

Board of Zoning Appeals

September 12, 2024

Members present: Phil Rooney, Chairman; Scott Brecheisen; Brody Yingling; and Alex Treece.

Mr. Rooney called the meeting to order at 6:00 p.m. and the general rules were reviewed. Both cases will be heard together but voted on separately.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-17-2024-65182

Address: 2201 Chestnut Lane

Zone: Large Lot Residential, R-1

Filed by Jeffrey Sexton, regarding a variance from section 1161.01.1(C)(2) of the City of Findlay Zoning Ordinance for a new accessory structure at 2201 Chestnut Lane. The applicant is proposing to build a new 20 X 40 accessory structure with a 16 X 16 roofed porch area, which exceeds the allowable floor area by 156 square feet. This section allows for a maximum of 900 square feet of floor area.

The owners' request for a 156-square-foot extension is minor. If there were no existing outdoor covered area, a variance would not be necessary. The city does not oppose the request.

Mr. Jeffrey Sexton, 2201 Chestnut Lane, was sworn in. He stated that since the request for the variance, he has since worked with the builder to move the garage to be an attached structure. By doing so, the only request would be for a 16-foot setback from the rear property line. When it is attached, it is supposed to be 30-feet from the rear property line. He passed out an updated plan. The new plan of the attached garage will be approximately the same distance from the property line as the detached garage was going to be.

Mr. Rooney stated that they will have to amend the original variance request.

Mr. Rooney asked if the back part would be the covered patio area?

Mr. Sexton stated it is a solid building that would have a door at the side, opening up to the pool.

Mr. Rooney stated that on the original request, it was a 20 x 40 building with a 16 x 16 roofed porch, now it is a complete solid building.

Mr. Adkins stated it is a 30-foot rear setback for an attached garage and 5-feet for a detached garage.

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

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

Mr. Yingling asked if he spoke with the neighbors about this; and if there were any concerns?

Mr. Sexton stated, yes, he did speak with them and there were no concerns.

Mr. Rooney stated that the lot behind this property is really big and the garage would not be close to any neighbor's house.

Mr. Rooney made a motion to amend the variance request to a variance request for a rear yard setback.

Mr. Yingling seconded the motion.

Motion to approve the amendment to the variance request to a variance request for a rear yard setback, 4-0.

Mr. Brecheisen made a motion to approve the requested variance request, as amended, with the condition that the required permits be obtained within 60 days.

Mr. Treece seconded the motion.

Motion to approve the requested variance request, as amended, with the condition that the required permits be obtained within 60 days, 4-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-18-2024-65183

Address: 200 Baldwin Avenue

Zone: Medium Lot Residential, R-2

Filed by David Gonzalez, regarding a variance from section 1122.04(B) of the City of Findlay Zoning Ordinance for a new addition to the dwelling at 200 Baldwin Avenue. The applicant is proposing to build a new 12 X 13 addition to the dwelling that will be .6 feet from the side property line, which is in line with the existing building line. This section requires a 5-foot setback from the side property line.

The property owner requests an extension of the existing non-conforming building setback for a new 12x13 addition. Given the dwelling's current 0.6-foot setback, the city does not object to maintaining this non-conforming setback for an additional 12 feet, as it preserves the established setback. The city will defer to the board's decision on this matter.

Mr. Rooney asked if this is just a roof over an existing deck?

Mr. David Gonzalez, 200 Baldwin Avenue, was sworn in. He stated he wishes to put up a 12-foot by 13-foot covered pergola over they existing deck. The variance would be for a half of foot setback to the West. He wants to go flush with the existing house. He spoke with the neighbors to the West and they have no problem with it.

Mr. Rooney confirmed, no walls, just roof?

Mr. Gonzalez replied, that is correct, no walls.

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

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

Mr. Rooney made a motion to approve the variance request, with the condition that the required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance request, with the condition that the required permits be obtained within 60 days, 4-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-19-2024-65207

Address: 516 W. Melrose Avenue

Zone: Small Lot Residential, R-3

Filed by Reid Wieggers, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a new privacy fence at 516 W. Melrose Avenue. The applicant is proposing to build a new 6-foot high privacy fence at the Greenacre Drive right-of-way. This section requires a 4-foot high fence that is 50-percent open for the first 17.5 feet from the Greenacre Drive right-of-way.

The parcel is located at the intersection of W. Melrose Avenue and Greenacre Drive. The proposed fence encroaches on the required front yard setback to the north and could obstruct vision when backing out of the neighbor's driveway.

The city recommends that the applicant begin the fence at the building line and maintain a 25-foot vision clearance in the northwest corner of their rear yard. Consequently, the city is opposing the requested variance but would be in approval with a modification that includes a 25-foot clearance in the northwest corner and starts at the building line, rather than a zero setback.

