

# Board of Zoning Appeals

## January 11, 2018

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

The meeting was called to order at 6:00 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed. Mrs. Rooney made a motion to remove the tabled hearing. Mr. Trombley seconded the motion. The motion to open was approved 4-0

**Rehearing Case # 56635-BA-17 (172 Carlee Lane)** was introduced. Mr. Adkins read his comments as follows:

Filed by Leslie Neal, regarding a variance from section 1161.01.1(D)(2) of the City of Findlay Zoning Ordinance. The applicant has constructed an accessory structure at 172 Carlee Lane that is 3.2 feet from the rear property line. The required setback is 5 feet.

This case was previously heard on December 14, 2017, and was considered no action when the board could not reach an agreement on whether to deny or grant the variance.

The applicant has constructed an 8 X 13 shed in the rear yard that was approved per permit number 56004, which stated that the shed had to meet a minimum setback of 5 feet from the rear property line. Upon the final inspection on July 25<sup>th</sup>, it was discovered that the shed, and its footer, was encroaching into the rear yard setback by 1.5 feet. Mrs. Neal was made aware of the encroachment at the time and stated that they were under the assumption that the permitted fence was 2 feet off the property line, which was not the case, when in reality, their fence is on the property line. We recommend that the shed is moved back to the required setback of 5 feet.

Dustin Neal, 172 Carlee Lane, was sworn in. Mr. Neal explained how they used the fence as a measurement, which when installed, the contractor was asked to leave 24 inches beyond to the property line. With that being said, they thought that the fence was 2 feet from the property line whenever they put up the shed. He continued to explain that they had good intentions in leaving enough space between the neighbor's property. With that in mind, they assumed that the edge of the shed was at least 5 feet from the property line. He explained how after the last meeting in December that he did research that showed that if the screws would come out of the shed to move it, that they would not fit correctly the next time.

Mrs. Rooney asked if at the time of pouring the footers, were they notified that the footer was not five feet from the property line. Mr. Neal answered, "no."

Mr. Wells asked what screening there was between the neighbor's property and theirs. Mr. Neal said that there is a six-foot fence and that the shed is eight feet in height.

There was further discussion about the location of the pin, whether there was an easement in the rear of the property, and other questions about the location of the shed.

There were no communications.

The board discussed the previous decision and what brought the board to a no-action last month.

Mr. Trombley made a motion to approve the variance. The motion was seconded by Mr. Wells.

The motion to approve the variance passed 3-1.

**Case # 56693-BA-17 (207 Glendale Avenue)** was introduced. Mr. Adkins read his comments as follows:

Filed by Thomas Metz, is seeking a variance from section 1122.06(C)(1) of the City of Findlay Zoning Ordinance. The applicant's construction of an accessory building has caused the lot to be covered by 35.8% of roofed area. The maximum lot coverage cannot exceed 33%.

During the re-inspection of a neighboring property in the fall, it was discovered that Mr. Metz roofed his existing pergola. We do not regulate pergolas in the city, however, once it is roofed it becomes an accessory structure. Once Mr. Metz came into get the appropriate permit, it was discovered that he the roofed area exceeded allowable percentage of 33-percent. We recommend that the roofed surface be removed.

Thomas Metz, 207 Glendale Avenue, was sworn in. He talked about building the pergola two years ago and did research and saw the code did not issue permits for non-roofed surface. He then mentioned that he and his family decided to roof the structure this year and did not know that he needed to get a permit to put the roof on the pergola.

Mr. Trombley recused himself due to conflict.

There was discussion about the amount of percentage the roofed surface causes and none of the neighbors opposed. Further discussion about the difficulty of removal of the structure.

Mr. Wells asked if it was a solid structure, and Mr. Metz state, "yes."

Mr. Metz talked about how none of the neighbors had issues with it and feel like they approve because it adds value to the neighborhood.

Mr. Rooney asked about removable roof such as canvas, and Mr. Richard explained the temporary seasonal are not treated the same because they are not permanent.

There were no communications.

Mrs. Rooney made a motion to approve the variance. Mr. Wells seconded the motion.

The motion to approve the variance passed 3-0.

**Case # 56645-BA-17 (151 Stanford Parkway)** was introduced. Mr. Adkins read his comments as follows:

Filed by Alynn LLC, regarding a variance from section 1122.05(C) of the City of Findlay Zoning Ordinance. The applicant has proposed to construct a new dwelling at 2602 N. Main Street, that will be 15.3 feet

from the rear lot line. The minimum setback requirement is 30 feet.

In 1954, this site was developed as a mixed use property that included a grocery store and single family dwelling. A variance was granted in 1965 to establish a barber shop that is still in use and include a single family dwelling.

The applicant is looking to demolish the existing dwelling and build a single family home that will still continue to be attached to the existing barber shop. The barber shop is allowed to remain do to the variance it received in 1965. The proposal will have little impact on the neighboring property towards the west since the applicant's rear yard is abutting the side yard, which only has a detached garage on the property.

Sarah Yonker, 1918 Wyoming Trail, explained that she purchased the property to be able to have her barber shop next to where she lives. She explained that it would be able to fit the dwelling she wants and would be tough to do with current codes in place for her zone.

Mr. Trombley brought up discussion about the size of garage and whether there will be any screening in place to screen from neighbor. Mrs. Yonker stated, "no", but she may be the one that needs screening from the Morton building on the neighboring property to the rear.

There was further discussion about the abutting lands and how the garage in the rear would affect the surrounding properties.

There were no communications.

Mr. Wells made a motion to approve. Mrs. Rooney seconded the motion.

The motion to approve the variance passed 4-0.

Minutes for December 14<sup>th</sup>, 2017, were tabled.

**Officers for 2018-2019 were voted on.**


Chairman – Phil Rooney was nominated by Mrs. Rooney and second by Mr. Trombley.

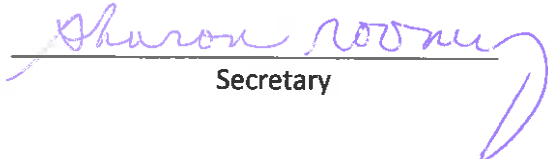
Vice Chairman – Doug Warren was nominated by Mr. Rooney and second by Mr. Wells.

Secretary – Sharon Rooney was nominated by Mr. Rooney and second by Mr. Trombley.

Nominees all passed with a 4-0 vote.

The meeting was adjourned.

  
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Chairman

  
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Secretary