

Board of Zoning Appeals

June 13, 2013

Members present: Phil Rooney, Chairman; Doug Warren, Vice-Chairman; David Russell, Secretary; Sharon Rooney, George McAfee.

The meeting was called to order at 6:02 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and explained the order of the proceedings and the general rules.

Case # 50363-BA-13 was reviewed by Todd Richard, Zoning/Floodplain Administrator:

Filed by Arthur and Kathy Yoder, for the property at 220 Tioga Avenue and parcel number 610000337560. The applicants are seeking a variance from sections 1161.01.1C2 and 1161.01.1F of the City of Findlay Zoning Ordinance. The applicants have proposed to build a 52' x 72' (3,744 square feet) accessory building on the vacant parcel that abuts 220 Tioga Avenue. The maximum area permitted for this type of building is 800 square feet. Additionally, the maximum permitted height is 18 feet and the proposed building will have a height of 26'3".

Although the proposed building is being placed on a vacant parcel that is about 4 acres in area, the proposed location is near other dwellings. The building is rather large and the request seems arbitrary. A hardship seems to be overridden by a desire to have a building this size.

On the other hand, the request is a bit unique because of the location and size of the lot. Over the years, many interested buyers have discovered the limitations of developing this parcel and one could argue that a dwelling this size (or bigger) could be placed on this lot. The only other use of this property would be for a multi-family development that would involve a zone change and utility installation. Additionally, the property abuts the railroad track.

It would not be wrong to deny the request. If it is granted, however, the justification for the variance must be clearly stated or other requests will be made and this property could be used as an example (precedent) to allow others in the future. The driveway must be paved.

Mr. Arthur Yoder, 208 Tioga Avenue, was sworn in. The reason for this building size is for the storage of mowers, equipment, RV, classic car, and motorcycle, etc. It won't block the view of other neighbors. The lot has been cleaned up and fruit trees have been planted.

Mr. Warren asked, "why the building has to be so high?" Mr. Yoder stated that the type of building would allow for more storage above.

Mr. McAfee, Mrs. Rooney, and Mr. Russell wanted some clarification as to the type of building this was considered. Mr. Richard explained it is an accessory building and is limited to 800 square feet of total accessory building area.

There was discussion of the issue of trying to have the parcel combined with the platted lot. The recorder would not permit this. A Quit-Claim Deed is going to be recorded to keep these parcels together. Stand-alone accessory buildings are not permitted on a lot by themselves.

A letter from Mr. & Mrs. Galan of 224 Tioga Avenue was presented. They had no objection to the proposal. No one else in the audience spoke on the issue.

Mr. Rooney made a motion to grant the variance subject to the platted lot and the vacant parcel being conveyed together so there is no separation of the lots in the future.

Mr. McAfee seconded the motion.

Motion passed 4-1. The applicants must obtain their permit within 60 days.

Case number 50634-BA-13 was introduced.

Mr. Richard presented the case as follows: Filed by Mr. Albert Ball, regarding 731 Trenton Avenue (McDonald's). The applicant is seeking a variance from section 1161.12.20A3 of the City of Findlay Zoning Ordinance, which requires nonconforming signs that are altered or relocated to fully comply with size, height, and setback requirements. The subject sign exceeds the size and height limitations.

The sign is being relocated to meet the 10 foot setback requirement from all of the lot lines. So, one of the nonconforming aspects of the sign is being eliminated. The sign is approximately 361 square feet in area, plus there is a small message board not accounted for. If the message board stays, then the sign area increases. The sign is allowed to be 136 square feet in area (frontage length divided by 2). The maximum height is limited to 30 feet and the sign is currently about 34.5 ' in height.

The current code is very clear when dealing with nonconforming signs. The idea is amortize them, or eventually replace them with conforming signs. The site already has an interstate high-rise sign. A hardship in this case is not apparent. If the sign is relocated, as proposed, then a new, conforming sign should take its place.

Mr. Albert Ball and Mr. Patrick Gaswint were sworn in. Mr. Gaswint (Classic Signs) said that McDonald's is requiring signs to be properly maintained. The problem is the cost of replacing the sign (\$20,000). The height of the sign can be lowered to 30'.

Mr. Ball said the sign was installed in 1972 and has been maintained over the years. It will conform to the setback. The site is undergoing a renovation that includes the parking lot layout and new landscaping.

Mr. Warren commented on the \$20,000 cost and how he considers that a hardship.

Mr. McAfee asked about the allowable signage permitted. Mr. Richard said that the longest segment is typically taken and divided by 2.

Mr. Richard stated that cost is not to be a factor when granting a variance and there is plenty of case law to support that. The area is calculated by boxing in the image and making the calculation. Clutter is a


problem when the size of a sign is considered and signs cancel each other out. The applicant has a high-rise sign to attract the interstate traffic.

No one in the audience wished to speak on the matter.

Mr. Rooney made a motion to approve the sign with a 10 foot setback and 30 foot height. The motion was seconded by Mr. McAfee. Motion passed 5-0.

There was a motion to approve the April 2013 minutes (Mr. McAfee) and second by Mrs. Rooney. Motion carried 5-0.

Meeting was adjourned at 6:38.



Chairman



Secretary