

Board of Zoning Appeals

June 11, 2015

Members present: Chairman, Phil Rooney; Sharon Rooney; Douglas Warren; David Russell.

The meeting was called to order at 6:04 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

Case # 53417-BA-15 (1730 Harrison Street) was reviewed by Todd Richard, City of Findlay:

This case has been filed by Casey Pilcher, regarding a new accessory building at 1730 Harrison Street. The applicant is seeking a variance from sections 1161.01.1C2 and 1161.11.1B1 of the City of Findlay Zoning Ordinance. Respectively, these sections prohibit an accessory building from being greater than 900 square feet in area and require a paved parking surface.

In 2004, a zoning permit was issued to the applicant for a 30' x 60' detached garage. The building was made of discarded cooler walls and blew down after a windstorm sometime between 2006 and 2010. Since then, the zoning regulations have changed from allowing buildings virtually no limit in size to our 900 square foot limit that we have today.

Although the applicant wants to replace what he once had, the nonconformity expired once the building blew down. There does not appear to be a hardship to have this case granted.

Additionally, paved driveways and parking areas are now required. Gravel is no longer accepted. If this variance is granted, the driveway should be paved with either concrete or asphalt.

Casey Pilcher, 1730 Harrison Street, was sworn in. He stated that he needed the space to accommodate his vehicles and his kids' future vehicles. He builds demolition derby cars and wants to work on those on his property.

Mrs. Rooney asked when the garage blew down.

Mr. Pilcher stated that the back wall blew down in 2010, and in 2012, the rest of it blew down. He stated that this will be a pole barn type of construction. He said he would like to pave at least on one side. There is gravel there right now.

Mr. Warren asked why he can't stay within the guidelines. There was discussion on alternative dimensions and the length of cars and parking space areas with storage.

Mr. Russell asked if he was only going to be working on personal cars.

Mr. Pilcher said that he would work only on his cars and there would be no commercial activity on his property.

Kenneth Eckelberry, 810 N. Cory Street, was sworn in. He has been involved with some of the construction. The foundation is still set. The floor is currently a gravel surface.

Mr. Russell asked what type of foundation is existing.

Mr. Eckelberry said that it was wooden and had a rat wall. New posts would be installed for the new building on this foundation.

Ms. Jeanette Rinehart 1209 Hunt Street, Maumee, Ohio, was sworn in. She owns 1728 Harrison Street. Ms. Rinehart reviewed some of the history. She stated that this is residential and there should not be any car repair activity. There are two cars there now that don't appear to be licensed. She is concerned there will too much activity, especially at night. There has been past history of repair work on this property. There has been a lot of junk on this property over the years. She strongly objects to the variance.

There was no other testimony related to the case.

Mr. Warren asked Mr. Pilcher what would be a reasonable size for this garage?

Mr. Pilcher said that a 30' x 50' would be O.K.

Mrs. Rooney asked about the paved driveway. She wanted to know how we could be assured that it would be paved.

Mr. Richard said that the issue was somewhat secondary.

Mr. Pilcher said that \$3000 was budgeted for the pavement.

Mr. Warren said that disagreed allowing an 1800 square foot building did not seem warranted. He thought that 1000 square feet would be plenty. The request is too significant of a variance.

Mr. Warren made a motion to allow a 1000 square foot detached garage with pavement on the condition the permit be issued within 60 days.

Mrs. Rooney seconded the motion. The motion passed 4-0.

Case # 53270-BA-15 (Parcel # 590001021437) was presented by Mr. Richard.

This case has been filed by Walnut Center, regarding a proposed digital billboard on Tiffin Avenue near the point of Tiffin Avenue and Cherry Street. The applicant is seeking a variance from section 1161.12.18B3 of the City of Findlay Zoning Ordinance. This section prohibits digital billboard sign faces within 300 feet of a residential district. The proposed billboard face will be approximately 60 feet from a residential district.

As you can see from the site plan, this lot has no realistic possibility of being developed into a commercial use. The setbacks alone make the property unusable. The goal of the project is to beautify the area and create a sign that will act as a gateway to the Tiffin Avenue corridor. The long-term plan will be to remove the existing static sign that is located to the east of the proposed site.

The applicant has provided a photometric study that indicates the lighting will be well under our minimum standard (.3 foot-candles at 250' during nighttime hours and .24 foot-candles at 250' during daytime hours). The study clearly indicates there will be little impact, if any, to the surrounding areas. The only residential district in the area is to the south on Cherry Street.