Mr. Reid Wieggers, 516 W. Melrose Avenue, was sworn in. He stated he wants to put up a 6-foot high privacy fence along his yard on Greenacre side. He has two (2) dogs and wants to start a family. On the other side of Greenacre is a sub-station, which is an eye sore to the neighborhood. He stated he has signed letters from the neighbors saying it is okay with them if he does this. It will be about a foot and a half off the property line for the neighbors behind him.

Mr. Rooney asked him if he wanted to go right up to the sidewalk on the side of Greenacre?

Mr. Wieggers stated, no. It will be flush with the home. There will be about a six and a half feet gap between the sidewalk and the fence on that side. The back will be a foot and a half off the property line, and up to the property line on the other side.

Mr. Adkins stated he is not concerned with it being along the building line; however, his concern is with the northwest corner. If approved, he can work with Mr. Wieggers to allow for the visual clearance for the neighbors.

Mr. Rooney stated the North side neighbor's drive is close to Mr. Wieggers property and if he has a fence there, and the neighbors are coming out of drive, it may visually impair their sight. What the city wants him to do is to cut off the corner. He asked Mr. Wieggers if he was good with that?

Mr. Wieggers stated, yes.

Mr. Adkins showed Mr. Wieggers on the plan.

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

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

Mr. Brecheisen made a motion to approve the variance request, pending he abide by the corner clearance on the Northwest corner set by the Zoning Administrator, and with the condition that the required permits be obtained within 60 days.

Mr. Yingling seconded the motion.

Motion to approve the variance request, pending he abide by the corner clearance on the Northwest corner set by the Zoning Administrator, and with the condition that the required permits be obtained within 60 days, 4-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-20-2024-65208
Address: 2801 Northgate Boulevard
Zone: Large Lot Residential, R-1

Filed by Nancy Frederick, regarding a variance from section 1121.04(A) of the City of Findlay Zoning Ordinance for a new addition to the dwelling at 2801 Northgate Boulevard. The applicant is proposing to build a new 39 X 18 addition to the dwelling that will be 26-feet from the W. Bigelow Avenue right-of-way. This section requires a 30-foot setback from the W. Bigelow Avenue right-of-way.

Since the requested modification is not at the existing building line and is located towards the center of the dwelling, the city does not oppose the request.

Ms. Kim Geckle, 3823 Bearcat Way, was sworn in. She stated she will be adding the addition to her mother's house so she can age in place, at home, to make it more adaptable for her with a wheel chair, etc. The house was built back when they made the hallways small and the bathrooms were not built to accommodate people to age. It will look better and is a very simple structure.

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

Mr. Adkins stated there was a phone call on this case. Once he explained what they were doing, the caller was fine with it.

Mr. Rooney made a motion to approve the variance request, with the condition that the required permits be obtained within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the variance request, with the condition that the required permits be obtained within 60 days, 4-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-21-2024-65215
Address: 411 W. McPherson Avenue
Zone: Multi-family, Low Density M-2

Filed by Cascade Heights of Findlay, LLC, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance for a new fence at 411 W. McPherson Avenue. The applicant has constructed a 4-foot high fence in the required front yard that is solid for the first 40-feet from the W. McPherson Avenue right-of-way. This section requires a 4-foot high fence that is 50-percent open for the first 40 feet from the W. McPherson Avenue right-of-way.

The original City Planning Commission approval designated a 40-foot landscape buffer, to be jointly designed with the neighbor. A follow-up inspection revealed an unpermitted fence. If a permit had been issued, the city would have specified that only a 4-foot-high fence with at least 50% openness was permissible in the required 40-foot front yard area.

While the city prefers a picket fence with the approved landscaping, it will respect the board's decision.

Mr. Andrew Yates, 9820 Glenmar Parkway, was sworn in. He stated the reason he did the fence was because it was requested and there was concern with trash blowing into the neighbor's yards. He was unaware that it had to be 50% open. He was just trying to screen it off the best he could. He stated he spoke with the neighbor to the East and there were no problems. He stated he has not heard of any complaints. He stated you can see over it from a car on the road and even from the sidewalk, so from a safety stand point, that's not an issue.

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

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

Mr. Adkins stated he just wanted to say, on record, that it does look really nice, nicer than people thought it would look.

Mr. Rooney stated he has to abstain from this case.

Mr. Brecheisen made a motion to approve the variance request, with the condition that the required permit be obtained, at a triple fee, within 60 days.

Mr. Yingling seconded the motion.

Motion to approve the variance request, with the condition that the required permit be obtained, at a triple fee, within 60 days, 3-0 (Mr. Rooney abstained).

