

Board of Zoning Appeals

April 14, 2016

Members present: Chairman Phil Rooney; Doug Warren; and Sharon Rooney.

The meeting was called to order at 6:19 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

Case #54489-BA-16 (3401 Western Avenue) was introduced. Mr. Richard read his comments as follows: Filed by Staci Purdy regarding a variance to section 1161.03B1 of the City of Findlay Zoning Ordinance. This section requires fences to be no more than 4 feet in height and at least 50% open in a required front yard. The applicant is proposing a 6 foot high solid fence at the lot line. This is a corner lot with a front yard along Western Avenue and a front yard along Penrose Drive. The required setback for both yards is 30 feet. The dwelling to the east has a driveway that is close to the applicant's east lot line. The proposed fence could present a visibility issue, probably more if there was a sidewalk. That is why fences are limited to 4 feet in height and must be at least 50% open when they are located within 30 feet of the right of way. Construction has begun without the issuance of a permit.

There is a fence across the street which is identical and has been there for decades, probably because of the pool. This was never legal anyway and will be an issue that the Zoning Board could be dealing with at some point.

Mr. Warren commented that looking at the fence across the street, there are gaps, and asked if that fence is 50% open. Mr. Richard stated that fence is a shadow box type of fence.

Chairman Rooney swore in Matthew Purdy, 3401 Western Avenue. Mr. Purdy stated that he would like the variance granted because a 4 foot fence does not provide enough privacy. They have three small children and three dogs that could look over a 4 foot fence and bushes up that wall which will grow over 6 foot tall. The utility pole is 18 foot from the road. This does allow for an adequate amount of visibility.

Chairman Rooney asked if the house is back 30 feet from the lot line.

Mr. Richard answered, No, the house was in the area in the mid 1960's.

Mr. Rooney asked how long Mr. Purdy has lived at this residence.

Mr. Purdy replied that he has resided at this residence since 2007.

Mrs. Rooney confirmed that the property has two front yards and suggested that bushes are okay to plant and isn't sure why fences aren't allowed. Once the Board approves this, we will have to do the same for all. There are several situations where there are two yards.

Mr. Richard mentioned is there a peculiarity where the visibility issue is more of an issue if there was a sidewalk? The right of way would be at least 16 ½ feet off of the curb. If there is a sidewalk, there might be more of an issue.

Mrs. Rooney asked if the neighbors cared about the fence.

Mr. Purdy stated that the neighbors do not care and that he hired a contractor to build the fence.

Mrs. Rooney asked why the contractor didn't get the permit.

Mr. Richard stated that some of the contractors get ahead of themselves.

Mr. Purdy stated that the contractor is prepared to build either a 4 foot or 6 foot fence depending on what the Board of Zoning Appeals decides.

Mr. Richard stated that when a permit is issued, the property lines are checked.

Chairman Rooney commented that there is no one at the meeting to discuss this; did anyone write a letter?

Mr. Richard stated that the neighbor to the East is pretty close to the lot line.

Mrs. Rooney asked if it has to be that close.

Mr. Richard said that he is not sure if there will be a sidewalk in the area.

Mr. Purdy stated that he could only guess that the back line is at least 4 feet.

Mr. Richard said that it is at least 5 feet because of the setback.

Mrs. Rooney asked if there would be a problem with angling the back so the neighbor has visibility.

Mr. Warren asked if there is a way the fence could be dog-eared for safety and give him what he wants is still an option.

Mr. Warren commented, what if it ran parallel with the north side of the house?

Mr. Purdy said that he is not saying it would be horrible, but he would have to move every post.

Mr. Warren stated that what is peculiar to this lot is it feels like you're out of the City with the location and the size of the lots. It feels like a rural subdivision setting instead of in the City. There's a peculiarity which makes it a unique circumstance and could figure something out that works.

Mr. Richard asked if you would take it straight down to run parallel with the house or dog ear it.

Mrs. Rooney asked how do you want to dog-ear it?

Mr. Richard stated that if the fence is in the front yard, he would have to keep a 25 foot clearance in the front yard in both directions.

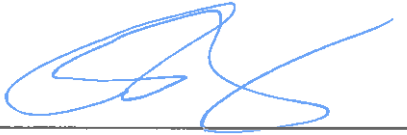
A motion was made by Mr. Warren to grant the variance on the condition that the last 8 foot on the northeast side of the fence be angled in and obtain the permit within 60 days. The motion was seconded by Mrs. Rooney. The motion passed 3-0.

Communication:


Mrs. Rooney was elected secretary for this meeting.

Chairman Rooney made a motion to approve the minutes from the March 2016 meeting as written. The motion was seconded by Mrs. Rooney. The motion to approve the minutes passed 3-0.

The meeting was adjourned.



Chairman



Secretary