

# Board of Zoning Appeals

## October 8, 2015

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

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 # 53983-BA-15 (601/603 Fishlock Drive)** was introduced and Mr. Richard gave his review as follows:

Filed by Karen Arnold, the applicant is seeking a variance from section 1162.06A of the City of Findlay Zoning Ordinance. This section prohibits the expansion of a nonconforming use. The applicant is proposing an addition to a legal, nonconforming duplex that results in an expansion.

A zoning permit to create a duplex was issued in 1967. The zoning was B-residential, which allowed two-family dwellings. In 2012, the zoning classification was changed to a single family district. The owner has proposed a 20 foot by 14 foot addition that meets all of the zoning requirements. The issue is the expansion of the nonconforming use. This property should have been reclassified in the R-4 district when the map was adopted.

The owner has chosen the more expedient route of seeking a variance rather than a zone change. The zone change will probably happen in the future when the map gets updated.

This request should be approved, without question.

There was no other testimony offered.

Mrs. Rooney disclosed that she sold the applicant the dwelling, but there was never any discussion regarding this addition or any other zoning issue. Mrs. Rooney stated that she has no relationship with the owner of the property. She has no conflict of interest. The City Law Director was advised of this before the meeting and did not see a conflict of interest based on those facts.

Mr. Warren made motion to approve the request. He said that the zoning will change anyway and the request fits the neighborhood. There are unique circumstances in this situation.

Mrs. Rooney seconded the motion.

The motion passed 3-0. The owner must obtain a zoning permit within 60 days.

**Case # 53985-BA-15 (2700 N. Main Street)** was reviewed by Mr. Richard as follows:

Filed by sink's Florists, Inc., the applicant is seeking a variance from sections 1135.04A2 and 1135.04C2a of the City of Findlay zoning Ordinance. The applicant has proposed construction that will encroach into the required front and rear yard setback. Section 1135.04A2 requires a 45 foot setback and section 1135.04C2a requires a rear yard setback from a residential use.

The current requirements leave virtually no room for any expansion. Proposed changes to the zoning code will reduce these setbacks to 30 feet. The current code has done a poor job of accounting for existing development and allowing future expansions. That is why the proposed changes are using many of the old development standards.

Please note, the proposed plan mislabeled the rear yard setback at 25 feet instead of 30 feet. With the proposed changes, the only issue in the rear yard setback. A corner of the garage addition will encroach the new proposed 30 foot rear yard setback. This is because the existing building is angled. All of the other requirements will be met. The applicant will be required to screen along the west lot line where there is a residential use.

Today, the City Planning commission approved the plan with some conditions. This request has merit and should be granted by the Board.

Todd Jenkins, Peterman & Associates, 3480 N. Main Street, Findlay, Ohio, was sworn in. He restated the conditions requiring the variance. He said that all conditions by the City Planning Commission would be adhered to.

There was no other testimony offered.

Mr. Rooney made a motion to approve the request provided the permit be obtained within 60 days.

Mr. Warren seconded the motion.

The motion passed 3-0.


Mr. Rooney made a motion to approve the September 2015 minutes.

Mr. Warren seconded the motion.

The minutes were approved 3-0.

The meeting was adjourned.

  
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Chairman

  
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Secretary