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-22-2024-65223
Address: 1624 Grant Boulevard
Zone: Medium Lot Residential, R-2

Filed by Susan Ferrell, regarding a variance from section 1161.01(D)(2) of the City of Findlay Zoning Ordinance for a new accessory structure at 1624 Grant Boulevard. The applicant has constructed a new shed in the rear yard that is 3 feet from the rear property line. This section requires a 5-foot setback from the rear property line.

The property owner mistakenly believed the neighbor's fence indicated the property line. A final inspection revealed the shed encroaches in to the setback by 2 feet. This minor encroachment aligns with the neighborhood's overall aesthetic, as most backyards are smaller than standard R-2 lots. The city will not object to this request.

Ms. Susan Farrell, 1624 Grant Blvd., was sworn in. She stated she had the measurements wrong because she went off of the fence line. She would like to keep the fence where it is instead of having to move it.

Mr. Treece asked how it was discovered?

Ms. Farrell stated it was during the final inspection.

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

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

Ms. Farrell stated she checked with the neighbors and there are no complaints.

Mr. Adkins stated this neighborhood is unique.

Mr. Yingling made a motion to approve the variance request, with the condition that the permit be amended.

Mr. Brecheisen seconded the motion.

Motion to approve the variance request, with the condition that the permit be amended, 4-0.

The following was introduced by Mr. Erik Adkins:

Case Number: BZA-23-2024-65233
Address: 1800 Tiffin Avenue
Zone: General Commercial, C-2

Filed by Rocky Five Investments, LLC, regarding a variance from section 1161.12.8(C)(1) of the City of Findlay Zoning Ordinance for a new sign at 1800 Tiffin Avenue. The applicant is proposing to remove the existing tenant sign and construct a new sign that will be 7 feet from the Tiffin Avenue right-of-way. This section requires a 10-foot setback from the Tiffin Avenue right-of-way.

Given the upcoming development, the existing sign must be relocated within the property. The sign's new position will align with the 7-foot variance granted for the neighboring property's pavement edge and 7-foot setback variance. The city is in favor of approving the requested variance.

AND

Case Number: BZA-24-2024-65234

Address: 1800 Tiffin Avenue

Zone: General Commercial, C-2

Filed by Rocky Five Investments, LLC, regarding a variance from section 1161.12.8(B)(1) of the City of Findlay Zoning Ordinance for a new sign at 1800 Tiffin Avenue. The applicant is proposing to remove the existing tenant sign, which is 29 feet in height, and construct a new sign that will be 30 feet in height for the new development. This section allows for a maximum sign height of 8 feet.

The existing 29-foot-tall sign will be relocated to accommodate the new development. This relocation will improve traffic flow throughout the property. The proposed sign will maintain the same dimensions but feature a more aesthetically pleasing design. The city is favor of approving this request.

Mr. Eric Trout of Peterman & Associates, agent for Rocky Five Investments, was sworn in. He stated the drawing shows a 4-foot setback not a 7-foot setback. Mr. Trout said it is because of the size of the sign and the island it is in.

Mr. Adkins stated if they grant the 4-feet, they can always move it back to 5-feet if the sign shrinks. 4-feet would be at the edge of the sidewalk. The property line is actually on the outside of the sidewalk.

Mr. Trout stated they could increase the island a foot or two to get it further from the right of way line.

Mr. Rooney asked if we are concerned that it is to close?

Mr. Adkins stated there is enough boulevard there that it shouldn't be an issue. He stated they are adding a 3-foot buffer to match Cain's, so there will be some depth there.

Mr. Trout stated this is also a new entrance being relocated so it can be adjusted a little bit.

Conversation took place between the Board Members, Mr. Trout and Mr. Adkins regarding the sign setback and the location of the entrance, which will be more West than where it currently is.

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

Mr. Adkins stated there was one communication on this case and it was from the Mayor. She wants it on record that she is in favor of this request. (Mr. Adkins read a letter from the Mayor).

Mr. Trout stated that the cost of the sign is unknown, so it may get a little smaller.

Case Number: BZA-23-2024-65233 – Sign at 4' setback instead of required 10' setback:

Mr. Brecheisen made a motion to approve the variance request, as amended to a 4-foot setback, with the condition that the required permits be obtained within 120 days.

Mr. Yingling seconded the motion.

Motion to approve the variance request, as amended to a 4-foot setback, with the condition that the required permits be obtained within 120 days, 4-0.

Case Number: BZA-24-2024-65234 – Sign at 30’ in height instead of the required max. of 8’ in height:

Mr. Brecheisen made a motion to approve the variance request, with the condition that the required permits be obtained within 120 days, 4-0.

Mr. Yingling seconded the motion.

Motion to approve the variance request, with the condition that the required permits be obtained within 120 days, 4-0.

The August 15, 2024 meeting minutes were approved.

The meeting was adjourned.



Chairman



Secretary