This proposal will meet all setback, spacing, and height requirements for this type of sign.

We think the request has hardship and merit to have the variance granted.

Mike Lammers, 700 Western Avenue, was sworn in. He was thinking of renovating the current sign, but the condition of the old Clark station wasn't going to improve anything. He wants to acquire the gas station and the entire point. He wants to clean it up and place his sign on the property. He presented a landscape plan to the Board. The entire project depends on him being able to acquire the old Clark fuel station property. All of the trees would be removed and new ones would be planted. He actually wants the sign on the fuel station property if he can acquire it.

Jeff Fort, attorney, 1605 Parkway Drive, Findlay, Ohio, stated that the project needs to include the gas station property. The gas station property presents many issues, including the illegal fuel tanks that are still in the ground. This property will not be improved unless he can put a sign on this site.

Tim Franks, 416 H Street, was sworn in. He agrees the site is an eye-sore and he wants to see something positive to happen to this site.

There was no other testimony.

Mrs. Rooney made a motion that the variance be approved provided it meets all of the requirements, including the lighting and the permit be obtained within 60 days.

There was some discussion about the motion. Mr. Warren does not think this is the gateway to Tiffin Avenue and the neighbors need to be considered. The picture presented is out of context.

Mr. Russell said the eyesore will remain if the sign is installed. There needs to be a trade-off.

Mrs. Rooney amended her motion to make the variance contingent upon Mr. Lammers (the applicant) acquiring the Clark station property.

The motion was seconded by Mr. Warren.

The motion passed 3-0 with Mr. Rooney abstaining. The 60 day permit requirement will not apply to this case since it is dependent on the property acquisition.

Case # 53414-BA-15, 416 H Street, was presented by Mr. Richard.

This case has been filed by Timothy and Dawn Franks, regarding the replacement fence at 416 H Street. The applicants have applied for a variance from section 1161.03B1 of the City of Findlay Zoning Ordinance. This section prohibits fences greater than 4 feet in height and less than 50% open to be placed in the front yard. The applicants want to replace the existing 6 foot high, solid fence in the front yard with a new one.

Although this property is zoned C-2, we are applying the R-3 residential standard since it is more appropriate and less restrictive. This lot meets the characteristics of an R-3 lot because of its size and the location of the dwelling on the lot.

The current fence encroaches 2.5 feet into the right-of-way. The theory is this fence was constructed in the early 1990's without a zoning permit. The administration at that time prohibited the zoning enforcement unless there was a complaint. There probably should have been complaints because the current location is hazardous. Complicating matters is the location of the Wendy's dumpster. That dumpster was constructed in 1977, which was before we had a review by the City Planning Commission. Wendy's will be approached about having their dumpster relocated (I was almost struck by a vehicle while visiting the site).

It is understandable the applicants want to maintain privacy. We think it can be achieved with a 10 foot setback with the 6 foot high fence. There is a window on the south side of the dwelling that a 6 foot high fence would obstruct. To remedy that situation, a fence at the level of the window sill could be installed at a north/south direction and tie into a 6 foot section along the south lot line. In that case, visibility is improved and the applicants maintain their privacy.

There does not appear to be a hardship in this case and we feel the applicant can utilize the more liberal fence requirements we have built into the code to their advantage.

Dawn Franks, 416 H Street, was sworn in. Mr. Franks (already sworn in) does not think this is a front yard, but a side yard. He wants to bring the fence in about 8 feet from its current location and thinks it is 3.5 feet in the right-of-way. The fence would be even with the front building line. There is questionable activity in the area and he wants it secured. The proposal is meeting the intent of the law and is improving visibility.

Mr. Warren asked how long the applicants have lived there.

Mr. Franks stated they bought the house in 1999.

Mr. Warren asked if there had been an accident there before.

Mr. Franks stated that there had not been one.

Mr. Warren said that it does not seem there has been a safety issue. He suggested angling the fence back from the right-of-way. He thinks the proposal is improving the visibility and angling the fence would not improve the visibility.

Mr. Warren made a motion to grant the variance as presented. The situation is unique and the proposal will improve the visibility. The applicant must obtain a zoning permit within 60 days.

Mr. Russell seconded the motion.


The variance was granted 4-0.

Mr. Warren made a motion to pass the May 14, 2015 minutes.

Mr. Rooney seconded the motion.

The motion to approve the minutes passed 4-0.

The meeting was adjourned.



Chairman



Secretary