. Patterson what is directly behind the pool, toward the house, on the drawing?

Mr. Patterson stated it is a concrete basketball court.

Mr. Trombley asked if the new pool is bigger than the current one?

Mr. Patterson stated he removed the old pool because the legs were rotting and it was becoming unsafe. He stated it's a soft sided pool. The bottom ring is closer to 21 feet and the top ring is 20 feet. He stated it is the exact same size of the old pool.

Ms. Tinamarie Bloomfield, owner of 104 Waddle Street, was sworn in. She asked to see the photo of what Mr. Patterson is asking to do. She approached the Board Members and looked at the overhead view photo. (Discussion was not audible).

Ms. Bloomfield stated her concern is the variance, if allowed, is going to continue an unsafe condition that already exists. She stated back in 2020, a fence variance was granted and her tenant cannot even see when she is backing out. She is against the pool variance because it will continue to create a problem when backing out, just like the fence does. She asked what variance was given for the fence in 2020?

Mr. Rooney asked if the fence was built per the variance?

Mr. Adkins stated that Mr. Patterson can come up and speak on that.

Mr. Brecheisen asked if the variance on the fence will still be in place if the fence was replaced?

Mr. Adkins stated the variance would have to be re-applied for if the fence were removed.

Ms. Bloomfield stated that first it was the fence, now the pool – both make her tenant unable to see down the road and it makes it unsafe.

Ms. Bloomfield again approached the board to show them photos and the discussion was again inaudible.

Mr. Wells asked Ms. Bloomfield if she feels the obstruction is caused by the fence?

Addition discussion took place between Ms. Bloomfield and the Board Members.

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

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

Mr. Yingling asked Mr. Patterson if there were any alternatives for the pool to be moved in the back yard?

Mr. Patterson stated there are two big maple trees and at least one would have to be cut down if they had to relocate the pool. He stated that would be the only place in the back yard, besides the basketball court, that gets sun. He explained the variance that was granted for the fence in 2020.

Mr. Trombley stated it seems that the concern is the fence, not the pool.

Mr. Wells made a motion to approve the requested variance on the condition that the required permits be obtained within 60 days.

Mr. Trombley seconded the motion.

Motion to approve the requested variance on the condition that the required permits be obtained within 60 days, 5-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-26-2023-64162
Address: 904 S. Main Street
Zone: R-2 Medium Lot Residential

Filed by Patrick Calvelage, regarding a variance from section 1122.08(A) of the City of Findlay Zoning Ordinance for the construction of a historical turret on the existing dwelling at 904 S. Main Street. The applicant is proposing to reconstruct a historical turret that will be 62.8-feet from the grade. This section allows for a maximum height of a dwelling to be 40-feet from grade.

The historical turret existed until a fire happened at the property. At that time there was not a rebuild of the turret, leaving it as a flat platform. The current owner wants to complete the restoration of the turret at its original height. With the restoration returning the dwelling back to its original state, the request to substantially go over the allowed height for this district is substantial, but, it is returning the dwelling to its historical state.

The city will not oppose the decision the board makes.

Mr. Patrick Calvelage, 904 S. Main Street, was sworn in. He stated they want to rebuild it as it originally was constructed in the late 1800's. He stated that, from research, they believe that portion of the structure burnt sometime between 1905 – 1915. He stated the Historical Society has been very influential with the restoration of the house.

Mr. Wells asked if the house is on the Historical Registry? Is there any intention of doing that?

Mr. Calvelage stated it is not currently. Their intent is to get it on the registry, they just haven't got there yet.

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

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

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

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance to construct a historical turret that will be 62.8 feet high (instead of the maximum allowed height of 40 feet), contingent upon obtaining the required permits within 60 days, 4-0 (Mr. Rooney abstained from voting).

Mr. Rooney explained to the audience that the Board only has the authority to vote on the variances that were applied for, for the next case: 24 units instead of the maximum of 16 units and 41 parking spaces instead of the required 53 parking spaces. He instructed the audience to limit their comments to the number of units and the parking spaces.

Mr. Rooney stated that he will run the meeting because he always runs the meeting; however, he and Mr. Wells will abstain from voting because they have done work for Mr. Yates in the past. There will only be three (3) Board Members voting on this case.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-27-2023-64163
Address: 411 W. McPherson Avenue
Zone: M-2 Multi-Family, High Density

Filed by Cascade Heights LLC, regarding a variance from section 1126.05(A) and 1161.11.6 of the City of Findlay Zoning Ordinance for the construction of a new apartment building at 411 W. McPherson Avenue. The applicant is proposing to construct a 24 unit building which will have 41 parking spaces. Section 1126.05(A) allows for a maximum of 16 units, and section 1161.11.6 requires a total 53 parking spaces.

If the proposed site was constructed as a 16-unit property, the parking requirement would be 32 parking spaces. With this request, the owner is proposing an average of 1.7 parking spaces per unit, to service 24-units.

This property has sat vacant for many years, and just recently received an M-2, Multi-Family, High Density zoning classification from O-1, Office/Institution. Under the old classification, a 4-story office building could have been constructed as a permitted structure with no conditions, pending the use. The proposal of 24-units makes it a 3-story structure, which is less intrusive than what a 4-story structure would have been.

This property has been through City Planning Commission, Planning and Zoning Committee, and City Council, all of which have given their approval to move forward with the project. The approval from City Planning Commission was given with conditions that the two variances were needed for site plan approval.

The integrity of the zoning should be upheld, however, if the board votes to approve the request, the city will respect that decision.

Mr. Trombley asked if the variances are together?

Mr. Adkins stated, Yes, the variances are being done together as one (1) case.

