

# Board of Zoning Appeals

## February 8, 2018

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

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.

**Case # 56731-BA-18 (151 Stanford Parkway)** was introduced. Mr. Erik Adkins read his comments as follows:

Filed by Flag City Truck & Equipment, regarding a variance from section 1161.12.11 of the City of Findlay Zoning Ordinance. The applicant is proposing to add an extra 100 square foot panel to the newly permitted interstate high-rise sign at 151 Stanford Parkway. This section limits the panel to not exceed 75 square feet.

The applicant was denied a request for a variance at the December 14, 2017 meeting and decided to waive the right to appeal the decision to the Court of Common Pleas. Instead, the applicant has decided to reapply and be heard regarding the variance request. The applicant is seeking to add an extra panel exceeding the allowed square foot area of 75 feet to the recently permitted interstate high-rise sign, which took the place of an existing pylon sign. An interstate high-rise sign shall not exceed 300 square feet and may have up to four panels of 75 square feet each. We recommend that the proposed sign not exceed 75 square feet in area due to the lack of hardship.

Ron Harvey, Flag City Truck and Equipment, was sworn in. He thanked the board for letting them state their case to allow for a variance. He explained that they do not want to have a different size sign for the Hino sign because they want to show that the Hino brand is just as important as Mack Truck is. He continued to explain, if the sign is bigger, it will look much more professional, be visually pleasing and readable, and be more balanced.

Mr. Trombley asked what the total amount of signage with the three signs is. Mr. Harvey responded that the Fuso sign is just under 75 square feet, the Hino sign is 75 square feet, and the Mack sign is under 300 feet. He explained that currently, they do not have the Fuso sign, but may have it in the future.

Mr. Trombley asked what the real hardship is that makes this property unique, verses someone else down Interstate 75? Mr. Harvey explained they have the option of doing a second pylon sign of 200 square feet, which would require it to be 250 feet away from the current sign; however, this would create confusion having the Hino sign in a separate location than the Mack and Fuso signs. To re-excavate, pour concrete, and put up another pylon sign would be extremely expensive; and it would eliminate the ability to put a Mack Sign and the brand signs at the front entrance of the business at 151 Stanford Parkway to mark their entrance location to the business.

Erik Adkins stated there were no communications.

Mr. Trombley made a motion to deny the variance due to having many options available in the Findlay Zoning Code for signage without necessitating a variance. Mrs. Rooney seconded the motion. No further discussion on the matter.

The motion to deny the variance passed 4-1.

**Case # 56727-BA-18 (650 Weatherby Court); 56728-BA-18 (640 Weatherby Court); 56729-BA-18 (630 Weatherby Court); 56730-BA-18 (620 Weatherby Court)** was introduced. Mr. Adkins read his comments as follows:

Filed by Van Horn, Hoover and Associates, on behalf of Best Construction, regarding 620-650 Weatherby Court, lot number 28-31. The applicant is seeking a variance from section 1121.05(A) of the City of Findlay Zoning Ordinance. The applicant is proposing the construction of a six-foot high fence, which will be ten (10) feet from the Williams Street right-of-way. Lot 28 is a triple frontage lot, and lots 29-31 are through lots, a thirty-foot setback from the Williams Street right-of-way is required.

The applicant is proposing to construct a six-foot high wooden fence, ten feet from the rear property line, of the future development on Weatherby Court. Typically, the owner would be able to go up to the rear property line with a maximum height of eight feet. In the case of lot 28, it is defined as a triple frontage lot according to our code book, and lots 29-31 are defined as through lots, meaning that a fence may not exceed four feet in height and must be at least fifty percent open in the required rear and front yards. The parcel is abutting an I-1, Light Industrial zone to the west and would benefit from the screening to block the view of a scrapyards located on Williams Street.

Dan Stone, Van Horn, Hoover and Associates, was sworn in. He explained how Roger Best has taken undeveloped lots and turned them into desirable living developments. He mentioned that Mr. Best has been successful at redeveloping the subdivision and granting a variance for the privacy fence would shield the less than desirable properties located on Williams Street and would help in selling these lots.

Communications from the audience:

Charles Williams, 804 Fishlock Avenue, stated his concerns of the requested location of the fence would cause visibility issues and be dangerous for children that may be running out from along the side of the fence into the road. Mr. Williams stated that by putting a fence ten feet from the property line would also affect parking for his business and for the neighbor's visitors. He stated that he would obtain a lawyer to handle the matter if the variance were granted.

Mr. Rooney explained that City of Findlay Zoning Ordinance requires a 25-foot corner clearance.

Discussion by the board took place in regards to the size of the right-of-way and to the property line. During the discussion, Mr. Williams voiced a hypothetical situation of a child being hit by a car while running from the granary to the west. Mr. Williams adamantly stated that placing a fence in that area is wrong and if needed, he will obtain a lawyer.

Sue Williams, 804 Fishlock Avenue, stated safety for the children in the neighborhood is her concern. She stated that while looking at the aerial view from the county's website, she feels that the setback of 10 feet is not right and should be fifteen or twenty feet instead. She stated another concern is that she and the neighbor will lose parking spots if the variance is given.

Marilyn Young, 606 Williams Street, questioned how close the fence would be to the asphalt. She explained how it is rough for trucks to pass one another and they drive onto her and the neighbor's properties because the street is so narrow. She feels that ten feet will be too close and the granting of the variance is not a wise decision.

Mr. Williams voiced his frustration of the request for a variance for the location of the fence.

Erik Adkins stated there were no other communications.

Brett Giese questioned Dan Stone, based on the aerial, if he was correct in his understanding that the roadway was not in the center of the right of way. Mr. Rooney stated that was correct and it is a 30 feet right of way.

Mr. Williams stated that when Ekrich was in the neighborhood and they could not put their trucks inside, they parked them in the parking lot and plugged them in. The employees had no place to park their vehicles, so he allowed them to park on his property. He stated that if the city wants businesses to come to town and prosper, then do not take parking away from his business, or from the business that comes in where Ekrich was.

Marilyn Young asked Mr. Rooney if she could appeal if she does not like the decision. Mr. Rooney stated anyone has that right; he then explained the appeals process.

Mr. Todd Richard explained that the placement of the fence is not going to take anyone's parking away. He continued to explain the area between the property stake and the fence is still private property and if someone is parking in this area, they are probably trespassing.

Further discussion arose about where the private property and right-of-way meet.

Mrs. Rooney stated that she thinks it would be a hardship for Mr. Best without having the fencing because two of the properties are not pretty to look at; and are zoned light industrial.

Mr. Trombley stated he would agree and if he were building a house there, he would want some kind of screening from the light industrial.

Mrs. Rooney stated that it would hurt the property value by not putting the fence up.

Case # 56727-BA-18:

Mr. Trombley made a motion to approve the variance. Mr. Giese seconded the motion. The motion to approve the variance for case # 56727-BA-18 passed 3-0.

Case # 56728-BA-18:

Mr. Giese made a motion to approve the variance. Mr. Trombley seconded the motion. The motion to approve the variance for case # 56728-BA-18 passed 3-0.

Case # 56729-BA-18:

Mr. Trombley made a motion to approve the variance. Mrs. Rooney seconded the motion. The motion to approve the variance for case # 56729-BA-18 passed 3-0.

Case # 56730-BA-18:

Mrs. Rooney made a motion to approve the variance. Mr. Giese seconded the motion. The motion to approve the variance for case # 56730-BA-18 passed 3-0.

All four variances were amended to require the permit be obtained at the time of construction.

Minutes for January 11, 2018, were approved.

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

The meeting was adjourned.

  
Chairman

  
Secretary