

# Board of Zoning Appeals

January 8, 2015

**Members present:** Chairman, Phil Rooney; Secretary, David Russell; Douglas Warren; Sharon Rooney; and George McAfee.

The meeting was called to order at 6:03 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

**Case # 52781-BA-14 (1640 Westfield Dr.- carried over from the December meeting because there was no quorum)** was reviewed by Todd Richard, City of Findlay:

Filed by Herbert Murphy. He is seeking variances from the City of Findlay Zoning Ordinance sections 1141.04A2 (front yard setback)- a 50 foot front yard setback is required and a 40 foot setback is proposed; and 1141.04B1 (side yard setback)- a 30 foot setback is required and a 20.94 foot setback is proposed.

This is currently a vacant lot and the applicant is proposing to construct a warehouse and factory with some office space. On this site, there are two front yards, a side yard to the north, and a rear yard to the east.

The old code required a 40 foot front and side yard setback. The current requirements allow the same building area, just a different configuration.

The lot has a slightly odd shape. The proposed side yard setback decreases from west to east.

There seems to be no apparent hardship to grant this variance.

The City Planning Commission reviewed the project on December 11, 2014 and approved the plan on the condition the building be shifted 10 feet to the north.

Brian Thomas, Peterman & Associates, is acting as the applicant's agent and was sworn in. Moving the building to the north would require a 25 foot "no build easement" from the property to the north to meet a building code. Moving the building 10 feet to the north will require a 35 foot "no build easement".

Mr. Warren asked about the location of the detention area.

Mr. Thomas said that it would be located east of the proposed building.

There was no other testimony offered.

Mr. McAfee wanted a clarification of what the City Planning Commission approved and what the variance request actually entailed. Mr. Richard reviewed the requirements.

Mr. Warren made a motion to approve the variance to allow a 10.98 side yard setback by moving the building to the north, as recommended by the City Planning Commission. Since this is a corner lot with two front yards, this is peculiar. A permit must be obtained within 60 days.

Mrs. Rooney seconded the motion.

The motion passed 4-0. Mr. Rooney abstained from voting.

**Case # 52859-BA-15 (245 E. Wallace Street)** was reviewed by Mr. Richard.

This case was filed by Ronald Opperman regarding a new fence at 245 E. Wallace Street. The applicant is seeking a variance from section 1161.03B1 of the City of Findlay Zoning Ordinance. This section prohibits a fence from being more than 4 feet in height and less than 50% open in the required front yard.

The original 6 foot high privacy fence had been there for many years, according to the property owner. A storm damaged part of the fence and eventually, the entire fence was replaced without a zoning permit. The goal of the zoning ordinance is to rid property of nonconformities.

This is a corner lot and it has two front yards. There is a driveway to the south of this fence and having proper height and open area would improve visibility of those vehicles that back onto Washington Avenue.

A hardship in this case is not apparent.

Mr. Ronald Opperman, applicant, was sworn in. Mr. Opperman explained what happened. He had no intention of breaking any laws. He thought he could replace the fence without a permit. He wanted privacy and didn't want the chance of kids being injured by a pet with a fence that was 50% open.

Mr. Scott Klingler, 1912 Washington Ave. was sworn in. He has lived south of the subject property and has never had a visibility issue when backing out of his driveway.

Mr. Jan Wintermute, 1903 Washington Avenue was sworn in. He said that fence has no impact and it was an improvement to the property.

Mrs. Rooney made a motion to approve the variance.

Mr. McAfee made a second.

The motion passed 5-0. The applicant must obtain a permit within 60 days.

Mr. Rooney made a motion to approve the December 11, 2014 minutes on the condition the date was changed from the year 2018.

Mr. Russell seconded the motion.

The motion passed 5-0.

Mrs. Rooney to make a motion to keep the officers in place (Mr. Rooney, Chairman and Mr. Russell, Secretary). Mr. McAfee made a second. The motion to assign the officers was passed 5-0.

The meeting was adjourned.



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Chairman



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Secretary