Mr. Andrew Yates, applicant for 411 W. McPherson Avenue, was sworn in. He handed out a presentation to the Board Members. (Zoning did not receive the handout). He stated he acquired an apartment building from the YMCA that they were going to demolish. He stated there is a high demand for one (1) bedroom apartments in Findlay. The variance request is for both density and parking.

Mr. Yates feels the code is inconsistent between different bedroom units. He stated the code is contradictory and negatively affects development in regards to parking for one (1) bedroom apartments. The code is based on lot size of 3500 square feet. The code calls for 2 parking spaces per unit and does not differentiate between 1 and 3-bedroom apartments. He discussed a chart he had done for different years and different apartment units of information he pulled from the Hancock County website.

Mr. Yates stated, the variances he is requesting will have the maximum population density at half of what the current code would permit. He will also provide 8 more parking spaces than would be required at half that same population density.

Mr. Yates discussed a chart he created of different cities density codes and different cities parking requirements.

Mr. Yates is proposing 24 one- bedroom units. Each bedroom, per fair housing, has to allow 2 people per unit. $24 \text{ units} \times 2 \text{ people per room}$ with a maximum population density on site of 48 people. The current zoning would allow him to built $16 \text{ three-bedroom units} \times 3 = 48 \text{ rooms} \times 2 \text{ people per room} = 96 \text{ people}$. He stated he could have double the population than he is proposing.

Mr. Yates is proposing 41 parking spaces with 24 one-bedroom apartments. The current Zoning code would be $16 \text{ 3- bedrooms} \times 2 \text{ parking spots} = 32 \text{ spaces}$. He stated he could have double the amount of people living on site and nearly half the parking. He stated this is an example of how the Zoning code is contradictory.

Mr. Yates discussed a variance that was approved December 2015, at Senior Homes of Findlay. They requested 96 parking spaces because the code required him to have 186. The board suggested banking the parking.

Mr. Yates is proposing to have bank parking with an easement that is recorded that nothing can go on it so at any point in the future the city can require him to add more parking if there are complaints, etc.... He stated the reason he does not want to do it now is because he would have to cut down all of the trees.

Mr. Yates stated that this would be in harmony with the neighborhood. It has substation, radio tower, church, school, commercial building, senior living (to the south), in a predominantly, but not all residential area.

Mr. Trombley asked what options Mr. Yates looked at to meet the code? He asked about adding a third story, with 8 units on each story?

Mr. Yates stated that is correct. They are moving the building and they are 1-bedroom apartments. It is 2-story and they will be adding a third story. They will be making it nice for the tenants and for area with vaulted ceiling, washer and dryer, bike paths, balconies, dog park, garden, and higher finishes.

Mr. Trombley asked if there will be 8 units on each floor?

Mr. Yates stated that is correct.

Mr. Trombley asked what Mr. Yates plan is if he can't move the building? (Further comments/questions inaudible).

Mr. Yates stated he does not anticipate that happening.

Mr. Adkins received several communications on this case. The following is who the emails are from and whether they are for or against the requested variances:

- 1.) John Van Der Molen, (letter read into record) 311 Stadium Drive – Against the variance request;
- 2.) Jackson Betscher, (letter summarized and reviewed) 1120 Hurd Avenue – Against the variance request;
- 3.) Debra Kennedy, (letter summarized and reviewed) Glendale Avenue – Against the variance request;
- 4.) Don Emmert, (letter read into record) 1322 Hurd Avenue – Against the variance request;
- 5.) Pat Smith, (letter summarized and reviewed) 1530 S. Main Street – Against the variance request;
- 6.) Dan Sheaffer, (letter read into record) unknown address – In Favor of the variance request;
- 7.) Dana Emmert, (letter read, summarized and reviewed) 1322 Hurd Avenue – Against the variance request; and
- 8.) Laura Betscher, 1120 Hurd Avenue – Against the variance request.

Audience attendees that spoke and whether they are for or against the requested variance:

- 1.) Loveda Watts, 1024 Breezewood Court – Against the variance request;
- 2.) Tom Bowman, 330 W. McPherson Avenue – Against the variance request;
- 3.) Debra Pregibon, 1124 Hurd Avenue – Against the variance request;
- 4.) Brooks Bosse, 210 E. McPherson Avenue – Against the variance request;
- 5.) Tom Romick, 320 W. McPherson Avenue – Against the variance request;
- 6.) Jack Raymond, 1330 S. Main Street – Against the variance request;
- 7.) Dana Emmert, 1322 Hurd Avenue (also sent email) - Against the variance request; and
- 8.) Ruth Allen, 319 W. Yates Avenue – Against the variance request.

Mr. Yates reiterated his points about population density and the parking bank for the future. He stated the city should look at the number of bedrooms vs. the number of units.

Mr. Trombley stated he is failing to see a hardship for higher density than the code allows on this lot. He is struggling to see the hardship that should allow this variance for the density.

Mr. Brecheisen (inaudible).

Mr. Trombley stated this site will be developed. He does not think the parking is a significant issue... (inaudible).

Mr. Yingling asked Mr. Yates what was his initial original intent for the lot?

Mr. Yates stated in working with the YMCA to move the building on this lot with the density. He feels this was a reasonable request specifically with the population density verses the number of units. He feels the code needs amended.

Mr. Trombley stated their job is to apply the code as it is written. He feels they should keep the density as is allowed by code. (Inaudible)...

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

Mr. Yingling seconded the motion.

Motion to deny the requested variance, 2-1. (Mr. Brecheisen nay; Mr. Rooney and Mr. Wells abstained from voting).

The July 13, 2023 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary